

FARGO CITY COMMISSION AGENDA  
Monday, July 13, 2009 - 5:00 P.M.

CITY COMMISSION MEETINGS ARE BROADCAST LIVE ON TV FARGO (Channel 99). They are rebroadcast at 7 p.m. each Thursday and again at 8:00 a.m. each Saturday and are also included in our video archive at [www.cityoffargo.com/commission](http://www.cityoffargo.com/commission)

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, June 29, 2009; Adjourned Regular Meeting, July 6, 2009).

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

- a. Receive and file 2009 Second Quarter Financial Status Report.
- b. Receive and file Year to Date – Budget to Actual report for June 2009.
- c. Pledged securities as of June 30, 2009.
- d. Appointment of Greg Stone as a special police officer for NDSU.
- e. Noise Ordinance Extension requests:
  - (1) July 16th until 11:00 p.m. for a street dance on the OB parking lot.
  - (2) August 14th until midnight for the Hotel Donaldson 2nd Annual Dalefest.
  - (3) August 6th until 11:00 p.m. for an outdoor event at Borrowed Bucks Roadhouse.
- f. Acceptance of the Neighborhood Stabilization Program grant allocation in the amount of \$5.01 million.
- g. Applications for tax exemptions for improvements made to the following buildings:
  - (1) Steven Stremick, 1155 13th Avenue South (3 years).
  - (2) Gary and Amie Haugo, 808 8th Street South (5 years).
  - (3) Neil and Mary Jo Horsager, 1315 6th Street South (5 years).
- h. Change Order M-6 for an increase of \$4,015.00 for the Main Library.
- i. PEC recommendation to set the annual salary for the Municipal Court Judge at \$75,000 and increase the FTE to .75 effective July 1, 2009.
- j. Traffic Safety Contract Amendment from the NDDOT for the Safe Communities Program (Contract # E09-521-1008).
- k. Grant Awards from the North Dakota Department of Health:
  - (1) State Aid to Local Public Health Units (Contract # 09-081).
  - (2) \$3,000 to support a Balancing Intake and Expenditure (BITE) project for physical activity and nutrition (Contract # 09-047).
  - (3) Title X Family Planning program for pharmaceuticals (Contract # 08-700B).
  - (4) Title X Family Planning program (Contract # 09-054).
  - (5) Title V Maternal and Child Health Block Grant activities (Contract # 09-008).

- Page 2
- i. Agreement with the Fargo Park District/Fargo Senior Services for the purchase of new vans for the Metro Senior Ride Service.
  - m. Bid award to Industrial Builders, Inc. for deck repair work at the Ground Transportation Center.
  - n. Authorize Request for Proposals to obtain management, driver and fixed route dispatch services.
  - o. Temporary Agreement with the City of Grand Forks for temporary use of Fargo's landfill.
  - p. Applications for Games of Chance:
    - (1) Knights of Columbus 4th Degree Assembly 788 for a calendar raffle from 1/1/10 to 1/31/10.
    - (2) Freedom Resource Center for a raffle on 9/24/09.
  - q. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Rezoning Certain Parcels of Land Lying in the North Half of Section 1, T139N, R49W.
  - r. Purchase Agreement with Long Field Woods SPE, LLC for a permanent sanitary sewer easement and a temporary construction easement (Improvement District No. 5729).
  - s. Purchase Agreement with Jon Treitline for a permanent sanitary sewer easement and a temporary construction easement (Improvement District No. 5656).
  - t. Bid awards for Project Nos. 5897 and 5899.
  - u. Bid advertisements for Project Nos. 5871 and 5873.
  - v. Bills.
  - w. Contract and bond for Improvement District No. 5817.

\*\*\* Regular Agenda \*\*\*

- 1. Appoint two Commissioners to represent Fargo on a Flood Management Work Group.
- 2. Discuss status of undeveloped river lots within the City as well as Fargo's ET area.
- 3. Public Hearings - 5:15 p.m.:
  - a. Petition requesting a modification of an existing Conditional Overlay on the south 51' of Lots 1, 2, 3, 4 and 5; the south 51' of the south 101' of the west 8.4' of Lot 6; the southern 70' of the east 16.6' of Lot 6; all of Lot 7 and the west 8.4' of Lot 8, Block SS of Erskine's Addition (1117 and 1155 13th Ave. S.).
    - (1) Approval of a portion of the proposed modification recommended by the Planning Commission on 6/10/09.
    - (2) 1st reading of Ordinance.

- b. Dakota Boys and Girls Ranch Addition; denial recommended by the Planning Commission on 6/10/09 (2038 76th Ave. S.):
  - (1) Petition requesting a zoning change from AG, Agricultural to the following: MR-3, Multi-Dwelling on Lots 1 and 2, Block 1 and Lot 2, Block 2; SR-4, Single-Dwelling on Lot 3, Block 2; and P/I, Public and Institutional on Lot 1, Block 2.
  - (2) 1st reading of rezoning Ordinance.
  - (3) Plat.
- c. Renaissance Zone Project for Kennelly & O’Keeffe, Ltd. at 313 NP Avenue.
- d. Renaissance Zone Project for Arthur Ventures, LLC at 102 Broadway, Suite 203.
- 4. Communication from the City Attorney and Ordinance Prohibiting Commissioners from Appearing at Regular Meetings by Telephone or Other Electronic Media.
- 5. Recommendations for appointments and reappointments to Boards and Commissions:
  - a. Parking Commission.
  - b. Board of Appeals.
  - c. Board of Adjustment.
  - d. Special Assessment Commission.

\*\* The Board will meet in Executive Session to discuss pending litigation items as authorized by NDCC, Section 44-04-19.2.

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](http://www.cityoffargo.com/commission)



OFFICE OF THE CITY ADMINISTRATOR  
Pat Zavoral

**MEMORANDUM**

**TO:** BOARD OF CITY COMMISSIONERS  
**FROM:** CITY ADMINISTRATOR PAT ZAVORAL  
**DATE:** JULY 8, 2009  
**SUBJECT:** FLOOD MANAGEMENT WORK GROUP

*Pat Z*

During the discussions about flood management with Cass, Clay and Moorhead it has been suggested that a working group of elected officials and staff work with each entity and the Watershed Districts to come up with recommendations for the larger group to discuss and consider. Each board is to appoint two elected members to the working group. Commissioners Mahoney and Wimmer have expressed interest in representing Fargo on the committee.

**Recommended Motion:**

Designate two City Commissioners to represent Fargo on a Flood Management Work Group to make recommendations to the Cass/Clay/Moorhead/Fargo metro study committee.

PZ:ck  
zzfmwg



2



OFFICE OF THE CITY ADMINISTRATOR  
Pat Zavoral

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS  
FROM: CITY ADMINISTRATOR PAT ZAVORAL  
DATE: JULY 9, 2009  
SUBJECT: PLATTED RIVER LOTS

*patz*

Since the flood waters have subsided for the second time on the Red River, a number of City departments (Codes, Planning, and Engineering) have been approached by developers, landowners and residents seeking permits to build on river lots both in the City and in the extraterritorial zoned areas. The staff has been hesitant to comply with these requests given the recent history of how difficult it is to protect these lots during high water. They also recognize these lots have been platted prior to the current federal remapping effort and there is little that can be done without City Commission action. Attached is a list of lots along the river and legal drains. There appears to be 3 options available to the City with regard to platted river lots.

Option 1 is to allow construction to take place on platted lots. If this option is chosen a stipulation could be adopted by the Commission to require siting of a structure further than 100 feet from the soon to be adopted FEMA floodway and elevate the structure to the soon to be approved FEMA flood plain base flood elevation.

Option 2 is to suspend issuance of permits until the Corps of Engineers have narrowed their options for the metro study flood protection plan. The Corps' schedule will provide the City with feasible solutions at the end of September of this year. It would appear at that time they would have a good sense of what river lots are vulnerable to flooding and would need to be purchased.

Option 3 is to aggressively acquire river lots. This option would best be followed after the Corps has presented their options in September.

It seems like there could be a combination of actions at this point: Moratorium on building permits with a select acquisition program undertaken, or, Option 1 with a selected acquisition of lots for those that are clearly vulnerable according to the engineering staff's analysis.

After the 1997 flood the City Commission issued a moratorium for building permits on river lots for one year, a lawsuit followed from a landowner with river lots and the City prevailed with the moratorium all the way to the North Dakota Supreme Court. Thus, the precedent for a moratorium has been established.

A decision needs to be made on this issue at the City Commission level and any direction you can give is appreciated.

PZ: ck  
Attachment  
zzlots

200 North Third Street • Fargo, ND 58102



Phone (701) 241-1310 • Fax (701) 476-4136

City of Fargo  
 Lots Adjacent to Rivers and Drains

Area-In City Limits	#Platted Lots WITH Structures	#Platted Lots With NO Structues	Total water front	% w/o Structures
Red River	333	106	439	24.15
Rose Coulee	128	41	169	24.26
Drain 27	126	142	268	52.99
Drain 53	31	48	79	60.76
In City Total	618	337	955	35.29

Area-In ET only	#Platted Lots WITH Structures	#Platted Lots With NO Structues	Total water front	% w/o Structures
Red River	63	52	115	45.22
Drain 53	0	4	4	100.00
Wild Rice River	52	44	96	45.83
Total	733	437	1170	37.35

39

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Erskine's Addition	<b>Date:</b>	04/23/09 As amended 07/09/09
<b>Location:</b>	1117 & 1155 13 Ave S	<b>Staff Contact:</b>	James Hinderaker
<b>Owner(s)/Applicant:</b>	Steven Stremick	<b>Engineer:</b>	
<b>Reason for Request:</b>	Modification of Conditional Overlay		
<b>Status:</b>	Planning Commission Public Hearing: 05/13/09 as continued to 06/10/09 City Commission Public Hearing: 07/13/09		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Office	<b>Land Use:</b> Office
<b>Zoning:</b> LC – Limited Commercial with Conditional Overlay	<b>Zoning:</b> LC – Limited Commercial with Conditional Overlay
<b>Uses Allowed:</b> LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service.	<b>Uses Allowed:</b> LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service.
<b>Maximum Density Allowed:</b> 55% building coverage	<b>Maximum Density Allowed:</b> 55% building coverage

<p><b>Area Plans:</b></p> <p>This area is located within the Hawthorne Neighborhood. The Hawthorne Neighborhood Plan adopted in August 1999 main goal is to sustain the diverse mix of housing.</p> <p>According to Comprehensive Plan Policy Letter 118, land uses along 13<sup>th</sup> Ave S., west of 10<sup>th</sup> St S should be allowed to change to reduce the traffic friction with homes. The policy letter states, "Land use decisions on 13<sup>th</sup> Ave S between the River and 21<sup>st</sup> Street should strive to achieve a higher level of compatibility between the land use and traffic characteristics."</p>
<p><b>Schools and Parks:</b></p> <p>The property is approximately 2,000 feet or less from three schools: Clara Barton, Agassiz and Carl Ben Eilsen.</p>
<p><b>Staff Analysis:</b></p> <p><b>Background:</b> The subject properties are located at 1155 and 1117 13<sup>th</sup> Avenue South at the intersection of two arterials (University Drive and 13<sup>th</sup> Avenue South). 1155 13<sup>th</sup> Ave S is zoned LC –Limited Commercial, is currently used as an office, and has operated as retail and service in the past. The lot is approximately 7650 square feet and contains a residential structure constructed in 1909 with the east half of the property paved for parking. The property located at 1117 13<sup>th</sup> Avenue South is approximately 7550 square feet in size and contains a residential structure that is vacant and, according to the petitioner, scheduled to be torn down. In addition, the property has two zone district designations. The southern 71</p>

feet is zoned LC, Limited Commercial and the balance of the property is zoned SR-3, Single-Family.

A Conditional Overlay is also in place on the two properties that states the following: The uses and standards of this "LC", Limited Commercial, District shall be limited to uses, standards and additional standards of a "NC", Neighborhood Commercial, District as set forth in Section 20-0209 of the Land Development Code, except subparagraphs D.5 and D.6 thereof, and further subject to the following:

1. Freestanding signs shall be limited to monument signs of a height no greater than 8-1/2 feet, measured from the ground level, and of a width no greater than 8 feet. A monument sign is defined as a sign in which the lowest portion of the sign itself, not including any pole or support, has its base at ground level, said ground level being at grade with the rest of the property.
2. The total amount of signage shall not exceed 150 square feet.
3. The provisions of the Fargo Sign Code (as authorized pursuant to Section 25-0307 of the Fargo Municipal Code) for a "LC", Limited Commercial, zoning district shall apply.

**Proposal:** The petitioner is seeking approval of petition to modify portions of the existing Conditional Overlay, specifically to stipulation No. 1, as noted above. The petitioner is seeking to expand the maximum width currently allowed from 8 feet to 10 feet.

**The Zoning Change Criteria are listed below**

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?** Staff is unaware of an error in the zoning map. The previous zoning was established in December of 2008; however, several issues have arisen regarding the interpretation of the sign code and how it is applied to the property. **(Criteria Satisfied)**
2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**  
Yes, the necessary utilities, services, facilities and programs are currently in place to serve this area. **(Criteria Satisfied)**
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?** To date, staff has not received any written or verbal comments from the neighboring property owners regarding the proposal. The proposed zone change increases the allowable signage width for any new monument sign from 8.0 feet to 10.0 feet. The overall total signage allowed, 150 square feet, is not altered with this proposal. Staff suggests that the zoning change is minimal and will not adversely affect the condition or value of the properties in the vicinity. **(Criteria Satisfied)**
4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?** The Comprehensive Plan encourages the use of commercial zoning districts as a buffer between arterial roadways and residential land uses. Staff suggests the subject properties, with the existing limitations on the limited commercial zone district, provide such a buffer. As proposed, the petitioner retains all of the limitations of the NC, Neighborhood Commercial zone district with the exception of signage (refer to No. 3 above). Therefore, staff finds that the proposed modification to the existing Conditional Overlay is consistent with the purpose of the LDC, the Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

**UPDATE:**

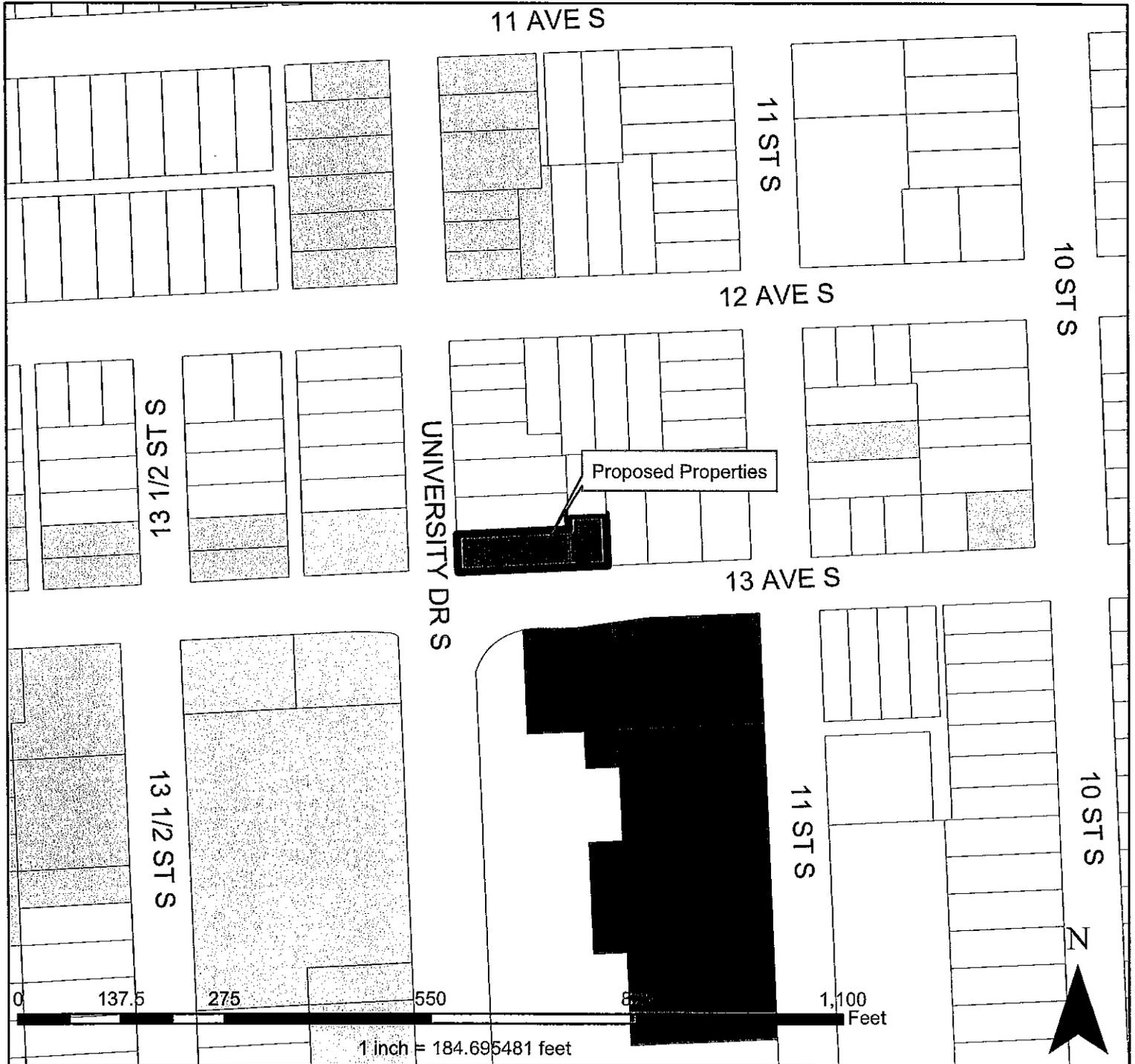
**After the printing of the initial staff report, numerous letters of opposition were submitted and presented to the staff and the Planning Commission. The petitioner submitted a Non-Objection letter that was also presented to staff and the Planning Commission during both Planning**

<b>Commission Public</b>
<b>Staff Recommendation: Approval</b>
Suggested Motion, "To accept the findings and recommendations of staff and hereby recommend to the City Commission approval of the proposed modification of the Conditional Overlay to increase the maximum monument signage width from 8.0 feet to 10.0 feet on the basis that review criteria of Section 20-0906.F (1-4) and all other applicable requirements of the LDC have been met."
<b>Planning Commission Recommendation: Approval up to 9.5 feet wide</b>
Ms. Wiley moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed modification of the Conditional Overlay to increase the maximum monument signage such that the face of the sign does not exceed 8 feet with an allotment for trim up to 9.5 feet on the basis that review criteria of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code have been met. On call of the roll Members Fremstad, Wiley, Palmes, and Paulsen voted aye. Members Ulferts-Stewart and Slagle voted nay. Member Morrau abstained from voting. Absent and not voting: Members Miller and Steffes. The motion was declared carried.
<b>City Commission Decision: 07/13/09</b>

# Amendment to CUP - Signage

## Erskines Addition

1155 13 Avenue S  
& 1117 13 Avenue 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		

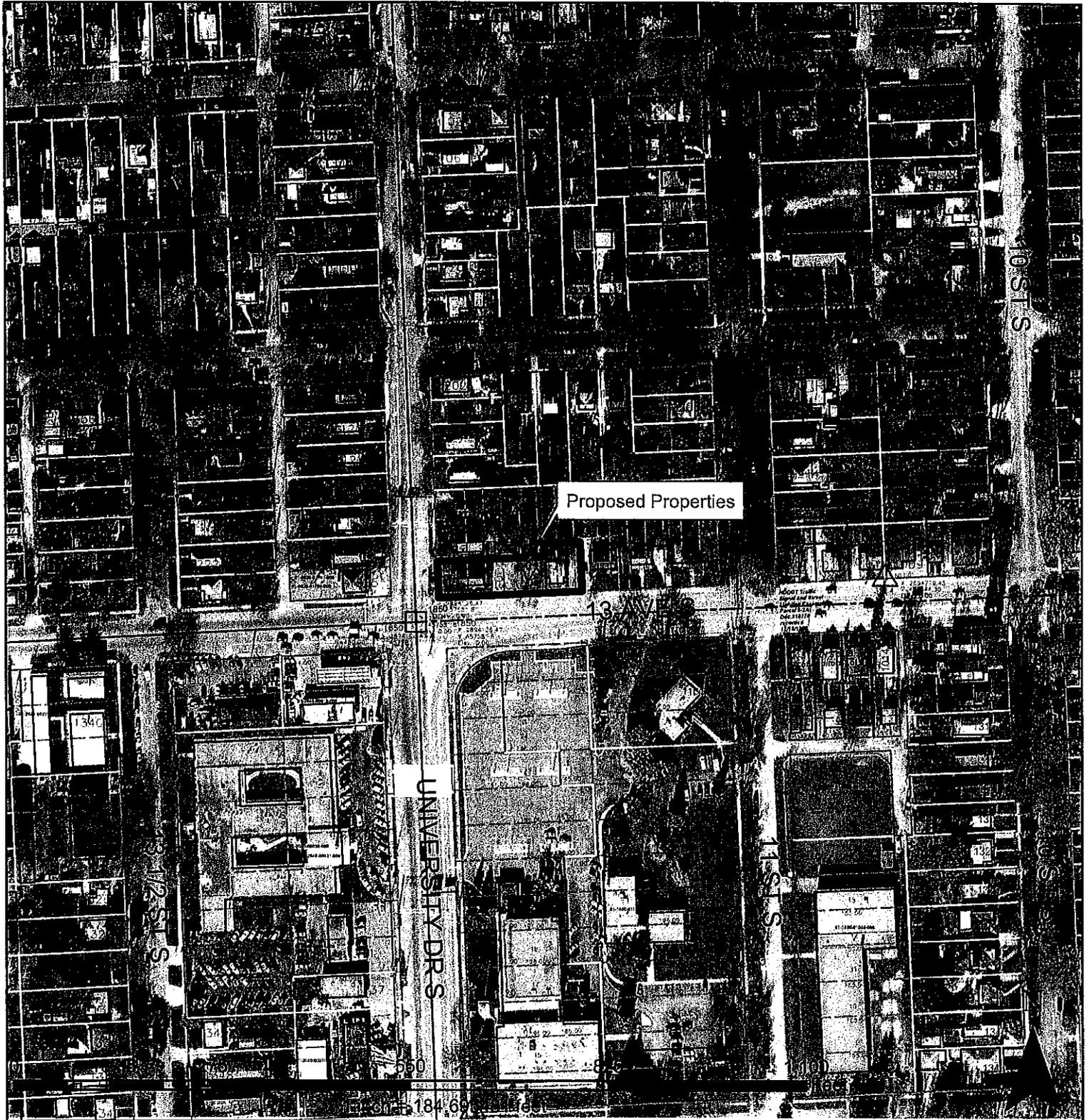


**Fargo Planning Commission**  
May 13, 2009

# Amendment to CUP - Signage

## Erskines Addition

1155 13 Avenue S  
& 1117 13 Avenue S



**Non Objection Letter**

To the City Council of Fargo, North Dakota

By the signing of this "Non Objection Letter", we the undersigned property owners of real property within 300 feet to proposed zoning change at 1155 13<sup>th</sup> Avenue South wish to not object to the proposed zoning change and sign submission in addendum A:

The proposed Conditional Overlay would limit the LC zone district to those uses and standards identified within the NC zone district, but exclude the sign and setback limitations as detailed in Section 20-0209.D.(6 & 7) of the Land Development Code to the following:

1. LC, Limited Commercial Sign Standards shall apply.
2. Freestanding signs shall be limited to monument signs. Monument sign shall be limited to 8.5 feet in height and less than 10 feet in width. A monument sign is defined as a sign that has its entire base ground mounted at the final grade level.

Each of the undersigned hereby acknowledges that he/she has read and understand the contents of this "Non Objection Letter".

Name of Property Owner	Address	
<u>Carl [Signature]</u>	<u>1225 Suniv. PK</u>	Fargo, ND
<u>[Signature]</u>	<u>1217 13 1/2 St. S.</u>	Fargo, ND
<u>[Signature]</u>	<u>1213 13 1/2 S.</u>	Fargo, ND
<u>[Signature]</u>	<u>1352 12<sup>th</sup> Ave S</u>	Fargo, ND
<u>[Signature]</u>	<u>1316 12<sup>th</sup> Ave S.</u>	Fargo, ND
<u>Helen Werner</u>	<u>1214 13 1/2 St. S.</u>	Fargo, ND
<u>[Signature]</u>	<u>1224 S 24<sup>th</sup></u>	Fargo, ND
<u>Jessie Kellerman</u>	<u>1115-12<sup>th</sup> Ave S</u>	Fargo, ND
<u>[Signature]</u>	<u>1123 12<sup>th</sup> Ave S.</u>	Fargo, ND
<u>[Signature]</u>	<u>1124 S University</u>	Fargo, ND
<u>[Signature]</u>	<u>1120 12<sup>th</sup> Ave S</u>	Fargo, ND
<u>Bob Wundt</u>	<u>1112-12<sup>th</sup> Ave S</u>	Fargo, ND

Name of Property Owner	Address	
Don Kroghstad	1020 12 <sup>th</sup> Ave. South	Fargo, ND
Linda Goies	625 11 <sup>th</sup> St S	Fargo, ND
Jamie Bucholz	1116 12 <sup>th</sup> Ave S	Fargo, ND
Derek Arneson	1123 11 <sup>th</sup> St. S.	Fargo, ND
Mittler alanda	1120 S Univ Dr	Fargo, ND
Dylan	1210 13 1/2 St S	Fargo, ND
Greg Schatz	1221 13 1/2 St S	Fargo, ND
Josh Morze	1109 13 <sup>th</sup> Ave S	Fargo, ND
Steven Stremick	1117 13 <sup>th</sup> Ave S	Fargo, ND
Steven Stremick	1304 13 <sup>th</sup> Ave S	Fargo, ND
Steven Stremick	1306 13 <sup>th</sup> Ave S	Fargo, ND
<del>Carl</del>	1226 13 1/2 St S	Fargo, ND
Dempster	1314 12 <sup>th</sup> Ave S	Fargo, ND
		Fargo, ND



Subject Property

HNA Motion

May 12, 2009

The HNA moves to oppose the limited commercial 150 ft<sup>2</sup> signage. We support a smaller sign for the property at 1155 - 13th Avenue compatible with neighborhood commercial sign limits of 1 ft<sup>2</sup> of total aggregate sign per every 100 square foot of building coverage oppose any usage of LED signs.

- ~~Patsaika Feikar~~
- ~~Eric Dahlgren~~
- Andrews Ober
- Jon Kelly
- Jim R. Vauld
- Jim Alger
- Ray Stehman
- Luis Thannou
- Brad Wimmer
- Justin Curtis
- Janice Ferguson
- Carl Winkler
- Polly Wendell
- Glenn Allen
- Debra Morgan
- Paul & Suzanne

**From:** James Hinderaker  
**Sent:** Thursday, May 21, 2009 1:06 PM  
**To:** 'Steven Stremick'; jtgaraas@qwestoffice.net  
**Cc:** James Gilmour; Erik Johnson  
**Subject:** RE: 3rd notice Sign  
**Attachments:** Stremick Sign Proposal 5-14-09.pdf

Steven,

I understand your position.

However, the position of the city is that the moratorium applies to all On-Premise sign permit applications yet to be issued, regardless of when they may have been submitted. So unless the position of the city changes, I cannot issue your sign permit without additional information from you confirming whether the sign type proposal includes LED signage.

Jim

---

**From:** Steven Stremick [mailto:steven@stevenstremick.com]  
**Sent:** Thursday, May 21, 2009 11:47 AM  
**To:** James Hinderaker; jtgaraas@qwestoffice.net  
**Subject:** RE: 3rd notice Sign

Sorry for the last email, an inadvertent send. My attorney says I don't have to state it is not an LED due to the date of initial submission. Please CC [jtgaraas@qwestoffice.net](mailto:jtgaraas@qwestoffice.net) on all communication. Also forward him your last Email to me.

Thanks

Steven W. Stremick MBA  
Select Financial Services, Ltd  
1155 13th Avenue South  
Fargo, ND 58103  
Tel: 701 232 4779  
Fax: 701 232 2122

**It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena; whose face is marred by the dust and the sweat and blood; who strives valiantly; who errs and comes short again and again... who knows the great enthusiasms, the great devotions and spends himself in a worthy cause, and who, at the worse if he fails, at least fails while daring greatly, so that his place never be with those cold and timid souls who know neither victory nor defeat.**

Securities and investment advisory services offered through SagePoint Financial, Inc., member FINRA/SIPC and a registered investment advisor. Select Financial Services, LTD is not affiliated with SagePoint Financial, Inc. or registered as a broker-dealer or investment advisor.

This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any

review, disclosure, copying, dissemination, distribution or use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

---

**From:** James Hinderaker [mailto:JHinderaker@cityoffargo.com]  
**Sent:** Thursday, May 21, 2009 10:59 AM  
**To:** Steven stremick; jtgaraas@qwestoffice.net  
**Subject:** RE: 3rd notice Sign

Steven,

You are correct, you are not required to amend your sign permit application.

However, in order to further process your sign permit application, please provide sufficient information that I may conclude that your proposed sign type (On-Premise, electric, and illuminated), as indicated on your application submitted to the Inspections Department on May 14, 2009 (see attached), is not an LED (Light-Emitting Diode) sign.

Please note that I do not have confirmation from the City Attorney, but based on my reading of the draft minutes of the City Commission action on Monday evening, it appears to me that the moratorium includes all On-Premise LED signs. Therefore, non-LED On-Premise signs would still be allowed (in conformance with the Sign Code, LDC and other applicable regulations).

Once I can confirm that your sign permit application does not violate the moratorium, I will sign-off on the Planning Department's portion of the sign permit review.

Jim Hinderaker, Senior Planner  
City of Fargo  
200 North 3rd Street  
Fargo, ND 58102

[jhinderaker@cityoffargo.com](mailto:jhinderaker@cityoffargo.com)

(701) 241-1473 Phone  
(701) 241-1526 Fax

---

**From:** Steven Stremick [mailto:steven@stevenstremick.com]  
**Sent:** Thursday, May 21, 2009 9:40 AM  
**To:** James Hinderaker; jtgaraas@qwestoffice.net  
**Subject:** RE: 3rd notice Sign

My attorney tells me my application does not have to be modified. He can be reached at [jtgarass@qwestoffice.net](mailto:jtgarass@qwestoffice.net). He can explain our position.

Steven W. Stremick MBA  
Select Financial Services, Ltd  
1155 13th Avenue South  
Fargo, ND 58103  
Tel: 701 232 4779  
Fax: 701 232 2122

**It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena; whose face is marred by the dust and the sweat and blood; who strives valiantly; who errs and comes short again and again... who knows the great enthusiasms, the great devotions and spends himself in a worthy cause, and who, at the worse if he fails, at least fails while daring greatly, so that his place never be with those cold and timid souls who know neither victory nor defeat.**

Securities and investment advisory services offered through SagePoint Financial, Inc., member FINRA/SIPC and a registered investment advisor. Select Financial Services, LTD is not affiliated with SagePoint Financial, Inc. or registered as a broker-dealer or investment advisor.

This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

---

**From:** James Hinderaker [mailto:JHinderaker@cityoffargo.com]  
**Sent:** Thursday, May 21, 2009 8:50 AM  
**To:** Steven stremick  
**Subject:** RE: 3rd notice Sign Permit

Steven,

Two issues:

1. I need to verify from the Attorney's Office the specific language of the moratorium, I'm not sure if it includes only LED, Light-Emitting Diode signs or if it applies to all EMC, Electronic Messaging Center signs, or simply any sign using electricity.
2. Your application will need to be modified – it currently indicates that you are seeking an "electric" and "illuminated" sign. Again, based on the outcome of No. 1 above, I suspect that the "electric" portion will have to be removed from the application before a permit can be issued based on the moratorium.

Jim  
241-1473

---

**From:** Steven Stremick [mailto:steven@stevenstremick.com]  
**Sent:** Thursday, May 21, 2009 8:35 AM  
**To:** James Hinderaker  
**Subject:** 3rd notice Sign Permit

Jim

I am still waiting for planning to sign off on my sign permit.  
What is the holdup?

Steven W. Stremick MBA  
Select Financial Services, Ltd  
1155 13th Avenue South  
Fargo, ND 58103  
Tel: 701 232 4779  
Fax: 701 232 2122

**It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena; whose face is marred by the dust and the sweat and blood; who strives valiantly; who errs and comes short again and again... who knows the great enthusiasms, the great devotions and spends himself in a worthy cause, and who, at the**

**worse if he fails, at least fails while daring greatly, so that his place never be with those cold and timid souls who know neither victory nor defeat.**

Securities and investment advisory services offered through SagePoint Financial, Inc., member FINRA/SIPC and a registered investment advisor. Select Financial Services, LTD is not affiliated with SagePoint Financial, Inc. or registered as a broker-dealer or investment advisor.

This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

**From:** Sharon Odegaard  
**Sent:** Monday, May 18, 2009 4:21 PM  
**To:** James Gilmour; James Hinderaker  
**Subject:** FW: LED Signage

---

**From:** LINDA DREGSETH [mailto:ldinnd@msn.com]  
**Sent:** Monday, May 18, 2009 4:18 PM  
**To:** Dennis Walaker; Sharon Odegaard; Dave Piepkorn; tmahomey@cityoffargo.com; brad@simmersdiamonds.com; gofargond@yahoo.com  
**Subject:** LED Signage

Dear Mayor Walaker and City Commissioners,

It is my understanding tonight's agenda of the Fargo City Commission meeting will include a vote on whether to place a moratorium on the use of LED signs in the City of Fargo.

I am asking for your "yes" vote on this moratorium. Because of the growth of Fargo, I feel it is time to take a look at establishing some comprehensive guidelines for signage within the city. It is my opinion, and that of many I've spoken with, that LED signage is particularly offensive to the eye, in addition to posing a safety hazard as drivers and pedestrians eyes and attention are drawn to the bright and moving lights, wording and images.

As a member of the committee currently working on a proposal for an Historic Overlay District in the Erskine Addition of Fargo, I am particularly concerned at this time about the proposed LED sign being asked for by Steven Stremick at his place of business on the corner of S. University Drive and 13th Avenue S. It is my opinion that a sign of this type is offensive not only to immediate neighbors, but to everyone passing through this intersection, and not in keeping with the historic nature of the Hawthorne and Jefferson neighborhoods. In addition, it poses a safety hazard at this busy crossroads. I am also very concerned with setting an unwelcome precedent in the placement of such a sign at this location.

In the interest of safety and the preservation of the historic quality of the Hawthorne neighborhood, I am asking you to vote yes to place a moratorium on LED signs in Fargo in order for this issue to be further studied.

Sincerely,

Linda Dregseth

**From:** Sharon Odegaard  
**Sent:** Monday, May 18, 2009 4:21 PM  
**To:** James Gilmour; James Hinderaker  
**Subject:** FW: LED Sign Moritorium

---

**From:** Spirit Room [mailto:spirit@ideaone.net]  
**Sent:** Monday, May 18, 2009 3:18 PM  
**To:** Commissioners  
**Subject:** LED Sign Moritorium

Hello Commissioners ~

I would encourage a moratorium on LED signs until a new signage policy can be put in place.

Apparently, LED signs are treated as overhead lit signs because at the time of the last revisal of signage policy, LED signs did not exist.

When approval was given for a four sided sign on the corner of 13th Ave S and University, it was not understood or differentiated that what was being proposed was an eye level LED sign with paid advertising as an income producer for the sign owner.

As I understand it, revisal of the signage policy is to take place this summer. Until that time please approve a moratorium on LED signs in the city.

Thanks!  
Dawn Morgan

**From:** Sharon Odegaard  
**Sent:** Monday, May 18, 2009 4:34 PM  
**To:** James Gilmour; James Hinderaker  
**Subject:** FW: LED signs

---

**From:** APTtek [mailto:info@apttek.us]  
**Sent:** Monday, May 18, 2009 4:32 PM  
**To:** Sharon Odegaard; Dave Piepkorn; Dennis Walaker; gofargond@yahoo.com; Tim Mahoney; brad@wimmersdiamonds.com  
**Cc:** neihartteam@cableone.net; wr3060@ideaone.net; spirit@ideaone.net  
**Subject:** LED signs

Commissioner,

Please vote for a moratorium on LED signs tonight. We personally oppose the proposed LED sign on the corner of University south and 13<sup>th</sup> avenue west. We do not think a 10 foot, four sided, and monument type LED sign with non-stop advertisements is appropriate for the Hawthorne and Jefferson neighborhoods.

They are too bright and too distracting, the sign could be a hazard to drivers, pedestrians, students & parents, crossing to and from three schools near by and does not belong among neighborhoods. LED message board signage is commercial-style signage, regardless of the form it takes or the landscaping around it. It does not have a place in residential areas. Its only place is within the boundaries of commercial zoning.

We have read Natasha Neihart's letter that was sent to you and we fully agree. Please help us.

Andreas Ober & Jaime Langness  
Hawthorne Parents, Residents & Small Business Owner

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 4084 (20090518)  
\_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

**From:** Steven W Stremick [theejedi@uswest.net]  
**Sent:** Monday, May 18, 2009 6:24 PM  
**To:** James Hinderaker  
**Subject:** Sign permit

Jim

I trust my sign permit will still be issued as applied for. In our original permit there is no mention of an LED. We are still entitled to have a sign of the same size, location and all other facets that work within this moratorium. Please advise and issue ASAP.

Steven W. Stremick MBA  
Select Financial Services, Ltd  
1155 13th Avenue South  
Fargo, ND 58103  
Tel: 701 232 4779  
Fax: 701 232 2122

**It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena; whose face is marred by the dust and the sweat and blood; who strives valiantly; who errs and comes short again and again... who knows the great enthusiasms, the great devotions and spends himself in a worthy cause, and who, at the worse if he fails, at least fails while daring greatly, so that his place never be with those cold and timid souls who know neither victory nor defeat.**

Securities and investment advisory services offered through SagePoint Financial, Inc., member FINRA/SIPC and a registered investment advisor. Select Financial Services, LTD is not affiliated with SagePoint Financial, Inc. or registered as a broker-dealer or investment advisor.

This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

**From:** Brad Wimmer [brad@wimmersdiamonds.com]  
**Sent:** Friday, May 15, 2009 12:13 PM  
**To:** 'Steven W Stremick'  
**Cc:** James Hinderaker; Erik Johnson; James Gilmour  
**Subject:** RE:

Steven, Thanks for setting up a meeting Saturday with the neighborhood assoc President. Unfortunately if your decision for the corner was based on this sign, that should have come to us many months ago. I am very much opposed to a sign of this magnitude in a residential setting and for a building of this size. I will work hard to come up with a reasonable solution and reasonable signage. The neighborhood will suffer greatly in what they are trying to accomplish if signage as this were to start and continue in the historic Hawthorne neighborhood. I am available to stop by or meet with you or a group at most anytime. Unfortunately I am out of town this weekend, but available after that as I am sure are the other commissioners or staff.  
Thanks for your consideration on the matter, Brad Wimmer

-----Original Message-----

**From:** Steven W Stremick [mailto:theejedi@uswest.net]  
**Sent:** Friday, May 15, 2009 10:55 AM  
**To:** brad@wimmersdiamonds.com  
**Subject:** RE:

Brad

It has become quite clear to me whose side you are on. Well if you choose to be on the side that is spreading libelous, inaccurate information, what should that tell me about you?!

It seems like everybody in both the Hawthorne and Jefferson neighborhoods knows who I am and where I am located, why didn't they stop in and see me.  
I am always accessible.

The cease and desist letters are on their way to those spreading this misinformation. If this behavior continues Summons and complaints will be next for damages that they have already caused me.

I want you to understand the opportunity cost of not having this sign. I have a renter for space in this building based on this sign being installed, so each day it is not I am suffering an economic loss to my business cash flow. These are real dollars. No one in either neighborhood will lose one cent if I put up my sign, but I will suffer a large economic loss if I don't install the sign.

This is not a hard decision at all for me.

Steven W. Stremick MBA  
Select Financial Services, Ltd  
1155 13th Avenue South  
Fargo, ND 58103  
Tel: 701 232 4779  
Fax: 701 232 2122

It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is

Page 25  
actually in the arena; whose face is marred by the dust and the sweat and blood; who strives valiantly; who errs and comes short again and again... who knows the great enthusiasms, the great devotions and spends himself in a worthy cause, and who, at the worse if he fails, at least fails while daring greatly, so that his place never be with those cold and timid souls who know neither victory nor defeat.

Securities and investment advisory services offered through SagePoint Financial, Inc., member FINRA/SIPC and a registered investment advisor.  
Select Financial Services, LTD is not affiliated with SagePoint Financial, Inc. or registered as a broker-dealer or investment advisor.

This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

-----Original Message-----

From: Brad Wimmer [mailto:brad@wimmersdiamonds.com]  
Sent: Thursday, May 14, 2009 2:56 PM  
To: 'Steven W Stremick'  
Subject: RE:

Steven, per my other email, I think it in your best interest to find out what is good for the neighborhood and present something good looking, historic and pleasing to the neighborhood. I hope you will meet and reconsider. Thanks, Brad Wimmer

-----Original Message-----

From: Steven W Stremick [mailto:theejedi@uswest.net]  
Sent: Wednesday, May 13, 2009 5:27 PM  
To: bwimmer@cityoffargo.com; 'James Hinderaker'  
Subject: FW:

You may want to look at the libelous statements made in this letter distributed by one of the individuals at the meeting throughout the Hawthorne neighborhood. How much truth is there in this? Please advise!

Steven W. Stremick MBA  
Select Financial Services, Ltd  
1155 13th Avenue South  
Fargo, ND 58103  
Tel: 701 232 4779  
Fax: 701 232 2122

It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena; whose face is marred by the dust and the sweat and blood; who strives valiantly; who errs and comes short again and again... who knows the great enthusiasms, the great devotions and spends himself in a worthy cause, and who, at the worse if he fails, at least fails while daring greatly, so that his place never be with those cold and timid souls who know neither victory nor defeat.

Page 26

Securities and investment advisory services offered through SagePoint Financial, Inc., member FINRA/SIPC and a registered investment advisor.

Select Financial Services, LTD is not affiliated with SagePoint Financial, Inc. or registered as a broker-dealer or investment advisor.

This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

-----Original Message-----

From: Steve New [mailto:theejedi@uswest.net]

Sent: Wednesday, May 13, 2009 12:42 PM

To: Steve New

Subject:

This E-mail was sent from "RNPB92F37" (MP C2500/LD425c).

Scan Date: 05.13.2009 13:42:26 (-0400)

**From:** Brad Wimmer [brad@wimmersdiamonds.com]  
**Sent:** Thursday, May 14, 2009 2:51 PM  
**To:** 'Steven W Stremick'; James Hinderaker  
**Cc:** 'Neihart'; 'Spirit Room'  
**Subject:** RE: Signage CC: Hawthorne/Jefferson

Steven and Jim, after talking with the two neighborhood associations I believe they have some very valid questions and points. My hope is Steven could meet with them and come up with a sign that would fit the property in size and in historic looks to his very well done project. I cannot believe this is anything an architect or a sign company would recommend to the city or a client. What's exactly legal and what is right and visually appealing and safe for traffic appear to be two differing viewpoints. I hope Mr Stremick will reconsider his request. Brad Wimmer Fargo city commissioner

**From:** Steven W Stremick [theejedi@uswest.net]  
**Sent:** Wednesday, May 13, 2009 5:27 PM  
**To:** Brad Wimmer; James Hinderaker  
**Subject:** FW:  
**Attachments:** 20090513134226996.pdf

You may want to look at the libelous statements made in this letter distributed by one of the individuals at the meeting throughout the Hawthorne neighborhood. How much truth is there in this? Please advise!

Steven W. Stremick MBA  
Select Financial Services, Ltd  
1155 13th Avenue South  
Fargo, ND 58103  
Tel: 701 232 4779  
Fax: 701 232 2122

It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena; whose face is marred by the dust and the sweat and blood; who strives valiantly; who errs and comes short again and again... who knows the great enthusiasms, the great devotions and spends himself in a worthy cause, and who, at the worse if he fails, at least fails while daring greatly, so that his place never be with those cold and timid souls who know neither victory nor defeat.

Securities and investment advisory services offered through SagePoint Financial, Inc., member FINRA/SIPC and a registered investment advisor.  
Select Financial Services, LTD is not affiliated with SagePoint Financial, Inc. or registered as a broker-dealer or investment advisor.

This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

-----Original Message-----

**From:** Steve New [mailto:theejedi@uswest.net]  
**Sent:** Wednesday, May 13, 2009 12:42 PM  
**To:** Steve New  
**Subject:**

This E-mail was sent from "RNPB92F37" (MP C2500/LD425c).

Scan Date: 05.13.2009 13:42:26 (-0400)

May 11, 2009

Dear Neighbor,

We need your support. Steven Stremick, owner of the property on the corner of 13th Avenue South and University Drive South has applied for permission to install a hugh sign over 10 feet wide on his commercial property. Originally he sought approval for a sign nearly 9 feet wide in a cube configuration with four LED panels each with 676 square feet area with a total of over 2700 square feet of signage. This may still be in the works?

This issue is before the planning board this "Wednesday, May 13th at 9:00 AM in the City Commission Room, City Hall, 200 3rd St N. According to Jim Hinderaker, senior planner, the staff is recommending approval for the following reasons:

"1.

No comments (either in favor or against) were received from the neighboring property owners within the 300 foot notification area. To date, your email is the only neighborhood communication that I've received on the matter.

2.

The City of Fargo Comprehensive plan recommends commercial uses in this area.

3.

Staff suggests that the current limitation on the amount of signage (150 sq ft vs. 600 sq ft allowed in the Limited Commercial zoning district) is adequate to provide a buffer from the residential neighborhood to the north and the commercial designation to the south.

After the Planning Commission hearing on Wednesday, this matter will be scheduled for a City Commisson public hearing at a date yet to be determined."

If you object to the ten foot wide commercial sign, if you want this area to remain residential and do not want commercial growth on this corner, if you object to bright LED billboards in the area (for an example of an LED sign that can be changed like a TV screen see the huge billboard in front of Barnes & Noble on the corner of 13th Avenue South near 45th Street South), or if you want to have the city ensure that landlords keep their places in a state of good repair rather than supporting "Demolition by Neglect," then please let Jim Hinderaker, Senior planner in the City of Fargo Planning Office know what you think before or at the Wednesday meeting. Jim Hineraker may be contacted at 241-1473 or [jhinderaker@cityoffargo.com](mailto:jhinderaker@cityoffargo.com).

Sincerely yours,

Natasha & Tom Neihart

[neihartteam@cableone.net](mailto:neihartteam@cableone.net)

2106 FK2

May 11, 2009

Dear Neighbor,

We need your support. Steven Stremick, owner of the property on the corner of 13th Avenue South and University Drive South has applied for permission to install a hugh sign over 10 feet wide on his commercial property. Originally he sought approval for a sign nearly 9 feet wide in a cube configuration with four LED panels each with 676 square feet area with a total of over 2700 square feet of signage. This may still be in the works?

This issue is before the planning board this "Wednesday, May 13th at 9:00 AM in the City Commission Room, City Hall, 200 3rd St N. According to Jim Hinderacker, senior planner, the staff is recommending approval for the following reasons:

"1.

No comments (either in favor or against) were received from the neighboring property owners within the 300 foot notification area. To date, your email is the only neighborhood communication that I've received on the matter.

2.

The City of Fargo Comprehensive plan recommends commercial uses in this area.

3.

Staff suggests that the current limitation on the amount of signage (150 sq ft vs. 600 sq ft allowed in the Limited Commercial zoning district) is adequate to provide a buffer from the residential neighborhood to the north and the commercial designation to the south.

After the Planning Commission hearing on Wednesday, this matter will be scheduled for a City Commisison public hearing at a date yet to be determined."

If you object to the ten foot wide commercial sign, if you want this area to remain residential and do not want commercial growth on this corner, if you object to bright LED billboards in the area (for an example of an LED sign that can be changed like a TV screen see the huge billboard in front of Barnes & Noble on the corner of 13th Avenue South near 45th Street South), or if you want to have the city ensure that landlords keep their places in a state of good repair rather than supporting "Demolition by Neglect," then please let Jim Hinderaker, Senior planner in the City of Fargo Planning Office know what you think before or at the Wednesday meeting. Jim Hineraker may be contacted at 241-1473 or [jhinderaker@cityoffargo.com](mailto:jhinderaker@cityoffargo.com).

Sincerely yours,

Natasha & Tom Neihart

[neihartteam@cableone.net](mailto:neihartteam@cableone.net)

2106 FK2

**From:** Kristy and Chuck [ckmf@cableone.net]  
**Sent:** Wednesday, May 13, 2009 12:41 AM  
**To:** James Hinderaker  
**Subject:** Re: Planning Commission Updates

Hi,

I wish I could be there tomorrow as I think I am one of the last members from the sign piece of the LDC. I really hate to see it changed because I remember all the long discussions involved. We worked very hard to ensure the signs weren't a driving distraction or an eyesore to neighborhoods.

I would also like to hear more about the neighborhood meetings. I totally forgot about them.

I just got home...I am a new grandma of a very handsome 8 # 9 oz baby boy. They named him Coby. Everything went well, just a long day.... Unfortunately with an unplanned day off today, I am unable to miss tomorrow. It is so busy right now.

Thanks for the updates. It really helps to feel more informed. Have a good meeting tomorrow.

Kristy Fremstad

----- Original Message -----

**From:** James Hinderaker  
**To:** 'John Paulsen'; 'Jeffrey Morrau'; 'Kristi Fremstad'; 'Catherine Wiley'; 'Kelly Steffes'; 'Jan Ulferts Stewart'; 'Rich Slagle'; 'Peggy Palmes'; 'Dr. John Miller'  
**Cc:** Nicole Crutchfield; Mark Williams; James Gilmour; Brad Wimmer; Brad Wimmer - custom  
**Sent:** Tuesday, May 12, 2009 8:30 AM  
**Subject:** Planning Commission Updates

Good Morning Commissioners,

I have few updates concerning the Board that I'd like to pass along:

1. The 2<sup>nd</sup> full meeting of the Roosevelt/NDSU Neighborhood Plan update is scheduled for this evening (7:00 – 8:00 pm) at the Roosevelt Elementary School. Staff will be presenting the revised draft land-use plan based on all of the public input received to date. We will also be answering questions and soliciting new comments on the plan.
2. A Hawthorne/Jefferson Neighborhood Associations have scheduled a meeting for this evening as well. Mark Williams from the Planning Department and Commissioner Brad Wimmer are scheduled to speak (answer questions) regarding land use issues. The meeting will be held in the library of the Hawthorne Elementary School beginning at 7:30 pm.
3. Staff has received a considerable number of comments and concerns regarding Item No. 3 of the May 13<sup>th</sup> Planning Commission agenda, since the staff report and packets were mailed out. The petitioner, Steven Stremick, is seeking to amend his existing Conditional Overlay to increase the maximum width of monument signage for his property on the corner of University Dr S and 13<sup>th</sup> Ave S. If your able to attend, I like spend a few extra minutes with you before the Planning Commission meeting starts tomorrow morning to brief you on the issues the Board will likely hear. I'd like to start the briefing at 7:45 AM in the Commission Room.
4. During the 8:00 hour at tomorrow's Planning Commission meeting, the Commission will be presented the 2008 Vision Award to the Killbourne Group for their work on The Lofts on Roberts and 300 Broadway.

If you have any questions about any of the above, let me know.

Thanks,  
Page 32

Jim Hinderaker, Senior Planner  
City of Fargo  
200 North 3rd Street  
Fargo, ND 58102

[jhinderaker@cityoffargo.com](mailto:jhinderaker@cityoffargo.com)

(701) 241-1473 Phone  
(701) 241-1526 Fax

**From:** Carl and Polly [wr3060@ideaone.net]  
**Sent:** Tuesday, May 12, 2009 10:31 PM  
**To:** James Hinderaker; 'ncrutchfield@cityoffargo.com'  
**Subject:** sign at 13th and univ

Jim Hinderaker  
Nicole Crutchfield  
 Fargo planning commission

Recently I was made aware of a proposal for the installation of a new "LED type sign" at the corner of University and 13<sup>th</sup> Ave South. The type of sign and the size of the sign at 9 x 9 or 8 x 10 feet would be inappropriate to represent the residential neighborhood that it borders. Especially since the request may be for a 4 sided sign. Another issue not addressed is the safety concerns at an intersection with high vehicle traffic and student pedestrian traffic.

A sign that is based on the square footage of the business property that it represents should be the maximum allowed. I reside on 6<sup>th</sup> Street just east of the proposed location and do not wish to have a sign installation of this size or type be the welcoming signage to my neighborhood.

Please vote against this request for an increase in size and if possible restore it to a size based on property square footage.

Carl Wendelbo  
Board member of the Hawthorne Neighborhood Association  
 Fargo, ND

**From:** LINDA DREGSETH [ldinnd@msn.com]  
**Sent:** Tuesday, May 12, 2009 2:55 PM  
**To:** James Hinderaker  
**Subject:** Re: HAWTHORNE NEIGHBORHOOD COMMERCIAL SIGNAGE

**Jim - thanks for your quick response!!...Linda**

----- Original Message -----

**From:** James Hinderaker  
**To:** 'LINDA DREGSETH'  
**Cc:** Mark Williams ; commission@cityoffargo.com  
**Sent:** Tuesday, May 12, 2009 2:54 PM  
**Subject:** RE: HAWTHORNE NEIGHBORHOOD COMMERCIAL SIGNAGE

Linda,

Thank you for your comments – I will forward them to the various Boards.

In regards to your question about public notification, the city of Fargo is responsible for sending out notices. I can confirm that notices were sent to all property owners within 300 feet of Mr. Stremick's property.

Jim Hinderaker  
241-1473

---

**From:** LINDA DREGSETH [mailto:ldinnd@msn.com]  
**Sent:** Tuesday, May 12, 2009 12:44 PM  
**To:** James Hinderaker  
**Cc:** Mark Williams; commission@cityoffargo.com  
**Subject:** HAWTHORNE NEIGHBORHOOD COMMERCIAL SIGNAGE

Hello Jim!

I'm just sending you a quick email to express my concern for Steven Stremick's proposed signage at his place of business at the corner of 13th Ave South and South University Drive.

I strongly object to his being given a variance to build such a large sign at that corner. Not only is it NOT in keeping with the historic nature of the neighborhood, but I and others I've spoken with feel that these digital signs are very much a distraction to drivers and a safety issue at busy intersections such as the one in question.

I understand that Mr. Stremick was to notify neighbors within 300 feet of his business of this proposed variance? Do you know for a certainty that he's complied with this requirement? Even if no immediate neighbors have stepped forward to object, I would like to submit that these types of issues are not just of concern to those in the immediate vicinity, but to the neighborhood as a whole and all traffic that passes through the intersection.

My objection to this type of signage, whether a monument type sign or, even worse in my opinion, mounted on the roof of this charming historic structure, does not just encompass this particular property. My concern is also about establishing precedent in a historic neighborhood in which we are working so hard to maintain the historic footprint.

I want to strongly encourage the Board of Adjustments, The Planning Commission, and the Fargo City Commission to think long and hard before granting a variance or a change of zoning in this issue. Just because Mr. Stremick wants it isn't reason enough to comply with his wishes. We need to keep measures in place to prevent commercialism from creeping bit by bit into our historic residential neighborhoods, and I very much hope those who are in charge of looking out for the public interest will give this matter VERY careful consideration before allowing this offensive signage to be put in place. It's not about the dog who barks the loudest - it's about what's in the best interest of the neighborhood and the community as a whole.

Thank you in advance for giving this your careful consideration.

Sincerely,  
Page 35

Linda Dregseth  
1205 7th Street South  
Fargo ND 58103  
(701) 280-1419  
[ldinnd@msn.com](mailto:ldinnd@msn.com)

**From:** Neihart [neihartteam@cableone.net]  
**Sent:** Tuesday, May 12, 2009 7:13 AM  
**To:** James Hinderaker  
**Cc:** Neihart  
**Subject:** Fwd: Hawthorne Neighborhood Meeting

Begin forwarded message:

**From:** Neihart <neihartteam@cableone.net>  
**Date:** May 12, 2009 7:10:58 AM CDT  
**To:** Dennis Fisher <dflyfisherman@hotmail.com>, ERIC J DAHLGREN <ericj62@msn.com>, Sid Harrison <sid@sidharrison.com>, RICHARD W MC FARLANE <jamoen1@q.com>, Jamie Langness <info@apttek.us>, Polly Wendelbo <wr3060@ideaone.net>, Mark Williams <mwilliams@cityoffargo.com>, Dawn Morgan <spirit@ideaone.net>, Russell Ford-Dunker <forddunk@gmail.com>, Dawn Mayo <dmayo@cityoffargo.com>, Nicole Crutchfield <ncrutchfield@cityoffargo.com>, David Smith <dfsi@cableone.net>, Natasha Montes <dmontes@q.com>, Linda Dregseth <ldinnd@msn.com>, Joel Quanbeck <joel.quanbeck@ulfeig.com>  
**Cc:** Tom Neihart <neihartteam@cableone.net>  
**Subject:** Fwd: Hawthorne Neighborhood Meeting

Jim Hinderaker,

We have one goal, to preserve the historic character of the neighborhood. This goal is a common goal for three groups effected by the decisions being made on the corner of 13th Avenue South and University Drive South - Hawthorne Neighborhood Association (HNA), Erskines Addition Historic District Overlay Association Team (EA-DOT), and Jefferson Area Neighborhood Association (JANA).

A commercial business or a commercial area does not have to offend the eye. Numerous examples exist in this country:

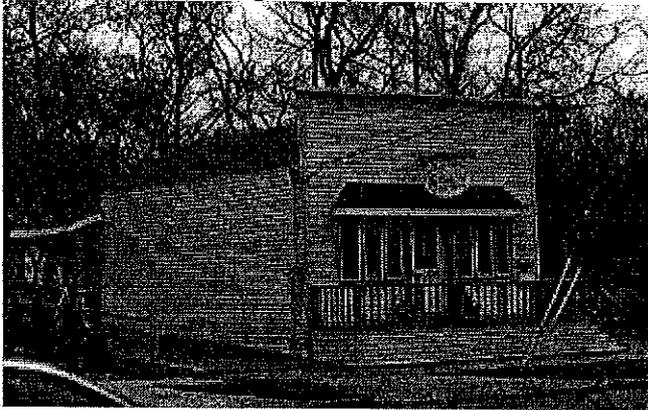
1. I am told that Summit Hill in St Paul is one area that has managed to preserve their historic look (<http://www.summithillassociation.org>).

Page 17 The Bird's Nest, currently a realty office in Newport, Rhode Island; is one of the best that I am familiar



with (

3. Park Island Salon, 505 13th Avenue South is a good example of what we are trying to maintain along HNA's borders. This building is 87 years old and still has an historic



character.

Stephen Stremick's office is in a building that is 100 years old. It is unfortunate that it has been corrupted with modern windows and now he wants to add an offensive sign that belongs in Las Vegas not Fargo. How ironic that "Art & Learn" has been converted to a warehouse instead of an artistic model of turn of the century architecture with the graceful proportions that were characteristic of a time when we relied on craftsmanship instead of computer aided design.

Fargo's history is unique and will become more valuable with every passing year. The city's southern growth has plenty of examples of what happens when there is not a vision of preserving a sense of style. We have a vision and it is an idea that captures the mind of preservationists here in the historic part of town. The homes on University Drive South between 10th Avenue South and 13th Avenue South date from 1882 to 1948. Seventy-five percent of them were built between 1922 & 1929. Putting a ten foot sign lit by LEDs is out of character and a gross imposition on all neighbors, not just those that live within 300 feet of this corner.

Natasha Neihart

Begin forwarded message:

From: James Hinderaker <JHinderaker@cityoffargo.com>  
Date: May 11, 2009 10:40:16 PM CDT  
To: Neihart <neihartteam@cableone.net>  
Subject: RE: Hawthorne Neighborhood Meeting

Natasha,

There are two applications in play: All rezone comments should be forwarded to me and all comments regarding the sign permit should go to Mark.

1. The rezone (amendment of the Conditional Overlay) to increase the maximum width of any monument signage from 8.0 feet to 10.0 feet. This is not an application for a specific sign. It simply establishes that allowable size of any future signage. If the zone change is approved, I suspect Mr. Stremick will move forward with an application for the cube monument sign.

2. An application for two roof mount signs has been submitted to the city for review. All roof mount signs require approval from the Board of Adjustment. Mr. Stremick has indicated that if his rezone is not approved, he plans to mount the close to the maximum allowable signage on the roof of the building instead of the cube monument sign.

I believe Mr. Stremick's strategy is to argue that the monument sign is less of an impact on the neighborhood than the roof signs.

Jim Hinderaker  
241-1473

---

From: Neihart [neihartteam@cableone.net]  
Sent: Monday, May 11, 2009 1:46 PM  
To: James Hinderaker  
Cc: Neihart  
Subject: Re: Hawthorne Neighborhood Meeting

Jim,

Is Mr. Stremick still seeking an LED sign? Also is he still seeking a cube configuration with signs on four faces of a cubic configuration for the sign support?

Also, may I suggest that you ask Mark Williams to forward any emails on this subject. It is my understanding that several citizens have written to him, objecting to the signage. We were led to believe that we should address our concerns to Mark Williams as contact for the Board of Adjustments.

Sincerely, Natasha Neihart

On May 11, 2009, at 10:07 AM, James Hinderaker wrote:

Natasha,

Thank you for your comments.

Public comment/input is an extremely important part of the land-use planning process, and for that matter public policy in general, as these policies guide our elected officials. These policies ultimately shape the rules and regulations we all live by. However, once the rules are established, as Mark pointed out, the city (staff, Board of Adjustment, City Commission, etc) are bound to adhere to them. This doesn't mean that the rules can't be changed, but there is a process that must be followed.

While I suspect you have much broader concerns regarding the Hawthorne neighborhood, the immediate focus seems to be on the property located at the northeast corner of University and 13th Ave S. As you indicated, the property is owned by Mr. Steven Stremick. The majority of the property is zoned Limited Commercial with a Conditional Overlay that limits uses to those allowed in the Neighborhood Commercial zoning district. It also limits the amount of signage from 3 square feet of signage per linear foot of frontage (200 feet) to 150 square feet. Also the signage either has to be either a monument sign or mounted on the building. The Conditional Overlay limits the size of the monument sign to be no taller than 8.5 feet tall or 8.0 feet wide. Based on some confusion on how the city measures signs and the inability to erect the type of sign he was planning to place, Mr. Stremick is seeking to amend his Conditional Overlay to expand the allowable width from 8.0 feet to 10.0 feet.

Initial, Mr. Stremick sought a variance, but once I informed him that the Board of Adjustment does not have the authority to grant him the relief he seeks, he modified his application to a rezone that is intended to amend the Conditional Overlay. This item is scheduled to be heard this Wednesday, May 13th at 9:00 AM in the

Page 40 City Commission Room, City Hall, 200 3rd St N. At this point staff is recommending approval for the following reasons:

1.

No comments (either in favor or against) were received from the neighboring property owners within the 300 foot notification area. To date, your email is the only neighborhood communication that I've received on the matter.

2.

The City of Fargo Comprehensive plan recommends commercial uses in this area.

3.

Staff suggests that the current limitation on the amount of signage (150 sq ft vs. 600 sq ft allowed in the Limited Commercial zoning district) is adequate to provide a buffer from the residential neighborhood to the north and the commercial designation to the south.

After the Planning Commission hearing on Wednesday, this matter will be scheduled for a City Commission public hearing at a date yet to be determined.

As an alternative to the rezone proposal, Mr. Stremick has also filed a sign permit application to place roof mounted signs on his property (again on the corner of University and 13th Ave S). I believe this is the permit application that you discussed with Mr. Williams from the planning office. Mr. Williams is correct in stating to that the Board of Adjustment is limited in their ability to deny this request. In this case, a roof mount sign is required to have a structural engineers stamp of approval and be under the total amount of signage allowed. If these conditions are met the Board of Adjustment, in my opinion, is bound to approve the request.

Again, these are the current rules in place. It doesn't mean that,

Page 44 based on public comment, the land-use policies in this area can't change.

Jim Hinderaker

241-1473

---

From: Neihart [[neihartteam@cableone.net](mailto:neihartteam@cableone.net)]  
Sent: Saturday, May 09, 2009 11:27 AM  
To: James Hinderaker  
Cc: Neihart  
Subject: Re: Hawthorne Neighborhood Meeting

Jim Hinder,

Thank you for sending a rep to the HNA meeting.

I have spoken to Mark Williams, and I am concerned that he sees the job of the Board of Commissioners as strictly a scientific one. That any variances will be voted on the basis of sound engineering design only. When I pointed out to him that the mission statement of the board of adjustments "The board can grant variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the zoning code and will not be contrary to the public interest." He said that in the past when they they voted down a request for a sign in a car dealership, they later passed the request because the dealership owner threatened to sue the city. So he clearly feels that public interest is not in the board of commissions purview.

Page 42 What is this the view being held by members of the planning department? And what is the position of the Board of Adjustments? Are you working in the best interest of the public? Or are you running scared from the "fear of being sued?"

We have plenty of citizens that oppose the variance for a grotesque sign being sought by Steven Stremick on the basis of public safety and city aesthetics. The light from such a large sign would be visible for several blocks in all four cardinal directions. The LED lights would be annoying to dozens of home owners in each direction as well as all neighbors and citizens of Fargo who pass through the intersection of 13th Avenue South and University Drive South.

Please respond at your earliest convenience; next Wednesday this issue is on the Planning Boards agenda. We need to know that our interests are being given due consideration.

Sincerely yours,

Natasha Neihart

PI

On May 7, 2009, at 2:05 PM, James Hinderaker wrote:

Natasha,

I just wanted to pass along that in addition to Commissioner Brad Wimmer, Mark Williams from the Planning Office will be attending the Tuesday, May 12th Hawthorne Neighborhood Association meeting @ the Hawthorne Library. I would personally attend, but I'm hosting a public input meeting on Tuesday evening regarding the land use plan update to Roosevelt/NDSU Neighborhood meeting.

Let me know if you have any questions.

Jim Hinderaker, Senior Planner  
City of Fargo

Page 49  
200 North 3rd Street  
Fargo, ND 58102

[jhinderaker@cityoffargo.com](mailto:jhinderaker@cityoffargo.com)<<mailto:jhinderaker@cityoffargo.com>>

(701) 241-1473 Phone

(701) 241-1526 Fax

**From:** Carl and Polly [wr3060@ideaone.net]  
**Sent:** Tuesday, May 12, 2009 10:31 PM  
**To:** James Hinderaker; 'ncrutchfield@cityoffargo.com'  
**Subject:** sign at 13th and univ

Jim Hinderaker  
Nicole Crutchfield  
Fargo planning commission

Recently I was made aware of a proposal for the installation of a new "LED type sign" at the corner of University and 13<sup>th</sup> Ave South. The type of sign and the size of the sign at 9 x 9 or 8 x 10 feet would be inappropriate to represent the residential neighborhood that it borders. Especially since the request may be for a 4 sided sign. Another issue not addressed is the safety concerns at an intersection with high vehicle traffic and student pedestrian traffic.

A sign that is based on the square footage of the business property that it represents should be the maximum allowed. I reside on 6<sup>th</sup> Street just east of the proposed location and do not wish to have a sign installation of this size or type be the welcoming signage to my neighborhood.

Please vote against this request for an increase in size and if possible restore it to a size based on property square footage.

Carl Wendelbo  
Board member of the Hawthorne Neighborhood Association  
Fargo, ND

**From:** LINDA DREGSETH [ldinnd@msn.com]  
**Sent:** Tuesday, May 12, 2009 2:55 PM  
**To:** James Hinderaker  
**Subject:** Re: HAWTHORNE NEIGHBORHOOD COMMERCIAL SIGNAGE

**Jim - thanks for your quick response!!...Linda**

----- Original Message -----

**From:** James Hinderaker  
**To:** 'LINDA DREGSETH'  
**Cc:** Mark Williams ; [commission@cityoffargo.com](mailto:commission@cityoffargo.com)  
**Sent:** Tuesday, May 12, 2009 2:54 PM  
**Subject:** RE: HAWTHORNE NEIGHBORHOOD COMMERCIAL SIGNAGE

Linda,

Thank you for your comments – I will forward them to the various Boards.

In regards to your question about public notification, the city of Fargo is responsible for sending out notices. I can confirm that notices were sent to all property owners within 300 feet of Mr. Stremick's property.

Jim Hinderaker  
241-1473

---

**From:** LINDA DREGSETH [mailto:ldinnd@msn.com]  
**Sent:** Tuesday, May 12, 2009 12:44 PM  
**To:** James Hinderaker  
**Cc:** Mark Williams; [commission@cityoffargo.com](mailto:commission@cityoffargo.com)  
**Subject:** HAWTHORNE NEIGHBORHOOD COMMERCIAL SIGNAGE

Hello Jim!

I'm just sending you a quick email to express my concern for Steven Stremick's proposed signage at his place of business at the corner of 13th Ave South and South University Drive.

I strongly object to his being given a variance to build such a large sign at that corner. Not only is it NOT in keeping with the historic nature of the neighborhood, but I and others I've spoken with feel that these digital signs are very much a distraction to drivers and a safety issue at busy intersections such as the one in question.

I understand that Mr. Stremick was to notify neighbors within 300 feet of his business of this proposed variance? Do you know for a certainty that he's complied with this requirement? Even if no immediate neighbors have stepped forward to object, I would like to submit that these types of issues are not just of concern to those in the immediate vicinity, but to the neighborhood as a whole and all traffic that passes through the intersection.

My objection to this type of signage, whether a monument type sign or, even worse in my opinion, mounted on the roof of this charming historic structure, does not just encompass this particular property. My concern is also about establishing precedent in a historic neighborhood in which we are working so hard to maintain the historic footprint.

I want to strongly encourage the Board of Adjustments, The Planning Commission, and the Fargo City Commission to think long and hard before granting a variance or a change of zoning in this issue. Just because Mr. Stremick wants it isn't reason enough to comply with his wishes. We need to keep measures in place to prevent commercialism from creeping bit by bit into our historic residential neighborhoods, and I very much hope those who are in charge of looking out for the public interest will give this matter VERY careful consideration before allowing this offensive signage to be put in place. It's not about the dog who barks the loudest - it's about what's in the best interest of the neighborhood and the community as a whole.

Thank you in advance for giving this your careful consideration.

Sincerely,  
Page 46

Linda Dregseth  
1205 7th Street South  
Fargo ND 58103  
(701) 280-1419  
[ldinnd@msn.com](mailto:ldinnd@msn.com)

**From:** LINDA DREGSETH [ldinnd@msn.com]  
**Sent:** Tuesday, May 12, 2009 12:44 PM  
**To:** James Hinderaker  
**Cc:** Mark Williams; commission@cityoffargo.com  
**Subject:** HAWTHORNE NEIGHBORHOOD COMMERCIAL SIGNAGE

Hello Jim!

I'm just sending you a quick email to express my concern for Steven Stremick's proposed signage at his place of business at the corner of 13th Ave South and South University Drive.

I strongly object to his being given a variance to build such a large sign at that corner. Not only is it NOT in keeping with the historic nature of the neighborhood, but I and others I've spoken with feel that these digital signs are very much a distraction to drivers and a safety issue at busy intersections such as the one in question.

I understand that Mr. Stremick was to notify neighbors within 300 feet of his business of this proposed variance? Do you know for a certainty that he's complied with this requirement? Even if no immediate neighbors have stepped forward to object, I would like to submit that these types of issues are not just of concern to those in the immediate vicinity, but to the neighborhood as a whole and all traffic that passes through the intersection.

My objection to this type of signage, whether a monument type sign or, even worse in my opinion, mounted on the roof of this charming historic structure, does not just encompass this particular property. My concern is also about establishing precedent in a historic neighborhood in which we are working so hard to maintain the historic footprint.

I want to strongly encourage the Board of Adjustments, The Planning Commission, and the Fargo City Commission to think long and hard before granting a variance or a change of zoning in this issue. Just because Mr. Stremick wants it isn't reason enough to comply with his wishes. We need to keep measures in place to prevent commercialism from creeping bit by bit into our historic residential neighborhoods, and I very much hope those who are in charge of looking out for the public interest will give this matter VERY careful consideration before allowing this offensive signage to be put in place. It's not about the dog who barks the loudest - it's about what's in the best interest of the neighborhood and the community as a whole.

Thank you in advance for giving this your careful consideration.

Sincerely

Linda Dregseth  
1205 7th Street South  
Fargo ND 58103  
(701) 280-1419  
[ldinnd@msn.com](mailto:ldinnd@msn.com)

May 11, 2009

Dear Neighbor,

We need your support. Steven Stremick, owner of the property on the corner of 13th Avenue South and University Drive South has applied for permission to install a hugh sign over 10 feet wide on his commercial property. Originally he sought approval for a sign nearly 9 feet wide in a cube configuration with four LED panels each with 676 square feet area with a total of over 2700 square feet of signage. This may still be in the works?

This issue is before the planning board this "Wednesday, May 13th at 9:00 AM in the City Commission Room, City Hall, 200 3rd St N. According to Jim Hinderacker, senior planner, the staff is recommending approval for the following reasons:

"1.

No comments (either in favor or against) were received from the neighboring property owners within the 300 foot notification area. To date, your email is the only neighborhood communication that I've received on the matter.

2.

The City of Fargo Comprehensive plan recommends commercial uses in this area.

3.

Staff suggests that the current limitation on the amount of signage (150 sq ft vs. 600 sq ft allowed in the Limited Commercial zoning district) is adequate to provide a buffer from the residential neighborhood to the north and the commercial designation to the south.

After the Planning Commission hearing on Wednesday, this matter will be scheduled for a City Commisson public hearing at a date yet to be determined."

If you object to the ten foot wide commercial sign, if you want this area to remain residential and do not want commercial growth on this corner, if you object to bright LED billboards in the area (for an example of an LED sign that can be changed like a TV screen see the huge billboard in front of Barnes & Noble on the corner of 13th Avenue South near 45th Street South), or if you want to have the city ensure that landlords keep their places in a state of good repair rather than supporting "Demolition by Neglect," then please let Jim Hinderaker, Senior planner in the City of Fargo Planning Office know what you think before or at the Wednesday meeting. Jim Hineraker may be contacted at 241-1473 or [jhinderaker@cityoffargo.com](mailto:jhinderaker@cityoffargo.com).

Sincerely yours,

Natasha & Tom Neihart

neihartteam@cableone.net

2106 FK2

**James Hinderaker**

---

**From:** Russell and Colleen Ford-Dunker [forddunk@gmail.com]  
**Sent:** Monday, May 11, 2009 5:07 PM  
**To:** James Hinderaker  
**Cc:** neihartteam@cableone.net; Dawn Morgan  
**Subject:** Electronic sign impact on Jefferson neighborhood

Dear Mr. Hinderaker,

I'm writing as a resident of the Jefferson neighborhood and a member of the Jefferson Area Neighborhood Association. I received a copy of your e-mail to Natasha Neihart regarding the proposed sign at the Steven Stremick property at the corner of S. University and 13th Avenue.

We have been observing developments on this corner and the opposite corner with growing concern. Specifically, we are concerned about encroachment of commercial interests into a residential neighborhood, and deterioration of quality of life and property values in the neighborhood due to replacement of historic residential properties with incompatible structures and signs.

In this case, our concern is that a large electronic sign facing north and/or west would be visible and annoying to numerous residents living to the north and west of the Stremick property. In your reply to Natasha, you stated, "1. No comments (either in favor or against) were received from the neighboring property owners within the 300 foot notification area." Is it presumed an electronic sign will only impact those living within 300 feet? I would suggest the sign will be visual pollution to anyone living within 3,000 feet. Did the notice include a complete description of the sign?

I would not object to a sign facing the traffic and commercial district to the south. I strongly object to any electronic sign that would be visible from the residential neighborhood to the north. Enough damage has already been done on both sides of University Drive at 13th Avenue. I urge you to consider the additional negative impact an electronic sign will have on this neighborhood.

Respectfully,

Russell Ford-Dunker  
1431 5th Ave S  
701-238-9995

**From:** Spirit Room [spirit@ideaone.net]  
**Sent:** Monday, May 11, 2009 4:06 PM  
**To:** James Hinderaker  
**Subject:** sign at University and 13th ave

Hi Jim ~

I just talked to Natasha about the proposed sign.  
It sounds to her that there has been a change in the dimensions  
requested for approval of the sign.  
We would like to know if it is still a LED sign with a moving message.

The Jefferson Neighborhood board is in opposition to the sign because it appears to be two sided and  
would negatively impact the residences across University drive to the west.

Please get back to us as to the features of the sign that is being requested for approval.

Thanks!  
Dawn

**James Hinderaker**

---

**From:** Neihart [neihartteam@cableone.net]  
**Sent:** Monday, May 11, 2009 1:47 PM  
**To:** James Hinderaker  
**Cc:** Neihart  
**Subject:** Re: Hawthorne Neighborhood Meeting

Jim,

Is Mr Stremick still seeking an LED sign? Also is he still seeking a cube configuration with signs on four faces of a cubic configuration for the sign support?

Also, may I suggest that you ask Mark Williams to forward any emails on this subject. It is my understanding that several citizens have written to him, objecting to the signage. We were led to believe that we should address our concerns to Mark Williams as contact for the Board of Adjustments.

Sincerely, Natasha Neihart

On May 11, 2009, at 10:07 AM, James Hinderaker wrote:

> Natasha,  
>  
> Thank you for your comments.  
>  
> Public comment/input is an extremely important part of the land-use  
> planning process, and for that matter public policy in general, as  
> these policies guide our elected officials. These policies ultimately  
> shape the rules and regulations we all live by. However, once the  
> rules are established, as Mark pointed out, the city (staff, Board of  
> Adjustment, City Commission, etc) are bound to adhere to them. This  
> doesn't mean that the rules can't be changed, but there is a process  
> that must be followed.  
>  
> While I suspect you have much broader concerns regarding the Hawthorne  
> neighborhood, the immediate focus seems to be on the property located  
> at the northeast corner of University and 13th Ave  
> S. As you indicated, the property is owned by Mr. Steven  
> Stremick. The majority of the property is zoned Limited Commercial  
> with a Conditional Overlay that limits uses to those allowed in the  
> Neighborhood Commercial zoning district. It also limits the amount of  
> signage from 3 square feet of signage per linear foot of frontage (200  
> feet) to 150 square feet. Also the signage either has to be either a  
> monument sign or mounted on the building. The Conditional Overlay  
> limits the size of the monument sign to be no taller than  
> 8.5 feet tall or 8.0 feet wide. Based on some confusion on how the  
> city measures signs and the inability to erect the type of sign he was  
> planning to place, Mr. Stremick is seeking to amend his Conditional  
> Overlay to expand the allowable width from 8.0 feet to 10.0 feet.  
>  
> Initial, Mr. Stremick sought a variance, but once I informed him that  
> the Board of Adjustment does not have the authority to grant him the  
> relief he seeks, he modified his application to a rezone that is  
> intended to amend the Conditional Overlay. This item is scheduled to  
> be heard this Wednesday, May 13th at 9:00 AM in the City Commission

> Room, City Hall, 200 3rd St N. At this point staff is recommending  
> approval for the following reasons:

- >
- > 1.
- > No comments (either in favor or against) were received from the  
> neighboring property owners within the 300 foot notification area.
- > To date, your email is the only neighborhood communication that I've  
> received on the matter.
- > 2.
- > The City of Fargo Comprehensive plan recommends commercial uses in  
> this area.
- > 3.
- > Staff suggests that the current limitation on the amount of signage  
> (150 sq ft vs. 600 sq ft allowed in the Limited Commercial zoning  
> district) is adequate to provide a buffer from the residential  
> neighborhood to the north and the commercial designation to the south.
- >
- > After the Planning Commission hearing on Wednesday, this matter will  
> be scheduled for a City Commission public hearing at a date yet to be  
> determined.

>

> As an alternative to the rezone proposal, Mr. Stremick has also  
> filed a sign permit application to place roof mounted signs on his  
> property (again on the corner of University and 13th Ave S). I  
> believe this is the permit application that you discussed with Mr.  
> Williams from the planning office. Mr. Williams is correct in  
> stating to that the Board of Adjustment is limited in their ability  
> to deny this request. In this case, a roof mount sign is required  
> to have a structural engineers stamp of approval and be under the  
> total amount of signage allowed. If these conditions are met the  
> Board of Adjustment, in my opinion, is bound to approve the request.

>

> Again, these are the current rules in place. It doesn't mean that,  
> based on public comment, the land-use policies in this area can't  
> change.

>

> Jim Hinderaker

>

> 241-1473

>

---

> From: Neihart [neihartteam@cableone.net]  
> Sent: Saturday, May 09, 2009 11:27 AM  
> To: James Hinderaker  
> Cc: Neihart  
> Subject: Re: Hawthorne Neighborhood Meeting

> Page 53  
> Hinder,

>  
> Thank you for sending a rep to the HNA meeting.

>  
> I have spoken to Mark Williams, and I am concerned that he sees the  
> job of the Board of Commissioners as strictly a scientific one.  
> That any variances will be voted on the basis of sound engineering  
> design only. When I pointed out to him that the mission statement  
> of the board of adjustments "The board can grant variances only when  
> it is demonstrated that such actions will be in keeping with the  
> spirit and intent of the zoning code and will not be contrary to the  
> public interest." He said that in the past when they they voted  
> down a request for a sign in a car dealership, they later passed  
> the request because the dealership owner threatened to sue the city.  
> So he clearly feels that public interest is not in the board of  
> commissions purview.

>  
> What is this the view being held by members of the planning  
> department? And what is the position of the Board of Adjustments?  
> Are you working in the best interest of the public? Or are you  
> running scared from the "fear of being sued?"

>  
> We have plenty of citizens that oppose the variance for a grotesque  
> sign being sought by Steven Stremick on the basis of public safety  
> and city aesthetics. The light from such a large sign would be  
> visible for several blocks in all four cardinal directions. The LED  
> lights would be annoying to dozens of home owners in each direction  
> as well as all neighbors and citizens of Fargo who pass through the  
> intersection of 13th Avenue South and University Drive South.

>  
> Please respond at your earliest convenience; next Wednesday this  
> issue is on the Planning Boards agenda. We need to know that our  
> interests are being given due consideration.

>  
> Sincerely yours,

>  
> Natasha Neihart

>  
> Pl

> On May 7, 2009, at 2:05 PM, James Hinderaker wrote:

>  
> Natasha,

>  
> I just wanted to pass along that in addition to Commissioner Brad  
> Wimmer, Mark Williams from the Planning Office will be attending the  
> Tuesday, May 12th Hawthorne Neighborhood Association meeting @ the  
> Hawthorne Library. I would personally attend, but I'm hosting a  
> public input meeting on Tuesday evening regarding the land use plan  
> update to Roosevelt/NDSU Neighborhood meeting.

>  
> Let me know if you have any questions.

>  
> Jim Hinderaker, Senior Planner  
> City of Fargo  
> 200 North 3rd Street  
> Fargo, ND 58102

Page 54  
> jhinderaker@cityoffargo.com<mailto:jhinderaker@cityoffargo.com>  
>  
> (701) 241-1473 Phone  
> (701) 241-1526 Fax  
>  
>

**From:** Russell and Colleen Ford-Dunker [forddunk@gmail.com]  
**Sent:** Monday, May 11, 2009 5:07 PM  
**To:** James Hinderaker  
**Cc:** neihartteam@cableone.net; Dawn Morgan  
**Subject:** Electronic sign impact on Jefferson neighborhood

Dear Mr. Hinderaker,

I'm writing as a resident of the Jefferson neighborhood and a member of the Jefferson Area Neighborhood Association. I received a copy of your e-mail to Natasha Neihart regarding the proposed sign at the Steven Stremick property at the corner of S. University and 13th Avenue.

We have been observing developments on this corner and the opposite corner with growing concern. Specifically, we are concerned about encroachment of commercial interests into a residential neighborhood, and deterioration of quality of life and property values in the neighborhood due to replacement of historic residential properties with incompatible structures and signs.

In this case, our concern is that a large electronic sign facing north and/or west would be visible and annoying to numerous residents living to the north and west of the Stremick property. In your reply to Natasha, you stated, "1. No comments (either in favor or against) were received from the neighboring property owners within the 300 foot notification area." Is it presumed an electronic sign will only impact those living within 300 feet? I would suggest the sign will be visual pollution to anyone living within 3,000 feet. Did the notice include a complete description of the sign?

I would not object to a sign facing the traffic and commercial district to the south. I strongly object to any electronic sign that would be visible from the residential neighborhood to the north. Enough damage has already been done on both sides of University Drive at 13th Avenue. I urge you to consider the additional negative impact an electronic sign will have on this neighborhood.

Respectfully,

Russell Ford-Dunker  
1431 5th Ave S  
701-238-9995

**From:** Mark Johnson [markj1975@msn.com]  
**Sent:** Monday, May 11, 2009 10:22 PM  
**To:** James Hinderaker  
**Cc:** Mark Johnson  
**Subject:** Sign on 13th Ave S & University Drive S

Hi Jim--

I am writing to you regarding the proposed sign at 13th Ave S & University Drive S on the NE corner. I recently learned that the sign that was originally limited to 8' wide by 8.5' tall is now proposed to be 10' wide.

While I appreciate that the City was able to put together a compromise with this owner on the zoning to reduce the signage allowance, in an effort to acknowledge the neighborhood, I was disappointed to hear about the actual size that was originally approved. I was further disappointed to learn about what the proposed sign actually was, a 4-sided LED sign. This type of sign is in a whole other category, in my opinion, from the static displays that signs have historically been. Also, the fact that a 4 sided sign is treated as is it only has two sides when it comes to SF calculations is odd at best.

Now, with the owner of this property coming forward with an even larger sign, I must write in opposition to this proposal. The high traffic of this intersection, paired with a large, electronic sign, is difficult to swallow. One only needs to look at the large number of electronic billboards that have appeared in the last year to see that these are a distraction. Now, this owner is proposing scaling this concept down, at one of the busiest intersections in town. There's just too much going on at this intersection with a one-way and two-way converging, multiple lanes moving east and west, a double right turn lane from south to east, well you know it, you've been there.

I realize that this change doesn't take into account the fact that it's an electronic sign (which is a whole other topic), but given the size that's already been compromised to, I feel that it plenty of area to get his message across. What's going to stop this owner from coming back next month and asking for 11'? You have already compromised, he can deal with it. This property is still a part of a residential neighborhood and should be able to acknowledge that.

I appreciate your time, and please pass this along to the other members of your staff and the planning commission that are involved with this particular topic.

Mark Johnson  
Jefferson Area Neighborhood Assoc - Treasurer  
1413 3rd Ave S  
Fargo

---

 EMAILING FOR THE GREATER GOOD  
[Join me](#)

**From:** Neihart [neihartteam@cableone.net]  
**Sent:** Monday, May 11, 2009 1:47 PM  
**To:** James Hinderaker  
**Cc:** Neihart  
**Subject:** Re: Hawthorne Neighborhood Meeting

Jim,

Is Mr Stremick still seeking an LED sign? Also is he still seeking a cube configuration with signs on four faces of a cubic configuration for the sign support?

Also, may I suggest that you ask Mark Williams to forward any emails on this subject. It is my understanding that several citizens have written to him, objecting to the signage. We were led to believe that we should address our concerns to Mark Williams as contact for the Board of Adjustments.

Sincerely, Natasha Neihart

On May 11, 2009, at 10:07 AM, James Hinderaker wrote:

> Natasha,  
>  
> Thank you for your comments.  
>  
> Public comment/input is an extremely important part of the land-use  
> planning process, and for that matter public policy in general, as  
> these policies guide our elected officials. These policies ultimately  
> shape the rules and regulations we all live by. However, once the  
> rules are established, as Mark pointed out, the city (staff, Board of  
> Adjustment, City Commission, etc) are bound to adhere to them. This  
> doesn't mean that the rules can't be changed, but there is a process  
> that must be followed.  
>  
> While I suspect you have much broader concerns regarding the Hawthorne  
> neighborhood, the immediate focus seems to be on the property located  
> at the northeast corner of University and 13th Ave  
> S. As you indicated, the property is owned by Mr. Steven  
> Stremick. The majority of the property is zoned Limited Commercial  
> with a Conditional Overlay that limits uses to those allowed in the  
> Neighborhood Commercial zoning district. It also limits the amount of  
> signage from 3 square feet of signage per linear foot of frontage (200  
> feet) to 150 square feet. Also the signage either has to be either a  
> monument sign or mounted on the building. The Conditional Overlay  
> limits the size of the monument sign to be no taller than  
> 8.5 feet tall or 8.0 feet wide. Based on some confusion on how the  
> city measures signs and the inability to erect the type of sign he was  
> planning to place, Mr. Stremick is seeking to amend his Conditional  
> Overlay to expand the allowable width from 8.0 feet to 10.0 feet.  
>  
> Initial, Mr. Stremick sought a variance, but once I informed him that  
> the Board of Adjustment does not have the authority to grant him the  
> relief he seeks, he modified his application to a rezone that is  
> intended to amend the Conditional Overlay. This item is scheduled to  
> be heard this Wednesday, May 13th at 9:00 AM in the City Commission

Page 58 City Hall, 200 3rd St N. At this point staff is recommending

> approval for the following reasons:

- >
- > 1.
- > No comments (either in favor or against) were received from the
- > neighboring property owners within the 300 foot notification area.
- > To date, your email is the only neighborhood communication that I've
- > received on the matter.
- > 2.
- > The City of Fargo Comprehensive plan recommends commercial uses in
- > this area.
- > 3.
- > Staff suggests that the current limitation on the amount of signage
- > (150 sq ft vs. 600 sq ft allowed in the Limited Commercial zoning
- > district) is adequate to provide a buffer from the residential
- > neighborhood to the north and the commercial designation to the south.
- >
- > After the Planning Commission hearing on Wednesday, this matter will
- > be scheduled for a City Commission public hearing at a date yet to be
- > determined.

>

> As an alternative to the rezone proposal, Mr. Stremick has also

> filed a sign permit application to place roof mounted signs on his

> property (again on the corner of University and 13th Ave S). I

> believe this is the permit application that you discussed with Mr.

> Williams from the planning office. Mr. Williams is correct in

> stating to that the Board of Adjustment is limited in their ability

> to deny this request. In this case, a roof mount sign is required

> to have a structural engineers stamp of approval and be under the

> total amount of signage allowed. If these conditions are met the

> Board of Adjustment, in my opinion, is bound to approve the request.

>

> Again, these are the current rules in place. It doesn't mean that,

> based on public comment, the land-use policies in this area can't

> change.

>

>

>

> Jim Hinderaker

>

> 241-1473

>

---

> From: Neihart [neihartteam@cableone.net]

> Sent: Saturday, May 09, 2009 11:27 AM

> To: James Hinderaker

> Cc: Neihart

> Subject: Re: Hawthorne Neighborhood Meeting

>Page 59  
>Order,

>

> Thank you for sending a rep to the HNA meeting.

>

> I have spoken to Mark Williams, and I am concerned that he sees the  
> job of the Board of Commissioners as strictly a scientific one.  
> That any variances will be voted on the basis of sound engineering  
> design only. When I pointed out to him that the mission statement  
> of the board of adjustments "The board can grant variances only when  
> it is demonstrated that such actions will be in keeping with the  
> spirit and intent of the zoning code and will not be contrary to the  
> public interest." He said that in the past when they they voted  
> down a request for a sign in a car dealership, they later passed  
> the request because the dealership owner threatened to sue the city.  
> So he clearly feels that public interest is not in the board of  
> commissions purview.

>

> What is this the view being held by members of the planning  
> department? And what is the position of the Board of Adjustments?  
> Are you working in the best interest of the public? Or are you  
> running scared from the "fear of being sued?"

>

> We have plenty of citizens that oppose the variance for a grotesque  
> sign being sought by Steven Stremick on the basis of public safety  
> and city aesthetics. The light from such a large sign would be  
> visible for several blocks in all four cardinal directions. The LED  
> lights would be annoying to dozens of home owners in each direction  
> as well as all neighbors and citizens of Fargo who pass through the  
> intersection of 13th Avenue South and University Drive South.

>

> Please respond at your earliest convenience; next Wednesday this  
> issue is on the Planning Boards agenda. We need to know that our  
> interests are being giving due consideration.

>

> Sincerely yours,

>

> Natasha Neihart

>

> Pl

> On May 7, 2009, at 2:05 PM, James Hinderaker wrote:

>

> Natasha,

>

> I just wanted to pass along that in addition to Commissioner Brad  
> Wimmer, Mark Williams from the Planning Office will be attended the  
> Tuesday, May 12th Hawthorne Neighborhood Association meeting @ the  
> Hawthorne Library. I would personally attend, but I'm hosting a  
> public input meeting on Tuesday evening regarding the land use plan  
> update to Roosevelt/NDSU Neighborhood meeting.

>

> Let me know if you have any questions.

>

> Jim Hinderaker, Senior Planner

> City of Fargo

> 200 North 3rd Street

> Fargo, ND 58102

>

Page 66  
> jhinderaker@cityoffargo.com<mailto:jhinderaker@cityoffargo.com>

>

> (701) 241-1473 Phone

> (701) 241-1526 Fax

>

>

**From:** Neihart [neihartteam@cableone.net]  
**Sent:** Saturday, May 09, 2009 11:27 AM  
**To:** James Hinderaker  
**Cc:** Neihart  
**Subject:** Re: Hawthorne Neighborhood Meeting

Jim Hinder,

Thank you for sending a rep to the HNA meeting.

I have spoken to Mark Williams, and I am concerned that he sees the job of the Board of Commissioners as strictly a scientific one. That any variances will be voted on the basis of sound engineering design only. When I pointed out to him that the mission statement of the board of adjustments "The board can grant variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the zoning code and will not be contrary to the public interest." He said that in the past when they they voted down a request for a sign in a car dealership, they later passed the request because the dealership owner threatened to sue the city. So he clearly feels that public interest is not in the board of commissions purview.

What is this the view being held by members of the planning department? And what is the position of the Board of Adjustments? Are you working in the best interest of the public? Or are you running scared from the "fear of being sued?"

We have plenty of citizens that oppose the variance for a grotesque sign being sought by Steven Stremick on the basis of public safety and city aesthetics. The light from such a large sign would be visible for several blocks in all four cardinal directions. The LED lights would be annoying to dozens of home owners in each direction as well as all neighbors and citizens of Fargo who pass through the intersection of 13th Avenue South and University Drive South.

Please respond at your earliest convenience; next Wednesday this issue is on the Planning Boards agenda. We need to know that our interests are being giving due consideration.

Sincerely yours,

Natasha Neihart

Pl

On May 7, 2009, at 2:05 PM, James Hinderaker wrote:

Natasha,

I just wanted to pass along that in addition to Commissioner Brad Wimmer, Mark Williams from the Planning Office will be attended the Tuesday, May 12<sup>th</sup> Hawthorne Neighborhood Association meeting @ the Hawthorne Library. I would personally attend, but I'm hosting a public input meeting on Tuesday evening regarding the land use plan update to Roosevelt/NDSU Neighborhood meeting.

Let me know if you have any questions.

Page 62

Jim Hinderaker, Senior Planner  
City of Fargo  
200 North 3rd Street  
Fargo, ND 58102

[jhinderaker@cityoffargo.com](mailto:jhinderaker@cityoffargo.com)

(701) 241-1473 Phone

(701) 241-1526 Fax

**From:** Neihart [neihartteam@cableone.net]  
**Sent:** Saturday, May 09, 2009 11:41 AM  
**To:** James Hinderaker  
**Cc:** Neihart  
**Subject:** Fwd: Hawthorne Neighborhood Meeting

Dear James Hinderaker,

Please forgive me, I misspelled your name in the reply that I just sent to you. I am learning that I have to be more careful in my emails.

So sorry, Natasha

Begin forwarded message:

**From:** Neihart <neihartteam@cableone.net>  
**Date:** May 9, 2009 11:27:19 AM CDT  
**To:** James Hinderaker <JHinderaker@cityoffargo.com>  
**Cc:** Neihart <neihartteam@cableone.net>  
**Subject:** Re: Hawthorne Neighborhood Meeting

Jim Hinder,

Thank you for sending a rep to the HNA meeting.

I have spoken to Mark Williams, and I am concerned that he sees the job of the Board of Commissioners as strictly a scientific one. That any variances will be voted on the basis of sound engineering design only. When I pointed out to him that the mission statement of the board of adjustments "The board can grant variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the zoning code and will not be contrary to the public interest." He said that in the past when they they voted down a request for a sign in a car dealership, they later passed the request because the dealership owner threatened to sue the city. So he clearly feels that public interest is not in the board of commissions purview.

What is this the view being held by members of the planning department? And what is the position of the Board of Adjustments? Are you working in the best interest of the public? Or are you running scared from the "fear of being sued?"

We have plenty of citizens that oppose the variance for a grotesque sign being sought by Steven Stremick on the basis of public safety and city aesthetics. The light from such a large sign would be visible for several blocks in all four cardinal directions. The LED lights would be annoying to dozens of home owners in each direction as well as all neighbors and citizens of Fargo who pass through the intersection of 13th Avenue South and University Drive South.

Please respond at your earliest convenience; next Wednesday this issue is on the Planning Boards agenda. We need to know that our interests are being given due consideration.

Sincerely yours,

Page 64  
Natasha Neihart

PI

On May 7, 2009, at 2:05 PM, James Hinderaker wrote:

Natasha,

I just wanted to pass along that in addition to Commissioner Brad Wimmer, Mark Williams from the Planning Office will be attending the Tuesday, May 12<sup>th</sup> Hawthorne Neighborhood Association meeting @ the Hawthorne Library. I would personally attend, but I'm hosting a public input meeting on Tuesday evening regarding the land use plan update to Roosevelt/NDSU Neighborhood meeting.

Let me know if you have any questions.

Jim Hinderaker, Senior Planner  
City of Fargo  
200 North 3rd Street  
Fargo, ND 58102

[jhinderaker@cityoffargo.com](mailto:jhinderaker@cityoffargo.com)

(701) 241-1473 Phone  
(701) 241-1526 Fax

392

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN ERSKINES ADDITION TO THE CITY OF FARGO

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 a proposed modification of the Conditional Overlay on certain parcels of land lying in Erskines Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of a variation of the original modification request on June 10, 2009; and,

WHEREAS, the modification to the Conditional Overlay was approved by the City Commission on July 13, 2009,

NOW, THEREFORE,

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

Section 1. The following "CO", Conditional Overlay, District is modified as follows:

The uses and standards of this "LC", Limited Commercial, District shall be limited to the Uses, Dimensional Standards and Additional Standards of a "NC", Neighborhood Commercial, District as set forth in Section 20-0209 of the Land Development Code, except subparagraphs D.6 and D.7 thereof, and further subject to the following:

1. Freestanding signs shall be limited to monument signs of a height no greater than 8-1/2 feet, measured from the ground level, and of a width no greater than 89.5 feet. A monument sign is defined as a sign in which the lowest portion of the sign itself, not including any pole or support, has its base at ground level, said ground level being at grade with the rest of the property.
2. The total amount of signage shall not exceed 150 square feet.
3. The provisions of the Fargo Sign Code (as authorized pursuant to Section 25-0307 of the Fargo Municipal Code) for a "LC", Limited Commercial, zoning district shall apply.

on the following described property:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

The South 51 feet of Lots One (1), Two (2), Three (3), Four (4) and Five (5); the South 51 feet of the South 101 feet of the West 8.4 feet of Lot Six (6); the Southern 70 feet of the East 16.6 feet of Lot Six (6); all of Lot Seven (7); and the West 8.4 feet of Lot Eight (8), Block SS, Erskines Addition to the City of Fargo, Cass County, North Dakota.

Section 2. 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:

36

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Dakota Boys & Girls Ranch Addition	<b>Date:</b>	06/04/09 As updated 07/09/09
<b>Location:</b>	2038 76 Ave S	<b>Staff Contact:</b>	Jim Hinderaker
<b>Owner(s)/Applicant:</b>	Dakota Boys & Girls Ranch	<b>Engineer:</b>	Ulteig
<b>Reason for Request:</b>	Major Subdivision, Zoning Change		
<b>Status:</b>	Planning Commission Public Hearing: June 10, 2009 City Commission Public Hearing: July 13, 2009		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Agriculture – vacant of any structures	<b>Land Use:</b> Single Family and Multi-Family Housing as well as the future site of the Dakota Boys & Girls Ranch facility
<b>Zoning:</b> AG, Agricultural	<b>Zoning:</b> SR-4 (Single-Dwelling) on Lot 3, Blk 2 MR-3 (Multi-Dwelling) on Lots 1 & 2, Blk 1 and Lot 2, Blk 2 P/I (Public Institutional) on Lot 1, Blk 2  <i>Note: Lot 1, Blk 1 is an unbuildable lot retained for landscaping and signage purposes and Lot 1, Blk 2 is an unbuildable lot retained for trail and park purposes.</i>
<b>Uses Allowed:</b> The agricultural zone district is intended to accommodate agricultural land uses and provide an interim zoning classification for lands pending a determination of an appropriate permanent zoning designation.	<b>Uses Allowed:</b> Single-Dwelling zone districts are intended to preserve land for housing and to provide housing opportunities for individual households. Multi-Dwelling zone districts are intended to accommodate living in detached houses, attached houses, duplexes and multi-dwelling structures.
<b>Maximum Density Allowed:</b> 0.1 unit per acre	<b>Maximum Density Allowed:</b> SR-4 allows up to 12.1 units per acre MR-3 allows up to 24.0 units per acre

**Area Plans:**

The subject property is located within the South Fargo Tier 1 East as identified within the 2007 Growth Plan. The plan recommends low to medium density residential future land uses with an emphasis on medium to high density residential future land uses along 76th Ave S. The plan adopts a two-tier approach to future growth of the ET area. The subject property is located within tier one, which has been designated as the "Intended Growth Sector". The plan also calls for a trail connection along the east boundary of the subject property. In keeping with the plan, the petitioner is dedicating 50 feet of land along the entire length of the eastern boundary of the subject property for a future trail that will become part of the Milwaukee Trail system.

The plan is not intended to be a rigid regulatory document that mandates a particular development pattern, but rather the plan is intended to be used as a framework for development, setting forth a general mix of land uses, approximate size of each land use mass, street connections and so forth. However,

successful implementation of the plan will depend in large part on land use decisions that are consistent with the plan. To that end, development proposal should be consistent and, to the extent practical, in compliance with the plan. Specifically, the various land use zoning district categories, in this case low to medium density residential and medium to high density residential, are key to creating land use transitions and the appropriate mixture of land uses so as to be compatible with existing and future development.

The plan also notes that the expansion of the city in undeveloped area places increased burdens on the infrastructure elements of the City of Fargo. The initial construction of infrastructure is expensive and the long-term maintenance costs are significant and on-going. On top of the typical infrastructure needs most municipalities face, Fargo also faces the need to provide flood protection. Because of these limitations, future development should be closely linked to the tiered approach identified within the 2007 Growth Plan.

**Schools and Parks:**

The subject property is located within Fargo School District No. 1. Fargo South Secondary and Bennett Elementary schools currently serve the subject property. A new high school, Davies (see Figure 1), is planned just south of 70th Ave S (not yet built) and east of 25th S. The proposed subdivision and Dakota Boy & Girls Ranch facility will be located approximately a 1/3 of a mile to the southeast of the new school. Site work for the new Davies High School has begun and completion of the school is scheduled for the summer of 2011 for a fall school opening. Land has been set



Figure 1

aside east of the new Davies High School for a possible new elementary school and future Fargo Park District programs and facilities. A trail dedication has also been established on the eastern boundary of the future elementary school/park facilities to accommodate the extension of the Milwaukee Trail. This trail is the same one referenced above that is proposed along the east side of the subject property.

**Staff Analysis:**

The Dakota Boys & Girls Ranch (DBGR) own approximately 40-acres of land on the south side of 76<sup>th</sup> Ave S beginning approximately a 1/4 mile east of 25<sup>th</sup> St S. The DBGR propose to create a 5-lot subdivision and establish permanent urban zone district classifications for the subject property with the primary intent of utilizing the largest lot for the construction of new consolidated DBGR facility.

Legal Description	Size	Proposed Zoning	Proposed Use
Lot 1, Block 1	13,561 sq ft	MR-3	Non-Buildable Lot - for Landscaping and Signage Purposes Only
Lot 2, Block 1	211,616 sq ft	MR-3	Residential
Lot 1, Block 2	61,714 sq ft	P/I	Non-buildable lot – for Trail and Park Purposes Only
Lot 2, Block 2	899,074 sq ft	MR-3	Dakota Boys & Girls Ranch Facility
Lot 3, Block 2	247,071	SR-4	Residential

The DBGR is a non-profit facility that operates in Fargo, Minot and Bismarck, ND. The mission of the DBGR is "[to] help at-risk children and their families succeed in the name of Christ." According to the Drag's website, the DBGR is the second largest social service agency in the state behind the North Dakota Department of Human Services. The Ranch is one of the top 100 largest employers in North Dakota (sixth largest in Minot), with a \$20 million budget and more than 450 employees. Recent estimates show that Dakota Boys and Girls Ranch have had more than an \$80 million economic impact on the state.

According to the petitioner's amenities plan, the proposed DBGR facility will include an education and treatment center, a safe house, a chapel, and future childcare and assessment centers. The facility will also include private streets for traffic circulation and internal network of pedestrian sidewalks and trails. Based on this information and discussion with the representatives of the petitioner, the DBGR is best defined and classified as a Community Service use. The Land Development Code defines the characteristics of a community services as uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.

The use Table 20-401 of the LDC stipulates that Community Service is a permitted use by right but subject to the Use-Specific Standards of Section 20-0402.C., which require the following:

1. No overnight accommodations shall be allowed in conjunction with a Community Service use in AG or SR districts.
2. Community Service uses in MR districts shall be subject to the maximum density standards of the underlying zoning district. For the purpose of interpreting this standard, each 4-person sleeping capacity shall be considered one dwelling unit.
3. Community Service uses shall be subject to the Residential Protection standards of Sec. 20-0704.
4. No Community Service use may be located within 300 feet of another Community Service use, measured from lot line to lot line.

In addition, the Dakota Boys & Girls Ranch facility will also be considered a Group Living facility that is also a permitted use by right but subject to the Use-Specific Standards of Section 20-0402.E., which require the following:

1. Group Living uses in MR districts shall be subject to the maximum density standards of the underlying zoning district. For the purpose of interpreting this standard, each 4-person sleeping capacity shall be considered one dwelling unit.

#### **Zoning Criteria**

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.

**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;**

Staff is unaware of any zoning map error. The existing AG (agricultural) zone district designation was established when the subject property was brought into the city's extraterritorial area as afforded by the North Dakota Century Code. §20-0202.A of the LDC stipulates that the AG zone district is intended to accommodate agricultural land uses and provide an interim zoning classification for lands pending a determination of an appropriate permanent zoning designation. The petitioner is requesting a zone change in order to develop the property. **(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;**

The DBGR has filed a petition for annexation within the city of Fargo. Annexation is subject to file approval by the City Commission, which at the time of this report was pending. The Commission is schedule to act on the request on June 15, 2009. In lieu of annexation, staff notes that the subject property is located within Fargo's ET jurisdiction and as such, the city does not provide all of the essential services needed to develop the site. However, the subject property can be adequately served by a combination of service providers including:

- **Flood Protection-** According to City of Fargo Senior Engineer, April Walker, the subject property is not located in the current 100-year flood plain. However, based on the draft information prepared to establish the new FEMA maps, the property is very likely to be included in the new 100-year floodplain. Because of this information, the DBGR has agreed to elevate all structures in accordance with the City of Fargo floodplain management policies and regulations (2 ½ feet above BFE) based on the new 100-year floodplain data or elevate 2 feet above the flood of record, whichever is higher. In addition, the DBGR propose not to develop any other portion of the property not directly associated with the DBGR until such time that permanent flood protection is provided or until such time that the City of Fargo Engineering Department determines appropriate. Finally, as part of the DBGR flood mitigation plan, again until permanent protection is provided or until the City of Fargo Engineering Department determines appropriate, the facility shall be evacuated per DBGR policy prior to a flood stage level that city officials determines that risk of staying is problematic.
- **Fire Protection –** If and until the subject property is annexed into the City of Fargo, the subject property is within the service boundary of the Horace Rural Fire Department. The Horace Fire Department indicates that they can provide adequate fire protection. Based on discussions with the Cass Rural Water, adequate water supply (pressure and duration) is currently available (10 inch water line on the south side of 76th Ave S) to the subject property to provide the flows necessary to support on site fire hydrants and the sprinkling of the buildings.
- **Sanitation System –** The DBGR propose to provide sanitation to the DBGR facility in the following manner:
  1. On site holding tanks would be periodically pumped on an as needed basis. Sewage to be property disposed of in a manner approved by the County Health Department.
  2. A forced main will be run from the facility to an existing sanitation line along

- University Dr S.
3. The DBGGR facility will tie into a City of Fargo into a new sanitation line. The line would most likely be an extension of the line that will be servicing the new high school.

The DBGGR proposes that the use of any of the above options or a combination of the above options will be based on a review of the cost of delivery of the services. The DBGGR also notes that Option 1 is clearly a temporary measure and acknowledges that a tie into city sewer service is the desired goal.

- **Domestic Water** – As indicated above, Cass Rural Water can supply domestic water to the proposed development.
- **Cass County Electric Cooperative** – Electrical services are currently available to the subject property.
- **Access/Roads** – the subject property abuts 76th Ave S. The entire roadway is located within the corporate limits of the City of Fargo. No deficiencies to services are noted.
- **Parking** –The LDC stipulates that the parking and circulation areas (driveway, etc) would need to be paved.
- **Emergency Services**– in addition to the Horace Fire Department, the subject property is served by the Cass County Sheriff's Department. No deficiencies to services are noted.

Based on the above analysis, 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. The City Engineer, 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. **(Criteria Satisfied)**

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

Staff has no documentation or supporting evidence, other than the opinions submitted by interested parties, that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. To that end, staff has received numerous email communications from citizens living in the surrounding developments, the nearest of which is a minimum of a ¼ mile away. The comments range from concerns about a lack of infrastructure services to safety issues. As identified above in Condition No. 3, staff finds that infrastructure services are in place or can be put in place to adequately serve the proposal. There is no evidence that by providing services to the proposed development, the level of services will decrease or negatively affect the property in the vicinity.

The core concerns raised by commenting citizens is that the proposed DBGGR facility will negatively impact the property in the vicinity because they fear residents of the facility will run away to their neighborhoods thus increasing the chance for property damage (vandalism), thief, or personal injury or worst from attack. Based on communications with the DBGGR staff, City of Fargo Police Department and the Cass County Sheriff's Department, as well as citizens living near existing facilities of the DBGGR, staff suggests that the concerns raised by the commenting citizens are heightened and do not accurately reflect the benefit of the facility. First, the facility is not a Detention Center, which requires the presence of a sworn officer 24 hours a day. The proposed facility is considered a community service facility that provides in-house treatment for local and other troubled youth (60 % of residents

are from Cass County). Therefore, the majority of these residents came from existing neighborhoods within the community (maybe even those that are raising concerns) and now they are receiving treatment for their problems. Second, the residents are monitored 24/7 and if a resident does runaway the authorities are notified immediately. Both the Fargo Police Department and the Cass County Sheriff's Department have indicated they have a good working relationship with the DBGR and that they can provide adequate police protection. Third, the DBGR has indicated that they are open and willing to listen to all concerns raised by neighboring citizens, and to the extent practical, the DBGR is willing to implement security improvements that benefit all parties. The DBGR has extended an open invitation to any interested citizens that wants to learn more about the programs and services offered by the DBGR. Fourth, as proposed, the DBGR facility will have a very open and campus like feel. The proposal includes considerable green space between building and adjacent properties. In addition, the DBGR is dedicated the eastern most 50 feet of the property to the Fargo Parks District for trail and park purposes. Lastly, the proposal is located a minimum of a ¼ mile away from any of the existing development in the area. Per the 2007 Growth Plan, new residential development, at urban densities, is planned for the property between the DBGR and existing neighboring properties. Therefore, staff suggests that existing property values will not be diminished because new residential development will occur between the DBGR facility and the existing properties that have raised concerns.

In the final analysis, staff suggests that the proposal is in keeping with adopted plans, that the proposal is a needed community service and not a detention center, and that the DBGR has adequately addressed, to the extent practical, the safety and buffering concerns raised by neighboring property owners. Therefore, staff 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 subject property is located within the South Fargo Tier 1 East as identified within the 2007 Growth Plan. The plan recommends low to medium density residential future land uses with an emphasis on medium to high density residential future land uses along 76th Ave S. The plan adopts a two-tier approach to future growth of the ET area. The subject property is located within tier one, which has been designated as the "Intended Growth Sector". The proposed subdivision provides a mix of residential densities that is in keeping with the Growth Plan and adopted policies. Community services uses, such as the proposed DBGR facility, are considered an allowed use within all, MR, Multi-Dwelling residential zone districts. 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)**

**Subdivision**

The LDC stipulates that the following criteria is met before a major plat can be approved:

- 1. Section 20-0907 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**

The proposed development is consistent with the 2007 Growth Plan. As part of this proposal, the subject property is to be zoned to accommodate the proposed development. **(Criteria Satisfied)**

**2. Section 20-0907.C of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.D of the LDC further stipulates that a Major Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

Article 20-06 specifically addresses subdivision design and improvements. The article also appears to be a blanket provision to ensure that local, state and other governmental regulations are being adhered to and met prior to the approval of development. Staff finds that the proposal is in compliance the standards of Article 20-06. The petition has been reviewed by all applicable service providers, both within city limits and outside of city limits. It has been determined that the necessary services can be provided immediately or at the time of development. Staff also finds that the proposal is in compliance, with the adopted Area Plans; with the applicable zoning districts, if proposed zone changes are approved; and all other applicable requirement of the Land Development Code. **(Criteria Satisfied)**

**Staff Recommendation: Approval**

Suggested Motion "To accept the findings and recommendations of staff and hereby move to recommend approval to the City Commission of the zone change from Ag to SR-4, MR-3 and P/I and Dakota Boys & Girls Ranch Subdivision plat, as outlined with the staff report, as the proposal complies with the adopted 2007 Growth Plan, the standards of Article 20-06, Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code."

**Planning Commission Recommendation: Denial**

The Planning Commission moved to deny the findings and recommendations of staff and recommend denial to the City Commission of the zone change from AG to SR-4, MR-3, and P/I and Dakota Boys and Girls Ranch Subdivision plat as approval criteria numbers two, three, and four {20-0906.F(2, 3, 4) of the LDC} have not been met. He stated his concern with the ambiguity of the definition of a treatment facility and said he has questions about the long term planning and annexation in the southern area for future growth. Second by Ms. Palmes. On call of the roll Members Wiley, Palmes, Slagle, and Paulsen voted aye. Member Morrau and Ulferts-Stewart voted nay. Absent and not voting: Members Fremstad, Steffes, and Miller. The motion was declared carried.

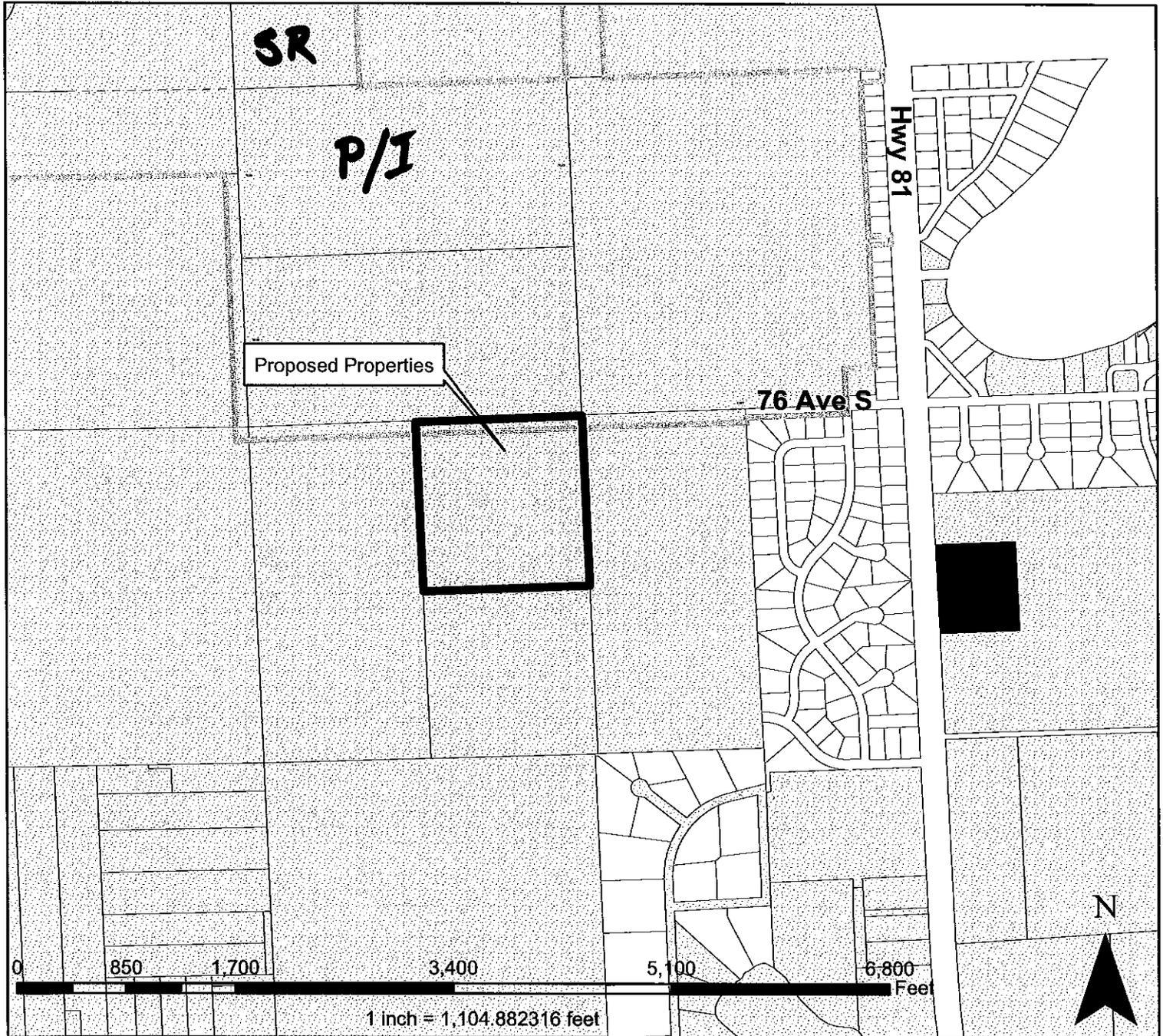
**City Commission Decision:**

# Plat - Major Subdivision & Zoning Change - AG to SR4, MR3, PI Dakota Boys & Girls Ranch Addition 2038 76 Ave S



Fargo Planning Commission  
June 10, 2009

# Plat - Major Subdivision & Zoning Change - AG to SR4, MR3, PI Dakota Boys & Girls Ranch Addition 2038 76 Ave S



### Legend

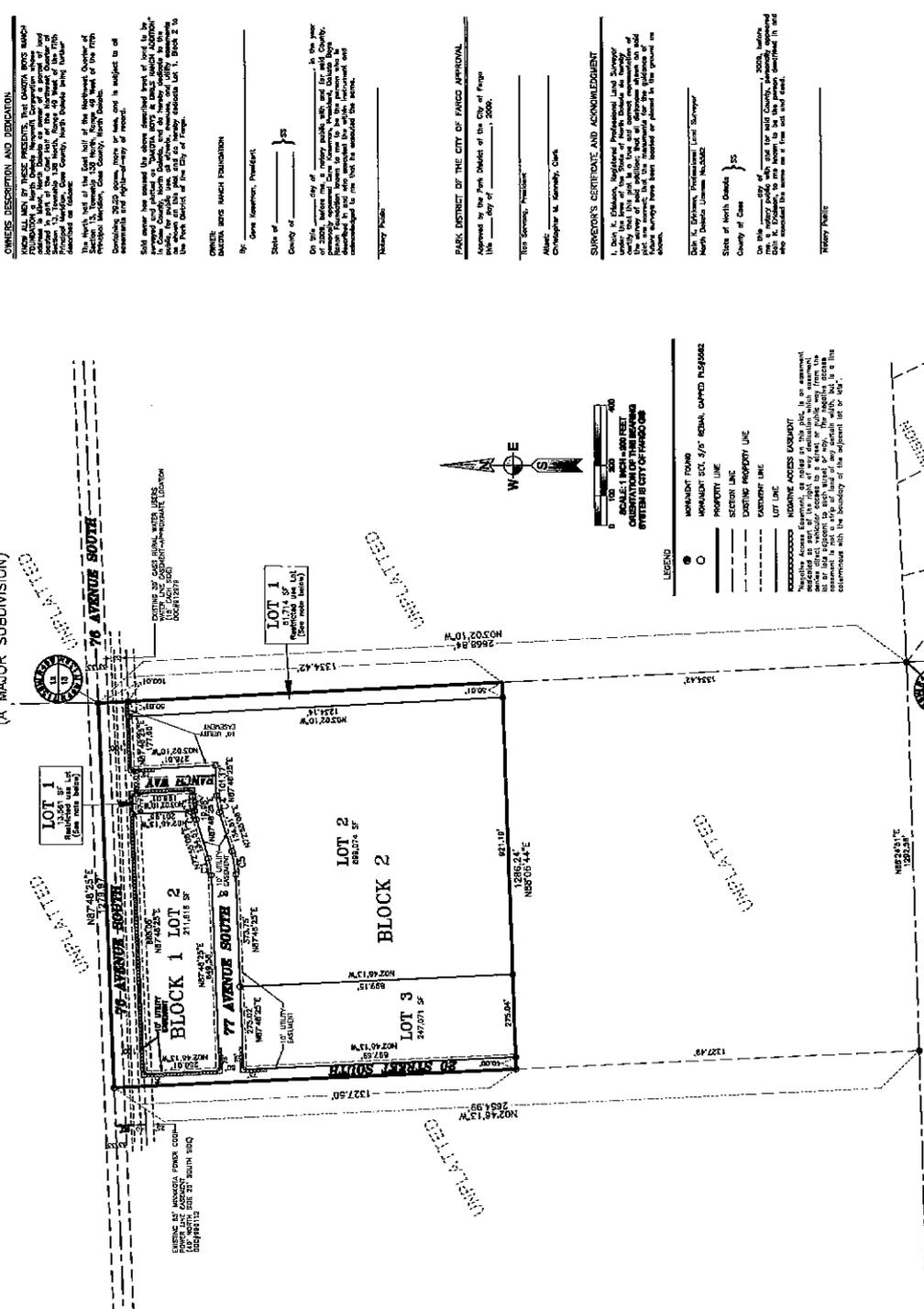
AG	MR-2	LI	SR-3
DMU	MR-3	MHP	SR-4
GC	NC	MR-1	SR-5
GI	NO	City Limits	
GO	P/I	Proposed Property	
LC	SR-2		



**Fargo Planning Commission**  
**June 10, 2009**

# DAKOTA BOYS & GIRLS RANCH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
AN UNPLATTED PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER, SECTION 13, TOWNSHIP 138 NORTH, RANGE 49 WEST  
(A MAJOR SUBDIVISION)



**CURVE TABLE**

CURVE	LENGTH	ANGLE	RAIUS	CHORD	CHORD BEARING
1	100.00	90.00	70.71	70.71	S 45.00° E 70.71
2	100.00	90.00	70.71	70.71	S 45.00° E 70.71
3	100.00	90.00	70.71	70.71	S 45.00° E 70.71
4	100.00	90.00	70.71	70.71	S 45.00° E 70.71
5	100.00	90.00	70.71	70.71	S 45.00° E 70.71
6	100.00	90.00	70.71	70.71	S 45.00° E 70.71
7	100.00	90.00	70.71	70.71	S 45.00° E 70.71
8	100.00	90.00	70.71	70.71	S 45.00° E 70.71
9	100.00	90.00	70.71	70.71	S 45.00° E 70.71
10	100.00	90.00	70.71	70.71	S 45.00° E 70.71

**CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL**  
Approved by City Engineer: \_\_\_\_\_ Date: \_\_\_\_\_  
City of Fargo

**OWNER'S CERTIFICATE AND ACKNOWLEDGMENT**  
I, the undersigned, do hereby certify that the above described land is my own and that I am the owner of the same and that I have no interest in the same other than that of owner.

**OWNER'S CERTIFICATE AND ACKNOWLEDGMENT**  
I, the undersigned, do hereby certify that the above described land is my own and that I am the owner of the same and that I have no interest in the same other than that of owner.

**CITY OF FARGO PLANNING COMMISSION APPROVAL**  
Approved by the City of Fargo Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**FARGO CITY COMMISSION APPROVAL**  
Approved by the Board of City Commissioners and entered that this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**AUDITOR'S TAX RECORD**  
This is to certify that the above described land is not subject to taxation in this office on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**CASS COUNTY RECORDER**  
Document No. \_\_\_\_\_  
State of North Dakota }  
County of Cass }  
I hereby certify that the above instrument was filed and recorded in this office on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, at \_\_\_\_\_ o'clock \_\_\_\_\_ P.M. and was duly returned to book \_\_\_\_\_ of \_\_\_\_\_.

**OWNER'S CERTIFICATE AND ACKNOWLEDGMENT**  
I, the undersigned, do hereby certify that the above described land is my own and that I am the owner of the same and that I have no interest in the same other than that of owner.

**CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL**  
Approved by City Engineer: \_\_\_\_\_ Date: \_\_\_\_\_  
City of Fargo

**OWNER'S CERTIFICATE AND ACKNOWLEDGMENT**  
I, the undersigned, do hereby certify that the above described land is my own and that I am the owner of the same and that I have no interest in the same other than that of owner.

**CITY OF FARGO PLANNING COMMISSION APPROVAL**  
Approved by the City of Fargo Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**FARGO CITY COMMISSION APPROVAL**  
Approved by the Board of City Commissioners and entered that this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**AUDITOR'S TAX RECORD**  
This is to certify that the above described land is not subject to taxation in this office on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**CASS COUNTY RECORDER**  
Document No. \_\_\_\_\_  
State of North Dakota }  
County of Cass }  
I hereby certify that the above instrument was filed and recorded in this office on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, at \_\_\_\_\_ o'clock \_\_\_\_\_ P.M. and was duly returned to book \_\_\_\_\_ of \_\_\_\_\_.



**NOTE**  
Lot 1, Block 1 is an unsharable lot and may be used for landscape & signage purposes only.  
Lot 1, Block 2 is an unsharable lot and may be used for park and trail purposes only.

**James Hinderaker**

---

**From:** Sharon Odegaard  
**Sent:** Thursday, July 09, 2009 9:10 AM  
**To:** Commissioners; James Gilmour; James Hinderaker  
**Subject:** FW: Zoning Change on 76th Ave. S for Dakota Boys and Girls Ranch

---

**From:** Lynne Mari [mailto:Lynne@KeimOrthodontics.com]  
**Sent:** Thursday, July 09, 2009 7:08 AM  
**To:** Commission E-mail  
**Subject:** Zoning Change on 76th Ave. S for Dakota Boys and Girls Ranch

I strongly oppose the zoning change on 76th Avenue South. As a resident of 1405 Libra Lane (81st Ave S.) I agree w/ the current growth plan as residential, especially in adjacent w/ the current school being built. I have spoke to several people who have recently built homes in our neighborhood. It was stated over and over again that there is no way they would have built here knowing this would be rezoned. One family even sold their empty lot when they caught wind of this and built elsewhere. Please don't mess w/ the current growth plan. Families make life long decisions on investments in their homes. Some of us feel the rug is being pulled out from under us.

Lynne Mari  
1405 Libra Lane  
Fargo, ND 58104

**From:** Lee.Froemke@gmail.com  
**Sent:** Tuesday, July 07, 2009 10:19 PM  
**To:** James Hinderaker  
**Subject:** DBR Project

Jim-

I am writing to show my opposition to the Dakota Boys Ranch project in South Fargo. I am a resident in the Grandberg addition which was properly developed in the late 80's, to become a spacious and safe "residential" neighborhood. I am actually in the original Grandberg house which was built by the original landowner of the development.

My main concerns regarding the proposed NON-residential facility are

1. My view of the proposed DBR facility is a Not -for profit group that is trying to put up a facility at whatever costs to the neighborhood, city and state it is supposed to serve.
2. If you view the Dakota Boys Ranch website to find information regarding their plans and ideas reagrding the facility, you will find nothing. If a facility/group was truly concerned and wanted to work with a community a forum for information about their plans would be a very good step in planning and public input. I am concerned with the lack of solid information regarding the facilites which will be there.
3. The mission statement of DBR is to help at risk teens and their families. If we are putting a sginificantly large amount of at risk teens in a residential neighbornood next to a new high school, I certainly feel that DBR is putting the neighborhood and Fargo's children at risk.

Being involved with commerical buildings, I make my living from large commercial projects and development. I can definitively say that putting a commerical building, especially which is of a treatment facility type, will not only hurt the residents of that community and the development that is planned and meant to be there, but it will also hurt the greater commercial interests of the city of Fargo with lower property valuations as well as a neighborhoods which will become undesirable.

I hope that the cities planning of the residential communities surrounding the southern part of the Fargo doesn't involve facilities of this type.

Please feel free to let me know if there is any other way in which I can help support the DBR develop and responsibly plan their future in a way that will benefit our city and communities including the at risk teens which are throughout the state.

Regards,

Lee Froemke

8112 Gemini Cir  
Fargo, ND 58104

**From:** Pat Suchan [Pat.Suchan@ndsu.edu]  
**Sent:** Monday, July 06, 2009 1:32 PM  
**To:** James Hinderaker  
**Subject:** RE: Dakota Boy's & Girl's Ranch location

Thank you. I actually didn't expect to hear from them until I heard from Mike. I hope they see the importance of this. I know the Mayor is not in favor of this but we need more than 2 votes.

Thank you very much for your time.

Pat...

*Pat Suchan*

*Assistant to the Vice President*

1735 NDSU Research Park Dr  
NDSU Dept. 4000  
PO Box 6050  
Fargo, ND 58108-6050  
Tel: 701-231-6542  
Fax: 701.231.6736  
pat.suchan@ndsu.edu

---

**From:** James Hinderaker [mailto:JHinderaker@cityoffargo.com]  
**Sent:** Monday, July 06, 2009 1:19 PM  
**To:** Pat Suchan  
**Subject:** RE: Dakota Boy's & Girl's Ranch location

Pat,

I suspect that the comment you are referring to came from Commission Mike Williams.

As a matter of process, the Mayor and Commissioners do receive a considerable amount of communication from citizens on the various issues before them. And as such, I suspect that it is difficult to respond to each one. However, please note that your comments and the numerous others that have been received on issue are important and will be presented to the Commission for their consideration.

Thank you for your input.

Jim Hinderaker  
241-1473

---

**From:** Pat Suchan [mailto:Pat.Suchan@ndsu.edu]  
**Sent:** Monday, July 06, 2009 1:11 PM

**Project:** Hinderaker

**Subject:** RE: Dakota Boy's & Girl's Ranch location

Thanks, Jim,

I had only one response with comment. It came from Mike but I don't have his last name. I'm thinking this is a done deal almost. It appears since it has gone through this far, it will most likely pass on the next meeting, July 13. Thank you for including the date/time in your message. I know we will want to be there, as well as others. It is so disturbing to think that most of the City officials are not concerned about it being built in a residential area. Yet I know, and so do many others that it would not be built in their neighborhood. That makes a huge statement about those that vote for it.

I appreciate your response very much.

Pat...

*Pat Suchan*

*Assistant to the Vice President*

1735 NDSU Research Park Dr

NDSU Dept. 4000

PO Box 6050

Fargo, ND 58108-6050

Tel: 701-231-6542

Fax: 701.231.6736

pat.suchan@ndsu.edu

---

**From:** James Hinderaker [mailto:JHinderaker@cityoffargo.com]

**Sent:** Monday, July 06, 2009 12:04 PM

**To:** Pat Suchan

**Subject:** RE: Dakota Boy's & Girl's Ranch location

Pat,

Thank you for your comments. They will be forwarded to the City Commission for their review during the upcoming meeting regarding the proposed Dakota Boys and Girls Ranch plat and zone change scheduled for July 13, 2009 @ 5:15 PM in the City Commission Room, City Hall.

Jim Hinderaker

241-1473

---

**From:** Pat Suchan [mailto:Pat.Suchan@ndsu.edu]

**Sent:** Monday, June 29, 2009 9:48 AM

**To:** James Hinderaker

**Cc:** Commission E-mail; Dennis Walaker

**Subject:** Dakota Boy's & Girl's Ranch location

Dear Mayor/City Commissioners:

Page 8  
I had a conversation with Jim Hinderaker regarding the possible rezoning of the proposed Dakota Boys' & Girls' Ranch (DBGR) addition (from AG, Agricultural to MR-d, Multi-Dwelling) located at 2038 76<sup>th</sup> Avenue South, Fargo and expressed not only my frustration and concern but complete disappointment in our City Officials to even consider allowing the DBGR to build close to a housing development of single family dwellings, many of which have young children of all ages. Why the DBGR representatives are determined to build in that location without considering the many families affected if something should go wrong, in my opinion, is selfish, uncaring and shows a complete lack of respect for the families. Why wouldn't DBGR be concerned of possible runaways, damage to property, break-ins or the possibility of someone getting seriously hurt. These are troubled teens or they would not be in this facility. The name of the facility does not reflect the potential for problems that go with it. I realize that not every youth in this facility is a threat to society, but many are or could be under the right circumstances. It takes only one incident, but then it is too late. One incident is one too many. The DBGR representatives appear not to care and are willing to take that chance.

There is also the problem of lowering property values, which will happen. I spoke to a realtor regarding this issue. My question was confirmed - that it would lower the value of homes in the area. People have worked hard to build their homes, only to have their home lose its value, if the DBGR is built at the above address. Those same people also felt the nearby developments should not be concerned. Yet we know those same people would be opposing it coming into their neighborhood. There is a lot of open land available that is not close to housing developments and schools which is where this facility should be located.

The people in the neighborhoods affected, if the DBGR should be allowed to build, have also recently been through a major flood. Our City and County leaders know what people have been put through. Are we now going to be asked to turn our eyes the other way and pretend we don't realize that not only will our property values decrease but we will no longer be able to feel safe and will always have to be watching our property and most of all the safety of our children and families? Is the money for funding a levee/dike for flooding for the Southside Protection Plan going to be put in the background so the DBGR can be taken care of. We are asking not only our Mayor and City Commissioners to understand our strong opposition to the DBGR being built in this location, but also the representatives of the DBGR.

I have heard that there are those people that do not feel we should have a say since we are not located in the City. Yet, the City governs us and we pay many of the same taxes the residents of the City of Fargo pay. School taxes are one of them which is the vast majority of what we are taxed on. We shop in Fargo, buy our groceries in Fargo, and the list goes on. We pay taxes on all of these items as well. I strongly urge you to please not give this issue favorable consideration but to vote to not allow the DBGR to build near nice and "safe" developments of single housing and to also not let us feel that it does not matter to our City Officials. I also believe that there is not one City Commissioner that would want it located near or in their neighborhood.

Thank you for your time.

Patricia Suchan  
(W) 231-6542  
(H) 237-9733

**From:** Pat Suchan [Pat.Suchan@ndsu.edu]  
**Sent:** Monday, June 29, 2009 9:48 AM  
**To:** James Hinderaker  
**Cc:** Commission E-mail; Dennis Walaker  
**Subject:** Dakota Boy's & Girl's Ranch location

Dear Mayor/City Commissioners:

I recently had a conversation with Jim Hinderaker regarding the possible rezoning of the proposed Dakota Boys' & Girls' Ranch (DBGR) addition (from AG, Agricultural to MR-d, Multi-Dwelling) located at 2038 76<sup>th</sup> Avenue South, Fargo and expressed not only my frustration and concern but complete disappointment in our City Officials to even consider allowing the DBGR to build close to a housing development of single family dwellings, many of which have young children of all ages. Why the DBGR representatives are determined to build in that location without considering the many families affected if something should go wrong, in my opinion, is selfish, uncaring and shows a complete lack of respect for the families. Why wouldn't DBGR be concerned of possible runaways, damage to property, break-ins or the possibility of someone getting seriously hurt. These are troubled teens or they would not be in this facility. The name of the facility does not reflect the potential for problems that go with it. I realize that not every youth in this facility is a threat to society, but many are or could be under the right circumstances. It takes only one incident, but then it is too late. One incident is one too many. The DBGR representatives appear not to care and are willing to take that chance.

There is also the problem of lowering property values, which will happen. I spoke to a realtor regarding this issue. My question was confirmed - that it would lower the value of homes in the area. People have worked hard to build their homes, only to have their home lose its value, if the DBGR is built at the above address. Those same people also felt the nearby developments should not be concerned. Yet we know those same people would be opposing it coming into their neighborhood. There is a lot of open land available that is not close to housing developments and schools which is where this facility should be located.

The people in the neighborhoods affected, if the DBGR should be allowed to build, have also recently been through a major flood. Our City and County leaders know what people have been put through. Are we now going to be asked to turn our eyes the other way and pretend we don't realize that not only will our property values decrease but we will no longer be able to feel safe and will always have to be watching our property and most of all the safety of our children and families? Is the money for funding a levee/dike for flooding for the Southside Protection Plan going to be put in the background so the DBGR can be taken care of. We are asking not only our Mayor and City Commissioners to understand our strong opposition to the DBGR being built in this location, but also the representatives of the DBGR.

I have heard that there are those people that do not feel we should have a say since we are not located in the City. Yet, the City governs us and we pay many of the same taxes the residents of the City of Fargo pay. School taxes are one of them which is the vast majority of what we are taxed on. We shop in Fargo, buy our groceries in Fargo, and the list goes on. We pay taxes on all of these items as well. I strongly urge you to please not give this issue favorable consideration but to vote to not allow the DBGR to build near nice and "safe" developments of single housing and to also not let us feel that it does not matter to our City Officials. I also believe that there is not one City Commissioner that would want it located near or in their neighborhood.

Thank you for your time.

Patricia Suchan  
(W) 231-6542  
(H) 237-9733

**From:** Wendy Folkestad [wjfolk@hotmail.com]  
**Sent:** Tuesday, June 09, 2009 5:03 PM  
**To:** James Hinderaker  
**Subject:** letter about Dakota Boys Ranch/also sent to planning

To whom it may concern:

We are very against the location of the possible Dakota Boys Ranch. It makes no sense to have this large type of facility in amongst a well-established neighborhood, (Round Hill, Granberg and Amber Plains), as well as a future high school and large neighborhood. It only makes sense to keep this property as potentially all neighborhood(single-family), being so close to the new high school. We feel that in order to preserve the value of our neighborhoods and homes we are requesting that the petition be denied.

Thank you for your time and attention.

Sincerely,

Tom and Wendy Folkestad  
8026 15th St S  
Fargo, ND 58104

---

Windows Live™ SkyDrive™: Get 25 GB of free online storage. [Get it on your BlackBerry or iPhone.](#)

**From:** Heather A Budge [hafb17@juno.com]  
**Sent:** Tuesday, June 09, 2009 4:39 PM  
**To:** James Hinderaker  
**Subject:** DBR

Mr. Hinderaker,

Can you please forward this letter onto the planning commissioners:

John Q. Paulsen, Kelly Steffes, Catherine Wiley, Kristi Fremstad, Jeff Morrau, Rich Slagle, Jan Ulferts Stewart, Pegg Palmes, John Miller

Thank you for your help concerning this issue. Heather Budge

Dear Planning Commissioners,

I am writing in regards to the Dakota Boys Ranch issue that will be voted upon by you tomorrow. I am very against the Ranch moving to the proposed location. Currently this location is part of Cass County and not of the City of Fargo. The services are not in place to support this facility and all of the services that they are planning on offering there. As part of Cass County, the police services will be provided by the Sheriffs Department. Last year Sheriff Laney testified that the Sheriffs Department only has 3 Sheriffs cars on the road at any one time to provide services for the whole county. In looking over the current police dispatch logs for Fargo City, they receive calls from the DBR about every 2-3 days concerning violence in the facility and runaways.

They had 3 in last few weeks. May 13,15, 22. I have not had a chance to look up the logs since then to verify if any more runaways have been called in to the police department. The Sheriffs Department does not have the money/man power to provide services for their constant calls.

This is a concern for the neighborhood residents as we all in Cass County. There is no place for the kids to run. We are the closest buildings to them and may likely be their first stop as they look for transportation away from the Ranch.

Another concern being part of the county, but also of Stanley Township is that the fire department that would respond to calls would be from the Horace volunteer Fire Department. There are no fire hydrants around for miles..... In moving here, the residents know and take on that risk that if something happens that the fire department would make it in time to save your neighbors home but not yours if it were on fire.

Most recently is Orchard Glenn and also Heritage Hills 2 years ago. Both burned down to the ground. This is a concern as the Dakota Boys Ranch would be at risk and all of their staff/residents, but also as neighbors to this facility. To deter the troubled teens from running away, the DBR takes their shoes and coats in the winter. This makes them very vulnerable and desperate to find shelter. Should they start a fire to stay warm while on the run, this could be catastrophic to us as residents.

After having just survived the flood, and the dirt dike has been gone only a few weeks now, I have great reservations in regards to anything being built in this area until final flood protection is in place. No one knows if the 1/2 cent sales tax is going to go through (I so hope it does). Also, before the flood the Wild Rice Diversion was picked, but may not be the plan that the city goes with. The Wild Rice River runs through my neighborhood and I am only a stones throw from it and in the opposite direction the proposed location for the DBR. We need to as a city have a definite course of action plan decided before we go forward with any building in this area of the county.

I don't think that I need to mention that sewer here is a septic tank and all the other wonderful wonders that come from living in the country and not part of the city. Please do remember when considering this issue that it is county land and the services are not in place for this type of facility. This is why it was voted down last fall and is still a bad idea for this location.

Page 85,  
Heather Budge  
1629 Round Hill Dr  
Fargo  
232-9472

---

Is your inheritance stuck in probate? Click here for advice on freeing the funds.  
<http://thirdpartyoffers.juno.com/TGL2141/fc/BLSrjpTFQIPc7aKGC2V6W9YezF0yAsWwzJZrq0YXpVc4iZvWfU0ZY3e7aI/>

**From:** Nicole Crutchfield  
**Sent:** Tuesday, June 09, 2009 5:12 PM  
**To:** James Hinderaker  
**Subject:** FW: DBR

-----Original Message-----

**From:** Heather A Budge [mailto:hafb17@juno.com]  
**Sent:** Tuesday, June 09, 2009 4:47 PM  
**To:** Nicole Crutchfield  
**Subject:** DBR

Ms. Crutchfield,

Can you please forward this letter onto the planning commissioners:

John Q. Paulsen, Kelly Steffes, Catherine Wiley, Kristi Fremstad, Jeff Morrau, Rich Slagle, Jan Ulferts Stewart, Pegg Palmes, John Miller

Thank you for your help concerning this issue. Heather Budge

Dear Planning Commissioners,

I am writing in regards to the Dakota Boys Ranch issue that will be voted upon by you tomorrow. I am very against the Ranch moving to the proposed location. Currently this location is part of Cass County and not of the City of Fargo. The services are not in place to support this facility and all of the services that they are planning on offering there. As part of Cass County, the police services will be provided by the Sheriffs Department. Last year Sheriff Laney testified that the Sheriffs Department only has 3 Sheriffs cars on the road at any one time to provide services for the whole county. In looking over the current police dispatch logs for Fargo City, they receive calls from the DBR about every 2-3 days concerning violence in the facility and runaways.

They had 3 in last few weeks. May 13,15, 22. I have not had a chance to look up the logs since then to verify if any more runaways have been called in to the police department. The Sheriffs Department does not have the money/man power to provide services for their constant calls.

This is a concern for the neighborhood residents as we all in Cass County. There is no place for the kids to run. We are the closest buildings to them and may likely be their first stop as they look for transportation away from the Ranch.

Another concern being part of the county, but also of Stanley Township is that the fire department that would respond to calls would be from the Horace volunteer Fire Department. There are no fire hydrants around for miles..... In moving here, the residents know and take on that risk that if something happens that the fire department would make it in time to save your neighbors home but not yours if it were on fire.

Most recently is Orchard Glenn and also Heritage Hills 2 years ago. Both burned down to the ground. This is a concern as the Dakota Boys Ranch would be at risk and all of their staff/residents, but also as neighbors to this facility. To deter the troubled teens from running away, the DBR takes their shoes and coats in the winter. This makes them very vulnerable and desperate to find shelter. Should they start a fire to stay warm while on the run, this could be catastrophic to us as residents.

After having just survived the flood, and the dirt dike has been gone only a few weeks now, I have great reservations in regards to anything being built in this area until final flood protection is in place. No one knows if the 1/2 cent sales tax is going to go through (I so hope it does). Also, before the flood the Wild Rice Diversion was picked, but may not be the plan that the city goes with. The Wild Rice River runs through my neighborhood and I am only a stones throw from it and in the opposite direction the proposed

Page 107 for the DBR. We need to as a city have a definite course of action plan decided before we go forward with any building in this area of the county.

I don't think that I need to mention that sewer here is a septic tank and all the other wonderful wonders that come from living in the country and not part of the city. Please do remember when considering this issue that it is county land and the services are not in place for this type of facility. This is why it was voted down last fall and is still a bad idea for this location.

Thank you,  
Heather Budge  
1629 Round Hill Dr  
Fargo  
232-9472

---

Make the right decisions about your inheritance. Click here for more information.  
<http://thirdpartyoffers.juno.com/TGL2141/fc/BLSrjpTFQPKeHFVFOHOpBgB53IsRdiQeSCG1T81YJrZZQR0Dy6gqY1DspE0/>

**From:** tebuilt@aol.com  
**Sent:** Monday, June 08, 2009 9:12 PM  
**To:** James Hinderaker  
**Subject:** Boys and Girls Ranch

You know when I was growing up I was taught that no means no. I thought that the Boys and Girls Ranch development was put to an end last year. Commissioners voted it down the developments of Granberg, Amber Plains and Round Hill were all against it but still there is a push for it again.

There are many reasons for not having this facility in our area or anyone's area.

- 1) Our developments have been around for over thirty years. We have all worked hard on our properties and are proud of our area. Not only would this affect the value of our properties but there would be a safety risk for our children and our properties.
- 2) The property is in the area yet to have permanent flood protection.
- 3) There is no way this facility should be located by a public school. Now not only does this facility affect our developments but it also affects all of the students at the new high school. Bad decision.
- 4) What happens around all schools - residential growth. I am a home builder and it would be a hard sell to develop property around a facility like this. Fargo is running our of quality developments, don't destroy the potential for future residential development because someone is pushing for it.

Please for once take a look at the impact that the Boys and Girls Ranch has, not only has on us but for the future of quality growth in the city and surrounding area. It was voted down once, nothing has changed. I doubt that this facility would be welcomed by Fox Run residents where a Menards couldn't even go.

Let's have a growth of Fargo that we're proud of and not a cluster development that has been done in the past.

Terry Engberg  
President Engberg Builders Inc.  
resident of Granberg subdivision

---

Wanna slim down for summer? Go to [America Takes it Off](#) to learn how.

**From:** Ben Hushka  
**Sent:** Monday, June 08, 2009 12:54 PM  
**To:** James Hinderaker  
**Subject:** New Boys & Girls Ranch

Hi Jim.

There would be no way we (or anyone else I could think of) could say at this point if that going in would affect surrounding property values. My best guess under normal circumstances is that it would have no effect. But, as you know, the "market" consists of the interaction between people. And, if enough attention is drawn to the possibility of that happening by surrounding owners, that in itself could create a stigma. Kind of a self fulfilling prophesy.

We kind of had that before the 12<sup>th</sup> Avenue bridge went in. Surrounding property owners were all over the press saying that the added traffic would devalue their homes by as much as 30%. They had Realtors (who also happened to live in the area) confirming that. Not only did we not see that happen, about two months after it opened, sales were for more than before.

**Ben Hushka**

Fargo Assessor  
404 4th Ave. N.  
Fargo, ND 58102  
701.241.1340  
[bhushka@cityoffargo.com](mailto:bhushka@cityoffargo.com)

**From:** Sharon Odegaard  
**Sent:** Tuesday, June 02, 2009 9:54 AM  
**To:** Commissioners; James Gilmour; James Hinderaker  
**Subject:** FW: Opposition of the proposed annexation of the Dakota Boys and Girls Ranch

---

**From:** Shar Wendorff [mailto:Shar.Wendorff@microsoft.com]  
**Sent:** Tuesday, June 02, 2009 8:47 AM  
**To:** Commission E-mail  
**Subject:** Opposition of the proposed annexation of the Dakota Boys and Girls Ranch

Dear Commissioner,

I am writing in **opposition** to the proposed annexation of the Dakota Boys and Girls Ranch plat to the City of Fargo. Please know that I appreciate and support the mission of the Dakota Boys and Girls Ranch--it is the *proposed location* that I oppose.

As close neighbors to the proposed facility, I have concerns for the safety of my children, the children in our neighborhoods, and for the children in the new High School.

I thank you for your consideration.

Sincerely,  
Sharlene Wendorff  
1303 Cossette Dr  
Fargo, ND 58104

**From:** Sharon Odegaard  
**Sent:** Monday, June 01, 2009 8:30 AM  
**To:** Commissioners; James Gilmour; James Hinderaker  
**Subject:** FW:

---

**From:** danita gerhold [mailto:danitagerhold@hotmail.com]  
**Sent:** Monday, June 01, 2009 8:15 AM  
**To:** Commission E-mail  
**Subject:**

Dear Commissioner,

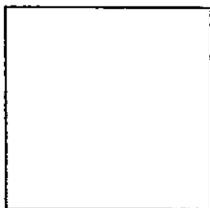
I am writing in **opposition** to the proposed annexation of the Dakota Boys and Girls Ranch plat to the City of Fargo. Please know that I appreciate and support the mission of the Dakota Boys and Girls Ranch--it is the *proposed location* that I oppose. I do not agree that it is ok to have this facility next to the new high school. I do see the convenience for the facility, but as a resident of South Fargo, and being farther south than the proposed site, I see it as stunting the southern growth of the city. As a resident of South Fargo, I would not consider ever building a new home around the proposed area, and would seriously consider putting my own home on the market to get away from this proposed location.

I support the Dakota Boys and Girls Ranch mission, but I do not wish to have it located "in my back yard". My sense of security for my own children's safety would also be compromised.

Please do not approve this annexation.

Danita Gerhold  
1347 Cossette Drive  
Fargo, ND 58104

-Danita



**From:** Sharon Odegaard  
**Sent:** Monday, June 01, 2009 10:42 AM  
**To:** Commissioners; James Gilmour; James Hinderaker  
**Subject:** FW: DBGR

---

**From:** Judith Gefroh [mailto:jagefroh@msn.com]  
**Sent:** Monday, June 01, 2009 10:25 AM  
**To:** Commission E-mail  
**Subject:** FW: DBGR

---

Dear Commissioner,

I am writing to let you know I'm opposed to the Dakota Boys and Girls ranch plat to the city of Fargo. It is the location that I'm opposed to.

Sincerley,

Judith Gefroh  
6170 Martens Way  
Fargo ND 58104

---

---

Hotmail® has ever-growing storage! Don't worry about storage limits. [Check it out.](#)

---

Hotmail® has ever-growing storage! Don't worry about storage limits. [Check it out.](#)

---

**From:** Sharon Odegaard  
**Sent:** Monday, June 01, 2009 2:04 PM  
**To:** Commissioners; James Gilmour; James Hinderaker  
**Subject:** FW: Dakota Boys & Girls Ranch Addition Zoning

---

**From:** Grant Johnson [mailto:gejohnson@grantsmechanical.com]  
**Sent:** Monday, June 01, 2009 1:46 PM  
**To:** Commission E-mail  
**Subject:** Dakota Boys & Girls Ranch Addition Zoning

Dear Sirs:

The zoning request again utilizes the leapfrog method of annexation which has been denied in the past by the Fargo City Commission. Your policy letters have discouraged this method.

Why must we continually have this brought before the City Commission? What has changed? Do we continually need to consider until the majority of the commission has been worn down and gives in? Vote no on this issue.

Joyce & Grant E. Johnson  
1641 Round Hill Drive  
Fargo, ND

Phone: (701)-232-8891  
Fax: (701)-237-4711  
Cell (701)-866-6550

**From:** Carol McDonald [cmcdonald@nbinternet.com]  
**Sent:** Monday, June 01, 2009 2:35 PM  
**To:** Dennis Walaker; Tim Mahoney; Dave Piepkorn; Michael Williams; Brad Wimmer; James Hinderaker; Nicole Crutchfield; Mark Williams  
**Cc:** Sharon Odegaard; paula@eckman.com  
**Subject:** FW: Boys Ranch - 76th Avenue South....please vote NO once again!

**Importance:** High

Below is an email I sent to some of you a couple of weeks ago regarding the proposed Dakota Boy's Ranch in South Fargo. My family's feelings are clearly stated below, and it would be appreciated if you would take this into consideration for tonight's City Commission meeting at 5 pm and again at the Planning Commission meeting on June 10.

Clearly the proposed location that currently consists of residents and the new home to Davies High School, and potentially a new elementary school in the future, is not the proper location for a Boy's Ranch to be built – it should be out in the country not close to developments or schools.

Also, after talking to family and friends who will have children attending Davies, they too are opposed to having the Boy's Ranch within easy walking distance of their child's school, it makes no sense at all. There are many areas outside of the FM area which would serve this purpose much better where tenants of DBR would not have easy access to the public or residential belongings.

Regards,  
Jay and Carol McDonald  
1319 – 76<sup>th</sup> Avenue South  
Fargo, ND 58104

---

**From:** Carol McDonald [mailto:cmcdonald@nbinternet.com]  
**Sent:** Thursday, May 14, 2009 2:24 PM  
**To:** dwalaker@cityoffargo.com; mwilliams@cityoffargo.com; tmahoney@cityoffargo.com; ncrutchfield@cityoffargo.com  
**Cc:** cmcdonald@nbinternet.com  
**Subject:** Boys Ranch - 76th Avenue South....please vote NO once again!  
**Importance:** High

Dear Mayor and City Commissioners,

Today in the paper I saw that the Boys Ranch is getting a "second shot" at having its facility built just down the road from me which totally caught me off guard as I thought once something like this was voted down there was no second chance. The story reads there doesn't seem to be much opposition this time – could that perhaps be because the neighborhood thought this issue was a done deal and that we did not need to concern ourselves with this proposition any longer? I certainly know that is the case for me and my family. If the Fargo Forum had not printed this story I would not have had any insight into this, perhaps that is what Tim Eissinger, the Boys Ranch, and the Fargo Planning Commission was hoping for. With all that we have been dealing with this Spring with flood issues down in this area; this feels like a slap in the face and somewhat sneaky given the vote is to take place next Monday.

As I stated before during the first push to have this land used to host youth with emotional and behavioral problems – this is not the right location for this type of facility and it amazes me anyone in a leadership position that is looking out for the best interest and welfare of its citizens would believe it makes sense. Do we really want kids with problems such as drug addiction, abusive behavior, emotional problems, etc. situated within walking distance from our high school and residential neighborhoods? If this were a lock down facility with 24x7 security I'm not sure I would even be comfortable with it, but the reality is this is a non-secure facility - I've seen the stats before on problems DBR has with youth walking

Page 15  
not and is very worrisome. As a parent of a 15 year old daughter, it would greatly concern me to have youth with big problems just down the road from our place. We chose to move to our home on 76<sup>th</sup> Avenue South several years ago as we were looking for a location with a rural feel; I can guarantee you if there were a Boy's Ranch a few blocks away we would never have considered it.

The opposition we had to this the first time around still remains <safety, traffic, loss of land value, etc.> this is absolutely not the right place for this type of facility – it belongs out in the country where there isn't residential developments nor public schools within walking distance. I'm fairly confident you would not want your home, nor your children or grandchildren living within walking distance of this type of facility. I trust the City Commissioners will do what is right for the residents of Round Hill, Grandberg Estates, Chrisan and Amber Valley and that would be to once again vote down this request once and for all – I can assure you that is what our neighborhood is in favor of.

If you could please forward this to the remaining City of Commissioners who I did not have an email address for, it would be appreciated – thank you!

Best Regards,

Carol & Jay McDonald  
1319 – 76<sup>th</sup> Avenue South  
Fargo, ND 58104

**From:** Carol McDonald [cmcdonald@nbinternet.com]  
**Sent:** Monday, June 01, 2009 2:35 PM  
**To:** Dennis Walaker; Tim Mahoney; Dave Piepkorn; Michael Williams; Brad Wimmer; James Hinderaker; Nicole Crutchfield; Mark Williams  
**Cc:** Sharon Odegaard; paula@eckman.com  
**Subject:** FW: Boys Ranch - 76th Avenue South....please vote NO once again!

**Importance:** High

Below is an email I sent to some of you a couple of weeks ago regarding the proposed Dakota Boy's Ranch in South Fargo. My family's feelings are clearly stated below, and it would be appreciated if you would take this into consideration for tonight's City Commission meeting at 5 pm and again at the Planning Commission meeting on June 10.

Clearly the proposed location that currently consists of residents and the new home to Davies High School, and potentially a new elementary school in the future, is not the proper location for a Boy's Ranch to be built – it should be out in the country not close to developments or schools.

Also, after talking to family and friends who will have children attending Davies, they too are opposed to having the Boy's Ranch within easy walking distance of their child's school, it makes no sense at all. There are many areas outside of the FM area which would serve this purpose much better where tenants of DBR would not have easy access to the public or residential belongings.

Regards,  
Jay and Carol McDonald  
1319 – 76<sup>th</sup> Avenue South  
Fargo, ND 58104

---

**From:** Carol McDonald [mailto:cmcdonald@nbinternet.com]  
**Sent:** Thursday, May 14, 2009 2:24 PM  
**To:** dwalaker@cityoffargo.com; mwilliams@cityoffargo.com; tmahoney@cityoffargo.com; ncrutchfield@cityoffargo.com  
**Cc:** cmcdonald@nbinternet.com  
**Subject:** Boys Ranch - 76th Avenue South....please vote NO once again!  
**Importance:** High

Dear Mayor and City Commissioners,

Today in the paper I saw that the Boys Ranch is getting a "second shot" at having its facility built just down the road from me which totally caught me off guard as I thought once something like this was voted down there was no second chance. The story reads there doesn't seem to be much opposition this time – could that perhaps be because the neighborhood thought this issue was a done deal and that we did not need to concern ourselves with this proposition any longer? I certainly know that is the case for me and my family. If the [Fargo Forum](#) had not printed this story I would not have had any insight into this, perhaps that is what Tim Eissinger, the Boys Ranch, and the Fargo Planning Commission was hoping for. With all that we have been dealing with this Spring with flood issues down in this area; this feels like a slap in the face and somewhat sneaky given the vote is to take place next Monday.

As I stated before during the first push to have this land used to host youth with emotional and behavioral problems – this is not the right location for this type of facility and it amazes me anyone in a leadership position that is looking out for the best interest and welfare of its citizens would believe it makes sense. Do we really want kids with problems such as drug addiction, abusive behavior, emotional problems, etc. situated within walking distance from our high school and residential neighborhoods? If this were a lock down facility with 24x7 security I'm not sure I would even be comfortable with it, but the reality is this is a non-secure facility - I've seen the stats before on problems DBR has with youth walking

~~Page 07~~ very worrisome. As a parent of a 15 year old daughter, it would greatly concern me to have youth with big problems just down the road from our place. We chose to move to our home on 76<sup>th</sup> Avenue South several years ago as we were looking for a location with a rural feel; I can guarantee you if there were a Boy's Ranch a few blocks away we would never have considered it.

The opposition we had to this the first time around still remains <safety, traffic, loss of land value, etc.> this is absolutely not the right place for this type of facility – it belongs out in the country where there isn't residential developments nor public schools within walking distance. I'm fairly confident you would not want your home, nor your children or grandchildren living within walking distance of this type of facility. I trust the City Commissioners will do what is right for the residents of Round Hill, Grandberg Estates, Chrisan and Amber Valley and that would be to once again vote down this request once and for all – I can assure you that is what our neighborhood is in favor of.

If you could please forward this to the remaining City of Commissioners who I did not have an email address for, it would be appreciated – thank you!

Best Regards,

Carol & Jay McDonald  
1319 – 76<sup>th</sup> Avenue South  
Fargo, ND 58104

**From:** Heather A Budge [hafb17@juno.com]  
**Sent:** Monday, June 01, 2009 7:52 AM  
**To:** James Hinderaker; Dennis Walaker; Tim Mahoney; piepkorn@cityoffargo.com; Michael Williams; Brad Wimmer; Sharon Odegaard; Commission E-mail  
**Subject:** Annexation request of DBR

Commissioners,

I want to preface with the fact that this is a tough decision that you are making. I respect your decisions because they effect me. I consider myself a Fargoan, and even more than ever after the coming together with the recent flooding. However, the board does not represent me as we are ET and have no representation. I don't know if Fargo ever has any intention of annexing us, as that would mean that you would have to provide services to our area. You are annexing land all around us that does effect me and which means that when it sometimes comes to a head I feel a little more frustrated.

I toured the DBR and had a long visit with Erik Wilkie the director. He showed me the facility and the adjoining school. He spent time answering most of my questions. There is no question that the DBR does great work within our community and state. The only concern is the location, location, location. This is a 24/7 lockdown facility that does not need to be in a neighborhood setting. They spend very little time outside at the facility, but are in classes at the facility or off on possible fieldtrips. As a new neighbor to this facility, we would not go and enjoy their green space, nor would I let my children walk to school; the new Davies High School and the future proposed site of an Elementary school. These children need 2 diagnoses to be admitted to the Boys Ranch and many of them come from colorful backgrounds. Some, no fault of their own, but others is for very poor choices. This situation directly effects my family. Again, location, location, location.

I spent an hour with Jim Hinderaker on Friday. He was very gracious as well. He answered a multitude of questions. Some pertaining to this annexation request and many not. I voiced my concerns of the "Sprawling Out" and he showed me the Fargo 50 year plan map and also the city boundaries. Fargo someday could be really huge and I so hope that she doesn't lose her (to me) not big city feel and very close knit communities. Jim counted up the square plats on the map and the city currently, north of 76th Ave and East of Highway 29 has annexed undeveloped land over 3 square miles. Also, same vicinity, unannexed undeveloped land again over 3 square miles. That is around 6 1/2 square miles or 4000 plus acres. Remember that this does not include all of the cities' land West of the highway. There are a lot of other choices where they could build without building near existing neighborhoods. That way, people would have the choice to build near them instead of it being forced upon them.

In going over Fargos Policy Letter 205 which discourages Leapfrog Development, I am amazed at how this situation fits it to a "T". "Urban sprawl is haphazard growth that spreads out in a straggling and disordered manner. The City of Fargo should site and schedule essential public facilities as required, but enforcement of the comprehensive plan policies and development regulations is needed to ensure reasonable compatibility with other land uses". I was quoting from your policy letter. The policy statement goes on to say that the "City of Fargo should encourage new development or redevelopment in established areas where vacant land is appropriate for facilities and services and where protection of an existing neighborhood can be assured."

When researching this issue last year and deciding where I stood, I called and spoke with the police department in Minot. I have no friends or family there and so they were the logical call to make. I spoke with an officer who chose to build a home there within the last few years. When I asked him about runaways and needing to feel protected with having the 24/7 lockdown facility so close, his response to me was to get a bunch of big dogs. He said that it was what he had. My husband has deployed 5 times to Iraq and now just finished his first deployment to Afghanistan. I am home alone with 4 kids much of the time. I don't think that I should have to get big dogs to feel safe. Fargos policy statement talked about

Page 99  
The protection of an existing neighborhood. I know that the city means it in a different sense of the word, but I am taking it literally. The DBR would not consider any safety measures when we met with them last year and discussed our concerns. They do not believe in fences or outdoor monitors. Some of these kids have violent pasts and I do not want them living near my family or near the new schools which my children will attend. Again, this comes down to location, location. location. This is a poor location and there are many other areas in which the DBR can build which would not be considered sprawl and could help keep members of our community safe. Thank you.

Heather Budge  
1629 Round Hill Dr  
Fargo, ND 58104  
232-9472

---

Criminal Lawyers - [Click here.](#)

<http://thirdpartyoffers.juno.com/TGL2141/fc/BLSrjpTOVoLW7cxbjE0qA1VqkWxcEwd7Ya5hbeL98BTL5qu8vGbsbAGUaIo/>

**From:** Connie & Mike Walsh [mcwalsh@cableone.net]  
**Sent:** Sunday, May 31, 2009 7:46 PM  
**To:** James Hinderaker; Dennis Walaker; Brad Wimmer; Sharon Odegaard  
**Subject:** Zoning request from Dakota Boys and Girls Ranch

As residents of Fargo and half-owners of Walsh First Addition (1637 76 Ave S.) we are still opposed to any zoning request from Dakota Boys & Girls Ranch.

Even if the land is annexed to the City and therefore would have proper water, sewer and police protection, the neighbors who are still in Stanley Township have legitimate security issues.

You can be assured that we will join our neighbors to sign a petition against this.

I understand that DBGR has contacted some of the neighbors. We have not heard from them or the City on this issue, but rather from a concerned neighbor.

It's hard to believe that a City the size of Fargo does not have a data base that could inform more than one land-owner per parcel.

Our mailing address is 1914 14 1/2 St S., Fargo. Home phone is (701) 241-4467.

Thanks, Mike and Connie Walsh

**From:** Gered Keller [geredmorris@hotmail.com]  
**Sent:** Wednesday, May 27, 2009 9:43 PM  
**To:** James Hinderaker  
**Subject:** dakota boys ranch

Hi Jim I am writing this letter in regards to the Boys Ranch my wife and I are strongly against the facility one because of the size of the ranch for one I know that they have to build it someplace but we built a 400,000 dollar house and are worried about what it is going to do to the property value and taxes, but also about the security of the neighborhood in the area we did not move out here to get away from Fargo but I do not live in down town Fargo for a reason. This is a nice neighborhood and we would like to see it stay safe. We do not understand why they cannot find some place out farther away from the neighborhoods that are already in place. We have not seen an increase in the sheriff out here in Amber Plains so what is the city going to do to give us police and fire protection? Are they going to have larger water mains installed out here because the size of the structure would require sprinklers I'm sure. And also you still have to worry about flood control. It is sure funny we followed all the building requirement that was put forth by the city engineers and guess what we probably did not build high enough to keep us out of the flood plain. So are they going to have this problem in the future? Most of us cannot take of work and voice are opinion so I hope you forward my impute to someone who might have sympathetic ear to a small home owners opinion.

PS I'm hoping that you consider that bridge to cross at 70 Ave South also not just 76 Ave.

Thanks

Gered Keller  
7603 15th St S  
Fargo

---

Hotmail® has ever-growing storage! Don't worry about storage limits. [Check it out.](#)

362

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
2 LYING IN DAKOTA BOYS & GIRLS RANCH ADDITION TO THE CITY OF FARGO

3 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the  
4 City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of  
5 certain parcels of land lying in the proposed Dakota Boys & Girls Ranch Addition, Fargo, Cass  
6 County, North Dakota; and,

7 WHEREAS, the Fargo Planning Commission recommended denial of the rezoning request  
8 on June 10, 2009; and,

9 WHEREAS, the rezoning changes were approved by the City Commission on July 13,  
10 2009,

11 NOW, THEREFORE,

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

13 Section 1. The following described property:

14 Lots One (1) and Two (2), Block One (1), and Lot Two (2), Block Two (2), Dakota  
15 Boys & Girls Ranch Addition to the City of Fargo, County of Cass and State of  
16 North Dakota,

17 is hereby rezoned from "AG", Agricultural, District to "MR-3", Multi-Dwelling, District; and

18 Lot Three (3), Block Two (2), Dakota Boys & Girls Ranch Addition to the City of  
19 Fargo, County of Cass and State of North Dakota,

20 is hereby rezoned from "AG", Agricultural, District to "SR-4", Single-Dwelling, District; and

21 Lot One (1), Block Two (2), Dakota Boys & Girls Ranch Addition to the City of  
22 Fargo, County of Cass and State of North Dakota,

23 is hereby rezoned from "AG", Agricultural, District to "P/I", Public and Institutional, 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.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

\_\_\_\_\_  
Dennis R. Walaker, Mayor

(SEAL)  
Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:



3C4d

## Memorandum

**Date:** 8 July, 2009  
**To:** Fargo City Commission  
**From:** Robert C. Stein  
**Re:** Renaissance Zone Project Applications

---

The following Renaissance Zone projects were reviewed and approved by the Renaissance Zone staff in accordance with established Renaissance Zone Authority policy.

1. Kennelly & O'Keefe, Ltd. (Project 173-F) proposal for a lease project located at 313 NP Avenue. This project will consist of the lease of commercial office space in an approved Renaissance Zone project location. **The application is included as Attachment 1.** The project is consistent with the goals and objectives of the Fargo Renaissance Zone Development Plan and other Downtown Plans. The proposed commercial use is a priority use in the Zone.
2. Arthur Ventures, LLC. (Project 183-F) proposal for a lease project located at 102 Broadway, Ste. 203. This project will consist of the lease of commercial office space in an approved Renaissance Zone project location. **The application is included as Attachment 2.** The project is consistent with the goals and objectives of the Fargo Renaissance Zone Development Plan and other Downtown Plans. The proposed commercial use is a priority use in the Zone.

The project listed above meet the State and local requirements for designation as a Renaissance Zone projects in the City of Fargo. If you have any further questions, please contact me at 241-1474.

(Next Page)

**Recommended action:**

**to approve the Renaissance Zone application of Kennelly & O'Keefe, Ltd. for a project located at 313 NP Avenue and to grant the income tax exemption as recommended by Renaissance Zone Authority and staff; and**

**to approve the Renaissance Zone application of Arthur Ventures, LLC. for a project located at 102 Broadway, Ste. 203 and to grant the income tax exemption as recommended by Renaissance Zone Authority and staff.**

**RENAISSANCE ZONE PROJECT APPLICATION for Kennelly & O'Keeffe, Ltd.**

1. **Street Address:**  
313 NP Avenue  
Fargo, ND 58102

**Legal Description:**  
Lot 6, Block 3, Keeney & Devitts 1<sup>st</sup> Addition

**Renaissance Zone Block of Proposed Project:**  
13

2. **Current Property Owners**  
Irish Properties II, LLC

3. **Name of Applicant:**  
Kennelly & O'Keeffe, Ltd.  
P.O. Box 2105  
Fargo, ND 58107-2105

Type of Entity – S Corporation

4. **Current Use of Property**

Commercial – Law firm

5. **Square Footage of the Lot and of the Building (Each Floor Listed Separately)**

Lot – 3500 sq. ft.

Building – 4,000 sq. ft.

First Floor – 2,000 sq. ft.

Second Floor – 2,000 sq. ft.

6. **Project Description**

The project is a lease project. The tenant of the property, Kennelly & O'Keeffe, Ltd., moved into the building on May 29, 2009. The tenant's anticipated activities will be to operate the law firm of Kennelly & O'Keeffe, Ltd. and provide legal service to the Fargo/Moorhead community, and surrounding communities in North Dakota and Minnesota

**7. Renaissance Zone Goals and Objectives**

The project will enhance the economic vitality of the Downtown Fargo area by promoting expansion of downtown businesses. In the past 5 years, the firm has grown to 5 attorneys and 5 legal assistants. In the next 12 months, the firm plans to expand its staff even further. The firm will continue to grow and hire additional attorneys and staff members, which will contribute to the downtown economy by providing more jobs. Additionally, now that Kennelly & O'Keeffe, Ltd. has moved to the building located at 313 N.P. Avenue, the past office of Kennelly & O'Keeffe, Ltd., located at 109 Roberts Street, is occupied by Pinnacle Communications. The attraction of new commercial businesses will add to the diversity of the downtown area.

The renovation of the building for the purposes of housing Kennelly & O'Keeffe, Ltd. adds to the vibrant city center of Downtown Fargo with a renovation of the building that highlights the unique historical character of the area. The occupancy of a reputable and established law firm within the storefronts along N.P. Avenue promotes safe streets and lends a sense of security to the neighborhood.

**8. Renaissance Zone Developmental Guidelines**

The project fits into the Renaissance Zone Developmental Guidelines through redevelopment of a high priority land use. The building at 313 N.P. Avenue was underutilized in the past. The building was redeveloped to add a full second floor and create additional office space, to provide room for the active commercial business of the law firm of Kennelly & O'Keeffe, Ltd. Further, an addition of approximately 2,000 sq. ft. on the north side of the current building is expected to be added in the next 3-5 years to add additional space for offices and a conference room.

**9. Financial Commitments**

The project was funded through private and commercial financing with no use of Renaissance Zone Fund moneys.

**10. Estimated tax impact**

The estimated potential annual income tax savings will go to the two partners of Kennelly & O'Keeffe, Ltd. at a rate of \$10,000 per year per partner.

**11. Currency of applicant on state and local taxes**

Local and state taxes are current for Kennelly & O'Keeffe, Ltd. See attached Certificate of Good Standing from the State Tax Commissioner.

## CITY OF FARGO RENAISSANCE ZONE LEASE PROJECT APPLICATION

*Attn: This application must be approved by all local and state review entities prior to executing a lease.*

1. Street address, legal description, and Renaissance Zone Block number of proposed project. If the proposed project involves more than one parcel, please provide relevant information for each parcel.
  - 102 Broadway N., Suite 203, Fargo ND 58102  
ROBERTS LOTS 1 & 2 BLK 2  
Block 6 of RZ Zone
2. Current property owner(s).
  - Kilbourne Group, LLC
3. Name of applicant(s), mailing address, Federal ID number or SSAN, and type of entity (partnership, LLC, S-corporation, etc.). Phone number and email address.
  - Arthur Ventures LLC  
51 Broadway Suite 502, Fargo ND 58102  
EIN Number: [REDACTED]  
LLC partnership  
[REDACTED]
4. Current use of property.
  - Office Space
5. Square footage of the lot, the building, and the space leased. List each floor separately and provide a floor plan of the leased space)
  - Lot size 14,000sf/ Building total of 26,639sf/ space leased for Arthur Ventures is 1100sf
6. Project Description. Describe the anticipated tenant activities, scope of the activities that the tenant will undertake, and describe and the expected date of occupancy and lease.
  - Arthur Ventures is a venture capital business making investments in start up businesses in the region. Space will be used as office space and meeting space for prospective clients and existing clients.
7. Describe how the project enhances the stated Renaissance Zone goals and objectives, being as specific as possible. Describe how this project addresses the needs and interests of the community (see Attachment C).
  - Arthur Ventures' mission is investing in start up businesses within the region. One of our main portfolio companies is Intelligent InSites which will be located in the same building as us. Co-locating in the same building will grow our business relationship with close proximity and eliminating drive time between locations. It will also allow prospective clients to see the value add Arthur Ventures will provide to their business relationship by observing Intelligent InSites interaction when doing an on-site visit with Arthur Ventures.
8. Describe how the project fits under the Zone's development guidelines (Attachment D).



Office of the City Attorney

July 9, 2009

City Commissioners  
City Hall  
200 North Third Street  
Fargo, ND 58102

*City Attorney*  
**Erik R. Johnson**  
*Assistant City Attorney*  
**Robert L. "Butch" McConn, Jr.**

*City Prosecutors*  
**Gordon A. Dexheimer**  
**Scott O. Diamond**

Dear Commissioners:

You asked me to report back to you with a draft ordinance that prohibits a commissioner from participating in City Commission meetings by telephone. In the discussion it was recognized that at some point technology that is available to the city for commission meetings may improve so that a commissioner who is not able to be present in the meeting room may better be able to listen, talk and participate in commission meetings. State law does allow a city commission to determine its rules of procedure. N.D.C.C. § 40-06-05. In fact, state law allows a governing body to fine or expel a member for neglect of duty or for unnecessary absence from meeting sessions. *Id.* City commissions are also authorized to establish by ordinance details necessary for full exercise of any power conferred upon it by state law. N.D.C.C. § 40-06-07. In our city ordinances, Article 2-01 provides some basic structure for city commission meetings. See generally F.M.C. § 2-0105. Our city ordinances do not specifically address the issue of whether, or how, a commissioner may participate in a meeting when he or she is not physically present at the meeting. I have prepared a draft ordinance for your consideration. Please note that in this draft text, this rule only applying to "regular meetings" -- to be distinguished from "special meetings". It occurred to me that there may be emergency circumstances where a special meeting needs to be called and, it becomes necessary for one or more commissioners to be able to appear by telephone in order to obtain a quorum or in order to weigh in on an urgent issue that cannot wait until one of the bi-weekly regular meetings.

**SUGGESTED MOTION:** I move to receive and file and place on the agenda for first reading at the City Commission meeting of July 27, 2009, An Ordinance Enacting Section 2-0108 of Article 2-01 of Chapter 2 of the Fargo Municipal Code Relating to Prohibiting Commissioners from Appearing at Regular Meetings by Telephone or Other Electronic Media.

Sincerely,

Erik R. Johnson

ERJ/jmf  
Enclosure

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ENACTING SECTION 2-0108 OF ARTICLE 2-01  
2 OF CHAPTER 2 OF THE FARGO MUNICIPAL CODE  
3 RELATING TO PROHIBITING COMMISSIONERS FROM APPEARING AT  
4 REGULAR MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEDIA

5 WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in  
6 accordance with Chapter 40-05.1 of the North Dakota Century Code; and,

7 WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City  
8 shall have the right to implement home rule powers by ordinance; and,

9 WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said  
10 home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict  
11 therewith and shall be liberally construed for such purposes; and,

12 WHEREAS, the Board of City Commissioners deems it necessary and appropriate to  
13 implement such authority by the adoption of this ordinance;

14 NOW, THEREFORE,

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

16 Section 1. Enactment.

17 Section 2-0108 of Article 2-01 of Chapter 2 of the Fargo Municipal Code is hereby enacted  
18 to read as follows:

19 2-0108. Commissioners must be present to participate in regular meetings.-- During a  
20 regular meeting of the board of city commissioners a commissioner may not participate in the  
21 meeting by telephone or other electronic device or medium.

22 Section 2. Effective Date.

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

\_\_\_\_\_  
Dennis R. Walaker, Mayor

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Reading:

F:\CITY\ORDINANCES\Commission Meetings - enact 2-0108

59

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS  
FROM: MAYOR DENNIS R. WALAKER *Dennis Walaker*  
DATE: JULY 1, 2009  
SUBJECT: APPOINTMENT TO THE PARKING COMMISSION

The term of City Commissioner Mike Williams on the Parking Commission expired on June 30, 2009.

Commissioner Williams is willing to continue his service on the Board and I am recommending that he be reappointed for a three-year term ending June 30, 2012.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the reappointment of City Commissioner Mike Williams to the Parking Commission for a term ending June 30, 2012.

wwapptpc09



Mayor Dennis R. Walaker  
200 3rd Street North  
Fargo, North Dakota 58102  
Phone (701) 241-1310  
Fax (701) 476-4136

56

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS  
FROM: MAYOR DENNIS R. WALAKER *Dennis Walaker*  
DATE: JULY 1, 2009  
SUBJECT: APPOINTMENT TO THE BOARD OF APPEALS

The term of Randy Buth on the Board of Appeals expired on June 30, 2009.

Mr. Buth is willing to continue his service on the Board and I am recommending that he be reappointed for a five-year term ending June 30, 2014.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the reappointment of Randy Buth to the Board of Appeals for a term ending June 30, 2014.

wwappt09boa



*(Handwritten initials)*

**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**  
**FROM: MAYOR DENNIS R. WALAKER** *(Handwritten signature)*  
**DATE: JULY 6, 2009**  
**SUBJECT: APPOINTMENTS TO THE BOARD OF ADJUSTMENT**

*Mc*  
The terms of Lisa Wheeler and Chad Peterson on the Board of Adjustment expired on June 30, 2009.

Both Ms. Wheeler and Mr. Peterson are willing to continue their service on the Board and I am recommending that they be reappointed for three-year terms ending June 30, 2012.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the reappointment of Lisa Wheeler and Chad Peterson to the Board of Adjustment for three-year terms ending June 30, 2012.

wwappt09boardjust



Mayor Dennis R. Walaker  
200 3rd Street North  
Fargo, North Dakota 58102  
Phone (701) 241-1310  
Fax (701) 476-4136

5d

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS  
FROM: MAYOR DENNIS R. WALAKER *Dennis Walaker*  
DATE: JULY 9, 2009  
SUBJECT: APPOINTMENT TO THE SPECIAL ASSESSMENT COMMISSION

The term of Dan Dunn on the Special Assessment Commission expired on June 30, 2009.

Mr. Dunn is willing to continue his service on the Board and I am recommending that he be reappointed for a three-year term ending June 30, 2012.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the reappointment of Dan Dunn to the Special Assessment Commission for a term ending June 30, 2012.

wwappt09sac

