

FARGO CITY COMMISSION AGENDA

Monday, April 28, 2025 - 5:00 p.m.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, April 14, 2025).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Amendment to Purchase Agreement and Earnest Money Contract with Galvanizers, Inc.
- 2. 2nd reading, waive reading and final adoption of an Ordinance Amending Article 13-03 of Chapter 13 of the Fargo Municipal Code Relating to the Control and Regulation of Food Service Establishments; 1st reading, 4/14/25.
- 3. 2nd reading, waive reading and final adoption of an Ordinance Amending Section 1-0305(A)(1) of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations; 1st reading, 4/14/25.
- 4. 2nd reading, waive reading and final adoption of an Ordinance Rezoning a Certain Parcel of Land Lying in AAB Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 4/14/25.
- 5. Site Authorizations for Games of Chance:
 - a. Fraser Ltd. at Golf Addiction.
 - b. Fraser Ltd. at Space Aliens.
 - c. Homeward Animal Shelter at Speck's Bar.
 - d. Metro Sports Foundation at Alibi.
 - e. Metro Sports Foundation at Clubhouse.
 - f. Metro Sports Foundation at The Bowler.
 - g. Metro Sports Foundation at Scheels Arena.
 - h. Metro Sports Foundation at Xcalibur.
 - i. Prairie Public Broadcasting, Inc. at Bison Turf.
 - j. Prairie Public Broadcasting, Inc. at Dempsey's.
 - k. Prairie Public Broadcasting, Inc. at Pepper's.
 - l. Prairie Public Broadcasting, Inc. at Tailgator's.
 - m. West Fargo Baseball, Inc. at Puerto Vallarta Bar and Grill.
- 6. Applications for Games of Chance:
 - a. Fargo Moorhead Derby Girls for a raffle on 5/31/25, 6/21/25, 8/2/25, 9/6/25 and 10/4/25.
 - b. Red River Valley Woodcarvers for a raffle and raffle board on 5/4/25.
 - c. Vietnam Veterans of America #941 for a raffle on 7/26/25.

7. Bid award and Contract to 3D Specialties Inc. for Project No. TM-25-A1.
8. Task Order No. 8 with KLJ Engineering LLC in the amount of \$180,375.00 for a 2025 Downtown Parking Study.
9. Bid award to Dakota Underground Company, Inc. in the amount of \$3,550,272.03 for Improvement District No. BR-25-A1.
10. Bid award to FM Asphalt LLC in the amount of \$1,837,589.00 for Improvement District No. PR-25-H1.
11. Contract and bond for Improvement District No. BR-25-C1.
12. Bid award to Border States Paving, Inc. in the amount of \$459,814.20 for Project No. SR-25-B1.
13. Amendment No. 2 with KLJ Engineering LLC in the amount of \$193,525.00 for North Deck Parking Repairs at City Hall (RFP24010).
14. Items from the FAHR Meeting:
 - a. Receive and file General Fund - Budget to Actual through 3/31/25.
 - b. Receive and file General Fund - 2025 Year End Projections as of 3/31/25.
 - c. Accept the donation of 169 elm trees from ASN Constructors.
15. Request to purchase APS Firehouse Alerting equipment for Fire Station Nos. 2 and 7 in the amount of \$101,575.00 (RFQ24142) and associated electrical work (RFP25145).
16. Contract Agreement for Health Officer Services with Jessie Lindemann, MD (RFP25078).
17. Purchase of Service Agreement with Northern Cass Public School District.
18. Direct the City Attorney to draft Ordinances for adoption of the 2024 International Codes.
19. Resolution approving Plat of Simonson Companies Fourth Addition.
20. Direct the City Attorney to reclassify the violations in Ordinance 8-1418 – Riding on Sidewalks from non-criminal to infraction.
21. Bid award to M.J. Dalsin Co. in the amount of \$130,544.00 for Public Works partial re-roof repair (RFP25118).
22. 2025 Mosquito Control Agreement with Cass County Government (EX25154).
23. Bus Advertising Wrap Agreement template.
24. Bills.

REGULAR AGENDA:

25. Presentation from the FM Coalition to End Homelessness and United Way of Cass-Clay.

PUBLIC HEARINGS - 5:15 pm:

26. **PUBLIC HEARING** – WITHDRAWN - Appeal of an April 1, 2025 Planning Commission decision to approve a Conditional Use Permit for a Telecommunications Support Structure (TSS) to exceed the maximum height requirements in a P/I, Public and Institutional zoning district on Lot 2, Block 1, Mickelson Fields Addition (875, 901 and 925 Oak Street North).
27. **PUBLIC HEARING** – Selkirk Place Third Addition (3040 and 3200 67th Avenue South); approval recommended by the Planning Commission on 10/1/24:
 - a. Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public and Institutional.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of Selkirk Place Third Addition.
28. **PUBLIC HEARING** – Golden Valley Sixth Addition (6788 27th Street South); approval recommended by the Planning Commission on 4/1/25:
 - a. Zoning Change from SR-4, Single-Dwelling Residential to SR-5, Single-Dwelling Residential.
 - b. 1st reading of rezoning Ordinance.
29. **PUBLIC HEARING** - Application for a Class “F” Alcoholic Beverage License for Nicole’s Fine Pastry, LLC d/b/a Nicole’s Fine Pastry & Café to be located at 13 8th Street South.
30. **PUBLIC HEARING** - Application for a Class “B-Limited” Alcoholic Beverage License for STL of North Dakota d/b/a Target Wine & Spirits to be located at the Southeast corner of 38th Street South and Alexander Drive South; continued from the 3/31/25 Regular Meeting.
31. Update on the Forestry Department.
32. Reminder that Camping on Public Property and Rights of Way to end on April 30, 2025.
33. Liaison Commissioner Assignment Updates.
34. **RESIDENT COMMENTS** (**Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at [FargoND.gov/VirtualCommission](https://www.fargoND.gov/VirtualCommission)**).

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

Minutes are available on the City of Fargo website at [www.FargoND.gov/CityCommission](https://www.fargoND.gov/CityCommission).

April 22nd, 2025

25



Dear Mayor and Commissioners,

As we continue our shared commitment to addressing homelessness in our region, the FM Coalition to End Homelessness and United Way of Cass-Clay return to provide an update on *United to End Homelessness*, first introduced during the December 23rd, 2024, City Commission meeting. This initiative was launched to scale housing and supportive services to meet the need in our community and prevent increases in unsheltered homelessness. Today, we share our progress, highlight key challenges, and outline the next steps required to maintain stability through the summer.

The purpose of this presentation is to:

1. **Provide an update on our progress** scaling housing and supportive services, including the acquisition of underutilized housing units, the alignment of existing programs, and strengthened cross-sector partnerships.
2. **Share the challenges** we continue to face in meeting the scale of need, specifically the financial resource gap.
3. **Reaffirm the core strategies** of the *United to End Homelessness* initiative, rapid access to housing, wraparound supportive services, homelessness prevention, and the critical importance of maintaining momentum toward our community-wide launch.
4. **Recognize the critical role of the City of Fargo** as a key partner in this work, whose continued collaboration, support, and commitment have been instrumental in strengthening and aligning our community's response to homelessness.

We know from national best practices and local experience that brief disruptions in shelter and service availability can reverse progress and increase system strain. Maintaining consistent support and housing navigation will enable our partners to continue assisting individuals who are still transitioning from crisis to stability.

The FM Coalition to End Homelessness and United Way of Cass-Clay remain steadfast in our commitment to this work. Through continued partnership with the City of Fargo and other metro leaders, we are building the foundation necessary to make homelessness rare, brief, and one-time in our region. We look forward to sharing our update and working together to ensure no one is left behind as we bring this vision to life.

Sincerely,

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

Chandler Esslinger



(27)

**City of Fargo
Staff Report**

Title:	Selkirk Place Third Addition	Date: Update:	9/25/2024 4/24/2025
Location:	3040 and 3200 67th Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of the Northwest Quarter and part of Auditor's Lot 2 in the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota.		
Owner(s)/Applicant:	NICD, LLC / Jon Youness, EagleRidge Development	Engineer:	Bolton & Menk
Entitlements Requested:	Major Subdivision (plat of a portion of the Northwest Quarter and part of Auditor's Lot 2 in the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota) Zone Change (from AG, Agricultural to SR-4, Single-Dwelling Residential, and P/I, Public/Institutional)		
Status:	City Commission Public Hearing: April 28th, 2025		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Residential,	
Zoning: AG, Agricultural		Zoning: SR-4, Single Dwelling Residential;	
Uses Allowed: <u>AG – Agricultural</u> . Allows detached houses, parks and open space, safety services, basic utilities, crop production, and certain telecommunications facilities.		Uses Allowed: <u>SR-4, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, basic utilities, and certain telecommunications facilities <u>P/I, Public Institutional</u> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, major entertainment events, and certain telecommunications facilities.	
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.		Maximum Density Allowed: SR-4 allows 12.1 dwelling units per acre. Residential uses are not allowed in the P/I zone.	

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Selkirk Place Third Addition**, plat of a portion of the Northwest Quarter and part of Auditor's Lot 2 in the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota; and
2. A zone change from AG, Agricultural to SR-4, Single-Dwelling Residential, and P/I, Public/Institutional

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: SR-4 and SR-5, Single-Dwelling Residential; MR-3, Multi-Dwelling Residential; platted; not yet undeveloped

- East: County Drain 53; AG—undeveloped;
- South: AG; undeveloped
- West: AG; undeveloped

Context:

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

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

Parks: The project includes a public park, which will be developed at the time of residential development.

Pedestrian / Bicycle: There are no off-road bike facilities along 64th Avenue South or Interstate 29. See "TRAIL CONNECTIVITY" below.

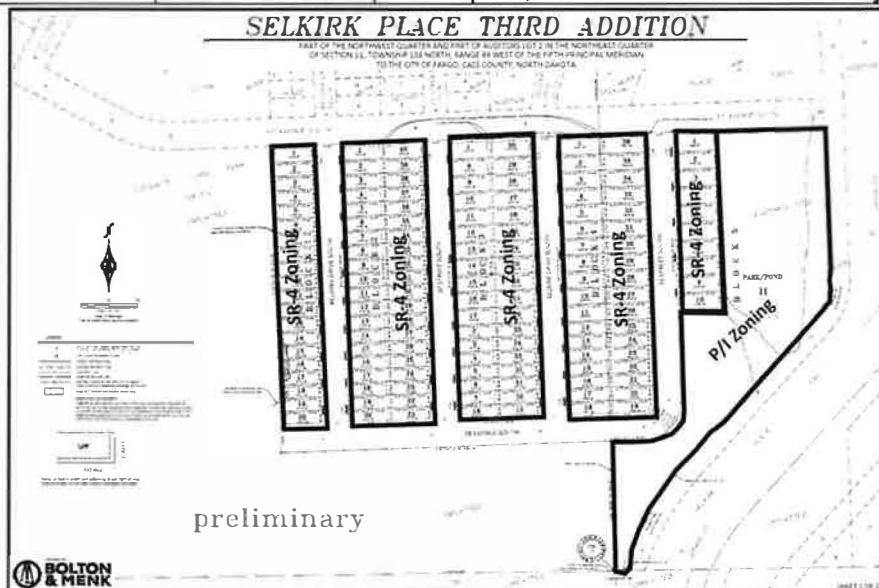
Transit/MATBUS: The subject property is not on a MATBUS route.

Staff Analysis:

PLAT AND ZONE CHANGE

The plat will create a total of 143 lots. One lot is for a park and stormwater detention facility. The rest of the lots are for single-dwelling residential development. Lots will be zoned as shown in the chart and graphic below.

BLOCK	LOTS	ZONING	LAND USE
1	1-20	SR-4	Single-Dwelling Residential
2	1-40	SR-4	Single-Dwelling Residential
3	1-36	SR-4	Single-Dwelling Residential
4	1-36	SR-4	Single-Dwelling Residential
5	1-10	SR-4	Single-Dwelling Residential
5	11	P/I	Public park; stormwater detention facility



The SR-4 zoned lots range in size from 4,522 square feet to 6,944 square feet. The developer intends these for detached single dwelling residences. All SR-4 zoned lots meet the minimum required lot area of the SR-4 zone of 3,600 square feet.

The 6.75 acre P/I zoned lot is intended for a public park and stormwater detention facility. This lot is intended to be conveyed by the developer to the Fargo Park District following plat recordation.

ACCESS: The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat, as shown in the chart below.

STREET	CLASSIFICATION	COMMENT
Belding Drive South	Local	Continues existing street
32 nd Street South	Local	Continues existing street
Selkirk Drive South	Local	Continues existing street
30 th Street South	Local	New street
69 th Avenue South	Collector	New street

NEGATIVE ACCESS EASEMENT: The plat depicts negative access easements (NAE's) along the side yards of the residential lots along 67th Avenue South. These NAE's prevent direct access to these lots from 67th Avenue. Small NAE's also are depicted along the local residential streets. These are intended to manage driveway widths and locations.

SIDEWALK AND BOULEVARD ALONG 67th and 69th AVENUES SOUTH: The property owners of the lots with side yard frontage along 67th and 69th Avenues South will have some responsibility for sidewalk and boulevard maintenance along those frontages, as described in the amenities plan.

TRAIL CONNECTIVITY: Planning, Engineering, and Park District staff have worked with the applicant to insure effective trail connectivity. Off-street shared use paths are intended for 67th Avenue South and along the nearby Drain 53. The Fargo Park District has a separate agreement with the applicant.

GROWTH PLAN: This subdivision was designed prior to the adoption of the Fargo Growth Plan 2024. However, it is consistent with place type designation for this area of Urban Neighborhood. Primary uses in the Urban Neighborhood place type designation are small lot single-family detached housing.

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. The property is currently zoned AG, Agricultural. The proposed zoning of SR-4 and P/I will allow the proposed single-dwelling residential and park development. **(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. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The proposed development is consistent with the recently adopted Fargo Growth Plan 2024. **(Criteria satisfied)**

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 proposed zoning designations for the development on this property are SR- and P/I. These zones will accommodate the proposed single-dwelling residential and park development, and are consistent with the recently adopted Fargo Growth Plan 2024. 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 proposed zoning designations for the development on this property of SR-4 and P/I are consistent with the recently adopted 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.

Staff has created an amenities plan that specifies the terms of securing installation of public improvements to serve the subdivision. This amenities plan has been reviewed by the Public Works Project Evaluation Committee (PWPEC) and the applicant. The City's standard policy is that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of 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) zone change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public/Institutional; and 2) plat of **Selkirk Place Third Addition** major subdivision, as presented; as the proposal complies with the Fargo Growth Plan 2024, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907 of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 1st, 2024

At the October 1st, 2024, Planning Commission hearing, that Commission, by a vote of 7-0 with three Commissioners absent and one Commission seat vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public/Institutional; and 2) plat of **Selkirk Place Third Addition** major subdivision, as presented; as the proposal complies with the Fargo Growth Plan 2024, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907 of the LDC, and all other applicable requirements of the LDC.

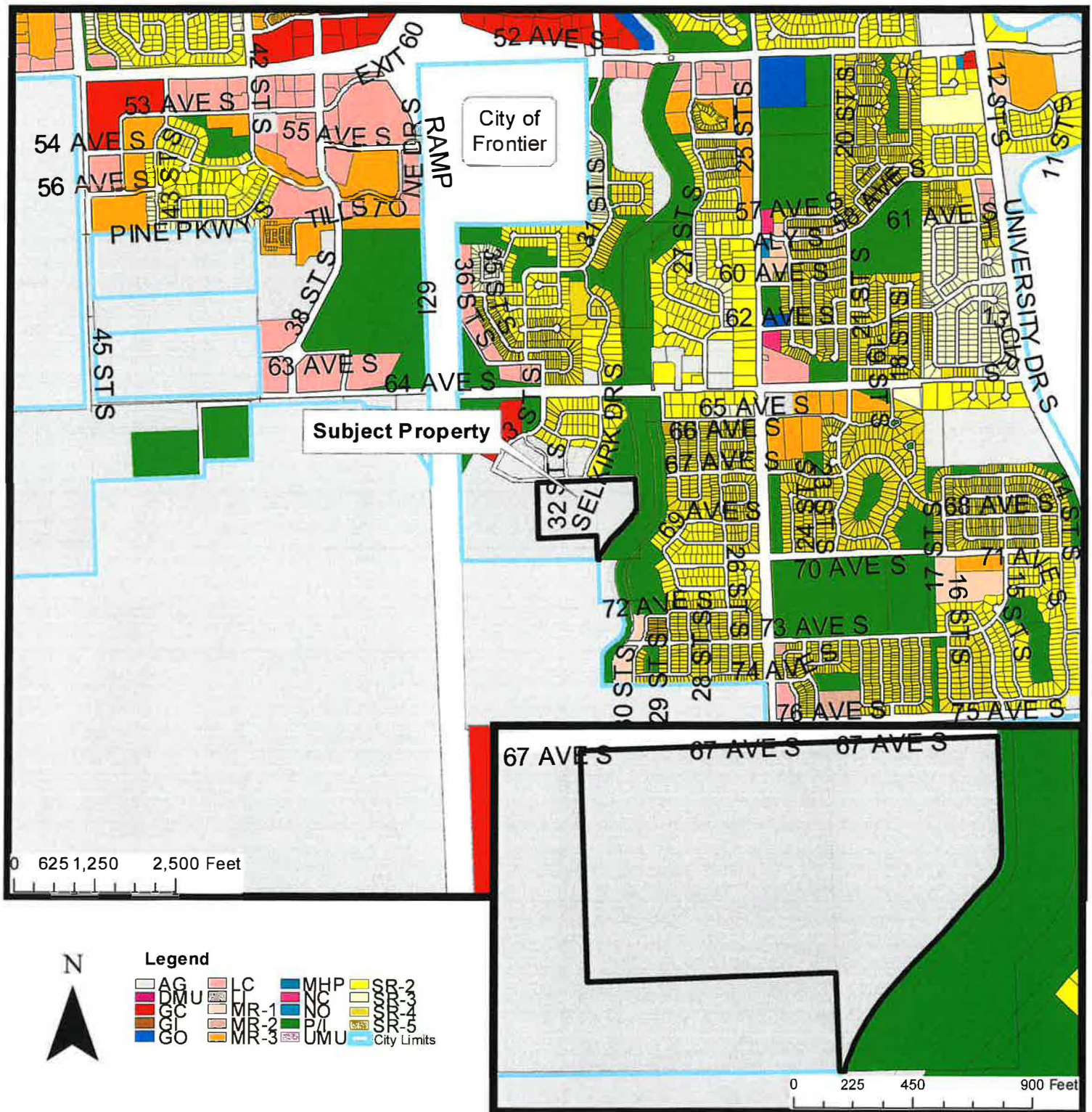
Attachments:

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

Major Subdivision & Zone Change from AG, Agricultural to SR-4, Single-Family Residential and P/I, Public/Institutional

Selkirk Place Third Addition

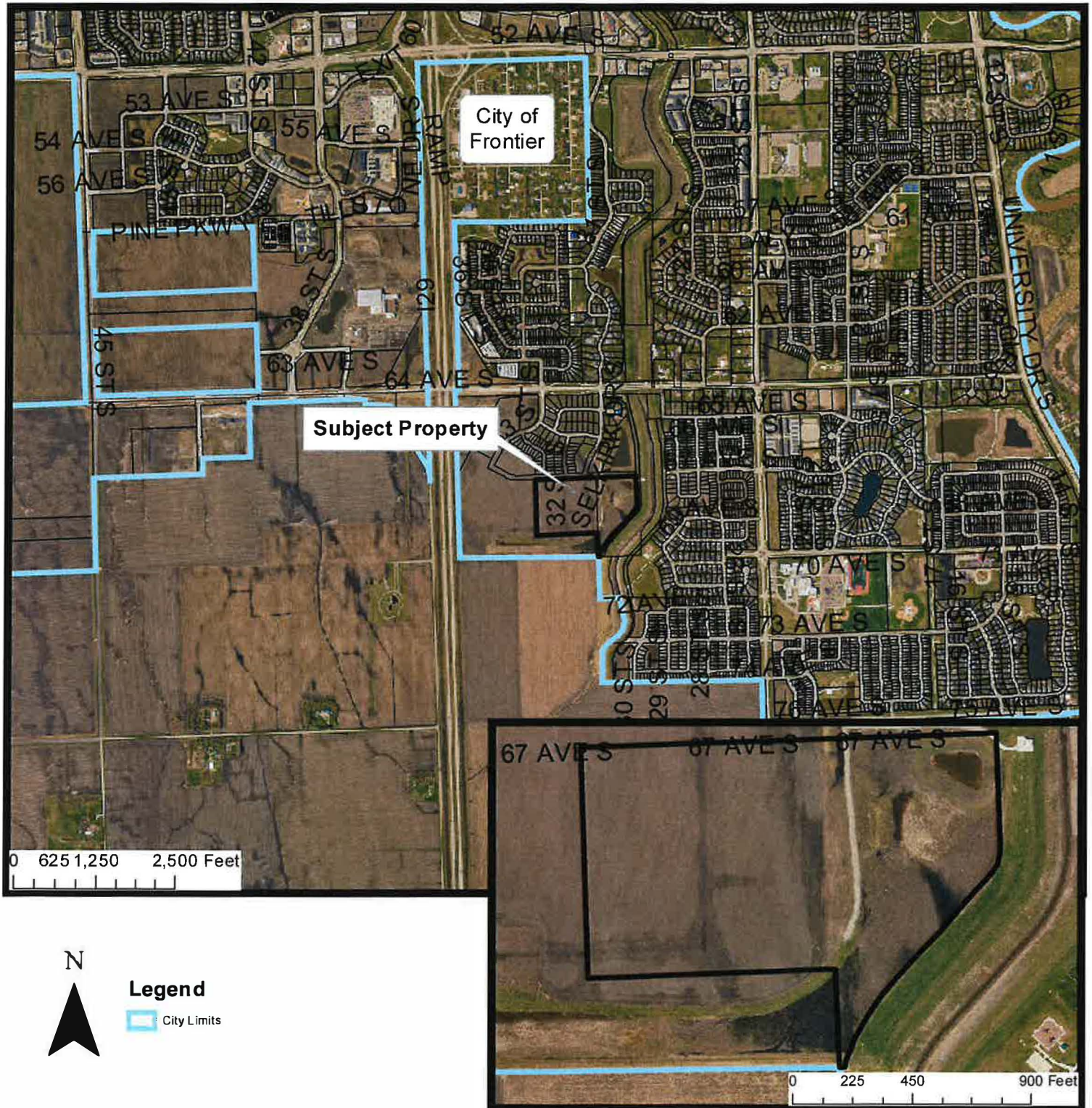
3200 & 3040 67 Avenue South



Major Subdivision & Zone Change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public/Institutional

Selkirk Place Third Addition

3200 & 3040 67 Avenue South



SELKIRK PLACE THIRD ADDITION

PART OF THE NORTHWEST QUARTER AND PART OF AUDITORS LOT 2 IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 138 NORTH,
RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A MAJOR SUBDIVISION



15.64 FEET
Scale of bearings
Part of Section Second Addition

Public utility easements are shown thus

11 FT
STREET
AVENUE

Being 20 feet in width and adjoining street right of way
lines as shown on the plat, unless otherwise indicated

BENCHMARK

U.S. OF BENCHMARK 221022, 111
JONES AND COMPANY, INC. OF THE DISTRICT
LOCATED AT THE VARIOUS SURVEY PLAT 2310
TOWNSHIP 138 NORTH, RANGE 49 WEST, SECTION 11
NORTH DAKOTA, 1911



PART OF THE NORTHWEST QUARTER AND PART OF AUDITORS LOT 2 IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 138 NORTH,
RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A MAJOR SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS, that NICO, LLC, a North Dakota limited liability company, owner of a parcel of land located in that part of the Northwest Quarter and part of Audubon lot 2 in the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Said tract contains 30.88 acres, more or less, and is subject to all easement, restrictions, reservations and rights of way of record, if any.

Said owner has caused the above described parcel of land to be surveyed and platted as "SLIKK PLACE THIRD ADDITION" to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use forever, the streets, and the utility easements as shown on this plat and does hereby dedicate to the City of Fargo, the storm sewer easements as shown on this plat.

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State of North Dakota
County of Cass

On this 26 day of September, in the year 2024, before me, a notary public within and for said County and State, personally appeared James Beiles, President, NIGEL LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of NIGEL LLC.

Notary Public

MORRIS HONDA
(est. international bank & trust)

By: Matt Mueller, Senior Vice President

State of North Dakota }
County of Cass }

On this _____ day of _____ in the year 1974 before me, a duly qualified notary public within and for said County and State, personally appeared _____, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of First International Bank & Trust.

Notary Public

AMERICAN BURY
FOR THE PEOPLE
BURY WITH DIGNITY
ANYWHERE IN THE U.S. 1-800-238-2825

8. *Section M: Horizontal Alignment* Registered Professional Surveyors under the laws of the State of North Carolina do hereby certify that this plan is a correct representation of the survey, that the locations shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat.

Shawn M. Thomasson Date 9-26-24
Shawn M. Thomasson, Professional Land Surveyor
North Dakota License Number 155900

Scholar and Professor Elizabeth
Ferguson and Co.

Witnessed and signed on the day of September, 1918, before me, a notary public within and for said County and State, personally appeared James H. Thompson, his legal professional Lord Burrows, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same

Notary Public



Approved by City Engineer This _____ day of _____, 20____

John Knapikulis, P.E., City Engineer

State of North Dakota }
County of _____ }

On this _____ day of _____, in the year 2025, before me, a notary public with and for said County and State, personally appeared Tom Krakovich, PE, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same as City Engineer for the City of Fargo.

Notary Public

Approved by the City of Fargo Planning Commission this 1st day of October, 2014.

MAKING IT FUN

WATER OF NORTH BRITAIN }

On the 1st day of October in the year 2024, before me, a notary public within and for said County and State, personally appeared Maranda R. Yaw, Planning Commission Chair, known to me to be the person who is described in said who executed the within instrument, and acknowledged to me that she executed the same on behalf of the 2024 Planning Commission.

Nwards Wol
Selling Public

University of North Dakota
 1430 Main Avenue
 Grand Forks, ND 58202-8050
 Phone: 701/775-5000
 Fax: 701/775-5000
 E-mail: info@und.edu
 Web: www.und.edu

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2025.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota }
County of Cass } S

On this _____ day of _____, in the year 2025, before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are 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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

(276)

ORDINANCE NO. _____

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

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

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

WHEREAS, the rezoning changes were approved by the City Commission on April 28, 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) through Twenty (20), Block One (1); Lots One (1) through Forty (40), Block Two (2); Lots One (1) through Thirty-Six (36), Block Three (3); Lots One (1) through Thirty-Six (36), Block Four (4); and Lots One (1) through Ten (10), Block Five (5) of Selkirk Place Third Addition to the City of Fargo, Cass County, North Dakota;

are hereby rezoned from "AG", Agricultural, District to "SR-4", Single-Dwelling Residential, District.

Section 2. The following described property:

Lot Eleven (11), Block Five (5) of Selkirk Place Third Addition to the City of Fargo, Cass County, North Dakota;

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

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

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

5
6
7 (SEAL)

Timothy J. Mahoney, M.D., Mayor

8 Attest:
9

10
11 _____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

28

**City of Fargo
Staff Report**

Title:	Golden Valley 6 th Addition	Date:	03-25-2025
		Update:	04-23-2025
Location:	6788 27 Street South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	Lot 11, Block 1, Golden Valley 6 th Addition		
Owner(s)/Applicant:	Jordahl Custom Homes	Engineer:	Houston Engineering
Entitlements Requested:	Zone Change (from SR-4, Single Dwelling Residential to SR-5, Single Dwelling Residential)		
Status:	City Commission Public Hearing: April 28, 2025		

Existing	Proposed
Zoning: SR-4, Single Dwelling Residential	Zoning: SR-5, Single Dwelling Residential
Uses Allowed: Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: Allows detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.
Maximum Density: 12.1 units per acre	Minimum Density: 14.5 units per acre

Proposal:

The applicant requests one entitlement:
 1. **Zone Change** from SR-4, Single Dwelling Residential to SR-5, Single Dwelling Residential.

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: Single Family Residence, Zoned SR-4
- East: Single Family Residence, Zoned SR-4
- South: Single Family Residence, Zoned SR-2
- West: Single Family Residence, Zoned SR-4

Area Plans:

The subject property is designated as SR-4, Single Dwelling Residential and located within the Davies Neighborhood. The 2024 Fargo Growth Plan designates this area as a Suburban Neighborhood place type with primary uses listed as small to medium lot, single-family detached housing, townhomes (with limited massing up to four units per building), duplex, triplex, quadplex, ADU's, places of worship, schools, daycare centers, and home office. The proposed SR-5 zoning is consistent with these land use and place types.

Context:

Neighborhood: The subject property is located within the Davies Neighborhood.

Schools: The subject property is located within the Fargo school district, specifically in the Centennial Elementary, Discovery Middle, and Davies High Schools.

Parks: The subject property is located approximately 0.21 miles from Golden Valley Park (6977 Golden Valley Parkway South) and 0.5 miles from the Davies Recreational Pool (7150 25 Street South). Amenities at Golden Valley Park include basketball court, grill, picnic table, two playgrounds, and a shelter. Amenities at Davies Recreational Pool include outdoor pools and waterslide, restrooms, and concessions.

Pedestrian / Bicycle: A shared-use path, located along 67th Avenue South (approximately 0.07 miles north of the subject property) connects to a shared-use path along 25th Street South, providing connected access to Davies High School and Davies Recreational Pool and the metro path system.

Transit: There are no MATBUS Routes near the subject property. The closest MATBUS Route, is Route 18, which stops at the 52nd Ave. Walmart (approximately 2.5 miles from the subject property)

Staff Analysis:

The Lands Development Code allows for a maximum density of 12.1 units per acre in SR-4 zoned districts and a maximum density of 14.5 units per acre in SR-5 zoned districts.

The property is currently zoned SR-4, Single Dwelling Residential. The density allowed on this 0.90 acre lot by the current SR-4 zoning is 10.89 dwelling units, which means a maximum of 10 units, as fractional numbers of units are always rounded down to the closest whole number. The applicant proposed rezoning to SR-5, which would allow 13 units to be built on the property. The preliminary site plan provided by the applicant proposes 11 units.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned SR-4, Single-Dwelling Residential. The proposed SR-5, Single-Dwelling Residential, zoning is consistent with the "Suburban Neighborhood" land use designation of the 2024 Growth Plan. The change in zoning will allow the developer to construct an additional three residential units on this property. **(Criteria Satisfied)**

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

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

(Criteria satisfied)

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

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

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds this proposal is consistent with the purpose of the LDC, the 2024 Growth Plan, and other adopted policies of the City. **(Criteria satisfied)**

Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed zone change from SR-4, Single-Dwelling Residential to SR-5, Single-Dwelling Residential, for Lot 11, Block 1, Golden Valley Sixth Addition , as outlined in the staff report, as the proposal complies with the 2024 Growth Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."
Planning Commissslon Recommendation: April 1st, 2025
At the April 1st , 2025 Planning Commission hearing, that Commission, by a vote of 9-0 with two Commissioners absent, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed zone change from SR-4, Single-Dwelling Residential to SR-5, Single-Dwelling Residential, for Lot 11, Block 1, Golden Valley Sixth Addition , as outlined in the staff report, as the proposal complies with the 2024 Growth Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."
Attachments:
1. Location map 2. Zoning map

Zone change from SR-4, Single-Dwelling Residential to SR-5,
Single Dwelling Residential

Golden Valley 6th Addition

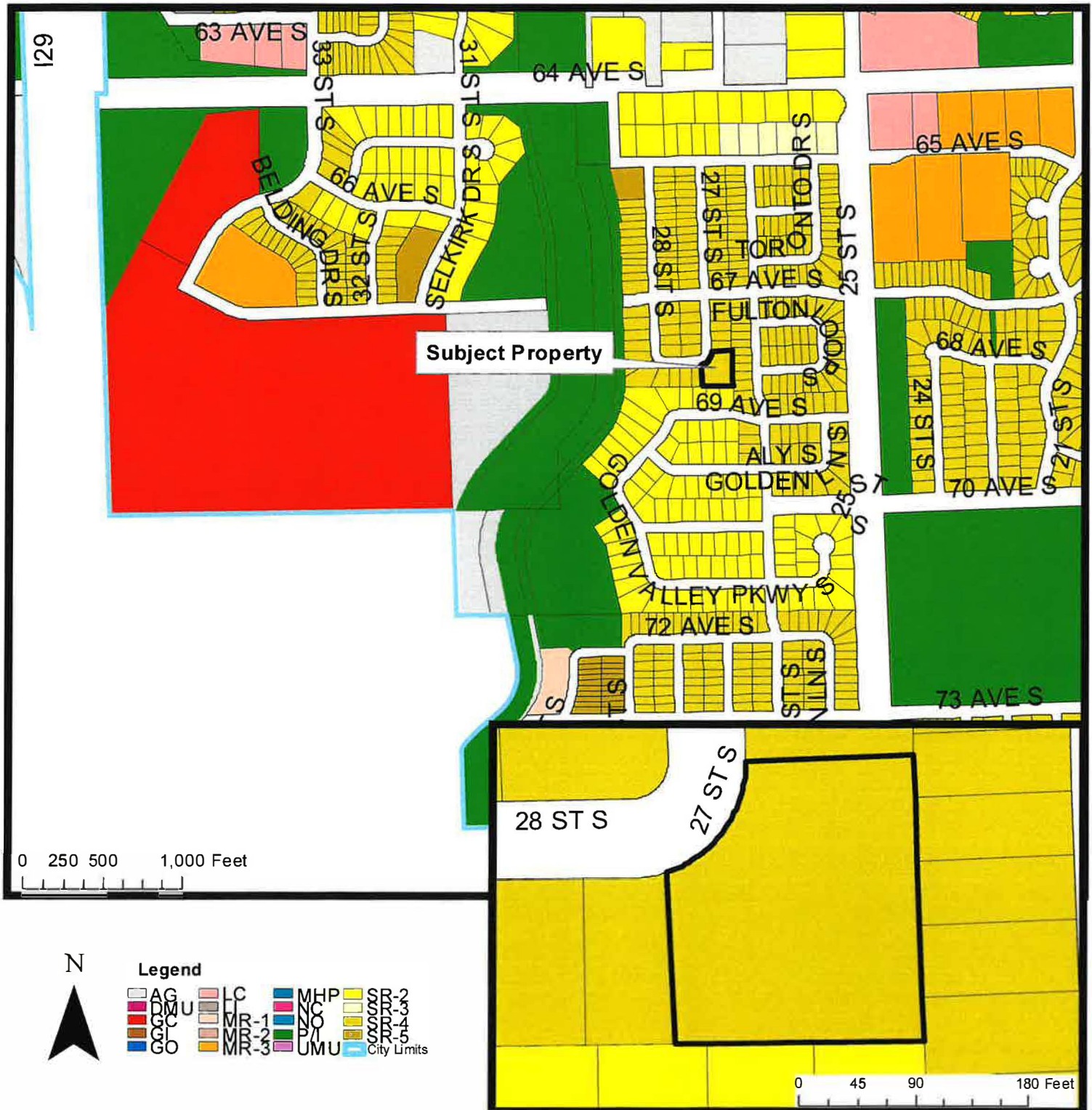
6788 27th Street South



Zone change from SR-4, Single-Dwelling Residential to SR-5, Single Dwelling Residential

Golden Valley 6th Addition

6788 27th Street South



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

286

ORDINANCE NO. _____

AN ORDINANCE REZONING A CERTAIN PARCEL
OF LAND LYING IN GOLDEN VALLEY SIXTH 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 Golden Valley Sixth Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on April 1, 2025; and,

WHEREAS, the rezoning changes were approved by the City Commission on April 28, 2025,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot Eleven (11), Block One (1) of Golden Valley Sixth Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "SR-4", Single-Dwelling Residential, District to "SR-5", Single-Dwelling Residential, District.

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

(SEAL)

Attest:

Timothy J. Mahoney, M.D., Mayor

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:



WATER DEPARTMENT

P.O. BOX 1066
200 3RD STREET NORTH
FARGO, NORTH DAKOTA 58107-1066
PHONE: 701-241-1324
FAX: 701-241-1526

29

MEMORANDUM

TO: City Commission

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Nicole's Fine Pastry

DATE: April 16, 2025

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

License Class: F – full alcohol served at table, food sales exceed alcohol
Business Name: Nicole's Fine Pastry
Location: 13 8th Street South
Applicants: Nichole Hensen

This application is for the issuance of a Class F liquor license to Nicole's Fine Pastry. This application will be for a restaurant offering wine, beer and spirits.

No concerns were found in the criminal history background check, no items of concern on the credit history. The background check was approved by the Police Chief. Staff & Liquor Control recommend approval of the issuance of a Class F alcoholic beverage license to Nichole's Fine Pastry LLC d/b/a Nichole's Fine Pastry & Café. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the issuance of a Class F alcoholic beverage license to Nichole's Fine Pastry LLC d/b/a Nichole's Fine Pastry & Café.



FARGO POLICE DEPARTMENT

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

NEIGHBORHOOD SERVICES DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Daniel Hulbert *DH*

Date: 03.18.2025

RE: Alcoholic Beverage License Application, Class "F", Nichole's Fine Pastry & Cafe

Application for a class "F" Alcoholic Beverage License from
Nichole's Fine Pastry, LLC d/b/a Nichole's Fine Pastry & Cafe, Located at 13 8th Street South.

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

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

The following information was discovered through this investigation:

Hensen, Nichole (Owner/Manager)

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history. Nichole disclosed two non-criminal speeding citations, one from 1986-87, and one from 2007, both in North Dakota, and neither of which appeared in the background investigation.

Credit History -

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

Investigation Notes

This application is for a class "F" alcoholic beverage license (Authorizes the licensee to sell "on-sale" only served at table or booth; no bar allowed) for Nichole's Fine Pastry, LLC d/b/a Nichole's Fine Pastry & Cafe.

Business Location

Nichole's Fine Pastry & Cafe is located at 13 8th Street South. Other businesses in the area with alcoholic beverage licenses are Front Street Taproom, Pounds, and The Old Broadway.

Conclusion

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

RECEIVED

Fargo Police Department

MAR 20 2025

Travis Moser
Lieutenant

REF: *Chief Chat*

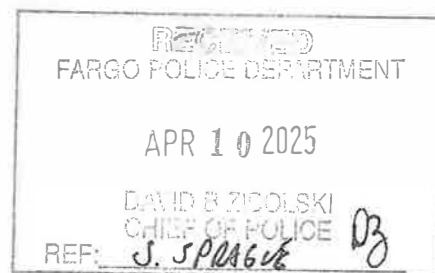
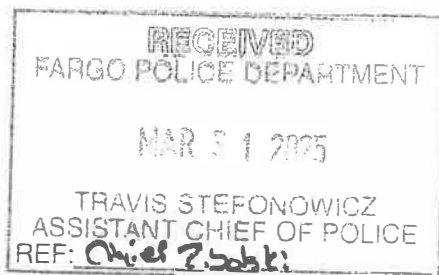
RECEIVED

Fargo Police Department

MAR 28 2025

Matt Christensen
Captain

REF: *AC STEFONOWICZ*



NEW APPLICATION for an Alcoholic Beverage License

Legal Company Name: Wichole's Fine Pastry, LLC
(Must match State of North Dakota registration name)

DBA Name: Mr. Gable's Fine Pastries & Cafe

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

Business location address: 13 8th St S Fargo, ND 58103

Mailing address: 13 8th St S Fargo, ND 58103

Business E-mail address: nichole@nicholesfinepastry.com

Local Manager E-mail address: nfp@nicholsfirepastry.com

Best Contact Phone number: (701) 232 6430

Anticipated Date of Opening: 04/15/2025

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

The following section to be completed by City Staff:

Date Received: 2-21-25 Class of License: F

Investigations Fee Paid (\$250) X Yes No Date Paid: 2/27/25 Check/CC # cc

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

Approval Recommendation

Denial Recommendation

Chief of Police

Date _____

MEMORANDUM

TO: City Commission

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Target

DATE: March 19 2025

CITY COMMISSION ACTION
30 Continued to 4/28/2

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

License Class: B-Limited – off sale
Business Name: Target
Location: corner of 38th Street a& Alexander Drive South
Applicants: Aileen Guiney

This application is for the issuance of a Class B-Limited liquor license to Target. This application is for a new Target store.

No concerns were found in the criminal history background check, no items of concern on the credit history. The background check was approved by the Police Chief. Staff & Liquor Control recommend approval of the issuance of a Class B-Limited alcoholic beverage license to STL of North Dakota, Inc. d/b/a Target. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the issuance of a Class B-Limited alcoholic beverage license to STL of North Dakota, Inc. d/b/a Target.



FARGO POLICE DEPARTMENT

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

NEIGHBORHOOD SERVICES DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Daniel Hulbert *DH*

Date: 02.17.2025

RE: Alcoholic Beverage License Application, Class "B Limited", Target Wine & Spirits

Application for a class "B Limited" Alcoholic Beverage License from

STL of North Dakota, Inc. d/b/a Target Wine & Spirits, Located at Southeast Corner of 38th Street S/Alexander Drive S.

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

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

The following information was discovered through this investigation:

Guiney, Aileen

Criminal History -

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

Credit History -

Aileen Guiney's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections. See attached credit report.

Investigation Notes

This application is for a class "B Limited" alcoholic beverage license (Authorizes the licensee to sell "off-sale" only) for STL of North Dakota, Inc. d/b/a Target Wine & Spirits.

Business Location

Target Wine & Spirits is located at Southeast Corner of 38th Street S/Alexander Drive S. Other businesses in the area with alcoholic beverage licenses are Suite Shots, Kingpinz Social, Plaza Azteca Mexican Restaurant 52nd Avenue, and Happy Harry's Bottle Shops.

Conclusion

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

RECEIVED
Fargo Police Department

FEB 18 2025

Travis Moser
Lieutenant

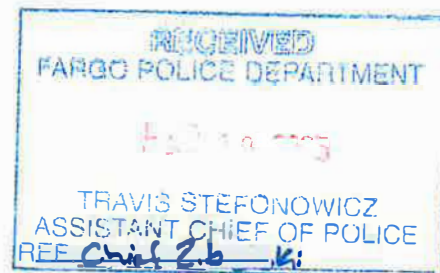
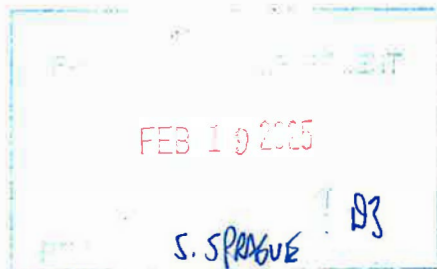
REF: Captain Christensen

RECEIVED
Fargo Police Department

FEB 18 2025

Matt Christensen
Captain

REF: AC STEFONOWICZ





To Whom It May Concern;

Please be advised that there are no officers or employees of Target Corporation owning five percent (5%) or more of Target Corporation stock, a publicly traded company.

Aileen Guiney is a principal officer for Target Corporation, a publicly traded company, qualified to do business in the State of North Dakota, for liquor licensing purposes. She is VP Corporate Compliance overseeing various compliance management programs, including the adult beverage compliance program. If an officer is required to be listed on the application, Aileen will be the assigned officer to be listed.

If you have any questions, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ashley Simonson', is written over a horizontal line.

Ashley Simonson
Licensing Analyst
Target Corporation
1000 Nicollet Mall, TPS-3010
Minneapolis, MN 55403

NEW APPLICATION for an Alcoholic Beverage License

Legal Company Name: ST Lo fNorth Da lo a ,Inc .
(Must match State of North Dakota registration name)

DBA Name: Target Wine & Spirits

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

Business location address: Southeast Corner of 38th Street S and Alexander Drive S, Fargo, ND 58104

Mailing address: 1000 Nicollet Mall, TPN-12, Minneapolis, MN 55403

Business E-mail address: liquor.licensing@target.com

Local Manager E-mail address: liquor.licensing@target.com (no local manager listed as of now, will update later)

Best Contact Phone number: (612) 304-8859

Anticipated Date of Opening: May 2027

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

The following section to be completed by City Staff:

Date Received: 1/29/25 Class of License: B Lic. 1720
Investigations Fee Paid (\$250) x Yes _____ No Date Paid: 1/30/25 Check/CC # 216888414
Police Department review completed by: _____ Date: _____

(Attached recommendation report):

✓ Approval Recommendation _____ Denial Recommendation _____


Chief of Police

02.19.25

Date

April 14, 2025

Honorable Board of City Commissioners
City Hall
225 4th St N, Fargo, ND 58102

RE: Forestry Division Informational Update

Commissioners:

Thank you for the opportunity to provide a brief update on the Forestry Divisions projects, activities, and responsibilities.

No action is needed. Informational presentation only.

Sincerely,



Scott Liudahl, City Forester

Cc: Ben Dow

Commission update 4.14.25.doc

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

32

AN ORDINANCE ENACTING ARTICLE 10-14 OF
CHAPTER 10 OF THE FARGO
MUNICIPAL CODE RELATING TO CAMPING ON
PUBLIC PROPERTY

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

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

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

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement revisions to the city of Fargo Municipal Code addressing camping and campsites in the city of Fargo on public property by the adoption of this Ordinance and Resolution; and

WHEREAS, the Board of City Commissioners of the city of Fargo deems camping or establishing a campsite on public property to be a public health and safety risk to both the housed and unhoused and intends, through the adoption of this Ordinance and Resolution, to create enforcement tools to prevent camping or the establishment of campsites on public property, and to establish a program for the removal of the camping and campsite materials and personal property associated with camping on public property; and

WHEREAS, the Board of City Commissioners of the city of Fargo intends to address the social, public safety and health hazards, environmental issues, physical safety and property risks of those persons experiencing homelessness and camping on public property, in a manner that is compatible with the needs of everyone in Fargo to be healthy, safe, and have access to public places, in an objectively reasonable time, place, and manner process; and

WHEREAS, the Board of City Commissioners of the city of Fargo intends to adopt by Resolution reasonable policies related to the enforcement of this Ordinance prohibiting camping on public property and the removal of prohibited and non-compliant camping sites.

NOW, THEREFORE, Be It Ordained by the Board of City Commissioners of the city of Fargo:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 1. Enactment.

10-1401. Definitions.

For the purpose of this Article, the following definitions will apply:

1. "City" means the city of Fargo, North Dakota.
2. "Camp" means to set up or to remain in a campsite.
3. "Campsite" means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation or maintaining a temporary place to live, as evidenced by the use of camp paraphernalia.
4. "Camp facilities" include, but are not limited to, lean-to, shacks, tents, huts, temporary shelters, or vehicles.
5. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, pallets, mattresses, hammocks, stoves or fires, outdoor cooking devices or utensils and similar equipment.
6. "Enforcement officer" means a sworn law enforcement officer employed by the city of Fargo.
7. "Park areas" or "Park property" means those parks and recreation facilities identified in the city of Fargo owned and maintained by the Park District of the city of Fargo.
8. "Public property" means vacant or occupied lands that are owned, possessed or under the control of the city of Fargo, open to the public, premises, and buildings, including but not limited to any building used in connection with the transaction of public business and includes public rights-of-way. Public property as used in this Article shall include Park areas and Park property designated by the Park District of the city of Fargo for inclusion in this Article and corresponding Resolution, as the same shall be adopted from time to time.
9. "Public rights of way" means the area between boundary lines of a public street or other public easement that is reserved, used, or to be used for a public street, alley, or pathway.
10. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

11. "Unsanitary" means a hazard to the health and safety of the public, to include but not limited to human waste, bodily fluids, or chemical contamination.

10-1402. Prohibited Camping.

No person may camp or establish any campsite in or upon any public property except as expressly authorized by this Article 10-14 or by Resolution of the Board of City Commissioners of the city of Fargo.

10-1403. Removal of a Campsite.

1. Any person camping unlawfully shall vacate and remove all belongings from the public property within forty-eight (48) hours of receiving notice to vacate from an enforcement officer.
2. After notice has been given to vacate a campsite and the allotted time has expired, the City or its contractor shall remove the campsite, all camp facilities and camp paraphernalia as the same has been deemed a public nuisance.
 - (a) All unclaimed personal property with apparent value or utility will be stored for 60 days as required by Fargo Municipal Code § 28-0101.
 - (b) All unclaimed items that have no apparent utility or value, are in an unsanitary condition, or present an immediate hazard or danger, may be immediately discarded upon removal of individuals from the campsite.
 - (c) Any personal property that remains unclaimed for 60 days after the campsite cleanup may be disposed of in accordance with Fargo Municipal Code § 28-0101.
 - (d) Weapons, drug paraphernalia, and items which reasonably appear to be evidence of a crime may be retained and/or disposed of by the police department in accordance with the department's written policies and procedures.

10-1404. Penalties and Enforcement.

1. Violations of any provision of this Article is an infraction and may result in additional violations of Fargo Municipal Code or North Dakota Century Code.
2. In addition to any other penalties that may be imposed, any campsite used in a manner not authorized by this Article, or other provisions of this code shall constitute a public nuisance and may be abated as such.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

3. The remedies described in this Article shall not be the exclusive remedies of the City for violations of this Article.

Section 2. Penalty.

A person who willfully violates this Ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed \$1,000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 3. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication.

Timothy J. Mahoney, M.D., Mayor

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

COMMISSIONER _____ introduced the following resolution and moved its adoption:

Resolution Regarding Ordinance Prohibiting Camping on Public Property and Rights of Way in the city of Fargo

WHEREAS, the city of Fargo has adopted an Ordinance prohibiting camping on public property and on the public rights of way except pursuant to Resolution; and

WHEREAS, the city of Fargo wishes to prioritize enforcement of Fargo Municipal Code Article 10-14 to address the City resources needed to remove all campsites and in recognition of the need to address the housing needs of persons camping on public property and public rights of way; and

WHEREAS, the city of Fargo recognizes that temporary, controlled permission of camping in compliance with approved rules and expectations may be necessary for a limited duration, until such time as permanent housing resources become available; and

WHEREAS, the city of Fargo's goal is to implement a Housing First program that will eliminate the need for any camping on public property and rights of way as housing becomes available; and

WHEREAS, in conjunction with the approval of this Resolution, the Board of City Commissioners requires a minimum of two reports (spring and fall) from Fargo Cass Public Health or other appropriate City staff be presented, with additional updates as requested. The reports shall include, but not be limited to, data regarding the progress of the Housing First initiative, status of existing camps and information regarding camp reductions; and

WHEREAS, in accordance with Fargo Municipal Code Article 10-14, the Board of City Commissioners of the city of Fargo approves the following enforcement priorities, rules and expectations for camping on public property and public rights of way.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the city of Fargo:

1. Camping in or within 100 feet of critical infrastructure (under bridges, lift stations, outfalls, city buildings, water intake and pump house), within 100 feet of a bridge embankment, on public sidewalks, and within 30 feet adjacent to public bike paths is strictly prohibited. An enforcement officer shall provide notice as provided by Fargo Municipal Code §10-1403 and immediately cite persons in violation of the removal notice. Appropriate steps will then be taken to remove the unlawful campsite.
2. Camping in, or within 100 feet of a Park established by the Park District of the city of Fargo (Park District), is prohibited pursuant to Resolution of the Park District adopting Fargo Municipal Code Article 10-14 and Resolutions and Guidelines adopted by the Board of City Commissioners of the city of Fargo.
3. Camping in areas posted as No Trespassing or No Camping by authorized City personnel is strictly prohibited.
4. Campsites within the service area of the Downtown Engagement Center in compliance with all Camp Protocols and Expectations, attached hereto as Exhibits A & B, and not located in a priority enforcement area, shall be monitored and persons occupying such camps shall be expected to engage in such services available.
5. Persons who have been warned that their conduct is not in compliance with the approved Camp Protocols and Expectations will be subject to citation and Notice of Camp Removal in accordance with Fargo Municipal Code Article 10-14.

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

Dated this ____ day of _____, 2024.

Timothy J. Mahoney, M.D., Mayor

ATTEST:

Steve Sprague, City Auditor