

FARGO CITY COMMISSION AGENDA

Monday, July 8, 2024 - 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. on Monday, July 8, 2024 and retire into Executive Session for the purpose of attorney consultation regarding potential opioid litigation with Indivior, Inc. and/or Mylan N.V., to receive its attorneys' advice and guidance on the legal risks, strengths, and weaknesses of an action of a public entity, which, to discuss these matters in open meeting will have a negative fiscal effect on the bargaining and/or litigation position of the City. Thus, an Executive Session for these matters is authorized pursuant to North Dakota Century Code 44-04-19.1 subsections 2, 5 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. 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. Municipal Judge Steve Dawson will administer the Oaths of Office to City Commissioners John Strand and Michelle Turnberg.
- E. Minutes (Regular Meeting, June 24, 2024).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Interest Buydown Agreement - Pace Program with the Bank of North Dakota received by the Roosevelt Family Lofts LLC.
- 2. Letter of Support for the APH Stores Project to the ND Opportunity Fund Consortium.
- 3. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Selkirk Place Second Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 6/24/24.
- 4. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Chas A. Roberts Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 6/24/24.
- 5. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Rocking Horse Farm Seventh Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 6/24/24.

6. Findings of Fact, Conclusions and Order of the Board of City Commissioners of the City of Fargo and Notice of Entry of Order for property located at 1449 4th Avenue South.
7. Findings of Fact, Conclusions and Order of the Board of City Commissioners of the City of Fargo and Notice of Entry of Order for property located at 909 4th Street North.
8. Accept the results of the Cass County Canvassing Board for the June 11, 2024 Primary election and declare candidates elected.
9. Applications for Games of Chance:
 - a. EagleRidge Legacy Fund, Inc. for a raffle on 7/18/24.
 - b. El Zagal Provost for a sports pool from 9/8/24-1/5/25.
 - c. Fargo Gateway Lions for a raffle on 7/16/24.
 - d. Fargo North High Football for a raffle on 7/23/24.
 - e. Fargo North High School for a raffle on 4/5/25.
 - f. Fargo North High School – Coli for a raffle from 11/11/24-2/14/25.
 - g. Fargo North High School for a raffle on 12/7/24.
 - h. Fargo North High School for a raffle on 8/8/24-2/21/25.
 - i. Holy Spirit Catholic Church for a raffle on 10/13/24.
 - j. North Dakota Backcountry Hunters and Anglers for a raffle on 8/1/24.
 - k. St. Anthony of Padua Parish Fall Bazaar for a raffle on 9/29/24.
10. Extension of a Class “N” Alcoholic Beverage License for Horse Race North Dakota d/b/a The North Dakota Horse Park until 6/30/25.
11. Change Order No. 2 in the amount of \$19,225.19 and time extension for Project No. FM-21-A2.
12. Bid award to Asphalt Surface Tech Corp in the amount of \$538,918.12 for Project No. PR-24-F2.
13. Final Balancing Change Order No. 4 in the amount of \$34,758.84 for Improvement District No. BN-23-C1.
14. Final Balancing Change Order No. 2 in the amount of \$14,992.50 for Improvement District No. PR-23-E1.
15. Memorandum of Offer to Landowner for an Easement (Temporary Construction Easement) with Cass Oil, LLC (Improvement District No. BR-23-G2).
16. Contract and bond for Improvement District No. AN-24-B1.
17. Certificate of Substantial Completion for Newman Outdoor Field Exiting Improvements 2023-2024 Project (RFQ18084).
18. Eleventh Amended Lease Agreement with North Dakota State University and Fargo Dome Authority.
19. NDDDES FY 2024 Emergency Management Performance Grant Application (CFDA #97.042).
20. Notice of Grant Award from ND Department of Health and Human Services for increasing immunization rates (CFDA #93.268).

21. Notice of Grant Award from ND Department of Health and Human Services for PHEP-EPR All Hazards Allocation (CFDA #93.069).
22. Notice of Grant Award from ND Department of Health and Human Services for Women's Way program (CFDA #93.898).
23. Notice of Grant Award Amendment from the ND Department of Health and Human Services for PHEP workforce supplemental funding (CFDA #93.354).
24. Financial Award from ND Housing Finance Agency for emergency shelter operations.
25. Agreement for Provision of Health Services for Cass County by Fargo Cass Public Health.
26. Bid award to Sanitation Products Inc. in the amount \$357,585.00 for the purchase of one high compaction front load refuse truck (RFP24242).
27. Lease Agreements with the Diocese of Fargo and Fargo Public School District for recycling drop sites.
28. Bid award to Poynette Iron Works in the amount of \$362,390.00 for front load containers (RFP24228).
29. Mass Transit Agreement with the City of West Fargo.
30. Exempt Purchase from Filmtec Corporation in the amount of \$124,650.00 for Effluent Reuse Facility Ultra Filtration Membranes (EX24254).
31. Bills.

REGULAR AGENDA:

32. Update on the Grants Pass Ruling.

PUBLIC HEARINGS - 5:15 pm:

33. **PUBLIC HEARING** – CONTINUE to 7/22/24 Hearing to consider a Renewal Plan and Developer Agreement with JS2L Partners, LLP for the Tax Increment Financing District No. 2024-01 (600 Block of 4th Street North); continued from the 6/10/24 and 6/24/24 Regular Meetings.
34. **PUBLIC HEARING** – Hearing on a dangerous building located at 1011 University Drive North.
35. **PUBLIC HEARING** – Vacation Plat of a portion of 5th Avenue North right-of-way adjacent to Block 23, Leach and Wells Subdivision (421 4th Street North adjacent to 415 4th Street North); approval recommended by the Planning Commission on 6/4/24.
36. **PUBLIC HEARING** – Vacation Plat of the West 23.5 feet of 22nd Street North right of way between 7th and 8th Avenues North, adjacent to Lots 1 and 21 of First Industrial Subdivision of Beardsley's Addition (2213 7th Avenue North); approval recommended by the Planning Commission on 4/2/24.
37. **PUBLIC HEARING** – Cityside Addition (202, 208, 210 and 212 6th Avenue North; 509, 511 and 515 3rd Street North); approval recommended by the Planning Commission on 12/5/23:

- a. Zoning Change from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed Use.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of Cityside Addition.
38. **PUBLIC HEARING** – Community Development Block Grant (CDBG) and HOME Program Proposed Amendment to the 2023 HUD Action Plan.
39. Request for licensing of a Scooter Rental business; staff is recommending denial of this request.
40. Recommendation for approval of the items from the FAHR Staff meeting:
- a. Receive and file Sales Tax update.
 - b. Accept the Badges of Unity donation and budget adjustment in the amount of \$158,790.07 to cover all of the costs associated with travel to Washington, DC for the National Police Week Memorial.
 - c. Reclassification of the vacant Engineering Technician III position.
 - d. Authorize the Health Department to add two Home Health Aide contract positions for the school year, contracts will be billed back to Fargo Public Schools.
41. Recommendation for Commission Liaison assignments.
42. Recommendation for appointment of a Deputy Mayor.
43. Liaison Commissioner Assignment Updates.
44. **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://www.fargoND.gov/VirtualCommission)).**

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](https://www.fargoND.gov/CityCommission).