

FARGO CITY COMMISSION AGENDA
Monday, October 7, 2019 - 5:00 p.m.

Executive Session at 4:00 p.m.

Roll call.

PLEASE NOTE: The City Commission will meet in Executive Session to discuss ongoing negotiations with the Fargo Municipal Airport Authority. The Executive Session will allow discussion of negotiating strategy and to provide negotiating instructions to the City's negotiator or attorneys with respect to said negotiations and the potential agreement between the City and the Fargo Municipal Airport Authority has financial implications and an open meeting discussion of the negotiations, strategy and direction to the City's negotiator would create an adverse fiscal effect on the bargaining position of the City. This executive session is authorized pursuant to ND Century Code § 44-04-19.1(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, September 23, 2019).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 1st reading of the following Ordinances:
 - a. Relating to the Sale of Tobacco, Sale of Tobacco to Minors and Use and Possession by Minors Prohibited, and Sale of Flavored E-Liquid to Minors Prohibited.
 - b. Relating to Classification of Ordinance Violations.
 - c. Relating to the Sale of Flavored E-Liquid to Minors Prohibited.
 - d. Relating to the Authority for the Sale of Tobacco Products.
- 2. 2nd reading and final adoption of the following Ordinances, 1st reading, 9/23/19:
 - a. Relating to Waterworks System.
 - b. Relating to Lodging Tax.
- 3. Purchase Agreement with Minda, LLC.
- 4. Applications for Games of Chance:
 - a. Kick it with Kate Cancer Benefit for a raffle on 11/21/19; Public Spirited Resolution.
 - b. Dakota Medical Foundation for a raffle on 10/18/19.
 - c. El Zagal Shrine Arab Patrol for a raffle on 3/13/20.
 - d. Bennett Elementary PTA for bingo from 11/1/19 to 5/29/20.

- e. River Keepers for a raffle on 10/13/19.
 - f. FM Raise Your Spirits, Inc. for a raffle and raffle board on 10/25/19.
5. Site authorization for Fargo Metro Baseball Association at Specks Bar.
 6. Change Order No. 3 for an increase of \$73,800.13 for Project No. UR-19-A1.
 7. Change Order No. 11 for an increase of \$13,690.00 for Project No. FM-15-K1.
 8. Final Balancing Change Order No. 3 for an increase of \$27,975.30 for Project No. SR-19-A1.
 9. Final Balancing Change Order No. 3 for an increase of \$10,694.65 for Project No. TR-17-A1.
 10. Amendment No. 1 with Houston Engineering in the amount of \$24,000.00 for Project No. FM-19-F0.
 11. Amendment No. 4 with KLJ in the amount of \$1,730.00 for Project No. FM-15-K0.
 12. Access Agreement with David J. Clardy for property located at 1349 Elm Circle North (Project No. FM-19-E).
 13. Encroachment Agreement with 701 Brew, LLC.
 14. Encroachment Agreement (Canopy and Parking) with Farmers Union Oil Company of Moorhead, Minnesota.
 15. Sole Source Procurement with ICS General Contractor to service and repair the Magic Carpet II football turf mechanical system.
 16. Rejection of bids for the Newman Outdoor Field-Stadium Reroof Project and rebid in the first quarter of 2020.
 17. Memorandum of Understanding with the Fargo Park District for processing FEMA reimbursements for the spring 2019 flood event.
 18. Notice of Grant Award with the ND Department of Emergency Services – Division of Homeland Security for the FY 2019 State Homeland Security Grant Program.
 19. Notice of Grant Award – Restricted Funding from the ND Department of Health and Human Services for regional public health network opioid implementation (CFDA #93.354).
 20. Contract Agreement for Services (Amendment) with Erica Frank.
 21. Missiontracker Service Agreement with MissionTracker, LLC.
 22. Service Agreement with Fargo Public Schools Department of Support Services.
 23. Agreement for Services with Nate Hendrickson.
 24. Contract Agreement for Services with American Lung Association.
 25. Agreement for Services with Megan Nies.

26. Grant award with the US Food and Drug Administration for food code training for FCPH Environmental Practitioners.
27. Notice of Grant Award from the ND Department of Health for regional public health network implementation (CFDA #93.758).
28. Direct the City Attorney's Office to revise existing and draft new Ordinances pertaining to Pet Shops, pet licensing and licensing and boarding.
29. Agreement for Physician Services with Heidi Lako-Adamson, M.D.
30. Grant from Lutheran Social Services of ND to provide TB Nurse Case Management and interpretation for new refugees for FY 2020.
31. Purchase of the remaining replacement Panasonic mobile data computers for Police vehicles (PBC17065).
32. Resolution Approving Amendments to the Community Development Block Grant (CDBG)/HOME 2019 Action Plan.
33. Traffic Safety Contract with the ND Department of Transportation (CFDA #s 20.616 and 20.600).
34. NDDDES grant funds for the purchase of a ROOK Tactical Vehicle, attachments and trailer.
35. Notice of Grant Award from the NDDDES for the FY 2019 State Homeland Security Grant Program (CFDA #97.067).
36. Firehouse Subs Public Safety Foundation grant funds for the purchase of a 2019 Kubota RTV UTV.
37. Bid award for partial roof replacement at Public Works (RFP19153).
38. Bid award for lease contract for one crawler dozer (RFP19016).
39. Bid award for snow hauling services (RFP19140).
40. Bid award for sidewalk snow and ice removal services (RFP19142).
41. Bills.
42. Change Order No. 2 for an increase of \$59,772.50 and time extension to 6/1/20 for Improvement District No. AN-19-G1.
43. Change Order No. 3 for an increase of \$6,492.05 and a 1-day time extension for Improvement District No. BN-19-J1.
44. Change Order No. 3 for an increase of \$11,416.02 for Improvement District No. BR-18-F1.
45. Change Orders Nos. 8 – 19 in the total amount of \$131,227.50 for Improvement District No. BN-19-A2.
46. Change Order No. 2 for a time extension to 6/1/20 for Improvement District No. TN-19-A1.

47. Final estimate and Amendment No. 1 for an increase of \$42,980.22 for Improvement District No. SN-16-B1.
48. Create Improvement District No. BR-19-A.

REGULAR AGENDA:

49. Flag Ceremony and Indigenous Peoples Day Recognition.
50. State Water Commission requests for Cost Reimbursement for FM Diversion Flood Project Costs:
 - a. Costs totaling \$6,250.00.
 - b. Costs totaling \$750,500.56.
51. Public Hearings - 5:15 pm:
 - a. Renaissance Zone Project for Great Plains Mercantile Holdings, LLC for a new construction project located at 401 Broadway Avenue; 410 and 412 5th Street North; continued from the 9/23/19 Regular Meeting.
 - b. Renaissance Zone Project for 201 Hospitality, LLC for a rehab project located at 201 5th Street North; continued from the 9/23/19 Regular Meeting.
 - c. CONTINUE to 11/18/19 - Zoning Change from DMU, Downtown Mixed Use with a C-O, Conditional Overlay to DMU, Downtown Mixed Use and a request to repeal the C-O, Conditional Overlay on Lot 1, Block 7, Harwoods First Addition (701 University Drive North and 702 12th Street North); approval recommended by the Planning Commission on 10/1/19:
 1. 1st reading of rezoning Ordinance.
 - d. Zoning Change from LC, Limited Commercial to LI, Limited Industrial on a portion of Lot 2, Block 1, Agassiz Nursery Addition (PKG Contracting) (4203 University Drive South); approval recommended by the Planning Commission on 9/3/19:
 1. 1st reading of rezoning Ordinance.
 - e. Zoning Change from SR-3, Single-Dwelling Residential to P/I, Public and Institutional on Lot 1, Block 1, Agassiz Nursery Addition (City of Fargo) (1421 42nd Avenue South); approval recommended by the Planning Commission on 9/3/19:
 1. 1st reading of rezoning Ordinance.
 - f. Resolution regarding proposed corrected Plat of The Edge Addition to the City of Fargo.
52. Recommendation from the Forestry Department to preserve two elm trees on 11th Street North.
53. Applications for property tax exemptions for improvements made to buildings:
 - a. Norman D. and Jodi J. Robinson, 907 35th Avenue South (3 year).
 - b. Chad A. Mertz T/O/D, 1014 20th Street South (5 year).
 - c. Lesley P. and Marsha L. Wilke, 1353 3rd Street North (5 year).
 - d. Todd J. and Kimberly J. Kramer, 2951 Southgate Drive South (5 year).
 - e. Derald C. and Pamala R. Brunette, 1601 5th Street South (5 year).

54. Recommendation for an incentive option for the Main Avenue Reconstruction Project (Improvement District No. BR-19-A1).
55. Recommendation for appointments to the Parking Commission.
56. Mercantile Project:
 - a. Agreement with Walker Consultants for Parking Consulting Services.
 - b. Development Agreement with Great Plains Mercantile Holdings, LLC.
 - c. Direct Staff to prepare a Development Agreement with Tom Smith for the owner-occupied housing units.
 - d. Preliminary Resolution Approving the Financing of the Mercantile Project, the Issuance of Bonds and the Mercantile Development Agreement.

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.