

FARGO CITY COMMISSION AGENDA

Monday, July 24, 2023 - 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, July 10, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Findings of Fact, Conclusions and Order of the Board of City Commissioners of the City of Fargo for property located at 421 15th Avenue North.
- 2. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 25-1506 of Article 25-15 of Chapter 25 of the Fargo Municipal Code, Relating to Licenses-Classifications.
- 3. 2nd reading and final adoption of the following Ordinances; 1st reading, 7/10/23:
 - a. Rezoning a Certain Parcel of Land Lying in Veterans Industrial Park Addition to the City of Fargo, Cass County, North Dakota.
 - b. Enacting Article 25-38 of Chapter 25 of the Fargo Municipal Code Relating to Commercial Pedal Car Vehicles.
 - c. Amending Section 8-0311 of Article 8-03 of Chapter 8 of the Fargo Municipal Code Relating to Regulations Governing Operators.
- 4. Pledged securities as of 6/30/23.
- 5. Amended Gaming Site Authorization for Sharehouse, Inc. at Speck's Bar.
- 6. Applications for Games of Chance:
 - a. El Zagal Shrine Temple for a calendar raffle from January through December 2024.
 - b. Fargo North High School for a raffle on 4/13/24.
 - c. Fargo North High School for a raffle from 8/8/23 to 5/30/24.
 - d. Fargo North High School for a raffle from 11/20/23 to 2/29/24.
 - e. HERO; Healthcare Equipment Recycling Organization for a raffle and raffle board on 9/29/23.
 - f. Legacy Children's Foundation for a raffle on 8/21/23.
 - g. St. John Paul II Catholic Schools for a raffle on 4/27/24.
 - h. YMCA of Cass and Clay Counties for a raffle and raffle board on 8/1/23.
 - i. Nativity Church of Fargo for a raffle on 11/5/23.
 - j. Holy Spirit Catholic Church for bingo and a raffle from 9/13/23 to 10/8/23.
- 7. Task Order No. 2 with KLJ Engineering LLC in the amount of \$401,182.60 for Floodwall Repair Project No. FM-24-A0.

8. Change Order No. 5 for a time extension to the substantial and final completion dates of 8/16/23 and 8/31/23 for Project No. MP-20-A2.
9. Contract Amendment No. 1 in the amount of \$68,100.00 for Project No. MS-23-C0.
10. Contract Amendment No. 1 in the amount of \$25,500.00 for Project No. NR-24-B0.
11. Payment to Key Contracting, Inc. in the amount of \$274,513.00 to complete emergency sanitary sewer repairs (Project No. UR-23-C1).
12. Consent to Construction Agreement with Dakota Plains Properties, LLC at 315 27th Circle South.
13. Encroachment Agreement with Great Plains 1001 Holdings, LLC.
14. Encroachment Agreement with C. Nicholas and Ene K. Vogel for property located at 1001 8th Street South.
15. Memorandum of Offer to Landowner for Easement (Temporary Construction Easement) with Mark E. and Barbara B. McCourt (Project No. FM-19-C).
16. Memorandum of Offer to Landowner for Easement (Temporary Construction Easement) with Darrell R. and Jessica L. Johnson (Project No. FM-19-C).
17. Contract and bond for Project No. UN-23-B2.
18. Contract and bond for Project No. TR-23-A1.
19. Final Balancing Change Order No. 8 in the amount of \$2,805.68 for Improvement District No. BN-21-H1.
20. Change Order No. 2 in the amount of \$69,240.00 for Improvement District No. BN-22-C1.
21. Final Balancing Change Order No. 2 in the amount of \$1,971.00 for Improvement District No. PN-23-C1.
22. Bid award to Dakota Underground Company, Inc. in the amount of \$1,666,648.81 for Improvement District No. BN-23-C1.
23. Contract and bond for Improvement District No. BR-23-H1.
24. Supplement No. 3 to Ground Lease with Park District of the City of Fargo regarding the Carlson Library and Senior Center.
25. Sole Source Procurement with HVS Convention, Sports and Entertainment Facilities Consulting in the amount of \$25,600.00 for updated expansion projections (SSP23145).
26. Agreement for Services with Folkways.
27. Purchase of Service Agreement with Cass County Human Service Zone.
28. Funding Approval/Agreement with the US Department of Housing and Urban Development for the 2023 Community Development Block Grant and HOME Investment Partnership allocations.

29. Inter-Local Agreement with Cass County, ND and allocation of the 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funding (CFDA #16.738).
30. Request to transfer and reallocate funds from the Landfill Capital Improvements budget line to the Recycling Drop Site Improvement budget line to complete improvements as presented at the Osgood Recycling Drop Site.
31. Support Equipment and Vehicles Lease Agreement City of Fargo – City of Moorhead.
32. Hazard Mitigation Grant Program Subgrant Agreement for PDM 2018 with The North Dakota Department of Emergency Services (Project No. WW1707).
33. Task Order No. 27 with AE2S in the amount of \$203,400.00 for Project No. WA2252.
34. Task Order No. 9 with Apex Engineering Group in the amount of \$634,118.00 for Project No. WA2255.
35. Amendment I to the Agreement for Cost-Share Reimbursement Fargo Regional Water System Distribution Extensions Project with the State of North Dakota through the State Water Commission.
36. Resolutions Authorizing Filing of an Application with the ND Department of Environmental Quality for a Loan Under the Clean Water Act and/or the Safe Drinking Water Act:
 - a. Solid Waste Utility - Clean Water State Revolving Fund (CWSRF) Loan 2 (Cell #s 21 and 22).
 - b. Water Utility – Drinking Water State Revolving Fund (DWSRF) (Project No. WA2255).
 - c. Water Reclamation – Clean Water State Revolving Fund (CWSRF) Loan Amendment (Project No. WW1701).
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/VirtualCommission).**

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

39. **PUBLIC HEARING** – Application for a Class “N” Alcoholic Beverage License for Horse Race North Dakota d/b/a The North Dakota Horse Park to be located at 5180 19th Avenue North.
40. **PUBLIC HEARING** – Application to transfer a Class “FA-RZ-M” Alcoholic Beverage License from Wurst Pub LLC d/b/a Wurst Bier Hall to Two Star Boys LLC d/b/a Wurst Bier Hall to be located at 630 1st Avenue North.
41. **PUBLIC HEARING** – WITHDRAWN - Valley View Estates Fourth Addition (3606-4890 Decorah Way South); approval recommended by the Planning Commission on 2/7/23; continued from the 5/1/23 and 6/12/23 Regular Meetings.
 - 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** – CONTINUE to 8/21/23 - Southwest Fargo Mission Second Addition (4451, 4455, and 4475 40th Avenue South); approval recommended by the Planning Commission on 5/2/23; continued from the 7/10/23 Regular Meeting:
 - a. Zoning Change from P/I, Public and Institutional to P/I, Public and Institutional and GC, General Commercial with a C-O, Conditional Overlay.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of Southwest Fargo Mission Second Addition.
43. **PUBLIC HEARING** - Plat of Radio Second Addition (5709, 5710, 5729, 5739, 5750, 5759, 5769, 5770, 5789 and 5790 53rd Avenue South); approval recommended by the Planning Commission on 4/4/23.
44. **PUBLIC HEARING** - Application filed by The Wave by EPIC, LLC for a Payment in Lieu of Tax Exemption (PILOT) a project to be located at 4410 and 4471 24th Avenue South which the applicant will use in operating a full-service water park resort.
45. Recommendation to approve the Interim Financing Agreement Series D for Fargo's 25% local cost share for years 2023-2025 construction activities associated with the Red River Valley Water Supply Project.
46. Recommendation for appointment to the Special Assessment Commission.
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.