

FARGO CITY COMMISSION AGENDA  
Monday, May 1, 2023 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at [www.FargoND.gov/Streaming](http://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](http://www.FargoND.gov/CityCommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, April 17, 2023).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Receive and file an Ordinance Amending Section 21.1-0102 of Article 21.1-01 of Chapter 21.1 of the Fargo Municipal Code Relating to the International Residential Code.
- 2. 1st reading of an Ordinance Amending Section 25-1509.2 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Restrictions on Sale to Obviously Intoxicated Person and an Ordinance Amending Section 25-1512 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Licenses – Termination, Suspension, Revocation and Sanctions.
- 3. 1st reading of an Ordinance Amending Section 25-1501 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Definitions and an Ordinance Amending Section 25-1506 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Licenses – Classifications and an Ordinance Amending Section 25-1507 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to License – Fees – Seasonal Licenses.
- 4. 2nd reading and final adoption of an Ordinance Repealing Section 25-1504.3 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Mandatory Meeting and an Ordinance Amending Section 25-1504.4 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Additional Requirements for Class FA-Entertainment Licenses; 1st reading, 4/17/23.
- 5. Settlement Agreement and Release of All Claims with Northstar Property Partners, Inc. and John Bultman.
- 6. Location transfer of a Class “FA-RZ” Alcoholic Beverage License for The Beefsteak Club, LLC d/b/a Pounds from 612 1st Avenue North to 6 Broadway North.
- 7. Applications for Games of Chance:
  - a. Rebuilding Together Fargo-Moorhead Area for a raffle and raffle board on 6/1/23.
  - b. Burette Fundraiser for a raffle and raffle board on 9/16/23; Public Spirited Resolution.
  - c. Jerome Sharratt Benefit for a raffle on 5/7/23; Public Spirited Resolution.
- 8. Site Authorizations for Games of Chance:
  - a. Prairie Public Broadcasting, Inc. at Tailgator’s.
  - b. Prairie Public Broadcasting, Inc. at Slammer’s.

- c. Prairie Public Broadcasting, Inc. at Dempsey's.
  - d. Prairie Public Broadcasting, Inc. at Pepper's.
  - e. Prairie Public Broadcasting, Inc. at Bison Turf.
  - f. Plains Art Museum at Wild Bill's Saloon.
  - g. Plains Art Museum at King Pin Casino (The Bowler).
  - h. Plains Art Museum at Big Top Bingo.
  - i. Plains Art Museum at Blue Wolf Casino (West Acres Bowl/Cactus Jack's).
  - j. Metro Sports Foundation at Mexican Village.
  - k. Metro Sports Foundation at Brewtus Clubhouse.
  - l. Metro Sports Foundation at Scheels Arena.
  - m. Red River Human Services Foundation at The Elks Lodge #260.
  - n. Red River Human Services Foundation at Sickies on 45th.
  - o. Red River Human Services Foundation at the Northern.
  - p. Fargo Metro Baseball Association at Specks Bar.
  - q. Fargo Metro Baseball Association at Empire Tavern.
  - r. Jon Greenley Amvets Post #7 at Amvets.
  - s. Jon Greenley Amvets Post #7 at Hi-Ho Burgers and Brews.
  - t. Boys and Girls Club of Red River Valley at Suite Shots.
  - u. Boys and Girls Club of Red River Valley at Fargo Billiards/Gastropub.
  - v. North Dakota Association for the Disabled, Inc. at O'Kelly's.
  - w. North Dakota Association for the Disabled, Inc. at Bulldog Tap.
  - x. North Dakota Association for the Disabled, Inc. at Cowboy Jack's.
9. Receive and file the current schedule of proposed uses for the American Rescue Plan Act funds and accept the final reconciliation of 2022 revenues and expenditures.
  10. Notice of Grant Award from the ND Department of Emergency Services, Division of Homeland Security for FY 2022 State Homeland Security Grant Program (CFDA #97.067).
  11. Application submission for the FY 2023 State Homeland Security Grant Program to fund physical security improvements at the Public Safety Building.
  12. Contracts and bonds for the following Projects:
    - a. No. PR-23-F1.
    - b. No. SR-23-A1.
    - c. No. SR-23-B1.
  13. Contract and bond for Improvement District No. AN-22-B1.
  14. ND Department of Transportation Cost Participation and Maintenance Agreement and concur with the low bid for a project on 19th Avenue North.
  15. Amendment (First) to Encroachment Agreement with Nicholas and Dawn M. Michels for property located at 2408 16th Avenue South.
  16. Encroachment Agreement with Park District of the City of Fargo for the Island Park Pool located at 616 1st Avenue South.
  17. Bid awards for Project No. NR-23-A1:
    - a. General construction contract to Key Contracting, Inc. in the amount of \$9,673,607.50.

- b. Electrical construction contract to Fusion Automation, Inc. in the amount of \$290,209.31.
- 18. Permanent Easement (Water Main) with Matthew R. and Ashley N. Scherbenske for Project No. WA2254.
- 19. Access Easement (Water Main) with Southeast Cass Water Resource District for Project No. WA2254.
- 20. Access Easement with Fargo Public Schools for Project No. NR-23-A1.
- 21. Permanent Easement (Storm Sewer) with 76th Street Holdings LLC for Improvement District No. BN-23-C1.
- 22. Easement (Temporary Construction Easement) with Oak Grove Lutheran School for Improvement District No. BR-22-A0.
- 23. Memorandum of Offer to Landowner for Permanent Easement (Street and Utility) and Easement (Temporary Construction Easement) with JASL, LLC for Improvement District No. BR-23-C1.
- 24. Bid award to R & R Excavating, Inc. in the amount of \$2,947,619.97 for Improvement District No. BR-23-F1.
- 25. Create Improvement District No. PN-23-E.
- 26. Notice of Grant Award with the ND Department of Health and Human Services for ND LPH Funding Equity and prioritizing populations disproportionately affected by COVID-19 (CFDA #s 93.268 and 93.391).
- 27. Purchase of Service Agreement with Northern Cass Public School District.
- 28. Amendment to Purchase of Service Agreement with ND Department of Health and Human Services, Behavioral Health Division.
- 29. Sole Source Procurement with Idemia Identity and Security USA, LLC for a LiveScan portable fingerprint machine and Application for Appropriation from Civil Asset Forfeiture Fund for payment (SSP23085).
- 30. Solid Waste Management Agreement for Private Haulers in the City of Fargo with High Flying Junk.
- 31. Bid award to CC Steel, Inc. in the amount of \$93,300.00 for Project No. WA2217.
- 32. Bills.

**REGULAR AGENDA:**

- 33. **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://FargoND.gov/VirtualCommission)).**

**Public Input Opportunity\* - PUBLIC HEARINGS - 5:15 pm:**

34. **PUBLIC HEARING** – CONTINUED to 5/15/23 - Dakota Commerce Center North Addition (4201 County Road 81 North and 5100 37th Street North); approval recommended by the Planning Commission on 8/2/22 and 10/4/22:
  - a. Zoning Change from AG, Agricultural to LI, Limited Industrial.
  - b. 1st reading of rezoning Ordinance.
  - c. Plat of Dakota Commerce Center North Addition.
  
35. **PUBLIC HEARING** – CONTINUED to 5/15/23 - Petition for Annexation of property in the Northeast Quarter of Section 15, Township 140 North, Range 49 West containing 112.14 acres, more or less.
  
36. **PUBLIC HEARING** – CONTINUED to 5/15/23 - Application filed by Corvent Medical, Inc. for a property tax exemption for a project to be located at 400 45th Street South, Suite 400 which the applicant will use for the manufacturing of medical ventilators, warehousing ventilators and accessories used with ventilators.
  
37. **PUBLIC HEARING** – CONTINUED to 6/12/23 - Valley View Estates Fourth Addition (3606-4890 Decorah Way South); approval recommended by the Planning Commission on 2/7/23; continued from the 4/3/23 Regular Meeting:
  - a. Zoning Change from SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay.
  - b. 1st reading of rezoning Ordinance.
  - c. Plat of Valley View Estates Fourth Addition.
  
38. Presentation of the 2022 Fire Department Annual Report.
  
39. Recommendation for awarding the bids for the construction of Fire Station No. 8 (ITB23050).
  
40. Recommendation to approve the plans for the NP Avenue Parking Garage.
  
41. Legislative Update.
  
42. 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](http://www.FargoND.gov/CityCommission).

# CITY OF Fargo Fire Department

38

## MEMORANDUM

**TO: FARGO CITY COMMISSION**

**FROM: FIRE CHIEF STEVE DIRKSEN**

**DATE: 04/27/2023**

**SUBJECT: FIRE DEPARTMENT 2022 ANNUAL REPORT TO COMMISSION**

The Fire chief will provide a summary of the 2022 Fire Department annual report to the Commission.

**Recommended Action:** Receive and file the Fire Department's Annual Report.



MEMORANDUM

**TO: BOARD OF CITY COMMISSIONERS**  
**FROM: FIRE CHIEF STEVE DIRKSEN**  
**DATE: APRIL 27, 2023**  
**SUBJECT: BID AWARD FOR FIRE STATION #8 CONSTRUCTION**

At the April 18, 2022 Fargo City Commission meeting, the Commission approved authorizing the sale of bonds for the construction of Fire Station 8. An RFQ for architectural services was advertised. EAPC was selected as the architect for both projects. Over the past year, EAPC has worked with staff to develop schematic design documents, bidding documents and project administration.

When the bond purchase was before you, it was estimated that construction costs would be \$5,250,000 with a \$262,500 contingency. The station design is for 10,832 square feet.

The project was sent out for bids in February of 2023 with bid opening on April 19, 2023.

The low base bid results are as follows:

General Contractor – Ledgestone, Inc.	\$3,471,000
Mechanical Contractor – Manning Mechanical, Inc.	\$1,247,500
Electrical Contractor – Grotberg Electric, Inc.	<u>\$ 591,000</u>
Total Bid Amount -	\$5,309,500

There were a number of alternates that were also bid out. One that we are required to complete is and addition to the storm water retention. This only affects the bid from the general contractor of an additional \$33,720. That brings the total bid amount to \$5,343,220

**RECOMMENDED MOTION:**

Authorize the Fire Chief and staff to negotiate contracts with Ledgestone, Inc. for general construction services, Manning Mechanical, Inc. for mechanical construction services, and Grotberg Electric, Inc. for electrical construction service.






40

**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: JIM GILMOUR, STRATEGIC PLANNING DIRECTOR** 

**DATE: APRIL 27, 2023**

**SUBJECT: NP AVENUE PARKING GARAGE PLAN REVIEW**

The public private partnership agreement for the proposed NP Avenue Parking Garage required the developer to deliver to the City plans for the garage by April 15, 2023. The City is required to promptly agree and finalize a set of plans by May 1, 2023. These plans will be used to obtain construction bids for the garage.

Walker Consultants has been reviewing the plans from the beginning of the design. The most recent review by Walker indicate that the plans are acceptable. The report is attached along with the plans.

The agreement was for 450 to 490 parking spaces. The plans are for 461 parking spaces.

**Recommendation**

Approve the plans for the NP Avenue Parking Garage submitted by Great Plains NP Holdings, LLC and reviewed by Walker Consultants.





Date: April 26, 2023  
To: Jim Gilmour, City of Fargo Keith Leier  
Company: Kilbourne Group  
Address: Fargo, North Dakota  
Copy To: Keith Leier, Kilbourne Group  
From: Scott Froemming P.E.  
Project Name: NP Avenue Mixed-Use Apartment (Garage)  
Project Number: 21- 005108.00

## NP Avenue Mixed-Use Parking Garage review

Walker has reviewed a set of design development level drawings (A0.1, AP1.1, AP1.2, A3.0, A3.3, A4.1, A5.7, A6.6, A6.7, A7.3, A7.4) for the above identified development in the City of Fargo, North Dakota. The purpose of Walker Consultants review is to review the acceptability of the proposed parking garage functional, serviceability and parking geometry attributes.

### Description of parking facility:

The parking facility function is described as a single threaded helix with a slab on grade at ground level, and six levels of supported structure above containing 461 parking spaces. The primary entrance and exit from the garage occur from Northern Pacific Avenue. Three access-controlled lanes are provided with one lane reversible. A manually controlled overflow parking area access point is provided to the alley south of the garage. Standard parking stalls are 9'-0 x 18'-0 w/ 90-degree, two-way traffic at all levels.

The parking garage is constructed of precast concrete columns, beams, and bearing spandrels. The garage area appears to be "open" and structurally independent, and fire separated from the residential components. Two pedestrian vertical circulation cores provide elevating and stairway connections to all floor levels.

- A site plan and relative site grade information was not provided.

### Conclusion:

Based on limited plan set review Walker Consultant's confirms, in our opinion the proposed parking facility design generally meets the functional, serviceability and geometric parameters for a mixed-use parking structure.

If you have any questions in this regard, please do not hesitate to call.

END.











DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_

**NOT FOR CONSTRUCTION**

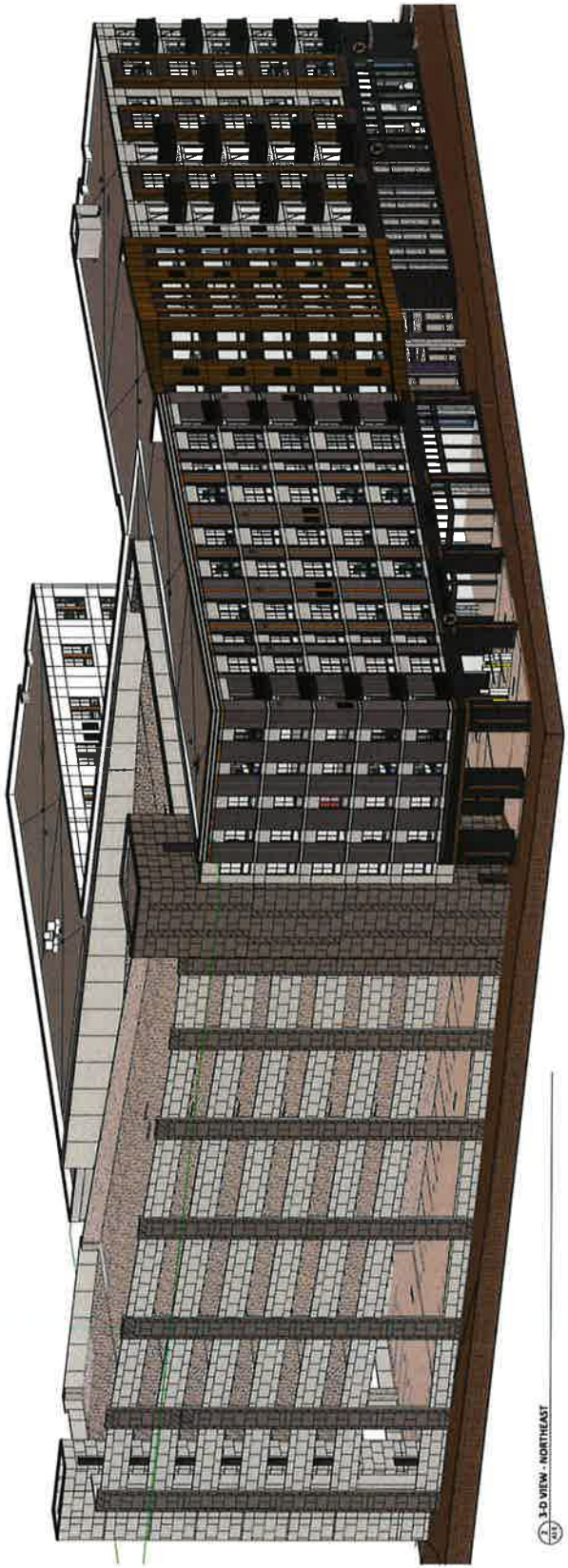
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 4/14/2023

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 BY: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 NO. DATE/ISSUED: \_\_\_\_\_  
 DATE: \_\_\_\_\_

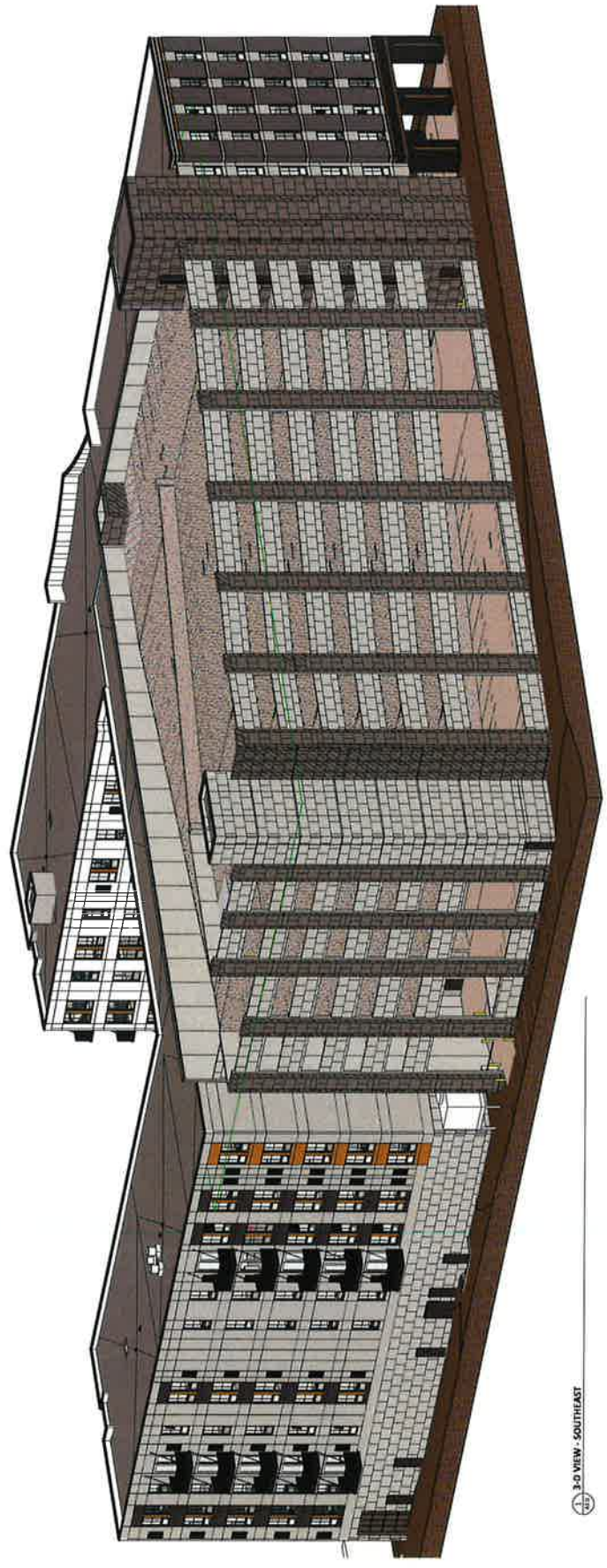
221554  
 PROJECT NUMBER  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_

NP Ave Mixed Use  
 Apartments

3-D VIEWS  
**A3.0**



3-D VIEW - NORTH-EAST



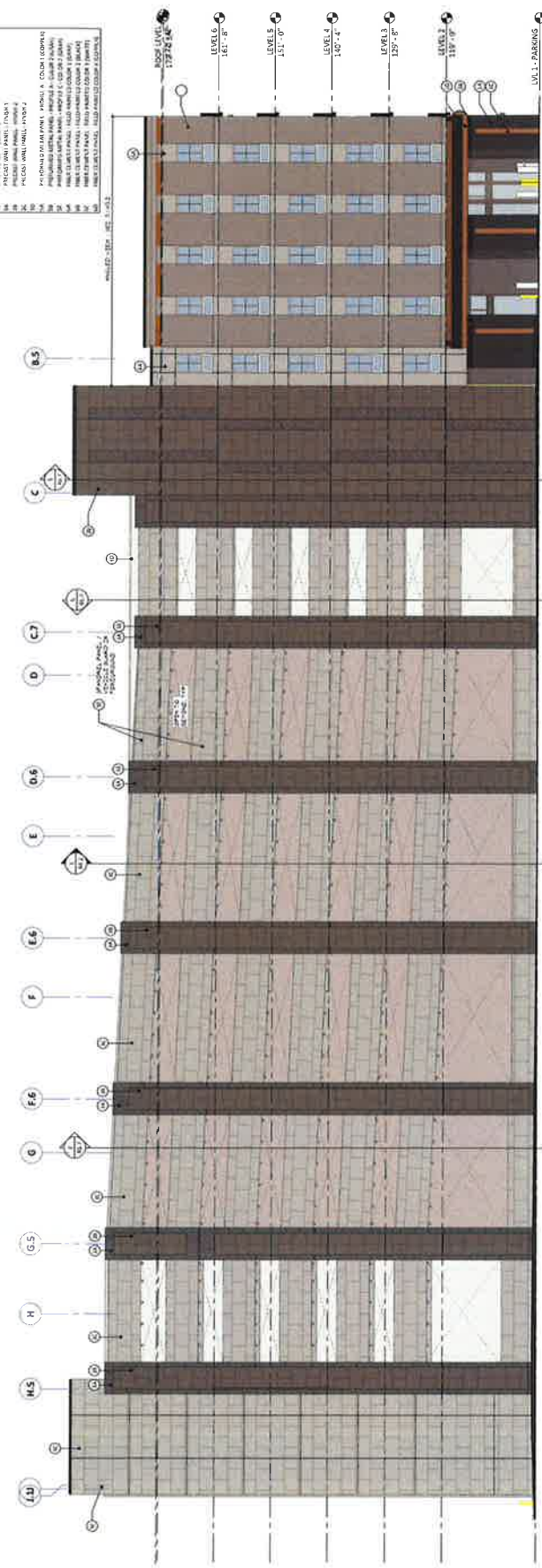
3-D VIEW - SOUTH-EAST



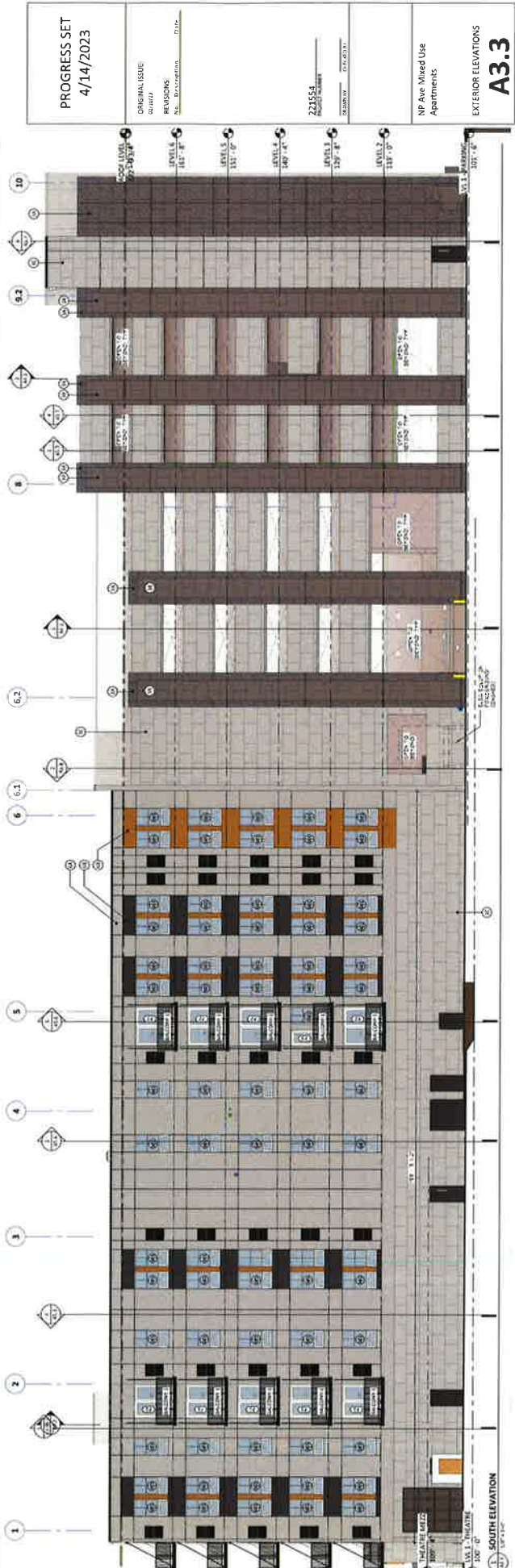
**NOT FOR CONSTRUCTION**

**EXTERIOR MATERIAL LEGENDS**

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**EAST ELEVATION**  
1/4" = 1'-0"



**SOUTH ELEVATION**  
1/4" = 1'-0"

PROGRESS SET  
4/14/2023

ORIGINAL ISSUE	02/01/23
REVISIONS	N.A. DATE/ISSUE
223154	
PROJECT NUMBER	
DRAWN BY	07/16/2021

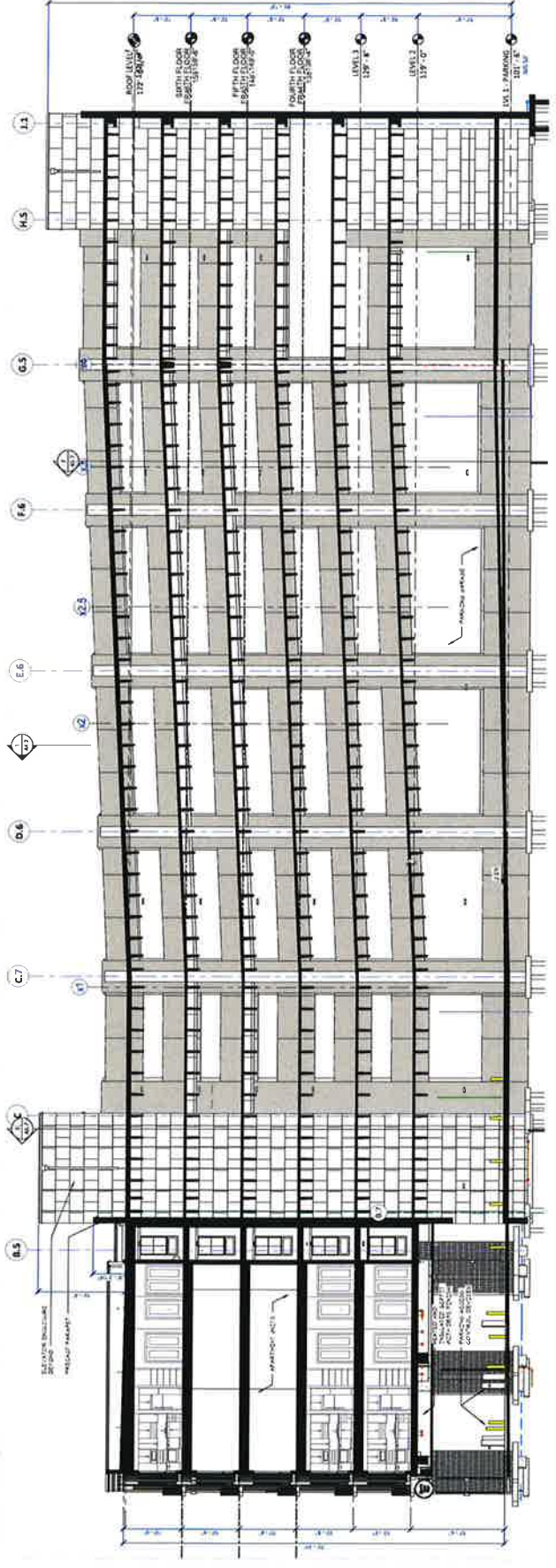
NP Ave Mixed Use  
Apartments  
EXTERIOR ELEVATIONS  
**A3.3**



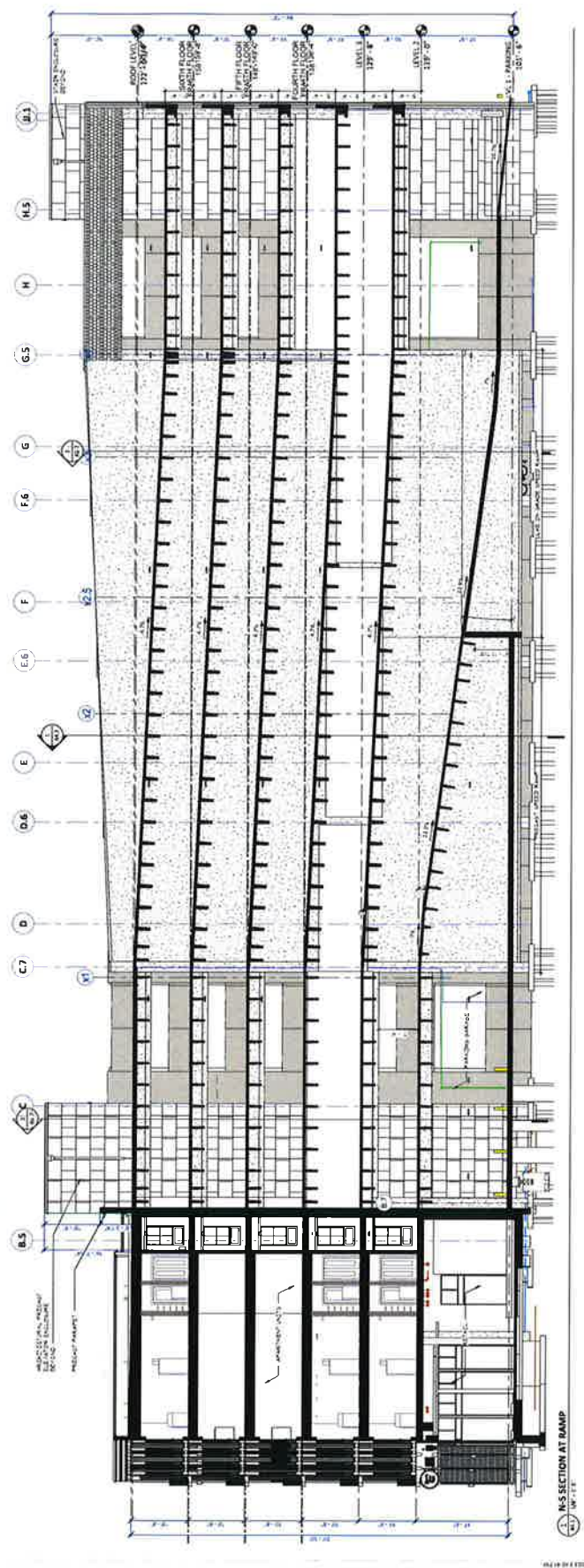
DATE: 04/14/2023  
PROJECT: NP AVE MIXED USE  
DRAWN BY: [Name]  
CHECKED BY: [Name]

**NOT FOR CONSTRUCTION**

<b>PROGRESS SET</b> 4/14/2023	
ORIGINAL ISSUE: SUBMIT	DATE: 
REVISIONS: NO. DESCRIPTION DATE	
231554 PROJECT NUMBER	
DRAWING NO.	DATE
NP Ave Mixed Use Apartments BUILDING SECTIONS - PARKING <b>A4.1</b>	



2 N-S SECTION AT RAMP - EAST  
1/4" = 1'-0"



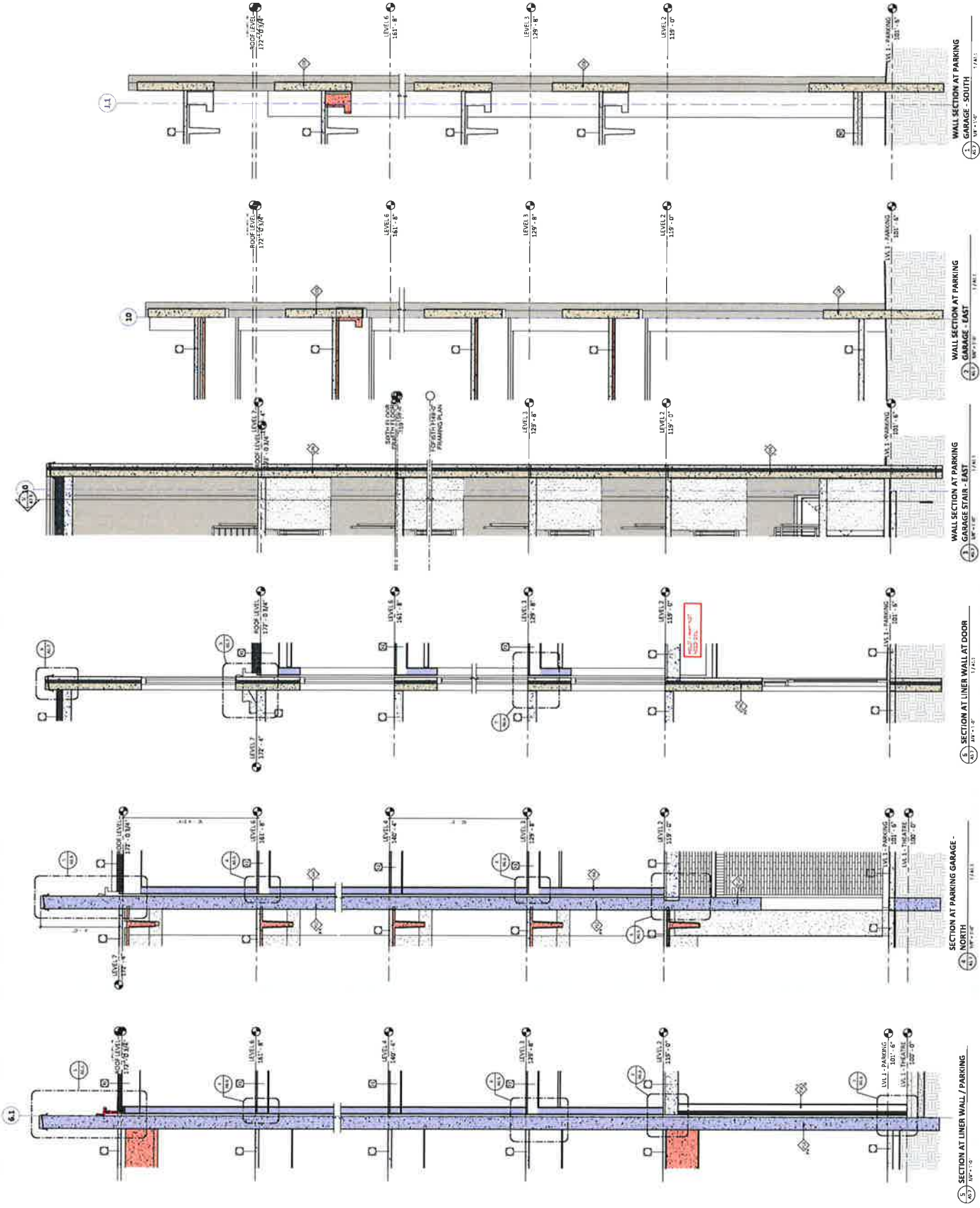
3 N-S SECTION AT RAMP  
1/4" = 1'-0"



DATE: 04/14/2023  
DRAWN BY: [Name]  
CHECKED BY: [Name]

**NOT FOR CONSTRUCTION**

ORIGINAL ISSUE:	DATE:
REVISIONS:	
221524 PROJECT NUMBER	
DATE: 04/14/23	
NP Ave Mixed Use Apartments	
WALL SECTIONS - PARKING GARAGE	
<b>A5.7</b>	

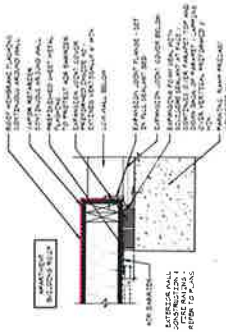




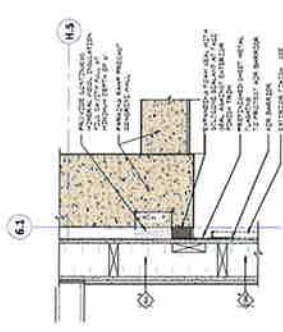


Project: NP Ave Mixed Use  
Type: Residential  
Contract: 2018

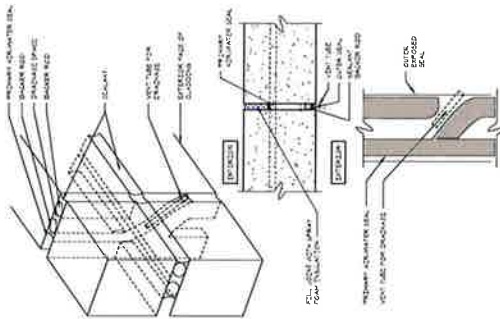
**NOT FOR CONSTRUCTION**



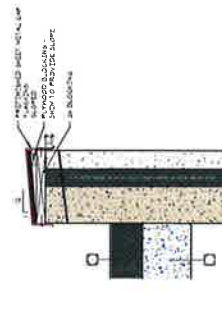
1 PARKING RAMP EXPANSION JOINT PLAN DETAIL @ ROOF  
1.00' x 1.00'



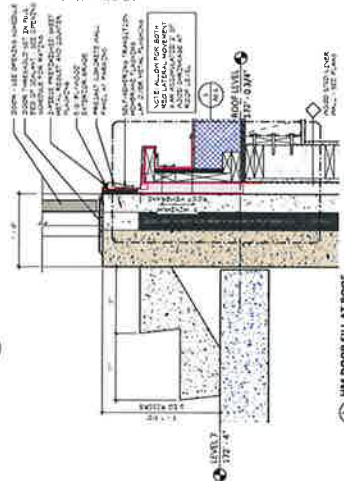
2 PLAN DETAIL - PARKING RAMP EXPANSION JOINT @ INSIDE CORNER (RM)  
1.00' x 1.00'



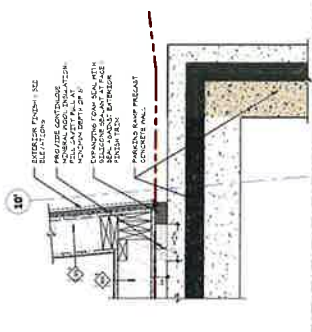
3 TWO-STAGE SEALANT JOINTS IN PRECAST WALL PANELS  
1.00' x 1.00'



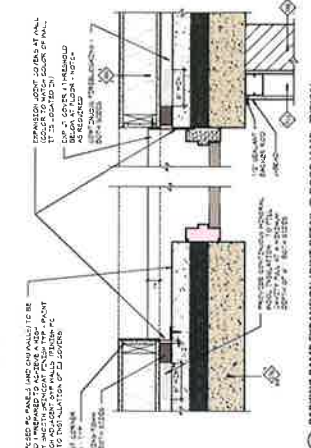
4 PARAMPET DETAIL @ PRECAST  
1.00' x 1.00'



5 HM DOOR SILL AT ROOF  
1.00' x 1.00'



6 PLAN DETAIL - PARKING RAMP EXPANSION JOINT @ INSIDE CORNER (ME)  
1.00' x 1.00'



7 PARKING RAMP EXPANSION JOINT DETAIL @ DOOR JAMBS - TYPICAL  
1.00' x 1.00'

ORIGINAL ISSUE:	DATE:
REVISIONS:	
NO. DATE/ISSUE	
PROJECT NUMBER:	
DRAWN BY:	CHECKED BY:
221554	
PROJECT NUMBER:	
DRAWN BY:	CHECKED BY:
NP Ave Mixed Use Apartments	
EXTERIOR DETAILS - PRECAST	
<b>A6.7</b>	

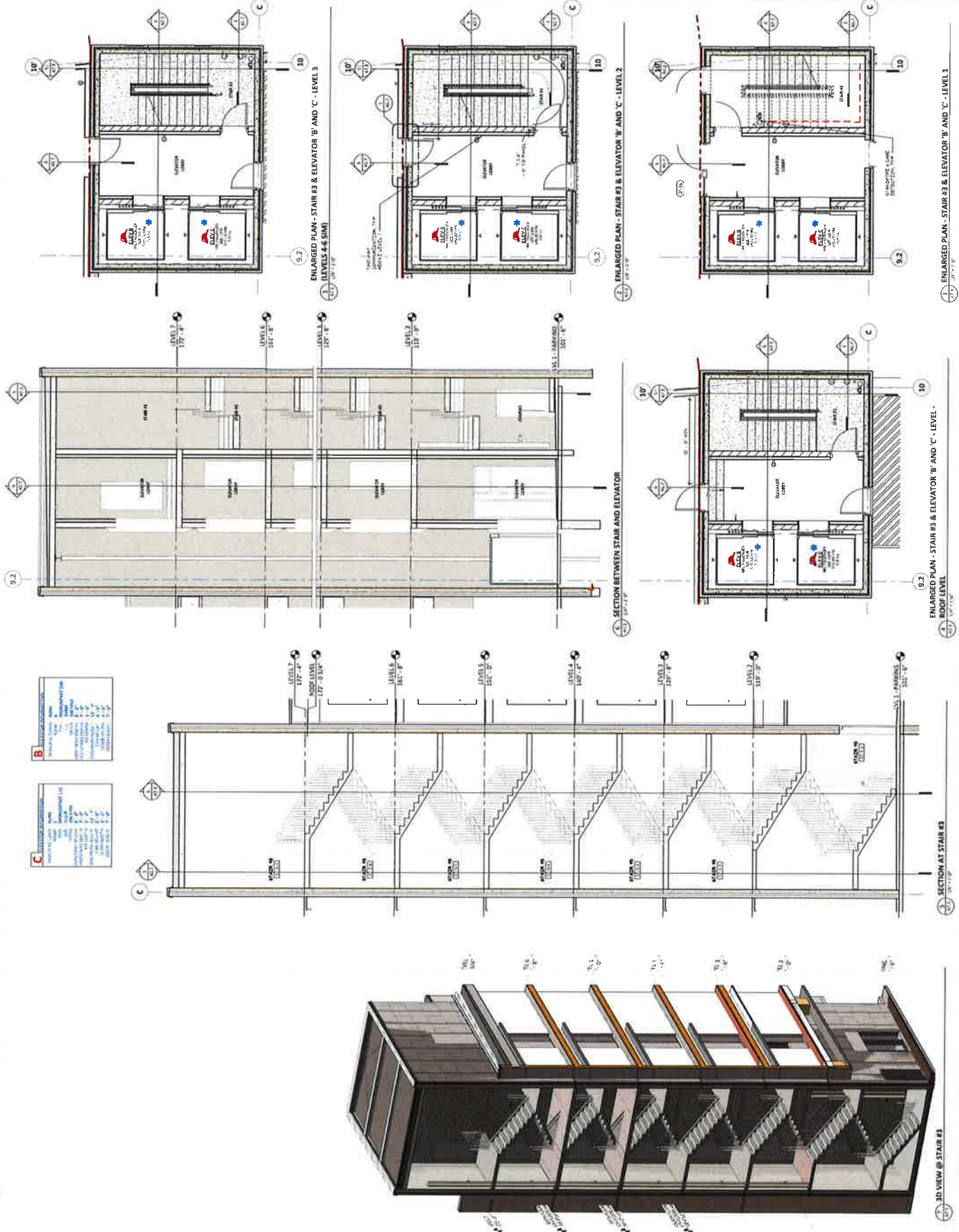
DATE: 11/01/2023  
PROJECT: NP AVE MIXED USE APARTMENTS  
DRAWING NO: A7.3

**NOT FOR CONSTRUCTION**

PROGRESS SET  
4/14/2023

ORIGINAL ISSUE	DATE
REVISIONS	DESCRIPTION
22/11/2023	ISSUE FOR PERMIT
22/11/2023	ISSUE FOR PERMIT
22/11/2023	ISSUE FOR PERMIT

NP Ave Mixed Use  
Apartments  
STAIR #3 & ELEVATOR 'B'  
AND 'C' PLANS & SECTIONS  
**A7.3**



**B** FINISHES

WALL	CONCRETE
FLOOR	CONCRETE
CEILING	CONCRETE
DOOR	CONCRETE
STAIR	CONCRETE
ELEVATOR	CONCRETE

**C** MATERIALS

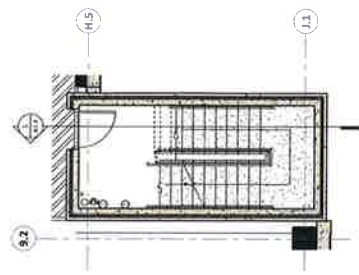
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CEILING	CONCRETE
DOOR	CONCRETE
STAIR	CONCRETE
ELEVATOR	CONCRETE



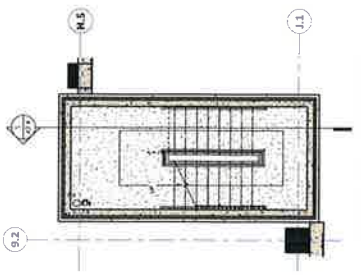
DATE: 4/14/2023  
 PROJECT: NP Ave Mixed Use  
 SHEET: A7.4

**NOT FOR CONSTRUCTION**

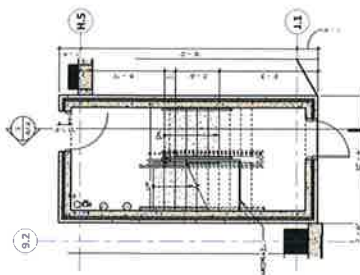
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ORIGINAL ISSUE:	DATE:
REVISIONS:	DESCRIPTION:
221554	
NP Ave Mixed Use Apartments	
STAIR #4 PLANS & SECTIONS	
<b>A7.4</b>	



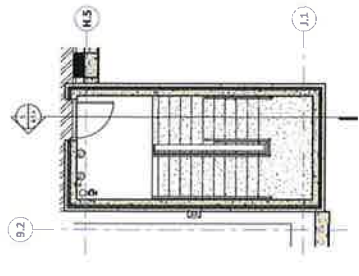
ENLARGED PLAN - STAIR #4 - LEVEL 2  
 1/4" = 1'-0"



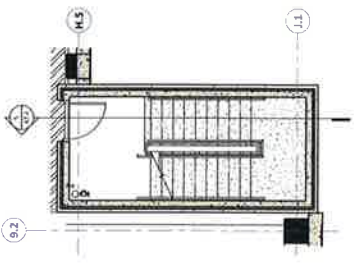
ENLARGED PLAN - STAIR #4 - LEVEL 1  
 (INTERMEDIATE LANDING)  
 1/4" = 1'-0"



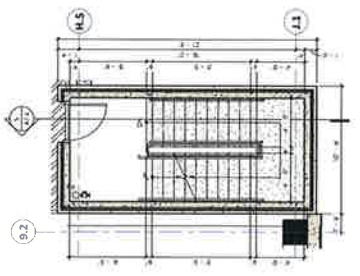
ENLARGED PLAN - STAIR #4 - LEVEL 1  
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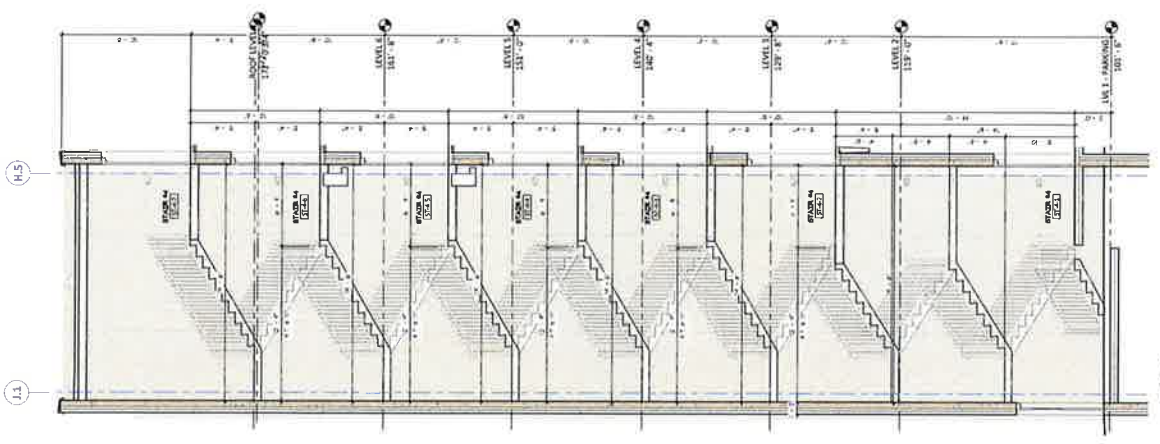
ENLARGED PLAN - STAIR #4 - LEVEL 4  
 1/4" = 1'-0"



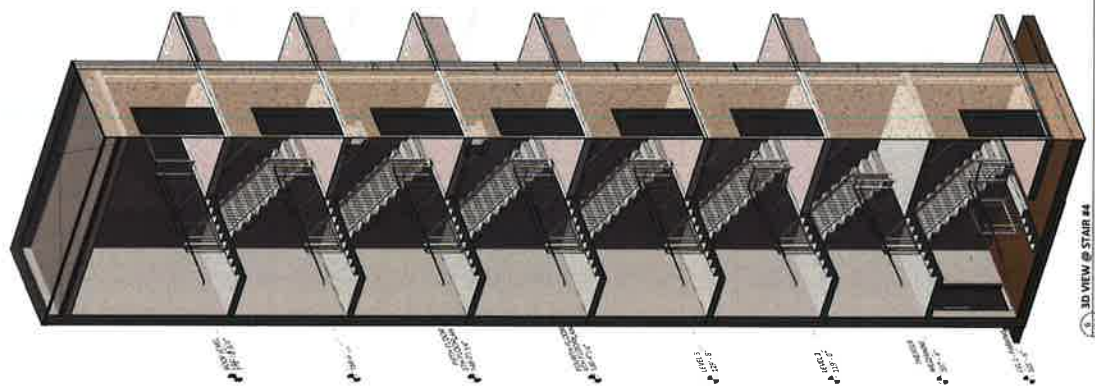
ENLARGED PLAN - STAIR #4 - LEVEL 4  
 1/4" = 1'-0"



ENLARGED PLAN - STAIR #4 - LEVEL 3  
 1/4" = 1'-0"



SECTION AT STAIR #4  
 1/4" = 1'-0"



3D VIEW @ STAIR #4  
 1/4" = 1'-0"