

FARGO CITY COMMISSION AGENDA
Monday, November 10, 2025 – 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 purposes of discussing negotiating strategy and/or providing negotiating instructions to its attorney or other negotiator regarding contractual negotiations and/or reasonably predictable litigation regarding annexation with the City of Harwood, Applied Digital Corporation and/or Fercho Properties, LLP; and to receive its attorney's advice and guidance on the legal risks, strengths and weaknesses of an action of a public entity and regarding reasonable predictable and/or threatened litigation relating to annexation with the City of Harwood, Applied Digital Corporation and/or Fercho Properties, LLP. Discussing these items in an open meeting would have a negative fiscal effect on the bargaining and/or litigation 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, October 27, 2025).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Interest Buydown Agreement, Escrow Agreement - Pace Program and Community Pace Interest Buydown Authorization with the Bank of ND and GLDNBER ND, LLC.
- 2. Receive and file the following Ordinances:
 - a. An Ordinance Amending Section 16-0201, 16-0204, 16-0206, 16-0213, 16-0214 and 16-0216 and Repealing Section 16-0205 of Article 16-02 of Chapter 16 of the Fargo Municipal Code Relating to Waterworks System.
 - b. An Ordinance Amending Section 22-0301 of Article 22-03 of Chapter 22 of the Fargo Municipal Code Relating to Plumbing Code.
- 3. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Selkirk Fourth Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 10/27/25.

4. 2nd reading, waive reading and final adoption of an Ordinance Annexing a Certain Parcel of Land Lying in a Portion of the Southwest Quarter and Part of the Southeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian in Cass County, North Dakota; 1st reading, 10/27/25.
5. Applications for Games of Chance.
6. Gaming Site Authorizations.
7. Negative Final Balancing Change Order No. 6 in the amount of -\$67,300.00 and a time extension to the Final Completion Date of 7/31/25 for Project No. NR-23-A2.
8. Purchase Agreement with 64th Avenue Development LLC for Project No. BN-26-D1.
9. Memorandum of Offer to Landowner for an Easement (Temporary Construction Easement) with Forum Communications Company (Project No. QN-23-B1).
10. 2027 to 2030 Federal Aid Transportation Project Applications.
11. Maintenance Certification for Urban Federal Aid Projects for NDDOT.
12. Rescission of Maintenance Agreement and Maintenance Agreements (Public Right of Way) with J & O Real Estate, LLC, Makt, LLC and Christopher H. Crowe, as Trustee of the Christopher H. Crowe Revocable Trust, dated the 12th day of October, 2015 and the addition of Project No. BN-26-B1 to the 2026 Capital Improvement Plan.
13. Pipeline License with BNSF (Revision to Exhibit A) (Project No. UR-24-C1).
14. Final Balancing Change Order No. 3 in the amount of \$17,698.94 for Improvement District No. BR-25-B3.
15. Change Order No. 2 in the amount of \$17,590.00 for Improvement District No. BR-25-E1.
16. Negative Final Balancing Change Order No. 1 in the amount of -\$3,067.06 for Improvement District No. PR-25-C1.
17. Permanent Easements (Storm Sewer and Street and Utility) with County 20 Storage & Transfer, Inc. (Improvement District No. BN-25-F1).
18. Bid award to Dakota Underground Company, Inc. in the amount of \$5,036,378.90 for Improvement District No. BN-25-F1.
19. Receive and file Limited Franchise Agreement with Cass County Electric, adding the area annexed by the City of Fargo on 10/16/25.
20. Items from the FAHR Meeting:
 - a. Receive and file Sales Tax Revenue Update.
 - b. Accept the donation of \$10,998.00 from the Fargo Police Foundation, authorize the purchase of two massage chairs and related budget adjustments (RFQ25306).
 - c. Request from the Fire Department to frontload one firefighter in the January 2026 Fire Academy in anticipation of a Quarter One 2026 retirement.
 - d. Modification No. 1 - Contract Agreement in the amount of \$100,000.00 with Cloudburst Consulting Group, Inc. (EX25023).

21. Notice of Grant Award from the ND Department of Emergency Services in the amount of \$15,021.00 for the 2024 Emergency Management Performance Grant.
22. Notice of Grant Award Amendment from the ND Department of Health and Human Services for HIV.HCV Counseling, Testing and Referral (CFDA #94.940).
23. Set November 24, 2025 at 5:05 pm as the date and time for a Public Hearing on a dangerous building located at 1544 3rd Avenue South.
24. Resolution Approving Plat of Archer Place First Addition.
25. Resolution Approving Plat of University South Sixth Addition.
26. Direct the City Attorney's Office to review and propose revisions to Fargo Municipal Code regarding electric bicycles.
27. Lease with Option to Purchase Agreement with Kinetic Leasing, Inc. in the amount of \$240,908.38 for a large aerial truck for the Forestry Department (PBC #s 25228 and 25229).
28. Services Contract with Minnesota State University Moorhead for the U-Pass Program.
29. Contract and bond for Project No. WA2501 (general construction contract).
30. Amendment No. 1 to Task Order No. 1 with HDR Engineering, Inc. in the amount of \$46,400.00 for Project No. WA2501.
31. Reject and readvertise the bids for Project No. WA2505 - Lead Service Line Replacement.
32. Bills.

REGULAR AGENDA:

PUBLIC HEARINGS - 5:05 pm:

33. **PUBLIC HEARING** - EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition (4417 and 4477 26th Avenue South, and 4410, 4448, 4470 and 4474 24th Avenue South, and 4415 and 4471 24th Avenue South); approval recommended by the Planning Commission on 5/6/25; continued from the 10/13/25 and 10/27/25 Regular Meetings:
 - a. PUD, Planned Unit Development Master Land Use Plan Amendment.
 - b. Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay.
 - c. Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD, Planned Unit Development Master Land Use Plan.
 - d. 1st reading of rezoning Ordinance (EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition).
 - e. 1st reading of rezoning Ordinance (EOLA Addition).
 - f. Plat of J & O 45th Street Apartments Addition.
34. **PUBLIC HEARING** - Plat of 19th Avenue Storage Addition (1101 19th Avenue North); approval recommended by the Planning Commission on 9/4/25.

PUBLIC HEARINGS – 5:15 pm:

35. **PUBLIC HEARING** – Annexation of 303.23 acres, more or less located in the West Half of Section 3, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota.
36. **PUBLIC HEARING** – Annexation of 256.87 acres, more or less East Half of Section 3, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, less those parcels lying within said East Half legally described in those instruments recorded at the Office of the Recorder, Cass County, North Dakota.
37. **PUBLIC HEARING** – Annexation of 236.16 acres, more or less in the Southeast Quarter and the East One-Half of the Southwest Quarter of Section 35, Township 141 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota.
38. United to End Homelessness Update.
39. Recommendation to approve the 2nd Phase of the Request for Proposals for the Convention Center Project.
40. Recommendation to approve the 2026-2030 Transit Development Plan.
41. Recommendation to approve the University Drive and 10th Street Corridor Study.
42. Recommendation from Commissioner Strand on Tax Incentive Policies.
43. Discussion regarding the Safer Smoking Supplies and Needle Disbursement Programs.
44. Liaison Commissioner Assignment Updates.
45. **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 at [FargoND.gov/VirtualCommission](https://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 web site at [FargoND.gov/CityCommission](https://fargoND.gov/CityCommission).

33

City of Fargo Staff Report			
Title:	J & O 45th Street Apartments Addition, EOLA Addition, and EOLA Second Addition	Date: Update:	5/1/2025 11/6/2025
Location:	4417 and 4477 26th Avenue South and 4410, 4415, 4448, 4470, 4471 and 4474 24th Avenue South	Staff Contact:	Maegin Elshaug, planning coordinator
Legal Description:	Lots 1 & 2, EOLA Addition; Lots 1-5, Block 1, EOLA Second Addition		
Owner(s)/Applicant:	Makt LLC; EOLA Landholdings, LLC; The Wave Resort, LLC; Christopher H Crowe RT / Houston Engineering	Engineer:	Houston Engineering
Entitlements Requested:	Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition; PUD, Planned Unit Development Master Land Use Plan Amendment on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition; Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD, Planned Unit Development Master Land Use Plan on Lots 1 and 2, Block 1, EOLA Addition; and a Plat of J & O 45th Street Apartments Addition (Major Subdivision) a replat of Lots 1, 3, 4 and 5, Block 1, EOLA Second Addition, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac.		
Status:	City Commission Public Hearing: November 10, 2025		

Existing	Proposed
Land Use: Mixed-Use Development	Land Use: Mixed-Use, Commercial, and Residential Development
Zoning: GC, General Commercial with a PUD Overlay;	Zoning: GC, General Commercial with an amended PUD Overlay and GC, General Commercial with a CO, Conditional Overlay
Uses Allowed: GC – General Commercial allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult establishment , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair , limited vehicle service, aviation , surface transportation , major entertainment events, industrial service ,	Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult establishment , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair , limited vehicle service, aviation , surface transportation , major entertainment events, industrial service , manufacturing and production , warehouse and freight movement , and

manufacturing and production, warehouse and freight movement, and portable signs. Plus a PUD allowing Residential use, building and design standard requirements and restricted uses (noted above). Ordinances 5403 and 5404.	portable signs. Plus an amended PUD allowing Residential use, building and design standard requirements and restricted uses (noted above) <u>and</u> CO with building and design standard requirements and restricted uses (noted above).
Maximum Density Allowed: 70 units per acre	Maximum Density Allowed: 40 units per acre and 70 units per acre
Maximum Lot Coverage Allowed: 85% maximum building coverage	Maximum Lot Coverage Allowed: no change

Proposal:

The applicant requests four entitlements:

1. **Zoning Change** from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition. (Located at 4417 and 4477 26th Avenue South and 4410, 4448, 4470, and 4474 24th Avenue South)
2. **PUD, Planned Unit Development Master Land Use Plan Amendment** on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition. (Located at 4417 and 4477 26th Avenue South and 4410, 4448, 4470, and 4474 24th Avenue South)
3. **Zoning Change** from GC, General Commercial with a PUD, Planned Unit Development overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the original PUD, Planned Unit Development Master Land Use Plan on Lots 1 and 2, Block 1, EOLA Addition. (Located at 4415 and 4471 24th Avenue South)
4. **Plat** of J & O 45th Street Apartments Addition (Major Subdivision) a replat of Lots 1, 3, 4 and 5, Block 1, EOLA Second Addition, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac. (Located at 4417 and 4477 26th Avenue South and 4410 and 4448 24th Avenue South)

Planned Unit Development Overview

A PUD is an overlay district permitting greater flexibility of land planning and site design than other zoning districts, where different zoning standards are eligible for modification. PUD zoning districts are inextricably linked to PUD plans in that development must be in alignment with, and not deviate from, the approved plans. PUDs have three components: Overlay (written ordinance which includes LDC modifications and additional requirements); Master Land Use Plan (generalized land use plan that establishes the maximum development "envelope"); and Final Plan (detailed design and construction documents of which are reviewed for permitting approval).

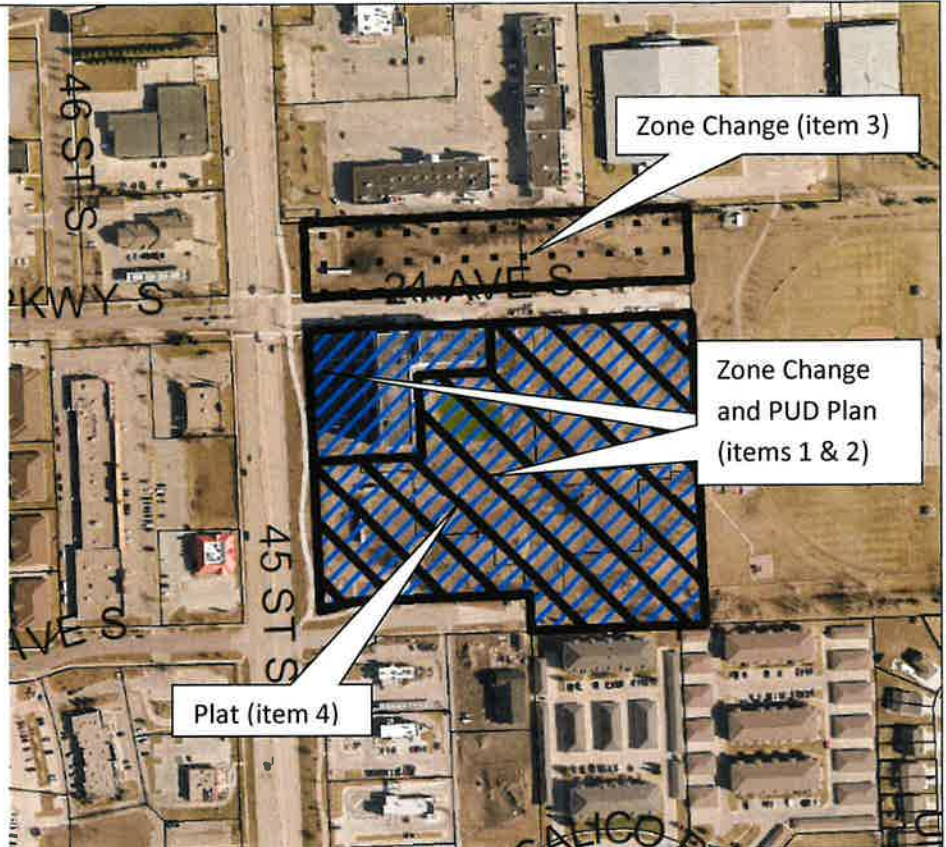
Property Associated with Entitlement Applications

The image to the right indicates the areas of the requests.

Items 1 & 2: The area of the amended PUD Overlay zone change and amended PUD Master Land Use Plan are indicated by the blue diagonal lines.

Item 3: The zone change from GC with PUD to GC with C-O and removal from the original PUD Master Land Use Plan is indicated by the black dots.

Item 4: The plat (major subdivision), which includes a waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac (item 4), is identified in black diagonal lines.



Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial and P/I, Public and Institutional, with uses of commercial and the Fargo Park District's Southwest Youth Ice Area;
- East: P/I and the remainder of the Anderson Softball Complex;
- South: LC, Limited Commercial and MR-2, Multi-Dwelling Residential with uses of commercial and apartments;
- West: Across 45th Street South is GC with commercial use.

Area Plans:

Fargo's Growth Plan 2024 was adopted in August 2024. The placetype for the subject property is designated as Mixed Commercial, Office and Residential for this property and is consistent with the proposed development and zoning.

Context:

Neighborhood: Anderson Park

Schools: The subject property is located within the West Fargo School District, specifically within the Freedom Elementary, Liberty Middle and Sheyenne High schools.

Parks: The subject property is located adjacent to Anderson Softball Complex.

Pedestrian / Bicycle: A shared use facility is located on the east side of 45th Street South and connects

to the metro area trail system. Additional sidewalks are proposed within the development, as well as a shared use path along the south side of the property.

Transit: MAT Bus Route 24 runs along 23rd Avenue South. A bus stop is located approximately two blocks east of 45th Street, located less than a quarter-mile from the subject property.

Staff Analysis:

Background

Originally annexed in 1995 and platted and zoned in 1998, the Park District (owner of Anderson Softball Complex and the subject property at the time) replatted and zoned the land in 2013 to GC, General Commercial with a C-O, Conditional Overlay from P/I, Public and Institutional in preparation of a future sale of the property. At the time, there was contemplation of development quality as part of the conditional overlay, and traffic connectivity seeking right of way dedication of 26th Avenue South. The conditional overlay on the property (ordinance 4904) was consistent of a typical overlay along arterial streets in south Fargo. In 2019, the Fargo Park District sought bids for the land which was eventually acquired by EPIC Companies.

Over the course of three years, 2020 – 2023, the EOLA development group worked with staff and Planning Commission resulting in the EOLA PUD zoning to allow for a large-scale mixed-use development on 16.7 acres. The existing master land use plan included eight 7-10-story buildings and 4-acres of public open space in the center, as well as a potential parking structure in the northeast corner. The Makt buildings, owned by Makt, LLC (currently built) began construction in 2022, concurrent with the developers finalizing the plans for a hotel and waterpark on the east side of the development. In 2024, it was understood that the development would no longer proceed as planned, as EPIC Companies was no longer in operation; and the property has remained unchanged until this current proposal.

When the EOLA development began, there was one owner of the property, EOLA Landholdings, LLC (under EPIC Companies), who had the vision and planned to develop the property entirely. Over the years, as the development progressed into design and construction, ownership of some lots changed, such as to Makt LLC and The Wave Resort, LLC, while still maintaining the original vision, since the original developer was still leading the coordination for the development.

Transitioning the existing development master plan to a new vision with new owners has been complex. The original PUD was created under one developer/land owner. Today there are multiple landowners and there is no longer a single vision-keeper overseeing the development to ensure the unique vision comes to fruition. Five different owners have come together to coordinate and provide a plan for the land. Currently, there are four owners who own the seven existing lots (Makt LLC; EOLA Landholdings, LLC; The Wave Resort, LLC; Christopher H Crowe RT) and it is anticipated that the lots currently owned by EOLA Landholdings, LLC and The Wave Resort, LLC will be acquired by J & O Real Estate, LLC. All five owners involved are being represented by one applicant and representative through Houston Engineering. Staff has coordinated regularly with the applicant, as the case is quite complex in terms of entitlements, development composition, unique dimensional standards of the roadway, and associated agreements. The EOLA development was very specific and holistically integrated in regards to land use, connectivity, parking, and landscaping. This required that staff work with the owners to essentially unravel the existing PUD and reassemble the entitlements and ordinance to create an updated master plan while still incorporating the Makt buildings in a way that all five entities can work within, resulting in this proposed application.

Project Description of Current Proposal

Since the previous PUD approvals, the development plans have changed and the previously approved PUD Master Plan can no longer be implemented due to lack of financial feasibility and market interest. There is a new development group for the remainder of the properties, excluding the properties at 4415 24th Avenue South and 4470 and 4474 24th Avenue South (Makt buildings). As an amendment to the development plan, the applicant is seeking to remove the two lots north of 24th Avenue South from the current PUD and develop those under the GC base zoning district with a CO (referenced as Item 3 on page 3 of the staff report). The Conditional Overlay accommodates building and site design standards, which are noted in more detail below. The remainder of the development, between 24th Avenue South and 26th Avenue South, are to be developed as six buildings (one single-story commercial building and five 4-story residential use buildings). Main level parking will be on the first floor in all five of the residential buildings. The applicant is working with the Fargo Park District to account for the previously planned 4-acre open space. The previously constructed Makt buildings will remain in the PUD overlay as they were constructed to meet specific items in that PUD overlay. The amended PUD overlay includes deviations from the LDC for land use and building location and form, and includes building and site design standards. More detail on these items are noted below.

Summary of Entitlements Requested

Item 1: Zoning Change – from GC with PUD Overlay to GC with amended PUD Overlay

The applicant is requesting a zoning change from GC with a PUD Overlay to GC with an amended PUD Overlay for properties between 24th and 26th Avenues South. The applicant is requesting to amend several provisions of the PUD Overlay in order to tailor it to the specifics of the new proposed development while keeping the Makt buildings in compliance. There are certain provisions in the overlay that are specific to the Makt buildings and supporting parking (which are referred to as the legal lots 1& 8 in the J & O 45th Street Apartments Addition), provisions specific to the remaining lots, and provisions that apply to all.

The PUD overlay has several sections, including items that deviate from LDC requirements and additional design standards. Those are listed below and a draft PUD is attached, with amendments indicated.

- Allow residential use in GC (no change from previous PUD requirement)
- Establishing density for residential use (for remaining undeveloped lots)
- Modify residential parking standards; removing commercial parking requirements to default to LDC (see section below for detailed information on parking request)
- Reduce setbacks in GC (no change from previous PUD requirement)
- Modifying parking lot buffers and open space plant unit placement, and remove some provisions to default to LDC.
- Establish maximum building height (for remaining undeveloped lots)
- Establish minimum of 20% open space (no change from previous PUD requirement)
- Clarify that residential protection standards do not apply (no change, but now included in PUD ordinance)
- Additions Standards – (no change from previous PUD requirement)
 - Building materials and articulation, color schemes, screening of mechanical and servicing nuisances, pedestrian circulation and prohibited uses.

Parking Information for PUD overlay

The applicant proposes to vary parking standards for residential units through review of the PUD.

Properties not within the PUD will meet LDC requirements.

With the original EOLA development, a parking study was provided and parking reductions through reduced parking ratios were approved for residential and commercial uses. With the changes with the development, the applicant has provided an updated parking study, along with a request to modify parking requirements for residential. The current proposal is to provide:

- 1.31 parking spaces per residential unit for the MAKT buildings and associated parking lots
- 2 parking spaces per residential unit on the remainder of the development

All other uses would be per the Land Development Code (LDC). The parking study technical memorandum is attached for review.

Item 2: PUD Master Land Use Plan Amendment

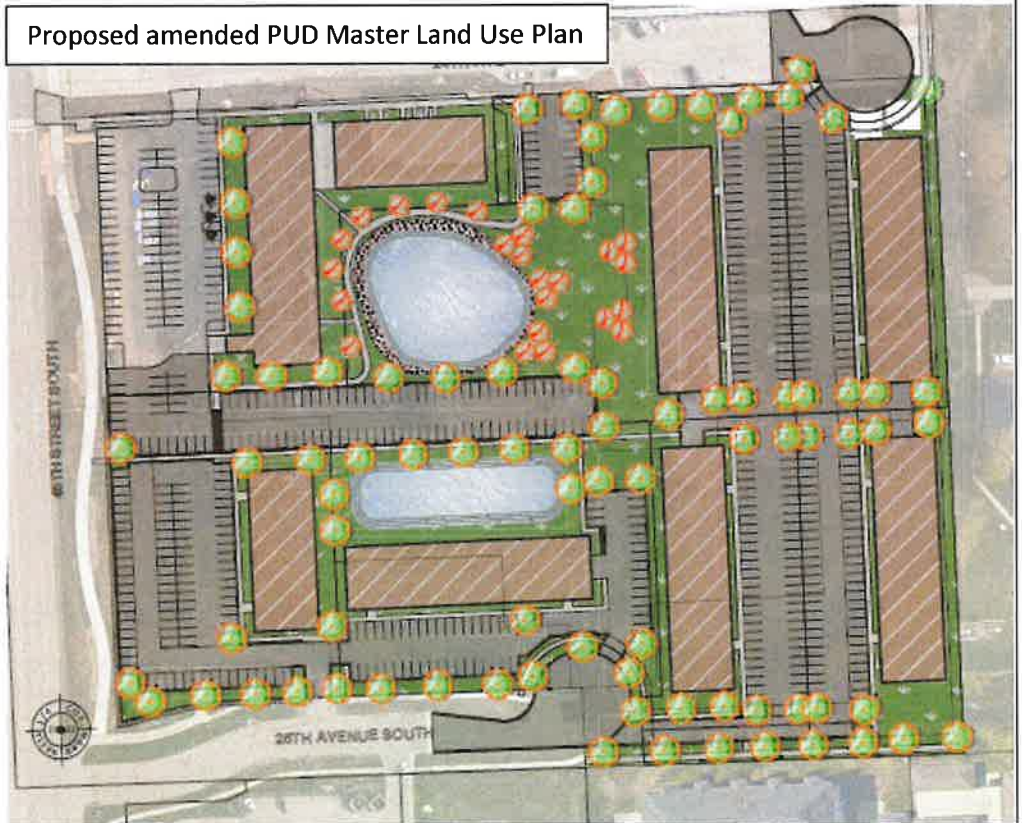
The images to the right and below show the amended Master Land Use Plan submitted by the applicant and the current Master Land Use Plan (EOLA development) for reference (a larger copy of both are attached). PUD Master

Land Use Plans generally show the building envelope of the structures, parking and circulation, and open space.

The applicant proposes six new single-use buildings; one single-story commercial building along 45th Street South, and five 4-story, 42-unit residential buildings with main level parking, located in the center and east side of the property, along with associated parking and the existing Makt buildings in the northwest.

The current PUD Master Land Use Plan (following page) from the EOLA

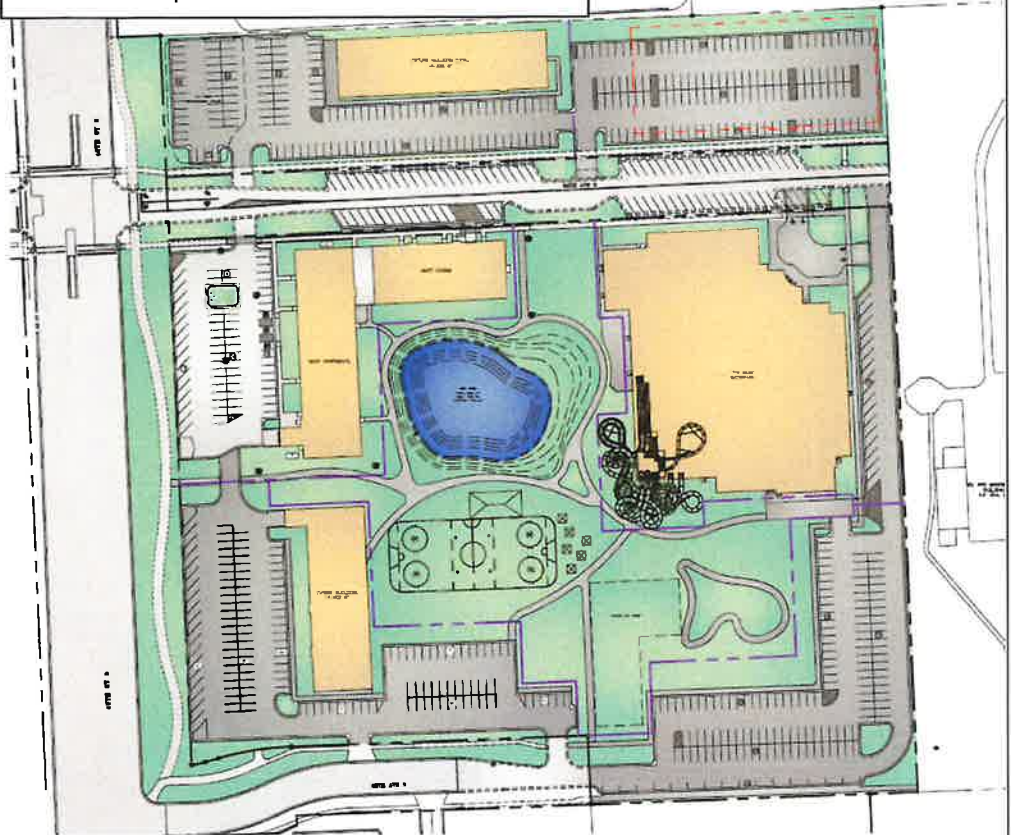
Proposed amended PUD Master Land Use Plan



development shows the intended development pattern at the time, includes five buildings (mixed use, commercial, waterpark, hotel) with the potential for a parking ramp in the northeast corner (red dashes). This plan was amended in 2023 from the original to accommodate the waterpark and hotel on the east and parking, and is less dense in terms of residential units, building coverage and height, than the original EOLA plan.

Note that if the zoning change and the Master Land Use Plan are approved by the City Commission, the Planning Commission will review the Final Plans for the PUD at some point in the future.

EOLA development PUD Master Land Use



Item 3: Zoning Change – from GC with PUD Overlay to GC with C-O Overlay and removal from PUD Master Land Use Plan

This application includes removing the two properties north of 24th Avenue South from the PUD boundary in order to be constructed through administrative review in the GC zoning district with CO. The CO includes design standards, building materials, articulation, color schemes, screening of mechanical and servicing nuisances, pedestrian circulation and prohibited uses. This is similar to conditional overlay zoning ordinances that are currently utilized on properties located along arterial roadways. A draft CO is attached.

Item 4: Major Subdivision and waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac

The applicant is requesting to replat four (4) lots and one block into eight (8) new lots and one block, and dedicate right of way for cul-de-sacs at the east ends of 24th Avenue South and 26th Avenue South. With the previous development, it was intended there would be a public north/south access connection via an easement on the east side of the development connecting 24th and 26th Avenues South. Because development plans have changed, dedication for cul-de-sacs on both avenues will accommodate necessary circulation in place of that access, and the existing easement will be vacated. Due to site constraints and the previously approved reduced street right of way, a waiver for reduced minimum turnaround dimensions of a cul-de-sac (a smaller diameter than the LDC requires), and for maximum length of a cul-de-sac (reduced maximum length of the distance from 45th Street South to the end of the turnaround radius) is included with the request.

Additional Components

Staff has worked with the applicant on to address specific items related to the development.

Site Amenities and Project Plan

An updated Site Amenities and Project Plan accounts for the changes in the development, and includes public roadway and utility specifics, storm water management, flood protection requirements and design and construction of improvements. The draft is attached.

Maintenance Agreements

A Maintenance Agreements include provisions for water utility connection, special assessments, and will carry through the previously approved Maintenance Agreements for the EOLA development that addressed public improvements, maintenance, and snow removal.

Stormwater Master Plan

The applicant has provided an updated stormwater master plan for the properties between 24th and 26th Avenues South. Depending on results of the report, additional area may be necessary stormwater and the plat will likely include a stormwater easement on Lot 6.

Master Landscaping Plan and Street Trees

The applicant has provided a master landscaping plan to address landscaping requirements and locations of street trees along the right of way and on site for 24th Avenue South due to the narrower road section and unique road configuration, which occurred with the original EOLA development.

Summary of Current Proposal and Corresponding Review

Staff acknowledges that the original master plan envisioned metro-wide community and regional benefits that will no longer be realized with the change in development vision. The previously proposed development was a destination with regional draw to be developed at a scale more reminiscent of downtown – including 7-10 story mixed use buildings. Unique to this project was a custom roadway design of 24th Avenue South based on coordination with the developer assigning private maintenance responsibilities, as well as a four-acre public open space with amenities that had been coordinated with the Fargo Parks District.

The current proposal for the new master plan development is likely more consistent with what would have been anticipated for this area along the 45th Street South arterial corridor, prior to the EOLA proposed development. This new development plan still provides an improvement beyond what could have been built under the established zoning district which was GC, General Commercial, pre EOLA proposal. The alignment with 2024 Growth Plan and allowance of a revised PUD and CO assures residential land use at an increased density and reduction for unnecessary parking. The new development plan maintains the original PUD buildings and site design standards, pedestrian connectivity and prohibits incompatible uses.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the

requested zoning change is justified by change in conditions since the previous zoning classification was established, as the previously approved development will no longer be implemented. There are two zoning change requests: 1) from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development overlay and 2) GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay. The base zoning district for each application will not change. The PUD properties will be developed in alignment with the amended master plan, final plans and requirements in the ordinance related to building location, form, density, and other provisions and requirements. Together, these show the expectations for how the development will be constructed. The properties with the conditional overlay will be developed as permitted through the base zoning district of GC to include design standards for site design and restricting uses. The building locations, circulation and landscaping is currently not known and will be reviewed at the time of building permit submittal. **(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, subject to agreements. The subject property is adjacent to existing developed public rights of way, which provide access and public utilities to serve the property, and additional right of way is being dedicated for 24th Avenue South and 26th Avenue South to accommodate necessary vehicular and pedestrian circulation. **(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 LDC, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received one call of inquiry. 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. The current proposal is still in keeping with City plans, including GO2030, Growth Plan, and Housing Needs Analysis, noted below.

GO2030 Comprehensive Plan Initiatives

- **Promote Infill** – Promote infill and density within areas that are already developed.
 - Ensure compatible infill, encourage design standards, increase mix of uses and amenities, and improve aesthetics and walkability.
- **Design Standards** – Utilize design standards for infill development, improving quality of new housing and promote dense, walkable communities with neighborhood centers.
 - Enhance the character of the public realm, increase walkability, and encourage non-motorized transportation
- **Quality New Development** – Require new development to meet site design standards that result in well-designed new neighborhoods.
 - Provide high quality, long-lasting, connected, mixed-density neighborhoods.
- **Parking** – Pursue creative parking strategies by exploring reducing minimum parking standards

and sharing parking.

Fargo's Growth Plan states that the quality and character contribute in creating a strong sense of place, with high quality development and memorable user experiences. The zoning overlays seek to regulate and define how the site will look and feel when visiting and using the site, providing enhanced design elements for increased value and long-term investment. The Growth Plan identifies the placetype as Mixed Commercial, Office and Residential, which is consistent with the proposal.

Additionally, the proposal on lots for residential is denser and provides more housing and units per acre than could be accommodated under MR-3, Multi-Dwelling Residential. The Fargo-Moorhead Regional Housing Needs Analysis and Strategies shows there is a need for a range of housing options for homeowners and renters, including multi-dwelling units.

Upon review of the proposed parking reduction, it is stated in the parking study technical memorandum that the previous development design assumption and models used previously no longer apply and the parking needs have been re-evaluated based on the new development. The study cites the ITE (Institute of Transportation Engineering) Parking Generation Manual, 5th Edition, noting the peak parking demand as 1.31 per dwelling unit for Mid Rise Multifamily Housing Apartments use in General Urban/Suburban and cites the MetroCOG Fargo/West Fargo Parking and Access Study, recommending a parking ratio of between one and two stalls per unit. The Parking and Access Study also notes the national standard of 1.23 per unit for a multi-dwelling household. In calculating parking requirements, residential (about 330 units) and approximately 33,608 square feet of retail (for lack of defined commercial uses currently), the development would require 709 parking spaces and approximately 855 spaces are provided, resulting in an excess of 146 parking spaces to accommodate change in use and any additional parking needs. The City of Fargo Traffic Engineer reviewed the parking study and concurred with the findings.

Staff finds that the proposed zoning changes are consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, Fargo Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

PUD Master Land Use Plan

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan:

1. **The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**

The plan represents an improvement over what could have been accomplished through strict application of the base GC zoning district. The amendment allows for a higher density, mixed use, commercial and residential development pattern, providing flexibility for residential use and density, residential parking requirements, building setbacks and landscaping requirements, while requiring higher standards for building design and materials, screening nuisances, pedestrian connectivity, and restriction of incompatible uses. The development retains vehicular and non-motorized connectivity and circulation, preserving potential connections east at 24th Avenue South, should the City determine there's a future need. Pedestrian connectivity internal to the development is maintained in a new configuration. There are also no accessory detached structures for apartment garages on the property, as parking is internal to all buildings, with the exception of the commercial building on the southwest and surface level parking. **(Criteria Satisfied)**

2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**

All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**

3. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, 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 fronts on existing developed public rights of way, which provide access and public utilities to serve the property, and additional right of way is being dedicated for 24th Avenue South and 26th Avenue South. **(Criteria Satisfied)**

4. The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;

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 PUD is in keeping with Fargo's Comprehensive Plan, including initiatives of *infill*, *design standards*, *quality new development*, and *parking*, as noted previously. The City's Go2030 Comprehensive Plan supports development within areas that are already serviced with utilities. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, 2024 Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

5. The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.

The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing a development that will allow for a variety of uses within an area of the City that already has access to City services. **(Criteria Satisfied)**

Subdivision

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

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

The property is proposed to be zoned GC with an amended PUD. The GC zoning is proposed to remain as the base zoning district for the PUD, while the PUD Overlay is proposed to be modified as part of the zoning application. The Growth Plan identifies the placetype as Mixed Commercial, Office and Residential, which is consistent with the development. **(Criteria Satisfied)**

2. Section 20-0907.4 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.

Due to the new configuration of the cul-de-sacs and vacation of the public access easement, a water utility connection will be provided on private property within a watermain easement, of which the details will be accounted for in the Developer's Agreement. Additionally, there are a number of easement vacations and dedications related to the reconfiguration of circulation and the right of way. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one call of inquiry. **(Criteria Satisfied)**

3. Section 20-0907.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 is working with the Engineering Department for the public infrastructure improvements associated with the project. The funding of these infrastructure improvements will follow the City's Infrastructure Funding Policy. An amenities plan has been drafted that will specify the terms of securing installation of public improvements to serve the subdivision, and has been reviewed by the Public Works Project Evaluation Committee (PWPEC). **(Criteria Satisfied)**

Subdivision Waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac.

This project needs a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac, due to the previously approved reduction in overall right of way width, paving width and boulevard configuration, particularly for 24th Avenue South. Though 26th Avenue does not have a reduced right of way width, the paving width, parking and boulevard configuration are unique.

1. Section 20-0907.D.3.a of the LDC stipulates that a Subdivision Waiver must not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.

Twenty-Fourth (24th) Avenue South and 26th Avenue South will be local streets within a base zoning district of GC. With the previous development, it was intended there would be a public access connection via an easement on the east side of the development connecting 24th and 26th Avenues South. Because development plans have changed, this access is no longer proposed and dedication for cul-de-sacs on both avenues will accommodate necessary circulation. Due to site constraints and the previously approved reduced street right of way, a waiver for reduced minimum turnaround dimensions of a cul-de-sac (a smaller diameter than the LDC requires), and for maximum length of a cul-de-sac (reduced maximum length of the distance from 45th Street South to the end of the turnaround radius) is required. The standards of LDC Section 20-0611.G.3 Grades, Curve Radii and Other Standards between the required and proposed right of way are depicted in the chart below:

STANDARD	LDC	PROPOSED
Minimum Turnaround – Right of Way Diameter	160 feet	116 feet
Minimum Turnaround - Pavement	140 feet	96 feet
Maximum Length of Cul-de-Sac - Permanent	600 feet	Up to 850 feet

The reduction provides necessary circulation while accommodating the development. The City of Fargo Fire Marshal has confirmed that a 96-foot paved turnaround is sufficient to meet fire code. **(Criteria Satisfied)**

2. Section 20-0901.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.

Approval of the subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac, as described above, would allow the applicant's project design for a mixed-use, commercial and residential development while still providing sufficient right of way and connectivity to provide access and circulation, and accounts for the proposal to vacate an existing public access easement circulating the development. The request has been reviewed by the Engineering, Fire, and Public Works departments. The Public Works and Engineering departments have worked with the applicant on agreements that would continue the previously approved maintenance agreement to address public improvements, maintenance, and snow removal. **(Criteria Satisfied)**

3. Section 20-0907.D.3.c of the LDC stipulates that a Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.

Only the street standards requirement of Section 20-0611 of the LDC would be affected by approval of this waiver. The waiver only applies to the subject property as described. **(Criteria Satisfied)**

In summary, there are multiple aspects of this set of entitlements to ratify revisions of the development master plan. Staff supports the collection of applications in order to support the new project master plan. While not as grand as a destination oriented regional attraction, the new project supports aspects that the Go2030 and the Growth Plan envisions - more residential to support the market needs and quality development to support creating long-standing value. This location is centrally located to jobs, commercial with easy interstate access, and is already served by infrastructure.

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: **1) Zoning Change** from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition; **2) PUD, Planned Unit Development Master Land Use Plan Amendment** on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition; **3) Zoning Change** from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD, Planned Unit Development Master Land Use Plan on Lots 1 and 2, Block 1, EOLA Addition; and **4) a Plat** of J & O 45th Street Apartments Addition, including a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac; as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2024 Fargo Growth Plan, Standards of Article 20-06, Section 20-0907.C, Section 20-0907.D.3(a-c), Section 20-0906.F (1-4), and Section 20-0908.B.7(a-e) of the LDC and all other applicable requirements of the LDC."

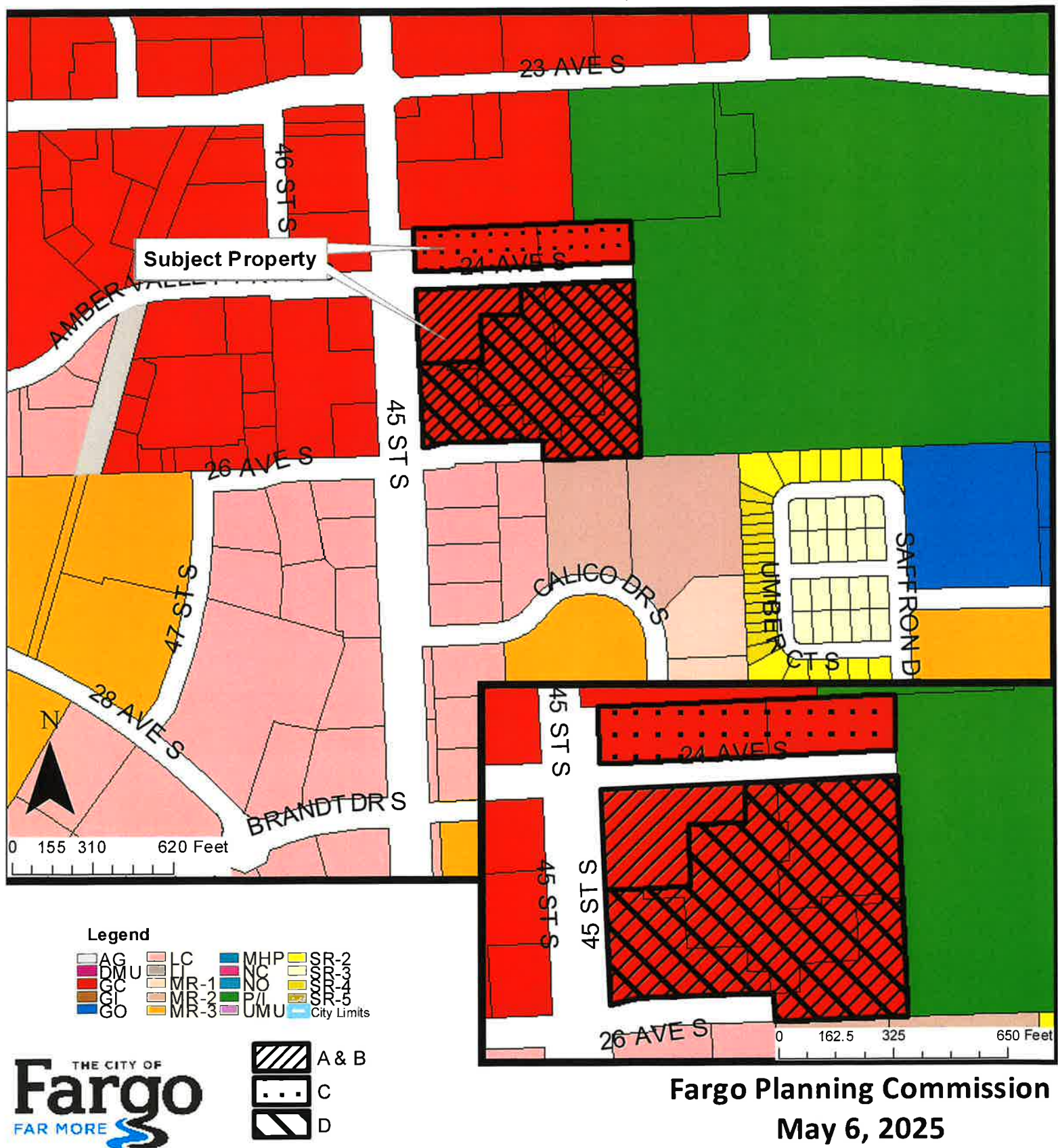
Planning Commission Recommendation: May 6, 2025

At the May 6th, 2025 Planning Commission hearing, that Commission, but a vote of 9-0 with two Commissioners absent, moved to accept the findings and recommendations of staff and moved to recommend approval to the City Commission of the proposed: **1) Zoning Change** from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition; **2) PUD, Planned Unit Development Master Land Use Plan Amendment** on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition; **3) Zoning Change** from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD, Planned Unit Development Master Land Use Plan on Lots 1 and 2, Block 1, EOLA Addition; and **4) a Plat** of J & O 45th Street Apartments Addition, including a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac; as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2024 Fargo Growth Plan, Standards of Article 20-06, Section 20-0907.C, Section 20-0907.D.3(a-c), Section 20-0906.F (1-4), and Section 20-0908.B.7(a-e) of the LDC and all other applicable requirements of the LDC.

Attachments:
1. Zoning Map 2. Location Map 3. PUD Narrative and Chart 4. Amended PUD Master Land Use Plan 5. Current PUD Master Land Use Plan (EOLA) 6. Preliminary Plat 7. Amenities Plan 8. Parking Study Technical Memorandum

Page 10
 A) Zoning Change from GC, General Commercial with a PUD, Planned Unit Development to GC, General Commercial with an amended PUD; (B) PUD Master Land Use Plan Amendment; (C) Zoning Change from GC, General Commercial with a PUD to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD Master Land Use Plan; (D) Major Subdivision and Subdivision Waiver

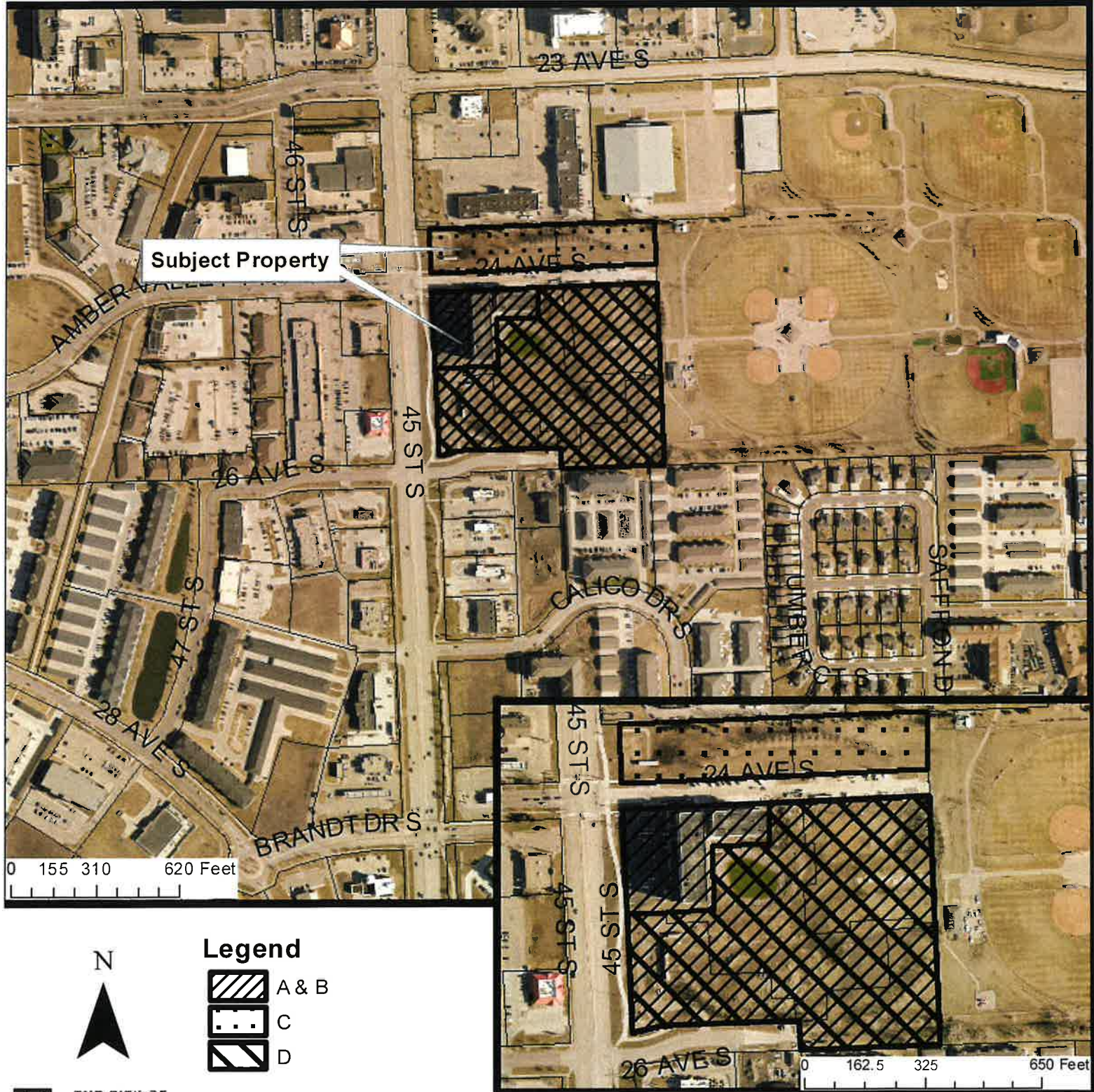
J & O 45th Street Apartments Addition, 4417 and 4477 26th Avenue South; 4410, 4415, 4448, 4470, 4471 and 4474 24th Avenue South
 EOLA Addition and EOLA Second Addition



Page 20
A) Zoning Change from GC, General Commercial with a PUD, Planned Unit Development to GC, General Commercial with an amended PUD; (B) PUD Master Land Use Plan Amendment; (C) Zoning Change from GC, General Commercial with a PUD to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD Master Land Use Plan; (D) Major Subdivision and Subdivision Waiver

**J & O 45th Street Apartments Addition,
 EOLA Addition and EOLA Second Addition**

4417 and 4477 26th Avenue South; 4410, 4415,
 4448, 4470, 4471 and 4474 24th Avenue South



**Fargo Planning Commission
 May 6, 2025**

PUD NARRATIVE

DEVELOPER'S STATEMENT OF INTENT: Market rate residential multifamily complex on existing infill property. 4 story, flat roof, wood framed construction over main floor precast concrete parking garage. Parking garage to be at grade. Unit mix to consist of Efficiency, 1 bedroom, 2 bedroom and 3 bedroom type units. Buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; EIFS (exterior insulation finishing system), glass, metal cladding similar to 'Aluco Bond', 'MAC', 'Pac-Clad', and synthetic panels similar to 'Trespa' and 'Nichiha'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with a wood look may be used. Horizontal lap siding and vertical board & batten shall be allowed on residential structures but shall not exceed 75% of the building elevation for residential. Lot located directly along 45th Street to be used for general commercial with a single level multitenant commercial building.

The PUD will include a site plan for the development that is incorporated here by reference. The PUD will, generally, apply the GC development standards, except as otherwise provided below:

	Current LDC development standards for GC	PUD modifications to GC development standards	NOTES
Allowed Uses	Institutional and Commercial as Listed in the LDC – Office, Parking, Commercial, Recreation and Entertainment, outdoor, Retail sales and service, Self Service Storage, etc	<i>Additional allowed uses within GC to include residential use. Prohibited Uses: Detention Facilities, adult establishment, off premise advertising signs, vehicle repair, industrial service, manufacturing and production, warehouse and freight movement, and aviation/surface transportation.</i>	
Minimum Lot Area	None	<i>No Change</i>	
Minimum Lot Width	None	<i>No Change</i>	
Residential Density	NA	70 du/Acre for Lot 2, Block 1, EOLA Second Addition 40 du/Acre for Lots on J&O 45 th Street Apartments Addition	See Notes

Setbacks	Front: 20' Interior: 5' Street Side: 20' Rear: 15'	Front: 10', Street Side: 10', Rear: 5', Interior: no change	See Notes
Max. Height	None	130 feet – Lot 2, Block 1, EOLA Second Addition 60 feet – J&O 45t Street Apartments Addition	
Building Coverage	85% of lot area	No Change	
Minimum open space	None	20% of overall PUD area	See Notes
Parking- Residential—Multi- dwelling	MR-3 Standards - Efficiency 1.25 stalls per unit 1 Bedroom and Larger 2 stalls per unit. 0.25 stalls per unit guest parking	1.31 Stalls per unit for Lot 2, Block 1 EOLA Second Addition and Lots 1 and 8, Block 1 of J&O 45th Street Apartments Addition 2 Stalls per Unit for remaining Lots on J&O 45 th Street Apartments Addition	See Notes
Parking--Retail	1 space per 250 SF	No Change	See Notes
Landscaping—Street Trees	1 per every 50 feet on arterials; 1 per every 35 feet on locals	No Change	
Landscaping—Open Space	3 plant units per 1,000 SF of area; 8 sf per unit,	Removal of requirement that 70% of plan units located between front and street. Planting Units may be located anywhere in the PUD area and reviewed as a master plan. Individual lots shall not be required to meet planting unit counts. No reduction in overall plant units required.	See Notes

Landscaping— Parking Lot Perimeter	Buffers shall be located between adjacent streets rights of way and off-street parking areas and all vehicular circulation areas within the front or streetside setback per Table 20-0705(D)(3)	<i>Removal of parking lot buffer requirement along 45th Street for Lot 2, Block 1 EOLA Second Addition and Lot 7 and 8, Block 1 of J&O 45th Street Apartments Addition.</i> <i>Removal of parking lot buffer requirement along 24th Avenue for Lot 2, Block 1 EOLA Second Addition</i>	See Notes
Paving Setbacks	Parking lots and vehicular circulation areas shall provide a paving setback per Table 20-0705(D)(4)	<i>No Change</i>	
Residential Protection Standards (RPS)—Setback from abutting side and rear lot line	Development on lots adjacent to side or rear lines of lots in the SR or MR zoning district must meet the setbacks per Table 20-0704(B)(1)	<i>Multi Family Residential Use abutting MR Zoning defaults to PUD setbacks listed.</i>	
RPS—Front Setback	For new multi-family or nonresidential development occurs on lots adjacent to the side lot in any SR or MHP district, see 20-0704(B)(2) for setback requirements.	<i>No Change</i>	
RPS—Visual screening of dumpsters and outdoor storage areas	Required on all dumpsters and storage areas	<i>No Change</i>	
RPS—building height, 75 feet from residential	35 feet max	<i>Multi Family Residential Use abutting MR Zoning max height of 60' applies</i>	See Notes
RPS—building height 76-100 feet from residential	45 feet max	<i>Multi Family Residential Use abutting MR Zoning max height of 60' applies</i>	See Notes
RPS—building height 101--150 feet from residential	55 feet max	<i>Multi Family Residential Use abutting MR Zoning max height of 60' applies</i>	See Notes
RPS-residential protection buffers	At least 10 feet with 1 tree and 20 shrubs per 50 lineal feet	<i>Multi Family Residential Use abutting MR Zoning does not require a buffer</i>	

RPS—operating hours	No garbage or recycling services between 10:00 p.m. and 6:00 a.m.	<i>No Change</i>	
RPS--lighting	No light more than 0.4 footcandles one foot inside SR-zoned lot	<i>No Change</i>	
RPS--odor	See 20-0704(H)— <i>usually not a problem on residential and commercial developments</i>	<i>No Change</i>	

Residential Density Notes:

The increased density of site matches with the Fargo Growth Plan and desire for denser infill developed to utilize existing street and utility infrastructure. The increased density allows for growth of the City without the burden of extending the existing infrastructure or growing the physical footprint of the City as a whole. The existing PUD and existing building on site were developed with a 70 units per acre density. To maintain compliance of the existing building with code the the proposed density is 70 units per acre remains on the existing building parcel. Lots on J&O Plat to be at 40 units per acre density. Increased density complies with the Fargo Growth Plan and overall increased unit density on infill projects.

Max Height Notes:

General Commercial has no max height limits. By adding height limitations to the lots located in the J&O 45 Street Apartment addition it bring the height limit into the same requirements as MR-3 zoning. The proposed multi family apartments building would be similar to other new multi family structures. The 130' max height carries over for the existing structure and the lot it is located on.

Setbacks Notes:

Proposed setback match current PUD on property. Maintaining existing requirements allows for the existing building to maintain compliance with code. Additionally, as the PUD has individual lots with unusual street frontages, the reduced setbacks allowing for increased flexibility in site layout.

Open Space Notes:

General Commercial requires no open space requirements. Stipulation a minimum open space requirement ensures open space will be provided with the proposed residential uses.

Residential Parking Requirement Notes:

Existing PUD and Traffic Study Calls for 1.16 stalls per residential unit and 1 per 230 sf for commercial uses of retail, office, and restaurant. The MetroCOG Fargo/West Fargo Parking & Access Study recommended a parking ratio of between 1 and 2 stalls per unit. The proposed ratio falls within the recommend range. The Institute of Transportation Engineering Parking Generation 5th Edition lists the average peak period parking demand as 1.31 vehicles per dwelling unit for Mid Rise Multifamily Housing Apartments use in General

Urban/Suburban with no nearby rail transit. (Use 221 in the manual). The 1.31 residential rate would apply to the existing building requirements. Additionally the parking requirements for the commercial space are reverting back to the standards required within the LDC.

Residential uses in the J&O 45th Apartment Addition would be proposed at 2 stalls per unit. LDC calls for 2 stall per unit and 0.25 Stalls per apartment. The elimination of the guest parking stall is warranted by the shared parking of the multiple apartment buildings. The reduction in parking places the required parking on the high end of the MetroCOG recommended parking ratio for residential units. The reduction in parking requirements allows for increased density, while still maintaining recommended parking ratios.

Landscaping: Open Space Notes:

The presence of the overhead powerlines along 45th Street severely restrict the Due to the reduced setback requirements placement of 70% of the required plant units within the area will be excessive and create an overly dense planting area.

The current PUD for the area was to be reviewed as a whole relating to total plan units required. The existing developed parcel cannot meet the planting requirements as a stand alone parcel due the site layout and the presence of the overhead power line easements. A master plan for planting shall be developed as part of the site development and overall PUD. Plant units required shall not be reduced overall, but no individual lot shall be required to meet planting units as a standalone lot.

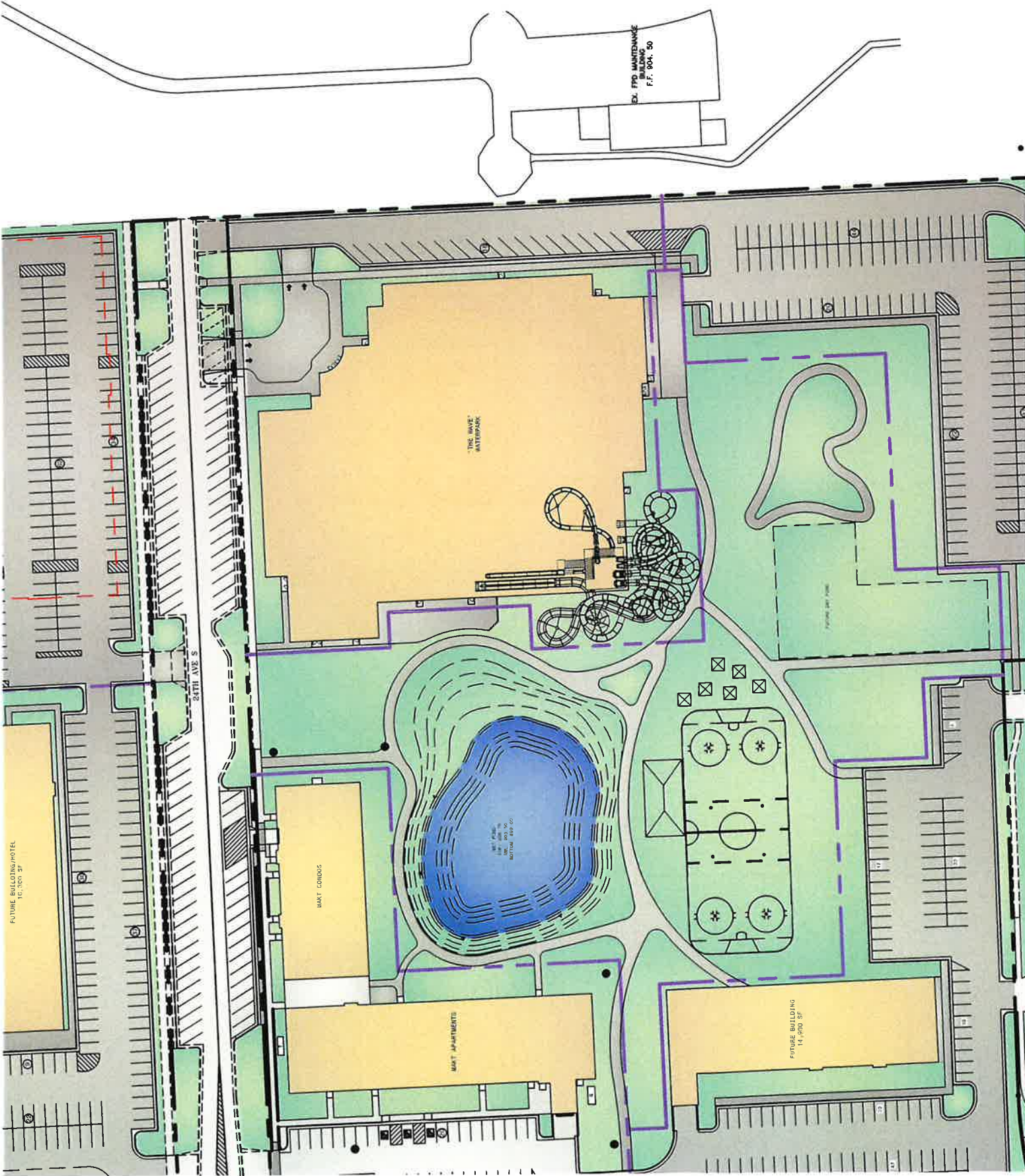
Landscaping: Parking Lot Perimeter:

The MAK^T Building is currently constructed and was previous approved with the removal of the parking lot buffer due to the unique street scape along 24th Avenue and the powerline easements along 45th Street. The parking lot buffer on 45 was removed in lieu of landscaping beds located within the 45th Street right of way. The proposed modifications apply this to the new lots along 45th Street. In areas adjacent to 24th Avenue and 26th Avenue parking lot perimeter buffers would still apply for parking lots located with the front and street side setbacks on the proposed J&O 45th Apartment Addition.

RPS Standard Modifications Notes:

The adjacent properties to the site are generally zoned for the same or more intense uses than on the proposed PUD. At the southeast corner of the PUD are several lots zoned MR-2. On the proposed master plan the adjacent structures would be a multi family use equivalent to an MR-3 zoning/use. Per the LDC no RPS protections are required between MR zoned properties. By modifying the RPS requirements for height and setback with the proposed uses it would be conforming with the standard LDC requirements. The proposed modifications still require protection against any SR zoning adjacent to the PUD.





BLOCK 1

24TH AVE. S

24TH AVENUE SOUTH

BLOCK 1

BLOCK 1

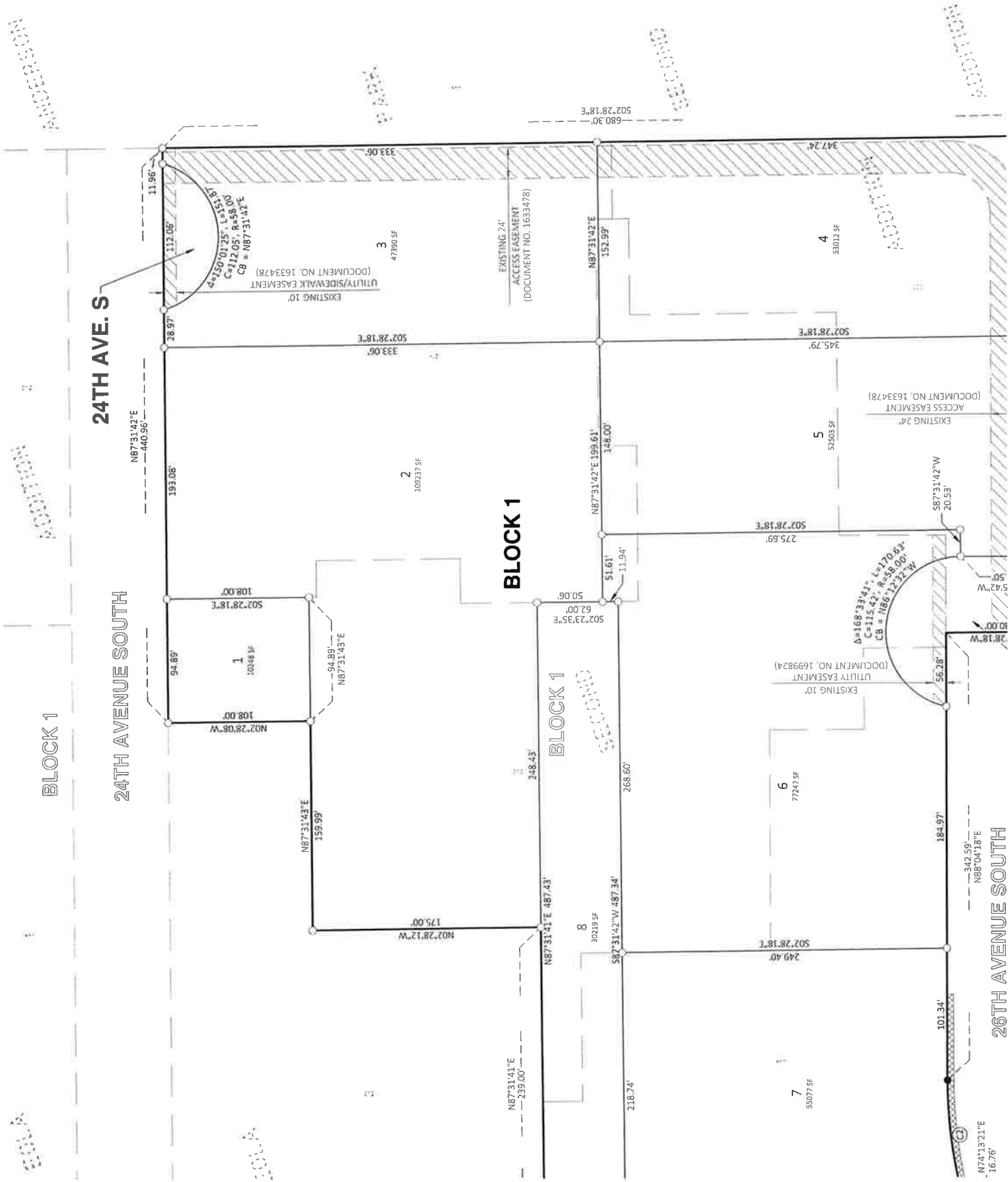
26TH AVENUE SOUTH

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Curve #	Length
C1	16.32
C2	85.81



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Curve #	Length
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C2	85.81

ANDERSON

ADDITION

SECOND

ADDITION

BLOCK 1

24TH AVE. S

24TH AVENUE SOUTH

BLOCK 1

BLOCK 1

26TH AVENUE SOUTH

ADDITION

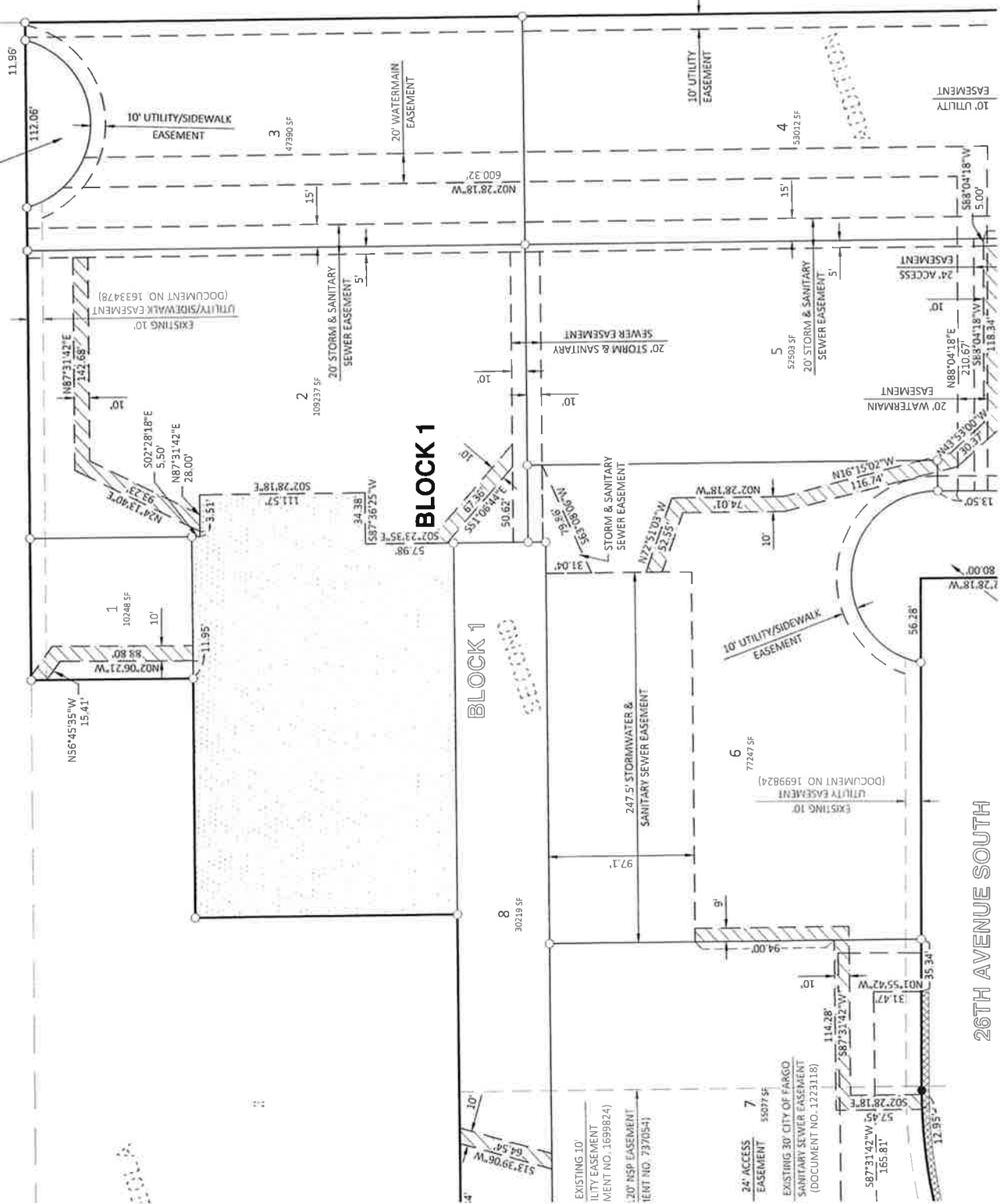
ADDITION

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ADDITION

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surveyed and platted as **J & O 45TH STREET**
Cass County, North Dakota, and do hereby dedicate
easement, utility easements, the streets and avenues
ivate/benefit of the lots the storm sewer easement,
stormwater easement and access easements shown

1

KURT KNOFF
Notary Public
State of North Dakota
My Commission Expires Aug 3, 2026

under the laws of the State of North
and correct representation of the survey of
of future surveys have been located or

or No. 6086



5 before me personally appeared James Wn to me to be the person who is described in
 acknowledged to me that he executed the same

Notary Public:

**Site Amenities and Project Plan
J & O 45th Street Apartments Addition
August 4, 2025**

Location: The subject property is legally referenced to as Lots 1-8, Block 1, J & O 45th Street Apartments Addition to the City of Fargo, Cass County, North Dakota, a replat of Lots 1, 3, 4, and 5, Block 1 of EOLA Second Addition.

Details: The project includes eight (8) General Commercial (GC) zoned lots. As approved, the project is intended to be a master-planned development that will consist of a combination of residential and commercial properties.

Right of Way (ROW): The project accommodates right of way dedications for public roadways and utilities, with specific details outlined below:

24th Avenue South: This segment of roadway as dedicated on the Plat of J & O 45th Street Apartments Addition has been designated as a *mixed use neighborhood* street with street widths and ROW based on §20.06 with General Commercial (GC) Zoning.

- ROW dedication for cul-de-sac shall be 116 feet in diameter, with a paving width of 96 feet in diameter;
- Appropriate signage to be installed by the City of Fargo at which time public improvements are completed;
- Street lighting shall be determined by the City Engineering Department and installed per city standards.
- 6-foot sidewalks shall be incorporated into the boulevards. 4.5 feet is the minimum width required by §20.0611. This sidewalk sits in a dedicated Sidewalk/Utility Easement.

26th Avenue South This segment of roadway as dedicated on the Plat of J & O 45th Street Apartments Addition has been designated as a *mixed use neighborhood* street with street widths and ROW based on §20.06 with General Commercial (GC) Zoning.

- ROW dedication for cul-de-sac shall be 116 feet in diameter, with a paving width of 96 feet in diameter;
- Appropriate signage to be installed by the City of Fargo at which time public improvements are completed;
- Street lighting shall be determined by the City Engineering Department and installed per city standards.
- 4.5-foot sidewalks shall be incorporated into the boulevards required by §20.0611.
- In the future, an 8-foot or 10-foot shared use path may be incorporated on the south side to connect further to the east. Future construction of this shared use path will be coordinated between the Fargo Park District and the Developer. The City of Fargo will have no responsibility for future operation or maintenance of this shared use path.

Miscellaneous

- Developer (J & O Real Estate, LLC) shall be responsible for coordinating the placement of parking signage, street light locations, and trees with the appropriate City of Fargo department. These details shall be determined prior to construction of any public improvements.
- Snow Removal: Per the terms of the Maintenance Agreements executed, or to be executed, by the City and each adjacent lot owner the following shall apply:
 - o City of Fargo will be responsible for plowing of 24th Avenue South and 26th Avenue South driving lanes, including cul-de-sacs. Snow will be plowed to

outer edges of driving lanes and not removed from the right of ways by the City.

- The owner of each lot adjacent to diagonal parking spaces on 24th Avenue South will be responsible for snow plowing the diagonal parking spaces adjacent to their respective lots. Snow shall not be moved into 24th Avenue South driving lanes.
- Any snow removal necessary on 24th Avenue South or 26th Avenue South shall be completed by the owner of each lot adjacent to 24th Avenue South and 26th Avenue South for that portion of 24th Avenue South or 26th Avenue South adjacent to their respective lots.

Storm Water Management: Per the terms of the Maintenance Agreements executed, or to be executed, by the City and each adjacent lot owner the following shall apply:

a) Developer's predecessor constructed a private storm water retention facility on the lot currently known as Lot 2, Block 1, of J & O 45th Street Apartments Addition ("Pond #1"), which services or will service portions J & O 45th Street Apartments Addition and Lot 2, Block 1, of EOLA Second Addition. The owner of Lot 2, Block 1, of J & O 45th Street Apartments Addition will own, operate, and maintain the storm water retention facility. City shall have no ownership rights nor any financial or operational responsibility for this privately-owned storm water retention facility. Pond #1 services or will service the following lots: Lot 2, Block 1, of EOLA Second Addition; and Lot 1, Lot 2, Lot 3, Lot 7, and Lot 8, Block 1, of J & O 45th Street Apartments Addition.

b) Developer shall construct a private storm water retention facility on Lot 6, Block 1, of J & O 45th Street Apartments Addition ("Pond #2") to service portions of J & O 45th Street Apartments Addition. The owner of Lot 6, Block 1, of J & O 45th Street Apartments Addition will own, operate, and maintain the storm water retention facility. City shall have no ownership rights nor any financial or operational responsibility for this privately-owned storm water retention facility. Pond #2 will service the following lots: Lot 4, Lot 5, and Lot 6, Block 1, of J & O 45th Street Apartments Addition.

With respect to Pond #1, that private storm water facility shall be fully expanded once any initial private site improvements are commenced on Lot 1, Lot 2, or Lot 3, Block 1, of J & O 45th Street Apartments Addition. Pond #1 as currently constructed has the capacity to service Lot 7 and Lot 8 once those lots are developed, and as such the construction of private site improvements on Lot 7 and/or Lot 8 will not trigger the full expansion of Pond #1. With respect to Pond #2, the entirety of that private storm water facility shall be constructed concurrently with the initial private site improvements on Lot 4, Lot 5, or Lot 6, Block 1, of J & O 45th Street Apartments Addition.

Developer provided a storm water model (dated 6/19/2025) that demonstrates the storm water facilities as presently designed will meet the current City of Fargo's Policy on Storm Water Discharge and Treatment Requirements for Lots 1-8, Block 1 of J & O 45th Street Apartments Addition and Lot 2, Block 1 of EOLA Second Addition. Developer will be required to confirm the design of the storm water facility is unchanged at the time of initial permitting of any lot within J & O 45th Street Apartments Addition. If changed, a new storm water model shall be provided to demonstrate that the below stated allowable impervious areas for each lot are still applicable.

The private storm water facilities have been designed for the following maximum impervious areas of each lot:

- Lot 1, Block 1 of J & O 45th Street Apartments Addition – 80% impervious area
- Lot 2, Block 1 of J & O 45th Street Apartments Addition – 80% impervious area

- Lot 3, Block 1 of J & O 45th Street Apartments Addition – 80% impervious area
- Lot 4, Block 1 of J & O 45th Street Apartments Addition – 80% impervious area
- Lot 5, Block 1 of J & O 45th Street Apartments Addition – 80% impervious area
- Lot 6, Block 1 of J & O 45th Street Apartments Addition – 85% impervious area
- Lot 7, Block 1 of J & O 45th Street Apartments Addition – 85% impervious area
- Lot 8, Block 1 of J & O 45th Street Apartments Addition – 100% impervious area
- Lot 2, Block 1 of EOLA Second Addition – 76.5% impervious area

Upon development of an individual lot, the property owner will be required to provide documentation with the site plan submission to demonstrate the maximum allowable impervious area is not exceeded for the individual lot. If an individual lot's design exceeds the maximum allowable impervious area then an additional on-site storm water facility will be required within the individual lot.

The property owners of Lots 1-8, Block 1 of J & O 45th Street Apartments Addition and Lot 2, Block 1 of EOLA Second Addition are solely responsible for the operation and maintenance of the private storm water facilities as per the terms of the Maintenance Agreements executed, or to be executed, between the City of Fargo and each respective owner.

Flood Protection: Portions of J & O 45th Street Apartments Addition are located within the existing FEMA Floodplain. It is acknowledged by the Developer that construction of structures shall comply with the City of Fargo Floodproofing Construction Requirements when applicable, including removing all structures from the FEMA Special Flood Hazard Area by a Letter of Map Revision via fill (LOMR-F).

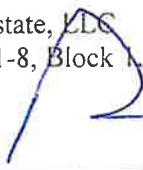
Engineering and Construction Improvements: The Developer shall rely upon and collaborate with the City of Fargo Engineering Department on the design and construction of all public improvements.

Funding of Improvements: The following shall apply respective to assessed public improvements:

- Public improvements shall be assessed to the benefitting properties, pursuant to the City's Infrastructure Funding Policy.

This Amenities Plan is hereby approved.

J & O Real Estate, LLC
Owner: Lots 1-8, Block 1, J & O 45th Street Apartments Addition

By: 
Brent C. Olson, Secretary/Treasurer

9-19-25
date


Tom Knakmuhs, City Engineer

11/5/2025
date

Technical Memorandum

To: Mark Williams
City of Fargo

From: Brian T. Pattengale
Houston Engineering, Inc.

Subject: J&O 45th Street Addition

Date: April 23, 2025

Project: 7824-0071



INTRODUCTION

This Technical Memorandum is a review of the parking demand for the proposed Planned Unit Development (PUD) located at 4474 24th Avenue south. The proposed PUD contains the existing MAKT Mixed used building, five 42-unit multifamily residential apartment buildings with first level parking, and one single story commercial space. The proposed master plan of the proposed PUD is attached.

The site is currently covered by a PUD with various requirements and accommodations including parking reductions for the existing MAKT Building. The parking reductions for the current PUD were based on the concept of captive market, shared parking, and designing parking requirements for the 85th Percentile peak hour parking demand, in lieu of the absolute peak parking demand. As the proposed development the traffic study was based on is no longer being constructed the design assumption and models used in the traffic study no longer apply. As such new parking ratios are being proposed with the updated PUD to accommodate the existing building and the proposed development.

City of Fargo Parking Requirements

City of Fargo Land development code (LDC) requires 1.25 parking stalls per efficiency unit and 2.00 stalls per one bedroom and larger units. Additionally, it requires 0.25 guest parking stalls per unit for structures that contain 7 or more units. The commercial/retail space parking requirements are based on end use and vary, but for general retail sales and service a parking ratio of 1 stall per 250 sq. ft. is listed in the code. The current PUD has parking requirements of 1.16 Parking Stalls Per Unit and 1 Parking Stall per 230 ft² of commercial space for all commercial uses. The parking requirement for the residential units represents a significant reduction from the LDC requirements. The current requirements for commercial are mixed as it represents an increase in parking for some uses and a decrease in parking for other uses.

PARKING DEMAND ESTIMATES

With the updated masterplan and proposed PUD the parking needs of the site have been reevaluated. The existing MAK T Building and the remainder of the site are different uses and as such different parking requirements are being proposed for the site. The existing MAK T Building is a seven story building with commercial space on the first level and a combination of rental units and condo units in the upper stories. The building contains 120 residential units and 22,078 ft² of commercial space. The Institute of Transportation Engineering Parking Generation 5th Edition lists the average peak period parking demand as 1.31 vehicles per dwelling unit for Mid Rise Multifamily Housing Apartments use in General Urban/Suburban with no nearby rail transit. (Use 221 in the manual). This use corresponds with the existing MAK T Building residential units. The MetroCOG Fargo/West Fargo Parking & Access Study recommended a parking ratio of between 1 and 2 stalls per unit. The ITE 1.31 stalls per unit ratio falls within this recommended study. The commercial space located within the MAK T building would return to the standard parking ratios listed in the LDC. As the commercial space use can be highly variable and parking requirements/demand will vary on the specific tenant of the space a determination if a parking reduction is needed cannot be determined at this time. Returning to the parking ratios required in the LDC ensures that adequate parking will be provided as the commercial space is filled.

Residential uses in the J&O 45th Apartment Addition would be proposed at 2 stalls per unit. LDC calls for 2 stall per unit and 0.25 Stalls per apartment. The elimination of the guest parking stall is warranted by the shared parking of the multiple apartment buildings. The reduction in parking places the required parking at the high end of the MetroCOG recommended parking ratio for residential units. The reduction in parking requirements allows for increased density, while still maintaining recommended parking ratios and adequate parking for the proposed uses.

The final proposed parking ratios for residential units are 1.31 parking stalls per unit for Lot 2, Block 1 EOLA Second Addition, and Lots 1 and 8, Block 1 of J&O 45th Street Apartments Addition and 2 parking stalls per Unit for remaining Lots on J&O 45th Street Apartments Addition. All commercial space would revert back to the standard parking ratios in the Land Development Code.

The proposed commercial building located on Lot 7, Block 1 of J&O 45th Street Apartment Addition, is a single story commercial space approximately 10,000 ft² in size. No modifications for commercial space are proposed for the J&O 45th Street Apartments Addition. All commercial uses would follow the parking ratios as laid out in the LDC.

CONCLUSION

The proposed parking ratios 1.31 parking stalls per unit for Lot 2, Block 1 EOLA Second Addition and Lots 1 and 8, Block 1 of J&O 45th Street Apartments Addition and 2 parking stalls per Unit for remaining Lots on J&O 45th Street Apartments Addition with commercial space parking requirements meeting the LDC requirements based on use provide adequate parking demands for the project. The revised parking ratios for the updated PUD and masterplan are a significant increase in the parking requirements for the PUD from the current requirements. Based on the provided information the proposed parking ratios will provide adequate parking for the development and can be used in place of the City of Fargo Land Development Code requirements.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

33d

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN EOLA SECOND ADDITION
AND J & O 45TH STREET APARTMENTS 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 EOLA Second Addition and the proposed J & O 45th Street Apartments Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on May 6, 2025; and,

WHEREAS, the rezoning changes were approved by the City Commission on November 10, 2025,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot Two (2), Block One (1) of EOLA Second Addition to the City of Fargo, Cass County, North Dakota;

AND

Lots One (1) through Eight (8), Block One (1) of J & O 45th Street Apartments Addition to the City of Fargo, Cass County, North Dakota;

that is currently zoned "GC", General Commercial, District, with a "PUD", Planned Unit Development Overlay, District, as established by Fargo Municipal Ordinance No. 5404, will hereby retain the base zoning of "GC", General Commercial, District, repealing and replacing the "PUD", Planned Unit Development Overlay, District, as follows:

Allowed Uses.

In addition to the uses allowed within the "GC", General Commercial zoning district, residential use shall also be allowed.

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Residential Density.

On Lot Two (2), Block One (1), EOLA Second Addition and Lots One (1) through Eight (8), Block One (1), J & O 45th Street Apartments Addition, the maximum residential density allowed shall be seventy (70) units per acre.

On Lots Two (2) through Seven (7), Block One (1), J & O 45th Street Apartments Addition, the maximum residential density allowed shall be forty (40) units per acre.

Parking.

The following parking requirements are as follows:

On Lot Two (2), Block One (1), EOLA Second Addition and Lots One (1) and Eight (8), Block One (1), J & O 45th Street Apartments Addition, 1.31 parking spaces per residential unit;

On Lots Two (2) through Seven (7), Block One (1), J & O 45th Street Apartments Addition, 2 parking spaces per residential unit.

Parking can be located anywhere in the development; and
All other parking requirements shall be governed by the Land Development Code.

Setbacks.

A reduction to 10 feet on the front and side street setbacks, and reduction to 5 feet on the rear setback.

Landscaping.

The parking lot buffer requirement shall be waived along 45th Street South and along 24th Avenue South on Lot Two (2), Block One (1), EOLA Second Addition.
Open space plant units placed in the front and street side shall be reduced to 25%.
Open space plant units may be located collectively within the development.

At the final phase of development, all required open space plant units will be verified. Landscaping will increase with review of phased PUD Final Plans. Landscape plans will be submitted with each Final Plan for internal review.

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Height.

On Lot Two (2), Block One (1), EOLA Second Addition and Lots One (1) and Eight (8), Block One (1), J & O 45th Street Apartments Addition, the maximum building height shall be 130 feet.

On Lots Two (2) through Seven (7), Block One (1), J & O 45th Street Apartments Addition, the maximum building height for residential buildings within proximity of residentially zoned property shall be sixty (60) feet.

Open Space.

The development shall have a minimum of 20% open space.

Residential Protection Standards.

No residential protection standards apply to the development.

Additional Standards.

All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; or glass. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.

Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.

All building façades greater than 150 feet in length, measured horizontally, shall incorporate a varied material palette. The varied material palette shall be configured whereas the primary material and color shall not exceed 50% of the building façade, the secondary material and color shall not exceed 30% of the building façade, tertiary material and color shall not exceed 20% of the building façade, and any other materials and/or colors shall not exceed the percentage of the tertiary material. Material square footage shall be inclusive of all glazing and door openings as well as deck projections.

Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 50% of their horizontal length. If

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

the façade facing the street is not the front it shall include the same features and/or landscaping in scale with the façade.

Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall.

Loading facilities to be located at the side of structures when possible. All loading and service areas will be clearly signed to specify location. Trash compactors, trash chutes and roll-off trash will not need screening if located within the interior of the building. Loading and service area doors will be architecturally compatible with the materials and colors of the building.

Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.

Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance(s) to each commercial building, including pad site buildings.

- Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.

- Parking areas or structures that serve each primary building.

- Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.

- Any public sidewalk system along the perimeter streets adjacent to the development.

- Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, parks, retail shopping centers, and office buildings.

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ORDINANCE NO. _____

The following uses are prohibited:

1 Detention facilities;
2 Adult Establishment;
3 Off-premise advertising signs;
4 Portable signs;
5 Vehicle repair;
6 Industrial service;
7 Manufacturing and production;
8 Warehouse and freight movement; and
9 Aviation/surface transportation.

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

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

11
12
13 (SEAL)

Timothy J. Mahoney, M.D., Mayor

14 Attest:

15
16
17 _____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

33e

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN EOLA 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 EOLA Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on May 6, 2025; and,

WHEREAS, the rezoning changes were approved by the City Commission on November 10, 2025,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots One (1) and Two (2), Block One (1) of EOLA Addition to the City of Fargo, Cass County, North Dakota;

that is currently zoned "GC", General Commercial, District, with a "PUD", Planned Unit Development Overlay, District, as established by Fargo Municipal Ordinance No. 5403, will hereby retain the base zoning of "GC", General Commercial, District, repealing and replacing the "PUD", Planned Unit Development Overlay, District, with a "C-O", Conditional Overlay, District as follows:

1. Description: This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding development within the described property.
 - a. All buildings shall have architectural interest and variety through the use of articulated façades to avoid the effect of a single, long or massive wall.
 - b. Four sided design – all building facades shall be designed with a similar level of design detail, respective to building massing and building materials.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

2. All primary buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; EIFS (exterior insulation finishing system), glass, metal-cladding similar to 'Aluco Bond', 'MAC', 'Pac-Clad', and synthetic panels similar to 'Trespa' and 'Nichiha'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with a wood look may be used. Horizontal lap siding and vertical board & batten shall be allowed on residential structures but shall not exceed 75% of the building elevation for residential.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated facade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.
5. Ground floor façades that front public right-of-way shall have arcades, windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length for commercial and 30 percent of their horizontal length for residential. If the façade facing the street is not the front, it shall include the same features and/or landscaping in scale with the façade.
6. The total building footprint for all multi-dwelling accessory buildings shall be a maximum of 45 percent of the primary building coverage.
7. No multi-dwelling accessory structures shall be allowed between the primary structure and the front or street side property line or in the front of the building.
8. Individual multi-dwelling accessory structures shall have a maximum length of 140 feet.
9. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other structures. All ground level HVAC units and utility boxes shall be screened from view by a structure, wall, fence, or landscaping.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

10. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.
11. Separate vehicular and pedestrian circulation systems shall be provided. An onsite system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
- a. The primary entrance or entrances to each commercial building, including pad site buildings.
 - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
 - c. Parking areas or structures that serve such primary buildings.
 - d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
 - e. Any public sidewalk system along the perimeter streets adjacent to the commercial development.
 - f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
12. A minimum of 5% of the internal surface area of the parking lot shall be landscaped with plantings. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.
13. Definitions:
- a. Façade: Any exterior side of a building as viewed from a single direction, typically perpendicular to the exterior side of the building being viewed.
 - b. Depth: A horizontal distance perpendicular to a building façade.
 - c. Elevation: A horizontal orthographic projection of a building onto a vertical plane, parallel to one side of the building.
 - d. Landscaped: To make an area of land more attractive by adding plants.
14. The following uses are prohibited:
- a. Detention Facilities

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

- b. Adult Establishments
- c. Off-premise advertising signs
- d. Portable signs
- e. Vehicle repair
- f. Industrial service
- g. Manufacturing and production
- h. Warehouse and freight movement; and
- i. Aviation/surface transportation

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

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

Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:



City of Fargo Staff Report			
Title:	19 th Avenue Storage Addition	Date: Update:	8/27/2025 11/5/2025
Location:	1101 19 th Avenue North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 7, Block 4, Airport 1st Addition		
Owner(s)/Applicant:	Bullinger Enterprises., LLLP / Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Major Subdivision (Plat of 19th Avenue Storage Addition , a replat Lot 7, Block 4, Airport 1st Addition to the City of Fargo, Cass County, North Dakota)		
Status:	City Commission Public Hearing: November 10 th , 2025		

Existing	Proposed
Land Use: Vacant commercial building	Land Use: Warehouse
Zoning: LI, Limited Industrial	Zoning: No change
Uses Allowed: LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and certain telecommunications facilities.	Uses Allowed: No change
Maximum Building Coverage: 85%	Maximum Building Coverage: No change
Proposal:	
The applicant requests one entitlement: 1. A major subdivision, entitled 19th Avenue Storage Addition, a replat Lot 7, Block 4, Airport 1st Addition to the City of Fargo, Cass County, North Dakota 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. Surrounding Land Uses and Zoning Districts: • North: LI, with mini-storage • East: SR-2, Single Dwelling Residential, with detached residences • South: (across 19th Avenue North) LC, Limited Commercial with commercial uses • West: LC, Limited Commercial with commercial uses	
Area Plans:	
Fargo Growth Plan 2024 designates the subject property as the "Mixed Commercial, Office, and Residential" place type. Primary uses within that place type include commercial/retail, distribution warehousing, wholesaling, office, and flex buildings, with secondary uses of flex warehouse and multi-family residential. The zoning designation is LI, Limited Industrial. As noted above, the uses allowed in	

the LI zone include most of the uses found in the "Mixed Commercial, Office, and Residential" place type, with the exception of residential uses. The planned use of warehousing is consistent with the place type and zoning designations.

Context:

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

Neighborhood: The subject property is located within Northport neighborhood.

Parks: Yunker Farm is located approximately 0.45 miles north of the project site and provides playgrounds for ages 5-12, picnic table, and dog park.

Pedestrian / Bicycle: There is an on-road bike facility along the north side of 19th Avenue North that is a component of the metro area bikeways system.

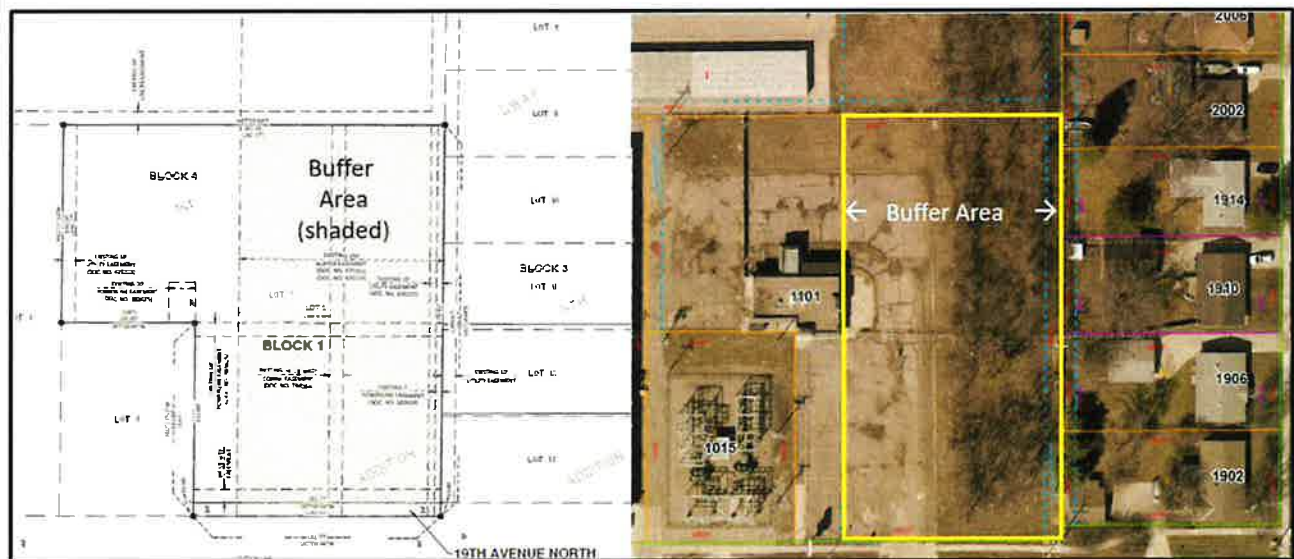
MATBUS: MATBUS Route 13, which serves north Fargo and NDSU, has a stop at 19th Avenue and University Drive North, approximately 0.16 mile from the subject property

Staff Analysis:

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.

MAJOR SUBDIVISION

The intent of the replat of this lot is to remove the 150-foot buffer from the plat. This buffer was established by the Airport 1st Addition covenants in 1969. In February, 2025, the Planning Commission approved a modification of covenants to eliminate this buffer on the subject property only. The applicant must replat the property to remove the buffer. This change in the buffer applies only to the subject property.



This plat is a major plat as the City's Engineering department determined a 10-foot dedication of right of way for 19th Avenue North would be required on this plat, to make a consistent right of way line with the adjacent properties to the east. The boundaries of the existing lot will otherwise remain the same.

ACCESS

The project site will be able to take access from 19th Avenue North.

(continued on next page)

Subdivision

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

1. Section 20-0907.C.1 (Development Review Procedures—Subdivisions—Major Subdivisions) 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 Fargo Growth Plan 2024 designates the subject property as “Mixed Residential, Commercial, and Office” place type. Primary uses in this place type include commercial/retail, distribution, warehousing, wholesaling, offices, flex buildings. The subject property is zoned LI, Limited Industrial. Uses allowed in this zone include office uses, retail sales and service, wholesale sales, and warehousing and freight movement. This zoning is consistent with the that the Fargo Growth Plan 2024 designation. No zone change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. **(Criteria Satisfied)**

2. Section 20-0907.B.4 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 subject property is zoned LI, Limited Industrial, which is consistent with the Mixed Residential, Commercial, and Office place type designated for this property in the Fargo Growth Plan 2024. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

3. Section 20-0907.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.

Any public improvements associated with the project (whether rehabilitation of existing infrastructure or new proposed improvements) will be funded in accordance with the City’s Infrastructure Funding Policy, which may include the use of special assessments. City staff has worked with the applicant to develop an amenities plan to define certain aspects of the development. This amenities plan has been reviewed by the Public Works Project Evaluation Committee (PWPEC). **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: To accept the findings and recommendations of the Planning Commission and staff and move to approve the proposed subdivision plat, **19th Avenue Storage Addition**, as presented, as the proposal complies with the Fargo Growth Plan 2024, Standards of Article 20-06, Section 20-0907 of the LDC, and all other applicable requirements of the LDC.

Planning Commission Recommendation: September 4th, 2025

At the September 4th, 2025 Planning Commission hearing, that Commission, by a vote of 7-0 with four Commissioners absent, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed subdivision plat, **19th Avenue Storage Addition**, as presented, as the proposal complies with the Fargo Growth Plan 2024, Standards of Article 20-06, Section 20-0907 of the LDC, and all other applicable requirements of the LDC.

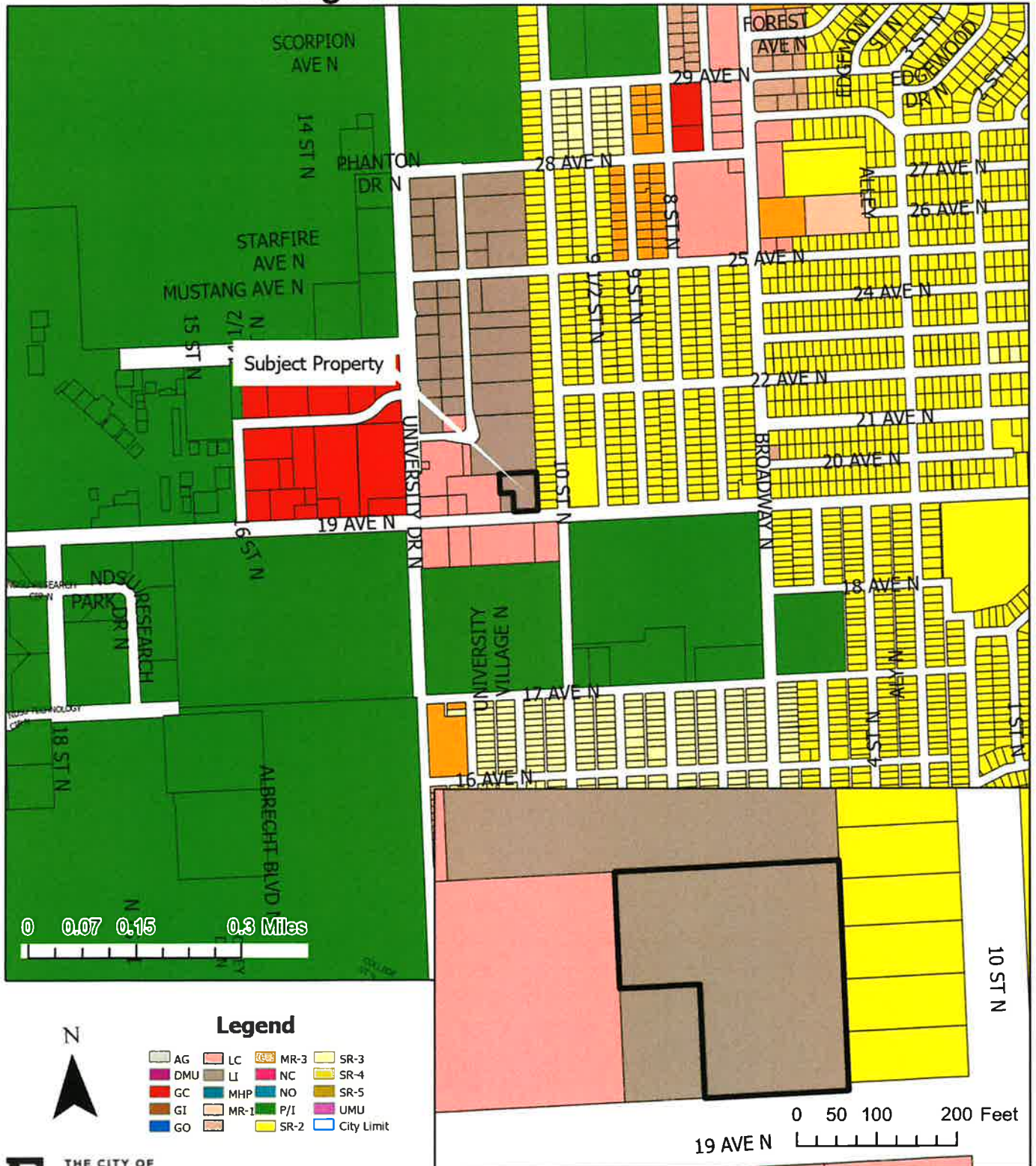
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat

Major subdivision

19th Avenue Storage Addition

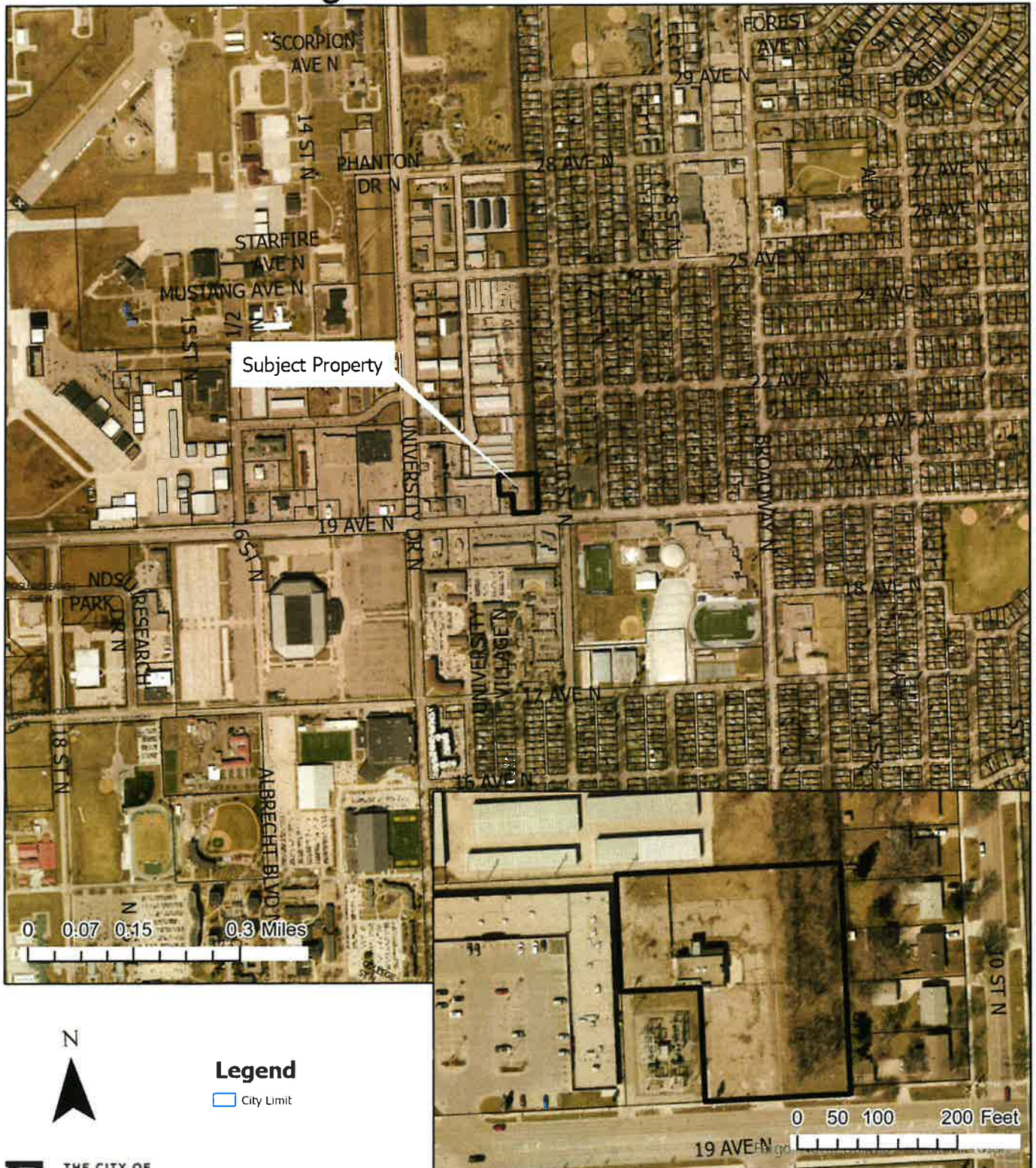
1101 19th Avenue North



Major subdivision

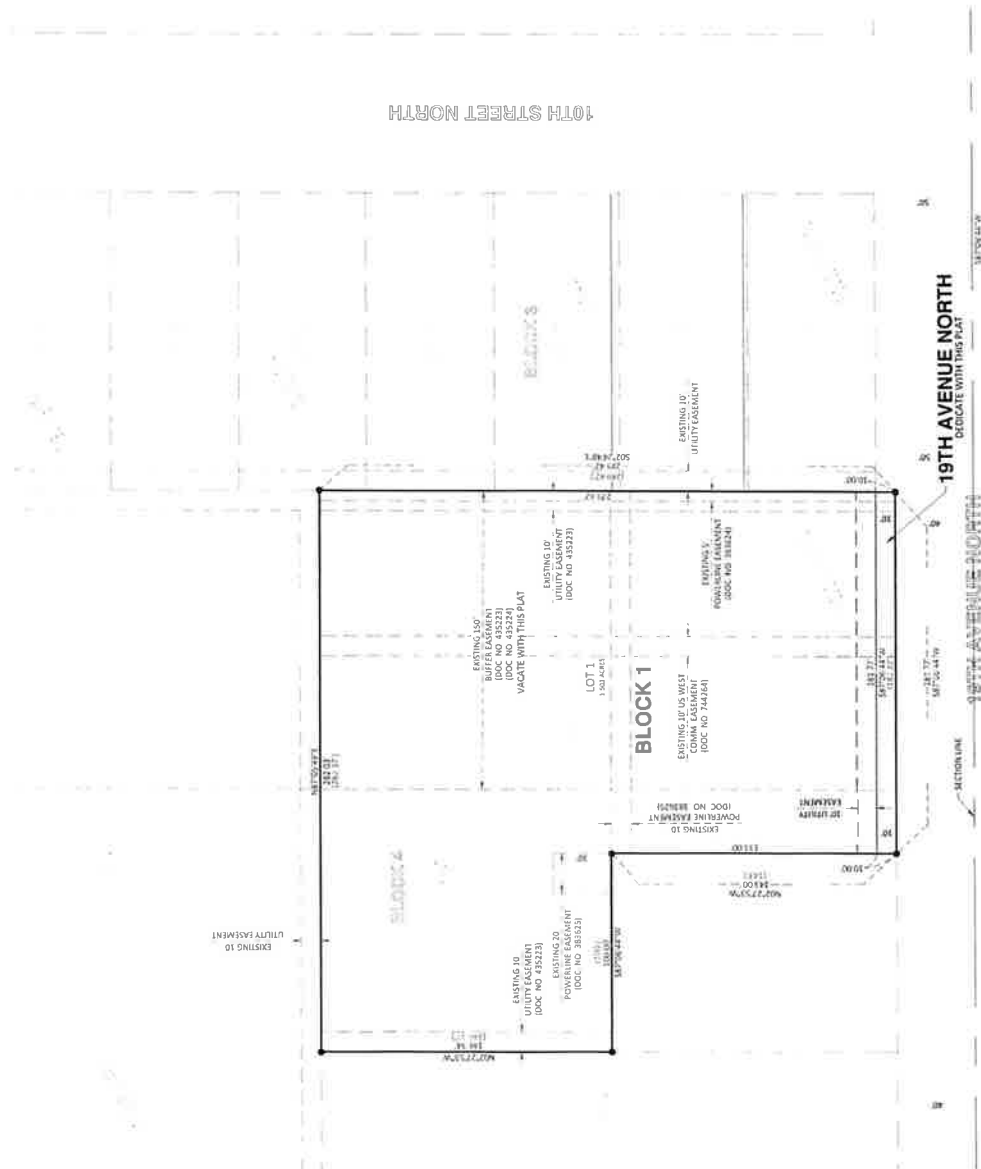
19th Avenue Storage Addition

1101 19th Avenue North



19TH AVENUE STORAGE ADDITION

A MAJOR SUBDIVISION
BEING A REPLAT OF LOT 7, BLOCK 4, AIRPORT 1st ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND

- IRON MONUMENT FOUND
- 1/2" I.D. PIPE SET
- MEASURED BEARING
- MEASURED DISTANCE
- PLAT BOUNDARY
- NEW LOT LINE
- NEW LOT LINE EASEMENT
- EXISTING LOT LINE
- EXISTING UTILITY EASEMENT
- EXISTING BUFFER EASEMENT TO BE VACATED WITH THIS PLAT

BEARINGS SHOWN ARE BASED ON THE
NAD 83 DATUM, UTM PROJECTION
SYSTEM, DECEMBER 1982.

19TH AVENUE STORAGE ADDITION

A MAJOR SUBDIVISION BEING A REPLAT OF LOT 7, BLOCK 4, AIRPORT 1st ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, That Bullinger Enterprises, L.L.P., a North Dakota limited liability partnership, is the owner and proprietor of the following described tract of land:

Lot 7, Block 4, Airport 1st Addition to the City of Fargo, Cass County, North Dakota

Said tract contains 1.544 acres, more or less.

And that said party does hereby agree to vacate the buffer easement as depicted herein; has caused the said described tract to be surveyed and replatted as 19TH AVENUE STORAGE ADDITION to the City of Fargo, Cass County, North Dakota and has hereby dedicated to the public, for public use, the aforesaid and fully described as shown on the plat.

OWNER:

Bullinger Enterprises, L.L.P., a North Dakota limited liability partnership

Michael J. Bullinger
General Partner

State of North Dakota) ss
County of Cass)

On this 28th day of August, 2025, before me, a notary public within and for said county and state, personally appeared Michael J. Bullinger, General Partner of a limited liability partnership known as Bullinger Enterprises, L.L.P., known to me to be the person who executed the foregoing instrument and acknowledged that he executed same on behalf of said limited liability partnership.

Notary Public: *[Signature]*



SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Curtis A. Sharpshod, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that I am duly qualified and licensed to perform the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated the 28th day of August, 2025.

Curtis A. Sharpshod
Curtis A. Sharpshod, Professional Land Surveyor No. 4723

State of North Dakota) ss
County of Cass)

On this 28th day of August, 2025, before me personally appeared Curtis A. Sharpshod, Professional Land Surveyor No. 4723, known to me to be the person who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: *[Signature]*



CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this _____ day of _____, 20____.

Tom Krakumita, PE, City Engineer

State of North Dakota) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Tom Krakumita, PE, Fargo City Engineer, known to me to be the person who is described in and to the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission this _____ day of _____, 20____.

[Signature]
Marlene H. Hase, Chair
Fargo Planning Commission

State of North Dakota) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Marlene H. Hase, Chair of the Fargo Planning Commission, known to me to be the person who executed the within instrument and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public: *[Signature]*



FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____.

Timothy J. Mahoney, Mayor

State of North Dakota) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Timothy J. Mahoney, Mayor of the City of Fargo, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public: _____



City Administration
225 4th Street North
Fargo, ND 58102

MEMORANDUM

TO: Fargo City Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research 

DATE: November 6, 2025

SUBJECT: Annexation of Property – Portion of Section 3 in Reed Township

The City Commission passed a resolution of annexation of property in Section 3 of Reed Township. The resolution is attached.

The resolution scheduled a hearing to determine the sufficiency of any written protests against the annexation. The owner of the property has filed a written protest. The protest letter is attached.

In addition, the City of Harwood is protesting the annexation because it appears to be in their extraterritorial zoning jurisdiction. I have attached correspondence from Harwood and letters that Mayor Mahaney sent to Harwood requesting a meeting to discuss the proposed annexation.

The City of Fargo may either stop the annexation or submit the matter to a committee for mediation as provided in Section 40-51.2-07.1.

Recommended Motion

Submit the matter to a committee for mediation as provided in section 40-51.2-07.1.

RESOLUTION OF ANNEXATION

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, with about one hundred thirty thousand (130,000) inhabitants; and

WHEREAS, there is contiguous and adjacent to the City of Fargo, a tract or parcel of land hereinafter specifically described, containing approximately 303.23 acres, more or less, which tract or parcel of land is not presently a part of the City of Fargo;

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that the boundaries of the City of Fargo be, and they hereby are, extended so as to include and incorporate within the corporate limits of the City of Fargo, Cass County, North Dakota, the following described land:

The West Half (W ½) of Section 3, Township One Hundred Forty (140) North, Range Forty-nine (49) West of the 5th Principal Meridian;

Containing 303.23 acres, more or less.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for the City of Fargo once each week for two successive weeks, and a hearing be held on the 10th day of November, 2025, at 5:15 p.m., in the City Commission Room, City Hall, Fargo, North Dakota.

C E R T I F I C A T E

STATE OF NORTH DAKOTA)
)ss.
COUNTY OF CASS)

I, Dr. Tim Mahoney, the duly elected, qualified and acting Mayor of the City of Fargo, North Dakota; and

I, Steven Sprague, the duly appointed, qualified, and acting City Auditor of the City of Fargo, North Dakota,

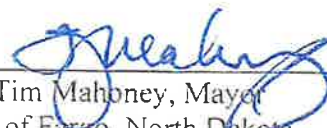
DO HEREBY CERTIFY:

That the foregoing is a full, true, and correct copy of the original Resolution and the whole thereof annexing a tract of land consisting of approximately 303.23 acres, which Resolution was duly adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held July 31, 2025, at which meeting Commissioners Piepkorn, Kolpack, Strand, Turnberg and Mahoney were present in person, Commissioner none was absent, and Commissioners Piepkorn, Kolpack, Strand, Turnberg and Mahoney voted in favor of the adoption of the Resolution and Commissioner none voted against the adoption of the Resolution; and which Resolution was duly ratified and adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held August 4, 2025, at which meeting Commissioners Piepkorn, Turnberg, Kolpack, Strand and Mahoney were present in person, Commissioner none was absent, and Commissioners Piepkorn, Turnberg, Kolpack, Strand and Mahoney voted in favor of the adoption of the Resolution and Commissioner none voted against the adoption of the Resolution.

That such Resolution is now a part of the permanent records of the City of Fargo, as filed in the office of the City Auditor.

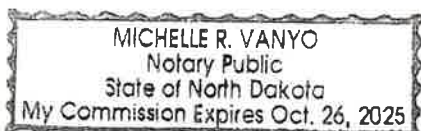


Steven Sprague, City Auditor



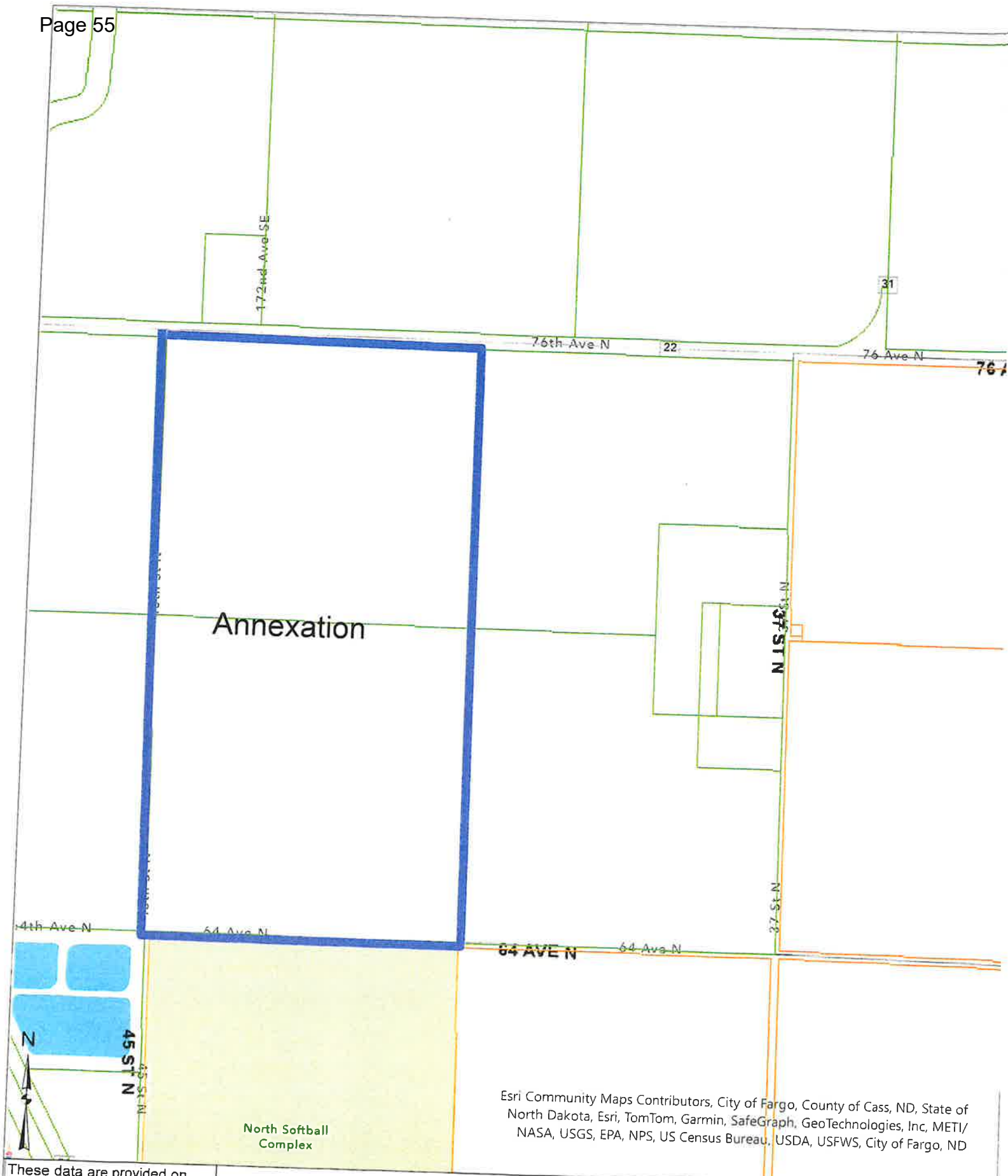
Dr. Tim Mahoney, Mayor
City of Fargo, North Dakota

On this 4 day of August, 2025, before me, Michelle R Vanyo, a Notary Public in and for Cass County in the State of North Dakota, personally appeared DR. TIM MAHONEY, known to me to be the Mayor of the Board of City Commissioners and STEVEN SPRAGUE, known to me to be the City Auditor of the City of Fargo, a municipal corporation under the laws of the State of North Dakota, and they acknowledged to me that they executed the foregoing instrument.





Notary Public



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Section 3 - West

1:18,056

8/6/2025 2:18 PM

1.18.056 8/6/2025 2:18 PM

THE CITY OF
Fargo
FAR MORE 



APPLIED DIGITAL

3811 Turtle Creek Blvd, Suite 2100, Dallas, TX 75219 – Phone (214)-427-1704

September 12, 2025

City of Fargo City Auditor
Attn. Jim Gilmour
225 4th Street North
Fargo, ND 58102

Re: Notice of Annexation

Dear Mr. Gilmour:

This protest is in response to the Resolution of Annexation for the West Half of Section 3, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota.

Please consider this to be a formal protest of the annexation by resolution under North Dakota Century Code Chapter 40-51.2. As owners of one hundred percent of the territory proposed to be annexed are protesting with this letter and the City of Harwood, who has exercised their extra-territorial jurisdiction in this location does not consent either, we hope the City of Fargo will stop its pursuit of the annexation. If Fargo will not, then we will await information regarding the mediator appointed by Governor Armstrong.

If you have any questions, please contact our office.

Sincerely,

Mark Chavez

General Counsel/Chief Compliance Officer



108 Main Street, PO Box 65
Harwood, ND 58042
701-281-0314 (office)
auditor@cityofharwood.com

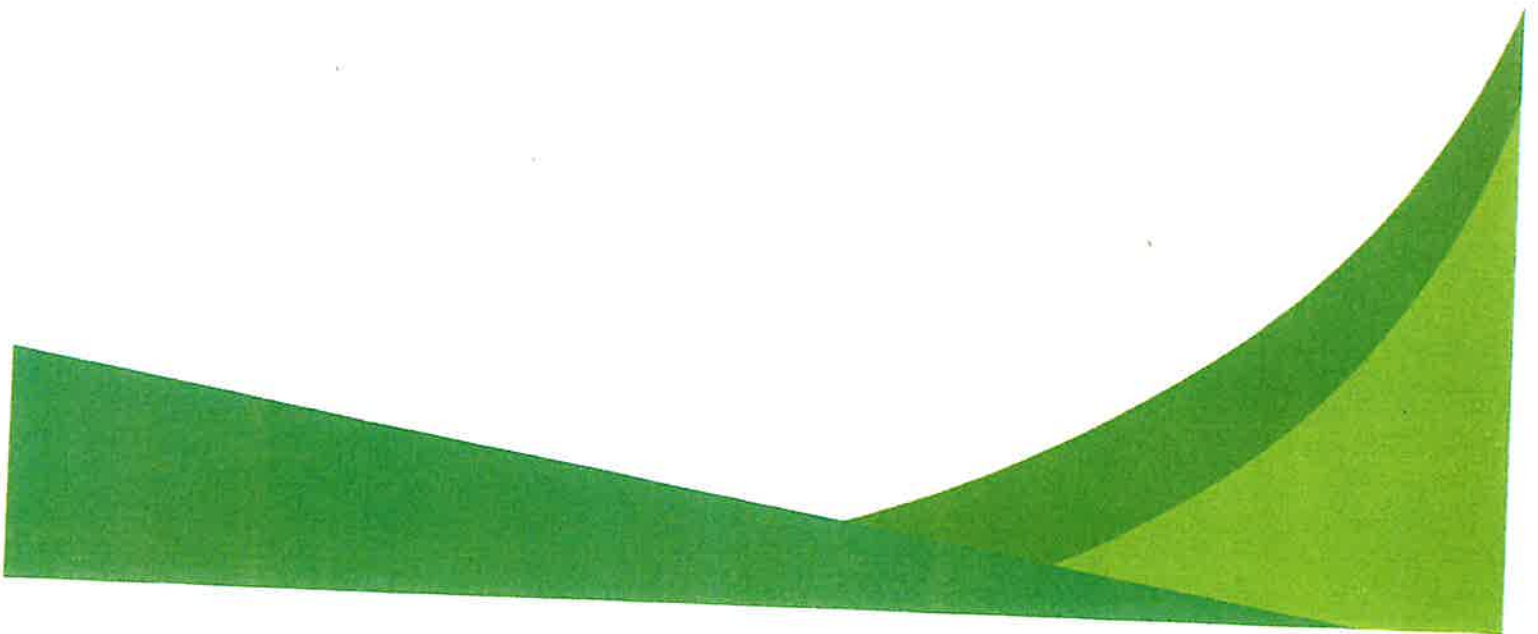
October 8th, 2025

This letter is to advise the City of Fargo that the City of Harwood does NOT consent to any annexation by the City of Fargo of property located within the extra-territorial zoning jurisdiction of the City of Harwood, as outlined in the City of Fargo's Resolution of Annexation dated August 4, 2025.

This letter further advises that the City of Harwood will not permit the de-annexation, disconnection, or exclusion of property located within the City of Harwood's city limits, as requested by the petition provided by the City of Fargo, dated August 4, 2025.

Sincerely,

Blake Hankey, 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

October 13, 2025

Mayor Blake Hankey
City of Harwood
bhankey@cityofharwood.com

RE: Request for a Meeting Regarding the Applied Digital Data Center

Dear Mayor Hankey,

I am writing to request a meeting with you to discuss and collaboratively address the issues arising from the construction of the Applied Digital data center and its impacts on both Fargo and Harwood. I have found our previous conversations to be productive, and I continue to believe that face-to-face dialogue is the most effective and efficient way to identify solutions that serve both of our communities.

Fargo has a long history of working cooperatively with its neighboring cities—large and small—on matters such as boundaries, fire and police protection, transportation infrastructure, sewer and water service, and flood protection. Our cities, in particular, have successfully worked together on past initiatives, including the provision of sewer services to Harwood and joint flood-protection efforts. As our cities grow closer geographically and economically—accelerated by the data center development—it is increasingly important that we continue this tradition of partnership to ensure mutually predictable beneficial outcomes.

I want to acknowledge our discussion in July, when both cities and Applied Digital were exploring development approaches that could benefit all involved. Fargo continues to believe that a cooperative arrangement—one recognizing each city's contributions and responsibilities—offers the greatest long-term benefit. Across our region, no city truly operates in isolation; we rely on shared systems for water, sewer, flood protection, public safety, and infrastructure. Regional projects such as the Metro Flood Diversion and the Red River Regional Dispatch Center demonstrate how collaboration strengthens every community, including Fargo and Harwood. In that same spirit, Fargo would welcome the opportunity to re-engage in that conversation and identify an arrangement that serves both cities and the broader metropolitan area.

I recognize that the data center's scale and location have generated considerable public interest, and that recent media coverage may have framed Fargo's actions as an attempt to "take over" the project. In truth, Fargo's intent has been to ensure that all parties—including Fargo taxpayers—fully understand the development's regional impacts, costs, and infrastructure needs. By keeping formal discussions active, we can make certain that decisions about utilities, roads, and public safety are made transparently and with a complete understanding of how they affect both cities and the region.

To that end, I would appreciate the opportunity to meet with you in person to:

1. Discuss the annexation question in a constructive and solution-oriented manner; and
2. Address several practical issues associated with the data-center construction and ongoing operations.

While not exhaustive, the following topics would benefit from joint discussion:

Sewer Services. In 2009, Fargo and Harwood entered into a Sewer Agreement in which Fargo allowed Harwood to connect with and use Fargo's wastewater treatment facilities to dispose of Harwood's liquid waste and sewage. This sewer agreement contemplates ordinary household liquid waste and sewage with the exception of a limited number of commercial properties. The sewer agreement specifically excludes any user which may introduce toxic or industrial waste into the sewage collection system. The term of the Sewer Agreement is for 20 years and is expiring in a couple of years' time. The Sewer Agreement provides that the parties agree to revisit and renegotiate the extension of the Agreement, in good faith, prior to the expiration of the agreement. Fargo welcomes a conversation about extending the agreement and would also like to understand the anticipated type of discharge from the data center—particularly whether it may require inclusion in the Industrial Pretreatment Program (IPP) as required by the Sewer Agreement.

Maintenance of Roads. The data-center construction will substantially affect 64th Avenue North and 37th Street North, currently gravel roads maintained by the township. Responsibility for maintaining portions of these roads will soon transfer, in whole or in part, to Fargo. Current estimates place annual summer maintenance costs (grading and gravel replacement) between \$20,000.00 and \$30,000.00. Winter maintenance will present additional challenges, particularly for 64th Avenue North due to drifting snow and prevailing winds. Even if the facility were located entirely within Harwood's jurisdiction, Fargo would still be responsible for keeping 64th Avenue North open—an effort that will require dedicated equipment and staffing similar to Fargo's approach for the nearby Amazon facility.

Fire. Fargo's Mutual-Aid Agreement with Cass County includes assistance to Harwood in the event of major fires and disasters. Given the scale and nature of data-center structures, any significant fire would likely involve a regional response. Fargo would like to coordinate planning with Harwood to ensure readiness for potential fire scenarios and to safeguard both communities.

Solid Waste. All of the waste generated at the data center is likely to be processed at the Fargo landfill – regardless of whether the data center is completely, or in part, in Harwood. Fargo's question here regards the types of waste that will be generated, particularly whether hazardous (electronic) waste will be generated and disposed of or recycled, and if so, in what quantities.

These and many other related issues illustrate the importance of maintaining open lines of communication and proactive cooperation. Fargo does not wish to litigate these matters in the media or through formal proceedings if they can instead be resolved through mutual understanding and joint planning. We recognize that solutions will likely require participation from multiple stakeholders, including Cass County, Cass Rural Water, the township, Applied Digital and affected property owners.

I recognize that recent media coverage has reflected Harwood's frustration with Fargo's annexation resolution involving the property where the data center's first phase is planned. It is not my intention to relitigate the issue, but I believe it is important to reaffirm Fargo's commitment to an orderly and lawful process grounded in North Dakota law. North Dakota law provides a basis and a process for both of our Cities to annex the land in question. That process provides both of our Cities with an opportunity for mediation and, if necessary, review by an administrative law judge. Fargo's actions were taken to preserve the status quo and to keep open a structured path for resolution while we work toward a cooperative agreement.

I appreciate your consideration of my request to meet and your continued willingness to engage in productive dialogue. Please let me know your availability for a meeting at your convenience. I remain optimistic that, by working together, we can reach resolutions that strengthen both of our Cities.

Thank you,


Dr. Timothy J. Mahoney
Mayor

cc: City of Fargo Commission
City of Harwood Council



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

November 3, 2025

Mayor Blake Hankey
City of Harwood
PO Box 65
Harwood, ND 58042

RE: Request for Meeting and Cooperative Resolution of Annexation Issue

Dear Mayor Hankey,

I am writing in response to your letter dated October 8th, which was mailed on October 23rd and received by the City of Fargo on October 26th. In that correspondence, you indicated that the City of Harwood does not consent to any annexation of property located within Harwood's extraterritorial zoning jurisdiction. I am also writing to follow up on my October 13th letter and to again request a meeting between us to discuss and resolve the annexation issue in a cooperative and orderly manner.

Fargo continues to value its longstanding record of collaboration with neighboring cities on shared matters such as infrastructure, public safety (fire protection, police, dispatch center) and utility service. The Applied Digital project will have regional impacts that warrant coordinated planning between our two cities and Fargo remains committed to finding a mutually beneficial solution.

As noted in your letter, the Fargo City Commission has adopted a Resolution of Annexation for the subject property pursuant to N.D.C.C. § 40-51.2-07. I understand that the City of Harwood is now considering proceeding with an annexation of the same property by petition under N.D.C.C. § 40-51.2-03. North Dakota law does not permit overlapping annexations to proceed concurrently. The North Dakota Supreme Court has long held that once a City initiates annexation proceedings, those proceedings are *continuous* and *exclusive* until concluded, and that the City which acts first in time holds priority jurisdiction over the territory. See City of West Fargo v. City of Fargo, 251 N.W.2d 918 (N.D. 1977); Frey v. City of Jamestown, 548 N.W.2d 784 (N.D. 1996); City of Horace v. City of Fargo, 2005 ND 61, 694 N.W.2d 1.

Accordingly, because Fargo acted first in time, Harwood may not proceed with annexation by petition under § 40-51.2-03 for the same property while Fargo's annexation remains pending. Any attempt by the City of Harwood to do so would be contrary to the statutory framework and controlling case law and would result in an invalid annexation and possibly prompt unnecessary litigation—outcomes neither City seeks.

Since Harwood has indicated it will not consent to Fargo's annexation, the next step under state law would be to submit the matter to mediation pursuant to N.D.C.C. § 40-51.2-07.1. However, Fargo would much prefer to resolve this issue collaboratively—through open discussion and good-faith compromise—rather than through a formal or adversarial process. Fargo's goal is to ensure that both cities move forward in a manner that is transparent and beneficial to our residents and regional partners.

Fargo has a strong record of working cooperatively with its neighboring communities on shared challenges, from flood protection and sewer service to public safety and infrastructure. The City remains ready to meet at any time to explore creative solutions that recognize each City's role, protect the public's investment in infrastructure, and provide predictability for future growth. We are confident that through respectful dialogue, both Fargo and Harwood can find a resolution that strengthens our partnership and serves the long-term interests of the entire metropolitan area.

Thank you for your consideration and for your continued willingness to engage in constructive dialogue. I remain optimistic that by working together, our Cities can turn this matter into another example of regional cooperation done right.

Thank you,

A handwritten signature in blue ink, appearing to read "Dr. Mahoney", is written over the printed name.

Dr. Timothy J. Mahoney
Mayor

cc: City Commission for City of Fargo
City of Harwood Council
Harwood City Auditor



36

City Administration
225 4th Street North
Fargo, ND 58102

MEMORANDUM

TO: Fargo City Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research



DATE: November 6, 2025

SUBJECT: Annexation of Property – Portion of Section 3 in Reed Township

The City Commission passed a resolution of annexation of property in Section 3 of Reed Township. The resolution is attached.

The resolution scheduled a hearing to determine the sufficiency of any written protests against the annexation. The owner of the property has filed a written protest. The protest letter is attached.

The City of Fargo may either stop the annexation or submit the matter to a committee for mediation as provided in Section 40-51.2-07.1.

Recommended Motion

Submit the matter to a committee for mediation as provided in section 40-51.2-07.1.

RESOLUTION OF ANNEXATION

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, with about one hundred thirty thousand (130,000) inhabitants; and

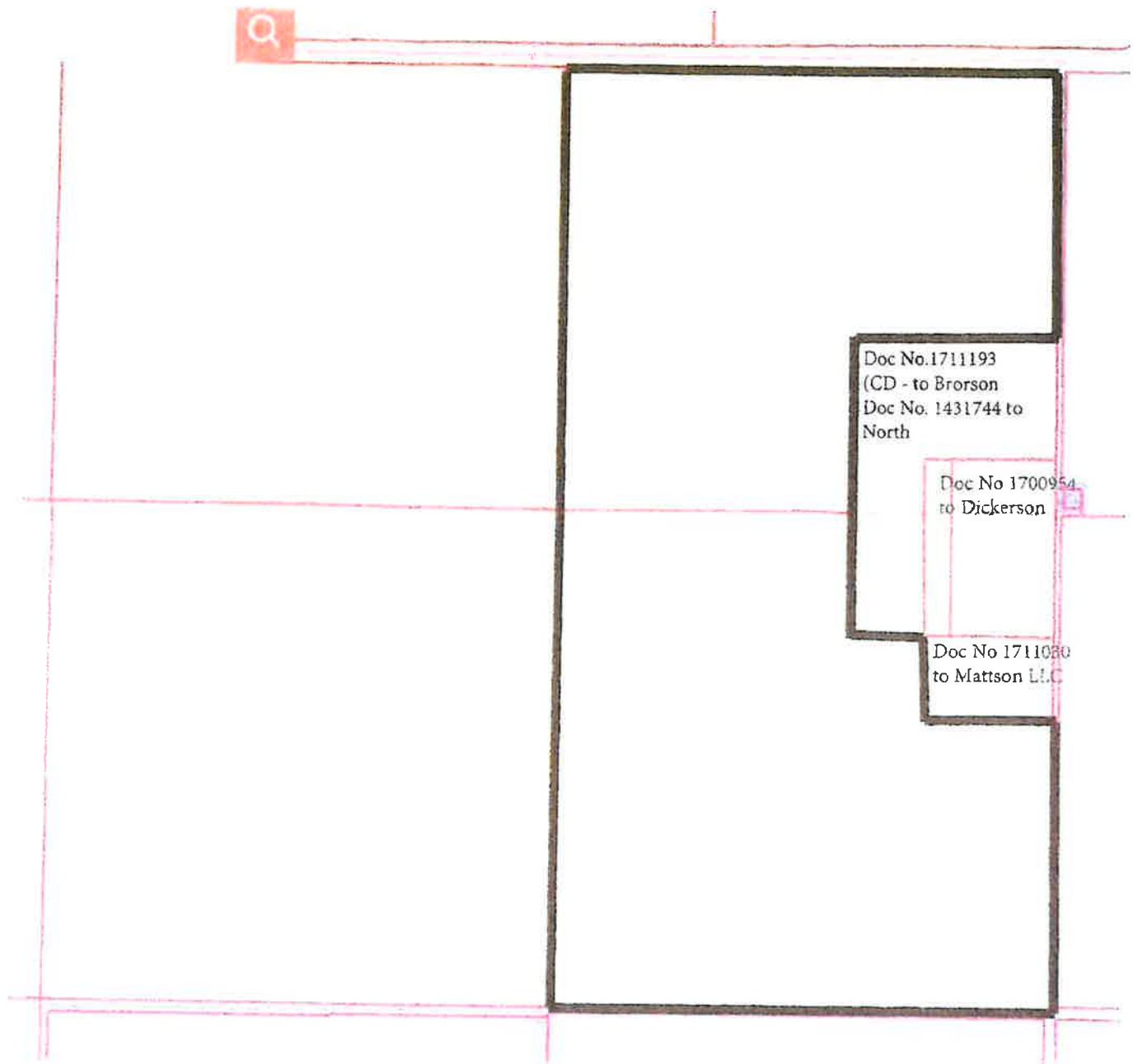
WHEREAS, there is contiguous and adjacent to the City of Fargo, a tract or parcel of land hereinafter specifically described, containing approximately 256.87 acres, more or less, which tract or parcel of land is not presently a part of the City of Fargo.

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that the boundaries of the City of Fargo be, and they hereby are, extended so as to include and incorporate within the corporate limits of the City of Fargo, Cass County, North Dakota, the following described land:

The East Half (E 1/2) of Section Three (3), Township One Hundred Forty (140) North, Range Forty-nine (49) West of the 5th Principal Meridian, **LESS** those parcels lying within said East Half (E 1/2) legally described in those instruments recorded at the Office of the Recorder, Cass County, North Dakota, as Document Number 1711193 (Contract for Deed-North to Brorson approx. 25 acres), Document Number 1431744 (P.R. Deed to North approx. 25 acres), Document Number 1711030 (QCD to B&J Mattson LLC approx. 7 acres), Document Number 1700954 (WD to Dickerson approx. 15 acres).

Containing 256.87 acres, more or less. Said described land is depicted, for illustrative purposes only, on Exhibit A, hereto.

BE IT FURTHER RESOLVED, by the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for the City of Fargo once each week for two successive weeks, and a hearing be held on the 10th day of November, 2025, at 5:15 p.m., in the City Commission Room, City Hall, Fargo, North Dakota.



**EXHIBIT A TO RESOLUTION
ILLUSTRATION OF AREA
BEING ANNEXED**

CERTIFICATE

STATE OF NORTH DAKOTA)
)ss.
COUNTY OF CASS)

I, Dr. Tim Mahoney, the duly elected, qualified and acting Mayor of the City of Fargo, North Dakota; and

I, Steven Spraguc, the duly appointed, qualified, and acting City Auditor of the City of Fargo, North Dakota,

DO HEREBY CERTIFY:

That the foregoing is a full, true, and correct copy of the original Resolution and the whole thereof annexing a tract of land consisting of approximately 256.87 acres, which Resolution was duly adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held July 31, 2025, at which meeting Commissioners Piepkorn, Kolpack, Strand, Turnberg and Mahoney were present in person. Commissioner none was absent, and Commissioners Piepkorn, Kolpack, Strand, Turnberg and Mahoney voted in favor of the adoption of the Resolution and Commissioner none voted against the adoption of the Resolution; and which Resolution was duly ratified and adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held August 4, 2025, at which meeting Commissioners Piepkorn, Turnberg, Kolpack, Strand and Mahoney were present in person, Commissioner none was absent, and Commissioners Piepkorn, Turnberg, Kolpack, Strand and Mahoney voted in favor of the adoption of the Resolution and Commissioner none voted against the adoption of the Resolution.

That such a seal is
in the office of the
SEAL
INCORPORATED
1875
CITY OF FARGO
STATE OF NORTH DAKOTA
ATTEST
[Signature]

Steven Sprague, City Auditor

Dr. Tim Mahoney, Mayor
City of Fargo, North Dakota

On this 4 day of August, 2025, before me, Michelle R Vanyo, a Notary Public in and for Cass County in the State of North Dakota, personally appeared DR. TIM MAHONEY, known to me to be the Mayor of the Board of City Commissioners and STEVEN SPRAGUE, known to me to be the City Auditor of the City of Fargo, a municipal corporation under the laws of the State of North Dakota, and they acknowledged to me that they executed the foregoing instrument.

Michelle R. Vanyo
Notary Public

MICHELLE R. VANYO
Notary Public
State of North Dakota
My Commission Expires Oct. 26, 2025

Fercho Properties, LLP

701-361-8988
billfercho@yahoo.com
4309 Beach Ln S
Fargo, ND 58104-6099

September 12, 2025

City of Fargo City Auditor
Attn. Jim Gilmour
225 4th Street North
Fargo, ND 58102

Re: Notice of Annexation

Dear Mr. Gilmour:

This protest is in response to the Resolution of Annexation for the East Half of Section 3, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota LESS approximately 54 acres of parcels dated August 4, 2025.

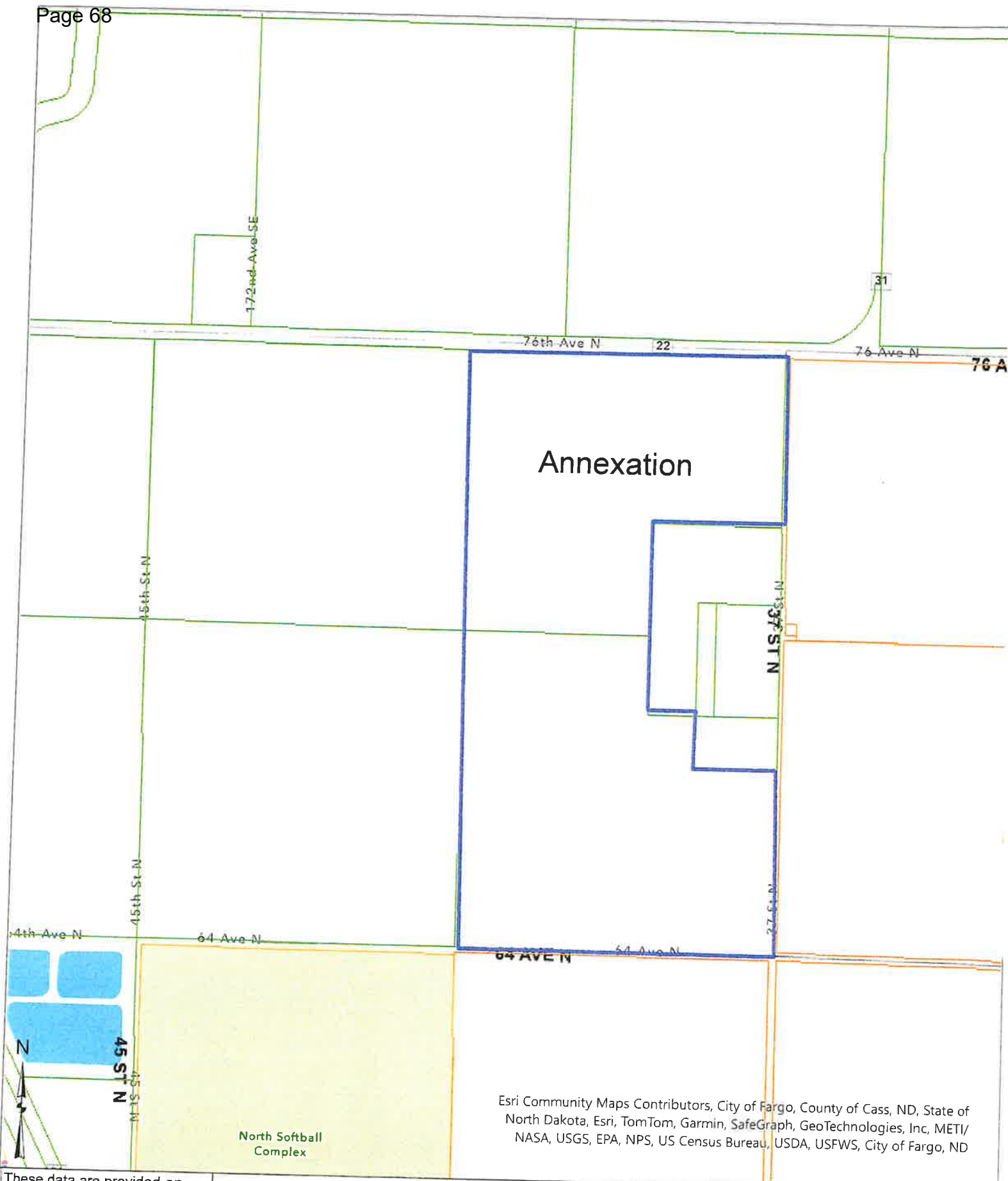
Please consider this to be a formal protest of the annexation by resolution under North Dakota Century Code Chapter 40-51.2. As owners of one hundred percent of the territory proposed to be annexed are protesting with this letter, we hope the City of Fargo will stop its pursuit of the annexation. If Fargo will not, then we will await information regarding the mediator appointed by Governor Armstrong.

Thank you,

A handwritten signature in blue ink, appearing to read "W F Fercho", with a stylized flourish at the end.

Fercho Properties, LLP

By William F. Fercho, Its Managing General Partner



Esri Community Maps Contributors, City of Fargo, County of Cass, ND, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, City of Fargo, ND

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Section 3 - East

1:18,056

8/6/2025 2:13 PM

This map is not a substitute for accurate field surveys or for location actual records.



City Administration
225 4th Street North
Fargo, ND 58102

MEMORANDUM

TO: Fargo City Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research 

DATE: November 6, 2025

SUBJECT: Annexation of Property – Portion of Section 35 in Harwood Township

The City Commission passed a resolution of annexation of property in Section 35 of Harwood Township. The resolution is attached.

The resolution scheduled a hearing to determine the sufficiency of any written protests against the annexation. The owner of the property was notified and did not file a written protest prior to the October 31, 2025 deadline. A copy of the receipt of the certified mailing is attached.

The City of Fargo may proceed with the annexation.

Recommended Motion

Determine there were no property owner protests of the annexation and file a copy of the annexation resolution and accurate map, certified by the Mayor, with the county recorder.

RESOLUTION OF ANNEXATION

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, with about one hundred thirty thousand (130,000) inhabitants; and

WHEREAS, there is contiguous and adjacent to the City of Fargo, a tract or parcel of land hereinafter specifically described, containing approximately 236.16 acres, more or less, which tract or parcel of land is not presently a part of the City of Fargo.

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that the boundaries of the City of Fargo be, and they hereby are, extended so as to include and incorporate within the corporate limits of the City of Fargo, Cass County, North Dakota, the following described land:

The Southeast Quarter (SE $\frac{1}{4}$) and the East One-half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-five (35), Township One Hundred Forty-one (141) North, Range Forty-nine (49) West of the 5th Principal Meridian

Containing 236.16 acres, more or less.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for the City of Fargo once each week for two successive weeks, and a hearing be held on the 10th day of November, 2025, at 5:15 p.m., in the City Commission Room, City Hall, Fargo, North Dakota.

CERTIFICATE

STATE OF NORTH DAKOTA)
)ss.
COUNTY OF CASS)

I, Dr. Tim Mahoney, the duly elected, qualified and acting Mayor of the City of Fargo, North Dakota; and

I, Steven Sprague, the duly appointed, qualified, and acting City Auditor of the City of Fargo, North Dakota,

DO HEREBY CERTIFY:

That the foregoing is a full, true, and correct copy of the original Resolution and the whole thereof annexing a tract of land consisting of approximately 236.16 acres, which Resolution was duly adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held July 31, 2025, at which meeting Commissioners Piepkorn, Kolpack, Strand, Turnberg and Mahoney were present in person, Commissioner none was absent, and Commissioners Piepkorn, Kolpack, Strand, Turnberg and Mahoney voted in favor of the adoption of the Resolution and Commissioner none voted against the adoption of the Resolution; and which Resolution was duly ratified and adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held August 4, 2025, at which meeting Commissioners Piepkorn, Turnberg, Kolpack, Strand and Mahoney were present in person, Commissioner none was absent, and Commissioners Piepkorn, Turnberg, Kolpack, Strand and Mahoney voted in favor of the adoption of the Resolution and Commissioner none voted against the adoption of the Resolution.

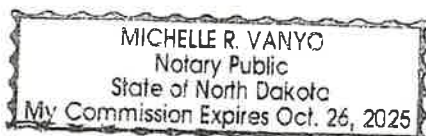
That such Resolution is now a part of the permanent records of the City of Fargo, as filed in the office of the City Auditor.



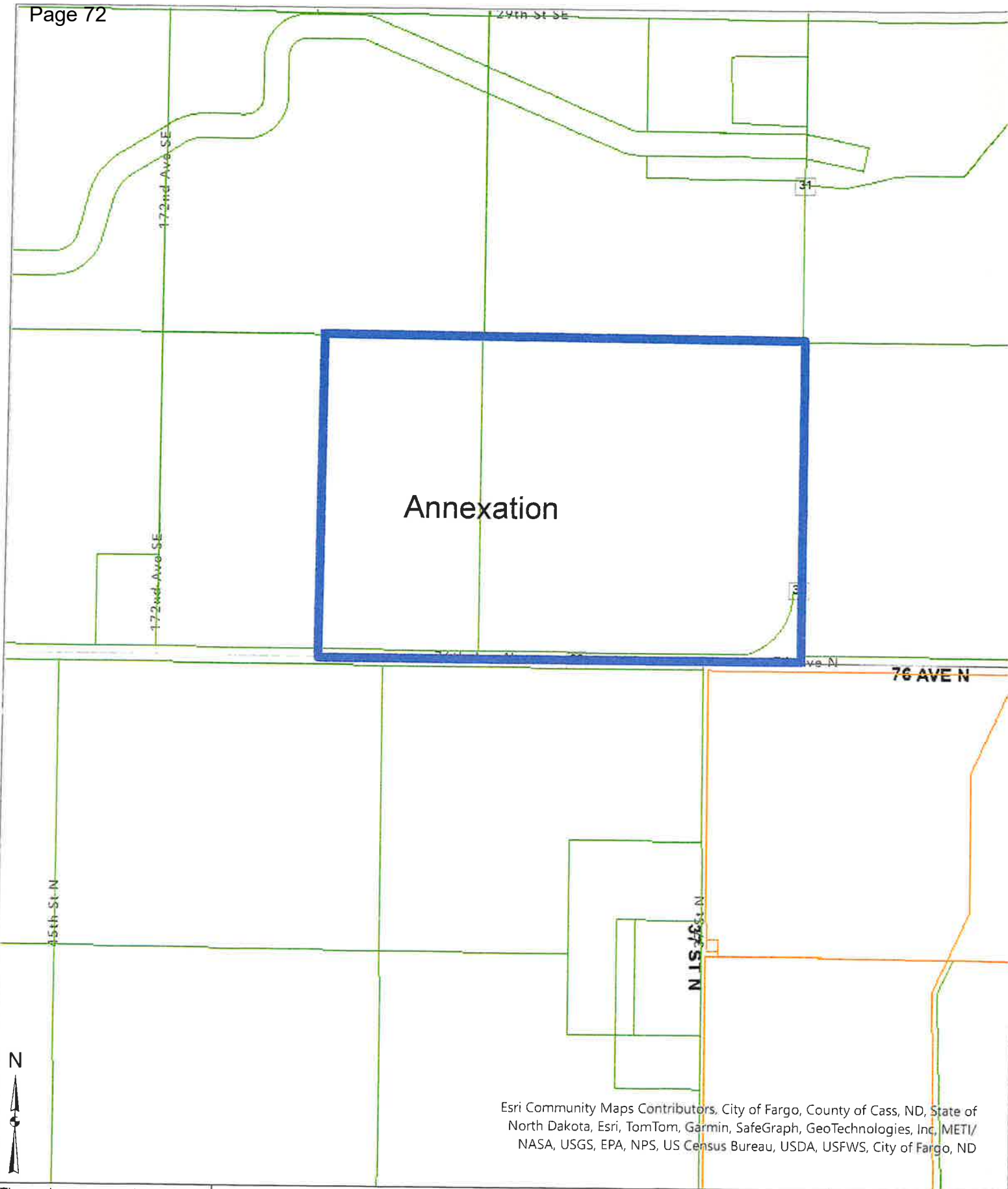
Steven Sprague, City Auditor

Dr. Tim Mahoney, Mayor
City of Fargo, North Dakota

On this 4 day of August, 2025 before me, Michelle R Vanyo, a Notary Public in and for Cass County in the State of North Dakota, personally appeared DR. TIM MAHONEY, known to me to be the Mayor of the Board of City Commissioners and STEVEN SPRAGUE, known to me to be the City Auditor of the City of Fargo, a municipal corporation under the laws of the State of North Dakota, and they acknowledged to me that they executed the foregoing instrument.



Michelle K. Lang
Notary Public



Esri Community Maps Contributors, City of Fargo, County of Cass, ND, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, City of Fargo, ND

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Section 35

1:18,056

8/6/2025 2:23 PM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ☐ Print your name and address on the reverse so that we can return the card to you. ☐ Attach this card to the back of the mailpiece, or on the front if space permits.  Ann Matthys 8346 275th Street South Hawley, MN 56549-9249		A. Received by (Please Print Clearly) Ann Matthys B. Date of Delivery 10-18-25 C. Signature x Ann Matthys D. Is delivery address different from item 1? ☒ Yes ☐ No If YES, enter delivery address below:	
2. Article Number (Copy from service label) 7000 0600 0025 1932 4977		3. Service Type ☒ Certified Mail ☐ Registered ☐ Insured Mail ☐ Express Mail ☐ Return Receipt for Merchandise ☐ C.O.D.	
PS Form 3811, July 1999		4. Restricted Delivery? (Extra Fee) ☐ Yes	
Domestic Return Receipt		102595-99-M-1789	



November 5th, 2025

Dear Mayor and Commissioners,

As part of our ongoing partnership and shared commitment to making homelessness rare, brief, and one-time throughout the region, the FM Coalition to End Homelessness and United Way of Cass-Clay are pleased to provide an update on **United to End Homelessness (UTEH)**.

Since our last update to City Commission in April, the collaborative work of UTEH has continued to strengthen the coordination, accountability, and innovation of our local homelessness response system. We appreciate the City of Fargo's ongoing partnership in advancing this coordinated regional approach.

The purpose of this presentation is to:

- **Share progress in addressing homelessness now**, including how targeted, collaborative efforts are stabilizing individuals experiencing high-visibility homelessness and strengthening coordination across service providers.
- **Highlight how we are building for the future**, through the Cass Clay Interagency Council on Homelessness and the development of a regional framework to align strategies, resources, and accountability across sectors.
- **Outline what's ahead**, detailing next steps to expand system capacity, strengthen coordination, and advance a comprehensive regional plan to prevent and end homelessness.

Through continued partnership with the City of Fargo, our community is building the structure, alignment, and accountability needed to ensure homelessness is rare, brief, and one-time.

Sincerely,

Chandler Esslinger

Executive Director

Fargo Moorhead Coalition to End Homelessness

Making homelessness rare, brief, and one-time.





39

City Administration
225 4th Street North
Fargo, ND 58102

MEMORANDUM

TO: Fargo City Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research 

DATE: November 6, 2025

SUBJECT: Conference/Convention Center Request for Proposals

I have been working with the Convention Center Committee to develop a second phase Request for Proposals and scoring criteria. A Request for Proposals has been prepared the includes a request for detailed information and scoring criteria.

This Request for Proposals and scoring criteria is attached for your consideration. The Convention Center Committee will review this at their November 7 meeting and will recommend it for your approval or take additional time to revise the document.

Recommended Motion

Approve the Second Phase Request for Proposals for the Convention Center project.

Request for Proposals - Second Phase
Fargo Conference/Convention Center

Introduction and Summary:

The City of Fargo, ND, is inviting written proposals from four developers for the development, design, construction, and operation of a convention center and adjacent private development to be located in the city of Fargo. This will be a public-private partnership with city financing the convention center and the private developer financing adjacent private development.

The city of Fargo intends to fund and own the convention center building portion of the project with the proceeds of a 3% (three percent) lodging tax, which was approved by voters in November 2024. The tax will sunset 25 years after it is implemented. It is projected that \$37 million to \$41 million in lodging tax proceeds will be available for land costs, site preparation costs, construction of the convention center building, furniture, fixtures and equipment.

The city is reserving a portion of the lodging tax proceeds for potential operating losses, debt service reserves, and future capital expenditures.

Proposals are solicited in accordance with the terms, conditions, and instructions as set forth in this Second Phase Request for Proposals (RFP). The deadline for submitting the response to this RFP is 4 pm January 30, 2026. The preparation and submission of the vendor response shall be made without obligation by the city of Fargo to pay any associated costs of preparing and submitting a proposal.

Proposals must be submitted online through a City of Fargo bidding and procurement system.

Proposers should understand that the City of Fargo is a public entity and, as such, is subject to open records and open meeting laws. Proposers are encouraged to familiarize themselves with North Dakota open records laws and open meeting laws (See N.D.C.C. §44-04-17.1 *et seq.*). Please note that proposals will be reviewed at meetings that are open to the public. Proposal packets are subject to public review.

To the extent certain information to be remitted by a proposer is thought to be a trade secret, proprietary, commercial or financial information, as the same is defined in North Dakota open record law, or is otherwise thought to be information that should be deemed “confidential” under such law, proposers are advised to contact the City in advance of any such remittance so that special arrangements can be made for such remittance so-as to protect the confidential nature of such information. See N.D.C.C. §44-04-18.4.

Except for said confidential information, all information will be made available to selection committee members, city commissioners, select city staff, and consultants used by the city to review proposals.

Late proposals will not be accepted, nor will mailed, faxed or emailed proposals. The city is not responsible for submissions not properly identified as convention center proposals.

Questions regarding this RFP must be submitted in writing to the city through the online procurement system.

The city reserves the right to reject any or all proposals, and to accept any proposal deemed to be in its best interest. Furthermore, the city shall not be obligated to enter into any contract with any respondent, regardless of the terms or conditions proposed.

Second Phase Procurement Schedule:

RFP Issued: November 12, 2025

Questions must be received by: December 5, 2025

Questions answered by: December 19, 2025

RFP Proposals Due: January 30, 2026

Selection Review Process. This selection process consists of these next two phases:

- Phase Two: Proposers will provide a detailed concept plan, a development schedule, cost information, a pro forma statement of operations, a private financing plan, an ownership plan, and an operations plan. The selection committee will review and rank the proposals and forward the highest-ranked proposal to the city commission for its approval.
- Phase Three: Provided the city commission accepts the recommendation, it will negotiate a public-private partnership agreement with the development team of the highest-ranked proposer. Should no agreement be reached, the city commission may begin negotiations with the second- or third-ranked proposal.

The city reserves the right to reject any and all proposals.

Phase 2 Proposal Requirements

1. Site Plan

- Parking lot or ramp
- Vehicle access including truck access and bus drop-off zones
- Wayfinding around site
- Pedestrian connections
- Landscaping
- Location of existing nearby amenities and assets
- Opportunities for nearby amenities and assets
- Neighborhood walkability
- Infrastructure needs such as utilities, roadways, etc. if applicable
- Pedestrian skyway maintenance, redevelopment and security, if applicable

2. Architectural Concept Drawings of Convention Center

- Square footage and divisibility of function spaces
- Wayfinding and flow of internal traffic
- In-house communications technology (AV, broadband, wireless)
- Interior and exterior noise attenuation
- Support spaces (prefunction areas, bathrooms, offices, storage, etc.)
- Connectivity to other spaces/venues
- Load capacity

- Dock entrance level and door height
 - Multiple bays with separate access points
 - Load-in/load-out for event turnover; drayage for short-term storage
 - Space for expansion opportunities
3. Architectural Concept Drawings of Hotel
- Restaurant/lounge capacity and layout
 - Guest rooms per floor per elevator
 - Size of guest rooms and room types
 - Brand quality and/or chain scale including any conversations you've had
 - Function spaces separate from convention center
4. Project Cost Information
- Site infrastructure improvements including parking
 - Site acquisition cost
 - Site demolition and cleanup
 - Building construction
 - Furniture, fixtures and equipment
 - Soft costs (design, licenses, permits, legal, financing costs, etc.)
 - Proposal and time needed to provide a guaranteed project cost.
5. Financing Plan
- Development partners
 - Investor equity commitments
 - Loan commitments
 - Property tax incentives needed
 - Reliance on tax increment financing
 - Reliance on municipal debt proceeds or other public funds
 - Proposal for guarantees for private development.
6. Operating Plan
- Estimates of the amount and source of City operating support
 - Lease/management proposal
 - Show minimum of first 5 years of anticipated operating revenue and expenses
 - Proposed usage fee schedule (i.e. F&B caps, room ADR, facility fees)
 - Plans for in-house versus third party operations with exclusivity of catering, liquor licensing, AV etc. (i.e. hybrid versus preferred list)
 - Paid or free parking
 - Pre-opening services plan
 - Responsibilities for future capital improvements
7. Sales Plan
- Proposed integration with Visit Fargo-Moorhead sales team (and hotel sales, if different than convention center)
 - Staffing

- Sales & marketing partnership plan
 - Event booking policies and hotel room block commitments
 - Division of responsibilities
 - Pre-opening strategy and timeline for convention center and hotel
8. Schedule for Design, Construction, Commissioning and Opening Date
 9. Address Any Concerns from City Department Preliminary Reviews

Phase 2 Scoring Criteria – All Criteria have equal weight

1. Site Location
 - Proximity to existing restaurants, shopping, and attractions.
 - Proximity to proposed restaurants, shopping, and attractions.
2. Convention Center Facility Plan
 - Size of facility – relative to goals in phase one review
 - Site plan
 - Floor plan
 - Parking availability and costs
 - Financial and operational plan
 - Fargo experience throughout architectural design and artwork
3. Hotel Plan
 - Pedestrian connections to convention center
 - Additional meeting rooms
 - Quality and flag
 - Amenities
 - Number and size of rooms
 - Experience with hotel development and operations
4. Financing Plan
 - Previous experience of developer
 - Developer equity
 - Project Cost
 - Financing commitments
5. Operating Plan
 - Development timeline
 - Revenue and operational costs
 - Vendor Policy
6. Sales Plan
 - Booking window
7. Schedule
 - Design
 - Groundbreaking & construction
 - Opening Date

8. Visitor Experience

**To:** Fargo City Commission**From:** Julie Bommelman, City of Fargo Transit Director
Adam Altenburg and Aiden Jung, Metro COG
Blue Weber, Bolton & Menk**Date:** November 10, 2025**Re:** **2026-2030 Transit Development Plan**

In July 2024, Metro COG and MATBUS contracted with Bolton & Menk to develop the 2026-2030 Transit Development Plan (TDP). The TDP is a federally and state-required document that outlines a five-year strategy for improving public transit services in the Fargo-Moorhead metropolitan area. The plan assesses current transit operations, identifies community needs, and establishes goals, performance measures, and implementation strategies to maintain and enhance service. Additionally, a Coordinated Human Services Transportation Plan was developed to review and enhance the efficiency and effectiveness of the regional transportation system and its providers.

The TDP serves as both a planning and management tool, guiding future decisions regarding service changes, future investments, and coordination with other regional transit providers and transportation plans. Public outreach was conducted throughout the planning process to ensure the plan reflects community input and priorities.

Adoption of the TDP does not directly authorize any expenditures. Future projects and funding requests will be brought forward as part of annual budget processes.

The TDP and appendices can be found on Metro COG's website:

<https://fmmetrocog.org/projects-rfps/2026-2030-transit-development-plan>

Following a recommendation by the MATBUS Coordination Committee on October 15, the TDP is being presented for approval to local jurisdictions in October and November, followed by Metro COG's Policy Board in December. These approvals are pending final review by Metro COG's state and federal partners, including NDDOT, MnDOT, the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA).

Requested Action: Pending final comments by state and federal partners, approve the 2026-2030 Transit Development Plan.

Fargo City Commission

2026-2030 Transit Development Plan

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

WHEREAS, the City of Fargo recognizes the importance of providing efficient, reliable, and accessible public transportation to support community mobility, economic vitality, and improved connections; and

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; and

WHEREAS, Metro COG has undertaken the task of updating its Transit Development Plan (2026-2030 TDP), which is a vital element of this planning process and establishes a strategic framework for enhancing transit services, improving infrastructure, and identifying funding opportunities; and

WHEREAS, the 2026-2030 TDP was prepared through a collaborative process involving public engagement, stakeholder input, and coordination with MATBUS and other regional transit partners; and

WHEREAS, adoption of the 2026-2030 TDP will enable the City of Fargo to pursue state, federal, and other funding sources and to coordinate more effectively with regional transit partners.

NOW, THEREFORE, BE IT RESOLVED, that the Fargo City Commission does hereby adopt the 2026-2030 TDP as the official transit planning document for the City of Fargo to guide transit-related investments, grant applications, and service planning.

Approved this ____ day of _____, 2025.

Dr. Tim Mahoney
Mayor

Michael Redlinger
City Administrator

REPORT OF ACTION

41

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Type: Corridor Study – Final Report

Location: University Drive & 10th Street

Date of Hearing: 11/3/2025

<u>Routing</u>	<u>Date</u>
City Commission	11/10/2025
PWPEC File	X
Project File	<u>Jeremy Gorden</u>

The Committee reviewed a communication from Transportation Division Engineer, Jeremy Gorden, regarding the University Drive and 10th Street Corridor Study that began in 2022.

In partnership with Metro COG, we began a corridor study for University Drive and 10th Street, whose project extents were 13th Avenue South to 19th Avenue North. This study gave us the opportunity to look at both of these corridors to identify any improvements that could be made to improve both traffic operations and safety, improve bicycle and pedestrian movements, and forward the goals of our Go2030 Comp Plan. This study served as a report card to see what's working well, what we could improve upon, and what should we be looking to do to make improvements to better serve the residents of Fargo.

Presentation provided by Mike Bittner, Bolton & Menk. After discussing the short-term technology safety improvement alternatives identified in the corridor study, the Committee recommended moving forward with the implementation of several of these alternatives.

On a motion by Nicole Crutchfield, seconded by Brenda Derrig, the Committee voted to approve the study, forward to City Commission for final approval, and direct Engineering to apply for DOT Safety Funding (HSIP) to implement the short-term technology safety improvements.

RECOMMENDED MOTION

Concur with the recommendation of PWPEC and approve the University Drive and 10th Street Corridor Study and direct Engineering to apply for DOT Safety Funding (HSIP) to implement the short-term technology safety improvements.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: N/A

Developer meets City policy for payment of delinquent specials
 Agreement for payment of specials required of developer
 Letter of Credit required (per policy approved 5-28-13)

Yes	No
<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>

COMMITTEE

Tim Mahoney, Mayor
 Nicole Crutchfield, Director of Planning
 Gary Lorenz, Fire Chief
 Brenda Derrig, Assistant City Administrator
 Ben Dow, Director of Operations
 Steve Sprague, City Auditor
 Tom Knakmuhs, City Engineer
 Susan Thompson, Finance Director

Present	Yes	No	Unanimous
☒	☒	☐	☒
☒	☒	☐	
☒	☒	☐	
☒	☒	☐	
☐	☐	☐	
☒	☒	☐	
☒	☒	☐	Nathan Boerboom
☒	☒	☐	

ATTEST:


 Nathan Boerboom, P.E.
 Assistant City Engineer

Memorandum

To: Members of PWPEC
From: Jeremy M. Gorden, PE, PTOE
Division Engineer - Transportation
Date: October 27, 2025
Re: University Drive & 10th Street Corridor Study – Final Report

Background:

In partnership with Metro COG and the North Dakota Department of Transportation, we began a corridor study on these two corridors in 2022 whose project extents were 13th Avenue South on the south end and 19th Avenue North on the north end. A total of 6 miles of urban roadways. The study was broken into a Phase 1 and a Phase 2. Phase 1 of the study was all about two-way conversion feasibility. Items included in that analysis were:

- Extensive public outreach including door to door visits,
- Identifying multimodal activity,
- Safety and crash history,
- Alternatives analysis including two-way conversion without any street widening, two-way conversion with street widening, and two-way conversion in downtown only.

Phase 2 of the study included:

- Additional public outreach and engagement,
- Refinement/enhancements of the downtown conversion only alternative looking at reducing speeds, reducing pedestrian crossing distances, and improving multimodal opportunities,
- Traffic calming strategies using enforcement, technology and geometry,
- One network wide pedestrian crossing improvement plan,
- One network wide bicycle connectivity plan,
- On network wide safety improvement plan,
- Developing an implementation plan,
- Final study approvals.

This study gave us the opportunity to look at both of these corridors to identify any improvements that could be made to improve both traffic operations and safety, improve bicycle and pedestrian movements, and forward the goals of our Go2030 Comp Plan. This study served like a mid-term report card would; we got to see what's working well, what could be improved upon, and what should we be looking to do to make improvements to better serve the residents of Fargo.

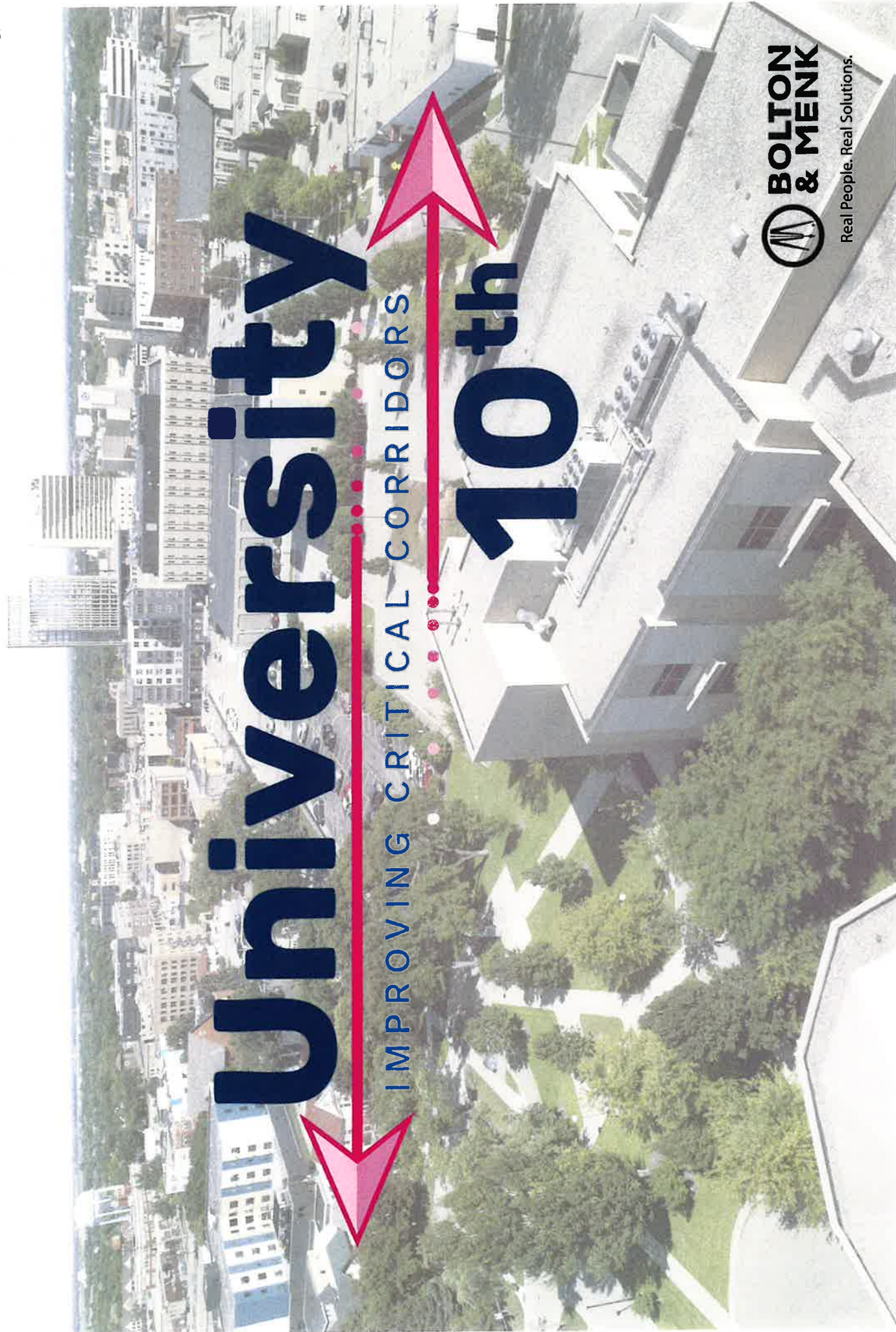
Mike Bittner, Project Manager from Bolton & Menk, will give a virtual presentation on the efforts to develop the plan as well as the results for their analysis.

I have attached the Executive Summary for your review.

Recommended Motion

Approve study and forward to City Commission for final approval.

Attachment



University Drive & 10th Street Corridor Study

13th Avenue S to 19th Avenue N

Fargo, ND

Executive Report

The preparation of this document was funded in part by the United States Department of Transportation with funding administered through the North Dakota Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration. Additional funding was provided through local contributions from the City of Fargo. The United States Government and the States of North Dakota and Minnesota assume no liability for the contents or use thereof.

This document does not constitute a standard, specification, or regulation. The United States Government, the States of North Dakota and Minnesota, and the Fargo-Moorhead Metropolitan Council of Governments do not endorse products or manufacturers. Trade or manufacturers' names may appear herein only because they are considered essential to the objective of this document.

Prepared for:

Fargo-Moorhead Metropolitan Council of Governments

City of Fargo

Prepared By:

Bolton & Menk, Inc.

July 2025

Background and Intent

The University Drive and 10th Street Corridor Study (the Study) is an investigative transportation study on University Drive and 10th Street in Fargo, North Dakota. The study extends from 13th Avenue S to 19th Avenue N, where the two roadways function in tandem as a one-way pair. These roadways are a significant north-south corridor that provide access to key destinations such as downtown, North Dakota State University (NDSU), the FARGODOME, Sanford Health Athletic Complex, multiple core neighborhoods, several schools, and Downtown. The University Drive and 10th Street Corridor has long served a variety of uses and priorities. After being designated as State Route 81, the streets were converted into a one-way pair in 1969 to improve traffic flow. Today, recent planning efforts—including the *Downtown Fargo In Focus Plan*, *Regional Transportation Plan*, and *Core Neighborhoods Plan*—identify these streets

as vital corridors for moving people to and through the downtown area. Through these previous efforts, several stakeholder groups expressed a desire to enhance comfort and safety for alternative modes of travel (walking, biking, and transit), as well as to stimulate economic development along the University Drive corridor. The two corridors will be studied to identify roadway alternatives and livability characteristics that will address issues raised by the public and stakeholder groups. This allowed for a methodical approach and detailed on extensive public involvement and detailed scenario and alternatives analysis. The study was divided into two phases. The first phase, titled “Establish Corridor Vision,” was completed in 2022–2023. The goal was to understand the long-term vision for the corridor in terms of roadway configuration and design.

After the completion of phase one, the study was After the completion of phase one, city leadership collaboration helped to align the study’s scope to better reflect goals and insights from the public, impacted residents and business owners along the corridor. The second phase, “Alternatives and Implementation,” was completed in 2024. This phase aimed to identify phased improvements and implementation strategies to address the issues identified in phase one and collectively work towards the established corridor vision.

Frequently Asked Question: Was this study focused exclusively on how to convert the one-way pairs to two-way streets?

Answer: The intent of the study was investigatory in nature, meaning the first goal was to determine if roadway users wanted to see substantial changes, if any at all. Next, the team would analyze the technical data to understand how an alternative would fit. The findings from the feasibility analysis are detailed below.

Figure 1: The Study Corridor and Surrounding Neighborhoods

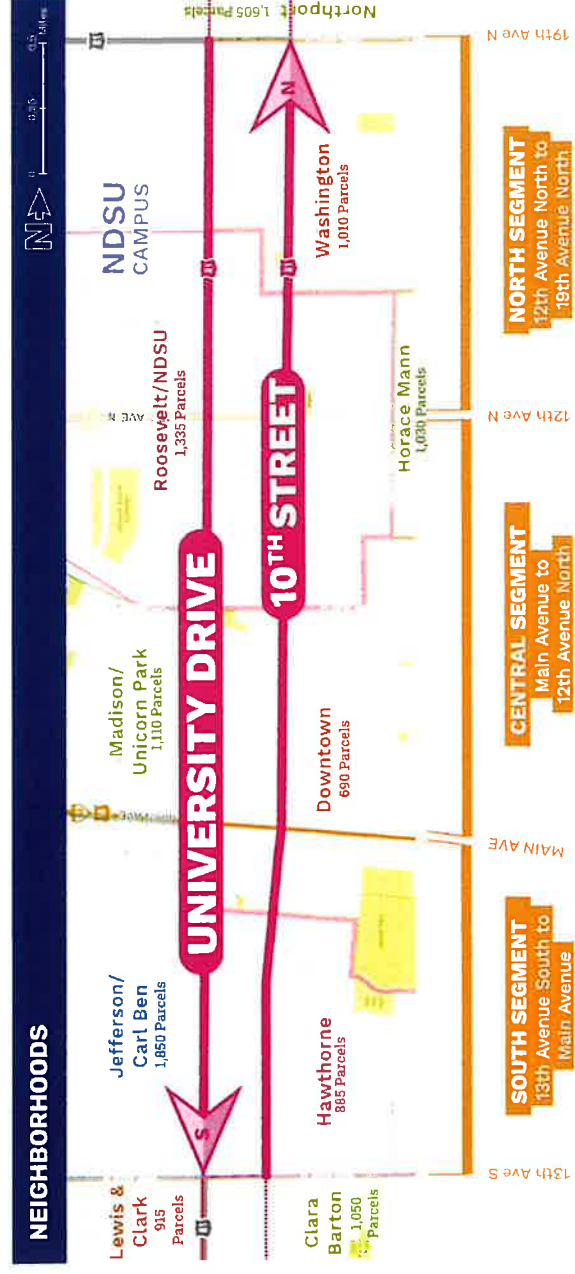


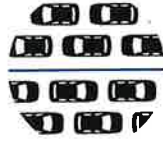
Figure 2: Red River Market Pop-Up

Understanding the Needs

The methodical yet flexible nature of the study process enabled the team to adopt an intensive stakeholder engagement approach and adjust the study focus to align with public input and identified concerns. The initial engagement included the following activities:

- Postcard mailers with project information and an invitation to a survey mailed to 6,435 households in surrounding neighborhoods.
- Public survey hosted on SurveyMonkey with 395 responses. Included in the survey were a series of open comment prompts, to which survey respondents provided over 1,701 short-answer responses.
- Digital collaborative map hosted on the MetroCOG project site, which invited visitors to add concerns and ideas tied to geographic points (also with the ability to reply to other comments), with 101 comments.
- Project-dedicated phone (text and call) and email channels were established, which received several dozen messages.
- One-on-one interviews with 11 selected stakeholders at the request of the SRC.
- Social media posts on Nextdoor, Facebook, Instagram, and Twitter informing the public of ways to get engaged with the project.
- Three 1-hour virtual focus groups for North, Downtown, and South neighborhood areas of the corridor. These events received 33 RSVPs and 19 attendees.
- 3 days of “door knocking” along the corridor during July to distribute project information and engage in conversations with residents, employees, and business owners. The project team initiated contact with every single property fronting or immediately adjacent to the Study Area within the study area. This included over 600 residences, and 60 businesses visited.

The following is a **summary of the key issues** as identified by the public and detailed using the technical findings in the study:



Maintaining Efficient Corridor

Traffic Flow – This was the most frequently mentioned comment across surveys, interviews, and focus groups. There was

significant concern about converting the corridor to two-way traffic flow. The corridor is part of the US 81 State Truck Route, and when considered together, the pair carries more than 27,000 vehicles per day at its peak—making it one of the most heavily trafficked corridors in the region.



Regulating Excess Traffic Speeds

– This was the most frequent comment from adjacent property owners and neighborhood

associations. A review indicated that during peak hours, traffic consistently flowed at speeds above 30 MPH. However, it was late at night when the percentage of vehicles traveling over 40 MPH typically ranged from 6% to 12%. These “drag racing” events left a lasting impression on nearby property owners.



Improving Pedestrian Crossings

– Requests for specific crossing enhancements were noted along both corridors. University Drive and 10th Street are among the most active corridors in the region for diverse travel modes, with approximately 3,600 students living within a half-mile, 1,800 bicycles present on the NDSU campus, and University Drive serving as the most active transit corridor in the region.



Providing Alternative Bicycle Routes

– It was common to hear that locals felt uncomfortable using the bike lanes on the northernmost segments of University Drive and 10th Street. The two major rail crossings all but require bicycle traffic to return to these corridors, even if more desirable adjacent routes are available.

Reducing the Potential for Vehicle Crashes – Another common theme was overall vehicle safety. In addition to concerns about traffic speeds, many regular roadway users noted numerous blind intersections along the corridor, where trees, utility poles, or buildings obstruct views of oncoming traffic.



Maintaining Tree Cover and

Improving Aesthetics – Comments about the corridor’s visual appeal came in various forms. Many expressed concern about potential

widening projects that could impact the tree canopy, which contributes to the corridor’s character and provides shade for pedestrians. Others were interested in enhancing the sense of place to encourage (re)development along the corridor.



Figure 3: Existing Conditions Feedback on the Central Segment

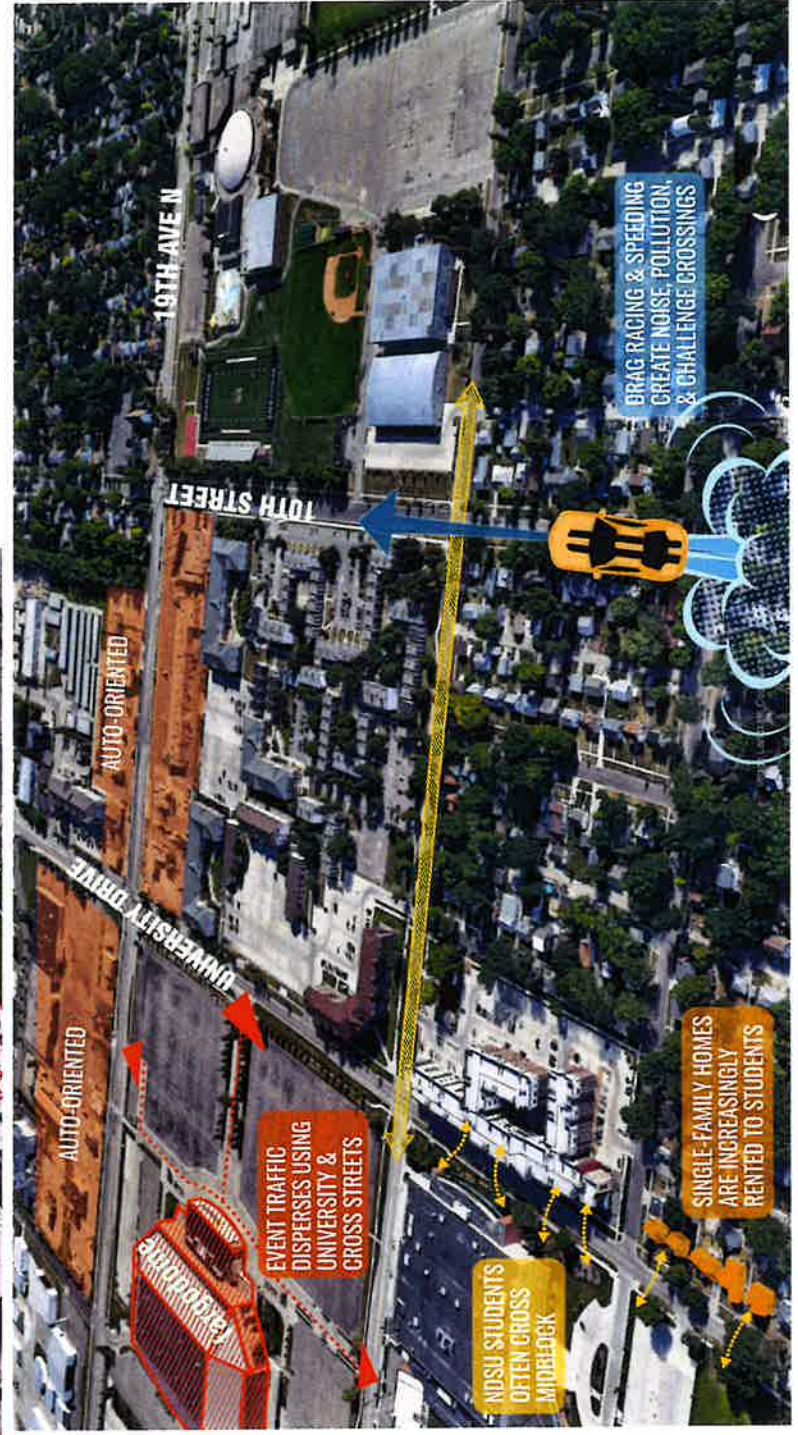


Figure 4: Existing Conditions Feedback on the North Segment

Frequently Asked Question: Can't we reduce the speeds limits, increase enforcement, and elevate the fines to solve the speeding?

Answer: Drivers are already driving in excess of the speed limit along these corridors and many others across the region. While enhanced enforcement is a part of any good speed deterrent plan, it cannot be the only solution, as local law enforcement has a wide array of critical responsibilities. In addition, increasing fines is a complex process that can have longer than anticipated timelines.

Conversion Feasibility Assessment

After conversations with the public, it became clear that the primary question on most stakeholders' minds was whether the corridor would be converted to two-way traffic. While the majority of those engaged throughout this study opposed the idea, there was feedback received that the conversion could be used as a means to slow traffic. During these interactions, engaged individuals agreed that their main focus of this study was to address and resolve the perception of excessive speeding. Despite differing views, all parties involved agreed that they wanted this study to address and resolve the long-standing uncertainty surrounding the issue.

The study team evaluated three two-way conversion scenarios using the following criteria:

- **Safety** – Focused on pedestrian and bicycle crash survivability, crossing exposure, and the potential for vehicle crashes.
- **Balance** – Assessed the corridor's ability to effectively serve all modes of travel, including vehicles, pedestrians, bicycles, transit, and trucks.
- **Mobility** – Examined traffic performance during peak hours, mid-day periods, and special events.
- **Impacts** – Considered both direct impacts (to trees, curbs, utilities, traffic signals, and signage) and indirect impacts (such as cost and the potential for reinvestment through improved corridor conditions).

Figure 5: Minimum Impact Conversion

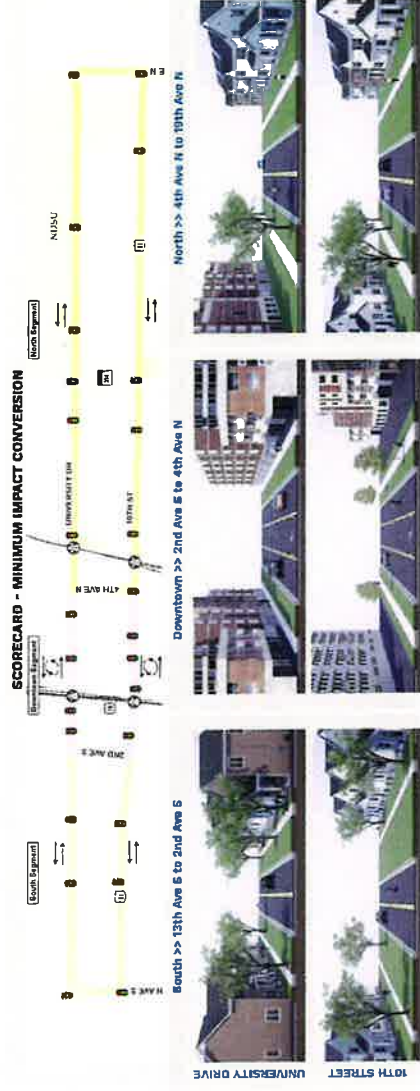


Figure 6: Maximum Benefit Conversion

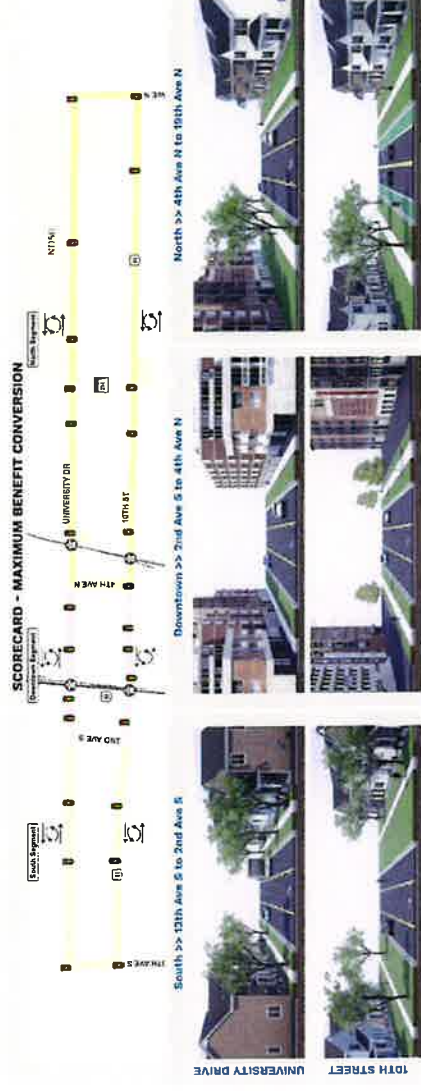
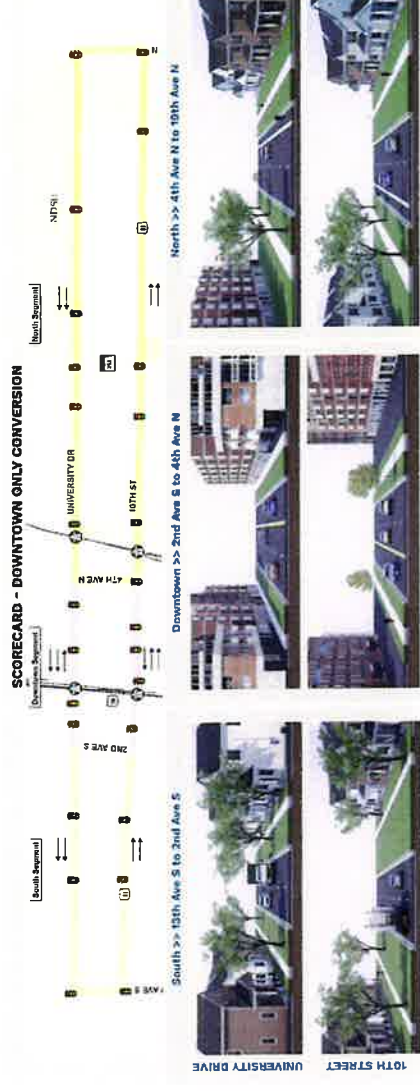


Figure 7: Downtown Only Conversion



Early comments received by the project team expressed strong opposition to the potential conversion of the corridor, largely due to the critical connectivity that University Drive and 10th Street provide for the city. Residents living directly along the corridor were primarily concerned with preserving street trees and maintaining the corridor's aesthetic character. In contrast, those in favor of the conversion were mostly interested in making the corridor quieter, slower, and more accommodating to multimodal transportation within their neighborhoods.

The corridor-wide conversion did not align with community member priorities in several key ways:



Without widening the corridor, University Drive and 10th Street would experience significant gridlock, increasing travel times by 8 to 20 minutes. This would worsen conditions for those relying on the corridor to access Downtown, NDSU, and nearby neighborhoods.



In the no-widening scenario, up to 50% of traffic would be diverted to local neighborhood streets, increasing noise and congestion in those areas.



A widening project would impact approximately 125 trees and 175 signal/light poles, and would be prohibitively expensive—contradicting the preferences of residents along the corridor.

For those supporting the conversion to improve multimodal access, the widening scenario would increase crossing distances. In both scenarios, the potential for conflicts between vehicles and non-motorized users would rise. However, vehicle speeds would significantly decrease, reducing the likelihood of severe or fatal crashes.



None of the conversion scenarios made biking or transit more viable or improved transit efficiency. In some cases, conditions for these modes worsened.



All scenarios showed a substantial increase in vehicle crash potential. The number of blind intersections and conflict points more than doubled.

The results of the conversion analysis were shared with the public at an open house, supported by a broad marketing campaign. Findings were also presented individually to each City Commissioner and formally at a City Commission meeting.

The majority of public sentiment favored eliminating the corridor-wide two-way conversion concepts. However, there was interest in further studying a downtown-only conversion, as this segment features a widened three-lane cross-section. This configuration could support two-way traffic while maintaining efficient flow to key destinations and minimizing major roadway impacts.

On August 7, 2023, the City Commission agreed with this approach, paving the way for Phase II of the project.

Frequently Asked Question: The two-way

conversion of the previous one-way pair on 1st Avenue and NP was very successful. Why wouldn't this improvement strategy work similarly?

Answer: These two individual one-way pairs differ significantly across key aspects of the transportation system. First, NP and 1st had nearly twice as much right-of-way available, minimizing costs and overall impacts to properties and trees when converted. Secondly, the 1st/NP pair was 1/3 as long in length with access to fewer destinations and about 1/3 as much traffic as the University Drive and 10th Street.

Improvement and Implementation Options

Phase II focused on identifying potential short- and long-term improvement strategies through both technical analysis and public engagement. The public engagement process included the following activities:

- Marketing Approach:** Traditional outreach methods included social media posts, website updates, mailers sent to more than 4,300 properties along the corridor, flyers distributed throughout downtown, and an e-blast to individuals who had participated in earlier phases and provided their contact information. More involved strategies included chloroplast road signs along the corridor, digital billboards, and video updates. Additionally, innovative tools such as virtual interactive renderings of proposed downtown improvements and various online surveys were developed.
- Engagement Approach:** The engagement strategy was multi-faceted and took place over a busy week of activities. Events included a formal public open house, a stakeholder focus group (with representatives from the FARGODOME, NDSU, and others), a business focus group organized by the Downtown Community Partnership, a Strong Towns focus group, and two pop-up meetings—one at the Red River Market and another at an NDSU football tailgating event.



Figure 8: Enhanced Rest-in-Red Signal Timing

Figure 9:
Examples of
Recommended
Safety
Improvements



Enhance Multimodal Accessibility

The assessment recommends enhancing multimodal accessibility by adding dedicated bike lanes, improving public transit facilities, and strengthening pedestrian connectivity. The proposed improvements include a parallel bike route along 11th Street and enhanced pedestrian crossings to reduce conflicts with vehicles. This vision is anchored by signature reconfiguration alternatives in the downtown area, which aim to support alternative modes of travel while prioritizing aesthetics and livability.

Several concepts were developed that eliminate one through lane to achieve different benefits. One concept widens the sidewalks to accommodate bicycle travel, aesthetic enhancements, and bus turnouts.

Another replaces it with a raised one-way or two-way bike facility, often referred to as a cycle-track. A third concept repurposes the lane for opposing traffic flow.

Funding and Phasing Plan

Phase II concludes with a comprehensive funding and phasing plan to support the successful implementation of the proposed improvements. This includes identifying and pursuing a variety of funding sources, as well as prioritizing projects based on their impact and feasibility. The Study Implementation Plan outlines the necessary steps to translate the study's vision into actionable projects.

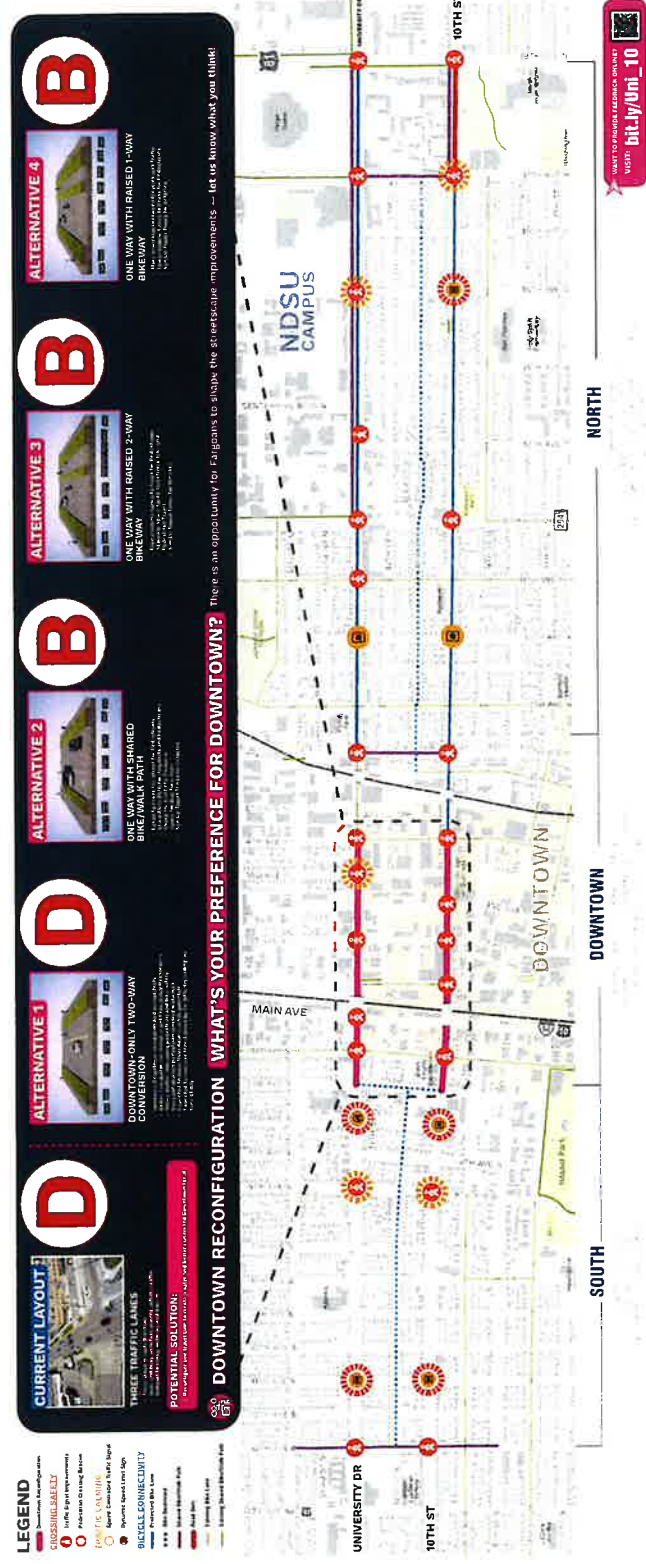
It emphasizes the importance of strategic prioritization and the development of effective funding strategies to ensure timely enhancements to the transportation system.

A range of federal, state, and local funding sources are available, with the City of Fargo

leading efforts to secure financial support. Statewide and federal programs—such as the Highway Safety Improvement Program, Transportation Alternatives, and Flex Funding—are critical for advancing small-scale, high-impact solutions like traffic calming measures and improved pedestrian crossings. However, larger federal grants will be necessary to implement the more costly downtown reconfiguration concepts.

Frequently Asked Question: When will the improvements identified in this study occur?

Answer: No funding is set aside to advance any of the improvements outlined in this plan. You may see some of the smaller-scale improvements packages, such as signal improvements in the next five years if additional funding is secured. More substantial projects, like the vision set forth through downtown, may occur well beyond a 5-year timeframe.



METROCOG



42

John Strand, City Commissioner

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TO: BOARD OF CITY COMMISSIONERS

FROM: CITY COMMISSIONER JOHN STRAND

DATE: NOVEMBER 10, 2025

SUBJECT: TAX INCENTIVE POLICIES

We recently received a report on the Tax Incentive recipients and results of that program. In that report it became clear that there are at least three recipients of tax incentives who have not complied with our request for annual reports back on job creations and wage levels as projected in their applications to receive those tax incentives. There are also some participants who have not fulfilled the level of job creations that they projected to receive the incentives in the first place.

Going forward, in my opinion, it needs to be very clear that compliance in every regard is essential for continuation of the incentives being offered and awarded. Also, we should be requiring reports annually rather than simply requesting them.

Based on that discussion and information presented to the full City Commission I present the following motion:

RECOMMENDED MOTION: The Board of City Commissioners and the Economic Development Incentives Committee require compliance in all regards for companies receiving Tax Incentives, which means reports will be filed annually confirming actual fulfillment of projections of jobs to be created, etc., and timely filing of such reports with the City. If projections that were presented in applications are not fulfilled then those requirements must immediately be addressed and rectified otherwise the incentive should be revisited, retracted and or clawed back. In addition, the City must be diligent in enforcing compliance with companies that are not meeting the thresholds of job creations that they projected in their PILOT applications and those need to be addressed and corrected as per original agreements with the City.



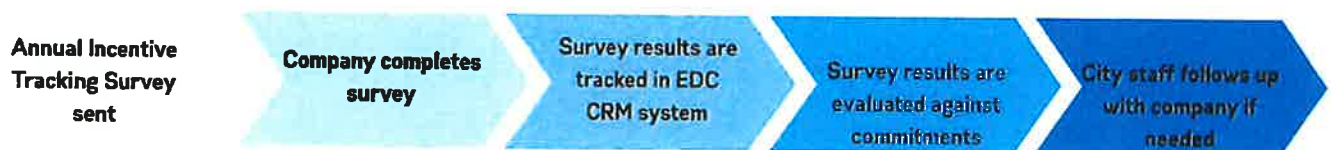
INCENTIVE TRACKING REPORT

Project Description and Objective:

This Incentive Tracking Report provides a comprehensive overview of the PILOT/Property Tax Exemptions provided to Primary Sector Companies from 2016 - 2024. The purpose of the incentive tracking program is to evaluate the effectiveness, participation, and outcomes of the incentives offered to primary sector companies in generating an economic impact and ROI to the city of Fargo. This system specifically measures the number of full-time employees and average salary (wage) benchmarked against the initial company commitment documented in the New Industry Application and Business Incentive Agreement.

How Does It Work?

GFMEDC sends an annual survey to companies asking about job growth and wages, comparing results to their incentive agreements. Staff also assist Fargo city officials in identifying companies that may need follow-up.



Individual Results

Utilizing a combination of direct company outreach and GFMEDC's CRM system, we were able to receive responses from 20 of 23 currently active PILOT recipients for 2025.

The Companies who have not responded include:

- Appareo
- DigiKey
- FedEx

The individual results of each current PILOT incentive can be found in the "Business Incentive Tracking Results" spreadsheet.

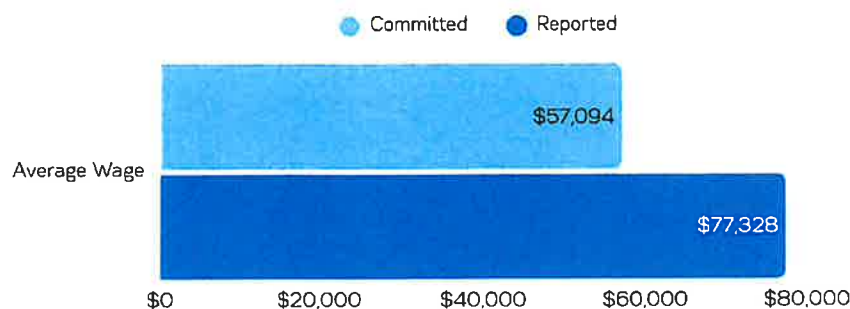
Aggregate Results

The aggregate results of 2025 PILOT recipient reporting confirm the creation of 441 new jobs over the baseline employment reported at the time of each PILOT recipient's application.

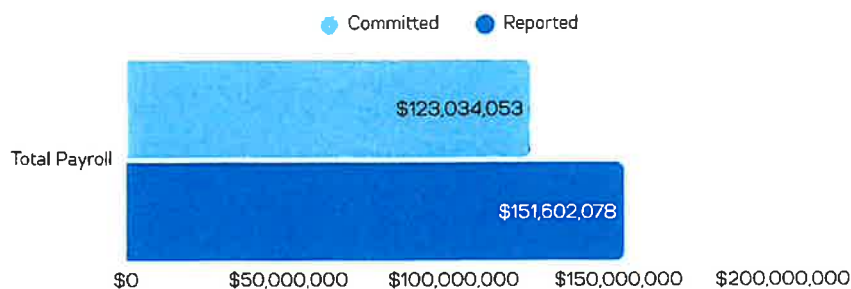
The total number of employees (jobs created and retained) reported in 2025 across PILOT recipient companies totals 2,056, which is 110 less than the original amount committed by all PILOT companies of 2,166. This number falls short of new jobs created within the aggregate of current agreements but it should be noted that 12 of the companies are still operating within the contract period and have time to fulfill the job obligations within their agreements.

The job creation gap could be explained by the following:

- Increasing demand and undersupply of workers during this period.
- Several PILOT incentives were approved prior to COVID, which dramatically shifted the workforce dynamics across the nation.
- Automation has also increasingly impacted the ability to fill repetitive jobs which previously required human interaction.
- The 15 companies analyzed as of this report, collectively, had 351 job postings over the last rolling 12 month period which demonstrates efforts to hire for key positions.
- Wages during the analyzed time period (2016 - 2024) increased by a significant 35%. The average 2025 wage reported across all responses of \$77,328 exceeds the average original committed wage of \$57,094 by \$20,234.



The aforementioned increase in wages translates to total payroll across all analyzed companies of \$151,602,078 which exceeds the actual company payroll commitment of \$123,034,053 by \$28,568,025. Despite hiring challenges and a gap in overall jobs created across PILOT recipients, a greater economic impact is achieved through higher overall payroll, due to rising wages, which is a market response to workforce demand that exceeds worker supply.



For additional questions, contact:

Ryan Aasheim

Chief Business Development Officer

701-364-1919

raasheim@fmedc.com



Company	Incentive Details				Job & Wage Projections										Jobs Created (Reported - Base)
	Start Year	End Year	Years Incented	Current Incentive Year	Gross Incentive Benefit	Base FTE's	Year 1	Year 2	Year 3	Year 4	Year 5	Reported FTE's	Average Wage (BIA)	Average Wage Reported	
Responded															
Border States Electric	2019	2028	10	5	\$ 1,726,650	320	345	370	410	450	490	325	\$ 80,000	\$ 75,941	5
Border States Electric	2016	2025	9	9	\$ 733,005	70	90	90	90	90	90	61	\$ 58,650	\$ 67,018	11
GI Apparel	2020	2024	5	5	\$ 284,516	83	98	107	116	125	134	118	\$ 30,400	\$ 50,460	35
Conwert	2025	2029	5	1	\$ 96,271	5	27	38	56	73	90	42	\$ 97,510	\$ 140,595	37
Dakota Specialty Milling	2017	2026	10	9	\$ 139,654	84	96	97	98	99	100	118	\$ 35,000	\$ 51,688	34
Dakota Specialty Milling	2023	2027	5	3	\$ 284,790	0	14	14	14	14	14	18	\$ 49,900	\$ 51,688	18
Financial Bus Systems	2022	2026	5	4	\$ 277,818	124	128	131	136	141	146	129	\$ 82,665	\$ 116,130	5
Peckert Digital #1	2022	2026	5	4	\$ 62,113	18	31	34	43	52	61	52	\$ 67,254	\$ 97,446	34
Peckert Digital #2	2024	2028	5	2	\$ 185,114	31	36	44	55	66	70	52	\$ 83,539	\$ 97,446	21
PRX	2022	2031	10	4	\$ 1,946,210	50	73	96	117	138	149	55	\$ 35,600	\$ 67,684	5
Tucson (Marvin Composites)	2023	2032	10	3	\$ 1,732,566	239	255	274	289	303	320	286	\$ 41,600	\$ 60,745	47
Vortexsys	2020	2024	5	5	\$ 38,600	11	19	22	27	32	40	37	\$ 61,880	\$ 69,400	26
Audewron - 2016	2019	2028	10	6	\$ 837,720	51	60	83	67	70	73	473	\$ 52,000	\$ 78,500	422
Audewron - 2018	2022	2031	10	3	\$ 4,653,675	298	348	378	403	403	403	605	\$ 53,500	\$ 77,338	307
Audewron - University	2022	2031	10	3	\$ 684,981	416	427	437	447	457	467	605	\$ 61,968	\$ 77,338	189
Appareo	2016	2025	10	10	\$ 777,041	171	191	209	225	234	241		\$ 31,200		
DigiKey	2016	2025	10	10	\$ 250,206	94	5	9	8	8	10	10	\$ 32,747		
FedEx	2017	2026	10	9	\$ 245,661	0	25	25	25	25	25	25	\$ 50,000		
Red Bull	2021	2025	5	5	\$ 33,631	6	8	10	11	12	13	32	\$ 61,300	\$ 68,000	26
Standard Industries	2023	2027	5	3	\$ 409,340	38	50	56	64	72	80	48	\$ 47,000	\$ 58,240	10
Coschindale	2023	2027	5	3	\$ 127,654	48	50	53	56	60	65	9	\$ 89,211	\$ 83,537	(39)
Weather Modification	2025	2029	5	1	\$ 1,697,870	54	62	68	72	76	80	58	\$ 58,240	\$ 98,910	4
AWM Design	2025	2029	5	1	\$ 40,229	4	9	12	13	16	20	11	\$ 52,000	\$ 58,454	7
TOTALS & Averages					\$ 17,265,315	2,215			2,166			3,154	\$ 57,094	\$ 77,328	1,204
de-duplicated #s												2,056			441

Company	Date of Last Report	difference in jobs committed	Total Payroll committed	Actual Payroll	Payroll Differential	Pre-Incentive Value	Current Value	% Change	Annual Change
Responded									
Border States Electric	6/23/2025	(165) \$	38,200,000 \$	24,680,760 \$	(14,519,240)	2,349,000	33,610,200	1331%	133%
Border States Electric	6/23/2025	(9) \$	5,278,500 \$	5,428,426 \$	149,926	1,492,000	11,591,300	677%	75%
Cl Apparel	3/14/2024	(16) \$	4,073,600 \$	5,954,280 \$	1,880,680	3,943,000	6,210,000	57%	11%
Covent	5/15/2025	15 \$	2,632,770 \$	5,904,950 \$	3,272,220				0%
Dakota Specialty Milling	5/19/2025	18 \$	3,500,000 \$	6,099,184 \$	2,599,184	1,405,900	2,517,000	79%	8%
Dakota Specialty Milling	5/20/2025	4 \$	698,600 \$	930,354 \$	231,784	4,059,500	5,304,100	31%	6%
Financial Bus. Systems	5/20/2025	(12) \$	11,655,765 \$	14,980,770 \$	3,325,005	1,601,000	3,905,000	144%	29%
Packet Digital #1	6/23/2025	0 \$	2,891,922 \$	5,067,174 \$	2,175,252	1,080,700	1,370,400	27%	5%
Packet Digital #2	6/23/2025	8 \$	3,007,404 \$	5,067,174 \$	2,059,770	1,162,800	2,790,100	140%	28%
PRX	5/20/2025	(62) \$	4,165,200 \$	3,722,620 \$	(442,580)	1,917,000	20,339,700	961%	96%
Tecton (Marvin Composites)	5/23/2025	(3) \$	12,022,400 \$	17,373,070 \$	5,350,670	10,612,000	19,471,000	83%	8%
Voxteless	5/19/2025	(3) \$	2,475,200 \$	2,567,800 \$	92,600	318,000	407,300	28%	6%
Aldevron - 2015	7/17/2025	400 \$	3,484,000 \$	37,130,500 \$	33,646,500	2,280,000	56,110,100	2361%	236%
Aldevron - 2019	7/17/2025	202 \$	21,560,500 \$	46,789,490 \$	25,228,990	13,276,100	56,110,100	323%	32%
Aldevron - University	7/17/2025	158 \$	27,699,696 \$	46,789,490 \$	19,089,794	3,925,200	6,882,600	75%	8%
Appareo						6,172,400	7,488,800	21%	2%
Digikey						7,490,000	17,889,000	139%	14%
FedEx						147,000	2,012,000	1269%	127%
Red E LLC	6/12/2025	19 \$	796,900 \$	2,176,000 \$	1,379,100	1,101,000	1,620,200	47%	9%
Standard Industries	5/23/2025	(16) \$	3,008,000 \$	2,795,520 \$	(212,480)	1,527,000	13,100,000	758%	152%
GoSchedule	6/18/2025	(47) \$	4,995,816 \$	751,833 \$	(4,243,983)	1,768,000	1,598,000	-10%	-2%
Weather Modification	7/16/2025	(4) \$	3,610,880 \$	5,736,784 \$	2,125,904	165,000	10,460,000	6239%	1248%
Anvil Design	5/15/2025	2 \$	468,000 \$	642,994 \$	174,994	1,171,400	1,324,000	13%	3%
TOTALS & Averages		489 \$	157,225,153 \$	240,589,242 \$	83,364,089 \$	68,964,000 \$	282,110,900	309%	
de-duplicated #s		\$	123,034,053 \$	151,602,078 \$	28,568,025				



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TO: BOARD OF CITY COMMISSIONERS

FROM: CITY COMMISSIONER MICHELLE TURNBERG

DATE: NOVEMBER 10, 2025

SUBJECT: SAFER SMOKING SUPPLIES AND NEEDLE DISBURSEMENT PROGRAMS

It has recently come to my attention that the City of Fargo is now providing glass pipes to drug users through the Harm Reduction Program.

I would like to have a discussion as to when and why this is happening, in addition to a discussion on the continuation of the needle disbursement program.

RECOMMENDED MOTION: To end the needle disbursement program in the City of Fargo, effective immediately.