

FARGO CITY COMMISSION AGENDA
Monday, October 28, 2024 - 5:00 p.m.

Executive Session at 4:00 p.m.

Roll Call.

PLEASE NOTE: The Board of City Commissioners will convene in the City Commission Chambers at 4:00 p.m. on Monday, October 28, 2024 and retire into Executive Session in the Red River Room for the purpose of attorney consultation regarding the pending litigation titled Liquid Hospitality, LLC d/b/a Windbreak Saloon vs. Board of City Commissioners of the City of Fargo, File No: 09-2024-CV-01023. Discussing these matters in an open meeting will have a negative fiscal effect on the bargaining and or litigation position of the City of Fargo. An Executive Session for this legal matter 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. Minutes (Regular Meeting, October 14, 2024).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. Receive and file an Ordinance Amending Article 11-09, of Chapter 11, of the Fargo Municipal Code, Relating to Littering of Public Places by Contractors.
2. Site Authorizations for Games of Chance:
 - a. Homeward Animal Shelter, Inc. at Speck's Bar.
 - b. North Dakota Horse Park Foundation at Dogleg North.
3. Applications for Games of Chance:
 - a. Shiloh Masonic Lodge #1 for a raffle on 4/26/25.
 - b. Sts. Anne and Joachim Catholic Church for bingo and a raffle on 11/10/24.
 - c. The Village Family Service Center for a raffle board on 11/8/24.
4. Agreement Regarding Deferral of Special Assessments with Sanford North.
5. Reimbursement to Property Owner at 149 South Woodcrest Drive North in the amount of \$8,160.00 for irrigation repairs due to Project No. FM-19-C1.
6. Modifications to the Sanitary Sewer Service Participation Policy.

7. Maintenance Certification for Urban Federal Aid Projects for NDDOT.
8. Negative Final Balancing Change Order No. 2 in the amount of -\$26,927.00 for Project No. SL-22-A1.
9. Change Order No. 1 in the amount of \$0.00 for Project No. FM-24-A1.
10. Declare protest insufficient for Improvement District No. FP-19-A4.
11. Amendment No. 3 with Houston Engineering in the amount of \$501,000.00 for Improvement District No. FP-19-A0.
12. Access Easement (Storm Sewer, Sanitary Sewer and Water Main) and Access Easement (Storm Sewer Easement) with Southeast Cass Water Resource District for Improvement District No. BN-24-B1.
13. Change Order No. 2 in the amount of \$118,363.00 for Improvement District No. BN-23-F1.
14. Change Order No. 1 in the amount of \$27,267.50 and associated time extension for Improvement District No. BN-24-A1.
15. Change Order No. 3 in the amount of \$11,945.13 for Improvement District No. BR-24-F1.
16. Negative Final Balancing Change Order No. 2 in the amount of -\$51,131.52 for Improvement District No. PR-24-E1.
17. Negative Final Balancing Change Order No. 2 in the amount of -\$6,170.00 for Improvement District No. TN-23-A2.
18. Bid award to Municipal Pipe Tool Company in the amount of \$1,819,337.31 for Improvement District No. UR-24-F1.
19. Contract and bond for Improvement District No. BN-24-B1.
20. Contracts with Valley Green and All Terrain for snow and ice removal services (RFP24314).
21. Bid award to Gast Construction in the amount of \$62,150.00 for the North Parking Deck Repairs Assessment (RFQ24351).
22. Items from the FAHR Meeting:
 - a. Receive and file General Fund - Budget to Actual through 9/30/24.
 - b. Receive and file General Fund -2024 Year End Projections as of September 2024.
 - c. Amendment No. 3 to Agreement between City of Fargo and First Transit.
 - d. Purchasing One Card Master Contract with JPMorgan Chase Bank, N.A. for PCard services.
23. Change Order No. 21 in the amount of \$2,011.00 for Fire Station No. 8 (general construction contract).
24. Change Order No. 22 in the amount of \$1,124.00 for Fire Station No. 8 (general construction contract).
25. Change Order No. 23 in the amount of \$1,890.00 for Fire Station No. 8 (general construction contract).

26. Contract Agreement for Services with Southeast Human Service Center.
27. Contract Agreement for Services with Liz Hannig.
28. Contract Agreement for Services with Center Point Tactical, LLC.
29. Amendment to Agreement with Tyler Technologies, Inc. (EX25013).
30. Resolution approving Plat of Timber Parkway Eleventh Addition.
31. Direct the City Attorney's Office to draft revisions to Fargo Municipal Code Section 8-0305.
32. Resolution Authorizing the Issuance and Sale of \$15,000,000 City of Fargo Sales Tax and Water Revenue Bond and ND State Revolving Fund Program Loan Agreement with the ND Public Finance Authority for the Advanced Metering Infrastructure (AMI) Project (Project No. WA2402).
33. Bills.

REGULAR AGENDA:

34. Recommendation to direct staff to prepare a winter warming plan.

PUBLIC HEARINGS - 5:15 pm:

35. **PUBLIC HEARING** – Annexation of 243.16 acres, more or less as part of the West Half of Section 4, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota.
 - a. 1st reading of annexation Ordinance.
36. **PUBLIC HEARING** – Southwest Fargo Mission Second Addition (4475 40th Avenue South); approval recommended by the Planning Commission on 10/1/24:
 - a. Zoning Change from GC, General Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay.
 - b. 1st reading of rezoning Ordinance.
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.
38. Applications for Property Tax Exemptions for Improvements Made to Buildings:
 - a. Barret and Jennifer Wood, 2308 34 1/2 Avenue South (5 years).
 - b. Katie Youngbauer and Kevin Roach, 1726 Whitestone Circle South (5 years).
 - c. Eloise Haaland Life Estate, 733 Oak Street North (5 years).
 - d. Drummond Family Revocable Living Trust ET AL, 1210 Elm Street North (5 years).
 - e. Drummond Family Revocable Living Trust ET AL, 1210 Elm Street North (5 years).
 - f. Derek and Lisa Johnson, 1326 4th Street North (5 years).
 - g. Derek and Lisa Johnson, 1326 4th Street North (5 years).
 - h. Derek and Lisa Johnson, 1326 4th Street North (5 years).
 - i. Karen E. Balsbaugh Living Trust, 3208 Elm Street North (5 years).
 - j. Karen E. Balsbaugh Living Trust, 3208 Elm Street North (5 years).
 - k. Isaiah and Jennifer Bodensteiner, 3010 7th Street North (5 years).
 - l. Jason Schenheit and Elspeth Helblad, 1114 8th Street North (5 years).
 - m. Kari Bollingberg, 1246 3rd Street North (5 years).

39. Liaison Commissioner Assignment Updates.
40. **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.