

FARGO CITY COMMISSION AGENDA
Tuesday, November 12, 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, October 28, 2024).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Letter of Support for the RKAK Project to the ND Opportunity Fund Consortium.
- 2. 1st reading of an Ordinance Amending Article 11-09, of Chapter 11, of the Fargo Municipal Code, Relating to Littering of Public Places by Contractors.
- 3. 2nd reading, waive reading and final adoption of an Ordinance Annexing a Certain Parcel of Land Lying in a Portion of the West Half of Section 4, Township 138 North, Range 49 West of the 5th Principal Meridian in Cass County, North Dakota; 1st reading, 10/28/24.
- 4. 2nd reading, waive 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; 1st reading, 10/28/24.
- 5. Appeal of the decision of the District Court regarding Liquid Hospitality, LLC d/b/a Windbreak Saloon vs. Board of City Commissioners of the City of Fargo-Case No. 09-2024-CV-01023.
- 6. Receive and file the Order, Complaint and Cass County Jail Inmate Grievance Form from Willshaun Devon Boxley.
- 7. Applications for Games of Chance:
 - a. Benefit for Shannyn Mack for a raffle 12/1/24; Public Spirited Resolution.
 - b. El Zagal Shrine Arab Patrol for a raffle on 3/14/25.
 - c. NDSU Dance Team for a raffle on 12/6/24.
 - d. NDSU Men’s Lacrosse Club for a raffle on 3/8/25.
 - e. Oak Grove Lutheran School for a raffle board on 11/15/24.
- 8. Developer Agreement with Lepine Holdings, LLC for MLTB Addition.
- 9. Stockpile Storage Agreement (Southwest Regional Pond - Phase 2) with Keith A. Ernst and Linda Vogle, as Trustees of the Fred M. Hector, Jr. Revocable Trust under agreement dated September 27, 2017.
- 10. Negative Final Balancing Change Order No. 1 in the amount of -\$9,163.12 for Project No. PR-24-C1.

11. Negative Final Balancing Change Order No. 2 in the amount of -\$42,665.40 for Project No. SR-24-B1.
12. Change Order No. 3 for an 18-day time extension to the final completion date for Project No. TR-23-A1.
13. Permanent Easement (Lift Station) and Termination of Easement (Lift Station) with Dakota Commerce Center 5 LLC for Improvement District No. BN-23-F1.
14. Memorandum of Offer to Landowner for Permanent Easement (Street and Utility) and Easement (Temporary Construction Easement) with Keith A. Ernst and Linda Vogle, as Trustees of the Fred M. Hector, Jr. Revocable Trust under agreement dated September 27, 2017 (Improvement District No. FP-19-A1).
15. Bid award to Master Construction Company, Inc. in the amount of \$3,403,624.90 for Improvement District No. BR-25-A1.
16. Bid award to Border States Paving, Inc. in the amount of \$13,300,910.09 for Improvement District No. FP-19-A4.
17. Bid award and Agreement with Osgood Cleaning Services, LLC for cleaning services at City Hall and Sky Commons West Wing (RFP24019).
18. Items from the FAHR Meeting:
 - a. Receive and file Sales Tax update.
 - b. Receive and file the donation for the 2025 Benefits Fair.
 - c. Authorization to close out ARPA Fund 255 at year-end 2024 and related budget adjustments as presented.
 - d. Grant Award and Acceptance of the 2025 Project Safe Neighborhoods Grant Program in the amount of \$33,300.00 and related budget adjustments.
 - e. Acceptance of the FY 2024 State Homeland Security Grant Program in the amount of \$474,000.00 and related budget adjustments.
 - f. Request to overfill the January 2025 Fargo Police Academy class with six sworn Police Officer positions.
 - g. Bid award for scrap meter liquidation to the selected vendors within the Preferred Buyers group (RFP23125).
 - h. Commercial Real Estate Advisory Agreement with Goldmark Commercial Real Estate Inc. for advisory services on the sale of City property west of the landfill.
19. Agreement for Provision of Environmental Health Services for the City of West Fargo.
20. Memorandum of Understanding between Local Public Health Units of Region V in North Dakota.
21. Contract Agreement for Services with the American Lung Association.
22. Amendment to the Findings of Fact, Conclusions and Order for property located at 1011/1013 University Drive North.
23. Authorization to apply for the 2025 Grant funds under the Infrastructure Investment and Jobs Act framework.
24. Resolution approving Plat of MLTB Addition.

25. Direct the City Attorney's Office to draft revisions to Fargo Municipal Code Section 8-0602.
26. Task Order from Stantec in the amount of \$83,535.00 (Project No. SW 24-06).
27. Resolutions Prescribing Rates and Charges for Water Utility and Water Reclamation Utility Service and Resolution Authorizing Storm Water Service Charge.
28. First Amendment to Water Service Agreement with the City of West Fargo.
29. Second Amendment to Agreement and Release with Cass Rural Water Users District.
30. Amendment of Resolution Authorizing the Issuance and Sale of an Amended and Restated \$98,000,000.00 City of Fargo Sales Tax and Water Revenue Bond, Series 2013B.
31. First Amendment to Sewer Agreement with the City of West Fargo.
32. Resolutions of Governing Body of Applicant - Resolution Authorizing filing of application with the ND Department of Environmental Quality for a loan under the Clean Water Act and/or the Safe Drinking Water Act to support Engineering led DOT projects.
33. Change Orders for Project No. WW1707:
 - a. No. 1 in the amount of \$3,164.59.
 - b. No. 2 in the amount of \$119,206.80 and time extensions to the substantial and final completion dates.
34. Change Order No. 7 in the amount of \$852,825.00 for Project No. WW1701.
35. Bills.

REGULAR AGENDA:

36. Presentation on the 2025 Legislative Session.

PUBLIC HEARINGS - 5:15 pm:

37. **PUBLIC HEARING** – Application for an ownership change for a Class “Z” Alcoholic Beverage License for Vault Partners LLP d/b/a Fort Noks located at 52 Broadway North; continued from the 10/28/24 Regular Meeting.
38. Construction Update.
39. Recommendations for Federal Aid Transportation Alternatives Project Applications for the years 2028 and 2029.
40. Recommendation for the Shared Use Path as part of the 17th Avenue South reconstruction project.
41. Recommendations for appointments to the following Board and Commission:
 - a. Growth Initiative Fund Board of Directors.
 - b. Planning Commission.
42. Liaison Commissioner Assignment Updates.

43. **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).**

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.