

FARGO CITY COMMISSION AGENDA

Monday, July 7, 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 attorney consultation regarding reasonably predictable and/or threatened litigation by Northdale Oil, Inc. and its affiliate Eastdale, LLC., and to discuss negotiating strategy or providing 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 this matter 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, June 23, 2025).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 1st reading 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.
- 2. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading 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.
- 3. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Enacting Section 8-1322 of Article 8-13 of Chapter 8 of the Fargo Municipal Code relating to Traffic Code and an Ordinance 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.
- 4. Resolution Concluding the Community Development Committee, Parking Commission and City Hall/Auditorium Commission, and waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of the following Ordinances:

- 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.
5. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of the following Ordinances:
 - 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.
6. Findings of Fact, Conclusion and Order of the Board of City Commissioners of the City of Fargo, Conclusions and Order, and Notice of Entry of Order for property located at 1102 1st Avenue South.
7. Direct the City Attorney to repeal the appropriate Ordinances and/or Resolutions to conclude the Sustainability and Resiliency Committee and the Police Advisory and Oversight Board.
8. Site Authorization for Games of Chance for the North Dakota Horse Park Foundation at Sickies Garage Fargo.
9. Applications for Games of Chance:
 - a. El Zagal Directors Staff for a raffle on 9/20/25.
 - b. Knights of Columbus 4th Degree Assembly 788 for a raffle and calendar raffle on 2/16/26.
 - c. St. Anthony of Padua Parish Fall Bazaar for bingo and a raffle on 9/28/25.
 - d. YMCA of the Northern Sky for a raffle and raffle board on 8/5/2025.
 - e. Holy Spirit for a raffle on 10/15/25, 10/22/25 and 10/26/25
10. Denial of a request from Folkways to close a portion of Broadway for upcoming events.

11. Permanent Easement (Storm Sewer) with Designer Homes of Fargo-Moorhead LLC.
12. Consent to Construction Agreement with Kwik Trip, Inc. for 4460 Calico Drive South.
13. Encroachment Agreement (Pickup & Drop-Off Lane) with West Fargo Public School District No. 6 for 4901 15th Avenue South.
14. Amendment No. 2 with Houston Engineering, Inc. in the amount of \$9,714.00 for Project No. SN-25-B0.
15. Bid awards for Project No. NR-25-D1:
 - a. General construction contract to CC Steel, LLC in the amount of \$2,154,712.00.
 - b. Electrical construction contract to JDP Electric in the amount of \$159,418.00.
16. Contract and bond for Improvement District No. BN-25-E1.
17. Negative Final Balancing Change Order No. 2 in the amount of -\$11,310.74 for Improvement District No. BN-23-G1.
18. Negative Final Balancing Change Order No. 3 in the amount of -\$21,363.30 for Improvement District No. BN-23-J1.
19. Negative Final Balancing Change Order No. 2 in the amount of -\$26,457.00 for Improvement District No. BN-24-A1.
20. Negative Final Balancing Change Order No. 2 in the amount of -\$113,297.34 for Improvement District No. BR-24-E1.
21. Final Balancing Change Order No. 1 in the amount of \$1,220.00 for Improvement District No. AN-24-A1.
22. Final Balancing Change Order No. 1 in the amount of \$3,698.20 for Improvement District No. AN-24-B1.
23. Final Balancing Change Order No. 5 in the amount of \$48,546.26 for Improvement District No. BN-23-E1.
24. Final Balancing Change Order No. 5 in the amount of \$19,674.91 for Improvement District No. BR-24-F1.
25. Final Balancing Change Order No. 2 in the amount of \$22,289.57 for Improvement District No. BR-24-G1.
26. Private Utility Relocation with Sparklight for Improvement District No. PR-24-A1.
27. Items from the FAHR Meeting:
 - a. Receive and file Sales Tax Update.
 - b. Allocation of \$190,476.00 for the Axon Draft One Contract.
 - c. Donation in the amount of \$30,650.00 from the Fargo Police Foundation to acquire and train a new K9 Unit.
 - d. Rental Inspection and Code Enforcement fee schedule as presented.

- e. Increase of fees for Municipal Court as presented.
- 28. Notice of Grant Award Amendment from the ND Department of Health and Human Services for PHEP-EPR Statewide Response Team (CFDA #93.069).
- 29. Notice of Grant Award Amendment from the ND Department of Health and Human Services for PHEP - City Readiness Initiative (CFDA# 93.089).
- 30. Notice of Grant Award from the ND Department of Health and Human Services for HIV/HCV counseling, testing and referral (CFDA# 93.940).
- 31. Notice of Grant Award from the ND Department of Health and Human Services for PHEP - EPR All Hazards Allocation (CFDA# 93.069).
- 32. Notice of Grant Award from the ND Department of Health and Human Services for PHEP-EPR Statewide Response Team (CFDA# 93.069).
- 33. Notice of Grant Award from the ND Department of Health and Human Services for the Tobacco Prevention and Control Program.
- 34. Financial Award from the ND Housing Finance Agency for ND Homeless Grant.
- 35. Direct the City Attorney to work with Environmental Health to revise the Keeping of Chickens Ordinance - Article 12-03.
- 36. Resolution approving Plat of Champions Gate at Prairie Farms Second Addition.
- 37. Resolution approving Plat of Dakota Commerce Center North Second Addition.
- 38. Resolution approving Plat of Family Healthcare Center Addition.
- 39. Direct the City Attorney's Office to review and draft Ordinances related to electric vehicle stalls and motorized scooters.
- 40. Contract and bond for Public Works Administrative Building Exterior Improvements (ITB25189).
- 41. Change Order No. 3 in the amount of \$632,357.00 and time extension of 72 days to the substantial completion date for Project No. SW23-04.
- 42. Change Order No. 2 in the amount of \$32,361.30 for Project No. WA2158.
- 43. Task Order No. WA11 with Apex Engineering Group, Inc. in the amount of \$129,100.00 for Water Tower Demolition of Tower Nos. 2, 3 and 8 (Project No. WA2158).
- 44. Change Order No. 9 with PKG Contracting, Inc. in the amount of \$158,127.00 and time extension to the final completion date to 12/31/25 for Project No. WW1701 (Phase IIB Expansion).
- 45. Bills.

REGULAR AGENDA:

PUBLIC HEARINGS - 5:05 pm:

46. **PUBLIC HEARING** – Prairie Crossing Addition (3910 25th Street South); approval recommended by the Planning Commission on 6/3/25:
 - a. Zoning Change from SR-2, Single-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay.
 - b. 1st reading of rezoning Ordinance.
47. **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 Regular Meeting.
48. **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 Regular Meeting:
 - 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.
49. **PUBLIC HEARING** - Community Development Block Grant (CDBG) and HOME Investment Partnership Programs (HOME) 2025-2029 HUD Consolidated Plan including the 2025 HUD Action Plan and Budget Amendments to 2023 and 2024 Action Plans.
50. 2026 Budget Request from the Municipal Airport Authority.
51. Recommendation for reappointment to the Renaissance Zone Authority.
52. Applications for Property Tax Exemptions for Improvements Made to Buildings:
 - a. Matthew and Courtney Sizer (5 years).
 - b. Clyde Jr. and Katherine McArthur (5 years).
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.

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City of Fargo Staff Report			
Title:	Prairie Crossing Addition	Date:	May 20, 2025 July 1, 2025
Location:	3910 25 Street South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	Lot 21, Block 13, Prairie Crossing Addition		
Owner(s)/Applicant:	Lake Two Properties, LLC	Engineer:	
Entitlements Requested:	Zoning Change (from SR-2, Single Dwelling Residential to P/I, Public and Institutional) with C-O, Conditional Overlay		
Status:	City Commission Public Hearing: July 7, 2025		

Existing	Proposed
Land Use: Commercial	Land Use: Community Service
Zoning: SR-2, Single Dwelling Residential	Zoning: P/I, Public and Institutional) with C-O, Conditional Overlay
Uses Allowed: Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, Basic Utilities, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, major entertainment events, and telecommunications facilities.
Maximum Density: 5.4 units per acre	Maximum Density Allowed (Residential): N/A

Proposal:

The applicant requests one entitlement:

- 1. Zone Change** from SR-2, Single Dwelling Residential to P/I, Public and Institutional with C-O, 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: Rental housing, zoned SR-4
- East: Single family homes, zoned SR-2
- South: Single family homes, zoned SR-2
- West: Single family homes, zoned SR-2

Area Plans:

The subject property is zoned SR-2, single dwelling residential and located within the Southpoint neighborhood. The 2024 Fargo Growth Plan designates this area as a Suburban Neighborhood place type with primary uses listed as small to medium lot, single-family detached housing, townhomes (with limited massing up to four units per building), duplex, triplex, quadplex, ADU's, places of worship, schools, daycare centers, and home office.

Previously, this property has been a church, then a school. The proposed zoning, P/I, Public and Institutional, would be consistent with these land uses and place types.

Context:

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

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

Parks: Centennial Park is adjacent to the subject property to the Southwest. Centennial Park amenities include; baseball and softball fields, a basketball court, playground, soccer field, and restrooms. An outdoor skating rink and warming house are available during the winter months.

Pedestrian / Bicycle: The subject property is adjacent (along 40th Avenue South and 25th Street South) to the area network of shared-use paths.

Transit: The subject property is not located along a MATBUS route. Route 14 travels East/West along 32nd avenue and Route 18 travels North/South along 25th Street, turning onto 32nd Avenue. The corner of 32nd Avenue South and 25th Street South is one mile north of the subject property. Route 18 provides service to the South Walmart, Route 14 provides service to West Acres Mall, and both routes provide service to Downtown and the Ground Transportation Center.

Staff Analysis:



Site History: Friendship United Methodist Church constructed the 8,313 sf building in 1998. Capstone Classical Academy occupied the facility from 2022 to 2024. Currently, the building is vacant. Gathering Farm Garden, one of Growing Together Community Gardens garden plots is also located on this site.

Memory Café of the Red River Valley, founded in 2017, is looking to expand their services and relocate to the subject property, located at 3901 25th Street South.

Memory Café is a registered 501c3 nonprofit organization that provides education, programs, and support to individuals and their families living with Alzheimer's disease or related dementia. All services are free of cost and open to all persons living with memory loss. Given the services provided, Planning Staff would categorize Memory Café as *Community Service* use.

Section 20-12.F.2.a characterizes community service uses as “a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. The use may provide counseling, education, or training of a public, nonprofit, or charitable nature.”

The subject property is currently zoned SR-2, Single Dwelling Residential and community service uses

are permitted by Conditional Use Permit. Since Memory Café would be obtaining the entire property, staff recommends the property be rezoned to P/I, Public and Institutional with a Conditional Overlay. Rezoning to P/I will accommodate the current land use (Community garden plot, should it continue) and the proposed land use (Memory Café). The addition of a Conditional Overlay will limit future land uses and protect the integrity of the surrounding residential neighborhoods.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned SR-2, Single Dwelling Residential. The applicant requests a zoning change to P/I, Public and Institutional with a C-O, Conditional Overlay prohibiting certain uses.

(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 two inquiries, both with no noted concern. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." Fargo's Growth Plan 2024 was adopted on August 19th, 2024. The proposed zoning of P/I, Public and Institutional is consistent with the designated future land use and place type for this property under the 2024 Growth Plan, as noted above. **(Criteria satisfied)**

Staff Recommendation:

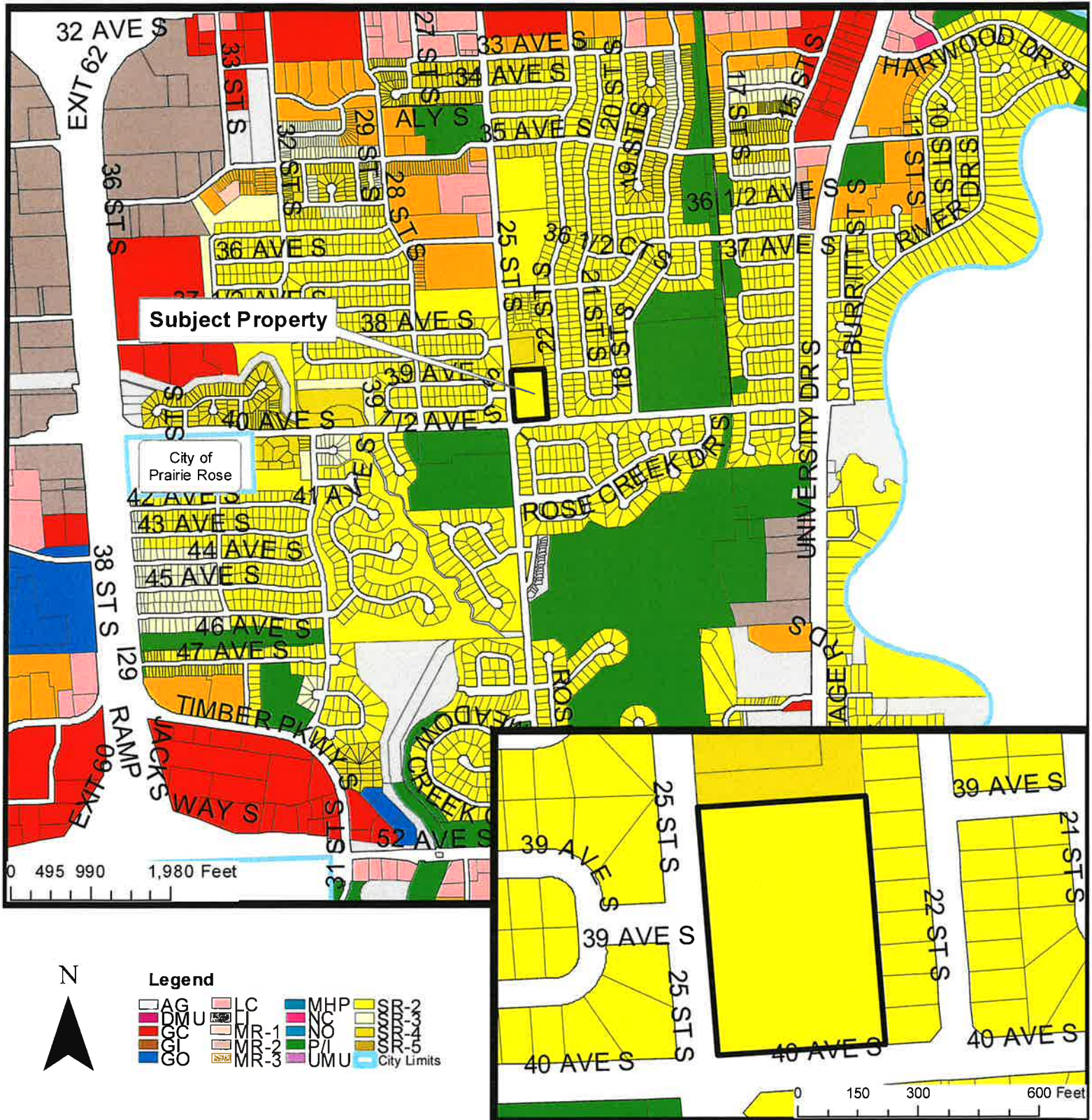
Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed zoning change from SR-2, Single Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay as outlined in the staff report, as the proposal complies with the 2024 Growth Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: June 3, 2025
At the June 3 rd , 2025 Planning Commission hearing, the 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 proposed zoning change from SR-2, Single Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay as outlined in the staff report, as the proposal complies with the 2024 Growth Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”
Attachments:
1. Zoning Map 2. Location Map 3. Draft Conditional Overlay

Zone Change from SR-2, Single-Dwelling Residential to P/I, Public/Institutional with C-O, Conditional Overlay

Prairie Crossing Addition

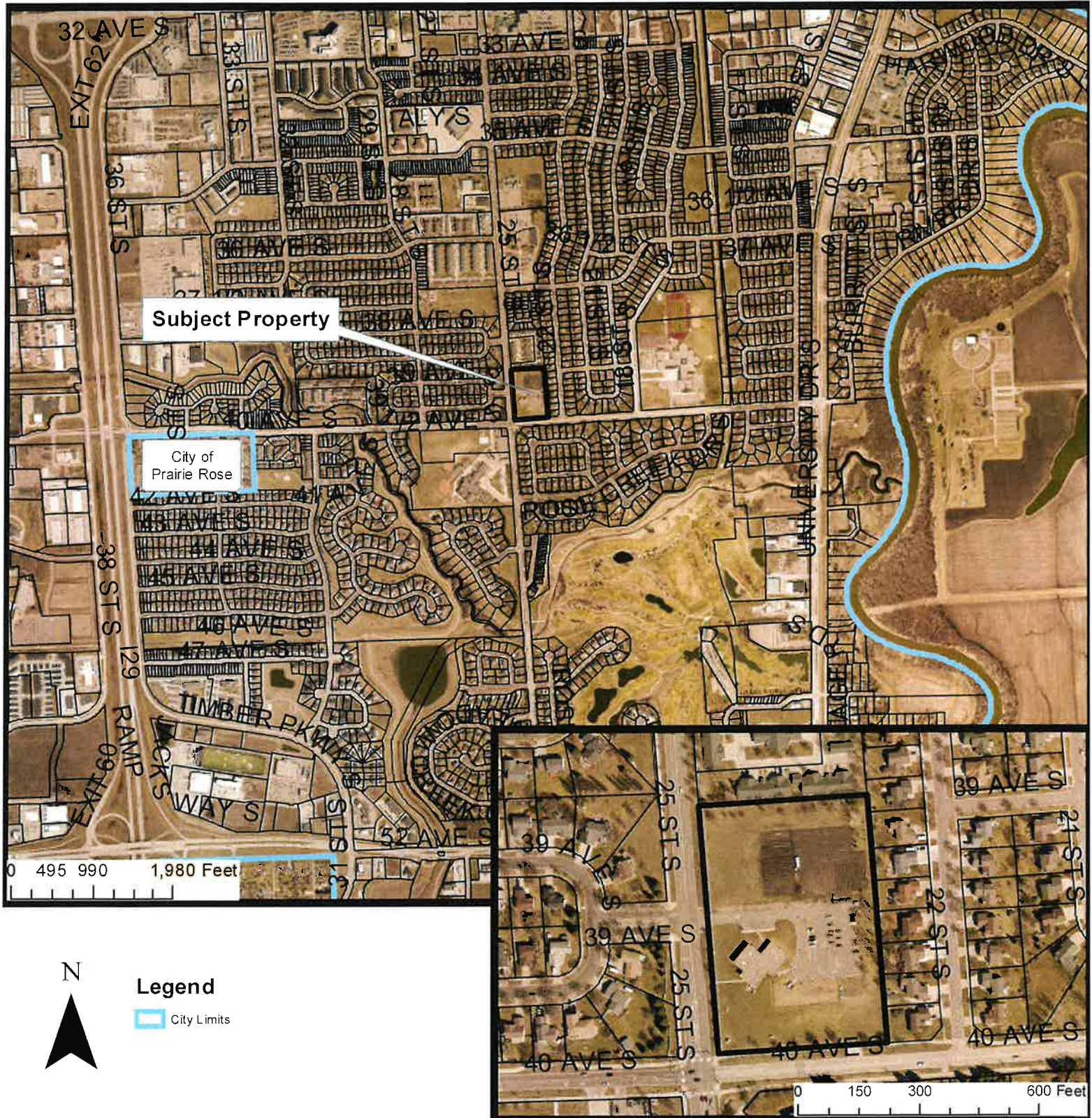
3910 25th Street South



Zone Change from SR-2, Single-Dwelling Residential to P/I, Public/Institutional with C-O, Conditional Overlay

Prairie Crossing Addition

3910 25th Street South



Conditional Overlay Items
Lot 21, Block 13, Prairie Crossing Addition
3910 25 Street South

1. Description: This Conditional Overlay is intended to limit the uses allowed on the property than otherwise permitted in the P/I, Public and Institutional Zoning district.
2. As to the Use Categories applicable to the base, "P/I", zoning district, the following uses are prohibited.
 - a. Colleges and Universities
 - b. Detention Centers
 - c. Commercial Parking
 - d. Outdoor Recreation and Entertainment
 - e. Industrial Service
 - f. Manufacturing and Production
 - g. Warehouse and Freight Movement
 - h. Waste-related use
 - i. Aviation
 - j. Surface Transportation
 - k. Major Entertainment Events
3. Prohibited Signage. The following signs are prohibited:
 - a. Portable Signs; as defined by section 20-1308 of the Land Development Code

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

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ORDINANCE NO. _____

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

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on June 3, 2025; and,

WHEREAS, the rezoning changes were approved by the City Commission on July 7, 2025,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot Twenty-One (21), Block Thirteen (13) of Prairie Crossing Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "SR-2", Single-Dwelling Residential, District, to P/I, Public and Institutional, District with a "C-O", Conditional Overlay, District as follows:

1. This Conditional Overlay is intended to limit the uses allowed on the property than otherwise permitted in the P/I, Public and Institutional Zoning district.
2. As to the Use Categories applicable to the base, "P/I", zoning district, the following uses are prohibited:
 - a. Colleges and Universities
 - b. Detention Centers
 - c. Commercial Parking
 - d. Outdoor Recreation and Entertainment
 - e. Industrial Service
 - f. Manufacturing and Production
 - g. Warehouse and Freight Movement

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

- h. Waste-related use
- i. Aviation
- j. Surface Transportation
- k. Major Entertainment Events

3. Prohibited Signage. The following sign is prohibited:

- a. Portable Signs; as defined by section 20-1308 of the Land Development Code.

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:

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MEMORANDUM

TO: City Commission

FROM: Donald Kress, Current Planning Coordinator

DATE: July 3rd, 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.

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.

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
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; Kenneth M. Brezina; Monte Routledge TOD; 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 7th, 2025		
Proposal:			
<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.</i> The City of Fargo requests one entitlement: 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 This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report. Surrounding Land Uses and Zoning Districts: • North: AG, Agricultural; undeveloped; 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:			
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. The entire annexation area is either already developed or has a development proposal pending: • 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
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)

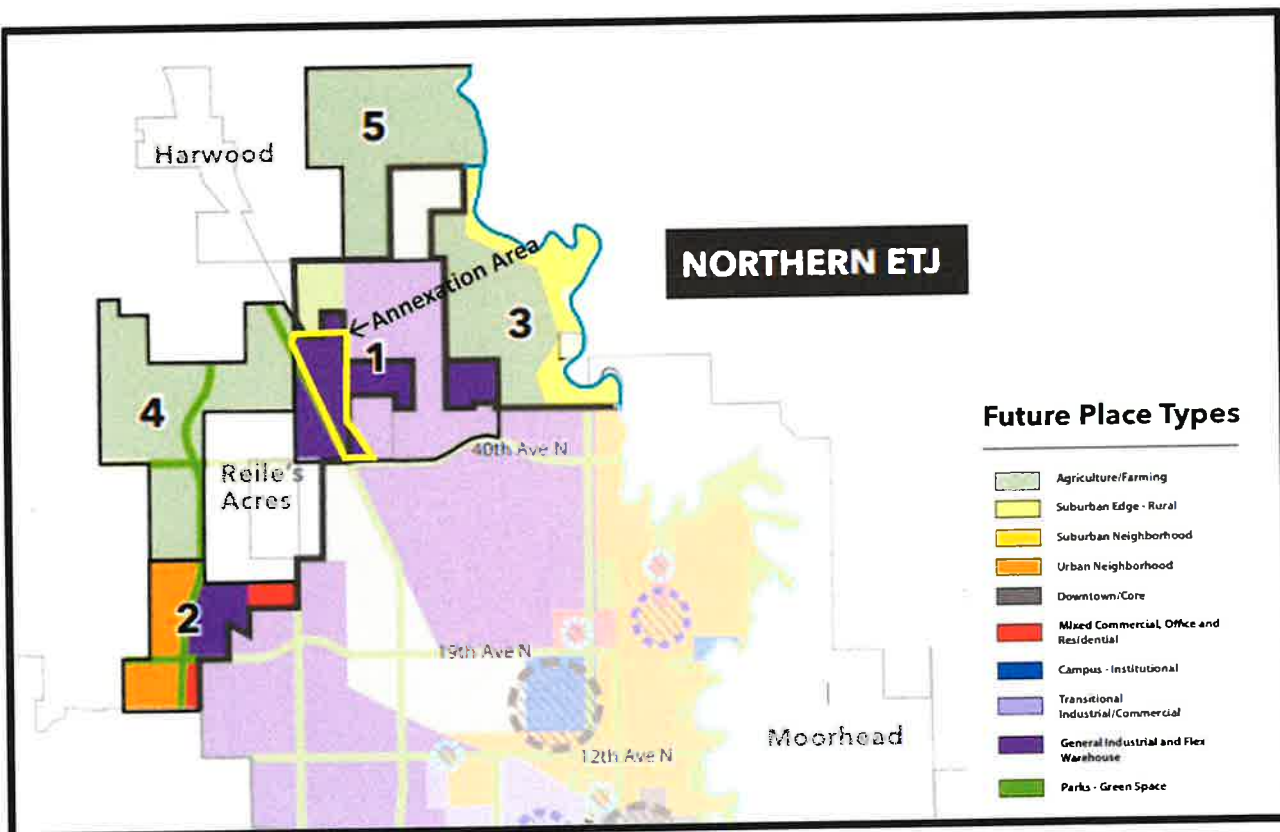
LOCATION

As depicted on the graphic below, this 87.89 acre property proposed to be annexed is on the east side of Interstate 29. 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.



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:

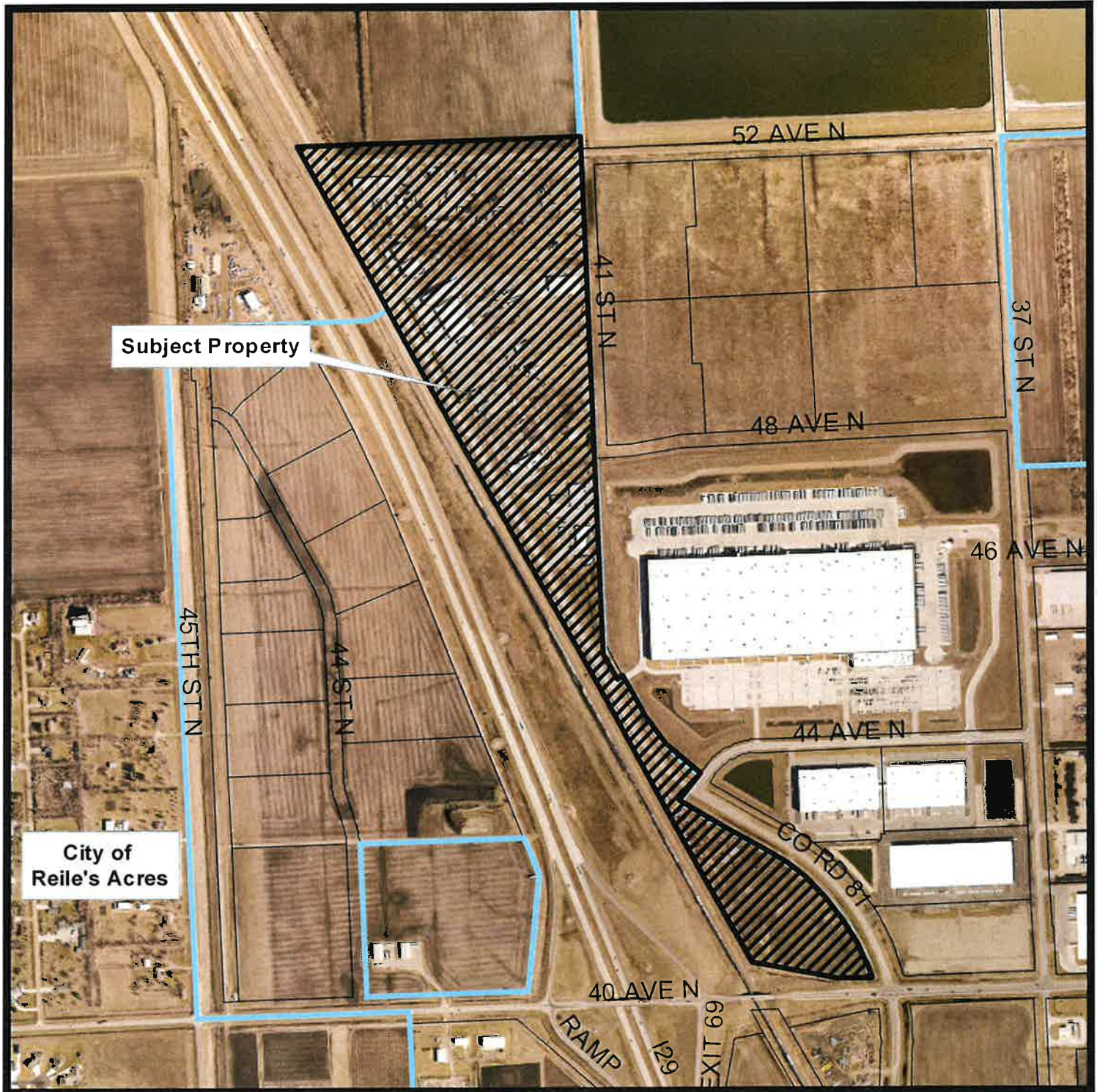
The deadline for submittal of protests was June 20th, 2025. As of that date, one protest had been received. This protest did not exceed the sufficiency of protests threshold stated in North Dakota Century Code Section 40-51.2-07(1)(c). However, staff continued the sufficiency of protests hearing from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

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:
1. Zoning map 2. Location map 3. Annexation resolution 4. 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

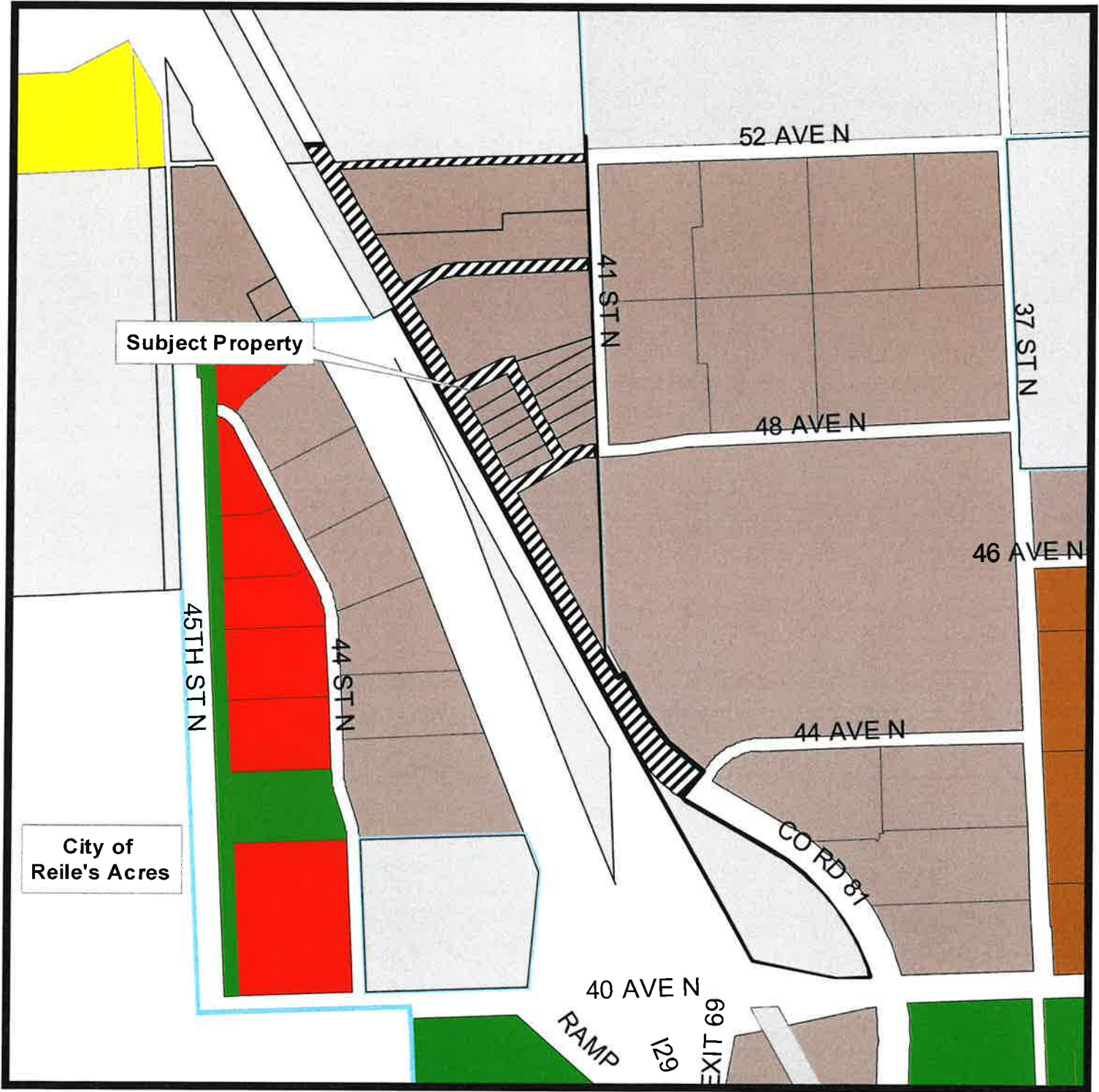
**Fargo Planning Commission
May 6, 2025**

0 0.05 0.1 0.2 0.3 0.4
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	LC	MHP	SR-2
DMU	MR-1	NCU	SR-3
GO	MR-2	PDI	SR-4
	MR-3	UMU	SR-5
			City Limits

Fargo Planning Commission
May 6, 2025



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

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

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

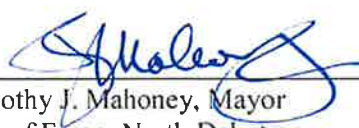
I, Steven Sprague, the duly appointed, qualified, and acting City Auditor of the City of Fargo, North Dakota,

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

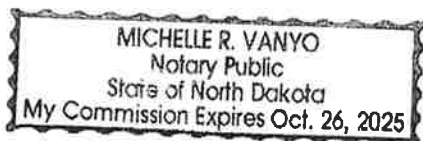
That such Resolution is now a part of the permanent records of the City of Fargo, as filed in the office of the City Auditor.




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.




Notary Public
Cass County, North Dakota
My Commission Expires: _____

48

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
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 <i>Ownership Note below</i>)	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 7th, 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:			
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. 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. 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. OWNERSHIP NOTE : The ownership of this property changed from Allstar Land Company to Eastdale, LLC on April 2nd, 2025, doc no. 1731547.			

(continued on next page)

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 7th, 2025 City Commission agenda.

PROXIMITY AGREEMENT: A proximity agreement for the subdivision has been 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

the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

2. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any public improvements associated with the project (whether rehabilitation of existing infrastructure or new proposed improvements) will be funded in accordance with the City's Infrastructure 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)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move to approve the proposed 1) Zoning Change from AG, Agricultural LI, Limited Industrial with a conditional overlay; and 2) a plat of **Northdale First Addition**, including the 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."

Planning Commission Recommendation: February 4th, 2025

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.

(NOTE: The proximity agreement is not included in the Planning Commission's motion as that Commission takes no action on the proximity agreement)

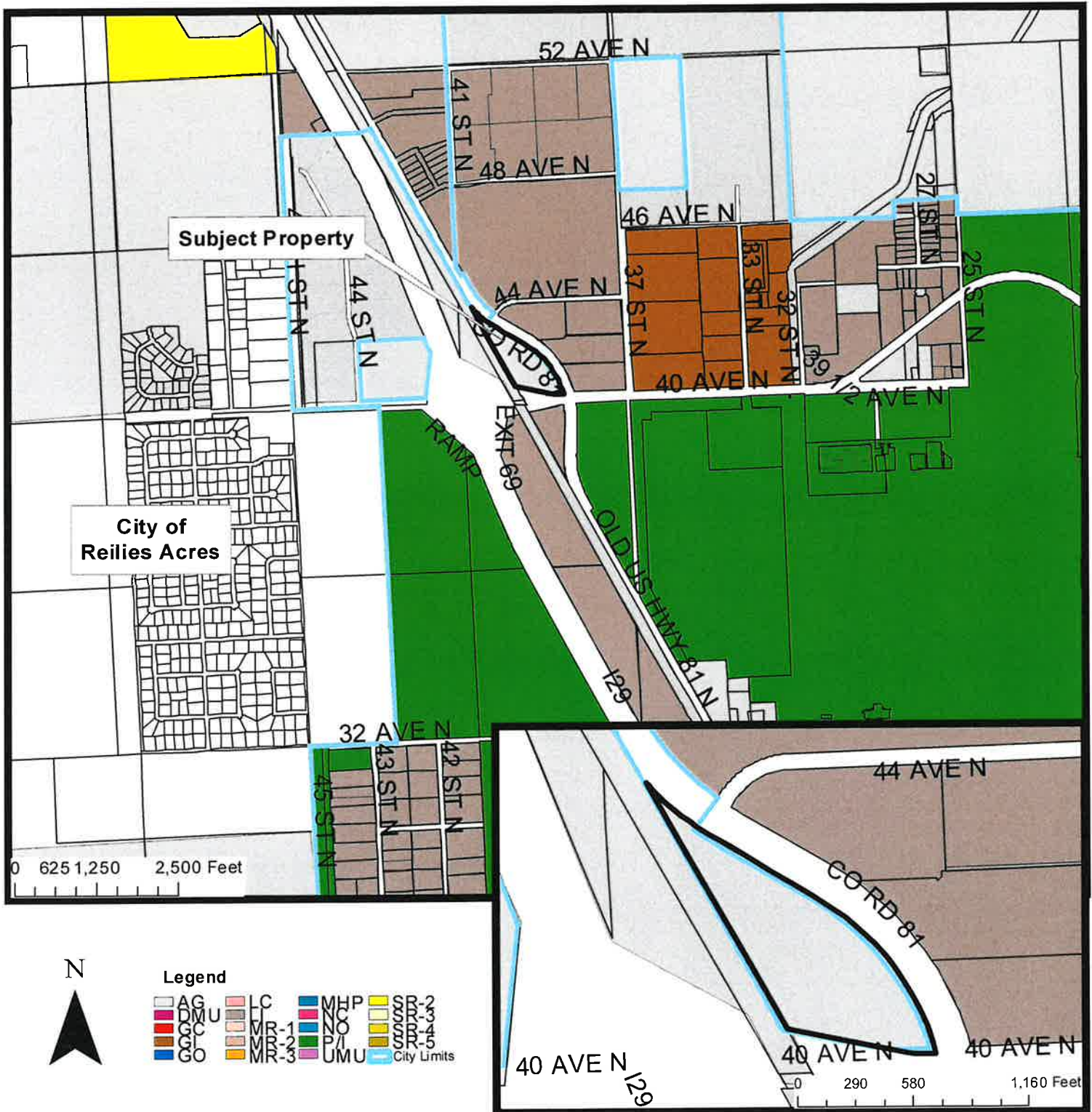
Attachments:

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

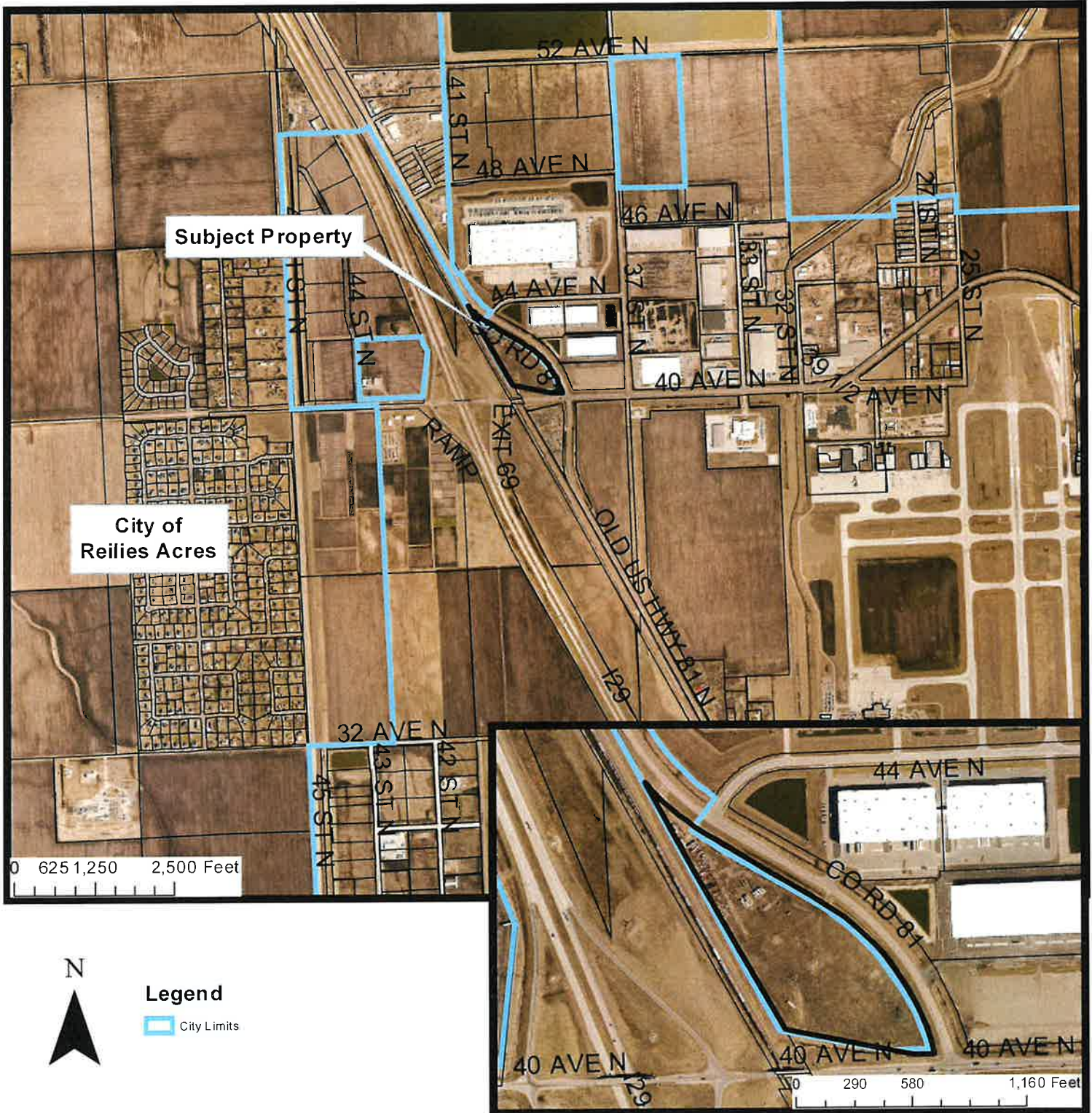
4300 County Highway 81 North



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

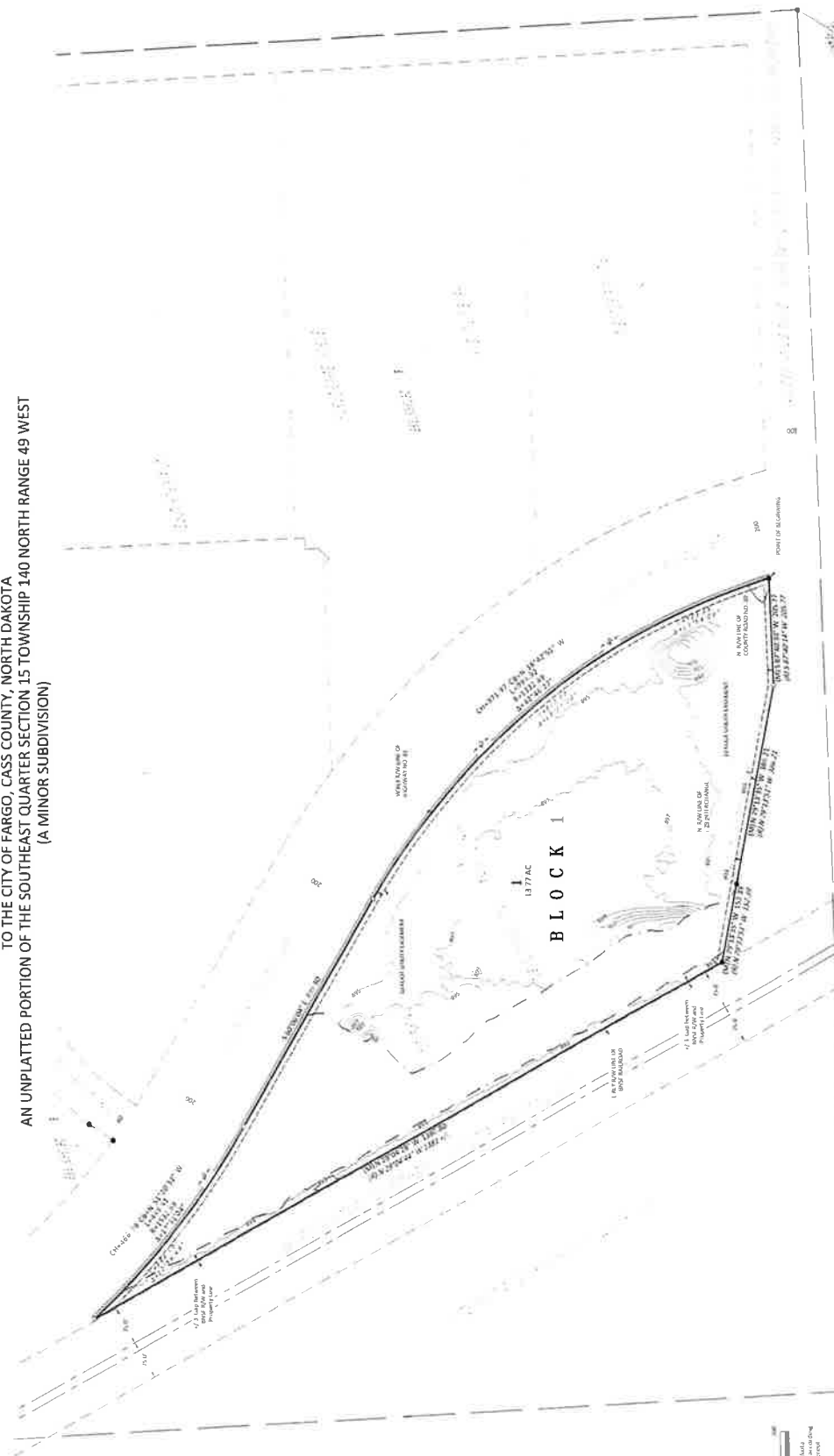
Northdale First Addition

4300 County Highway 81 North



NORTHDALÉ FIRST ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AN UNPLATTED PORTION OF THE SOUTHEAST QUARTER SECTION 15 TOWNSHIP 140 NORTH RANGE 49 WEST
(A MINOR SUBDIVISION)



NOTES

BENCHMARK
City of Fargo Benchmark Study: The Southern Fargo Sub-
divisions are the only subdivisions in the Northern Quarter of the
County Highway No. 25 and Highway No. 88
111-125 14 Avenue

A diagram showing a rectangular lot. To the left of the lot is a vertical line labeled "STREET". To the right of the lot is a vertical line labeled "AVENUE". A dashed line runs vertically along the left side of the lot, and another dashed line runs vertically along the right side of the lot. The lot is labeled "LOT" in the center.

100 × 10³ HUMAN MONOCYTE-SIT. CAP. MARKED BY TIC. AND 15,500

UNIT FIFTEEN
TESTING PROPERTY UNIT
QUARTER UNIT
UNIT FIFTEEN

LEGEND

1	2	3
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that LaFontaine, as LESLIE KAMILLI (right) says, "has been a great role model."

COLTON



BOLTON & MENK
TRUST ADVISORS

SHEET 1 OF 2

DRAFT C-O FOR NORTHDALÉ 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, 2028, 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)

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

486

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:

49

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR *nm P&D NL*
KRISTI SYLSKAR, HUD GRANT ADMINISTRATOR

DATE: JULY 3, 2025

RE: PUBLIC HEARING FOR HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) / HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) 2025-2029 CONSOLIDATED PLAN, 2025 ACTION PLAN, AND PROPOSED AMENDMENTS TO 2023 & 2024 ACTION PLANS

Planning & Development Department staff has prepared the 2025-2029 Five Year Consolidated Plan and 2025 Action Plan for the use of U.S. Department of Housing and Urban Development (HUD) funds. A total of \$3,104,476.57 is anticipated to be available for the 2025 Community Development budget. In addition, staff are proposing amendments to the City's 2023 Action Plan and 2024 Action Plan.

During the hearing an overview of the proposed five-year goals, the proposed 2025 Community Development Block Grant (CDBG) and HOME projects, and the amendments to the 2023 Action Plan and 2024 Action Plan will be presented.

Details of the proposed 2025-2029 Consolidated Plan and 2025 Action Plan funding sources and projects, along with proposed amendments to the 2023 Action Plan and 2024 Action Plan are outlined in the public notice published in *The Forum* newspaper on June 18, 2025, and a version is attached as an exhibit for reference. Per the required and adopted Citizen Participation Plan, this proposal is being presented at the July 7, 2025 City Commission meeting as a Public Hearing. The timeline, including the 30-day public comment period, June 19 – July 18, 2025, is outlined in the public notice. Once approved locally, the 2025-2029 Consolidated Plan and 2025 Action Plan, 2023 Action Plan amendments, and 2024 Action Plan amendments, along with all comments received, will be submitted to HUD for federal approval.

The 2025-2029 Consolidated Plan and 2025 Action Plan have been drafted in compliance with federal regulations. The draft plans are available on the City website at www.FargoND.gov/plansandstudies (posted June 18, 2025). No action is intended for the July 7, 2025 City Commission meeting. Staff will confirm public input received during the

public hearing and through the open comment period as we seek action at the July 21, 2025 City Commission meeting.

Recommended Motion: No action is required at this time; public hearing only. Final consideration of the 2025-2029 Consolidated Plan and 2025 Action Plan, and proposed amendments to the 2023 Action Plan and 2024 Action Plan, is scheduled for July 21, 2025.

EXHIBIT
(for reference only)

Public Notice
(amended to reflect the correct Public Service activity title)

City of Fargo
Notice of Public Hearing & 30-Day Public Comment Period
Community Development Block Grant (CDBG) & HOME Investment Partnerships (HOME) Programs
2025-2029 HUD Consolidated Plan Including 2025 HUD Action Plan & Budget
Amendments to 2023 Action Plan and 2024 Action Plan

The City of Fargo announces the opening of the 30-day public comment period for Fargo's 2025-2029 Consolidated Plan and 2025 Action Plan, and amendments to Fargo's 2023 Action Plan and 2024 Action Plan. The public comment period begins on June 19, 2025 and includes a public hearing on Monday, July 7, 2025 during the regular Fargo City Commission meeting. All items will be given final consideration at the July 21, 2025 City Commission meeting. Comments on these draft plans should be provided during the public comment period (June 19 through July 18, 2025). Each item is summarized in this notice.

2025 – 2029 HUD CONSOLIDATED PLAN

The City of Fargo has available for public review and comment a draft Five-Year Consolidated Plan for the use of U.S. Housing and Urban Development (HUD) funds for Program Years 2025–2029 (May 1, 2025 to April 30, 2030). The Consolidated Plan includes the Program Year 2025 budget and allocation (May 1, 2025 to April 30, 2026). The exact amount of HUD funds each year is determined by Congress, but based on previous funding levels, the City estimates approximately \$4,374,305 in CDBG funds and \$2,286,518 in HOME funds over the course of the Five-Year Consolidated Plan.

The Consolidated Plan provides information about the housing and non-housing community development needs in the City and includes a five-year strategy to address those needs, emphasizing benefit to low- and moderate-income persons and households.

The City of Fargo encouraged residents and stakeholders to participate in developing the 2025-2029 Consolidated Plan and 2025 Action Plan through multiple outreach methods, including a public input meeting held on June 10, 2025. The following priority areas were identified through this public participation: rental assistance, affordable housing, public infrastructure and public facilities improvements, and public services for low-and moderate-income households and the homeless populations. The Consolidated Plan addresses these needs in three goals: (1) affordable housing, (2) ending and preventing homelessness, and (3) public infrastructure and public facilities improvements.

2025 HUD ACTION PLAN

The City of Fargo has prepared a draft version of the 2025 HUD Action Plan for Housing and Community Development for the Community Development Block Grant (CDBG) and HOME Programs. The Action Plan provides a summary of actions, activities, and specific federal and non-federal resources that will be used during the year to address priority needs and goals identified in the Consolidated Plan and plans for allocating the U.S. Department of Housing and Urban Development Office of Community Planning and Development (CPD) formula block grant programs: Community Development Block Grant and HOME Investment Partnerships Program. The Action Plan describes how the funds from these programs will be distributed during the 2025 program year, which begins on May 1, 2025. Funds are expected to be made available to the City by the end of 2025.

AVAILABLE RESOURCES FOR PROGRAM YEAR 2025

Community Development Block Grant (CDBG):

- \$874,861.00 2025 Community Development Block Grant (CDBG) allocation from HUD
- \$617,600.25 Available for Reallocation at Prior Year-End (unused/canceled 2023/2024 projects & contingency dollars)

\$1,492,461.25 Total CDBG

HOME Investment Partnerships Program (HOME):

- \$457,303.60 2025 HOME PJ allocation from HUD
- \$1,103,706.47 Available for Reallocation at Prior Year-End (unused/canceled 2023/2024 projects & contingency dollars)
- \$51,005.25 2024 HOME PJ Program Income/Recaptured Funds (actual)

\$1,612,015.32 Total HOME

Total = \$3,104,476.57 CDBG & HOME

PROPOSED ACTIVITIES FOR 2025

Planning, Administration & Fair Housing

1. CDBG Planning and Administration - \$122,000 in CDBG funds. Planning, implementation, reporting, and monitoring of CDBG resources. Prior year admin dollars may be used for startup planning and administration costs in future years. *National Objective: Not applicable for administration. Eligibility & Regulation Citation: 21A General Program Administration, 24 CFR Part 570.206(a).*
2. HOME Planning and Administration - \$42,000 in HOME funds. Planning, implementation, reporting, and monitoring of HOME resources. Prior year admin dollars may be used for startup planning and administration costs in future years. *National Objective: Not applicable for administration.*
3. Fair Housing - \$45,000 in CDBG funds. Support a part-time fair housing specialist who will provide ongoing outreach, test coordination, and technical assistance in Fargo, ND. This includes comprehensive outreach and fair housing education as part of the requirement to affirmatively further fair housing under the Fair Housing Act (42 U.S.C. 3601-20). *Eligibility & Regulation Citation: 21D Fair Housing Activities (subject to 20% Admin. Cap), 24 CFR Part 570.206(c).*

Capital/Neighborhood Improvements

1. Public Infrastructure Improvements - \$1,189,000 in CDBG funds. CDBG funds will be used for improvements to existing public infrastructure located within low-to-moderate income area neighborhoods. This project will address hazardous/deteriorated conditions and make preventative improvements in support of neighborhood safety and improved livability. The locations of this project are not yet determined. A public comment period will occur at a later date when project locations are identified. *National Objective, Eligibility, & Regulation Citation: Low-Mod Area (LMA) Benefit [24 CFR Part 570.208(a)(1)], 03K Street Improvements, 24 CFR Part 570.201(c).*

Public Service

1. Public Service Homeless Outreach - \$132,000 in CDBG funds. Provide operational support for homeless and housing-related services for people who are at-risk of homelessness, recently homeless, or who are currently homeless. *National Objective, Eligibility, & Regulation Citation: Low-Mod Clientele (LMC) Benefit [24 CFR Part 570.208(a)(2)], 03T Operating Costs of Homeless/Aids Patient Programs, 24 CFR Part 570.201(e).*

Affordable Housing

1. Tenant Based Rental Assistance - \$1,565,000 in HOME funds. Assist eligible households with their rental housing expenses. *HOME Eligible Activity under 24 CFR Part 92.205(a)(1).*

Contingency Funds

1. Contingency - Funds held in contingency for issues that may arise during the program year – \$4,461.25 CDBG funds and \$5,015.32 HOME funds.

CONTINGENCY PROVISIONS/POTENTIAL ADJUSTMENTS TO 2025 ACTIVITIES & BUDGET

- Budget adjustments transferring amounts greater than 10% of the amount allocated to the City's entitlement grant programs for program year 2025 are considered substantial amendments and will be implemented in accordance with Fargo's Citizen Participation Plan (www.fargond.gov).
- Unanticipated program income may result in a substantial amendment to amend activities and budgets in accordance with Fargo's Citizen Participation Plan.
- Any unused funds will be reallocated in an amendment or the following year's action plan, either of which require a 30-day public comment period.

PROPOSED AMENDMENTS TO 2023 HUD ACTION PLAN

- 1a. Cancel Acquisition for Affordable Multi-Family Rental Housing Project (CDBG) - \$150,000 in CDBG funds were allocated in the 2023 Action Plan for acquisition of land for new construction of an affordable multi-family rental housing complex in partnership with Beyond Shelter, Inc. The location of this project was yet to be determined. This activity's timeline has been delayed and therefore this 2023 Action Plan project is being canceled and funds reallocated to proposed projects in the 2025 Action Plan.
- 1b. Cancel Community Housing Development Organization (CHDO) Project (HOME) - \$100,000 in HOME 'set-aside' funds were to be used in partnership with a Community Housing Development Organization (CHDO) to create affordable housing in Fargo. The location of this project was yet to be determined. This activity's timeline has been delayed and therefore this 2023 Action Plan project is being canceled and funds reallocated to proposed projects in the 2025 Action Plan.
2. Revise Core Neighborhood Deteriorated Structure Removal Project (CDBG) – Reduce project budget by \$110,140 in unexpended CDBG funds, to be reallocated to proposed projects within the 2025 Annual Action Plan.
3. Cancel One Affordable Single-Family Housing for Ownership Project (HOME) and Reallocate Funds - \$400,000 in HOME funds were to be used by Lake Agassiz Habitat for Humanity towards new construction of an affordable, single-family residential twinhome (resulting in two housing units) at two, adjacent sites in Fargo at 213 24 Street South and 221 24 Street South. Due to the various federal constraints tied to this larger-scale new construction build, contributing to delayed timelines and lack of available contractors, this proposed twinhome activity is being canceled and the funds reallocated to proposed projects in the 2025 Action Plan.

PROPOSED AMENDMENTS TO 2024 HUD ACTION PLAN

- 1a. Cancel Acquisition for Affordable Multi-Family Rental Housing Project (CDBG) - \$336,000 in CDBG funds were allocated in the 2024 Action Plan for acquisition of land for new construction of an affordable multi-family rental housing complex in partnership with Beyond Shelter, Inc. The location of this project was yet to be determined. This activity's timeline has been delayed and therefore this 2024 Action Plan project is being canceled and funds reallocated to proposed projects in the 2025 Action Plan.
- 1b. Cancel Affordable Multi-Family Rental Housing Project (HOME) – \$500,000 in HOME funds were allocated in the 2024 Action Plan for new construction of affordable multi-family senior and elderly rental housing complex, in partnership with Beyond Shelter, Inc. The location of this project was yet to be determined. This activity's timeline has been delayed and therefore this 2024 Action Plan project is being canceled and funds reallocated to proposed projects in the 2025 Action Plan.
- 1c. Cancel Community Housing Development Organization (CHDO) Project (HOME) – \$95,000 in HOME 'set-aside' funds were to be used in partnership with a Community Housing Development Organization (CHDO) to create affordable housing in Fargo. The location of this project was yet to be determined. This activity's timeline has

been delayed and therefore this 2024 Action Plan project is being canceled and funds reallocated to proposed projects in the 2025 Action Plan.

COMMENTS, ACCESSIBILITY, & SCHEDULE

Comments and suggestions from the public are encouraged through a public comment period and/or at the public hearing. Comments (including written comments) must be received by 11:59 p.m. Central Daylight Time (CDT) on July 18, 2025. Contact information and schedule are provided below:

30-DAY PUBLIC COMMENT PERIOD: June 19 through July 18, 2025

PUBLIC HEARING: Monday, July 7, 2025 - 5:05 pm
Fargo City Commission Chambers
225 4th Street North, Fargo, ND 58102

CITY COMMISSION VOTE: Monday, July 21, 2025 – 5:00 pm

CONTACT INFORMATION: City of Fargo
Planning and Development Department
Attn: HUD Grant Administrator
225 4th Street North, Fargo ND 58102
701.241.1474
Planning@FargoND.gov

DRAFT PLAN AVAILABLE AT: www.fargond.gov/plansandstudies
OR request through 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.

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FARGO MUNICIPAL AIRPORT AUTHORITY

Mill Levy Justification July 7, 2025

- “Mill Levy” will continued to be used until another “term” is determined
- Currently Airport Authority receives 2 mills annually from City of Fargo- estimating \$1.602M value for 2025 budget and budgeting \$1.739M in 2026. Property tax cap of 3% will be in effect.
- Data presented is based on the Capital Fund of Airport Authority
 - Daily Operations has their own budget/ funding
- **Please note that all information provided is based on the best data we have at this time.
 - All data is “fluid” and subject to change
- **Assumptions have been made based on information from Mead and Hunt, McGough Construction and the airport (which are subject to change)

WHY IS MILL LEVY IMPORTANT TO AIRPORT AUTHORITY

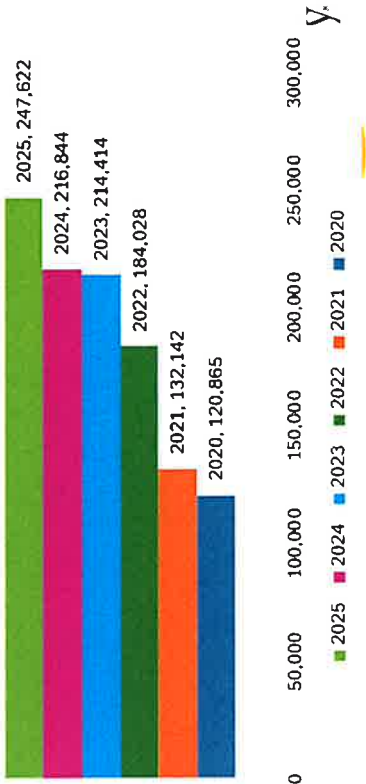
- **Why is the Mill Levy Important?**
 - Used only for Capital Projects (it is not used to fund the daily operations of the airport)
 - Local mill levy is used to leverage State and Federal grant funds
 - State and Federal agencies take into consideration the local funding support (to ensure the airport can pay for their portion) as they consider grant applications
 - Use for current and future capital projects
 - Federal Competitive and Discretionary Grants are applied for but are never guaranteed
 - Grant funds, when approved are not available immediately- so the reserve funds are needed to pay for the project costs upfront and obtain partial reimbursement later
 - All engineering and/or architectural costs and testing are paid well before a grant is issued with airport cash/reserves
- **Did you know**
 - Tenants that lease property from the Airport Authority paid approximately \$780,581.44 in property taxes in CY2024.
 - Airport concessionaires also collected sales taxes and fuel taxes that benefitted the City of Fargo

ENPLANEMENT STATISTICS- MAY 2025

	2020	2021	2022	2023	2024	2025	Busiest
JANUARY	43,556	18,402	34,470	43,705	42,726	48,037	2025 48,037
FEBRUARY	44,946	23,626	37,009	42,028	43,691	47,971	2025 47,971
MARCH	25,618	33,492	43,206	48,032	44,414	56,399	2025 56,399
APRIL	1,555	27,119	33,736	39,680	41,466	47,232	2025 47,232
MAY	5,190	29,503	35,607	40,969	44,547	47,983	2025 47,983
JUNE	9,005	36,715	36,552	40,174	45,301		2024 45,301
JULY	16,219	42,871	39,734	44,902	48,344		2024 48,344
AUGUST	18,793	38,082	38,683	43,871	48,514		2024 48,514
SEPTEMBER	16,449	32,665	35,213	41,452	43,663		2024 43,663
OCTOBER	19,591	38,873	39,578	43,332	48,627		2024 48,627
NOVEMBER	17,766	37,911	38,014	42,271	45,094		2024 45,094
DECEMBER	19,820	39,913	43,610	45,655	50,400		2024 50,400
TOTAL	238,508	399,172	455,412	516,071	546,787	247,622	2019 546,787

Max Pax/Month
56,399
Mar-25

Annual Enplanements Jan- May



- Increased passengers prove an increased need for updated and additional facilities
- Enplanements up over 14.19% from May '24 to Jan-May '25.
 - 14 consecutive record months!

TOTAL

HISTORICAL DATA 2020-2025

- Highlighted areas show the mill levy being used from 2020-2025 in historical projects.

- Had we not had the mill levy, that would have been a loss of \$8.011M, which would have increased the current net income loss

- The mill levy is a valuable source of funding for past and future projects

Municipal Airport Authority of the City of Fargo, North Dakota

Profit and Loss
January 2020 - June 2025

	JAN - DEC 2020	JAN - DEC 2021	JAN - DEC 2022	JAN - DEC 2023	JAN - DEC 2024	JAN - JUN, 2025	TOTAL
* Income							
* 230 Inter governmental Revenue	11,060,765.48	8,564,462.67	2,537,698.85	19,691,543.95	18,761,133.88	10,731,931.09	\$71,347,535.92
* 360 Miscellaneous Revenue	50,943.18	30,290.06	62,196.22	279,992.60	395,895.49	84,164.73	\$903,482.28
* 390 Transfer							\$0.00
* 391.00 Transfer In	1,070,188.46	1,579,416.59	1,904,520.71	2,139,937.86	2,060,557.96	1,010,531.41	\$9,765,252.99
* 395.00 Operating Revenues	55,970.24	43,785.39	58,038.09	57,742.48	58,633.99	58,204.54	\$332,374.73
* 396.00 Non Operating							\$0.00
7004 392.10.00 Non Operating / Intergovernmental	100,681.00	102,400.00					\$168,605.00
7004 395.12.00 Non Operating / Property Taxes	1,159,826.94	1,248,920.57	1,265,421.27	1,359,429.20	1,529,538.64	1,448,309.47	\$8,011,466.09
7004 396.80.00 Non Operating / Gain (Loss) on							\$6,500.00
7006 396.80.00 Non Operating / Gain (Loss) on A	8,800.00						\$6,800.00
Total 396.00 Non Operating	1,333,607.94	1,257,064.57	1,265,421.27	1,359,429.20	1,529,538.64	1,448,309.47	\$8,193,371.09
Total Income	2,459,766.64	2,880,266.55	3,227,980.07	3,557,109.54	3,648,830.59	2,517,045.42	\$18,290,998.81
GROSS PROFIT	\$13,571,475.30	\$11,475,019.28	\$5,827,875.14	\$23,528,646.09	\$22,805,859.96	\$13,333,141.24	\$90,542,017.01
* Expenses	\$13,571,475.30	\$11,475,019.28	\$5,827,875.14	\$23,528,646.09	\$22,805,859.96	\$13,333,141.24	\$90,542,017.01
NET OPERATING INCOME	\$11,991,842.29	\$13,326,976.21	\$8,446,796.03	\$22,820,126.96	\$22,260,595.43	\$19,266,787.39	\$98,113,124.31
* Other Expenses	\$1,579,633.01	\$1,851,956.93	\$2,618,920.89	\$708,519.13	\$545,264.53	\$5,933,646.15	\$7,571,107.30
Unrealized Gain or Loss	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
Total Other Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
NET OTHER INCOME	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
NET INCOME	\$1,579,633.01	\$1,851,956.93	\$2,618,920.89	\$708,519.13	\$545,264.53	\$5,933,646.15	\$7,571,107.30



IMPACT OF LOSING MILL LEVY 2026-2027

- **Debt Impact (Terminal / Parking 2024-2027 only)**
 - The Airport Authority currently expects to use an estimated \$50-\$55M to complete the Terminal Expansion Project and \$4M for Parking Garage
 - (This includes the \$40M loan from Bank of ND)
 - Losing / reducing the Tax mill Levy would increase the cash need for these projects by approx. \$2.8M-\$5.5M (2026 and 2027)- additional airport cash would need to be used
 - This would take \$ away from other projects and force airport to take on additional debt

- **Interest Expense**
 - Under current borrowing conditions, this will cost approximately \$1M - \$2M in additional interest expense over the life of the loan

Additional \$ if Mill Levy is REMOVED for 2026-2027			
\$	3,531,333.19	Additional Borrowing	
	5%	Interest Rate	
	20	Year Term	
	240	Month Term	
\$	(23,305.24)	Monthly Payment	
\$	(2,061,924.41)	Interest Payments	
\$	(5,593,257.60)	Total Payments	

Additional \$ if Mill Levy is Reduced for 2026-2027			
\$	1,765,666.60	Additional Borrowing	
	5%	Interest Rate	
	20	Year Term	
	240	Month Term	
\$	(11,652.62)	Monthly Payment	
\$	(1,030,962.21)	Interest Payments	
\$	(2,796,628.80)	Total Payments	



IMPACT OF REDUCING/ LOSING MILL LEVY OVER 10 YEARS

- **Future Operations**
 - If the Tax mill levy is reduced by 1/2 or removed, it would put significant stress on the Airports future projects as we will lose approx \$15.8M - \$31.5M during the next 10 years
 - This is also taking into account the estimated reduced value of a mil due to ND Property Tax of 3%
- **Estimated Future Debt of Airport**
 - \$27M-\$30M estimated debt airport needs to secure in 2027 prior to any mil levy reduction/ removal
 - Debt estimated to rise to \$45M - \$61M if mill levy is reduced/ removed

If Receive "1 Mil" Over next 10 years			
\$	9,971,127.46	Additional Borrowing	
	5% Interest Rate		
	20 Year Term		
	240 Month Term		
\$	(65,805.03)	Monthly Payment	
\$	(5,822,079.74)	Interest Payments	
\$	(15,793,207.20)	Total Payments	

If Receive "0 Mil" over next 10 years			
\$	19,942,254.93	Additional Borrowing	
	5% Interest Rate		
	20 Year Term		
	240 Month Term		
\$	(131,610.06)	Monthly Payment	
\$	(11,644,159.47)	Interest Payments	
\$	(31,586,414.40)	Total Payments	

	2 mil	1 mil	0 Mil
2026	\$ 1,739,573.00	\$ 869,786.50	\$ -
2027	\$ 1,791,760.19	\$ 895,880.10	\$ -
2028	\$ 1,845,513.00	\$ 922,756.50	\$ -
2029	\$ 1,900,878.39	\$ 950,439.19	\$ -
2030	\$ 1,957,904.74	\$ 978,952.37	\$ -
2031	\$ 2,016,641.88	\$ 1,008,320.94	\$ -
2032	\$ 2,077,141.14	\$ 1,038,570.57	\$ -
2033	\$ 2,139,455.37	\$ 1,069,727.68	\$ -
2034	\$ 2,203,639.03	\$ 1,101,819.52	\$ -
2035	\$ 2,269,748.20	\$ 1,134,874.10	\$ -
	\$ 19,942,254.93	\$ 9,971,127.46	\$ -

*Estimating 3% increase due to property tax cap



SOURCES OF FUNDS- WHEN RESERVE FUNDS WILL BE SPENT

- Currently we are carrying reserve balance- this was done by design (prudent planning on behalf of airport)
 - These reserves will be used for Terminal Projects (thru 2027)
- Right now, we are anticipating \$27M in additional debt for continued project funding (subject to change) – Bridge Loan/ Revenue Bonds? Total Cost would be \$42.7M
 - Dependent on grant funding
- Will need to continually build up reserves in order to have airport matching funds on other major items on the CIP in next 10 years.
- Portion of net income from Operating Account will be used / transferred to capital savings to assist with capital projects

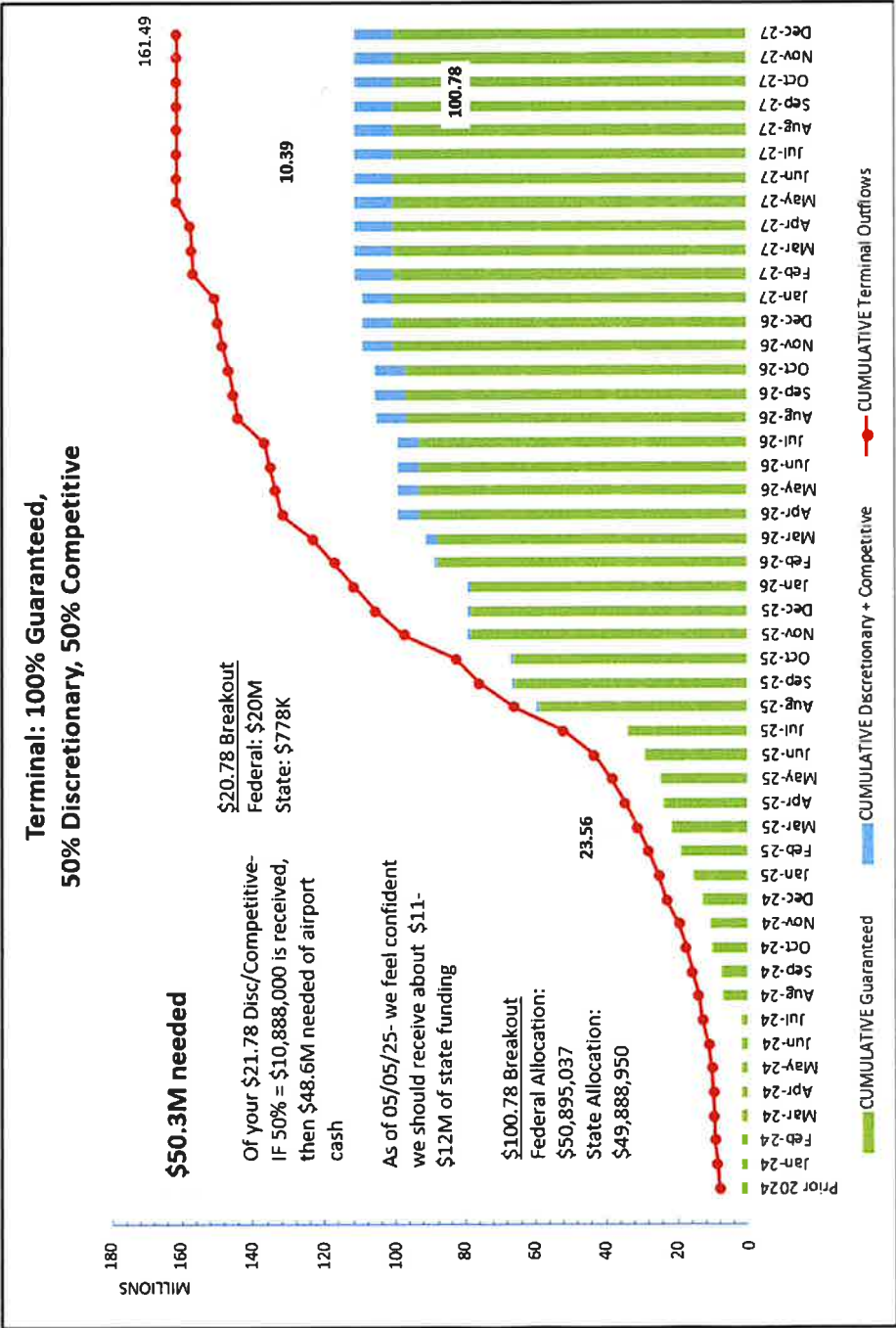
Municipal Airport Authority
Sources Summary - Annual
NOTE: Unidentified funding is not factored into the forecast, included for reference only. Totals are shown as being covered by cash, savings, and debt

Name	Forecast					
	FY 25	FY 26	FY 27	FY 28	FY 29	Jan 25 - Dec 31
Cash and Debt Sources Summary						
Parking Funding						
BND Loan Draws	\$18,455,691					\$18,455,691
Savings Transfers to Parking	\$3,605,000					\$3,605,000
Subtotal Parking Funding	\$22,060,691					\$22,060,691
Airport Funding						
Operating Fund Transfers to Airport	\$17,300,000	\$14,550,000	\$18,788,000			\$50,638,000
Add'l Construction Debt			\$27,000,000			\$27,000,000
Subtotal Airport Funding	\$17,300,000	\$14,550,000	\$45,788,000			\$77,638,000
TBD Funding - Other Capital Projects						

Additional Airport Debt for Project Funding	
\$ 27,000,000.00	Additional Borrowing
5% Interest Rate	
20 Year Term	
240 Month Term	
\$ (178,188.05)	Monthly Payment
\$ (15,765,132.00)	Interest Payments
\$ (42,765,132.00)	Total Payments



TERMINAL – FUNDING SUMMARY



Highlighted grants totaling \$20.77K are Competitive/ Discretionary and are NOT Guaranteed

\$45M received from State was part of a generational project request along w/ Dickinson and Grand Forks.

**This was \$15M less than the \$60M we requested

Actively seeking additional federal funds for the passenger terminal.

Estimating \$50M-\$55M needed of airport cash to complete Terminal Projects



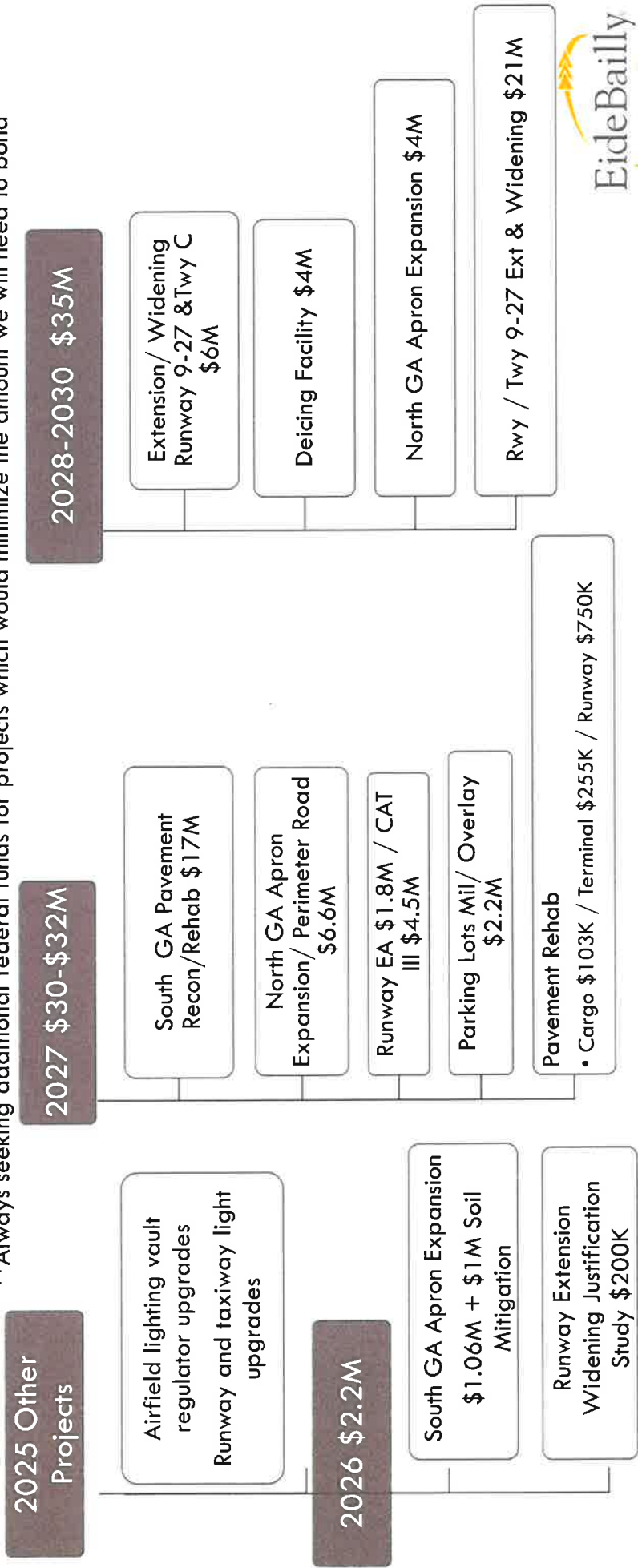
TERMINAL – PROJECTS (3)– AS OF JUNE 2025

- 3 Terminal Projects
 - Overall Costs: \$161,494,978
 - Estimating \$50M-\$55M needed of airport cash for Terminal Projects (after grant funding)
 - This will deplete our cash reserves and require bonding for future projects
- Terminal Expansion
 - Completion Date: Fall 2026
 - Existing Terminal Modifications completed by Q1 2027
 - Total Costs: \$126,300,110
 - Current Costs: \$38,490,464
- Apron Reconstruction: Glycol Forcemain
 - Completion Date: Fall 2026
 - Total Costs: \$20,295,959
 - Current Costs: \$3,901,178
- Apron Expansion /Rehabilitation
 - Completion Date- Phase 1: Fall 2027
 - Total Costs: \$14,898,909
 - Current Costs: \$790,639



OTHER MAJOR PROJECTS IN PIPELINE \$67M-\$70M 2026-2030

Subject to funding and continued evaluation on projects/ timelines
**Cost noted is subject to change- estimates only **
**Always seeking additional federal funds for projects which would minimize the amount we will need to bond



RECAP- WHY DO WE NEED TO CONTINUE MILL LEVY



Proven Need based on upcoming projects



Leverage- to ensure we have local share of funding for State/
Federal grant matches



Continue to expand and improve
Fargo Hector Airport



(51)

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY MAHONEY

DATE: JULY 7, 2025

SUBJECT: RENAISSANCE ZONE AUTHORITY REAPPOINTMENT

Cass County Commissioner Tony Grindberg's term on the Renaissance Zone Authority as the Cass County representative expired on June 30, 2025.

Cass County is recommending that Mr. Grindberg be reappointed as the County's representative on that Board and I am, therefore, recommending his reappointment.

Your favorable consideration of this recommendation is greatly appreciated.

RECOMMENDED MOTION: Approve the reappointment of Cass County Commissioner Tony Grindberg to the Renaissance Zone Authority as the Cass County Commission Representative for a three-year term ending June 30, 2028.

mmapt25rzagrindberg



52a

June 26, 2025

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements submitted by Matthew and Courtney Sizer. A description of the types of improvements to be made are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$2,737 with the City of Fargo's share being \$1,560.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

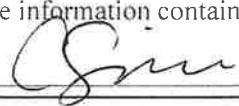
1. Legal description of the property for which exemption is claimed Two story single family home
2. Address of Property _____ 03 _____
3. Parcel Number _____
4. Name of Property Owner Matthew and Courtney Sizer Phone No. _____
5. Mailing Address of Property Owner _____

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Remodeling of kitchen
7. Building permit No. #2504-0499-SEL
#2504-0178-MEC
8. Year built (residential property) 1993
9. Date of commencement of making the improvements 04/19/2025
10. Estimated market value of property before the improvements \$ 594,200.00
11. Cost of making the improvement (all labor, material and overhead) \$ 204,000.00
12. Estimated market value of property after the improvements \$ 745,000.00

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant 

Date 6/13/25

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☐ do not ☐ meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization _____

Date _____

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson _____

Date _____



526

June 13, 2025

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements submitted by Clyde Jr. and Katherine McArthur. A description of the types of improvements to be made are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$208 with the City of Fargo's share being \$35.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed _____
2. Address of Property _____
3. Parcel Number _____
4. Name of Property Owner Clyde Robert Jr. & Katherine McArthur Phone No. _____
5. Mailing Address of Property Owner Same as above

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). convert family room + 1/2 bath in Master Bdrm + 3/4 Master bath
7. Building permit No. 2412-0029
8. Year built (residential property) 1945
9. Date of commencement of making the improvements 12/9/24
10. Estimated market value of property before the improvements \$ 250,300
11. Cost of making the improvement (all labor, material and overhead) \$ 40,000
12. Estimated market value of property after the improvements \$ 265,800

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.
☒ Applicant Clyde Robert Jr. Date 6/5/2025

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application
☒ do ☐ do not ☐ meet the qualifications for exemption for the following reason(s): _____
 Assessor/Director of Tax Equalization Mike J. [Signature] Date 6-18-2025

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
 Approval is subject to the following conditions: _____
 Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.
 Chairperson _____ Date _____