

FARGO CITY COMMISSION AGENDA  
Monday, October 16, 2023 - 4:00 p.m.

Executive Session at 4:00 p.m.

Roll Call.

**PLEASE NOTE:** The City Commission will convene at 4:00 p.m. and retire into Executive Session in the Red River Room for the purpose of attorney consultation regarding threatened litigation pertaining to 501 Main Avenue, and to discuss negotiating strategy or providing negotiating instructions to its attorney or other negotiator regarding the threatened litigation, and to receive its attorney's advice and guidance on the legal risks, strengths or weaknesses of an action of the public entity. To discuss these matters in an open meeting will have a negative fiscal effect on the bargaining and/or litigation position of the City of Fargo. Thus, an Executive Session for said matters 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](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 2, 2023).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

1. Letter of Support for the Smart Wash Laundry project to the ND Opportunity Fund.
2. Second Amendment to Developer Agreement with J Street Properties, LLC.
3. Findings of Fact, Conclusions and Order, Notice of Entry of Order for property located at 1809 14th Avenue South.
4. Second Amendment to the Findings of Fact, Conclusions and Order for property located at 437 23rd Street South.
5. Receive and file an Ordinance Amending Section 25-1508 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.
6. Receive and file an Ordinance Amending Section 13-1011 of Article 13-10 of Chapter 13 of the Fargo Municipal Code Relating to Recreational Aquatic Facilities.
7. Receive and file an Ordinance Amending Article 13-14 of Chapter 13 of the Fargo Municipal Code Relating to Hotels & Motels.

8. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in EOLA Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 10/2/23.
9. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in EOLA Second Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 10/2/23.
10. Amendment to Lease Agreement with North Dakota State Board of Higher Education and North Dakota State University for the FARGODOME Remodel and Conference Center Addition.
11. Site Authorizations for Games of Chance:
  - a. Horse Race ND at Sidestreet Grille and Pub (amended).
  - b. Red River Human Services Foundation at Blarney Stone Pub.
  - c. Red River Human Services Foundation at District 64.
12. Applications for Games of Chance:
  - a. Centennial Elementary PTO for bingo on 10/27/23 and 1/12/24.
  - b. 4 Luv of Dog Rescue for a raffle on 11/4/23.
  - c. Lincoln Elementary PTA for a raffle on 10/27/23.
  - d. United Way of Cass-Clay for a raffle board on 11/14/23.
  - e. Shiloh Masonic Lodge #1 for a raffle on 5/4/24.
  - f. Project Pink Plaid (fka Project Pink) for a raffle on 10/26/23.
13. Piggyback purchase through Insight Public Sector with ZenCity for the purchase of a community engagement software platform (PBC23183).
14. Acceptance of additional ND Department of Emergency Services FY 2022 Grant Funds for the Fargo Fire Department (CFDA #97.042).
15. Engineering Services Agreement Amendment No. 4 with Houston Engineering Inc. in the amount of \$84,000.00 for Project No. FM-22-C0 (6228).
16. Negative Final Balancing Change Order No. 4 in the amount of -\$12,328.45 for Project No. TN-22-B1.
17. Bid advertisement for Project No. QR-24-A1.
18. Bid advertisement for Project No. SL-23-B1.
19. Bid advertisement for Project No. SN-23-B1.
20. Final Balancing Change Order No. 2 in the amount of \$2,983.23 for Improvement District No. PN-22-M1.
21. Change Order No. 1 for a time extension to the final completion date to 1/15/24 for Improvement District No. PN-23-E1.
22. Change Order No. 4 in the amount of \$19,017.73 for Improvement District No. BN-22-C1.
23. Right of Way Use Agreement with Ledgestone Inc. for property located at 6617 33rd Street South.

24. Amended and Restated Skyway Use Agreement with the Bostad Condominium Association.
25. Bid Award to Martinson Lot Maintenance and All-Terrain for snow and ice removal services (RFP23191).
26. Engagement Letter with PFM Financial Advisors LLC (EX23205).
27. Notice of Grant Award with the ND Department of Health and Human Services for the Women, Infant and Children Program (CFDA #10.557).
28. Notice of Grant Award with the ND Department of Health and Human Services for PHEP – Public Health Workforce Supplemental Funding II (CFDA # 93.354).
29. Notice of Grant Award with the ND Department of Health and Human Services for Public Health Infrastructure and Workforce (CFDA #93.967).
30. 2024 Benefit Renewals effective 1/1/24, as presented.
31. Request for out-of-grade pay for Matt Bruggeman, Engineering Tech II effective from 3/20/23 to 7/9/23.
32. Set October 30, 2023 at 5:15 p.m. as the date and time for a Public Hearing on a dangerous building located at 1208 University Drive South.
33. Set October 30, 2023 at 5:15 p.m. as the date and time for a Public Hearing on a dangerous building located at 1710 1st Avenue South.
34. Updated art concept for the Skyway Mosaic project.
35. Memorandum of Understanding with Flock Group, Inc. and the Fargo Police Department.
36. Memorandum of Understanding between St. Paul District, US Army Corps of Engineers and the Fargo Police Department.
37. Bid award to Swanston Equipment in the amount of \$228,800.00 for the purchase of one loader mounted snow blower (RFP24001).
38. ND State Revolving Fund Program Loan Agreement with the ND Public Finance Authority for Solid Waste Revenue Bond, Series 2023E and Series 2023F (Project Nos. SW 23-01 and SW 23-04).
39. Bills.

#### **REGULAR AGENDA:**

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](https://FargoND.gov/VirtualCommission)).

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

41. **PUBLIC HEARING** — 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, 7/24/23 and 8/21/23 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.
42. **PUBLIC HEARING** – Special Assessment List for New Bridge, Underground Utilities, Paving, Shared Use Path and Structure, and Incidentals Improvement District No. BN-21-A; continued from the 10/2/23 Regular Meeting.
  43. **PUBLIC HEARING** – Hearing on a dangerous building located at 924 7th Street North.
  44. Receive and file General Fund – Budget to Actual through September 30, 2023 and 2023 Year End Projections.
  45. Recommendation for appointments to the following Committees:
    - a. Economic Development Incentives Committee.
    - b. Fargo Youth Initiative.
  46. 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).