

## FARGO CITY COMMISSION AGENDA

Monday, April 17, 2023 - 5:00 p.m.

Executive Session at 4:30 p.m.

Roll Call.

**PLEASE NOTE:** The City Commission will convene at 4:30 p.m. and retire into Executive Session for the purpose of attorney consultation regarding litigation in Citizens for a Clean Environment, LLC v. City of Fargo to receive its attorneys' advice and guidance on the legal risks, strengths and weaknesses of an action of a public entity, which, to discuss these matters in open meeting will have a negative fiscal effect on the bargaining and/or litigation position of the City and to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding pending litigation which are currently being negotiated or for which negotiation is reasonably likely to occur in the immediate future. Thus, an Executive Session for these matters is authorized pursuant to North Dakota Century Code 44-04-19.1 subsections 2, 5 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](http://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](http://www.FargoND.gov/CityCommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, April 3, 2023; Special Meeting, April 11, 2023).

### **CONSENT AGENDA – APPROVE THE FOLLOWING:**

1. Submittal of a Pre-Award Information Sheet and Grant Application for funding under the Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) Program.
2. Receive and file an Ordinance Amending Section 25-1509.2 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Restrictions on Sale to Obviously Intoxicated Person and an Ordinance Amending Section 25-1512 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Licenses – Termination, Suspension, Revocation and Sanctions.
3. Receive and file an Ordinance Amending Section 25-1501 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Definitions and an Ordinance Amending Section 25-1506 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Licenses – Classifications and an Ordinance Amending Section 25-1507 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to License – Fees – Seasonal Licenses.
4. 1st reading of an Ordinance Repealing Section 25-1504.3 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Mandatory Meeting and an Ordinance Amending

Section 25-1504.4 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Additional Requirements for Class FA-Entertainment Licenses.

5. 2nd reading and final adoption of an Ordinance Amending and Repealing and Replacing Article 18-09 of Chapter 18 of the Fargo Municipal Code Relating Excavation Code; 1st reading, 4/3/23.
6. 2nd reading and final adoption of an Ordinance Rezoning a Certain Parcel of Land Lying in Amended Plat of Oak Grove Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 4/3/23.
7. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Adams Seventh Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 4/3/23.
8. Applications for Games of Chance:
  - a. Brady Prochnow Benefit for a raffle on 4/26/23; Public Spirited Resolution.
  - b. Eventide for a raffle on 6/14/23.
  - c. St. John Paull II Catholic Schools for a raffle on 4/29/23.
  - d. Homeward Animal Shelter for a raffle on 4/27/23.
9. Excavation Fees and Guidelines, as presented.
10. Addition of Project No. SL-23-B1 to the 2023 Capital Improvement Plan.
11. No bids received for Project No. UN-23-B1; project to be rebid at a future date.
12. Bid award to Master Construction Company, Inc. in the amount of \$831,015.00 for Project No. SR-23-B1.
13. Bid award to Border States Paving Inc. in the amount of \$464,518.05 for Project No. PR-23-F1.
14. Bid advertisement for Project No. TM-23-A.
15. Create Improvement District No. BR-23-J.
16. Create Improvement District No. UN-23-A.
17. Contract and bond for Project No. NR-23-B1.
18. Contract and bond for Project No. PR-22-B1.
19. Contract and bond for Improvement District No. PR-23-C1.
20. Contract and bond for Improvement District No. PR-23-E1.
21. Direct the City Attorney to prepare the necessary amendments to Fargo Municipal Code Section 3-0102 of Article 3-01 of Chapter 3 Relating to Purchasing Procedure.
22. Notice of Grant Award from the ND Department of Health and Human Services for the Ryan White Part B Program (CFDA #93.917).
23. Agreement for Services with Creating Community Consulting.

24. Notice of Grant Award from the ND Department of Health and Human Services with the Centers for Disease Control and Prevention for Increasing TB Infection Identification and Treatment (CFDA #93.116).
25. Agreement for Services with Megan Nies.
26. Acceptance of grant funds from the FY 2022 Homeland Security Grant Program.
27. Amendment to the 2022 HUD Action Plan.
28. Resolution Approving Plat of Global Development Addition.
29. Receive and file Hate Crimes Investigative Report for first quarter of 2023.
30. Purchase of one high compaction front load refuse truck from Sanitation Products in the amount of \$336,185.00 (RFP23064).
31. Task Order with Stantec in the amount of \$333,534.70 for Professional Engineering Services for Project No. SW23-01.
32. Amendment No. 1 to AE2S Task Order No. 12 in the amount of \$36,000.00 for Project No. WA2158.
33. Task Order No. 25 with AE2S in the amount of \$642,200.00 for Project No. WA2158.
34. Change Order No. 1 in the amount of -\$30,812.88 for Project No. WA2005.
35. Change Order No. 3 in the amount of \$109,660.00 for Project No. WA1863.
36. Bills.

#### **REGULAR AGENDA:**

37. **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](https://FargoND.gov/VirtualCommission)).**
38. Presentation of the 2022 Annual Fire Department Report.
39. Update from the Police Department on Legislative Initiatives concerning street drag racing.
40. Recommendations for Federal Highway Bill Carbon Reduction Project Applications for the Years 2024 and 2025.
41. Recommendation for appointments to the Fargo Dome Authority.
42. Recommendation for appointments to the Sustainability and Resiliency Committee.
43. Recommendation for appointment to the Municipal Airport Authority.
44. Applications for Property Tax Exemptions for Improvements Made to Buildings:
  - a. Nicholas Gubbels and Nichole Wilson, 5305 17th Street South (5 years).
  - b. Guy Thomas Jr., 421 23rd Street South (5 years).

- c. Paul and Ann Jarvis, 172 North Woodcrest Drive North (5 years).
- d. Stan and Pamela Johnson, 1609 13 1/2 Street South (5 years).
- e. Peine Properties LLC, 1105 10th Street North (5 years).
- f. Fargo Moorhead Association of Realtors, 1535 42nd Street South (5 years).

45. Spring Flood Update.

46. Legislative Update.

47. Liaison Commissioner Assignment Updates.

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](http://www.FargoND.gov/CityCommission).