

## FARGO CITY COMMISSION AGENDA

Monday, May 23, 2016 – 4:15 p.m.

Executive Session at 4:15 p.m.

Roll Call.

**PLEASE NOTE:** The City Commission will convene on Monday, May 23, 2016 at 4:15 p.m. and retire into Executive Session in the River Room with respect to ongoing negotiations the City of Fargo is undertaking on two matters: Mid-America Steel property and the residential property of Don and Mary Kinzler, the City Commission will meet in Executive Session to discuss negotiating strategy and/or to provide negotiating instructions to its negotiator and also to consult with its attorneys regarding both matters—both of which being reasonably anticipated to result in civil litigation--said matters being authorized by North Dakota Century Code 44-04-19.1 subsections 2 and 9. Both matters will have an adverse fiscal effect on the bargaining and/or litigation position of the city if discussions regarding offers to be made or accepted, and negotiating strategy taken, would occur in an open meeting.

5:00 p.m. Regular Meeting

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at [www.cityoffargo.com/streaming](http://www.cityoffargo.com/streaming). They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m.; and are also included in our video archive at [www.cityoffargo.com/commission](http://www.cityoffargo.com/commission)

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, May 9, 2016).
- E. CONSENT AGENDA – APPROVE THE FOLLOWING:**
  - 1. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of the following Ordinances:
    - (a) Relating to Soft Serve Freezing and Vending Machines.
    - (b) Relating to Alcoholic Beverages (Class “ABH-Limited” License).
    - (c) Relating to Issuance and Transfer of Licenses (Class “C” Licenses).
  - 2. Amended Well Easement with the City of West Fargo.
  - 3. Receive and file Year to Date – Budget to Actual Report for April 2016.
  - 4. Site Authorizations for Games of Chance:
    - (1) Boys and Girls Club of the Red River Valley (dba Youth Commission) at Red River Lanes and Fargo Country Club.
    - (2) Prairie Public Broadcasting, Inc. at Tailgators and Dempsey’s.
    - (3) Special Olympics North Dakota at Rooters.
    - (4) VFW Club of Fargo at VFW Club of Fargo.

- (5) The Arc Upper Valley Inc. at Bismarck Tavern.
5. Applications for Games of Chance:
  - (1) Benefit for Ken Simon for a raffle on 6/3/16; Public Spirited Resolution.
  - (2) Family of Gavin Trupka Fundraising Benefit; Public Spirited Resolution.
6. Settlement in the amount of \$1,927.37 for tree damage on the SE corner of I29/I94.
7. Change Order No. G-3 for an increase of \$20,579.36 for the Fire Headquarters Remodel Project.
8. Application filed by Matthew Gadbury for a five-year tax exemption for improvements made to building at 1410 8th Street South.
9. Agreement for Services with the Moorhead Police Department for server training classes.
10. Agreement for Services, in the amount of \$2,500.00, with Joleen Baker for the Cass Clay Food Systems Initiative to address chronic disease.
11. Health Department budget adjustment in the amount of \$7,700.00 and contract amendment with the North Dakota Department of Health for the WIC Program (CFDA No. 10.557).
12. Receive and file information on pending award applications submitted by the Planning and Development Department.
13. Letter of Agreement for research services with the Department of Animal Sciences – NDSU for the Fargo Project.
14. License Agreement for Emergency Siren on NDSU property.
15. Memorandum of Understanding - Access for Water Sampling with NDSU.
16. 10-day contract extension with remaining liquated damages of \$69,000.00 for Project No. FM-14-21.
17. Change Order No. 3 for an increase of \$162,934.00 for Project No. WW1403.
18. Purchase Agreement with Fred Schlanser, Jr. and Stacey M. Schlanser for property at 4117 15th Street South and 4123 15th Street South (Project No. MS-15-K0).
19. Magellan Pipeline Encroachment Agreement for the 13th Avenue Reconstruction.
20. Bills.
21. Bid Awards for Improvement District Nos. TN-16-B1 and UR-16-A1.
22. Utility Relocation Agreement with Cass County Electric Cooperative for Improvement District No. PN-15-A1.
23. Create Improvement District Nos. BN-16-E and BR-16-E.
24. Contract and Bond for Improvement District Nos. PN-16-A1 and PR-16-C1.

**F. REGULAR AGENDA:**

25. State Water Commission request for cost reimbursement for FM Diversion flood project costs totaling \$4,940,909.00.
26. Fargo Youth Initiative (FYI) 2016 report.
27. Public Hearings - 5:15 p.m.:
  - a. Application filed by Dakota Specialty Milling, Inc. for a 10-year PILOT for expansion of their operation at 1425 43rd Street North where the applicant will operate assembly of a new ag processing line to make gluten free raw materials for the food industry.
  - b. Transfer of a Class "A" Alcoholic Beverage License from Firebox LLC, Inc. d/b/a Firebox to DEI Holdings, Inc. d/b/a Firebox at 503 7th Street North, #3.
  - c. Application filed by Spicy Pie SF, LLC d/b/a Spicy Pie for a Class "H" Alcoholic Beverage License at 2640 52 Avenue South.
  - d. Application filed by Men's Hair World LLC d/b/a Hair Salon for a Class "H" Alcoholic Beverage License at 1801 45th Street South, Suite L.
  - e. Application filed by 670 Events LLC d/b/a Sanctuary Events Center for a Class "RZ-V" Alcoholic Beverage license at 218 Broadway.
  - f. Special Assessment list for the following Improvement Districts, all having been approved by the Special Assessment Commission on 4/22/16; set the interest rate at 1% per annum over the net rate on bonds financing said projects:
    - (1) P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205.
    - (2) Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. 6249.
    - (3) P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-01.
    - (4) P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-A.
    - (5) P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-B.
    - (6) P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-C.
    - (7) Sanitary Sewer, Water Main, Storm Sewer, Grading, Street Lights and Incidentals Improvement District No. BN-14-0.
    - (8) Sanitary Sewer, Water Main, Storm Sewer, Grading, Street Lights and Incidentals Improvement District No. BN-14-1.
    - (9) Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalks and Incidentals Improvement District No. BN-14-2.
    - (10) Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-14-4.
    - (11) Storm Sewer, Paving and Incidentals Improvement District No. BN-14-6.
    - (12) Sanitary Sewer, Water Main, Storm Sewer, Grading, Street Lights and Incidentals Improvement District No. BN-15-F.
    - (13) Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-1.
    - (14) Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-2.

- (15) Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-3.
- (16) Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C.
- (17) Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. PN-14-0.
- (18) Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. PN-14-3.
- (19) Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. PN-14-6.
- (20) Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. PN-14-8.
- (21) Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. PN-14-9.
- (22) Asphalt Wearing Course and Incidentals Improvement District No. PN-14-B.
- (23) Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. PN-14-E.
- (24) Asphalt Wearing Course and Incidentals Improvement District No. PN-15-C.
- (25) Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A.
- (26) Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B.
- (27) Seal Coat and Incidentals Improvement District No. PR-15-E.
- (28) Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-K.
- (29) Skyway Reconstruction and Incidentals Improvement District No. 5910.
- (30) New Construction City Ordered Sidewalks and Incidentals Improvement District No. SN-15-B.

g. Block 9 Project:

- (1) Renewal Plan for Tax Increment Financing District No. 2016-01 for redevelopment of a block between Broadway and 5th Street and between 2nd Avenue and 3rd Avenue North.
  - (2) Renaissance Zone Project for Block 9 LLC, 224 5th Street North and 226 5th Street North.
  - (3) Application filed by Block 9, LLC for tax exemption for a project the applicant will use in the operation of office, hotel and retail property located at 215 Broadway.
  - (4) Development Agreement with Block 9 Partners, LLC.
28. Application for abatement of taxes made by Tax Recourse, LLC, Shannon Baraza, Agent for Kelmar Properties, LLC at 4119 14th Avenue North requesting a value reduction of \$1,040,756.00 to \$1,105,000.00.
    - a. Denial recommended by the Assessment Department.
  29. Request from GLS Properties, LLC for early expiration of their PILOT agreement granted on January 5, 2004; Referred back to the Tax Exempt Review Committee on 3/28/16.
    - b. Denial recommended by the Tax Exempt Review Committee on 5/16/16.
  30. Request for Recycling Agreement with Minnkota Recycling for the Processing and Marketing Services for Recyclable Materials Delivered by the City of Fargo.
  31. Resolution pertaining to the addition of a Cass County Commissioner appointee to the Renaissance Zone Authority.

32. Recommendation to receive and file the Metro Flood Diversion Project Joint Powers Agreement and the Project Partnership Agreement with the United States Army Corps of Engineers.
33. Recommendation to implement a 5-year prioritized comprehensive flood control plan.
34. Update on construction Projects.

**REMINDER:** The Board meets as a Board of Equalization on Tuesday, May 24, 2016 at 4:00 pm in the City Commission Room.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 241-1310 or TDD at 241-8258. 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 web site at [www.cityoffargo.com/commission](http://www.cityoffargo.com/commission)