

FARGO CITY COMMISSION AGENDA

Monday, August 3, 2026 – 5:00 P.M.

Executive Session at 4:00 p.m.

Roll Call.

PLEASE NOTE: The Board of City Commissioners will convene in the City Commission Chambers at 4:00 p.m. and retire into Executive Session in the Red River Room for (1) the purpose of receiving its attorney's advice and guidance on the legal risks, strengths and weaknesses of an action of the City in reasonably predictable litigation with Phoenix Fabricators and Erectors, LLC, and to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding the potential litigation, which to discuss these matters in an open meeting will have a negative fiscal effect on the bargaining position of the City; and (2) to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding the potential purchase of property involving Elizabeth Anda, which to discuss these matters in an open meeting will have a negative fiscal effect on the bargaining position of the City. Thus, an Executive Session for this matter is authorized pursuant to North Dakota Century Code 44-04-19.1 subsections 2, 5 and 9 and North Dakota Century Code § 44-04-19.2, subsection 1.

Regular Meeting at 5:00 P.M.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at 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 FargoND.gov/CityCommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, July 20, 2026).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Receive and file amended Home Rule Charter of the City of Fargo.
- 2. 1st reading of an Ordinance Repealing Article 15-02 of Chapter 15 of the Fargo Municipal Code relating to the Human Rights Commission.
- 3. 2nd reading, waive reading and final adoption of an Ordinance Amending Section 3-2011 of Article 3-20 of Chapter 3 of the Fargo Municipal Code Relating to a Sales and Use Tax for Infrastructure Capital Improvements; 1st reading, 7/20/26.
- 4. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Selkirk Place Sixth Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 7/20/26.
- 5. Applications for Games of Chance.
- 6. Site Authorizations for Games of Chance.

7. Reimbursement to Cass County Electric Cooperative in the amount of \$16,376.31 for Improvement District No. BN-25-C1.
8. Memorandum of Offer to Landowner and Agreement for Permanent Easement (Sanitary Sewer) with David Phillips Jr. and Nadine Phillips (Improvement District No. BR-23-A).
9. Final Balancing Change Order No. 2 in the amount of \$23,932.77 for Improvement District No. NR-24-C1.
10. Final Balancing Change Order No. 4 in the amount of \$38,103.97 for Improvement District No. BN-25-E1.
11. Change Order No. 1 in the amount of \$152,201.30 for Improvement District No. PN-26-A1.
12. Create Improvement District No. BR-23-A and adopt Resolution of Necessity (Paving and Utility Rehab/Reconstruction).
13. Create Improvement District No. BR-26-G and adopt Resolution of Necessity (Paving and Utility Rehab/Reconstruction).
14. Bid award to Master Holdings LLC in the amount of \$841,390.45 for Improvement District No. BR-26-D2.
15. Bid advertisement for Improvement District No. AN-26-D (Alley Paving).
16. Contract Amendment No. 1 in the amount of \$2,200.00 for Project No. MS-25-A0.
17. Change Order No. 1 in the amount of \$155,573.00 and 31-day time extension to Substantial and Final Completion dates for Project No. SR-26-A1.
18. Change Order No. 2 in the amount of \$59,565.00 for Project No. UR-26-A1.
19. Agreement for Professional Services with Moore Engineering, Inc. in the amount of \$508,600.00 for Project No. NR-26-D0.
20. Thirteenth Amended Lease Agreement between North Dakota State University and Fargo Dome Authority.
21. Items from FAHR meeting:
 - a. Receive and File Sales Tax Update - Accrual Basis.
 - b. Approve the use of existing 2026 Fire Department capital funds, account 475-4050-510.10, originally budgeted for the Mobile Ventilation Prop and Mobile Auto Extrication Prop, for the purchase of temporary live-burn training shipping containers and associated setup, and a utility terrain vehicle (UTV). All expenditures shall remain within the existing approved 2026 budget.
 - c. Approve the recommendation of this notice of grant award from ND Department of Health and Human Services. Funds are included with the 2027 preliminary budget.
 - d. Approve the recommendation of this notice of grant award from ND Department of Health and Human Services and related budget adjustment.
 - e. Approve the recommendation for a budget adjustment as presented.
 - f. Approve the donation of \$12,000.00 from Curt Heiser along with the budget adjustment as presented.
 - g. Approve the donation of \$20,000.00 from the Wrigley Family along with the budget adjustment as presented.

- h. Approve leadership training in the additional amount of \$7,200.00 and related budget adjustment.
 - i. Approve contract from the State of North Dakota in the amount of \$16,000.00 to reimburse the remaining \$16,000.00 of bus terminal repairs.
 - j. Approve the award in the amount of \$9,600.00 for State Homeland Security Program, contract number 102 and related budget adjustment.
- 22. Notice of Grant Award from ND Department of Health and Human Services for PHEP - EPR Statewide Response Team (CFDA# 93.069).
 - 23. Notice of Grant Award from ND Department of Health and Human Services for PHEP - EPR All Hazards Allocation (CFDA# 93.069).
 - 24. Resolution approving Plat of Champions Gate at Prairie Farms Fourth Addition.
 - 25. Resolution approving Plat of Amber Valley Tenth Addition.
 - 26. Resolution approving Plat of Berg Addition.
 - 27. Bid award to Kris Engineering, Inc. in the amount of \$153,611.25 for the purchase of carbide cutting edges (RFP26231).
 - 28. Change Order No. 4 in the amount of -\$48,456.15 for the GTC Deck Overlay Project.
 - 29. Change Order No. 1 with Johnson and Schock Excavating, LLC in the amount of \$80,000.00 and a 14-day time extension for Project No. WA2507.
 - 30. Task Order No. 26-04 with Houston Engineering, Inc. in the amount of \$394,574.00 for Project No. WA2403.
 - 31. Bills.

REGULAR AGENDA:

PUBLIC HEARINGS - 5:05 pm:

- 32. **PUBLIC HEARING** – Application filed by Valley Process Technologies, LLC for exemption from property and/or income tax for a project to be located at 342 42nd Street South, which the applicant will use in research and development and production of value-added ag and food processing biotech products.
- 33. Liquor compliance violation at Front Street Taproom.
- 34. Liquor compliance violation at Pounds.
- 35. Liquor compliance violation at NoBull Smokehouse.
- 36. Liquor compliance violation at Wurst Bier Hall.
- 37. Resolution regarding Special Election Matters – Change of Form of Government.
- 38. Recommendation to approve the 2027 Preliminary Budget and set the Public Hearing date for Monday, September 14, 2026 at 5:05 p.m.
- 39. GTC relocation status update.

40. Liaison Commissioner assignment updates.
41. **PUBLIC COMMENTS (2.5 minutes will be offered for comment with a maximum of 30 minutes total for all public comments. Individuals who would like to address the Commission, whether virtually or in person, must sign-up [here](#)).**

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 web site at FargoND.gov/CityCommission.

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Application For Property Tax Incentives For New or Expanding Businesses

N.D.C.C. Chapter 40-57.1

Project Operator's Application To City of Fargo
City or County

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

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

This application is a public record

Identification Of Project Operator

1. Name of project operator of new or expanding business Valley Process Technologies, LLC
2. Address of project 342 42nd St. South
City Fargo County Cass
3. Mailing address of project operator 2483 9th St N.
City Wahpeton State ND Zip 58075
4. Type of ownership of project
☒ Partnership ☐ Subchapter S corporation ☐ Individual proprietorship
☐ Corporation ☐ Cooperative ☒ Limited liability company
5. Federal Identification No. or Social Security No. 88-4353562
6. North Dakota Sales and Use Tax Permit No. 377514 00
7. If a corporation, specify the state and date of incorporation _____
8. Name and title of individual to contact Mike Thummel
 Mailing address 241 12th Ave N
 City, State, Zip Casselton, ND, 58012 Phone No. 701-404-0941

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.

☒ Property Tax Exemption <u>5</u> Number of years <u>100</u> Percent of exemption	☐ Payments In Lieu of Taxes Beginning year _____ Ending year _____ Amount of annual payments (attach schedule if payments will vary)
--	--
10. Which of the following would better describe the project for which this application is being made:
☒ New business project ☐ Expansion of a existing business project

Description of Project Property

11. Legal description of project real property

Lot: 8 Block: 4 WEST PARK 2ND S 293.57' OF LOT 8 BLK 4 **12-16-96 SPL FR 01-4012-00421-000

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

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

☐ Yes ☐ No

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

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

If existing facility, when was it constructed? 1996

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application _____

b. Description of project to be constructed including size, type and quality of construction

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

14. Approximate date of commencement of this project's operations 10/1/202615. Estimated market value of the property used for this project:

a. Land \$ 441,000

b. Existing buildings and structures for which an exemption is claimed..... \$ 3,841,000

c. Newly constructed buildings and structures when completed \$ _____

d. Total \$ 4,282,000

e. Machinery and equipment \$ 2,500,000

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:

a. Land (not eligible) 

b. Eligible existing buildings and structures \$ _____

c. Newly constructed buildings and structures when completed..... \$ 192,050

d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ 192,050

e. Enter the consolidated mill rate for the appropriate taxing district 289.98

f. Annual amount of the tax exemption (Line d multiplied by line e) \$ 55,690.66

Description of Project Business

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

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

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

This facility will be using in the Research & Development and production of value added Ag and Food Processing biotech products that include but not limited to Biologics, Antimicrobials, Yeast, and Enzymes.

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

Lab Analytical equipment, Bio-Reactors, Stainless Steel Storage tanks, Food grade production equipment and packaging,

20. For the project only, indicate the projected annual revenue, expense, and net income (before tax) from either the new business or the expansion itself for each year of the requested exemption.

	New/Expansion Project only	New/Expansion Project only	New/Expansion Project only	New/Expansion Project only	New/Expansion Project only
Year (12 mo. periods)	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Annual revenue	<u>2000000</u>	<u>4500000</u>	<u>8000000</u>	<u>15000000</u>	<u>25000000</u>
Annual expense	<u>3000000</u>	<u>4000000</u>	<u>7000000</u>	<u>11000000</u>	<u>18000000</u>
Net income	<u>-1000000</u>	<u>500000</u>	<u>1000000</u>	<u>4000000</u>	<u>7000000</u>

21. Projected annual average number of persons to be employed by the project itself at the project location for each year for the first five years and the estimated annual payroll.

		New/ Expansion Project only	New/ Expansion Project only	New/ Expansion Project only	New/ Expansion Project only	New/ Expansion Project only
Year	<u>Company-wide (before project)</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
No. of Employees	(1) <u>12</u>	<u>22</u>	<u>37</u>	<u>51</u>	<u>62</u>	<u>74</u>
	(2) <u>2</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>
Estimated payroll	(1) <u>1300000</u>	<u>1700000</u>	<u>3200000</u>	<u>4800000</u>	<u>6000000</u>	<u>7400000</u>
	(2) <u>27000</u>	<u>54000</u>	<u>54000</u>	<u>54000</u>	<u>54000</u>	<u>54000</u>

(1) - full time
(2) - part time

Previous Business Activity

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

23. Has the project operator conducted this business at this or any other location either in or outside of the state?
☒ Yes ☐ No

24. Has the project operator or any officers of the project received any prior property tax incentives? ☐ Yes ☒ No
 If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Business Competition

25. Is any similar business being conducted by other operators in the municipality? ☐ Yes ☒ No
 If YES, give name and location of competing business or businesses

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it? ☐ Yes ☒ No

27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property? ☐ Yes ☒ No
 If the answer to 26 or 27 is Yes, list and explain

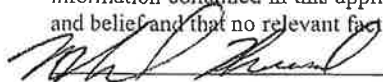
Use Only When Reapplying

28. The project operator is reapplying for property tax incentives for the following reason(s):
☐ To present additional facts or circumstances which were not presented at the time of the original application
☐ To request continuation of the present property tax incentives because the project has:
 ☐ moved to a new location
 ☐ had a change in project operation or additional capital investment of more than twenty percent
 ☐ had a change in project operators
☐ To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

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



 Signature

Chief Executive Officer

 Title

5/29/26

 Date

PRIVACY ACT NOTIFICATION

In compliance with the Privacy Act of 1974, disclosure of a social security number or Federal Employer Identification Number (FEIN) on this form is required under N.D.C.C. §§ 40-57.1-03, 40-57.1-07, and 57-01-15, and will be used for tax reporting, identification, and administration of North Dakota tax laws. Disclosure is mandatory. Failure to provide the social security number or FEIN may delay or prevent the processing of this form.

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

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the ____ day of _____, 20____, granted the following:

☐ **Property Tax Exemption**

____ Number of years

____ Percent of exemption

☐ **Payments in lieu of taxes**

____ Beginning year ____ Ending year

____ Amount of annual payments (Attach schedule if payments will vary)

Auditor

Notice To Competitors Of Hearing On Application For Property Tax Incentives

Notice is hereby given that the _____
(City or county governing body)

of _____, North Dakota, will meet at _____
(City or county) (Time)

on _____ at _____ to consider the application of
(Date) (Location)

(Project operator name and address)

for property tax relief on the project which the applicant will use in the operation of

(Type of business)

at _____
(Address)

(Legal description)

Any competitor of that applicant may appear and be heard by the _____
(City or county governing body)

at the time and place designated herein. A competitor may provide written comments to the governing body before the scheduled hearing.

This notice is given by the above-named applicant pursuant to the provisions of North Dakota Century Code § 40-57.1-03



OFFICE OF STATE TAX COMMISSIONER GUIDELINE - PROPERTY TAX: INCENTIVES FOR NEW OR EXPANDING BUSINESSES

DECEMBER 2017

North Dakota Century Code ch. 40-57.1 provides incentives in the form of property tax exemptions, payments in lieu of taxes, or a combination of both to a qualifying business. The incentives are granted at the discretion of the city or county in which the property is located.

Before a municipality may grant a property tax exemption under N.D.C.C. § 40-57.1-03, the project must be certified as a primary sector business by the Commerce Department.

A city or county with fewer than 40,000 population may grant an exemption to a project operating in the retail sector if the governing body has obtained approval from a majority of the qualified electors voting on the question at a city or county election held in conjunction with a statewide general election and if that governing body has established by resolution or ordinance the criteria that will be applied by the governing body to determine whether it is appropriate to grant an exemption for a project operating in the retail sector. Minimum criteria are specified in N.D.C.C. § 40-57.1-03(1). A city or county may not supersede or expand the provisions of this section under home rule authority.

- * Before a city grants a property tax incentive on a parcel that is anticipated to receive a property tax incentive for more than five years, the governing body of the city is required to send a letter, by certified mail, to the chairman of each county commission and the president of each school district affected by the tax incentive. The letter must provide terms of the proposed property tax incentive.
- * Within 30 days of receipt of the notice, each affected county and school district must notify the city, in writing, whether it elects to participate in granting the tax incentive on the county or school district portion of the property tax. If no letter is received, the city must treat each county or school district as participating in the property tax incentive.

DEFINITIONS

1. Commencement of construction means the building or erecting of any improvements other than site preparation or excavation.
2. Commencement of project operation means "the date the plant actually goes into its planned operations. To use the example..., if a manufacturing plant actually begins manufacturing of its products in December, 1970, that would be the date of commencement of project operations. The Act does not purport to authorize granting of tax exemptions for the time of construction of plants." 1969 N.D. Op. Att'y Gen. 415.
3. Local Development Corporation means a profit or nonprofit corporation incorporated in this state for the purpose of furthering the economic development of a specified community or area.

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INCENTIVES FOR NEW OR
EXPANDING BUSINESSES GUIDELINE

4. Municipality means a city or a county.
5. Primary sector means a business that adds value to a product, process, or service that results in the creation of new wealth. New wealth means revenues to a North Dakota business generated by sales of products or services to customers outside North Dakota, or revenues to a North Dakota business from sales in North Dakota, if the product or service was previously unavailable or of limited availability.
6. Project means any new revenue-producing business or an expansion to an existing business.
7. Project operator means the individual, partnership, limited liability company (LLC), corporation, or association that owns or operates the project.
8. Statewide general election, as provided in N.D.C.C. § 16.1-13-01, means the general election held on the first Tuesday after the first Monday in November of each even-numbered year.
9. Structure means any property where a business is conducted. The structure might be an entire building, if occupied by one business, or individual quarters within a larger building.

WHAT QUALIFIES

10. New and existing buildings, structures, and improvements owned or leased by a qualifying project may receive property tax incentives.
11. New buildings, structures, and improvements constructed and owned by a local development corporation may receive a partial or complete exemption from ad valorem taxation while unoccupied. Once occupied, the exemption continues until the next assessment date following the first occupancy. A qualifying project that locates in a building owned by a local development corporation qualifies for the property tax incentives, provided application is made and granted prior to occupancy.

ALLOWABLE INCENTIVES

12. A qualifying project may receive a complete or partial exemption from ad valorem taxation on structures used in or necessary to the operation of a project for up to five years following the commencement of project operations.
13. The exemption period begins with the assessment date immediately following the date of commencement of project operations.
14. Projects that produce or manufacture a product from agricultural commodities may receive a complete or partial property tax exemption on structures for up to ten years.
15. A project located in a structure leased from a governmental entity and which received a five-year property tax exemption qualifies for additional exemptions for up to five years. For the additional exemptions, the municipality grants the exemption one year at a time upon annual application.
16. Payments in lieu of taxes may be used in place of, or in combination with, property tax exemptions for qualifying projects. The municipality and project operator negotiate the amount of annual payments, when the payments begin, and the ending date, which may be no later than twenty years from the date project operations began.

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17. Payments in lieu of taxes are apportioned in the same manner as the general real estate taxes unless a taxing district enters into a written agreement for an alternate method. Any agreement entered into between the municipality and other taxing districts for an alternate method of apportioning the payments in lieu of taxes may not affect the apportionment to any taxing district that is not a party to the agreement.
18. The tax incentives are valid as long as the property is used for the purposes stated in the application. If there is a change in use or project operator, a new application for the incentives must be filed with and approved by the municipality to receive the remainder of the incentives.

LIMITATIONS

19. A project is not eligible for the property tax incentives if the project received a tax exemption under tax increment financing.
20. The tax exemption and the payments in lieu of taxes are limited to the new or existing buildings or structures used in the qualifying project.
21. Tax incentives may not be granted for land.
22. Payments in lieu of taxes are not eligible for the 5% discount for early payment.

PROCEDURES

23. The project operator applies to the governing body of the municipality where the potential project is to be located. If the project will be within city limits, the project operator applies to the city governing body. If the project is outside city limits, application is made to the county commission.
24. The municipality forwards the application to the Department of Commerce, Division of Economic Development and Finance, P.O. Box 2057, Bismarck, ND 58502-2057, for its review and recommendation as to the eligibility of the project as a primary sector business.
25. Application for the property tax exemption must be made *and* granted prior to the commencement of construction if the project locates in a new structure. If the project locates in an existing structure, application must be made *and* granted before the structure is occupied.

For qualifying projects, applications for payments in lieu of property taxes may be made after construction or occupancy of the structure.

A representative appointed by the board of each affected school district and of each affected township is included as a non-voting member during the negotiation and deliberation of granting tax incentives.

26. The project operator publishes two notices to competitors of hearing on the application. The notices are published in the official newspaper of the city or county at least one week apart. The last notice must be published at least 15 days, but not more than 30 days, before the city or county considers the application. For example, notices published one week apart on May 1 and May 8 would be appropriate for a hearing scheduled any time between May 23 and June 7. An affidavit of publication is presented to the governing body prior to the hearing as proof of publication. Publication of notices is not required if the municipality determines that project competitors do not exist in the municipality.
27. The city or county holds a public hearing on the application and takes testimony both in favor of and in opposition to the granting of the tax incentives.

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28. After the public hearing, the governing body determines the best interests of the municipality and approves or denies, in whole or in part, the application for tax incentives.
29. The municipality certifies the tax incentives granted by submitting a copy of the project operator's application with the attachments to the State Tax Commissioner and county director of tax equalization. The county director of tax equalization advises the local assessor when the property is taxable or exempt.
30. Political subdivision grantors shall maintain records of business incentives provided to recipients. They shall prepare an annual political subdivision grantor report to the Department of Commerce before April 1 each year that includes:
 - The name of the business receiving business incentives during that year;
 - The number of jobs expected to be created or retained by each business as a result of the business incentives;
 - The average compensation expected to be provided by the employer for the jobs expected to be created or retained as a result of the business incentives, including identification of the average benefits and average earnings to be provided by the employer for these jobs; and
 - The total dollar value of all business incentives provided by the political subdivision during that year.

ADDITIONAL CONDITIONS

North Dakota Century Code § 40-57.1-03 provides that the governing body of a municipality, before the beginning of a taxable year for which a property tax exemption or the option to make payments in lieu of taxes has previously been approved by the governing body, may revoke or reduce an exemption, or revoke or increase payments in lieu of taxes for that taxable year for reasons specified in a negotiated agreement or if the governing body finds that:

- a. Information provided by the project operator has proven to be inaccurate or untrue;
- b. Use of the property by the project operator does not comply with the reasonable expectations of the governing body at the time the property tax exemption or the option to make payments in lieu of taxes was approved;
- c. The property has been improved to a substantially greater extent than the governing body reasonably anticipated at the time the property tax exemption or the option to make payments in lieu of taxes was approved; or
- d. There has been a change of ownership of the property since the property tax exemption or the option to make payments in lieu of taxes was approved.

* Indicates significant change since last revised.



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July 28, 2026

To: Board of City Commissioners
From: Angie Bear, City Clerk
Re: Liquor Compliance Violation – **Front Street Taproom**

It is alleged an employee at this licensed establishment served a person under the age of 21 an alcoholic beverage in violation of North Dakota Century Code and/or Fargo Municipal Code. An affidavit detailing the offense was timely sent to the City Attorney Ian McLean. Notice of the hearing was sent to the licensee as required under law.

Historically, alcohol compliance violations were first presented to the LCB (Liquor Control Board) for consideration before proceeding to the City Commission. However, last summer the state amended the North Dakota Century Code (NDCC § 5-02-10). As part of the amendments, there are new timelines and noticing requirements that requires the LCB be bypassed in some liquor compliance failures.

Recommended Motion

Find a liquor compliance violation occurred and impose a penalty as required under statute or ordinance with consideration of any required mitigating factors.



**AUDITOR'S
OFFICE**

AUDITOR'S OFFICE

Fargo City Hall
225 4th Street North
PO Box 2471

Fargo, ND 58108

Phone: 701.241.8108 | Fax: 701.241.8184

FargoND.gov

July 27, 2026

Front Street Taproom
614 Main Ave
Fargo, ND 58103

Re: Compliance Check Failure

Dear Licensee:

Notice is hereby provided that the City Auditor's office has determined a liquor license compliance violation exists under section 25-1509 of the Fargo Municipal Code, service to a minor. The City Commission will meet on August 3, 2026, at 5:00 p.m. in the City Commission Chambers of City Hall, 225 4th Street North, Fargo ND to consider the violation.

If the City Commission recommends revocation, suspension, sanctions or other penalties, the licensee may request a hearing before the Board of City Commissioner within ten (10) days of the Liquor Control Board recommendation.

As a liquor license holder, you are being provided this notice in conformance with Fargo Municipal Code 25-1513; as license holder you have the right to be present and heard at this meeting, server training compliance is not an automatic waiver of the penalty.

If you have any questions, feel free to call me at 701.241.1301.

Sincerely,

Angie Bear

City Clerk

North Dakota Century Code

Chapter 5-02

5-02-10. Hearing on alleged violations.

1. If a person has information that a licensed retailer of alcoholic beverages has violated any provision of this title, the person may file with the attorney general, city attorney, or state's attorney an affidavit specifically explaining the violation within fourteen days of the date of the alleged violation.
2. If a person timely files an affidavit under subsection 1, the city attorney or state's attorney shall set the matter for hearing not later than the next regular meeting of the local governing body or forward the affidavit to the attorney general.
3. If a person timely files an affidavit under subsection 1, the attorney general shall set the matter for hearing in the local county courthouse not less than ten days after copies of the affidavit and notice of hearing have been mailed to the licensee by registered mail.
4. If the hearing is held by the local governing body, a copy of the affidavit and notice of hearing must be mailed to the licensee by registered mail not less than five days before the hearing.
5. A hearing conducted under this section must be recorded by stenographic notes or the use of an electronic recording device.



**Fargo Cass
Public Health**
Prevent. Promote. Protect.

FARGO CASS PUBLIC HEALTH
HEALTH PROMOTION
1240 25th Street South
Fargo, ND 58103-2367
Phone: 701.241.1360 | Fax: 701.241.8559
FargoCassPublicHealth.com

July 22, 2026

Angie Bear
City Clerk/Deputy City Auditor
City of Fargo
225 4th Street N
Fargo, ND 58102

Dear Mrs. Bear:

The Fargo Police Department, with the assistance of Fargo Cass Public Health, conducted alcohol service compliance checks on Tuesday July 21, 2026. The compliance check was conducted by following a nationally recognized and accepted process sponsored by the University of Minnesota's School of Public Health, Division of Epidemiology.

The following establishment **failed** this compliance check by having an employee serve alcohol to an underage person:

**Front Street Taproom
614 Main Ave
FARGO ND 58103**

This information is provided for your review. If you have any questions, please contact me at 701-241-1367.

Cordially,

Cheryl Stetz
Community Health Educator

Cc: Fargo Police Department
Front Street Taproom

City of Fargo, vs. Front Street Tap Room – 614 Main Ave, Fargo, ND, 58102	Affidavit/Declaration of Officer Shelby Layman
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1. My name is Shelby Layman I am a Fargo Police Officer. I am over 18 years of age.
I am competent to make this declaration/affidavit.

2. In conjunction with the Fargo Cass Public Health, alcohol compliance checks were held on 07/21/2026

3. As part of the compliance checks, a person or persons under the age of 21, while under supervision of the Fargo Police, enters a liquor establishment and request alcohol.

4. At approximately 1800, I and persons under 21, SS, 19 and BD, 20, went to Front Street Tap Room located at 614 Main Ave. Front Street Tap Room has a license with the City of Fargo to sell alcohol and is subject to compliance checks. April Austin was the bartender. April correctly identified SS as under 21 years of age and did not serve her an alcoholic drink. BD ordered an alcoholic drink – Michelob Ultra beer. April served an alcoholic drink to BD. April was issued a citation for the offense.

5. I write this affidavit/declaration pursuant to North Dakota Century Code section 5-2-10.

6. I declare, under penalty of perjury, under the law of North Dakota, that the foregoing is true and correct.

7. Date: 7/21/26
8. Name (printed): S. Layman
9. Name (signed): [Signature]

10. Location signed (city and state): Fargo, ND

25-1509. - Restrictions on sale, service or dispensing of alcoholic beverages.

- A. No licensee, his agent or employee, shall sell, serve or dispense any alcoholic beverage to a person under 21 years of age; and no licensee, his agent or employee, shall permit any person under 21 years of age to be furnished with any alcoholic beverage upon the licensed premises.
- B. No person under 21 years of age shall be permitted to enter any portion of licensed premises in which alcoholic beverages are sold, served or dispensed; nor shall anyone under the age of 21 years be employed in any portion of licensed premises in which alcoholic beverages are sold, served or dispensed, except as provided in subsections (C) and (D) of this section. For purposes of this section, a person is not 21 years of age until 8 a.m. on the person's twenty-first birthday.
- C. Any person under 21 years of age may enter and remain in a restaurant where alcoholic beverages are being sold if the restaurant is separated from the designated area in which alcoholic beverages are opened or mixed and if gross sales of food are at least equal to gross sales of alcoholic beverages which are consumed in the dining area. Any person who is employed by the restaurant as a food waiter, food waitress, busboy or busgirl, food server or other title engaged directly in the sale and delivery of food in the separate restaurant premises, may not engage in the sale, dispensing, delivery or consumption of alcoholic beverages; provided, that any person who is between 18 and 21 years of age may be employed by the restaurant to serve and collect money for alcoholic beverages, if the person is under the direct supervision of a person 21 or more years of age. All employees engaged in the stream of service as defined in section 25-1501 (31) are subject to mandatory server training as provided in section 25-1501(26), and unless specifically exempted herein, must be 21 years old to be so employed. A law enforcement officer, or person cooperating with and under the control of such law enforcement officer, under the age of 21 years may enter premises where alcoholic beverages are sold, dispensed, or consumed in the performance of an official duty. Any establishment where alcoholic beverages are sold may employ persons from 18 to 21 years of age to work in the capacity of musicians, disc jockey, or entertainer, or to perform duties directly related to working as a musician, disc jockey, or entertainer under the direct supervision of a person over 21 years of age. Any person under 21 years of age may enter and remain on the license premises if the person is an independent contractor or the independent contractor's employee engaged in contract work and is not engaged in selling, dispensing, delivering or consuming alcoholic beverages, or if the individual enters the premises for training, education, or research purposes under the supervision of an individual 21 or more years of age with prior notification of the local licensing authority. Any person

under 21 years of age may remain in the area of and event where beer, wine, or sparkling wine is sold in accordance with the conditions of an event permit issued pursuant to § 5-02-01.1, N.D.C.C., and the city comparable ordinance § 25-1506(H)(4).

D. At the discretion of the owner of the licensed premises, an individual under 21 years of age may be permitted to enter and remain in a restaurant where alcoholic beverages are being sold and in the area of the restaurant designated for the opening or mixing of alcoholic beverages if the individual:

1. Is accompanied by a parent or guardian;
2. Is not seated at or within three feet [0.91 meters] of the bar counter; and
3. Does not enter or remain in the designated area after ten p.m.

For purposes of this subsection, a restaurant shall be any establishment which serves prepared food and holds a restaurant license or permit pursuant to the provisions of Article 13-04 of the Fargo Municipal Code.

- E. No Class "B" or Class "D" licensee shall permit the opening or consumption of alcoholic beverages upon the licensed premises; provided, that a Class "B" licensee may permit the sampling of alcoholic beverages upon the licensed premises without charge to the consumer.
- F. No licensee, his agent or employee shall sell, serve, consume or permit to be sold, served or consumed on the licensed premises any alcoholic beverages during the hours of closure, and in no situation, between the hours of 2:00 a.m. and 8:00 a.m.; nor shall any licensee, his agent or employees sell, serve or permit to be sold, served or consumed on the licensed premises any alcoholic beverage on Christmas Day or after 6:00 p.m. on Christmas Eve. Additionally, there shall be no off-sale sales allowed after 2:00 a.m. on Thanksgiving Day or between the hours of 2:00 a.m. and 8:00 a.m. on Sundays. For purposes of this provision, any person having a glass or other opened container containing an alcoholic beverage in close proximity or otherwise available for consumption shall be deemed to be consuming an alcoholic beverage.
- G. All licensed premises shall be closed and locked not more than one-half hour after the termination of business hours as specified in subsection (F) of this section and no persons shall be permitted to remain on said premises thereafter except for the owner and his employees for normal cleaning and maintenance activities; provided, that a licensee may remain open for the purpose of providing food service and operate its entertainment business, provided, however, that the licensee must comply with all other terms of Article 25 and those of its State of North Dakota liquor license.
- H. No license to sell alcoholic beverages under the provisions of this article shall entitle the holder thereof to carry on such business at more than one location under any one license and each license shall contain a legal description of the place where the holder thereof operates

such business; provided, however, the foregoing provision shall not apply in the case where a licensee, in addition to his regular license, is granted a Class "E" license to engage in the sale of alcoholic beverages at the place designated in the Class "E" license. In addition, the provisions of this subsection shall not apply to any licensee serving alcoholic beverages at the city auditorium or the Fargodome, pursuant to the provisions of article 18-05 and article 34-01 of the Fargo Municipal Code; provided, however, that all other provisions of this article and all other ordinances of the city of Fargo, not inconsistent herewith, shall apply to any licensee serving alcoholic beverages at the city auditorium or the Fargodome.

- I. Licensee, its agent or employee shall not sell or serve, or permit to be sold or served on the licensed premises any food other than prepackaged, confectionery items such as peanuts, potato chips and similar items. This prohibition shall not apply to licensed establishments which hold a restaurant license or permit pursuant to the provisions of article 13-04 of the Fargo Municipal Code or food items prepared by an article 13-04 licensee for immediate personal consumption and not for resale. Further, licensee may participate in nonprofit public spirited events. A nonprofit public spirited event is one held by an organization not regularly engaged in the business of preparing or selling food who does so for the sale directly to the ultimate consumer at a farmer's market, bake sale, or similar enterprise.
- J. Any licensee holding a Class "AB", Class "ABH", Class "A", Class "C", Class "FA", Class "FA-RZ", Class "G", Class "H", Class "Y", Class "W", or Class "I" license, who also holds a restaurant license, limited restaurant license, or permit issued pursuant to the provisions of Article 13-04 of the Fargo Municipal Code, and who regularly serves food and beverages, may dispense alcoholic beverages in connection with food sales, on tables located on the public sidewalk adjacent to the licensed establishment; provided, that tables on the public sidewalk shall be in accordance with Article 18-03 of the Fargo Municipal Code.
- * K. Any person under 21 years of age may enter and remain in a licensed premises for a designated alcohol-free public event in any licensed premises or in a separate room within the licensed premises where the licensee has determined not to sell or permit consumption or possession of alcoholic beverages on that licensed premises or within the designated separate room within the licensed premises during a specified time period provided the licensee complies with the requirements of this subsection. For purposes of this subsection a public event is any event to which admission is open to the general public and may be gained with or without payment of a fee or an event which is advertised to the general public.
 - 1. The licensee shall give written notice of the intent to operate the premises or separate room within the premises as an alcohol-free area at least 72 hours in advance to the chief of police on a form to be prepared by the chief of police. The notice shall specify which portion of the licensed premises will be used for the alcohol free event or if a separate room within the premises will be used for the alcohol free event. If only a separate room

within the licensed premise will be used for the event, the room must have a point of entry and exit which does not permit those under the age of 21 to enter any portion of the licensed premises where alcoholic beverages are being sold, mixed or consumed. The notice shall define what security measures within the licensed premises or the separate room thereof will be taken to prevent the consumption of alcoholic beverages by persons during the alcohol-free event. The chief of police may, in his discretion, require such additional information from the licensee as is necessary to ensure compliance with this section.

2. Security personnel shall be on the premises in such numbers as to ensure the safety of patrons and to maintain order on the premises as follows:
 - 99 or less - 2 security personnel
 - 100 to 200 - 3 security personnel
 - 201 to 300 - 4 security personnel
 - 301 to 400 - 5 security personnel
 - 401 to 500 - 6 security personnel
 - 501 and over - appropriate number of security personnel as may be determined by the chief of police.
 3. The licensee shall post conspicuously at all entrances to the alcohol-free event a notice stating the sale, possession or consumption of alcoholic beverages will not be permitted during the duration of the alcohol-free event and that no participant under the age of 21 is permitted into any area within the licensed premises where alcoholic beverages are sold, consumed, or possessed to include common areas such as hallways or restrooms.
 4. During the alcohol-free event, the licensee shall remove from public view and secure all containers of alcoholic beverages as well as de-activate any device used to dispense alcohol in the alcohol free event.
 5. The licensee shall have all patrons regardless of age removed from the alcohol free event following the completion of the alcohol-free event and not reopen the licensed premise or the separate room thereof for the sale, possession or consumption of alcohol until one hour after the completion of the alcohol-free event.
 6. Smoking shall not be permitted at alcohol-free public events.
- * L. Any person under 21 years of age may enter and remain in a licensed premises or in a separate room within the licensed premises for a private event where the licensee has restricted access to invited guests provided that the licensee complies with the requirements

of this subsection. For purposes of this subsection a private event is an event which is not open to the general public to which access is granted to invited guests only, for which no admission fee is paid, and for which no advertising was conducted to the general public.

1. The licensee maintains the responsibility to comply with city ordinance 25-1509 (A) which prohibits selling, serving or dispensing any alcoholic beverage to a person under 21 years of age; or permitting any person under 21 years of age to be furnished with any alcoholic beverage upon the licensed premises.
 2. The room must have a point of entry and exit which does not permit those under the age of 21 to enter any portion of the licensed premises, not designated as the private event, where alcoholic beverages are being sold, mixed or consumed.
 3. The licensee shall post conspicuously at all entrances to the private event a notice stating the sale, possession or consumption of alcoholic beverages by those under the age of 21 will not be permitted and that no participant under the age of 21 is permitted into any area outside of the designated separate room within the licensed premises where alcoholic beverages are sold, consumed, or possessed to include common areas such as hallways or restrooms.
 4. Security personnel shall be on the premises in such numbers as to ensure the safety of patrons and to maintain order.
 5. The licensee shall have all patrons regardless of age removed from the private event following the completion of the private event and not reopen the separate room to the general public for the purpose of the sale, possession or consumption alcohol until one hour after the completion of the private event.
 6. Smoking shall not be permitted at a private event designated under this section.
 7. In addition to the foregoing restrictions and conditions, the licensee shall be governed by all applicable provisions of the Fargo Municipal Code.
- M. Any licensee holding a valid license under Article 25-15 of the Fargo Municipal Code and conducting business as a bowling alley may:
1. Allow the sale, service and consumption of alcoholic beverages in the bowling alley area and concourse adjacent to the bowling alley area during events sanctioned by the American Bowling Congress, Women's International Bowling Congress sanctioned events, or other nationally or regionally recognized bowling associations;
 2. At all other times, the licensee may allow alcoholic beverages to be consumed in the bowling alley area and concourse adjacent to the bowling alley area provided that the alcoholic beverages are purchased and dispensed within the licensed premises.

N.

Removal of wine from restaurant. If a full bottle of wine has been opened and the contents partially consumed, a retail alcoholic beverage licensee whose gross sales of food are at least thirty percent of the gross sales of alcoholic beverages that are consumed on the premises may permit an individual purchasing the bottle in conjunction with the purchase of a meal to remove the bottle on leaving the licensed premises if the licensee re-corks the bottle, seals the bottle with a seal that must be made conspicuously inoperative to reopen the bottle, and places a receipt of sale with the bottle. The removal of the bottle under these conditions is not an off sale of wine and is permitted without an additional license.

** The provisions of this section apply to the licensee's City of Fargo Alcohol License only and do not apply to or grant any exemption from the necessary state liquor license requirements or the provisions of the North Dakota Century Code.*

Source: 1965 Rev. Ord. 25-1509, 1869 (1978), 2090 (1983), 2099 (1983), 2160 (1984), 2162 (1984), 2217 (1985), 2241 (1986), 2264 (1986), 2344 (1987), 2447 (1989), 2509 (1989), 2517 (1990), 2583 (1991), 2584 (1991), 2597 (1991), 2603 (1992), 2645 (1993), 2760 (1995), 2822 (1997), 3015 (1999), 3084 (1999), 4401 (2004), 4476 (2005), 4528 (2006), 4535 (2006), 4565 (2006), 4618 (2007), 4619 (2007), 4626 (2007), 4659 (2008), 4718 (2009), 4973 (2015), 5002 (2015), 5061 (2016), 5085 (2017), 5113 (2017), 5135 (2018), 5311 (2021), 5440 (2024), 5469 (2025).

25-1513. - Revocation, suspension, sanctions or other penalties—Hearing Request.

Revocation, suspension, sanctions or other penalties may not be invoked without a public hearing if requested by the licensee. The city auditor's office shall notify the licensee that it has determined a license compliance violation exists, and shall further provide written notice by email and regular mail to the licensee of the Liquor Control Board's scheduled meeting date and time at which the violation will be considered. If the Liquor Control Board recommends revocation, suspension, sanctions or other penalties, the licensee may request a hearing before the board of city commissioners within ten (10) days of such Liquor Control Board recommendation. The board of city commissioners shall conduct a public hearing, including consideration of the evidence and testimony presented to the Liquor Control Board. The city auditor shall provide written notice to the licensee, specifying the date, time and place of the public hearing before the board of city commissioners, and such notice shall be served upon the licensee or its managing agent in the same manner as provided by law for the service of a summons in a civil action. No hearing shall be held before the board of city commissioners before expiration of fifteen (15) days after the date of the service of the notice upon the licensee.

If, upon such hearing, it appears to the majority of the board of city commissioners that sufficient cause exists for the revocation, suspension, sanctions or other penalty, the board of city commissioners shall issue its findings, conclusions and order which shall then be served on the licensee by certified mail. The findings, conclusions and order of the board of city commissioners is appealable pursuant to Chapter 28-34 of the North Dakota Century Code.

Source: Ord. 5292 (2021).

Editor's note— Ord. 5292, § 2, adopted April 5, 2021, enacted a new § 25-1513 and § 7 of said ordinance renumbered the prior § 25-1513 as § 25-1518. Historical notation has been retained for reference purposes.

July 28, 2026

34

To: Board of City Commissioners
From: Angie Bear, City Clerk
Re: Liquor Compliance Violation – **Pounds**

It is alleged an employee at this licensed establishment served a person under the age of 21 an alcoholic beverage in violation of North Dakota Century Code and/or Fargo Municipal Code. An affidavit detailing the offense was timely sent to the City Attorney Ian McLean. Notice of the hearing was sent to the licensee as required under law.

Historically, alcohol compliance violations were first presented to the LCB (Liquor Control Board) for consideration before proceeding to the City Commission. However, last summer the state amended the North Dakota Century Code (NDCC § 5-02-10). As part of the amendments, there are new timelines and noticing requirements that requires the LCB be bypassed in some liquor compliance failures.

Recommended Motion

Find a liquor compliance violation occurred and impose a penalty as required under statute or ordinance with consideration of any required mitigating factors.



**AUDITOR'S
OFFICE**

AUDITOR'S OFFICE

Fargo City Hall
225 4th Street North
PO Box 2471

Fargo, ND 58108

Phone: 701.241.8108 | Fax: 701.241.8184

FargoND.gov

July 27, 2026

Pounds
6 Broadway N
Fargo, ND 58102

Re: Compliance Check Failure

Dear Licensee:

Notice is hereby provided that the City Auditor's office has determined a liquor license compliance violation exists under section 25-1509 of the Fargo Municipal Code, service to a minor. The City Commission will meet on August 3, 2026, at 5:00 p.m. in the City Commission Chambers of City Hall, 225 4th Street North, Fargo ND to consider the violation.

If the City Commission recommends revocation, suspension, sanctions or other penalties, the licensee may request a hearing before the Board of City Commissioner within ten (10) days of the Liquor Control Board recommendation.

As a liquor license holder, you are being provided this notice in conformance with Fargo Municipal Code 25-1513, as license holder you have the right to be present and heard at this meeting, server training compliance is not an automatic waiver of the penalty.

If you have any questions, feel free to call me at 701.241.1301.

Sincerely,

Angie Bear

City Clerk



FARGO CASS PUBLIC HEALTH
HEALTH PROMOTION
1240 25th Street South
Fargo, ND 58103-2367
Phone: 701.241.1360 | Fax: 701.241.8559
FargoCassPublicHealth.com

July 22, 2026

Angie Bear
City Clerk/Deputy City Auditor
City of Fargo
225 4th Street N
Fargo, ND 58102

Dear Mrs. Bear:

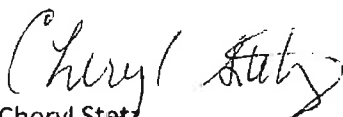
The Fargo Police Department, with the assistance of Fargo Cass Public Health, conducted alcohol service compliance checks on Tuesday July 21, 2026. The compliance check was conducted by following a nationally recognized and accepted process sponsored by the University of Minnesota's School of Public Health, Division of Epidemiology.

The following establishment **failed** this compliance check by having an employee serve alcohol to an underage person:

Pounds
6 Broadway Dr N
FARGO ND 58102

This information is provided for your review. If you have any questions, please contact me at 701-241-1367.

Cordially,


Cheryl Stetz
Community Health Educator

Cc: Fargo Police Department
Pounds

26-52842

City of Fargo, vs. Pounds – 6 Broadway, Fargo, ND, 58102	Affidavit/Declaration of Officer Shelby Layman
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1. My name is Shelby Layman I am a Fargo Police Officer. I am over 18 years of age.
I am competent to make this declaration/affidavit.

2. In conjunction with the Fargo Cass Public Health, alcohol compliance checks were held on 07/21/2026

3. As part of the compliance checks, a person or persons under the age of 21, while under supervision of the Fargo Police, enters a liquor establishment and request alcohol.

4. At approximately 1830, I and persons under 21, SS, 19 and BD, 20, went to Pounds located at 6 Broadway. Pounds has a license with the City of Fargo to sell alcohol and is subject to compliance checks. Adele Kennison was the bartender. BD and SS both ordered alcoholic drinks – Kona Big Wave beer and Coors Light Beer. Adele served both alcoholic drink to BD and SS. Adele was issued a citation for the offense.

5. I write this affidavit/declaration pursuant to North Dakota Century Code section 5-2-10.

6. I declare, under penalty of perjury, under the law of North Dakota, that the foregoing is true and correct.

7. Date: 7/21/26
8. Name (printed): S. Layman
9. Name (signed): [Signature]
10. Location signed (city and state):: Fargo, ND

North Dakota Century Code

Chapter 5-02

5-02-10. Hearing on alleged violations.

1. If a person has information that a licensed retailer of alcoholic beverages has violated any provision of this title, the person may file with the attorney general, city attorney, or state's attorney an affidavit specifically explaining the violation within fourteen days of the date of the alleged violation.
2. If a person timely files an affidavit under subsection 1, the city attorney or state's attorney shall set the matter for hearing not later than the next regular meeting of the local governing body or forward the affidavit to the attorney general.
3. If a person timely files an affidavit under subsection 1, the attorney general shall set the matter for hearing in the local county courthouse not less than ten days after copies of the affidavit and notice of hearing have been mailed to the licensee by registered mail.
4. If the hearing is held by the local governing body, a copy of the affidavit and notice of hearing must be mailed to the licensee by registered mail not less than five days before the hearing.
5. A hearing conducted under this section must be recorded by stenographic notes or the use of an electronic recording device.

25-1509. - Restrictions on sale, service or dispensing of alcoholic beverages.

- A. No licensee, his agent or employee, shall sell, serve or dispense any alcoholic beverage to a person under 21 years of age; and no licensee, his agent or employee, shall permit any person under 21 years of age to be furnished with any alcoholic beverage upon the licensed premises.
- B. No person under 21 years of age shall be permitted to enter any portion of licensed premises in which alcoholic beverages are sold, served or dispensed; nor shall anyone under the age of 21 years be employed in any portion of licensed premises in which alcoholic beverages are sold, served or dispensed, except as provided in subsections (C) and (D) of this section. For purposes of this section, a person is not 21 years of age until 8 a.m. on the person's twenty-first birthday.
- C. Any person under 21 years of age may enter and remain in a restaurant where alcoholic beverages are being sold if the restaurant is separated from the designated area in which alcoholic beverages are opened or mixed and if gross sales of food are at least equal to gross sales of alcoholic beverages which are consumed in the dining area. Any person who is employed by the restaurant as a food waiter, food waitress, busboy or busgirl, food server or other title engaged directly in the sale and delivery of food in the separate restaurant premises, may not engage in the sale, dispensing, delivery or consumption of alcoholic beverages; provided, that any person who is between 18 and 21 years of age may be employed by the restaurant to serve and collect money for alcoholic beverages, if the person is under the direct supervision of a person 21 or more years of age. All employees engaged in the stream of service as defined in section 25-1501 (31) are subject to mandatory server training as provided in section 25-1501(26), and unless specifically exempted herein, must be 21 years old to be so employed. A law enforcement officer, or person cooperating with and under the control of such law enforcement officer, under the age of 21 years may enter premises where alcoholic beverages are sold, dispensed, or consumed in the performance of an official duty. Any establishment where alcoholic beverages are sold may employ persons from 18 to 21 years of age to work in the capacity of musicians, disc jockey, or entertainer, or to perform duties directly related to working as a musician, disc jockey, or entertainer under the direct supervision of a person over 21 years of age. Any person under 21 years of age may enter and remain on the license premises if the person is an independent contractor or the independent contractor's employee engaged in contract work and is not engaged in selling, dispensing, delivering or consuming alcoholic beverages, or if the individual enters the premises for training, education, or research purposes under the supervision of an individual 21 or more years of age with prior notification of the local licensing authority. Any person

under 21 years of age may remain in the area of and event where beer, wine, or sparkling wine is sold in accordance with the conditions of an event permit issued pursuant to § 5-02-01.1, N.D.C.C., and the city comparable ordinance § 25-1506(H)(4).

D. At the discretion of the owner of the licensed premises, an individual under 21 years of age may be permitted to enter and remain in a restaurant where alcoholic beverages are being sold and in the area of the restaurant designated for the opening or mixing of alcoholic beverages if the individual:

1. Is accompanied by a parent or guardian;
2. Is not seated at or within three feet [0.91 meters] of the bar counter; and
3. Does not enter or remain in the designated area after ten p.m.

For purposes of this subsection, a restaurant shall be any establishment which serves prepared food and holds a restaurant license or permit pursuant to the provisions of Article 13-04 of the Fargo Municipal Code.

- E. No Class "B" or Class "D" licensee shall permit the opening or consumption of alcoholic beverages upon the licensed premises; provided, that a Class "B" licensee may permit the sampling of alcoholic beverages upon the licensed premises without charge to the consumer.
- F. No licensee, his agent or employee shall sell, serve, consume or permit to be sold, served or consumed on the licensed premises any alcoholic beverages during the hours of closure, and in no situation, between the hours of 2:00 a.m. and 8:00 a.m.; nor shall any licensee, his agent or employees sell, serve or permit to be sold, served or consumed on the licensed premises any alcoholic beverage on Christmas Day or after 6:00 p.m. on Christmas Eve. Additionally, there shall be no off-sale sales allowed after 2:00 a.m. on Thanksgiving Day or between the hours of 2:00 a.m. and 8:00 a.m. on Sundays. For purposes of this provision, any person having a glass or other opened container containing an alcoholic beverage in close proximity or otherwise available for consumption shall be deemed to be consuming an alcoholic beverage.
- G. All licensed premises shall be closed and locked not more than one-half hour after the termination of business hours as specified in subsection (F) of this section and no persons shall be permitted to remain on said premises thereafter except for the owner and his employees for normal cleaning and maintenance activities; provided, that a licensee may remain open for the purpose of providing food service and operate its entertainment business, provided, however, that the licensee must comply with all other terms of Article 25 and those of its State of North Dakota liquor license.
- H. No license to sell alcoholic beverages under the provisions of this article shall entitle the holder thereof to carry on such business at more than one location under any one license and each license shall contain a legal description of the place where the holder thereof operates

such business; provided, however, the foregoing provision shall not apply in the case where a licensee, in addition to his regular license, is granted a Class "E" license to engage in the sale of alcoholic beverages at the place designated in the Class "E" license. In addition, the provisions of this subsection shall not apply to any licensee serving alcoholic beverages at the city auditorium or the Fargodome, pursuant to the provisions of article 18-05 and article 34-01 of the Fargo Municipal Code; provided, however, that all other provisions of this article and all other ordinances of the city of Fargo, not inconsistent herewith, shall apply to any licensee serving alcoholic beverages at the city auditorium or the Fargodome.

- I. Licensee, its agent or employee shall not sell or serve, or permit to be sold or served on the licensed premises any food other than prepackaged, confectionery items such as peanuts, potato chips and similar items. This prohibition shall not apply to licensed establishments which hold a restaurant license or permit pursuant to the provisions of article 13-04 of the Fargo Municipal Code or food items prepared by an article 13-04 licensee for immediate personal consumption and not for resale. Further, licensee may participate in nonprofit public spirited events. A nonprofit public spirited event is one held by an organization not regularly engaged in the business of preparing or selling food who does so for the sale directly to the ultimate consumer at a farmer's market, bake sale, or similar enterprise.
- J. Any licensee holding a Class "AB", Class "ABH", Class "A", Class "C", Class "FA", Class "FA-RZ", Class "G", Class "H", Class "Y", Class "W", or Class "I" license, who also holds a restaurant license, limited restaurant license, or permit issued pursuant to the provisions of Article 13-04 of the Fargo Municipal Code, and who regularly serves food and beverages, may dispense alcoholic beverages in connection with food sales, on tables located on the public sidewalk adjacent to the licensed establishment; provided, that tables on the public sidewalk shall be in accordance with Article 18-03 of the Fargo Municipal Code.
- * K. Any person under 21 years of age may enter and remain in a licensed premises for a designated alcohol-free public event in any licensed premises or in a separate room within the licensed premises where the licensee has determined not to sell or permit consumption or possession of alcoholic beverages on that licensed premises or within the designated separate room within the licensed premises during a specified time period provided the licensee complies with the requirements of this subsection. For purposes of this subsection a public event is any event to which admission is open to the general public and may be gained with or without payment of a fee or an event which is advertised to the general public.
 1. The licensee shall give written notice of the intent to operate the premises or separate room within the premises as an alcohol-free area at least 72 hours in advance to the chief of police on a form to be prepared by the chief of police. The notice shall specify which portion of the licensed premises will be used for the alcohol free event or if a separate room within the premises will be used for the alcohol free event. If only a separate room

within the licensed premise will be used for the event, the room must have a point of entry and exit which does not permit those under the age of 21 to enter any portion of the licensed premises where alcoholic beverages are being sold, mixed or consumed. The notice shall define what security measures within the licensed premises or the separate room thereof will be taken to prevent the consumption of alcoholic beverages by persons during the alcohol-free event. The chief of police may, in his discretion, require such additional information from the licensee as is necessary to ensure compliance with this section.

2. Security personnel shall be on the premises in such numbers as to ensure the safety of patrons and to maintain order on the premises as follows:

99 or less - 2 security personnel

100 to 200 - 3 security personnel

201 to 300 - 4 security personnel

301 to 400 - 5 security personnel

401 to 500 - 6 security personnel

501 and over - appropriate number of security personnel as may be determined by the chief of police.

3. The licensee shall post conspicuously at all entrances to the alcohol-free event a notice stating the sale, possession or consumption of alcoholic beverages will not be permitted during the duration of the alcohol-free event and that no participant under the age of 21 is permitted into any area within the licensed premises where alcoholic beverages are sold, consumed, or possessed to include common areas such as hallways or restrooms.

4. During the alcohol-free event, the licensee shall remove from public view and secure all containers of alcoholic beverages as well as de-activate any device used to dispense alcohol in the alcohol free event.

5. The licensee shall have all patrons regardless of age removed from the alcohol free event following the completion of the alcohol-free event and not reopen the licensed premise or the separate room thereof for the sale, possession or consumption of alcohol until one hour after the completion of the alcohol-free event.

6. Smoking shall not be permitted at alcohol-free public events.

* L. Any person under 21 years of age may enter and remain in a licensed premises or in a separate room within the licensed premises for a private event where the licensee has restricted access to invited guests provided that the licensee complies with the requirements

of this subsection. For purposes of this subsection a private event is an event which is not open to the general public to which access is granted to invited guests only, for which no admission fee is paid, and for which no advertising was conducted to the general public.

1. The licensee maintains the responsibility to comply with city ordinance 25-1509 (A) which prohibits selling, serving or dispensing any alcoholic beverage to a person under 21 years of age; or permitting any person under 21 years of age to be furnished with any alcoholic beverage upon the licensed premises.
 2. The room must have a point of entry and exit which does not permit those under the age of 21 to enter any portion of the licensed premises, not designated as the private event, where alcoholic beverages are being sold, mixed or consumed.
 3. The licensee shall post conspicuously at all entrances to the private event a notice stating the sale, possession or consumption of alcoholic beverages by those under the age of 21 will not be permitted and that no participant under the age of 21 is permitted into any area outside of the designated separate room within the licensed premises where alcoholic beverages are sold, consumed, or possessed to include common areas such as hallways or restrooms.
 4. Security personnel shall be on the premises in such numbers as to ensure the safety of patrons and to maintain order.
 5. The licensee shall have all patrons regardless of age removed from the private event following the completion of the private event and not reopen the separate room to the general public for the purpose of the sale, possession or consumption alcohol until one hour after the completion of the private event.
 6. Smoking shall not be permitted at a private event designated under this section.
 7. In addition to the foregoing restrictions and conditions, the licensee shall be governed by all applicable provisions of the Fargo Municipal Code.
- M. Any licensee holding a valid license under Article 25-15 of the Fargo Municipal Code and conducting business as a bowling alley may:
1. Allow the sale, service and consumption of alcoholic beverages in the bowling alley area and concourse adjacent to the bowling alley area during events sanctioned by the American Bowling Congress, Women's International Bowling Congress sanctioned events, or other nationally or regionally recognized bowling associations;
 2. At all other times, the licensee may allow alcoholic beverages to be consumed in the bowling alley area and concourse adjacent to the bowling alley area provided that the alcoholic beverages are purchased and dispensed within the licensed premises.

N.

Removal of wine from restaurant. If a full bottle of wine has been opened and the contents partially consumed, a retail alcoholic beverage licensee whose gross sales of food are at least thirty percent of the gross sales of alcoholic beverages that are consumed on the premises may permit an individual purchasing the bottle in conjunction with the purchase of a meal to remove the bottle on leaving the licensed premises if the licensee re-corks the bottle, seals the bottle with a seal that must be made conspicuously inoperative to reopen the bottle, and places a receipt of sale with the bottle. The removal of the bottle under these conditions is not an off sale of wine and is permitted without an additional license.

** The provisions of this section apply to the licensee's City of Fargo Alcohol License only and do not apply to or grant any exemption from the necessary state liquor license requirements or the provisions of the North Dakota Century Code.*

Source: 1965 Rev. Ord. 25-1509, 1869 (1978), 2090 (1983), 2099 (1983), 2160 (1984), 2162 (1984), 2217 (1985), 2241 (1986), 2264 (1986), 2344 (1987), 2447 (1989), 2509 (1989), 2517 (1990), 2583 (1991), 2584 (1991), 2597 (1991), 2603 (1992), 2645 (1993), 2760 (1995), 2822 (1997), 3015 (1999), 3084 (1999), 4401 (2004), 4476 (2005), 4528 (2006), 4535 (2006), 4565 (2006), 4618 (2007), 4619 (2007), 4626 (2007), 4659 (2008), 4718 (2009), 4973 (2015), 5002 (2015), 5061 (2016), 5085 (2017), 5113 (2017), 5135 (2018), 5311 (2021), 5440 (2024), 5469 (2025).

25-1513. - Revocation, suspension, sanctions or other penalties—Hearing Request.

Revocation, suspension, sanctions or other penalties may not be invoked without a public hearing if requested by the licensee. The city auditor's office shall notify the licensee that it has determined a license compliance violation exists, and shall further provide written notice by email and regular mail to the licensee of the Liquor Control Board's scheduled meeting date and time at which the violation will be considered. If the Liquor Control Board recommends revocation, suspension, sanctions or other penalties, the licensee may request a hearing before the board of city commissioners within ten (10) days of such Liquor Control Board recommendation. The board of city commissioners shall conduct a public hearing, including consideration of the evidence and testimony presented to the Liquor Control Board. The city auditor shall provide written notice to the licensee, specifying the date, time and place of the public hearing before the board of city commissioners, and such notice shall be served upon the licensee or its managing agent in the same manner as provided by law for the service of a summons in a civil action. No hearing shall be held before the board of city commissioners before expiration of fifteen (15) days after the date of the service of the notice upon the licensee.

If, upon such hearing, it appears to the majority of the board of city commissioners that sufficient cause exists for the revocation, suspension, sanctions or other penalty, the board of city commissioners shall issue its findings, conclusions and order which shall then be served on the licensee by certified mail. The findings, conclusions and order of the board of city commissioners is appealable pursuant to Chapter 28-34 of the North Dakota Century Code.

Source: Ord. 5292 (2021).

Editor's note— Ord. 5292, § 2, adopted April 5, 2021, enacted a new § 25-1513 and § 7 of said ordinance renumbered the prior § 25-1513 as § 25-1518. Historical notation has been retained for reference purposes.



35

July 28, 2026

To: Board of City Commissioners
From: Angie Bear, City Clerk
Re: Liquor Compliance Violation – **NoBull Smokehouse**

It is alleged an employee at this licensed establishment served a person under the age of 21 an alcoholic beverage in violation of North Dakota Century Code and/or Fargo Municipal Code. An affidavit detailing the offense was timely sent to the City Attorney Ian McLean. Notice of the hearing was sent to the licensee as required under law.

Historically, alcohol compliance violations were first presented to the LCB (Liquor Control Board) for consideration before proceeding to the City Commission. However, last summer the state amended the North Dakota Century Code (NDCC § 5-02-10). As part of the amendments, there are new timelines and noticing requirements that requires the LCB be bypassed in some liquor compliance failures.

Recommended Motion

Find a liquor compliance violation occurred and impose a penalty as required under statute or ordinance with consideration of any required mitigating factors.



AUDITOR'S OFFICE
Fargo City Hall
225 4th Street North
PO Box 2471
Fargo, ND 58108
Phone: 701.241.8108 | Fax: 701.241.8184
FargoND.gov

July 27, 2026

NoBull Smokehouse
PO BOX 2043
Fargo, ND 58107

Re: Compliance Check Failure

Dear Licensee:

Notice is hereby provided that the City Auditor's office has determined a liquor license compliance violation exists under section 25-1509 of the Fargo Municipal Code, service to a minor. The City Commission will meet on August 3, 2026, at 5:00 p.m. in the City Commission Chambers of City Hall, 225 4th Street North, Fargo ND to consider the violation.

If the City Commission recommends revocation, suspension, sanctions or other penalties, the licensee may request a hearing before the Board of City Commissioner within ten (10) days of the Liquor Control Board recommendation.

As a liquor license holder, you are being provided this notice in conformance with Fargo Municipal Code 25-1513, as license holder you have the right to be present and heard at this meeting, server training compliance is not an automatic waiver of the penalty.

If you have any questions, feel free to call me at 701.241.1301.

Sincerely,

Angie Bear

City Clerk



FARGO CASS PUBLIC HEALTH
HEALTH PROMOTION
1240 25th Street South
Fargo, ND 58103-2367
Phone: 701.241.1360 | Fax: 701.241.8559
FargoCassPublicHealth.com

July 22, 2026

Angie Bear
City Clerk/Deputy City Auditor
City of Fargo
225 4th Street N
Fargo, ND 58102

Dear Mrs. Bear:

The Fargo Police Department, with the assistance of Fargo Cass Public Health, conducted alcohol service compliance checks on Tuesday July 21, 2026. The compliance check was conducted by following a nationally recognized and accepted process sponsored by the University of Minnesota's School of Public Health, Division of Epidemiology.

The following establishment **failed** this compliance check by having an employee serve alcohol to an underage person:

No Bull Smokehouse
614 Main Ave
FARGO ND 58103

This information is provided for your review. If you have any questions, please contact me at 701-241-1367.

Cordially,



Cheryl Stetz
Community Health Educator

Cc: Fargo Police Department
No Bull Smokehouse

City of Fargo, vs. NoBull Smokehouse – 609 Northern Pacific Ave N, Fargo, ND, 58102	Affidavit/Declaration of Officer Shelby Layman
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1. My name is Shelby Layman I am a Fargo Police Officer. I am over 18 years of age.
I am competent to make this declaration/affidavit.

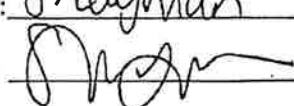
2. In conjunction with the Fargo Cass Public Health, alcohol compliance checks were held on 07/21/2026

3. As part of the compliance checks, a person or persons under the age of 21, while under supervision of the Fargo Police, enters a liquor establishment and request alcohol.

4. At approximately 1845, I and persons under 21, SS, 19 and BD, 20, went to NoBull Smokehouse located at 609 Northern Pacific Ave N. NoBull has a license with the City of Fargo to sell alcohol and is subject to compliance checks. Isabella Becerra was the bartender. BD ordered an alcoholic drinks – Coors Light Beer. Isabella correctly identified as SS being under 21 and did not serve her an alcoholic drink. Isabella served BD an alcoholic drink. Isabella was issued a citation for the offense.

5. I write this affidavit/declaration pursuant to North Dakota Century Code section 5-2-10.

6. I declare, under penalty of perjury, under the law of North Dakota, that the foregoing is true and correct.

7. Date: 7/21/26
8. Name (printed): S. Layman
9. Name (signed): 

10. Location signed (city and state): Fargo, ND

North Dakota Century Code

Chapter 5-02

5-02-10. Hearing on alleged violations.

1. If a person has information that a licensed retailer of alcoholic beverages has violated any provision of this title, the person may file with the attorney general, city attorney, or state's attorney an affidavit specifically explaining the violation within fourteen days of the date of the alleged violation.
2. If a person timely files an affidavit under subsection 1, the city attorney or state's attorney shall set the matter for hearing not later than the next regular meeting of the local governing body or forward the affidavit to the attorney general.
3. If a person timely files an affidavit under subsection 1, the attorney general shall set the matter for hearing in the local county courthouse not less than ten days after copies of the affidavit and notice of hearing have been mailed to the licensee by registered mail.
4. If the hearing is held by the local governing body, a copy of the affidavit and notice of hearing must be mailed to the licensee by registered mail not less than five days before the hearing.
5. A hearing conducted under this section must be recorded by stenographic notes or the use of an electronic recording device.

25-1509. - Restrictions on sale, service or dispensing of alcoholic beverages.

- A. No licensee, his agent or employee, shall sell, serve or dispense any alcoholic beverage to a person under 21 years of age; and no licensee, his agent or employee, shall permit any person under 21 years of age to be furnished with any alcoholic beverage upon the licensed premises.
- B. No person under 21 years of age shall be permitted to enter any portion of licensed premises in which alcoholic beverages are sold, served or dispensed; nor shall anyone under the age of 21 years be employed in any portion of licensed premises in which alcoholic beverages are sold, served or dispensed, except as provided in subsections (C) and (D) of this section. For purposes of this section, a person is not 21 years of age until 8 a.m. on the person's twenty-first birthday.
- C. Any person under 21 years of age may enter and remain in a restaurant where alcoholic beverages are being sold if the restaurant is separated from the designated area in which alcoholic beverages are opened or mixed and if gross sales of food are at least equal to gross sales of alcoholic beverages which are consumed in the dining area. Any person who is employed by the restaurant as a food waiter, food waitress, busboy or busgirl, food server or other title engaged directly in the sale and delivery of food in the separate restaurant premises, may not engage in the sale, dispensing, delivery or consumption of alcoholic beverages; provided, that any person who is between 18 and 21 years of age may be employed by the restaurant to serve and collect money for alcoholic beverages, if the person is under the direct supervision of a person 21 or more years of age. All employees engaged in the stream of service as defined in section 25-1501 (31) are subject to mandatory server training as provided in section 25-1501(26), and unless specifically exempted herein, must be 21 years old to be so employed. A law enforcement officer, or person cooperating with and under the control of such law enforcement officer, under the age of 21 years may enter premises where alcoholic beverages are sold, dispensed, or consumed in the performance of an official duty. Any establishment where alcoholic beverages are sold may employ persons from 18 to 21 years of age to work in the capacity of musicians, disc jockey, or entertainer, or to perform duties directly related to working as a musician, disc jockey, or entertainer under the direct supervision of a person over 21 years of age. Any person under 21 years of age may enter and remain on the license premises if the person is an independent contractor or the independent contractor's employee engaged in contract work and is not engaged in selling, dispensing, delivering or consuming alcoholic beverages, or if the individual enters the premises for training, education, or research purposes under the supervision of an individual 21 or more years of age with prior notification of the local licensing authority. Any person

under 21 years of age may remain in the area of and event where beer, wine, or sparkling wine is sold in accordance with the conditions of an event permit issued pursuant to § 5-02-01.1, N.D.C.C., and the city comparable ordinance § 25-1506(H)(4).

D. At the discretion of the owner of the licensed premises, an individual under 21 years of age may be permitted to enter and remain in a restaurant where alcoholic beverages are being sold and in the area of the restaurant designated for the opening or mixing of alcoholic beverages if the individual:

1. Is accompanied by a parent or guardian;
2. Is not seated at or within three feet [0.91 meters] of the bar counter; and
3. Does not enter or remain in the designated area after ten p.m.

For purposes of this subsection, a restaurant shall be any establishment which serves prepared food and holds a restaurant license or permit pursuant to the provisions of Article 13-04 of the Fargo Municipal Code.

- E. No Class "B" or Class "D" licensee shall permit the opening or consumption of alcoholic beverages upon the licensed premises; provided, that a Class "B" licensee may permit the sampling of alcoholic beverages upon the licensed premises without charge to the consumer.
- F. No licensee, his agent or employee shall sell, serve, consume or permit to be sold, served or consumed on the licensed premises any alcoholic beverages during the hours of closure, and in no situation, between the hours of 2:00 a.m. and 8:00 a.m.; nor shall any licensee, his agent or employees sell, serve or permit to be sold, served or consumed on the licensed premises any alcoholic beverage on Christmas Day or after 6:00 p.m. on Christmas Eve. Additionally, there shall be no off-sale sales allowed after 2:00 a.m. on Thanksgiving Day or between the hours of 2:00 a.m. and 8:00 a.m. on Sundays. For purposes of this provision, any person having a glass or other opened container containing an alcoholic beverage in close proximity or otherwise available for consumption shall be deemed to be consuming an alcoholic beverage.
- G. All licensed premises shall be closed and locked not more than one-half hour after the termination of business hours as specified in subsection (F) of this section and no persons shall be permitted to remain on said premises thereafter except for the owner and his employees for normal cleaning and maintenance activities; provided, that a licensee may remain open for the purpose of providing food service and operate its entertainment business, provided, however, that the licensee must comply with all other terms of Article 25 and those of its State of North Dakota liquor license.
- H. No license to sell alcoholic beverages under the provisions of this article shall entitle the holder thereof to carry on such business at more than one location under any one license and each license shall contain a legal description of the place where the holder thereof operates

such business; provided, however, the foregoing provision shall not apply in the case where a licensee, in addition to his regular license, is granted a Class "E" license to engage in the sale of alcoholic beverages at the place designated in the Class "E" license. In addition, the provisions of this subsection shall not apply to any licensee serving alcoholic beverages at the city auditorium or the Fargodome, pursuant to the provisions of article 18-05 and article 34-01 of the Fargo Municipal Code; provided, however, that all other provisions of this article and all other ordinances of the city of Fargo, not inconsistent herewith, shall apply to any licensee serving alcoholic beverages at the city auditorium or the Fargodome.

- I. Licensee, its agent or employee shall not sell or serve, or permit to be sold or served on the licensed premises any food other than prepackaged, confectionery items such as peanuts, potato chips and similar items. This prohibition shall not apply to licensed establishments which hold a restaurant license or permit pursuant to the provisions of article 13-04 of the Fargo Municipal Code or food items prepared by an article 13-04 licensee for immediate personal consumption and not for resale. Further, licensee may participate in nonprofit public spirited events. A nonprofit public spirited event is one held by an organization not regularly engaged in the business of preparing or selling food who does so for the sale directly to the ultimate consumer at a farmer's market, bake sale, or similar enterprise.
- J. Any licensee holding a Class "AB", Class "ABH", Class "A", Class "C", Class "FA", Class "FA-RZ", Class "G", Class "H", Class "Y", Class "W", or Class "I" license, who also holds a restaurant license, limited restaurant license, or permit issued pursuant to the provisions of Article 13-04 of the Fargo Municipal Code, and who regularly serves food and beverages, may dispense alcoholic beverages in connection with food sales, on tables located on the public sidewalk adjacent to the licensed establishment; provided, that tables on the public sidewalk shall be in accordance with Article 18-03 of the Fargo Municipal Code.
- * K. Any person under 21 years of age may enter and remain in a licensed premises for a designated alcohol-free public event in any licensed premises or in a separate room within the licensed premises where the licensee has determined not to sell or permit consumption or possession of alcoholic beverages on that licensed premises or within the designated separate room within the licensed premises during a specified time period provided the licensee complies with the requirements of this subsection. For purposes of this subsection a public event is any event to which admission is open to the general public and may be gained with or without payment of a fee or an event which is advertised to the general public.
 1. The licensee shall give written notice of the intent to operate the premises or separate room within the premises as an alcohol-free area at least 72 hours in advance to the chief of police on a form to be prepared by the chief of police. The notice shall specify which portion of the licensed premises will be used for the alcohol free event or if a separate room within the premises will be used for the alcohol free event. If only a separate room

within the licensed premise will be used for the event, the room must have a point of entry and exit which does not permit those under the age of 21 to enter any portion of the licensed premises where alcoholic beverages are being sold, mixed or consumed. The notice shall define what security measures within the licensed premises or the separate room thereof will be taken to prevent the consumption of alcoholic beverages by persons during the alcohol-free event. The chief of police may, in his discretion, require such additional information from the licensee as is necessary to ensure compliance with this section.

2. Security personnel shall be on the premises in such numbers as to ensure the safety of patrons and to maintain order on the premises as follows:

99 or less - 2 security personnel

100 to 200 - 3 security personnel

201 to 300 - 4 security personnel

301 to 400 - 5 security personnel

401 to 500 - 6 security personnel

501 and over - appropriate number of security personnel as may be determined by the chief of police.

3. The licensee shall post conspicuously at all entrances to the alcohol-free event a notice stating the sale, possession or consumption of alcoholic beverages will not be permitted during the duration of the alcohol-free event and that no participant under the age of 21 is permitted into any area within the licensed premises where alcoholic beverages are sold, consumed, or possessed to include common areas such as hallways or restrooms.
 4. During the alcohol-free event, the licensee shall remove from public view and secure all containers of alcoholic beverages as well as de-activate any device used to dispense alcohol in the alcohol free event.
 5. The licensee shall have all patrons regardless of age removed from the alcohol free event following the completion of the alcohol-free event and not reopen the licensed premise or the separate room thereof for the sale, possession or consumption of alcohol until one hour after the completion of the alcohol-free event.
 6. Smoking shall not be permitted at alcohol-free public events.
- * L. Any person under 21 years of age may enter and remain in a licensed premises or in a separate room within the licensed premises for a private event where the licensee has restricted access to invited guests provided that the licensee complies with the requirements

of this subsection. For purposes of this subsection a private event is an event which is not open to the general public to which access is granted to invited guests only, for which no admission fee is paid, and for which no advertising was conducted to the general public.

1. The licensee maintains the responsibility to comply with city ordinance 25-1509 (A) which prohibits selling, serving or dispensing any alcoholic beverage to a person under 21 years of age; or permitting any person under 21 years of age to be furnished with any alcoholic beverage upon the licensed premises.
 2. The room must have a point of entry and exit which does not permit those under the age of 21 to enter any portion of the licensed premises, not designated as the private event, where alcoholic beverages are being sold, mixed or consumed.
 3. The licensee shall post conspicuously at all entrances to the private event a notice stating the sale, possession or consumption of alcoholic beverages by those under the age of 21 will not be permitted and that no participant under the age of 21 is permitted into any area outside of the designated separate room within the licensed premises where alcoholic beverages are sold, consumed, or possessed to include common areas such as hallways or restrooms.
 4. Security personnel shall be on the premises in such numbers as to ensure the safety of patrons and to maintain order.
 5. The licensee shall have all patrons regardless of age removed from the private event following the completion of the private event and not reopen the separate room to the general public for the purpose of the sale, possession or consumption alcohol until one hour after the completion of the private event.
 6. Smoking shall not be permitted at a private event designated under this section.
 7. In addition to the foregoing restrictions and conditions, the licensee shall be governed by all applicable provisions of the Fargo Municipal Code.
- M. Any licensee holding a valid license under Article 25-15 of the Fargo Municipal Code and conducting business as a bowling alley may:
1. Allow the sale, service and consumption of alcoholic beverages in the bowling alley area and concourse adjacent to the bowling alley area during events sanctioned by the American Bowling Congress, Women's International Bowling Congress sanctioned events, or other nationally or regionally recognized bowling associations;
 2. At all other times, the licensee may allow alcoholic beverages to be consumed in the bowling alley area and concourse adjacent to the bowling alley area provided that the alcoholic beverages are purchased and dispensed within the licensed premises.

N.

Removal of wine from restaurant. If a full bottle of wine has been opened and the contents partially consumed, a retail alcoholic beverage licensee whose gross sales of food are at least thirty percent of the gross sales of alcoholic beverages that are consumed on the premises may permit an individual purchasing the bottle in conjunction with the purchase of a meal to remove the bottle on leaving the licensed premises if the licensee re-corks the bottle, seals the bottle with a seal that must be made conspicuously inoperative to reopen the bottle, and places a receipt of sale with the bottle. The removal of the bottle under these conditions is not an off sale of wine and is permitted without an additional license.

** The provisions of this section apply to the licensee's City of Fargo Alcohol License only and do not apply to or grant any exemption from the necessary state liquor license requirements or the provisions of the North Dakota Century Code.*

Source: 1965 Rev. Ord. 25-1509, 1869 (1978), 2090 (1983), 2099 (1983), 2160 (1984), 2162 (1984), 2217 (1985), 2241 (1986), 2264 (1986), 2344 (1987), 2447 (1989), 2509 (1989), 2517 (1990), 2583 (1991), 2584 (1991), 2597 (1991), 2603 (1992), 2645 (1993), 2760 (1995), 2822 (1997), 3015 (1999), 3084 (1999), 4401 (2004), 4476 (2005), 4528 (2006), 4535 (2006), 4565 (2006), 4618 (2007), 4619 (2007), 4626 (2007), 4659 (2008), 4718 (2009), 4973 (2015), 5002 (2015), 5061 (2016), 5085 (2017), 5113 (2017), 5135 (2018), 5311 (2021), 5440 (2024), 5469 (2025).

25-1513. - Revocation, suspension, sanctions or other penalties—Hearing Request.

Revocation, suspension, sanctions or other penalties may not be invoked without a public hearing if requested by the licensee. The city auditor's office shall notify the licensee that it has determined a license compliance violation exists, and shall further provide written notice by email and regular mail to the licensee of the Liquor Control Board's scheduled meeting date and time at which the violation will be considered. If the Liquor Control Board recommends revocation, suspension, sanctions or other penalties, the licensee may request a hearing before the board of city commissioners within ten (10) days of such Liquor Control Board recommendation. The board of city commissioners shall conduct a public hearing, including consideration of the evidence and testimony presented to the Liquor Control Board. The city auditor shall provide written notice to the licensee, specifying the date, time and place of the public hearing before the board of city commissioners, and such notice shall be served upon the licensee or its managing agent in the same manner as provided by law for the service of a summons in a civil action. No hearing shall be held before the board of city commissioners before expiration of fifteen (15) days after the date of the service of the notice upon the licensee.

If, upon such hearing, it appears to the majority of the board of city commissioners that sufficient cause exists for the revocation, suspension, sanctions or other penalty, the board of city commissioners shall issue its findings, conclusions and order which shall then be served on the licensee by certified mail. The findings, conclusions and order of the board of city commissioners is appealable pursuant to Chapter 28-34 of the North Dakota Century Code.

Source: Ord. 5292 (2021).

Editor's note— Ord. 5292, § 2, adopted April 5, 2021, enacted a new § 25-1513 and § 7 of said ordinance renumbered the prior § 25-1513 as § 25-1518. Historical notation has been retained for reference purposes.



36

July 28, 2026

To: Board of City Commissioners
From: Angie Bear, City Clerk
Re: Liquor Compliance Violation – **Wurst Bier Hall**

It is alleged an employee at this licensed establishment served a person under the age of 21 an alcoholic beverage in violation of North Dakota Century Code and/or Fargo Municipal Code. An affidavit detailing the offense was timely sent to the City Attorney Ian McLean. Notice of the hearing was sent to the licensee as required under law.

Historically, alcohol compliance violations were first presented to the LCB (Liquor Control Board) for consideration before proceeding to the City Commission. However, last summer the state amended the North Dakota Century Code (NDCC § 5-02-10). As part of the amendments, there are new timelines and noticing requirements that requires the LCB be bypassed in some liquor compliance failures.

Recommended Motion

Find a liquor compliance violation occurred and impose a penalty as required under statute or ordinance with consideration of any required mitigating factors.



**AUDITOR'S
OFFICE**

AUDITOR'S OFFICE

Fargo City Hall
225 4th Street North
PO Box 2471
Fargo, ND 58108
Phone: 701.241.8108 | Fax: 701.241.8184
FargoND.gov

July 27, 2026

Wurst Bier Hall
630 1 Ave N Ste 1
Fargo, ND 58102

Re: Compliance Check Failure

Dear Licensee:

Notice is hereby provided that the City Auditor's office has determined a liquor license compliance violation exists under section 25-1509 of the Fargo Municipal Code, service to a minor. The City Commission will meet on August 3, 2026, at 5:00 p.m. in the City Commission Chambers of City Hall, 225 4th Street North, Fargo ND to consider the violation.

If the City Commission recommends revocation, suspension, sanctions or other penalties, the licensee may request a hearing before the Board of City Commissioner within ten (10) days of the Liquor Control Board recommendation.

As a liquor license holder, you are being provided this notice in conformance with Fargo Municipal Code 25-1513, as license holder you have the right to be present and heard at this meeting, server training compliance is not an automatic waiver of the penalty.

If you have any questions, feel free to call me at 701.241.1301.

Sincerely,

Angie Bear

City Clerk



FARGO CASS PUBLIC HEALTH
HEALTH PROMOTION
1240 25th Street South
Fargo, ND 58103-2367
Phone: 701.241.1360 | Fax: 701.241.8559
FargoCassPublicHealth.com

July 22, 2026

Angie Bear
City Clerk/Deputy City Auditor
City of Fargo
225 4th Street N
Fargo, ND 58102

Dear Mrs. Bear:

The Fargo Police Department, with the assistance of Fargo Cass Public Health, conducted alcohol service compliance checks on Tuesday July 21, 2026. The compliance check was conducted by following a nationally recognized and accepted process sponsored by the University of Minnesota's School of Public Health, Division of Epidemiology.

The following establishment **failed** this compliance check by having an employee serve alcohol to an underage person:

**Wurst Bier Hall
630 1st Ave N
FARGO ND 58102**

This information is provided for your review. If you have any questions, please contact me at 701-241-1367.

Cordially,

Cheryl Stetz
Community Health Educator

Cc: Fargo Police Department
Wurst Bier Hall

City of Fargo, vs. Wurst Bier Hall – 630 1 st Ave N, Fargo, ND, 58102	Affidavit/Declaration of Officer Shelby Layman
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1. My name is Shelby Layman I am a Fargo Police Officer. I am over 18 years of age.
I am competent to make this declaration/affidavit.

2. In conjunction with the Fargo Cass Public Health, alcohol compliance checks were held on 07/21/2026

3. As part of the compliance checks, a person or persons under the age of 21, while under supervision of the Fargo Police, enters a liquor establishment and request alcohol.

4. At approximately 1930, I and persons under 21, SS, 19 and BD, 20, went to Wurst Bier Hall located at 630 1st Ave N. Wurst Bier Hall has a license with the City of Fargo to sell alcohol and is subject to compliance checks. Avery Malone was the bartender and manager on duty. BD ordered an alcoholic drink – Coors Light Beer. Avery correctly identified as SS being under 21 and did not serve her an alcoholic drink. Avery served BD an alcoholic drink. Avery was issued a citation for the offense.

5. I write this affidavit/declaration pursuant to North Dakota Century Code section 5-2-10.

6. I declare, under penalty of perjury, under the law of North Dakota, that the foregoing is true and correct.

7. Date: 7/21/26
8. Name (printed): S. Layman
9. Name (signed): [Signature]

10. Location signed (city and state):: Fargo, ND

North Dakota Century Code

Chapter 5-02

5-02-10. Hearing on alleged violations.

1. If a person has information that a licensed retailer of alcoholic beverages has violated any provision of this title, the person may file with the attorney general, city attorney, or state's attorney an affidavit specifically explaining the violation within fourteen days of the date of the alleged violation.
2. If a person timely files an affidavit under subsection 1, the city attorney or state's attorney shall set the matter for hearing not later than the next regular meeting of the local governing body or forward the affidavit to the attorney general.
3. If a person timely files an affidavit under subsection 1, the attorney general shall set the matter for hearing in the local county courthouse not less than ten days after copies of the affidavit and notice of hearing have been mailed to the licensee by registered mail.
4. If the hearing is held by the local governing body, a copy of the affidavit and notice of hearing must be mailed to the licensee by registered mail not less than five days before the hearing.
5. A hearing conducted under this section must be recorded by stenographic notes or the use of an electronic recording device.

25-1509. - Restrictions on sale, service or dispensing of alcoholic beverages.

- A. No licensee, his agent or employee, shall sell, serve or dispense any alcoholic beverage to a person under 21 years of age; and no licensee, his agent or employee, shall permit any person under 21 years of age to be furnished with any alcoholic beverage upon the licensed premises.
- B. No person under 21 years of age shall be permitted to enter any portion of licensed premises in which alcoholic beverages are sold, served or dispensed; nor shall anyone under the age of 21 years be employed in any portion of licensed premises in which alcoholic beverages are sold, served or dispensed, except as provided in subsections (C) and (D) of this section. For purposes of this section, a person is not 21 years of age until 8 a.m. on the person's twenty-first birthday.
- C. Any person under 21 years of age may enter and remain in a restaurant where alcoholic beverages are being sold if the restaurant is separated from the designated area in which alcoholic beverages are opened or mixed and if gross sales of food are at least equal to gross sales of alcoholic beverages which are consumed in the dining area. Any person who is employed by the restaurant as a food waiter, food waitress, busboy or busgirl, food server or other title engaged directly in the sale and delivery of food in the separate restaurant premises, may not engage in the sale, dispensing, delivery or consumption of alcoholic beverages; provided, that any person who is between 18 and 21 years of age may be employed by the restaurant to serve and collect money for alcoholic beverages, if the person is under the direct supervision of a person 21 or more years of age. All employees engaged in the stream of service as defined in section 25-1501 (31) are subject to mandatory server training as provided in section 25-1501(26), and unless specifically exempted herein, must be 21 years old to be so employed. A law enforcement officer, or person cooperating with and under the control of such law enforcement officer, under the age of 21 years may enter premises where alcoholic beverages are sold, dispensed, or consumed in the performance of an official duty. Any establishment where alcoholic beverages are sold may employ persons from 18 to 21 years of age to work in the capacity of musicians, disc jockey, or entertainer, or to perform duties directly related to working as a musician, disc jockey, or entertainer under the direct supervision of a person over 21 years of age. Any person under 21 years of age may enter and remain on the license premises if the person is an independent contractor or the independent contractor's employee engaged in contract work and is not engaged in selling, dispensing, delivering or consuming alcoholic beverages, or if the individual enters the premises for training, education, or research purposes under the supervision of an individual 21 or more years of age with prior notification of the local licensing authority. Any person

under 21 years of age may remain in the area of and event where beer, wine, or sparkling wine is sold in accordance with the conditions of an event permit issued pursuant to § 5-02-01.1, N.D.C.C., and the city comparable ordinance § 25-1506(H)(4).

D. At the discretion of the owner of the licensed premises, an individual under 21 years of age may be permitted to enter and remain in a restaurant where alcoholic beverages are being sold and in the area of the restaurant designated for the opening or mixing of alcoholic beverages if the individual:

1. Is accompanied by a parent or guardian;
2. Is not seated at or within three feet [0.91 meters] of the bar counter; and
3. Does not enter or remain in the designated area after ten p.m.

For purposes of this subsection, a restaurant shall be any establishment which serves prepared food and holds a restaurant license or permit pursuant to the provisions of Article 13-04 of the Fargo Municipal Code.

- E. No Class "B" or Class "D" licensee shall permit the opening or consumption of alcoholic beverages upon the licensed premises; provided, that a Class "B" licensee may permit the sampling of alcoholic beverages upon the licensed premises without charge to the consumer.
- F. No licensee, his agent or employee shall sell, serve, consume or permit to be sold, served or consumed on the licensed premises any alcoholic beverages during the hours of closure, and in no situation, between the hours of 2:00 a.m. and 8:00 a.m.; nor shall any licensee, his agent or employees sell, serve or permit to be sold, served or consumed on the licensed premises any alcoholic beverage on Christmas Day or after 6:00 p.m. on Christmas Eve. Additionally, there shall be no off-sale sales allowed after 2:00 a.m. on Thanksgiving Day or between the hours of 2:00 a.m. and 8:00 a.m. on Sundays. For purposes of this provision, any person having a glass or other opened container containing an alcoholic beverage in close proximity or otherwise available for consumption shall be deemed to be consuming an alcoholic beverage.
- G. All licensed premises shall be closed and locked not more than one-half hour after the termination of business hours as specified in subsection (F) of this section and no persons shall be permitted to remain on said premises thereafter except for the owner and his employees for normal cleaning and maintenance activities; provided, that a licensee may remain open for the purpose of providing food service and operate its entertainment business, provided, however, that the licensee must comply with all other terms of Article 25 and those of its State of North Dakota liquor license.
- H. No license to sell alcoholic beverages under the provisions of this article shall entitle the holder thereof to carry on such business at more than one location under any one license and each license shall contain a legal description of the place where the holder thereof operates

such business; provided, however, the foregoing provision shall not apply in the case where a licensee, in addition to his regular license, is granted a Class "E" license to engage in the sale of alcoholic beverages at the place designated in the Class "E" license. In addition, the provisions of this subsection shall not apply to any licensee serving alcoholic beverages at the city auditorium or the Fargodome, pursuant to the provisions of article 18-05 and article 34-01 of the Fargo Municipal Code; provided, however, that all other provisions of this article and all other ordinances of the city of Fargo, not inconsistent herewith, shall apply to any licensee serving alcoholic beverages at the city auditorium or the Fargodome.

- I. Licensee, its agent or employee shall not sell or serve, or permit to be sold or served on the licensed premises any food other than prepackaged, confectionery items such as peanuts, potato chips and similar items. This prohibition shall not apply to licensed establishments which hold a restaurant license or permit pursuant to the provisions of article 13-04 of the Fargo Municipal Code or food items prepared by an article 13-04 licensee for immediate personal consumption and not for resale. Further, licensee may participate in nonprofit public spirited events. A nonprofit public spirited event is one held by an organization not regularly engaged in the business of preparing or selling food who does so for the sale directly to the ultimate consumer at a farmer's market, bake sale, or similar enterprise.
- J. Any licensee holding a Class "AB", Class "ABH", Class "A", Class "C", Class "FA", Class "FA-RZ", Class "G", Class "H", Class "Y", Class "W", or Class "I" license, who also holds a restaurant license, limited restaurant license, or permit issued pursuant to the provisions of Article 13-04 of the Fargo Municipal Code, and who regularly serves food and beverages, may dispense alcoholic beverages in connection with food sales, on tables located on the public sidewalk adjacent to the licensed establishment; provided, that tables on the public sidewalk shall be in accordance with Article 18-03 of the Fargo Municipal Code.
- * K. Any person under 21 years of age may enter and remain in a licensed premises for a designated alcohol-free public event in any licensed premises or in a separate room within the licensed premises where the licensee has determined not to sell or permit consumption or possession of alcoholic beverages on that licensed premises or within the designated separate room within the licensed premises during a specified time period provided the licensee complies with the requirements of this subsection. For purposes of this subsection a public event is any event to which admission is open to the general public and may be gained with or without payment of a fee or an event which is advertised to the general public.
 1. The licensee shall give written notice of the intent to operate the premises or separate room within the premises as an alcohol-free area at least 72 hours in advance to the chief of police on a form to be prepared by the chief of police. The notice shall specify which portion of the licensed premises will be used for the alcohol free event or if a separate room within the premises will be used for the alcohol free event. If only a separate room

within the licensed premise will be used for the event, the room must have a point of entry and exit which does not permit those under the age of 21 to enter any portion of the licensed premises where alcoholic beverages are being sold, mixed or consumed. The notice shall define what security measures within the licensed premises or the separate room thereof will be taken to prevent the consumption of alcoholic beverages by persons during the alcohol-free event. The chief of police may, in his discretion, require such additional information from the licensee as is necessary to ensure compliance with this section.

2. Security personnel shall be on the premises in such numbers as to ensure the safety of patrons and to maintain order on the premises as follows:

99 or less - 2 security personnel

100 to 200 - 3 security personnel

201 to 300 - 4 security personnel

301 to 400 - 5 security personnel

401 to 500 - 6 security personnel

501 and over - appropriate number of security personnel as may be determined by the chief of police.

3. The licensee shall post conspicuously at all entrances to the alcohol-free event a notice stating the sale, possession or consumption of alcoholic beverages will not be permitted during the duration of the alcohol-free event and that no participant under the age of 21 is permitted into any area within the licensed premises where alcoholic beverages are sold, consumed, or possessed to include common areas such as hallways or restrooms.

4. During the alcohol-free event, the licensee shall remove from public view and secure all containers of alcoholic beverages as well as de-activate any device used to dispense alcohol in the alcohol free event.

5. The licensee shall have all patrons regardless of age removed from the alcohol free event following the completion of the alcohol-free event and not reopen the licensed premise or the separate room thereof for the sale, possession or consumption of alcohol until one hour after the completion of the alcohol-free event.

6. Smoking shall not be permitted at alcohol-free public events.

- * L. Any person under 21 years of age may enter and remain in a licensed premises or in a separate room within the licensed premises for a private event where the licensee has restricted access to invited guests provided that the licensee complies with the requirements

of this subsection. For purposes of this subsection a private event is an event which is not open to the general public to which access is granted to invited guests only, for which no admission fee is paid, and for which no advertising was conducted to the general public.

1. The licensee maintains the responsibility to comply with city ordinance 25-1509 (A) which prohibits selling, serving or dispensing any alcoholic beverage to a person under 21 years of age; or permitting any person under 21 years of age to be furnished with any alcoholic beverage upon the licensed premises.
 2. The room must have a point of entry and exit which does not permit those under the age of 21 to enter any portion of the licensed premises, not designated as the private event, where alcoholic beverages are being sold, mixed or consumed.
 3. The licensee shall post conspicuously at all entrances to the private event a notice stating the sale, possession or consumption of alcoholic beverages by those under the age of 21 will not be permitted and that no participant under the age of 21 is permitted into any area outside of the designated separate room within the licensed premises where alcoholic beverages are sold, consumed, or possessed to include common areas such as hallways or restrooms.
 4. Security personnel shall be on the premises in such numbers as to ensure the safety of patrons and to maintain order.
 5. The licensee shall have all patrons regardless of age removed from the private event following the completion of the private event and not reopen the separate room to the general public for the purpose of the sale, possession or consumption alcohol until one hour after the completion of the private event.
 6. Smoking shall not be permitted at a private event designated under this section.
 7. In addition to the foregoing restrictions and conditions, the licensee shall be governed by all applicable provisions of the Fargo Municipal Code.
- M. Any licensee holding a valid license under Article 25-15 of the Fargo Municipal Code and conducting business as a bowling alley may:
1. Allow the sale, service and consumption of alcoholic beverages in the bowling alley area and concourse adjacent to the bowling alley area during events sanctioned by the American Bowling Congress, Women's International Bowling Congress sanctioned events, or other nationally or regionally recognized bowling associations;
 2. At all other times, the licensee may allow alcoholic beverages to be consumed in the bowling alley area and concourse adjacent to the bowling alley area provided that the alcoholic beverages are purchased and dispensed within the licensed premises.

N.

Removal of wine from restaurant. If a full bottle of wine has been opened and the contents partially consumed, a retail alcoholic beverage licensee whose gross sales of food are at least thirty percent of the gross sales of alcoholic beverages that are consumed on the premises may permit an individual purchasing the bottle in conjunction with the purchase of a meal to remove the bottle on leaving the licensed premises if the licensee re-corks the bottle, seals the bottle with a seal that must be made conspicuously inoperative to reopen the bottle, and places a receipt of sale with the bottle. The removal of the bottle under these conditions is not an off sale of wine and is permitted without an additional license.

** The provisions of this section apply to the licensee's City of Fargo Alcohol License only and do not apply to or grant any exemption from the necessary state liquor license requirements or the provisions of the North Dakota Century Code.*

Source: 1965 Rev. Ord. 25-1509, 1869 (1978), 2090 (1983), 2099 (1983), 2160 (1984), 2162 (1984), 2217 (1985), 2241 (1986), 2264 (1986), 2344 (1987), 2447 (1989), 2509 (1989), 2517 (1990), 2583 (1991), 2584 (1991), 2597 (1991), 2603 (1992), 2645 (1993), 2760 (1995), 2822 (1997), 3015 (1999), 3084 (1999), 4401 (2004), 4476 (2005), 4528 (2006), 4535 (2006), 4565 (2006), 4618 (2007), 4619 (2007), 4626 (2007), 4659 (2008), 4718 (2009), 4973 (2015), 5002 (2015), 5061 (2016), 5085 (2017), 5113 (2017), 5135 (2018), 5311 (2021), 5440 (2024), 5469 (2025).

25-1513. - Revocation, suspension, sanctions or other penalties—Hearing Request.

Revocation, suspension, sanctions or other penalties may not be invoked without a public hearing if requested by the licensee. The city auditor's office shall notify the licensee that it has determined a license compliance violation exists, and shall further provide written notice by email and regular mail to the licensee of the Liquor Control Board's scheduled meeting date and time at which the violation will be considered. If the Liquor Control Board recommends revocation, suspension, sanctions or other penalties, the licensee may request a hearing before the board of city commissioners within ten (10) days of such Liquor Control Board recommendation. The board of city commissioners shall conduct a public hearing, including consideration of the evidence and testimony presented to the Liquor Control Board. The city auditor shall provide written notice to the licensee, specifying the date, time and place of the public hearing before the board of city commissioners, and such notice shall be served upon the licensee or its managing agent in the same manner as provided by law for the service of a summons in a civil action. No hearing shall be held before the board of city commissioners before expiration of fifteen (15) days after the date of the service of the notice upon the licensee.

If, upon such hearing, it appears to the majority of the board of city commissioners that sufficient cause exists for the revocation, suspension, sanctions or other penalty, the board of city commissioners shall issue its findings, conclusions and order which shall then be served on the licensee by certified mail. The findings, conclusions and order of the board of city commissioners is appealable pursuant to Chapter 28-34 of the North Dakota Century Code.

Source: Ord. 5292 (2021).

Editor's note— Ord. 5292, § 2, adopted April 5, 2021, enacted a new § 25-1513 and § 7 of said ordinance renumbered the prior § 25-1513 as § 25-1518. Historical notation has been retained for reference purposes.



CITY ATTORNEY
Ian R. McLean

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ASSISTANT CITY ATTORNEYS

Nancy J. Morris ■ Alissa R. Farol Czapiewski
William B. Wischer ■ Kasey D. McNary ■ Elijah P. Hartsell

July 30, 2026

Fargo City Commission
225 Fourth Street North
Fargo, ND 58102

Re: Special Election Regarding Petition to Change Form of Government

Dear Mayor and Commissioners:

On June 8, 2026, a petition proposing amendments to the Fargo Home Rule Charter and Fargo Municipal Code to change the City's form of government from the commission system of government to a council form of government was filed with the Office of the City Auditor.

By way of background, the City's current Home Rule Charter provides for a commission system of government consisting of five commissioners, all of whom are elected at large. One commissioner serves as Mayor; however, the Mayor and the remaining four commissioners each possess one equal vote on all matters before the City Commission.

The petition proposes amendments to both the Fargo Home Rule Charter and the Fargo Municipal Code to implement a council form of government. Under the proposed council form of government, six council members would be elected from six wards and a mayor would be elected at large. Unlike the current commission form of government, the mayor generally would not vote on matters before the council except to break a tie, but would possess the authority to veto ordinances and resolutions adopted by the council. Any such veto could be overridden by a two-thirds vote of the council members.

Pursuant to N.D.C.C. § 40-04-09, the City Auditor examined the petition and, on July 8, 2026, certified that it was signed by the requisite number of qualified electors. Under N.D.C.C. § 40-04-10, upon issuance of the certificate of sufficiency, the City Commission is required to call a special election to submit the question to the electors. The election must be held not less than sixty (60) days nor more than ninety (90) days after the City Auditor's certification. Accordingly, the special election must be held between September 6 and October 6, 2026.

The enclosed Resolution establishes the date of the special election, approves the ballot language, establishes polling hours, authorizes the City Auditor to designate polling locations, provides for absentee voting, and addresses other administrative matters necessary to conduct the election. A brief summary of those items follows:

Election Date

The Resolution establishes Tuesday, October 6, 2026, as the date of the special election. State law requires absentee voting to be available beginning forty (40) days before the election. Accordingly,

absentee ballots for an October 6 election must be available by August 27, 2026. Selecting October 6 provides the City with the maximum amount of time permitted under state law to prepare for the election, including printing ballots in time to meet the absentee voting deadline and completing the administrative preparations necessary to conduct the election.

Ballot Language

The proposed ballot language is as follows:

CHANGE FROM COMMISSION SYSTEM OF GOVERNMENT

Shall the city of Fargo change from its organization under the commission system of government and become a city under a ward-based council form of government.

Yes []

No []

North Dakota Century Code section 40-04-10 requires that the ballot present the "issue presented in the petition" in substantially the form set forth in the statute. The proposed ballot language follows the statutory language while adding the phrase "ward-based" before "council form of government." The proposed petition would establish a council consisting of six council members elected from six wards and a mayor elected at large. Because much of the public discussion regarding the proposed change in government has focused on the creation of wards, the additional language is intended to more clearly identify the issue presented in the petition and assist voters in understanding the measure they are being asked to approve or reject.

Polling Locations and Times

The Resolution provides that the polls shall be open from 7:00 a.m. to 7:00 p.m. and that all electors standing in line at the time the polls are set to close must be permitted to vote.

The Resolution further authorizes the City Auditor to designate one or more polling places within the City for the special election. In making that determination, the City Auditor may consider the Fargodome, Fargo Civic Memorial Auditorium, Atonement Lutheran Church, and such other locations within the City as the City Auditor determines appropriate. The three identified locations have confirmed their availability for the October 6, 2026, election.

The Resolution provides the City Auditor with flexibility in designating polling places because the City is continuing to evaluate the resources available to administer the election. Specifically, the City is determining whether Cass County will be able to provide some assistance with election administration and whether electronic voting equipment can be secured from the State. The level of available assistance and equipment may affect the number of polling places the City is able to operate for the special election.

Administration of Election

The Resolution authorizes the City Auditor to take the actions necessary to administer the special election, including appointing election officials, publishing the required notices, administering absentee voting, and utilizing electronic voting equipment, paper ballots, electronic poll books, paper poll books, hand counting of ballots, or other lawful voting methods as necessary depending upon the availability of election equipment.

SUGGESTED MOTION:

I move to adopt the Resolution calling a Special Election regarding the Petition to Change the City's Form of Government.

Sincerely,

A handwritten signature in black ink, appearing to read "Ian McLean", with a long, sweeping horizontal stroke extending to the right.

Ian R. McLean
City Attorney

Encl.

COMMISSIONER _____ introduced the following resolution and moved its adoption:

RESOLUTION
[Special Election Matters – Change of Form of Government]

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

WHEREAS, the City of Fargo, Cass County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota, which has adopted a Home Rule Charter, pursuant to the authority of N.D.C.C. Chapter 40-05.1;

WHEREAS, on June 8, 2026, the City received a petition proposing to change the City's form of government from a commission system of government to a council form of government. The petition further proposes that the council form of government consist of six council members elected from six wards and a mayor elected at large;

WHEREAS, on July 8, 2026, pursuant to N.D.C.C. § 40-04-09, the City Auditor examined the petition, determined that it was signed by the requisite number of qualified electors, and certified the petition as sufficient by issuing a certificate of sufficiency;

WHEREAS, pursuant to N.D.C.C. § 40-04-10, upon the filing of a petition accompanied by the City Auditor's certificate of sufficiency, the governing body shall call a special election at which only the question of changing from the commission system of government shall be submitted to the electors, and such election must be held not less than sixty (60) days nor more than ninety (90) days after the date of the City Auditor's certificate of sufficiency. Accordingly, the special election authorized by this Resolution must be held between September 6, 2026, and October 6, 2026;

WHEREAS, pursuant to N.D.C.C. § 40-04-10, the ballot used at the election shall include the issue presented in the petition in substantially the form set forth in N.D.C.C. § 40-04-10; and

WHEREAS, the Board of City Commissioners wishes to establish a date for the special election to be held, to approve the form of ballot question to be presented to the city electorate, and to authorize other matters related to the administration of said special election.

NOW, THEREFORE, BE IT RESOLVED, by the Board of City Commissioners of the City of Fargo, North Dakota, as follows:

SECTION ONE. That a special election is hereby called for Tuesday, October 6, 2026, at which the ballot question set forth in Section Two shall be submitted to the qualified electors of the City of Fargo.

SECTION TWO. That the following ballot question is hereby approved for submission to the qualified electors at the special election:

CHANGE FROM COMMISSION SYSTEM OF GOVERNMENT

Shall the city of Fargo change from its organization under the commission system of government and become a city under a ward-based council form of government.

Yes ☐

No ☐

SECTION THREE. That the City Auditor is hereby authorized and directed to designate one or more polling places within the City of Fargo for the special election. In making such designations, the City Auditor may consider the Fargodome, Fargo Civic Memorial Auditorium, Atonement Lutheran Church, and such other locations within the City as the City Auditor determines appropriate.

SECTION FOUR. That the polling places shall open on the date of the special election at 7:00 A.M. and remain open until 7:00 P.M., provided that all electors standing in line to vote at the time the polls are set to close must be allowed to vote, but electors arriving after closing time shall not be allowed to vote, as provided by N.D.C.C. § 16.1-01-03.

SECTION FIVE. That absentee voting be provided as set forth in N.D.C.C. ch. 16.1-07.

SECTION SIX. That the City Auditor is hereby authorized and directed to take such actions as may be necessary and appropriate for the administration of the special election, including, but not limited to, appointing election inspectors, election judges, poll clerks, and such other election workers as may be required by law, providing all required training, procuring election supplies and equipment, and taking all other actions necessary to conduct the special election in accordance with N.D.C.C. Title 16.1.

SECTION SEVEN. That the City Auditor is hereby authorized to utilize electronic voting equipment, paper ballots, paper poll books, electronic poll books, hand-counting of ballots, or any combination thereof as may be necessary to administer the special election in accordance with North Dakota law.

SECTION EIGHT. The City Auditor is authorized and directed to publish all notices required by law in connection with the special election.

Mayor

Attest:

Deputy City Auditor on behalf
of the City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by COMMISSIONER _____, and upon roll call vote, the following voted in favor thereof: COMMISSIONERS _____. The following were absent and not voting: _____, and the following voted against the same: _____, whereupon the resolution was declared duly passed and adopted.

PETITION TO AMEND THE CITY OF FARGO'S HOME RULE CHARTER AND RELATED
ORDINANCES TO INSTITUTE A COUNCIL SYSTEM OF GOVERNMENT.

SUMMARY

This petition intends to amend the City of Fargo's Home Rule Charter and related ordinances to change its system of government from a commission system to a council system.

INITIATIVE PETITION TO THE CITY AUDITOR, CITY OF FARGO, NORTH DAKOTA

We, the undersigned, being qualified electors, request the following initiated measure be placed on the ballot as provided by law.

SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the City of Fargo, North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with the law:

Arlette Preston – 505 Broadway N., #300, Fargo, ND 58102

Martin Riske – 2901 27th St. S., Fargo, ND 58103

Anthony Gehrig – 1329 9th St. N., Fargo, ND 58102

REASONING

WHEREAS, the State of North Dakota provides that the charter of Home Rule Charter cities (such as Fargo) and the ordinances made pursuant to the charter for the city supersede any law of the state in conflict with the charter and ordinances, and must be liberally construed for such purposes (see N.D.C.C. § 40-05.1-05); and

WHEREAS, state law grants Home Rule Charter cities the authority to provide for all matters pertaining to the "change, selection, or creation of its form and structure of government, including its governing body, executive officer, and city officers." N.D.C.C. § 40-05.1-06(7); and

WHEREAS, city law recognizes the right of citizens to amend the Fargo Home Rule Charter through the initiative process. Fargo Home Rule Charter, Art. 5(B); and

WHEREAS, the petitioners find it necessary and desirable to propose an amendment to the Home Rule Charter to adopt a city council form of government to replace the current commission form of government;

BE IT ENACTED BY THE CITY OF FARGO:

The Fargo Home Rule Charter and related ordinances be amended as follows:

SECTION ONE. That Article 2 of the Home Rule Charter of the City of Fargo, pertaining to the system of government governing the city, be amended to read as follows:

- A. Subject to the limitations imposed by the constitution of the United States of America, the constitution of the state of North Dakota, state law, and this charter, all powers of the city shall be vested in the elected governing body. The elected governing body shall enact ordinances, adopt annual and long-range budgets, raise revenue, determine policies and prescribe the functions of government to be performed by the city's elected and appointed officials under the authority of this charter.
1. The Fargo city government shall operate with the ~~commission council~~ form of government. The governing body shall consist of the mayor and ~~four commissioners~~ six council members, forming the ~~board of city commissioners~~ city council. The mayor is the presiding officer of the ~~commission council~~ and the city's chief executive officer. The mayor may participate in all respects in commission action. The mayor shall not vote at meetings of the city council except in case of a tie, where the mayor shall cast the deciding vote.
2. The mayor and all other members of the governing body shall hold office for four years and until a successor has been duly elected and qualified. To qualify after election, the governing board members shall take the following oath or affirmation, filing a signed copy of same with the city auditor.

"I do solemnly swear (or affirm) that I will support the constitution of the United States, constitution of the state of North Dakota, and the home rule charter of the city of Fargo, so help me God (if an oath) under the pains and penalties of perjury (if an affirmation)".
3. The governing body shall by ordinance, resolution or other appropriate action take such steps as may be necessary to make effective the provisions of this home rule charter.

4. Each member of the governing body shall act as the governing body's representative in examining and reporting on the operations and performance of the major city departments. The individual assignments will be proposed by the mayor and approved by the governing body.
- ~~5. At the first meeting of the new governing body after each biennial election, the governing body shall elect one of its members as deputy mayor. The deputy mayor shall perform all of the duties of the office of mayor in the absence or inability of the mayor to act. If the mayor's office becomes vacant, the deputy mayor shall become the acting mayor until the vacancy is filled as provided for in this charter.~~
65. The governing body shall have the sole authority to pass and adopt ordinances, rules and regulations concerning the organization, management and operation of all departments of the city and other agencies created by it for the administration of city affairs.
76. A member of the governing body may serve as a participating member on any board, commission, or other governmental units as may be determined by the governing body. Appointments to these entities shall be made by the mayor and confirmed by the governing body.
87. The governing body shall determine the annual salaries paid to each of its members, including the mayor. The salary levels shall be determined as part of the annual budget.
98. Each elected official before entering the duties of office shall furnish bond in the penal sum which is required by North Dakota state law.
- ~~109.~~ The mayor and each of the commissioners shall be elected by all the voters in the city, and shall serve four-year terms. The mayor will be elected in the next regular mayoral election following the passage of the initiative to change the city's system of government to a council system and every four years thereafter. The mayor's term will ~~start~~ begin on such day as is specified by city ordinance.
- ~~1110.~~ Two city commissioners shall be elected in the 1986 city election and two in the 1988 city election. The terms shall begin on such day as is specified by city ordinance following each election and shall expire on such day as is specified by city ordinance four years thereafter. City council members shall be elected in the next regular city election following the passage of the initiative to change the city's system of government to a council system. The terms shall begin on such day as is specified by city ordinance following each election and shall expire on such day as is specified by city ordinance four years thereafter, except following the initial election under the city council system of government, in which the terms of half of those council members elected will expire two years thereafter.

- ~~12~~11. Candidates for the governing body must be qualified electors of the city of Fargo, and each council member must be a resident of their ward, and must have been in continuous residence in the city and their respective ward where applicable for at least six months prior to filing their nomination papers.
 - ~~13~~12. Any elector desiring to become a candidate for the governing body shall file with the city auditor a statement of such candidacy. The filing must meet the deadline required by law. Each filing shall be accompanied by a filing fee of one hundred dollars (\$100), or in lieu thereof, by a petition signed by 300 qualified electors of the city.
 - ~~14~~13. The regular city election shall be held in every even-numbered year on the date specified by city ordinance. The governing body shall be the judge of the election and qualifications of its own members.
 - ~~15~~14. Every resident of Fargo who is qualified to vote in North Dakota general elections is qualified to vote in Fargo city elections. The governing body shall establish all the necessary election procedures by ordinance.
 - ~~16~~15. Members of the governing body shall be residents of the city of Fargo and their respective ward if a council member and shall surrender their office if such residency is terminated unless stated otherwise by city ordinance. No member of the governing body shall hold a position of remuneration in the employment of the city or any of its agencies or utilities.
 - ~~17~~16. Whenever it is necessary for the more efficient supervision and direction of city affairs, the governing body may summon and compel the attendance of witnesses and the production of books and papers, including computer information, before it. The governing body may cite reluctant witnesses for contempt, and may punish contempt with the same fines and penalties as the county judge may impose for contempt of county court.
 - ~~18~~17. Any member of the governing board may resign by filing a written resignation with the city auditor. When a vacancy occurs or whenever a resignation is submitted, the governing body may call a special election to fill such vacancy for the unexpired term unless a city-wide election occurs within the next six months. In that case, the governing body may fill the position by appointment until the vacancy is filled by election.
 - ~~19~~18. The governing body shall meet in regular sessions at such time as the governing body may establish. Special meetings may be called by the mayor or any two members of the governing body to consider matters listed in the call of such meeting. Written notice of any special meeting shall be given to each member of the governing body.
- B. As the elected head of the city of Fargo, the mayor shall represent or designate a representative at city functions and at meetings, conferences and negotiations

relating to policy matters with other units of government and legislative bodies. The mayor shall represent the city in negotiations with individuals and private or public enterprises when cultural or economic improvement of the city of Fargo may be involved.

1. The mayor shall be the executive officer of the city and shall see that all the laws of the city are enforced. ~~The mayor shall have the right to vote as a member of the board, but shall have no veto power.~~
2. The procedure for making appointments of members to all boards, commissions and other agencies shall be established by city ordinance.
3. The mayor shall cause to be prepared and shall present to the governing body on or before September 1 of each year, the proposed budget for the ensuing fiscal year, which starts on January 1 and ends on December 31. The budget shall be in a form as permitted by state law. The proposed budget shall include all maintenance and operating expenses, all wages and salaries, all carryover cash reserves anticipated from the current fiscal year, and all anticipated revenues from city taxes and fees and all other sources of revenue, and all debt retirement requirements.
4. The proposed budget may establish reserves for equipment replacement and other capital improvement projects.
5. The proposed budget shall include the total anticipated revenue of all city-operated utilities, and the allotment of that revenue to the city treasury, to utility operating expenses, to debt retirement, to capital improvements and to reserves.
6. The mayor in his budget message shall include all long-range plans, in place or anticipated, for major capital improvement and investment programs. The proposed budget shall contain a review of the economic, physical and social conditions and needs of the city, and its long-range plans for cultural and economic development.

SECTION TWO. That Article 5 of the Home Rule Charter of the City of Fargo, pertaining to the amendment or repeal of the charter governing the city, be amended to read as follows:

This Fargo Home Rule Charter may be amended or repealed only by a majority of the electorate voting on charter proposals submitted to them.

- A. Proposals to amend or repeal the Fargo Home Rule Charter may be submitted to the voters by adoption of a resolution approved by a majority of all members of the governing body. The proposed amendment shall be

published in the official newspaper of the city at least 60 days prior to the election at which the matter will be decided.

- B. Fargo citizens also reserve to themselves the right to amend or repeal this home rule charter by the initiative process. Petitions for such purpose must conform to the rules prescribed in this charter on initiative and referendum of ordinances.
- C. The complete amendment must be printed on the petitions. When petitions to amend or repeal are certified as valid, a proposal must be submitted to the voters at the next city-wide election occurring at least 60 days after publication of the petition in the official newspaper of the city. The ballot question shall be "Shall such amendment be approved?" If there is a majority of "Yes" votes of those voting on the matter, the charter amendment becomes effective ten days after the election results are certified.
- D. If either the governing body or an initiative petition seeks to repeal the Fargo Home Rule Charter, the ballot proposal must establish the form of government which would replace the system established by this charter.
- E. If the majority of the votes cast on the question of changing the system of government of the city of Fargo favor changing to a council system of government, the existing Board of City Commissioners shall appoint an independent committee to divide the city of Fargo into six wards. Each ward must be formed from contiguous territory, be reasonably compact, and all wards must be numbered consecutively and must have, as nearly as practicable, the same number of inhabitants.

SECTION THREE. That Fargo Municipal Code Chapter 2, currently relating to the city commission, be amended to read as follows:

CHAPTER 2 – BOARD OF CITY COMMISSIONERS CHAPTER 2 – CITY COUNCIL

SECTION FOUR. That Fargo Municipal Code Art. 2-01, currently relating to the city commission, be substituted with the language as follows:

ARTICLE 2-01 – DUTIES OF CITY COUNCIL – SERVICE ON OTHER BOARDS OR COMMISSIONS – DUTIES OF PRESIDENT – SALARY OF COUNCIL MEMBERS AND MAYOR - MEETING

2-0101. City council - Who constitutes.

The governing body of a city operating under the council form of government is the city council, which is composed of the mayor and six council members.

2-0102. City Council – Duties.

The mayor and six council members, hereafter collectively known as the city council, shall be the governing body of the city of Fargo and shall perform all duties as specified by the laws of the state of North Dakota, the Fargo Home Rule Charter, and the ordinances of the city of Fargo.

2-0103. Additional duties – Appointments to other bodies – Terms of such appointments.

Members of the city council who are appointed by said council as representatives of the city on other boards, commissions, councils, or any other group or organization, shall be deemed to have been appointed for a term of one year unless otherwise specified in said appointment by the city council.

2-0104. Governing body is judge of election and qualifications of members.

The city council shall be judge of the election and qualifications of its own members.

2-0105. Number of council members.

The number of council members is not less than six. The number of council members may be increased or decreased pursuant to Art. 5 of the Home Rule Charter of the City of Fargo.

2-0106. Election of council members.

Council members must be elected by wards.

2-0107. Qualifications of council members.

An individual is not eligible to the office of council member if the individual is not a qualified elector of and resident within the ward for which the individual was elected.

2-0108. Term of office of council members - Staggered terms following initial election.

Council members shall hold office for four years and until their successors are elected and qualified. The city council shall stagger the terms of council members following the initial election under the council system of government to allow half of the council to stand for election every two years. The alternation of council members' terms shall be determined as follows: of the six council members elected from each of their respective wards at the election following the adoption of the council form of government, the three receiving the greatest number of votes shall serve a four-year term and the three receiving the fewest number of votes shall serve a two-year term.

2-0109. Salary of council members.

The salary of each member of the city council of the city of Fargo shall not exceed the sum as established by the city council in the annual budget.

2-0110. Vacancies on council - How filled.

If a vacancy occurs in a city council office by death, resignation, or otherwise, the city council may call a special city election to fill the vacancy for the unexpired term, or may, after fifteen days of the date of the vacancy appoint a person from the ward in which the council member previously holding was elected or appointed to fill the vacancy until the next city election, at which election the unexpired term must be filled. Upon petition of five percent of the qualified electors of the ward, as determined by the total number of votes cast in that ward in the last city general election, the council shall call a special election to

fill a vacancy occurring more than six months before the next city election, if the petition has been submitted within fifteen days and before four p.m. of the fifteenth day of the date of the vacancy or of the vacancy being filled by appointment. If the petition is mailed, it must be in the possession of the city auditor before four p.m. on the fifteenth day after the vacancy occurs or after the vacancy was filled by appointment.

2-0111. Limitation on terms.

No member of the city council may serve more than three (3) successive four-year terms; provided, that such term limitation shall be subject to the following:

- A. Any member elected to a term of less than four years as a result of a vacancy on the city council shall be eligible to serve three additional four-year terms and any such partial term or terms shall not be deemed to interrupt a succession of four-year terms.
- B. Any member who has completed three successive four-year terms shall not be eligible for re-election until the next regular election following the expiration of such member's third successive term.
- C. Any member who has served in the capacity of mayor, as well as city council member, may not serve more than four (4) successive four-year terms.
- D. The provisions of this ordinance apply to the terms of the existing mayor and commission members at the time of the passage of the initiative to change the city's system of government to a council system.

2-0112. Restrictions on members of council.

Except as provided in this section, no member of the city council shall:

- A. Be eligible to any other office the salary of which is payable out of the city Treasury;
- B. Hold any other office under the city government; or
- C. Hold a position of remuneration in the employment of the city.

2-0113. Regular meetings of the city council – When and where held.

A regular meeting of the city council of the city of Fargo, North Dakota, shall be held at 5:00 p.m. at least once every two weeks and at such additional times as the city council may establish. The meetings shall be held at the city hall, except that a majority of the city council may, at any regular or special meeting, vote to dispense with and not hold any regular meeting. The city council shall, by resolution adopted on or before December 1 of the preceding year, establish the schedule of meetings for the following calendar year.

2-0114. When president and vice president of council elected.

At the organizational meeting in each even-numbered year, the members of the city council shall proceed to elect from their number a president and a vice president who shall hold their respective offices until their successors are elected at the organization meeting following the next biennial election.

2-0115. Presiding officer of council in absence or disability of mayor - President of council.

The president of the city council shall be the presiding officer of the council in the absence or temporary disability of the mayor. In the absence or disability of the mayor and president of the city council, the vice president shall be the presiding officer.

2-0116. Mayor - Qualifications - Term.

The chief executive officer of the city is the mayor. The mayor shall be a qualified elector within the city and shall hold office for four years and until a successor is elected and qualified.

2-0117. Compensation of mayor.

The salary of the mayor of the city of Fargo shall not exceed the sum as established by the city council in the annual budget.

2-0118. Vacancy in office of mayor - Filled by election or by council - President of council to be acting mayor.

If a vacancy occurs in the office of mayor, the city council may call a special city election to fill such vacancy for the unexpired term or may, after fifteen days from the date of such vacancy, elect one of its members to act as mayor. The member so elected shall possess all the rights and powers of the mayor until the next election and until a mayor is elected and qualified. Upon petition of five percent of the qualified electors, as determined by the total number of votes cast in the city in the last city general election, the council shall call a special election to fill a vacancy occurring more than six months prior to the next city election, provided such petition is submitted within fifteen days of the date of such vacancy. During the interim between the date when a vacancy occurs in the office of mayor and election and qualification of a successor, the president of the city council shall be the acting mayor.

2-0119. Absence or disability of mayor - Acting mayor.

During the absence of the mayor from the city or during the mayor's temporary disability, the president of the city council shall be the acting mayor and shall possess all the powers of the mayor. In the absence or disability of the mayor and president of the city council, the vice president of the city council shall be the acting mayor.

2-0120. Mayor to preside at council meetings - Voting power of mayor.

The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when the mayor shall cast the deciding vote.

2-0121. Mayor to perform duties prescribed by law - Enforce laws and ordinances.

The mayor shall perform all duties prescribed by law or by the city ordinances and shall see that the laws and ordinances are faithfully executed.

2-0122. Inspection of books, records, and papers of city by mayor.

The mayor, at any time, may examine and inspect the books, records, and papers of any agent, employee, or officer of the city.

2-0123. Ordinance or resolution signed or vetoed by mayor.

The mayor shall sign or veto each ordinance or resolution passed by the city council. Any action vetoed by the mayor may be overridden by the city council as provided under Fargo Municipal Code § 2-0124.

2-0124. Ordinances and resolutions adopted by city council - Mayor's veto power - Reconsideration after veto.

An ordinance or resolution adopted by the city council is not enacted until the ordinance or resolution is approved by the mayor or passed over the mayor's veto. An ordinance or resolution passed by the city council must be deposited in the office of the city auditor for the approval of the mayor. If the mayor approves the ordinance or resolution, the mayor shall sign the ordinance or resolution. An ordinance or resolution not approved by the mayor must be returned by the mayor with the mayor's objections in writing to the next regular or special meeting of the city council occurring not less than five days after the passage of the ordinance or resolution. The veto may extend to an entire ordinance or resolution or to any one or more items or appropriations contained in any ordinance or resolution making an appropriation. If a veto extends to only a part of an ordinance or resolution, the residue takes effect. If the mayor fails to return any ordinance or resolution with the mayor's objections within the time specified in this section, the mayor is deemed to have approved the ordinance or resolution. Any veto of an ordinance or resolution may be overridden by the city council, if two-thirds of its members pass a motion to override the veto. Upon such action, the ordinance or resolution is effective notwithstanding the veto. The vote to pass an ordinance or resolution over the mayor's veto must be taken by yeas and nays and entered in the minutes.

2-0125. Messages to council.

The mayor annually and from time to time shall give the council information relative to the affairs of the city and shall recommend for its consideration such measures as the mayor may deem expedient.

2-0126. Mayor may administer oaths.

The mayor of the city of Fargo may administer oaths and affirmations.

SECTION FIVE. That a new article to Fargo Municipal Code Chapter 2 be created and enacted as follows:

ARTICLE 2-03 – ESTABLISHMENT OF WARDS – CHANGES TO WARDS

2-0301. Changing the boundaries of wards and precincts.

The names and boundaries of the wards and precincts in a city may be changed by an ordinance adopted by a majority vote of the members of the governing body. Such ordinance shall be introduced at a regular meeting of the council, and before final action is taken on the proposed ordinance, it shall be published in the official newspaper of the city once each week for four successive weeks. When the name or boundaries of wards are fixed by ordinance, the names and boundaries thereof shall not be changed for a period of two years, except by adding thereto territory which is added to the city limits. Each ward must be formed from contiguous territory, be reasonably compact, and all wards must be numbered consecutively and must have, as nearly as practicable, the same number of inhabitants.

2-0302. Changes to be made in papers, plats, and records of municipality.

Whenever a change to the names or boundaries of wards is made, the governing body of the municipality shall direct the municipal attorney to cause to be made all needful changes in papers, plats, and matters of record.

2-0303. City auditor to make changes in assessment list.

The city auditor shall make any changes in assessment lists necessitated by any change in the names or boundaries of the wards in the municipality.

2-0304. Holding elections in new ward or wards.

Ten days before the regular municipal election following any change in the wards in the municipality, the governing body shall designate the proper polling place or places for the new ward or wards, appoint judges and clerks therefor, make all necessary provisions for holding the election, and designate the several officers to be chosen therefrom.

2-0305. Council member changing wards can continue in office.

A council member who was duly elected, but because of the change in boundaries of the ward no longer resides within the ward from which the member was elected, but is still residing within the city limits, can continue in office for the term for which the member was elected and until a successor is duly elected and qualified for the ward.



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August 3, 2026

To: Board of City Commissioners
Fr: Michael Redlinger, City Administrator
Re: Approve 2027 Preliminary Budget and Schedule Public Hearing for the 2027 City of Fargo Budget for Monday, September 14, 2026 at 5:05 p.m.

The City Commission recently held a three-day Budget Workshop on July 20, 21, and 22 and following these sessions, met as the Finance Committee on July 27, 2026. The purpose of the Budget Workshop and Finance Committee meeting was to discuss the City of Fargo's proposed 2027 Budget. Presentations were provided by the Budget Team and Department Heads, and a balanced Preliminary 2027 Budget was presented for City Commission consideration.

The next step in the budget approval process is to discuss and approve the Preliminary 2027 Budget and schedule a Public Hearing per the requirements of North Dakota Century Code. The Cass County Auditor's Office is required by law to send a consolidated notice to taxpayers to notify them of the dates, times, and locations for all taxing entities' public hearings.

The City of Fargo's budget hearing is scheduled for Monday, September 14, 2026 at 5:05 p.m. The Final 2027 Budget adoption is due no later than October 12, 2026. On Monday, August 4, the City Commission will receive a presentation on the Preliminary 2027 Budget and discuss the remaining steps in the approval process.

Recommended Action: Approve the 2027 Preliminary Budget as presented at the August 3, 2026 City Commission meeting and schedule the Public Hearing for the 2027 City of Fargo Budget for Monday, September 14, 2026 at 5:05 p.m.

July 30, 2026

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TO: Board of City Commissioners
FROM: Michael Redlinger, City Administrator
RE: GTC Relocation Status Update

MR

I wanted to provide the Commission an update after the Finance meeting. We are working to temporarily relocate Transit to the old police building at 222 4th Street North. Transit has operated out of the old Public Health building when work was being done on their facility so this can be accomplished quite quickly. This would allow time for the Transit Coordinating Committee to review how it operates today and what a modernized system could look like.

There have been a few options we have reviewed for Municipal Court. First, we visited with the County, but they did not have anything available. We also had discussions with West Fargo, who does have offices and court room space available. We are also evaluating using the old Commission chambers along with the associated offices. This option has a few hurdles that we are working through but are working diligently to get through them. I am happy to answer any additional questions.