FARGO CITY COMMISSION AGENDA
Monday, February 25, 2019 - 5:00 p.m.

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

A. Pledge of Allegiance.

B. Roll Call.

C. Approve Order of Agenda.

D. Minutes (Regular Meeting, February 11, 2019).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. 2nd reading and final adoption of the following Ordinances: 1st reading, 2/11/19:
   a. Amending Section 25-1506 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Restrictions on Sale, Service or Dispensing of Alcoholic Beverages.
   b. Rezoning Certain Parcels of Land Lying in Bolley's Subdivision of Part of Block 9, Chapin's Addition and College Addition.
   c. Rezoning Certain Parcels of Land Lying in NSC Addition.
   d. Establishing a Planned Unit Development Overlay on St. Paul's Newman Center Addition.

2. Applications for property tax exemptions for improvements made to buildings:
   a. Rex R. and Theresa M. Carlson, 4627 Rose Creek Parkway South (3 year).
   b. Charles and Elizabeth A. Stevens, 3913 17th Street South (3 year).
   c. Robert A. Reames, 1820 26th Avenue South (3 year).
   d. Russell E. and Janis F. Anderson, 2727 18th Street South (3 year).
   e. Paul D. and Krista R. Mund, 2802 38 1/2 Avenue South (3 year).
   f. David K. and Renae C. Anderson, 224 Prairiewood Drive South (5 year).
   g. Engerhouse Buyers LLC, 1018 16th Avenue South (5 year).
   h. Wayne W. and Gerilynn Carlson, 1616 9th Street South (5 year).
   i. Jayson F. and Jessica L. Clairmont, 188 Prairiewood Drive South (5 year).
   j. Kathryn Emalene Strand, 2408 Lilac Lane North (5 year).
   k. Jerald A. and Tamara L. Rostad, 2534 East Country Club Drive South (5 year).

3. Extension of the Class "A" Alcoholic Beverage License until August 31, 2019 for the Firebox.

4. Applications for Games of Chance:
   a. St. Mary's Cathedral for a raffle on 5/5/19.
   b. NDSU Lions Club for a raffle on 4/17/19.
   c. Lana Eichhorn Benefit for a raffle on 3/2/19; Public Spirited Resolution.
   d. North Central Turfgrass Association for a raffle on 2/27/19.
   e. Davies Young Guns for a raffle on 5/19/19.
   f. USA Wrestling of North Dakota for a raffle on 7/18/19.
   g. Team Tamara for a raffle on 3/23/19; Public Spirited Resolution.
   h. Knights of Columbus #6570 for a calendar raffle from 5/1/19 to 5/31/19.

Purchase Agreement with Lonna Askland Rinke for property located at 1213 El Cano Drive South.

6. Issuance of an RFP for consultant services to assist with additional in-town levee projects.

7. Inclusion of the short-term traffic safety modification as part of the Citywide Asphalt Seal Coat Project.

8. Addition of bike lanes on 4th Street and NP Avenue Project No. TM-19-B1.

9. Payment to KLJ for the Contract Amendment and authorization of the final public input meeting for the 17th Avenue Corridor Study (Project No. MS-15-F0).

10. Encroachment Agreement with DFI Black Building, LLC.

11. Amendment 1 to Right of Way Use Agreement with DFI Dillard, LLC.

12. Bid advertisement for Project Nos. TM-19-B and TP-19-B.

13. Bid awards for Project Nos. SN-19-A1 and SR-19-A1.

14. Receive and file the Summary Annual Financial Report for the period ending December 31, 2018 (preliminary, unaudited and unadjusted).

15. Inter-Fund Loan Policy and request a portion of Inter-Fund Loan to be used to acquire the Border States Electric facility.

16. Amendment to Agreement with Nate Hendrickson.

17. Contract Amendment with Land Elements in the amount of $4,152.79 for The Fargo Project.

18. Change Orders for Project No. SW16-03 Phase II:
    a. No. 3 for an increase of $7,679.94 for the general contract.
    b. No. 2 for an increase of $1,010.00 for the mechanical contract.
    c. No. 2 for a decrease of -$10,632.70 for the electrical contract.

19. Task Order with Wenck Associates, Inc. to provide Consultant Engineering Services for Project No. SW19-01.

20. Change Order No. 2 for an increase of $41,828.17 for Project No. WW1402-10.

21. Amendment No. 1 to Task Order No. 3 with AE2S for a change in scope (Project No. WA1301).

22. Task Order No. 16 with AE2S in the amount of $499,800.00 for Project No. WA1301.

23. Change Orders for Project No. WA1301:
    a. No. 18 for an increase of $58,969.00 for the mechanical contract.
    b. No. 22 for an increase of $144,254.11 for the general contract.

24. Bills.

25. Negative Final Balancing Change Order No. 1 in the amount of -$33,797.00 for Improvement District No. BR-18-H1.

26. Negative Final Balancing Change Order No. 3 in the amount of -$35,482.44 for Improvement District No. PR-17-F1.

27. Negative Final Balancing Change Order No. 4 in the amount of -$52,050.31 for Improvement District No. BR-17-C1.

28. Revised CPM Agreement with the NDDOT for Improvement District No. BR-18-A1.

29. Create Improvement District Nos. BN-19-B, BN-19-E, PN-18-B and PR-19-F.

30. Change Order No. 3 for an increase of $296,290.42 for Improvement District No. NR-17-B1.

31. Contract and bond for Improvement District No. BN-19-A2.

REGULAR AGENDA:

32. Update from the Greater Fargo-Moorhead Economic Development Corporation.

33. 2018 Fargo Fire Department Annual Report.

34. Public Hearings – 5:15 pm:
    a. BLU Water Creek 4th Addition (4609 33rd Avenue South); approval recommended by the Planning Commission on 1/3/19:
        1. Zoning Change to repeal and re-establish a C-O, Conditional Overlay.
        2. 1st reading of rezoning Ordinance.
        3. Plat of BLU Water Creek 4th Addition.

    b. WITHDRAWN - Application filed by Prairie Products LLC for a property tax exemption for a project located at 1350 55th Street North, which the applicant will use in the operation of efficient agricultural extraction processing technology.

35. Recommendation from the Tax Exempt Review Committee to approve the City of Fargo Tax Review Committee Policy and Guidelines; delayed from the 1/28/19 Regular Meeting.

36. Recommendation for Purchase of Oak Grove and Park Christian Land:
    a. Purchase Agreement with Oak Grove Foundation Properties, LLC and Park Christian School, Inc.
    b. Resolution of Governing Body of Applicant.
    c. Resolution Relating to Acquisition and Financing of Southwest Regional Storm Water Management Project, Authorizing Purchase of Land, Creating Improvement District No. FP-19-A, Directing the Development of Project, Expressing Intent to Re-Sell Remainder, and Intention to Reimburse from Loan or Bond Proceeds.
    d. Contract for Deed with Oak Grove Foundation Properties, LLC and Park Christian School, Inc.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-1506 OF ARTICLE 25-15 OF CHAPTER 25 OF THE FARGO MUNICIPAL CODE RELATING TO RESTRICTIONS ON SALE, SERVICE OR DISPENSING OF ALCOHOLIC BEVERAGES

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 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 purposes; 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 25-1506 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby amended to read as follows:

* * *

Z. Class "B-Limited" - A "B-Limited" license shall authorize the licensee to sell "off-sale" only, subject to the following restrictions and conditions:

1. A Class "B-Limited" license shall authorize a licensee to sell "off-sale" only, and no licensee hereunder may conduct any "on-sale" liquor sales. No Class "B-Limited" license shall be issued to any applicant whose primary business is not, or upon the issuance of the license applied for, shall not be the sale of alcoholic beverages on an off-sale basis.
2. A Class "B-Limited" licensee under the provisions of this title shall provide adequate off-street parking within the discretion of and subject to the

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

approval of the commission. Membership in the current Fargo parking program (presently POP), or any subsequently adopted parking program, may be considered as compliance with this provision.

3. No person, partnership, or other form of business entity may hold more than ~~one~~ two (~~1~~2) "B-Limited" licenses, nor may ~~a~~more than two (2) "B-Limited" licenses be owned by any individual, partnership or other business entity in which a person holding more than a 5% ownership interest in the business entity also holds more than a 5% ownership interest in another business entity that holds a "B-Limited" license or an "A", "AB", "ABH", or "ABH-RZ" license.
4. The initial fee for a "B-Limited" license, as well as the annual renewal fee shall be as set forth in city ordinance.
5. A "B-Limited" license shall be essentially non-transferable. In the event, the holder of a Class "B-Limited" license shall voluntarily go out of business, the license shall revert to the city. It is the intent of this provision that the city of Fargo desires to control the issuance of additional liquor licenses and restrict any artificial appreciation in value of said licenses. Additional terms, conditions and restrictions on transferability shall be as set forth in section 25-1508.
6. The initial issuance of a "B-Limited" license shall consider all of the factors set forth in ~~article~~ section 25-1508 hereinafter. In the event the applications for said license shall exceed the number then available, any applications meeting all of the requirements shall be determined by a drawing in the presence of the governing body of the city and in such manner as it shall direct.
7. In addition to the foregoing, the Class "B-Limited" license shall be governed by all the terms of this article applicable to Class "B" licenses provided, however, that in the event the provisions should conflict with this section, provisions of this section shall prevail.

* * * *

Section 2. Effective Date

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

(SEAL)

Timothy J. Mahoney, Mayor

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

16

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN BOLLEY'S SUBDIVISION OF PART OF
BLOCK 9, CHAPIN'S ADDITION AND COLLEGE ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Bolley's Subdivision of Part of Block Nine 9, Chapin's Addition and College Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on December 4, 2018; and,

WHEREAS, the rezoning changes were approved by the City Commission on February 11, 2019,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots One (1) through Ten (10), Block Two (2), College Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "SR-3", Single-Dwelling, Residential, District to "MR-3", Multi-Dwelling, Residential, District;

Section 2. The following described property:

Lots Two (2) through Four (4), Bolley's Subdivision of Part of Block Nine (9), Chapin's Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "SR-3", Single-Dwelling, Residential, District to "MR-3", Multi-Dwelling, Residential, District;

Section 3. The following described property:

Lots Fifteen (15) through Seventeen (17) and the north 46 feet of Lot Eighteen (18), Bolley's Subdivision of Part of Block Nine (9), Chapin's Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "LC", Limited Commercial, District to "MR-3", Multi-Dwelling, Residential, District;

Section 4. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

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

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

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

CITY OF Fargo

(1c)

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

February 15, 2019

Board of City Commissioners
City Hall
225 4th Street North
Fargo, ND 58102

RE: NSC Addition Re-Zoning Ordinance

Dear Commissioners:

At your last meeting of February 11, 2019 you approved a growth plan amendment, zoning change from AG, Agricultural to P/I, Public and Institutional and a plat of NSC Addition. Your motion also included a waiver of the requirement to receive the zoning ordinance one week prior to first reading and the placement of the re-zoning ordinance on first reading, with an amendment being recognized to the ordinance to limit the zoning change only to "Lot One (1)" "Block One (1)" of NSC Addition. I am enclosing an amended form of the re-zoning ordinance properly identifying the area to be re-zoned as solely Lot One (1), Block One (1) of NSC Addition, rather than the entire two-lot property within NSC Addition. The suggested motion below is designed to address situations in which an ordinance is amended between first and second reading and approves the waiver of the requirement that final passage not be had for at least one week after second reading. Therefore, enclosed for your approval on second reading and final passage is the re-zoning ordinance for Lot One (1), Block One (1), NSC Addition.

SUGGESTED MOTION: I move to waive the second reading at length of the enclosed ordinance Re-zoning Certain Parcels of Land Lying in NSC Addition and to waive the requirement that final passage of said ordinance not be had for least one week after said second reading and, therefore, deemed said ordinance to have been approved and finally passed.

Sincerely,

Erik R. Johnson

ERJ/lmw

Enclosure

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN NSC ADDITION TO THE
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in the proposed NSC Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on September 4, 2018; and,

WHEREAS, the rezoning changes were approved by the City Commission on February 11, 2019,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot One (1), Block One (1) of NSC Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "AG", Agricultural, District to "P/I", Public and Institutional, District,

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

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

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

AN ORDINANCE ESTABLISHING A PLANNED
UNIT DEVELOPMENT OVERLAY
ON ST. PAUL'S NEWMAN CENTER ADDITION
TO THE CITY OF FARGO

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the proposed Planned Unit Development Overlay on St. Paul's Newman Center Addition, Fargo, Cass County, North Dakota; and,

WHEREAS, the Board of City Commissioners has approved the Plat of St. Paul's Newman Center Addition, consisting of Lots One (1) through Three (3) of Block One (1) of said Addition, which Addition is a replat of Lots 1-10, Block 2, College Addition and Lots 1-4 and Lots 15-23, Bolley's Subdivision of Block Nine (9), Chapin's Addition to the City of Fargo, Cass County, North Dakota,

WHEREAS, the Fargo Planning Commission approved the request for approval of the planned unit development overlay and the master land use plan for development, on December 4, 2018; and

WHEREAS, the Planned Unit Development Overlay and the Master Land Use Plan for development, were approved by the City Commission on February 11, 2019,

NOW, THEREFORE,

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

Section 1. There is hereby established a Planned Unit Development Overlay on all of the property located in St. Paul's Newman Center Addition, to the City of Fargo, Cass County, North Dakota as set forth herein and, therefore, the standards for development for the underlying zoning district shall hereby be modified as follows:

	Current LDC Development Standards for the MR-3 Zone	**PUD Modifications to MR-3 Development Standards**
Allowed Uses	detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	*Add these uses as allowed uses: colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, retail sales and service*
Residential Density	24 du/ac	*Increase to 32 du/ac*
Setbacks	Front—25' Rear—20' Street side—12.5' Interior side—10'	*Front (Lot 1-University Drive side)—decrease to 10'10"* *Front (Lot 2)—decrease to 19'6"* *Front (Lot 3)—decrease to 11'* Street side—*decrease to 5' (Lot 1 only)* Interior side- *Decrease to 0' (between Lots 1 and 2)*
Building Coverage	35% of lot area	*Increase to 41%*
Parking-Residential – Multi-Dwelling	1.25 stalls per efficiency; 2.0 stalls per 1 BR + 0.25 guest stalls per living unit	*0.9 stalls per bed*
Group Living	1 space per 100 square feet of sleeping area	*0.9 stalls per bed*

Landscaping—Open Space	3 plant units per 1,000 sq. ft. of lot area of fraction or thereof, with 8 sq. ft. per plant unit (LDC 20-0705(C)(3) and table)	*Request removal of 70% requirement in front of building*
Landscaping—Parking Lot Perimeter	Buffer width: 9 feet. Plantings: 1 small tree + 6 shrubs/perennial grasses per 25 linear feet. Berm also an option (LDC 20-0705 (D) and table)	*Reduce buffer width to 5 feet.*
Residential Protection Standards Building Height 76-100 feet from residential	45 Feet	*Lot 1—increase to 50 feet*
Open space	35%	*Decrease to 25% minimum*

In all other respects, development on said property shall be subject to the development standards for the underlying zoning district.

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

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

Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

CITY OF Fargo

ASSESSMENT DEPARTMENT

2a

February 6, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4627 Rose Creek Pkwy. S as submitted by Rex R. & Theresa M. Carlson. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $310 with the City of Fargo's share being $50.

Sincerely,

Ben Hushka
City Assessor

hah
attachment

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

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Rex + ~~Teresa~~ Theresa Carlson Phone No. 952/465-9466
2. Address of Property 4627 Rose Creek PKwy S.
   City FARGO State ND Zip Code 58104
3. Legal description of the property for which the exemption is being claimed.
   Lot 1 Block 1 Rose Creek 4th
4. Parcel Number 01-2485-00010-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same
   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remodel Kitchen
7. Building Permit No. 181911 8. Year Built 1994
9. Date of Commencement of making the improvement 10/30/18
10. Estimated market value of property before improvement $ 417,200
11. Cost of making the improvement (all labor, material and overhead) $ 62,000
12. Estimated market value of property after improvement $ ~~479,200~~

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 Tim Carlson Date 1/30/18

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 2/7/19

Action of Governing Body

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

CITY OF Fargo

ASSESSMENT DEPARTMENT

26

February 6, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3913 17 St. S as submitted by Charles & Elizabeth A. Stevens. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $150 with the City of Fargo's share being $25.

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 Charles & Elizabeth Stevens Phone No. 701 429-1641
2. Address of Property 3913 17th St. S
   City FARGO State ND Zip Code 58104
3. Legal description of the property for which the exemption is being claimed.
   Lot 44 Block 9 Ruby Dell Schnell
4. Parcel Number 01-2705-01910-000 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).
   Remodeling Bath
7. Building Permit No. 180118 8. Year Built 1985
9. Date of Commencement of making the improvement 2/5/18
10. Estimated market value of property before improvement $ 211,000
11. Cost of making the improvement (all labor, material and overhead) $ 30,000
12. Estimated market value of property after improvement $ 222,400

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 Elizabeth A Stevens Date 2-6-19

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK
    Assessor's Signature _____ Date 2/7/19

Action of Governing Body

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

CITY OF Fargo

ASSESSMENT DEPARTMENT

20

February 6, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1820 26 Ave. S as submitted by Robert A. Reames. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $150 with the City of Fargo's share being $25.

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 Robert Reames Phone No. 701/212-2168
2. Address of Property 1820 26th Ave. S.

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.

   Lot 4 Block 6 O'Gorat Addition
4. Parcel Number 01-2195-00690-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same

   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remodel Kitchen
7. Building Permit No. 181708 8. Year Built 1981
9. Date of Commencement of making the improvement 9/28/18
10. Estimated market value of property before improvement $ 228,300
11. Cost of making the improvement (all labor, material and overhead) $ 30,000
12. Estimated market value of property after improvement $

Applicant's Certification and Signature

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

    Applicant's Signature [signature] Date 2/1/19

Assessor's Determination

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

    Assessor's Signature [signature] Date 2/7/19

Action of Governing Body

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

    Approval subject to the following conditions:

    Chairman of Governing Body Date

CITY OF Fargo

ASSESSMENT DEPARTMENT

2d

February 5, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2727 18 St. S as submitted by Russell E. & Janis F. 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 2019, 2020, & 2021.

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

Sincerely,

Ben Hushka
City Assessor

hah
attachment

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

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner RUSSELL & JANIS ANDERSON Phone No. 701-237-0461
2. Address of Property 2727 18 ST S

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.

   PT LT 1 & 2 BLK 2 HANS HALVERSON ADDN
4. Parcel Number 01-1115-00311-000 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 WITH VINYL SIDING
7. Building Permit No. 181790 8. Year Built 1984
9. Date of Commencement of making the improvement October 10 2018
10. Estimated market value of property before improvement $ 187,100
11. Cost of making the improvement (all labor, material and overhead) $ 5850.00
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 Janis Anderson Date 1/15/2019

Assessor's Determination

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

    Assessor's Signature [signature] Date 2/6/19

Action of Governing Body

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

    Approval subject to the following conditions:

    Chairman of Governing Body Date

CITY OF Fargo

ASSESSMENT DEPARTMENT

2e

February 14, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2802 38 ½ Ave. S as submitted by Paul D. & Krista R. Mund. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

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

Sincerely,

Ben Hushka
City Assessor

hah
attachment

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

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Paul + Krista Mund Phone No. 701/297-5074
2. Address of Property 2802 38½ Ave. S.

   City FARGO State ND Zip Code 58104
3. Legal description of the property for which the exemption is being claimed.

   Lot 13 Block 6 Stonebridge Farms
4. Parcel Number 01-3920-01010-000 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 Home + Replace Brick with Stone
7. Building Permit No. 181436 8. Year Built 1990
9. Date of Commencement of making the improvement 8/24/18
10. Estimated market value of property before improvement $ 297,500
11. Cost of making the improvement (all labor, material and overhead) $ ~ 63,000
12. Estimated market value of property after improvement $ 312,100

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 Paul Mund Date 2/4/19

Assessor's Determination

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

    Assessor's Signature [signature] Date 2/13/19

Action of Governing Body

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

    Approval subject to the following conditions:

    Chairman of Governing Body Date

CITY OF Fargo

ASSESSMENT DEPARTMENT

2f

February 14, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 224 Prairiewood Dr. S as submitted by David K. & Renae C. 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 2019, 2020, 2021, 2022, & 2023.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $255 with the City of Fargo's share being $45.

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 Anderson, David & Renae Phone No. 701-306-2409
2. Address of Property 224 Prairiewood Dr S

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed. Lot 8, Block 14 Prairiewood Addition
4. Parcel Number 01-2330-01490-000 Residential ■ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner 224 Prairiewood 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). Exterior Remodel
7. Building Permit No. 171949 8. Year Built 1977
9. Date of Commencement of making the improvement 12/21/18
10. Estimated market value of property before improvement $ 318,700
11. Cost of making the improvement (all labor, material and overhead) $ $50,000
12. Estimated market value of property after improvement $

Applicant's Certification and Signature

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

    Applicant's Signature [signature] Date 2-12-19

Assessor's Determination

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

    Assessor's Signature [signature] Date 2/14/19

Action of Governing Body

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

    Approval subject to the following conditions:

    Chairman of Governing Body Date

CITY OF Fargo

ASSESSMENT DEPARTMENT

29

February 14, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1018 16 Ave. S as submitted by Engerhouse Buyers 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 2019, 2020, 2021, 2022, & 2023.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $305 with the City of Fargo's share being $50.

Sincerely,

Ben Hushka
City Assessor

hah
attachment

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

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Engerhouse Buyers LLC Phone No. 701-781-0346
2. Address of Property 1018 16 Ave S
   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.
   Part Blocks 1 & 2 Lewis
4. Parcel Number 01-1720-00080-000 Residential ■ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner PO Box 11263
   City Fargo State ND Zip Code 58106

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 roof, siding, windows. Finish basement. Remove walls to open main floor. Upgrade HVAC & electric. Remodel kitchen
7. Building Permit No. 181551
8. Year Built 1958
9. Date of Commencement of making the improvement September 2018
10. Estimated market value of property before improvement $ 191,400
11. Cost of making the improvement (all labor, material and overhead) $
12. Estimated market value of property after improvement $ $214,800

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 [signature], President Engerhouse Buyers LLC Date 02/11/19

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☑ has not ☐ met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK
    Assessor's Signature [signature] Date 2/14/19

Action of Governing Body

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

CITY OF Fargo

ASSESSMENT DEPARTMENT

2h

February 5, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1616 9 St. S as submitted by Wayne W. & Gerilynn Carlson. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $520 with the City of Fargo's share being $90.

Sincerely,

Ben Hushka
City Assessor

hah
attachment

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

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner WAYNE JR & GERILYN CARLSON Phone No. 701-866-2511
2. Address of Property 1616 9 ST S

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.

   N 37.5 ' OF LT 12 & S 20 ' OF LT 13 BLK 4 LEWIS ADDN
4. Parcel Number 01-1720-00380-000 Residential ■ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner SAME

   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remodel Kitchen, Bathroom, family room
7. Building Permit No. 180927 8. Year Built 1941
9. Date of Commencement of making the improvement 06.18.2018
10. Estimated market value of property before improvement $282,900
11. Cost of making the improvement (all labor, material and overhead) $159,702.65
12. Estimated market value of property after improvement $323,100

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 Wayne Carlson Date 01-29-2019

Assessor's Determination

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

    Assessor's Signature [signature] Date 2/6/19

Action of Governing Body

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

    Approval subject to the following conditions:

    Chairman of Governing Body Date

CITY OF Fargo

ASSESSMENT DEPARTMENT

2i

February 5, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 188 Prairiewood Dr. S as submitted by Jayson F. & Jessica L. Clairmont. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

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

Sincerely,

Ben Hushka

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 JAYSON & JESSICA CLAIRMONT Phone No. 701-893-6846
2. Address of Property 188 PRAIRIEWOOD DR S

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.

   LT 40 BLK 17 PRAIRIEWOOD ADDN
4. Parcel Number 01-2330-02430-000 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. 181707 8. Year Built 1977
9. Date of Commencement of making the improvement 11/2019
10. Estimated market value of property before improvement $ 233,900
11. Cost of making the improvement (all labor, material and overhead) $ $46,000
12. Estimated market value of property after improvement $ 250,000

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 1-20-19

Assessor's Determination

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

    Assessor's Signature [signature] Date 2/6/19

Action of Governing Body

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

    Approval subject to the following conditions:

    Chairman of Governing Body Date

CITY OF Fargo

ASSESSMENT DEPARTMENT

21

February 5, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2408 Lilac Ln. N as submitted by Kathryn Emalene Strand. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $250 with the City of Fargo's share being $40.

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 Kathryn Strand Phone No. 701-793-1386
2. Address of Property 2408 Lilac Ln N

   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed. Lt 18, Blk 11, Woodcrest 2nd Addn
4. Parcel Number 01-4050-00810-000 Residential ☑ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same

   City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Finish 2 bedrooms in basement
7. Building Permit No. 181981 8. Year Built 1969
9. Date of Commencement of making the improvement November 2018
10. Estimated market value of property before improvement $ 311,000
11. Cost of making the improvement (all labor, material and overhead) $ 17,000
12. Estimated market value of property after improvement $ 330,400

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 Kathryn Strand Date 1/26/19

Assessor's Determination

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

    Assessor's Signature [signature] Date 2/6/19

Action of Governing Body

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

    Approval subject to the following conditions: _____

    Chairman of Governing Body _____ Date _____

CITY OF Fargo

ASSESSMENT DEPARTMENT

2K

February 6, 2019

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2534 East Country Club Dr. S as submitted by Jerald A. & Tamara L. Rostad. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $130 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 Jerald & Tamara Rostad Phone No. 701/371-8871
2. Address of Property 2534 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.
   Lot 22 Block 5 Country Club Acre
4. Parcel Number 01-0501-00890-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same
   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Finish in Basement (part of it)
7. Building Permit No. 181894 8. Year Built 1966
9. Date of Commencement of making the improvement 10/26/18
10. Estimated market value of property before improvement $ 249,900
11. Cost of making the improvement (all labor, material and overhead) $ 8,000
12. Estimated market value of property after improvement $

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
    Applicant's Signature JARTW Date 02 FEB 19

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK
    Assessor's Signature [signature] Date 2/1/19

Action of Governing Body

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

THE CITY OF Fargo
FAR MORE

Auditor's Office
225 4th Street North
Fargo, ND 58102
Office: 701.241.8108 | Fax: 701.241.8184
Email: auditor@FargoND.gov
www.FargoND.gov

(3)

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Firebox Liquor License Extension

DATE: February 19, 2019

The Auditor's office received a request to extend the Firebox Class A alcoholic beverage license. This license was secured from the Olive Garden and the original intent was to open a bar in the Meadowlark building, the licensee decided not to open a bar and has been actively pursuing selling the license since that time.

The request is a six-month extension of ordinance 25-1512 on liquor license to allow time to sell and transfer the license to a new entity.

Recommended Motion:

Approve a six-month extension of ordinance 25-1512 until August 31, 2019 for the Firebox class A liquor license.

CONMY ◆ FESTE
Attorneys

CONMY FESTE LTD.
406 Main Avenue, Suite 200
P.O. Box 2686
Fargo, ND 58108-2686

Telephone
701-293-9911
Fax
701-293-3133

writer's email:
dmurch@conmylaw.com

Kim E. Brust †
Michael M. Thomas
Robert J. Schultz
Jeremy D. Holmes
Douglas W. Murch
Ashley C. Halvorson
Ryan C. McCamy
Bruce D. Govig
Paul M. Hubbard, Retired
E.T. Conmy, Jr. (1912-2006)
Charles A. Feste (1928-2013)

Also Licensed in Minnesota

† Certified Civil Trial Specialist - National Board of Trial Advocacy

February 15, 2019

Via Hand Delivery
Fargo City Commission
Fargo City Hall
225 4th Street North
Fargo, ND 58102

RE: Firebox LLC Class A Alcoholic Beverage License No. 10

Dear Mayor Mahoney and Commissioners Piepkorn, Gehrig, Grindberg, and Strand:

I am writing to request an extension of the provisions of FMC § 25-1512(A)(2) requiring that alcohol be sold at the licensed premises for the Class A Alcoholic Beverage License No. 10 (the "License") owned by Firebox LLC ("Firebox"). Section 25-1512(A) addresses termination, suspension, and revocation of licenses and requires the following:

A. Any license issued under the provisions of this article shall automatically terminate:

2. When the licensee, for any reason, ceases business at the licensed premises, except as permitted in accordance with § 25-1507(H) of this article. Business shall be deemed to have ceased upon occurrence of any of the following:

a. When no sale of alcoholic beverages occurs on the licensed premises for a period of at least 30 consecutive business days; or

b. When alcoholic beverages are not sold on the licensed premises on at least 15 of any 60 consecutive business days; or

c. When the licensed premises are not open for normal business for at least 180 hours in any 60 consecutive business days;

provided, however, upon written request of the licensee, the commission, in its discretion and for good cause shown, may extend the date upon which business shall be deemed to have ceased.

This is Firebox's forth extension request. At its August 13, 2018, meeting, the City Commission granted a six-month extension to Firebox until February 28, 2019.

Firebox purchased the License in October 2015. When it purchased the License, Firebox intended to operate a business at the Meadowlark Building in downtown Fargo, 503 7th Street North. After acquiring the License, Firebox decided that a bar at that location would not be economical. It began trying to transfer the License to a new licensee.

Since August 2018, Firebox has continued its efforts to sell the License. On November 7, 2018, Firebox retained the services of NAI North Central as a broker to assist in locating an interested buyer. In January 2019, Firebox negotiated a sale of the license to a potential buyer. Firebox has drafted transaction documents and is awaiting comments to those documents from the potential buyer. Firebox has also received a second proposal to sell the license to another potential buyer, which may be an option if the current negotiated sale does not close.

Firebox requests the date upon which business is deemed to have ceased be extended for a six-month period until August 31, 2019. Firebox has shown good cause for the extension. An additional extension would allow the parties to finalize transaction documents and the buyer to apply for a transfer of the license.

Sincerely,

Douglas Murch

Douglas Murch

AN

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

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

Name of Non-profit Organization: St. Mary's Cathedral	Date(s) of Activity: 5/4/19 to 5/5/19		For a raffle, provide drawing date(s): 5/5/19
Person Responsible for the Gaming Operation and Disbursement of Net Income: Jayme N. Feakes	Title: Administrator		Business Phone Number: 235-4289
Business Address: 619 7th St. N	City: Fargo	State: ND	Zip Code: 58102
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted: St. Mary's Cathedral	Site Address: 604 N. Broadway		
City: Fargo	State: ND / Zip Code: 58102	County: Cass	

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

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

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
raffle	cash	$1,000
"	"	$500
"	"	$500
"	"	$250
"	"	$250
"	meat gift card	$250
"	grocery card	$250

Game Type	Description of Prize	Retail Value of Prize

(Limit $12,000 per year)
Total: $ 3,000

Intended uses of gaming proceeds: Relious Education Progrem.

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

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

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

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
	2/14/19	Administrator	701-235-4289

25.00
2/14/19
CC

40

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

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

Name of Non-profit Organization	Date(s) of Activity	For a raffle, provide drawing date(s):
NDSU Lions Club	~~2/16/19~~ to 4/17/19	4/17/19
Person Responsible for the Gaming Operation and Disbursement of Net Income	**Title**	**Business Phone Number**
~~John Hinrichsen~~ Erin Misialek	vice president ~~treasurer~~	701 520-2843
Business Address	**City**	**State / Zip Code**
2501 11th Ave N	Fargo	ND 58102
Mailing Address (if different)	**City**	**State / Zip Code**
Name of Site Where Game(s) will be Conducted	**Site Address**	
NDSU A. Glenn Hill	1306 Centennial blvd	
City	**State / Zip Code**	**County**
Fargo	ND 58102	Cass

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

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

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
	meat bundle	$100
	meat bundle	$75
	meat bundle	$50
	meat bundle	$50
	meat bundle	$25
	meat bundle	$25
	meat bundle	$25

Game Type	Description of Prize	Retail Value of Prize

Total: $ 350 (Limit $12,000 per year)

Intended uses of gaming proceeds: ND Social Service

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

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

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

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
Erin Misialek	2/14/19	vice president	701-520-2843

(41)

CC 6098
2-20-19

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

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

Name of Non-profit Organization	Date(s) of Activity		For a raffle, provide drawing date(s):
Lana Eichhorn Benefit	3/2/19 to 3/2/19		March 2
Person Responsible for the Gaming Operation and Disbursement of Net Income	Title		Business Phone Number
AudreyNitschke	S.Auction Coo		701-293-7271
Business Address	City	State	Zip Code
Mailing Address (if different)	City	State	Zip Code
2837 23rd St. S	Fargo	ND	58103
Name of Site Where Game(s) will be Conducted	Site Address		
Grace Lutheran School	1025 14th Ave. S		
City	State	Zip Code	County
Fargo	ND	58103	Cass

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

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

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
Raffle	Handmade Quilt	$400
Raffle	AutoStart, Inst.	$579
Raffle	Framed print	
	Carson Wentz	$400

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 1379

Intended uses of gaming proceeds: To assist Lana Eichhorn and her family with expenses not covered by insurance.

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

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

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

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
Audrey Nitschke	2/20/19	Silent Auction Coordina	701-293-7271

CC 9995
2-20-19

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

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

Name of Non-profit Organization	Date(s) of Activity	For a raffle, provide drawing date(s):
North Central Turfgrass Association	2/27/2019 to 2/27/2019	02/27/2019

Person Responsible for the Gaming Operation and Disbursement of Net Income	Title	Business Phone Number
Samuel Bauer	Ex Director	(904) 271-0250

Business Address	City	State	Zip Code
P.o. Box 10823	Fargo	ND	58106-xxxx

Mailing Address (if different)	City	State	Zip Code

Name of Site Where Game(s) will be Conducted	Site Address
Holiday Inn	3803 13th Avenue South

City	State	Zip Code	County
Fargo	ND	58103-xxxx	Cass

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

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

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
Raffle	Cash	$300.00
Raffle	Cash	$100.00
Raffle	Cash	$50.00
Raffle	Cash	$50.00

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 500.00

Intended uses of gaming proceeds: Provide scholarships to students pursuing a degree in turfgrass mgt

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

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

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

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
	2/20/2019	Executive Director	(904) 271-0250

40

CC 8538
2-2019

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

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

Name of Non-profit Organization	Date(s) of Activity	For a raffle, provide drawing date(s):
Davies Young Guns	to	May 19, 2019
Person Responsible for the Gaming Operation and Disbursement of Net Income	**Title**	**Business Phone Number**
Ryan Younggren		(701) 799-8256
Business Address	**City**	**State / Zip Code**
4257 35th Avenue South	Fargo	ND 58104
Mailing Address (if different)	**City**	**State / Zip Code**
Name of Site Where Game(s) will be Conducted	**Site Address**	
Davies High School	7150 25th Street South	
City	**State / Zip Code**	**County**
Fargo	ND 58104	Cass

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

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

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
Raffle	BL-22 rifle	$639.99
Raffle	BT-99 trap gun	$1,469.99

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 2,109.98

Intended uses of gaming proceeds: League expenses

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

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

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

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
	2/20/2019	Coach	(701) 799-7453

(44)

V 1149
2-20-19

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

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

Name of Non-profit Organization	Date(s) of Activity	For a raffle, provide drawing date(s):
USA WRESTLING of NORTH DAKOTA	to	7-18-19

Person Responsible for the Gaming Operation and Disbursement of Net Income	Title	Business Phone Number
DEAN SHEARER	TREASURER	701-371-2738

Business Address	City	State	Zip Code
2575 76th AVE N.	FARGO	ND	58102

Mailing Address (if different)	City	State	Zip Code

Name of Site Where Game(s) will be Conducted	Site Address
FARGO DOME	1800 N. UNIVERSITY DRIVE

City	State	Zip Code	County
FARGO	ND	58102	CASS

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

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

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
Raffle	(4) TERRA TSX 270	2200
"	(3) RUGER 10/22 PKG.	750
"	(3) SAVAGE 22 MODEL 64F	375
"	(30) 100 SCHEELS GIFT CARDS	3000

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 6325

Intended uses of gaming proceeds: TO HELP SEND APPROXIMATELY 120 KIDS (BOYS + GIRLS) AGES 8-18 TO VARIOUS NATIONAL WRESTLING DUAL TOURNAMENTS IN IOWA AND OKLAHOMA.

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

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

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

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
DEAN R. SHEARER	2-20-19	TREASURER	701-371-2738

40

25.00
2/20/19
cc

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

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

Name of Non-profit Organization	Date(s) of Activity	For a raffle, provide drawing date(s):
Team Tamara	3-23-19 to 3-23-19	March-23-2019

Person Responsible for the Gaming Operation and Disbursement of Net Income	Title	Business Phone Number
Terry Schmidt	Benefit Organizer	701-866-0591

Business Address	City	State	Zip Code

Mailing Address (if different)	City	State	Zip Code
728 Lake Forest Circle	Detroit Lakes	MN	56501

Name of Site Where Game(s) will be Conducted	Site Address
EKS Lodge	3435 North Broadway

City	State	Zip Code	County
Fargo	N.D	58102	Cass

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

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

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
Raffle 2 sided Tickets	Big Screen TV	$400.00
" "	Harley Davidson Cornhole Bag Game	$250.00
50/50 Raffle		$
Raffle (2 sided Ticket)	Booze Cooler	$300.00

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 950.00

Intended uses of gaming proceeds: Help Tamara Schmidt who is experiencing Medical Crisis Due to Cancer Treatments

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
Terry Schmidt	2-20-19	Benefit Organizer	701-866-0591

Nikki Miller (Benefit organizer) 701-429-0848
805 50 ST S
Moorhead MN 56560

Brenda Kooren Benefit Organizer
619 3 ave E
West Fargo N. DAK 58078

(4h)

✓ 4057
25.00
2/21/19

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

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

Name of Non-profit Organization: Knights of Columbus #6570	Date(s) of Activity: 5/1 to 5/31	For a raffle, provide drawing date(s):	
Person Responsible for the Gaming Operation and Disbursement of Net Income: Mike O'Leary	Title: Raffle Chair	Business Phone Number: 701-235-2404	
Business Address: 1825 44th Street South	City: Fargo	State: ND	Zip Code: 58103
Mailing Address (if different):	City: ✓	State: ✓	Zip Code: ✓
Name of Site Where Game(s) will be Conducted: Nativity Church	Site Address: 1825 44 Street South		
City: Fargo, ND	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 [X] Calendar Raffle [ ] Sports Pool [ ] Poker * [ ] Twenty-one * [ ] Paddlewheels *

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
Calendar Raffle	1 - 500	$500.00
✓	4 - 150	$600.00
✓	4 - 50	200.00
✓	22 - 22	550.00
		1850.00
(Calendar attached)		

Game Type	Description of Prize	Retail Value of Prize

Total: (Limit $12,000 per year) $ 1850.00

Intended uses of gaming proceeds: Purchase church oven

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

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

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? [ ] No [X] Yes - If "Yes," indicate the total value of all prizes previously awarded: $ 9989.00 *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]	2/21/2019	Chair	701-235-2404

THE CITY OF Fargo
FAR MORE

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

(5)

February 8, 2019

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

Re: Lonna Askland Rinke – Purchase Agreement

Dear Commissioners:

Enclosed and delivered to the City Commission office for review and approval please find an original Purchase Agreement signed by **Lonna Askland Rinke**. Final purchase price has been reached and at this time we are requesting authorization from the Commission to proceed with the purchase. All land acquisition procedures have been followed and the City Engineer's office recommends purchase.

RECOMMENDED MOTION: I/we hereby move to approve and authorize purchase of the property located at 1213 El Cano Drive South from **Lonna Askland Rinke** and that the Mayor and City Auditor be instructed to execute the Purchase Agreement on behalf of the City of Fargo.

Please return a copy of the signed original.

Respectfully submitted,

Shawn G. Bullinger
Land Acquisition Specialist

C: Jody Bertrand
Nancy J. Morris

PURCHASE AGREEMENT

THIS AGREEMENT, made and entered into by and between **Lonna Askland Rinke,** the identified owner of the property located at 1213 El Cano Drive South, Fargo, North Dakota hereinafter "Seller", whether one or more, and the **CITY OF FARGO,** a North Dakota municipal corporation, hereinafter "City" or "Buyer",

WITNESSETH:

WHEREAS, Seller is the owner of real estate situated in the County of Cass and State of North Dakota described as follows:

> Lots Nine (9) and Ten (10), Burritt's First Subdivision to the City of Fargo, Cass County, North Dakota, EXCEPTING THEREFROM the West Twenty-five feet (25.00') of Lot Ten (10), Block One (1), of Burritts First Subdivision lying in part of Government Lot Two (2) of the Northeast Quarter (NE1/4) of Section Thirty-six (36), Township One Hundred Thirty-nine North (139), Range Forty-nine West (49) of the Fifth Principal Meridian, Cass County, North Dakota.
>
> Property Address: 1213 El Cano Drive South, Fargo, ND.

WHEREAS, the City of Fargo is currently engaged in acquiring properties to mitigate future flood damages; and,

WHEREAS, Seller accepted Buyer's offer to purchase in accordance with the terms herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements of the parties, it is hereby agreed as follows:

1. Subject Matter. The subject matter of this agreement is the real estate described, other buildings located thereon, and all items affixed to the property.

2. Purchase Price. The purchase price for the Property is Three Hundred Forty Seven Thousand Five Hundred and Forty Dollars ($347,540.00), which sum includes moving expenses.

3. Payment of Purchase Price. The mortgage, if any, as well as any liens or encumbrances, will be paid and Seller shall receive the balance of the purchase price, less any escrow amounts, in cash on the date of closing.

4. Salvage. Seller shall be allowed to remove from the property personal property, appliances, washer and dryer, and other property not permanently affixed to the structure. Seller shall remove and install all items in a professional manner, and if necessary engage a professional licensed contractor. Seller agrees to remove all salvage and install all replacement items prior to giving City possession of the property.

5. Abstract. Seller shall furnish Buyer an abstract of title to the subject property and Buyer shall pay for the cost of continuation of said abstract to a recent date. Said abstract must show good and marketable title in Seller free and clear of all liens and encumbrances (other than those that will be handled at closing).

6. Taxes and Utilities. Taxes and installments of special assessments for the year of closing shall be prorated between the parties to the date of closing based upon current total true value as calculated by the County of Cass, ND, as of the date of closing. Prior year taxes and assessments must be paid by Seller in advance of closing.

7. Deeds. Seller shall sign warranty deeds prepared by Buyer. Buyer will take title as follows: City of Fargo, North Dakota, a municipal corporation.

8. Closing Date and Transfer of Possession. Closing shall take place at a time and date to be agreed by the parties, but not later than April 30, 2019. The City shall take possession of the real estate no later than the last day of the month of closing, unless other arrangements have been made. If City does not take possession on the date of closing, $1,000 will be required of Seller at closing and retained until such time as the possession of the property is secured by the City in satisfactory condition. Seller agrees the $1,000 deposit may be forfeited if the property is not delivered in satisfactory condition.

A separate Occupancy Agreement may be entered into between the parties should Seller desire to continue to reside in the dwelling longer than the end of the month of closing. If Seller elects to occupy the premises beyond the end of the month of closing, rent shall be paid to the City in the amount of $1,000/month beginning on the 1st day of the month following closing. 2% of the purchase price shall be retained until such time Seller vacates the premises and remits the garage door openers and keys to the City. In no event shall Seller occupy the property later than April 30, 2019, unless otherwise agreed by the parties in writing with not less than 30 days' notice.

If Seller vacates the property prior to closing, the end of the month of closing, or prior to the expiration of the time period contained in an Occupancy Agreement, Seller shall immediately notify Buyer so that appropriate measures can be taken to secure the premises.

9. Warranty. Seller provides no express warranties on the subject property. Buyer understands and agrees that the property is a used home and is being purchased "AS IS". Buyer shall make any inspection it deems necessary concerning the condition of said used home.

10. Inspection and Photographs. Seller agrees to allow City to enter the Premises for purposes of inspection, including but not limited to asbestos testing and mitigation.

DATED this 8th day of February, 2019.

SELLER:

Lonna Askland-Rinke

Lonna Askland Rinke

DATED this ____ day of_____, 2019.

BUYER:
City of Fargo, a North Dakota
municipal corporation

_____

Timothy J. Mahoney, M.D. Mayor

Attest:

_____

Steven Sprague, City Auditor

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Type: Request for Proposals
In-Town Levees Diversion Authority's Plan B Project

Location: Riverwood, Royal Oaks, Woodcrest, Elm Circle, Oak Grove

Date of Hearing: 2/19/2019

Routing	Date
City Commission	2/25/2019
PWPEC File	X
Project File	Nathan Boerboom

The Committee reviewed a letter from Division Engineer, Nathan Boerboom, regarding a request to solicit consultants to assist in neighborhood outreach, design, construction administration and inspection of the In-Town Levee Projects.

Diversion Authority's Plan B project application was recently approved by the Minnesota DNR on December 27, 2018. City Staff would like to begin the development of these additional flood mitigation projects. Previously we have sought contracts for consultant services, selecting one consultant per area. For these projects staff has recommended utilizing one consultant, primarily due to the importance of having consistent messaging to all the affected property owners throughout the project development and due to the similarities of the areas, which will result in efficiency in design by having one consultant work on all of them.

Staff is seeking authorization to issue an RFP for consultant services for neighborhood outreach, design, construction administration and inspection of the additional in-town levee projects.

On a motion by Ben Dow, seconded by Bruce Grubb, the Committee voted to recommend authorizing Engineering staff to issue an RFP for consultant services for the additional in-town levee projects.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and authorize Engineering to issue an RFP for consultant services to assist with the additional in-town levee projects.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Flood Sales Tax & State Water Commission

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

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

ATTEST:

Jeremy Gorden, PE, PTOE
Division Engineer

THE CITY OF Fargo FAR MORE

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

Memorandum

To: Members of PWPEC

From: Nathan Boerboom, Division Engineer

Date: 2/12/2019

Re: Request for Proposals for In-Town Levees Associated with Diversion Authority's Plan B Project

---

Background:

Last July, the City Commissioners were updated at an Informational Meeting on the need for additional flood mitigation projects within the City to accommodate a 37-foot flow thru town with the proposed Diversion in place. At that meeting, staff indicated that they would not be seeking approval from the City Commission on these projects until a decision on the Diversion Authority's Plan B project application was made by the Minnesota DNR, which was recently approved by the MN DNR on December 27, 2018.

With this approval, City staff would like to start the development of these additional flood mitigation projects. To start developing these projects, staff would like to issue a RFP for consultant services to assist in neighborhood outreach, design, construction administration and inspection of the projects.

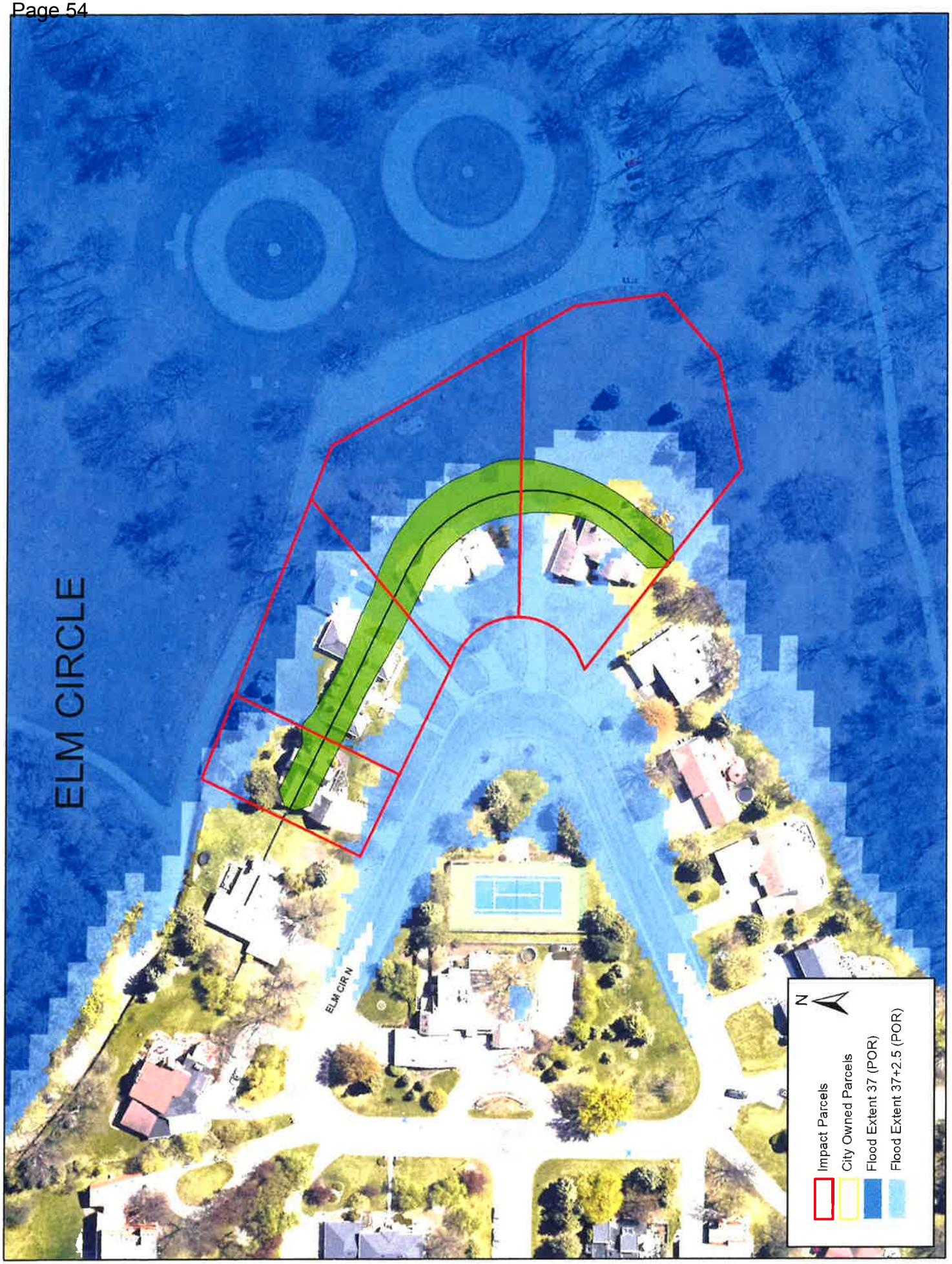
Previous contracts for consultant services involved selecting one consultant per neighborhood area but instead of selecting different consultants for the five neighborhood areas, staff would recommend the selection of one consultant. This is primarily due to the importance of having consistent messaging to all of the affected property owners throughout the project development and the similarities of the areas, which will result in efficiency in design by having one consultant work on all of them. Another aspect that was considered in making this recommendation is that the size of these projects are not the same size as previously completed projects in other areas of the City, therefore we believe the scope and size of this proposed RFP is reasonable.

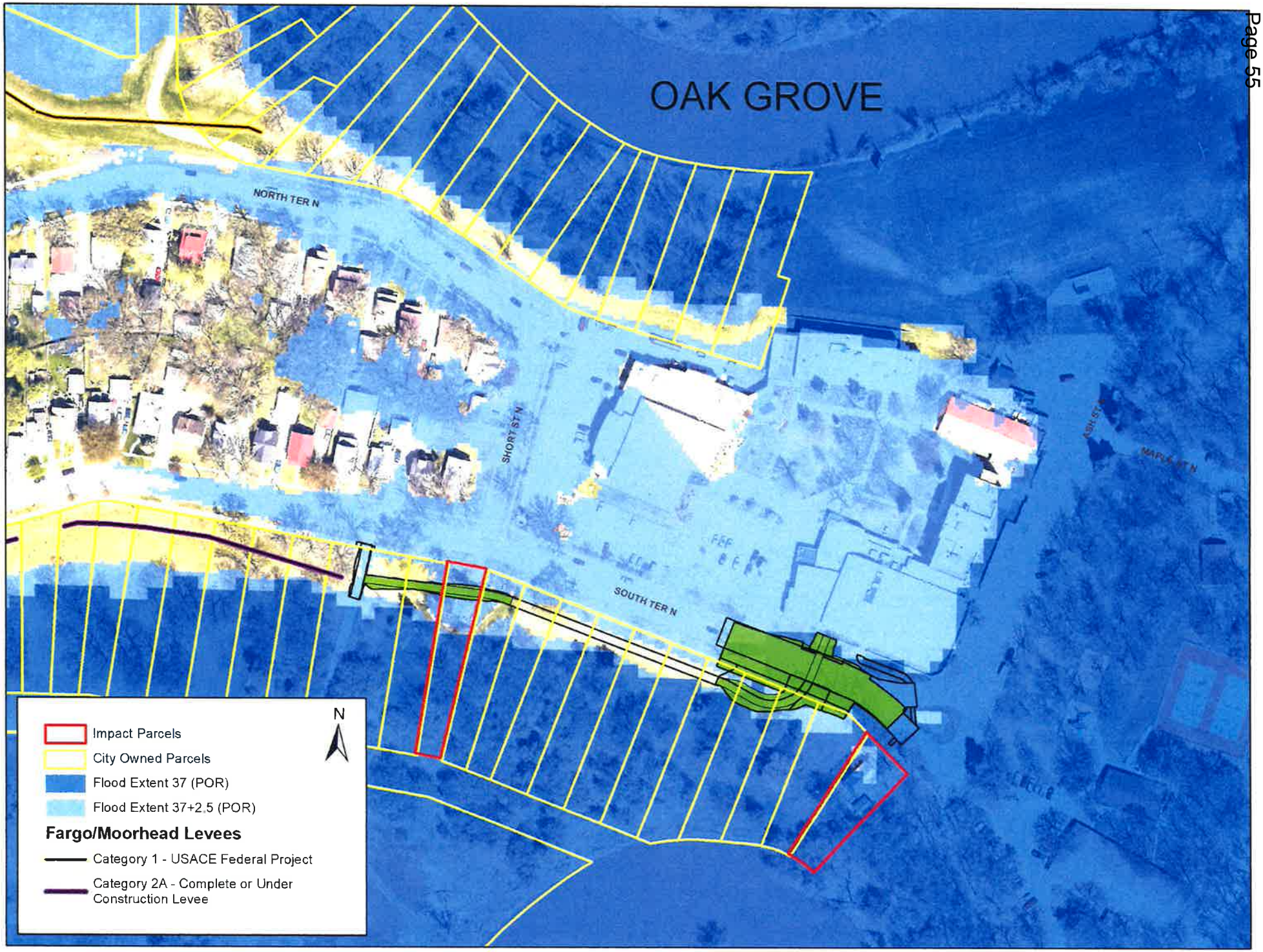
Attached with this memo are maps of the five neighborhood areas, which include the conceptual projects that will be further studied and developed as a result of this RFP.

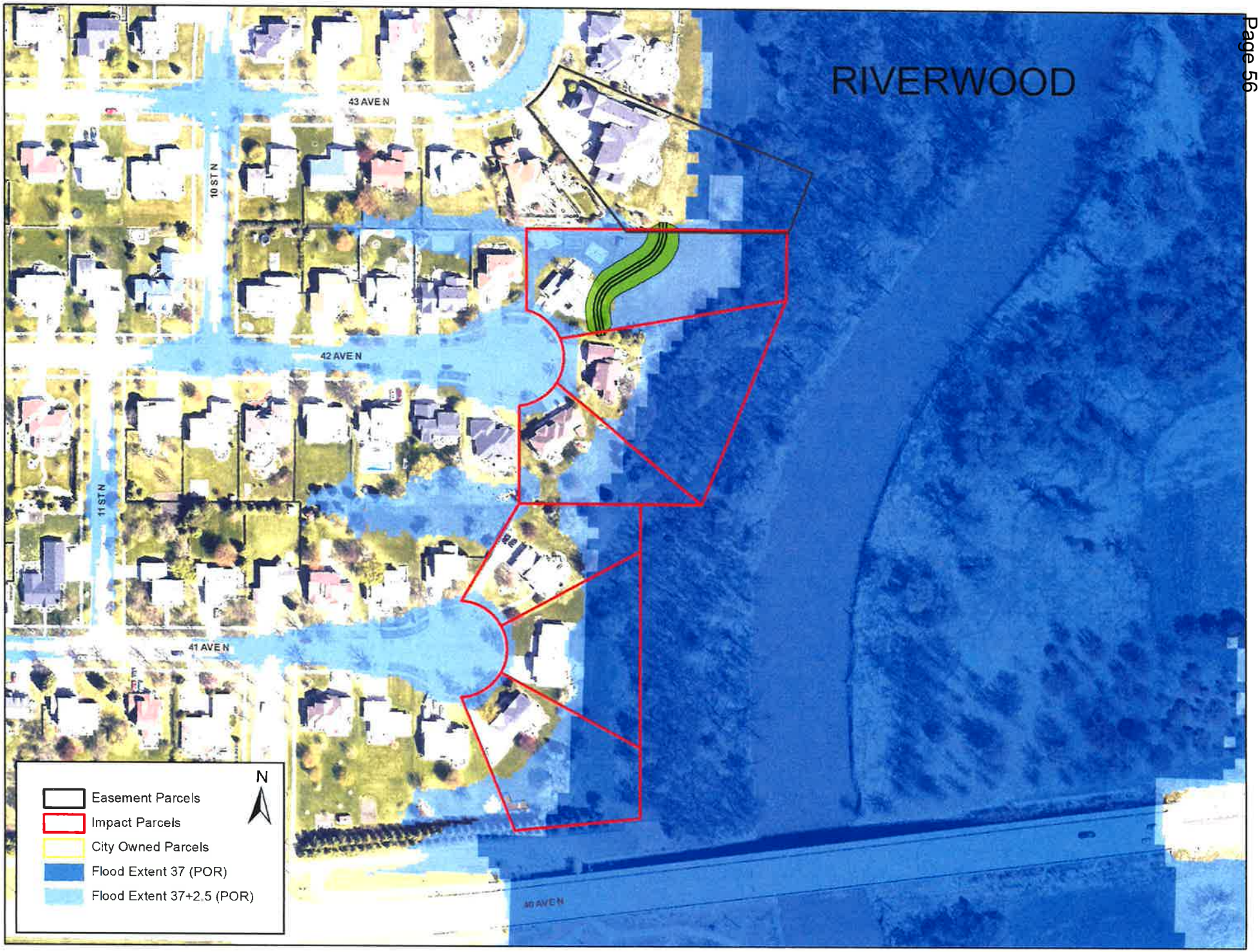
Recommended Motion:

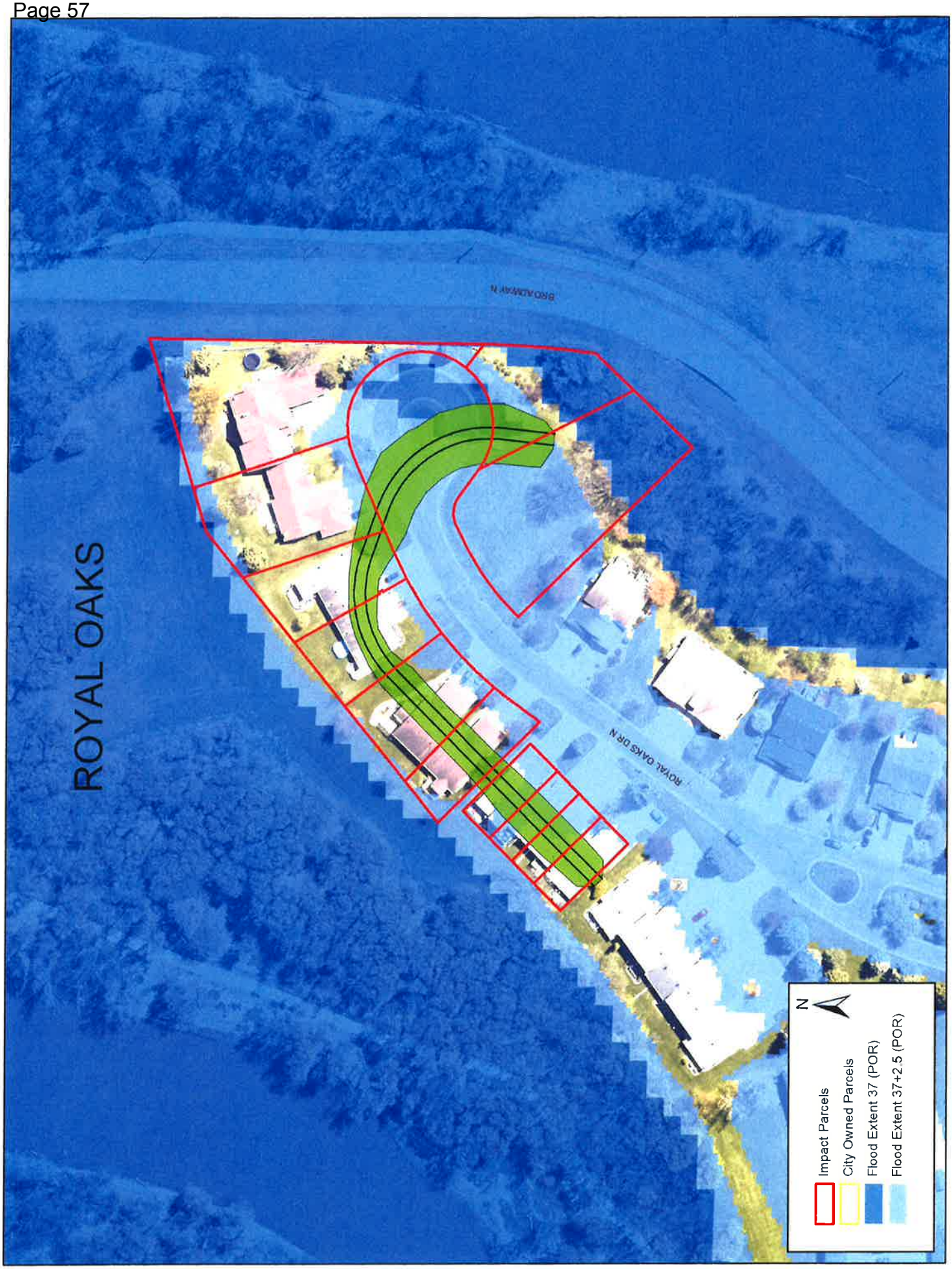
Authorize staff to issue a RFP for the selection of one consultant to assist City staff in neighborhood outreach, design, construction administration and inspection of the additional projects identified to accommodate a 37-foot flow thru town with the Diversion in place.

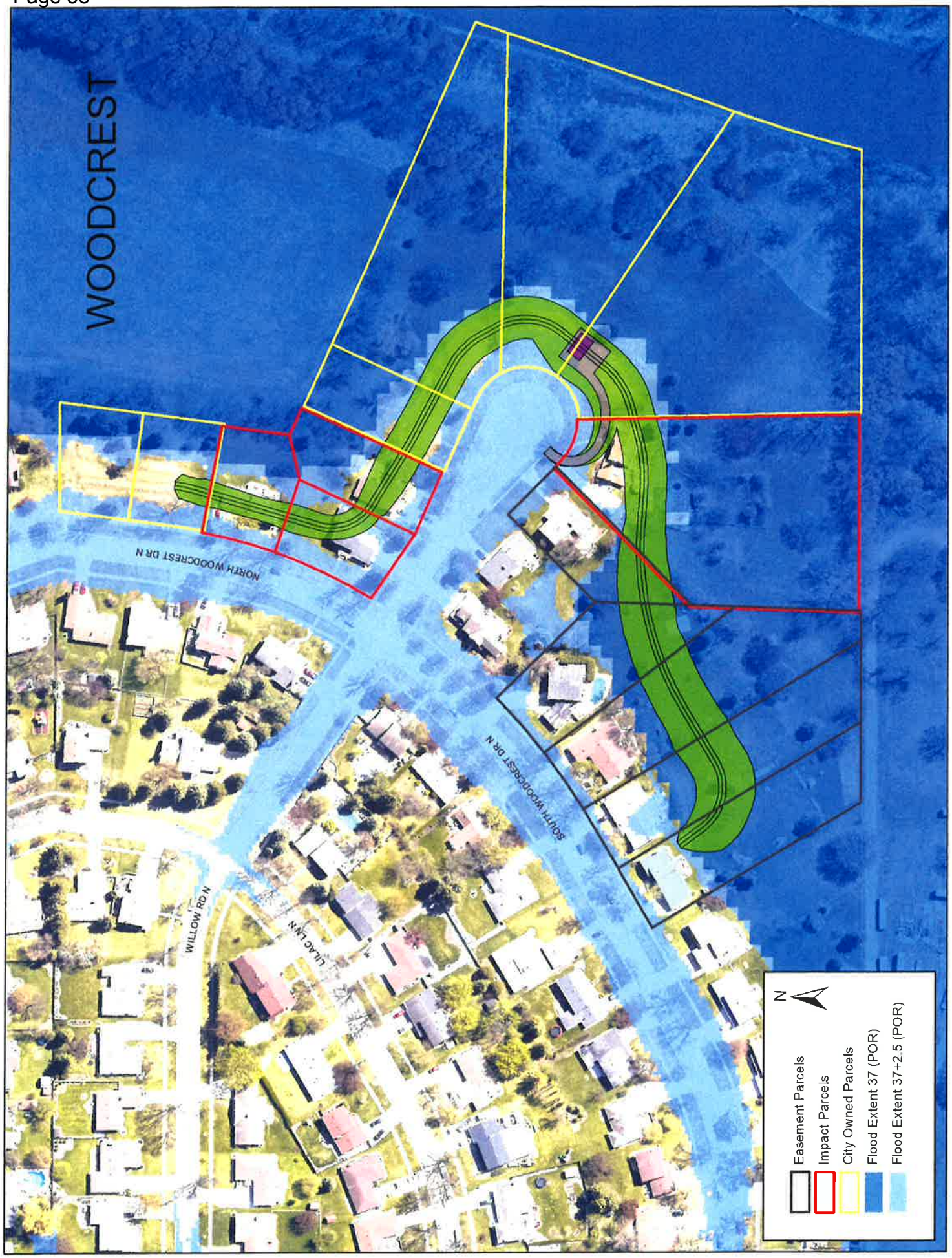
NAB/jmg
Attachments


ELM CIRCLE
ELM CIR N
N
Impact Parcels
City Owned Parcels
Flood Extent 37 (POR)
Flood Extent 37+2.5 (POR)


OAK GROVE
NORTH TER N
SHORT ST N
SOUTH TER N
N
Impact Parcels
City Owned Parcels
Flood Extent 37 (POR)
Flood Extent 37+2.5 (POR)
Fargo/Moorhead Levees
Category 1 - USACE Federal Project
Category 2A - Complete or Under Construction Levee


RIVERWOOD
43 AVE N
42 AVE N
41 AVE N
40 AVE N
10 ST N
11 ST N
N
Easement Parcels
Impact Parcels
City Owned Parcels
Flood Extent 37 (POR)
Flood Extent 37+2.5 (POR)


ROYAL OAKS
BROADWAY N
ROYAL OAKS DR N
N
Impact Parcels
City Owned Parcels
Flood Extent 37 (POR)
Flood Extent 37+2.5 (POR)


WOODCREST
NORTH WOODCREST DR N
SOUTH WOODCREST DR N
WILLOW RD N
LILAC LN N
N
Easement Parcels
Impact Parcels
City Owned Parcels
Flood Extent 37 (POR)
Flood Extent 37+2.5 (POR)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE 7

Type: 17 Ave S Corridor Study – Safety Modifications

Location: 17 Ave S, 42 St – 45 St

Date of Hearing: 2/19/2019

Routing	Date
City Commission	2/25/2019
PWPEC File	X
Project File	Jeremy Gorden

The Committee reviewed a communication from Transportation Division Engineer, Jeremy Gorden, regarding the 17 Ave S Corridor Study. As part of or Pavement Management Program, we have planned on completing an asphalt seal coat project on 17th Avenue S this summer from I-29 to 45th Street, among other areas Citywide. We would like to complete the pavement marking modifications with this project as recommended in the Corridor Study as a short-term traffic safety modification. This would re-stripe the existing 4-lanes to a 2+1 with a center left turn lane, and it would create a 2nd westbound left turn lane at 45th Street.

Staff is recommending the inclusion of the short-term traffic safety modification as part of the Citywide Asphalt Seal Coat Project being bid on March 20, 2019.

On a motion by Ben Dow, seconded by Mark Williams, the Committee voted to recommend approval of the inclusion of the short-term traffic safety modification as part of the Citywide Asphalt Seal Coat Project.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and include the short-term traffic safety modification to 17th Avenue S as part of the Citywide Asphalt Seal Coat Project.

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	☐	☐	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	Mark Williams
Steve Dirksen, Fire Chief	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	Jeremy Gorden
Kent Costin, Finance Director	☐	☐	☐	

ATTEST:

Jeremy Gorden, PE, PTOE
Division Engineer

THE CITY OF Fargo
FAR MORE

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

Memorandum

To: Members of PWPEC

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

Date: February 13, 2019

Re: Short Term Traffic Safety Modifications as part of the 17th Avenue South Corridor Study - 42nd Street to 45th Street

---

Background:

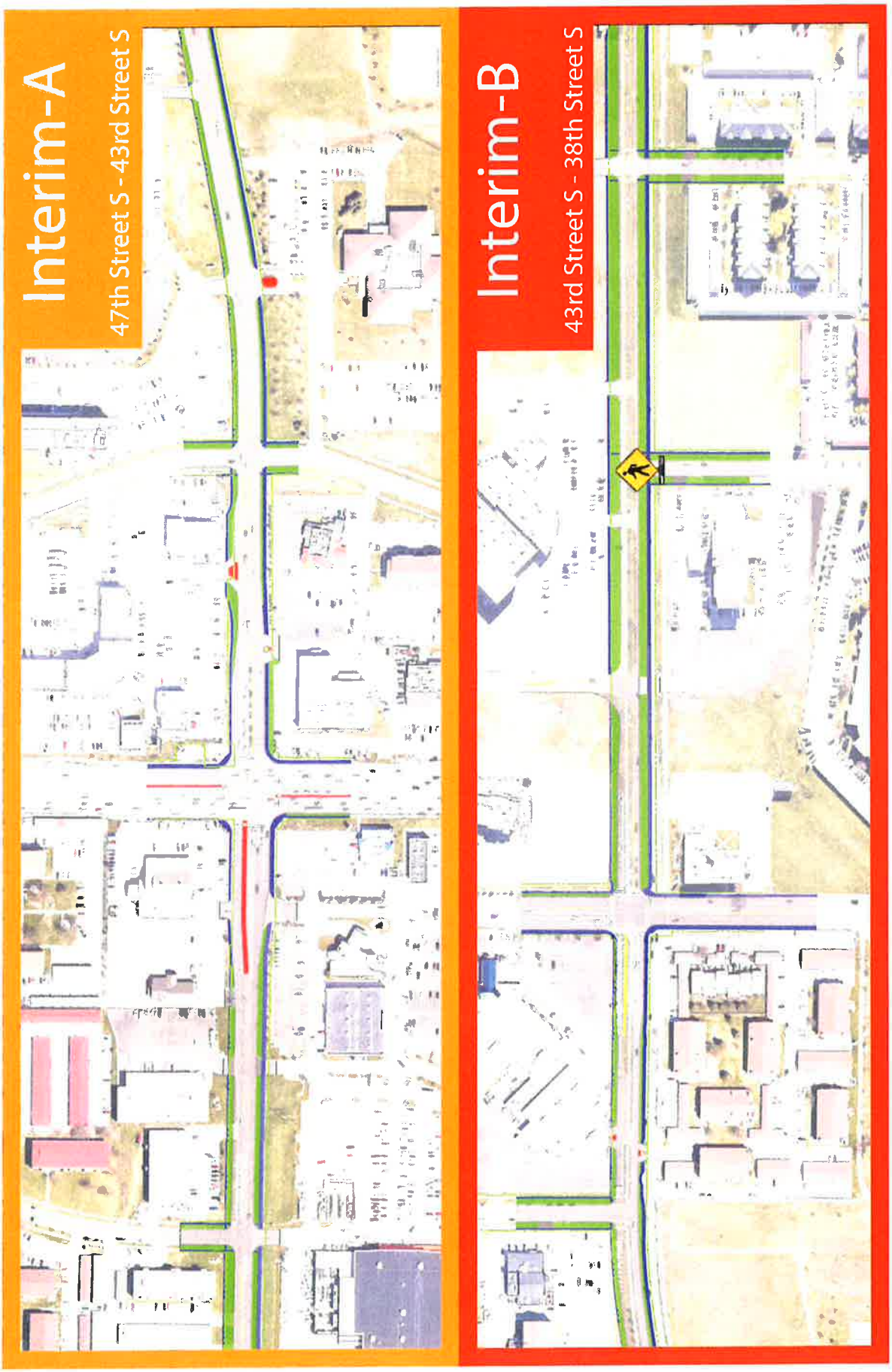
The 17th Avenue South Corridor Study is very near completion, with an anticipated completion date of April 1, 2019. We plan on holding a final Public Input Meeting in early March to show the public what is being recommended for installation as part of the Corridor Study. The study looked at four segments essentially; 5th Street to University, University to 25th Street, 25th Street to I-29, and I-29 to 45th Street. The last stretch in the corridor study had short-term recommendations and longer-term recommendations. Timing is everything, and as part of our Pavement Management Program, we have planned on completing an asphalt seal coat project on 17th Avenue South this summer from I-29 to 45th Street, among other areas Citywide. We would like to complete the pavement marking modifications with this project as recommended in the Corridor Study as a short-term traffic safety modification. It would re-stripe the existing 4-lanes to a 2+1 with a center left turn lane, and it would create a 2nd westbound left turn lane at 45th Street.

The corridor study isn't officially adopted yet, but this portion of the study has been well vetted and isn't controversial as to its recommendations. The area where we need to do some additional outreach is between 25th Street and I-29, and we plan on doing that over the next 6 weeks.

Recommended Motion:

Approve re-striping 17th Avenue South between 42nd Street and 45th Street to a 2+1 configuration, a short-term traffic safety modification, and include it as part of the Citywide Asphalt Seal Coat Project being bid on March 20, 2019.

JMG/klb
Attachment


Interim-A
47th Street S - 43rd Street S
Interim-B
43rd Street S - 38th Street S

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(8)

Project No. TM-19-B1 Type: Pavement Marking Plan

Location: 2 Ave N, 4 St – 10 St Date of Hearing: 2/19/2019

Routing	Date
City Commission	2/25/2019
PWPEC File	X
Project File	Jeremy Gorden

The Committee reviewed a communication from Division Engineer, Jeremy Gorden, regarding the pavement marking plan for 4th Street and NP Avenue.

This year we need to replace the markings on 4th Street downtown between Main and 7th Avenue N and on NP between Broadway and the Red River Bridge. It is recommended to fill in the bike lane gap on 4th Street between 1st Avenue N and Main Avenue, as well as striping NP from Broadway to 4th Street as a basic 3-lane section and a basic 3-lane section with bike lanes from 4th Street to the bridge. This will allow for additional on-street parking east of 2nd Street and will coincide with the road diet that Moorhead plans to complete this summer on Center Avenue.

Staff is recommending approval of the addition of bike lanes on 4th Street and NP Avenue to be included in the Citywide pavement marking project this summer.

On a motion by Jeremy Gorden, seconded by Mark Williams, the Committee voted to recommend approval of the inclusion of bike lanes on 4th Street and NP Avenue in the pavement marking project.

RECOMMENDED MOTION

Concur with the recommendation of PWPEC and approve the addition of bike lanes for 4th Street and NP Avenue to be included in project TM-19-B1.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Traffic 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	☐	☐	☐	
Nicole Crutchfield, Director of Planning	☑	☐	☐	Mark Williams
Steve Dirksen, Fire Chief	☑	☐	☐	
Bruce Grubb, City Administrator	☑	☐	☐	
Ben Dow, Director of Operations	☑	☐	☐	
Steve Sprague, City Auditor	☑	☐	☐	
Brenda Derrig, City Engineer	☑	☐	☐	Jeremy Gorden
Kent Costin, Finance Director	☐	☐	☐	

ATTEST:

Jeremy Gorden, PE, PTOE
Division Engineer

THE CITY OF Fargo
FAR MORE

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

Memo

February 14, 2019

To: Members of PWPEC

From: Jeremy Gorden, P.E., PTOE
Division Engineer - Transportation

Subject: 4th Street and NP Avenue Pavement Marking Plan in downtown
A part of Project No. TM-19-B1

Background:
We bid out a Citywide pavement marking maintenance contract annually. This year we need to replace the markings on 4th Street downtown between Main and 7th Avenue N and on NP between Broadway and the Red River Bridge. I'd like to recommend filling in the bike lane gap on 4th Street between 1st Avenue N and Main Avenue, as well as striping NP from Broadway to 4th Street as a basic 3-lane section (1 lane in each direction with a shared left turn lane), and a basic 3 lane section with bike lanes from 4th Street to the Red River Bridge. This will allow for additional on-street parking east of 2nd Street and will coincide with the road diet that Moorhead plans to complete this summer on Center Avenue between the Red River Bridge and 8th Street. I have attached an overview of the downtown area existing bike lane locations, as well as how this project would play into that. I have also attached a few plan sheets for your review as well.

Recommended Action:
Approve the addition of bike lanes on 4th Street between 1st Avenue N and Main Avenue, as well as on NP Avenue between 4th Street and the Red River Bridge to the Citywide pavement marking project for this summer.

JMG/jmg
Attachments

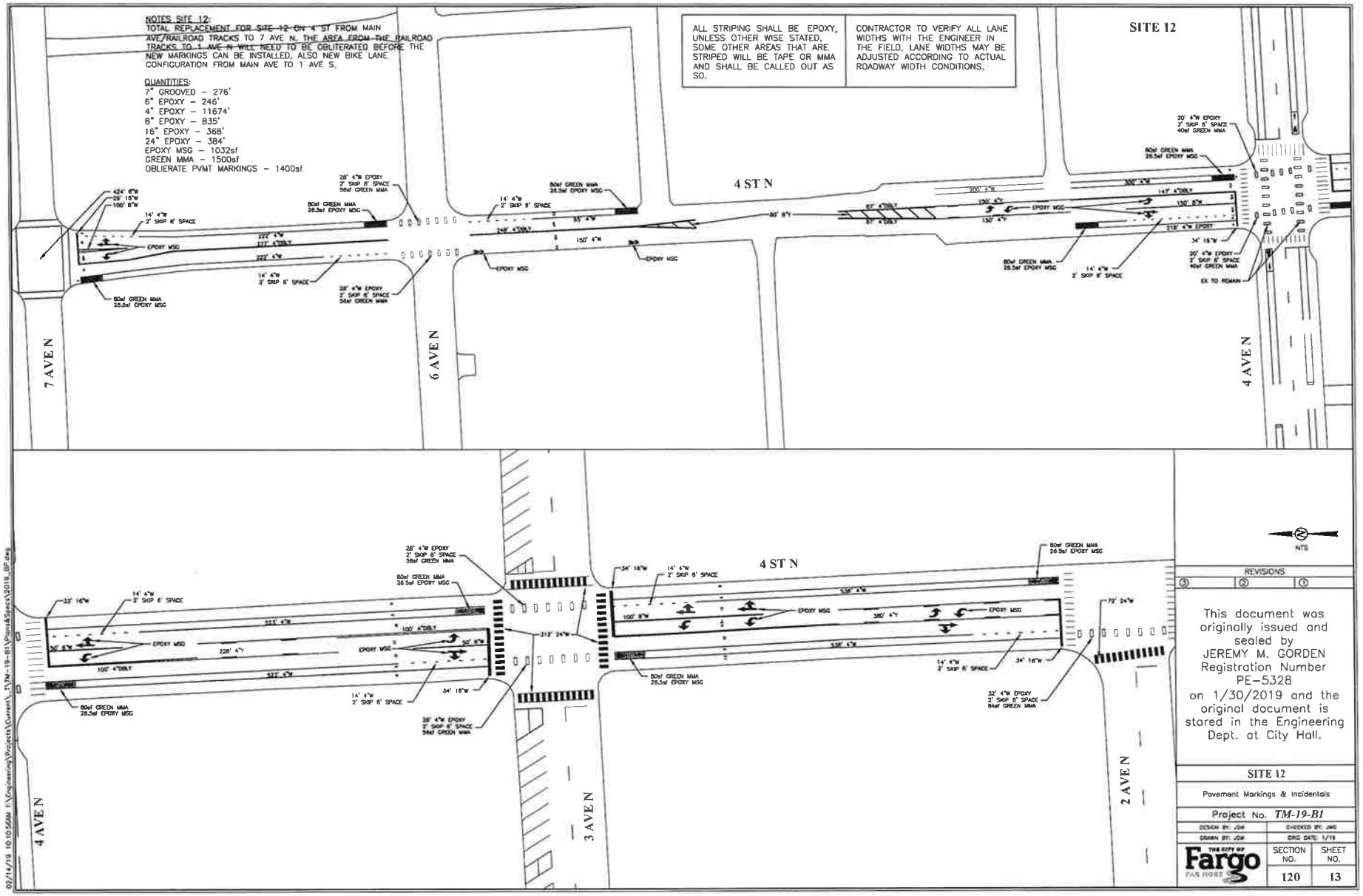
These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

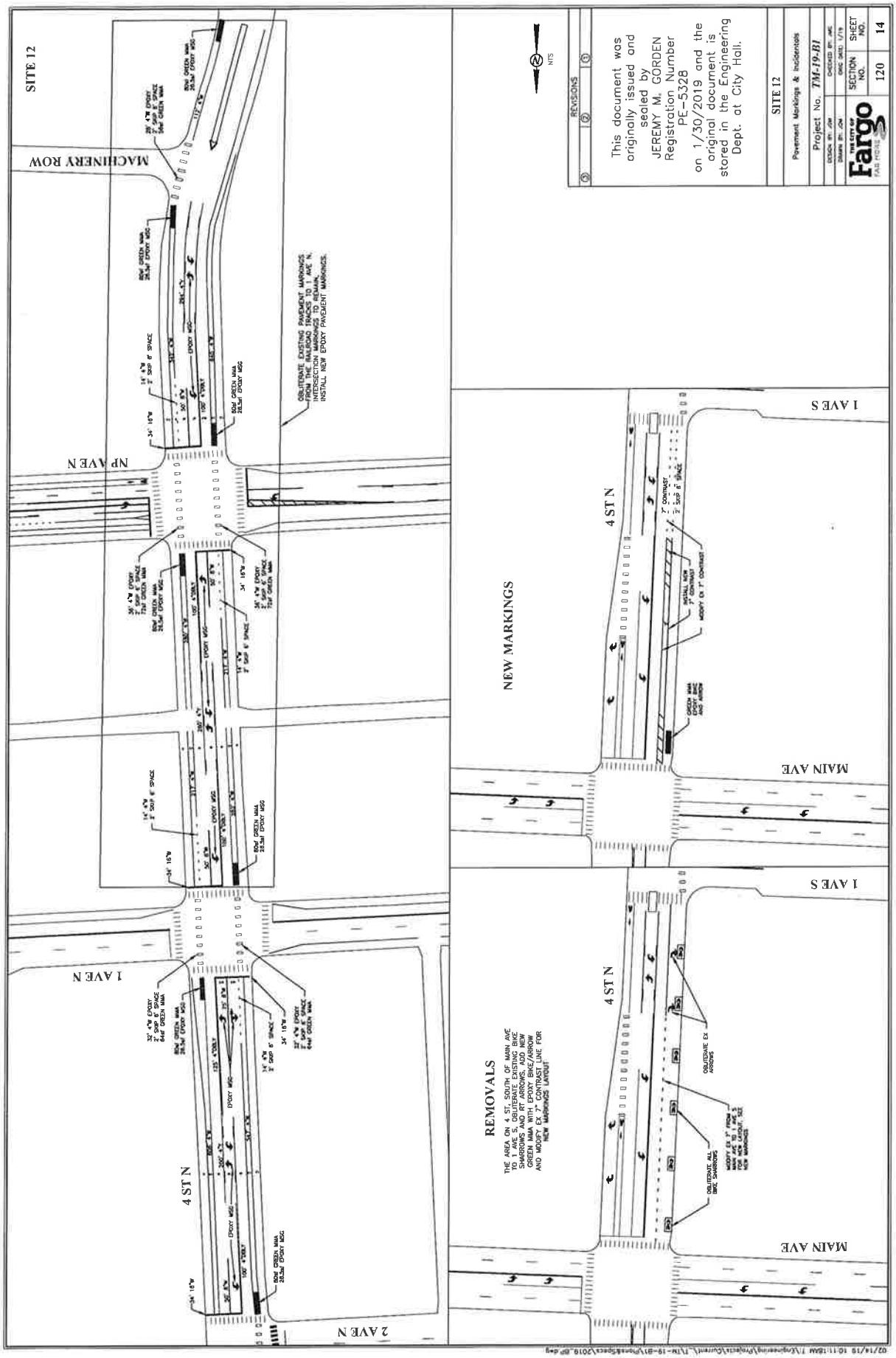
2019 Proposed Bike Lane Striping

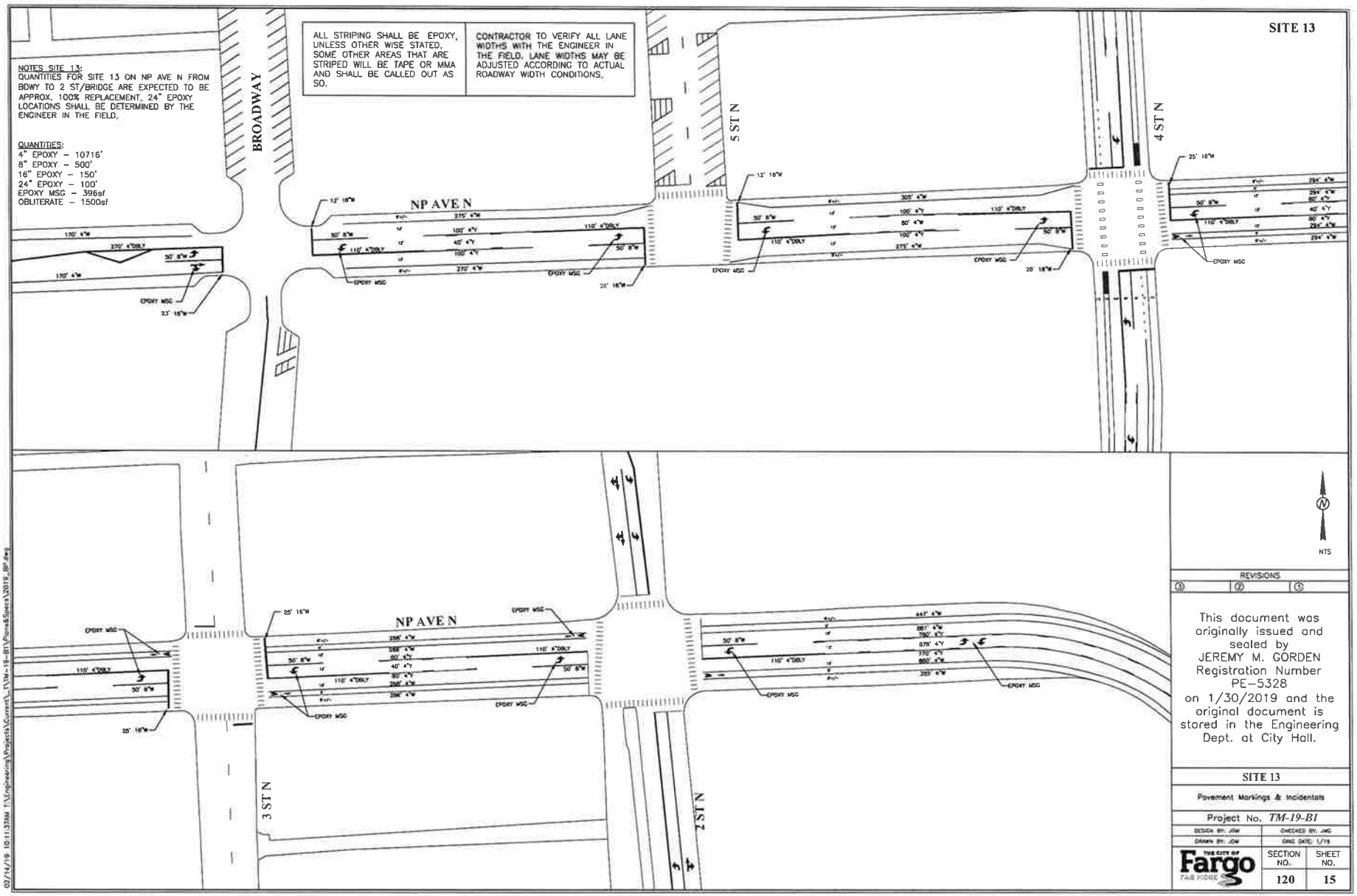
1:4,514	2/14/2019 9:03:31 AM

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

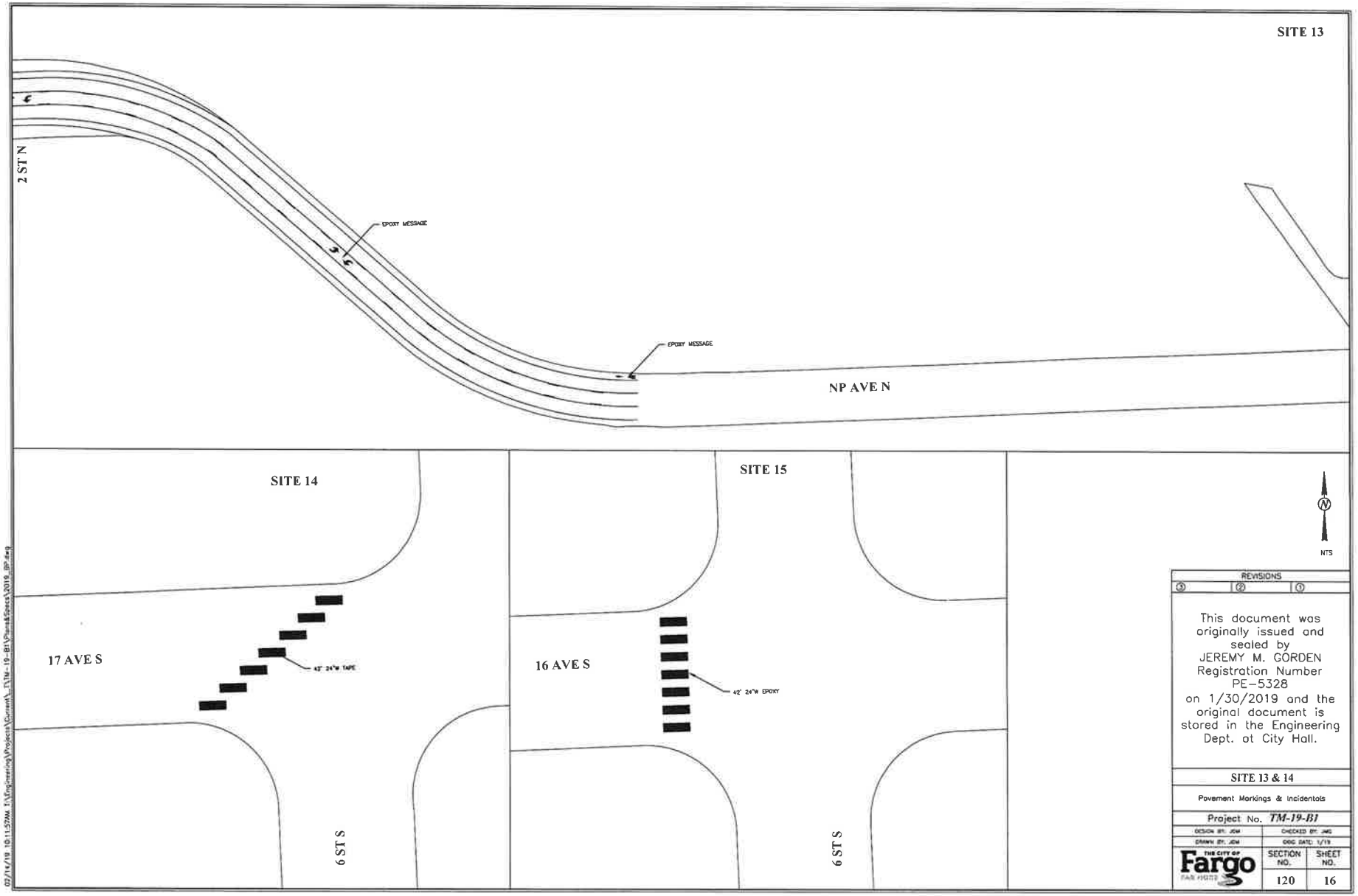
THE CITY OF Fargo FAR MORE


NOTES SITE 12:
TOTAL REPLACEMENT FOR SITE 12 ON 4 ST FROM MAIN AVE/RAILROAD TRACKS TO 7 AVE N. THE AREA FROM THE RAILROAD TRACKS TO 1 AVE N WILL NEED TO BE OBLITERATED BEFORE THE NEW MARKINGS CAN BE INSTALLED. ALSO NEW BIKE LANE CONFIGURATION FROM MAIN AVE TO 1 AVE S.
QUANTITIES:
7" GROOVED - 276'
6" EPOXY - 246'
4" EPOXY - 11674'
8" EPOXY - 835'
16" EPOXY - 368'
24" EPOXY - 384'
EPOXY MSG - 1032sf
GREEN MMA - 1500sf
OBLIERATE PVMT MARKINGS - 1400sf
ALL STRIPING SHALL BE EPOXY, UNLESS OTHER WISE STATED, SOME OTHER AREAS THAT ARE STRIPED WILL BE TAPE OR MMA AND SHALL BE CALLED OUT AS SO.
CONTRACTOR TO VERIFY ALL LANE WIDTHS WITH THE ENGINEER IN THE FIELD. LANE WIDTHS MAY BE ADJUSTED ACCORDING TO ACTUAL ROADWAY WIDTH CONDITIONS.
SITE 12
4 ST N
7 AVE N
6 AVE N
4 AVE N
3 AVE N
2 AVE N
EPOXY MSG
80sf GREEN MMA 28.5sf EPOXY MSG
14' 4"W 2' SKIP 6' SPACE
28' 4"W EPOXY 2' SKIP 6' SPACE 56sf GREEN MMA
20' 4"W EPOXY 2' SKIP 6' SPACE 40sf GREEN MMA
32' 4"W EPOXY 2' SKIP 6' SPACE 64sf GREEN MMA
EX TO REMAIN
NTS
REVISIONS
This document was originally issued and sealed by JEREMY M. GORDEN Registration Number PE-5328 on 1/30/2019 and the original document is stored in the Engineering Dept. at City Hall.
SITE 12
Pavement Markings & Incidentals
Project No. TM-19-B1
DESIGN BY: JDM
DRAWN BY: JDM
CHECKED BY: JMC
ORIG DATE: 1/19
THE CITY OF Fargo NORTH DAKOTA
SECTION NO. 120
SHEET NO. 13
02/14/19 10:10:56AM I:\Engineering\Projects\Current_TVM-19-B1\Plans&Specs\2019_BP.dwg


SITE 12
MACHINERY ROW
NP AVE N
1 AVE N
2 AVE N
4 ST N
OBLITERATE EXISTING PAVEMENT MARKINGS FROM THE RAILROAD TRACKS TO 1 AVE N. INTERSECTION MARKINGS TO REMAIN. INSTALL NEW EPOXY PAVEMENT MARKINGS.
NEW MARKINGS
1 AVE S
MAIN AVE
REMOVALS
THE AREA ON 4 ST, SOUTH OF MAIN AVE TO 1 AVE S, OBLITERATE EXISTING BIKE SHARROWS AND RT ARROWS, ADD NEW GREEN MMA WITH EPOXY BIKE/ARROW AND MOVE EX 7" CONTRAST LINE FOR NEW MARKING LAYOUT
OBLITERATE EX ARROW
OBLITERATE ALL BIKE SHARROWS
REVISIONS
This document was originally issued and sealed by JEREMY M. GORDEN Registration Number PE-5328 on 1/30/2019 and the original document is stored in the Engineering Dept. at City Hall.
SITE 12
Pavement Markings & Incidentals
Project No. TM-19-B1
DESIGN BY: JGM
DRAWN BY: JGM
CHECKED BY: JMG
DWG DATE: 1/19
THE CITY OF Fargo
FARGOPD.COM
SECTION NO. 120
SHEET NO. 14



02/14/19 10:11:37AM T:\Engineering\Projects\Current_TM-19-B1\Plans&Specs\2019_BP.dwg



REVISIONS

3 | 2 | 1

This document was originally issued and sealed by JEREMY M. GORDEN Registration Number PE-5328 on 1/30/2019 and the original document is stored in the Engineering Dept. at City Hall.

SITE 13 & 14

Pavement Markings & Incidentals

Project No. *TM-19-B1*

DESIGN BY: JDM	CHECKED BY: JMG
DRAWN BY: JDM	DOC DATE: 1/19

THE CITY OF Fargo FAR HIGH

SECTION NO.	SHEET NO.
120	16

02/14/19 10:11:57AM I:\Engineering\Projects\Current_TM-19-B1\Plans&Specs\2019_BP.dwg

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE (9)

Project No. MS-15-F0 Type: Contract Amendment

Location: 17 Ave S Date of Hearing: 2/19/2019

Routing	Date
City Commission	2/25/2019
PWPEC File	X
Project File	Jeremy Gorden

The Committee reviewed the accompanying correspondence from Division Engineer, Jeremy Gorden, related to the Contract Amendment for the 17th Avenue Corridor Study expected to be approximately $5,000 to $8,000 to be paid to KLJ. This is for an additional public input meeting to inform residents of the preferred alternative and to give them another opportunity to provide feedback to us.

Staff is recommending approval of the Amendment and is seeking authorization to move forward with the meeting on March 7. Funding for this work would be Infrastructure Sales Tax.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of payment to KLJ for the Contract Amendment and authorization of the final public input meeting.

RECOMMENDED MOTION
Concur with recommendations of PWPEC and approve payment to KLJ of approximately $5,000 - $8,000 to hold a final public input meeting for the 17th Avenue Corridor study.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Infrastructure Sales Tax 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	☐	☐	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	Mark Williams
Steve Dirksen, Fire Chief	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	Jeremy Gorden
Kent Costin, Finance Director	☐	☐	☐	

ATTEST:

Jeremy Gorden, PE, PTOE
Division Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

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

Memorandum

To: PWPEC

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

Date: 2/19/2019

Re: 17th Avenue South Corridor Study Contract Amendment (MS-15-F0)

Background:

Two years ago, we released an RFP and selected KLJ as the consulting firm of choice. The contract was with Metro COG but we participated in the 20% local match for the project. The contract with Metro COG has been fully exhausted and they do not have the funds to complete an amendment. The study is 99% complete, but based on public feedback since we presented to the Planning Commission and City Commission in December, we plan on holding one final public input meeting to inform residents of the preferred alternative and to give them another opportunity to provide feedback to us. The total contract was valued at $200,000, with our share being $40,000. I do not have a scope and fee from KLJ today to complete this final public meeting, but it is expected to be in the $5,000 to $8,000 range. The funding source for this work would be Infrastructure Sales Tax funds. I would like to have authorization to move forward with the meeting on March 7 and wrap this study up by early April.

Recommended Motion:

To approve a contract amendment for KLJ in the estimated price range of $5,000 to $8,000 to hold the final public input meeting for this corridor study and to present one last time to the City Commission.

JMG/jmg

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(10)

Type: Encroachment Agreement

Location: 110 & 114 Broadway

Date of Hearing: 2/4/2019

Routing	Date
City Commission	2/25/2019
PWPEC File	X
Project File	Kristy Schmidt

The Committee reviewed a communication from Civil Engineer, Kristy Schmidt, regarding a request she has received for the City to grant an encroachment into the public right of way for existing basement area encroaching under the sidewalk. The encroachment space houses the fire pump, water service, gas service, boilers, water heaters, and control panels for the Black Building and ScanDesign. The owner is asking for a 12.3' wide by 73.5' in length encroachment under the sidewalk. The owner has requested we waive the annual fee as it was built with the original construction and houses critical function areas.

Staff has reviewed the request and is supportive of granting the request with the following standard provisions:

- 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.
- Application fee for the encroachment in the amount of $500.
- Waive the annual fee.
- Agreement expires upon sale or transfer of the property.

On a motion by Nicole Crutchfield, seconded by Bruce Grubb, the Committee voted to recommend approval of the Encroachment Agreement.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve the Encroachment Agreement.

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

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

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

ATTEST:

B. E. D.

Brenda E. Derrig, P.E.
City Engineer

THE CITY OF Fargo FAR MORE

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

Memorandum

To: Members of PWPEC

From: Kristy Schmidt, Project Engineer

Date: February 1, 2019

Re: Black Building – 110 & 114 Broadway

Background:

Attached you will find a request for the encroachment at 110 & 114 Broadway. This is an existing undocumented under sidewalk encroachment attached to the building. The Owner is asking for an encroachment agreement into the ROW on the east side of Broadway. The Owner is asking for a 12.3' wide by 73.5' in length encroachment for the under sidewalk encroachment. Please see the attached drawing showing the area of encroachment.

Staff is recommending formalizing this existing encroachment with the following stipulations:

- Hold the City harmless against all expenses, demands, claims or losses sustained by the City by use of the public right-of-way by the Encroacher.
- The Encroacher will be responsible for paying all costs beyond those the City would have incurred to return the area to a material similar to the adjacent surface.
- Application fee for the encroachment in the amount of $500.
- Waive the annual fee.
- Agreement expires upon sale or transfer of the property.

Recommended Motion:

Consider request to the waive annual fee and approve the encroachment request at 110 & 114 Broadway, contingent upon the Owner signing the Agreement, $500 application fee and providing the Certificate of Insurance.

KLS/
Attachment

C: Deb Wendel Daub, Kilbourne Group

KILBOURNE GROUP

Kilbourne Group
210 Broadway, Suite 300
Fargo, ND 58102
p: (701) 237-2279
e: info@kilbournegroup.com
www.kilbournegroup.com

January 29, 2019

Kristy Schmidt
City of Fargo
225 4th Street N
Fargo, ND 58102

Re: Black Building/Scan Design – PWPEC Agenda Request

Dear Ms. Schmidt,

Kilbourne Group requests PWPEC review an encroachment request for 110, 114 and 118 Broadway N as part of the Black Building Renovation Project. The encroachment area was built as part of the original construction in 1930 and extends approximately 12'-4" along the length of the building's east façade and has a depth of 10'-8" below grade. The encroachment space serves as critical function area of the Black Building and ScanDesign building (one property). It houses the fire pump, two water service locations, gas service, boilers, water heaters, and fire pump control panel. The approval of this encroachment allows continued use of critical function space below the Broadway west sidewalk.

Kilbourne Group will vacate the encroachment at 114 Broadway in Roberts Alley. The concrete enclosure houses steam mains for the properties listed above. It is our intention to reroute and remove the steam pipes and related equipment that exists under Roberts Alley as soon as the boilers can be shut down this spring.

The enclosed exhibits depict the encroachment areas. The boundaries will be refined when drawings are provided for recording purposes.

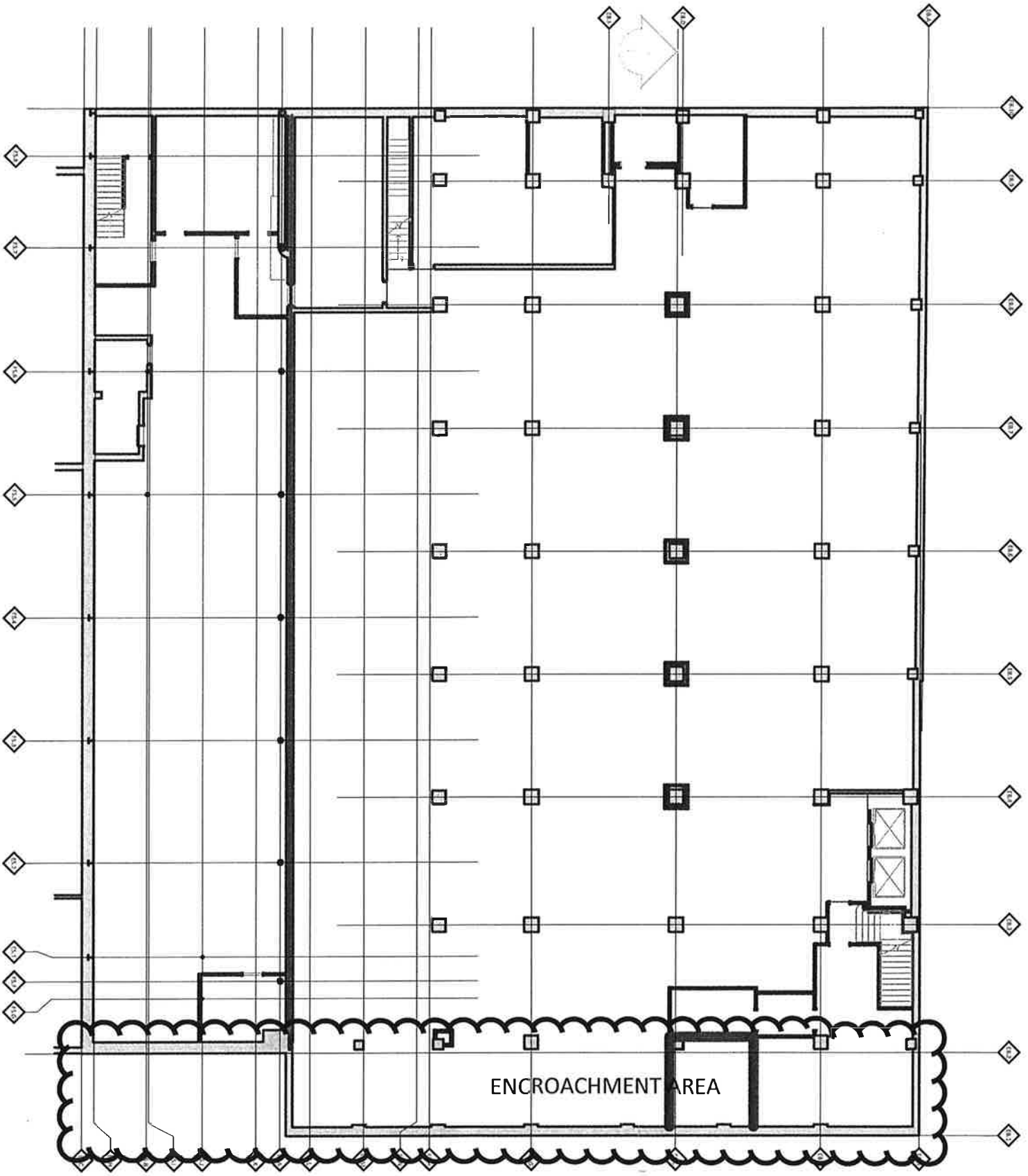
Kilbourne Group requests the annual encroachment fee be waived given the encroaching basement area was built with the original construction and houses critical function areas. It is our understanding Kilbourne Group will provide insurance for the encroaching area and pay a one-time $500 filing fee.

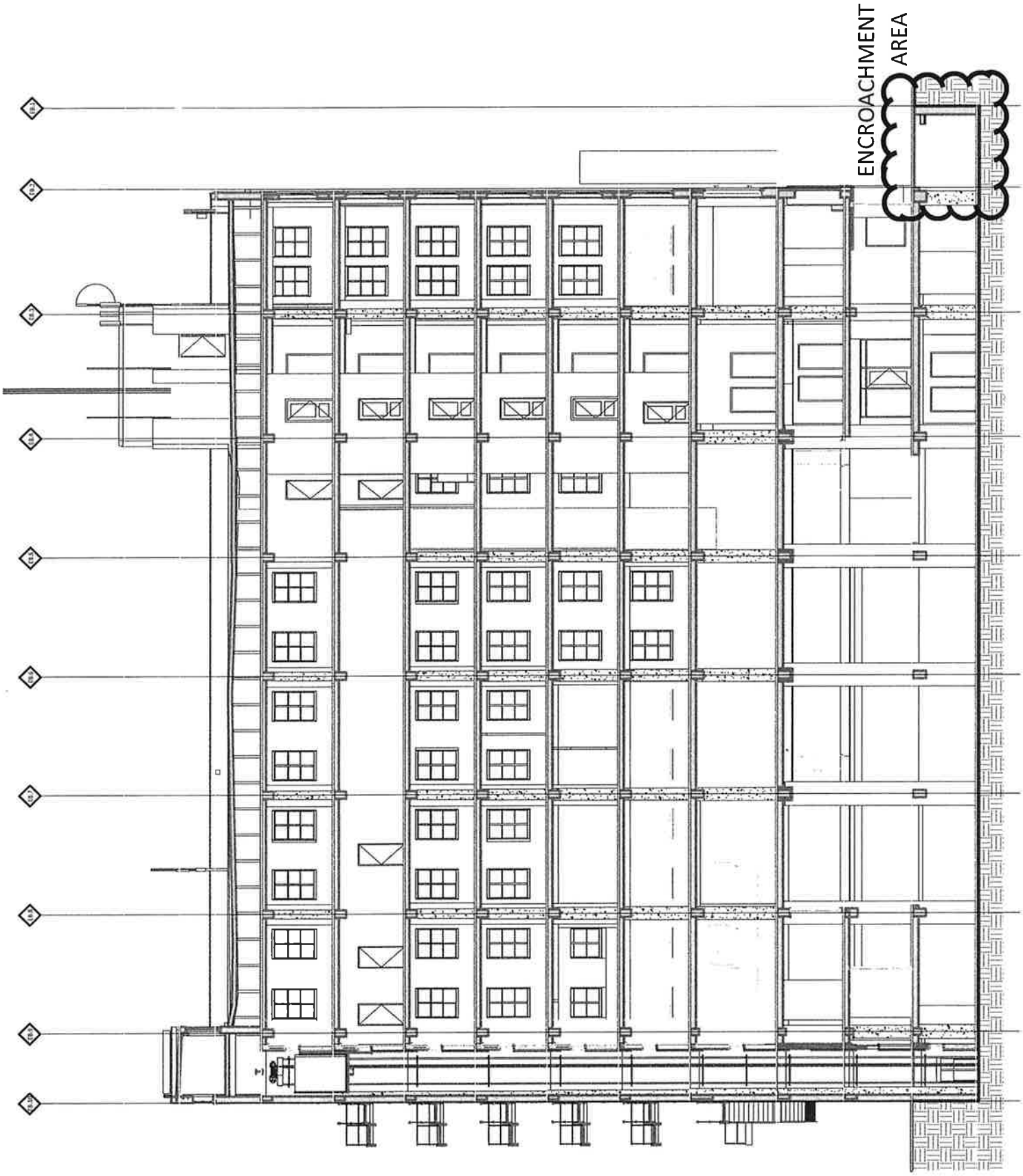
We appreciate your consideration of this request.

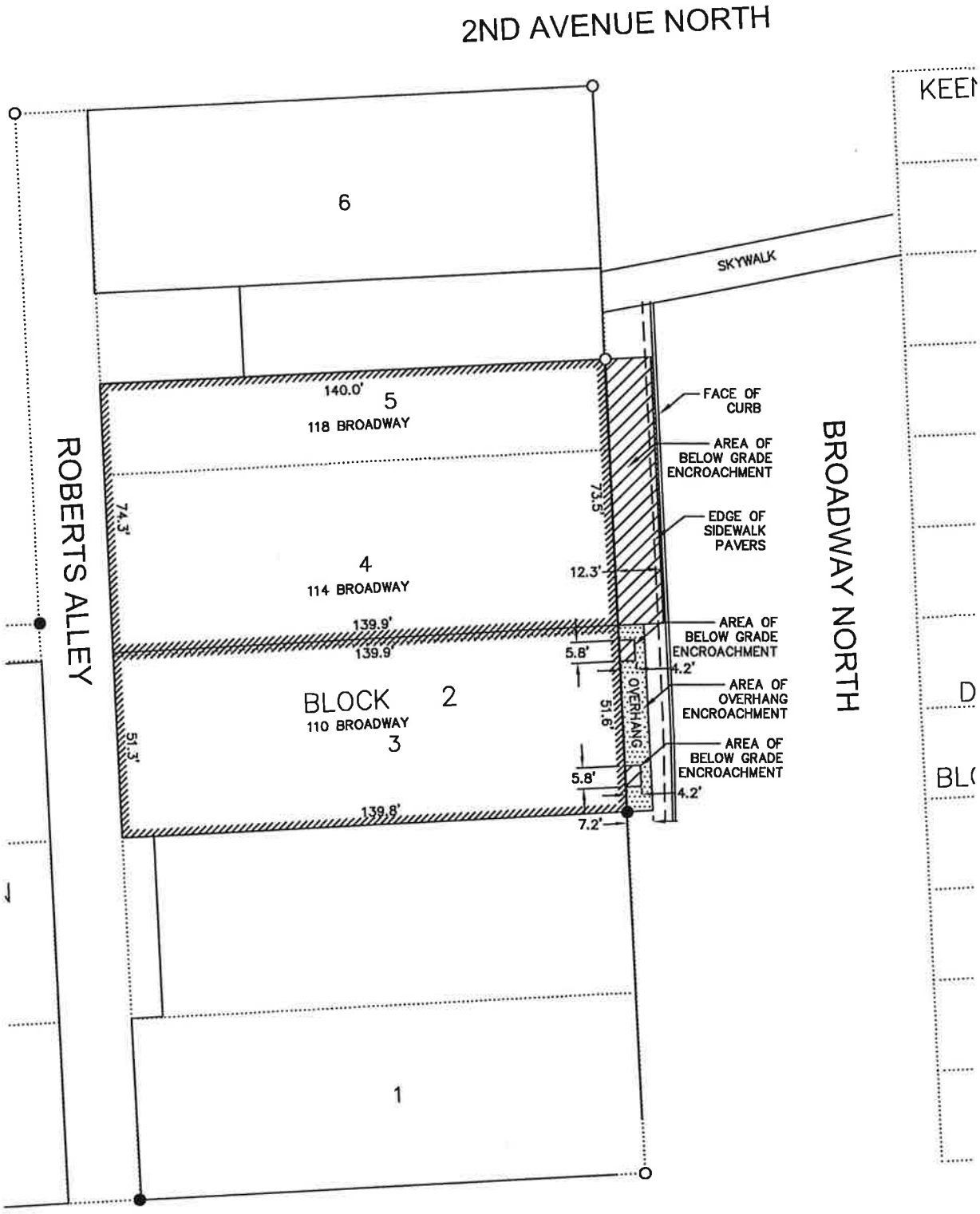
Sincerely,

Deb Wendel Daub
Senior Project Manager

Enclosure


ENCROACHMENT AREA


ENCROACHMENT
AREA


2ND AVENUE NORTH
KEEI
6
SKYWALK
140.0'
5
118 BROADWAY
FACE OF CURB
AREA OF BELOW GRADE ENCROACHMENT
EDGE OF SIDEWALK PAVERS
ROBERTS ALLEY
BROADWAY NORTH
74.3'
73.5'
4
114 BROADWAY
12.3'
139.9'
139.9'
5.8'
4.2'
AREA OF BELOW GRADE ENCROACHMENT
AREA OF OVERHANG ENCROACHMENT
BLOCK 2
110 BROADWAY
3
51.6'
OVERHANG
51.3'
5.8'
4.2'
AREA OF BELOW GRADE ENCROACHMENT
139.8'
7.2'
D
BL
1

ENCROACHMENT AGREEMENT

THIS AGREEMENT, made and entered into by and between **DFI BLACK BUILDING, LLC**, a North Dakota Limited Liability Company, hereinafter referred to as "DFI Black Building", and **THE CITY OF FARGO, NORTH DAKOTA**, a North Dakota municipal corporation, hereinafter referred to as "City",

WITNESSETH:

WHEREAS, DFI Black Building desires to encroach on a portion of right-of-way in Block 2, Roberts Addition, in Fargo, North Dakota owned by the City; and,

WHEREAS, the purpose of such encroachment is to allow DFI Black Building to continue to house the fire pump, water service, gas service, boilers, water heaters, and control panels in a basement space for the benefit of DFI Black Building's property; and,

WHEREAS, DFI Black Building has requested permission to encroach on the portion of the right-of-way shown in Exhibit "A", which exhibit is attached hereto and incorporated herein by reference, thus allowing it to utilize City right-of-way for such purposes; and,

WHEREAS, the Public Works Projects Evaluation Committee has approved such

encroachment; and,

WHEREAS, the Board of City Commissioners of the City of Fargo has approved such encroachment; and,

WHEREAS, DFI Black Building has agreed to execute this agreement required by City to permit private facilities to encroach on public right-of-way.

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

1. DFI Black Building is hereby granted the right to encroach and use a portion of the right-of-way of the above-mentioned, said encroachments being for the purpose of housing the fire pump, water service, gas service, boilers, water heaters, and control panels, and said encroachments to consist of (1) an approximate 12.3' wide by 73.5' long encroachment in the public right-of-way adjacent to Lots 4 and 5, and (2) two (2) encroachments approximately 5.06'' wide by 6.47' long encroachment in the public right of way adjacent to Lot 2, as described in Exhibit "A" attached hereto.

2. It is understood and agreed by and between the parties that DFI Black Building will be solely 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 right-of-way for constructing, repairing or reconstructing the basement space.

3. DFI Black Building agrees that it will, during any use of said public right-of-way, use due care to protect city streets, utilities and all other public property, minimize disruption to pedestrian travel, in accordance with MUTCD Standards and Specifications; and that upon discontinuance of use, DFI Black Building will restore and replace all public property to its present condition.

4. DFI Black Building shall be solely responsible for the inspection, repair and maintenance of the encroachment during the period of time the encroachment remains in the City right-of-way.

5. To the fullest extent permitted by law, DFI Black Building agrees to further hold the City harmless against any and all expenses, demands, claims or suits for damages or injury of any kind that may be brought against the City, its officers, agents and employees, its property, streets, sidewalks, and any other municipal improvements arising from DFI Black Building's encroachment area by reason of the use of the public right-of-way as aforesaid. DFI Black Building further agrees to pay any and all costs the City incurs to enforce this indemnity provision, including attorney's fees. DFI Black Building also agrees to provide to City a certificate of insurance, naming the City as an insured and indicating acceptance by its insurer of its obligation to defend and hold the City harmless as hereinabove stated.

6. This agreement is personal to DFI Black Building and shall terminate upon sale, transfer or assignment. 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. The non-transferability of this Agreement is intended to assure the existence of the necessary insurance by the responsible party.

7. 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.

8. 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. It is further understood and agreed that within two hundred seventy (270) days' written notice from

the City, DFI Black Building shall remove the underground facilities and equipment as directed by City, allowing the City to re-take and to use the public rights-of-way. In the case of an emergency, as determined by City, the City may request the work be done immediately or within less than thirty (30) days. If DFI Black Building fails to remove, relocate or restore, or otherwise comply with the direction of the City Engineer regarding the encroachment, the City may cause the work to be done, and the costs thereof shall be a lien against the property. The City's request to remove, relocate, or restore the encroachment will be in the City's sole discretion, but shall not be arbitrary or without reason.

9. It is specifically agreed between the parties that a copy of this Encroachment Agreement may be recorded.

10. DFI Black Building agrees to pay City a $500 processing fee.

(Signatures on following pages)

Dated this 15th day of Feb, 2019.

DFI BLACK BUILDING, LLC

By: _____

Its: PRESIDENT

STATE OF NORTH DAKOTA)
) ss
COUNTY OF CASS)

On this 15th day of February, 2019, before me, a notary public in and for said county and state, personally appeared Michael Allmendinger to me known to be the President of DFI Black Building, LLC, the entity described in and who executed the within and foregoing instrument and acknowledged to me that said entity executed the same.

(SEAL)
PATTY ARETT
Notary Public
State of North Dakota
My Commission Expires April 18, 2019

Patty Arett
Notary Public
Cass County, North Dakota
My Commission expires: April 18, 2019

Dated this _____ day of _____, 2019.

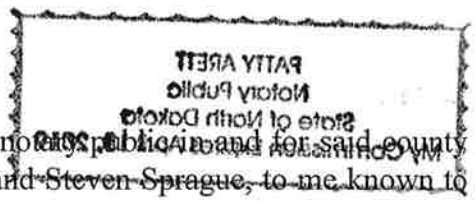
THE CITY OF FARGO, NORTH DAKOTA,
a municipal corporation

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

ATTEST:

_____
Steven Sprague, Auditor

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



On this _____ day of February, 2019, before me, a notary public in and for said county and state, personally appeared Timothy J. Mahoney, M.D. and Steven Sprague, to me known to be the Mayor and Auditor, respectively, of the City of Fargo, Cass County, North Dakota, the 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.

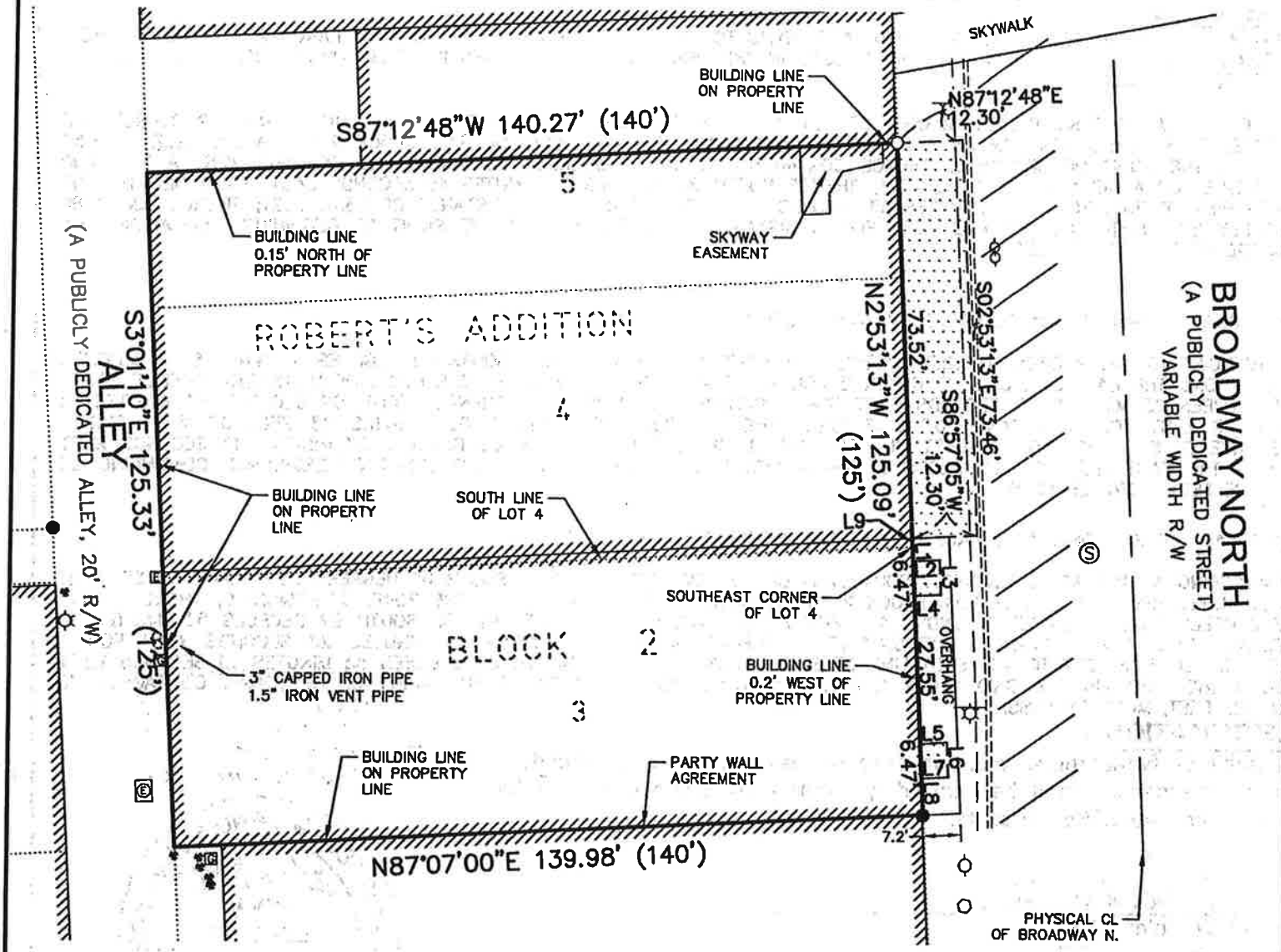
_____
Notary Public
Cass County, North Dakota
My commission expires: _____

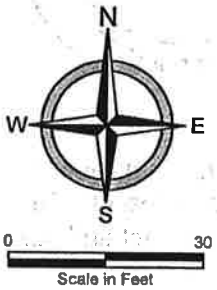
(SEAL)

"Exhibit A"

EXHIBIT

IN DEDICATED BROADWAY NORTH ADJACENT TO LOTS 3, 4 AND THE S1/2 OF LOT 5, BLOCK 2, ROBERT'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA





BASIS OF BEARINGS:
CITY OF FARGO G.I.S.

LINE	BEARING	DISTANCE
L1	S02°53'13"E	2.72'
L2	N87°05'23"E	5.06'
L3	S02°53'13"E	6.47'
L4	S87°05'23"W	5.06'
L5	N87°05'23"E	5.06'
L6	S02°53'13"E	6.47'
L7	S87°05'23"W	5.06'
L8	S02°53'13"E	6.83'
L9	N02°53'13"W	1.53'

LEGEND

- ● IRON MONUMENT FOUND
- ○ SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571

EXHIBIT
IN BROADWAY NORTH ADJACENT TO
LOTS 3-5, BLOCK 2, ROBERT'S ADDITION
TO THE CITY OF FARGO, NORTH DAKOTA

PROJECT No.	20633
DATE:	02.06.2019
REVISED:	-
DRAFTER:	CDH
REVIEWER:	SWH

moore engineering, inc.

Exhibit A"

EXHIBIT

IN DEDICATED BROADWAY NORTH ADJACENT TO LOTS 3, 4 AND THE S1/2 OF LOT 5, BLOCK 2, ROBERT'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

DESCRIPTION

THAT PART OF DEDICATED BROADWAY NORTH ACCORDING TO ROBERT'S ADDITION TO THE CITY OF FARGO ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER IN CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 2, SAID ROBERT'S ADDITION; THENCE NORTH 02 DEGREES 53 MINUTES 13 SECONDS WEST ON AN ASSUMED BEARING ALONG THE EAST LINE OF SAID BLOCK 2 FOR A DISTANCE OF 1.53 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 02 DEGREES 53 MINUTES 13 SECONDS WEST ALONG SAID EAST LINE FOR A DISTANCE OF 73.52 FEET; THENCE NORTH 87 DEGREES 12 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 12.30 FEET; THENCE SOUTH 02 DEGREES 53 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 73.46 FEET; THENCE SOUTH 86 DEGREES 57 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 12.30 FEET TO THE POINT OF BEGINNING, CONTAINING 904 SQUARE FEET, MORE OR LESS.

AND

THAT PART OF SAID DEDICATED BROADWAY NORTH DESCRIBED AS FOLLOWS:

COMMENCING AT THE AFOREMENTIONED SOUTHEAST CORNER OF LOT 4; THENCE SOUTH 02 DEGREES 53 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF SAID BLOCK 2 FOR A DISTANCE OF 2.72 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 05 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 5.06 FEET; THENCE SOUTH 02 DEGREES 53 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 6.47 FEET; THENCE SOUTH 87 DEGREES 05 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 5.06 FEET TO THE EAST LINE OF SAID BLOCK 2; THENCE NORTH 02 DEGREES 53 MINUTES 13 SECONDS WEST ALONG THE EAST LINE OF SAID BLOCK 2 FOR A DISTANCE OF 6.47 FEET TO THE POINT OF BEGINNING, CONTAINING 33 SQUARE FEET, MORE OR LESS.

AND

THAT PART OF SAID DEDICATED BROADWAY NORTH DESCRIBED AS FOLLOWS:

COMMENCING AT THE AFOREMENTIONED SOUTHEAST CORNER OF LOT 4; THENCE SOUTH 02 DEGREES 53 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF SAID BLOCK 2 FOR A DISTANCE OF 36.74 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 05 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 5.06 FEET; THENCE SOUTH 02 DEGREES 53 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 6.47 FEET; THENCE SOUTH 87 DEGREES 05 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 5.06 FEET TO THE EAST LINE OF SAID BLOCK 2; THENCE NORTH 02 DEGREES 53 MINUTES 13 SECONDS WEST ALONG THE EAST LINE OF SAID BLOCK 2 FOR A DISTANCE OF 6.47 FEET TO THE POINT OF BEGINNING, CONTAINING 33 SQUARE FEET, MORE OR LESS.

CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.

Steven W. Holm, R.L.S.
N.D. License No. LS-6571

Date: 2-6-2019

REGISTERED LAND SURVEYOR
STEVEN W. HOLM
LS-6571
DATE 2-6-2019
NORTH DAKOTA

State of North Dakota)
County of Cass)

On this 6th day of February, 2019, before me, a Notary Public in and for said county and state, personally appeared Steven W. Holm, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing certificate and acknowledged to me that he executed the same as his free act and deed.

DEBRA J. LEE
Notary Public
State of North Dakota
My Commission Expires June 7, 2019

Debra J. Lee
Notary Public, Cass County, North Dakota

EXHIBIT
IN BROADWAY NORTH ADJACENT TO
LOTS 3-5, BLOCK 2, ROBERT'S ADDITION
TO THE CITY OF FARGO, NORTH DAKOTA

PROJECT No.	20633
DATE:	02.06.2019
REVISED:	-
DRAFTER:	CDH
REVIEWER:	SWH

moore engineering, inc.

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE (11)

Type: Dillard Right-of-Way Use Agreement Amendment

Location: Roberts St, 2 – 4 Ave N (east side) Date of Hearing: 2/19/2019

Routing	Date
City Commission	2/25/2019
PWPEC File	X
Project File	Kristy Schmidt

The Committee reviewed a communication from Civil Engineer, Kristy Schmidt, regarding and amendment to the Dillard Right-of-Way Use Agreement.

This amendment is for an extended use of right-of-way in Roberts Alley between 2nd and 4th Ave N. Their use of alley right-of-way will allow passage in the alley.

Staff is recommending approval of Amendment 1 to the Right-of-Way Use Agreement between DFI Dillard, LLC and the City of Fargo.

On a motion by Ben Down, seconded by Steve Dirksen, the Committee voted to recommend approval of Amendment 1 to the Right-of-Way Use Agreement.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Amendment 1 to the Right-of-Way Use Agreement with DFI Dillard, LLC.

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

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

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

ATTEST:

Jeremy Gorden, PE, PTOE
Division Engineer

C: Kristi Olson

THE CITY OF Fargo
FAR MORE

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

Memorandum

To: Members of PWPEC

From: Kristy Schmidt, CE II

Date: February 15, 2019

Re: Amendment to Dillard Right-of-Way Use Agreement

Background:

This is for an amendment to the Right-of-Way Use agreement with Kilbourne for use of the Roberts alley during the construction of the Dillard. This use of the alley is expected until May 15, 2019.

This amendment is for an extended use of right-of-way in Roberts Alley between 2nd and 4th Ave N (7' in width adjacent to the Dillard). Their use of alley right-of-way will allow passage in the alley.

Please find the agreement amendment attached. I would ask PWPEC to review this document and approve if acceptable to move forward to Commission.

Recommended Motion:

Approve Developer and Road Use Agreement amendment for the building of the Dillard with the Kilbourne Group.

KLS/klo
Attachment

C: Mike Zimney, Kilbourne Group

Amendment 1 to Right of Way Use Agreement

This Amendment, made and entered into between DFI Dillard, L.L.C., a North Dakota limited liability company ("Developer") and the City of Fargo, a municipal corporation ("City"), is for the purpose of providing access to Developer's property located in Fargo, North Dakota (the "Development Property") and amends and revises that Agreement dated December 12, 2018, attached hereto as Exhibit A. All terms and conditions of the existing agreement shall remain in full force and effect unless revised herein.

1. Developer shall be permitted to use the public right of way in such a manner as described in attached Exhibit B. Specifically, Developer shall be permitted to exercise control over the city right of way adjacent to the intended construction activity on the Development Property, under certain terms and conditions.

2. Developer shall be allowed 7' of public right away in the Roberts Alley adjacent to the Dillard building as shown on Exhibit B. A 12' driving lanes must be maintained at all times.

3. Developer may utilize said portion of the City right-of-way until May 15, 2019. Any request for extension must be made at least one month prior to the expiration of this Agreement in order to allow City adequate time to consider the request.

4. Developer shall provide supplemental snow removal in and around the site, and shall be required to haul or remove snow from the affected area at the direction of the Director of Public Works or City Engineer.

DFI Dillard, LLC, a North Dakota Limited Liability Company

Dated: 2·15·19

City of Fargo, a North Dakota municipal corporation

Dated: 2-21-2019

Brenda Derrig, City Engineer

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

Exhibit A

Right of Way Use Agreement

This Agreement, made and entered into between DFI Dillard, L.L.C., a North Dakota limited liability company ("Developer") and the City of Fargo, a municipal corporation ("City"), is for the purpose of providing access to Developer's property located in Fargo, North Dakota (the "Development Property"), described below. For good and valuable consideration hereby acknowledged, the parties agree as follows:

1. Developer holds all right, title and interest in the Development Property, specifically:

   LOT SEVEN AND EIGHT, IN BLOCK THREE, OF ROBERTS' ADDITION, TO THE CITY OF FARGO, SITUATE IN THE COUNTY OF CASS AND THE STATE OF NORTH DAKOTA, EXCEPT THAT PART OF SAID LOT EIGHT, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT EIGHT; THENCE NORTH 09'42'09" EAST, ASSUMED BEARING, ALONG THE WEST LINE OF SAID LOT EIGHT FOR A DISTANCE OF 30.82 FEET; THENCE NORTH 87'03'22" EAST FOR A DISTANCE OF 160.26 FEET TO THE EAST LINE OF SAID LOT EIGHT; THENCE SOUTH 03°02'23" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 30.32 FEET TO THE SOUTHEAST CORNER OF SAID LOT EIGHT; THENCE SOUTH 87"08'32" WEST ALONG THE SOUTH LINE OF SAID LOT EIGHT FOR A DISTANCE OF 167.06 FEET TO THE POINT OF BEGINNING.

   AND

Exhibit A

LOTS TWENTY-FIVE THROUGH TWENTY-SEVEN, OF S.G. ROBERT ADDITION TO THE CITY OF FARGO, SITUATE IN THE COUNTY OF CASS AND THE STATE OF NORTH DAKOTA

All of the foregoing is located in the City of Fargo, Cass County, North Dakota.

2. Developer shall be permitted to use the public right of way as stated herein, as modified from time to time by written agreement of the parties hereto. Specifically, Developer shall be permitted to exercise control over the city right of way adjacent to the intended construction activity on the Development Property, under certain terms and conditions as stated herein.

3. Developer shall be allowed to close the pedestrian travel path as shown on Exhibit A but will establish a minimum 5' protected pedestrian travel path during non-construction hours (Monday thru Friday, 7:00 AM to 5:00 PM) until April 15, 2019.

   Following the April 15, 2019 the Developer shall be allowed to modify the pedestrian travel path by establishing a 5' minimum' protected pedestrian travel path, to City Engineer satisfaction.

4. Modification of Roberts Street shall be permitted in that Developer shall be allowed to utilize the parking lane on the east side of Roberts Street adjacent to the Development Property. Modifications shall require at least 5 days' notice and approval. Developer shall provide City Engineering a traffic control plan in advance of closure. Developer shall amend or modify the traffic control plan as directed by City Engineering. 14' driving lanes must be maintained at all times.

5. Developer shall be responsible for all private utilities impacted by the construction activities, and shall notify the utility provider of proposed impacts. Developer shall be solely responsible for contracting with the private utility providers, and for payment to all parties involved. City shall have no responsibility for the reestablishment of private utility disruptions caused by Developer's construction activities.

6. Developer may utilize said portion of the City right-of-way only for the temporary redirection of traffic, sidewalk closure, and boulevard use until July 1, 2019. Any request for extension must be made at least one month prior to the expiration of this Agreement in order to allow City adequate time to consider the request.

7. Developer must remedy any unsafe or unsatisfactory condition due to the use of the City right of way, as determined by City in its sole discretion. If concerns persist, and no remedy can be agreed upon, City may require Developer to vacate the City right of way use permitted herein and return the roadway to its pre-existing condition, including striping.

8. Developer shall be responsible for providing appropriate internal site lighting in order to deter entrants, and is further responsible for the general cleanliness and appearance of the site. Developer is solely responsible for site security, and is responsible for securing the site at all times.

9. Developer hereby grants to City a right of entry and access to the Development Property, in the event City must enter the work space to remedy a public safety concern, provide fire protection to the site and adjoining properties, or for any reason as determined in City's sole discretion. Developer agrees and understands that City is not responsible for construction delay or conflicts occasioned by the City's need to protect the public under any circumstances. City agrees to make reasonable attempt to contact the Developer and its Construction Manager prior to City entry to the construction site, except in case of emergency as defined by City.

10. Developer shall be responsible for documenting the condition of the impacted public facilities, including but not limited to the street lights, sidewalk, and roadway. Documentation, including pictures of these elements, must be submitted to City prior to commencement of any construction activity in the public right of way. Developer will, during any use of City public right of way, use due care to protect City streets, utilities and all other public property and private utilities occupying the public right of way.

11. Developer shall be responsible for the repair or replacement of the condition of the City right of way and any public property which may be damaged or destroyed as a direct or indirect result of the use of the City right of way as permitted in this Agreement. Developer shall be responsible for restoring or reconstruction the City infrastructure, including all roadways, curbs, and gutters to prior to construction condition.

12. Developer accepts all maintenance responsibility for the street, curb, adjoining green space and all other City infrastructure which may be impacted by this Agreement. Developer shall undertake all maintenance activities, including sweeping, snow removal and hauling, along the right of way and within the construction site, all to the satisfaction of the Director of Public Works.

13. Developer shall provide supplemental snow removal in and around the site, and shall be required to haul or remove snow from the affected area at the direction of the Director of Public Works or City Engineer of City.

14. At its discretion, the City may terminate this agreement should it view the public infrastructure or public health to be at a greater risk than is acceptable to the City. City shall give Developer thirty (30) days' notice to vacate the right of way if such condition is found to exist. However, in the event of an emergency, as determined in the sole discretion of City, City may immediately terminate Developer's use of the public right of way and direct Developer to restore the right of way to the City's control.

15. Notices required by this Agreement shall be given as follows:

As to the Developer: As to the City:

Kilbourne Group
Mike Zimney
210 Broadway – Suite 300
701.237.2279
zimney@kilbournegroup.com

City Engineer
feng@fargond.gov

16. Developer agrees that failure to secure acceptance from City of the restored infrastructure and improvements may result in the establishment of a special assessment district, consisting solely of the Development Property, for the purpose of financing the completion of the work to City's approval standards. City will levy special assessments against the Development Property to recover all costs of the Project, in accordance with Chapter 40-22 of the North Dakota Century Code. Developer waives its right to protest the resolution of necessity for the improvements for which such resolutions are required pursuant to North Dakota Century Code section 40-22-17, and specifically consents to the construction of the improvements and to the assessment of cost thereof to the Development Property. Developer further waives its right to protest the amount, benefit or any other assessment attribute related to the work completed by the City. Project costs which may be assessed against the Development Property include all costs of completing the work required in accordance with the terms of this agreement.

17. Developer agrees to 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 right of way. Developer agrees to secure liability insurance for at least $500,000, and name City as an additional insured on such policy. Developer shall provide a Certificate of Insurance evidencing the City's insured status in advance of any construction activity in the right of way.

18. It is understood and agreed by and between the parties that this Agreement is given subject to any limitation on the authority of City to grant such permission, which may now or hereafter exist.

19. This Agreement will be construed and enforced in accordance with North Dakota law. The parties agree any litigation arising out of this Agreement will be venued in District Court in Cass County, North Dakota, and the parties waive any objection to personal jurisdiction.

20. The failure or delay of City to insist on the performance of any of the terms of this Agreement, or the waiver of any breach of any of the terms of this Agreement, will not be construed as a waiver of those terms, and those terms will continue and remain in full force and effect as if no forbearance or waiver had occurred and will not affect the validity of this Agreement, or the right of the City to enforce each and every term of this Agreement.

21. If any court of competent jurisdiction finds any provision or part of this Agreement is invalid, illegal, or unenforceable, that portion will be deemed severed from this Agreement, and all remaining terms and provisions of this Agreement will remain binding and enforceable, and the parties' obligations under this Agreement will remain binding and enforceable.

22. This Agreement, together with any related documents, as well as any amendments to those agreements and documents, constitutes the entire agreement between the parties regarding the matters described in this Agreement.

23. Any modifications or amendments of this Agreement must be in writing and signed by both parties to this Agreement.

24. It is specifically agreed between the parties that this Developer Agreement may be recorded.

25. The City and Developer wish to work together to provide an acceptable finished product. Developer shall provide a deposit in the amount of $3,000 to cover any and all expenses that may be incurred by City as a result of Developer's work in the right of way. These funds will be used by City for items such as street lighting, snow removal, and debris cleanup in the construction impact area within the right of way that are not timely remedied by Developer, or the finished product is unsatisfactory.

    When a corrective measure is required by the City, City will notify Developer by phone and email. Generally, City will request Developer remedy the identified deficiency within 3 days, or less in the event of an emergency. However, in the event the finished product is unacceptable, City and Developer agree to negotiate an appropriate time frame to remedy the identified deficiency. If City incurs the expense, the amount of deposit shall be reduced accordingly. If at any time the amount of the deposit is reduced to less than $1,000, Developer shall replenish the deposit to $3,000. Any deposit remaining at the end of the construction project and acceptance by City of the return of the right of way to City shall be refunded to Developer.

(Remainder of Page Intentionally Left Blank)

Exhibit A

DFI Dillard, LLC, a North Dakota Limited Liability Company

Dated: 12·12·18

STATE OF ND)
) ss.
COUNTY OF CASS)

On this 12 day of Dec., 2018, before me, a notary public in and for said county and state, personally appeared [illegible] of DFI Dillard, LLC, the person described in and that executed the within and foregoing instrument, and acknowledged to me that said person executed the same.

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

Notary Public
CASS County, ND
My Commission expires: 11.15.19

Exhibit A

City of Fargo, a North Dakota municipal corporation

Dated: 12/17/18

Timothy J. Mahoney M.D., Mayor

ATTEST

Steve Sprague, City Auditor

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

On this 17 day of December, 2018, before me, a notary public in and for said county and state, personally appeared TIMOTHY J. MAHONEY M.D. and STEVEN SPRAGUE, to me known to be the Mayor and City Auditor, respectively, of the City of Fargo, Cass County, North Dakota, the municipal corporation described in and that executed the within and foregoing instrument, and acknowledged to me that said municipal corporation executed the same.

MICHELLE R. VANYO
Notary Public
State of North Dakota
My Commission Expires Oct. 26, 2021

(SEAL)

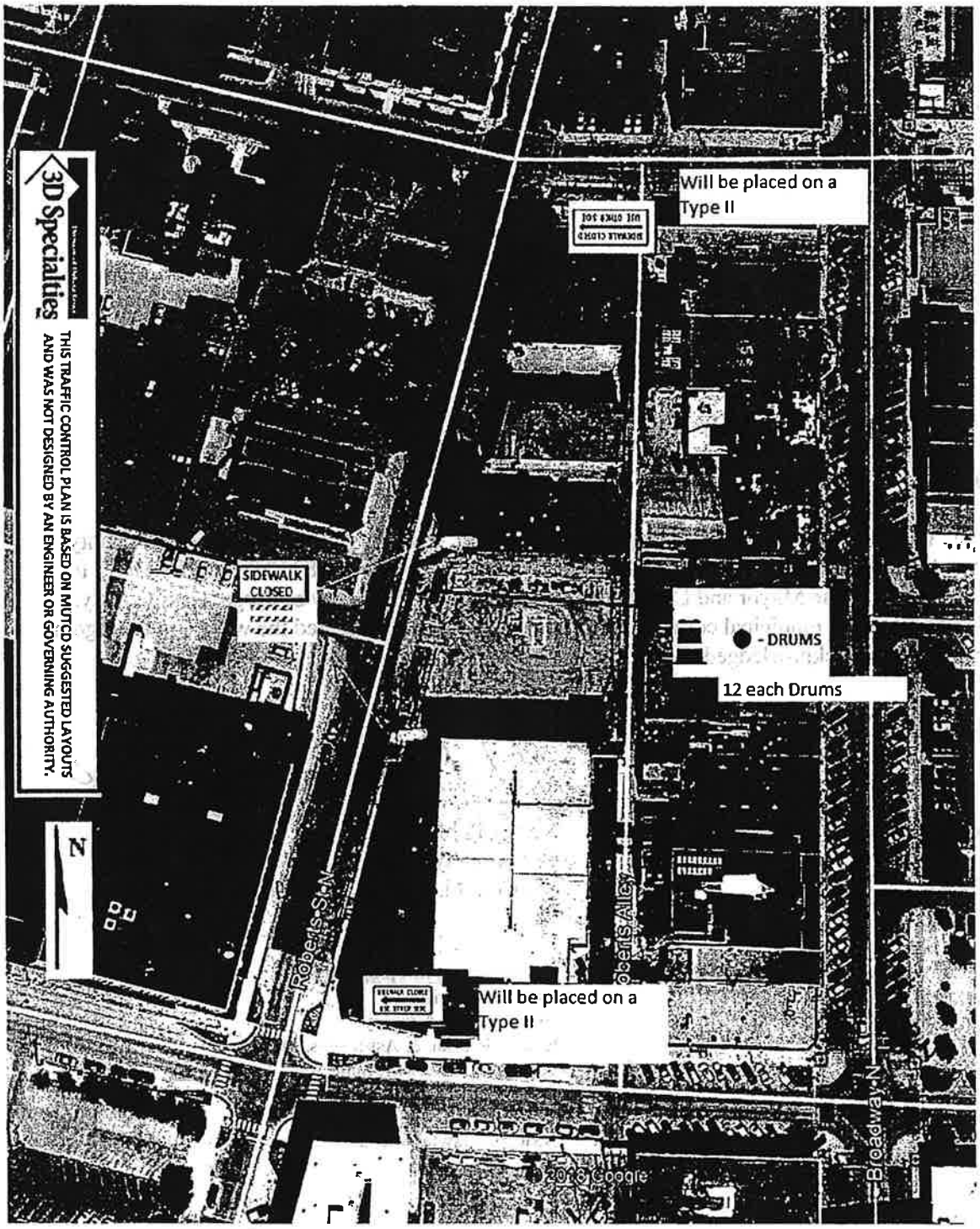
Notary Public
Cass County, ND
My Commission expires: 10/26/21

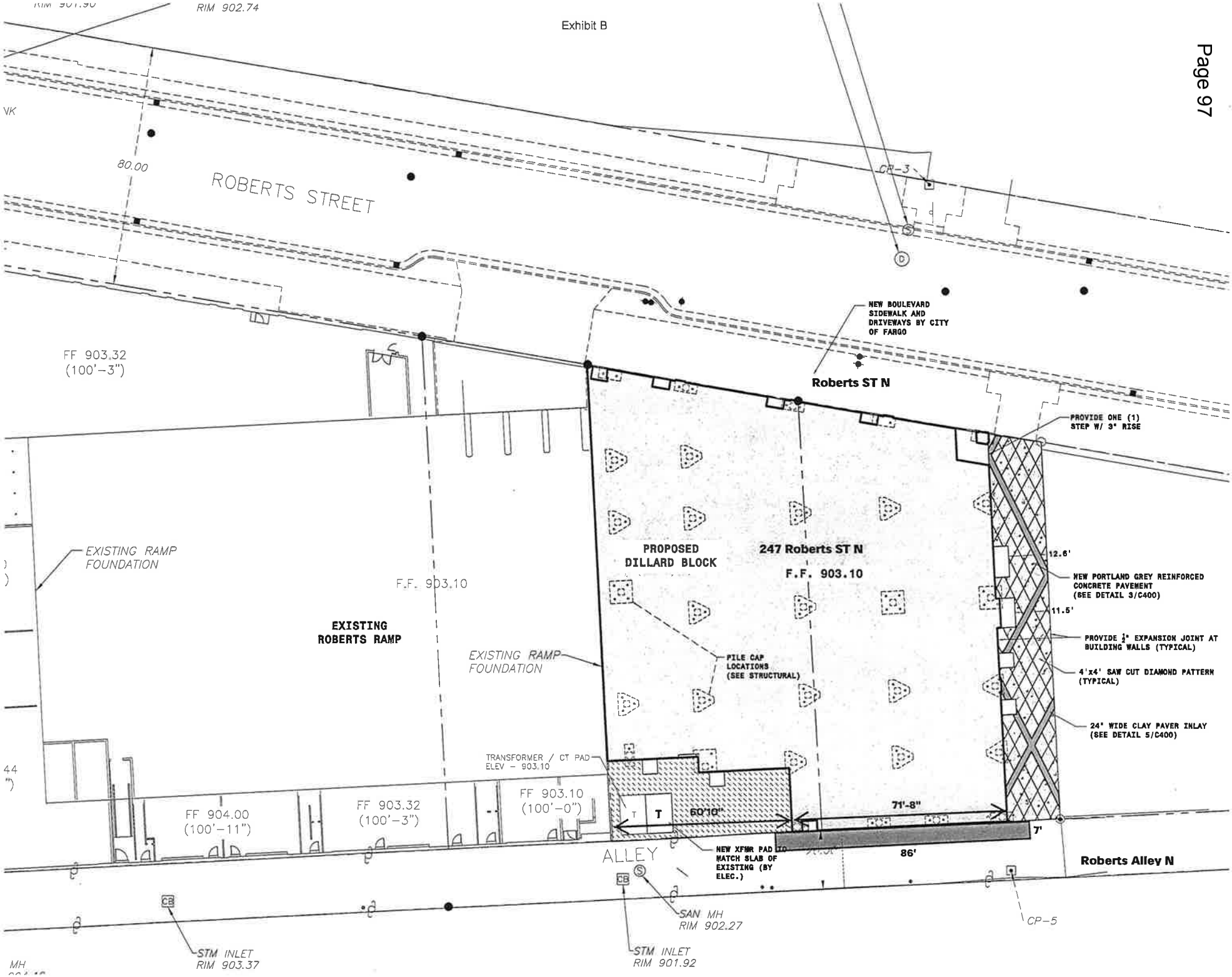
The legal description was prepared by:
Houston Engineering, Inc
1401 21st Ave N.
Fargo, ND 58102

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

Exhibit A

EXHIBIT A




RIM 902.74
80.00
ROBERTS STREET
CP-3
NEW BOULEVARD SIDEWALK AND DRIVEWAYS BY CITY OF FARGO
Roberts ST N
FF 903.32 (100'-3")
PROVIDE ONE (1) STEP W/ 3" RISE
EXISTING RAMP FOUNDATION
PROPOSED DILLARD BLOCK
247 Roberts ST N
F.F. 903.10
12.6'
NEW PORTLAND GREY REINFORCED CONCRETE PAVEMENT (SEE DETAIL 3/C400)
11.5'
EXISTING ROBERTS RAMP
F.F. 903.10
PROVIDE ½" EXPANSION JOINT AT BUILDING WALLS (TYPICAL)
PILE CAP LOCATIONS (SEE STRUCTURAL)
4'x4' SAW CUT DIAMOND PATTERN (TYPICAL)
EXISTING RAMP FOUNDATION
24" WIDE CLAY PAVER INLAY (SEE DETAIL 5/C400)
TRANSFORMER / CT PAD ELEV - 903.10
FF 904.00 (100'-11")
FF 903.32 (100'-3")
FF 903.10 (100'-0")
60'10"
71'-8"
7'
86'
NEW XFMR PAD TO MATCH SLAB OF EXISTING (BY ELEC.)
ALLEY
Roberts Alley N
SAN MH RIM 902.27
CP-5
STM INLET RIM 903.37
STM INLET RIM 901.92

COVER SHEET
CITY OF FARGO PROJECTS

12a

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

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

Pavement Markings & Incidentals

Project No. TM-19-B

Call For Bids	February 25	, 2019
Advertise Dates	March 4, 11 & 18	, 2019
Bid Opening Date	April 3	, 2019
Substantial Completion Date	October 15	, 2019
Final Completion Date	November 15	, 2019

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

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

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

N/A Notice to Property Owners (Dan Eberhardt)

Project Engineer Jim Mohr

Phone No. 241-1545

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

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

N/A Order Plans & Specifications

N/A Approve Plans & Specifications

N/A Adopt Resolution of Necessity

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

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

ENGINEER'S REPORT

PAVEMENT MARKINGS & INCIDENTALS

PROJECT NO. TM-19-B

Nature & Scope

This project calls for new pavement markings at various locations City wide. The goal of the project is to replace existing pavement markings that are faded or are non-existent.

Purpose

The purpose of the project is to replace existing pavement markings to provide safer road conditions.

Feasibility

The estimated cost of construction is summarized as follows:

Estimated Construction Cost:	**$ 326,866.00**
Plus 6% Engineering Fees:	$ 19,611.96
Plus 3% Legal and Miscellaneous Cost:	$ 9,805.98
Plus 4% Interest Cost:	$ 13,074.64
Total Estimated Project Cost:	**$ 369,358.58**

This project will be funded with Traffic Engineering budget funds.

We believe this project to be cost effective.

REGISTERED PROFESSIONAL ENGINEER
JEREMY M. GORDEN
PE-5328
DATE: 2-20-19
NORTH DAKOTA

Jeremy M. Gorden, P.E., PTOE
Division Engineer - Transportation

COVER SHEET
CITY OF FARGO PROJECTS

126

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

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

TREE PLANTING & INCIDENTALS

Project No. TP-19-B

Call for Bids	February 25	, 2019
Advertise Dates	March 4, 11, & 18	, 2019
Bid Opening Date	April 3	, 2019
Substantial Completion Date	October 15	, 2019
Final Completion Date	November 15	, 2019

N/A PWPEC Report **(Part of 2019 C.I.P.)**

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

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

N/A Notice to Property Owners (Dan Eberhardt)

Project Engineer Scott Olson

Phone No. 476-6628

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

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

N/A Order Plans & Specifications

N/A Approve Plans & Specifications

N/A Adopt Resolution of Necessity

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

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

ENGINEER'S REPORT

TREE PLANTING & INCIDENTALS

PROJECT NO. TP-19-B

Nature and Scope

This project provides for the planting of trees and landscaping in various locations throughout the City of Fargo.

Purpose

The project will involve tree planting to enhance appearance along three corridors:

1. 32nd Avenue South from 45th Street to Veterans Boulevard.
2. 64th Avenue South from University Drive to 25th Street.
3. 13th Avenue South from 38th Street to 45th Street.

Feasibility

The estimated construction cost of landscaping is $90,935.00. The project will be funded by Infrastructure Sales Tax Funds as follows:

Estimated Construction Cost:	**$ 90,935.00**
Plus Engineering Fees (4%):	$ 3,637.40
Plus Legal Fees (3%):	$ 2,728.05
Plus Interest Fees (4%):	$ 3,637.40
Plus Outside Consultant Fees (9.24%):	$ 8,400.00
Total Estimated Construction Cost:	**$ 109,337.85**

We believe this project to be cost effective.

REGISTERED PROFESSIONAL ENGINEER
TOM KNAKMUHS
PE-10059
DATE: 2/20/19
NORTH DAKOTA

Tom Knakmuhs, P.E.
Assistant City Engineer

THE CITY OF Fargo
FAR MORE

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

13a

February 20, 2019

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Project No. SN-19-A1

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, February 20, 2019, for New Construction of City Order Sidewalks, Project No. SN-19-A1, located at various locations Citywide

The bids were as follows:

Key Contracting, Inc.	$367,050.00
Dirt Dynamics	$413,832.00
Ti-Zack Concrete, Inc.	$414,360.00
Dakota Underground Co.	$421,308.00
Paras Contracting	$480,240.20
Engineer's Estimate	$366,350.00

The special assessment escrow is not required.

This office recommends award of the contract to Key Contracting, Inc. in the amount of $367,050.00 as the lowest and best bid.

Sincerely,

Tom Knakmuhs
Assistant City Engineer

TAK/klb

ENGINEER'S STATEMENT OF ESTIMATED COST

PROJECT # SN-19-A1

New Construction of City Order Sidewalks

Various locations Citywide

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

NOW THEREFORE Tom Knakmuhs, do hereby certify as follows:

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

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

New Construction of City Order Sidewalks Project # SN-19-A1 of the City of Fargo, North Dakota.

Line	Description	Unit	Quantity	Unit Price ($)	Amount ($)
Section 1 Property Owner Cost					
1	F&I Sidewalk 4" Thick Reinf Conc	SY	2,387.00	66.00	157,542.00
2	Rem & Repl Sidewalk 4" Thick Reinf Conc	SY	1,589.00	72.00	114,408.00
3	Rem & Repl Sidewalk 6" Thick Reinf Conc	SY	40.00	90.00	3,600.00
4	Rem & Repl Driveway 6" Thick Reinf Conc	SY	40.00	90.00	3,600.00
5	Remove Sidewalk 4" Thick Conc	SY	20.00	18.00	360.00
6	Sodding	SY	20.00	12.00	240.00
			Section 1 Property Owner Cost Total		279,750.00
Section 2 City Cost					
7	Rem & Repl Curb & Gutter	LF	100.00	55.00	5,500.00
8	Rem & Repl Sidewalk 4" Thick Reinf Conc	SY	371.00	72.00	26,712.00
9	Rem & Repl Sidewalk 6" Thick Reinf Conc	SY	132.00	79.00	10,428.00
10	Remove Sidewalk 4" Thick Conc	SY	20.00	12.00	240.00
11	F&I Sidewalk 4" Thick Reinf Conc	SY	20.00	69.00	1,380.00
12	F&I Sidewalk 6" Thick Reinf Conc	SY	20.00	74.00	1,480.00
13	F&I Det Warn Panels Cast Iron	SF	332.00	55.00	18,260.00
14	Casting to Grade - w/Conc	EA	3.00	600.00	1,800.00
15	GV Box to Grade - w/Conc	EA	2.00	200.00	400.00
16	Curb Stop Box to Grade	EA	12.00	150.00	1,800.00
17	Mulching Type 1 - Hydro	SY	3,000.00	2.00	6,000.00
18	Seeding Type B	SY	3,000.00	2.00	6,000.00
19	Sodding	SY	20.00	12.00	240.00
20	Topsoil - Import	CY	20.00	28.00	560.00
21	Traffic Control - Type 1	LS	1.00	6,500.00	6,500.00
				Section 2 City Cost Total	87,300.00
				Total Construction in $	**367,050.00**
			Engineering	11.00 %	40,375.50
			Legal & Misc	3.00 %	11,011.50
			Contingencies	10.00 %	36,705.00
			Administration	4.57 %	16,774.18
			Interest	4.00 %	14,682.00
				Total Estimated Costs	**486,598.18**
			Sales Tax Funds - Infrastructure - 420		111,744.00
			Special Assessments		374,854.19
				Unfunded Costs	**-0.01**

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

Date: 02/20/2019

ENGINEER'S STATEMENT OF ESTIMATED COST

PROJECT # SN-19-A1

New Construction of City Order Sidewalks

Tom Knakmuhs

Assistant City Engineer

THE CITY OF Fargo
FAR MORE

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

136

February 20, 2019

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Project No. SR-19-A1

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, February 20, 2019, for reconstruction of City Order Sidewalks, Project No. SR-19-A1, located at various locations Citywide.

The bids were as follows:

Key Contracting, Inc.	$268,936.00
Ti-Zack Concrete, Inc.	$298,170.00
Dirt Dynamics	$299,226.00
Dakota Underground Company	$322,783.00
Paras Contracting	$355,690.00
Engineer's Estimate	$281,808.00

The special assessment escrow is not required.

This office recommends award of the contract to Key Contracting, Inc. in the amount of $268,936.00 as the lowest and best bid.

Sincerely,

Tom Knakmuhs
Assistant City Engineer

TAK/jmg

ENGINEER'S STATEMENT OF ESTIMATED COST

PROJECT # SR-19-A1

Reconstruction of City Order Sidewalks

Various locations Citywide

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

NOW THEREFORE Tom Knakmuhs, do hereby certify as follows:

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

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

Reconstruction of City Order Sidewalks Project # SR-19-A1 of the City of Fargo, North Dakota.

Line	Description	Unit	Quantity	Unit Price ($)	Amount ($)
Section 1 Property Owner Cost					
1	Rem & Repl Sidewalk 4" Thick Reinf Conc	SY	1,018.00	72.00	73,296.00
2	Rem & Repl Sidewalk 6" Thick Reinf Conc	SY	20.00	90.00	1,800.00
3	Rem & Repl Driveway 6" Thick Reinf Conc	SY	20.00	90.00	1,800.00
4	Remove Sidewalk 4" Thick Conc	SY	20.00	12.00	240.00
5	F&I Sidewalk 4" Thick Reinf Conc	SY	1,736.00	63.00	109,368.00
6	Sodding	SY	20.00	12.00	240.00
7	Rem & Repl Pavement 9" Thick Asph	SY	20.00	120.00	2,400.00
				Section 1 Property Owner Cost Total	189,144.00
Section 2 City Cost					
8	Rem & Repl Curb & Gutter	LF	160.00	55.00	8,800.00
9	Rem & Repl Sidewalk 4" Thick Reinf Conc	SY	231.00	72.00	16,632.00
10	Rem & Repl Sidewalk 6" Thick Reinf Conc	SY	140.00	90.00	12,600.00
11	Remove Sidewalk 4" Thick Conc	SY	20.00	12.00	240.00
12	F&I Sidewalk 4" Thick Reinf Conc	SY	70.00	76.00	5,320.00
13	F&I Sidewalk 6" Thick Reinf Conc	SY	20.00	90.00	1,800.00
14	F&I Det Warn Panels Cast Iron	SF	232.00	55.00	12,760.00
15	Rem & Repl Pavement 9" Thick Asph	SY	20.00	90.00	1,800.00
16	Casting to Grade - w/Conc	EA	4.00	400.00	1,600.00
17	GV Box to Grade - w/Conc	EA	3.00	200.00	600.00
18	Curb Stop Box to Grade	EA	6.00	150.00	900.00
19	Mulching Type 1 - Hydro	SY	2,400.00	2.00	4,800.00
20	Seeding Type B	SY	2,400.00	2.00	4,800.00
21	Sodding	SY	20.00	12.00	240.00
22	Topsoil - Import	CY	20.00	20.00	400.00
23	Traffic Control - Type 1	LS	1.00	6,500.00	6,500.00
				Section 2 City Cost Total	79,792.00
				Total Construction in $	**268,936.00**
			Engineering	6.00 %	16,136.16
			Legal & Misc	3.00 %	8,068.08
			Contingencies	10.00 %	26,893.60
			Administration	4.22 %	11,349.10
			Interest	4.00 %	10,757.44
				Total Estimated Costs	**342,140.38**
				Special Assessments	243,996.38
				Sales Tax Funds - Infrastructure - 420	98,144.00
				Unfunded Costs	**0.00**

ENGINEER'S STATEMENT OF ESTIMATED COST

PROJECT # SR-19-A1

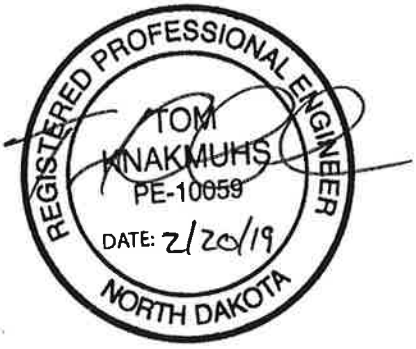
Reconstruction of City Order Sidewalks

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

Date: 02/20/2019

Tom Knakmuhs

Assistant City Engineer



(14)

CITY OF FARGO, NORTH DAKOTA
SUMMARY ANNUAL FINANCIAL REPORT
FOR THE PERIOD ENDING DECEMBER 31, 2018

(Preliminary, Unaudited and Unadjusted)

	TOTAL REVENUES	TOTAL EXPENDITURES	FUND EQUITY
GENERAL FUND	$97,166,187	$ 98,362,053	$ 35,244,786
SPECIAL REVENUE FUNDS	6,514,019	7,377,413	1,436,509
DEBT SERVICE FUNDS	80,512,502	69,952,911	91,569,586
CAPITAL PROJECT FUNDS	181,178,011	178,646,519	(8,701,800)
ENTERPRISE FUNDS			
Water Fund	23,902,917	24,557,238	299,894,863
Sewer Fund	16,764,315	17,000,490	155,707,987
Storm Sewer	1,690,018	2,416,176	167,515,125
Vector Control	727,430	983,137	537,245
Street Lights	2,136,450	1,924,960	23,633,122
Solid Waste	15,418,614	17,163,291	5,857,738
Forestry	1,929,151	2,001,431	(120,739)
Fargodome	2,193,553	3,247,915	75,609,659
Municipal Airport	14,747,174	9,125,658	131,171,578
TOTAL ENTERPRISE FUNDS	79,509,622	78,420,297	859,806,578
TRUST & AGENCY FUNDS	1,631,253	7,934,045	100,275,829
TOTAL ALL FUNDS	$ 446,511,594	$ 440,693,238	$ 1,079,631,488

CITY OF Fargo

(15)

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

TO: BOARD OF CITY COMMISSIONERS

FROM: FINANCE COMMITTEE

RE: INTER-FUND LOAN POLICY

DATE: FEBRUARY 20, 2019

The Finance Committee is committed to advancing fiscal policies that help provide improved oversight and control over our financial matters. The use of inter-fund loans is a financial practice used by the City of Fargo in the past; however, presently we have not promulgated a financial policy that helps us navigate decisions about the use of inter-fund loans.

The Governmental Finance Officers Association recommends the adoption of fiscal policies to help institutionalize practices and protocols that are sustainable.

Historically speaking, the City of Fargo used inter-fund loans to construct the Newman Outdoor Baseball stadium, assisting the Parking Authority with timely repairs, and the Neighborhood Revitalization Initiative initial startup funding.

The Finance Committee is pleased to bring forward a new policy that helps describe how inter-fund loans are managed. They approved use of inter-fund loans from the Enterprise Funds to finance the acquisition of a building and equipment for the Border States facilities for the Police Department.

Suggested Motion:

The Finance Committee recommends approval of the attached inter-fund loan policy and request use of inter-fund loan for a portion of the Border States facility acquisition already approved by the City Commission.

Printed on Recycled paper.

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

City of Fargo
Inter-Fund Loan Policy
February 25, 2019

The Government Finance Officers Association recommends policy adoption of best business practices where applicable to help institutionalize policy and procedures for various financial functions.

In governmental accounting inter-fund loans can be advantageous and less costly that using traditional methods of accessing capital for various projects.

The City adopts the following policy to provide the appropriate level of authority and approval in using inter-fund loans with the goal of providing funding flexibility when needed to assure that:

1) Authorization is granted at an appropriate level of control

2) Inter-fund loans are allowed to help provide capital resources that may be necessary to initiate a project based upon the facts and circumstances in the most efficient and cost effective manner. Reasonable assumptions shall be used when considering the use of an inter-fund loan

3) The fund granting the loan is repaid on fair and reasonable terms and conditions

4) The fund receiving the loan has the ability to repay the loan based upon the terms approved

Inter-Fund Loan Policy Mandatory Requirements:

- The Finance Committee will review and approve inter-fund loans up to $3 million. No further approval is required.
- The City Commission will approve all inter-fund loans in excess of $3 million.
- Terms will include a reasonable repayment period.
- Inter-fund loans will not amortize longer than the economic life of the class of assets funded by the interfund loan.
- Interest will be accrued on loans approved and will be incorporated into the annual budget for the fund granting the loan (receiving) and the fund receiving (paying). Interest will be set at 100 bps below the ten-year U.S. Treasury index and will be adjusted periodically by the Finance Department. The Finance Committee has the authority to adjust the interest rate up or down based upon changes in market conditions.
- Fund granting inter-fund loans shall maintain and appropriate level of cash reserves to comply with fund balance policies or prudent management of cash reserves.
- Funds receiving inter-fund loans shall have the financial capacity to repay loans on a timely basis and should dedicate future revenues as needed to assure that future budgets are not negatively impacted.

Printed on Recycled paper.

Border States Facility Equipment Purchased on Closing February and March, 2019. Main building = $430,000, IT building = $120,000. Ten year term with annual payments. 100bps less than 10 year US. Treasury index.

Compound Period ..... : Annual

Nominal Annual Rate .... : 1.650 %

CASH FLOW DATA

	Event	Date	Amount	Number	Period	End Date
1	Loan	02/25/2019	550,000.00	1		
2	Payment	02/25/2020	60,113.72	10	Annual	02/25/2029

AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Principal	Balance
Loan	02/25/2019				550,000.00
2019 Totals		0.00	0.00	0.00	
1	02/25/2020	60,113.72	9,075.00	51,038.72	498,961.28
2020 Totals		60,113.72	9,075.00	51,038.72	
2	02/25/2021	60,113.72	8,232.86	51,880.86	447,080.42
2021 Totals		60,113.72	8,232.86	51,880.86	
3	02/25/2022	60,113.72	7,376.83	52,736.89	394,343.53
2022 Totals		60,113.72	7,376.83	52,736.89	
4	02/25/2023	60,113.72	6,506.67	53,607.05	340,736.48
2023 Totals		60,113.72	6,506.67	53,607.05	
5	02/25/2024	60,113.72	5,622.15	54,491.57	286,244.91
2024 Totals		60,113.72	5,622.15	54,491.57	

Border States Facility Equipment Purchased on Closing February and March, 2019. Main building = $430,000, IT building = $120,000. Ten year term with annual payments. 100bps less than 10 year US. Treasury index.

	Date	Payment	Interest	Principal	Balance
6	02/25/2025	60,113.72	4,723.04	55,390.68	230,854.23
2025 Totals		60,113.72	4,723.04	55,390.68	
7	02/25/2026	60,113.72	3,809.09	56,304.63	174,549.60
2026 Totals		60,113.72	3,809.09	56,304.63	
8	02/25/2027	60,113.72	2,880.07	57,233.65	117,315.95
2027 Totals		60,113.72	2,880.07	57,233.65	
9	02/25/2028	60,113.72	1,935.71	58,178.01	59,137.94
2028 Totals		60,113.72	1,935.71	58,178.01	
10	02/25/2029	60,113.72	975.78	59,137.94	0.00
2029 Totals		60,113.72	975.78	59,137.94	
Grand Totals		601,137.20	51,137.20	550,000.00	

Border States Building Purchase (IT Building) 2/15/2019

Compound Period ..... : Annual

Nominal Annual Rate .... : 1.650 %

CASH FLOW DATA

	Event	Date	Amount	Number	Period	End Date
1	Loan	02/25/2019	2,300,000.00	1		
2	Payment	02/25/2020	135,954.43	20	Annual	02/25/2039

AMORTIZATION SCHEDULE - Normal Amortization

Date	Payment	Interest	Principal	Balance
Loan 02/25/2019				2,300,000.00
2019 Totals	0.00	0.00	0.00	
1 02/25/2020	135,954.43	37,950.00	98,004.43	2,201,995.57
2020 Totals	135,954.43	37,950.00	98,004.43	
2 02/25/2021	135,954.43	36,332.93	99,621.50	2,102,374.07
2021 Totals	135,954.43	36,332.93	99,621.50	
3 02/25/2022	135,954.43	34,689.17	101,265.26	2,001,108.81
2022 Totals	135,954.43	34,689.17	101,265.26	
4 02/25/2023	135,954.43	33,018.30	102,936.13	1,898,172.68
2023 Totals	135,954.43	33,018.30	102,936.13	
5 02/25/2024	135,954.43	31,319.85	104,634.58	1,793,538.10
2024 Totals	135,954.43	31,319.85	104,634.58	
6 02/25/2025	135,954.43	29,593.38	106,361.05	1,687,177.05
2025 Totals	135,954.43	29,593.38	106,361.05	
7 02/25/2026	135,954.43	27,838.42	108,116.01	1,579,061.04
2026 Totals	135,954.43	27,838.42	108,116.01	

Border States Building Purchase (IT Building) 2/15/2019

Date	Payment	Interest	Principal	Balance
8 02/25/2027	135,954.43	26,054.51	109,899.92	1,469,161.12
2027 Totals	135,954.43	26,054.51	109,899.92	
9 02/25/2028	135,954.43	24,241.16	111,713.27	1,357,447.85
2028 Totals	135,954.43	24,241.16	111,713.27	
10 02/25/2029	135,954.43	22,397.89	113,556.54	1,243,891.31
2029 Totals	135,954.43	22,397.89	113,556.54	
11 02/25/2030	135,954.43	20,524.21	115,430.22	1,128,461.09
2030 Totals	135,954.43	20,524.21	115,430.22	
12 02/25/2031	135,954.43	18,619.61	117,334.82	1,011,126.27
2031 Totals	135,954.43	18,619.61	117,334.82	
13 02/25/2032	135,954.43	16,683.58	119,270.85	891,855.42
2032 Totals	135,954.43	16,683.58	119,270.85	
14 02/25/2033	135,954.43	14,715.61	121,238.82	770,616.60
2033 Totals	135,954.43	14,715.61	121,238.82	
15 02/25/2034	135,954.43	12,715.17	123,239.26	647,377.34
2034 Totals	135,954.43	12,715.17	123,239.26	
16 02/25/2035	135,954.43	10,681.73	125,272.70	522,104.64
2035 Totals	135,954.43	10,681.73	125,272.70	
17 02/25/2036	135,954.43	8,614.73	127,339.70	394,764.94
2036 Totals	135,954.43	8,614.73	127,339.70	
18 02/25/2037	135,954.43	6,513.62	129,440.81	265,324.13
2037 Totals	135,954.43	6,513.62	129,440.81	
19 02/25/2038	135,954.43	4,377.85	131,576.58	133,747.55
2038 Totals	135,954.43	4,377.85	131,576.58	
20 02/25/2039	135,954.43	2,206.88	133,747.55	0.00
2039 Totals	135,954.43	2,206.88	133,747.55	

Border States Building Purchase (IT Building) 2/15/2019

Date	Payment	Interest	Principal	Balance
Grand Totals	2,719,088.60	419,088.60	2,300,000.00	

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

16

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: DESI FLEMING
DIRECTOR OF PUBLIC HEALTH

DATE: FEBRUARY 21, 2019

RE0: AMENDMENT TO AGREEMENT FOR SERVICES WITH NATE HENDRICKSON $1800

The attached Amendment to Agreement for Services with Nate Hendrickson for $1500 is to support our Child Care Physical Activity Health Code Training.

No budget adjustment is required for this contract.

Suggested Motion: Move to approve the Amended Agreement for Services with Nate Hendrickson.

DF/lls
Enclosure

AMENDMENT TO AGREEMENT WITH NATE HENDRICKSON

Fargo Cass Public Health ("FCPH"); and Nate Hendrickson, (Independent Contracting Educator) entered into an agreement for a Contracting Educator.

NOW, THEREFORE, IT IS HEREBY AGREED:

1. The parties agree that the Agreement should be amended.
2. The terms of this Agreement shall be for the period of March 15, 2019, through September 30, 2019. Either party upon the giving of thirty (30) days written notice may terminate the Agreement.
3. The contracting consultant shall be reimbursed an additional 10 hours and $1500.00 at $150.00 per hour and submit an invoice.

DATED effective the date and year first above written.

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

FARGO CASS PUBLIC HEALTH

Desi Fleming
Director of Public Health

2/21/19
Date

Timothy J. Mahoney
Mayor, City of Fargo

Date

CONSULTANT

Nate Hendrickson
Independent Contractor

Date

THE CITY OF Fargo FAR MORE

Planning & Development
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: planning@FargoND.gov
www.FargoND.gov

17

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR

DATE: FEBRUARY 20, 2019

SUBJECT: REQUEST FOR APPROVAL OF CONTRACT AMENDMENT FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE FARGO PROJECT.

In December 2014, a contract with Land Elements (LE), a local landscape architecture firm, was established for The Fargo Project. The scope of services was to prepare construction documents and construction oversite of the National Endowment for the Arts grant and the ArtPlace grant that was previously awarded.

We are now concluding the final construction phase within the basin, which included construction of the overlook, natural play area, and trails. The consultants have requested a contract amendment for construction administration services and reimbursables for final construction of the project. This exceeds the existing contract by $4,152.79, which will bring the total contract amount to $305,778.54. This will conclude Land Elements work on this phase of the project.

Current contract amount	$301,625.75
Invoiced amount	$305,778.54
Difference	$4,152.79

For remaining services, Planning is requesting a contract amendment for $4,152.79. These funds are already allocated in the capital project costs of The Fargo Project, Fund 410.

Suggested Motion:
To approve the contract amendment with Land Elements in the amount of $4,152.79.

LANDelements
SCAPE architects

Land Elements
210 Broadway North, Suite 302
Fargo, ND 58102

Date: January 30, 2019

City of Fargo
City of Fargo Planning Dept.
Attn: Nicole Crutchfield
225 4th Street North
Fargo, ND 58102

RE: Land Elements Summery of Contracts and Work Completed for The Fargo Project.

Dear Nicole,

Below is a summarized explanation of contracts and amended contract:

Original Contract	$160,180
Original Contract Reimbursable	$30,000
Contract Amendment #1	$73,275.75
Contract Amendment #1 Reimbursable	$5,000
Contract Amendment #2	$33,170
Contract Total	**$301,625.75**

Amount Currently Paid	$300,108.54
Current Invoiced Amount	$305,778.54
Invoiced Difference	**$5,670**

Below is a summarization of unpaid invoices:

Invoice #18957	$2,115
Invoice #18975	$1,350
Invoice #18998	$1,890
October Invoice	$315
Invoice Total	**$5,670**

Below is a summary of reimbursables that got included into past invoices:

Invoice #1657 Applied Engineering	$33.93
Invoice #1799 Solien and Larson	$455.00
Invoice #18538 Applied Engineering	$31.22
Invoice #18583 Applied Engineering	$221.84
Invoice #18621 Applied Engineering	$190.62
Invoice #18701 Applied Engineering	$131.53
Invoice #18702 MAC'S	$5.30
Invoice #18729 Applied Engineering	$101.91
Invoice #18813 Applied Engineering	$264.88
Invoice #1955 P2 Industries	$3,076.50
Total	**$4,512.73**

Currently there is $1,517.21 left within the current contract. Land Elements currently has $5,670 currently invoiced. Land Elements has also incurred reimbursables totaling $4,512.73 that was placed within the fees. Land Elements is requesting approval for final project payment of $6,029.94 to cover our reimbursements that were occurred during the project and $1,517.21 that is remaining within the current contract.

If you have any questions or would like further documentation, please let me know.

Thanks,

Brian Reinarts

18a-c

REPORT OF ACTION

UTILITY COMMITTEE

Project No. SW 16-03 Phase II

Type: Change Orders – SW16-03 Phase II Landfill Gas Expansion Project

Location: Solid Waste Division - Landfill

Date of Hearing: 2/14/19

Routing	Date
City Commission	2/25/19
Project File	

Terry Ludlum, Solid Waste Utility Director, presented the attached Change Orders for SW16-03 Phase II Landfill Gas Expansion Project.

On October 8, 2018, the Commission approved the award of Project SW16-03 Phase II in a *Multiple Prime Contractor* format. The landfill gas expansion project was awarded to *Gast Construction Company Inc., Robert Gibb & Sons,* and *Rickard Electric Inc.* Construction on the project began in October (2018) and is scheduled for completion and startup in June of 2019. Awarded contract bid prices, change orders, and adjusted contract prices are as follows:

Contractor	Contractor	Contract Bid Price	Current Change Orders	Adjusted Contract Price
Gast Construction Co.	General Contractor (GC)	$597,596.95	$7,679.94	$605,276.89
Robert Gibb & Sons	Mechanical Contractor (MC)	$701,005.00	$1,055.00	$702,015.00
Rickard Electric	Electrical Contractor (EC)	$541,892.01	($10,632.70)	$531,259.31
		$1,840,493.96	**($1,897.76)**	**$1,838,551.20**

A detailed summary of each contractor recommended change order has been included in the memorandum to the Utility Committee for your review.

MOTION:

On a motion by Bruce Grubb, seconded by Ben Dow, the Utility Committee voted to approve the attached Change Orders for SW16-03 Phase II, Landfill Gas Compressor Station Expansion Project.

COMMITTEE:	Present	Yes	No	Unanimous
Anthony Gehrig, City Commissioner				X
Brenda Derrig, City Engineer	X	X		(Tom Knakmuhs)
Kent Costin, Director of Finance	X	X		
Brian Ward, Water Plant Supt.	X	X		
Mark Miller, Wastewater Plant Supt.	X	X		
Bruce Grubb, Enterprise Director	X	X		
Scott Liudahl, City Forester	X	X		
Terry Ludlum, Solid Waste Utility Director	X	X		
James Hausauer, Wastewater Util. Director	X	X		
Troy Hall, Water Utility Director	X	X		
Ben Dow, Public Works Operations Director	X	X		

ATTEST:

Terry Ludlum
Solid Waste Utility Director

C: Tim Mahoney, Mayor
Commissioner Grindberg
Commissioner Piepkorn
Commissioner Strand

CITY OF Fargo

Division of Solid Waste
2301 8th Avenue North
Fargo, North Dakota 58102
Phone: 701-241-1449
Fax: 701-241-8109

MEMORANDUM

To: Utility Committee

From: Terry Ludlum, Solid Waste Utility Director (TL)

Date: February 7, 2019

Subject: Change Orders – SW 16-03 Phase II Landfill Gas Expansion Project

---

On October 8, 2018, the Commission approved the award of Project SW16-03 Phase II in a *Multiple Prime Contractor* format. The landfill gas expansion project was awarded to *Gast Construction Company Inc.*, *Robert Gibb & Sons*, and *Rickard Electric Inc.* Construction on the project began in October 2018, and is scheduled for completion and startup June 2019. Awarded contract bid prices are as follows:

Contract	Contractor	Bid Price
General Contractor (GC)	Gast Construction Co.	$580,322.00
Mechanical Contractor (MC)	Robert Gibb & Sons	$699,950.00
Electrical Contractor (EC)	Rickard Electric	$534,830.00
	Total	**$1,815,102.00**

With previous Change Order approval, the current contract amounts would be as follows:

Contract	Contractor	Bid Price
General Contractor (GC)	Gast Construction Co.	$597,596.95
Mechanical Contractor	Robert Gibb & Sons	$701,005.00
Electrical Contractor	Rickard Electric	$541,892.01
	Total	**$1,840,493.96**

The following table shows the overall cost summary of the recommended changes by the contractors during this approval period (monthly):

Change Order	Contractor	Change Order Cost
GC – No. 3	Gast Construction Co.	$7,679.94
MC – No. 2	Robert Gibb & Sons	$1,055.00
EC – No. 2	Rickard Electric	($10,632.70)
	Total	**($1,897.76)**

With Change Order approval, the updated contract amounts would be as follows:

Contract	Contractor	Bid Price
General Contractor (GC)	Gast Construction Co.	$605,276.89
Mechanical Contractor	Robert Gibb & Sons	$702,015.00
Electrical Contractor	Rickard Electric	$531,259.31
	Total	**$1,838,551.20**

To date, change orders have totaled 1.3 % of total construction costs.

Detailed Summary of Change Orders

The project cost impact due to **General Contractor** recommended changes are as follow:

No. 3: While drilling piers for load bearing areas of new concrete slab, it was discovered that the area was underlain by previously placed waste at depths of 7'-12'. It was required to excavate the waste, replace with controlled fill, and re-drill all piers.

Cost: $7,679.94

Reason: Building Structural Requirements

The project cost impact due to **Mechanical Contractor** recommended changes are as follow:

No. 2: Contractor was required to remobilize a crane to off-load and set equipment due to late delivery. Please note that this cost resulted in vendor reducing freight costs by same (attached email).

Cost: $1,010.00

Reason: Delayed Equipment Delivery

The project cost impact due to **Electrical Contractor** recommended changes are as follow:

No. 2: Replace six (6) smoke detectors with six (6) heat detectors for fire alarm system.
Cost: ($10,632.70)

Reason: Fire Marshal Recommendation

Process for Amending the Contract Documents; Changes in the Work

As provided in ***Article 11*** of ***Project SW16-03 Specifications,*** and to avoid substantial construction schedule delays, *Work Change Directives (WCD)* were issued for the additional work. Acceptance of *WCD*s by Solid Waste (City) staff are provided after review and negotiation of contractor recommended work through contractor provided *Proposal Requests.* WCDs are incorporated into subsequent *Change Orders* through formal Utility Committee and City Commission approval.

Recommendation

Approve the contract *Change Orders* with Gast Construction (General Contractor), Robert Gibb & Sons (Mechanical Contractor), and Rickard Electric (Electrical Contractor), on Project SW16-03 Phase II Landfill Gas Expansion Project.

Change Order No. Gast No. 3

Date of Issuance: December 10, 2018
Effective Date: December 10, 2018

Owner: City of Fargo Division of Solid Waste
Owner's Contract No.: SW 16-03

Contractor: Gast Construction
Contractor's Project No.:

Engineer: Wenck Associates Inc.
Engineer's Project No.: 0208-0140

Project: Landfill Gas Compression System Expansion
Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: Removal of overburden and buried waste from southwest corner for construction of new building addition. Backfilling and compaction with owner supplied clean clay fill. Re-drill five (5) foundation piers.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: $ 580,322.00	Original Contract Times: Substantial Completion: June 30, 2019 Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 2: $ 17,274.95	[Increase] [Decrease] from previously approved Change Orders No. __ to No. __: Substantial Completion: No Change Ready for Final Payment: _____ days
Contract Price prior to this Change Order: $ 597,596.95	Contract Times prior to this Change Order: Substantial Completion: June 30, 2019 Ready for Final Payment: _____ days or dates
[Increase] [Decrease] of this Change Order: $ 7,679.94	[Increase] [Decrease] of this Change Order: Substantial Completion: No Change Ready for Final Payment: No Change days or dates
Contract Price incorporating this Change Order: $ 605,276.89	Contract Times with all approved Change Orders: Substantial Completion: No Change Ready for Final Payment: No Change days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: Project Manager	Title _____	Title Project Manager
Date: December 10, 2018	Date _____	Date 12-11-18

PROPOSAL REQUEST

Gast GENERAL CONTRACTORS

Date:	12/6/2018	**Project:**	Landfill Gas Compression Building
To:	Wenck	**Location:**	Fargo, ND
Attn:	Mark Deady	**Architects PR #:**	
Address:	Fargo, ND	**Description:**	Remove soiled material and replace with suitable clay and class 5 material. Remobilize and Redrill piers disturbed during this process.

Please review the following proposal.

Gast Construction:

Category	MH	Rate	Total
Labor	1	$ 60.00	$ 60.00
Materials			
Material			$ -
Misc. Consumables			$ -
Subtotal			$ 60.00
OH/P	10%		$ 6.00
Total #1			$ 66.00

Subcontractor / Supplier:
Pioneer Excavating
K&L Construction

Quote		Total
Pioneer		$ 5,001.37
K&L		$ 2,250.00
Subtotal		$ 7,251.37
OH/P	5%	$ 362.57
Total #2		$ 7,613.94

Total #1	$ 66.00
Total #2	$ 7,613.94

Grand Total for Proposal: **$ 7,679.94**

From: Cody McLaren
Project Manager

Acceptance Signature: _____
Title: _____
Owner/Architect: _____
Date: _____

CC:

Fargo 3410 39th St. SW Fargo, ND 58103 Phone:(701) 235-3454 Fax:(701) 356-0225
Wahpeton Box 833 Wahpeton, ND 58074 Phone:(701) 642-6317 Fax:(701) 642-3107

Change Order No. Gibb No. 2

Date of Issuance: January 15, 2019
Effective Date: January 18, 2019

Owner: City of Fargo Division of Solid Waste
Owner's Contract No.: SW 16-03

Contractor: Robert Gibb & Sons
Contractor's Project No.:

Engineer: Wenck Associates Inc.
Engineer's Project No.: 0208-0140

Project: Landfill Gas Compression System Expansion
Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: Contractor was required to remobilize a crane to off-load and set the Chiller due to late delivery of this piece of equipment. Late delivery of equipment resulted in additional costs for the Contractor.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: $ 699,950.00	Original Contract Times: Substantial Completion: June 30, 2019 Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 1: $ 1,055.00	[Increase] [Decrease] from previously approved Change Orders No. __ to No. __: Substantial Completion: No Change Ready for Final Payment: _____ days
Contract Price prior to this Change Order: $ 701,005.00	Contract Times prior to this Change Order: Substantial Completion: June 30, 2019 Ready for Final Payment: _____ days or dates
[Increase] [Decrease] of this Change Order: $ 1,010.00	[Increase] [Decrease] of this Change Order: Substantial Completion: No Change Ready for Final Payment: No Change days or dates
Contract Price incorporating this Change Order: $ 702,015.00	Contract Times with all approved Change Orders: Substantial Completion: No Change Ready for Final Payment: No Change days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: Project Manager	Title _____	Title Estimator/Project Manager
Date: January 18, 2019	Date _____	Date January, 18 2019

205 40th Street Southwest
PO Box 10188 (58106)
Fargo, North Dakota 58103
Phone: 701.282.5900
Fax: 701.281.0819

January 15, 2019

Mr. Randy Hanson
Project Manager
Wenck
1800 Pioneer Creek Center
Maple Plain, MN 55359

RE: Fargo Landfill Gas Compression System Expansion, Project NO. SW-16-03
Addition cost associated with crane mobilization to unload and set the chiller supplied by Zink that was not delivered on the 19th of December 2018 as agreed upon.

Dear Randy,

Please find list below our cost associated with unloading and setting the chiller supplied by Zink that was not delivered on the 19th of December as agreed upon.

40 ton Crane Mobilization fee and road permit:	$ 1,010
Total:	**$ 1,010**

If you have any questions please feel free to contact our office at 701.282.5900.

Sincerely,
ROBERT GIBB & SONS

Tim Singelmann
Tim Singelmann

Terry Ludlum

From: Mark A. Deady <mdeady@wenck.com>
Sent: Tuesday, January 15, 2019 12:45 PM
To: Terry Ludlum
Cc: Randy L. Hanson
Subject: FW: Fargo Landfill Gas Project - Chiller Off-Loading Payment Terms
Attachments: Landfill Chiller_Off-Loading Estimate_Gibb.pdf

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

Terry,

Here is the email confirmation that I sent to Jason Rolf of Zink that deducting the Gibb invoice amount ($1,010.00) from the shipping invoice was acceptable to the City of Fargo.

I also attached the quote from Robert Gibb & Sons for the extra cost for off-loading and setting the Chiller.

Contact me if you have questions.

Mark Deady
Project Manager
WENCK
mdeady@wenck.com **D| 763.479.4214 C| 612.251.4580**
1800 Pioneer Creek Center | Maple Plain, MN 55359

From: Mark A. Deady
Sent: Wednesday, January 9, 2019 11:03 AM
To: 'Jason Rolf' <jason.rolf@johnzink.com>
Cc: Randy L. Hanson <rhanson@wenck.com>
Subject: Fargo Landfill Gas Project - Chiller Off-Loading Payment Terms

Jason,

Randy spoke with the City of Fargo and they are fine with a deduct off of the Zink invoice for the shipping charges. The deduct should be $1,010.

Please include the shipping invoices that Zink received with the invoice to the City of Fargo.

P.S. Robert Gibb received an email from the hauler and apparently some of the shrink wrap was torn off and a few screws are missing on one of the access doors. Wenck will document and take photos of the chillers condition when it arrives today,

Contact me if you have questions.

Regards,

Mark Deady

Change Order No. REI -02

Date of Issuance: December 26, 2018
Effective Date: December 26, 2018

Owner: City of Fargo Division of Solid Waste
Owner's Contract No.: SW 16-03

Contractor: Rickard Electric
Contractor's Project No.:

Engineer: Wenck Associates Inc.
Engineer's Project No.: 0208-0140

Project: Landfill Gas Compression System Expansion
Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: Replace six (6) smoke detectors with six (6) heat detectors for fire alarm system. City of Fargo received a comment from the Fargo Fire Marshall stating that smoke detectors were not needed. It was recommended that the heat detectors be used instead of the smoke detectors for the fire alarm systems in the processing area and the electrical/control room.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: $ 534,830.00	Original Contract Times: Substantial Completion: June 30, 2019 Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 1: $ 7,062.01	[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: Substantial Completion: No Change Ready for Final Payment: _____ days
Contract Price prior to this Change Order: $ 541,892.01	Contract Times prior to this Change Order: Substantial Completion: June 30, 2019 Ready for Final Payment: _____ days or dates
[Increase] [Decrease] of this Change Order: $ -10,632.70	[Increase] [Decrease] of this Change Order: Substantial Completion: No Change Ready for Final Payment: No Change days or dates
Contract Price incorporating this Change Order: $ 531,259.31	Contract Times with all approved Change Orders: Substantial Completion: No Change Ready for Final Payment: No Change days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: Project Manager	Title: President	Title: _____
Date: December 26, 2018	Date: 12/28/2018	Date: _____

Approved by Funding Agency (if applicable)

By: _____ Date:

Title: _____

PROPOSAL 2858

RICKARD ELECTRIC, INC.
Electrical Contractors
1220 41st Street NW
Fargo, North Dakota 58102
(701) 281-0766 FAX (701) 282-3239

EMAIL ADDRESS: darrin@reifargo.com
WEB SITE: www.reifargo.com

TO: WENCK ASSOCIATES
3310 FIECHTNER DRIVE S
FARGO, ND 58103

PHONE:	DATE: 12/20/2018

JOB NAME/LOCATION
FARGO LANDFILL - EPR-01
LANDFILL
FARGO
ND
58102

JOB NUMBER:	JOB PHONE: (701) 297-9600

We hereby submit an estimate for:
ELECTRICAL WORK TO REPLACE SMOKE DETECTORS WITH HEAT DETECTORS ON THE FARGO LANDFILL GAS COMPRESSION PROJECT

- OMIT (5) CLASS 1, DIV 1 SMOKE DETECTORS AND PROVIDE (5) CLASS 1, DIV 1 HEAT DETECTORS IN PUMP ROOM 102

- OMIT (1) CLASS 1 DIV 1 SMOKE DETECTOR AND PROVIDE (1) CLASS 1, DIV 1 HEAT DETECTORS IN ROOM 103

- HEAT DETECTORS SHALL BE SET TO 200 DEG RATE OF RISE/FIXED TEMP AS SELECTED BY THE DESIGN / ENGINEERING TEAM

**** THE AMOUNT OF THE THIS CHANGE ORDER IS A DEDUCT TO PART 8 OF THE BID FORM

WE PROPOSE hereby to furnish material and labor-complete in accordance with the above specifications, for the sum of:
MINUS TEN THOUSAND SIX HUNDRED THIRTY TWO AND 70/100 dollars ($-10,632.70)
Payment to be made as follows: UPON INVOICE

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed upon only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

Authorized Signature: Darrin Dietrich

Note: This proposal may be withdrawn by us if not accepted within 30 days

ACCEPTANCE OF PROPOSAL-The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment to be made as outlined above.

Signature: _____

Signature: _____

Date of Acceptance: _____

JOB 848 20190919: FARGO LANDFIL...
ESTIMATE 1 20190919: FARGO LANDFIL...
DATA SET 17 Comm Indust TSC/EST 11/05

EPR-01 - HEAT DETECTOR CHANGE ORDER
RICKARD ELECTRIC INC.
1220 41ST STREET N
FARGO, ND 58102
701-281-0766 / 701-2823239
chad@reifargo.com

PRINTED 12/20/2018 1:56:31 PM
MATERIAL Primary
LABOR Primary

NOTES

Item				Material				Labor		
Size	Item Desc	Qty	UOM	Mat Unit	Mat Adj	Mat Ext	Mat Pha...	Lbr Unit	Lbr Adj	Lbr Ext
	SMOKE DETECTOR	-6.00	EA...	Quote	1.00	0.00	11	0.6000	1.0000	-3.6000
	HEAT DETECTOR	6.00	EA...	Quote	1.00	0.00	11	0.8000	0.7500	3.6000
Grand Totals						0.00				0.0000

Bid: #12 - EPR-01 - HEAT DETECTOR CHANGE ORDER

JOB 848 20190919: FARGO LANDFIL...
ESTIMATE 1 20190919: FARGO LANDFIL...
DATA SET 17 Comm Indust TSC/EST 11/05
DATE 12/20/2018 1:57:30 PM

RICKARD ELECTRIC INC.
1220 41ST STREET N
FARGO, ND 58102
701-281-0766 / 701-2823239
chad@reifargo.com

Ind...	Ref Only	Description	Referenc...	Reference	Ref Amount	Rate	Operation	Amount
1	☐	MATERIAL TOTAL:	Material	Total	0.00	1.00	*	0.00
2	☐	SUBTOTAL						0.00
3	☐	**********						0.00
4	☐	****MAJOR QUOTATIONS**						**0.00**
5	☐	***FIXTURE QUOTES:**						**0.00**
6	☐	BORDER STATES	Calculated		0.00	1.00	*	0.00
7	☐	GRAYBAR	Calculated		0.00	1.00	*	0.00
8	☐	WESCO	Calculated		0.00	1.00	*	0.00
9	☐	DAKOTA SUPPLY GRP	Calculated		0.00	1.00	*	0.00
10	☐	***SWITCHGEAR QUOTES:**						**0.00**
11	☐	BORDER STATES	Calculated		0.00	1.00	*	0.00
12	☐	GRAYBAR	Calculated		0.00	1.00	*	0.00
13	☐	WESCO	Calculated		0.00	1.00	*	0.00
14	☐	DAKOTA SUPPLY GRP	Calculated		0.00	1.00	*	0.00
15	☐	***MISC QUOTES:**						**0.00**
16	☐	BORDER STATES	Calculated		0.00	1.00	*	0.00
17	☐	GRAYBAR	Calculated		0.00	1.00	*	0.00
18	☐	WESCO	Calculated		0.00	1.00	*	0.00
19	☐	DAKOTA SUPPLY GRP	Calculated		0.00	1.00	*	0.00
20	☐	EMERGENCY GENERATOR	Calculated		0.00	1.00	*	0.00
21	☐	***FIRE ALARM QUOTES:**						**0.00**
22	☐	SIMPLEX	Calculated		-9,696.00	1.00	*	-9,696.00
23	☐	PROTECTION SYSTEMS	Calculated		0.00	1.00	*	0.00
24	☐	SOUND	Calculated		0.00	1.00	*	0.00
25	☐	CLOCK	Calculated		0.00	1.00	*	0.00
26	☐	SUBTOTAL						-9,696.00
27	☐	**********						0.00
28	☐	MATERIAL SALES TAX %	Component	2	0.00	7.50	%	0.00
29	☐	MAT'L QUOTES TAX %	Component	26	-9,696.00	7.50	%	-727.20
30	☐	***TAX INCLUDED QUOTES:**						**0.00**
31	☐	X	Calculated		0.00	1.00	*	0.00
32	☐	Y	Calculated		0.00	1.00	*	0.00
33	☐	SUBTOTAL						-727.20
34	☐	**********						0.00
35	☑	FOREMEN HRS	Labor	Total	0.00		%	0.00
36	☑	JOURNEYMEN HRS	Labor	Total	0.00	100.00	%	0.00
37	☑	APPRENT. HRS	Labor	Total	0.00		%	0.00
38	☐	FOREMEN RATE	Component	35	0.00		*	0.00
39	☐	JOURNEYMEN RATE	Component	36	0.00	55.42	*	0.00
40	☐	APPRENT. RATE	Component	37	0.00		*	0.00
41	☐	SUBTOTAL						0.00
42	☑	AVERAGE LABOR RATE	Component	41	0.00	1.20	/	0.00
43	☐	**********						0.00
44	☐	*NON-PROD. LABOR:						0.00
45	☑	G.F OR SUPER HRS	Labor	Total	0.00	4.00	%	0.00
46	☐	G.F. OR SUPER RATE	Component	45	0.00	55.00	*	0.00
47	☐	TRAVEL TIME	Calculated		0.00	0.45	*	0.00

Bid: #12 - EPR-01 - HEAT DETECTOR CHANGE ORDER

JOB 848 20190919: FARGO LANDFIL...
ESTIMATE 1 20190919: FARGO LANDFIL...
DATA SET 17 Comm Indust TSC/EST 11/05
DATE 12/20/2018 1:57:30 PM

RICKARD ELECTRIC INC.
1220 41ST STREET N
FARGO, ND 58102
701-281-0766 / 701-2823239
chad@reifargo.com

Ind...	Ref Only	Description	Referenc...	Reference	Ref Amount	Rate	Operation	Amount
48	☐	OVERTIME	Calculated		0.00	52.59	*	0.00
49	☐	SUBTOTAL						0.00
50	☐	**********						0.00
51	☐	*DIRECT JOB EXP:						0.00
52	☑	INDIRECT LABOR COST	Labor	Total	0.00	4.00	%	0.00
53	☐	PARTS RUNNER	Component	52	0.00	25.00	*	0.00
54	☐	TOOLS EXPENDABLE	Material	Total	0.00	1.00	%	0.00
55	☐	TEMP POWER						0.00
56	☐	LABELING						0.00
57	☐	FIRE CAULKING						0.00
58	☐	EQUIPMENT RENTAL						0.00
59	☐	SUBTOTAL						0.00
60	☐	**********						0.00
61	☐	*SUB CONTRACTS:						0.00
62	☐	TRENCHING						0.00
63	☐	SUBTOTAL						0.00
64	☐	**********						0.00
65	☐	JOB SUBTOTAL						-10,423.20
66	☐	**********						0.00
67	☐	*MARKUPS/OVERHEAD:						0.00
68	☐	FLAT MARKUP %	Component	65	-10,423.20		%	0.00
69	☐	JOB TOTAL						-10,423.20
70	☐	**********						0.00
71	☑	PROFIT	Component	69	-10,423.20		%	0.00
72	☐	JOB TOTAL + PROFIT	Component	71	0.00	1.00	*	-10,423.20
73	☑	PERMIT	Component	72	-10,423.20	1.00	%	-104.23
74	☐	ADD PERMIT	Component	73	-104.23	1.00	*	-10,527.43
75	☑	PERFORMANCE BOND	Component	74	-10,527.43	1.00	%	-105.27
76	☐	ADD PERF BOND	Component	75	-105.27	1.00	*	-10,632.70
77	☑	COST PER SQ FT	Component	76	-10,632.70		/	0.00
78	☐	**********						0.00
79	☐	BID TOTAL						-10,632.70

2821 FIECHTNER DR S
FARGO, ND 58103
(701) 237 6712
FAX: (701) 280 2955

Johnson Controls

Johnson Controls Quotation

TO:
RICKARD ELECTRIC
1220 41ST ST NW
PO BOX 1537
FARGO, ND 58107-1537
Attn: Tom Swift
Phone: (701) 281-0766 EXT(____) Fax:

Project: 18-091 EPR-01
Customer Reference:
Johnson Controls Reference: 385439532
Date: 12/17/2018
Page 1 of 4

Johnson Controls is pleased to offer for your consideration this quotation for the above project.

QUANTITY	MODEL NUMBER	DESCRIPTION
	18-091 EPR-01	
	18-091 EPR-01	
6	4090-9001	SUPERVISED IAM
6	CR 200-EWT	RATE OF RISE EXPLOSION PROOF

Comments

This proposal covers changes in EPR-01 and details the following,

Sheet 0140-Elec-0108
1. Pump Room 102 - Omit (5) Class 1, Division 1, smoke detectors and provide (5) Class 1, Division 1 heat detectors.
2. Equipment Room 103 - Omit (1) Class 1, Division 1, smoke detector and provide (1) Class 1, Division 1 heat detector.
3. Coordinate heat set points with owner during programming of fire alarm system. (In replay to Letter of Transmittal #5 , dated 13DEC2018 heat detector set as 200 deg rate of rise/fixed temp)

With the deduction of the 6 rated smoke detectors and the addition of equipment listed above will allow **credit** to the job of *$9696.00*

REPORT OF ACTION

(19)

UTILITY COMMITTEE

Project No. SW19-01

Type: Wenck Associates Task Order Project SW19-01 Cell #19 Construction and Partial Closure

Location: Solid Waste Division – Landfill

Date of Hearing: 2/14/19

Routing	Date
City Commission	2/25/19
Project File	

Terry Ludlum, Solid Waste Utility Director, presented the attached Task Order from Wenck Associates for consultant engineering work related to SW19-01 Cell #19 Construction and Current Landfill Partial Closure Project.

Within the 2019 Solid Waste budget are funds for the next phase of the proposed 20-year landfill reclamation and reuse project. Project SW 1901 is a cell construction project at the former landfill and a concurrent partial closure project at the current landfill. The budgetary estimate of $2,700,000 includes the Cell #19 construction, and partial closure of approximately 8-10 acres at the current landfill.

The Task Order Scope of Services has been divided in to three phases:

Phase 01	**Design, Specifications, Bidding Assistance**	**$ 21,240**
Phase 02	**Project Management / Construction**	**$ 52,620**
Phase 03	**Construction Quality Assurance Oversight**	**$ 78,410**
Phase 04	**Construction Documentation Report**	**$ 6,600**
	Total	**$ 158,870**

The major cost component is the on-site personnel requirement. Wenck is proposing to have a field technician onsite for approximately 55 hours per week for 12 weeks. Industry standards for similar engineering services are typically 8 to 10% of construction costs; Wenck's proposed cost is approximately 5.9%.

Given that the proposal falls within industry standards and that the overall project costs are within the parameters of 2019 Solid Waste budgeted amount, Solid Waste staff recommended moving forward with the proposed task order.

MOTION:
On a motion by James Hausauer, seconded by Tom Knakmuhs, the Utility Committee voted to approve the attached task order with Wenck Associates to provide Consultant Engineering Services for Project SW19-01.

COMMITTEE:	Present	Yes	No	Unanimous
Anthony Gehrig, City Commissioner				X
Brenda Derrig, Director of Engineering	X	X		(Tom Knakmuhs)
Kent Costin, Director of Finance	X	X		
Brian Ward, Water Plant Supt.	X	X		
Mark Miller, Wastewater Plant Supt.	X	X		
Bruce Grubb, Enterprise Director	X	X		
Scott Liudahl, City Forester	X	X		
Terry Ludlum, Solid Waste Utility Director	X	X		
James Hausauer, Wastewater Util. Director	X	X		
Troy Hall, Water Utility Director	X	X		
Ben Dow, Public Works Operations Director	X	X		

ATTEST:

Terry Ludlum
Solid Waste Utility Director

C: Tim Mahoney, Mayor
Commissioner Grindberg
Commissioner Piepkorn
Commissioner Strand

CITY OF Fargo

Division of Solid Waste
2301 8th Avenue North
Fargo, North Dakota 58102
Phone: 701-241-1449
Fax: 701-241-8109

MEMORANDUM

To: Utility Committee

From: Terry Ludlum, Solid Waste Utility Director TL

Date: February 7, 20198

Subject: Wenck Associates Task Order: Project SW 19-01 Cell #19 Construction and Partial Closure Project

---

Within the 2019 Solid Waste budget are funds for the next phase of the proposed 20-year landfill reclamation and reuse project. **Project SW 19-01** is a cell construction project at the former landfill and a concurrent partial closure project at the current landfill as shown on the attached map. Specifically, the budgetary estimate for the construction of Cell #19 is $2,100,000, and partial closure of approximately 8-10 acres at the current landfill is estimated at $600,000. Please note that these budgetary costs include proposed engineering fees estimated at 10% of project costs.

Project SW 19-01:

Cell Construction Cell #19	$ 2,100,000
Partial Closure of Existing Landfill	$ 600,000
Total	**$ 2,700,000**

Attached for your reference is a proposed **Task Order from Wenck Associates** for engineering services related to Project SW 19-01. The **Scope of Services** has been divided in to four phases with associated task costs as shown below:

Phase 01	Design, Specifications, Bidding Assistance	$ 21,240
Phase 02	Project Management/Coordination	$ 52,620
Phase 03	Construction Quality Assurance Oversight	$ 78,410
Phase 04	Construction Documentation Report	$ 6,600
	Total	**$ 158,870**

As provided within the proposal, the major cost component is within **Phase 03** and is the on-site personnel requirement. The project is estimated to take approximately twelve (12) weeks to complete, with Wenck proposing to have a field technician onsite for approximately 55 hours per week for the 12 weeks.

Please note that the hourly projections are estimates and that Wenck will only charge for actual onsite hours. Onsite hours will be logged on a daily basis for billing and project tracking.

Industry standards for similar landfill project management and construction oversight are typically 8 to 10% of construction costs; Wenck's proposed cost is approximately 5.9% of the anticipated construction cost.

Given that Wenck's proposal falls within industry standards for similar projects and that the overall project costs are within the parameters of the 2019 Solid Waste budget, staff recommends approval of the attached proposed task order for Project SW19-01, Cell #19 Construction and Partial Closure Project.

Your attention in this matter is certainly appreciated.

Recommendation

Approve the attached task order with Wenck Associates to provide Consultant Engineering Services for Project SW19-01, Cell #19 Construction and Partial Closure Project.

WENCK

Responsive partner.
Exceptional outcomes.

Landfill Task Order
Between the City of Fargo
and
Wenck Associates, Inc.

Task Number: 0208-0149

Description: As requested, Wenck Associates, Inc. will complete the design, bidding assistance, project management/coordination, construction oversight and construction documentation of Cells 19 and a partial closure project. This project will consist of design work associated with the cell and closure and will follow the permitted design of the facility. Construction of this cell will allow for additional airspace for waste disposal operations and reduce the amount of open area with the landfill closure portion of this project.

Scope of Services:

Phase 01 - Design, Specifications, Bidding Assistance
Wenck will complete design of the cell to comply with federal, State and current permit regulations and offers the necessary flexibility of operations for staff. Wenck will also provide bidding assistance to the City for the project. Specific activities that will be performed during the design phase are as follows:

1. Perimeter grade layout to control surface water, base grade design that complies with current permit requirements.
2. Design of cell access for landfill operations and customers.
3. Design of gravity leachate collection system, pumping system and forcemain layout.
4. Design of electrical services for the pumping system.
5. Design of tie-in to provide a contiguous liner system with adjacent cell.
6. Perimeter access road layout and design.
7. Determine closure area boundary (estimated to be 8-10 acres).
8. Establish top of waste grade, and final cover grade within closure area.
9. Determine required surface water controls for closure area.
10. Communicate with NDDH on any necessary changes from proposed permitted layout.
11. Prepare plans and specifications.
12. Prepare cost estimate for construction.
13. Provide bidding assistance to the City.
14. Answer bidder questions as they arise.

Phase 02 - Project Management/Coordination
Rodney Ambrosie will provide certification of the completed project for regulatory approval, Client Manager Randy Hanson and Project Engineer Kyle Ambrosie will handle the administrative role for the project. They will be responsible for managing the project budget and weekly updates along with the following items:

1. Conduct a Pre-construction meeting.
2. Coordinate all project activities with the contractor and the City of Fargo.
3. Oversee construction oversight personnel during construction activities.
4. Perform weekly progress meetings with on-site personnel and City staff.
5. Review and reply on submittals.
6. Assist with preparation of necessary change orders.
7. Be available by telephone should any questions come up during construction when on-site observer is not present.
8. Ensure project is completed per federal, state, and current solid waste permit requirements.
9. Verify quantities to be used in determining contractor payments.
10. Ensure all materials are properly handled when encountered; cover soils placed properly, excavation sideslopes maintained, minimum and maximum grades, etc.
11. Provide final certification to North Dakota Department of Health (NDDH).

Phase 03 - Construction Quality Assurance Oversight

Construction oversight/CQA will be completed to ensure project is constructed to federal, state and current permit regulations. Wenck will provide a field technician who will observe the performance of the contractor and organize and maintain the necessary information required to document the construction. The field technician will also work closely with the contractor's surveyor to establish survey control for the contractor and to document grades.

Specific activities that will be performed during construction are as follows:

General

1. For the days, our observer is on site, observation of contractor progress and equipment on site.
2. Daily records for the days our observer is on site.
3. Keep construction photograph log.
4. Collect required soil and synthetic liner samples.
5. Work with surveyor to establish survey control and document as-built locations and grade.
6. Document quantities.

General Embankment

1. Coordinate field nuclear density tests to assure proper compaction.
2. Monitor construction to ensure proper grades are being met.
3. Coordinate survey documentation requirements with contractor's surveyor.
4. Coordinate with soils laboratory.

Cell 19 Clay Barrier Placement

1. Coordinate field density and moisture content testing by nuclear methods to determine moisture content and densities of the clay liner.
2. Collect thin-wall Shelby tube samples for laboratory determination of permeability. (testing to be completed by third party laboratory).
3. Collect bag samples of the clay liner for laboratory determination of Standard Proctor, Atterberg limits, grain size distribution, and USCS classification (testing to be completed by third party laboratory).
4. Coordinate the survey documentation requirements with contractor's surveyor.

5. Coordinate with soils laboratory.

60-mil HDPE Geomembrane Installation

1. Inventory and review of roll certifications.
2. Observe panel placement.
3. Monitor trial welds (startup weld).
4. Observe panel seaming.
5. Observe seam testing.
6. Observe geomembrane repairs.
7. Sample collection for destructive testing (testing to be completed by third party laboratory).
8. Compile test results of laboratory and field testing.

Granular Drainage Layer Installation

1. Provide observation of the installation of the granular drainage layer, to ensure there is no un-repaired damage to the HDPE liner.
2. Collect samples for laboratory determination of permeability, grain size distribution, and USCS classification (testing to be completed by third party laboratory).
3. Coordinate with soils laboratory.
4. Document the thickness of the granular drainage layer.
5. Coordinate survey documentation requirements with the contractors' surveyor.

Leachate Collection System Installation

1. Collect samples of the aggregate for grain size analysis (testing to be completed by third party laboratory).
2. Observe placement and document thickness of the aggregate.
3. Monitor and document HDPE pipe fusion and installation.
4. Monitor and document the pumps and controls installation.
5. Monitor and document the electrical installation.
6. Forcemain installation and connection to sanitary sewer.
7. Riser vault installation and associated piping.

Closure Construction

1. Confirm top of waste elevations.
2. Monitor and document placement of 3 feet of cover soils.
3. Coordinate field density and moisture content testing by nuclear methods to determine moisture content and densities of the cover soils.
4. Collect bag samples of the cover soil material for laboratory determination of Standard Proctor, Atterberg limits, grain size distribution, and USCS classification. (testing to be completed by third party laboratory).
5. Monitor and document placement of subsoil and topsoil.
6. Coordinate the survey documentation requirements with contractor's surveyor
7. Coordinate with soils laboratory.

Wenck has planned for a 12-week construction duration and to have a field technician available for 55 hours per week during the construction period.

PHASE 04 - CONSTRUCTION DOCUMENTATION REPORT

Wenck will prepare a construction documentation report for Cell 19 and Partial Closure Construction, which includes key personnel, soil testing data, geomembrane testing data, survey documentation, as-built drawings, photographs, and information collected during construction observation. A narrative describing the construction sequence that summarizes the daily field notes will be included rather than the actual field notes. As-built drawings will consist of revised design drawings that have been marked with construction record details/modifications and not entirely redrafted. Wenck will be working with the contractor's surveyor for grade documentation and will rely on them to provide the necessary grade documentation.

The documentation of the construction will be completed as the project progresses. This will allow a prompt submittal of the documentation report to the NDDH, as well as the City. We acknowledge that a timely submittal of activities at the site is imperative for City of Fargo review. The documentation report will consist of:

1. Summary of construction noting any special circumstances or deviation from contract plans and specifications;
2. Summary of quality assurance testing and procedures; (Wenck assumes this information will be available from others for inclusion in the report);
3. Survey documentation;
4. Construction photos; and
5. Record drawings.

The report will contain a summary statement certifying the facility was constructed per the approved plans, specifications, and permit. A professional engineer registered in North Dakota will sign the summary statement. Wenck will provide copies of the documentation report, for review and approval of local, county and state regulators. Wenck assumes that three copies of the report will be sufficient.

Associated Fees:

Wenck has prepared a detailed breakdown of the estimated hours and fees associated with this project and are included on the attached table. The rates provided are on an hourly basis with no increase due to overtime. It is assumed that the hours associated with this proposal are accurate for the estimated design requirements and a construction period of 12 weeks. Third party laboratory costs will be billed directly to the City.

The work will be completed per our current contracted rates. The estimated cost will not be exceeded without prior approval. Wenck will carefully monitor costs and advise the City of Wenck's budget status as part of weekly progress updates. The billing is based on an hourly basis for hours worked.

Wenck Associates, Inc. estimates the level of effort to complete this work to be approximately $158,870.

Task:

01 – Design, Specifications, Bidding Assistance	$ 21,240
02 – Project Management/Coordination	$ 52,620
03 – Construction Oversight	$ 78,410
04 – Construction Documentation Report	$ 6,600
Total	**$ 158,870**

Approved:

Randy L. Hanson, Principal
Wenck Associates, Inc.

Terry Ludlum, Solid Waste Utility Manager
City of Fargo

Rodney W. Ambrosie, CEO
Wenck Associates, Inc.

Deliverable and Date:

Wenck Associates, Inc. is ready to start on the design portion of the project as soon as approved, and will work with the City on a bid opening date and tentative construction schedule.

Table 1

Estimated Fees

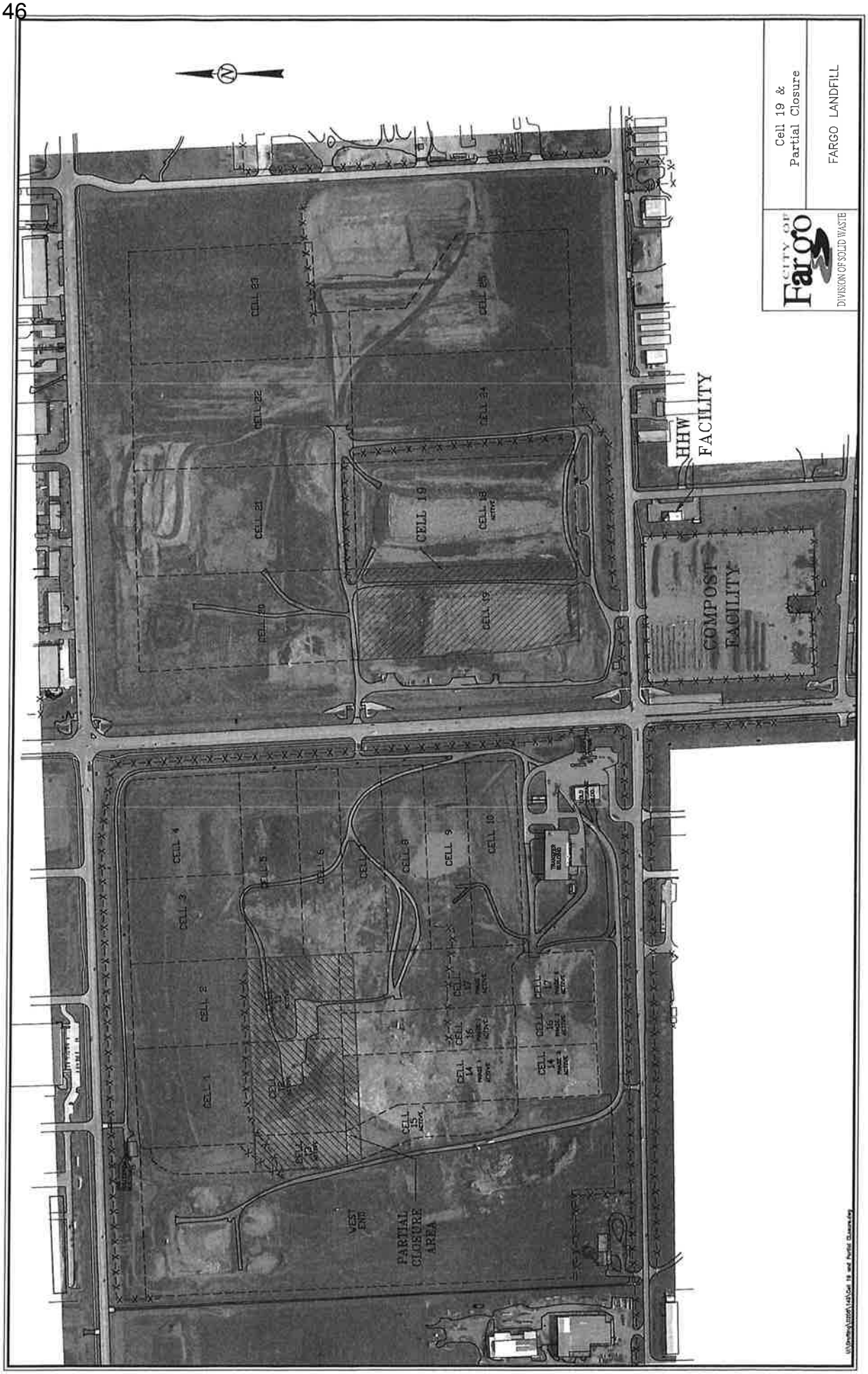
City of Fargo

Cell 19 and Partial Closure

Task	Senior QA/QC (Professional IV-C)	Client Mangager (Professional III-C)	Project Engineer (Professional I-B)	Design (Technician)	Field Technician (Professional I-A)	Clerical (Admin)	Total Hours	Labor Total	Expenses: Wenck	Expenses: Subcontractor	Expenses: 5% Tech Fee	Total
1. Detailed Design												
Cell Design	4	12	20	50	12		98	$10,760	$0		$538	$11,298
Project Specifications	4	10	20		24	5	63	$7,678	$0		$384	$8,062
Bidding Assistance	1	3	6	2	1	1	14	$1,787	$0		$89	$1,876
											Detailed Design Total	**$21,236**
2. Project Management/Coordination	10	130	195	10	8	6	359	$49,852	$275		$2,493	$52,620
											Project Management Total	**$52,620**
3. CQA Oversight	2	12	24	12	660	4	714	$70,684	$4,190		$3,534	$78,408
											Project Management Total	**$78,408**
4. Construction Documentation	2	2	6	24	24	5	63	$6,286	$0		$314	$6,600
											Construction Documentation Total	**$6,600**
											Project Total	**$158,864**

Notes:
1. Expenses include mileage, field supplies and equipment.
2. Assumed 12 Week Construction Period.
3. Field Tech at 55 hours/week for 12 weeks.
4. Laboratory testing will be billed directly to the City and and is estimated at $8,500.

WENCK
Responsive partner. Exceptional outcomes.


CITY OF Fargo
DIVISION OF SOLID WASTE
Cell 19 & Partial Closure
FARGO LANDFILL
HHW FACILITY
COMPOST FACILITY
CELL 19
PARTIAL CLOSURE AREA
CELL 1
CELL 2
CELL 3
CELL 4
CELL 5
CELL 6
CELL 7
CELL 8
CELL 9
CELL 10
CELL 11
CELL 12
CELL 13
CELL 14
CELL 15
CELL 16
CELL 17
CELL 18
CELL 20
CELL 21
CELL 22
CELL 23
CELL 24
CELL 25
TRANSFER BUILDING
WEST END

REPORT OF ACTION

UTILITY COMMITTEE

20

Project No. WW1402-10 Type: Change Order #2

Location: Broadway Interceptor SSO Project/Hazard Mitigation Grant Program (HMGP)

Date of Hearing: 2-14-2019

Routing	Date
City Commission	2-25-2019
Project File	

Jim Hausauer, Wastewater Utility Director, presented the attached Change Order #2 from Master Construction for Project WW1402-10. If you recall, the City of Fargo was approved for FEMA Hazard Mitigation Grant Program (HMGP) funding for project DR-1981-ND-9R (Broadway Interceptor SSO Reduction Project). The HMGP funding that was available consisted of 85% project grant funds for the City, with a funding formula of 75% Federal, 10% State, and 15% Local. The Broadway SSO Reduction Project will reduce hazards associated with sanitary sewer overflows and sanitary sewer backups within the Broadway Interceptor service area caused by wet weather conditions and river flooding. To accomplish this reduction in hazards, the project included three main components:

- **Structure Improvements:** This will include modifications to sanitary Lift Station (LS) #1, LS #2, and the West Side Interceptor Overflow.
- **Broadway Relief Force Main**: This will include the construction of 22,000' of force main from LS #1/LS #2 and will convey wet weather flows to the WWTP or wastewater stabilization ponds (WWSP).
- **WWTP Effluent Force Main Rehabilitation**: This will include the rehab of 2,000 ft of the existing 30" ductile iron Effluent Force Main from the WWTP to the stabilization ponds.

Segment 10 is an extension of the Broadway force main along the south side of the WWTP and connects to the existing Effluent Force Main. From this point, wet weather flows will be conveyed from Lift Stations 1&2 through the Effluent Force Main to the WWSP. Attached you will find Change Order #2 for Segment 10 from Master Construction for $41,828.17.

- Isolation plug valves were added to two Air Relief Valves (ARV's) on Segment 2 to provide isolation maintenance. $1,280.00
- An isolation valve was added on the water main from the apartments south of the Wastewater Treatment Plant to provide isolation on the water line for construction activity and still allow water service to continue to the apartments. $8,659.69
- PVC vent piping was added to the ARV's installed by Master on all segments. $2,014.75
- Extensions will be added to the valve actuators on Segment 10 to move the actuators out of the interior vault (classified space) to the exterior. The actuators will then be accessible for operation and maintenance from the exterior without entering the classified space in the vault. $21,609.73
- The cleanout manhole will be coated on the interior in lieu of the exterior resulting in a reduction in the area to be coated. Manhole interior coating deduct. (-$1,865.00)
- Final quantities of installed materials were totaled and compared to bid quantities. The final balancing increases/decreases result in an overall contract increase. $10,129.00

The total amount of Change Order #2 is $41,828.17 with the HMGP funding formula as follows:

Amount	Federal (75%)	State (10%)	City (15%)
$41,828.17	$31,371.13	$4,182.82	$6,274.22

Note: As per the HMGP Funding formula, the City of Fargo will be responsible for $6,274.22 and is funded with Wastewater Infrastructure Sales Tax Fund 455.

MOTION:

On a motion by Terry Ludlum, seconded by Ben Dow, the Utility Committee voted to approve Change Order #2 from Master Construction for Project WW1402-10

COMMITTEE:	Present Yes	No	Unanimous X X Proxy
Anthony Gehrig, City Commissioner			
Kent Costin, Director of Finance	X		
Brian Ward, Water Plant Superintendent	X		
Mark Miller, Wastewater Plant Supt.	X		
Bruce Grubb, City Administrator	X		
Scott Liudahl, City Forester	X		
Terry Ludlum, Solid Waste Utility Director	X		
Jim Hausauer, Wastewater Utility Director	X		
Troy Hall, Water Utility Director	X		
Ben Dow, Public Works Operations Director	X		
Brenda Derrig, City Engineer	X		(proxy- T. Knakmuhs)

ATTEST:

Jim Hausauer
Wastewater Utility Director

C: Mayor Mahoney
Commissioner Strand
Commissioner Piepkorn
Commissioner Grindberg

THE CITY OF Fargo
FAR MORE

Wastewater Treatment Plant
3400 North Broadway
Fargo, ND 58102
Office: 701.241.1454 | Fax: 701.241.8159
www.FargoND.gov

MEMORANDUM

February 14, 2019

To: Utility Committee

From: Jim Hausauer, Wastewater Utility Director

Re: Project WW1402-10 – Change Order #2
Broadway Interceptor SSO Reduction Project

Background

If you recall, the City of Fargo was approved for FEMA Hazard Mitigation Grant Program (HMGP) funding for project DR-1981-ND-9R (Broadway Interceptor SSO Reduction Project). The HMGP funding that was available consisted of 85% project grant funds for the City, with a funding formula of 75% Federal, 10% State, and 15% Local.

The Broadway SSO Reduction Project will reduce hazards associated with sanitary sewer overflows and sanitary sewer backups within the Broadway Interceptor service area caused by wet weather conditions and river flooding. To accomplish this reduction in hazards, the project included three main components:

1. **Structure Improvements:** This will include modifications to sanitary Lift Station (LS) #1, LS #2, and the West Side Interceptor Overflow Improvements.
2. **Broadway Relief Force Main**: This will include the construction of 22,000' of relief force main from LS #1 & LS #2 and will convey wet weather flows to the WWTP or wastewater stabilization ponds (WWSP).
3. **WWTP Effluent Force Main Rehabilitation**: This will include the rehab of 2,000 ft of the existing 30" ductile iron Effluent Force Main from the WWTP to the stabilization ponds.

The Broadway HMGP Project has been divided into multiple segments (12) with some installed in conjunction with previously scheduled projects (water main replacement & street rehab) and some led by the Wastewater Utility.

Segment 10

The original design that was submitted in the HMGP Application, included modifications to the Effluent Pump Station (EPS) and the installation of a gravity sewer from the end of the Broadway Force Main to the modified EPS. During design, concerns about slope stability along the river, caused city staff to investigate potential alternatives. The City currently has an ordinance related to river setback requirements associated with Limited Development Zones (LDZ) and Minimal Development Zones (MDZ), with the EPS and the gravity sewer being within each of these zones. The preferred alternative, which is identified as Segment 10, was to proceed with an extension of the Broadway force main along the south side of the WWTP and connect to the existing Effluent Force Main. From this point, wet weather flows will be conveyed from Lift Stations 1&2 through the Effluent Force Main to the WWSP.

Change Order #2

Attached you will find Change Order #2 for Segment 10 from Master Construction for $41,828.17. Change Order #2 consists of the following work:

1. ***4" Plug Valves- Broadway Force Main***: Isolation plug valves were added to two Air Relief Valves (ARV's) on Segment 2 to provide isolation maintenance. $1,280.00
2. ***Additional Cost for Materials and Labor***: An isolation valve was added on the water main from the apartments south of the Wastewater Treatment Plant to provide isolation on the water line for construction activity and still allow water service to continue to the apartments. $8,659.69
3. ***ARV Gooseneck Conduit:*** PVC vent piping was added to the ARV's installed by Master on all segments. $2,014.75
4. ***Valve Actuator Extensions***: Extensions will be added to the valve actuators on Segment 10 to move the actuators out of the interior vault (classified space) to the exterior. The actuators will then be accessible for operation and maintenance from the exterior without entering the classified space in the vault. $21,609.73
5. ***Reduced Manhole Coating Area***: The cleanout manhole will be coated on the interior in lieu of the exterior resulting in a reduction in the area to be coated. Manhole interior coating deduct. (-$1,865.00)
6. ***Balancing Bid Quantities***: Final quantities of installed materials were totaled and compared to the bid quantities. The final balancing increases/decreases result in an overall contract increase. $10,129.00

The total amount of Change Order #2 is $41,828.17 with the HMGP funding formula as follows:

Amount	Federal (75%)	State (10%)	City (15%)
$41,828.17	$31,371.13	$4,182.82	$6,274.22

Note: As per the HMGP Funding formula, the City of Fargo will be responsible for $6,274.22 and is funded with Wastewater Infrastructure Sales Tax Fund 455.

Your consideration in this matter is greatly appreciated.

Recommended Motion

Approve attached Change Order #2 for Project WW1402-10 from Master Construction for an increase of $41,828.17.

www.ae2s.com

February 5, 2019

Jim Hausauer, REHS
Wastewater Utility Director
City of Fargo
Wastewater Treatment Plant
3400 Broadway North
Fargo, ND 58102

Re: Change Order No. 2
Contract #1 Broadway Interceptor SSO Reduction – Segment 10 Force Main
City Project WW1402-10

Dear Jim:

Enclosed please find three (3) copies of Change Order No. 2 for the above-referenced project for your review and approval. This Change Order pertains to the following changes to the project:

Item #1 ***4" Plug Valves -- Broadway Force Main:*** 4-inch plug valves are necessary in order for the ARV's to be installed. Due to Segment 2 providing a deduct for the two 4-inch plug valves, Master has supplied and installed these along with the ARV and goosenecks in the Segment 2 ARV Vaults. The supply and install quote from Master is $640 per each, resulting in an overall contract increase of **$1,280.00**.

Item #2 ***Additional Cost for Materials and Labor:*** Due to the water main, on the south side of the Wastewater Treatment Plant (WWTP), not having a valve on the line to isolate the WWTP, this was required to be installed to allow the WWTP to continue daily operations. Master installed a valve on the line to isolate the, and installed a valve and the ACP watermain pipe with new PVC pipe. The labor and additional materials supplied from Master has resulted in an overall increase of **$8,659.69**.

Item #3 ***ARV Gooseneck Conduit:*** Per the City's request, Master installed 2" conduit off the ARV's inside the vaults to allow any excess water/vapor to be discharged below the pipe. This has resulted in an overall increase of **$2,014.75.**

Item #4 ***Reduced Manhole Coating Area:*** The manhole on Segment 10 will be coated on the interior of the manhole in lieu of the exterior. This change results in a reduction to the surface area being coated. The reduced area results in a deduct of **($1,865.00).**

Item #5 ***Valve Actuator Extensions:*** Extensions will be added to the valve actuators inside the valve vault south of the WWTP to move the actuators above the vault for accessibility and to remove them from the classified hazardous space within the vault. The cost associated with the valve extensions results in an increase of **$21,609.73.**

Jim Hausauer, REHS
February 5, 2019
Re: Change Order No. 2
Contract #1 Broadway Interceptor SSO Reduction – Segment 10 Force Main
City Project WW1402-10

Item #6 ***Balancing Bid Quantities:*** Final quantities of installed materials were totaled and compared to the bid quantities. The balancing of the final quantities (both increases and decreases) result in an overall contract increase of **$10,129.00.**

The cost Impact to Change Order No. 2 is presented in the following table:

Item	Cost
1. Addition of two 4-inch Plug Valves	$ 1,280.00
2. Water Main Tie In/Additional Work	$ 8,659.69
3. ARV Goosenecks/Fittings	$ 2,014.75
4. Reduced Manhole Coating Area	($1,865.00)
5. Valve Actuator Extensions	$21,609.73
6. Balancing Bid Quantities	$10,129.00
Change Order No. 2 Total	**$ 41,828.17**

The funding summary for this change order includes the following:
- FEMA: $31,371.13
- State HMGP: $4,182.82
- City Sales Tax: $6,274.22

Upon the City of Fargo's acceptance of Change Order No. 2, please sign and date the three (3) original copies. Retain one copy for your records and return the remaining two (2) copies to AE2S. AE2S will forward one (1) copy to Master Construction and will retain the remaining copy for our records. Please contact me if you have any questions or need additional information.

In Service,

AE2S

Ben Julson, PE
Project Manager

Change Order

No. 2

Date of Issuance: 2/25/2019 **Effective Date:** 2/25/2019

Project: Broadway Interceptor SSO Reduction – Segment 10 Force Main	**Owner:** City of Fargo	**Owner's Contract No.:** 1402-10
Contract: Contract No. 1 – General Construction		**Date of Contract:** June 19, 2017
Contractor: Master Construction		**Engineer's Project No.:** P00803-2014-000

The Contract Documents are modified as follows upon execution of this Change Order:

Description: See attached Descriptions of Work.

Attachments: Descriptions of Work
Supporting documents for Change Order Items

CHANGE IN CONTRACT PRICE:	~~**CHANGE IN CONTRACT TIMES:**~~
Original Contract Price:	~~Original Contract Times: ☒Working days ☒Calendar days~~
$ 756,785.00	~~Substantial completion (days or date):~~
	~~Ready for final payment (days or date):~~
[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 1:	~~[Increase] [Decrease] from previously approved Change Orders No. 0 to No.:~~
$ 60,096.00	~~Substantial completion (days or date):~~
	~~Ready for final payment (days or date):~~
Contract Price prior to this Change Order:	~~Contract Times prior to this Change Order:~~
$ 816,881.00	~~Substantial completion (days or date):~~
	~~Ready for final payment (days or date):~~
[Increase] [~~Decrease~~] of this Change Order:	~~[Increase] [Decrease] of this Change Order:~~
$ 41,828.17	~~Substantial completion (days or date):~~
	~~Ready for final payment (days or date):~~
Contract Price incorporating this Change Order:	~~Contract Times with all approved Change Orders:~~
$ 858,709.17	~~Substantial completion (days or date):~~
	~~Ready for final payment (days or date):~~

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: Ben Gibson	By:	By:
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: 2-14-2019	Date:	Date: 2/12/19

Approved by Funding Agency (If applicable): Date:

Change Order
Instructions

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

Change Order No. 2 Description of Work

The following is a description of the work contained within Change Order No. 2:

1. Isolation plug valves were added to two ARVs on Segment 2 to provide isolation for maintenance.
2. An isolation valve was added on the water main from the apartments south of the WWTP to provide isolation on the water line for construction activity and still allow water service to continue to the apartments.
3. PVC vent piping was added to the ARVs installed by Master on all segments.
4. The cleanout manhole planned to be coated will be coated on the interior in lieu of the exterior resulting in a reduction to the area to be coated.
5. Extensions will be added to the valve actuators on Segment 10 to move the actuators out of the vault and the classified space within the vault. The actuators will then be accessible for operation and maintenance without entering the vault.
6. Final quantities of installed materials were totaled and compared to the bid quantities. The balancing of the final quantities (both increases and decreases) are summarized in this final change order.

The cost impact to Contract No. 1 is summarized in the following:

Item	Cost
1. Added Plug Valves on Segment 2	$1,280.00
2. Valve on Water Main from Apartments	$8,659.69
3. ARV Additional Vent Piping	$2,014.75
4. Manhole Interior Coating Deduct	($1,865.00)
5. Extend Valve Actuators Above Vault on Segment 10	$21,609.73
6. Bid Quantity Balancing	$10,129.00
Total for Change Order No. 2 =	**$41,828.17**

Change Item No. 1

Ben Julson

From: Jason Winter <Jason@master-construction.net>
Sent: Tuesday, January 16, 2018 9:02 AM
To: Aundie Softing
Subject: Section 10 Force Main Valves

Aundie –

As per your request Master would supply and install a 4in plug valve for $640.00 / EA. As an alternative we would supply and install a 2in SS ball valve for $570.00 / EA. Please let me know and we will get these going.

Also do you know where we are at on the shop drawings for the controls at the sewage plant?

MASTER
FARGO • BISMARCK • DICKINSON ND

1572 45th St. N
Fargo, ND 58102
Cell: 701.412.7081
Ph: 701.237.4950
Fx: 701.237.5027

Change Item No. 2

MASTER CONSTRUCTION

Change Order Form

Date: December 1, 2017
Job Number: Section 10 Forcemain
Description: 10 in Water 15in Storm
Engineer: Aundie
Field Inspector:

LABOR

		Hours	Hourly Rate	Total
Foreman	1	5	$ 60.00	$ 300.00
Operator	2	10	$ 55.00	$ 550.00
Laborer	2	10	$ 35.00	$ 350.00
				$ 1,200.00

Equipment

Make	Size	Description	Utilized Hours	Hourly Rate	Total
Cat	349	Excavator	5.00	$ 200.00	$ 1,000.00
John Deere	644	Loader	5.00	$ 160.00	$ 800.00
Cat	324	Excavator	5.00	$ 165.00	$ 825.00
Cat	D6	Dozer	5.00	$ 180.00	$ 900.00
					$ -
					$ 3,525.00

Materials

Description	Quantity	Cost	OH / Profit (25%)	Total
Pipe, Romacs 10in	1	$ 1,260.00	$ 315.00	$ 1,575.00
10in Valve	1	$ 1,580.00	$ 395.00	$ 1,975.00
Class 3	10	$ 9.40	$ 23.50	$ 117.50
15 in Storm	15	$ 14.25	$ 53.44	$ 267.19
				$ 3,934.69

Subcontractors

Description	Quantity	Cost	OH / Profit (10%)	Total
			$ -	$ -
			$ -	$ -
			$ -	$ -
				$ -

Notes:

Total Labor	$	1,200.00
Total Equipment	$	3,525.00
Total Materials	$	3,934.69
Total Subcontractors	$	-
Grand Total	**$**	**8,659.69**

Change Item No. 3

MASTER CONSTRUCTION

Change Order Form

Date: December 1, 2017
Job Number: Section 10 Forcemain
Description: ARV Goose Necks
Engineer: Aundie
Field Inspector:

LABOR

		Hours		Hourly Rate		Total
Foreman	1	6.5	$	60.00	$	390.00
Operator	2	13	$	55.00	$	715.00
Laborer	2	13	$	35.00	$	455.00
					$	1,560.00

Equipment

Make	Size	Description	Utilized Hours	Hourly Rate	Total
					$ -
					$ -
					$ -
					$ -
					$ -
					$ -

Materials

Description		Quantity		Cost		OH / Profit (25%)		Total
Sch 80 Bends	EA	26	$	3.75	$	24.38	$	121.88
Sch 80 Pipe	LF	52	$	1.75	$	22.75	$	113.75
Sch 80 Male Coupling	EA	13	$	10.30	$	33.48	$	167.38
2 In SS Nipple	EA	9	$	4.60	$	10.35	$	51.75
							$	454.75

Subcontractors

Description	Quantity	Cost	OH / Profit (10%)	Total
			$ -	$ -
			$ -	$ -
			$ -	$ -
				$ -

Notes:

Total Labor	$	1,560.00
Total Equipment	$	-
Total Materials	$	454.75
Total Subcontractors	$	-
Grand Total	**$**	**2,014.75**

Change Item No. 4

INNOVATIVE FOUNDATION SUPPORTWORKS™

5/4/18

Jason Winter
Master Construction Co.
P.O. Box 788
Fargo, ND 58107

RE: Zebron Coating on 5' Diameter Precast Manhole

Innovative Foundation Supportworks will be coating the interior of the 5' diameter precast manhole on the Broadway Interceptor Reduction – Segment 10 Force Main project instead of the exterior. Most of the manholes that Innovative coats is an interior application. This does not affect the warranty.

Innovative Foundation Supportworks will warrant this manhole for 15 years. This warranty covers any disbondment, pinholes, leakage or seepage that may occur where the Zebron coating is applied. This warranty does not cover the integrity of the structure being coated. If repairs need to be done after installation, any excavation or structure removal is to be done by others and is not covered by this warranty. Any damage caused by others during structure installation is not covered under this warranty.

There will be a deduct of $1865.00 in the coating contract because of the reduced area being coated.

If you require further information, please contact me.

Sincerely,

Terri Koslowski, PE
Commercial Estimator
Innovative Foundation Supportworks
Cell: 612-499-4041
TKoslowski@teaminnovative.com

Change Item No. 5

MASTER CONSTRUCTION

Change Order Form

Date: December 1, 2017
Job Number: Section 10 Forcemain
Description: Valve Extension Modifications
Engineer: Aundie
Field Inspector:

LABOR

	Hours	Hourly Rate		Total
Remove Valve Actuators			$	250.00
Install Valve Actuators			$	1,500.00
			$	-
			$	1,750.00

Equipment

Make	Size	Description	Utilized Hours	Hourly Rate		Total
Extension and Extension Bonnet					$	13,827.00
					$	-
					$	-
					$	-
					$	-
					$	13,827.00

Materials

Description	Quantity	Cost	OH / Profit (25%)		Total
			$ -	$	-
			$ -	$	-
			$ -	$	-
			$ -	$	-
				$	-

Subcontractors

Description	Quantity	Cost	OH / Profit (10%)		Total
Valvamatic Rep site visit			$ -	$	4,000.00
JDP - Move Valve Operators	1	$ 1,847.94	$ 184.79	$	2,032.73
			$ -	$	-
				$	6,032.73

Notes: Due to the explosion rating of the new actuators they need to be moved to the exterior of the structure.

Total Labor	$	1,750.00
Total Equipment	$	13,827.00
Total Materials	$	-
Total Subcontractors	$	6,032.73
Grand Total	**$**	**21,609.73**

Change Item No. 6

Project: Broadway Interceptor SSO Reduction – Segment 10 Force Main
Owner Contract No. WW Project No. 1402-10
Contractor: Master Construction

Item No.	Description	Bid Quantity	Unit Price	Installed Quantity	Balance to Finish
1	Remove Pavement All Thicknesses All Types	225	$ 10.00	286	$ 610.00
2	Subgrade Preparation	225	$ 5.00	340	$ 575.00
3	F&I Woven Geotextile	225	$ 3.00	340	$ 345.00
4	Remove Curb & Gutter	125	$ 10.00	153.9	$ 289.00
5	F&I Curb & Gutter Standard (Type II)	125	$ 35.00	153.9	$ 1,011.50
6	F&I Edge Drain 4" Dia PVC	125	$ 8.00	78	$ (376.00)
7	F&I Class 5 Agg - 8" Thick	225	$ 10.00	340	$ 1,150.00
8	Remove & Repl Driveway 6" Thick Reinf Conc	75	$ 75.00	77.1	$ 157.50
9	F&I Aggregate for Asph Pavement FAA 43	125	$ 50.00	138.01	$ 650.50
10	F&I Asphalt Cement PG 58-34	1560	$ 3.00	1787	$ 681.00
11	Paint Epoxy Line 4" Wide	120	$ 20.00	120	$ -
12	Traffic Control - Type 1	1	$ 2,000.00	1	$ -
13	F&I DI Force Main - Fittings	21050	$ 4.10	22705	$ 6,785.50
14	F&I Clean-out Manhole 5' Dia Reinf Conc	1	$ 29,000.00	1	$ -
15	F&I Pipe w/GB DR 25 - 30" Dia PVC (open cut)	110	$ 200.00	110	$ -
16	F&I Pipe DR 25 - 30" Dia PVC (open cut)	1700	$ 117.00	1700	$ -
17	F&I Pipe DR 25 - 24" Dia PVC (open cut)	25	$ 100.00	30	$ 500.00
18	Remove Manhole	1	$ 1,000.00	1	$ -
19	F&I Insulation 2" Thick	400	$ 25.00	426	$ 650.00
20	Seeding Type A	4000	$ 0.35	4000	$ -
21	Mulching Type 1 - Hydro	4000	$ 0.40	4000	$ -
22	Weed Control Type B	4000	$ 0.10	4000	$ -
23	F&I ARV and Accessories	19	$ 4,100.00	19	$ -
24	F&I Manhole Type E Reinf Conc	2	$ 110,000.00	2	$ -
25	Connect to Existing Structures	1	$ 2,500.00	1	$ -
26	Connect to Existing Pipelines	3	$ 1,500.00	3	$ -
27	Bypass Pumping at WSI	1	$ 500.00	0	$ (500.00)
28	Fence Removal	1	$ 2,000.00	1	$ -
29	Tree Removal	3	$ 800.00	0	$ (2,400.00)
30	Electical	1	$ 60,000.00	1	$ -
	Totals				**$ 10,129.00**

REPORT OF ACTION

UTILITY COMMITTEE

21

Project No. WA1301

Type: Amendment #1 to AE2S Task Order #3

Location: Membrane Water Treatment Plant

Date of Hearing: 2/14/2019

Routing	Date
City Commission	2/25/2019
Project File	

Troy Hall, Water Utility Director, presented the attached memo and proposed amendment to AE2S Task Order #3. Task Order #3 relates to Instrumentation & Control (I&C) services for the Membrane Water Treatment Plant (MWTP) construction. The amendment requests a change in scope with no change in cost to the task order. This task order is under budget at this time for the programming of the MWTP control system. The amendment adds scope to include programming services to begin migrating the lime softening WTP and remote pumping stations onto the new SCADA system.

MOTION:

On a motion by Bruce Grubb, seconded by Mark Miller, the Utility Committee voted to approve the proposed Amendment #1 to AE2S Task Order #3 as a change in scope with no change in cost.

COMMITTEE:	Present	Yes	No	Unanimous
				X
				Proxy
Anthony Gehrig, City Commissioner				
Kent Costin, Director of Finance	X			
Brian Ward, Water Plant Supt.	X			
Mark Miller, Wastewater Plant Supt.	X			
Bruce Grubb, City Administrator	X			
Scott Liudahl, City Forester	X			
Terry Ludlum, Solid Waste Utility Director	X			
James Hausauer, Wastewater Util. Director	X			
Troy Hall, Water Utility Director	X			
Ben Dow, Public Works Operations Director	X			
Brenda Derrig, City Engineer	X		(Tom Knakmuhs)	

ATTEST:

Troy B. Hall
Water Utility Director

C: Tim Mahoney, Mayor
Commissioner Strand
Commissioner Piepkorn
Commissioner Grindberg

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

MEMORANDUM
February 10, 2019

To: Utility Committee

From: Troy B. Hall, Water Utility Director

Re: Amendment No. 1 to AE2S Task Order No. 3

Introduction

Attached, please find an amendment to AE2S Task Order #3 for an expanded scope of Instrumentation and Control (I&C) services with no change in cost related to the Membrane Water Treatment Plant (MWTP) project. Water Utility staff is requesting approval of Amendment No. 1 to Task Order #3. The I&C services (Task Order #3) for the MWTP project are under budget with the equipment startup and controls programming mostly complete. The data visualization for WTP personnel has some programming remaining. A primarily factor in the efficient use of budget is the change in SCADA software to Ignition instead of Wonderware. The change in scope under this amendment will begin converting controls for the Lime Softening WTP and remote pumping stations to the Ignition SCADA platform. The desired outcome is to have all Water Utility facilities on a single SCADA. The data visualization tools available in the Ignition SCADA software are greatly improving the speed at which information is seen by WTP staff.

Financial Considerations

There is no cost change in Amendment No. 1 to AE2S Task Order No. 3. It is only a change in scope.

SUGGESTED MOTION:

Approve Amendment No. 1 to AE2S Task Order #3 for a change in scope with no change in cost.

Your consideration in this matter is greatly appreciated.

This is **Amendment No. 1 to Task Order No. 3**, consisting of 2 pages, referred to in and part of the **Task Order Agreement between Owner and Engineer for Professional Water Consulting Services** dated January 1, 2018.

Amendment To Water Consulting Task Order No. 3

In accordance with Exhibit K of the Agreement Between Owner and Engineer for Professional Water Consulting Services – Task Order Edition, dated January 1, 2018 ("Agreement"), Owner and Engineer agree to amend an existing Task Order as follows:

1. **Background Data:**

   a. Effective Date of Amendment: February 14, 2019

   b. Owner: City of Fargo (Water Utility)

   c. Engineer: Advanced Engineering and Environmental Services, Inc. (AE2S)

   d. Engineer Project No.: P00803-2009-025

2. **Description of Modifications**

   a. Engineer shall perform the following Additional Services:

   Add the following services under Task 01 – PLC and HMI Programming Services:

   4) Provide programming to migrate functionality of Lime Softening Water Treatment Plant systems and remote pump station sites operating under the existing Wonderware based SCADA system to the new Ignition based SCADA system.

   5) Provide programming in the Ignition SCADA system to remotely monitor and control the operations of the new Filter-To-Waste valves.

   6) Provide PLC programming to automate the operations of the new Filter-To-Waste valves.

3. **Task Order Summary (Reference only)**

   a. Original Task Order amount: $432,200

   b. Net change for prior amendments: $0

   c. This amendment amount: $0

   d. Adjusted Task Order amount: $432,200

The foregoing Task Order Summary is for reference only and does not alter the terms of the Task Order, including those set forth in Exhibit C of the Agreement.

Owner and Engineer hereby agree to modify the above-referenced Task Order as set forth in this Amendment. All provisions of the Agreement and Task Order not modified by this or previous Amendments remain in effect.

The Effective Date of this Amendment is February 14, 2019.

OWNER: City of Fargo (Wastewater Utility)		ENGINEER: Advanced Engineering and Environmental Services, Inc. (AE2S)	
By:		By:	
Name:	Troy Hall	Name:	Brian R. Bergantine, PE
Title:	Water Utility Director	Title:	Operations Manager

REPORT OF ACTION

UTILITY COMMITTEE

(22)

Project No. WA1301 Type: AE2S Task Order #16 – Fargo MWTP Warranty Phase & Operational Help

Location: Membrane Water Treatment Plant (435 14th Avenue South)

Date of Hearing: 2/14/2019

Routing	Date
City Commission	2/25/2019
Project File	

Troy Hall, Water Utility Director, presented the attached memo regarding a proposed AE2S task order for post-construction engineering with the Membrane Water Treatment Plant (MWTP) project. If Task Order #16 is approved and fully utilized, overall engineering services for the MWTP will remain under the estimated engineering budget at the time construction began. The engineering services cover four areas:

- Continuation of Construction and Start-up Services
- Warranty Period Coordination
- Record Drawing Development
- Operational Review and Support

Water Utility staff suggests that the following scope of service is important to the successful completion of the Preliminary Engineering Report (PER) under this task order:

Phase	Task Number and Task Name	Est. Hours	Amount
Phase 060	**Construction Phase Services - Extension**		
	01 Project Management and Administration	400	$ 69,300
Phase 070	**Post-Construction Phase Services**		
	01 Warranty Period Coordination	300	$ 47,000
	02 Record Drawing Development	1,500	$224,000
Phase 090	**Additional Services – Operation Support**		
	01 Operation Review and Support	1,450	$159,500
	Total	**1791**	**$499,800**

The Membrane Water Treatment Plant project is being paid for through State Water Commission (SWC) grant funding and through a State Revolving Fund (SRF) loan. The SRF loan is administered by the North Dakota Public Finance Authority (PFA) and the North Dakota Department of Health (NDDH). The City of Fargo has now collected the $30 million in grant funding allotted for the MWTP from the SWC.

MOTION:

On a motion by Terry Ludlum, seconded by Jim Hausauer, the Utility Committee voted to approve the proposed Task Order #16 with AE2S in the amount of $499,800 for post-construction engineering services at the Membrane Water Treatment Plant.

COMMITTEE:	Present	Yes	No	Unanimous
				X
				Proxy
Anthony Gehrig, City Commissioner				
Kent Costin, Director of Finance	X			
Brian Ward, Water Plant Supt.	X			
Mark Miller, Wastewater Plant Supt.	X			
Bruce Grubb, City Administrator	X			
Scott Liudahl, City Forester	X			
Terry Ludlum, Solid Waste Utility Director	X			
James Hausauer, Wastewater Util. Director	X			
Troy Hall, Water Utility Director	X			
Ben Dow, Public Works Operations Director	X			
Brenda Derrig, City Engineer	X		(Tom Knakmuhs)	

ATTEST:

Troy B. Hall
Water Utility Director

C: Tim Mahoney, Mayor
Commissioner Strand
Commissioner Piepkorn
Commissioner Grindberg

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

MEMORANDUM
February 10, 2019

To: Utility Committee

From: Troy B. Hall, Water Utility Director

Re: AE2S Task Order #16 – Fargo Membrane WTP – Warranty Phase and Operations Support

---

Introduction

Attached, please find a proposed task order with AE2S for Warranty Phase Services and Operations Support related to Membrane WTP (MWTP) operation. This should be one of the last significant phases of the MWTP project construction, start-up, and optimization. Record drawing development is the highest cost task in the proposal. Task Order #17 is in the total amount of $499,800. The MWTP project is being paid for through State Water Commission (SWC) grant funding and through a State Revolving Fund (SRF) loan administered by the North Dakota Public Finance Authority (PFA) and North Dakota Department of Health (NDDH).

Picture of the valves and piping for the Suez Microfiltration/Ultrafiltration (MF/UF) membrane process. This process removes particles from water prior to Reverse Osmosis. In addition, the MF/UF process attains significant EPA credit toward pathogen removal.

The following provides a brief summary of the engineering services requested under the attached task order proposal:

Record Drawing Development: The highest cost task in the proposal is developing record drawings. The record drawings are important for troubleshooting, future plant/campus modifications and other needs in the future. Lack of accurate record drawings can result in significant issues during future construction or repairs. Inaccurate drawings created some problems, additional construction costs, or near-misses on the WTP campus during the time period of MWTP construction. For the Task Order #17 proposal, it is estimated at about 2 hours of engineering time per drawing to create the record drawings. There are 850 drawings for the MWTP.

Operational Support: The operation of the MWTP along with the lime softening plant is complex relative to most water treatment facilities. At this time, nearly all systems have been started-up. However, it will take some time and data collection to optimize the MWTP processes to be the most cost efficient. In addition, Water Utility staff is busy with other infrastructure design and construction projects such as regional water service facilities, raw water resource development, water distribution facility maintenance, and residuals handling planning. Water Utility staff has asked AE2S to provide operational support in the MWTP for much of 2019 to help manage the overall work load for the Water Utility and give the MWTP needed attention. Water Utility staff has requested engineers with lower billable hourly rates for much of the operational assistance.

Warranty Period Coordination: MWTP equipment has a 1-year warranty period for most items. The warranty engineering services will assist Water Utility personnel with warranty repair items and communications with contractors. This includes warranty items for process, electrical, instrumentation and controls, structural, architectural, and civil/site related components.

Continuation of Construction and Start-up Services: Water Utility staff requested construction engineering services beyond the budgeted and scheduled Substantial Completion for the project. These services have been carried through final completion with the three contractors: General, Mechanical, and Electrical.

Fargo Membrane WTP Warranty Phase & Operations Support – Scope of Service

Water Utility staff suggests that the following scope of services for Task Order #16 is important for warranty phase services, record drawing completion, and MWTP operation during the optimization phase for the MWTP:

Phase	Task Number and Task Name	Est. Hours	Amount
Phase 060	**Construction Phase Services – Extension**		
	01 Continuation of Construction and Start-up Services	400	$ 69,300
Phase 070	**Post-Construction Phase Services**		
	01 Warranty Period Coordination	300	$ 47,000
	02 Record Drawing Development	1,500	$224,000
Phase 090	**Additional Services – Operation Support**		
	01 Operational Review and Support	1,450	$159,500
	Total		**$499,800**

Plan of Financing

The project is being paid for through State Water Commission (SWC) grant funding and through a State Revolving Fund (SRF) loan administered by the North Dakota Public Finance Authority (PFA) and North Dakota Department of Health (NDDH). The $30 million in grant funding from the SWC has all been received by the City of Fargo for the MWTP project.

SUGGESTED MOTION:

Approve Task Order #16 with AE2S in the amount of $499,800 to be paid with a State Revolving Fund (SRF) loan for engineering services related to the Membrane WTP project.

Your consideration in this matter is greatly appreciated.

This is Water Consulting Task Order No. 16, consisting of 4 pages.

Water Consulting Task Order No. 16

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Water Consulting Services – Task Order Edition, dated January 1, 2018 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

A. Effective Task Order Date: September 1, 2018

B. Owner: City of Fargo (Water Utility)

C. Engineer: Advanced Engineering and Environmental Services, Inc. (AE2S)

D. Engineer Project No.: P00803-2009-025

E. Specific Project (title): Fargo Membrane WTP - Warranty Phase and Operation Support

F. Specific Project (description):

This project entails warranty phase and operation support services for the Fargo Membrane Water Treatment Plant (WTP) and Improvements Project and generally includes the coordination of warranty items through the warranty period, development of record drawings for the project, operation support services, and an extension of the construction phase services. When construction began in spring of 2015, it was estimated that construction would be completed in September 2018 and now final completion of the Membrane WTP is scheduled February 2019. This requires a 5-month extension to the original construction phase services contract to support the actual construction schedule.

2. Services of Engineer

A. The specific services to be provided or furnished by Engineer under this Task Order are detailed in Attachment 1 and include the services (and related terms and conditions) set forth in the following sections of Exhibit A, as attached to the Agreement referred to above, such sections being hereby incorporated by reference:

- Construction Phase Services (Exhibit A, Paragraph A1.05)
  - including Resident Project Representative (RPR) services (A1.05.A.2)
- Post-Construction Phase Services (Exhibit A, Paragraph A1.06)
- Other Services (Exhibit A, Paragraph A1.08)

A. Resident Project Representative (RPR) Services:

The scope of services for this Task Order includes RPR services and Exhibit D of the Agreement is expressly incorporated in this Task Order by reference.

B. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2, Exhibit B of the Agreement.

4. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following approximate schedule:

- Task Order Approval – *February 25, 2019*
- Phase 063 – *September 2018 through February 2019*
- Phase 070 – *March 2019 through June 2019*
- Phase 090 – *February 2019 through December 2019*
- Project Completion – *December 31, 2019*

5. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

Phase	*Task Number and Task Name*	*Payment Method*	*Estimated Hours*	*Amount*
063	***Construction Phase Service – Duration Extension***	*Method A*		
	01 Continuation of Construction and Start-up Services		*400*	*$69,300*
070	***Post-Construction Phase Services***	*Method B*		
	01 Warranty Period Coordination		*300*	*$47,000*
	02 Record Drawing Development		*1,500*	*$224,000*
090	***Additional Services – Operation Support***	*Method B*		
	01 Operational Review and Support		*1,450*	*$159,500*
Total			***3,650***	***$499,800***

Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor are estimates only. Lump sum amounts and estimated totals included in the breakdown by phases incorporate Engineer's labor, overhead, profit, reimbursable expenses (if any), and Consultants' charges, if any. For lump sum items, Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered, but shall not exceed the total lump sum compensation amount unless approved in writing by the Owner.

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C, where Method A is a Lump Sum payment and Method B is payment for Standard Hourly Rates.

6. **Consultants retained as of the Effective Date of the Task Order:**

   Black & Veatch Corporation

7. **Other Modifications to Agreement and Exhibits:** None

8. **Attachments:**

   Attachment 1 – Scope of Services for Task Order

9. **Other Documents Incorporated by Reference:** None.

10. **Terms and Conditions**

    Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is September 1, 2018.

OWNER: City of Fargo (Water Utility)	ENGINEER: Advanced Engineering and Environmental Services, Inc. (AE2S)
By: _____	By: _____
Name: Troy B. Hall	Name: Brian R. Bergantine
Title: Water Utility Director	Title: Operations Manager
DESIGNATED REPRESENTATIVE FOR TASK ORDER:	DESIGNATED REPRESENTATIVE FOR TASK ORDER:
Name: Troy B. Hall	Name: Ben Julson
Title: Water Utility Director	Title: Project Engineer
Address: 435 14th Ave S Fargo, ND 58103	Address: 4170 28th Ave S Fargo, ND 58104
E-Mail Address: THall@FargoND.gov	E-Mail Address: Ben.Julson@ae2s.com
Phone: (701) 476 - 6741	Phone: (701) 364 - 9111

This is Attachment 1 to Water Consulting Task Order No. 16 consisting of 2 page(s).

Attachment 1 to Water Consulting Task Order No. 16

Fargo Membrane WTP - Warranty Phase and Operation Support ***September 1, 2018***

Scope of Services

The Project entails warranty and operational support services for the Fargo Membrane Water Treatment Plant (WTP) and Improvements Project. This Scope of Services provides the services to support the coordination of warranty items, development of record drawing, and assistance with treatment system operation. The following is a detailed breakdown of this Scope of Services to Water Consulting Task Order No. 16.

Phase 063 – Construction Phase Services – Duration Extension

In accordance with Paragraphs A1.05 and A1.08 of Exhibit A and Exhibit D of the Original Task Order Agreement, dated January 1, 2018, ENGINEER shall perform the following additional Construction Phase services and additional Resident Project Representative (RPR) services under Water Consulting Task Order No. 16:

Task 01 – Continuation of Construction and Start-up Services

Engineer shall continue to provide the construction administration, construction field services, and start-up services per Task Order 76 and Task Order 2 through the extended construction period. Construction of the Membrane WTP has been extended from September 2018 to February of 2019 requiring an extension to the original construction phase services to coincide with the new construction schedule.

Phase 070 – Post-Construction Phase Services

In accordance with Paragraphs A1.06, A1.07, and A1.08 of Exhibit A of the Original Task Order Agreement, dated January 1, 2018, ENGINEER shall perform the following additional Post-Construction and Commissioning Phase services under Water Consulting Task Order No. 16:

Task 01 – Warranty Period Coordination

Engineer shall coordinate any warranty repair items with the appropriate Contractor during the one-year warranty period and will perform a final inspection of the work at the end of the warranty period. This includes warranty items for process, electrical, instrumentation and controls, structural, architectural, and civil / site related components. Due to unknown nature of warrant period items, this task assumes 25 hours per month for the entire one-year warranty period.

Task 02 – Record Drawing Development

Engineer shall collect the Contractor's Record Drawings, review the markups, add additional changes to the as-built set from filed construction notes, and incorporate the appropriate markups into a set of "Conformed to Construction Record Drawings". One hard copy and one electronic copy of the "Conformed to Construction Record Drawings" will be delivered to the Owner. Record drawing development is anticipated to require approximately 2 hours per drawing to review, markup, draft, and finalize the 850-page set of record drawings. This task also includes site visits and data and equipment verification.

Phase 090 – Additional Services – Operation Support

In accordance with Paragraph A1.08 of Exhibit A of the Original Task Order Agreement, dated January 1, 2018, ENGINEER shall perform the following Additional services under Water Consulting Task Order No. 16:

Task 01 – Operational Review and Support

Engineer shall review the performance of the UF and RO membrane systems and provide a complete analysis of the current operation and system performance. Engineer shall meet with the Owner every two weeks to discuss the current operation of the UF and RO systems, determine performance trends for the WTP operators to monitor, and provide recommendations for any operational changes that should be considered. Engineer shall aid the Owner with the development of a sampling and data collection routine, assistance with daily operational review of each treatment system, provide assistance with sampling collection and analysis for treatment system optimization, develop an instrument calibration routine for the Membrane WTP, and work closely with the WTP operators on the day to day routine of operating and maintaining the Membrane WTP. It is anticipated the Engineer will utilize an Engineer 3 (and a comparable staff for Engineering Consultant) for approximately 8 hours per week for the UF and RO system performance review and will utilize a Technician, or Engineer 1, for approximately 20 hours per week for all other operational support.

23a-6

REPORT OF ACTION

UTILITY COMMITTEE

Project No. WA1301

Type: Project WA1301 Change Orders – General Contract

Location: Water Treatment Plant Expansion

Date of Hearing: 2/14/19

Routing	Date
City Commission	2/25/19
Project File	

Troy Hall, Water Utility Director, presented the attached memo related to change orders for Membrane Water Treatment Plant (MWTP) construction with Alberici Constructors, Inc. (ACI), the General Contractor, and Wrigley Mechanical, Inc. (WMI), the Mechanical Contractor. The total proposed cost increase is $203,223.11. In the change order proposals, there are 34 listed changes between ACI and WMI. The highest cost item relates to chemical feed system changes needed to operate the new water plant. This is the final change order for the ACI, the General Contractor. ACI is also requesting a project time extension of about 7 weeks, which is reasonable on a 39-month project and due to unexpected equipment issues at startup. Water Utility staff recommends approval of these change orders and will help close-out the ACI contract. Finished water from the new plant will be delivered to customers soon, but customers have been receiving some Reverse Osmosis water from the MWTP for several months.

Water Utility staff thinks that all of the changes are in the best long-term interest of the City of Fargo. The overall status of cost change orders was discussed at the Utility Committee meeting for MWTP construction. After some research inquiring about comparable projects, Water Utility staff suggests that the industry average for cost change orders is an increase of about 3% to 5% of the bid price at completion. If the currently proposed contract changes are approved, the cost change orders for the MWTP will total an increase of 4.79% from the original bid price. However, only 3.47% is attributed to errors/omissions and other minor changes typical in a construction project. The other 1.32% of changes were implemented related to capacity increases with West Fargo water service and a project contribution from Black & Veatch. Water Utility staff also suggests that we are at a reasonable level for overall cost change orders at this point and are nearing the end of construction.

After bidding, contracts were approved on April 27, 2015, for Membrane Water Treatment Plant (MWTP) construction to the three prime contractors as follows:

Contract	Contractor	Bid Price
No. 1 – General Construction	Alberici Constructors, Inc.	$80,044,884.00
No. 2 – Mechanical Construction	Wrigley Mechanical, Inc.	$6,824,000.00
No. 3 – Electrical Construction	JDP Electric, Inc.	$16,821,411.00
TOTAL		**$103,690,295.00**

The following table shows the overall cost summary of the recommended changes under this agenda item:

Contract	Contractor	Number	Change Order Cost
No. 1 – General Construction	Alberici Constructors, Inc.	22	$144,254.11
No. 2 – Mechanical Construction	Wrigley Mechanical, Inc.	18	$58,969.00
No. 3 – Electrical Construction	JDP Electric, Inc.	N/A	$0.00
TOTAL			**$203,223.11**

With Change Order approval, the new updated contract amounts would be as follows:

Contract	Contractor	Bid Price
No. 1 – General Construction	Alberici Constructors, Inc.	$82,877,172.16
No. 2 – Mechanical Construction	Wrigley Mechanical, Inc.	$8,335,103.38
No. 3 – Electrical Construction	JDP Electric, Inc.	$17,441,352.00
TOTAL		**$108,653,627.54**

The project is being paid for through State Water Commission (SWC) grant funding and through a State Revolving Fund (SRF) loan. The SRF loan is administered by the North Dakota Public Finance Authority (PFA) and the North Dakota Department of Health (NDDH). The City of Fargo has now collected the $30 million allotted in grant funding for the MWTP from the SWC.

MOTION:

On a motion by Kent Costin, seconded by Scott Liudahl, the Utility Committee voted to approve the proposed change orders with the General Contractor and Mechanical Contractor in the a total amount of $203,223.11 for Membrane Water Treatment Plant construction.

COMMITTEE:	Present	Yes	No	Unanimous
				X
				Proxy
Anthony Gehrig, City Commissioner				
Kent Costin, Director of Finance	X			
Brian Ward, Water Plant Supt.	X			
Mark Miller, Wastewater Plant Supt.	X			
Bruce Grubb, City Administrator	X			
Scott Liudahl, City Forester	X			
Terry Ludlum, Solid Waste Utility Director	X			
James Hausauer, Wastewater Util. Director	X			
Troy Hall, Water Utility Director	X			
Ben Dow, Public Works Operations Director	X			
Brenda Derrig, City Engineer	X		(Tom Knakmuhs)	

ATTEST:

T. B. Hall

Troy B. Hall
Water Utility Director

C: Tim Mahoney, Mayor
Commissioner Grindberg
Commissioner Piepkorn
Commissioner Strand

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

MEMORANDUM

February 10, 2019

To: Utility Committee

From: Troy B. Hall, Water Utility Director

Re: WA1301 Change Orders – Membrane Water Treatment Plant

Introduction

Construction of the Membrane Water Treatment Plant (MWTP) began in May, 2015. This is Water Utility Project - WA1301. There have been previous change orders for this project approved by the Utility Committee and City Commission. Water utility staff is recommending additional changes to two of the three contracts at this time. A letter of explanation from AE2S and change order forms are attached.

After bidding, contracts were approved on April 27, 2015, for Membrane Water Treatment Plant (MWTP) construction to the three prime contractors as follows:

Contract	Contractor	Bid Price
No. 1 – General Construction	Alberici Constructors, Inc.	$80,044,884.00
No. 2 – Mechanical Construction	Wrigley Mechanical, Inc.	$6,824,000.00
No. 3 – Electrical Construction	JDP Electric, Inc.	$16,821,411.00
TOTAL		**$103,690,295.00**

With previously approved change orders to the three contracts, the contract amounts prior to the current recommended changes under this agenda item are as follows:

Contract	Contractor	Bid Price
No. 1 – General Construction	Alberici Constructors, Inc.	$82,732,918.05
No. 2 – Mechanical Construction	Wrigley Mechanical, Inc.	$8,276,134.38
No. 3 – Electrical Construction	JDP Electric, Inc.	$17,441,352.00
TOTAL		**$108,450,404.43**

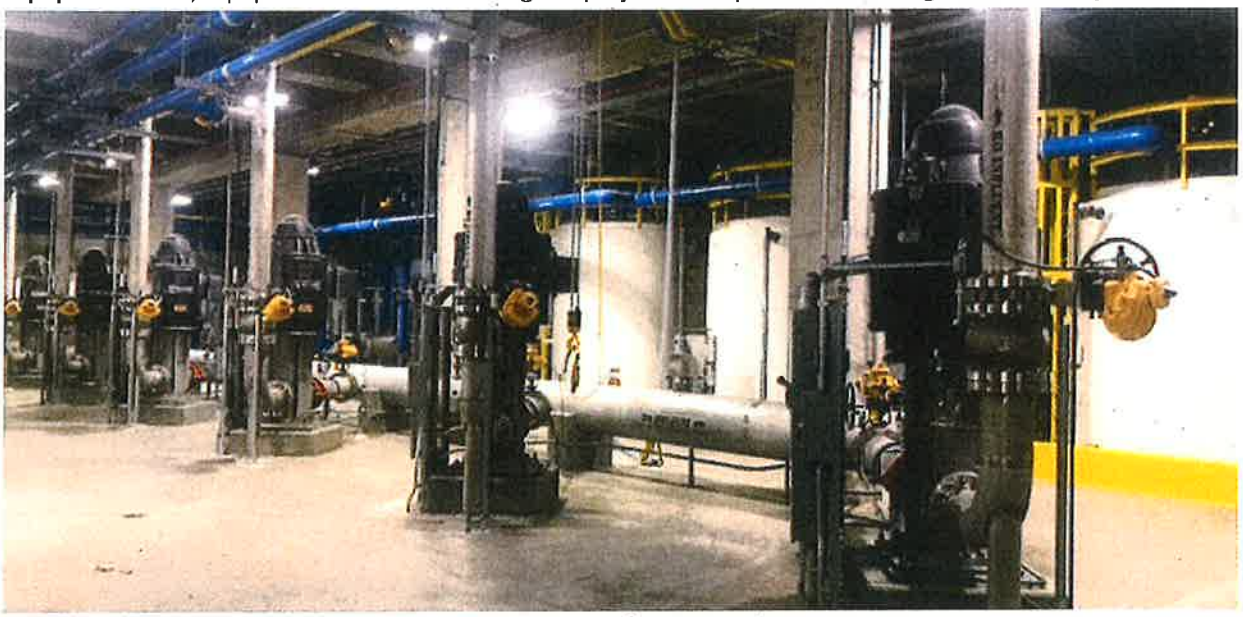
The following table shows the overall cost summary of the recommended changes by contractor under this agenda item:

Contract	Contractor	Number	Change Order Cost
No. 1 – General Construction	Alberici Constructors, Inc.	22	$144,254.11
No. 2 – Mechanical Construction	Wrigley Mechanical, Inc.	18	$58,969.00
No. 3 – Electrical Construction	JDP Electric, Inc.	N/A	$0.00
TOTAL			**$203,223.11**

With Change Order approval, the new updated contract amounts would be as follows:

Contract	Contractor	Bid Price
No. 1 – General Construction	Alberici Constructors, Inc.	$82,877,172.16
No. 2 – Mechanical Construction	Wrigley Mechanical, Inc.	$8,335,103.38
No. 3 – Electrical Construction	JDP Electric, Inc.	$17,441,352.00
TOTAL		**$108,653,627.54**

As part of this change order, the General Contractor is requesting a time extension. The contractor was allowed about 39 months for Substantial Completion. Substantial Completion was attained in under 41 months, partially due to membrane breakage issues at start-up that likely resulted from faulty staining equipment. Also, equipment was added during the project to help serve West Fargo with drinking water.



View of Reverse Osmosis (RO) Pump room on the lower level of the MWTP. RO pumps and RO cleaning systems are shown in the picture. Photo from January 2019.

MWTP Project Status Related Change Orders and Overall Cost

The MWTP is a large, complicated, and expensive project for the City of Fargo and its water service customers. As such, it is normal for projects of this nature to have adjustments that result in cost change orders. Since the MWTP exceeded $100 million in bid prices, the following is intended to help provide perspective for this project compared to the cost impacts of change orders commonly seen in the industry.

While it may be difficult to find exact comparators to the MWTP project, the following are typical observations and goals for change order cost increases in the industry at project completion:

- Industry average: **3% to 5% of bid price**
- Typical Project Goal: **<2% of bid price**
- Excellent Project: **<1% of bid price**
- Percentages for change order costs reflect (1) Errors & Omissions and (2) Owner Requested

Change Order (CO) statistics for MWTP project in percentages:

- Prior to Current CO Recommendations: **4.59%**
- Adjusted Value Prior to Current CO Recommendations: **3.27%**
- After Current CO Recommendations: **4.79%**
- Adjusted Value After Current CO Recommendations: **3.47 %**
- Total Adjusted Value Dollar Amount: $1,369,585 (Different funding source)
    - Generator Switchgear – West Fargo: $137,816.00 (previously approved CO)
    - 7th Reverse Osmosis Train – West Fargo: $1,068,769.00 (previously approved CO)
    - Black & Veatch contribution to HVAC Changes: $163,000

Since the MWTP construction project is approaching completion and through a number of the higher risk project components for change orders, Water Utility personnel think the project is at a reasonable position from a change order perspective. 'Value Engineering' and teamwork between contractors, City staff, and consulting engineers has been an important factor in containing costs. The 'Value Engineering' for the foundation system was an important item for cost savings in the project, reducing the contract price by nearly $300,000 early in construction.

Related to cost change orders, some higher risk project components include:

- Utility Infrastructure Rerouting (removal from excavation/construction areas) - **Complete**
- Mass Excavation (unforeseen underground conditions) - **Complete**
- Foundation (Pile) Installation - **Complete**
- Major Equipment/Treatment Process Submittals – **Complete**
- Concrete for Lower Level & Main Level - **Complete**
- Building Structural Steel, Exterior Brick, and Roof – **Complete**
- Process Piping, Building Electrical, and Mechanical Systems – **Nearly Complete**
- Exterior Landscaping, Paving, and Site Work – **Complete**

Startup process equipment has been in progress for several months. The MWTP is nearly operational as of February, 2019. At this time, the General Contractor is finished, off-site, and ready for project close-out. WTP staff is working on online instrumentation data quality to avoid any regulatory issues in finished water. The goal is to be producing finished water out of the MWTP prior to spring runoff. Construction, at this time, mostly consists of some electrical installation and modifications. There are heating issues in some rooms in the MWTP. Consulting engineers, the mechanical contractor, and WTP staff are working on these issues. The heating issues are essentially unrelated to the ability to treat water in the new MWTP.

A complicating factor for the MWTP construction is the agreement in July, 2015, to provide drinking water to West Fargo. With the addition of West Fargo, Water Utility staff needs to gauge what design adjustments should be recommended for the MWTP, looking at the best long-term interest of the City and customers. These adjustments in most cases will be cost increases. Two significant cost changes attributed to West Fargo water service have previous approval – 7th Reverse Osmosis train and electrical switchgear. Costs for the two changes were funded by State Water Commission regionalization grant funding and infrastructure sales tax (Fund 450). Please be aware that there is annual water sales revenue from West Fargo.

Detailed Summary of Change Orders

The cost impact to Contract No. 1 with Alberici Constructors, Inc. is summarized in the following:

No.	Item	Cost	Reason
1	Delete 2 Manholes	($3,678.00)	Storm Pipe Modifications
2	Numerous Water Sample Plumbing Changes	$17,453.00	Sampling Clarifications
3	Pressure Transmitter Plumbing Changes	$17,855.00	Maintenance/Sampling
4	Add for Temporary Dry Chemical System	$28,785.00	Permanent System Delay
5	Cash Allowance Reconciliation	($7,869.89)	Unused Cash Allowance
6	Chemical Feed Tube & Pump Head Changes	$35,131.00	Pressure Needs/Viscosity
7	Door 8150A Hardware Change	$954.00	Stairway Access
8	Fire Doors Non-Hold Open Closures	$1,008.00	Building Codes
9	Ammonia Injection Points	$13,476.00	Relocation/Corrosion
10	Add Soda Ash Humidistat	$7,176.00	Humidifier Control
11	MFUF Terminal Block Deduct	($12,931.00)	Scope Change
12	Solids Pump Seal Replacement	$3,135.00	Damaged in Startup
13	Electrical and Server Room Sealing	$7,737.00	Fire Clean Agent System
14	Dry Chemical Future Silo Cover Seal	$8,294.00	HVAC System Separation
15	Back to Back Concrete Joint Cover	$4,361.00	Flashing to Cover Gap
16	Sample Pump Troubleshooting	$2,244.00	Sampling Design Issue
17	Rain Barrel Drains	$1,989.00	Allow Drain for Winter
18	Brick Ledge Soffit in Mechanical/Blower Room	$3,435.00	Old/New WTP Transition
19	Guardrail Storage Rack Relocation	$4,979.00	Storage Relocated
20	Stilling Well in Equalization Basin	$2,938.00	Improve Level Control
21	Masonry Infill – Deleted Future Rain Barrel Piping	$3,613.00	Finish Building Exterior
22	Water Quality #14 Sample Pipe Modifications	$3,209.00	Reduce Air in Sample
23	Reverse Osmosis Skid #1 Clean-In-Place Flanges	$3,494.00	RO Element Access
24	Add Drain for Finished Water Jet Mix System	$1,650.00	Pipe Draining Required
25	Deduct for Dry Chemical Push-to-Test	($5,171.00)	Using Alternate Testing
26	Deduct for Pavers on East Side of Building	($500.00)	Winter Completion
27	Reverse Osmosis Programming Changes	$5,538.00	Changes at Startup
28	Degas Blower Pad	(4,130.00)	Relocation Not Needed .
	Total – Contract No. 1 Change for Change Order No. 22	**$144,254.11**	

The cost impact to Contract No. 2 with Wrigley Mechanical, Inc. is summarized in the following:

No.	Item	Cost	Reason
1	Reverse Osmosis Room Unit Heater Addition	$11,150.00	Winter North Wind Heat
2	Rain Leader Wall Closure	$912.00	Plumbing Removed
3	Linear Heat Detection	$29,133.00	Maintenance Access
4	Johnson Control Logic and Wiring Modifications	$10,742.00	Multiple Modifications
5	Smoke Dampers in Server Room	$5,239.00	Fire Clean Agent System
6	Install Welding Hood	$1,793.00	Relocation Not Needed .
	Total – Contract No. 2 Change for Change Order No. 18	**$58,969.00**	

Plan of Financing

The contract changes under this agenda item will results in an overall cost increase of $203,223.11 for MWTP construction. The project is being paid for through State Water Commission (SWC) grant funding and through a State Revolving Fund (SRF) loan administered by the North Dakota Public Finance Authority (PFA) and North Dakota Department of Health (NDDH). The $30 million in grant funding from the SWC has all been received by the City of Fargo for the MWTP project.

SUGGESTED MOTION:

Approve the contract change orders with the General Contractor and Mechanical Contractor in the total amount of $203,223.11 for construction of the MWTP.

Your consideration in this matter is greatly appreciated.

www.ae2s.com

February 5, 2019

Mr. Troy Hall
Water Utility Director
City of Fargo
Water Treatment Plant
435 14th Ave S
Fargo, ND 58103-4306

Re: Change Order No. 22
Contract No. 1 Fargo Membrane WTP and Improvements
City of Fargo Project #WA1301

Dear Mr. Hall:

Enclosed please find four (4) copies of Change Order No. 22 for the above referenced project for your review and approval. This Change Order pertains to the following changes to the project:

1. Storm piping modifications were made which resulted in the deletion of two storm manholes (STMH-1 and STMH-6).
2. Sample piping modifications were needed om multiple sample lines and water quality panels, including added sample ports at each sample pump, additional sample lines to the spectrophotometer in the water quality lab, added piping from the RO sample line to the operator lab and the Admin. Area Humidifier, added sample drains in the RO CIP and Neutralization Areas, modified inlet and outlet connections on the water quality panels in the water quality lab, and modification to the process drain header in the water quality lab.
3. Piping modification were made on multiple pressure gauge and pressure transmitter locations, including adding pressure gauges on both raw water lines, changes to the piping assembly for approximately fourteen pressure transmitters adding sample connections and flushing capability, and adding 1.5-inch flushing taps on the raw water jet mix piping in four locations.
4. The dry chemical system required additional modifications and clarifications to address inconsistencies after the removal of the temporary dry chemical system causing delays to the installation and operation of the permanent system which resulted the temporary piping to be moved, modified, repairs/replaced, and monitored for an extended period of time.
5. The total amount allocated for allowances was not completed used resulting in a deduct for the balance of the remaining cash allowance.
6. The chem feed pump heads on five chemical feed pumps were replaced with higher pressure units to allow the pumps to discharge into the process lines operating at, or above, 30 psi. During initial operation it was found that the sodium hydroxide feed pumps were operating at a higher pressure than the pumps were capable of due to the viscosity of the chemical. The sodium hydroxide lines were replaced with larger diameter test pipes and then later replaced with the larger permanent tubing to the three feed points
7. The hardware for door 8150A, between the garage and dry chemical area, will be changed so the west leaf is inactive so it does not block the stairs on the north side of the door.

8. The hold-open arms will be removed form the door closures on the fire doors to meet Building Code requirements.
9. The ammonia injection points in the existing WTP will be relocated and tapping saddles will be added at each of the three locations. A sample tap will also be added on the softening basin effluent line, prior to the ammonia injection point.
10. A humidistat will be added on the soda ash system to aid in the control of the humidifier.
11. The terminal blocks in the PLC's supplied by Suez for the UF system and associated chemical feed panels were replaced with J4 terminal blocks. This work was performed by JDP as an added cost to their contract and this corresponding deduct to Alberici's contract is provided as a result of Suez covering the costs to switch the terminal blocks.
12. The pump seal on one of the solids collection pumps (SLP-2001) will be replaced due to the seal water being turned off to the pump.
13. The operating level electrical room and server room will be sealed along the roof deck as required to operate the clean agent fire suppression system that was added to both rooms.
14. The cover for the future lime silo will be sealed along the edge, between the metal cover and the concrete floor, to fully separate the conditioned space below from the nonconditioned space on the operating level of the dry chemical storage area.
15. The designed air gap between the filtrate wet well and the pretreatment basin was formed with rigid insulation. Flashing was added over this gap and exposed rigid insulation per Building Code requirement.
16. Additional trouble shooting was needed on a few samples pumps to determine the cause of low sample flow. The sample pumps were ultimately replaced by the City, but this added cost is for the contractor's labor associated with the additional pump troubleshooting/testing.
17. The exterior rain barrel sprinkler piping will be modified as requested by the City to include a drain connection on each rain barrel.
18. Soffit flashing will be installed along the brick ledge of the existing WTP building in the Mechanical/Blower Room to conceal the rough exposed bottom of the brick ledge.
19. The storage racks for the temporary guardrails used in the UF area was modified and relocated to the membrane storage room.
20. A PVC pipe stilling wall will be installed in the EQ Basin in an effort to reduce the variation on the water surface and provide a smoother level reading for the UF system operation.
21. Masonry infill was needed to close the openings for the removed temporary electrical work and on the west side of the building exterior to close the openings originally planned for future rain barrel locations.
22. The RO concentrate sample piping was modified to relocate the sample point upstream to the horizontal section of process pipe to reduce the issue of air in the sample when taking the sample from the vertical section of process pipe. A spare tap was also added for a future pressure transmitter.
23. Flanges were added in the 10-inch RO CIP line north of RO skid 1 to allow for the section of CIP pipe to be removed during membrane element removal from RO skid 1.
24. A drain was added to the finished water jet mix section of stainless steel pipe.
25. The requirement for push-to-test lights on the dry chemical control panel and in place the programming will have the ability to test lights as an option on the control screen. This change resulted in a deduct for the project.

26. The pavers on the east side of the building will need repair. Due to the project completion in winter a deduct for this minor work was provided.
27. Additional programming changes were made prior to, and during, start-up of the RO system.
28. A previous change (PCO-346) included relocation of the east degasifier blower to allow adequate space prior to the blower duct splitting to parallel heaters. The blower did not have to be moved as originally thought resulting in a deduct to remove the previous change.

The cost impact to Contract No. 1 is summarized in the following:

Item	Cost
1. PCO 146 – Delete STMH-1 and STMH-6	($3,678.00)
2. PCO 255 – Sample Water Clarifications	$17,453.00
3. PCO 266 – PIT Tree Changes	$17,855.00
4. PCO 293 – Add for Temp Dry Chem	$28,785.00
5. PCO 338 – Allowance Reconciliation	($7,869.89)
6. PCO 352 – Chem Feed Tube and Pump Head Change	$35,131.00
7. PCO 356 – Door 8150A Hardware Change	$954.00
8. PCO 358 – Fire Doors Non-Hold Open Closures	$1,008.00
9. PCO 363 – Ammonia Injection Points	$13,476.00
10. PCO 380 – Add Soda Ash Humidistat	$7,176.00
11. PCO 382 – MFUF Terminal Block Deduct	($12,931.00)
12. PCO 383 – Solids Pump Seal Replacement	$3,135.00
13. PCO 384 – Elec and Server Room Sealing	$7,737.00
14. PCO 385 – Dry Chem Future Silo Cover Seal	$8,294.00
15. PCO 386 – Back to Back Concrete Joint Cover	$4,361.00
16. PCO 387 – Sample Pump Troubleshooting	$2,244.00
17. PCO 388 – Rain Barrel Drains	$1,989.00
18. PCO 389 – Brick Ledge Soffit in Mech/Blower Room	$3,435.00
19. PCO 390 – Guardrail Storage Rack	$4,979.00
20. PCO 391 – Stilling Well in EQ Basin	$2,938.00
21. PCO 392 – Masonry Infill	$3,613.00
22. PCO 393 – WQ14 RO Sample Pipe Mods	$3,209.00
23. PCO 394 – RO Skid 1 CIP Flanges	$3,494.00
24. PCO 395 – Added FW Jet Mix Drain	$1,650.00
25. PCO 396 – Deduct for Dry Chem Push to Test	($5,171.00)
26. PCO 397 – Deduct for Pavers on East Side of Building	($500.00)
27. PCO 398 – RO Programming Changes	$5,538.00
28. PCO 399 – Degas Blower Pad	($4,130.00)
Total for Change Order No. 22 =	**$144,254.11**

Time Extension

In addition to the noted cost changes, the substantial and final completion dates will be extended for Contract No. 1. This project time extension is a result of multiple factors including repair work completed on the UF membranes due to debris in the pretreated water and multiple changes requested near the end of the project schedule, most of which are included in this change order.

Upon the City of Fargo's acceptance of Change Order No. 22, please sign and date the four original copies. Retain one copy for your records and return the remaining three copies to AE2S. AE2S will forward one copy each to the North Dakota Department of Health and ACI and will retain the remaining copy for our records. Please contact me if you have any questions or need additional information.

Sincerely,

AE2S

Ben Julson, PE
Project Engineer

www.ae2s.com

February 5, 2019

Mr. Troy Hall
Water Utility Director
City of Fargo
Water Treatment Plant
435 14th Ave S
Fargo, ND 58103-4306

Re: Change Order No. 18
Contract No. 2 Fargo Membrane WTP and Improvements
City of Fargo Project #WA1301

Dear Mr. Hall:

Enclosed please find four (4) copies of Change Order No. 18 for the above referenced project for your review and approval. This Change Order pertains to the following changes to the project:

1. A unit heater was added in the RO room near the north window to aid in heating the area due to the anticipated north wind hitting the large window.
2. The storm drain pipe for future rain barrels was removed from the wall and the openings in the west wall were sealed.
3. Linear heat detection will be added in the dry chemical area. The linear heat detection is a more maintenance friendly heat detection system that will be used in lieu of the standard heat/smoke detectors which would require routine replacement in locations that are 30 feet or more above the floor.
4. Multiple changes were made to the building control system including the addition of a vent fan hand control station, additional sensor in the Men's Locker Room, modification to AHU 7 for winter operation, and addition of an emergency shutoff outside of the chemical room.
5. With the addition of the clean agent fire suppression system in the server room a smoke damper will be added to seal the duct work passing through the wall to the adjacent room.
6. The welding hood that was purchased under a City cash allowance will be installed by Wrigley.

The cost impact to Contract No. 2 is summarized in the following:

Item	Cost
1. PCO 341 – Added Unit Heater	$11,150.00
2. PCO 373 – Rain Leader Wall Closure	$912.00
3. PCO 377 – Linear Heat Detection	$29,133.00
4. PCO 378 – JCI Logic and Wiring Modifications	$10,742.00
5. PCO 379 – Smoke Damper in Server Room	$5,239.00
6. PCO 381 – Install Weld Hood	$1,793.00
Total for Change Order No. 18 =	**$58,969.00**

Upon the City of Fargo's acceptance of Change Order No. 18, please sign and date the four original copies. Retain one copy for your records and return the remaining three copies to AE2S. AE2S will forward one copy each to the North Dakota Department of Health and Wrigley Mechanical, Inc. and will retain the remaining copy for our records. Please contact me if you have any questions or need additional information.

Sincerely,

AE2S

Ben Julson, PE
Project Engineer

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE (25)

Improvement District No. BR-18-H1 Type: Negative Final Balancing Change Order #1

Location: 12th St N from 1st Ave to NP Ave N Date of Hearing: 2/19/2019

Routing	Date
City Commission	2/25/2019
PWPEC File	X
Project File	Jeremy Engquist

The Committee reviewed the accompanying Final Balancing Change Order from Project Manager, Jeremy Engquist, regarding Negative Final Balancing Change Order #1, in the amount of $-33,797.00 bringing the total contract amount to $653,228.00.

Staff is recommending approval of Negative Final Balancing Change Order #1, in the amount of $-653,228.00.

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

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Negative Final Balancing Change Order #1 in the amount of $-33,797.00 to CC Steel, LLC, bringing the total contract amount to $653,228.00.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: 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	☐	☐	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	Mark Williams
Steve Dirksen, Fire Chief	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	Jeremy Gorden
Kent Costin, Finance Director	☐	☐	☐	

ATTEST:

Jeremy Gorden, PE, PTOE
Division Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	BR-18-H1	**Change Order No**	1
Project Name	Water Main Replacement, Street Reconstruction & Incidentals		
Date Entered	2/7/2019	**For**	CC Steel, 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 ($)	C/O Ext Price ($)
Sanitary Sewer	2	Remove Pipe All Sizes All Types	LF	333.00	0.00	333.00	-76.00	257.00	15.00	-1,140.00
	4	F&I Pipe w/GB SDR 26 - 6" Dia PVC	LF	122.00	0.00	122.00	-95.00	27.00	35.00	-3,325.00
	5	F&I Pipe w/GB SDR 26 - 12" Dia PVC	LF	218.00	0.00	218.00	4.00	222.00	90.00	360.00
	6	F&I Insulation 4" Thick	SY	50.00	0.00	50.00	-38.00	12.00	10.00	-380.00
									Sanitary Sewer Sub Total ($)	-4,485.00
Water Main	8	Remove Pipe - Asbestos Cement	LF	230.00	0.00	230.00	-11.00	219.00	30.00	-330.00
	9	F&I Pipe w/GB C900 DR 18 - 6" Dia PVC	LF	13.00	0.00	13.00	-3.00	10.00	45.00	-135.00
	10	F&I Pipe w/GB C900 DR 18 - 10" Dia PVC	LF	210.00	0.00	210.00	32.00	242.00	85.00	2,720.00
	14	F&I Fittings Ductile Iron	LB	151.00	0.00	151.00	-61.00	90.00	25.00	-1,525.00
	15	F&I Pipe w/GB 1" Dia Copper	LF	16.00	0.00	16.00	5.00	21.00	25.00	125.00
	18	Furnish Temp Water Svc	EA	5.00	0.00	5.00	-2.00	3.00	1,500.00	-3,000.00
	19	F&I Insulation 4" Thick	SY	50.00	0.00	50.00	-40.00	10.00	15.00	-600.00
									Water Main Sub Total ($)	-2,745.00
Storm Sewer	21	Remove Inlet	EA	5.00	0.00	5.00	-1.00	4.00	1,000.00	-1,000.00
	22	Remove Pipe All Sizes All Types	LF	403.00	0.00	403.00	-49.00	354.00	18.00	-882.00
	28	Connect Pipe to Exist Structure	EA	1.00	0.00	1.00	1.00	2.00	1,200.00	1,200.00

Storm Sewer	30	F&I Pipe w/GB 18" Dia Reinf Conc	LF	297.00	0.00	297.00	8.00	305.00	65.00	520.00
									Storm Sewer Sub Total ($)	-162.00
Paving	31	Remove Pavement All Thicknesses All Types	SY	1,200.00	0.00	1,200.00	435.00	1,635.00	25.00	10,875.00
	32	Remove Curb & Gutter	LF	440.00	0.00	440.00	-30.00	410.00	18.00	-540.00
	33	Remove Sidewalk All Thicknesses All Types	SY	500.00	0.00	500.00	-82.00	418.00	25.00	-2,050.00
	34	Remove Driveway All Thicknesses All Types	SY	220.00	0.00	220.00	-183.00	37.00	25.00	-4,575.00
	35	Rem & Repl Pavement 6" Thick Asph	SY	25.00	0.00	25.00	-10.90	14.10	25.00	-272.50
	36	Subgrade Preparation	SY	2,500.00	0.00	2,500.00	-88.00	2,412.00	2.50	-220.00
	37	F&I Woven Geotextile	SY	2,500.00	0.00	2,500.00	-952.00	1,548.00	1.50	-1,428.00
	38	F&I Class 5 Agg - 12" Thick	SY	2,500.00	0.00	2,500.00	-520.00	1,980.00	24.00	-12,480.00
	39	F&I Edge Drain 4" Dia PVC	LF	970.00	0.00	970.00	-54.00	916.00	6.00	-324.00
	40	F&I Curb & Gutter Standard (Type II)	LF	970.00	0.00	970.00	-5.00	965.00	21.00	-105.00
	41	F&I Pavement 9" Thick Doweled Conc	SY	2,200.00	0.00	2,200.00	-116.00	2,084.00	75.00	-8,700.00
	42	F&I Sidewalk 4" Thick Reinf Conc	SY	820.00	0.00	820.00	-33.00	787.00	50.00	-1,650.00
	43	F&I Sidewalk 6" Thick Reinf Conc	SY	30.00	0.00	30.00	13.00	43.00	70.00	910.00
	44	F&I Impressioned 6" Thick Reinf Conc	SY	250.00	0.00	250.00	-31.00	219.00	95.00	-2,945.00
	45	F&I Driveway 7" Thick Reinf Conc	SY	180.00	0.00	180.00	-15.00	165.00	70.00	-1,050.00
	46	F&I Det Warn Panels Cast Iron	SF	72.00	0.00	72.00	-4.00	68.00	55.00	-220.00
	48	F&I Casting - Floating Manhole	EA	3.00	0.00	3.00	1.00	4.00	1,500.00	1,500.00
	52	Repair Pavement - Patch Asph	SY	50.00	0.00	50.00	3.30	53.30	250.00	825.00
	53	F&I Traffic Surface Gravel	TON	10.00	0.00	10.00	-10.00	0.00	250.00	-2,500.00
	57	Temp Construction Entrance	EA	2.00	0.00	2.00	-2.00	0.00	1,500.00	-3,000.00
	58	Construction Signing	SF	10.00	0.00	10.00	10.00	20.00	10.00	100.00
									Paving Sub Total ($)	-27,849.50

Street Lighting	61	Relocate Street Light	EA	1.00	0.00	1.00	0.75	1.75	1,500.00	1,125.00
	63	F&I Base 6' Deep Reinf Conc	EA	6.00	0.00	6.00	-0.50	5.50	1,400.00	-700.00
	65	F&I Conductor #6 USE Cu	LF	2,676.00	0.00	2,676.00	-120.00	2,556.00	2.25	-270.00
	66	F&I Innerduct 1.5" Dia	LF	1,084.00	0.00	1,084.00	-37.00	1,047.00	11.50	-425.50
									Street Lighting Sub Total ($)	-270.50
Signing	70	F&I Diamond Grade Cubed	SF	13.00	0.00	13.00	-0.50	12.50	22.00	-11.00
	71	F&I Engineering Grade	SF	25.50	0.00	25.50	1.00	26.50	18.00	18.00
	72	F&I Sign Assembly	EA	2.00	0.00	2.00	4.00	6.00	60.00	240.00
	73	F&I Sign Assembly & Anchor	EA	9.00	0.00	9.00	-2.00	7.00	125.00	-250.00
									Signing Sub Total ($)	-3.00
Pavement Markings	74	F&I Grooved Thermoplastic Pavement Marking Message	SF	142.00	0.00	142.00	-4.00	138.00	36.00	-144.00
	75	F&I Grooved Plastic Film 4" Wide	LF	666.00	0.00	666.00	266.00	932.00	7.00	1,862.00
									Pavement Markings Sub Total ($)	1,718.00

Summary

Source Of Funding	
Net Amount Change Order # 1 ($)	-33,797.00
Previous Change Orders ($)	0.00
Original Contract Amount ($)	687,025.00
Total Contract Amount ($)	653,228.00

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

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
10/01/2018	10/24/2018	0.00	0.00	10/01/2018	10/24/2018

Description

APPROVED [signature]

APPROVED DATE 2/7/2019

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

For Contractor		Department Head	2/20/19
Title		Mayor	
		Attest	

(26)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. PR-17-F1 Type: Negative Final Balancing Change Order #3

Location: 25th St S from 12th Ave S to 17th Ave S Date of Hearing: 2/19/2019

Routing	Date
City Commission	2/25/2019
PWPEC File	X
Project File	Jeremy Engquist

The Committee reviewed the accompanying Final Balancing Change Order from Project Manager, Jeremy Engquist, regarding Negative Final Balancing Change Order #3, in the amount of $-35,482.44 bringing the total contract amount to $1,005,604.04.

Staff is recommending approval of Negative Final Balancing Change Order #3, in the amount of $-35,482.44.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Negative Final Balancing Change Order #3.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Negative Final Balancing Change Order #3 in the amount of $-35,482.44 to Opp Construction, bringing the total contract amount to $1,005,604.04.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Traffic Funds, Street Rehabilitation 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	☐	☐	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	Mark Williams
Steve Dirksen, Fire Chief	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	Jeremy Gorden
Kent Costin, Finance Director	☐	☐	☐	

ATTEST:

Jeremy Gorden, PE, PTOE
Division Engineer

C: Kristi Olson

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	PR-17-F1	**Change Order No**	3
Project Name	Concrete Pavement Rehabilitation and Incidentals		
Date Entered	2/8/2019	**For**	Opp Construction 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 ($)	C/O Ext Price ($)
Paving	2	Remove Pavement All Thicknesses All Types	SY	4,982.00	0.00	4,982.00	-303.00	4,679.00	11.10	-3,363.30
	3	Clean & Seal Concrete Joints	LF	2,800.00	0.00	2,800.00	-240.00	2,560.00	2.80	-672.00
	4	Repair Pavement - Partial Depth Conc	SF	600.00	0.00	600.00	-338.10	261.90	43.85	-14,825.69
	5	F&I Curb & Gutter Standard (Type II)	LF	2,788.00	0.00	2,788.00	70.40	2,858.40	23.70	1,668.48
	6	Remove Curb & Gutter	LF	2,243.00	0.00	2,243.00	58.00	2,301.00	6.50	377.00
	7	F&I Pavement 10.5" Thick Doweled Conc	SY	4,560.00	0.00	4,560.00	-209.60	4,350.40	79.00	-16,558.40
	8	F&I Median Nose - Conc	SY	19.20	0.00	19.20	14.00	33.20	116.00	1,624.00
	9	F&I Sidewalk Curb	LF	62.00	0.00	62.00	4.00	66.00	17.80	71.20
	10	F&I Sidewalk 4" Thick Reinf Conc	SY	94.00	0.00	94.00	148.00	242.00	43.35	6,415.80
	11	F&I Sidewalk 6" Thick Reinf Conc	SY	254.00	0.00	254.00	-71.00	183.00	44.50	-3,159.50
	12	Remove Sidewalk All Thicknesses All Types	SY	957.00	0.00	957.00	52.00	1,009.00	7.50	390.00
	13	F&I Impressioned 4" Thick Reinf Conc	SY	546.90	0.00	546.90	33.10	580.00	79.65	2,636.42
	14	F&I Det Warn Panels Cast Iron	SF	231.00	0.00	231.00	-4.00	227.00	42.00	-168.00
	16	F&I Casting - Std Manhole	EA	2.00	0.00	2.00	-2.00	0.00	525.00	-1,050.00
	18	GV Box to Grade - w/Conc	EA	4.00	0.00	4.00	3.00	7.00	375.00	1,125.00
	19	Repair Pavement - Patch Asph	SY	790.00	0.00	790.00	-72.00	718.00	49.00	-3,528.00
	20	Mill / Grind Conc Pvmt	SY	2,200.00	0.00	2,200.00	156.00	2,356.00	14.60	2,277.60

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Paving	21	Mulching Type 1 - Hydro	SY	400.00	0.00	400.00	279.00	679.00	3.20	892.80
	22	Seeding Type B	SY	400.00	0.00	400.00	279.00	679.00	10.25	2,859.75
	24	Construction Signing	SF	50.00	0.00	50.00	-50.00	0.00	10.70	-535.00
	25	Flagging	MHR	700.00	0.00	700.00	299.75	999.75	38.00	11,390.50
	54	* Install Temp Delineators & Signs	LS	0.00	0.00	0.00	1.00	1.00	6,121.50	6,121.50
	55	* Inlet Modification	LS	0.00	0.00	0.00	1.00	1.00	750.00	750.00
	58	* Reset Sign Posts & Delineators	LS	0.00	0.00	0.00	1.00	1.00	1,419.00	1,419.00
									Paving Sub Total ($)	-3,840.84
Traffic Signals	27	Remove Pull Box PVC	EA	4.00	0.00	4.00	-2.00	2.00	480.00	-960.00
	28	F&I Pull Box PVC	EA	4.00	0.00	4.00	-1.68	2.32	1,125.00	-1,890.00
	39	F&I Conduit 1" Dia	LF	96.00	0.00	96.00	34.00	130.00	16.00	544.00
	40	F&I Conduit 2" Dia	LF	67.00	0.00	67.00	18.00	85.00	21.40	385.20
	45	Fiber Optic Termination	EA	6.00	0.00	6.00	-6.00	0.00	4,495.00	-26,970.00
	60	* Replaced Loop Lead-in	LS	0.00	0.00	0.00	1.00	1.00	4,620.00	4,620.00
									Traffic Signals Sub Total ($)	-24,270.80
Pavement Markings	47	F&I Grooved Plastic Film 4" Wide	LF	600.00	0.00	600.00	-240.00	360.00	6.50	-1,560.00
	51	F&I Grooved Contrast Film 7" Wide	LF	800.00	0.00	800.00	-60.00	740.00	13.40	-804.00
	52	F&I Grooved Plastic Film Message	SF	300.00	0.00	300.00	-172.00	128.00	20.45	-3,517.40
	53	Obliterate Pavement Markings	SF	3,100.00	0.00	3,100.00	-2,189.00	911.00	1.60	-3,502.40
	59	* Epoxy Paint Bullnoses	LS	0.00	0.00	0.00	1.00	1.00	2,013.00	2,013.00
									Pavement Markings Sub Total ($)	-7,370.80
	* NC Items								**Grand Total ($)**	**-35,482.44**

Summary

Source Of Funding	
Net Amount Change Order # 3 ($)	-35,482.44
Previous Change Orders ($)	12,898.19
Original Contract Amount ($)	1,028,188.29

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Total Contract Amount ($)

1,005,604.04

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

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
06/30/2018		0.00	0.00	06/30/2018	

Description

APPROVED

For Contractor

Laura Stuart

Title

Sr. Project Manager

APPROVED DATE

Department Head

2/20/19

Mayor

Attest

27

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BR-17-C1 Type: Negative Final Balancing Change Order #5

Location: 4th St S from Main Ave to 2nd St S & Main Ave from 2nd St to 4th St Date of Hearing: 2/19/2019

Routing	Date
City Commission	2/25/2019
PWPEC File	X
Project File	Rick Larson

The Committee reviewed the accompanying correspondence from Project Manager, Rick Larson, regarding Negative Final Balancing Change Order #5, in the amount of $-52,050.31 bringing the total contract amount to $2,223,674.95.

Staff is recommending approval of Negative Final Balancing Change Order #5, in the amount of $-52,050.31.

On a motion by Bruce Grubb, seconded by Steve Sprague, the Committee voted to recommend approval of Negative Final Balancing Change Order #5.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve Negative Final Balancing Change Order #5 in the amount of $-52,050.31 to Master Construction, bringing the total contract amount to $2,223,674.95.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Traffic Funds, Utility Funds, State Funds, Federal 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	☐	☐	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	Mark Williams
Steve Dirksen, Fire Chief	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	Jeremy Gorden
Kent Costin, Finance Director	☐	☐	☐	

ATTEST:

Jeremy Gorden, PE, PTOE
Division Engineer

C: Kristi Olson

THE CITY OF Fargo
FAR MORE

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

Memorandum

To: Members of PWPEC

From: Rick Larson, Project Manager

Date: February 13, 2019

Re: Improvement District #BR-17-C1 – Negative Final Balancing Change Order #5
Water Main Replacement, Force Main Construction, Street Reconstruction & Incidentals

---

Background:

Attached is Negative Final Balancing Change Order #5 in the amount of -$52,050.31 for Improvement District No. BR-17-C1. Please refer to the attached Final Balancing Change Order (FBCO), which reconciles the measured quantities with those estimated for the contract.

Current Contract:	$ 2,275,725.26
FBCO Amount:	$ -52,050.31 (2.29% decrease)
Final Contract:	$ 2,223,674.96

Recommended Motion:

Approve Negative Final Balancing Change Order #5 in the amount of -$52,050.31 to Master Construction.

RJL/klo
Attachment

C: Tom Knakmuhs

THE CITY OF Fargo FAR MORE

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	BR-17-C1	**Change Order No**	5
Project Name	Water Main Replacement, Force Main Construction, Street Reconstruction & Incidentals		
Date Entered	2/4/2019	**For**	Master Construction Co Inc

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

EXPLANATION OF CHANGE: Final Balancing

This change order reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price ($)	C/O Ext Price ($)
HMGP	1	Remove Pavement All Thicknesses All Types	SY	2,800.00	0.00	2,800.00	-133.56	2,666.44	8.00	-1,068.48
	2	Remove Curb & Gutter	LF	930.00	0.00	930.00	-15.80	914.20	5.00	-79.00
	3	Remove Sidewalk 4" Thick Conc	SY	400.00	0.00	400.00	21.70	421.70	5.00	108.50
	4	Subgrade Preparation	SY	1,910.00	0.00	1,910.00	-17.24	1,892.76	3.00	-51.72
	5	F&I Woven Geotextile	SY	1,910.00	0.00	1,910.00	149.89	2,059.89	1.50	224.84
	6	F&I Class 5 Agg - 12" Thick	SY	1,910.00	0.00	1,910.00	6.31	1,916.31	9.50	59.95
	7	F&I Curb & Gutter Standard (Type II)	LF	930.00	0.00	930.00	-15.60	914.40	16.00	-249.60
	8	F&I Pavement 9" Thick Doweled Conc	SY	1,615.00	0.00	1,615.00	-15.66	1,599.34	70.00	-1,096.20
	9	F&I Aggregate for Asph Pavement FAA 43	TON	30.00	0.00	30.00	3.45	33.45	50.00	172.50
	10	F&I Asphalt Cement PG 58-28	GAL	407.00	0.00	407.00	33.50	440.50	2.00	67.00
	11	F&I Pavement 3" Thick Asph	SY	365.00	0.00	365.00	-10.09	354.91	11.00	-110.99
	12	F&I Pavement 6" Thick Asph	SY	1,050.00	0.00	1,050.00	-185.28	864.72	42.00	-7,781.76
	13	F&I Force Main - Fittings	LB	8,285.00	0.00	8,285.00	-765.00	7,520.00	4.00	-3,060.00
	16	F&I Pipe w/GB DR 25 - 24" Dia PVC	LF	1,710.00	0.00	1,710.00	13.75	1,723.75	154.00	2,117.50
	17	Bore Force Main 24" Dia	LF	140.00	0.00	140.00	-18.00	122.00	300.00	-5,400.00
	19	F&I Insulation 4" Thick	SY	200.00	0.00	200.00	-40.00	160.00	20.00	-800.00
	20	F&I 1-1/4" Trench Found Rock 14" thru 24" Dia	LF	100.00	0.00	100.00	-100.00	0.00	10.00	-1,000.00

THE CITY OF Fargo

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

HMGP	24	F&I Detection In-Ground Loop	EA	4.00	0.00	4.00	-2.00	2.00	2,000.00	-4,000.00
								HMGP Sub Total ($)		-21,947.47
Sanitary Sewer	25	Remove Pipe All Sizes All Types	LF	420.00	0.00	420.00	-35.00	385.00	5.00	-175.00
	27	F&I Pipe w/GB SDR 35 - 12" Dia PVC	LF	660.00	0.00	660.00	12.30	672.30	110.00	1,353.00
	30	F&I Force Main w/GB 16" Dia	LF	790.00	0.00	790.00	-4.36	785.64	134.00	-584.24
	31	F&I Force Main - Fittings	LB	672.00	0.00	672.00	528.00	1,200.00	5.00	2,640.00
								Sanitary Sewer Sub Total ($)		3,233.76
Water Main Replacement	32	Remove Pipe All Sizes All Types	LF	900.00	0.00	900.00	-103.60	796.40	5.00	-518.00
	34	F&I Pipe w/GB C900 DR 18 - 6" Dia PVC	LF	95.00	0.00	95.00	-11.80	83.20	70.00	-826.00
	35	F&I Pipe w/GB C900 DR 18 - 10" Dia PVC	LF	105.00	0.00	105.00	-1.45	103.55	75.00	-108.75
	36	F&I Pipe w/GB C900 DR 18 - 12" Dia PVC	LF	80.00	0.00	80.00	-9.00	71.00	80.00	-720.00
	37	F&I Pipe w/GB C900 DR 18 - 16" Dia PVC	LF	415.00	0.00	415.00	14.00	429.00	95.00	1,330.00
	38	F&I Pipe w/GB C900 DR 18 - 20" Dia PVC	LF	425.00	0.00	425.00	1.20	426.20	110.00	132.00
	40	F&I Fittings Ductile Iron	LB	9,325.00	0.00	9,325.00	75.00	9,400.00	4.00	300.00
	43	F&I Gate Valve 10" Dia	EA	1.00	0.00	1.00	2.00	3.00	2,100.00	4,200.00
	47	F&I Pipe w/GB 1.25" Dia Copper	LF	55.00	0.00	55.00	-3.00	52.00	60.00	-180.00
	50	F&I 1-1/4" Trench Found Rock 4" thru 12" Dia	LF	100.00	0.00	100.00	-54.00	46.00	5.00	-270.00
	51	F&I 1-1/4" Trench Found Rock 14" thru 24" Dia	LF	100.00	0.00	100.00	-80.00	20.00	7.00	-560.00
								Water Main Replacement Sub Total ($)		2,779.25
Storm Sewer	52	Remove Inlet	EA	3.00	0.00	3.00	1.00	4.00	200.00	200.00
	53	Remove Pipe All Sizes All Types	LF	125.00	0.00	125.00	-8.70	116.30	5.00	-43.50
	55	F&I Pipe w/GB 15" Dia Reinf Conc	LF	120.00	0.00	120.00	1.50	121.50	44.00	66.00
								Storm Sewer Sub Total ($)		222.50
Paving	58	Remove Pavement All Thicknesses All Types	SY	4,975.00	0.00	4,975.00	10.61	4,985.61	7.00	74.27
	59	Remove Curb & Gutter	LF	2,540.00	0.00	2,540.00	38.20	2,578.20	5.00	191.00

THE CITY OF Fargo

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Paving	60	Remove Sidewalk All Thicknesses All Types	SY	1,530.00	0.00	1,530.00	16.08	1,546.08	5.00	80.40
	61	Remove Driveway All Thicknesses All Types	SY	375.00	0.00	375.00	193.02	568.02	5.00	965.10
	62	Subgrade Preparation	SY	5,300.00	0.00	5,300.00	166.75	5,466.75	2.00	333.50
	63	F&I Woven Geotextile	SY	5,100.00	0.00	5,100.00	366.75	5,466.75	1.50	550.13
	64	F&I Class 5 Agg - 12" Thick	SY	5,100.00	0.00	5,100.00	343.77	5,443.77	11.00	3,781.47
	65	F&I Edge Drain 4" Dia PVC	LF	1,070.00	0.00	1,070.00	-36.00	1,034.00	6.00	-216.00
	66	F&I Curb & Gutter Standard (Type II)	LF	2,470.00	0.00	2,470.00	44.60	2,514.60	17.00	758.20
	67	F&I Pavement 9" Thick Doweled Conc	SY	4,055.00	0.00	4,055.00	-51.54	4,003.46	70.00	-3,607.80
	68	F&I Aggregate for Asph Pavement FAA 43	TON	245.00	0.00	245.00	21.62	266.62	50.00	1,081.00
	69	F&I Asphalt Cement PG 58-28	GAL	3,300.00	0.00	3,300.00	106.52	3,406.52	2.00	213.04
	70	F&I Class 5 Agg - 8" Thick	SY	110.00	0.00	110.00	92.68	202.68	9.00	834.12
	71	F&I Sidewalk 4" Thick Reinf Conc	SY	1,765.00	0.00	1,765.00	-176.60	1,588.40	41.00	-7,240.60
	72	F&I Sidewalk Curb	LF	80.00	0.00	80.00	-80.00	0.00	20.00	-1,600.00
	73	F&I Sidewalk 6" Thick Reinf Conc	SY	100.00	0.00	100.00	-6.93	93.07	43.00	-297.99
	74	F&I Det Warn Panels Cast Iron	SF	264.00	0.00	264.00	-1.44	262.56	50.00	-72.00
	75	F&I Driveway 6" Thick Reinf Conc	SY	295.00	0.00	295.00	81.09	376.09	43.00	3,486.87
	76	F&I Driveway 7" Thick Reinf Conc	SY	75.00	0.00	75.00	-27.80	47.20	47.00	-1,306.60
	77	Rem & Repl Pavement 6" Thick Asph	SY	70.00	0.00	70.00	-19.57	50.43	40.00	-782.80
	78	F&I Impressioned 6" Thick Reinf Conc	SY	375.00	0.00	375.00	91.69	466.69	75.00	6,876.75
	81	F&I Flat MH Cover 8" Thick Reinf Conc	EA	4.00	0.00	4.00	1.00	5.00	900.00	900.00
	82	Casting to Grade - no Conc	EA	19.00	0.00	19.00	-3.00	16.00	400.00	-1,200.00
	83	GV Box to Grade - no Conc	EA	6.00	0.00	6.00	3.00	9.00	150.00	450.00
	84	GV Box to Grade - Blvd	EA	2.00	0.00	2.00	-1.00	1.00	150.00	-150.00
	86	Inlet Protection - Existing Inlet	EA	11.00	0.00	11.00	-1.00	10.00	110.00	-110.00
	88	Temp Construction Entrance	EA	2.00	0.00	2.00	-2.00	0.00	750.00	-1,500.00
	90	Seeding Type B	SY	2,000.00	0.00	2,000.00	0.65	2,000.65	1.00	0.65
	91	Mulching Type 1 - Hydro	SY	2,000.00	0.00	2,000.00	0.65	2,000.65	1.00	0.65

THE CITY OF Fargo

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Paving	92	Weed Control Type B	SY	2,000.00	0.00	2,000.00	-2,000.00	0.00	1.00	-2,000.00
	93	Install Salvaged Gravel 8" Thick	SY	500.00	0.00	500.00	-15.00	485.00	10.00	-150.00
	165	* Reseal colored impressioned concrete.	LS	0.00	0.00	0.00	1.00	1.00	2,040.50	2,040.50
									Paving Sub Total ($)	2,383.86
Street Lighting	95	F&I Base 6' Deep Reinf Conc	EA	9.00	0.00	9.00	2.00	11.00	400.00	800.00
	96	F&I Innerduct 1.5" Dia	LF	2,661.00	0.00	2,661.00	-161.00	2,500.00	4.00	-644.00
	99	F&I Conductor #6 USE Cu	LF	7,572.00	0.00	7,572.00	-72.00	7,500.00	1.20	-86.40
	100	Install Street Light	EA	2.00	0.00	2.00	1.00	3.00	250.00	250.00
	101	Remove Street Light	EA	13.00	0.00	13.00	1.00	14.00	150.00	150.00
	103	Remove Base	EA	11.00	0.00	11.00	2.00	13.00	500.00	1,000.00
									Street Lighting Sub Total ($)	1,469.60
Traffic Signals	112	F&I Pull Box PVC	EA	10.00	0.00	10.00	-1.00	9.00	1,100.00	-1,100.00
	114	F&I Ped Push Button Post	EA	4.00	0.00	4.00	1.00	5.00	500.00	500.00
	118	F&I Head 3 Sect w/12" LED MA Mtd	EA	3.00	0.00	3.00	1.00	4.00	1,100.00	1,100.00
	128	F&I Signal Cable Loop Lead-in	LF	1,677.00	0.00	1,677.00	-1,537.00	140.00	1.50	-2,305.50
	133	F&I Conduit 1" Dia	LF	37.00	0.00	37.00	3.00	40.00	7.00	21.00
	134	F&I Conduit 2" Dia	LF	950.00	0.00	950.00	623.00	1,573.00	8.00	4,984.00
	135	F&I Conduit 4" Dia	LF	376.00	0.00	376.00	-26.00	350.00	12.00	-312.00
	140	F&I Detection In-Ground Loop	EA	20.00	0.00	20.00	-17.00	3.00	1,400.00	-23,800.00
									Traffic Signals Sub Total ($)	-20,912.50
Signing	145	F&I Diamond Grade Cubed	SF	25.00	0.00	25.00	2.70	27.70	21.00	56.70
	146	F&I Engineering Grade	SF	16.50	0.00	16.50	-4.20	12.30	16.00	-67.20
	147	F&I High Intensity Prismatic	SF	24.00	0.00	24.00	4.90	28.90	18.00	88.20
	148	F&I Sign Assembly	EA	3.00	0.00	3.00	7.00	10.00	40.00	280.00
	149	F&I Sign Assembly & Anchor	EA	8.00	0.00	8.00	2.00	10.00	80.00	160.00
									Signing Sub Total ($)	517.70
Pavement Marking	150	F&I Grooved Plastic Film 4" Wide	LF	1,954.00	0.00	1,954.00	239.00	2,193.00	5.00	1,195.00
	151	F&I Grooved Plastic Film 6" Wide	LF	709.00	0.00	709.00	-709.00	0.00	8.00	-5,672.00

THE CITY OF Fargo

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Pavement Marking	152	F&I Grooved Plastic Film 8" Wide	LF	647.00	0.00	647.00	32.00	679.00	10.00	320.00
	153	F&I Grooved Plastic Film 16" Wide	LF	135.00	0.00	135.00	-25.00	110.00	20.00	-500.00
	154	F&I Grooved Plastic Film Message	SF	538.00	0.00	538.00	-282.00	256.00	35.00	-9,870.00
	155	F&I Grooved Contrast Film 7" Wide	LF	1,101.00	0.00	1,101.00	-37.00	1,064.00	10.00	-370.00
	156	Paint Epoxy Message	SF	100.00	0.00	100.00	65.00	165.00	12.00	780.00
	157	F&I Methacrylate 24" Wide	LF	416.00	0.00	416.00	-113.60	302.40	50.00	-5,680.00
									Pavement Marking Sub Total ($)	-19,797.00
									Grand Total ($)	**-52,050.31**

* NC Items

Summary

Source Of Funding	
Net Amount Change Order # 5 ($)	-52,050.31
Previous Change Orders ($)	86,162.36
Original Contract Amount ($)	2,189,562.90
Total Contract Amount ($)	2,223,674.96

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

CONTRACT TIME

Current Substantial Completion Date	Current Final Completion Date	Additional Days Substantial Completion	Additional Days Final Completion	New Substantial Completion Date	New Final Completion Date
10/14/2017		0.00	0.00	10/14/2017	

Description

APPROVED

For Contractor

CFO

Title

APPROVED DATE

Department Head 2/20/19

Mayor

Attest

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(28)

Improvement District No. BR-18-A1 Type: **REVISED** CPM Agreement with NDDOT
NDDOT Project # CPU-NHU-8-010(043)940

Location: Main Ave – Red River to Broadway Date of Hearing: 2/19/2019

Routing	Date
City Commission	2/25/2019
PWPEC File	X
Project File	Jeremy Gorden

The Committee reviewed a communication from Transportation Division Engineer, Jeremy Gorden, regarding approval of the Revised Cost Participation and Maintenance (CPM) Agreement with NDDOT for the reconstruction of Main Avenue from the Red River Bridge to Broadway. Funding for the project will consist of Federal Highway Funds from the NDDOT's Regional Highway System, Water Main Replacement Funds, Water Utility Funds, Sewer Utility Funds, Sales Tax (local), and Special Assessments.

Federal Highway Funds	$ 7,332,764
State DOT Funds	$ 821,799
Water Utility Funds	$ 541,982
Wastewater Utility Funds	$ 246,147
Street Sales Tax	$ 593,595
Incentive (Street Sales Tax)	$ 500,000
Special Assessments	$ 2,273,006
Total Estimated Project Cost	**$ 12,309,292**

This project is set to be bid in Bismarck on Friday, March 8 and the project is scheduled to have a substantial completion date of October 18, 2019.

On a motion by Bruce Grubb, seconded by Ben Dow, the Committee voted to recommend approval of the Revised Cost Participation and Maintenance Agreement.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve the Revised CPM Agreement.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: NDDOT Regional Highway System (federal), Water Main Repl. Funds, Water/Sewer Utility Funds, Sales Tax (local) & Special Assessments

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

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

ATTEST:

Jeremy Gorden, PE, PTOE
Division Engineer

C: Kristi Olson

NDDOT Contract No. 38190003

North Dakota Department of Transportation
COST PARTICIPATION AND MAINTENANCE AGREEMENT

Federal Award Information – to be provided by NDDOT	
CFDA No: 20.205	CFDA Title: Highway Planning & Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Admin
NDDOT Program Mgr: Striefel, Ardin L.	Telephone:

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.CPU-NHU-8-010(043)940
Location: FARGO MAIN AVE (WEST OF BROADWAY TO 2ND STREET)
Type of Improvement: Concrete Pavement, Curb & Gutter, Storm Sewer, Sanitary Sewer, Watermain, Sidewalk, Street Lighting, Landscaping, Traffic Signals, and Incidentals
Point of Beginning: Sta 2118+30 or RP 940.129
Point of Ending: Sta 2142+64.01 or RP 940.580

In consideration of the mutual benefits to be derived therefrom, it is agreed between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the Local Public Agency (LPA) of Fargo, North Dakota, hereinafter referred to as the LPA, the project will be constructed in accordance with the current edition of NDDOT's *Standard Specifications for Road and Bridge Construction* and with the plans incorporated into this agreement by reference.

The LPA
a. Will pay 10 percent of the cost of rights of way and easements acquired for the project; and
b. Will pay 10 percent of the total cost of all items which are determined eligible for funding participation. This total cost will include the actual construction cost plus 10 percent for the preliminary and construction engineering; and
c. Will pay 100 percent of the construction costs plus 10 percent for the preliminary and construction engineering of all items as requested by the LPA for items determined to be non-participating or ineligible for federal aid. This work includes waterlines, watermain, sanitary sewer, and landscaping structural soils.
d. Will pay 100 percent of the project incentive for early completion of the project.

PART I

LPA Obligation:

1. The LPA will pay to NDDOT as the work progresses or when completed its share of the total cost of the project as defined above.

2. It is specifically agreed that if at any time the LPA fails to pay the amount billed to NDDOT within 60 days after billings, this document shall constitute an assignment of funds derived from the State Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the

striping, snow plowing, and snow removal. Limits of the LPA's responsibilities are shown on the attached map.

2. The LPA will maintain the striping for parking and any striping located on side streets.

3. The LPA will be responsible to provide a local match for the cost of the initial seal following this project, and any future seals. The local match percentage will be the same as identified in this agreement.

PART IV

General:

1. Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.

2. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.

3. Entities that receive federal funds through NDDOT may be required to obtain an audit in accordance with 2 C.F.R. Part 200, Subpart F. A copy of such audit shall be submitted to NDDOT. Entities that spend less than $750,000 of federal funds from all sources may be subject to reviews by NDDOT at its discretion. Additionally, all entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non profit businesses.

4. The LPA is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.

5. NDDOT is not responsible for any Property Taxes or Special Assessments on property which has been acquired as part of the roadway reconstruction project. The LPA is responsible to make arrangements for deferral or payment of such Taxes and/or Special Assessments.

Project ${FIELD:PROJECT_NUMBER}

CERTIFICATION OF LOCAL MATCH

It is hereby certified that the LPA of _____ will provide non-federal funds, whose source is identified below, as match for the amount the LPA 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 LPA. Please designate the source(s) of funds in the LPA budget that will be used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

Source:

_____

_____

Executed at _____, North Dakota, the last date below signed.

ATTEST:

_____
AUDITOR (TYPE OR PRINT)

_____
SIGNATURE

_____
DATE

APPROVED:

LPA of _____

_____
NAME (TYPE OR PRINT)

_____
SIGNATURE

*

_____
TITLE

_____
DATE

*Mayor or President of Commission

CLA 17058 (Div. 38)
L.D. Approved 02-18; Rev. 08-18; C.M. 01/10/2019; C.M. 02/07/2019

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).

Appendix A

CPU-NHU-8-010(043)940 Cost Estimate and Funding Breakdown - Fargo Main Avenue

Cost Estimate:	Total		Federal	State	City
Mainline	$7,351,920	=	$5,949,909	$666,819	$735,192
Storm Sewer	$375,595	=	$303,969	$34,066	$37,560
Subtotal =	$7,727,515	=	$6,253,878	$700,886	$772,752
Construction Engineering =	$772,752	=	$625,388	$70,089	$77,275
Watermain, Sanitary Sewer, and Landscaping	$2,372,531	=	$0	$0	$2,372,531
Subtotal =	$10,872,798	=	$6,879,266	$770,974	$3,222,558
Railroad Flagging =	$34,000	=	$27,516	$3,084	$3,400
Total of Engineer's Estimate =	$10,906,798	=	$6,906,782	$774,058	$3,225,958 *

*Note: The costs above are estimated.

An Incentive has been included at 100% City Cost. The Incentive limit is $500,000.

2/7/2019

COVER SHEET
CITY OF FARGO PROJECTS

29a

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

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & Incidentals

Improvement District No. BN-19-B

Call For Bids February 25, 2019

Advertise Dates March 4, 11, 2019

Bid Opening Date April 3, 2019

Substantial Completion Date July 17, 2019

Final Completion Date August 17, 2019

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

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

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

X Notice to Property Owners (Dan Eberhardt)

Project Engineer Jason Satterlund

Phone No. 241-1545

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

X Create District (Attach Copy of Legal Description)

X Order Plans & Specifications

X Approve Plans & Specifications

X Adopt Resolution of Necessity

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

X Assessment Map (Attach Copy for Auditor's Office Only)

ENGINEER'S REPORT

SANITARY SEWER, WATER MAIN, STORM SEWER,
PAVING, STREET LIGHTS & INCIDENTALS

IMPROVEMENT DISTRICT NO. BN-19-B

Nature & Scope

This project is for new construction of underground utilities, asphalt pavement and incidentals on 54th Avenue South between 66th Street South and Grayland Drive South and on Grayland Drive South from 67th Street South, north 1100 feet to the north end of the cul-de-sac on Grayland Drive, all located within Grayland First Addition.

Purpose

This project is to provide infrastructure for new residential housing within Grayland 1st Addition.

Feasibility

The estimated cost of construction is $850,717.45.

The costs for the improvement district are estimated as follows:

Special Assessed Costs

Estimated Construction Cost:	$	850,717.45
Engineering Fees (11%):	$	93,578.92
Legal & Misc Fees (3%):	$	25,521.52
Administration Fees (6%):	$	51,043.05
Interest Fees (4%):	$	34,028.70
Total Estimated Assessed Cost:	$	1,054,889.64

We believe this project to be cost effective.

REGISTERED PROFESSIONAL ENGINEER
TOM KNAKMUHS
PE-10059
DATE: 2/20/19
NORTH DAKOTA

Tom Knakmuhs, P.E.
Assistant City Engineer

CITY OF FARGO
ENGINEERING DEPARTMENT

LOCATION & COMPRISING

SANITARY SEWER, WATER MAIN, STORM SEWER, PAVING,
STREET LIGHTS & INCIDENTALS

IMPROVEMENT DISTRICT NO. BN-19-B

LOCATION:

On 54th Avenue South between 66th Street South and Grayland Drive South.
On Grayland Drive South from 67th Street South, north 1100' to the north end of the cul-de-sac on Grayland Drive.

COMPRISING:

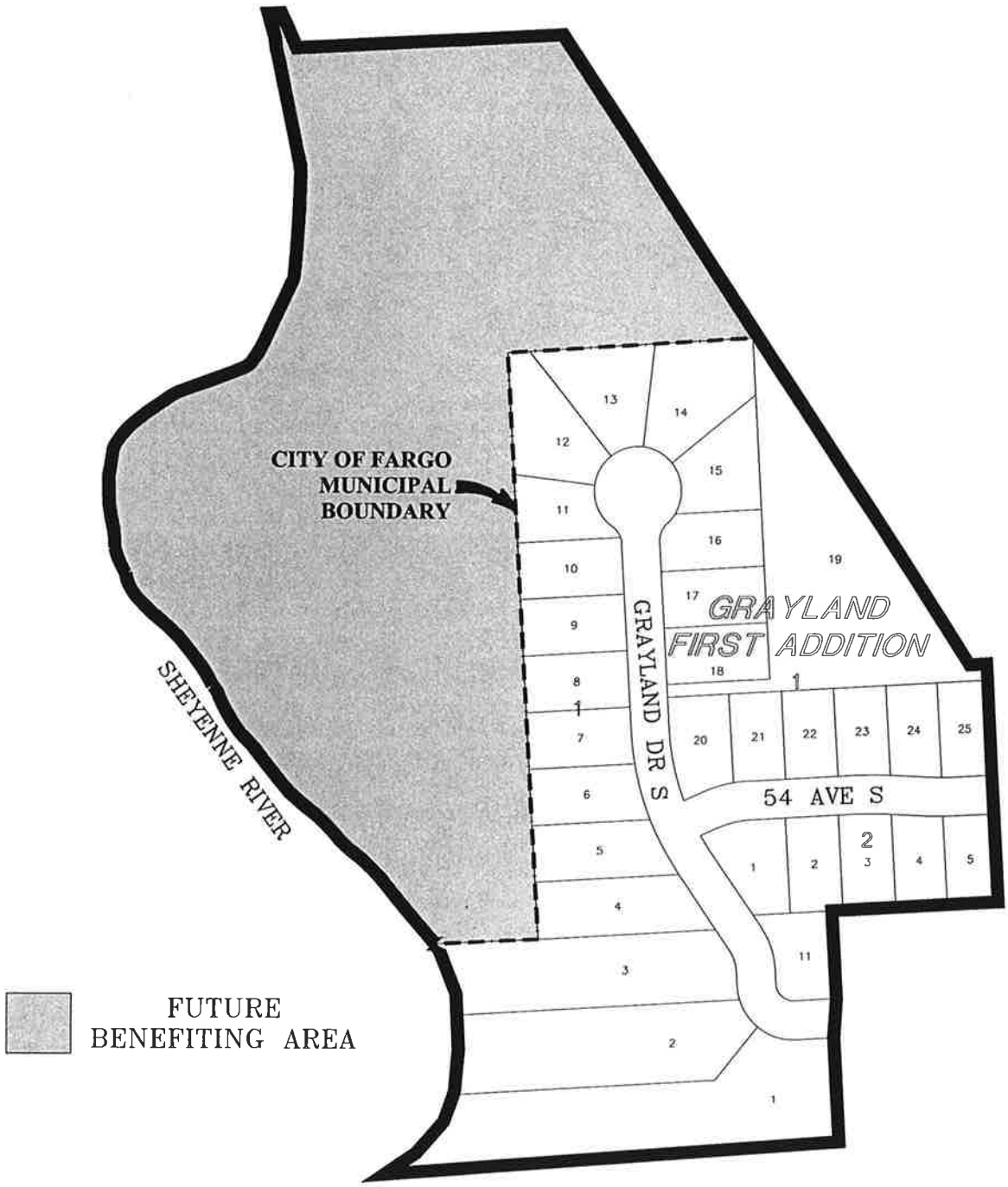
Lots 1 through 25, Block 1.
Lots 1 through 5 and Lot 11, Block 2.

All platted in Grayland First Addition.

All of the foregoing located in the City of Fargo, Cass County, North Dakota.

All of the unplatted land in the northwest ¼ of Section 5, Township 138 North, Range 38 West bounded on the west by the Sheyenne River and on the east by the City of Fargo Municipal Boundary.

All the foregoing located in Cass County, North Dakota.



CITY OF FARGO
ENGINEERING DEPARTMENT

LOCATION & ASSESSMENT AREA

SANITARY SEWER, WATER MAIN,
STORM SEWER, PAVING, STREET
LIGHTS & INCIDENTALS

IMPROVEMENT DISTRICT NO. BN-19-B

COVER SHEET
CITY OF FARGO PROJECTS

296

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

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

SANITARY SEWER, STORM SEWER, WATER MAIN, PAVING, STREET LIGHTING & INCIDENTALS

Improvement District No. BN-19-E

Call For Bids	February 25	, 2019
Advertise Dates	March 4 & 11	, 2019
Bid Opening Date	April 3	, 2019
Substantial Completion Date	August 1	, 2019
Final Completion Date	August 31	, 2019

X PWPEC Report (Attach Copy)

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

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

X Notice to Property Owners (Dan Eberhardt)

Project Engineer Jason Leonard

Phone No. 241-1545

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

X Create District (Attach Copy of Legal Description)

X Order Plans & Specifications

X Approve Plans & Specifications

X Adopt Resolution of Necessity

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

X Assessment Map (Attach Copy for Auditor's Office Only)

ENGINEER'S REPORT

SANITARY SEWER, STORM SEWER, WATER MAIN,
PAVING, STREET LIGHTING & INCIDENTALS

IMPROVEMENT DISTRICT NO. BN-19-E

Nature & Scope

This project is for new construction of underground utilities, asphalt pavement, site grading and incidentals on 67th Avenue South and 16th Street South.

Purpose

This project will allow for development of the land within the Bison Meadows Addition as requested by the developer.

Feasibility

The estimated cost of construction is $542,777.61

The costs for the Improvement District are estimated as follows:

City of Fargo Special Assessed Costs

Estimated Construction Cost:	**$**	**452,231.61**
Engineering Fees (11%):	$	49,745.48
Legal & Misc Fees (3%):	$	13,566.95
Administration Fees (6%):	$	27,133.90
Interest Fees (4%):	$	18,089.26
Total Estimated Assessed Cost:	**$**	**560,767.20**

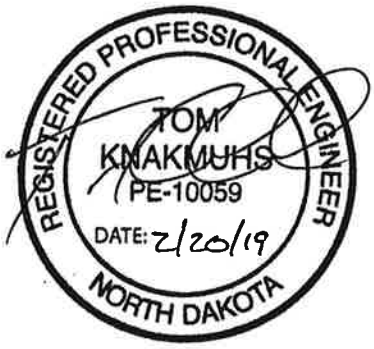
Cass Rural Water Special Assessment Cost

Estimated Construction Cost:	**$**	**90,546.00**
Engineering Fees (11%):	$	9,960.06
Legal & Misc Fees (3%):	$	2,716.38
Administration Fees (6%):	$	5,432.76
Interest Fees (4%):	$	3,621.84
Total Estimated Assessed Cost:	**$**	**112,277.04**

Summary of Fees:		
Engineering Fees	$	59,705.54
Legal & Misc. Fees	$	16,283.33
Administration Fees	$	32,566.66
Interest Fees	$	21,711.10
Total Estimated Fees:	**$**	**130,266.63**

Total Estimated Construction Cost with Fees:	**$**	**673,044.24**

We believe this project to be cost effective.



Thomas Knakmuhs, P.E.
Assistant City Engineer

CITY OF FARGO
ENGINEERING DEPARTMENT

LOCATION & COMPRISING

SANITARY SEWER, STORM SEWER, WATER MAIN, PAVING, STREET LIGHTING & INCIDENTALS

IMPROVEMENT DISTRICT NO. BN-19-E

LOCATION:

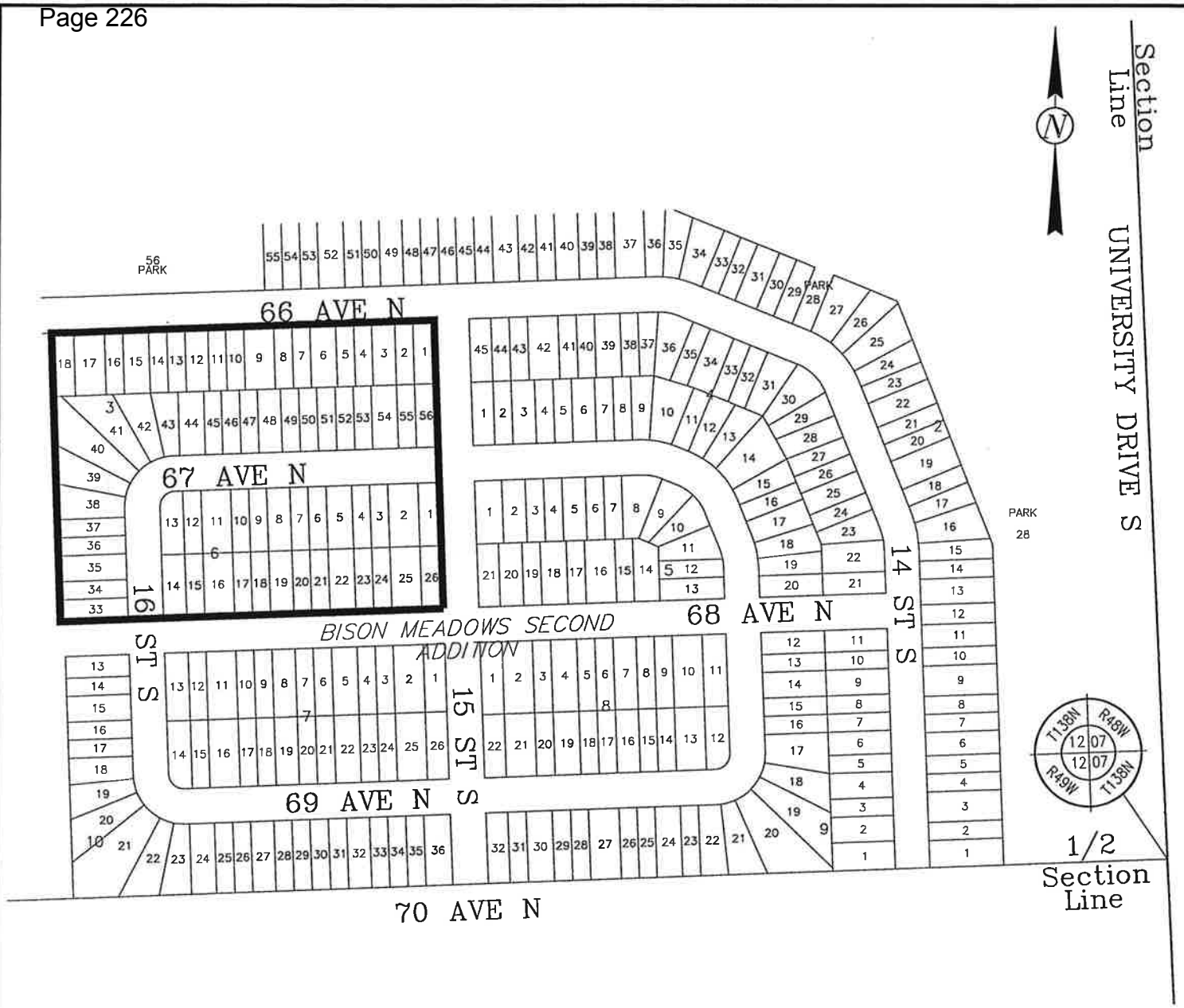
67th Avenue South and 16th Street South, east of 17th Street South and north of 68th Avenue South.

COMPRISING:

Lots 1 through 18, inclusive, Block 3.
Lots 33 through 56, inclusive, Block 3.
Lots 1 through 26, inclusive, Block 6.

All platted within Bison Meadows 2nd Addition.

All of the foregoing is located in the City of Fargo, Cass County, North Dakota.



CITY OF FARGO
ENGINEERING DEPARTMENT

LOCATION & ASSESSMENT AREA

SANITARY SEWER, STORM SEWER, WATER MAIN,
PAVING, STREET LIGHTING
& INCIDENTALS

IMPROVEMENT DISTRICT NO. BN-19-E

COVER SHEET
CITY OF FARGO PROJECTS

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

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

PC CONCRETE PAVING, CONCRETE CURB AND GUTTER, ASPHALT PAVEMENT & INCIDENTALS

Improvement District No. PN-18-B

Call For Bids February 25, 2019

Advertise Dates March 4 & 11, 2019

Bid Opening Date April 3, 2019

Substantial Completion Date September 6, 2019

Final Completion Date October 6, 2019

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

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

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

X Notice to Property Owners (Dan Eberhardt)

Project Engineer Jeremy Engquist

Phone No. 241-1545

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

X Create District (Attach Copy of Legal Description)

X Order Plans & Specifications

X Approve Plans & Specifications

N/A Adopt Resolution of Necessity

X Approve Escrow Agreement (Attach Copy for Commission Office Only)

X Assessment Map (Attach Copy for Auditor's Office Only)

ENGINEER'S REPORT

PC CONCRETE PAVING, CONCRETE CURB AND GUTTER, ASPHALT PAVEMENT & INCIDENTALS

IMPROVEMENT DISTRICT NO. PN-18-B

Nature & Scope

This project is for new construction of paving and incidentals on 23rd Avenue South from 42nd Street to 38th Street and on 41st Street South from 100' north of 23rd Avenue to 24th Avenue.

Purpose

This project is to provide infrastructure to future development planned for the southwest quadrant of I-29 & I-94 interchange and to connect to existing infrastructure.

Feasibility

The estimated cost of construction is $3,139,165.35.

The costs for the improvement district are estimated as follows:

Special Assessed Costs

Estimated Construction Cost:	**$ 1,310,220.16**
Engineering Fees (11%):	$ 144,124.22
Legal & Misc Fees (3%):	$ 39,306.60
Administration Fees (6%):	$ 78,613.21
Interest Fees (4%):	$ 52,408.81
Total Estimated Assessed Cost:	**$ 1,624,673.00**

General Infrastructure Funds (TIF-401)

Estimated Construction Cost:	**$ 1,828,945.19**
Engineering Fees (11%):	$ 201,183.97
Legal & Misc Fees (3%):	$ 54,868.36
Administration Fees (6%):	$ 109,736.71
Interest Fees (4%):	$ 73,157.81
Total Estimated Assessed Cost:	**$ 2,267,892.04**

We believe this project to be cost effective.

Thomas Knakmuhs, P.E.
Assistant City Engineer

CITY OF FARGO
ENGINEERING DEPARTMENT

LOCATION & COMPRISING

PC CONCRETE PAVING, CONCRETE CURB AND GUTTER, ASPHALT PAVEMENT & INCIDENTALS

IMPROVEMENT DISTRICT NO. PN-18-B

LOCATION:

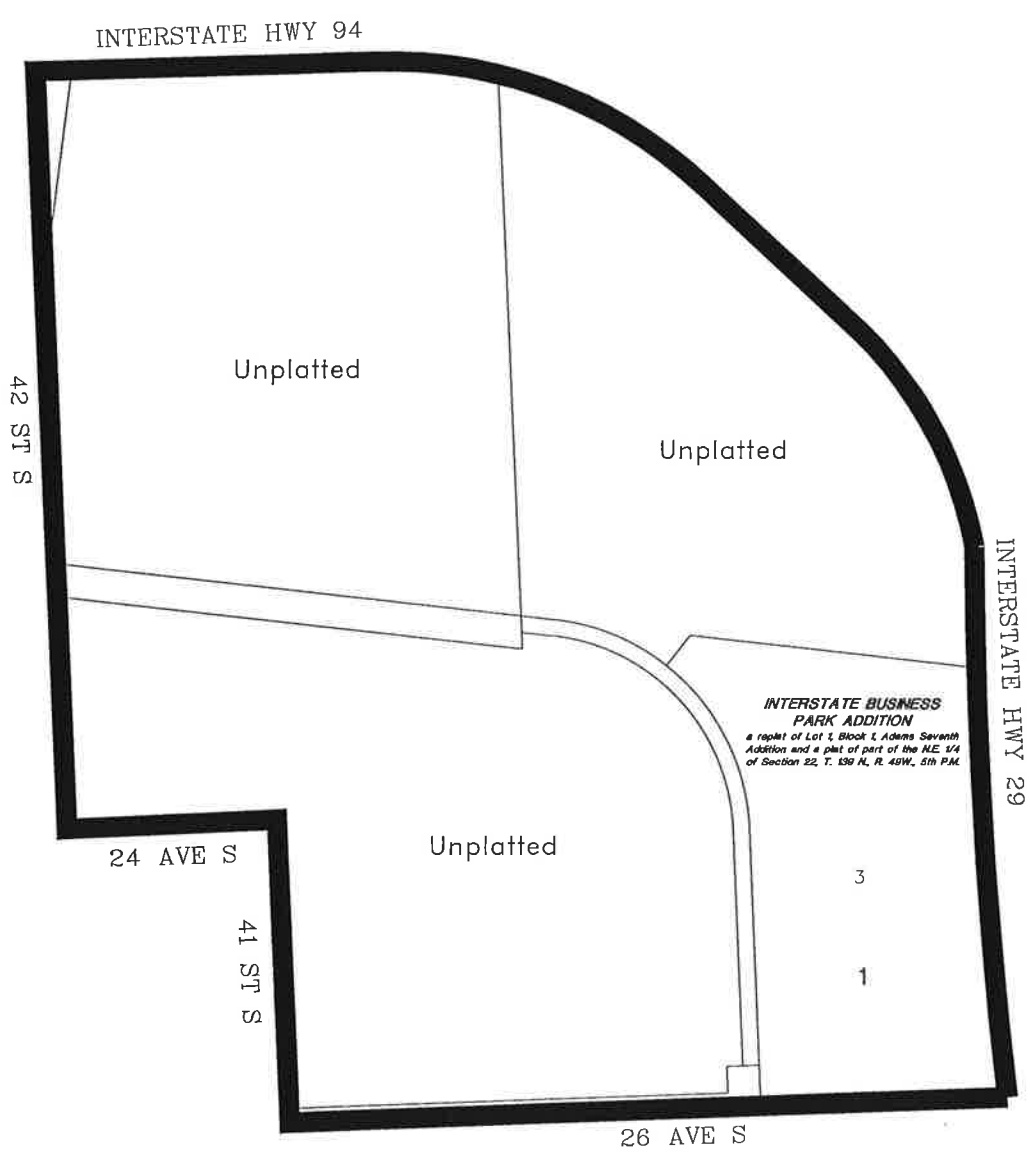
On 23th Avenue South from 38th Street South to 42nd Street South. On 41st Street South from 100' north of 23th Avenue South to 24th Avenue South.

COMPRISING:

Lot 3, Block 1.
Platted in Interstate Business Park Addition.

All the unplatted land located in the Northeast quarter of Section 22, Township 139 N, Range 49 W.

All of the foregoing is located in the City of Fargo, Cass County, North Dakota.



CITY OF FARGO
ENGINEERING DEPARTMENT

LOCATION & ASSESSMENT AREA

PC CONCRETE PAVING, CONCRETE CURB AND GUTTER, ASPHALT PAVEMENT & INCIDENTALS

IMPROVEMENT DISTRICT NO. PN-18-B

COVER SHEET
CITY OF FARGO PROJECTS

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

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

Asphalt Mill & Overlay & Incidentals

Improvement District No. PR-19-F

Call For Bids	February 25	, 2019
Advertise Dates	March 4 & 11	, 2019
Bid Opening Date	April 3	, 2019
Substantial Completion Date	August 30	, 2019
Final Completion Date	September 30	, 2019

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

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

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

X Notice to Property Owners (Dan Eberhardt)

Project Engineer Jason Hoogland

Phone No. 241-1545

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

X Create District (Attach Copy of Legal Description)

X Order Plans & Specifications

X Approve Plans & Specifications

X Adopt Resolution of Necessity

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

X Assessment Map (Attach Copy for Auditor's Office Only)

ENGINEER'S REPORT

ASPHALT MILL & OVERLAY & INCIDENTALS

IMPROVEMENT DISTRICT NO. PR-19-F

Nature & Scope

Under this project, streets and avenues will be milled and overlayed as follows:

Section 1:

On 3rd Street North from Northern Pacific Avenue North to Machinery Row Avenue North.
On Machinery Row Avenue North from 2nd Street North to 4th Street North.

Section 2:

On Southwood Drive South east of 11th Street South.

Section 3:

On 11th Street South from Harwood Drive South to 35th Avenue South.
On Birchwood Court South east of 11th Street South.
On River Drive South from Harwood Drive South to 35th Avenue South.
On Maplewood Court South east of River Drive South.
On Ironwood Court South south of Harwood Drive South.
On Oakwood Court South south of Harwood Drive South.
On Hackberry Drive South from Harwood Drive South to River Drive South.
On 35th Avenue South from River Drive South to University Drive South.

Section 4:

On Kennedy Street South from cul-de-sac to River Drive South.
On 12th Street South from 37th Avenue South to River Drive South.
On Burritt Street South from 38th Avenue South to 37th Avenue South.
On 37th Avenue South from Kennedy Street South to University Drive South.
On 38th Avenue South from River Drive South to University Drive South.
On 3800 block cul-de-sac of River Drive South.

Section 5:

On 15th Street South from 40th Avenue South to the end of cul-de-sac.
On 17th Street South from 40th Avenue South to the end of cul-de-sac.
On 41st Avenue South from 15th Street South to 17th Street South.

Section 6:

On Carrie Rose Lane South east of 25th Street South.

Section 7:

On Meadow Creek Drive South from 25th Street South to the end of cul de sac.
On Meadow Creek Circle South.

Section 8:

On 43rd Street South from 15th Avenue South to 394' north of 15th Avenue South.
On 43 ½ Street South from 13th Avenue South to 13 ½ Avenue South.
On 44th Street South from 13th Avenue South to 15th Avenue South.
On 13 ½ Avenue South from 43rd Street South to 425' west of 43rd Street South.

Purpose

The above named streets and avenues are in need of rehabilitation. A mill and overlay will provide a new wearing surface as well as correct deficiencies that have appeared over time. Rehabilitation at this time is a cost effective means of extending the useful life of the street.

Feasibility

The construction cost is estimated to be $1,358,947.00. Special Assessments and Street Rehabilitation Funds will pay for this project. The cost breakdown is as follows:

Section 1:

Estimated Construction Cost:	**$ 71,519.00**
Assessed Portion:	$ 35,759.00
Plus Engineering Fees (6%):	2,145.50
Plus Administration Fees (6%):	2,145.50
Plus Legal/Misc Fees (3%):	1,073.00
Plus Interest (4%):	1,430.00
Total Assessed:	**$ 42,553.00**
City Portion:	$ 35,759.00
Plus Engineering Fees (6%):	2,145.50
Plus Legal/Misc Fees (3%):	1,073.00
Plus Interest (4%):	1,430.00
City Cost (Street Rehabilitation Funds):	**$ 40,407.50**

Section 2:

Estimated Construction Cost:	**$ 184,086.00**
Assessed Portion:	$ 92,043.00
Plus Engineering Fees (6%):	5,522.50
Plus Administration Fees (6%):	5,522.50
Plus Legal/Misc Fees (3%):	2,761.00
Plus Interest (4%):	3,682.00
Total Assessed:	**$ 109,531.00**
City Portion:	$ 92,043.00
Plus Engineering Fees (6%):	5,522.50
Plus Legal/Misc Fees (3%):	2,761.00
Plus Interest (4%):	3,682.00
City Cost (Street Rehabilitation Funds):	**$ 104,008.50**

Section 3:

Estimated Construction Cost:	**$ 322,581.00**
Assessed Portion:	$ 161,291.00
Plus Engineering Fees (6%):	9,677.50
Plus Administration Fees (6%):	9,677.50
Plus Legal/Misc Fees (3%):	4,839.00
Plus Interest (4%):	6,451.50
Total Assessed:	**$ 191,936.50**
City Portion:	$ 161,291.00
Plus Engineering Fees (6%):	9,677.50
Plus Legal/Misc Fees (3%):	4,839.00
Plus Interest (4%):	6,451.50
City Cost (Street Rehabilitation Funds):	**$ 182,259.00**

Section 4:

Estimated Construction Cost:	**$ 204,730.00**
Assessed Portion:	$ 102,365.00
Plus Engineering Fees (6%):	6,142.00
Plus Administration Fees (6%):	6,142.00
Plus Legal/Misc Fees (3%):	3,071.00
Plus Interest (4%):	4,094.50
Total Assessed:	**$ 121,814.50**
City Portion:	$ 102,365.00
Plus Engineering Fees (6%):	6,142.00
Plus Legal/Misc Fees (3%):	3,071.00
Plus Interest (4%):	4,094.50
City Cost (Street Rehabilitation Funds):	**$ 115,672.50**

Section 5:

Estimated Construction Cost:	**$ 96,801.00**
Assessed Portion:	$ 48,400.00
Plus Engineering Fees (6%):	2,904.00
Plus Administration Fees (6%):	2,904.00
Plus Legal/Misc Fees (3%):	1,452.00
Plus Interest (4%):	1,936.00
Total Assessed:	**$ 57,596.00**
City Portion:	$ 48,400.00
Plus Engineering Fees (6%):	2,904.00
Plus Legal/Misc Fees (3%):	1,452.00
Plus Interest (4%):	1,936.00
City Cost (Street Rehabilitation Funds):	**$ 54,692.00**

Section 6:

Estimated Construction Cost:	**$ 65,380.00**
Assessed Portion:	$ 32,690.00
Plus Engineering Fees (6%):	1,961.50
Plus Administration Fees (6%):	1,961.50
Plus Legal/Misc Fees (3%):	981.00
Plus Interest (4%):	1,307.50
Total Assessed:	**$ 38,901.50**
City Portion:	$ 32,690.00
Plus Engineering Fees (6%):	1,961.50
Plus Legal/Misc Fees (3%):	981.00
Plus Interest (4%):	1,307.50
City Cost (Street Rehabilitation Funds):	**$ 36,940.00**

Section 7:

Estimated Construction Cost:	**$ 250,073.00**
Assessed Portion:	$ 125,036.00
Plus Engineering Fees (6%):	7,502.00
Plus Administration Fees (6%):	7,502.00
Plus Legal/Misc Fees (3%):	3,751.00
Plus Interest (4%):	5,001.50
Total Assessed:	**$ 148,792.50**
City Portion:	$ 125,036.00
Plus Engineering Fees (6%):	7,502.00
Plus Legal/Misc Fees (3%):	3,751.00
Plus Interest (4%):	5,001.50
City Cost (Street Rehabilitation Funds):	**$ 141,290.50**

Section 8:

Estimated Construction Cost:	**$ 163,777.00**
Assessed Portion:	$ 81,888.00
Plus Engineering Fees (6%):	4,913.00
Plus Administration Fees (6%):	4,913.00
Plus Legal/Misc Fees (3%):	2,456.50
Plus Interest (4%):	3,275.50
Total Assessed:	**$ 97,446.00**
City Portion:	$ 81,888.00
Plus Engineering Fees (6%):	4,913.00
Plus Legal/Misc Fees (3%):	2,456.50
Plus Interest (4%):	3,275.50
City Cost (Street Rehabilitation Funds):	**$ 92,533.00**

Total Estimated Construction Cost:	$1,358,947.00
Plus Engineering Fees (6%):	81,536.00
Plus Administration Fees (3%):	40,768.00
Plus Legal/Misc Fees (3%):	54,358.00
Plus Interest (4%):	40,768.00
Total Cost:	**$1,576,377.00**

Project Funding Summary:	
Assessed Cost (51.3%):	$ 808,571.00
City Cost (Street Rehabilitation Funds – 48.7%):	$ 767,803.00

We believe this to be cost effective.

REGISTERED PROFESSIONAL ENGINEER
TOM KNAKMUHS
PE-10059
DATE: 2/20/19
NORTH DAKOTA

Tom Knakmuhs, P.E.
Assistant City Engineer

CITY OF FARGO
ENGINEERING DEPARTMENT

LOCATION & COMPRISING

ASPHALT MILL & OVERLAY & INCIDENTALS

IMPROVEMENT DISTRICT NO. PR-19-F

LOCATION (Section 1):

On 3rd Street North from Northern Pacific Avenue North to Machinery Row Avenue North.
On Machinery Row Avenue North from 2nd Street North to 4th Street North.

LOCATION (Section 2):

On Southwood Drive South east of 11th Street South.

LOCATION (Section 3):

On 11th Street South from Harwood Drive South to 35th Avenue South.
On Birchwood Court South east of 11th Street South.
On River Drive South from Harwood Drive South to 35th Avenue South.
On Maplewood Court South east of River Drive South.
On Ironwood Court South south of Harwood Drive South.
On Oakwood Court South south of Harwood Drive South.
On Hackberry Drive South from Harwood Drive South to River Drive South.
On 35th Avenue South from River Drive South to University Drive South.

LOCATION (Section 4):

On Kennedy Street South from cul-de-sac to River Drive South.
On 12th Street South from 37th Avenue South to River Drive South.
On Burritt Street South from 38th Avenue South to 37th Avenue South.
On 37th Avenue South from Kennedy Street South to University Drive South.
On 38th Avenue South from River Drive South to University Drive South.
On 3800 block cul-de-sac of River Drive South.

LOCATION (Section 5):

On 15th Street South from 40th Avenue South to the end of cul-de-sac.
On 17th Street South from 40th Avenue South to the end of cul-de-sac.
On 41st Avenue South from 15th Street South to 17th Street South.

LOCATION (Section 6):

On Carrie Rose Lane South east of 25th Street South.

LOCATION (Section 7):

On Meadow Creek Drive South from 25th Street South to the end of cul-de-sac.
On Meadow Creek Circle South.

LOCATION (Section 8):

On 43rd Street South from 15th Avenue South to 394' north of 15th Avenue South.
On 43 ½ Street South from 13th Avenue South to 13 ½ Avenue South.
On 44th Street South from 13th Avenue South to 15th Avenue South.
On 13 ½ Avenue South from 43rd Street South to 425' west of 43rd Street South.

COMPRISING (Section 1):

Bound on the north by Northern Pacific Avenue North.
Bound on the east by 2nd Street North.
Bound on the south by BNSF railroad tracks.
Bound on the west by 4th Street North.

COMPRISING (Section 2):

Lots 1 and 5 through 34.
Lots 44 through 59.
All in Southwood Addition.

COMPRISING (Section 3):

Lots 1 through 13, Block 1.
Lots 1 through 10, Block 2.
Lots 1 through 8, Block 3.
All in Harwood Groves Addition.

Lots 1 through 5, Block 1.
Lots 1 through 5, Block 2.
All in Harwood Groves 2nd Addition.

Lots 1 through 7, Block 1.
Lots 1 through 15, Block 2.
All in Harwood Groves 3rd Addition.

Lots 1 through 10, Block 1.
Lots 1 through 14, Block 2.
All in Harwood Groves 4th Addition.

Lots 1 through 3, Block 1.
Lots 1 through 5, Block 2.
Lots 1 through 8, Block 4.
All in Harwood Groves 5th Addition.

Lot 10, Block 1.
Lots 1 through 9, Block 2.
All in Harwood Groves 6th Addition.

Lots 1 through 16, Block 1, Waterford Addition.

Unplatted land in NE ¼ of Sec 25, TWP 139N, RGE 49W.

Lot 1, Block 1.

Lots 1 & 2, Block 2.
Lots 1 through 7, Block 3.
Lots 21 through 27, Block 3.
Lots 1 through 7, Block 4.
Lots 17 through 23, Block 4.
Lots 1 through 6, Block 5.
All in Lemke Addition.

COMPRISING (Section 4):

Lots 1 & 2, Block 1, Elim 2nd Addition.

Lots 1 through 9, Block 1.
Lots 1 through 5, Block 2.
Lots 1 through 7, Block 3.
Lots 1 through 18, Block 4.
Lots 1 through 9, Block 5.
Lots 1 through 10, Block 7.
All in Burritt-Kennedy Addition.

COMPRISING (Section 5):

Lots 1 through 6, Block 1.
Lots 1 through 26, Block 2.
All in Rosewood Park Addition.

COMPRISING (Section 6):

Lots 2 & 3, Block 1, Replat of Lot 14, Block 5, Rose Creek 3rd Addition.
Lots 1 through 19, Block 1, Summit Chase Addition.

COMPRISING (Section 7):

Lots 1 through 46, Block 1.
Lots 1 through 32, Block 2.
All in Meadow Creek Addition.

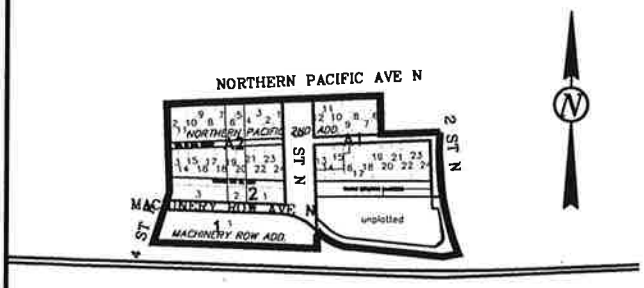
COMPRISING (Section 8):

Lots 1 through 6, Block 1.
Lots 1 through 4, Block 2.
Lots 1 through 5, Block 5.
Lots 8 through 12, Block 5.
Lots 1 through 14, Block 6.
Lots 1 through 6, Block 7.
Lots 13 through 18, Block 7.
Lots 1 through 4, Block 9.
All in the Rabanus Addition.

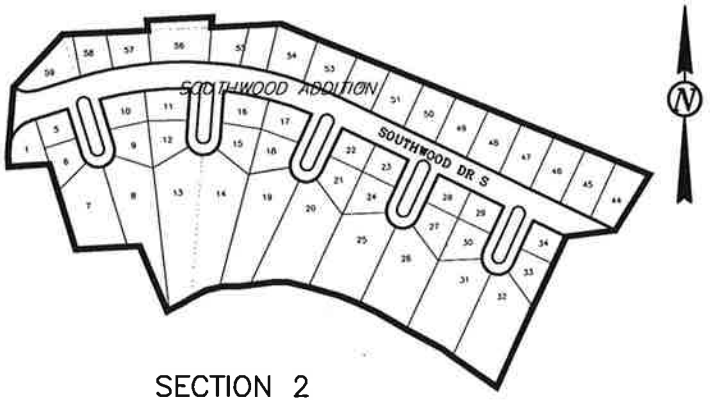
Lot 1, Block 1, TSPA Addition.

Lots 6 through 8, Block 1, West Acers 2nd Addition.

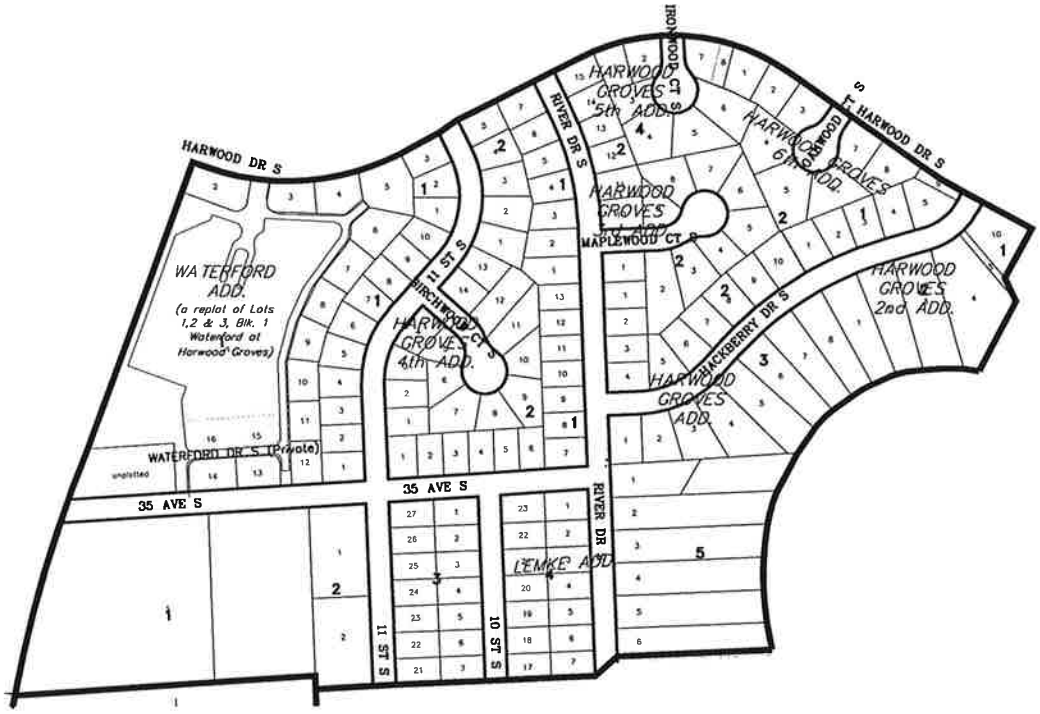
All of the foregoing is located in the City of Fargo, Cass County, North Dakota.



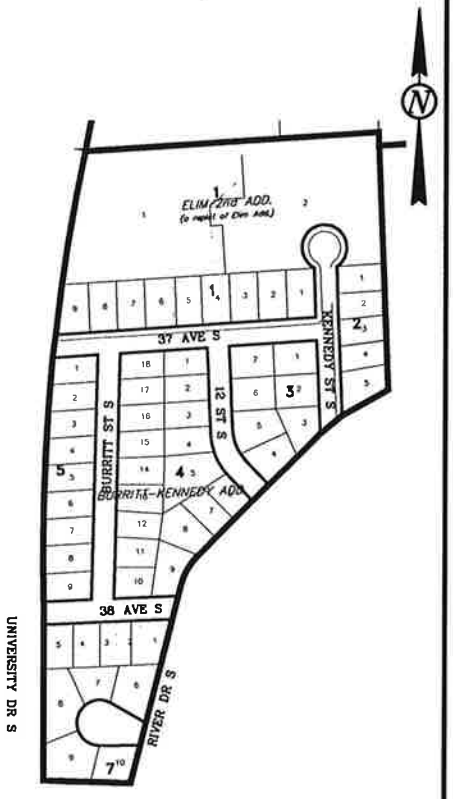
SECTION 1



SECTION 2



SECTION 3



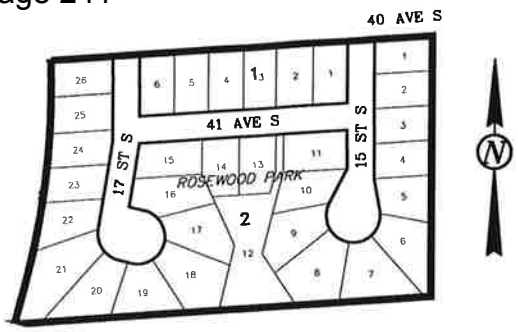
SECTION 4

CITY OF FARGO
ENGINEERING DEPARTMENT

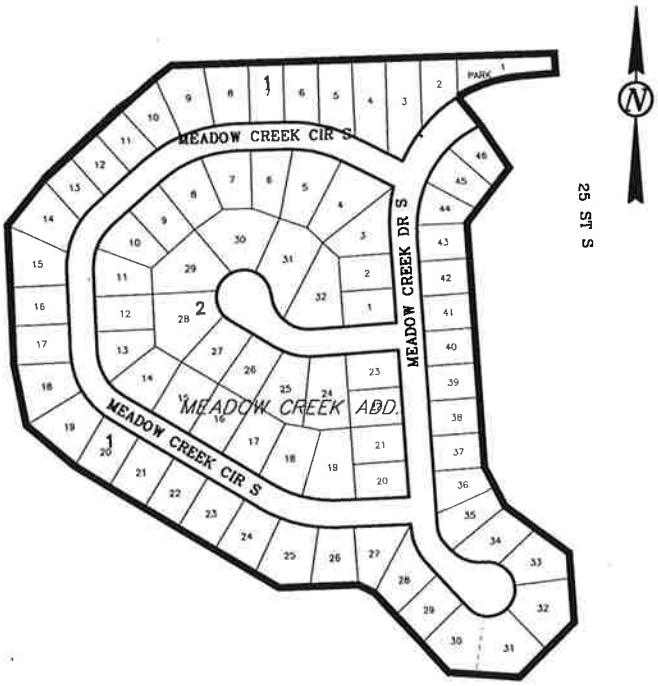
LOCATION & ASSESSMENT AREA

ASPHALT MILL & OVERLAY
& INCIDENTALS

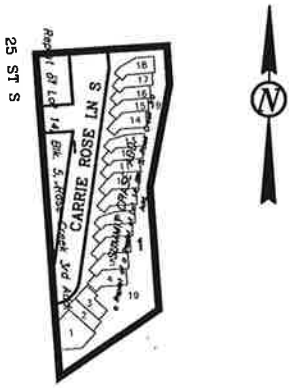
IMPROVEMENT DISTRICT NO. PR-19-F



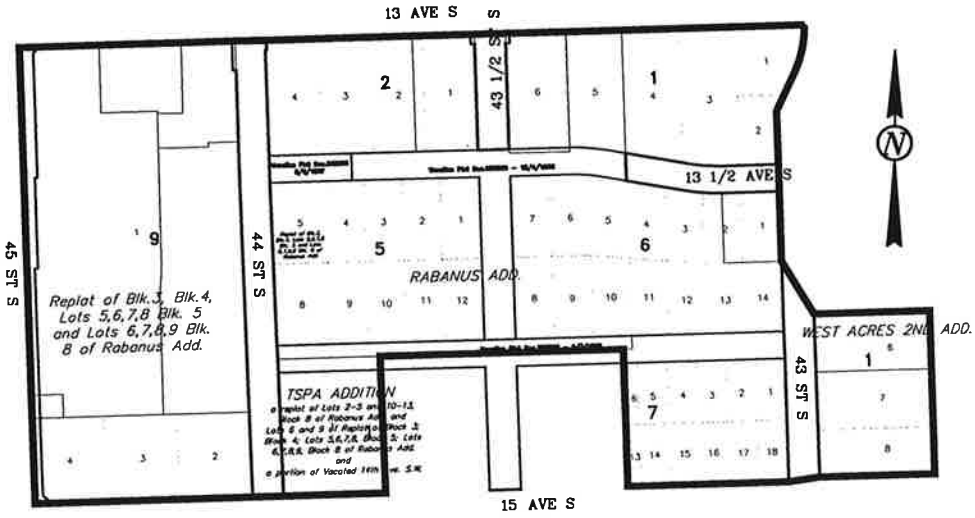
SECTION 5



SECTION 7



SECTION 6



SECTION 8

CITY OF FARGO
ENGINEERING DEPARTMENT

LOCATION & ASSESSMENT AREA

ASPHALT MILL & OVERLAY
& INCIDENTALS

IMPROVEMENT DISTRICT NO. PR-19-F

REPORT OF ACTION

UTILITY COMMITTEE

30

Improvement District: NR-17-B1

Type: Change Order #3 (ICS, Inc.)

Location: Broadway Interceptor SSO Reduction Project (LS #1 & 2)

Date of Hearing: 2-14-2019

Routing	Date
City Commission	2-25-2019
Project File	

Jim Hausauer Wastewater Utility Director presented attached memo and Change Order #3 from ICS, Inc. for Improvement District NR-17-B1. If you recall, the City of Fargo was approved for FEMA Hazard Mitigation Grant Program (HMGP) funding for project DR-1981-ND-9R (Broadway Interceptor SSO Reduction Project). The HMGP funding that was available consisted of 85% project grant funds for the City, with a funding formula of 75% Federal, 10% State, and 15% Local. The Broadway SSO Reduction Project will reduce hazards associated with sanitary sewer overflows (SSO's) and backups within the Broadway Interceptor Service Area caused by wet weather conditions and river flooding.

Historically, the sanitary Lift Station (LS) 1 & 2 service areas (SA) have experienced issues with wet weather flows during extreme rain events and flooding, which exceeded the capacity of the existing lift stations and Broadway Interceptor. The NR-17-B improvements include the construction of new wet weather lift stations that are attached to the existing sanitary lift station 1 and 2. Along with the new construction, improvements/replacement of various components within the existing lift stations are to be included with this improvement district. Change Order #3 consists of the following items:

1. Both LS #1 & #2 construction sites had Xcel transformers that needed to be relocated before excavation. Xcel completed the relocation two months later than initially planned. This delay pushed a large portion of the concrete work into the winter months, resulting in added costs. The costs include added labor to complete the work in cold conditions, heating of the excavation and work areas, and material & labor needed to construct winter protection over the work area. The delay also includes a time extension of 82 days. $182,405.68
2. During construction it was discovered that the new opening in the roof of LS #1 will require additional structural support for the existing roof. Structural beams will be added around the new opening and extend to the existing walls to provide necessary support. $13,600.00
3. The gate valve on the wet well pump discharge line (LS#2) was initially located below the access hatch, which did not allow for the valve extension nut to extend to the concrete surface. The valve was relocated which required modification of the valve stem extension. $1,415.00
4. The bypass pumping for LS #1 and LS #2 was changed during construction to discharge to the existing force mains in lieu of the planned storm sewer bypass location. The change resulted in an increase in pumps, pump pressures, as well as a change in the discharge piping material and configuration. LS #1- $52,282.24/ LS #2 - $17,836.00
5. The existing 36" RCP influent pipe in LS#2 extended into the wet well and had to be modified to allow for installation of a new slide gate over the existing influent pipe. $2,400.00
6. The existing wet well surface in LS #2, was uneven and required the slide gate frame to be grouted in place to provide a water tight seal. $3,385.00
7. The existing access hatch on LS #2, was located in line with the new slide gate actuator stand. The hatch was removed and replaced in a different location on the wet well and concrete was poured in place to provide a solid base for the new slide gate actuator stand. $12,140.00
8. During bypass planning, the City requested that a hole be cored into the existing LS #2 manhole for installation of a level transducer to monitor the bypass pumping process. $1,070.00

9. The area of removed asphalt was larger than shown on the plan at the LS #2 site. The submitted proposal accounts for additional asphalt to be added. $3.600.00
10. A tee was added to the drain pipe for the pump room sump pump, for discharge into the LS #2 wet well. $184.00
11. The original power strips for the overhead hoists in LS 1 and 2, were exposed copper tracks which are susceptible to corrosion. To eliminate interference with the exterior doors and eliminate corrosion to the exposed copper tracks, a power cord and power heel will be installed for the two hoists that operate through the exterior doors. $5,972.50

Change Order	Federal (75%)	State (10%)	City (15%)	Special Assessment
$296,290.42	$212,017.82	$28,269.04	$47,859.18	$8,144.38

As per the HMGP Funding formula, the City of Fargo will be responsible for $47,859.18 which will be funded with Wastewater Infrastructure Sales Tax Fund 455.

MOTION:

On a motion by Troy Hall, seconded by Terry Ludlum, the Utility Committee voted to approve Change Order #3 from ICS, Inc. for Improvement District NR-17-B1.

COMMITTEE:	Present Yes	No	Unanimous
			X
			Proxy
Anthony Gehrig, City Commissioner			
Kent Costin, Director of Finance	X		
Brian Ward, Water Plant Superintendent	X		
Mark Miller, Wastewater Plant Supt.	X		
Bruce Grubb, City Administrator	X		
Scott Liudahl, City Forester	X		
Terry Ludlum, Solid Waste Utility Director	X		
Jim Hausauer, Wastewater Utility Director	X		
Troy Hall, Water Utility Director	X		
Ben Dow, Public Works Operations Director	X		
Brenda Derrig, City Engineer	X		(proxy-T. Knakmuhs)

ATTEST:

Jim Hausauer
Wastewater Utility Director

C: Tim Mahoney, Mayor
Commissioner Strand
Commissioner Piepkorn
Commissioner Grindberg

THE CITY OF Fargo
FAR MORE

Wastewater Treatment Plant
3400 North Broadway
Fargo, ND 58102
Office: 701.241.1454 | Fax: 701.241.8159
www.FargoND.gov

MEMORANDUM

February 14, 2019

To: Utility Committee
From: Jim Hausauer, Wastewater Utility Director
Re: Improvement District (ID) NR-17-B1
ICS, Inc. - Change Order #3
Broadway Interceptor SSO Reduction Project

Background

If you recall, the City of Fargo was approved for FEMA Hazard Mitigation Grant Program (HMGP) funding for project DR-1981-ND-9R (Broadway Interceptor SSO Reduction Project). The HMGP funding that was available consisted of 85% project grant funds for the City, with a funding formula of 75% Federal, 10% State, and 15% Local. The Broadway SSO Reduction Project will reduce hazards associated with sanitary sewer overflows and sanitary sewer backups within the Broadway Interceptor Service Area caused by wet weather conditions and river flooding. To accomplish this reduction in hazards, the project will include three main components:

1. **Structure Improvements:** This will include modifications to sanitary Lift Station (LS) #1, LS #2, and the West Side Interceptor Overflow Improvements.
2. **Broadway Relief Force Main**: This will include the construction of 22,000' of relief force main from LS #1 & LS #2 and will convey wet weather flows to the WWTP or wastewater stabilization ponds (WWSP).
3. **WWTP Effluent Force Main Rehabilitation**: This will include the rehab of 2,000 ft of the existing 30" ductile iron Effluent Force Main from the WWTP to the stabilization ponds.

ID NR-17- B1

Historically, sanitary Lift Station (LS) 1 & 2 service areas (SA) have experienced issues with wet weather flows during extreme rain events, which exceeded the capacity of the existing lift stations and the Broadway Interceptor. The NR-17-B improvements include the construction of new wet weather lift stations that are attached to the existing sanitary lift stations 1 & 2. Along with the new construction, improvements/replacement of various components within the existing lift stations are to be included with this improvement district.

Change Order #3

Change Order #3 consists of the following items:

1. Both Lift Station (LS) #1 and #2 construction sites had existing Xcel transformers that needed to be relocated by Xcel before excavation could begin. Xcel indicated that the relocation would be completed two months later than initially planned. This delay pushed a large portion of the concrete work into the winter months resulting in added costs. The costs associated with the delay include added labor to complete the work in cold conditions, heating of the excavation and work areas, and material & labor needed to construct winter protection over the work area. Concrete work that was completed in the winter conditions were not included in the original cost. The delay also includes a time extension to account

for the delayed start of the construction. This extension will add 82 days to the substantial and final completion dates of LS #1 and #2. $182,405.68

2. During construction it was discovered that the new opening in the roof of LS #1 will require additional structural support for the existing precast roof. Structural beams will be added around the new opening and extend to the existing walls to provide necessary support. $13,600.00
3. The gate valve on the wet well pump discharge line (LS#2) was initially located below the access hatch, which did not allow for the valve extension nut to extend to the concrete surface. The valve was moved further down the pipe which required modification of the valve stem extension. $1,415.00
4. The bypass pumping for LS #1 was changed during construction to discharge to the existing force main in lieu of the planned storm sewer bypass location. The change resulted in an increase in pumps, pump pressures, as well as a change in the discharge piping material and configuration. $52,282.24
5. The existing 36" RCP influent pipe in LS#2 extended into the wet well and had to be cut flush with the wall to allow for installation of a new slide gate over the existing influent pipe. $2,400.00
6. The existing wet well surface in LS #2, was uneven and required the slide gate frame to be grouted in place to provide a water tight seal. $3,385.00
7. The bypass pumping LS #2 was changed during construction to discharge into the existing force main in lieu of the planned storm sewer bypass location. The change resulted in an increase in pumps, discharge pressure, discharge piping and configuration. $17,836.00
8. The existing access hatch on LS #2, was located directly in line with the new slide gate actuator stand. The access hatch was removed and replaced with a hatch in a different location on the wet well and concrete was poured back in place to provide a solid base for the new slide gate actuator stand. $12,140.00
9. During bypass planning for LS #2, it was requested that a large hole be cored into the existing manhole for the installation of a City owned level transducer to monitor the bypass pumping process. $1,070.00
10. The area of removed asphalt was larger than shown on the plans. The submitted proposal accounts for the balance of the additional asphalt to be added at the LS #2 site. $3.600.00
11. A tee was added to the drain pipe into the wet well for the pump room sump pump for discharge into the wet well. $184.00
12. The original power strips for the overhead hoists in LS 1 and 2, were exposed copper tracks which are susceptible to corrosion. To eliminate interference with the exterior doors and eliminate the exposed copper tracks, a power cord and power heel will be installed for the two hoists that operate through the exterior doors. $5,972.50

Change Order	Federal (75%)	State (10%)	City (15%)	Special Assessment
$296,290.42	$212,017.82	$28,269.04	$47,859.18	$8,144.38

As per the HMGP Funding formula, the City of Fargo will be responsible for $47,859.18 which will be funded with Wastewater Infrastructure Sales Tax Fund 455.

Your consideration in this matter is greatly appreciated.

Recommended Motion

Approve attached Change Order #3 for Improvement District NR-17-B1 from ICS, Inc. for an increase of $296,290.42.

www.ae2s.com

February 5, 2019

Mr. Jim Hausauer, REHS
Wastewater Utility Director
City of Fargo
Wastewater Treatment Plant
3400 Broadway North
Fargo, ND 58102

Re: Change Order No. 3
Contract No. 1 Broadway Interceptor Wet Weather Improvements
Improvement District NR-17-B

Dear Jim:

Enclosed please find three (3) copies of Change Order No. 3 for the above-referenced project for your review and approval. This Change Order pertains to the following changes:

1. At both the Wet Weather Lift Station No. 1 (WS1) and Wet Weather Lift Station No. 2 (WS2) construction sites there were existing Xcel transformers that needed to be relocated by Xcel before excavation at each site could begin. In the first couple weeks of the project Xcel indicated the transformer relocation at both sites would be completed two months later than initially planned. This delay to the start of construction pushed a large portion of the concrete work into the winter months and resulted in added cost for the concrete work. The proposed costs associated with the Xcel delay include the added labor required to complete the work in cold winter conditions, heating of the excavation and work areas that would not have been needed in the warmer months, and material and labor needed to construct winter protection over the work area. Concrete work that would have been completed in winter conditions based on the original schedule were not included in the added cost. The Xcel delay proposal also includes a time extension request to account for the delayed start to construction. The time extension will add 82 days to the substantial and final completion dates at both WS1 and WS2.
2. During construction it was discovered the new opening in the roof of LS1 will require additional structural support for the existing precast roof. Structural beams will be added around the new opening and extend to the existing walls to provide the necessary roof support.
3. The gate valve on the wet well pump discharge line was initially located below the access hatch which did not allow for the valve extension nut to extend to the concrete surface. The valve was moved further down the pipe which required modification to the valve stem extension to reach the concrete surface at the new location.
4. The bypass pumping was changed during construction to discharge to the existing force main in lieu of the planned storm sewer bypass location. This change resulted in an increase to the required discharge pressure for the bypass pumps leading to a change in pumps as well as a change in the discharge piping material and configuration.

5. The existing 36-inch RCP influent pipe extended into the wet well and had to be cut flush with the wall to allow for installation of the new slide gate over the existing influent pipe.
6. The existing wet well surface was uneven and required the slide gate frame to be grouted in place to provide a water tight seal between the slide gate and the wet well wall.
7. The bypass pumping was changed during construction to discharge to the existing force main in lieu of the planned storm sewer bypass location. This change resulted in an increase to the required discharge pressure for the bypass pumps leading to a change in pumps as well as a change in the discharge piping material and configuration.
8. The existing access hatch was located directly in line with the new slide gate actuator stand. The access hatch was removed and replaced with a hatch further west on the wet well cover and concrete was poured back in place to provide a solid base for the new slide gate actuator stand.
9. During bypass planning for WS2 it was requested that a hole be cored into the existing manhole for installation of a City owned level transmitter to aid in monitoring the bypass pumping process.
10. The area of existing removed asphalt was larger than shown on the plans. The submitted proposal accounts for the balance of the additional asphalt added at the WS2 site.
11. A tee was added to the drain piping into the wet well for the pump room sump pump to connect to and also discharge back into the wet well.
12. The original power strips for the three overhead hoists were exposed copper tracks which could be susceptible to corrosion in the lift station environment. Two of the hoists operate on a beam extending out of the building where the power track would interfere with the exterior doors. To remove the interference with the exterior doors and eliminate the exposed copper track the tracks will be replaced with power cords and power reels will be installed at the two hoists that operate through the exterior doors.

The cost impact to Contract No. 1 is summarized in the following:

Item	Cost
1. Xcel Delay Added Cost	$182,405.68
2. LS1 Added Roof Support	$13,600.00
3. WS2 Gate Valve Stem Extension	$1,415.00
4. WS1/LS1 Bypass Pumping	$52,282.24
5. Demo 36" RCP in LS2 Wet Well	$2,400.00
6. Grout 36" Sluice Gate in LS2 Wet Well	$3,385.00
7. WS2/LS2 Bypass Pumping	$17,836.00
8. LS2 Wet Well Lid Modifications	$12,140.00
9. Core Drill for Transducer in Bypass Manhole	$1,070.00
10. Additional Asphalt at WS2	$3,600.00
11. Sump Pump Connection Tee WS2	$184.00
12. Overhead Hoist Power Cord Modification	$5,972.50
Total for Change Order No. 3 =	**$296,290.42**

The funding summary for this change order includes the following:

- FEMA: $212,017.82
- State HMGP: $28,269.04
- City Sales Tax: $47,859.18
- Special Assessment: $8,144.38

Upon the City of Fargo's acceptance of Change Order No. 3, please sign and date the three (3) original copies. Retain one copy for your records and return the remaining two (2) copies to AE2S. AE2S will forward one (1) copy to ICS, Inc. and will retain the remaining copy for our records. Please contact me if you have any questions or need additional information.

In Service,

AE2S

Ben Julson, PE
Project Engineer

Change Order

No. 3

Date of Issuance: 02/25/2019 **Effective Date:** 02/25/2019

Project: Broadway Interceptor Wet Weather Improvements – Phase III	**Owner:** City of Fargo	**Owner's Contract No.:** NR-17-B
Contract: Contract No. 1 – General Contractor		**Date of Contract:** July 3, 2017
Contractor: ICS, Inc.		**Engineer's Project No.:** P00803-2014-000

The Contract Documents are modified as follows upon execution of this Change Order:

Description: See attached Description of Work.

Attachments: Description of Work

Supporting documents for Change Order Items

CHANGE IN CONTRACT PRICE:

Original Contract Price:

$ 4,970,950.00

[Increase] [~~Decrease~~] from previously approved Change Orders No. 0 to No. 2:

$ 55,967.20

Contract Price prior to this Change Order:

$ 5,026,917.20

[Increase] [~~Decrease~~] of this Change Order:

$ 296,290.42

Contract Price incorporating this Change Order:

$ 5,323,207.62

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☒ Working days ☐ Calendar days

Substantial completion (days or date): WS1-8/31/2018 ; WS2-5/31/2018

Ready for final payment (days or date): WS1-10/31/2018 ; WS2-6/30/2018

[Increase] [~~Decrease~~] from previously approved Change Orders No. 0 to No. 0:

Substantial completion (days): 0

Ready for final payment (days): 0

Contract Times prior to this Change Order:

Substantial completion (days or date): WS1-8/31/2018 ; WS2-5/31/2018

Ready for final payment (days or date): WS1-10/31/2018 ; WS2-6/30/2018

[Increase] [~~Decrease~~] of this Change Order:

Substantial completion (days or date): + 82 days

Ready for final payment (days or date): + 82 days

Contract Times with all approved Change Orders:

Substantial completion (days or date): WS1-11/21/2018 ; WS2-8/21/2018

Ready for final payment (days or date): WS1-1/21/2019 ; WS2-9/20/2018

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: Ben Johnson	By:	By:
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: 2-14-2019	Date:	Date: 02/06/19

Approved by Funding Agency (if applicable): Date:

EJCDC No. C-941 (2002 Edition)
Prepared by the Engineers' Joint Contract Documents Committee and endorsed by the Associated General Contractors of America and the Construction Specifications Institute.

Change Order
Instructions

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

Contract No. 1 - Change Order No. 3 Description of Work

The following is a description of the work contained within Change Order No. 3:

1. At both the Wet Weather Lift Station No. 1 (WS1) and Wet Weather Lift Station No. 2 (WS2) construction sites there were existing Xcel transformers that needed to be relocated by Xcel before excavation at each site could begin. In the first couple weeks of the project Xcel indicated the transformer relocation at both sites would be completed two months later than initially planned. This delay to the start of construction pushed a large portion of the concrete work into the winter months and resulted in added cost for the concrete work. The proposed costs associated with the Xcel delay include the added labor required to complete the work in cold winter conditions, heating of the excavation and work areas that would not have been needed in the warmer months, and material and labor needed to construct winter protection over the work area. Concrete work that would have been completed in winter conditions based on the original schedule were not included in the added cost. The Xcel delay proposal also includes a time extension request to account for the delayed start to construction. The time extension will add 82 days to the substantial and final completion dates at both WS1 and WS2.
2. During construction it was discovered the new opening in the roof of LS1 will require additional structural support for the existing precast roof. Structural beams will be added around the new opening and extend to the existing walls to provide the necessary roof support.
3. The gate valve on the wet well pump discharge line was initially located below the access hatch which did not allow for the valve extension nut to extend to the concrete surface. The valve was moved further down the pipe which required modification to the valve stem extension to reach the concrete surface at the new location.
4. The bypass pumping was changed during construction to discharge to the existing force main in lieu of the planned storm sewer bypass location. This change resulted in an increase to the required discharge pressure for the bypass pumps leading to a change in pumps as well as a change in the discharge piping material and configuration.
5. The existing 36-inch RCP influent pipe extended into the wet well and had to be cut flush with the wall to allow for installation of the new slide gate over the existing influent pipe.
6. The existing wet well surface was uneven and required the slide gate frame to be grouted in place to provide a water tight seal between the slide gate and the wet well wall.
7. The bypass pumping was changed during construction to discharge to the existing force main in lieu of the planned storm sewer bypass location. This change resulted in an increase to the required discharge pressure for the bypass pumps leading to a change in pumps as well as a change in the discharge piping material and configuration.
8. The existing access hatch was located directly in line with the new slide gate actuator stand. The access hatch was removed and replaced with a hatch further west on the wet well cover and concrete was poured back in place to provide a solid base for the new slide gate actuator stand.
9. During bypass planning for WS2 it was requested that a hole be cored into the existing manhole for installation of a City owned level transmitter to aid in monitoring the bypass pumping process.

10. The area of existing removed asphalt was larger than shown on the plans. The submitted proposal accounts for the balance of the additional asphalt added at the WS2 site.
11. A tee was added to the drain piping into the wet well for the pump room sump pump to connect to and also discharge back into the wet well.
12. The original power strips for the three overhead hoists were exposed copper tracks which could be susceptible to corrosion in the lift station environment. Two of the hoists operate on a beam extending out of the building where the power track would interfere with the exterior doors. To remove the interference with the exterior doors and eliminate the exposed copper track the tracks will be replaced with power cords and power reels will be installed at the two hoists that operate through the exterior doors.

The cost impact to Contract No. 1 is summarized in the following:

Item	Cost
1. Xcel Delay Added Cost	$182,405.68
2. LS1 Added Roof Support	$13,600.00
3. WS2 Gate Valve Stem Extension	$1,415.00
4. WS1/LS1 Bypass Pumping	$52,282.24
5. Demo 36" RCP in LS2 Wet Well	$2,400.00
6. Grout 36" Sluice Gate in LS2 Wet Well	$3,385.00
7. WS2/LS2 Bypass Pumping	$17,836.00
8. LS2 Wet Well Lid Modifications	$12,140.00
9. Core Drill for Transducer in Bypass Manhole	$1,070.00
10. Additional Asphalt at WS2	$3,600.00
11. Sump Pump Connection Tee WS2	$184.00
12. Overhead Hoist Power Cord Modification	$5,972.50
Total for Change Order No. 3 =	**$296,290.42**

Change Item No. 1

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

03/04/19 – Rev.3

AE2S
Attn: Ben Julson
3101 Frontage Rd S
Moorhead, MN 56560

Re: Broadway Interceptor Wet Weather Improvements Phase III (WW1402-WWPS)
Xcel delay – Additional Information

Mr. Julson,

Rev.2 – Removed costs associated with Wall Pour #2 on both WS1 & WS2. Added costs for backfill materials.

Rev.3 – Removed costs for sand from the backfill material.

This letter is to provide updates as requested per your email dated August 22, 2018. Information contained in this letter are in conjunction with or add to previous correspondence on this issue.

Communications with Xcel:
I have not included all the communication about the transformer but I have included correspondence that help show what transpired.

- July 25, 2017; The first communication between ICS and Xcel related to this projected occurred. Communication was by phone between Gary Beeter and Travis Lill and was captured in an email from Gary Beeter to Eric Bye and Dan Shirek. Travis didn't know anything about the project but indicated a 4-week timeframe to move the transformers.
- August 11, 2017; Travis Lill with Xcel informed JPD and ICS that the City hadn't turned in the paperwork for the transformers which pushed the relocate out into mid-September.
- August 14, 2017; ICS received an email from AE2S stating that Xcel won't be able to relocate the transformer by LS2 until early October.
- September 13, 2017; Eric Bye with ICS emails Ben Julson with AE2S stating that he tried to get the transformer relocation date moved up but Travis Lill informed him there was still no work order or payment from the City for that site.
- September 13, 2017; Ben Julson with AE2S emailed to Eric Bye with ICS stating that that he had spoken to Travis Lill and the work order was being prepared/processed by Xcel and the invoice(s) will be sent to the City.

We are willing to share other communications if necessary but the delay was not caused by communication between any contractor and the utility company. The delay was a result of the City not turning in the paperwork so the utility company could schedule the work.

Cost Breakdown:

Per your request we have included a cost breakdown of the costs associated with the winter work

WS1

Labor Costs		
Base Slab (592 Manhours)		$26,938.00
Base Slab - Fuel & Check Heaters (47 Manhours)		$3,995.00
Wall Pour #1 (339 Manhours)		$15,904.50
Wall Pour #1 - Fuel & Check Heaters (32 Manhours)		$2,720.00
Subtotal (Labor):		***$49,557.50***
Material Costs		
2x4 Lumber for shelter		$1,694.32
Plastic for shelter		$518.64
Base Slab Pour - Strata charge for heating concrete (aggregates & hot water)		$1,559.00
Wall Pour - Strata charge for heating concrete (aggregates & hot water)		$3,105.00
Subtotal (Materials):		***$6,876.96***
Equipment Costs		
Heater Rentals		$9,223.76
Pickup Rental		$350.00
Skidloader Rental		$1,527.00
Subtotal (Equipment):		***$11,100.76***
Fuel Costs		
Fuel - Base Pour		$9,122.54
Fuel - Wall Pour (1st)		$4,786.51
Subtotal (Fuel):		***$13,909.05***

Total (WS1): $81,444.27

WS2

Labor Costs		
Base Slab (568.5 Manhours)		$27,542.50
Base Slab - Fuel & Check Heaters (51 Manhours)		$4,335.00
Wall Pour #1 (430 Manhours)		$20,579.00
Wall Pour #1 - Fuel & Check Heaters (46 Manhours)		$3,910.00
Subtotal (Labor):		***$56,366.50***
Material Costs		
2x4 Lumber for shelter		$275.52
Plastic for shelter		$125.00
Base Slab Pour - Strata charge for heating concrete (aggregates & hot water)		$1,104.00
Wall Pour - Strata charge for heating concrete (aggregates & hot water)		$1,159.00
Subtotal (Materials):		***$2,663.52***
Equipment Costs		
Heater Rentals		$18,606.88
Pickup Rental		$910.34
Skidloader Rental		$2,950.00
Subtotal (Equipment):		***$22,467.22***
Fuel Costs		
Fuel - Base Pour		$10,333.42
Fuel - Wall Pour		$6,088.75
Subtotal (Fuel):		***$16,422.17***

Total (WS2): $97,919.41

Backfill

Material for backfill are as follows:

1. Clay 3,042 TN @ $1.00/TN = $3,042.00

Total cost for backfill material that had to be used = $3,042.00

If you have any questions regarding the above, please contact me at your earliest convenience.
Sincerely,

Gary Beeter
ICS, Inc.
Vice President

Change Item No. 2

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

12/4/18

AE2S
Attn: Ben Julson
3101 Frontage Rd S.
Moorhead, MN 56560

Re: Broadway Interceptor WWI-Phase III – LS1 Roof Support CO – Rev2

Mr. Julson,

The attached cost is for installing steel beams for LS1 roof, cutting the ductwork opening, and patching the roof at LS1.

DESCRIPTION	U.M.	UNITS	UNIT PRICE	EXT. PRICE
Labor – Cut Opening	LS	1.00	$900.00	$900.00
Materials – Opening	LS	1.00	$600.00	$600.00
Labor – Install Steel Beams	LS	1.00	$3,250.00	$3,250.00
Material – Install Steel Beams	LS	1.00	$7,500.00	$7,500.00
Patch Roof	LS	1.00	$1,350.00	$1,350.00
			TOTAL PRICE:	$13,600.00

Additional steel support was requested for an opening that needs to be cut into the hollow core roof at LS1. The opening that needs to be cut is for new ductwork that is part of the original contract. Cost includes labor and materials for installing steel beams, cutting opening in hollow core roof, and patching roof back in. Electrical conduit removal/rerouting to be done by others.

If you have any questions regarding the above, please contact me at your earliest convenience.

Sincerely,

Eric Bye
ICS, Inc.
Project Manager

Change Item No. 3

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

12/6/18

AE2S
Attn: Ben Julson
3101 Frontage Rd S.
Moorhead, MN 56560

Re: Broadway Interceptor WWI-Phase III – Gate Valve Stem Extension

Mr. Julson,

The attached cost is for having to modify the stem extension, so it could be placed inside the odor control room at WS2.

DESCRIPTION	U.M.	UNITS	UNIT PRICE	EXT. PRICE
Labor	LS	1.00	$725.00	$725.00
Equipment	LS	1.00	$230.00	$230.00
Material	LS	1.00	$460.00	$460.00
			TOTAL PRICE:	$1,415.00

The placement of the 4" gate valve per plan caused the stem extension to come up through the hatch. The valve was moved, and the stem extension was modified so it would come up inside the odor control room.

If you have any questions regarding the above, please contact me at your earliest convenience.

Sincerely,

Eric Bye
ICS, Inc.
Project Manager

Change Item No. 4

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

12/6/18
Rev.1 – 01/23/19

AE2S
Attn: Ben Julson
3101 Frontage Rd S.
Moorhead, MN 56560

Re: Broadway Interceptor WWI-Phase III – LS1 Bypass Pumping Change

Mr. Julson,

The attached cost is for changes to the bypass pumping from the contract documents.

DESCRIPTION	U.M.	UNITS	UNIT PRICE	EXT. PRICE
Pumps	LS	1.00	$13,688.94	$13,688.94
Piping	LS	1.00	$15,979.30	$15,979.30
Delivery	LS	1.00	$2,771.50	$2,771.50
Fuel	LS	1.00	$5,324.50	$5,324.50
Setup	LS	1.00	$8,050.00	$8,050.00
Labor	LS	1.00	$6,468.00	$6,468.00
			TOTAL PRICE:	$52,282.24

The costs on this charge order are related to changes in the overall bypass pumping system from the plans and specifications. Major changes to the bypass pumping system include discharging into a pressurized forcemain instead of into the storm sewer manhole, increased head pressure at the discharge connection and increased pumping capacity.

If you have any questions regarding the above, please contact me at your earliest convenience.

Sincerely,

Gary Beeter
ICS, Inc.
Vice President

Change Item No. 5

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

12/7/18

AE2S
Attn: Ben Julson
3101 Frontage Rd S.
Moorhead, MN 56560

Re: Broadway Interceptor WWI-Phase III – Demo 36" RCP in LS2 Wet Well

Mr. Julson,

The attached cost is for having to cut the 36" RCP pipe flush with the wall in LS2 for installation of the sluice gate.

DESCRIPTION	U.M.	UNITS	UNIT PRICE	EXT. PRICE
Labor	LS	1.00	$1,595.00	$1,595.00
Equipment	LS	1.00	$575.00	$575.00
Misc.	LS	1.00	$230.00	$230.00
			TOTAL PRICE:	$2,400.00

When we drained the wet well at LS2, the 36" RCP pipe coming into the structure was not flush with the wall. We had to cut the pipe flush with the wall for proper installation of the sluice gate.

If you have any questions regarding the above, please contact me at your earliest convenience.

Sincerely,

Eric Bye
ICS, Inc.
Project Manager

Change Item No. 6

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

12/7/18

AE2S
Attn: Ben Julson
3101 Frontage Rd S.
Moorhead, MN 56560

Re: Broadway Interceptor WWI-Phase III – Grout 36" Sluice Gate in LS2 Wet Well

Mr. Julson,

The attached cost is for having to grout the wall in the LS2 wet well to provide a flat surface for mounting the sluice gate.

DESCRIPTION	U.M.	UNITS	UNIT PRICE	EXT. PRICE
Labor	LS	1.00	$1,660.00	$1,660.00
Equipment	LS	1.00	$575.00	$575.00
Material	LS	1.00	$1,150.00	$1,150.00
			TOTAL PRICE:	$3,385.00

The wall that we installed the 36" sluice gate was not straight and flat. For proper installation of the sluice gate, we had to grout it in to provide a flat surface for the gate to mount. There was no way of verifying this prior to draining the wet well.

If you have any questions regarding the above, please contact me at your earliest convenience.

Sincerely,

Eric Bye
ICS, Inc.
Project Manager

Change Item No. 7

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

12/07/18
Rev.1 – 01/22/19

AE2S
Attn: Ben Julson
3101 Frontage Rd S.
Moorhead, MN 56560

Re: Broadway Interceptor WWI-Phase III – LS2 Bypass Pumping Change

Mr. Julson,

The attached cost is for changes to the bypass pumping equipment that was the result of moving the bypass discharge location originally called out on plan sheet WS2/C1.

DESCRIPTION	U.M.	UNITS	UNIT PRICE	EXT. PRICE
Equipment – Added 8" Pump	LS	1.00	$6,606.00	$6,606.00
Equipment – Added Piping	LS	1.00	$11,230.00	$11,230.00
			TOTAL PRICE:	$17,836.00

On plan sheet WS2/C1, it is indicated that our bypass pumping discharge would be into the existing storm vault. Originally, we would have had 30' of head pressure to come out of the suction vault and discharge into the storm vault with 2 – 6" hydraulic pumps. The location was changed to discharge directly into the force main. To accommodate the higher head pressures, we had to upsize one of our pumps to an 8". There was also added piping and fittings to be able to tie into the force main.

If you have any questions regarding the above, please contact me at your earliest convenience.

Sincerely,

Gary Beeter
ICS, Inc.
Vice President

Change Item No. 8

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

12/7/18

AE2S
Attn: Ben Julson
3101 Frontage Rd S.
Moorhead, MN 56560

Re: Broadway Interceptor WWI-Phase III – LS2 Wet Well Lid Modifications

Mr. Julson,

The attached cost is for modifying the lid at LS2 to get the 36" sluice gate into the wet well and pouring concrete back in for mounting the gate actuator per plan.

DESCRIPTION	U.M.	UNITS	UNIT PRICE	EXT. PRICE
Labor	LS	1.00	$5,900.00	$5,900.00
Materials	LS	1.00	$4,745.00	$4,745.00
Equipment	LS	1.00	$1,495.00	$1,495.00
			TOTAL PRICE:	$12,140.00

The sluice gates for LS2 were provided per specifications. The existing hatch openings were not big enough for getting the gates into the structure. The hatch opening was also flush with the east wall of the structure so there was no concrete ledge for the actuator to be mounted. A larger hole was cut from the existing hatch to get the sluice gates into the wet well. Concrete was poured back in to provide area for the actuator to be mounted and a new hatch was installed.

If you have any questions regarding the above, please contact me at your earliest convenience.

Sincerely,

Eric Bye
ICS, Inc.
Project Manager

Change Item No. 9

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

12/13/18

AE2S
Attn: Ben Julson
3101 Frontage Rd S.
Moorhead, MN 56560

Re: Broadway Interceptor WWI-Phase III – Core Drill 8" Hole in Manhole for Transducer

Mr. Julson,

The attached cost is for core drilling an 8" hole in lower lid of suction manhole for placement of a transducer provided by the city.

DESCRIPTION	U.M.	UNITS	UNIT PRICE	EXT. PRICE
Labor	LS	1.00	$320.00	$320.00
Precision Concrete Cutters	LS	1.00	$750.00	$750.00
			TOTAL PRICE:	$1,070.00

ICS was asked to core drill a hole in the lower chamber lid of the suction manhole for placement of a transducer. The transducer was used by the City of Fargo during bypass pumping activities.

If you have any questions regarding the above, please contact me at your earliest convenience.

Sincerely,

Eric Bye
ICS, Inc.
Project Manager

Change Item No. 10

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

01/02/19
Rev. 1 – 02/05/19

AE2S
Attn: Ben Julson
3101 Frontage Rd S.
Moorhead, MN 56560

Re: Broadway Interceptor WWI-Phase III – Additional Asphalt at LS2/WS2

Mr. Julson,

The attached cost is for installing additional asphalt at LS2/WS2.

DESCRIPTION	U.M.	UNITS	UNIT PRICE	EXT. PRICE
Additional Asphalt	SY	75	$48.00	$3,600.00
			TOTAL PRICE:	$3,600.00

The existing conditions at LS2/WS were different than shown on the plans. The asphalt had been removed beyond the limits shown on the plans by a previous project resulting in a larger paving area for our project.

ICS did not receive this information from Northern Improvement until 12/18/18.

If you have any questions regarding the above, please contact me at your earliest convenience.

Sincerely,

Gary Beeter
ICS, Inc.
Vice President

Change Item No. 11

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

01/29/19

AE2S
Attn: Ben Julson
3101 Frontage Rd S.
Moorhead, MN 56560

Re: Broadway Interceptor WWI-Phase III – Added Piping for Sump Pump Connection

Mr. Julson,

The attached cost is to remove the 3" 90 bend and replace with a 3" tee so that the sump pump piping could discharged into the wet well.

DESCRIPTION	U.M.	UNITS	UNIT PRICE	EXT. PRICE
Labor	LS	1.00	$130.00	$130.00
Material (3" Tee)	LS	1.00	$54.00	$54.00
			TOTAL PRICE:	$184.00

The price includes labor, material and taxes.

If you have any questions regarding the above, please contact me at your earliest convenience.

Sincerely,

Gary Beeter
ICS, Inc.
Vice President

Change Item No. 12

ICS
GENERAL CONTRACTOR

P.O. Box 13158 • Grand Forks, ND 58208-3158
(P) 701.775.8480 (F) 701.775.8479
www.icsgf.com

02/02/19
Rev. 1 – 01/25/19
Rev. 2 – 02/06/19

AE2S
Attn: Ben Julson
3101 Frontage Rd S.
Moorhead, MN 56560

Re: Broadway Interceptor WWI-Phase III – Adding Cable to Crane
Rev. 1 – Added power cable to lower level crane at WS2.
Rev. 2 – Changed main level crane power cords to power reels.

Mr. Julson,

The attached cost is to switch the electrobar system to a reel system on the main level cranes and a trolley system on the lower level overhead crane.

DESCRIPTION	U.M.	UNITS	UNIT PRICE	EXT. PRICE
WS1 Overhead Crane	LS	1.00	$1,799.00	$1,799.00
WS2 Overhead Crane (Main Level)	LS	1.00	$1,799.00	$1,799.00
WS2 Overhead Crane (Lower Level)	LS	1.00	$2,374.50	$2,374.50
			TOTAL PRICE:	$5,972.50

The price includes adding a power reel system to the main level overhead cranes at WS1 & WS2.

The system includes:

- Pivot Base Plate
- Power Reel
  - 20' of cable
  - 12/4 cable in the reel

The price includes adding a flat cable festoon system to the overhead crane at the lower level crane on WS2.

The system includes:

- Track
- Trolleys
- Tow Are

- 4C #12 AWG flat cable
- End stops
- Mounting brackets

Price includes startup, tax & freight.

If you have any questions regarding the above, please contact me at your earliest convenience.

Sincerely,

Gary Beeter
ICS, Inc.
Vice President