

FARGO CITY COMMISSION AGENDA

Monday, April 3, 2023 - 5:00 p.m.

Executive Session at 4:30 p.m.

Roll Call.

PLEASE NOTE: The Board of City Commissioners will convene at 4:30 p.m. and retire into Executive Session for the purpose of attorney consultation regarding the pending litigation Northstar Hospitality, LLC, d/b/a SouthTown PourHouse v. City of Fargo, Case No. 09-2020-CV-02871 to discuss negotiating strategy or provide negotiating instructions to its attorney. To discuss these matters in an open meeting will have a negative fiscal effect on the bargaining and/or litigation position of the City of Fargo. An Executive Session for said matters 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, March 20, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. Grant Agreement with ND Department of Corrections and Rehabilitation and its Division of Juvenile Services, the ND Association of Counties, Cass County, City of West Fargo and Youthworks.
2. Receive and file 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 25-1504.1 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Additional Requirements for Class FA-Entertainment Licenses.
3. 1st reading of an Ordinance Amending and Repealing and Replacing Article 18-09 of Chapter 18 of the Fargo Municipal Code Relating Excavation Code.
4. Amended Site Authorization for Metro Sports Foundation at Mexican Village.
5. Applications for Games of Chance:
 - a. Anne Carlsen Foundation for a raffle on 4/15/23.
 - b. Fargo North High School for a raffle on 4/15/23.
 - c. Hope Blooms for bingo on 4/15/23.
 - d. St. Joseph's School for a raffle on 4/22/23.
 - e. YWCA Cass Clay for a raffle on 4/24/23.

6. Amendment to Permanent Easement with North Dakota State University.
7. Access Easement (Water Main) with Southeast Cass Water Resource District (Project No. UN-23-A1).
8. Contract Amendment No. 2 with MetroCOG in the amount of \$50,000.00 for Project No. MS-21-H0.
9. 2023 Policy on Stormwater Discharge and Treatment Requirements.
10. Agreement Regarding Special Assessments (Samuel Property) with Clarence W. Samuel, as Trustee of the Clarence W. Samuel Revocable Living Trust #2.
11. Permanent Easements (Street and Utility) and Easements (Temporary Construction Easement) with Robert L. Nelson Revocable Trust and County 20 Storage & Transfer, Inc., and Agreement Regarding Deferral of Special Assessments with County 20 Storage & Transfer, Inc.
12. Memorandum of Offer to Landowner for purchase of a fee acquisition, permanent easement, temporary easement and permanent access easement from 3739I29 Partners, LLP (Project No. NR-23-A1).
13. Bid award to Sun Electric, Inc. in the amount of \$142,000.00 for Project No. NR-23-B1.
14. Amendment No. 1 in the amount of \$99,930.00 with Bolton & Menk, Inc. for Improvement District No. BN-25-A0.
15. Change Order No. 1 in the amount of \$52,250.00 for Improvement District No. BR-23-B1.
16. Easement (Temporary Construction Easement) with the Park District to the City of Fargo (Improvement District No. BR-23-J1).
17. Easement (Temporary Construction Easement) with the YMCA of Cass and Clay Counties (Improvement District No. BR-23-J1).
18. Bid award to Dirt Dynamics in the amount of \$181,034.00 for Improvement District No. AN-22-B1.
19. Bid award to Border States Paving, Inc. in the amount of \$3,773,510.60 for Improvement District No. PR-23-E1.
20. Create Improvement District No. BR-23-H.
21. Create Improvement District No. TN-23-A.
22. Create Improvement District No. PN-23-A.
23. Create Improvement District No. PN-23-C.
24. Bid award and Contract with JLG Architects in the amount of \$17,168.00 for the Fargo Public Libraries Sunshades Replacement Project (RFQ23059).

25. Bid award for Residential Curbside Brush Operations – 2023 to Carr’s Tree Service, Inc. (RFP23047).
26. Services Agreement - Lawn Maintenance Services with JT Lawn Services (RFP23056).
27. Bid award for the 2023-2025 Aerial Mosquito Control Services with Airborne Vector Control, LLC and Mosquito Spraying Agreement (RFP23049).
28. Authorization Application for Airborne Vector Control.
29. Bob Woodruff Foundation Grant for the ND Cares Veterans Program.
30. Amendment to the Notice of Grant Award from the ND Department of Health and Human Services for PHEP-EPR All Hazards Allocation (CFDA #93.069).
31. Notice of Grant Award from the ND Department of Health and Human Services for Title X Family Planning Program (CFDA #93.217).
32. Amendment to the Notice of Grant Award from the ND Department of Health and Human Services for the PHEP-EPR Statewide Response Team (CFDA #93.069).
33. Direct the City Attorney’s Office to prepare the necessary changes to the International Residential Code to include a passive radon mitigation system requirement.
34. Multi-Agency Law Enforcement Agreement with the ND Bureau of Criminal Investigation for the Internet Crimes Against Children Task Force Program.
35. Sole Source Procurement with Reile’s Transfer and Delivery Inc. for Project No. WA2255 (SSP23068).
36. Contract and bond for Project No. PR-23-A1.
37. Bills.

REGULAR AGENDA:

38. **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/GettingInvolved).

***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**

39. **PUBLIC HEARING** – Erskines Addition (1117 and 1155 13th Avenue South); denial was recommended by the Planning Commission on 3/7/23:
 - a. Zoning Change to repeal and re-establish a Conditional Overlay.
40. **PUBLIC HEARING** – Adams Seventh Addition (2865, 2955, 2959, 2963, 2967, 2971, 2975, 2979, 2983, 2987, 2991, 3825, 3829, 3833, 3837, 3841, 3845, 3849, 3853, 3857 and 3861 Thunder Road South); approval was recommended by the Planning Commission on 3/7/23:
 - a. Zoning Change from GC, General Commercial with a CUP, Conditional Use Permit to LI, Limited Industrial with a C-O, Conditional Overlay.
 - b. 1st reading of rezoning Ordinance.

41. **PUBLIC HEARING** – Valley View Estates Fourth Addition (3606-4890 Decorah Way South); approval recommended by the Planning Commission on 2/7/23:
 - a. Zoning Change from SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of Valley View Estates Fourth Addition.

42. **PUBLIC HEARING** – Amended Plat of Oak Grove Addition (18, 24, 26, 40, 42, 44, 46, 60, 62, 64, 66, 68, 70, 92, 94, 96, 98, 100, 110, 118, and 124 North Terrace North; 723 and 724 North River Road North; 9 Lower Terrace North; 17, 23, 27, 31, 33, 37, 41, 45, 49, 53, 63, 65, 75, 79, 83, 87, 88, 93, 95, 99, 125, 129, 135, 136, 139, 140, 144 and 145 South Terrace North; 101, 150 and 170 Maple Street North; and 1 River Road North); approval recommended by the Planning Commission on 3/7/23:
 - a. Zoning Change from SR-2, Single-Dwelling Residential, SR-3, Single Dwelling Residential, MR-2, Multi-Dwelling Residential and AG, Agricultural to P/I, Public and Institutional.
 - b. 1st reading of rezoning Ordinance.

43. **PUBLIC HEARING** – Application for transfer of a Class “FA-Golf” Alcoholic Beverage License from Living the Dream, LLC d/b/a Legends to Kjerbeersten, LLC d/b/a 19th Hole at Rose Creek to be located at 1500 East Rose Creek Parkway.

44. **PUBLIC HEARING** – Application for a Class “GH” Alcoholic Beverage License for Spaghetti Western, LLC d/b/a Spaghetti Western to be located at 524 Broadway North.

45. Presentation on the proposed Excavation Fees and Guidelines.

46. Spring Flood Outlook.
 - a. Recommendation to approve the Emergency Declaration.

47. Legislative Update.

48. Set 7:30 a.m., Tuesday, April 11, 2023, as the date for the Board of Equalization to meet.

49. 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.