

FARGO CITY COMMISSION AGENDA
Monday, December 13, 2021 - 5:00 p.m.

Executive Session at 4:45 p.m.

Roll Call.

PLEASE NOTE: The City Commission will convene at 4:45 p.m. and retire into Executive Session in the Red River Room to discuss negotiating strategy and/or to provide negotiating instructions to the City's attorneys or other negotiator and to consult with the City's attorneys regarding existing civil litigation between the City and Purdue Pharma. L.P. et al; said matter being authorized by North Dakota Century Code 44-04-19.1 subsections 2 and 9 as public discussion will 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.

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, November 29, 2021).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading and final adoption of the following Ordinances; 1st reading, 11/29/21:
 - a. Rezoning Certain Parcels of Land Lying in Maple Valley Fifth Addition.
 - b. Rezoning Certain Parcels of Land Lying in Fayland Industrial First Addition.
- 2. Gaming Site Authorizations:
 - a. Team Makers Club, Inc. at King Pinz.
 - b. Team Makers Club, Inc. at Lucky's 13 Pub (ownership change only).
- 3. Applications for Games of Chance:
 - a. Outdoor Adventure Foundation for a raffle and raffle board on 3/19/22.
 - b. Red River Valley Fraternal Order of Police for a raffle on 1/22/22.
- 4. Attorney Services Agreement with Serkland Law Firm, Ltd., Agreement for Legal Services with Erik R. Johnson & Associates, Ltd. and appoint City Attorney and Assistant City Attorneys.
- 5. Second Amendment to Lease Agreement with Downtown Community Partnership.
- 6. Agreement – Engineering Technician I with Anthony Arnold.

7. Contract Amendment No. 1 with Houston Engineering in the amount of \$10,000.00 for Project No. MS-21-F0.
8. Contract Amendment No. 3 with Houston Engineering in the amount of \$81,046.00 for Project No. FM-19-A0.
9. Contract Amendment No. 4 with Houston Engineering in the amount of \$62,642.00 for Project No. FM-19-B0.
10. Contract Amendment No. 2 with Houston Engineering in the amount of \$100,000.00 for Project No. FM-19-C0.
11. Contract Amendment No. 4 with Houston Engineering in the amount of \$141,014.50 for Project No. FM-19-F0.
12. Final Balancing Change Order No. 3 in the amount of \$9,465.50 for Project No. SR-21-A1.
13. Negative Final Balancing Change Order No. 3 in the amount of -\$4,139.50 for Project No. SL-21-A1.
14. Negative Final Balancing Change Order No. 3 in the amount of -\$25,220.00 for Project No. TR-21-A1.
15. Agreement for Future Right of Way Use with Beyond Shelter, Inc.
16. Amendment (First) to Master Services Agreement and Amendment (Second) to MS-19-A0 Construction Materials Testing Service Master Professional Services Agreement (Project No. MS-19-A0).
17. Stockpile Access and Removal Agreement and Release, Hold Harmless and Indemnification Agreement.
18. Memorandum of Agreement with the North Dakota Air National Guard.
19. Amendment to Agreement for Services with Amanda Booher.
20. Agreement for Services with the following:
 - a. Crystal Amundson.
 - b. Andrew Luistro.
 - c. Center Point Tactical LLC.
21. Agreement with Richland County Health Department.
22. Out of Grade pay for Troy Hannig effective 11/22/21.
23. Resolution Approving Plat of Interstate Park Second Addition.
24. Sole Source Procurement and Master Services Agreement Renewal with Reach Partners, Inc.
25. Agreement with Fargo-Moorhead Metropolitan Council of Governments (MetroCOG) for Project Administration for the Housing Needs and Market Analysis for the Cass and Clay Counties.

26. Agreement and Contract Renewal with Azteca Systems, LLC – Cityworks.
27. Purchase Agreement with James P. Sabo for property located at 2414 7th Avenue North.
28. Bid award for winter pruning operations (RFP21181).
29. Bid awards for repair of body damage to City of Fargo vehicles (RFP21170).
30. Bid award for 1, two-ton chipper truck (RFP21198).
31. Amendment to the Joint Powers Agreement for Transit Support and Agreement for Transit Services with NDSU for the school year 2021-2022.
32. Change Order No. 1 in the amount of -\$50,014.39 for the GTC Exterior Renovations (AFB21101).
33. Bills.
34. Memorandum of Offer to Landowner for Permanent Easement (Street and Utility) and Easement (Temporary Construction Easement) with Oak Grove Lutheran School (Improvement District No. BR-22-A0).
35. Change Order No. 5 for an increase of \$5,043.98 for Improvement District No. BN-20-L1.
36. Change Order No. 2 for reallocation of funds from Phase 3 to Phase 2 of the project (Improvement District No. BR-22-A0).
37. Final Balancing Change Order No. 2 for an increase of \$23,031.31 for Improvement District No. BN-21-G1.
38. Final Balancing Change Order No. 1 for an increase of \$13,950.82 for Improvement District No. BN-21-J1.
39. Final Balancing Change Order No. 2 for an increase of \$32,313.43 for Improvement District No. BR-21-A1.
40. Final Balancing Change Order No. 1 for an increase of \$57,532.68 for Improvement District No. PN-21-A1.
41. Negative Final Balancing Change Order No. 3 in the amount of -\$40,875.16 for Improvement District No. AN-20-E1.
42. Negative Final Balancing Change Order No. 3 in the amount of -\$96,528.33 for Improvement District No. BN-20-M1.
43. Negative Final Balancing Change Order No. 1 in the amount of -\$37,284.04 for Improvement District No. BN-21-C1.
44. Negative Final Balancing Change Order No. 2 in the amount of -\$70,463.43 for Improvement District No. BN-21-K1.
45. Negative Final Balancing Change Order No. 2 in the amount of -\$147,061.66 for Improvement District No. PR-21-C1.

46. Negative Final Balancing Change Order No. 5 in the amount of -\$28,150.38 for Improvement District No. PR-21-G1.
47. Negative Final Balancing Change Order No. 4 in the amount of -\$33,053.46 for Improvement District No. UN-21-A1.
48. Bid awards for the following Improvement Districts:
 - a. No. BN-21-L1.
 - b. No. BN-22-A1.
 - c. No. BR-22-B1.
49. Create Improvement District No. BN-22-B.
50. Contract and bond for Improvement District No. BN-21-L1.

REGULAR AGENDA:

51. Presentation of a check from the Fargo Lions Club.
52. **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).**
53. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
 - a. Transfer of Payment in Lieu of Tax Exemption (PILOT) from DFI Woodrow Wilson LLC to Graystoke Capital Woodrow LLC for 1222 4th Avenue North and 315 University Drive North.
 - b. Transfer of a Class "A" Alcoholic Beverage License from 518 Properties LLC d/b/a 518 Properties to 518 Properties LLC d/b/a Summit Restaurant and Night Club to be located at 4554 7th Avenue South.
 - c. Plat of Radio Addition a plat of part of the Northeast Quarter of Section 5, Township 138 North, Range 49 West of the Fifth Principal Meridian (5702 52nd Avenue South); approval recommended by the Planning Commission on 6/3/21.
54. COVID-19 Update.
55. Recommendation to approve the 2022 Capital Improvement Plan and the 2023 Utility Replacement and Street Reconstruction projects, as presented.
56. 2nd reading and final adoption of an Ordinance Relating to Massage Therapy Establishments.
57. Application for Abatement or Refund of Taxes #4509 for the Travelodge Hotel at 1407 35th Street South requesting a reduction in value for 2021 from \$1,507,100.00 to \$690,000.00.
58. Application for Abatement or Refund of Taxes #4511 for the Delta Hotel at 1635 42nd Street South requesting a reduction in value for 2019 from \$16,408,000.00 to \$10,738,765.00; 2020 from \$16,408,000.00 to \$10,141,323.00; and 2021 from \$13,946,800.00 to \$7,357,388.00.

59. Application for Abatement or Refund of Taxes #4513 for the Candlewood Suites Hotel at 4017 17th Avenue South requesting a reduction in value for 2019 from \$5,837,000.00 to \$3,610,000.00; 2020 from \$5,837,000.00 to \$3,426,215.00; and 2021 from \$4,961,500.00 to \$2,757,217.00.
60. Application for Abatement or Refund of Taxes #4516 for the Quality Inn and Suites at 1415 35th Street South requesting a reduction in value for 2021 from \$1,866,600.00 to \$640,000.00.
61. Recommendation to adopt the Economic Development Incentives Policy and Guidelines.
62. Update on the Election and City Governance Task Force.
63. Applications for Property Tax Exemptions for Improvements Made to Buildings:
 - a. Darlene Burkhardtsmeier, 5010 Meadow Creek Drive South (3 year).
 - b. Kent and Amy Moser, 1932 Rose Creek Drive South (3 year).
 - c. Doug and Carma Holmstrom, 2707 30th Avenue South (3 year).
 - d. Steven and Dena Larson, 4621 Rose Creek Parkway South (3 year).
 - e. Michael and Ashley Campion, 3019 Peterson Parkway North (3 year).
 - f. Gregory and Sara Wald, 3019 Hickory Street North (3 year).
 - g. Mary Peyerl Revocable Trust, 2202 25 1/2 Avenue South (3 year).
 - h. James and Pat Lancaster, 1506 10th Street South (5 year).
 - i. Lisa and Kyle Ouradnik, 3512 Evergreen Road North (5 year).
 - j. Dustin and Jackie Patterson, 2807 Southgate Drive South (5 year).
 - k. Ryan and Jennifer Johnston, 3407 Par Street North (5 year).
 - l. Kenneth and Kimberly Anderson, 714 19th Avenue South (5 year).
 - m. Benjamin Geiger and Karissa Olstad, 1315 5th Street South (5 year).
 - n. Ted Rud, 1220 11th Avenue North (5 year).
 - o. Michelle Foss, 821 14th Street South (5 year).
 - p. Derek Harnish and Brenda Weiler, 1118 7th Street South (5 year).
 - q. Patrick and Katherine McIntyre, 3225 Longfellow Road North (5 year).
 - r. Gary and Diane Roeder, 410 22nd Avenue North (5 year).
 - s. Scott and Lisa Gail, 2617 38th Avenue South (5 year).
 - t. Christopher and Ashley Nilson, 4488 Oakcreek Drive South (5 year).
 - u. Mary Schimke, 2402 25 1/2 Avenue South (5 year).
 - v. Christopher and Doris Skrove, 2914 12th Street South (5 year).
 - w. Sigurd and Anita Folden, 1518 3rd Street North (5 year).
 - x. Thomas and Mary Klubberud, 2613 Eastgate Drive South (5 year).
 - y. Thomas Pence, 201 20th Avenue North (5 year).
 - z. Marcel and Yvonne Lepage, 2856 Hickory Street North (5 year).
64. Recommendation for appointments to the Board of Health.

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.