

FARGO CITY COMMISSION AGENDA

Tuesday, May 28, 2024 - 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, May 13, 2024).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Letter of Support for the St. Monica's Montessori relocation/expansion project to the ND Opportunity Fund.
- 2. 2nd reading, waive reading and final adoption of an Ordinance Amending Section 5-0406(1) of Article 5-04 of Chapter 5 of the Fargo Municipal Code Relating to the Fargo Police Advisory and Oversight Board; 1st reading, 5/13/24.
- 3. 2nd reading, waive reading and final adoption of an Ordinance Amending Section 4-0101.1 of Article 4-01 of Chapter 4 of the Fargo Municipal Code Relating to the General Provisions Governing City Officials and Employees; 1st reading, 5/13/24.
- 4. 2nd reading, waive reading and final adoption of an Ordinance Amending Section 4-0402 of Article 4-04 of Chapter 4 of the Fargo Municipal Code Relating to Authorizing the City Commission to Approve Program of Interfund Loans; 1st reading, 5/13/24.
- 5. 2nd reading, waive reading and final adoption of an Ordinance Amending Section 25-1504.1 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages; 1st reading, 5/13/24.
 - a. Resolution Regarding Ordinance Amendment Pertaining to Owner and General Manager Background Investigations and Implementation.
- 6. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 20-0401 of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Use Regulations.
- 7. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 24-1509.1 (D) of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages and an Ordinance Amending Section 25-1506 (CC) of Article 25-15 of Chapter 25 of the Fargo Municipal Code relating to Alcoholic Beverages.
- 8. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Sections 25-1501, 25-1503 and 25-1509 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.

9. Receive and file the Notice of Appeal from a Decision of a Local Governing Body Pursuant to NDCC 28-34-01 regarding Liquid Hospitality, LLC d/b/a Windbreak Saloon.
10. Site Authorizations for Games of Chance:
 - a. Fargo Metro Baseball Association at Applebee's Grill & Bar-13 Ave.
 - b. Fargo Metro Baseball Association at Applebee's Grill & Bar-45 St.
 - c. Fargo Metro Baseball Association at Applebee's Grill & Bar-North Fargo.
 - d. Fargo Metro Baseball Association at Empire Tavern.
 - e. Red River Human Service Foundation at Blarney Stone on Broadway.
 - f. Sharehouse, Inc. at Bismarck Tavern.
 - g. Sharehouse, Inc. at Rick's Bar.
 - h. Sharehouse, Inc. at The Round Up Saloon.
 - i. Sharehouse, Inc. at Woody's.
 - j. West Fargo Events at Holiday Inn/Spirits Lounge.
 - k. West Fargo Hockey Association at Fort Nok.
11. Applications for Games of Chance:
 - a. Brave the Shave for a raffle on 6/22/24.
 - b. FM AM Rotary for a sports pool 9/9/24-12/30/24.
 - c. North Dakota CPA Society for a raffle 6/17/24-6/18/24.
 - d. UND Alumni Association & Foundation for a raffle board on 6/26/24.
12. Extension of the Class "A-8" Alcoholic Beverage License for BFG, Inc. d/b/a Borrowed Bucks Roadhouse until 12/31/24.
13. Variance Acknowledgement and Liability Waiver with Troy and Amelia Peterson in the Limited Disturbance Zone Setback Area for proposed construction and improvement of property at 6405 13th Street North and 6411 13th Street North.
14. Bid award to Reede Construction, Inc. in the amount of \$10,696,257.57 for Improvement District No. PR-24-A1.
15. Bid award to Master Construction Company, Inc. in the amount of \$187,545.00 for Improvement District No. AN-24-A1.
16. Amendment No. 5 in the amount of \$9,095.00 for Improvement District No. BR-22-A0.
17. Encroachment Agreement with Magellan Pipeline Company, L.P. (Improvement District No. BN-23-G1).
18. Contract and bond for Improvement District No. PR-24-H1 (Asphalt Paving Rehab/Reconstruction).
19. Contract and bond for Improvement District No. BN-23-F (New Paving and Utility Construction).
20. Bid award to Border States Paving, Inc. in the amount of \$65,887.80 for Project No. UR-24-G1.
21. Bid advertisement for Project No. PR-24-F.

22. Change Order No. 1 for a 30-day time extension to the Interim Completion Date for Project No. NR-23-A3.
23. Change Order No. 2 for a 30-day time extension to the Interim Completion Date for Project No. NR-23-A2.
24. Final Balancing Change Order No. 2 in the amount of \$0.00 for Project No. ER-23-A1.
25. Certificate of Substantial Completion for Newman Outdoor Field 2021-2022 Project (RFQ18084).
26. Items from the FAHR Staff meeting:
 - a. Receive and file General Fund - YTD April 2024 Budget to Actual.
 - b. Budget adjustment in the amount of \$3,804.00 for Fire Department's Hometown Heroes grant award to General Supplies for the purchase of two ice water suits
27. Authorization to apply for a State Homeland Security Grant to purchase security cameras and supporting network infrastructure for Fire Department stations (CFDA #96.067).
28. Notice of Grant Award Amendment with the ND Department of Health and Human Services for PHEP-City Readiness Initiative (CFDA #93.069).
29. Notice of Grant Award Amendment with the ND Department of Health and Human Services for PHEP-Statewide (CFDA #93.069).
30. Resolution approving Plat of Harvest Church Addition.
31. Authorization to apply for a State Homeland Security Grant for vehicle barriers for special events (CFDA #96.067).
32. Authorization to apply for a State Homeland Security Grant to purchase equipment and technology that provides real-time intelligence to law enforcement. (CFDA #97.067)
33. 2024 Mosquito Control Agreement with Cass County (EX24219).
34. Tree Injection Services - 2024 Agreement with Carr's Tree Service (RFQ24223).
35. Solid Waste Management Agreement for Private Haulers with J-1 Excavation & Roll Off.
36. Amendment No. 1 to Apex Engineering Task Order No. WA04 in the amount of \$216,272.00 and time extension to November 29, 2024 for Project No. WA1910.
37. Change Order No. 2 with Phoenix Fabricators and Erectors, LLC in the amount of \$47,820.00 for Project No. WA1910.
38. Task Order No. 11 with AE2S in the amount of \$261,500.00 for Project No. WW1707.
39. Bills.

REGULAR AGENDA:

40. Recommendations for appointments to the Board of Appeals.

PUBLIC HEARINGS - 5:15 pm:

41. **PUBLIC HEARING** – Application for a Class “FA” Alcoholic Beverage License for KHP Fargo LLC d/b/a Kpot Korean BBQ & Hot Pot to be located at 4410 17th Avenue South.
42. **PUBLIC HEARING** – CONTINUE to 6/10/24 – Application for a Class “CW” Alcoholic Beverage License for PKPham Inc d/b/a The Nail Company to be located at 2911 45th Street South.
43. Bid award to Dirt Dynamics in the amount of \$3,256,380.61 for Improvement District No. BN-23-G1.
44. Authorization to Transfer Ownership of 69 4th Street North to Fargo Housing and Redevelopment Authority.
45. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 11-0209 of Article 11-02 of Chapter 11 of the Fargo Municipal Code Relating to Public and Sanitary Nuisances.
46. Resolution Amending Governance Policies of the Board of City Commissioners of the City of Fargo.
47. Liaison Commissioner Assignment Updates.
48. Resident Comments.

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.