

FARGO CITY COMMISSION AGENDA
Monday, November 10, 2025 – 5:00 P.M.

Executive Session at 4:00 p.m.

Roll Call.

PLEASE NOTE: The Board of City Commissioners will convene in the City Commission Chambers at 4:00 p.m. and retire into Executive Session in the Red River Room for the purposes of discussing negotiating strategy and/or providing negotiating instructions to its attorney or other negotiator regarding contractual negotiations and/or reasonably predictable litigation regarding annexation with the City of Harwood, Applied Digital Corporation and/or Fercho Properties, LLP; and to receive its attorney's advice and guidance on the legal risks, strengths and weaknesses of an action of a public entity and regarding reasonable predictable and/or threatened litigation relating to annexation with the City of Harwood, Applied Digital Corporation and/or Fercho Properties, LLP. Discussing these items in an open meeting would have a negative fiscal effect on the bargaining and/or litigation position of the City. Thus, an Executive Session for this matter is authorized pursuant to North Dakota Century Code § 44-04-19.1 subsections 2, 5 and 9 and North Dakota Century Code § 44-04-19.2, subsection 1.

Regular Meeting at 5:00 P.M.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at 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 FargoND.gov/CityCommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, October 27, 2025).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Interest Buydown Agreement, Escrow Agreement - Pace Program and Community Pace Interest Buydown Authorization with the Bank of ND and GLDNBER ND, LLC.
- 2. Receive and file the following Ordinances:
 - a. An Ordinance Amending Section 16-0201, 16-0204, 16-0206, 16-0213, 16-0214 and 16-0216 and Repealing Section 16-0205 of Article 16-02 of Chapter 16 of the Fargo Municipal Code Relating to Waterworks System.
 - b. An Ordinance Amending Section 22-0301 of Article 22-03 of Chapter 22 of the Fargo Municipal Code Relating to Plumbing Code.
- 3. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Selkirk Fourth Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 10/27/25.

4. 2nd reading, waive reading and final adoption of an Ordinance Annexing a Certain Parcel of Land Lying in a Portion of the Southwest Quarter and Part of the Southeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian in Cass County, North Dakota; 1st reading, 10/27/25.
5. Applications for Games of Chance.
6. Gaming Site Authorizations.
7. Negative Final Balancing Change Order No. 6 in the amount of -\$67,300.00 and a time extension to the Final Completion Date of 7/31/25 for Project No. NR-23-A2.
8. Purchase Agreement with 64th Avenue Development LLC for Project No. BN-26-D1.
9. Memorandum of Offer to Landowner for an Easement (Temporary Construction Easement) with Forum Communications Company (Project No. QN-23-B1).
10. 2027 to 2030 Federal Aid Transportation Project Applications.
11. Maintenance Certification for Urban Federal Aid Projects for NDDOT.
12. Rescission of Maintenance Agreement and Maintenance Agreements (Public Right of Way) with J & O Real Estate, LLC, Makt, LLC and Christopher H. Crowe, as Trustee of the Christopher H. Crowe Revocable Trust, dated the 12th day of October, 2015 and the addition of Project No. BN-26-B1 to the 2026 Capital Improvement Plan.
13. Pipeline License with BNSF (Revision to Exhibit A) (Project No. UR-24-C1).
14. Final Balancing Change Order No. 3 in the amount of \$17,698.94 for Improvement District No. BR-25-B3.
15. Change Order No. 2 in the amount of \$17,590.00 for Improvement District No. BR-25-E1.
16. Negative Final Balancing Change Order No. 1 in the amount of -\$3,067.06 for Improvement District No. PR-25-C1.
17. Permanent Easements (Storm Sewer and Street and Utility) with County 20 Storage & Transfer, Inc. (Improvement District No. BN-25-F1).
18. Bid award to Dakota Underground Company, Inc. in the amount of \$5,036,378.90 for Improvement District No. BN-25-F1.
19. Receive and file Limited Franchise Agreement with Cass County Electric, adding the area annexed by the City of Fargo on 10/16/25.
20. Items from the FAHR Meeting:
 - a. Receive and file Sales Tax Revenue Update.
 - b. Accept the donation of \$10,998.00 from the Fargo Police Foundation, authorize the purchase of two massage chairs and related budget adjustments (RFQ25306).
 - c. Request from the Fire Department to frontload one firefighter in the January 2026 Fire Academy in anticipation of a Quarter One 2026 retirement.
 - d. Modification No. 1 - Contract Agreement in the amount of \$100,000.00 with Cloudburst Consulting Group, Inc. (EX25023).

21. Notice of Grant Award from the ND Department of Emergency Services in the amount of \$15,021.00 for the 2024 Emergency Management Performance Grant.
22. Notice of Grant Award Amendment from the ND Department of Health and Human Services for HIV.HCV Counseling, Testing and Referral (CFDA #94.940).
23. Set November 24, 2025 at 5:05 pm as the date and time for a Public Hearing on a dangerous building located at 1544 3rd Avenue South.
24. Resolution Approving Plat of Archer Place First Addition.
25. Resolution Approving Plat of University South Sixth Addition.
26. Direct the City Attorney's Office to review and propose revisions to Fargo Municipal Code regarding electric bicycles.
27. Lease with Option to Purchase Agreement with Kinetic Leasing, Inc. in the amount of \$240,908.38 for a large aerial truck for the Forestry Department (PBC #s 25228 and 25229).
28. Services Contract with Minnesota State University Moorhead for the U-Pass Program.
29. Contract and bond for Project No. WA2501 (general construction contract).
30. Amendment No. 1 to Task Order No. 1 with HDR Engineering, Inc. in the amount of \$46,400.00 for Project No. WA2501.
31. Reject and readvertise the bids for Project No. WA2505 - Lead Service Line Replacement.
32. Bills.

REGULAR AGENDA:

PUBLIC HEARINGS - 5:05 pm:

33. **PUBLIC HEARING** - EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition (4417 and 4477 26th Avenue South, and 4410, 4448, 4470 and 4474 24th Avenue South, and 4415 and 4471 24th Avenue South); approval recommended by the Planning Commission on 5/6/25; continued from the 10/13/25 and 10/27/25 Regular Meetings:
 - a. PUD, Planned Unit Development Master Land Use Plan Amendment.
 - b. Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay.
 - c. Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD, Planned Unit Development Master Land Use Plan.
 - d. 1st reading of rezoning Ordinance (EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition).
 - e. 1st reading of rezoning Ordinance (EOLA Addition).
 - f. Plat of J & O 45th Street Apartments Addition.
34. **PUBLIC HEARING** - Plat of 19th Avenue Storage Addition (1101 19th Avenue North); approval recommended by the Planning Commission on 9/4/25.

PUBLIC HEARINGS – 5:15 pm:

35. **PUBLIC HEARING** – Annexation of 303.23 acres, more or less located in the West Half of Section 3, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota.
36. **PUBLIC HEARING** – Annexation of 256.87 acres, more or less East Half of Section 3, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, less those parcels lying within said East Half legally described in those instruments recorded at the Office of the Recorder, Cass County, North Dakota.
37. **PUBLIC HEARING** – Annexation of 236.16 acres, more or less in the Southeast Quarter and the East One-Half of the Southwest Quarter of Section 35, Township 141 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota.
38. United to End Homelessness Update.
39. Recommendation to approve the 2nd Phase of the Request for Proposals for the Convention Center Project.
40. Recommendation to approve the 2026-2030 Transit Development Plan.
41. Recommendation to approve the University Drive and 10th Street Corridor Study.
42. Recommendation from Commissioner Strand on Tax Incentive Policies.
43. Discussion regarding the Safer Smoking Supplies and Needle Disbursement Programs.
44. Liaison Commissioner Assignment Updates.
45. **PUBLIC COMMENTS (2.5 minutes will be offered for comment with a maximum of 30 minutes total for all public comments. Individuals who would like to address the Commission, whether virtually or in person, must sign-up at [FargoND.gov/VirtualCommission](https://fargoND.gov/VirtualCommission)).**

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 web site at [FargoND.gov/CityCommission](https://fargoND.gov/CityCommission).