FARGO CITY COMMISSION AGENDA
Monday, August 12, 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, July 29, 2019).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. Receive and file the following Ordinances:
   a. Relating to Ordinance Violations.
   b. Amending Ordinance No. 5140 which Rezoned Certain Parcels of Land Lying in Diamond Willow Addition, A Replat of Portions of Douglas Addition.

2. 2nd reading and final adoption of the following Ordinances; 1st reading, 7/29/19:
   a. Relating to the International Building Code.
   b. Relating to the International Residential Code.
   c. Relating to the International Existing Building Code.
   d. Relating to the International Energy Conservation Code.
   e. Relating to the International Mechanical Code.
   f. Relating to the International Fuel Gas Code.
   g. Relating to the International Property Maintenance Code.
   h. Relating to Fire Protection and Prevention.

3. Applications for property tax exemptions:
   a. Sheila R. Remboldt, 1001 5th Street South (5 year).
   b. Larry Chesley, 906 30th Street North (5 year).
   c. Prudence A. Olson, 1115 7th Street South (5 year).
   d. Richard A. and Beverly Leverson, 31 Meadowlark Lane North (5 year).
   e. Julie A. Baker, 2314 Lilac Lane North (5 year).
   f. Darin A. Luebke and Jennifer L. Lovell-Luebke, 1641 12th Avenue South (5 year).

4. Applications for Games of Chance:
   a. Red River Children's Advocacy Center for a raffle and raffle board from 9/1/19 to 9/12/19.
   b. Fargo Air Museum for a raffle on 9/14/19.
   c. Fargo Davies HS for a calendar raffle from 11/11/19 to 2/18/20.
   d. Fargo Davies HS for a calendar raffle from 8/22/19 to 5/19/20.
   e. Scottish Rite Holding Company for a raffle on 11/5/19.
   f. Sts. Anne & Joachim Catholic Church for a raffle on 11/10/19.
   g. YWCA Cass Clay for a raffle on 9/5/19.
   h. Spartan Boosters Inc. for a raffle from 9/6/19 to 9/20/19.

i. Legacy Children's Foundation for a raffle on 8/19/19; Public Spirited Resolution.
j. ND CPA Society Foundation for a raffle on 9/24/19.
k. St. John Paul II Catholic Schools for a raffle from 9/1/19 to 4/25/20.

5. Use of the stamped or embossed City seal as the official seal of the City of Fargo, as presented.

6. Receive and file General Fund – Budget to Actual through July 2019 (unaudited).

7. Change Order No. 1 for an increase of $49,660.80 for Project No. SL-19-A1.

8. Change Order No. 3 for an increase of $25,122.00 and time extension to 10/14/19 for Project No. SN-18-C2.

9. Change Order No. 1 for an increase of $82,140.00 for Project No. SR-19-A1.

10. Change Order No. 2 in an amount not to exceed $15,770.00 for Project No. UR-19-A1.

11. Amendment (Third) to Developer and Road Use Agreement with Block 9 Partners, LLC.

12. Financial Award from the ND Department of Commerce to the Gladys Ray Shelter for a ND Homeless Grant.

13. Bid award for SWAT Team ballistic helmets and tactical communication headsets.

14. Interlocal Agreement with Cass County and allocation of the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, as described within the agreement.

15. Bid award for one loader mounted snow blower (RFP19128).

16. Bid award for 2020 spring tree order (RFP19120).

17. Amendment No. 4 to Agreement between City of Fargo and First Transit.

18. ND Department of Transportation State Aid for Public Transit Agreement (Contract No. 38191046).

19. Bills.

20. Change Order No. 6 for an increase of $22,227.90 and a 7-day time extension for Improvement District No. BN-17-A1.

21. Negative Final Balancing Change Order No. 4 in the amount of -$142,417.74 for Improvement District No. BN-18-A1.

22. Change Order No. 1 for an increase of $2,200.00 and a 6-day time extension for Improvement District No. BN-19-B1.

23. Change Order No. 27 for an increase of $1,726.62 and No. 28 for an increase of $17,192.22 for Improvement District No. BR-18-B1.

24. Negative Final Balancing Change Order No. 3 in the amount of -$55,623.62 for Improvement District No. BR-18-G2.

25. Task Order No. 1 in the amount of $250,000.00 with Moore Engineering for Improvement District No. NN-19-A0.

26. Change Order No. 1 for a 15-calendar day time extension for Improvement District No. PN-18-C1.

27. Change Order No. 1 for a 7-calendar day extension for Improvement District No. PR-19-G1.

28. Negative Final Balancing Change Order No. 2 in the amount of -$1,755.76 for Improvement District No. TN-18-A1.

29. Final Balancing Change Order No. 1 for an increase of $6,648.90 for Improvement District No. SN-16-C1.

30. Change Order No. 1 for an increase of $8,240.00 and 14-day time extension for Improvement District No. UN-18-C1.

31. Settlement Agreement and Mutual Release of Claims with Master Construction Co., Inc. for the rehabilitation of 43 1/2 Street North between 3rd and 7th Avenues North (Improvement District No. BR-19-B1).

32. Bid award for Improvement District No. NR-19-A1.

33. Contract and bond for Improvement District No. BN-19-F1.

REGULAR AGENDA:

34. Request from the Police Department requesting the City Attorney prepare amendments to the Fargo Municipal Code relating to marijuana and marijuana paraphernalia, bringing it into alignment with State law:
    a. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Relating to Marijuana and Marijuana Paraphernalia.

35. Public Hearings - 5:15 pm:
    a. Special assessment of nuisance abatement fees.

    b. Amendments to the 2019 Community Development Block Grant (CDBG) & HOME Investment Partnerships Programs.

    c. CONTINUED to 8/26/19 - Renaissance Zone Project for Great Plains 1001 Holdings, LLC for a new construction project located at 1001 and 1011 Northern Pacific Avenue North; 28 10th Street North; 1016 1st Avenue North and 11 11th Street North; continued from the 7/15/19 Regular Meeting.

    d. CONTINUED to 8/26/19 - Renaissance Zone Project for DFI Kesler LLC and DFI BJ LLC for a new construction project located at 617 and 621 1st Avenue North, and 624 2nd Avenue North.

    e. Renaissance Zone Project for Volare, LLC, for a commercial lease project located at 235 Roberts Street North.

    f. CONTINUE to 8/26/19 - Right-of-Way Vacation of the alley between Lots A, B, C, D, E, F, T and U, the vacated 10 foot alley adjacent to Lots T and U, Hagaman's

Subdivision of part of Block 2, Roberts Addition (624 2nd Avenue North and 613, 617, and 621 1st Avenue North); approval recommended by the Planning Commission on 4/2/19; continued from the 7/15/19 Regular Meeting.

g. CONTINUE to 8/26/19 - Right of Way Vacation of a portion of 5th Street North between Blocks 21 and 22 Keeney and Devitt's Second Addition and lying North of 4th Avenue North and South of Lot B, Block 1, Great Northern Depot Addition (410 5th Street North).

h. CONTINUE to 8/26/19 - Alley Vacation of the alley between Lot 12, Block 26 and a part of Lot 7 and all of Lots 8-12, Block 25, Roberts Second Addition (1001 NP Avenue North and 28 10th Street North); approval recommended by the Planning Commission on 7/2/19.

i. Zoning Change from LC, Limited Commercial to MR-3, Multi-Dwelling Residential on a portion of Lot 2, Block 1, 42nd Street Addition (3700 42nd Street South); approval recommended by the Planning Commission on 7/2/19:
   1. 1st reading of rezoning Ordinance.

j. Application filed by Aldevron for a payment in lieu of tax exemption (PILOT) for a project located at Lot 3, Block 1, Woodhaven Plaza Addition which the applicant will use in the operation of constructing a state of the art biologics manufacturing facility to produce therapeutic products and reagents.

k. Application filed by Tzadik Sioux Falls Portfolio III, LLC for a payment in lieu of tax exemption (PILOT) for a project located at 1222 4th Avenue North which the applicant will use in the operation of leasing residential apartments and commercial space.

l. Application filed by Tzadik Sioux Falls Portfolio III, LLC for a payment in lieu of tax exemption (PILOT) for a project located at 315 University Drive North which the applicant will use in the operation of leasing residential apartments and commercial space.

m. Application filed by Block 9 Hotel, LLC for a payment in lieu of tax exemption (PILOT) for a project located at 215 Broadway North which the applicant will use in the operation of a 125 room hotel.

n. Application filed by Block 9 RDO, LLC for a payment in lieu of tax exemption (PILOT) for a project located at 215 Broadway North which the applicant will use in the operation of the Corporate headquarters for R.D. Offutt Company and RDO Equipment Company.

o. Application filed by DFI Block 9 Retail, LLC for a payment in lieu of tax exemption (PILOT) for a project located at 215 Broadway North which the applicant will use in the operation of Block 9 Project with 27,000 sf of new retail space on the ground floor.

p. Application filed by Block 9 SRO, LLC for a payment in lieu of tax exemption (PILOT) for a project located at 215 Broadway North which the applicant will use in the operation of Speculative office space within the Block 9 Project.

36. Request to approve the Guaranteed Maximum Price of $1,499,848.00 and Amendment to the Contract with McGough Construction Co., LLC for construction management services for the Civic Plaza, Area 1.

37. Recommendation to approve the Mayor's 2020 Preliminary Budget and set the Public Hearing date for September 9, 2019 at 6:00 p.m.

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.

THE CITY OF Fargo FAR MORE

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

August 8, 2019

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

RE: An Ordinance Amending Section 1-0305.A Relating to Ordinance Violations – Amendment of Penalty for Possessing a Firearm or Dangerous Weapon

Dear Commissioners,

It has come to our attention that there is a contradiction between the state law penalty and the city ordinance penalty for possessing a firearm or dangerous weapon. Recently passed state legislation, effective August 1st, 2019, changed the penalty for possessing a firearm or dangerous weapon from a Class B misdemeanor to an Infraction. Therefore, the city penalty, a Class B misdemeanor, must be revised accordingly. As a result, I am remitting to you for your approval, an ordinance revising the penalty for that violation to an Infraction.

Suggested Motion: I move to receive and file an ordinance amending Section 1-0305.A of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Ordinance Violations and to place the ordinance on for first reading at the next regularly-scheduled city commission meeting.

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

Sincerely,

Alissa R. Farol
Assistant City Attorney

Enc.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 1-0305(A)
OF ARTICLE 1-03 OF CHAPTER 1 OF THE FARGO MUNICIPAL CODE
RELATING TO ORDINANCE VIOLATIONS

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 to reduce the penalty for possessing a firearm or dangerous weapon from a Class B misdemeanor to an Infraction in order to conform to state law;

NOW, THEREFORE,

Be it Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Amendment.

Section 1-0305(A) of Article 1-03 of Chapter 1 of the Fargo Municipal Code is hereby amended to read as follows:

1-0305. Classification of ordinance violations.—

A. Violations of the following ordinances are Class B misdemeanors, subject to punishment as provided in this article:

1. Section 1-0306(D) (failure to appear or post bond on a non-criminal, non-traffic offense), section 8-0305(A)(2) (fictitious registration), section 8-0305(A)(3) (lending registration plates), section 8-0308 (reproducing operator's or driver's license or permit), section 8-0309 (driving under suspension), section 8-0310 (driving under the influence), section 8-0314 (reckless driving), section 8-0320 (driving without liability insurance - $150.00 minimum fine), section 8-0803

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(accidents involving damage to vehicle), section 8-0804 (duty to give information and render aid), section 8-0805 (duty upon striking fixture or other property), section 8-0809 (false reports), section 10-0101 (minor using alcohol), 10-0104 (curfew), section 10-0201 (indecent exposure), section 10-0301 (disorderly conduct), ~~section 10-0304 (carrying weapons),~~ section 10-0317 (resisting police officer), section 10-0319 (incendiary devices), section 10-0320 (registration in schools), section 10-0321 (criminal mischief), section 10-0322 (harassment), section 10-0323 (simple assault), section 10-0324 (aiding and abetting), section 10-0601 (shoplifting), section 10-0602 (theft), section 10-0702 (order to disperse), section 10-0703 (tenant/owner cooperation required), sections 10-1202 (marijuana) and 10-1204 (marijuana paraphernalia), section 12-0117(C) and 12-0117(G) (potentially dangerous and dangerous dogs), section 13-0511 (removal of wastes), section 13-0513 (fee/permit for hauling waste), section 13-0529 (misuse of compost sites), article 13-13 (drug lab cleanup), chapter 17 (sewers and sewerage), article 18-09 (excavation code), section 25-1509(A) (selling alcoholic beverage to minor), section 25-1513(C) (minor misrepresenting age), and section 25-1513(D) (delivery of alcoholic beverage to minor), article 25-33 (tattoos, body art and body piercing), article 25-36 (tanning facilities).

Section 2. Effective Date.

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

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

(SEAL)

Attest:

First Reading:
Second Reading:
Final Passage:

_____
Steven Sprague, City Auditor

THE CITY OF Fargo FAR MORE

(16)

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

August 8, 2019

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

RE: Amending Previous Re-zoning Ordinance (Ord. No. 5140)

Dear Commissioners,

Submitted for your approval is a draft ordinance that is intended to simply correct a typographical error and an omission of a detail in an ordinance that was enacted April 9, 2018.

Beginning in 2017 and continuing into early 2018, the Planning Commission and City Commission considered an application for re-zoning of parcels in the Diamond Willow Addition located at the corner of 7th Street North and 10th Avenue North—a re-development project. At the time, the suggested Planned Unit Development (PUD) purposed the narrowing of setbacks. Unfortunately, the ordinance that was drafted to memorialize those terms contained a typographical error with respect to the rear setback (supposed to be 7 feet, not 8 feet) and the interior side setback was completely omitted from the ordinance (supposed to be "exempt per Alternative Development Option"). The enclosed amending ordinance would correct those errors.

SUGGESTED MOTION: I move to receive and file An Ordinance Amending Ordinance No. 5140 which Rezoned Certain Parcels of Land Lying in Diamond Willow Addition, a Re-plat of Portions of Douglas Addition, Fargo, Cass County, North Dakota, and place the matter on the next regularly scheduled City Commission meeting for first reading.

Sincerely,

Erik R. Johnson

ERJ/lmw

Enclosure

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 5140
WHICH REZONED CERTAIN PARCELS OF LAND
LYING IN DIAMOND WILLOW ADDITION,
A REPLAT OF PORTIONS OF DOUGLAS ADDITION,
FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, in 2017 the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo having held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in the proposed Diamond Willow Addition, a replat of Lots Fifteen (15) and Sixteen (16), Block Fifteen (15), Douglas Addition to the city of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on November 7, 2017; and,

WHEREAS, the rezoning changes were approved by the City Commission on March 26, 2018; and

WHEREAS, Ordinance No. 5140 was duly adopted and enacted by the Board of City Commissioners, said ordinance receiving final passage on April 9, 2018; and,

WHERAS, the staff report and other supporting information provided at the aforesaid hearing that accurately described the nature of the Planned Unit Development Overlay and Master Land Use Plan for the Diamond Willow Addition; however, Ordinance No. 5140 contained a typographical error and an omission of the interior side setback, as the same was stated in the staff report and as reported at the said public hearings and, because of these errors, it is necessary and appropriate for an amendment to the said Ordinance No. 5140;

NOW, THEREFORE,

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

Section 1. Ordinance No. 5140 of the City of Fargo is hereby amended to read as follows:

The following described property:

All of Diamond Willow Addition, a replat of Lots Fifteen (15) and Sixteen (16), Block

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ORDINANCE NO. _____

Fifteen (15), Douglas Addition to the city of to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "MR-3", Multi-Dwelling Residential, District, to "MR-3", Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay and Master Land Use Plan, District consisting of modifications of front, rear and street side setbacks pertaining to said base zoning district as follows:

Front Setback: The front setback is reduced from 25 feet to 8 feet;

Rear Setback: The rear setback is reduced from 20 feet to ~~8~~7 feet; and,

Street Side Setback: The street side setback is reduced from 12.5 feet to 8 feet.

Interior Side Setback: Exempt per Alternative Development Options.

In all other respects, development must comply with the dimensional standards for the base zoning district of a "MR-3", Multi-Dwelling Residential, District.

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

_____
Timothy J. Mahoney, Mayor

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

2a

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING ARTICLE 21-01 OF CHAPTER 21 OF THE FARGO MUNICIPAL CODE RELATING TO THE INTERNATIONAL BUILDING CODE

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.

Article 21-01 of Chapter 21 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 2. Re-enactment.

Article 21-01 of Chapter 21 of the Fargo Municipal Code is hereby re-enacted to read as follows:

ARTICLE 21-01
INTERNATIONAL BUILDING CODE -- ADOPTION – MODIFICATIONS

Section
21-0101 International Building Code adopted.
21-0102 Modification of International Building Code.

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21-0101. International Building Code adopted.—The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the city of Fargo, North Dakota, shall meet with the provisions of the rules and regulations of the 2018 Edition of the International Building Code of the International Code Council as the same are now established in said code, a copy of which is on file in the office of the building inspector for the city of Fargo, with the exception of the sections hereinafter set forth affecting local conditions in the city of Fargo, which sections shall be substituted for and in lieu of like sections or paragraphs in said International Building code; and the board of city commissioners of said city of Fargo, by this section hereby approves and adopts such rules and regulations, as so modified, for use and application in the city of Fargo, North Dakota, and within the extra-territorial zoning jurisdiction of the city.

21-0102. Modification of International Building Code.—The International Building Code as adopted in § 21-0101 is hereby changed and amended as follows:

Section 101.1 is hereby amended to read as follows:

> **Section 101.1 Title.** These regulations shall be known as the *Building Code* of ~~[NAME OF JURISDICTION]~~ the city of Fargo, hereinafter referred to as "this code."

Section 101.4.3 is hereby amended to read as follows:

> **Section 101.4.3 Plumbing.** The provisions of the ~~*International Plumbing Code*~~ North Dakota State Plumbing Code shall apply to the installation, *alteration*, *repair* and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the ~~*International Private Sewage Disposal Code*~~ North Dakota State Plumbing Code shall apply to private sewage disposal systems.

Section 104.2.1 is hereby deleted in its entirety.

Section 104.8.1 is hereby amended to read as follows:

> **Section 104.8.1 Legal Defense.** Any suit or criminal complaint instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses

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provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section 104.10.1 is hereby deleted in its entirety.

Section 105.2 is hereby amended to read as follows:

Section 105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

Building:

* * *

2. Fences not over ~~7~~ feet ~~(2134 mm)~~ 8.5 high.

* * *

6. Sidewalks and driveways. ~~not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an *accessible route*.~~

* * *

11. Swings and other playground equipment. ~~accessory to detached one-and two-family *dwellings*.~~

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12. Window awnings. ~~in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support~~.

* * *

14. Reroofing.

Section 107.2.6.1 is hereby deleted in its entirety.

Section 107.3.1 is hereby amended to read as follows:

Section 107.3.1. Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be approved, in writing, or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. ~~The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.~~

Section 109.2 is hereby amended to read as follows:

Section 109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* and plan review shall be paid as required, in accordance with the schedule as established by resolution of the ~~applicable governing authority~~ board of city commissioners. The plan review fees specified in this subsection are separate from, and in addition to, *permit* fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged in an amount not to exceed 10% of the building *permit* fee established in Section 108.2.

Section 110.3.3 is hereby deleted in its entirety.

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Section 110.3.11.1 is hereby deleted in its entirety.

Section 305.2 is hereby amended to read as follows:

> **Section 305.2. Group E, day care facilities.** This group includes buildings and structures or portions thereof occupied by more than ~~five~~ twelve children older than 2 ½ years of age who receive educational, supervision or *personal care services* for fewer than 24 hours per day.

Section 305.2.2 is hereby amended to read as follows:

> **Section 305.2.2 ~~Five~~ Twelve or fewer children.** A facility having ~~five~~ twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.

Section 305.2.3 is hereby amended to read as follows:

> **Section 305.2.3 ~~Five~~ Twelve or fewer children in a dwelling unit.** A facility such as the above within a *dwelling unit* and having ~~five~~ twelve or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code.*

Section 308.5 is hereby amended to read as follows:

> **Section 308.5 Institutional Group I-4, day care facilities.** Institutional Group I-4 occupancy shall include buildings and structures occupied by more than ~~five~~ twelve persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:
>
> Adult day care
>
> Child day care

Section 308.5.1 is hereby amended to read as follows:

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Section 308.5.1 Classification as Group E. A child care facility that provides care for more than ~~five~~ twelve but not more than 100 children 2 ½ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

Section 308.5.3 is hereby amended to read as follows:

308.5.3 ~~Five~~ Twelve or fewer persons receiving care. A facility having ~~five~~ twelve or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy.

Section 308.5.4 is hereby amended to read as follows:

Section 308.5.4 ~~Five~~ Twelve or fewer persons receiving care in a dwelling unit. A facility such as the above within a *dwelling unit* and having ~~five~~ twelve or fewer persons receiving *custodial care* shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

Section 406.3.2.1 final sentence of paragraph 1 is hereby deleted to read as follows:

* * *

~~Doors shall be *self-closing* and self-latching.~~

Section 802.4 is hereby deleted in its entirety.

Section 903.3.1.1 is hereby amended to read as follows:

Section 903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an *automatic sprinkler system* in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Sections 903.3.1.1.1 and 903.3.1.1.2. Sprinkler heads in unoccupied mall tenant spaces may be installed at ceiling height if allowed by the code official. Permission will be granted on an individual basis. Combustible storage shall not be allowed in these unoccupied tenant spaces if sprinkler heads are installed at the ceiling height. Signage shall be provided outlining the storage restriction.

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Section 905.1 is hereby amended to add an exception to read as follows.

Exception: The installation of fire hose on standpipes may be omitted when approved by the fire code official. Approved standpipe hose valves and connection shall be provided where required.

Section 907.2.3 is hereby amended to read as follows:

Section 907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Where approved by the fire code official, a building's emergency communication system interfaced with the fire alarm system in accordance with NFPA 72 is acceptable.

* * *

Section 907.2.10.1 is hereby amended to read as follows:

Section 907.2.10.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

* * *

4. In *dwelling units* where the ceiling height of a room open to the hallway serving the *sleeping units* exceeds that of the hallway by 24 inches (610 mm) or more, smoke alarms shall be installed in the hallway and in the adjacent room.

Section 907.2.10.2 is hereby amended to read as follows:

Section 907.2.10.2 Groups R-2, R-3, R-4 and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

* * *

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4. In *dwelling units* where the ceiling height of a room open to the hallway serving the *sleeping units* exceeds that of the hallway by 24 inches (610 mm) or more, smoke alarms shall be installed in the hallway and the in the adjacent room.

Section 1010.1.9.4 is hereby amended to read as follows:

Section 1010.1.9.4 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exist:

* * *

7. Egress doors from occupied roofs, or doors that are used to gain access to the interior of the *building* shall be allowed to lock from the outside if all of the following are provided.

7.1 Compliance with all aspects of Section 1010.1.9.4 item #2

7.2 Compliance with 1009.8

7.3 The door locks shall unlock on actuation of the *automatic sprinkler system* and automatic fire detection system and the door locking system shall be installed to have the capability of being unlocked by a switch located at the Fire Command center.

Section 1011.1 Exceptions are hereby amended to read as follows:

Section 1011.1 Exceptions:

1. Within rooms or spaces used for assembly purposes, stepped aisles shall comply with Section 1029.

2. *Stairways* used only to attend equipment or private *stairways* serving an *occupant load* of 10 or fewer persons and which are not accessible to the public need not comply with Sections 1011.2 through 1011.13.

Section 1011.2 Exceptions are amended to read as follows:

Section 1011.2 Exceptions:

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* * *

4. *Stairways* used only to attend equipment or private *stairways* serving an *occupant load* of 10 or fewer persons and which are not accessible to the public.

Section 1011.5.2 Exceptions are hereby amended to read as follows:

Section 1011.5.2 Exceptions:

* * *

3. In Group R-3 occupancies; within *dwelling units* in occupancies in Group R-2 occupancies; and in Group U occupancies, that are accessory to a Group R-3 occupancy or accessory to individual *dwelling units* in Group R-2 occupancies; the maximum riser height shall be ~~7¾ inches (197 mm)~~ 8 inches; the minimum tread depth shall be ~~10 inches (254 mm)~~ 9 inches; the minimum *winder* tread depth at the walkline shall be 10 inches (254 mm); and the minimum *winder* tread depth shall be 6 inches (152 mm). A *nosing* projection not less than ¾ inch (19.1 mm) but not more than 1 ¼ inches (32 mm) shall be provided on *stairways* with solid risers where the tread depth is less than 11 inches (279 mm).

* * *

6. *Stairways* used only to attend equipment or private *stairways* serving an *occupant load* of 10 or fewer persons and which are not accessible to the public are permitted to have a maximum 8-inch riser height and minimum 9-inch tread depth.

Section 1011.11 Exceptions are hereby amended to read as follows:

Section 1011.11 Exceptions:

* * *

5. *Stairways* used only to attend equipment or private *stairways* serving an *occupant load* of 10 or fewer persons and which are not accessible to the public.

6. Vehicle service pit *stairways* are exempt from the rules for *stairway* railings and guards if they would prevent a vehicle from moving into a position over the pit.

Section 1015.2 is hereby amended to read as follows:

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Section 1015.2 Where required. *Guards* shall be located along open-sided walking surfaces, including *mezzanines*, *equipment platforms*, *aisles*, *stairs*, *ramps* and landings, that are located more than 30 inches (762mm) ~~measured vertically to the floor or grade below at any point within 36 inches 9914mm) horizontally to the edge of the open side~~ above the floor or grade below or if within 36 inches (914mm) horizontally to the edge of the open side of the vertical measurement to the floor or grade below is greater than 48 inches. *Guards* shall be adequate in strength and attachment in accordance with Section 1607.8.

Section 1104.4 Exceptions are hereby amended to read as follows:

Section 1104.4 Exceptions:

1. An *accessible route* is not required to *stories*, *basements*, ~~and~~ *mezzanines* and occupied roofs that have an ~~aggregate~~ area of not more than 3,000 square feet (278.7 m^2), are located above ~~and~~ or below *accessible levels* and are below the third story.

* * *

Section 1202.1 is hereby amended to read as follows:

Section 1202.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1202.5, or mechanical ventilation in accordance with the *International Mechanical Code*.

~~Where the air infiltration rate in a *dwelling unit* is less than 5 air changes per hour where tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section R402.4.1.2 of the *International Energy Conservation Code - Residential Provisions*, the dwelling *unit* shall be ventilated by mechanical means in accordance with Section 403 of the *International Mechanical Code*. *Ambulatory care facilities* and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407 of the *International Mechanical Code*.~~

Section 1202.4.4 is hereby deleted in its entirety.

Section 1206 is hereby deleted in its entirety.

Sections 1402.6 and 1402.7 are hereby deleted in their entirety.

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Sections 1403.6 and 1403.7 are hereby deleted in their entirety.

Section 1601.1 is hereby amended to read as follows:

Section 1601.1 Scope. The provisions of this chapter shall govern the structural design of buildings, structures and portions thereof regulated by this code.

It shall not be the responsibility of the *building official* to determine engineering requirements of this code. Exclusive of the *conventional light-frame wood construction* provisions referenced in Section 2308, the method to resist loads as referenced in this chapter is the responsibility of a structural engineer or other qualified design professional.

Section 1610.1 Exception is hereby amended to read as follows:

Section 1610.1 Exception: Foundation walls extending not more than ~~8 feet (2438 mm)~~ 9 feet below grade and laterally supported at the top by flexible diaphragms shall be permitted to be designed for active pressure.

Section 1612 is hereby deleted in its entirety.

Section 1804.4 is hereby deleted and the following section enacted:

Section 1804.4 Site Grading. Surface drainage shall be diverted to a storm sewer conveyance or other *approved* point of collection. Lots shall be graded to drain surface water away from foundation walls.

The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of the backfill.

Section 1804.5 is hereby deleted in its entirety.

Section 1805.1.2.1 is hereby deleted in its entirety.

Section 1809.5 Exceptions are hereby amended as follows:

Section 1809.5 Exceptions:

* * *

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4. Free-standing *buildings* used as Group U occupancies for the storage of private or pleasure-type motor vehicles constructed in accordance with Section 406.3.1.

Section 2901.1 is hereby amended to read as follows:

Section 2901.1 Scope. The provisions of this chapter and the ~~*International Plumbing Code*~~ North Dakota State Plumbing Code shall govern the design, construction, erection and installation of plumbing components, appliances, equipment and systems used in *buildings* and structures covered by this code. Toilet and bathing rooms shall be constructed in accordance with Section 1209. Private sewage disposal systems shall conform to the ~~*International Private Sewage Disposal Code*~~ North Dakota State Plumbing Code. The *International Fire Code*, the *International Property Maintenance Code* and the ~~*International Plumbing Code*~~ North Dakota State Plumbing Code shall govern the use and maintenance of plumbing components, appliances, equipment and systems. The *International Existing Building Code* and the ~~*International Plumbing Code*~~ North Dakota State Plumbing Code shall govern the *alteration*, *repair*, relocation, replacement and *addition* of plumbing components, *appliances*, *equipment* and systems.

Section 3313 is hereby deleted in its entirety.

Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed $1,000; the court to have power to suspend said sentence and to revoke the suspension thereof.

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Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

(SEAL)

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

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

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ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING ARTICLE 21.1-01 OF CHAPTER 21.1 OF THE FARGO MUNICIPAL CODE RELATING TO THE INTERNATIONAL RESIDENTIAL CODE

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.

Article 21.1-01 of Chapter 21.1 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 2. Re-enactment.

Article 21.1-01 of Chapter 21.1 of the Fargo Municipal Code is hereby re-enacted to read as follows:

CHAPTER 21.1

INTERNATIONAL RESIDENTIAL CODE

Article
21.1-01 International Residential Code--Adoption—Amendments, §§ 21.1-0101 to 21.1-0102

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ARTICLE 21.1-01

Section
21.1-0101 Adoption of International Residential Code by Reference
21.1-0102 Amendment to International Residential Code

21.1-0101. Adoption of International Residential Code by Reference.--There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing standards, relative to housing in the city of Fargo, that certain code known as the International Residential Code recommended and compiled by the International Code Council, being particularly the 2018 Edition thereof, a copy of which is on file in the office of the City Auditor, and the same is hereby adopted and incorporated as fully as if set out in length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the city, and within the extra-territorial zoning jurisdiction of the city.

21.1-0102. Amendment to International Residential Code.--The International Residential Code as adopted in Section 21.1-0101 is hereby changed and amended as follows:

Section R101.1 is hereby amended to read as follows:

> **Section R101.1 Title.** These provisions shall be known as the *Residential Code for One- and Two-Family Dwellings* of ~~[NAME OF JURISDICTION]~~ the city of Fargo, and shall be cited as such and will be referred to herein as "this code."

Section R104.8 is hereby amended to read as follows:

> **Section R104.8. Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the *jurisdiction* in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.
> This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement

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agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section R104.8.1 is hereby amended to read as follows:

Section R104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the immunities and defenses provided by other applicable local, state or federal laws. ~~and shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings.~~ The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Section R104.10.1 is hereby deleted in its entirety.

Section R105.2 is hereby amended to read as follows:

Section R105.2 Work exempt from permit. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

Building:

1. One-*story* detached *accessory structures*, provided that the floor area does not exceed ~~200~~ 120 square feet ~~(185.8 m/2)~~.
2. Fences not over ~~7~~ 8 ½ feet ~~(2134 mm)~~ high.

* * *

7. ~~Prefabricated~~ Sswimming pools. ~~that are less than 24 inches (610 mm) deep.~~

* * *

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9. Window awnings supported by an exterior wall that ~~do not project more than 54 inches (1372 mm) from the exterior wall and~~ do not require additional support.

10. Decks not exceeding ~~200~~ 120 square feet ~~(185.8 m/2)~~ in area, that are not more than ~~30 (762 mm)~~ 7 inches above *grade* at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Section R105.3.1.1 is hereby deleted in its entirety.

Section R106.1.4 is hereby deleted in its entirety.

Section R106.4 is hereby deleted in its entirety.

Section R108.3 is hereby amended to read as follows:

Section R108.3 Building permit violations. Building *permit* valuation shall include total value of the work for which a *permit* is being issued, such as electrical, gas, mechanical, plumbing *equipment* and other permanent systems, including materials and labor. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

Section R201.3 is hereby amended to read as follows:

Section R201.3 Terms defined in other codes. Where terms are not defined in this code such terms shall have meanings ascribed in other code publications of the International Code Council. Wherever the term *International Plumbing Code* or *International Private Sewage Disposal Code* is used in the *International Residential Code*, it shall mean the North Dakota State Plumbing Code. Wherever the term *ICC Electrical Code* is used in the *International Residential Code*, it shall mean the National Electrical Code and the North Dakota State Wiring Standards. Wherever reference is made to flood plain requirements, it shall mean Article 21-06 of the Fargo Municipal Code relating to Flood Plain Management and the Fargo Flood Proofing Code.

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Table R301.2(1) is hereby amended to include the following entries from left to right within the table:

Table 301.2(1)

Climactic and Geographic Design Criteria

Ground Snow Load	Wind Design				Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topographic Effects	Special Wind Region	Windoborne Debris Zone		Weathering	Frost Line Depth	Termite					
50	115	No	No	No	Zone A	Severe	4.5'	None	-18°	Yes	1978	4000	41.5°

Manual J Design Criteria

Elevation	Lattitude	Winter Heating	Summer Cooling	Altitude Correction Factor	Indoor Design Temperature	Design Temperature Cooling	Heating Temperature Difference
869	46	-17°	88°	None	70°	75°	87°

Cooling Temperature Difference	Wind Velocity Heating	Wind Velocity Cooling	Coincident Wet Bulb	Daily Range	Winter Humidity	Summer Humidity
13°	15 mph	7.5 mph	70	M	30%	50%

Section R301.2.4 is hereby deleted in its entirety.

Table R302.1(1) Exterior Walls. The fourth column is hereby amended as follows

	~~0~~ 3 feet
≥	~~5~~ 3 feet
	< 2 feet
	≥ 2 feet to < ~~5~~ 3 feet
	≥ ~~5~~ 3 feet
	< 3 feet
	3 feet
	5 feet
	< 3 feet
	3 feet

Section R302.5.1 is hereby amended to read as follows:

Section R302.5.1 Opening Protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings

between the garage and residence shall be equipped with solid wood doors not less than 1⅜ inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1⅜ inches (35 mm) thick, or 20-minute fire-rated doors~~, equipped with a self-closing device~~.

Section R303.4 is hereby deleted in its entirety.

Section R307.1 is hereby amended to read as follows:

Section R307.1 Space required. Fixtures shall be spaced in accordance with ~~Figure R307.1, and in accordance with~~ the requirements of ~~Section P2705.1~~ the North Dakota State Plumbing Code and Figure R307.1, with the exception of the clearance in front of water closets and bidets which shall be at least 24 inches.

Section R309.3 is hereby deleted in its entirety.

Section R310.2.2 is hereby amended to read as follows:

Section R310.2.2 Window sill height. Where a window is provided as the emergency escape and rescue opening, it shall have a sill height of not more than 44 inches (1118 mm) above the floor; where the sill height is below *grade*, it shall be provided with a window well in accordance with Section R310.2.3. Sill height shall be measured from the finished floor to the bottom of the clear opening.

Exception: Below *grade* emergency escape and rescue windows shall have a maximum sill height of 48 inches.

Section R310.2.3.1 is hereby amended to read as follows:

Section R310.2.3.1 Ladder and steps. Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position~~.~~, or shall be equipped with a permanently-attached platform at least 30 inches by 16 inches. The maximum distance between the top of the window well and a platform shall be 42 inches, and shall not impede the operation of the window. Ladders or steps required by this section shall not be required to comply with Sections R311.7. Ladders or rungs shall have an inside width of not less than ~~at least~~ 12 inches (305 mm), shall project not less than 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height

of the window well.

Exception: Terraced window wells with a maximum of 24-inches per vertical rise and minimum of 12 inches per horizontal projection on each level shall also be allowed.

Section R311.3 Exceptions are hereby amended to read as follows:

Exceptions:

1. Exterior balconies less than 60 square feet (5.6 m²) and only *accessed* from a door are permitted to have a landing less than 36 inches (914 mm) measured in the direction of travel.
2. A landing is not required on the outside of exterior doors other than the required egress door, where a stairway with a total rise of less than 30 inches (762 mm) is located on the exterior side of the door, provided the door does not swing over the stairway.

Section R311.3.1 is hereby amended to read as follows:

Section R311.3.1 Floor elevations at the required egress doors. Landings or finished floors at the required egress door shall not be more than 1½ inches (38 mm) lower than the top of the threshold.

Exception: The landing or floor on the exterior side shall not be more than ~~7¾~~ 8 inches ~~(196 mm)~~ below the top of the threshold provided the door does not swing over the landing or floor.

* * *

Section R311.3.2 is hereby amended to read as follows:

Section R311.3.2 Floor elevations for other exterior doors. Doors other than the required egress door shall be provided with landings or floors not more than ~~7¾~~ 8 inches ~~(196 mm)~~ below the top of the threshold.

Exception: A ~~top~~ landing is not required where a stairway ~~of not more than two risers~~ with a total rise of less than 30 inches (762 mm) is located

on the exterior side of the door, provided that the door does not swing over the stairway.

Section R311.7.5.1 is hereby amended to read as follows:

Section R311.7.5.1 Risers. The riser height shall be not more than ~~7 ¾~~ 8 inches ~~(196 mm)~~. . . .

Section R311.7.5.2 is hereby amended to read as follows:

Section R311.7.5.2 Treads. The tread depth shall be not less than ~~10~~ 9 inches ~~(254 mm)~~. . . .

Exception: Where a landing is not provided or required by section R311.3, R311.3.2 or R311.7.6, the top tread of a stair serving exterior doors other than the required exit door, and in-swinging doors opening into an attached garage, shall be permitted to exceed the smallest tread by more than 3/8 inch (9.5mm). Such a tread shall be at least 18 inches (457mm) measured in the direction of travel.

Section R311.7.5.2.1 is hereby amended to read as follows:

Section R311.7.5.2.1 Winder treads. Winder treads shall have a tread depth of not less than ~~10~~ 9 inches ~~(254 mm)~~ measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. . . .

Section R311.7.6 Exceptions are hereby amended to read as follows:

Exceptions:

1. A floor or landing is not required at the top of an interior flight of stairs, including stairs in an enclosed garage, provided a door does not swing over the stairs.

2. A landing is not required at the top of an exterior flight of stairs with a total rise of less than 30 inches, provided the door does not swing over the stairway.

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Section R312.1.1 is hereby amended to read as follows:

Section R312.1.1 Where Required. *Guards* shall be provided for those portions of open-sided walking surfaces, ~~including~~ stairs, ramps and landings, that are located more than 30 inches (762mm) measured vertically to the floor or *grade* below~~, at any point within 36 inches (914mm) horizontally to the edge of the open side.~~ Insect screening shall not be considered as a *guard*.

Section R313.1 is hereby amended to read as follows:

Section R313.1. Townhouse automatic fire sprinkler systems. An automatic residential sprinkler system shall be installed in *townhouses*, where the *townhouses* are located on a private street or private fire department access road that is required to be greater than 150 feet in length as required by Section 503 of the International Fire Code.

Section R313.1.1 is hereby amended to read as follows:

Section R313.1.1 Design and installation. Automatic residential fire sprinkler system for *townhouses* shall be designed and installed in accordance with ~~Section P2904 or~~ NFPA 13D, NFPA 13R or NFPA 13.

Section R313.2 is hereby deleted in its entirety.

Section R314.3 is hereby amended to read as follows:

Section R314.3 Location. Smoke alarms shall be installed in the following locations:

* * *

5. In *dwelling units* where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

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Section R322 is hereby deleted in its entirety.

Section R326 is hereby deleted in its entirety.

Section R401.1 is hereby amended to read as follows:

Section R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for buildings. In addition to the provisions of this chapter, the design and construction of foundations in flood hazard areas ~~as established by Table R301.2(1)~~ shall meet the provisions of ~~Section R322~~ the Fargo Flood Proofing Code, Article 21-06 of the Fargo Municipal Code, and any other applicable requirements of the city of Fargo. Wood foundations shall be designed and installed in accordance with AWC PWF.

* * *

Section R401.3 is hereby amended to read as follows:

Section R401.3 Drainage. Surface drainage shall be diverted to a storm sewer conveyance or other *approved* point of collection ~~that does not create a hazard~~. *Lots* shall be graded to drain surface water away from foundation walls. ~~The grade shall fall not fewer than a minimum of 6 inches (152mm) within the first 10 feet (3048mm).~~

~~**Exception:** Where *lot lines*, walls, slopes or other physical barriers prohibit 6 inches (152mmm) of fall within 10 feet (3048mm), drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet (3048mm) of the building foundation shall be sloped not less than a minimum of 2 percent away from the building.~~

Section R403.1.4.1 Exceptions are hereby amended to read as follows:

Exceptions:

1. Protection of free-standing *accessory structures* ~~with an area of 600 square feet (56 m^2) or less,~~ of light-frame construction, ~~with an eave height of 10 feet (3048 mm) or less~~ shall not be required.

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2. Protection of free-standing *accessory structures* with an area of 400 square feet (37 m^2) or less, of other than light-frame construction~~, with an eave height of 10 feet (3048 mm) or less~~ shall not be required.
3. Decks ~~not supported by a dwelling~~ need not be provided with footings that extend below the frost line.

Section R404.1.3.2 is hereby amended to read as follows:

Section R404.1.3.2 Reinforcement for foundation walls. Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with Table R404.1.2(1). Vertical reinforcement shall be provided in accordance with Table R404.1.2(2), R404.1.2(3), R404.1.2(4), R404.1.2(5), R404.1.2(6), R404.1.2(7)~~, or~~ R404.1.2(8)~~.~~, or Table R404.1.2(10) and Figure R404.1.2(1) or Table R404.1.2(11) and R404.1.2(2). . . .

Table R404.1.2(10) is hereby adopted as follows:

Table R404.1.2(10)
Foundation Wall Reinforcing

Active Pressure = 45pcf

Minimum Reinforcement for Concrete Foundation Walls		
Wall Height (h) feet	Wall Thickness (t) inches	Vertical Reinforcing
8	8	#4 @ 24" o.c. #5 @ 40" o.c.
	10	#4 @ 30" o.c. #5 @ 50" o.c.
9	8	#4 @ 18" o.c. #5 @ 28" o.c.
	10	#4 @ 24" o.c. #5 @ 36" o.c.
10	10	#4 @ 16" o.c. #5 @ 26" o.c.

Notes:

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1. Chart is based on an active soil pressure of 45 pounds per cubic foot (pcf).
2. Reinforcing steel shall be ASTM A615 Fy – 60,000 pounds per square inch (psi).
3. The vertical reinforcing bars are to be located on the inside face.
4. Minimum concrete strength Fc^1 = 3,000 pounds per square inch (psi).
5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

Table R404.1.2(11) is hereby adopted as follows:

Table R404.1.2(11)
Foundation Wall Reinforcing
Active Pressure = 65 pcf

Minimum Reinforcement for Concrete Foundation Walls		
Wall Height (h) Feet	Wall Thickness (t) inches	Vertical Reinforcing
8	8	#4 @ 18" o.c. #5 @ 26" o.c. #6 @ 40" o.c.
	10	#4 @ 24" o.c. #5 @ 36" o.c. #6 @ 52" o.c.
9	8	#4 @ 12" o.c. #5 @ 18" o.c. #6 @ 26" o.c.
	10	#4 @ 16" o.c. #5 @ 24" o.c. #6 @ 36" o.c.
10	10	#4 @ 12" o.c. #5 @ 18" o.c. #6 @ 24" o.c.

Notes:
1. Chart is based on an active soil pressure of 65 pounds per cubic foot (pcf).
2. Reinforcing steel shall be ASTM A615 Fy – 60,000 pounds per square inch (psi).
3. The vertical reinforcing bars are to be located on the inside face.
4. Minimum concrete strength Fc^1 = 3,000 pounds per square inch (psi).

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5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

Figures R404.1.2(1) and R404.1.2(2) are adopted as shown:

FIGURE R404.1.2(1)

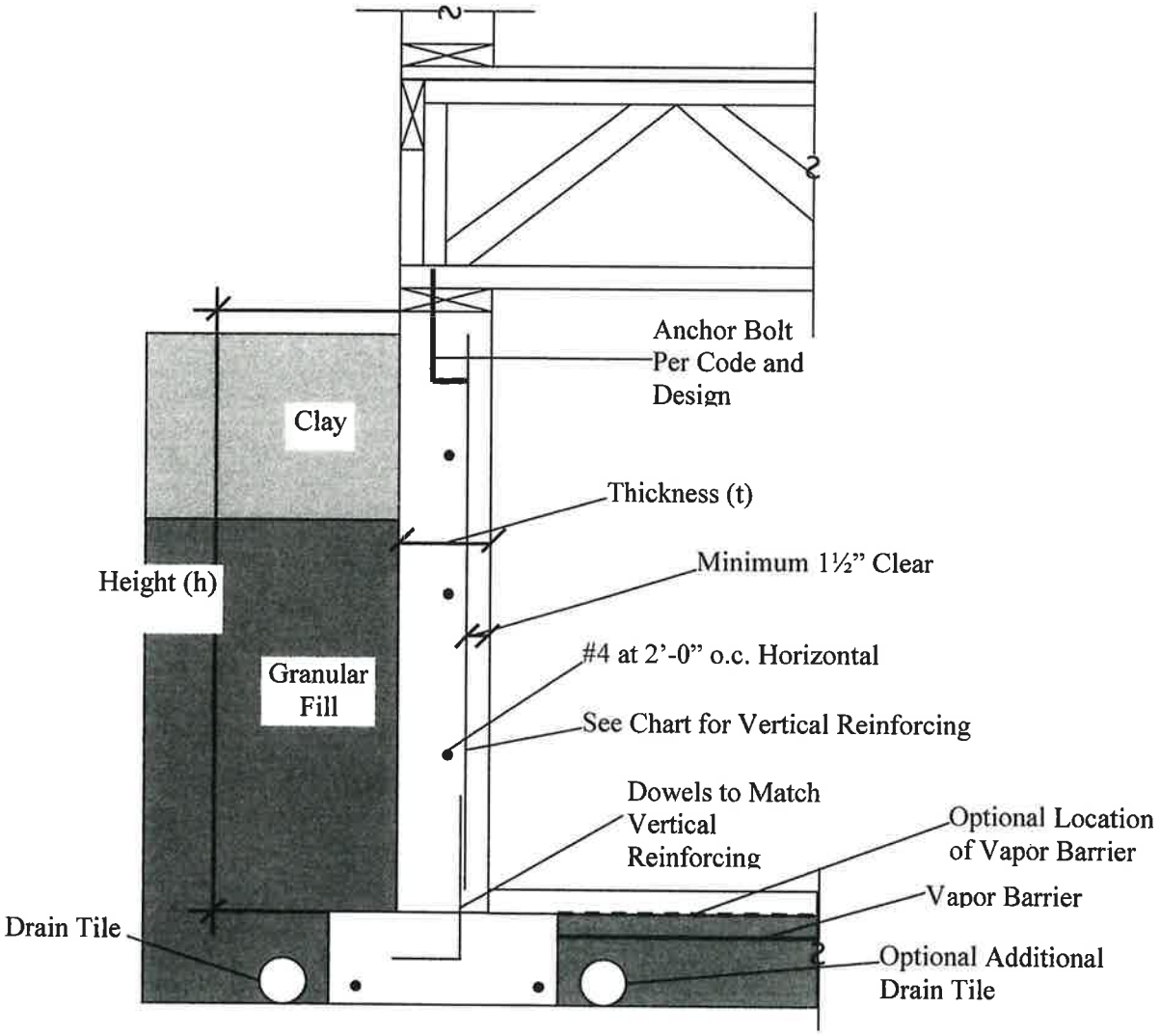

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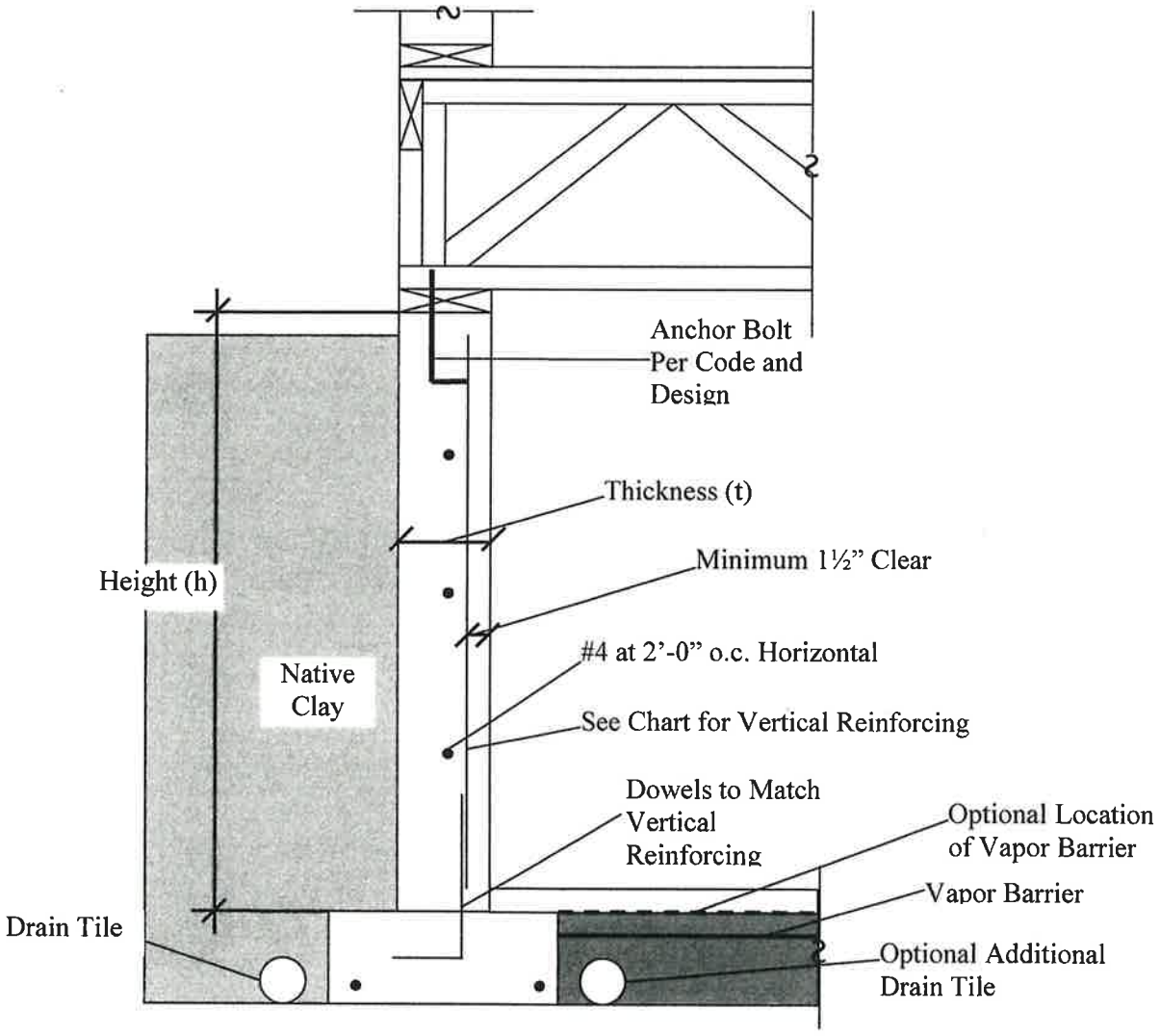
FIGURE R404.1.2(2)



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Section R507.3 is hereby deleted in its entirety.

Table R507.3.1 is hereby deleted in its entirety.

Section R507.5 is hereby amended to read as follows:

> **Section R507.5 Deck Beams.** Maximum allowable spans for wood deck beams, as shown in Figure R507.5, shall be in accordance with Table R507.5. Beam plies shall be fastened with two rows of 10d (3-inch x 0.128-inch) nails minimum at 16 inches (406 mm) on center along each edge. Beams shall be permitted to cantilever at each end up to one-fourth of the ~~allowable~~ actual beam span. Deck beams of other materials shall be permitted where designed in accordance with accepted engineering practices.

Section R602.7.2 is hereby amended to read as follows:

> **Section R602.7.2 Rim board headers.** Rim board header size, material and span shall be in accordance with Table R602.7(1). Rim board headers shall be constructed in accordance with Figure R602.7.2 and shall be supported at each end by full-height studs. ~~The number of full-height studs shall be not less than the number of studs displaced by half of the header span based on the maximum stud spacing in accordance with Table R302.3(5).~~ Rim board headers supporting concentrated loads shall be designed in accordance with accepted engineering practice.

Section R602.7.5 is hereby amended to read as follows:

> **Section R602.7.5 Support for headers.** Headers shall be supported on each end with one or more jack studs or with approved framing anchors in accordance with Table R602.7(1) or R602.7(2). The full-height stud adjacent to each end of the header shall be end nailed to each end of the header with four-16d nails (3.5 inches x .0135 inches). ~~The minimum number of full-height studs at each end of a header shall be in accordance with Table R602.7.5.~~

Table 602.7.5 is hereby deleted in its entirety.

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Table N1102.1.2 (R402.1.2) is hereby amended to read as follows:

Insulation and Fenestration Requirements By Component				
Climate Zone	~~###~~	Wood Frame Wall R-Value	###	Basement[c] Wall R-Value
6	###	~~20 + 5[h] or 13 + 10[h]~~ 21 or 13+5h,i	###	~~15/19~~ 10/13
7 and 8	###	~~20 + 5[h] or 13 + 10[h]~~ 21 or 13 + 5h,i	###	~~15/19~~ 10/13

(Balance of Table remains the same.)

Table N1102.1.4 (R402.1.4) is hereby amended to read as follows:

Equivalent U-Factors				
Climate Zone	~~###~~	Frame Wall U-Factor	~~###~~	Basement Wall U-Factor
6	###	~~0.045~~ 0.057	###	~~0.050~~ 0.059
7 and 8	###	~~0.045~~ 0.057	###	~~0.050~~ 0.059

(Balance of Table remains the same.)

Section N1102.4 (R402.4) is hereby amended to read as follows:

Section N1102.4 (R402.4) Air leakage (Mandatory). The *building thermal envelope* shall be constructed to limit air leakage in accordance with the requirements of Sections N1102.4.1 through N1102.4.5.

Exception: Dwelling units of R-2 Occupancies and multiple single family dwellings shall be permitted to comply with IECC Section C402.5.U.

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Section N1102.4.1.3 (R402.4.1.3)is hereby adopted to read as follows:

> **Section N1102.4.1.3 Visual Inspection Option.** *Building thermal envelope* tightness and insulation shall be considered acceptable when installed in accordance with Table N1102.4.1.1 (R402.4.1.1) - "Air Barrier and Insulation" and has been field verified.

Section N1103.3.5 (R403.3.5) is hereby amended to read as follows:

> **Section 1103.3.5 Building Cavities (Mandatory).** *Building* framing cavities shall not be used as supply ducts. ~~and plenums~~.

Section N1103.6 (R403.6) is hereby amended to read as follows:

> **Section 1103.6 ~~Mechanical~~ Vventilation (Mandatory).** (balance unchanged)

Table N1105.5.2(1) [R405.5.2(1)] is hereby amended to read as follows:

Building Component	Standard Reference Design	Proposed Design
Air exchange rate	The air leakage rate at a pressure of 0.2 inch w.g. (50 Pa) shall be *Climate Zones* 1 ~~and 2: 5 air changes per hour~~ ~~*Climate Zones* 3~~ through 8~~: 3 air changes per hour~~ * * *	* * *

(Balance of table is unchanged.)

Section M1301.1.1 is hereby deleted in its entirety.

Section M1401.5 is hereby deleted in its entirety.

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Section M1502.4.2 is hereby amended to read as follows:

> **Section M1502.4.2 Duct Installation.** Exhaust ducts shall be supported at intervals not to exceed ~~12~~4 feet ~~(3658 mm)~~ and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints ~~shall be sealed in accordance with Section M1601.4.1 and shall~~ may be mechanically fastened. Ducts shall not be joined with screws. ~~or similar fasteners that protrude more than 1/8 inch (3.2 mm) into the inside of the duct.~~ Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

Section M1503.6 is hereby amended to read as follows:

> **Section M1503.6 Makeup air required.** Where one or more gas, liquid or solid fuel-burning appliance that is neither direct-vent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, each exhaust system capable of exhausting in excess of 400 cubic feet per minute (0.19m 3/S) shall be mechanically or passively provided with makeup air at a rate approximately equal to the exhaust air rate in excess of 400 cfm. Such makeup air systems shall be equipped with not fewer than one damper complying with Section M1503.6.2.

Section M1503.6 Exception is hereby deleted in its entirety.

Section M1601.4.1 Exceptions are hereby amended to read as follows:

> **Exceptions:**
>
> * * *
>
> 3. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams and seams and locking-type joints and seems. ~~This exception shall not apply to snap lock and button lock type joints and seams that are located outside of conditioned spaces.~~

Section M1601.4.10 is hereby deleted in its entirety.

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Section M1701.2 is hereby deleted in its entirety.

Section M2001.4 is hereby deleted in its entirety.

Section M2005.1 is hereby amended to read as follows:

> **Section M2005.1 General.** Water heaters shall be installed in accordance with ~~Chapter 28~~ the North Dakota State Plumbing Code, the manufacturer's instructions and the requirements of this code. . . .

Section M2101.3 is hereby amended to read as follows:

> **Section M2101.3 Protection of potable water.** The potable water system shall be protected from backflow in accordance with the provisions listed in ~~Section P2902~~ the North Dakota State Plumbing Code.

Section M2101.10 is hereby amended to read as follows:

> **Section M2101.10 Tests.** New ~~H~~hydronic piping systems shall be isolated and tested hydrostatically at a pressure of ~~one and one half times the maximum system design pressure, but~~ not less than 100-pounds per square inch (689 kPa). The duration of each test shall be not less than 15 minutes.

Section M2103.3 is hereby amended to read as follows:

> **Section M2103.3 Piping joints.**
>
> * * *
>
> 2. Copper tubing shall be joined by brazing complying with ~~Section P3003.6.1~~ the North Dakota State Plumbing Code.
>
> * * *

Section M2201.6 is hereby deleted in its entirety.

Section G2404.7 is hereby deleted in its entirety.

Figure G2407.6.1(1) [304.6.1(1)] is hereby deleted in its entirety.

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Figure G2407.6.1(2) [304.6.1(2)] is hereby deleted in its entirety.
Section G2407.11 (304.11) is hereby amended to read as follows:

Section G2407.11 (304.11) Combustion air ducts. *Combustion air* ducts shall comply with all the following:

* * *

5. Ducts shall not ~~be screened where terminating~~ terminate in an attic space.

* * *

Section G2413.6 (402.6) is hereby amended to read as follows:

Section G2413.6 (402.6) Allowable pressure drop. The design pressure loss in any *piping system* under maximum probable flow conditions, from the *point of delivery* to the inlet connection of the *appliance*, shall be such that the supply pressure at the *appliance* is greater than or equal to the minimum pressure required by the *appliance*, but such pressure loss shall not be greater than 0.5 inch water column for gas *pipe systems* operating at less than 2 psi.

Section G2417.4.1 (406.4.1) is hereby amended to read as follows:

Section G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall not be less than 1 ½ times the proposed maximum working pressure, but not less than ~~3~~ 25 psig ~~(20 kPa gauge)~~, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the *piping* greater than 50 percent of the specified minimum yield strength of the pipe.

Section G2425.12 (501.12) is hereby amended to read as follows:

Section 2425.12 (501.12) Residential and low-heat appliances flue lining systems. *Flue lining* systems for use with residential-type and low-heat *appliances* shall be limited to the following:

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1. Clay *flue lining* complying with the requirements of ASTM C315 or equivalent when each *appliance* connected into the masonry chimney has a minimum input rating greater than 400,000 Btu/h. Clay *flue lining* shall be installed in accordance with Chapter 10.

* * *

3. Other *approved* materials that will resist, without cracking, softening, or corrosion, *flue gases* and *condensate* at temperatures up to 1800°F (982°C).

a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches thick up to 8 inches in diameter.
b. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge (0.018 inches thick) to 8 inches in diameter or not less than 24 gauge (0.024 inches thick) 8 inches in diameter and larger.

When a metal liner is used other than a listed chimney liner a condensation drip tee shall be installed and supported in an *approved* manner.

Section G2427.5.2 (503.5.3) is hereby amended to read as follows:

Section G2427.5.2 (503.5.3) Masonry chimneys. Masonry *chimneys* shall be built and installed in accordance with NFPA 211 and shall be lined ~~with an *approved* clay *flue lining*, a listed *chimney* lining system listed and labeled in accordance with UL 1777 or other *approved* material that will resist corrosion, erosion, softening or cracking from vent gases at temperatures up to 1,800°F (982°C)~~ as indicated in Section G2425.12.

Section G2439.7.2 (614.8.2) is hereby amended to read as follows:

Section G2439.7.2 (614.8.2) Duct Installation. Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws, ~~or similar fasteners that protrude more than 1/8 inch (3.2 mm) into the inside of the duct.~~ Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

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Section G2442.4 (618.4) is hereby amended to read as follows:

> **Section G2442.4 (618.4) Screen.** Required outdoor air inlets shall be covered with a screen having ¼ -inch (6.4 mm) openings. Required outdoor air inlets serving a nonresidential portion of a building shall be covered with screen having openings larger than ¼ inch (6.4 mm) and not larger than ½ inch.

Section G2445 (618.5) is hereby deleted in its entirety.

Chapters 25 through 43 are hereby deleted in their entirety.

Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed $1,000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

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

(SEAL)
Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING ARTICLE 21.2-01 OF CHAPTER 21.2 OF THE FARGO MUNICIPAL CODE RELATING TO THE INTERNATIONAL EXISTING BUILDING CODE

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.

Article 21.2-01 of Chapter 21.2 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 2. Re-enactment.

Article 21.2-01 of Chapter 21.2 of the Fargo Municipal Code is hereby re-enacted to read as follows:

CHAPTER 21.2

INTERNATIONAL EXISTING BUILDING CODE

Article
21.2-01 International Existing Building Code--Adoption--Amendments, §§ 21.2.-0101 to 21.2-0102

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

ARTICLE 21.2-01

Section
21.2-0101 Adoption of International Existing Building Code by Reference
21.2-0102 Amendment to International Existing Building Code

21.2-0101. Adoption of International Existing Building Code by reference.--There is hereby adopted by reference by the board of city commissioners, for the purpose of prescribing regulations governing standards, relative to existing buildings in the city of Fargo, that certain code known as the International Existing Building Code recommended and compiled by the International Code Council, 2018 Edition, a copy of which is on file in the office of the city auditor, and the same is hereby adopted and incorporated as fully as if set out in length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the city, and within the extra-territorial zoning jurisdiction of the city.

21.2-0102. Amendment to International Existing Building Code.--The International Existing Building Code as adopted in Section 21.2-0101 is hereby changed and amended as follows:

Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Existing Building Code* of ~~(NAME OF JURISDICTION)~~ the city of Fargo hereinafter referred to as "this code."

Section 104.2.1 is hereby deleted in its entirety.

Section 104.2.2.1 is hereby amended to read as follows:

104.2.2.1 Building evaluation. The *code official* is authorized to require an *existing building* to be investigated and evaluated at the owner's expense by a

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registered design professional based on the circumstances agreed ~~upon~~ on at the preliminary meeting. The design professional shall notify the *code official* if any potential ~~nonconformance~~ noncompliance with the provisions of this code is identified.

Section 104.8 is hereby amended to read as follows:

104.8 Liability. The *code official*, member of the Board of Appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section 104.10.1 is hereby deleted in its entirety.

Section 105.2 is hereby amended to read as follows:

Section 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other

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laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

* * *

7. Reroofing.
8. Window Replacement.

Section 109.3.3 is hereby deleted in its entirety.

Section 201.3 is hereby amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the other *International Codes*, such terms shall have the meanings ascribed to them in those codes.

Wherever the term "International Plumbing Code" or the "International Private Sewage Disposal Code" is used it shall mean the North Dakota State Plumbing Code. Wherever the term "ICC Electrical Code" is used it shall mean the National Electric Code and the North Dakota State Wiring Standards as provided by Chapter 43-09 of the North Dakota Century Code. Wherever the term "Special Flood Hazard Area" is used, it shall be defined pursuant to Article 21-06 of the Fargo Municipal Code relating to Flood Plain Management and the 1975 Flood Proofing Code of the city of Fargo, North Dakota.

Section 401.3 is hereby deleted in its entirety.

Section 405.2.5 is hereby deleted in its entirety.

Section 502.3 is hereby deleted in its entirety.

Section 503.2 is hereby deleted in its entirety.

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Section 507.3 is hereby deleted in its entirety.

Section 701.3 is hereby deleted in its entirety.

Section 1103.3 is hereby deleted in their entirety.

Section 1201.4 is hereby deleted in its entirety.

Section 1301.3.3 is hereby deleted in its entirety.

Section 1401.2 is hereby amended to read as follows:

1401.2 Conformance. *Buildings* to be moved within this jurisdiction shall comply with provisions of this chapter. *Buildings* to be moved from outside this jurisdiction into this jurisdiction shall comply with the provisions of the *International Codes* for new *buildings* and shall be certified as to that compliance by an agency approved by the *code official*. ~~The building shall be safe for human occupancy as determined by the *International Fire Code* and the *International Property Maintenance Code*. Any *repair*, *alteration* or *change of occupancy* undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field fabricated elements shall comply with the requirements of the *International Building Code* or the *International Residential Code* as applicable.~~

Section 1402.6 is hereby deleted in its entirety.

Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed $1,000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

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ORDINANCE NO. _____

Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

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

(SEAL)
Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

2d

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 21.3 OF THE FARGO MUNICIPAL CODE RELATING TO THE INTERNATIONAL ENERGY CONSERVATION CODE

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.

Chapter 21.3 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 2. Re-enactment.

Chapter 21.3 of the Fargo Municipal Code is hereby re-enacted to read as follows:

CHAPTER 21.3

INTERNATIONAL ENERGY CONSERVATION CODE

Article
21.3-01 International Energy Conservation Code--Adoption--Amendments, §§ 21.3.-0101 to 21.3-0102

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

ARTICLE 21.3-01

Section
21.3-0101 Adoption of International Energy Conservation Code
21.3-0102 Amendment to International Energy Conservation Code

21.3-0101. Adoption of International Energy Conservation Code by Reference.--There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing standards, relative to housing in the city of Fargo, that certain code known as the International Energy Conservation Code recommended and compiled by the International Code Council, being particularly the 2018 Edition thereof, a copy of which is on file in the office of the City Auditor, and the same is hereby adopted and incorporated as fully as if set out in length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the city, and within the extra-territorial zoning jurisdiction of the city.

21.3-0102. Amendment to International Energy Conservation Code.--The International Energy Conservation Code as adopted in Section 21.3-0101 is hereby changed and amended as follows:

Section C101.1 is hereby amended to read as follows:

> **C101.1 Title.** These provisions shall be known as the *Energy Conservation Code* of ~~[NAME OF JURISDICTION]~~ the city of Fargo, and shall be cited as such. It is referred to herein as "this code."

Section R101.1 is hereby amended to read as follows:

> **R101.1 Title.** These provisions shall be known as the *Energy Conservation Code* of ~~[NAME OF JURISDICTION]~~ the city of Fargo, and shall be cited as such. It is referred to herein as "this code."

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Table R402.1.2 is hereby amended to read as follows:

Insulation and Fenestration Requirements By Component				
Climate Zone	###	Wood Frame Wall R-Value	###	Basement[c] Wall R-Value
6	###	~~20+5[h] or 13 + 10[h]~~ 21 or 13+5h,i	###	~~15/19~~ 10/13
7 and 8	###	~~20+5[h] or 13 + 10[h]~~ 21 or 13 + 5h,i	###	~~15/19~~ 10/13

[Balance of Table remains the same.]

Table R402.1.4 is hereby amended to read as follows:

Equivalent U-Factors				
Climate Zone	###	Frame Wall U-Factor	###	Basement Wall U-Factor
6	###	~~0.045~~ 0.057	###	~~0.050~~ 0.059
7 and 8	###	~~0.045~~ 0.057	###	~~0.050~~ 0.059

[Balance of Table remains the same.]

Section R402.4 is hereby amended to read as follows:

R402.4 Air leakage (Mandatory). The *building thermal envelope* shall be constructed to limit air leakage in accordance with the requirements of Sections R402.4.1 through R402.4.5. Exception: Dwelling units of R-2 Occupancies and multiple single family dwellings shall be permitted to comply with IECC Section C402.5.

Section R402.4.1.2 is hereby amended to read as follows:

R402.4.1.2 Testing. The *building* or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour in *Climate Zones* 1 ~~and 2, and three air changes per hour in Climate Zones 3~~ through 8.

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Section R402.4.1.3 is hereby adopted to read as follows:

R402.4.1.3 Visual Inspection Option. Building envelope tightness and insulation shall be considered acceptable when installed in accordance with Table R402.4.1.1, entitled "Air Barrier and Insulation Installation," and has been field verified.

Section R403.3.5 is hereby amended to read as follows:

R403.3.5 Building Cavities (Mandatory). *Building* framing cavities shall not be used as supply ducts. ~~or plenums.~~

Section R403.6 is hereby amended to read as follows:

R403.6 ~~Mechanical~~ Vventilation (Mandatory). (balance unchanged.)

Table R405.5.2(1) is hereby amended to read as follows:

Specifications for the Standard Reference and Proposed Design		
Building Component	Standard Reference Design	Proposed Design
Air exchange rate	The air leakage rate at a pressure of 0.2 inch w.g. (50 Pa) shall be *Climate Zones* 1 through 8: ~~and 2:~~ 5 air changes per hour ~~Climate Zones 3 through 8: 3 air changes per hour.~~ Balance is unchanged.	For residences that are not tested, the same air leakage rate as the standard reference design. For tested residences, ~~T~~the measured air exchange rate[a]. Balance is unchanged.

[Balance of Table remains the same.]

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Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed $1,000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

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

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 30-0106 OF ARTICLE 30-01 OF CHAPTER 30 OF THE FARGO MUNICIPAL CODE RELATING TO THE INTERNATIONAL MECHANICAL CODE

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.

Section 30-0106 of Article 30-01 of Chapter 30 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 2. Re-enactment.

Section 30-0106 of Article 30-01 of Chapter 30 of the Fargo Municipal Code is hereby re-enacted to read as follows:

30-0106. Standards adopted.--The following standards are hereby adopted for all heating, air conditioning and other gas, oil, or coal consuming appliances:

A. All heating, air conditioning, or other gas, oil, or coal consuming appliances for either domestic or commercial use installed in the city of Fargo shall bear a seal of approval from the American Gas Association, American Standards Association, Underwriters Laboratories, or other nationally recognized testing laboratory.

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B. The International Mechanical Code, sponsored by the International Code Council, 2018 Edition, is hereby adopted as the mechanical code for the city of Fargo from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the city, and within the extra-territorial zoning jurisdiction of the city, with the following amendments:

Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Mechanical Code* of ~~[NAME OF JURISDICTION]~~ the city of Fargo hereinafter referred to as "this code."

Sections 103.1 is hereby amended to read as follows:

103.1 General. The department of ~~mechanical~~ inspections is hereby created and the executive official in charge thereof shall be known as the code official.

Section 103.4.1 is hereby amended to read as follows:

103.4.1 Legal Defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section 106.4.8 is hereby deleted in its entirety.

Section 106.5.2 is hereby amended to read as follows:

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106.5.2 Fee schedule. The fees for mechanical work shall be as indicated in the ~~following~~ schedule ~~.~~ as established by resolution of the board of city commissioners.

Section 106.5.3 is hereby amended to read as follows:

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than ~~[SPECIFY PERCENTAGE]~~ eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than ~~[SPECIFY PERCENTAGE]~~ eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

Section 201.3 is hereby amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Fuel Gas Code,* or the ~~*International Plumbing Code*~~ North Dakota State Plumbing Code, such terms shall have meanings ascribed to them as in those codes.

Section 305.4 is hereby amended to read as follows:

305.4 Interval of support. Piping shall be supported at distances not exceeding the spacing specified in Table 305.4, or in accordance with ANSI/MSS SP-58. In addition to the requirements of Table 305.4, piping and tubing shall be supported within 2 feet (610 mm) of every bend or angle.

Section 307.2.2 is hereby amended to read as follows:

307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, copper alloy, cross-linked

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polyethylene, polyethylene, ABS, CPVC, PVC, or polypropylene pipe or tubing. Components shall be selected for the pressure and temperature rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of ~~Chapter 7 of the *International Plumbing Code*~~ the North Dakota State Plumbing Code relative to the material type. Condensate waste and drain line size shall be not less than 3/4-inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 307.2.2.

Section 401.2 is hereby amended to read as follows:

401.2 Ventilation required. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical ventilation in accordance with Section 403. ~~Where the air infiltration rate in a dwelling units is less than 5 air changes per hour when tested with a blower door at a pressure 0.2 inch water column (50 Pa) in accordance with Section 402.4.1.2 of the *International Energy Conservation Code*, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403.~~ Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.

Section 403.1 is hereby amended to read as follows:

403.1 Ventilation system. Mechanical ventilation shall be provided by a method of supply air and return or *exhaust air*. ~~except that mechanical ventilation air requirements for Group R-2, R-3 and R-4 occupancies three stories and less in height above grade plane shall be provided by an exhaust system, supply system or combination thereof.~~ The amount of supply air shall be approximately equal to the amount of return and *exhaust air*. The system shall not be prohibited from producing negative or positive pressure. The system to convey *ventilation air* shall be designed and installed in accordance with Chapter 6.

Section 504.8.2 is hereby amended to read as follows:

504.8.2 Duct installation. Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws. ~~or similar fasteners that protrude more than 1/8 inch (3.2mm) into the~~

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~~inside of the duct.~~ Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

Section 505.4 is hereby amended to read as follows:

505.4 Makeup air required. Exhaust hood systems capable of exhausting in excess of 400 cfm (0.19 m^3/s) shall be provided with *makeup air* at a rate in excess of 400 cfm. ~~approximately equal to the exhaust air rate.~~ Such *makeup air* systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

Section 508.2 is hereby amended to read as follows:

508.2 Compensating hoods. Manufacturers of compensating hoods shall provide a label indicating the minimum exhaust flow, the maximum makeup airflow or both that provides capture and containment of the exhaust effluent. Short circuit compensating hoods are prohibited.

Section 508.2.1 is hereby added to read as follows:

508.2.1 Compensating Hood Makeup Air. Compensating hoods shall extract at least forty percent (40%) of the required exhaust air flow from the kitchen area.

Section 701.3 is hereby added to read as follows:

701.3 Attic space. Attic space may not be used for *combustion air*.

Section 908.5 is hereby amended to read as follows:

908.5 Water supply. Cooling towers, evaporative coolers and fluid coolers shall be provided with an approved water supply, sized for peak demand. The quality of water shall be provided in accordance with the equipment manufacturer's recommendations. The piping system and protection of the potable water supply system shall be installed as required by the ~~*International Plumbing Code*~~ North Dakota State Plumbing Code.

Section 1006.6, Item 13 is hereby amended to read as follows:

1006.6, Item 13

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13. Be constructed of those materials listed in ~~Section 605.4 of~~ the ~~*International Plumbing Code*~~ North Dakota State Plumbing Code or materials tested, rated and approved for such use in accordance with ASME A112.4.1.

Section 1007.2 is hereby deleted in its entirety.

Section 1008.2 is hereby amended to read as follows:

1008.2 Discharge. Blowoff valves shall discharge to a safe place of disposal. Where discharging to the drainage system, the installation shall conform to the ~~*International Plumbing Code*~~ North Dakota State Plumbing Code.

Section 1104.2 Exceptions are hereby amended to add the following:

1104.2 Machinery Rooms.

Exceptions:

* * *

3. If an existing *refrigerating system* is replaced or if an existing refrigeration plant is increased by not more than 50% of its original capacity, and not more than 100 tons per system using a non-flammable class A1 or B1 *refrigerant* and the *refrigeration machinery room* was not provided in the original installation prior to 1994, a *refrigeration machinery room* shall not be required. If the existing refrigeration is not located in general machinery room separated from occupied spaces, a *refrigeration machinery room* shall be provided. The space containing the *refrigeration machinery room* shall meet the requirement of Section 1104.3.4, protection room *refrigerant* decomposition., and Section 1105.3. requiring *refrigerant* detection. If the requirements of 1104.3.4 and 1105.3 cannot be met, a *refrigeration machinery room* shall be provided.

Section 1208.1 is hereby amended to read as follows:

Section 1208.1 General. New ~~H~~hydronic piping shall be isolated and tested hydrostatically at ~~one and one half times the maximum system design pressure, but~~ not less than 100 psi (689 kPa). The duration of the test shall be not less than 15 minutes.

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Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed $1,000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

_____
Timothy J. Mahoney, Mayor

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

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2f

AN ORDINANCE REPEALING AND RE-ENACTING ARTICLE 30.1-01 OF CHAPTER 30.1 OF THE FARGO MUNICIPAL CODE RELATING TO THE INTERNATIONAL FUEL GAS CODE

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.

Article 30.1-01 of Chapter 30.1 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 2. Re-enactment.

Article 30.1-01 of Chapter 30.1 of the Fargo Municipal Code is hereby re-enacted to read as follows:

CHAPTER 30.1

INTERNATIONAL FUEL GAS CODE

Article 30.1-01	International Fuel Gas Code—Adoption—Amendments, §§ 30.1-0101 to 30.1-0102

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ARTICLE 30.1-01

INTERNATIONAL FUEL GAS CODE – ADOPTION

Section
30.1-0101 Adoption of International Fuel Gas Code by Reference
30.1-0102 Amendment to International Fuel Gas Code

30.1-0101. Adoption of International Fuel Gas Code by Reference.—There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing standards, relative to housing in the City of Fargo, that certain code known as the International Fuel Gas Code sponsored by the International Code Council, being particularly the 2018 Edition thereof, a copy of which is on file in the office of the City Auditor, and the same is hereby adopted and incorporated as fully as if set out in length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the city, and within the extra-territorial zoning jurisdiction of the city.

30.1-0102. Amendment to International Fuel Gas Code.—The International Fuel Gas Code as adopted in Section 30.1-0101 is hereby changed and amended as follows:

Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Fuel Gas Code* of [~~NAME OF JURISDICTION~~] the city of Fargo, hereinafter referred to as "this code."

Section 103.4 is hereby amended to read as follows:

103.4 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by

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reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section 106.6.2 is hereby amended as follows:

106.6.2 Fee schedule. The fees for work shall be as indicated in the ~~following~~ schedule as established by resolution of the board of city commissioners.

Section 106.6.3 is hereby amended as follows:

106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.

2. Not more than ~~[SPECIFY PERCENTAGE]~~ eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Not more than ~~[SPECIFY PERCENTAGE]~~ eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 303.3 is hereby amended to read as follows:

303.3 Prohibited locations. Appliances shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

1. The *appliance* is a direct-vent *appliance* installed in accordance with the conditions of the listing and the manufacturer's instructions.

2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative

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appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section 304.5

~~3. A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in Section 621.6 and has an input rating not greater than 6,000 Btu/h (1.76 kW). The bathroom shall meet the required volume criteria of Section 304.5.~~

~~4. A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section 621.6 and has an input rating not greater than 10,000 Btu/h (2.93 kW). The bedroom shall meet the required volume criteria of Section 304.5.~~

~~5.~~3. The *appliance* is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an *approved* self-closing device. All *combustion air* shall be taken directly from the outdoors in accordance with Section 304.6.

~~6.~~4. A clothes dryer is installed in a residential bathroom or toilet room having a permanent opening with an area of not less than 100 square inches (0.06 $m^{2)}$ that communicates with a space outside of a sleeping room, bathroom, toilet room or storage closet.

Section 304.6.1 is hereby amended to read as follows:

304.6.1 Two-permanent-openings method.

* * *

Where directly communicating with the outdoors, or where communicating with the outdoors through vertical ducts, each opening shall have a minimum free area of 1 square inch per 4,000 Btu/h (550 mm^2/kW) of total input rating of all appliances in the enclosure ~~[see Figures 304.6.1(1) and 304.6.1(2)]~~.

* * *

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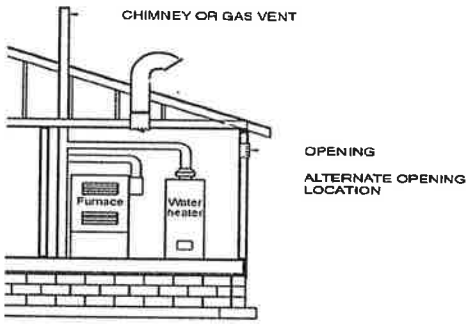
Figure 304.6.1 (1) is hereby deleted in its entirety.

Figure 304.6.1 (2) is hereby deleted in its entirety.

Figure 304.6.2 is hereby amended as shown below:



Section 304.6.2 is hereby amended to read as follows:

304.6.2 One-permanent-opening method. One permanent opening, commencing within 12 inches (305 mm) of the top of the enclosure, shall be provided. The *appliance* shall have clearances of at least 1 inch (25 mm) from the sides and back and 6 inches (152 mm) from the front of the *appliance*. The opening shall directly communicate with the outdoors, or through a vertical or horizontal duct, to the outdoors ~~or spaces that freely communicate with the outdoors (see Figure 304.6.2)~~ and shall have a minimum free area of 1 square inch per 3,000 Btu/h (734 mm^2/kW) of the total input rating of all appliances located in the enclosure and not less than the sum of the areas of all vent connectors in the space.

Section 304.11 is hereby amended to read as follows:

304.11 Combustion air ducts. *Combustion air* ducts shall comply with all of the following:

* * *

5. Ducts shall not ~~be screened where terminating~~ terminate in an attic space.

* * *

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Section 403.3 is hereby amended to read as follows:

403.3 Other materials. Material not covered by the standards specifications listed herein shall be investigated and tested to determine that it is safe and suitable for the proposed service, and, in addition, shall be recommended for that service by the manufacturer and shall be *approved* by the code official. Listed LPG hose may be used with natural gas when used for temporary heating at a maximum length of 50 feet.

Section 403.10.1.1 is hereby added to read as follows:

403.10.1.1 Gas supply systems with pressures 5 psig or greater and gas pipe joints 2 ½ inches or larger, regardless of pressure, shall be welded.

Section 403.10.5 is hereby amended to read as follows:

403.10.5 Metallic fittings. Metallic fittings shall comply with the following:

1. Threaded fittings in sizes ~~larger than 4 inches (102 mm)~~ 2 ½ inches or larger shall not be used except where *approved.*

* * *

Section 406.4 is hereby amended to read as follows:

406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. ~~Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure.~~ Dial gauges used to measure test pressures shall be performed with gauges of 2 psi incrimination or less and have a range not exceeding 100 psi unless otherwise approved.

Section 406.4.1 is hereby amended to read as follows:

406.4.1 Test pressure. The test pressure to be used shall be no less than 1 ½ times the proposed maximum working pressure, but not less than ~~3 psig (20 kPa gauge),~~.25 psig irrespective of design pressure. Where the test pressure exceeds

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125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the *piping* greater than 50 percent of the specified minimum yield strength of the pipe.

Section 408.2 is hereby amended to read as follows:

408.2 Drips. Where wet gas exists, a drip shall be provided at any point in the line of pipe where condensate could collect. ~~A drip shall also be provided at the outlet of the meter and shall be installed so as to constitute a trap wherein an accumulation of condensate will shut off the flow of gas before the condensate will run back into the meter.~~

Section 411.2 is hereby amended to read as follows:

411.2 Manufactured home connections. Manufactured homes shall be connected to the distribution *piping* system by ~~one of the following materials:~~

~~1. Metallic pipe in accordance with Section 403.4.~~

~~2. Metallic tubing in accordance with Section 403.5.~~

~~3. L~~*listed* and *labeled* connectors in compliance with ANSI Z21.75/CSA 6.27 and installed in accordance with the manufacturer's installation instructions.

Section 415.1 is hereby amended to read as follows:

415.1 Interval of support. *Piping* shall be supported at intervals not exceeding the spacing specified in Table 415.1. Spacing of supports for CSST shall be in accordance with the CSST manufacturer's instructions. In addition to the requirements of Table 415.1, *piping* and tubing shall be supported within 2 feet of every bend or angle.

Section 501.12 is hereby amended to read as follows:

501.12 Residential and low-heat appliances flue lining systems. Flue lining systems for use with residential-type and low-heat appliances shall be limited to the following:

1. Clay flue lining complying with the requirements of ASTM C315 or equivalent when each appliance connected into the masonry chimney has a minimum input rating greater than 400,000 Btu/h. Clay flue lining shall be installed in accordance with the *International Building Code*.
2. *Listed* chimney lining systems complying with UL 1777.

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3. Other *approved* materials that will resist, without cracking, softening or corrosion, flue gases and condensate at temperatures up to 1,800°F (982°C).
   a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches thick to 8 inches diameter.
   b. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge (0.018 inches thick) to 8 inches diameter or not less than 24 gauge (0.024 inches thick) 8 inches diameter and larger.

When a metal liner is used other than a listed *chimney* liner a condensation drip tee shall be installed and supported in an *approved* manner.

Section 503.5.3 is hereby amended to read as follows:

503.5.3 Masonry chimneys. Masonry chimneys shall be built and installed in accordance with NFPA 211 and shall be lined ~~with *approved* clay flue lining, a *listed* chimney lining system or other *approved* material that will resist corrosion, erosion, softening or cracking from vent gases at temperatures up to 1,800°F (982°C).~~ as detailed in Section 501.12.

Section 503.5.6.1 is hereby amended to read as follows:

503.5.6.1 Chimney lining. Chimneys shall be lined in accordance with NFPA 211 and Section 501.12.

Exception: Where an existing chimney complies with Sections 503.5.6 through 503.5.6.3 and its sizing is in accordance with Section 503.5.5, its continued use shall be allowed ~~where the *appliance* vented by such chimney is replaced by an *appliance* of similar type, input rating and efficiency.~~ when, in more than one *appliance* venting system, the secondary *appliance*, such as a water heater, is replaced and the primary heating *appliance* remains.

Section 614.8.2 is hereby amended to read as follows:

Section 614.8.2 Duct installation. Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. ~~Ducts shall not be joined with screws or similar fasteners that protrude more than 1/8 inch (3.2 mm) into the inside of the duct.~~ Where dryer exhaust ducts are enclosed in wall or

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ceiling cavities, such cavities shall allow the installation of the duct without deformation.

Section 621 is hereby deleted in its entirety.

Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed $1,000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

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

(S E A L)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

29

AN ORDINANCE REPEALING AND RE-ENACTING ARTICLE 31-01 OF CHAPTER 31 OF THE FARGO MUNICIPAL CODE RELATING TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE

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.

Article 31-01 of Chapter 31 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 2. Re-enactment.

Article 31-01 of Chapter 31 of the Fargo Municipal Code is hereby re-enacted to read as follows:

ARTICLE 31-01

ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE

Section
31-0101 Adoption of International Property Maintenance Code by Reference
31-0102 Amendment to International Property Maintenance Code

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ORDINANCE NO. _____

31-0101. Adoption of International Property Maintenance Code by Reference.--There is hereby adopted by reference by the board of city commissioners, for the purpose of prescribing regulations governing standards, relative to housing in the city of Fargo, that certain code known as the International Property Maintenance Code recommended and compiled by the International Code Council, being particularly the 2018 Edition thereof, a copy of which is on file in the office of the city auditor, and the same is hereby adopted and incorporated as if fully set forth herein, and from the provisions thereof shall be controlling within the limits of the city and within the extra-territorial zoning jurisdiction of the city.

31-0102. Amendment to International Property Maintenance Code.--The International Property Maintenance Code as adopted in §31-0101 is hereby changed and amended as follows:

Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of ~~[NAME OF JURISDICTION]~~ the city of Fargo, hereinafter referred to as "this code".

Section 102.3 is hereby amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of ~~the *International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code,* and NFPA 70.~~ all applicable ordinances adopted by the city of Fargo. ~~Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code.*~~

Section 103.5 is hereby amended to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

A. Initial Inspection. - No charge
B. First Re-inspection. - No charge
C. Second Re-inspection. - As to the second re-inspection a fee of $100
D. Third Re-inspection. - As to the third re-inspection, a fee of $100

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E. Fourth and continuing Re-inspections. - As to the fourth and any subsequent re-inspection, a fee of $100

Section 111.2 is hereby amended to read as follows:

111.2 Membership of board. The board of appeals shall consist of ~~not less than a minimum of three~~ five members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall not vote on any matter before the board. The board shall be pointed by the ~~chief appointing authority~~ board of city commissioners, and shall serve staggered and overlapping terms.

Section 111.2.1 is hereby amended to read as follows:

111.2.1 Alternate members. The ~~chief appointing authority~~ board of city commissioners shall appoint ~~not less than two~~ one or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

Section 111.6 is hereby amended to read as follows:

111.6 Board decision. The board shall modify or reverse the decision of the *code official* only by a concurring vote of ~~a majority of the total number of~~ four appointed board members.

Section 112.4 is hereby amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars~~ subject to penalties prescribed by law.

Section 201.3 is hereby amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, ~~*International Plumbing Code,*~~ *International Residential Code,* ~~*International*~~

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~~*Zoning Code*~~ or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Throughout this code, wherever reference is made to the *International Plumbing Code*, it shall be taken to mean the North Dakota State Plumbing Code and N.D. Admin. Code § 62-03.1-01. Throughout this code, wherever reference is made to the NFPA 70, it shall be taken to mean the National Electrical Code and Chapter 43-09 of the North Dakota State Wiring Standards.

Section 302.4 is hereby amended to read as follows:

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth ~~in excess of (jurisdiction to insert height in inches)~~ as provided by city ordinance, including Article 11-08. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

Section 304.14 is hereby amended to read as follows:

304.14 Insect screens. During the period from ~~[DATE]~~ April 1 to ~~[DATE]~~ October 31 of each year, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

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Section 602.3 is hereby amended to read as follows:

> **602.3 Heat supply**. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units*, or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from ~~[DATE]~~ September 15th to ~~[DATE]~~ June 1st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Section 602.4 is hereby amended to read as follows:

> **602.4 Occupiable work spaces**. Indoor occupiable work spaces shall be supplied with heat during the period from ~~[DATE]~~ September 15th to ~~[DATE]~~ June 1st to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Section 703.7 is hereby deleted in its entirety.

Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed $1,000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

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FARGO, NORTH DAKOTA

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Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

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

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

2h

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 9-0701 AND 9-0704 OF ARTICLE 9-07 OF CHAPTER 9 OF THE FARGO MUNICIPAL CODE RELATING TO FIRE PROTECTION AND PREVENTION

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.

Sections 9-0701 and 9-0704 of Article 9-07 of Chapter 9 of the Fargo Municipal Code are hereby repealed in their entirety.

Section 2. Re-enactment.

Sections 9-0701 and 9-0704 of Article 9-07 of Chapter 9 of the Fargo Municipal Code are hereby re-enacted to read as follows:

9-0701. International Fire Code--Adoption.--There is hereby adopted by reference by the board of city commissioners, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the International Fire Code being particularly the 2018 Edition thereof and all subsequent revisions and additions thereto; save and except such portions as are hereinafter deleted, modified, or amended by ordinance or in accordance with the provisions of section 9-0704, a copy of said code is on file in

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

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the office of the chief of the Fargo Fire Department and the same is hereby adopted and incorporated as fully as if set out in length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the city, and within the extra-territorial zoning jurisdiction of the city.

9-0704. Modification of International Fire Code.--The International Fire Code as adopted in Section 9-0701 is hereby changed and amended as follows:

Section 101.1 is hereby amended to read as follows:

Section 101.1 Title. These regulations shall be known as the *Fire Code* of ~~[NAME OF JURISDICTION]~~ the city of Fargo, hereinafter referred to as "this code."

Section 102.1 Subsection 3 is hereby deleted in its entirety.

Section 102.6 is hereby amended to read as follows:

Section 102.6 Historic buildings. The provisions of this code relating to the construction, *alteration,* repair, enlargement, restoration, relocation or moving of buildings or structure shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distance hazard to life or property. Fire protection in designated historic buildings shall be provided with an *approved* fire protection plan. ~~as required in Section 1103.1.1.~~

Section 103.4 is hereby amended to read as follows:

Section 103.4 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses provided by other applicable state and

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federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section 105.4.6 is hereby amended to read as follows:

Section 105.4.6 Retention of construction documents. One set of *construction documents* shall be retained by the *fire code official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. ~~One set of *approved construction documents* shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.~~

Table 105.6.8 is hereby amended to read as follows:

Table 105.6.8 Permit Amounts for Compressed Gases.

Carbon dioxide used in carbon dioxide enrichment systems ~~875 (100 lbs.)~~ 4375 (500 lbs.) Carbon dioxide used in insulated liquid carbon dioxide beverage dispensing applications ~~875 (100 lbs.)~~ 4375 (500 lbs.)

Section 105.6.16 is hereby amended in part to read as follows:

Section 105.6.16 Flammable and combustible liquids.

An operational permit is required:

* * *

2. To store, handle or use Class 1A liquids in excess of ~~5~~ 30 gallons, Class 1B liquids in excess of 60 gallons, Class 1C liquids in excess of 90 gallons ~~(19 L)~~ in a building or ~~in~~

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~~excess of 10 gallons (37.9 L)~~ outside of a building, except that a permit is not required for the following:

* * *

3. To store, handle or use Class II or Class IIIA liquids in excess of ~~25~~ 120 gallons ~~(95 L)~~ in a building or in excess of ~~60~~ 120 gallons ~~(227 L)~~ outside a building, except for fuel oil used in connection with oil-burning equipment.

* * *

Section 105.6.23 Subsections 1, 5, and 6 are hereby deleted in their entirety.

Section 105.6.29 is hereby deleted in its entirety.

Section 105.6.30 is hereby deleted in its entirety.

Section 105.6.31 is hereby deleted in its entirety.

Section 105.6.34 is hereby amended to read as follows:

Section 105.6.34 Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments. For purposes of this provision, churches shall not be deemed to be assembly areas and shall not be required to obtain a permit to utilize candles in religious ceremonies.

Section 105.6.36 is hereby deleted in its entirety.

Section 105.6.38 is hereby deleted in its entirety.

Section 105.6.43 is hereby amended to read as follows:

Section 105.6.43 Repair garages ~~and motor fuel-dispensing facilities~~. An operational permit is required for operation of repair garages.

Section 105.6.47 is hereby amended to read as follows:

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Section 105.6.47 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary *special event structure*, or a tent having an area in excess of 400 square feet ($37m^2$) for the purposes of assembly.

* * *

Section 105.7.1 is hereby deleted in its entirety.

Section 105.7.2 is hereby deleted in its entirety.

Section 105.7.3 is hereby deleted in its entirety.

Section 105.7.4 is hereby deleted in its entirety.

Section 105.7.7 is hereby deleted in its entirety.

Section 105.7.8 is hereby deleted in its entirety.

Section 105.7.11 is hereby deleted in its entirety.

Section 105.7.12 is hereby deleted in its entirety.

Section 105.7.14 is hereby deleted in its entirety.

Section 105.7.16 is hereby amended to read as follows:

Section 105.7.16 LP-gas. A construction permit is required for installation of or modification to an LP-gas system with a single container in excess of 2,000 gallons water capacity or the aggregate capacity of containers is more than 4,000 gallons in water capacity. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

Section 105.7.17 is hereby deleted in its entirety.

Section 105.7.18 is hereby deleted in its entirety.

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Section 105.7.19 is hereby deleted in its entirety.

Section 105.7.20 is hereby deleted in its entirety.

Section 105.7.21 is hereby deleted in its entirety.

Section 105.7.22 is hereby deleted in its entirety.

Section 105.7.24 is hereby deleted in its entirety.

Section 105.7.25 is hereby deleted in its entirety.

Section 110.4 is hereby amended in part to read as follows:

> **Section 110.4 Violation penalties**. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of an ~~[SPECIFY OFFENSE]~~ infraction.~~, punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [number of days], or both such fine and imprisonment.~~ Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 112.4 is hereby amended to read as follows:

> **Section 112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not ~~less than [AMOUNT] or~~ more than ~~[AMOUNT]~~ five hundred ($500.00) dollars.

Section 308.1.4 is hereby amended to read as follows:

> **Section 308.1.4 Open-flame cooking devices.** Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or decks or within 10 feet (3048 mm) of combustible construction.

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Exceptions:

1. One- and two-family *dwellings*.

2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.

3. LP-gas cooking devices having LP-gas container with a water capacity not greater than ~~2 ½ pounds [nominal 1 pound (0.454 kg)~~ 47.8 pounds [nominal 20 pounds (9 kg) LP-gas capacity].

Section 308.3 is hereby amended by adding the following subsection 1.4 to exception 1:

Section 308.3 Group A Occupancies. Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided *approved* precautions are taken to prevent ignition of a combustible material or injury to occupants:

* * *

1.4 Open-flame devices for food warming.

* * *

Section 319.4 is hereby amended to read as follows:

Section 319.4 Fire protection. Fire Protection shall be provided in accordance with Section~~s 319.4.1 and~~ 319.4.2.

Section 319.4.1 is hereby deleted in its entirety.

Section 503.4 is hereby amended to read as follows:

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Section 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times. Enforcement of such prohibited parking may be accomplished in the same manner as set forth in Article 8-10 and Section 9-0705 of the Fargo Municipal Code.

Section 510.1 is hereby amended to read as follows:

Section 510.1 Emergency responder radio coverage in new buildings. When required by the *fire code official*, ~~N~~new buildings shall have *approved* radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems of the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Section 806.1.1 is hereby amended by adding the following exception:

Exceptions:

* * *

3. For purposes of this provision, churches shall not be deemed public buildings and may utilize natural or resin bearing cut trees in the altar area of the church. No electric lighting is allowed on the tree.

Section 903.3.1 is hereby amended to read as follows:

Section 903.3.1 Standards. Sprinkler systems shall be designed with a 5 psi safety margin and installed in accordance with Sections 903.3.1.1, unless otherwise permitted by Sections 903.3.1.2 or 903.3.1.3 and other chapters of this code, as applicable.

Section 905.1.1 is hereby enacted as follows:

Section 905.1.1 Standpipe Hose. The installation of fire hose on standpipes may be omitted when approved by the *fire code official*. Approved standpipe hose valves and connections shall be provided where required.

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Section 907.8.3 is hereby deleted in its entirety.

Section 1009.8.1 is hereby amended to read as follows:

Section 1009.8.1 System requirements. Two-way communication systems shall provide communication between each required location and the fire command center or a central control point location *approved* by the fire department. Where the central control point is not constantly attended, a two-way communication system shall have a timed automatic telephone dial-out capability to a monitoring location ~~or 9-1-1~~. The two-way communication system shall include both audible and visible signals.

1010.1.9.4 is hereby amended to add subsection 7 as follows:

Section 1010.1.9.4 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exist:

* * *

7. Egress doors from occupied roofs, or doors that are used to gain access to the interior of the building shall be locked from the outside if all of the following are provided.
   7.1 Compliance with 1010.1.9.4 item #2
   7.2 Compliance with 1009.8
   7.3 The door locks shall unlock on activation of the automatic sprinkler system and automatic fire detection system and the door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center.
   7.4 A readily visible durable sign is posted on both sides of the door or adjacent to the door stating: "THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED". The sign shall be in letters 1 inch (25 mm) high on a contrasting background.

Section 1011.5.2 Exceptions are hereby amended in part to read as follows:

Exceptions:

* * *

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3. In Group R-3 occupancies; within *dwelling units* in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual *dwelling units* in Group R-2 occupancies; the maximum riser height shall be ~~7 ¾ inches (197 mm)~~ 8 inches; the minimum tread depth shall be ~~10 inches (254 mm)~~ 9 inches; the minimum *winder* tread depth at the walkline shall be 10 inches (254 mm); and the minimum *winder* tread depth shall be 6 inches (152 mm). A *nosing* projection not less than ¾ inch (19.1 mm) but not more than 1 ¼ inches (32 mm) shall be provided on *stairways* with solid risers where the tread depth is less than 11 inches (279 mm).

* * *

6. Stairways used only to attend equipment or private *stairways* serving an occupant load of 10 or fewer persons and which are not accessible to the public are permitted to have a maximum 8 inch riser height and minimum 9 tread depth.

Chapter 11 is hereby deleted with the exception of Sections 1103.8 and 1103.9.

Section 2303.1 is hereby amended by adding the following subsection as follows:

Section 2303.1 Location of dispensing devices. Dispensing devices shall be located as follows:

* * *

6. On new installations, dispensing devices used to fill portable containers with home heating fuels shall not be located on the same island where Class I liquids are dispensed.

Section 2306.1 is hereby amended to read as follows:

Section 2306.1 General. Storage of flammable and *combustible liquids* shall be in accordance with Chapter 57 and Sections 2306.2 through 2306.6.3. See also Fargo Municipal Code Section 9-0604.

Section 3106.2 is hereby amended to read as follows:

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Section 3106.2 General. Outdoor assembly events with planned attendance exceeding 1,000 people shall be in accordance with this section and Section 403.12. Temporary structures erected for outdoor assembly events shall comply with this chapter.

Section 5704.2.9.6.1 is hereby amended to read as follows:

Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. Above-ground tanks outside of buildings shall be installed only in areas zoned industrial or limited industrial and shall be located at least 300 feet from all non-industrial zoned districts.

Section 5704.2.13.1.4 is hereby amended by adding the following subsection as follows:

Section 5704.2.13.1.4 Tanks abandoned in place. Tanks abandoned in place shall be as follows:

* * *

7. Site assessment is required to determine if there are any spills, leaks, or discharge from the tank system. Records of site assessment shall be kept on the site of tank location.

Section 5705.3.7.5.1 Exception is hereby amended to read as follows:

Exceptions:
1. Where natural ventilation can be shown to be effective for the materials used, dispensed or mixed.
2. When approved by the fire chief, continuous ventilation may be provided for one complete air change per hour, if supplemented with mechanical ventilation designed to provide for a complete air change six times per hour. The non-continuous ventilation equipment and any lighting fixtures shall be operated by the same switch located outside of the door.

Section 5806.2 is hereby amended to read as follows:

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Section 5806.2 Limitations. Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. Stationary containers shall be installed only in areas zoned industrial or limited industrial and shall be located at least 300 feet from all non-industrial zoning districts.

Section 6103.2.1.6 is hereby amended to read as follows:

Section 6103.2.1.6 Use with self-contained torch assemblies. Portable LP-gas containers are allowed to be used to supply *approved* self-contained torch assemblies or similar appliances. Such containers shall not exceed a water capacity of ~~2 ½ pounds (1 kg)~~ 12 pounds.

Section 6104.2 is hereby amended to read as follows:

Section 6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed 2,000 gallons (7570 L). Unprotected tanks with a water capacity exceeding 2,000 gallons shall be installed only in Limited Industrial, "LI", or General Industrial, "GI", zoning districts and shall be located at least 300 feet from any zoning district other than said LI or GI zoning district.

Appendix B "Fire-Flow Requirements for Buildings" is hereby adopted and enacted in its entirety.

Appendix C "Fire Hydrant Locations and Distribution" is hereby adopted and enacted in its entirety.

Appendix D "Fire Apparatus Access Roads" is hereby adopted and enacted, except **D103.1** is hereby deleted in its entirety.

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Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed $1,000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

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

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

CITY OF Fargo

ASSESSMENT DEPARTMENT

3a

July 24, 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 5 St. S as submitted by Sheila R. Remboldt. 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 2016, 2017, 2018, 2019, & 2020.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $535 with the City of Fargo's share being $90.

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 Sheila Remboldt Phone No. 701-429-0973
2. Address of Property 1001 5 St S

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed. Pt of Lts 11 & 12, Blk X, Erskines
4. Parcel Number 01-0780-01890-000 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) Replace all main floor & upstairs windows, drain tile sump pump and egress window, new furnace & A/C, upgrade elec. panel to 200 amp. remodel upstairs bathroom to replace all fixtures and install shower
7. Building Permit No. _____ 8. Year Built 1916
9. Date of Commencement of making the improvement August 2015 - March 2016
10. Estimated market value of property before improvement $ _____
11. Cost of making the improvement (all labor, material and overhead) $ 41,255
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 Sheila Remboldt Date 7-18-19

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 7/30/19

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

36

July 24, 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 906 30 St. N as submitted by Larry Chesley. 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 2020, 2021, 2022, 2023, & 2024.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $195 with the City of Fargo's share being $35.

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 Larry Chesley Phone No. 701/793-7283
2. Address of Property 906 30 St N

   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed. Lt 1, Blk 2, Model Cities Subd
4. Parcel Number 01-2020-00410-000 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). Repair water damage, convert from duplex to single family dwelling, convert 2nd kitchen to laundry room
7. Building Permit No. 190182 8. Year Built 1976
9. Date of Commencement of making the improvement March 2019
10. Estimated market value of property before improvement $ 153,000
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 Larry Chesley Date 7-18-19

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 7/30/19

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

30

July 24, 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 1115 7 St. S as submitted by Prudence A. Olson. 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 2017, 2018, 2019, 2020, & 2021.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $330 with the City of Fargo's share being $55.

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 Prudence Olson Phone No. 701-261-3297
2. Address of Property 1115 7 St S

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed. Lts 5, 6, & 7 Blk II, Erskines
4. Parcel Number 01-0780-00810-000 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. 8. Year Built 1913
9. Date of Commencement of making the improvement November 2016
10. Estimated market value of property before improvement $
11. Cost of making the improvement (all labor, material and overhead) $ 25,600
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 Prudence O. Olson Date 7-19-19

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 Dan Dennis Date 7/30/19

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

3d

July 24, 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 31 Meadowlark Ln. N as submitted by Richard A. & Beverly Leverson. 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 $50 with the City of Fargo's share being $10.

Sincerely,

Ben Hushka

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 Richard & Beverly Leverson Phone No. 701/ 232-0592
2. Address of Property 31 Meadowlark Ln N

   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed. E 75' of Lt 2, Blk 8, Woodcrest 2nd Addn
4. Parcel Number 01-4050-00120-000 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 exterior walls in lower level
7. Building Permit No. 182080 8. Year Built 1967
9. Date of Commencement of making the improvement December 2018
10. Estimated market value of property before improvement $ 221,700
11. Cost of making the improvement (all labor, material and overhead) $ 5,250
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 Richard A. Leverson Date July 19, 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 [signature] Date 7/30/19

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

3e

July 24, 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 2314 Lilac Ln. N as submitted by Julie A. Baker. 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 2020, 2021, 2022, 2023, & 2024.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $195 with the City of Fargo's share being $35.

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 Julie A Baker Phone No. 701-793-8493
2. Address of Property 2314 Lilac Lane

   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.

   Woodcrest 2nd Lot 21 Block 11
4. Parcel Number 01-4050-00840-000 Residential ■ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner 2314 Lilac Lane

   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).

   Kitchen remodel
7. Building Permit No. BL20190262 8. Year Built 1967
9. Date of Commencement of making the improvement 4/15/2019
10. Estimated market value of property before improvement $269,100
11. Cost of making the improvement (all labor, material and overhead) $15,000
12. Estimated market value of property after improvement $279,100

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 Julie A. Baker Date 7-16-19

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 7/30/19

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

3f

July 24, 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 1641 12 Ave. S as submitted by Darin A. Luebke & Jennifer L. Lovell-Luebke. 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 $360 with the City of Fargo's share being $60.

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 Darin Luebke Phone No. 701-729-7007
2. Address of Property 1641 12th Ave. S.
   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed. Lot 14 Blk 1 Fredricksons
4. Parcel Number 01-0960-00130-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner 1641 12th Ave S.
   City Fargo State ND Zip Code 58103

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. 180095 8. Year Built 1953
9. Date of Commencement of making the improvement 1/29/18
10. Estimated market value of property before improvement $ 200,000
11. Cost of making the improvement (all labor, material and overhead) $ 20,000
12. Estimated market value of property after improvement $ 220,000

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 7/17/19

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 7/18/19

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)

√8813
25.00
7/29,

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

Name of Non-profit Organization	Date(s) of Activity	For a raffle, provide drawing date(s):
Red River Children's Advocacy Center	Sept 1 to Sept. 12	Sept. 12

Person Responsible for the Gaming Operation and Disbursement of Net Income	Title	Business Phone Number
Anna Frissell	Executive Director	701-234-4580

Business Address	City	State	Zip Code
100 So. 4th St., #302	Fargo	ND	58103

Mailing Address (if different)	City	State	Zip Code

Name of Site Where Game(s) will be Conducted	Site Address
Fargo Garden Hilton Inn	4351 17th Ave. So.

City	State	Zip Code	County
Fargo	ND	58104	CASS

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

[ ] Bingo [X] Raffle [X] 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
Raffle Boards	gift cards	$500
Raffle Board	gift cards	$500
50/50 Raffle		$500

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 1500—

Intended uses of gaming proceeds: The funds will be used to assist in the operation of the RRCAC - providing services to children who are the victims of maltreatment.

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? [X] 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.*

last permit issued for event 11/12/18.

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
	9/25/19	Executive Director	701-234-4583

(46)

✓ 21870
2500
7/29/19

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	Date(s) of Activity	For a raffle, provide drawing date(s):
Farso Air Museum	to	Drawing 9-14-19
Person Responsible for the Gaming Operation and Disbursement of Net Income: Jackie Williams	Title: Exec Dir	Business Phone Number
Business Address: 1609 19th Ave	City	State / Zip Code: 701 293 8043
Mailing Address (if different)	City	State / Zip Code
Name of Site Where Game(s) will be Conducted	Site Address	
City: Farso ND	State / Zip Code: 58102	County: USA

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
raffle	$100	$100
raffle	Gun	$300
raffle	Membership	$1000
raffle	trip to NA	$5000

Game Type	Description of Prize	Retail Value of Prize

Total: $6400 (Limit $12,000 per year)

Intended uses of gaming proceeds: Farso Air Museum Fun + Free camps 12x per year

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	Date	Title	Business Phone Number
[signature]	7-23-19	Executive Director	701 293-8043

(4)

✓ 3251
25.00
7/29/19

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

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

Name of Non-profit Organization	Date(s) of Activity	For a raffle, provide drawing date(s):
Fargo Davies HS	11.1.19 to 2.18.20	Attached
Person Responsible for the Gaming Operation and Disbursement of Net Income	**Title**	**Business Phone Number**
Lenny Ollhauser	AD	701.446.5608
Business Address	**City**	**State / Zip Code**
7150 25th St S	Fargo	ND 58104
Mailing Address (if different)	**City**	**State / Zip Code**
Same		
Name of Site Where Game(s) will be Conducted	**Site Address**	
Scheels Arena	5225 32nd Ave	
City	**State / Zip Code**	**County**
Fargo	ND 58103	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 [x] 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
50/50 Raffle	½ money collected	2500

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 2500

Intended uses of gaming proceeds: Fundraiser

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? [x] No [ ] Yes - If "Yes," indicate the total value of all prizes previously awarded: $ 2500 . *This amount is part of the total prize limit of $12,000 per year.*

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
Lenny Ollhauser	7.26.19	AD	701.446.5608

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

4d

V3252
25.00
7/29/19

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

Name of Non-profit Organization	Date(s) of Activity	For a raffle, provide drawing date(s):
Fargo Davies HS	8.22.19 to 5.14.20	

Person Responsible for the Gaming Operation and Disbursement of Net Income	Title	Business Phone Number
Lenny Ohlhaus	AD	701.446.5608

Business Address	City	State	Zip Code
7150 25th St S	Fargo	ND	58104

Mailing Address (if different)	City	State	Zip Code
SAME			

Name of Site Where Game(s) will be Conducted	Site Address
Davies HS	7150 25th St S

City	State	Zip Code	County
Fargo	ND	58104	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
50/50 Raffle	1/2 money collected	7500

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 7500

Intended uses of gaming proceeds: fundraisers

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: $ 2500. *This amount is part of the total prize limit of $12,000 per year.*

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
Lenny Ohlhaus	7.26.19	AD	701.446.5608

(42)

√11256
25.00
8/1/19

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

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

Name of Non-profit Organization	Date(s) of Activity	For a raffle, provide drawing date(s):
Scottish Rite Holding Company	11-5- 19	11-5-19

Person Responsible for the Gaming Operation and Disbursement of Net Income	Title	Business Phone Number
Robert Moore	Raffle superv	701-235-7875

Business Address	City	State	Zip Code
1405 3rd Street N	Fargo	ND	58103

Mailing Address (if different)	City	State	Zip Code

Name of Site Where Game(s) will be Conducted	Site Address
Fargo Masonic Center	1405 3rd St N

City	State	Zip Code	County
Fargo	ND	58103	Cass

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

[ ] Bingo [X] 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
Raffle	Visa Card	500
Raffle	Visa Card	300
Raffle	Visa Card	100

Game Type	Description of Prize	Retail Value of Prize

(Limit $12,000 per year)

Total: $ 900

Intended uses of gaming proceeds: Repairs for Scottish Rite Language Center

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? [X] 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	Date	Title	Business Phone Number
Robert J. Moore	7/24/2019	Gaming Supervisor	701-235-7875

APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2019)

V22746
25.00
8/2/19

Application for: ☒ Local Permit * ☐ Restricted Event Permit (one event per year)

Name of Nonprofit Organization or group of people permit is issued to	Date(s) of Activity	For a raffle, provide drawing date(s):
Sts. Anne & Joachim Catholic Church	11/10/2019 to 11/10/2019	11-10-19

Person Responsible for the Gaming Operation and Disbursement of Net Income	Title	Business Phone Number
Rob Asheim	Bus. Manager	(701) 235-5757

Business Address	City	State	Zip Code
5202 25th Street South	Fargo	ND	58104-7119

Mailing Address (if different)	City	State	Zip Code

Name of Site Where Game(s) will be Conducted	Site Address
Sts. Anne & Joachim Catholic Church	5202 25th Street South

City	State	Zip Code	County
Fargo	ND	58104-7119	Cass

Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Restricted Event 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
Raffle	Cash	$8,000.00
Raffle	Cash	$6,000.00
Raffle	Cash	$4,000.00
Raffle	Cash	$1,000.00
Raffle	Cash	$1,000.00
Raffle	Cash	$500.00
Raffle	Cash	$500.00
Raffle	Cash	$500.00
Raffle	Cash	$500.00

Game Type	Description of Prize	Retail Value of Prize
Raffle	Cash	$500.00

Total: (Limit $40,000 per year) $ 22,500.00

Intended uses of gaming proceeds: Repairs to Parking lot and adding additional Handicap parking spots with the proper signage

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

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? ☒ No ☐ Yes-If "Yes," the organization or group does not qualify for a local permit or restricted event permit.

Has the organization or group received a local permit from any city or county for the fiscal year July 1-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 $40,000 per year.*

Signature of Organization or Group's Top Official	Date	Title	Business Phone Number
	8/2/2019	Business Manager	(701) 235-5757

49

$25.00 8-2-19

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

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

Name of Non-profit Organization	Date(s) of Activity		For a raffle, provide drawing date(s):
Ywca Cass Clay	9/5/2019 to 9/5/2019		09/05/2019
Person Responsible for the Gaming Operation and Disbursement of Net Income	**Title**		**Business Phone Number**
Erin Prochnow	Ceo		(701) 232-2547
Business Address	**City**	**State**	**Zip Code**
3100 12th Ave N	Fargo	ND	58102-3070
Mailing Address (if different)	**City**	**State**	**Zip Code**
Name of Site Where Game(s) will be Conducted	**Site Address**		
Delta by Marriott	1635 42nd St. Sw		
City	**State**	**Zip Code**	**County**
Fargo	ND	58103-3323	Cass County

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

[ ] Bingo [x] 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
Raffle	Liquor Wagon	$300.00
Raffle	Bison Tickets	$224.00
Raffle	Travel Cert.	$800.00
Raffle	Auto Start Cert.	$550.00
Raffle	Kids Gator	$450.00

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 2,324.00

Intended uses of gaming proceeds: All proceeds benefit YWCA emergency shelter programs and operations.

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? [x] 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	Date	Title	Business Phone Number
	8/2/2019	Ceo	(701) 232-2547

4h

$25.00 cash 8-2-19

APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2019)

Application for: ☒ Local Permit * ☐ Restricted Event Permit (one event per year)

Name of Nonprofit Organization or group of people permit is issued to	Date(s) of Activity	For a raffle, provide drawing date(s):
Spartan Boosters Inc	to	9/6/19 & 9/20/19
Person Responsible for the Gaming Operation and Disbursement of Net Income	**Title**	**Business Phone Number**
Travis Christensen	Activities Coordinator	701-446-2407
Business Address	**City**	**State** / **Zip Code**
201 17th Ave N	Fargo	ND 58102
Mailing Address (if different)	**City**	**State** / **Zip Code**
Name of Site Where Game(s) will be Conducted	**Site Address**	
Fargodome	1800 N. University Drive	
City	**State** / **Zip Code**	**County**
Fargo	ND 58102	USA

Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Restricted Event 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
50/50 Raffle	Cash	$250
50/50 Raffle	Cash	$250

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $40,000 per year) $ 500.00

Intended uses of gaming proceeds: Fargo North Football Supplies + equipment

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

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? ☒ No ☐ Yes-If "Yes," the organization or group does not qualify for a local permit or restricted event permit.

Has the organization or group received a local permit from any city or county for the fiscal year July 1-June 30? ☐ No ☒ Yes-If "Yes," indicate the total value of all prizes previously awarded: $ 0.00 . *This amount is part of the total prize limit of $40,000 per year.*

Signature of Organization or Group's Top Official	Date	Title	Business Phone Number
	8-5-19	Activities Coordinator	701-446-2407

(4c)

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	Date(s) of Activity	For a raffle, provide drawing date(s):
Legacy Children's Foundation	8/19 to 8/19	8/19

Person Responsible for the Gaming Operation and Disbursement of Net Income	Title	Business Phone Number
MaryJean Dehne	Executive Director	701-793-7600

Business Address	City	State	Zip Code
725 28th St N.	Fargo	ND	58102

Mailing Address (if different)	City	State	Zip Code
—	—	—	—

Name of Site Where Game(s) will be Conducted	Site Address
Edgewood Golf Course	19 Golf Course Rd

City	State	Zip Code	County
Fargo	ND	58102	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
Raffle	50/50	2500
Raffle	Cooler	$400-
Raffle	Putter	$110-
Raffle	Speciality From	110-

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 3120

Intended uses of gaming proceeds: to provide afterschool resources for at-risk youth and community service.

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	Date	Title	Business Phone Number
MaryJean Dehne	8/6/19	Executive Director	701-793-7600

RESOLUTION
PUBLIC SPIRITED ORGANIZATIONS

WHEREAS Legacy Children's Foundation (Name of Organization), **a Public-Spirited Organization, has applied to the City of Fargo for a Local Games of Chance Permit.**

NOW, THEREFORE, BE IT RESOLVED, that Legacy Children's Foundation (Name of Organization), **is hereby recognized by the Board of City Commissioners of the City of Fargo as a "Public-Spirited Organization" eligible to conduct games of chance under Chapter 53-06.1-03 of the North Dakota Century Code.**

Adopted this _____ day of _____, 20___.

_____

Timothy Mahoney, Mayor

Attest:

_____

Steven Sprague, City Auditor

CC
25.00

(4)

APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT 8/7/19

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2019)

Application for: ☒ Local Permit * ☐ Restricted Event Permit (one event per year)

Name of Nonprofit Organization or group of people permit is issued to	Date(s) of Activity	For a raffle, provide drawing date(s):
Nd Cpa Society Foundation	9/24/2019 to	9/24/19
Person Responsible for the Gaming Operation and Disbursement of Net Income	**Title**	**Business Phone Number**
Sherre Sattler	Executive Dir	(701) 775-7111
Business Address	**City**	**State / Zip Code**
3100 S Columbia Rd Suite 500	Grand Forks	ND 58201
Mailing Address (if different)	**City**	**State / Zip Code**
Name of Site Where Game(s) will be Conducted	**Site Address**	
Holiday Inn	3803 13th Ave S	
City	**State / Zip Code**	**County**
Fargo	ND 58201	Cass

Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Restricted Event 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
Raffle	Google Tech	$350.00
Raffle	Gift Card	$500.00
Raffle	Laptop Bag	$350.00
Raffle	Medora Vacation	$275.00

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $40,000 per year) $ 1,475.00

Intended uses of gaming proceeds: scholarships for accounting students

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

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? ☒ No ☐ Yes-If "Yes," the organization or group does not qualify for a local permit or restricted event permit.

Has the organization or group received a local permit from any city or county for the fiscal year July 1-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 $40,000 per year.*

Signature of Organization or Group's Top Official	Date	Title	Business Phone Number
Sherre Sattler	8/6/2019	Executive Director	(701) 775-7111

(4K)

Cash 25.00 8/8/19

APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2019)

Application for: ☒ Local Permit *☐ Restricted Event Permit (one event per year)

Name of Nonprofit Organization or group of people permit is issued to	Date(s) of Activity	For a raffle, provide drawing date(s):
St. John Paul II Catholic Schools	09.01.19 to 04.25.20	04.25.20
Person Responsible for the Gaming Operation and Disbursement of Net Income	**Title**	**Business Phone Number**
Lee Hoedl, Shanley Deacon Dinner Auction Director	Auction Director	701.306.1266
Business Address	**City**	**State / Zip Code**
5600 25th Street South	Fargo	MN 58104
Mailing Address (if different)	**City**	**State / Zip Code**
Name of Site Where Game(s) will be Conducted	**Site Address**	
Fargo Holiday Inn	3803 13th Avenue South	
City	**State / Zip Code**	**County**
Fargo	ND 58104	Cass

Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Restricted Event 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
Raffle	School Tuition	$6000

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $40,000 per year) $ $6000

Intended uses of gaming proceeds: Benefits annual operating budget of the St. John Paul II Catholic Schools

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

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? ☒ No ☐ Yes-If "Yes," the organization or group does not qualify for a local permit or restricted event permit.

Has the organization or group received a local permit from any city or county for the fiscal year July 1-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 $40,000 per year.*

Signature of Organization or Group's Top Official	Date	Title	Business Phone Number
	08.07.19	Auction Director	701.306.1266

THE CITY OF Fargo
FAR MORE

(5)

AUDITOR'S OFFICE
Fargo City Hall
225 4th Street North
PO Box 2471
Fargo, ND 58108
Phone: 701.241.8108 | Fax: 701.241.8184
www.FargoND.gov

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: City Seal

DATE: July 31, 2019

The City of Fargo was incorporated in 1875. The City has used an embossed city seal since August 1, 1939. With current technology there are many times the embossed seal will not appear on a copy or a scanned image. The Auditor's office is requesting approval to use either the embossed stamp or a stamped image as the official seal of the City of Fargo and to designate the Auditor's office as the official keeper of the seal.

Recommended Motion:

Approve the use of the attached stamped or embossed City seal as the official seal of the City of Fargo

T-5215 - BLACK

CITY OF FARGO
CORPORATE
SEAL
INCORPORATED
1875
STATE OF NORTH DAKOTA

(6)

CITY OF FARGO
GENERAL FUND - BUDGET TO ACTUAL
THROUGH JULY 2019
(UNAUDITED)

	2019 BUDGET	2019 ACTUAL	VARIANCE
REVENUES:			
Taxes	$ 26,873,205	$ 27,205,465	$ 332,260
Licenses & Permits	2,664,825	2,425,897	(238,928)
Fines & Traffic Tickets	1,086,199	1,008,013	(78,186)
Intergovernmental Revenue	9,835,773	9,621,543	(214,230)
Charges for Services	7,662,389	6,804,796	(857,593)
Interest	2,070,832	2,734,586	663,754
Miscellaneous Revenue	356,164	412,481	56,317
Transfers In	9,720,005	8,838,285	(881,720)
Total Revenues	**$ 60,269,392**	**$ 59,051,066**	**$ (1,218,326)**
EXPENDITURES:			
City Administrator	$ 4,374,637	$ 4,062,050	$ 312,587
Finance	4,559,012	4,015,633	543,379
Planning & Development	2,137,622	1,996,676	140,946
Transit	4,768,408	4,359,659	408,749
Public Works	9,138,304	9,988,948	(850,644)
Fire Department	8,034,580	7,687,470	347,110
Police	12,196,278	11,909,798	286,480
Health	6,387,927	6,172,377	215,550
Library	2,593,985	2,509,811	84,174
Commission	386,108	388,669	(2,561)
Civic Center	296,081	280,350	15,731
Social Services	403,558	285,047	118,511
Capital Outlay	302,442	160,229	142,213
Vehicle Replacement/IT	228,643	220,255	8,388
Contingency	(1,266,465)	5,593	(1,272,058)
Transfers Out	3,429,036	3,753,894	(324,858)
Total Expenditures	**$ 57,970,156**	**$ 57,796,459**	**$ 173,697**
Excess of Revenue Over (Under) Expenditures	**$ 2,299,236**	**$ 1,254,607**	**$ (1,044,629)**

7

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. SL-19-A1 Type: Change Order #1

Location: Citywide Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Jim Mohr

The Committee reviewed the accompanying correspondence from Project Manager, Jim Mohr, for Change Order #1 in the amount of $49,660.80, for additional work.

Staff is recommending approval of Change Order #1 in the amount of $49,660.80, bringing the total contract amount to $193,154.80.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Change Order #1 to Fargo Electric.

RECOMMENDED MOTION
Approve Change Order #1 in the amount of $49,660.80 to Fargo Electric.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Sales Tax & Street Light Utility Funds

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, P.E.
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: Members of PWPEC

From: Jim Mohr, Project Engineer

Date: July 24, 2019

Re: Project No. SL-19-A1 – Change Order #1
Street Lighting Rehabilitation & Incidentals

Background:

Project No. SL-19-A1 is for the repair of various street lighting maintenance issues Citywide.

Fargo Electric is the prime contractor on this project.

The attached Change Order #1 in the amount of $49,660.80, which will increase the total contract amount to $193,154.80, is for additional work as shown on the Change Order.

Recommended Motion:

Approve Change Order #1 in the amount of $49,660.80 to Fargo Electric.

JDM/klb
Attachment

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Project No	SL-19-A1	**Change Order No**	1
Project Name	Street Lighting Rehabilitation & Incidentals		
Date Entered	7/23/2019	**For**	Fargo Electric Const Inc

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: added work

various locations City wide.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
SITE 32	87	Repair Street Light Miscellaneous	EA	0.00	0.00	0.00	1.00	1.00	850.00	850.00
									SITE 32 Sub Total ($)	850.00
SITE 33	88	Directional Boring	LF	0.00	0.00	0.00	552.00	552.00	11.00	6,072.00
	89	F&I Innerduct 1.5" Dia	LF	0.00	0.00	0.00	552.00	552.00	2.10	1,159.20
	90	F&I Conductor #6 USE Cu	LF	0.00	0.00	0.00	1,656.00	1,656.00	2.10	3,477.60
									SITE 33 Sub Total ($)	10,708.80
SITE 34	91	Remove Feed Point	EA	0.00	0.00	0.00	1.00	1.00	600.00	600.00
	92	Directional Boring	LF	0.00	0.00	0.00	152.00	152.00	11.00	1,672.00
	93	F&I Innerduct 1.5" Dia	LF	0.00	0.00	0.00	152.00	152.00	2.10	319.20
	94	F&I Conductor #6 USE Cu	LF	0.00	0.00	0.00	456.00	456.00	2.10	957.60
									SITE 34 Sub Total ($)	3,548.80
SITE 36	95	Remove Base	EA	0.00	0.00	0.00	1.00	1.00	550.00	550.00
	96	F&I Base 6' Deep Reinf Conc	EA	0.00	0.00	0.00	1.00	1.00	1,150.00	1,150.00
									SITE 36 Sub Total ($)	1,700.00
SITE 35	97	Remove Base	EA	0.00	0.00	0.00	1.00	1.00	550.00	550.00
	98	F&I Base 5' Deep Reinf Conc	EA	0.00	0.00	0.00	1.00	1.00	1,150.00	1,150.00
									SITE 35 Sub Total ($)	1,700.00
SITE 37	99	Directional Boring	LF	0.00	0.00	0.00	189.00	189.00	11.00	2,079.00

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

SITE 37	100	F&I Innerduct 1.5" Dia	LF	0.00	0.00	0.00	189.00	189.00	2.10	396.90
	101	F&I Conductor #6 USE Cu	LF	0.00	0.00	0.00	567.00	567.00	2.10	1,190.70
									SITE 37 Sub Total ($)	3,666.60
SITE 38	102	F&I Feed Point	EA	0.00	0.00	0.00	1.00	1.00	10,000.00	10,000.00
									SITE 38 Sub Total ($)	10,000.00
SITE 39	103	Remove Base	EA	0.00	0.00	0.00	1.00	1.00	550.00	550.00
	104	F&I Base 5' Deep Reinf Conc	EA	0.00	0.00	0.00	1.00	1.00	1,150.00	1,150.00
									SITE 39 Sub Total ($)	1,700.00
SITE 40	105	Directional Boring	LF	0.00	0.00	0.00	189.00	189.00	11.00	2,079.00
	106	F&I Innerduct 1.5" Dia	LF	0.00	0.00	0.00	189.00	189.00	2.10	396.90
	107	F&I Conductor #6 USE Cu	LF	0.00	0.00	0.00	567.00	567.00	2.10	1,190.70
									SITE 40 Sub Total ($)	3,666.60
SITE 41	108	Directional Boring	LF	0.00	0.00	0.00	300.00	300.00	11.00	3,300.00
	109	F&I Innerduct 1.5" Dia	LF	0.00	0.00	0.00	300.00	300.00	2.10	630.00
	110	F&I Conductor #6 USE Cu	LF	0.00	0.00	0.00	900.00	900.00	2.10	1,890.00
									SITE 41 Sub Total ($)	5,820.00
SITE 42	111	Repair Street Light Miscellaneous	EA	0.00	0.00	0.00	1.00	1.00	1,200.00	1,200.00
									SITE 42 Sub Total ($)	1,200.00
SITE 43	112	Remove Base	EA	0.00	0.00	0.00	1.00	1.00	550.00	550.00
	113	F&I Base 5' Deep Reinf Conc	EA	0.00	0.00	0.00	1.00	1.00	1,150.00	1,150.00
									SITE 43 Sub Total ($)	1,700.00
SITE 44	114	Remove Base	EA	0.00	0.00	0.00	1.00	1.00	550.00	550.00
	115	F&I Base 6' Deep Reinf Conc	EA	0.00	0.00	0.00	1.00	1.00	1,150.00	1,150.00
									SITE 44 Sub Total ($)	1,700.00
SITE 45	116	Remove Base	EA	0.00	0.00	0.00	1.00	1.00	550.00	550.00
	117	F&I Base 5' Deep Reinf Conc	EA	0.00	0.00	0.00	1.00	1.00	1,150.00	1,150.00
									SITE 45 Sub Total ($)	1,700.00

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Summary

Source Of Funding	Sales Tax Funds - Infrastructure - 420, Utility Funds - Street Lights - 528
Net Amount Change Order # 1 ($)	49,660.80
Previous Change Orders ($)	0.00
Original Contract Amount ($)	143,494.00
Total Contract Amount ($)	193,154.80

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
10/31/2019		14.00	14.00	11/14/2019	

Description

APPROVED 7/25/19

For Contractor Fargo Electric Con.

Title Project Manager

APPROVED DATE

Department Head 8/7/19

Mayor

Attest

8

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. SN-18-C2 Type: Change Order #3 & Time Extension

Location: City Hall Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Rob Hasey

The Committee reviewed the accompanying correspondence from Project Manager, Rob Hasey, regarding Change Order #3 & time extension requested by Key Contracting. Change Order #3 is for replacing a damaged portion of Pontoppidian Lutheran Church's access that has been damaged by semi-trucks using the loading dock at the Fargo Civic Center and for traffic control that is needed during the installation of sidewalk along 2nd Street. The time extension is being requested due to delays on the City Centre Lofts project and the extra work to repair the alley for Pontopiddian Lutheran Church.

Staff is recommending approval of Change Order #3 in the amount of $25,122.00, and a time extension adjusting the Substantial Completion Date to September 30, 2019 and the Final Completion Date to October 14, 2019.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Change Order #3 & time extension as described above to Key Contracting.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Change Order #3 in the amount of $25,122.00, bringing the total contract amount to $446,467.60, and a time extension to the Substantial and Final Completion Dates.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Sales Tax

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, P.E.
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: PWPEC

From: Rob Hasey, Civil Engineer I, Storm Sewer Utility

Cc: Nathan Boerboom, Division Engineer

Date: July 31, 2019

Re: Project SN-18-C2 – Change Order #3 & Time Extension

Background:

Project SN-18-C2 is for the construction of sidewalks on the north and east side of City Hall.

The remaining portion of sidewalk to be installed on this project is shown on the image below in the red dashed lines. This area is located north of City Hall and south of the City Centre Lofts building.

On April 23rd, 2019 the City, the City's Contractor (Key Contracting) and Mike Vipond from the City Centre lofts met to discuss Key Contracting installing the remaining sidewalk. Mr. Vipond said that if the sidewalk was to be installed in the spring it would cause problems for them while installing the siding on the south wall and the machinery used could possibly damage the new sidewalk. Mr. Vipond stated that it would take them until the end of June to complete the siding work. I have been in contact with Dave Glessner (City Centre project manager) and I was told they would finish by the first week in July and when that date lapsed, the new completion date changed to July 24th. When July 24th passed without the siding being completed I requested a meeting with City Centre at 9am on Monday, July 29th. During this meeting, we were informed that City Centre would finish the siding by August 2nd. Balconies on the south side would be installed the week of August 8-12. A large door on the upper floor on the south side is anticipated to be delivered to the site in late August or early September. Key Contracting should be able to start the remaining sidewalk either in late August or right after Labor Day.

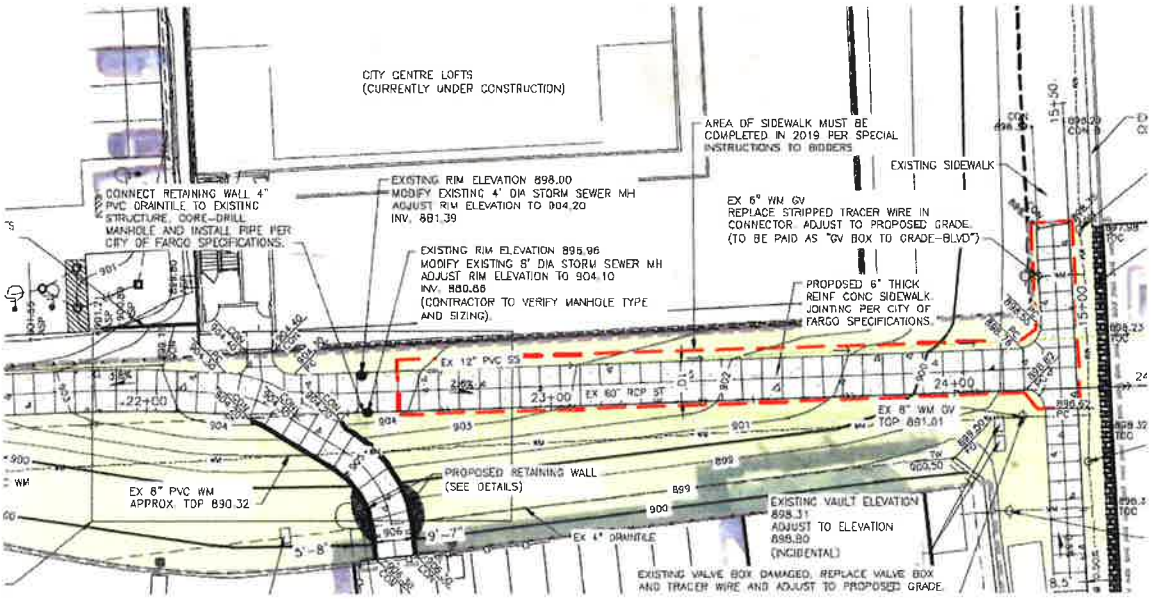
Pontoppidian Lutheran Church is requesting that a portion of their access be restored from truck damage. I met with Roy Sander who represents Pontoppidian and he stated when semi-trucks use the loading dock at the Fargo Civic Center they pull up to their dumpster and that has cause damage to their asphalt surface. We propose to install 7" reinforced concrete to restore their driving surface. The estimated cost to do this is $24,297.00.

Traffic control is also being added in this change order for installing sidewalk closure signs along 2nd Street until the remaining portion of the sidewalk outlined in red in the image below is installed. That cost is $825.00.

Total cost of Change Order #3: $25,122.00.

Source of funding: 100% Sales Tax Funds – Infrastructure 420

We recommend approving the alley work and granting Key Contracting a time extension to September 30th, 2019 to have the project Substantially Complete and two weeks later for Final Completion, which includes punchlist items and final cleanup. The additional time is due to delays on the City Centre project along with the extra work to repair the alley to Pontoppidian Church.



Recommended Motion:

Approve Change Order #3 as shown:

Original Completion Date	Revised Previously	Revised This Memo
Substantial – October 31, 2018 **Final – June 15th, 2019**	**December 15th, 2018** **August 30th, 2019**	**Substantial – September 30th, 2019** **Final – October 14th, 2019**

Original Contract	Previous Change Orders	Change Order #3	New Contract Amount
$394,750.00	$26,595.60	$25,122.00	$446,467.60

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Project No	SN-18-C2	**Change Order No**	3
Project Name	New Sidewalk Construction & Incidentals		
Date Entered	7/11/2019	**For**	Key Contracting Inc

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: Remove/replace pavement for Pontoppidan Lutheran Church

Alley to the east of Pontoppidan Church damaged from trucks that use it to back up to Fargo Civic Center

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
Paving	4	F&I Sidewalk 4" Thick Reinf Conc	SY	435.00	75.30	510.30	75.00	585.30	72.00	5,400.00
	18	Mulching Type 1 - Hydro	SY	2,000.00	1,100.00	3,100.00	44.00	3,144.00	1.50	66.00
	19	Seeding Type B	SY	2,000.00	1,100.00	3,100.00	44.00	3,144.00	1.50	66.00
	25	F&I Pavement 7" Thick Reinf Conc	SY	0.00	0.00	0.00	111.50	111.50	77.00	8,585.50
	26	F&I Curb & Gutter Standard (Type II)	LF	0.00	0.00	0.00	59.00	59.00	45.00	2,655.00
	27	Remove Pavement All Thicknesses Asph	SY	0.00	0.00	0.00	128.00	128.00	18.00	2,304.00
	28	Traffic Control - Minor	LS	0.00	0.00	0.00	1.00	1.00	600.00	600.00
	29	Topsoil - Import	CY	0.00	0.00	0.00	7.50	7.50	48.00	360.00
	30	Remove Sidewalk 4" Thick Conc	SY	0.00	0.00	0.00	75.00	75.00	18.00	1,350.00
	31	Excavation	CY	0.00	0.00	0.00	29.00	29.00	35.00	1,015.00
	32	F&I Class 5 Agg - 6" Thick	SY	0.00	0.00	0.00	111.50	111.50	11.00	1,226.50
	33	F&I Woven Geotextile	SY	0.00	0.00	0.00	111.50	111.50	3.00	334.50
	34	Subgrade Preparation	SY	0.00	0.00	0.00	111.50	111.50	3.00	334.50
	35	Traffic Control - Minor	LS	0.00	0.00	0.00	1.00	1.00	825.00	825.00
									Paving Sub Total ($)	25,122.00

Summary

Source Of Funding Sales Tax Funds - Infrastructure - 420

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Net Amount Change Order # 3 ($)	25,122.00
Previous Change Orders ($)	26,595.60
Original Contract Amount ($)	394,750.00
Total Contract Amount ($)	446,467.60

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
12/15/2018	06/02/2019	289.00	134.00	09/30/2019	10/14/2019

Description Add time for asphalt removal, curb & gutter installation and 7" reinforced concrete pavement. Also add time for City Centre project delays.

APPROVED

For Contractor Steve Carr

Title Vice President

APPROVED DATE

Department Head 8/7/19

Mayor

Attest

(9)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. SR-19-A1

Type: Change Order #1

Location: Citywide

Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Brandon Beaudry

The Committee reviewed the accompanying correspondence from Project Manager, Brandon Beaudry, for Change Order #1 in the amount of $82,140.00, for additional sidewalk and approach reconstruction at various locations in City right of ways.

Staff is recommending approval of Change Order #1 in the amount of $82,140.00, bringing the total contract amount to $351,076.00.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Change Order #1 to Key Contracting.

RECOMMENDED MOTION
Approve Change Order #1 in the amount of $82,140.00 to Key Contracting.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, P.E.
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: Members of PWPEC

From: Brandon Beaudry, Project Inspector

Date: July 24, 2019

Re: Project No. SR-19-A1–Change Order #1

Project No. SR-19-A1 –Reconstruction of City Order Sidewalks - various locations throughout the City.

The attached Change Order #1, in the amount of $82,140.00, is due for additional sidewalk and approach reconstruction at various locations in City right of ways.

Original Contract:	$	268,936.00
Change Order #1	$	82,140.00
Total Contract:	$	351,076.00

Special Assessments have funded all costs for this project.

Recommended Motion:

Approve Change Order #1 to Key Contracting for $82,140 respectively.

Attachment

C: Tom Knakmuhs
Kristy Schmidt

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Project No	SR-19-A1	**Change Order No**	1
Project Name	Reconstruction of City Order Sidewalks		
Date Entered	7/24/2019	**For**	Key Contracting Inc

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: Extra sidewalk repairs added on the north side of Fargo

Extras sidewalk quantity from sidewalk work added on to sidewalk project SR-19-A1

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
Section 1 Property Owner Cost	3	Rem & Repl Driveway 6" Thick Reinf Conc	SY	20.00	0.00	20.00	79.00	99.00	90.00	7,110.00
	5	F&I Sidewalk 4" Thick Reinf Conc	SY	1,736.00	0.00	1,736.00	230.00	1,966.00	63.00	14,490.00
									Section 1 Property Owner Cost Sub Total ($)	21,600.00
Section 2 City Cost	8	Rem & Repl Curb & Gutter	LF	160.00	0.00	160.00	312.00	472.00	55.00	17,160.00
	9	Rem & Repl Sidewalk 4" Thick Reinf Conc	SY	231.00	0.00	231.00	260.00	491.00	72.00	18,720.00
	13	F&I Sidewalk 6" Thick Reinf Conc	SY	20.00	0.00	20.00	60.00	80.00	90.00	5,400.00
	14	F&I Det Warn Panels Cast Iron	SF	232.00	0.00	232.00	192.00	424.00	55.00	10,560.00
	15	Rem & Repl Pavement 9" Thick Asph	SY	20.00	0.00	20.00	50.00	70.00	90.00	4,500.00
	17	GV Box to Grade - w/Conc	EA	3.00	0.00	3.00	12.00	15.00	200.00	2,400.00
	22	Topsoil - Import	CY	20.00	0.00	20.00	90.00	110.00	20.00	1,800.00
									Section 2 City Cost Sub Total ($)	60,540.00

Summary

Source Of Funding	Sales Tax Funds - Infrastructure - 420, Special Assessments
Net Amount Change Order # 1 ($)	82,140.00
Previous Change Orders ($)	0.00
Original Contract Amount ($)	268,936.00

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Total Contract Amount ($) 351,076.00

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
09/06/2019	09/27/2019	0.00	0.00	09/06/2019	09/27/2019

Description

APPROVED

For Contractor 7-24-19

Title Cheryl Beiswenger Office Manager

APPROVED DATE

Department Head

Mayor 8/7/19

Attest

(10)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. UR-19-A1 Type: Change Order #2

Location: Great Northern Dr, Elm St, 26th St N Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Roger Kluck

The Committee reviewed the accompanying correspondence from Project Manager, Roger Kluck, for Change Order #2 in the not to exceed amount of $15,770.00, for additional work resulting from a sink hole that developed above the 30-inch storm sewer along the north side of 18th Avenue South.

Staff is recommending approval of Change Order #1 in the not to exceed amount of $15,770.00, bringing the total contract amount to $858,010.00.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Change Order #2 to Fox Underground.

RECOMMENDED MOTION
Approve Change Order #2 in the not to exceed amount of $15,770.00 to Fox Underground.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Storm Sewer Utility Fund

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, P.E.
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: PWPEC

From: Jody Bertrand, Division Engineer

CC: Roger Kluck, Civil Engineer II; Tom Knakmuhs, Assistant City Engineer

Date: August 5, 2019

Re: Project #UR-19-A1 Storm Sewer, Storm Sewer Repairs, PC Concrete Paving and Incidentals Change Order #2, Emergency Storm Sewer Repair - Sink Hole

---

Background:

Project UR-19-A1 was bid on May 1, 2019 with bid award on May 6, 2019. The project began the week of July 8, 2019. The project documents identified Final Completion for all cleanup and punch list items for October 1, 2019. Fox Underground was awarded the project and subsequently given a Notice to Proceed. After several repeated rainfalls in the middle of July, the Street Department identified settlement and a sink hole had developed above the 30-inch storm sewer along the north side 18th Avenue South, adjacent to the West Acres Area Regional Storm Sewer Pond located east of 42nd Street South. After inspection with Public Works, it was determined the best solution was to do the work on a time and materials basis with a not to exceed cap of $15,770 through a change order on our storm sewer repairs project. The repair cost will be paid for out of the Storm Sewer Utility-524.

The price increase is reasonable and Engineering recommends approval.

Recommended Motion:

Approve Change Order #2 for a not to exceed amount of $15,770.00.

JRB/jmg

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Project No	UR-19-A1	**Change Order No**	2
Project Name	Storm Sewer, Storm Sewer Repairs, PC Concrete Paving, and Incidentals		
Date Entered	7/29/2019	**For**	Fox Underground

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: Storm Sewer Sink hole 18th Ave and 43rd St S

Sink hole identified in the boulevard of 18th Ave S south of the regional retention pond. Bike path, curb & gutter and sidewalk removals required to complete storm sewer pipe repair about 12 feet in depth. Time and materials quote for a not to exceed amount of $15,770.00.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
Site 3	104	Extra - StormSewers	LS	0.00	0.00	0.00	1.00	1.00	15,770.00	15,770.00
									Site 3 Sub Total ($)	15,770.00

Summary

Source Of Funding	Utility Funds - Stormwater - 524
Net Amount Change Order # 2 ($)	15,770.00
Previous Change Orders ($)	53,700.00
Original Contract Amount ($)	788,540.00
Total Contract Amount ($)	858,010.00

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
09/15/2019	10/01/2019	0.00	0.00	09/15/2019	10/01/2019

Description

APPROVED **APPROVED DATE**

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

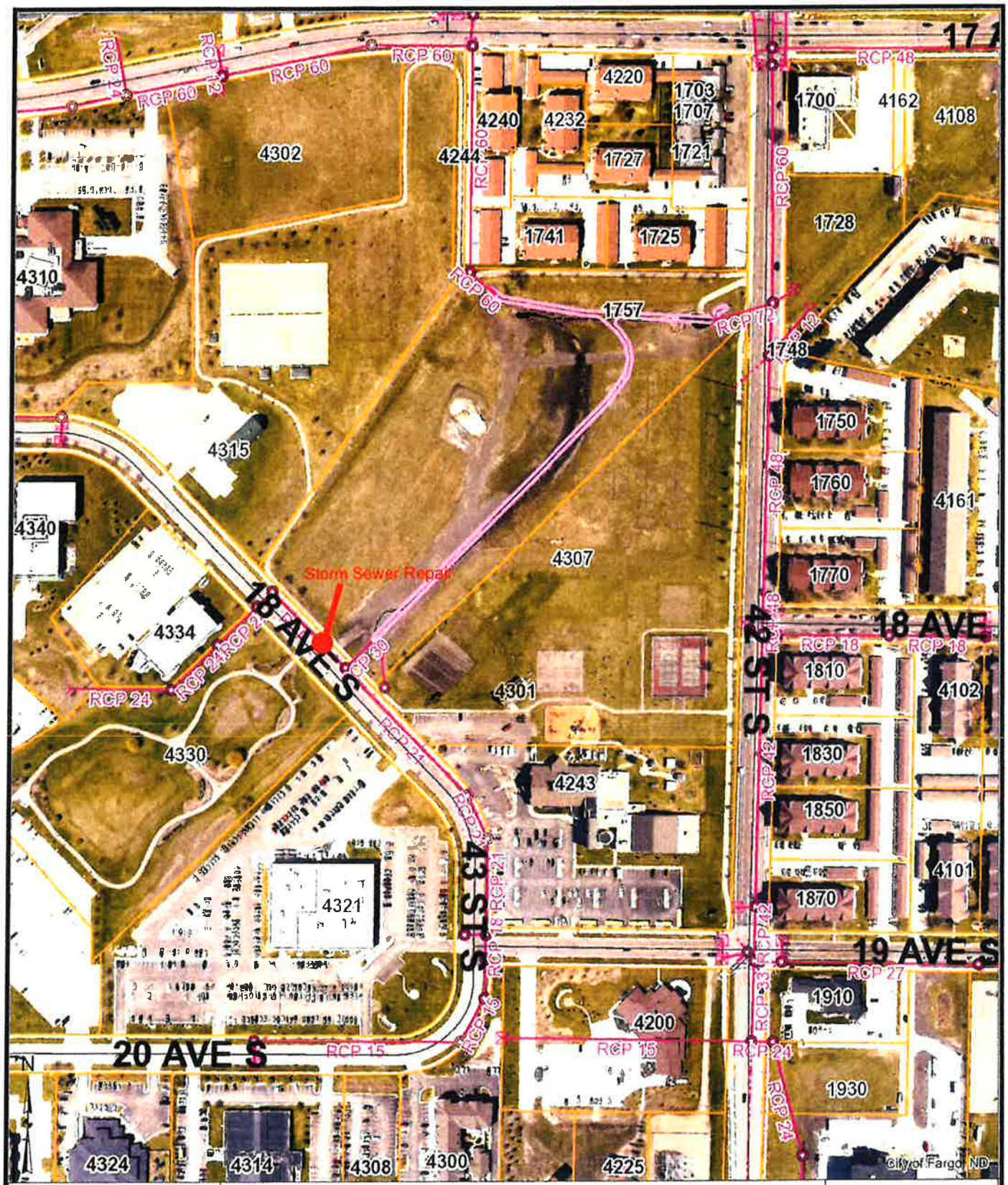
For Contractor Scott Sikes VP 8-7-19

Title Fox Underground Inc

Department Head

Mayor 8/7/19

Attest



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.

Storm Sewer Repair Location

1:4,514	7/29/2019 11:18:21 AM

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

THE CITY OF Fargo FAR MORE

FOX UNDERGROUND

4900 19th Ave North - Fargo, ND 58102 - 701.361.1919

PROJECT:
YMCA Sinkhole
18th Ave S — Storm Sewer Repair
Fargo, North Dakota

	No.	ITEM	QUAN	UNIT	PRICE	EXTENSION
		Storm Sewer				
	1	Mobilization	1.00	lsum	1,800.00	1,800.00
	2	Sawcut & Remove - Curb & Gutter/Sidewalk/Bike Path	1.00	lsum	500.00	500.00
	3	Excavation, Trench Box	1.00	lsum	2,200.00	2,200.00
	4	Street Lights Remove/Replace	1.00	lsum	800.00	800.00
	5	Wire Mesh Repair - Concrete Pour	3.00	yds	200.00	600.00
	6	Gravel Backfill to Top of Trench & Compaction (Cl3)	80.00	ton	15.00	1,200.00
	7	Traffic Control - Shut Down West Bound Lane	1.00	lsum	950.00	950.00
	8	Curb & Gutter Repair	20.00	ft	45.00	900.00
	9	Bike Path Repair	50.00	sf	14.00	700.00
	10	Sidewalk Repair	80.00	sf	14.00	1,120.00

*** Breakdown is for Reference to Size & Scope Only - All Items Tied ****

Sinkhole Repair Estimate: 10,770.00
Time & Material - Price NOT to Exceed: 15,770.00

Does Not Include: Remove/Replace of Any Kind (Besides Specifically Quote Items), Strip/Stockpile Topsoil, Survey Staking, Soils Compaction Testing, Seeding/Landscaping/Restoration, Storm Water Management, Hold/Relocate Poles, Farming/Drying Dirt, Rock Bedding If Wet, Regraveling Roads, Sewer Jetting/Cleaning/Jetting, Tracer Wire, Perforated Drain, Riprap w/ Fabric, Storm Manhole Boots, Bond.

NOTE: Fox Underground will mobilize a backhoe, sawcut and remove picture frame around excavation to allow for OSHA compliant trench. We will have the street lights cut out fo the way, will install a box, and will excavate the side of the storm pipe to expose the hole. We will bolt a wire mesh to the RCP, and will pour 4000psi concrete in and around the void. Fox will backfill the entire trench with Class 3 gravel-backfill-compacted, and will haul away debris and excess clay. Fox will then coordinate the replacement of the curb & gutter/bike path/sidewalk, and will take the traffic control down.
Final Grading and Seeding is NOT included

PRICING: An estimate has been provided, however Fox would prefer to manage job with Time & Material Pricing, NOT TO EXCEED the priced amount. We are NOT sure how big the void is, and what problems we will encounter.

Guy Fox

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(11)

Type: Block 9 Developer and Road Use Agreement Amendment

Location: Block 9 – Broadway btwn 2nd & 3rd Avenue Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Kristy Schmidt

The Committee reviewed a communication from Civil Engineer, Kristy Schmidt, regarding a request received from McGough Construction, the Contractor for Block 9, to install a construction barrier on 3rd Avenue North between Broadway and 5th Street.

As the project continues to climb vertical the potential hazards to adjacent pedestrians increase. This is an added precaution for safety. The current operations do not allow for horizontal netting. The request is to have a safety fence with netting installed vertically in the center of 3rd Avenue adjacent to the Block 9 tower. This would be installed as soon as Broadway is open to traffic and would be in place until early November.

Staff is recommending approval of the Amendment for the Developer and Road Use Agreement to allow closure of the east bound lane of 3rd Avenue North between Broadway and 5th Street.

On a motion by Tim Mahoney, seconded by Ryan Erickson, the Committee voted to recommend approval of the Amendment for the Developer and Road Use Agreement for additional safety measures.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve the Amendment for the Developer and Road Use Agreement with Kilbourne Group.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: N/A

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
Letter of Credit required (per policy approved 5-28-13)	N/A	

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

on behalf of
Brenda E. Derrig, PE
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: Members of PWPEC

From: Kristy Schmidt, Project Engineer

Date: August 2, 2019

Re: Amendment to Block 9 Developer and Road Use Agreement

Background:

We have received a request from the McGough Construction, the Contractor for the Block 9, supported by Kilbourne, to install a construction barrier on 3rd Avenue North between Broadway and 5th Street (adjacent to Block 9 tower). As the project continues to climb vertical the potential hazards increase. This is an added precaution for safety. The ongoing construction operations do not allow for horizontal netting. They are requesting to have a safety fence with netting installed vertically in the center of 3rd Avenue adjacent to the Block 9 tower. This would be installed as soon as Broadway is open to traffic, approximately August 14, and would be in place until early November. McGough is working on the plans to submit to the City for review prior to the Amendment to the ROW Use Agreement approval.

Staff is recommending to approve the Amendment to the Block 9 Developer and Road Use Agreement to allow closure of the east bound lane of 3rd Avenue North between Broadway and 5th Street.

Recommended Motion:

Approve eastbound road closure on 3rd Avenue North adjacent to Block 9 tower for additional safety measures.

KLS/klb
Attachment

C: Keith Leier, Kilbourne Group
Russ Klein, McGough Construction

McGOUGH

3rd Ave Road Amendment- Block 9

Narrative:

The McGough management team is proposing to extend the construction barriers to the centerline of 3rd Ave North between Broadway and the intermediate point to 5th Street. Currently, all construction barriers provide protections to the adjacent public that are within all applicable code and OSHA standards. As the project continues to climb vertical, the potential hazard to adjacent pedestrians increases. The building design and layout within the site make this especially true along 3rd Ave. It is important to note that design and multiple ongoing exterior façade operations do not allow for conventional horizontal netting practices to take place. The collective team understands that the current ROW user agreement provides full code compliance and adequate levels of safety for the downtown community. We feel that OSHA compliance is a minimum and would like to implement this added precaution as a means of displaying our commitment to a safe atmosphere in downtown Fargo. This proposal has been discussed with immediate neighbors whom appear to be in alignment. It is also important to note that this condition would only be in place from mid-August until early November.

Amendment (Third) to Developer and Road Use Agreement

This Amendment (Third) amends that Developer and Road Use Agreement dated July 11, 2018. Paragraph #2 shall be amended to include use of the south ½ of the City Right of Way on 3rd Avenue North, between Broadway North and the alley, as identified on Exhibit "A" attached hereto. The permitted use shall commence on August 13, 2019, and shall cease no later than November 15, 2019.

All other terms and conditions of the Developer and Road Use Agreement shall remain in full in force in effect.

Block 9 Partners, LLC, a North Dakota Limited Liability Company

Dated: 8/8/19

By: MIKE Allmendinger
Its: president

STATE OF ND)
) ss.
COUNTY OF Cass)

On this 8 day of August 2019, before me, a notary public in and for said county and state, personally appeared Mike Allmendinger of Block 9 Partners, LLC, the person described in and that executed the within and foregoing instrument, and acknowledged to me that said person executed the same.

LISA OSLAND
Notary Public
State of North Dakota
My Commission Expires November 15, 2019

(SEAL)

Lisa Osland
Notary Public
Cass County, ND
My Commission expires: 11-15-2019

City of Fargo, a North Dakota municipal corporation

Dated: _____

_____
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)

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

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.

Block 9 - 215 Broadway

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

THE CITY OF Fargo FAR MORE

Public Health
Prevent. Promote. Protect.
Fargo Cass Public Health

(12)

FARGO CASS PUBLIC HEALTH
1240 25th Street South
Fargo, ND 58103-2367
Phone 701-241-1360
Fax 701-241-1366
FargoCassPublicHealth.com

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: DESI FLEMING
DIRECTOR OF PUBLIC HEALTH

DATE: AUGUST 3, 2019

RE: NOTICE OF GRANT AWARD FROM NORTH DAKOTA DEPARTMENT OF COMMERCE/DCS FOR GLADYS RAY SHELTER/ND HOMELESS GRANT FOR $46,875 CONTRACT NO. 4499-NDHG19

The following Notice of Grant Award from the North Dakota Department of Commerce is for the Gladys Ray Shelter for Homeless. No budget adjustment is required for this contract of $37,500 and recipient share of $9375 for a total of $46,875.

If you have any questions, please contact me at 241-1380.

Suggested Motion: Move to approve the award from North Dakota Department of Commerce

DF/lls
Enclosure

FINANCIAL AWARD
NORTH DAKOTA DEPARTMENT OF COMMERCE/DCS
SFN 4623 (05/02)

PART I
BASIC INFORMATION & SIGNATORY SHEET

PROJECT TITLE North Dakota Homeless Grant	***INSTRUMENT TYPE*** ☑ Grant ☐ Contract ☐ Cooperative Agreement ***INSTRUMENT NUMBER*** 4499-NDHG19
RECIPIENT NAME AND ADDRESS Gladys Ray Shelter - City of Fargo 1519 1st Avenue South, Suite A Fargo, ND 58103	***GRANTOR*** ND Department of Commerce Division of Community Services 1600 East Century Ave, Suite 2, PO Box 2057 Bismarck, ND 58502-2057 Phone: (701) 328-5300
RECIPIENT FEDERAL IDENTIFICATION NUMBER 070265871	***BUDGET/PROJECT PERIOD*** 7/1/19 - 6/30/20 ***DATE*** 07/16/19
RECIPIENT TYPE ☐ State Government ☐ Indian Tribal Government ☐ Local Government ☐ Individual ☐ Education ☐ For Profit Organization ☐ Hospital ☑ Other Nonprofit Organizations ☐ Other (Specify)_____	***FUNDING SOURCE*** ☐ Federal $_____ ☑ State $_____ ☐ Other $_____
FEDERAL AUTHORIZING LEGISLATION	***TYPE OF AWARD*** ☑ New ☐ Renewal ☐ Amendment No. _____
FEDERAL GRANT NUMBER	***CFDA NUMBER***
ADMINISTERING AGENCY Gladys Ray Shelter	***PROJECT ADMINISTRATOR*** Jan Eliassen ***TELEPHONE*** (701) 364-0116

PROCUREMENT METHOD (CONTRACTS)
☐ Formal Bid ☐ Noncompetitive Negotiation ☐ Small Purchase ☐ Competitive Negotiation

FUNDING AUTHORIZATION

1. DCS Funds Awarded This Action	$ 37,500.00	
2. DCS Carryover Funds Authorized	$	
3. DCS Previous Awards This Project Period	$	
4. DCS Previous Deauthorizations This Project Period	$	
5. Current DCS Funds Authorized		$ 37,500.00
6. Recipient Share of Budget	$ 9,375.00	
7. Total Approved Budget		$ 46,875.00

REMARKS
All funds provided under this award must be expended by June 30, 2020.

This award agreement is entered into by the *RECIPIENT* and *GRANTOR* specified above. The *RECIPIENT* agrees to implement the tasks delineated in this award and will comply with all incorporated and referenced terms and conditions. The award consists of this Signatory Sheet, the attached Terms and Conditions, the attached Budget, and incorporated or referenced Work Program or Application.

EVIDENCE OF RECIPIENT ACCEPTANCE		*EVIDENCE OF GRANTOR ACCEPTANCE*	
NAME Jan Eliassen		***NAME*** Bonnie Malo	
TITLE Director		***TITLE*** Director	
SIGNATURE X	***DATE***	***SIGNATURE*** X	***DATE***

Desi Fleming 8/6/2019
Desi Fleming, Director of Public Health Date

Timothy J. Mahoney, Mayor, City of Fargo

PART II
General Assistance Terms & Conditions
Updated 6/17/19

A. AVAILABILITY OF FEDERAL FUNDS - If disclosed on Part I, funds to be disbursed under this Award have been appropriated pursuant to the enabling federal legislation cited in Part I of this Award. Should federal funds become limited by the awarding federal agency, this grant may be amended accordingly.

B. STATE APPROPRIATION AUTHORITY - Funds authorized under this Award are subject to State Appropriation Authority.

C. SCOPE OF WORK - All work and activities authorized by this Award will be performed in accordance with the terms and conditions and work program attached, described, or referenced in this agreement. In addition, if a work or grant proposal was submitted, all work will comply with that which was described and requested in the work proposal unless otherwise noted as changed.

D. LIMITATIONS ON EXPENDITURES - The total cost of performing the tasks under this Award must not exceed the total funds authorized in Part I, Basic Information and Signatory Sheet, and will be limited to and in accordance with those delineated in the budget plan attached to this Award.

E. AMENDMENTS AND MODIFICATIONS - When necessary, the Recipient may request changes in the scope of services to be provided in this Award to include changes in the attached budget. These requests must be made in writing and supported with appropriate documentation. Such changes must not be undertaken until incorporated by written amendments to this Award.

F. RECORD RETENTION AND ACCESS - The DCS and duly authorized officials of the state and federal government shall have full access and the right to examine any pertinent documents, papers, records and books of the Recipient and of persons or organizations the Recipient may contract with which involve transactions related to this Award. The Recipient shall retain all documents, papers, records and books that are pertinent to this Award for a period of five (5) years following the submission of the final Financial Status Report or until all audit findings have been resolved, whichever is later unless otherwise stated in this agreement.

G. SUBCONTRACTING - The Recipient shall not assign, transfer, or subcontract professional service responsibilities (excluding approved construction and rehabilitation services) covered under this Award without prior written approval of the DCS.

H. PROHIBITION AGAINST PAYMENTS OF BONUS OR COMMISSION - The assistance provided under this Award shall not be used in the payment of any bonus or commission for the purpose of the preparation of and/or activities associated with obtaining approval of the work proposal.

I. TERMINATION - The Recipient and the DCS may terminate this Award agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof and the cause for the termination. Unless otherwise noted in Part III of this award, the other party must receive such notice at least thirty (30) days before the effective date of termination. Cause for termination may include nonperformance of specified work activities and noncompliance with the terms and conditions of this Award. The DCS shall be liable only for work performed or services provided under this Award prior to the effective date of termination.

J. DEFAULT - If the Recipient fails to comply with the terms of this Award or fails to use the Award for only those purposes set forth herein, the DCS may, unless otherwise noted in Part III of this award:

1. After notice to the Recipient, suspend the award and withhold further payment or prohibit the Recipient from incurring additional obligations of grant funds, pending corrective action by the Recipient.

2. Terminate the Award in whole, or in part, at any time before the final award payment is made. The DCS shall promptly notify the Recipient in writing of the determination to terminate, the reason for such termination, and the effective date of the termination.

K. NONDISCRIMINATION - The Recipient agrees that it will be subject to and will comply with Title VI of the Civil Rights Act of 1964, Executive Order 11246 as amended by the Executive Orders 11375 and 12086, the Age Discrimination Act of 1975, and Title VIII of the Civil Rights Act of 1968. Under these acts, no person shall on the grounds of race, color, religion, sex, national origin or age be excluded from participation in, be denied the benefits or be otherwise subject to discrimination under this program.

L. SECTION 504 - The Recipient agrees that it will be subject to and will comply with Section 504 of the Rehabilitation Act of 1973. Under this act no person shall solely by reason of disability be excluded from participation in, be denied the benefits of or be subjected to discrimination under this program.

M. CODE OF CONDUCT - Recipients shall maintain a written code or standards of conduct which shall govern the performance of their officers, employees or agents engaged in the Award and administration of contracts supported by federal funds. No employee, officer or agent of the Recipient shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

1. The employee, officer or agent;

2. Any member of his immediate family;

3. His or her partner; or

4. An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The Recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

To the extent permitted by state or local law or regulations, such standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the Recipient's officers, employees, or agents, or by contractors or their agents.

PART III - PROGRAMMATIC TERMS AND CONDITIONS
Emergency Solutions Grants (ESG)
and North Dakota Homeless Grant (NDHG)
Updated – 6/21/19

1. The grantee must obligate all grant funds within the award timeline of this Financial Award. At least one Request for Funds must be submitted to the DCS not less than once during each quarter of the program year. Failure to obligate or request reimbursement as specified may result in the termination of this award.

2. The grantee must submit a mid-term and final progress report to the DCS. The mid-term report is due January 31, 2019. Within 30 days following project completion, a final progress report must be submitted with a final cash request. Expenditure of funds must be reported by activity funded - Renovation; Rehabilitation or Conversion; Operational; and/or Essential Services. The Financial Status Report must reflect both federal and other funds, both cash and noncash.

3. The grantee must complete an environmental review and obtain Release of Funds from the DCS before allowing recipients to commit ESG funds, if applicable.

4. The grantee must submit to DCS, within 60 days, verification of ownership of the property by the subgrantee or a lease agreement giving the subgrantee control of the property at least until the end of the project. (For rehab projects only).

5. Grantees providing emergency shelter in hotels or motels or other commercial facilities must certify that leases have been negotiated which provide that the living space will be rented at substantially less than the daily room rate otherwise charged by the facility, and that the grantee has considered using other facilities as emergency shelter and has determined that the use of the hotel or motel provides the most cost effective means of providing emergency shelter for the homeless in its jurisdiction.

6. The grantee is required to be readily accessible to and usable by persons with disabilities in accordance with Section 504 of the Rehabilitation Act and implementing regulations at 24 CFR Part 8; the Fair Housing Act and implementing regulations at 24 CFR Part 100; and Title II of the Americans with Disabilities Act and 28 CFR Part 35; where applicable.

7. Grantees, with the exception of Domestic Violence assistance providers, must input client data into the HMIS system as required by the Grantor and the Department of HUD. Domestic Violence assistance providers must use a comparable database.

8. Grantees, with the exception of Domestic Violence assistance providers, must use the centralized or coordinated assessment system.

9. The grantee must provide for the participation of not less than one homeless individual or

formerly homeless individual on the board of directors or other equivalent policy-making entity of the grantee, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under ESG. If unable to meet the requirement above, it must develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive funding under ESG. This involvement may include employment or volunteer services.

10. The Grantee must comply with provisions contained in 24 CFR 576.23 and Executive Order 13559 regarding faith-based organizations as outlined in Attachment A of this award.

11. Youth aged 24 and under seeking assistance shall not be required to provide third party documentation to establish their eligibility under 42 U.S.C. 11302(a) or (b) to receive services. Unaccompanied youth aged 24 and under or families headed by youth aged 24 or under who are living in unsafe situations may be served by youth-serving providers.

12. The Grantee will maintain its DUNS number and SAM registration throughout the term of this agreement.

PART IV

SCOPE OF WORK AND PROJECT BUDGET

7/29/13

Name of Grantee Gladys Ray Shelter - City of Fargo					Instrument Number 4499-NDHG19					
Activity	CDBG	HOME	ESG	NDHG	HOPWA	Other Federal	State/ Local	Private	Other*	Total
Shelter Operations										
Essential Services				13,500.00						13,500.00
Street Outreach				16,000.00						16,000.00
Rapid Re-Housing										
Housing Relocation/Stabilization				8,000.00						8,000.00
Match									9,375.00	9,375.00
Administration										0.00
TOTAL	0.00	0.00	0.00	37,500.00	0.00	0.00	0.00	0.00	9,375.00	46,875.00

*Source of Other Funds _____

PART V – ESG and NDHG
STATEMENT OF ASSURANCES
Updated 6/24/19

Emergency Solutions Grant (ESG) and North Dakota Homeless Grant (NDHG)
Certifications by the Chief Executive Officer

I, Desi Fleming, Director of Public Health/ Timothy J. Mahoney, Mayor, Chief Executive Officer of Fargo Cass Public Health, City of Fargo, certify that the grantee will ensure the matching supplemental funds required by the regulation at 24 CFR Parts 91 and 576. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the grantee will comply with 24 CFR Parts 91 and 576 Emergency Solutions Grants Program Interim Regulations (see attached).

I further certify that the grantee will not:

1. Conduct renovation, major rehabilitation, or conversion of any building; listed on the National Register of Historic Places; located in a historic district; immediately adjacent to a property listed on the National Register; or deemed to be eligible for inclusion on the National Register by the State Historic Preservation Officer;

2. Conduct any such activity taking place in a 100-year floodplain designated by map by the Federal Emergency Management Agency;

3. Conduct any such activity which will jeopardize the continued existence of an endangered or threatened species designated by the Department of the Interior's Fish and Wildlife Service, or by the Department of Commerce's National Maritime Fisheries Service, or affecting the critical habitat of such a species;

Additionally, I certify that use of emergency solutions grant amounts will comply with the following additional requirements:

1. ***Nondiscrimination and Equal Opportunity***

   a. The requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-19 and implementing regulations; Executive Order 11063 and implementing regulations at 24 CFR Part 107; and Title VI of the Civil Rights Act of 1964 (42 U.S.C.2002d) and implementing regulations issued at 24 CFR Part 1;

   b. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and the prohibitions against discrimination against handicapped individuals under Section 504 of the Rehabilitation Act of 1973 (20 U.S.C. 794);

c. The requirements of Executive Order 11246 regarding anti-discrimination in employment decisions on the basis of race, color, religion, sex or national origin, and the regulations issued under the Order at 41 CFR Chapter 60; and

d. The requirements of Section 3 of Housing and Urban Development Act of 1968, 12 U.S.C. 170lu (see Section 570.607(b) of this Chapter); and

e. The requirements of Executive Orders 11625 and 12432, and 12138. Consistent with HUD's responsibilities under these Orders, the grantee must make efforts to encourage the use of minority and women's business enterprises in connection with activities funded under this part.

2. ***Applicability of OMB Circulars***. The policies, guidelines, and requirements of OMB Circular 2 CFR Part 200 Uniform Guidance as it relates to the acceptance and use of emergency solutions grant funds.

3. ***Uniform Federal Accessibility Standards***. For major rehabilitation or conversion, the Uniform Federal Accessibility Standard at 24 CFR Part 40, Appendix A.

4. ***Lead-based paint***. The requirements, as applicable, of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Sections 4821-4846) and implementing regulations at 24 CFR Part 35. In addition, the grantee (or in the case of States, the State recipient) must also meet the following requirements relating to inspection and abatement of defective lead-based paint surfaces:

   a. Treatment of defective paint surfaces must be performed before final inspection and approval of the renovation, rehabilitation or conversion activity under this part; and

   b. Appropriate action must be taken to protect shelter occupants from the hazards associated with lead-based paint abatement procedures.

5. ***Conflicts of Interest***. In addition to conflict of interest requirements in OMB 2 CFR Part 200 Uniform Guidance, no person (1) who is an employee, agent, consultant, officer, or elected or appointed official of the grantee, State recipient, or nonprofit recipient (or of any designated public agency) that receives emergency solutions grants amounts and who exercises or has exercised any functions or responsibilities with respect to assisted activities; or (2) who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for him or herself or those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

6. **Use of debarred, suspended, or ineligible contractors**. The provisions of 24 CFR Part 24 relating to the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status.

7. ***Flood Insurance.*** No site proposed on which renovation, major rehabilitation, or conversion of a building is to be assisted under this part, other than by grant amounts allocated to the State, may be located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless the community in which the area is situated is participating in the National Flood Insurance Program and the regulations thereunder (44 CFR Parts 59-79) or less than a year has passed since FEMA notification regarding such hazards, and the grantee will ensure that flood insurance on the structure is obtained in compliance with Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4401 et seq.).

8. ***Audit.*** The financial management system used by a State, unit of general local government or nonprofit organization that is a grantee or State recipient shall provide for audits in accordance with Subpart (F) of 2 CFR Part 200 Uniform Guidance.

9. ***Coastal Barriers.*** In accordance with the Coastal Barrier Resources Act, 16 U.S.C. 3501, no financial assistance under this part may be made available within the Coastal Barrier Resources System.

10. ***Intergovernmental Review.*** The requirements of Executive Order 12372 and the regulations issued under the order at 24 CFR Part 52, to the extent provided by FEDERAL REGISTER notice in accordance with 24 CFR 52.3.

11. ***Displacement.*** A grantee or State or nonprofit recipient may not expend ESG grant funds for any activities that would result in the displacement of persons or businesses.

I further certify that the submission of an application for an Emergency Solutions Grant/North Dakota Homeless Grant is authorized under State and/or local law and that the grantee possesses legal authority to carry out Emergency Solutions Grant/North Dakota Homeless Grant activities in accordance with the conditions of this award.

Desi Fleming	Director of Public Health
(Name)	(Title)
Desi Fleming	8/6/2019
(Signature of Chief Executive Officer)	(Date)
Timothy J. Mahoney	Mayor
(Name)	(Title)
Signature of Mayor, City of Fargo	(Date)

Attachment A

EMERGENCY SOLUTIONS GRANTS (ESG) PROGRAM
NORTH DAKOTA HOMELESS GRANT (NDHG)

Provisions for Inclusion in ESG/NDHG Agreements with Grant Recipients that are faith based organizations or that may contract with faith based organizations in accordance with 24 CFR 576.23.

1. The Recipient may not discriminate against an organization on the basis of the organization's religious character or affiliation.

2. Organizations that are directly funded under this award may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of its programs or services funded under this award. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this award, and participation must be voluntary for the beneficiaries or the programs or services provided under this award.

3. A religious organization that receives ESG/NDHG funds will retain its independence from governmental entities and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use ESG/NDHG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide ESG/NDHG funded services, without removing religious art, icons, scriptures, or other religious symbols. The faith-based organization may retain its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

4. The Recipient will not discriminate against program beneficiaries or prospective program beneficiaries on the basis of religion or religious belief.

5. ESG/NDHG funds may not be used for the rehabilitation of structures to the extent that those structures are used for inherently religious activities. Funds may be used for the rehabilitation of structures that are used for conducting eligible activities under this part. Where a structure is used for both eligible and inherently religious activities, ESG funds may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with applicable cost accounting circulars. Sanctuaries,

chapels, or other rooms that an ESG/NDHG funded religious organization uses as its principal place of worship are ineligible for ESG/NDHG funded improvements. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (see 24 CFR parts 84 and 85).

Homeless Certification for the North Dakota Homeless Grant (NDHG) And Emergency Solutions Grant (ESG)

I certify that all individuals served by the North Dakota Homeless Grant are eligible beneficiaries that meet at least one of the definitions of homeless, homeless individual or homeless person as defined in Section 103 of 42 USC 11302.

UNDER THE ACT – the term "homeless", "homeless individual", and "homeless person" means –

	Category 1	Literally Homeless	(1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: (i) Has a primary nighttime residence that is a public or private place not meant for human habitation; (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or (iii) Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
	Category 2	Imminent Risk of Homelessness	(2) Individual or family who will imminently lose their primary nighttime residence, provided that: (i) Residence will be lost within 14 days of the date of application for homeless assistance; (ii) No subsequent residence has been identified; and (iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing.
	Category 3	Homeless under other Federal statues	(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who: (i) Are defined as homeless under the other listed federal statutes; (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application; (iii) Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and (iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers.
	Category 4	Fleeing/ Attempting to Flee DV	(4) Any individual or family who: (i) Is fleeing, or is attempting to flee, domestic violence; (ii) Has no other residence; and (iii) Lacks the resources or support networks to obtain other permanent housing.

Signature _____ Date _____

Printed Name _____ Title _____

Address _____ Agency Name _____

City, State, Zip Code _____ Phone # (including area code) _____

Barnesville
Central Cass
Davies
Detroit Lakes
Dilworth-Glyndon-Felton
Fargo North
Fargo South
Hawley
Kindred
Lake Park-Audubon
Moorhead
Northern Cass
Oak Grove
Park Christian
Pelican Rapids
Red River ALC
Shanley
Sheyenne
West Fargo
West Fargo Community
Woodrow Wilson

Through PaY (Philanthropy and Youth) today's students are making a positive difference in the community by supporting local organizations. Each school's PaY committee receives $5,000 to distribute to local nonprofit organizations. As members of PaY, students decide how to allocate funds and how to make the community a better place.

June 7, 2019

Jan Eliassen
City of Fargo Gladys Ray Shelter
1519 1st Ave. S
Fargo, ND 58103

Dear Jan:

In its 12th year as a program of The Barry Foundation, Philanthropy and Youth (PaY) engaged 680 students from 21 area high schools and allocated 142 grants to 89 nonprofit organizations totaling $110,000.

The Barry Foundation is pleased to provide a check for $1,000 to City of Fargo Gladys Ray Shelter, recommended by the West Fargo High School PaY committee. The grant is to be used for the taxi fund, garden and Home Slice Program.

As follow-up to your PaY Grant, each grantee is asked to complete a Grant Utilization Final Report. This report will become available in The Barry Foundation Portal on July 1, 2019; the PaY Grantee Contact will receive an email notification with instructions at that time. Early completion is requested with a deadline of October 1, 2019. You will be prompted to complete a form outlining the use of funds and provide appropriate documentation, such as a copy of purchase receipts and photo of grant usage.

Grantees are also required to send grant utilization information to the granting school. They appreciate hearing how their grant has impacted your organization. The PaY Advisor contact information is as follows:

Philanthropy and Youth
c/o: Julie Hersch & Marcia Martin
West Fargo High School
801 9th St E
West Fargo, ND 58078

The Barry Foundation has a quiet culture, preferring to privately provide support through proactive initiatives and accepts grant applications by invitation only. Consisent with the quiet culture, we ask that your organization refrain from issuing any press related information with regard to the PaY grant. Please contact Jennifer Schillinger, Interim Program Director, at 701-356-7800 or jschillinger@barryfoundation.org with any questions regarding your grant.

Thank you for supporting the PaY student experience.

Sincerely,

Marty J. Hoffmann

Marty J. Hoffmann
President

Encl.
cc: [advisors]

PaY Philanthropy and Youth
a program of
The Barry Foundation

CITY OF Fargo

FARGO POLICE DEPARTMENT

222 Fourth Street North, Fargo, North Dakota 58102

August 7, 2019

13 COPY

Board of City Commissioners
City Hall
Fargo, ND 58102

RE: North Dakota Department of Emergency Services Grant Application

Dear Commissioners:

In October of 2018, the North Dakota Department of Emergency Services (ND DES) awarded the Fargo Police Department/Red River Valley SWAT team $62,217.00 for the purposes of updating the SWAT team's ballistic helmets. Shortly after, the Fargo Board of City Commissioners accepted the awarded funds on consent agenda. The awarded funds were then moved into City of Fargo account number 101-5045-411-74-10, and the Red River Valley SWAT team conducted an extensive testing process to pick a new ballistic helmet. Rules of the grant allowed for hearing protection to be purchased with the awarded grant funds, if the devices were attached to the ballistic helmets. The Red River Valley SWAT team also tested multiple noise canceling hearing protection devices for purchase.

The helmet which has been chosen is ballistically resistant to high velocity pistol and rifle rounds. The Equipment purchased with the awarded funds will be used by the Red River Valley SWAT team to safely complete tactical missions in an effort to keep the community and other Officers safe during critical incidents.

The attached bid from the vendor, which has been chosen, is $1383.00 above the awarded grant funds. The difference will be paid by existing funds in the Red River Valley SWAT team's operating budget, 101-5016-411-61-40.

If given the opportunity, the Red River Valley SWAT team would like to purchase the following items, with the awarded funds in order to update our ballistic helmets and hearing protection:

- Armor Source AS-600 high cut, Rifle Resistant Helmet (replacement)
- 3M Peltor COMTAC III ACH Tactical Communication Headset (replacement)

Attached you will find descriptions of each item and a bid from the vendor.

Recommended Motion:

Allow purchase of the above items.

Sincerely,

David E. Todd
Chief of Police

Tactical Products &
Services Inc. d.b.a. On Site

14077 Homestead Ave N
Hugo, MN 55038

Estimate

Date	Estimate #
8/6/2019	912

Name / Address
Red River SWAT Fargo Police Dept 222 4th st Fargo ND 58102

Project

Description	Qty	Price each	Item total
-Armour Source AS-600 Helmet supplied by American Blast (7.62 rating) OD GREEN COLOR HIGH CUT FIT -R3 Team Wendy BOA 4 point retention system -ASR Armor Source side rail (OD GREEN) -Exterior Loop Fastener kit (OD GREEN) -P4 Team Wendy epic air liner system -Wilcox WIL3 shroud	30	1,600.00	48,000.00
Freight Charges to Customer	1	500.00	500.00
-Peltor Comtac III ACH headset (this must fit our existing PTT's for the XTS5000, and be able to work with our new radio system and PTT at a later date this year) OD GREEN COLOR -ARC Attachment -Single Comm System -COMTAC III SOF ARC Configuration	30	500.00	15,000.00
Freight Charges to Customer	1	100.00	100.00

Total

Tactical Products &
Services Inc. d.b.a. On Site

14077 Homestead Ave N
Hugo, MN 55038

Estimate

Date	Estimate #
8/6/2019	912

Name / Address
Red River SWAT Fargo Police Dept 222 4th st Fargo ND 58102

Project

Description	Qty	Price each	Item total
This is the exact costs I have been quoted by American Blast Systems and 3M's vendor, Advantage Police Supply. This order is a direct pass through to Red River SWAT. I need to be held financially harmless throughout this purchase. I need to mail a check to Advantage Police Supply, for that company has a 3.5% convenience fee on credit card sales. I am sure American Blast will also need to be paid in advance, for that has been my experience buying product from that company for the past year. With all that said, the terms of this sale are payment in advance of me ordering the product. I understand that the product needs to be delivered to your location in Fargo, ND no later than 12-31-2019, but I cannot be held responsible or have any financial fallout from either of these vendors failing to meet that deadline. By placing the order, based on this quote, Red River SWAT and its member agencies accepts the above terms.			

Total $63,600.00

American Blast Systems 7.62x51 Rifle Rated Tactical Helmet

PRODUCT INFORMATION SHEET

Rifle-Resistant High Protection Assault Helmet

American Blast Systems revolutionary lightweight rifle-resistant / small arms enhanced Assault Helmet was designed for special forces, counter-terrorism units and front line troops. This innovative helmet incorporates advanced, high-performance ballistic materials into a proven, battle-tested Advanced Combat Helmet shape. The result is a highly modular ballistic helmet that delivers dramatically higher protection levels to the individual soldier. The AS-600 provides:

- a significant increase in performance protection against fragments and small arms at approximately the same weight as the current U.S. Military's Advanced Combat Helmet (ACH);
- and is made in the United States.

Custom hand-painted pattern

Mountain pattern

Regular cut

Mid cut

High cut

MODEL AS-600	Rifle-Resistant High Protection Assault Helmet
Shape	ACH/MICH
Shell Construction	Comprised of Polyethylene and other fibers in a composite matrix
Ballistic Performance	7.62x51mm FMJ (147 gr. NATO M80 Ball round) V0 @ 2100 ft/sec (640 m/sec)
Fragment Performance	17 gr. FSP BL(P) V50 > 3000 ft/sec (914 m/sec)
Ballistic Certification	Third-party NIJ-accredited laboratory
Shell Size	S, M, L, XL
Colors	Five standard colors, additional colors and custom patterns available on request
Retention/Pad System	4-pt Standard (ASPS) H-Back with ACH padding system
Optional Retention/Harnesses	4-pt Standard (ASPS) H-Back, 4-pt Boltless H-Back, Robust (ASRH), BOA
Optional Pad Systems	ACH Padding System, EPIC Pad System, EPIC Air Liner System, Mesh
Cut models	Regular cut, Mid cut, High cut
Weight	L = 3.3 lbs (1.5 Kg) M = 3.1 lbs (1.4 Kg)

Urban pattern

Solid Colors

Foliage Green · Tan · Olive Green · Coyote Brown · Black

Retention Systems

ASPS H-Back available in Black, Tan, Foliage Green or Olive Green.

BOA 4-point Retention System with adjustable fit dial

Suspension Pad Options

Mesh Suspension

ACH padding

EPIC Pad System
Also available in black

EPIC Air Liner System

This document gives only a general description of the product(s) and except where expressly provided otherwise shall not form part of any contract. From time to time, changes may be made in the products or the conditions of supply, which can cause slight variances in final weights. American Blast Systems Inc., reserves the right to change product specifications without prior notice.

Finished helmet weights include: helmet shell, standard 7 pad set and 4 point retention system. Final Retention construction may differ from photos shown.

American Blast Systems, Inc.

3101 Villa Way, Newport Beach, CA 92663
Office (949) 675-4555 | Fax (949) 675-2116
Info@americanblastsystems.com
www.americanblastsystems.com

BALLISTIC RESISTANCE TEST

NTS-Chesapeake Testing
4603B Compass Point Road
Belcamp, MD 21017

Client: ArmorSource, LLC
Job No.: 2158-070-2
Test Date: 11/13/2017

Test Panel

Description: Helmet. AS600. Lot No.: 7794

Manufacturer: ArmorSource, LLC

Sample No.: 5577321

Size: Large	Weight: 3.11 lbs	Date Received: 11/10/2017
Avg. Thick: 0.410 in	Plies/Laminates: NA	Via: UPS
Thickness: 0.412 in; 0.420 in; 0.402 in; 0.407 in		Returned: UPS

Setup

Shot Spacing: Customer request	Primary Vel. Screens (ft): 5.000, 5.333, 19.667, 20.000	Range No.: 4
Witness Panel: Clay	Primary Vel. Location (ft): 12.500	Temp: 68.5 °F
Backing Material: Clay-filled head form	Range to Target (ft): 25.000	BP: 30.1 inHg
Condition: Ambient	Target to Witness (in): 0.000	RH: 33.8%
		Barrel/Gun: CT-4056
		Gunner: Jacob Arisman
		Recorder: Matt Settle

Ammunition

Projectile	Lot No.	Powder
(1) 7.62 x 51-mm, 149-grain M80 FMJ	Military	3 N 37

Applicable Standards or Procedures

Clay Drop 1 - Drop Time: 8:00 AM; Block No. HB-4; Temp: 94.6 °F , 95.6 °F; Drop Depths: 25.7mm,24.5mm,25.5
(1) IOP PED-003, dated 7 March 2015
(2) Customer request

Shot No.	Ammo	Weight (gr)	Time 1 (µs)	Vel. 1 (ft/s)	Time 2 (µs)	Vel. 2 (ft/s)	Avg. Vel. (ft/s)	Striking Vel. (ft/s)	Penetration	Def. (mm)	Obliq. (°)	Footnotes
1	1	148.0	7054	2126	6739	2127	2127	2118	None	35.105	0.0	(a)
2	1	148.0	6981	2149	6666	2150	2149	2141	None	40.077	0.0	(b)

Remarks:
Requested velocity: 2100 to 2150 ft/s
The projectiles were provided by NTS-Chesapeake Testing.
Crown thickness: 10.97 mm Crown engagement: 33.808 mm
Headform No.: HB4-2
Headform Temp: 94.6 °F

Footnotes:
(a) Back
(b) Front

ARMORSOURCE, LLC, PROPRIETARY INFORMATION

COMTAC/SWAT-TAC Product Reference Selector

Use the options below to identify which COMTAC headset may be preferred for your application. Multiple communication management configurations are available; please contact 3M Technical Service at 800-665-2942 for help in customizing your mission.

1. OVER-THE-EAR OR IN-EAR?

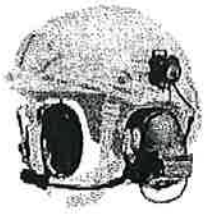
COMTAC III ACH

COMTAC IV HYBRID

2. BAND STYLE?

HEADBAND STYLE

NECKBAND STYLE*



ARC ATTACHMENT

3. RADIO COMMUNICATION?

NO RADIO CONNECTION

SINGLE COMM

DUAL COMM

DUAL COMM SPLIT AUDIO*

4. COLOR?

OD Green*

Coyote Brown

Covert Black (SWATTAC)*

Foliage Green*

5. IDENTIFY RADIO OR INTERCOM

- AN/PRC-148 MBITR
- AN/PRC-150, 152 Falcon Series
- Motorola Series
- AN/VIC-3
- AN/PRC-117, 119
- AN/PRC-153

Note: For unlisted radios or intercoms, contact 3M Technical Assistance.

* Available for COMTAC II ACH headset only

COMTAC III SOF ARC Configuration

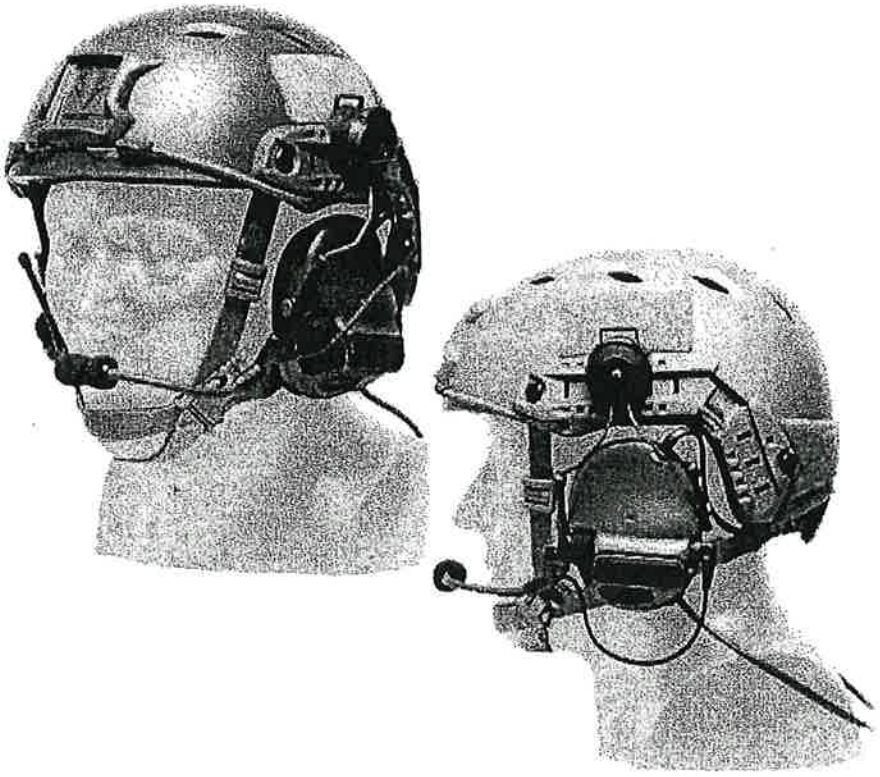
Heat Relief
The ability to have an "open" position of the headset allows the user to ventilate in high-heat environments but can still monitor communications in low-noise environments

Removed Pressure Points
Removal of headset band and optional eyewear goggle strap eliminates known pressure points

Stability & Balance
In the "closed" position, the ear cups will compress against the head providing additional stability for full head movement

Easy Donning/Doffing
In the "open" position, the operator can easily don/doff the helmet/headset, and adjust for proper fit

Tested and Approved
Headset and helmet tested as a system by USSOCOM for protection against steady-state and impulse noise



USSOCOM Urban Push-To-Talk

- MIL-C-9177 U94/A PTT
- Switching mechanism to prevent cross-talk
- Molle Clip
- 19" Custom Length
- MIL-C-55116 6-Pin Connector
- PTT's are designed to fit the size and shape of either hand
- PTT's can be used with a gloved hand
- U-174 Headset Connection serves as a break-away connector for removal in emergency situations
- Tested for cross-talk in DUAL COMM Configuration

CITY OF Fargo

FARGO POLICE DEPARTMENT
222 Fourth Street North, Fargo, North Dakota 58102
David E. Todd, Chief of Police

14

COPY

August 12, 2019

Re: 2019 Edward Byrne Memorial JAG Program Application for Cass County and Fargo Police Department Disclosure of Pending Applications

The Fargo Police Department does not have pending applications submitted within the last 12 months for federally funded assistance; that includes requests for funding to support the same project proposed under this solicitation, and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.

Respectfully,

David E. 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

www.fargopolice.com

CITY OF Fargo

FARGO POLICE DEPARTMENT

222 Fourth Street North, Fargo, North Dakota 58102

David E. Todd, Chief of Police

August 12, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

RE: Inter-Local Agreement between the City of Fargo and Cass County relative to the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Funding – CFDA # 16.738

Dear Commissioners:

The US Department of Justice has tentatively awarded the Fargo Police Department and Cass County Sheriff's department $60,799.00 in grant funding through the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG). In order to receive the funding, both the City of Fargo and Cass County governmental subdivisions must agree on how the funds are allocated between the two entities.

In addition to acting as the fiscal agent and grant manager of the funding, the Cass County Sheriff's Department is agreeable to allocating $50,799.00 of the available funding to the Fargo Police Department and retaining $10,000.00 of the funding for their use. I concur with distributing the grant funding in this manner.

Attached for your review and approval is the inter-local agreement that will need to be signed by both governmental subdivisions in order for the funds to be allocated. There is no local match funding required to accept the grant.

Recommended Motion:

I recommend acceptance of the inter-local agreement with Cass County and the allocation of the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) as described within the agreement.

Please contact me if you have any questions or concerns relative to this issue.

Sincerely,

David E. Todd
Chief of Police

2019-H3621-ND-DJ

THE STATE OF NORTH DAKOTA

County of Cass

INTERLOCAL AGREEMENT

BETWEEN THE COUNTY OF CASS AND THE CITY OF FARGO, ND OF CASS COUNTY ND

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE

GRANT (JAG) PROGRAM

This agreement is made and entered in to this day August 12, 2019 by and between the COUNTY of CASS, acting by and through its governing body, the County Commission, hereinafter referred to as COUNTY, and the CITY OF FARGO, acting by and through its governing body, the City Commission, hereinafter referred to as FARGO all of Cass County, State of North Dakota, witnessed:

WHEREAS, this Agreement is made under the authority of NDCC 11-9.1 Home Rule Counties and NDCC 40-05.1 Home Rule in Cities: and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make the performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of each party, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, CASS agrees to provide FARGO $ 50,779.00 from the JAG award for the program: and

WHEREAS, CASS will retain $10,000.00 from the JAG award for the Program:

WHEREAS, COUNTY, FARGO, believe it is in their best interests to allocate the JAG funds as stipulated and to utilize said funds in a collaborative program benefiting both parties.

WHEREAS, COUNTY, FARGO agrees that COUNTY will serve as the applicant/fiscal agent for the joint funds.

Paying for the performance of governmental functions hereunder, shall make the performance or those payments from current revenues legally available to that party.

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of each party, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, COUNTY, FARGO, believe it is in their best interests to allocate the JAG funds as stipulated and to utilize said funds in a collaborative program benefiting both parties.

WHEREAS, COUNTY, FARGO agrees that COUNTY will serve as the applicant/fiscal agent for the joint funds.

NOW THEREFORE, the COUNTY and FARGO, agree as follows:

Section 1.

CASS agrees to transfer to FARGO the sum of $50,799.00 or purchase on their behalf for $ 50,799 for the Program on or before 30 September 2022.

CASS will expend the sum of $10,000.00 for the Program on or before 30 September 2022.

Section 2.

Nothing in the performance of this agreement shall impose any liability for claims against COUNTY, FARGO other than claims for which liability may be imposed by the North Dakota State Tort Claims Act NDCC 32-12.2.

Section 3.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the service by the other parties.

Section 4.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this agreement.

Section 5.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein. This Agreement shall not create any rights in any party not a signatory hereto.

COUNTY OF CASS

_____

Mary Scherling, Chairman

_____

Michael Montplaisir, Auditor

ATTEST:

_____ Witness

APPROVED AS TO FORM

_____

Cass County State's Attorney

CITY OF FARGO

_____

Tim Mahoney, Mayor

ATTEST

_____

Witness

APPROVED AS TO FORM

_____

Fargo City Attorney

THE CITY OF Fargo FAR MORE

15

PUBLIC WORKS/OPERATIONS

Fleet Management, Forestry, Streets & Sewers, Watermeters, Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1453
FAX: (701) 241-8100

August 6, 2019

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

RE: RFP for Loader Mounted Snow Blower (RFP19128)

Commissioners:

On August 2nd, 2019, request for proposals were received for one (1) Loader Mounted Snow Blower. Five proposals were submitted by four (4) venders. Two proposals met specification and are listed below.

The results are as follows:

Firm	Total per unit
Swanston Equipment	$158,600.00
Northern Truck Equipment	$210,797.00

The review committee consisting of Ben Dow and Tanner Smedshammer determined that two vendors met the specifications required. Price was within the expected parameters. Our recommendation is to award the RFP to Swanston Equipment. Funding for this project is included in the 2019 Vehicle Replacement budget.

SUGGESTED MOTION:

Approve the recommendation to purchase one Loader Mounted Snow Blower from Swanston Equipment for the total amount of $158,600.00.

Respectfully Submitted,

Tanner Smedshammer
Fleet Management Specialist

Request for Proposals (RFP)
Loader Mounted Snow Blower
8/2/19

Proposal Evaluation Summary

	RDO Equipment	Kodiak America	Swanson Equipment	Swanson Equipment	Northern Truck Equip
MANUFACTURER	Fair Mfg.	Kodiak	Larue	Larue	RPM
Model	Snocrete 948D	LMSC3644	D60 340HP	D60 365HP	227M
Blower Price:	$134,224.00	$186,000.00	$164,400.00	$169,400.00	$199,237.00
Options:					
Carbide Lined Casing	NO	$3,200.00	$2,900.00	$2,900.00	$10,720.00
Carbide Lined Skid Plates	Included	$1,600.00	Included	Included	Included
Carbide Plate in Chute	NO	$2,400.00	$2,800.00	$2,800.00	$5,840.00
Trade In:					
1998 SnoGo MP3D	$6,000.00	$8,000.00	$12,000.00	$12,000.00	$5,000.00
Parts fro SnoGo	NO	$12,000.00	$4,500.00	$4,500.00	$0.00
Total	$128,224.00	$173,200.00	$153,600.00	$158,600.00	$210,797.00
Meets Spec	No	No	No	Yes	Yes

THE CITY OF Fargo
FAR MORE

PUBLIC WORKS OPERATIONS

16

Fleet Management, Forestry, Streets & Sewers, Watermeters, Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
FAX: (701) 241-8100

August 12, 2019

Honorable Board of City Commissioners
City Hall
225 4th St N
Fargo, ND 58102

Commissioners:

Two RFP's were received July 19, 2019, for our 2020 spring tree order. Urban Forestry Programs Manager Allen Lee, Arborist Supervisory Tracy Zablotney, Park District Forester Sam DeMarais, and I reviewed these.

Company	Proposed Tree Cost
Bailey Nurseries, Inc.	$87,232.25
Chestnut Ridge Nursery, Inc.	$84,322.00

Funding is currently proposed in the 2020 forestry division tree budget. The Chestnut Ridge Nursery proposal was the most complete.

Most companies are able to provide volume discounts. To maximize this possibility, this is a combined order between the City of Fargo and the Fargo Park District. The park district will cover approximately $28,000 of the total tree cost.

Recommended motion:
Based on overall prices, size, current availability, and to secure the order as soon as possible, move to award the 2020 request for proposals (RFP19120) tree order to Chestnut Ridge Nursery, Inc.

Your approval of this request is appreciated. Thank you.

Sincerely,

Scott Liudahl
City Forester

Cc: Ben Dow
Bruce Grubb
Kent Costin

Commission2020 Tree Order.doc

CITY OF Fargo

Metropolitan Area Transit

650 23rd Street N
Fargo, ND 58102
Phone: 701-241-8140
Fax: 701-241-8558

(17)

August 12, 2019

Board of City Commissioners
City Hall - 224 N 4th Street
Fargo, ND 58102

Dear Commissioners:

The City of Fargo Transit Department respectfully requests approval of the attached Amendment #4 to the Contract with First Transit to revise the Management Fee and hourly driver rates for both fixed route and paratransit for the period August 1, 2019, through December 31, 2020.

Fargo had a three-year contract with First Transit to operate the fixed route and paratransit system, including management, dispatchers and drivers for the period January 1, 2016, through December 31, 2018. With an option to extend up to two additional years. Last November you approved amendment #3 to continue services through the end of 2019. At this time staff is requesting an 18 month extension to the contract starting August 1, 2019. The attached Amendment #4 has includes the driver wage rate approved by City Commission on July 15, 2019. Appendix 15 is also included which shows the increase to the driver wages, contingent upon proof First Transit.

Requested motion: Approve attached Amendment #4 to the First Transit and City of Fargo contract to revise the fees for the period of August 1, 2019 through December 31, 2020.

Sincerely,

Matthew Peterson

Matthew G. Peterson, Assistant Transit Director
City of Fargo

/attachment

AMENDMENT NO. 4
TO AGREEMENT BETWEEN CITY OF FARGO AND FIRST TRANSIT

THIS AMENDMENT NO. 4, made this ____ of _____, 2019, by and between the City of Fargo, hereinafter referred to as "CITY," and First Transit, hereinafter referred to as "CONTRACTOR."

WHEREAS, CITY and CONTRACTOR previously entered into an Agreement and two Amendments to the Agreement, to provide CITY with management, supervisory and operational services for its fixed route and paratransit system, (the Agreement and two Amendments are attached hereto as Exhibit A, and collectively referred to as the "Agreement"); and

WHEREAS, CITY AND CONTRACTOR agree that to recruit employees and fill vacancies, the minimum wage scale for drivers and dispatchers needs to be increased; and

WHEREAS, CITY AND CONTRACTOR desire to revise Appendix 15 to increase the minimum wage rates effective August 1, 2019, and

WHEREAS, the Agreement provides for an option to extend the contract for an additional one-year period from January 1, 2020 to December 31, 2020; and

WHEREAS, CITY also desires to exercise the remaining one-year option with CONTRACTOR to extend the Agreement from January 1, 2020 to December 31, 2020; and make changes to the management fees for Fixed Route service set out in the Agreement.

NOW, THEREFORE, the Agreement is hereby further amended as follows:

A. The parties hereby extend the Agreement for an additional one-year period beginning January 1, 2020, through and including December 31, 2020.

B. Paragraph 8.3.1 of the Agreement is hereby amended, effective August 1, 2019, so that the rate for fixed route dispatch is as follows:

	Annually	**Monthly**
August 1, 2019 through December 31, 2019:	$ 241,767	$ 20,147
January 1, 2020 through December 31, 2020:	$ 242,263	$ 20,189

C. Paragraph 8.3.2 of the Agreement is hereby amended, effective August 1, 2019 for the rate per vehicle service hour for fixed route is as follows:

	Hourly Rate
August 1, 2019 through December 31, 2019:	$ 29.26
January 1, 2020 through December 31, 2020:	$ 28.91

This rate will be reduced to $24.96 until CITY receives proof CONTRACTOR'S employees are receiving the wages outlined in Attachment A, Appendix 15, Minimum Wages and Benefits as of August 1, 2019.

D. Paragraph 8.3.3 of the Agreement is hereby amended, effective August 1, 2019 for rate per vehicle service hour for paratransit as follows:

	Hourly Rate
August 1, 2019 through December 31, 2019:	$ 26.96
January 1, 2020 through December 31, 2020:	$ 27.59

This rate will be reduced to $24.61 until CITY receives proof CONTRACTOR'S employees are receiving the wages outlined in Attachment A, Appendix 15, Minimum Wages and Benefits as of August 1, 2019.

E. Paragraph 8.3.4 of the Agreement is hereby amended, effective August 1, 2019 for a fixed monthly rate for management services as follows:

	Annually	Monthly
August 1, 2019 through December 31, 2019:		
Fixed Route	$427,775.79	$ 35,647.98
Paratransit	$146,427.05	$ 12,202.25
GTC	$ 49,219.91	$ 4,101.66

	Annually	Monthly
January 1, 2020 through December 31, 2020:		
Fixed Route	$499,319.94	$ 41,610.00
Paratransit	$158,746.97	$ 13,228.91
GTC	$ 54,167.99	$ 4,514.00

F. Paragraph 8.3.5 of the Agreement is hereby amended, effective August 1, 2019 for reimbursement of actual annual rate for the performance bond estimated as follows:

	Annual
January 1, 2020 through December 31, 2020:	$ 12,543

The actual annual performance bond cost will be billed to the CITY on the January invoice of each year, and include the original bond and proof of payment by CONTRACTOR.

Attachment A, Appendix 15, Employee Compensation: Drivers and dispatchers must be paid at a minimum the wages and benefits as outlined in the revised Attachment A, Appendix 15, Year 4, effective August 1, 2019. The Year 4 employee compensation rates will not take effect until proof is provided by CONTRACTOR that the new wages are being paid to the drivers and dispatchers. Proof will consist of providing CITY a copy of the appropriate portion of the agreement between CONTRACTOR and the respective union.

To the extent the modifications or amendments set forth in this Amendment No. 4 to Agreement contradict the terms of the Agreement, the terms of this Amendment No. 4 shall be interpreted to control and govern.

All other terms of the Agreement not modified by this Amendment No. 4 will remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 4 to Agreement to be executed effective the day and year first above written.

CITY OF FARGO

BY: _____
Timothy J. Mahoney, Mayor

BY: _____
Steve Sprague, City Auditor

FIRST TRANSIT

BY: John Mathews

Its: Senior Vice President

BY: _____

Its: _____

APPENDIX 15

MINIMUM WAGES AND BENEFITS

Fixed Route and Paratransit Bus Operators
Fixed Route Dispatchers

Probationary Period:
The Cities of Fargo and Moorhead require a 1-year probationary period for all employees hired under this contract. For purposes of this appendix probationary period refers to the employees ability to perform necessary job functions only and does not refer to when benefits will become available to each employee. Performance reviews shall be given to each employee at 30 days, 60 days, 90-days, 180-days, 1-year and no less than annually thereafter.

Contractor:
The employee hire date will be based off the employee's personal anniversary hire date (month, day, and year) of when the employee was hired. Employees will be paid, according to the step progression scale listed below, based on years of service from their original hire date with the current or previous contractor of this service; whichever is greater.

The employee seniority date will be based off the date (month, day, and year) of when the employee began revenue service with the current or previous contractor of this service or the date said employee changes employment status with current contractor.

Change of employment status is anytime the employee switches from full-time to part-time or part-time to full-time, or anytime an employee changes from one department to another (i.e. Bus Operator to Dispatcher).

Wages:
All new and current bus operators and dispatchers will be paid at the rates listed below. Drivers and dispatchers working at least 32 hours per week shall be guaranteed, **at a minimum**, the **wages and benefits** listed during the term of this contract.

MINIMUM WAGES IN CONTRACTOR'S PROPOSAL:

Year	Step	Driver Minimum Wage Per Hour 2019	Dispatcher Minimum Wage Per Hour 2019
0	1	$ 18.00	$ 18.50
>1	2	$ 18.36	$ 18.86
>2	3	$ 18.73	$ 19.23
>3	4	$ 19.10	$ 19.60
>4	5	$ 19.61	$ 20.11
>5	6	$ 20.20	$ 20.70
>10	7	$ 20.60	$ 21.10
>15	8	$ 21.01	$ 21.51
>20	9	$ 21.55	$ 22.05
>25	10	$ 22.09	$ 22.59

i. Employees who move horizontally on the wage scale in the 5-10 year rate row shall receive a longevity addition of $.07 per hour to the above rates.
ii. Employees who move horizontally on the wage scale in the 10-15 year rate row shall receive a longevity addition of $.12 per hour to the above rates.
iii. Employees who move horizontally on the wage scale in the 15-20 year rate row shall receive a longevity addition of $.17 per hour to the above rates.
iv. Employees who move horizontally on the wage scale in the 20-25 year rate row shall receive a longevity addition of $.22 per hour to the above rates.
v. Employees who move horizontally on the wage scale in the 25+ year rate row shall receive a longevity addition of $.27 per hour to the above rates.

Paid-time off (PTO): (Vacation and Sick Time)
All PTO will be earned on an annual basis as described herein.

Regular PTO:
After the first complete year of employment, upon the employee's personal anniversary hire date, the employee shall receive 7 days regular PTO and the employee shall begin to accrue regular PTO. Regular PTO will be the employee's main PTO and will be used any time the employee needs time off regardless if the time off is sick time or vacation time. All regular PTO hours must be used within 12 months of the employee's annual personal anniversary date or the hours will be forfeited. Upon separation of employment from the contractor during the first year of employment, no payout of regular PTO will be made. Thereafter, upon separation of employment from the contractor, the employee will be paid out for the remaining regular PTO balance.

Banked PTO:
Banked PTO is an additional PTO benefit an employee receives. An employee will begin accruing banked PTO at .42 days per month beginning upon the employee's personal anniversary hire date. The employee shall have access to their accrued banked PTO (accrued at .42 days per month) after the employee has completed 90 days of employment. Banked PTO can only be used once the employee has exhausted all of their regular PTO hours. Banked PTO hours (up to 40 hours per year (5 days), may be carried over from year to year up to a maximum total of 120 hours,(15 days). Upon separation of employment from the contractor, the employee will **not** be paid out for any of the banked PTO hours balance.

Chart of hours and days are listed below.

Years of Service	Regular PTO (Hours)	BANKED PTO (Hours)	Regular PTO (Days)	BANKED PTO (Days)
0 – 12 Months	0	40	0	5
>1 YR but < 3 YRS	56	40	7	5
>3 YRS but <10 YRS	80	40	10	5
>10 YRS but < 15YRS	120	40	15	5
>15 YRS	160	40	20	5

PTO can only be taken in 4 hour (1/2 Day) or 8 hour (Full Day) increments.

Health / Welfare:
A group health-insurance plan shall be offered to employees working at least 32 hours per week. Health insurance is required to be provided to employees. The employer shall pay a minimum of 70%

of a single premium under this plan or, if the employee chooses not to enroll in the health insurance plan, shall pay the employee a stipend to spend elsewhere valued at 30% of the single premium.

Paid Holidays:
Employees shall be eligible for holiday pay immediately upon entry into revenue service. Paid holidays are to include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

401(k):
The contractor is to offer a 401K retirement plan, with a company match.

Short-term Disability Insurance:
Contractor shall pay for a short-term disability insurance policy for all employees and shall pay 100% of the premium.

SRC Hospital Indemnity:
Employees have the option to enroll in First Transit's SRC Hospital Indemnity insurance program. This program offers single to family enrollment options in addition to the medical insurance plans. This program provides our employees' reassurance of financial stability in the event the employee or family members are hospitalized.

Health Savings Account (HSA):
The contractor health insurance allows for employees to contribute a HSA account. The amount contributed to the account is determined by the employee and may be used for out-of-pocket health care costs.

IRS Section 125 Plan:
During the term of this agreement First Transit shall, if applicable and allowable by law, allow employees to participate in the IRS Section 125 plan, thus providing pre-tax cost savings to our employees.

Bereavement Leave:
Employees are eligible for bereavement leave the day before, the day of, and the day after an immediate family member's funeral. Immediate family members include, spouse, mother or father, brother or sister, mother-in-law or father-in-law, grandparents of employee or spouse, children of the employees, stepfather, step-mother, step-sister, step-brother, and step-children

Safety Meetings:
Attendance at monthly safety meetings is required. Employees will be paid to for time at monthly safety meetings.

Dental Coverage Plans
Full time employees may enroll in the contractor's Dental Coverage plan during the enrollment period. The contractor will cover 50% of the single coverage cost for each employee who chooses to enroll in dental coverage.

Life and AD&D Insurance / Voluntary Life and Voluntary AD&D Insurance:
Employees receive ten thousand dollars ($10,000) in life and AD&D insurance fully paid by the contractor. The employee through voluntary plans may purchase additional life and accidental death and disability insurance.

Vision Insurance:
Employees have the option to enroll in the contractor's vision insurance program. This program offers single to family enrollment options to help ensure vision care is affordable to all contractor employees.

Safety and Customer Service Incentives:

Safety Bonus:
An employee who performs their job exhibiting superior safety habits and behaviors will be rewarded! The monthly payment for each employee who achieves this goal is $50.00 for full time employees and $25.00 for part time employees. Employees who receive this bonus for the entire quarter (3 months) will be given an additional bonus of $100.00 for full time employees and $50.00 for part time employees.

Eligibility requirements:

- The employee must complete a pre/post trip inspection each day they work
- The employee must have no preventable collisions or passenger injuries
- The employee has no preventable safety incidents resulting in any personal/passenger injury, damage, or other safety related issues
- The employee must have no traffic violations in company or personal vehicles

The Safety Bonus is a pass-through bonus which will be billed to the City of Fargo and City of Moorhead at the end of each month on their regular invoices

Part-Time employees must work at least 40 hours per month in order to receive this bonus.

Incentive Bonus:
The Incentive Bonus program will reward employees that provide excellent customer service, have perfect attendance, and exhibit superior performance and behavior when performing all job functions. Employees have the opportunity to earn an additional $1,000.00 per year. This bonus will be paid out at $50.00 per month for full time employees who achieve the requirements listed below. Any full time employee who has achieved this bonus for the entire quarter (3 months) will be given an additional $100.00 at the end of the quarter.

Eligibility requirements:

- No verifiable passenger complaints or incidents
- Have a perfect attendance record
  - Zero attendance points for current month (Late, absent, etc.)
- Be in a full and clean uniform at all times (shirt, trousers, tie, and plain black shoes)
- Completing and turning in all paperwork with no missing information; including: Manifests, DVIR for Pre and Post trip inspections, Payroll exception forms
- No ADA Violations (i.e. P.A. Announcements, lowering ramp/kneeler)
- Attended the monthly safety meetings
- Having no other discipline incidents / actions

Part-Time employees are not eligible for this bonus.

APPENDIX 15

Quarterly payouts will be paid on the following scale.

Quarter	Start Month		End Month	Payout Month
1	January	-	March	April
2	April	-	June	July
3	July	-	September	October
4	October	-	December	January

CITY OF Fargo

Metropolitan Area Transit
650 23rd Street N
Fargo, ND 58102
Phone: 701-241-8140
Fax: 701-241-8558

(18)

August 8, 2019

Board of City Commissioners
City Hall - 200 N 3rd Street
Fargo, ND 58102

Dear Commissioners:

The North Dakota Department of Transportation (ND DOT) has awarded $494,275 in State Aid to the City of Fargo for the period July 1, 2019 – June 30, 2020. The award is an increase over last year's State Aid of $494,275.

The requested motion is to approve the attached ND DOT State Aid contract number 38191046. Thank you.

Sincerely,

Julie Bommelman
Transit Director
City of Fargo

/attachment

NDDOT Contract No. 38191046

North Dakota Department of Transportation
STATE AID FOR PUBLIC TRANSIT AGREEMENT

This agreement is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and City of Fargo, a Political Subdivision, hereinafter referred to as the Contractor, whose address is 650 23rd Street North, Fargo, ND 58102.

WHEREAS, House Bill 1337 (NDCC 39-04.2) of the 1989 State Legislature established a Public Transportation Fund to provide state aid funds to political subdivisions and nonprofit corporations for the purpose of assisting in establishing and operating public transit systems and service in the state; and

WHEREAS, the Director of NDDOT has the responsibility of developing the transit program guidelines and administering the Public Transportation Fund; and

WHEREAS, the Contractor desires to receive the available state aid funds to assist in providing needed public transit services in the service area;

NOW, THEREFORE, IT IS AGREED:

I.

For the period of July 1, 2019, through June 30, 2020, the Contractor shall undertake and provide the transit services as described in the Contractor's application for state aid transit funds, which is on file with the NDDOT.

II.

Costs. NDDOT shall reimburse the Contractor for providing the transportation services, not to exceed $499,892, provided costs are incurred in accordance with NDDOT program guidelines. (Copy of which will be provided upon request.) Requests for reimbursements will be allowed to be submitted to NDDOT quarterly. The final request for reimbursement must be submitted by close of business on the fifth (5th) business day following the termination date of this agreement.

III.

Purchase and Disposal of Project Equipment. The purchase and disposition of all project vehicles or equipment financed in whole or in part with state aid transit funds shall be undertaken by the Contractor in accordance with the state Office of Management and Budget regulations and NDDOT purchasing manual, copies of which will be provided upon request.

IV.

Assignments. The Contractor shall not assign nor transfer the Contractor's interests or duties under this agreement without the express written consent of the state.

V.

Subcontracting. The Contractor shall not assign any portion of the work under this agreement, execute any contract, or obligate itself in any manner with a third party with respect to its rights and responsibilities to this

agreement without written consent of NDDOT. Any agreement with a subcontractor does not create a contractual relationship between the NDDOT and the subcontractor.

VI.

Merger and Waiver. This agreement constitutes the entire agreement between the parties. No waiver consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The Contractor, by the signature below of its authorized representative, hereby acknowledges that the Contractor has read this agreement, understands it, and agrees to be bound by its terms and conditions.

VII.

Records and Reports. The Contractor shall complete and submit all forms and reports as required by NDDOT. The Contractor shall also maintain supporting documentation for all costs charged to the project. All accounting documents shall be clearly identified, readily accessible, and where possible, kept separate and apart from all other such documents. All project records and documents shall be kept by the Contractor for three years after the termination date of this agreement.

VIII.

Audit. Entities that receive federal funds through NDDOT may be required to obtain an audit in accordance with 2 C.F.R. Part 200, Subpart F. A copy of such audit shall be submitted to NDDOT. Entities that spend less than $750,000 of federal funds from all sources may be subject to reviews by NDDOT at its discretion. Additionally, all entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.

IX.

Amendments. The terms of this agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties.

X.

Equipment Use. The Contractor agrees that the project vehicles or equipment funded with state aid transit funds shall be used solely for providing public transit services in accordance with NDDOT program guidelines. Such vehicles or equipment shall be used for the duration of useful life. If any project vehicles or equipment are not used in this manner or are withdrawn from service before the end of useful life, the Contractor shall immediately notify NDDOT. The Contractor agrees that the vehicles or equipment shall not be used for charter service or exclusively for school busing.

XI.

Insurance. The Contractor shall maintain insurance coverage on the project vehicle(s) in an amount adequate to protect the fair market value of the vehicles throughout the duration of this agreement.

XII.

Termination. The contract may be terminated by mutual consent of both parties, or by either party upon 30 days notice, in writing and delivered by certified mail or in person.

XIII.

Nondiscrimination – Compliance with Laws. The Contractor agrees to comply with all applicable laws and rules, including, but not limited to, those relating to nondiscrimination, accessibility, and civil rights.

XIV.

Risk Management. The Risk Management Appendix, attached, is hereby incorporated into and made a part of this agreement.

EXECUTED the date last below signed.

WITNESS:

NAME (TYPE OR PRINT)

SIGNATURE

CONTRACTOR:

Dr. Timothy J. MAHONEY
NAME (TYPE OR PRINT)

SIGNATURE

Mayor, City of FARGO
TITLE

DATE

APPROVED as to substance by:

LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

SIGNATURE

DATE

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

CLA 3338 (Div. 38)
L.D. Approved 5-3-90; 8-15

NDDOT
North Dakota
Department of Transportation

Risk Management Appendix

Routine* Transit Agreements With Sovereign Entities and Political Subdivisions of the State of North Dakota:
Parties: **State** – State of North Dakota, its agencies, officers and employees
Governmental Entity – The Governmental Entity executing the attached document, its agencies, officers and employees
Governments – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

1) **Commercial general liability** and **automobile liability** insurance – minimum limits of liability required of the Governmental Entity are **$250,000 per person** and **$500,000 per occurrence**. The minimum limits of liability required of the State are **$250,000 per person** and **$1,000,000 per occurrence**.
2) **Workers compensation** insurance meeting all statutory limits.
3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

Defend, indemnify, and hold harmless the Governments, their agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against the Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are $250,000 per person and $1,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

*See *North Dakota Risk Management Manual,* section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007
Revised 5-09

NDDOT
North Dakota
Department of Transportation

Certification for Contracts, Grants, Loans, and Cooperative Agreements

(To be submitted with each bid or offer exceeding $100,000)

The undersigned [Contractor] certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.)]

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to

a civil penalty of not less than $10,000 and not more than $100,000 for each such expenditure or failure.]

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

(20)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BN-17-A1 Type: Change Order #6 & Time Extension

Location: 19th Ave N from 45th St to 57th St Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Jason Leonard

The Committee reviewed the accompanying correspondence from Project Manager, Jason Leonard, for Change Order #6 in the amount of $22,227.90, bringing the total contract amount to $8,014,120.10, along with the associated time extension to the Substantial and Final Completion Dates.

Staff is recommending approval of Change Order #6 in the amount of $22,227.90 and a 7-day time extension adjusting the Substantial Completion Date to August 20, 2018 and the Final Completion Date to July 25, 2019.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Change Order #6 and 7-day time extension to the Substantial & Final Completion Dates to Master Construction.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Change Order #6 in the amount of $22,227.90 and the 7-day time extension to the Substantial & Final Completion Dates.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
Letter of Credit required (per policy approved 5-28-13)	N/A	

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, PE
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: Members of PWPEC

From: Jason Leonard, Project Manager

Date: July 31, 2019

Re: Improvement District No. BN-17-A1 - Change Order # 6

I concur with KLJ's recommendation for the Change Order and Time Extension for Improvement District No. BN-17-A1 as requested by Master Construction Inc. Please see attached documentation supporting the Change Order and Time Extension request.

Recommended Motion:

Approve Change Order # 6 in the amount of $22,227.90 and time extension to Interim as shown below:

Original Contract	Revised This Memo
8/13/2018 - Substantial Completion Date	8/20/2018 - Substantial Completion Date
7/18/2019 - Final Completion Date	7/25/2019 - Final Completion Date

Attachment
JTL/klb

C: Scott Middaugh

THE CITY OF Fargo

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	BN-17-A1	**Change Order No**	6
Project Name	Sanitary Sewer, Water Main, Storm Sewer, Site Grading, PC Concrete Paving, Street Lighting & Inciden		
Date Entered	7/31/2019	**For**	Master Construction Co Inc

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: Change Order # 6

Hydrant Relocate Station 112+00 - $5,423.00.
Regrade Storm Sewer ST-16.3 - $1,422.75.
Regrade Roadway west end of project - $144.00.
Lower Manhole ST-19.3 to accommodate offsite drainage - $948.00.
Addition of culvert and grading of sidewalk near Horse Park - $4,459.50.
Driveway grade raise @ L2's driveway - $9,830.63.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
Water Main	158	Relocate Hydrant	EA	0.00	0.00	0.00	1.00	1.00	5,423.00	5,423.00
									Water Main Sub Total ($)	5,423.00
Storm Sewer	159	Modify Inlet Type B	EA	0.00	0.00	0.00	1.00	1.00	1,422.75	1,422.75
	160	Modify Inlet Type A	EA	0.00	0.00	0.00	1.00	1.00	144.00	144.00
	161	Modify Manhole	EA	0.00	0.00	0.00	1.00	1.00	948.00	948.00
	162	F&I Pipe 12" Dia PVC	LF	0.00	0.00	0.00	20.00	20.00	60.00	1,200.00
	163	Site Grading	LS	0.00	0.00	0.00	1.00	1.00	3,259.50	3,259.50
	164	Salvage Gravel	SY	0.00	0.00	0.00	713.40	713.40	13.78	9,830.65
									Storm Sewer Sub Total ($)	16,804.90

Summary

Source Of Funding	Special Assessments
Net Amount Change Order # 6 ($)	22,227.90
Previous Change Orders ($)	-52,876.25

THE CITY OF Fargo

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Original Contract Amount ($)	8,044,768.45
Total Contract Amount ($)	8,014,120.10

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
07/01/2018		50.00	0.00	08/20/2018	

Description

Hydrant Relocate Station 112+00 - 1 Day.
Regrade Storm Sewer ST-16.3 - 0.5 day.
Regrade Roadway west end of project - 1 day.
Lower Manhole ST-19.3 to accommodate offsite drainage - 0.5 Day.
Addition of culvert and grading of sidewalk near Horse Park - 1 Day.
Driveway grade raise @ L2's driveway - 1 Day.
Driveway @ station 103+90 - 2 Days.

43 Days were added to correct clerical errors.

APPROVED

For Contractor

Title CFO

APPROVED DATE

Department Head

Mayor 8/7/19

Attest

3203 32nd Avenue South, Suite 201
Fargo, ND 58103-6242
701 232 5353
KLJENG.COM

July 31, 2019

Jason Leonard
City of Fargo – Engineering Department
1572 45th St NW
Fargo, ND 58102

Re: Change Order Items Time Extension - REVISED
Improvement District BN-17-A1

Dear Mr. Leonard:

KLJ has reviewed Master Construction's supplemental time extension request emailed on July 19, 2019 along with a letter dated July 12, 2019. Please see the following items for background on the changes that Master Construction has requested payment for:

1. Hydrant relocate STA 112+00
    - Master Construction will be credited 1 work day towards liquidated damages. The table below has a breakdown of Labor/Equipment and Materials cost. There is an increase from your submittal due to materials being left out of your total.

Labor/Equipment

Line Item	Equipment (Make/Model)	Rental Rate Per Hour	Hours	Total
1	CAT 326F - excavator	$200.00	7.5	$1,500.00
2	skid steer	$90.00	7.5	$675.00
3	John Deere 644 loader	$150.00	7.5	$1,125.00
4	small tools	$30.00	3	$90.00
5	foreman - Cory	$50.00	7.5	$375.00
6	1 operator	$35.00	7.5	$262.50
7	2 laborers	$22.00	7.5	$330.00

Materials

Line Item	Material Description	Material Cost	Quantity	Total
1	45 degree section	$75.60	2	$151.20
2	6" PVC	$5.56	20	$111.20
3	3/4" stainless rods	$7.25	40	$290.00
4	1.5" rock	$30.00	10	$300.00

Total Cost =	$5,209.90
Materials Markup 25% =	$213.10
Total Cost with Markup =	$5,423.00

2. Regrade Storm Sewer ST-16.3
    - Master Construction will be credited 0.5 work days towards liquidated damages. The table below has a breakdown of Labor/Equipment and Materials cost. There is a slight increase from your submittal due to materials being charged with a 25% markup.

Labor/Equipment

Line Item	Equipment (Make/Model)	Rental Rate Per Hour	Hours	Total
1	CAT 326F - excavator	$200.00	3	$600.00
2	skid steer	$90.00	3	$270.00
3	small tools	$30.00	3	$90.00
4	1 foreman - Mike	$50.00	3	$150.00
5	1 operator	$35.00	3	$105.00
6	1 laborer	$22.00	3	$66.00

Materials

Line Item	Material Description	Material Cost	Quantity	Total
1	Class 3	$9.45	12	$113.40

Total Cost =	$1,394.40
Materials Markup 25% =	$28.35
Total Cost with Markup =	$1,422.75

3. Grade change on west end of project (regrade roadway)
    - *Master is claiming that the grades shown in the plans were changed which required Master to regrade a portion of the roadway on the west end of the project. For this claim, Master has requested $5,935 and a one-day time extension.*
    - *The profile for the project was changed in July of 2018. This change was discussed, and an updated plans and surface was provided to Scott Ahlf. On Thursday, April 18, 2019 an updated set of plans and a proposed surface was again provided to Master that included the profile revision. The surface was again submitted to Master on May 15, 2019.*

- *The information Master required to construct the roadway with this change was provided to Master prior to construction. We do not agree that any time or increase in contract price is warranted for this change.*
- Master Construction will be credited 1 work day towards liquidated damages for the adjustment of the inlets. The table below has a breakdown of Labor/Equipment and Materials cost. It has been determined that Master Construction will be paid labor for bringing ST-25.1 & 25.2 to grade, but not the labor or equipment required to bring the road to grade as wrong surface was used to cut the subgrade.

Labor/Equipment

Line Item	Equipment (Make/Model)	Rental Rate Per Hour	Hours	Total
1	foreman - Mike	$50.00	2	$100.00
2	1 laborer	$22.00	2	$44.00
			Total Cost =	$144.00
			Materials Markup 25% =	-
			Total Cost with Markup =	$144.00

4. *Grade and pour additional driveway west end of project.*
   - *Master has requested a contract increase of $3,440 and a three-day time extension due to an additional driveway added to the project at sta 103+90 LT. This driveway was added to the project in 2017 and the change was discussed with Scott Ahlf. The plan set and GPS file submitted to Master on April 18, 2018 had this driveway included. The work for the driveway will be paid at the contract unit prices.*
   - *Because the driveway was extended in field beyond what the plans show, we acknowledge that additional effort was required by Master. Therefore, we are proposing a two-day time extension. One day for the removals and grading, and one day for prepping the area for concrete and pouring the concrete.*
5. Lower ST-19.3
   - Master Construction will be credited 0.5 work days towards liquidated damages. The table below has a breakdown of Labor/Equipment and Materials cost to be paid.

Labor/Equipment

Line Item	Equipment (Make/Model)	Rental Rate Per Hour	Hours	Total
1	CAT 326F - excavator	$200.00	2	$400.00
2	small tools	$30.00	4	$120.00
3	foreman - Mike	$50.00	4	$200.00
4	1 laborer	$22.00	4	$88.00
5	1 operator	$35.00	4	$140.00
			Total Cost =	$948.00
			Materials Markup 25% =	-
			Total Cost with Markup =	$948.00

6. Culvert and sidewalk grade near Horse Park
    - Master Construction will be credited 1 work day towards liquidated damages. The table below has a breakdown of Labor/Equipment and Materials cost. There is a slight increase from your submittal due to materials being charged with a 25% markup.

Labor/Equipment

Line Item	Equipment (Make/Model)	Rental Rate Per Hour	Hours	Total
1	CAT 326F - excavator	$200.00	6	$1,200.00
2	skid steer	$90.00	6	$540.00
3	CAT D6 dozer	$195.00	6	$1,170.00
4	dump trucks	$85.00	5	$425.00
5	foreman - Mike	$50.00	6	$300.00
6	1 laborer	$22.00	6	$132.00
7	1 operator	$35.00	6	$210.00

Materials

Line Item	Material Description	Material Cost	Quantity	Total
1	12" CSP	$12.00	20	$240.00
2	12" FES	$73.00	2	$146.00

Total Cost =	$4,363.00
Materials Markup 25% =	$96.50
Total Cost with Markup =	$4,459.50

7. L2 Street grade raise
    - *Master Construction will be credited 1 work day towards liquidated damages. The table below has a breakdown of Labor/Equipment and Materials cost. All aggregate tickets submitted for this work will be paid.*

Labor/Equipment

Line Item	Equipment (Make/Model)	Rental Rate Per Hour	Hours	Total
1	roller	$60.00	4	$240.00
2	skid steer	$90.00	5	$450.00
3	John Deere 644 loader	$150.00	4	$600.00
4	foreman - Mike	$50.00	5	$250.00
5	1 operator	$35.00	5	$175.00

Materials

Line Item	*Material Description*	*Material Cost*	*Quantity*	*Total*
1	*Crushed Concrete*	*$13.25*	*490*	*$6,492.50*

Total Cost = *$8,207.50*
Materials Markup 25% = *$1,623.15*
Total Cost with Markup = *$9,830.65*

In summary, the following time extension and bid items will be added to contract:

Work Item	Bid Item	Unit	Quantity	Unit Price	Total Price	Days Granted
Hydrant Relocate STA 112+00	Relocate Hydrant	EA	1	$5,423.00	$5,423.00	1
Regrade ST-16.3	Modify Inlet Type B	EA	1	$1,422.75	$1,422.75	0.5
Grade change west end	Modify Inlet Type A	EA	1	$144.00	$144.00	1
Lower ST-19.3	Modify Manhole	EA	1	$948.00	$948.00	0.5
Culvert and sidewalk grade	F&I Pipe 12" Dia PVC	LF	20	$60.00	$1,200.00	0.5
near Horse Park	Site Grading	L SUM	1	$3,259.50	$3,259.50	0.5
L2 Street grade raise	*Salvage Gravel*	*SY*	*713.62*	*$13.78*	*$9,830.65*	*1*
Driveway at Sta 103.90 LT	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*2*
Total					***$22,227.90***	***7***

Based on the above information, KLJ recommends a change order in the amount of $22,227.90 and a 7-day time extension to the substantial and final completion dates.

Sincerely,

KLJ

Scott Middaugh
Project Manager

Project #: 14417100
cc: none

Scott Middaugh

From: Jason Winter <Jason@master-construction.net>
Sent: Friday, July 19, 2019 11:16 AM
To: Scott Middaugh
Cc: Jason Leonard; Derek Flaten
Subject: RE: BN-17-A1 - Change Order

Scott,

Generally speaking the justification for the change order requests I sent in are directly due to a change in the plans and design from how the job was originally bid. In all cases we met on site and completed the work as directed by you. I currently do not see any documented requests for change as required by the contract for the design changes. We built the project off a file that was submitted to us. I understand we signed a release for errors and omissions but that waiver does not cover a change in design. I talked to Ryan our dirt foreman on the project from previous years of work and he acknowledged that the area around L2 was in fact graded with the gps file and checked by your surveyors prior to fabric, drain tile and crushed. The area to the west was also graded with a gps file created by your firm. In fact your surveyors didn't even have the right data for the grades when they came out to check it / blue top it. They had to call back to get the revised plan. The area by L2 was previously graded with crushed. We met with you and Jason on site to address the grade concern where you directed us to fill it with crushed. We installed approximately 500 additional ton above and beyond the plan quantity as per your direction to address the design change. The west end was graded and prepped for blue tops. When your surveyor came out there was a difference in grades. It was determined that this difference was directly related to the design change. The time submitted in the co was the time required to regrade and prep. This additional work was above and beyond the original plan that was bid on. The additional driveway on the west end was also added after the original bid. Again I don't see any change requests documented on the project. Please process the change requests as submitted and get ahold of me if you have any questions.

Thanks

Jason

From: Scott Middaugh <Scott.Middaugh@kljeng.com>
Sent: Friday, July 19, 2019 10:05 AM
To: Jason Winter <Jason@master-construction.net>
Cc: Jason Leonard <JLeonard@FargoND.gov>; Derek Flaten <Derek.Flaten@kljeng.com>
Subject: BN-17-A1 - Change Order

Jason,

I understand that you don't agree with the change order that Derek sent the other day. For the items that you don't agree with, please submit a justification for each of the items you are requesting payment and days for.

Thanks,

Scott Middaugh PE
KLJ
701-271-4871 Direct
701-799-5639 Cell
3203 32nd Ave S Suite 201
Fargo, ND 58103-6242
kljeng.com

MASTER CONSTRUCTION

FARGO
1572 45th St. NW
Fargo, ND 58102
P: 701-237-4950
F: 701-237-5027

BISMARCK
4000 Fuller Ave.
Bismarck, ND 58501
P: 701-751-6380
F: 701-751-6381

DICKINSON
836 38th Ave. E
Dickinson, ND 58601
P & F: 701-483-2818

GRAND FORKS
5624 1st Ave. N
Grand Forks, ND 58201
P: 701-566-3307
F: 701-757-4404

July 12, 2019

City of Fargo
200 N 3rd Street
Fargo, ND 58102

Attn: Scott Middaugh

RE: Change Order items time extension
Improvement District BN-17-A1

Dear Mr. Middaugh,

As you are aware there are multiple items that required extra work on the project. The following is a summary of extra work completed to date. The change invoices are attached behind this correspondence. Master Construction is requesting days to be added to the project to account for this additional work. Please see the following list

- Hydrant relocate station 112+00 – 1 Day
- Regrade Storm sewer St 16.3 – ½ Day
- Grade change on west end of project (regrade roadway) - 1 Day
- Grade and pour additional driveway west end of project - 3 Days
- Lower ST 19.3 - ½ day
- Culvert and sidewalk grade near Horse park - 1 day
- L2 Street grade raise - 1 day

Due to the above mentioned items Master is requesting a 8 day time extension be granted to both the substantial completion date and final completion date.

Thank you in advance for your consideration of this request and as always please feel free to contact me at (701)412-7081 with any questions.

Sincerely,

Jason Winter
Project Manager

MASTER CONSTRUCTION

Change Order / Extra Work Formula

Date:
Job Number: BN-17-A1
Job Name: 19th Ave 57th to 45th st
Description: Regrade west end of project
Engineer: City Of Fargo
Field Inspector: Jason Leonard / Scott Middaugh

LABOR

	Quantity	Hours	Hourly Rate		Total
Foreman	1	7	$ 50.00	$	350.00
Pipe Layer/Labor	1		$ 22.00	$	-
Top Man/Labor	1		$ 22.00	$	-
Operator	1	14	$ 35.00	$	490.00
				$	840.00

Equipment

Make	Size	Description	Utilized Hours	Hourly Rate		Total
Cat	326	Excavator	7.00	$ 200.00	$	1,400.00
Skid Steer		Skid Steer	7.00	$ 90.00	$	630.00
Small Tools		Small Tools		$ 30.00	$	-
John Deere	644	Loader		$ 150.00	$	-
Cat	D6	Dozer	7.00	$ 195.00	$	1,365.00
Dump Trucks	Varies	Trucks	20.00	$ 85.00	$	1,700.00
					$	-
					$	-
					$	5,095.00

Materials

Description	Quantity	Cost	OH / Profit (15%)		Total
			$ -	$	-
			$ -	$	-
			$ -	$	-
			$ -	$	-
			$ -	$	-
			$ -	$	-
				$	-
				$	-

Subcontractors

Description	Quantity	Cost	OH / Profit (10%)		Total
			$ -	$	-
			$ -	$	-
			$ -	$	-
				$	-

Notes:
Due to grade changes Master had to regrade the west end of the project

Total Labor	$	840.00
Total Equipment	$	5,095.00
Total Materials	$	-
Total Subcontractors	$	-
Grand Total	**$**	**5,935.00**

MASTER CONSTRUCTION

Change Order / Extra Work Formula

Date:
Job Number: BN-17-A1
Job Name: 19th Ave 57th to 45th st
Description: Grade Farmers driveway west end
Engineer: City Of Fargo
Field Inspector: Jason Leonard / Scott Middaugh

LABOR

	Quantity	Hours	Hourly Rate		Total
Foreman	1	4	$ 50.00	$	200.00
Pipe Layer/Labor	1		$ 22.00	$	-
Top Man/Labor	1		$ 22.00	$	-
Operator	1	8	$ 35.00	$	280.00
				$	480.00

Equipment

Make	Size	Description	Utilized Hours	Hourly Rate		Total
Cat	326	Excavator	4.00	$ 200.00	$	800.00
Skid Steer		Skid Steer	4.00	$ 90.00	$	360.00
Small Tools		Small Tools		$ 30.00	$	-
John Deere	644	Loader		$ 150.00	$	-
Cat	D6	Dozer	4.00	$ 195.00	$	780.00
Dump Trucks	Varies	Trucks	12.00	$ 85.00	$	1,020.00
					$	-
					$	-
					$	2,960.00

Materials

Description	Quantity	Cost	OH / Profit (15%)		Total
			$ -	$	-
			$ -	$	-
			$ -	$	-
			$ -	$	-
			$ -	$	-
			$ -	$	-
				$	-
				$	-

Subcontractors

Description	Quantity	Cost	OH / Profit (10%)		Total
			$ -	$	-
			$ -	$	-
			$ -	$	-
				$	-

Notes:
There was a large driveway added to the west end of the project

Total Labor	$	480.00
Total Equipment	$	2,960.00
Total Materials	$	-
Total Subcontractors	$	-
Grand Total	**$**	**3,440.00**

MASTER CONSTRUCTION

Change Order / Extra Work Formula

Date:
Job Number: BN-17-A1
Job Name: 19th Ave 57th to 45th st
Description: Regrade storm to flare st 16.3
Engineer: City Of Fargo
Field Inspector: Jason Leonard / Scott Middaugh

LABOR

	Quantity	Hours	Hourly Rate	Total
Foreman	1	3	$ 50.00	$ 150.00
Pipe Layer/Labor	1	3	$ 22.00	$ 66.00
Top Man/Labor	1		$ 22.00	$ -
Operator	1	3	$ 35.00	$ 105.00
				$ 321.00

Equipment

Make	Size	Description	Utilized Hours	Hourly Rate	Total
Cat	326	Excavator	3.00	$ 200.00	$ 600.00
Skid Steer		Skid Steer	3.00	$ 90.00	$ 270.00
Small Tools		Small Tools	3.00	$ 30.00	$ 90.00
John Deere	644	Loader		$ 150.00	$ -
					$ -
					$ -
					$ -
					$ -
					$ 960.00

Materials

Description		Quantity	Cost	OH / Profit (15%)	Total
Class 3	Ton	12	$ 9.45	$ 17.01	$ 130.41
				$ -	$ -
				$ -	$ -
				$ -	$ -
				$ -	$ -
				$ -	$ -
					$ 130.41
					$ 130.41

Subcontractors

Description	Quantity	Cost	OH / Profit (10%)	Total
			$ -	$ -
			$ -	$ -
			$ -	$ -
				$ -

Notes:
Due to grade issues the storm sewer from st 16.3 had to be regraded

Total Labor	$	321.00
Total Equipment	$	960.00
Total Materials	$	130.41
Total Subcontractors	$	-
Grand Total	**$**	**1,411.41**

MASTER CONSTRUCTION

Change Order / Extra Work Formula

Date:
Job Number: BN-17-A1
Job Name: 19th Ave 57th to 45th st
Description: Sidewalk Grade and CSP ST 17.1
Engineer: City Of Fargo
Field Inspector: Jason Leonard / Scott Middaugh

LABOR

	Quantity	Hours	Hourly Rate		Total
Foreman	1	6	$ 50.00	$	300.00
Pipe Layer/Labor	1	6	$ 22.00	$	132.00
Top Man/Labor	1		$ 22.00	$	-
Operator	1	6	$ 35.00	$	210.00
				$	642.00

Equipment

Make	Size	Description	Utilized Hours	Hourly Rate		Total
Cat	326	Excavator	6.00	$ 200.00	$	1,200.00
Skid Steer		Skid Steer	6.00	$ 90.00	$	540.00
Small Tools		Small Tools		$ 30.00	$	-
John Deere	644	Loader		$ 150.00	$	-
Cat	D6	Dozer	6.00	$ 195.00	$	1,170.00
Dump Trucks	Varies	Trucks	5.00	$ 85.00	$	425.00
					$	-
					$	-
					$	3,335.00

Materials

Description		Quantity	Cost	OH / Profit (15%)		Total
CSP Pipe	Ft	20	$ 12.00	$ 36.00	$	276.00
Flares	EA	2	$ 73.00	$ 21.90	$	167.90
				$ -	$	-
				$ -	$	-
				$ -	$	-
				$ -	$	-
					$	443.90
					$	443.90

Subcontractors

Description	Quantity	Cost	OH / Profit (10%)		Total
			$ -	$	-
			$ -	$	-
			$ -	$	-
				$	-

Notes:
Due to grading issues the sidewalk grade had to be changed and a CSP pipe installed with 2 flares to maintain drainage for adjacent property owners.

Total Labor	$	642.00
Total Equipment	$	3,335.00
Total Materials	$	443.90
Total Subcontractors	$	-
Grand Total	**$**	**4,420.90**

MASTER CONSTRUCTION

Change Order / Extra Work Formula

Date:
Job Number: BN-17-A1
Job Name: 19th Ave 57th to 45th st
Description: Hydrant Relocate Station 112+00
Engineer: City Of Fargo
Field Inspector: Jason Leonard / Scott Middaugh

LABOR

	Quantity	Hours	Hourly Rate	Total
Foreman	1	7.5	$ 50.00	$ 375.00
Pipe Layer/Labor	1	7.5	$ 22.00	$ 165.00
Top Man/Labor	1	7.5	$ 22.00	$ 165.00
Operator	1	7.5	$ 35.00	$ 262.50
				$ 967.50

Equipment

Make	Size	Description	Utilized Hours	Hourly Rate	Total
Cat	326	Excavator	7.50	$ 200.00	$ 1,500.00
Skid Steer		Skid Steer	7.50	$ 90.00	$ 675.00
Small Tools		Small Tools	3.00	$ 30.00	$ 90.00
John Deere	644	Loader	7.50	$ 150.00	$ 1,125.00
					$ -
					$ -
					$ -
					$ -
					$ 3,390.00

Materials

Description		Quantity	Cost	OH / Profit (15%)	Total
6 in 45 degree bends	EA	2	$ 75.60	$ 22.68	$ 173.88
6in C900	FT	20	$ 5.56	$ 16.68	$ 127.88
3/4 in stainless rods	FT	40	$ 7.25	$ 43.50	$ 333.50
1 1/2 in rock	Ton	10	$ 30.00	$ 45.00	$ 345.00
				$ -	$ -
				$ -	$ -
					$ -

Subcontractors

Description	Quantity	Cost	OH / Profit (10%)	Total
			$ -	$ -
			$ -	$ -
			$ -	$ -
				$ -

Notes:
The Hydrant at Station 112+00 had to be relocated due to depth concerns.

Total Labor	$	967.50
Total Equipment	$	3,390.00
Total Materials	$	-
Total Subcontractors	$	-
Grand Total	**$**	**4,357.50**

MASTER CONSTRUCTION

Change Order / Extra Work Formula

Date:
Job Number: BN-17-A1
Job Name: 19th Ave 57th to 45th st
Description: ST 19.3 Lower Rim
Engineer: City Of Fargo
Field Inspector: Jason Leonard / Scott Middaugh

LABOR

	Quantity	Hours	Hourly Rate	Total
Foreman	1	4	$ 50.00	$ 200.00
Pipe Layer/Labor	1	4	$ 22.00	$ 88.00
Top Man/Labor	1		$ 22.00	$ -
Operator	1	4	$ 35.00	$ 140.00
				$ 428.00

Equipment

Make	Size	Description	Utilized Hours	Hourly Rate	Total
Cat	326	Excavator	2.00	$ 200.00	$ 400.00
Skid Steer		Skid Steer		$ 90.00	$ -
Small Tools		Small Tools	4.00	$ 30.00	$ 120.00
John Deere	644	Loader		$ 150.00	$ -
Cat	D6	Dozer		$ 195.00	$ -
Dump Trucks	Varies	Trucks		$ 85.00	$ -
					$ -
					$ -
					$ 520.00

Materials

Description	Quantity	Cost	OH / Profit (15%)	Total
			$ -	$ -
			$ -	$ -
			$ -	$ -
			$ -	$ -
			$ -	$ -
			$ -	$ -
				$ -
				$ -

Subcontractors

Description	Quantity	Cost	OH / Profit (10%)	Total
			$ -	$ -
			$ -	$ -
			$ -	$ -
				$ -

Notes:
Lower ST 19.3

Total Labor	$	428.00
Total Equipment	$	520.00
Total Materials	$	-
Total Subcontractors	$	-
Grand Total	**$**	**948.00**

MASTER CONSTRUCTION

Change Order / Extra Work Formula

Date:
Job Number: BN-17-A1
Job Name: 19th Ave 57th to 45th st
Description: Raise grade Sta 121+50
Engineer: City Of Fargo
Field Inspector: Jason Leonard / Scott Middaugh

LABOR

	Quantity	Hours	Hourly Rate	Total
Foreman	1	7	$ 50.00	$ 350.00
Pipe Layer/Labor	1		$ 22.00	$ -
Top Man/Labor	1		$ 22.00	$ -
Operator	1	7	$ 35.00	$ 245.00
				$ 595.00

Equipment

Make	Size	Description	Utilized Hours	Hourly Rate	Total
Cat	326	Excavator		$ 200.00	$ -
Skid Steer		Skid Steer	7.00	$ 90.00	$ 630.00
Roller		Roller	4.00	$ 60.00	$ 240.00
John Deere	644	Loader	4.00	$ 150.00	$ 600.00
Cat	D6	Dozer		$ 195.00	$ -
Dump Trucks	Varies	Trucks		$ 85.00	$ -
					$ -
					$ -
					$ 1,470.00

Materials

Description		Quantity	Cost	OH / Profit (15%)	Total
Crushed Concrete	Ton	490	$ 13.25	$ 973.88	$ 7,466.38
				$ -	$ -
				$ -	$ -
				$ -	$ -
				$ -	$ -
				$ -	$ -
					$ 7,466.38
					$ 7,466.38

Subcontractors

Description	Quantity	Cost	OH / Profit (10%)	Total
			$ -	$ -
			$ -	$ -
			$ -	$ -
				$ -

Notes:
Due to grade changes Master had to raise the grade at the street return at Station 121 + 50

Total Labor	$	595.00
Total Equipment	$	1,470.00
Total Materials	$	7,466.38
Total Subcontractors	$	-
Grand Total	**$**	**9,531.38**

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REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BN-18-A1 Type: Negative Final Balancing Change Order #4

Location: Bison Meadows (Phase II) Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Jason Leonard

The Committee reviewed the accompanying correspondence from Project Manager, Jason Leonard, for Negative Final Balancing Change Order #4 in the amount of $-142,417.74, bringing the total contract amount to $1,945,076.48.

Staff is recommending approval of Negative Final Balancing Change Order #4.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Final Balancing Change Order #4 in the amount of $-142,417.74 to KPH, Inc..

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Final Balancing Change Order #4 in the amount of $-142,417.74, bringing the total contract amount to $1,945,076.48 to KPH, Inc.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Cass Rural WUD Funds & Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, PE
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No BN-18-A1 **Change Order No** 4

Project Name Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & Incidentals

Date Entered 8/1/2019 **For** KPH, Inc.

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: FINAL BALANCING CHANGE ORDER

This change order reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
Miscellaneous	6	Silt Fence - Standard	LF	1,000.00	0.00	1,000.00	-1,000.00	0.00	2.00	-2,000.00
	7	Obliterate Pavement Markings	SF	320.00	0.00	320.00	-320.00	0.00	4.50	-1,440.00
								Miscellaneous Sub Total ($)		-3,440.00
Sanitary Sewer	8	F&I 1-1/4" Trench Found Rock 4" thru 12" Dia	LF	1,379.00	0.00	1,379.00	-1,373.00	6.00	1.00	-1,373.00
	10	F&I Pipe SDR 26 - 8" Dia PVC	LF	1,640.00	0.00	1,640.00	19.27	1,659.27	33.00	635.91
	11	F&I Pipe SDR 35 - 10" Dia PVC	LF	628.00	0.00	628.00	0.20	628.20	58.00	11.60
	12	F&I Pipe SDR 35 - 12" Dia PVC	LF	1,379.00	0.00	1,379.00	-0.47	1,378.53	60.00	-28.20
	15	Connect Pipe to Exist Pipe	EA	6.00	0.00	6.00	-4.00	2.00	550.00	-2,200.00
	16	Plug Pipe 8" Dia	EA	2.00	0.00	2.00	4.00	6.00	100.00	400.00
								Sanitary Sewer Sub Total ($)		-2,553.69
Cass Rural Water Main	17	F&I Pipe C900 DR 18 - 6" Dia PVC	LF	47.00	0.00	47.00	-3.00	44.00	26.00	-78.00
	18	F&I Pipe C900 DR 18 - 8" Dia PVC	LF	2,629.00	0.00	2,629.00	-4.88	2,624.12	23.00	-112.24
	19	F&I Pipe C900 DR 18 - 10" Dia PVC	LF	1,255.00	0.00	1,255.00	-2.80	1,252.20	30.00	-84.00
	24	F&I Gate Valve 10" Dia	EA	4.00	0.00	4.00	-1.00	3.00	2,350.00	-2,350.00
	25	F&I Pipe 1" Dia Copper	LF	4,170.00	0.00	4,170.00	122.00	4,292.00	18.00	2,196.00
	27	F&I Fittings C153 Ductile Iron	LB	1,265.00	0.00	1,265.00	-8.00	1,257.00	6.00	-48.00
	98	* 1' Hydrant Extension and a 0.5' Hydrant Extension	LS	0.00	0.00	0.00	1.00	1.00	2,000.00	2,000.00
								Cass Rural Water Main Sub Total ($)		1,523.76

Storm Sewer	28	F&I Manhole 4' Dia Reinf Conc	EA	7.00	0.00	7.00	1.00	8.00	2,500.00	2,500.00
	32	F&I Inlet - Single Box (SBI) Reinf Conc	EA	20.00	0.00	20.00	2.00	22.00	1,800.00	3,600.00
	33	F&I Inlet - Round (RDI) Reinf Conc	EA	6.00	0.00	6.00	-1.00	5.00	1,400.00	-1,400.00
	35	F&I Pipe 15" Dia Reinf Conc	LF	793.00	0.00	793.00	199.51	992.51	44.00	8,778.44
	36	F&I Pipe 24" Dia Reinf Conc	LF	254.00	0.00	254.00	-36.83	217.17	55.00	-2,025.65
	37	F&I Pipe 30" Dia Reinf Conc	LF	418.00	0.00	418.00	-0.94	417.06	74.00	-69.56
	38	F&I Pipe 33" Dia Reinf Conc	LF	434.00	0.00	434.00	0.01	434.01	96.00	0.96
	39	F&I Pipe 48" Dia Reinf Conc	LF	559.00	0.00	559.00	-0.23	558.77	160.00	-36.80
	40	F&I Pipe 12" Dia PVC	LF	730.00	0.00	730.00	-138.30	591.70	27.00	-3,734.10
	42	F&I Pipe w/GB 15" Dia Reinf Conc	LF	339.00	0.00	339.00	31.00	370.00	57.00	1,767.00
	43	F&I Pipe w/GB 24" Dia Reinf Conc	LF	38.00	0.00	38.00	38.00	76.00	74.00	2,812.00
									Storm Sewer Sub Total ($)	12,192.29
Paving	53	Subcut	CY	4,937.00	0.00	4,937.00	-4,477.00	460.00	4.50	-20,146.50
	54	Subgrade Preparation	SY	14,810.00	0.00	14,810.00	-125.67	14,684.33	1.50	-188.51
	55	F&I Woven Geotextile	SY	14,810.00	0.00	14,810.00	-125.67	14,684.33	1.90	-238.77
	57	F&I Class 5 Agg - 8" Thick	SY	14,810.00	0.00	14,810.00	-125.67	14,684.33	9.00	-1,131.03
	58	F&I Edge Drain 4" Dia PVC	LF	7,100.00	0.00	7,100.00	-56.00	7,044.00	5.00	-280.00
	59	F&I Valley Gutter Reinf Conc	SY	82.00	0.00	82.00	-82.00	0.00	114.00	-9,348.00
	60	F&I Curb & Gutter Mountable (Type I)	LF	7,100.00	0.00	7,100.00	54.40	7,154.40	14.50	788.80
	61	Remove Curb & Gutter	LF	95.00	0.00	95.00	12.20	107.20	10.00	122.00
	62	F&I Pavement 9" Thick Doweled Conc	SY	97.00	0.00	97.00	33.61	130.61	69.00	2,319.09
	63	F&I Sidewalk 4" Thick Reinf Conc	SY	1,717.00	0.00	1,717.00	-27.13	1,689.87	33.00	-895.29
	64	F&I Sidewalk 6" Thick Reinf Conc	SY	161.00	0.00	161.00	-10.60	150.40	44.00	-466.40
	65	F&I Det Warn Panels Cast Iron	SF	312.00	0.00	312.00	-4.00	308.00	47.00	-188.00
	66	F&I Aggregate for Asph Pavement FAA 43	TON	4,550.00	0.00	4,550.00	-1,306.10	3,243.90	37.00	-48,325.70
	67	F&I Asphalt Cement PG 58-34	GAL	63,479.00	-25,000.00	38,479.00	-6,945.01	31,533.99	2.15	-14,931.77
	75	Mulching Type 1 - Hydro	SY	15,065.00	0.00	15,065.00	-3,727.35	11,337.65	0.30	-1,118.21
	76	Seeding Type C	SY	15,065.00	0.00	15,065.00	-4,006.02	11,058.98	0.15	-600.90

Paving	97	F&I Asphalt Cement PG 58-34	GAL	25,000.00	0.00	25,000.00	-14,376.69	10,623.31	2.64	-37,954.46
									Paving Sub Total ($)	-132,583.65
Site Grading	81	Fill - Haul	CY	83,526.00	0.00	83,526.00	-13,140.00	70,386.00	0.01	-131.40
	82	Mulching Type 2 - Straw	SY	82,470.00	0.00	82,470.00	-82,470.00	0.00	0.07	-5,772.90
	83	Seeding Type C	SY	82,470.00	0.00	82,470.00	-82,470.00	0.00	0.15	-12,370.50
									Site Grading Sub Total ($)	-18,274.80
Street Lighting	85	F&I Innerduct 1.5" Dia	LF	3,914.00	0.00	3,914.00	99.00	4,013.00	4.25	420.75
	89	F&I Conductor #6 USE Cu	LF	10,812.00	0.00	10,812.00	186.00	10,998.00	1.60	297.60
									Street Lighting Sub Total ($)	718.35
	* NC Items								**Grand Total ($)**	**-142,417.74**

Summary

Source Of Funding	
Net Amount Change Order # 4 ($)	-142,417.74
Previous Change Orders ($)	12,250.00
Original Contract Amount ($)	2,075,244.22
Total Contract Amount ($)	1,945,076.48

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
09/15/2018	06/02/2019	0.00	0.00	09/15/2018	06/02/2019

Description

APPROVED

For Contractor

Title President

APPROVED DATE

Department Head

Mayor 8/7/19

Attest

(22)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BN-19-B1 Type: Change Order #1 & Time Extension

Location: Grayland Addition Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Jason Satterlund

The Committee reviewed the accompanying correspondence from Project Manager, Jason Satterlund, regarding Change Order #1 & time extension requested by Dakota Underground. A 6-day time extension has been requested due to additional work items and weather related delays.

Staff is recommending approval of Change Order #1 in the amount of $2,200.00, and a 6-day time extension adjusting the Substantial Completion Date to August 7, 2019 and the Final Completion Date to September 7, 2019.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Change Order #1 & time extension as described above.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Change Order #1 in the amount of $2,200.00, bringing the total contract amount to $792,990.38, and a 6-day time extension to the Substantial and Final Completion Dates.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Cass Rural WUD & Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, P.E.
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: Members of PWPEC

From: Jason Satterlund, Project Manager

Date: July 31, 2019

Re: Improvement District No. BN-19-B1 – Change Order #1 & Time Extension Request

---

Background:

Improvement District No. BN-19-B1 provides new development infrastructure for the second and final phase of Grayland Addition. It consists of underground utilities, concrete curb and gutter, asphalt paving, and street lighting on 54th Avenue South west of 66th Street and on Grayland Drive from 55th Avenue South to a cul-de-sac located approximately 500' north of 54th Avenue.

Dakota Underground, Inc. is the Contractor for this project.

Change Order #1 includes a time extension request from Dakota Underground due to weather related delays and an Engineering initiated request for installation of tracer wire pedestals on the water services ($2,200).

Dakota Underground has submitted a request for a time extension due to weather related delays. They have identified 18 days with weather related delays. Dakota Underground has submitted a schedule to finish the remaining work in 15 days and therefore are only asking for a 15 calendar day extension. Based on our daily records, we believe that the Contractor was delayed only 14 days, not 18 days. The project completion was calculated based on an assumed 11 days lost due to weather, therefore Engineering is recommending a 3 working day time extension to both Substantial and Final Completion Dates. With the current completion date on a Thursday, 3 working days equates to 5 calendar days.

Dakota has asked for 1 additional day for installation of the tracer wire pedestals.

Recommended Motion:

Approve Change Order #1 in the amount of $2,200.00 for the additional work as requested by Engineering and add 6 calendar days to the Substantial and Final Completion Dates as shown below:

Original Completion Dates	Revised This Memo
Substantial – August 1, 2019 **Final – September 1, 2019**	**Substantial – August 7, 2019** **Final – September 7, 2019**

Attachments

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	BN-19-B1	**Change Order No**	1
Project Name	Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & Incidentals		
Date Entered	7/31/2019	**For**	Dakota Underground Co Inc

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: Time Extension Request & Tracer Wire Pedestals

Time Extension Request & Tracer Wire Pedestals

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
Cass Rural Water	66	Extra - WaterMains	LS	0.00	0.00	0.00	1.00	1.00	2,200.00	2,200.00
								Cass Rural Water Sub Total ($)		2,200.00

Summary

Source Of Funding	Cass Rural WUD Funds
Net Amount Change Order # 1 ($)	2,200.00
Previous Change Orders ($)	0.00
Original Contract Amount ($)	790,790.38
Total Contract Amount ($)	792,990.38

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
08/01/2019	09/01/2019	6.00	6.00	08/07/2019	09/07/2019

Description

APPROVED

APPROVED DATE

For Contractor PRESIDENT

Department Head 8/7/19

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Title PRESIDENT

Mayor

Attest

DAKOTA UNDERGROUND CO
MUNICIPAL AND HEAVY CONTRACTORS
4001 15 Avenue N. W. • Fargo, ND 58102 • Phone (701) 282-9753 • Fax (701) 282-0016

July 27, 2019

Jason Satterlund
Project Manager
City of Fargo Engineering Department
225 4th Street N
Fargo, ND 58102

RE: Dakota Underground Company Request for Time Extenstion for BN-19-B1

Dear Jason:

As per the plans and specifications, the substantial completion date for BN-19-B1 is August 1st, 2019 which includes all work except for the installation of the street light poles and fixtures. With the late spring and the nearly 8-inches of rainfall between early June and Late July, we are requesting an additional 15 days to complete the project. This would make the substantial completion date of August 15th , 2019, and the Final Completion Date of September 15th , 2019.

As you are aware this project was bid on April 3rd, 2019. The bids were awared by the City Commission on April 8th, 2019, and the contracts were approved by the City Commision on April 22nd, 2019. With this in mind, the spring load restrictions were in place on April 1st and lasted until May 23rd, 2019 (See Attached. This didn't allow for us to feasiably move equipment on-site until after May 23rd, 2019.

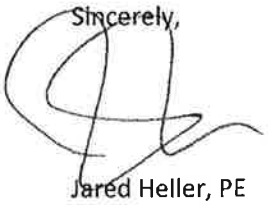
Addditionally, since staring on the project on June 6th, 2019, the site has received nearly 8-inches of rainfall (See Attached Daily Rainfall Data from NDAWN). I have summarized the 15 days lost either to rain days or non-productive days due to rain (i.e. dewatering site).

- June 20, 21, 22: The site received 1.32" of rainfall. Although June 22nd was a Saturday, the following Monday June 24th was non-productive due to the need to dewater the site.
- June 27: The site received 0.37" of rainfall, not allowing us to be productive on site that day.
- June 29: The site received 1.02" of rainfall. This resulted in non-productive day on June 29 and then the following Monday July 1st was partially lost due to the need to dewater the site.
- July 8th-13th: During this period of time, the site received 3.02" of rainfall. This resulted in 6 days being lost due to rain and or non-prodcution work (i.e. dewatering).
- July 17-20: During this period of time the site received 1.49" of rainfall. This resulted in 4 days being lost due to rain and or non-production work (i.e. dewatering).

I have included our Weekly Look Ahead Schedule for the Week of July 29th. The planned activites this coming week include asphalt paving, flatwork, street light trenching and base pours. As long as we continue to have favorable weather, we anticpate being substantially completed by August 15th.

Thank You for your advance consideration of this request.

Sincerely,



Jared Heller, PE
Project Manager
Dakota Underground

Kim Thompson

From: No-Reply@fargond.gov
Sent: Wednesday, March 27, 2019 4:43 PM
To: kat@dakotaunderground.net
Subject: Load Restrictions Start Monday April 1st 2019

Load Restrictions Start Monday April 1st 2019

City of Fargo
Engineering Dept.
225 4th rd St. N.
Fargo, ND 58103
701.241.1545

City of Fargo spring load restrictions begin April 1

FARGO, N.D. ( ) – Effective April 1, 2019 at 12:01 a.m., the City of Fargo will impose Class A and Class 1 load restrictions on various roads throughout town.

Class A restrictions are defined as follows:

• Single Axle 18,000 lbs
• Tandem Axle 32,000 lbs - 16,000 lbs per axle • 3 Axles or more 42,000 lbs - 14,000 lbs per axle • Gross Vehicle Weight 80,000 lbs

Class 1 restrictions are defined as follows: • Single Axle 15,000 lbs • Tandem Axle 30,000 lbs - 15,000 lbs per axle • 3 Axles or more 36,000 lbs - 12,000 lbs per axle • Gross Vehicle weight 80,000 lbs

Restrictions shall remain in effect until pavement subgrade conditions warrant removal, generally the first or middle part of May. Permit applications for weights in excess of restrictions shall be in writing and submitted to the Fargo City Engineer, 225 4th St. N., Fargo, ND, 58102. The Truck Route Map and roads that are affected by spring load restrictions can be viewed online at www.fargotruckroutes.com.

You are receiving this message because you have previously submitted an application for an overdimensional vehicle permit with the City of Fargo.

If you would like to stop receiving notifications, follow the link to unsubscribe.

Kim Thompson

From: No-Reply@fargond.gov
Sent: Wednesday, May 22, 2019 2:20 PM
To: kat@dakotaunderground.net
Subject: 2019 Spring Load Restrictions to Be lifted.

2019 Spring Load Restrictions to Be lifted.

THE CITY OF Fargo FAR MORE

City of Fargo
Engineering Dept.
225 4th rd St. N.
Fargo, ND 58103
701.241.1545

Effective Thursday May 23, 2019 the City of Fargo Spring load restrictions that have been currently imposed on the city roads will be lifted and all roads will return to their regular weight restrictions. Designated Truck Route system will return to weight limitations as follows:

Single Axle 20,000 lbs. Tandem Axle 34,000 lbs.-not to exceed 17,000 lbs. per axle 3 or more Axles 48,000lbs.-not to exceed 16,000 lbs. per axle Gross Vehicle Weight 105,500 lbs.

All non-truck route streets which includes the residential system will return to a Class A restriction as follows:

Single Axle 18,000 lbs. Tandem Axle 32,000 lbs.-not to exceed 16,000 lbs. per axle 3 or more Axles 42,000lbs.-not to exceed 14,000 lbs. per axle Gross Vehicle Weight 80,000 lbs.

You are receiving this message because you have previously submitted an application for an overdimensional vehicle permit with the City of Fargo.

If you would like to stop receiving notifications, follow the link to unsubscribe.

NDAWN daily data for June 6, 2019 to July 26, 2019

Date	Fargo Total Rain fall (inch)
2019-06-06	0.04
2019-06-07	0.00
2019-06-08	0.28
2019-06-09	0.03
2019-06-10	0.00
2019-06-11	0.00
2019-06-12	0.00
2019-06-13	0.02
2019-06-14	0.05
2019-06-15	0.10
2019-06-16	0.00
2019-06-17	0.00
2019-06-18	0.00
2019-06-19	0.02
2019-06-20	0.57
2019-06-21	0.43
2019-06-22	0.32
2019-06-23	0.00
2019-06-24	0.00
2019-06-25	0.00
2019-06-26	0.00
2019-06-27	0.37
2019-06-28	0.00
2019-06-29	1.02
2019-06-30	0.00
2019-07-01	0.00
2019-07-02	0.00
2019-07-03	0.13
2019-07-04	0.00
2019-07-05	0.02
2019-07-06	0.00
2019-07-07	0.00
2019-07-08	1.97
2019-07-09	0.77
2019-07-10	0.01
2019-07-11	0.00
2019-07-12	0.27
2019-07-13	0.00
2019-07-14	0.00
2019-07-15	0.00
2019-07-16	0.00
2019-07-17	1.01
2019-07-18	0.12
2019-07-19	0.31
2019-07-20	0.05
2019-07-21	0.00
2019-07-22	0.00

2019-07-23	0.00
2019-07-24	0.00
2019-07-25	0.04
2019-07-26	0.00
Totals:	7.96
Max:	1.97
Min:	0.00

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REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BR-18-B1 Type: Change Orders #27 & #28

Location: 10th St N (4th – 12th Ave. N.) Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Rick Larson

The Committee reviewed the accompanying correspondence from Project Manager, Rick Larson, regarding Change Orders #27 & #28 submitted by NDDOT in the amount of $18,918.84. Change Order #27 is for the installation of fall protection grate on lift station top access and Change Order #28 is for the application of surface finish on existing retaining walls.

Staff is recommending approval of Change Orders #27 and #28 in the amount of $18,918.84.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Change Orders #27 & #28.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Change Orders #27 & #28 in the amount of $18,918.84 to NDDOT.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Fed, State, Utility & Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, P.E.
City Engineer

C: Kristi Olson

THE CITY OF Fargo
FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: Members of PWPEC

From: Rick Larson, Project Manager

Date: July 29, 2019

Re: BR-18-B1- 10th Street North Project Change Orders #27 & 28

Background:

Improvement District #BR-18-B1 is for the water main replacement, street reconstruction and incidentals on 10th Street North from 4th Avenue to 12th Avenue.

The change orders are summarized below with copies attached.

1. Installation of fall protection grate on lift station top access - $1,726.62
2. Application of surface finish on existing retaining walls - $17,192.22

Recommended Motion
Approve Change Orders 27 & 28 for a total of $18,918.84 for Improvement District BR-18-B1.

North Dakota Department of Transportation
Change Order

Change Order No: 27 Project: UGP-NHU-CPU-8-081(038)927 PCN: 21168

SubProject: 1 GRADING, SALVAGED BASE, CONCRETE PAVING, & County: Cass

For: GRADING, SALVAGED BASE, CONCRETE PAVING, STORM WATER

Contractor: MASTER CONSTRUCTION CO INC
PO BOX 788
FARGO, ND 58107-0788

Original Contract Amount:
$7,103,169.83

Date Created: 06/26/2019 Date Approved:

Spec No	Code No	Item of Work	Unit	Original Quantity	+ or - Quantity	Unit Price	Increase Amount	Decrease Amount
ADDED CONTRACT ITEM								
PARTICIPATING (NHU FUNDS)								
920	102	Lift Station Fall Protection Grate	L SUM	0.00	1.00	1,726.620	1,726.62	
Net Increase or Decrease to Date			428,096.70 Part	33,305.71	Non-Part	TOTALS	1,726.62	
						NON-PARTICIPITING		
						PARTICIPATING	1,726.62	

Due to This Change, the Contract Time:
NO CHANGE.

Classification

Functional Design Change

EXPLANATION OF CHANGE IN PLAN RECOMMENDED

If the federal funds authorized in the cost participation agreement with the local agency is exceeded and federal funds are not available for this change, the local agency will assume the total cost of this change order.

This change order covers all costs associated with adding a fall protection grate on the top access of the lift station.

Lift station fall protection grate

7/26/19
CONTRACTOR DATE

8/7/19
CITY/COUNTY/OTHER OFFICIAL DATE

REPRESENTING DATE

( ) Approval Recommended ( ) Approved
PROJECT ENGINEER DATE

( ) Approval Recommended ( ) Approved
DISTRICT ENGINEER DATE

( ) Approval Recommended ( ) Approved
OFFICE OF OPERATIONS DATE

North Dakota Department of Transportation

Change Order

Change Order No: 28 Project: UGP-NHU-CPU-8-081(038)927 PCN: 21168

SubProject: 1 GRADING, SALVAGED BASE, CONCRETE PAVING, & County: Cass

For: GRADING, SALVAGED BASE, CONCRETE PAVING, STORM WATER

Contractor: MASTER CONSTRUCTION CO INC
PO BOX 788
FARGO, ND 58107-0788

Original Contract Amount:
$7,103,169.83

Date Created: 07/15/2019 Date Approved:

Spec No	Code No	Item of Work	Unit	Original Quantity	+ or - Quantity	Unit Price	Increase Amount	Decrease Amount
ADDED CONTRACT ITEM								
PARTICIPATING (NHU FUNDS)								
602	7000	SPECIAL SURFACE FINISH	SF	0.00	3,030.00	5.674	17,192.22	
Net Increase or Decrease to Date		413,872.45	Part	33,305.71	Non-Part	TOTALS	17,192.22	
						NON-PARTICIPITING		
						PARTICIPATING	17,192.22	

Due to This Change, the Contract Time:
IS INCREASED BY 3.0 CALENDAR DAYS.

Classification

Functional Design Change

EXPLANATION OF CHANGE IN PLAN RECOMMENDED

If the federal funds authorized in the cost participation agreement with the local agency is exceeded and federal funds are not available for this change, the local agency will assume the total cost of this change order.

This change order covers all costs associated with application of surface finish on existing retaining walls.

7/26/19

CONTRACTOR DATE

( ) Approval Recommended ( ) Approved
PROJECT ENGINEER DATE

CITY/COUNTY/OTHER OFFICIAL DATE

( ) Approval Recommended ( ) Approved
DISTRICT ENGINEER DATE

REPRESENTING DATE

( ) Approval Recommended ( ) Approved
OFFICE OF OPERATIONS DATE

24

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BR-18-G2

Type: Negative Final Balancing Change Order #3

Location: 4th St. S. (6th Ave – 2nd St)
6th Ave. S. (4th St to 250' west)

Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Brian Skanson

The Committee reviewed the accompanying correspondence from Project Manager, Brian Skanson, for Negative Final Balancing Change Order #3 in the amount of $-55,623.62, bringing the total contract amount to $1,486,944.65.

Staff is recommending approval of Negative Final Balancing Change Order #3.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Final Balancing Change Order #3 in the amount of $-55,623.62 to Dakota Underground.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Final Balancing Change Order #3 in the amount of $-55,623.62, bringing the total contract amount to $1,486,944.65 to Dakota Underground.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Sales Tax, Utility Funds & Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, PE
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	BR-18-G2	**Change Order No**	3
Project Name	Water Main Replacement, Street Reconstruction & Incidentals		
Date Entered	7/25/2019	**For**	Dakota Underground Co Inc

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: Final Balancing

This change order reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
Sanitary Sewer	1	F&I Pipe w/GB SDR 26 - 6" Dia PVC	LF	145.00	0.00	145.00	-145.00	0.00	68.00	-9,860.00
	3	Connect Sewer Service Option C	EA	5.00	0.00	5.00	-3.00	2.00	800.00	-2,400.00
	4	Clean Pipe 18" Dia All Types	LF	1,235.00	0.00	1,235.00	-1,235.00	0.00	2.00	-2,470.00
	5	Connect Sewer Service 10' to 15' Deep	EA	5.00	0.00	5.00	-5.00	0.00	3,000.00	-15,000.00
									Sanitary Sewer Sub Total ($)	-29,730.00
Water Main Replacement	6	Remove Pipe All Sizes All Types	LF	920.00	0.00	920.00	-202.16	717.84	10.00	-2,021.60
	8	F&I Hydrant Ext. 30" High	EA	1.00	0.00	1.00	-1.00	0.00	1,300.00	-1,300.00
	9	F&I Hydrant Ext. 6" High	EA	1.00	0.00	1.00	-1.00	0.00	800.00	-800.00
	10	F&I Fittings Ductile Iron	LB	7,516.00	0.00	7,516.00	-2,877.00	4,639.00	5.65	-16,255.05
	11	F&I Pipe w/GB C900 DR 18 - 4" Dia PVC	LF	15.00	0.00	15.00	0.40	15.40	70.00	28.00
	12	F&I Pipe w/GB C900 DR 18 - 6" Dia PVC	LF	40.00	0.00	40.00	-9.92	30.08	70.00	-694.40
	13	F&I Pipe w/GB C900 DR 18 - 8" Dia PVC	LF	100.00	0.00	100.00	-42.00	58.00	75.00	-3,150.00
	14	F&I Pipe w/GB C900 DR 18 - 20" Dia PVC	LF	1,550.00	0.00	1,550.00	-82.66	1,467.34	122.00	-10,084.52
	15	F&I Insulation 2" Thick	SY	50.00	0.00	50.00	-42.94	7.06	25.00	-1,073.50
	16	F&I Insulation 4" Thick	SY	70.00	0.00	70.00	-70.00	0.00	50.00	-3,500.00
	18	F&I Gate Valve 6" Dia	EA	6.00	0.00	6.00	-1.00	5.00	1,400.00	-1,400.00
	19	F&I Gate Valve 8" Dia	EA	1.00	0.00	1.00	1.00	2.00	1,800.00	1,800.00

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Water Main Replacement	21	Furnish Temp Water Svc	EA	4.00	0.00	4.00	2.00	6.00	3,000.00	6,000.00
	24	F&I Pipe w/GB 1" Dia Copper	LF	20.00	0.00	20.00	2.50	22.50	60.00	150.00
	25	Connect Pipe to Exist Pipe	EA	8.00	0.00	8.00	-1.00	7.00	3,500.00	-3,500.00
	26	F&I 1-1/4" Trench Found Rock 14" thru 24" Dia	LF	200.00	0.00	200.00	-200.00	0.00	0.01	-2.00
									Water Main Replacement Sub Total ($)	-35,803.07
Storm Sewer	27	Remove Pipe All Sizes All Types	LF	244.00	0.00	244.00	-125.00	119.00	25.00	-3,125.00
	30	F&I Pipe w/GB 12" Dia Reinf Conc	LF	150.00	0.00	150.00	-2.20	147.80	65.00	-143.00
	31	F&I Pipe w/GB 15" Dia Reinf Conc	LF	150.00	0.00	150.00	-27.80	122.20	65.00	-1,807.00
	32	Connect Pipe to Exist Structure	EA	10.00	0.00	10.00	-1.00	9.00	500.00	-500.00
	117	* Saddle MH	LS	0.00	0.00	0.00	1.00	1.00	3,468.75	3,468.75
									Storm Sewer Sub Total ($)	-2,106.25
Paving	33	Remove Pavement All Thicknesses All Types	SY	5,950.00	0.00	5,950.00	190.00	6,140.00	9.00	1,710.00
	34	Remove Curb & Gutter	LF	3,000.00	0.00	3,000.00	144.00	3,144.00	3.00	432.00
	35	Remove Driveway All Thicknesses All Types	SY	350.00	0.00	350.00	32.90	382.90	7.00	230.30
	36	Remove Sidewalk All Thicknesses All Types	SY	1,600.00	0.00	1,600.00	-64.81	1,535.19	5.00	-324.05
	37	Excavation	CY	233.00	0.00	233.00	-233.00	0.00	10.00	-2,330.00
	38	Subgrade Preparation	SY	6,450.00	0.00	6,450.00	240.00	6,690.00	3.00	720.00
	39	F&I Woven Geotextile	SY	6,450.00	0.00	6,450.00	240.00	6,690.00	1.60	384.00
	40	F&I Edge Drain 4" Dia PVC	LF	3,000.00	0.00	3,000.00	-38.00	2,962.00	7.00	-266.00
	41	F&I Class 5 Agg - 8" Thick	SY	750.00	0.00	750.00	-33.00	717.00	7.00	-231.00
	42	F&I Class 5 Agg - 12" Thick	SY	5,700.00	0.00	5,700.00	274.00	5,974.00	10.00	2,740.00
	43	F&I Curb & Gutter Standard (Type II)	LF	3,000.00	0.00	3,000.00	-39.00	2,961.00	17.00	-663.00
	44	F&I Pavement 9" Thick Doweled Conc	SY	5,525.00	0.00	5,525.00	20.65	5,545.65	60.00	1,239.00
	45	F&I Impressioned 5" Thick Reinf Conc	SY	45.00	0.00	45.00	20.00	65.00	80.00	1,600.00
	46	F&I Sidewalk 4" Thick Reinf Conc	SY	575.00	0.00	575.00	190.40	765.40	38.00	7,235.20
	47	F&I Sidewalk 5" Thick Reinf Conc	SY	1,150.00	0.00	1,150.00	-21.00	1,129.00	40.00	-840.00
	48	F&I Sidewalk 6" Thick Reinf Conc	SY	110.00	0.00	110.00	-56.00	54.00	45.00	-2,520.00

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Paving	50	F&I Driveway 6" Thick Reinf Conc	SY	200.00	0.00	200.00	27.40	227.40	45.00	1,233.00
	51	F&I Driveway 7" Thick Reinf Conc	SY	150.00	0.00	150.00	18.20	168.20	48.00	873.60
	52	F&I Flat MH Cover 8" Thick Reinf Conc	EA	2.00	0.00	2.00	-1.00	1.00	800.00	-800.00
	53	Rem & Repl Casting - Floating Manhole	EA	16.00	0.00	16.00	-1.00	15.00	1,565.00	-1,565.00
	54	Casting to Grade - w/Conc	EA	27.00	0.00	27.00	1.00	28.00	300.00	300.00
	55	GV Box to Grade - w/Conc	EA	4.00	0.00	4.00	3.00	7.00	200.00	600.00
	56	GV Box to Grade - Blvd	EA	8.00	0.00	8.00	-3.00	5.00	150.00	-450.00
	57	Seeding Type B	SY	4,800.00	0.00	4,800.00	-147.00	4,653.00	1.20	-176.40
	58	Mulching Type 1 - Hydro	SY	4,800.00	0.00	4,800.00	-147.00	4,653.00	0.50	-73.50
	59	Weed Control Type B	SY	4,800.00	0.00	4,800.00	-4,800.00	0.00	0.10	-480.00
	60	Inlet Protection - Existing Inlet	EA	12.00	0.00	12.00	-6.00	6.00	125.00	-750.00
	63	Temp Construction Entrance	EA	3.00	0.00	3.00	-2.00	1.00	1,000.00	-2,000.00
									Paving Sub Total ($)	5,828.15
Pavement Markings	66	F&I Grooved Contrast Film 11" Wide	LF	65.00	0.00	65.00	-8.00	57.00	16.00	-128.00
	67	F&I Grooved Contrast Film 7" Wide	LF	4,835.00	0.00	4,835.00	225.00	5,060.00	10.60	2,385.00
	68	F&I Grooved Plastic Film 16" Wide	LF	61.00	0.00	61.00	-7.00	54.00	22.00	-154.00
	69	F&I Grooved Plastic Film 24" Wide	LF	252.00	0.00	252.00	-88.00	164.00	33.00	-2,904.00
	70	F&I Grooved Plastic Film Message	SF	32.00	0.00	32.00	-16.00	16.00	35.00	-560.00
	71	Paint Epoxy Message	SF	104.00	0.00	104.00	2.00	106.00	16.00	32.00
	72	F&I Methacrylate	SF	576.00	0.00	576.00	-76.00	500.00	28.00	-2,128.00
									Pavement Markings Sub Total ($)	-3,457.00
Signing	73	F&I Diamond Grade Cubed	SF	18.50	0.00	18.50	17.50	36.00	22.00	385.00
	75	F&I High Intensity Prismatic	SF	56.80	0.00	56.80	-35.30	21.50	12.00	-423.60
	76	F&I Sign Assembly	EA	1.00	0.00	1.00	5.00	6.00	105.00	525.00
	77	F&I Sign Assembly & Anchor	EA	18.00	0.00	18.00	-13.00	5.00	105.00	-1,365.00
	124	* Extra Additional Crosswalk Signs	LS	0.00	0.00	0.00	1.00	1.00	2,145.00	2,145.00
									Signing Sub Total ($)	1,266.40
Traffic Signals	82	F&I Foundation Type IV/Combo	EA	1.00	0.00	1.00	1.00	2.00	12,875.00	12,875.00

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Traffic Signals	89	F&I Ped Head 1 Sect Countdown w/LED Mtd	EA	1.00	0.00	1.00	1.00	2.00	925.00	925.00
	93	F&I Emerg Veh Pre-emption System	EA	1.00	0.00	1.00	-1.00	0.00	8,240.00	-8,240.00
	96	F&I Equipment Controller	EA	1.00	0.00	1.00	-1.00	0.00	1.00	-1.00
	99	F&I Signal Cable AWG 14/20	LF	61.00	0.00	61.00	-61.00	0.00	4.00	-244.00
	100	F&I Signal Cable 3M Opticom	LF	75.00	0.00	75.00	-75.00	0.00	1.50	-112.50
									Traffic Signals Sub Total ($)	5,202.50
Street Lighting	109	Remove Street Light	EA	12.00	0.00	12.00	1.00	13.00	205.00	205.00
	110	F&I Base 6' Deep Reinf Conc	EA	9.00	0.00	9.00	1.00	10.00	825.00	825.00
	111	Remove Base	EA	12.00	0.00	12.00	1.00	13.00	410.00	410.00
	112	F&I Conductor #6 USE Cu	LF	7,254.00	0.00	7,254.00	153.00	7,407.00	1.55	237.15
	113	F&I Innerduct 1.5" Dia	LF	2,548.00	0.00	2,548.00	98.00	2,646.00	8.25	808.50
	116	F&I Light Standard Type A	EA	11.00	0.00	11.00	-2.00	9.00	1,030.00	-2,060.00
	126	* Remove and reinstall existing street light	LS	0.00	0.00	0.00	1.00	1.00	2,750.00	2,750.00
									Street Lighting Sub Total ($)	3,175.65
	* NC Items								**Grand Total ($)**	**-55,623.62**

Summary	
Source Of Funding	
Net Amount Change Order # 3 ($)	-55,623.62
Previous Change Orders ($)	29,621.07
Original Contract Amount ($)	1,512,947.20
Total Contract Amount ($)	1,486,944.65

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME					
Current Substantial Completion Date	**Current Final Completion Date**	**Additional Days Substantial Completion**	**Additional Days Final Completion**	**New Substantial Completion Date**	**New Final Completion Date**
10/13/2018	12/14/2018	0.00	0.00	10/13/2018	12/14/2018

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Description				
APPROVED Bob Nelson 7/25/19		APPROVED DATE		
For Contractor Dakota Underground Company		Department Head		8/7/19
Title Project Manager		Mayor		
		Attest		

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REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. NN-19-A0 Type: Design and Construction Services Task Order #1

Location: Drain #53 Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Jody Bertrand

The Committee reviewed the accompanying correspondence from Division Engineer, Jody Bertrand, regarding approval of Task Order #1 with Moore Engineering for Design and Construction Services of a new storm sewer lift station located along Drain #53.

Quotes were requested from two consultants through our MSA who presently have design projects in the immediate area for construction in the same year of 2020. The design components of theirs projects will directly affect the lift station's ultimate design. KLJ did not submit a quote due to staff availability to complete the work.

Staff believes the quote from Moore Engineering, in the amount of $250,000, to be reasonable and recommends approval. Costs will be Special Assessed to the benefitting property.

On a motion by Ben Dow, seconded by Steve Sprague, the Committee voted to recommend approval of Task Order #1 to Moore Engineering for Design and Construction Services of a new storm sewer lift station located along Drain #53.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Task Order #1 in the amount of $250,000 to Moore Engineering.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
Letter of Credit required (per policy approved 5-28-13)	N/A	

COMMITTEE	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, PE
City Engineer

C: Kristi Olson

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Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: Members of PWPEC

From: Jody Bertrand, Division Engineer

Date: August 5, 2019

Re: Improvement District No. NN-19-A0 – MSA, Design Engineering & Construction Services for a Storm Sewer Lift Station and Incidentals

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Background:

Improvement District No. NN-19-A0 was created for Engineering Design and Inspection Services for the construction of a storm sewer lift station located along Drain #53, which will service the area west of Drain #53 to I-29 and for the area south of 64th Avenue. Quotes were requested from two consultants through our MSA who presently have design projects in the immediate area for construction in the same year of 2020. The design components of their projects will directly affect the lift stations ultimate design. KLJ has the design for the 64th Avenue South paving improvements from 25th Street South to I-29. The Moore Engineering project is the lowering and widening of Drain #53, which is being completed for the SE Cass Water Board. Moore Engineering has also been hired by Bolton and Menk to complete water modeling for the Selkirk Addition internal drainage and pond design, which will direct runoff to the proposed new lift station.

KLJ did not submit a quote due to staff availability to complete the work. Moore Engineering's quote for Design and Construction Management is attached to this memorandum. The quote for Engineering Services is reasonable and Engineering Staff recommends approval. These engineering costs will be paid through Special Assessments to the benefitting properties.

Recommended Motion:

Approve the MSA for NN-19-A0 in the amount of $250,000.00 to Moore Engineering for Design and Construction Services of a new storm sewer lift station located along Drain #53 with the costs being special assessed to the benefitting property.

JRB/klb
Attachment

C: Brenda Derrig, City Engineer
Tom Knakmuhs, Assistant City Engineer

CITY OF Fargo

Project Scoping Request

To: Prospective Consultants

From: Jody Bertrand

CC: Brenda Derrig

Rob Hasey

Date: 7/17/2019

Re: City of Fargo Project #NN-19-A0 – Design and Inspection Services for a new storm sewer lift station #43, Selkirk Addition

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Per the city of Fargo Master Services Agreement, the city is requesting quotes from contract holders to assist with designing, inspecting and construction administration for a new storm sewer lift station located along the west side of Drain #53, south of 64th Avenue South.

Background

There are three major construction projects under design for this area, which will affect the lift station design and layout. The first is the Selkirk Addition development, which was proposed in the spring of 2019 for single family residences and a few westerly commercial properties, located south of 64th Avenue South and east of I-29 up to Drain #53.

The second project is the 64th Avenue South pavement construction starting at I-29 and continuing to 25th Street South with a box culvert crossing at the drain. The storm sewer flows from the 64th Avenue South roadway improvements (with an anticipated construction of 2020) and the new Selkirk subdivision runoff contributions are being directed to a multiple retention pond layout with the ponds located adjacent to the west side of Drain #53.

The third project is the lowering and widening of Drain #53, which is presently being developed by the Southeast Cass Drain Board for anticipated construction also in 2020. As part of the excavation of the drain, the excavated material will be used on the west side of the drain to construct a flood protection levee for the Selkirk subdivision from 64th Avenue to the south.

The proposed storm sewer lift station will be designed to be a gravity flow system with the isolation capability for high rainfall and flood events, which will impact the drain water elevations, placing the lift station in a pump condition.

A map of the proposed lift station location is included with this scoping request. The City will provide the selected Consultant the exact area where the lift station is to be located once that has been determined. A soil boring to a depth of 100 feet and a geotechnical report will need to be completed for the proposed lift station location as part of this scoping request. The lift station will be located in a future levee that will be constructed on the west side of Drain 53 during a Southeast Cass drain lowering and widening project.

The designing of a retention pond is being completed by Bolton and Menk Engineering as part of the Selkirk Addition improvements. The pond is anticipated to have two major cells and will be located immediately upstream of the lift station. The construction of the retention pond will not be part of the storm sewer lift station design scope of work. It is anticipated that this retention pond will primarily serve as storm water retention and as the water quality aspect for the future development west of Drain 53 from 64th Avenue to 1/4 mile north of 76th Avenue South. The pond will also be used as a storage basin to feed the lift station.

200 North 3rd Street
Fargo, ND 58102

Phone: (701) 241-1545
FAX: (701) 241-8101

Consultant Services
Services shall be provided in accordance with the "Consultant Guide for Project Development, Plan Development, and Bidding of Public Infrastructure Projects, City of Fargo Engineering Department, March 2014".

1. Project Administration

   The consultant shall provide a qualified project manager. The project manager will be responsible for coordinating all project activities including keeping the project on schedule. The project manager will coordinate all project activities between the City and other interested parties.

   The Project Manager will be responsible for setting up a Project Review Committee consisting of representatives from Fargo and the consultant(s). The project manager will organize committee meetings at key points in the project development, arrange for a meeting location, conduct the meetings and prepare detailed minutes for distribution.

   The project manager will provide the City's representative with progress reports once a month. As a minimum, the progress reports will recap activities completed to date, identify any problems that may delay the project, list date or decisions necessary to keep the project on time and identify any potential problem budget concerns.

   The following are some additional items that the Project Manager will be responsible for:

   a. Establish and implement ongoing project management strategies.
   b. Coordinate with the City Project Manager to discuss work products and project schedule.
   c. Meet with City of Fargo staff to discuss project status as deemed necessary by the Project Manager.
   d. Coordinate the work to be completed, time schedule, cost allowance and deliverables.
   e. Refine the Scope of Work as required by changing project conditions.
   f. Give technical direction to and coordinate the various disciplines and specialists required on the project.
   g. Coordinate the input-output between the various disciplines through periodic technical review of project activities with project staff.
   h. Assure the project work program is completed on time through the monitoring of task performance as compared to planned performance, within budget, through strict monitoring of total project expenditures against time phase budget.
   i. Review the products developed in each work task and recommend appropriate additions and corrections.
   j. Coordinate right-of-way and easement acquisition tasks (as needed).

2. Project Development

   a. Preliminary Survey
      - Full topographic survey of above and below ground facilities in the project area

- NAVD88 Vertical Datum
- City of Fargo Coordinate System (GIS)
  – Fargo Ground Coordinates

b. Preliminary Engineering
   - Collect all available data including digital base mapping, right-of-way and property lines, utility data, drainage data, etc.
   - Review basemap data and update as required to reflect any changes since original mapping. Add underground utilities, etc. and annotate as needed.
   - Utilize existing soil borings as available to complete a geotechnical analysis, including additional field data collection (borings as needed), laboratory analysis and summary report with recommendations.
   - Develop conceptual layouts, which shall include up to two additional layouts.
   - Determine potential utility impacts and reconstruction.
   - Present concept level layouts to City staff for review and comments. Make revisions as necessary.
   - Develop project cost estimates for two of the concept level layouts created.

c. Final Design
   - Design shall follow the requirements of CFR 65.10.
   - Complete hydraulic lift station design.
   - Complete the preliminary design of the preferred alternative.
   - Complete structural and electrical design of lift station and associated improvements
   - Present preliminary plans and cost estimate to City staff for review and comments.
   - As needed, incorporate landscape architect's assistance in project development.
   - Finalize design and plan set.
   - Create summary report, which shall include recommendations and decision documents of preferred plan.
   - Prepare right-of-way and easement acquisition drawings as needed.
   - Prepare all necessary permit applications.
     - NDSWC
     - Floodplain Development
     - Southeast Cass WRD (if necessary)
     - ND Department of Health - SWPPP (NOI & NOT)
     - USACE
     - Others

d. Detail Construction Plans
   - Prepare title sheet and general layout plans.
   - Prepare construction plan/profile sheets **using City of Fargo standard drawing templates**, section numbers and layering

standards. Sheets shall include in place topography, plan features and drainage features. Plans to be prepared at 11"x17" format.

- Prepare construction staging plans.
- Prepare plans for construction details and construction/soils notes including City standard plates and others as required.
- Provide standard and special erosion control plans for construction as required.
- Prepare traffic control plans (if required).
- Identify existing utilities locations and possible conflicts
- Complete special instructions to bidders for special pay items and other construction related items that are not included in the City of Fargo Standard Specifications for Construction.
- Develop contract pay items using City of Fargo bid items and funding breakdowns in the City project tracking software "Masterworks".
- Compute and check contract pay items quantities. These calculations will be submitted on 8-1/2" x 11" sheets as far as practicable and bound in a neat and orderly manner.
- Prepare Engineer's estimate of cost (Masterworks).
- Prepare tabulation plan sheets of all significant pay items.

e. SCADA Design

- Design of a new control panel and any control panel components necessary to operate the lift station pumps, lighting, mechanical and SCADA communications. The pump controls shall be PLC based and shall operate the pumps using a level transducer for primary on/off operation and a set of redundant floats in the event of transducer failure.

- NFPA 820 "Standard for Fire Protection in Wastewater Treatment and Collection Facilities 2016 Edition" assessment. Table 4.2.2 Rows 3 through 5 apply to this application.

- Drawings including:
  - Hazardous Area Classification Drawing (NFPA 820 Results)
  - Site Plan
  - Electrical Plan View
  - Section Views (if required)
  - One-line Diagram
  - Typical Details
  - Typical Wiring Schematics
  - I/O Schedules

- Division 16 Specifications including:
  - 16000 – Electrical General Conditions
  - 16210 – Conduit
  - 16220 – Conductors (Less than 600V)
  - 16230 – Outlet Boxes, Junction Boxes and Pull Boxes
  - 16250 – Labeling & Equipment Identification
  - 16260 – Grounding
  - 16270 – Excavating, Trenching and Backfilling (if required)

- 16455 – Wiring Devices
- 16900 – Lift Station Controls

Note: Depending on the equipment required additional specification sections may be included such as panel boards, disconnects, surge protective devices, etc.

- Construction cost estimate for electrical related items.
- All required SCADA Master PLC and HMI programming to integrate the lift station into the city's new SCADA system. It is assumed that the Systems Integrator providing the new controls will provide the required programming of the local site PLC and OIT for specific desired pump station operation.
- Complete a radio path study to determine the required antenna height to communicate with the City's SCADA base station located on water tower #6 located on 32nd Avenue South between 32nd Street & 33rd Street South.
- The City of Fargo uses Ignition Software for the storm sewer lift station communications.

f. Bid Documents

- Plans and Specifications
- Engineer's Estimate
- Provide list of quantities. Consultant will complete bid sheet in Masterworks.
- Bid advertisement will be completed by City
- Bid period support on questions from Contractors
- Bid opening, tabulation and award recommendations will be made by the City.
- Preparation of contracts will be completed by the City.
- Location and Comprising plan sheet – assessment area
- Project Memorandum – public notice

3. Construction Administration

The consultant shall perform the needed construction engineering work such as, but not limited to, staking, cross-sectioning, inspection, sampling and testing of materials, and measuring and computing pay quantities. They shall prepare the required engineering and administrative documents and records as required by the City. It is the consultant's responsibility to perform construction inspections to verify the contractor's work is performed according to the governing specifications, plans and special provisions, and to CFR 65.10 standards so as to facilitate certification.

a. Contract Administration

- Shop drawing reviews and approvals (structural, electrical, pumps ect.).
- Coordination with utility companies.
- Inspector qualifications approved by the City Engineer
- Construction signing review and approval.

- Receive Request to Sublet Work forms from contractor (City of Fargo standard form)
- Completion of Extra Work Record and Contractor's Order forms (City of Fargo standard forms)
- Change Order Memos
- Project administration.
- Program estimates and progress reports (Daily Progress Report –DPRs).
    - Progress reports will be entered into the City's software program by the Consultant.
- Clerical correspondence.
- Record drawings.
- Final out project per City requirements.

b. Inspection and Construction Staking
- Construction staking and layout.
- Onsite inspection.
- Quality control testing and assurance.
- Review of contractors erosion control inspection forms.
- Measurement/ties for record drawings.
- Lift Station Start-up and operation

c. Project Closeout with Contractor
- Balancing change order for final payment.
- Coordinate with Street/Operations Department Inspection
- Final inspection and closeout certification (City of Fargo standard form).
- Review project site prior to end of one-year warranty period.

d. Project Closeout with City - All items should be supplied to City at end of each phase of the project, electronic copies unless other specified
- Approved shop drawings
- Report of approved project materials
- Record drawings (hard copy, PDF & CAD files)
- Base CAD files including data shortcuts
- InfoSWMM model of newly constructed storm sewer, if needed.
- Easement documents
- Field inspectors project diaries (can be scanned into Masterworks DPR files)
- Materials testing and field compaction testing reports.
- Project correspondence
- Required permits
- Explanation of any change orders
- Progress payments including final certified estimate
- Final acceptance letter to contractor
- Project photographs (pre-construction, during construction and as-builts)
- SWPPP termination & N.O.T. from ND Department of Health

- SWC Permit Closeout
- Final inspection reports
- Project development summary report, which shall include any recommendations made and all decision documents on how the preferred plan was identified.
- Operations and maintenance manuals (4 hard copies, 1 digital CD or flash drive)
- Maintenance crew training (as necessary)

The Engineering Department will provide lift station details to the selected Consultant that should be incorporated into the plan sheets. The Consultant shall submit 50% & 90% review plans that will be reviewed by the city and returned to the Consultant for modifications or additions to the plan sheets.

Project Schedule	
Quote Due	11:00 AM July 29th, 2019
Consultant Selected	August 6th, 2019
Notice to Proceed	August 13th, 2019 (Pending PWPEC/CC approval)
Design kick off meeting	August 19th, 2019 (week of)
50% review plans	November 1st, 2019
90% review plans	December 13th, 2020
Final plans, specs & bid documents	January 10th, 2020

The Consultant shall submit a not to exceed quote to perform the services requested. Actual payment will be based on hourly rates up to the not to exceed amount. The quoted price should assume three meetings with the City. The quote should also designate employees whom are going to be assigned to the various aspects of the project design and construction services.

Once a Consultant is selected, the city will provide a task order that shall be completed by the selected Consultant.

All quotes shall be emailed to me (jbertrand@fargond.gov) by 11:00 AM July 29th, 2019.

COST PROPOSAL FORM

Project: NN-19-A0

Type: Lift Station #43 Design, Inspection and Construction Administration

Location: West side of Drain #53 South of 64th Avenue South

Cost Proposals shall be based on fixed fee lump sum amount unless otherwise noted. Attach basic fee structure.

Project Administration _____

Preliminary Survey _____

Preliminary Engineering _____

Geotechnical Investigation _____

Design and Plan Preparation _____

Construction Administration, Inspection & Survey _____

Project Closeout _____

Total Not to Exceed Proposal _____

Hourly Services Estimate for all Construction Phases

Estimated Duration of Construction 6 months

Construction Staking Extension	Hours	Rate
Survey Crew	_____	_____
Construction Inspection		
Engineer	_____	_____
Inspector	_____	_____

Subtotal Hourly Services _____

Quality Control Testing Estimate _____

Total _____ (This shall equal the Construction Administration, Inspection and Survey line item above)

Firm: _____

Approved: _____ _____ _____

Name Title Date

925 10th Avenue East
West Fargo, ND 58078

P: 701.282.4692
F: 701.282.4530

moore engineering, inc.

July 29, 2019

Jody Bertrand
City of Fargo
200 North 3rd Street
Fargo, ND 58102

Via email: jbertand@fargond.gov

RE: City of Fargo – Project #NN-19-A0 – Design and Inspection Services for a new storm sewer lift station #43, Selkirk Addition

We propose to utilize the skills of Kurt Lysne, PE and Tyrel Clark, PE to lead the engineering design for the city of Fargo Selkirk Addition storm sewer lift station project. Kurt will lead a team of SWMM modelers to perform the tasks necessary to meet the design standards for CFR 65.10. Tyrel will lead engineering design for the construction plans to meet the city of Fargo standards. Tracy Eslinger, PE will provide the project management for effective communications between the city of Fargo, KLJ, Bolton and Menk Engineering and Moore. Tracy has coordinated and project administered multi-million dollar projects over his 25 years of professional engineering career and will bring the right leadership skills to assure a successful project outcome. Eric Medbery, our construction group leader, will be involved during the construction of the lift station to make sure the project plans are followed and the components meet the project specifications. Eric is highly skilled in lift station construction, including rebar, concrete, electrical and mechanical system inspection. Nick Gludt, PE will offer project oversight along with QA/QC review. Nick's knowledge of diverse civil engineer project spans over 30 years, and his experience will be of great benefit to the project.

Our project team is available to begin immediately on performing the necessary preliminary survey and project design to meet the city of Fargo standards. Our proposal is based on the following criteria: 1) the lift station will be concrete structure cast in place of approximately 30 feet, 2) two vertical turbine pumps of approximately 30 cfs each, 3) one detention pond will supply the lift station and be emptied within 48 hours, 4) C.O.F. project scoping request dated 7-17-19. Our Cost Proposal and Billing Schedule is attached for your review.

Thank you for considering us for this important project. We look forward to working with the city of Fargo Engineering Department. Should you have any questions or need additional information, please contact me, Tracy Eslinger, at 701-499-5860.

Respectfully,

Tracy D. Eslinger, PE
Senior Project Manager
teslinger@mooreengineeringinc.com

Nicholas Gludt, PE, VP
Principal in Charge
ngludt@mooreengineeringinc.com

Project NN-19-A0 Scoping Request

COST PROPOSAL FORM

Project: NN-19-A0

Type: Lift Station #43 Design, Inspection and Construction Administration

Location: West side of Drain #53 South of 64th Avenue South

Cost Proposals shall be based on fixed fee lump sum amounts unless otherwise noted.
Attach basic fee structure.

Project Administration	$15,000.00
Preliminary Survey	$2,800.00
Preliminary Engineering	$6,800.00
Geotechnical Investigation	$8,900.00
Design and Plan Preparation	$80,200.00
Construction Administration, Inspection & Survey	$124,390.00
Project Closeout	$11,910.00
Total Not to Exceed Proposal	$250,000.00

Hourly Service Estimate for all Construction Phases

Estimated Duration of Construction 6 months

Construction Staking Extension	Hours	Rate
Survey Crew	40	$210.00
Construction Inspection	274	$135.00
Engineer	80	$150.00
Inspector	480	$100.00

Subtotal Hourly Services $105,390.00

Quality Control Testing Estimate $19,000.00

Total $124,390.00 (This shall equal the Construction Administration, Inspection and Survey line item above)

Firm: Moore Engineering, Inc.

Approved: _____ Vice President 7/29/2019

Name Title Date

MOORE ENGINEERING, INC.
2019-2021 City of Fargo BILLING SCHEDULE

	Description	2019 Billing Rate Per Hour	2020 Billing Rate Per Hour	2021 Billing Rate Per Hour
1	Principal	$190.00	$195.00	$200.00
2	Senior Project Manager	$190.00	$195.00	$200.00
3	Senior Professional Engineer	$185.00	$190.00	$195.00
4	Senior Technical Advisor	$185.00	$190.00	$195.00
5	Grants and Funding Specialist	$180.00	$185.00	$190.00
6	Project Manager	$180.00	$185.00	$190.00
7	Professional Engineer II	$175.00	$180.00	$185.00
8	Professional Engineer I	$160.00	$165.00	$170.00
9	Project Coordinator	$160.00	$165.00	$170.00
10	Municipal Administrative Specialist	$150.00	$155.00	$160.00
11	Project Engineer	$145.00	$150.00	$155.00
12	Senior Construction Engineer/Specialist	$150.00	$155.00	$160.00
13	Construction Engineer/Specialist II	$140.00	$145.00	$150.00
14	Construction Engineer/Specialist I	$130.00	$135.00	$140.00
15	Graduate Engineer	$130.00	$135.00	$140.00
16	Senior Engineering Designer	$145.00	$150.00	$155.00
17	Engineering Designer II	$130.00	$135.00	$140.00
18	Engineering Designer I	$125.00	$130.00	$135.00
19	Expert Witness	$300.00	$305.00	$310.00
20	Building Codes Administrator	$130.00	$135.00	$140.00
21	Project Manager Assistant	$125.00	$130.00	$135.00
22	Engineering Technician III	$115.00	$120.00	$125.00
23	Engineering Technician II	$105.00	$110.00	$115.00
24	Engineering Technician I	$95.00	$100.00	$105.00
25	Drone Operator	$150.00	$155.00	$160.00
26	CADD Technician III	$120.00	$125.00	$130.00
27	CADD Technician II	$115.00	$120.00	$125.00
28	CADD Technician I	$110.00	$115.00	$120.00
29	Communications Manager	$160.00	$165.00	$170.00
30	Communications Specialist	$130.00	$135.00	$140.00
31	GIS Manager	$160.00	$165.00	$170.00
32	GIS Developer	$145.00	$150.00	$155.00
33	GIS Programmer III	$135.00	$140.00	$145.00
34	GIS Programmer II	$125.00	$130.00	$135.00
35	GIS Programmer I	$120.00	$125.00	$130.00
36	GIS Technician III	$120.00	$125.00	$130.00
37	GIS Technician II	$115.00	$120.00	$125.00
38	GIS Technician I	$110.00	$115.00	$120.00
39	Senior Land Surveyor	$165.00	$170.00	$175.00
40	Land Surveyor	$150.00	$155.00	$160.00
41	Survey Manager	$135.00	$140.00	$145.00
42	Survey Crew Chief II	$130.00	$135.00	$140.00
43	Survey Crew Chief I	$120.00	$125.00	$130.00
44	Survey Technician III	$95.00	$100.00	$105.00
45	Survey Technician II	$85.00	$90.00	$95.00
46	Survey Technician I	$80.00	$85.00	$90.00
47	Human Resources Generalist	$110.00	$115.00	$120.00
48	Administrative Assistant	$80.00	$85.00	$90.00
49	Client Service Representative	$190.00	$195.00	$200.00
50	Marketing Communications Manager	$160.00	$165.00	$170.00
51	Business Development Manager	$160.00	$165.00	$170.00
52	Controller	$155.00	$160.00	$165.00
53	Financial Analyst	$155.00	$160.00	$165.00
54	IT Manager	$135.00	$140.00	$145.00
55	Human Resource Manager	$125.00	$130.00	$135.00
56	IT Technician III	$105.00	$110.00	$115.00
57	Bookkeeper	$90.00	$95.00	$100.00
58	Marketing Coordinator	$90.00	$95.00	$100.00
59	Marketing Assistant	$75.00	$80.00	$85.00

Travel Expenses	Project Mileage	$0.65	per mile
	Lodging	Cost * 1.15	
	Meals	Cost * 1.15	
	Per Diem	$60.00	per day
Survey Supplies	Iron Pins	$1.25	each
	Fence Posts	$5.00	each
	Motorized Offroad Vehicles	$75.00	per day
Miscellaneous	Project Expenses	Cost * 1.15	
	Sub Consultants	Cost * 1.15	

In accordance with paragraph 1.1 of the Task Order Agreement between Owner and Engineer for Master Professional Services, dated February 22, 2019 ("Agreement"), Owner and Engineer agree as follows:

1. Specific Project Data

A. Project Title: Storm Sewer Lift Station & Incidentals, Improvement District NN-19-A1

B. Description: This Task Order is for the engineering design and construction services for NN-19-A1 which will include a storm sewer lift station and incidentals.

2. Services of Engineer

Services to be completed by the Engineer are as specified in the proposal submitted by Moore dated July 29, 2019. Proposal is attachment A of this Task Order.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Master Services Agreement dated February 22, 2019.

4. Times for Rendering Services

Phase	Completion Date
Phase 1: Storm Sewer Lift Station Design and Incidentals	January 2020
Phase 2: Construction Administration, Survey and Inspection	November 2020

5. Payments to Engineer

A. Owner shall pay Engineer for services rendered as follows:

Phase	Compensation Method	Lump Sum, or Estimate of Compensation for Services
Phase 1: Storm Sewer Lift Station Design & Incidentals	Hourly Not to Exceed	$ 125,610.00
Phase 2: Construction Administration & Inspection	Hourly Not to Exceed	$ 124,390.00
		Total Services = $ 250,000.00

B. The terms of payment are set forth in Article 3 of the Master Services Agreement.

6. Attachments

Attachment A – Proposal submitted by Moore dated July 29, 2019.
Attachment B – Project scoping request created by City of Fargo dated July 17, 2019.
Attachment C – Commission ROA dated August 12, 2019.

Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement, which is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is August 13, 2019.

Owner:		Engineer:	
By:		By:	
Name:	Dr. Tim Mahoney	Name:	Nick Glidt
Title:	Mayor	Title:	Vice President

Designated Representative for Task Order:		Designated Representative for Task Order:	
Name:	JODY BERTRAND	Name:	Tracy D. Eslinger, P.E.
Title:	Division Engineer	Title:	Senior Project Manager

Approval Requirements

$15,000 or less – City Engineer $15,001 - $150,000 – PWPEC Over $150,000 – PWPEC & Commission

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REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. PN-18-C1

Type: Time Extension (CO #1)

Location: Laverne's Addition

Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Jason Satterlund

The Committee reviewed the accompanying correspondence from Project Manager, Jason Satterlund, regarding a time extension (CO #1) requested by Northern Improvement Co. Due to delays with the underground project #UN-18-C1, the site was unavailable for the work to start on the scheduled date of June 3, 2019. The first day the site was available was June 18, 2019, which is when they started.

Staff is recommending approval of the time extension (CO #1) for a 15-calendar day extension adjusting the Substantial Completion Date to August 30, 2019 and the Final Completion Date to September 14, 2019.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of the time extension (CO #1) as described above.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve the time extension (CO #1) for a 15-calendar day extension to the Substantial and Final Completion dates.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials		N/A
Agreement for payment of specials required of developer		N/A
Letter of Credit required (per policy approved 5-28-13)		N/A

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, PE
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: Members of PWPEC

From: Jason Satterlund, Project Manager

Date: July 22, 2019

Re: Improvement District No. PN-18-C1 – Time Extension (CO #1)

Background:

Improvement District No. PN-18-C1 is for new construction concrete paving for Laverne's Addition on 43rd Street North between 19th and 28th Avenue North, 24th Avenue North between 41st and 43rd Street North, and an extension of 41st Street North up to 24th Avenue North.

Northern Improvement Co., is the Contractor for this project.

Due to delays on the underground project UN-18-C1, the site was not available for Northern Improvement Co. to start on June 3, 2019 as called out in the SIB's. Northern Improvement moved in the first day the site was available which was June 18. This 15 day delay was out of Northern Improvement Co.'s control.

Recommended Motion:

Approve Time Extension (CO #1) to revise the substantial and final completion dates as shown below:

Original Completion Dates	Revised This Memo
Substantial – August 15, 2019 **Final – September 15, 2019**	**Substantial – August 30, 2019** **Final – September 14, 2019**

Attachments

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	PN-18-C1	**Change Order No**	1
Project Name	PC Concrete Paving & Incidentals		
Date Entered	7/19/2019	**For**	Northern Improvement Co

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: Change in completion date

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)

Summary

Source Of Funding	
Net Amount Change Order # 1 ($)	
Previous Change Orders ($)	0.00
Original Contract Amount ($)	1,754,746.26
Total Contract Amount ($)	1,754,746.26

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
08/15/2019		19.00	19.00	09/03/2019	

Description Change in substantial and final completion dates caused by a delay in the completion of the previous underground job (UN-18-C1).

APPROVED

Northern Improvement Company

For Contractor

Title

Vice President

APPROVED DATE

Department Head

8/7/19

Mayor

Attest

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REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. PR-19-G1 Type: Time Extension (CO #1)

Location: Various Locations in North Fargo Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Brian Skanson

The Committee reviewed the accompanying correspondence from Project Manager, Brian Skanson, regarding a time extension (CO #1) requested by Northern Improvement Co. for a 7-calendar day time extension to the Substantial and Final Completion Dates, as well as a modification to the phasing of the Interim Completion.

Staff is recommending approval of the time extension (CO #1) for a 7-calendar day extension adjusting the Substantial Completion Date to September 20, 2019 and the Final Completion Date to October 20, 2019, and rearranging the Interim Completion by splitting Section 2 into two parts.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of the time extension (CO #1) as described above.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve the time extension (CO #1) for a 7-calendar day extension to the Substantial and Final Completion dates, and approve the modification to the phasing of the Interim Completion.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Street Rehabilitation Funds & Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials		N/A
Agreement for payment of specials required of developer		N/A
Letter of Credit required (per policy approved 5-28-13)		N/A

COMMITTEE	Present		Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐		
Nicole Crutchfield, Director of Planning	☑	☑	☐		
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson	
Bruce Grubb, City Administrator	☑	☑	☐		
Ben Dow, Director of Operations	☑	☑	☐		
Steve Sprague, City Auditor	☑	☑	☐		
Brenda Derrig, City Engineer	☑	☑	☐		
Kent Costin, Finance Director	☑	☑	☐		

ATTEST:

Brenda E. Derrig, PE
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: Members of PWPEC

From: Brian Skanson, Project Engineer

Date: July 19, 2019

C: Thomas Knakmuhs – Assistant City Engineer

Re: Time Extension (CO #1) for ID #PR-19-G1 Asphalt Mill & Overlay & Incidentals

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Background:

Improvement District PR-19-G1 is a Asphalt Mill & Overlay consisting of 2 sections. Section 1 is in the Woodcrest Addition (Lilac Ln, Maple St, North Woodcrest Dr, MeadowLark Ln, and Willow Rd). Section 2 is bound by 32nd Ave N, 19th Ave N, 10th St N, and Broadway North.

Northern Improvement Co. is the prime contractor on this project.

This Change Order is to modify the phasing of the interim completion as well as to add 1 week to the substantial and final completion dates.

In an effort to have all work near McKinley Elementary school complete before school started, all work in Section 2 was to be complete by August 20. All work in Section 1 was to be completed by September 13. The Contractor was unable to start work in Section 2 when they wanted due to the route of the Fargo Marathon, so they instead started work in Section 1. All work in Section 1 is already complete and the Contractor is now working diligently in Section 2. The Contractor has proposed splitting Section 2 into two parts. The first, Section 2A includes all work near McKinley Elementary (28th Ave N and north) and all work south of 22nd Ave N and must be complete by August 20. The Contractor is proposing all work between 28th Ave N and 22nd Ave N be complete by September 20.

The Engineering Department supports this request.

Recommended Motion:

Approve the Time Extension (CO #1) and the interim completion rearrangement, for Improvement District PR-19-G1, as shown below:

Original Completion Dates	Revised This Memo
Interim Section 2 – August 20, 2019 Substantial – September 13, 2019 Final – October 13, 2019	Interim Section 1 – August 20, 2019 Interim Section 2A – August 20, 2019 Substantial – September 20, 2019 Final – October 20, 2019

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	PR-19-G1	**Change Order No**	1
Project Name	Asphalt Mill & Overlay & Incidentals		
Date Entered	7/19/2019	**For**	Northern Improvement Co

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: Rearrangement of the sections for the interm completion date.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)

Summary

Source Of Funding	
Net Amount Change Order # 1 ($)	
Previous Change Orders ($)	0.00
Original Contract Amount ($)	2,099,564.05
Total Contract Amount ($)	2,099,564.05

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
09/13/2019	10/13/2019	7.00	7.00	09/20/2019	10/20/2019

Description Due to the work that has been completed on schedule in section 1 and some additional concrete work in section 2, Northern Improvement is asking for a rearrangement of the sections for the interim completion date as well as a 1 week time extension.

APPROVED Aaron Jennings

For Contractor

APPROVED DATE 7/19/2019

Department Head 8/7/19

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Title Project Manager

Mayor

Attest

Home Office
Fargo, North Dakota
4000-12th Avenue North
58102-2910
PO Box 2846
58108-2846
Phone 701-277-1225
Fax 701-277-1516

Office
Bismarck, North Dakota
PO Box 1254
58502-1254
Phone 701-223-6895
Fax 701-224-0937

Office
Dickinson, North Dakota
PO Box 1035
58602-1035
Phone 701-225-5197
Fax 701-225-0207

Northern IMPROVEMENT COMPANY

Thomas McCormick, President/CEO
Steve McCormick, Executive Vice-President

July 17, 2019

City of Fargo Engineering Dept.
Brian Skanson
225 4th Street North
Fargo, ND 58102

Re: Asphalt Mill & Overlay & Incidentals
Improvement District PR-19-G1

Dear Brian:

I am requesting a time extension for the Asphalt Mill & Overlay & Incidentals project. The original completion dates proposed to have section 2 complete by 8/20/2019 and section 1 complete by 9/13/2019. Due to a request by Opp construction we are asking for an adjustment to the completion dates as follows:

Section 1 is complete and request for extension does not apply

Section 2 remove and replace request for extension does not apply

Section 2 mill and overlay request for extension is as follows:

> Please see attached map for reference, we are proposing to complete section 2A and 2B by the 8/20/2019 original completion date to accommodate the start of school. We are asking for an extension to the date of 9/20/2019 for the completion of the following avenues and streets as marked section 2C. 22nd Ave, 25th Ave, 28th Ave and 7th St, 8th St, 9th St & 9 ½ St.

Please see that attached request from Opp construction as to the multiple reasons for this request. Please let me know if you have any questions or concerns about this request for time extension.

Sincerely,

Northern Improvement Company

Aaron P. Deringer

Aaron P. Deringer
Project Estimator/Manager

OPP CONSTRUCTION

P.O. Box 2871
Fargo, ND 58108-2871
Business - 701.281.1212
Fax - 701.277.8005

Date: 7/12/19
Project Number: City of Fargo Improvement District PR-19-G1
Description: Asphalt Mill & Overlay & Incidentals
Re: Request for Time Extension
To: Aaron Deringer
Northern Improvement Company
PO Box 2846
Fargo, ND 58108
From: Lance Strum
Opp Construction
PO Box 2871
Fargo, ND 58108

Request is hereby made that time allowed for completion be extended on section 2 work without liability for liquidated damages for the following reasons.

1. Project area(s) were not available to begin work as early as anticipated due to prolonged winter conditions and delayed spring thaw. This resulted in road restrictions not being lifted until 6/5/19 thus delaying start times by two to three weeks.
2. Constraints imposed by the Fargo Marathon route passing through the construction area(s) limited where and when work could take place. The result was electing to begin work in section 1 to decrease impact on the Marathon while still maintaining forward progress of the project. This redirection impacted when work in section 2 started.
3. An increase of over 16%(+/-1,145 LF) in curb and gutter quantity alone in Section 2. This increased quantity necessitates two added weeks to complete the work but compounds the need for added time because Section 2 has an earlier interim completion date.
4. Unexpected cement shortages caused by flooding on the Missouri River. This resulted in ready-mix providers being placed on allocation by cement suppliers, thus limiting the amount of concrete available to contractors in our region. This not only limited supply of concrete but created unexpected scheduling delays by ready-mix producers. The trickledown affect created two days worth of scheduling/coordination delays on this project.

Based on the reasons stated above we request the project completion dates to be adjusted as shown on the attached document.

Respectfully submitted,

L. Strum

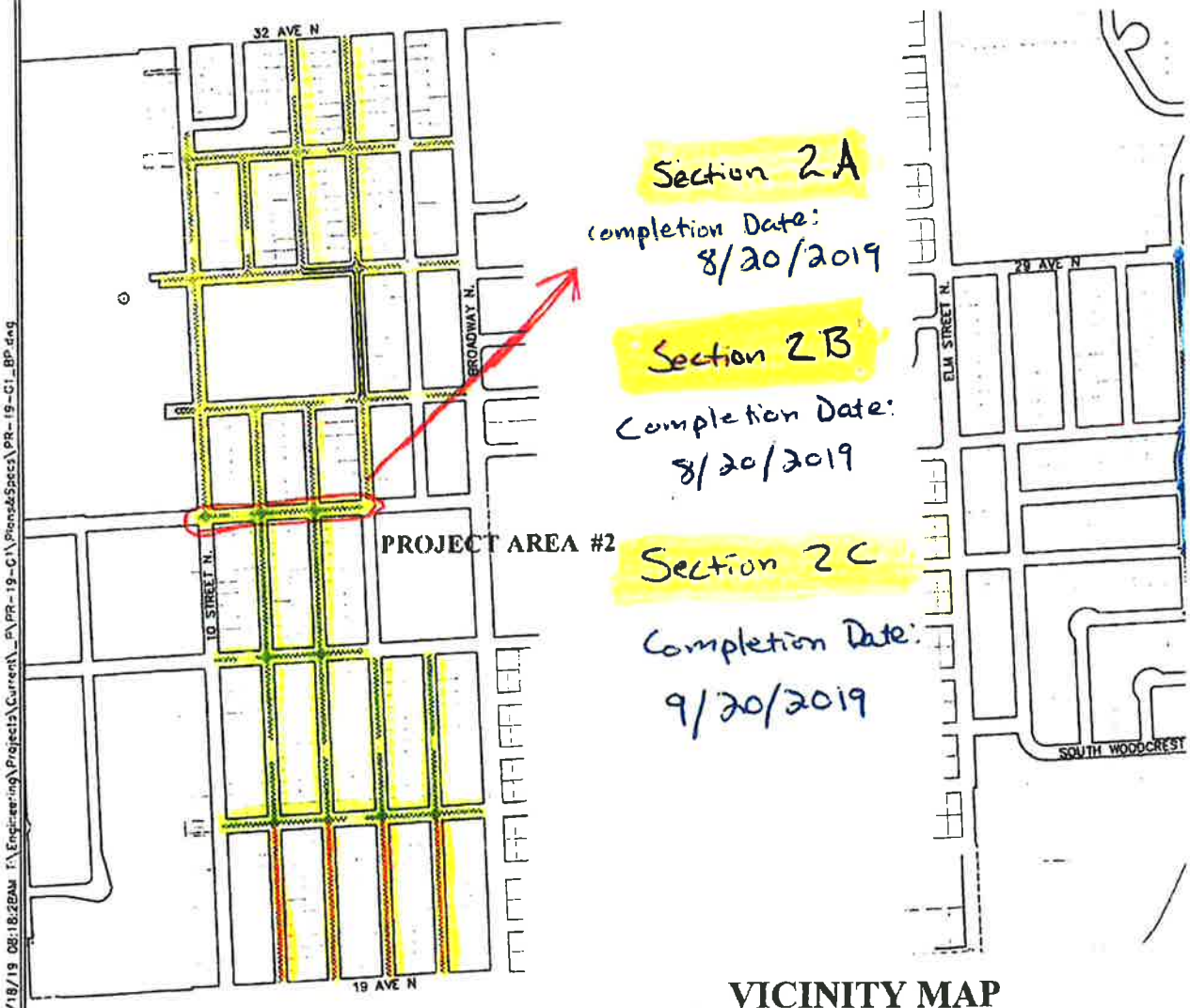
Lance Strum
Sr. Project Manager

PI

Asphalt Mill & C

ENGINEER

Improvement



VICINITY MAP

03/18/19 08:18:28AM F:\Engineering\Projects\Current_PW\PR-19-G1\Plans&Specs\PR-19-G1_BP.dwg

(28)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. TN-18-A1 Type: Negative Final Balancing Change Order #2

Location: Willow Park Elementary School & West Acres Mall Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Jim Mohr

The Committee reviewed the accompanying correspondence from Project Manager, Jim Mohr, for Negative Final Balancing Change Order #2 in the amount of $-1,755.76, bringing the total contract amount to $120,041.74.

Staff is recommending approval of Negative Final Balancing Change Order #2.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Final Balancing Change Order #2 in the amount of $-1,755.76 to Northern Improvement Co.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Final Balancing Change Order #2 in the amount of $-1,755.76, bringing the total contract amount to $120,041.74 to Northern Improvement Co.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, PE
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	TN-18-A1	**Change Order No**	2
Project Name	Raised Pedestrian Crossing, Radius Improvements & Incidentals		
Date Entered	7/24/2019	**For**	Northern Improvement Co

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: final balancing

This change order reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
Willow Park Elementary	1	Remove Pavement All Thicknesses All Types	SY	260.00	0.00	260.00	-20.00	240.00	20.00	-400.00
	2	Remove Curb & Gutter	LF	125.00	0.00	125.00	12.81	137.81	14.00	179.34
	3	F&I Pavement 10" Thick Doweled Conc	SY	245.00	0.00	245.00	-49.00	196.00	115.00	-5,635.00
	4	F&I Class 5 Agg - 12" Thick	SY	245.00	0.00	245.00	-5.00	240.00	20.00	-100.00
	5	F&I Curb & Gutter Standard (Type II)	LF	25.00	0.00	25.00	112.81	137.81	50.00	5,640.50
	7	F&I Pipe 12" Dia Reinf Conc	LF	46.00	0.00	46.00	-4.50	41.50	40.00	-180.00
	9	F&I Sidewalk 4" Thick Reinf Conc	SY	25.00	0.00	25.00	1.54	26.54	75.00	115.50
	10	F&I Sidewalk 6" Thick Reinf Conc	SY	28.00	0.00	28.00	-8.62	19.38	85.00	-732.70
	15	F&I Diamond Grade Cubed	SF	99.00	0.00	99.00	-17.20	81.80	29.50	-507.40
	19	Paint Epoxy Line 24" Wide	LF	348.00	0.00	348.00	-36.00	312.00	16.00	-576.00
									Willow Park Elementary Sub Total ($)	-2,195.76
38TH STREET	24	Paint Signal Standard	EA	1.00	0.00	1.00	0.10	1.10	4,400.00	440.00
									38TH STREET Sub Total ($)	440.00

Summary

Source Of Funding	
Net Amount Change Order # 2 ($)	-1,755.76

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Previous Change Orders ($)	7,857.50
Original Contract Amount ($)	113,940.00
Total Contract Amount ($)	120,041.74

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
07/16/2018		0.00	0.00	07/16/2018	

Description

APPROVED

For Contractor

Title
VICE PRESIDENT

APPROVED DATE

Department Head 8/7/19

Mayor

Attest

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

29

Improvement District No. SN-16-C1

Type: Final Balancing Change Order #1

Location: Between 38th and 42nd St S

Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Jim Mohr

The Committee reviewed the accompanying correspondence from Project Manager, Jim Mohr, regarding Final Balancing Change Order #1 in the amount of $6,648.90, bringing the total contract amount to $239,338.90.

Staff is recommending approval of Final Balancing Change Order #1 in the amount of $6,648.90.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Final Balancing Change Order #1 to Master Construction.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Final Balancing Change Order #1 in the amount of $6,648.90, bringing the total contract amount to $239,338.90, to Master Construction.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
Letter of Credit required (per policy approved 5-28-13)	N/A	

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, P.E.
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	SN-16-C1	**Change Order No**	1
Project Name	Shared Use Path & Incidentals		
Date Entered	7/12/2019	**For**	Master Construction Co Inc

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: final balancing

This change order reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
Miscellaneous	4	Inlet Protection - Existing Inlet	EA	6.00	0.00	6.00	-6.00	0.00	175.00	-1,050.00
	5	Temp Construction Entrance	EA	3.00	0.00	3.00	-3.00	0.00	800.00	-2,400.00
									Miscellaneous Sub Total ($)	-3,450.00
Paving	6	F&I Shared Use Path 4" Thick Reinf Conc	SY	3,383.00	0.00	3,383.00	91.42	3,474.42	45.00	4,113.90
	7	Remove Curb & Gutter	LF	35.00	0.00	35.00	8.75	43.75	15.00	131.25
	8	Remove Pavement 10" Thick Conc	SY	120.00	0.00	120.00	9.23	129.23	20.00	184.60
	9	F&I Curb & Gutter Standard (Type II)	LF	215.00	0.00	215.00	4.75	219.75	30.00	142.50
	10	F&I Median Nose - Conc	SY	10.00	0.00	10.00	3.00	13.00	150.00	450.00
	11	F&I Det Warn Panels Cast Iron	SF	92.00	0.00	92.00	-4.00	88.00	50.00	-200.00
	12	F&I Impressioned 4" Thick Reinf Conc	SY	57.00	0.00	57.00	1.41	58.41	125.00	176.25
	13	F&I Sidewalk 6" Thick Reinf Conc	SY	27.00	0.00	27.00	5.58	32.58	50.00	279.00
	14	Seeding Type B	SY	12,500.00	0.00	12,500.00	-2,067.00	10,433.00	0.40	-826.80
	16	Mulching Type 1 - Hydro	SY	12,500.00	0.00	12,500.00	-2,067.00	10,433.00	0.40	-826.80
									Paving Sub Total ($)	3,623.90
Signing	17	F&I Sign Assembly	EA	2.00	0.00	2.00	-2.00	0.00	75.00	-150.00
	19	F&I Diamond Grade Cubed	SF	32.00	0.00	32.00	1.00	33.00	25.00	25.00
									Signing Sub Total ($)	-125.00

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Pavement Markings	21	Paint Epoxy Message	SF	15.00	0.00	15.00	55.00	70.00	120.00	6,600.00
								Pavement Markings Sub Total ($)		6,600.00

Summary

Source Of Funding	
Net Amount Change Order # 1 ($)	6,648.90
Previous Change Orders ($)	0.00
Original Contract Amount ($)	232,690.00
Total Contract Amount ($)	239,338.90

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
06/30/2018		0.00	0.00	06/30/2018	

Description

APPROVED

For Contractor
X
Title
X PRES

APPROVED DATE

Department Head 8/7/19

Mayor

Attest

30

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. UN-18-C1

Type: Change Order #1 & Time Extension

Location: Laverne's Addition

Date of Hearing: 8/5/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Jason Satterlund

The Committee reviewed the accompanying correspondence from Project Manager, Jason Satterlund, regarding Change Order #1 & time extension requested by KPH, Inc. A 14-day time extension has been requested due to additional work items and weather related delays.

Staff is recommending approval of Change Order #1 in the amount of $8,240.00, and a 14-day time extension adjusting the Substantial Completion Date to June 14, 2019 and the Final Completion Date to July 14, 2019.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Change Order #1 & time extension as described above.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Change Order #1 in the amount of $8,240.00, bringing the total contract amount to $1,465,700.25 and a 14-day time extension to the Substantial and Final Completion Dates.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials		N/A
Agreement for payment of specials required of developer		N/A
50% escrow deposit required		N/A

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	Ryan Erickson
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, P.E.
City Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: Members of PWPEC

From: Jason Satterlund, Project Manager

Date: July 19, 2019

Re: Improvement District No. UN-18-C1 – Change Order #1 and Time Extension

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Background:
Improvement District No. UN-18-C1 is for new construction underground for Laverne's Addition on 43rd Street North between 19th and 28th Avenue North, 24th Avenue North between 41st and 43rd Street North, and an extension of 41st Street North up to 24th Avenue North.

KPH, Inc. is the Contractor for this project.

Change Order #1 includes extra work to install additional water stubs into the E.W. Wylie site on the west side of 43rd Street as requested by the owner, a change to the topsoil stripping plan due to the development of the E.W. Wylie site, weather related delays, and delays caused by a change in plan to a cased bore.

KPH has asked for 1 additional working day to complete the additional water service work. Topsoil stripping was running concurrent to pipe laying and did not require any additional time. Since the original completion date is on a Friday, I'm recommending an extension of 3 calendar days (1 working day) to the contract to for installation of the additional services.

During the duration of the contract, it was anticipated that 12 days would be lost due to weather related delays. KPH experienced 15, and therefore should receive an additional 3 working days for weather related delays. Due to an unusually late thaw followed by a wet month of May, KPH realized they were behind schedule and mobilized additional crews in an attempt to complete the project by its original completion date.

While in the middle of the uncased sanitary sewer bore the existing ground changed from clay to water-bearing sand requiring the uncased bore to be abandoned and a cased bore utilized. The change from an uncased bore to completing a cased bore resulted in an additional delay of 8 calendar days (6 working days).

Combined, the additional services, weather delays, and cased bore, KPH experienced a delay of 14 calendar days (10 working days). KPH was able to complete the project on June 14, 2019.

Recommended Motion:
Approve Change Order #1 in the amount of $8,240 for the additional work as requested by E.W. Wylie and add 14 calendar days to the substantial and final completion dates as shown below:

Original Completion Dates	Revised This Memo
Substantial – May 31, 2019 **Final – June 30, 2019**	**Substantial – June 14, 2019** **Final – July 14, 2019**

Attachments

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	UN-18-C1	**Change Order No**	1
Project Name	Sanitary Sewer, Water Main, Storm Sewer & Incidentals		
Date Entered	5/10/2019	**For**	KPH, Inc.

This change is made under the terms of or is supplemental to your present contract , if and when approved, you are ordered to perform the work in accordance with the additions, changes,or alterations hereinafter described.

EXPLANATION OF CHANGE: Site work additions & Time Extension

E.W. Wylie site additional utilities. Weather related time delays. Cased bore delays.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
Watermain	22	F&I Fittings C153 Ductile Iron	LB	3,212.00	0.00	3,212.00	230.00	3,442.00	5.00	1,150.00
	27	F&I Pipe C900 DR 18 - 6" Dia PVC	LF	135.00	0.00	135.00	20.00	155.00	26.00	520.00
	30	F&I Gate Valve 6" Dia	EA	15.00	0.00	15.00	1.00	16.00	1,475.00	1,475.00
	67	F&I Pipe C900 DR 18 - 4" Dia PVC	LF	0.00	0.00	0.00	20.00	20.00	21.75	435.00
	68	F&I Gate Valve 4" Dia	EA	0.00	0.00	0.00	1.00	1.00	1,510.00	1,510.00
									Watermain Sub Total ($)	5,090.00
Miscellaneous	66	Relocate Stockpile	LS	0.00	0.00	0.00	1.00	1.00	3,150.00	3,150.00
									Miscellaneous Sub Total ($)	3,150.00

Summary

Source Of Funding	Special Assessments	
Net Amount Change Order # 1 ($)		8,240.00
Previous Change Orders ($)		0.00
Original Contract Amount ($)		1,457,460.25
Total Contract Amount ($)		1,465,700.25

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

CONTRACT TIME

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
05/31/2019		14.00	14.00	06/14/2019	

Description

Additional pipe work: 1 working day
Weather related delays: 3 working days
Cased bore delays: 6 working days
10 working days equates to 14 calendar days.

APPROVED

For Contractor

Title

President

APPROVED DATE

Department Head

Mayor

8/7/19

Attest

THE CITY OF Fargo
FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

(31)

August 8, 2019

Honorable Board of City
Commissioners
City of Fargo
Fargo, North Dakota

Re: BR-19-B1

Dear Commissioners:

On June 6, 2019 the Public Works Project Evaluation Committee approved the proposed Improvement District No. BR-19-B1. This project would include reconstruction and repair to a portion of 43 ½ Street North between 3rd Avenue North and 7th Avenue North. Approximately 350' of 43 ½ Street North, including the underlying infrastructure, was damaged due to a large stockpile of material located east of the street on a privately owned material storage property. The stockpile caused the roadway to heave, misaligned storm sewer, and crushed a portion of the sanitary sewer. There may be further damage that has yet to be determined. The street is currently closed, since it is impassible.

Plans have been developed to reconstruct the roadway and repair the infrastructure with an estimated cost of construction being $245,915.75.

Since the damage was a result of the site conditions on private property and that owner has the ability to complete the repair, we worked with our Assistant City Attorney, Nancy Morris, on an agreement to complete the work. Attached you will find a signed Settlement Agreement and Mutual Release of Claims with Master Construction to complete the repair adjacent to their property at their sole expense.

RECOMMENDED MOTION
Approve the signed Settlement Agreement and Mutual Release of Claims with Master Construction for the rehabilitation of 43 ½ Street North between 3rd Avenue North and 7th Avenue North.

Respectfully,

on behalf of

Brenda E. Derrig, P.E.
City Engineer

BED/klo
Attachments

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BR-19-B1 Type: 2019 CIP Revision

Location: 43 ½ St, 3 Ave N to 7 Ave N Date of Hearing: 6/10/2019

Routing	Date
City Commission	8/12/2019
PWPEC File	X
Project File	Scott Olson

The Committee reviewed a communication from Project Manager, Scott Olson, regarding changes to the 2019 CIP.

Proposed Improvement District No. BR-19-B1 would include reconstruction and repair to a portion of 43 ½ St N between 3 Ave N and 7 Ave N. Approximately 350' of 43 ½ St N, including the underlying infrastructure, was damaged due to a large stockpile of material located east of the street on a privately owned material storage property. The stockpile caused the roadway to heave, misaligned storm sewer, and crushed a portion of the sanitary sewer. There may be further damage that has yet to be investigated. Thru traffic is currently closed on the street as it is impassible.

Plans have been developed to reconstruct the roadway and repair the infrastructure with an estimated cost of construction being $245,915.75. Costs to complete the project would be assessed directly to the owner of the property whose stockpile caused the damage.

Staff is recommending the addition of Improvement District BR-19-B1 to the 2019 CIP.

On a motion by Nicole Crutchfield, seconded by Brenda Derrig, the Committee voted to recommend approval of the 2019 CIP revision as described.

RECOMMENDED MOTION
Concur with PWPEC recommendation and approve the 2019 CIP revision.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Special Assessment

	Yes	No
Developer meets City policy for payment of delinquent specials		N/A
Agreement for payment of specials required of developer	N/A	
Letter of Credit required (per policy approved 5-28-13)		N/A

COMMITTEE	Present	Yes	No	Unanimous
				☑
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	☑	☑	☐	

ATTEST:

Brenda E. Derrig, PE
City Engineer

THE CITY OF Fargo FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

Memorandum

To: Members of PWPEC

From: Scott Olson, Project Engineer

Date: June 6, 2019

Re: Improvement District No. BR-19-B1 – Partial Reconstruction of 43rd ½ Street North

---

Background:

Proposed Improvement District No. BR-19-B1 would include reconstruction and repair to a portion of 43rd ½ Street North between 3rd Avenue North and 7th Avenue North.

Approximately 350 feet of 43rd ½ Street North, including the underlying infrastructure, was damaged due to a large stockpile of material located east of the street on a privately owned material storage property. The stockpile caused the roadway to heave, misaligned storm sewer and crushed a portion of the sanitary sewer. There may be further damage to infrastructure that we have not been able to investigate as of yet. Through traffic is currently closed on the street as it is impassible.

Plans have been developed to reconstruct the roadway and repair the infrastructure with an estimated cost of construction being $245,915.75. These costs to complete the proposed project would be assessed directly to the owner of property whose stockpile caused the damage. Engineering is proposing to amend the 2019 CIP to include Improvement District No. BR-19-B1.

Recommended Motion:

Amend the 2019 CIP to include Improvement District No. BR-19-B1.

SEO/klb

C: Thomas Knakmuhs, Assistant City Engineer
Brenda Derrig, City Engineer

SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS

For and in consideration of the mutual agreements and covenants described below, and enter into this Settlement Agreement and Mutual Release of Claims ("Agreement"), Master Construction Co., Inc., a North Dakota corporation (hereafter "Master" or "Contractor") and the city of Fargo, North Dakota, a municipal corporation (hereafter "City" of "Fargo") hereby agree as follows.

RECITALS

A. Master owns property located at 4361 3rd Avenue North, Fargo, ND, legally described as follows:

Lots 1 thru 9, Block 6A of a Replat of Lots 12 and 13, Block 3 and Lots 18, 19, 20 and 30, 31, 32, 33, Block 4 of E.G. Clapp's First Addition less the platted Lucken Addition.

Hereafter "Property."

B. Master agrees and understands that as a result of its activities on the above identified Property, including but not limited to excessive stockpiling of material, there occurred a rotational shift resulting in disturbance to the City infrastructure adjacent to the property at 43 ½ Street North. The road surface, curb and gutter heaved, and the water, sanitary and storm sewer infrastructure were damaged by Master's conduct beyond repair, necessitating replacement of the same in the area identified in Exhibit A attached hereto.

C. Master secured the services of Braun Intertec to prepare a Geotechnical Evaluation Report analyzing the stockpile stability and impacts by providing subsurface information at the site and geotechnical recommendations for repair and future use of the Master property, limiting further disturbance to the street and utilities. A draft of the Braun Intertec report was provided dated October 31, 2018, pending payment from Master for finalization.

D. The Braun Intertec report conclusively finds that the road and infrastructure failure were a result of Master's stockpiling activities.

E. Subject to and as addressed with greater specificity in the terms and conditions set forth below, Master and the City now desire to settle any and all disputes that relate to the damage Master caused to the City infrastructure.

AGREEMENT

1. Consideration by the Parties. In consideration for all of the terms and conditions of this Settlement Agreement, the parties agree that Master shall pay the sum of (1) $1,470.00, as reimbursement for the Traffic Control measures provided by 3D

specialties, Inc.; and (2) $28,150.73, which sum represents 11% of the Engineer's Estimate for the work necessary to repair the damaged City infrastructure, in addition to $7,677.47, which sum represents 3% for legal and miscellaneous expenses (for a total payment of $35,828.20). This Settlement Payment shall be made by Certified Check made payable to the City of Fargo, in advance of commencement of any work contemplated in this agreement. Master must also fully compensate Braun Intertec for the work completed in the amount of $10,697, and deliver to City a fully executed, final report before moving forward with the settlement agreement terms.

2. Specifications, Plans and Stakes. City agrees Master may complete the work as identified in the Engineer's Preliminary Estimates for Project BR-19-B1, attached hereto as Exhibit 2, namely Sanitary Sewer, Storm Sewer, Street Reconstruction and Incidentals. The parties agree that the work shall be done in strict conformity to the plans, profiles and Standard Specifications for Construction and to the exact lines and grades as defined by the City Engineer.

Master shall complete the work agreed to herein on or before September 20, 2019. Substantial Completion shall be no later than September 20, 2019. Final Completion will be 30 days after Substantial Completion.

Master further understands and agrees that additional issues that may be discovered during the time of the corrective repairs that could not have been anticipated at the time of design are Master's responsibility to repair, at the direction of the City Engineer or an authorized representative, at no additional cost to the City.

3. Inspection. All materials furnished by Master are subject to the inspection and approval of the City Engineer or an authorized representative at all times during the progress of the work, and until the final completion of the same. Master shall allow sufficient time to enable the City Engineer or an authorized representative to make the proper tests and inspection. As soon as the materials are tested and inspected, the Contractor shall immediately remove all rejected materials from the work and to such a point distant there from as the City Engineer or authorized representative may require. No materials shall be used before being inspected and approved by the City Engineer or authorized representative. Failure of the City Engineer or authorized representative to condemn or reject inferior materials or work does not imply acceptance of the same should their inferiority become evident at any time.

Master shall furnish at its own expense such labor as may be required to enable a thorough inspection and culling of all materials.

4. Obstruction, Guard and Contractor's Liability. Master shall follow Section 4100 of the Standard Specifications for Construction in all cases to maintain a safe passageway at all road crossings, crosswalks and street intersections, and shall do all other things necessary to prevent accidents or loss of any kind, and shall save the City harmless forever from any and all damages, costs, and expenses resulting from the

neglect or failure of the Contractor in the performance of this Contract, to properly protect the public and employees from injury to person or property.

5. Property Liable to Damages. Master shall be liable for any and all damage to public and private utilities, including but not limited to, water, gas, steam or other pipes, flumes, poles or conduits or other property owned by any person or corporation. Contractor shall have ten (10) days following notice from the City to repair or replace the damaged property. After ten (10) days City may arrange for such repairs or replacements to be made as necessary and deduct from any sum or sums due or to become due Contractor under this Contract the cost thereof.

Master shall be responsible for all survey irons and monuments, and if disturbed they will be replaced by a Registered Land Surveyor of the State of North Dakota, at Master's own expense.

Master is responsible for damage to any underground or overhead piping, wiring, or other utility property occurring during any excavation or construction by Contractor. Master, before commencing any excavation or construction, shall locate the previously mentioned underground property by contacting the following:

ND One Call 1-800-795-0555

6. Cleaning Up. Immediately upon the completion of the work on each block, the Contractor shall at their cost and expense, clean up and remove all refuse materials of every kind resulting from the work. If Contractor fails to clean up and remove refuse within twenty-four (24) hours after having been notified by the City Engineer or authorized representative, the work may be done by the City and the cost thereof charged to the Contractor.

7. Orders. Whenever the Contractor is not present on any part of the work where it may be necessary to give instructions, orders may be given by the City Engineer or authorized representative to the superintendent or foreman who may have charge of the particular work in question, and such orders shall be obeyed.

8. Defective Work. Master, upon being so directed by the City Engineer or authorized representative, shall suspend, remove or reconstruct, or make good without charge any work which they may consider to be defectively executed.

9. Competent Workers to be Employed. Master shall provide and have at all times a competent Superintendent in charge of the overall Project who will be personally available at the site of the work within 24 hours' notice. This Superintendent may be either the Contractor himself or a responsible employee who has been authorized to act in the Contractor's behalf. This individual shall be fully authorized to:

(a) Conduct all business with the subcontractors.

(b) Negotiate and execute all Contract change orders or directly coordinate with the Contractor on such matters.
(c) Execute the orders and directions of the Engineer or authorized representative without delay.
(d) Promptly supply the materials, equipment, tools, labor, and incidentals necessary for prosecution of the work.

At all times while work is actually being performed, the Contractor shall have at the site of the work a competent individual who is:

(a) Authorized and fully capable of managing, directing, and coordinating the work in progress.
(b) Thoroughly experienced in the type of work being performed.
(c) Capable of reading and thoroughly understanding the Plans and Specifications.
(d) Authorized to receive instructions from the Engineer or authorized representative.

If this individual is an employee of someone other than Master, Master shall notify the City Engineer or authorized representative as to who will act in the supervisory capacity stated above. This individual and the Superintendent having overall responsibility for the Project may be one and the same person if constantly available in person on the Project and fully qualified in all other respects.

If any person employed by Master appears incompetent, disorderly, or disobedient to the City Engineer or authorized representative, they shall be discharged immediately upon request of the City Engineer or authorized representative and shall not again be employed upon the work without the consent of the City Engineer or authorized representative.

10. Failure to Pay for Labor and Materials. If Master fails to pay laborers, or for materials used, the City shall have no responsibility to make such payments, and Master shall be immediately deemed in breach of this Agreement. City shall then be entitled to terminate the Agreement and take appropriate and timely steps, in its sole discretion, to complete the work.

Master agrees to secure signed acknowledgements wherein such laborers, subcontractors and suppliers explicitly state their understanding that they are contracting directly with Master Construction, and that they understand and agree that the City does not guarantee or assure payment for the labor and/or materials supplied. Such acknowledgement shall be in a form substantially similar to attachment "A" hereto, for each and every laborer, subcontractor or supplier providing goods and services to Master for the work to be completed in accordance with this agreement.

11. Defective Work. Master, upon being so directed by the City Engineer or authorized representative, shall suspend, remove or reconstruct, or make good without charge any work which they may consider to be defectively executed.

12. Subletting. Master shall not assign or sublet the whole or any portion of the work (except for the supply of materials, equipment and tools) without first obtaining the written consent of the City Engineer. Consent given does not release Master from responsibility. Master shall be held accountable the same as if no consent had been given. Master is required to give its personal attention to the work.

13. Performance Bond. Master agrees to secure and file a performance bond with the City Auditor in a sum equal to the full amount of the Engineer's Estimate. Said bond shall be executed by Master as principal and a surety company authorized to do business in the State of North Dakota as surety.

The bond shall be made payable to the City and shall be conditioned on Master's full and faithful performance of the work Master agrees to complete herein. In the event of default, the bond shall be taken and held to be fixed and liquidated damages in favor of the City and the full amount thereof may be recovered from Master and its sureties in an action by the City against them on their bonds. If the City Commission shall at any time deem the bond of the Contractor insufficient, either in form or sufficiency of sureties, it may require Master to furnish a new bond. Said bond to be approved by the City Commission, within such reasonable time as the City Commission may fix and if Master shall fail to furnish such new bond within the time required after notice to do so, the Contract shall be cancelled and the Contractor's bond shall be liable the same as if the Contractor had failed to perform the Contract.

14. Insurance. Master shall secure insurance against hazards as enumerated herein. All policies shall be with companies satisfactory to the City and in amount and form as specified.

All certificates of insurance shall be on an acceptable form, and the said certificate shall state that ten (10) days written notice will be given to the City before the policy is cancelled or changed.

Master will not be permitted to start any construction under the terms of this Agreement until a certificate of all insurance as required herein is filed with the City.

Public Liability and Property Damage. Contractor shall provide public liability and property damage insurance against risks resulting from the following:

A. Operations of Contractor;
B. Operations of Subcontractors (contingent);
C. Completed operations;
D. Contractual Liability (broad form); and
E. Property damage liability including:

1. Damage due to blasting;
2. Damage due to collapse;

3. Damage to underground facilities; and
4. Broad form property damage:

a. Premises and operations
b. Contractual

The liability limits of said insurance shall be as follows:

A. Bodily Injury

1. $1,000,000 each person
2. $1,000,000 each occurrence
3. $2,000,000 aggregate

B. Property Damage

1. $1,000,000 each occurrence
2. $1,000,000 aggregate
3. $2,000,000 aggregate (property damage auto)

Automobile Liability. The Contractor shall provide automobile liability insurance covering operation of all vehicles which are either hired, owned, or non-owned as follows:

A. Bodily Injury
1. $1,000,000 each person
2. $1,000,000 each occurrence

B. Property Damage Liability
1. $1,000,000 each occurrence

Workmen's Compensation. The Contractor shall be insured against liability for injury to employees in accordance with the laws of the State of North Dakota. A coverage certificate shall be furnished to the City prior to the commencement of any work.

15. Laws and Ordinances to be Observed. Master agrees and understands it must abide by all applicable laws.

16. Indemnity. Master shall indemnify the City against all claims, damages, suits, actions and expenses, including reasonable attorney's fees to the property of the City of any person, caused by Master's negligence in carrying out or attempting to carry out this Agreement, and from claims made by laborers or others for injury sustained by reason of Master's negligence, its servants or employees, in the performance or attempted performance of this Agreement. Master shall further City from damages sustained by

depositing materials to public injury or to the injury of any person or corporation, or resulting from the use of any patented material, implement or process which may be employed in executing the work under this Agreement, including costs and expense of defense. City will notify Master of the bringing of suit in such cases, and be permitted to defend the same.

17. Warranty. Master guarantees the work will remain in good condition for the period of one (1) year from the date of completion, ordinary wear excepted. Master understands and agrees it is financially responsible for any repairs necessary to maintain the work in good condition within one year from completion, ordinary wear excepted.

18. Special Assessment Waiver of Protest and Amount. Public Improvements, including water mains, sewers, storm sewers, paving, curb and gutter and other Public Improvements enumerated in N.D. Cent. Code Section 40-22-01 will be constructed pursuant to this Agreement. Special assessments may be levied and assessed against the Property in the event the work is not completed in a timely manner and in accordance with City Standards and Specification. Master hereby waives the right to protest, if any, the resolution of necessity for any Public Improvements in accordance with N.D. Cent. Code Section 40-22. Further, Master consents to the construction of the Public Improvements and to the assessment of the costs against the Property. Owner further waives the right to protest the amount of benefit levied against the Property for the Public Improvements.

19. Waiver of Rights Under N.D.C.C. § 9-13-02. The parties agree that the release provisions in paragraphs 3 and 4 above include a release of all unknown and unsuspected claims. Further, the parties specifically and expressly waive all rights pursuant to § 9-13-02 of the North Dakota Century Code, which provides:

> § 9-13-02. Extension to Known Claims. A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him, must have materially affected his settlement with the debtor.

20. Attorneys' Fees and Costs. In any action relating to or arising out of the enforcement of this Agreement, City shall be entitled to recover its reasonable attorneys' fees and reasonable costs from Master.

21. Stockpile Restrictions. Master agrees that the maximum ground elevation of 904 feet within 100 feet of the west property line shall be attained and maintained on its Property. From 100 feet east of the west property line to the east property line the stockpile can have a maximum elevation of 920 feet. This assumes that the side slopes of the pile will not be steeper than 1 1/2H:1V.

These pile requirements must be met prior to the start of any repair work within the ROW.

Master shall prepare a Deed Restriction detailing these use restrictions satisfactory to City and record the same.

22. Governing Law, Forum, and Jurisdiction. This Agreement shall be governed by the laws of the state of North Dakota. The Parties consent to the personal jurisdiction of the state courts located in Cass County, state of North Dakota in connection with any controversy that arises out of or in any way relates to this Settlement Agreement. The parties further agree that any litigation arising out of or relating to this Settlement Agreement shall be venued exclusively in Cass County, state of North Dakota.

23. Admission of Liability. By executing this Agreement, Master understands and agrees that this Agreement constitutes an admission of liability, fault or wrongdoing, and that it is solely responsible for the damages caused by its actions to the City roadway and infrastructure.

24. Voluntary Nature of Agreement. The parties acknowledge and agree that they have entered into this Agreement voluntarily and without any coercion. The parties further represent that they have had the opportunity to consult with an attorney of their own choice, that they have read the terms of this Agreement, and that they fully understand and voluntarily accept the terms.

25. Entire Agreement. The terms of this Agreement supersede and terminate all prior oral and written agreements and communications between the parties.

26. Execution in Counterparts. The parties agree that this Settlement Agreement may be executed by facsimile or email and in counterparts, all of which shall constitute one instrument and shall be deemed to be an original.

27. Authority. Each party signing this Settlement Agreement represents and warrants that the person signing this Agreement on its behalf has the full authority to bind that party to the terms of this Settlement Agreement.

28. Recording. The parties agree and understand that a Memorandum of this Agreement and a Deed Restriction may be recorded as to the Property.

Dated: July 5, 2019.

Master Construction Co., Inc., a North Dakota corporation

By: _____

Title: PRES

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

On this 5th day of August, 2019, before me, a notary public in and for said county and state, personally appeared FRED SCHLANSER, PRESIDENT of Master Construction Co., Inc., a North Dakota corporation, to me known to be the person described in and that executed the within and foregoing instrument, and acknowledged to me that he/she executed the same.

Renae Heger

(SEAL)

RENAE HEGER
Notary Public
State of North Dakota
My Commission Expires May 17, 2022

Notary Public
Cass County, ND

Dated: _____, 2019.

City of Fargo, a North Dakota municipal corporation

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

Attest:

_____
Steve Sprague, City Auditor

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

On this _____ day of _____, _____, 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

(SEAL)

THE CITY OF Fargo
FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

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August 7, 2019

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Improvement District No. NR-19-A1

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, August 7, 2019, for Storm Sewer Lift Station Modifications & Incidentals, Improvement District No. NR-19-A1, located at Storm Sewer Lift Stations #3, #36, and #50.

The bids were as follows:

Northern Plains Contracting, Inc.	$ 402,709.00
CC Steel, LLC	$ 438,038.48
Key Contracting, Inc.	$ 455,380.00
Engineer's Estimate	$ 422,925.00

The special assessment escrow is not required.

This office recommends award of the contract to Northern Plains Contracting, Inc. in the amount of $402,709.00 as the lowest and best bid. No protests have been received.

Sincerely,

Tom Knakmuhs
Assistant City Engineer

TAK/klb

ENGINEER'S STATEMENT OF ESTIMATED COST

IMPROVEMENT DISTRICT # NR-19-A1

Storm Sewer Lift Station Modifications & Incidentals

Storm sewer lift stations #3, #36 & #50

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 Tom Knakmuhs, do hereby certify as follows:

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

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

Storm Sewer Lift Station Modifications & Incidentals Improvement District # NR-19-A1 of the City of Fargo, North Dakota.

Line	Description	Unit	Quantity	Unit Price ($)	Amount ($)
Site #1 (STS LS #36)					
1	Mobilization	LS	1.00	10,000.00	10,000.00
2	Modify Lift Station	EA	1.00	60,850.00	60,850.00
3	F&I Lift Station Pumps & Controls	LS	1.00	165,500.00	165,500.00
4	Traffic Control - Minor	LS	1.00	500.00	500.00
5	Repair Manhole	EA	1.00	6,550.00	6,550.00
6	Topsoil - Import	CY	15.00	60.00	900.00
7	Mulching Type 1 - Hydro	SY	100.00	18.20	1,820.00
8	Seeding Type B	SY	100.00	18.20	1,820.00
9	Inlet Protection - Existing Inlet	EA	2.00	294.00	588.00
10	F&I Flap Gate 33" Dia Stainless Steel	EA	1.00	11,775.00	11,775.00
				Site #1 (STS LS #36) Total	260,303.00
Site #2 (STS LS #50)					
11	Mobilization	LS	1.00	2,500.00	2,500.00
12	Modify Lift Station	EA	1.00	40,995.00	40,995.00
13	Modify Lift Station - Electrical	LS	1.00	37,650.00	37,650.00
14	Topsoil - Import	CY	3.00	60.00	180.00
15	Mulching Type 1 - Hydro	SY	20.00	18.20	364.00
16	Seeding Type B	SY	20.00	18.20	364.00
				Site #2 (STS LS #50) Total	82,053.00
Site #3 (STS LS #3)					
17	Mobilization	LS	1.00	2,500.00	2,500.00
18	Modify Lift Station	EA	1.00	13,025.00	13,025.00
19	Modify Lift Station - Electrical	LS	1.00	43,920.00	43,920.00
20	Topsoil - Import	CY	3.00	60.00	180.00
21	Mulching Type 1 - Hydro	SY	20.00	18.20	364.00
22	Seeding Type B	SY	20.00	18.20	364.00
				Site #3 (STS LS #3) Total	60,353.00
				Total Construction in $	**402,709.00**
			Engineering	6.00 %	24,162.54
			Legal & Misc	3.00 %	12,081.27
			Contingencies	10.00 %	40,270.90
			Administration	1.94 %	7,812.55
			Interest	4.00 %	16,108.36
			Outside Engineering	4.66 %	18,766.24
				Total Estimated Costs	**521,910.86**
				Special Assessments	171,020.44
				Utility Funds - Stormwater - 524	350,890.42
				Unfunded Costs	**0.00**

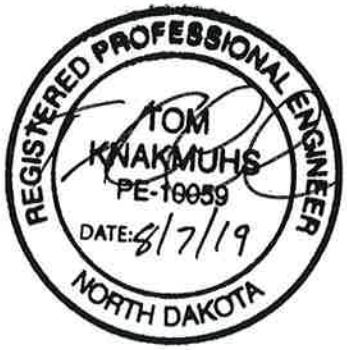
ENGINEER'S STATEMENT OF ESTIMATED COST

IMPROVEMENT DISTRICT # NR-19-A1

Storm Sewer Lift Station Modifications & Incidentals

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

Date: 08/07/2019

Tom Knakmuhs

Assistant City Engineer