

FARGO CITY COMMISSION AGENDA
Monday, December 11, 2023 – 4:00 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 for the purpose of attorney consultation regarding pending opioid litigation with McKinsey and Company, and to discuss Fargo Municipal Code Sections 10-0307- Persons Using Streets not to be Molested and 10-0311- Panhandling; 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 public in an open meeting would have an adverse fiscal effect on the City. 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. 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 27, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. Letter of Support for J & S Holdings, LLC project to the ND Opportunity Fund.
2. Amendment to Developer Agreement, Tax Increment Note, Certificate of Completion and Private Placement Memorandum with Wild Oak Group, LLC (Tax Increment Financing District 2020-01).
3. Application for Abatement or Refund of Taxes #4549 for property located at 2609 11th Street South requesting a reduction in value from \$319,900.00 to \$270,400.00; staff is recommending a reduction in value to \$289,800.00 for 2023.
4. Findings, Conclusions and Order of the Board of City Commissioners of the City of Fargo regarding the License Violation of District 64.
5. Extension to Lease Agreement with Red River Properties, LLP for the Police Department Building.
6. 1st reading of an Ordinance Enacting Section 8-0610 of Article 8-06 of Chapter 8 of the Fargo Municipal Code Relating to Rotary Traffic Islands.

7. 1st reading of an Ordinance Amending Section 25-1508 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.
8. 2nd reading and final adoption of an Ordinance Rezoning a Certain Parcel of Land Lying in Ekman Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 11/27/23.
9. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Urban Plains by Brandt Seventh Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 11/27/23.
10. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Timber Parkway Eighth Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 11/27/23.
11. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Timber Parkway Tenth Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 11/27/23.
12. Applications for Games of Chance:
 - a. NDSU Saddle and Sirloin for a raffle on 2/10/24.
 - b. NDSU Men's Lacrosse Club for a raffle on 3/15/24.
 - c. The Outdoor Adventure Foundation, Inc. for a raffle and raffle board on 3/23/24.
13. Consent to Construct Agreement with 221 Main, LLC for property located at 221 Main Avenue.
14. Developer Agreement with Urban Plains Land Company, LLC for Urban Plains by Brandt Seventh Addition.
15. Negative Final Balancing Change Order No. 2 in the amount of -\$135,314.00 and 31-day time extension to substantial and final completion dates for Project No. SR-23-A1.
16. Negative Final Balancing Change Order No. 1 in the amount of -\$163,765.00 for Project No. SR-23-B1.
17. Negative Final Balancing Change Order No. 2 in the amount of -\$71,174.60 for Project No. TM-23-A1.
18. Change Order No. 1 in the amount of \$99,725.00 for Project No. FM-21-A2.
19. Bid advertisement for Project No. NR-24-A.
20. Bid award to Parsons Electric LLC in the amount of \$927,349.00 for Project No. SL-23-B1.
21. Bid award to Northern Improvement Company in the amount of \$346,494.03 for Project No. SN-23-B1.
22. Bid award to PCI Roads LLC in the amount of \$536,628.71 for Project No. QR-24-A1.
23. Purchase Agreement, Sales Contract Addendum and Agreement Addendum Buyer's Conflict of Interest Disclosure with Wells Fargo Bank, N.A., as Trustee of the Jeffrey Donat Trust U/A (Improvement District No. BN-23-E1).
24. Create Improvement District No. TN-23-A (Traffic Signal Improvements).

25. Amended Engineer's Report for Improvement District No. BR-23-G.
26. Negative Final Balancing Change Order No. 6 in the amount of -\$504,886.62 for Improvement District No. BN-22-C1.
27. Final Balancing Change Order No. 3 in the amount of \$6,509.21 for Improvement District No. BN-22-F1.
28. Final Balancing Change Order No. 3 in the amount of \$43,496.90 for Improvement District No. BR-23-C1.
29. Negative Final Balancing Change Order No. 2 in the amount of -\$167,152.75 for Improvement District No. UN-23-A1.
30. Contract and bond for Improvement District No. BR-24-A1.
31. Master Services Agreements for Engineering/Architectural Services (RFP24010 and RFP24011).
32. Receive and file General Fund – Budget to Actual unaudited monthly financial statements through 11/30/23.
33. Resolutions Prescribing Rates and Charges for the Forestry Utility and the Street Lighting and Traffic Control Devices System Utility beginning on 1/1/24 as part of the 2024 budget.
34. First Amendment to the Joint Powers Agreement (Red River Regional Dispatch Center) with Cities of West Fargo and Moorhead, and the Counties of Cass and Clay.
35. Notice of Grant Award from the ND Department of Emergency Services for the FY 2023 State Homeland Security Program in the amount of \$136,000.00 and related budget adjustments (CFDA #97.067).
36. Mutual Aid Agreement – Memorandum of Understanding with the City of Jamestown, ND Fire Department.
37. Bid award to Carr's Tree Service, Inc. in the amount of \$144,899.00 for winter pruning operations (RFP24012).
38. Notice of Grant Award from the ND Department of Health and Human Services for the Regional Public Health Network and related budget adjustments. (CFDA #93.991).
39. City of Fargo Employment Policy Revisions, as presented.
40. Memorandum of Understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives Regarding the National Integrated Ballistic Information Network (NIBIN) system implementation.
41. Direct the City Attorney to draft an amendment to City Ordinance 8-0806 - Officer to Report.
42. Bid award to Sanitation Products in the amount of \$598,674.00 for the purchase of two auto side load refuse trucks (RFP24014).
43. Bid award to Sanitation Products in the amount of \$144,760.00 for the purchase of one container handler truck (RFP24015).

44. Bid award to Sanitation Products in the amount of \$353,839.00 for the purchase of one high compaction front load refuse truck (RFP24016).
45. Purchase of eight Police Department Replacement Vehicles for 2024 from Nelsons Auto Center in the amount of \$380,759.52 (PBC23376).
46. Final Balancing Change Order No. 5 in the amount of \$60,145.19 for Project No. SW 22-01.
47. Memorandum of Understanding with the City of Moorhead Regarding Purchase of Software for the MATBUS Transit System.
48. Resolution Authorizing the Issuance and Sale of \$6,400,000.00 City of Fargo Taxable Sales Tax and Water Revenue Bond and ND State Revolving Fund Program Loan Agreement with the ND Public Finance Authority for Project No. WA2255.
49. Bills.

REGULAR AGENDA:

50. **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://www.fargoND.gov/VirtualCommission)).**

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

51. **CONTINUE TO 1/8/24 - PUBLIC HEARING** - Application filed by John Deere Electronic Solutions, a Division of John Deere & Company, for a property tax exemption for a project to be located at 4101 19th Avenue North, which the applicant will use primarily for manufacturing and programming of receivers, displays, controllers, modems and inverters.
52. Application for Abatement or Refund of Taxes #4552 for property located at 2653 45th Street South requesting a reduction in value for 2023 from \$2,378,000.00 to \$1,100,000.00.
53. Discussion regarding the North Broadway Bridge (Project No. QR-23-A0).
54. Reconsideration of the City Commission's action taken on November 27, 2023 on the Public Hearing Appeal of a Board of Adjustment's decision regarding a Land Management Permit at 338 9th Avenue South, which was denied.
55. Recommendations for appointments to the Metro Flood Diversion Board of Authority and Committees.
56. 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. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo web site at www.fargoND.gov/citycommission.