

FARGO CITY COMMISSION AGENDA

Monday, May 15, 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 reasonably predictable litigation pertaining to enactment of HB 1340 and HB 1205, and further discussing the risks, strengths or weaknesses of an action of the public entity in an open meeting will have a negative fiscal effect on the bargaining and/or litigation position of the City of Fargo. Thus, an Executive Session for said matters is authorized pursuant to North Dakota Century Code §44-04-19.1 subsection 2.

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, May 1, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. 1st reading of 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. 2nd reading and final adoption 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; 1st reading, 5/1/23.
3. 2nd reading and final adoption 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; 1st reading, 5/1/23.
4. Settlement Agreement and Release with Citizens for a Clean Environment, LLC.
5. Receive and file Summons in the matter of Danial Ray Curtis vs. City Fargo, Fargo Building Inspector Shawn Ouradnik, Dr. Tim Mahoney and Fargo City Commissioners.

6. Applications for Games of Chance:
 - a. Tri-City Storm Soccer Club for a raffle on 7/21/23.
 - b. Elevate Rock School for a raffle on 7/29/23.
 - c. Fargo Moorhead Derby Girls for a calendar raffle from 6/3/23 to 6/24/23.
 - d. Provost Guard for a raffle on 9/14/23.
 - e. United Way of Cass-Clay for a raffle board on 6/6/23.
 - f. Family Wellness LLC for a raffle on 5/18/23.
 - g. Bethany Retirement Living for a calendar raffle from 5/20/23 to 12/31/23.
7. Site Authorizations for Games of Chance:
 - a. Roy Chandler Post 762 at the VFW Club.
 - b. Fargo Post 2 Baseball Club at Herds and Horns.
 - c. Fraser, Ltd. at Space Aliens.
 - d. Fraser Ltd. at Golf Addiction.
 - e. Metro Sports Foundation at Twin Peaks.
 - f. Special Olympics North Dakota at Rooters Bar.
 - g. Team Makers Club, Inc. at FARGODOME.
 - h. Team Makers Club, Inc. at Sanford Health Athletic Complex – Scheel’s Arena.
 - i. Team Makers Club, Inc. at King Pinz.
 - j. Team Makers Club, Inc. at Lucky’s 13 Pub.
 - k. Team Makers Club, Inc. at Frank’s Lounge.
8. Memorandum of Understanding for Storm Sewer Management with Cass County.
9. Contract Amendment No. 1 with Houston Engineering, Inc. in the amount of \$310,500.00 for Project No. NR-23-A0.
10. Bid advertisement for Project No. UN-23-B.
11. Addition of Improvement District No. PR-23-G1 to the 2023 CIP.
12. Memorandum of Offer to Landowner for Permanent Easement (Storm Sewer) with Lee Olsen and Edie Holcomb, Trustees of the Olsen and Holcomb Living Trust (Improvement District No. BN-23-C1).
13. Temporary Access Easements with JASL, LLC and 303 Broadway, LLC (Improvement District No. BR-23-C1).
14. Create Improvement District No. PR-23-G.
15. Create Improvement District No. UR-23-A.
16. Bid award to Master Construction Company, Inc. in the amount of \$2,506,678.00 for Improvement District No. BR-23-H1.
17. Bid award to FM Asphalt LLC in the amount of \$1,616,974.05 for Improvement District No. PN-23-A1.
18. Bid award to Opp Construction LLC in the amount of \$177,820.50 for Improvement District No. PN-23-C1.
19. Rejection of bids for Improvement District No. TN-23-A1.

20. Contract and bond with Key Contracting, Inc. in the amount of \$9,673,607.50 for Project No. NR-23-A2.
21. Sole Source Procurement with Impact Security, LLC for ballistic protection at the Fargo Police Department (SSP23094).
22. 60-day extension of FMLA leave for Fire Captain Keith Johnson.
23. Change Order No. 1 for an increase of \$7,871.36 and a decrease of \$821.00 for the Fire Station No. 2 addition (AFB22182).
24. Bid awards for Fire Station No. 8 Construction (ITB23050):
 - a. General construction contract to Ledgestone, Inc. in the amount of \$3,504,720.00.
 - b. Mechanical construction contract to Manning Mechanical, Inc. in the amount of \$1,247,500.00.
 - c. Electrical construction contract to Grotberg Electric, Inc. in the amount of \$591,000.00.
25. Resolution Approving Plat of The District of Fargo Fifth Addition.
26. Receive and file Bias Motivation and Hate Crime Report for April 2023.
27. 2023 Mosquito Control Agreement City of Fargo and Cass County Government.
28. Task Order Amendment No. 2 with Stantec in the amount of \$48,110.00 for Project No. SW22-01.
29. ND Department of Transportation Amendment to Contract Nos. 38190973, 38190959, 38221258 and 38201125, for enhanced mobility of seniors and individuals with disabilities.
30. Sewer Agreement, Memorandum of Sewer Agreement and Petition for Annexation with Renae Rohl for property located at 9302 25th Street South.
31. Bid award to R&R Excavating, Inc. in the amount of \$2,114,031.00 for Project No. WA2254.
32. Change Order No. 1 to Contract No. 1 (General Construction) in the amount of \$52,831.74 for Project No. WA2152.
33. Extension to Water Tower Lease Agreement with New Cingular Wireless.
34. Bills.

REGULAR AGENDA:

35. **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:**

36. **PUBLIC HEARING** – 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; continued from the 5/1/23 Regular Meeting.

- a. 1st reading of annexation Ordinance.
37. **PUBLIC HEARING** – 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; continued from the 5/1/23 Regular Meeting:
- a. Zoning Change from AG, Agricultural to LI, Limited Industrial.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of Dakota Commerce Center North Addition.
38. **PUBLIC HEARING** – 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; continued from the 5/1/23 Regular Meeting.
39. Discussion regarding Outdoor Amplified Sound Permits.
40. Recommendation to direct appropriate staff, led by the Engineering Department, to examine all possible solutions to street racing/speeding.
41. Recommendation for appointment of the Assistant City Administrator.
42. Appointments to the Civil Service Commission.
43. Applications for Property Tax Exemptions for Improvements Made to Buildings:
- a. Scott Hoaby, 2307 26th Avenue South (5 year).
 - b. Kelly and Todd McComb, 2722 Lilac Lane North (5 year).
 - c. Kelly and Todd McComb, 2722 Lilac Lane North (5 year).
44. 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.