

FARGO CITY COMMISSION AGENDA
Monday, March 18, 2024 - 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, March 4, 2024).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Receive and file the Summons and Complaint relating to the David Herring and Patricia Frazier vs. First Transit, Inc. d/b/a Transdev Services, Inc.
- 2. Receive and file a Notice of Appeal from a Decision of a Local Governing Body Pursuant to N.D.C.C. § 28-34-01 - Liquid Hospitality, LLC d/b/a Windbreak Saloon v. Board of City Commissioners of the City of Fargo.
- 3. Direct the City Attorney to amend Fargo Municipal Codes 25-1501 and 25-1503 to define the stream of service, to clarify server training requirements and to clarify the age to be employed where alcohol is served.
- 4. Direct the City Attorney to amend Fargo Municipal Code 25-1504.1 to allow for annual background checks on licensees, and to require notification and background checks when managers change.
- 5. Concur with the findings of staff and the Liquor Control Board and apply the penalty matrix of a \$500.00 fine for a first failure to the liquor license violations identified at Royal Liquors.
- 6. Concur with the findings of staff and the Liquor Control Board and apply the penalty matrix of a \$500.00 fine for a first failure to the liquor license violations and a \$500.00 fine for failing to have employees server trained all identified at Pho D'licious.
- 7. Agreement for Special Improvements with County 20 Storage & Transfer, Inc. for municipal improvements in the 46th Avenue Industrial Park Addition (Special Improvement District No. BN-23-J1).
- 8. Receive and file the Amendment to the Franchise Agreement with Cass County Electric Cooperative adding the area annexed by the City of Fargo on 2/23/24.
- 9. Site Authorizations for Games of Chance:
 - a. Plains Art Museum at Wild Bill's Sports Saloon.
 - b. Plains Art Museum at Big Top Bingo.
 - c. Plains Art Museum at Blue Wolf Casino (West Acres Bowl).

10. Applications for Games of Chance:
 - a. North Dakota Autism Center, Inc. for raffle on 4/5/24.
 - b. Knights of Columbus - 6570 for a calendar raffle from 5/1/24 - 5/31/24.
 - c. Fargo Lions for a calendar sports pool from 9/9/24 - 12/30/24.
 - d. El Zagal Escort Motor Patrol for a raffle on 3/23/24.
 - e. United Way of Cass-Clay for a raffle on 3/28/24.
 - f. Anne Carlsen for a raffle on 4/27/24.
 - g. Carson Glore Foundation for a raffle and raffle board on 5/20/24.
 - h. TNT Kid's Fitness and Gymnastics for a raffle on 4/4/24.
11. Developer Agreements with ARD Properties, LLC and Storage Kings ND, LLC for Interstate Business District Addition.
12. Right of Way Use Agreement with EOLA Landholdings, LLC for 4470 24th Avenue South.
13. Bid award to Roers Construction Company LLC in the amount of \$460,483.45 for Project No. SR-24-A1.
14. Negative Final Balancing Change Order No. 2 in the amount of -\$128,978.24 for Improvement District No. BR-23-H1.
15. Change Order No. 3 in the amount of \$35,632.37 and a time extension to Substantial and Final Completion dates of 10/13/23 and 11/12/24 for Improvement District No. BR-23-E1.
16. Memorandum of Offer to Landowner for Easement (Temporary Construction Easement) with New Millennium Real Estate Partners, LLP (Improvement District No. BR-23-G2).
17. Bid award to Northern Improvement Company in the amount of \$2,430,023.07 for Improvement District No. BN-23-J1.
18. Create Improvement District No. BN-23-G (New Paving and Utility Construction).
19. Create Improvement District No. BN-24-A (New Paving and Utility Construction).
20. Create Improvement District No. BR-24-F (Paving and Utility Rehab/Reconstruction).
21. Create Improvement District No. NR-23-C (Storm Sewer Lift Station Rehab/Reconstruction and Incidentals).
22. Create Improvement District No. PR-24-G (Asphalt Mill and Overlay).
23. Contract and bond for Project No. FM-24-A1.
24. Contract and bond for Project No. NR-24-B3.
25. Contract and bond for Improvement District No. BR-24-C1.
26. Lease with Option to Purchase Agreement Nos. 40005534 and 40005536 with CapFirst Equipment Finance, Inc. for copiers at Fire Station No. 1 and the Public Safety Building (RFP23131).
27. Change Order Nos. 10 and 11 in the amount of \$17,956.00 for Fire Station No. 8.
28. Change Order No. 2 in the amount of \$3,443.00 for Fire Station No. 8.

29. Addendum to Purchase of Service Agreement with Cass Human Service Zone.
30. Request for out-of-grade pay for Hunter Hubrig, Emergency Prep Environmental Health Practitioner II, effective 1/1/24 to 3/3/24.
31. Piggyback purchase through the State of North Dakota contract with CODE 4 Services for the purchase of 60 Panasonic Toughbook computers for the Police Department (PBC24143).
32. Set April 1, 2024 at 5:15 p.m. as the date and time for a Public Hearing on a dangerous building located at 1022 9th Avenue North.
33. Direct the City Attorney to amend Fargo Municipal Code Article 13-09 to include a definition for "inoperative."
34. Resolution approving Plat of Autumn Fields Third Addition.
35. Resolution approving Plat of Laverne's Fourth Addition.
36. Extension of unpaid leave for Wayne Hegseth through 5/31/24.
37. Bid award to Northdale Oil, Inc. for fuel purchasing in the 3rd and 4th Quarters of 2024 and execute the Forward Fuel Contract (RFP24111).
38. Services Agreement – Lawn Maintenance Services with Valley Green and Associates (RFP22037).
39. Services Agreement – Lawn Maintenance Services with JT Lawn Services (RFP23056).
40. Easement (Temporary Construction Easement) with the Municipal Airport Authority of the City of Fargo, Cass County, ND.
41. Reject the bids for Waste Water Treatment Plant Flood Protection Improvements Project No. WW1707 and rebid the project.
42. Bills.

REGULAR AGENDA:

43. **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).**

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

44. **PUBLIC HEARING** – Plat of Meadow View Second Addition (6704-6794 Meadow View Drive South); approval recommended by the Planning Commission on 10/3/23.
45. **PUBLIC HEARING** – Interstate Business District Addition (4753 45th Street North and 4269 40th Avenue North); approval recommended by the Planning Commission on 2/6/24:
 - a. Growth Plan Amendment from Residential Area, Lower-to-Medium Density, Commercial and Proposed Park to Industrial and Commercial.

- b. Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay and P/I, Public and Institutional.
 - c. 1st reading of rezoning Ordinance.
 - d. Plat of Interstate Business District Addition.
46. **PUBLIC HEARING** - Plat of Alex's First Addition (5080 38th Street South).
47. **PUBLIC HEARING** - Application filed by Border States Industries, Inc. for a Payment in Lieu of Tax Exemption (PILOT) for a project to be located at 3181, 3101 and 3303 43rd Street North and 3030, 3100 and 3190 42nd Street North which the applicant will use primarily for a distribution center.
48. Presentation from czb, LLC on the progress of the Growth Plan 2024.
49. Presentation of the Annual Review of F-M Ambulance, Inc. d/b/a Sanford Ambulance – Fargo.
50. Presentation of the 2023 Police Department's Annual Report.
51. Applications for Property Tax Exemptions for Improvements Made to Buildings:
- a. Erik Barner and Whitney Schreiber Beck Barner, 312 Southwood Drive South (5 years).
 - b. Trevor and Kathryn Christianson, 222 Linden Avenue South (5 years).
 - c. Richard and Kathleen Lee, 4334 Carrie Rose Lane South (5 years).
 - d. Tom and Kelly Borgen, 1006 South Drive South (5 years).
 - e. Bradley and Ann Williams, 4336 Carrie Rose Lane South (5 years).
 - f. Patrick and Natasha Thomas, 1707 9th Street South (5 years).
 - g. Jane Grove, 4332 Carrie Rose Lane South (5 years).
 - h. Brian Trauman, 812 7th Street North (5 years).
 - i. Richard and Jo Ellen Solberg, 4330 Carrie Rose Lane South (5 years).
 - j. David and Rebecca Berg, 4402 Carrie Rose Lane South (5 years).
 - k. Dustin Marlatt and Morgan Dewitt, 1614 4th Avenue South (5 years).
 - l. Jeannine Galbreath, 4410 Carrie Rose Lane South (5 years).
52. Set 7:30 a.m., Tuesday, April 9, 2024, as the date for the Board of Equalization to meet.
53. 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.