

FARGO CITY COMMISSION AGENDA
Monday, September 21, 2009 - 5:00 P.M.

CITY COMMISSION MEETINGS ARE BROADCAST LIVE ON TV FARGO (Channel 99). They are broadcast each Monday at 5:00 p.m., Thursday at 7:00 p.m. and Saturday at 8:00 a.m.; and are also included in our video archive at www.cityoffargo.com/commission

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, September 8, 2009).

* * * Consent Agenda - Approve the Following * * *

- a. Receive and file Ordinance Relating to Alcoholic Beverages (allowing persons under 18 years of age to serve alcohol in a restaurant).
- b. 2nd reading, waive reading and final adoption of an Ordinance Relating to Waste, Yardwaste, Ashes and Other Waste – Removal and Disposal Of; 1st reading, 9/8/09.
- c. Receive and file Year to Date – Budget to Actual Report for August 2009.
- d. Acceptance of a 2009 Emergency Shelter Grant allocation in the amount of \$12,666.67 from the State Department of Commerce to assist with operations at the Gladys Ray Shelter (CFDA #14.231).
- e. Health Department budget adjustments and contract with the North Dakota Tobacco Prevention and Control Executive Committee (Contract #G09-08).
- f. Contract amendment with the North Dakota Department of Health for the Women's Way Program (CFDA #93.919).
- g. Health Department budget adjustments and contract with North Dakota Department of Health for the Tobacco Prevention and Control Program (Contract #G09-35).
- h. Contract with the North Dakota Department of Health for the WIC Program (CFDA #10.557).
- i. Applications for property tax exemptions for improvements made to buildings:
 - (1) Ronald Holmquist, 306 28th Avenue North (5 years).
 - (2) Mark and Wendy Breitbach, 1133 1st Street North (5 years).
 - (3) David and Mary Johnson, 3407 Birdie Street North (3 years).
 - (4) KNS Properties, LLC, Kurt Kollman, 2800 Main Avenue (3 years).
- j. Expenditure of CDBG-R funds for the acquisition of 1517 1st Avenue South for \$70,000.
- k. Acceptance of bid from Industrial Builders in the amount of \$454,969 for demolition of the US Bank Parking Ramp and a portion of the skyway and installation of an asphalt parking lot; authorization for staff to develop agreement for pre/post-condition survey and seismic monitoring.

- i. Plat of Amber Valley Eighth Addition.
- m. Site Authorization for Metro Sports Foundation, Inc. at the Urban Plains Center.
- n. Applications for Games of Chance:
 - (1) Friends of Flynn for a raffle on 10/9/09; Public Spirited Resolution.
 - (2) Centennial Elementary PTA for bingo from 10/2/09 through 5/27/10.
 - (3) NDSU Student Dietetic Association for a raffle on 10/8/09.
 - (4) NDSU Intercollegiate Bowling Team for a raffle on 10/12/09.
 - (5) The Village Family Service Center for a raffle on 11/13/09.
 - (6) American Red Cross – Minn-Kota Chapter for a raffle on 10/23/09.
- o. Bid award for replacement of the cooling tower on top of the Police station to Accel Mechanical, LLC in the amount of \$43,863.00.
- p. Change Order No. CO 01 for an increase of \$1,030.00 for the GTC deck repair work project.
- q. Contract with Protech Contracting Services, Inc. for interior painting of the GTC.
- r. Change Order No. 1 for an increase of \$2,000.00 for interior painting of the GTC.
- s. Contract with MBA for the Ground Transportation Terminal remodel.
- t. Cost Participation Agreement with the North Dakota State Water Commission for Fargo flood control.
- u. Contract Amendment in the amount of \$74,500 for construction engineering services for Project No. 5881.
- v. Bid award for Project No. 5860.
- w. Bid advertisement for Project Nos. 5897-2 and 5902.
- x. Contracts and bonds for Project Nos. 5874 and 5901.
- y. Bills.
- z. Final Balancing Change Orders for the following Improvement Districts: No. 1 for an increase of \$106,336.42 for District No. 5783; No. 1 for an increase of \$4,820 for District No. 5838; No. 1 for an increase of \$3,730.08 for District No. 5859; No. 1 for an increase of \$1,097.35 for District No. 5866.
- aa. Create Improvement District No. 5903.

*** Regular Agenda ***

- 1. Recommendation from the Tax Exempt Review Committee to allow a two-year tax exemption for new homes started after the 2008 taxable year.
- 2. Recommendation from the Tax Exempt Review Committee to allow a two-year tax exemption for builders for new homes started after the 2008 taxable year.

3. Public Hearings - 5:15 p.m.:
 - a. Application filed by Pedigree Technologies, LLC for property tax exemption for an expansion to a new location at 1810 NDSU Research Circle North where the applicant will develop computer software to be combined with electronic sensors.
 - b. Application filed by Copperfield's Coffee, Inc. d/b/a Atomic Coffee for a Class "GH" Alcoholic Beverage License at 222 Broadway, Unit 1.
 - c. Petition requesting a Zone Map Correction (zoning change) from LC, Limited Commercial to MR-3, Multi-Dwelling on Lot 3, Block 1, Prairie Grove Addition (5323 through 5369 27th St. S.).
 - (1) Approval recommended by the Planning Commission on 8/12/09.
 - (2) 1st reading of rezoning Ordinance.
 - d. 2010 City of Fargo budget.
4. Recommendation from the Finance Committee regarding bond financing for flood control projects.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 241-1310 or TDD 241-8258. Please contact us at least three business days in advance of public meetings to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at www.cityoffargo.com/commission



ASSESSMENT DEPARTMENT

September 15, 2009

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

The Tax Exempt Review Committee has met to discuss new legislation relating to the exemption of new residences available to the first owner after the builder.

N.D.C.C. 57-02-08(35) provides for an exemption of up to \$150,000 of building value for new residences, condominiums, and townhouses to the first owner for the two taxable years after completion of construction and occupancy for the first time.

The Tax Exempt Review Committee has had several meetings including discussion and dialog with representatives of the FM Home Builders Association. Based on that, the Tax Exempt Review Committee recommends adopting the attached resolution which grants the new residence exemption authorized under N.D.C.C. 57-02-08(35) according to the following conditions:

1. Special assessments and taxes on the property are not delinquent.
2. Exemption of up to \$150,000 of building value.
3. Term is for two taxable years after completion, first ownership after the builder and occupancy.
4. Home must be occupied by the owner.
5. Construction began after the 2008 taxable year.

SUGGESTED MOTION:

Adoption of a resolution for a two-year tax exemption for new homes started after the 2008 taxable year in accordance with N.D.C.C. Chapter 57-02-08(35), allowing for the full exemption of up to \$150,000 of building value for the first owner after the builder who occupies the residence.

Sincerely,

A handwritten signature in cursive script that reads "Ben Hushka".

Ben Hushka
Tax Exempt Review Committee

RESOLUTION
(New Residence Exemption For First Owner)

WHEREAS, Section 57-02-08(35) of the North Dakota Century Code provides for the exemption of up to one hundred fifty thousand dollars of the true and full value of all new single-family and condominium and townhouse residential property, exclusive of the land on which it is situated, from taxation for the two taxable years after the taxable year in which construction is completed and the residence is owned and occupied for the first time if all of certain enumerated conditions are met; and

WHEREAS, the exemption is to be implemented by resolution of the Board of City Commissioners; and

WHEREAS, the Board of City Commissioners has the authority to limit or impose conditions upon the exemption pursuant to state law; and

WHEREAS, the Board of City Commissioners of the City of Fargo, North Dakota, deems it to be in the best interests of the City to implement the authority granted in order to provide an incentive for the construction of new dwelling units in the community.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Fargo that up to one hundred fifty thousand dollars of the true and full value of all new single-family, condominium and townhouse residential property, exclusive of the land on which it is situated, shall be exempt from taxation for two taxable years after the taxable year in which construction is completed and the residence is occupied for the first time if the following conditions are met:

- a) Special assessments and taxes on the property upon which the residence is situated are not delinquent.
- b) The residence must be occupied by the owner.
- c) Construction began after the 2008 taxable year.

BE IT FURTHER RESOLVED, that this resolution shall be effective for taxable years beginning after **December 31, 2008**.



2

ASSESSMENT DEPARTMENT

September 15, 2009

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

The Tax Exempt Review Committee has met to discuss new legislation relating to the exemption of new residences available to the builder.

N.D.C.C. 57-02-08(42) provides for an exemption of the building value for new residences to the builder for the taxable year construction began and the next two taxable years, on no more than ten properties, if they remain owned by the builder and are unoccupied.

The Tax Exempt Review Committee has had several meetings including discussion and dialog with representatives of the FM Home Builders Association. Based on that, the Tax Exempt Review Committee recommends adopting the attached resolution which grants the new residence exemption authorized under N.D.C.C. 57-02-08(42) according to the following conditions:

1. Special assessments and taxes on the property are not delinquent.
2. Exemption of up to \$150,000 of building value.
3. Maximum term is for the taxable year construction began and the next one taxable year.
4. Home must be owned by the builder and remain unoccupied.
5. A builder is eligible for the exemption on no more than five properties in a taxable year.
6. Construction began after the 2008 taxable year.

SUGGESTED MOTION:

Adoption of a resolution for a tax exemption for new homes started after the 2008 taxable year in accordance with N.D.C.C. Chapter 57-02-08(42), allowing for the exemption of up to \$150,000 of building value for up to five unoccupied homes owned by the builder.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Hushka".

Ben Hushka
Tax Exempt Review Committee

**RESOLUTION
(New Residence Exemption For Builder)**

WHEREAS, Section 57-02-08(42) of the North Dakota Century Code provides for the exemption of all new single-family residential property, exclusive of the land on which it is situated, from taxation for the taxable year in which construction began and the next two taxable years, on no more than ten properties if the properties remain owned by the builder, remain unoccupied and if all of certain enumerated conditions are met; and

WHEREAS, the exemption is to be implemented by resolution of the Board of City Commissioners; and

WHEREAS, the Board of City Commissioners has the authority to limit or impose conditions upon the exemption pursuant to state law; and

WHEREAS, the Board of City Commissioners of the City of Fargo, North Dakota, deems it to be in the best interests of the City to implement the authority granted in order to provide an incentive for the construction of new dwelling units in the community.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Fargo that up to one hundred fifty thousand dollars of the true and full value of all new single-family, residential property, exclusive of the land on which it is situated, shall be exempt from taxation for the taxable year in which construction began and the next one taxable year if the property remains owned by the builder, remains unoccupied, and all of the following conditions are met:

- a) Special assessments and taxes on the property upon which the residence is situated are not delinquent.
- b) A builder is eligible for exemption of no more than five properties in a taxable year.
- c) Construction began after the 2008 taxable year.

BE IT FURTHER RESOLVED, that this resolution shall be effective for taxable years beginning after **December 31, 2008**.



39

ASSESSMENT DEPARTMENT

September 15, 2009

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Attached is a copy of an application made by Pedigree Technologies, LLC for a New or Expanding Industry property tax exemption according to N.D.C.C. Chapter 40-57.1. The exemption requested is for an expansion to their operation to a new location at 1810 NDSU Research Cir. N. where the applicant will develop computer software to be combined with electronic sensors.

The applicant will occupy 5,000 square feet of a 40,000 square foot building. The applicant was previously operating out of the NDSU Business and Technology Incubator building.

Notices to competitors have been published and the Tax Exempt Review Committee has met to consider this application. The application contains information regarding the projected value of the expansion and the nature of the jobs to be created.

The committee feels that this request meets the necessary criteria to be eligible for this exemption.

SUGGESTED MOTION:

Approval of a 5 year property tax exemption for the portion of improvements at 1810 NDSU Research Cir. N. to be occupied by Pedigree Technologies, LLC.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ben Hushka".

Ben Hushka
Tax Exempt Review Committee

APPLICATION FOR PROPERTY TAX INCENTIVES FOR NEW OR EXPANDING BUSINESSES Pursuant to N.D.C.C. Chapter 40-57.1

RECEIVED

AUG 17 2009

FARGO ASSESSOR

Project Operator's Application To Fargo City of County

File with the City Auditor for a project located within a city; County Auditor for locations outside city limits

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1. Name of project operator: Pedigree Technologies LLC
2. Address of project: 1810 NDSU Research Circle N, Fargo, Cass
3. Mailing address of project operator: 1854 NDSU Research Circle N, Fargo, ND 58102
4. Type of ownership of project: Limited liability company
5. Federal Identification No. or Social Security No.: 20-0543654
6. North Dakota Sales and Use Tax Permit No.: 243236
7. If a corporation, specify the state and date of incorporation.
8. Name and title of individual to contact: Carl Hanson Accounting Specialist
Mailing address: 1854 NDSU Research Circle N
City, State Zip: Fargo, ND 58102 Phone No.: 701-293-9949 ext:123

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.
[X] Property Tax Exemption 5 Number of Years 100 Percent of exemption
[] Payments in Lieu of Taxes
10. Which of the following would better describe the project for which this application is being made:
[X] New business project [] Expansion of an existing business project

Description of Project Property

11. Legal description of project real property Lot -7 Block-1, ADSU Research and Technology Park Addition II

12. Will the project be owned or leased by the project operator? Owned Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?

Yes No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? New Existing

If existing facility, when was it constructed? _____


If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application 10-15-2008

b. Description of project to be constructed including size, type and quality of construction Pedigree Technologies will occupy 5,000 sq. ft. of a 40,000 sq. ft., 2-story, concrete tilt-up Bldg.

c. Projected number of construction employees during the project construction 45

14. Approximate date of commencement of operations for this project 9-1-09

<p>15. Estimated market value of the property used for this project:</p> <p>a. Land \$ <u>72,875</u></p> <p>b. Existing buildings and structures for which an exemption is claimed \$ <u>—</u></p> <p>c. Newly constructed buildings and structures when completed \$ <u>481,250</u></p> <p>d. Total \$ <u>554,125</u></p> <p>e. Machinery and equipment \$ <u>—</u></p>	<p>16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:</p> <p>a. Land (not eligible) </p> <p>b. Eligible existing buildings and structures \$ <u>—</u></p> <p>c. Newly const buildings & structures when completed \$ <u>24,062.50</u></p> <p>d. Total taxable valuation of property eligible for exemption (Add lines b & c) \$ <u>24,062.50</u></p> <p>e. Enter the consolidated mill rate for the appropriate taxing district \$ <u>484.06</u> <i>455.43</i></p> <p>f. Annual amount of the tax exemption (Line d multiplied by line e) \$ <u>11,647.69</u> <u>10,959</u> <i>BT</i></p>
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Description of Project Business

Note "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in: Ag processing Manufacturing Retailing
 Wholesaling Warehousing Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

See Attachment

19. Indicate the type of machinery and equipment that will be installed IT Infrastructure

20. Projected annual revenue, expense, and net income of the project for each year for the first five years.

Year	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Annual Revenue	<u>1.3m</u>	<u>4.3m</u>	<u>6.4m</u>	<u>7.2m</u>	<u>8.0m</u>
Annual Expense	<u>1.6m</u>	<u>4.5m</u>	<u>5.6m</u>	<u>6.2m</u>	<u>7.0m</u>
Net Income	<u>-300,000</u>	<u>-200,000</u>	<u>1800,000</u>	<u>1m</u>	<u>1m</u>

21. Projected salary and number of new positions added by the project and estimated annual payroll

# Jobs Added	<u>5</u>	<u>6</u>	<u>7</u>	<u>6</u>	<u>5</u>
Estimated Payroll	<u>1.7m</u>	<u>2.18m</u>	<u>2.74m</u>	<u>3.21m</u>	<u>3.64m</u>

Number of positions in the initial year in the following hourly salary categories (DO NOT INCLUDE BENEFITS):

# Current Positions	New Positions Under \$7.50	New Positions \$7.50-\$9.00	New Positions \$9.01-\$11.00	New Positions \$11.01-\$13.00	New Positions \$13.01-\$15.00	New Positions Over \$15.00
<u>29</u>						<u>5</u>

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No

23. Has the project operator conducted this business or any other location either in or outside of the state?

Yes No

24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Currently operating out of the location 1854 NDSU Research Circle N - Fargo, ND 58102

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored.

Pedigree Technologies develops consumer software combined with purchased sensors to create an interactive web-based solution for consumers to visibly manage the assets of their choice, in real-time. This creates efficiencies and streamlines operating procedures.

The products produced by Pedigree Technologies are small consumer electronic sensors and software. The activities that take place in order to develop, test, and assemble these products, take place in a development office, and on a computer. The storage of parts and assembly of products does not require large equipment or heavy transport.

<http://www.pedigreetechnologies.com/>

Business Competition

25. If any similar business being conducted by other operators in the municipality? Yes No

If YES, give name and location of competing business or businesses _____

Percentage of Gross Revenue Received Where Underlying Business Has ANY Local Competition 0 %

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it?

Yes No

27. Does the Project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property? Yes No

If the answer to 26 or 27 is yes, list and explain _____

Use only when reapplying

28. The project operator is reapplying for property tax incentives for the following reason(s):

To present additional facts or circumstances which were not presented at the time of the original application

To request continuation of the present property tax incentives because the project has:
 Moved to a new location Had a change in project operators

Change in project operation or additional capital investment of more than 20%

To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. 40-57.1-04.1)

I, Alex Warner, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

[Signature]
Signature

CEO
Title

8-12-09
Date

Certification of Governing Body (To be completed by the Auditor of the City or County)

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Equalization by submitting a copy of the project operator's application with the attachments.

The governing body, on the _____ day of _____, 20____, granted the following:

Property Tax Exemption

Payments in lieu of taxes

_____ Number of Years

_____ Beginning year _____ Ending Year

_____ Percent of exemption

_____ Annual payment (Attach schedule if payments vary)

Auditor

36

MEMORANDUM

TO: Chief Keith Ternes

FROM: Sergeant Mathew Sanders

DATE: August 31st, 2009

SUBJECT: Application for Class "GH" Alcoholic Beverage License for Copperfields Coffee, Inc. d/b/a: Atomic Coffee to be located at 222 Broadway, Unit 1.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation I questioned the applicant's criminal background, credit history, past residence history as well as any interaction they have had with law enforcement in any state.

The following information was discovered through this investigation:

Gane Skatvold (Owner)

Criminal History: Citation to her Moorhead Atomic Coffee business in October of 2008 for underage serving. The employee was cited as well. This was a failed compliance check. All fines were paid and the employee no longer works for the business. No other failed compliance checks on record.

Credit History: No areas of concern

Angelique Kube (Manager)

Criminal History: No areas of concern

Credit History: No areas of concern

Business Location

The application submitted is for a business currently located at 222 Broadway, Unit 1, Fargo, ND. Within the immediate area the following establishments currently hold a liquor license: Monte's, Dempsey's, Empire Tavern, The Bismarck, Hotel Donaldson, Rooters, Radisson, VFW, American Legion, Juano's, Toscana, Sammy's Pizza, and Fort Noks.

Conclusion

I believe I have discovered all information related to the listed applicant(s) and all information related to the issuance of the requested liquor license. I have provided this completed background investigation to Fargo Police Chief Keith Ternes for his review and recommendation.



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

The following section to be completed by City Staff:

Date Received by Auditor's Office: 8-21-09
Investigations Fee Paid (\$250) [X] Yes ___ No Date paid: 8-21-09
Check # 10753

Reviewed -Health Department by: _____ Date: _____
Comments (or see attached report):

Reviewed -Fire Department by: _____ Date: _____
Comments (or see attached report):

Reviewed -Inspections Division by: _____ Date: _____
Comments (or see attached report):

Reviewed -Police Department by: Sgt. [Signature] Date: 8/31/09
(See attached report):

[Signature] Approval Recommendation _____ Denial Recommendation
Chief of Police Date: 08.31.09

Reviewed -Liquor Control Committee on (date): _____
_____ Approval Recommendation _____ Denial Recommendation
(See attached comments or minutes)

Reviewed -City Commission on (date): _____
_____ Approval _____ Denial
(See attached minutes)

Business/Company name: Copperfields Coffee Inc
DBA: Atomic Coffee

Doing business as: Atomic Coffee

GH-52

This application is for the Class or Classes of Licenses checked:

- Class A Authorizes the licensee to sell "on-sale" only.
- Class B Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- Class B "Limited" Authorizes the licensee to sell "off-sale" only. License is Non Transferable. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- Class AB Authorizes the licensee to sell "on-sale" and "off-sale". "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- Class ABH Authorizes the licensee to sell "on-sale" and "off sale", at hotels & motels with 100 more guest rooms only.
- Class ABHRZ Authorizes licensee to sell "on-sale" and "off sale" at hotels in Renaissance Zone with 15 guest rooms
- Class C Authorizes the licensee to sell beer "on-sale" only.
- Class D Authorizes the licensee to sell beer "off-sale" only.
- Class F Authorizes the licensee to sell "on-sale" only served at table or booth; no bar allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- Class FA Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% of more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- Class FARZ Authorizes the licensee to sell "on-sale" only; physical bar allowed. Required to be in the Renaissance Zone. No gaming and no "E" permits allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages. The initial fee is 1/2 of the FA license.
- Class FA-Golf On USGA Golf Course of 9 or more holes. Requires 25% receipts of food sales from April to October and 50% the rest of the year.
- Class G Authorizes the licensee to sell wine and sparkling wine "on-sale" only, served at table or booth, no bar. Requires 50% food sales.
- Class H Authorizes the licensee to sell beer "on-sale" only, served at table of booth, with no bar allowed and requires 50% food sales.
- Class I Authorizes the licensee to sell beer, wine, and other sparkling wine "on-sale" only. A physical bar is allowed and requires 50% food sales.
- Class J Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.
- Class L Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.

- () Class M Authorizes the licensee to operate a "Microbrew Pub" and to sell "on-sale" and "off-sale" offered in conjunction with another license.
- () Class N Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2,500.
- () Class O Authorizes the licensee to operate a winemaker and/or vendor of winemaking supplies and related services.
- () Class P Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale." Allows limited beer sales.
- () Class W Authorizes the licensee to operate a wine bar, serving wine and limited beer "on-sale." A physical bar is allowed and requires 20% food sales.
- () Class Z Authorizes the licensee to sell "on-sale" only issued to individuals and partnerships not currently holding another "A", "AB", "ABH", or "ABH-RZ". This license is non-transferable.

The following section to be completed by the applicant:

Initial #1 - #8 to indicate you understand and agree to these terms of the "Z", "W" or "B Limited" license. Then print your name and sign in the space provided below:

ALL APPLICANTS must initial #9 - #16 and sign in the space provided below.

- 1. JS My business may sell "On Sale" only (Class Z & W).
- 1a. JS My business may sell "Off Sale" only; **NO** "On-Sale" liquor sales are permitted. ("B Limited)
- 2. JS This license shall only be issued to individuals or partnerships (natural persons only), corporations for liability purposes, except as otherwise provided hereinafter.
- 3. JS I may not obtain more than one "Z", "W" or "B Limited" license.
- 4. JS If I hold an "A", "B", "AB", "ABH or ABH-RZ" license, I may not obtain a "Z", "W" or "B Limited" license.
- 5. JS If I voluntarily go out of business, file a bankruptcy petition, become insolvent or otherwise cease business, the license reverts to the City of Fargo. This license may be transferred to reflect a change in location of your licensed premises.
- 6. JS The license may be transferred to my heirs (children only) during my lifetime. Upon my death, the license may be transferred to my heir(s), but may not be transferred to any other person, partnership, firm or corporation. If any partner in a partnership holding the license dies, the remaining partner(s) may continue to hold the license, but no partnership interest may be issued to any new partner. The ordinance will allow a partnership between the original licensee and his children which may take the form of a corporate entity under North Dakota law. Shares in the corporation may be transferred to the children, but transfer of shares to anyone else will constitute a sale that will cause the license to revert to the City of Fargo. As the ordinance indicates, the intent of this provision is to allow a transfer between a parent and children but a transfer of shares to anyone else is absolutely prohibited.
- 7. JS If I sell my business as a "going concern" (i.e., a complete and operational bar), the purchaser of the business has the first preference to purchase the "Z", "W" or "B Limited" license from the City. (The purchaser must meet all other relevant conditions and requirements for such a purchase.)
- 8a. JS If I am issued a "B Limited" license, I must pay an initial fee for the license in the amount of \$80,000 and an annual fee for the license in the amount of the \$1,400 at the beginning of each license year.
- 8b. JS "Z" Initial \$105, 000. Annual \$1,700.
- 8c. JS "W" Initial \$25,000. Annual \$1,000.
- 9. JS All Applicants must assure there is adequate off-street parking for my business (within the discretion of-and as approved by-the City Commission). Membership in the current City parking program (e.g., "P.O.P.") may place me in compliance with this requirement.

- 10. GS I have received a copy of the Alcoholic Beverage Ordinance (s) of the City of Fargo, read the ordinances and am familiar with the conditions and requirements of these ordinances.
- 11. GS If granted an alcoholic beverage license, I will obey, abide by and comply with the State of North Dakota Liquor Control Act, and the City of Fargo Alcoholic Beverage ordinances, as well as any amendments to either of these, which may be made from time to time.

- 12. GS I understand either, I, my manager(s), or both of us must attend a yearly meeting (date and time to be announced) with representatives from the Police and Health departments to discuss law enforcement and safety concerns as a condition of license renewal.
- 13. GS I understand that the premises described in this application, if licensed for alcoholic beverage sales, may be inspected at any time by the Chief of Police, or any officer of the Police or Health Departments as allowed by city ordinances and state law. My employees and I will cooperate with such inspections.
- 14. GS I understand that all employees, managers and owners engaged in mixing, pouring or service of alcoholic beverages MUST attend Server Training.
- 15. GS I am familiar with the questions, answers and other information as it appears in the complete application for an alcoholic beverage license, and the answers and information are, to the best of my belief and knowledge, true, complete and accurate. (Note: This application must be made under oath before a Notary Public.)
- 16. GS I recognize the City of Fargo is subject to open records laws contained in chapter 44-04 of the N.D. Century Code. Section 44-04-18.4 contains an exception for trade secrets, proprietary, commercial, and financial information. I agree in submitting the application, that I have familiarized myself with this law. If any information being forwarded to the City of Fargo is claimed as confidential or proprietary under this section, I must clearly indicate this in writing when I submit this application, pointing out, in detail, why the information submitted is claimed as an exemption under section 44-04-18.4. I further agree to respond to, as well as to aid the City, in responding to any claim under 44.04-21.1 concerning this claim of confidentiality under 44-04-18.4.

Applicant printed name: GANE MARIE SKATVOLD Signature: 

Applicant printed name: _____ Signature: _____

Applicant printed name: _____ Signature: _____

Business/Company name: Copper fields Coffee INC
Doing business as: Atomic coffee

Business address (location): 222 Broadway Unit 1 Fargo ND 581
Mailing address: 334 48th Ave SW Moorhead, Mn 56560

Legal description of the premises to be licensed: Lot 6 Ex N 6" Blk 3
parcel - 012381-00520-000-1

Does applicant wish to describe, depict, or otherwise identify various areas or spaces within the building which shall constitute the licensed premises in accordance with Section 25-1501, Subsection 8? Coffee Shop, Meeting Room, overflow Room Yes No
Is the premises now occupied by another business? Yes No

Type of business currently there: _____

Mailing address: _____
(address) (city) (state & zip)

Business e-mail address: GSKATVOLD@AOL.COM

Phone number: (701) 478-6160 Other number: (218) 236-5053

Do you own or rent the property where the license will be used? Own Rent
If you rent, provide the following information:

(name) (address) (city) (state & zip)

If you are the owner of the property, are there any delinquent taxes against the premises?
 Yes No If "yes", in what amount? _____

Applicant Information:

Name: GANE MARIE SKATVOLD BENEDICT
(first) (middle) (last) (maiden name)

Address: 334 48th Ave SW Moorhead, Mn 56560
(address) (city) (state & zip)

How long have you lived at the address? 5 1/2 yrs

Provide your address history for the past 5 years: (Use additional page if necessary.)

From 1985 to 2004 Address: 3411 RIVER Shore Dr Moorhead, Mn 56560
From _____ to _____ Address: _____
From _____ to _____ Address: _____

E-mail address: GSKATVOLD @ AOL.COM

Home phone number: (218) 236-5053 Other number: (701) 261-3653

Date of Birth: 7-27-1951 Place of Birth: FARGO, ND

List each driver's license you have ever had and the state of issue:

DL#: Y685298218319 State of Issue: ND Dates: 1967- Present

DL#: _____ State of Issue: _____ Dates: _____

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? Yes No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked? Yes No If "yes," where and when.

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense"—and therefore must be listed) Yes No If yes, provide the date of arrest, location, charge, and sentence or each conviction.

Have you been issued a citation for any alcohol-related offense? Yes No

If "yes," provide the date, location, and charge for each citation:

OCT 28, 2008 Atomic Coffee employee failed a compliance check on serving an underage customer. Employee + Atomic Coffee were both fined by city of Mhd. Fines were paid. Employee no longer works at store. This was at the Atomic Coffee located at 16 4th - Mhd

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

on Sale liq license - Atomic Coffee downtown Mhd 16 4th St.
Atomic Coffee 805 S. 30th Ave
off Sale Bridgeview liq 805 S. 30th Ave. Mhd Mhd

Have any of the above named licenses ever been suspended or revoked? Yes No

If yes, list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7 years period: Use additional pages if necessary.)

From: 2001 to Present Business name: Copperfields Coffee Inc
Address: 334 48th Ave SW Moorhead, MN Position/Title: OWNER

From: _____ to _____ Business name: _____

Address: _____ Position/Title _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages? Yes No If "yes," list each business below:

Bridgenvie Liquors - 805 30th Ave S. Moorhead, MN
Atomic Coffee - 2 locations - Moorhead

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level? Yes No If "yes," indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol? Yes No If "yes," describe below:

Partnership/Corporation Information (ALL Partners, Corporate Shareholders and Directors holding 5% or more of the outstanding stock must be listed—make copies and use additional pages as needed)

List your business structure: Corporation (Partnership, Corporation, LLP, LLC)
(This section may be copied and pages attached for additional partners.)

Name: Gane MARIE SKATVOLD BENEDICT
(first) (middle) (last) (maiden name)

Address: 334 40th Ave SW Moorhead Mn 56560
(address) (city) (state & zip)

How long have you lived at the address? 5 1/2 yrs

Provide your address history for the past 5 years: (Use additional page if necessary.)

From 1985 to 2004 Address: 3411 Powershore Dr. Mnd

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: GSKATVOLD@AOL.COM

Home phone number: 218 236 5053 Other number: 701 261 3653

Date of Birth: 7-27-1951 Place of Birth: FARGO ND

List each driver's license you have ever had and the state of issue:

DL#: Y685298218319 State of Issue: MN Dates: 1969-Present

DL#: _____ State of Issue: _____ Dates: _____

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? _____ Yes No If "yes", where and when.

If "yes," have you ever been issued a citation for driving after you license was suspended or revoked? _____ Yes No If "yes", where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense"—and therefore must be listed) Yes No If yes, provide the date of arrest, location, charge, and sentence for each conviction:

Have you been issued a citation for any alcohol-related offense? Yes No
If "yes," provide the date, location, and charge for each citation:

OCT 28, 2008 Atomic failed compliance check by serving underage customer. Employee & Business both were fined. Fines were paid. Employee no longer works for us. Atomic 16 4th St. Mhd

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

on sale - Atomic Coffee 2 locations - Mhd
off sale - Bridgeview liquors - Mhd

Have any of the above named licenses ever been suspended or revoked? Yes No
If yes, list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7 year's period: (Use additional pages if necessary.)

From: 2001 to Present Business name: Copperfields Coffee Inc
Address: 334 40th Ave SW Position/Title: Owner
DBA - Atomic Coffee
Mhd

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages? Yes No If "yes," list each business below:

Atomic Coffee - 2 locations Mhd
Bridgeview liquors - Mhd

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level? Yes No If "yes," indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol? Yes No If "yes," describe below:

Are all officers, directors, and shareholders holding more than 5% of the outstanding stock 21 years of age or older? Yes (✓); No ();

Address of Home Office 334 40th Ave SW Moorhead, MN 56560
Date Incorporated June State of Incorporation MN

If a subsidiary of any corporation, state name and address of parent corporation _____

Operator/Manager Information

Are you going to operate this business personally? Yes No If "no", who will operate it?

Name: Gale Marie Skatvold Benedict
(first) (middle) (last) (maiden name)

Address: 334 48th Ave SW Moorhead, MN 56520
(address) (city) (state & zip)

Home phone number: (218) 236-5053 Other number: (701) 261-3653

Date of Birth: 7-27-51 Place of Birth: FARGO ND

Are you going to have a manager or assistant in this business? Yes No If the manager is not the same as the operator, provide the following manager information:

Name: Angelique Marie Kubec (Reynolds)
(first) (middle) (city) (maiden name)

Address: 1017 8th Ave N Fargo ND 58102
(address) (city) (state & zip)

Home phone number: (701) 306-1809 Other number: ()

Date of Birth: 11-16-71 Place of Birth: Fargo ND

(Important: The name and other information about your manager must be provided before a license can be issued. If the manager changes during the course of the license period, you must provide the City Auditor's Office with updated information about the new manager immediately.)

Business Site Plan

On the following page (or on attached pages if additional space is needed), provide a detailed diagram and description of the design, location, and square footage of the premises to be licensed.

- * The scale should be state, such as 1"=20'. The direction N should be indicated towards the top.
- * The diagram should include placement of all pertinent features of the interior of the licensed premises, such as seating areas, kitchens, offices, repair areas, restrooms, etc. The exterior parking area should also be shown.

30

City of Fargo Staff Report			
Title:	Prairie Grove First Addition	Date:	8/04/09 As updated 9/17/09
Location:	5323 27 St S	Staff Contact:	James Hinderaker
Owner(s)/Applicant:	Prairie Grove, Inc./City of Fargo	Engineer:	N/A
Reason for Request:	Staff Initiated Zone Map Correction From LC to MR-3		
Status:	Planning Commission Public Hearing: August 12, 2009		

Existing	Proposed
Land Use: Vacant	Land Use: Apartments
Zoning: LC, Limited Commercial	Zoning: MR-3, Multi-Dwelling
Uses Allowed: The Limited Commercial zone is primarily intended to accommodate low-intensity office and retail sales and service uses.	Uses Allowed: Multi-Dwelling zone districts are intended to accommodate living in detached houses, attached houses, duplexes and multi-dwelling structures.
Maximum Density Allowed: 55% Lot Coverage	Maximum Density Allowed: 24 units per acre

<p>Area Plans:</p> <p>The subject property is located within the Southerly Growth Area as identified within the <i>Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo</i>. The plan generally identifies this area as suitable for a range of residential densities.</p>
<p>Schools and Parks:</p> <p>The subject property is within the Bennett Elementary School and South High School service boundaries. Bennett Elementary, located at 2000 58th Ave S, is approximately ¼ mile from the development. A small park is located immediately to the south of the subject property. A trail system, running along Drain 53, 53 Ave S, and 25th St S is also a part of the Prairie Grove First Development.</p>
<p>Staff Analysis:</p> <p>The purpose of this staff initiated action is to correct the zone district designation applied to Lot 3, Block 1 of the Prairie Grove First Addition that was incorrectly applied to the property when it was initially platted in 2007. The petitioner had sought MR-3, Multi-Dwelling zoning for the subject property. Staff supported and recommended approval of the MR-3 zone district classification but due the combining of two adjacent lots into one lot by the petitioner early in the review process, the sequence of the lot designations shifted. As a result, the proposed zoning designation on the legal notice of the subject property was incorrectly listed as LC, Limited Commercial instead of MR-3, Multi-Dwelling. The matter came to the attention of staff when the property owner applied for a building permit to begin construction on an apartment building.</p> <p>Zoning Criteria</p> <p>The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in their review of zoning map amendment requests. Proposed zoning map amendments that satisfy all of the criteria may be approved.</p> <p>1. The requested zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;</p> <p>As stated above, this staff initiated zone change request is the result of an error on the zoning map. Based on a review of the Prairie Grove First Addition project file, the information presented to the</p>

Planning Commission and City Commission, and the intent of the petitioner, the correct zone district designation for the subject property is MR-3, Multi-Dwelling. **(Criteria Satisfied)**

2. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development allowed by the new zoning classification at the time the property is developed;

City staff and applicable service providers have reviewed the proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. Staff finds that the all of the necessary public services, facilities, and programs are in place or can be readily provided to serve the proposal at the time of development. **(Criteria Satisfied)**

3. The approval will not adversely affect the condition or value of property in the vicinity;

Staff suggests that this zone map correct is in keeping with: the adopted area plan, the intent of the developer of Prairie Grove First Addition, the review conducted by staff, and the previous action by the Planning Commission and City Commission. In an effort to ensure that proper notice has been provided to all interested parties, staff has re-published this zone map correction in the accordance with the notice requirements of the Land Development Code. To date, no verbal or written comments have been received. Staff therefore finds that the proposal will not adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

4. The proposed amendment is consistent with the purpose of this LDC, the applicable Growth Plan and other adopted policies of the City.

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. As indicated above, the purpose of this zone change is to correct a zone district mapping error that occurred when the subject property was initially zoned and platted. A zone map correction from LC, Limited Commercial to MR-3, Multi-Dwelling will allow the property to be developed in a manner that was intended by all. Therefore, staff finds that the proposal is consistent with the purpose of the LDC, the applicable Growth Plan and other adopted policies of the City. **(Criteria Satisfied)**

Planning Commission Recommendation: 8/12/09

In a unanimous decision, the Planning Commission recommended approval to the City Commission of the proposed zone map correction, as outlined within the staff report, as the proposal complies with the adopted Area Plan, Section 20-0906.F(1-4) and all other applicable requirements of the Land Development Code.

Staff Recommendation:

Suggested Motion "To accept the findings and recommendations of staff and the Planning Commission and hereby move to approve the proposed zone map correction, as outlined within the staff report, as the proposal complies with the adopted Area Plan, Section 20-0906.F(1-4) and all other applicable requirements of the Land Development Code."

City Commission Decision: 9/21/09

Zoning Change (LC to MR-3) Prairie Grove Addition

5323 27 St S

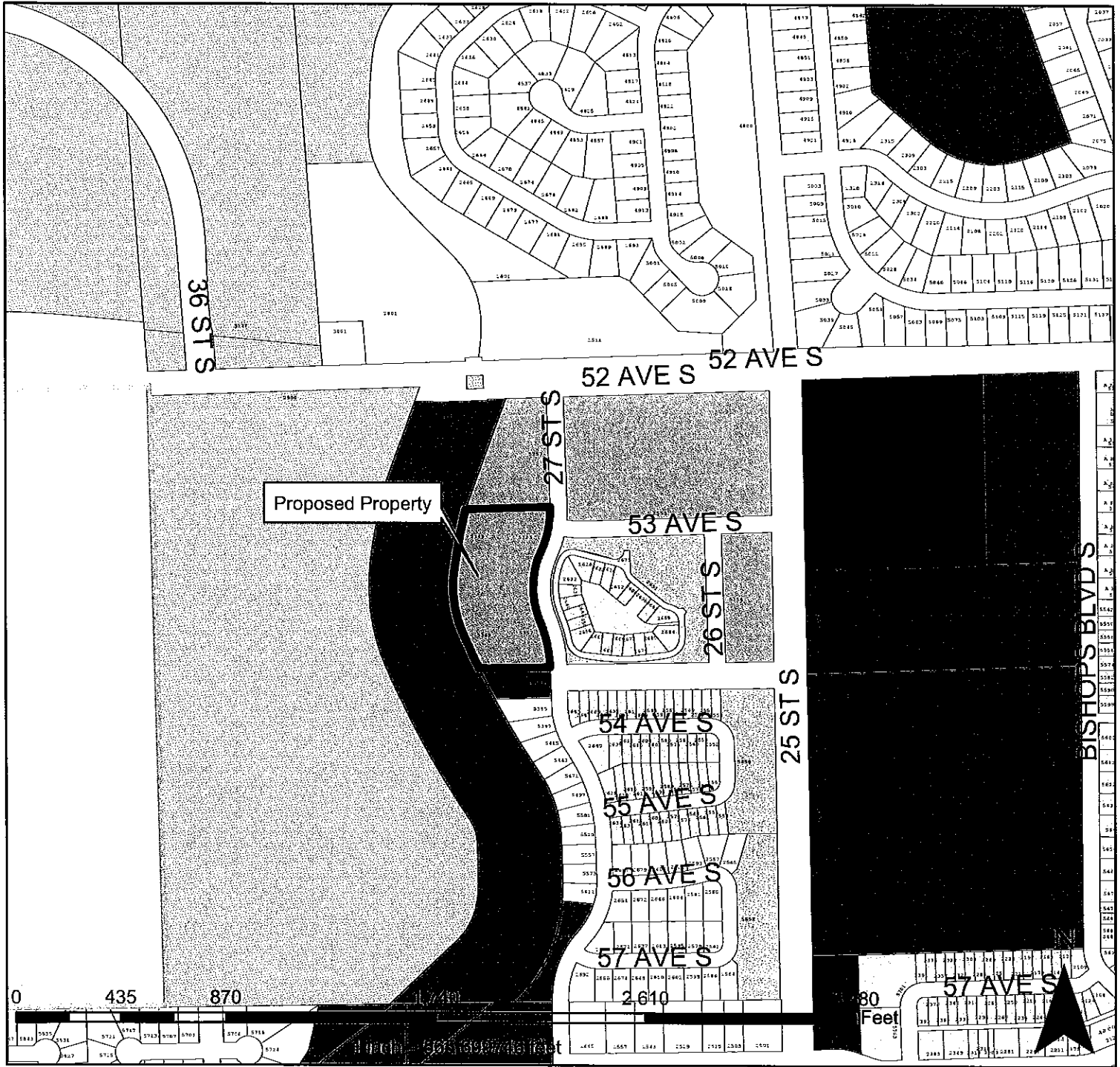


Fargo Planning Commission
August 12, 2009

Zoning Change (LC to MR-3)

Prairie Grove Addition

5323 27 St S



Legend

AG	MR-2	LI	SR-3
DMU	MR-3	MHP	SR-4
GC	NC	MR-1	SR-5
GI	NO	City Limits	
GO	P/I	Proposed Property	
LC	SR-2		



Fargo Planning Commission
August 12, 2009

302

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN PRAIRIE GROVE ADDITION TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

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WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of certain parcels of land lying in Prairie Grove Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on August 12, 2009; and,

WHEREAS, the rezoning changes were approved by the City Commission on September 21, 2009,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

Lot 3, Block 1, Prairie Grove Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "LC", Limited Commercial, District to "MR-3", Multi-Dwelling, District.

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

Dennis R. Walaker, Mayor

(SEAL)
Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

3d

TO: BOARD OF CITY COMMISSIONERS
FROM: KENT COSTIN, DIRECTOR OF FINANCE
RE: 2009 BUDGET PUBLIC HEARING
DATE: SEPTEMBER 17, 2009

KAC

The public hearing on the 2010 preliminary budget is scheduled for September 21, 2009. This hearing is required by NDCC 40-40 to allow the public an opportunity to have input on any items included or excluded in the budget.

A copy of the notice of hearing, which has been published, contains the approved preliminary budget totals. The numbers are supported in greater detail in the Mayor's preliminary budget book which was presented on September 8th.

The legal deadline for approving the final budget is October 7, 2009. You may approve the final budget at any time prior to this date.

Suggested Motion:

Conduct the public hearing on the 2010 preliminary budget, approve the preliminary budget as the final budget, and direct staff to certify the final budget and mill levies to the Cass County Auditor by October 7, 2009.



**NOTICE OF HEARING
CITY OF FARGO 2010 PRELIMINARY BUDGET**

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a public hearing in the City Commission Room, City Hall, Fargo, North Dakota, on Monday, September 21st, at 5:15 o'clock p.m. for the purpose of hearing any person who wishes to appear and discuss proposed expenditures or to discuss or object to any object of proposed expenditure in the 12-month budget for the period ending December 31, 2010. Written comments may be addressed to the City Auditor's Office, Box 2083, Fargo, North Dakota 58102.

The preliminary budget is on file in the City Auditor's Office, the Fargo Public Library, and the City Commission Office and may be examined by anyone upon request during normal business hours. The entire budget document has been posted to the City's web site and can be accessed anytime at www.cityoffargo.com.

The Board of City Commissioners shall meet not later than October 7th for the purpose of adopting the final budget and making the annual tax levy.

The 12-month preliminary budget is detailed below:

	2009 Approved Budget	2010 Proposed Budget
General Fund:		
Current Expenditures	\$ 62,416,526	\$ 64,142,410
Capital Outlay	3,035,000	3,176,833
Transfers To Other Funds	952,745	1,523,410
Total General Fund Expenditures	\$ 66,404,271	\$ 68,842,653
Special Revenue Funds:		
City Share of Special Assessments	\$ 800,000	\$ 850,000
Noxious Weeds	50,000	50,000
Emergency 911	1,463,000	1,729,228
Outdoor Warning	75,160	75,000
Convention Bureau	1,350,000	1,650,000
Regional Law Enforcement Training Center	67,400	98,850
Transit Capital Escrow	120,000	20,000
Court Forfeits	115,000	215,000
Broadway Mall Maintenance	45,000	50,000
Skyway Maintenance	113,000	85,000
Winter Lights Maintenance	23,000	23,000
Neighborhood Revitalization Initiatives (NRI)	138,000	138,645
Community Development Block Grants	678,000	682,279
HOME Program	30,000	30,000
Neighborhood Stabilization Grant	-	4,000,000
HOME Projects	593,000	594,025
Parking Authority Operations	1,088,182	1,443,662
Parking Repair and Replacement	12,500	12,500
Revenue Stabilization	600,000	400,000
City Building Repair Escrow	86,000	94,751
City Vehicle Reserve	1,653,710	1,500,000
Computer Replacement	5,000	20,000
Civic Memorial Auditorium Capital	70,000	50,000

Newman Outdoor Stadium	184,450	185,000
Total Special Revenue Fund Expenditures	\$ 9,360,402	\$ 13,996,940
Debt Service Fund Expenditures	\$ 42,337,474	\$ 57,296,877
Enterprise Funds:		
Water	\$ 18,595,998	\$ 18,768,817
Water Revenue Bond	3,812,544	3,972,693
Wastewater	10,087,420	11,084,807
Southeast Cass Sewer	60,000	50,000
Storm Sewer	1,470,000	1,481,655
Vector Control	497,414	607,152
Street Lighting	-	1,728,728
Solid Waste	12,582,449	11,583,655
Forestry	1,482,485	1,572,721
Total Enterprise Fund Expenses	\$ 48,588,310	\$ 50,850,228
Internal Service Funds :		
Risk Management	\$ 653,500	\$ -
Health Insurance	5,700,000	6,217,000
Total Internal Service Fund Expenses	\$ 6,353,500	\$ 6,217,000
Airport Authority:		
Operations & Maintenance	\$ 3,410,833	\$ 3,458,786
Airport Construction	4,331,600	3,757,310
Passenger Facility Surcharge (PFC)	1,150,000	1,150,000
PFC Bond Fund	1,418,567	1,423,252
Total Airport Authority Expenses	\$ 10,311,000	\$ 9,789,348
FargoDome:		
Operations	\$ 4,419,913	\$ 3,431,445
Bond Fund	2,854,456	-
Sales Tax Surplus	1,722,500	50,000
Building Capital	672,500	1,109,500
Total FargoDome	\$ 9,669,369	\$ 4,590,945
Convention Bureau:		
Operations	\$ 1,228,514	\$ 1,284,570
Restricted Capital	652,600	496,200
Total Convention Bureau	\$ 1,881,114	\$ 1,780,770
Grand Total - All Funds	\$ 194,905,440	\$ 213,364,761
Preliminary Tax Levies are:		
General Fund	53.32	53.32
City Share of Special Improvements	2.83	2.83
Noxious Weeds	0.10	0.10
Airport Construction	2.00	2.00
Total Proposed Mills to Be Levied for 2010 Budget	58.25	58.25

4

TO: Board of City Commissioners

FROM: Finance Committee

RE: Revised Bond Issue Authorization for Flood Control Project Sales Tax Revenue Bonds

DATE: September 15, 2009

The Finance Committee met on September 15, 2009 to consider the scope and sizing of a bond financing plan for flood control projects in the near term and into next year. At the City Commission meeting on August 10th you granted approval to proceed with a flood buyout policy and authorization to issue \$10 million of sales tax revenue bonds for this purpose.

Since that time flood control projects that could be started this fall or early spring have been identified and there is a need for resources to enable these projects to be constructed as soon as possible.

The Finance Committee recommended raising the bond issue size from \$10 million currently dedicated to phase I of the flood buyout program funding to \$25 million to provide the financial resources for these projects in 2010. The City Engineer highlighted plans, locations and scope of these additional projects.

The Finance Committee is recommending that the bonds be paid off over a five year period to allow a combination of pay as we go and future bond financing. This structure will preserve future bond capacity for the Army Corps Metro Study flood option which is forthcoming. We confirmed our desire to maintain the highest possible credit rating. Revenue coverage levels are set at 125% of the annual debt service and also included a required debt service reserve fund.

Recommended Motion:

Authorize the issuance of \$28,120,000 of sales tax revenue bonds for flood control project funding setting the amortization of debt over a five year repayment term.

