

## FARGO CITY COMMISSION AGENDA

Tuesday, May 30, 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 pertaining to 501 Main Avenue. To discuss 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](http://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](http://www.FargoND.gov/CityCommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, May 15, 2023).

### **CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. 1st reading of an Ordinance Amending Section 1-0305(C)(7) of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
- 2. 2nd reading and final adoption 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; 1st reading, 5/15/23.
- 3. 2nd reading and final adoption of an Ordinance Rezoning a Certain Parcel of Land Lying in Dakota Commerce Center North Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 5/15/23.
- 4. 2nd reading and final adoption of an Ordinance Annexing a Certain Parcel of Land Lying in a Portion of the Northeast Quarter of Section 15, Township 140 North, Range 49 West of the 5th Principal Meridian in Cass County, North Dakota; 1st reading, 5/15/23.
- 5. Property Damage Release with Justin Bremer and Progressive Northwestern Insurance Company.
- 6. Applications for Games of Chance:
  - a. El Zagal Provost Gaming for a sports pool from 9/10/23 to 12/17/23.
  - b. Villa Nazareth DBA CHI Friendship for a raffle on 10/13/23.

- c. FM AM Rotary for a sports pool from 9/11/23 to 2/11/24.
  - d. Nordic Culture Clubs for a raffle on 6/23/23.
  - e. Vietnam Veterans of America Chapter 941 for a calendar raffle from 8/1/23 to 8/31/23.
  - f. River Keepers for a raffle on 6/12/23.
  - g. Scottish Rite Holding Company for a raffle on 11/19/23.
  - h. UND Alumni Association & Foundation for a raffle on 6/28/23.
7. Site Authorizations for Games of Chance:
- a. Northern Prairie Performing Arts at SouthTown PourHouse.
  - b. Northern Prairie Performing Arts at Windbreak Lounge.
  - c. Sharehouse, Inc. at Baymont Inn/Alibi Lounge and Casino.
  - d. Sharehouse, Inc. at Bismarck Tavern.
  - e. Sharehouse, Inc. at Rick's Bar.
  - f. Sharehouse, Inc. at The RoundUp Saloon.
  - g. Sharehouse, Inc. at Woody's.
  - h. Team Makers Club, Inc. at Holiday Inn.
  - i. American Gold Gymnastics, Inc. at The Box.
  - j. Fargo Youth Hockey Association at Buffalo Wild Wings – 42nd.
  - k. Fargo Youth Hockey Association at Buffalo Wild Wings – 19th.
  - l. Fargo Youth Hockey Association at Dogleg North.
  - m. Fargo Youth Hockey Association at H.A. Thompson & Sons Arena.
  - n. North Dakota Horse Park Foundation at Boiler Room.
  - o. Horse Race North Dakota at Labby's Bar & Grill.
  - p. Horse Race North Dakota at Edgewood Tavern.
  - q. Horse Race North Dakota at Sickie's Garage - Fargo.
  - r. Horse Race North Dakota at Chub's Pub.
  - s. Horse Race North Dakota at Sidestreet Grille & Pub.
8. Receive and file General Fund – Budget to Actual through April 2023 (unaudited).
9. Agreement with Liquid Hospitality, LLC d/b/a Windbreak Saloon.
10. Extension of a Class "A-8" Alcoholic Beverage License for BFG, Inc. d/b/a Borrowed Bucks Roadhouse until 12/31/23.
11. Developer Agreement with Dakota Commerce Center S, LLC.
12. Change Order No. 1 in the amount of \$85,174.00 and 2-calendar day extension to the substantial completion date to 10/2/23 for Improvement District No. BN-22-C1.
13. Bid award to Dakota Underground Company Inc. in the amount of \$3,930,816.24 for Improvement District No. BR-23-J1.
14. Permanent Easement (Electrical Utilities) with Cass County Electric Cooperative.
15. Agreement Regarding Deferral of Special Assessments with North Fargo Land, LLC and ARD Properties, LLC (Project No. UN-23-A1).
16. Agreement for Permanent Easement (Water Main Easement) and Easements (Temporary Construction Easement) with North Fargo Land, LLC and ARD Properties, LLC (Project No. UN-23-A1).

17. Change Order No. 4 in the amount of \$11,752.00 for Project No. FM-19-C1.
18. Memorandum of Offer to Landowner for Permanent and Temporary Easements with Donald O. Tessmer (Project No. SN-23-B0).
19. Bid award to Northstar Safety Inc. in the amount of \$884,857.00 for Project No. TM-23-A1.
20. Bid awards for Project No. WA2255:
  - a. General construction contract to PKG Construction, Inc. in the amount of \$2,126,900.00.
  - b. Electrical construction contract to Sun Electric, Inc. in the amount of \$159,468.00.
21. Bid advertisement for Project No. TR-23-A.
22. Window Retrofit Project Phase II at the Police Stations.
23. Agreement for Services with Metro Plains Management.
24. Purchase of Service Agreement with Kindred Public School District.
25. Purchase of Service Agreement with Central Cass Public School District.
26. Purchase of Service Agreement with the ND Department of Health and Human Services, Behavioral Health Division.
27. Extend the contract with Fargo Freightliner to purchase truck chassis (PBC T-647(5)).
28. Extension of the highway deicing salt contract with Compass Minerals America Inc. for the 2023-2024 snow season (RFP22068).
29. Contract and bond for Project Nos. NR-23-A3 and WA2217.
30. Contract and bond for Improvement District No. BR-23-F1.
31. Contract and bond for Improvement District No. PN-23-C.
32. Contract and bond for Improvement District No. PN-23-A1.
33. Bills.

#### **REGULAR AGENDA:**

34. **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://FargoND.gov/VirtualCommission)).

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

35. **PUBLIC HEARING** – Application for a Class “H” Alcoholic Beverage License for Royal Buffet, Inc. d/b/a Royal Buffet to be located at 1620 32nd Avenue South, #500.
36. **PUBLIC HEARING** – Application for a Class “F” Alcoholic Beverage License for Lovely Grill, LLC d/b/a Lovely Grill to be located at 1324 25th Avenue South.

37. **PUBLIC HEARING** – Hearing on Community Development Block Grant (CDBG)/HOME Investment Partnerships Programs, 2023 HUD Action Plan Draft, Proposed Activities for 2023 and a Proposed Amendment to the 2021 HUD Action Plan.
38. **PUBLIC HEARING** – Plat of Cass County Corrections 2nd Addition (450 34th Street South; 502 28th Street South; 3309 Westrac Drive South); approval recommended by the Planning Commission on 1/3/23.
39. **PUBLIC HEARING** – Vacation Plat of a portion of 5th Avenue North adjacent to Block 24, Keeney & Devitts 2nd Addition (419 3rd Street North); approval recommended by the Planning Commission on 2/7/23.
40. **PUBLIC HEARING** – Plat of Betlock Addition (1722 2nd Street North); approval recommended by the Planning Commission on 2/7/23.
41. **PUBLIC HEARING** – Plat of 1001 NP Addition (1001 NP Avenue North and 11 11th Street North); approval recommended by the Planning Commission on 4/5/22.
42. **PUBLIC HEARING** – Renaissance Zone Projects for Great Plains NP Holdings, LLC and Northern Prairie Performing Arts for a new construction project at 602, 610, 636 and 650 Northern Pacific Avenue North.
43. **PUBLIC HEARING** – Hearing to consider a Development Plan and Agreement for Tax Increment Financing District No. 2023-02 (600 block of NP Avenue).
44. Recommendation for an extension to the NP Parking Garage Project.
45. Resolution of Annexation of a part of the SW Quarter of Section 28; of the Southeast Quarter of Section 29; and the Northeast Quarter of Section 32, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, containing approximately 80.40 acres, more or less, and set the date for the Hearing on the sufficiency of protests for July 10, 2023.
46. Presentation from Terry Effertz on the 2023 Legislative Session.
47. Presentation on Bottle Clubs and corkage fees.
48. Presentation on the Green Dot Training Program Sessions.
49. Presentation on the Noise and Vibration Study RFP.
50. Recommendation to select the “Dumbbell Interchange with Roundabout” Design for the I-29 and 40th Avenue North Interchange Project.
51. 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](http://www.FargoND.gov/CityCommission).