

FARGO CITY COMMISSION AGENDA
Monday, July 21, 2025 - 5:00 p.m.

Executive Session at 4:00 p.m.

Roll Call.

PLEASE NOTE: The Board of City Commissioners will convene in the City Commission Chambers at 4:00 p.m. and retire into Executive Session in the Red River Room for the purposes of discussing negotiation strategy, to provide negotiating instructions to the City's attorney or other negotiator regarding various and separate pending or potential contracts for the sale of land by the City located west of the landfill, said separate contracts being between the City and Galvanizers, Inc.; WMF Properties, LLC; Hazer Ventures LLC; Thor Investments, LLC; and ARD Properties, LLC; regarding litigation pertaining to 501 Main Avenue and to discuss negotiating strategy or provide negotiation instructions to its attorney, and to receive its attorney's advice and guidance on the legal risks, strengths and weaknesses of an action of a public entity; and regarding reasonably predictable and/or threatened litigation by Northdale Oil, Inc. and its affiliate Eastdale, LLC, and to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding the reasonably predictable or threatened litigation, and to receive its attorney's advice and guidance on the legal risks, strengths and weaknesses of an action of a public entity. Discussing these matters in an open meeting will have a negative fiscal effect on the bargaining and/or litigation position of the City; thus, an Executive Session for these matters is authorized pursuant to North Dakota Century Code § 44-04-19.1 subsections 2, 5 and 9.

Regular Meeting at 5:00 P.M.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, July 7, 2025).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Receive and file an Ordinance Amending Article 11-04 of Chapter 11 of the Fargo Municipal Code Relating to Automobiles and Personal Property.
- 2. 2nd reading, waive reading and final adoption of an Ordinance Amending Sections 21-0601, 21-0602, 21-0603, 21-0604 and Enacting Sections 21-0601.1 and 21-0605 of Article 21-06 of Chapter 21 of the Fargo Municipal Code Relating to Flood Plain Management; 1st reading, 7/7/25.
- 3. 2nd reading, waive reading and final adoption of an Ordinance Amending Ordinance No. 5464 Pertaining to Zoning of The Pines at the District Seventh Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 7/7/25.

4. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 7/7/25:
 - a. Enacting Section 8-1322 of Article 8-13 of Chapter 8 of the Fargo Municipal Code relating to Traffic Code.
 - b. Amending Section 1-0305(C)(7) and adding Section 1-0305(C)(14) of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
5. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 7/7/25:
 - a. Amending Sections 8-1006 and 8-1006.2 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Parking Regulations.
 - b. Repealing Section 8-1025 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Parking Regulations.
 - c. Repealing Sections 18-0505, 18-0506, 18-0507, 18-0508, 18-0509, 18-0510, 18-0511, 18-0512 and 18-0513 of Article 18-05 of Chapter 18 of the Fargo Municipal Code Relating to Public Ways and Places.
6. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 7/7/25:
 - a. Amending Sections 10-0322 and 10-0322.1 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Harassment and Harassment - Hate Crime.
 - b. Amending Section 10-0103 of Article 10-01 of Chapter 10 of the Fargo Municipal Code Relating to Sale of Tobacco to Individuals Under Twenty-One (21) Years of Age and Use and Possession by Individuals Under 21 Years of Age Prohibited.
 - c. Amending Section 8-0610 of Article 8-06 of Chapter 8 of the Fargo Municipal Code Relating to Rotary Traffic Islands.
 - d. Amending Section 08-0313 of Article 08-03 of Chapter 8 of the Fargo Municipal Code Relating to Careless Driving and Amending Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
 - e. Amending Section 8-0309 of Article 8-03 of Chapter 8 of the Fargo Municipal Code Relating to Driving while License Suspended or Revoked - Impoundment of License Plates and Amending Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
 - f. Enacting Section 10-0502 in Article 10-05 of Chapter 10 of the Fargo Municipal Code Titled Proof of Identification in Licensed Premises.
 - g. Amending Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
 - h. Amending Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
 - i. Amending Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
7. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Prairie Crossing Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 7/7/25.
8. Resolution Establishing the Wildlife Management Program for the 2025-2026 season.
9. Resolution Concluding the Sustainability and Resiliency Committee Effective December 31, 2025 and waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Repealing Article 5-04 of Chapter 5 of the Fargo Municipal Code Relating to Fargo Police Advisory and Oversight Board.

10. Applications for Games of Chance:
 - a. EagleRidge Legacy Fund, Inc. for a raffle on 7/24/25.
 - b. El Zagal Shrine Temple for a calendar raffle from 1/1/26 to 6/30/26.
 - c. Fargo South High School for a raffle from 9/5/25 to 5/15/26.
 - d. Healthcare Equipment Recycling Organization (HERO) for a raffle on 9/26/25.
 - e. Lend a Hand Up for a raffle on 8/13/25.
 - f. Red River Zoo for a raffle on 8/22/25.
 - g. Tri-City United Soccer Club for a raffle on 8/12/25.
 - h. YWCA Cass Clay for a raffle on 9/4/25.
11. Gaming Site Authorization for Fargo Youth Hockey Association at Bar 209.
12. Pledged securities as of 6/30/25.
13. Memorandum of Understanding between Fargo Dome Authority and NDSU.
14. Second Amendment to the 2005 Agreement with the City of West Fargo (Improvement District No. PR-25-I1).
15. Final Balancing Change Order No. 1 in the amount of \$28,173.98 for Improvement District No. BN-24-C1.
16. Change Order No. 3 in the amount of \$4,730.00 for Improvement District No. BN-24-B1.
17. Bid award to Paras Contracting, Inc. in the amount of \$954,313.30 for Improvement District No. BR-25-H1.
18. Create Improvement District No. BN-25-C and adopt Resolution of Necessity (New Paving and Utility Construction).
19. Permanent Easement (Alley) with James R. and Leighann N. Knopp (Project No. AN-19-A1).
20. Permanent Easement (Alley) with Michael L. and Barbara A. Stenberg (Project No. AN-19-A1).
21. Permanent Easement (Alley) with Harold and Lila D. Unruh (Project No. AN-19-A1).
22. Permanent Easement (Alley) with Randy and Wendy Iwerks (Project No. AN-19-A1).
23. Bid award to Cobalt Coatings in the amount of \$72,450.00 for Project No. TR-25-E1.
24. Memorandum of Offer to Landowner, Permanent Easement (Street and Utility) and Easement (Temporary Construction Easement) with M&P Holdings LLLP (Improvement District No. BN-25-C1).
25. Items from the FAHR Meeting:
 - a. Request a reduction of one full-time regular position of Home Health Aide.
 - b. Donation in the amount of \$1,564.56 to the Red River Valley SWAT team to cover entry fees, per diem and lodging for the Superior Sniper Competition.
 - c. Grant Award and Acceptance for the FY24 State and Local Cybersecurity Grant Program under CFDA #97.137 in the amount of \$202,680.00 and related budget adjustments.
26. Bid award to Achievelt for Strategy Management Software and Consultant Services (RFP25146).

27. Notice of Grant Award from the ND Department of Health and Human Services for State Aid to Local Public Health.
28. Notice of Grant Award from the ND Department of Health and Human Services for Increasing Immunization Rates (CFDA #93.268).
29. Notice of Grant Award from the ND Department of Health and Human Services for State Aid Regional Environmental Health Services.
30. Fargo Public School District and Fargo Cass Public Health Contract for Services.
31. Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs 2025-2029 HUD Consolidated Plan including 2025 HUD Action Plan and Budget, and Amendments to the 2023 Action Plan and 2024 Action Plan.
32. Bid award to OK Tire for tires and tire services (RFP25161).
33. Bid award to Northdale Oil, Inc. for fuel purchasing in the 1st and 2nd Quarters of 2026 and execute the Forward Fuel Contract (RFP25203).
34. Contract with Compass Minerals Inc. for Bulk Highway Deicing Salt (RFP25165).
35. Amendment No. 2 to State Contract No. 283 (Paratransit Software) with Via Mobility LLC.
36. Resolutions Authorizing the Issuance and Sale of \$20,000,000 City of Fargo Sales Tax and Sewer Revenue Bonds for (a) Clean Water State Revolving Fund (CWSRF) and (b) Drinking Water State Revolving Fund (DWSRF).
37. Bills.

REGULAR AGENDA:

38. Introduction and swearing in of Fire Chief Gary Lorenz.

PUBLIC HEARINGS - 5:05 pm:

39. **PUBLIC HEARING – WITHDRAWN** - Hearing on a dangerous building located at 2826 12th Street South.
40. **PUBLIC HEARING** – Annexation of 87.89 acres, more or less located in a part of Section 10 and Section 15, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota (4370 52nd Avenue North; 4300, 5001 and 5115 County Road 81; 4821-4943 43rd Street North; 4349 and 4350 48th Avenue North); continued from the 6/23/25 and 7/7/25 Regular Meetings.
41. **PUBLIC HEARING** – Northdale First Addition (4300 County Highway 81 North); approval recommended by the Planning Commission on 2/4/25; continued from the 6/23/25 and 7/7/25 Regular Meetings:
 - a. Zoning Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of Northdale First Addition.

42. **PUBLIC HEARING** - Vacation Plat of a portion of 50th Avenue North and 43rd Street North right-of-way adjacent to Lots 7-12, Block 4 and Lots 6-11, Block 2, North 81-20 Subdivision and Lot 1, Block 2, North 81-20 Second Subdivision (5001 County Road 81; 4821-4943 43rd Street North; 4349 48th Avenue North).
43. **PUBLIC HEARING** - Community Development Block Grant (CDBG) and HOME Programs 2024 Consolidated Annual Performance and Evaluation Report (CAPER).
44. **PUBLIC HEARING** – Application filed by Corvent Medical, Inc. for a property tax exemption for a project to be located at 4837 Amber Valley Parkway South which the applicant will use for the general storage and handling of medical device mechanical ventilator components and finished goods.
45. **PUBLIC HEARING** – Application for transfer of a Class “FA” Alcoholic Beverage License from Mexican Village II, LLP d/b/a Mexican Village to Golden Empire Inc. d/b/a Phoenix Buffet at 3155 45th Street South.
46. **PUBLIC HEARING** – Application for transfer of a Class “FA-RZ” Alcoholic Beverage License from Toasted Frog, LLC d/b/a Toasted Frog to The Toasted Frog Fargo Part 2 LLC d/b/a The Toasted Frog at 305 Broadway North.
47. Construction update.
48. Broadway street closure reconsideration.
49. Commissioner Piepkorn requests that the Commission direct staff to develop an event street closing policy that includes recouping associated City costs to facilitate the closure.
50. Commissioner Piepkorn requests that staff review parking revenues associated with the parking garages.
51. Commissioner Piepkorn requests the City Attorney investigate the possibility of recovering funds provided to Faith For Hope and Presentation Partners.
52. Recommendations for appointments to the following Boards and Commissions:
 - a. Human Rights Commission.
 - b. Liquor Control Board.
53. Liaison Commissioner Assignment Updates.
54. **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).

(40)

MEMORANDUM

TO: City Commission

FROM: Donald Kress, Current Planning Coordinator

DATE: July 17th, 2025

RE: ANNEXATION OF PROPERTY – Portions of Sections 10 and 15,
Township 140 North, Range 49 West of the Fifth Principal
Meridian, Cass County, North Dakota

Project History Note: This hearing was originally scheduled for the June 23rd, 2025 City Commission agenda. It was continued to the July 7th, 2025 City Commission agenda at the request of staff.

At the July 7th, 2025 City Commission meeting, the Commission moved to continue this project to the July 21st, 2025 City Commission agenda. No hearing was held on July 7th.

On May 12, 2025, the City Commission adopted a resolution to annex approximately 87.89 acres of land within the City's four-mile extra-territorial jurisdiction along County Highway 81 North of County Highway 20 (40th Avenue North) in order to bring these parcels into the city limits now that City utilities are available in this area. All parcels are developed except the parcel at the south end, which is the subject property of a pending subdivision, Northdale First Addition. The developed properties are all zoned LI, Limited Industrial. The Northdale First Addition is also proposed to be zoned LI. The annexation includes a portion of Cass County Highway 81. The resolution set the date for the sufficiency of protest hearing for the June 23, 2025, City Commission agenda. The purpose of the hearing is to determine if protests to the annexation have been filed. In the absence of protests filed by the owners of more than one-fourth of the territory proposed to be annexed as of the date of adoption of the resolution, the territory described in the resolution becomes a part of the City of Fargo.

Pursuant to annexation statutes (North Dakota Century Code Section 40-51.2), the resolution has been noticed. The sufficiency of protests hearing was scheduled for the June 23rd, 2025 City Commission agenda. The deadline for submittal of protests was June 20th, 2025. As of that date, one protest had been received. This protest did not exceed the sufficiency of protests threshold stated in North Dakota Century Code Section 40-51.2-07(1)(c). However, staff continued the sufficiency of protests hearing from the June 23rd, 2025 City Commission agenda to the July 7th, 2025 City Commission agenda in order to work with the protestor to resolve their concern. At the July 7th, 2025 City Commission meeting, the Commission moved to continue the hearing to the July 21st, 2025 City Commission agenda. No hearing was held on July 7th.

SUGGESTED MOTION:

To declare that there is insufficient protest to the proposed annexation and, therefore, said land shall become a part of the city in accordance with NDCC §40-51.2-07, and move to direct staff to file and record with the Cass County Recorder a copy of the Resolution of Annexation and an accurate map of the annexed area, certified by the Executive Officer of the City.

City of Fargo Staff Report			
Title:	Annexation of portions of Sections 10 and 15, T140N, R49W	Date: Update:	5/8/2025 6/19/2025 7/3/2025 7/17/2025
Location:	4370 52 nd Ave. North; 5115, 5001, and 4300 County Road 81; 4821 through 4943 43 rd St. North; 4350 and 4349 48 th Avenue North;	Staff Contact:	Donald Kress, Planning Coordinator
Legal Description:	Portion of Sections 10 and 15, Township 140 North, Range 49 West, of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Oye Leasing, LLP; Highway 81 Holdings, LLC; D&T Properties, LLC; Gibb Realty, LLP; Gibb Realty Co.; Kenneth M. Brezina; Monte Routledge and Linda Routledge; Bigs Property LLC; Thunderhead Holdings, LLC; Eastdale LLC; Cass County / City of Fargo	Engineer:	City of Fargo
Entitlements Requested:	Sufficiency of protests hearing		
Status:	City Commission regular agenda July 21 st , 2025		
Proposal:			
<p><i>Project History Note: This hearing was originally scheduled for the June 23rd, 2025 City Commission agenda. It was continued to the July 7th, 2025 City Commission agenda at the request of staff. At the July 7th, 2025 City Commission meeting, the Commission moved to continue this project to the July 21st, 2025 City Commission. No hearing was held on July 7th.</i></p> <p>The City of Fargo requests one entitlement:</p> <ol style="list-style-type: none"> 1. Annexation of an approximately 87.89 acre portion of Sections 10 and 15, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: AG, Agricultural; undeveloped; in Fargo's four-mile extra-territorial jurisdiction • East: LI, Limited Industrial; warehouse and industrial uses • South: across Cass County 20 LI, Limited Industrial; undeveloped • West: BNSF Railroad 			
Staff Analysis:			
<p>This is a City-initiated annexation. City staff have contacted the property owners within the proposed annexation area and they have all agreed to the annexation.</p> <p>The entire annexation area is either already developed or has a development proposal pending:</p> <ul style="list-style-type: none"> • The North 81-20 Subdivision (1980) and North 81-20 Second Subdivision (2009) occupy the area bounded by 52nd Avenue North, 41st Street North, and Cass County Highway 81. This entire area is zoned LI, Limited Industrial, and the properties are developed with industrial uses. Annexation of this developed area can go forward as the City can now provide City utilities to this area. • The area of the proposed Northdale First Addition is bounded by Cass County Highway 81, Cass County Highway 20 (40th Avenue North), and the BNSF railroad. The proposed subdivision will 			

create on lot in one block, zoned LI, Limited Industrial. Annexation of this area was originally proposed as an owner-initiated annexation of just this property. Following discussion between staff and the applicant, this area was made part of the larger annexation.

OWNERSHIP

There are 10 property owners within the annexation area:

1. Oye Leasing, LLP
2. Highway 81 Holdings, LLC
3. D&T Properties, LLC
4. Gibb Realty, LLP and Gibb Realty Co.
5. Kenneth M. Brezina
6. Monte Routledge TOD
7. Thunderhead Holdings, LLC
8. Bigs Property LLC
9. Eastdale LLC
10. Cass County (County Highway 81)

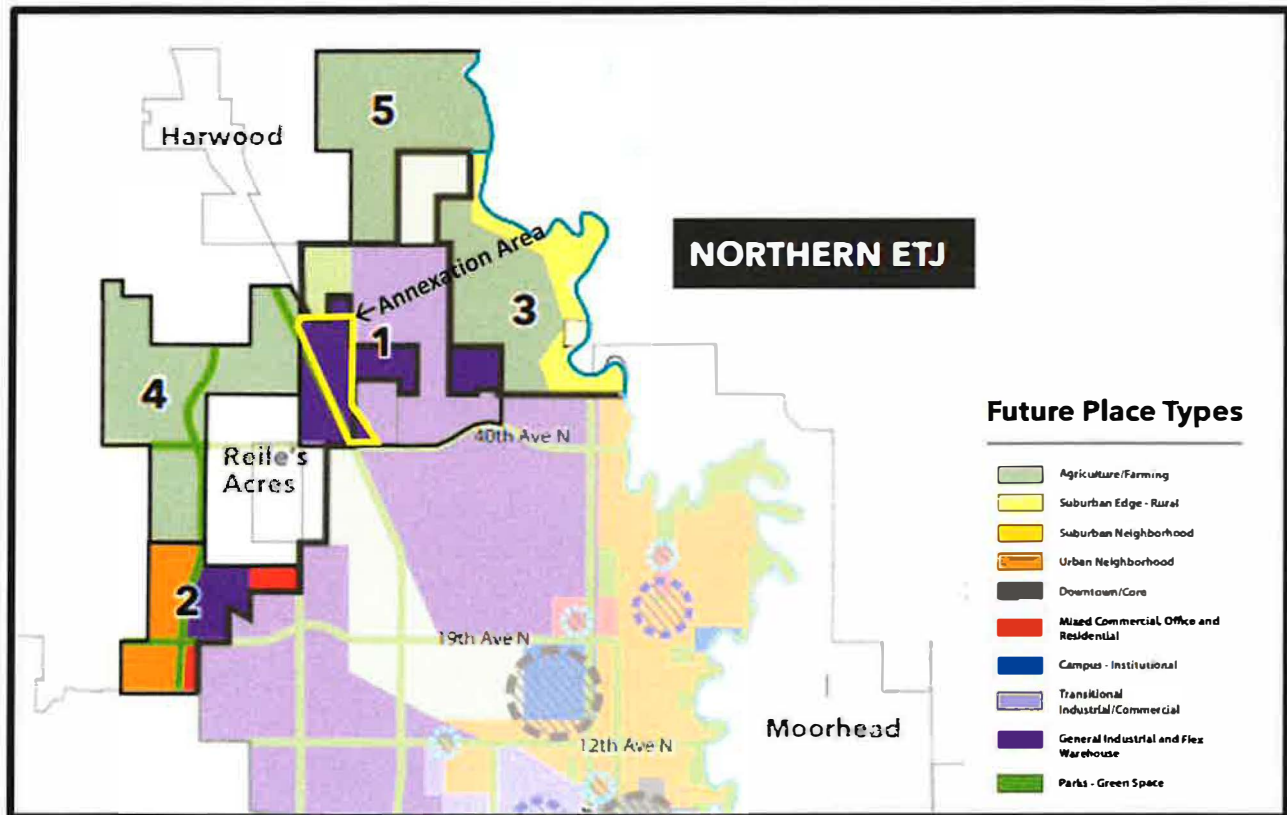
LOCATION

As depicted on the graphic below, this 87.89 acre property proposed to be annexed is on the east side of Interstate 29. The annexation includes a portion of Cass County Highway 81.



PLAN CONSISTENCY

This property is outside of the Fargo city limits. The proposed annexation area is depicted within Growth Grid Number 1 of the Northern ETJ of the Fargo Growth Plan 2024. The future place type designation is "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 existing and proposed development and zoning are consistent with this place type. The annexation area is adjacent to the existing city limits. Access is provided by County Highways 81 and 20, 52nd Avenue North, and 41st Street North. The properties are eligible to connect to City utilities. The properties in the annexation are adjacent to developing properties that have recently been platted and zoned



PLANNING COMMISSION REVIEW

The Planning Commission evaluated this proposed annexation for consistency with the Fargo Growth Plan 2024 at their May 6th, 2025 Planning Commission meeting, and found the proposed annexation to be consistent with that growth plan.

RESOLUTION OF ANNEXATION

Pursuant to the process described in North Dakota Century Code (NDCC) Section 40-51.2-07, a resolution of annexation, prepared by City staff, was approved by the City Commission on May 12th, 2025. The resolution set the date for the sufficiency of protests hearing for the June 23rd, 2025 City Commission agenda. Notice was provided as required by NDCC Section cited above. A copy of the signed resolution is attached.

PROTESTS RECEIVED:

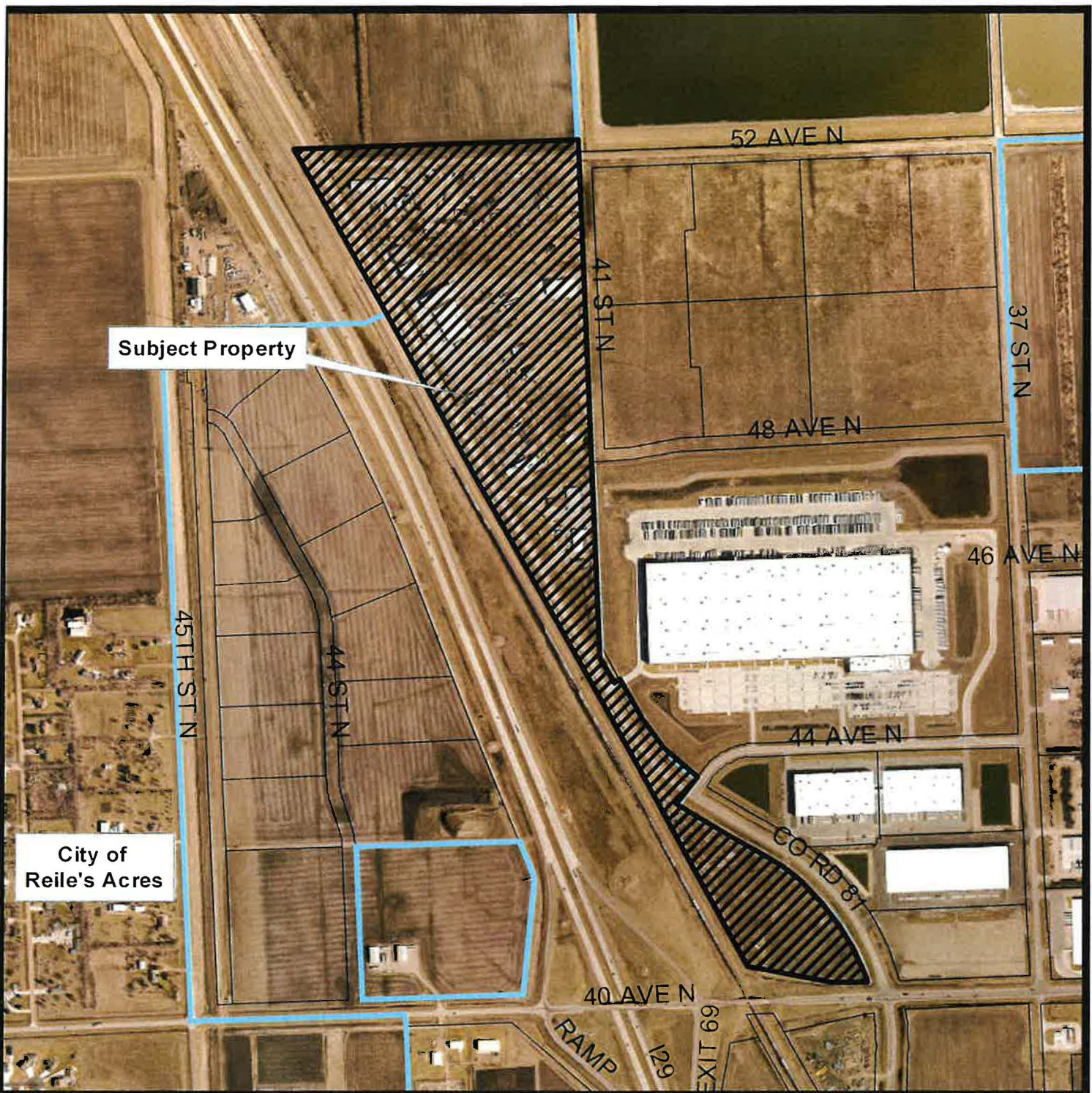
The deadline for submittal of protests was June 20th, 2025. As of that date, one protest had been received. This protest did not exceed the sufficiency of protests threshold stated in North Dakota Century Code Section 40-51.2-07(1)(c). However, staff continued the sufficiency of protests hearing from the June 23rd, 2025 City Commission agenda to the July 7th, 2025 City Commission agenda in order to work with the

protestor to resolve their concern. At the July 7th, 2025 City Commission meeting, the Commission moved to continue this project to the July 21st, 2025 City Commission. No hearing was held on July 7th.
Staff Recommendation:
To declare that there is insufficient protest to the proposed annexation and, therefore, said land shall become a part of the city in accordance with NDCC §40-51.2-07, and move to direct staff to file and record with the Cass County Recorder a copy of the Resolution of Annexation and an accurate map of the annexed area, certified by the Executive Officer of the City.
Attachments:
<ol style="list-style-type: none">1. Zoning map2. Location map3. Annexation resolution4. Annexation plat

Annexation

**Portions of Sections 10 and 15,
T140N, R49W**

4370 52nd Avenue North; 5115, 5001, & 4300
County Road 81; 4821 - 4943 43rd Street North;
4350 & 4349 48th Avenue North



Legend

City Limits

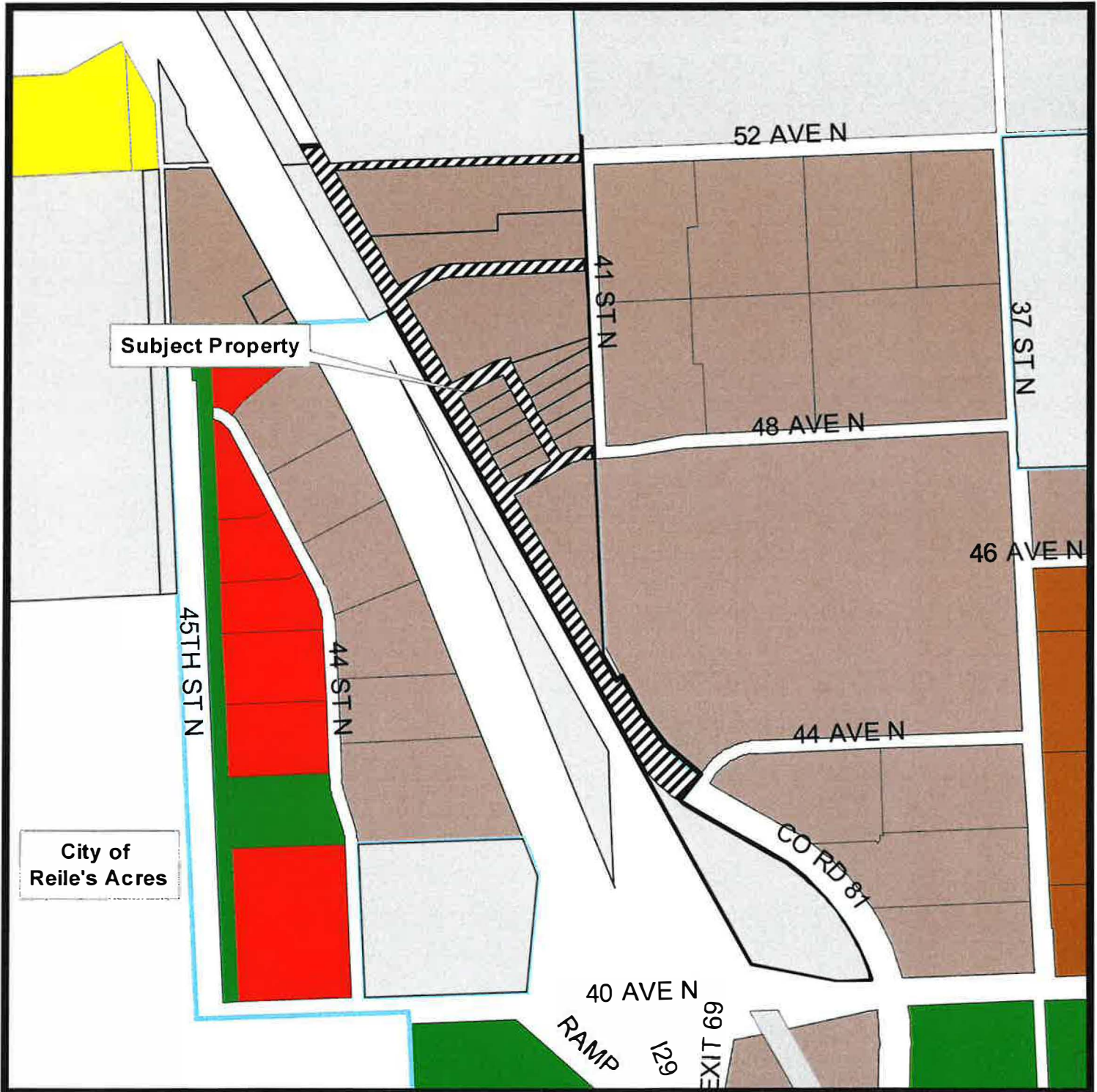
**Fargo Planning Commission
May 6, 2025**

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Miles

Annexation

**Portions of Sections 10 and 15,
T140N, R49W**

4370 52nd Avenue North; 5115, 5001, & 4300
County Road 81; 4821 - 4943 43rd Street North;
4350 & 4349 48th Avenue North



Legend

AG	DMU	LC	MHP	SRP-2
GC	MR-1	MR-2	NCH	SRP-3
GO	MR-3	UMU	NO	SRP-4
			P1	SRP-5
				SRP-6
				City Limits

Fargo Planning Commission

May 6, 2025

0 0.05 0.1 0.2 0.3 0.4
Miles

RESOLUTION OF ANNEXATION

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

WHEREAS, the City of Fargo, Cass County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota, with approximately one hundred thirty-three thousand one hundred eighty-eight (133,188) inhabitants; and

WHEREAS, there is contiguous and adjacent to the City of Fargo, a tract or parcel of land hereinafter specifically described, containing approximately 87.89 acres, more or less, which tract or parcel of land is not presently a part of the City of Fargo.

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

That part of Section 10 and Section 15, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, more particularly described as follows:

Beginning at the southeast corner of the Southwest Quarter of said Section 10; thence northerly on the existing City of Fargo Corporate Limits as shown on the City of Fargo Annexation Plat document 1096475 on file and of record in the Cass County Recorder's Office, also being the east line of said Southwest Quarter, to a point on a line parallel with and 100.00 feet northerly of, as measured perpendicular to, the south line of said Southwest Quarter; thence westerly on said line parallel with the south line of said Southwest Quarter to a point on the easterly right-of-way line of the BNSF Railway; thence southeasterly on said easterly right-of-way line of the BNSF Railway to the most northerly corner of the existing City of Fargo Corporate Limits as shown on document 1688513 on file and of record in the Cass County Recorder's Office; thence continuing on the existing City of Fargo Corporate Limits as shown on said document 1688513 on the following three courses; thence South 29°05'19" East, a distance of 4660.20 feet; thence South 79°10'53" East, a distance of 540.52 feet; thence North 87°58'51" East, a distance of 208.09 feet to a point on the westerly line of the existing City of Fargo Corporate Limits as shown on the City of Fargo Annexation Plat document 1637528 on file and of record in the Cass County Recorder's Office, also being the westerly right-of-way line of County Highway 81; thence continuing on the existing City of Fargo Corporate Limits as shown on said document 1637528

on the following four courses; thence northerly along a nontangential curve, concave to the southwest, having a radius of 1332.69 feet, a central angle of 42°49'16" and a chord bearing of North 38°41'30" West; thence North 60°06'04" West, tangent to the preceding curve, a distance of 499.80 feet; thence on a tangential curve to the right having a radius of 1532.69 feet and a central angle of 6°13'49"; thence North 35°43'11" East, a distance of 200.00 feet, to a point on the westerly boundary of the existing City of Fargo Corporate Limits as shown on the City of Fargo Annexation Plat document 1604271 on file and of record in the Cass County Recorder's Office, also being the easterly right-of-way line of said County Highway 81; thence continuing on the existing City of Fargo Corporate Limits as shown on said document 1604271 on the following five courses; thence on a nontangential curve, concave to the northeast, having a radius of 1332.69 feet, a central angle of 24°42'29" and a chord bearing of North 41°27'19" West; thence North 29°06'04" West, tangent to the preceding curve, a distance of 208.50 feet; thence South 60°53'56" West a distance of 40.00 feet; thence North 29°06'04" West a distance of 168.47 feet; thence North 02°45'09" West, a distance of 1235.96 feet, to the southwest corner of the existing City of Fargo Corporate Limits as shown on document 1689684 on file and of record in the Cass County Recorder's Office; thence North 02°45'09" West, on the westerly line of said existing City of Fargo Corporate Limits as shown on said document 1689684, a distance of 1903.41 feet to the point of beginning.

Said part contains 87.89 Acres, more or less.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for the City of Fargo once each week for two successive weeks, and a hearing be held on the 23rd day of June, 2025. at 5:15 p.m., in the Commission Chambers, City Hall, Fargo, North Dakota.

CERTIFICATE

[illegible]

I, Timothy J Mahoney, the duly elected, qualified and acting Mayor of the City of Fargo,
North Dakota; and

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

DO HEREBY CERTIFY:

That the foregoing is a full, true, and correct copy of the original Resolution and the whole thereof annexing a tract of land consisting of approximately 87.89 acres, which Resolution was duly adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held May 12th, 2025, at which meeting Commissioners Kolpack Piepkorn Strand Turnberg and Mahoney were present in person, and None were absent, and Piepkorn Kolpack Strand Turnberg and Mahoney voted in favor of the adoption of the Resolution and None voted against the adoption of the Resolution; and

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

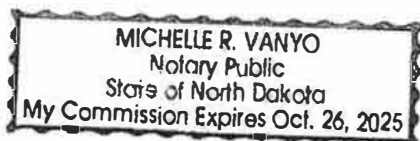


Timothy J. Mahoney, Mayor
City of Fargo, North Dakota

Steven Sprague, City Auditor

On this 12 day of May, 2025, before me, Michelle R Vanyo,
_____, a Notary Public in and for Cass County in the State of North Dakota, personally appeared
TIMOTHY J. MAHONEY, known to me to be the Mayor of the Board of City Commissioners
and STEVEN SPRAGUE, known to me to be the City Auditor of the City of Fargo, a municipal
corporation under the laws of the State of North Dakota, and they acknowledged to me that they
executed the foregoing instrument.

Michelle R Vanzo
Notary Public
Cass County, North Dakota
My Commission Expires:



ANNEXATION PLAT

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



Annexation Plat of:

That part of Section 10, Township 15N, Range 10W, of the 1st Principal Meridian, Cass County, North Dakota, as shown on the map.

Being in the south-east corner of the Township 15N, Range 10W, of the 1st Principal Meridian, Cass County, North Dakota, as shown on the map. The plat shows the boundaries of the land to be annexed, and the names of the owners of the land. The plat also shows the names of the persons who have been designated to receive the land, and the names of the persons who have been designated to receive the land. The plat also shows the names of the persons who have been designated to receive the land, and the names of the persons who have been designated to receive the land.

CERTIFICATE OF ACCURACY

I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the foregoing plat is a true and correct copy of the original plat, and that the same is a true and correct copy of the original plat.

Surveyed by: [Signature]
North Dakota Surveyor No. 12345

Scale of Survey: 1" = 100'

Plat No. 12345

Recorded by: [Signature]

Plat No. 12345

Surveyed by: [Signature]

Plat No. 12345

CITY ENGINEER'S APPROVAL

Approved by the City Engineer of Fargo, North Dakota, on this 12th day of [Month], 19[Year].

City Engineer: [Signature]

Plat No. 12345

Recorded by: [Signature]

Plat No. 12345

Surveyed by: [Signature]

Plat No. 12345

Recorded by: [Signature]

Plat No. 12345

Surveyed by: [Signature]

Plat No. 12345

Recorded by: [Signature]

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Surveyed by: [Signature]

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Surveyed by: [Signature]

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Recorded by: [Signature]

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Surveyed by: [Signature]

Plat No. 12345

Recorded by: [Signature]

Plat No. 12345

Surveyed by: [Signature]

Plat No. 12345

Fargo
FARGO, NORTH DAKOTA

Prepared by:
Fargo Engineering Department
FARGO, NORTH DAKOTA

Scale: 1" = 100'
Plat No. 12345
Recorded by: [Signature]
Plat No. 12345
Surveyed by: [Signature]
Plat No. 12345

Scale: 1" = 100'
Plat No. 12345
Recorded by: [Signature]
Plat No. 12345
Surveyed by: [Signature]
Plat No. 12345



(41)

City of Fargo Staff Report			
Title:	Northdale First Addition	Date: Update:	8/29/2024 9/25/2024 1/29/2025 6/19/2025 7/3/2025 7/17/2025
Location:	4300 County Highway 81 North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Unplatted portion of the Southeast Quarter of Section 15, Township 140 North, Range 49 West		
Owner(s)/Applicant:	Eastdale, LLC / Christianson Companies, Inc. (see Ownership Note below)	Engineer:	Bolton & Menk
Entitlements Requested:	Minor Subdivision (Plat of Northdale First Addition , a plat of an unplatted portion of the Southeast Quarter of Section 15, Township 140 North, Range 49 West, Cass County, North Dakota), and a Zoning Change (from AG, Agricultural to LI, Limited Industrial with a conditional overlay (C-O))		
Status:	City Commission Public Hearing: July 21 st , 2025		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Industrial	
Zoning: AG, Agricultural		Zoning: LI, Limited Industrial	
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation , basic utilities, certain telecommunications facilities Conditional overlay restricts some uses as noted above	
Maximum Density Allowed (Residential) in AG: 1 dwelling unit per 10 acres.		Maximum Lot Coverage Allowed in LI: 85%	
Proposal:			
<p>PROJECT HISTORY NOTE: This project was originally noticed for the September 5th, 2024 Planning Commission agenda. It was continued to the October 1st, 2024, November 5th, 2024 and the February 4th, 2025 agendas at the request of the applicant.</p> <p>This project was originally scheduled for the June 23rd, 2025 City Commission agenda. It was continued to the July 7th, 2025 City Commission agenda at the request of staff.</p> <p>At the July 7th, 2025 City Commission hearing, the Commission moved to continue this project to the July 21st, 2025 City Commission. No hearing was held on July 7th.</p> <p>PROJECT NOTE: Though originally advertised as a “major subdivision,” this subdivision is, in fact, a “minor subdivision.” No dedications of right of way were required.</p> <p>OWNERSHIP NOTE : The ownership of this property changed from Allstar Land Company to Eastdale, LLC on April 2nd, 2025, doc no. 1731547.</p>			

The applicant requests two entitlements:

1. A minor subdivision, entitled **Northdale First Addition**, a plat of an unplatted portion of the Southeast Quarter of Section 15, Township 140 North, Range 49 West, Cass County, North Dakota; and
2. A zoning change from AG, Agricultural to LI, Limited Industrial with a conditional overlay

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

Surrounding Land Uses and Zoning Districts:

- North: LI; industrial uses
- East: LI; warehousing and industrial services
- South: LI; undeveloped
- West: Burlington Northern Santa Fe railroad; Interstate 29 right of way.

Area Plans:

This project was proposed under the previous growth plan, the 2007 Growth Plan. Fargo's Growth Plan 2024 was adopted on August 19th, 2024. This project was consistent with the 2007 plan's future land use designation of Industrial and is consistent with the 2024 plan's place type designation of General Industrial and Flex Warehouse.

Context:

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

Neighborhood: The subject property is not located within a designated neighborhood.

Parks: There are no Fargo Park District parks within one mile of the subject property.

Pedestrian / Bicycle: There are no multi-use paths adjacent to the subject property.

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

Staff Analysis:

SITE HISTORY: The project site is undeveloped. It has been used for temporary uses, such as fireworks sales.

MINOR SUBDIVISION: The subdivision plat creates one lot in one block intended for industrial development.

ZONING: The subject property is proposed to be zoned LI, Limited Industrial with a conditional overlay (C-O). The LI zoning designation allows many commercial uses in addition to industrial uses. Residential uses are not allowed in the LI zone.

CONDITIONAL OVERLAY (C-O): The C-O regulates signs, uses, and site design in more detail than the Land Development Code. A copy of the draft C-O is attached.

ACCESS: The subdivision will take access from County Highway 81. Negative access easements (NAE's) depicted on the plat designate access points along County Highway 81, based on the City's rules for driveway spacing along arterial streets. No access can be taken from 40th Avenue North.

PUBLIC WATER and SEWER: Public water and sewer will be provided in the dedicated public streets.

CONCURRENT ANNEXATION: The subject property is within Fargo's four-mile extra-territorial jurisdiction. The subject property is included in a City-initiated annexation that appeared as an item earlier on the July 21st, 2025 City Commission agenda.

PROXIMITY AGREEMENT: A proximity agreement for the subdivision will be signed by the applicant. This is a standard agreement between the City of Fargo and owners of property in close proximity to Hector International Airport and the City's sewage lagoons, by which the property owner acknowledges the existence of these facilities and the potential for aircraft noise and sewage odor impacts. A copy of this

agreement signed by the applicant is attached. The recommended approval motion includes approval of the proximity agreement.

AMENITIES PLAN: The applicant has signed an amenities plan to define certain aspects of the development, including stormwater, utility connections, and access. This amenities plan has been reviewed by the Public Works Project Evaluation Committee (PWPEC).

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 and undeveloped. The applicant requests a zoning change to LI, Limited Industrial with a conditional overlay for the development of uses allowed in the LI zone. **(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. There were 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 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. This project was proposed under the previous growth plan, the 2007 Growth Plan. The proposed zoning of LI, Limited Industrial is consistent with the designated future land use and place type for this property under both plans, as noted above. **(Criteria satisfied)**

Minor Subdivision

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

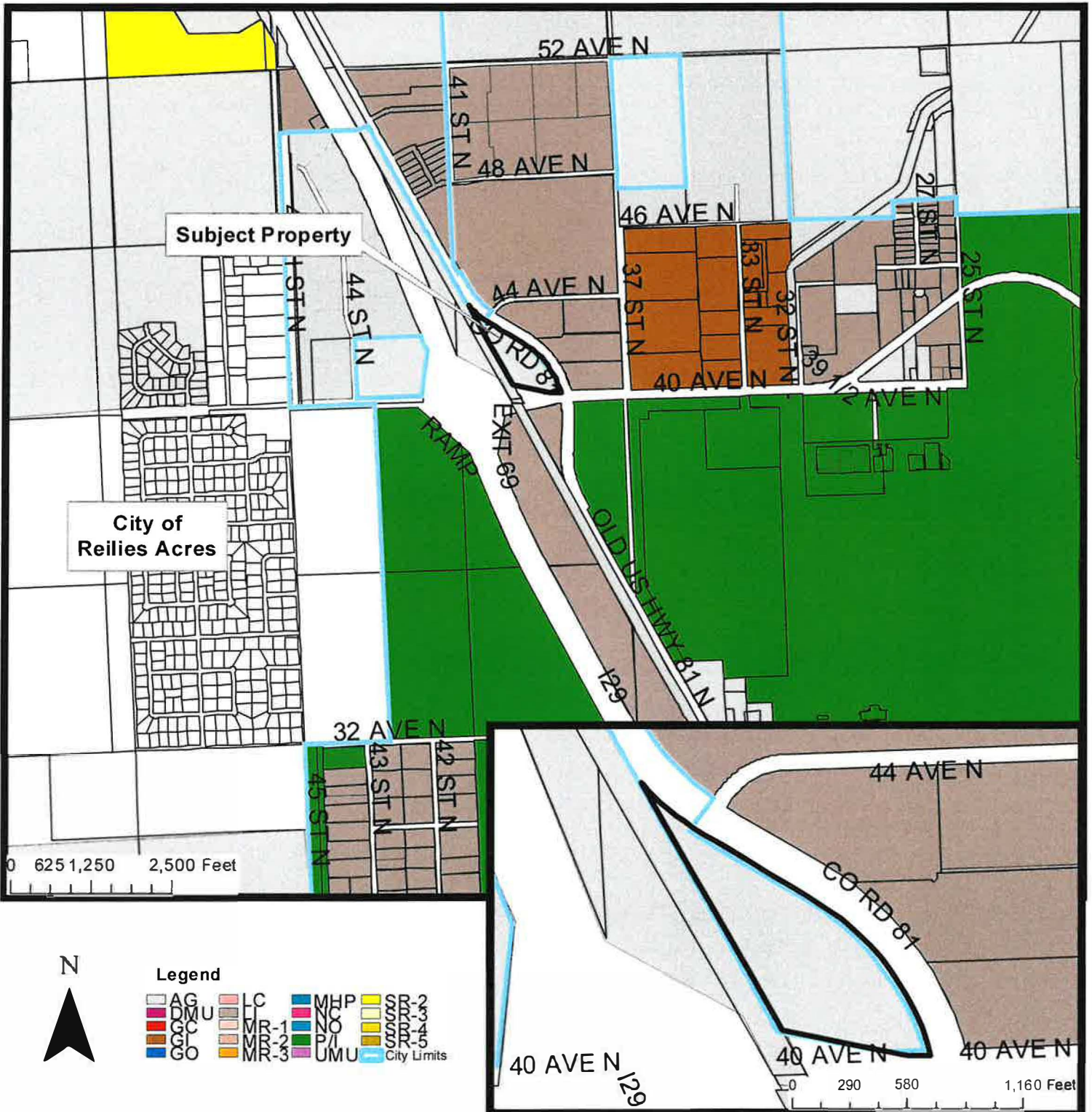
1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 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 one-lot, one block subdivision. The requested zoning for the industrial development on this property is LI, Limited Industrial, which is consistent with the place type designation of the recently adopted Fargo Growth Plan 2024 of General Industrial and Flex Warehouse as well as the future land use designation of the earlier 2007 Growth Plan of Industrial. The LI zoning will include a conditional overlay. In accordance with Section 20-0901.F of

<p>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)</p> <p>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.</p> <p>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 Funding Policy, which may include the use of special assessments. The applicant has signed an amenities plan to define certain aspects of the development, including stormwater, utility connections, and access. This amenities plan has been reviewed by the Public Works Project Evaluation Committee (PWPEC). (Criteria Satisfied)</p>
<p>Staff Recommendation:</p>
<p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move to approve the proposed 1) Zoning Change from AG, Agricultural LI, Limited Industrial with a conditional overlay; and 2) a plat of Northdale First Addition, including the airport proximity agreement, 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."</p>
<p>Planning Commission Recommendation: February 4th, 2025</p>
<p>At the February 4th, 2025 Planning Commission hearing, that Commission, by a vote of 7-0 with four Commissioners absent, moved to accept the findings and recommendations of staff and moved to recommend approval to the City Commission of the proposed 1) Zoning Change from AG, Agricultural LI, Limited Industrial with a conditional overlay; and 2) a plat of Northdale First 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.</p> <p><i>(NOTE: The proximity agreement is not included in the Planning Commission's motion as that Commission takes no action on the proximity agreement)</i></p>
<p>Attachments:</p>
<ol style="list-style-type: none"> 1. Zoning map 2. Location map 3. Preliminary plat 4. Draft conditional overlay 5. Proximity agreement

Minor Subdivision and Zone Change from AG, Agricultural to LI, Limited Industrial with CO, Conditional Overlay

Northdale First Addition

4300 County Highway 81 North

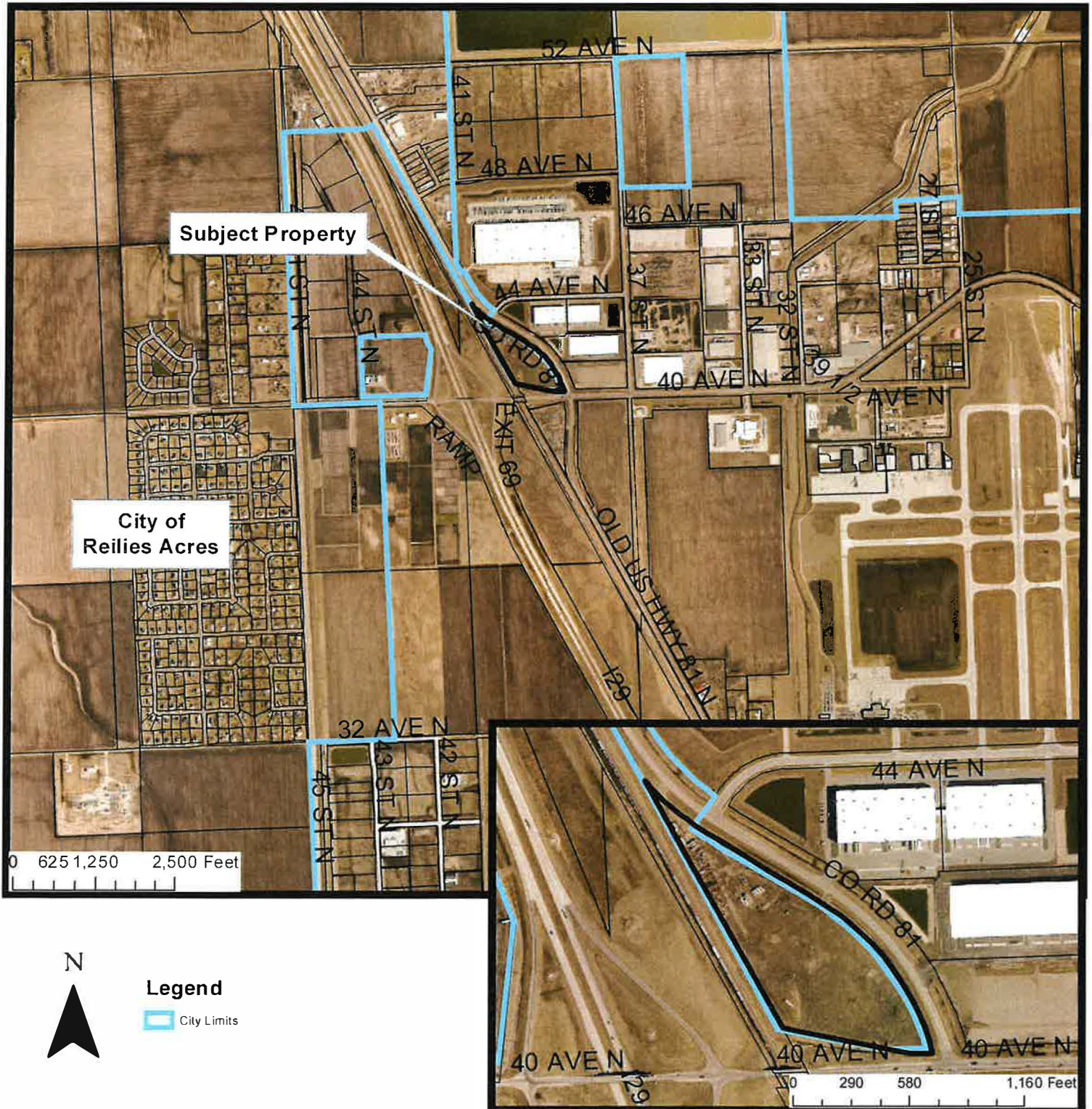


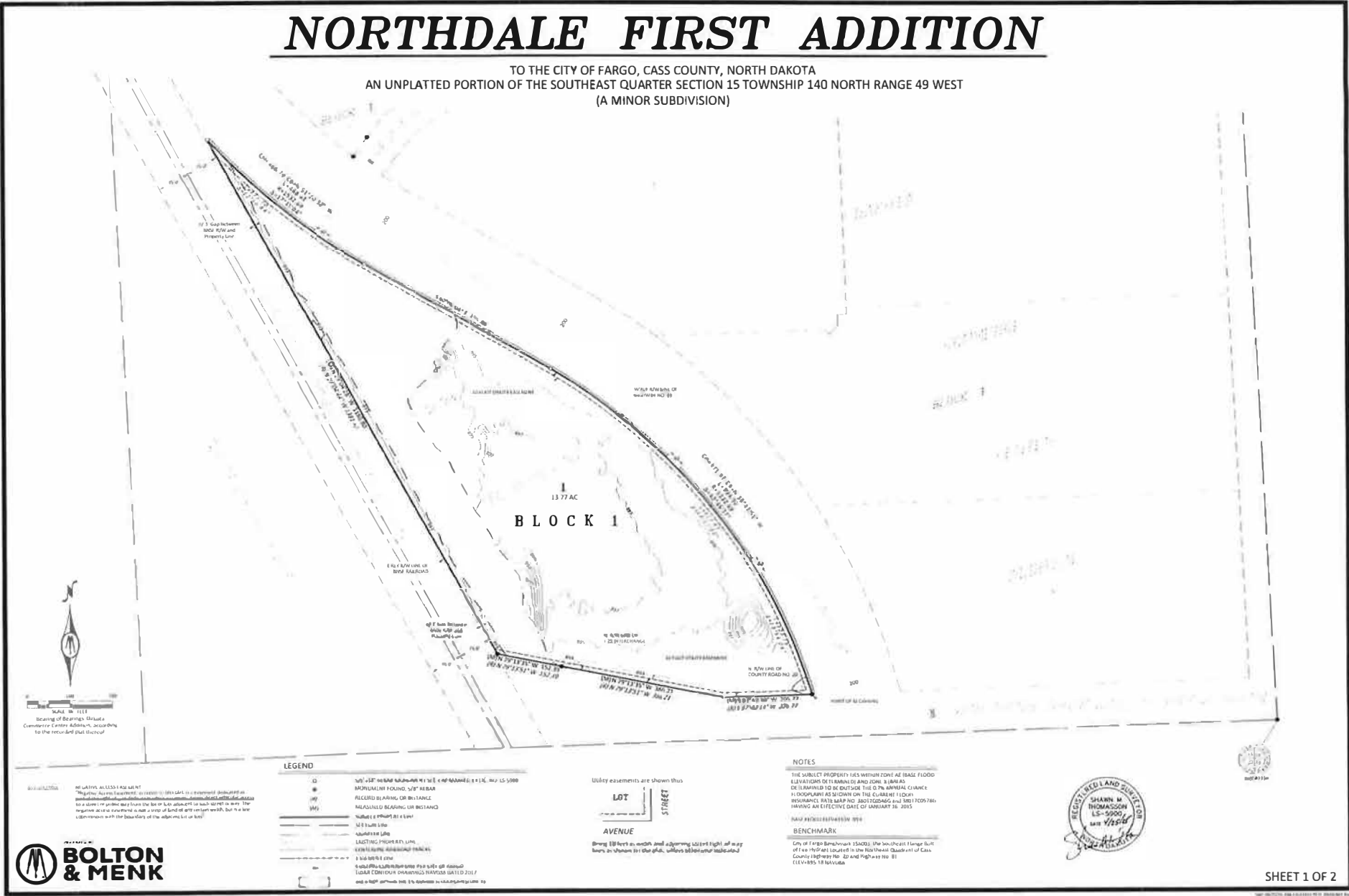
Fargo Planning Commission
September 05, 2024

Minor Subdivision and Zone Change from AG, Agricultural to LI, Limited Industrial with CO, Conditional Overlay

Northdale First Addition

4300 County Highway 81 North





DRAFT C-O FOR NORTHDALDE 1st ADDITION

1. Prohibited Uses:

- Detention Facility
- Adult Establishment
- Aviation/Surface Transportation
- Portable signs
- Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product)

2. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

3. Total number of off-premise signs within this property three. Off-premise signs must be spaced no less than 1200 feet apart in every direction. Off-premise signs may be static or digital.

4. For the purpose of sign regulation, this property is not considered "adjacent to Interstate."

5. Maximum height of any off-premise sign is limited to 35 feet.

6. Maximum sign face area of any off-premise sign limited to 300 square feet.

7. All vehicular access, parking, and outdoor storage areas to be paved. Gravel will not be allowed as a surface for parking, driving, or outdoor storage.

AGREEMENT

(Proximity of Airport, Noise Attenuation and Sewage Lagoons)

THIS AGREEMENT, Made and entered into this 30 day of MAY, 2025, by and between Scott Reck, president of Eastdale, LLC hereinafter referred to as "Owner," and CITY OF FARGO, A NORTH DAKOTA MUNICIPAL CORPORATION, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the Owner is the record owner of a tract of land located in Cass County, North Dakota, said tract being more particularly described hereinafter; and,

WHEREAS, said tract is located within the City of Fargo; and

WHEREAS, Owner has made a development request of the City for a change in zoning from agricultural (AG) to limited industrial (LI) zoning; and,

WHEREAS, the Board of City Commissioners of the City have approved and enacted a zoning ordinance to effect such change upon the condition that the Owner and Owner's successors in interest be bound to a covenant acknowledging the proximity of Hector International Airport and the City's sewage lagoons to Owner's property; and,

WHEREAS, Owner is willing to execute and to have recorded an agreement wherein Owner recognizes the proximity of said facilities in regard to all of the property owned or to be owned by Owner hereinafter described and including all other terms mentioned above; and,

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, IT IS HEREBY AGREED as follows:

1. The subject of this Agreement, and the covenant herein, is the Owner's property, situate in the County of Cass and State of North Dakota, more fully described as:

Lot 1, Block 1, Northdale First Addition to the city of Fargo.

[hereinafter referred to as the "Subject Property"]

2. As a condition of City's approval of said platting and zoning, Owner does hereby covenant and agree with the City that said Owner will never institute any suit or action at law or otherwise against the City, nor institute, prosecute or in any way aid in the institution or prosecution of any claim, demand, action or cause of action for damages, costs, loss of service, expenses or compensation against the City for or on account of any damage, loss or injury either to person or property, or both, resulting or which may result by reason of the use of the Subject Property in relation to the location and use of Hector International Airport and specifically for damages caused or allegedly caused by the noise of the take-off or landing of jet-propelled or other aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; also from any vibration generated by said aircraft or from any pollutants or contaminants created from such aircraft usage, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities.

3. Owner agrees that it will at all times indemnify City, and hold and save the City harmless from and against any and all actions or causes of actions, claims, demands, liability, loss, damage, or expense of whatsoever kind and nature, including counsel or attorney's fees, which the City shall or may at any time sustain or incur by reason or in consequence of the use of the Subject Property for any lawful purposes and specifically for any damages caused or allegedly caused to the Subject Property by the noise of the take-off or landing of jet-propelled or other aircraft from the present runway or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport, or which the City may sustain or incur in connection with any litigation, investigation or other expenditures incident to such use of the Subject Property, including any suit instituted to enforce the obligations of this agreement of indemnity, and Owner agrees to pay to City all sums of money, with interest, which the City shall or may pay or cause to be paid, or become liable to pay, on account of or in connection with such

use of the Subject Property, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities.

4. Paragraphs two (2) and three (3) above shall also apply in all regards to the sewage lagoons owned by the City of Fargo and specifically concerning any odors emanating from said lagoons.

5. Owner agrees that this agreement shall be recorded on the above-described property and specifically agrees that the following covenants shall apply to the above-described property:

FAIR DISCLOSURE STATEMENT

Sewage Lagoons – The tract of land hereby conveyed and legally described lies within the vicinity of certain sewage lagoons owned and maintained by the City of Fargo and may be impacted by odors emanating from said lagoons. The level of usage of said lagoons may vary, from time to time, so that at times the lagoons are “dry” and at other times the lagoons may contain sewage for treatment purposes and that, as a result, there may be no appreciable odor emanating from the lagoons and at other times there may be an appreciable odor emanating from the lagoons.

Airport -- The tract of land hereby conveyed and legally described lies within the vicinity of Hector International Airport and may be impacted by noise associated with the operations of said airport including noise from the take-off or landing of jet propelled or other aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; or from any vibration generated or from any pollutants or contaminants created from such aircraft usage. The airport normally operates seven days per week throughout the entire year and is open for flight operation at all hours. The present level of operations will continue and expand for the foreseeable future.

The noise rating of this tract, due to airport operations at the above-named airport according to the Noise Evaluation and Land Use Compatibility Study (1990-91) is above 65 in the DNL rating system.

The United States Department of Housing and Urban Development (HUD), Circular 1390.2 of 4 August 1971, Subject: Noise

Abatement and Control: Departmental Policy, Implementation Responsibilities, and Standards, as well as any subsequent or replacement provisions established the following external noise exposure standards for the new construction of residential and other noise sensitive utilization:

Airport Environs

Land Zone	Site Suitability Classification
Above 75	Clearly unacceptable
65-75	Discretionary: Normally unacceptable
Below 65	Clearly acceptable

These site suitability classifications are further defined by HUD as:

1. Clearly unacceptable: The noise exposure at the site is so severe that construction costs to make the indoor environment acceptable for the performance of activities would be prohibitive. (Residential areas: the outdoor environment would be intolerable for normal residential use.)

2. Normally unacceptable: The noise exposure is significantly more severe so that unusual and costly building constructions are necessary to ensure adequate performance of activities. (Residential areas: barriers must be erected between the site and prominent noise sources to make the outdoor environment tolerable.)

3. Clearly acceptable: The noise exposure is such that the activities associated with the land use may be carried out with essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)

Certification

The undersigned purchaser of said tract of land, certifies that (s)he (they) has (have) read the above statement and acknowledge(s) the preexistence of the airport named above and the right of said airport to continue to operate and also recognizes the City of Fargo sewage lagoon existence.

Owner

In the event Owner does not include the foregoing statement in the purchase agreement or deed, it shall, nonetheless, constitute a covenant and restriction running with the land and shall bind any future owner to recognition of the herein referenced facts.

6. This Agreement shall be binding upon the heirs, executors, administrators and assigns of the parties hereto and shall constitute a covenant running with the property described hereinbefore.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

(Signature pages to follow.)

OWNER
Eastdale, LLC

Scott Reck

Scott Reck, President

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

On this 30 day of MAY, 2025, before me, a notary public within and for said county and state, personally appeared **Scott Reck, President**, to me known to be the person described in and that executed the foregoing instrument, and acknowledged to me that he executed the same.

Tracie Johnson
Notary Public

(S E A L)



THE CITY OF FARGO, NORTH DAKOTA,
a municipal corporation

By: _____
TIMOTHY J. MAHONEY, Mayor

ATTEST:

STEVEN SPRAGUE, City Auditor

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

On this ____ day of _____, 20__, before me, a notary public within and for said county and state, personally appeared **TIMOTHY J. MAHONEY** and **STEVEN SPRAGUE**, to me known to be the Mayor and City Auditor, respectively, of THE CITY OF FARGO, NORTH DAKOTA, the municipal corporation described in and that executed the foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

Notary Public

(S E A L)

41B

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN NORTHDAL FIRST ADDITION TO THE
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

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

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on February 4, 2025; and,

WHEREAS, the rezoning changes were approved by the City Commission on June 23, 2025,

NOW, THEREFORE,

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

Section 1. The following described property:

All of Northdale First Addition to the City of Fargo, Cass County, North Dakota,
is hereby rezoned from "AG", Agricultural, District, to LI, Limited Industrial, District with a "C-O", Conditional Overlay, District as follows:

1. Prohibited Uses:

- a. Detention Facility
- b. Adult Establishment
- c. Aviation/Surface Transportation
- d. Portable signs
- e. Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product).

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

2. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.
3. The total number of off-premise signs within this property is three. Off-premise signs must be spaced not less than 1200 feet apart in every direction. Off-premise signs may be static or digital.
4. For the purpose of sign regulation, this property is not considered "adjacent to Interstate."
5. The maximum height of any off-premise sign is limited to 35 feet.
6. The maximum sign face area of any off-premise sign is limited to 300 square feet.
7. All vehicular access, parking, and outdoor storage areas must be paved. Gravel will not be allowed as a surface for parking, driving, or outdoor storage.

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

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

Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

City of Fargo Staff Report			
Title:	North 81-20 Subdivision <i>and</i> North 81-20 Second Subdivision	Date: Update:	5/28/2025 7/17/2025
Location:	5001 County Road 81; 4821- 4943 43rd Street North; 4349 48th Avenue North.	Staff Contact:	Donald Kress, current planning coordinator
Legal Description	Portion of 50th Avenue North and 43rd Street North right-of-way adjacent to Lots 7-12, Block 4, and Lots 6-11, Block 2, North 81-20 Subdivision and Lot 1, Block 2, North 81-20 Second Subdivision of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	D&T Properties, LLC; Gibb Realty, LLP; Gibb Realty Co.; Kenneth M. Brezina; Monte Routledge and Linda Routledge; Thunderhead Holdings, LLC / City of Fargo	Engineer:	City of Fargo
Reason for Request:	Right of Way Vacation (a vacation plat Portion of 50th Avenue North and 43rd Street North right-of-way adjacent to Lots 7-12, Block 4, and Lots 6-11, Block 2, North 81-20 Subdivision and Lot 1, Block 2, North 81-20 Second Subdivision of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota)		
Status:	City Commission Public Hearing: July 21 st . 2025		
Proposal:			
<p>The applicant is requesting one entitlement:</p> <ol style="list-style-type: none"> 1. Vacation plat of portions of 50th Avenue North and 43rd Street North right-of-way adjacent to Lots 7-12, Block 4, and Lots 6-11, Block 2, North 81-20 Subdivision and Lot 1, Block 2, North 81-20 Second Subdivision of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. <p>The proposed street vacation encompasses approximately 1.82 acres of public right of way. Upon vacation, the vacated area will become part of the adjacent lots as depicted on Sheet 2 of the vacation plat.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>North 81-20 Subdivision was platted in 1980. This subdivision was included in Fargo's extra-territorial jurisdiction (ETJ). This plat dedicated 43rd Street North within the subdivision. In 2009, the North 81-20 Second Subdivision replatted portions of the original subdivision, vacating a portion of 43rd Street North and dedicating 50th Avenue North within the subdivision. This is the current configuration of the subdivision.</p> <p>The area to be vacated and the adjacent lots are included within the area of a pending annexation. In staff's discussion with the property owners, they agreed to the vacation of right of way. These portions of 50th Avenue North and 43rd Street North have never been improved, and utilities are not available within these streets. With the development of 41st Street North, these portions of 50th Avenue North and 43rd Street North are no longer required. Properties that formerly took access from 50th Avenue North and 43rd Street North will take access as depicted in the graphic below.</p>			



Surrounding Land Uses and Zoning Districts:

- North: Limited Industrial, industrial uses;
- East: Limited Industrial, industrial uses
- South: Limited Industrial, industrial uses
- West: County Highway 81 and BNSF Railroad

Context:

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

Neighborhood: The subject property is not included within a named neighborhood.

Parks: The North Softball Complex, 6101 45th Street North, located approximately 0.52 mile north of the area to be vacated, provides amenities of baseball/softball fields, concessions, picnic table, playground, ages 2-5 playground, ages 5-12, and restrooms.

Recreation Trails: There are no recreational trails adjacent to the area to be vacated.

Transit: The area to be vacated is not along a MATBus route.

(continued on next page)

Staff Analysis:

ROW Vacation Approval Criteria: This is a City-initiated vacation of right of way. The vacation plat was prepared by the City's Engineering Department. Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C.

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

City staff has determined through locates that there are no utilities within the area to be vacated. **(Criteria Satisfied)**

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

This is a City-initiated vacation. City staff has contacted the property owners adjacent to the area to be vacated and they have agreed to the vacation. They will all sign the vacation plat prior to that plat going to City Commission. **(Criteria Satisfied)**

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

The vacation plat has been advertised as required by this section prior to the hearing before the City Commission (the City's governing body). **(Criteria Satisfied)**

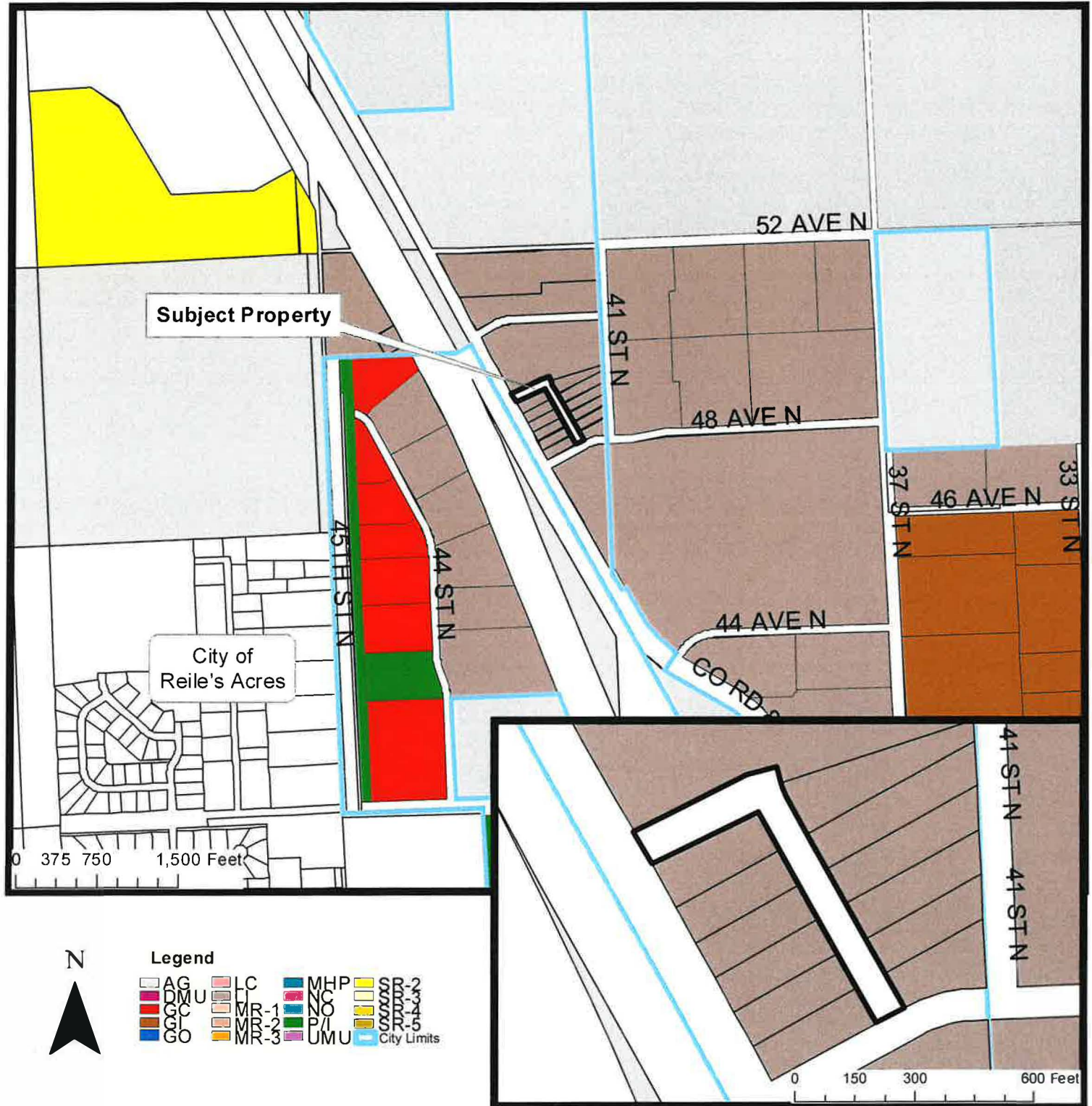
N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified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

<p><i>highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.</i></p> <p>This action will be taken by the City Commission at the July 21st, 2025 hearing. (<i>Criteria Satisfied</i>)</p>
<p><i>NOTE ON THE RECOMMENDED MOTION: Pursuant to NDCC 40-39-07, approval of the vacation of right of way requires a two-thirds vote of all the members of the governing body.</i></p>
<p>Staff Recommendation:</p> <p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and approve the North 81-20 Subdivision and North 81-20 Second Subdivision right-of-way vacation plat as presented; as the proposal complies with the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places."</p>
<p>Planning Commission Recommendation: June 3rd, 2025</p> <p>At the June 3rd, 2025 Planning Commission hearing, that Commission, by a vote of 10-0 with one Commissioner absent, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the North 81-20 Subdivision and North 81-20 Second Subdivision right-of-way vacation plat as presented; as the proposal complies with the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places</p>
<p>Attachments:</p> <ol style="list-style-type: none">1. Zoning Map2. Location Map3. Vacation Plat

North 81-20 Subdivision and North 81-20 Second Subdivision

Vacation of a portion of 50th Avenue and 43rd Street North

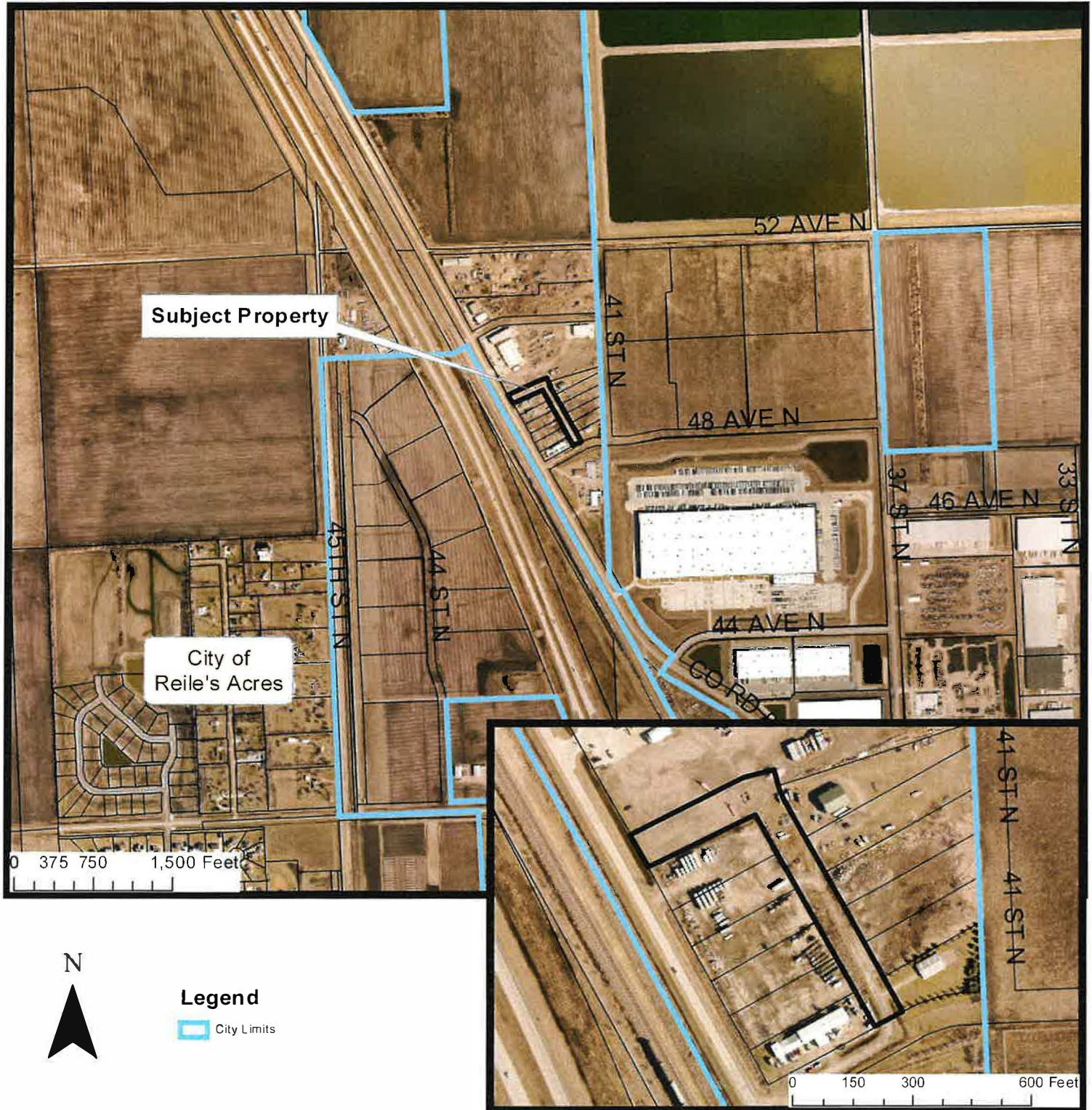
5001 County Road 81; 4821- 4943 43rd
Street North; 4349 48th Avenue North



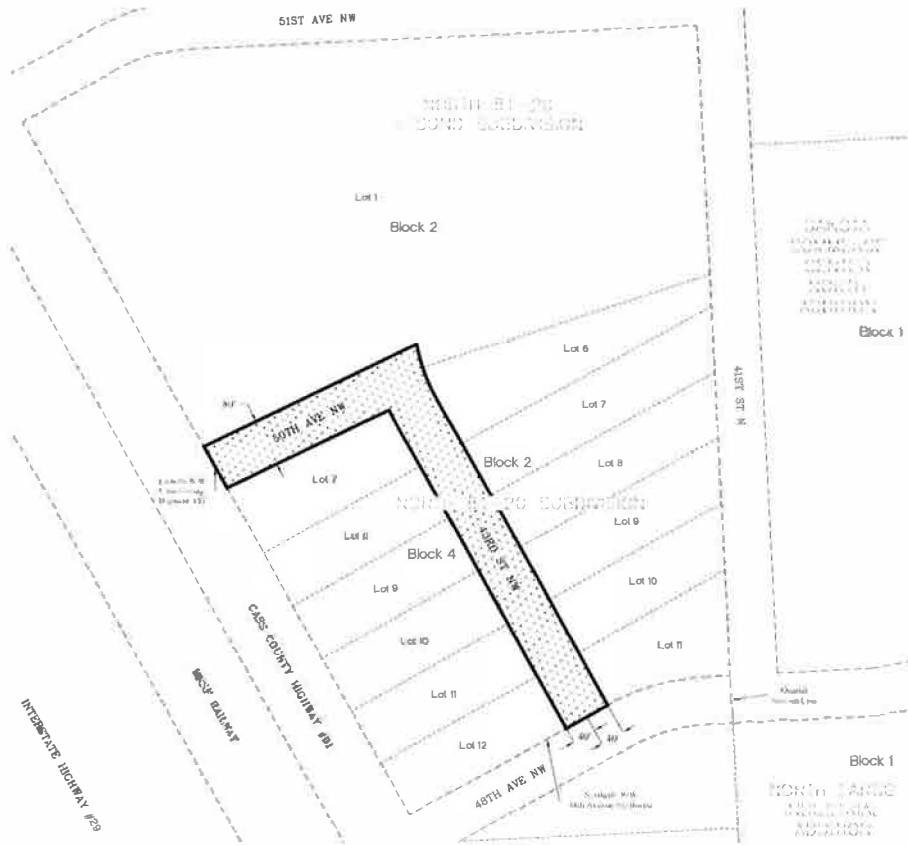
North 81-20 Subdivision and North 81-20 Second Subdivision

Vacation of a portion of 50th Avenue and 43rd Street North

5001 County Road 81; 4821- 4943 43rd
Street North; 4349 48th Avenue North



A PART OF 50TH AVENUE NORTHWEST AND A PART OF 43RD STREET NORTHWEST
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



2012. 12. 10

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR *nc*
KRISTI SYLSKAR, HUD GRANT ADMINISTRATOR

DATE: JULY 17, 2025

**RE: PUBLIC HEARING FOR FARGO'S 2024 HUD CONSOLIDATED
ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME
INVESTMENT PARTNERSHIPS (HOME) PROGRAMS**

Planning & Development Department staff has prepared Fargo's 2024 Consolidated Annual Performance and Evaluation Report (CAPER) for the U.S. Department of Housing and Urban Development (HUD) CDBG and HOME programs. Announcement of the report is outlined in the public notice (attached for reference) that was published in *The Forum* newspaper on July 9, 2025.

Per the required and adopted Citizen Participation Plan, this report is being presented at the July 21, 2025 City Commission meeting as a Public Hearing. The timeline, including the 15-day public comment period (July 10 – July 24, 2025), is outlined in the public notice. The 2024 CAPER is available on the City website at www.FargoND.gov/plansandstudies (posted July 9, 2025). To date, no public comments have been received on the 2024 CAPER.

After the City Commission meeting and public comment period, the report will be submitted to HUD for final review and approval, as per Federal grant management requirements.

Attachment: Notice of Public Hearing & Public Comment Period

Recommended Motion: Receive and file 2024 Consolidated Annual Performance and Evaluation Report.

EXHIBIT
(for reference only)

Public Notice

City of Fargo
Notice of Public Comment Period & Public Hearing
Community Development Block Grant (CDBG) & HOME Programs
2024 Consolidated Annual Performance and Evaluation Report (CAPER)

The City of Fargo is opening a 15-day public comment period for review of the City of Fargo’s Consolidated Annual Performance and Evaluation Report (CAPER) for the 2024 HUD Action Plan. Comments on this report should be provided during the public comment period, which runs from July 10 - 24, 2025, or at the public hearing scheduled for Monday, July 21, 2025 during the regular Fargo City Commission meeting. A copy of the report, along with any current public comments received, is available to the public for comment on the City’s website or at the City of Fargo Planning and Development Department (see website address and contact information provided below).

COMMENTS, NON-DISCRIMINATION NOTICE, ACCESSIBILITY, & SCHEDULE

Comments and suggestions from the public are encouraged through the public comment period and/or at the public hearing. Contact information and schedule are provided below:

15-Day Comment Period: July 10 - 24, 2025

Public Hearing: Monday, July 21, 2025 - 5:05 PM
Fargo City Commission Chambers
225 4th Street North, Fargo, ND 58102

Contact Information: City of Fargo
Planning and Development Department, 2nd Floor
Attn: HUD Grant Administrator
225 4th Street North, Fargo ND 58102
Phone: 701.241.1474
Planning@FargoND.gov

City of Fargo Website “Contact Us”:
<https://fargond.gov/city-government/departments/planning-development/contact-us>

Draft Plan Available At: Online at www.FargoND.gov/plansandstudies;
Fargo Housing and Redevelopment Authority at 325 Broadway North,
Fargo, ND 58102;
All Fargo Library locations;
OR request a copy through the Planning & Development Department

Accessibility – Fargo City Hall is serviced by public transit, fully accessible and can accommodate persons with disabilities. Alternative formats of this information (e.g., Braille, American Sign Language, etc.) or reasonable accommodations for persons with hearing/vision impairments and/or other disabilities will

be made upon request. Contact City of Fargo's Section 504/ADA Coordinator Bekki Majerus at 701.298.6966 to arrange for services (a 48 hour notice may be needed). To access TTY/ND Relay service dial 800.366.6888 or 711.

Limited English – Reasonable steps will be taken to provide persons with limited English proficiency (LEP) meaningful access, including the availability of interpretation and translation services. Contact the City of Fargo Planning and Development Department at 701.241.1474 or Planning@FargoND.gov if services are needed.

Non-Discrimination Notice – In accordance with Federal regulations and City of Fargo policies, services are provided without regard to race, color, religion, sex, disability, familial status, national origin, age, marital status, veteran status, sexual orientation, gender identity, public assistance, domestic violence, lawful activity, or condition protected by applicable federal and state laws. The City is an equal employment/equal housing opportunity agency.



Economic Development Incentive Committee
Fargo City Hall
225 4th Street North
Fargo, ND 58102

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July 16, 2025

Board of City Commissioners
City Hall
Fargo, ND 58102

RE: Corvent Medical, Inc.

Dear Commissioners:

Attached is the application made by Corvent Medical, Inc. for a payment in lieu of tax (PILOT) according to N.D.C.C. Chapter 40-57.1. The application is for a five-year exemption the improvement value of an expansion of the leased space for the manufacturing project located at 4837 Amber Valley Parkway S.

Notices to competitors have been published. The Economic Development Incentive Committee (EDIC) has met to consider this application. No competitors appeared at the EDIC meeting. This project meets our current policy. The project will continue to pay the full land taxes annually.

The recommendation of the EDIC is to approve the proposed PILOT for this project.

SUGGESTED MOTION:

Approval of a five-year property tax exemption PILOT for Corvent Medical, Inc. for a an expanded lease space for the manufacturing project located at 4837 Amber Valley Parkway S.

Sincerely,

Michael Splonskowski

Mike Splonskowski
City Assessor

Application For Property Tax Incentives For New or Expanding Businesses

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

Project Operator's Application To Fargo
City or County

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

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

This application is a public record

Identification Of Project Operator

1.	Name of project operator of new or expanding business <u>Corvent Medical, Inc.</u>
2.	Address of project <u>4837 Amber Valley Parkway S</u>
	City <u>Fargo</u> County <u>Cass</u>
3.	Mailing address of project operator <u>4837 Amber Valley Parkway S</u>
	City <u>Fargo</u> State <u>ND</u> Zip <u>58104</u>
4.	Type of ownership of project
	<input type="checkbox"/> Partnership <input type="checkbox"/> Subchapter S corporation <input type="checkbox"/> Individual proprietorship <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Cooperative <input type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No. [REDACTED]
6.	North Dakota Sales and Use Tax Permit No. [REDACTED]
7.	If a corporation, specify the state and date of incorporation <u>Delaware March 30, 20 20</u>
8.	Name and title of individual to contact <u>Travis Murphy</u>
	Mailing address <u>4837 Amber Valley Parkway S, Suite 2</u>
	City, State, Zip <u>Fargo, ND 58104</u> Phone No. <u>(612) 670-3871</u>

Project Operator's Application For Tax Incentives

9.	Indicate the tax incentives applied for and terms. Be specific.
	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Property Tax Exemption <u>5</u> Number of years <u>100%</u> Percent of exemption </div> <div style="width: 48%;"> <input type="checkbox"/> Payments In Lieu of Taxes Beginning year _____ Ending year _____ Amount of annual payments (attach schedule if payments will vary) </div> </div>
10.	Which of the following would better describe the project for which this application is being made:
	<input type="checkbox"/> New business project <input checked="" type="checkbox"/> Expansion of a existing business project

11. Legal description of project real property

~~Lot: 3 Block: 1 GAMMA FARGO ADDN LT 3 BLK 1** 1-29-16 REPLATTED FRM~~
01-6150-00100-000, 00200-000 & 00300-000 PER PLAT DOC#1464683

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

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

☒ Yes ☐ No

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

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

If existing facility, when was it constructed? 2005

If new construction, complete the following:

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

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

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

14. Approximate date of commencement of this project's operations September 1, 2025

15. Estimated market value of the property used for this project:

a. Land..... \$ 1,151,000

b. Existing buildings and structures for which an exemption is claimed..... \$ 837,000

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

d. Total..... \$ 1,988,000

e. Machinery and equipment \$ 375,000

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

a. Land (not eligible) 

b. Eligible existing buildings and structures..... \$ 41,850

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

d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ 41,850

e. Enter the consolidated mill rate for the appropriate taxing district 273.47

f. Annual amount of the tax exemption (Line d multiplied by line e) \$ 11,444.72

Description of Project Business

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

17. Type of business to be engaged in: ☐ Ag processing ☒ Manufacturing ☐ Retailing
☐ Wholesaling ☒ Warehousing ☐ Services
18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

~~The space will be used for general storage and handling for medical device mechanical ventilator components and finished goods (Receiving and Shipping). We will also have sinks to clean components and devices. There will also be a lab utilized to inspect product and for performance testing of medical devices and components. The office space in the expanded area will be used for engineering, supply chain, operations, quality and regulatory team members to perform their job responsibilities.~~

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

~~General storage racking and carts, ultrasonic sinks, lab benches and sink, general office furniture and electric material stacker with pallet jacks.~~

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

Year (12 mo. periods)	New/Expansion Project only Year 1	New/Expansion Project only Year 2	New/Expansion Project only Year 3	New/Expansion Project only Year 4	New/Expansion Project only Year 5
Annual revenue	8,756,300	17,506,650	29,757,000	38,501,400	49,006,650
Annual expense	4,230,450	7,975,000	12,770,450	15,878,000	19,649,000
Net income	4,525,550	9,561,000	16,986,550	22,623,400	29,357,650

21. Projected number and salary of persons to be employed by the project for the first five years:

Current positions & positions added the initial year of project

# Current Positions		New Positions Under \$13.00	New Positions \$13.01-\$15.00	New Positions \$15.01-\$20.00	New Positions \$20.01-\$28.00	New Positions \$28.01-\$35.00	New Positions Over \$35.00
52						4	5
Year	(Before project)	Year 1	Year 2	Year 3	Year 4	Year 5	
No. of Employees	(1) 42	9	12	20	23	30	
	(2) 10						
Estimated payroll	(1) 5,905,000	766,000	992,000	1,668,000	1,914,000	2,485,000	
	(2) 125,086						

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

PRIVACY ACT NOTIFICATION

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

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

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

☐ **Property Tax Exemption**

_____ Number of years

_____ Percent of exemption

☐ **Payments in lieu of taxes**

_____ Beginning year _____ Ending year

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

Auditor

Notice To Competitors Of Hearing On Application For Property Tax Incentives

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

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

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

(Project operator name and address)

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

(Type of business)

at _____
(Address)

(Legal description)

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

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

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

Business Incentive Agreement

1. In fulfillment of the requirements of N.D.C.C. § 54-60.1-03, Grantor and Recipient enter into this Business Incentive Agreement.

Grantor

Name	City of Fargo
Address	225 4th Street North Fargo, ND 58102

Recipient

Name	Corvent Medical Inc.		
Address	4837 Amber Valley Pkwy S. Fargo, ND 58104		
Contact Person	Travis Murphy	E-mail Address	tmurphy@corventmedical.com
Recipient Parent Company (If applicable)			
Business Type (NAICS Code)			
Location of Recipient Prior to Receiving Incentive (If different)			

2. Description of project.

Expanding into new space will allow Company to utilize existing space to increase production capacity, with expansion space allowing for increased storage capacity of raw materials and finished goods to meet projected forecast as well as additional space for incoming inspection, final product testing and logistics. The expansion space will also provide cleaning area capabilities to clean components and returned product from the field.

3. Grantor(s) agrees to provide recipient with a business incentive described as follows:

3.a. Is this incentive tax increment financing? ☐ Yes ☒ No

If yes, describe the type of district:

4. The business incentive will be provided on _____.
This date is the benefit date.

5. The public purpose(s) of the business incentive are:

☐ Assisting community development

☐ Increase tax base

☒ Directly create employment opportunities

☒ Indirectly increase employment opportunities

☐ Job retention

☒ Other Diversify Fargo's Economic Base

6. Value of Business Incentive:

\$ 57,233

7. Recipient currently employs 52 people, located in Fargo, ND

8. In return for the business incentive, Recipient shall, within two years create: ¹² Number of full-time equivalent jobs

<u>39.75</u>	<u>+</u>	<u>7.15</u>	<u>=</u>	<u>46.90</u>
Average hourly wage		Benefits per hour value		Average hourly compensation

9. The Recipient shall continue operations in the jurisdiction in which the business incentive was issued for five years or more after the benefit date.

10. Recipient shall file a recipient report with the Grantor, as described in N.D.C.C. § 54-60.1-05 annually on or before March 1st of each year for two years, beginning in 2007, following the benefit date or until the goals of paragraph 8 are met, whichever is later.

10.a. Grantor shall mail the recipient a warning letter if no report is received by March 8th. Recipient shall file the progress report within 14 days of the postmarked date of the warning letter.

10.b. If a recipient report is not received within 14 days of the warning letter, Recipient agrees to pay to Grantor a \$100 penalty for each subsequent day until the report is filed. The maximum penalty under this section may not exceed \$1,000.

11. Recipient shall pay back the value of the incentive to the Grantor, prorated to reflect any partial fulfillment of the job and compensation goals, if, after two years, the job and compensation goals listed in paragraph 8 are not met.

11.a. Paragraph 11 does not apply if the job and compensation goals were not met as a result of an act of God or terrorism.

1 2 . This business incentive agreement shall only be modified or extended by the Grantor pursuant to N.D.C.C. § 54-60.1-04.

1 3 . If the terms of this business incentive agreement are not met, Recipient shall not receive a business incentive from any grantor for five years from the date of failure or until a recipient satisfies the repayment obligation.

1 4 . The Recipient has disclosed, in attachment "A" of this agreement, all additional financial assistance received from state or political subdivision Grantors for this project since inception.

1 5 . By signing this agreement, Recipient verifies that it has not failed to meet the terms of any business incentive agreement in the last five years.

Dated this _____ day of _____, 20____.

Grantor: _____ on behalf of _____

Dated this __16th__ day of __May_____, 2025__.

Recipient: Travis Murphy _____ on behalf of CorVent Medical, Inc.

Attachment “A”

Recipient has received the following additional financial assistance from state or political subdivision Grantors for this project since inception.

Grantor	Description of Assistance	
Value of Assistance	Benefit Date	Pending Benefit Date

Grantor	Description of Assistance	
Value of Assistance	Benefit Date	Pending Benefit Date

Grantor	Description of Assistance	
Value of Assistance	Benefit Date	Pending Benefit Date

Grantor	Description of Assistance	
Value of Assistance	Benefit Date	Pending Benefit Date

Grantor	Description of Assistance	
Value of Assistance	Benefit Date	Pending Benefit Date

Exemption Evaluation Calculator				145.2			158.0
Corvent Medical				Points			Points
Project Type Code (Ctrl-C to view)				1	38.0		1 38.0
Current Number Of Employees		Year 1	52		Year 3	52	
Hourly Salary Without Benefits		# Jobs			# Jobs		
Under \$13.00							
\$13.01-\$15.00							
\$15.01-\$20.00							
\$20.01-\$28.00			Pts. For # Jobs->	10.0		Pts. For # Jobs->	25.0
\$28.01-\$35.00		4	Pts. For \$ Jobs->	57.2	10	Pts. For \$ Jobs->	55.0
Over \$35.00		5			10		
TOTAL # OF JOBS CREATED		9			20		
% GI w/ Local Competition (not downtown)				25.0		0%	25.0
Value of Proposed Buildings				\$ 837,000	15.0	\$ 837,000	15.0
Downtown Location (Y/N)				N	0.0	N	0.0
Startup Firm (Y/N)				N	0.0	N	0.0
Has Const Started or Has Bldg Been Occupied If Existing (Y/N)				N	0.0	N	0.0
Number of Years (Exemption)				5		5	
Company Safety Experience Rating					0.0	0	0.0
RECOMMENDATION IS TO				APPROVE		APPROVE	
Description				Manufacturing		Manufacturing	
Estimated New Annual Payroll				\$640,640		\$1,414,400	
Estimated Annual Real Estate Tax				\$12,479		\$12,479	
Estimated PV of Exemption				\$54,027		\$54,027	
Payroll / PV of Exemption				11.9		26.2	
Property Value / # of Jobs				\$ 93,000		\$ 41,850	
Total Value Of Benefit				\$ 62,394		\$ 62,394	

MEMORANDUM

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TO: City Commission

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Phoenix Buffet

DATE: July 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: FA – Full service– bar allowed, food sales requirement
Business Name: Phoenix Buffet
Location: 3155 45th Street South
Applicants: David Feng & Xing Lin

This application is for the transfer of a Class FA liquor license from Mexican Village to Phoenix Buffet. Mexican Village closed in 2024 and has been working to find a party interested in a Class FA liquor license.

No concerns were found in the criminal history background and no credit items were revealed. The background check was approved by the Police Chief. Staff & Liquor Control recommend approval of the transfer of a Class FA alcoholic beverage license from Mexican Village to Golden Empire Inc. d/b/a Phoenix Buffet. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the transfer of a Class FA alcoholic beverage license from Mexican Village to Golden Empire Inc. d/b/a Phoenix Buffet.



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: 05.22.2025

RE: Alcoholic Beverage License Application, Class "FA", Phoenix Buffet

**Application for a class "FA" Alcoholic Beverage License from
Golden Empire Inc. d/b/a Phoenix Buffet, Located at 3155 45th 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:

Feng, David (Owner)

Criminal History -

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

Credit History -

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

Lin, Xing (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. There was a non-criminal administrative offense listed through ND Game and Fish for fishing with excessive lines in Williams County, ND in 2015. Fined \$100 – paid 7/21/2015. This was not disclosed in the background packet. I spoke with Xing who said he remembered this, but forgot about it which is why it was not disclosed.

Credit History -

Xing Lin'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 "FA" alcoholic beverage license (Authorizes the licensee to sell "on-sale" only) for Golden Empire Inc. d/b/a Phoenix Buffet.

Business Location

Phoenix Buffet is located at 315 45th Street South. Other businesses in the area with alcoholic beverage licenses are Round Up Saloon and The Tavern Grill.

Conclusion

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

RECEIVED
Fargo Police Department

JUN 23 2025

Travis Moser
Lieutenant
REF: *[Signature]*

RECEIVED
Fargo Police Department

JUN 23 2025

Matt Christensen
Captain
REF: *AC STEFONOWICZ*

RECEIVED
FARGO POLICE DEPARTMENT

JUN 27 2025

DAVID B ZIBOLSKI
CHIEF OF POLICE
REF: *S. S. [Signature]*

+ REC. [Signature]

RECEIVED
FARGO POLICE DEPARTMENT

JUN 23 2025

TRAVIS STEFONOWICZ
ASSISTANT CHIEF OF POLICE
REF: *Chief 2. [Signature]*

*NOTE:
+ SOME CONCERN
RE: NO IN TOWN
MANAGER
REFER TO LCB
FOR INQUIRY*

TRANSFER Application for an Alcoholic Beverage LicenseLegal Company Name: Golden Empire Inc

(Must match State of North Dakota registration name)

DBA Name: Phoenix BuffetLicense Transferred From: Mexican Village****Applicant must include letter from current license holder approving transfer of license****Is the establishment applying for (or has) a food license under the same name? Yes X No Business location address: 3155 45th St S, Fargo, ND 58104Mailing address: 3155 45th St S, Fargo, ND 58104Business E-mail address: golden empire 6789@gmail.comLocal Manager E-mail address: rainsly1216@yahoo.comBest Contact Phone number: (701) 739-8195Anticipated Date of Opening: 12/1/2025***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: Class of License: Investigations Fee Paid (\$250) Yes No Date Paid: Check/CC # Police Department review completed by: Date:

(Attached recommendation report):

X Approval Recommendation Denial RecommendationDavid B. Jhl
Chief of Police06-27-25
Date

4/2/2025
City Auditor's Office
City of Fargo
225 4th Street North
Fargo, ND 58102-4817

Attention: Steven Sprague, City Auditor

Dear Mr. Sprague,

We hereby confirm our intent to transfer the Class FA liquor license currently held in association with the Mexican Village property at 3155 45th Street S., Fargo, ND. This transfer is contingent on the successful closing of the property sale between High Adventures, LLP ("Seller") and Golden Berry LLC ("Purchaser"), as detailed in the executed Purchase Agreement dated January 8, 2025.

The intended closing date for this transaction is April 17, 2025. Upon successful closing, all rights and obligations related to the liquor license will be transferred to the new tenant, Golden Empire, Inc., in compliance with applicable regulations.

Please let us know if you require any additional documentation to process this transfer efficiently.

Thank you for your assistance.

Sincerely,
Steve and Karen Bush

MEMORANDUM

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TO: City Commission

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Toasted Frog

DATE: July 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: FA-RZ– Full service– bar allowed, food sales requirement
Business Name: Toasted Frog
Location: 305 Broadway
Applicants: Ryan Langerud

This application is for the transfer of a Class FA-RZ liquor license from Toasted Frog to Toasted Frog. The Toasted Frog announced in March they would be closing or selling the restaurant this summer, the owners were successful in finding someone to continue operations in Fargo. The FA-RZ license doesn't allow for the transfer of the license unless it is a going concern, in this case the business will continue to operate as The Toasted Frog.

No concerns were found in the criminal history background and no credit items were revealed. The background check was approved by the Police Chief. Staff & Liquor Control recommend approval of the transfer of a Class FA-RZ alcoholic beverage license from Toasted Frog to The Toasted Frog Part 2, LLC d/b/a The Toasted Frog. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the transfer of a Class FA-RZ alcoholic beverage license from Toasted Frog to The Toasted Frog Part 2 LLC d/b/a The Toasted Frog.



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: 06.23.2025

RE: Alcoholic Beverage License Application, Class "FA-RZ", The Toasted Frog

Application for a class "FA-RZ" Alcoholic Beverage License from

The Toasted Frog Part 2, LLC d/b/a The Toasted Frog, Located at 305 Broadway North.

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:

Langerud, Ryan (Owner)

Criminal History -

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

Credit History -

Ryan Langerud's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections. Ryan reported a prior bankruptcy but I did not see this when reviewing his credit history.

Eckley, Drew (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.

Credit History -

Drew Eckley'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 "FA-RZ" alcoholic beverage license (Authorizes the licensee to sell "on-sale" only) for The Toasted Frog Part 2, LLC d/b/a The Toasted Frog.

Business Location

The Toasted Frog is located at 305 Broadway North. Other businesses in the area with alcoholic beverage licenses are Sidestreet Grille & Pub, Beer & Fish Company, and The Boiler Room.

Conclusion

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

RECEIVED

Fargo Police Department

JUN 24 2025

Travis Moser
Lieutenant

REF:

RECEIVED

Fargo Police Department

JUN 25 2025

Matt Christensen
Captain

REF: AC STEFANOWICZ

RECEIVED
FARGO POLICE DEPARTMENT

JUN 27 2025

DAVID B ZIEGLSKI
CHIEF OF POLICE

REF:

S. SPRAGUE
+ REC. APPROVAL

RECEIVED
FARGO POLICE DEPARTMENT

JUN 25 2025

TRAVIS STEFONOWICZ
ASSISTANT CHIEF OF POLICE

REF: Chief Zieglski

TRANSFER Application for an Alcoholic Beverage License

Legal Company Name: The Toasted Frog Furgo Part 2 LLC

(Must match State of North Dakota registration name)

DBA Name: The Toasted Frog

License Transferred From: Sancitern Health

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

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

Business location address: 305 Broadway Dr N Fargo ND 58102

Mailing address: 813 1st St N Fargo, ND 58102

Business E-mail address: ryan.langerud@gmail.com

Local Manager E-mail address: _____

Best Contact Phone number: (310) 309-7885

Anticipated Date of Opening: July 8, 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: 6/6/25

Class of License: FR RZ

Investigations Fee Paid (\$250) X Yes No

Date Paid: 6/6/25 Check/CC # CC

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

K Approval Recommendation

Denial Recommendation


Chief of Police

06-27-25

Date



To whom it may concern,

The Toasted Frog Fargo's current ownership is pleased to write this letter supporting the transfer of our liquor license to Ryan Langerud and The Toasted Frog Fargo Part 2, LLC.

We have been proud members of the Fargo community and the downtown community since December of 2014, and are excited that we have come to an agreement that will keep the Frog downtown with new ownership. We have an agreement in principle with Mr. Langerud which will maintain all employees and keep operations ongoing with no closure for the transfer.

Thank you for your support over the past 10+ years. We look forward to watching downtown continue to thrive and for The Toasted Frog to be a fixture in the heart of Broadway for many years to come under Mr. Langerud's leadership.

Sincerely,

Jonathan Holth

Co-owner

The Toasted Frog

July 17, 2025

Honorable Board of
City Commissioners
225 4th Street North
Fargo, ND 58102

(47)

Re: Construction Update

Dear Commissioners,

On July 21, 2025, I will be providing an update on the progress of construction projects overseen by the Engineering Department. This will be an informational update only, with no action required.

Sincerely,



Tom Knakmuhs, PE
City Engineer



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Denise Kolpack, City Commissioner

Fargo City Hall

225 4th Street North

Fargo, ND 58102-4817

Phone: 701.715.4895 | Fax: 701.476.4136

www.FargoND.gov

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: COMMISSIONER DENISE KOLPACK



DATE: July 21, 2025

SUBJECT: Broadway closure


After subsequent research following the request from Folkways to reconsider piloting a closure for its July 24 TEDx After Party S'mores Eating Contest event, I am bringing forward a request for reconsideration. The request would only close Broadway between 2nd and 3rd Avenue North, thereby closing no intersections. Additionally, I would like to include a formal request for the City multi-department Street Closure Task Force to evaluate the City's current street closure processes and add criteria to the "Legacy" designation as a task force priority issue.

RECOMMENDED MOTION: Approve Broadway closure on July 24, 2025 for the TEDx After Party S'mores Eating Contest event from 2nd to 3rd Avenue North from 3 to 11 p.m. Additionally, instruct the multi-department Street Closure Task Force to evaluate current street closure processes, looking for additional efficiencies, and add specific criteria to the "Legacy" designation.

52a

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: JULY 21, 2025

SUBJECT: HUMAN RIGHTS COMMISSION APPOINTMENTS

The terms of Nancy Boyle, Cody Severson, Aaron Kawreh and Sekou Sirleaf on the Human Rights Commission expired on July 1, 2025.

Ms. Boyle, Mr. Severson, Mr. Kawreh and Mr. Sirleaf are willing to continue their service on the Board and I am recommending that they be reappointed for three-year terms ending July 1, 2028.

Your favorable consideration of these recommendations is greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Nancy Boyle, Cody Severson, Aaron Kawreh and Sekou Sirleaf to the Human Rights Commission for three-year terms ending July 1, 2028.

mmappts25hrc

52b

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY



DATE: JULY 21, 2025

SUBJECT: REAPPOINTMENTS TO THE LIQUOR CONTROL BOARD

The terms of Tatiana Hamilton and Mark Doyle on the Liquor Control Board expired on July 1, 2025.

Ms. Hamilton and Mr. Doyle are willing to continue their service on the Board and I am recommending that they be reappointed for three-year terms ending July 1, 2028.

Your favorable consideration of these recommendations is be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Tatiana Hamilton and Mark Doyle to the Liquor Control Board for three-year terms ending July 1, 2028.

mmappt25lcb