FARGO CITY COMMISSION AGENDA
Monday, December 4, 2017 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at www.FargoND.gov/streaming. They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at www.FargoND.gov/citycommission.

A. Pledge of Allegiance.

B. Roll Call.

C. Approve Order of Agenda.

D. Minutes (Regular Meeting, November 20, 2017 and Special Meeting, November 27, 2017).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 11/20/17:
   a. Amending Article 13-10 of Chapter 13 of the Fargo Municipal Code Relating to Aquatic Venues.
   b. Amending Article 21-04 of Chapter 21 of the Fargo Municipal Code Relating to the International Building Code.

2. Tax exemptions for improvements made to buildings:
   a. Jeffrey and Rebecca Ledoux, 4442 Carrie Rose Lane South (3 year).
   b. John K. Stibbe, 220 8th Street South, Unit B1 (3 year).
   c. Elaine I. Mitzel, 1804 28th Avenue South (3 year).
   d. Patrick R. and Megan M. Stollenwerk, 3142 Edgewood Drive North (5 year).
   e. Ray and Sylvia Heupel, 2413 16th Street South (5 year).
   f. Jack and Kay Holm, 2905 3rd Street North (5 year).
   g. Nicholas R. and Tracy R. Lee, 2514 East Country Club Drive South (5 year).
   h. Gary L. and Elizabeth J. Anderson, 501 20th Avenue North (5 year).
   i. Cloy D. and Miriam B. Tobola, 1346 2nd Street North (5 year).
   j. Paul S. and Rhonda L. Peterson, 1542 3rd Street North (5 year).
   k. Terry T. and Shirley A. Nerby, 2515 2nd Street North (5 year).
   l. Craig and Virginia Mueller, 2820 Elm Street North (5 year).
   m. Kevin G. and Colleen A. Lanners, 2553 Willow Road North (5 year).
   n. James A. and Kay Dell Breyer, 2565 Willow Road North (5 year).
   o. MJ Properties LLC, 1521 10th Street North (5 year).
   p. Michelle Paulus Barry, 1461 10th Street North (5 year).
   q. Kyle and Jeanne Bakken, 3231 Elm Street North (5 year).
   r. Gerald and Georgianna R. Lacher, 814 30th Street North (5 year).

3. Amended site authorization for the Plains Art Museum at Wild Bill's Sports Saloon.

4. Games of Chance application for Muskies Inc. F-M Chapter for a raffle on 2/8/18.

5. Agreement for Downtown Business Improvement District Services and Materials with the Downtown Community Partnership from 1/1/18 to 12/31/20.

6. Name change of the liquor license held by GM Fargo, LLC d/b/a Green Mill to GM Fargo, LLC d/b/a Crooked Pint Ale House.

7. Sole Source Procurement with MityLite, Inc., Clarin/Hussey Seating and Stageright Corp. for a three-year period for replacement components of existing purchases at the FARGODOME.

8. Sole Source Procurement of the 2018 subscription of the Arena Network at the FARGODOME.

9. Bid award of janitorial products at the FARGODOME.

10. Agreement for Services with Jaci McCaskell Kulish to assist in the development of the breastfeeding peer counselor role.

11. Agreement with Richland County Health Department to provide nurse practitioner services for family planning services.

12. Client Agreement with TargetSolutions for online training program platform.

13. Position Evaluation Committee Recommendations.

14. Set December 18, 2017 at 5:15 pm as the date and time for a hearing on a dangerous building at 1011 5th Avenue South.

15. 2018 Police Department budget adjustment and COPS Hiring Program Grant award in the amount of $217,758.00 (CFDA #16.710).

16. Change Order No. G-3 for an increase of $9,462.00 for the general construction contract for the Police Department Remodeling Project at the Border States Electric Building.

17. Resolution Approving Plat of Brandt Crossing Thirteenth Addition.

18. Bid award for chemicals at the Water Treatment Plant and Wastewater for 2018.

19. Three-Year General Engineering Service Agreements with the following consultants:
    a. AE2S/Black & Veatch and Apex/Carollo for Water Utility.
    b. AE2S/Black & Veatch and Apex/Carollo for Wastewater Utility.
    c. Wenck Associates for Solid Waste Utility.

20. Application of 13.5 calendar days of liquidated damages in the amount of $1,200.00 per day and extend the substantial completion date to 5/15/18 (Project No. UN-15-B1).

21. Release of Permanent Easement (Storm Sewer) within Fargo Park District Property (Project No. FM-14-81).

22. ND Department of Transportation – Transportation Alternatives Program Application for 2019 Construction.

23. Contract and bond for Project No. UR-17-C1.

24. Bills.

25. Negative Final Balancing Change Order No. 4 in the amount of -$125,339.61 for Improvement District No. BN-16-G1.

26. Negative Final Balancing Change Order No. 1 in the amount of -$21,346.86 for Improvement District No. PN-17-A1.

27. Change Order No. 3 for an increase of $14,700.00 and a time extension to 7/18/18 for Improvement District No. BN-17-B1.

28. Change Order No. 3 for an increase of $79,037.50 and time extension to 7/15/18 for Improvement District No. BR-17-F1.

29. Change Order No. 1 for an increase of $4,830.00 and time extension for substantial completion to 10/17/17 for Improvement District No. BR-17-L1.

30. Encroachment Agreement with the Fargo Park District, waiving the application and annual fees (Improvement District No. BR-17-G1).

31. Bid award for Improvement District No. PR-17-B1.

32. ND Department of Transportation Urban Agreement for Construction of Federal Aid Project Title II Safety Program (Improvement District No. BN-17-A2).

33. Contract and bond for Improvement District No. SN-16-C1.

REGULAR AGENDA:

34. 4th Grade Students from Washington Elementary will share their local service learning project centered around hunger solutions.

35. Public Hearings - 5:15 pm:
    a. CONTINUE to 12/18/17 - Vacation of a portion of 2nd Street North between 1st Avenue North to 5th Avenue North of North Dakota R-1 Urban Renewal Addition (2nd Street North/ /from 1st Avenue North to 5th Avenue North); approval recommended by the Planning Commission on 6/6/17.

    b. CONTINUE to 12/18/17 - Dedication Plat of 2nd Street North on portions of North Dakota R-1 Urban Renewal Addition, Keeney and Devitt's Second Addition and portions of vacated 2nd Street North, 4th Avenue North and 5th Avenue North (2nd Street North, from 1st Avenue to 5th Avenue North); approval recommended by the Planning Commission on 6/6/17.

    c. Street Vacation Plat of 22nd Street North between Block 11 and Block 12, Tyler's Addition (300 and 400 Blocks of 22nd Street North); approval recommended by the Planning Commission on 9/5/17.

36. Quarterly update from the Greater Fargo Moorhead Economic Development Corporation.

37. State Water Commission requests for Cost Reimbursement for FM Diversion Flood Project Costs:
    a. Costs totaling $897,057.00.
    b. Costs totaling $488,613.00

38. Consider request to approve Downtown InFocus: A Blueprint for Fargo's Core.

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
FARGO, NORTH DAKOTA

1a

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 13-10 OF CHAPTER 13
OF THE FARGO MUNICIPAL CODE RELATING TO
AQUATIC VENUES

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. Amendment.

Section 13-1001 of Article 13-10 of Chapter 13 of the Fargo Municipal Code is hereby amended to read as follows:

13-1001. Definitions. —

1. ~~"Health department"~~ "Authority Having Jurisdiction" (also referred to as "AHJ") and "health department" shall mean the health department of the city of Fargo.

2. "Certified ~~O~~operator" shall mean the person ~~designated by the owner as responsible to operate and maintain the pool in compliance with this ordinance., and have~~ having a current certification from the successful completion of at least one of the following three courses: (a) the National Swimming Pool Foundation Certified Pool Operator course, (b)

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both Tech I and Tech II courses of the National Spa and Pool Institute and (c) the National Recreation and Park Association Aquatic Facility Operator course.

3. "Person" shall mean any individual, limited liability company, firm, partnership, association, corporation, company, society, government agency, club, business entity or organization of any kind.

4. "Pool" shall mean any structure, chamber, or tank containing an artificial body of water for recreational use including, without limitation, a competition pool, wading pool, splash pad, spa, lazy river, special purpose pool, plunge pool, water slide, flume, speed slide, wave pool, sand bottom pool, vortex pool and zero depth entry pool.

5. "Private residential pool" shall mean a pool connected with a single family residence or with a multi-unit owner-occupied complex, that is located on private property, and that is under the control of the property owner or owners, the use of which pool is limited to the owner or owners or the family members or invited guests of the owner or owners or of their families, is deeper than 2 feet, and has a recirculation system. A pool that is used for commercial purposes is not a private residential pool.

~~6. "Recreational aquatic facilities" shall mean water play areas used for bathing, swimming or barefooted activities that include one or more pools.~~

Section 2. Enactment.

Sections 13-1001.1 and 13-1001.2 of Article 13-10 of Chapter 13 of the Fargo Municipal Code are hereby enacted as follows:

13-1001.1 Model Aquatic Health Code Adopted-Amendments.—The installation, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, operation and maintenance of pools in the city of Fargo, North Dakota, shall meet with the provisions of the 2016 edition of the Model Aquatic Health Code of the Center for Disease Control of the Department of Health and Human Services of the United States of America as the same are now established in said code, a copy of which is on file in the office of the city auditor for the city of Fargo, with the exception of the sections hereinafter set forth affecting local conditions in the city of Fargo, which sections shall be substituted for and in lieu of like sections or paragraphs in said Model Aquatic Health Code; and the board of city commissioners of said city of Fargo, by this section hereby approves and adopts such code, as so modified, for use and application in the city of Fargo, North Dakota.

13-1001.2. Modification of Model Aquatic Health Code.—The Model Aquatic Health Code as adopted in §13-1001.1 is hereby amended as follows:

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1. The following sections and paragraphs of Chapter 5 are hereby deleted in their entirety:

   Sections 5.4.2.1; 5.4.1.2; 5.7.5.9 and 5.12.2.1 and paragraphs 5.5.6.1.2; 5.6.2.10.1; 5.6.3.3.2; 5.6.7.4.2; 5.6.7.4.3; 5.6.9.3.9; 5.8.5.3.2; 5.8.5.4.3 and 5.8.5.4.4.

2. The following parts of Chapter 6 are hereby deleted in their entirety:

   Parts 6.1 and 6.2.

3. Section 5.7.3.5.1 of Chapter 5 is hereby amended to read as follows:

   Acceptable disinfectant and pH control chemicals ~~shall~~ may be delivered through an automatic chemical feed system upon adoption of this CODE.

4. Paragraph 5.7.3.7.1 of Chapter 5 is hereby amended to read as follows:

   An AUTOMATED CONTROLLER capable of measuring the disinfectant residual *(FAC or bromine)* or surrogate such as ORP ~~shall~~ may be used to maintain the disinfectant residual in AQUATIC VENUES as outlined in MAHC 4.7.3.2.8.

5. Paragraph 5.9.2.4.1 of Chapter 5 is hereby amended to read as follows:

   DISINFECTION and pH control chemicals shall be ~~automatically~~ introduced through the RECIRCULATION SYSTEM.

6. Paragraph 6.3.2.1.7 of Chapter 6 is hereby amended to read as follows:

   List of Aquatic Facilities Requiring Qualified Lifeguards

   Note: This list includes but shall not be limited to the following:

   1) For new construction occurring from the date of acceptance of this CODE, any AQUATIC VENUE deeper than five feet *(1.5 m)* at any point;

   2) Any AQUATIC VENUE that allows for unsupervised children under the age of 14 years;

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3) Any AQUATIC VENUE while it is being used for the recreation of youth groups, including but not limited to childcare usage or school groups;

4) Any AQUATIC VENUE while it is being used for group training must have dedicated lifeguards on DECK for class surveillance, sufficient to meet the requirements of MAHC 6.3.3.1, including but not limited to competitive swimming and/or sports, lifeguard training, exercise programs, and swimming lessons;

5) Any AQUATIC VENUE with a configuration in which any point on the AQUATIC VENUE surface exceeds 30 feet *(9.1 m)* from the nearest DECK;

6) Any AQUATIC VENUE with an induced current or wave action including but not limited to WAVE POOLS and LAZY RIVERS; and

~~7) Waterslide landing pools; and~~

~~8~~7) Any AQUATIC VENUE in which BATHERS enter the water from any height above the DECK including but not limited to diving boards, DROP SLIDES, starting platforms, and/or climbing walls. This does not include POOL SLIDES.

7. Paragraph 6.3.1.1.2 of Chapter 6 is hereby amended to read as follows:

A QUALIFIED OPERATOR shall be on-site or immediately available within two hours during all hours of operation at an AQUATIC FACILITY that has:

1) More than two AQUATIC VENUES; or
2) An AQUATIC VENUE of over ~~50,000~~5,000 gallons of water; or
3) AQUATIC VENUES that include AQUATIC FEATURES with recirculated water; or
4) An aquatic venue used as a therapy pool; or
5) An AQUATIC VENUE used to provide swimming training.

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Section 3. Amendment.

Section 13-1002 of Article 13-10 of Chapter 13 of the Fargo Municipal Code is hereby amended to read as follows:

13-1002. - Regulation by health department.—

1. The health department, and agents and employees thereof, shall have authority to regulate the public health and safety in the city of Fargo concerning use, design, operation, and maintenance of ~~recreational aquatic facilities~~Aquatic Venues. The health department shall have such authority to adopt regulations, rules, standards and practices. Such regulations, rules, standards, and practices shall be approved by the board of city commissioners, are hereby adopted by reference and fully incorporated herein, including any amendments hereinafter adopted, and shall be controlling within the jurisdiction of the health department.

2. No person shall own, operate or allow to be occupied a ~~recreational aquatic facility~~Aquatic Venue, except a private residential pool, without a license for such issued by the health department pursuant to this article.

3. No person shall own, operate or allow to be occupied a private residential pool unless said pool is completely encircled by a fence or other barrier at least five (5) feet in height and with respect to any gates or doors for such fence or other ~~barrier~~barriers, said gates or doors are equipped with latches that allow them to be opened from the inside and the latches must be capable of being locked to prevent access when the pool is unattended.

4. No person shall occupy an Aquatic Venue that has been closed and placarded for closure by the health department, as provided in section 6.6.4 of the Model Aquatic Health Code adopted herein, and no licensee shall allow such Aquatic Venue to be occupied after such closure and placarding other than for the limited purposes of repairs, maintenance or other activities needed to correct an imminent health hazard.

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Section 4. Amendment.

Sections 13-1003, 13-1008, 13-1009, 13-1012 and 13-1013 of Article 13-10 of Chapter 13 of the Fargo Municipal Code is hereby amended to read as follows:

13-1003. Health department approval of construction plans.—Before any construction, alteration, addition, remodeling or other improvement to ~~a recreational aquatic facility, except a private residential pool,~~ an Aquatic Venue, the plans and specifications shall be approved by the health department.

13-1008. Inspection by health department.--The health department may inspect or cause to be inspected, all recreational aquatic facilities, including private residential pools, within the city at such times as it may deem necessary to carry out the intent of this ordinance. The health department is hereby authorized to enter upon any premises, private or public, to take such samples of water from such pools at such times as it may deem necessary and to require the owner, proprietor or operator to comply with rules and regulations pertaining to ~~recreational aquatic facilities~~Aquatic Venues promulgated by the health department in accordance with this ordinance, and as approved by the board of city commissioners. In the event of the failure of compliance after due notice with the rules and regulations and requirements of the health department or the requirements of this ordinance, the health department shall have the power to abate or cause a suspension of the use of such ~~recreational aquatic facility~~ Aquatic Venue or private residential pool until such time as the same is, in the opinion of the health department, no longer a menace or a hazard to health, safety or morals.

13-1009. Periodic inspection and testing by the health department.--All ~~recreational aquatic facilities~~ Aquatic Venues in use shall be sampled and tested for water quality at intervals to be determined by the health department. The allowable limits and frequency of such tests shall be as determined by the health department.

13-1011. Licensing and Fees.—A license shall be issued when investigation has determined that the recreational aquatic facility and its method of operation will conform to the requirements of this chapter. A license, once issued, is nontransferable. A license shall be valid only for the location, unless revoked for cause, for the time period indicated. The license shall be posted in a conspicuous place in the ~~recreational aquatic facility~~Aquatic Venue. Fees shall be set by resolution of the board of city commissioners and shall be sufficient to cover the actual expenses of

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administering and enforcing this program, including the expenses of inspecting. The fee for the periodic tests required in 13-1009 shall be established by resolution of the board of city commissioners. Periodic inspection and testing fees shall be at the expense of the ~~recreational aquatic facility~~Aquatic Venue.

13-1012. License-Compliance and revocation.

A. All licensees shall comply with the requirements of the regulations, rules, standards and practices promulgated and adopted as set forth in section 13-1002. The health department may revoke any license to operate ~~a recreational aquatic facility~~an Aquatic Venue ~~or~~; may direct any ~~recreational aquatic facility~~Aquatic Venue facility to close upon violation of this chapter including a violation of the adopted regulations, rules, standards and practices~~.~~ and including the failure to pay the administrative penalty imposed pursuant to this section; or may both order such closure and revoke such license.

1. When the health department has revoked ~~a recreational aquatic facility~~an Aquatic Venue license, the person in charge:

~~A.~~a. Shall immediately close the pool for use by anyone;

~~B.~~b. Shall be notified in writing by the health department that the ~~recreational aquatic facility~~Aquatic Venue license is immediately revoked upon service of the notice and the suspension shall remain in effect until a hearing with the health department occurs. If the health department finds the operation to be in compliance with the requirements of this chapter, the ~~recreational aquatic facility~~Aquatic Venue facility may reapply for a new license;

~~C.~~c. May request a hearing by filing a written request for a hearing with the health department within 10 days of receipt of the notice of revocation; and,

~~D.~~d. Shall be notified, if a written request for a hearing is not filed within 10 days that the revocation shall be sustained.

Any ~~recreational aquatic facility~~Aquatic Venue owner whose license has been revoked may, at any time, make written application for a re-inspection for the purpose of re-applying for a license. The application shall include a statement, signed by the owner, that, in the owner's opinion, the conditions causing the revocation have been corrected.

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A new license may be issued if the health department determines that conditions which prompted the revocation no longer exist.

2. When the health department has ordered an Aquatic Venue to be closed and has placarded the same to prohibit use until an imminent health hazard is corrected, as provided in section 6.6.4 of the Model Aquatic Health Code, adopted herein, if the licensee or agent or employee of the licensee either fails to close said pool or said licensee, agent or employee thereof opens the pool for occupancy or use prior to approval of the AHJ, then, in addition to any other remedies provided herein, administrative penalties may be imposed upon the licensee as follows:

   a. For a first offense: a $500 monetary penalty;
   b. For a second offense within the prior twelve-month period since the date of the prior offense: a $1000 monetary penalty plus a period of suspension of the violator's license to be determined by the administrative board, below, or if said board's decision is appealed, by the board of city commissioners; and,
   c. For a third or any subsequent such offense occurring within the prior twelve-month period since the next previous offense: a $1000 monetary penalty plus a period of suspension of the violator's license to be determined by the administrative board, below, or if said board's decision is appealed, by the board of city commissioners.

3. Administrative Board-Notice of Violation-Procedure for Hearing-Appeals. There is hereby established a three-member administrative board consisting of the health officer, the director of public health and the city auditor. When an Aquatic Venue has been ordered closed and placarded by the health department, as authorized by law, and subsequently the health department determines that the Aquatic Venue either has not been closed, has not remained closed or has been unlawfully allowed to be occupied prior to approval of the AHJ, then the health department may cause a notice of violation to be delivered to the licensee, which notice shall describe the nature of the violation, the date or dates said violation existed, and the amount of the administrative penalty being sought by such notice. Upon receipt of the notice of violation, the licensee may admit to

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the violation, pay the monetary administrative penalty and make arrangements with the health department for implementation of the suspension of the licensee's license within ten (10) days or a public hearing before the administrative board will be scheduled by the health department. A hearing shall be set by the health department and a notice of said hearing issued to the licensee specifying the time and place of the hearing and further describing the reason for said hearing. The notice shall be served upon the licensee. No hearing shall be held until at least ten (10) days after the date of service of the notice. The licensee shall have a right to be heard at the hearing. After receiving the evidence at the hearing, the administrative board shall make a determination as to the facts that occurred and issue a written decision, determined by a majority vote of the members of the administrative board, to be served upon the licensee. If an administrative penalty is imposed, the written decision must identify the amount of the administrative fine in the amount set forth herein and the date by which it must be paid and it must provide the dates of commencement and completion of any period of suspension of the license. The licensee may appeal the decision of the administrative board by filing a written notice of appeal of said decision with the health department within ten days of the date of service of the administrative board's written decision upon the licensee. A hearing of said appeal shall be set by the city commission specifying the time and place of the hearing and notice of the same shall be served upon the licensee. At the hearing of the appeal to the board of city commissioners, the licensee shall be allowed to make any statements or arguments and fully argue its case but it will not be entitled to a trial de novo. The decision of the board of city commissioners shall be based on a review of the evidence presented to the administrative board along with a record of the hearing and based upon a review of the findings and decision of the administrative board along with the statements and arguments of the licensee presented to the board of city commissioners to determine whether to affirm or reverse the decision of the administrative board. The decision of the board of city commissioners shall be served on the licensee, such decision being subject to further appeal in accordance with Chapter 28-34 of the North Dakota Century Code. Service of notices of hearing or of decisions of the administrative board or the board of city commission shall be completed in the same manner as

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provided by law for the service of a summons in a civil action (Rule 4, North Dakota Rules of Civil Procedure).

4. As provided in the Model Aquatic Health Code, Section 6.6.4, within 15 days of the closure and placarding of an Aquatic Venue, the operator of the Aquatic Venue may request an opportunity to be heard and present proof that continued operation of the facility does not constitute a danger to the public health.

13-1013. Pool operator certification. --Every commercial ~~facility~~Aquatic Venue must have at least one certified operator on staff to operate or to help operate the facility.

Section 5. Penalty.

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

Section 7. Effective Date.

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

(SEAL)

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

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

16

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 21-04 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. Amendment.

Article 21-04 of Chapter 21 of the Fargo Municipal Code is hereby amended to read as follows:

ARTICLE 21-04

Section
21-04 Dangerous Buildings, §§21-0401 to 21-0412.

* * *

21-0408. Owner absent from the city.--All notices or orders provided for herein shall be sent by ~~registered~~ certified mail to such owner, occupant, lessee or mortgagee, and all other persons having an interest in said building, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

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* * * *

Section 3. 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:

CITY OF Fargo

ASSESSMENT DEPARTMENT

2a

November 15, 2017

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 4442 Carrie Rose Ln. S as submitted by Jeffrey & Rebecca Ledoux. 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.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $725 with the City of Fargo's share being $125.

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 JEFF & BECKY LEDOUX Phone No. 361-7702
2. Address of Property 4442 CARRIE ROSE LN S
   City FARGO State ND Zip Code 58104
3. Legal description of the property for which the exemption is being claimed. LT 2 BLK 1 SUMMIT CHASE
4. Parcel Number 01-2940-00020-000 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, NEW FLOORING, REMOVE WALL
7. Building Permit No. 170152 8. Year Built 1990
9. Date of Commencement of making the improvement FEB 2017
10. Estimated market value of property before improvement $ 423,200 (2017)
11. Cost of making the improvement (all labor, material and overhead) $ 60,000
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.

X Applicant's Signature _____ Date 11/13/17

Assessor's Determination

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

Assessor's Signature _____ Date 11/17/17

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

(26)

November 15, 2017

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 220 8 St. S Unit B1 as submitted by John K. Stibbe. 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.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $85 with the City of Fargo's share being $15.

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 John Stibbe Phone No. 701-339-0388
2. Address of Property 220 8 St S Unit B1
   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.
   Lts 7-10, Blk 23 Original Townsite
4. Parcel Number 01-2240-02680-050 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). Open Kitchen/Dining area to Living room with remodel
7. Building Permit No. 170725 8. Year Built 1980
9. Date of Commencement of making the improvement May 2017
10. Estimated market value of property before improvement $ 203,100
11. Cost of making the improvement (all labor, material and overhead) $ 20,000
12. Estimated market value of property after improvement $ 209,600

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
    Applicant's Signature John Stibbe Date 11/9/17

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s): 3 YEARS FOR QUALIFYING WORK
    Assessor's Signature Ben Johnson Date 11/17/17

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

(2C)

November 22, 2017

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 1804 28 Ave. S as submitted by Elaine I. Mitzel. 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.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $65 with the City of Fargo's share being $10.

Sincerely,

Robert Harshberger
Deputy 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 ELAINE MITZEL Phone No. _____
2. Address of Property 1804 28 AVE S
   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed. PT OF LT 1
   BLK 3 HANS HALVERSON ADDITION
4. Parcel Number 01-1115-00455- 000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner 1804 28 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). RESIDE TWINHOME WITH VINYL
7. Building Permit No. 170732 8. Year Built 1980
9. Date of Commencement of making the improvement 05/09/17
10. Estimated market value of property before improvement $96,100
11. Cost of making the improvement (all labor, material and overhead) $ _____
12. Estimated market value of property after improvement $101,000

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 Elaine Mitzel Date 11/22/2017

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☐ has not ☐ met the qualifications for exemption for the following reason(s): 3 years for qualifying work
    Assessor's Signature [signature] Date 11-28-17

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

2d

November 16, 2017

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 3142 Edgewood Dr. N as submitted by Patrick R. & Megan M. Stollenwerk. 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 $380 with the City of Fargo's share being $65.

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 Patricia & Megan Stollenwerk Phone No. 701-730-0863
2. Address of Property 3142 Edgewood Dr N

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

   Pt of Lt 1 Blk 10 Edgewood 2nd
4. Parcel Number 01-0730-00950-00 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same

   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Const. 10.5' x 14.3' addition to dwelling
7. Building Permit No. 170740 8. Year Built 1970
9. Date of Commencement of making the improvement May 2017
10. Estimated market value of property before improvement $ 175,100
11. Cost of making the improvement (all labor, material and overhead) $ ~~$~~ 27,675.00
12. Estimated market value of property after improvement $ 204,700

Applicant's Certification and Signature

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

    Applicant's Signature [signature] Date 11/15/17

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 11/17/17

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

2e

November 17, 2017

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 2413 16 St S as submitted by Ray & Sylvia Heupel. 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 $110 with the City of Fargo's share being $20.

Sincerely,

Ben Hushka
City Assessor

hah
attachment

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

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner RAY & SYLVIA HEUPEL Phone No. 701-540-5196
2. Address of Property 2413 16 ST S

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed. LT 2 BLK 7 OAK MANOR 2ND ADDITION
4. Parcel Number 01-2211-00770-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner ~~2416~~ 2413 16 ST 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). new shingles, new vinyl siding, front entry steps, new entry door, side lite & storm door.
7. Building Permit No. 171898 8. Year Built 1972
9. Date of Commencement of making the improvement 8-22-17 (shingles), 9-19-17 (siding, etc.)
10. Estimated market value of property before improvement $ 182,200
11. Cost of making the improvement (all labor, material and overhead) $ $7324 - shingles 11,049 - siding, etc.
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 Sylvia Heupel Date 11-15-17

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 11/17/17

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

2f

November 20, 2017

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 2905 3 St. N as submitted by Jack & Kay Holm. 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 $40 with the City of Fargo's share being $5.

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 Jack & Kay Holm Phone No. 701 237-6445
2. Address of Property 2905 3 St N
   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.
   Lt 14 Blk 9 Edgewood 1st
4. Parcel Number 01-0720-01820-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same
   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remodel full bath on 2nd floor
7. Building Permit No. 171665 8. Year Built 1964
9. Date of Commencement of making the improvement September 2017
10. Estimated market value of property before improvement $ 248700
11. Cost of making the improvement (all labor, material and overhead) $ 10,000
12. Estimated market value of property after improvement $ 251,800

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 Jack Holm Date 11/17/17

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 11/20/17

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

29

November 21, 2017

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 2514 East Country Club Dr. S as submitted by Nicholas R. & Tracy R. Lee. 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 $760 with the City of Fargo's share being $130.

Sincerely,

Ben Hushka
City Assessor

hah
attachment

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

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Nicholas & Tracy Lee Phone No. 701-793-7265
2. Address of Property 2514 East Country Club Dr. S
   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.
   Lt. 20 Blk 5 Country Club Acres
4. Parcel Number 01-0501-00870-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner 2514 East Country Club Dr. 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). Remodel single story + Add Kitchen, Expand garage
7. Building Permit No. 170446 8. Year Built 1966
9. Date of Commencement of making the improvement End of April 2017
10. Estimated market value of property before improvement $ 241,100
11. Cost of making the improvement (all labor, material and overhead) $ 120,000
12. Estimated market value of property after improvement $ 300,000

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 11/2/17

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 11/21/17

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

2h

November 21, 2017

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 501 20 Ave. N as submitted by Gary L. & Elizabeth J. Anderson. 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 $95 with the City of Fargo's share being $15.

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 Gary & Elizabeth Anderson Phone No. 701-237-5792
2. Address of Property 501 20 Ave N
   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.
   L+30 B1K2 Halland Newman 1st
4. Parcel Number 01-1100-00640.000 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). Re side Dwelling Window & Door Wraps
7. Building Permit No. 171948 8. Year Built 1951
9. Date of Commencement of making the improvement October 2017
10. Estimated market value of property before improvement $ 148,500
11. Cost of making the improvement (all labor, material and overhead) $ 13,000
12. Estimated market value of property after improvement $ 155,800

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 Gary L Anderson Date 11-20-17

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

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

(21)

November 27, 2017

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 1346 2 St. N as submitted by Cloy D. & Miriam B. Tobola. 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 $50 with the City of Fargo's share being $10.

Sincerely,

Robert Harshberger
Deputy 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 Cloy & Miriam Tobola Phone No. 701-261-3700
2. Address of Property 1346 2 St N

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

   Lt 21 Blk 6 Holes 1st
4. Parcel Number 01-1360-0175000 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). Bath remodel
7. Building Permit No. 170998 8. Year Built 1928
9. Date of Commencement of making the improvement June 2017
10. Estimated market value of property before improvement $ 212,900
11. Cost of making the improvement (all labor, material and overhead) $ 7900
12. Estimated market value of property after improvement $ 216,700

Applicant's Certification and Signature

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

    Applicant's Signature Cloy Tobola Miriam Tobola Date 11/23/2017

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 11-28-17

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

2j

November 24, 2017

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 1542 3 St. N as submitted by Paul S. & Rhonda L. Peterson. 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 $135 with the City of Fargo's share being $20.

Sincerely,

Robert Harshberger
Deputy 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 Paul & Rhonda Peterson Phone No. 701-318-4990 Rhonda
2. Address of Property 1542 3 St N
   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.
   Lt 25 Blk 3 Hogans
4. Parcel Number 01-1280-00770W Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same
   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Reside Dwelling / window & door wraps
7. Building Permit No. 17125 8. Year Built 1951
9. Date of Commencement of making the improvement September 2017
10. Estimated market value of property before improvement $ 196,100
11. Cost of making the improvement (all labor, material and overhead) $ 16,430
12. Estimated market value of property after improvement $ 206,400

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 Rhonda Peterson Paul Peterson Date 11-22-17

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 Robert E Hamilton Date 11-28-17

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

2K

November 27, 2017

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 2515 2 St. N as submitted by Terry T. & Shirley A. Nerby. 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 $170 with the City of Fargo's share being $30.

Sincerely,

Robert Harshberger
Deputy Assessor

hah
attachment

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

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Terry & Shirley Nerby Phone No.
2. Address of Property 2515 2 St N

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

   Lt 13 Blk 5 North Park
4. Parcel Number 01-2120-01060-000 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). Bath Remodel
7. Building Permit No. 171361 8. Year Built 1960
9. Date of Commencement of making the improvement July 2017
10. Estimated market value of property before improvement $ 162,400
11. Cost of making the improvement (all labor, material and overhead) $ 10,000
12. Estimated market value of property after improvement $ 175,700

Applicant's Certification and Signature

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

    Applicant's Signature Terry D. Nerby Date 11-27-17

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 Robert E. Hardberger Date 11-28-17

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

2L

November 28, 2017

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2820 Elm St. N as submitted by Craig & Virginia Mueller. 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 $130 with the City of Fargo's share being $20.

Sincerely,

Robert E Harshberger

Robert Harshberger
Deputy Assessor

hah
attachment

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

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Craig + Virginia Mueller Phone No. 701-371-9709
2. Address of Property 2820 Elm st N

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

   Lt 5 Blk 1 Asp
4. Parcel Number 01-0070-00050W 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). New Siding
7. Building Permit No. 171988 8. Year Built 1971
9. Date of Commencement of making the improvement October 2017
10. Estimated market value of property before improvement $ 201,100
11. Cost of making the improvement (all labor, material and overhead) $ 16139
12. Estimated market value of property after improvement $ 211,100

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 Virginia Mueller Date 11/27/2017

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 Robert E Hamburg Date 11-28-17

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

2m

November 27, 2017

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 2553 Willow Rd. N as submitted by Kevin G. & Colleen A. Lanners. 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 $140 with the City of Fargo's share being $25.

Sincerely,

Robert Harshberger
Deputy 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 Kevin & Colleen Lanners Phone No. 701-566-1121 cell 701-280-9140 home
2. Address of Property 2553 Willow RDN
   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.
   Lt1 Blk14 Woodcrest 3rd
4. Parcel Number 01-4060-00110-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same
   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remodel basement Bath
7. Building Permit No. 171525 8. Year Built 1971
9. Date of Commencement of making the improvement August 2017
10. Estimated market value of property before improvement $ 229,900
11. Cost of making the improvement (all labor, material and overhead) $ 23,000
12. Estimated market value of property after improvement $ 240,800

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 Colleen A. Lanners Date 11/25/17

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 Robert E. Hanson Date 11-29-17

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

2n

November 27, 2017

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 2565 Willow Rd. N as submitted by James A. & Kay Dell Breyer. 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 $155 with the City of Fargo's share being $25.

Sincerely,

Robert Harshberger
Deputy 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 James & Kay Breyer Phone No. (701)2356574
2. Address of Property 2565 Willow Rd N

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

   Lt 5, Blk 14 Windrest 3rd
4. Parcel Number 01-4060-001500W Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same

   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Reside Dwelling & Window Wraps
7. Building Permit No. 172114 8. Year Built 1971
9. Date of Commencement of making the improvement October 2017
10. Estimated market value of property before improvement $ 248,400
11. Cost of making the improvement (all labor, material and overhead) $ 10450
12. Estimated market value of property after improvement $ 260,400

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 Kay Dale Breyer Date 11/24/17

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 Robert Effertz Date 11-28-17

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

20

November 29, 2017

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 1521 10 St. N as submitted by MJ Properties LLC. 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 $395 with the City of Fargo's share being $65.

Sincerely,

Robert Harshberger
Deputy 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 MJ properties LLC Phone No. 701-367-3240
2. Address of Property 1521 10 St N
   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.
   Lt 19, Blk 4 Chandlers Broadway
4. Parcel Number 01-0380-00890-020 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner 1300 E Shore Dr
   City Detroit Lakes State MN Zip Code 56501

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 foundation & finish basement - 2 bedrooms, family room & bath
7. Building Permit No. 171043 8. Year Built 1946
9. Date of Commencement of making the improvement June 2017
10. Estimated market value of property before improvement $ 142,700
11. Cost of making the improvement (all labor, material and overhead) $ 18,500
12. Estimated market value of property after improvement $ 173,300

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 11/27/17

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 Robert E Hardboy Date 11-29-17

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

2P

November 29, 2017

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 1461 10 St. N as submitted by Michelle Paulus Barry. 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 $120 with the City of Fargo's share being $20.

Sincerely,

Robert Harshberger
Deputy 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 Michelle Paulus Barry Phone No. 701 306 2721
2. Address of Property 1461 10 St N
   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.
   Lt 37 Othmers
4. Parcel Number 01-2220-01950.000 Residential ☐ Commercial ☒ Central Business District ☐
5. Mailing Address of Property Owner Same
   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Reside Dwelling
7. Building Permit No. 172029 8. Year Built 1946
9. Date of Commencement of making the improvement October 2017
10. Estimated market value of property before improvement $ 181,100
11. Cost of making the improvement (all labor, material and overhead) $ 18,210
12. Estimated market value of property after improvement $ 190,500

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 11/20/17

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 11-29-17

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

29

November 29, 2017

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 3231 Elm St. N as submitted by Kyle & Jeanne Bakken. 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 $90 with the City of Fargo's share being $15.

Sincerely,

Robert Harshberger
Deputy 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 Kyle & Jeanne Bakken Phone No. 701-361-0310
2. Address of Property 3231 Elm St N

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

   Lt 5 Blk 1 Golf Course 1st
4. Parcel Number 01-1001-00050-00 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same

   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remodel main floor bath
7. Building Permit No. 171342 8. Year Built 1971
9. Date of Commencement of making the improvement July 2017
10. Estimated market value of property before improvement $ 241,500
11. Cost of making the improvement (all labor, material and overhead) $ 13,000
12. Estimated market value of property after improvement $ 248,400

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 11/22/17

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 11-29-17

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

2r

November 29, 2017

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 814 30 St. N as submitted by Gerald & Georgianna R. Lacher. 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 $100 with the City of Fargo's share being $15.

Sincerely,

Robert Harshberger
Deputy 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 Gerald & Georgianna Lacher Phone No. 701-371-0624
2. Address of Property 814 30 St N
   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.
   Lt 4 Blk 2 Model Cities Subd
4. Parcel Number 01-2020-00440rw Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner ~~Same~~ 3537 1 St N
   City Fargo State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Reside Dwelling
7. Building Permit No. 171889 8. Year Built 1976
9. Date of Commencement of making the improvement October 2017
10. Estimated market value of property before improvement $ 148,100
11. Cost of making the improvement (all labor, material and overhead) $ 5,000
12. Estimated market value of property after improvement $ 155,700

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
    Applicant's Signature Gerald Lacher Georgianna Lacher Date 11-30-2017

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 Robert E Hawley Date 11-29-17

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

Amended

GAMING SITE AUTHORIZATION

OFFICE OF ATTORNEY GENERAL
SFN 17996 (07/2016)

3

G-_____(____)__
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization: PLAINS ART MUSEUM

The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location: Wild Bill's Sports Saloon			
Street: 1776 45th St. S.	City: Fargo	ZIP Code: 58103	County: Cass
Beginning Date(s) Authorized: 1/1/18	Ending Date(s) Authorized: 6/30/18	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted and played at the site (**required**): Entire facility - excluding restrooms and patio			
If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

- [X] Bingo
- [X] **ELECTRONIC** Quick Shot Bingo
- [X] Raffles
- [X] **ELECTRONIC** 50/50 Raffle
- [X] Pull Tab Jar
- [X] Pull Tab Dispensing Device
- [X] Club Special
- [X] Tip Board
- [X] Seal Board
- [X] Punchboard
- [X] Prize Board
- [X] Prize Board Dispensing Device
- [ ] Sports Pools
- [X] Twenty-One
- [X] Poker
- [ ] Calcuttas
- [X] Paddlewheels with Tickets
- [X] Paddlewheel Table

APPROVALS

Attorney General	Date
Signature of City/County Auditor	Date: 12/18/17
PRINT Name and official position of person signing on behalf of city/county above: StevenSprague/City Auditor	

INSTRUCTIONS:

1. City/County Auditors - Retain a **copy** of the Site Authorization for your files.
2. City/County Auditors - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original**, **signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 **OR** 800-326-9240

(4)

✓6821
25.00
11/21/17

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: Muskies Inc. 7-M Chapter	Date(s) of Activity: Feb 8, 2018 to Feb 8, 2018	For a raffle, provide drawing date(s): Feb 8, 2018	
Person Responsible for the Gaming Operation and Disbursement of Net Income: Richard A. Eagleson	Title: Clvb treasure	Business Phone Number: 701-237-4801	
Business Address: 909 page Dr.	City: Fargo	State: ND	Zip Code: 58103
Mailing Address (if different): SAME	City: —	State: —	Zip Code: —
Name of Site Where Game(s) will be Conducted: RAmada Fargo	Site Address: 3333 13th Ave So.		
City: Fargo	State: ND.	Zip Code: 58103	County: CASS

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

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

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
Raffle	CASH	500.00
Raffle	CASH	100.00
Raffle	CASH	100.00
Raffle	CASH	100.00
Raffle	CASH	100.00
Raffle	CASH	100.00

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 1,000.00

Intended uses of gaming proceeds: To promote Muskie Research, Fish Stocking, Good Sportsmanship, youth Fishing, Donations.

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

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

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

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
[signature]	11-21-17	Clvb treasure	701-237-4801

CITY OF Fargo

(5)

Finance Office
P.O. Box 2083
200 3rd Street North
Fargo, North Dakota 58107-2083
Phone: 701-241-1333
Fax: 701-241-1526

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: 2017 Downtown Business Improvement District

DATE: November 20, 2017

The City of Fargo advertised for request for proposals for management of the Downtown Business Improvement District (BID), the sole respondent was the Downtown Community Partnership. Staff feels the Downtown Community Partnership are a responsible bidder and the contract for the management of the BID should be awarded to the Downtown Community Partnership. Detailed plans and specifications are on file in the Auditor's Office.

Recommended Motion:

Approve the Downtown Business Improvement District (BID) agreement for services with the Downtown Community Partnership beginning January 1, 2018 and ending December 31, 2020.

Printed on Recycled paper.

AGREEMENT FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT SERVICES AND MATERIALS BETWEEN CITY OF FARGO AND DOWNTOWN COMMUNITY PARTNERSHIP

THIS AGREEMENT is made and entered into effective the 4th day of December, 2017, by and between the **CITY OF FARGO, a municipal corporation** (hereinafter "City") and Downtown Community Partnership, a private sector development C corporation, whose address is 210 Broadway N #202, Fargo, ND (hereinafter "Contractor").

RECITALS:

WHEREAS, the Board of City Commissioners of the city of Fargo have created Business Improvement District (BID) No. 9117 and certain plans and specifications have been approved for the providing of services relating to the cleaning, safety, maintenance, beautification and promotion within said district and for the administration and oversight of said services and materials which functions are described in the plans and specifications attached hereto as Exhibit A and incorporated as if fully set forth herein; and

WHEREAS, the City entered into a separate Memorandum of Understanding (MOU) with the Downtown Community Partnership, which served as the proposer of the Business Improvement District No. 9117, for the contribution and investment by the city of Fargo of certain in-kind materials and services for the benefit of the BID No. 9117, a copy of which is attached hereto for purposes of reference as Exhibit B; and

WHEREAS, the City has engaged in a process of requesting proposals for the providing of the goods and materials described in Exhibit A and the Contractor has been designated as the successful proposer; and

WHEREAS, the City and Contractor wish to enter into a written agreement for the providing of the goods and services described in Exhibit A, said contract to conform with the requirements of N.D.C.C. Chapter 40-22.1;

NOW, THEREFORE, IT IS HEREBY AGREED:

1. Contractor shall provide all the goods and services described on the plans and specifications, Exhibit A.

2. As and for its compensation for the providing of these services, Contractor shall be entitled to an annual amount of compensation of $40,000 per annum, payable in quarterly installments, commencing with January 1, 2018.

3. The term of this contract shall be for a period of three (3) years commencing January 1, 2018 and ending December 31, 2020.

4. The City has established the Downtown Business Improvement District No. 9117 Fund into which the City will deposit all proceeds received from the special assessments for said District No. 9117. All payments under this contract from the City to Contractor, or to any third parties, shall be paid from the Downtown BID 9117 Fund and any consideration expressed in this contract shall be payable only in warrants drawn on the Downtown BID No. 9117 Fund.

5. Contractor will maintain detailed monthly accounting and annual budgeting records. Budget and accounting data will be maintained by tiers. City will remit to Contractor 95% of total assessments on a quarterly basis at the beginning of the quarter. Contractor will provide detailed quarterly reports or detailed reports as requested.

6. Contractor shall report to the Board of City Commissioners of the City within 30 days of the end of each calendar year throughout the term of this contract. Upon receipt of an acceptance of said report by the Board of City Commissioners, City Commissioners shall authorize the City Auditor to release some or all portions of the five percent (5%) retainage, while reserving the right to retain a portion of the retainage to assure full compliance with the contract obligations as the Board of City Commissioners may deem appropriate, in its own discretion. In addition to an annual report to the Board of City Commissioners, the Contractor shall be obligated to report on any or all activities contemplated under this contract upon request of the Board of City Commissioners.

7. The Board of City Commissioners may suspend the work to be performed by Contractor pursuant to this contract at any time for improper performance and, this contract may be terminated at any time for improper performance. In such case this contract may be re-let or the obligations contained herein be ordered to be re-performed as to all or any of the work contemplated herein that is improperly done, as contemplated by N.D.C.C. § 40-22.1.-10.

8. The work to be performed by Contractor shall be performed in a timely manner and within the term hereof.

9. City of Fargo shall assume and incur no general liability under this contract.

10. The City Auditor is authorized to reject work and materials which are not up to specifications and the acceptance of any job described herein by the City Auditor shall not release the Contractor from liability for any failure to perform work or furnish materials in accordance with the plans and specifications, Exhibit A.

11. Contractor acknowledges that the City Auditor, acting for the City, shall supervise and inspect the work contemplated under this agreement throughout its progress.

12. Contractor acknowledges that, in addition to any rights which the City may have under this contact before establishment and operation of part or all of Business Improvement District No. 9117 after this contract has been awarded and before this contract work has been completed, the City may, with the consent of Contractor, and without advertising for bids, order additional work done by the Contractor of the same character as that which is contracted for herein. Where within or without this Business Improvement District No. 9117,

and upon the same terms and conditions specified in this contract except as to time and performance, and at the same prices for the additional work; provided, that the total price payable to the Contractor for such additional work may not exceed twenty percent (20%) of the amount estimated by the City Auditor for the municipality to be payable for that character of work under this original contract. See generally, N.D.C.C. § 40-22.1-10.

13. Equal Employment Opportunity. In connection with this proposal and any subsequent contract, the consultant shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, disability, sex, sexual orientation, or status regarding public assistance. The consultant will take action to insure that its employees are fairly treated during employment without regard to their race, color, creed, religion, national origin, disability, sex, sexual orientation, or status regarding public assistance. Such actions shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rate of pay or other forms of compensation; and selection for training, including internship and/or apprenticeship. The consultant further agrees to insert a similar provision in all subcontracts, except subcontract for standard commercial supplies or raw materials

14. Ownership, Publication, Reproduction, and Use of Materials. All work products of the contractor that result from this contract are the exclusive property of City or Fargo.

15. Conflicts of Interest. No official or employee of the City, who is authorized in his official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract.

16. Subcontracting and Assignments. The contractor may, only with prior written approval from the City, subcontract as necessary to accomplish the contract objectives. Subcontracts shall contain all applicable provisions of this agreement, and copies of the subcontract must be filed with the City. The contractor shall not assign or transfer the contractor's interest in this agreement without the express written consent of the City.

17. Termination. The right is reserved by the City to terminate any agreement with or without cause at any time if the recipient does not comply with the provisions of such agreement.

If the City terminates such agreement, it reserves the right to take such action as it deems necessary and appropriate to protect the interests of the City. Such action may include refusing to make any additional reimbursement of funds and requiring the return of all or part of any funds that have already been disbursed.

18. Persons with Disabilities. The contractor shall ensure that no qualified disabled individual, as defined in 29 USE 706(7) and 49 CFR Part 27 shall, solely by reason of this handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from the assistance under this agreement.

20. Hold Harmless. The contractor shall save and hold harmless the City, its officers, agents, employees, and members from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of the contractor or its subcontractors, agents, or employees under this agreement. It is hereby understood and agreed that any and all employees of the contractor and all other persons employed by the contractor in the performance of any of the services required or provided for under this agreement shall not be considered employees of the City, and that any and all claims that may arise under the Worker's Compensation Act on behalf of said employees while so engaged and any and all claims by any third parties as a consequence of any act or omission on the part of said contractor's employees while so engaged in any of the services to be rendered under this agreement by the contractor shall in no way be the obligation or responsibility of the City.

CITY OF FARGO, a municipal corporation,

By: _____
Timothy Mahoney
Its: Mayor

ATTEST:

_____
Steven Sprague, City Auditor

DOWNTOWN COMMUNITY PARTNERSHIP, a North Dakota non-profit corporation

By: _____

Melissa Rademacher, its Executive Director

BID
DOWNTOWN FARGO
business improvement district
CLEAN | SAFE | MAINTAIN | PROMOTE

DRAFT 170803

PLANS & SPECIFICATIONS

January 1, 2018 – December 31, 2020

Mission Statement

The Downtown Community Partnership Business Improvement District works to improve and enhance the overall attractiveness and appeal of Downtown Fargo. This is done by making sure our downtown is clean, safe, maintained and properly promoted.

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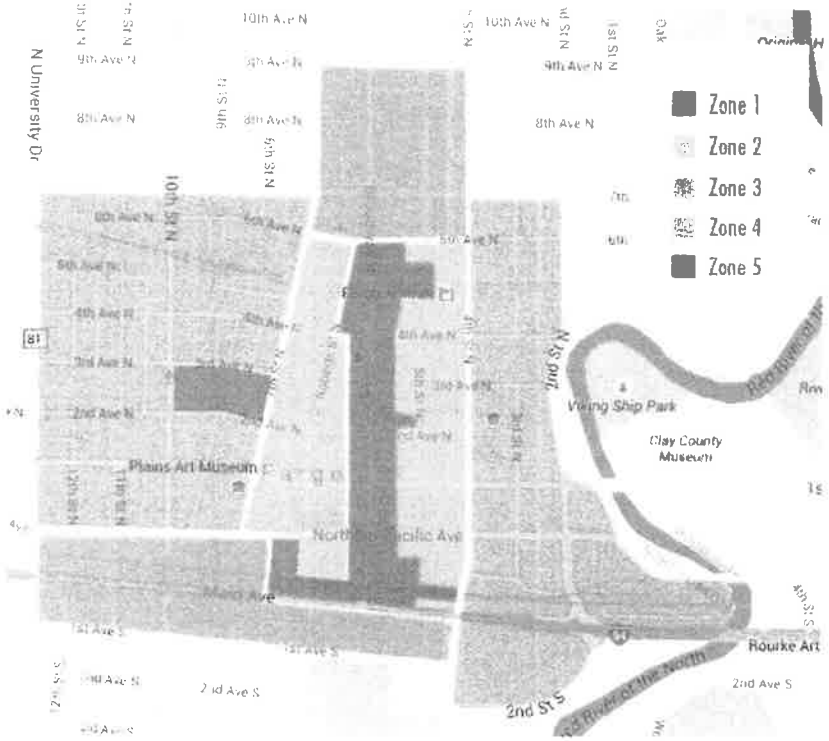
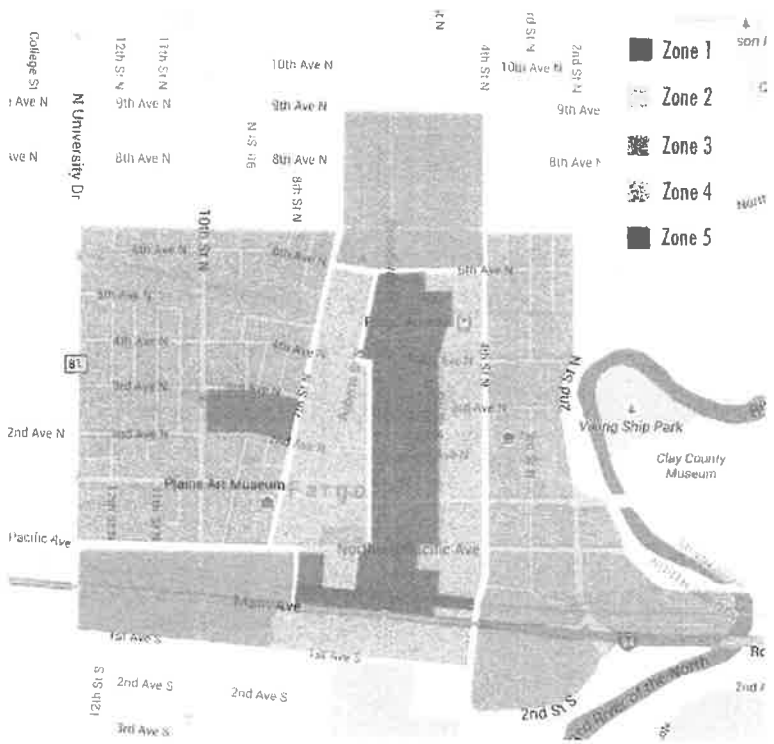
Proposed Downtown Fargo Business Improvement District (BID) Zones



2013-2017



2018-2020

Business Improvement District (BID) Specifications – Zone 1

CLEAN

				RESPONSIBILITY			
	Description	**Unit(s)**	**Estimated Unit Cost**	**Estimated BID Annual Subtotal**	**Estimated City Annual Subtotal**	**Property Owner**	**City Department to Contact with Questions**
Power Washing	Annual pressure washing using heated power washer of ROW sidewalk services on Broadway completed by annual Street Fair. Proper filtration device for storm sewer will be used. No bleach used.	1x	$3,500	$3,500			
Spot Power Washing	Incidental cleanup from May to Oct. Pressure washing using heated power washer of sidewalk surfaces in ROW to manage spills or other incidents. Proper filtration device for storm sewer will be used. No bleach used.	12x	$250	$3,000			
Vacuuming	Use of Billy Goat Vacuums from Apr. to Oct. to remove waste from public sidewalks and street gutters. This will be done four times per week using two machines.	224x	$40	$8,960			
Graffiti/Sticker Removal	Daily monitoring of graffiti. Removal of stickers or tagged symbols within public right of way (ROW).	360x	$54	$19,440			
Litter Management/Incidental Cleaning	Daily monitoring of litter and incidentals. When needed removal/scrubbing of bodily fluids and other waste.	360x	$54	$19,440			
Weed Control	Abatement of weeds specifically targeting planter beds three times annually in Apr. Jun. and Aug.	3x	$1,400	$4,200			
Wipe Downs	Daily monitoring. When necessary, wipe down and clean streetscape amenities including benches, trash cans, corrals, recycling cans, bicycle racks and other items legally placed in the public ROW.	360x	$14	$5,040			
Cigarette Butt Waste Dispensers	Service waste dispensers, collect debris and send to TerraCycle for recycling once per month.	52x	$30	$1,560			
Trash Can Management	The BID will service 33 trash cans. From Nov. to May, at least twice a week. From Jun. to Oct., at least three times per week. Overflowing cans will be serviced immediately. Servicing of Zone 1 trash cans paid for by the City of Fargo.	33 cans	$432	0	$14,260		Public Works
Waste Dumpsters	Will be used by cleaning ambassadors and placed at two locations identified by the BID. The City will provide weekly collection.	2x	$5,040	0	$10,080		Solid Waste

Recycling	The BID will provide weekly collection of downtown recycling bins, paid for by the City of Fargo	12 cans	$432	0	$5,184		Solid Waste
Acquisition/Installation of Additional Trash cans	Trash cans will be placed in expanded Zone 1 and be similar in design to current Broadway canisters. Trash cans will be serviced by the BID	6 cans	$1,500	0	$9,000		Public Works
Additional Trash Can Management for 6 cans if expansion occurs in zone 1	The BID will service 6 additional trash cans. From Nov. to May, at least twice a week. From Jun. to Oct., at least three times per week. Overflowing cans will be serviced immediately. Servicing of Zone 1 trash cans paid for by the City of Fargo.	6 cans	$432	0	$2,595		Public Works
Street Sweeping	During warm weather months, the City will frequently sweep the streets. Frequency reports will be provided to the BID.			0	Baseline Service		Public Works
Special Event Clean-Up	The City of Fargo will update special event permits (parades, 5k runs, etc.) specifically concentrating on post-event clean-up. This would include coordination with the BID and Public Works to ensure proper clean-up after each special event.			0	Baseline Service		Traffic Engineering
			SUBTOTAL	**$65,140**	**$41,119**		

SAFE

RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Safety Ambassadors	On-street hospitality services provided daily from 8 am to 3 pm available to assist downtown patrons in answering questions/directions/inquiries. Also provide extra presence on weekends to monitor street activities notifying public safety authorities when necessary.	360x	$46	$16,560			
Ordinance Enforcement	Notifying downtown patrons when city ordinances are not being followed. These may include, but are not limited to panhandling, bicycling on sidewalks, public intoxication and snow/ice management.	360x	$4	$1,440			
Bump Outs Snow/Ice Management	Manage snow and ice removal at the pedestrian corners along the Broadway from NP Avenue to Sixth Avenue North. This will be done from Oct. to Mar.	24x	$400	$9,600			
Snow/Ice Management of Railroad Pedestrian	The BID shall maintain and care for snow/ice management of the pedestrian crossings along	2x	$2,000		$4,000		Public Works

Crossings	the north and south tracks of Broadway, paid for by the City of Fargo.						
Snow/Ice Management of Roadway	The City is responsible for the snow/ice management of the road surfaces of downtown streets				Baseline Service		Public Works
Downtown Resource Officers	The City shall maintain at least two full-time Fargo Police Downtown Resource Officers (DROs). There will be a DRO assigned to a day shift and an evening shift.				Baseline Service		Police Department
Snow/Ice Management of Sidewalks	Property owners are responsible for the snow and ice management of the public sidewalk surfaces as per City of Fargo policy.					X	Public Works Code Enforcement
			SUBTOTAL	**$27,600**	**$4,000**		

RESPONSIBILITY

MAINTAINED

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Streetscape Maintenance/Minor Repairs	Maintenance and minor repairs to amenities including benches, trash cans, publication corrals and fencing that are part of the original Broadway streetscape.	12x	$400	$9,800			Public Works
Bump Out Paver Bricks	Maintenance of loose paver bricks and installation of replacement bricks in the pedestrian bump out areas of Broadway from NP Avenue to Sixth Avenue North.	24x	$45	$1,080			Engineering
Planter Bed Maintenance	Maintenance of the interior sections of the planter beds. This would include proper mulching, weed control, irrigation maintenance, and transplanting when needed. This does not include exterior curbing of the beds.	28x	$150	$9,200			Forestry
Maintenance of Directory Signs	When needed, the BID will update 13 directory signs.	1x	$500	$1,010			Planning (can help to produce maps, etc.)
Water Usage	The City shall reimburse BID cost of water, not to exceed $2,000, for services such as irrigation and pressure washing.	1x	$2,000		$2,000		Auditors
Planter Bed	The City will provide funding for replacement	30x	$15		$450		Forestry

Replacement	plants (when needed) for Broadway planter beds.						
News Publication Rack Ordinance	The City of Fargo will study the ordinance on portable plastic publication boxes. They will work together with the BID to provide possible ordinance updates with the goal of managing the placement of the publication boxes in order to keep them from infringing on the ROW within the BID. To provide a uniform look for news/publication boxes, the ordinance will aim to set design standards that the private owner will have to comply with.				Baseline Service		Planning
Street and Curb Maintenance	The City is responsible for the maintenance of street and curb surfaces including curb that are exterior to Broadway planter boxes.				Baseline Service		Public Works
Street Pavers	The City is responsible for the maintenance and replacement of decorative street pavers that are part of the original Broadway streetscape including those at intersections.				Baseline Service		Engineering
Damaged Sign Poles	In the event a sign pole is damaged or bent, the City is responsible for fixing or straightening the pole.				Baseline Service		Engineering
Broadway Mosaic Replacement	In the event a mosaic insert is damaged beyond replacement, the City is responsible for the replacement.				Baseline Service		Planning & Engineering*
Broadway Column Replacement	In the event a brick column is damaged or deteriorated beyond replacement, the City is responsible for the replacement.				Baseline Service		Planning & Engineering*
ADA Truncated Dome Pads	In the event an ADA Truncated Dome Pad is in need of replacement, the City is responsible for the replacement. All replacement pads will be brick red.				Baseline Service		
Public Art	The BID is not responsible for any current or future public art placed in the Broadway ROW. Creators of such pieces must follow City of Fargo policy.					X	Planning - Arts & Culture Commission
Brick Red Band	In the event the red brick band along the original Broadway Streetscape becomes damaged or is a trip hazard, it becomes the responsibility of the property owner to repair per City of Fargo policy. The repairs shall be completed with the intent to preserve the original design of the streetscape.					X	Engineering
Sidewalk	In the event a sidewalk becomes worn, broken or becomes a trip hazard, it's the responsibility of the property owner to repair as per City of Fargo policy. It is requested that any repairs or replacement is done with the intent to preserve					X	Engineering

	the original Broadway design as best as possible.						
Bison Replica Art	The maintenance of Bison replicas placed along the Broadway ROW are the responsibility of the property owners and must observe City of Fargo encroachment policy.					X	Planning – Arts & Culture
			SUBTOTAL	**$21,090**	**$2,450**		

PROMOTE/BEAUTIFY

RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Costs	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Flower Baskets	Subcontract with the Fargo Park District. Bid is awarded in fall with baskets planted in greenhouses in the winter. Park District installs, maintains and removes baskets annually.	62x	$164	$10,168			Parks
Flags & Banners	Installation and removal of USA Flags on Memorial Day Weekend, Flag Day, Fourth of July, Labor Day Weekend and Veterans Day. Installation and removal of seasonal or special event flags and/or banners. Maintenance of flag holders.	62x	$30	$5,660			Refer to DCP Flag Policy
Winter Lights	Installation maintenance and removal of commercial grade cool white bulbs strings on trees and light poles. Installation by second Thursday in November and removal around March 15.	62x	$257	$15,934			Forestry
Tree Pruning/Replacement	The BID will monitor and notify the City of Fargo's Forestry Division when trees need to be pruned or replaced.				Baseline Service		Forestry
			SUBTOTAL	**$31,762**	**$0**		

		ZONE 1	TOTALS	BID	CITY Request		
				$135,082	**$47,569**		

Business Improvement District (BID) Specifications – Zone 2

CLEAN

					RESPONSIBILITY		
Service	**Description**	**Unit(s)**	**Estimated Unit Cost**	**Estimated BID Annual Subtotal**	**Estimated City Annual Subtotal**	**Property Owner**	**City Department to Contact with Questions**
Vacuuming	Use of Billy Goat Vacuums to remove waste from public sidewalks and street gutters. This will be done three times per week using two machines.	168x	$40	$6,720			
Graffiti/Sticker Removal	Removal of stickers or tagged symbols within public right of way (ROW).	360x	$54	$19,440			
Litter Management/Incidental Cleaning	Removal/scrubbing of bodily fluids and other waste.	360x	$54	$19,440			
Trash Can Management	The BID will service 18 trash cans. From Nov. to May, at least twice a week. From Jun. to Oct., at least three times per week. Overflowing cans will be serviced immediately, paid for by the City of Fargo.	18 cans	$432		$7,780		Public Works
Street Sweeping	During warm weather months, the City will frequently sweep the streets. Frequency reports will be provided to the BID.				Baseline Service		Public Works
			SUBTOTAL	**$45,600**	**$7,780**		

SAFE

					RESPONSIBILITY		
Service	**Description**	**Unit(s)**	**Estimated Unit Cost**	**Estimated BID Annual Subtotal**	**Estimated City Annual Subtotal**	**Property Owner**	**City Department to Contact with Questions**
Safety Ambassadors	On-street hospitality services provided daily from 8 am to 3 pm available to assist downtown patrons in answering questions/directions/inquiries. Also provide extra presence on weekends to monitor street activities notifying public safety authorities when necessary.	360x	$46	$16,560			
Ordinance Enforcement	Notifying downtown patrons when city ordinances are not being followed. These may include, but are not limited to panhandling, public intoxication and snow/ice management.	360x	$4	$1,440			

Snow/Ice Management of Railroad Pedestrian Crossings	The BID shall maintain and care for snow/ice management of the pedestrian crossings along the north and south tracks at 4th Street North and south tracks at 8th Street South, paid for by the City of Fargo.	4x	$2,000		$8,000		Public Works
Snow/Ice Management of Roadway	The City is responsibility for the snow/ice management of the road surfaces of downtown streets				Baseline Service		Public Works
Downtown Resource Officers	The City shall maintain at least two full-time Fargo Police Downtown Resource Officers (DROs). There will be a DRO assigned to a day shift and an evening shift.				Baseline Service		Police Department
Snow/Ice Management of Sidewalks	Property owners are responsible for the snow and ice management of the public sidewalk surfaces as per City of Fargo policy.					X	Public Works Code Enforcement
			SUBTOTAL	**$18,000**	**$8,000**		

MAINTAINED

RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Streetscape Amenities Maintenance/Minor Repairs	Maintenance and minor repairs to amenities such as trash cans.	4x	$400	$5,600			Public Works
Planter Bed Maintenance	Maintenance of the interior sections of the planter beds. This would include proper mulching, weed control, irrigation maintenance, and transplanting when needed. This does not include exterior curbing of the beds.	4x	$150	$1,600			Forestry
Maintenance of Directory Signs	When needed, the BID will update directory signs. One directory sign.	1x	$40	$40			Planning (can help produce maps, etc.)
Street and Curb Maintenance	The City is responsible for the maintenance of street and curb surfaces including curb that are exterior to planter boxes.				Baseline Service		Public Works
Damaged Sign Poles	In an event a sign pole is damaged or bent, the City is responsible for fixing or straightening the pole.				Baseline Service		Engineering
Sidewalk	In the event a sidewalk becomes worn, broken or becomes a trip hazard, it's the responsibility of the property owner to repair as per City of Fargo policy. It is requested that any repairs or					X	Engineering

	replacement is done with the intent to preserve the original Broadway design as best as possible.						
			SUBTOTAL	**$7,240**	**$0**		

PROMOTE/BEAUTIFY

RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Flower Baskets	Subcontract with the Fargo Park District. Bid is awarded in fall with baskets planted in greenhouses in the winter. Park District installs, maintains and removes baskets annually.	32x	$164	$5,248			Parks
Flags & Banners	Installation and removal of USA Flags on Memorial Day Weekend, Flag Day, Fourth of July, Labor Day Weekend and Veterans Day. Installation and removal of seasonal or special event flags and/or banners. Maintenance of flag holders.	32x	$30	$1,960			Refer to DCP Flag Policy
Winter Lights	Installation maintenance and removal of commercial grade cool white bulb strings on trees and light poles. Installation by second Thursday in November and removal around March 15.	32x	$257	$8,224			Forestry
Tree Pruning/Replacement	The BID will monitor and notify the City of Fargo's Forestry Division when trees need to be pruned or replaced.				Baseline Service		Forestry
			SUBTOTAL	**$15,432**	**$0**		

		ZONE 2	TOTALS	BID	CITY Request		
				$81,272	**$15,780**		

Business Improvement District (BID) Specifications – Zone 3

CLEAN

					RESPONSIBILITY		
Service	**Description**	**Unit(s)**	**Estimated Unit Cost**	**Estimated BID Annual Subtotal**	**Estimated City Annual Subtotal**	**Property Owners**	**City Department to Contact with Questions**
Graffiti/Sticker Removal	Done twice per week, removal of stickers or tagged symbols within public right of way (ROW).	104x	$54	$5,616			
Litter Management/Incidental Cleaning	Done twice per week, removal/scrubbing of bodily fluids, glass and large debris.	104x	$54	$5,616			
Trash Can Management	The BID will service 1 trash can. From Nov. to May, at least twice a week. From Jun. to Oct., at least three times per week. Overflowing cans will be serviced immediately.	1 can	$432		$432		Public Works
Street Sweeping	During warm weather months, the City will frequently clean the streets. Frequency reports will be provided to the BID.				Baseline Service		Public Works
			SUBTOTAL	**$11,232**	**$432**		

SAFE

					RESPONSIBILITY		
Service	**Description**	**Unit(s)**	**Estimated Unit Cost**	**Estimated BID Annual Subtotal**	**Estimated City Annual Subtotal**	**Property Owner**	**City Department to Contact with Questions**
Safety Ambassadors	On-street hospitality services provided daily from 8 am to 3 pm available to assist downtown patrons in answering questions/directions/inquiries. Also provide extra presence on weekends to monitor street activities notifying public safety authorities when necessary.	152x	$46	$6,992			
Ordinance Enforcement	Notifying downtown patrons when city ordinances are not being followed. These may include, but are not limited to panhandling, public intoxication and snow/ice management.	152x	$4	$608			
Snow/Ice Management of Roadway	The City is responsible for the snow/ice management of the road surfaces of downtown streets				Baseline Service		Public Works
Downtown Resource Officers	The City shall maintain at least two full-time Fargo Police Downtown Resource Officers (DROs). There				Baseline Service		Police Department

	will be a DRO assigned to a day shift and an evening shift.						
Snow/Ice Management of Sidewalks	Property owners are responsible for the snow and ice management of the public sidewalk surfaces as per City of Fargo policy.					X	Public Works Code Enforcement
			SUBTOTAL	**$7,600**	**$0**		

MAINTAINED

RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Damaged Sign Poles	In the event a sign pole is damaged or bent, the City is responsible for fixing or straightening it.				Baseline Service		Engineering
Sidewalk	In the event a sidewalk becomes worn, broken or becomes a trip hazard, it's the responsibility of property owner to repair per City of Fargo policy.					X	Engineering
			SUBTOTAL	**$0**	**$0**		

PROMOTE/BEAUTIFY

RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Flower Baskets	Subcontract with the Fargo Park District. Bid is awarded in fall with baskets planted in greenhouses in the winter. Park District installs, maintains and removes baskets annually.	16x	$164	$2,624			
Downtown Entrance Banners	Installation of seasonal banners to select light poles within the downtown Zone 3 area to be completed within 3 years. Banner brackets and banner materials will be wind resistant.	48x	$105	$5,040			Engineering
Tree Pruning/Replacement	The BID will monitor & notify City of Fargo's Forestry Div. if trees need to be pruned or replaced.				Baseline Service		Forestry
			SUBTOTAL	**$7,664**	**$0**		

		ZONE 3	TOTALS	BID	CITY Request		
				$26,496	**$432**		

Business Improvement District (BID) Specifications – Zone 4

RESPONSIBILITY

CLEAN

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Graffiti/Sticker Removal	Done three times a week, removal of stickers or tagged symbols within public right of way (ROW).	156x	$54	$8,424			
Litter Management/Incidental Cleaning	Done three times a week, removal/scrubbing of bodily fluids, glass and large debris.	156x	$54	$8,424			
Trash Can Management	The BID will service 2 trash cans. From Nov. to May, at least twice a week. From Jun. to Oct., at least three times per week. Overflowing cans will be serviced immediately.	2 cans	$432		$864		Public Works
Street Cleaning	During warm weather months, the City will frequently clean the streets. Frequency reports will be provided to the BID.				Baseline Service		Public Works
			SUBTOTAL	**$16,848**	**$864**		

SAFE

RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Safety Ambassadors	On-street hospitality services provided daily from 8 am to 3 pm available to assist downtown patrons in answering questions/directions/inquiries. Also provide extra presence on weekends to monitor street activities notifying public safety authorities when necessary.	220x	$46	$10,120			
Ordinance Enforcement	Notifying downtown patrons when city ordinances are not being followed. These may include, but are not limited to panhandling, public intoxication and snow/ice management.	220x	$4	$880			
Snow/Ice Management	The City is responsible for the snow/ice				Baseline		Public Works

of Roadway	management of the road surfaces of downtown streets				Service		
Downtown Resource Officers	The City shall maintain at least two full-time Fargo Police Downtown Resource Officers (DROs). There will be a DRO assigned to a day shift and an evening shift.				Baseline Service		Police Department
Snow/Ice Management of Sidewalks	Property owners are responsible for the snow and ice management of the public sidewalk surfaces as per say City of Fargo policy.					X	Public Works Code Enforcement
			SUBTOTAL	**$11,000**	**$0**		

MAINTAINED

RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Damaged Sign Poles	In the event a sign pole is damaged or bent, the City is responsible for fixing or straightening the pole.				Baseline Service		Engineering
Landscaping	The City is responsible for maintaining installed landscaping along flood walls.				Baseline Service		Forestry
Sidewalk	In the event a sidewalk becomes worn, broken or becomes a trip hazard, it's the responsibility of the property owner to repair as per City of Fargo policy.					X	Engineering
			SUBTOTAL	**$0**	**$0**		

PROMOTE/BEAUTIFY

RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Future Winter Lights	Installation maintenance and removal of commercial grade cool white swags. Installation by second Thursday in November and removal around March 15	1x	$10,792	$10,792			Forestry & Public Works
Downtown Entrance Banners	Installation of seasonal banners to select light poles within the downtown Zone 4 area to be completed within 3 years. Banner brackets and banner materials will be wind resistant.	30x	$100	$3,000			Engineering

Tree Pruning/Replacement	The BID will monitor and notify the City of Fargo's Forestry Division when trees need to be pruned or replaced.				Baseline Service		Forestry
			SUBTOTAL	**$13,792**	**$0**		

		ZONE 4	**TOTALS**	**BID**	**CITY Request**		
				$41,640	**$864**		

Business Improvement District (BID) Specifications – Zone 5

RESPONSIBILITY

Exempted – North Dakota State University (NDSU) Properties

		ZONE 5	**TOTALS**	**BID**	**CITY Request**	**Property Owner**	**City Department to Contact with Questions**
				$0	**$0**		

Report of Costs

Zone 1

Category	BID Estimated Annual Costs	City Estimated Annual Costs
Clean	$65,140	$41,119
Safe	$27,600	$4,000
Maintained	$21,090	$2,450
Promote/Beautify	$31,762	$0
TOTAL	**$145,592**	**$56,694**

Zone 2

Category	BID Estimated Annual Costs	City Estimated Annual Costs
Clean	$45,600	$7,780
Safe	$18,000	$8,000
Maintained	$7,240	$0
Promote/Beautify	$15,432	$0
TOTAL	**$86,272**	**$15,780**

Zone 3

Category	BID Estimated Annual Costs	City Estimated Annual Costs
Clean	$11,232	$432
Safe	$7,600	$0
Maintained	$0	$0
Promote/Beautify	$7,664	$0
TOTAL	**$26,496**	**$432**

Zone 4

Category	BID Estimated Annual Costs	City Estimated Annual Costs
Clean	$16,848	$864
Safe	$11,000	$0
Maintained	$0	$0
Promote/Beautify	$13,792	$0

TOTAL	**$41,640**	**$864**

Zone 5

Category	BID Estimated Annual Costs	City Estimated Annual Costs
Clean	$0	$0
Safe	$0	$0
Maintained	$0	$0
Promote/Beautify	$0	$0
TOTAL	**$0**	**$0**

SUBTOTAL ZONE 1 THRU 5 COSTS	**$300,000**	**$64,645**
BID ADMINISTRATION COST	**$40,000**	**$0**
ESTIMATED GRAND TOTALS	**$340,000**	**$64,645**

This document is subject to change per the requirements and development of Downtown Fargo.

The BID will report appropriate issues through the FargoOne application and follow-up with applicable departments when necessary.

***Some components of the plans and specs are not standard city policy. BID and City of Fargo will coordinate these items as documented in the communications procedures set forth. The communications procedures are a set of guidelines for coordinating new policies and operations that are not currently established at the City of Fargo and that are known to likely come forward as topics of interest for downtown operations.**

CITY OF Fargo

Finance Office
P.O. Box 2083
200 3rd Street North
Fargo, North Dakota 58107-2083
Phone: 701-241-1333
Fax: 701-241-1526

(6)

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Green Mill Liquor License

DATE: December 1, 2017

In November 2017 the City Commission was presented with the following explanation and the requested extension was approved.

The Green Mill restaurant emailed the Auditor's office requesting an extension of time to use their class FA alcoholic beverage license. They have closed the restaurant and are remodeling the building with the hopes of opening a new concept by March 2018. The ownership group has not changed.

They are requesting a six month extension of ordinance 25-1512 on their liquor license to allow them time to remodel the building and open with a new concept. Extending the license until March 2018 will offer them time to finish the remodeling. I would recommend this extension.

The Auditor's Office has received a follow up email explaining that the GM Fargo LLC ownership group would like to change the D/B/A from Green Mill to Crooked Pint Ale House. Their intention is to be remodel the space and be open by March 2018.

Recommended Motion:

Approve the name change for GM Fargo LLC from D/B/A Green Mill to D/B/A Crooked Pint Ale House.

Printed on Recycled paper.

Steve Sprague

From: Mary Jule Erickson <maryjule@hightophospitality.com>
Sent: Tuesday, November 14, 2017 3:08 PM
To: Steve Sprague
Subject: RE: liquor license

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Steve,
When we reopen as a Crooked Pint in Fargo we will still be under the exact same ownership and LLC (GM Fargo, LLC). We will however, be changing the DBA to Crooked Pint Ale House. Can you tell me if you know what I need to do, if anything, regarding the liquor license?
Thank you,
Mary Jule

Mary Jule Erickson | **President/CFO** | Hightop Hospitality | 651-203-3100
1342 Grand Avenue | St. Paul, Minnesota 55105

From: Mary Jule Erickson
Sent: Tuesday, October 24, 2017 3:02 PM
To: 'Steve Sprague'
Cc: Tim Kreiser; Paul Dzubnar
Subject: RE: liquor license

Thanks Steve, we appreciate your help on this and are happy to remain a part of the Fargo business landscape as well!

~Mary Jule

Mary Jule Erickson | **President/CFO** | Hightop Hospitality | 651-203-3100
1342 Grand Avenue | St. Paul, Minnesota 55105

From: Steve Sprague [mailto:SSprague@FargoND.gov]
Sent: Tuesday, October 24, 2017 11:04 AM
To: Mary Jule Erickson
Cc: Tim Kreiser; Paul Dzubnar
Subject: RE: liquor license

Mary Jule - This email will be adequate for me to take to the City Commission for approval. Thank you for your quick response, we are very happy you will continue to have a presence in Fargo!

FARGODOME

(7)

Fargo City Commission
200 3rd Street North
Fargo, ND 58102

Commissioners:

The Fargo Dome Authority requests your approval of the designation of sole-source provider for replacement purchases through three existing vendors for a three-year period (2018-2020). The vendors and products listed were bid and vetted during the initial inventory acquisition. We currently own several hundred thousand dollars of vendor-specific tables, chairs, and stage decking. As we have nearly annual occasion to replace/increase a portion of these inventories due to damage, wear and tear, or additional building needs, it is most efficient to replace with the same brands due to compatibility with existing inventory (uniform "look", efficiencies with same carts and accessories, etc.), and our staff's familiarity with the product. In the unlikely event that we replace our entire inventory of any of these products during this three-year timeframe, we will bid the items as per the Purchasing Policy.

Tables	MityLite, Inc.
Arena Floor Chairs (blue folding)	Clarin/Hussey Seating
Stage Decking/Stair Units	Stageright Corp.

At their November 2017 meetings, the Fargo Dome Authority and their Finance/Building Committees approved the motion to designate Sole Source Provider status for a period of three-years for replacement components of existing inventories to MityLite, Clarin/Hussey, and Stageright. The City of Fargo Finance Committee also approved this motion at their November 27th meeting.

Requested Motion: To approve the designation of Sole Source Provider for a period of three-years for replacement components of existing inventories to:

MityLite, Inc.
Clarin/Hussey Seating
Stageright Corp

Thank you for your consideration of this matter.

Very truly yours,

Rob Sobolik
General Manager, FARGODOME

FARGODOME

8

Fargo City Commission
200 3rd Street North
Fargo, ND 58102

Commissioners:

The Fargo Dome Authority requests your approval of the sole-source procurement of an annual subscription through the Arena Network. Arena Network (www.ArenaNetwork.net) is an association of major North American arenas not associated with private management companies who are working together to expand the touring season and increase the volume of business at each of its member venues. We believe the FARGODOME's affiliation with Arena Network will be another valuable asset as we strive to attract the top performing tours to the Fargo-Moorhead community.

Value provided through the Arena Network:

- Industry Representation and Resources:
  - Weekly conference calls regarding touring, sales, and other industry information.
  - Extensive relationships with agents, artists, and promoters to influence and lobby tour routings.
- Locations of affiliated Midwest venues create a natural tour routing.
- Membership exclusivity, as competing venues are not allowed to join Area Network.

Arena Network's annual membership fee is $27,500. There is no long-term contract requirements, and membership can be terminated with a 90-day notice. While this expense was not specifically included in our 2018 Operating Budget, additional 2018 operating revenues anticipated through a non-budgeted seventh, regular season home NDSU football game will provide adequate funds for this expenditure.

At their November 2017 meetings, the Fargo Dome Authority and their Finance/Building Committees approved the motion to approve a 2018 subscription to Arena Network through the Sole Source Provider designation. The City of Fargo Finance Committee also approved this subscription at their November 27, 2017 meeting. Subsequent annual subscriptions will be approved through the annual budget process.

Requested Motion: To approve the 2018 subscription to Arena Network through the Sole Source Provider designation.

Thank you for your consideration of this matter.

Very truly yours,

Rob Sobolik
General Manager, FARGODOME

1800 North University Drive Fargo, ND 58102
Phone: (701) 241-9100 Fax: (701) 237-0987 www.fargodome.com

FARGODOME

9

Fargo City Commission
200 3rd Street North
Fargo, ND 58102

Commissioners:

The Fargo Dome Authority requests bid awards for FARGODOME Janitorial products to Cole Paper and Dacotah Paper as per the attached bid tabulation. We solicited bids for supply items to commence at bid award through 12/31/2018 with the option for two one-year annual renewals at prices mutually agreeable to both parties. Additionally, in our bid documents we expressed our preference to award a majority of products to one vendor; however, we reserved the right to award specific products to other vendors due to pricing, brands, quality, or other relevant factors.

As noted in our bid tabulation, we awarded all products within a category to one company, with the exception of Cleaning Supplies. Two alternate chemical products offered through Cole Papers are a satisfactory substitution and afford significant savings over the Dacotah Paper proposed product. Other minor instances in which a specific low bid was not from the company with the majority of low bids were nominal and not materially significant.

At their November 2017 meetings, the Fargo Dome Authority and their Finance/Building Committees approved the motion to award bids for FARGODOME Janitorial products to Cole Paper and Dacotah Paper as per the bid tabulation.

Requested Motion: To approve the Bid Award for FARGODOME Janitorial products to Cole Papers and Dacotah Paper as per the bid tabulation to commence at bid award through 12/31/2018 with the option for two one-year annual renewals at prices mutually agreeable to both parties.

Thank you for your consideration of this matter.

Very truly yours,

Rob Sobolik
General Manager, FARGODOME

1800 North University Drive Fargo, ND 58102
Phone: (701) 241-9100 Fax: (701) 237-0987 www.fargodome.com

FARGODOME: ATTACHMENT B VENDOR TO COMPLETE	brand, if alternate	historical use 2016					AWARD BID TO	Notes:
Company Name:			BUS ESSENTIAL	BRENCO	DACOTAH	COLE		
"PAPER PRODUCTS"								
Towel Roll BWN Enmotion HC EPA		366	53.35 per 4800 lineal ft	no bid	42.32/case 6 at 800ft x 10"	ALT: SOLARIS PRODUCT 28.96/case 6 at 1000ft x 8"	COLE	tested alternate - satisfactory product
Tissue Toilet 2 ply crl compact		390	54.23 per 36000 sheets	no bid	29.24/case 18 at 1500s sheet	ALT: SOLARIS PRODUCT 33.27/case 36 at 1000 sheet	COLE	tested alternate - satisfactory product
250-201W Disposal Sanitary Napkin Wht		15	17.38 each	no bid	18.57 each	15.61 each	COLE	
Tissue facial 2 ply pacific blue		4	13.99 30 per case 100 ct	no bid	15.69 30 per case 100 ct	16.28 30 per case 100ct	COLE	Nominal difference - purchase from lowest paper product provider
Liner Waxed Paper F/Sanitary Nap		1	19.38 per 500	no bid	16.59 per 500	$18.61 per 500	COLE	Nominal difference - purchase from lowest paper product provider
"CLEANING SUPPLIES"								
Shineline Multisurface cleaner		9	547.91 per 55 gal drum	375 per 55 gal drum	346.26 per 55 gal drum	ALT: NEUTRAL ALL PURP CLEANER $213.48 per 55-gal drum	COLE	tested alternate - satisfactory product
CLNR/DISINF Neutral Ecolyzer		29	50.23 4 1 gal/case	44 4 1 gal/case	56.73 4 1 gal/case	ALT: NEUTRAL DEOD $35.34 4 1 gal/case	COLE	tested alternate - satisfactory product
CLNR/DEGR Industrial SC-200 5 gal	NO SUB	20	no bid	no bid	52.42 5 gallon	no bid	DACOTAH	
Pathmaker Cleaner	NO SUB	2	no bid	no bid	361.46 per 55 gal drum	no bid	DACOTAH	
Detgnt Laundry Clothseline BLD 5 gal		5	no bid	no bid	64.4 5 gallon	108.35 5 gallon	DACOTAH	
Softner/Sour Laundry Clothesline		4	no bid	no bid	56.8 5 gallon	78.88 5 gallon	DACOTAH	
Bleach Laundry Clothesline Fresh		3	no bid	no bid	24.69 5 gallon	35.95 5 gallon (clorinated	DACOTAH	
Lemon Ckeaner Neu Disinf DMQ Lemon		10	46.59 4 1 gal/case	116 4 1 gal/case	28.82 4 1 gal/case	33.35 4 1 gal/case	DACOTAH	
NABC Non-Acid Bathroom Cleaner		1	482.89 per 55 gal drum	350 55 gal drum	251.29 per 55 gal drum	275.73 per 55 gal drum	DACOTAH	
Spartan Glass Cleaner		1	364.55 per 55 gal drum	350 55 gal drum	188.56 per 55 gal drum	191.55 per 55 gal drum	DACOTAH	
Clnr/Degr Consume Micromuscle		3	47.65 4 1 gal/case	48 4 1 gal/case	28.58 4 1 gal/case	39.49 4 1 gal/case	DACOTAH	
CLNR/DEGR Buty BH-38		2	44.13 4 1 gal/case	no bid	28.01 4 1 gal/case	26.94 4 1 gal/case	DACOTAH	Nominal difference - continue with existing product from Dacotah
Wiper Cloth 9x15 HD Wet Task KimTeck KK6253		75	58.97 per case 2 rl/cs	no bid	43.22 per case 2 rl/case	46.64 per case 2 rl/cs	DACOTAH	
Kimtech Wettask Large Format Bucket		10	60 2/case	no bid	50 2/case	no bid	DACOTAH	
CLNR Floor Damp Mop Conc		3	52.62 4 1 gal/case	48 4 1 gal/case	21.74 4 1 gal/case	27.81 4 1 gal/case	DACOTAH	
"SUPPLIES"								
Soap H&B LNF Cranberry Ice		73	39.04 4 1 gal/case	40 4 1 gal/case	$38.21 cramberry Ice or $37 Perlux 4 1gal/case	ALT: GERMX BRAND $19 4 1 gal/case	COLE	tested alternate - satisfactory product
Cherry Urinal Block 4 oz		51	10.86 per dozen	no bid	6.76 per dozen	7.69 per dozen	COLE	Nominal difference - purchase from lowest supply provider
Glove Vinyl Exam XLg Pwdr Free		12	5.06 per box of 100	no bid	24.04 per case 100/box x 10	22.04 per case 100/box x 10	COLE	
Glove Vinyl Exam Lg Pwdr Free		10	5.06 per box of 100	no bid	24.04 per case 100/box x 10	22.04 per case 100/box x 10	COLE	
"BROOM/MOP/VACUUM"								
SANITARE Vac Upright 7AMP Dust Cup	NO SUB	6	199.2 per item	no bid	179.63 per item	211.98 per item	DACOTAH	
Dust Pan Upright Blk Lobby		20	7.99 per item	19, incl broom	18.92 per item	22.58 per item	DACOTAH	BE alternate brand. Not accepted.
Mop Wet Lg Wht S/Stitch		7	9.13 per item	$7.50 per item	8.28 per item	5.89 per item	DACOTAH	Nominal difference - purchase from lowest broom/mop/vac provider
Lobby Broom w/ Handle		19	8.41 per item	Inc/ with dust pan	5.11 per item	8.38 per item	DACOTAH	
"TRASH CANS/LINERS"								
Liner Can Repro 43x47 Blk 2mil		240	31.58 per case of 100	39.55 per case of 100	35.01 per case of 100	23.46 per case of 100	COLE	
Liner Can LDEM 26x42 wht		45	30.31 per case of 250	20 per case of 200	23.19 per case of 200	16.04 per case of 250	COLE	
Liner Can HDEN 24x33 Nat C		2	22.33 per case of 1000	33.25 per case of 1000	23.54 per case of 1000	22.97 per case of 1000	COLE	Nominal difference - purchase from lowest can liner provider

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

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

(10)

MEMORANDUM

TO: **BOARD OF CITY COMMISSIONERS**

FROM: **RUTH ROMAN**
DIRECTOR OF PUBLIC HEALTH

DATE: **NOVEMBER 17, 2017**

RE0: **AGREEMENT FOR SERVICES WITH JACI MCCASKELL KULISH FOR BREASTFEEDING PEER COUNSELOR PROGRAM DEVELOPMENT FOR $2800.00**

The attached Contract Agreement with Jaci McCaskell Kulish is to provide the development of a breastfeeding peer counselor program.

No budget adjustment is required for this contract.

Suggested Motion: Move to approve the Contract Agreement with Jaci McCaskell Kulish.

RR/LA
Enclosure

AGREEMENT FOR SERVICES

THIS AGREEMENT, effective the 1st day of December, 2017, by and between Fargo Cass Public Health ("FCPH"); and Jaci McCaskell Kulish (Independent Contracting Consultant).

NOW, THEREFORE, it is hereby agreed by and between the parties hereto as follows:

A. **Term of Agreement:** The parties entered into a written agreement for the period of December 1, 2017, through May 31, 2018.

B. **Services to be provided by independent contractor:** To assist in the development of the breastfeeding Peer Counselor role as part of the Back to Work Mom program. During this pilot phase of the project, contractor responsibilities will include: researching current peer counselor programs, establishing an outreach plan for recruitment, developing the Peer Counselor role and the duties to be associated with the role after the pilot phase, developing content/curriculum for in-person meetings, and piloting initial counselor duties in regards to support contacts with moms enrolled in the Back to Work Mom program.

C. **Reimbursement:** The contracting consultant shall be reimbursed $20.00 per hour and submit an invoice, not to exceed 140 hours or $2800.00

D. **Termination:** This Agreement may be terminated by either party upon the giving of thirty (30) days written notice.

E. **Confidentiality:** The contracting consultant agrees to not, directly or indirectly, disclose, make known, divulge, publish or communicate any individually identifiable health information or other confidential information to any person, firm or corporation without consent unless that disclosure is authorized under North Dakota law.

Special Considerations:

A. It is understood and agreed that the relationship created by this Agreement shall be that of independent contractor and contractee shall not be deemed an employee of Fargo Cass Public Health for any other purpose.

B. The laws of the State of North Dakota shall govern this service agreement. I hereby certify that the above assurances and provisions of service have been reviewed and our agency has agreed upon the conditions as set forth.

C. It is understood any forms or paperwork required by Fargo Cass Public Health and the City of Fargo to receive payment for services will be completed as needed.

In Witness thereof, this purchase of service agreement has been executed between the Consultant and Fargo Cass Public Health on the date-executed below.

FARGO CASS PUBLIC HEALTH

By Ruth Roman
Ruth Roman, Director of Public Health

Date 11-16-17

CONSULTANT

By Jaci McCaskell Kulish
Jaci McCaskell Kulish, Independent Contractor

Date 11-15-17

By _____
Timothy J. Mahoney, Mayor, City of Fargo

Date _____

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

(11)

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

MEMORANDUM

TO: **BOARD OF CITY COMMISSIONERS**

FROM: **RUTH ROMAN**
DIRECTOR OF PUBLIC HEALTH

DATE: **NOVEMBER 28, 2017**

RE: **AGREEMENT BETWEEN RICHLAND COUNTY HEALTH DEPARTMENT AND FARGO CASS PUBLIC HEALTH FOR NURSE PRACTITIONER SERVICES**

The attached agreement is for a nurse practitioner from Fargo Cass Public Health to provide Family Planning services for the Richland County Health Department in Wahpeton, North Dakota.

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

Suggested Motion:
Move to approve the agreement with Richland County Health Department to provide nurse practitioner services.

RR/LA
Enclosure

Public Health
Prevent. Promote. Protect.
Richland County Health Department

Richland County Health Department

413 3rd Avenue North
Wahpeton, ND 58075
Telephone (701) 642-7735 Fax (701) 642-7746
www.richlandcountyhealth.org

AGREEMENT BETWEEN

RICHLAND COUNTY HEALTH DEPARTMENT

AND

FARGO CASS PUBLIC HEALTH

An agreement to provide nurse practitioner for family planning services is hereby made between Richland County Health Department and Fargo Cass Public Health.
The parties agree as follows:

SERVICES PROVIDED:

Fargo Cass Public Health agrees to provide nurse practitioner to provide family planning client services for Richland County Health Department two to three times a month. All services will be provided based on Richland County Family Planning policies, procedures and protocols.

COMPENSATION:

Compensation will be at a rate of $62.25 per hour for client services and travel time. Mileage will be compensated at the current IRS rate per mile.

PAYMENT:

Payment shall be made to Fargo Cass Public Health upon receipt of monthly billing statement.

TERMS OF AGREEMENT:

This agreement shall take effect January 1, 2018 and shall terminate December 31, 2018. Continued services will be considered and subsequent agreement will be written if needed.

Termination of the Agreement of a date earlier than that stated may occur after given thirty (30) day notice by either Richland County Health Department of Fargo Cass Public Health.

INDEMNIFICATION:

The Richland County Health Department agrees to indemnify, hold harmless and defend Fargo Cass Public Health, its agents, servants and employees from and against all claims, actions, losses, costs and expense (including attorney's fees and litigation costs), judgments, settlement payments, and, whether or not reduced to final judgment, all liabilities, damages or fines paid, incurred or suffered by any third parties in connection with loss of life, personal injury and/or damage to property arising from, directly or indirectly, wholly or in part, (i) the actions of any nurse practitioner in the course of providing services outlined in this agreement or (ii) any violation of any law, ordinance, order, rule or regulation of governmental authorities having jurisdiction over Fargo Cass Public Health.

IN WITNESS THEREOF, the parties have executed this Agreement of the dates set out below:

11-27-17
Date

Deb Flack
Deb Flack, Administrator
Richland County Health Dept
Wahpeton, ND

11-28-17
Date

Ruth Roman
Ruth Roman, Director
Fargo Cass Public Health
Fargo, ND

Date

Timothy J. Mahoney
Mayor, City of Fargo

Schedule A

12

CONFIDENTIAL

DATE of SUBMISSION	
10/24/2017	
INITIAL TERM and PAYMENT:	5 years, paid annually in advance

TargetSolutions
10805 Rancho Bernardo Road, Suite 200
San Diego, CA 92127-5703
877-944-6372 - Toll Free
858-592-7880 - Direct / 713-422-2695 Fax

TS Sales Contact: Rosario Valenti
rosario.valenti@targetsolutions.com
Phone: 563-663-8067

Proposal To:
City of Fargo
Mike Mitchell
200 3rd St. N
Fargo, ND 58102 701-298-6973
mmitchell@cityoffargo.com

TargetSolutions Online Training Platform, License Customized Website, Administration Tools and Applications

Description	Unit Price Per User	Quantity (# of Users)	Total
TargetSolutions Premier Platform City Year 1 FD, PW, PD, City	$45.00	1000	$45,000.00
TargetSolutions Premier Platform City Year 2 FD, PW, PD, City	$46.00	1000	$46,000.00
TargetSolutions Premier Platform City Year 3 FD, PW, PD, City	$47.00	1000	$47,000.00
TargetSolutions Premier Platform City Year 4 FD, PW, PD, City	$48.00	1000	$48,000.00
TargetSolutions Premier Platform City Year 5 FD, PW, PD, City	$49.00	1000	$49,000.00
Hands on Training with Amy Albanese			$5,000.00
Annual Maintenance Fee Per Site		5	$395.00
Optional Products and/or Services:			
One Time Set Up Fee			waived
Year One		**TOTAL DUE**	**$51,975.00**

NOTES:

$47,975.00	Year 2 Total
$48,975.00	Year 3 Total
$49,975.00	Year 4 Total
$50,975.00	Year 5 Total

By signing the Client Agreement, you are 1) agreeing to the pricing and terms presented in this proposal; 2) agreeing you have read and accept the Client Agreement and License terms and; 3) agreeing you have read the Target Solutions Platform System Requirements and Platform Solution Description documents listed in detail at the following url:

http://targetsolutions.com/clients/client-resources/

Client Agreement

This Client Agreement (the "Agreement"), effected as of the date noted in the attached Schedule A (the "Effective Date"), is by and between TargetSolutions Learning, LLC. ("TSL"), a Delaware limited liability company, and the undersigned client ("Client"), and governs the purchase and ongoing use of the services described in this Agreement (the "Services").

1. Services. TSL shall provide the following services:

   1.1. Access. TSL will provide Client a non-exclusive, non-transferable, revocable, limited license to remotely access and use the Services hereunder and, unless prohibited by law, will provide access to any person designated by Client ("Users").

   1.2. Availability. TSL shall use commercially reasonable efforts to display its content and coursework for access and use by Client's Users twenty-four (24) hours a day, seven (7) days a week, subject to scheduled downtime for routine maintenance, emergency maintenance, system outages and other outages beyond TSL's control.

   1.3. Help Desk. TSL will assist Users as needed on issues relating to usage via e-mail, and a toll-free Help Desk five (5) days per week at scheduled hours.

2. **Client's Obligations**.

   2.1. Compliance. Client shall be responsible for Users' compliance with this Agreement, and use commercially reasonable efforts to prevent unauthorized access to or use of the Services.

   2.2. Identify Users. Client shall (i) provide a listing of its designated/enrolled Users; (ii) cause each of its Users to complete a profile; (iii) maintain user database by adding and removing Users as appropriate.

   2.3. Future Functionality. Client agrees that its purchases hereunder are neither contingent on the delivery of any future functionality or features nor dependent on any public comments regarding future functionality or features.

3. **Fees and Payments.**

   3.1. Fees. Client will pay for the Services in accordance with the fee schedule in Schedule A attached to this Agreement. Upon expiration of the five (5) year Initial Term, fees shall be increased by 2.5% per year for any renewal terms.

   3.2. Payments. All fees due under this Agreement must be paid in United States dollars. Such charges will be made in advance, according to the frequency stated in Schedule A. TSL will invoice in advance, and such invoices are due net 30 days from the invoice date. All fees collected under this Agreement are fully earned when due and nonrefundable when paid.

   3.3. Suspension of Service for Overdue Payments. Any fees unpaid for more than ten (10) days past the due date shall bear interest at 1.5% per month. With fifteen (15) days prior written notice, TSL shall have the right, in addition to all other rights and remedies to which TSL may be entitled, to suspend Client's Users' access to the Services until all overdue payments are paid in full.

4. **Intellectual Property Rights**.

   4.1. Client acknowledges that TSL alone (and its licensors, where applicable) shall own all rights, title and interest in and to TSL's software, website or technology, the course content, and the Services provided by TSL, as well as any and all suggestions, ideas, enhancement requests, feedback, recommendations or other information provided by Client, and this Agreement does not convey to Client any rights of ownership to the same. The TSL name and logo are trademarks of TSL, and no right or license is granted to Client to use them.

   4.2. Except as otherwise agreed in writing or to the extent necessary for Client to use the Services in accordance with this Agreement, Client shall not: (i) copy the course content in whole or in part; (ii) display, reproduce, create derivative works from, transmit, sell, distribute, rent, lease, sublicense, transfer or in any way exploit the course content in whole or in part; (iii) embed the course content into other products; (iv) use any trademarks, service marks, domain names, logos, or other identifiers of TSL or any of its third party suppliers; or (v) reverse engineer, decompile, disassemble, or access the source code of any TSL software.

   4.3. Client hereby authorizes TSL to share any intellectual property owned by Client ("User Generated Content") that its Users upload to the Community Resources section of TSL's website with TSL's 3rd party customers and users that are unrelated to Client ("Other TSL Customers"); provided that TSL must provide notice to Client's users during the upload process that such User Generated Content will be shared with such Other TSL Customers.

5. **Term and Termination**.

   5.1 The term of this Agreement shall commence on the Effective Date, and will remain in full force and effect for the term indicated in Schedule A ("Term"). Upon expiration of the Initial Term, this agreement shall automatically renew for successive one (1) year periods (each, a "Renewal Term"), unless notice is given by either party of its intent to terminate the Agreement, at least sixty (60) days prior to the scheduled termination date.

   5.2 Termination for Cause. Either Party shall be entitled to terminate this Agreement for cause in the event that such other Party materially breaches this Agreement, which breach remains uncured for thirty (30) calendar days following written notice to the other Party. Such notice shall specify with reasonable detail the nature and extent of the breach. Upon such termination by Client, TSL shall issue a prorated refund of all prepaid fees.

6. **Mutual Warranties and Disclaimer**.

   6.1. Mutual Representations & Warranties. Each party represents and warrants that it has full authority to enter into this Agreement and to fully perform its obligations hereunder.

   6.2. Disclaimer. EXCEPT AS EXPRESSLY PROVIDED HEREIN, NEITHER PARTY MAKES ANY WARRANTIES OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, INCLUDING ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW.

7. **Miscellaneous**.

   7.1. Limitation on Liability. Except as it relates to claims related to Section 4 or Section 7.2 of this Agreement, (a) in no event shall either party be liable to the other, whether in contract, warranty, tort (including negligence) or otherwise, for special, incidental, indirect or consequential damages (including lost profits) arising out of or in connection with this Agreement; and (b) the total liability of either party for any and all damages, including, without limitation, direct damages, shall not exceed the amount of the total fees due to, or already paid to, TSL for the preceding twelve (12) months.

Subject to the limits in amount and types of coverage contained in TSL's insurance policies identified in its Certificate of Insurance, a copy of which is attached hereto for reference, TSL shall indemnify and hold Client harmless from any and all claims, damages, losses and expenses, including but not limited to reasonable attorney fees, awarded for personal injury, including death, or damage to real or personal property of Client to the extent proximately caused by the negligence of an employee or agent of TSL while TSL is physically on Client's premises, or resulting from TSL's gross negligence, willful misconduct, or fraud.

7.2. Intellectual Property Indemnification. TSL shall indemnify and hold Client harmless from any and all claims, damages, losses and expenses, including but not limited to reasonable attorney fees, arising out of or resulting from any third party claim that the Services or any component thereof infringes or violates any intellectual property right of any person.

7.3. Assignment. Neither party may assign or delegate its rights or obligations pursuant to this Agreement without the prior written consent of the other, provided that such consent shall not be unreasonably withheld. Notwithstanding the foregoing, TSL may freely assign or transfer any or all of its rights without Client consent to an affiliate, or in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets.

7.4. Force Majeure. TSL shall have no liability for any failure or delay in performing any of its obligations pursuant to this Agreement due to, or arising out of, any act not within its control, including, without limitation, acts of God, strikes, lockouts, war, riots, lightning, fire, storm, flood, explosion, interruption or delay in power supply, computer virus, governmental laws or regulations.

7.5. No Waiver. No waiver, amendment or modification of this Agreement shall be effective unless in writing and signed by the parties.

7.6. Severability. If any provision of this Agreement is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

7.7. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the laws of the state of North Dakota.

7.8. Entire Agreement. This Agreement and its exhibits represent the entire understanding and agreement between TSL and Client, and supersedes all other negotiations, proposals, understandings and representations (written or oral) made by and between TSL and Client.

IN WITNESS WHEREOF, the parties have executed this Agreement as the last date set forth below.

Target Solutions Learning, LLC	City of Fargo
10805 Rancho Bernardo Road, Suite 200	200 3rd St. N
San Diego, CA 92127-5703	Fargo, ND 58102
By: A. Lynch	By:
Andrew Lynch	
Area Director of Sales	
Date: 11.28.17	Date:

CITY OF FARGO
528e1f55-4563-4cf8-

CITY OF Fargo

OFFICE OF HUMAN RESOURCES
200 3RD STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: 701-241-1321
FAX: 701-476-6707

(13)

To: Board of City Commissioners

From: Jill Minette, Director of Human Resources JM

Re: Position Evaluation Committee (PEC) Recommendations

Date: November 29, 2017

The Position Evaluation Committee (PEC) met on November 20, 2017 to review reorganization / reclassification requests submitted as a result of current and future vacant positions as outlined below:

1. Administration and Planning

Bruce Grubb, City Administrator, requests a reorganization of the Department of Planning and Development due to current and upcoming vacancies. The reorganization involves the classification of new positions, reclassification of existing positions and elimination of a few positions as indicated below:

New Classifications:

Director of Strategic Planning and Research	Grade 23
Assistant Planning Director	Grade 20

Reclassifications:

Planning Administrator to Planning Director	Grade 18 to Grade 23
Planner to Urban Planning Coordinator	Grade 14 to Grade 16
Planner to Community Development Coordinator	Grade 14 to Grade 16
Senior Planner to Current Planning Coordinator	Grade 15 to Grade 16
Planner to Long-Range Planning Coordinator	Grade 14 to Grade 16
Planner to Senior Planner	Grade 14 to Grade 15
Assistant Planner to Planner	Grade 12 to Grade 14
Community Development Assistant to Assistant Planner	Grade T99 to Grade 12

Positions / Classifications Eliminated:

Planner	Grade 14
Housing Rehabilitation Specialist	Grade 13

The PEC recommends the new classifications, reorganization / reclassifications and position eliminations listed above become effective upon approval. The reorganization is budget neutral.

Printed on Recycled paper.

2. Enterprise

Bruce Grubb, City Administrator, requests a reorganization of the Enterprise Utilities including the elimination of the Enterprise Director position, the classification of a new position and reclassification of existing positions as indicated below:

New Classifications:

Enterprise Instrumentation & Control Coordinator	Grade 16

Reclassifications:

Utility Directors	Grade 20 to Grade 22
Plant Superintendents	Grade 15 to Grade 17
Control System Managers	Grade 14 to Grade 15
Supervisors*	

*The reorganization request included a reclassification for the supervisors to move from a grade 14 to 15; however, further consideration will be given to this request before being presented for approval.

Positions / Classifications Eliminated:

Enterprise Director	Grade 24

The PEC recommends the new classifications, reorganization / reclassifications and position eliminations listed above become effective upon approval. The reorganization results in salary savings of $42,772.

3. Engineering

Mark Bittner, Director of Engineering, and Brenda Derrig, Division Engineer, request a reorganization of the Engineering Department utilizing the vacant City Engineer position to include the reclassifications and an out-of-grade request as indicated below:

Out-of-Grade:

Assistant City Engineer (out-of-grade for Division Engineer) Grade 22 to Grade 23
*effective upon approval

Reclassifications:

Office Associate III to Principal Office Associate *effective retroactive to June 26, 2017	Grade 9 to Grade 11
Civil Engineer II *effective upon approval	Grade 17
Engineering Technician II to III *January 1, 2018	Grade 11 to 13

Requests the reclassification and out-of-grade pay become effective as indicated above. The reorganization results in salary savings due to the salary savings from the vacant City Engineer Position.

4. **Fargo Cass Public Health**

Ruth Roman, Director of Fargo Cass Public Health, requests the classification of a new full-time temporary position, Harm Reduction Specialist (grade 9), effective upon approval.

The funding for the new position would be covered by a combination of existing budgeted dollars for addiction response and grant funding.

Suggested Motion:

Approve the recommendations of the PEC as outlined in this memo effective upon approval, unless otherwise noted.

CITY OF Fargo

14

Fargo Inspections
City of Fargo
200 Third Street North
701-241-1561
fax 701-241-1526

Memorandum

DATE: November 29, 2017

TO: Mayor Mahoney and Board of City Commissioners

FROM: Bruce Taralson, Inspections Administrator BT

SUBJECT: Dangerous Building Notice and Order at 1011 5th Avenue South

This is to notify you that the property owner of 1011 5th Avenue South, the property that is subject of the attached Notice, has failed to comply with my order to remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-0405 it will now be necessary for you to set a date for a hearing of this order at which time the property owner will be able to appear and show cause why the building should not be removed and the costs of that removal assessed against this property.

I have been advised that this property may have been purchased by another party. In the absence of substantiation of that sale, I recommend that we proceed with the procedures set forth in FMC 21-04 and consider any further information when and/or if it is supplied.

The recommendation is **to make a motion, in accordance with FMC Article 21-0405, to set December 18th, 2017 as the time and date for the hearing regarding the dangerous building order for the structure at 1011 5th Avenue South.**

CITY OF Fargo

DANGEROUS BUILDING ORDER TO COMMISSION- Detail and Timeline

This is to establish a DANGEROUS BUILDING hearing is required for **1011 5th AVE S.** as stipulated in Article 21-0405 of the City of Fargo Municipal Code. If determination is made, that hearing should happen at next appropriate commission meeting.

The hearing is required under Article 21-0405 for the purpose of allowing any interested parties the opportunity to comment, and to allow the Owner of the property the opportunity to appear and show cause why the City of Fargo should not cause the removal of this building.

The Inspections Department has taken this action due to the amount of damage to the building. This building meets 8 of the 10 criteria which only one might be required. Our report on ordinance requirements-

1. Inspections Department received complaint on property.
2. Inspections Department inspected the property.
3. Inspections placed notice on the building.
4. Inspections secured assessors report.
5. Inspections provided notice to Owner giving 30 days. Actually 40+ days.
6. Inspections report to City Commission today.

In your packets, you will find my dangerous building notice. Article 21-0404 requires the Inspections Department give a 30-day notice to the Owner of the property prior to any action by the City Commission or staff. Our time line will show a notice went out on October 2, 2017 and there has been no action taken by the Owner within the next 30 days which expired on November 1, 2017.

Also in your packets you will find copies of the photo's we have taken of the property as well as a copy of the letter of determination of value from Assessors office. Article 21-0401 stipulates that if this building meets the definition of a dangerous building, it must be demolished or repaired. The assessor's letter states that repairs will exceed or are in excess of 50% of the current value. Article 21-0402 stipulates that if costs to repair the building exceed 50% or more of the current value, the building can be ordered demolished or repaired. We have taken the path of demolition due to the amount of repair required.

PROPERTY INFORMATION- Building is currently vacant and is uninhabitable due to condition and current Inspections order. Deterioration is extensive. Building constructed in 1897.
Description: Two story building- I assume was a single family home originally and converted to rental property with 2 units.
Description of damage: There are many and varied issues with this building including structural damage, structural deterioration, interior finish deterioration and damage, holes in roof, normal wear and tear, rot and deterioration combined with the effects of attempted and abandoned construction, remodeling, etc.

Timeline for our events-
2001-2017- Various notices and orders for violations of rental codes, vehicles, junk and zoning.
6/23/17- Received complaint of property in disrepair. Entered in apartment Inspections software for inspections.
6/28/17- First letter of notice of unsafe structure.
8/1/17- Inspection scheduled and nobody showed up.
9/7/17- Inspection scheduled and nobody showed up.
9/8/17- Inspector Joseph Girdner met with a realtor who represented the Owner to inspect the property. Joseph brought inspector Clinton Hildebrand and Assessor Robert Harshberger along on this inspection to assist. Robert made his assessors determination based upon this inspection.
10/2/17- Dangerous Building notice sent in mail.
10/3/17- Dangerous Building notice posted on property.
10/9/17- Inspected building to verify secure. Some doors and windows secure. Ordered one door and one window secured and verified all doors still posted with placard.
11/3/17- Inspected and building still standing. No mailings returned to our office.
11/29/17- Order sent to City Commission office for final determination and order.

Upon your finding for Owner to comply with this demolition order, you are required by Article 21-04, to notify Owner of your determination, and that if an Owner fails to comply with that order for demolition within 10 days, The City Commission can order city staff to take action on demolition and assess costs back to the property.

I suggest you agree with my notice and find this to be a dangerous building, and direct the City Attorney to prepare findings of fact in this matter. I also ask that you direct staff to proceed with all necessary measures to secure removal of this building should the Owner fail to do so. Commission action requires a 10 day allowance for action per Article 21-0405.E. Article 21-0406 also allows court action if that is the course the commission chooses to take. Article 21-0412 is allowance for Owner appeal to City Commission action.

I understand there may be persons purchasing or in the process of purchasing this property that may speak at this hearing. If there is a motion to allow an additional time for demolition, I suggest adding a condition that if the building is not down within that timeframe, that our order to demolish be in place and date specified for the City of Fargo to take action.

Thank you,

Respectfully submitted,
Dated this 29th day of November, 2017.

Bruce Taralson
Administrator

Logged in as: Gretchen Morlan Log out

Inspection Field Reporting

Return

Notes for Parcel: 01-2140-00410-000 New
Owner: PREMIUM MORTGAGE ACQUISITION TRUST
Establishment:
Address: 1011 5 AVE S

Type	Details	Inspector	Violations / Notes			
[HI]	Reinspect 9/7/2017	John Arens	Location	Violation	Note	
			All - Whole Building	Housing Inspection [HI] \ Reinspection	no one showed up.	
[IN]	Passed 11/3/2017	Joseph Girdner	Location	Violation	Note	
			All - Whole Building	Investigation [IN] \ Investigation	one month since demo letter went out, building still standing waiting for conformation of receipt that demo letter reached the owners of property to process with demo order.	
[CI]	Passed 10/9/2017	John Arens	Location	Violation	Note	
			All - Whole Building	Complaint [CI] \ Rental Complaint	build front and back doors secure. windows secure except for second-floor deck window. back side door secured with hasp, no lock. Notice of dangerous building posted on front door both doors placarded.	
[IN]	Passed 10/3/2017	Joseph Girdner	Location	Violation	Note	
			All - Whole Building	Investigation [IN] \ Investigation	hung demo letter on front door	
[CN]	Passed	Joseph Girdner	Location	Violation	Note	

	9/8/2017		All - Whole Building	Consultation [CN] \ Consultation	Met with the realtor, Hap, John A., Rob Harshberger. to determine condition of property.
[HI]	Failed 9/7/2017	John Arens	**Location**	**Violation**	**Note**
			All - Whole Building	Housing Inspection [HI] \ Reinspection	no one showed up.
[HI]	Failed 8/1/2017	John Arens	**Location**	**Violation**	**Note**
			All - Whole Building	Housing Inspection [HI] \ Reinspection	no one showed up.
[CI]	Failed 6/23/2017	John Arens	**Location**	**Violation**	**Note**
			All - Whole Building	Complaint [CI] \ Rental Complaint	complaint regarding building in disrepair, roof caving in etc. building is not secure, open door, open window.
[HI]	Failed 6/22/2015	Tom Penuel	**Location**	**Violation**	**Note**
			All - Whole Building	Housing Inspection [HI] \ Reinspection	
[IN]	Failed 6/8/2015	Joseph Girdner	**Location**	**Violation**	**Note**
			All - Whole Building	Investigation [IN] \ Investigation	checking on shed removal
[CI]	Failed	Tom Penuel	**Location**	**Violation**	**Note**

RENTAL HOUSING DATABASE - 1011 5 AVENUE SOUTH, FARGO, ND 58103

DATE		COMMENTS	TEXT	DESCRIPTION	OUTCOME
10/9/2017	1011 5 Ave S blighted building	placarded for danger/unsafe	Building Placarded as uninhabitable	Unsafe structures	Structure unfit for human occupancy
10/9/2017	1011 5 Ave S Reffered	to Attorney for demolition	Dangerous Building	Dangerous Buildings	dangerous buildings
10/9/2017	1011 5 Ave S exterior balcony	needs structural support	Exterior	Balconies	Inadequately Supported/Attached
10/9/2017	1011 5 Ave S exterior balcony decking	decking rotted through	Exterior	Balconies	Weak/Broken Floor (HQS)
10/9/2017	1011 5 Ave S exterior	gutters rotting off	Exterior	Roof	Gutter, Downspout, and/or Extensions Loose, Leaking, or Missing (HQS)
10/9/2017	1011 5 Ave S rotted tarp on roof	repair/replace roof - tree growing on roof	Exterior	Roof	Shingles Missing, Rotted, Split, or Buckled
10/9/2017	1011 5 Ave S interior	ceilings down - sheetrock missing	Kitchen	Ceiling	Water or Other Damage (HQS)
10/9/2017	no one showed up for reinspection	power still on - back door open	No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
10/9/2017	exterior inspection only in no way inclusive of all violations	inspection was due to a complaint of smell of mold and roof caving in, and not secured	NOTES	Action	none
10/9/2017	1011 5 Ave S	building vacant but not secured - doors and windows open	Vacant Lots and Structures	Vacant Structures	blighted structures
9/7/2017	1011 5 Ave S blighted building	placarded for danger/unsafe	Building Placarded as uninhabitable	Unsafe structures	Structure unfit for human occupancy
9/7/2017	1011 5 Ave S exterior balcony	needs structural support	Exterior	Balconies	Inadequately Supported/Attached
9/7/2017	1011 5 Ave S exterior balcony decking	decking rotted through	Exterior	Balconies	Weak/Broken Floor (HQS)
9/7/2017	1011 5 Ave S exterior	gutters rotting off	Exterior	Roof	Gutter, Downspout, and/or Extensions Loose, Leaking, or Missing (HQS)
9/7/2017	1011 5 Ave S rotted tarp on roof	repair/replace roof - tree growing on roof	Exterior	Roof	Shingles Missing, Rotted, Split, or Buckled
9/7/2017	1011 5 Ave S interior	ceilings down - sheetrock missing	Kitchen	Ceiling	Water or Other Damage (HQS)
9/7/2017	no one showed up for reinspection	power still on - back door open	No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment

RENTAL HOUSING DATABASE - 1011 5 AVENUE SOUTH, FARGO, ND 58103

DATE		COMMENTS	TEXT	DESCRIPTION	OUTCOME
9/7/2017	exterior inspection only in no way inclusive of all violations	inspection was due to a complaint of smell of mold and roof caving in, and not secured	NOTES	Action	none
9/7/2017	1011 5 Ave S	building vacant but not secured - doors and windows open	Vacant Lots and Structures	Vacant Structures	blighted structures
8/1/2017	1011 5 Ave S blighted building	placarded for danger/unsafe	Building Placarded as uninhabitable	Unsafe structures	Structure unfit for human occupancy
8/1/2017	1011 5 Ave S exterior balcony	needs structural support	Exterior	Balconies	Inadequately Supported/Attached
8/1/2017	1011 5 Ave S exterior balcony decking	decking rotted through	Exterior	Balconies	Weak/Broken Floor (HQS)
8/1/2017	1011 5 Ave S exterior	gutters rotting off	Exterior	Roof	Gutter, Downspout, and/or Extensions Loose, Leaking, or Missing (HQS)
8/1/2017	1011 5 Ave S rotted tarp on roof	repair/replace roof - tree growing on roof	Exterior	Roof	Shingles Missing, Rotted, Split, or Buckled
8/1/2017	1011 5 Ave S interior	ceilings down - sheetrock missing	Kitchen	Ceiling	Water or Other Damage (HQS)
8/1/2017	exterior inspection only in no way inclusive of all violations	inspection was due to a complaint of smell of mold and roof caving in, and not secured	NOTES	Action	none
8/1/2017	1011 5 Ave S	building vacant but not secured - doors and windows open	Vacant Lots and Structures	Vacant Structures	blighted structures
6/23/2017	1011 5 Ave S blighted building	placarded for danger/unsafe	Building Placarded as uninhabitable	Unsafe structures	Structure unfit for human occupancy
6/23/2017	1011 5 Ave S exterior balcony	needs structural support	Exterior	Balconies	Inadequately Supported/Attached
6/23/2017	1011 5 Ave S exterior balcony decking	decking rotted through	Exterior	Balconies	Weak/Broken Floor (HQS)
6/23/2017	1011 5 Ave S exterior	gutters rotting off	Exterior	Roof	Gutter, Downspout, and/or Extensions Loose, Leaking, or Missing (HQS)
6/23/2017	1011 5 Ave S rotted tarp on roof	repair/replace roof - tree growing on roof	Exterior	Roof	Shingles Missing, Rotted, Split, or Buckled
6/23/2017	1011 5 Ave S interior	ceilings down - sheetrock missing	Kitchen	Ceiling	Water or Other Damage (HQS)
6/23/2017	exterior inspection only in no way inclusive of all violations	inspection was due to a complaint of smell of mold and roof caving in, and not secured	NOTES	Action	none

RENTAL HOUSING DATABASE - 1011 5 AVENUE SOUTH, FARGO, ND 58103

DATE		COMMENTS	TEXT	DESCRIPTION	OUTCOME
6/23/2017	1011 5 Ave S	building vacant but not secured - doors and windows open	Vacant Lots and Structures	Vacant Structures	blighted structures
10/31/2014	2-27-14		Exterior	Accessory Buildings	Damage
10/31/2014	1011 -- shed in front yard--	shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
10/31/2014	10-2-2014		Inspection fee	100.00 inspection fee	Violations not corrected
10/31/2014	6-16-2014		Inspection fee	100.00 inspection fee	Violations not corrected
10/31/2014	1-27-14		No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
10/31/2014	12-13-13		NOTES	Action	none
10/2/2014	2-27-14		Exterior	Accessory Buildings	Damage
10/2/2014	1011 -- shed in front yard--	shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
10/2/2014	10-2-2014		Inspection fee	100.00 inspection fee	Violations not corrected
10/2/2014	6-16-2014		Inspection fee	100.00 inspection fee	Violations not corrected
10/2/2014	1-27-14		No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
10/2/2014	12-13-13		NOTES	Action	none
9/16/2014	2-27-14		Exterior	Accessory Buildings	Damage
9/16/2014	1011 -- shed in front yard--	shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
9/16/2014	6-16-2014		Inspection fee	100.00 inspection fee	Violations not corrected
9/16/2014	1-27-14		No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
9/16/2014	12-13-13		NOTES	Action	none
8/26/2014	2-27-14		Exterior	Accessory Buildings	Damage
8/26/2014	1011 -- shed in front yard--	shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
8/26/2014	6-16-2014		Inspection fee	100.00 inspection fee	Violations not corrected

RENTAL HOUSING DATABASE - 1011 5 AVENUE SOUTH, FARGO, ND 58103

DATE	COMMENTS	TEXT	DESCRIPTION	OUTCOME
8/26/2014	1-27-14	No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
8/26/2014	12-13-13	NOTES	Action	none
7/28/2014	2-27-14	Exterior	Accessory Buildings	Damage
7/28/2014	1011 -- shed in front yard-- shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
7/28/2014	6-16-2014	Inspection fee	100.00 inspection fee	Violations not corrected
7/28/2014	1-27-14	No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
7/28/2014	12-13-13	NOTES	Action	none
7/2/2014	2-27-14	Exterior	Accessory Buildings	Damage
7/2/2014	1011 -- shed in front yard-- shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
7/2/2014	6-16-2014	Inspection fee	100.00 inspection fee	Violations not corrected
7/2/2014	1-27-14	No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
7/2/2014	12-13-13	NOTES	Action	none
6/16/2014	2-27-14	Exterior	Accessory Buildings	Damage
6/16/2014	1011 -- shed in front yard-- shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
6/16/2014	6-16-2014	Inspection fee	100.00 inspection fee	Violations not corrected
6/16/2014	1-27-14	No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
6/16/2014	12-13-13	NOTES	Action	none
5/19/2014	2-27-14	Exterior	Accessory Buildings	Damage
5/19/2014	1011 -- shed in front yard-- shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
5/19/2014	1-27-14	No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
5/19/2014	12-13-13	NOTES	Action	none

RENTAL HOUSING DATABASE - 1011 5 AVENUE SOUTH, FARGO, ND 58103

DATE		COMMENTS	TEXT	DESCRIPTION	OUTCOME
4/22/2014	2-27-14		Exterior	Accessory Buildings	Damage
4/22/2014	1011 -- shed in front yard--	shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
4/22/2014	1-27-14		No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
4/22/2014	12-13-13		NOTES	Action	none
4/1/2014	2-27-14		Exterior	Accessory Buildings	Damage
4/1/2014	1011 -- shed in front yard--	shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
4/1/2014	1-27-14		No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
4/1/2014	12-13-13		NOTES	Action	none
2/27/2014	2-27-14		Exterior	Accessory Buildings	Damage
2/27/2014	1011 -- shed in front yard--	shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
2/27/2014	1-27-14		No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
2/27/2014	12-13-13		NOTES	Action	none
1/27/2014	1011 -- shed in front yard--	shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
1/27/2014	1-27-14		No Show on Reinspect	Failure to keep appointment	Owner (or representative) not present for reinspection appointment
1/27/2014	12-13-13		NOTES	Action	none
1/14/2014	1011 -- shed in front yard--	shed is damaged and dilapidated--remove-- engines.	Exterior	Accessory Buildings	Deterioration
1/14/2014	12-13-13		NOTES	Action	none
12/13/2013	1011 -- shed in front yard--	shed is damaged and dilapidated--remove--	Exterior	Accessory Buildings	Deterioration
12/13/2013	1011--deteriorated balcony--	repair exterior deteriorated deck and balcony.	Exterior-- unsafe conditions	siding and masonary joints.	not maintained weather resistant or water tight.
12/13/2013	12-13-13		NOTES	Action	none
11/25/2013	1011 -- shed in front yard--	shed is damaged and dilapidated--remove--	Exterior	Accessory Buildings	Deterioration
11/25/2013	1011--deteriorated balcony--	repair exterior deteriorated deck and balcony.	Exterior-- unsafe conditions	siding and masonary joints.	not maintained weather resistant or water tight.

RENTAL HOUSING DATABASE - 1011 5 AVENUE SOUTH, FARGO, ND 58103

DATE		COMMENTS	TEXT	DESCRIPTION	OUTCOME
10/31/2013	1011 -- shed in front yard--	shed is damaged and dilapidated--remove--	Exterior	Accessory Buildings	Deterioration
10/31/2013	1011--deteriorated balcony--	repair exterior deteriorated deck and balcony.	Exterior-- unsafe conditions	siding and masonary joints.	not maintained weather resistant or water tight.
10/8/2013	1011 -- shed in front yard--	shed is damaged and dilapidated--remove--	Exterior	Accessory Buildings	Deterioration
10/8/2013	1011--junk auto-back parking lot--	remove junk vehicles.	Exterior	Parking	Junk auto with expired tabs.
10/8/2013	1011--deteriorated balcony--	repair exterior deteriorated deck and balcony.	Exterior-- unsafe conditions	siding and masonary joints.	not maintained weather resistant or water tight.

CITY OF Fargo

INSPECTIONS

200 3RD STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: 701-241-1561
FAX: 701-476-6779

June 28, 2017

Re: 1011 5 Ave S, Fargo, ND

To whom it may concern:

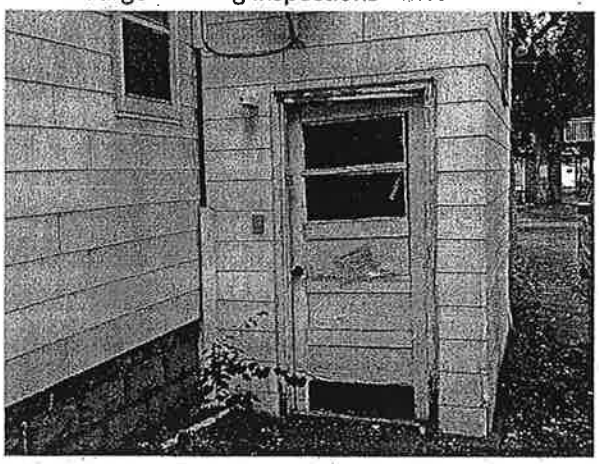
This letter is to notify a responsible party to inform them that the property at 1011 5 Ave S, Fargo, ND has been placarded as unsafe. It is unlawful for any person to enter or occupy the building. I received a complaint stating: the property is in disrepair, there is a smell of mold, the roof is caving in, a door has panel missing. I went to the property and did an inspection of the exterior only. Numerous code violations exist. The following list in not inclusive of all violations:

- The building is not secured- door open, windows open
- Gutters are rotting off
- Balcony appears to need structural support
- Balcony decking has rotted through
- Interior photos on Zillow show failed ceilings
- The roof has trees growing out of it and a shredded tarp trying to protect it
- This was an exterior inspection only and again is not inclusive of all the violations

If you are a responsible party, the building needs to be secured immediately and I need to go in to do a complete inspection to document all violations. My contact number is 701-476-4165.

John Arens

Fargo Building Inspections office



DATE: September 11, 2017

TO: Joseph Girdner, Residential Building Inspector
John Arens, Rental Housing Inspector

FROM: Robert E Harshberger, Deputy Assessor

SUBJECT: 1011 5 Ave S, Fargo, ND
01-2140-00410-000

On September 8, 2017 I inspected the subject residential building to determine if the damage, caused by neglect, would qualify it as a dangerous building as defined in city ordinance. One requirement of that classification is that the cost to repair would exceed fifty percent (50%) of the building value as established by the Fargo Assessment Department.

Based on observed component damage and assumptions relative to the condition of other building elements, I have estimated a cost to repair that exceeds the minimum fifty- percent threshold.

NOTICE OF DANGEROUS BUILDING

TO: PREMIUM MORTGAGE ACQUISITION TRUST, DBA.
CHRISTIANA TRUST TRUSTEE

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.

2. That the building with which this Notice is concerned is commonly known as 1011 5 Avenue South, Fargo, North Dakota, and is located on that tract of land in the city of Fargo, more particularly described as follows:

Lot 10, Block 38, Addition, Northern Pacific

(hereinafter referred to as "the building")

3. That an inspection was made of the building on Sept 8, 2017 by Joseph Girdner, Building Inspector, John Arens, Rental Housing Inspector, Clinton Hildebrand, Building Inspector and Robert Harshberger, Deputy Assessor, of the City of Fargo.

4. That the building inspector for the city of Fargo has found the building, consisting of a multistory, wood-framed structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and IPMC Code 108.1.5 concerning Dangerous Structures.

5. That the owner of the building must demolish the building within 30 (thirty) days from the date of this notice.

6. That the building is unsafe and is a dangerous building in the following respects: Extensive water damage to upper level roof ceiling, walls, and floor. Water damage to main level ceiling and walls. Structural decay, mold, and faulty electrical. Trees and vegetation growing from the roof.

A. Robert Harschberger, Deputy Assessor, of the City of Fargo has deemed that the building has been damaged or deteriorated to the extent of more than fifty (50) percent of its original value prior to the damage or deterioration.

Source: Fargo Municipal Code, Article 21-0402 concerning Dangerous Buildings.

7. The building is unsafe and constitutes a public nuisance pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and Section 116 of the International Building Code as adopted by Article 21-0101 of the Fargo Municipal Code.

8. You are further given Notice that unless the building is demolished within the time period set forth herein, the City of Fargo will take such steps as are necessary to cause said building to be demolished pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and the International Building Code and the owner will be assessed such costs as are provided for therein.

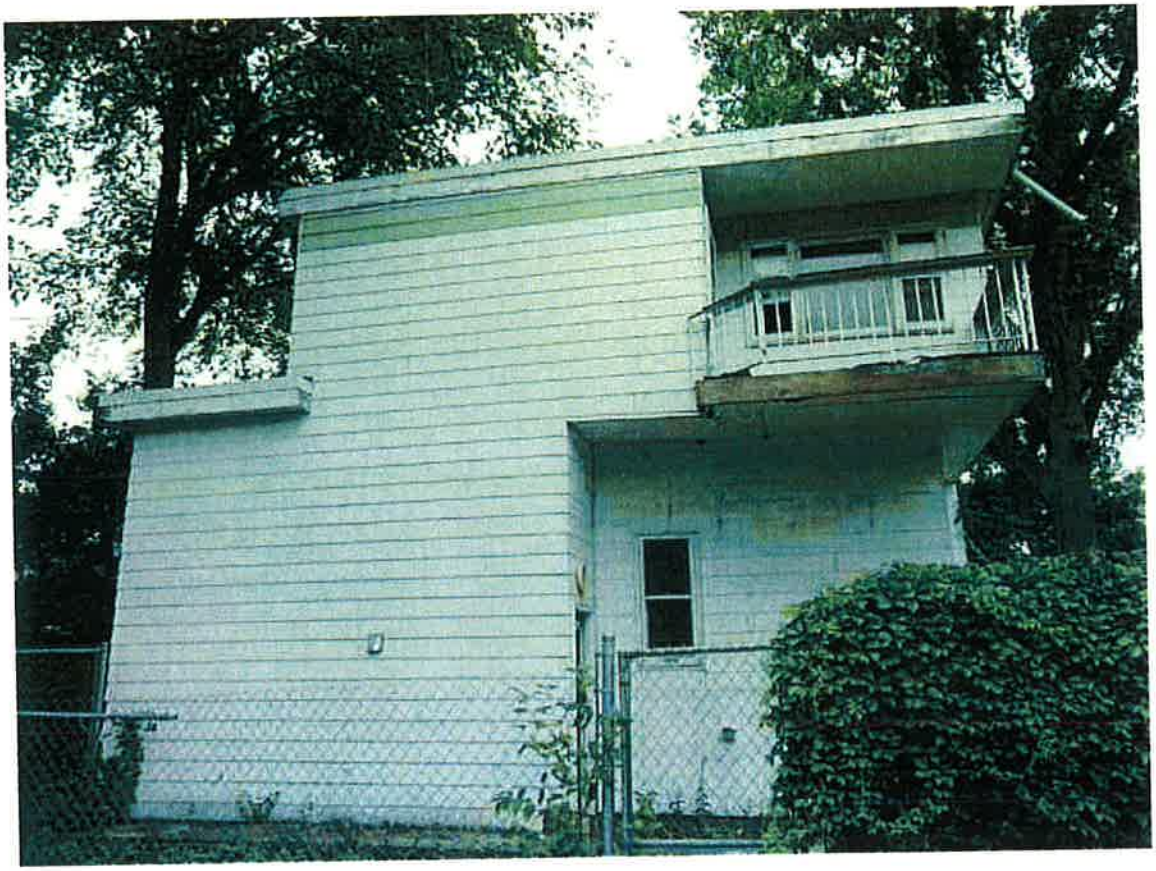
Dated this 2nd day of October, 2017.

Bruce Taralson
Administrator

4/24/2015

1011 5 AVE S Fargo, ND 58103

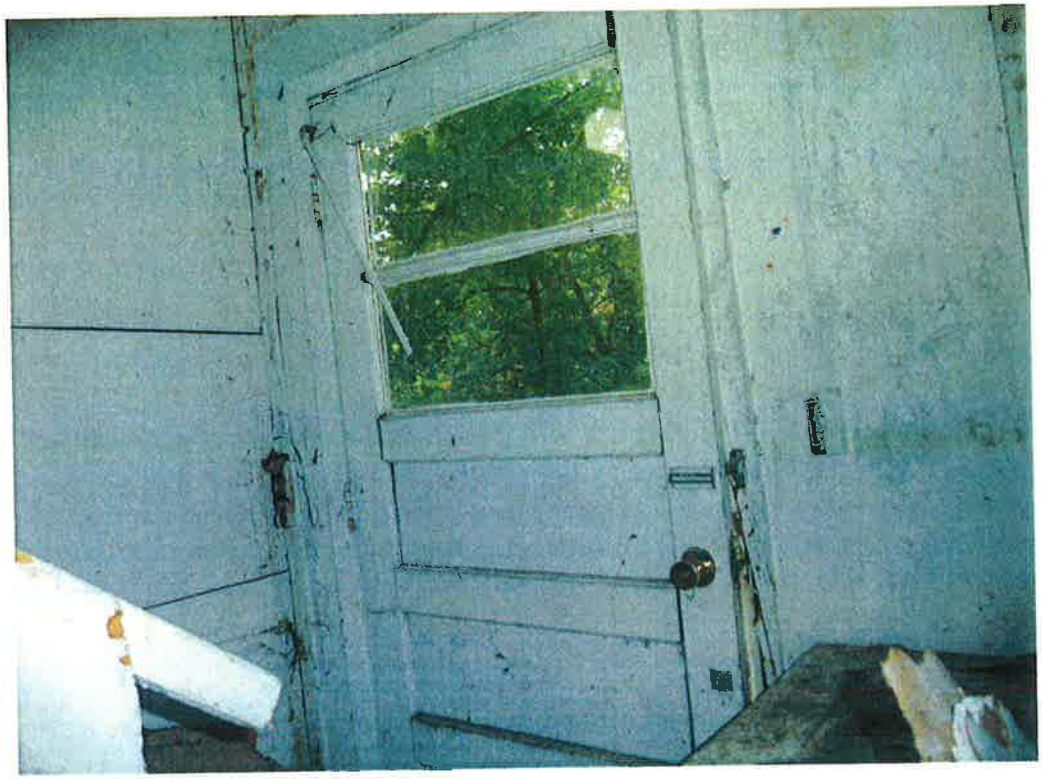
1011 5 AVE S Fargo, ND 58103



1011 5 AVE S Fargo, ND 58103

1011 5 AVE S Fargo, ND 58103

1011 5 AVE S Fargo, ND 58103



1011 5 AVE S Fargo, ND 58103

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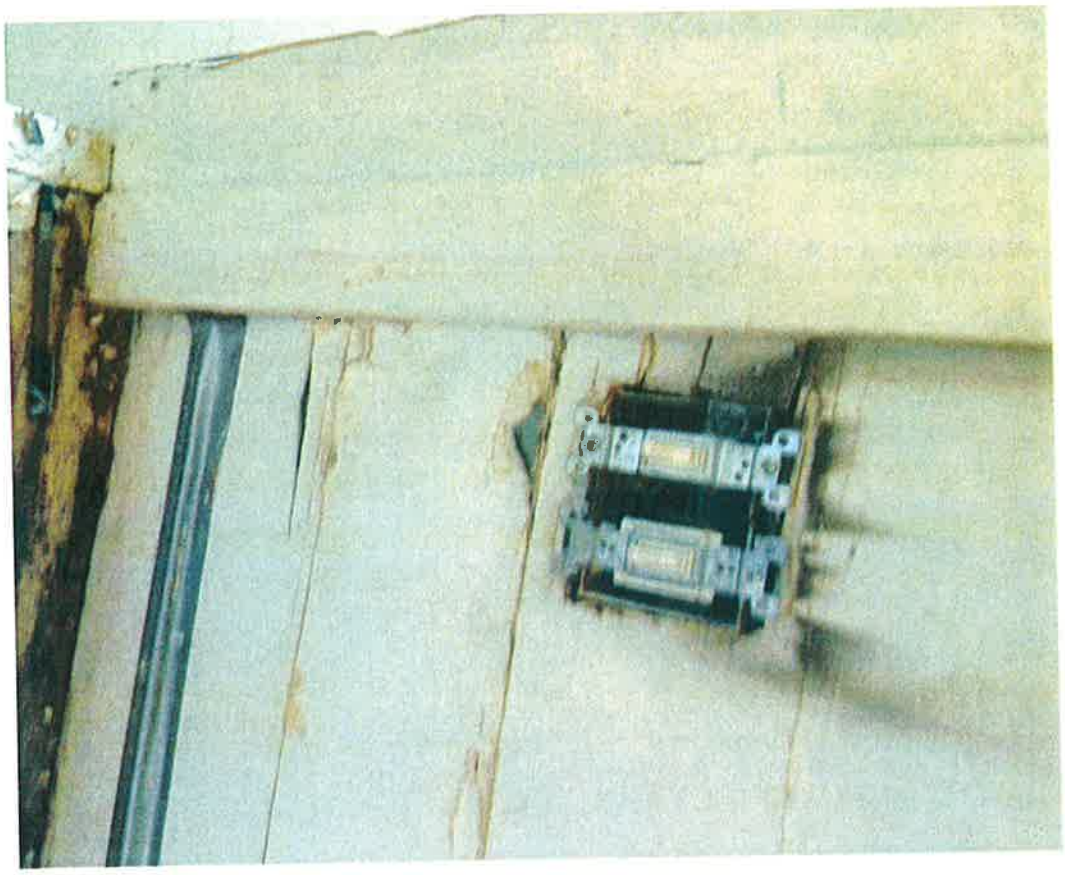

Top

1011 5 AVE S Fargo, ND 58103

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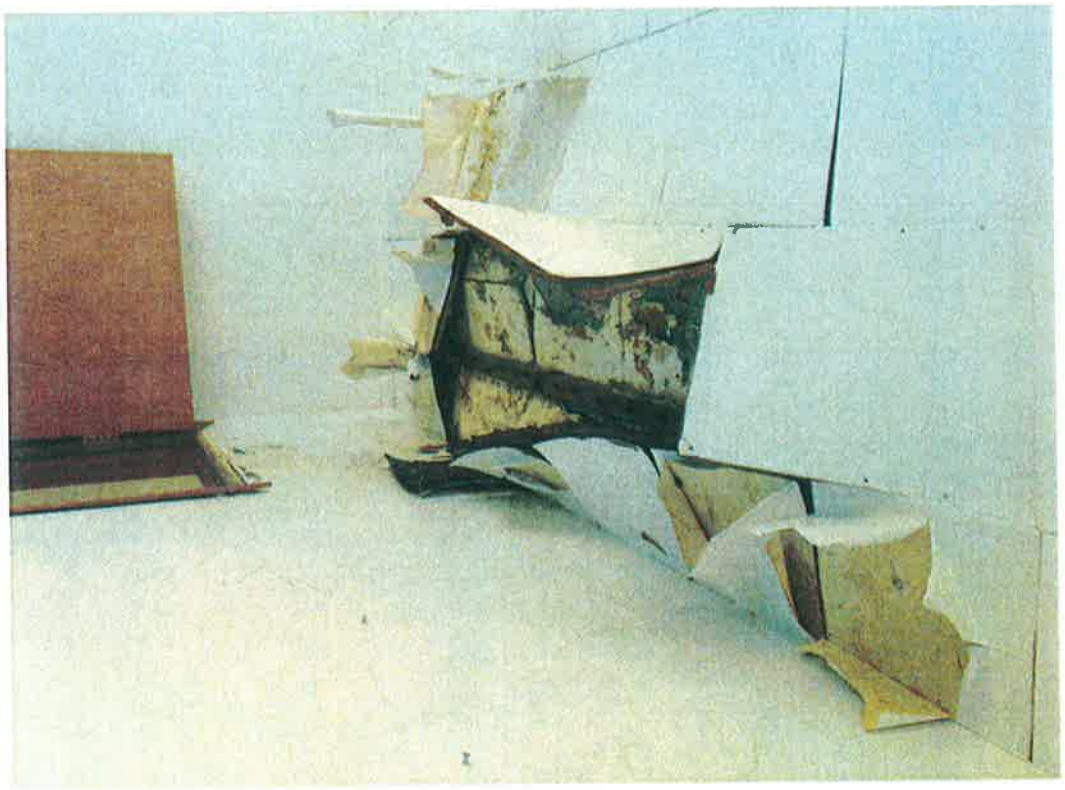
1011 5 AVE S Fargo, ND 58103



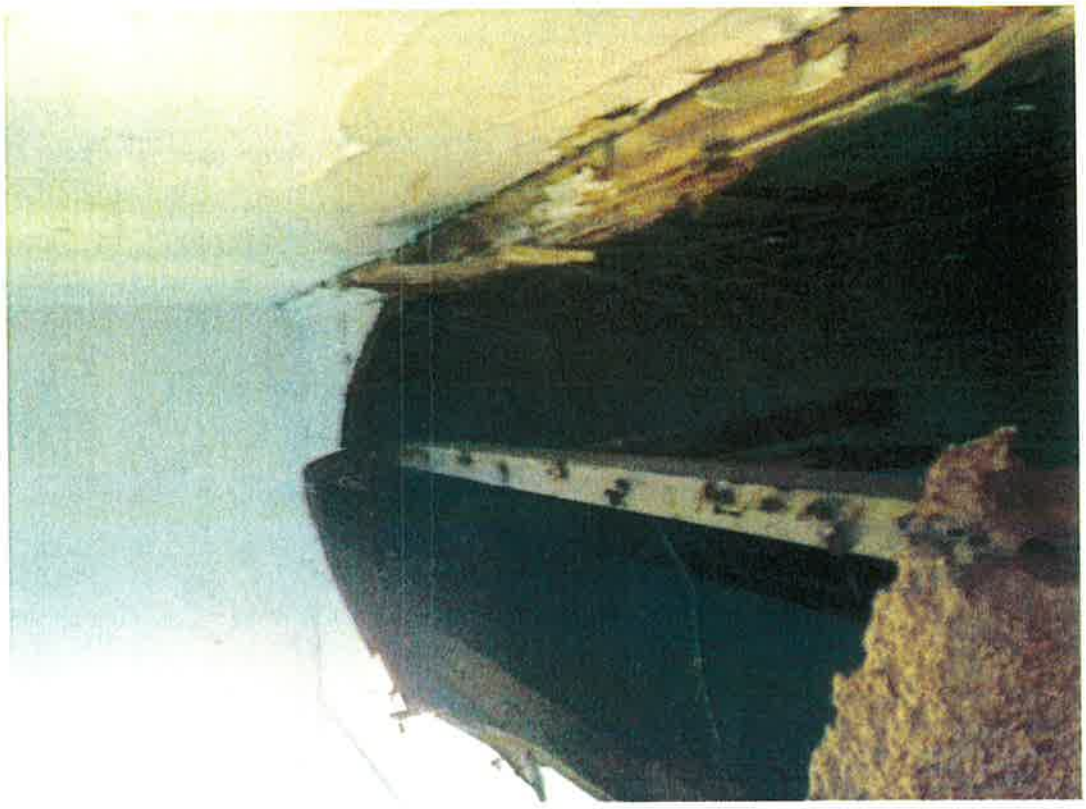
Bottom

Top

1011 5 AVE S Fargo, ND 58103

Bottom

Top



1011 5 AVE S Fargo, ND 58103

Bottom

Top

1011 5 AVE S Fargo, ND 58103

CITY OF Fargo

FARGO POLICE DEPARTMENT

222 Fourth Street North, Fargo, North Dakota 58102

David E. Todd, Chief of Police

(15)

November 27th, 2017

Board of City Commissioners
City Hall
Fargo, ND 58102

RE: COPS Hiring Program Grant# 2017UMWX0048 - **CFDA #16.710**

Dear Commissioners:

The United States Department of Justice - Office of Community Oriented Policing Services (COPS) – has awarded the Fargo Police Department $125,000 for the purpose of adding one police officer position to the department. The $125,000 award is to pay a portion of the salary and benefits of one police officer position over a period of three years. The total cost to the fund the police officer position for three years is $217,758. The City of Fargo is responsible for $92,758 of the funding.

A condition associated with accepting the grant requires the City of Fargo to retain the position for a minimum of one year following the 36-months of federal funding for the position.

A copy of the grant award will be forwarded to the Auditor's Office once it becomes available.

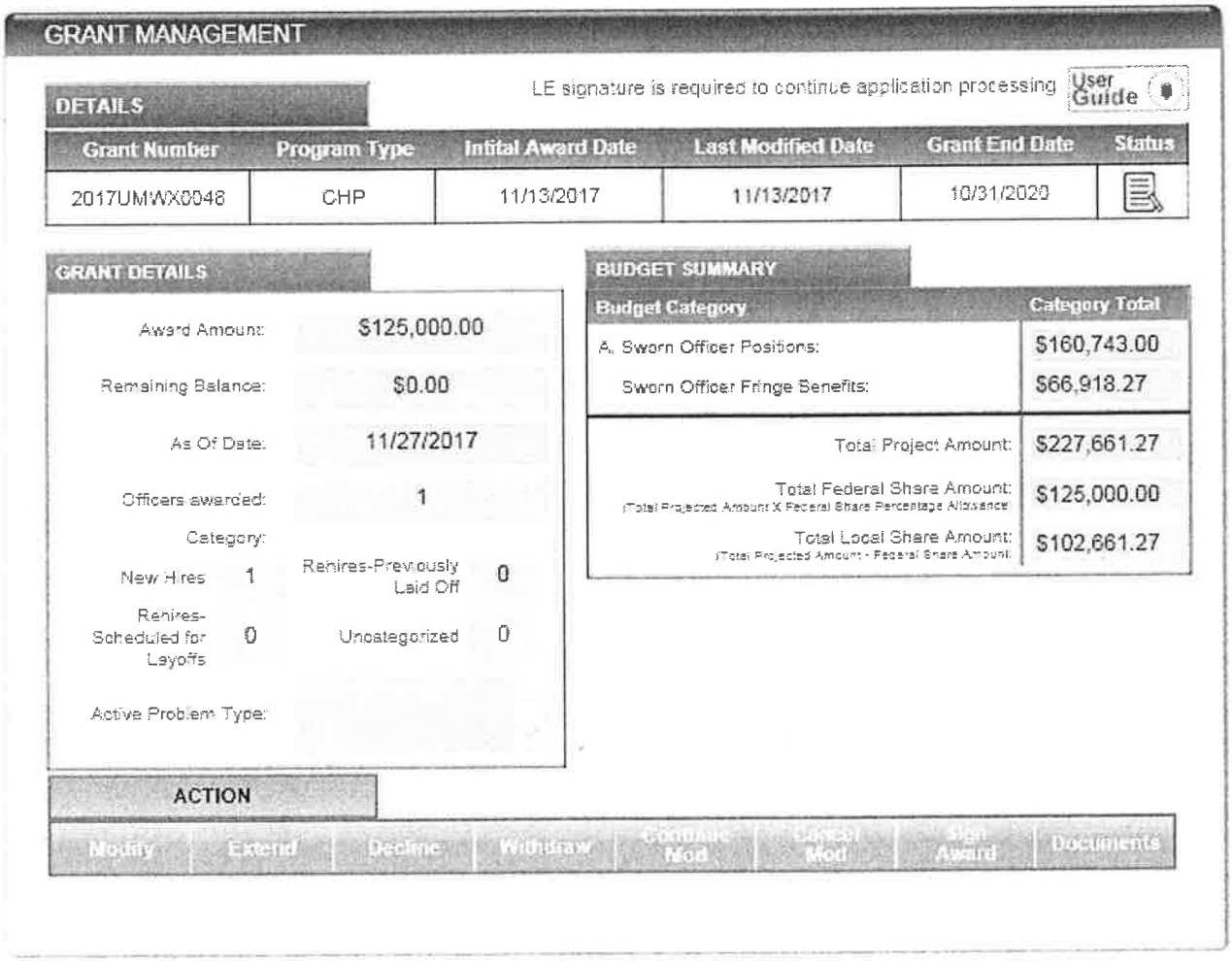
Recommended Motion:

Accept and utilize the COPS Hiring Program Grant award and approve an adjustment to the police department's 2018 budget in the amount of $217,758.

Sincerely,

David Todd
Chief of Police

Cc: Kent Costin, Finance Director



GRANT MANAGEMENT

DETAILS

LE signature is required to continue application processing

User Guide

Grant Number	Program Type	Initial Award Date	Last Modified Date	Grant End Date	Status
2017UMWX0048	CHP	11/13/2017	11/13/2017	10/31/2020	

GRANT DETAILS

Award Amount:	$125,000.00
Remaining Balance:	$0.00
As Of Date:	11/27/2017
Officers awarded:	1

Category:

New Hires	1	Rehires-Previously Laid Off	0
Rehires-Scheduled for Layoffs	0	Uncategorized	0

Active Problem Type:

BUDGET SUMMARY

Budget Category	Category Total
A. Sworn Officer Positions:	$160,743.00
Sworn Officer Fringe Benefits:	$66,918.27
Total Project Amount:	$227,661.27
Total Federal Share Amount: (Total Projected Amount X Federal Share Percentage Allowance)	$125,000.00
Total Local Share Amount: (Total Projected Amount - Federal Share Amount)	$102,661.27

ACTION

Modify | Extend | Decline | Withdraw | Continue Mod | Cancel Mod | Sign Award | Documents

The above image is a screenshot of the grant award that is awaiting the signature of Chief Todd. The total project amount will change to $217,758 and the total local share amount will change to $92,758 due to the reduction in health insurance costs since the time of application. The federal share will remain at $125,000.

The award document will available after it is assigned by Chief Todd.

Lieutenant Mathew Sanders

(16)

IMAGE Group
Architecture & Interiors

Richard Moorhead AIA, NCARB

Marcia Pulczinski AIA, NCARB, LEED AP

225 Fourth Avenue North
Suite 3
Fargo
North Dakota
58102

403 Center Avenue
Suite 300
Moorhead
Minnesota
56560

Telephone
218.233.2062

Facsimile
218.233.2575

November 20, 2017

IMAGE GROUP Architecture & Interiors

City of Fargo
Police Department
222 4th Street North
Fargo, North Dakota 58102
Attention: Deputy Chief Anderson

RE: City of Fargo
BSE Police Department Remodeling
Fargo, North Dakota Image 1703

Dear Deputy Chief Anderson;

Enclosed please find three (3) copies of AIA Document G701 Change Order G-3 Revised in the amount of $9,462.00 for the above referenced project.

If the document meets with your approval please obtain appropriate signatures and return Architect's and Contractor's copies to this office.

Sincerely,

IMAGE GROUP, INC.

Richard A. Moorhead, NCARB, AIA

IG: jrg

Enc.

AIA® Document G701™ – 2001

Change Order

PROJECT: *(Name and address)*
City of Fargo
BSE Police Department Remodeling
Fargo, ND

CHANGE ORDER NUMBER: G-3 Revised
DATE: October 30, 2017 (Revised November 6, 2017)

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☐
FIELD ☐
OTHER ☐

TO CONTRACTOR: *(Name and address)*
Meinecke-Johnson Company
PO Box 2643
Fargo, ND 58108

ARCHITECT'S PROJECT NUMBER: 1703
CONTRACT DATE: May 19, 2017
CONTRACT FOR: General Construction

The Contract is changed as follows:
(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives.)

1. Furnish and install drywall soffit in Lobby 106 (ASI-G2).	ADD	$4,202.00
2. Replace plastic laminate banding on existing window sills (ASI-G-3).	ADD	$409.00
3. Add concrete "stoop" at Door 112B.	ADD	$727.00
4. Repair walls due to plumbing in Break Room 108.	ADD	$362.00
5. Replace the portion of the NE driveway due to damaged ice melt.	ADD	$3,269.00
6. Remove existing building letters.	ADD	$493.00
	TOTAL ADD	$9,462.00

The original (Contract Sum) (Guaranteed Maximum Price) was	$	522,700.00
The net change by previously authorized Change Orders	$	12,317.00
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was	$	535,017.00
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of	$	9,462.00
The new (Contract Sum) (Guaranteed Maximum Price), including this Change Order, will be	$	544,479.00
The Contract Time will be (increased) (decreased) (unchanged) by zero		(0) days.
The date of Substantial Completion as of the date of this Change Order, therefore, is unchanged		

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ARCHITECT *(Firm name)*	CONTRACTOR *(Firm name)*	OWNER *(Firm name)*
Image Group, Inc.	Meinecke-Johnson Company	City of Fargo
ADDRESS: 403 Center Avenue, #300 Moorhead, MN 56560	ADDRESS: PO Box 2643 Fargo, ND 58108	ADDRESS: 200 North 3rd Street Fargo, ND 58102
BY *(Signature)*: Rm Mcann	BY *(Signature)*:	BY *(Signature)*:
(Typed name): RICHARD MOORHEAD	*(Typed name)*: Roger D. Olson	*(Typed name)*:
DATE: Nov 20, 2017	DATE: November 8, 2017	DATE:

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

AIA Document G701™ – 2001. Copyright © 1979, 1987, 2000 and 2001 by The American Institute of Architects. **All rights reserved. WARNING: This AIA® Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA® Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law.** Purchasers are permitted to reproduce ten (10) copies of this document when completed. To report copyright violations of AIA Contract Documents, e-mail The American Institute of Architects' legal counsel, copyright@aia.org.
010711ACD44

IMAGE
GROUP

403 Center Avenue / Suite 300 / Moorhead, Minnesota 56560

Architect's Supplemental Instructions ASI-G2

PROJECT/OWNER:	BSE Police Department Remodeling Fargo, North Dakota	ARCHITECT'S PROJECT NUMBER: 1703
TO:	Meinecke-Johnson Comapany 3001 First Avenue North P.O. Box 302 Fargo, ND 58107	CONTRACT FOR: General Construction DATE: August 21, 2017

The work shall be carried out in accordance with the following supplemental instructions issued in accordance with the Contract Documents. Proceeding with the Work in accordance with these instructions indicates your acknowledgment that there will be no change in the Contract Sum or Contract Time.

DESCRIPTION:

STAIR SOFFIT

1. **Furnish and install soffit at LOBBY 106 Stair.**
2. **Refer to attached supplemental drawing ASI-2 for location and detail.**
3. **Raise ceiling height from 8'-6" to 9'-0" as required to clear height of door frame 107B.**

ATTACHMENTS:

Supplemental Drawing ASI-2 Dated June 12, 2017

ISSUED BY:

Ryan Mannis

IMAGE Group Architecture & Interiors

MEINECKE-JOHNSON COMPANY

Project 1ST Ave. P.D.
Owner
Location
Architect Image Group

Sheet No. AST-62
Estimator RH
Square Feet
Date 10/23/17

Code	DETAIL	Quantity	Unit Price	Material Cost	Unit Price	Labor Cost	Unit Price	Sub-contract
	Add Soffit at Stair/Lobby 106							
	General Conditions			25-		70-		2200-
	Framing							Inc-
	Sheet Rock							495-
	Ceiling Paint							780-
				25		70		3475-
				2		28		
				27-		98		3475-
				98				
				3475-				
				3600-				
	O-			324-				
	O-			236-				
	B-			42-				
				4202-				

Olympic Companies, Inc.
AN EQUAL OPPORTUNITY EMPLOYER

5932 53rd Avenue South, Suite B
Fargo, North Dakota 58104

Telephone: (701) 365-0098

www.olympiccompanies.com

9/5/2017

TO: MEINECKE-JOHNSON COMPANY
5 NORTH 14TH STREET
FARGO, ND 58102

ATTN: BRADY HASBARGEN

PROJECT NAME: BSE POLICE STATION
LOCATION: FARGO, ND
OLYMPIC JOB NO. #17-2022
MEINECKE JOB NO.

MEINECKE-JOHNSON CI NUMBER #	CI #
REQUEST FOR PROSAL NUMBER #	ASI-G2
REVISION TITLE / NUMBER #	RFI #

DESCRIPTION OF CHANGE:
ADD 28 LF OF SOFFIT DROP AROUND STAIR IN LOBBY 106.

TOTAL COST SUMMARY

TOTAL LABOR	$ 1,925.50
TOTAL MATERIAL	$ 274.00
TOTAL BUILDING ASSEMBLIES	$ -
TOTAL COST IMPACT	$ 2,200
SCHEDULE IMPACT	NONE

DOMINIC JOHNSON, PROJECT MANAGER
OLYMPIC COMPANIES, INC.

Olympic Companies, Inc.
AN EQUAL OPPORTUNITY EMPLOYER

5932 53rd Avenue South, Suite B
Fargo, North Dakota 58104

Telephone: (701) 365-0098

www.olympiccompanies.com

LABOR RATES:	*HOURS*	*RATE*		*TOTAL*
CARPENTER JOURNEYMAN - REGULAR TIME	*19*	*$62.50*	*$*	*1,187.50*
TAPER JOURNEYMAN - REGULAR TIME	*12*	*$61.50*	*$*	*738.00*
		TOTAL LABOR	*$*	*1,925.50*

MATERIAL, EQUIPMENT, SUPPLIES:		
MATERIALS	*$*	*274.00*
EQUIPMENT / LIFT RENTAL / SCAFFOLD	*$*	*-*
ENGINEERING / SHOP DRAWINGS	*$*	*-*
TOTAL MATERIAL	*$*	*274.00*

DOMINIC JOHNSON, PROJECT MANAGER
OLYMPIC COMPANIES, INC.

IMAGE
GROUP

403 Center Avenue / Suite 300 / Moorhead, Minnesota 56560

Architect's Supplemental Instructions ASI-G3

PROJECT/OWNER:	BSE Police Department Remodeling Fargo, North Dakota	ARCHITECT'S PROJECT NUMBER: 1703
TO:	Meinecke-Johnson Comapany 3001 First Avenue North P.O. Box 302 Fargo, ND 58107	CONTRACT FOR: General Construction DATE: September 27, 2017

The work shall be carried out in accordance with the following supplemental instructions issued in accordance with the Contract Documents. Proceeding with the Work in accordance with these instructions indicates your acknowledgment that there will be no change in the Contract Sum or Contract Time.

DESCRIPTION:

WINDOW SILL REPAIR

1. **Repair damaged facing on existing plastic laminate window sill at SARGEANT 103.**
2. **Selected Plastic Laminate: Pionite No. ST604, Suede, "Nubian Brown".**

ATTACHMENTS:

ISSUED BY:

IMAGE Group Architecture & Interiors

MEINECKE-JOHNSON COMPANY

Project 1st Ave P.D.
Owner
Location
Architect Image Group.

Sheet No. ASI-G3
Estimator BH
Square Feet
Date 10/23/14

Code	DETAIL	Quantity	Unit Price	Material Cost	Unit Price	Labor Cost	Unit Price	Sub-contract
	To Repair Existing window							
	Sills Per ASI-G3							
	Millwork							350
								350
	O							32
	P							23
	B							4
								409

Brady Hasbargen

From: Steve Gunderson <steveg@cabinetmakersinc.com>
Sent: Monday, October 23, 2017 4:09 PM
To: Brady Hasbargen
Subject: Re: ASI-G3 Window Sill Repair

Hi Brady,
To repair the existing sills we would be at 350.00.

Let me know if you need more info.
Thanks,
Steve Gunderson
Cabinet Makers, Inc.
360 36th St So Suite C
Fargo, ND 58103
steveg@cabinetmakersinc.com
701.232.8723

From: Brady Hasbargen
Sent: Monday, October 23, 2017 12:22 PM
To: mailto:gail@cabinetmakersinc.com ; 'Steve Gunderson'
Subject: ASI-G3 Window Sill Repair

Please see the attached ASI for the BSE PD. Price ASAP.

Brady Hasbargen
Meinecke-Johnson Company
P-(701)293-1040
F-(701)293-8072

From: Richard A. Moorhead [mailto:rmoorhead@qwestoffice.net]
Sent: Wednesday, September 27, 2017 5:39 PM
To: Brady Hasbargen <bhasbargen@meineckejohnsoncompany.com>
Cc: Blake Carlson <igroup.bcarlson@qwestoffice.net>
Subject: ASI-G3 Window Sill Repair

Brady,

Please provide a cost proposal for attached ASI-G3 Window Sill Repair.

Richard Moorhead, NCARB, AIA

MEINECKE-JOHNSON COMPANY

Project 1st Ave P.D. Sheet No. West Stoop

Owner Estimator DH

Location Square Feet

Architect Fargo Group Date 10/23/17

Code	DETAIL	Quantity	Unit Price	Material Cost	Unit Price	Labor Cost	Unit Price	Sub-contrac
	Add Concrete 'Stoop' at Door 102B to meet City of Fargo exiting Requirements							
	General Conditions			30-		70-		
	Form			12-		80-		
	Concrete	Min. load		330-		40-		
	Finish					20-		
	Rebar			20-		20-		
	Cure-n-Seal			5-		20-		
				397		225		
				225-				
				622-				
O-				56-				
P-				42-				
B-				7-				
				727-				

MEINECKE-JOHNSON COMPANY

Project 1st Ave P.D
Owner
Location
Architect Image Group

Sheet No Breakroom Sink
Estimator JH
Square Feet
Date 10/23/17

Code	DETAIL	Quantity	Unit Price	Material Cost	Unit Price	Labor Cost	Unit Price	Sub-contract
	Patch and Repair walls Due to Added Plumbing General Conditions Patch & Paint			5-		20-		275
				5		20-		275
				1		8		
				6-		28		275
				28-				
				275-				
				309-				
	O-			28-				
	P-			21-				
	B-			4-				
				362-				

MEINECKE-JOHNSON COMPANY

Project 1st Ave P.D. Sheet No. Heated Driveway

Owner _____ Estimator RH

Location _____ Square Feet _____

Architect _____ Date 10/23/17

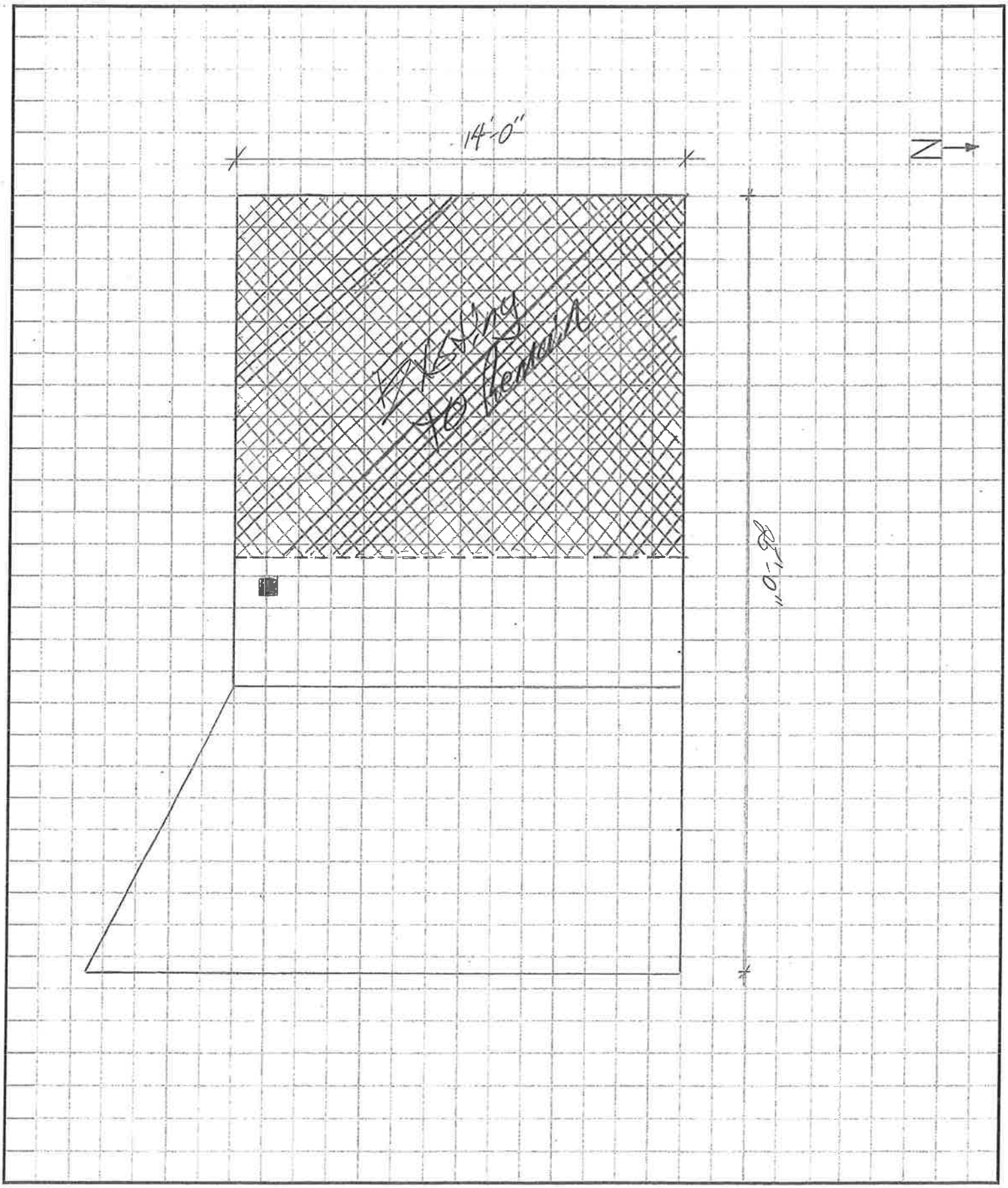
Code	DETAIL	Quantity	Unit Price	Material Cost	Unit Price	Labor Cost	Unit Price	Sub-contract
	Replace Portion of Driveway w/ Damaged Ice Melt							
	General Conditions			30-		70-		
	Traffic Control			20-		40-		
	Demolition / Saw cut			25-		70-		425
	Granular	3cy	15-	45-	20-	60-		
	Rebar	#4		150-		120-		
	Form			30-		132-		
	Concrete 8"	6cy	110-	660-	25-	120-		
	Finish	220SF		5-		75-		
	Cure-n-Seal			45-		25-		
	Saw Control Joint	20LF		5-		40-		
	Black Dirt / Seed			100-		100-		
				1115-		852-		425
			Tx	84-	LR	340-		
				1199-		1192-		425
				1192-				
				425-				
				2816-				
O-				253-				
P-				168-				
B-				32-				
				3269-				

MEINECKE - JOHNSON COMPANY
5 NORTH FOURTEENTH STREET
FARGO, ND 58102
(701) 293-1040 FAX (701) 293-8072

Project BSE P.D. Sheet No.

Job No.

Re By Date



MEINECKE-JOHNSON COMPANY

Project 1st Ave P.D.
Owner
Location
Architect Image Group

Sheet No. Remove Building Signage
Estimator BH
Square Feet
Date 10/23/17

Code	DETAIL	Quantity	Unit Price	Material Cost	Unit Price	Labor Cost	Unit Price	Sub-contract
	Remove Building Signage							
	Remove Letters	14 units		80		160 -		
	Fill Holes w/ Color Match Caulking			80 -		80 -		
				6		240 -		
				86 -		96 -		
				336 -		336		
				422 -				
	O -			38 -				
	P -			28 -				
	B -			5 -				
				493 -				

(17)

City of Fargo Staff Report			
Title:	Brandt Crossing Thirteenth Addition	**Date:** **Update:**	9/22/2017 11/15/2017
Location:	3252 51st Street South	**Staff Contact:**	Kylie Murphy
Legal Description:	Lot 1, Block 1, Brandt Crossing Twelfth Addition		
Owner(s)/Applicant:	Nate Vollmuth/Paces Lodging	**Engineer:**	Ulteig
Entitlements Requested:	**Minor Subdivision** (Replat of Lot 1, Block 1, Brandt Crossing Twelfth Addition)		
Status:	City Commission Public Hearing: December 4, 2017		

Existing		Proposed
Land Use: Vacant		**Land Use:** Retail Sales and Services
Zoning: LC, Limited Commercial with a CO, Conditional Overlay		**Zoning:** No Change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, ~~off premise advertising signs~~, commercial parking, retail sales and service, self-service storage, ~~vehicle repair~~, limited vehicle service.		**Uses Allowed:** No Change
Maximum Lot Coverage Allowed: 55%		**Maximum Lot Coverage Allowed:** No Change

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **Brandt Crossing Thirteenth Addition,** which is a replat of Lot 1, Block 1, Brandt Crossing 12th Addition. The subject property is located at 3252 51st Street South and encompasses approximately 3.19 acres. The applicant is proposing a two (2) lot, one (1) block minor subdivision to accommodate for future development

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial and a CO, Conditional Overlay, with vacant land use
- East: P/I, Public Institutional with park use
- South: LC, Limited Commercial and a CO, Conditional Overlay, with construction of future commercial use
- West: Across 51st Street South, MR-3, Multi-Dwelling Residential and LC, Limited Commercial with a CO, Conditional Overlay, with apartment and nursing home uses

Area Plans:

The subject property is located in the 2003 Southwest Future Land Use Plan. According to the plan, this property is most suitable for "Low/Medium Density or Medium/High Density" land use. The property was zoned for LC, Limited Commercial with a CO, Conditional Overlay in 2016 as is consistent with the land use plan.

Schools and Parks:

Schools: The subject property is located within the West Fargo School District and is served by Independence Elementary, Liberty Middle and Sheyenne High schools.

Neighborhood: The subject property is located within the Brandt Crossing neighborhood.

Parks: Brandt Crossing Park (5009 33rd Avenue S) abuts the subject property on the east and offers basketball, dog park, playground, recreational trail, and shelter amenities.

Pedestrian / Bicycle: There are off-road bike facilities located in Brandt Park and along 32nd Avenue South that are components of the metro area bikeways system.

Staff Analysis:

Minor Subdivision

The LDC stipulates that the following criteria are met before a minor plat can be approved:

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The subdivision is intended to replat Lot 1, Block 1, Brandt Crossing 12th Addition into two lots and one block to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.
   (Criteria Satisfied)

2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.
   (Criteria Satisfied)

Planning Commission Recommendation: October 3, 2017

On October 3, with a 7-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed subdivision plat, **Brandt Crossing Thirteenth Addition** as outlined within the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission and move to approve the proposed subdivision plat, **Brandt Crossing Thirteenth Addition** as outlined within the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

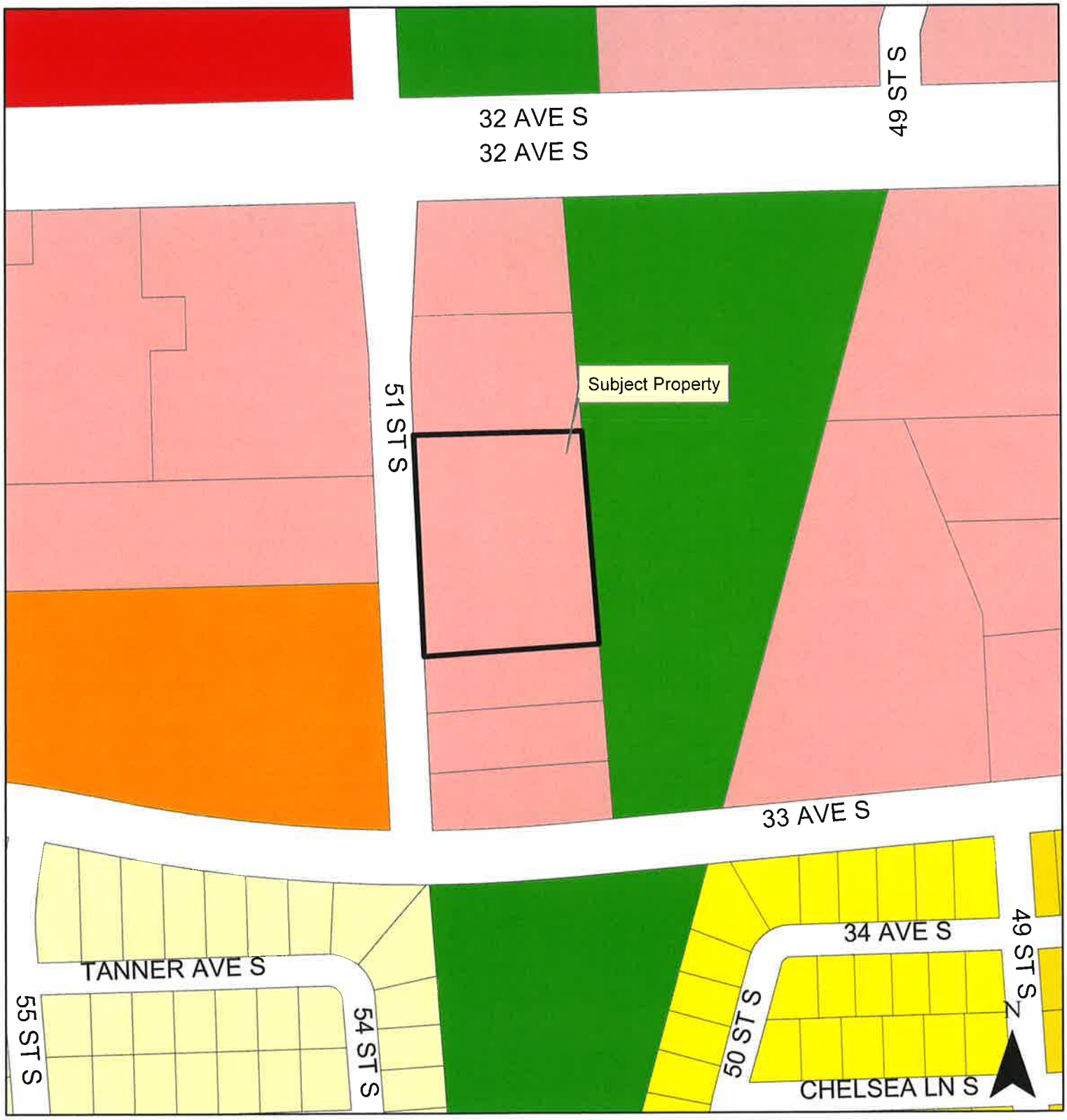
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat

Plat (Minor)

Brandt Crossing 13th Addition

3252 & 3274 51st Street South



THE CITY OF Fargo FAR MORE

Legend

AG, LC, MHP, SR-2, DMU, LI, NC, SR-3, GC, MR-1, NO, SR-4, GI, MR-2, P/I, SR-5, GO, MR-3, UMU, City Limits

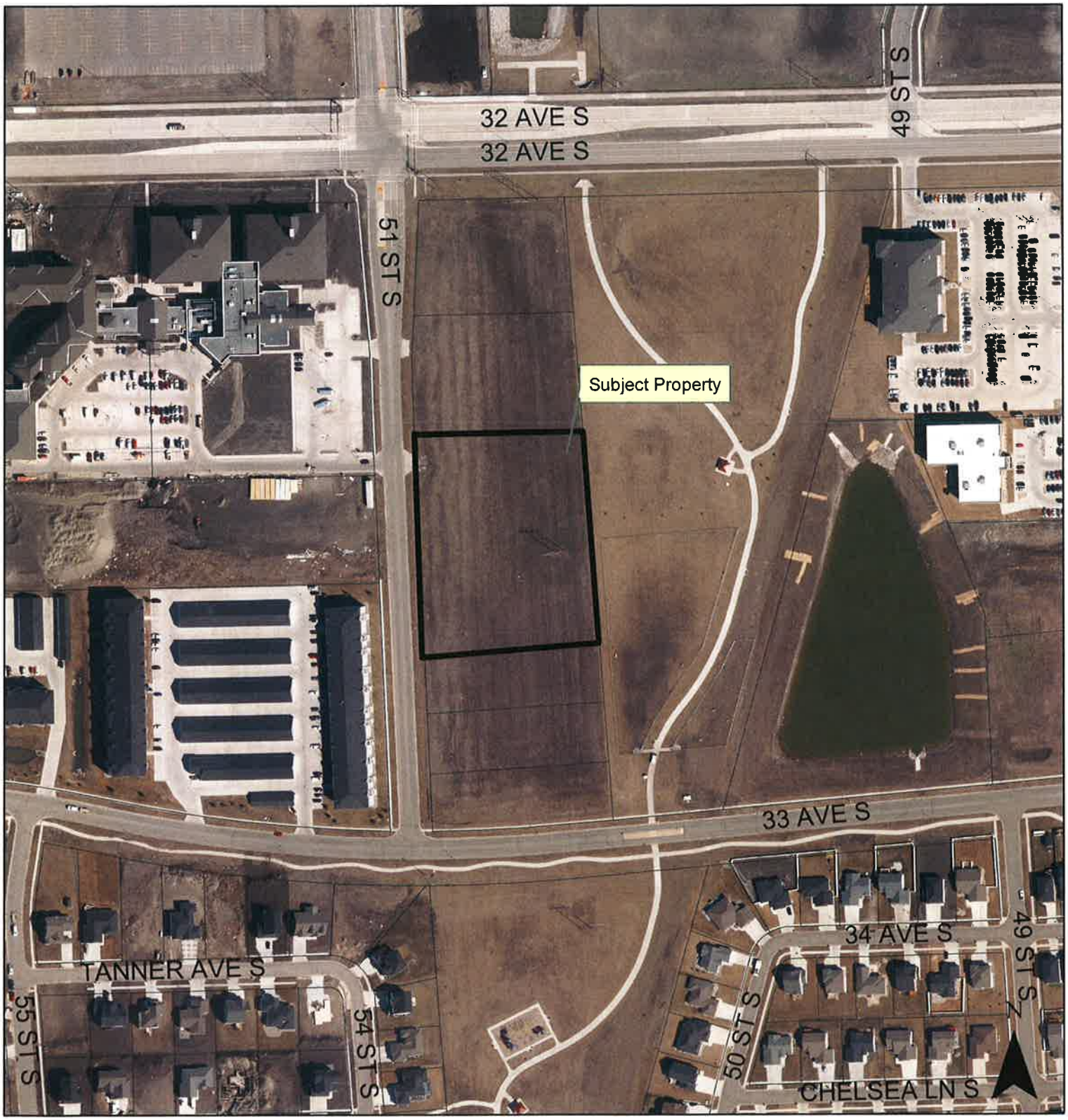
300 Feet

Fargo Planning Commission
October 3, 2017

Plat (Minor)

Brandt Crossing 13th Addition

3252 51st Street South



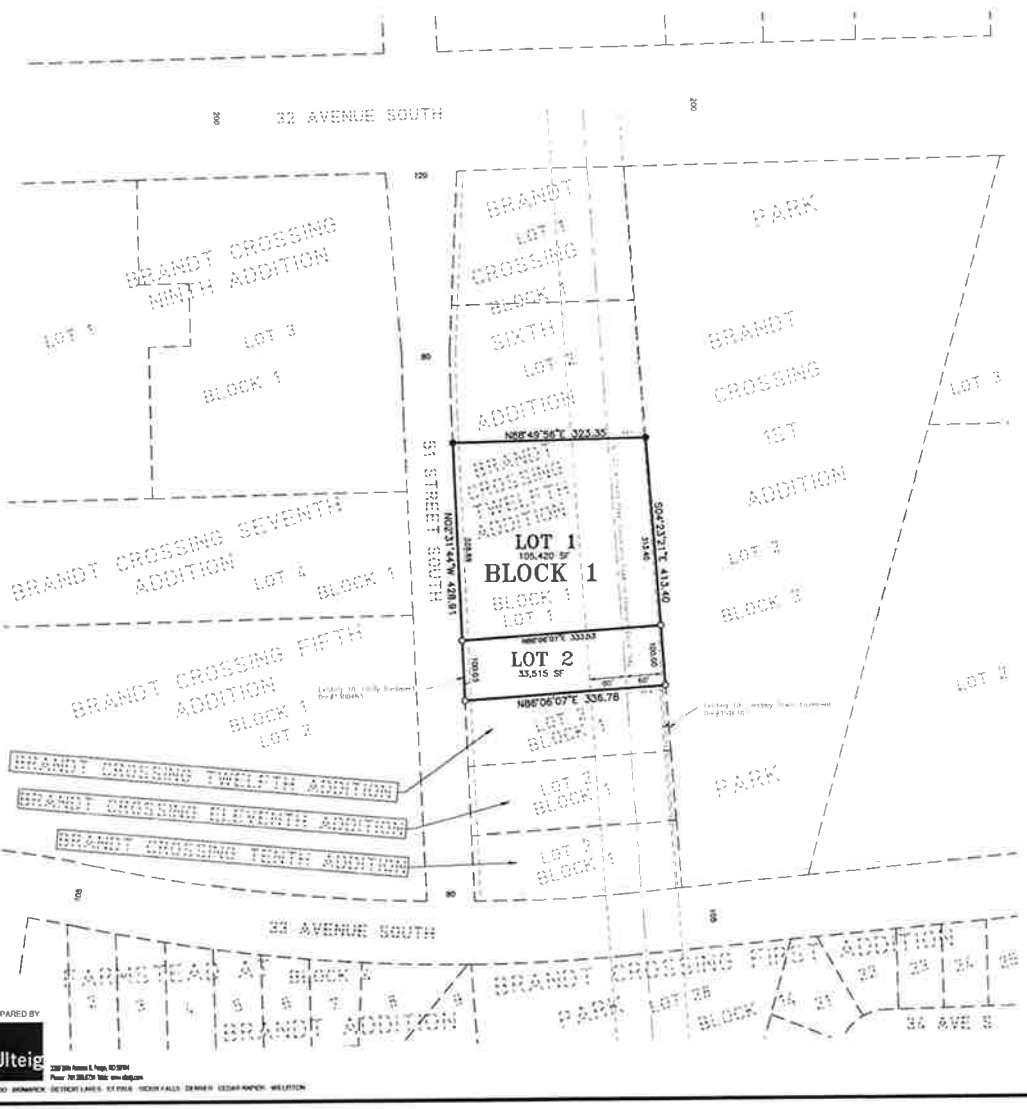
THE CITY OF Fargo FAR MORE

300 Feet

Fargo Planning Commission
October 3, 2017

BRANDT CROSSING THIRTEENTH ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF BRANDT CROSSING TWELFTH ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



PREPARED BY

Ulteig

2330 20th Avenue S, Fargo, ND 58104
Phone: 701.282.4724 Web: www.ulteig.com
FARGO BISMARCK DETROIT LAKES ST. CLOUD GRAND FORKS DENVER COLORADO SPRINGS MINNEAPOLIS

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Brandt Crossing, LLC whose address is Fargo, North Dakota as owner of a parcel of land located in the Northeast Quarter of Section 28, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 1, Block 1 of BRANDT CROSSING TWELFTH ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Containing 138,935 square feet or 3.19 acres more or less.

Said owner has caused the above described tract of land to be surveyed and platted as "BRANDT CROSSING THIRTEENTH ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER:
Brandt Crossing, LLC

By: _____
Kevin Christianson, President

State of North Dakota } SS
County of Cass }

On this 11th day of October, in the year of 2017, before me, a notary public with and for said County, personally appeared Kevin Christianson, President, Brandt Crossing, LLC known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public

WENDI LAWSON
Notary Public
State of North Dakota
My Commission Expires May 17, 2020

MORTGAGEE:
Cornerstone Bank

By: _____
Jim Hambrick, Vice President

State of North Dakota } SS
County of Cass }

On this 16th day of October, in the year of 2017, before me, a notary public with and for said County, personally appeared Jim Hambrick, Vice President, Cornerstone Bank known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public

WENDI LAWSON
Notary Public
State of North Dakota
My Commission Expires May 17, 2020

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Christopher Blake Sexton, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown and that the outside boundary lines are correctly designated on the plat.

10-06-17

Christopher Blake Sexton, Professional Land Surveyor
North Dakota License No. LS-10407

State of North Dakota } SS
County of Cass }

On this 6th day of October, 2017, before me, a notary public with and for said County, personally appeared Christopher Blake Sexton, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

LISA BRICKESTEIN
Notary Public
State of North Dakota
My Commission Expires Jan 21, 2021

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this 2nd day of November, 2017.

Mark H. Bittner, City Engineer

State of North Dakota } SS
County of Cass }

On this 2nd day of November, 2017, before me, a notary public with and for said County, personally appeared Mark H. Bittner, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

KRISTI OLSON
Notary Public
State of North Dakota
My Commission Expires Oct 17, 2019

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 2017.

Shara Fischer, Planning Commission Chair

State of North Dakota } SS
County of Cass }

On this ____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Shara Fischer, Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 2017.

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota } SS
County of Cass }

On this ____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same as a free act and deed.

Notary Public

N
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0 50 100 200
SCALE IN FEET
ORIENTATION OF THIS BEARING SYSTEM IS PER CITY OF FARGO GROUND CONTROL

LEGEND
- ● MONUMENT FOUND
- ○ MONUMENT SET, 5/8" REBAR CAPPED "LS-10407"
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE

Project Number: 17.01508
Date: 02 October 2017
Sheets: 1 of 1
Drawn By: CBS
Checked By: CBS
Approved By: CBS

(18)

THE CITY OF Fargo FAR MORE

Water Treatment Plant
435 14th Avenue South
Fargo, ND 58103
Office: 701.241.1469 | Fax: 701.241.8110
www.FargoND.gov

November 30, 2017

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

Dear Commissioners:

Attached please find a tabulation sheet listing all bids received for supplying chemicals to the Water Treatment Plant for 2018. Listed below are the lowest and/or best value bids received for each of the chemicals:

Water Treatment Plant Chemical Bid Results		
Product Name	Vendor	Unit Price ($/ton)
Anionic Flocculant	SNF Polydyne A-210 P	$1,514.00
Anhydrous Ammonia	Hawkins, Inc.	$3,950.00
Powdered Activated Carbon	Thatcher Company of Montana	$1,390.00
Chlorine	DPC Industries, Inc.	$477.00
Hydrofluorosilicic Acid	DPC Industries, Inc.	$432.00
Lime	Graymont	$173.00
Liquid Carbon Dioxide	American Welding & Gas, Inc.	$160.00
Liquid Oxygen		No Bids
Polyphosphate	Carus Corporation	$2,160.00
Soda Ash	Thatcher Company of Montana	$281.01
Selective Herbicide	Team Lab Corp.	$39.00 / gallon

The recommendation is to award the 2018 chemical bids as listed above.

The 2018 chemical bid prices and projected chemical useage for 2018 reflect an estimated increase of 10.09% over 2017

Sincerely,

Troy B. Hall
Water Utility Director

Sincerely,

Brian A. Ward
Water Plant Superintendent

FARGO WATER TREATMENT PLANT

2017 ANNUAL CHEMICAL BIDDING SUMMARY OF QUALIFYING BIDS

Product Name	Vendor	Estimated Annual Quantity (tons)	Unit Price per ton	Estimated Annual Cost	Payment Method	Recommendation
Anionic Flocculant	Polydyne, Inc.	30	$1,514.00	$45,420.00	CC	Accept
	Hawkins, Inc.	30	$1,970.00	$59,100.00		
Anhydrous Ammonia	Hawkins, Inc.	27	$3,950.00	$106,650.00	CC	Accept
Powdered Activated Carbon	Thatcher Company of Montana	18	$1,390.00	$25,020.00	PO	Accept
	Carbon Activated Corp.	18	$1,780.00	$32,040.00		
Chlorine	Hawkins, Inc.	127	$562.00	$71,374.00		
	DPC Industries, Inc.	127	$477.00	$60,579.00	CC	Accept
Hydrofluosilicic Acid	Hawkins, Inc.	76	$460.00	$34,960.00		
	DPC Industries, Inc.	76	$432.00	$32,832.00	CC	Accept
	Univar	76	$465.00	$35,340.00		
Lime	Graymont	6,600	$173.00	$1,141,800.00	PO	Accept
	Mississippi Lime Co.	6,600	$292.69	$1,931,754.00		
Liquid Carbon Dioxide	American Welding & Gas, Inc.	1,545	$160.00	$247,200.00	PO	Accept
Polyphosphate	Carus Corporation	49	$2,160.00	$105,840.00	PO	Accept
	Shannon Chemical Corporation	49	$6,340.00	$310,660.00		
Soda Ash	Killoran Trucking & Brokerage, Inc.	2,428	$288.75	$701,085.00		
	Thatcher Company of Montana	2,428	$281.01	$682,292.28	PO	Accept
	Univar	2,428	$302.90	$735,441.20		
Selective Herbicide	Team Lab Chemical Corp.	50 gallons	$39.00 / gal	$1,950.00	CC	Accept
			Total Annual Estimated Chemical Cost =	**$2,449,583.28**		
*** Liquid Oxygen**	No Bids	956	Estimated Cost =	$172,080.00		

CITY OF FARGO PUBLIC WORKS
WASTEWATER TREATMENT PLANT
3400 North Broadway
Fargo, North Dakota 58102
Phone: (701) 241-1454
Fax: (701) 241-8159
Web Site: www.cityoffargo.com

November 27, 2017

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

Dear Commissioners:

Please find attached the bid tabulation sheet listing all bids received for supplying chemicals to the Wastewater Treatment Facility in 2018. Listed below are responsible low bids.

City of Fargo Wastewater Department 2017-2018 Chemical Bid		
Product Name	**Vendor**	**Unit Price**
Chlorine	DPC	$ 477 per ton
Ferrous Chloride Bulk[1]	Hawkins	$ 0.97 per pound of iron
Ferrous Chloride Tote	Hawkins	$ 0.2359 per pound of product
Ferric Chloride	Hawkins	$ 0.4875 per pound of product
Sodium Hypochlorite	Hawkins	$ 1.32 per gallon
Sulfur Dioxide	DPC	$ 1075.00 per ton
Cationic Polymer	Polydyne	$ 1.05 per pound
Azone - 15	Hawkins	$ 1.67 per gallon
Antiscalent	Hawkins	$ 18.60 per gallon
Caustic Soda	Hawkins	$ 3.58 per gallon
Ammonium Hydroxide	Hawkins	$ 0.42 per pound
Sulfuric Acid	Hawkins	$ 0.1450 per pound
Citric Acid	Hawkins	$ 0.94 per pound
Odor Media/H2S[2]	MNX	$ 93.00 per cubic foot
Odor Media/Broad Specrum[3]	MNX	$ 93.00 per cubic foot
Calcium Nitrate/Bulk	Hawkins	$ 2.36 per gallon
Calcium Nitrate/Tote	Hawkins	$ 3.78 per gallon
Non-Selective Herbicide	Team Lab	$ 69.00 per gallon
Selective Herbicide	Team Lab	$39.00 per gallon

[1] PVS also bid $ 0.97 per pound of iron, however PVS did not accept credit card payments.

[2] Electric Pump also bid $ 93.00 per CF for H2S media, but decision was made to stick with MNX this year.

[3] Electric Pump also bid $ 93.00 per CF for broad spectrum media, but decision was made to stick with MNX this year.

Printed on Recycled paper.

CITY OF FARGO PUBLIC WORKS
WASTEWATER TREATMENT PLANT
3400 North Broadway
Fargo, North Dakota 58102
Phone: (701) 241-1454
Fax: (701) 241-8159
Web Site: www.cityoffargo.com

The recommendation is to award the 2018 chemical bids as listed above.

The 2018 chemical bid prices show an overall average decrease of 1.0% from 2017 pricing.

Sincerely,

James Hausauer

Wastewater Utility Director

Sincerely,

Donald L. Tucker

Wastewater Superintendent

Printed on Recycled paper.

BID TABULATION FORM

Item #	Item	Bidder	Acknowlegement of bid specifications (x)	Guaranteed Bid Price Per Unit	
				Credit card payment (NA) if not acceptable	Purchase order payment
1	Anionic Flocculant	**SNF Polydyne**	**X**	**$/pound= 0.757**	**$/pound= 0.757**
		Hawkins WTG	X	$/pound= 0.985	$/pound= 0.985
2	Anhydrous Ammonia	**Hawkins WTG**	**X**	**$/pound= 1.975**	**$/pound= 1.975**
3	Powdered Activated Carbon	**Thatcher Company, Inc.**	**X**	**$/ton= NA**	**$/ton= 1390.00 (Min-20Ton)**
	*Bid specifications not met.	Jacobi	X	$/ton= 1,730.40	$/ton= 1,680.00
	*Bid specifications not met.	Cal - Pacific Carbon, LLC	X	$/ton= NA	$/ton= 1,320.00
		Carbon Activated Corp.	X	$/ton= 1,840.00	$/ton= 1,780.00
	*Bid specifications not met.	Cabot	X	$/ton= 1,360.00	$/ton= 1,360.00
	*Bid specifications not met.	Standard Purification	X	$/ton= NA	$/ton= 1,213.00
4	Hydrofluosilicic Acid	Hawkins WTG	X	$/pound= 0.23	$/pound= 0.23
		DPC Industries, Inc.	**X**	**$/pound= 0.216**	**$/pound= 0.216**
		Univar	X	$/pound= 0.2325	$/pound= 0.2325
5	Lime	Mississippi Lime	X	$/ton= 292.69	$/ton= 292.69
	*Bid specifications not met.	Pete Lien & Sons, Inc.	X	$/ton= NA	$/ton= 171.50
		Graymont (WI) LLC	**X**	**$/ton= NA**	**$/ton= 173.00**
6	Liquid Carbon Dioxide	**American Welding & Gas, Inc.**	**X**	**$/ton= NA**	**$/ton= 160.00**
7	Liquid Oxygen			$/ton=	$/ton=
8	Polyphosphate	**Carus Corporation**	**X**	**$/pound= NA**	**$/pound= 1.08**
		Shannon Chemical Corp.	X	$/pound= 3.17	$/pound= 3.17
9	Soda Ash	Univar	X	$/ton= 302.90	$/ton= 302.90
		Killoran T. & B., Inc.	X	$/ton= NA	$/ton= 288.75
		Thatcher Company, Inc.	**X**	**$/ton= NA**	**$/ton= 281.01**
10	Chlorine	Hawkins WTG	X	$/ton= 562.00	$/ton= 562.00
		DPC Industries, Inc.	**X**	**$/ton= 477.00**	**$/ton= 477.00**
11	Ferrous Chloride/Bulk	**Hawkins WTG**	**X**	**$/pound iron= 0.97**	**$/pound iron= 0.97**
		PVS Technologies, Inc.	X	$/pound iron= NA	$/pound iron= 0.97
12	Ferrous Chloride/Mini-bulk	**Hawkins WTG**	**X**	**$/pound product= 0.2359**	**$/pound product= 0.2359**
13	Sodium Hypochlorite	**Hawkins WTG**	**X**	**$/gallon= 1.32**	**$/gallon= 1.32**
		DPC Industries, Inc.	X	$/gallon= 1.70	$/gallon= 1.70
14	Sulfur Dioxide	Hawkins WTG	X	$/ton= 1,075.00	$/ton= 1,075.00
		DPC Industries, Inc.	**X**	**$/ton= 1,000.00**	**$/ton= 1,000.00**
15	Cationic Flocculant	**SNF Poldyne**	**X**	**$/pound= 1.05**	**$/pound= 1.05**
16	Azone 15	**Hawkins WTG**	**X**	**$/gallon= 1.67**	**$/gallon= 1.67**
17	Pretreat Plus Antiscalant	**Hawkins WTG**	**X**	**$/gallon= 18.60**	**$/gallon= 18.60**
18	Caustic Soda	**Hawkins WTG**	**X**	**$/gallon= 3.58**	**$/gallon= 3.58**
19	Ferric Chloride	**Hawkins WTG**	**X**	**$/pound= 0.4875**	**$/pound= 0.4875**
		Univar	X	$/pound= 0.50	$/pound= 0.50
20	Ammonium Hydroxide	**Hawkins WTG**	**X**	**$/pound= 0.42**	**$/pound= 0.42**
21	Sulfuric Acid	**Hawkins WTG**	**X**	**$/pound product= 0.1450**	**$/pound product= 0.1450**
22	Citric Acid	**Hawkins WTG**	**X**	**$/pound product= 0.94**	**$/pound product= 0.94**
23	Odor Control/Hydrogen Sulfide	**MNX, Inc.**	**X**	**$FT³ media= 93.00**	**$FT³ media= 93.00**
		Electric Pump, Inc.	X	$FT³ media= 93.00	$FT³ media= 93.00
24	Odor Control/Broad Spectrum	**MNX, Inc.**	**X**	**$FT³ media= 93.00**	**$FT³ media= 93.00**
		Electric Pump, Inc.	X	$FT³ media= 93.00	$FT³ media= 93.00
25	Calcium Nitrate/Bulk	**Hawkins WTG**	**X**	**$/gallon= 2.36**	**$/gallon= 2.36**
		Thatcher Company, Inc.	X	$/gallon= NA	$/gallon= 3.199 Note below
		Bulk 70% / Min. Order 3,500 gals. Single delivery plus $75.00 stop charge each additional stop.			
25	Calcium Nitrate/Tote	**Hawkins WTG**	**X**	**$/gallon= 3.78**	**$/gallon= 3.78**
26	Non-Selective Herbicide	**Team Lab Chemical Corp.**	**X**	**$/gallon= 69.00**	**$/gallon= 69.00**
27	Selective Herbicide	**Team Lab Chemical Corp.**	**X**	**$/gallon= 39.00**	**$/gallon= 39.00**

CITY OF Fargo

CITY OF FARGO
Enterprise Department
Solid Waste, Water, Wastewater Utilities

19

December 4, 2017

Honorable Board of City Commissioners
City Hall
200 3rd Street North
Fargo, ND 58102

RE: RFP Results for Solid Waste, Water, and Wastewater General Engineering Services

On October 9, 2017, the City Commission approved the advertisement of separate RFP's for Engineering Services for the Solid Waste, Water and Wastewater Utilities. The current Engineering Services Agreements (Agreements) are due to expire on December 31, 2017. The Agreements provide outside professional engineering support to the three Utilities on an as-needed basis. The current Agreements are with consulting engineering firms selected through a formal RFP process. The City Commission originally adopted the concept of professional engineering services agreements to support the Water, Wastewater and Solid Waste Utilities in late 2001. The primary reason for the engineering services agreements are related to long-term infrastructure planning, financial modeling, as well as design and construction of prioritized infrastructure improvements. The General Engineering Services Agreements are "open-end" agreements in which specific Task Orders (scope and fee) are negotiated and issued on an as-needed basis.

The Utility Departments and a seven-member selection committee reviewed the RFP's. The scoring was based on a system that included prior related technical experience, qualifications of personnel and cost of services. Proposals were received to the RFP's from the following engineering consultants:

Water Utility RFP's (Score)		***Wastewater Utility RFP's*** (Score)		***Solid Waste Utility RFP's*** (Score)	
AE2S/Black & Veatch	(552)	AE2S/Black & Veatch	(518)	Wenck Associates	(560)
Apex/Carollo	(509)	Apex/Carollo	(550)		
Ulteig/HDR	(491)	HMG/Stantec	(459)		
HMG/Stantec	(462)				

Based on proposal review, the Selection Committee determined the preferred consultants as follows:

Water Utility	***Wastewater Utility***	***Solid Waste Utility***
AE2S/Black & Veatch	AE2S/Black & Veatch	Wenck Associates
Apex/Carollo	Apex/Carollo	

SUGGESTED MOTION

Approve three-year (2018 through 2020) General Engineering Service Agreements with the aforementioned preferred consultants for the Water, Wastewater and Solid Waste Utilities respectively.

20

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. UN-15-B1 Type: Liquidated Damages

Location: 52nd Ave S from 45th to 63rd St S Date of Hearing: 11/27/2017

Routing	Date
City Commission	12/4/2017
PWPEC File	X
Project File	Mark Miller

The Committee reviewed communication from Project Engineer, Mark Miller, regarding a request from the Contractor for a time extension. This memo provides details supporting a 1.5-day time extension, not the requested 15 days. Staff is recommending applying 13.5 days of liquidated damages to the Contractor in the amount of $1,200 per day for a total of $16,200.

The liquidated damages will stop over the winter and begin being applied on May 15, 2018 per standard practice.

On a motion by Tim Mahoney, seconded by Bruce Grubb, the Committee voted to recommend approval of the staff recommendation.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and apply 13.5 calendar days of liquidated damages in the amount of $1,200 per day and extend the substantial completion date to May 15, 2018.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Special Assessment & Wastewater Funds

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

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Jim Gilmour, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	
Mark Bittner, Director of Engineering	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
City Engineer	☑	☑	☐	Brenda Derrig
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

for
Brenda E. Derrig, P.E.
Division Engineer

Item 1

Memorandum

To: PWPEC

From: Mark Miller, Project Engineer - MMM

Date: November 20, 2017

Re: UN-15-B1 (2017 Liquidated Damages)

Background:

Improvement District UN-15-B1 purpose is to construct a connection to the interceptor sewer on 45th St S for the area serviced by Sanitary lift station 62, located adjacent to the City's Ground Storage Reservoir. Additionally, a Sanitary Sewer Meter Pit will be constructed. A requisite for the sanitary sewer service agreement between the Cities of Horace and Fargo.

This Contract was awarded to Master Construction on July 31, 2017. The contract substantial completion date was October 15, 2017. The job was divided into 3 separate phases. Phasing was such that phases 2 & 3 required completion before phase 1 could commence. Phase 1 requires by-pass pumping to keep the lift station operational. Phase 2 & 3 were completed during the 2017 construction season. Construction in its entirety was suspended on November 7, by my recommendation. Concern of the bypass line freezing during low flow times being my biggest rational. In addition, the reality of Horace's project not even starting this fall did not necessitate the Sanitary Sewer Meter Pit needing to be connected to Fargo's sewer.

Phase 3 required an easement from the adjacent landowner. Negotiations for the easement started 3 months before bid award, however the easement was not granted until September 25th. The Contractor completed phase 3 before phase 2 was completed. Phase 2 was completed on October 31. Phase 2 had the necessary easement recorded at the time of bid award. The requisite work was completed 16 calendar days after the substantial completion date.

Concerning Master's request for 15 days for completion of phase 2. I bring attention to the submitted letter, specifically the sentence mid paragraph that starts, "It was Determined". I would debate that it was "hypothesized" that the depth of the bore was at the stratification between original ground and imported fill from the construction of the levee along Drain 27. No soil borings were presented to the Contractor for bid purposes nor were any boring samples taken after bid opening. I did observe a visible difference in material at the approximate depth of bore hole at the bore hole locations. However, in my opinion, no conclusive causation has been provided to grant an extension.

Concerning Master's request for 1.5 days due to the City's inability to isolate a portion of city water main in order for Master construction to place a manhole in a safe environment. This situation was unusual for the fact that repeated attempts to close specific valves did not appear to work, but in this case, the third time was the charm. The valves in question are located on a 30" distribution line and require coordination with water treatment personal, several hundred valve stem revolutions and a deliberate time allocation to operate the valves. In conclusion, the City was not able to isolate the portion of watermain necessary to create a safe environment for Master to continue work. I am in support of this request.

Staff is recommending 13.5 calendar days of liquidated damages. Based on the liquidated damages schedule, the amount to be applied for the 2017 calendar year to be $16,200. The breakdown is as follows; 13.5 calendar days X $1,200 per day = $16,200. Liquated Damages shall begin being applied on May 15, 2018 per policy. Liquidated Damages shall be applied thru the completion of Phase 1 defined by the Special Instruction to Bidders.

Recommended Motion:
Apply liquated damages of 13.5 calendar days X $1,200 per day = $16,200 to Improvement District UN-15-B1.

MMM/klo
Attachment

MASTER CONSTRUCTION

FARGO
1572 45th St. NW
Fargo, ND 58102
P: 701-237-4950
F: 701-237-5027

BISMARCK
4000 Fuller Ave.
Bismarck, ND 58501
P: 701-751-6380
F: 701-751-6381

DICKINSON
836 38th Ave. E
Dickinson, ND 58601
P & F: 701-483-2818

GRAND FORKS
5624 1st Ave. N
Grand Forks, ND 58201
P: 701-566-3307
F: 701-757-4404

November 20, 2017

City of Fargo
200 N 3rd Street
Fargo, ND 58102

Attn: Mark Miller

RE: Time Extension Request
Improvement District UN-15-B1

Dear Mr. Miller,

Master Construction Co. Inc. would like to request a 16-day time extension on the above referenced project based upon the following:

Master construction was required to have work substantially completed on the UN-15-B1 project a 3 phase project by October 15th, 2017. Work in phases 2 and 3 were to be completed prior to the ability to begin work in phase 1. We began work in phase 2 first (boring of sanitary sewer) during this work we encountered unforeseen circumstances in the soil conditions. During our boring operations it was necessary that we make multiple attempts to ream (Clean) our boring hole before we were able to pull the pipe through. It was determined that we were boring at an elevation that was between virgin soil and that which was disturbed by levee construction, causing our boring line to cave in after attempts to ream the hole. This caused an estimated delay of 15days, the work took us approx. 37 days to complete. The work took about twice as long as expected. We also encountered a 1.5 day delay with the existing 30" water line not being able to be shut off. We do not feel the delays caused on this project affect anyone as this line will not be operational this year. Horace has not begun their work to tie into this sanitary line.

As a result of the delays outlined above we are requesting a 16-day extension for all work

We appreciate your consideration of our request for a time extension on this project. If you have any questions or comments please feel free to contact me at 701-361-9764.

Sincerely,

Scott Ahlf
Project Manager

21

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. FM-14-81 Type: Storm Sewer Easement Vacation

Location: 2nd Street Dike East Date of Hearing: 11/27/2017

Routing	Date
City Commission	12/4/2017
PWPEC File	X
Project File	Nathan Boerboom

The Committee reviewed communication from Diversion Division Engineer, Nathan Boerboom, regarding the extension of a new storm sewer into Island Park. To allow for the construction of the proposed storm sewer within Island Park, an easement was acquired from the Fargo Park District back in 2015.

During the installation of the storm sewer, it was determined that the alignment of the storm sewer within Island Park should be shifted. This resulted in the storm sewer pipe not being installed within the previously acquired storm sewer easement. Subsequently, a new easement was approved by the Fargo Park District and recorded for the actual installed location of the storm sewer.

Since the original easement is no longer needed, staff is recommending that the City release the original easement. A copy of the proposed Release of Permanent Easement document is attached with this memo.

On a motion by Bruce Grubb, seconded by Kent Costin, the Committee voted to recommend approval of the Release of Permanent Easement document for the previously recorded storm sewer easement within Fargo Park District property.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve of the Release of Permanent Easement document for the previously recorded storm sewer easement within Fargo Park District property.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Infrastructure Sales Tax

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

COMMITTEE

	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Jim Gilmour, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	
Mark Bittner, Director of Engineering	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
City Engineer	☑	☑	☐	Brenda Derrig
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, P.E.
Division Engineer

Item 2

CITY OF Fargo

Memorandum

To: PWPEC

From: Nathan Boerboom, Division Engineer NAB

Date: 11/21/2017

Re: Storm Sewer Easement Vacation
Project No. FM-14-81

Project FM-14-81 was designed and constructed by the Diversion Authority. A major component of this project was the replacement of the two existing storm sewer lift stations as well reconfiguring the storm sewer system upstream of the newly construct storm sewer lift station. A portion of this upstream storm sewer system included extending new storm sewer into Island Park. To allow for the construction of the proposed storm sewer within Island Park, an easement was acquired from the Fargo Park District back in 2015.

During the installation of the storm sewer, it was determined that the alignment of the storm sewer within Island Park should be shifted further away from existing trees so that the root system of those trees were not impacted by construction. This resulted in the storm sewer pipe not being installed within the previously acquired storm sewer easement. Subsequently, a new easement was approved by the Fargo Park District and recorded for the actual installed location of the storm sewer.

Since the original easement is no longer needed, staff is recommending that the City releases the original easement. A copy of the proposed Release of Permanent Easement document is attached with this memo.

Recommend Motion:
Approve the Release of Permanent Easement document for the previously recorded storm sewer easement within Fargo Park District property.

200 North 3rd Street
Fargo, ND 58102

Phone: (701) 241-1545
FAX: (701) 241-8101

Release of Permanent Easement
(Storm Sewer)
Document #1438043

On or about January 5, 2015, Park District of the City of Fargo ("Grantor") granted the City of Fargo, North Dakota, a municipal corporation, its successors and assigns, including but not limited to Cass County Joint Water Resource District and/or Metro Flood Diversion Authority ("Grantee") a permanent and perpetual easement for the purpose of constructing, operating, maintaining and repairing a storm sewer, together with customary appurtenances, recorded as Document #1438043, over the following described property:

> That part of the Northeast Quarter of Section 7, Township 139 North, Range 48 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, described as follows:
>
> A 30.00 foot wide strip of land centered on the following described line:
>
> Commencing at the intersection of the westerly line of 4th Street South with the southerly line of 1st Avenue South; thence South 02°31'31" West, along the westerly line of said 4th Street South, for a distance of 335.97 feet to an angle point along the westerly line of said 4th Street South; thence South 08°15'11" West, along the westerly line of said 4th Street South, for a distance of 205.90 feet to the true point of beginning of the line to be described; thence North 73°16'03" West for a distance of 56.37 feet; thence North 49°58'16" West for a distance of 86.47 feet, said line there terminating. The sidelines of said strip shall be lengthened or shortened as necessary to intersect the westerly line of said 4th Street South on the east, and to intersect at the angle point.
>
> Said tract of land contains 4,304 square feet, more or less.

Grantee hereby consents to, and does hereby release, any and all interest of the Grantee in the Storm Sewer Easement, and does, by this instrument, release the Grantor, or Grantor's

successors-in-interest, from the easement established by the Storm Sewer Easement instrument (Document No. 1438043).

The Mayor and City Auditor are hereby authorized to execute on behalf of the City of Fargo any other such instrument as may be necessary to effect the terms of this Release of Easement, if any.

IN WITNESS WHEREOF, Grantee has set its hand and caused this instrument to be executed this _____ day of _____, 2017.

CITY OF FARGO, NORTH DAKOTA,
a municipal corporation

By: _____
Timothy J. Mahoney, Mayor

ATTEST:

_____
Steven Sprague, City Auditor

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

On this ____ day of _____, 2017, before me, a notary public in and for said county and state, personally appeared **Timothy J. Mahoney** and **Steven Sprague**, to me known to be the Mayor and City Auditor, respectively, of the City of Fargo, North Dakota, a municipal corporation, described in and that executed the within and foregoing instrument, and acknowledged that said municipal corporation executed the same.

(SEAL)

_____
Notary Public
Cass County, ND

The legal description was obtained from a previously recorded document.

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

22

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Type: 2019 Transportation Alternatives Program

Project Applications

Location: Citywide

Date of Hearing: 11/27/2017

Routing	Date
City Commission	12/4/2017
PWPEC File	X
Project File	Jeremy Gorden

The Committee reviewed a communication from Transportation Division Engineer, Jeremy Gorden regarding the current solicitation from the NDDOT regarding the Transportation Alternatives Program applications (TAP) for federal aid shared use path/bridge projects for year 2019 construction. The City's priorities shall be submitted to Metro COG for further vetting and then on to the NDDOT.

Staff identified three projects and administration identified one project and they are as follows:

- The shared use path bridge project over 2nd Street adjacent to the new City Hall under construction. This would connect the 2nd Avenue N corridor to the new river path system completed in 2017. This project has been discussed over the past 5 years with all the work going on in the vicinity and multiple concepts have been laid out by the HMG Group working on the 2nd Street floodwall project. The project's estimated construction cost estimate is $1.5M, with a request of $290,000 federal max (20%) and $1,210,000 local (80%).

- The Deer Creek/Drain 27 shared use path project. The project's estimated construction cost estimate is $414,000, with a request of $290,000 federal max (70%) and $124,000 local (30%). The path would run on the Drain 27 property south of 52nd Avenue S to the Veterans Boulevard street right-of-way, and then run across the City of Fargo property that the water storage reservoir sits on. It would run west to Deer Creek Parkway. I've also included a 2000' offshoot of a path that would run on top of the Drain 27 levee from the end of Veterans Boulevard to a City of Fargo parcel that houses a gatewell for storm sewer drainage into Drain 27. It is assumed with this application that the path connection at 52nd Avenue S would be completed with the road construction project for 52nd Avenue S itself currently slated for 2019. This project is needed and I believe this project should be our first priority.

- The Coule's Crossing shared use path project that would connect the Coulee's Crossing neighborhood to the Timberline/Fox Run shared use path via Drain 53. This would be a short project, roughly 700' in length, but would be a great connection to make as the Milwaukee Trail ends at 25th Street and really can't make it to the Drain 53 path system easily. This connection would allow folks to use 25th Street for about a block and then head west on Rose Creek Parkway to this connection. This project has an estimated construction cost estimate of $200,000, split $160,000 federal and $40,000 local.

- The shared use path signing project for both the Red River Trail and the Milwaukee Trail. Metro COG completed a wayfinding study a few years ago and they identified 14 trails in the metro that should be signed. This project has an estimated construction cost estimate of $50,000, split $40,000 federal and $10,000 local.

On a motion by Bruce Grubb, seconded by Ben Dow, the Committee voted to recommend approval of the priorities as presented above, with the signing project being withdrawn for submittal at this time.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve the projects listed above for submittal to Metro COG, with the 2nd Street bridge being first priority, the Deer Creek project being the second priority, and the Coulee's Crossing project being the third priority.

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

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

COMMITTEE	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Jim Gilmour, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	
Mark Bittner, Director of Engineering	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
City Engineer	☑	☑	☐	Brenda Derrig
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

for Brenda Derrig

Brenda E. Derrig, P.E.
Division Engineer

CITY OF Fargo

Item 4

ENGINEERING DEPARTMENT
200 3rd Street North
Fargo, North Dakota 58102
Phone: (701) 241-1545
Fax: (701) 241-8101
E-Mail: feng@cityoffargo.com

November 16, 2017

To: Members of PWPEC

From: Jeremy M. Gorden, PE, PTOE JMG
Division Engineer - Transportation

Subject: Federal Aid Transportation Alternatives Program Applications for Year 2019

The NDDOT is soliciting Transportation Alternatives Program applications (TAP) for federal aid shared use path/bridge projects for year 2019 construction. Each year we apply for these funds and historically we've been successful in receiving them about 80% of the time. The following projects have been completed or are in the process of being completed using these funds since 2009:

- Shared use path and bridge over Drain 27 in Osgood (near 49th Avenue S)
- Shared use path and bridge over Drain 27 along 36th Street between 35th Avenue S & 40th Avenue S
- Red River shared use path lift bridge between Lindenwood and Gooseberry Parks
- Shared use paths along 12th Avenue N from I-29 to 45th Street, and along 45th Street from 7th Avenue N to 16th Avenue N
- Shared use path inside of Drain 53 from 52nd Avenue S to 58th Avenue S
- Shared use path along north side of 40th Avenue S from Drain 27 (near Timberline) to 18th Street
- Red River shared use path lift bridge between Oak Grove and Memorial Parks
- Dill Hill shared use path between 6th and 7th Avenues S just south of Island Park on what would be the 5th Street alignment.

Last year we submitted on two projects and were successful in receiving funds for one. The project selected was for the Dill Hill shared use path between 6th and 7th Avenues S just south of Island Park on what would be the 5th Street alignment.

I'd like to submit as our first priority the Deer Creek/Drain 27 shared use path project. The project's estimated construction cost estimate is $414,000, with a request of $290,000 federal max (70%), and $124,000 local (30%). The path would run on the Drain 27 property south of 52nd Avenue S to the Veterans Boulevard street right-of-way, and then run across the City of Fargo property that the water storage reservoir sits on. It would run west to Deer Creek Parkway. I've also included a 2000' offshoot of a path that would run on top of the Drain 27 levee from the end of Veterans Boulevard to a City of Fargo parcel that houses a gatewell for storm sewer drainage into Drain 27. It is assumed with this application that the path connection at 52nd Avenue S would be completed with the road construction project for 52nd Avenue S itself currently slated for 2019. This project is needed and I believe this project should be our first priority.

I'd like to submit as our second priority a shared use path project that would connect the Coulee's Crossing neighborhood to the Timberline/Fox Run shared use path via Drain 53. This would be a short project, roughly 700' in length, but would be a great connection to make as the Milwaukee Trail ends at 25th Street and really can't make it to the Drain 53 path system easily. This connection would allow folks to use 25th Street for about a block and then head west on Rose Creek Parkway to this connection. This project has an estimated construction cost estimate of $200,000, split $160,000 federal, and $40,000 local.

I'd like to submit as our third priority a shared use path signing project for both the Red River Trail and the Milwaukee Trail. Metro COG completed a wayfinding study a few years ago and they identified 14 trails in the metro that should be signed. I think the project is a good one and should be implemented. This project has an estimated construction cost estimate of $50,000, split $40,000 federal, and $10,000 local.

Recommended Motion

Approve the projects listed above for submittal to Metro COG, with the Deer Creek/Drain 27 shared use path project being our first priority, the Coulee's Crossing/Drain 53 shared use path project being our second priority, and the trail signing project being our third priority. These should be submitted to City Commission for approval, and then on to Metro COG Policy Board for final approval.

JMG/klo
Attachments

North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

October 2017

TO:
City Engineers of 12 Major Cities
Tribal Chairpersons
Tribal Planners
North Dakota Schools
USDA Forest Service
US Army Corps of Engineers
ND Game and Fish
BIA Regional Office in Aberdeen
Transit Providers
US Fish and Wildlife
ND Parks and Recreation
ND Forest Service

TRANSPORTATION ALTERNATIVES (TA) PROGRAM

The North Dakota Department of Transportation (NDDOT) is accepting applications for Transportation Alternatives (TA) Program projects for federal fiscal year 2019.

TA provides funding for projects that include: 1) Pedestrian and bicycle projects; 2) Safe routes to school and safe routes for non-drivers projects; 3) Conversion and use of abandoned railroad corridor projects for non-motorized users; 4) Construction of turnouts, overlooks, and viewing areas along roadways; 5) Community improvement activities including: preservation and rehabilitation of operating historic transportation facilities, vegetation management practices in transportation rights of way, archaeological activities relating to impacts from implementation of a transportation project, streetscape improvements, and corridor landscaping; and 6) Environmental mitigation projects.

Eligible project applicants include: 1) City and county governments; 2) Transit agencies; 3) Natural resource or public land agencies; 4) School districts, local education agencies, or schools; 5) Tribal governments; and 6) Any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails. A nonprofit applicant needs to partner with an eligible project applicant to submit applications to the NDDOT. Cities above the 5,000 population, Bureau of Indian Affairs, Transit Agencies, or Federal and State Agencies may apply directly to the NDDOT. Cities below the 5,000 population must apply through a Board of County Commissioners.

All projects within the jurisdiction of a Metropolitan Planning Organization (MPO) need to be submitted to the MPO by their respective deadline for MPO approval and submittal to the NDDOT.

To learn more about TA, including funding guidelines and instructions, go to the NDDOT web page at www.dot.nd.gov. TA applications are to be submitted to the NDDOT **by December 31, 2017**. If you have questions or need assistance with the application process, please contact Pam Wenger, Local Government Division, at (701) 328-4787.

THOMAS K. SOREL, DIRECTOR

38/pjw/sas

North Dakota Department of Transportation
Transportation Alternatives Program
Application for 2019 Construction

1. PROJECT NAME: **Shared Use Path Bridge over 2nd Street N**

2. PROJECT LOCATION: The project is located over 2nd Street North, connecting the Civic Plaza to the west side of the flood wall along the Red River. See Attachment A for Project Location Map.

3. PROJECT CONTACT: City of Fargo

4. CONTACT PERSON:

Jeremy M. Gorden, PE, PTOE
200 N 3rd St., Fargo ND 58102
(701) 241-1529

5. PROJECT SPONSOR: City of Fargo

6. SPONSORING OFFICIAL:

NAME:	Dr. Timothy J. Mahoney, Mayor
ADDRESS:	200 3rd St. N., Fargo ND 58102
TELEPHONE:	(701) 241-1310

7. PROJECT DESCRIPTION:

The City of Fargo and the Fargo Park District continue to plan and construct an extensive shared use path system in Fargo. This project would provide a pedestrian bridge from the civic quad, over 2nd Street North and the floodwall, connection to the Park District property along the Red River. City Hall is slated to open by the summer of 2018, with the design of the civic quad soon to follow. The floodwall was constructed to support a pedestrian bridge over it. The project would provide ADA access on the wet side of the wall.

8. PROJECT COST:

Federal Share	$ 290,000
Local Share	$ 1,210,000
Total cost	$ 1,500,000

9. WHAT TAP CATEGORY/CATEGORIES BEST DESCRIBES YOUR PROJECT? (Bolded and underlined)

A. **Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.**

B. **Construction of infrastructure related projects that will substantially improve the ability of students to walk and bicycle to school.**

C. **Construction of infrastructure related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.**

D. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.

E. Construction of turnouts, overlooks, and viewing areas.

F. Community improvement activities, including:

- historic preservation and rehabilitation of historic transportation facilities that are continuing to, or upon rehabilitation, function for their intended transportation purpose;
- vegetation management practices in transportation rights of way to improve roadway safety, prevent against invasive species, and provide erosion control;
- archaeological activities relating to impacts from implementation of a transportation project; and
- streetscape improvements and corridor landscaping.

G. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:

- address storm water management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in 23 U.S.C. 133(b)(11), 328(a), and 329; or
- reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

10. SUPPORTING DATA

Second Avenue N is identified within the Downtown InFocus comprehensive plan (anticipated to be adoped in December 2017) as a vital connection for bicycle and pedestrian connection through Downtown and to the Red River. This specific connection is also identified in the 2003 Riverfront Development Master Plan and the 2002 Downtown Fargo Redevelopment Framework Plan. Connecting with the Red River and providing a bicycle and pedestrian links has been identified in the GO2030 Comprehensive Plan and the Fargo-Moorhead Downtown Framework Plan Update.

The City of Fargo Board of Commissioners support this project. This project has been reviewed by the Metro Council of Governments staff and approved for submittal.

11. PUBLIC ACCESSIBILITY:

This project will be owned by the City of Fargo and maintained by the Fargo Park District. The public will have continuous access.

12. MATCHING FUNDS PROVIDED BY:

City of Fargo Infrastructure Sales Tax revenue.

13. RIGHT OF WAY FOR THIS PROJECT WILL BE PROVIDED BY:

Construction will take place on City of Fargo and Fargo Park District property.

14. MAINTENANCE OF THIS PROJECT WILL BE PROVIDED BY:

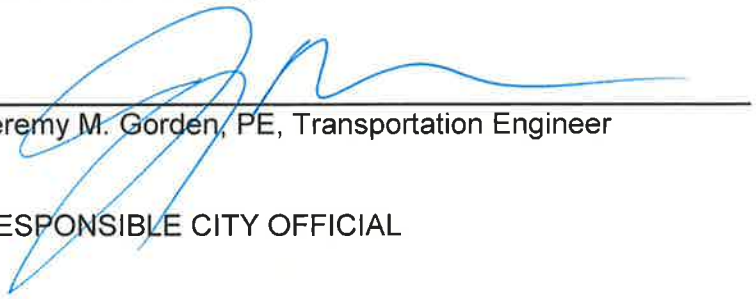
Maintenance of the project will be coordinated between the Fargo Park District and the City of Fargo.

15. ENVIRONMENTAL IMPACTS:

The land use adjacent to the proposed project is commercial and open space. This project is compatible to all adjacent land uses. This project will be constructed in an urban area and next to the Red River. Positive social impacts should come from this project due to the improved level of safety and convenience the project will provide to the surrounding land uses and shared use path uses. This project will provide a positive economic impact because the project will be bid, thereby creating work for contractors and suppliers. No relocations will be required. No filling will occur in any wet lands. A portion of this project will be located within the 100-yr floodplain. There will be no impacts to threatened or endangered species that are present within the project area. There are no properties on or eligible to be on the National Register of Historic Places in the project area.

16. SIGNATURES

CONTACT PERSON: DATE



11-30-17

Jeremy M. Gorden, PE, Transportation Engineer

RESPONSIBLE CITY OFFICIAL

Dr. Timothy J. Mahoney, Mayor

RESPONSIBLE MPO OFFICIAL

Michael Maddox, Interim Executive Director, Metro COG

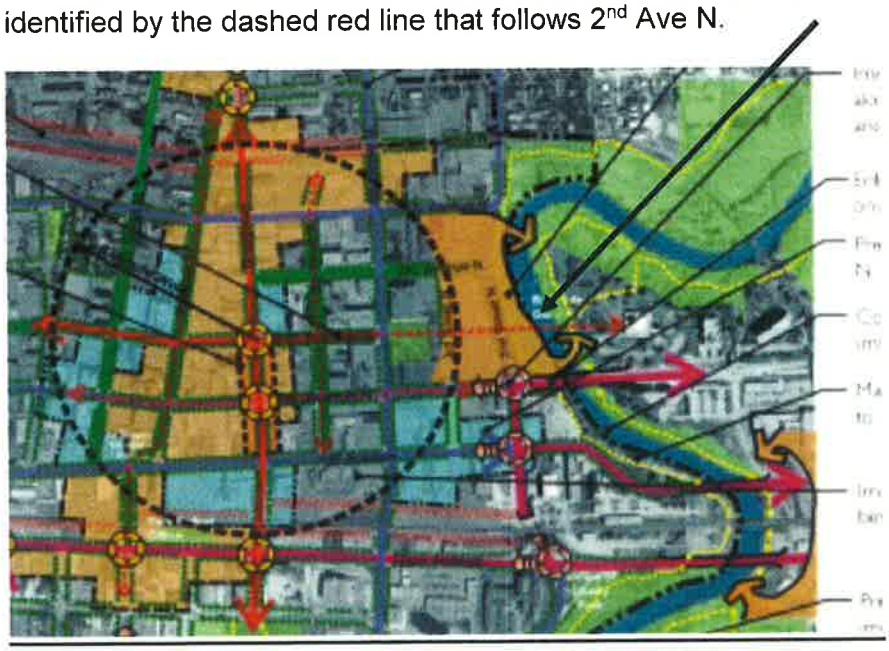
Appendix A – Project Location

Excerpt from 2003 Riverfront Development Master Plan

The concept for a bicycle and pedestrian connection along 2nd Ave N connecting to the Red River was identified in the 2003 Riverfront Development Master Plan, as depicted below.

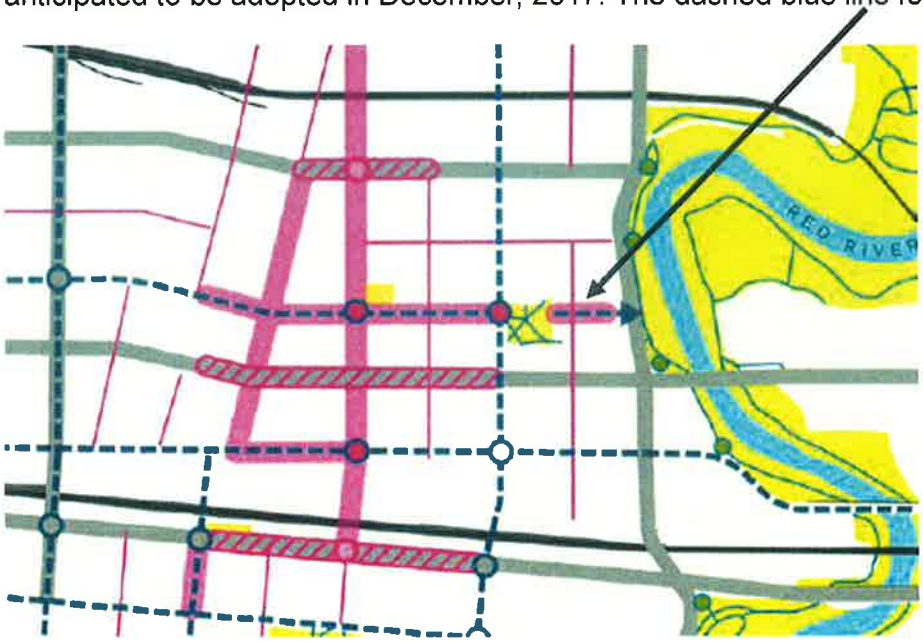
Excerpt from 2002 Downtown Fargo Redevelopment Framework Plan

This connection is also identified in the 2002 Downtown Fargo Redevelopment Framework Plan, identified by the dashed red line that follows 2nd Ave N.



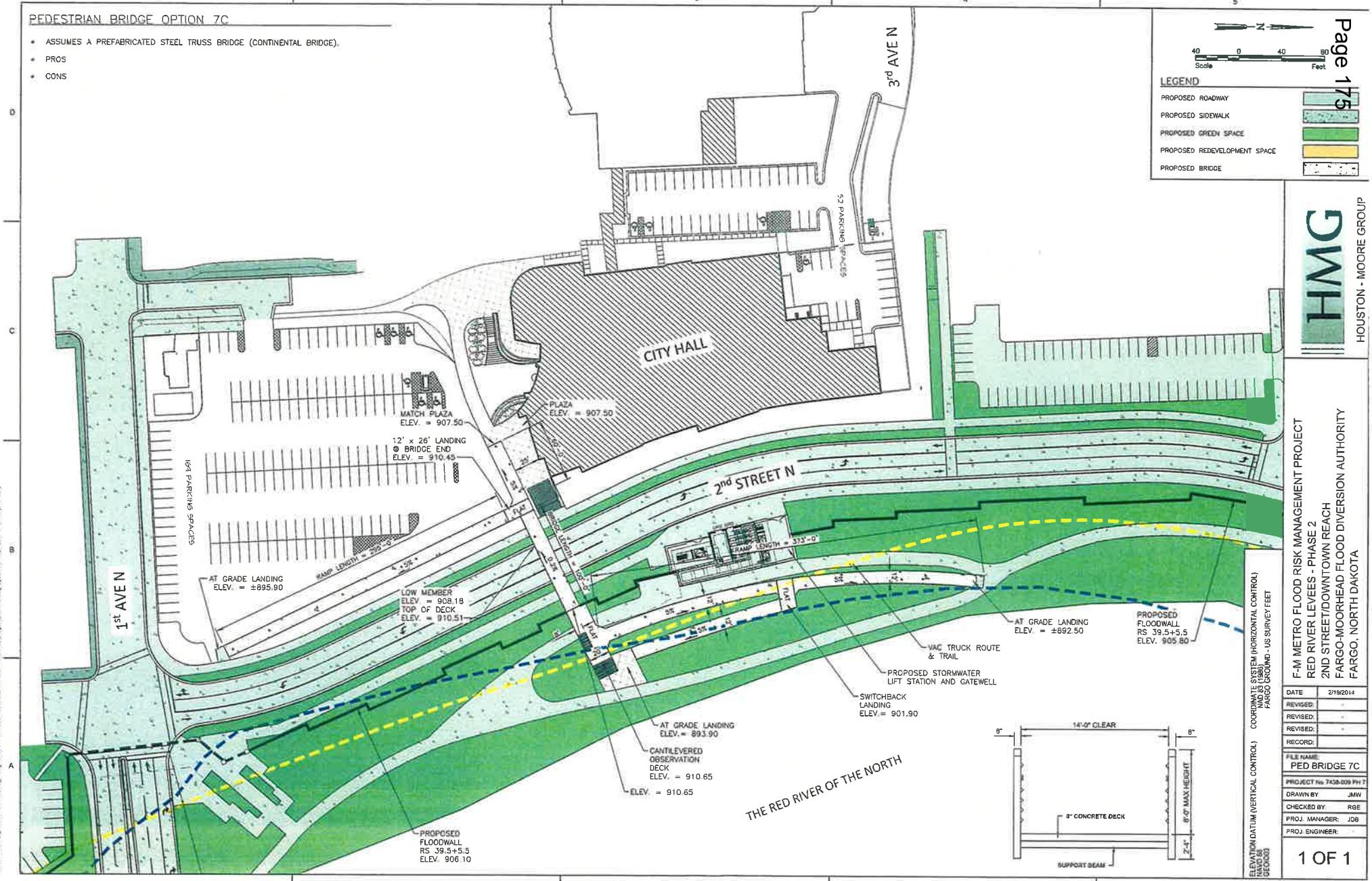
Excerpt from Downtown Infocus – Playbook

This connection is also identified in the Downtown Infocus comprehensive plan, which is anticipated to be adopted in December, 2017. The dashed blue line follows 2nd Ave N.



PEDESTRIAN BRIDGE OPTION 7C

- ASSUMES A PREFABRICATED STEEL TRUSS BRIDGE (CONTINENTAL BRIDGE).
- PROS
- CONS



HMG
HOUSTON - MOORE GROUP

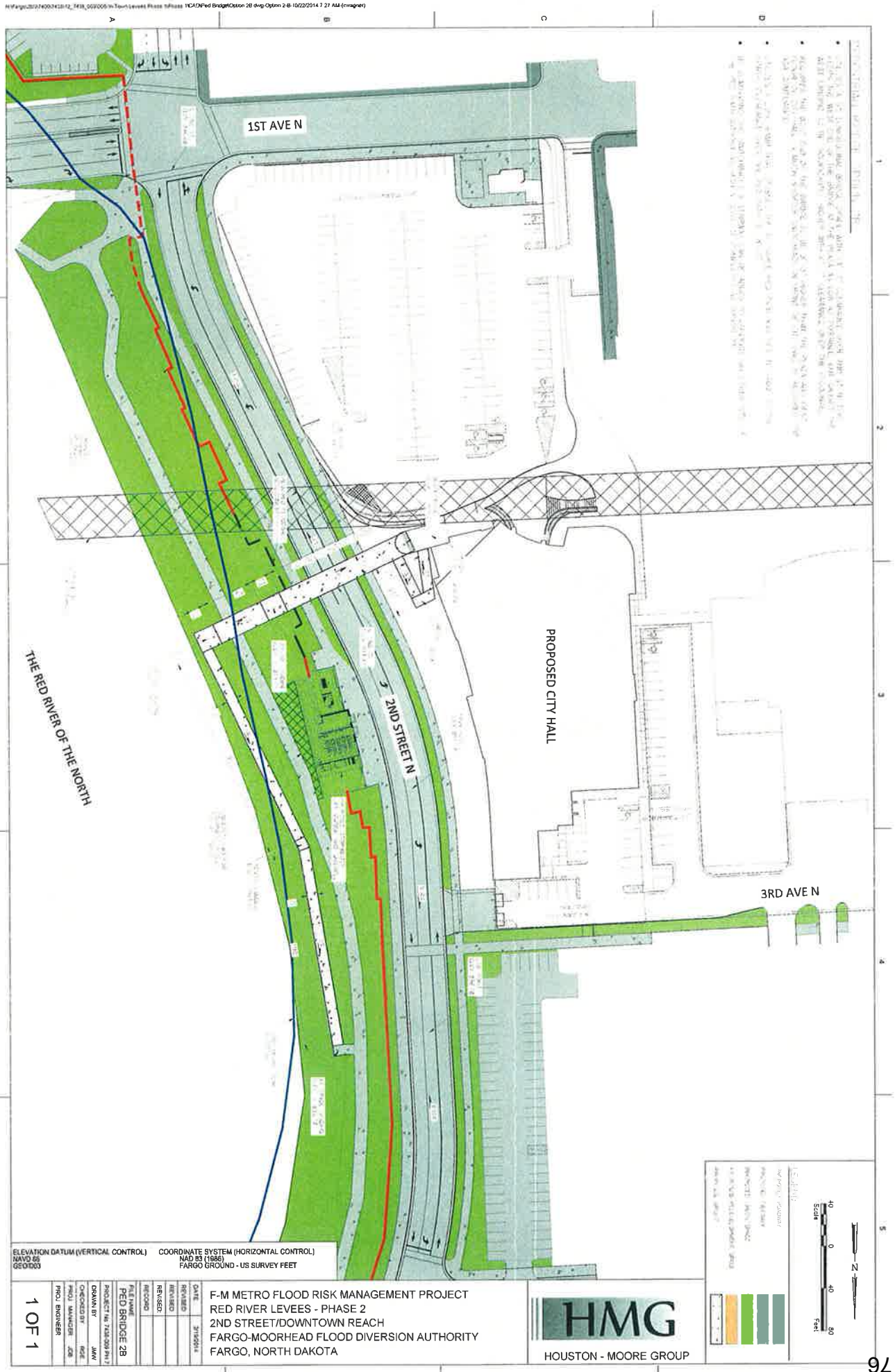
F-M METRO FLOOD RISK MANAGEMENT PROJECT
RED RIVER LEVEES - PHASE 2
2ND STREET/DOWNTOWN REACH
FARGO-MOORHEAD FLOOD DIVERSION AUTHORITY
FARGO, NORTH DAKOTA

COORDINATE SYSTEM (HORIZONTAL CONTROL)
NAD 83 (1986)
FARGO GROUND - US SURVEY FEET

ELEVATION DATUM (VERTICAL CONTROL)
NAVD 88
GEOID03

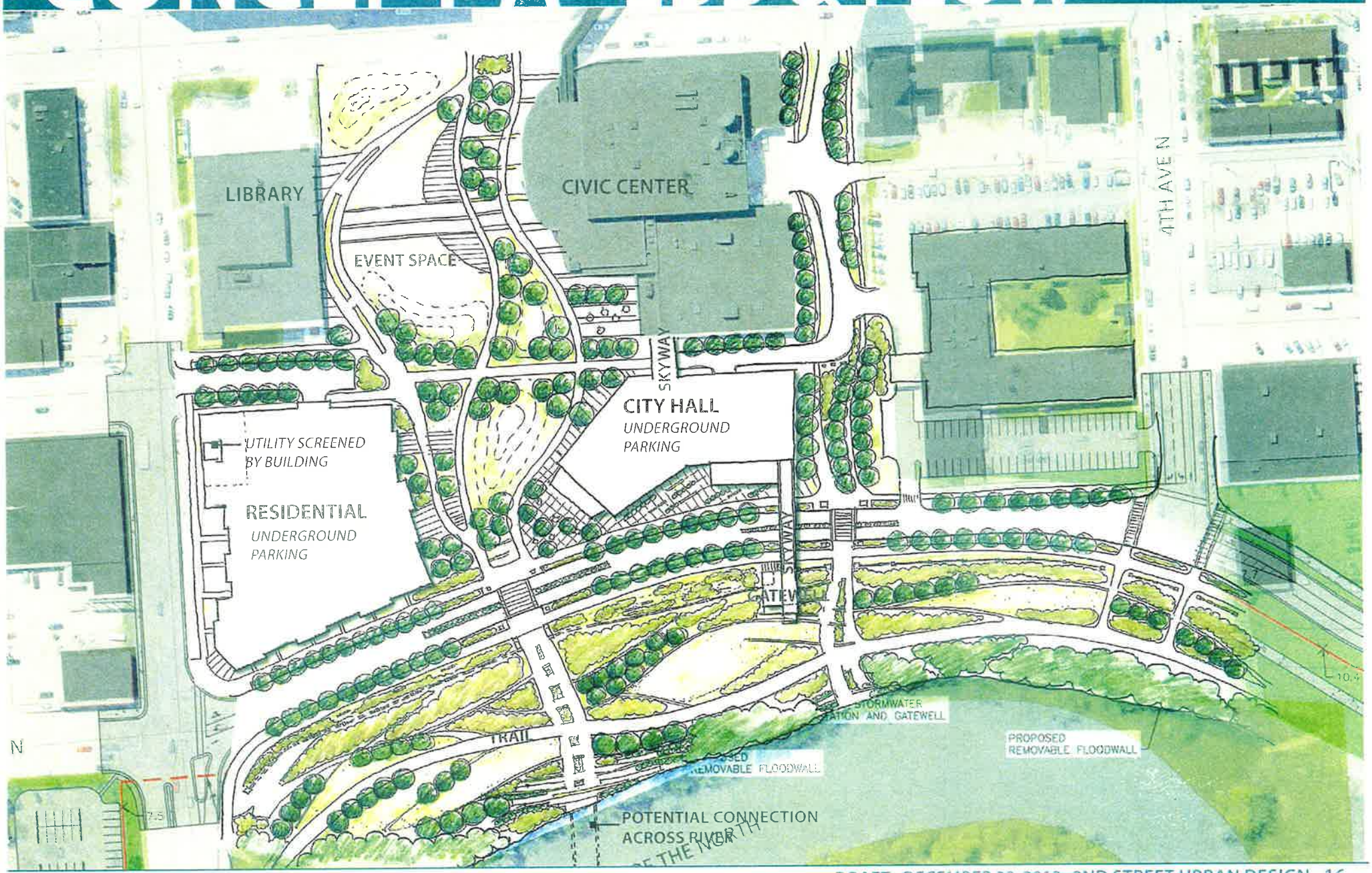
DATE	2/19/2014
REVISED:	
REVISED:	
REVISED:	
RECORD:	
FILE NAME:	PED BRIDGE 7C
PROJECT No. 7438-009 PH 7	
DRAWN BY	JMW
CHECKED BY	RGE
PROJ. MANAGER:	JDB
PROJ. ENGINEER:	

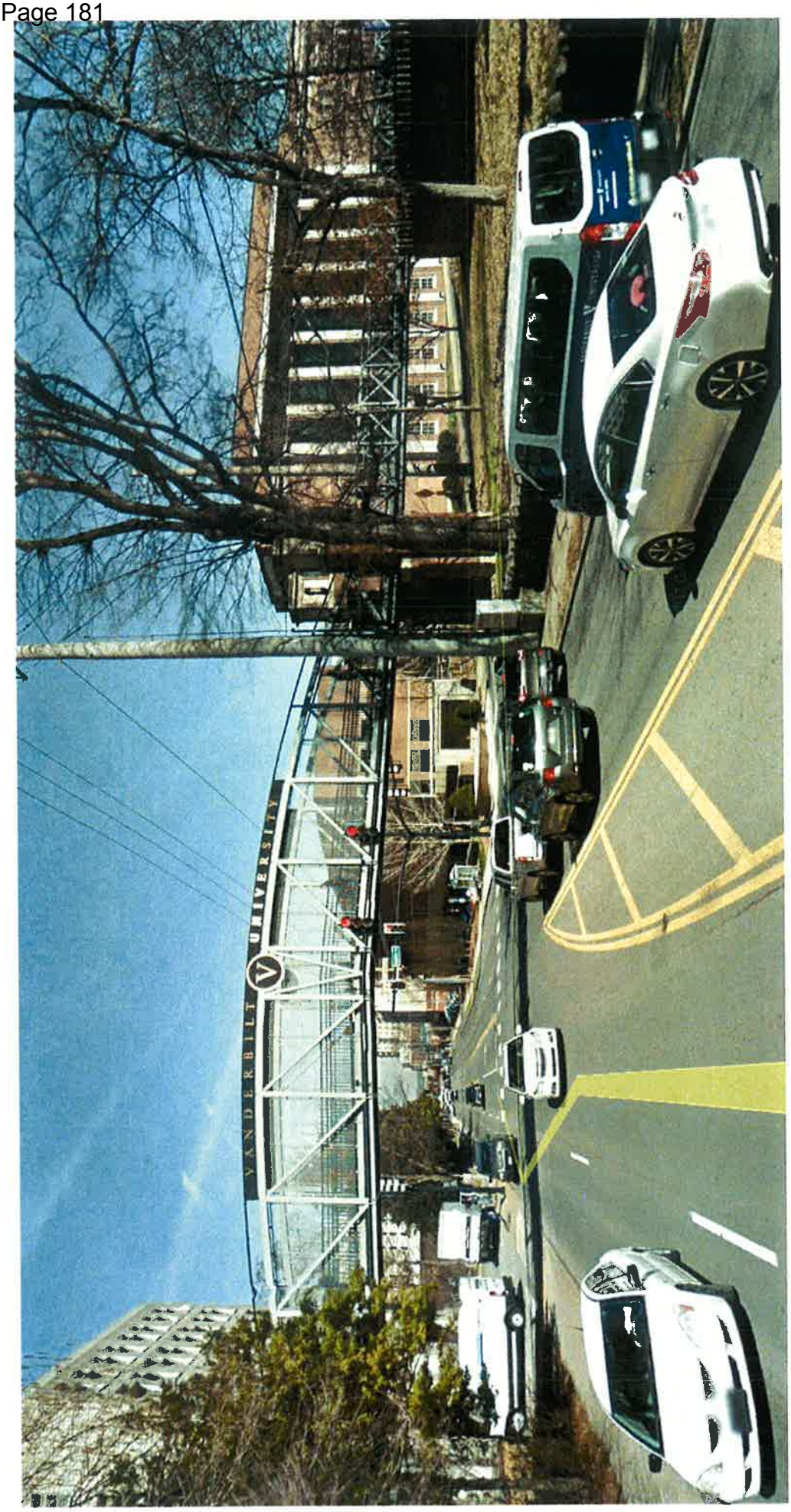
1 OF 1


1ST AVE N
THE RED RIVER OF THE NORTH
2ND STREET N
PROPOSED CITY HALL
3RD AVE N
ELEVATION DATUM (VERTICAL CONTROL)
NAVD 88
GEOID03
COORDINATE SYSTEM (HORIZONTAL CONTROL)
NAD 83 (1986)
FARGO GROUND - US SURVEY FEET
1 OF 1
PROJ. ENGINEER
PROJ. MANAGER JDB
CHECKED BY RGE
DRAWN BY JWW
PROJECT No. 7138-009 PH 2
FILE NAME
PED BRIDGE 2B
RECORD
REVISED
REVISED
REVISED
DATE
3/19/2014
F-M METRO FLOOD RISK MANAGEMENT PROJECT
RED RIVER LEVEES - PHASE 2
2ND STREET/DOWNTOWN REACH
FARGO-MOORHEAD FLOOD DIVERSION AUTHORITY
FARGO, NORTH DAKOTA
HMG
HOUSTON - MOORE GROUP
Scale
40
0
40
80
Feet
N

CITY HALL
LIFT STATION
2ND STREET
SIDEWALK
BLVD
BLVD
SIDEWALK
REALIGNED RETAINING WALL
POTENTIAL PED TRAIL
PED BRIDGE RAMP
MAIN TRAIL
POTENTIAL PED TRAIL
RED RIVER OF THE NORTH
THE RED RIVER OF THE NORTH
PEDBRIDGE CONCEPT DRAFT
HMG/SRF OCTOBER 16, 2014
HMG
HOUSTON - MOORE GROUP
F-M METRO FLOOD RISK MANAGEMENT PROJECT
RED RIVER LEVEES - PHASE 2
2ND STREET/DOWNTOWN REACH
FARGO-MOORHEAD FLOOD DIVERSION AUTHORITY
FARGO, NORTH DAKOTA
COORDINATE SYSTEM (HORIZONTAL CONTROL)
NAD 83 (1998)
FARGO GROUND - US SURVEY FEET
OPTION 1M
DRAWN BY
1 OF 1

CONCEPT A- EBB & FLOW




VANDERBILT UNIVERSITY

North Dakota Department of Transportation
Transportation Alternatives Program
Application for 2019 Construction

1. PROJECT NAME: **Deer Creek/Drain 27 Shared Use Path**

2. PROJECT LOCATION: The project is located along the west side of Drain 27 from just south of 52nd Avenue S to the Deer Creek Addition to Fargo. This project would connect the Deer Creek neighborhood to the metro path system. See Attachment A for Project Location Map.

3. PROJECT CONTACT: City of Fargo

4. CONTACT PERSON:

   Jeremy M. Gorden, PE, PTOE
   200 N 3rd St., Fargo ND 58102
   (701) 241-1529

5. PROJECT SPONSOR: City of Fargo

6. SPONSORING OFFICIAL:

NAME:	Dr. Timothy J. Mahoney, Mayor
ADDRESS:	200 3rd St. N., Fargo ND 58102
TELEPHONE:	(701) 241-1310

7. PROJECT DESCRIPTION:

   The City of Fargo and the Fargo Park District continue to plan and construct an extensive shared use path system in Fargo. This project would provide a 10' wide, off-road shared use path that would connect the Deer Creek neighborhood with the existing path network located along and north of 52nd Avenue South. The alignment of the trail would begin at 52nd Avenue South and be constructed on a shelf following the alignment of Drain 27, and would connect to City owned property at 59th Avenue South and tie into the existing path network. This project would fill in a missing connection between 52nd Avenue South and 59th Avenue South. The path would also connect to existing path north of 52nd Avenue along Drain 27, which also provides path connections to the west and east. The proposed project is approximately 7280' long.

8. PROJECT COST:

Federal Share	$ 290,000
Local Share	$ 124,000
Total cost	$ 414,000

9. WHAT TAP CATEGORY/CATEGORIES BEST DESCRIBES YOUR PROJECT? (Bolded and underlined)

   A. **Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance**

with the Americans with Disabilities Act of 1990.

B. Construction of infrastructure related projects that will substantially improve the ability of students to walk and bicycle to school.

C. Construction of infrastructure related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.

D. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.

E. Construction of turnouts, overlooks, and viewing areas.

F. Community improvement activities, including:

- historic preservation and rehabilitation of historic transportation facilities that are continuing to, or upon rehabilitation, function for their intended transportation purpose;
- vegetation management practices in transportation rights of way to improve roadway safety, prevent against invasive species, and provide erosion control;
- archaeological activities relating to impacts from implementation of a transportation project; and
- streetscape improvements and corridor landscaping.

G. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:

- address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in 23 U.S.C. 133(b)(11), 328(a), and 329; or
- reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

10. SUPPORTING DATA

This project was identified in the 2016 FM Metro Bicycle and Pedestrian Plan. As shown in the attaced appendix, Project 87 and 88 are identified as short range and long range projects, respectively. The City of Fargo Board of Commissioners support this project. This project has been reviewed by the Metro Council of Governments staff and approved for submittal. See Attachment B for Supporting Data.

11. PUBLIC ACCESSIBILITY:

This project will be owned by the City of Fargo and maintained by the Fargo Park District. The public will have continuous access.

12. MATCHING FUNDS PROVIDED BY:

City of Fargo Infrastructure Sales Tax revenue and Special Assessments.

13. RIGHT OF WAY FOR THIS PROJECT WILL BE PROVIDED BY:

Construction will take place on City of Fargo and Southeast Cass Water Resource District Property.

14. MAINTENANCE OF THIS PROJECT WILL BE PROVIDED BY:

Maintenance of the project will be coordinated between the Fargo Park District and the City of Fargo.

15. ENVIRONMENTAL IMPACTS:

The land use adjacent to the proposed project is residential, public, commercial and is also adjacent to County Drain 27. This project is compatible to all adjacent land uses. This project will be constructed in an urban area where the existing farm lands have already been converted to urban areas, however, the land across Drain 27 is still used for agricultural purposes. Positive social impacts should come from this project due to the improved level of safety and convenience the project will provide to the surrounding land uses and shared use path uses. This project will provide a positive economic impact because the project will be bid, thereby creating work for contractors and suppliers. No relocations will be required. No filling will occur in any wet lands. A small portion of this project will be located within the 100-yr floodplain. The threatened or endangered species in the project area will not be affected by this project. There are no properties on or eligible to be on the National Register of Historic Places in the project area.

16. SIGNATURES

CONTACT PERSON:

DATE 11-30-17

Jeremy M. Gorden, PE, PTOE
Transportation Division Engineer

RESPONSIBLE CITY OFFICIAL

Dr. Timothy J. Mahoney, Mayor

RESPONSIBLE MPO OFFICIAL

Michael Maddox, Interim Executive Director, FM Metro COG

Appendix A

Project Location Map

Appendix B –

Supporting Data - Excerpt from 2016 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan

This project was identified in the 2016 FM Metro Bicycle and Pedestrian Plan. Project 87 and 88 are identified as short range and long range projects, respectively.

North Dakota Department of Transportation
Transportation Alternatives Program
Application for 2019 Construction

1. PROJECT NAME: **Coulee's Crossing/Drain 53 Shared Use Path**

2. PROJECT LOCATION: The project is located within Drain 53, and would connect the Coulee's Crossing neighborhood to the Timberline/Fox Run shared use path. See Attachment A for Project Location Map.

3. PROJECT CONTACT: City of Fargo

4. CONTACT PERSON:

   Jeremy M. Gorden, PE, PTOE
   200 N 3rd St., Fargo ND 58102
   (701) 241-1529

5. PROJECT SPONSOR: City of Fargo

6. SPONSORING OFFICIAL:

NAME:	Dr. Timothy J. Mahoney, Mayor
ADDRESS:	200 3rd St. N., Fargo ND 58102
TELEPHONE:	(701) 241-1310

7. PROJECT DESCRIPTION:

   The City of Fargo and the Fargo Park District continue to plan and construct an extensive shared use path system in Fargo. This project would provide a 10' wide, off-road shared use path that would connect the Coulee's Crossing neighborhood to the Timberline/Fox Run shared use path. The project would begin at the end of Rose Creek Parkway South, proceed down the grade of the levee to a flat part of the levee, follow that bench to the bottom of the drain, cross the drain bottom via a low level culvert crossing, and connect to an existing path located on Park District property located behind the Timberline neighborhood. This project would fill in a missing connection between Timberline and Rose Creek neighborhoods, and would provide a vital connection in the larger metro trail system. It would provide a means to connect the popular Milwaukee Trail that runs through the Rose Creek Golf Course to the Drain 53/Drain 27 path systems. The proposed project is approximately 700' long.

8. PROJECT COST:

Federal Share	$ 160,000
Local Share	$ 40,000
Total cost	$ 200,000

9. WHAT TAP CATEGORY/CATEGORIES BEST DESCRIBES YOUR PROJECT? (Bolded and underlined)

   A. **Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related**

infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.

B. Construction of infrastructure related projects that will substantially improve the ability of students to walk and bicycle to school.

C. Construction of infrastructure related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.

D. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.

E. Construction of turnouts, overlooks, and viewing areas.

F. Community improvement activities, including:

- historic preservation and rehabilitation of historic transportation facilities that are continuing to, or upon rehabilitation, function for their intended transportation purpose;
- vegetation management practices in transportation rights of way to improve roadway safety, prevent against invasive species, and provide erosion control;
- archaeological activities relating to impacts from implementation of a transportation project; and
- streetscape improvements and corridor landscaping.

G. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:

- address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in 23 U.S.C. 133(b)(11), 328(a), and 329; or
- reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

10. SUPPORTING DATA

Although this project was not included in the 2016 FM Metro Bicycle and Pedestrian Plan, it has long been on our radar for a project that we should complete. The City of Fargo Board of Commissioners support this project. This project has been reviewed by the Metro Council of Governments staff and approved for submittal.

11. PUBLIC ACCESSIBILITY:

This project will be owned by the City of Fargo and the Fargo Park District, and maintained by the Fargo Park District. The public will have continuous access.

12. MATCHING FUNDS PROVIDED BY:

City of Fargo Infrastructure Sales Tax revenue.

13. RIGHT OF WAY FOR THIS PROJECT WILL BE PROVIDED BY:

Construction will take place on City of Fargo, Fargo Park District, and Southeast Cass Water Resource District Property.

14. MAINTENANCE OF THIS PROJECT WILL BE PROVIDED BY:

Maintenance of the project will be coordinated between the Fargo Park District and the City of Fargo.

15. ENVIRONMENTAL IMPACTS:

The land use adjacent to the proposed project is residential, public land, and is also adjacent to County Drain 53. This project is compatible to all adjacent land uses. This project will be constructed in an urban area where the existing farm lands have already been converted to urban areas. Positive social impacts should come from this project due to the improved level of safety and convenience the project will provide to the surrounding land uses and shared use path uses. This project will provide a positive economic impact because the project will be bid, thereby creating work for contractors and suppliers. No relocations will be required. No filling will occur in any wet lands. This project will be located within the 100-yr floodplain. No threatened or endangered species will be affected within the project area. There are no properties on or eligible to be on the National Register of Historic Places in the project area.

16. SIGNATURES

CONTACT PERSON: DATE 11-30-17

Jeremy M. Gorden, PE, PTOE
Transportation Division Engineer

RESPONSIBLE CITY OFFICIAL

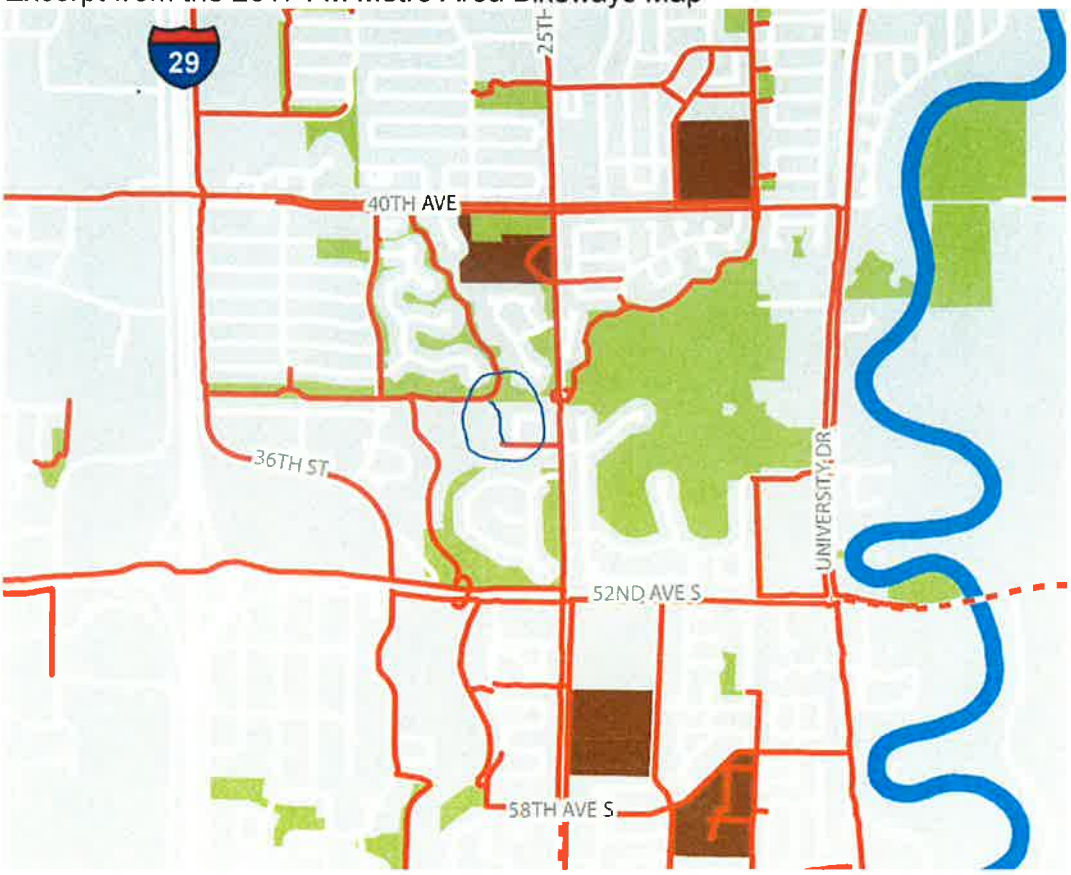
Dr. Timothy J. Mahoney, Mayor

RESPONSIBLE MPO OFFICIAL

Michael Maddox, Interim Executive Director, Metro COG

Appendix A – Project Location

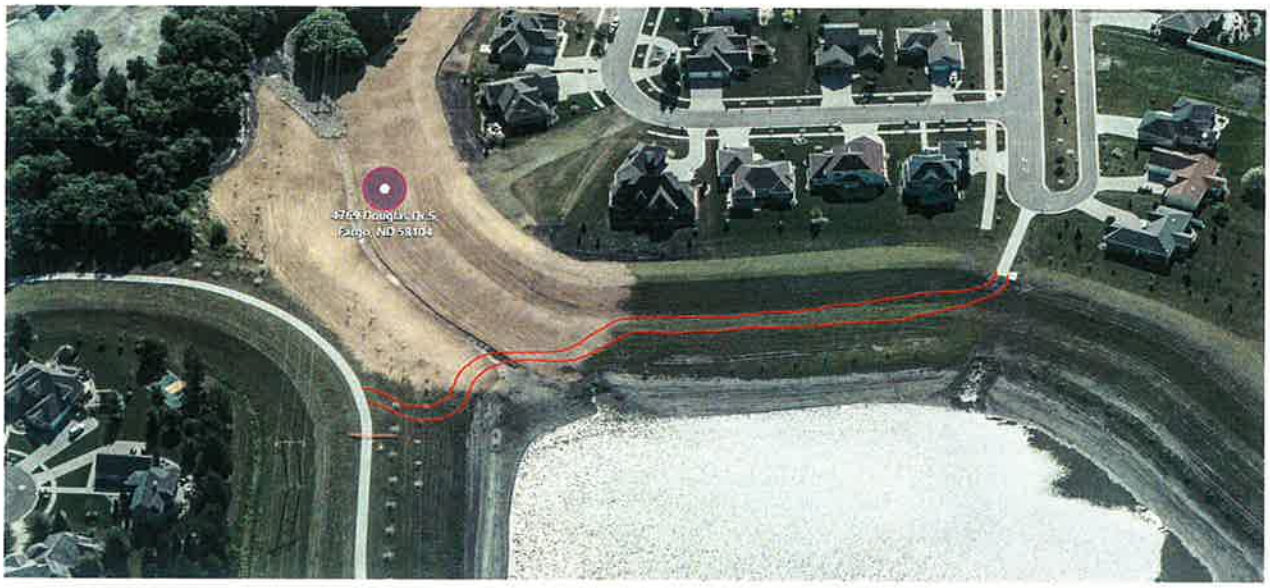
Excerpt from the 2017 FM Metro Area Bikeways Map



Project Location Map as it relates to other Paths

Rough Sketches of proposed path taken from Rose Creek Parkway south looking north to Timberline

Rough Layout of proposed path looking east



North Dakota Department of Transportation
Transportation Alternatives Program
Application for 2019 Construction

1. PROJECT NAME: **Trail Wayfinding Project**

2. PROJECT LOCATION: The project would include wayfinding signage along the two longest trails in Fargo; the 'Red River Trail' and the 'Milwaukee Trail.' The Red River Trail is located along the shared use path that runs along the Red River and also along the roadways adjacent/near the river that fill in the gaps where the path doesn't run adjacent to the river that are used to make up the 'Red River Trail'. The 'Milwaukee Trail' begins at 1st Avenue N and 25th Street, runs south to I-94, and then follows the Milwaukee Trail railroad bed to the Rose Creek Golf Course, then heads south on 25th Street to 70th Avenue S and heads east to its terminus at University Drive. See Attachment A for Project Location Map.

3. PROJECT CONTACT: City of Fargo

4. CONTACT PERSON:

Jeremy M. Gorden, PE, PTOE
200 N 3rd St., Fargo ND 58102
(701) 241-1529

5. PROJECT SPONSOR: City of Fargo

6. SPONSORING OFFICIAL:

NAME:	Dr. Timothy J. Mahoney, Mayor
ADDRESS:	200 3rd St. N., Fargo ND 58102
TELEPHONE:	(701) 241-1310

7. PROJECT DESCRIPTION:

The City of Fargo continues to improve the built environment of non-motorized connectivity. The 'Red River Trail' and 'Milwaukee Trail' provides vital connections north to south for pedestrians and bicyclists that is largely separate from vehicular circulation. The signage will allow residents and visitors to use the trails as recreational amenities, commute to destinations including commercial centers, neighborhoods, neighborhood amenities and parks. The signage would be installed every 1/3 mile, and include destinations and distances. The funding would allow the City of Fargo to install the first wayfinding signage in the city.

8. PROJECT COST:

Federal Share	$ 40,000
Local Share	$ 10,000
Total cost	$ 50,000

9. WHAT TAP CATEGORY/CATEGORIES BEST DESCRIBES YOUR PROJECT? (Bolded and underlined)

A. **Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.**

B. Construction of infrastructure related projects that will substantially improve the ability of students to walk and bicycle to school.

C. Construction of infrastructure related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.

D. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.

E. Construction of turnouts, overlooks, and viewing areas.

F. Community improvement activities, including:

- historic preservation and rehabilitation of historic transportation facilities that are continuing to, or upon rehabilitation, function for their intended transportation purpose;
- vegetation management practices in transportation rights of way to improve roadway safety, prevent against invasive species, and provide erosion control;
- archaeological activities relating to impacts from implementation of a transportation project; and
- streetscape improvements and corridor landscaping.

G. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:

- address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in 23 U.S.C. 133(b)(11), 328(a), and 329; or
- reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

10. SUPPORTING DATA

In 2016, the FM Metropolitan Council of Governments (MetroCOG) completed a Bicycle Wayfinding Signage Study, which identified a total of eighteen trails within the metro area. The study included trail route identification, wayfinding signage standards, sign identification and location for each route, destinations in proximity of each trail, and cost estimates for the signage. The signage would be installed every 1/3 mile, and include destinations and distances. The 'Red River Trail' is 17.5 miles long and the 'Milwaukee Trail' is 8.1 miles long and connects many other routes and trails identified in the study. There are seven locations to cross the Red River along the trail and connect into Moorhead and Minnesota. Funding would allow the City of Fargo to install the first wayfinding signage in the city.

11. PUBLIC ACCESSIBILITY:

This project will be owned by the City of Fargo and the Fargo Park District. The public will have continuous access.

12. MATCHING FUNDS PROVIDED BY:

City of Fargo Infrastructure Sales Tax revenue.

13. RIGHT OF WAY FOR THIS PROJECT WILL BE PROVIDED BY:

The project will be located within the City of Fargo right-of-way or Fargo Park District property.

14. MAINTENANCE OF THIS PROJECT WILL BE PROVIDED BY:

Maintenance of the project will be coordinated between the Fargo Park District and the City of Fargo.

15. ENVIRONMENTAL IMPACTS:

There are many land use adjacent to the proposed project, and is compatible. This project will be constructed in an urban area where the existing farm lands have already been converted to urban areas, and areas on the fringes of the City. Positive social impacts should come from this project, as it establishes a trail and identifies destinations in proximity. No filling will occur in any wet lands. Portions of this project will be located within the 100-yr floodplain. The threatened or endangered species within the project area will not be affected by this project. There are no properties on or eligible to be on the National Register of Historic Places in the project area.

16. SIGNATURES

CONTACT PERSON:

DATE 11-30-17

Jeremy M. Gorden, PE, PTOE
Transportation Division Engineer

RESPONSIBLE CITY OFFICIAL

Dr. Timothy J. Mahoney, Mayor

RESPONSIBLE MPO OFFICIAL

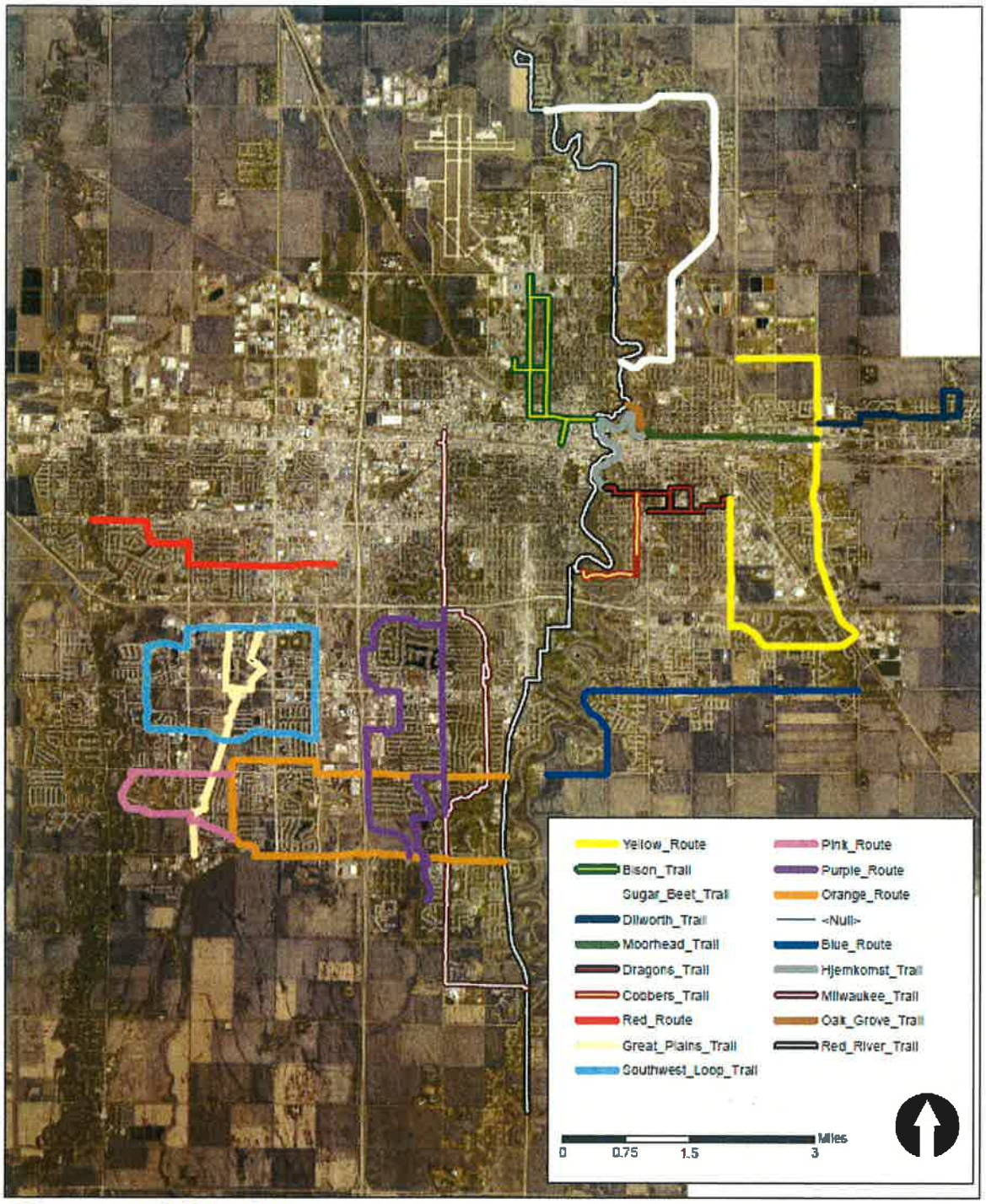
Michael Maddox, Interim Executive Director, FM Metro COG

Appendix A

Project Location Map

Excerpt from Bicycle Wayfinding Signage Study

Below shows the identified trails of the Bicycly Wayfinding Signage Study. The Red River Trail is identified as the black and white trail, and the Milwaukee Trail is identified as the maroon and white
trail.



Bicycle Signage Routes

Bicycle Signage Study

Figure 1

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.

1:9,028

11/27/2017 2:52:41 PM

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

CITY OF Fargo

25

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BN-16-G1

Type: Negative Final Balancing Change Order #4

Location: 17th & 18th St btwn 73rd & 75th Ave S & 75th Ave S east of 19th St

Date of Hearing: 11/27/17

Routing	Date
City Commission	12/4/2017
PWPEC File	X
Project File	Jason Satterlund

The Committee reviewed the accompanying correspondence from Project Manager, Jason Satterlund, for Negative Final Balancing Change Order #4 in the amount of $ -125,339.61, bringing the total contract amount to $1,543,290.14.

Staff is recommending approval of Negative Final Balancing Change Order #4.

On a motion by Bruce Grubb, seconded by Mark Bittner, the Committee voted to recommend approval of Negative Final Balancing Change Order #4.

RECOMMENDED MOTION

Approve Negative Final Balancing Change Order #4 in the amount of $ -125,339.61 to H & S Contracting.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Cass Rural WUD Funds & Special Assessments

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

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☑	☑	☐	
Jim Gilmour, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	
Mark Bittner, Director of Engineering	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
City Engineer	☑	☑	☐	Brenda Derrig
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, P.E.
Division Engineer

C: Kristi Olson

CITY OF Fargo

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	BN-16-G1	**Change Order No**	4
Project Name	Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Conc. Curb & Gutter, Asphalt Pavement & Incid		
Date Entered	11/14/2017	**For**	H & S 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: 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	1	Inlet Protection - Existing Inlet	EA	13.00	0.00	13.00	-8.00	5.00	100.00	-800.00
	2	Inlet Protection - New Inlet	EA	25.00	0.00	25.00	18.00	43.00	250.00	4,500.00
	4	Temp Construction Entrance	EA	3.00	0.00	3.00	-1.00	2.00	3,600.00	-3,600.00
									Miscellaneous Sub Total ($)	100.00
Sanitary Sewer	6	F&I Pipe SDR 26 - 6" Dia PVC	LF	4,200.00	0.00	4,200.00	-238.00	3,962.00	24.00	-5,712.00
	7	F&I Pipe SDR 26 - 8" Dia PVC	LF	2,375.00	0.00	2,375.00	-3.00	2,372.00	30.00	-90.00
									Sanitary Sewer Sub Total ($)	-5,802.00
Cass Rural Water Improvements	10	F&I Pipe C900 DR 18 - 6" Dia PVC	LF	24.00	0.00	24.00	7.00	31.00	26.00	182.00
	11	F&I Pipe C900 DR 18 - 8" Dia PVC	LF	2,450.00	0.00	2,450.00	-8.25	2,441.75	24.00	-198.00
	14	F&I Pipe 1" Dia Copper	LF	3,885.00	0.00	3,885.00	-191.00	3,694.00	16.00	-3,056.00
									Cass Rural Water Improvements Sub Total ($)	-3,072.00
Storm Sewer	24	F&I Pipe 12" Dia	LF	660.00	0.00	660.00	-130.25	529.75	24.00	-3,126.00
	25	F&I Pipe 15" Dia	LF	835.00	0.00	835.00	-137.60	697.40	28.00	-3,852.80
	26	F&I Pipe 12" Dia Reinf Conc	LF	265.00	0.00	265.00	5.50	270.50	31.00	170.50
	27	F&I Pipe 15" Dia Reinf Conc	LF	16.00	0.00	16.00	6.75	22.75	34.00	229.50
	30	F&I Pipe 30" Dia Reinf Conc	LF	156.00	0.00	156.00	-0.10	155.90	59.00	-5.90
	31	F&I Pipe 36" Dia Reinf Conc	LF	131.00	0.00	131.00	-1.00	130.00	80.00	-80.00
	32	F&I Pipe 42" Dia Reinf Conc	LF	240.00	0.00	240.00	-2.50	237.50	104.00	-260.00

CITY OF Fargo

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Storm Sewer	35	F&I Pipe w/GB 15" Dia Reinf Conc	LF	82.00	0.00	82.00	-0.50	81.50	46.00	-23.00
									Storm Sewer Sub Total ($)	-6,947.70
Paving	37	Fill - Haul	CY	12,000.00	0.00	12,000.00	-6,620.00	5,380.00	3.50	-23,170.00
	38	Subcut	CY	2,845.00	0.00	2,845.00	-2,845.00	0.00	6.00	-17,070.00
	42	F&I Edge Drain 4" Dia PVC	LF	5,000.00	0.00	5,000.00	-86.60	4,913.40	5.25	-454.65
	43	F&I Curb & Gutter Mountable (Type I)	LF	4,875.00	0.00	4,875.00	-11.30	4,863.70	18.50	-209.05
	45	Remove Curb & Gutter	LF	180.00	0.00	180.00	-23.90	156.10	6.00	-143.40
	46	F&I Sidewalk 4" Thick Reinf Conc	SY	188.00	0.00	188.00	-1.70	186.30	45.75	-77.78
	47	F&I Sidewalk 6" Thick Reinf Conc	SY	27.00	0.00	27.00	-10.46	16.54	63.25	-661.60
	48	F&I Shared Use Path 4" Thick Reinf Conc	SY	685.00	0.00	685.00	55.88	740.88	43.25	2,416.81
	49	F&I Shared Use Path 6" Thick Reinf Conc	SY	85.00	0.00	85.00	-55.98	29.02	55.25	-3,092.90
	51	F&I Aggregate for Asph Pavement FAA 43	TON	2,450.00	0.00	2,450.00	55.14	2,505.14	35.50	1,957.47
	52	F&I Asphalt Cement PG 58-34	GAL	33,200.00	0.00	33,200.00	-1,533.38	31,666.62	1.90	-2,913.42
	57	Mulching Type 1 - Hydro	SY	10,000.00	0.00	10,000.00	-266.47	9,733.53	0.20	-53.29
	58	Seeding Type B	SY	10,000.00	0.00	10,000.00	-266.47	9,733.53	0.20	-53.29
	92	Remove Pavement All Thicknesses All Types	SY	23.00	0.00	23.00	2.00	25.00	50.00	100.00
	94	Remove Curb & Gutter	LF	40.00	0.00	40.00	6.00	46.00	25.00	150.00
	95	F&I Valley Gutter Reinf Conc	SY	31.20	0.00	31.20	6.90	38.10	100.00	690.00
									Paving Sub Total ($)	-42,585.10
Signing	60	F&I Sign Assembly & Anchor	EA	8.00	0.00	8.00	-2.00	6.00	90.00	-180.00
	61	F&I Engineering Grade	SF	44.30	0.00	44.30	-0.05	44.25	10.00	-0.50
	63	F&I Sign Assembly	EA	6.00	0.00	6.00	2.00	8.00	85.00	170.00
									Signing Sub Total ($)	-10.50
Street Lighting	65	F&I Conductor #6 USE Cu	LF	7,188.00	0.00	7,188.00	174.00	7,362.00	1.00	174.00
	66	F&I Innerduct 1.5" Dia	LF	2,338.00	0.00	2,338.00	71.00	2,409.00	3.50	248.50
									Street Lighting Sub Total ($)	422.50

CITY OF Fargo

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Site Grading	71	Topsoil - Spread	LS	1.00	1.10	2.10	0.37	2.47	16,500.00	6,105.00
	73	Topsoil - Haul	CY	10,740.00	0.00	10,740.00	-5,740.00	5,000.00	1.65	-9,471.00
	76	Fill - Contractor Supply	CY	17,225.00	0.00	17,225.00	-5,725.00	11,500.00	7.75	-44,368.75
	77	Excavation	CY	47,000.00	0.00	47,000.00	-4,772.00	42,228.00	3.35	-15,986.20
	78	Mulching Type 2 - Straw	SY	91,000.00	0.00	91,000.00	-4,001.35	86,998.65	0.08	-320.11
	79	Seeding Type A	SY	91,000.00	0.00	91,000.00	-4,001.35	86,998.65	0.18	-720.24
	80	Silt Fence - Standard	LF	1,520.00	0.00	1,520.00	-282.00	1,238.00	2.65	-747.30
	81	Silt Fence - Heavy Duty	LF	1,000.00	0.00	1,000.00	-109.00	891.00	4.00	-436.00
	82	Sediment Control Log 6" to 8" Dia	LF	90.00	0.00	90.00	10.00	100.00	10.00	100.00
									Site Grading Sub Total ($)	-65,844.60
Park Improvements	85	F&I Pipe 12" Dia	LF	132.00	0.00	132.00	-0.50	131.50	24.00	-12.00
	87	F&I Shared Use Path 4" Thick Reinf Conc	SY	384.00	0.00	384.00	4.93	388.93	43.25	213.22
	88	Remove Shared Use Path All Thicknesses All Types	SY	384.00	0.00	384.00	4.93	388.93	5.00	24.65
	89	Mulching Type 1 - Hydro	SY	11,200.00	0.00	11,200.00	-2,815.23	8,384.77	0.20	-563.05
	90	Seeding Type B	SY	11,200.00	0.00	11,200.00	-2,815.22	8,384.78	0.20	-563.04
	91	Casting to Grade - Blvd	EA	3.00	0.00	3.00	-2.00	1.00	350.00	-700.00
									Park Improvements Sub Total ($)	-1,600.22

Summary	
Source Of Funding	
Net Amount Change Order # 4 ($)	-125,339.61
Previous Change Orders ($)	49,587.00
Original Contract Amount ($)	1,619,042.75
Total Contract Amount ($)	1,543,290.14

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

CONTRACT TIME		
Current Completion Date	**Additional Days**	**New Completion Date**

CITY OF Fargo

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

11/02/2016	0.00	11/02/2016

Description

APPROVED 11/14/17

For Contractor Joe Mattaly

Title CONSULTANT.

APPROVED DATE

Department Head [signature] 11/30/17

Mayor

Attest

(26)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. PN-17-A1 Type: Negative Final Balancing Change Order #1

Location: Citywide Date of Hearing: 11/27/17

Routing	Date
City Commission	12/4/2017
PWPEC File	X
Project File	Jason Hoogland

The Committee reviewed the accompanying correspondence from Project Manager, Jason Hoogland, for Negative Final Balancing Change Order #1 in the amount of $ -21,346.86, bringing the total contract amount to $987,262.54.

Staff is recommending approval of Negative Final Balancing Change Order #1.

On a motion by Bruce Grubb, seconded by Mark Bittner, the Committee voted to recommend approval of Negative Final Balancing Change Order #1.

RECOMMENDED MOTION
Approve Negative Final Balancing Change Order #1 in the amount of $ -21,346.86 to FM Asphalt LLC.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Street Rehabilitation Funds & Special Assessments

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

COMMITTEE	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Jim Gilmour, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	
Mark Bittner, Director of Engineering	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
City Engineer	☑	☑	☐	Brenda Derrig
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

for
Brenda E. Derrig, P.E.
Division Engineer

C: Kristi Olson

CITY OF Fargo

Memorandum

To: Members of PWPEC

From: Jason Hoogland, Project Manager

Date: November 20, 2017

Re: Project #PN-17-A1 – Final Balancing Change Order

Background:

Project # PN-17-A1 is for Asphalt Wear Course & Incidentals.

Attached is a final balancing change order in the amount of $-21,346.86 for Project #PN-17-A1 that reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

The original contract bid price for this project was $1,008,609.40 and this FBCO will bring the project final amount to $987,262.54 (2.1% decrease). This Project is funded with Special Assessments and Street Rehabilitation Funds.

Recommended Motion:

Approve the final balancing change order.

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	PN-17-A1	**Change Order No**	1
Project Name	Asphalt Wear Course & Incidentals		
Date Entered	11/17/2017	**For**	FM Asphalt LLC

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 ($)	C/O Ext Price ($)
Section 1 Mill & Overlay	1	Repair Inlet	EA	1.00	0.00	1.00	5.00	6.00	350.00	1,750.00
	2	F&I Repair Band 4" thru 12" Dia	EA	1.00	0.00	1.00	-1.00	0.00	975.00	-975.00
	3	Rem & Repl Curb & Gutter	LF	500.00	0.00	500.00	368.20	868.20	36.75	13,531.35
	4	F&I Sidewalk 4" Thick Reinf Conc	SY	10.00	0.00	10.00	52.08	62.08	62.00	3,228.96
	5	F&I Sidewalk 6" Thick Reinf Conc	SY	36.00	0.00	36.00	11.07	47.07	66.00	730.62
	6	Remove Sidewalk All Thicknesses All Types	SY	36.00	0.00	36.00	63.02	99.02	18.00	1,134.36
	7	Rem & Repl Driveway 7" Thick Reinf Conc	SY	50.00	0.00	50.00	-29.75	20.25	86.00	-2,558.50
	8	F&I Det Warn Panels Cast Iron	SF	64.00	0.00	64.00	24.00	88.00	42.00	1,008.00
	9	F&I Aggregate for Asph Pavement FAA 43	TON	1,663.00	0.00	1,663.00	-79.85	1,583.15	31.00	-2,475.35
	10	F&I Asphalt Cement PG 58-34	GAL	21,270.00	0.00	21,270.00	-720.39	20,549.61	1.95	-1,404.76
	11	Rem & Repl Casting - Self Leveling	EA	2.00	0.00	2.00	-2.00	0.00	1,200.00	-2,400.00
	12	Casting to Grade - no Conc	EA	10.00	0.00	10.00	1.00	11.00	250.00	250.00
	13	GV Box to Grade - no Conc	EA	4.00	0.00	4.00	1.00	5.00	80.00	80.00
	14	Rem & Repl Pavement 10" Thick Asph	SY	3,000.00	0.00	3,000.00	-1,523.31	1,476.69	49.50	-75,403.85
	16	Mill / Grind Asphalt Pvmt 1" to 2" Thick	SY	300.00	0.00	300.00	-34.90	265.10	3.75	-130.88
	17	Sodding	SY	300.00	0.00	300.00	-110.54	189.46	6.20	-685.35
	18	Paint Epoxy Line 4" Wide	LF	5,876.00	0.00	5,876.00	53.00	5,929.00	1.85	98.05

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Section 1 Mill & Overlay	19	Paint Epoxy Line 6" Wide	LF	95.00	0.00	95.00	11.50	106.50	5.00	57.50
	20	Paint Epoxy Line 8" Wide	LF	447.00	0.00	447.00	-15.00	432.00	2.75	-41.25
	24	F&I Detection In-Ground Loop	EA	14.00	0.00	14.00	-3.00	11.00	1,375.00	-4,125.00
	91	* Fix broken top section of gate valve 15th Ave & 44th St. S.	LS	0.00	0.00	0.00	1.00	1.00	882.20	882.20
	93	* Remove 3 more inches of asphalt in patch areas.	LS	0.00	0.00	0.00	1.00	1.00	3,691.72	3,691.72
								Section 1 Mill & Overlay Sub Total ($)		-63,757.17
Section 1 wear course	25	Repair Inlet	EA	1.00	0.00	1.00	-1.00	0.00	350.00	-350.00
	26	Rem & Repl Curb & Gutter	LF	200.00	0.00	200.00	37.90	237.90	36.75	1,392.83
	27	F&I Aggregate for Asph Pavement FAA 43	TON	634.00	0.00	634.00	58.82	692.82	31.00	1,823.42
	28	F&I Asphalt Cement PG 58-34	GAL	8,109.00	0.00	8,109.00	728.82	8,837.82	1.95	1,421.20
	29	Casting to Grade - no Conc	EA	4.00	0.00	4.00	2.00	6.00	250.00	500.00
	32	Mill / Grind Asphalt Pvmt 1" to 2" Thick	SY	50.00	0.00	50.00	-10.00	40.00	3.75	-37.50
	33	Sodding	SY	50.00	0.00	50.00	-14.09	35.91	6.20	-87.36
	89	* Additional riser rings to adjust manholes to grade.	LS	0.00	0.00	0.00	1.00	1.00	266.38	266.38
								Section 1 wear course Sub Total ($)		4,928.97
Section 2	34	Repair Inlet	EA	2.00	0.00	2.00	-2.00	0.00	350.00	-700.00
	35	F&I Repair Band 4" thru 12" Dia	EA	1.00	0.00	1.00	-1.00	0.00	975.00	-975.00
	36	Rem & Repl Curb & Gutter	LF	1,000.00	0.00	1,000.00	92.70	1,092.70	36.25	3,360.38
	37	F&I Sidewalk 6" Thick Reinf Conc	SY	10.00	0.00	10.00	-10.00	0.00	68.00	-680.00
	38	Remove Sidewalk All Thicknesses All Types	SY	10.00	0.00	10.00	-10.00	0.00	20.00	-200.00
	39	Rem & Repl Driveway 6" Thick Reinf Conc	SY	50.00	0.00	50.00	-50.00	0.00	84.00	-4,200.00
	40	F&I Det Warn Panels Cast Iron	SF	8.00	0.00	8.00	-8.00	0.00	42.00	-336.00
	41	F&I Aggregate for Asph Pavement FAA 43	TON	3,500.00	0.00	3,500.00	-77.46	3,422.54	31.00	-2,401.26
	42	F&I Asphalt Cement PG 58-34	GAL	44,744.00	0.00	44,744.00	-500.88	44,243.12	1.95	-976.72
	44	GV Box to Grade - no Conc	EA	23.00	0.00	23.00	1.00	24.00	80.00	80.00
	45	Rem & Repl Pavement 6" Thick Asph	SY	100.00	0.00	100.00	-100.00	0.00	38.00	-3,800.00

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Section 2	47	Mill / Grind Asphalt Pvmt 1" to 2" Thick	SY	100.00	0.00	100.00	-100.00	0.00	3.75	-375.00
	48	Sodding	SY	200.00	0.00	200.00	-48.75	151.25	6.20	-302.25
	49	Paint Epoxy Line 4" Wide	LF	4,871.00	0.00	4,871.00	364.00	5,235.00	1.85	673.40
	51	Paint Epoxy Message	SF	96.00	0.00	96.00	79.50	175.50	9.00	715.50
	88	* extra manhole riser rings	LS	0.00	0.00	0.00	1.00	1.00	1,342.09	1,342.09
	90	* Raised manhole previously buried under the road of Spencer Lane	LS	0.00	0.00	0.00	1.00	1.00	1,578.60	1,578.60
	94	* repaired gate valve	LS	0.00	0.00	0.00	1.00	1.00	590.00	590.00
	95	* Installed 2 detection loops on 36th ave s at 45th st	LS	0.00	0.00	0.00	1.00	1.00	2,750.00	2,750.00
	96	* Installed low profile casting on inlet at 4643 36th ave s	LS	0.00	0.00	0.00	1.00	1.00	495.00	495.00
									Section 2 Sub Total ($)	-3,361.26
Section 3	53	Repair Inlet	EA	1.00	0.00	1.00	2.00	3.00	350.00	700.00
	54	F&I Repair Band 4" thru 12" Dia	EA	1.00	0.00	1.00	-1.00	0.00	975.00	-975.00
	55	Rem & Repl Curb & Gutter	LF	500.00	0.00	500.00	-96.40	403.60	36.75	-3,542.70
	56	F&I Sidewalk 6" Thick Reinf Conc	SY	41.00	0.00	41.00	22.74	63.74	66.00	1,500.84
	57	Remove Sidewalk All Thicknesses All Types	SY	41.00	0.00	41.00	23.75	64.75	18.00	427.50
	58	Rem & Repl Driveway 6" Thick Reinf Conc	SY	50.00	0.00	50.00	-38.20	11.80	84.00	-3,208.80
	59	F&I Det Warn Panels Cast Iron	SF	84.00	0.00	84.00	24.00	108.00	42.00	1,008.00
	60	F&I Aggregate for Asph Pavement FAA 43	TON	900.00	0.00	900.00	83.66	983.66	30.80	2,576.73
	61	F&I Asphalt Cement PG 58-34	GAL	10,884.00	0.00	10,884.00	1,971.60	12,855.60	1.95	3,844.62
	63	GV Box to Grade - no Conc	EA	1.00	0.00	1.00	-1.00	0.00	80.00	-80.00
	65	Mill / Grind Asphalt Pvmt 1" to 2" Thick	SY	100.00	0.00	100.00	-20.00	80.00	3.75	-75.00
	66	Sodding	SY	200.00	0.00	200.00	-134.61	65.39	6.20	-834.58
	67	Paint Epoxy Line 4" Wide	LF	392.00	0.00	392.00	6.00	398.00	1.85	11.10
	68	Paint Epoxy Line 8" Wide	LF	75.00	0.00	75.00	2.00	77.00	2.75	5.50
									Section 3 Sub Total ($)	1,358.21
Section 4	71	Repair Inlet	EA	1.00	0.00	1.00	8.00	9.00	350.00	2,800.00

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Section 4	72	F&I Repair Band 4" thru 12" Dia	EA	1.00	0.00	1.00	-1.00	0.00	975.00	-975.00
	73	Rem & Repl Curb & Gutter	LF	800.00	0.00	800.00	933.10	1,733.10	36.00	33,591.60
	74	F&I Sidewalk 6" Thick Reinf Conc	SY	10.00	0.00	10.00	-9.00	1.00	68.00	-612.00
	75	Remove Sidewalk All Thicknesses All Types	SY	10.00	0.00	10.00	-9.00	1.00	20.00	-180.00
	76	Rem & Repl Driveway 6" Thick Reinf Conc	SY	50.00	0.00	50.00	-50.00	0.00	84.00	-4,200.00
	77	F&I Det Warn Panels Cast Iron	SF	8.00	0.00	8.00	-8.00	0.00	42.00	-336.00
	78	F&I Aggregate for Asph Pavement FAA 43	TON	3,301.00	0.00	3,301.00	96.51	3,397.51	31.80	3,069.02
	79	F&I Asphalt Cement PG 58-34	GAL	39,919.00	0.00	39,919.00	5,069.46	44,988.46	1.95	9,885.45
	81	GV Box to Grade - no Conc	EA	13.00	0.00	13.00	2.00	15.00	80.00	160.00
	82	Rem & Repl Pavement 6" Thick Asph	SY	200.00	0.00	200.00	-200.00	0.00	38.00	-7,600.00
	84	Mill / Grind Asphalt Pvmt 1" to 2" Thick	SY	100.00	0.00	100.00	-30.00	70.00	3.75	-112.50
	85	Sodding	SY	200.00	0.00	200.00	4.96	204.96	6.20	30.75
	87	* extra manhole and gate valve riser rings	LS	0.00	0.00	0.00	1.00	1.00	3,657.08	3,657.08
	92	* Raise a manhole in boulevard to grade.	LS	0.00	0.00	0.00	1.00	1.00	306.00	306.00
									Section 4 Sub Total ($)	39,484.40
									Grand Total ($)	-21,346.86

* NC Items

Summary

Source Of Funding	
Net Amount Change Order # 1 ($)	-21,346.86
Previous Change Orders ($)	0.00
Original Contract Amount ($)	1,008,609.40
Total Contract Amount ($)	987,262.54

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

CONTRACT TIME

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Current Completion Date	Additional Days	New Completion Date
09/04/2017	0.00	09/04/2017

Description

APPROVED

For Contractor

Title

President

APPROVED DATE

Department Head

Mayor 11/30/17

Attest

REPORT OF ACTION (27)

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BN-17-B1

Type: Change Order #3 & Time Extension

Location: 19th Ave N from I-29 to 45th St, 45th St from 16th Ave N to 19th Ave N

Date of Hearing: 11/27/2017

Routing	Date
City Commission	12/4/2017
PWPEC File	X
Project File	Jason Leonard

The Committee reviewed the accompanying correspondence from Project Manager, Jason Leonard, regarding Change Order #3 & time extension requested by Master Construction.

The Contractor has requested a 28-day time extension for Phase 3. City staff can justify 24 calendar days due to design adjustments and supplier delays. Winter suspension, beginning November 15, 2017 and reinstating on April 15, 2018, is being applied to the adjusted contract dates.

Phase 4 has also been delayed due to BNSF being unable to fit the crossing reconstruction into their schedule. BNSF plans to be onsite early next spring to complete this work and at that time Master Construction will complete phase 4 to reduce impacts to traffic.

Staff is recommending approval of the time extension as shown below:

Original Contract	Revised This Memo
11/1/2017 Phase 3 Interim Completion	4/24/2018 Phase 3 Interim Completion
11/1/2017 Phase 4 Interim Completion	6/18/2018 Phase 4 Interim Completion
11/1/2017 Substantial Completion	6/18/2018 Substantial Completion
6/1/2018 Final Completion	7/18/2018 Final Completion

On a motion by Bruce Grubb, seconded by Mark Bittner, the Committee voted to recommend approval of Change Order #3 & time extension as shown above.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Change Order #3 in the amount of $14,700.00, bringing the total contract amount to $6,697,141.59 and the time extension to the interim Phase 3 & 4 substantial and final completion dates.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Federal Funds (HMGP), Sales Tax Funds, & Special Assessments

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

PWPEC ROA
I.D. #BN-17-B1
11/27/2017 -- Page 2

COMMITTEE	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Jim Gilmour, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	
Mark Bittner, Director of Engineering	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
City Engineer	☑	☑	☐	Brenda Derrig
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

Brenda E. Derrig, P.E.
Division Engineer

C: Kristi Olson

CITY OF Fargo

Memorandum

To: Members of PWPEC

From: Jason Leonard, Project Engineer JTL

Date: November 8, 2017

Re: Improvement District #BN-17-B1 – Change Order # 3 & Time Extension Request

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Background:

Improvement District #BN-17-B1 is for the new construction of underground utilities, concrete paving, site grading, street lights and incidentals on 19th Avenue North from 45th Street North to the west I-29 on/off ramp and 45th Street from 16th Avenue North to 19th Avenue North. In addition, the sanitary sewer interceptor mains will have an overflow structure installed.

Master Construction is the prime contractor for Improvement District #BN-17-B1.

Phase three of this project is the new off alignment of 19th Avenue North between 43rd Street North and 45th Street North and 45th Street North between existing 19th Avenue North and new alignment of 19th Avenue North. Phase three currently has an interim completion date of November 1st, 2017. During the construction of phase three the following delays occurred due to design adjustments, supplier delays and fall temperature constraints. The super elevation of the new alignment grades were adjusted to ensure proper storm water drainage and roadway grade which required the Contractor to haul in an additional 4,200 cubic yards of clay backfill. This material had to be dried and compacted resulting in an additional 7 days of work. The grading surface provided to the Contractor had an error which resulted in 1 additional day. During the installation of the 12' x 6' box culverts across Cass County Drain 40 the supplier provided the incorrect number of precast box structures that delayed the construction of 45th Street North at the drain 6 days. The City and Contractor agreed to split the delay of days in half resulting 3 additional days added to the phase three interim completion date. In the latter portion of October colder than average temperatures were experienced from October 27th to November 1st (current completion date). This affected the concrete placement and curing times resulting in delay to the project. An additional 6 days will be added to the interim completion date.

The Contractor has requested a 28 calendar day time extension of which City Staff can justify 24 calendar days due to the above mention design adjustments and supplier delays. Winter suspension beginning November 15th, 2017 and reinstating on April 15th, 2018 are applied to the adjusted contract dates.

Phase four of this project is 45th Street North from 16th Avenue North to the existing 19th Avenue North intersection. Within this section of roadway, the existing BNSF Railroad crossing needs to be widened to accommodate the proposed 5 lane section plus bike path. During the 2017 construction season, BNSF was not able to fit this crossing re-construction into their schedule which delayed this portion of the project to be built. BNSF plans to be onsite early next spring to complete this work and at that time Master Construction will complete phase four to reduce impacts to traffic.

The substantial and final completion dates have been adjusted to correlate to the project interim completion date adjustment.

Recommended Motion:
Approve Change Order # 3 in the amount of $14,700 and the time extension to the interim Phase 3 & 4 substantial and final completion dates as shown below.

Original Contract	Revised This Memo
11/1/2017 Phase 3 Interim Completion	4/24/2018 Phase 3 Interim Completion
11/1/2017 Phase 4 Interim Completion	6/18/2018 Phase 4 Interim Completion
11/1/2017 Substantial Completion	6/18/2018 Substantial Completion
6/1/2018 Final Completion	7/18/2018 Final Completion

Attachment
JTL/klo

C: Brenda Derrig
Thomas Knakmuhs

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	BN-17-B1	**Change Order No**	3
Project Name	Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lighting & Incid		
Date Entered	11/21/2017	**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: Phase 3, Phase 4, Substantial Completion and Final Completion Change Order

The super elevation of the new alignment grades were adjusted to ensure proper storm water drainage and roadway grade which required the contractor to haul in an additional 4,200 cubic yards of clay back fill.

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	83	Fill - Haul	CY	23,000.00	0.00	23,000.00	4,200.00	27,200.00	3.50	14,700.00
									Paving Sub Total ($)	14,700.00

Summary

Source Of Funding	Special Assessments
Net Amount Change Order # 3 ($)	14,700.00
Previous Change Orders ($)	76,991.99
Original Contract Amount ($)	6,605,449.60
Total Contract Amount ($)	6,697,141.59

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

CONTRACT TIME

Current Completion Date	Additional Days	New Completion Date
11/01/2017	229.00	06/18/2018

Description

Phase 3 Interim Completion date revised from 11/1/2017 to 4/24/2018 due to additional fill-haul required, additional box culverts and colder than average temps in October.
Phase 4 Interim Completion date revised from 11/1/2017 to 6/18/2018 due to BNSF Railroad schedule.
Substantial and Final Completion dates revised from 11/1/2017 to 6/18/2018 and 6/1/2018 to 7/18/2018 respectively, to correlate with revised Interim Completion Dates.

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

APPROVED

For Contractor

Title

PROJECT MANAGER

APPROVED DATE

Department Head

Mayor 11/30/17

Attest

MASTER CONSTRUCTION

FARGO
1572 45th St. NW
Fargo, ND 58102
P: 701-237-4950
F: 701-237-5027

BISMARCK
4000 Fuller Ave.
Bismarck, ND 58501
P: 701-751-6380
F: 701-751-6381

DICKINSON
836 38th Ave. E
Dickinson, ND 58601
P & F: 701-483-2818

GRAND FORKS
5624 1st Ave. N
Grand Forks, ND 58201
P: 701-566-3307
F: 701-757-4404

October 31ST, 2017

City of Fargo
200 N 3rd Street
Fargo, ND 58102

Attn: Jason Leonard

RE: Time Extension Request
Improvement District BN-17-B1

Dear Mr. Leonard,

Master Construction Co. Inc. would like to request a 28-day time extension on the above referenced project based upon the following:

Due to a series of delays associated with this project, some of which affected interim completions of work within 41st St. intersection within phase 2. We would like to request interim completion be extended for work in phase 3 of the project. Additional delays encountered throughout the project include the need for additional clay to phase 3, box culvert, and the early onset of cold weather. The cold weather came earlier than it historically has in the past several years, dropping below the temperatures allowed within the parameters of the specifications requiring us to halt concrete work for the season. With winter suspension starting November 15th we would like an additional 2 weeks in the spring to complete the remainder of the concrete pavement and miscellaneous items.
As a result of the delays outlined above we are requesting a 28-day extension for all work associated within phase 3.
We appreciate your consideration of our request for a time extension on this project. If you have any questions or comments please feel free to contact me at 701-361-9764.

Sincerely,

Scott Ahlf
Project Manager

REPORT OF ACTION (28)

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BR-17-F1 Type: Change Order #3 and Time Extension

Location: 4th Ave N from Bdwy to 3rd St & 3rd St N from 4th Ave to RR Tracks Hearing: 11/27/2017

Routing	Date
City Commission	12/4/2017
PWPEC File	X
Project File	Aaron Edgar

The Committee reviewed the accompanying correspondence from Project Manager, Aaron Edgar, for a Change Order in the amount of $79,037.50, bringing the total contract amount to $2,149,529.50.

The Contractor has requested a time extension to July 1, 2018 on the interim completion date for Phase 2 and the substantial completion date. They are also requesting a time extension to July 15,2018 on the final completion date. These time extension requests are due to cold weather. The Contractor has also requested a time extension for the installation of street lights due to a delay in street lighting poles supplied by Millerbend.

Staff is recommending approval of Change Order #3 and time extension as shown below:

Original Completion Dates	Revised Previously	Revised This Memo
4th Avenue/4th Street – 50 days	-	-
Interim Phase 1 - 65 days	-	-
(Sept. 18th, 2017)	-	-
Interim Phase 2 - 80 days	Interim Phase 2 -	Interim Phase 2 -
(October 19th, 2017)	(November 15, 2017)	(July 1, 2018)
Substantial – November 1, 2017	Substantial – November 28, 2017	Substantial – July 1, 2018(with work to be completed within 30 calendar days from the day they start next spring)
-	-	
-		
Final – June 15, 2018	-	Final – July 15, 2018
Street Lights-November 1, 2017	Street Lights-January 5, 2018	Street Lights-January 30, 2018

On a motion by Bruce Grubb, seconded by Mark Bittner, the Committee voted to recommend approval of Change Order #3 and time extension as shown above.

RECOMMENDED MOTION

Concur with PWPEC recommendation and approve Change Order #3 in the amount of $79,037.50 to Master Construction, bringing the total contract amount to $2,149,529.50, along with the time extension for Improvement District No. BR-17-F1.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Sales Tax, Waste Water, Water Utility Funds & Special Assessments

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

COMMITTEE

	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Jim Gilmour, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	
Mark Bittner, Director of Engineering	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
City Engineer	☑	☑	☐	Brenda Derrig
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

for

Brenda E. Derrig, P.E.
Division Engineer

C: Kristi Olson

Item A1

CITY OF Fargo

Memorandum

To: Members of PWPEC

From: Aaron Edgar, Project Engineer AOE

Date: November 20th, 2017

C: Nathan Boerboom – Division Engineer

Re: Change Order #3 for ID #BR-17-F1 Water Main Replacement, Street Reconstruction & Incidentals

Background:

Improvement District BR-17-F1 runs along 4th Avenue North from Broadway to 3rd Street and on 3rd Street North from 4th Avenue to the RR Tracks.

Master Construction is the prime contractor on this project.

The attached Change Order in the amount of $79,037.50 (3.9% of the original contract), which increases the total contract amount to $2,149,529.50, is for additional work as shown on Change Order #3. A full description of the additional work can be seen on the attached change order.

Master Construction is requesting a time extension to July 1, 2018 on the interim completion date for Phase 2 (4th Avenue North from 4th Street to the mid-block of 5th St & Broadway) and the substantial completion date. They are also requesting a time extension to July 15, 2018 on the final completion date.

Master Construction's time extension request is due to the cold weather, which caused them to not be able to finish pouring the new concrete sidewalks as well as installing the tree pits and grates. Master Construction will be required to complete next year's remaining construction under traffic and they will have 30 consecutive calendar days to complete all work from the day they start impacting traffic next spring.

Due to a delay in the street lighting poles supplied by Millerbend, Master Construction is asking for a time extension, January 30th 2018, on the installation of the street lights.

Recommended Motion:

Approve Change Order #3 and the time extensions, for Improvement District BR-17-F1, as shown below:

Original Completion Dates	Revised Previously	Revised This Memo
4th Avenue/4th Street – 50 days	-	-
Interim Phase 1 - 65 days	-	-
(Sept. 18th, 2017)	-	-
Interim Phase 2 - 80 days	Interim Phase 2 -	Interim Phase 2 -
(October 19th, 2017)	(November 15, 2017)	(July 1, 2018)
Substantial – November 1, 2017	Substantial – November 28, 2017	Substantial – July 1, 2018(with work to be completed within 30 calendar days from the day they start next spring)
-	–	
-		
Final – June 15, 2018	-	Final – July 15, 2018
Street Lights-November 1, 2017	Street Lights-January 5, 2018	Street Lights-January 30, 2018

ADE/klo

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	BR-17-F1	**Change Order No**	3
Project Name	Water Main Replacement, Street Reconstruction & Incidentals		
Date Entered	11/20/2017	**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:

This change order is for additional work as follows:
1.) Extra - Paving($33,442.50): Due to the early cold weather, the Contractor had to take various steps to keep some of the newly poured concrete street and curb and gutter from freezing along 4th Avenue North. The Concrete supplier had a hot water cost increase and the Contractor also had to use plastic and insulating blankets to ensure that the concrete didn't freeze.
2.) Extra - Sidewalks/Driveways ($36,223) - The Contractor was not able to install all the new concrete sidewalks this year due to the cold weather. In order to have a hard walking surface for pedestrians to walk on over the winter, the Contractor installed temporary concrete sidewalks.
3.) Extra - Remove Sidewalk all Thicknesses all Types($7,832): The temporary sidewalks will get removed in the spring.
4.) Extra - Signing/Striping ($1,540): Due to the cold weather, the Contractor had to install temporary pavement markings for the winter.

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	46	Remove Sidewalk All Thicknesses All Types	SY	2,000.00	0.00	2,000.00	979.00	2,979.00	8.00	7,832.00
	135	Extra - Paving	LS	0.00	0.00	0.00	1.00	1.00	33,442.50	33,442.50
	136	Extra - SidewalksDriveways	LS	0.00	0.00	0.00	1.00	1.00	36,223.00	36,223.00
									Paving Sub Total ($)	77,497.50
Pavement Markings	134	Extra - Signing/Striping	LS	0.00	0.00	0.00	1.00	1.00	1,540.00	1,540.00
									Pavement Markings Sub Total ($)	1,540.00

Summary

Source Of Funding	Sales Tax Funds - Infrastructure - 420, Special Assessments
Net Amount Change Order # 3 ($)	79,037.50
Previous Change Orders ($)	82,726.00
Original Contract Amount ($)	1,987,766.00
Total Contract Amount ($)	2,149,529.50

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

THE CITY OF Fargo
FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

CONTRACT TIME

Current Completion Date	Additional Days	New Completion Date
11/28/2017	215.00	07/01/2018

Description

Master Construction's time extension request is due to the cold weather, which caused them to not be able to finish pouring the new concrete sidewalks as well as installing the pavement markings, tree pits and grates. Master Construction will be required to maintain traffic in both directions next year during construction and they will have 30 consecutive calendar days to complete all work from the day they start impacting traffic next spring.

The new Substantial Completion date will be July 1st, 2018 and the Final Completion date will be July 15th, 2018.

Also, due to a delay in the street lighting poles supplied by Millerbend, Master Construction is asking for a time extension, January 30th 2018, on the installation of the street lights.

APPROVED

For Contractor

Title CFO

APPROVED DATE

Department Head

Mayor 11/30/17

Attest

(29)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BR-17-L1 Type: Chang Order #1 & Time Extension

Location: 2nd Ave N btwn Roberts Alley & 7th St Date of Hearing: 11/27/2017

Routing	Date
City Commission	12/4/2017
PWPEC File	X
Project File	Kristy Schmidt

The Committee reviewed the accompanying correspondence from Project Manager, Kristy Schmidt, regarding a change order & time extension requested by KPH, Inc.

Change Order #1, in the amount of $4,830.00, includes all additional costs associated with the installation of two round inlets. The requested time extension of two days is associated with the installation of these inlets.

Staff is recommending approval of the time extension as shown below:

Original Completion Dates	Revised Previously	Revised This Memo
Substantial – October 15, 2017 **Final – June 15th, 2018**	- -	**Substantial – October 17, 2017** **Final – June 15, 2018**

On a motion by Bruce Grubb, seconded by Mark Bittner, the Committee voted to recommend approval of change order #1 & time extension as shown above.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Change Order #1 in the amount of $4,830.00 to KPH, Inc., bringing the total contract amount to $1,391,372.40, along with the time extension for Improvement District No. BR-17-L1.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Water & Wastewater Utility Funds, Sales Tax, & Special Assessments

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

COMMITTEE	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Jim Gilmour, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	
Mark Bittner, Director of Engineering	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
City Engineer	☑	☑	☐	Brenda Derrig
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

for

Brenda E. Derrig, P.E.
Division Engineer

C: Kristi Olson

Item A2

Memorandum

To: Members of PWPEC

From: Kristy Schmidt, Project Engineer KLS

Date: November 21, 2017

Re: Improvement District #BR-17-L1 –Change Order #1 and Time Extension

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Background:

Improvement District #BR-17-L1 is for the water main replacement, street reconstruction and incidentals on 2nd Avenue North between the Roberts alley and 7th Street.

The attached Change Order # 1 includes all additional costs associated with the installation of two round inlets and a time extension of two days associated with the installation of these inlets.

Recommended Motion:

Approve Change Order # 1 in the amount of $4,830.00 with a 2-day time extension for this work.

Original Completion Dates	Revised Previously	Revised This Memo
Substantial – October 15, 2017 **Final – June 15th, 2018**	- -	**Substantial – October 17, 2017** **Final – June 15, 2018**

KLS/jmg
Attachment

C: Tom Knakmuhs

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	BR-17-L1	**Change Order No**	1
Project Name	Water Main Replacement, Street Reconstruction & Incidentals		
Date Entered	11/6/2017	**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: add 2 round barrel inlets

2 single box inlet were exchanged for 2 single barrel inlets in valley gutter

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 ($)	C/O Ext Price ($)
Storm Sewer	97	F&I Inlet - Round (RDI) Reinf Conc	EA	0.00	0.00	0.00	2.00	2.00	2,415.00	4,830.00
									Storm Sewer Sub Total ($):	4,830.00

Summary

Source Of Funding	Sales Tax Funds - Infrastructure - 420, Special Assessments
Net Amount Change Order # 1 ($)	4,830.00
Previous Change Orders ($)	0.00
Original Contract Amount ($)	1,386,542.40
Total Contract Amount ($)	1,391,372.40

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

CONTRACT TIME

Current Completion Date	Additional Days	New Completion Date
10/15/2017	2.00	10/17/2017

Description

APPROVED KPH, Inc

APPROVED DATE

For Contractor

Department Head 11/30/17

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Title Vice President

Mayor

Attest

(30)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BR-17-G1 Type: Encroachment Agreement

Location: 616 1st Ave S Date of Hearing: 5/15/2017

Routing	Date
City Commission	12/04/2017
PWPEC File	X
Project File	Tom Knakmuhs, Rick Larson

7th Street South from 1st Avenue South to 5th Avenue South is the subject of a street reconstruction project in 2017. Through the design process, an undocumented encroachment has been identified. Staff brought this to the attention of the Park District and they are now requesting to be allowed to continue to encroach. They would like all fees (application and annual) to be waived.

Staff is recommending approval provided the Park District agree to the following terms:

- The Park District must hold the City harmless and provide a Certificate of Insurance.
- A railing must be provided on the top of the wall adjacent to the boulevard.
- The Park District must be willing to incur all costs above and beyond what it would cost the City to provide a vegetated surface in this area on this project and any future projects and be willing to restore the area to vegetation upon the termination of this agreement.
- Agreement will expire upon sale or transfer of the property.

On a motion by Mark Bittner, seconded by Ben Dow, the Committee voted to recommend approval of the Encroachment Agreement and to waive the application fee and annual fees subject to the terms outlined above.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve the Encroachment Agreement waiving the application fee and the annual fee.

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

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

COMMITTEE	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Jim Gilmour, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	
Mark Bittner, Director of Engineering	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☐	☐	☐	
April Walker, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☐	☐	☐	

ATTEST:

April E. Walker

April E. Walker, P.E., C.F.M.
City Engineer

Item 1

Memorandum

To: Members of PWPEC

From: Rick Larson, Project Engineer

CC: Dave Leker

Date: May 9, 2017

Re: Encroachment Request Park District – 616 1st Ave. S. Island Park

---

We have received a request for an encroachment agreement from the Fargo Park District to include the concrete bleachers on the east side of the 100 Block of 7th Street South. The hatched area on the map shows the encroachment within the right-of-way.

Staff is recommending granting the encroachment with the following stipulation:

- The Encroacher agrees to hold the City harmless against any and all expenses, demands, claims or losses sustained by the City by use of the public right of way by the Encroacher. The Encroacher must provide the City a Certificate of Insurance indicating acceptance by the Insurer of its obligation to defend and hold harmless the City.
- Install and maintain a railing system on top of the wall adjacent to the boulevard that complies with local safety requirements and building codes.
- Incur all costs above and beyond those the City would have incurred to return this area back to a vegetated surface in association with future improvement districts or the termination of this Agreement.
- Agreement expires upon sale or transfer of the property.

Recommended Motion:

Approve the existing encroachment at 616 1st Ave S contingent upon the owner meeting the above criteria.

RJL/jmg
Attachment

fargo park DISTRICT

Park Board
Joe Deutsch, Commissioner
Mary Johnson, Commissioner
Matt Magness, Commissioner
Rusty Papachek, Commisioner
Jerry Rostad, Commissioner
Jeff Gunkelman, Clerk

Administration
Joel Vettel,
Executive Director

Dave Leker,
Deputy Director

Jim Larson,
Director of Finance

Jennifer Satter,
Director of Human Resources/
Payroll

Dave Bietz,
Director of Parks

Clay Whittlesey,
Director of Recreation

Carolyn Boutain,
Director of Cultural Activities

Kevin Boe,
Director of Courts Plus
Community Fitness

Brian Arett,
Director Valley Senior Services

Tara Nielsen,
Executive Assistant

PWPEC
City of Fargo
200 3rd St N
Fargo, ND 58102

April 27, 2017

Dear Committee,

This letter is in regard to our concrete bleachers that encroach into the City of Fargo's 7th Street South right-of-way on the west side of Island Park Pool.

With the reconstruction of 7th Street set for this summer, we would ask the City of Fargo for an encroachment for these bleachers. These bleachers have been in place since the construction of the pool back in the early 1970's and have become a prominent seating area for parents watching their kids and local residents just taking a break in the day.

With our past working relationship with the City and their staff, we would also ask for the application fee of $500 and annual fees be waived.

I have attached a site plan showing the area in question.

If you should have any questions, please feel free to give me a call.

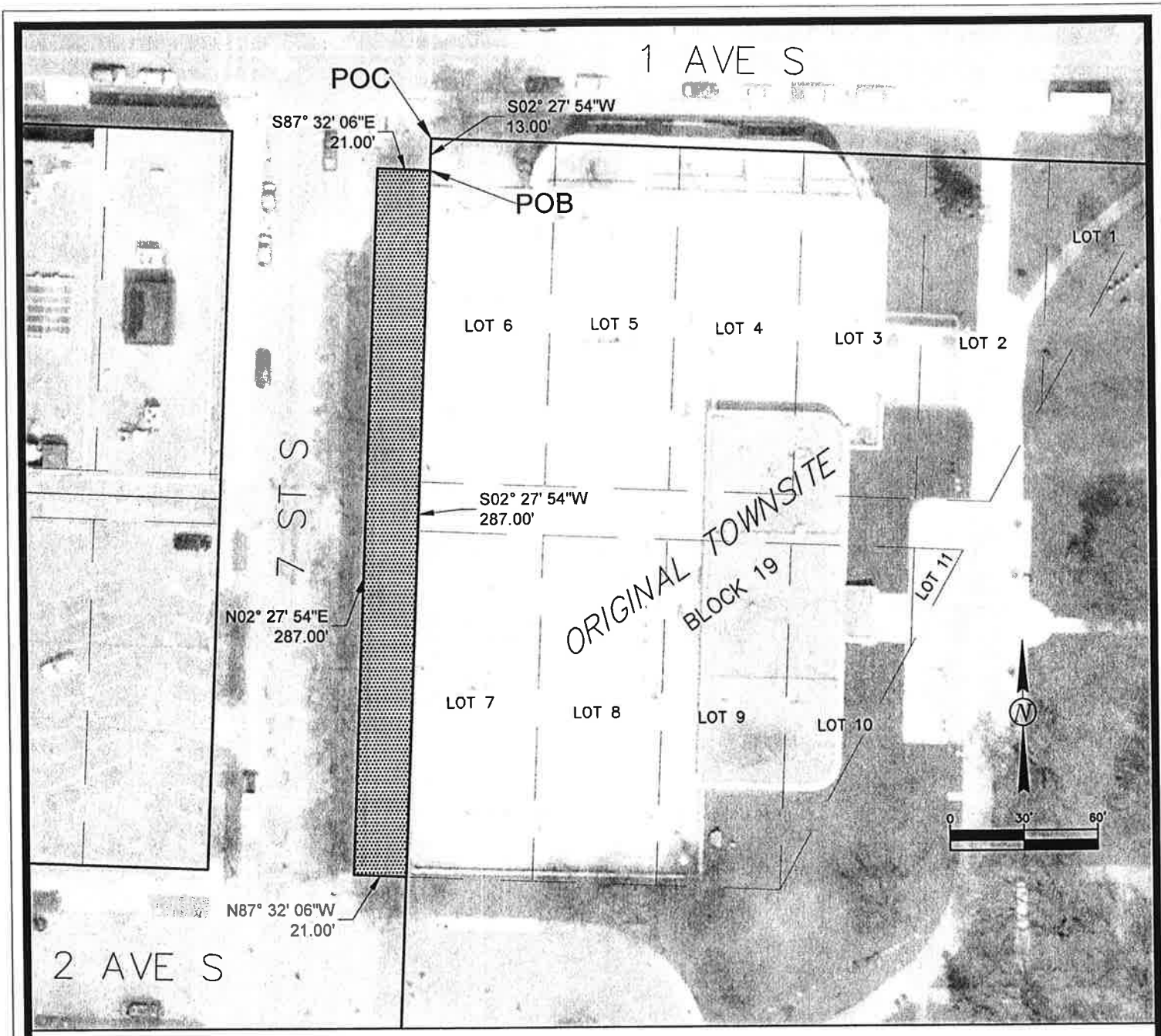
Thank you for your consideration in this matter.

Sincerely,

Dave Leker

Dave Leker
Deputy Director
Fargo Park District

Cc: Joel Vettel, Executive Director Fargo Park District
Dave Bietz, Director of Parks



An encroachment for the existing concrete bleachers within that part of the dedicated public streets of Original Townsite, City of Fargo, Cass County, North Dakota, described as follows:

Commencing in the northwest corner of Block 19 of Original Township, City of Fargo, Cass County, North Dakota; thence S02° 27' 54"W along the west line of said Block 19 a distance of 13.00 feet to the point of beginning; thence continuing along said west line S02° 27" 54"W a distance of 287.00 feet; thence N87° 32' 06"W a distance of 21.00 feet; thence N02° 27' 54"E a distance of 287.00 feet; thence S87° 32' 06"E a distance of 21.00 feet to the point of beginning.

Said tract contains 6027 square feet, more or less.

Bearings based on the City of Fargo ground control system.

CITY OF Fargo ENGINEERING DEPT.	ISLAND PARK POOL BLEACHERS		
	EXHIBIT A		
	DRAWN BY: RJL	DATE:	May 2017

ENCROACHMENT AGREEMENT

THIS AGREEMENT, made and entered by and between the **CITY OF FARGO**, a North Dakota municipal corporation, hereinafter referred to as "City", and **PARK DISTRICT OF THE CITY OF FARGO,** hereinafter referred to as "Park District" or "Owner";

WITNESSETH:

WHEREAS, Park District desires to encroach on a portion of City right-of-way (described below) for the continued use of their existing concrete bleachers;

WHEREAS, Park District has requested permission to encroach on a portion of the right-of-way hereinafter particularly described, thus allowing it to utilize City rights-of-way for such purpose;

WHEREAS, the Public Works Projects Evaluation Committee has reviewed the request for encroachment and recommends approval; and,

WHEREAS, Park District has agreed to execute this agreement required by City for encroachment on City right-of-way.

NOW, THEREFORE, it is hereby agreed by and between the parties hereto as follows:

Park District, its successors and assigns, is hereby granted the right to encroach and use a portion of

the right-of-way, said encroachment being for the purpose of existing concrete bleachers, located as follows:

> Commencing in the northwest corner of Block 19 of Original Township, City of Fargo, Cass County, North Dakota; thence S02° 27' 54"W along the west line of said Block 19 a distance of 13.00 feet to the point of beginning; thence continuing along said west line S02° 27" 54"W a distance of 287.00 feet; thence N87° 32' 06"W a distance of 21.00 feet; thence N02° 27' 54"E a distance of 287.00 feet; thence S87° 32' 06"E a distance of 21.00 feet to the point of beginning.
>
> Said tract contains 6,027 square feet, more or less.

Said encroachment is more particularly described and indicated in attached Exhibit "A" showing the property and the existing concrete bleachers. Exhibit "A" is attached hereto and incorporated herein by reference.

2. It is the intent of this agreement that Owner may utilize City right-of-way for the purpose of maintaining the existing concrete bleachers.

3. Owner agrees and understands that as a condition of the use of the rights of way, Owner shall be responsible for the installation cost and maintenance of a railing/fence on the top of the bleacher wall. City and Owner agree that the railing/fence shall be installed as part of the City project under construction in the vicinity of the bleacher encroachment agreed to herein, and that Owner shall be fully responsible for the cost and acceptance of the railing/fence upon completion. Owner shall own the railing/fence, and shall be responsible for all maintenance of the same for as long as this agreement to encroach continues. City shall have no responsibility for the payment of the railing/fence, or any ongoing responsibility for maintenance and repairs.

4. Upon discontinuance of use, Owner will restore and replace all public property to a vegetated surface, or pay all costs above those that would be incurred by City to restore such surface.

5. It is understood and agreed by and between the parties that Owner will be

responsible for the repair or replacement of any public property which may be damaged or destroyed as a direct or indirect result of the use of the public rights-of-way for the concrete bleachers. Park District agrees to accept all maintenance responsibility for the concrete bleachers and associated property use in the City right-of-way.

6. Owner agrees to further hold the City harmless against any and all expenses, demands, claims or losses of any kind that may be sustained by City, its officers, agents and employees, its property, streets, sidewalks, or any other municipal improvements by reason of the use of the public rights-of-way as aforesaid. Owner agrees to provide to the City a certificate of insurance indicating acceptance by its insurer of its obligation to defend and hold the City harmless as hereinabove stated.

7. This agreement is personal to Owner and cannot be sold, transferred or otherwise assigned. This agreement shall immediately terminate upon Owner's sale, transfer or assignment of the encroaching property. Subsequent owners may request permission to encroach, and enter into a separate agreement with City. City shall not withhold permission to encroach under the terms herein without due cause.

8. It is understood and agreed by and between the parties that this agreement and permission to encroach is given subject to any limitation on the authority of City to grant such permission, which may now or hereafter exist.

9. It is specifically understood and agreed that the City retains authority to operate and maintain existing above ground and underground municipal facilities in the encroachment area. In the event the City needs to permanently retake the encroachment area, City will provide Owner written notice ninety (90) days in advance to remove the encroaching private facilities, to the extent deemed necessary by City. If City determines, in its sole discretion, that Owner has failed to

maintain the concrete bleachers in an acceptable manner, City may terminate as provided herein. Further, this agreement shall terminate if the encroaching property is repaired, reconstructed or improved at a cost of 25% or more of the market value of the property prior to such improvement or repair. If the encroaching property is damaged, market value will be determined as the value before the damage occurred. Owner agrees and understands it will be Owner's responsibility to restore the property to a vegetated surface, and is responsible for all additional costs incurred as a result of such removal.

10. It is specifically agreed between the parties that a copy of this Encroachment Agreement may be recorded.

11. City agrees to waive the processing and annual fees.

Dated this 29 day of November, 2017.

Park District of the City of Fargo

By:_____
Joel Vettel, Executive Director

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

On this 29th day of November, 2017, before me, a notary public in and for said county and state, personally appeared **Joel Vettel**, to me known to be the Executive Director of the **Park District of the City of Fargo**, described in and who has executed the within and foregoing instrument, and acknowledged to me that he executed the same.

TARA L. NIELSEN
Notary Public
State of North Dakota
My Commission Expires Mar. 1, 2019

(SEAL)

_____
Notary Public
Cass County, North Dakota

City of Fargo, a North Dakota municipal corporation

_____
Timothy J. Mahoney, Mayor

ATTEST:

_____
Steven Sprague, City Auditor

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

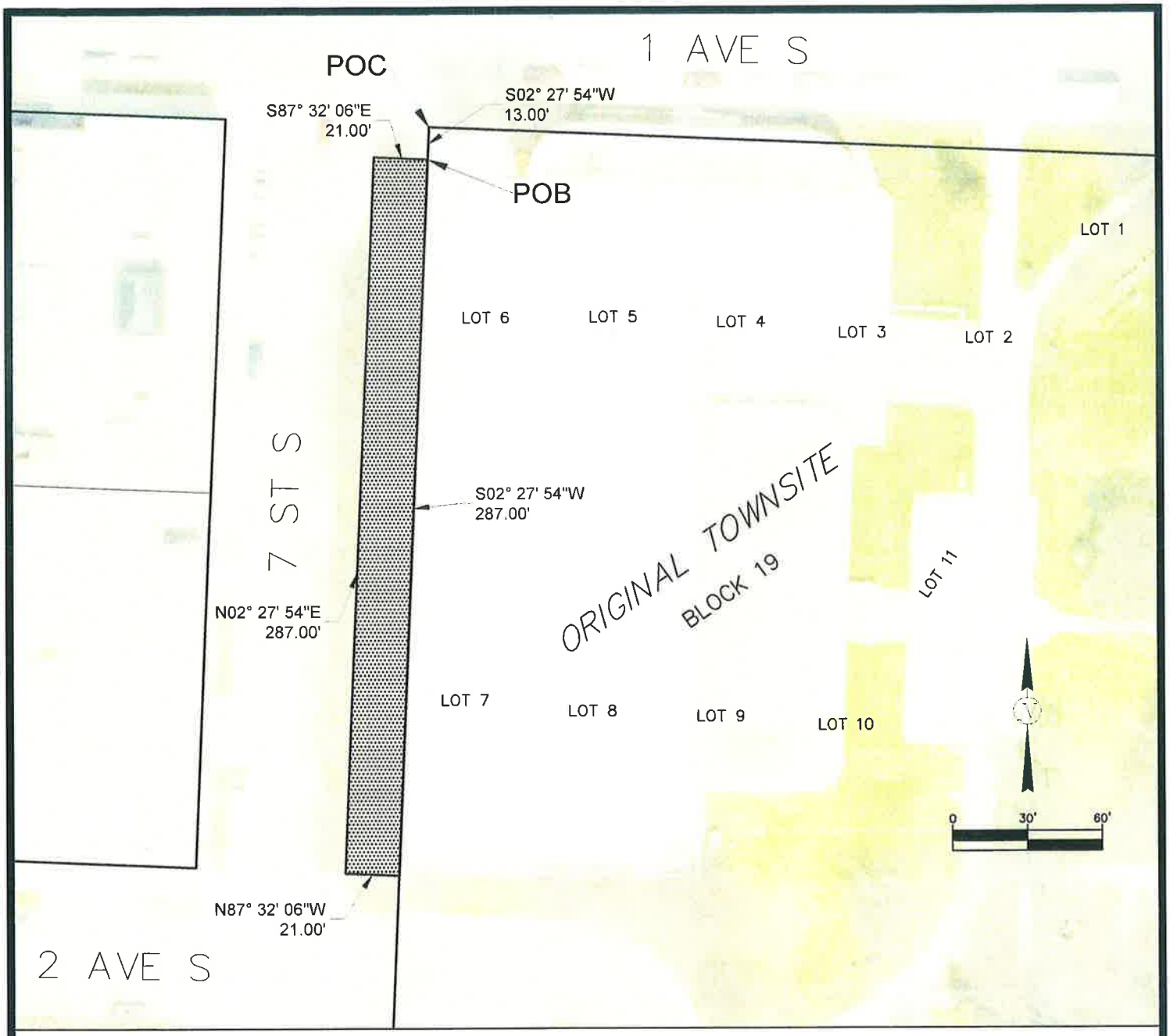
On this ____ day of _____, 2017, before me, a notary public in and for said county and state, personally appeared **Timothy J. Mahoney** and **Steven Sprague**, to me known to be the Mayor and Auditor, respectively, of the **City of Fargo**, a North Dakota municipal corporation, described in and that executed the within and foregoing instrument, and acknowledged to me that said municipal corporation executed the same.

(SEAL)

_____
Notary Public
Cass County, North Dakota

The legal description was prepared by:
City of Fargo Engineering Department
200 North Third Street
Fargo, ND 58102
701-241-1545

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



An encroachment for the existing concrete bleachers within that part of the dedicated public streets of Original Townsite, City of Fargo, Cass County, North Dakota, described as follows:

Commencing in the northwest corner of Block 19 of Original Township, City of Fargo, Cass County, North Dakota; thence S02° 27' 54"W along the west line of said Block 19 a distance of 13.00 feet to the point of beginning; thence continuing along said west line S02° 27" 54"W a distance of 287.00 feet; thence N87° 32' 06"W a distance of 21.00 feet; thence N02° 27' 54"E a distance of 287.00 feet; thence S87° 32' 06"E a distance of 21.00 feet to the point of beginning.

Said tract contains 6027 square feet, more or less.

Bearings based on the City of Fargo ground control system.

CITY OF Fargo ENGINEERING DEPT.	ISLAND PARK POOL BLEACHERS	
	EXHIBIT A	
	DRAWN BY: RJL	DATE: May 2017

CITY OF Fargo

ENGINEERING DEPARTMENT
200 3rd Street North
Fargo, North Dakota 58102
Phone: (701) 241-1545
Fax: (701) 241-8101
E-Mail: feng@cityoffargo.com

(31)

November 29, 2017

Honorable Board of
City Commissioners
200 3rd Street N
Fargo, ND 58102

Re: Concur with Low Bid and Recommend Award
University Drive Street Reconstruction Project – 18th Avenue S to 21st Avenue S
City of Fargo Improvement District No. PR-17-B1
NDDOT Project Nos. IM-8-094(090)351, NHU-8-081(039)924

Dear Commissioners:

Bids were opened by the NDDOT on November 17, 2017, for the S University Drive Street Reconstruction.

The bids were as follows:

Master Construction Company, Inc.	$ 4,900,705.30
Northern Improvement Company	$ 5,907,916.10
Dakota Underground Company	$ 6,266,078.49
Engineer's Estimate	$ 5,318,450.70

There are Special Assessments associated with this project and no protests have been received, therefore the protests should be declared insufficient. Fargo's share of this project is $ 1,396,997.23.

Recommended Motion
Declare protests to be insufficient, and concur with low bid and recommend the NDDOT award the low bid to Master Construction Company, Inc. in the amount of $ 4,900,705.30 as the best bid, subject to review of the Contractor's Disadvantaged Business Enterprise Program by the NDDOT.

Sincerely,

Jeremy M. Gorden, PE, PTOE
Transportation Division Engineer

Attachments

North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

November 20, 2017

Mr. Mark Bittner
City Engineer
200 N 3rd Street
Fargo, ND 58102

PROJECTS: NHU-8-081(039)924, PCN 21400 & IM-8-094(090)351, PCN 21169 – FARGO, UNIVERSITY DRIVE FROM 21ST AVE S TO 18TH AVE S & I-94 AND UNIVERSITY DRIVE INTERCHANGE

Bids for the construction on the above noted projects were taken at our bid opening of November 17, 2017. Copies of the Contract Detail Estimates are enclosed.

The low bid for Grading, Surfacing, Storm Drain, Lighting, Pavement Marking, Shared Use Path, & Concrete Sidewalk was submitted by Master Construction Company, Inc. of Fargo, ND in the amount of $4,900,705.30 (with RCP Options 2 and 4). According to the agreements with the City of Fargo, the City's share of the projects is estimated to be $1,011,044.04. See Contract Detail Estimates for cost breakdowns.

Before we can award to the low bidder, we need the City of Fargo to **concur**, in writing, in the estimated amount by December 4, if possible.

Questions should be addressed to the Construction Services Division at (701)328-2566.

PHILLIP MURDOFF, P.E. - CONSTRUCTION SERVICES ENGINEER

80/pm/lp
Enclosure

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

North Dakota **FEDERAL AID**

Project Number: **NHU-8-081(039)924**

PCN: **21400**

Job Number: **48**

Bid Opening Date: **11/17/2017**

English/Metric: **ENGLISH**

Contract with **MASTER CONSTRUCTION CO INC FARGO, ND**

Signed Date:

County(s): **CASS**

Location: **FARGO-UNIVERSITY DRIVE FROM 21ST AVE S TO 18TH AVE S**

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

North Dakota **FEDERAL AID**

Bid Opening Date: **11/17/2017**

Project Number: **NHU-8-081(039)924**

PCN: **21400**

Job Number: **48**

English/Metric: **ENGLISH**

Roadway: **URBAN**

RP 924.655 TO RP 925.020

Type: **GRADING, SURFACING, STORM DRAIN, LIGHTING, PAVEMENT MARKING**

Participating: **Y**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
103	0100	CONTRACT BOND	0.500	L SUM	$50,000.00	$25,000.00
201	0330	CLEARING & GRUBBING	0.500	L SUM	$15,000.00	$7,500.00
202	0114	REMOVAL OF CONCRETE PAVEMENT	1,332.000	SY	$12.00	$15,984.00
202	0130	REMOVAL OF CURB & GUTTER	6,171.000	LF	$8.00	$49,368.00
202	0136	REMOVAL OF PAVEMENT	19,416.000	TON	$14.00	$271,824.00
202	0174	REMOVAL OF PIPE ALL TYPES AND SIZES	1,927.000	LF	$15.00	$28,905.00
202	0210	REMOVAL OF MANHOLES	6.000	EA	$400.00	$2,400.00
202	0235	REMOVAL OF CATCH BASIN	10.000	EA	$150.00	$1,500.00
202	0290	REMOVAL OF SLOPE PROTECTION	597.000	SY	$14.00	$8,358.00
202	0293	REMOVE RETAINING WALL	62.000	LF	$20.00	$1,240.00
202	0312	REMOVE EXISTING FENCE	270.000	LF	$7.00	$1,890.00
203	0101	COMMON EXCAVATION-TYPE A	951.000	CY	$10.00	$9,510.00
203	0109	TOPSOIL	1,291.000	CY	$15.00	$19,365.00
216	0100	WATER	233.000	M GAL	$10.00	$2,330.00
251	0300	SEEDING CLASS III	1.600	ACRE	$1,600.00	$2,560.00
251	2000	TEMPORARY COVER CROP	1.600	ACRE	$175.00	$280.00
253	0201	HYDRAULIC MULCH	1.600	ACRE	$1,600.00	$2,560.00
253	0301	BONDED FIBER MATRIX	1.600	ACRE	$4,000.00	$6,400.00
258	0100	CONCRETE SLOPE PROTECTION	210.000	SY	$175.00	$36,750.00
261	0112	FIBER ROLLS 12IN	2,480.000	LF	$3.00	$7,440.00
261	0113	REMOVE FIBER ROLLS 12IN	1,240.000	LF	$0.75	$930.00
302	0100	SALVAGED BASE COURSE	11,015.000	TON	$18.00	$198,270.00
430	0500	COMMERCIAL GRADE HOT MIX ASPHALT	524.000	TON	$157.00	$82,268.00
550	0315	11IN NON REINF CONCRETE PVMT CL AE-DOWELED	11,581.000	SY	$70.00	$810,670.00
624	0123	PEDESTRIAN RAILING	270.000	LF	$100.00	$27,000.00
702	0100	MOBILIZATION	0.500	L SUM	$161,000.00	$80,500.00
704	0100	FLAGGING	400.000	MHR	$50.00	$20,000.00
704	1000	TRAFFIC CONTROL SIGNS	4,487.000	UNIT	$2.10	$9,422.70
704	1037	ATTENUATION DEVICE-TYPE B-35	2.000	EA	$3,700.00	$7,400.00
704	1052	TYPE III BARRICADE	36.000	EA	$125.00	$4,500.00
704	1060	DELINEATOR DRUMS	162.000	EA	$27.00	$4,374.00
704	1067	TUBULAR MARKERS	198.000	EA	$5.50	$1,089.00
704	1070	DELINEATOR	40.000	EA	$16.00	$640.00
704	1072	FLEXIBLE DELINEATORS	88.000	EA	$52.00	$4,576.00
704	1080	STACKABLE VERTICAL PANELS	30.000	EA	$11.00	$330.00
704	1087	SEQUENCING ARROW PANEL-TYPE C	2.000	EA	$1,600.00	$3,200.00
704	1500	OBLITERATION OF PAVEMENT MARKING	1,364.000	SF	$2.10	$2,864.40
704	4011	PORTABLE CHANGEABLE MESSAGE SIGN	2.000	EA	$6,500.00	$13,000.00
706	0400	FIELD OFFICE	0.500	EA	$20,000.00	$10,000.00
706	0500	AGGREGATE LABORATORY	0.500	EA	$15,000.00	$7,500.00
706	0600	CONTRACTOR'S LABORATORY	0.500	EA	$15,000.00	$7,500.00
708	1540	INLET PROTECTION-SPECIAL	27.000	EA	$260.00	$7,020.00
708	1541	REMOVE INLET PROTECTION-SPECIAL	27.000	EA	$52.00	$1,404.00
709	0151	GEOSYNTHETIC MATERIAL TYPE R1	15,516.000	SY	$1.50	$23,274.00
710	0410	REMOVAL OF TEMP CONNECTION	1.000	EA	$15,000.00	$15,000.00

CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

North Dakota **FEDERAL AID** Bid Opening Date: **11/17/2017**

Project Number: **NHU-8-081(039)924** PCN: **21400**

Job Number: **48** English/Metric: **ENGLISH**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
714	0120	PIPE C R 12IN CL III-STORM DRAIN 45DEG BEND	1.000	EA	$2,000.00	$2,000.00
714	7040	SANITARY SEWER SERVICE CONNECTION	2.000	EA	$750.00	$1,500.00
722	0100	MANHOLE 48IN	2.000	EA	$2,300.00	$4,600.00
722	0110	MANHOLE 60IN	4.000	EA	$2,600.00	$10,400.00
722	1100	MANHOLE RISER 48IN	22.540	LF	$340.00	$7,663.60
722	1110	MANHOLE RISER 60IN	20.030	LF	$450.00	$9,013.50
722	3510	INLET-TYPE 2	7.000	EA	$2,400.00	$16,800.00
722	3701	INLET SPECIAL-TYPE 2 48IN	3.000	EA	$2,800.00	$8,400.00
722	3910	INLET SLOTTED DRAIN 15IN	20.000	LF	$300.00	$6,000.00
722	6140	ADJUST GATE VALVE BOX	3.000	EA	$300.00	$900.00
724	0425	RESET HYDRANT	2.000	EA	$3,000.00	$6,000.00
724	0810	WATERMAIN 6IN PVC	6.000	LF	$100.00	$600.00
748	0140	CURB & GUTTER-TYPE I	6,211.000	LF	$20.00	$124,220.00
750	0030	PIGMENTED IMPRINTED CONCRETE	333.000	SY	$80.00	$26,640.00
750	0100	SIDEWALK CONCRETE	1,986.000	SY	$49.00	$97,314.00
750	0200	CONCRETE MEDIAN PAVING	1,245.000	SY	$80.00	$99,600.00
750	0210	CONCRETE MEDIAN NOSE PAVING	26.000	SY	$150.00	$3,900.00
750	1000	DRIVEWAY CONCRETE	291.000	SY	$65.00	$18,915.00
750	2115	DETECTABLE WARNING PANELS	190.000	SF	$45.00	$8,550.00
752	0911	TEMPORARY SAFETY FENCE	317.000	LF	$3.25	$1,030.25
754	0110	FLAT SHEET FOR SIGNS-TYPE XI REFL SHEETING	167.000	SF	$31.00	$5,177.00
754	0112	FLAT SHEET FOR SIGNS-TYPE IV REFL SHEETING	71.000	SF	$24.00	$1,704.00
754	0193	FLEXIBLE DELINEATORS-TYPE D	8.000	EA	$70.00	$560.00
754	0206	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	337.000	LF	$21.00	$7,077.00
754	0563	REFERENCE MARKER-TYPE C	1.000	EA	$210.00	$210.00
754	0592	RESET SIGN PANEL	2.000	EA	$30.00	$60.00
762	0122	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	245.000	SF	$20.00	$4,900.00
762	0420	SHORT TERM 4IN LINE-TYPE R	35,374.000	LF	$1.30	$45,986.20
762	0424	SHORT TERM 8IN LINE-TYPE R	1,453.000	LF	$2.75	$3,995.75
762	0426	SHORT TERM 24IN LINE-TYPE R	393.000	LF	$8.00	$3,144.00
762	0440	SHORT TERM MESSAGE-TYPE R	300.000	SF	$16.00	$4,800.00
762	1305	PREFORMED PATTERNED PVMT MK 4IN LINE-GROOVED	1,259.000	LF	$2.10	$2,643.90
762	1307	PREFORMED PATTERNED PVMT MK 6IN LINE-GROOVED	518.000	LF	$8.50	$4,403.00
762	1309	PREFORMED PATTERNED PVMT MK 8IN LINE-GROOVED	1,865.000	LF	$9.50	$17,717.50
762	1325	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	198.000	LF	$38.00	$7,524.00
762	1344	PREF PATT PVMT MK 7IN LINE CONTRAST-GROOVED	1,038.000	LF	$8.50	$8,823.00
770	0001	LIGHTING SYSTEM	1.000	EA	$17,500.00	$17,500.00
770	0003	LIGHTING SYSTEM A	1.000	EA	$55,000.00	$55,000.00
770	0004	LIGHTING SYSTEM B	1.000	EA	$6,500.00	$6,500.00
770	4560	REMOVE LIGHT STANDARD	13.000	EA	$175.00	$2,275.00
770	4570	REMOVE STREET LIGHT LUMINAIRE	3.000	EA	$100.00	$300.00
770	4590	REMOVE FEED POINT	1.000	EA	$350.00	$350.00
772	2800	INTERIM TRAFFIC SIGNALS	1.000	EA	$47,000.00	$47,000.00
772	9813	TRAFFIC SIGNAL SYSTEM - SITE 3	1.000	EA	$159,000.00	$159,000.00
930	9543	RETAINING WALL	93.000	SF	$60.00	$5,580.00
					Subtotal	$2,710,172.80

North Dakota **FEDERAL AID**
Project Number: **NHU-8-081(039)924**
PCN: **21400**
Job Number: **48**
Bid Opening Date: **11/17/2017**
English/Metric: **ENGLISH**

Type: **OPTION 2** Include in Preliminary Estimate: **YES**
CONCRETE PIPE

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
714	0115	PIPE CONC REINF 12IN CL III-STORM DRAIN	12.000	LF	$100.00	$1,200.00
714	0210	PIPE CONC REINF 15IN CL III-STORM DRAIN	277.000	LF	$47.00	$13,019.00
714	0315	PIPE CONC REINF 18IN CL III-STORM DRAIN	767.000	LF	$61.00	$46,787.00
714	0620	PIPE CONC REINF 24IN CL III-STORM DRAIN	313.000	LF	$69.50	$21,753.50

Subtotal Option **2** **$82,759.50**

Subtotal **$2,792,932.30**
Eng and Contg **$279,293.23**
Total **$3,072,225.53**

Length **0.1000 Miles**

		Construction
Estimated Cost		$3,072,225.53
NHU FEDERAL FUNDS	80.93%	$2,486,352.12
NHU FARGO CITY FUNDS	19.07%	$585,873.41

Roadway: **URBAN**
RP 924.655 TO RP 925.020

Type: **CITY UTILITIES**

Participating: **N**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
722	0100	MANHOLE 48IN	2.000	EA	$2,300.00	$4,600.00
724	1110	8IN SANITARY SEWER PIPE	541.000	LF	$75.00	$40,575.00

Subtotal **$45,175.00**

Eng and Contg **$4,517.50**
Total **$49,692.50**

Length **0.1000 Miles** **CASS** **0.1000 Miles**

		Construction
Estimated Cost		$49,692.50
NHU FARGO CITY FUNDS	100.00%	$49,692.50

CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

North Dakota **FEDERAL AID**

Bid Opening Date: **11/17/2017**

Project Number: **NHU-8-081(039)924**

PCN: **21400**

Job Number: **48**

English/Metric: **ENGLISH**

Type: **SPECIAL ITEMS**

Item Description				Amount
PRELIMINARY ENGINEERING				**$366,896.63**
Funding Splits:	**NHU FARGO CITY FUNDS**	**100.00%**	**$366,896.63**	
ESTIMATED COST OF RIGHT OF WAY				**$45,000.00**
Funding Splits:	**NHU FEDERAL FUNDS**	**80.93%**	**$36,418.50**	
	NHU FARGO CITY FUNDS	**19.07%**	**$8,581.50**	

Summary for Project

Length **0.1000 Miles** **CASS** **0.1000 Miles**

Estimated Total Construction Cost: **$2,838,107.30**

Estimated Total Eng and Contg: **$283,810.73**

	Construction	Special Items	Total
Estimated Cost	**$3,121,918.03**	**$411,896.63**	**$3,533,814.66**
NHU FEDERAL FUNDS	**$2,486,352.12**	**$36,418.50**	**$2,522,770.62**
NHU FARGO CITY FUNDS	**$635,565.91**	**$375,478.13**	**$1,011,044.04**

NDDOT TO MAKE CONTRACTOR PAYMENTS. THIS PROJECT IS FUNDED WITH 80.93% URBAN REGIONAL FEDERAL FUNDS, 19.07% CITY OF FARGO FUNDS FOR ALL ELIGIBLE ITEMS. THERE ARE CITY UTILITIES THAT ARE FUNDED WITH 100% CITY FUNDS.

THE CITY HAS REQUESTED THAT THE PROJECT BE BID WITH PIPE OPTIONS BETWEEN CONCRETE AND FLEXIBLE PIPE. IF FLEXIBLE PIPE IS THE LOW BID, THE CITY HAS AGREED TO PAY THE ADDITIONAL COST BETWEEN CONCRETE AND FLEXIBLE PIPE FOR THIS PROJECT.

THIS PROJECT AND THE TIED PROJECT PCN 21169 HAVE AN INCENTIVE/DISINCENTIVE SPECIAL PROVISION. THE MAXIMUM INCENTIVE FOR THESE PROJECTS IS $250,000. THE DISINCENTIVE PAYMENTS DO NOT HAVE A LIMITING VALUE.

REVISED PER ADDENDUM 1

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

North Dakota **FEDERAL AID**

Bid Opening Date: **11/17/2017**

Project Number: **IM-8-094(090)351**

PCN: **21169**

Job Number: **48**

English/Metric: **ENGLISH**

Contract with **MASTER CONSTRUCTION CO INC FARGO, ND**

Signed Date:

County(s): **CASS**

Location: **FARGO - INTERSTATE 94 AND UNIVERSITY DRIVE INTERCHANGE**

North Dakota **FEDERAL AID**

Bid Opening Date: **11/17/2017**

Project Number: **IM-8-094(090)351**

PCN: **21169**

Job Number: **48**

English/Metric: **ENGLISH**

Roadway: **URBAN**

RP 351

Type: **GRADING, SURFACING, STORM DRAIN, LIGHTING, PAVEMENT MARKING, SHARED USE PATH, CONCRETE SIDEWALK**

Participating: **Y**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
103	0100	CONTRACT BOND	0.500	L SUM	$50,000.00	$25,000.00
201	0330	CLEARING & GRUBBING	0.500	L SUM	$15,000.00	$7,500.00
202	0114	REMOVAL OF CONCRETE PAVEMENT	207.000	SY	$12.00	$2,484.00
202	0130	REMOVAL OF CURB & GUTTER	998.000	LF	$8.00	$7,984.00
202	0136	REMOVAL OF PAVEMENT	4,552.000	TON	$14.00	$63,728.00
202	0174	REMOVAL OF PIPE ALL TYPES AND SIZES	155.000	LF	$15.00	$2,325.00
202	0235	REMOVAL OF CATCH BASIN	3.000	EA	$150.00	$450.00
203	0101	COMMON EXCAVATION-TYPE A	2,048.000	CY	$10.00	$20,480.00
203	0109	TOPSOIL	1,912.000	CY	$15.00	$28,680.00
203	0113	COMMON EXCAVATION-WASTE	2,705.000	CY	$8.00	$21,640.00
216	0100	WATER	101.000	M GAL	$10.00	$1,010.00
251	0300	SEEDING CLASS III	2.380	ACRE	$1,600.00	$3,808.00
251	2000	TEMPORARY COVER CROP	2.380	ACRE	$175.00	$416.50
253	0201	HYDRAULIC MULCH	2.380	ACRE	$1,600.00	$3,808.00
253	0301	BONDED FIBER MATRIX	2.380	ACRE	$4,000.00	$9,520.00
261	0112	FIBER ROLLS 12IN	5,980.000	LF	$3.00	$17,940.00
261	0113	REMOVE FIBER ROLLS 12IN	2,990.000	LF	$0.75	$2,242.50
302	0100	SALVAGED BASE COURSE	4,078.000	TON	$18.00	$73,404.00
430	0500	COMMERCIAL GRADE HOT MIX ASPHALT	417.000	TON	$157.00	$65,469.00
550	0315	11IN NON REINF CONCRETE PVMT CL AE-DOWELED	3,205.000	SY	$70.00	$224,350.00
702	0100	MOBILIZATION	0.500	L SUM	$161,000.00	$80,500.00
704	0100	FLAGGING	400.000	MHR	$50.00	$20,000.00
704	1037	ATTENUATION DEVICE-TYPE B-35	1.000	EA	$3,700.00	$3,700.00
704	3510	PRECAST CONCRETE MED BARRIER-STATE FURNISHED	20.000	EA	$300.00	$6,000.00
704	4011	PORTABLE CHANGEABLE MESSAGE SIGN	2.000	EA	$6,500.00	$13,000.00
706	0400	FIELD OFFICE	0.500	EA	$20,000.00	$10,000.00
706	0500	AGGREGATE LABORATORY	0.500	EA	$15,000.00	$7,500.00
706	0600	CONTRACTOR'S LABORATORY	0.500	EA	$15,000.00	$7,500.00
709	0151	GEOSYNTHETIC MATERIAL TYPE R1	4,394.000	SY	$1.50	$6,591.00
710	0410	REMOVAL OF TEMP CONNECTION	1.000	EA	$15,000.00	$15,000.00
714	4105	PIPE CONDUIT 24IN	56.000	LF	$100.00	$5,600.00
722	3510	INLET-TYPE 2	2.000	EA	$2,400.00	$4,800.00
722	3730	INLET SPECIAL CATCH BASIN 9IN BEEHIVE 48IN	6.000	EA	$2,100.00	$12,600.00
722	4020	INLET CATCH BASIN 9IN BEEHIVE	3.000	EA	$1,500.00	$4,500.00
748	0140	CURB & GUTTER-TYPE I	1,339.000	LF	$20.00	$26,780.00
750	0150	SIDEWALK TRENCH DRAIN	3.000	EA	$1,500.00	$4,500.00
750	0200	CONCRETE MEDIAN PAVING	233.000	SY	$80.00	$18,640.00
750	0210	CONCRETE MEDIAN NOSE PAVING	11.000	SY	$150.00	$1,650.00
754	0110	FLAT SHEET FOR SIGNS-TYPE XI REFL SHEETING	331.000	SF	$31.00	$10,261.00
754	0112	FLAT SHEET FOR SIGNS-TYPE IV REFL SHEETING	38.000	SF	$24.00	$912.00
754	0193	FLEXIBLE DELINEATORS-TYPE D	3.000	EA	$70.00	$210.00
754	0198	DIAMOND GRADE DELINEATORS-TYPE D	18.000	EA	$48.00	$864.00
754	0210	GALV STEEL POST-STANDARD PIPE	171.000	LF	$74.00	$12,654.00
754	0530	PANEL FOR SIGNS-TYPE XI REFLECTIVE SHEETING	693.000	SF	$35.00	$24,255.00

North Dakota **FEDERAL AID** Bid Opening Date: **11/17/2017**

Project Number: **IM-8-094(090)351** PCN: **21169**

Job Number: **48** English/Metric: **ENGLISH**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
754	1100	CLASS AE CONCRETE-SIGN FOUNDATIONS	86.000	CY	$1,100.00	$94,600.00
754	1104	REMOVE SIGN FOUNDATION	5.000	EA	$600.00	$3,000.00
754	1325	OVERHEAD SIGN STR 40FT CANTILEVER	1.000	EA	$85,000.00	$85,000.00
754	1457	OVERHEAD SIGN STR 97FT TRUSS	1.000	EA	$135,000.00	$135,000.00
754	1590	REMOVE OVERHEAD SIGN STR TRUSS	2.000	EA	$16,000.00	$32,000.00
762	0122	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	127.000	SF	$20.00	$2,540.00
762	1305	PREFORMED PATTERNED PVMT MK 4IN LINE-GROOVED	586.000	LF	$2.10	$1,230.60
762	1309	PREFORMED PATTERNED PVMT MK 8IN LINE-GROOVED	957.000	LF	$9.50	$9,091.50
762	1325	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	48.000	LF	$38.00	$1,824.00
770	0005	LIGHTING SYSTEM C	1.000	EA	$4,500.00	$4,500.00
772	2800	INTERIM TRAFFIC SIGNALS	2.000	EA	$47,000.00	$94,000.00
772	9811	TRAFFIC SIGNAL SYSTEM - SITE 1	1.000	EA	$190,000.00	$190,000.00
772	9812	TRAFFIC SIGNAL SYSTEM - SITE 2	1.000	EA	$183,000.00	$183,000.00
920	0090	LIFT STATION	1.000	EA	$137,000.00	$137,000.00
					Subtotal	$1,853,042.10

Type: **OPTION 4** Include in Preliminary Estimate: **YES**

CONCRETE PIPE

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
714	0210	PIPE CONC REINF 15IN CL III-STORM DRAIN	637.000	LF	$47.00	$29,939.00
714	0825	PIPE CONC REINF 30IN CL III-STORM DRAIN	52.000	LF	$90.00	$4,680.00
					Subtotal Option 4	$34,619.00

Subtotal	$1,887,661.10
Eng and Contg	$188,766.11
Total	$2,076,427.21

Length **0.2650 Miles**

		Construction
Estimated Cost		$2,076,427.21
IM FEDERAL FUNDS	90.00%	$1,868,784.49
IM STATE FUNDS	10.00%	$207,642.72

North Dakota **FEDERAL AID** Bid Opening Date: **11/17/2017**

Project Number: **IM-8-094(090)351** PCN: **21169**

Job Number: **48** English/Metric: **ENGLISH**

Roadway: **URBAN**

STRUCTURE NO. 94-351.550 NL

Type: **PEDESTRIAN BOX CULVERT**

Participating: **Y**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
210	0050	BOX CULVERT EXCAVATION	1.000	EA	$15,000.00	$15,000.00
210	0210	FOUNDATION FILL	1,415.000	CY	$30.00	$42,450.00
210	0405	FOUNDATION PREPARATION-BOX CULVERT	1.000	EA	$2,000.00	$2,000.00
602	1131	CLASS AE-3 CONCRETE-BOX CULVERT	114.300	CY	$800.00	$91,440.00
612	0114	REINFORCING STEEL-GRADE 60-BOX CULVERT	21,129.000	LBS	$1.10	$23,241.90
709	0100	GEOSYNTHETIC MATERIAL TYPE G	161.000	SY	$5.00	$805.00
					Subtotal	$174,936.90
					Eng and Contg	$17,493.69
					Total	$192,430.59

Length **0.0000 Miles**

		Construction
Estimated Cost		$192,430.59
IM FEDERAL FUNDS	90.00%	$173,187.53
IM STATE FUNDS	10.00%	$19,243.06

Type: **SPECIAL ITEMS**

Item Description				Amount
PRELIMINARY ENGINEERING				$367,051.76
Funding Splits:	IM FEDERAL FUNDS	90.00%	$330,346.58	
	IM STATE FUNDS	10.00%	$36,705.18	
ESTIMATED COST OF RIGHT OF WAY				$40,000.00
Funding Splits:	IM FEDERAL FUNDS	90.00%	$36,000.00	
	IM STATE FUNDS	10.00%	$4,000.00	

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

North Dakota **FEDERAL AID**

Bid Opening Date: **11/17/2017**

Project Number: **IM-8-094(090)351**

PCN: **21169**

Job Number: **48**

English/Metric: **ENGLISH**

Summary for Project

Length **0.2650 Miles** **CASS** **0.2650 Miles**

Estimated Total Construction Cost: **$2,062,598.00**

Estimated Total Eng and Contg: **$206,259.80**

	Construction	Special Items	Total
Estimated Cost	**$2,268,857.80**	**$407,051.76**	**$2,675,909.56**
IM FEDERAL FUNDS	**$2,041,972.02**	**$366,346.58**	**$2,408,318.60**
IM STATE FUNDS	**$226,885.78**	**$40,705.18**	**$267,590.96**

NDDOT TO MAKE CONTRACTOR PAYMENTS. THIS PROJECT IS FUNDED WITH 90% FEDERAL FUNDS AND 10% STATE FUNDS.

THE CITY HAS REQUESTED THAT THE PROJECT BE BID WITH PIPE OPTIONS BETWEEN CONCRETE AND FLEXIBLE PIPE. IF FLEXIBLE PIPE IS THE LOW BID, THE CITY HAS AGREED TO PAY THE ADDITIONAL COST BETWEEN CONCRETE AND FLEXIBLE PIPE FOR THIS PROJECT.

THIS PROJECT AND THE TIED PROJECT PCN 21400 HAVE AN INCENTIVE/DISINCENTIVE SPECIAL PROVISION. THE MAXIMUM INCENTIVE FOR THESE PROJECTS IS $250,000. THE DISINCENTIVE PAYMENTS DO NOT HAVE A LIMITING VALUE.

REVISED PER ADDENDUM 1

ENGINEER'S STATEMENT OF ESTIMATED COST

PC CONCRETE PAVEMENT, STORM SEWER, SANITARY SEWER, PEDESTRIAN BOX CULVERT, LIFT STATION
TRAFFIC SIGNALS, STREET LIGHTING, SIDEWALK & INCIDENTALS

Improvement District No. PR-17-B
NDDOT Project Nos. NHU-8-081(039)924, PCN 21400; IM-8-094(090)351 PCN 21169

University Drive from 18th Avenue S to 21st Avenue S

I. Project Cost Summary	Federal NDDOT Participant	Federal NDDOT Non-Particpant	Subtotal	Federal Funding Share	NDDOT Share	Fargo Share
A. Construction:						
1. NDDOT Portion of Project at I-94:	2,062,598.00	0.00	2,062,598.00	1,856,338.20	206,259.80	-
2. City Portion of Project North of I-94:	2,558,492.80	0.00	2,558,492.80	2,070,588.22	-	487,904.58
3. City Portion of Project South of I-94:	234,439.50	0.00	234,439.50	189,731.89	-	44,707.61
4. City Items North of I-94 (Sewer):	0.00	45,175.00	45,175.00	0.00	-	45,175.00
B. Special Items:						
1. Private Utility Adjustments:	0.00	50,000.00	50,000.00	0.00	-	50,000.00
2. Right of Way & Easements Interchange	40,000.00	-	40,000.00	36,000.00	4,000.00	0.00
3. Right of Way & Easements City Portion	50,000.00	-	50,000.00	40,465.00		9,535.00
4. NDDOT Engineering-Interchange	206,259.80	-	206,259.80	185,633.82	20,625.98	0.00
5. NDDOT Engineering-City Portion	279,293.23	-	279,293.23	226,032.01		53,261.22
6. Incentive Clause-Interchange	125,000.00	-	125,000.00	112,500.00	12,500.00	
7. Incentive Clause-City Portion	125,000.00	-	125,000.00	101,162.50		23,837.50
8. Consulting Engineering Fee for Environmental Clearance and Design:	0.00	407,500.00	407,500.00	0.00	-	407,500.00
9. Consulting Engineering Fee for Construction Administration Services:	0.00	100,000.00	100,000.00	0.00	-	100,000.00
C. Cost Subtotals:	5,681,083.33	602,675.00	6,283,758.33	4,818,451.64	243,385.78	1,221,920.91

II. Cost Participation		
A. Federal - Interstate Maintenance funds	2,190,472.02	
B. Federal - Urban Roads Program funds (see Note 1)	2,627,979.62	
C. NDDOT funds		243,385.78
D. Local funds		1,221,920.91

III Fargo Cost Summary			
		Fargo Non-Federal Construction Cost	$ 577,787.19
A. Fees (on Fargo construction cost only)			
1. Engineering Oversight:	4.0%		$ 23,111.49
2. Legal:	7.0%		$ 40,445.10
3. Contingency:	10.0%		$ 57,778.72
4. Administration:	5.3%		$ 30,629.52
5. Interest:	4.0%		$ 23,111.49
6. Subtotal - Fees:			$ 175,076.32
B. Fargo Cost Distribution			
1. Total Fargo Project Cost:			$ 1,396,997.23
2. Funding Sources:			
Street Sales Tax:			$ 60,355.28
Special Assessments - Street:			$ 1,271,317.95
Special Assessments - Sewer:			$ 33,339.63
Sanitary Sewer Utility Funds:			$ 31,984.38

Note 1: Sewer on this project is not eligible for federal cost participation.

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

Date 11-30-17

Jeremy M. Gorden, PE,PTOE
Division Engineer

(32)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BN-17-A2

Type: Urban Agreement for Construction of Federal Aid Project Title II Safety Program

Location: 19th Ave N just west of 45th St

Date of Hearing: 11/27/2017

Routing	Date
City Commission	12/4/2017
PWPEC File	X
Project File	Jeremy Gorden

This agreement is for a project to relocate and upgrade the BNSF roadway signal warning system for the new 19th Avenue North alignment that will be completed in 2018. This work is eligible for federal aid. The split will be 90% federal and 10% local. The total project cost is $287,177 with the federal share being $258,459 and the local share of $28,717.

Staff is recommending approval of the Agreement.

On a motion by Bruce Grubb, seconded by Steve Dirksen, the Committee voted to recommend approval of the Agreement to provide for the federal funding of the project.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve the Urban Agreement for Construction of Federal Aid Project Title II Safety Program.

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

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

COMMITTEE	Present	Yes	No	Unanimous ☑
Tim Mahoney, Mayor	☐	☐	☐	
Jim Gilmour, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	
Mark Bittner, Director of Engineering	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
City Engineer	☑	☑	☐	Brenda Derrig
Kent Costin, Finance Director	☑	☑	☐	

ATTEST:

for Brenda Derrig

Brenda E. Derrig, P.E.
Division Engineer

CITY OF Fargo

ENGINEERING DEPARTMENT
200 3rd Street North
Fargo, North Dakota 58102
Phone: (701) 241-1545
Fax: (701) 241-8101
E-Mail: feng@cityoffargo.com

November 27, 2017

To: Members of PWPEC

From: Jeremy M. Gorden, PE, PTOE - Division Engineer-Transportation JMG

Subject: Urban Agreement for Construction of Federal Aid Project Title II Safety Program Upgrading & Relocating Existing Railroad Signal System in conjunction with City Roadway Improvement Project – on the new alignment of 19th Avenue N just west of 45th Street

Re: City of Fargo Improvement District No. BN-17-A2
NDDOT Project No. RSU-8-984(161)164
BNSF Crossing No. DOT 071031T

I have received an agreement from NDDOT Local Government Division for a project to upgrade and relocate the existing railroad signal system on the new alignment of 19th Avenue N just west of 45th Street as a result of our street reconstruction project. This project to complete the railroad work is eligible to receive federal aid, with a 90/10 split. The estimated cost of railroad signal work is $287,177, with $258,459 federal funds and $28,717 local funds.

I support this agreement and the local funding source for this work will be special assessment funds.

Recommended Motion
Approve the agreement from NDDOT for Upgrading and Relocating the Existing Railroad Signal System on the new alignment of 19th Avenue N just west of 45th Street.

Attachments

North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

November 21, 2017

Jeremy Gorden, PE
City of Fargo
200 3RD Street North
Fargo, ND 58102

PROJECT- RSU-8-984(161)164
DOT# 071031T MP 4.21
UPGRADE & RELOCATION OF 19th AVENUE N
CITY OF FARGO, NORTH DAKOTA

Enclosed are the Urban Agreements for Construction of Federal Aid Project (Safety Program) for the proposed relocation and upgrade of the existing 19th Ave N signal system to its new realigned location in the City of Fargo.

If this is satisfactory, please sign the attached contract agreement, complete the Certification of Local Match and return it to our office for completion. When the contract is fully executed by NDDOT, hard copies will be returned for your files.

If you have any questions, please call Jim Styron at 701-328-4409 or Sara Helm at 701-328-2540.

PAUL M. BENNING, P.E., LOCAL GOVERNMENT ENGINEER

17/jds-38/sbh

Enclosure

NDDOT Contract No. 17170983

North Dakota Department of Transportation
URBAN AGREEMENT FOR CONSTRUCTION OF FEDERAL AID PROJECT
TITLE II SAFETY PROGRAM

Federal Award Information – To be provided by NDDOT	
CFDA No.: 20.205	CFDA Title: Highway Planning and Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Administration
NDDOT Program Mgr.: Paul M. Benning, PE	Telephone: 701-328-2217
Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.	

Project No. RSU-8-984(161)164 **City of Fargo**

Description: City Realignment of 19th Ave N and Relocation of BNSF Crossing DOT 071031T

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 the City of Fargo, North Dakota, hereinafter referred to as the City, hereby agree that:

1. The BNSF Railroad will upgrade and relocate the existing signal system at crossing DOT 071031T over realigned 19th Avenue North, in the City of Fargo North Dakota.

2. The estimated project cost is $287,177.00. This amount will require a minimum of 10% Federal funds. By process, the project will be 90% Federal and 10% City funds.

3. NDDOT will take all steps necessary toward securing cooperation with the United States Government through the Federal Highway Administration (FHWA) in order to obtain federal funds for the project construction, to the extent provided in Title 23 of the United States Code (90% federal funds), as amended and supplemented.

4. The Risk Management Appendix, attached, is hereby incorporated into and made a part of this agreement.

5. The City will reimburse NDDOT for all construction payments advanced by NDDOT except the amount paid by FHWA. It is specifically agreed and understood that at any time that the City shall fail to reimburse NDDOT within 60 days after billing for funds advanced in behalf of the City, this document shall constitute an assignment of funds now or hereafter coming into the hands of the state treasurer, which would otherwise be distributed to the City out of the Highway Tax Distribution Fund and the state treasurer is hereby directed to pay NDDOT all such funds until the total thereof shall equal the sum billed pursuant to this agreement.

6. Appendices A and E of the Title VI Assurances, attached, is hereby incorporated into and made a part of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed this _____ day of _____ 20_____.

APPROVED:

Erik Johnson
CITY ATTORNEY (TYPE OR PRINT)

SIGNATURE

DATE

City of Fargo

Timothy J. Mahoney
NAME (TYPE OR PRINT)

SIGNATURE

* Mayor
TITLE

DATE

ATTEST:

Steve Sprague
CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota, the date last below signed.

APPROVED as to substance by:

LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

SIGNATURE

DATE

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

*Mayor or President City Commission

CLA 52175 (Div.17)
L.D. Approved 7-16

NDDOT
North Dakota
Department of Transportation

Project RSU-8-984(161)164

CERTIFICATION OF LOCAL MATCH

It is hereby certified that the City of Fargo will provide non-federal funds, whose source is identified below, as match for the amount the City is obligated to pay under the terms of the attached agreement with the North Dakota Department of Transportation. The certified amount does not duplicate any federal claims for reimbursement, nor are the funds
used to match other federal funds, unless expressly allowed by federal regulation.

Non-Federal Match Funds provided by City. Please designate the source(s) of funds in the City budget that will be used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

Source:

Sales Tax, Sewer Utility, Special Assessments

Executed at Fargo, North Dakota, the last date below signed.

ATTEST:

Steve Sprague
CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

APPROVED:

City of Fargo

Timothy J. Mahoney
NAME (TYPE OR PRINT)

SIGNATURE

* Mayor
TITLE

DATE

*Mayor or President of City Commission

CLA 52175 (Div. 17)
L.D. Approved 7-16

NDDOT North Dakota Department of Transportation

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX A OF THE TITLE VI ASSURANCES

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

   a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
   b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX E OF THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.,* 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.),* (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.),* as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.),* (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

Risk Management Appendix

Routine* Service 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, its 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 Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

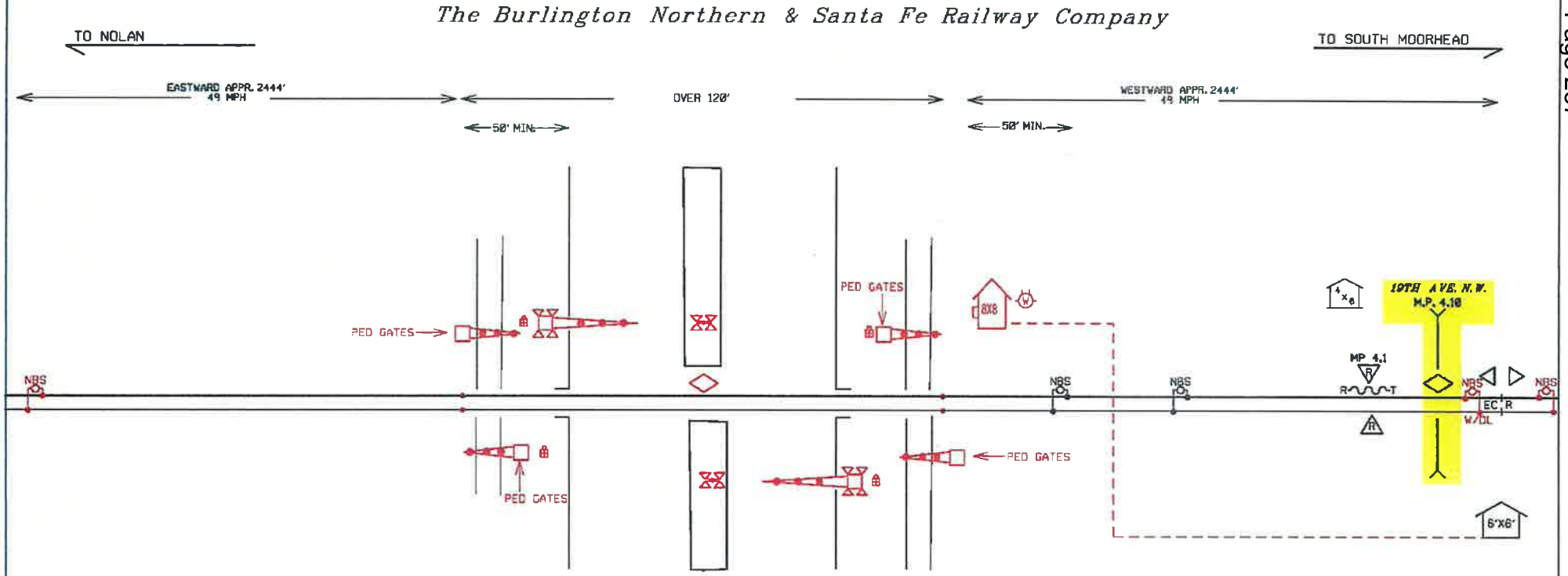
Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are $250,000 per person and $1,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

*See *North Dakota Risk Management Manual,* section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007
Revised 5-09

NDDOT
North Dakota
Department of Transportation

The Burlington Northern & Santa Fe Railway Company



M.P. 4.21
19TH AVE
DOT * 071 031 T

PROJECT# 68269

INSTALL: FLASHERS, GATES, BUNGALOW & PED GATES
CONTROL DEVICES: CONSTANT WARNING
SALVAGE: NONE

RED = IN YELLOW = OUT

- 8X8 — INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROLL CONNECTIONS
- BIDIRECTIONAL CROSSING CONTROL
- UNIDIRECTIONAL CROSSING CONTROL
- COUPLER OR TERMINATION
- GUARD RAIL

Warning device placement:
Clearance to C.L. Track = Min. 12'
Edge of Road to C.L. Foundation:
Min. 4'3" with curb.
Min. 8'3" without curb.
Max. 12'
House Clearance: 25' Min. to Near Rail
30' Min. to Edge of Road
ALL LIGHTS TO BE LED

EXHIBIT A

BNSF RAILWAY CO.
LOCATION: FARGO, ND
STREET: 19TH AVE
LS: 0034
M.P. 4.21
DOT * 071 031 T
DIVISION: TWIN CITIES
SUBDIVISION: PROSPER
KANSAS CITY
NO SCALE
DATE: 10/30/2017
FILE: 68269-STATESKETCH-.dgn
AMW

EXHIBIT B

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

BNSF RAILWAY COMPANY
FHPM ESTIMATE FOR
NDDOT

LOCATION JY JCT | DETAILS OF ESTIMATE | PLAN ITEM : 000289977 | VERSION : 5

PURPOSE, JUSTIFICATION AND DESCRIPTION

19TH AVE FARGO ND; INSTALL CONSTANT WARNING / FLASHERS / GATES / CANTILEVERS; TWIN CITIES DIV; PROSPER SUBDIV; LS 34; MP 4.21; DOT# 071031T. SEQ. #68269.

MONTHLY POWER UTILITY COST CENTER : 61740.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSES ONLY.

THIS ESTIMATE IS GOOD FOR 180 DAYS. THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

********** SIGNAL WORK ONLY **********
PROJECT TO BE COMPLETED WITH SEQ# 69506.
THE STATE OF NORTH DAKOTA IS FUNDING 100% OF THIS PROJECT.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

PRIMARY FUNDING SOURCE IS FHWA
** BUY AMERICA(N) APPLIES **

DESCRIPTION	QUANTITY	U/M		COST	TOTAL $
**********					
LABOR					
**********					
ELECTRICAL LABOR F/SIGNAL EQUIPMENT	54.0	MH		1,669	
SIGNAL FIELD - INSTALL	1052.0	MH		32,434	
SIGNAL SHOP LABOR - CAP	1.2	MH		41	
PAYROLL ASSOCIATED COSTS				19,969	
DA OVERHEADS				31,886	
EQUIPMENT EXPENSES				6,653	
INSURANCE EXPENSES				5,731	
TOTAL LABOR COST				98,383	98,383
**********					
MATERIAL					
**********					
ARRESTOR, MDSA-2 XS	1.0	EA	N	689	
ASSY HAWK 48 DIM	1.0	EA	N	1,287	
BATTERY, 19 VGL-350	19.0	EA	N	5,338	
BELLS	4.0	EA	N	692	
BUNGALOW 8X8 W/ AC	1.0	LS	N	9,032	
BUNGALOW MATERIAL	1.0	LS	N	7,476	
CABLE, 2C/6 TW	750.0	FT	N	870	
CABLE, 3C/2	750.0	FT	N	4,133	
CABLE, 5C/10	750.0	FT	N	1,343	
CABLE, 5C/6	1100.0	FT	N	4,290	
CABLE, 7C/14	1100.0	FT	N	1,815	
CABLE, 7C/14 DAX	2500.0	FT	N	4,125	
CHARGERS, 12/80 (20/40/60)	2.0	EA	N	1,953	
CONSTANT WARNING, XP4, 1TK	1.0	EA	N	16,082	
ELECTRICAL MATERIAL	1.0	EA	N	1,500	
EVENT RECORDER	1.0	EA	N	3,216	
FIELD MATERIAL	1.0	LS	N	7,372	
FILL DIRT	20.0	CY	N	500	
FILTER, TRACK	1.0	EA	N	235	
FLASHER ASSEMBLY, COMPLETE	2.0	EA	N	3,996	
FOUNDATION, CONCRETE	8.0	EA	N	2,164	
GATE KEEPER	2.0	EA	N	3,365	
GATE MECHANISM, S-60	4.0	EA	N	21,653	
INDUCTOR, DUMMY LOAD	1.0	EA	N	786	
LED LIGHT	16.0	EA	N	2,890	
LIGHT OUT DETECTOR	2.0	EA	N	1,807	
RELAY, DAX	4.0	EA	N	3,000	
SHUNT, NBS	2.0	EA	N	2,013	

EXHIBIT B

SURFACE ROCK	10.0 CY N	500	
USE TAX		7,416	
OFFLINE TRANSPORTATION		1,421	
TOTAL MATERIAL COST		122,959	122,959
**********			
OTHER			
**********			
AC POWER SERVICE	1.0 EA N	10,000	
BUNGALOW, WIRE AND TEST	1.0 LS N	5,643	
CONTRACT ENGINEERING	1.0 LS N	9,000	
DIRECTIONAL BORING	250.0 FT N	12,500	
TOTAL OTHER ITEMS COST		37,143	37,143
PROJECT SUBTOTAL			258,485
CONTINGENCIES			25,848
BILL PREPARATION FEE			2,844
GROSS PROJECT COST			287,177
LESS COST PAID BY BNSF			0
TOTAL BILLABLE COST			287,177

EXHIBIT C

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
COPY OF DETAIL ESTIMATE
UPON WHICH AGREEMENT IS TO BE BASED FOR
ND FEDERAL-AID RAIL-HIGHWAY CROSSING
HAZARD ELIMINATION
PROJECT NO. RSU-8-984(161)164

DOT-AAR NO. 071031T
19th Avenue N - MP 4.21

CITY OF FARGO, NORTH DAKOTA
CASS COUNTY

Complete Relocation and Rehabilitation of the Existing Signal System and Incidentals.

Force account work to be done by:
BNSF RAILWAY COMPANY
80 44th Avenue NE
Minneapolis, MN 55421

Furnish all materials and
install crossing complete in place: TOTAL **$ 287,177.00**

Participation	Funding %	Construction
F.A. and/or State Funds	80%	$ 229,741.60
F.A. Funds	10%	$ 28,717.70
City Funds	10%	$ 28,717.70
Estimated Cost	**100%**	**$ 287,177.00**

Average Annual Daily Traffic (AADT) at the crossing - 7145/415/2015 Current Class Count

A public hearing is not required in accordance with Section 128, Title 23, U.S. Code.

Prepared by:
Planning/Asset Management Division
Planning/Rail Section

Exhibit C is for informational purposes only, and payment will be made on actual costs.