

FARGO CITY COMMISSION AGENDA  
Monday, November 13, 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 and to discuss whether or not to participate in the Class Action Settlements involving 3M and DuPont. Further to discuss these matters in open session would have an adverse fiscal effect on the bargaining or litigation position of the public entity. Therefore, an Executive Session for this matter is authorized pursuant to North Dakota Century Code 44-04- 19.1 subsections 2 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](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, October 30, 2023).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. 1st reading of an Ordinance Amending Section 24-0102 of Article 24-01 of Chapter 24 of the Fargo Municipal Code Relating to the Franchise Granted to the St. Paul, Minneapolis and Manitoba Railroad Company and Its Successors.
- 2. 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, 10/30/23.
- 3. 2nd reading and final adoption of an Ordinance Amending Section 13-1011 of Article 13-10 of Chapter 13 of the Fargo Municipal Code Relating to Recreational Aquatic Facilities; 1st reading, 10/30/23.
- 4. 2nd reading and final adoption of an Ordinance Amending Article 13-14 of Chapter 13 of the Fargo Municipal Code Relating to Hotels & Motels; 1st reading, 10/30/23.
- 5. Findings of Fact, Conclusions and Order and Notice of Entry of Order for property located at 1208 University Drive South.
- 6. Findings of Fact, Conclusions and Order and Notice of Entry of Order for property located at 1710 1st Avenue South.

7. Concur with the findings of staff and the Liquor Control Board and apply the penalty matrix of a \$500.00 fine for first failure to the liquor license violations identified at the Old Broadway.
8. Applications for Games of Chance:
  - a. Fargo North High School for a raffle on 11/18/23.
  - b. Muskies Inc. F-M Chapter for a raffle on 2/8/24.
9. Contract and bond for Project No. ER-23-A1 (EM23170).
10. Contract and bond for Improvement District No. BR-24-E1.
11. Pipeline Easement and Agreement with Northern States Power Company.
12. Change Order No. 3 in the amount of \$18,830.68 for Project No. PR-23-F1.
13. Change Order No. 6 in the amount of \$18,986.00 for Project No. FM-19-C1.
14. Contract Amendment No. 5 in the amount of \$99,500.00 for Project No. FM-19-C0.
15. Change Order No. 1 for a 14-day Interim Time Extension for Project No. TR-23-A1.
16. Bid award to Dakota Underground Company Inc. in the amount of \$3,413,321.83 for Improvement District No. BR-24-A1.
17. Road Construction Agreement with BLOC Partners, LLC for Improvement District No. BR-24-G1.
18. Negative Final Balancing Change Order No. 7 in the amount of -\$63,970.71 for Improvement District No. BR-21-C1.
19. Negative Final Balancing Change Order No. 5 in the amount of -\$141,877.35 for Improvement District No. BN-22-A1.
20. Pre-qualified firms for Engineering/Architectural Services (RFP24010 and RFP24011).
21. Receive and file General Fund – Budget to Actual unaudited monthly financial statements through 10/31/23.
22. Request for budget adjustments as presented.
23. Software as a Service Agreement with Tyler Technologies, Inc. (RFP23029).
24. Lease with Option to Purchase Agreement No. 40005358 with CapFirst Equipment Finance, Inc. (RFP23131).
25. Resolution in Support of the Adjusted Fargo-Moorhead Urbanized Area Boundary.
26. Appoint Daniel Phillips and Trent Barkhus as Alternate Municipal Court Judges effective 11/15/23.
27. Bid award to Bosma Enterprises, LLC for snow removal services for the City's snow removal assistance program (RFP23185).

28. Bid award to Titan Machinery in the amount of \$266,505.00 for the purchase of one articulated wheel loader with v-plow (RFP24004).
29. Bid award to Butler Machinery in the amount of \$381,660.00 for the purchase of one motor grader and wing (RFP24005).
30. Bid award to Butler Machinery in the amount of \$381,660.00 for the purchase of one motor grader and wing (RFP24006).
31. Bills.

**REGULAR AGENDA:**

32. **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:**

33. **PUBLIC HEARING** - Appeal of a Board of Adjustment decision regarding a Land Management Permit at 338 9th Avenue South.
34. Presentation of the Implementation Plan for the Downtown InFocus Take Action 2023.
35. Presentation of the Final Report on the Noise and Vibration Study.
36. Presentation on the recommended Federal and State Aid Transportation Project applications for years 2024 to 2028.
37. Recommendation to Adopt the Resolution Directing the Issuance of \$42 million Refunding Improvement Bonds, Series 2023D and Prescribing the Terms and Covenants Therefor.
38. 1st reading of an Ordinance Amending Sections 13-1801, 13-1802, 13-1806 of Article 13-18 of Chapter 13 of the Fargo Municipal Code Relating to Massage Therapy Establishments.
39. 1st reading of an Ordinance Amending Section 1-0305 (A)(1) of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
40. Recommendation for appointments to the following Commissions:
  - a. Human Rights Commission.
  - b. Native American Commission.
41. Applications for Property Tax Exemptions made to Buildings:
  - a. Bruce Morgan, 3516 Par Street North (5 years).
  - b. Michael Joyce T/O/D, 3644 Fairway Road North (5 years).
  - c. Regan and Amanda Miller, 2201 Victoria Rose Drive South (5 years).
  - d. Mark and Elizabeth Payne, 4444 Carrie Rose Lane (5 years).
  - e. GMM Properties LLC, 1637 11th Street North (5 years).
  - f. Rodney and Jane Capistran T/O/D, 1126 Oak Street North (5 years).
  - g. John and Joann Lawrence, 732 Ironwood Court South (5 years).
  - h. Christopher and Bethany Myhre, 3614 21st Street South (5 years).
  - i. Carolyn Lieb-Jorgensen and Blaine Jorgensen, 213 30th Avenue North (5 years).

- j. Ethan Foster, 1401 4th Street North (5 years).
- k. Jeffrey and Rebecca Ledoux, 4442 Carrie Rose Lane South (5 years).
- l. Terrance Fortier T/O/D, 2610 Evergreen Road North (5 years).

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. 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](http://www.FargoND.gov/citycommission).