

FARGO CITY COMMISSION AGENDA

Monday, May 1, 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, April 17, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Receive and file an Ordinance Amending Section 21.1-0102 of Article 21.1-01 of Chapter 21.1 of the Fargo Municipal Code Relating to the International Residential Code.
- 2. 1st reading of 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. 1st reading of 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. 2nd reading and final adoption 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; 1st reading, 4/17/23.
- 5. Settlement Agreement and Release of All Claims with Northstar Property Partners, Inc. and John Bultman.
- 6. Location transfer of a Class “FA-RZ” Alcoholic Beverage License for The Beefsteak Club, LLC d/b/a Pounds from 612 1st Avenue North to 6 Broadway North.
- 7. Applications for Games of Chance:
 - a. Rebuilding Together Fargo-Moorhead Area for a raffle and raffle board on 6/1/23.
 - b. Burette Fundraiser for a raffle and raffle board on 9/16/23; Public Spirited Resolution.
 - c. Jerome Sharratt Benefit for a raffle on 5/7/23; Public Spirited Resolution.
- 8. Site Authorizations for Games of Chance:
 - a. Prairie Public Broadcasting, Inc. at Tailgator’s.
 - b. Prairie Public Broadcasting, Inc. at Slammer’s.

- c. Prairie Public Broadcasting, Inc. at Dempsey's.
 - d. Prairie Public Broadcasting, Inc. at Pepper's.
 - e. Prairie Public Broadcasting, Inc. at Bison Turf.
 - f. Plains Art Museum at Wild Bill's Saloon.
 - g. Plains Art Museum at King Pin Casino (The Bowler).
 - h. Plains Art Museum at Big Top Bingo.
 - i. Plains Art Museum at Blue Wolf Casino (West Acres Bowl/Cactus Jack's).
 - j. Metro Sports Foundation at Mexican Village.
 - k. Metro Sports Foundation at Brewtus Clubhouse.
 - l. Metro Sports Foundation at Scheels Arena.
 - m. Red River Human Services Foundation at The Elks Lodge #260.
 - n. Red River Human Services Foundation at Sickies on 45th.
 - o. Red River Human Services Foundation at the Northern.
 - p. Fargo Metro Baseball Association at Specks Bar.
 - q. Fargo Metro Baseball Association at Empire Tavern.
 - r. Jon Greenley Amvets Post #7 at Amvets.
 - s. Jon Greenley Amvets Post #7 at Hi-Ho Burgers and Brews.
 - t. Boys and Girls Club of Red River Valley at Suite Shots.
 - u. Boys and Girls Club of Red River Valley at Fargo Billiards/Gastropub.
 - v. North Dakota Association for the Disabled, Inc. at O'Kelly's.
 - w. North Dakota Association for the Disabled, Inc. at Bulldog Tap.
 - x. North Dakota Association for the Disabled, Inc. at Cowboy Jack's.
9. Receive and file the current schedule of proposed uses for the American Rescue Plan Act funds and accept the final reconciliation of 2022 revenues and expenditures.
 10. Notice of Grant Award from the ND Department of Emergency Services, Division of Homeland Security for FY 2022 State Homeland Security Grant Program (CFDA #97.067).
 11. Application submission for the FY 2023 State Homeland Security Grant Program to fund physical security improvements at the Public Safety Building.
 12. Contracts and bonds for the following Projects:
 - a. No. PR-23-F1.
 - b. No. SR-23-A1.
 - c. No. SR-23-B1.
 13. Contract and bond for Improvement District No. AN-22-B1.
 14. ND Department of Transportation Cost Participation and Maintenance Agreement and concur with the low bid for a project on 19th Avenue North.
 15. Amendment (First) to Encroachment Agreement with Nicholas and Dawn M. Michels for property located at 2408 16th Avenue South.
 16. Encroachment Agreement with Park District of the City of Fargo for the Island Park Pool located at 616 1st Avenue South.
 17. Bid awards for Project No. NR-23-A1:
 - a. General construction contract to Key Contracting, Inc. in the amount of \$9,673,607.50.

- b. Electrical construction contract to Fusion Automation, Inc. in the amount of \$290,209.31.
- 18. Permanent Easement (Water Main) with Matthew R. and Ashley N. Scherbenske for Project No. WA2254.
- 19. Access Easement (Water Main) with Southeast Cass Water Resource District for Project No. WA2254.
- 20. Access Easement with Fargo Public Schools for Project No. NR-23-A1.
- 21. Permanent Easement (Storm Sewer) with 76th Street Holdings LLC for Improvement District No. BN-23-C1.
- 22. Easement (Temporary Construction Easement) with Oak Grove Lutheran School for Improvement District No. BR-22-A0.
- 23. Memorandum of Offer to Landowner for Permanent Easement (Street and Utility) and Easement (Temporary Construction Easement) with JASL, LLC for Improvement District No. BR-23-C1.
- 24. Bid award to R & R Excavating, Inc. in the amount of \$2,947,619.97 for Improvement District No. BR-23-F1.
- 25. Create Improvement District No. PN-23-E.
- 26. Notice of Grant Award with the ND Department of Health and Human Services for ND LPH Funding Equity and prioritizing populations disproportionately affected by COVID-19 (CFDA #s 93.268 and 93.391).
- 27. Purchase of Service Agreement with Northern Cass Public School District.
- 28. Amendment to Purchase of Service Agreement with ND Department of Health and Human Services, Behavioral Health Division.
- 29. Sole Source Procurement with Idemia Identity and Security USA, LLC for a LiveScan portable fingerprint machine and Application for Appropriation from Civil Asset Forfeiture Fund for payment (SSP23085).
- 30. Solid Waste Management Agreement for Private Haulers in the City of Fargo with High Flying Junk.
- 31. Bid award to CC Steel, Inc. in the amount of \$93,300.00 for Project No. WA2217.
- 32. Bills.

REGULAR AGENDA:

- 33. **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:**

34. **PUBLIC HEARING** – CONTINUED to 5/15/23 - Dakota Commerce Center North Addition (4201 County Road 81 North and 5100 37th Street North); approval recommended by the Planning Commission on 8/2/22 and 10/4/22:
 - a. Zoning Change from AG, Agricultural to LI, Limited Industrial.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of Dakota Commerce Center North Addition.
35. **PUBLIC HEARING** – CONTINUED to 5/15/23 - Petition for Annexation of property in the Northeast Quarter of Section 15, Township 140 North, Range 49 West containing 112.14 acres, more or less.
36. **PUBLIC HEARING** – CONTINUED to 5/15/23 - Application filed by Corvent Medical, Inc. for a property tax exemption for a project to be located at 400 45th Street South, Suite 400 which the applicant will use for the manufacturing of medical ventilators, warehousing ventilators and accessories used with ventilators.
37. **PUBLIC HEARING** – CONTINUED to 6/12/23 - Valley View Estates Fourth Addition (3606-4890 Decorah Way South); approval recommended by the Planning Commission on 2/7/23; continued from the 4/3/23 Regular Meeting:
 - 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.
38. Presentation of the 2022 Fire Department Annual Report.
39. Recommendation for awarding the bids for the construction of Fire Station No. 8 (ITB23050).
40. Recommendation to approve the plans for the NP Avenue Parking Garage.
41. Legislative Update.
42. 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.