

FARGO CITY COMMISSION AGENDA

Monday, August 4, 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, July 21, 2025, Special Meeting, July 25, 2025 and Special Meeting, July 31, 2025).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Receive and file an Ordinance Amending Sections 12-0306, 12-0308, 12-0310 and 12-0314 of Article 12-03 of Chapter 12 of the Fargo Municipal Code Relating to Domestic Fowl, Wild Birds and Pets.
- 2. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 1-0305, of Article 1-03, of Chapter 1, of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
- 3. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 8-1003 of Article 8-10 of Chapter 8 of the Fargo Municipal Code relating to the Traffic Code.
- 4. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 8-0906 of Article 8-09 of Chapter 8 of the Fargo Municipal Code relating to the Traffic Code.
- 5. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 10-0304 of Article 10-03 of Chapter 10 of the Fargo Municipal Code relating to Public Safety, Morals and Welfare.
- 6. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 21.1-0102 of the Fargo Municipal Code Relating to the International Residential Code (Appendix BE-Radon Control Methods).
- 7. 1st reading of Ordinance Amending Article 11-04 of Chapter 11 of the Fargo Municipal Code Relating to Automobiles and Personal Property.
- 8. 2nd reading, waive reading and final adoption of an Ordinance Repealing Article 5-04 of Chapter 5 of the Fargo Municipal Code Relating to Fargo Police Advisory and Oversight Board; 1st reading, 7/21/25.
- 9. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Northdale First Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 7/21/25.

10. Concur with the findings of staff and the Liquor Control Board and apply the administrative penalty of a \$500.00 fine for a first failure to the liquor license violations identified at the Bismarck Tavern.
11. Concur with the findings of staff and the Liquor Control Board and apply the administrative penalty of a \$500.00 fine for a first failure to the liquor license violations identified at the Empire Tavern.
12. Concur with the findings of staff and the Liquor Control Board and apply the administrative penalty of a \$500.00 fine for a first failure to the liquor license violations identified at Chili's.
13. Concur with the findings of staff and the Liquor Control Board and apply the administrative penalty of a \$500.00 fine for a first failure to the liquor license violations identified at Applebee's 45th Street.
14. Concur with the findings of staff and the Liquor Control Board and apply the administrative penalty of a \$500.00 fine for a first failure to the liquor license violations identified at Applebee's 16th Street North.
15. Concur with the findings of staff and the Liquor Control Board and apply the administrative penalty of a \$500.00 fine for a first failure to the liquor license violations identified at Applebee's 13th Avenue South.
16. Direct the City Attorney to work with the City Auditor to create the conditions where an add on limited off-sale liquor license would be appropriate.
17. Applications for Games of Chance:
 - a. Fargo North Football Team for a raffle on 8/12/25.
 - b. North Dakota Long Term Care Association for a raffle 9/25/25.
 - c. St. John Paul II Catholic Schools for a raffle on 4/25/26.
18. Gaming Site Authorization for the North Dakota Association for The Disabled, Inc. at Lil Jimmy's.
19. Developer Agreement with Eastdale, LLC for Northdale First Addition.
20. Incentive of \$5,000.00 per day, for up to 30 days, for Improvement District No. BR-26-H1.
21. Final Balancing Change Order No. 1 in the amount of \$68,999.04 for Improvement District No. BR-24-C1.
22. Final Balancing Change Order No. 2 in the amount of \$32,733.49 for Improvement District No. NR-23-C5.
23. Final Balancing Change Order No. 1 in the amount of \$3,025.00 for Improvement District No. NR-23-C6.
24. Negative Final Balancing Change Order No. 5 in the amount of \$-76,635.07 for Improvement District No. BR-24-B1.
25. Change Order No. 1 in the amount of \$37,804.00 for Improvement District No. BR-25-B3.
26. Contract and bond for Improvement District BR-25-H1.

27. Negative Final Balancing Change Order No. 1 in the amount of \$-1,665.00 for Project No. ER-24-E1.
28. Negative Final Balancing Change Order No. 3 in the amount of \$-92,780.00 for Project No. FM-24-A1.
29. Permanent Easement (Alley) with Gina Lisa Bar-el (Project No. AN-19-A1).
30. Bid award to Northstar Safety, Inc. in the amount of \$534,606.00 for Project No. TM-25-B1.
31. Contract and bond for Project No. NR-25-D2.
32. Contract and bond for Project No. NR-25-D3.
33. Resolution approving Plat of Old Broadway Addition.
34. Notice of Grant Award from the ND Department of Health and Human Services for Women's Way (CFDA #93.898).
35. Direct the City Attorney's Office to review and revise the Tobacco Ordinance - Chapter 35.
36. Services Agreement – Snow Groomer Equipment Services with Midwest Snow Services LLC for the 2025/2026 snow season (RFP25198).
37. Piggyback purchase through Sourcewell Cooperative Purchasing Agreement in the amount of \$148,930.00 for one 2025 Versalift VO-260-RR (PBC25228).
38. Piggyback purchase through the ND State Contract with North Central Intl. LLC in the amount of \$91,978.38 for one 2025 HV607 SBA Chassis (PBC25229).
39. Bid award to NAPA Central in the amount of \$31,673.10 for Central Garage's annual filter consumption (RFP25211).
40. Contractor Work Order Request (State Contract No. 283) with Via Mobility LLC.
41. Bills.

REGULAR AGENDA:

PUBLIC HEARINGS - 5:05 pm:

42. **PUBLIC HEARING** – RLN Business Park Second Addition (4551 33rd Street North); approval recommended by the Planning Commission on 7/1/25:
 - a. Zoning Change from GI, General Industrial to LI, Limited Industrial.
 - b. 1st reading of rezoning Ordinance.
43. **PUBLIC HEARING** – Sullivan Second Addition (5201 and 5475 Bishop's Boulevard South; 5202 and 5534 25th Street South); approval recommended by the Planning Commission on 5/6/25:
 - a. Zoning Change from GO, General Office and P/I, Public and Institutional to GO, General Office and P/I, Public and Institutional.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of Sullivan Second Addition.

44. Recommendation to approve the Mayor's 2026 Preliminary Budget and set the Public Hearing date for Monday, September 15, 2025 at 5:05 p.m.
45. Discussion regarding Broadway benches.
46. Liaison Commissioner Assignment Updates.
47. **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).**

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

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

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**City of Fargo
Staff Report**

Title:	RLN Business Park Second Addition	Date:	6/25/2025 7/30/2025
Location:	4551 33 rd Street North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 4 through 6, Block 1, RLN Business Park Second Addition		
Owner(s)/Applicant:	Robert Nelson / Lowry Engineering	Engineer:	None
Entitlements Requested:	Zone Change (from GI, General Industrial to LI, Limited Industrial)		
Status:	City Commission Public Hearing: August 4 th , 2025		
Existing		Proposed	
Zoning: GI, General Industrial		Zoning: LI, Limited Industrial	
Uses Allowed: detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, mining, basic utilities, and certain telecommunications support structures.		Uses Allowed: 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.	
Minimum Building Coverage: 85%		Minimum Building Coverage: 85%	
Proposal:			
The applicant requests one entitlement: Zone Change from GI, General Industrial to LI, Limited Industrial 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: AG, Agricultural, undeveloped • East: AG, Agricultural, undeveloped • South: GI, General Industrial with industrial uses • West: GI, General Industrial with industrial uses Area Plans: The 2024 Fargo Growth Plan depicts the place type designation as "General Industrial and Flex Warehouse." Primary uses within this place type are light and general industrial and flex warehouse. Secondary uses are commercial uses specifically related to the primary use. The proposed zoning is consistent with this place type Context: Schools: The subject property is located within the Fargo School District and is served by Washington Elementary, Benjamin Franklin Middle and Fargo North High schools. Neighborhood: The subject property is not located within a designated neighborhood. Parks: The North Softball Complex is approximately 1.5 miles northwest of the subject property.			

Pedestrian / Bicycle: There are no on-road or off-road bike facilities adjacent to this property.

MATBUS Route: The subject property is not on a MATBUS route at this time.

Staff Analysis:

The subject property was platted and zoned GI, General Industrial, in 1998 with the RLN Business Park First Addition. RLN Business Park First Addition was largely replatted as RLN Business Park Second Addition in 2005, which created the current configuration of the subject property.

The applicant proposes rezoning the subject property from GI, General Industrial to LI, Limited Industrial, because the setbacks for GI-zoned property are large, and consume a considerable area of this 4.96 acre property. The LI setbacks are smaller, and will allow more of the lot to be developed. The applicant does not need the GI zoning for a particular use allowed only in GI. Below is a chart that compares the GI and LI setbacks.

Dimensional Standard		
	LI	GI
Minimum Setbacks(Ft.)		
Front	20	50
Interior Side	10 ⁽¹⁾	20 ⁽¹⁾
Street Side	20	50
Rear	20	20
⁽¹⁾ No setback required when adjacent to DMU		

(Excerpt from Land Development Code Section 20-0502, Table 20-0502)

ACCESS

The subject property takes access from 33rd Street North.

FUTURE PLATTING

The applicant has proposed a subdivision to combine the three lots of the subject property into a single lot. This subdivision is to be known as RLN Business Park Third Addition, and is currently in the predevelopment process with staff.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The applicant proposes rezoning the subject property from GI, General Industrial to LI, Limited Industrial, because the setbacks for GI-zoned property are large, and consume a considerable area of this 4.96 acre property. The LI setbacks are smaller, and will allow more of the lot to be developed. The applicant does not need the GI zoning for a particular use allowed only in GI.

(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 an existing developed public right-of-way, which will be provide access and public utilities to serve the property.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is consistent with the purpose of the LDC, Fargo Growth Plan 2024, and other adopted policies of the City.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move to approve the proposed zone change from GI, General Industrial to LI, Limited Industrial on Lots 4 through 6, Block 1, **RLN Business Park Second Addition**, as presented, as the proposal complies with the adopted Fargo Growth Plan 2024, Section 20-0906.F (1-4), and all other applicable requirements of the LDC."

Planning Commission Recommendation: July 1st, 2025

At the July 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 GI, General Industrial to LI, Limited Industrial on Lots 4 through 6, Block 1, **RLN Business Park Second Addition**, as presented, as the proposal complies with the adopted Fargo Growth Plan 2024, Section 20-0906.F (1-4), and all other applicable requirements of the LDC.

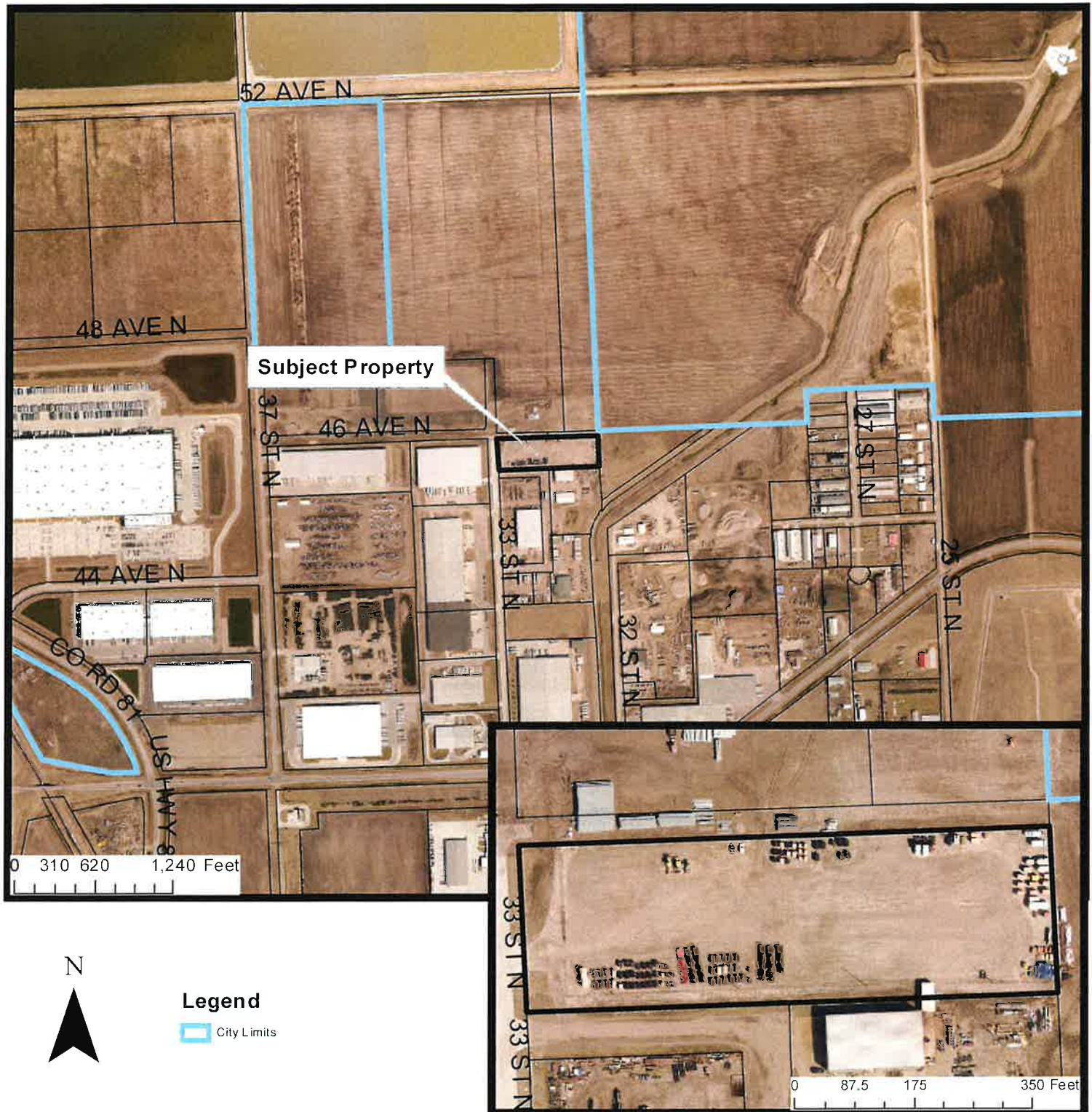
Attachments:

1. Location map
2. Zoning map
3. Zoning exhibit (prepared by applicant)

Zone Change from GI, General Industrial to LI,
Limited Industrial zoning district

RLN Business Park Second Addition

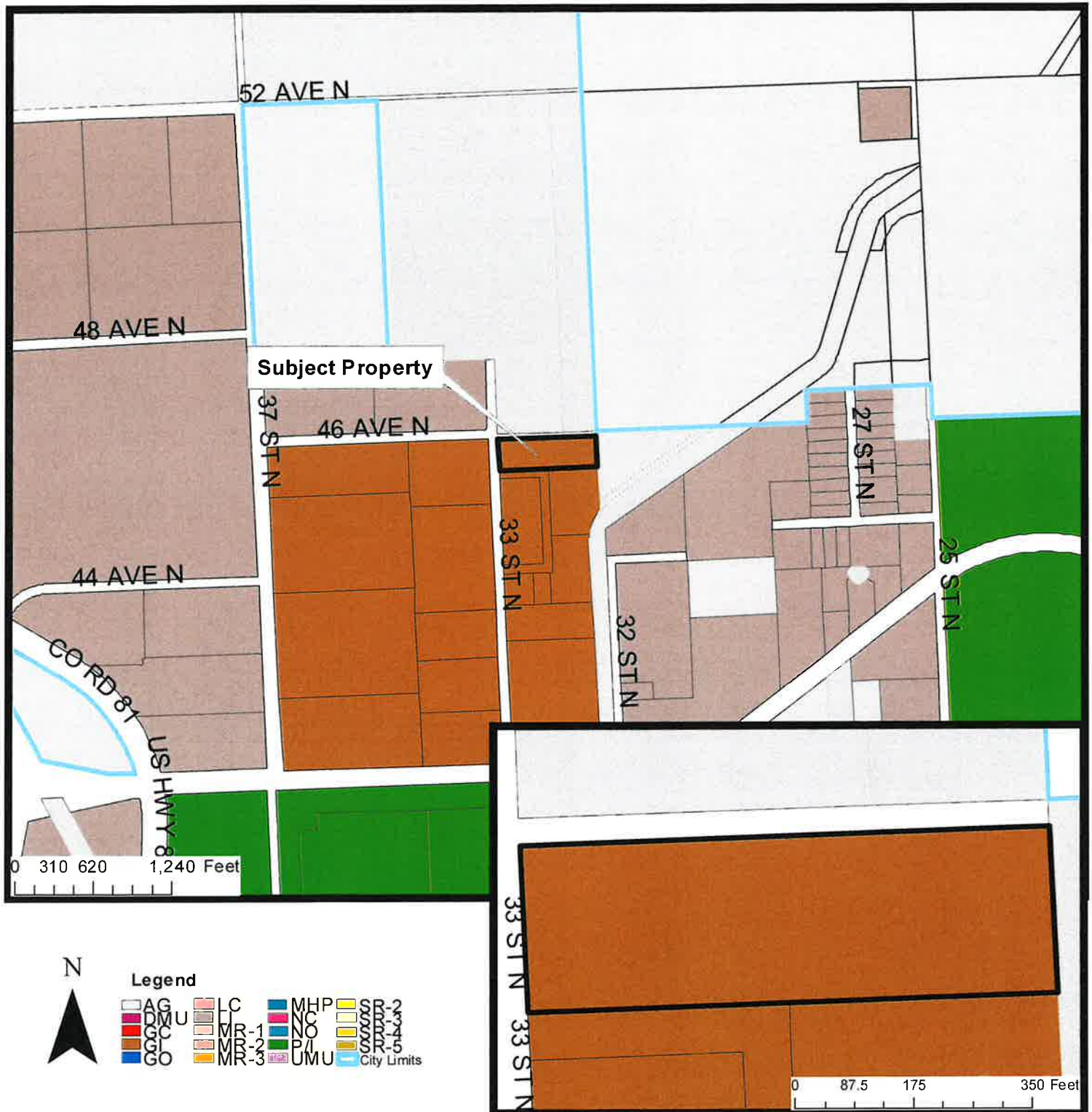
4551 33rd Street North



Zone Change from GI, General Industrial to LI, Limited Industrial zoning district

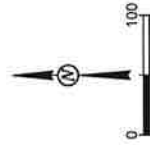
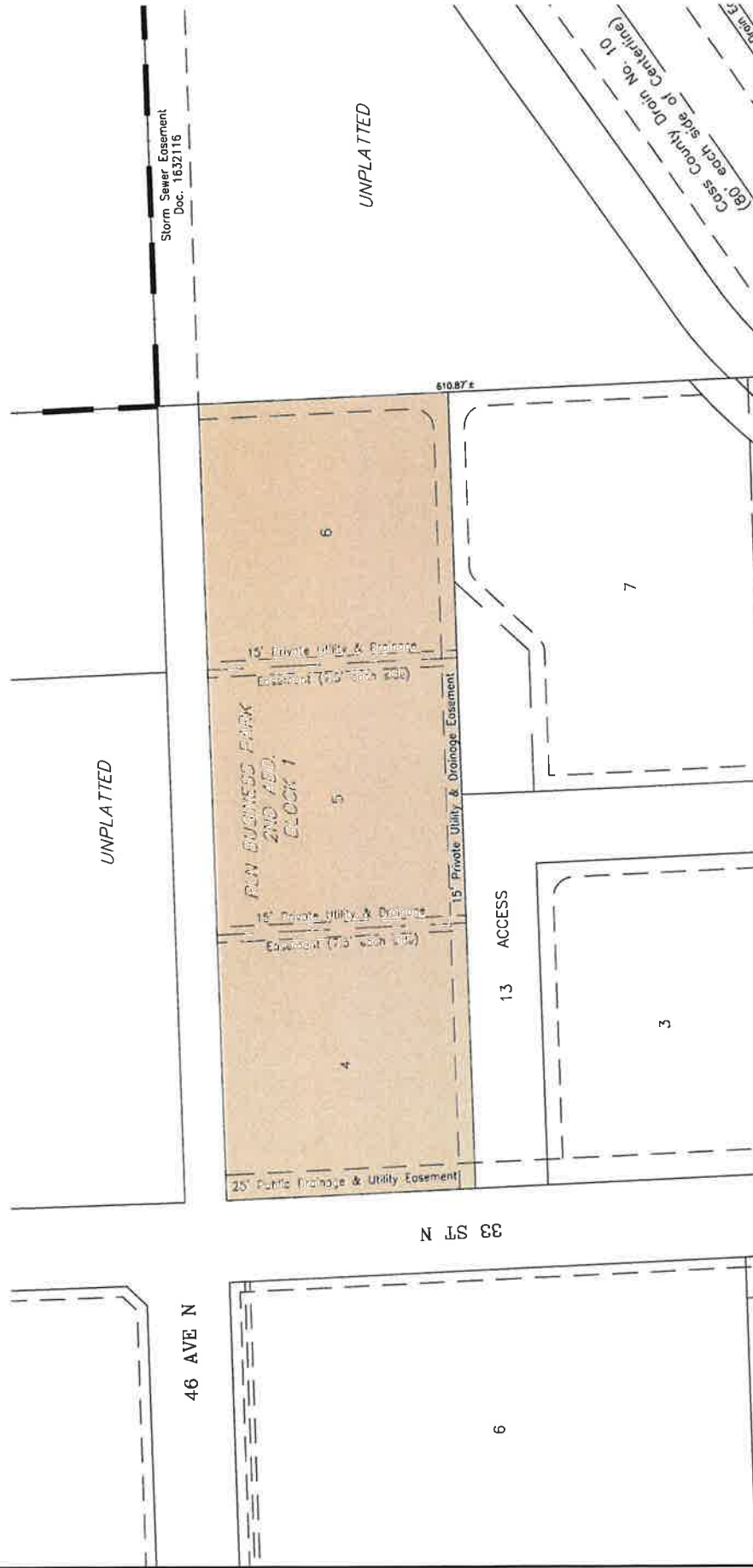
RLN Business Park Second Addition

4551 33rd Street North



ZONING EXHIBIT

LOT 4, 5, & 6, BLOCK 1, RLN BUSINESS PARK SECOND ADDITION
FARGO, CASS COUNTY, NORTH DAKOTA



ZONING	
USE	
LI - LIMITED INDUSTRIAL DISTRICT	

LOWRY
ENGINEERING

5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

42b

ORDINANCE NO. _____

AN ORDINANCE REZONING A CERTAIN PARCEL
OF LAND LYING IN RLN BUSINESS PARK SECOND 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 RLN Business Park Second Addition to the City of Fargo, Cass County, North Dakota; and,

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

WHEREAS, the rezoning changes were approved by the City Commission on August 4, 2025,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots Four (4) through Six (6), Block One (1) of RLN Business Park Second Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "GI", General Industrial, District, to "LI", Limited Industrial, 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:

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City of Fargo Staff Report			
Title:	Sullivan Second Addition	Date:	04-28-2025
		Update:	07-22-2025
Location:	5201 & 5475 Bishop's Blvd. South & 5202 & 5534 25 Street South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	Lots 1 and 2, Block 1, Sullivan Addition		
Owner(s)/Applicant:	Diocese of Fargo & STS Anne & Joachim Catholic Church	Engineer:	MBN Engineering
Entitlements Requested:	Minor Subdivision (a replat of Lot 1 and 2, Block 1, Sullivan Addition), and a Zoning Change (from P/I, Public and Institutional and GO, General Office to P/I, Public and Institutional and to GO, General Office)		
Status:	City Commission Public Hearing: August 4, 2025		

Existing	Proposed
Land Use: Religious Institution – Church, Rectory and Parish offices.	Land Use: No change, Additional rectory housing
Zoning: GO, General Office P/I, Public & Institutional	Zoning: GO, General Office P/I, Public & Institutional
Uses Allowed: GO, General Office Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, and commercial parking. P/I – Public and Institutional. 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, and major entertainment events.	Uses Allowed: GO, General Office Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, and commercial parking. P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, basic utilities, 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 telecommunications facilities.
Maximum Lot Coverage Allowed in GO: 65%	Maximum Lot Coverage Allowed in P/I: Dimensional standards of adjacent zoning district (GO and SR-4)

Proposal:

The applicant has requested two entitlements:

1. A minor subdivision, to be known as **Sullivan Second Addition**, a replat of Lots 1 and 2, Block 1, Sullivan Addition; and
2. A zoning change from P/I, Public and Institutional and GO, General Office to P/I, Public and Institutional and to GO, General Office, for purpose of aligning with new boundary lines.

The subject property is located at 5201 & 5475 Bishop's Blvd. South and 5202 & 5534 25 Street South, and encompasses approximately 31.93 acres.

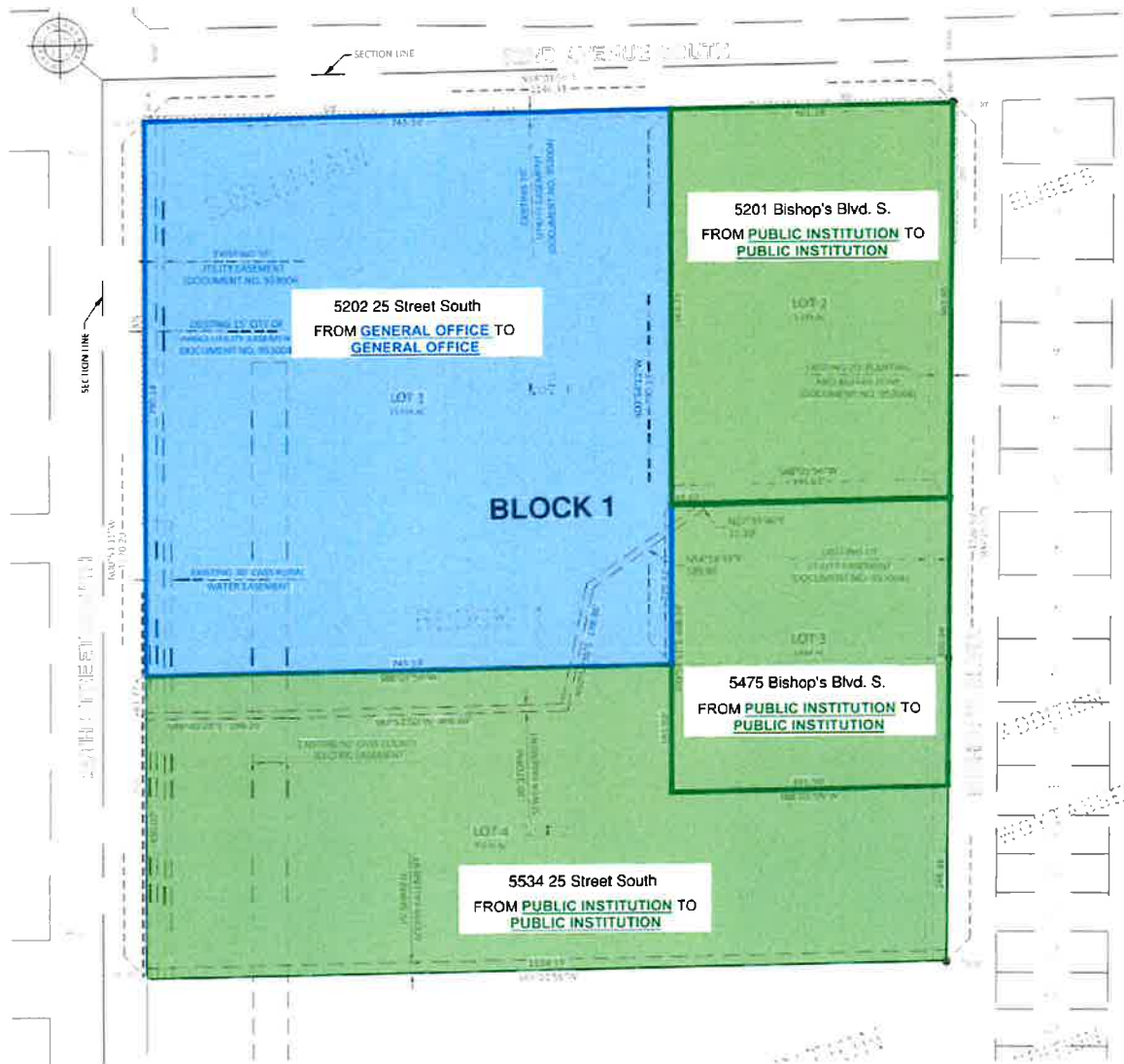
The Diocese is seeking a minor subdivision. The proposed subdivision makes the three deeded lots into four legal lots. There is currently a new construction permit in for a rectory home for retired priests, to be

built on the proposed Lot 3. Section 20-1203 of the LDC, permits daycares, caretaker's housing, and group living facilities as an accessory use to Religious Institutions.

The proposed subdivision and zone change were reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Below is the proposed zoning map.

No change is being made. Rezoning for the purpose of aligning with new boundary lines.



Surrounding Land Uses and Zoning Districts:

- North: SR-2, Single Dwelling Residential - Detached single family (across 52nd Ave, located within Rose Creek)
- East: SR-4, Single Dwelling Residential (across Bishops Blvd) Attached and detached, twin home and Single Family)
- South: P/I, Public and Institutional (Shanley High School)
- West: LC, Limited Commercial (Don's Car Wash & Bright Futures Daycare & Strip commercial) & MR-3, Multi-Dwelling Residential

Area Plans:

The Fargo Growth Plan 2024 designates this property as Suburban Neighborhood place type. Intended uses include small to medium residential lots, townhomes, places of worship, daycare centers, and schools. A religious institution, with church, rectory housing, and offices currently occupy the property, which is consistent with the land use designation for this property.

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 Bennett neighborhood.

Parks: Bennett Park is approximately ½ mile south of the subject property. Amenities include irrigated fields, basketball court, batting cage, a playground, and tennis courts. Rose Creek Golf Course and Meadow Creek Park are both less than ¼ mile north.

Pedestrian / Bicycle: The subject property is bordered on three sides, 25th Street, 52nd Avenue, and Bishop's Boulevard, by shared-use paths, which connect to the local trail system.

MATBUS Route: The subject property is not on a MATBUS route at this time.

Staff Analysis:

The Fargo Diocese is seeking to survey and record lot lines that were formally established through deed splits. Deed splits are a method some land owners historically used to formalize tax parcel changes. Most banks and title companies don't recognize deeded lot boundaries any longer as legal lots for the purpose of securing entitlements. The Diocese is seeking to ratify this situation through a platted minor subdivision. The proposed subdivision makes the three deeded lots into four legal lots.

The Diocese of Fargo has had discussions with the Engineering and Planning and Development Departments about construction of a new rectory home on the property. A permit has been submitted on the proposed Lot 3, for a new rectory home for retired Priests. Rectory homes are a permitted accessory use for Religious Institutions.

SITE HISTORY: The subject property was originally platted as two lots, one block. In 2000, when the Catholic Church was constructed, Lot One was deed split into two, for a total of three lots. The lot the church sits on, 5202 25 Street South, is zoned GO, General Office. The other two lots are zoned P/I, Public and Institutional. Due to the previous deed split, the applicant is requesting the properties be rezoned to the same zoning districts, to ensure the correct zoning boundary lines are recorded.

MINOR SUBDIVISION: The subdivision plat creates four lots, in one block.

ZONING: No change. Zoning for the purpose of aligning new boundary lines.

ACCESS: The subdivision will continue to take access from 52nd Avenue, 25th Street, and Bishop's Boulevard. Negative access easements (NAE's) depicted on the plat designate access points along 52nd Avenue and 25th Street and comply with the City's driveway spacing standards.

AMENITIES PLAN: Staff will prepare a developer agreement and an amenity plan specifying developer considerations related to public improvements, stormwater, and water.

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?**

(continued on next page)

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned P/I, Public and Institutional and GO, General Office. The applicant requests a zoning change to P/I, Public and Institutional and GO, General Office to ensure the existing zoning districts align with the new platted parcel lines and since the lots were previously deeded. **(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 fronts on an existing public right-of-way. **(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, with no noted concern. 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." Fargo's Growth Plan 2024 was adopted on August 19th, 2024. The proposed zoning of P/I, Public and Institutional and GO, General Office are consistent with the designated future land use and place type for this property under the 2024 Growth Plan, as noted above. **(Criteria satisfied)**

Minor Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
This subdivision is intended to create a four-lot, one block subdivision. The requested zoning for this property is P/I, Public and Institutional and GO, General Office, which is consistent with the place type designation of 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 and responded to one inquiry. **(Criteria Satisfied)**
2. **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.**
While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that 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 and Funding Policy, which may include the use of special assessments. **(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 1) zone change from P/I, Public and Institutional and GO, General Office to P/I, Public and Institutional and to GO, General Office; and 2) a plat of **Sullivan Second Addition**, as presented, as the proposal complies with the Standards of Article 20-06, and Sections 20-0906.F (1-4) and of Section 20-0907.B & C, of the LDC and all other applicable requirements of the LDC, and the 2007 and 2024 Growth Plans."

Planning Commission Recommendation: May 6th, 2025

At the May 6th, 2025 Planning Commission, by a vote of 9-0, with two Commissioners being absent, moved to accept the findings and recommendations of staff and moved to recommend approval to the City Commission of the proposed 1) zone change from P/I, Public and Institutional and GO, General Office to P/I, Public and Institutional and to GO, General Office; and 2) a plat of **Sullivan Second Addition**, as presented, as the proposal complies with the Standards of Article 20-06, and Sections 20-0906.F (1-4) and of Section 20-0907.B & C, of the LDC and all other applicable requirements of the LDC, and the 2007 and 2024 Growth Plans.

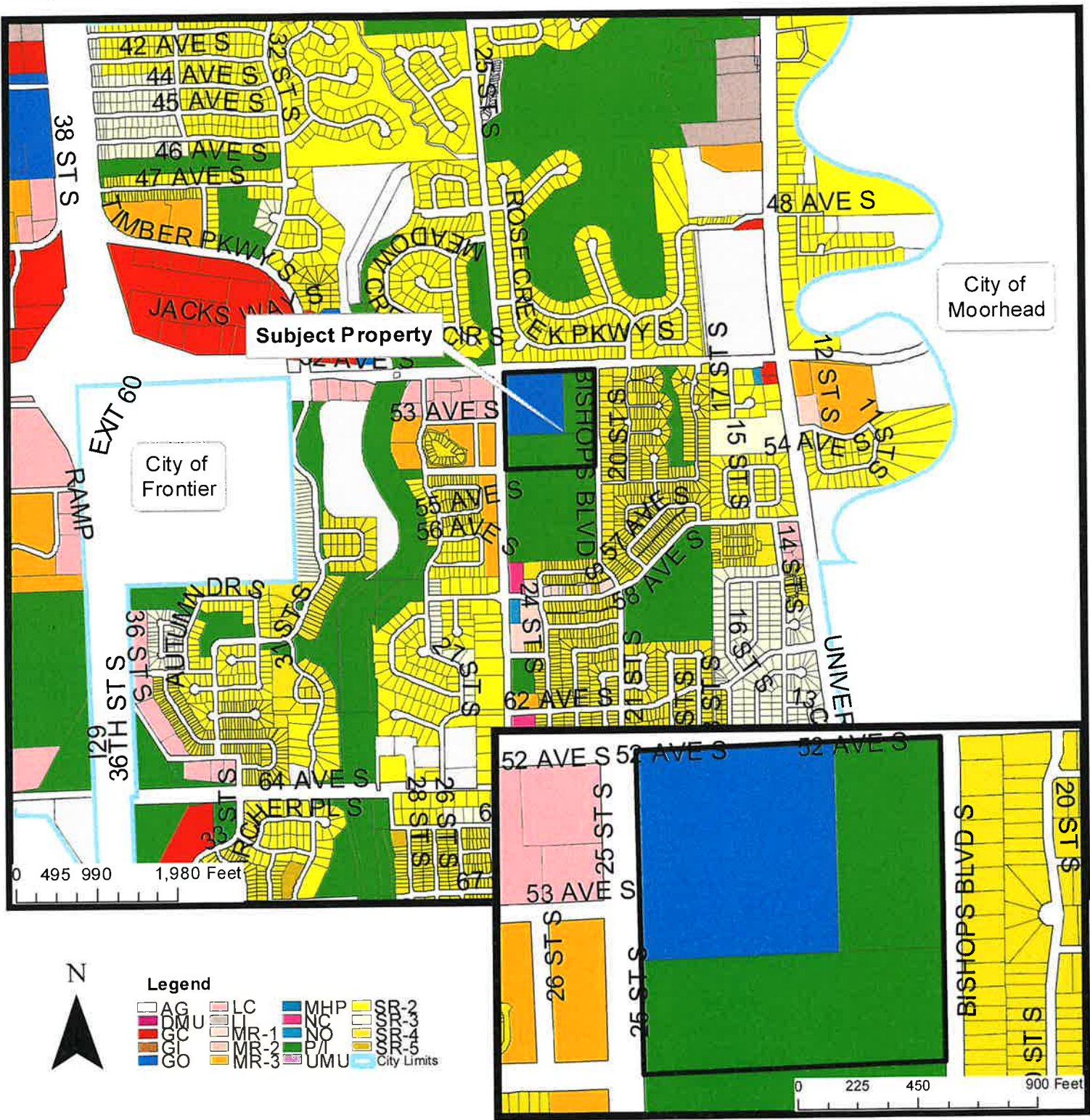
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat
4. Proposed Zoning Map
5. Amenities Plan

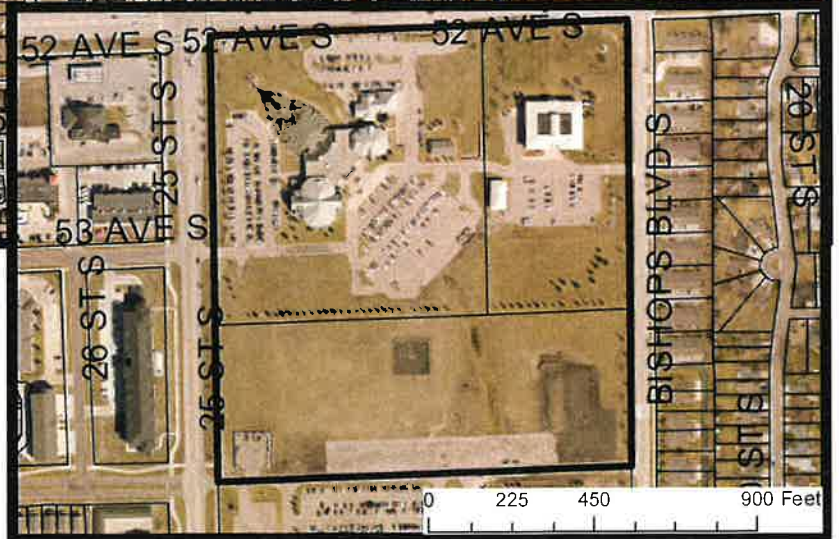
Minor Subdivision and Zone Change from GO, General Office and P/I, Public & Institutional to GO, General Office and P/I, Public & Institutional

Sullivan Second Addition

5202 and 5534 25th Street South;
5201 and 5475 Bishop's Boulevard South



Sullivan Second Addition

 City Limits

Fargo Planning Commission
May 06, 2025

A MINOR SUBDIVISION
BEING A REPEAT OF LOTS 1 AND 2, BLOCK 1, SULLIVAN ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



- [illegible]

[illegible]

SULLIVAN SECOND ADDITION

A MINOR SUBDIVISION BEING A REPLAT OF LOTS 1 AND 2, BLOCK 1, SULLIVAN ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS That St. Anne and Joachim Catholic Church, of Fargo, North Dakota, and the Diocese of Fargo, North Dakota, a North Dakota corporation, are the owners and proprietors of the following described tract of land:

Lot 1 and 2, Block 1, Sullivan Addition, to the City of Fargo, Cass County, North Dakota

Said tract contains 31.133 acres, more or less, and is subject to easements as may be of record.

And that said parties have caused the same to be surveyed and replatted as SULLIVAN SECOND ADDITION to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the form sewer easement, watermain easement and the negative easement easements shown on the plat.

OWNERS

St. Anne and Joachim Catholic Church, of Fargo, North Dakota

Signature: [Signature]
Printed Name & Title: John T. Felda - Bishop/President

State of North Dakota) ss
County of Cass)

On this 5 day of May, 2025, before me personally appeared John T. Felda (name), of St. Anne and Joachim Catholic Church, of Fargo, North Dakota, 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 said church.

Notary Public: [Signature]
Notary Public: Steve E. Nelson

Lot 2, 3 & 4
Diocese of Fargo, North Dakota

Signature: [Signature]
Printed Name & Title: John T. Felda - Bishop/President

State of North Dakota) ss
County of Cass)

On this 5 day of May, 2025, before me personally appeared John T. Felda (name), of the Diocese of Fargo, North Dakota, a North Dakota corporation, 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 said corporation.

Notary Public: [Signature]
Notary Public: Steve E. Nelson

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Curtis A. Sharpshel, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this 2nd day of MAY, 2025.

Signature: [Signature]
Curtis A. Sharpshel, Professional Land Surveyor No. 4733
State of North Dakota) ss
County of Cass)

On this 2nd day of MAY, 2025, before me personally appeared Curtis A. Sharpshel, Professional Land Surveyor, 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 his free act and deed.

Notary Public: [Signature]
Notary Public: Tom Knaushus

CITY ENGINEERS' APPROVAL

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

Signature: _____
Tom Knaushus, PE, City Engineer

State of North Dakota) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Tom Knaushus, PE, Fargo 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 his free act and deed.

Notary Public: _____
Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL

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

Signature: [Signature]
Fargo Planning Commission

State of North Dakota) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared _____, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: [Signature]
Notary Public: Tracy J. Mahoney

FARGO CITY COMMISSION APPROVAL

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

Signature: [Signature]
Tracy J. Mahoney, Mayor

State of North Dakota) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared _____, 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: _____
Notary Public: _____

**Site Amenities and Project Plan
Sullivan Second Addition
May 16, 2025**

Location: The subject property is legally referred to as Lots 1, 2, 3, and 4, Block 1, Sullivan Second Addition to the City of Fargo, Cass County, North Dakota, a replat of Lots 1 and 2, Block 1 of Sullivan Addition.

Details: The project includes one (1) GO, General Office and three (3) PI, Public Institution zoned lots. As approved, the project includes one (1) GO, General Office zoned lot with an existing church and three (3) P/I, Public/Institutional zoned lots, one of which is developed and two of which will be developed with church-related institutional uses.

Right of Way (ROW): No public right of way dedications are required as part of Sullivan Second Addition.

Storm Water Management: Storm water requirements for Lots 1 and 2, Block 1 of Sullivan Second Addition were previously met with on-site storm water facilities at the time of original construction.

Storm water quantity and quality requirements will be met with on-site storm water facilities for Lots 3 and 4, Block 1 of Sullivan Second Addition. The storm water facilities will be designed, constructed, and maintained by the owner per the current "City of Fargo Policy on Storm Water Discharge and Treatment Requirements".

All storm water facilities will tie into City owned and maintained storm water infrastructure, as directed by City of Fargo Engineering.

Flood Protection: Portions of Sullivan Second Addition are located within the existing FEMA Floodplain and/or the 41' Water Surface Elevation Inundation Area. It is acknowledged by the developer that construction of structures shall comply with the City of Fargo's Floodproofing Construction Requirements when applicable, including removing any structure from the FEMA Special Flood Hazard Area by a Letter of Map Revision via fill.

This Amenities Plan is hereby approved.



John T. Folda, Bishop/President
Sts. Anne and Joachim Catholic Church, of Fargo, North Dakota
Owner: Lot 1, Block 1

7/16/25
date



John T. Folda, Bishop/President
Diocese of Fargo, North Dakota
Owner: Lots 2, 3 & 4, Block 1

7/16/25
date



Tom Knakmuhs, City Engineer

7/22/25
date

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

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ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN SULLIVAN SECOND ADDITION TO THE CITY OF FARGO

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

WHEREAS, the area formerly known as Sullivan Addition was previously subdivided into multiple smaller parcels through deed splits, outside of the formal subdivision process, and in order to legally recognize these revised parcel boundaries, a minor subdivision plat entitled Sullivan Second Addition has been prepared and will be established in conjunction with this Ordinance; and

WHEREAS, the purpose of this Ordinance is to ensure that the zoning designations are consistent with the newly established lot boundaries within Sullivan Second Addition; and

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

WHEREAS, the rezoning changes were approved by the City Commission on August 4, 2025,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot One (1), Block One (1) of Sullivan Second Addition to the City of Fargo,
County of Cass and State of North Dakota,

is hereby rezoned from "GO", General Office, District to "GO", General Office, District.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 2. The following described property:

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

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

Section 3. The following described property:

Lot Three (3), Block One (1) of Sullivan Second Addition to the City of Fargo,
County of Cass and State of North Dakota,

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

Section 4. The following described property:

Lot Four (4), Block One (1) of Sullivan Second Addition to the City of Fargo,
County of Cass and State of North Dakota,

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

Section 5. 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 6. This ordinance shall be in full force and effect from and after its passage and approval.

Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:



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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FR: MAYOR TIMOTHY J. MAHONEY 
DATE: AUGUST 4, 2025
RE: 2026 PRELIMINARY BUDGET APPROVAL

At a meeting held today at noon, I presented the 2026 Preliminary Budget recommendations.

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

The City of Fargo's budget hearing is scheduled for Monday, September 15, 2025. The final budget adoptions are due no later than October 10, 2025.

Suggested Motion: To approve the 2026 Preliminary Budget as presented this evening and to schedule the Public Hearing for the final budget for Monday, September 15, 2025 at 5:05 p.m.

July 31, 2025

Honorable Board of
City Commissioners
City of Fargo
225 North Fourth Street
Fargo, ND 58102

Re: Broadway Streetscape – Pedestrian Way - Amenities

Dear Commissioners:

On June 23, 2025 the City Commission directed City Staff to evaluate the amenities along Broadway from Main Avenue to 6th Avenue North and provide recommendations. The evaluation is based on guidelines from NACTO's (National Association of City Transportation Officials) Urban Street Design Guide. Comfortability as a pedestrian varies, depending on adjacent land use (i.e. parking lot/plaza versus building), size and scale of adjacent buildings, site amenities, width between curb and building front, and width of pedestrian zone. The sidewalks on Broadway, a signature street for Fargo, tend to be too narrow and crowded, based on findings from the Downtown InFocus Take Action plan.

The attached memo to was presented to the Public Works Project Evaluation Committee and Downtown Task Force in June to receive feedback. Through these discussions it was determined that the City would partner with Confluence, the firm currently evaluating and designing the way-finding signs along Broadway. Confluence will build upon the work by Planning and Engineering and are expanding it to include a more detailed evaluation of all benches and garbage receptacles, as well as possible bench relocation. We expect this work, along with public outreach, to be completed by early September.

It is recommended that the Commission receive and file the preliminary report. There are a couple of options for next steps.

Option 1 - If the Commission would like to start the removal process on the key sites determined by the preliminary work, we could move forward with that effort while Confluence completes the remaining work, including the identification of potential relocation sites.

Option 2 – Address key sites along with additional recommendations upon receipt of final report.

Attached you will find a memo from Downtown Community Partnership (DCP) supporting the start of the bench removal process.

Recommended Motion:

Receive and file the preliminary report. Direct staff on a preferred option to implement the removal of benches along Broadway as noted in the initial report.

Respectfully Submitted,



Brenda Derrig, PE
Assistant City Administrator

MEMORANDUM

To: Mayor Tim Mahoney & Brenda Derrig, City of Fargo

From: Rocky Schneider, Executive Director, Downtown Community Partnership

Date: July 29, 2025

Subject: Update on Broadway Amenities, Public Seating, and Pedestrian Signage

Background:

Broadway's current public amenities were designed over two decades ago. Since then, Downtown Fargo has experienced significant growth, new developments, and changing pedestrian needs. The opening of Broadway Square, the growth in events, and the implementation of the Downtown InFocus Plan have all contributed to a need for a refreshed and more accessible streetscape. Public seating, wayfinding, and amenities must evolve to match these changes.

Wayfinding & Signage Standards:

The DCP and BID, in partnership with Confluence, have contracted to replace and expand the outdated pedestrian signage on Broadway. The new signage design is being guided by the Smithsonian Guidelines for Accessible Exhibition Design and Americans with Disabilities Act (ADA) standards, which call for a minimum of 30 inches of clear space at the front and sides of signage and a 5-foot diameter clear area in front for wheelchair maneuverability. These standards are necessary to ensure all pedestrians can access wayfinding information safely and comfortably.

Bench Inventory & Seating Assessment:

As part of our technical work with Confluence, we are conducting a comprehensive review of bench locations, maintenance needs, and possible relocation opportunities. This work is informed by an interactive inventory of bench and garbage can sites throughout Downtown, especially focusing on areas where pedestrian access, police and emergency response, and ADA requirements intersect.

With the benches being placed at high traffic intersections with busy front doors at businesses we see a need for spreading and creating more space for movement. Street furnishings can be a benefit, but with limited space, they can also add to the congestion in already high traffic areas. In the early 90s these locations were not high traffic, and the pedestrian count was much lower. This is especially apparent during the summer. With the upcoming return of the additional downtown officers to their schools on August 27th, efficient streetscape management becomes even more critical.

Public Seating Strategy:

It is important to note that this is not a call to reduce public seating, but to realign it with

today's downtown needs. Broadway Square now offers more seating than all the benches along Broadway combined, in a central, highly managed, and accessible location. By focusing seating here, and relocating benches to areas of need outside of the Broadway right of way, we can enhance both accessibility and the customer experience.

Streetscape & Maintenance Improvements:

The City's investment in Broadway Square and the scheduled refresh of streetlights and street furniture align well with these efforts. The redesign of signage and the relocation of benches present an opportunity for a comprehensive update to the Broadway public right of way, making it safer, more accessible, and more attractive to residents, businesses, and visitors.

Next Steps & City Commission Action:

With the assistance of City Staff, the DCP and Confluence are finalizing technical recommendations for bench removal, storage, and strategic relocation. These will be shared at the upcoming Downtown Task Force meeting and would be brought to the City Commission. If immediate action is being requested, sufficient technical progress has been made to allow for Commission action before the end of the summer season, particularly ahead of the start of the school year and the return of the additional downtown police officers to their schools.

Guiding Principles:

- Customer experience, accessibility, and safety are the driving goals
- Modern placemaking must be flexible, interactive, and support commerce
- Collaboration among DCP, BID, the City, and Confluence is critical
- All updates will comply with ADA and national best practices for accessible public space design

The DCP stands ready to support the City in taking action as soon as possible. A refresh of Broadway's public amenities will help maintain Downtown Fargo's vibrancy, safety, and accessibility for all.

Thank you for your attention to this important matter,

Rocky Schneider
Executive Director
Downtown Community Partnership

MEMORANDUM

TO: MEMBERS OF PWPEC

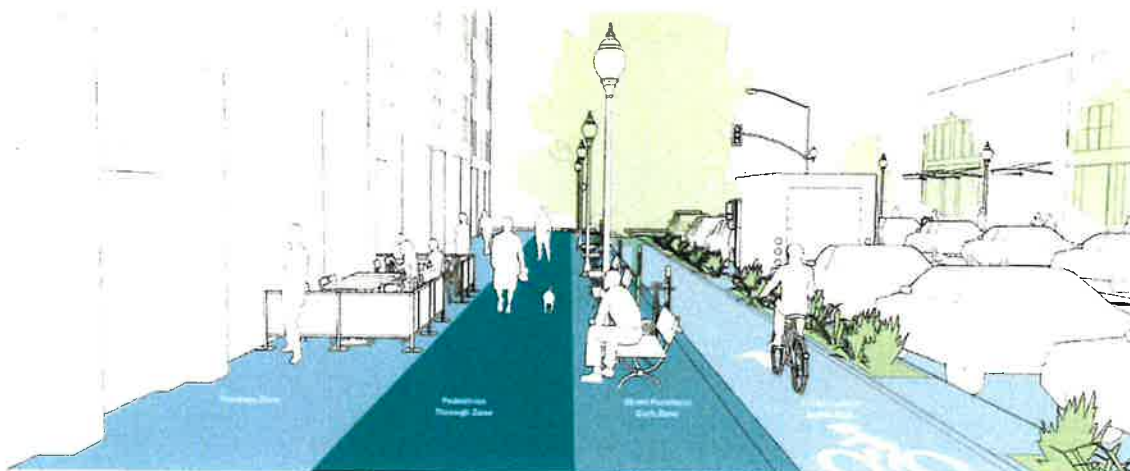
FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR
MAEGIN ELSHAUG, PLANNING COORDINATOR

DATE: JUNE 13, 2025

RE: BROADWAY STREETScape, PEDESTRIAN WAY, AND AMENITIES

Last week the Engineering and Planning staff were asked to conduct an inventory and analysis of the downtown Broadway streetscape as it relates to public amenities in the Broadway ROW, specifically benches and other elements that impact pedestrian constraints between Main Avenue and 6th Avenue North. Comfortability as a pedestrian varies, depending on adjacent land use (i.e. parking lot/plaza versus building), size and scale of adjacent buildings, site amenities, width between curb and building front, and width of pedestrian zone. The sidewalks on Broadway, a signature street for Fargo, tend to be too narrow and crowded, based on findings from the Downtown InFocus Take Action plan. The plan also proposes a street conversion from diagonal to parallel parking, including illustrations that demonstrate how expansion of the sidewalk clearance accommodates additional needed space.

In 2013, the City engaged Confluence (then Land Elements) to provide streetscape guidelines to address sidewalks, amenities, and spatial requirements for Downtown streets. Included in the document are streetscape zones, which layout specific zones and minimum dimensions so amenities have sufficient space and pedestrians have a designated, clear space for circulation and comfortability. The guidelines align with guidelines from NACTO's (National Association of City Transportation Officials) *Urban Street Design Guide*. Below is a graphic from NACTO, showing the four streetscape zones, with additional detail on each below.



- Frontage Zone – 2' +
 - Space immediately adjacent to the building that functions as an extension of the building, such as entryways, doors, sidewalk cafes, or signage.
- Pedestrian Zone – 8-12'
 - Primary, accessible pathway that runs parallel to the street, ensures that pedestrians have a safe, adequate place to walk.
 - Street furniture, street plantings, and other elements should not obstruct the clear zone for pedestrians.
- Furniture Zone – 5' +
 - Area between curb and pedestrian zone, where street furniture and amenities are provided, and can include plants and green infrastructure.
 - Objects should be at least 3' from face of curb.
- Buffer Zone
 - Space immediately next to the sidewalk, including curb extensions, parking, bike lanes, bike racks, or other features.

Based on guidelines, staff has analyzed the corners of Broadway (the most constrained areas) for adequate space for streetscape zones, between Main Avenue and 6th Avenue North and have identified the following:

- Heavier pedestrian activity tends to be towards the “center” near 2nd Avenue North, mostly between NP Avenue and 4th Avenue North. Constraints outside of these areas are found to be less of a concern due to lower activity levels.
- Nearly all zones along Broadway are found to be insufficient based on guidelines, except for certain areas:
 - Newly reconstructed areas, such as Block 9/Broadway Square
 - Wider areas of Broadway, near Main Avenue

- Where no building exists, therefore, there may not been a need for a frontage zone at this time
- The pedestrian zone is further constrained by other zones “spilling” into the clear space for pedestrians. For example, because the furniture zone isn’t sufficient to allow for adequate space for sitting and conversing, the pedestrian zone is even narrower than necessary, and less comfortable for pedestrians.

The attached chart shows inventory and analysis of all corners of the study area; including, land use, physical structure, business type, surrounding activity (whether the corner is “active” with foot traffic and a nearby public entrance), width of pedestrian zone, and zone constraints.

Based on staff findings, there is a total of 9 locations where the zone dimensions are not adequate and cause congestion based on adjacent land use and proximity to an entrance, and which may want to be considered for further action. The locations are from north to south:

Broadway and 4th Avenue

- NE corner – US Bank
- SW corner – Spicy Pie
- SE corner – Fargo Housing Authority

Broadway and 3rd Avenue

- NE corner – Sammy’s Pizza

Broadway and 2nd Avenue

- NW corner - VFW
- SE corner – Silver Linings

Broadway and 1st Avenue

- NE corner – Blarney Stone
- SW corner – Vacant (previously Euphoria)

Broadway and NP Avenue

- NW corner – Fort Knox

We are seeking discussion on both the analysis method and the findings regarding streetscape zones and bench locations. In the future, we foresee a need for additional analysis about furnishings, amenities and activities for this geographic area.

[illegible]

Business refers to a commercial retail business with foot traffic and public door to community. Not Active may have a business but no door

Locations on Broadway



Constraints



Zones - east side of 100 Block
Little Brother; Rooters

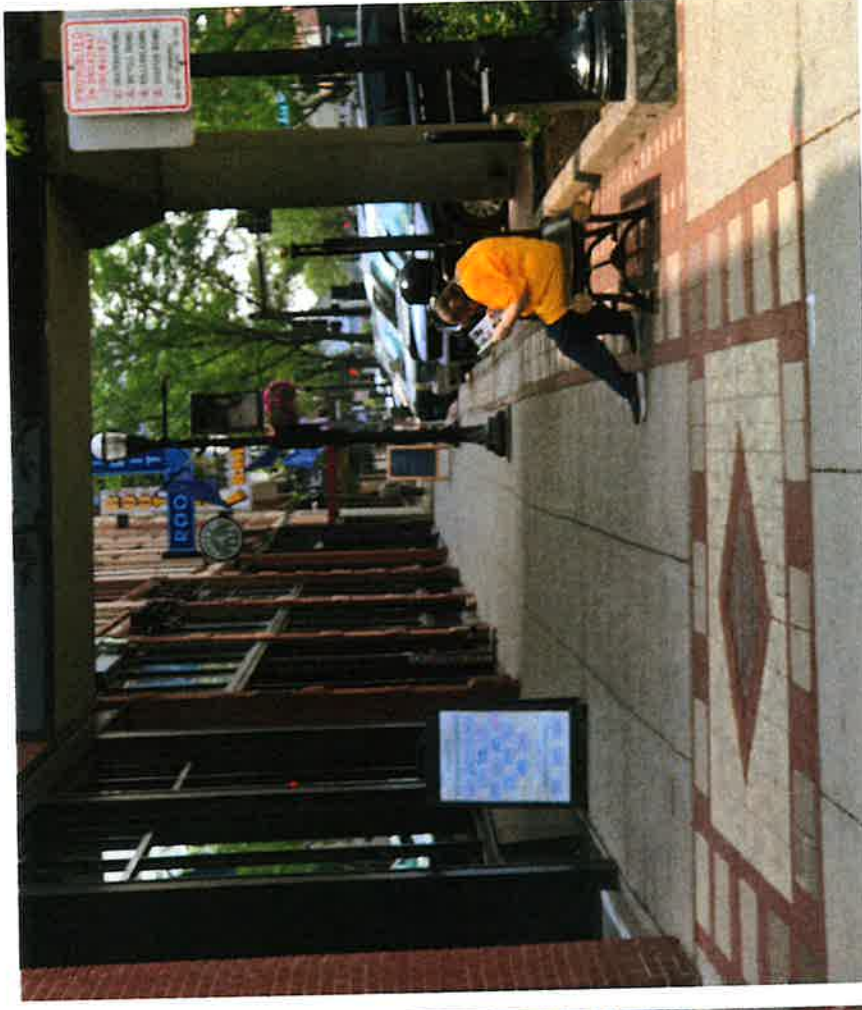


Frontage Zone - west side of 200 Block
Teddys, JLG

Constraints



Space Constraints - west side of 100 Block
Fort Knox



Zones - east side of 100 Block
Silver Linings

Broadway and 4th Avenue - NE corner
US Bank (Mercantile)



Broadway and 4th Avenue - SW corner
Spicy Pie



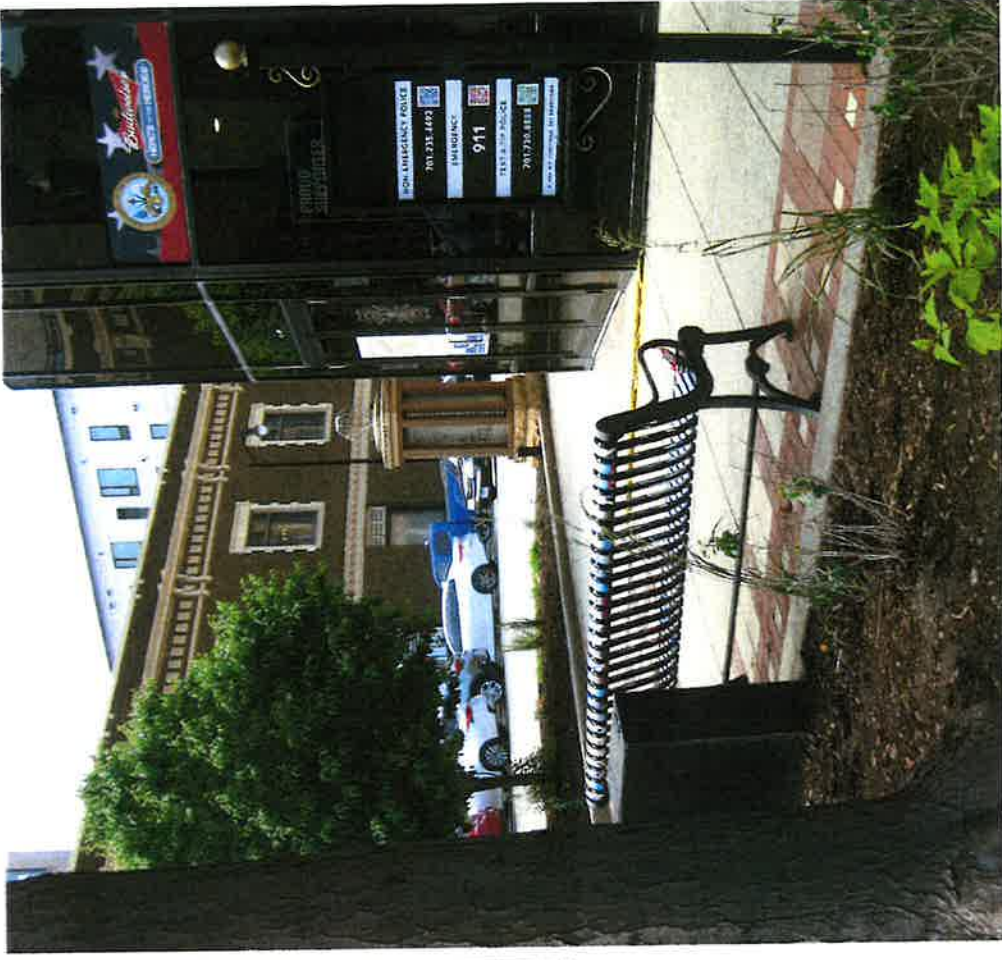
**Broadway and 4th Avenue - SE corner
Fargo Housing Authority**



**Broadway and 3rd Avenue - NE corner
Sammy's Pizza**



**Broadway and 2nd Avenue - NW corner
VFW**



Broadway and 2nd Avenue - SE corner
Silver Linings



Broadway and 1st Avenue - NE corner
Blarney Stone



**Broadway and 1st Avenue - SW corner
Vacant (previously Euphoria)**



Broadway and NP Avenue - NW corner
Fort Knox

