

FARGO CITY COMMISSION AGENDA

Tuesday, May 31, 2022 - 5:00 p.m.

Executive Session at 4:00 p.m.

Roll Call.

PLEASE NOTE: The City of Fargo Board of City Commissioners will convene at 4:00 p.m. and retire into Executive Session for the purpose of attorney consultation to discuss ongoing negotiations regarding the Roers-Newman Block Property - Tax Increment Financing District No. 2019-02. The Executive Session will allow discussion of negotiating strategy and to provide negotiating instructions to the City Attorney or other negotiator with respect to the Developer Agreement at issue. Any negotiation between the City and the Developer has financial implications and to discuss this matter in an open meeting will have a negative fiscal effect on the bargaining and/or potential litigation position of the city. Thus, an Executive Session for this matter is authorized pursuant to North Dakota Century Code § 44-04-19.1 subsections 2 and 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, May 16, 2022).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading and final adoption of the following Ordinances; 1st reading, 5/16/22:
 - a. Relating to Classification of Ordinance Violations.
 - b. Relating to the International Building Code.
 - c. Relating to the International Residential Code.
 - d. Relating to the International Existing Building Code.
 - e. Relating to the International Mechanical Code.
 - f. Relating to the International Fuel Gas Code.
 - g. Relating to the International Property Maintenance Code.
 - h. Relating to the International Energy Conservation Code.
 - i. Relating to Fire Protection and Prevention.
 - j. Relating to Civil Service-Rules and Regulations.
 - k. Rezoning Certain Parcels of Land Lying in Maplewood Estates Second Addition.
- 2. Site Authorizations for Games of Chance:
 - a. Sharehouse, Inc. at Woody's.
 - b. Sharehouse, Inc. at RoundUp Saloon.
 - c. Sharehouse, Inc. at Rick's Bar.
 - d. Sharehouse, Inc. at Bismarck Tavern.

- e. Sharehouse, Inc. at Baymont Inn/Alibi Lounge.
 - f. North Dakota Association for the Disabled, Inc. at Cowboy Jack's.
 - g. North Dakota Association for the Disabled, Inc. at O'Kelly's.
 - h. North Dakota Association for the Disabled, Inc. at Bulldog Tap.
 - i. Fraser, Ltd. at Space Aliens.
 - j. Fraser, Ltd. at Golf Addiction.
 - k. VFW Post 762 at VFW Club.
 - l. Metro Sports Foundation at Country Inn and Suites.
 - m. Metro Sports Foundation at Brewtus Clubhouse.
 - n. Metro Sports Foundation at Mexican Village.
 - o. Metro Sports Foundation at Scheels Arena.
 - p. Metro Sports Foundation at Radisson Blu.
 - q. Metro Sports Foundation at Twin Peaks.
3. Applications for Games of Chance:
- a. UND Alumni Association and Foundation for a raffle on 6/22/22.
 - b. River Keepers for a raffle on 6/13/22.
4. Amendment No. 3 with Houston Engineering in the amount of \$20,000.00 for Project No. FM-22-C1.
5. Amendment No. 2 with SRF Consulting Group in the amount of \$36,284.00 for Project No. MS-16-J0.
6. Bid award for Project No. FM-19-C1.
7. Right of Way Use Agreement with J-Street Properties, LLC.
8. Concur with the recommendations from PWPEC and approve the project applications, as listed, as the City's priorities to apply for Federal Highway Administration funds through Metro COG.
9. Scope of Services with Houston Engineering for the environmental review phase of the pedestrian bridge over the Red River at 40th Avenue South.
10. Encroachment Agreement (Sidewalk Dining) with Block 9 Hotel, LLC and Aparium Hotel Group, LLC d/b/a Jasper Hotel at 215 Broadway.
11. Variance Acknowledgement and Liability Waiver with Austin J. and Laura Morris for construction at 3717 Grandwood Drive North.
12. Bid award for the Municipal Court Reroof Project (AFB22088).
13. Purchase of Service Agreement with Central Cass Public School District.
14. Purchase of Service Agreement with Kindred Public School District.
15. Grant from the Bob Woodruff Foundation for the ND Cares Veteran Program.
16. Funding for the Public Art projects, as presented.
17. Extension of unpaid leave for Tracy Zabloutney through 9/23/22.
18. 2022 Mosquito Control Agreement with Cass County Government.

19. Bid award for Project No. SW 22-01.
20. Solid Waste Management Agreement for Private Haulers in the City of Fargo with Northland Roll-off, LLC.
21. Bid advertisement for the following Projects:
 - a. No. WA2152.
 - b. No. WA2255-LSWTP Filter Rehabilitation.
22. Contract and bond for Project No. FM-22-C3.
23. Bills.
24. Bid award for Improvement District No. BN-22-F1.
25. Contract and bond for Improvement District No. PN-22-A1.

REGULAR AGENDA:

26. **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).**
27. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
 - a. Application for the transfer of a Class "AB" Alcoholic Beverage License from License Holdings, LLC d/b/a Pickled Parrot to BBDT LLC Investments d/b/a Bottle Barn Off Broadway to be located at 618 2nd Avenue North.
 - b. Magnum North Addition (4903 19th Avenue North); approval recommended by the Planning Commission on 4/5/22:
 1. Zoning Change from AG, Agricultural to GI, General Industrial.
 2. 1st reading of rezoning Ordinance.
 3. Plat of Magnum North Addition.
 - c. Laverne's Second Addition (4200 32nd Avenue North and 2867 45th Street North); approval recommended by the Planning Commission on 3/1/22:
 1. Zoning Change from AG, Agricultural to LI, Limited Industrial and P/I, Public and Institutional.
 2. 1st reading of rezoning Ordinance.
 3. Plat of Laverne's Second Addition.
 - d. Christianson 32nd Avenue South Second Addition (3102 36th Street South and 3401 32nd Avenue South); approval recommended by the Planning Commission on 4/5/22:
 1. Zoning Change from GC, General Commercial and LI, Limited Industrial with a C-O, Conditional overlay to GC, General Commercial with a C-O, Conditional Overlay.
 2. 1st reading of rezoning Ordinance.
 3. Plat of Christianson 32nd Avenue South Second Addition.

- e. Annexation of property located at 6688 45th Street South in the Northwest Quarter of Section 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota.
 - 1. 1st reading of annexation Ordinance.
 - f. Covey Ranch Second Addition (6688 45th Street South); approval recommended by the Planning Commission on 4/5/22:
 - 1. Growth Plan Amendment on a portion of the proposed Covey Ranch Second Addition from Medium Density Residential and High Density Residential to Proposed School.
 - 2. Zoning Change from AG, Agricultural to P/I, Public and Institutional with a C-O, Conditional Overlay.
 - 3. 1st reading of rezoning Ordinance.
 - 4. Plat of Covey Ranch Second Addition.
 - g. Westrac Third Addition (3315 and 3361 Westrac Drive); approval recommended by the Planning Commission on 2/1/22:
 - 1. Zoning Change from GC, General Commercial with a PUD, Planned Unit Development and AG, Agricultural to GC, General Commercial with a PUD, Planned Unit Development and LI, Limited Industrial with a C-O, Conditional Overlay.
 - 2. 1st reading of rezoning Ordinance.
 - 3. Plat of Westrac Third Addition.
 - h. Renaissance Zone Project for Great Plains Block 3 Venture, LLC for a new construction project at 225 4th Avenue North and 419 3rd Street North.
 - i. Development Agreement for Tax Increment Financing District No. 2021-01 (419 3rd Street North and 225 4th Avenue North).
 - j. Application filed by Amity Technology, LLC for a property tax exemption for a project located at 401 27th Street North which the applicant will use in the operation of manufacturing and storage of a new product called Crop Chaser for dairy farmers.
 - k. Application filed by Weather Modification, LLC for a property tax exemption for a project to be located at 3802 20th Street North which the applicant will use in the operation of providing aircraft modification services.
- 28. Presentation of the Landfill Gas Purchase and Sale Agreement with Cargill, Inc.
 - a. Recommendation to approve the 10-year Landfill Gas Purchase and Sale Agreement with Cargill, Inc.
 - 29. Wildlife Management Program Update.
 - 30. Proposal from The Chamber of Fargo Moorhead West Fargo to lease land from the City at 2001 44th Street South.
 - 31. Update on Police patrols.
 - 32. 1st reading of an Ordinance Relating to Designated Passenger Loading Areas and Relating to Classification of Ordinance Violations.

33. Discussion regarding the June 14, 2022 Election ballot wording errors.
34. Application for a property tax exemptions for Improvements Made to Buildings for David Huebner, 1005 4th Street North (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.