

FARGO CITY COMMISSION AGENDA
Monday, October 2, 2023 - 5:00 p.m.

Executive Session at 4:30 p.m.

Roll Call.

PLEASE NOTE: The City Commission will convene at 4:30 p.m. and retire into Executive Session in the Red River Room with respect to the proposed agreement between the City and T&K Property Management LLC, the City Commission will meet in Executive Session to consult with the City's attorneys and the City's negotiators as well because there is a reasonable likelihood that civil litigation will occur relating to the project that is the subject of the proposed agreement and public discussion would have an adverse fiscal effect on the City's litigation and or bargaining position, this Executive Session is authorized by North Dakota Century Code 44-04-19.1 subsection 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. 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, September 18, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Letter of Support for The Wave Water Park project to the ND Opportunity Fund.
- 2. 2nd reading and final adoption of an Ordinance Amending Section 8-1321 of Article 8-13 of Chapter 8 of the Fargo Municipal Code Relating to Use of Safety Belts Required in Certain Motor Vehicles.
- 3. Waive 2nd reading of an Ordinance Enacting Article 3-24 of Chapter 3 of the Fargo Municipal Code Relating to a Lodging Tax for Fargodome Including Conference Center; and to place the Ordinance on the agenda for the Regular Meeting of the City Commission on December 26, 2023, for possible final passage and enactment.
- 4. Waive 2nd reading of an Ordinance Enacting Article 3-25 of Chapter 3 of the Fargo Municipal Code Relating to a Sales Tax for Fargodome Including Conference Center; and to place the Ordinance on the agenda for the Regular Meeting of the City Commission on December 26, 2023, for possible final passage and enactment.
- 5. Applications for Games of Chance:
 - a. Delta Delta Delta for a raffle on 10/13/23.
 - b. Eagles Elementary PTA for bingo on 10/27/23 and 2/12/24.
 - c. St. John Paul II Catholic Schools for a calendar raffle from 10/13/23 through 10/24/23.
 - d. Eventide for a raffle and raffle board on 10/13/23.

- e. River Keepers for a raffle on 10/19/23.
 - f. Red River Children's Advocacy Center for a raffle and raffle board on 10/27/23.
 - g. Homeward Animal Shelter for a raffle on 10/27/23.
6. Direct the City Attorney to Amend Fargo Municipal Code 25-1508 (F) adding three additional alcoholic beverage licenses to the Class "C" and Class "W" Classifications.
 7. Extension of a Class "FA" Alcoholic Beverage License for Prairie Pasta, Inc. d/b/a Johnny Carino's until 3/31/24.
 8. 2024 City Commission meeting dates.
 9. Contract and bond for Project No. BP-23-0.
 10. ND Department of Transportation Cost Participation, Construction and Maintenance Agreement for LPA Federal Aid Project (Project No. QR-24-A1).
 11. Consent to Construction Agreement with 9th & Main, LLC at 1387 55th Street North.
 12. Change Order No. 1 in the amount of \$65,450.00 and associated 35-day time extension to the substantial and final completion dates of 10/27/23 and 11/13/23 for Project No. SR-23-A1.
 13. Final Balancing Change Order No. 6 in the amount of \$0.00 for Project No. MP-20-A2.
 14. Negative Final Balancing Change Order No. 1 in the amount of -\$4,706.72 for Project No. PR-23-A1.
 15. Contract Amendment No. 2 with Apex Engineering in the amount of \$94,559.00 for Improvement District No. BR-23-G0.
 16. Create Improvement District No. BR-24-A (Paving and Utility Rehab/Reconstruction).
 17. Memorandum of Offer to Landowner for an Easement (Temporary Construction Easement) with Easter Seals Good Will ND, Inc. (Improvement District No. BR-23-G2).
 18. Easement (Temporary Construction Easement) with FM Property Pros II, LLC (Improvement District No. BR-24-A1).
 19. Notice of Grant Award from the ND Department of Emergency Services for FY2023 Emergency Management Performance Grant (CFDA #97.042 EMPG).
 20. Extension of the Agreement with R.L. Engebretson Architects Fargo LLC for Phase 2 of Architectural Services at the FARGODOME (RFQ18084).
 21. Change Order No. 4 in the amount of \$5,880.00 for Fire Station No. 8 construction.
 22. Direct the City Attorney to review Articles 13-10, 13-14 and 13-18.
 23. Notice of Grant Award from the ND Department of Health and Human Services for the Community Grant Program (CFDA #93.991).
 24. Notice of Grant Award from the ND Department of Health and Human Services for maternal and child health programs (CFDA #93.994).

25. Notice of Grant Award from the ND Department of Health and Human Services for the Women, Infant and Children program (CFDA #10.557).
26. Master Clinical Affiliation Agreement with the University of North Dakota.
27. Vacate the Findings of Fact, Conclusions and Order for property located at 509 21st Street North.
28. Set October 16, 2023 at 5:15 p.m. as the date and time for a Public Hearing on a dangerous building at 924 7th Street South.
29. Updated art concept for the Skyway Mosaic project.
30. Notice of Grant Award from the ND Department of Emergency Services (NDDDES) in the amount of \$338,921.00 for the Fargo Police Department-Red River Valley Bomb Squad.
31. Bid award to Nelson Auto Center in the amount of \$56,173.00 for the purchase of one Ford F-450 (PBC23377).
32. Piggyback purchase through the Sourcewell Cooperative Contract with Custom Fire Apparatus Inc. in the amount of \$628,464.59 for the purchase of a 2024 Fire Pumper Truck (PBC24002).
33. Extension of the 2022/2023 Services Agreement - Snow Groomer Equipment Services with Midwest Snow Services LLC for the 2023/2024 Winter Season (RFP22156).
34. Resolutions Authorizing the Issuance and Sale of \$701,000.00 and \$10,647,000.00 City of Fargo Solid Waste Revenue Bonds, Series 2023E and Series 2023F.
35. Bid award to Excavating Inc. in the amount of \$6,165,624.20 for Cell 21 Waste Excavation and Construction Project No. SW 23-04.
36. ND Department of Transportation Section 5310 Transit Grant Agreement for Capital Assistant Program for elderly persons and persons with disabilities (CFDA #20.513).
37. Services Agreement with the Minnesota Municipal Utilities Association for OSHA/DOT safety training at the Water Treatment Plant (EX24003).
38. Bills.

REGULAR AGENDA:

39. **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:**

40. **PUBLIC HEARING** – EOLA Second Addition (4410, 4415, 4448, 4470, 4471 and 4474 24th Avenue South; 4417 and 4477 26th Avenue South); approval recommended by the Planning Commission on 7/6/23 and 9/7/23:
 - a. PUD, Planned Unit Development Master Land Use Plan amendment.
 - b. Zoning Change from GC, General Commercial with a PUD, Planned Unit Development to GC, General Commercial, with an amended PUD, Planned Unit Development overlay.
 - c. 1st reading of rezoning Ordinance (EOLA Addition).

- d. 1st reading of rezoning Ordinance (EOLA Second Addition).
 - e. Plat of EOLA Second Addition.
41. **PUBLIC HEARING** – Hearing on a dangerous building located at 1809 14th Avenue South.
42. **PUBLIC HEARING** – Application filed by Corvent Medical, Inc. for a property tax exemption for a project to be located at 4837 Amber Valley Parkway South which the applicant will use for the manufacturing of medical ventilators, warehousing ventilators and accessories used with ventilators.
43. **PUBLIC HEARING** – Changes to MATBUS Route 18.
44. **PUBLIC HEARING** - Special Assessment List for Business Improvement District (BID) fees and unpaid utility bills.
45. **PUBLIC HEARING** - Special Assessments for the 2022 New and Reconstruction of City Ordered Sidewalks (Project No. SR-22-A).
46. **PUBLIC HEARING** - Special Assessments for the 2022 New and Reconstruction of City Ordered Sidewalks (Project No. SR-22-B).
47. **PUBLIC HEARING** - Special Assessment List for the following Improvement Districts, all having been approved by the Special Assessment Commission on 8/29/23:
- a. Alley Paving Improvement District No. AN-21-A.
 - b. Grading, Salvaged Base, P.C.C. Pavement, Storm Sewer, Water Main, Traffic Signal, Lighting and Shared Use Path Improvement District No. BN-20-A
 - c. New Bridge, Underground Utilities, Paving, Shared Use Path and Structure and Incidentals Improvement District No. BN-21-A.
 - d. New Paving and Utility Construction Improvement District No. BN-21-B.
 - e. New Paving and Utility Construction Improvement District No. BN-21-E.
 - f. New Paving and Utility Construction Improvement District No. BN-21-H.
 - g. New Paving and Utility Construction Improvement District No. BN-21-L.
 - h. New Paving and Utility Construction Improvement District No. BN-22-A.
 - i. New Paving and Utility Construction Improvement District No. BN-22-B.
 - j. New Paving and Utility Construction Improvement District No. BN-22-J.
 - k. New Paving and Utility Construction Improvement District No. BN-22-K.
 - l. New Paving and Utility Construction Improvement District No. BN-22-N.
 - m. Water Main Replacement, Storm Sewer, Street Reconstruction and Incidentals Improvement District No. BR-21-C.
 - n. Paving and Utility Rehab/Reconstruction Improvement District No. BR-21-E.
 - o. Paving and Utility Rehab/Reconstruction Improvement District No. BR-22-F.
 - p. Drain 53 Improvement Project No. 2019-01; SE Cass WRD Improvement District No. FM-20-C.
 - q. Southwest Regional Pond Phase 1 Improvement District No. FP-19-A.
 - r. Storm Sewer Lift Station Rehab/Reconstruction and Incidentals Improvement District No. NR-20-A.
 - s. Asphalt Wear Course Improvement District No. PN-22-A.
 - t. New Paving Construction Improvement District No. PN-23-C.
 - u. Concrete Paving Rehab/Reconstruction Improvement District No. PR-21-F.
 - v. Concrete Paving Rehab/Reconstruction Improvement District No. PR-22-C.
 - w. Seal Coat Improvement District No. PR-22-E.

- x. Asphalt Mill and Overlay Improvement District No. PR-22-F.
 - y. Asphalt Paving Rehab/Reconstruction Improvement District No. PR-22-G.
 - z. Street Lighting and Incidentals Improvement District No. SL-21-B.
 - aa. Street Lighting and Incidentals Improvement District No. SL-21-C.
 - bb. Traffic Signal Improvements Improvement District No. TN-22-A.
 - cc. New Utility Construction Improvement District No. UN-22-M.
48. **PUBLIC HEARING** – CONTINUED to 10/30/23 – Application for a Class “FA” Alcoholic Beverage License for El Agave Mexican Restaurant, LLC d/b/a El Agave Mexican Restaurant to be located at 2581 45th Street South.
49. **PUBLIC HEARING** – CONTINUED to 10/30/23 – Transfer of a Class “FA” Alcoholic Beverage License from Prairie Pasta, Inc. d/b/a Johnny Carino’s to Summit Night Club d/b/a Cairo Restaurant and Nightclub to be located at 4554 7th Avenue South.
50. **PUBLIC HEARING** – Transfer of a Class “AB” Alcoholic Beverage License to Chub’s Pub and Package Place, Inc. d/b/a Chub’s Pub and Package Place at 421 University Drive (ownership change).
51. **PUBLIC HEARING** – Application for a Class “GH” Alcoholic Beverage License for Dami and Company, LLC d/b/a SOHO23 to be located at 1450 25th Street South.
52. **PUBLIC HEARING** – Application for a Class “W” Alcoholic Beverage License for Uncorked Lounge LLC d/b/a Uncorked Lounge to be located at 5601 33rd Avenue South.
53. **PUBLIC HEARING** – Application for a Class “CW” Alcoholic Beverage License for The 40Fifty Lounge, LLC d/b/a The 40Fifty Lounge to be located at 2551 45th Street South Unit 129.
54. **PUBLIC HEARING** – Application for a Class “W” Alcoholic Beverage License for The 1889, LLC d/b/a The 1889 to be located at 602 Main Avenue.
55. Recommendations for the Main Avenue Reconstruction Project – University Drive to 25th Street (Improvement District No. BR-23-A1).
56. Recommendation to approve the Agreement to Grant Emergency Egress Easement and to Grant Option for Parking Lease with T&K Property Management LLC, as presented.
57. Recommendation to approve the Preliminary Budget as the Final Budget for 2024 and the proposed tax levies.
58. Recommendations for appointments to the following Boards and Commissions:
- a. Human Rights Commission.
 - b. Library Board.
59. Applications for Property Tax Exemptions for Improvements Made to Buildings:
- a. Roger and Canan Green, 3380 Maplewood Court South (5 years).
 - b. Adam Halter, 1421 12th Street South (5 years).
 - c. Cory and Laura Marcuson, 3013 9th Street North (5 years).
 - d. Brian Dahlin, 1431 4th Avenue South (5 years).
 - e. Peggy Bokn, 2409 Parkview Drive South (5 years).
 - f. Brent Merrigan, 715 3rd Street North (5 years).

60. 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.