

FARGO CITY COMMISSION AGENDA  
Monday, January 13, 2020 - 5:00 p.m.

Executive Session at 4:00 p.m.

Roll call.

**PLEASE NOTE:** The City Commission will consider a motion to retire into Executive Session to discuss negotiating strategy and/or to provide negotiating instructions to its negotiator, the Mayor, and also to consult with its attorneys regarding the terms of an existing agreement with, and the negotiation of a revised agreement with, the Fargo Municipal Airport Authority, which matters are reasonably anticipated to result in civil litigation, said matters being authorized by North Dakota Century Code 44-04-19.1 subsections 2 and 9 as it would create an adverse fiscal effect on the bargaining and/or litigation position of the City if discussions regarding offers to be made or accepted, negotiating strategy to be taken or legal consultation about negotiations or litigation were to occur in an open meeting AND the City of Fargo Board of City Commissioners will also move into Executive Session for the purpose of attorney consultation in the following pending matter: Kelsh v. City of Fargo, Case No. 3:18-cv-269 to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding the pending litigation. To discuss this matter in open meeting will have a negative fiscal effect on the bargaining and/or litigation position of the City. Thus, an Executive Session for said matters is authorized pursuant to North Dakota Century Code 44-04-19.1 subsections 2 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](http://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](http://www.FargoND.gov/citycommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, December 30, 2019).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Amendment to the Right of Entry to Construct and Lease Agreement and Lease Agreement with Northland Hospitality, LLC.
- 2. Amended Site Authorizations for the Boys & Girls Club of the Red River Valley at Red River Lanes and Fargo Billiards and Gastropub.
- 3. Applications for Games of Chance:
  - a. Lake Agassiz Girls Choir for a raffle on 5/17/20; Public Spirited Resolution.
  - b. Muskies Inc. FM Chapter for a raffle on 2/13/20.
  - c. Nativity Elementary School for a raffle board on 1/31/20.

4. Purchase Agreement with Kelmar Property 6, LLC for land located at 1805 Sheyenne Loop North.
5. Amendment of Right of Way Contract (North Dakota) with NuStar Pipeline Operating Partnership L.P.
6. Agreement (Regulator Bollard Protection in the Public Right of Way) with Xcel Energy, Inc.
7. Joint Powers Agreement - Urban Legal Assessment Drains with Southeast Cass Water Resource District.
8. Negative Final Balancing Change Order No. 2 in the amount of -\$68,584.14 for Project No. HD-18-A1.
9. Contract Amendment No. 4 with HDR Engineering in the amount of \$76,606.25 for Project No. FM-15-J0.
10. Notice of Grant Award – Amendment with the ND Department of Health for increasing immunization rates for local public health units.
11. Resolution Approving Plat of Timber Parkway Fourth Addition.
12. Request for Proposals for redevelopment of 1015, 1019, 1023 and 1027 13th Avenue South.
13. Bills.
14. Joint Powers Agreement – Drain 53 Improvement Project No. 2019-01 with Southeast Cass Water Resource District (Improvement District Nos. FM-20-C1 and BN-20-C1).
15. Incentive/Disincentive option for a portion of 7th Avenue North from 2nd Street to Broadway (Improvement District No. BR-20-B).
16. Negative Final Balancing Change Order No. 1 in the amount of -\$11,921.60 for Improvement District No. SL-19-E1.
17. Negative Final Balancing Change Order No. 2 in the amount of -\$15,383.58 for Improvement District No. PR-19-G1.
18. Negative Final Balancing Change Order No. 2 in the amount of -\$16,807.21 for Improvement District No. UN-18-C1.
19. Change Order No. 13 for an increase of \$23,994.92 and time extension for Improvement District No. BR-18-B1.
20. Addition of Improvement District No. FM-20-C1 to the 2020 Capital Improvement Plan.
21. Create Improvement District Nos. BR-20-C and BR-20-E.

## REGULAR AGENDA:

22. Memorandum of Understanding with the Fargo Municipal Airport Authority.
23. Public Hearings - 5:15 pm:
  - a. WITHDRAWN - Hearing on a dangerous building located at 18 8th Avenue North; continued from the 12/30/19 Regular Meeting.
  - b. Zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on a portion of Lots 7 and 8 and a portion of the adjacent vacated alley of Lane's Subdivision of Block 69 of Ohmer's Subdivision; approval recommended by the Planning Commission on 12/3/19:
    1. 1st reading of rezoning Ordinance.
24. Resolution Authorizing the Issuance of Taxable Annual Appropriation Bonds, Series 2020A (Mercantile Parking Garage), Approving Certain Actions, Awarding the Sale Thereof and Approving Forms of Documents Required in Connection Therewith.
25. State Water Commission request for Cost Reimbursement for FM Diversion Flood Project Costs in the amount of \$1,954,126.65.
26. Applications for property tax exemptions for improvements made to buildings:
  - a. Francis E. and Barbara M. Leier, 3217 35 1/2 Court Avenue South (3 year).
  - b. Mary A. McManus, 3668 15th Street South (3 year).
  - c. Greg and Nancy Bjerke T/O/D, 2973 Peterson Parkway South (3 year).
  - d. Dustin T. and Amber I. Ertelt, 3901 17th Street South (3 year).
  - e. Nicholson Oil Inc., 1902 7th Avenue North (3 year).
  - f. Joseph T. Day and Lisa H. Horn, 2917 36th Avenue South (3 year).
  - g. Rhett and Maha Fiskness, 77 Prairiewood Drive South (5 year).
  - h. Bob Michels, 3719 Burritt Street South (5 year).
  - i. Julie A. Volk, 2918 Edgewood Drive North (5 year).
  - j. Brock A. Ackerman, 1433 6th Avenue South (5 year).
27. Application for Abatement or Refund of Taxes #4486 for the 2017 tax year submitted by Christopher Stafford of Fredrickson & Byron, PA representing the Fargo Doublewood Inn LP for a reduction in value of property from \$7,990,000.00 to \$5,000,000.00 at 3333 13th Avenue South; denial is being recommended by the Assessment Department.
28. Recommendations for appointments and reappointments to the following Boards and Commissions:
  - a. Renaissance Zone Authority.
  - b. Native American Commission.
  - c. Metro Flood Diversion Board of Authority and Committees.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310. Please contact us 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](http://www.FargoND.gov/citycommission).