

FARGO CITY COMMISSION AGENDA
Monday, November 29, 2021 - 5:00 p.m.

Executive Session at 4:00 p.m.

Roll Call.

PLEASE NOTE: The City Commission will convene at 4:00 p.m. and retire into Executive Session in the Red River Room 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 amendment to the Memorandum of Agreement between the Fargo Municipal Airport Authority and the City; and to consult with the City's attorneys regarding existing civil litigation between the City and Purdue Pharma, LP et al; both of said matters being authorized by North Dakota Century Code 44-04-19.1 subsections 2 and 9 as public discussion of both 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 15, 2021).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading and final adoption of an Ordinance Rezoning a Certain Parcel of Land Lying in Meadow View Addition; 1st reading, 11/15/21.
- 2. Zero Electric Motorcycle Agreement with the Park District of the City of Fargo.
- 3. Resolution Establishing Northern States Power Franchise Fee.
- 4. Agreement for Downtown Business Improvement District Services and Materials with the Downtown Community Partnership beginning 1/1/22 through 12/31/22 (SSP21189).
- 5. Contract and bond for Project No. MP-20-A2.
- 6. Applications for Games of Chance:
 - a. Jeremiah Program Fargo-Moorhead for a raffle on 4/8/22 (amended).
 - b. Nativity School Elementary PTO for a raffle on 2/4/22.
 - c. NDSU Men's Lacrosse Club for a raffle on 4/1/22.

- d. MHA Nation West Segment Fargo Outreach for a raffle on 12/15/21; Public Spirited Resolution.
 - e. Benefit for Kerri Gortmaker for a raffle board on 12/10/21; Public Spirited Resolution.
7. Milestone No. 6 (Change Order No. 9) for a time extension to 12/15/21 for Project No. FM-16-A1.
 8. Change Order No. 2 for an increase of \$25,022.00 and time extension to 12/5/21 for Project No. SL-21-A1.
 9. Final Balancing Change Order No. 3 for an increase of \$1,443.30 for Project No. TM-21-A1.
 10. Agreement for Professional Services with Houston Engineering, Inc. for Project No. NR-23-A0.
 11. Reimbursement request to Designer Homes in the amount of \$37,756.44 for repair and backfill of the old borrow pit site located at 6158 31st Street South.
 12. Permanent Easement (Levee and Retaining Wall for Flood Control) with the Park District of the City of Fargo at 194 North Woodcrest Drive North (Project No. FM-19-C).
 13. State Water Commission request for cost reimbursement for the FM Metropolitan Area Flood Risk Management Project costs totaling \$5,734,800.64.
 14. Receive and file General Fund-Budget to Actual through October 2021 (unaudited).
 15. Bid award for the purchase of one hazardous materials monitor with a Raman spectroscopy and accessories (RFP21194).
 16. Sole Source Procurement with M & T Fire and Safety for the purchase of Fire Service Plus, FireAde AR-AFFF 3% \times 3%, 660 gallon tote (SSP21199).
 17. Sole Source Procurement with Tyler Technologies, Inc. for the purchase of MobileEyes fire inspection software and Amendment to the License Agreement with Tyler Technologies, Inc. (SSP21200).
 18. Agreement for Services with the following:
 - a. Sue Black.
 - b. Jamie Bunnis.
 - c. Bernadetta Chinema.
 19. Sole Source Procurement with Custer Health-Mandan, ND for statewide education and awareness of the Women's Way Program.
 20. Grant Agreement with the ND Department of Health Services, Office of Refugee Support Services for care coordination.
 21. Amendment to the Notice of Grant Award from the ND Department of Health for the Title X Family Planning Program (CFDA #93.217).
 22. Sponsorship package with the FM RedHawks to provide advertisement for the immunization program during the 2022 season.

23. Agreement for School Faculty Tobacco Prevention Coordinator with West Fargo Public Schools District.
24. Amendment to the Notice of Grant Award with the ND Department of Health for Ryan White Part B Program (CFDA #93.917).
25. Resolution Approving Plat of Timber Parkway Seventh Addition.
26. Purchase of one vactor combination sewer cleaner truck through Sourcewell in the amount of \$574,467.00 (PBC122017-FSC-2).
27. Piggyback Contract with Christianson's Business Furniture for the Public Works West Administration Office furniture fit-up (PBC21082).
28. Amendment No. 1 with KLJ Engineering, LLC in the amount of -\$7,895.53 for MTG Pit repairs and in-ground hoist replacement (RFQ21072).
29. Request for Proposals for contract electrician services in the Water Utility.
30. Bills.
31. Memorandum of Offer to Landowner for a Permanent Easement (Street and Utility) with Bison Investments, LLC in association with Improvement District No. BR-22-A0.
32. Memorandum of Offer to Landowner for a Permanent Easement (Street and Utility) and Easement (Temporary Construction Easement) with Innovis Health, LLC in association with Improvement District No. BR-22-A0.
33. Permanent Easement (Storm Sewer) with Stanley L. and Patricia J. Ryland in association with Improvement District No. BN-21-G1.
34. Bid awards for the following Improvement Districts:
 - a. No. BN-21-L1.
 - b. No. BR-22-C1.
 - c. No. BR-22-F1.
35. Contracts and bonds for the following Improvement Districts:
 - a. No. BN-21-L1.
 - b. No. BR-22-F1.

REGULAR AGENDA:

36. **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).**
37. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
 - a. Maple Valley Fifth Addition (6050 36th Street South); approval recommended by the Planning Commission on 9/9/21:
 1. Zoning Change from LC, Limited Commercial to LC, Limited Commercial with a C-O, Conditional Overlay.
 2. 1st reading of rezoning Ordinance.

3. Plat of Maple Valley Fifth Addition.
 - b. Fayland Industrial First Addition (1217 46th Street North); approval recommended by the Planning Commission on 11/2/21:
 1. Zoning Change from GI, General Industrial to LI, Limited Industrial.
 2. 1st reading of rezoning Ordinance.
 - c. Application for a Class "VWB" Alcoholic Beverage License for Cellar 624 LLC d/b/a Cellar 624, The Venue on Main to be located at 624 Main Avenue, Suite 1.
 - d. Proposed changes in Passenger Fare Structure for MATBUS Fixed Routes and MAT Paratransit Service.
38. Discussion regarding the City of Fargo Temporary COVID-19 Mask Policy for employees.
39. Receive and file the 2022 Capital Improvement Plan and the 2023 Federal Aid and 2023 Utility Replacement and Street Reconstruction Projects.
40. Recommendation for award of the Civil Legal Services and Prosecutorial Legal Services.
41. Recommendation to approve the Massage Therapy Establishment requirements, as presented and 1st reading of an Ordinance Relating to Massage Therapy Establishments.
42. 1st reading of an Ordinance Relating to Wildlife Management Program-Regulations.
43. 2nd reading and final adoption of an Ordinance Relating to the City of Fargo Police Advisory and Oversight Board; 1st reading on 11/15/21.
44. Applications for Property Tax Exemptions for Improvements Made to Buildings:
 - a. Gary and Margaret Stende, 1338 3rd Street North (5 year).
 - b. Derek and Kellie Hanson, 2311 Lilac Lane North (5 year).
 - c. James and Patricia Deutsch, 3105 9th Street North (5 year).
 - d. Michael and Lesa Lemoine, 2124 10th Street South (5 year).
 - e. Stephen Illing, 2850 Hickory Street North (5 year).
 - f. Troy and Sydney Knutson, 230 Prairiewood Drive South (5 year).
 - g. Gregory and Gretchen Byer, 1720 Whitestone Circle South (5 year).
 - h. Melissa Bossman and Steven Tedford, 2541 Par Street North (5 year).
 - i. Karl and Carol Berg, 2509 10th Street North (5 year).
 - j. Angela Rockwell, 1929 17th Street South (5 year).

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.