

FARGO CITY COMMISSION AGENDA  
Monday, October 21, 2019 - 5:00 p.m.

Executive Session at 4:00 p.m.

Roll call.

**PLEASE NOTE:** The City of Fargo Board of City Commissioners will meet in Executive Session for the purpose of attorney consultation in the following pending matter: Kelsh v. City of Fargo, Case No. 3:18-cv-269 to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding the pending litigation. 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 said matters is authorized pursuant to North Dakota Century Code 44-04-19.1 subsections 2 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](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, October 7, 2019).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

1. 2nd reading and final adoption of the following Ordinances, 1st reading 10/7/19:
  - a. Rezoning Certain Parcels of Land Lying in Agassiz Nursery Addition.
  - b. Rezoning a Certain Parcel of Land Lying in Agassiz Nursery Addition.
  - c. Relating to the Sale of Tobacco, Sale of Tobacco to Minors and Use and Possession by Minors Prohibited, and Sale of Flavored E-Liquid to Minors Prohibited.
  - d. Relating to Classification of Ordinance Violations.
  - e. Relating to the Sale of Flavored E-Liquid to Minors Prohibited.
  - f. Relating to the Authority for the Sale of Tobacco Products.
2. Direct the City Attorney's office to review and update existing Liquor License Ordinances related to violations in order to reflect the suggested changes as presented in the matrix.
3. Applications for Games of Chance:
  - a. Fargo Youth Hockey Association for a raffle on 1/28/20.
  - b. Oak Grove Parent Organization for a raffle on 11/1/19.
  - c. El Zagal Holding Company for a raffle on 2/22/20.
  - d. United Way of Cass-Clay for a raffle board on 11/6/19.
  - e. The Village Family Service Center for a raffle on 11/15/19.
  - f. Centennial PTO for bingo from 10/21/19 to 5/31/20.

- g. Heartsprings for a raffle on 12/10/19.
  - h. Sadie Cameron Benefit for a raffle on 11/8/19; Public Spirited Resolution.
4. Amended Site Authorization for Red River Human Services Foundation at the Fargo Elks Lodge #260.
  5. 2020 City Commission meeting schedule.
  6. Change Order No. 1 for an increase of \$4,550.00 and a time extension to 12/1/19 for Project No. TR-19-A1.
  7. Receive and file General Fund – Budget to Actual through September 2019 (unaudited).
  8. Sole Source Procurement with Sun Electric, Inc. for an exterior lighting project (AFB17044).
  9. Direct City Attorney’s office to review and update Article 13-10 of the Fargo Municipal Code relating to Recreational Aquatic Facilities.
  10. Agreement for Services with Samantha Nienow, President of Red Zest Design, Inc.
  11. Resolution approving Plat of Prairie Tech Second Addition.
  12. Bid award for purchase of one hydro excavation truck (RFP19154).
  13. Bid award for a 5-year lease on one 2019 hook roll off refuse truck (RFP19092).
  14. Authorization of staff to submit applications to the NDDEQ Volkswagen Emission Mitigation Program, as stated.
  15. Bills.
  16. Purchase Agreement with the Park District of the City of Fargo for a permanent street and utility easement Improvement District No. BN-17-C1.
  17. Change Order No. 3 for an increase of \$1,815.00 for Improvement District No. AN-19-G1.
  18. Change Order Nos. 1–13 in the total amount of \$257,202.64 for Improvement District No. PR-17-B1.
  19. Change Order No. 4 for a time extension to 12/23/19 for Improvement District No. BN-19-J1.
  20. Contract Amendment No. 2 with KLJ in the amount of \$56,305.00 for Improvement District No. PN-19-A0.

**REGULAR AGENDA:**

21. Fargo Civic Plaza, Area 1 “Sodbuster Landscape” and Presentation of Concept Design of Civic Plaza.
22. Public Hearings - 5:15 pm:
  - a. CONTINUE to 11/18/19 - Alley Vacation of the alley between Lot 12, Block 26 and a part of Lot 7 and all of Lots 8-12, Block 25, Roberts Second Addition (1001 NP Avenue North and 28 10th Street North); approval recommended by the Planning Commission on 7/2/19; continued from the 8/12/19 and 8/26/19 Regular Meetings.

- b. Petition requesting a Right of Way Vacation on a portion of 33rd Street South between Lots 7 through 11, Block 8, Burlington Northern I-29 South Industrial Center Addition and an unplatted portion of Section 11, Township 139 North, Range 49 West (3300 and 3420 Main Avenue); approval recommended by the Planning Commission on 9/3/19.
- c. Application filed by Casa Mexico, Inc. d/b/a Casa Mexico Mexican Restaurant for a Class "F" Alcoholic Beverage License at 4950 13th Avenue South.
- d. Special Assessments for 2018 New Construction and Reconstruction of City Ordered Sidewalks (Project No. SN-18-B).
- e. Special Assessment list for the following Improvement Districts, all having been approved by the Special Assessment Commission on 9/19/19; set the interest rate at 1% per annum over the net rate on bonds financing said projects:
  - 1. Sanitary Sewer, Water Main, Storm Sewer, Site Grading, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. BN-17-A.
  - 2. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-18-A.
  - 3. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-18-B.
  - 4. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-18-E.
  - 5. Storm Sewer, P.C. Concrete Paving and Incidentals Improvement District No. BN-18-G.
  - 6. Sanitary Sewer, Water Main, Storm Sewer, Concrete Curb and Gutter, Asphalt Pavement, Lighting and Incidentals Improvement District No. BN-18-J.
  - 7. Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. BN-18-K.
  - 8. Sanitary Sewer, Water Main, Storm Sewer, Concrete Curb and Gutter, Asphalt Pavement, Lighting and Incidentals Improvement District No. BN-18-L.
  - 9. Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-16-F.
  - 10. Grading, P.C.C. Pavement, Storm Sewer, Watermain, Traffic Signals, Street Lighting, Sidewalks and Incidentals Improvement District No. BR-18-C.
  - 11. Water Main Replacement, Storm Sewer Replacement, Street Reconstruction and Incidentals Improvement District No. BR-18-E.
  - 12. Storm Sewer Lift Station Modifications and Incidentals Improvement District No. NR-17-A.
  - 13. P.C. Concrete Pavement, Storm Sewer, Sanitary Sewer, Pedestrian Box Culvert, Lift Station, Traffic Signals, Street Lighting, Sidewalk and Incidentals Improvement District No. PR-17-B.
  - 14. Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B.
    - a. Receive protest.
  - 15. Shared Use Path and Incidentals Improvement District No. SN-16-C.
  - 16. Traffic Signal Improvements and Incidentals Improvement District No. TN-16-F.
  - 17. Raised Pedestrian Crossing, Radius Improvements and Incidentals Improvement District No. TN-18-A.
  - 18. Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-18-B.

23. Recommendation to approve the Site Access Agreement with Bortnem Family Ltd. Partnership.
24. Resolution Authorizing the Issuance of Not to Exceed \$14,015,000.00 City of Fargo, ND Taxable Refunding Improvement Bonds, Series 2019B, Prescribing the Terms and Covenants Thereof, and Creating a Fund for the Payment Thereof.
25. State Water Commission request for Cost Reimbursement for FM Diversion Flood Project Costs in the amount of \$111,960.91.
26. Applications for property tax exemptions for improvements made to buildings:
  - a. Wade L. and Linn M. Webb, 2818 Lilac Lane North (3 year).
  - b. Paul A. and Amy Sjurseth, 1513 39th Avenue South (3 year).
  - c. Clayton and Juliann Kramer, 81 32nd Avenue Northeast (3 year).
  - d. John and Susan Deutsch, 220 8th Street South, Unit C1 (3 year).
  - e. Mary Jo Marty Living Trust, 2920 Southgate Drive South (5 year).
  - f. Dane J. Sypnieski, 818 25th Street North (5 year).
  - g. Red River House Buyers LLC, 817 32nd Street South (5 year).
  - h. Richard and Carlotta Bruns, 1420 7th Avenue South (5 year).
  - i. Matthew and Amanda Quintus, 1140 5th Street North (5 year).
  - j. Andrew Thill and Alexandra Vruno, 1238 2nd Street North (5 year).
  - k. Kip M. and Nancy J. Kaler, 1301 Oak Street North (5 year).
  - l. Darwin T. and Corine C. Wittmer, 3130 8th Street North (5 year).
  - m. BCH Builders LLC, 3101 Maple Street North (3 year).
  - n. Brooks C. Johnson, 85 Meadowlark Lane North (5 year).
  - o. Sherry A. Stewart, 1630 3rd Street North (5 year).
  - p. Dawn M. Grieg and Sarah A. Stensland, 821 3rd Street North (5 year).
  - q. Laurie K. Blunsom, 357 Elmwood Avenue South (5 year).
  - r. Timothy M. and Janice K. Stoa, 49 35th Avenue Northeast (5 year).
  - s. Ruth A. Weber, 2016 7th Street North (5 year).
  - t. Cari N. Lake, 3419 Maple Street North (5 year).
  - u. Lisa Olander Living Trust, 2939 Southgate Drive South (5 year).
  - v. Justin Slack, 1441 12th Avenue South (5 year).
  - w. Donald W. and Marilyn L. Hanson, 2513 9 1/2 Street North (5 year).
27. Recommendations for appointments and reappointments to the following Board and Commissions:
  - a. Historic Preservation Commission.
  - b. Planning Commission.
  - c. Board of Adjustment.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310. Please contact us 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).