

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 Levenson, 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.

Page 28. 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.

Page 5. 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.

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

1
2 WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in
3 accordance with Chapter 40-05.1 of the North Dakota Century Code; and

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

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

8 WHEREAS, the Board of City Commissioners deems it necessary and appropriate to
9 implement such authority by the adoption of this ordinance to reduce the penalty for possessing a
10 firearm or dangerous weapon from a Class B misdemeanor to an Infraction in order to conform
to state law;

11 NOW, THEREFORE,

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

13 Section 1. Amendment.

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

16 1-0305. Classification of ordinance violations.—

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

- 19 1. Section 1-0306(D) (failure to appear or post bond on a non-criminal, non-traffic
20 offense), section 8-0305(A)(2) (fictitious registration), section 8-0305(A)(3)
21 (lending registration plates), section 8-0308 (reproducing operator's or driver's
22 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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

(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

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(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. _____

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

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

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

13 WHEREAS, the rezoning changes were approved by the City Commission on March 26,
14 2018; and

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

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

23 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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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

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

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

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

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

10 Interior Side Setback: Exempt per Alternative Development Options.

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

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

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

17 _____
18 Timothy J. Mahoney, Mayor

19 (SEAL)

20 Attest:

21 _____
22 Steven Sprague, City Auditor

23 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. |

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 21-0101. International Building Code adopted.—The erection, construction, enlargement,
2 alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height,
3 area, and maintenance of buildings or structures in the city of Fargo, North Dakota, shall meet
4 with the provisions of the rules and regulations of the 2018 Edition of the International Building
5 Code of the International Code Council as the same are now established in said code, a copy of
6 which is on file in the office of the building inspector for the city of Fargo, with the exception of
7 the sections hereinafter set forth affecting local conditions in the city of Fargo, which sections
8 shall be substituted for and in lieu of like sections or paragraphs in said International Building
9 code; and the board of city commissioners of said city of Fargo, by this section hereby approves
10 and adopts such rules and regulations, as so modified, for use and application in the city of
11 Fargo, North Dakota, and within the extra-territorial zoning jurisdiction of the city.

12 21-0102. Modification of International Building Code.—The International Building
13 Code as adopted in § 21-0101 is hereby changed and amended as follows:

14 **Section 101.1** is hereby amended to read as follows:

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

17 **Section 101.4.3** is hereby amended to read as follows:

18 **Section 101.4.3 Plumbing.** The provisions of the ~~*International Plumbing Code North*~~
19 ~~*Dakota State Plumbing Code*~~ shall apply to the installation, *alteration, repair* and
20 replacement of plumbing systems, including equipment, appliances, fixtures, fittings and
21 appurtenances, and where connected to a water or sewage system and all aspects of a
22 medical gas system. The provisions of the ~~*International Private Sewage Disposal Code*~~
23 ~~*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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1 12. Window awnings, in Group R-3 and U occupancies, supported by an exterior
2 wall that do not project more than 54 inches (1372 mm) from the exterior wall
3 and do not require additional support.

4 * * *

5 14. Reroofing.

6 **Section 107.2.6.1** is hereby deleted in its entirety.

7 **Section 107.3.1** is hereby amended to read as follows:

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

14 **Section 109.2** is hereby amended to read as follows:

15 **Section 109.2 Schedule of permit fees.** On buildings, structures, electrical, gas,
16 mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit*
17 and plan review shall be paid as required, in accordance with the schedule as established
18 by resolution of the applicable governing authority board of city commissioners. The
19 plan review fees specified in this subsection are separate from, and in addition to, permit
20 fees. When submittal documents are incomplete or changed so as to require additional
21 plan review or when the project involves deferred submittal items as defined in Section
22 107.3.4.1, an additional plan review fee shall be charged in an amount not to exceed 10%
23 of the building permit fee established in Section 108.2.

24 **Section 110.3.3** is hereby deleted in its entirety.

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 **Section 110.3.11.1** is hereby deleted in its entirety.

2 **Section 305.2** is hereby amended to read as follows:

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

6 **Section 305.2.2** is hereby amended to read as follows:

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

9 **Section 305.2.3** is hereby amended to read as follows:

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

13 **Section 308.5** is hereby amended to read as follows:

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

18 Adult day care

19 Child day care

20 **Section 308.5.1** is hereby amended to read as follows:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

6 **Section 308.5.3** is hereby amended to read as follows:

7 **308.5.3 Five Twelve or fewer persons receiving care.** A facility having ~~five~~ twelve or
8 fewer persons receiving *custodial care* shall be classified as part of the primary
9 occupancy.

10 **Section 308.5.4** is hereby amended to read as follows:

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

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

16 * * *

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

18 **Section 802.4** is hereby deleted in its entirety.

19 **Section 903.3.1.1** is hereby amended to read as follows:

20 **Section 903.3.1.1 NFPA 13 sprinkler systems.** Where the provisions of this code
21 require that a building or portion thereof be equipped throughout with an *automatic*
22 *sprinkler system* in accordance with this section, sprinklers shall be installed throughout
23 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.

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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.

1 **Section 1011.5.2** Exceptions are hereby amended to read as follows:

2 **Section 1011.5.2 Exceptions:**

3 * * *

4
5 3. In Group R-3 occupancies; within *dwelling units* in occupancies in Group R-2
6 occupancies; and in Group U occupancies, that are accessory to a Group R-3 occupancy
7 or accessory to individual *dwelling units* in Group R-2 occupancies; the maximum riser
8 height shall be ~~7¾ inches (197 mm)~~ 8 inches; the minimum tread depth shall be ~~10 inches~~
9 ~~(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).

10 * * *

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

14 **Section 1011.11** Exceptions are hereby amended to read as follows:

15 **Section 1011.11 Exceptions:**

16 * * *

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

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

21 **Section 1015.2** is hereby amended to read as follows:

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1 **Section 1015.2 Where required.** *Guards* shall be located along open-sided walking
2 surfaces, including *mezzanines, equipment platforms, aisles, stairs, ramps* and landings,
3 that are located more than 30 inches (762mm) ~~measured vertically to the floor or grade~~
4 ~~below at any point within 36 inches (914mm) horizontally to the edge of the open side~~
5 above the floor or grade below or if within 36 inches (914mm) horizontally to the edge of
6 the open side of the vertical measurement to the floor or grade below is greater than 48
7 inches. *Guards* shall be adequate in strength and attachment in accordance with Section
8 1607.8.

9 **Section 1104.4** Exceptions are hereby amended to read as follows:

10 **Section 1104.4 Exceptions:**

- 11 1. An *accessible route* is not required to *stories, basements, and mezzanines and*
12 occupied roofs that have an aggregate area of not more than 3,000 square feet (278.7
13 m²), are located above and or below *accessible levels* and are below the third story.

14 * * *

15 **Section 1202.1** is hereby amended to read as follows:

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

19 ~~Where the air infiltration rate in a *dwelling unit* is less than 5 air changes per hour where
20 tested with a blower door at a pressure 0.2 inch w.e. (50 Pa) in accordance with Section
21 R402.4.1.2 of the *International Energy Conservation Code Residential Provisions*, the
22 *dwelling unit* shall be ventilated by mechanical means in accordance with Section 403 of
23 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.

1 **Section 1601.1** is hereby amended to read as follows:

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

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

8 **Section 1610.1** Exception is hereby amended to read as follows:

9 **Section 1610.1 Exception:** Foundation walls extending not more than ~~8 feet (2438 mm)~~
10 9 feet below grade and laterally supported at the top by flexible diaphragms shall be
11 permitted to be designed for active pressure.

12 **Section 1612** is hereby deleted in its entirety.

13 **Section 1804.4** is hereby deleted and the following section enacted:

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

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

19 **Section 1804.5** is hereby deleted in its entirety.

20 **Section 1805.1.2.1** is hereby deleted in its entirety.

21 **Section 1809.5** Exceptions are hereby amended as follows:

22 **Section 1809.5 Exceptions:**

23 * * *

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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.

1 **Section 2901.1** is hereby amended to read as follows:

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

14 **Section 3313** is hereby deleted in its entirety.

15 Section 3. Penalty.

16 A person who willfully violates this ordinance is guilty of an infraction. Every person,
17 firm or corporation violating an ordinance which is punishable as an infraction shall be punished
18 by a fine not to exceed \$1,000; the court to have power to suspend said sentence and to revoke
19 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.

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(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 m²~~).
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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1 9. Window awnings supported by an exterior wall that ~~do not project more~~
2 ~~than 54 inches (1372 mm) from the exterior wall and~~ do not require
3 additional support.

4 10. Decks not exceeding ~~200-120 square feet (185.8 m²)~~ in area, that are not
5 more than ~~30 (762 mm)~~ 7 inches above *grade* at any point, are not
6 attached to a dwelling and do not serve the exit door required by Section
7 R311.4.

8 **Section R105.3.1.1** is hereby deleted in its entirety.

9 **Section R106.1.4** is hereby deleted in its entirety.

10 **Section R106.4** is hereby deleted in its entirety.

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

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

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

20 **Section R201.3 Terms defined in other codes.** Where terms are not defined in
21 this code such terms shall have meanings ascribed in other code publications of
22 the International Code Council. Wherever the term *International Plumbing Code*
23 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 | Windborne 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 | Latitude | 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

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1 between the garage and residence shall be equipped with solid wood doors not
2 less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors
3 not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors, ~~equipped~~
4 ~~with a self-closing device.~~

5 **Section R303.4** is hereby deleted in its entirety.

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

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

11 **Section R309.3** is hereby deleted in its entirety.

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

13 **Section R310.2.2 Window sill height.** Where a window is provided as the
14 emergency escape and rescue opening, it shall have a sill height of not more than
15 44 inches (1118 mm) above the floor; where the sill height is below *grade*, it shall
16 be provided with a window well in accordance with Section R310.2.3. Sill height
17 shall be measured from the finished floor to the bottom of the clear opening.

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

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

21 **Section R310.2.3.1 Ladder and steps.** Window wells with a vertical depth
22 greater than 44 inches (1118 mm) shall be equipped with a permanently affixed
23 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

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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

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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 3/4~~ 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 of~~ 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.

1 **Section R326** is hereby deleted in its entirety.

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

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

11 * * *

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

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

18 ~~**Exception:** Where *lot lines*, walls, slopes or other physical barriers~~
19 ~~prohibit 6 inches (152mm) of fall within 10 feet (3048mm), drains or~~
20 ~~swales shall be constructed to ensure drainage away from the structure.~~
21 ~~Impervious surfaces within 10 feet (3048mm) of the building foundation~~
22 ~~shall be sloped not less than a minimum of 2 percent away from the~~
23 ~~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 m²) 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 m²) 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 $F_c^1 = 3,000$ 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 $F_c^1 = 3,000$ pounds per square inch (psi).

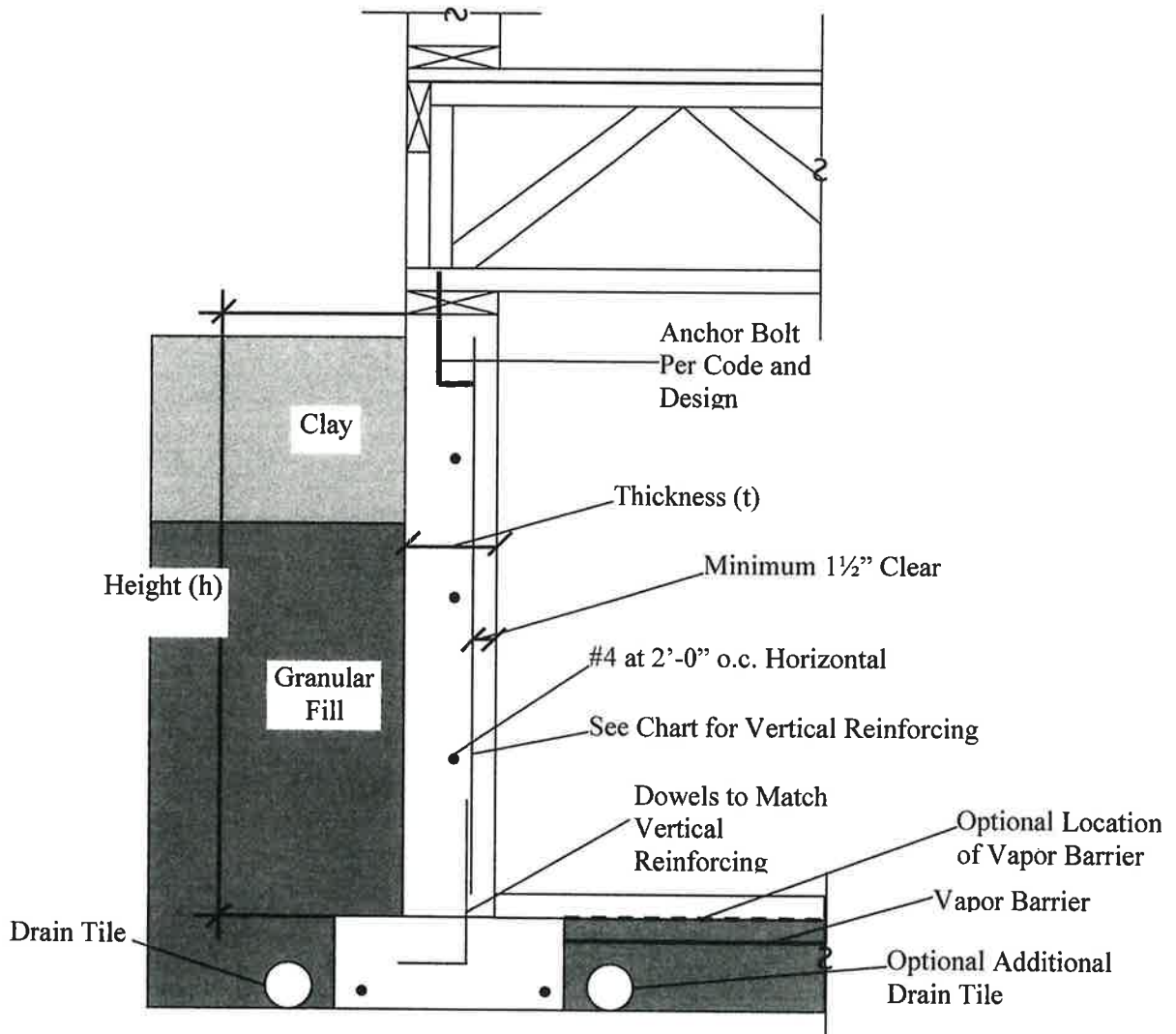
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5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

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

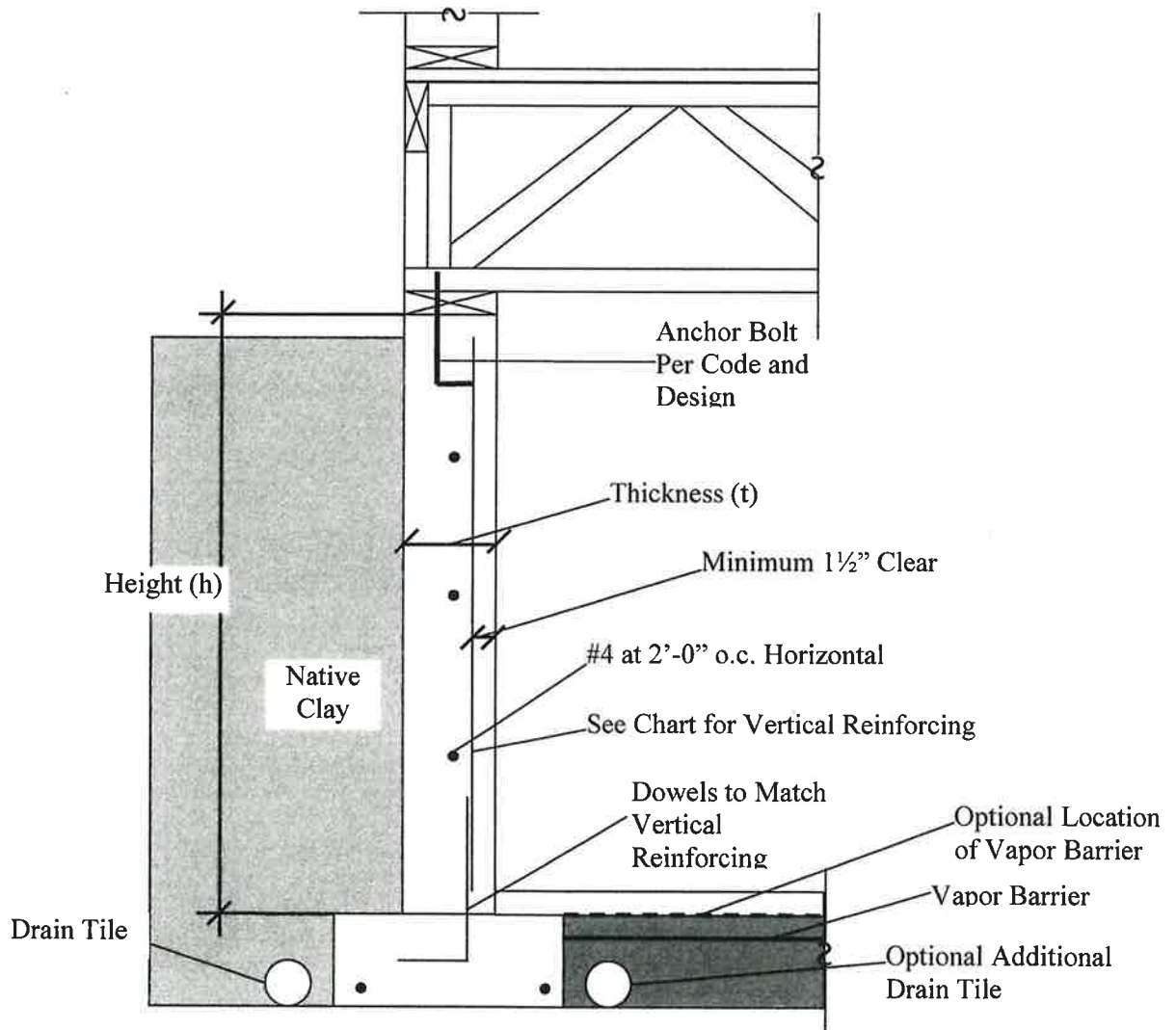
FIGURE R404.1.2(1)



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FIGURE R404.1.2(2)



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1
2 **Section R507.3** is hereby deleted in its entirety.

3 **Table R507.3.1** is hereby deleted in its entirety.

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

5 **Section R507.5 Deck Beams.** Maximum allowable spans for wood deck beams,
6 as shown in Figure R507.5, shall be in accordance with Table R507.5. Beam plies
7 shall be fastened with two rows of 10d (3-inch x 0.128-inch) nails minimum at 16
8 inches (406 mm) on center along each edge. Beams shall be permitted to
9 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.

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

11 **Section R602.7.2 Rim board headers.** Rim board header size, material and span
12 shall be in accordance with Table R602.7(1). Rim board headers shall be
13 constructed in accordance with Figure R602.7.2 and shall be supported at each
14 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
15 concentrated loads shall be designed in accordance with accepted engineering
practice.

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

17 **Section R602.7.5 Support for headers.** Headers shall be supported on each end
18 with one or more jack studs or with approved framing anchors in accordance with
19 Table R602.7(1) or R602.7(2). The full-height stud adjacent to each end of the
20 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.~~

21 **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 <u>21 or 13+5h,i</u> | ### | 15/19 <u>10/13</u> |
| 7 and 8 | ### | 20 + 5 ^h -or 13 + 10 ^h <u>21 or 13 + 5h,i</u> | ### | 15/19 <u>10/13</u> |

(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 <u>0.057</u> | ### | 0.050 <u>0.059</u> |
| 7 and 8 | ### | 0.045 <u>0.057</u> | ### | 0.050 <u>0.059</u> |

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

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

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

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

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

9 **Section 1103.6 Mechanical Ventilation (Mandatory).** (balance unchanged)

10 **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 | <p>The air leakage rate at a pressure of 0.2 inch w.g. (50 Pa) shall be</p> <p><i>Climate Zones 1 and 2: 5 air changes per hour</i></p> <p><i>Climate Zones 3 through 8: 3 air changes per hour</i></p> <p>* * *</p> | * * * |

18 (Balance of table is unchanged.)

19 **Section M1301.1.1** is hereby deleted in its entirety.

20 **Section M1401.5** is hereby deleted in its entirety.

21

22

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

2 **Section M1502.4.2 Duct Installation.** Exhaust ducts shall be supported at
3 intervals not to exceed 124 feet ~~(3658 mm)~~ and shall be secured in place. The
4 insert end of the duct shall extend into the adjoining duct or fitting in the direction
5 of airflow. Exhaust duct joints ~~shall be sealed in accordance with Section~~
6 ~~M1601.4.1 and shall~~ may be mechanically fastened. Ducts shall not be joined
7 with screws, ~~or similar fasteners that protrude more than 1/8 inch (3.2 mm) into~~
8 ~~the inside of the duct.~~ Where dryer exhaust ducts are enclosed in wall or ceiling
9 cavities, such cavities shall allow the installation of the duct without deformation.

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

8 **Section M1503.6 Makeup air required.** Where one or more gas, liquid or solid
9 fuel-burning appliance that is neither direct-vent nor uses a mechanical draft
10 venting system is located within a dwelling unit's air barrier, each exhaust system
11 capable of exhausting in excess of 400 cubic feet per minute (0.19m³/S) shall be
12 mechanically or passively provided with makeup air at a rate approximately equal
13 to the exhaust air rate in excess of 400 cfm. Such makeup air systems shall be
14 equipped with not fewer than one damper complying with Section M1503.6.2.

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

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

15 **Exceptions:**

16 * * *

17
18 3. For ducts having a static pressure classification of less than 2 inches of water
19 column (500 Pa), additional closure systems shall not be required for continuously
20 welded joints and seams and locking-type joints and seams. This
exception shall not apply to snap lock and button lock type joints and seams that
are located outside of conditioned spaces.

21 **Section M1601.4.10** is hereby deleted in its entirety.

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Section M1701.2 is hereby deleted in its entirety.

1 **Section M2001.4** is hereby deleted in its entirety.

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

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

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

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

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

10 **Section M2101.10 Tests.** New Hydronic piping systems shall be isolated and
11 tested hydrostatically at a pressure of one and one half times the maximum system
12 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.

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

14 **Section M2103.3 Piping joints.**

15 * * *

16 2. Copper tubing shall be joined by brazing complying with ~~Section P3003.6.1~~
17 the North Dakota State Plumbing Code.

18 * * *

19 **Section M2201.6** is hereby deleted in its entirety.

20 **Section G2404.7** is hereby deleted in its entirety.

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

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

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

5 * * *

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

8 * * *

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

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

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

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

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

5 * * *

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

8 a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032
9 inches thick up to 8 inches in diameter.

10 b. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge
11 (0.018 inches thick) to 8 inches in diameter or not less than 24 gauge
12 (0.024 inches thick) 8 inches in diameter and larger.

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

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

17 **Section G2427.5.2 (503.5.3) Masonry chimneys.** Masonry *chimneys* shall be
18 built and installed in accordance with NFPA 211 and shall be lined with an
19 ~~*approved clay flue lining, a listed chimney lining system listed and labeled in*~~
20 ~~*accordance with UL 1777 or other approved material that will resist corrosion,*~~
21 ~~*erosion, softening or cracking from vent gases at temperatures up to 1,800°F*~~
22 ~~*(982°C) as indicated in Section G2425.12.*~~

23 **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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1 **Section G2442.4 (618.4)** is hereby amended to read as follows:

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

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

7 **Chapters 25 through 43** are hereby deleted in their entirety.

8 Section 3. Penalty.

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

13 Section 4. Effective Date.

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

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

17 (SEAL)

18 Attest:

19 First Reading:
20 Second Reading:
21 Final Passage:
22 Publication:

23 _____
Steven Sprague, City Auditor

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FARGO, NORTH DAKOTA

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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

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

5 **Section 104.8** is hereby amended to read as follows:

6 **104.8 Liability.** The *code official*, member of the Board of Appeals, or employee
7 charged with the enforcement of this code, while acting for the jurisdiction in
8 good faith and without malice in the discharge of the duties required by this code
9 or other pertinent law or ordinance, shall not thereby be rendered civilly or
10 criminally liable personally and is hereby relieved from personal liability for any
11 damage accruing to persons or property as a result of any act or by reason of an
12 act or omission in the discharge of official duties. Any suit instituted against an
13 officer or employee because of an act performed by that officer or employee in
14 the lawful discharge of duties and under the provisions of this code shall be
15 defended by legal representative of the jurisdiction until the final termination of
16 the proceedings. The code official or any subordinate shall not be liable for cost in
17 any action, suit, or proceeding that is instituted in pursuance of the provisions of
18 this code.

19 This code shall not be construed to relieve from or lessen the responsibility of any
20 person owning, operating, or controlling any building or structure for any
21 damages to persons or property caused by defects, nor shall the code enforcement
22 agency or the city be held as assuming any such liability by reason of the
23 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.

1 Section 701.3 is hereby deleted in its entirety.

2 Section 1103.3 is hereby deleted in their entirety.

3 Section 1201.4 is hereby deleted in its entirety.

4 Section 1301.3.3 is hereby deleted in its entirety.

5 Section 1401.2 is hereby amended to read as follows:

6
7
8 **1401.2 Conformance.** Buildings to be moved within this jurisdiction shall
9 comply with provisions of this chapter. Buildings to be moved from outside this
10 jurisdiction into this jurisdiction shall comply with the provisions of the
11 International Codes for new buildings and shall be certified as to that compliance
12 by an agency approved by the code official. The building shall be safe for human
13 occupancy as determined by the International Fire Code and the International
14 Property Maintenance Code. Any repair, alteration or change of occupancy
15 undertaken within the moved structure shall comply with the requirements of this
16 code applicable to the work being performed. Any field fabricated elements shall
17 comply with the requirements of the International Building Code or the
18 International Residential Code as applicable.

19 Section 1402.6 is hereby deleted in its entirety.

20 Section 3. Penalty.

21 A person who willfully violates this ordinance is guilty of an infraction. Every
22 person, firm or corporation violating an ordinance which is punishable as an infraction
23 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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Section 4. Effective Date.

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

(SEAL)
Attest:

Steven Sprague, City Auditor

Timothy J. Mahoney, M.D., Mayor

First Reading:
Second Reading:
Final Passage:
Publication:

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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."

OFFICE OF THE CITY ATTORNEY
 FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

2

| 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 |

3 [Balance of Table remains the same.]

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

5

| 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 |

6 [Balance of Table remains the same.]

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

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

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

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

OFFICE OF THE CITY ATTORNEY
 FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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 Ventilation (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 | <p>The air leakage rate at a pressure of 0.2 inch w.g. (50 Pa) shall be</p> <p><i>Climate Zones 1 through 8: and 2: 5 air changes per hour</i></p> <p><i>Climate Zones 3 through 8: 3 air changes per hour.</i></p> <p>Balance is unchanged.</p> | <p><u>For residences that are not tested, the same air leakage rate as the standard reference design. For tested residences, the measured air exchange rate^a.</u></p> <p>Balance is unchanged.</p> |

[Balance of Table remains the same.]

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 3. Penalty.

1 A person who willfully violates this ordinance is guilty of an infraction. Every
2 person, firm or corporation violating an ordinance which is punishable as an infraction
3 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.

4 Section 4. Effective Date.

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

7
8
9 (SEAL)

Timothy J. Mahoney, M.D., Mayor

10 Attest:

First Reading:
Second Reading:
Final Passage:
Publication:

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12 _____
Steven Sprague, City Auditor

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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

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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

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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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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 B. The International Mechanical Code, sponsored by the International Code
2 Council, 2018 Edition, is hereby adopted as the mechanical code for the city
3 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:

4 **Section 101.1** is hereby amended to read as follows:

5 **101.1 Title.** These regulations shall be known as the *Mechanical Code* of ~~[NAME~~
6 ~~OF JURISDICTION]~~ the city of Fargo hereinafter referred to as “this code.”

7 **Sections 103.1** is hereby amended to read as follows:

8 **103.1 General.** The department of ~~mechanical~~ inspections is hereby created and
9 the executive official in charge thereof shall be known as the code official.

10 **Section 103.4.1** is hereby amended to read as follows:

11 **103.4.1 Legal Defense.** Any suit or criminal complaint instituted against any
12 officer or employee because of an act performed by that officer or employee in
13 the lawful discharge of duties and under the provisions of this code shall be
14 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.

15 This code shall not be construed to relieve from or lessen the responsibility of any
16 person owning, operating, or controlling any building or structure for any
17 damages to persons or property caused by defects, nor shall the code enforcement
18 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.

19 **Section 106.4.8** is hereby deleted in its entirety.

20 **Section 106.5.2** is hereby amended to read as follows:
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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 **106.5.2 Fee schedule.** The fees for mechanical work shall be as indicated in the
2 following schedule as established by resolution of the board of city
3 commissioners.

4 **Section 106.5.3** is hereby amended to read as follows:

5 **106.5.3 Fee refunds.** The code official shall authorize the refunding of
6 fees as follows.

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

16 **Section 201.3** is hereby amended to read as follows:

17 **201.3 Terms defined in other codes.** Where terms are not defined in this code
18 and are defined in the *International Building Code*, *International Fire Code*,
19 *International Fuel Gas Code*, or the ~~*International Plumbing Code*~~ North Dakota
20 State Plumbing Code, such terms shall have meanings ascribed to them as in those
21 codes.

22 **Section 305.4** is hereby amended to read as follows:

23 **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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

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

11 **Section 401.2** is hereby amended to read as follows:

12 **401.2 Ventilation required.** Every occupied space shall be ventilated by natural
13 means in accordance with Section 402 or by mechanical ventilation in accordance
14 with Section 403. ~~Where the air infiltration rate in a dwelling units is less than 5~~
15 ~~air changes per hour when tested with a blower door at a pressure 0.2-inch water~~
16 ~~column (50 Pa) in accordance with Section 402.4.1.2 of the International Energy~~
17 ~~Conservation Code, the dwelling unit shall be ventilated by mechanical means in~~
18 ~~accordance with Section 403.~~ Ambulatory care facilities and Group I-2
19 occupancies shall be ventilated by mechanical means in accordance with Section
20 407.

21 **Section 403.1** is hereby amended to read as follows:

22 **403.1 Ventilation system.** Mechanical ventilation shall be provided by a method
23 of supply air and return or *exhaust air*, ~~except that mechanical ventilation air~~
24 ~~requirements for Group R-2, R-3 and R-4 occupancies three stories and less in~~
25 ~~height above grade plane shall be provided by an exhaust system, supply system~~
26 ~~or combination thereof.~~ The amount of supply air shall be approximately equal to
27 the amount of return and *exhaust air*. The system shall not be prohibited from
28 producing negative or positive pressure. The system to convey *ventilation air*
29 shall be designed and installed in accordance with Chapter 6.

30 **Section 504.8.2** is hereby amended to read as follows:

31 **504.8.2 Duct installation.** Exhaust ducts shall be supported at 4-foot (1219 mm)
32 intervals and secured in place. The insert end of the duct shall extend into the
33 adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with
34 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.

1
2 **Section 505.4** is hereby amended to read as follows:

3 **505.4 Makeup air required.** Exhaust hood systems capable of exhausting in
4 excess of 400 cfm (0.19 m³/s) shall be provided with *makeup air* at a rate in
5 excess of 400 cfm, approximately equal to the exhaust air rate. Such *makeup air*
6 systems shall be equipped with a means of closure and shall be automatically
7 controlled to start and operate simultaneously with the exhaust system.

8
9 **Section 508.2** is hereby amended to read as follows:

10 **508.2 Compensating hoods.** Manufacturers of compensating hoods shall provide
11 a label indicating the minimum exhaust flow, the maximum makeup airflow or
12 both that provides capture and containment of the exhaust effluent. Short circuit
13 compensating hoods are prohibited.

14
15 **Section 508.2.1** is hereby added to read as follows:

16 **508.2.1 Compensating Hood Makeup Air.** Compensating hoods shall extract at
17 least forty percent (40%) of the required exhaust air flow from the kitchen area.

18
19 **Section 701.3** is hereby added to read as follows:

20 **701.3 Attic space.** Attic space may not be used for *combustion air*.

21
22 **Section 908.5** is hereby amended to read as follows:

23 **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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FARGO, NORTH DAKOTA

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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 Hhydronic 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.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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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:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

2f

ORDINANCE NO. _____

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

1
2 WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in
3 accordance with Chapter 40-05.1 of the North Dakota Century Code; and

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

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

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

10 NOW, THEREFORE,

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

12 Section 1. Repeal.

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

15 Section 2. Re-enactment.

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

18
19 CHAPTER 30.1

20 INTERNATIONAL FUEL GAS CODE

21 Article
22 30.1-01

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

1
2 **Section 106.6.2** is hereby amended as follows:

3 **106.6.2 Fee schedule.** The fees for work shall be as indicated in the following
4 schedule as established by resolution of the board of city commissioners.

5 **Section 106.6.3** is hereby amended as follows:

6 **106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows.

- 7
- 8 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
 - 9 2. Not more than [~~SPECIFY PERCENTAGE~~] eighty percent (80%) of the
10 permit fee paid when no work has been done under a permit issued in
11 accordance with this code.
 - 12 3. Not more than [~~SPECIFY PERCENTAGE~~] eighty percent (80%) of the
13 plan review fee paid when an application for a permit for which a plan
14 review fee has been paid is withdrawn or canceled before any plan review
15 effort has been expended.

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

19 **Section 303.3** is hereby amended to read as follows:

20 **303.3 Prohibited locations.** Appliances shall not be located in sleeping rooms,
21 bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens
22 only into such rooms or spaces, except where the installation complies with one of
23 the following:

- 24 1. The *appliance* is a direct-vent *appliance* installed in accordance with
25 the conditions of the listing and the manufacturer's instructions.
- 26 2. Vented room heaters, wall furnaces, vented decorative appliances,
27 vented gas fireplaces, vented gas fireplace heaters and decorative

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1 appliances for installation in vented solid fuel-burning fireplaces are
2 installed in rooms that meet the required volume criteria of Section
3 304.5

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

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

12 ~~5.3. The appliance is installed in a room or space that opens only into a
13 bedroom or bathroom, and such room or space is used for no other
14 purpose and is provided with a solid weather-stripped door equipped with
15 an approved self-closing device. All combustion air shall be taken directly
16 from the outdoors in accordance with Section 304.6.~~

17 ~~6.4. A clothes dryer is installed in a residential bathroom or toilet room
18 having a permanent opening with an area of not less than 100 square
19 inches (0.06 m²) that communicates with a space outside of a sleeping
20 room, bathroom, toilet room or storage closet.~~

21 **Section 304.6.1 is hereby amended to read as follows:**

22 **304.6.1 Two-permanent-openings method.**

23 * * *

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 mm²/kW) of total input rating of all appliances in the enclosure [see Figures 304.6.1(1) and 304.6.1(2)].

* * *

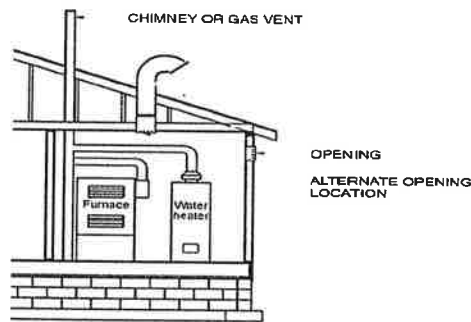
OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

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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 mm²/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.

* * *

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 403.3 is hereby amended to read as follows:

1 **403.3 Other materials.** Material not covered by the standards specifications
2 listed herein shall be investigated and tested to determine that it is safe and
3 suitable for the proposed service, and, in addition, shall be recommended for that
4 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.

5 Section 403.10.1.1 is hereby added to read as follows:

6 403.10.1.1 Gas supply systems with pressures 5 psig or greater and gas pipe joints
7 2 ½ inches or larger, regardless of pressure, shall be welded.

8 Section 403.10.5 is hereby amended to read as follows:

9 **403.10.5 Metallic fittings.** Metallic fittings shall comply with the following:

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

12 * * *

13 Section 406.4 is hereby amended to read as follows:

14 **406.4 Test pressure measurement.** Test pressure shall be measured with a
15 manometer or with a pressure-measuring device designed and calibrated to read,
16 record or indicate a pressure loss caused by leakage during the pressure test
17 period. The source of pressure shall be isolated before the pressure tests are
18 made. ~~Mechanical gauges used to measure test pressures shall have a range such~~
19 ~~that the highest end of the scale is not greater than five times the test pressure.~~
20 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.

21 Section 406.4.1 is hereby amended to read as follows:

22 **406.4.1 Test pressure.** The test pressure to be used shall be no less than 1 ½
23 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 *pipng* 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 *pipng* 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. ~~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. *Pipng* 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, *pipng* 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.

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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:

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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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1 31-0101. Adoption of International Property Maintenance Code by
2 Reference.--There is hereby adopted by reference by the board of city commissioners,
3 for the purpose of prescribing regulations governing standards, relative to housing in
4 the city of Fargo, that certain code known as the International Property Maintenance
5 Code recommended and compiled by the International Code Council, being
6 particularly the 2018 Edition--thereof, a copy of which is on file in the office of the
7 city auditor, and the same is hereby adopted and incorporated as if fully set forth
8 herein, and from the provisions thereof shall be controlling within the limits of the
9 city and within the extra-territorial zoning jurisdiction of the city.

10 31-0102. Amendment to International Property Maintenance Code.--The
11 International Property Maintenance Code as adopted in §31-0101 is hereby changed
12 and amended as follows:

13 **Section 101.1** is hereby amended to read as follows:

14 **101.1 Title.** These regulations shall be known as the *International Property*
15 *Maintenance Code* of ~~[NAME OF JURISDICTION]~~ the city of Fargo, hereinafter
16 referred to as "this code".

17 **Section 102.3** is hereby amended to read as follows:

18 **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or
19 changes of *occupancy*, shall be done in accordance with the procedures and provisions of ~~the~~
20 ~~*International Building Code, International Existing Building Code, International Energy*~~
21 ~~*Conservation Code, International Fire Code, International Fuel Gas Code, International*~~
22 ~~*Mechanical Code, International Residential Code, International Plumbing Code,*~~ and NFPA
23 ~~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

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2 **Section 111.2** is hereby amended to read as follows:

3 **111.2 Membership of board.** The board of appeals shall consist of ~~not less than a~~
4 ~~minimum of three~~ five members who are qualified by experience and training to pass
5 on matters pertaining to property maintenance and who are not employees of the
6 jurisdiction. The *code official* shall be an ex-officio member but shall not vote on any
7 matter before the board. The board shall be pointed by the ~~chief appointing authority~~
8 board of city commissioners, and shall serve staggered and overlapping terms.

9
10 **Section 111.2.1** is hereby amended to read as follows:

11 **111.2.1 Alternate members.** The ~~chief appointing authority~~ board of city
12 commissioners shall appoint ~~not less than two~~ one or more alternate members who
13 shall be called by the board chairman to hear appeals during the absence or
14 disqualification of a member. Alternate members shall possess the qualifications
15 required for board membership.

16
17 **Section 111.6** is hereby amended to read as follows:

18 **111.6 Board decision.** The board shall modify or reverse the decision of the *code*
19 *official* only by a concurring vote of ~~a majority of the total number of~~ four appointed
20 board members.

21
22 **Section 112.4** is hereby amended to read as follows:

23 **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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1 **Section 602.3** is hereby amended to read as follows:

2 **602.3 Heat supply.** Every *owner* and *operator* of any building who rents, leases or
3 lets one or more *dwelling units*, or *sleeping units* on terms, either expressed or
4 implied, to furnish heat to the *occupants* thereof shall supply heat during the period
5 from {DATE} September 15th to {DATE} June 1st to maintain a temperature of not
6 less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

6 **Section 602.4** is hereby amended to read as follows:

7 **602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied
8 with heat during the period from {DATE} September 15th to {DATE} June 1st to
9 maintain a minimum temperature of 65°F (18°C) during the period the spaces are
10 occupied.

10 **Section 703.7** is hereby deleted in its entirety.

11 Section 3. Penalty.

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

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1 Section 4. Effective Date.

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

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5
6 (SEAL)

Timothy J. Mahoney, M.D., Mayor

7 Attest:

8
9 _____
10 Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

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ORDINANCE NO. _____

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

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1 the office of the chief of the Fargo Fire Department and the same is hereby adopted and
2 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.

3 9-0704. Modification of International Fire Code.--The International Fire Code as adopted
4 in Section 9-0701 is hereby changed and amended as follows:

5 **Section 101.1** is hereby amended to read as follows:

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

8 **Section 102.1 Subsection 3** is hereby deleted in its entirety.

9 **Section 102.6** is hereby amended to read as follows:

10 **Section 102.6 Historic buildings.** The provisions of this code relating to the
11 construction, *alteration*, repair, enlargement, restoration, relocation or moving of
12 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
13 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
14 ~~required in Section 1103.1.1.~~

15 **Section 103.4** is hereby amended to read as follows:

16 **Section 103.4 Liability.** The *fire code official*, member of the board of appeals, officer
17 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
18 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
19 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
20 omission performed by that officer or employee in the lawful discharge of duties and
21 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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1 ~~excess of 10 gallons (37.9 L)~~ outside of a building, except that a permit is not required for
the following:

2 * * *

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

6 * * *

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

8 **Section 105.6.29** is hereby deleted in its entirety.

9 **Section 105.6.30** is hereby deleted in its entirety.

10 **Section 105.6.31** is hereby deleted in its entirety.

11 **Section 105.6.34** is hereby amended to read as follows:

12
13 **Section 105.6.34 Open flames and candles.** An operational permit is required to use
14 open flames or candles in connection with assembly areas, dining areas of restaurants or
15 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.

16 **Section 105.6.36** is hereby deleted in its entirety.

17 **Section 105.6.38** is hereby deleted in its entirety.

18 **Section 105.6.43** is hereby amended to read as follows:

19
20 **Section 105.6.43 Repair garages and ~~motor fuel dispensing facilities.~~** An operational
21 permit is required for operation of repair garages.

22 **Section 105.6.47** is hereby amended to read as follows:

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1 **Section 105.7.19** is hereby deleted in its entirety.

2 **Section 105.7.20** is hereby deleted in its entirety.

3 **Section 105.7.21** is hereby deleted in its entirety.

4 **Section 105.7.22** is hereby deleted in its entirety.

5 **Section 105.7.24** is hereby deleted in its entirety.

6 **Section 105.7.25** is hereby deleted in its entirety.

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

8
9 **Section 110.4 Violation penalties.** Persons who shall violate a provision of this code or
10 shall fail to comply with any of the requirements thereof or who shall erect, install, alter,
11 repair or do work in violation of the *approved construction documents* or directive of the
12 *fire code official*, or of a permit or certificate used under provisions of this code, shall be
13 guilty of an ~~[SPECIFY OFFENSE] infraction, punishable by a fine of not more than~~
14 ~~[AMOUNT] dollars or by imprisonment not exceeding [number of days], or both such~~
15 ~~fine and imprisonment.~~ Each day that a violation continues after due notice has been
16 served shall be deemed a separate offense.

17 **Section 112.4** is hereby amended to read as follows:

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

22 **Section 308.1.4** is hereby amended to read as follows:

23 **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 *dwelling*s.
- 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 1/2~~ 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 Sections ~~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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1 **Section 503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads
2 shall not be obstructed in any manner, including the parking of vehicles. The minimum
3 widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at
4 all times. Enforcement of such prohibited parking may be accomplished in the same
5 manner as set forth in Article 8-10 and Section 9-0705 of the Fargo Municipal Code.

6 **Section 510.1** is hereby amended to read as follows:

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

13 **Section 806.1.1** is hereby amended by adding the following exception:

14 **Exceptions:**

15 * * *

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

19 **Section 903.3.1** is hereby amended to read as follows:

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

23 **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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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 **Section 3106.2 General.** Outdoor assembly events with planned attendance exceeding
2 1,000 people shall be in accordance with this section and Section 403.12. Temporary
3 structures erected for outdoor assembly events shall comply with this chapter.

4 **Section 5704.2.9.6.1** is hereby amended to read as follows:

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

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

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

14 * * *

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

17 **Section 5705.3.7.5.1 Exception** is hereby amended to read as follows:

18 **Exceptions:**

19 1. Where natural ventilation can be shown to be effective for the materials used, dispensed
20 or mixed.

21 2. When approved by the fire chief, continuous ventilation may be provided for one
22 complete air change per hour, if supplemented with mechanical ventilation designed to
23 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:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 **Section 5806.2 Limitations.** Storage of flammable *cryogenic fluids* in stationary
2 containers outside of buildings is prohibited within the limits established by law as the
3 limits of districts in which such storage is prohibited. Stationary containers shall be
4 installed only in areas zoned industrial or limited industrial and shall be located at least
5 300 feet from all non-industrial zoning districts.

6 **Section 6103.2.1.6** is hereby amended to read as follows:

7 **Section 6103.2.1.6 Use with self-contained torch assemblies.** Portable LP-gas
8 containers are allowed to be used to supply *approved* self-contained torch assemblies or
9 similar appliances. Such containers shall not exceed a water capacity of ~~2½ pounds (1~~
10 ~~kg)~~ 12 pounds.

11 **Section 6104.2** is hereby amended to read as follows:

12 **Section 6104.2 Maximum capacity within established limits.** Within the limits
13 established by law restricting the storage of liquefied petroleum gas for the protection of
14 heavily populated or congested areas, the aggregate capacity of any one installation shall
15 not exceed 2,000 gallons (7570 L). Unprotected tanks with a water capacity exceeding
16 2,000 gallons shall be installed only in Limited Industrial, "LI", or General Industrial,
17 "GI", zoning districts and shall be located at least 300 feet from any zoning district other
18 than said LI or GI zoning district.

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

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

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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:

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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 1976

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 | <input checked="" type="checkbox"/> |
| | | Commercial | <input type="checkbox"/> |
| | | Central Business District | <input type="checkbox"/> |
| 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 | <i>Larry Chesley</i> |
| Date | 7-18-19 |

Assessor's Determination

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): | |
| 5 YEARS FOR QUALIFYING WORK | |
| Assessor's Signature | <i>Don Shultz</i> |
| Date | 7/30/19 |

Action of Governing Body

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/> | |
| 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 Don Newkirk 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
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 | <u>Richard & Beverly Levenson</u> | Phone No. | <u>701/ 232-0592</u> |
| 2. Address of Property | <u>31 Meadowlark Ln N</u> | | |
| | City | State | Zip Code |
| | <u>FARGO</u> | <u>ND</u> | <u>58102</u> |
| 3. Legal description of the property for which the exemption is being claimed. | <u>E 75' of Lt 2, Blk 8, Woodcrest 2nd Addn</u> | | |
| 4. Parcel Number | <u>01-4050-00120-000</u> | Residential <input checked="" type="checkbox"/> | Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/> |
| 5. Mailing Address of Property Owner | <u>Same</u> | | |
| | 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). | <u>Finish exterior walls in lower level</u> | | |
| 7. Building Permit No. | <u>182080</u> | 8. Year Built | <u>1967</u> |
| 9. Date of Commencement of making the improvement | <u>December 2018</u> | | |
| 10. Estimated market value of property before improvement | \$ <u>221,700</u> | | |
| 11. Cost of making the improvement (all labor, material and overhead) | \$ <u>5,250</u> | | |
| 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 | <u>Richard A. Levenson</u> Date <u>July 19, 2019</u> |

Assessor's Determination

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| 14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): <u>5 YEARS FOR QUALIFYING WORK</u> | |
| Assessor's Signature | <u>Deer Nusske</u> Date <u>7/30/19</u> |

Action of Governing Body

| |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/> |
| Approval subject to the following conditions: _____ |
| Chairman of Governing Body _____ Date _____ |

CITY OF
Fargo
ASSESSMENT DEPARTMENT



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 Don Numbler 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)

46

✓ 21870

2500

7/29/19

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

| | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------|-------------------------------------------------------------------|---------------------------------|
| Name of Non-profit Organization Fargo Air Museum Jackie | | Date(s) of Activity to | For a raffle, provide drawing date(s): Drawings 9-14-19 | |
| Person Responsible for the Gaming Operation and Disbursement of Net Income Winnings Exec Dir | | Title | 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 Fargo ND | | State | Zip Code 58102 | County |
| Check the Game(s) to be Conducted. *Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit. | | Country USA | | |
| <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels * | | | | |

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

| Game Type | Description of Prize | Retail Value of Prize | Game Type | Description of Prize | Retail Value of Prize |
|-----------|----------------------|-----------------------|-----------|----------------------|-----------------------|
| raffle | \$100 | \$100 | | | |
| raffle | Gun | \$300 | | | |
| raffle | Membership | \$1000 | | | |
| raffle | trip to NA | \$5000 | | | |
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Total: (Limit \$12,000 per year) **\$6400**

Intended uses of gaming proceeds: Fargo 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 7-23-19 | Title Executive Director | Business Phone Number 701 293-8043 |
|----------------------------------------------------|------------------------|------------------------------------|----------------------------------------------|



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (08/2019)

4

✓ 22746
 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 Sts. Anne & Joachim Catholic Church | | Date(s) of Activity 11/10/2019 to 11/10/2019 | | For a raffle, provide drawing date(s): 11-10-19 | |
| Person Responsible for the Gaming Operation and Disbursement of Net Income Rob Asheim | | Title Bus. Manager | | Business Phone Number (701) 235-5757 | |
| Business Address 5202 25th Street South | | City Fargo | | State ND | Zip Code 58104-7119 |
| Mailing Address (if different) | | City | | State | Zip Code |
| Name of Site Where Game(s) will be Conducted Sts. Anne & Joachim Catholic Church | | Site Address 5202 25th Street South | | | |
| City Fargo | | State ND | Zip Code 58104-7119 | County Cass | |
| Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Restricted Event Permit. <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels * | | | | | |

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

| Game Type | Description of Prize | Retail Value of Prize | Game Type | Description of Prize | Retail Value of Prize |
|---------------|----------------------|-----------------------|-----------|----------------------|--------------------------------------------------|
| Raffle | Cash | \$8,000.00 | Raffle | Cash | \$500.00 |
| 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 | | | |
| 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 <i>[Signature]</i> | Date 8/2/2019 | Title Business Manager | Business Phone Number (701) 235-5757 |
|-------------------------------------------------------------------------|-------------------------|----------------------------------|------------------------------------------------|



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (08/2019)

4h

\$25.00
 Cash
 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 <i>Spartan Boosters Inc.</i> | Date(s) of Activity to | For a raffle, provide drawing date(s): <i>9/6/19 + 9/20/19</i> | |
| Person Responsible for the Gaming Operation and Disbursement of Net Income <i>Traavis Christensen</i> | Title <i>Activities Coordinator</i> | Business Phone Number <i>701-496-2407</i> | |
| Business Address <i>801 17th Ave N</i> | City <i>Fargo</i> | State <i>ND</i> | Zip Code <i>58102</i> |
| Mailing Address (if different) | City | State | Zip Code |
| Name of Site Where Game(s) will be Conducted <i>Fargodome</i> | Site Address <i>1800 N. University Drive</i> | | |
| City <i>Fargo</i> | State <i>ND</i> | Zip Code <i>58102</i> | County <i>USA</i> |
| Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Restricted Event Permit. <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels * | | | |

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

| Game Type | Description of Prize | Retail Value of Prize | Game Type | Description of Prize | Retail Value of Prize |
|---------------------|----------------------|-----------------------|-----------|----------------------|----------------------------------------------|
| <i>50/50 Raffle</i> | <i>Cash</i> | <i>\$250</i> | | | |
| <i>50/50 Raffle</i> | <i>Cash</i> | <i>\$250</i> | | | |
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| | | | | | |
| Total: | | | | | (Limit \$40,000 per year) <i>\$500.00</i> |

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 <i>[Signature]</i> | Date <i>8-5-19</i> | Title <i>Activities Coordinator</i> | Business Phone Number <i>701-496-2407</i> |
|-------------------------------------------------------------------------|-----------------------|----------------------------------------|----------------------------------------------|



46

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 Legacy Children's Foundation | | Date(s) of Activity 8/19 to 8/19 | | For a raffle, provide drawing date(s): 8/19 | |
| Person Responsible for the Gaming Operation and Disbursement of Net Income Mary Jean Dehne | | Title Executive Director | | Business Phone Number 701-793-7600 | |
| Business Address 725 28th St N. | | City Fargo | | State ND | Zip Code 58102 |
| Mailing Address (if different) — | | City — | | State — | Zip Code — |
| Name of Site Where Game(s) will be Conducted Edgewood Golf Course | | Site Address 19 Golf Course Rd | | | |
| City Fargo | | State ND | Zip Code 58102 | County Cass | |
| Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit. | | | | | |
| <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels * | | | | | |

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

| Game Type | Description of Prize | Retail Value of Prize | Game Type | Description of Prize | Retail Value of Prize |
|-----------|----------------------|-----------------------|-----------|----------------------|---------------------------------------------|
| Raffle | 50/50 | 2500 | | | |
| Raffle | Cooler | \$400- | | | |
| Raffle | Putter | \$110- | | | |
| Raffle | Speciality Fron | 110- | | | |
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| Total: | | | | | (Limit \$12,000 per year) \$ 3120 |

Intended uses of gaming proceeds: to provide after school 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 Mary Jean Dehne | Date 8/16/19 | Title Executive Director | Business Phone Number 701-793-7600 |
|------------------------------------------------------------------------------|------------------------|------------------------------------|----------------------------------------------|

**RESOLUTION
PUBLIC SPIRITED ORGANIZATIONS**

WHEREAS Legacy Children's Foundation, a Public-Spirited
(Name of Organization)

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



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (08/2019)

4K

Cash
25.00
8/8/19

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

| | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------|-------------------|----------------------------------------------------|-------------------|
| Name of Nonprofit Organization or group of people permit is issued to St. John Paul II Catholic Schools | | Date(s) of Activity 09.01.19 to 04.25.20 | | For a raffle, provide drawing date(s): 04.25.20 | |
| Person Responsible for the Gaming Operation and Disbursement of Net Income Lee Hoedl, Shanley Deacon Dinner Auction Director | | Title Auction Director | | Business Phone Number 701.306.1266 | |
| Business Address 5600 25th Street South | | City Fargo | | State MN | Zip Code 58104 |
| Mailing Address (if different) | | City | | State | Zip Code |
| Name of Site Where Game(s) will be Conducted Fargo Holiday Inn | | Site Address 3803 13th Avenue South | | | |
| City Fargo | | State ND | Zip Code 58104 | County Cass | |
| Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Restricted Event Permit. | | | | | |
| <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels * | | | | | |

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

| Game Type | Description of Prize | Retail Value of Prize | Game Type | Description of Prize | Retail Value of Prize |
|-----------|----------------------|-----------------------|-----------|----------------------|----------------------------------------|
| Raffle | School Tuition | \$6000 | | | |
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| | | | | | |
| 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 08.07.19 | Title Auction Director | Business Phone Number 701.306.1266 |
|-------------------------------------------------------|------------------|---------------------------|---------------------------------------|

5

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
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) |

①

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

| | |
|-----------------|-------------|
| <u>Routing</u> | <u>Date</u> |
| 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

Developer meets City policy for payment of delinquent specials
 Agreement for payment of specials required of developer
 50% escrow deposit required

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

COMMITTEE

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

| | | | |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Present | Yes | No | Unanimous |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
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ATTEST:


 Brenda E. Derrig, P.E.
 City Engineer

C: Kristi Olson

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



**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 (\$) | | | | | | | | | |
| | 88 | Directional Boring | LF | 0.00 | 0.00 | 552.00 | 552.00 | 552.00 | 11.00 | 6,072.00 |
| | 89 | F&I Innerduct 1.5" Dia | LF | 0.00 | 0.00 | 552.00 | 552.00 | 552.00 | 2.10 | 1,159.20 |
| SITE 33 | 90 | F&I Conductor #6 USE Cu | LF | 0.00 | 0.00 | 1,656.00 | 1,656.00 | 1,656.00 | 2.10 | 3,477.60 |
| | SITE 33 Sub Total (\$) | | | | | | | | | |
| | 91 | Remove Feed Point | EA | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 | 600.00 | 600.00 |
| | 92 | Directional Boring | LF | 0.00 | 0.00 | 152.00 | 152.00 | 152.00 | 11.00 | 1,672.00 |
| SITE 34 | 93 | F&I Innerduct 1.5" Dia | LF | 0.00 | 0.00 | 152.00 | 152.00 | 152.00 | 2.10 | 319.20 |
| | 94 | F&I Conductor #6 USE Cu | LF | 0.00 | 0.00 | 456.00 | 456.00 | 456.00 | 2.10 | 957.60 |
| | SITE 34 Sub Total (\$) | | | | | | | | | |
| | 95 | Remove Base | EA | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 | 550.00 | 550.00 |
| SITE 35 | 96 | F&I Base 6' Deep Reinf Conc | EA | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 | 1,150.00 | 1,150.00 |
| | SITE 35 Sub Total (\$) | | | | | | | | | |
| | 97 | Remove Base | EA | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 | 550.00 | 550.00 |
| | 98 | F&I Base 5' Deep Reinf Conc | EA | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 | 1,150.00 | 1,150.00 |
| SITE 36 | 99 | Directional Boring | LF | 0.00 | 0.00 | 189.00 | 189.00 | 189.00 | 11.00 | 2,079.00 |
| | SITE 36 Sub Total (\$) | | | | | | | | | |
| | SITE 37 Sub Total (\$) | | | | | | | | | |
| | SITE 38 Sub Total (\$) | | | | | | | | | |



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

| | | | | | | | | | | | |
|---------|-----|-----------------------------------|----|------|------|------|------|--------|--------|-----------|-------------------------------|
| SITE 37 | 100 | F&I Innerduct 1.5" Dia | LF | 0.00 | 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 | 0.00 | 567.00 | 567.00 | 2.10 | 1,190.70 |
| | | | | | | | | | | | SITE 37 Sub Total (\$) |
| | | | | | | | | | | | 10,000.00 |
| SITE 38 | 102 | F&I Feed Point | EA | 0.00 | 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 | 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 | 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 | 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 | 0.00 | 189.00 | 189.00 | 2.10 | 396.90 |
| | 107 | F&I Conductor #6 USE Cu | LF | 0.00 | 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 | 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 | 0.00 | 300.00 | 300.00 | 2.10 | 630.00 |
| | 110 | F&I Conductor #6 USE Cu | LF | 0.00 | 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 | 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 | 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 | 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 | 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 | 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 | 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 | 0.00 | 1.00 | 1.00 | 1,150.00 | 1,150.00 |
| | | | | | | | | | | | SITE 45 Sub Total (\$) |
| | | | | | | | | | | | 1,700.00 |



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

[Signature] 7/25/19

For Contractor *Fargo Electric Con.*

Title *Project Manager*

APPROVED DATE

[Signature]
Department Head

Mayor

Attest

[Signature] 8/7/19



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

| | |
|-----------------|------------------|
| <u>Routing</u> | <u>Date</u> |
| City Commission | <u>8/12/2019</u> |
| PWPEC File | <u>X</u> |
| Project File | <u>Rob Hasey</u> |

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 Pontoppidian 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

Developer meets City policy for payment of delinquent specials
 Agreement for payment of specials required of developer
 50% escrow deposit required

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

COMMITTEE

| | <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Tim Mahoney, Mayor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Nicole Crutchfield, Director of Planning | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Dirksen, Fire Chief | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ryan Erickson |
| Bruce Grubb, City Administrator | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Ben Dow, Director of Operations | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Sprague, City Auditor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Brenda Derrig, City Engineer | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Kent Costin, Finance Director | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:

Brenda E. Derrig, P.E.
 City Engineer

C: Kristi Olson

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.

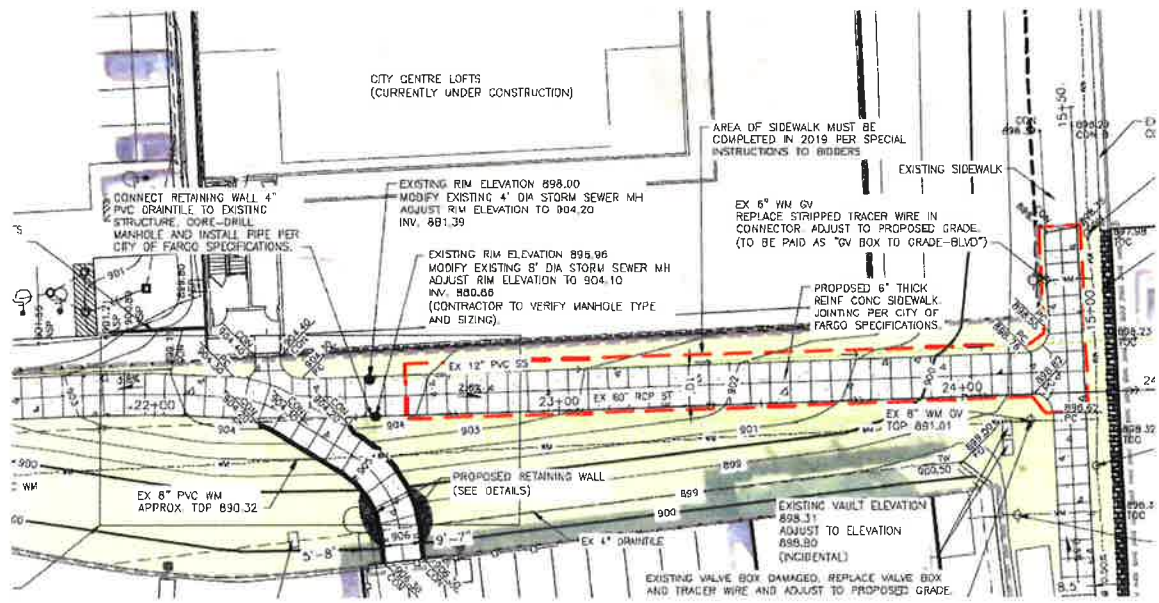
Pontoppidian Lutheran Church is requesting that a portion of their access be restored from truck damage. I met with Roy Sander who represents Pontoppidian and he stated when semi-trucks use the loading dock at the Fargo Civic Center they pull up to their dumpster and that has cause damage to their asphalt 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 15 th , 2019 | December 15 th , 2018 August 30 th , 2019 | Substantial – September 30 th , 2019 Final – October 14 th , 2019 |

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



**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



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Net Amount Change Order # 3 (\$)

Previous Change Orders (\$)

Original Contract Amount (\$)

Total Contract Amount (\$)

25,122.00
26,595.60
394,750.00
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
Vice President

APPROVED DATE

Department Head

[Signature]
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

| | |
|-----------------|-----------------|
| <u>Routing</u> | <u>Date</u> |
| 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:

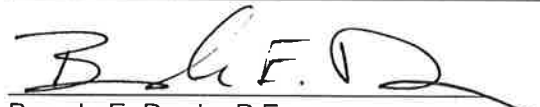
Recommended source of funding for project: Special Assessments

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

COMMITTEE

| | <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Tim Mahoney, Mayor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Nicole Crutchfield, Director of Planning | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Dirksen, Fire Chief | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ryan Erickson |
| Bruce Grubb, City Administrator | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Ben Dow, Director of Operations | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Sprague, City Auditor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Brenda Derrig, City Engineer | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Kent Costin, Finance Director | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:


 Brenda E. Derrig, P.E.
 City Engineer

C: Kristi Olson

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 |
| <u>Change Order #1</u> | \$ | <u>82,140.00</u> |
| 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

| | | | |
|---------------------|----------------------------------------|------------------------|---------------------|
| 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 (\$) | | | | | | | | | | |
| 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 | 60,540.00 |
| Section 2 City Cost Sub Total (\$) | | | | | | | | | | |

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 |



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 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

APPROVED DATE

For Contractor

Department Head

Title

Mayor

Attest

7-24-19

Cheryl Beiswenger
Office Manager

[Signature]
Mayor

8/7/19

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

| | |
|-----------------|--------------------|
| <u>Routing</u> | <u>Date</u> |
| City Commission | <u>8/12/2019</u> |
| PWPEC File | <u>X</u> |
| Project File | <u>Roger Kluck</u> |

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

Developer meets City policy for payment of delinquent specials
 Agreement for payment of specials required of developer
 50% escrow deposit required


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

COMMITTEE

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

| <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ryan Erickson |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:


 Brenda E. Derrig, P.E.
 City Engineer

C: Kristi Olson

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



**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 |
| 09/15/2019 | 10/01/2019 | 0.00 | 0.00 |
| APPROVED | | | |
| Description | | New Substantial Completion Date | New Final Completion Date |
| | | 09/15/2019 | 10/01/2019 |



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

For Contractor

Scott Saks VP 8-7-19

Title

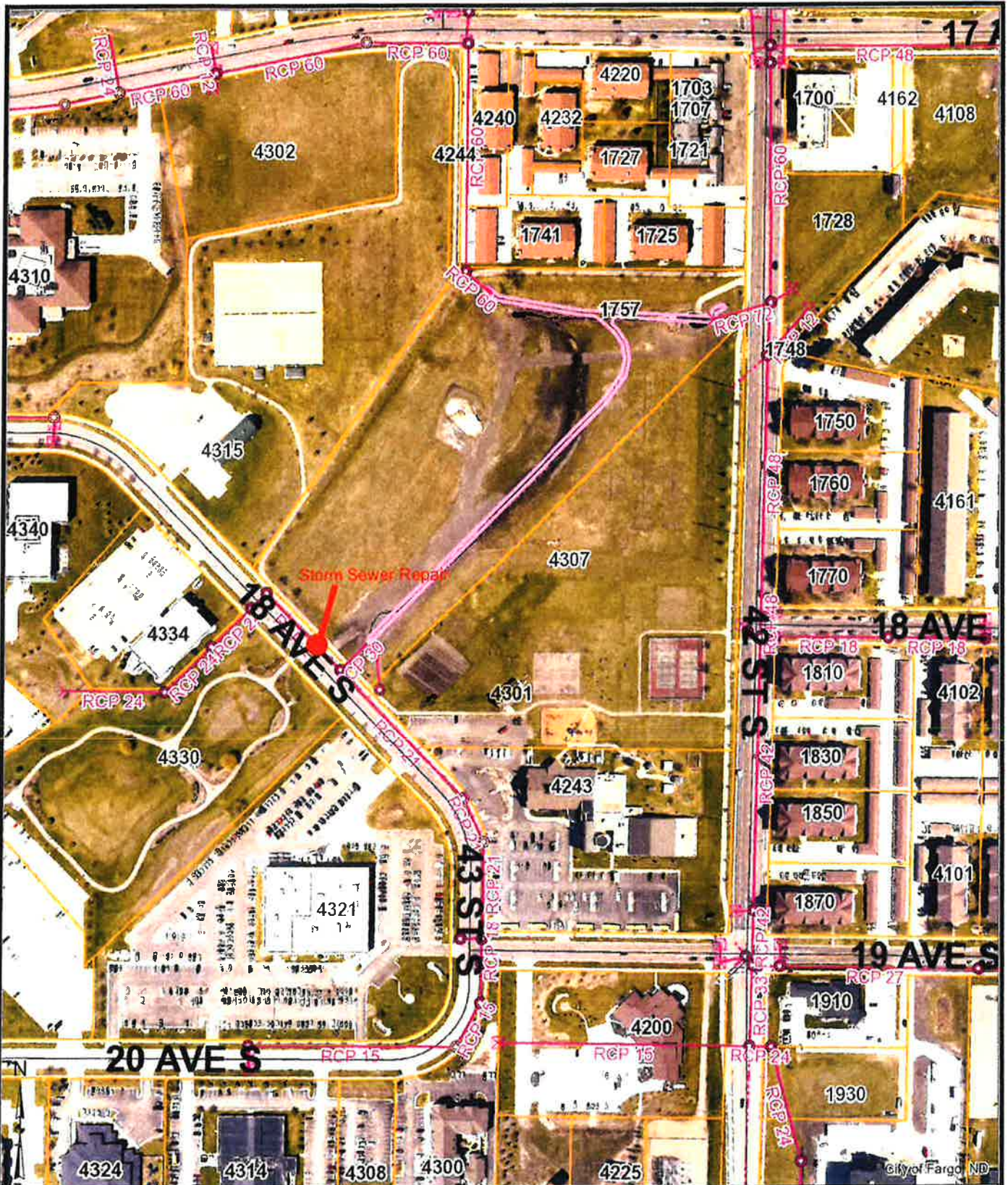
Fox Undergrounch Inc

Department Head

[Signature] 8/7/19

Mayor

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.





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

PROJECT:

YMCA Sinkhole

18th Ave S

Fargo, North Dakota

Storm Sewer Repair

| 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 (CI3) | 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



Type: Block 9 Developer and Road Use Agreement Amendment

Location: Block 9 – Broadway btwn 2nd & 3rd Avenue

Date of Hearing: 8/5/2019

| <u>Routing</u> | <u>Date</u> |
|-----------------|-----------------------|
| City Commission | <u>8/12/2019</u> |
| PWPEC File | <u>X</u> |
| Project File | <u>Kristy Schmidt</u> |

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

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

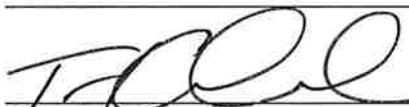
| <u>Yes</u> | <u>No</u> |
|------------|------------|
| <u>N/A</u> | <u>N/A</u> |
| <u>N/A</u> | <u>N/A</u> |
| <u>N/A</u> | <u>N/A</u> |

COMMITTEE

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

| <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ryan Erickson |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:


Brenda E. Derrig, PE
City Engineer

C: Kristi Olson

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



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.



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

1:1,128 8/8/2019 8:53:34 AM

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

City of Fargo, ND

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

M E M O R A N D U M

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 <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Contract <input type="checkbox"/> 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 <input type="checkbox"/> State Government <input type="checkbox"/> Indian Tribal Government <input type="checkbox"/> Local Government <input type="checkbox"/> Individual <input type="checkbox"/> Education <input type="checkbox"/> For Profit Organization <input type="checkbox"/> Hospital <input checked="" type="checkbox"/> Other Nonprofit Organizations <input type="checkbox"/> Other (Specify) _____ | | FUNDING SOURCE <input type="checkbox"/> Federal \$ _____ <input checked="" type="checkbox"/> State \$ _____ <input type="checkbox"/> Other \$ _____ | |
| FEDERAL AUTHORIZING LEGISLATION | | TYPE OF AWARD <input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Amendment No. _____ | |
| FEDERAL GRANT NUMBER | | CFDA NUMBER | |
| ADMINISTERING AGENCY Gladys Ray Shelter | | PROJECT ADMINISTRATOR Jan Eliassen | TELEPHONE (701) 364-0116 |
| PROCUREMENT METHOD (CONTRACTS) <input type="checkbox"/> Formal Bid <input type="checkbox"/> Noncompetitive Negotiation <input type="checkbox"/> Small Purchase <input type="checkbox"/> 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 | | \$ | <u>46,875.00</u> |
| REMARKS All funds provided under this award must be expended by June 30, 2020. | | | |
| This award agreement is entered into by the <i>RECIPIENT</i> and <i>GRANTOR</i> specified above. The <i>RECIPIENT</i> 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. 1701u (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

(Name)

Director of Public Health

(Title)



(Signature of Chief Executive Officer)

8/6/2019

(Date)

Timothy J. Mahoney

(Name)

Mayor

(Title)

Signature of Mayor, City of Fargo

(Date)

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); <u>or</u> (iii) Is exiting an institution where (s)he has resided for 90 days or less <u>and</u> 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; <u>and</u> (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; <u>and</u> (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; <u>and</u> (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)

June 7, 2019

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

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. Consistent 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
President

Encl.
cc: [advisors]

Through 
 (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.



a program of
The Barry Foundation

**FARGO POLICE DEPARTMENT**

222 Fourth Street North, Fargo, North Dakota 58102

August 7, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

(13)

COPY

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,

A handwritten signature in black ink, appearing to read "David E. Todd".

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 XTSS000, 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 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------|-------------|
| <p>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.</p> <p>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.</p> | | | |
| 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.

Regular cut



Mid cut



High cut



Custom hand-painted pattern



Mountain pattern



Urban pattern



Solid Colors



Foliage Green



Tan



Olive Green



Coyote Brown



Black

| 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) |

Retention Systems



ASPS H-Back available in Black, Tan, Foliage Green or Olive Green.



BOA 4-point Retention System with adjustable fit dial



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
Avg. Thick: 0.410 in
Thickness: 0.412 in; 0.420 in;
0.402 in; 0.407 in

Weight: 3.11 lbs
Plies/Laminates: NA

Date Received: 11/10/2017
Via: UPS
Returned: UPS

Setup

Shot Spacing: Customer request
Witness Panel: Clay
Backing Material: Clay-filled head form
Condition: Ambient

Primary Vel. Screens (ft): 5.000, 5.333,
19.667, 20.000
Primary Vel. Location (ft): 12.500
Range to Target (ft): 25.000
Target to Witness (in): 0.000

Range No.: 4
Temp: 68.5 °F
BP: 30.1 inHg
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

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

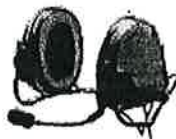


COMTAC IV HYBRID

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



Coverl 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





FARGO POLICE DEPARTMENT

222 Fourth Street North, Fargo, North Dakota 58102

David E. Todd, Chief of Police

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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,

A handwritten signature in black ink, appearing to read "David E. Todd".

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



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

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

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



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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) vendors. Two proposals met specification and are listed below.

The results are as follows:

Table with 2 columns: Firm, Total per unit. Rows: 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,

Handwritten signature of Tanner Smedshammer

Tanner Smedshammer Fleet Management Specialist

Fargo/Moorhead

Snow Removal Street Maintenance Right of Way Maintenance

Sanitary & Storm Sewer Maintenance Street Name Sign Maintenance

Fleet Management Meters Readings, Installations & Maintenance

Urban Forestry Water Service/Hydrants & Watermain Maintenance

**Request for Proposals (RFP)
8/2/19
Loader Mounted Snow Blower**

Proposal Evaluation Summary

| | RDO Equipment | Kodiak America | Swanson Equipment | Swanson Equipment | Northern Truck Equip |
|-------------------------------|----------------------------|---------------------------|------------------------------|------------------------------|---------------------------------|
| MANUFACTURER Model | Fair Mfg. Snocrete 948D | Kodiak LMSC3644 | Larue D60 340HP | Larue D60 365HP | RPM 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 |



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 Zabloutney, Park District Forester Sam DeMarais, and I reviewed these.

| <u>Company</u> | <u>Proposed Tree Cost</u> |
|------------------------------|---------------------------|
| 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

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 |
| 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: _____

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 |

APPENDIX 15

- 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%

APPENDIX 15

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.

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 |

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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

**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:

CONTRACTOR:

NAME (TYPE OR PRINT)

NAME (TYPE OR PRINT)

Dr. Timothy J. MAHONEY

SIGNATURE

SIGNATURE

MAYOR, City OF FARGO

DATE

APPROVED as to substance by:

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

DIRECTOR (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

DATE

CLA 3338 (Div. 38)
L.D. Approved 5-3-90; 8-15



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



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

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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

Table with 4 columns: Name, Present, Yes, No, Unanimous. Lists committee members and their voting status.

ATTEST:

Handwritten signature of Brenda E. Derrig, PE, City Engineer.

C: Kristi Olson

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



**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 & Incident**
 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 |
| 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 |
| Water Main Sub Total (\$) | | | | | | | | | 5,423.00 | 5,423.00 |
| Storm Sewer Sub Total (\$) | | | | | | | | | 13,778.00 | 16,804.90 |

Summary

Source Of Funding **Special Assessments**

Net Amount Change Order # 6 (\$)

Previous Change Orders (\$)

22,227.90
-52,876.25



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

[Signature]
CFO

APPROVED DATE

Department Head
[Signature] 8/7/19
 Mayor

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

| <i>Line Item</i> | <i>Material Description</i> | <i>Material Cost</i> | <i>Quantity</i> | <i>Total</i> |
|------------------|-----------------------------|----------------------|-----------------|--------------|
| 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 near Horse Park | F&I Pipe 12" Dia PVC | LF | 20 | \$60.00 | \$1,200.00 | 0.5 |
| | 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



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



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 |

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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

| | |
|-----------------|---------------|
| <u>Routing</u> | <u>Date</u> |
| 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

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

COMMITTEE

| | <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|----------------------------------------------------|
| | | | | <u> <input checked="" type="checkbox"/> </u> |
| Tim Mahoney, Mayor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Nicole Crutchfield, Director of Planning | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Dirksen, Fire Chief | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ryan Erickson |
| Bruce Grubb, City Administrator | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Ben Dow, Director of Operations | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Sprague, City Auditor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Brenda Derrig, City Engineer | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Kent Costin, Finance Director | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:


 Brenda E. Derrig, PE
 City Engineer

C: Kristi Olson

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 |
| 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 | -3,440.00 |
| | 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 (\$) | | | | | | | | | |

Attest

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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: | Yes | No |
|----------------------------------------------------------------|-----|----|
| Cass Rural WUD & Special Assessments | | |
| 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 |
|------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| | | | | <input checked="" type="checkbox"/> |
| Tim Mahoney, Mayor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Nicole Crutchfield, Director of Planning | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Dirksen, Fire Chief | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ryan Erickson |
| Bruce Grubb, City Administrator | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Ben Dow, Director of Operations | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Sprague, City Auditor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Brenda Derrig, City Engineer | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Kent Costin, Finance Director | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:

B. E. Derrig

Brenda E. Derrig, P.E.
City Engineer

C: Kristi Olson

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

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 (\$)

Previous Change Orders (\$)

Original Contract Amount (\$)

Total Contract Amount (\$)

2,200.00
0.00
790,790.38
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 *[Signature]* President

Department Head *[Signature]* 8/7/19



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Title *President*

Mayor

Attest



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 Extension 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 awarded by the City Commission on April 8th, 2019, and the contracts were approved by the City Commission 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 feasibly move equipment on-site until after May 23rd, 2019.

Additionally, since starting 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-production 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 activities this coming week include asphalt paving, flatwork, street light trenching and base pours. As long as we continue to have favorable weather, we anticipate being substantially completed by August 15th.

Thank You for your advance consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jared Heller', written over the word '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 4thrd 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.

**City of Fargo
Engineering Dept.**
225 4thrd 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 |

23

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

| | |
|-----------------|--------------------|
| <u>Routing</u> | <u>Date</u> |
| City Commission | <u>8/12/2019</u> |
| PWPEC File | <u>X</u> |
| Project File | <u>Rick Larson</u> |

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

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

COMMITTEE

| | <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|------------------------------------------|--------------------------------------------|--------------------------------------------|---------------------------------|--------------------------------------------|
| | | | | <u><input checked="" type="checkbox"/></u> |
| Tim Mahoney, Mayor | <u><input checked="" type="checkbox"/></u> | <u><input checked="" type="checkbox"/></u> | <u><input type="checkbox"/></u> | |
| Nicole Crutchfield, Director of Planning | <u><input checked="" type="checkbox"/></u> | <u><input checked="" type="checkbox"/></u> | <u><input type="checkbox"/></u> | |
| Steve Dirksen, Fire Chief | <u><input checked="" type="checkbox"/></u> | <u><input checked="" type="checkbox"/></u> | <u><input type="checkbox"/></u> | Ryan Erickson |
| Bruce Grubb, City Administrator | <u><input checked="" type="checkbox"/></u> | <u><input checked="" type="checkbox"/></u> | <u><input type="checkbox"/></u> | |
| Ben Dow, Director of Operations | <u><input checked="" type="checkbox"/></u> | <u><input checked="" type="checkbox"/></u> | <u><input type="checkbox"/></u> | |
| Steve Sprague, City Auditor | <u><input checked="" type="checkbox"/></u> | <u><input checked="" type="checkbox"/></u> | <u><input type="checkbox"/></u> | |
| Brenda Derrig, City Engineer | <u><input checked="" type="checkbox"/></u> | <u><input checked="" type="checkbox"/></u> | <u><input type="checkbox"/></u> | |
| Kent Costin, Finance Director | <u><input checked="" type="checkbox"/></u> | <u><input checked="" type="checkbox"/></u> | <u><input type="checkbox"/></u> | |

ATTEST:


 Brenda E. Derrig, P.E.
 City Engineer

C: Kristi Olson

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-PARTICIPATING |
| | | | | | | | | 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 PROJECT ENGINEER () Approved DATE

() Approval Recommended DISTRICT ENGINEER () Approved DATE

() Approval Recommended OFFICE OF OPERATIONS () Approved DATE

2A

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) Date of Hearing: 8/5/2019
 6th Ave. S. (4th St to 250' west)

| | |
|-----------------|----------------------|
| <u>Routing</u> | <u>Date</u> |
| City Commission | <u>8/12/2019</u> |
| PWPEC File | <u>X</u> |
| Project File | <u>Brian Skanson</u> |

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

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

COMMITTEE

| | <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|----------------------|
| Tim Mahoney, Mayor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| Nicole Crutchfield, Director of Planning | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| Steve Dirksen, Fire Chief | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Ryan Erickson</u> |
| Bruce Grubb, City Administrator | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| Ben Dow, Director of Operations | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| Steve Sprague, City Auditor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| Brenda Derrig, City Engineer | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| Kent Costin, Finance Director | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u> </u> |

ATTEST:

B. E. Derrig
 Brenda E. Derrig, PE
 City Engineer

C: Kristi Olson



**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 (\$) | | | | | | | | | |
| 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 |



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

| Item No | Description | EA | 4.00 | 0.00 | 4.00 | 2.00 | 6.00 | 3,000.00 | 6,000.00 |
|----------------------------------------------|-----------------------------------------------|----|----------|------|----------|---------|----------|----------|-----------|
| 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 (\$) | | | | | | | | | |
| 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 (\$) | | | | | | | | | |
| 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 Impressed 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 |



**CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT**

| | | | | | | | | | | |
|-------------------------------|-----------------------------------------|---------------------------------------|-------------------------|----------|-------|----------|-----------|----------|-----------|-----------|
| 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 |
| 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 (\$) | | | | | | | | | | |
| 12,875.00 | | | | | | | | | | |
| 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 |
| | Traffic Signals Sub Total (\$) | | | | | | | | | |
| 12,875.00 | | | | | | | | | | |



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

| | 89 | F&I Ped Head 1 Sect Countdown w/LED Mid | EA | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 2.00 | 925.00 | 925.00 |
|---------------------------------------|-----|----------------------------------------------|----|----------|------|----------|--------|----------|----------|----------|--------------|
| Traffic Signals | 93 | F&I Emerg Veh Pre-emption System | EA | 1.00 | 0.00 | 1.00 | -1.00 | 0.00 | 0.00 | 8,240.00 | -8,240.00 |
| | 96 | F&I Equipment Controller | EA | 1.00 | 0.00 | 1.00 | -1.00 | 0.00 | 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 | 0.00 | 4.00 | -244.00 |
| | 100 | F&I Signal Cable 3M Opticom | LF | 75.00 | 0.00 | 75.00 | -75.00 | 0.00 | 0.00 | 1.50 | -112.50 |
| Traffic Signals Sub Total (\$) | | | | | | | | | | | |
| | 109 | Remove Street Light | EA | 12.00 | 0.00 | 12.00 | 1.00 | 13.00 | 13.00 | 205.00 | 205.00 |
| Street Lighting | 110 | F&I Base 6' Deep Reinf Conc | EA | 9.00 | 0.00 | 9.00 | 1.00 | 10.00 | 10.00 | 825.00 | 825.00 |
| | 111 | Remove Base | EA | 12.00 | 0.00 | 12.00 | 1.00 | 13.00 | 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 | 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 | 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 | 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 | 1.00 | 2,750.00 | 2,750.00 |
| Street Lighting Sub Total (\$) | | | | | | | | | | | |
| Grand Total (\$) | | | | | | | | | | | |
| | | | | | | | | | | | -55,623.62 |
| | | | | | | | | | | | 29,621.07 |
| | | | | | | | | | | | 1,512,947.20 |
| | | | | | | | | | | | 1,486,944.65 |

* NC Items

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 |



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

| | | | |
|-------------|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--------|
| Description | | | |
| APPROVED |  For Contractor | APPROVED DATE | |
| Title | Dakota Underground Company Project Manager |  Department Head Mayor | 8/7/19 |
| | | Attest | |

25

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 | <u>8/12/2019</u> |
| PWPEC File | <u>X</u> |
| Project File | <u>Jody Bertrand</u> |

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 their 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 | <u>N/A</u> | <u>N/A</u> |
| Agreement for payment of specials required of developer | <u>N/A</u> | <u>N/A</u> |
| Letter of Credit required (per policy approved 5-28-13) | <u>N/A</u> | <u>N/A</u> |

COMMITTEE

| | | | | |
|------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| | Present | Yes | No | Unanimous |
| | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Tim Mahoney, Mayor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Nicole Crutchfield, Director of Planning | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Dirksen, Fire Chief | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ryan Erickson |
| Bruce Grubb, City Administrator | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Ben Dow, Director of Operations | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Sprague, City Auditor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Brenda Derrig, City Engineer | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Kent Costin, Finance Director | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:

B. E. Derrig
Brenda E. Derrig, PE
City Engineer

C: Kristi Olson

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

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



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

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.

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)

Project NN-19-A0 Scoping Request

- 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

Project NN-19-A0 Scoping Request

- 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 29 th , 2019 |
| Consultant Selected | August 6 th , 2019 |
| Notice to Proceed | August 13 th , 2019 (Pending PWPEC/CC approval) |
| Design kick off meeting | August 19 th , 2019 (week of) |
| 50% review plans | November 1 st , 2019 |
| 90% review plans | December 13 th , 2020 |
| Final plans, specs & bid documents | January 10 th , 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.

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 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



July 29, 2019

Jody Bertrand
City of Fargo
200 North 3rd Street
Fargo, ND 58102

Via email: jbertrand@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 | <u>\$15,000.00</u> |
| Preliminary Survey | <u>\$2,800.00</u> |
| Preliminary Engineering | <u>\$6,800.00</u> |
| Geotechnical Investigation | <u>\$8,900.00</u> |
| Design and Plan Preparation | <u>\$80,200.00</u> |
| Construction Administration, Inspection & Survey | <u>\$124,390.00</u> |
| Project Closeout | <u>\$11,910.00</u> |
| Total Not to Exceed Proposal | <u>\$250,000.00</u> |

Hourly Service Estimate for all Construction Phases

Estimated Duration of Construction 6 months

| Construction Staking Extension | Hours | Rate |
|-----------------------------------|------------|---------------------|
| Survey Crew | <u>40</u> | <u>\$210.00</u> |
| Construction Inspection | <u>274</u> | <u>\$135.00</u> |
| Engineer | <u>80</u> | <u>\$150.00</u> |
| Inspector | <u>480</u> | <u>\$100.00</u> |
| Subtotal Hourly Services | | <u>\$105,390.00</u> |
| Quality Control Testing Estimate | | <u>\$19,000.00</u> |

Total \$124,390.00 (This shall equal the
 Construction Administration, Inspection and Survey line item above)

Firm: Moore Engineering, Inc.

Approved: 
 Name

Vice President
 Title

7/29/2019
 Date

MOORE ENGINEERING, INC.
2019-2021 City of Fargo BILLING SCHEDULE

| | Description | 2019 Billing Rate | 2020 Billing Rate | 2021 Billing Rate |
|-----------------|-----------------------------------------|-------------------|-------------------|-------------------|
| | | Per Hour | Per Hour | 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: *[Signature]*

Name: Dr. Tim Mahoney

Name: *Wick Glude*

Title: Mayor

Title: *Vice President*

Designated Representative for Task Order:

Designated Representative for Task Order:

Name: JODY BERTRAND

Name: *Tracy D. Estliner, 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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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

| | |
|-----------------|-------------------------|
| <u>Routing</u> | <u>Date</u> |
| City Commission | <u>8/12/2019</u> |
| PWPEC File | <u>X</u> |
| Project File | <u>Jason Satterlund</u> |

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


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

COMMITTEE

| | <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------------------------|
| | | | | <u><input checked="" type="checkbox"/></u> |
| Tim Mahoney, Mayor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Nicole Crutchfield, Director of Planning | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Dirksen, Fire Chief | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ryan Erickson |
| Bruce Grubb, City Administrator | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Ben Dow, Director of Operations | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Sprague, City Auditor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Brenda Derrig, City Engineer | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Kent Costin, Finance Director | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:

C: Kristi Olson


 Brenda E. Derrig, PE
 City Engineer

Memorandum

To: Members of PWPEC
From: 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

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 (\$) | | | | | | | | | | |
| Original Contract Amount (\$) | | | | | | | | | | |
| Total Contract Amount (\$) | | | | | | | | | | |

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 (JN-18-C1).

APPROVED

Northern Improvement Company
For Contractor

[Signature]
Department Head
Mayor

Title
VICE PRESIDENT



**CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT**

Attest

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

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

COMMITTEE

Table with 5 columns: Name, Present, Yes, No, Unanimous. Rows include 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:

C: Kristi Olson

Brenda E. Derrig signature
Brenda E. Derrig, PE
City Engineer

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

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 |

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 interim 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 (\$) | | | | | | | | | | |
| Original Contract Amount (\$) | | | | | | | | | | |
| Total Contract Amount (\$) | | | | | | | | | | |

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 *Ryan Jensen* **APPROVED DATE** 7/19/2019
 For Contractor Department Head *F. Cole* 8/17/19

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 701-223-6695
Fax 701-224-0937

Office
Dickinson, North Dakota
PO Box 1035
58602-1035
Phone 701-225-5197
Fax 701-225-0207

IMPROVEMENT COMPANY

Thomas M^CCormick, President/CEO
Steve M^CCormick, 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 1/2 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
Project Estimator/Manager

www.nicnd.com
Highway - Heavy - Municipal Contractor
We are an Equal Opportunity Employer





○ 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,

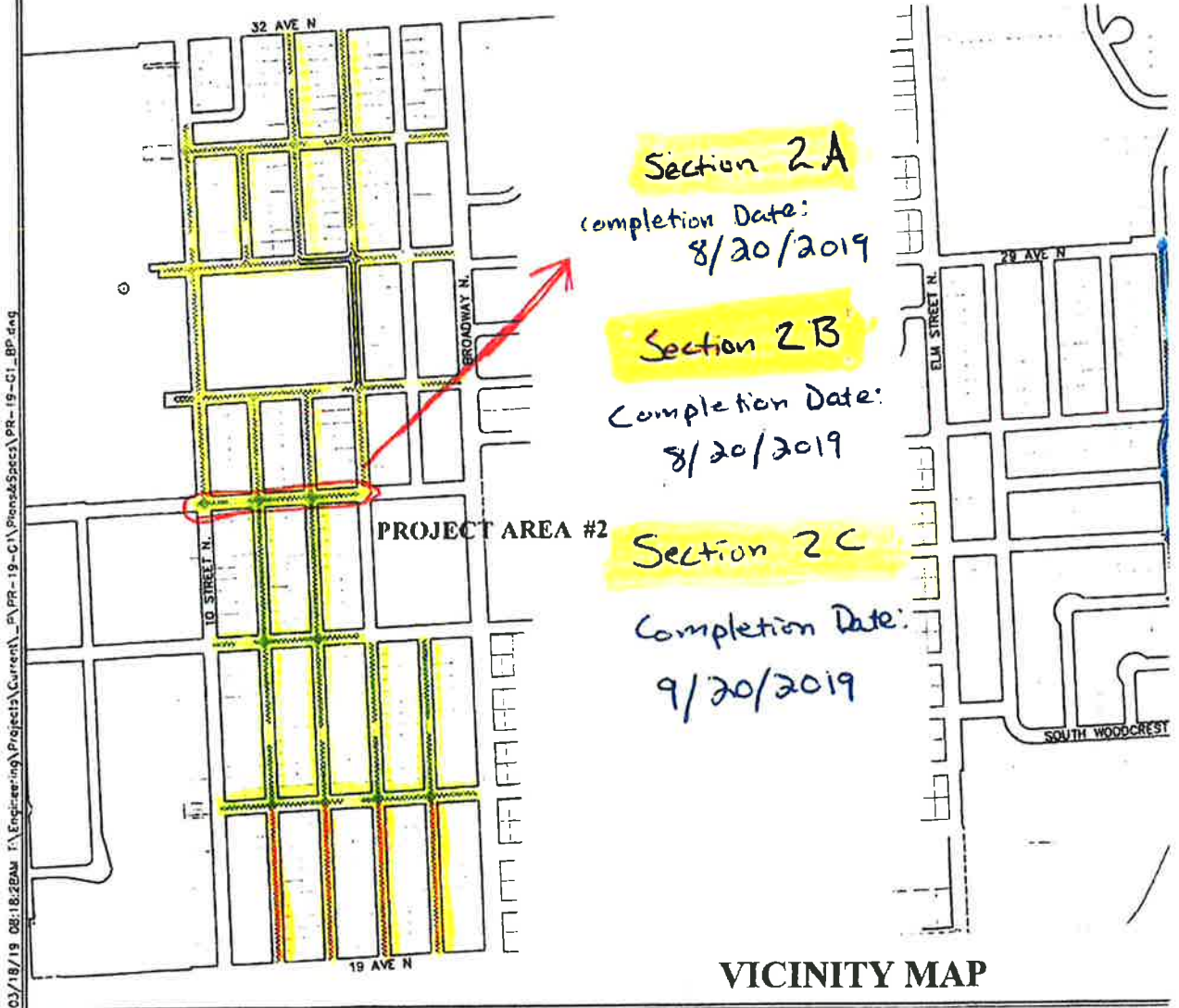
Lance Strum
Sr. Project Manager

PI

Asphalt Mill & C

ENGINEER

Improvement



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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

| | |
|-----------------|------------------|
| <u>Routing</u> | <u>Date</u> |
| City Commission | <u>8/12/2019</u> |
| PWPEC File | <u>X</u> |
| Project File | <u>Jim Mohr</u> |

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

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

COMMITTEE

| | <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------------------------|
| | | | | <u><input checked="" type="checkbox"/></u> |
| Tim Mahoney, Mayor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Nicole Crutchfield, Director of Planning | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Dirksen, Fire Chief | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ryan Erickson |
| Bruce Grubb, City Administrator | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Ben Dow, Director of Operations | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Sprague, City Auditor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Brenda Derrig, City Engineer | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Kent Costin, Finance Director | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:


 Brenda E. Derrig, PE
 City Engineer

C: Kristi Olson



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



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

APPROVED DATE

For Contractor 
Title VICE PRESIDENT

Department Head 
Mayor 8/7/19

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

| | |
|-----------------|-------------|
| <u>Routing</u> | <u>Date</u> |
| 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 |
|------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| | | | | <input checked="" type="checkbox"/> |
| Tim Mahoney, Mayor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Nicole Crutchfield, Director of Planning | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Dirksen, Fire Chief | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ryan Erickson |
| Bruce Grubb, City Administrator | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Ben Dow, Director of Operations | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Sprague, City Auditor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Brenda Derrig, City Engineer | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Kent Costin, Finance Director | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:

C: Kristi Olson


 Brenda E. Derrig, P.E.
 City Engineer



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 |



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
 [Signature]
 Title
 PRES.

APPROVED DATE

Department Head
 [Signature]
 Mayor
 8/7/19

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

| | |
|-----------------|-------------------------|
| <u>Routing</u> | <u>Date</u> |
| City Commission | <u>8/12/2019</u> |
| PWPEC File | <u>X</u> |
| Project File | <u>Jason Satterlund</u> |

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

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

COMMITTEE

| | <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------------------------|
| | | | | <u><input checked="" type="checkbox"/></u> |
| Tim Mahoney, Mayor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Nicole Crutchfield, Director of Planning | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Dirksen, Fire Chief | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ryan Erickson |
| Bruce Grubb, City Administrator | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Ben Dow, Director of Operations | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Steve Sprague, City Auditor | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Brenda Derrig, City Engineer | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Kent Costin, Finance Director | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:


 Brenda E. Derrig, P.E.
 City Engineer

C: Kristi Olson

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

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

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

| 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 Attest 8/7/19 | | | | | |

(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

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BR-19-B1 Type: 2019 CIP Revision

Location: 43 1/2 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 1/2 St N between 3 Ave N and 7 Ave N. Approximately 350' of 43 1/2 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.

COMMENDED MOTION

Concur with PWPEC recommendation and approve the 2019 CIP revision.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Special Assessment

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

COMMITTEE

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

Table with 4 columns: Present, Yes, No, Unanimous. Rows for each committee member with checkmarks or symbols indicating their vote.

ATTEST:

Signature of Brenda E. Derrig, PE, City Engineer

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 Call1-800-795-0555

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: Aug 5, 2019.

Master Construction Co., Inc., a North Dakota corporation

By: [Signature]

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.

[Signature: Renae Heger]

(SEAL)

RENAE HEGER
Notary Public
State of North Dakota
My Commission Expires May 17, 2022

Notary Public
Cass County, ND

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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 % |
| | | | Legal & Misc | 3.00 % |
| | | | Contingencies | 10.00 % |
| | | | Administration | 1.94 % |
| | | | Interest | 4.00 % |
| | | | Outside Engineering | 4.66 % |
| | | | 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

