

FARGO CITY COMMISSION AGENDA
Monday, April 8, 2019 - 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 25, 2019).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 1st reading of an Ordinance Repealing and Re-Enacting Articles 17-02, 17-04 and 17-05 and Enacting Articles 17-06 through 17-16 of Chapter 17 of the Fargo Municipal Code Relating to Sewers and Sewerage.
- 2. 2nd reading and final adoption of the following Ordinances; 1st reading on 3/25/19:
 - a. Rezoning Certain Parcels of Land Lying in Providence at Prairie Farms Addition.
 - b. Rezoning Certain Parcels of Land Lying in Airport First Addition.
- 3. Direct the City Attorney to prepare amendments to Section 1-0305(A)(1) of Article 1-03 of Chapter 1, Section 4-0106 of Article 4-01 of Chapter 4 and Section 11-0814 of Article 11-08 of Chapter 11 to the Fargo Municipal Code.
- 4. Direct the City Attorney to review and update Article 16-0105 – Water Services and Connections Construction and Maintenance.
- 5. Direct the City Attorney to review and update Article 22-0301 – Water Services - Quality – Rules Regarding.
- 6. Agreement for Property Demolition with Philip H. Grotenhuis and Martha A. Grotenhuis, Trustees of the Philip H. Grotenhuis Revocable Living Trust for property located at 703 10th Avenue North.
- 7. Applications for property tax exemptions for improvements made to buildings:
 - a. Craig J. Kilber and Michelle R. Lawler, 1520 38 1/2 Avenue South (3 year).
 - b. Jeremy and Billie J. Carlson, 2865 Lilac Lane North (3 year).
 - c. Neil T. and Jane Gillund, 1225 37th Avenue South (5 year).
 - d. Oscar Flores-Ibarra and Joanne R. Boylan, 1214 5th Street North (5 year).
 - e. Barbi L. Franzen, 1127 8th Street North (5 year).
 - f. Mark S. Manzey, 1001 South Drive South (5 year).
 - g. Gregory S. and Jodee Eckart, 2820 Southgate Drive South (5 year).
 - h. Erik Berg, 1110 3rd Avenue North, Unit 701W (5 year).
 - i. Terry W. and Amy N. Hamilton, 338 19th Street North (5 year).

Applications for Games of Chance:

- a. Fargo Moorhead Derby Girls for a raffle on 6/1/19.
 - b. Farm Rescue for a raffle on 12/31/19.
 - c. Rho Chi Pharmacy Honor Society for a raffle on 4/11/19.
 - d. River Keepers for a raffle on 6/10/19.
9. Memorandum of Offer to Landowner with Swanson Health Products, Inc. for Permanent and Temporary Easements (Project No. FM-14-71).
 10. Amended Engineer's Report for Project No. UR-19-A1.
 11. Payment to Cass County Electric Cooperative in the amount of \$69,001.64 for work associated with utility relocation (Project No. FM-14-71).
 12. Bid awards for Project Nos. TM-19-B1 and TP-19-B1.
 13. Bid advertisement for Project Nos. FM-14-1 (Phase 3) and FM-14-7.
 14. Early redemption of the Refunding Improvement Refunding Bonds, Series 2010C totaling \$1,335,000.00.
 15. Refinancing and restructuring of terms on an existing US Bank, NA Loan, Series 2014A construction loan authorizing the Mayor and City Auditor to execute loan modification agreements.
 16. Bid award for Roof Replacement at Fire Station No. 4 (RFP19020).
 17. Contract with the ND Department of Human Services for the mobile outreach program.
 18. Agreement for Services with the ND Department of Health for Stepping On workshops.
 19. Bid award for the residential curbside brush chipping operations - 2019 (RFP19038).
 20. Three-year research project partnership and Tree Growth Regulator Agreement with Rainbow Tree Company to research the impact of a tree growth regulator on City-owned trees.
 21. Acceptance of the Sam's Club Community Grant Program award in the amount of \$1,000.00 to the Fargo Police Department.
 22. Change Orders for Project No. SW 16-03 Phase II:
 - a. No. 3 for an increase of \$1,734.00 for the mechanical contract.
 - b. No. 4 for an increase of \$378.00 for the mechanical contract.
 - c. No. 5 for an increase of \$3,617.00 for the mechanical contract.
 - d. No. 3 for an increase of \$4,480.76 for the electrical contract.
 23. Contracts and bonds for Project Nos. FE-19-G1, FE-19-G2, PR-19-A1 and PR-19-E1.
 24. Bills.
 25. Bid awards for Improvement District Nos. BN-19-B1, BN-19-E1, PN-18-B1 and PR-19-F1.

REGULAR AGENDA:

26. State Water Commission requests for Cost Reimbursement for FM Diversion Flood Project Costs:
 - a. Costs totaling \$229,746.00.
 - b. Costs totaling \$558,592.20.
27. Recommendation for an Automatic Aid Agreement with the West Fargo Fire Department.
28. Public Hearings – 5:15 pm:
 - a. Case, Peake and Hall Addition (1527 5th Avenue South); approval recommended by the Planning Commission on 3/5/19:
 1. Zoning Change from SR-3, Single-Dwelling Residential to MR-2, Multi-Dwelling Residential.
 2. 1st reading of rezoning Ordinance.
 - b. Eagle Valley Third Addition (7301 23rd Street South); approval recommended by the Planning Commission on 2/5/19:
 1. Zoning Change from MR-2, Multi Dwelling Residential to MR-2, Multi-Dwelling Residential and SR-4, Single-Dwelling Residential.
 2. 1st reading of rezoning Ordinance.
 3. Plat of Eagle Valley Third Addition.
29. Presentation on the 64th Avenue South Bridge and Street Construction Project (Project No. PN-19-A0).
30. Recommendation to direct the City Attorney and appropriate staff to draft a Development Agreement and Financing Plan for a parking garage on the Mercantile site (northeast corner of Broadway and 4th Avenue North).
31. Flood Update.

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.

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ORDINANCE NO. _____

**AN ORDINANCE REPEALING AND RE-ENACTING
ARTICLES 17-02, 17-04 AND 17-05 AND
ENACTING ARTICLES 17-06 THROUGH 17-16
OF CHAPTER 17 OF THE FARGO MUNICIPAL CODE
RELATING TO SEWERS AND SEWERAGE**

WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in accordance with Chapter 40-05 .1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the city shall have the right to implement home rule powers by ordinance; and

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purpose; and

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the city of Fargo:

Section 1. Repeal.

Articles 17-02, 17-04 and 17-05 of Chapter 17 of the Fargo Municipal Code relating to Sewers and Sewerage, as the same were amended from time to time, are hereby repealed in their entirety.

Section 2. Re-enactment.

Article 17-02 of Chapter 17 of the Fargo Municipal Code is hereby re-enacted to read as follows:

ARTICLE 17-02

CONTROL AND REGULATION OF SEWERAGE SYSTEM

17-0201 Purpose and Policy.-- This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the city of Fargo, ND and enables the city of Fargo to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC §1251 *et seq.*) and the General Pretreatment Regulations (40 C.F.R. Part 403). The objectives of this ordinance are:

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- 1 A. To prevent the introduction of pollutants into the POTW that will interfere with the operation
2 of the POTW;
- 3 B. To prevent the introduction of pollutants into the POTW which will pass through the POTW,
4 inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- 5 C. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level
6 which allows its use and disposal in compliance with applicable statutes and regulations;
- 7 D. To protect POTW personnel who may be affected by wastewater and sludge in the course of
8 their employment and to protect the general public; and
- 9 E. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

This article shall apply to all users of the POTW. This article authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

11 17-0202 Administration.-- Except as otherwise provided herein, the Director shall administer, implement,
12 and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director
13 may be delegated by the Director to other city of Fargo personnel.

14 17-0203 Definitions.-- The following words, terms and phrases are hereby defined and shall be
15 interpreted as such throughout this chapter. Terms not herein defined shall have the meaning customarily
16 assigned to them:

- 16 1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water
17 Act, as amended. 33 U.S.C. 1251 *et seq.*
- 18 2. Approval Authority. State of North Dakota Department of Health
- 19 3. Authorized Representative of the User.
 - 20 a. If the user is a corporation or limited liability company (LLC):
 - 21 i. The president, general manager of an LLC, secretary, treasurer, or a vice-
22 president of the corporation in charge of a principal business function, or any
23 other person who performs similar policy or decision-making functions for
the corporation or LLC; or
 - ii. The manager of one or more manufacturing, production, or operation
facilities, provided, the manager is authorized to make management decisions
which govern the operation of the regulated facility including having the
explicit or implicit duty of making major capital investment

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1 recommendations and initiating and directing other comprehensive measures
2 to assure long-term environmental compliance with environmental laws and
3 regulations; can ensure that the necessary systems are established or actions
4 taken to gather complete and accurate information for control mechanism
5 requirements; and where authority to sign documents has been assigned or
6 delegated to the manger in accordance with corporate procedures.

- 7
- 8 b. If the user is (a) a partnership including a limited partnership, limited liability
9 partnership or limited liability limited partnership or (b) a sole proprietorship: a
10 general partner or proprietor, respectively;
- 11 c. If the user is a federal, state, or local governmental facility: a director or highest
12 official appointed or designated to oversee the operation and performance of the
13 activities of the government facility, or his/her designee.
- 14 d. The individuals described in paragraphs a through c above may designate another
15 authorized representative if the authorization is in writing, the authorization specifies
16 the individual or position responsible for the overall operation of the facility from
17 which the discharge originates or having overall responsibility for environmental
18 matters for the company, and the written authorization is submitted to the city of
19 Fargo.
- 20 4. Best Management Practices (BMPs). Shall mean the schedules of activities, prohibitions of
21 practices, maintenance procedures, and other management practices to implement the
22 prohibitions listed in §403.5(a)(1) and (b) of the Act and in section 17-0403. BMP also
23 include treatment requirements, operating procedures, and practices to control plant site
runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
5. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical
oxidation of organic matter under standard laboratory procedures for five (5) days at 20
degrees Celsius, usually expressed as a concentration [milligrams per liter (mg/l)].
6. Building drain. That part of the lowest horizontal piping of a drainage system which receives
the discharge from soil, waste, and other drainage pipes inside the walls of the building and
conveys it to the building sewer.
7. Building sewer (also house connection or service sewer). The extension from the building
drain to the public sewer or other place of disposal.
8. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing
pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b)
and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of users and which
appears in 40 C.F.R. Chapter 1, Subchapter N, Parts 405 – 471, as the same may be amended
from time to time.
9. Categorical User. An industrial user regulated by one of the EPA's Categorical Pretreatment
Standards.
10. City. The city of Fargo, a municipal corporation of the state of North Dakota.

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- 1 11. Color. The optical density at the visual wave length of maximum absorption, relative to
2 distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical
3 density.
- 4 12. Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.
- 5 13. Composite Sample. The sample resulting from the combination of individual wastewater
6 samples taken at selected intervals based on an increment of either flow or time.
- 7 14. Control Authority. The city of Fargo
- 8 15. Cooling Water/Non-Contact Cooling Water. Water used for cooling which does not come into
9 direct contact with any raw material, intermediate product, waste product, or finished product.
10 Cooling water may be generated from any use, such as air conditioning, heat exchangers,
11 cooling or refrigeration to which the only pollutant added is heat.
- 12 16. Director. The director of wastewater utilities of the city of Fargo, or the authorized deputy,
13 agent or representative of said director.
- 14 17. Domestic User (Residential User). A “domestic user” is a user that is not regulated under
15 federal categorical pretreatment standards but that applies to the city of Fargo for a new
16 building permit or occupies an existing building and plans to commence discharge of
17 wastewater to the city of Fargo collection system after the effective date of this ordinance. A
18 “new source”, as defined above, is regulated under federal categorical pretreatment standards
19 and, therefore, a new source is not a domestic user as described in this definition.
- 20 18. Easement. An acquired legal right for the specific use of real property owned by others.
- 21 19. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or,
22 where appropriate, the Director of Region 8 Office of Water, or duly authorized official of said
23 agency.
20. Floating Oil. Oil, fat, or grease in a physical state such that it will separate by gravity from
wastewater by treatment in an approved pretreatment facility. A wastewater shall be
considered free of floatable oil if it is properly pre-treated and the wastewater does not
interfere with the wastewater facilities.
21. Grab Sample. A sample which is taken from a waste stream on a one-time basis without
regard to the flow in the waste stream and without consideration of time.
22. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-
domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the
POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed
drainage ditches, surface water intercepting ditches, and all constructed devices and appliances
appurtenant thereto.
23. Industrial cost recovery period. A period of 30 years starting at the time of receipt of federal
grant money used for the purpose of constructing wastewater facilities during which the grant
allocable to the treatment of waste from industrial users is recovered from the industrial users
of such facilities.

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- 1 24. Industrial User. Shall mean any nondomestic source regulated under section 307(b),(c) or (d)
- 2 of the Clean Water Act that introduces pollutants into the city's wastewater treatment works.
- 3 25. Interference. A discharge which alone or in conjunction with a discharge or discharges from
- 4 other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations;
- 5 (2) inhibits or disrupts its sludge processes, use or disposal; or (3) is a cause of a violation of
- 6 the city of Fargo's NPDES permit or of the prevention of sewage sludge use or disposal in
- 7 compliance with any of the following statutory/regulatory provisions or permits issued
- 8 thereunder (or more stringent State or local regulations): Section 405 of the Act; the Solid
- 9 Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource
- 10 Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge
- 11 management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic
- 12 Substances Control Act.
- 13 26. Letter of intent. Notification from an industrial user to the city of Fargo of that user's intent to
- 14 utilize a publicly owned treatment facility for a given period of time.
- 15 27. Maximum Allowable Discharge Limit. The maximum concentration (or loading) of a
- 16 pollutant allowed to be discharged at any time, determined from the analysis of any discrete or
- 17 composited sample collected, independent of the industrial flow rate and the duration of the
- 18 sampling event.
- 19 28. May. "May" is permissive. (See "Shall").
- 20 29. National Pretreatment Standard, Pretreatment Standard, or Standard. Shall mean any
- 21 regulation containing pollutant discharge limits promulgated by the EPA in accordance with
- 22 Section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes
- 23 prohibitive discharge limits established pursuant to Section 403.5 of the Act.
- 30. Natural outlet. Any outlet, including storm sewers and combined sewer overflows, into a
- watercourse, pond, ditch, lake or other body of surface or ground water.
- 31. New Source.
 - a. Any building, structure, facility, or installation from which there is (or may be) a
 - discharge of pollutants, the construction of which commenced after the publication of
 - proposed categorical pretreatment standards under Section 307. 8 of the Act which
 - will be applicable to such source if such standards are thereafter promulgated in
 - accordance with that section, provided that:
 - i. The building, structure, facility, or installation is constructed at a site at
 - which no other source is located; or
 - ii. The building, structure, facility, or installation totally replaces the process or
 - production equipment that causes the discharge of pollutants at an existing
 - source; or
 - iii. The production or wastewater generating processes of the building, structure,
 - facility, or installation are substantially independent of an existing source at
 - the same site. In determining whether these are substantially independent,

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factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section a.(ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a new source as defined under this definition has commenced if the owner or operator has:

i. Begun, or caused to begin as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment;
or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

ii. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

32. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of the violation).

33. Permittee: A person or user issued a wastewater discharge permit.

34. Person. Any individual, partnership, including limited partnership, limited liability partnership or limited liability limited partnership, co-partnership, firm, company, corporation, limited liability company, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.

35. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

36. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor].

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- 1 37. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the
2 alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing
3 such pollutants into the POTW, whether obtained by physical, chemical, or biological
4 processes; by process changes; or by other means (except by diluting the concentration of the
5 pollutants unless allowed by an applicable pretreatment standard).
- 6 38. Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment
7 imposed on a user, other than a pretreatment standard.
- 8 39. Pretreatment Standards or Standards. Prohibited discharge standards, categorical pretreatment
9 standards, and local limits and/or BMPs established by the city of Fargo/POTW.
- 10 40. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the
11 discharge of certain substances, which appear in section 17-0403.
- 12 41. Publicly Owned Treatment Works (POTW). A “treatment works,” as defined by Section 212
13 of the Act (33 U.S.C. §1292) which is owned by the city. This definition includes any devices
14 or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or
15 industrial wastes of a liquid nature and any conveyances which convey wastewater to a POTW
16 as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to
17 and the discharges from such a treatment works. The term also means the municipality as
18 defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and
19 the discharges from such a treatment works.
- 20 42. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets,
21 campers, trailers, and septic tanks.
- 22 43. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- 23 44. Sewer. Any pipe, conduit ditch, or other device used to collect and transport sewage from the
generating source.
- 45. Sewer use charge. A monthly charge to all users of the wastewater facilities which is based on
sewage volume, strength and/or flow.
- 46. Shall, May, May Not. “Shall” is mandatory, “may” is permissive, and “may not” is
prohibitive.
- 47. Significant Industrial User (SIU).
 - a. A user subject to categorical pretreatment standards; or
 - b. A user that:
 - i. Discharges an average of 25,000 gallons per day (GPD) or more process
wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler
blowdown wastewater); or
 - ii. Contributes a process waste stream which makes up five (5) percent or more
of the average dry weather hydraulic or organic capacity of the POTW
treatment plant; or

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- 1 iii. Is designated as such by the city on the basis that it has a reasonable potential
- 2 for adversely affecting the POTW's operation or for violating any
- 3 pretreatment standard or requirement; unless,
- 4 iv. Upon a finding that a user meeting any of the above three criteria has no
- 5 reasonable potential for adversely affecting the POTW's operation or for
- 6 violating an applicable pretreatment standard or requirement, Fargo may at
- 7 any time, on its own initiative or in response to a petition received from a
- 8 user [and in accordance with procedures in 40 C.F.R. § 403.8(f)(6)]
- 9 determine that such user should not be considered a significant industrial
- 10 user.

48. Significant Noncompliance (403.8(f)(2)(vii)).

IU violations that meet one or more of the following criteria:

- 11 a. Chronic violations of wastewater discharge limits, defined here as those in which 66
- 12 percent or more of all the measurements for each pollutant parameter taken during a
- 13 6-month period exceed (by any magnitude) a numeric pretreatment standard or
- 14 requirement, including instantaneous limits, as defined by 40 C.F.R. § 403.3(1).
- 15 b. Technical Review Criteria (TRC) violations, defined here as those in which 33
- 16 percent or more of all the measurements for each pollutant parameter taken during a
- 17 6-month period equal or exceed the product of the numeric pretreatment standard or
- 18 requirement including instantaneous limits, as defined by 40 C.F.R. § 403.3 (1)
- 19 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and
- 20 1.2 for all other pollutants except pH).
- 21 c. Any other violation of a pretreatment standard or requirement as defined by 40
- 22 C.F.R. § 403.3 (1) (daily maximum, long-term average, instantaneous limit, or
- 23 narrative standard) that the POTW determines has caused, alone or in combination
- with other dischargers, interference or pass through (including endangering the health
- of POTW personnel or the general public).
- d. Any discharge of a pollutant that has caused imminent endangerment to human
- health, welfare, or to the environment or has resulted in the POTW's exercise of its
- emergency authority under paragraph (f)(1)(vi)(B) of 40 C.F.R. § 403.8 to halt or
- prevent such a discharge.
- e. Failure to meet, within 90 days after the schedule date, a compliance schedule
- milestone contained in a local control mechanism or enforcement order for starting
- construction, completing construction, or attaining final compliance.
- f. Failure to provide, within 30 days after the due date, required reports such as baseline
- monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and
- reports on compliance with compliance schedules

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- g. Failure to accurately report noncompliance
- h. Any other violation or group of violations, which can include a violation of best management practices, that the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

- 49. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in sections 17-0403 through 17-0406 or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
- 50. Solid Waste Disposal Act (SWDA). Federal law located at 43 U.S.C. §6901 et seq.
- 51. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- 52. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- 53. Superintendent. The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.
- 54. Total Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- 55. Toxic Pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. §1317) of the Act.
- 56. Treatment Plant Effluent. The discharge from the POTW into waters of the United States.
- 57. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- 58. Wastewater Discharge Permit (Industrial Wastewater Discharge Permit, Discharge Permit). An authorization or equivalent control document issued by the city to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this ordinance.
- 59. Wastewater Treatment Plant or Treatment Plant. The portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

17-0204 Abbreviations.-- The following abbreviations shall have the designated meanings:

- ASPP - Accidental Spill Prevention Plan
- BOD - Biochemical Oxygen Demand
- C.F.R. § - Code of Federal Regulations

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- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- GPD - gallons per day
- IWA - Industrial Waste Acceptance
- l - Liter
- IU - Industrial User
- LEL - Lower Explosive Limit
- mg - milligrams
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- O&M - Operation and Maintenance
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classifications
- SIU - Significant Industrial User
- SWDA - Solid Waste Disposal Act (43 U.S.C. 6901, et seq.)
- TSS - Total Suspended Solids
- USC - United States Code

Section 3. Re-enactment.

Article 17-04 of Chapter 17 of the Fargo Municipal Code is hereby re-enacted to read as follows:

ARTICLE 17-04

GENERAL REQUIREMENTS

17-0401 Sanitary sewers, building sewers and connections.--

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city engineer.
- B. There shall be two classes of building sewer permits:
 - 1. For residential and commercial service, and
 - 2. For service to establishments producing industrial wastes. In either case, the owner, or his agent, shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city engineer. A permit and inspection fee shall be paid to the city at the time the

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application is filed. The amount of such fee shall be established by resolution of the board of city commissioners in accordance with §22-0114.

- C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director to meet all requirements of this ordinance.
- F. The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of suitable code provisions set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to tile building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewerage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer, or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the director and the North Dakota state department of health.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the director before installation.
- J. The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The

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1 connection and testing shall be made under the supervision of the director or his
2 representative.

3 K. All excavations for building sewer installation shall be adequately guarded with
4 barricades and lights so as to protect the public from hazard. Streets, sidewalks,
5 parkways, and other public property disturbed in the course of the work shall be
6 restored in a manner satisfactory to the city.

7 Source: 2187 (1985).

8 17-0402 Prohibited connections to sewer system - - Inspection and surcharge authority. - - Waiver
9 Provisions.--

10 A. Section 22-0432 prohibits surface or ground water drains, including roof drains and
11 foundation drain tiles, from being connected to the sanitary sewer. Said ordinance
12 requires that surface or ground water drains shall be connected directly to the city
13 storm sewer or discharged into a sump and thereafter pumped into the city storm
14 sewer system or onto a yard in such a manner so as to drain into the city storm
15 sewer system. The following subsections further expand on such prohibited
16 connections and provide for inspections, surcharges, waivers and penalties.

17 B. All dwellings, buildings and structures constructed after September 21, 1971,
18 which require, because of infiltration of water into basements, crawl spaces and the
19 like, a foundation drainage system shall have a permanently installed discharge line
20 which, shall not at any time, discharge water into the sanitary sewer system except
21 as hereinafter provided in 17-0402(F). A permanent installation shall be one in
22 which the direction of flow cannot be altered and provides for year-round
23 discharge to either the outside of the dwelling, building or structure, or is connected
directly to the city storm sewer, or discharges to the curb and gutter.

C. Prior to June 1, 2001, all dwellings, buildings or structures constructed after
September 21, 1971, having surface or ground water drains, including sump
pumps, now connected and/or discharging into the sanitary sewer system shall
disconnect and/or remove the same. Any disconnects or openings in the sanitary
sewer shall be closed or repaired in an effective, workmanlike manner, as approved
by the city engineer.

D. Authorized city personnel, or its designated representatives bearing proper
credentials and identification, shall be permitted to enter all properties constructed
after September 21, 1971, for the purposes of inspection and observation to
identify prohibited discharges to the sanitary sewer system. Any person may
furnish a certificate from a licensed plumber certifying that their property is in
compliance with §22-0432 and this section, in lieu of having the city inspect their
property. Any person refusing to allow their property to be inspected (or failing to
furnish a plumber's certificate in lieu thereof) within fourteen (14) days of the date
city employees or their designated representatives are denied admittance to the
property, shall immediately become subject to the surcharge penalty as required

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1 under §17-0402(E). Any person found to have violated this provision shall make
2 the necessary changes to eliminate the discharge of surface or ground water into
3 the sanitary sewer system and furnish proof of the changes to the city within ninety
4 (90) days. Each prohibited connection identified may be re-inspected by the city,
5 its designated representative or a licensed plumber, to confirm compliance.

6 E. A monthly surcharge penalty, established by resolution of the board of city
7 commissioners, shall be imposed and added to the regular sewer billing on and
8 after June 1, 2001, to property owners who are not in compliance with this section.
9 The surcharge shall be added every month through December 2001 until the
10 property is in compliance. The surcharge shall continue to be levied monthly,
11 every year on properties not complying with this section. It is provided, however,
12 that the surcharge shall not be charged unless and until a property has been
13 inspected and found to be not in compliance, or if the property owner refuses to
14 allow an inspection and fails to provide a plumber's certificate in lieu thereof as set
15 forth in this section.

16 F. The Superintendent shall have the authority to grant exemptions from strict
17 compliance with this section.

18 Exemptions may be granted in the form of seasonal waivers which would allow the
19 property owner to temporarily discharge directly into the sanitary sewer system
20 between the date of October 1 and March 31. The holder of a seasonal waiver shall
21 allow a city employee or designated representative to certify that, prior to April 1
22 of each subsequent year, their discharge water connection has been removed from
23 the sanitary sewer. Failure to provide such certification shall place the seasonal
waiver holder in violation and subject to the surcharge penalty as required under
§17-0402(E). Seasonal waiver requests shall be submitted on the official form
provided by the city engineer for utilities.

Exemptions may be granted in the form of non-seasonal waivers for a particular
property owner who can demonstrate undue hardship because of unique or
extenuating circumstances, including physical or handicap limitations. A non-
seasonal waiver would allow the property owner to discharge directly into the
sanitary sewer system without seasonal restrictions. The non-seasonal waiver
request shall be submitted to the Superintendent in writing and, at a minimum,
identify the property for which the waiver is being requested, the name of the
property owner/applicant, and a detailed description of the circumstances justifying
the request.

G. Any person granted a seasonal waiver shall be charged an additional monthly fee
on their utility bill to cover the cost of compliance inspections and the cost for
treating the extra discharge water during the waiver period. The seasonal waiver
amount shall be set by resolution of the board of city commissioners.

Any person granted a non-seasonal waiver shall be charged an additional monthly
fee on their utility bill to cover the cost for treating the extra discharge water on a
year-round basis. The non-seasonal waiver amount shall be set by resolution of the

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board of city commissioners.

1 H. If a seasonal waiver is granted, the owner of the property may place a pipe
2 connecting the sump pump to the sanitary sewer, which must have a shut-off
3 valve. city staff or its designated representative, on or around April 1 of each
4 year, will inspect the system to verify that the valve is closed so no prohibited
5 water is discharged into the sanitary sewer. By applying for the waiver, the
6 owner has granted permission to the city staff or its representatives to inspect the
7 connection at any time between April 1 and October 31 to verify compliance
8 with this section. Such inspections must be made between 8:00 a.m. and 5:00
9 p.m., Monday through Friday, and only when a resident of the premises is on
10 site. Failure to allow such an inspection or to allow city staff or its designated
11 representatives entry for verification of compliance shall result in automatic
12 revocation of the seasonal waiver and imposition of the surcharge penalty
13 pursuant to §17-0402(E).

14 I. If any new structure is found to have been constructed wherein the sump pump
15 connection for the structure has been unlawfully connected to the sanitary sewer
16 system, or that there is another connection or device or lack of a plug which allows
17 surface run-off or ground water to enter into the sanitary sewer system, either
18 permanently or temporarily, the city may deny the issuance of a certificate of
19 occupancy for said new structure.

20 Source: 4150 (2001), _____ (2019).

21 17-0403 Prohibited Discharge Standards--

22 A. General Prohibitions: No user shall introduce or cause to be introduced into the POTW any
23 pollutant or wastewater which causes pass through or interference. These general
prohibitions apply to all users of the POTW whether or not they are subject to categorical
pretreatment standards or any other federal, state, or local pretreatment standards or
requirements.

B. Specific Prohibitions: No user shall introduce or cause to be introduced into the POTW the
following pollutants, substances, or wastewater:

1. Oils and Grease.

- i. Oil and grease concentrations or amounts from industrial facilities violating pretreatment standards.
- ii. Wastewater from industrial facilities containing floatable fats, wax, grease or oils in amounts which would cause interference or pass through the treatment process.
- iii. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts which would cause interference or pass through.

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2. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flash point of less than 140 F (60 C) using the test methods specified in 40 C.F.R. § 261.21;
3. Wastewater having a pH less than 5.0 S.U. or more than 12.5 S.U., or otherwise causing corrosive structural damage to the POTW or equipment.
4. Solid or viscous wastes. Solid or viscous wastes which will interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, un-comminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.
5. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either independently or by interaction with other pollutants, will cause interference with the POTW;
6. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C) unless the Approval Authority, upon the request of the POTW, approves alternate temperature limits;
7. Petroleum oil, non-bio-degradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
8. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
9. Trucked or hauled pollutants, except a discharge points designated by the city.

17-0404 Federal Categorical Pretreatment Standards.-- The federal categorical pretreatment standards as amended and promulgated by EPA pursuant to the Act and as found at 40 C.F.R. Chapter I, Subchapter N, Parts 405 – 471, are hereby adopted by reference.

17-0405 State Requirements.-- The state requirements as set forth in North Dakota Administrative Code (N.D.Admin.C.) §33-16-01.1 and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this ordinance or in other applicable ordinances.

17-0406 Local Limits.-- The Superintendent is authorized to establish Local Limits pursuant to 40 C.F.R. § 403.5(c). No person shall discharge wastewater containing pollutant levels in excess of the following daily maximum allowable discharge limits:

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<u>Pollutant</u>	<u>Daily Maximum Concentration</u>
Arsenic (As)	2.8 mg/l
Cadmium (Cd)	0.11 mg/l
Chromium (III)	5.86 mg/l
Chromium (VI)	0.65 mg/l
Chromium (Total)	5.57 mg/l
Copper (Cu)	2.82 mg/l
Lead (Pb)	1.60 mg/l
Mercury (Hg)	0.001 mg/l
Nickel (Ni)	5.60 mg/l
pH	5 to 12.5 S.U.
Selenium (Se)	0.26 mg/l
Silver (Ag)	0.43 mg/l
Zinc (Zn)	18.17 mg/l

The above limits apply at the point where the wastewater is discharged to the POTW (end of pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

Total SIU BOD mass loading or Maximum Allowable Industrial Loadings (MAIL) at the wastewater treatment plant headworks shall not exceed 7,353 pounds per day. Total SIU TSS mass loading or MAIL at the wastewater treatment plant headworks shall not exceed 4,825 pounds per day. The city may, at its discretion, implement local limits through allocation of the BOD and TSS MAILs to significant industrial Users.

Under no circumstances shall the industrial user achieve compliance with the above limitations or categorical pretreatment standards by diluting its industrial waste with tap water, unpolluted water, sanitary sewage, or any other liquid diluent.

The POTW may develop Best Management Practices (BMPs) to implement provisions of this Chapter. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act.

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The POTW may develop site-specific limits in addition to Local Limits.

The following limits shall apply to wastewater that are discharged from the groundwater cleanup of petroleum and gasoline underground storage tanks or other remediation wastewaters containing these pollutants or where these pollutants are appropriate surrogates. It shall be unlawful user to discharge to cause to be discharged any waste or wastewater that exceeds the following limits, as applicable:

Pollutant ^{(a) (b)}	Daily Maximum Limit (mg/L)
Benzene	0.050
BTEX ^(c)	0.750

(a) These limits are based on the installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks, June 1989."

(b) All pollutants shown in the table are total.

(c) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene, and Xylene

17-0407 City's Right of Revision-- The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

17-0408 Special Agreement-- The city may enter into special agreements with users setting out special terms under which they may discharge to the POTW so long as such special agreement does not waive compliance with a categorical pretreatment standard. However, users may request of the superintendent a net/gross adjustment to a categorical standard in accordance with 40 C.F.R. §403.15. They may also request a variance from the categorical pretreatment standard from the Approval Authority in accordance with 40 C.F.R. §403.13.

17-0409 Dilution-- No user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users which he believes may be using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

17-0410 Pretreatment Facilities-- Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all applicable pretreatment standards and requirements set out in this ordinance within the time limitations specified by the EPA, the state, or the Superintendent, whichever is more stringent. Any facilities required to pretreat wastewater to a level

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1 acceptable to the city of Fargo shall be provided, operated, and maintained at the user's expense. Detailed
2 plans showing the pretreatment facilities and operating procedures shall be submitted to the city for
3 review and must be approved by the Superintendent before construction of the facility. The review of
4 such plans and operating procedures will in no way relieve the user from the responsibility of modifying
the facility as necessary to produce an acceptable discharge to the city under the provisions of this
ordinance.

5 17-0411 Deadline for Compliance with Applicable Pretreatment Requirements.-- Compliance by existing
6 sources covered by a modification of Categorical Pretreatment Standards shall be achieved within three
7 years of the date the standard is effective unless a shorter compliance time is specified in the appropriate
8 standard. The city shall establish a final compliance deadline date for any existing user not covered by
9 Categorical Pretreatment Standards or for any categorical user when the local limits for said user are more
10 restrictive than the federal Categorical Pretreatment Standards.

11 New source and domestic users are required to comply with applicable pretreatment standards
12 within the shortest feasible time, not to exceed 90 days from the beginning of discharge. New Sources
13 and domestic users shall install, have in operating condition, and shall start up all pollution control
14 equipment required to meet applicable pretreatment standards before beginning to discharge.

15 Any wastewater discharge permit issued to a categorical user shall not contain a compliance date
16 beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing
17 user or a categorical user that must comply with a more stringent local limit which is in non-compliance
18 with any local limits shall be provided with a compliance schedule placed in an industrial wastewater
19 permit to insure compliance within the shortest time feasible.

20 17-0412 Additional Pretreatment.--

21 A. Whenever deemed necessary, the Superintendent may require users to restrict their discharge
22 during peak flow periods, designate that certain wastewater be discharged only into specific sewers,
23 relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste
streams, and such other conditions as may be necessary to protect the POTW and determine the user's
compliance with the requirements of this ordinance.

B. Grease, oil, and sand interceptors shall be provided when, in the opinion of the
Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of
grease and oil, or sand, except that such interceptors shall not be required for residential users. All
interception units shall be of type and capacity approved by the Superintendent and shall be so located to
be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and
repaired regularly, as needed, by the user at its expense.

C. Users with the potential to discharge flammable substances may be required to install and
maintain an approved combustible gas detection meter.

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1 17-0413 Accidental Spill Prevention Plans.--The Superintendent may require any user to develop and
2 implement an accidental spill prevention plan (ASPP) or slug control plan. Where deemed necessary by
3 the city, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and
4 maintained at the user's cost and expense. An accidental spill prevention plan or slug control plan
5 showing facilities and operating procedures to provide this protection shall be submitted to the city for
6 review and approval before implementation. The city shall determine which user is required to develop a
7 plan and require said plan to be submitted within 180 days after notification by the city. Each user shall
8 implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the
9 city. Review and approval of such plans and operating procedures by the city of Fargo shall not relieve
10 the user from the responsibility to modify its facility as necessary to meet the requirements of this
11 ordinance.

12 A. Any user required to develop and implement an accidental spill prevention plan shall submit a
13 plan which addresses, at a minimum, the following:

- 14 1. Description of discharge practices, including non-routine batch discharges;
15 2. Description of stored chemicals;
16 3. Procedures for immediately notifying the POTW of any accidental or slug discharges.
17 Such notification must also be given for any discharge which would violate any of the
18 standards in sections 17-0403 through 17-0406; and

19 Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures
20 include, but are not limited to, inspection and maintenance of storage areas, handling and transfer
21 of materials, loading and unloading operations, control of plant site runoff, worker training
22 building of containment structures or equipment, measures for containing toxic organic chemicals
23 (including solvents), and/or measures and equipment for emergency response.

24 B. Users shall notify the city Wastewater Treatment Facility immediately after the occurrence of a
25 slug or accidental discharge of substances regulated by this chapter. The notification shall
26 include location of discharge, date and time thereof, type of waste, concentration and volume, and
27 corrective actions. Any affected user shall be liable for any expense, loss, or damage to the
28 POTW, in addition to the amount of any fines imposed on the city on account thereof under state
29 or federal law.

30 C. Within five (5) days following an accidental discharge, the user shall submit to the
31 Superintendent a detailed written report describing the cause of the discharge and the measures to
32 be taken by the user to prevent similar future occurrences. Such notification shall not relieve the
33 user of any expense, loss, damage, or other liability which may be incurred as a result of damage
34 to the POTW, fish kills, or any other damage to person or property nor shall such notification

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1 relieve the user of any fines, civil penalties, or other liability which may be imposed by this
2 chapter or other applicable law.

- 3 D. Signs shall be permanently posted in conspicuous places on the user's premises advising
4 employees whom to call in the event of a slug or accidental discharge. Employers shall instruct
5 all employees who may cause or discover such a discharge with respect to emergency notification
6 procedures.

7 17-0414 Septic Tank Waste.--

- 8 A. Septic tank waste may be introduced into the POTW only at a designated receiving structure
9 within the treatment plant area, and at such times as are established by the Superintendent. Such
10 wastes shall not violate this section or any other requirements established or adopted by the city.
11 Wastewater discharge permits for individual vehicles to use such facilities may be issued by the
12 Superintendent.
- 13 B. Septic tank waste haulers may only discharge loads at locations specifically designated by the
14 Superintendent. No load may be discharged without prior consent of the Superintendent. The
15 Superintendent may collect samples of each hauled load to ensure compliance with applicable
16 pretreatment standards. The Superintendent may require the hauler to provide a waste analysis of
17 any load prior to discharge.
- 18 C. Septic tank waste haulers must provide a waste-tracking manifest form for every load. This form
19 shall include, at a minimum, the name and address of the waste hauler, permit number, truck
20 identification, sources of waste, and volume and characteristics of waste.
- 21 D. Fees for dumping hauled wastes will be established as part of the user fee system as authorized in
22 article 17-16 of this chapter.

23 Section 4. Re-enactment.

Article 17-05 of Chapter 17 of the Fargo Municipal Code is hereby re-enacted to read as follows:

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ARTICLE 17-05

WASTEWATER DISCHARGE PERMIT REQUIREMENTS

17-0501 Permit required.-- No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent; the permit must be enforceable and contain all the elements as required by 40 C.F.R. § 403.8(f)(1)(iii)(B). Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the penalties or sanctions set forth in this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law. The Superintendent may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this ordinance.

17-0502 Wastewater Discharge Permitting.--Any SIU that was discharging wastewater into the POTW prior to the effective date of this ordinance and that wishes to continue such discharges in the future shall, within 60 days after notification by the Superintendent submit a permit application to the city in accordance with section 17-0505.

17-0503 Wastewater Discharge Permitting: New Source.-- At least 90 days prior to the anticipated start-up, any new source, which is a source that becomes a user subsequent to the proposal of an applicable categorical pretreatment standard that is later promulgated, and any domestic user considered by the city of Fargo to fit the definition of SIU shall apply for a wastewater discharge permit and will be required to submit to the city of Fargo at least the information listed in section 17-0505(A)-(E). A new source or domestic user may not discharge without first receiving approval from the city of Fargo. New sources and domestic users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New Sources and domestic users shall give estimates of the information requested in section 17-0505(D) and (E).

17-0504 Wastewater Discharge Permitting: Extra jurisdictional Users.-- Any existing user who is located beyond the city of Fargo limits and who is required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application as outlined in section 17-0502. New Source and domestic users who are located beyond the city of Fargo limits and who are required to obtain a wastewater discharge permit shall comply with section 17-0503.

17-0505 Wastewater Discharge Permit Application Contents.-- The Superintendent shall approve a form to be used as a permit application for a wastewater discharge permit. Categorical users submitting the following information must have complied with 40 C.F.R. §403.12(b) prior to submitting said application. All users required to obtain a wastewater discharge permit must submit, at a minimum, the following information.

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- 1 A. Identifying information. The user shall submit the name and address of the facility including the
2 name of the operator and owners.
- 3 B. Permits. The user shall submit a list of all environmental control permits held by or for the
4 facility;
- 5 C. Description of operations. The user shall submit a brief description of the nature, average rate of
6 production, and standard industrial classification of the operation(s) carried out by such Industrial
7 User, including a list of all raw materials and chemicals used or stored at the facility which are or
8 could accidentally or intentionally be discharged to the POTW; number or processes, and rate of
9 production; type and amount or raw materials processed (average and maximum per day) and the
10 time and duration of discharges. This description should also include a schematic process
11 diagram which indicates points of discharge to the POTW from the regulated or manufacturing
12 processes; site plans; floor plans; mechanical and plumbing plans; and details to show all sewers,
13 sewer connections, inspection manholes, sampling chambers and appurtenances by size, location
14 and elevation.
- 15 D. Flow Measurement.
- 16 1. Categorical User: The user shall submit information showing the intended measured
17 average daily and maximum daily flow, in gallons per day, to the POTW from each of
18 the following:
- 19 i. Regulated or manufacturing process streams; and
 - 20 ii. Other streams as necessary to allow use of the combined waste stream formula
21 [40 C.F.R. §403.6(e)].
- 22 2. Non-Categorical User The user shall submit information showing the intended
23 measured average daily and maximum daily flow, in gallons per day, to the POTW
from each of the following:
- i. total process flow,
 - ii. wastewater treatment plant flow,
 - iii. total plant flow or
 - iv. individual manufacturing process flow as required by the Superintendent.

The city may allow verifiable estimates of said flows where justified by cost or feasibility considerations proposed by the applicant to the satisfaction of the city.

- 20 E. Measurements of pollutants.
- 21 1. Categorical User:
- 22 i. The user shall identify the applicable pretreatment standards for each regulated or
23 manufacturing process.
 - ii. In addition, the user shall submit the results of sampling and analysis identifying
the nature and concentration (or mass, where required by Categorical

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1 Pretreatment Standard or as required by the city or regulated pollutants
2 (including standards contained in sections 17-0403 through 17-0406 as
3 appropriate) in the discharge from each regulated or manufacturing process.
4 Both daily maximum and average concentration (or mass, where required) shall
5 be reported. The sample shall be representative of daily operations and shall
6 conform to sampling and analytical procedures outlined in article 17-07.

- 7 iii. The user shall take a minimum of one representative sample to compile that data
8 necessary to comply with the requirements of this subsection.
- 9 iv. Where an alternate concentration or mass limit has been calculated in accordance
10 with 40 C.F.R. §403.6(e) for a categorical user, this adjusted or alternate limit
11 along with supporting data shall be submitted as part of the application.

12 2. Non-Categorical User:

- 13 i. The user shall identify the applicable pretreatment standards for its wastewater
14 discharge.
- 15 ii. In addition, the user shall submit the results of sampling and analysis identifying
16 the nature and concentration in the discharge (or mass where required by the city)
17 of regulated pollutants contained in sections 17-0403 through 17-0406, as
18 appropriate. Both daily maximum and average concentration (or mass, where
19 required) shall be reported. The sample shall be representative of daily
20 operations and shall conform to sampling and analytical procedures outlined in
21 article 17-07.
- 22 iii. The user shall take a minimum of one representative sample to compile the data
23 necessary to comply with the requirements of this subsection.
- iv. Where the Superintendent has developed alternate concentration or mass limits
because of dilution, this adjusted or alternate limit along with supporting data
shall be submitted as part of the application.

16 F. Certification. The user shall submit a statement, worded as specified in section 17-0506, which
17 has been reviewed by an authorized representative of the user, and certified by a qualified
18 professional, indicating whether the applicable pretreatment standards are being met on a
19 consistent basis, and, if not, whether additional operation and maintenance and/or additional
20 pretreatment is required for the user to meet the applicable pretreatment standards and
21 Requirements.

22 G. Compliance Schedule. If additional pretreatment and/or operation and maintenance will be
23 required to meet the applicable pretreatment standards, the user shall submit the shortest schedule
by which the user will provide such additional pretreatment and/or operation and maintenance.
The user's schedule shall conform with the requirements of section 17-0604. The completion

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1 date in this schedule shall not be later than the compliance date established pursuant to section
17-0411.

- 2 1. Where the user's categorical Pretreatment Standard has been modified by a removal
3 allowance (40 C.F.R. §403.7), the combined waste stream formula (40 C.F.R.
4 §403.6(e)), and/or a Fundamentally Different Factors variance (40 C.F.R. §403.13) at
5 the time the user submits the report required by this subsection, the information
6 required by subsections (F) and (G), hereof, shall pertain to the modified limits.
- 7 2. If the categorical Pretreatment Standard is modified by a removal allowance (40 C.F.R.
8 §403.7), the combined waste stream formula (40 C.F.R. §403.13) after the user submits
9 the report required by subsections (F) and (G), hereof, then a report containing
10 modified information shall be submitted by the user within 60 days after the new limit
11 is approved.

12 H. The user shall submit any other information as may be deemed necessary by the Superintendent
13 to evaluate the wastewater discharge permit application.

14 Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

15 17-0506 Signatory and Certification Requirement.-- All wastewater discharge permit applications and
16 user reports must be signed and certified by the authorized representative of the user, as defined in this
17 chapter, containing the following certification statement:

18 "I certify under penalty of law that this document and all attachments were prepared under my
19 direction or supervision in accordance with a system designed to assure that qualified personnel
20 properly gather and evaluate the information submitted. Based on my inquiry of the person or
21 persons who manage the system, or those persons directly responsible for gathering the
22 information, the information submitted is to the best of my knowledge and belief, true, accurate,
23 and complete. I am aware that there are significant penalties for submitting false information,
including the possibility of fine and imprisonment for knowing violations."

17-0507 Wastewater Discharge Permit Decisions.--The Superintendent will evaluate the data furnished
by the user and may require additional information. Within 30 days of receipt of a complete wastewater
discharge permit application, the Superintendent will determine whether or not to issue a wastewater
discharge permit. Upon a determination to issue, the permit shall be issued within 30 days of full
evaluation and acceptance of the data furnished. The Superintendent may deny any application for a
wastewater discharge permit. Failure of the Superintendent to take such action within said 30 days shall
be deemed to be a denial of the permit.

17-0508 Wastewater Discharge Permit Contents.--The Superintendent is authorized to include such
conditions on a wastewater discharge permit as are reasonably deemed necessary by the Superintendent to
prevent pass through or interference, protect the quality of the water body receiving the treatment plant's

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1 effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against
2 damage to the POTW.

3 A. All Wastewater discharge permits are subject to the following conditions and the
4 Superintendent shall ensure that the permit expressly states the following:

- 5 1. A statement that indicates wastewater discharge permit duration, which in no event
6 shall exceed five (5) years;
- 7 2. A statement that the wastewater discharge permit is non-transferable without prior
8 notification to and approval from the city, and provisions for furnishing the new
9 owner or operator with a copy of the existing wastewater discharge permit;
- 10 3. Applicable pretreatment standards and requirements, including any special state
11 requirements;
- 12 4. Self-monitoring, sampling, reporting, notification, submittal of technical reports,
13 compliance schedules, and record-keeping requirements. These requirements shall
14 include an identification of pollutants to be monitored, sampling location, sampling
15 frequency, and sample type based on federal, state, and local law.
- 16 5. Requirement for immediate notification to the city where self-monitoring results
17 indicate non-compliance;
- 18 6. Requirement to report a bypass or upset of a pretreatment facility;
- 19 7. Requirement to report immediately to the city all discharges, including slug loadings,
20 that could cause problems to the POTW;
- 21 8. Requirement for the SIU who reports non-compliance to repeat the sampling and
22 analysis and submit results to the city within 30 days after becoming aware of the
23 violation.
9. A statement of applicable civil, criminal, and administrative penalties for violation of
pretreatment standards and requirements, and any applicable compliance schedule.
10. Requirements to control slug discharges, if determined by the POTW to be necessary.

B. Wastewater discharge permits may contain, but need not be limited to, the following
conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or
requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or
construction of appropriate containment devices, designed to reduce, eliminate, or
prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other
special conditions including management practices necessary to adequately prevent
accidental, unanticipated, or routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount
of pollutants discharged to the POTW;

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- 1 5. The unit charge or schedule of user charges and fees for the management of the
- 2 wastewater discharged to the POTW;
- 3 6. Requirements for installation and maintenance of inspection and sampling facilities
- 4 and equipment;
- 5 7. A statement that compliance with the wastewater discharge permit does not relieve
- 6 the permittee of responsibility for compliance with all applicable Federal and State
- 7 pretreatment standards, including those which become effective during the term of
- 8 the wastewater discharge permit;
- 9 8. Any special agreements the Superintendent chooses to continue or develop between
- 10 the city and user;
- 11 9. Other conditions as deemed appropriate by the Superintendent to ensure compliance
- 12 with this article, and state and federal laws, rules, and regulations.

13 17-0509 Wastewater Discharge Permit Appeals.-- Any person, including the user, may petition the city to

14 appeal the denial of, or to reconsider the terms of, a wastewater discharge permit or may appeal the terms

15 of the permit required by the Superintendent in issuing the permit by filing a written notice of appeal with

16 the Superintendent within 180 days of its denial or issuance.

- 17 A. Failure to submit a timely petition for review shall be deemed to be a waiver of the right to
- 18 appeal.
- 19 B. In its written petition and notice to appeal, the appealing party must indicate the wastewater
- 20 discharge permit provisions objected to, the reasons for this objection, and the alternative
- 21 condition, if any, it seeks to place in the wastewater discharge permit or, if it is an appeal of a
- 22 denial of the permit, the reasons for challenging the denial.
- 23 C. The denial of the wastewater discharge permit shall not be stayed pending the appeal.
- 24 D. The appeal shall be heard and considered by the Director. The Director may schedule a hearing
- 25 at which time the appellant and the city may appear and present evidence, information and
- 26 arguments in support of, or opposing, the appeal or reconsideration. Unless the Director extends
- 27 the time within which the city will consider the appeal or reconsideration, if the city fails to act
- 28 within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to
- 29 reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to
- 30 modify a wastewater discharge permit shall be considered final action for purposes of judicial
- 31 review.
- 32 E. The decision of the Director on appeal, including the denial of an appeal or reconsideration that
- 33 has resulted from a failure to act within said 30 days, shall be subject to further appeal to the
- 34 board of city commissioners of the city, by the appellant filing a written notice of appeal with the
- 35 Director within fifteen (15) days of such denial.

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1 17-0510 Wastewater Discharge Permit Duration-- Wastewater discharge permits shall be issued for a
2 specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a
3 period less than five (5) year, at the discretion of the Superintendent. Each wastewater discharge permit
shall not invalidate the permit.

4 17-0511 Wastewater Discharge Permit Modification-- The Superintendent may modify the wastewater
5 discharge permit for good cause including, but not limited to, the following:

- 6 A. To incorporate any new or revised federal, state, or local pretreatment standards or
requirements;
- 7 B. To address significant alterations or additions to the user's operation, processes, or
wastewater volume or character since the time of wastewater discharge permit issuance;
- 8 C. A change in the POTW that requires either a temporary or permanent reduction or
elimination of the authorized discharge;
- 9 D. Information indicating that the permitted discharge poses a threat to the city's POTW,
personnel, or receiving waters;
- 10 E. Violation of any terms or conditions of the wastewater discharge permit;
- 11 F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge
permit application or in any required report;
- 12 G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40
C.F.R. §403.13;
- 13 H. To correct typographical or other errors in the wastewater discharge permit; or
- 14 I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

15 17-0512 Wastewater Discharge Permit Transfer-- Wastewater discharge permits may be reassigned or
16 transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance
notice to the Superintendent and the Superintendent approves the wastewater discharge permit transfer.
17 The notice to the Superintendent must include a written certification by the new owner and/or operator
which:

- 18 A. States that the new owner and/or operator has no immediate intent to change the facility's
operations and processes;
- 19 B. Identifies the specific date on which the transfer is to occur; and
- 20 C. Assumes full responsibility for complying with the existing wastewater discharge permit
beginning on the date of the transfer.

21 Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable
as of the date of facility transfer.

22 17-0513 Wastewater Discharge Permit Revocation-- Wastewater discharge permits may be revoked for,
23 but not limited to, the following reasons:

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- 1 A. Failure to notify the city of significant changes to the wastewater prior to said change.
- 2 B. Failure to provide prior notification to the city of changed conditions;
- 3 C. Misrepresentation or failure to full disclose all relevant facts in the wastewater discharge permit application;
- 4 D. Falsifying self-monitoring reports;
- 5 E. Tampering with monitoring equipment;
- 6 F. Refusing to allow the city timely access to the facility premises and records;
- 7 G. Failure to meet discharge limitations;
- 8 H. Failure to pay fines;
- 9 I. Failure to pay sewer charges;
- 10 J. Failure to meet compliance schedules;
- 11 K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- 12 L. Failure to provide advance notice of the transfer of permitted facility; or
- 13 M. If the city has to invoke its emergency provision as cited in article 17-11.
- 14 N. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

15 Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

16 17-0514 Wastewater Discharge Permit Reissuance.-- A user who is required to have a wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, in accordance with section 17-0505, a minimum of [thirty (30)] days prior to the expiration of the user's existing wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who has submitted its re-application in the time period specified herein shall be deemed to have an effective wastewater discharge permit until the city issues or denies the new wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein will be deemed to be discharging without a wastewater discharge permit.

17
18 **Section 5. Re-enactment.**

19 Article 17-06 of Chapter 17 of the Fargo Municipal Code is hereby enacted to read as follows:
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ARTICLE 17-06

REPORTING REQUIREMENTS

17-0601 Baseline Monitoring Reports--

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- A. Within either one hundred and eighty (180) days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 C.F.R. §403.6(a)(4) (whichever is later) existing categorical users currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in subsection B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in subsection B, below. A new source shall also be required to report the method of retreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity off pollutants discharged.
 - B. Users described above shall submit the following information:
 - 1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
 - 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - 4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 C.F.R. §403.6(e).
 - 5. Measurement of Pollutants.
 - i. The categorical pretreatment standards applicable to each regulated process.
 - ii. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in article 17-07.
 - iii. Sampling must be performed in accordance with procedures set out in article 17-07.

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- 1 6. Certification. A statement, reviewed by the user's authorized representative and
2 certified by a qualified professional, indicating whether pretreatment standards are being
3 met on a consistent basis, and, if not, whether additional operation and maintenance
4 (O&M) and/or additional pretreatment, is required to meet the pretreatment standards
5 and requirements.
- 6 7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet
7 the pretreatment standards, the shortest schedule by which the user will provide such
8 additional pretreatment and/or O&M. The completion date in the schedule shall not be
9 later than the compliance date established for the applicable pretreatment standard. A
10 compliance schedule pursuant to this section must meet the requirements set out in
11 section 17-0604.
- 12 8. Signature and Certification. All baseline monitoring reports must be signed and
13 certified in accordance with section 17-0506.

14 17-0602 Compliance Reporting--

- 15 A. Within ninety (90) days following the date for final compliance of an existing Significant
16 Industrial User (SIU) with applicable pretreatment standards and requirements set forth in
17 this article, in federal categorical standards, or in a wastewater discharge permit, or, in the
18 case of a new source or a domestic user considered by the city to fit the definition of SIU,
19 within 90 days following commencement of the introduction of wastewater into the POTW,
20 the affected user shall submit to the city a report containing the information outlined in
21 subsections (D)-(F) of section 17-0505.
- 22 B. For users subject to equivalent mass or concentration limits established by the city in
23 accordance with procedures established in 40 C.F.R. §403.6(c), this report shall contain a
24 reasonable measure of the user's long term production rate. For all other users subject to
25 categorical pretreatment standards expressed in terms of allowable pollutant discharge per
26 unit of production (or other measure of operation), this report shall include the user's actual
27 production during the appropriate sampling period.

28 17-0603 Periodic Compliance Report--

- 29 A. Any user that is required to have an industrial waste discharge permit and performs self-
30 monitoring shall comply with all applicable requirements under 40 C.F.R. §403.12 and
31 submit to the city on or before June 1 and December 1 of each year, unless required on other
32 dates or more frequently by the city, a report indicating the nature of the effluent over the
33 previous reporting period. The frequency of monitoring shall be as prescribed within the
34 industrial waste discharge permit. At a minimum, users shall sample their discharge at least
35 twice per year.
- 36 B. The report shall include a record of the concentrations (and mass if specified in the
37 wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that

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1 were measured and a record of all flow measurements (average and maximum) taken at the
2 designated sampling locations and shall also include any additional information required by
3 this ordinance or the wastewater discharge permit. Production data shall be reported if
4 required by the wastewater discharge permit. Both daily maximum and average
5 concentration (or mass, where required) shall be reported. If a user sampled and analyzed
6 more frequently than what was required by the city or by this ordinance, using methodologies
7 in 40 C.F.R. Part 136, it must submit all results of sampling and analysis of the discharge
8 during the reporting period.

- 9 C. Any user subject to equivalent mass or concentration limits established by the city or by unit
10 production limits specified in the applicable categorical standards shall report production data
11 as outlined in section 17-0602(B).
- 12 D. If the city calculated limits to factor out dilution flows or non-regulated flows, the user will
13 be responsible for providing flows from the regulated process flows, dilution flows and non-
14 regulated flows.
- 15 E. Flows shall be reported on the basis of actual measurement, provided, however, that the city
16 may accept reports of average and maximum flows estimated by verifiable techniques if the
17 city determines that an actual measurement is not feasible.
- 18 F. Discharges sampled shall be representative of the user's daily operations and samples shall be
19 taken in accordance with the requirements specified in article 17-07.
- 20 G. The city may require reporting by users that are not required to have an industrial wastewater
21 discharge permit if information or data is needed to establish a sewer charge, determine the
22 treatability of the effluent, or determine any other factor which is related to the operation and
23 maintenance of the sewer system.
- H. The city may require self-monitoring by the user or, if requested by the user, may agree to
perform the periodic compliance monitoring needed to prepare the periodic compliance report
required under this section. If the city agrees to perform such periodic compliance
monitoring, it may charge the user for such monitoring, based upon the costs incurred by the
city for the sampling and analyses. Any such charges shall be added to the normal sewer
charge and shall be payable as part of the sewer bills. The city is under no obligation to
perform periodic compliance monitoring for a user.

17-0604 Compliance schedules for meeting applicable pretreatment standards.--

- 19 A. The schedule shall contain increments of progress in the form of dates for the commencement
20 and completion of major events leading to the construction and operation of additional
21 pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring
22 an engineer, completing preliminary plans, completing final plans, executing contract for
23 major components, commencing construction, completing construction, etc.).
- B. No increment referred to in subsection (A) of this section shall exceed nine (9) months.

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1 C. Not later than fourteen (14) days following each date in the schedule and the final date for
2 compliance, the user shall submit a progress report to the city including, at a minimum,
3 whether or not it complied with the increment of progress to be met on such date and, if not,
4 the date on which it expects to comply with this increment of progress, the reason for delay,
5 and the steps being taken by the user to return the construction to the schedule established. In
6 no event shall more than 9 months elapse between such progress reports.

7 17-0605 Notification of Significant Production Changes.-- Any user operating under a wastewater
8 discharge permit incorporating equivalent mass or concentration limits shall notify the city within two (2)
9 business days after the user has a reasonable basis to know that the production level will significantly
10 change within the next calendar month. Any user not providing a notice of such anticipated change will
11 be required to comply with the existing limits contained in its wastewater discharge permit.

12 17-0606 Hazardous Waste Notification.-- Any user that is discharging more than 15 kilograms of
13 hazardous wastes as defined in 40 C.F.R. §261 (listed or characteristic wastes) in a calendar month or any
14 facility discharging any amount of acutely hazardous wastes as specified in 40 C.F.R. §§261.30(d) and
15 261.33(e) is required to provide a one-time notification in writing to the city, to the EPA Region 8
16 Hazardous Waste Director, and to the state of North Dakota. Any existing user exempt from this
17 notification shall comply with the requirements contained herein within 30 days of becoming aware of a
18 discharge of 15 kilograms of hazardous wastes in a calendar month or any discharge of acutely hazardous
19 wastes to the city sewer system.

20 Such notification shall include:

- 21 A. The name of the hazardous waste as set forth in 40 C.F.R. Part 261.
22 B. The EPA Hazardous waste number; and
23 C. The type of discharge (continuous, batch, or other).
D. If an industrial user discharges more than 100 kilograms of such waste per calendar month to
the sewer system, the notification shall also contain the following information to the extent it
is known or readily available to the industrial user:
1. An identification of the hazardous constituents contained in the wastes,
 2. An estimation of the mass and concentration of such constituents in the waste streams
discharged during that calendar month, and;
 3. An estimation of the mass of constituents in the waste streams expected to be
discharged during the following 12 months.

These notification requirements do not apply to pollutants already reported under the self-
monitoring requirements.

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1 Whenever the EPA publishes final rules identifying additional hazardous wastes or new
2 characteristics of hazardous waste, a user shall notify the city of the discharge of such a substance with 90
3 days of the effective date of such regulations.

4 In the case of any notification made under this paragraph, an industrial user shall certify that it
5 has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it
6 has determined to be economically practical.

7 17-0607 Notice of potential problems, including accidental spills, bypasses, and slug loads.-- Any user
8 shall give verbal notice of an unanticipated bypass, accidental spill, and/or slug load that exceeds
9 applicable Pretreatment Standards to the Control Authority within 24 hours from the time the becomes
10 aware of the issue. The notification shall include the concentration and volume and corrective action.
11 Steps being taken to reduce any adverse impact should also be noted during the notification. A written
12 submission shall also be provided within 5 days of the time the user becomes aware of the accidental
13 spill, bypass, or slug load. Any user who discharges a slug load of pollutants shall be liable for any
14 expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the city under
15 state or federal law.

16 17-0608 Non-Compliance Reporting.-- If sampling performed by a user indicates a violation, the user
17 shall notify the Control Authority within 24 hours of becoming aware of the violation. Within five (5)
18 days following such discharge, the User shall submit a detailed written report describing the cause(s) of
19 the discharge and the measures to be taken by the User to prevent similar future occurrences. Such
20 notification shall not relieve the User of any expense, loss damage, or other liability which might be
21 incurred as a result of damage to the POTW, natural resources, or any other damage to person or property;
22 nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed
23 pursuant to this ordinance. The user shall also repeat the sampling and submit the results of the repeat
analysis to the Control Authority within 30 days after becoming aware of the violation [Where the
Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control
Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and
requires the User to perform the repeat analysis]. Resampling is not required if:

- A. The Control Authority performs sampling at the site of the Industrial User at a frequency of at least once per month, or
- B. The Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

17-0609 Notification of changed discharge.-- All users shall promptly notify the Control Authority in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 C.F.R. §403.12(p).

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1 17-0610 Reports from un-permitted Users.-- All users not required to obtain a wastewater discharge
2 permit shall provide appropriate reports to the city as the Superintendent may require.

3 17-0611 Record Keeping.-- Users subject to the reporting requirements of this article shall retain and
4 make available for inspection and copying all records of information obtained pursuant to any monitoring
5 activities required by this ordinance and any additional records of information obtained pursuant to
6 monitoring activities undertaken by the user independent of such requirements. Records shall include the
7 date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the
8 dates analysis were performed; who performed the analyses; the analytical techniques or methods used;
9 and the results of such analyses including documentation associated with Best Management Practices.
10 These records shall remain available for a period of at least three (3) years. This period shall be
11 automatically extended for the duration of any litigation concerning the user or POTW, or where the User
12 has been specifically notified of a longer retention period by the Superintendent.

9 **Section 6. Enactment.**

10 Article 17-07 of Chapter 17 of the Fargo Municipal Code is hereby enacted to read as follows:

11 ARTICLE 17-07

12 SAMPLING AND ANALYTICAL REQUIREMENTS

13 17-0701 Sampling Requirements for Users.--

- 14 A. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile
15 organic compounds. For all other pollutant, 24-hour composite samples must be obtained
16 through flow-proportional composite sampling techniques, unless time-proportional composite
17 sampling or grab sampling is authorized by the Control Authority, the samples must be
18 representative of the discharge and the decision to allow the alternative sampling must be
19 documented in the Industrial User file for the Industrial User manifested by the city. Using
20 protocols (including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate
21 EPA guidance, multiple grab samples collected during the 24-hour period may be composited in
22 the laboratory. Composite samples for other parameters unaffected by compositing procedures as
23 documented in approved EPA methodologies may be authorized by the Control Authority, as
appropriate.
- B. For sampling required in support of baseline monitoring and 90-day compliance reports, a
minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease,
sulfide and volatile organic compounds for facilities for which historical sampling data does not
exist; for facilities for which historical sampling data are available, the Control Authority may
authorize a lower minimum. For the reports required by 40 C.F.R. §403.12 (e) and (h), the

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Control Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

- C. Samples shall be taken immediately downstream from facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the city and specified in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 C.F.R. §403.6(e) in order to evaluate compliance with the applicable Categorical Pretreatment Standards. For other SIU for which the city has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).
- D. All sample results shall indicate the time, date and place of sampling, and the methods of analysis and shall certify that the waste stream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed the waste stream more frequently than what was required in its wastewater discharge permit, using methodologies in 40 C.F.R. Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

17-0702 Analytical Requirements.-- All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

17-0703 City Monitoring of User's Wastewater.-- The city will follow the same procedures as outlined in sections 17-0701 and 17-0702.

Section 7. Enactment.

Article 17-08 of Chapter 17 of the Fargo Municipal Code is hereby enacted to read as follows:

ARTICLE 17-08

COMPLIANCE MONITORING

17-0801 Inspection and Sampling.-- The city shall have the right to enter the facilities of any user to ascertain whether the purpose of this ordinance and any wastewater discharge permit or order issued hereunder is being met and whether the user is complying with all requirements thereof. Users shall allow the Superintendent ready access to all areas of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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- 1 A. Where a user has security measures in force which require proper identification and clearance
2 before entry into its premises, the User shall make necessary arrangements with its security
3 guards so that, upon presentation of suitable identification, the Superintendent will be permitted
4 enter without delay for the purposes of performing specific responsibilities.
- 5 B. The Superintendent shall have the right to set up on the User's property, or require installation of,
6 such devices as are necessary to conduct sampling and/or metering of the user's operations.
- 7 C. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected
8 and/or sampled shall be promptly removed by the user at the written or verbal request of the
9 Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the
10 user.
- 11 D. Unreasonable delays in allowing the Superintendent access to the user's premises shall be a
12 violation of this ordinance.

13 17-0802 Monitoring Facilities.-- Each user shall provide and operate at its own expense a monitoring
14 facility to allow inspection, sampling, and flow measurements of each sewer discharge to the city. Each
15 monitoring facility shall be situated on the user's premises, except where such a location would be
16 impractical or cause undue hardship on the user, the city may concur with the facility being constructed in
17 the public street or sidewalk area, provided that the facility is located so that it will not be obstructed by
18 landscaping or parked vehicles. The Superintendent, whenever applicable, may require the construction
19 and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line
20 or a wastewater treatment system).

21 There shall be ample room in or near such sampling facility to allow accurate sampling and
22 preparation of samples for analysis. The facility, including the sampling and measuring equipment, shall
23 be maintained at all times in a safe and proper operating condition at the expense of the user.

The Superintendent may require the user to install monitoring equipment as necessary at the
User's expense. All monitoring facilities shall be constructed and maintained in accordance with all
applicable local construction standards and specifications. All devices used to measure wastewater flow
and quality shall be calibrated to ensure their accuracy.

17-0803 Search Warrants.-- If the Superintendent has been refused access to a building, structure or
property, or any part thereof and is able to demonstrate probable cause to believe that there may be a
violation of this ordinance, or that there is a need to inspect as part of a routine inspection program of the
city designed to verify compliance with this ordinance or any wastewater discharge permit or order issued
hereunder, or to protect the overall public health, safety and welfare of the community, the city may seek
an administrative search warrant pursuant to N.D.C.C. Chapter 29-29.1, or may seek any other search
warrant as authorized by law.

17-0804 Vandalism.-- No person shall willfully or negligently break, damage, destroy, uncover, deface,
tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW.

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1 Any person found in violation of this requirement shall be subject to the sanctions set out in this
2 ordinance.

3 **Section 8. Enactment.**

4 Article 17-09 of Chapter 17 of the Fargo Municipal Code is hereby enacted to read as follows:

5
6 ARTICLE 17-09

7 CONFIDENTIAL INFORMATION

8 17-0901 Confidential Information-- Information and data on a user obtained from reports, surveys,
9 wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and
10 from city inspection and sampling activities is held and maintained subject to North Dakota Open Record
11 Law, including N.D.C.C. §44-04-17.1 *et seq.*, and specifically N.D.C.C. §44-04-18.4. City Wastewater
12 constituents, characteristics and other "effluent data" as defined by 40 C.F.R. §2.302 will not be
13 recognized as confidential information and will be available to the public without restriction.

14 **Section 9. Enactment.**

15 Article 17-10 of Chapter 17 of the Fargo Municipal Code is hereby enacted to read as follows:

16 ARTICLE 17-10

17 PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

18 17-1001 Publication of Significant Non-Compliant Users-- The city shall publish annually, in one or
19 more newspaper(s) of general circulation providing meaningful public notice within the jurisdiction(s)
20 served by the POTW, a list of the users which, during the previous twelve (12) months, were in
21 significant non-compliance with applicable pretreatment standards and requirements. For the purposes of
22 this provision, an industrial user is in significant noncompliance if its violation meets one or more of the
23 following criteria:

- 24 A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six
25 percent (66%) or more of wastewater measurements taken for each pollutant parameter during a
26 six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or
27 Requirement, including instantaneous limits, as defined by 40 C.F.R. §403.3(l);
- 28 B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent
29 (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6)
30 month period equals or exceeds the product of the numeric Pretreatment Standard or

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1 Requirement, including instantaneous limits, as defined by 40 C.F.R. §403.3(l) multiplied by the
2 TRC [TRC=1.4 for BOD, TSS, fats, oils and grease, and TRC = 1.2 for all other pollutants except
3 pH];

4 C. Any other discharge violation of a Pretreatment Standard or Requirement as defined by 40 C.F.R.
5 §403.3(l) (daily maximum, longer-term average, instantaneous limit, or narrative Standard) that
6 the POTW determines has caused, alone or in combination with other discharges, Interference or
7 Pass Through (including endangering the health of POTW personnel or the general public);

8 D. Any discharge of pollutants that has caused imminent endangerment to the public or to the
9 environment, or has resulted in the city’s exercise of its emergency authority to halt or prevent
10 such a discharge;

11 E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone
12 contained in a wastewater discharge permit or enforcement order for starting construction,
13 completing construction, or attaining final compliance;

14 F. Failure to provide within thirty (30) days after the due date, any required reports, including
15 baseline monitoring reports, reports on compliance with categorical pretreatment standard
16 deadlines, periodic self-monitoring reports, and reports on compliance with compliance
17 schedules;

18 G. Failure to accurately report non-compliance; or

19 H. Any other violation or group of violations, which may include a violation of Best Management
20 Practices, which the POTW determines will adversely affect the operation or implementation of
21 the local Pretreatment Program.

22 **Section 10. Enactment.**

23 Article 17-11 of Chapter 17 of the Fargo Municipal Code is hereby enacted to read as follows:

ARTICLE 17-11

ADMINISTRATIVE ENFORCEMENT REMEDIES

17-1101 **Definitions.**-- The following definitions apply to this chapter:

A. “Notice of violation (NOV)” shall mean a notice of violation is a written notice of the violation of
an ordinance in this chapter which identifies the nature of the violation, the section or ordinance
allegedly violated and the time of occurrence of the violation, if known.

B. “Administrative compliance order (ACO)” shall mean an administrative compliance order is an
order issued by the director which identifies the nature of the violation, the section or ordinance
allegedly violated, the time of occurrence of the violation, if known, the corrective steps

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1 necessary and the nature of subsequent penalties and enforcement actions should the situation not
2 be corrected and ordering that the alleged violator come into compliance with the section or
ordinance within which compliance must occur.

- 3 C. "Order to show cause" shall mean an order issued by the director issued when there is reason to
4 believe that the violation identified in the administrative compliance order has not ceased or been
5 corrected as required, and directing the alleged violator to appear before the director to show
6 cause why service should not be terminated.
- 7 D. "Restitution" shall mean restitution is the amount determined by the director to be payable to the
8 city by a violator of this chapter necessary to reimburse the city for damage caused to the sewage
9 system as a result of such violation.

10 17-1102 Responsibility for enforcement-- The director is authorized to enforce this chapter.

11 17-1103 Types of violations-- All of the following represent violations of this article and of law and will
12 be subject to the remedies and penalties provided in this article, the city code and state law.

- 13 A. Discharge of sewage without required permit or approval. It is a violation of this section to
14 discharge sewage into the sewerage system of the city without obtaining all the permits,
15 approvals, certificates and other forms of authorization required by this article.
- 16 B. Discharge of sewage inconsistent with permit. It is a violation of this section to discharge sewage
17 into the sewerage system of the city in any way inconsistent with the terms and conditions of any
18 permit, approval, certificate or other form of authorization required in order to engage in such
19 activity.
- 20 C. Discharge of sewage inconsistent with conditions. It is a violation of this section to violate, by
21 act or omission, any term, condition, or qualification imposed by a decision-making body upon a
22 required permit, certificate, or other form of authorization.
- 23 D. Sewerage discharge equipment and structures inconsistent with this section. It is a violation of
this section to erect, construct, reconstruct, remodel, alter, maintain, move, or use any equipment,
building or structure or to use any equipment, building or structure in violation or contravention
of this section.
- E. Continuing violations. It is a violation of this section to continue any of the violations specified
in this section. Each day that a violation continues shall be considered a separate offense.

17-1104 Remedies and enforcement powers-- The city shall have the following remedies and
enforcement powers:

- A. Withhold permits. The city may deny or withhold all permits, certificates or other forms of
authorization as to any applicant for a permit, or to refuse the discharge into the sewerage system

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1 as to any land or structure or improvements thereon upon which there is an uncorrected violation
2 of this chapter or of a condition or qualification of a permit, certificate, approval or other
3 authorization previously granted by a decision-making body. Instead of withholding or denying
4 an authorization, the city may grant such authorization subject to the condition that the violation
5 be corrected. This enforcement provision applies regardless of whether the current owner or
6 applicant is responsible for the violation in question. The city may deny or withhold all permits,
7 certificates or other forms of authorization on any land or structure or improvements owned by a
8 person who owns, developed or otherwise caused an uncorrected violation of a provision of this
9 article or of a condition or qualification of a permit, certificate, approval or other authorization
10 previously granted by a decision-making body. This provision applies regardless of whether the
11 property for which the permit or other approval is sought is the property in violation.

12 B. Revoke permits. A permit may be revoked when the director determines that:

- 13 1. There is departure from the plans, specifications, or conditions as required under terms of
14 the permit;
- 15 2. The plans, specifications, or conditions were obtained by false representation or was
16 issued by mistake; or
- 17 3. Any of the provisions of this chapter are being violated.

18 C. Revoke plan or other approval. When a violation of this article involves a failure to comply with
19 approved plans or conditions to which the approval of such plans was made subject, the
20 superintendent, may, upon notice to the applicant and other known parties in interest (including
21 an holders of building or other permits affected) and after a public hearing, revoke the plan or
22 other approval or condition its continuance on strict compliance, the provision of security or such
23 other conditions as the superintendent may reasonably impose.

D. Sewer service shut off. In a situation deemed by the director to be an emergency, the director
may order the shut off of sewer service subject to the user's right to a hearing before the director
as set forth in this article. In non-emergency situations, subject to the user's right to a hearing
prior to such shut-off, as set forth in this article, the superintendent may order the sewer service of
a violator to be shut off.

E. Injunctive relief. The city may seek an injunction or other equitable relief in court to stop any
violation of this chapter or of a permit, certificate or other form of authorization granted
hereunder.

F. Abatement. The city may seek a court order in the nature of mandamus, abatement, injunction or
other action or proceeding to abate or remove a violation or to otherwise restore the premises in
question to the condition in which they existed prior to the violation

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- 1 G. Restitution. The city may seek an order requiring restitution as a condition to be met by a person
2 before the person's permit is restored, before the person is allowed to lawfully discharge into the
3 sewer system, or before other action may be taken by the person as determined by an appropriate
4 order.
- 5 H. Penalties. The penalty for a violation of this ordinance shall be governed by the penalty
6 provisions of Fargo Municipal Code 1-0305, and the city may also seek such criminal or civil
7 penalties provided by North Dakota law or city ordinance.
- 8 I. Other remedies. The city shall have such other remedies as are and as may be from time to time
9 provided by North Dakota law and municipal codes for the violation of this chapter or related
10 provisions.
- 11 J. Remedies cumulative. The remedies and enforcement powers established in this article are
12 cumulative.

13 17-1105 Enforcement procedures.-- The following enforcement procedures shall apply to violations of
14 this chapter:

- 15 A. Non-emergency matters. In the case of violations of this chapter that do not constitute an
16 emergency, the superintendent may:
 - 17 1. Issue a notice of violation; or
 - 18 2. Issue an administrative compliance order;which shall be issued to the property owner and to any other person who is alleged to be in
19 violation of this article or of the terms of any permit or condition granted and to any applicant
20 for any relevant permit.
- 21 B. Emergency matters. In the case of violations of this chapter that do constitute an emergency
22 situation, the city shall use all remedies, penalties and enforcement powers available under
23 this chapter without prior notice, including shutting off sewer service, but the director must
send notice simultaneously with beginning enforcement action to the property owner, to any
other person who is party to the agreement and to applicants for any relevant permit and must
advise persons affected by the sewer service shut off that a hearing will be held within seven
days from the date sewer service was shut off. At the hearing, the director will determine
whether there were appropriate grounds for the sewer service to be shut off, and whether the
shut off of sewer service should continue.
- C. Administrative compliance orders procedure. Persons receiving an administrative
compliance order or an administrative compliance order with fine shall have ten (10) days, or
such longer period as the director allows, to correct the violation. If the violation is not

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1 corrected within the required time-frame, the director may use all penalties, remedies and
2 enforcement powers available under this article.

- 3 D. Order to Show Cause Hearing. In the event the director has issued an administrative
4 compliance order, if the violation is not corrected by timely compliance, the director may
5 order any person who causes or allows an unauthorized discharge to show cause before the
6 director why sewer service should not be shut off. A notice shall be served on the offending
7 party, specifying the time and place of a hearing to be held by the director regarding the
8 violation, and directing the offending party to show cause before said board why an order
9 should not be made directing the shut off of service. The notice of the hearing shall be served
10 personally or by registered or by certified mail, return receipt requested, at least 10 days
11 before the hearing. Such notice shall be deemed served if a copy thereof is (a) delivered to
the offending party personally or to the offending party's registered agent; (b) sent by
certified mail addressed to the offending party or to the offending party's registered agent at
the last known address with a return-receipt requested; or (c) delivered in any other manner as
permitted under local law. If the certified mailing is returned showing that the item was not
delivered, a copy thereof shall be posted in a conspicuous place in or about the property
affected by such notice. Service by mail shall be deemed made or accomplished when it is
deposited for delivery with the U.S. Postal Service.

12 17-1106 Emergency Suspensions.-- The Superintendent may immediately suspend a user's discharge
13 (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened
14 discharge which reasonably appears to present or cause an imminent or substantial endangerment to the
15 health or welfare of persons. The Superintendent may also immediately suspend a user's discharge (after
notice and opportunity to respond) that threatens to interfere with the operation of the POTW or which
presents or may present an endangerment to the environment.

- 16 A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its
17 contribution. In the event of a user's failure to immediately comply voluntarily with the
18 suspension order, the Superintendent shall take such steps as deemed necessary, including
19 immediate severance of the sewer connection, to prevent or minimize damage to the POTW,
20 its receiving stream, or endangerment to any individuals. The superintendent shall allow the
21 user to recommence its discharge when the user has demonstrated to the satisfaction of the
22 city that the period of endangerment has passed, unless the termination proceedings in section
23 17-1107 are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent
endangerment shall submit a detailed written statement, describing the causes of the harmful
contribution and the measures taken to prevent any future occurrence, to the Superintendent
prior to the date of any show cause or termination hearing under this chapter.

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Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this chapter.

17-1107 Termination of Discharge (Non-Emergency)-- In addition to the provisions in section 17-0513, any user that violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operation or wastewater volume, constituents and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
- E. Violation of the pretreatment standards in article 17-04.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 17-1105 why the proposed action should not be taken. Exercise of this option by the city shall not be a bar to, or a prerequisite for, taking any other action against the user.

17-1108 Other Powers-- In addition to the enforcement powers specified in this chapter, the city may exercise any and all enforcement powers granted to them by North Dakota law.

17-1109 Continuation-- Nothing in this chapter shall prohibit the continuation of previous enforcement actions, undertaken by the city pursuant to previous and valid ordinances and laws.

Section 11. Enactment.

Article 17-12 of Chapter 17 of the Fargo Municipal Code is hereby enacted to read as follows:

ARTICLE 17-12

JUDICIAL ENFORCEMENT REMEDIES

17-1201 Injunctive Relief-- When the Superintendent finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the state district court or federal district court, as applicable, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to

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1 conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a
prerequisite for, taking any other action against a user.

2 17-1202 Criminal Prosecution--

- 3 A. A user which has willfully or negligently violated any provision of this ordinance, a wastewater
4 discharge permit, or order issued hereunder, or any other pretreatment standard or requirement
5 shall, upon conviction, be guilty of a Class B misdemeanor, punishable by a fine of not more than
\$1500, imprisonment for not more than thirty (30) days, or both said imprisonment and fine.
- 6 B. A user which has willfully or negligently introduced any substance into the POTW which causes
7 personal injury or property damage shall, upon conviction, be guilty of a Class B misdemeanor,
8 punishable by a fine of not more than \$1500, imprisonment for not more than thirty (30) days, or
both said imprisonment and fine. This penalty shall be in addition to any other cause of action for
personal injury or property damage available under State law.
- 9 C. A user which knowingly made any false statements, representations, or certifications in any
10 application, record, report, plan, or other documentation filed, or required to be maintained,
11 pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who
12 falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method
required under this ordinance shall, upon conviction, be guilty of a Class B misdemeanor,
punishable by a fine of not more than \$1500, imprisonment for not more than thirty (30) days, or
both said imprisonment and fine.

13 17-1203 Remedies Non-exclusive-- The provisions in articles 17-10 through 17-13 of this ordinance are
14 not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions
15 against a non-compliant user. Enforcement in response to pretreatment violations will generally be in
16 accordance with the city's enforcement response plan. However, the city reserves the right to take other
17 action against any user when the circumstances warrant. Further, the city is empowered to take more than
one enforcement action against any non-compliant user. These actions may be taken concurrently.

18 **Section 12. Enactment.**

19 Article 17-13 of Chapter 17 of the Fargo Municipal Code is hereby enacted to read as follows:

20 ARTICLE 17-13

SUPPLEMENTAL ENFORCEMENT ACTION

21 17-1301 Performance Bonds-- The Superintendent may decline to issue or reissue a wastewater
22 discharge permit to any user which has failed to comply with any provision of this ordinance, a previous
wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement

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1 unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value
2 determined by the Superintendent to be necessary to achieve consistent compliance.

3 17-1302 Liability Insurance.-- The Superintendent may decline to issue or reissue a wastewater discharge
4 permit to any user which has failed to comply with any provision of this ordinance, a previous wastewater
5 discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the
6 user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to
7 the POTW caused by its discharge.

8 17-1303 Water Supply Severance.-- Whenever a user has violated or continues to violate any provision
9 of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment
10 standard or requirement, water service to the user may be severed. Service will only recommence, at the
11 user's expense, after it has satisfactorily demonstrated its ability to comply.

12 17-1304 Public Nuisances.-- A violation of any provision of this article, a wastewater discharge permit,
13 or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public
14 nuisance and city may be abated, enjoined or repressed in the same manner as any other public nuisance,
15 including restraining order or injunction issued by a court of competent jurisdiction.

16 17-1305 Contractor Listing.-- Users which have not achieved compliance with applicable pretreatment
17 standards and requirements are not eligible to receive a contractual award for the sale of goods or
18 services to the city. Existing contracts for the sale of goods or services to the city held by a user found to
19 be in significant non-compliance with the pretreatment standards or requirements may be terminated at
20 the discretion of the city.
21
22
23

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1 **Section 13. Enactment.**

2 Article 17-14 of Chapter 17 of the Fargo Municipal Code is hereby enacted to read as follows:

3 ARTICLE 17-14

4 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

5 17-1401 Upset--

- 6 A. For the purposes of this chapter, "upset" means an exceptional incident in which there is
7 unintentional and temporary non-compliance with applicable pretreatment standards because of
8 factors beyond the reasonable control of the user. An upset does not include non-compliance to
9 the extent caused by operational error, improperly designed treatment facilities, inadequate
10 treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 11 B. An upset shall constitute an affirmative defense to an action brought for non-compliance with
12 applicable pretreatment standards if the requirements of subsection C hereof are met.
- 13 C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through
14 properly signed, contemporaneous operating logs, or other relevant evidence that:
- 15 1. An upset occurred and the user can identify the cause(s) of the upset;
 - 16 2. The facility was at the time being operated in a prudent and workman-like manner and in
17 compliance with applicable operation and maintenance procedures; and
 - 18 3. The user has submitted the following information to the POTW and treatment plant
19 operator within twenty four (24) hours of becoming aware of the upset [if this
20 information is provided orally, a written submission must be provided within five(5)
21 days]:
 - 22 i. A description of the indirect discharge and cause of non-compliance;
 - 23 ii. The period of non-compliance, including exact dates and times or, if not
corrected, the anticipated time the non-compliance is expected to continue; and
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of
the non-compliance.
- 22 D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have
23 the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an
enforcement action brought for non-compliance with applicable pretreatment standards.

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1 F. Users shall control production of all discharges to the extent necessary to maintain compliance
2 with applicable pretreatment standards upon reduction, loss, or failure of their treatment facility
3 until the facility is restored or an alternative method of treatment is provided. This requirement
4 applies in the situation where, among other things, the primary source of power of the treatment
5 facility is reduced, lost, or fails.

6 17-1402 Prohibited Discharge Standards.-- A user shall have an affirmative defense to an enforcement
7 action brought against it for non-compliance with the prohibitions in section 17-0403(A) and (B) if it can
8 prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with
9 discharges from other sources, would cause pass through or interference and that either: (a) a local limit
10 exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and
11 during, the pass through or interference; or (b) no local limit exists, but the discharge did not change
12 substantially in nature or constituents from the user's prior discharge when the city was regularly in
13 compliance with its NPDES permit, and in the case of interference, was in compliance with applicable
14 sludge use or disposal requirements.

15 17-1403 Bypass.--

16 A. For the purposes of this chapter,

- 17 1. "Bypass" means the intentional diversion of waste streams from any portion of a user's
18 treatment facility.
- 19 2. "Severe property damage" means substantial physical damage to property, damage to the
20 treatment facilities which causes them to become inoperable, or substantial and
21 permanent loss of natural resources which can reasonably be expected to occur in the
22 absence of a bypass. Severe property damage does not mean economic loss caused by
23 delays in production.

B. A user may allow any bypass to occur which does not cause applicable pretreatment standards or
requirements to be violated, but only if it also is for essential maintenance to assure efficient
operation. These bypasses are not subject to the provision of subsections (C) and (D) hereof.

C. Notice to Bypass

1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the
POTW at least ten (10) days before the date of the bypass, if possible.
2. A user shall submit oral notice to the city of an unanticipated bypass that exceeds
applicable pretreatment standards within twenty-four (24) hours from the time it becomes
aware of the bypass. A written submission shall also be provided within five (5) days of
the time the user becomes aware of the bypass. The written submission shall contain a
description of the bypass and its cause; the duration of the bypass, including exact dates

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1 and times, and, if the bypass has not been corrected, the anticipated time it is expected to
2 continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the
3 bypass. The POTW may waive the written report on a case by case basis if the oral
4 report has been received within twenty-four (24) hours.

5 D. Bypass Conditions

- 6 1. Bypass is prohibited, and the POTW may take an enforcement action against a user for a
7 bypass, unless the user demonstrates:
 - 8 i. Bypass was unavoidable to prevent loss of life, personal injury, or severe
9 property damage;
 - 10 ii. There were no feasible alternatives to the bypass, such as the use of auxiliary
11 treatment facilities, retention of untreated wastes, or maintenance during normal
12 periods of equipment downtime. This condition is not satisfied if adequate back-
13 up equipment should have been installed in the exercise of reasonable
14 engineering judgment to prevent a bypass which occurred during normal periods
15 of equipment downtime or preventive maintenance; and
 - 16 iii. The user submitted notices as required under subsection (C) hereof.
- 17 2. The POTW may approve an anticipated bypass, after considering its adverse effects, if
18 the POTW determines that it will meet the three conditions listed in subparagraph (a) of
19 this subsection.

20 **Section 14. Enactment.**

21 Article 17-15 of Chapter 17 of the Fargo Municipal Code is hereby enacted to read as follows:

22 ARTICLE 17-15

23 WASTEWATER TREATMENT RATES

17-1501 Sewerage rates and rules.-- The city reserves the right to change the rates for the use and
availability of sewerage service from time to time, by resolution, and at all times to make such sewerage
service restrictions, rules, and regulations as, in the judgment of the board of city commissioners may be
necessary; provided, that the schedules of such rates and charges shall be such as will provide the
amounts required, over and above the current expenses of operation and maintenance for depreciation,
replacement, and improvement of said utility which will keep the same in a state of efficiency
corresponding to the progress of such sewerage utilities generally, including payment of principal and
interest and creation and maintenance of reserves securing such payments on any bond issued to finance

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1 or refinance improvements thereto, in accordance with the resolutions and ordinances authorizing such
2 bonds. Sewerage rates, surcharges, discounts, penalties, service, or advance charges shall be those
3 established by the board of city commissioners by resolution:

- 4 A. Payment of the user's wastewater service charge and penalties—The city shall submit statements
5 on a quarterly or more frequent basis to the user. The city shall add a penalty of 10% if the
6 payment is not received by the city within 15 days. Should any user fail to pay the user
7 wastewater service charge and penalty within three months of the due date, the city may stop the
8 wastewater service to the property.
- 9 B. Wastes prohibited from being discharged to the wastewater treatment system—The discharge of
10 wastes containing materials in such quantities as to be detrimental to the wastewater treatment
11 process is hereby prohibited. The discharge of wastes which cause or are likely to cause
12 maintenance problems such as to hinder flow, block pipes and/or pumps is hereby prohibited.

13 17-1502 Industrial waste surcharge.--

- 14 A. There shall be collected from any permitted user within the city an additional charge over and
15 above the base sewage rates provided for commercial users based upon the extent to which the
16 sewage or waste so discharged has a biochemical oxygen demand (BOD) concentration greater
17 than two hundred seventy-five (275) mg/l, total suspended solids (TSS) greater than two hundred
18 seventy-five (275) mg/l or other pollutants in such concentration as to require special attention to
19 treatment as determined by resolution of the board of city commissioners.
- 20 B. Any sums so charged in addition to the base sewage charges shall be termed "surcharge" and
21 shall be ascertained as hereinafter described.
- 22 1. Sampling and testing of the permittees' wastewater shall be conducted at periodic
23 intervals as specified in the industrial waste permit or agreed upon by the city and
24 permittee for the purpose of computation of the monthly surcharge and penalty fee, if
25 any.
- 26 2. The surcharge to the permitted user shall be based upon the following:
- 27 i. $S = (RB(BOD-275) + RS(TSS-275) + RP(P)) * 8.34 * VW$
 - 28 ii. For the purposes of this ordinance the following terms apply:
 - 29 (a.) RB = surcharge rate in \$/lb for BOD
 - 30 (b.) BOD = Concentration of BOD in user's wastewater, mg/l
 - 31 (c.) RS = surcharge rate in \$/lb for TSS

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 (d.) TSS = Concentration of TSS in user's discharge, mg/l

2 (e.) RP = surcharge rate in \$/lb for other specified pollutant

3 (f.) P = Concentration of other pollutant(s) in user's discharge, mg/l

4 (g.) VW= Volume of wastewater discharged for the billing period, million
gallons

5 iii. If the surcharge amount for any pollutant in the above formula becomes less than
6 zero (0) it shall not be used to offset or reduce the surcharge amount to be
collected for other pollutants listed in the surcharge formula.

7 3. Wastewater surcharges shall be in addition to and shall be collected with the wastewater
8 base rate charges and all regulations which apply to the collection of these wastewater
base rate charges shall also apply to wastewater surcharges.

9 4. The rates to be applied in the surcharge formula for treatment of pollutants in addition to
10 the wastewater rentals are established as follows:

11 i. For BOD: The BOD rate (RB) = is amount set by resolution of the board of city
commissioners.

12 ii. For TSS: The TSS rate (RS) = is amount set by resolution of the board of city
commissioners.

13 iii. For other pollutants: The rate (P) = (rate to be determined by board of city
14 commissioners when need exists for special attention to treatment of other
15 pollutants.)

16 C. Any person discharging any waste which by its nature or toxicity causes damage to the treatment
17 works or increases the cost of managing the effluent, sludge or other products of treatment shall
pay the costs of cleanup, restoration of such damage, and any increased treatment costs.

18 17-1505 Maximum Loadings.-- The Board of city commissioners, by resolution, may establish the
maximum load of BOD and TSS, or other pollutant, for each permittee.

19 17-1506 Transitional provision.-- The requirement of the maximum loadings set by the board of city
20 commissioners, as provided by section 17-1505, shall take effect no earlier than July 1, 2007.

21 17-1507 Industrial waste permit fee.-- An annual fee of one hundred dollars (\$100.00) shall be charged
22 for each industrial waste permit. The initial fee shall be submitted at the time of application for such
23 permit and subsequent renewal fees shall be submitted with a written application for renewal of the permit
prior to December 31 of each year.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 17-1508 Notification of rates and charges.-- The charges for wastewater service (user charges) shall be
2 stated separately from the water, refuse collection or other amounts shown on the periodic water bills
3 issued to each user. Each user will be notified annually, or at more frequent intervals, as to the current
4 rates for wastewater service, surcharges for high strength wastes, and any other charges made for
5 collection and treatment of wastewater in the city.

6 17-1509 When due.-- Wastewater charges shall be collected with the water charges of the city by the city
7 water department, and shall become due and delinquent upon the same dates as the water bills upon which
8 the same are charged, and for failure to pay the said wastewater charges the authorized city representative
9 shall have the same authority to shut off water and said authorized city representative shall refuse to turn
10 on or reconnect the same as is now provided in the case of default in the payment of water bills.
11 Whenever the authorized city representative shall have shut off water service as provided herein for
12 failure of the owner or occupant to pay the wastewater charges, such service shall not be reinstated until
13 all past due bills for wastewater service are paid in full.

14 17-1510 Exemptions.--

- 15 A. No wastewater fees shall be charged or collected upon water meter readings for water which is
16 carried out of the city for use. This section shall not be construed as exempting from wastewater
17 charges water which is used for processing purposes within the city though the product thereof is
18 carried outside of the city for use, but shall apply only to water users actually hauling or carrying
19 their water beyond the city limits for use.
- 20 B. No wastewater fees shall be charged upon premises outside the city limits unless said premises
21 are served by the city wastewater system.

22 17-1511 Out of city sewer connections.--

- 23 A. No wastewater services shall be connected to the systems of the city to serve property lying
outside the corporate limits of the city.
- B. Exceptions:
1. Political subdivision. Wastewater service may be extended to any village, city, township,
county, state, or federal governmental agency with the approval of the board of city
commissioners.
 2. Existing connections. Any sewer connection serving property outside the corporate
limits of the city, on the effective date of this article, shall be continued.
 3. Institutions of learning and public charity. Wastewater service may be extended to
schools, academics, colleges, institutions of learning, institutions of public charity,

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 hospitals, churches and religious organizations with the approval of the board of city
2 commissioners.

- 3 C. Any person, firm or corporation that is permitted as an out of city sewer connection shall enter
4 into an agreement with the city that said person, firm or corporation will construct and maintain
5 in good repair at the user's own expense under the direction, supervision, and according to
6 instruction of the authorized city representative, the necessary service pipe, manholes, and other
7 appurtenances to serve the premises in compliance with all city codes and ordinances, will obtain
8 the necessary plumbing permits therefor and will pay all sewer connection or service fees, permit
9 fees, and inspection fees required for such installations. The authorized city representative shall
10 have the same authority to collect monthly wastewater fees and to shut off water for failure of the
11 user to pay the said wastewater fees as for users within the city limits.
- 12 D. In the event an additional user desires to be connected to an existing out of city sewer service the
13 written consent of the owner of the sewer and of the authorized city representative, together with
14 the payment of all applicable fees shall be required. Said fees shall include the inspection fee,
15 sewer connection or service fee, industrial waste permit fee, and/or any other fees if and when
16 applicable to the service desired and shall accompany a written application to the city for said
17 service.
- 18 E. The payment of the monthly wastewater service charges provided in this article shall also apply
19 to out of city property owners who have been heretofore connected to said service, and in
20 addition said users shall be subject to all conditions and regulations imposed by this chapter, and
21 amendments thereto and shall be subject to such other conditions as may be required by the
22 authorized city representative.

23 **Section 15. Enactment.**

Article 17-16 of Chapter 17 of the Fargo Municipal Code is hereby enacted to read as follows:

ARTICLE 17-16

MISCELLANEOUS PROVISIONS

17-1601 Pretreatment Charges and Fees.--The city may adopt reasonable fees for reimbursement of costs
of setting up and operating the city's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such application;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 C. Fees for reviewing and responding to accidental discharge procedures and construction'

2 D. Fees for filing appeals; and

3 E. Other fees as the city may deem necessary to carry out the requirements contained herein.
4 These fees relate solely to the matters covered by this ordinance and are separate from all
5 other fees, fines, and penalties chargeable by the city.

6 17-1602 Severability-- If any provision of this ordinance is invalidated by any court of competent
7 jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

8 17-1603 Conflicts-- All other ordinances and parts of other ordinances inconsistent or conflicting with
9 any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict.

10 17-1604 Days-- A day under this chapter should be a calendar day unless context suggests otherwise.

11 17-1605 Savings Clause. – To the extent that any portion of Chapter 17 of the Fargo Municipal Code has
12 been repealed and re-enacted with a different or revised section or article number, particularly with
13 respect to a repeal and re-enactment occurring with the year 2019 passage of Ordinance No.
14 _____ [codifier to insert ordinance number upon enactment hereof] of the city of Fargo, and to the extent
15 said re-enacted section or portion thereof addresses the same subject matter as existed under the prior
16 version of said law; and to the extent such prior city ordinance was referenced in an agreement with the
17 state, an agency thereof, or another political subdivision or other party, public or private, the re-enacted
18 version of the ordinance or section shall be deemed to be an amendment of the prior version, regardless of
19 the change in numbering or title of the re-enacted law.

20 Section 16. Penalty Clause.

21 A person who willfully violates this ordinance is guilty of a Class B misdemeanor. Every person, firm or
22 corporation violating an ordinance which is punishable as a Class B misdemeanor shall be punished by a
23 fine not to exceed \$1,500, or by imprisonment not to exceed 30 days, or by both such fine and
imprisonment, in the discretion of the court; the court to have power to suspend said sentence and to
revoke the suspension thereof. In addition to such fine and/or imprisonment, the court, in its discretion,
may assess a fee in an amount not to exceed \$25.00 as provided in N.D.C.C. §27-01-10.

24 Section 17. Effective date. This ordinance shall be in full force and effect from and after its
25 passage, approval and publication.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Timothy J. Mahoney, Mayor

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

2a

ORDINANCE NO. _____

1
2 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
3 LYING IN PROVIDENCE AT PRAIRIE FARMS ADDITION,
4 FARGO, CASS COUNTY, NORTH DAKOTA

5 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
6 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
7 parcels of land lying in Providence at Prairie Farms Addition, Fargo, Cass County, North Dakota;
8 and,

9 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
10 request on July 3, 2018; and,

11 WHEREAS, the rezoning changes were approved by the City Commission on March 25,
12 2019,

13 NOW, THEREFORE,

14 Be It Ordained by the Board of City Commissioners of the City of Fargo:

15 Section 1. The following described property:

16 Lots One (1) through Fifteen (15), Block One (1) of Providence at Prairie Farms
17 Addition to the City of Fargo, Cass County, North Dakota,

18 is hereby rezoned from "SR-4", Single-Dwelling Residential, District with a "C-O", Conditional
19 Overlay, District to "SR-4", Single-Dwelling Residential, District with the "C-O", Conditional
20 Overlay, District being repealed.

21 Section 2. The following described property:

22 Lot Sixteen (16), Block One (1) of Providence at Prairie Farms Addition to the City
23 of Fargo, Cass County, North Dakota,

is hereby rezoned from "SR-4", Single-Dwelling Residential, District with a "C-O", Conditional
Overlay, District to "P/I", Public and Institutional with a "C-O", Conditional Overlay, District with

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

the following restrictions:

1 The following uses, as set forth in Section 20-0401 of the Land Development Code, shall continue
2 to be uses permitted by right but subject to use-specific standards of Section 20-0402:

- 3 1. Parks and Open Areas; and,
- 4 2. Recreation and Entertainment, Outdoor;

5 and no other uses shall be allowed.

6 Section 3. The City Auditor is hereby directed to amend the zoning map now on file in his
7 office so as to conform with and carry out the provisions of this ordinance.

8 Section 4. This ordinance shall be in full force and effect from and after its passage and
9 approval.

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12 _____
13 Timothy J. Mahoney, M.D., Mayor

14 (SEAL)

15 Attest:

16 _____
17 Steven Sprague, City Auditor

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First Reading:
Second Reading:
Final Passage:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

26

1 AN ORDINANCE REZONING CERTAIN PARCELS
2 OF LAND LYING IN AIRPORT FIRST ADDITION
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
5 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
6 parcels of land lying in Airport First Addition to the City of Fargo, Cass County, North Dakota;
7 and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
9 request on February 5, 2019; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on March 25,
11 2019,

12 NOW, THEREFORE,

13 Be It Ordained by the Board of City Commissioners of the City of Fargo:

14 Section 1. The following described property:

15 The south 125 feet of Lot Four (4), Block Three (3) of Airport First Addition to the
16 City of Fargo, Cass County, North Dakota;

17 is hereby rezoned from "LI", Limited Industrial, District to "LC", Limited Commercial, District;

18 Section 3. The City Auditor is hereby directed to amend the zoning map now on file in his
19 office so as to conform with and carry out the provisions of this ordinance.
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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

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(SEAL)

Attest:

Steven Sprague, City Auditor

Timothy J. Mahoney, M.D., Mayor

First Reading:
Second Reading:
Final Passage:



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

3

April 4, 2019

Board of City Commissioners
City Hall
225 Fourth Street North
Fargo, ND 58102

RE: Ordinance Amendments – Typographical Errors and Minor Updating

Dear Commissioners,

I seek your permission and direction to draft amendments to certain City ordinances that have come to my attention as either containing typographical errors or require minor updating, as detailed below.

Section 1-0305(A)(1) contains a typographical error.

Section 4-0106 provides that the oath of office is prescribed in Section 211 of the Constitution of North Dakota. However, Section 211 was amended in 2012 and is now currently Section 4 of Article XI of the Constitution of North Dakota.

Section 11-0814 provides that a violation is punishable as a noncriminal offense as described in Section 1-0305(C)(6). However, a violation of Section 11-0814 is not found in Section 1-0305(C)(6), as Section 1-0305 has had numerous updates.

Therefore, I seek your permission and direction to draft amendments to the above-mentioned ordinances.

Suggested Motion: I move to direct the City Attorney to prepare amendments to Section 1-0305(A)(1) of Article 1-03 of Chapter 1, Section 4-0106 of Article 4-01 of Chapter 4, and Section 11-0814 of Article 11-08 of Chapter 11 to the Fargo Municipal Code, as presented.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Alissa R. Farol".

Alissa R. Farol
Assistant City Attorney



April 4, 2019

The Honorable Board of City Commissioners
City of Fargo
Fargo, ND 58102

RE: Article 16-0105 – Water Services and Connections Construction and Maintenance

Commissioners:

Fargo Public Works Staff request Article 16-0105, regarding the construction and maintenance of all new and existing water services connections, be directed to the city attorney's office to amend the ordinance language.

If you have any question please contact me at 241-1463.

Suggested Motion: Move to task the City Attorney's office to work with Fargo Public Works to review and update Article 16-0105.

Respectfully submitted,



Ben Dow
Director of Operations
Fargo Public Works

April 4, 2019

5

The Honorable Board of City Commissioners
City of Fargo
Fargo, ND 58102

RE: Article 22-0301 – Water Services – Quality – Rules Regarding.

Commissioners:

Fargo Public Works Staff request Article 22-0301, regarding material type and specifications for water service connections, be directed to the city attorney's office to amend the ordinance language.

If you have any question please contact me at 241-1463.

Suggested Motion: Move to task the City Attorney's office to work with Fargo Public Works to review and update Article 22-0301.

Respectfully submitted,



Ben Dow
Director of Operations
Fargo Public Works



6

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

April 4, 2019

Board of City Commissioners
City Hall
225 Fourth Street North
Fargo, ND 58102

**RE: Agreement for Property Demolition of Dangerous Building – 703 10th Ave. N.,
Fargo, ND 58102.**

Dear Commissioners,

Enclosed for your review and approval is an agreement for property demolition of a dangerous building between the city and trustees of the Philip H. Grotenhuis Revocable Living Trust (“Grotenhuis”), owner of said dangerous building located at 703 10th Avenue North, Fargo, ND 58102.

After public hearing on January 2, 2019, the Board of City Commissioners issued its written Findings of Fact and Order, finding the building to be a dangerous building and ordering its demolition as authorized by Fargo Municipal Code § 21-0405. The Order provided demolition February 6, 2019; however, Grotenhuis has expressed a desire to undertake the demolition of the dangerous building himself, such demolition to commence April 15, 2019 and to be completed no later than April 25, 2019. I have been working with Inspections Administrator, Bruce Taralson, on the terms of said agreement.

SUGGESTED MOTION: I move to approve the Agreement for Property Demolition of Dangerous Building between the City of Fargo and trustees of the Philip H. Grotenhuis Revocable Living Trust, owner of said dangerous building.

Please feel free to contact me or Bruce Taralson if you have any questions or concerns.

Sincerely,

Alissa R. Farol
Assistant City Attorney

Enclosure

cc: Bruce Taralson
Inspections Administrator



Agreement for Property Demolition

This agreement by and between Philip H. Grotenhuis and Martha A. Grotenhuis, trustees of the Philip H. Grotenhuis Revocable Living Trust (“Grotenhuis”, whether one or more), Owner of the Property located at 703 10th Avenue North, Fargo, North Dakota (“Subject Property”) and the city of Fargo, a North Dakota municipal corporation (“City”).

Recitals

1. On December 3, 2018, the Fargo City Commission held a public hearing on the dangerous building located at 703 10th Avenue North, Fargo, North Dakota.
2. The matter was continued and came on for further proceedings before the Board of City Commissioners at the Board’s regular meeting of January 2, 2019.
3. At the time of the proceedings, the Subject Property was owned by Philip H. and Martha A. Grotenhuis, trustees of the Philip H. Grotenhuis Revocable Living Trust (“Grotenhuis”), and Terry L. and Linda S. Tegtmeier (“Tegtmeier”) as contract for deed vendees.
4. After public hearing on January 2, 2019, the Board of City Commissioners issued its written Findings of Fact and Order on the 2nd day of January, 2019, finding the building is a dangerous building and ordering its demolition as authorized by Fargo Municipal Code § 21-0405, a copy of which Findings of Fact and Order is attached hereto as Exhibit A. The Order provided demolition February 6, 2019; however, Grotenhuis has expressed a desire to undertake the demolition himself and the City is willing to extend the deadline to allow Grotenhuis additional time to undertake such demolition, provided certain conditions are met by Grotenhuis.
5. Grotenhuis is the record title owner of the Subject Property, more fully described below. A contract for deed vendee, Tegtmeier was subject to the Board’s Order; however, since said Order was issued, Tegtmeier conveyed all rights, title and interest in the Subject Property to Grotenhuis, as evidenced by a Quit Claim Deed dated the 4th day of February, 2019, and recorded the 6th day of February, 2019 in the Office of the

Cass County Recorder as Document Number 1556650.

NOW, THEREFOR, in consideration of the Recitals and the following mutual covenants and agreements, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Grotenhuis is the owner of the following real property located in the City of Fargo, County of Cass and State of North Dakota:

Lot 12, Block 16, Wilson Subdivision in Chapins Addition to the city of Fargo.
The street address for which is 703 10th Avenue North, Fargo, ND, 58102. [the "Subject Property"]

2. The City agrees to refrain from entering the Subject Property to demolish the structure thereon until a date no earlier than April 15, 2019. The City hereby extends the deadline for Grotenhuis to demolish the structure, set forth in the January 2, 2019 Findings of Fact and Order (Exhibit A), to April 15, 2019, and Grotenhuis is hereby specifically authorized to undertake said demolition on or before said date.

3. Prior to demolition, Grotenhuis shall obtain from the City all necessary permits for demolition and shall disconnect water and sewer connected to the dangerous building located on Subject Property.

4. Grotenhuis shall commence demolition of the dangerous building on Subject Property on or before April 15, 2019, and shall complete the demolition within 10 days thereof, but in no event later than April 25, 2019.

5. If the dangerous building on Subject Property is not demolished on or before April 25, 2019, City shall have the authority to enter upon and demolish the building located on Subject Property without further notice or proceedings. Grotenhuis expressly authorizes that the City shall enter the property and demolish the dangerous building located on Subject Property as set forth in the January 2, 2019 Findings of Fact and Order no earlier than April 15, 2019 if Grotenhuis has not commenced demolition on or before said date.

6. In the event the City demolishes the dangerous building on Subject Property, City is

authorized to assess the costs and expenses of the demolition of the dangerous building against the Subject Property, as provided for by law, said assessment constituting a lien against the Subject Property.

7. Grotenhuis waives any and all objections to and right to protests of the assessment thereof and the amount thereof.

8. Grotenhuis shall not assign, sell or convey the Subject Property prior to July 1, 2019, without the consent of the City.

9. Grotenhuis hereby authorizes the City to record this agreement against the Subject Property at the Office of the Cass County Recorder.

[Signatures on following page.]

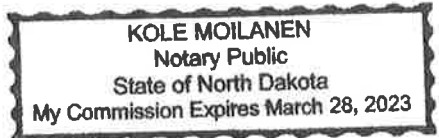
DATED this 30th day of March, 2019.

Philip H. Grotenhuis, Trustee for
Owner Philip H. Grotenhuis Revocable Living Trust

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this 30th day of March, 2019, before me, a notary public in and for said county and state, personally appeared Philip H. Grotenhuis, to me known to be the person identified herein, described in and who executed the within and foregoing instrument, and acknowledged to me that they executed the same.

Notary Public
Cass County, North Dakota



(SEAL)

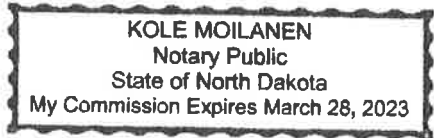
DATED this 30th day of March, 2019.

Martha A. Grotenhuis, Trustee for
Owner Philip H. Grotenhuis Revocable Living Trust

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this 30th day of March, 2019, before me, a notary public in and for said county and state, personally appeared Martha A. Grotenhuis, to me known to be the person identified herein, described in and who executed the within and foregoing instrument, and acknowledged to me that they executed the same.

Notary Public
Cass County, North Dakota



(SEAL)

DATED this ____ day of _____, 2019.

CITY OF FARGO,
a North Dakota municipal corporation

By _____
Timothy J. Mahoney, M.D., Mayor

ATTEST:

Steven Sprague, City Auditor

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this ____ day of _____, 2019, before me, a notary public in and for said county and state, personally appeared Timothy J. Mahoney and Steve Sprague, to me known to be the Mayor and Auditor of the City of Fargo, described in and who executed the within and foregoing instrument, and acknowledged to me that they executed the same.

(SEAL)

Notary Public
Cass County, North Dakota

EXHIBIT "A"

[See attached]

FINDINGS OF FACT AND ORDER
of the
BOARD OF CITY COMMISSIONERS
OF THE CITY OF FARGO

Property Address: 703 10th Avenue North, Fargo, North Dakota

Owners: Philip H. and Martha A. Grotenhuis, trustees of the Philip H. Grotenhuis Revocable Living Trust, Terry L. and Linda S. Tegtemcier as contract for deed vendees

A hearing was held before the Board of City Commissioners of the City of Fargo on the 3rd day of December, 2018 regarding property located at 703 10th Avenue North, Fargo, North Dakota. Bruce Taralson, Building Official, appeared on behalf of the city of Fargo Inspections Department and provided testimony as to the condition of the property. Philip Grotenhuis, trustee for property owner Philip H. Grotenhuis Revocable Living Trust, appeared and provided testimony. Terry Tegtmeyer, contract for deed vendee and owner, additionally appeared and provided testimony.

The matter was continued and came on for further proceedings before the Board of City Commissioners at the Board's regular meeting of January 2, 2019 at which meeting the Board allowed additional testimony to be presented. Bruce Taralson, Building Official, appeared on behalf of the city of Fargo Inspections Department and provided testimony. Contract for deed vendee and owner, Terry L. Tegtmeyer, appeared and provided additional testimony. In addition, Nicole Crutchfield, Director of Planning and development for the city of Fargo, appeared and provided testimony. And Brandon Raboin, a neighboring property owner, appeared and provided testimony.

The Board, having heard the testimony, considered the reports, evidence and other information presented, and hereby makes the following Findings of Fact:

FINDINGS OF FACT

1. That Philip H. and Martha A. Grotenhuis, as trustees of the Philip H. Grotenhuis Revocable Living Trust, are the owners of the subject property, subject to a contract for deed with

Terry L. and Linda S. Tegtmeier and, as such, are all “owners” of the subject property as defined by the Fargo Municipal Code, in the following described real property located in the City of Fargo, County of Cass and State of North Dakota:

Lot 12, Block 16, Wilson Subdivision in Chapins Addition to the city of Fargo

The street address for which is: 703 10th Avenue North, Fargo, North Dakota, 58102.

2. That the subject property is vacant.

3. That on July 25, 2018, Bill Thompson, Building and Rental Housing Inspector to the city of Fargo, inspected the property and found the building, consisting of a multistory, wood-framed structure to be a dangerous building within the standards set forth in Article 21-04 of the Fargo Municipal Code and Section 108 of the International Property Maintenance Code concerning dangerous structures. Additionally, Bill Thompson observed and reported that numerous code violations exist and the deterioration of the property is extensive.

4. That on July 25, 2018, Robert E. Harshberger, Deputy Assessor of the city of Fargo, performed an inspection on the property and determined that the estimated cost to repair the property would exceed fifty percent (50%) of the building value as established by the Fargo Assessment Department.

5. That the building is unsafe and is a dangerous building in the following respects: the building is structurally unsound; there are many and various code violations; that work has been completed without necessary permits; and that there is substandard workmanship.

6. Further, the City Commission finds that the following conditions exist with respect to the subject property:

- a. The structure has been damaged or deteriorated for more than fifty percent (50%) of its original value;
- b. The building is unsafe, fails to provide the amenities essential to decent living, and is unfit for human habitation; and
- c. The building it is unsafe or dangerous to the health, moral safety or general welfare of the people of the City of Fargo.

7. That the information in the files of the Inspection Department and the City Assessor's Office stemming from various inspections of the property on or before July 25, 2018, with respect to the subject property is hereby accepted as true and correct.

8. That the building located at 703 10th Avenue North, Fargo, North Dakota 58102, is hereby found to be a "dangerous building."

9. Notice of Dangerous Building was posted on the property on or about August 16, 2018, in accordance with Municipal Code § 21-0404. The Notice of Dangerous Building informed the owners and all occupants, if any, that the "dangerous building" must be vacated and the building demolished within 30 days from the date of the notice.

10. The owners were properly served by certified mail with the Notice of Dangerous Building, dated Thursday, August 16, 2018.

11. Despite being ordered that the building on the subject property should be demolished or necessary permits be obtained within 30 days of the notice, the owners have failed to do so, notwithstanding the numerous extensions granted by the Inspections Department.

12. The hearing before the Board on December 3, 2018 was continued to January 2, 2019 to give owners additional time to complete a third-party structural analysis on the property and work with the Inspections Department to obtain any necessary permits. The owners have failed to do so.

13. The owners have not sufficiently presented cause why the "dangerous building" should not be demolished.

14. Any cost of demolition shall be assessed against the subject property in accordance with Fargo Municipal Code §21-0405(E).

ORDER


Based on the foregoing Findings of Fact, it is hereby ORDERED that Philip H. and Martha A. Grotenhuis, trustees of the Philip H. Grotenhuis Revocable Living Trust, Terry L. and Linda S. Tegtmeier as contract for deed vendees, or anyone else claiming an ownership interest shall demolish the "dangerous building" located at 703 10th Avenue North, Fargo, North Dakota.

It is further ordered that Philip H. and Martha A. Grotenhuis, trustees of the Philip H. Grotenhuis Revocable Living Trust, Terry L. and Linda S. Tegtmeier as contract for deed vendees, or anyone else claiming an ownership interest in the building shall have 30 days from the date of service of this Order within which to demolish the "dangerous building" located at 703 10th Avenue North, Fargo, North Dakota.

It is further ordered that if the owners fail to demolish said "dangerous building," the City Auditor, Building Inspector and City Attorney are directed to act on behalf of the city of Fargo to cause the "dangerous building" to be demolished, and the cost of said demolition to be assessed against the subject property as provided in Section 21-0405 of the Fargo Municipal Code.

DATED this 2 day of January, 2019.

BOARD of CITY COMMISSIONERS of the CITY
OF FARGO,
a North Dakota Municipal Corporation

By 
Timothy J. Mahoney, M.D., Mayor

ATTEST:


Steven Sprague, City Auditor

NOTICE OF ENTRY OF ORDER

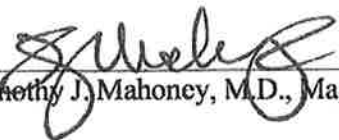
TO: PHILIP H. AND MARTHA A. GROTENHUIS, TRUSTEES OF THE PHILIP H. GROTENHUIS REVOCABLE LIVING TRUST, TERRY L. AND LINDA S. TEGTMEIER, AS CONTRACT FOR DEED VENDEES, AND ALL OTHER PERSONS HAVING AN INTEREST IN THIS PROPERTY

RE: PROPERTY AT 703 10TH AVENUE NORTH, FARGO, NORTH DAKOTA 58102

YOU ARE HEREBY GIVEN NOTICE that you shall have 30 days from the date of service of Findings of Fact and Order of the Board of City Commissioners of the City of Fargo (“Order”) upon you in which to appeal the Order to the District Court of Cass County, North Dakota, or to take such other legal action to enjoin the enforcement of this Order as you deem proper, all in accordance with the appeal procedure set forth in Fargo Municipal Code § 21-0412. You are further given notice that the “dangerous building” on the subject property may be demolished by the city of Fargo at any time on or after 30 days from the date of service hereof.

DATED this 9 day of January, 2019.

BOARD OF CITY COMMISSIONERS
CITY OF FARGO, a North Dakota Municipal
Corporation

By  _____
Timothy J. Mahoney, M.D., Mayor

ATTEST:

 _____
Steven Sprague, City Auditor

CITY OF
Fargo
ASSESSMENT DEPARTMENT

700

March 22, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

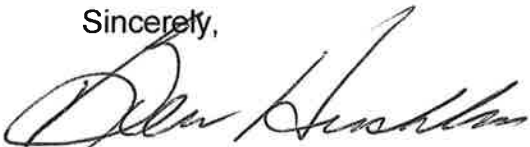
Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1520 38 ½ Ave. S as submitted by Craig J. Kilber & Michelle R. Lawler. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2019, 2020, & 2021.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$300 with the City of Fargo's share being \$50.

Sincerely,



Ben Hushka
City Assessor

hah
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Craig Kilber + Michelle Lawler Phone No. 701/730-1400

2. Address of Property 1520 38 1/2 Ave. S.
City FARGO State ND Zip Code 58103

3. Legal description of the property for which the exemption is being claimed. Lot 30 Block 9 Ruby Dell Schnell

4. Parcel Number 01-2705-01770-000 Residential Commercial Central Business District

5. Mailing Address of Property Owner Same
City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Finish Basement w/Bath

7. Building Permit No. 180266 8. Year Built 1986

9. Date of Commencement of making the improvement 3/23/18

10. Estimated market value of property before improvement \$ 256,400

11. Cost of making the improvement (all labor, material and overhead) \$ 30,000

12. Estimated market value of property after improvement \$ 279,700

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature [Signature] Date 3/21/19

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 3 YEARS FOR QUALIFYING WORK
Assessor's Signature [Signature] Date 3/22/19

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved
Approval subject to the following conditions: _____
Chairman of Governing Body _____ Date _____

CITY OF
Fargo
ASSESSMENT DEPARTMENT

76

March 26, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2865 Lilac Ln. N as submitted by Jeremy & Billie J. Carlson. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2019, 2020, & 2021.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$1415 with the City of Fargo's share being \$240.

Sincerely,



Ben Hushka
City Assessor

hah
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Jeremy & Billie Carlson Phone No. _____

2. Address of Property 2865 Lilac Ln N

City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed. Lt 6 Blk 1
North Oaks

4. Parcel Number 01-2115-00060-000 Residential Commercial Central Business District

5. Mailing Address of Property Owner Same

City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remodel kitchen, dining room, family room

7. Building Permit No. 180952 8. Year Built 1988

9. Date of Commencement of making the improvement 06/21/2018

10. Estimated market value of property before improvement \$ 509,100

11. Cost of making the improvement (all labor, material and overhead) \$ 109,000. —

12. Estimated market value of property after improvement \$ 550,000. —

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature [Signature] Date 3/21/19

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 3 YEARS FOR QUALIFYING WORK

Assessor's Signature [Signature] Date 3/26/19

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved

Approval subject to the following conditions: _____

Chairman of Governing Body _____ Date _____

CITY OF
Fargo
ASSESSMENT DEPARTMENT

7c

March 19, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1225 37 Ave. S as submitted by Neil T. & Jane Gillund. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2019, 2020, 2021, 2022, & 2023.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$485 with the City of Fargo's share being \$80.

Sincerely,



Ben Hushka
City Assessor

hah
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Neil + Jane Gillund Phone No. ^{701/} 730-4502

2. Address of Property 1225 37th Ave. S.
City FARGO State ND Zip Code _____

3. Legal description of the property for which the exemption is being claimed. _____
Lot 9 Block 1 Burritt-Kennedy Addition

4. Parcel Number 01-0290-00090-000 Residential Commercial Central Business District

5. Mailing Address of Property Owner Same
City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Kitchen Remodel

7. Building Permit No. 181035 8. Year Built 1976

9. Date of Commencement of making the improvement 6/28/18

10. Estimated market value of property before improvement \$ 239,700

11. Cost of making the improvement (all labor, material and overhead) \$ 70,000

12. Estimated market value of property after improvement \$ _____

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature Neil Gillund Date 3-12-19

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK

Assessor's Signature Jim Numbke Date 3/20/19

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved

Approval subject to the following conditions: _____

Chairman of Governing Body _____ Date _____



7d

March 19, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1214 5 St. N as submitted by Oscar Flores-Ibarra & Joanne R. Boylan. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2018, 2019, 2020, 2021, & 2022.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$180 with the City of Fargo's share being \$30.

Sincerely,

A handwritten signature in black ink that reads "Ben Hushka". The signature is written in a cursive style.

Ben Hushka
City Assessor

hah
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Oscar Flores-Ibarra + Joanne Boylan Phone No. 701 239 2483

2. Address of Property 1214 5 St N
City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed. Pt of Lt 7 B1K3 James Holes

4. Parcel Number 01-1370-00410w Residential Commercial Central Business District

5. Mailing Address of Property Owner Same
City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Reside Dwelling

7. Building Permit No. 172265 8. Year Built 1949

9. Date of Commencement of making the improvement November 2017

10. Estimated market value of property before improvement \$ 263,500

11. Cost of making the improvement (all labor, material and overhead) \$ 15,000

12. Estimated market value of property after improvement \$ _____

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature Joanne Boylan Date 1/28/2019

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK
Assessor's Signature Don Niska Date 3/20/19

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved
Approval subject to the following conditions: _____
Chairman of Governing Body _____ Date _____

CITY OF
Fargo
ASSESSMENT DEPARTMENT

7e

March 19, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1127 8 St. N as submitted by Barbi L. Franzen. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2018, 2019, 2020, 2021, & 2022.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$775 with the City of Fargo's share being \$130.

Sincerely,



Ben Hushka
City Assessor

hah
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Barbi Franzen(Pickorski) Phone No. 7013712721

2. Address of Property 1127 8 St N
City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed. 2+18 B1K 3 Chapins

4. Parcel Number 01-0440-0041000 Residential Commercial Central Business District

5. Mailing Address of Property Owner Same
City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Construct 18'x26' addition with basement + Remodel Kitchen

7. Building Permit No. 172079 8. Year Built 1916

9. Date of Commencement of making the improvement October 2017

10. Estimated market value of property before improvement \$ 134,100

11. Cost of making the improvement (all labor, material and overhead) \$ 132,000

12. Estimated market value of property after improvement \$ _____

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature [Signature] Date 3-12-19

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK
Assessor's Signature [Signature] Date 3/20/19

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved
Approval subject to the following conditions: _____
Chairman of Governing Body _____ Date _____

CITY OF
Fargo
ASSESSMENT DEPARTMENT

7f

March 26, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1001 South Dr. S as submitted by Mark S. Manzey. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2019, 2020, 2021, 2022, & 2023.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$125 with the City of Fargo's share being \$20.

Sincerely



Ben Hushka
City Assessor

hah
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner MARK MANZEY Phone No. 701-238-6200

2. Address of Property 1001 SOUTH DR S
City FARGO State ND Zip Code 58103

3. Legal description of the property for which the exemption is being claimed. LT 31 BLK 1 HARRY A SCHNELL ADDN

4. Parcel Number 01-2660-00290-000 Residential Commercial Central Business District

5. Mailing Address of Property Owner SAME
City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). RESIDE DWELLING W/ SEAMLESS STEEL

7. Building Permit No. 181615 8. Year Built 1957

9. Date of Commencement of making the improvement 09/18/18

10. Estimated market value of property before improvement \$ 210,100

11. Cost of making the improvement (all labor, material and overhead) \$ _____

12. Estimated market value of property after improvement \$ _____

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature [Signature] Date 3/15/19

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK

Assessor's Signature [Signature] Date 3/26/19

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved

Approval subject to the following conditions: _____

Chairman of Governing Body _____ Date _____

CITY OF
Fargo
ASSESSMENT DEPARTMENT

79

March 26, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

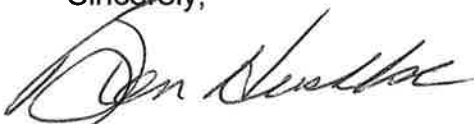
Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2820 Southgate Dr. S as submitted by Gregory S. & Jodee Eckart. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2018, 2019, 2020, 2021, & 2022.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$120 with the City of Fargo's share being \$20.

Sincerely,



Ben Hushka
City Assessor

hah
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**

North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Gregory + Jodee Eckart Phone No. _____

2. Address of Property 2820 Southgate Dr. S
 City FARGO State ND Zip Code 58103

3. Legal description of the property for which the exemption is being claimed. _____
L+14 BIK12 Westgate Village

4. Parcel Number 01-4000-02010-00 Residential Commercial Central Business District

5. Mailing Address of Property Owner Same
 City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Reside Dwelling

7. Building Permit No. 172315 8. Year Built 1976

9. Date of Commencement of making the improvement November 2017

10. Estimated market value of property before improvement \$ 201,700

11. Cost of making the improvement (all labor, material and overhead) \$ 15,000

12. Estimated market value of property after improvement \$ 211,000

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature [Signature] Date 3-20-19

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK

Assessor's Signature [Signature] Date 3/26/19

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved

Approval subject to the following conditions: _____

Chairman of Governing Body _____ Date _____

CITY OF
Fargo
ASSESSMENT DEPARTMENT



March 28, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

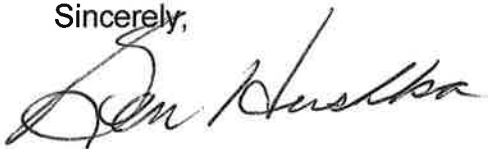
Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1110 3 Ave. N Unit 701W as submitted by Erik Berg. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2019, 2020, 2021, 2022, & 2023.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$190 with the City of Fargo's share being \$30.

Sincerely,



Ben Hushka
City Assessor

hah
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Erik Berg Phone No. 701-238-1280

2. Address of Property 1110 3 Ave N Unit 701W

City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed. Lots 4 - 8 Blk 37
Roberts 2nd Addition

4. Parcel Number 01-2382-03836-050 Residential Commercial Central Business District

5. Mailing Address of Property Owner 1306 Elm St N

City Fargo State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remodel kitchen, remove wall between kitchen, bedroom, and hallway

7. Building Permit No. 180235 8. Year Built 1978

9. Date of Commencement of making the improvement March 2018

10. Estimated market value of property before improvement \$ 107,400

11. Cost of making the improvement (all labor, material and overhead) \$ 35,000

12. Estimated market value of property after improvement \$ 131,600

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature *Erik Berg* Date 03/27/19

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK

Assessor's Signature *Jon Quast* Date 4/1/19

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved

Approval subject to the following conditions: _____

Chairman of Governing Body _____ Date _____

CITY OF
Fargo
ASSESSMENT DEPARTMENT

71

March 28, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 338 19 St. N as submitted by Terry W. & Amy N. Hamilton. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2019, 2020, 2021, 2022, & 2023.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$965 with the City of Fargo's share being \$165.

Sincerely,



Ben Hushka
City Assessor

hah
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Terry & Amy Hamilton Phone No. 701-237-3872

2. Address of Property 338 19 St N

City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed. Lot 4 Blk 14
Tylers Addition

4. Parcel Number 01-3300-02120-000 Residential Commercial Central Business District

5. Mailing Address of Property Owner Same

City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Construct 24x28 SOG addition to be used for bedroom & sunroom

7. Building Permit No. 171850 8. Year Built 1946

9. Date of Commencement of making the improvement _____

10. Estimated market value of property before improvement \$ 94,000

11. Cost of making the improvement (all labor, material and overhead) \$ 27,000

12. Estimated market value of property after improvement \$? or 94,000

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature Terry & Amy Hamilton Date 3-27-19

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK

Assessor's Signature Don Clarke Date 4/1/19

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved

Approval subject to the following conditions: _____

Chairman of Governing Body _____ Date _____



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

25.00
v 4494
3/27/19

Application for: [X] Local Permit * [] Charity Local Permit (one event per year)

Form with fields: Name of Non-profit Organization (Fargo Moorhead Devlopy Girls), Date(s) of Activity (06/01/19 to 06/01/19), Person Responsible (Katie Kalabza), Business Address (3302 Interstate Blvd), Mailing Address (P.O. Box 10644), Name of Site (Southwest Youth Arena), City (Fargo), State (ND), Zip Code (58106), and Game(s) to be Conducted (Raffle).

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Table with 6 columns: Game Type, Description of Prize, Retail Value of Prize. Includes one entry: 50/50 raffle, cash, \$150. Total: \$150.

Intended uses of gaming proceeds:

Does the organization presently have a state gaming license? [X] No [] Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? [X] No [] Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? [] No [X] Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ 30000 This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official (Katie Kalabza), Date (3/27/19), Title (Treasurer), Business Phone Number (701-730-1422)



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (08/2016)

86

\$25.00
 ✓ 1873
 3-29-19

Application for: Local Permit * Charity Local Permit (one event per year)

Name of Non-profit Organization Farm Rescue		Date(s) of Activity to 12/31/19		For a raffle, provide drawing date(s):	
Person Responsible for the Gaming Operation and Disbursement of Net Income Lynne Olien		Title Office Manager		Business Phone Number 701-252-2017	
Business Address 11202 38th St S		City Horace		State ND	
Mailing Address (if different) PO Box 28		City Horace		Zip Code 58047	
Name of Site Where Game(s) will be Conducted Scheels		Site Address 1551 43rd St S		State ND	
City Fargo		State ND		Zip Code 58103	
City Fargo		County CASS			
Check the Game(s) to be Conducted: * <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *					

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Raffle	engraved Henry 45-70	\$3800			
					(Limit \$12,000 per year)
Total:					\$ 3800

Intended uses of gaming proceeds: to fund planting, haying, and harvesting assistance to farmers who have experienced illness, injury or natural disaster.

Does the organization presently have a state gaming license? No Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ _____ . This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official Bill Gross	Date 3/28/19	Title President	Business Phone Number 701-252-2017
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APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

(80)

✓ 1035
25.00
4/1/19

Application for: Local Permit * Charity Local Permit (one event per year)

Name of Non-profit Organization Rho Chi Pharmacy Honor Society		Date(s) of Activity April 11 to		For a raffle, provide drawing date(s): April 11	
Person Responsible for the Gaming Operation and Disbursement of Net Income Saidce Oberlander		Title Fundraising Chair		Business Phone Number Cell: 701-490-1167	
Business Address 1401 Albrecht Blvd 123 Sudro Hall		City Fargo		State ND	Zip Code 58102
Mailing Address (if different) NDSU Dept. 2650 PO Box 6050		City Fargo		State ND	Zip Code 58108-6050
Name of Site Where Game(s) will be Conducted NDSU Memorial Union		Site Address 1401 Administration Avenue			
City Fargo		State ND	Zip Code 58102	County Cass	

Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker * Twenty-one * Paddlewheels *

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
50/50 Raffle	Half of all proceeds from ticket sales	\$500			
Total:					(Limit \$12,000 per year) \$ 500

Intended uses of gaming proceeds: Donation to Make-a-Wish North Dakota

Does the organization presently have a state gaming license? No Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ _____. This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official <i>Saidce Oberlander</i>	Date 4/1/19	Title Vice-President	Business Phone Number
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APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (08/2016)

Application for: Local Permit * Charity Local Permit (one event per year)

Name of Non-profit Organization River Keepers	Date(s) of Activity to	For a raffle, provide drawing date(s): 6/10/2019	
Person Responsible for the Gaming Operation and Disbursement of Net Income Christine Holland	Title Executive Dir	Business Phone Number (701) 235-2895	
Business Address 1120 28 Ave. N., Ste. B	City Fargo	State ND	Zip Code 58102-1334
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Dike East	Site Address 100 2nd St. S.		
City Fargo	State ND	Zip Code 58103-0000	County Cass
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit. <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
raffle	kayak	\$700.00			
Total:					<small>(Limit \$12,000 per year)</small> \$ 700.00

Intended uses of gaming proceeds: Race the Red Canoe & Kayak Races

Does the organization presently have a state gaming license? No Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ 359.00. This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official <i>Christine Holland</i>	Date 4/3/2019	Title Exec. Director	Business Phone Number (701) 235-2895
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9

March 29, 2019

Board of City Commissioners
City of Fargo
200 North Third Street
Fargo, ND 58102

**Re: Memorandum of Offer to Landowner
Permanent & Temporary Easements
Project #FM-14-71**

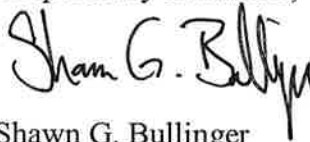
Dear Commissioners:

Enclosed and delivered to the City Commission office is an original Memorandum of Offer to Landowner document for the acquisition of a permanent and temporary easement in association with project #FM-14-71. Final purchase price has been reached and at this time we are requesting authorization from the Commission to proceed with the purchase. All land acquisition procedures have been followed and the City Engineer's office recommends purchase.

RECOMMENDED MOTION: I/we hereby move to approve and authorize purchase of a permanent and temporary easement from **Swanson Health Products, Inc.** in association with Project #FM-14-71 and that the Mayor and City Auditor be instructed to execute the Memorandum of Offer to Landowner on behalf of the City of Fargo.

Please return a copy of the signed original.

Respectfully submitted,



Shawn G. Bullinger
Land Acquisition Specialist

C: Jody Bertrand
Nancy J. Morris

MEMORANDUM OF OFFER TO LANDOWNER

City of Fargo, Engineering Department

Project FM-14-71	County Cass	Parcel(s) 2, 2A, 3 & 3A
Landowner Swanson Health Products, Inc.		
Mailing Address 4075 40th Avenue South Fargo, ND 58104		

The following-described real property and/or related temporary easement areas are being acquired for project purposes:

See attached exhibit(s).

I, as right of way agent for the City of Fargo, Engineering Department, am hereby authorized to offer the following amount of \$ 252,949.00 as full compensation for the fee and/or temporary taking of the foresaid parcels and all damages incidental thereto. The offer set forth has been established through one of the following, Basic Data Book, Certified Appraisal, City of Fargo Minimum Payment Policy. A breakdown of this offer is as follows:

Land	\$	_____
Easement and Access Control	\$	<u>252,949.00</u>
Improvements on Right of Way*	\$	_____
Damages to Remainder	\$	_____
Total Offer	\$	<u>252,949.00</u>

*Description of Damages to Remainder are as follows:

Owner Signature

Signature hereby constitutes acceptance of offer as presented above.

Shawn G. Bullinger

Land Acquisition Specialist, City of Fargo

Fargo City Commission has considered the offer and approves the same:

Timothy J. Mahoney

MAYOR

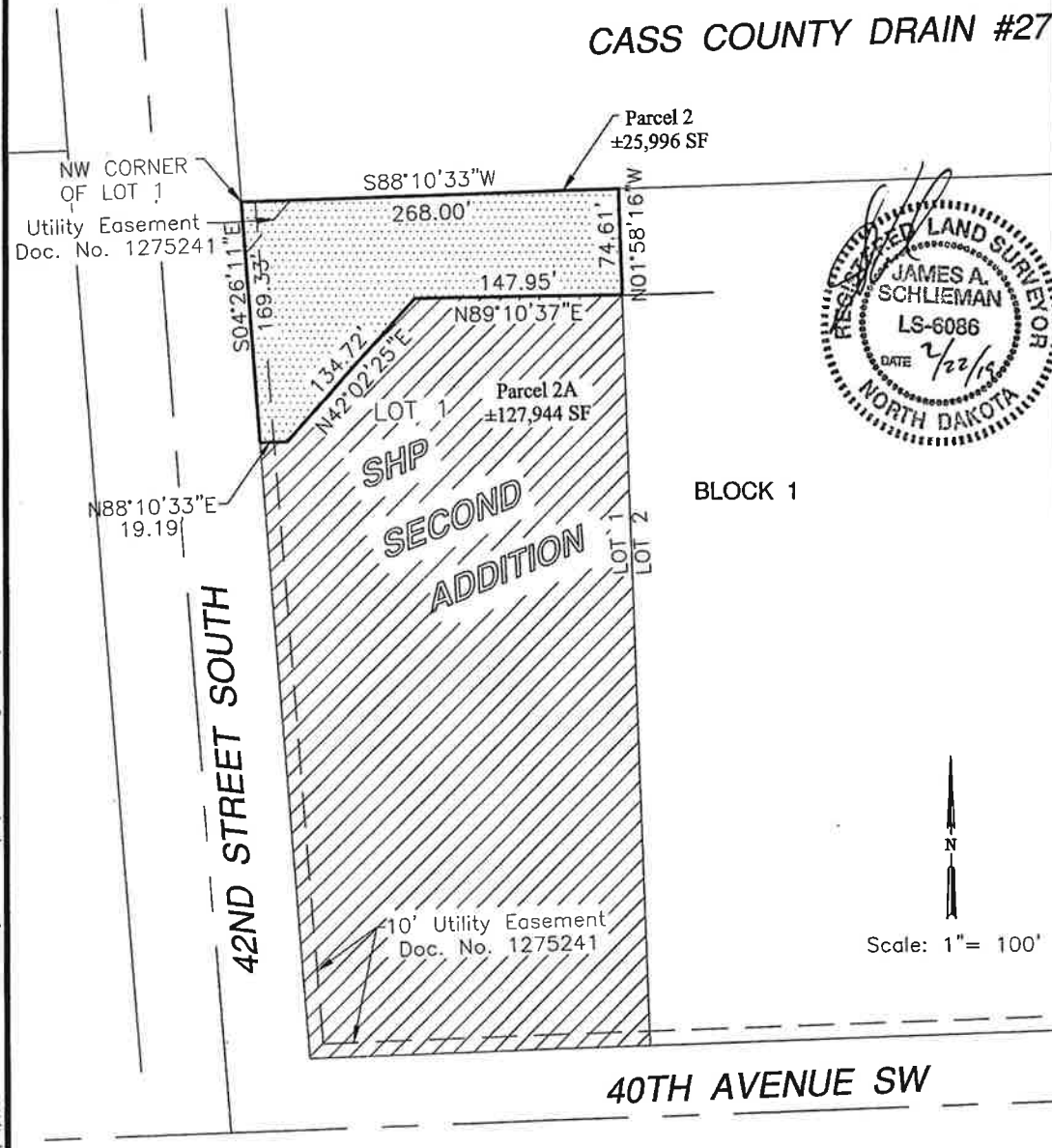
SIGNATURE

DATE



PARCELS 2 AND 2A
 PART OF LOT 1, BLOCK 1
 SHP SECOND ADDITION
 CITY OF FARGO, CASS COUNTY
 STATE OF NORTH DAKOTA

OWNER: SWANSON HEALTH PRODUCTS, INC.



H:\Fargo\JRN\6059\13_6059_062\1-Phase 010\CAD\Exhibits\Proposed Easements-South Side.dwg-PARCEL 2--2/22/2019 2:51 PM--(schlieman)

IRON MONUMENT FOUND	•
MEASURED BEARING	S59°27'46"E
MEASURED DISTANCE	105.00'
PLAT BEARING	(N57°00'00"W)
PLAT DISTANCE	(105.00')
PERMANENT EASEMENT	
TEMPORARY EASEMENT	

NOTE: ALL BEARINGS GIVEN ARE BASED ON THE CITY OF FARGO GIS COORDINATE SYSTEM.



EASEMENT EXHIBIT

PROJECT NO. 6059-062	DRAIN 27- I29 TO 42ND STREET FLOOD MITIGATION 42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND	SHEET 1 OF 2
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PARCELS 2 AND 2A
 PART OF LOT 1, BLOCK 1
 SHP SECOND ADDITION
 CITY OF FARGO, CASS COUNTY
 STATE OF NORTH DAKOTA

OWNER: SWANSON HEALTH PRODUCTS, INC.

Description- Parcel 2 (Permanent Easement):

That part of Lot 1, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the northwest corner of said Lot 1; thence South 04°26'11" East, along the westerly line of said Lot 1, for a distance of 169.33 feet; thence North 88°10'33" East for a distance of 19.19 feet; thence North 42°02'25" East for a distance of 134.72 feet; thence North 89°10'37" East for a distance of 147.95 feet to a point of intersection with the easterly line of said Lot 1; thence North 01°58'16" West, along the easterly line of said Lot 1, for a distance of 74.61 feet to the northeast corner of said Lot 1; thence South 88°10'33" West, along the northerly line of said Lot 1, for a distance of 268.00 feet to the point of beginning.

Said parcel contains 25,996 square feet, more or less.

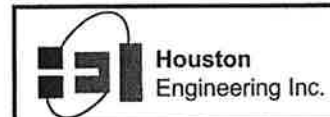
Description- Parcel 2A (Temporary Construction Easement):

Lot 1, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota, less the following described tract:

Beginning at the northwest corner of said Lot 1; thence South 04°26'11" East, along the westerly line of said Lot 1, for a distance of 169.33 feet; thence North 88°10'33" East for a distance of 19.19 feet; thence North 42°02'25" East for a distance of 134.72 feet; thence North 89°10'37" East for a distance of 147.95 feet to a point of intersection with the easterly line of said Lot 1; thence North 01°58'16" West, along the easterly line of said Lot 1, for a distance of 74.61 feet to the northeast corner of said Lot 1; thence South 88°10'33" West, along the northerly line of said Lot 1, for a distance of 268.00 feet to the point of beginning.

Said parcel contains 127,944 square feet, more or less.

H:\Fargo\18\1000\6059\13_6059_082\1-Phase 010\CAD\Exhibits\Proposed Easements-- South Side.dwg--PARCEL 2 (2)-2/22/2019 2:51 PM--(jshlieman)

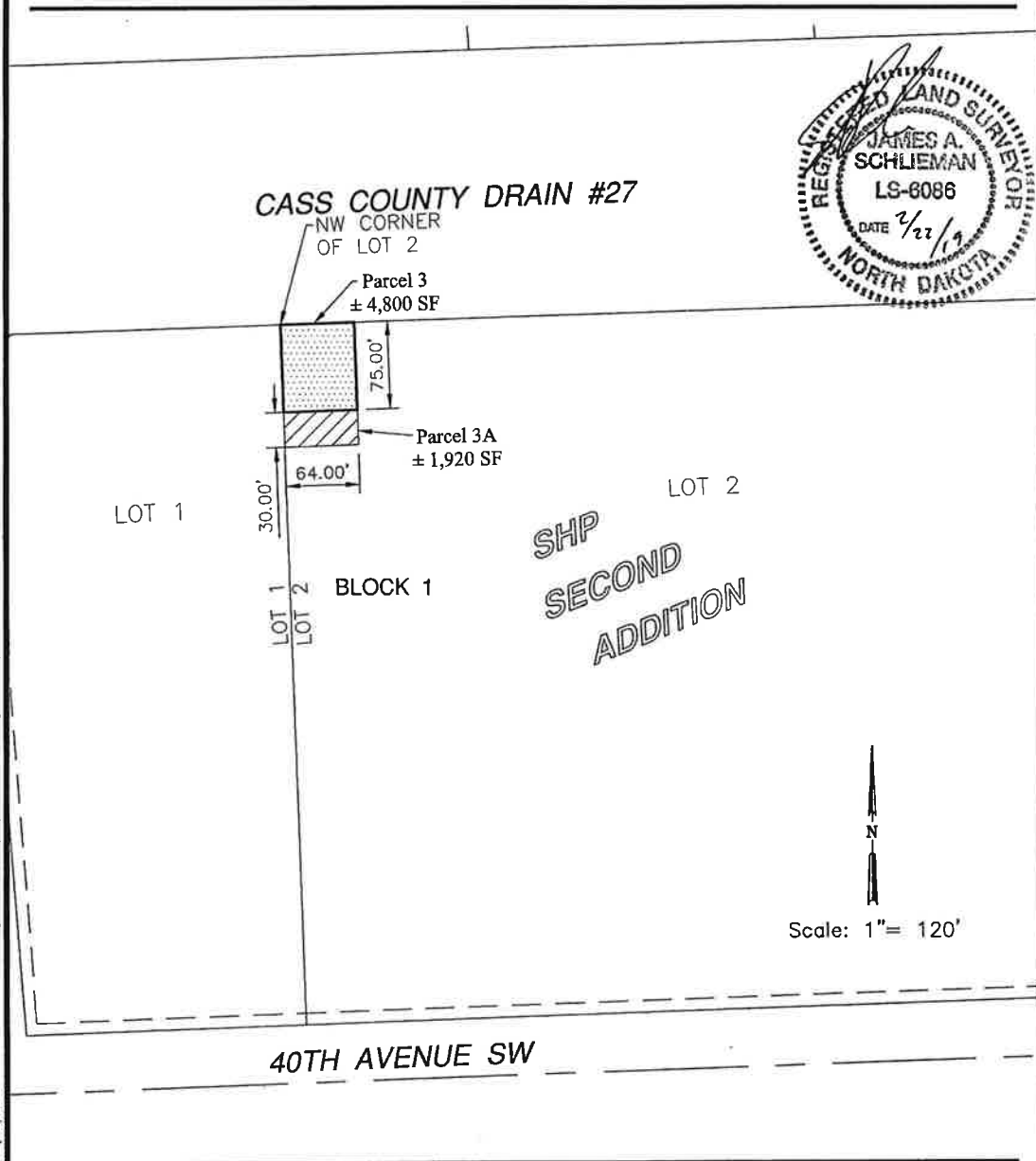
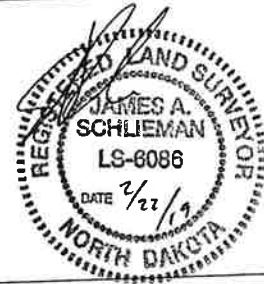


EASEMENT EXHIBIT

PROJECT NO. 6059-062	DRAIN 27- I29 TO 42ND STREET FLOOD MITIGATION 42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND	SHEET 2 OF 2
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PARCELS 3 AND 3A
 PART OF LOT 2, BLOCK 1
 SHP SECOND ADDITION
 CITY OF FARGO, CASS COUNTY
 STATE OF NORTH DAKOTA

OWNER: SWANSON HEALTH PRODUCTS, INC.



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IRON MONUMENT FOUND	•
MEASURED BEARING	S59°27'46"E
MEASURED DISTANCE	105.00'
PLAT BEARING	(N57°00'00"W)
PLAT DISTANCE	(105.00')
PERMANENT EASEMENT	
TEMPORARY EASEMENT	

NOTE: ALL BEARINGS GIVEN ARE BASED ON THE CITY OF FARGO GIS COORDINATE SYSTEM.



EASEMENT EXHIBIT

PROJECT NO.
6059-062

DRAIN 27- I29 TO 42ND STREET FLOOD MITIGATION
42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND

SHEET
1 OF 2

PARCELS 3 AND 3A OWNER: SWANSON HEALTH PRODUCTS, INC.
PART OF LOT 2, BLOCK 1
SHP SECOND ADDITION
CITY OF FARGO, CASS COUNTY
STATE OF NORTH DAKOTA

Description- Parcel 3 (Permanent Easement):

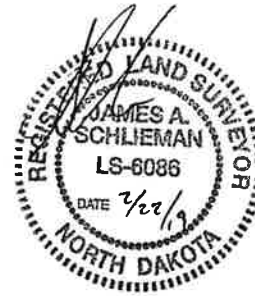
The North 75.00 feet of the West 64.00 feet of Lot 2, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota.

Said parcel contains 4,800 square feet, more or less.

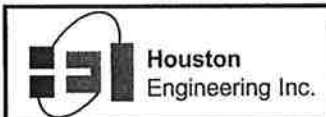
Description- Parcel 3A (Temporary Construction Easement):

The South 30.00 feet of the North 105.00 feet of the West 64.00 feet of Lot 2, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota.

Said parcel contains 1,920 square feet, more or less.



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EASEMENT EXHIBIT

PROJECT NO. 6059-062	DRAIN 27- I29 TO 42ND STREET FLOOD MITIGATION 42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND	SHEET 2 OF 2
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PERMANENT EASEMENT
(Flood Control)

KNOW ALL MEN BY THESE PRESENTS that **SWANSON HEALTH PRODUCTS, INC.**, a North Dakota company, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of One and no/100 Dollars (\$1.00) and other valuable consideration, to it in hand paid, the receipt whereof is hereby acknowledged, **HEREBY GRANT UNTO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA**, a municipal corporation, its successors and assigns, hereinafter referred to as "Grantee", a permanent and perpetual easement over, under, upon and in the land hereafter described for the purpose of constructing flood protection measures, including but not limited to maintaining an earthen dike, lift station, storm sewer and gatewell, together with any and all other appurtenant structures or devices, said tracts of land being more particularly described as follows:

That part of Lot 1, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the northwest corner of said Lot 1; thence South 04°26'11" East, along the westerly line of said Lot 1, for a distance of 169.33 feet; thence North 88°10'33" East for a distance of 19.19 feet; thence North 42°02'25" East for a distance of 134.72 feet; thence North 89°10'37" East for a distance of 147.95 feet to a point of intersection with the easterly line of said Lot 1; thence North 01 °58'16" West, along the easterly line of said Lot 1, for a distance of 74.61 feet to the northeast corner of said Lot 1; thence South 88°10'33" West, along the northerly line of said Lot 1, for a distance of 268.00 feet to the point of beginning.

Said parcel contains 25,996 square feet, more or less.

-AND-

The North 75.00 feet of the West 64.00 feet of Lot 2, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota.

Said parcel contains 4,800 square feet, more or less.

Said parcels are pictorially represented on Exhibits "A" and "B" attached hereto and incorporated herein by reference.

Grantor, its successors and assigns, hereby covenants to and with Grantee that Grantee's officers, contractors, agents and employees may, at any and all times when necessary or convenient to do so, go over and upon said above-described tract of land and perform any and all acts necessary or convenient to carry into effect the purpose for which the grant is made.

Grantee, its successors and assigns, hereby covenants and agrees that in the event alternative flood protection is constructed that effectively replaces the purpose for the grant herein, Grantee, in its sole discretion, agrees to release this easement grant, without remuneration to either party.

Grantor, its successors and assigns, further understands and agrees that they will not disturb, injure, molest or in any manner interfere with said earthen dike or other flood protection measures, as constructed and the customary appurtenances, or with material for laying, maintaining, operating or repairing the same, in, over or upon the above-described premises. Grantor, its successors and assigns, further expressly warrants and states that no buildings, trees, shrubs, sprinkler systems or other obstacles of any kind shall be placed or located upon the tract in any manner which may interfere with the purpose of this grant.

(Signatures on following page.)

IN WITNESS WHEREOF, Grantor has set its hand and caused this instrument to be executed this 27 day of March, 2019.

GRANTOR:

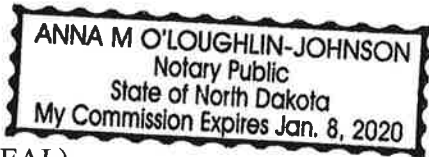
Swanson Health Products, Inc.

By: WDE

Its: Director of Operations

STATE OF ND)
) ss.
COUNTY OF Cass)

On this 27th day of March, 2019, before me, a notary public in and for said county and state, personally appeared Matt Eidenschink, the Director of Operations of Swanson Health Products, Inc. to me known to be the persons described in and who executed the within and foregoing instrument, and acknowledged to me that he/she executed the same.



(SEAL)

Anna M O'Loughlin-Johnson
Notary Public
Cass County, ND

GRANTEE:

City of Fargo, a North Dakota municipal corporation

Timothy J. Mahoney, M.D., Mayor

ATTEST

Steve Sprague, City Auditor

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this ____ day of _____, 2019, before me, a notary public in and for said county and state, personally appeared TIMOTHY J. MAHONEY, M.D. and STEVEN SPRAGUE, to me known to be the Mayor and City Auditor, respectively, of the City of Fargo, Cass County, North Dakota, the municipal corporation described in and that executed the within and foregoing instrument, and acknowledged to me that said municipal corporation executed the same.

(SEAL)

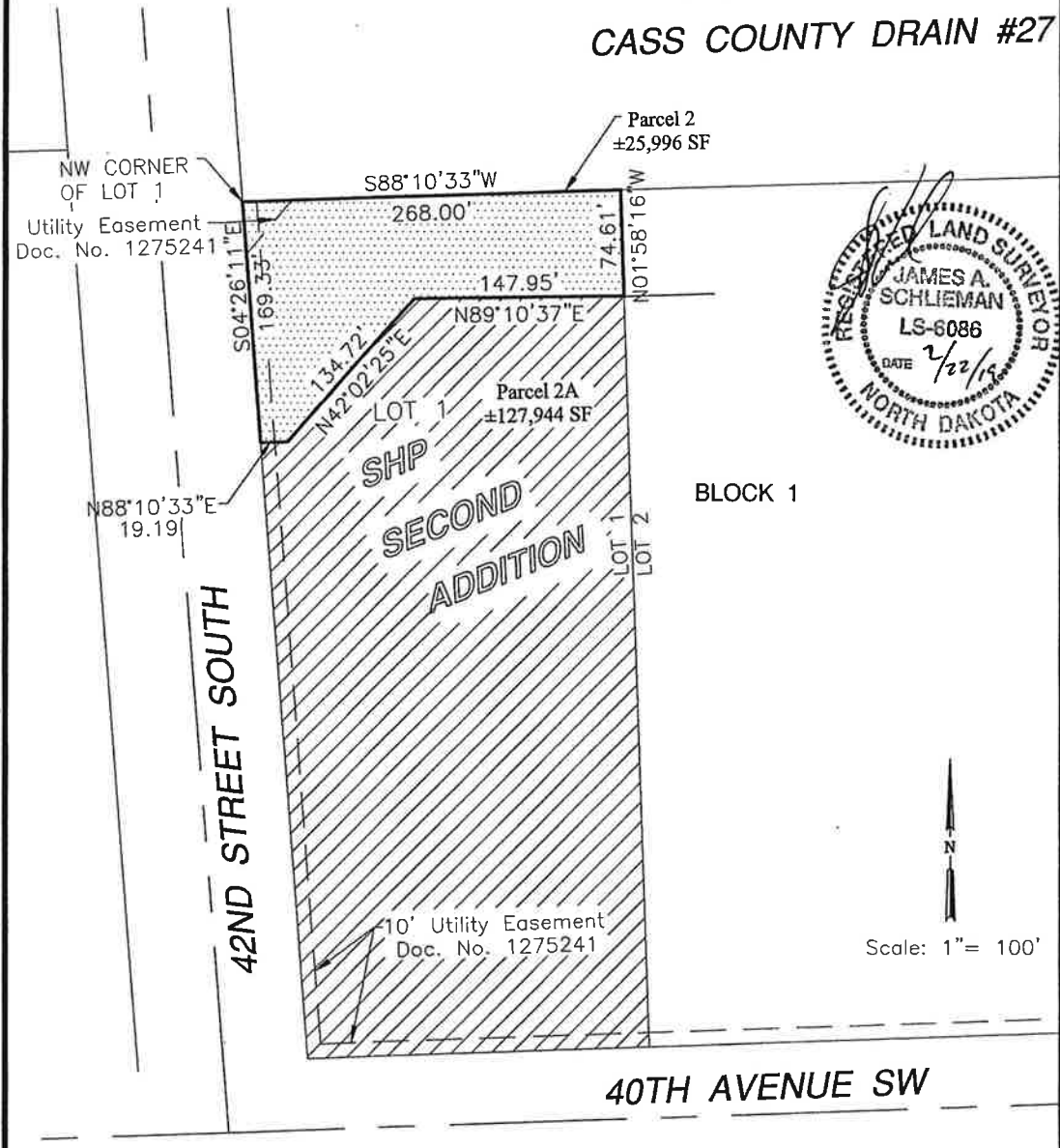
Notary Public
Cass County, ND
My Commission expires:

The legal description was prepared by:
Houston Engineering, Inc.
1401 21st Avenue North
Fargo, ND 58102
701-237-5065

This document was prepared by:
Nancy J. Morris
Assistant City Attorney
Erik R. Johnson & Associates, Ltd.
505 Broadway N., Ste. 206
Fargo, ND 58102
701-280-1901
nmorris@lawfargo.com

PARCELS 2 AND 2A
 PART OF LOT 1, BLOCK 1
 SHP SECOND ADDITION
 CITY OF FARGO, CASS COUNTY
 STATE OF NORTH DAKOTA

OWNER: SWANSON HEALTH PRODUCTS, INC.



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IRON MONUMENT FOUND	•
MEASURED BEARING	S59°27'46"E
MEASURED DISTANCE	105.00'
PLAT BEARING	(N57°00'00"W)
PLAT DISTANCE	(105.00')
PERMANENT EASEMENT	
TEMPORARY EASEMENT	

NOTE: ALL BEARINGS GIVEN ARE BASED ON THE CITY OF FARGO GIS COORDINATE SYSTEM.



EASEMENT EXHIBIT

PROJECT NO. 6059-062	DRAIN 27- I29 TO 42ND STREET FLOOD MITIGATION 42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND	SHEET 1 OF 2
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PARCELS 2 AND 2A OWNER: SWANSON HEALTH PRODUCTS, INC.
 PART OF LOT 1, BLOCK 1
 SHP SECOND ADDITION
 CITY OF FARGO, CASS COUNTY
 STATE OF NORTH DAKOTA

Description- Parcel 2 (Permanent Easement):

That part of Lot 1, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the northwest corner of said Lot 1; thence South 04°26'11" East, along the westerly line of said Lot 1, for a distance of 169.33 feet; thence North 88°10'33" East for a distance of 19.19 feet; thence North 42°02'25" East for a distance of 134.72 feet; thence North 89°10'37" East for a distance of 147.95 feet to a point of intersection with the easterly line of said Lot 1; thence North 01°58'16" West, along the easterly line of said Lot 1, for a distance of 74.61 feet to the northeast corner of said Lot 1; thence South 88°10'33" West, along the northerly line of said Lot 1, for a distance of 268.00 feet to the point of beginning.

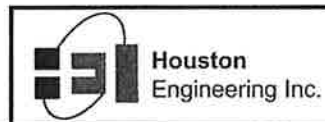
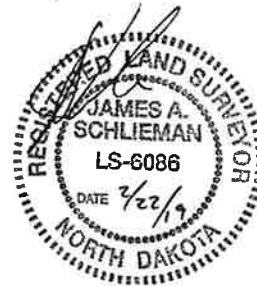
Said parcel contains 25,996 square feet, more or less.

Description- Parcel 2A (Temporary Construction Easement):

Lot 1, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota, less the following described tract:

Beginning at the northwest corner of said Lot 1; thence South 04°26'11" East, along the westerly line of said Lot 1, for a distance of 169.33 feet; thence North 88°10'33" East for a distance of 19.19 feet; thence North 42°02'25" East for a distance of 134.72 feet; thence North 89°10'37" East for a distance of 147.95 feet to a point of intersection with the easterly line of said Lot 1; thence North 01°58'16" West, along the easterly line of said Lot 1, for a distance of 74.61 feet to the northeast corner of said Lot 1; thence South 88°10'33" West, along the northerly line of said Lot 1, for a distance of 268.00 feet to the point of beginning.

Said parcel contains 127,944 square feet, more or less.



EASEMENT EXHIBIT

PROJECT NO.
6059-062

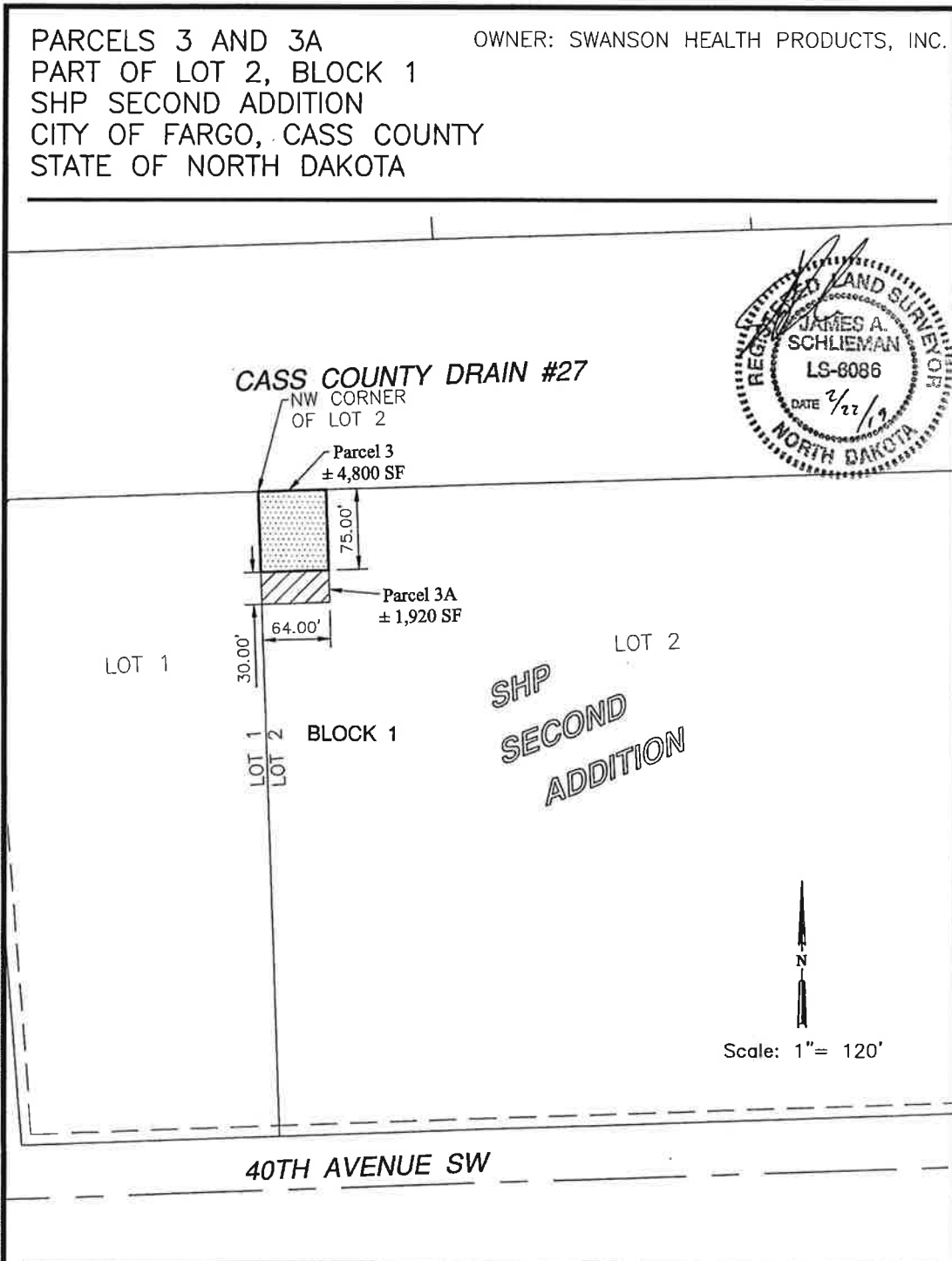
DRAIN 27- I29 TO 42ND STREET FLOOD MITIGATION
42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND

SHEET
2 OF 2

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PARCELS 3 AND 3A
 PART OF LOT 2, BLOCK 1
 SHP SECOND ADDITION
 CITY OF FARGO, CASS COUNTY
 STATE OF NORTH DAKOTA

OWNER: SWANSON HEALTH PRODUCTS, INC.



H:\Fargo\IBW\6000\6059\13_6059_062\1-Phase 01\0\CAD\Exhibits\Proposed Easements - South Side.dwg - PARCEL 3 - 2/22/2019 2:52 PM - (Jschlieman)

IRON MONUMENT FOUND	•
MEASURED BEARING	S59°27'46"E
MEASURED DISTANCE	105.00'
PLAT BEARING	(N57°00'00"W)
PLAT DISTANCE	(105.00')
PERMANENT EASEMENT	
TEMPORARY EASEMENT	

NOTE: ALL BEARINGS GIVEN ARE BASED ON THE CITY OF FARGO GIS COORDINATE SYSTEM.



EASEMENT EXHIBIT

PROJECT NO.
6059-062

**DRAIN 27- I29 TO 42ND STREET FLOOD MITIGATION
 42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND**

**SHEET
 1 OF 2**

PARCELS 3 AND 3A
PART OF LOT 2, BLOCK 1
SHP SECOND ADDITION
CITY OF FARGO, CASS COUNTY
STATE OF NORTH DAKOTA

OWNER: SWANSON HEALTH PRODUCTS, INC.

Description- Parcel 3 (Permanent Easement):

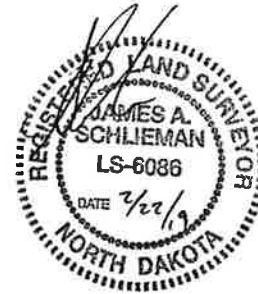
The North 75.00 feet of the West 64.00 feet of Lot 2, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota.

Said parcel contains 4,800 square feet, more or less.

Description- Parcel 3A (Temporary Construction Easement):

The South 30.00 feet of the North 105.00 feet of the West 64.00 feet of Lot 2, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota.

Said parcel contains 1,920 square feet, more or less.



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EASEMENT EXHIBIT

PROJECT NO. 6059-062	DRAIN 27- I29 TO 42ND STREET FLOOD MITIGATION 42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND	SHEET 2 OF 2
-------------------------	--	-----------------

EASEMENT
(Temporary Construction Easement)

KNOW ALL MEN BY THESE PRESENTS that **SWANSON HEALTH PRODUCTS, INC.**, a North Dakota company, hereinafter referred to as "Grantor", for and in consideration of the sum of One Dollar and other valuable consideration (\$1.00), to it in hand paid the receipt whereof is hereby acknowledged, **HEREBY GRANTS UNTO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA**, a municipal corporation, its successors and assigns, hereinafter referred to as "Grantee", a temporary construction easement over, upon and in land hereinafter described for the purpose of flood protection measures construction and activities appurtenant thereto, said land being more fully described, to-wit:

Lot 1, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota, less the following described tract:

Beginning at the northwest corner of said Lot 1; thence South 04°26'11" East, along the westerly line of said Lot 1, for a distance of 169.33 feet; thence North 88°10'33" East for a distance of 19.19 feet; thence North 42°02'25" East for a distance of 134.72 feet; thence North 89°10'37" East for a distance of 147.95 feet to a point of intersection with the easterly line of said Lot 1; thence North 01°58'16" West, along the easterly line of said Lot 1, for a distance of 74.61 feet to the northeast corner of said Lot 1; thence South 88°10'33" West, along the northerly line of said Lot 1, for a distance of 268.00 feet to the point of beginning.

Said parcel contains 127,944 square feet, more or less.

-AND-

The South 30.00 feet of the North 105.00 feet of the West 64.00 feet of Lot 2, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota.

Said parcel contains 1,920 square feet, more or less.

Said parcels are pictorially represented on Exhibits "A" and "B" attached hereto and incorporated herein by reference.

Grantor, its successors and assigns, hereby covenants to and with Grantee that Grantee's officers, contractors, agents and employees may at any and all times, when necessary or convenient to do so, go over and upon said above-described parcel of land and perform any and all acts necessary or convenient to carry into effect the purpose for which the grant is made.

Grantor, its successors and assigns, further agrees that they will not disturb, injure, molest or in any manner interfere with said parcel to be used for the storage of dirt and all other construction activities during the construction phase of said project and Grantor expressly warrants and states that no buildings, trees, shrubs or other obstacles of any kind shall be placed or located upon the parcel so as to interfere in any manner with the said parcel to be used for the storage of dirt and all other construction activities during the construction phase of said project. Grantee, at its own expense, shall refill any excavation it makes and level the ground thereafter, leaving the premises in as good condition as it was prior to the time of storage of dirt and all other construction activities was begun.

This easement shall terminate on June 30, 2020.

(Signatures on following page.)

IN WITNESS WHEREOF, Grantor set its hand and caused this instrument to be executed this 27 day of March, 2019.

GRANTOR:

Swanson Health Products, Inc.

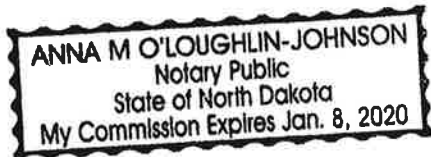
By: *MJE*

Its: Director of Operations

STATE OF ND)
) ss.
COUNTY OF Cass)

On this 27th day of March, 2019, before me, a notary public in and for said county and state, personally appeared Matt Eidenschink, the Director of Operations of **Swanson Health Products, Inc.** to me known to be the persons described in and who executed the within and foregoing instrument, and acknowledged to me that he/she executed the same.

(SEAL)



Anna M O'Loughlin-Johnson
Notary Public
Cass County, ND

GRANTEE:

City of Fargo, a North Dakota municipal corporation

Timothy J. Mahoney, M.D., Mayor

ATTEST

Steve Sprague, City Auditor

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this ____ day of _____, 2019, before me, a notary public in and for said county and state, personally appeared TIMOTHY J. MAHONEY, M.D. and STEVEN SPRAGUE, to me known to be the Mayor and City Auditor, respectively, of the City of Fargo, Cass County, North Dakota, the municipal corporation described in and that executed the within and foregoing instrument, and acknowledged to me that said municipal corporation executed the same.

Notary Public
Cass County, ND
My Commission expires:

(SEAL)

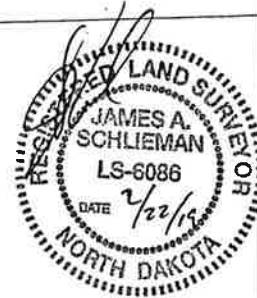
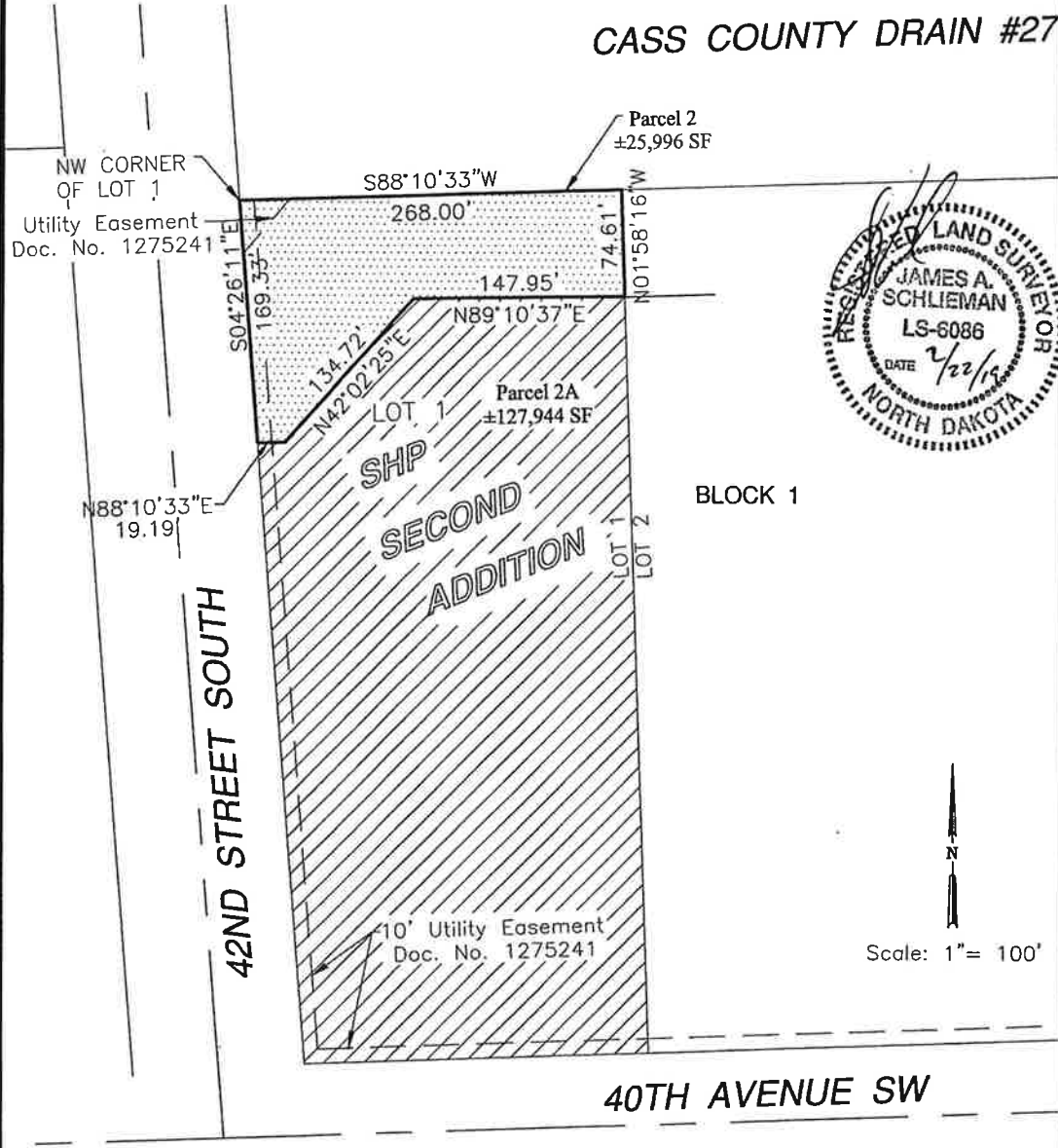
The legal description was prepared by:
Houston Engineering, Inc.
1401 21st Avenue North
Fargo, ND 58102
701-237-5065

This document was prepared by:
Nancy J. Morris
Assistant City Attorney
Erik R. Johnson & Associates, Ltd.
505 Broadway N., Ste. 206
Fargo, ND 58102
701-280-1901
nmorris@lawfargo.com

PARCELS 2 AND 2A
PART OF LOT 1, BLOCK 1
SHP SECOND ADDITION
CITY OF FARGO, CASS COUNTY
STATE OF NORTH DAKOTA

OWNER: SWANSON HEALTH PRODUCTS, INC.

CASS COUNTY DRAIN #27



H:\Fargo\ubm\6059\13_6059_062\1--Phase 010\CAD\Exhibits\Proposed Easements-- South Sigs.dwg--PARCEL 2--2/22/2019 2:51 PM--(jachsleman)

IRON MONUMENT FOUND	•
MEASURED BEARING	S59°27'46"E
MEASURED DISTANCE	105.00'
PLAT BEARING	(N57°00'00"W)
PLAT DISTANCE	(105.00')
PERMANENT EASEMENT	=====
TEMPORARY EASEMENT	///////

NOTE: ALL BEARINGS GIVEN ARE BASED ON THE CITY OF FARGO GIS COORDINATE SYSTEM.



EASEMENT EXHIBIT

PROJECT NO.
6059-062

DRAIN 27- 129 TO 42ND STREET FLOOD MITIGATION
42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND

SHEET
1 OF 2

PARCELS 2 AND 2A
 PART OF LOT 1, BLOCK 1
 SHP SECOND ADDITION
 CITY OF FARGO, CASS COUNTY
 STATE OF NORTH DAKOTA

OWNER: SWANSON HEALTH PRODUCTS, INC.

Description- Parcel 2 (Permanent Easement):

That part of Lot 1, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the northwest corner of said Lot 1; thence South 04°26'11" East, along the westerly line of said Lot 1, for a distance of 169.33 feet; thence North 88°10'33" East for a distance of 19.19 feet; thence North 42°02'25" East for a distance of 134.72 feet; thence North 89°10'37" East for a distance of 147.95 feet to a point of intersection with the easterly line of said Lot 1; thence North 01°58'16" West, along the easterly line of said Lot 1, for a distance of 74.61 feet to the northeast corner of said Lot 1; thence South 88°10'33" West, along the northerly line of said Lot 1, for a distance of 268.00 feet to the point of beginning.

Said parcel contains 25,996 square feet, more or less.

Description- Parcel 2A (Temporary Construction Easement):

Lot 1, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota, less the following described tract:

Beginning at the northwest corner of said Lot 1; thence South 04°26'11" East, along the westerly line of said Lot 1, for a distance of 169.33 feet; thence North 88°10'33" East for a distance of 19.19 feet; thence North 42°02'25" East for a distance of 134.72 feet; thence North 89°10'37" East for a distance of 147.95 feet to a point of intersection with the easterly line of said Lot 1; thence North 01°58'16" West, along the easterly line of said Lot 1, for a distance of 74.61 feet to the northeast corner of said Lot 1; thence South 88°10'33" West, along the northerly line of said Lot 1, for a distance of 268.00 feet to the point of beginning.

Said parcel contains 127,944 square feet, more or less.



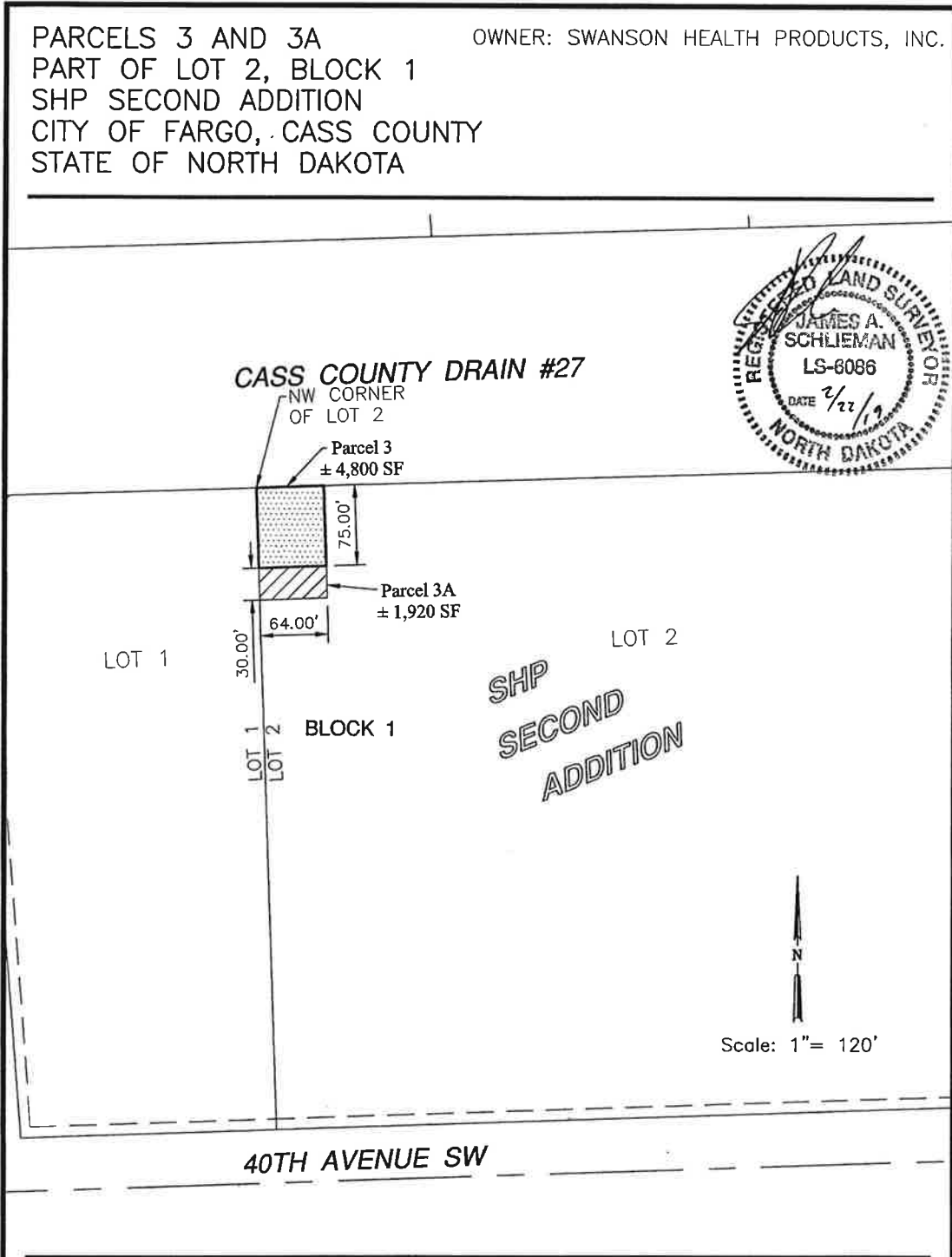
EASEMENT EXHIBIT

PROJECT NO. 6059-062	DRAIN 27- 129 TO 42ND STREET FLOOD MITIGATION 42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND	SHEET 2 OF 2
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PARCELS 3 AND 3A
 PART OF LOT 2, BLOCK 1
 SHP SECOND ADDITION
 CITY OF FARGO, CASS COUNTY
 STATE OF NORTH DAKOTA

OWNER: SWANSON HEALTH PRODUCTS, INC.



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IRON MONUMENT FOUND	•
MEASURED BEARING	S59°27'46"E
MEASURED DISTANCE	105.00'
PLAT BEARING	(N57°00'00"W)
PLAT DISTANCE	(105.00')
PERMANENT EASEMENT	=====
TEMPORARY EASEMENT	///////

NOTE: ALL BEARINGS GIVEN ARE BASED ON THE CITY OF FARGO GIS COORDINATE SYSTEM.



EASEMENT EXHIBIT

PROJECT NO.
6059-062

DRAIN 27- I29 TO 42ND STREET FLOOD MITIGATION
 42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND

SHEET
1 OF 2

PARCELS 3 AND 3A
PART OF LOT 2, BLOCK 1
SHP SECOND ADDITION
CITY OF FARGO, CASS COUNTY
STATE OF NORTH DAKOTA

OWNER: SWANSON HEALTH PRODUCTS, INC.

Description- Parcel 3 (Permanent Easement):

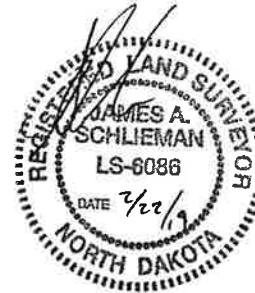
The North 75.00 feet of the West 64.00 feet of Lot 2, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota.

Said parcel contains 4,800 square feet, more or less.

Description- Parcel 3A (Temporary Construction Easement):

The South 30.00 feet of the North 105.00 feet of the West 64.00 feet of Lot 2, Block 1, SHP Second Addition to the City of Fargo, Cass County, North Dakota.

Said parcel contains 1,920 square feet, more or less.



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EASEMENT EXHIBIT

PROJECT NO.
6059-062

DRAIN 27- I29 TO 42ND STREET FLOOD MITIGATION
42ND STREET ADDITION, CITY OF FARGO, CASS CO., ND

SHEET
2 OF 2

10

STORM SEWER, STORM SEWER REPAIRS, PC CONCRETE PAVING & INCIDENTALS

PROJECT NO. UR-19-A1
AMENDED 3-26-19

Nature & Scope

This project is broken up into three areas of construction. Area 1 completes the increased sizing of storm sewer pipe on Great Northern Drive/8th Avenue North from 18th Street to Drain 3. Area 2 repairs storm sewer outfalls to the river across Elm Street near El Zagal golf course. Area 3 installs a storm sewer line across 12th Avenue North at 26th St N in the southeast quadrant of the intersection to correct right of way ponding.

Purpose

This is the first project under the new storm sewer utility fee to utilize these new funds to make necessary storm water improvements and repairs to correct problems that have been occurring.

The Area 1 project completes the replacement of existing storm sewer pipe with a larger pipe to address flooding during larger rain events in the intersection of 21st St North and 8th Avenue North. The Great Northern Drive/8th Avenue North storm sewer was modeled to determine the cause for localized flooding in larger rain events and it was determined that increasing the pipe size from 36 inch to 48 inch from 21st Street to Drain 3 would alleviate the problem. This past year the first section from 21st Street to 18th Street on Great Northern Drive was completed as part of utility relocations for a new XCEL transmission line.

The Area 2 project addresses issues with existing storm sewer outfalls on Elm Street near El Zagal golf course. Three storm sewer lines are showing settlement due to joint separations. One line thru Elm Street is being completely replaced to the river and two other lines are receiving spot repairs where concrete pipe joints have been found to be separated.

The area 3 project installs a storm sewer inlet and drainpipe to address ponding in the right of way of the intersection of 12th avenue north at 26th street north. 12th avenue north in this area is a rural section and the combination of development and ditch siltation has hindered flow patterns. The addition of an inlet and drainage pipe to the north side of the avenue will provide a better flow path to existing underground storm sewers.

Feasibility

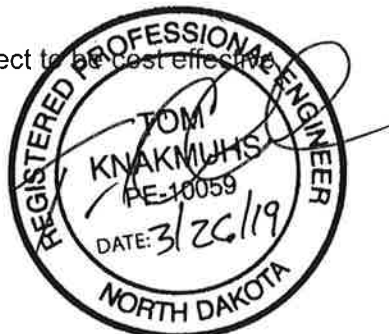
The estimated construction cost is approximately \$889,870.00. This project will be funded solely using Storm Sewer Utility Funds. The project's cost breakout is as follows:

Storm Sewer Utility Project Cost:	\$ 889,870.00
Plus 6% Engineering Fees:	\$ 53,392.20
Plus 3% Legal & Misc Fees:	\$ 26,696.10
Plus 4% Interest Fees:	\$ 35,594.80
Total Estimated Cost:	\$ 1,005,553.10

Project Funding Summary:

Storm Sewer Utility (100%)	\$ 1,005,553.10
----------------------------	-----------------

We believe this project to be cost effective.



[Handwritten Signature]
 Tom Knakmuhs, P.E.
 Assistant City Engineer

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. FM-14-71 (6228) Type: Cass County Electric Utility Relocation
 Location: Drain 27 Date of Hearing: 4/1/2019

<u>Routing</u>	<u>Date</u>
City Commission	<u>4/8/2019</u>
PWPEC File	<u>X</u>
Project File	<u>Jody Bertrand</u>

The committee reviewed a communication from Division Engineer, Jody Bertrand, regarding the estimate from Cass County Electric Cooperative (CCEC) to relocate their facilities and provide power through new transformer locations to each side of Drain #27.

Staff is seeking approval to pay CCEC \$69,001.64 based on preliminary estimates for the utility relocation.

On a motion by Ben Dow, seconded by Steve Dirksen, the Committee voted to approve payment to CCEC for utility relocation.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve the payment of \$69,001.64 to CCEC for work associated with the utility relocation.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Flood Sales Tax (460)

Developer meets City policy for payment of delinquent specials
 Agreement for payment of specials required of developer
 Letter of Credit required (per policy approved 5-28-13)

Yes	No
<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>


COMMITTEE

Tim Mahoney, Mayor
 Nicole Crutchfield, Director of Planning
 Steve Dirksen, Fire Chief
 Bruce Grubb, City Administrator
 Ben Dow, Director of Operations
 Steve Sprague, City Auditor
 Brenda Derrig, City Engineer
 Kent Costin, Finance Director

Present	Yes	No	Unanimous
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Donald Kress</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

C: Kristi Olson


 Brenda E. Derrig, PE
 City Engineer

Memorandum

To: Members of PWPEC

From: Jody Bertrand, Division Engineer

Date: April 1, 2019

Re: Project No. FM-14-71 (6228) - Cass County Power Utility Relocation

Background:

City Project No. 6228 was initiated in July of 2013 through an agreement with Houston Engineering. At that time, the project included the design and construction of levee and floodwall segments totaling about 2,500 lineal feet. The concept plans included in the RFP showed new levee segments on the north and south sides of Drain #27 with short segments of floodwall where adequate space was not available. Levee heights were proposed in the range of 6-8 feet depending on the location. Portions of the drain on the north and south side have had levee improvements installed a couple of years ago. The connection of the existing levee segments would be completed through the proposed improvements for this project. Upon revision of the Citywide Comprehensive Flood Plan, the work on the legal drain was reduced to eliminate the levees and floodwall through these reaches and only complete the lift station improvements through the drain systems.

As part of the 2019 Capital Improvement Plan, the lift stations on both sides of the drain #27 adjacent to 42nd Street South were combined into one project to limit the impacts to the surrounding areas (construction and staging areas). The major utilities are each impacted by the reconstruction of the lifts stations and the new placement locations of the structures.

Cass County Electric has provided an estimated cost to relocate their facilities and provide power through new transformer locations to each site. The main feeder line relocation will be paid for by Cass County Electric but the improvements for new transformers and direct electrical connect costs will be part of the city bid lift station project. The cost estimate is attached for your review.

Recommended Motion:

Approve the estimated payment to Cass County Electric for \$69,001.64 based on preliminary estimates for the relocation and adjustments to their utility lines for the construction of two new storm sewer lift stations located along drain #27 adjacent to 42nd Street South to be paid from Flood Sales Tax Revenue.

JRB/klb
Attachments



Your Touchstone Energy® Partner

4100 32nd Avenue SW
 Fargo ND 58104

Aid To Construction Estimate

DATE: 3/14/2018

Prepared By:
 Blake Hoover

Work # 701-356-4467
 Cell # 701-238-7242
 WO# 72371
 Map Location 103-273

TO:
 City Of Fargo

Phone
 Mobile

DRAIN 27 FM-14-71

Estimate for **Drain 27 FM-14-71** Extension and reroute of primary cable to bring service to two new lift stations. The City of Fargo will be responsible for the rerouting of primary 1/0 cable and all service charges for new lift stations. Cass County Electric will be responsible for all cost related to rerouting 750kcm feeder line located on the west side of the road.
 This estimate does not cover landscaping cost if required. The City Of Fargo will be responsible for landscaping or paying landscaping charges

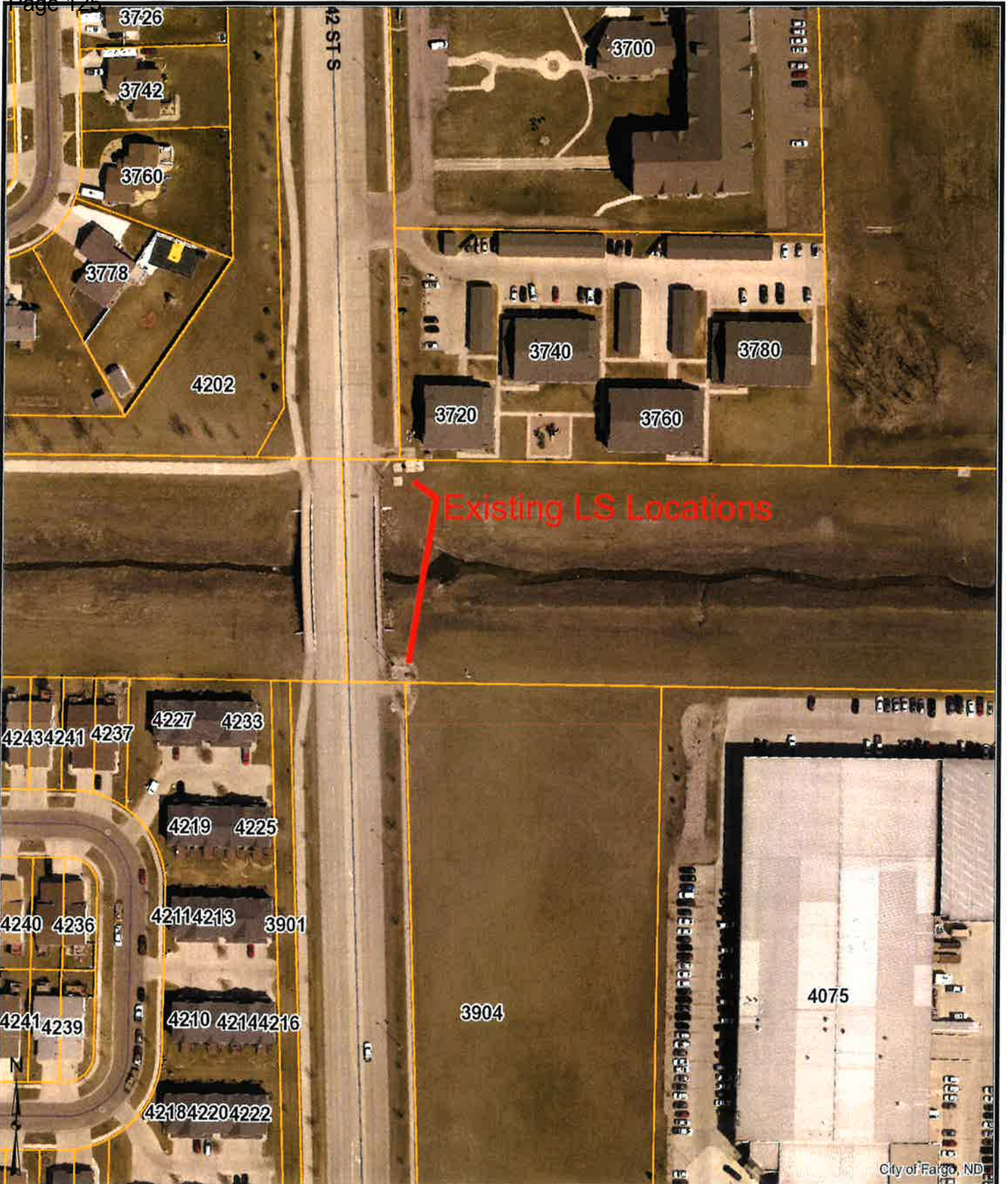
ITEMIZED ESTIMATE: TIME AND MATERIALS	Qty	Cost	ATC Allowance	ATC Req'd
Material and Labor	1	\$65,201.64		\$65,201.64
Amp Charge for North West Lift Service (\$1/Amp)	400	\$1		\$400.00
Transformer Capacity Charge North West Lift(\$10/kVA)	150	\$10		\$1,500.00
Amp Charge for South East Lift Service (\$1/Amp)	400	\$1		\$400.00
Transformer Capacity Charge South East Lift(\$10/kVA)	150	\$10		\$1,500.00
				-
				-
Total Estimated Aid to Construction Cost				\$69,001.64
Maximum contingency allowance above estimate (%)				20%

Terms and Conditions : This is a good-faith estimate, valid for 30 days, and pending the successful acquisition of all necessary easements and permits to complete the work. It's possible the scope of the job as outlined above could change slightly due to unforeseen weather, soil, or other issues that might arise, which would result in additional charges, not to exceed the maximum contingency allowance percentage. Lead times for materials may be up to 12 weeks or more, and materials will not be ordered until the estimate is accepted. Payment is due as follows: 50% of member's share of the total cost will be paid prior to construction; final payment balance will be due within 30 days of receipt of invoice.

By signing below, I hereby accept and agree to the terms and conditions of this estimate. I agree to pay the estimated aid to construction as detailed above, and authorize Cass County Electric to proceed with the work proposed.

_____ ACCEPTED BY

_____ DATE



Existing LS Locations

City of Fargo, ND

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

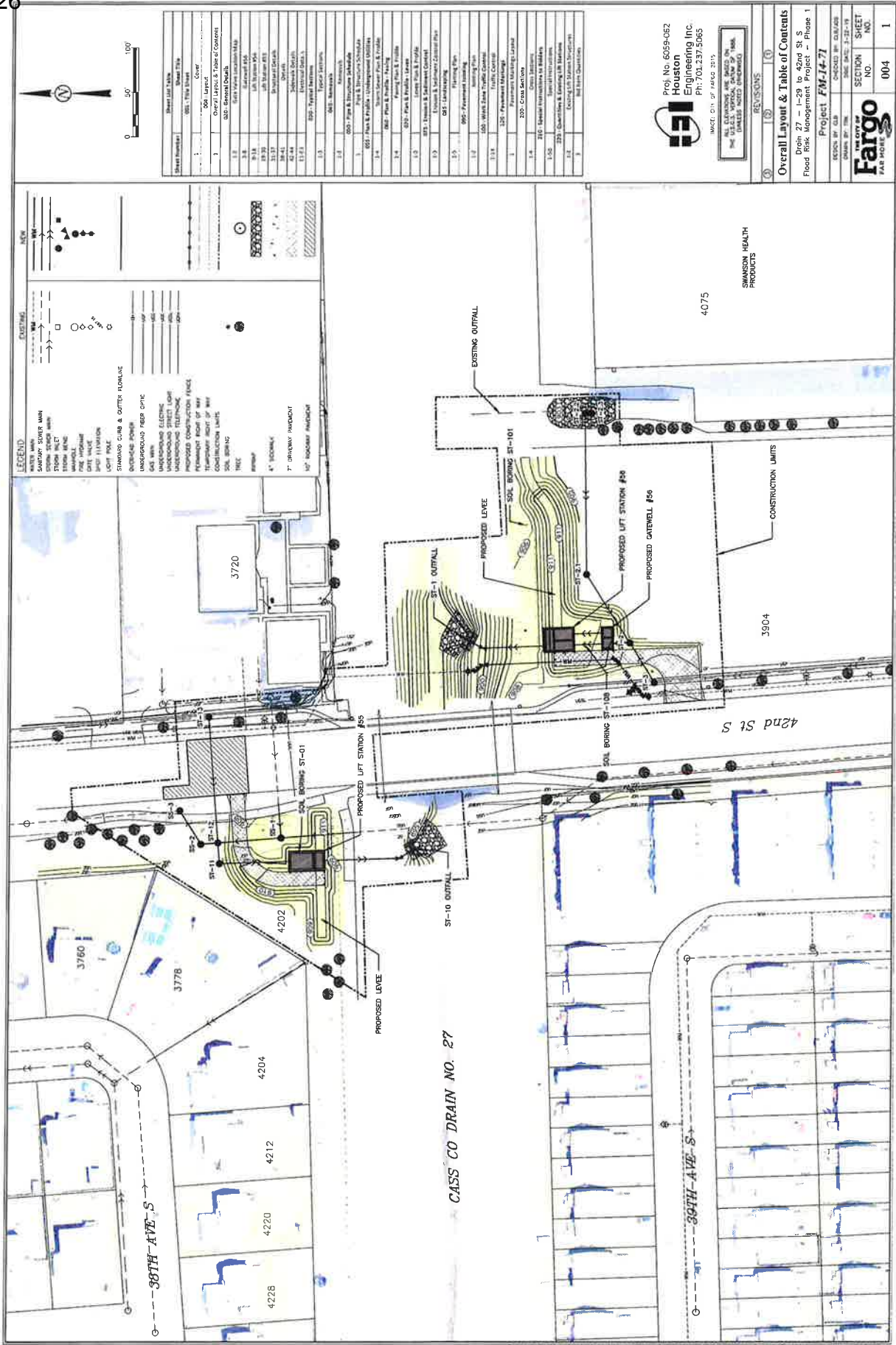
Existing LS Locations

1:2,257

3/26/2019 9:02:56 AM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.





Sheet Number	Sheet Title	Scale
001	1. Title Sheet	AS SHOWN
002	2. Overall Layout	AS SHOWN
003	3. Detail of Construction	AS SHOWN
004	4. Detail of Construction	AS SHOWN
005	5. Detail of Construction	AS SHOWN
006	6. Detail of Construction	AS SHOWN
007	7. Detail of Construction	AS SHOWN
008	8. Detail of Construction	AS SHOWN
009	9. Detail of Construction	AS SHOWN
010	10. Detail of Construction	AS SHOWN
011	11. Detail of Construction	AS SHOWN
012	12. Detail of Construction	AS SHOWN
013	13. Detail of Construction	AS SHOWN
014	14. Detail of Construction	AS SHOWN
015	15. Detail of Construction	AS SHOWN
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019	19. Detail of Construction	AS SHOWN
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024	24. Detail of Construction	AS SHOWN
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026	26. Detail of Construction	AS SHOWN
027	27. Detail of Construction	AS SHOWN
028	28. Detail of Construction	AS SHOWN
029	29. Detail of Construction	AS SHOWN
030	30. Detail of Construction	AS SHOWN

Proj. No. 6059-052
Prouson Engineering Inc.
 100 S. CLAYTON ST., SUITE 200, FARGO, ND 58103
 PH: 701.237.5065
 FAX: 701.237.5065
 ISSUE DATE: 07/18/2015

REVISIONS
 1
 2
 3
 4
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Overall Layout & Table of Contents
 Drain 27 - 1-29 to 42nd St S
 Flood Risk Management Project - Phase 1
 Project: **FM-14-71**
 DRAWN BY: GAB
 CHECKED BY: GAB/ABR
 DATE: 07/18/2015
 SHEET NO. **004**
 SECTION NO. **004**
 SHEET NO. **1**
FARGO
 FAIR HOPE

120

April 3, 2019

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Project No. TM-19-B1

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, April 3, 2019, for Pavement Markings & Incidentals, Project No. TM-19-B1, located at various locations within the City of Fargo.

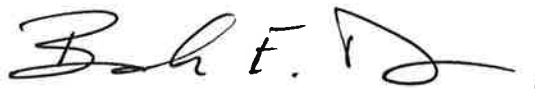
The bids were as follows:

NorthStar Safety	\$338,973.60
Engineer's Estimate	\$326,866.00

The special assessment escrow is not required.

This office recommends award of the contract to NorthStar Safety in the amount of \$338,973.60 as the lowest and best bid.

Sincerely,



Brenda E. Derrig
City Engineer

BED/jmg

ENGINEER'S STATEMENT OF ESTIMATED COST

PROJECT # TM-19-B1

Pavement Markings & Incidentals

Pavement Markings & Incidentals various locations within the City of Fargo

WHEREAS, bids have been opened and filed for the above described Project for City of Fargo, North Dakota; and WHEREAS, an estimate of the cost of work is required by the engineer for the City of Fargo, North Dakota;

NOW THEREFORE Brenda E. Derrig, do hereby certify as follows:

That I am the City Engineer for the City of Fargo, North Dakota;

That the following is detailed statement of the estimated cost of the job described as:

Pavement Markings & Incidentals Project # TM-19-B1 of the City of Fargo, North Dakota.

Line Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
Pavement Markings				
1 Paint Epoxy Line 4" Wide	LF	23,200.00	1.95	45,240.00
2 Paint Epoxy Line 6" Wide	LF	474.00	6.80	3,223.20
3 Paint Epoxy Line 8" Wide	LF	1,610.00	3.90	6,279.00
4 Paint Epoxy Line 16" Wide	LF	568.00	15.00	8,520.00
5 Paint Epoxy Line 24" Wide	LF	526.00	13.80	7,258.80
6 Paint Epoxy Message	SF	1,548.00	13.30	20,588.40
7 F&I Grooved Plastic Film 4" Wide	LF	1,900.00	4.90	9,310.00
8 F&I Grooved Plastic Film 6" Wide	LF	968.00	7.80	7,550.40
9 F&I Grooved Plastic Film 8" Wide	LF	1,710.00	10.50	17,955.00
10 F&I Grooved Plastic Film 16" Wide	LF	640.00	19.00	12,160.00
11 F&I Grooved Plastic Film 24" Wide	LF	1,626.00	33.20	53,983.20
12 F&I Grooved Contrast Film 7" Wide	LF	7,976.00	9.60	76,569.60
13 F&I Grooved Plastic Film Message	SF	304.00	34.00	10,336.00
14 Obliterate Pavement Markings	SF	3,000.00	4.50	13,500.00
15 F&I Methacrylate	SF	1,500.00	31.00	46,500.00
		Pavement Markings Total		338,973.60
		Total Construction in \$		338,973.60
		Engineering	6.00 %	20,338.42
		Legal & Misc	3.00 %	10,169.21
		Interest	4.00 %	13,558.94
		Contingencies	10.00 %	33,897.36
		Total Estimated Costs		416,937.53
		Traffic Engineering Funds - 101		416,937.53
		Unfunded Costs		0.00

IN WITNESS THEREOF, I have hereunto set my hand and seal

Date: 04/03/2019



Brenda E. Derrig

City Engineer



126

April 3, 2019

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Project No. TP-19-B1

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, April 3, 2019, for Tree Planting & Incidentals, Project No. TP-19-B1, located at various locations Citywide.

The bids were as follows:

Pro Landscapers LLC	\$ 75,534.00 (Bid Withdrawn)
S & S Landscaping Co. Inc.	\$ 77,257.20
Opp Construction LLC	\$122,640.00

Engineer's Estimate	\$90,935.00
---------------------	-------------

The special assessment escrow is not required.

This office recommends award of the contract to S & S Landscaping Co. Inc. in the amount of \$77,257.20 as the lowest and best bid.

Sincerely,



Brenda E. Derrig, PE
City Engineer

BED/klb

ENGINEER'S STATEMENT OF ESTIMATED COST

PROJECT # TP-19-B1

Tree Planting & Incidentals

Various locations throughout the City.

WHEREAS, bids have been opened and filed for the above described Project for City of Fargo, North Dakota; and WHEREAS, an estimate of the cost of work is required by the engineer for the City of Fargo, North Dakota;

NOW THEREFORE Brenda E. Derrig, do hereby certify as follows:

That I am the City Engineer for the City of Fargo, North Dakota;


That the following is detailed statement of the estimated cost of the job described as:

Tree Planting & Incidentals Project # TP-19-B1 of the City of Fargo, North Dakota.

Line Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
Tree Planting				
1 Traffic Control - Type 2	LS	1.00	1,100.00	1,100.00
2 F&I Decid Tree 1.5" Dia	EA	160.00	355.00	56,800.00
3 F&I Plant - Perennial Type 1	EA	129.00	21.80	2,812.20
4 F&I Bullet Edging	LF	2,460.00	4.75	11,685.00
5 F&I Weed Barrier Geotextile	SY	135.00	36.00	4,860.00
			Tree Planting Total	77,257.20
			Total Construction in \$	77,257.20
			Engineering	4.00 %
			Legal & Misc	3.00 %
			Interest	4.00 %
			Outside Engineering	5.16 %
			Contingencies	10.00 %
			Total Estimated Costs	97,467.68
			Sales Tax Funds - Infrastructure - 420	97,467.68
			Unfunded Costs	0.00

IN WITNESS THEREOF, I have hereunto set my hand and seal

Date: 04/03/2019



Brenda E. Derrig

City Engineer



COVER SHEET
CITY OF FARGO PROJECTS

(130a)

This sheet must be completed and turned in with all City of Fargo projects. NO items will be accepted by either the City Commission Office or the City Auditor's Office without this cover sheet attached and properly filled out.

Exact, full name of the Project as it will appear in the Contract:

Copperfield Court / Oakcreek Flood Risk Management Project

Project No. FM-14-1 (Phase 3)

Call For Bids	<u>April 8</u>	<u>2019</u>
Advertise Dates	<u>April 15, 22 & 29</u>	<u>2019</u>
Bid Opening Date	<u>May 15</u>	<u>2019</u>
Substantial Completion Date	<u>October 31</u>	<u>2019</u>
Final Completion Date	<u>June 1</u>	<u>2019</u>

N/A PWPEC Report (Attach Copy) – **Part of 2019 CIP**

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

X Bid Quantities (Attach Copy for Auditor's Office Only)

N/A Notice to Property Owners (Dan Eberhardt)

Project Engineer Jody R. Bertrand, P.E. C.F.M.

Phone No. (701) 241-1548

The items listed above are for use on all City projects. The additional items listed below are to be checked only when all or part of a project is to be special assessed:

N/A Create District (Attach Copy of Legal Description)

N/A Order Plans & Specifications

N/A Approve Plans & Specifications

N/A Adopt Resolution of Necessity

N/A Approve Escrow Agreement (Attach Copy for Commission Office Only)

N/A Assessment Map (Attach Copy for Auditor's Office Only)

ENGINEER'S REPORT
COPPERFIELD COURT / OAKCREEK FLOOD RISK MANAGEMENT PROJECT
PROJECT NO. FM-14-1
PHASE 3

Nature & Scope

The project consists of the construction of a permanent earthen levee in the Oakcreek and Copperfield Court Neighborhoods to the south of 40th Avenue South and the construction of a new gateway to control interior storm sewer run off. The project reaches are located along the east side of Cass County Drain 27 (Rose Coulee) in an area to the west of 25th Street.

Purpose

The purpose of this project is to construct a levee and gateway in the Oakcreek and Copperfield Court area to FEMA standards for future certification potential. The project will be the second to last phase for this area and will reduce the need for emergency measures in these neighborhoods. This reach will be constructed in such a manner that they will be able to be part of a future certifiable levee system and allow tie in of existing and future permanent flood protection measures.

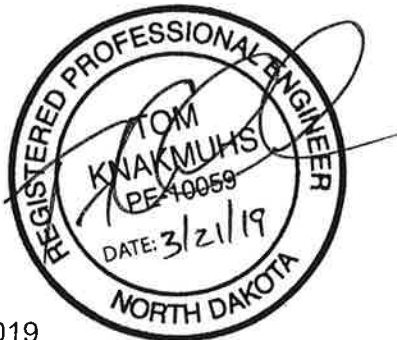
Feasibility


Estimated Construction Cost:	\$ 1,069,063.40
Engineering Fees (4%):	\$ 42,762.54
Legal, Advertising, Miscellaneous (3%):	\$ 32,071.90
Interest (4%):	\$ 42,762.54
Consulting Engineering Services:	\$ 291,961.21
Total Anticipated Project Costs:	\$ 1,478,621.59

Funding

ND.State Water Commission (50% of eligible costs)	\$ 534,531.70
Infrastructure Sales Tax Fund 460 – Balance	\$ 944,089.89

We believe this project to be cost effective.




Tom Knakmuhs, P.E.
Assistant City Engineer

March 2019

COVER SHEET
CITY OF FARGO PROJECTS

(136)

This sheet must be completed and turned in with all City of Fargo projects. NO items will be accepted by either the City Commission Office or the City Auditor's Office without this cover sheet attached and properly filled out.

Exact, full name of the Project as it will appear in the Contract:

Drain #27 Lift Station #55 & #56 Flood Risk Management Project

Project No. FM-14-7

Call For Bids	<u>April 8</u>	<u>2019</u>
Advertise Dates	<u>April 15, 22 & 29</u>	<u>2019</u>
Bid Opening Date	<u>May 15</u>	<u>2019</u>
Substantial Completion Date	<u>June 1</u>	<u>2020</u>
Final Completion Date	<u>July 1</u>	<u>2020</u>

N/A PWPEC Report (Attach Copy) – **Part of 2019 CIP**

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

X Bid Quantities (Attach Copy for Auditor's Office Only)

N/A Notice to Property Owners (Dan Eberhardt)

Project Engineer Jody R. Bertrand, P.E. C.F.M.

Phone No. (701) 241-1548

The items listed above are for use on all City projects. The additional items listed below are to be checked only when all or part of a project is to be special assessed:

N/A Create District (Attach Copy of Legal Description)

N/A Order Plans & Specifications

N/A Approve Plans & Specifications

N/A Adopt Resolution of Necessity

N/A Approve Escrow Agreement (Attach Copy for Commission Office Only)

N/A Assessment Map (Attach Copy for Auditor's Office Only)

ENGINEER'S REPORT

DRAIN #27 LIFT STATION #55 & #56
FLOOD RISK MANAGEMENT PROJECT

PROJECT NO. FM-14-7

Nature & Scope

The project consists of the construction of two storm sewer lift stations on Drain #27 adjacent to 42nd Street South which will increase pumping capacity and by elevation of the structures allow for higher operating levels for the primary flood protection line during extreme events.

Purpose

The purpose of this project is to construct two storm sewer lift stations to increase pumping capabilities due to pump size selection and produce redundancy through dual pump installations at each lift station. Both structures will be designed to have double closure gates to separate the drain and the dry side of the improvements when the water conveyance is at a high level through the drainage system. The increased structure elevations will allow for higher tie-in locations for temporary flood protection measures which are necessary during large drainage events.

Feasibility

Estimated Construction Cost:	\$ 6,491,885.40
Engineering Fees (4%):	\$ 259,675.42
Legal, Advertising, Miscellaneous (3%):	\$ 194,756.56
Interest (4%):	\$ 259,675.42
Consulting Engineering Services:	\$ 667,314.00
Total Anticipated Project Costs:	\$ 7,873,306.80


Funding

ND State Water Commission (50% of eligible costs)	\$ 3,245,942.70
Flood Sales Tax Fund 460 – Balance	\$ 4,627,364.10


We believe this project to be cost effective.



March 2019


Tom Knakmuhs, P.E.
Assistant City Engineer

14

TO: BOARD OF CITY COMMISSIONERS
FROM: KENT COSTIN, DIRECTOR OF FINANCE 
RE: REFUNDING IMPROVEMENT REFUNDING BONDS SERIES 2010(C) REDEMPTION
DATE: APRIL 2, 2019

Refunding Improvement Refunding Bonds, Series 2010(c) are callable any time after May 1, 2019 based upon the current structure of the bonds outstanding.

We have the ability pay off the 2027 maturity early based upon the fund balance in this debt service fund. Springsted Inc., our financial advisor is recommending that we call these bonds and pay off this maturity on May 1, 2019 totaling \$1,335,000.

A copy of the early redemption notice is included.

Suggested Motion:

Authorize early redemption of the 5/1/2027 term bond maturity from the Refunding Improvement Refunding Bonds, Series 2010C totaling \$1,335,000.

NOTICE OF CALL FOR REDEMPTION

CITY OF FARGO
CASS COUNTY, NORTH DAKOTA

REFUNDING IMPROVEMENT REFUNDING BONDS, SERIES 2010C

NOTICE IS HEREBY GIVEN that by order of the City Commission of the City of Fargo, Cass County, North Dakota, there have been called for redemption and prepayment on

May 1, 2019

outstanding bonds of the City designated as REFUNDING IMPROVEMENT REFUNDING BONDS, SERIES 2010C, dated May 25, 2010, having a stated maturity date of May 1, 2027, and totaling \$1,335,000 in principal amount, as set forth below:

<u>Maturity Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP Number</u>
2027 Term Bond	\$1,335,000	4.000%	30747MF43

Other maturities of the Series 2010C Bonds are not included in this call. The Bonds are being called at a price of par, plus accrued interest to May 1, 2019, on which date all interest on said Bonds will cease to accrue. Registered Owners of the Bonds hereby called for redemption are requested to present their Bonds for payment at the office of the Bond Registrar, the City of Fargo Director of Finance, City of Fargo, 200 North Third Street, Fargo, North Dakota 58102, on or before May 1, 2019.

Important Notice: Under the Interest and Dividend Compliance Act of 1983, 31% will be withheld if tax identification number is not properly certified.

Dated: March 28, 2019

BY ORDER OF THE CITY COMMISSION
OF THE CITY OF FARGO, NORTH DAKOTA

/s/ Steve Sprague
City Auditor,
as Bond Registrar

(15)

TO: BOARD OF CITY COMMISSIONERS
FROM: KENT COSTIN, DIRECTOR OF FINANCE *KAC*
RE: RESTRUCTURE US BANK, NA LOAN, SERIES 2014A
DATE: APRIL 3, 2019

The City of Fargo established a loan with US Bank, NA to fund City building projects in 2013 - 2016 used primarily on the Fargo Cass Public Health relocation and remodeling project. The original amount of the note was \$6 million.

The original amount and structure of the note was set up during a time-period when City was receiving more state aid from sales tax than we had in the past as this revenue source escalated for several years due to the strength of the ND economy. We established this construction loan as a cushion in the event that state aid might decline back to past levels. Ironically, that is just what happened during 2015-2018. During that time, our state aid in our General Fund declined from a peak in 2014 of \$8.7 million, down to \$5.7 million in 2017.

The existing bank loan is a variable interest rate loan containing a four-year payment schedule and a balloon payment that matures on May 1, 2019. Based upon the trajectory of our state aid payments we anticipated the need to restructure this note at maturity as part of our overall capital financing plans.

Finance staff negotiated renewal and restructuring terms for the existing balance of the note of \$3,760,000 and are recommending a new amortization term of ten years with a 2.89% fixed interest rate.

Suggested Motion:

Approve the refinancing and restructuring of terms on an existing US Bank, NA construction loan authorizing the Mayor and City Auditor to execute loan modification agreements.

CITY OF
Fargo Fire Department

16

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: FIRE CHIEF STEVE DIRKSEN

DATE: APRIL 2, 2019

SUBJECT: RFP FOR ROOF REPLACEMENT AT FIRE STATION 4

An RFP, Ad Number 2722562, was advertised and four responses were received and opened at 2:00 PM, Monday, April 1, 2019, for the removal and replacement of the lower roof at Fire Station #4, 2701 1st Ave N.

Tecta America Dakotas provided the lowest bid for the price of \$27,936.

RECOMMENDED MOTION: Approve the contract with Tecta Americas Dakotas for the price of \$27,936.

REQUEST FOR PROPOSAL

CITY OF FARGO – FIRE DEPARTMENT

The City of Fargo is seeking proposals for Removal and Replacement of the lower roof at Fire Station 4, 2701 1st Ave N, Fargo, ND:

All proposals must be received by 2:00 pm, on April 1, 2019, at the Fire Department Office, 637 NP Ave N, Fargo, ND 58102. Proposals may be sent via email to TBinfet@FargoND.gov.

The project will entail the removal of an existing rubber membrane roof and replacing it with a fully adhered rubber roof. **(Existing insulation will be removed and replaced with insulation adhered to the roof. Concrete anchors through the existing insulation are not the preferred method).** The removal and replacement is approximately 2300 square feet. Work to be completed by July 1, 2019. Selection of a preferred firm will be based on qualification, previous experience with public projects, and cost of services.



Or

Questions can be answered by contacting:

Tim Binfet
Assistant Fire Chief
637 NP Ave N
Fargo, ND 58102
Phone: (701) 241-1540
E-Mail: TBinfet@FargoND.gov

The City of Fargo reserves the right to reject all submittals.

Client:

CITY OF FARGO AUDITOR

Account # 10003 Ad # 2722562

Phone: (701) 241-1333

Fax:

Address: 225 4TH ST N
FARGO, ND 58102

Sales Rep.:

0135 Forum Legal AdTaker

Phone: (701) 241-5504

Fax: (701) 241-5540

Email: legals@forumcomm.com

Class.: 9950 NORTH DAKOTA LEGALS

Requested By:

Start Date: 02/04/2019

End Date: 02/11/2019

Nb. of Inserts: 8

Dimensions: 1 col. x 35.00 6.5 PT LINES

Publications: inforum.com
The Forum-Fargo

Total Price: \$55.76

Paid Amount: \$0.00

Balance: \$55.76

Page 1 of 1

REQUEST FOR PROPOSAL
CITY OF FARGO
- FIRE DEPARTMENT

The City of Fargo is seeking proposals for Removal and Replacement of the lower roof at Fire Station 4, 2701 1st Ave N, Fargo, ND:

All proposals must be received by 2:00 pm, on April 1, 2019, at the Fire Department Office, 637 NP Ave N, Fargo, ND 58102. Proposals may be sent via email to TBinfet@FargoND.gov.

The project will entail the removal of an existing rubber membrane roof and replacing it with a fully adhered rubber roof. The removal and replacement is approximately 2300 square feet. Work to be completed by July 1, 2019. Selection of a preferred firm will be based on qualification, previous experience with public projects, and cost of services. Picture of area to be replaced is available upon request.

Or
Questions can be answered by contacting:

Tim Binfet
Assistant Fire Chief
637 NP Ave N
Fargo, ND 58102
Phone: (701) 241-1540
E-Mail: TBinfet@FargoND.gov

The City of Fargo reserves the right to reject all submittals.
City Auditor's Office
(February 4 & 11, 2019) 2722562




Public Health
Prevent. Promote. Protect.
Fargo Cass Public Health

17

FARGO CASS PUBLIC HEALTH
1240 25th Street South
Fargo, ND 58103-2367
Phone 701-241-1360
Fax 701-241-1366
FargoCassPublicHealth.com

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: DESI FLEMING 
DIRECTOR OF PUBLIC HEALTH

DATE: MARCH 21, 2019

RE: CONTRACT WITH THE NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES FOR MOBILE OUTREACH PROGRAM CONTRACT NO. #810-11191 CFDA NO. N/A, \$290,000

This is a request to approve the attached Purchase of Service Agreement with the North Dakota Department of Human Services, Behavioral Health Division for mobile outreach program. The reimbursement shall be \$24,166 per month except December, which will be \$24,174. Total payment will not exceed \$290,000.

The following budget adjustments are required for this contract:

2019 Revenue:		
NDDHS Detox	101-0000-334-10-18	\$290,000
2019 Expense:		
Temp Seasonal	101-6013-451-14-00	\$233,073
Health Ins	101-6013-451-20-01	\$ 19,602
Dental Ins	101-6013-451-20-03	\$ 1,348
LT Disability	101-6013-451-20-04	\$ 373
FICA	101-6013-451-21-01	\$ 13,977
Medicare	101-6013-451-21-02	\$ 3,272
Pension	101-6013-451-22-04	\$ 15,355
Fuel	101-6013-451-62-10	\$ 3,000

If you have questions, please contact Desi Fleming at 241-1380.

Suggested Motion: Move to approve the contract with the North Dakota Department of Human Service for substance abuse prevention.

DF/lls
Enclosure






Public Health
Prevent. Promote. Protect.
Fargo Cass Public Health

FARGO CASS PUBLIC HEALTH
1240 25th Street South
Fargo, ND 58103-2367
Phone 701-241-1360
Fax 701-241-1366
FargoCassPublicHealth.com

18

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: DESI FLEMING 
DIRECTOR OF PUBLIC HEALTH

DATE: MARCH 29, 2019

**RE: AGREEMENT FOR SERVICES WITH NORTH DAKOTA
DEPARTMENT OF HEALTH FOR STEPPING ON
WORKSHOPS FOR \$2,500.00**

The attached agreement for services is for Stepping On falls prevention workshops presented to seniors by public health nursing staff.

The following budget adjustment is needed:

2019 Expenses:

General Supplies	101-6020-451-61-40	\$1,250
Food	101-6020-451-63-20	\$1,250

2019 Revenue:

Health Maintenance	101-0000-345-10-10	\$2,500
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If you have any questions, please feel free to call me at 241.1380.

Suggested Motion: Move to approve the contract agreement with the North Dakota Department of Health Stepping On workshops.

DF/lls
Enclosure



March 25, 2019

Fargo Cass Public Health
1240 25th Street South
Fargo, ND 58103

Dear Suzanne,

Thank you for agreeing to provide Stepping On workshops within the state of North Dakota. The North Dakota Department of Health will reimburse you for expenses incurred related to the Stepping On falls prevention workshop which begins on April 10, 2019. The maximum reimbursement allowed is up to \$2,500.

Allowable expenses include: printing of paper materials for participants, folders or binders for participant materials, weights, room rent, postage and a healthy snack for each class such as bananas, apples, grapes, string cheese, crackers, and pretzels.

Please sign and date this letter and return to me. Please provide an invoice for any expenses upon completion of the seven-week workshop. Also, include receipts of all items purchased which you are seeking reimbursement for. You may contact me at 701.328.4537 or mslag@nd.gov, if you have any questions regarding reimbursement.

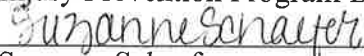
Please remember to follow the Stepping On evidence-based program as it is designed such as two-hour sessions once per week for seven weeks with a three-month booster session.

We are very much looking forward providing this evidence-based fall prevention service for the seniors of North Dakota.

Sincerely,



Mandy Slag, RN, BSN
Injury Prevention Program Director


Suzanne Schaefer

3/26/2019

Date


Director of Public Health

3/26/2019

Date

Mayor, City of Fargo

Date

Deanna Askew, Director, Division of Injury and Violence Prevention

Date

cc: NDDoH, Division of Accounting

Community & Health Systems	Family Health & Nutrition	Health Promotion	Injury & Violence Prevention	Special Health Services
701.328.2306	701.328.2496	701.328.2367	701.328.4536	701.328.2436
800.280.5512 (N.D.)	800.472.2286 (N.D.)	800.280.5512 (N.D.)	800.472.2286 (N.D.)	800.755.2714
701.328.2036 (Fax)	701.328.1412 (Fax)	701.328.2036 (Fax)	701.328.1412 (Fax)	701.328.1645 (Fax)



April 26, 2019

Honorable Board of City Commissioners
City Hall
225 4th St N
Fargo ND 58102

Commissioners:

One RFP was received March 15, 2019, to provide contract assistance for our Residential Brush Chipping Program.

<u>Contractor</u>	<u>Cost per hour for 2019</u>
Cougar Tree Care, Inc.	\$96.00 (approximately \$75,000 - \$100,000 for the 26-week contract)

Funding has been included in the annual forestry budget.

Recommended motion:

Move to approve the Residential Brush Chipping Program assistance contract (RFP19038), with up to a four (4) year negotiated extension, to Cougar Tree Care, Inc.

Your approval of this request is appreciated.

Sincerely,

Scott Liudahl
City Forester

Cc: Ben Dow
Bruce Grubb
Kent Costin

Commission 2019 contract chipping.doc

I. Agreement

This agreement is between the City of Fargo (City) and Cougar Tree Care, Inc. (Contractor) to provide brush-chipping services for the City. This agreement shall commence upon signing by both parties and expire on December 31, 2019. The terms of this agreement may be extended, if accepted and signed by the Contractor and City, for four (4) additional one (1) year extensions, provided the negotiated extension is signed by parties on or before January 1st of the contract year.

II. Scope of Services Summary

Work shall include all labor, materials, equipment, supplies and services required for brush chipping operations in accordance with forestry department specifications. Contractor must comply with all State, Federal and Local laws, regulations and ordinances applicable to the operation of Contractor's equipment.

III. Responsibility of the City

City shall oversee the execution of this agreement and disbursing of funds.

IV. Contractor's Compensation and Method of Payment

Partial billing is acceptable at any time. City will compensate Contractor per proposal price.

V. Termination of the Agreement

This contract may be terminable at will by either party after giving ten (10) days written notice to the other party.

VI. Assignability

This agreement will not be assigned or transferred by Contractor to another party without the prior written consent of the City.

VII. Hold Harmless and Insurance

Contractor agrees to indemnify and hold City harmless from any and all claims, demands or causes of action resulting from the provision of services as described in this contract. Contractor's employees must be covered by North Dakota's Workers Compensation. Contractor shall carry appropriate liability insurance coverage, including but not limited to Commercial General Liability Insurance in the amount of \$1,000,000 per person, \$500,000 per accident, and property damage in the amount of \$300,000 per accident. Contractor shall provide City a Certificate of Insurance naming the City of Fargo as an additional insured, and such insurance must be maintained during the term of this Agreement and any extension agreed to thereafter.

VIII. Contractor Records

Contractor shall maintain accurate and updated records of all reimbursable services provided to City under the terms of this agreement, and shall record the date such services are provided. Such records shall conform to generally recognized accounting principles. The City, or its authorized representatives, shall have access to any records of Contractor pertinent to the agreement.

IX. Monitoring and Evaluation

City may monitor and evaluate Contractor progress and performance to assure that the terms of this agreement are being satisfactorily met. Contractor shall cooperate with City relating to such monitoring and evaluation.

X Page 146 **Independence of Recipient**

Contractor is not the agent or employee of City. Contractor is solely responsible for its acts and the acts of its agents, employees and subcontractors.

XI. Conflict of Interest

Contractor agrees that it does not have any undisclosed influence or relationship with City staff regarding the award or performance of this contract.

XII. Entire Agreement

This agreement constitutes the entire agreement between the parties.

XIII. Law

This Agreement shall be construed under and in accordance with the laws of the State of North Dakota.

XIV. Time of the Essence

Time is of the essence of all provisions of this Agreement except as may be otherwise specifically stated herein.

XV. Third Parties

There are no third-party beneficiaries of this Agreement and except by way of assignment, no third party may acquire any rights or incur any liabilities hereunder.

XVI. Headings

The subject headings of the paragraphs of this agreement are included for purposes of convenience only, and shall not affect the construction or interpretation of any of its provisions.

Date: 3/15/2019

CONTRACTOR

Cougar Tree Care Inc.

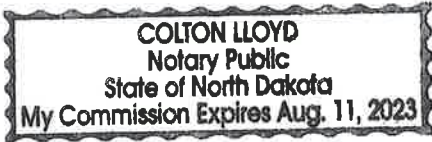
James Danielson
Subscribed and sworn before me this
15th day of March, 2019
Colton Lloyd
Notary Public
Cass County, North Dakota
My Commission Expires _____

(signature)

[Signature]

By (printed name): James Danielson

Its (title): President



Date: _____

CITY OF FARGO, North Dakota, a North
Dakota Municipal Corporation

Timothy J. Mahoney, Mayor

ATTEST:

Steve Sprague, City Auditor

April 8, 2019

Honorable Board of City Commissioners
City Hall, 225 4th St N
Fargo, ND 58102

Commissioners:

Rainbow Tree Company (RTC) recently contacted forestry regarding a research project that they are considering with Xcel Energy on one of their circuits in Fargo. RTC has been collaborating with Xcel around the country for several years on their vegetation management program.

American elms sucker (typically fast and aggressive re-growth) back into the primary lines quickly after pruning. RTC will test the tree growth regulator, Cambistat, on approximately 50 elm trees in an attempt to better manage this vigorous re-growth.

Proposed locations are 9th St S, 1st to 13th Ave; 17th and 18th Ave S, 5th to 11th St. RTC will handle notifications, with an opportunity for the adjacent property owner to opt out. Each tree will be tagged.

There are minor risks. Phytotoxicity (plant injury) can occur when a material is applied improperly or applied during adverse environmental conditions, and there is potential for minor turf dieback at the application site. However, RTC has a track record of safely and effectively utilizing this product that has been in the utility industry for over two decades. A benefit of the product is that it can stimulate fine root development, and allow better uptake of water and nutrients.

After the growth regulators are applied this spring via soil injection, RTC will work with Xcel crews to collect data for up to three years to compare growth on untreated control trees.

Nancy Morris has reviewed the attached agreement. At their February 14, 2019 meeting, the Utility Committee supported the project.

Recommendation:

Move to approve the 3-year research project partnership, and agreement, with Rainbow Tree Company.

Your approval of this request is appreciated.

Sincerely,



Scott Liudahl
City Forester

Cc: Ben Dow
Bruce Grubb
Kent Costin

commission2019RainbowTreeCompany.doc

REPORT OF ACTION
UTILITY COMMITTEE

Project No. N/A

Type: Agreement with Rainbow Tree Company
- growth regulator applicationLocation: 9th St S, 1st to 13th Ave; 17th and 18th Ave S, 5th to 11th St

Date of Hearing: 2/14/2019

RoutingCity Commission
Project FileDate04-8-2019

Scott Liudahl, City Forester, presented the attached memo regarding a proposed research project with Rainbow Tree Company (RTC) and Xcel Energy on one of their main circuits in Fargo. Rainbow has been collaborating with Xcel around the country for several years on their vegetation management program.

American elms sucker (typically fast and aggressive re-growth) back into the primary lines quickly after pruning. RTC will test a tree growth regulator on approximately 50 elm trees in an attempt to better manage this vigorous re-growth. Xcel plans to re-prune some of the boulevard elms this winter and RTC would like to apply the growth regulator in the spring when soil conditions are appropriate.

The product, Cambistat, is typically applied through soil injection at the base of the tree. After the growth regulators are applied, RTC will work with Xcel crews to collect data for up to three years to compare growth on untreated control trees.

MOTION:

On a motion by Ben Dow, seconded by Bruce Grubb, the Utility Committee voted to approve and support the project.

<u>COMMITTEE:</u>	Present	Yes	No	Unanimous	X
					<u>X</u> _____
					Proxy _____
Anthony Gehrig, City Commissioner	_____				
Kent Costin, Director of Finance	X				
Brian Ward, Water Plant Supt.	X				
Mark Miller, Wastewater Plant Supt.	X				
Bruce Grubb, City Administrator	X				
Scott Liudahl, City Forester	X				
Terry Ludlum, Solid Waste Utility Director	X				
Jim Hausauer, Wastewater Utility Director	X				
Troy Hall, Water Utility Director	X				
Ben Dow, Public Works Operations Director	X				
Tom Knakmuhs, Assistant City Engineer	X				

ATTEST:

Scott Liudahl
City Forester, Public Works

Date: 2/14/19
To: Utility Committee
From: Scott Liudahl, City Forester
RE: Proposed Rainbow Treecare Scientific Advancements, Inc. project – growth regulator application

In November, I was contacted by Blake Thilmony and Arborologist Don Mueller of Rainbow Treecare Scientific Advancements, Inc., a division of Rainbow Tree Company, regarding a research project that they are considering with Xcel Energy on one of their circuits in Fargo. Rainbow has been collaborating with Xcel around the country for several years on their vegetation management program.

American elms sucker (typically fast and aggressive re-growth) back into the primary lines quickly after pruning. Rainbow will test a tree growth regulator on approximately 50 elm trees in an attempt to better manage this vigorous re-growth. Rainbow has a track record of safely and effectively regulating tree growth with the product Cambistat. Xcel plans to re-prune some of the boulevard elms this winter and Rainbow would like to apply the growth regulator in the spring when soil conditions are appropriate.

Cambistat is typically applied through soil injection at the base of the tree, will be applied within label requirements, and has been screened for phytotoxicity (plant injury) on elm. After the growth regulators are applied, Rainbow will work with Xcel crews to collect data for up to three years to compare growth on untreated control trees.

Nancy Morris is currently reviewing the attached agreement.

Details:

- 50 American elms
- Location: 9th St S, 1st to 13th Ave; 17th and 18th Ave S, 5th to 11th St
- Preferred 3 year pruning cycle, but Xcel is needing to come back for a mid-cycle pruning
- Product: Cambistat (Paclobutrazol)
- 5 sets of 10 – 1) water/control, 2) standard Cambistat, 3),4), and 5) – slightly different variations
- Application method – soil injection w/power backpack
- Rainbow would handle neighborhood notifications, with opportunity to opt out
- Tag each tree
- Phytotoxicity - can occur when a material is applied improperly, or applied during adverse environmental conditions
- Risks - turf dieback at application site
- Stimulates fine root development – better uptake of water and nutrients

Recommendation:

Move to approve the 3-year research project partnership, and agreement, with Rainbow Treecare Scientific Advancements, Inc.

utility committee meeting 2-14-19 Xcel-Rainbow.doc

Greetings neighbor,

XCEL ENERGY IS PARTNERING WITH THE CITY OF FARGO TO RESEARCH THE IMPACT OF A TREE GROWTH REGULATOR ON CITY-OWNED TREES

Xcel Energy is always striving for ways to provide our customers with reliable power at the lowest cost. Utilities are required to keep vegetation – such as trees – away from power lines. Pruning thousands of trees every year requires a large investment of time and resources. Currently, Xcel Energy is researching ways to better manage vegetation near powerlines. The results of this research could have benefits that may include reduced ongoing maintenance costs and/or even reduced frequency of future work.

One idea Xcel Energy, the City of Fargo, and Rainbow Treecare Scientific Advancements are working together on is to administer a tree growth regulator on trees that are growing near power lines and measuring the impact. Tree growth regulators have been used by power companies and commercial tree care companies for over 20 years. The active ingredient, paclobutrazol, inhibits the formation of gibberellin, a plant hormone that promotes cell elongation. As a result, the growth of the tree may be slowed. Existing research suggest about a 50% reduction in growth rate over 3-4 years may be obtainable.

Research also suggests that in addition to slowing growth, leaves may be greener and the canopy may appear denser. Trees may also realize enhanced fine root development used in the uptake of water and nutrients potentially leading to an increased tolerance to drought. The effects of the growth regulator application gradually fade over time and the growth rates prior to the initial application are expected to return within three – four years.

We have identified boulevard trees adjacent to your property that will be part of this program. Treatments will begin in early spring of 2019 and evaluations may occur throughout the growing season. Later this spring or summer you also may receive additional communications from Xcel Energy describing upcoming tree work, as the treated trees also will be pruned this year.

If you have questions about this program or which trees will be treated, please call Blake with Rainbow Treecare Scientific Advancements at 952-252-0549. If you have questions about any other aspects of Xcel Energy's Vegetation Management program, please call William Schumal at 952-380-2682.

Note: If you wish to **not** have the boulevard trees adjacent to your property included in the program, please email bthilmony@treecarescience.com and City Forester Scott Liudahl, sliudahl@fargond.gov by April 26, 2019, to opt out.



Tree Growth Regulator Application Agreement - Rainbow Tree Company

This Agreement is between the City of Fargo (City), a North Dakota Municipal Corporation, and Rainbow Tree Company (Contractor), a Minnesota S Corporation. This Agreement shall commence on April 1, 2019. The initial term of this Agreement will be for three (3) years through December 31, 2021, but may be extended, if accepted and signed by the Contractor and City, for two (2) additional one (1) year extensions. For good and valuable consideration, hereby acknowledged, the parties agree as follows:

I. Scope of Services Summary

Contractor will apply the tree growth regulator Cambistat on up to 50 American elms located along 9th St S, 1st to 13th Ave; 17th and 18th Ave S, 5th to 11th St., Fargo, ND. Contractor is collaborating with Xcel Energy in an attempt to find various combinations of the growth regulator that can lengthen pruning cycles by reducing re-growth of aggressively growing trees near their overhead electrical conductors. Work shall include all labor, materials, equipment, supplies and services required for the growth regular application via soil injection. The Contractor will coordinate with the City and Xcel Energy to collect growth data on annual intervals for three years post application of the tree growth regulator. Contractor will make a reasonable effort to notify adjacent property owners in advance. This will include a door hanger with a summary of the project, contact information, and a written opportunity with a deadline to opt out if they choose. Contractor will comply with all State, Federal and Local laws, regulations and ordinances applicable to the operation of Contractor's equipment.

II. Termination of the Agreement

This contract is terminable by either party upon ten (10) days written notice to the other party.

Notices as to City:

Scott Liudahl
402 23rd St N
Fargo, ND 58102
sliudahl@fargond.gov

Notices as to Contractor:

Blake Thilmony
11571 K-Tel Drive
Minnetonka, MN 55343
bthilmony@treecaescience.com

III. Hold Harmless and Insurance

Contractor agrees to indemnify and hold City harmless from any and all claims, demands or causes of action resulting from the provision of services as described in this contract. Contractor must provide a Certificate of Workers Compensation Coverage (as required) and possess a current ND Contractors License. Contractor shall carry appropriate liability insurance coverage, including but not limited to General Commercial Liability Insurance in the amount of \$1,000,000 per person, \$500,000 per accident, and property damage in the amount of \$300,000 per accident. Contractor shall provide City a Certificate of Insurance naming the City of Fargo as an additional insured, and such insurance must be maintained during the term of this Agreement and any extension agreed to thereafter. Contractor must possess and maintain a current and valid ND Commercial Applicators License throughout the project. Contractor is solely responsible for its acts and the acts of its agents, employees and subcontractors. Contractor shall make every attempt to protect all public and private property adjacent to the work sites. Any damage to public or private property shall be the sole responsibility of the Contractor and shall be repaired to the satisfaction of the City and adjacent property owner.

IV. Contractor Records

Contractor shall maintain accurate and updated records of: 1) date of application, 2) address, 3) product details. The City, or its authorized representatives, shall have access to any records of Contractor pertinent to the Agreement.

V. Governing Law

This Agreement will be construed and enforced in accordance with North Dakota law. The parties agree any litigation arising out of this Agreement will be venued in District Court in Cass County, North Dakota, and the parties waive any objection to personal jurisdiction.

VI. Entire Agreement

This Agreement, together with any related documents, as well as any amendments to those agreements and documents, constitutes the entire agreement between the parties regarding the matters described in this Agreement.

VII. Modifications

Any modifications or amendments of this Agreement must be in writing and signed by both parties to this Agreement.

IN WITNESS WHEREOF, the undersigned enter into this agreement.

Date: April 1, 2019

CONTRACTOR- Rainbow Tree Company

(signature) David Anderson

By (print name): David Anderson

Its (title): Director, Product Development

Date: _____

CITY OF FARGO, North Dakota, a North
Dakota Municipal Corporation

Dr. Timothy J. Mahoney, M.D., Mayor

ATTEST:

Steve Sprague, City Auditor



(21)

FARGO POLICE DEPARTMENT

222 Fourth Street North, Fargo, North Dakota 58102

David E. Todd, Chief of Police

March 25, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

RE: Acceptance of Sam's Club Grant

Dear Commissioners:

The Sam's Club Community Grant Program provides grants to local organizations, to include "a recognized government entity: state, county, or city agency, including law enforcement or fire departments, that are requesting funds exclusively for public purposes."

The Fargo Police Department was recently awarded a grant of \$1000.00 from the Fargo Sam's Club to assist our Community Trust Officers with the expenses related to their community outreach programs.

The Community Trust Officers conduct various outreach events throughout the year, to include: Cocoa with a Cop, Cool Off with a Cop and Fargo United. These events all have the goal of building trust between the community and law enforcement, opening lines of communication, and strengthening the community.

The grant funds would be used to support the outreach program's costs, including food, portable toilet rentals, venue rentals, entertainment (bouncy houses, performers, dunk tanks, games), etc.

There is no local match requirement for this grant.

Recommended Motion:

Acceptance of the Sam's Club Community Grant Program Award of \$1000.00 to the Fargo Police Department. Adjust the Police Department 2019 budget 101-5025-411-38-99 by \$1000.00.

Please contact me if you have any questions or concerns relative to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "David Todd".

David Todd
Chief of Police

ADMINISTRATION
Phone: 701-241-1427
Fax: 701-297-7789

INVESTIGATIONS
Phone: 701-241-1405
Fax 701-241-1407

RECORDS
Phone: 701-241-1420
Fax: 701-241-8272


NON EMERGENCY
Phone: 701-235-4493

22a-d

Division of Solid Waste

2301 8th Avenue North
 Fargo, North Dakota 58102
 Phone: 701-241-1449
 Fax: 701-241-8109

MEMORANDUM

To: City Commission
From: Terry Ludlum, Solid Waste Utility Director 
Date: April 3, 2019
Subject: Change Orders – SW 16-03 Phase II Landfill Gas Expansion Project

On October 8, 2018, the Commission approved the award of Project SW16-03 Phase II in a *Multiple Prime Contractor* format. The landfill gas expansion project was awarded to *Gast Construction Company Inc., Robert Gibb & Sons, and Rickard Electric Inc.* Construction on the project began in October 2018, and is scheduled for completion and startup June 2019. Awarded contract bid prices are as follows:

Contract	Contractor	Bid Price
General Contractor (GC)	Gast Construction Co.	\$580,322.00
Mechanical Contractor (MC)	Robert Gibb & Sons	\$699,950.00
Electrical Contractor (EC)	Rickard Electric	\$534,830.00
	Total	\$1,815,102.00

With previous Change Order approval, the current contract amounts would be as follows:

Contract	Contractor	Bid Price
General Contractor (GC)	Gast Construction Co.	\$597,596.95
Mechanical Contractor	Robert Gibb & Sons	\$702,015.00
Electrical Contractor	Rickard Electric	\$531,259.31
	Total	\$1,830,871.20

The following table shows the overall cost summary of the recommended changes by the contractors during this approval period (monthly):

Change Order	Contractor	Change Order Cost
MC – No. 3	Robert Gibb & Sons	\$1,734.00
MC – No. 4	Robert Gibb & Sons	\$ 378.00
MC – No. 5	Robert Gibb & Sons	\$3,617.00
EC – No. 3	Rickard Electric	\$4,480.76
	Total	\$10,209.76

With Change Order approval, the updated contract amounts would be as follows:

Contract	Contractor	Bid Price
General Contractor (GC)	Gast Construction Co.	\$605,276.89
Mechanical Contractor	Robert Gibb & Sons	\$707,744.00
Electrical Contractor	Rickard Electric	\$535,740.07
	Total	\$1,848,760.96

To date, change orders have totaled 1.9 % of total construction costs.

Detailed Summary of Change Orders

The project cost impact due to **Mechanical Contractor** recommended changes are as follow:

No. 3: Contractor required to modify outlet piping from Siloxane Removal System to the floor penetration.

Cost: \$1,734.00

Reason: Unanticipated modification to ensure emergency exit access throughout facility.

No. 4: Contractor asked to modify pipe system penetrations in west wall due to alignment with load-bearing column under original design.

Cost: \$378.00

Reason: Modification required for structural load bearing needs.

No. 5: Contractor was required to replace 6-inch diameter backflow preventer with an 8-inch backflow preventer on fire suppression system to meet design required safety factor.

Cost: \$3,617.00

Reason: Design modification as required by building code.

The project cost impact due to **Electrical Contractor** recommended changes are as follow:

No. 3: Contractor asked to provide 480 VAC, 3 Phase power for the future installation of owner provided electric heaters in the gas compression building.

Cost: \$4,480.76

Reason: City requested

Process for Amending the Contract Documents; Changes in the Work

As provided in **Article 11 of Project SW16-03 Specifications**, and to avoid substantial construction schedule delays, *Work Change Directives (WCD)* were issued for the additional work. Acceptance of *WCDs* by Solid Waste (City) staff are provided after review and negotiation of contractor recommended work through contractor provided *Proposal Requests*. *WCDs* have been incorporated into subsequent *Change Orders* through formal Utility Committee and City Commission approval on this project.

Recommendation

Approve the contract *Change Orders* with Robert Gibb & Sons (Mechanical Contractor), and Rickard Electric (Electrical Contractor), on Project SW16-03 Phase II Landfill Gas Expansion Project.

Date of Issuance: <u>March 13, 2019</u>	Effective Date: <u>March 13, 2019</u>
Owner: <u>City of Fargo Division of Solid Waste</u>	Owner's Contract No.: <u>SW 16-03</u>
Contractor: <u>Robert Gibb & Sons</u>	Contractor's Project No.: <u></u>
Engineer: <u>Wenck Associates Inc.</u>	Engineer's Project No.: <u>0208-0140</u>
Project: <u>Landfill Gas Compression System Expansion</u>	Contract Name: <u></u>

The Contract is modified as follows upon execution of this Change Order:

Description: Contractor shall modify the outlet piping from the Siloxane Removal System skid to the floor penetration. Piping shall be routed from the east face of the Tee fitting on the Siloxane Removal System Nozzle TP-850 (Willexa Drawing FARGO-GA-01). Piping modification and installation shall be completed in accordance with the sketch provided by Robert Gibb & Sons (attached).

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ <u>699,950.00</u>	Original Contract Times: Substantial Completion: <u>June 30, 2019</u> Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>2</u> : \$ <u>2,065.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: <u>No Change</u> Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>702,015.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 30, 2019</u> Ready for Final Payment: _____ days or dates
[Increase] [Decrease] of this Change Order: \$ <u>1,734.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>No Change</u> Ready for Final Payment: <u>No Change</u> days or dates
Contract Price incorporating this Change Order: \$ <u>703,749.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>No Change</u> Ready for Final Payment: <u>No Change</u> days or dates

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: _____	By: _____	By: _____	By: _____	By: _____	By: _____
<i>Matt Dearly</i>				<i>Tom Singhman</i>	
_____	_____	_____	_____	_____	_____
Engineer (if required)	Owner (Authorized Signature)	Owner (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: _____	Title: _____	Title: _____	Title: <u>Estimator/Project Manager</u>	Title: _____
Date: <u>March 13, 2019</u>	Date: _____	Date: _____	Date: _____	Date: <u>March 18, 2019</u>	Date: _____



205 40th Street Southwest
PO Box 10188 (58106)
Fargo, North Dakota 58103
Phone: 701.282.5900
Fax: 701.281.0819

March 12, 2019

Mr. Randy Hanson
Project Manager
Wenck
1800 Pioneer Creek Center
Maple Plain, MN 55359

RE: Fargo Landfill Gas Compression System Expansion, Project NO. SW-16-03
Revised Piping for the Siloxane Skid Outlet

Dear Randy,

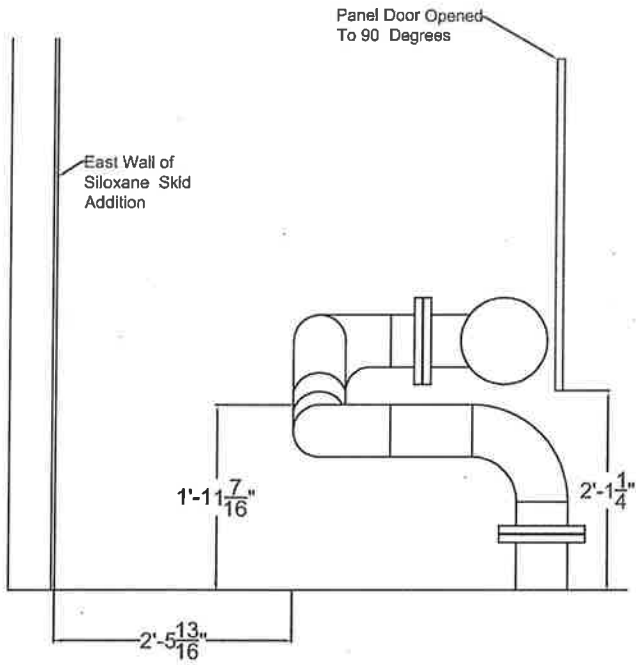
Please find list below our cost associated with revising the outlet piping from the siloxane skid.

Material:		
	Fittings	\$ 193
	Tax:	\$ 14
Labor:		<u>\$ 1,370</u>
	Sub Total:	\$ 1,577
	Overhead/Profit	\$ 157
	Total:	<u>\$ 1,734</u>

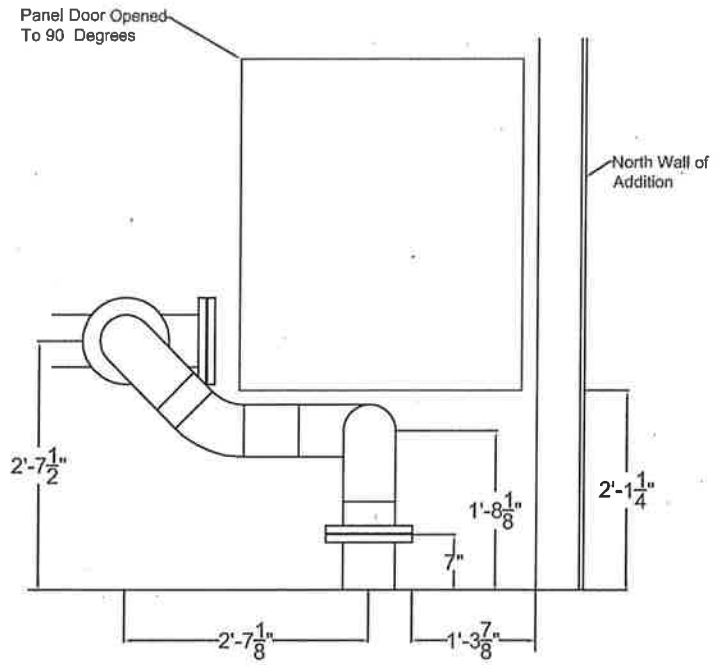
If you have any questions please feel free to contact our office at 701.282.5900.

Sincerely,
ROBERT GIBB & SONS

Tim Singelmann
Tim Singelmann



View Facing South



View Facing West

Date of Issuance: <u>March 19, 2019</u>	Effective Date: <u>March 19, 2019</u>
Owner: <u>City of Fargo Division of Solid Waste</u>	Owner's Contract No.: <u>SW 16-03</u>
Contractor: <u>Robert Gibb & Sons</u>	Contractor's Project No.: <u></u>
Engineer: <u>Wenck Associates Inc.</u>	Engineer's Project No.: <u>0208-0140</u>
Project: <u>Landfill Gas Compression System Expansion</u>	Contract Name: <u></u>

The Contract is modified as follows upon execution of this Change Order:

Description: Contractor shall install steel plates and a pipe sleeve for the pipe penetration for line LFG-107-6"-1S4 from Moisture Separator V-114 to the Flare Nozzle N1A. Steel plates and sleeve to be installed since the pipe penetration is aligned with one of the columns on the west of the existing building. Contractor shall install the steel plates and sleeve as shown on sketch SK-04 (attached).

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ <u>699,950.00</u>	Original Contract Times: Substantial Completion: <u>June 30, 2019</u> Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>3</u> : \$ <u>3,799.00</u>	[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___ : Substantial Completion: <u>No Change</u> Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>703,749.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 30, 2019</u> Ready for Final Payment: _____ days or dates
[Increase] [Decrease] of this Change Order: \$ <u>378.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>No Change</u> Ready for Final Payment: <u>No Change</u> days or dates
Contract Price incorporating this Change Order: \$ <u>704,127.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>No Change</u> Ready for Final Payment: <u>No Change</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u><i>Mark Dwyer</i></u>	By: _____	By: <u><i>Toni Singleton</i></u>
_____	_____	_____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title _____	Title <u>Estimator/Project Manager</u>
Date: <u>March 19, 2019</u>	Date _____	Date <u>March 19, 2019</u>



205 40th Street Southwest
PO Box 10188 (58106)
Fargo, North Dakota 58103
Phone: 701.282.5900
Fax: 701.281.0819

March 14, 2019

Mr. Randy Hanson
Project Manager
Wenck
1800 Pioneer Creek Center
Maple Plain, MN 55359

RE: Fargo Landfill Gas Compression System Expansion, Project NO. SW-16-03
RFI-M1 Response

Dear Randy,

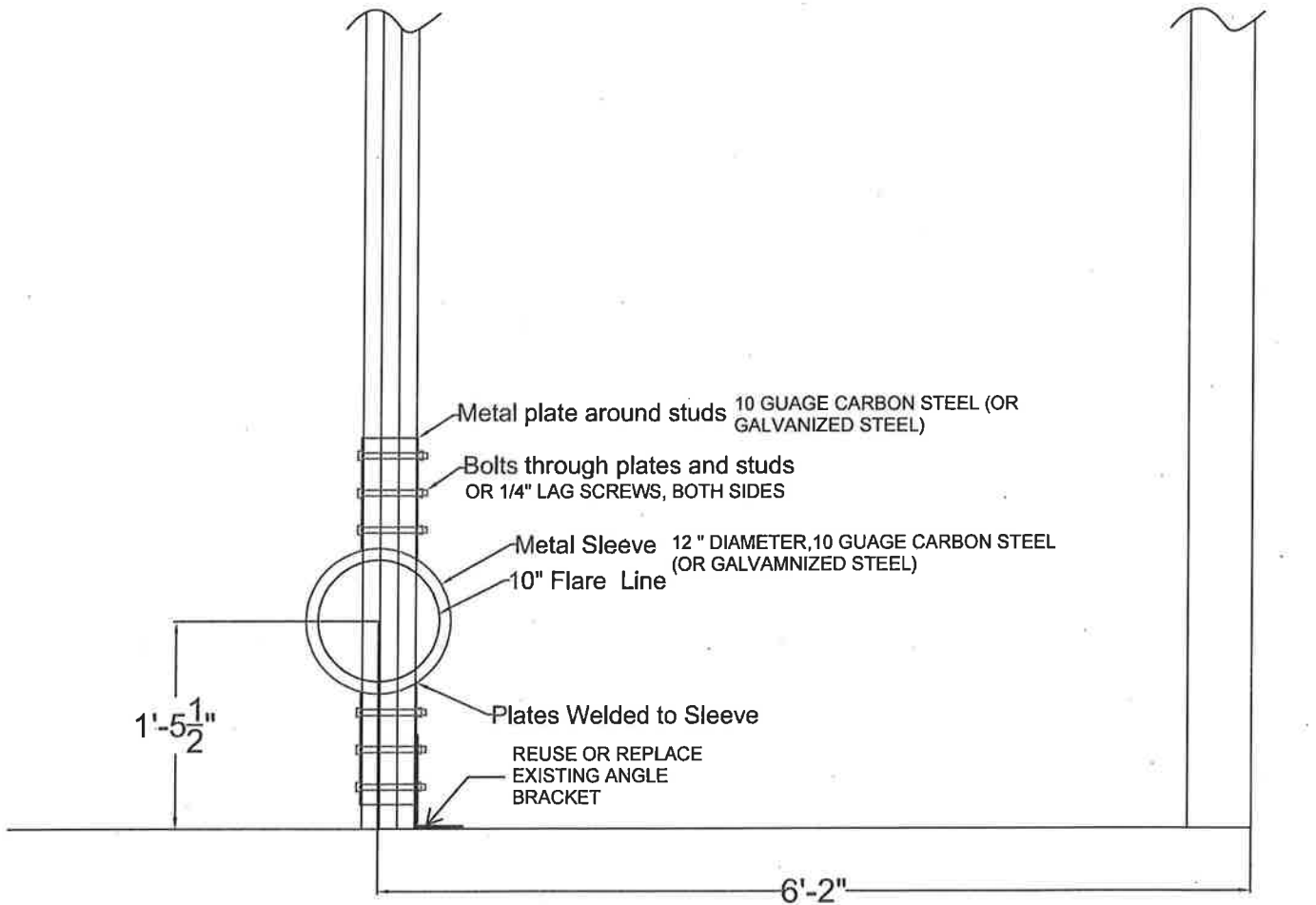
Please find list below our cost associated with RFI-M1 SK-04 West Wall Pipe Penetration, Steel Plate Alternate.

Material:	\$ 65
Tax:	\$ 5
Labor:	<u>\$ 274</u>
Sub Total:	\$ 344
Overhead/Profit	\$ 34
Total:	<u>\$ 378</u>

If you have any questions please feel free to contact our office at 701.282.5900.

Sincerely,
ROBERT GIBB & SONS

Tim Singelmann
Tim Singelmann



SK-04 - WEST WALL PIPE PENETRATION, STEEL PLATE ALTERNATE

Date of Issuance: March 26, 2019	Effective Date: March 26, 2019
Owner: City of Fargo Division of Solid Waste	Owner's Contract No.: SW 16-03
Contractor: Robert Gibb & Sons	Contractor's Project No.:
Engineer: Wenck Associates Inc.	Engineer's Project No.: 0208-0140
Project: Landfill Gas Compression System Expansion	Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: Contractor shall replace 6-inch diameter backflow preventer with and 8-inch diameter backflow preventer on the fire protection system riser to meet the safety factor of 5 psi. Contractor shall install 8"x 6" reducers as necessary for the complete installation. Contractor shall note that the interior ceiling height of the riser room will be limited to approximately 8'- 3". .

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ <u>699,950.00</u>	Original Contract Times: Substantial Completion: <u>June 30, 2019</u> Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>4</u> : \$ <u>4,177.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: <u>No Change</u> Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>704,127.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 30, 2019</u> Ready for Final Payment: _____ days or dates
[Increase] [Decrease] of this Change Order: \$ <u>3,617.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>No Change</u> Ready for Final Payment: <u>No Change</u> days or dates
Contract Price incorporating this Change Order: \$ <u>707,744.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>No Change</u> Ready for Final Payment: <u>No Change</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u><i>Mark Dandy</i></u>	By: _____	By: <u><i>Tommy Singshman</i></u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title _____	Title <u>Estimator/Project Manager</u>
Date: <u>March 26, 2019</u>	Date _____	Date <u>March 26, 2019</u>



205 40th Street Southwest
PO Box 10188 (58106)
Fargo, North Dakota 58103
Phone: 701.282.5900
Fax: 701.281.0819

March 21, 2019

Mr. Randy Hanson
Project Manager
Wenck
1800 Pioneer Creek Center
Maple Plain, MN 55359

RE: Fargo Landfill Gas Compression System Expansion, Project NO. SW-16-03
Revised Fire Protection Equipment

Dear Randy,

Please find list below our cost associated with revising the fire protection equipment changing the double check size from 6" to 8".

Nova Change:

Material: \$ 2,969

Labor: \$ 476

Sub Total \$ 3,445

Sub-Contractor Overhead/Profit \$ 172

Total: \$ 3,617

If you have any questions please feel free to contact our office at 701.282.5900.

Sincerely,
ROBERT GIBB & SONS

Tim Singelmann

Tim Singelmann

NOVA FIRE PROTECTION, INC.

304 41st Street S * Fargo, ND 58103 * Ph. 701-282-0268 * F. 701-282-0702

3/7/2019

ATTN: TIM SINGELMANN
ROBERT GIBB AND SONS
2011 GREAT NORTHERN DRIVE N
FARGO, ND 58102

Re: **CHANGE-ORDER # 1**
FARGO LANDFILL GAS COMPRESSION - FARGO, ND
Ref: **FIRE SPRINKLER CONTROL EQUIPMENT - REVISED**

SCOPE: We propose the following changes to the sprinkler system at the project referenced above:

Due to a 6" water service being installed in lieu of an 8" water service as shown on the project FP plan, a 8" backflow preventer will be required.

Items NOT included in this proposal:

N/A

Our price increase for the changes listed above is..... \$3,445.00

Acceptance: Please indicate your acceptance of this Change-Order by endorsing it below and return it to NOVA. If you have any questions please contact our office at 701-282-0268.

Respectfully,



Brent Larson
Project Manager

Accepted By: _____

Date: _____

Signature: _____

PO #: _____

Date of Issuance: March 13, 2019	Effective Date: March 13, 2019
Owner: City of Fargo Division of Solid Waste	Owner's Contract No.: SW 16-03
Contractor: Rickard Electric	Contractor's Project No.:
Engineer: Wenck Associates Inc.	Engineer's Project No.: 0208-0140
Project: Landfill Gas Compression System Expansion	Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: Electrical Work to provide 480 VAC, 3 Phase Power to three (3) electric unit heaters in the landfill gas compression building. Cabling and conduit shall meet Class 1 Division 1 Area Classification requirements. Rigid conduit and seal offs shall be included. Contractor to utilize two existing circuit breakers in Panel PP-1 and furnish and install one (1) new circuit breaker in Panel PP-1.

Contractor shall assume unit heaters will be supplied by others with local Class 1, Division 1 disconnects.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ <u>534,830.00</u>	Original Contract Times: Substantial Completion: <u>June 30, 2019</u> Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>2</u> : \$ <u>-3,570.69</u>	[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___ : Substantial Completion: <u>No Change</u> Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>531,259.31</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 30, 2019</u> Ready for Final Payment: _____ days or dates
<u>(Increase)</u> [Decrease] of this Change Order: \$ <u>4,480.76</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>No Change</u> Ready for Final Payment: <u>No Change</u> days or dates
Contract Price incorporating this Change Order: \$ <u>535,740.07</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>No Change</u> Ready for Final Payment: <u>No Change</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ <i>Mark Dandy</i>	By: _____	By: _____ <i>Andrew...</i>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title _____	Title <u>President</u>
Date: <u>March 13, 2019</u>	Date _____	Date <u>03/20/2019</u>

PROPOSAL

2926



RICKARD ELECTRIC, INC.

Electrical Contractors
1220 41st Street NW
Fargo, North Dakota 58102
(701) 281-0766 FAX (701) 282-3239

EMAIL ADDRESS: darrin@reifargo.com
WEB SITE: www.reifargo.com

TO: WENCK ASSOCIATES
3310 FIECHTNER DRIVE S
FARGO, ND 58103

PHONE: _____ DATE: 3/11/2019

JOB NAME/LOCATION
LANDFILL UNIT HTRS REV1
FARGO LANDFILL
FARGO
ND
58102

JOB NUMBER: _____ JOB PHONE: (701) 297-9600

We hereby submit an estimate for:
ELECTRICAL WORK TO PROVIDE 480V 3 PHASE POWER 3 (3) ELECTRIC HEATERS AT THE FARGO LANDFILL GAS COMPRESSION BUILDING

- WILL BE WIRED FOR A CLASS 1 DIV 1 LOCATION WITH RIGID CONDUIT AND SEAL OFFS
- INCLUDES (1) NEW BREAKER IN PANEL PP-1

*****REVISED TO REMOVE EXPLOSION PROOF DISCONNECTS FROM OUR SCOPE

WE PROPOSE hereby to furnish material and labor-complete in accordance with the above specifications, for the sum of:
FOUR THOUSAND FOUR HUNDRED EIGHTY AND 76/100 dollars (\$4,480.76)

Payment to be made as follows: UPON INVOICE

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed upon only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

Authorized

Signature

Darrin Dietrich

Note: This proposal may be withdrawn by us if not accepted within 30 days

ACCEPTANCE OF PROPOSAL-The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment to be made as outlined above.

Signature: _____

Signature: _____

Date of Acceptance: _____

25a

April 3, 2019

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Improvement District No. BN-19-B1

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, April 3, 2019, for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & Incidentals, Improvement District No. BN-19-B1, located at Grayland 1st Addition.

The bids were as follows:

Dakota Underground Co.	\$790,790.38
Dirt Dynamics	\$798,908.32
Northern Improvement Co.	\$810,534.30
FM Asphalt LLC	\$846,767.96
KPH, Inc.	\$919,347.32
Fox Underground	\$967,558.50

Engineer's Estimate	\$850,717.45
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The special assessment escrow is not required.

This office recommends award of the contract to Dakota Underground Co. in the amount of \$790,790.38 as the lowest and best bid. No protests have been received.

Sincerely,



Brenda E. Derrig, PE
City Engineer

BED/klb

ENGINEER'S STATEMENT OF ESTIMATED COST
IMPROVEMENT DISTRICT # BN-19-B1
Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & Incidentals

Grayland 1st Addition, Phase II

WHEREAS, bids have been opened and filed for the above described Improvement District for City of Fargo, North Dakota; and WHEREAS, an estimate of the cost of work is required by the engineer for the City of Fargo, North Dakota;

NOW THEREFORE Brenda E. Derrig, do hereby certify as follows:

That I am the City Engineer for the City of Fargo, North Dakota;

That the following is detailed statement of the estimated cost of the job described as:

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & Incidentals Improvement District # BN-19-B1 of the City of Fargo, North Dakota.

Line Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
Miscellaneous				
1 Clear & Grub	LS	1.00	3,500.00	3,500.00
2 Mulching Type 2 - Straw	SY	20,500.00	0.11	2,255.00
3 Seeding Type C	SY	20,500.00	0.26	5,330.00
4 Inlet Protection - Existing Inlet	EA	5.00	153.00	765.00
5 Inlet Protection - New Inlet	EA	16.00	195.00	3,120.00
6 Stormwater Management	LS	1.00	2,530.00	2,530.00
			Miscellaneous Total	17,500.00
Sanitary Sewer				
7 F&I 1-1/4" Trench Found Rock 4" thru 12" Dia	LF	1,000.00	0.01	10.00
8 F&I Pipe SDR 26 - 6" Dia PVC	LF	1,500.00	25.00	37,500.00
9 F&I Pipe SDR 26 - 8" Dia PVC	LF	1,485.00	35.00	51,975.00
10 F&I Manhole 4' Dia Reinf Conc	EA	7.00	4,100.00	28,700.00
			Sanitary Sewer Total	118,185.00
Cass Rural Water				
11 F&I Fittings C153 Ductile Iron	LB	660.00	7.00	4,620.00
12 F&I Pipe C900 DR 18 - 6" Dia PVC	LF	25.00	22.00	550.00
13 F&I Pipe C900 DR 18 - 8" Dia PVC	LF	1,475.00	28.00	41,300.00
14 F&I Hydrant	EA	3.00	4,075.00	12,225.00
15 Relocate Hydrant	EA	1.00	1,475.00	1,475.00
16 F&I Gate Valve 6" Dia	EA	3.00	1,275.00	3,825.00
17 F&I Gate Valve 8" Dia	EA	3.00	1,900.00	5,700.00
18 F&I Pipe 1" Dia Water Service	LF	1,550.00	14.00	21,700.00
19 Connect Water Service	EA	28.00	525.00	14,700.00
			Cass Rural Water Total	106,095.00
Storm Sewer				
20 F&I Manhole 4' Dia Reinf Conc	EA	4.00	2,775.00	11,100.00
21 F&I Manhole 5' Dia Reinf Conc	EA	4.00	3,550.00	14,200.00
22 F&I Manhole 6' Dia Reinf Conc	EA	1.00	5,475.00	5,475.00
23 F&I Inlet - Single Box (SBI) Reinf Conc	EA	6.00	2,075.00	12,450.00
24 F&I Inlet - Round (RDI) Reinf Conc	EA	10.00	1,325.00	13,250.00
25 Connect Pipe to Exist Structure	EA	1.00	1,200.00	1,200.00
26 F&I Pipe 12" Dia	LF	490.00	22.00	10,780.00
27 F&I Pipe 15" Dia	LF	1,140.00	27.50	31,350.00
28 F&I Pipe 15" Dia Reinf Conc	LF	460.00	34.25	15,755.00
29 F&I Pipe 24" Dia Reinf Conc	LF	250.00	51.00	12,750.00
30 F&I Pipe 27" Dia Reinf Conc	LF	210.00	67.25	14,122.50
31 F&I Pipe 30" Dia Reinf Conc	LF	210.00	76.50	16,065.00
32 F&I Pipe 36" Dia Reinf Conc	LF	233.00	97.50	22,717.50
33 F&I Pipe w/GB 12" Dia Reinf Conc	LF	125.00	39.50	4,937.50
34 F&I Pipe w/GB 15" Dia Reinf Conc	LF	101.00	49.50	4,999.50

ENGINEER'S STATEMENT OF ESTIMATED COST

IMPROVEMENT DISTRICT # BN-19-B1

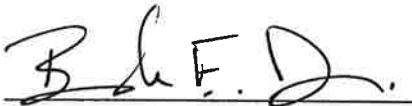
Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & Incidentals

			Storm Sewer Total	191,152.00
Paving				
35 Topsoil - Strip & Spread	LS	1.00	30,000.00	30,000.00
36 Fill - Haul	CY	2,500.00	5.75	14,375.00
37 Site Grading	LS	1.00	6,100.00	6,100.00
38 Excavation	CY	1,000.00	4.25	4,250.00
39 Subcut	CY	2,000.00	1.00	2,000.00
40 Subgrade Preparation	SY	5,980.00	3.00	17,940.00
41 F&I Woven Geotextile	SY	5,980.00	1.41	8,431.80
42 F&I Class 5 Agg - 7" Thick	SY	5,980.00	6.86	41,022.80
43 F&I Edge Drain 4" Dia PVC	LF	3,085.00	6.00	18,510.00
44 F&I Curb & Gutter Mountable (Type I)	LF	3,085.00	14.00	43,190.00
45 F&I Sidewalk 4" Thick Reinf Conc	SY	142.00	42.00	5,964.00
46 F&I Sidewalk 6" Thick Reinf Conc	SY	10.00	50.50	505.00
47 F&I Driveway 6" Thick Reinf Conc	SY	235.00	50.50	11,867.50
48 F&I Det Warn Panels Cast Iron	SF	32.00	42.00	1,344.00
49 F&I Aggregate for Asph Pavement FAA 43	TON	1,125.00	44.47	50,028.75
50 F&I Asphalt Cement PG 58-34	GAL	14,665.00	2.63	38,568.95
51 Casting to Grade - Blvd	EA	10.00	250.00	2,500.00
52 Casting to Grade - no Conc	EA	15.00	600.00	9,000.00
53 GV Box to Grade - Blvd	EA	4.00	150.00	600.00
54 GV Box to Grade - no Conc	EA	3.00	500.00	1,500.00
55 Mulching Type 1 - Hydro	SY	5,900.00	0.42	2,478.00
56 Seeding Type C	SY	5,900.00	0.26	1,534.00
			Paving Total	311,709.80
Street Lighting				
57 F&I Base 5' Deep Reinf Conc	EA	10.00	441.00	4,410.00
58 F&I Conductor #6 USE Cu	LF	4,446.00	2.08	9,247.68
59 F&I Innerduct 1.5" Dia	LF	1,441.00	4.15	5,980.15
60 F&I Luminaire Type A	EA	10.00	1,217.00	12,170.00
61 F&I Light Standard Type A	EA	10.00	1,300.00	13,000.00
			Street Lighting Total	44,807.83
Signing				
62 F&I Sign Assembly & Anchor	EA	7.00	94.50	661.50
63 F&I Sign Assembly	EA	2.00	94.50	189.00
64 F&I Diamond Grade Cubed	SF	13.60	18.90	257.04
65 F&I Engineering Grade	SF	15.80	14.76	233.21
			Signing Total	1,340.75
			Total Construction in \$	790,790.38
	Engineering		11.00 %	86,986.94
	Legal & Misc		3.00 %	23,723.71
	Contingencies		10.00 %	79,079.04
	Administration		6.00 %	47,447.42
	Interest		4.00 %	31,631.62
			Total Estimated Costs	1,059,659.11
	Special Assessments			917,491.81
	Cass Rural WUD Funds			142,167.30
			Unfunded Costs	0.00

ENGINEER'S STATEMENT OF ESTIMATED COST
IMPROVEMENT DISTRICT # BN-19-B1
Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights &
Incidentals

IN WITNESS THEREOF, I have hereunto set my hand and seal

Date: 04/03/2019



Brenda E. Derrig

City Engineer



256

April 3, 2019

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Improvement District No. BN-19-E1

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, April 3, 2019, for Sanitary Sewer, Storm Sewer, Water Main, Paving, Street Lighting & Incidentals, Improvement District No. BN-19-E1, located at 67th Avenue South and 16th Street South

The bids were as follows:

Dakota Underground Company	\$524,783.70
Northern Improvement Company	\$533,096.58
Fox Underground, Inc.	\$551,651.75
KPH, Inc.	\$575,930.00
Engineer's Estimate	\$543,275.61

The special assessment escrow is not required.

This office recommends award of the contract to Dakota Underground Company in the amount of \$524,783.70 as the lowest and best bid. No protests have been received.

Sincerely,



Brenda E. Derrig
City Engineer

BED/jmg

ENGINEER'S STATEMENT OF ESTIMATED COST
IMPROVEMENT DISTRICT # BN-19-E1
Sanitary Sewer, Storm Sewer, Water Main, Paving, Street Lighting & Incidentals

This project is for new construction of underground utilities, asphalt pavement, site grading and incidentals on 67th Avenue South and 16th Street South.

WHEREAS, bids have been opened and filed for the above described Improvement District for City of Fargo, North Dakota; and WHEREAS, an estimate of the cost of work is required by the engineer for the City of Fargo, North Dakota;

NOW THEREFORE Brenda E. Derrig, do hereby certify as follows:

That I am the City Engineer for the City of Fargo, North Dakota;

That the following is detailed statement of the estimated cost of the job described as:

Sanitary Sewer, Storm Sewer, Water Main, Paving, Street Lighting & Incidentals Improvement District # BN-19-E1 of the City of Fargo, North Dakota.

Line Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
Sanitary Sewer				
1 F&I Pipe SDR 26 - 6" Dia PVC	LF	1,837.00	25.00	45,925.00
2 F&I Pipe SDR 26 - 8" Dia PVC	LF	809.00	35.00	28,315.00
3 F&I Manhole 4' Dia Reinf Conc	EA	3.00	3,900.00	11,700.00
			Sanitary Sewer Total	85,940.00
Cass Rural Water Main				
4 F&I Valve 6" Dia	EA	1.00	1,200.00	1,200.00
5 F&I Valve 8" Dia	EA	3.00	1,600.00	4,800.00
6 F&I Fittings C153 Ductile Iron	LB	164.00	6.00	984.00
7 F&I Hydrant	EA	1.00	4,200.00	4,200.00
8 F&I Pipe C900 DR 18 - 6" Dia PVC	LF	12.00	29	348.00
9 F&I Pipe C900 DR 18 - 8" Dia PVC	LF	829.00	30.00	24,870.00
10 Connect Water Service	EA	37.00	660.00	24,420.00
11 F&I Pipe 1" Dia Water Service	LF	1,714.00	19.00	32,566.00
			Cass Rural Water Main Total	93,388.00
Storm Sewer				
12 F&I Pipe SDR 26 - 12" Dia PVC	LF	737.00	30.00	22,110.00
13 F&I Manhole 4' Dia Reinf Conc	EA	6.00	2,500.00	15,000.00
14 F&I Inlet - Single Box (SBI) Reinf Conc	EA	6.00	2,100.00	12,600.00
15 F&I Inlet - Round (RDI) Reinf Conc	EA	3.00	1,400.00	4,200.00
16 Connect Pipe to Exist Structure	EA	2.00	900.00	1,800.00
17 F&I Pipe 15" Dia Reinf Conc	LF	594.00	44.00	26,136.00
18 F&I Pipe w/GB 15" Dia Reinf Conc	LF	133.00	52.00	6,916.00
			Storm Sewer Total	88,762.00
Paving				
19 Remove Pavement All Thicknesses All Types	SY	100.00	10.00	1,000.00
20 Topsoil - Strip	CY	1,600.00	2.00	3,200.00
21 Topsoil - Haul	CY	2,287.00	8.00	18,296.00
22 Excavation	CY	450.00	5.00	2,250.00
23 Subgrade Preparation	SY	3,297.00	1.50	4,945.50
24 Subcut	CY	1,100.00	5.00	5,500.00
25 Fill - Contractor Supply	CY	1,400.00	11.00	15,400.00
26 F&I Woven Geotextile	SY	3,297.00	1.40	4,615.80
27 F&I Class 5 Agg - 8" Thick	SY	3,297.00	8.00	26,376.00
28 F&I Curb & Gutter Mountable (Type I)	LF	1,698.00	16.00	27,168.00
29 F&I Edge Drain 4" Dia PVC	LF	1,698.00	6.50	11,037.00
30 Remove Curb & Gutter	LF	40.00	10.00	400.00
31 F&I Sidewalk 4" Thick Reinf Conc	SY	120.00	48.00	5,760.00
32 F&I Sidewalk 6" Thick Reinf Conc	SY	9.00	55.00	495.00

ENGINEER'S STATEMENT OF ESTIMATED COST

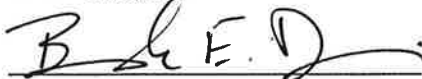
IMPROVEMENT DISTRICT # BN-19-E1

Sanitary Sewer, Storm Sewer, Water Main, Paving, Street Lighting & Incidentals

33 F&I Det Warn Panels Cast Iron	SF	16.00	50.00	800.00
34 F&I Aggregate for Asph Pavement FAA 43	TON	1,016.00	43.00	43,688.00
35 F&I Asphalt Cement PG 58-34	GAL	14,176.00	2.60	36,857.60
36 Casting to Grade - Blvd	EA	9.00	250.00	2,250.00
37 Casting to Grade - no Conc	EA	9.00	400.00	3,600.00
38 GV Box to Grade - Blvd	EA	1.00	200.00	200.00
39 GV Box to Grade - no Conc	EA	3.00	600.00	1,800.00
40 Inlet Protection - Existing Inlet	EA	11.00	150.00	1,650.00
41 Inlet Protection - New Inlet	EA	6.00	210.00	1,260.00
42 Mulching Type 1 - Hydro	SY	5,490.00	0.32	1,756.80
43 Seeding Type C	SY	5,490.00	0.32	1,756.80
			Paving Total	222,062.50
Street Lighting				
44 F&I Base 5' Deep Reinf Conc	EA	6.00	1,215.00	7,290.00
45 F&I Conductor #6 USE Cu	LF	2,616.00	1.57	4,107.12
46 F&I Innerduct 1.5" Dia	LF	764.00	5.20	3,972.80
47 F&I Luminaire Type A	EA	6.00	1,090.00	6,540.00
48 F&I Light Standard Type A	EA	6.00	1,170.00	7,020.00
			Street Lighting Total	28,929.92
Signing				
49 F&I Diamond Grade Cubed	SF	16.70	18.40	307.28
50 F&I Sign Assembly & Anchor	EA	2.00	80.00	160.00
51 F&I Sign Assembly	EA	3.00	63.00	189.00
52 F&I Engineering Grade	SF	3.00	15.00	45.00
			Signing Total	701.28
Miscellaneous				
53 Stormwater Management	LS	1.00	1,500.00	1,500.00
54 Temp Construction Entrance	EA	2.00	1,000.00	2,000.00
55 Temp Pumping	LS	1.00	1,500.00	1,500.00
			Miscellaneous Total	5,000.00
			Total Construction in \$	524,783.70
			Engineering	11.00 % 57,726.21
			Legal & Misc	3.00 % 15,743.51
			Contingencies	10.00 % 52,478.37
			Administration	6.00 % 31,487.02
			Interest	4.00 % 20,991.35
			Total Estimated Costs	703,210.16
			Cass Rural WUD Funds	125,139.92
			Special Assessments	578,070.24
			Unfunded Costs	0.00

IN WITNESS THEREOF, I have hereunto set my hand and seal

Date: 04/03/2019



Brenda E. Derrig

City Engineer



250

April 3, 2019

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Improvement District No. PN-18-B1

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, April 3, 2019, for PC Concrete Paving, Concrete Curb and Gutter, Asphalt Pavement & Incidentals, Improvement District No. PN-18-B1, located at 23rd Avenue South from 42nd Street to 38th Street and 41st Street from 23rd Avenue to 24th Avenue.

The bids were as follows:

Dakota Underground Co., Inc.	\$2,802,227.40
All Finish Concrete	\$2,838,071.75
Engineer's Estimate	\$3,142,483.35

The special assessment escrow is not required.

This office recommends award of the contract to Dakota Underground Co., Inc. in the amount of \$2,802,227.40 as the lowest and best bid. No protests have been received.

Sincerely,



Brenda E. Derrig, PE
City Engineer

BED/klo

ENGINEER'S STATEMENT OF ESTIMATED COST**IMPROVEMENT DISTRICT # PN-18-B1****PC Concrete Paving, Concrete Curb and Gutter, Asphalt Pavement & Incidentals**

23rd Ave S from 42nd St to 38th St and 41st St from 23rd Ave to 24th Ave

WHEREAS, bids have been opened and filed for the above described Improvement District for City of Fargo, North Dakota; and
WHEREAS, an estimate of the cost of work is required by the engineer for the City of Fargo, North Dakota;

NOW THEREFORE Brenda E. Derrig, do hereby certify as follows:

That I am the City Engineer for the City of Fargo, North Dakota;

That the following is detailed statement of the estimated cost of the job described as:

PC Concrete Paving, Concrete Curb and Gutter, Asphalt Pavement & Incidentals Improvement District # PN-18-B1 of the City of Fargo, North Dakota.

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
Underground					
1	Remove Inlet	EA	4.00	500.00	2,000.00
2	Remove Pipe All Sizes All Types	LF	180.00	30.00	5,400.00
3	Modify Manhole	EA	1.00	2,800.00	2,800.00
4	F&I Inlet - Round (RDI) Reinf Conc	EA	2.00	1,230.00	2,460.00
5	F&I Inlet - Single Box (SBI) Reinf Conc	EA	9.00	2,225.00	20,025.00
6	F&I Inlet - Manhole (MHI) 4' Dia Reinf Conc	EA	1.00	2,500.00	2,500.00
7	F&I Pipe SDR 26 - 12" Dia PVC	LF	85.00	40.00	3,400.00
8	F&I Pipe 15" Dia Reinf Conc	LF	43.00	57.00	2,451.00
9	F&I Pipe w/GB 15" Dia Reinf Conc	LF	233.00	63.00	14,679.00
10	F&I Pipe w/GB SDR 35 - 21" Dia PVC	LF	26.00	80.00	2,080.00
11	Connect Pipe to Exist Pipe	EA	2.00	500.00	1,000.00
12	Connect Pipe to Exist Structure	EA	6.00	880.00	5,280.00
Underground Total					64,075.00
Paving					
13	Temp Fence - Safety	LF	500.00	2.50	1,250.00
14	Remove Pavement All Thicknesses All Types	SY	2,800.00	14.00	39,200.00
15	Remove Sidewalk All Thicknesses All Types	SY	530.00	7.00	3,710.00
16	Remove Curb & Gutter	LF	850.00	5.00	4,250.00
17	Topsoil - Spread	LS	1.00	60,000.00	60,000.00
18	Fill - Contractor Supply	CY	10,500.00	10.00	105,000.00
19	Excavation	CY	3,500.00	4.00	14,000.00
20	Subcut	CY	2,500.00	5.00	12,500.00
21	Subgrade Preparation	SY	19,600.00	2.10	41,160.00
22	F&I Woven Geotextile	SY	19,600.00	1.25	24,500.00
23	F&I Class 5 Agg - 8" Thick	SY	2,400.00	7.50	18,000.00
24	F&I Class 5 Agg - 12" Thick	SY	17,200.00	10.20	175,440.00
25	F&I Curb & Gutter Standard (Type II)	LF	8,600.00	18.50	159,100.00
26	F&I Pavement 10" Thick Doweled Conc	SY	14,300.00	70.00	1,001,000.00
27	F&I Edge Drain 4" Dia PVC	LF	5,300.00	6.00	31,800.00
28	F&I Median Nose - Conc	SY	30.00	150.00	4,500.00
29	F&I Sidewalk 4" Thick Reinf Conc	SY	4,100.00	37.00	151,700.00
30	F&I Sidewalk 6" Thick Reinf Conc	SY	300.00	42.00	12,600.00
31	F&I Det Warn Panels Cast Iron	SF	416.00	42.00	17,472.00
32	F&I Impressioned 4" Thick Reinf Conc	SY	1,250.00	73.50	91,875.00
33	F&I Impressioned 8" Thick Reinf Conc	SY	250.00	77.00	19,250.00
34	F&I Casting - Inlet	EA	1.00	750.00	750.00
35	F&I Casting - Floating Manhole	EA	2.00	1,400.00	2,800.00
36	F&I Asphalt Cement PG 58-34	GAL	14,000.00	3.10	43,400.00
37	F&I Aggregate for Asph Pavement FAA 43	TON	1,000.00	41.50	41,500.00
38	Casting to Grade - w/Conc	EA	28.00	400.00	11,200.00
39	Casting to Grade - Blvd	EA	28.00	250.00	7,000.00
40	GV Box to Grade - w/Conc	EA	3.00	250.00	750.00

ENGINEER'S STATEMENT OF ESTIMATED COST**IMPROVEMENT DISTRICT # PN-18-B1****PC Concrete Paving, Concrete Curb and Gutter, Asphalt Pavement & Incidentals**

41	GV Box to Grade - Blvd	EA	13.00	150.00	1,950.00
42	F&I Hydrant Ext. 6" High	EA	3.00	680.00	2,040.00
43	F&I Hydrant Ext. 12" High	EA	3.00	775.00	2,325.00
44	Inlet Protection - Existing Inlet	EA	20.00	150.00	3,000.00
45	Inlet Protection - New Inlet	EA	9.00	150.00	1,350.00
46	Temp Construction Entrance	EA	3.00	1,000.00	3,000.00
47	Stormwater Management	LS	1.00	1,500.00	1,500.00
48	Traffic Control - Type 2	LS	1.00	55,000.00	55,000.00
49	Construction Signing	SF	70.00	46.00	3,220.00
				Paving Total	2,169,092.00
Landscaping					
50	Mulching Type 1 - Hydro	SY	26,000.00	0.31	8,060.00
51	Mulching Type 2 - Straw	SY	1,500.00	0.22	330.00
52	Seeding Type B	SY	26,000.00	0.31	8,060.00
53	Seeding Type C	SY	1,500.00	0.31	465.00
54	F&I Perf Tree Drain SDR 35 - 4" Dia PVC	LF	380.00	10.00	3,800.00
55	F&I Decid Tree 1.5" Dia	EA	5.00	415.00	2,075.00
				Landscaping Total	22,790.00
Signing					
56	F&I Barricade Type III	EA	2.00	630.00	1,260.00
57	F&I Diamond Grade Cubed	SF	49.50	31.00	1,534.50
58	F&I Engineering Grade	SF	14.30	27.00	386.10
59	F&I High Intensity Prismatic	SF	140.00	31.00	4,340.00
60	F&I Sign Assembly	EA	5.00	70.00	350.00
61	F&I Sign Assembly & Anchor	EA	26.00	100.00	2,600.00
62	F&I Flexible Delineator	EA	20.00	70.00	1,400.00
				Signing Total	11,870.60
Pavement Markings					
63	F&I Grooved Plastic Film 16" Wide	LF	175.00	23.00	4,025.00
64	F&I Grooved Plastic Film 24" Wide	LF	892.00	36.00	32,112.00
65	F&I Grooved Contrast Film 7" Wide	LF	2,688.00	10.80	29,030.40
66	F&I Grooved Plastic Film Message	SF	368.00	37.00	13,616.00
67	F&I Grooved Contrast Film 11" Wide	LF	1,361.00	16.00	21,776.00
68	Paint Epoxy Message	SF	150.00	15.00	2,250.00
				Pavement Markings Total	102,809.40
Street Lighting					
69	Relocate Street Light	EA	4.00	1,000.00	4,000.00
70	Remove Feed Point	EA	1.00	875.00	875.00
71	F&I Base 6" Deep Reinf Conc	EA	6.00	1,220.00	7,320.00
72	F&I Base 7" Deep Reinf Conc	EA	9.00	1,270.00	11,430.00
73	Remove Base	EA	4.00	380.00	1,520.00
74	F&I Conductor #6 USE Cu	LF	14,490.00	1.54	22,314.60
75	F&I Innerduct 1.5" Dia	LF	4,768.00	3.10	14,780.80
76	F&I Luminaire Type A	EA	11.00	245.00	2,695.00
77	F&I Luminaire Type B	EA	23.00	385.00	8,855.00
78	F&I Pull Box	EA	3.00	1,545.00	4,635.00
79	F&I Light Standard Type A	EA	6.00	1,600.00	9,600.00
80	F&I Light Standard Type B	EA	9.00	2,000.00	18,000.00
				Street Lighting Total	106,025.40
Traffic Signals					
81	F&I Pull Box PVC	EA	17.00	1,220.00	20,740.00
82	F&I Pull Box Polymer Conc	EA	1.00	3,190.00	3,190.00

ENGINEER'S STATEMENT OF ESTIMATED COST

IMPROVEMENT DISTRICT # PN-18-B1

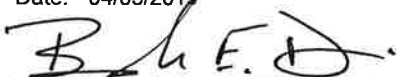
PC Concrete Paving, Concrete Curb and Gutter, Asphalt Pavement & Incidentals

83	F&I Ped Push Button & Sign	EA	8.00	1,000.00	8,000.00
84	F&I Ped Push Button Post	EA	3.00	1,170.00	3,510.00
85	F&I Signal Standard Type V 17.5' High	EA	2.00	590.00	1,180.00
86	F&I Foundation Controller	EA	1.00	960.00	960.00
87	F&I Foundation Type IV/Combo	EA	4.00	7,750.00	31,000.00
88	F&I Foundation Type V	EA	2.00	2,350.00	4,700.00
89	F&I Ped Head 1 Sect Countdown w/LED Mtd	EA	8.00	835.00	6,680.00
90	F&I Head 3 Sect w/12" LED MA Mtd	EA	4.00	875.00	3,500.00
91	F&I Head 4 Sect w/12" LED Post Mtd	EA	4.00	1,370.00	5,480.00
92	F&I Head 4 Sect w/12" LED MA Mtd	EA	4.00	1,325.00	5,300.00
93	F&I Head 5 Sect Stack w/12" LED Post Mtd	EA	4.00	1,425.00	5,700.00
94	F&I Emerg Veh Pre-emption System	EA	1.00	8,315.00	8,315.00
95	F&I PTZ Camera System	EA	1.00	5,440.00	5,440.00
96	F&I Detection - Video System	EA	1.00	10,380.00	10,380.00
97	F&I Equipment Fargo Type B Cabinet	EA	1.00	32,780.00	32,780.00
98	F&I Equipment Battery Backup System	EA	1.00	7,680.00	7,680.00
99	F&I Signal Cable AWG 14/2	LF	1,746.00	1.05	1,833.30
100	F&I Signal Cable AWG 14/7	LF	72.00	1.85	133.20
101	F&I Signal Cable AWG 14/20	LF	819.00	2.90	2,375.10
102	F&I Signal Cable 3M Opticom	LF	669.00	1.35	903.15
103	F&I Signal Cable Loop Lead-in	LF	4,539.00	1.05	4,765.95
104	F&I Signal Cable #6 RHW	LF	96.00	1.60	153.60
105	F&I Signal Cable AWG 16/3	LF	401.00	1.05	421.05
106	F&I Conduit 1.5" Dia	LF	79.00	7.50	592.50
107	F&I Conduit 2" Dia	LF	5,224.00	5.40	28,209.60
108	F&I Conduit 4" Dia	LF	527.00	10.65	5,612.55
109	F&I Fiber Optic Cable	LF	4,750.00	2.00	9,500.00
110	F&I Fiber Optic Terminations & Equip	LS	1.00	5,985.00	5,985.00
111	F&I Detection In-Ground Loop	EA	4.00	1,930.00	7,720.00
112	F&I Detection Preformed Loop	EA	22.00	825.00	18,150.00
113	F&I Signal Standard Combo - 35' MA	EA	1.00	11,985.00	11,985.00
114	F&I Signal Standard Combo - 41' MA	EA	1.00	20,085.00	20,085.00
115	F&I Signal Standard Combo - 44' MA	EA	1.00	20,905.00	20,905.00
116	F&I Signal Standard Combo - 48' MA	EA	1.00	21,700.00	21,700.00
Traffic Signals Total					325,565.00
Total Construction in \$					2,802,227.40

Engineering	11.00 %	308,245.01
Legal & Misc	3.00 %	84,066.82
Contingencies	10.00 %	280,222.74
Administration	6.00 %	168,133.64
Interest	4.00 %	112,089.10
Total Estimated Costs		3,754,984.72
General Infrastructure Funds - 401		1,999,289.72
Special Assessments		1,755,695.00
Unfunded Costs		0.00

IN WITNESS THEREOF, I have hereunto set my hand and seal

Date: 04/03/2019



Brenda E. Derrig

City Engineer



25d

April 3, 2019

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Improvement District No. PR-19-F1

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, April 3, 2019, for Asphalt Mill & Overlay & Incidentals, Improvement District No. PR-19-F1, located at various streets and avenues throughout Fargo.

The bids were as follows:

FM Asphalt LLC	\$1,551,626.10
Northern Improvement Co.	\$1,567,859.45
Central Specialties, Inc.	\$1,698,510.65
Border States Paving Inc.	\$1,765,713.70

Engineer's Estimate \$1,358,947.00

The special assessment escrow is not required.

This office recommends award of the contract to FM Asphalt LLC. in the amount of \$1,551,626.10 as the lowest and best bid. No protests have been received.

Sincerely,



Brenda E. Derrig, PE
City Engineer

BED/klb

ENGINEER'S STATEMENT OF ESTIMATED COST**IMPROVEMENT DISTRICT # PR-19-F1****Asphalt Mill & Overlay & Incidentals**

Mill and Overlay various streets and avenues in Fargo.

WHEREAS, bids have been opened and filed for the above described Improvement District for City of Fargo, North Dakota; and WHEREAS, an estimate of the cost of work is required by the engineer for the City of Fargo, North Dakota;

NOW THEREFORE Brenda E. Derrig, do hereby certify as follows:

That I am the City Engineer for the City of Fargo, North Dakota;

That the following is detailed statement of the estimated cost of the job described as:

Asphalt Mill & Overlay & Incidentals Improvement District # PR-19-F1 of the City of Fargo, North Dakota.

Line Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
Section 1				
1 Repair Inlet	EA	1.00	475.00	475.00
2 F&I Repair Band 4" thru 12" Dia	EA	1.00	825.00	825.00
3 Rem & Repl Curb & Gutter	LF	500.00	46.00	23,000.00
4 Adjust Curb & Gutter - Mud/Sand Jack	LF	500.00	8.80	4,400.00
5 F&I Sidewalk 6" Thick Reinf Conc	SY	29.00	77.00	2,233.00
6 Remove Sidewalk All Thicknesses All Types	SY	29.00	29.00	841.00
7 Adjust Driveway - Mud/Sand Jack	SF	300.00	3.10	930.00
8 Rem & Repl Driveway 7" Thick Reinf Conc	SY	50.00	88.00	4,400.00
9 F&I Det Warn Panels Cast Iron	SF	28.00	42.00	1,176.00
10 F&I Aggregate for Asph Pavement FAA 43	TON	380.00	40.00	15,200.00
11 F&I Asphalt Cement PG 58-28	GAL	4,837.00	2.30	11,125.10
12 Rem & Repl Casting - Inlet	EA	1.00	1,450.00	1,450.00
13 Rem & Repl Pavement 8" Thick Asph	SY	50.00	55.00	2,750.00
14 Mill / Grind Asphalt Pvmnt 1" to 2" Thick	SY	3,179.00	1.80	5,722.20
15 Paint Epoxy Line 4" Wide	LF	394.00	3.00	1,182.00
16 Paint Epoxy Line 16" Wide	LF	23.00	17.50	402.50
17 Paint Epoxy Line 24" Wide	LF	78.00	18.50	1,443.00
18 F&I Grooved Thermoplastic Pavement Marking Message	SF	42.00	45.00	1,890.00
19 Traffic Control - Type 1	LS	1.00	915.00	915.00
20 F&I Detection In-Ground Loop	EA	2.00	2,310.00	4,620.00
			Section 1 Total	84,979.80
Section 2				
21 Repair Inlet	EA	1.00	475.00	475.00
22 Rem & Repl Curb & Gutter	LF	2,000.00	44.00	88,000.00
23 Adjust Curb & Gutter - Mud/Sand Jack	LF	1,000.00	8.80	8,800.00
24 F&I Valley Gutter Reinf Conc	SY	124.00	85.00	10,540.00
25 Remove Valley Gutter Reinf Conc	SY	124.00	22.50	2,790.00
26 Adjust Driveway - Mud/Sand Jack	SF	1,000.00	3.10	3,100.00
27 Rem & Repl Driveway 6" Thick Reinf Conc	SY	100.00	77.00	7,700.00
28 F&I Aggregate for Asph Pavement FAA 43	TON	1,000.00	37.40	37,400.00
29 F&I Asphalt Cement PG 58-28	GAL	12,093.00	2.30	27,813.90
30 Rem & Repl Casting - Self Leveling	EA	1.00	1,320.00	1,320.00
31 GV Box to Grade - no Conc	EA	7.00	95.00	665.00
32 Rem & Repl Pavement 8" Thick Asph	SY	100.00	55.00	5,500.00
33 Mill / Grind Asphalt Pvmnt 1" to 2" Thick	SY	8,697.00	1.60	13,915.20
34 Sodding	SY	400.00	18.50	7,400.00
35 Traffic Control - Type 1	LS	1.00	300.00	300.00
			Section 2 Total	215,719.10
Section 3				
36 Repair Inlet	EA	5.00	475.00	2,375.00

ENGINEER'S STATEMENT OF ESTIMATED COST**IMPROVEMENT DISTRICT # PR-19-F1****Asphalt Mill & Overlay & Incidentals**

37 F&I Repair Band 4" thru 12" Dia	EA	2.00	825.00	1,650.00
38 Adjust Curb & Gutter - Mud/Sand Jack	LF	2,000.00	8.80	17,600.00
39 Rem & Repl Curb & Gutter	LF	1,500.00	45.00	67,500.00
40 F&I Sidewalk 4" Thick Reinf Conc	SY	20.00	70.00	1,400.00
41 F&I Sidewalk 6" Thick Reinf Conc	SY	53.00	85.00	4,505.00
42 Remove Sidewalk All Thicknesses All Types	SY	44.00	28.80	1,267.20
43 Adjust Driveway - Mud/Sand Jack	SF	2,000.00	3.15	6,300.00
44 Rem & Repl Driveway 6" Thick Reinf Conc	SY	100.00	77.00	7,700.00
45 F&I Det Warn Panels Cast Iron	SF	120.00	42.00	5,040.00
46 F&I Aggregate for Asph Pavement FAA 43	TON	2,900.00	36.50	105,850.00
47 F&I Asphalt Cement PG 58-28	GAL	34,911.00	2.30	80,295.30
48 Rem & Repl Casting - Inlet	EA	3.00	1,340.00	4,020.00
49 Rem & Repl Casting - Self Leveling	EA	21.00	1,320.00	27,720.00
50 Casting to Grade - no Conc	EA	5.00	215.00	1,075.00
51 GV Box to Grade - no Conc	EA	8.00	95.00	760.00
52 Rem & Repl Pavement 8" Thick Asph	SY	50.00	55.00	2,750.00
53 Mill / Grind Asphalt Pvmnt Along Curb	LF	10,125.00	1.30	13,162.50
54 Mill / Grind Asphalt Pvmnt 1" to 2" Thick	SY	140.00	1.80	252.00
55 Sodding	SY	500.00	18.50	9,250.00
56 Paint Epoxy Line 4" Wide	LF	120.00	3.00	360.00
57 Paint Epoxy Line 8" Wide	LF	55.00	5.70	313.50
58 Traffic Control - Type 1	LS	1.00	1,600.00	1,600.00
			Section 3 Total	362,745.50

Section 4

59 Repair Inlet	EA	3.00	475.00	1,425.00
60 F&I Repair Band 4" thru 12" Dia	EA	2.00	825.00	1,650.00
61 Adjust Curb & Gutter - Mud/Sand Jack	LF	1,000.00	8.80	8,800.00
62 Rem & Repl Curb & Gutter	LF	1,500.00	45.00	67,500.00
63 Rem & Repl Pavement 7" Thick Reinf Conc	SY	34.00	69.50	2,363.00
64 F&I Sidewalk 6" Thick Reinf Conc	SY	10.00	95.00	950.00
65 Remove Sidewalk All Thicknesses All Types	SY	10.00	29.00	290.00
66 Adjust Driveway - Mud/Sand Jack	SF	1,000.00	3.15	3,150.00
67 Rem & Repl Driveway 6" Thick Reinf Conc	SY	50.00	82.00	4,100.00
68 F&I Det Warn Panels Cast Iron	SF	8.00	42.00	336.00
69 F&I Aggregate for Asph Pavement FAA 43	TON	1,450.00	36.95	53,577.50
70 F&I Asphalt Cement PG 58-28	GAL	17,535.00	2.30	40,330.50
71 Rem & Repl Casting - Inlet	EA	2.00	1,340.00	2,680.00
72 Rem & Repl Casting - Self Leveling	EA	10.00	1,320.00	13,200.00
73 GV Box to Grade - no Conc	EA	7.00	95.00	665.00
74 Rem & Repl Pavement 8" Thick Asph	SY	100.00	55.00	5,500.00
75 Mill / Grind Asphalt Pvmnt Along Curb	LF	801.00	1.35	1,081.35
76 Mill / Grind Asphalt Pvmnt 1" to 2" Thick	SY	9,612.00	1.40	13,456.80
77 Sodding	SY	400.00	18.50	7,400.00
78 Traffic Control - Type 1	LS	1.00	950.00	950.00
			Section 4 Total	229,405.15

Section 5

79 Repair Inlet	EA	2.00	475.00	950.00
80 F&I Repair Band 4" thru 12" Dia	EA	1.00	825.00	825.00
81 Adjust Curb & Gutter - Mud/Sand Jack	LF	500.00	8.80	4,400.00
82 Rem & Repl Curb & Gutter	LF	500.00	47.00	23,500.00
83 F&I Sidewalk 6" Thick Reinf Conc	SY	10.00	95.00	950.00
84 Remove Sidewalk All Thicknesses All Types	SY	10.00	29.00	290.00
85 Adjust Driveway - Mud/Sand Jack	SF	500.00	3.15	1,575.00

ENGINEER'S STATEMENT OF ESTIMATED COST**IMPROVEMENT DISTRICT # PR-19-F1****Asphalt Mill & Overlay & Incidentals**

86 Rem & Repl Driveway 6" Thick Reinf Conc	SY	50.00	82.00	4,100.00
87 F&I Det Warn Panels Cast Iron	SF	24.00	42.00	1,008.00
88 F&I Aggregate for Asph Pavement FAA 43	TON	800.00	36.75	29,400.00
89 F&I Asphalt Cement PG 58-28	GAL	9,675.00	2.30	22,252.50
90 Rem & Repl Casting - Inlet	EA	2.00	1,340.00	2,680.00
91 Rem & Repl Casting - Self Leveling	EA	6.00	1,320.00	7,920.00
92 GV Box to Grade - no Conc	EA	2.00	95.00	190.00
93 Rem & Repl Pavement 8" Thick Asph	SY	50.00	55.00	2,750.00
94 Mill / Grind Asphalt Pvmnt Along Curb	LF	3,337.00	1.35	4,504.95
95 Mill / Grind Asphalt Pvmnt 1" to 2" Thick	SY	100.00	1.60	160.00
96 Sodding	SY	200.00	18.50	3,700.00
97 Traffic Control - Type 1	LS	1.00	300.00	300.00
			Section 5 Total	111,455.45
Section 6				
98 Repair Inlet	EA	2.00	475.00	950.00
99 F&I Repair Band 4" thru 12" Dia	EA	1.00	825.00	825.00
100 Adjust Curb & Gutter - Mud/Sand Jack	LF	400.00	8.80	3,520.00
101 Rem & Repl Curb & Gutter	LF	400.00	47.50	19,000.00
102 Adjust Driveway - Mud/Sand Jack	SF	800.00	3.15	2,520.00
103 Rem & Repl Driveway 6" Thick Reinf Conc	SY	50.00	82.00	4,100.00
104 F&I Aggregate for Asph Pavement FAA 43	TON	400.00	37.15	14,860.00
105 F&I Asphalt Cement PG 58-28	GAL	4,837.00	2.30	11,125.10
106 Rem & Repl Casting - Inlet	EA	1.00	1,340.00	1,340.00
107 Rem & Repl Casting - Self Leveling	EA	5.00	1,320.00	6,600.00
108 Rem & Repl Casting - Std Manhole	EA	1.00	1,305.00	1,305.00
109 GV Box to Grade - no Conc	EA	1.00	95.00	95.00
110 Mill / Grind Asphalt Pvmnt 1" to 2" Thick	SY	3,080.00	1.60	4,928.00
111 Sodding	SY	200.00	18.50	3,700.00
112 Traffic Control - Type 1	LS	1.00	300.00	300.00
			Section 6 Total	75,168.10
Section 7				
113 Repair Inlet	EA	5.00	475.00	2,375.00
114 F&I Repair Band 4" thru 12" Dia	EA	4.00	825.00	3,300.00
115 Adjust Curb & Gutter - Mud/Sand Jack	LF	2,000.00	8.80	17,600.00
116 Rem & Repl Curb & Gutter	LF	2,000.00	44.50	89,000.00
117 F&I Sidewalk 4" Thick Reinf Conc	SY	26.00	66.00	1,716.00
118 F&I Sidewalk 6" Thick Reinf Conc	SY	45.00	82.00	3,690.00
119 Remove Sidewalk All Thicknesses All Types	SY	46.00	29.00	1,334.00
120 Rem & Repl Driveway 6" Thick Reinf Conc	SY	100.00	77.00	7,700.00
121 F&I Det Warn Panels Cast Iron	SF	88.00	42.00	3,696.00
122 F&I Aggregate for Asph Pavement FAA 43	TON	1,860.00	37.35	69,471.00
123 F&I Asphalt Cement PG 58-28	GAL	22,493.00	2.30	51,733.90
124 Rem & Repl Casting - Inlet	EA	3.00	1,340.00	4,020.00
125 Rem & Repl Casting - Std Manhole	EA	1.00	1,305.00	1,305.00
126 Casting to Grade - no Conc	EA	22.00	200.00	4,400.00
127 GV Box to Grade - no Conc	EA	8.00	95.00	760.00
128 Rem & Repl Pavement 8" Thick Asph	SY	100.00	55.00	5,500.00
129 Mill / Grind Asphalt Pvmnt Along Curb	LF	8,533.00	1.30	11,092.90
130 Mill / Grind Asphalt Pvmnt 1" to 2" Thick	SY	680.00	1.80	1,224.00
131 Sodding	SY	400.00	18.50	7,400.00
132 Traffic Control - Type 1	LS	1.00	160.00	160.00
			Section 7 Total	287,477.80
Section 8				

ENGINEER'S STATEMENT OF ESTIMATED COST

IMPROVEMENT DISTRICT # PR-19-F1

Asphalt Mill & Overlay & Incidentals

133 Repair Inlet	EA	1.00	475.00	475.00
134 F&I Repair Band 4" thru 12" Dia	EA	1.00	825.00	825.00
135 Adjust Curb & Gutter - Mud/Sand Jack	LF	500.00	8.80	4,400.00
136 Rem & Repl Curb & Gutter	LF	1,000.00	46.00	46,000.00
137 F&I Sidewalk 6" Thick Reinf Conc	SY	10.00	95.00	950.00
138 Remove Sidewalk All Thicknesses All Types	SY	10.00	29.00	290.00
139 Rem & Repl Driveway 7" Thick Reinf Conc	SY	100.00	84.50	8,450.00
140 F&I Det Warn Panels Cast Iron	SF	16.00	42.00	672.00
141 F&I Aggregate for Asph Pavement FAA 43	TON	1,100.00	37.30	41,030.00
142 F&I Asphalt Cement PG 58-34	GAL	13,302.00	2.85	37,910.70
143 Rem & Repl Casting - Inlet	EA	1.00	1,340.00	1,340.00
144 Rem & Repl Casting - Self Leveling	EA	5.00	1,320.00	6,600.00
145 GV Box to Grade - no Conc	EA	6.00	95.00	570.00
146 Rem & Repl Pavement 9" Thick Asph	SY	100.00	64.00	6,400.00
147 Mill / Grind Asphalt Pvmt Along Curb	LF	1,660.00	1.50	2,490.00
148 Mill / Grind Asphalt Pvmt 1" to 2" Thick	SY	5,432.00	1.60	8,691.20
149 Sodding	SY	300.00	18.50	5,550.00
150 Paint Epoxy Line 4" Wide	LF	3,008.00	2.80	8,422.40
151 Paint Epoxy Line 8" Wide	LF	146.00	5.65	824.90
152 Paint Epoxy Message	SF	128.00	15.50	1,984.00
153 Traffic Control - Type 1	LS	1.00	800.00	800.00

Section 8 Total 184,675.20

Total Construction in \$ 1,551,626.10

Engineering	6.00 %	93,097.57
Legal & Misc	3.00 %	46,548.78
Contingencies	10.00 %	155,162.61
Administration	3.00 %	46,548.78
Interest	4.00 %	62,065.04

Total Estimated Costs 1,955,048.89

Special Assessments 1,000,798.83

Street Rehabilitation Funds - 401 954,250.06

Unfunded Costs 0

IN WITNESS THEREOF, I have hereunto set my hand and seal

Date: 04/03/2019



Brenda E. Derrig

City Engineer

