

FARGO CITY COMMISSION AGENDA  
Monday, August 21, 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, August 7, 2023).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Extension of a Class “A” Alcoholic Beverage License for Irish Hospitality d/b/a Hennessey’s Irish Pub until 2/19/24.
- 2. Extension of a Class “AC” Alcoholic Beverage License for Fargo Moorhead Community Theater d/b/a The Stage at Island Park until 4/1/24.
- 3. Resolution Establishing the Wildlife Management Program for the 2023-2024 season.
- 4. Amended Gaming Site Authorization for Metro Sports Foundation at the Alibi.
- 5. Applications for Games of Chance:
  - a. North Dakota Autism Center, Inc. for a raffle on 9/19/23.
  - b. Fargo South High School for a calendar raffle from 8/25/23 to 2/22/24.
  - c. YWCA Cass Clay for a raffle on 9/7/23.
  - d. Tri-City United Soccer Club for a raffle on 9/9/23.
- 6. Change Order No. 5 for a time extension to the substantial and final completion dates of 8/15/23 and 8/30/23 for Project No. FM-19-C1.
- 7. Change Order No. 2 for a time extension to the full road closure on 42nd Street from 8/15/23 to 8/24/23 for Project No. FM-22-C2.
- 8. Addition of 3000 11th Street South to the remaining property buyouts for the in-town flood mitigation projects (Project No. FM-25-A).
- 9. Permanent Easements (Water Main and Storm Sewer) with EPIC Unite Real Estate Holdings, LLC at 234 Main Avenue.
- 10. Contract and bond for Project No. FM-15-F3.
- 11. Memorandum of Offer to Landowner for Easement (Temporary Construction Easement) with Fargo Public Schools Federal Credit Union (Improvement District No. BR-23-G2).
- 12. Memorandum of Offer to Landowner for Easement (Temporary Construction Easement) with WNB Properties, LLC (Improvement District No. BR-23-G2).

13. Easement (Temporary Construction Easement) with Brian Trauman (Improvement District No. BR-24-A1).
14. Change Order No. 1 for removing stipulation from Sheet 1 of Special Instructions to Bidders and allow construction of Phase 1 and Phase 2 concurrently for Improvement District No. BR-23-J1.
15. General Fund – Budget to Actual unaudited monthly financial statements through 7/31/23.
16. Independent Auditor’s Report and City’s Annual Comprehensive Financial Report for the year ending 12/31/22.
17. Notice of Subaward from the ND Department of Environmental Quality for Public Water Supply Supervision Program - EPA Block (ALN #66.605).
18. Purchase of Service Agreement with American Lung Association (RFP23120).
19. Purchase of Service Agreement with Soul Solutions (RFP23120).
20. Purchase of Service Agreement with Dacotah Foundation (RFP23120).
21. Purchase of Service Agreement with New Life Center (RFP23120).
22. Professional Services Agreement with Sanford Clinic North.
23. Set September 5, 2023 at 5:15 p.m. as the date and time for a Public Hearing on a dangerous building at 1449 4th Avenue South.
24. Amended Resolution Creating a Committee on Native American Issues regarding the membership and coordination of the Native American Commission.
25. 90-day extension of FMLA leave for Police Sergeant Tyrell Fauske.
26. Direct the City Attorney to review Ordinance No. 10-0307 – Persons using streets not to be molested and Ordinance No. 10-0311 – Panhandling
27. Direct the City Attorney to prepare an Amendment to Fargo Municipal Code, Section 8-1321 – Use of Safety Belts Required in Certain Motor Vehicles.
28. Bid award to Titan Machinery in the amount of \$141,973.00 for carbide cutting edges (RFP23136).
29. Resolutions Amending and Restating Resolution Authorizing the Issuance and Sale of City of Fargo Sales Tax Revenue Bonds, Series 2008A, 2008B, 2008C, 2008D, 2010A and 2010D.
30. Bills.

**REGULAR AGENDA:**

31. **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:**

32. **PUBLIC HEARING** - Application for a Class “GH” Alcoholic Beverage License for Five Star African Cuisine d/b/a Five Star African Cuisine to be located at 855 45th Street South, Suite 1A; continued from the 6/26/23 Regular Meeting.
33. **PUBLIC HEARING** - Application for a Class “GH” Alcoholic Beverage License from Nahal HHM LLC d/b/a Taj India to be located at 2877 45th Street South, Suite 100.
34. **PUBLIC HEARING** - Application for a Class “GH” Alcoholic Beverage License from Michele’s Table, LLC d/b/a Michele’s Table to be located at 1414 12th Avenue North.
35. **PUBLIC HEARING** - Application to transfer a Class “Z” Alcoholic Beverage License from Nobull, Inc. d/b/a NoBull Smokehouse to be located at 609 NP Avenue (ownership change only).
36. **PUBLIC HEARING** – Wentz Addition (2320 22nd Street South); approval recommended by the Planning Commission on 8/1/23:
  - a. Zoning Change from SR-2, Single-Dwelling Residential to SR-3, Single-Dwelling Residential.
  - b. 1st reading of rezoning Ordinance.
37. **PUBLIC HEARING** – University South Fourth Addition (1376 Oak Manor Avenue South); approval recommended by the Planning Commission on 7/6/23:
  - a. Zoning Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial with a C-O, Conditional Overlay.
  - b. 1st reading of rezoning Ordinance.
  - c. Plat of University South Fourth Addition.
38. **PUBLIC HEARING** – CONTINUE to 10/16/23 - Southwest Fargo Mission Second Addition (4451, 4455 and 4475 40th Avenue South); approval recommended by the Planning Commission on 5/2/23; continued from the 7/10/23 and 7/24/23 Regular Meetings:
  - a. Zoning Change from P/I, Public and Institutional to P/I, Public and Institutional and GC, General Commercial with a C-O, Conditional Overlay.
  - b. 1st reading of rezoning Ordinance.
  - c. Plat of Southwest Fargo Mission Second Addition.
39. **PUBLIC HEARING** – Consolidated Annual Performance and Evaluation Report (CAPER) for the 2022 Action Plan for Community Development Block Grant (CDBG) and HOME Programs.
40. Public Health Downtown Services Update.
41. Commissioner Piepkorn would like to discuss homelessness in and around Downtown.
42. Governance Meetings Update.
43. Recommendation from Commissioner Strand to schedule a Working Session to discuss all aspects of and contemplated Economic Development Incentive Policies.
44. Recommendation for appointments to the Human Rights Commission.

45. 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).