

FARGO CITY COMMISSION AGENDA
Monday, October 30, 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 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, October 16, 2023; Special Meeting, October 25, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Amendment to Developer Agreement, Tax Increment Note (Tax Increment District 2021-02 Project) and Certificate of Completion with PS Holdings, LLC (Brewhalla).
- 2. Interest Buydown Agreement – PACE Program, Escrow Agreement – PACE Program and Community PACE – Interest Buydown Authorization with the Bank of ND to be received by PS Holdings, LLC from Bell Bank (Brewhalla).
- 3. Lease Agreement with Prairie Public Broadcasting, Inc.
- 4. Receive and file 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.
- 5. 1st reading of an Ordinance Amending Section 25-1508 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.
- 6. 1st reading of an Ordinance Amending Section 13-1011 of Article 13-10 of Chapter 13 of the Fargo Municipal Code Relating to Recreational Aquatic Facilities.

7. 1st reading of an Ordinance Amending Article 13-14 of Chapter 13 of the Fargo Municipal Code Relating to Hotels & Motels.
8. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Southwest Fargo Mission Second Addition to the City of Fargo, Cass County, North Dakota.
9. Findings of Fact, Conclusions and Order, and Notice of Entry of Order for property located at 924 7th Street North.
10. Applications for Games of Chance:
 - a. Oak Grove Lutheran School for a raffle board on 11/2/23.
 - b. Sts. Anne & Joachim Catholic Church for bingo on 11/12/23.
 - c. The Village Family Service Center for a raffle board on 11/17/23.
 - d. Bison Dance Team for a raffle on 12/8/23.
 - e. North Dakota State University Judging Club for a raffle on 3/4/24.
11. Receive and file the Amendment to the Franchise Agreement with Cass County Electric Cooperative adding the area annexed by the City of Fargo on 5/1/23.
12. Appointment of election workers and additional workers for the 12/5/23 Special Election as presented and the appointment of the Canvassing Board as presented.
13. Agreement for Special Improvements with County 20 Storage LLC (Improvement District No. BN-23-J1).
14. Notice of Grant Award from the ND Department of Emergency Services for the FY 2023 Homeland Security Program (CFDA #97.067).
15. Negative Final Balancing Change Order No. 1 in the amount of -\$33,791.72 for Project No. PR-23-C1.
16. Encroachment Agreement with J and R Ohnstad Family Limited Partnership (OK Tire) for property located at 2200 Main Avenue.
17. Purchase Agreement with Sanford North (Project No. FP-19-A).
18. Bid award to Dakota Underground Company in the amount of \$489,889.12 for Project No. SN-23-A1.
19. Incentive of \$150,000.00 (30 days at \$5,000.00 per day) for Improvement District No. BR-23-G1.
20. Change Order No. 3 in the amount of \$20,689.80 and 8-day time extension for Improvement District No. BR-23-F1.
21. Change Order No. 5 in the amount of \$39,858.72 for Improvement District No. BN-22-C1.
22. Change Order No. 1 in the amount of \$97,686.18 for Improvement District No. PR-23-E1.
23. Change Order No. 2 in the amount of \$26,718.14 for Improvement District No. UR-23-A1.
24. Easement (Temporary Construction Easement) and Permanent Easement (Lift Station) with Dakota Commerce Center 5 LLC (Improvement District No. BN-23-F1).

25. Bid award to KPH, Inc. in the amount of \$1,340,525.95 for Improvement District No. BR-24-E1.
26. Bid award to Master Construction Company, Inc. in the amount of \$4,897,816.25 for Improvement District No. BR-24-C1.
27. Create Improvement District No. PN-23-B.
28. Create Improvement District No. BR-24-B.
29. Bid award to Martinson Lot Maintenance and All Terrain for snow removal services from 11/1/23 through 4/30/24 (RFP23191).
30. Bid award to AP Signature Homes, LLC for the Newman Outdoor Field Exiting Improvements.
31. Contract extension with Vector Solutions until 12/31/24 (SSP17412).
32. Memorandum of Agreement with the ND Department of Emergency Services and the Fargo Fire Department for Regional Response for Hazardous Materials and Technical Rescue.
33. Notice of Grant Agreement Amendment with the ND Department of Health and Human Services for the PHEP – City Readiness Initiative (CFDA #93.069).
34. Notice of Grant Award from the ND Department of Emergency Services for the FY 2022 State and Local Cybersecurity Grant Program and related budget adjustments (CFDA #97.137).
35. Notice of Grant Award from the ND Department of Emergency Services for the FY 2023 State and Local Cybersecurity Grant Program and related budget adjustments (CFDA #97.137).
36. Piggyback purchase with Esri Small Municipal and County Government Enterprise Agreement from 1/26/24 to 1/26/27 (PBC24008).
37. Authorization for IS to hire a full-time Technical Support Desk Associate position in 2023.
38. Amendment to the Fiscal Project Sponsor Agreement - Badges of Unity with the Impact Foundation.
39. Two-Year Contract with All Terrain to provide lawn care and snow removal services at the Fargo Regional Training Center (RFQ23206).
40. Receive and file the Hate Crimes investigations for the 3rd quarter of 2023.
41. First Addendum to Landfill Use Agreement with the City of Valley City, ND.
42. Contract and bond with Excavating, Inc. for Cell 21 Waste Excavation and Construction Project No. SW 23-04 (ITB23160).
43. Bid award to GMV Syncromatics Corporation for fixed route software (RFP23214) and bid award to Via Mobility LLC for paratransit software and hardware (RFP23215).
44. Bills.

REGULAR AGENDA:

45. **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:**

46. **PUBLIC HEARING** - Vacation Plat of portions of 3rd Avenue North and 3rd Street North, North Dakota R-1 Urban Renewal Addition (101, 207 and 225 4th Street North; 285 1st Avenue North; 200 and 334 4th Avenue North); approval recommended by the Planning Commission on 9/7/23.
47. **PUBLIC HEARING** – Hearing on a dangerous building located at 1710 1st Avenue South.
48. **PUBLIC HEARING** – Hearing on a dangerous building located at 1208 South University Drive.
49. **PUBLIC HEARING** – 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; continued from the 10/2/23 Regular Meeting.
50. **PUBLIC HEARING** – 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; continued from the 10/2/23 Regular Meeting.
51. **PUBLIC HEARING** – Transfer of a Class “ABH Limited” Alcoholic Beverage License from KLP Lodging LLC d/b/a AmericInn Fargo to Fargo Voyage Hotel LLC d/b/a AmericInn Fargo to be located at 4325 23rd Avenue North.
52. **PUBLIC HEARING** – Transfer and ownership change of a Class “A” Alcoholic Beverage License from Irish Hospitality, LLC d/b/a Hennessy’s Irish Pub to Irish Hospitality, LLC d/b/a Double Down to be located at 3165 33rd Street South, #101.
- a. Gaming Site Authorization for Games of Chance for Fargo Angels Hockey Club at Double Down.
53. Update on the Massage Therapy Establishment Program.
- a. Adopt Resolution Establishing Massage Therapy Establishment Requirements and Fees.
- b. 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.
- c. 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.
54. Update on the North Broadway Bridge Feasibility Study.
55. Recommendation to authorize staff to publish a Request for Proposals for a City of Fargo Advanced Metering Infrastructure Project.

56. Applications for Abatement or Refund of Taxes #4546 and #4547 for property located at 4773 32nd Street South requesting a reduction in value for 2022 from \$749,400.00 to \$650,000.00 and for 2023 from \$887,600.00 to \$660,000.00.
57. Recommendation to approve the Agreement to Grant Emergency Egress Easement and Grant Option for Parking Lease with T&K Property Management LLC, as presented.
58. Fargo-Moorhead Metropolitan Area Ending Homelessness Task Force Discussion.
59. Recommendation from Commissioner Preston for changes to the Liquor License Ordinance.
60. Recommendation for appointments to the Housing and Redevelopment Authority.
61. Applications for Property Tax Exemptions for Improvements Made to Buildings:
 - a. Molly Moore, 3601 Evergreen Road North (5 years).
 - b. Michelle Mehring, 1526 9th Street North (5 years).
 - c. Matthew Mazourek, 3419 19th Street South (5 years).
 - d. Janell Schmidt, 3526 29th Street South (5 years).
 - e. James and Sharon Puppe Rev Living Trust, 114 22nd Avenue North (5 years).
 - f. Jerome and Amy Noeske, 56 16th Avenue North (5 years).
62. 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.