

FARGO CITY COMMISSION AGENDA
Monday, August 8, 2022 - 5:00 p.m.

Executive Session at 4:15 p.m.

Roll Call.

PLEASE NOTE: The City Commission will convene at 4:15 p.m. and retire into Executive Session in the Red River Room to discuss ongoing negotiations regarding the Roers-Newman Block Property - Tax Increment Financing District No. 2019-02; and to receive attorney advice regarding and in anticipation of reasonably predictable civil litigation with McKenzie & Company regarding opioids; the matters being authorized by North Dakota Century Code § 44-04-19.1 subsections 2 and 9 as public discussion of 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, 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, July 25, 2022).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Bid award for multimedia studio space (PBC22-PS20135).
- 2. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Urban Plains by Brandt Fifth Addition; 1st reading, 7/25/22.
- 3. Gaming Site Authorization for Aggie Foundation at O’Clevy’s.
- 4. Applications for Games of Chance:
 - a. United Way of Cass Clay for a raffle on 8/18/22.
 - b. Nativity Church of Fargo for bingo and a raffle on 11/6/22.
 - c. Fargo Moorhead Derby Girls for a raffle on 9/10/22.
 - d. Scottish Rite Holding Company for a raffle on 8/10/22.
 - e. Veteran’s Honor Flight of ND/MN for a raffle on 8/28/22.
 - f. North Dakota Chapter of Backcountry Hunters and Anglers for a raffle on 8/26/22; Public Spirited Resolution.
 - g. Sts. Anne and Joachim Catholic Church for a raffle on 11/13/22.
 - h. YWCA of Cass Clay for a raffle on 9/8/22.

5. Extension of the Class "A" Alcoholic Beverage License for Irish Hospitality d/b/a Hennessey's Irish Pub until 2/27/23.
6. Change Order No. 2 in the amount of \$59,104.74 and a 7-day time extension to the substantial completion date for Project No. FM-19-B1.
7. Release of Permanent Easement (Street and Utilities Right-of-Way) and Permanent Easement (Sidewalk and Utilities Easement) with A Storage Place, LLC.
8. Payment to Lumen in the amount of \$21,255.04 for relocation of existing underground infrastructure for Project No. FM-19-C1.
9. Bid award for Project No. HD-22-A1.
10. Memorandum of Offer to Landowner for Permanent Easement (Levee and Retaining Wall for Flood Control), Permanent Easement (Storm Sewer) and Easement (Temporary Construction Easement) with Chad Peterson (Project No. FM-19-C).
11. Reject the bids for PD HQ Media Room remodel project and rebid the project (RFP22106).
12. Independent Auditor's Report and the City's Annual Comprehensive Financial Report for the year ending 12/31/21.
13. Sole Source Procurement and Piggyback Contract with AVI Systems, Inc. for electronics upgrades to the classroom at the Public Safety Building (PBC17110).
14. Notice of Grant Award with the ND Department of Health for the City readiness Initiative (CFDA #93.089).
15. Notice of Grant Award with the ND Department of Health for Women, Infant and Children (WIC) (CFDA #10.557).
16. Direct the City Attorney to research and present for consideration appropriate amendments to Fargo Municipal Code Article 10-11 – Smoking in Public Indoor Workplaces Prohibited.
17. Set August 22, 2022 at 5:15 p.m. as the date and time for a hearing on a dangerous building at 437 23rd Street South.
18. Receive and file Public Comments received to date regarding the ongoing activity in the downtown area relating to sidewalk performers and pushcart vendors.
19. Direct the City Attorney to prepare amendments to Fargo Municipal Code Section 12-0106 Impounded Animals-Procedure for Impounding.
20. Receive and file the Traffic Enforcement efforts for June 2022.
21. Operation Underground Railroad (O.U.R.) Domestic Law Enforcement Support Mutual Agreement for the receipt of contributions.
22. Memorandum of Understanding with the Fargo Police Department and the FARGODOME.
23. Reject the bids for the Street Snow Plowing Assistance and rebid with alternative terms (RFP22118).

24. Sole Source Procurement with EnviroTech Services for IceSlicer at \$189.00/ton for the 2022/2023 winter (SSP22123).
25. Dissolve the 2022 contract with Ferguson Waterworks for water main repair materials, miscellaneous water distribution materials, fire hydrants/parts and miscellaneous street materials (RFP22021).
26. Agreement for Transit Services and Amendment to the Joint Powers Agreement for Transit Support with North Dakota State University for the 2022-2023 academic year.
27. Final Balancing Change Order No. 1 in the amount of -\$7,305.68 for Project No. SW 21-02.
28. Change Orders for Project No. SW 22-01:
 - a. No. 1 in the amount of \$9,900.00.
 - b. No. 2 in the amount of \$3,509.00.
29. Hazard Mitigation Grant Program Subgrant Agreement for PDM 2018 with the ND Department of Emergency Services for Project No. WW1707 (CFDA #97.0470).
30. Change Order No. 1 in the amount of \$25,000.00 for Project No. WA2012.
31. Change Order No. 2 in the amount of \$3,041.96 for Project No. WA2005.
32. Proposal from Vessco, Inc. to procure granular activated carbon and filter sand for Project No. WA2255.
33. Bills.
34. Change Order Nos. 1-3 in the amount of \$36,486.00 and time extension to the substantial and final completion dates to 7/8/22 and 8/7/22 for Improvement District No. BN-21-E1.
35. Change Order No. 5 in the amount of \$4,198.20 for Improvement District No. BN-21-H1.
36. Change Order No. 1 to Phase 1 and 2 for a time extension to the substantial and final completion dates to 9/23/22 and 10/23/22 for Improvement District No. BR-22-B1.
37. Change Order No. 3 in the amount of \$44,402.02 for Improvement District No. FP-19-A2.
38. Change Order No. 1 in the amount of \$22,500.00 and time extension to substantial and final completion dates to 8/15/22 and 9/2/22 for Improvement District No. NR-20-A2.
39. Bid award for Improvement District No. BN-22-G1.
40. Contract and bond for Improvement District No. BR-22-A2.

REGULAR AGENDA:

41. **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).**

42. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
- a. Valley View Addition (3900 54th Street South); approval recommended by the Planning Commission on 7/5/22:
 - 1. Growth Plan Amendment on Lot 1, Block 7, Valley View Addition from low/medium or medium/high density residential land use to commercial or medium/high density residential land use.
 - 2. Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay.
 - 3. 1st reading of rezoning Ordinance.
 - b. Urban Plains by Brandt Sixth Addition (5100 28th Avenue South); approval recommended by the Planning Commission on 6/7/22:
 - 1. Zoning Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay.
 - 2. 1st reading of rezoning Ordinance.
 - 3. Plat of Urban Plains by Brandt Sixth Addition.
 - c. Special Assessments for maintenance of skyway system.
 - d. Special Assessment of nuisance abatement fees.
43. Fargo-Moorhead Area Flood Diversion Project Update.
44. COVID-19 Update.
45. Recommendation to approve the Mayor's 2023 Preliminary Budget and set the Public Hearing date for Tuesday, September 6, 2022 at 5:15 p.m.

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.