

FARGO CITY COMMISSION AGENDA
Monday, August 21, 2023 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at www.FargoND.gov/Streaming. They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at www.FargoND.gov/CityCommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, August 7, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Extension of a Class “A” Alcoholic Beverage License for Irish Hospitality d/b/a Hennessey’s Irish Pub until 2/19/24.
- 2. Extension of a Class “AC” Alcoholic Beverage License for Fargo Moorhead Community Theater d/b/a The Stage at Island Park until 4/1/24.
- 3. Resolution Establishing the Wildlife Management Program for the 2023-2024 season.
- 4. Amended Gaming Site Authorization for Metro Sports Foundation at the Alibi.
- 5. Applications for Games of Chance:
 - a. North Dakota Autism Center, Inc. for a raffle on 9/19/23.
 - b. Fargo South High School for a calendar raffle from 8/25/23 to 2/22/24.
 - c. YWCA Cass Clay for a raffle on 9/7/23.
 - d. Tri-City United Soccer Club for a raffle on 9/9/23.
- 6. Change Order No. 5 for a time extension to the substantial and final completion dates of 8/15/23 and 8/30/23 for Project No. FM-19-C1.
- 7. Change Order No. 2 for a time extension to the full road closure on 42nd Street from 8/15/23 to 8/24/23 for Project No. FM-22-C2.
- 8. Addition of 3000 11th Street South to the remaining property buyouts for the in-town flood mitigation projects (Project No. FM-25-A).
- 9. Permanent Easements (Water Main and Storm Sewer) with EPIC Unite Real Estate Holdings, LLC at 234 Main Avenue.
- 10. Contract and bond for Project No. FM-15-F3.
- 11. Memorandum of Offer to Landowner for Easement (Temporary Construction Easement) with Fargo Public Schools Federal Credit Union (Improvement District No. BR-23-G2).
- 12. Memorandum of Offer to Landowner for Easement (Temporary Construction Easement) with WNB Properties, LLC (Improvement District No. BR-23-G2).

13. Easement (Temporary Construction Easement) with Brian Trauman (Improvement District No. BR-24-A1).
14. Change Order No. 1 for removing stipulation from Sheet 1 of Special Instructions to Bidders and allow construction of Phase 1 and Phase 2 concurrently for Improvement District No. BR-23-J1.
15. General Fund – Budget to Actual unaudited monthly financial statements through 7/31/23.
16. Independent Auditor's Report and City's Annual Comprehensive Financial Report for the year ending 12/31/22.
17. Notice of Subaward from the ND Department of Environmental Quality for Public Water Supply Supervision Program - EPA Block (ALN #66.605).
18. Purchase of Service Agreement with American Lung Association (RFP23120).
19. Purchase of Service Agreement with Soul Solutions (RFP23120).
20. Purchase of Service Agreement with Dacotah Foundation (RFP23120).
21. Purchase of Service Agreement with New Life Center (RFP23120).
22. Professional Services Agreement with Sanford Clinic North.
23. Set September 5, 2023 at 5:15 p.m. as the date and time for a Public Hearing on a dangerous building at 1449 4th Avenue South.
24. Amended Resolution Creating a Committee on Native American Issues regarding the membership and coordination of the Native American Commission.
25. 90-day extension of FMLA leave for Police Sergeant Tyrell Fauske.
26. Direct the City Attorney to review Ordinance No. 10-0307 – Persons using streets not to be molested and Ordinance No. 10-0311 – Panhandling
27. Direct the City Attorney to prepare an Amendment to Fargo Municipal Code, Section 8-1321 – Use of Safety Belts Required in Certain Motor Vehicles.
28. Bid award to Titan Machinery in the amount of \$141,973.00 for carbide cutting edges (RFP23136).
29. Resolutions Amending and Restating Resolution Authorizing the Issuance and Sale of City of Fargo Sales Tax Revenue Bonds, Series 2008A, 2008B, 2008C, 2008D, 2010A and 2010D.
30. Bills.

REGULAR AGENDA:

31. **RESIDENT COMMENTS** (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at FargoND.gov/VirtualCommission).

Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:

32. **PUBLIC HEARING** - Application for a Class "GH" Alcoholic Beverage License for Five Star African Cuisine d/b/a Five Star African Cuisine to be located at 855 45th Street South, Suite 1A; continued from the 6/26/23 Regular Meeting.
33. **PUBLIC HEARING** - Application for a Class "GH" Alcoholic Beverage License from Nahal HHM LLC d/b/a Taj India to be located at 2877 45th Street South, Suite 100.
34. **PUBLIC HEARING** - Application for a Class "GH" Alcoholic Beverage License from Michele's Table, LLC d/b/a Michele's Table to be located at 1414 12th Avenue North.
35. **PUBLIC HEARING** - Application to transfer a Class "Z" Alcoholic Beverage License from Nobull, Inc. d/b/a NoBull Smokehouse to be located at 609 NP Avenue (ownership change only).
36. **PUBLIC HEARING** – Wentz Addition (2320 22nd Street South); approval recommended by the Planning Commission on 8/1/23:
 - a. Zoning Change from SR-2, Single-Dwelling Residential to SR-3, Single-Dwelling Residential.
 - b. 1st reading of rezoning Ordinance.
37. **PUBLIC HEARING** – University South Fourth Addition (1376 Oak Manor Avenue South); approval recommended by the Planning Commission on 7/6/23:
 - a. Zoning Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial with a C-O, Conditional Overlay.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of University South Fourth Addition.
38. **PUBLIC HEARING** – CONTINUE to 10/16/23 - Southwest Fargo Mission Second Addition (4451, 4455 and 4475 40th Avenue South); approval recommended by the Planning Commission on 5/2/23; continued from the 7/10/23 and 7/24/23 Regular Meetings:
 - a. Zoning Change from P/I, Public and Institutional to P/I, Public and Institutional and GC, General Commercial with a C-O, Conditional Overlay.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of Southwest Fargo Mission Second Addition.
39. **PUBLIC HEARING** – Consolidated Annual Performance and Evaluation Report (CAPER) for the 2022 Action Plan for Community Development Block Grant (CDBG) and HOME Programs.
40. Public Health Downtown Services Update.
41. Commissioner Piepkorn would like to discuss homelessness in and around Downtown.
42. Governance Meetings Update.
43. Recommendation from Commissioner Strand to schedule a Working Session to discuss all aspects of and contemplated Economic Development Incentive Policies.
44. Recommendation for appointments to the Human Rights Commission.

45. Liaison Commissioner Assignment Updates.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at www.FargoND.gov/CityCommission.

32

MEMORANDUM

TO: Liquor Control Board
FROM: Steven Sprague, City Auditor
SUBJECT: Liquor License Application – Five Star African Cuisine
DATE: August 21, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: GH – beer & wine - no bar allowed, food must exceed alcohol
Business Name: Five Star African Cuisine
Location: 855 45th St South, Suite A1
Applicants: Yakuba Soko

This application is for the issuance of a Class GH liquor license. This facility will be a restaurant featuring African cuisine.

The applicant originally submitted an application in June which had inconsistencies, Liquor Control requested a new application to remove the inconsistencies. After reviewing the re-submitted application, staff & Liquor Control recommend approval of the issuance of a Class GH alcoholic beverage license to Five Star African Cuisine d/b/a Five Star African Cuisine. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the transfer of a Class GH alcoholic beverage license to Five Star African Cuisine d/b/a Five Star African Cuisine.



FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

CRIMINAL INVESTIGATIONS DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *Am*

Date: 7/24/2023

RE: Resubmitted Beverage License Application, Class "GH" Five Star African Cuisine

In June 2023, I completed an alcoholic beverage license application background check for Yakuba Soko for a Class "GH" alcoholic beverage license for Five Star African Cuisine. During the investigation, I found some inconsistencies with Soko's history and his application, specifically with his driver license status.

Within the original application, Soko indicated he had never had his driver's license suspended, nor had he received a driving under suspension (DUS) citation. Through my investigation, I was able to determine Soko had his North Dakota driver's license suspended in 2022 and received a DUS citation in Fargo in 2017. In my interview with Soko into the matter, Soko admitted to having his driver's license suspended in 2017 and 2022 for not paying traffic citations in time. The 2017 DUS citation was also mentioned in this conversation and listed on my background investigation. Soko's excuse for not disclosing this information on the application was that he sometimes does not read the questions on government documents and was just checking "no".

In July 2023, I received a new alcoholic beverage license application with resubmitted information on a new application. The information on the new application was the same, or similar, to the original application with the exception of the question pertaining to suspended driver's license. Soko now indicated on his application that he had his driver's license suspended in 2017, 2020, and 2021. However, Soko still checked "no" when asked if he had ever received a DUS citation. Fargo Police records, as well as the ND public search website (ndcourts.com) show Soko was issued a DUS citation in June 2017 by a Fargo Police Officer. The public website shows the charge was dismissed.

I called Soko again and spoke with him over the phone. I asked Soko if he had been provided a copy of my background check which showed what I had found. Soko said he was not; he was only asked to complete a second application due to the inconsistencies. Soko explained to me again that his license had been suspended in the past due to traffic citations he had not paid. I brought up DUS citation that he was given in Fargo in 2017 and why he had not disclosed this citation on the new application. Soko described a traffic stop in 2017 where he was stopped by a male officer who ran his license plate and

pulled him over because his driver's license was suspended. Soko said the officer only gave him a warning because he was only 3 blocks from where he worked, and he was unaware his license was suspended at the time. Soko said he never received a citation for DUS. I told Soko there is public record of him receiving a citation, in addition to police records showing a female officer had written the citation. Soko told me he does not remember ever receiving a DUS citation.

RECEIVED
FARGO POLICE DEPARTMENT

AUG 01 2023

MATT CHRISTENSEN
LIEUTENANT
REF: CHIEF ZIBOLSKI
- AHLFELDT

RECEIVED
FARGO POLICE DEPARTMENT

AUG 02 2023

WILLIAM S AHLFELDT
CAPTAIN
REF: A.C. STEFONOWICZ
- forward

RECEIVED
FARGO POLICE DEPARTMENT

AUG 02 2023

TRAVIS STEFONOWICZ
ASSISTANT CHIEF OF POLICE
REF: Chief Zibolski -

RECEIVED
FARGO POLICE DEPARTMENT

AUG 10 2023

DAVID B ZIBOLSKI
CHIEF OF POLICE
REF: S. SPRAGUE
DS

- Applicant provisions requested although is likely confused
RE: DETAILS
- Recommend approval



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Five Star African Cuisine
(Must match State of North Dakota registration name)

DBA Name: Five Star African Cuisine

Is the establishment applying for (or has) a food license under the same name? Yes No

Business location address: 855 45 St S Suite A1 Fargo, ND

Mailing address: Same as location

Business E-mail address: FiveStarAfricanCuisine@gmail.com

Local Manager E-mail address: FofanaSwarry@gmail.com

Best Contact Phone number: (701) 793 4265

Anticipated Date of Opening: apax 15/03/23

Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.

The following section to be completed by City Staff:

Date Received: 6/28/23 Class of License: GH Transfer: Yes No

Investigations Fee Paid (\$250) Yes No Date Paid: Sent for Further Review By CCB

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

_____ Approval Recommendation

_____ Denial Recommendation

Chief of Police

Date

NOTICE OF HEARING

33

Application for Alcoholic Beverage License

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, August 21, 2023 at 5:15 o'clock p.m. to consider an application for a Class "GH" Alcoholic Beverage License from Nahal HHM LLC d/b/a Taj India to be located at 2877 45 Street South, Suite 100, Fargo.

Any interested person may appear and will be heard.

City Auditor's Office
(August 2, 2023)

MEMORANDUM

TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Taj India

DATE: August 21, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: GH – beer & wine - no bar allowed, food must exceed alcohol
Business Name: Taj India
Location: 2877 45th St South, Suite 100
Applicants: Malkit Singh & Balwinder Kaur

This application is for the issuance of a Class GH liquor license. This facility will be a restaurant featuring Indian cuisine.

Being no significant concerns, staff & Liquor Control recommend approval of the issuance of a Class GH alcoholic beverage license to Nahal HHM, LLC d/b/a Taj India. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the transfer of a Class GH alcoholic beverage license to Nahal HHM, LLC d/b/a Taj India.



FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

CRIMINAL INVESTIGATIONS DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *Am*

Date: 7/24/2023

RE: Alcoholic Beverage License Application, Class "GH", Taj India

Application for a class "GH" Alcoholic Beverage License from
Nahal HHM, LLC d/b/a Taj India, located at 2877 45th St S Ste. 100, Fargo.

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

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

Singh, Malkit

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history.

Credit History -

Sing's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections

Kaur, Balwinder

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) showed no criminal history.

Credit History -

Kaur's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections

Investigation Notes

This application is for a class "GH" alcoholic beverage license (Authorizes the licensee to sell beer and wine "on-sale" only, no bar area allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and food products and not from the sale of alcoholic beverages) for Nahal HHM, LLC d/b/a Taj India located at 2877 45th St S Ste. 100.

Business Location

Taj India will be located at 2877 45th St S Ste. 100, Fargo ND. Other businesses in the area with alcoholic beverage licenses include Round up Saloon, Royal Liquors, and Sickies Garage.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

RECEIVED
 FARGO POLICE DEPARTMENT
 AUG 01 2023
 MATT CHRISTENSEN
 LIEUTENANT
 REF: CHIEF ZIBOLSKI

-AHLFELDT

RECEIVED
 FARGO POLICE DEPARTMENT

AUG 07 2023

WILLIAM S AHLFELDT
CAPTAIN

REF: A.C. STEFONOWICZ

- FORWARD
- INFORMATION

RECEIVED
 FARGO POLICE DEPARTMENT
 AUG 07 2023
 TRAVIS STEFONOWICZ
 ASSISTANT CHIEF OF POLICE
 REF: Chief Zibolski - PVE

RECEIVED
 FARGO POLICE DEPARTMENT
 AUG 10 2023
 S. SPRAGUE

-Rec. Approval



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: NAHAL HHM LLC
(Must match State of North Dakota registration name)

DBA Name: TAJ INDIA

Is the establishment applying for (or has) a food license under the same name? Yes No

Business location address: 2877 45th St. Ste 100 FARGO, ND 58104

Mailing address: 3032 Katherine DR E. West FARGO ND 58078

Business E-mail address: tajindiafargo@gmail.com

Local Manager E-mail address: Same ↑

Best Contact Phone number: (317) 603-8718

Anticipated Date of Opening: Sept 2023

Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.

The following section to be completed by City Staff:

Date Received: 6/27/23 Class of License: GH Transfer: Yes No

Investigations Fee Paid (\$250) Yes No Date Paid: 100

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

Approval Recommendation

Denial Recommendation

David B. Jil
Chief of Police

08-10-23
Date

3A

NOTICE OF HEARING

Application for Alcoholic Beverage License

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, August 21, 2023 at 5:15 o'clock p.m. to consider an application for a Class "GH" Alcoholic Beverage License from Michele's Table, LLC d/b/a Michele's Table to be located at 1414 12 Avenue North, Fargo.

Any interested person may appear and will be heard.

City Auditor's Office
(August 2, 2023)

MEMORANDUM

TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Michele's Table

DATE: August 21, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: GH – beer & wine - no bar allowed, food must exceed alcohol
Business Name: Michele's Table
Location: 1414 12th Ave North
Applicants: Michèle La Haise-Bates

This application is for the issuance of a Class GH liquor license. This facility will be a restaurant similar to a French bistro.

Being no significant concerns, staff & Liquor Control recommend approval of the issuance of a Class GH alcoholic beverage license to Michele's Table LLC d/b/a Michele's Table. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the transfer of a Class GH alcoholic beverage license to Michele's Table, LLC d/b/a Michele's Table.



FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

CRIMINAL INVESTIGATIONS DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *Am*

Date: 7/24/2023

RE: Alcoholic Beverage License Application, Class "GH", Michele's Table

Application for a class "GH" Alcoholic Beverage License from
Michele's Table, LLC d/b/a Michele's Table, located at 1414 12th Ave N, Fargo.

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

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

La Haise-Bates, Michele - Owner

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history.

Credit History -

La Haise-Bates's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections. There were 2 accounts that were past due at one point, but both accounts have been paid and closed for more than 3 years.

Investigation Notes

This application is for a class "GH" alcoholic beverage license (Authorizes the licensee to sell beer and wine "on-sale" only, no bar area allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and food products and not from the sale of alcoholic beverages) for Michele's Table, LLC d/b/a Michele's Table located at 1414 12th Ave N Ste. J.

Business Location

Michele's Table will be located at 1414 12th Ave N Ste. J. Other businesses in the area with alcoholic licenses include Herd and Horns, and The Bison Turf.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

RECEIVED
FARGO POLICE DEPARTMENT

AUG 01 2023

MATT CHRISTENSEN
LIEUTENANT
REF: CAPT AHLFELDT

RECEIVED
FARGO POLICE DEPARTMENT

AUG 02 2023

WILLIAM S AHLFELDT
CAPTAIN
REF: A.C. STEFONOWICZ
- Forward

RECEIVED
FARGO POLICE DEPARTMENT

AUG 02 2023

TRAVIS STEFONOWICZ
ASSISTANT CHIEF OF POLICE
REF: Chief Zibolski

RECEIVED
FARGO POLICE DEPARTMENT

AUG 10 2023

DAVID B ZIBOLSKI
CHIEF OF POLICE
REF: S. SPRAGUE

- Rec. Approval

5295



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Michele's Table, LLC (Must match State of North Dakota registration name)

DBA Name: Michele's Table

Is the establishment applying for (or has) a food license under the same name? Yes [checked] No

Business location address: 1414 12th Ave North Suite J, Fargo, ND

Mailing address: 1414 12th Ave North Suite J, Fargo, ND

Business E-mail address: michele@michelestable.com

Local Manager E-mail address: michele@michelestable.com

Best Contact Phone number: (701) 371-9695

Anticipated Date of Opening: June 29, 2023

Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.

The following section to be completed by City Staff:

Date Received: 6/6/23 Class of License: C 14 Transfer: Yes No [checked]

Investigations Fee Paid (\$250) [checked] Yes No Date Paid: 6/6/23

Police Department review completed by: Date:

(Attached recommendation report):

[checked] Approval Recommendation

Denial Recommendation

[Signature] Chief of Police

08-10-23 Date

35

NOTICE OF HEARING

Application for Alcoholic Beverage License Transfer

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, August 21, 2023 at 5:15 o'clock p.m. to consider an application for transfer of a Class "Z" Alcoholic Beverage License from Nobull, Inc., d/b/a NoBull Smokehouse for ownership change only, to be located at 609 N P Avenue, Fargo.

Any interested person may appear and will be heard.

City Auditor's Office
(August 2, 2023)

MEMORANDUM

TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – NoBull

DATE: August 21, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: Z – Full Alcohol - bar allowed No food requirement
Business Name: NoBull Smokehouse
Location: 609 NP
Applicants: Rosemary Ackley, Warren Ackley

This application is for the ownership transfer of a Class Z liquor license. Two of the original ownership group are being bought out. This facility will continue to operate as it has in the past.

Being no significant concerns, staff & Liquor Control recommend approval of the transfer of a Class Z alcoholic beverage license to NoBull Inc. d/b/a NoBull Smokehouse for an ownership change. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the transfer of a Class Z alcoholic beverage license to NoBull Inc. d/b/a NoBull Smokehouse for an ownership change.



FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

CRIMINAL INVESTIGATIONS DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist. *Am*

Date: 7/24/2023

RE: Alcoholic Beverage License Transfer, Class "Z", NoBull Smokehouse

Application for a transfer of class "Z" Alcoholic Beverage License to new ownership of
NoBull Inc. d/b/a NoBull Smokehouse, Located at 609 NP Ave N, Fargo.

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

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

Ackley, Rosemary

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history.

Credit History -

Rosemary Ackley's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.

Ackley, Warren

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) showed no criminal history.

Credit History -

Warren Ackley's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.

Investigation Notes

This application is for a transfer of a class "Z" alcoholic beverage license (Authorizes the licensee to sell "on-sale" beer, wine, and spirits, bar is allowed) to new ownership. Warren Ackley is a current owner in the business, and Rosemary Ackley is being added as an owner. Warren Ackley will be stepping in as the general manager and there are no planned changes to the operation.

Business Location

NoBull Smokehouse is located at 609 NP Ave N. Other businesses in the area with an alcoholic beverage license include JL Beers, Dempsey's, Fort Nok, Old Broadway, Sports Bar, Vinyl Taco, Sammy's Pizza, The Boiler Room, Beer & Fish Company, Rosewild, Rooter's, District 64, VFW, Wurst Bier Hall, Blarney Stone Pub, and Bottle Barn Off Broadway.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

RECEIVED
 FARGO POLICE DEPARTMENT
 AUG 01 2023
 MATT CHRISTENSEN
 LIEUTENANT
 REF: COO AHLFELDT

RECEIVED
 FARGO POLICE DEPARTMENT
 AUG 02 2023
 WILLIAM S AHLFELDT
 CAPTAIN
 REF: A.C. STEFANOWICZ
 - FORWARD

RECEIVED
 FARGO POLICE DEPARTMENT
 AUG 02 2023
 TRAVIS STEFONOWICZ
 ASSISTANT CHIEF OF POLICE
 REF: Chief Z. Bolek!

RECEIVED
 FARGO POLICE DEPARTMENT
 AUG 10 2023
 REF: S. SPRAGUE
 - Rec. Approved



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Nobull, Inc.
(Must match State of North Dakota registration name)

DBA Name: NoBull Smokehouse

Is the establishment applying for (or has) a food license under the same name? Yes ___ No ___

Business location address: 609 NP Avenue, Fargo, ND 58102

Mailing address: P.O. Box 2043, Fargo, ND 58107

Business E-mail address: vonnie@jlbeersusa.com

Local Manager E-mail address: meatme@nobull.com

Best Contact Phone number: (701) 237-5151 ext 13

Anticipated Date of Opening: N/A

Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.

The following section to be completed by City Staff:

Date Received: 6/8/23 Class of License: 2 Transfer: Yes ___ No

Investigations Fee Paid (\$250) Yes ___ No Date Paid: 6/8/23

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

Approval Recommendation

Chief of Police

___ Denial Recommendation
08/10/23
Date



16 Broadway, Suite 208
PO Box 2043
Fargo, ND 58107-2043
Phone: 701-237-5151 • Fax 701-237-3189

June 7, 2023

Steve Sprague
City Auditor's Office
200 3rd Street North
Fargo, ND 58102

RE: Alcoholic Beverage License #Z-7

Dear Steve:

Nobull, Inc. currently holds Alcoholic Beverage License #Z-7 for NoBull Smokehouse at 609 NP Avenue. Nobull, Inc. has recently had an ownership change whereby Rosemary Ackley has purchased the 45% share in this corporation from Julie Thorson, and the 5% share from Randy Thorson. Per your instructions, I am submitting a new application for this license reflecting the ownership change.

NoBull will continue to operate in the same manner as it has in the past. Warren Ackley will step in as the General Manager at NoBull.

Enclosed please find the completed Class Z license application for Nobull, Inc., along with a check in the amount of \$250 to cover the investigative fee.

Please contact me at (701) 237-5151, extension 13, if you have any questions or need further information.

Thank you.

Sincerely,

JL BEERS OF AMERICA, INC.
for Nobull, Inc.

A handwritten signature in cursive script that reads 'Vonnie Birmingham'.

Vonnie Birmingham
LICENSING & ADMINISTRATION

Enclosure

(36)

City of Fargo Staff Report			
Title:	Wentz Addition	Date:	07/26/2023
		Update:	08/17/2023
Location:	2320 22nd St S	Staff Contact:	Brad Garcia, Planner
Legal Description:	Lot 16, Block 6, Wentz Addition to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Rob Lugert, Owner	Engineer:	N/A
Entitlements Requested:	Zoning Change (from SR-2, Single Dwelling Residential to SR-3, Single Dwelling Residential)		
Status:	City Commission Public Hearing: August 21 st , 2023		

Existing	Proposed
Land Use: Detached Residential	Land Use: No Change
Zoning: SR-2, Single Dwelling Residential	Zoning: SR-3, Single Dwelling Residential
Uses Allowed: SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
Maximum Density Allowed: 5.4 units per acre	Maximum Density Allowed: 8.7 units per acre

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> Zoning Change (from SR-2, Single Dwelling Residential to SR-3, Single Dwelling Residential) <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> North: MR-3, Multi-Dwelling Residential with household living East: SR-3, Single-Dwelling Residential with household living South: SR-2, Single-Dwelling Residential with household living West: SR-3, Single-Dwelling Residential with household living
Area Plans:
The subject property is not included in a growth plan or area plan.
Context:
<p>Neighborhood: The subject property is located in the Brunsdale neighborhood.</p> <p>Schools: The subject properties are located within the Fargo School District and served by Lincoln Elementary school, Carl Ben Middle school and South High school.</p> <p>Parks: The subject property is located within a half mile of Lincoln Park (2120 9th Street S), Brunsdale park (1702 27th Avenue S) and Oak Manor Park (2400 18th Street S).</p> <ul style="list-style-type: none"> Brunsdale Park has two youth baseball fields, one full-size baseball field, nine pickleball courts, a batting cage, concessions, picnic tables and shelter, playground, recreational trails, restrooms, StoryWalk and a warming house. Oak Manor Park is a neighborhood park that features picnic tables, a playground and recreational trails.

- Rheault Farm 15-acres and owned and operated by the Fargo Park District. The park has a picnic shelter, bunkhouse, playground, brick farmhouse, barn, granary, year round restrooms and a Quonset.

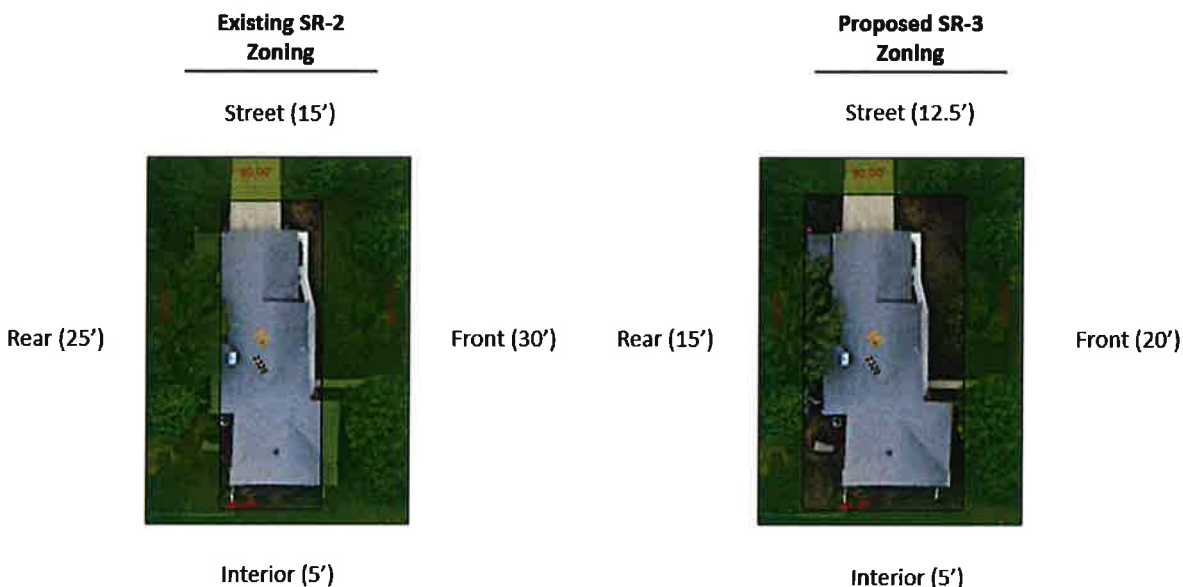
Pedestrian / Bicycle: A shared use path exists within a half-mile located along the Milwaukee Trail. One bike route exists within a half-mile distance, which is located west located along 17th St S.

Staff Analysis:

Background

The owner of the subject property is seeking to make an addition to the existing home but limitations on current setbacks would not allow the proposed addition. Additionally, setbacks for SR-2 are more restrictive for corner lots, as the primary structure must meet a 15-foot street side setback. In comparison, an adjacent property (non-corner lot) of a similar area requires only 5-foot side setbacks.

The existing home does not meet current setbacks of the SR-2 zoning district as shown below. The proposed zoning would bring the property more into compliance with the current Land Development Code.



Zoning

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

- 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?**

The proposed change in zoning is not the result of any error in the zoning map as it relates to this property. The subject property is currently zoned SR-2, Single Dwelling Residential and restricts any development to residential uses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities. These types of uses will be maintained with the proposed zoning change to SR-3, Single Dwelling Residential. Additionally, adjacent properties to the southeast and properties located to the northwest are similarly zoned SR-3, Single Dwelling Residential.

(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?

The subject property is already served by existing public services and infrastructure. Current service is expected to be sufficient to accommodate any proposed addition.

(Criteria Satisfied)

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zoning change does not deviate from the existing neighborhood context or limit any future development to single-family housing. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. Prior to the planning commission hearing, staff received one inquiry about the project but did not have any objections. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property 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 LDC states "This Land Development Code is intended 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."

The subject property is not covered by a growth plan, area plan, or neighborhood plan however the proposed zoning change is consistent with the Go2030 Fargo Comprehensive Plan.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff, and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed zoning change from (from SR-2, Single Dwelling Residential to SR-3, Single Dwelling Residential) on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: August 1, 2023

On August 1st, 2023, with a 9-0 vote (with two vacant Commission seats), the Planning Commission accepted the findings and recommendations of staff and moved to recommend approval to the City Commission the zoning change from (from SR-2, Single Dwelling Residential to SR-3, Single Dwelling Residential) on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

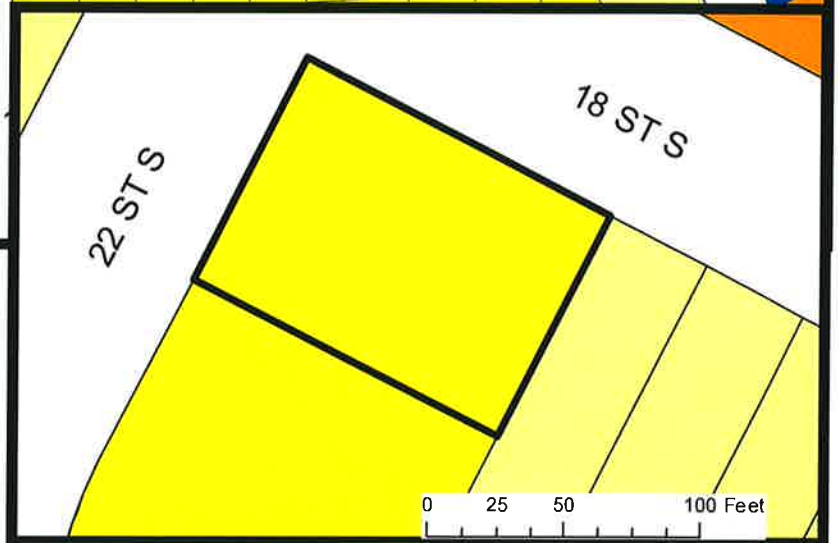
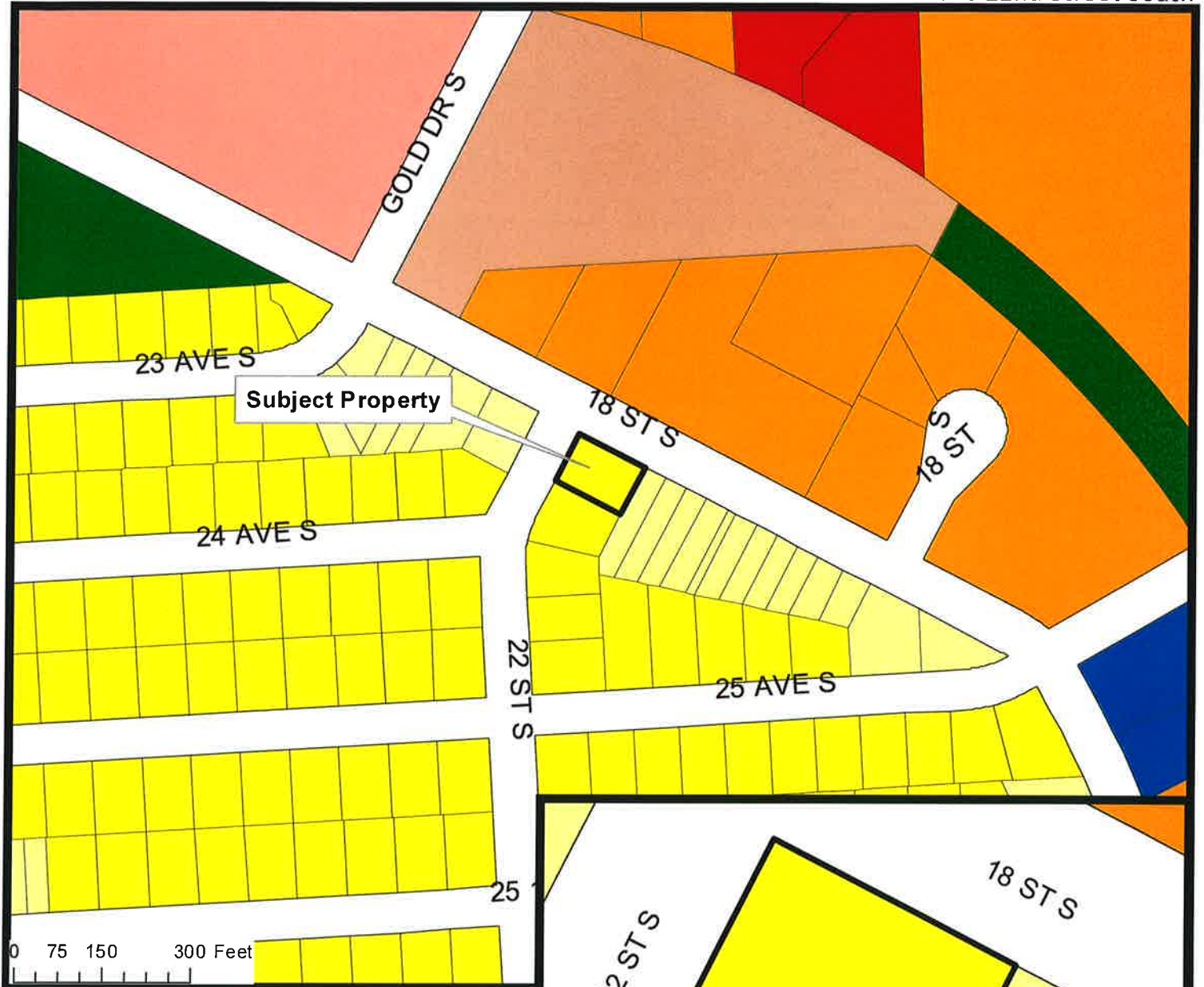
Attachments:

1. Zoning Map
2. Location Map

Zone Change from SR-2, Single-Dwelling Residential to SR-3, Single-Dwelling Residential

Wentz Addition

2320 22nd Street South



Legend

AG	LC	MHP	SR-2
DMU	LI	NC	SR-3
GC	MR-1	D	SR-4
GO	MR-2	UMU	SR-5
	MR-3		City Limits



Fargo City Commission
August 21, 2023

Zone Change from SR-2, Single-Dwelling Residential to SR-3, Single-Dwelling Residential

Wentz Addition

2320 22nd Street South



Legend

 City Limits



Fargo City Commission
August 21, 2023

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

366

ORDINANCE NO. _____

AN ORDINANCE REZONING A CERTAIN PARCEL
OF LAND LYING IN WENTZ ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

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

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on August 1, 2023; and,

WHEREAS, the rezoning changes were approved by the City Commission on August 21, 2023,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot Sixteen (16), Block Six (6) of Wentz Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "SR-2", Single-Dwelling Residential, District to "SR-3", Single-Dwelling Residential, District.

Section 3. 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 4. This ordinance shall be in full force and effect from and after its passage and approval.

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Dr. Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

37

City of Fargo Staff Report			
Title:	University South 4 th Addition	Date:	06/29/2023
		Update:	08/17/2023
Location:	1376 Oak Manor Ave S	Staff Contact:	Brad Garcia, Planner
Legal Description:	Lot 1 Block 1 University South 2 nd Addition to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Beyond Shelter Housing Inc.	Engineer:	Brian Pattengale, Houston Engineering
Entitlements Requested:	Minor Subdivision (Replat of Lot 1 Block 1 University South 2nd Addition) and Zoning Change (from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial with a C-O, Conditional Overlay)		
Status:	City Commission Public Hearing: August 21 st , 2023		

Existing
Land Use: Residential
Zoning: MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay
Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities. Conditional Overlay provides site and building design guidelines
Maximum Density Allowed (Residential): MR-3 allows a maximum of 24 units per acre

Proposed
Land Use: Residential and Office
Zoning: MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial with a C-O, Conditional Overlay
Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities. Conditional Overlay provides site and building design guidelines
GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishment , offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service , and some telecommunication facilities. Conditional Overlay restricts some uses and provides site and building design guidelines.
Maximum Density Allowed (Residential): MR-3 allows a maximum of 24 units per acre
Maximum Lot Coverage Allowed (Commercial): GC allows a maximum 85% building coverage

Proposal:
The applicant requests two entitlements: <ol style="list-style-type: none"> 1. Minor Subdivision, entitled University South 4th Addition, which is a replat of Lot 1, Block 1, University South Second Addition to the City of Fargo, Cass County, North Dakota; and 2. Zoning Change (from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial with a C-O, Conditional Overlay).

The City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff") reviewed this project, whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial with day care and retail sales and service uses.
- East: GC, General Commercial with a Conditional Overlay, with retail sales and service uses.
- South and West: MR-3, Multi-Family Residential with household living.

Area Plans:

The subject property is not included in a growth plan or area plan. However, a vision for this area is depicted in Fargo's Go2030 Comprehensive Plan. That plan envisions redevelopment of this portion of South University Drive to follow the model of a walkable mixed-use center, in which redevelopment of the properties along it would create pedestrian-oriented spaces with "walkable friendly" blocks, combining residential, commercial, and park or other amenity uses. A graphic of this general concept from the Go2030 plan is depicted to the right, with the subject property outlined in red and nearby street names circled in yellow.



(from Go2030 Comprehensive Plan, pages 36 and 37)

Schools and Parks:

Neighborhood: The subject properties are located in the Brunsdale neighborhood.

Schools: The subject properties are located within the Fargo School District and served by Lincoln Elementary school, Carl Ben Middle school and South High school.

Parks: The subject property is located within a half mile of Lincoln Park (2120 9th Street S), Brunsdale park (1702 27th Avenue S) and Oak Manor Park (2400 18th Street S).

- Brunsdale Park has two youth baseball fields, one full-size baseball field, nine pickleball courts, a batting cage, concessions, picnic tables and shelter, playground, recreational trails, restrooms, StoryWalk and a warming house.
- Lincoln Park features a baseball and softball field, multipurpose field, basketball court, a playground, outdoor skating and hockey rink along with a warming house.
- Oak Manor Park is a neighborhood park that features picnic tables, a playground and recreational trails.

Pedestrian / Bicycle: A shared use path exists within a half-mile located along the Milwaukee Trail. Two bike routes exist within a half-mile distance. One bike route is located east of University along 11th St S and 9th St S and another bike route to the west located along 17th St S.

Transit: One public transportation bus route serves the subject property within a quarter-mile distance. Route 14 serves the area going east and westbound along 24th Ave S, providing service to GTC, Prairie Psych / Island Park, Essentia / Sanford, Kmart, Family Fare, Essentia Hospital, Flying J, Rasmussen College, West Acres, YMCA, Love's, Hornbacher's, Courthouse.

Staff Analysis:

Background

The subject property is part of a multi-phased redevelopment of the old K-Mart site. The redevelopment currently has two new developments currently under construction as part of a larger masterplan. The subject property included a residential development within the plan, which has been described as affordable senior housing. Construction for this housing project has started on lot 1, block 1 of the proposed addition.

Zone Change

The subject property was last zoned MR-3 on December 27th, 2021 to accommodate two multi-family apartment projects. Staff recommends no change to the zoning of lot 1 and would maintain the MR-3 zoning district.

In the process of developing the University South Second Addition, property owners determined that the overall development of this site would be better served with a GC zoning district. This rezone included Lots 1 and 2, Block 1 of University South Addition and were included in the zone change from LC to GC proposed for Lot 1, Block 1 of University South Second Addition, so that all the commercial lots on this site shared the same zoning. GC-General commercial with a conditional overlay is recommended for the proposed Lot 2 to maintain a consistent zoning district that encompasses commercial uses within the redevelopment site.

Access

The project site will continue to take access from Oak Manor Avenue South, and 25th Avenue South. Lot 2 of the proposed subdivision will receive access from 25th Ave S through an access easement located on Lot 1 and Lot 2, Block 1 University South Addition. The applicant will submit an updated agreement for maintenance of the access and utility easements for staff review.

Stormwater Retention

The stormwater retention pond on Lot 1 will serve both lots in the proposed subdivision. The existing stormwater pond already serves the properties within the redevelopment through a stormwater easement agreement. The pond is privately owned and maintained.

Conditional Use Permit (Parking Reduction)

Planning Commission approved a Conditional Use Permit (CUP) on February 7th, 2023 for a parking reduction for the proposed apartment building on the subject property. The parking reduction was based on a parking study of comparable senior housing projects owned and operated by the applicant. The CUP will remain on the proposed Lot 1 Block 1 University South Fourth Addition.

Conditional Overlay (C-O)

The zone change includes a conditional overlay that will regulate signs, prohibit certain land uses on the property, and provide design standards for the development of the site. The conditional overlay covers both residential and commercial development on the site. The intent of the conditional overlay is to help development on these properties reach the goals of the Go2030 plan, as noted above, for this location. A copy of the draft conditional overlay is included in this packet.

Public Comment

The Land Development Code states that Written notice of the proposal was sent to all property owners within 300 feet of the subject property and published per section 20-0901.F. Prior to the planning commission hearing, staff had received and responded to one call in regard to this project.

Zoning

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

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?**

The proposed change in zoning is not the result of any error in the zoning map as it relates to this property. The subject property is currently zoned MR-3, Multi-Dwelling Residential with a conditional overlay and restricts any development to residential uses. Due to changes in funding sources for affordable housing projects, the applicant is requesting to develop Lot 2 as commercial use.

(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?**

The subject property is already served by existing public services and infrastructure. Current service is expected to be sufficient to accommodate proposed commercial developments.

(Criteria Satisfied)

3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property 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 LDC states "This Land Development Code is intended 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."

The subject property is not covered by a growth plan, area plan, or neighborhood plan.

The project meets some of the goals of infill development stated in the Go2030 Comprehensive Plan:

- The subject property is already served by supporting infrastructure;
- The project includes additional design standards as outlined in the Conditional Overlay, which are commonplace with other development projects along commercial corridors in Fargo; and,
- The project will increase the mix of uses and amenities in the area.
- Supports the concept of a walkable mixed-use neighborhood center

Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.

(Criteria Satisfied)

Minor Subdivision

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

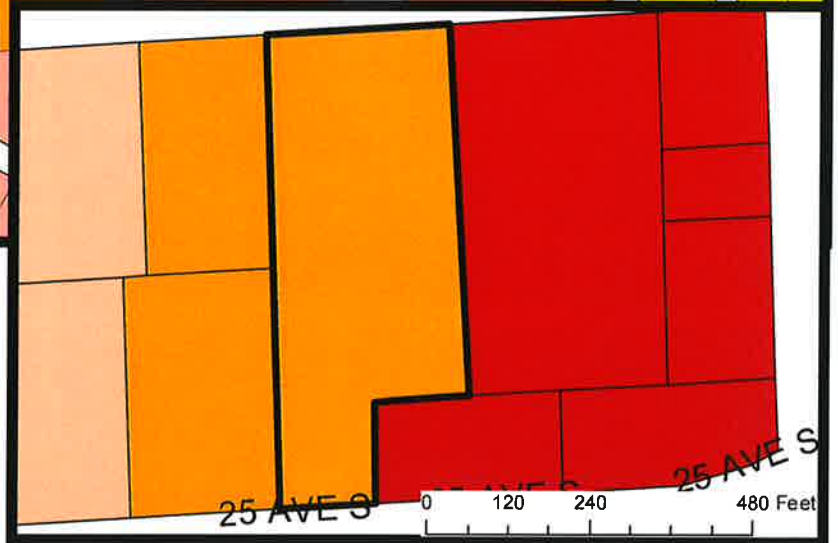
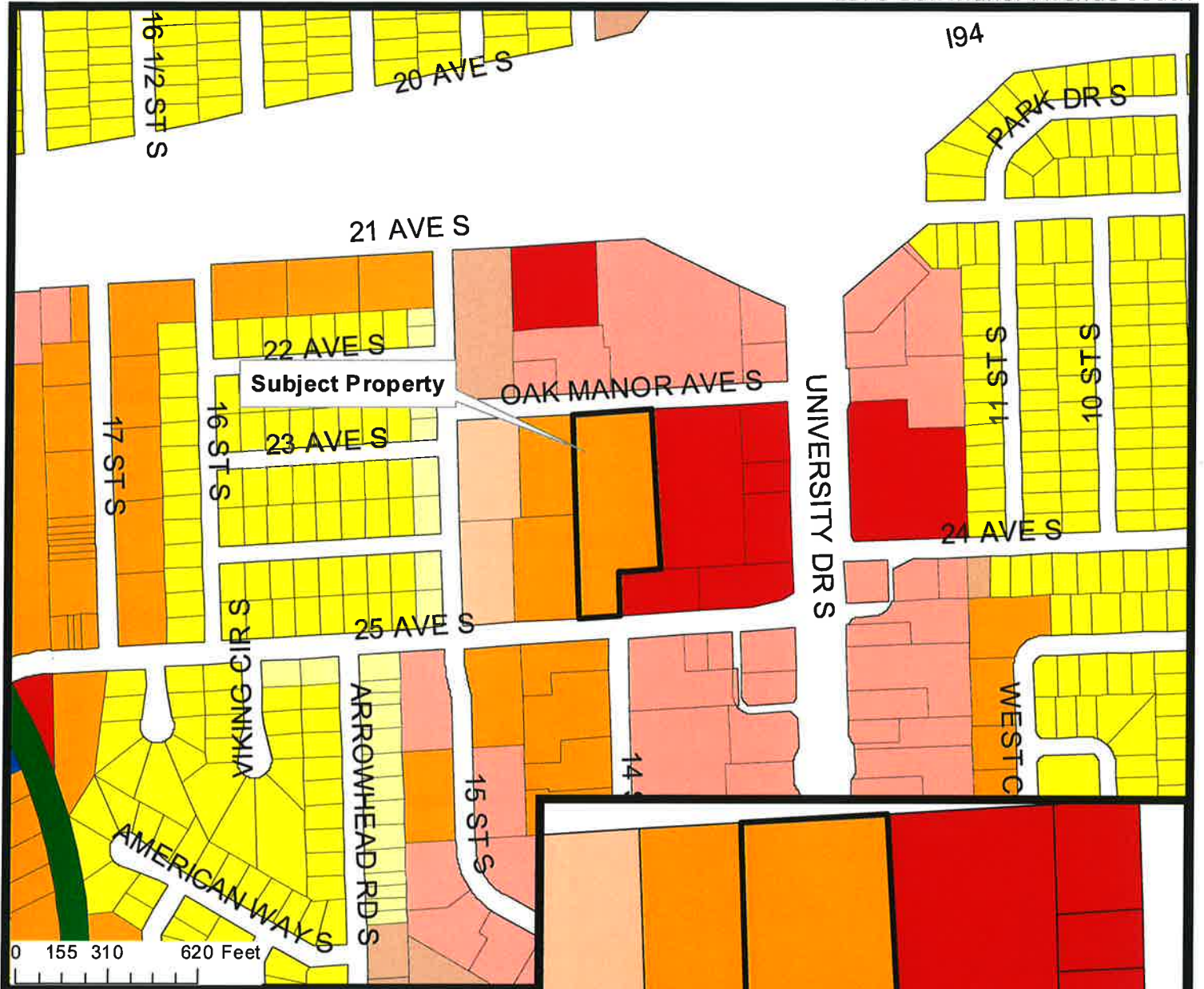
1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of**

<p>Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor 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.</p> <p>The proposed zoning of GC, General Commercial and MR-3, Multi-Dwelling Residential, both with a conditional overlay, is intended to accommodate the proposed residential and commercial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments.</p> <p>(Criteria Satisfied)</p>
<p>2. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.</p> <p>While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.</p> <p>(Criteria Satisfied)</p>
<p>Staff Recommendation:</p>
<p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff, and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed: 1) Zoning Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial with a C-O, Conditional Overlay and 2) Subdivision Plat, University South 4th Addition as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, Section 20-0906(F) (1-4), Section 20-0907.B. and C, and all other applicable requirements of the Land Development Code".</p>
<p>Planning Commission Recommendation: July 6, 2018</p>
<p>On July 6th, 2023, with a 9-0 vote (with two vacant Commission seats), the Planning Commission accepted the findings and recommendations of staff and moved to recommend approval to the City Commission: 1) Zoning Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial with a C-O, Conditional Overlay and 2) Subdivision Plat, University South 4th Addition as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, Section 20-0906(F) (1-4), Section 20-0907.B. and C, and all other applicable requirements of the Land Development Code".</p>
<p>Attachments:</p>
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Plat 4. Proposed Conditional Overlay

Minor Subdivision & Zone Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to MR-3 with a C-O, & GC, General Commercial with a C-O

University South Fourth Addition

1376 Oak Manor Avenue South



Legend

AG	DMU	GC	GO	LC	M	MR-1	MR-2	MR-3	MHP	NZO	P	UMU	City Limits
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Minor Subdivision & Zone Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to MR-3 with a C-O, & GC, General Commercial with a C-O

University South Fourth Addition

1376 Oak Manor Avenue South



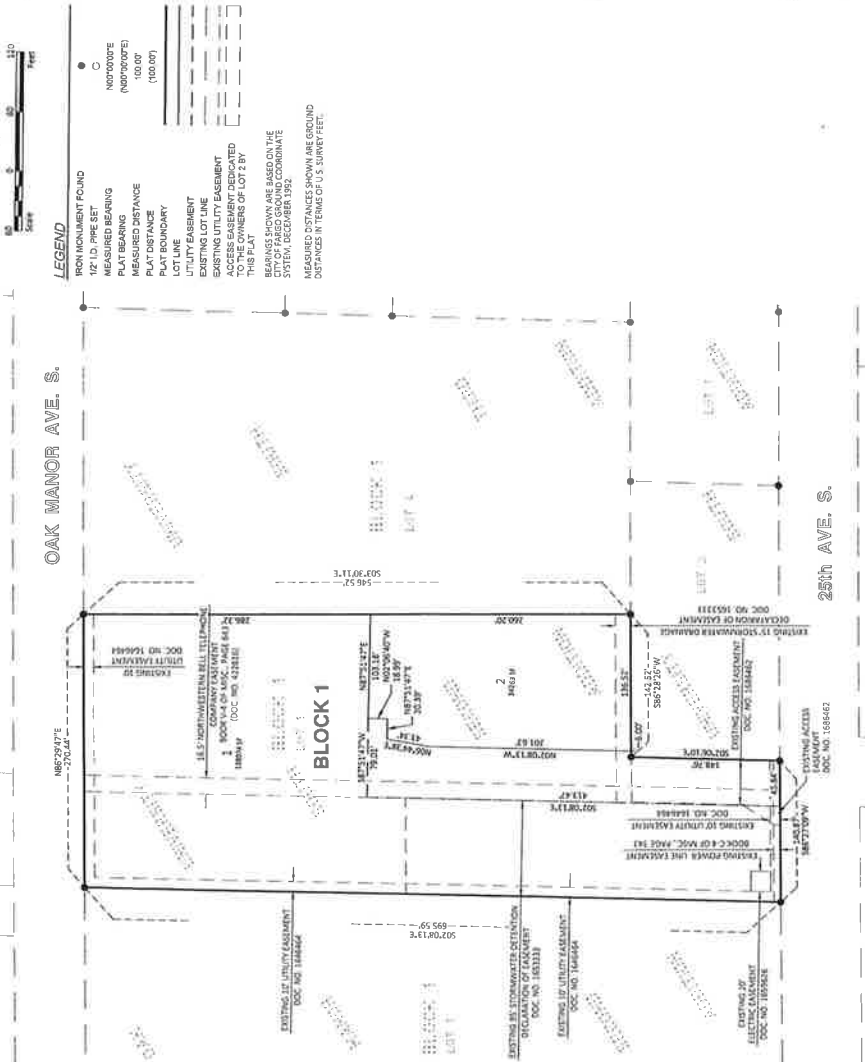
Legend

 City Limits



**Fargo City Commission
August 21, 2023**

UNIVERSITY SOUTH FOURTH ADDITION A MINOR SUBDIVISION BEING A REPLAT OF LOT 1, BLOCK 1, UNIVERSITY SOUTH SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



LEGEND

- IRON MONUMENT FOUND
- 1/2" ID. PIPE SET
- NON-SURVEYED
- PLAT BEARING
- MEASURED DISTANCE
- PLAT DISTANCE
- PLAT BOUNDARY
- LOT LINE
- UTILITY EASEMENT
- EXISTING UTILITY EASEMENT
- ACCESS EASEMENT DEDICATED TO THE OWNERS OF LOT 2 BY THIS PLAT

MEASURED DISTANCES SHOWN ARE GROUND DISTANCES IN TERMS OF U.S. SURVEY FEET.

OWNERS CERTIFICATE:
KNOW ALL PERSONS BY THESE PRESENTS: That Beyond Shelter Housing, LLC, a North Dakota limited liability company, as the owner and proprietor of the following described Lot 1, Block 1, University South Second Addition to the City of Fargo, Cass County, North Dakota.

State of North Dakota)
County of Cass)
On this 14th day of August, 2020, before me personally appeared Daniel P. Madak, Chief Executive Officer of Beyond Shelter Housing, LLC, a North Dakota limited liability company, known to me to be the person who executed the within instrument and acknowledged to me that he executed the same on behalf of the said limited liability company.

Notary Public: [Signature]
Megan Donle, Notary Public, My Commission Expires Dec. 31, 2024

ENGINEER'S APPROVAL:
I, James A. Schlemmer, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the facts as shown to me, and that I am acting under the guidance of future surveys have been located or placed in the ground as shown.

Notary Public: [Signature]
Megan Donle, Notary Public, My Commission Expires Dec. 31, 2024

CITY ENGINEERS APPROVAL:
Approved by the Fargo City Engineer this 14th day of August, 2020.

Notary Public: [Signature]
Megan Donle, Notary Public, My Commission Expires Dec. 31, 2024

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS 14th day of August, 2020.

Notary Public: [Signature]
Megan Donle, Notary Public, My Commission Expires Dec. 31, 2024

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS 14th day of August, 2020.

Notary Public: [Signature]
Megan Donle, Notary Public, My Commission Expires Dec. 31, 2024

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS 14th day of August, 2020.

Notary Public: [Signature]
Megan Donle, Notary Public, My Commission Expires Dec. 31, 2024

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS 14th day of August, 2020.

Notary Public: [Signature]
Megan Donle, Notary Public, My Commission Expires Dec. 31, 2024

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS 14th day of August, 2020.

Notary Public: [Signature]
Megan Donle, Notary Public, My Commission Expires Dec. 31, 2024

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS 14th day of August, 2020.

Notary Public: [Signature]
Megan Donle, Notary Public, My Commission Expires Dec. 31, 2024



University South Fourth Addition

Draft Conditional Overlay

July 5, 2023

Updated August 17, 2023 to include original (existing) MR-3 zoning Conditional Overlay to remain on residentially zoned property.

Applies to Lot 1, Block 1 of University South Fourth Addition

1. Building Form and Style.

1.1. Principal Materials. Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally- colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Metal panel, finished wood and vinyl shall be allowed on residential structures but should not exceed seventy- five (75) percent of the building elevation.

1.2. Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way, when located within 150 feet of public right-of-way, by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. Dumpsters and refuse containers shall contain permanent walls on at least three (3) sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers.

2. Site Design.

2.1. A minimum of five (5) percent of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.

2.2. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

2.2.1. Parking lots or parking structures;

2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot;

2.2.3. Entrances of other buildings on the site;

2.2.4. Any public sidewalk system along the perimeter streets adjacent to the development; and

2.2.5. Adjacent pedestrian origins and destinations— including, but not limited to, transit stops, residential development, office buildings, and retail shopping buildings— where deemed practical and appropriate by the Zoning Administrator.

3. The following signs are prohibited:

- 3.1. Pole or pylon sign: a sign that is mounted to a freestanding pole or pylon placed in the ground;
- 3.2. Billboards: a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message;
- 3.3. Fence Signs: a sign affixed in any way to or painted on a fence;
- 3.4. Off Site Sign: a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located;
- 3.5. Pennant: a flag tapering to a point usually strung together by line or rope;
- 3.6. Portable Sign: any sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; any sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/ or which is not wired for electricity in accordance with the sign code;
- 3.7. Roof Sign: a sign erected upon or above a roof or parapet of a building or structure;
- 3.8. Vehicular Sign: a sign or business identification affixed to any vehicle, including but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories; and
- 3.9. Window Sign: a sign painted or applied to the interior or exterior of the window that covers greater than fifty (50) percent of the glass area.

Applies to Lot 2, Block 1 of University South Forth Addition

1. Building Form and Style.

- 1.1. All building elevations/facades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least two (2) feet, and the cumulative total horizontal width of all projections and/or recesses within a facade shall equate to at least an accumulated total of twenty (20) percent of the overall horizontal length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet.
- 1.2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features of pedestrian scale along no less than 60 percent of their horizontal length. If the facade facing the street is not the front, it shall include the same features and/or landscaping in scale with the facade.
- 1.3. Principal Materials. Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally- colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, architectural metal panels, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multigenerational life span.

1.4. Accent Materials. In conjunction with the principal materials listed above, finished wood or vinyl may also be used to construct or clad exterior walls. Accent materials shall be applied to no greater than twenty (20) percent of each building facade.

1.5. Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units within 150 feet of public right-of-way shall be visually screened from adjacent public right-of-way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.

1.6. Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way, when directly visible from the public right-of-way, by permanent walls. Dumpsters and refuse containers shall contain permanent walls on at least three (3) sides with the service opening not directly facing any public right-of-way. The permanent walls shall be constructed or clad with the same materials used for the primary building. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers.

1.7. Service, loading, and utility areas visible from residential areas shall be screened with a wall, berm, trellising or combination thereof.

2. Site Design.

2.1. A minimum of five (5) percent of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.

2.2. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

2.2.1. Parking lots or parking structures;

2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot;

2.2.3. Entrances of other buildings on the site;

2.2.4. Any public sidewalk system along the perimeter streets adjacent to the development; and

2.2.5. Adjacent pedestrian origins and destinations— including, but not limited to, transit stops, residential development, office buildings, and retail shopping buildings— where deemed practical and appropriate by the Zoning Administrator.

3. The following uses are prohibited:

3.1. Detention facilities;

3.2. Self-service storage;

3.3. Vehicle repair;

3.4. Vehicle service, limited;

3.5. Industrial uses; and

3.6. Adult entertainment center.

4. The following signs are prohibited:

4.1. Pole or pylon sign: a sign that is mounted to a freestanding pole or pylon placed in the ground;

4.2. Billboards: a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message;

4.3. Fence Signs: a sign affixed in any way to or painted on a fence;

4.4. Off Site Sign: a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located;

4.5. Pennant: a flag tapering to a point usually strung together by line or rope;

4.6. Portable Sign: any sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; any sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/ or which is not wired for electricity in accordance with the sign code;

4.7. Roof Sign: a sign erected upon or above a roof or parapet of a building or structure;

4.8. Vehicular Sign: a sign or business identification affixed to any vehicle, including but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories; and

4.9. Window Sign: a sign painted or applied to the interior or exterior of the window that covers greater than fifty (50) percent of the glass area.

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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
2 LYING IN UNIVERSITY SOUTH FOURTH ADDITION
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
5 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
6 parcels of land lying in University South Fourth Addition to the City of Fargo, Cass County, North
7 Dakota; and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
9 request on July 6, 2023; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on August 21,
11 2023,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 Lot One (1), Block One (1) of University South Fourth Addition to the city of Fargo, Cass
16 County, North Dakota,

17 that is currently zoned "MR-3", Multi-Dwelling Residential, District, with a "C-O", Conditional
18 Overlay, District, as established by Fargo Municipal Ordinance No. 5332, will hereby retain its base
19 zoning of "MR-3", Multi-Dwelling Residential, District, and said "C-O", Conditional Overlay,
20 District, as established by Fargo Municipal Ordinance No. 5332, and continues to be subject to a
21 "CUP", Conditional Use Permit issued by the Planning Department as approved by the Planning
22 Commission at its meeting on February 7, 2023.
23

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 2. The following described property:

1 Lot Two (2), Block One (1) of University South Fourth Addition to the city of Fargo, Cass
2 County, North Dakota,

3 is hereby rezoned from "MR-3", Multi-Dwelling Residential, District, with a "C-O", Conditional
4 Overlay, District, as established by Fargo Municipal Ordinance No. 5332, to "GC", General
5 Commercial, District, and repeal and re-establish the existing "C-O", Conditional Overlay, District,
6 to read as follows:

7 **1. Building Form and Style.**

8 1.1. All building elevations/façades greater than 150 feet in length, measured
9 horizontally from vertical edge to vertical edge, shall incorporate wall plane projections
10 or recesses. Each projection and/or recess shall have a depth of at least two (2) feet, and
11 the cumulative total horizontal width of all projections and/or recesses within a façade
12 shall equate to at least an accumulated total of twenty (20) percent of the overall
13 horizontal length of the façade. No uninterrupted length of any façade shall exceed 150
14 horizontal feet.

15 1.2. Ground floor façades that face public streets shall have arcades, display windows,
16 entry areas, awnings, or other such features of pedestrian scale along no less than sixty
17 (60) percent of their horizontal length. If the façade facing the street is not the front, it
18 shall include the same features and/or landscaping in scale with the façade.

19 1.3. Principal Materials. Unless otherwise deemed acceptable by the Zoning
20 Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic
21 stone, brick, stucco, integrally-colored and textured concrete masonry units or systems,
22 exterior insulation finishing systems (EIFS), fiber cement, architectural metal panels,
23 curtain walls, rainscreen systems or glass. All materials shall be commercial grade,
durable, and have a multigenerational life span.

1.4. Accent Materials. In conjunction with the principal materials listed above, finished
wood or vinyl may also be used to construct or clad exterior walls. Accent materials
shall be applied to no greater than twenty (20) percent of each building façade.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 1.5. Loading/unloading areas, building service entrances, loading docks, overhead doors,
2 and ground level HVAC units within 150 feet of public right-of-way shall be visually
3 screened from adjacent public right-of-way by structures and/or landscaping. All
4 structures used for visual screening shall be constructed or clad with the same materials
5 used for the primary building.

6 1.6. Dumpsters, refuse containers, and outdoor storage areas shall be located at the side
7 or rear of buildings and shall be visually screened from adjacent public right-of-way,
8 when directly visible from the public right-of-way, by permanent walls. The permanent
9 walls shall be constructed or clad with the same materials used for the primary building.
10 Dumpsters and refuse containers shall contain permanent walls on at least three (3) sides
11 with the service opening not directly facing any public right-of-way. The fourth side
12 shall incorporate a metal gate to visually screen the dumpsters or refuse containers.

13 1.7. Service, loading, and utility areas visible from residential areas shall be screened
14 with a wall, berm, trellising or combination thereof.

15 **2. Site Design.**

16 2.1. A minimum of five (5) percent of the internal surface area of the parking lot shall be
17 landscaped through the use of planter islands and peninsulas.

18 2.2. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent
19 properties may share pedestrian circulation systems that connect to public sidewalks with
20 Zoning Administrator approval. An on-site system of pedestrian walkways shall be
21 provided between building entrances and the following:

22 2.2.1. Parking lots or parking structures;

23 2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot;

2.2.3. Entrances of other buildings on the site;

2.2.4. Any public sidewalk system along the perimeter streets adjacent to the
development; and

2.2.5. Adjacent pedestrian origins and destinations—including, but not limited to,
transit stops, residential development, office buildings, and retail shopping
buildings— where deemed practical and appropriate by the Zoning Administrator.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

3. **The following uses are prohibited:**

- 3.1. Detention facilities;
- 3.2. Self-service storage;
- 3.3. Vehicle repair;
- 3.4. Vehicle service, limited;
- 3.5. Industrial uses; and
- 3.6. Adult establishment.

4. **The following signs are prohibited:**

- 4.1. Pole or pylon sign: a sign that is mounted to a freestanding pole or pylon placed in the ground;
- 4.2. Billboards: a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message;
- 4.3. Fence Signs: a sign affixed in any way to or painted on a fence;
- 4.4. Off Site Sign: a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located;
- 4.5. Pennant: a flag tapering to a point usually strung together by line or rope;
- 4.6. Portable Sign: any sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; any sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/or which is not wired for electricity in accordance with the sign code;
- 4.7. Roof Sign: a sign erected upon or above a roof or parapet of a building or structure;

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

4.8. Vehicular Sign: a sign or business identification affixed to any vehicle, including but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories; and

4.9. Window Sign: a sign painted or applied to the interior or exterior of the window that covers greater than fifty (50) percent of the glass area.

Section 3. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

**FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR
TIA BRASETH, COMMUNITY DEVELOPMENT PLANNING COORDINATOR ~~TR~~**

DATE: AUGUST 16, 2023

**RE: PUBLIC HEARING FOR 2022 CONSOLIDATED ANNUAL PERFORMANCE
EVALUATION REPORT (CAPER) FOR FARGO'S COMMUNITY
DEVELOPMENT PROGRAMS**

Planning & Development Department staff has prepared the 2022 Consolidated Annual Performance Evaluation Report (CAPER) for the City of Fargo's community development program. Announcement of the report was published in *The Forum* for public comment on August 2, 2023.

Per the adopted Citizen Participation Plan, this report is being presented at the August 21st City Commission meeting as a Public Hearing. The timeline, including the 15-day public comment period, is outlined in the attached public notice. To date, no public comments have been received. After the City Commission meeting, the report will be submitted to HUD for final review and approval, as per Federal grant management requirements.

Attachment: Notice of Public Hearing & Public Comment Period

Recommended Motion: No action is required; public hearing only.

**City of Fargo
Notice of Public Comment Period & Public Hearing
Community Development Block Grant (CDBG) & HOME Programs
Consolidated Annual Performance and Evaluation Report (CAPER)**

The City of Fargo is opening a public comment period for review of the City of Fargo's Consolidated Annual Performance and Evaluation Report (CAPER) for the 2022 Action Plan for Housing and Community Development. Comments on this report should be provided during the public comment period, which runs from August 3 - 21, 2023, or at the public hearing scheduled for Monday, August 21, 2023 during the regular Fargo City Commission meeting. A copy of the report, along with any current public comments received, is available to the public for comment on the City's website or at the City of Fargo Planning and Development Department (see website address and contact information provided below).

COMMENTS, NON-DISCRIMINATION NOTICE, ACCESSIBILITY, & SCHEDULE

Comments and suggestions from the public are encouraged through the public comment period and/or at the public hearing. Contact information and schedule are provided below:

15-Day Comment Period: August 3 - 21, 2023

Public Hearing: Monday, August 21, 2023 - 5:15 PM
Fargo City Commission Chambers
225 4th Street North, Fargo, ND 58102

Contact Information: City of Fargo
Planning and Development Department, 2nd Floor
Attn: Community Development Planning Coordinator
225 4th Street North, Fargo ND 58102

Phone: 701.476.4144

Email: Planning@FargoND.gov
City of Fargo Website Contact Us:
<https://fargond.gov/city-government/departments/planning-development/contact-us>

Draft Plan Available At: www.FargoND.gov/planninganddevelopment/plansandstudies
Or request through Planning & Development Department

Non-Discrimination Notice – In accordance with Federal regulations and City of Fargo policies, services are provided without regard to race, color, religion, sex, disability, familial status, national origin, age, marital status, veteran status, sexual orientation, gender identity, public assistance, domestic violence, lawful activity, or condition protected by applicable federal and state laws. The City is an equal employment/equal housing opportunity agency.

Accessibility – Fargo City Hall is serviced by public transit, accessible and can accommodate persons who are disabled. Alternative formats of this information (e.g., Braille, American Sign Language, etc.) or reasonable accommodations for persons with hearing/vision impairments and/or other disabilities will be made upon request. Contact City of Fargo's Section 504/ADA

Coordinator Bekki Majerus at 701.298.6966 to arrange for services (a 48 hour notice may be needed). Access TTY/ND Relay service at 800.366.6888 or 711.

Limited English – Reasonable steps will be taken to provide persons with limited English proficiency (LEP) meaningful access, including the availability of interpretation and translation services. Contact the City of Fargo Planning and Development Department at 701.241.1474 or Planning@FargoND.gov if services are needed.



Arlette Preston, City Commissioner

Fargo City Hall
225 4th Street North
Fargo, ND 58102-4817
www.FargoND.gov

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: CITY COMMISSIONER ARLETTE PRESTON

DATE: AUGUST 21, 2023

SUBJECT: PUBLIC HEALTH DOWNTOWN SERVICES UPDATE

Within our community we are seeing growth in our population throughout the area, especially in the downtown area. Due to the walkable nature of the downtown, the space draws many people to that area. Fargo is also experiencing challenges that are happening across the country with increasing numbers of unhoused individuals. Fargo Cass Public Health (FCPH) and the Fargo Police Department (FPD) would like the opportunity to provide some history, background and status of programs available and efforts that FCPH and FPD are participating in to address this increasing need.

The staff will provide stats from the national level as well as what's happening locally.

The purpose is for information only – both for the Commission as well as the public.

RECOMMENDED MOTION: No action required. For information purposes only.



Denise Kolpack, City Commissioner

Fargo City Hall

225 4th Street North

Fargo, ND 58102-4817

Phone: 701.715.4895 | Fax: 701.476.4136

www.FargoND.gov

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: COMMISSIONER DENISE KOLPACK

DATE: AUGUST 21, 2023

SUBJECT: GOVERNANCE MEETINGS UPDATE

Since November of 2022 the Commission has been working with Dr. Jeff Schatz to update and create a Governance Policy. In addition there has been a great deal of conversation surrounding the City's current Boards and Commissions including standardization and the process for replacing members.

I am requesting an update on these meetings for information purposes only.

RECOMMENDED MOTION: No action required. For information purposes only.



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John Strand, City Commissioner
Fargo City Hall
225 4th Street North
Fargo, ND 58102-4817
Phone: 701.715.3269 | Fax: 701.476.4136
Email: JStrand@FargoND.gov
www.FargoND.gov

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: CITY COMMISSIONER JOHN STRAND

DATE: AUGUST 21, 2023

SUBJECT: DISCUSSION REGARDING TAX INCENTIVE POLICIES

I would like to convene the full City Commission to discuss all elements current and contemplated with regards to Tax Incentives polices.


We informally agreed to meet every couple of years, especially after new Commissioners were seated on the City Commission. To my knowledge the last time we fulfilled this group discussion goal was when Commissioner Grindberg was here. We have not done it since Commissioners Preston and Kolpack have been seated.

RECOMMENDED MOTION: To convene a Working Session with the City Commission to discuss all aspects of and contemplated Economic Development Incentive Policies.



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: AUGUST 21, 2023

SUBJECT: HUMAN RIGHTS COMMISSION APPOINTMENTS

The terms of Barry Nelson, Carolyn Becraft, Ahmed Shiil and Sarah Boonstoppel on the Human Rights Commission expired on July 1, 2023. Ms. Becraft would like to continue her service on the Board; however, Mr. Nelson, Mr. Shiil and Ms. Boonstoppel have resigned their positions. In addition, Matuor Alier, whose term would have expired on July 1, 2024, has resigned his position.

I am recommending the reappointment of Ms. Becraft and the appointment of Xavier Welty, Ritchell Aboah, Kristin Nelson and Zoe Absey to fill the vacancies created by the resignations of Mr. Nelson, Mr. Shiil, Ms. Boonstoppel and Mr. Alier. Web applications have been attached for your reference.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Carolyn Becraft and the appointment of Xavier Welty, Ritchell Aboah and Kristin Nelson to the Human Rights Commission for three-year terms ending July 1, 2026 and the appointment of Zoe Absey to the Human Rights Commission to fill the unexpired term of Matuor Alier for a term ending July 1, 2024.

Attachments
mmappts23hrc

Kember Anderson

From: noreply@cityoffargo.com
Sent: Tuesday, July 11, 2023 9:39 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government
Attachments: PR .pdf

Name:
[Ritchell Aboah]
Mailing Address:
[REDACTED]
City:
[Fargo]
State:
[North Dakota]
Zip:
[58102]
Work Phone:
[REDACTED]
Home Phone:
[REDACTED]
E-mail:
[REDACTED]

Which boards or commissions would you like to be considered for?
[Community Development Committee, Human Relations Commission, Planning Commission]

Briefly state why you would like to be on this panel:
[I am interested in joining the Community Development Committee and Human Relations Commission to contribute to positive change in my community. I am passionate about fostering inclusivity, understanding, and collaboration among diverse individuals. With my communication, problem-solving, and project management skills, I aim to make a meaningful impact on issues such as affordable housing and access to services. Additionally, as part of the Human Relations Commission, I will advocate for equality, respect, and fairness for all community members. I am eager to work with like-minded individuals to create a more equitable and harmonious community.]

How many hours per month could you volunteer as a panel member?
[I'm able to put in 60 or more hours per month.]

Please list any past experience you have with city government here or in other cities:
[My past experience includes running for city commissioner in Fargo, as well as organizing a large event in partnership with the city. I have also volunteered with several nonprofit organizations, including Church United and Dorothy Day. Currently, I hold the position of Community Engagement Director at The Salvation Army, where I work closely with those in need and strive to understand and address the needs of our community.]

Please describe any professional experience you have related to the responsibilities of the panel you are interested in:
[My experience as a city commissioner candidate, event organizer, and community engagement director showcases my passion for public service, collaboration skills, understanding of community needs, and ability to engage with individuals. These qualities make me a great fit for a government position.]

We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.

Kember Anderson

From: noreply@cityoffargo.com
Sent: Thursday, June 08, 2023 9:53 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government
Attachments: Kristin Nelson RAI Resume.pdf

Name:
[Kristin Nelson]
Mailing Address:
[REDACTED]
City:
[Fargo]
State:
[North Dakota]
Zip:
[58104]
Work Phone:
[BLANK]
Home Phone:
[REDACTED]
E-mail:
[REDACTED]

Which boards or commissions would you like to be considered for?

[Human Relations Commission]

Briefly state why you would like to be on this panel:

[I have experience working with diverse groups in relation to childcare, social service organizations, and non-profits. I established Project RAI, an organization that supports queer youth and their families in operation since 2020. We have gone from a small organization with a few members to being recognized around the state as a quality organization working to benefit queer youth.]

How many hours per month could you volunteer as a panel member?

[10+ hours per month]

Please list any past experience you have with city government here or in other cities:

[I have presented at the Human Rights Council as well as the city commission meetings in favor of queer rights in our city. I am not afraid to reach out to city leaders when I might need assistance or have questions about Project RAI. I can engage with local leaders at events and city meetings to ensure I have questions answered when needed.]

Please describe any professional experience you have related to the responsibilities of the panel you are interested in:

[I have worked in non-profit childcare programs for 10 years. I was able to work with people from all communities to ensure they had a positive experience in my programs. I learned how to find families resources they needed to transition to their college, or professional career.

I am a proven leader who is able to listen deeply and find creative solutions to problems set before me. I am finishing my master's degree in non-profit leadership from the University of Jamestown, and I will use this summer to research how leaders have had to change their leadership styles to accommodate a post-covid workforce. My advanced degree will make me uniquely qualified to serve on the Human Rights Commission as I have had courses on diversity, justice and forgiveness, leadership, and negotiation.]

We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.

Kember Anderson

From: noreply@cityoffargo.com
Sent: Wednesday, June 07, 2023 3:59 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government
Attachments: Resume and Cover letter to Human Rights Commision.pdf

Name:
[Xavier Welty]
Mailing Address:
[REDACTED]
City:
[Fargo]
State:
[ND]
Zip:
[58104]
Work Phone:
[REDACTED]
Home Phone:
[REDACTED]
E-mail:
[REDACTED]

Which boards or commissions would you like to be considered for?

[Human Relations Commission]

Briefly state why you would like to be on this panel:

[I've been working on DEI and education issues related to real estate and homeownership in the F-M area for the past few years. Some of the things I've done include campaigns and workshops for first-time homebuyers with different backgrounds, creating a mentorship program for new realtors of color, and advocating for fair housing policies at the local level. I'm interested in joining this panel because I want to share my insights and learn from others who are passionate about making homeownership more accessible and inclusive in the Fargo Moorhead community.]

How many hours per month could you volunteer as a panel member?

[I could volunteer for at least 6-10 hours per month in regards to the organization. I work full time as a Realtor with the company RE/MAX legacy Realty, so I have a flexible schedule.]

Please list any past experience you have with city government here or in other cities:

[Currently I am still in the process of building up my network and Resume, but currently I have been working with the Fargo Moorhead board of Realtors to lead the way in developing and brainstorming the ideas of real estate education and ways to promote home ownership versus renting. My experience has also led me to being an Ambassador with the Chamber of Commerce for RE/MAX Legacy Realty. Through this position I have gotten to meet many industry leaders and promote DEI as well as garner relationships that may assist with work necessary to promote housing equality.]

Please describe any professional experience you have related to the responsibilities of the panel you are interested in:

[I am also a Realtor, who is African American, in the Fargo Moorhead area. I understand how challenging it is to address this social issue that could cause animosity or lead to future problems. Some of the professional experience that I have related to the responsibilities of the panel include: negotiating contracts and deals with clients from diverse backgrounds and cultures, educating myself and others on the latest trends and regulations in the real estate market, and participating in community events and forums that promote DEI and homeownership in the F-M area. Also, as a Realtor I understand negotiations, I understand that we don't all get what we want, but I also know when to demand and when to concede, in the end human rights regarding housing is a delicate topic especially in the Fargo Moorhead area, but worth recognition due to the rapidly changing dynamics of this great city.]

We will retain your application for three years and consider you for the board you

Kember Anderson

From: noreply@cityoffargo.com
Sent: Monday, March 13, 2023 8:03 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government
Attachments: Resume.pdf

Name:
[Zoe Absey]
Mailing Address:
[REDACTED]
City:
[Fargo]
State:
[North Dakota]
Zip:
[58102]
Work Phone:
[REDACTED]
Home Phone:
[BLANK]
E-mail:
[REDACTED]

Which boards or commissions would you like to be considered for?

[Human Relations Commission, Sustainability and Resiliency Committee]

Briefly state why you would like to be on this panel:

[I am interested in becoming more involved in the City of Fargo and playing more of a role in making positive changes and bettering our community. I think being part of either Committee I could use my background with working at the Food Bank and also my experience of working abroad with the Peace Corps and with diverse communities.]

How many hours per month could you volunteer as a panel member?

[I am able to volunteer as many hours that is required to be on a committee. I would say no more than 20 hours a month.]

Please list any past experience you have with city government here or in other cities:

[I do not have any experience with working in city government. I am excited to learn more about how it works and operates.]

Please describe any professional experience you have related to the responsibilities of the panel you are interested in:

[I have experience working on boards for nonprofits and committees for local organizations. With my work, I have skills with program development and planning. My work with being in the Peace Corps and working with the New American, Refugee and Immigrant communities locally would be helpful for the Human Relations committee. My work with the Food Bank could be useful for the Sustainability and Resiliency Committee along with my personal passion for sustainability.]

We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.