

FARGO CITY COMMISSION AGENDA
Tuesday, December 26, 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 threatened litigation pertaining to 501 Main Avenue and to discuss negotiating strategy or provide negotiation instructions to its attorney or other negotiator regarding the threatened litigation and to receive its attorney's advice and guidance on the legal risks, strengths and weaknesses of an action of a public entity. 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, December 11, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. Accept the results of the City's Canvassing Board for the December 5, 2023 Special election and withdraw from final passage:
 - a. An Ordinance Enacting Article 3-24 of Chapter 3 of the Fargo Municipal Code Relating to a Lodging Tax for Fargodome Including Conference Center and
 - b. An Ordinance Enacting Article 3-25 of Chapter 3 of the Fargo Municipal Code Relating to a Sales Tax for Fargodome Including Conference Center.
2. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of the following Ordinances:
 - a. Repealing Section 10-0307 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Persons Using Streets not to be Molested.
 - b. Repealing Section 10-0311 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Panhandling.
3. 2nd reading and final adoption of an Ordinance Enacting Section 8-0610 of Article 8-06 of Chapter 8 of the Fargo Municipal Code Relating to Rotary Traffic Islands; 1st reading, 12/11/23.

4. 2nd reading and final adoption of an Ordinance Amending Section 25-1508 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages; 1st reading, 12/11/23.
5. City of Fargo Resolution Authorizing Officers to Make Deposits and Withdrawals.
6. Applications for Games of Chance:
 - a. Benefit for Isaac Douglas for a raffle on 1/20/24; Public Spirited Resolution.
 - b. El Zagal (Temple) for a raffle on 12/27/23.
 - c. NDSU Saddle and Sirloin for a raffle on 3/27/24.
 - d. St. John Paul II Catholic Schools for a raffle and raffle board on 2/2/24.
 - e. El Zagal Shrine Arab Patrol for a raffle on 3/15/24.
7. Maintenance Certification for Urban Federal Aid Projects with the NDDOT.
8. Bill of Sale with Northern States Power Company d/b/a Xcel Energy for a street light pole located at 613 1st Avenue North.
9. Amendment No. 1 with KLJ in the amount of \$28,857.10 for Project No. FM-24-A0.
10. Amendment No. 1 to the Engineering Services Agreement with Apex Engineering Group in the amount of \$140,071.00 for Project No. NR-24-A0.
11. Final Balancing Change Order No. 1 in the amount of \$0.00 for Project No. FM-22-C3.
12. Change Order No. 2 in the amount of \$9,790.00 for Improvement District No. BR-23-E1.
13. Negative Final Balancing Change Order No. 2 in the amount of -\$65,536.92 for Improvement District No. BR-22-C1.
14. Negative Final Balancing Change Order No. 2 in the amount of -\$8,178.01 for Improvement District No. PN-23-A1.
15. Negative Final Balancing Change Order No. 4 in the amount of -\$41,446.92 for Improvement District No. PR-23-F1.
16. Negative Final Balancing Change Order No. 1 in the amount of -\$227,481.08 for Improvement District No. PR-23-G1.
17. Bid award to Dakota Underground Company Inc. in the amount of \$4,107,126.09 for Improvement District No. BR-24-B1.
18. Contract and bond for Project No. SN-23-B1.
19. Bid award and Agreement with Select Pro Cleaning in the amount of \$636,300.00 for cleaning services at City Hall and Sky Commons-West Wing (RFP24019).
20. Bid award and Agreement with Automated Maintenance Services, Inc. in the amount of \$447,037.00 for cleaning services at Fargo Cass Public Health (RFP24020).
21. Bid award and Agreement with Osgood Cleaning Services LLC in the amount of \$266,400.00 for cleaning services at the downtown Library (RFP24021).

22. Master Services Agreement with JLG Architects for engineering/architectural services (RFP24011).
23. Tenth Amended Lease Agreement North Dakota State University and the Fargo Dome Authority.
24. Acknowledgement of Agreement Extension with Ovations Food Services, L.P. d/b/a OVG Hospitality (f/k/a Spectra Food Services & Hospitality).
25. Resolution adopting the City of Fargo Purchasing Card Policy, Purchasing Policy and Procedure Manuals.
26. Change Orders for Fire Station No. 8 Construction (general construction contract) (ITB23050):
 - a. No. 6 in the amount of \$8,737.93.
 - b. No. 7 in the amount of -\$588.66.
 - c. No. 8 in the amount of \$9,866.95.
27. Change Order No. 1 in the amount of -\$4,967.00 for Fire Station No. 8 (electrical construction contract) (ITB23050).
28. Fire Department request for a rollover of Capital Funds, as presented.
29. Fire Department budget adjustment, as presented.
30. Budget adjustment for the Grant Award from the ND Department of Health and Human Services for Public Health Infrastructure and Workforce (CFDA #93.967).
31. Budget adjustment for the Purchase of Service Agreement with the ND Department of Health and Human Services, Behavioral Health Division for addressing opioid stimulant misuse.
32. Budget adjustment for the Purchase of Service Agreement with the ND Department of Health and Human Services, Behavioral Health Division for substance abuse prevention.
33. Direct the City Attorney to amend the Findings of Fact, Conclusions and Order for property located at 1208 University Drive South contingent upon the transfer of ownership.
34. Direct the City Attorney to amend the Findings of Fact, Conclusions and Order for property located at 1710 1st Avenue South to allow the owner to repair the structure by 6/28/24.
35. Request to overfill the 1/22/24 Fargo Police Academy class with five sworn Police Officer positions.
36. Bid award in the amount of \$395,923.00 to Sanitation Products for the purchase of one dual auto side load refuse truck (RFP24017).
37. Bid award in the amount of \$191,736.00 to Sanitation Products for the purchase of one hook and hoist refuse truck (RFP24027).
38. Exempt Purchase Request for vendor specific parts and service from New Flyer Industries Parts in the amount of \$250,000.00 and from Cummins NP in the amount of \$250,000.00 (EX24025 and EX24023).

39. Contract with Via Mobility LLC for the purchase of scheduling and dispatching Paratransit bus software/hardware (RFP23215).
40. One year extension to the Electrical Services Agreement with Sun Electric, Inc. for electrical services at the Water Treatment Plant.
41. Amendment of Resolution Authorizing the Issuance and Sale of an Amended and Restated \$98,000,000.00 City of Fargo Sales Tax and Water Revenue Bond, Series 2013B and ND State Revolving Fund Program Amended and Restated Loan Agreement with the ND Public Finance Authority.
42. Bills.

REGULAR AGENDA:

43. **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).**

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

44. **PUBLIC HEARING** – Application for a transfer of a Class “FA-GOLF” Alcoholic Beverage License from Kjerbeersten, LLC d/b/a 19th Hole at Rose Creek to Up North Hospitality, LLC d/b/a CJ’s Tavern to be located at 1500 East Rose Creek Parkway South.
45. **PUBLIC HEARING** – Application for a Class “F” Alcoholic Beverage License for El Vaqueros d/b/a El Vaqueros to be located at 3001 13 Avenue South.
46. **PUBLIC HEARING** – Application for a transfer of a Class “A-Club” Alcoholic Beverage License for Fargo Air Museum d/b/a Fargo Air Museum to be located at 1609 19th Avenue North (ownership change).
47. **PUBLIC HEARING** – Application for a Class “Z” Alcoholic Beverage License for Downtown Tavern, LLC d/b/a Marge’s Bar to be located at 210 Broadway, Suite 90.
48. **PUBLIC HEARING** - Application for a Class “C” Alcoholic Beverage License for Uncorked Lounge d/b/a Uncorked Lounge to be located at 5601 33rd Avenue South.
49. **PUBLIC HEARING** – Reconsideration of the City Commission’s Action on November 27, 2023 to Deny a Land Management Plan Permit at 338 9th Avenue South.
50. Presentation and approval of the Fargo Fire Department 2024-2029 Strategic Plan.
51. Update on the 2024-2027 Engineering CIP.
52. Decision on the North Broadway Bridge (Project No. QR-23-A0).
53. Recommendations for appointments to the Board of Health.
54. Recommendation for appointment to the Metropolitan Council of Governments Policy Board.
55. 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.