

FARGO CITY COMMISSION AGENDA
Monday, December 23, 2024 - 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 the purpose of negotiation discussions regarding an offer received from Galvanizers, Inc. for the acquisition of a portion of the City property west of the landfill. Discussing this negotiation in an open meeting will have a negative fiscal effect on the bargaining position of the City of Fargo. An Executive Session for this matter is authorized pursuant to North Dakota Century Code §44-04-19.1 subsection 9.

Regular Meeting at 5:00 P.M.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, December 9, 2024).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 1st reading of an Ordinance Amending Section 8-0602, of Article 8-06, of Chapter 8, of the Fargo Municipal Code, Relating To Starting, Stopping, or Turning Movements and Required Signals.
- 2. Second Amendment to Findings of Fact, Conclusions and Order for property located at 1011/1013 University Drive North.
- 3. Extension of the Class “A-8” Alcoholic Beverage License for BFG, Inc. d/b/a Borrowed Bucks Roadhouse until 6/30/25.
- 4. Renewal of the Alcoholic Beverage and Live Entertainment Licenses until 12/31/25, contingent upon all essential requirements for renewal are met by 12/31/24.
- 5. City of Fargo Resolution Authorizing Officers to Make Deposits and Withdrawals.
- 6. Receive and file the Amendment to the Franchise Agreement with Cass County Electric Cooperative adding the area annexed by the City of Fargo on 11/20/24.
- 7. Gaming Site Authorization for the Boys and Girls Club of the Red River Valley at Wurst Bier Hall.

8. Applications for Games of Chance:
 - a. Audrey Langer Medical Benefit for a raffle and raffle board on 4/5/25; Public Spirited Resolution.
 - b. Fargo Area Sports/Fargo Dugout Boosters for a raffle and raffle board 3/29/25.
 - c. Fargo Area Sports/Fargo Dugout Boosters for bingo and a raffle board on 5/10/25.
 - d. Knights of Columbus Council 11930 Sts Anne & Joachim for a calendar raffle on 5/22/2025.
 - e. Rape and Abuse Crisis Center for bingo and a raffle on 1/25/25.
 - f. Safari Club International North Dakota Chapter for a raffle and raffle board on 2/28/25 and 3/1/25.
 - g. TNT Kid's Fitness and Gymnastics for raffles on 1/24/25-1/26/25.
9. Memorandum of Understanding with the City of West Fargo for 7 Avenue North Project.
10. Negative Final Balancing Change Order No. 1 in the amount of -\$9,561.60 for Project No. AN-22-B1.
11. Negative Final Balancing Change Order No. 1 in the amount of -\$35,103.00 for Project No. ER-24-D1.
12. Amendment No. 5 with HDR Engineering, Inc. in the amount of \$82,288.00 for Project No. FM-15-J0.
13. Amendment No. 2 with HDR Engineering, Inc. in the amount of \$9,159.70 for Project No. TR-26-A0.
14. Final Balancing Change Order No. 1 in the amount of \$11,577.17 for Project No. QR-22-A1.
15. Cost Participation and Maintenance Agreement with NDDOT for Project No. QR-25-A1.
16. Contract and bond for Project No. SN-24-A1.
17. Memorandum of Offer to Landowner for Permanent Easements (Utility) and (Street and Utility) with Casey's Retail Company for Improvement District No. PR-24-A1.
18. Exempt Purchase from Traffic Control Corporation in the amount of \$134,860.00 for the Central Traffic System Software upgrade to Centracs Mobility Platform (EX25016).
19. Bid award to Sun Electric, Inc. for traffic signal t-base installation (RFP24372).
20. Prequalification of two vendors for Electrical Services, as presented (RFP25017).
21. Service Agreement with Vestis Services, LLC (RFP25005 and RFP25006).
22. Item from the FAHR Meeting to Receive and file General Fund - Budget to Actual through 11/30/24 (unaudited).
23. Notice of Grant Award from the ND Department of Emergency Services for FY 2024 State Homeland Security Program in the amount of \$136,000.00 and related budget adjustments (CFDA #97.067).
24. Agreement for the Joint Operation of Red River Valley Unmanned Aircraft Systems Unit with the City of West Fargo and Cass County.

25. Notice of Grant Award from the ND Department of Health and Human Services for Regional Public Health Network (CFDA #93.991).
26. Memorandum of Understanding with North Dakota Department of Health.
27. Appointment of the Interim Health Officer for Fargo Cass Public Health.
28. Eide Bailly LLP End-User Agreements with the City of Fargo and the FARGODOME.
29. Direct the City Attorney to amend the Findings of Fact, Conclusions and Order for property located at 909 4th Street North.
30. Bid award to BALCO Uniform Company for Police Department service uniforms and equipment (RFP25004).
31. Contractual Agreement with the International Association of Chiefs of Police (IACP) and the Fargo Police Department to host the Leadership in Police Organizations (LPO) training course in 2025.
32. Bid award to RDO Equipment in the amount of \$543,559.25 for one three axle articulated truck and associated warranty (RFP25014).
33. Bid award to Sanitation Products in the amount of \$395,923.00 for one dual auto side load truck and Lease with Option to Purchase Agreement with Kinetic Leasing, Inc. (RFP24017).
34. Change Order No. 2 for a time extension to the substantial completion date to the 6/19/25 for Project No. SW 23-04.
35. Amendment (First) to Transit Passenger Shelter and Hub Snow Clearing and Hauling Services Agreement and Amendment (First) to Transit Passenger Shelter Maintenance Services Agreement with Valley Green & Associates.
36. 2026 State of North Dakota grant requests for the Transit Department, as presented.
37. Additional grant funding through the State of ND for the replacement of two 35-foot fixed route buses and two paratransit vehicles.
38. Amendment to Agreement - Lease of Rights to Sewer System with City of Oxbow.
39. Bid award to R&R Excavating in the amount of \$510,245.39 for Project No. WW2005 (Sanitary Lift Station No. 62 Improvements).
40. Bills.

REGULAR AGENDA:

41. Unified presentation from the FM Coalition to End Homelessness and United Way of Cass-Clay.

PUBLIC HEARINGS - 5:15 pm:

42. **PUBLIC HEARING** – HAL Addition (602, 608, 612 and 616 3rd Street North; 601 and 617 4th Street North; 304 and 312 7th Avenue North); approval recommended by the Planning Commission on 10/1/24:

- a. Zoning Change from DMU, Downtown Mixed-Use, MR-3, Multi-Dwelling Residential and LC, Limited Commercial to DMU, Downtown Mixed-Use.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of HAL Addition.
43. **PUBLIC HEARING** – Eagle Valley Fifth Addition (7475 24th Street South); approval recommended by the Planning Commission on 12/3/24:
- a. Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to SR-5, Single-Dwelling Residential.
 - b. 1st reading of rezoning Ordinance.
44. **PUBLIC HEARING** – Application for a transfer of ownership for a Class “A” Alcoholic Beverage License for Red Lobster Hospitality LLC d/b/a Red Lobster located at 4215 13th Avenue South.
45. Recommendation to adopt the Resolution of Support for Metro COG’s Metropolitan Transportation Plan.
46. Recommendation to sunset the Resolution Regarding Camping on Public Property and Rights of Way.
47. Discussion on the transitioning of the Downtown Engagement Center into a Community Service Center.
48. Recommendations for appointments to the following Authority and Commission:
- a. Renaissance Zone Authority.
 - b. Historic Preservation Commission.
 - c. Native American Commission.
49. Recommendations for appointments to the Fargo Youth Initiative.
50. Liaison Commissioner Assignment Updates.
51. **RESIDENT COMMENTS (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at [FargoND.gov/VirtualCommission](https://www.fargoND.gov/VirtualCommission)).**

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

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



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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: DR. TIM MAHONEY, MAYOR

DATE: DECEMBER 19, 2024

SUBJECT: UNIFIED PRESENTATION FROM THE FM COALITION TO END HOMELESSNESS AND THE UNITED WAY OF CASS CLAY

I have asked the FM Coalition to End Homelessness and the United Way of Cass Clay to share with us their coordinated process/work related to our region's homelessness challenges and strategies where we can collaborate together.

December 18, 2024



Dear Mayor and Commissioners,

Homelessness has been increasing across the nation, and the Fargo/Moorhead area is feeling the impact of this growing crisis on a local level. In response to increasing community demand for leadership on a strategic plan to address homelessness, the FM Coalition to End Homelessness and United Way of Cass-Clay have set the stage to engage the homelessness response system and other stakeholder groups in the development of an evidence-based plan to systematically reduce the rate of homelessness in our community.

To contextualize the past, present, and future needs of our community, the intention of this presentation is to:

1. **Analyze the trends** in resource availability, support service delivery, and other community factors to understand the current needs of our community's homelessness response system.
2. **Identify the main levers of change** to provide for a systematic and sustained decrease in the rate of homelessness in the Fargo/Moorhead area.
3. **Initiate a consensus-built plan** for the short- and long-term needs of our homelessness response system in addressing this community crisis.
4. **Establish the FM Coalition to End Homelessness membership as the leader** in recommending, developing, and executing the strategies required to realize our community's vision for ending homelessness.

Through this coordinated process, our region's homelessness response system is well-poised to meet the demands of the current moment and deliver on the necessary strategies to make homelessness rare, brief, and one-time.

A handwritten signature in black ink, appearing to read "Chandler Esslinger".

Chandler Esslinger
Executive Director

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City of Fargo Staff Report			
Title:	HAL Addition	Date:	09-25-2024
		Update:	12-19-2024
Location:	601 & 617 4th Street North; 602, 608, 612 & 616 3rd Street North; and 304 & 312 7th Avenue North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Lots 1-10, Block 37, Keeney and Devitts Second Addition to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	J2SL Partners LLP / Stephen Lyngstad	Engineer:	Bolton & Menk
Entitlements Requested:	Major Subdivision (replat of Lots 1-10, and vacation of the public alley, in Block 37, Keeney and Devitts Second Addition to the City of Fargo, Cass County, North Dakota); Zone Change (from DMU, Downtown Mixed Use; MR-3, Multi-Dwelling Residential; and LC, Limited Commercial to DMU).		
Status:	City Commission Public Hearing: December 23rd, 2024		
Existing		Proposed	
Land Use: Residential; Commercial		Land Use: Downtown Mixed Use	
Zoning: MR-3, Multi-Dwelling Residential; DMU, Downtown Mixed Use; LC, Limited Commercial		Zoning: DMU, Downtown Mixed Use	
<p>Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities</p> <p>DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.</p> <p>LC, Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities.</p>		<p>Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.</p>	
<p>Maximum Density Allowed-- MR-3: 24 dwelling units per acre Maximum Building Coverage Allowed—LC: 55% DMU has no maximum density and allows 100% lot coverage</p> <p>(continued on next page)</p>		<p>DMU has no maximum density and allows 100% lot coverage</p>	

Proposal:

The applicant requests two entitlements:

1. A **major subdivision**, to be known as HAL Addition, replat of Lots 1-10, and vacation of the public alley, in Block 37, Keeney and Devitts Second Addition to the City of Fargo, Cass County, North Dakota.
2. A **zone change** from DMU, Downtown Mixed Use; MR-3, Multi-Dwelling Residential; and LC, Limited Commercial to DMU.

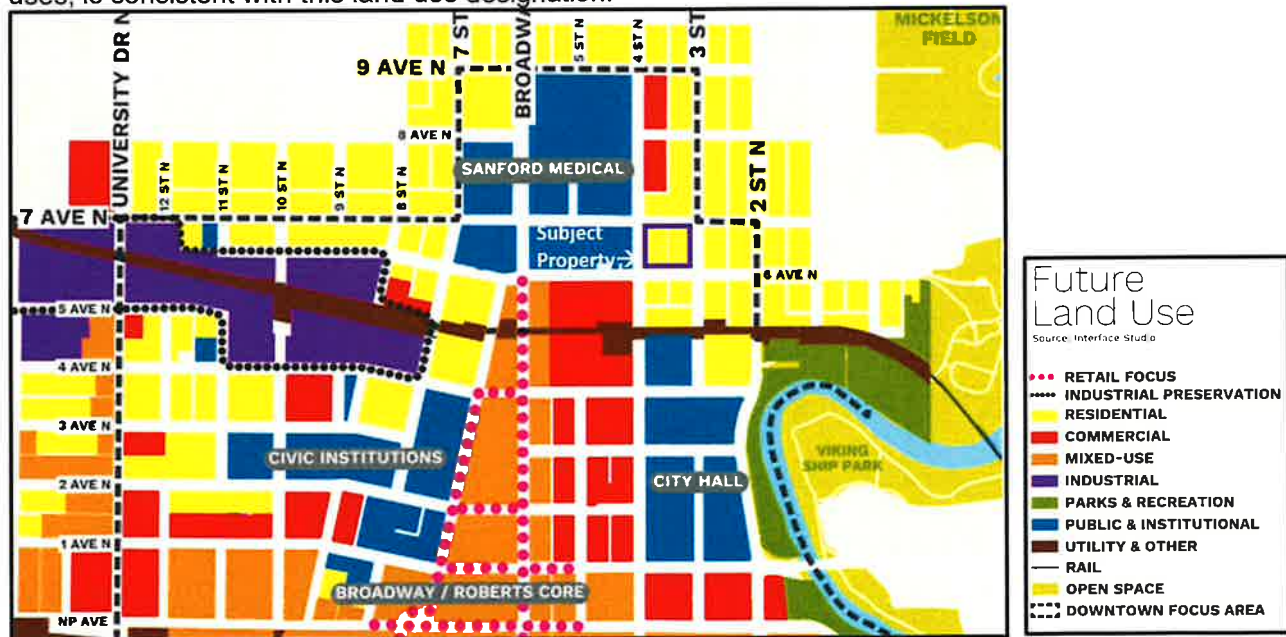
The subject property is located at 601 & 617 4th Street North; 602, 608, 612 & 616 3rd Street North; and 304 & 312 7th Avenue North and encompasses approximately 1.86 acres.

Keeney and Devitts Second Addition was originally platted in 1878.

This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

Area Plans:

The subject property is covered by The Downtown in Focus Plan, which identifies the future land use as “Residential.” The proposed DMU, Downtown Mixed Use zoning, which allows multi-dwelling residential uses, is consistent with this land use designation.



Surrounding Zoning Districts and Land Uses:

- North: DMU and MR-3 with residential uses and hotel (under construction)
- East: MR-3 with residential uses
- South: DMU and MR-3 with residential uses
- West: DMU with multi-dwelling residential uses

Context

Neighborhood: The subject property is located within the Downtown Neighborhood. On the east side, the subject property is across the street from the Horace Mann Neighborhood.

Schools: The subject property is located within the Fargo Public School District and is served by Horace Mann/Roosevelt Elementary, Ben Franklin Middle, and Fargo North High schools.

Parks: Horace Mann Park, located at 1025 3rd Street North on the grounds of Horace Mann Elementary School, is approximately 0.27 miles north of the subject property and includes amenities of basketball court, multipurpose field, outdoor skating rinks, picnic table, playground, ages 5-12, warming houses

Pedestrian / Bicycle: There is an on-street shared use path on the east side of 4th Street North, which is a component of the metro area bikeways system.

MATBUS Routes: The subject property is not along a MATBUS route.

Staff Analysis:

MAJOR SUBDIVISION

HAL Addition is a major subdivision as it includes vacation of right of way (see below). HAL Addition will vacate the alley and combine 10 existing lots—all of Block 37-- into a single lot. Existing access on the west (4th Street North) and north (7th Avenue North) will be closed. The primary access will be from the south (6th Avenue North) side.

ZONE CHANGE

The proposed zoning is DMU, Downtown Mixed Use. Multi-dwelling residential uses are allowed by right in DMU. There is no limit on density in the DMU zone as there is in the current MR-3 zone (24 units per acre). This zone change is consistent with the Downtown in Focus Plan land use designation.

VACATION OF RIGHT OF WAY

The plat includes a vacation of the alley right of way (ROW) within Block 37, Keeney & Devitts 2nd Addition. Staff supports the proposed vacation of this portion of the alley. Findings specific to this vacation are below. NDCC 40-39-07 requires a minimum 30 day notice period prior to City Commission hearing for vacations of right of way.

PUBLIC MEETING

An open house meeting was held on Thursday, September 12, 2024 at city hall, in order to allow residents and property owners in the area an opportunity to review and comment on the proposed application including the major subdivision and zoning change. Nine neighbors, including representatives of the Downtown and Horace Mann neighborhoods, attended. The developer and Planning Department staff also attended.

The neighbors were generally in favor of the redevelopment of this block. The developer did not propose any specific development at this meeting. The meeting attendees had the following general comments:

- In any multi-dwelling residential project, the density should be concentrated on the west side of the subject property, along 4th Street North.
- Residential density should step down toward the east side of the subject property, to transition into the single-dwelling residences along the east side of 3rd Street North.
- A massive five-story development is not appropriate for this site.
- Any residential development should provide an option of affordable housing.
- Residents supported the demolition of unused buildings and clean-up on this property.

No additional comments were received after the October 1st, 2024 Planning Commission.

Major Subdivision

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

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

The subject property is currently zoned MR-3, Multi-Dwelling Residential; DMU, Downtown Mixed Use; and LC, Limited Commercial. The applicant proposes zoning of DMU for the entire property.

This zoning is consistent with the land use designation in the Downtown in Focus future land use map, as noted above. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property, as well as to representatives of the Horace Mann and Downtown neighborhoods. To date, Planning staff has received and responded to one inquiry, plus the comments received at the meeting as noted above. **(Criteria Satisfied)**

- 2. Section 20-0907.C.4.c of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
The property is currently zoned MR-3, Multi-Dwelling Residential; DMU, Downtown Mixed Use; and LC, Limited Commercial. The applicant proposes zoning of DMU for the entire property. This zoning is consistent with the land use designation in the Downtown in Focus future land use map, as noted above. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

- 3. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
The applicant has provided a draft amenities plan to address stormwater requirements. No additional public improvements will be required for this subdivision. This amenities plan has been reviewed by the Public Works Project Evaluation Committee (PWPEC). Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Zoning

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned MR-3, Multi-Dwelling Residential; DMU, Downtown Mixed Use; and LC, Limited Commercial. The applicant proposes zoning of DMU for the entire property. This zoning is consistent with the land use designation in the Downtown in Focus future land use map, as noted above. DMU zoning is intended to allow intensive development. The dimensional standards of that zone allow 100 percent lot coverage and do not require setbacks. At the same time, development in the DMU zoning district is intended to be pedestrian oriented with a strong emphasis on a safe and attractive streetscape. Along 4th Street North, this block is along an entrance to the more commercially developed portion of downtown to the south. This block is also a transition from the more intensive development along 4th Street North to the lower-density residential neighborhood to the east across 3rd Street North. **(Criteria Satisfied)**

Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subdivision is along dedicated public rights of way, which will provide access and public utilities. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry, plus the comments received at the meeting as noted above. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." As noted above, the Downtown in Focus Plan covers the subject property. The proposed zoning of DMU is consistent with the land use designations for the subject property shown in this plan. **(Criteria satisfied)**

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). In this case, the petition for vacation and the plat are included in the applicant's overall subdivision application and plat. Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C. The final decision on vacation of right of way is made by the City Commission.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

There are no City of Fargo utilities installed in this right of way. It is the applicant's responsibility to contact all potential utility providers and submit documentation that there are no utilities in these easements. City staff reviews the applicant's documentation prior to City Commission approval of the plat. Any existing utility line that must remain would have an easement retained. For this vacation, the applicant will grant an easement to Lumen for a utility of line within the vacated area of the alley. This easement will be recorded with the plat and become effective upon recordation of the plat. It is considered to be temporary, as Lumen intends to relocate this line to the public utility easement that will be created with the recordation of the plat. The City is not a party to this

easement; no Commission approval is required; no documentation related to the easement is attached.

(Criteria Satisfied)

N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.

In accordance with the requirement of this section, this information is included on the plat and its application. **(Criteria Satisfied)**

N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.

Documentation of said action is located within both the Planning project file and Auditor's file. **(Criteria Satisfied)**

N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

This procedure---hearing by the City Commission following the appropriate notice period--is scheduled for the December 23rd, 2024 City Commission agenda. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading move to approve the 1) zone change from DMU, Downtown Mixed Use; MR-3, Multi-Dwelling Residential; and LC, Limited Commercial to DMU, Downtown Mixed Use and 2) proposed plat of the **HAL Addition**, including vacation of right of way, as outlined in the staff report, as the proposal complies with the Standards of Article 20-06, and Sections 20-0907.C and 20-0906. F (1-4) of the LDC and all other applicable requirements of the LDC, the Downtown in Focus Plan, and of North Dakota Century Code Chapter 40-39."

Planning Commission Recommendation: October 1st, 2024

At the October 1st, 2024 Planning Commission hearing, that Commission, by a vote of 7-0 with three Commissioners absent and one Commission seat vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the 1) zone change from

DMU, Downtown Mixed Use; MR-3, Multi-Dwelling Residential; and LC, Limited Commercial to DMU, Downtown Mixed Use and 2) proposed plat of the **HAL Addition**, including vacation of right of way, as outlined in the staff report, as the proposal complies with the Standards of Article 20-06, and Sections 20-0907.C and 20-0906. F (1-4) of the LDC and all other applicable requirements of the LDC, the Downtown in Focus Plan, and of North Dakota Century Code Chapter 40-39.

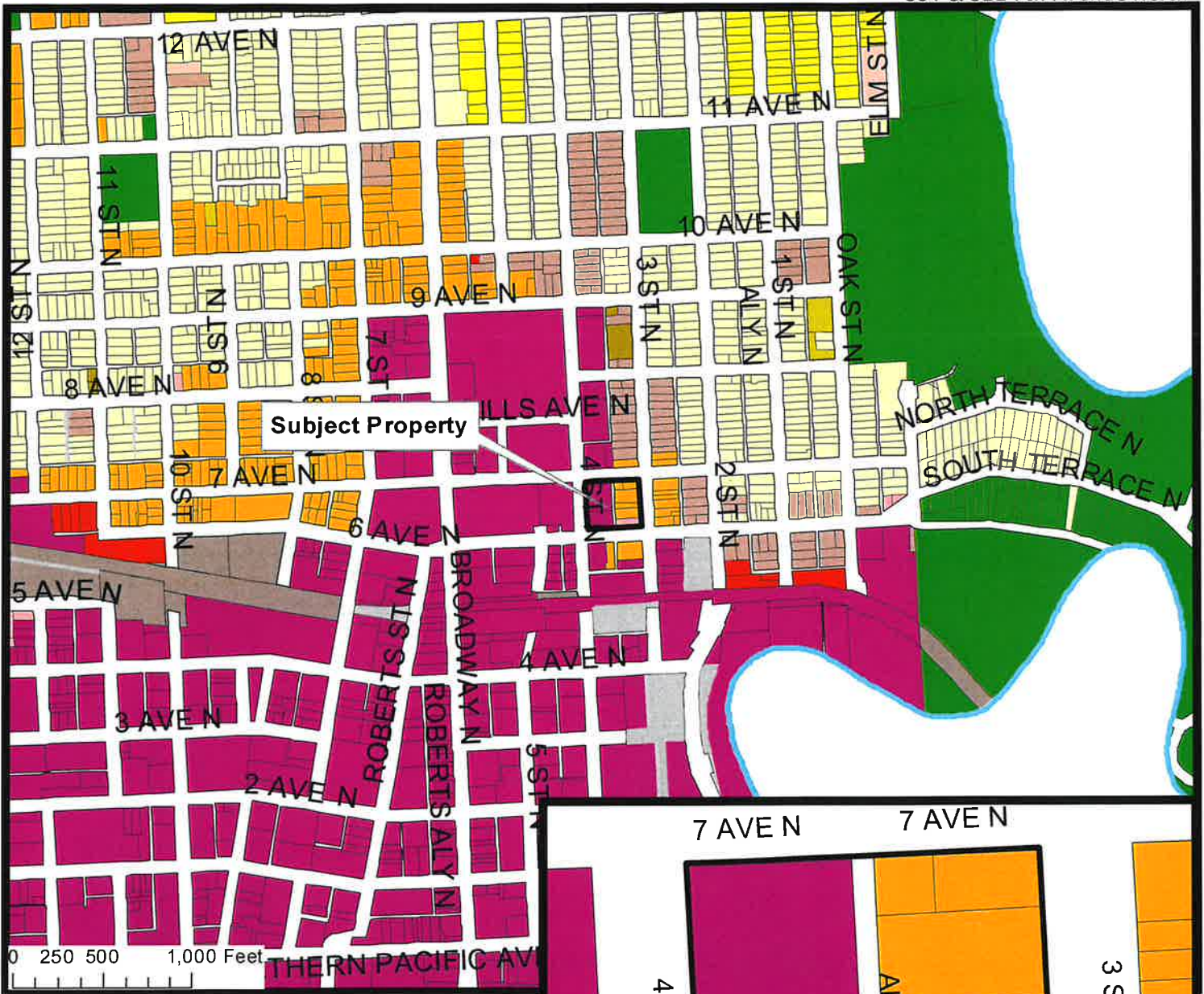
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat

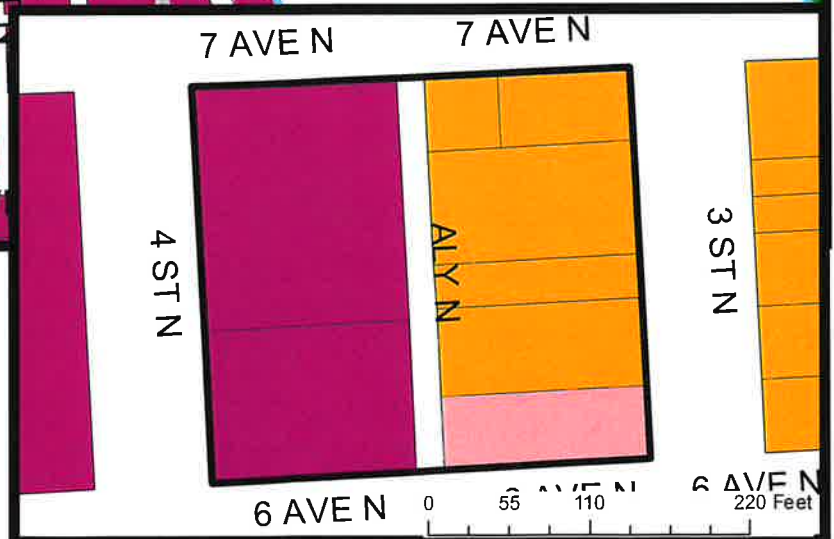
Major subdivision, including vacation of right of way; zone change from DMU, Downtown Mixed Use; MR-3, Multi-Dwelling Residential; and LC, Limited Commercial to DMU, Downtown Mixed Use zoning district

601 & 617 4th Street North;
602, 608, 612 & 616 3rd Street North;
304 & 312 7th Avenue North

HAL Addition



0 250 500 1,000 Feet



0 55 110 220 Feet



Legend

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	NOC	PT	UMU	City Limits
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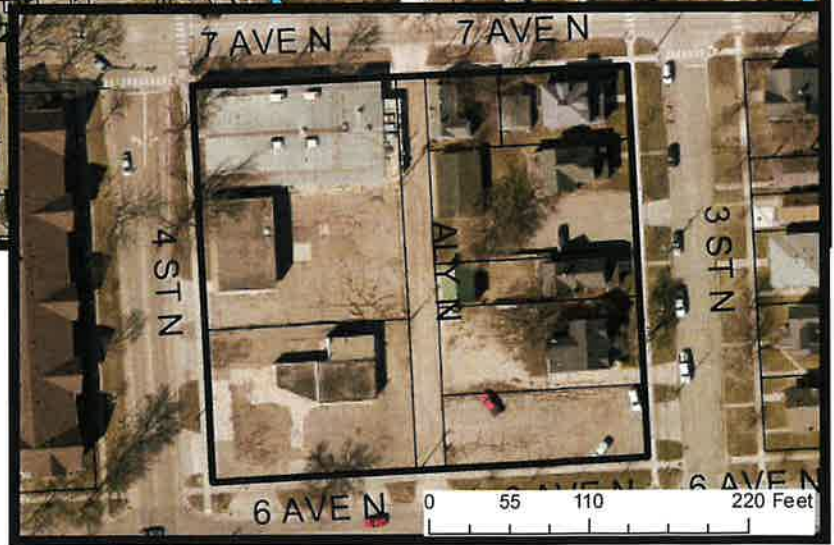


Fargo Planning Commission
October 1, 2024

Major subdivision, including vacation of right of way; zone change from DMU, Downtown Mixed Use; MR-3, Multi-Dwelling Residential; and LC, Limited Commercial to DMU, Downtown Mixed Use zoning district

601 & 617 4th Street North;
602, 608, 612 & 616 3rd Street North;
304 & 312 7th Avenue North

HAL Addition



HAL ADDITION

A REPLAT OF BLOCK 37, KEENEY AND DEVITT'S SECOND ADDITION AND VACATION OF ALLEY TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MAJOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KEENEY AND DEVITT'S SECOND ADDITION, Block 37, is a portion of the land owned by the City of Fargo, North Dakota, and is located in Cass County, North Dakota. The land is bounded on the north by 7 Avenue North, on the east by 6 Avenue North, on the south by 4 Street North, and on the west by 5 Street North. The land is currently vacant and is being dedicated to the City of Fargo, North Dakota.

OWNER'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Shawn M. Thompson, Registered Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a correct representation of the land shown hereon, and that the boundary lines are correctly designated on the plat.

On this 23 day of OCTOBER, 2024, before me, a notary public, within and for said County and State, personally appeared Shawn M. Thompson, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the within instrument, and acknowledged to me that he executed the same as City Engineer for the City of Fargo.

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the Board of City Commissioners and Ordained Final File this _____ day of _____, 2024.

Mayor

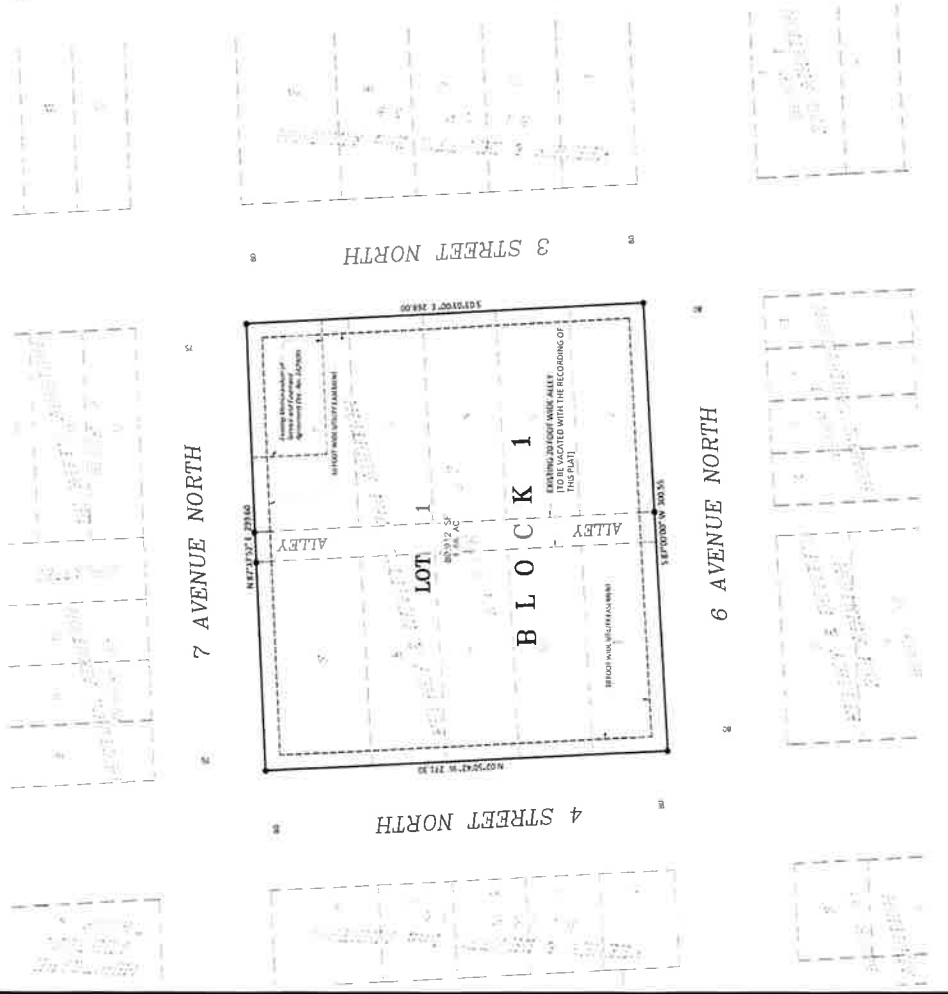
City Engineer

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and Ordained Final File this _____ day of _____, 2024.

Mayor

City Engineer



LEGEND

- INDICATED LINES 5/8" = 1" DIM
- EXISTING IMPROVEMENTS
- PROPOSED IMPROVEMENTS
- ADJACENT PROPERTY
- PROPERTY OWNERS
- PROPERTY LINES
- PROPERTY CORNERS
- PROPERTY BEARING

DOCUMENT OF RECORD

A RECORD FOR THE CITY OF FARGO, NORTH DAKOTA.



BOLTON & MENK

REGISTERED PROFESSIONAL LAND SURVEYORS

1000 13th Street SW, Fargo, ND 58103

701.785.1234

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

426

ORDINANCE NO. _____

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

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

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on October 1, 2024; and,

WHEREAS, the rezoning changes were approved by the City Commission on December 23, 2024,

NOW, THEREFORE,

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

Section 1. The following described property:

All of HAL Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "MR-3", Multi-Dwelling Residential, District, "L/C", Limited Commercial, District, and "DMU", Downtown Mixed-Use, District, to "DMU", Downtown Mixed-Use, District.

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

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Timothy J. Mahoney, M.D., Mayor

(SEAL)

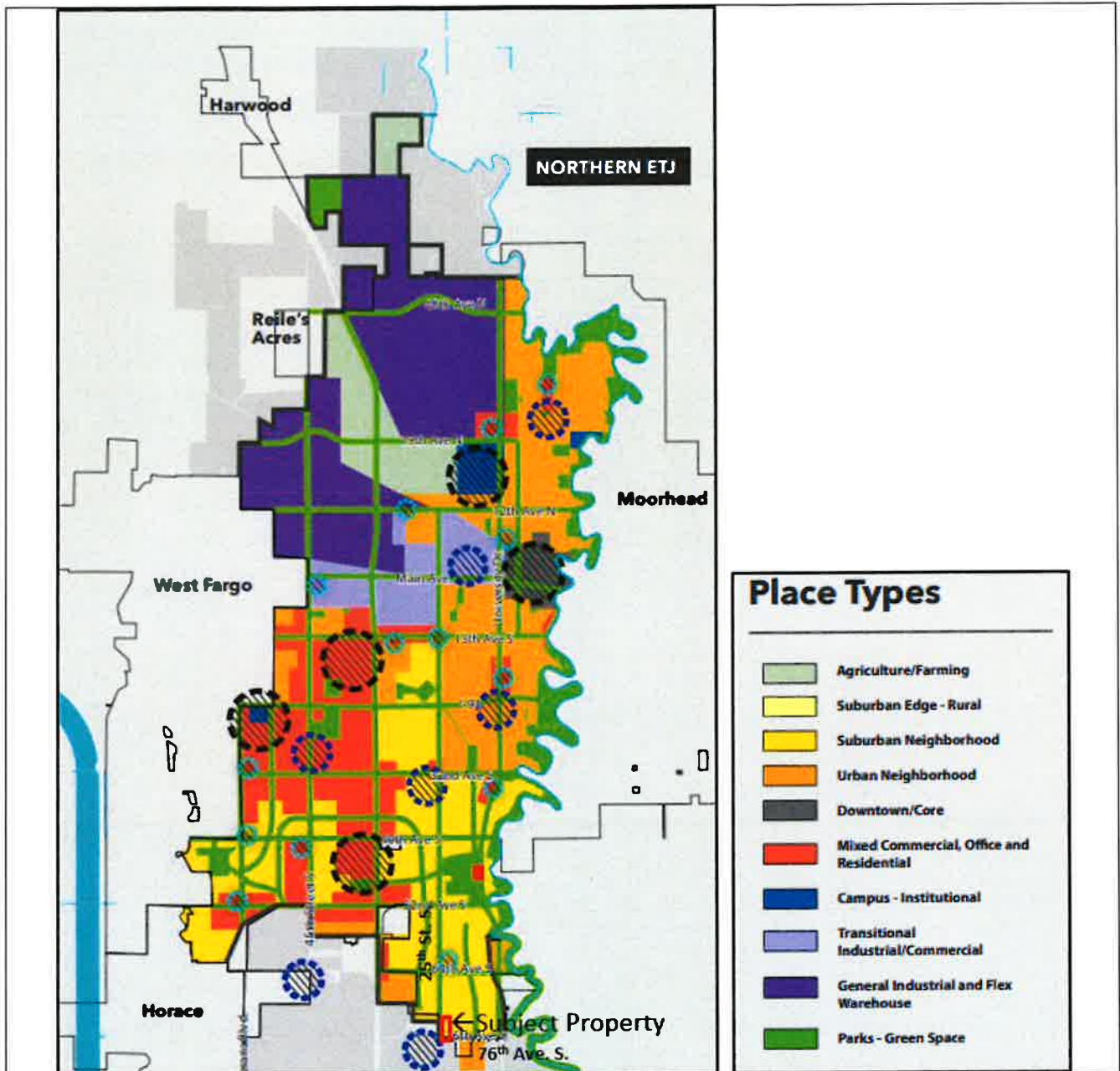
Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

43

City of Fargo Staff Report			
Title:	Eagle Valley 5th Addition	Date: Update:	11/27/2024 12/19/2024
Location:	7475 24 th Street South.	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 1, Block 1, Eagle Valley 5 th Addition		
Owner(s)/Applicant:	Eagle Ridge Development /Jon Youness	Engineer:	None
Entitlements Requested:	Zone Change (from LC, Limited Commercial with a conditional overlay to SR-5, Single Dwelling Residential, with repeal of the existing conditional overlay ordinance no. 5315)		
Status:	City Commission Public Hearing: December 23rd, 2024		
Existing			
Land Use: Undeveloped	Land Use: Residential		
Zoning: LC, Limited Commercial	Zoning: SR-5, Single-Dwelling Residential		
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs , commercial parking, retail sales and service, self service storage, vehicle repair , limited vehicle service, and certain telecommunications facilities. Conditional Overlay Ord. No. 5315 prohibits some uses, as noted above, and provides site and building design standards.	Uses Allowed: Allows detached houses, attached houses and duplexes, daycare centers of up to 12 children or adults, parks and open space, religious institutions, safety services and basic utilities.		
Maximum Lot Coverage: 55%	Maximum Density: 14.5 dwelling units per acre		
Proposal:			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> Zone Change from LC, Limited Commercial to SR-5, Single Dwelling Residential. <p>The subject property is located at 7475 24th Street South.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> North: SR-4: Single-Dwelling Residential with single family residences East: SR-4 with single family residences South: Across 76th Avenue South is in Fargo's four-mile extra-territorial jurisdiction; zoned AG, Agricultural; not developed. West: Across 25th Street South is in Fargo's four-mile extra-territorial jurisdiction; zoned AG, Agricultural; not developed. 			
Area Plans:			
<p>The subject property is designated as "Suburban Neighborhood" place type in the Fargo Growth Plan 2024. Among the uses identified in the plan for this place type are townhomes, duplexes, triplexes, and quadplexes. The proposed SR-5 zoning designation is consistent with this land use designation as it will allow the development of attached single-dwelling residences (townhomes) and duplexes. The Fargo Growth Plan 2024 was adopted August 19, 2024 and replaced the 2007 Growth Plan which previously covered this area.</p>			



Context:

Schools: The subject property is located within the Fargo School District, specifically within the Bennett Elementary, Discovery Middle and Davies High schools.

Neighborhood: The subject property is located in the Davies neighborhood.

Parks: Eagle Valley Park (1880 70th Avenue S) is located approximately 0.08 mile east of the subject property and offers the amenities of basketball court, grill, picnic table, playgrounds for ages 2-5 and 5-12; recreational trails; and a shelter.

Pedestrian / Bicycle: There are no multi-use paths adjacent to the subject property at this time. However, the multi-use path in the east right of way of 25th Street South, which currently ends at 73rd Avenue South, will eventually be extended to 76th Avenue South, adjacent to the west side of the subject property.

MATBUS Route: The subject property is not located along a MATBUS route.

Staff Analysis:

EXISTING CONDITIONAL OVERLAY

Lot 1, Block 7, Eagle Valley Addition was zoned LC in January, 2015. That lot was replatted as part of Eagle Valley 5th Addition in July, 2021. Conditional Overlay Ordinance Number 5315 was approved on July 26th, 2021. This conditional overlay was added to the existing LC zoning. This conditional overlay will be repealed as part of the zone change. The proposed SR-5 zone will not have a conditional overlay.

ACCESS

Access will be taken from 24th Street South. Negative access easements along the north, south, and west sides of the Eagle Valley 5th Addition plat prohibit access from the 74th and 75th Avenues and 25th Street South.

CONCEPT PLAN

The applicant has provided a concept plan of how the property could be developed with attached single-dwelling housing. Approval of the zone change does not include approval of the site plan.

Zoning

Section 20-0906.F(1-4) of the LDC stipulates that the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The property was originally zoned LC, Limited Commercial in January, 2014. A conditional overlay was added in July, 2021. The land use designation under the 2007 Growth Plan was "Commercial." The property has not been developed. The 2007 Growth Plan was replaced by the recently adopted Fargo Growth Plan 2024. This property is now designated as "Suburban Neighborhood," in which townhomes are an identified use. The applicant is requesting to rezone the property to SR-5, Single-Dwelling Residential, in order to develop attached single-dwelling residences (townhomes). Staff finds that the requested zoning change is justified by change in conditions—the change in growth plan designation—since the previous zoning classification was established.

(Criteria Satisfied)

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property is adjacent to existing developed public rights-of-way, which provide access and public utilities to serve the property.

(Criteria Satisfied)

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

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received no comment or inquiries from the public. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is

consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, the recently adopted Fargo Growth Plan 2024, and other adopted policies of the City. (Criteria Satisfied)
Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed zone change from LC, Limited Commercial with a conditional overlay to SR-5, Single-Dwelling Residential with repeal of conditional overlay ordinance no. 5315, for Lot 1, Block 1, Eagle Valley 5th Addition , as presented, as the proposal complies with the adopted Fargo Growth Plan 2024, Section 20-0906.F (1-4), and all other applicable requirements of the LDC."
Planning Commission Recommendation: December 3, 2024
At the December 3 rd , 2024 Planning Commission, that Commission, by a vote of 10-0 with one Commission seat vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed zone change from LC, Limited Commercial with a conditional overlay to SR-5, Single-Dwelling Residential with repeal of conditional overlay ordinance no. 5315, for Lot 1, Block 1, Eagle Valley 5th Addition , as presented, as the proposal complies with the adopted Fargo Growth Plan 2024, Section 20-0906.F (1-4), and all other applicable requirements of the LDC.
Attachments:
<ol style="list-style-type: none">1. Location map2. Zoning map3. Concept plan

Zone Change from LC, Limited Commercial with CO, Conditional Overlay to SR-5, Single Dwelling Residential

Eagle Valley Fifth Addition

7475 24th Street South



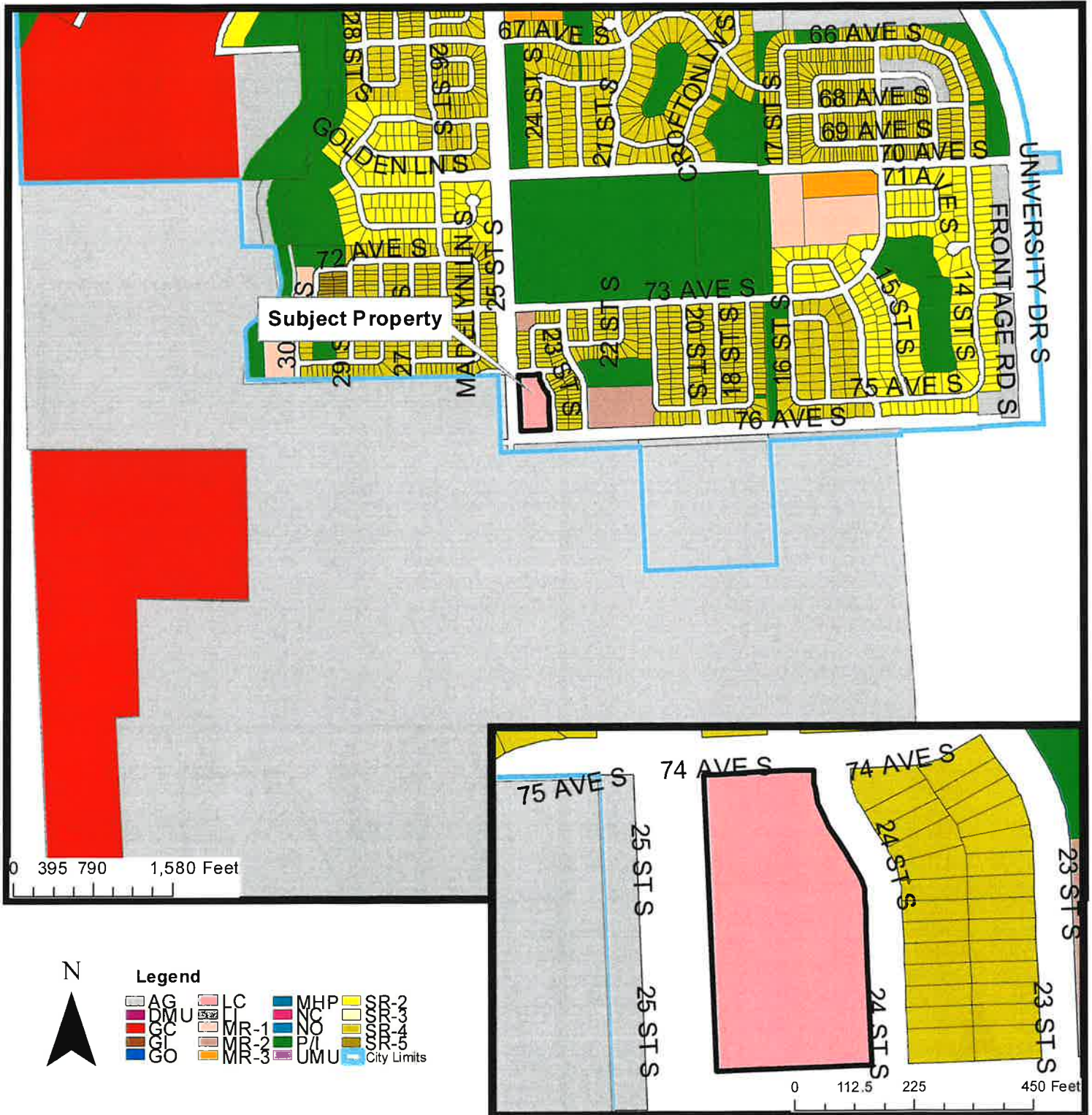
Legend

 City Limits

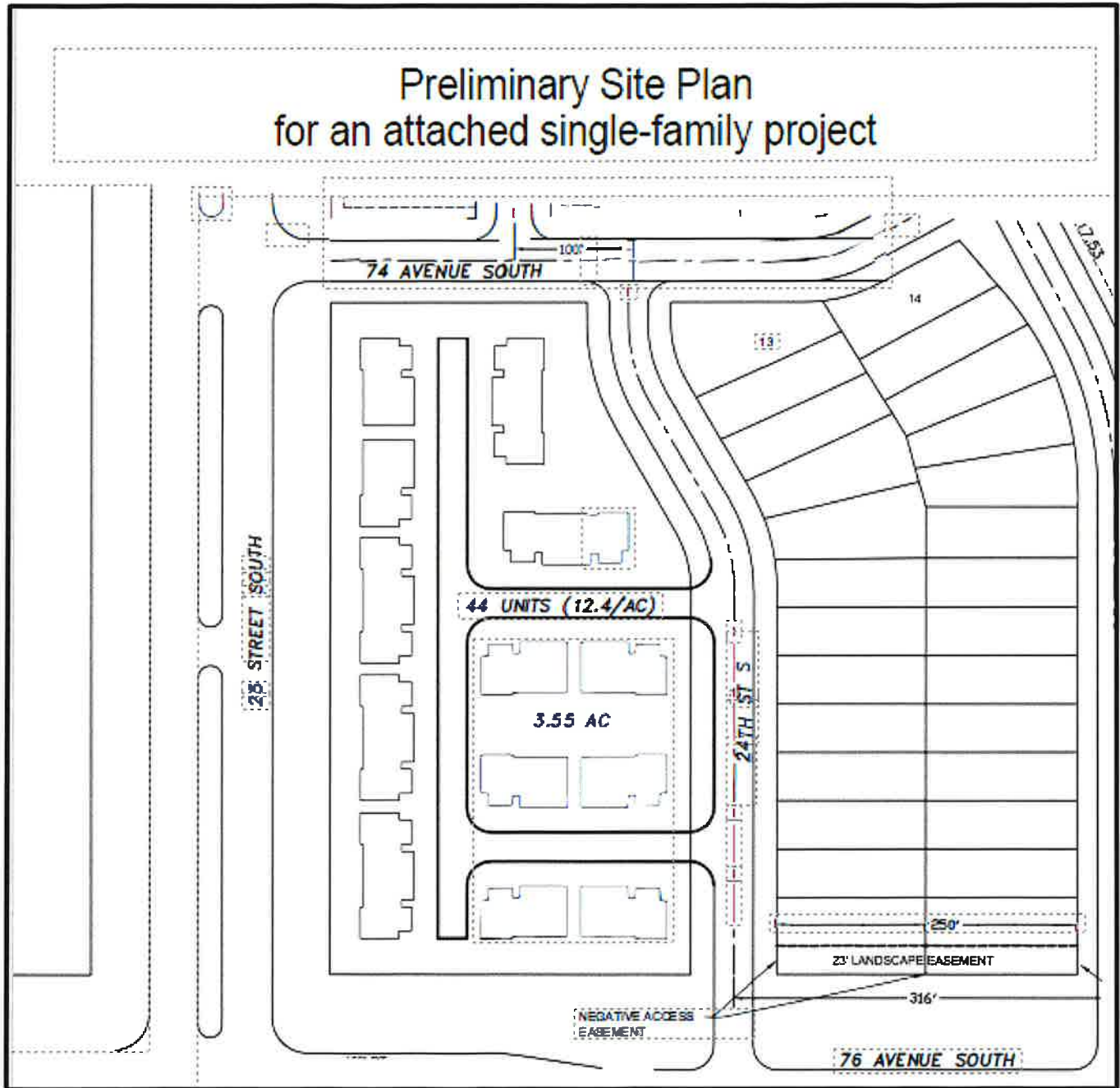
Zone Change from LC, Limited Commercial with CO, Conditional Overlay to SR-5, Single Dwelling Residential

Eagle Valley Fifth Addition

7475 24th Street South



Plan provided by applicant. Plan is not a part of the zone change approval.



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

436

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN EAGLE VALLEY FIFTH ADDITION TO THE
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

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

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on December 3, 2024; and,

WHEREAS, the rezoning changes were approved by the City Commission on December 23, 2024,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot One (1), Block One (1) of Eagle Valley Fifth Addition to the City of Fargo, Cass County, North Dakota,

that is currently zoned "LC", Limited Commercial, District, with an existing "C-O", Conditional Overlay, District, as established by Fargo Municipal Ordinance No. 5315, is hereby rezoned to "SR-5", Single-Dwelling Residential, District, repealing said "C-O", Conditional Overlay, District, in its entirety.

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Steve Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

44

MEMORANDUM

TO: Board of City Commissioners
FROM: Steven Sprague, City Auditor
SUBJECT: Liquor License Application – Red Lobster
DATE: November 20, 2024

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

License Class: A – full alcohol, no food requirements
Business Name: Red Lobster Hospitality, LLC d/b/a Red Lobster
Location: 4215 13th Ave South
Applicants: Morgan McClure, Andrew Robbins, Oludamola Adamolekun, Norma Riviara

Being no significant concerns, the Liquor Control Board voted to approve the transfer of a Class A alcoholic beverage license to Red Lobster Hospitality LLC d/b/a Red Lobster. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the transfer of a Class A alcoholic beverage license Red Lobster Hospitality LLC d/b/a Red Lobster



FARGO POLICE DEPARTMENT

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

CRIMINAL INVESTIGATIONS DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Jerrod Wagner *JW*

Date: 10.07.2024

RE: Alcoholic Beverage License Application, Class "A", Red Lobster Hospitality LLC

RECEIVED
FARGO POLICE DEPARTMENT

OCT 10 2024

TOM SHAW
LIEUTENANT
REF: *FW CPT AHLFELDT*

RECEIVED
FARGO POLICE DEPARTMENT

OCT 18 2024

WILLIAM S AHLFELDT
CAPTAIN
REF: *A.C. STEFANOWICZ*
Forward

Application for a class "A" Alcoholic Beverage License from
Red Lobster Hospitality LLC "Red Lobster #0309", Located at 4215 13th Ave South.

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

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

The following information was discovered through this investigation:

Morgan McClure (Owner)

Criminal History -

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

- There were no local records for Morgan. Morgan lives in Atlanta GA, a public criminal history search was not available for Georgia records.
- Morgan showed a Valid GA driver's license.

Credit History -

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

Andrew Robbins (Owner)

Criminal History -

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

- **There were no local records for Andrew. Andrew lives in California and a public records search was not possible for CA.**
- **Andrew showed a Valid CA driver's license status.**

Credit History -

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

Oludamola Adamolekun (Owner)

Criminal History -

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

- **There were no local records for Oludamola. Oludamola lives in Arizona. A public criminal history search in Arizona showed two speeding tickets from 2020 and 2021.**
- **Oludamola has a Valid Arizona driver's license.**
- **An alias of "Damola Adamolekun" was listed on his driver's license. This was also searched and showed no results.**

Credit History -

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

Norma Rivera (Owner)

Criminal History -

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

- **There were no local records for Norma. Norma lives in Florida. A public criminal history search in Florida was not possible.**

Credit History -

Norma's credit history was reviewed. There are no prior bankruptcies, or debts turned over to collections.

- **Norma's credit report showed one account titled "Comenitycb/ulta MC" that was "Delinq 120" within the last year. The account is now "Current".**

Investigation Notes

This application is for a class "A" alcoholic beverage license (Authorizes the licensee to sell Spirits, beer, wine and on-sale) for Red Lobster Hospitality LLC "Red Lobster #0309".

Business Location

Red Lobster is located at 4215 13th Ave S. Other businesses in the area with alcoholic beverage licenses are numerous other liquor establishments.

Conclusion

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

J. Weyner 347

RECEIVED
 FARGO POLICE DEPARTMENT
 DEC 03 2024
 DAVID B ZIBOLSKI
 CHIEF OF POLICE
 REF: S. SPRAGUE *DZ*

- APPROVAL RECOMMENDED

RECEIVED
 FARGO POLICE DEPARTMENT
 OCT 23 2024
 DAVID B ZIBOLSKI
 CHIEF OF POLICE
 REF: S. SPRAGUE *DZ*

↓ UNABLE TO CHECK OUT OF STATE RE: CRIMINAL RECORD DUE TO RESTRICTIONS OF CURRENT ORDINANCE

↓ PER CONVERSATION ON 10/29 PLEASE I.O. WHO IS NEW APPLICANT & PROVIDE ALL INFO (BACKGROUND, ETC.) FOR THOSE FOLKS

RECEIVED
 FARGO POLICE DEPARTMENT
 OCT 18 2024
 TRAVIS STEFONOWICZ
 ASSISTANT CHIEF OF POLICE
 REF: David Zibolski

TRANSFER OF AN ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Red Lobster Hospitality LLC

(Must match State of North Dakota registration name)

DBA Name: Red Lobster #0309

License Transferred From: No license transferred, only a change of officers

****Applicant must include letter from current license holder approving transfer of license****

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

Business location address: 4215 13th Ave S, Fargo, ND 58503

Mailing address: 450 S Orange Ave Ste 800, Orlando, FL 32801-3344

Business E-mail address: RLlicensing@redlobster.com

Local Manager E-mail address: dbond@redlobster.com

Best Contact Phone number: (407) 734-9574

Anticipated Date of Opening: The business is already open. This application is only for an officer change.

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

The following section to be completed by City Staff:

Date Received: 9/24/24 Class of License: A-6

Investigations Fee Paid (\$250) Yes No Date Paid: 9/24/24 Check/CC # 4848

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

Approval Recommendation

Denial Recommendation


Chief of Police

12-03-24
Date

**MEMORANDUM**

TO: BOARD OF CITY COMMISSIONERS

FROM: SENIOR TRANSPORTATION PLANNER MICHAEL MADDOX

DATE: DECEMBER 23, 2024

SUBJECT: METROPOLITAN TRANSPORTATION PLAN

The Metropolitan Transportation Plan (MTP) is one of four federally required documents that are mandated by transportation legislation to be completed by MPOs. It is the core document of the MPO in much the same fashion that a comprehensive plan is a core document to a city or county. It is required that the MTP be updated every five years and have a planning horizon of 20-25 years.

Metro COG embarked on updating its Long-Range Transportation Plan (LRTP) in April of 2023 when the Policy Board authorized a contract with SRF Consulting Group to complete the Planning effort. Since then, SRF, sub-consultant HDR and Metro COG, along with assistance from the Transportation Technical Committee, transportation stakeholders and the general public, have prepared a draft plan which is entitled "Metro 2050 MTP – Transportation Moving Ahead".

The final step in the approval process is to act upon the MTP at Metro COG's Transportation Technical Committee and Policy Board. Staff has worked with each entity to develop the MTP and is pleased with the resulting document. Metro COG is requesting that each of its member jurisdictions act upon a Resolution of support for the 2050 MTP, which is a requirement of the agency's Public Participation Plan.

The draft document can be found on Metro COG's website at:
<http://www.fmmetrocog.org/Metro2050>

RECOMMENDED MOTION: To adopt the Resolution of Support for Metro COG's Metropolitan Transportation Plan entitled "Metro 2050 – Transportation Moving Ahead".

RESOLUTION

WHEREAS, The Fargo City Commission is the duly elected governing body for the City of Fargo, ND and is responsible for the planning and development of a safe and functional transportation system;

WHEREAS, The Fargo Moorhead Metropolitan Council of Governments (Metro COG), is the Metropolitan Planning Organization (MPO) designated by the Governors of North Dakota and Minnesota to maintain the metropolitan area's transportation planning process in accordance with federal regulations;

WHEREAS, Metro COG has undertaken the task of updating its Metropolitan Transportation Plan (MTP), Metro Grow, which is a vital element of this planning process, and which documents transportation projects' eligibility for future federal funding;

WHEREAS, The metropolitan transportation planning process was guided by the Metropolitan Transportation Technical Committee (TTC) composed of a wide cross-section of local multimodal technical experts including engineers, planners, transit directors, and state and federal transportation officials;

WHEREAS, Public and private organizations representing numerous transportation interests, as well as groups and individuals from socially disadvantaged groups were invited, encouraged and involved in the Plan's preparation, in full compliance with Metro COG's Public Participation Plan;

WHEREAS, Metro 2050: Transportation Moving Ahead, which covers the time horizon of 2024 to 2050 was prepared using an extensive intermodal planning process;

WHEREAS, Metro 2050: Transportation Moving Ahead provides a comprehensive, coordinated program of projects and strategies that will improve the urban and extraterritorial transportation system of the Fargo Moorhead metropolitan area.

NOW, THEREFORE BE IT RESOLVED, That the City of Fargo does hereby adopt the Fargo Moorhead Area Metropolitan Transportation Plan, Metro 2050: Transportation Moving Ahead, and agrees to use it as a tool to implement metropolitan transportation goals and objectives, which will complement overall development of the metropolitan transportation system.

Approved and adopted this _____ day of _____, 2024

Attest:

By:

Steven Sprague, City Auditor

Dr. Timothy J. Mahoney, Mayor



**OFFICE OF
THE MAYOR**

DR. TIM MAHONEY
FARGO CITY HALL
225 Fourth Street North
Fargo, ND 58102
Phone: 701.241.1310 | Fax: 701.476.4136
FargoND.gov

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: DR. TIM MAHONEY, MAYOR

DATE: DECEMBER 19, 2024

SUBJECT: SUNSETTING THE RESOLUTION REGARDING ORDINANCE PROHIBITING CAMPING ON PUBLIC PROPERTY AND RIGHTS OF WAY IN THE CITY OF FARGO IN 90 DAYS

I am recommending we sunset the Resolution Regarding Ordinance Prohibiting Camping on Public Property and Rights of Way in The City of Fargo in 90 days; this would equate to camping no longer being allowed beginning on March 23, 2025.

Sunsetting the resolution in a thoughtful and planned approach will enact a timeline but also a commitment for us to work together as a team. This is a community challenge – and an opportunity – for us to be united and unified.

Motion: Sunset the Resolution Regarding Ordinance Prohibiting Camping on Public Property and Rights of Way in The City of Fargo in 90 days, which would be March 23, 2025.

47

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: DR. TIM MAHONEY, MAYOR

DATE: DECEMBER 19, 2024

SUBJECT: FRAMEWORK FOR TRANSITIONING THE ENGAGEMENT CENTER INTO A COMMUNITY SERVICE CENTER

As we discussed during our December 9, 2024 meeting, I have been working on the framework for the future of the engagement center to transition this important work into a community service center. This would include working with the State, County and our local partners.

I would like to discuss this framework at our December 23 meeting.

48a

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

TJM

DATE: DECEMBER 23, 2024

SUBJECT: APPOINTMENTS TO THE RENAISSANCE ZONE AUTHORITY

The term of Dr. Dean Bresciani on the Renaissance Zone Authority expires on January 1, 2025.

Dr. Bresciani is willing to continue his service on the Board; therefore, I am recommending his reappointment.

In addition, Cass County Commissioner Chad Peterson, who has been serving as the County's representative on the Renaissance Zone Authority, has come to the end of his term as a Cass County Commissioner. His term on the Renaissance Zone Authority expires on June 30, 2025.

The Cass County Commission has nominated Cass County Commissioner Tony Grindberg to serve as the County representative on the Renaissance Zone Authority; therefore, I am recommending his appointment.

Your favorable consideration of these recommendations will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Dr. Dean Bresciani to the Renaissance Zone Authority for a three-year term ending January 1, 2028 and the appointment of Cass County Commissioner Tony Grindberg for a term ending June 30, 2025.




**OFFICE OF
THE MAYOR**

DR. TIM MAHONEY
FARGO CITY HALL
225 Fourth Street North
Fargo, ND 58102
Phone: 701.241.1310 | Fax: 701.476.4136
FargoND.gov

486

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: DECEMBER 23, 2024

SUBJECT: APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION

The term of Christine Kloubec on the Historic Preservation Commission expired on October 31, 2024.

Ms. Kloubec is willing to continue her service on the Commission; therefore, I am recommending her reappointment.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Christine Kloubec to the Historic Preservation Commission for a three-year term ending October 31, 2027.

mmappt24hpc-2




**OFFICE OF
THE MAYOR**

DR. TIM MAHONEY
FARGO CITY HALL
225 Fourth Street North
Fargo, ND 58102
Phone: 701.241.1310 | Fax: 701.476.4136
FargoND.gov

480

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FROM: MAYOR TIMOTHY J. MAHONEY 
DATE: DECEMBER 23, 2024
SUBJECT: APPOINTMENT TO THE NATIVE AMERICAN COMMISSION

Whitney Johnson who has served on the Native American Commission has resigned her position. Her term would have expired on June 30, 2027.

Daniel Frye has submitted an application indicating an interest in serving on the Board and I am recommending his appointment. I have attached a copy of his application for your information.

Your favorable consideration of these recommendations is greatly appreciated.

RECOMMENDED MOTION: To approve the appointment of Daniel Frye to fill the unexpired term of Whitney Johnson on the Native American Commission for a term ending June 30, 2027.

mmappt24nac-2

Kember Anderson

From: noreply@cityoffargo.com
Sent: Friday, August 16, 2024 2:06 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:

[Daniel Frye]

Mailing Address:

City:

[West Fargo]

State:

[North Dakota]

Zip:

[58078]

Work Phone:

[BLANK]

Home Phone:

E-mail:

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

[Board of Health, Native American Commission]

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

[I am a Native American living in the Fargo area. I work for the Indian Health Service and would love to become involved at the community level as well. I have broad experience in Indian Country and could provide a good perspective.]

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

[5-10 hours]

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

[None with city government. But I work for the federal government.]

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

[I am the Director of Human Resources for the Indian Health Service and have worked the last 15 years in Indian country.]

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



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MEMORANDUM

TO : BOARD OF CITY COMMISSIONERS

FROM: COMMISSIONER DENISE KOLP ACK

DATE: DECEMBER 23, 2024

SUBJECT: FARGO YOUTH INITIATIVE (FYI)

The Fargo Youth Initiative (FYI) meet monthly (sometimes more) to discuss opportunities and issues facing young people in our community. These smart, caring and committed young leaders represent the public and private schools in Fargo.

Below you will find a list of interested participants for this year. They were selected using the four values as criteria: Leadership, Teamwork, Responsibility and Drive to Improve the Community. I am recommending they be appointed as the Fargo Youth Initiative members for the 2024-2025 academic year.

I appreciate your support of the Fargo Youth Initiative and the inclusion of new and young voices in the public process.

RECOMMENDED MOTION: To appoint the following to serve as Fargo Youth Initiative members for the 2024-2025 academic school year.

Returning Members: Koral Siegel (South-2027), McKenzie Lynn Olson (North-2025), Kallie Andersen (Davies-2025), Steph Kramer (South-2025), Abigail Hamilton (Davies-2027), Isabella Meyer (North-2026).

New Members: Minou Babingui (South-2026); Justin Jiang (Davies-2026); Reanna Quiah (South-2026); Ava Bach (North-2026); Drew Burris (North-2026); Lillian Dybing (North-2026); Setiya Hamidi (Davies-2027); Rose Ali (Davies-2027); Ashley Hsu (Davies-2027); Erica Johnson (North-2027); Aiden Rosten (South-2027); Kaj Naujokas (Davies-2027); Lucy Paul (North-2027); Harper Reininger (Northern Cass-2028).