

FARGO CITY COMMISSION AGENDA
Monday, July 17, 2017 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at 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.; and are also included in our video archive at FargoND.gov/citycommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, July 3, 2017).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 7/3/17:
 - a. Rezoning Certain Parcels of Land Lying in Schatz 4th Addition.
 - b. Rezoning Certain Parcels of Land Lying in Morton & Doty's Addition.
 - c. Repealing and Re-Enacting a Conditional Overlay District on Certain Parcels of Land Lying in Urban Plains by Brandt 1st Addition, Urban Plains by Brandt 2nd Addition, Urban Plains Medical Park Addition, Urban Plains Retail Addition, Urban Plains Center Addition, Urban Plains Northeast Retail Addition and Urban Plains Northeast Retail 2nd Addition.
- 2. Receive and file General Fund – Budget to Actual through June 30, 2017 (Unaudited).
- 3. Pledged securities as of June 30, 2017.
- 4. Receive and file Second Quarter Financial Status Report for Major Operating Funds through June 30, 2017.
- 5. Applications for Games of Chance:
 - a. Scottish Rite Holding Company for a raffle on 12/5/17.
 - b. Dakota Medical Foundation – Lend A Hand for a raffle on 7/27/17.
 - c. Knights of Columbus 4th Deg. Assembly 788 for a calendar raffle from 01/01/18 to 1/15/18.
 - d. YMCA of Cass and Clay Counties for a raffle on 8/1/17.
- 6. Resolution Authorizing Loan from Wells Fargo Bank, N.A. to the City of Fargo, ND; and Consenting to Loan Agreement between Wells Fargo Bank, N.A. and Cass County, ND.
- 7. Applications for property tax exemptions for improvements made to buildings:
 - a. Lynette M. Ohm, 1635 9th Street North (5 year).
 - b. James P. Deutsch Jr. and Rachel M. Rice, 1006 Southwood Drive South (5 year).
 - c. The Gloria A. Wrigley Rev. Living Trust Agreement, 1021 Park Drive South (5 year).
 - d. Peggy R. Stern, 2529 East Country Club Drive South (5 year).
 - e. ICD Builders, Inc., 1819 3rd Avenue North (5 year).
 - f. ICD Builders, Inc., 1819 3rd Avenue North (5 year).

- g. ICD Builders, Inc., 1819 3rd Avenue North (5 year).
8. Amended Memorandum of Understanding with the ND Court System for the purchase, implementation and usage of Odyssey Case Management System.
9. Community Faculty Contract with the University of ND School of Medicine and Health Sciences for medical school student training in the clinic for the 2017-2018 school year.
10. Purchase of Service Agreement with the ND Department of Health for Women's Way program (CFDA #93.898).
11. Notice of Grant Award with the ND Department of Health for the Water Pollution – EPA Block program (CFDA #66.605).
12. Agreement for Services with Whitney Oxendahl and Amendment to Agreement with Megan Myrdal to implement healthy concession stand options.
13. Direct City Attorney's office to review and update Article 13-10 of the Fargo Municipal Code relating to Recreational Aquatic Facilities.
14. Direct City Attorney's office to draft an Ordinance adopting Section 210.12 of the 2017 National Electrical Code.
15. Sole Source Procurement for the purchasing of the annual maintenance contracts in the IS Department.
16. Contract Amendment with Land Elements in the amount of \$33,170.00 for The Fargo Project.
17. Title VI and Non-Discrimination Plan.
18. Community Development Block Grant Storefront Rehab projects at 18 13 1/2 Street North, 30 University Drive North and 20 University Drive North.
19. Contract for Services with Spec Rescue International for Fire Department Structural Collapse Training in the amount of \$76,485.00.
20. Change Orders for the City Hall Project:
 - a. No. 8 for an increase of \$26,049.00 for the general construction contract.
 - b. No. 4 for an increase of \$1,396.00 for the electrical construction contract.
21. Addition of Project No. FM-17-E1 to the 2017 Capital Improvement Plan.
22. Bid advertisement for Project No. FM-17-E.
23. Contracts and bonds for Project Nos. WA1707 and WW1402-10.
24. Bills.
25. Early Building Permit for Improvement District No. BN-17-A1.
26. Change Orders for the following Improvement Districts:
 - a. No. 2 for an increase of \$5,621.90 for No. TR-16-A1.
 - b. No. 3 for an increase of \$10,434.86 for No. BN-15-N1.

- c. No. 4 for an increase of \$17,003.95 for No. BR-16-B1.
- 27. Final Balancing Change Orders for the following Improvement Districts:
 - a. No. 1 for an increase of \$293.30 for No. AN-16-E1.
 - b. No. 2 for a decrease of \$83,281.50 for No. BN-16-E1.
 - c. No. 2 for a decrease of \$7,058.60 for No. PN-15-N1.
 - d. No. 4 for a decrease of \$21,219.79 for No. BN-15-K1.
- 28. Bid award for Improvement District No. BN-17-A1.
- 29. Contracts and bonds for Improvement District Nos. BR-17-G1, BR-17-F1 and NR-17-B (general, mechanical and electrical).

REGULAR AGENDA:

- 30. Presentation of the ND Cares Certificate to the City of Fargo.
- 31. Communication from David Reuter requesting a change in the City's Ordinance to allow Fireworks in Fargo city limits:
 - a. City of Fargo Ordinance No. 10-0316 – Sale and use of fireworks in the City.
 - b. City of West Fargo Ordinance No. 12-0711 – Fireworks.
- 32. Commissioner Piepkorn would like to discuss Downtown Police Enforcement.
- 33. Public Hearings - 5:15 pm:
 - a. CONTINUE to 7/31/17 - Resolution Providing for the Issuance of Revenue Bonds by the Colorado Health Facilities on Behalf of the Evangelical Lutheran Good Samaritan Society.
 - b. Pantzke Addition (402 25th Street North); approval recommended by the Planning Commission on 6/6/17:
 - 1. Zoning change from LI, Limited Industrial to LI, Limited Industrial with a PUD, Planned Unit Development Overlay.
 - 2. 1st reading of rezoning Ordinance.
 - 3. Planned Unit Development Master Land Use Plan.
 - c. Text Amendment to amend Article 20-10, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to nonconformities:
 - 1. 1st reading of Ordinance.
 - d. Plat of Brandt Crossing Twelfth Addition, a replat of Lot 1, Block 1, Brandt Crossing Eleventh Addition (3270 51st Street South); approval recommended by the Planning Commission on 6/6/17.
- 34. State Water Commission requests for cost reimbursement for FM Diversion Flood Project Costs:
 - a. Costs totaling \$538,830.00.
 - b. Costs totaling \$457,440.00.
- 35. Recommendation for appointments and reappointments to the following Boards and Commissions:
 - a. Library Board.

b. Native American Commission.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 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 web site at FargoND.gov/citycommission.

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BN-17-A1

Type: Early Building Permit

Location: 5101 19th Avenue North

Date of Hearing: 7/10/2017

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/17/2017</u>
PWPEC File	<u>X</u>
Project File	<u>Jason Leonard</u>

The Committee reviewed an early build permit submitted by the owner, Mid America Steel, located at 5101 19th Avenue North. The infrastructure work for this area will be bid on July 12th and awarded at the July 17th Commission meeting. There was discussion regarding fire access with the road construction. Access will be allowed either from the east or west throughout the project. A deposit of \$23,100 will be required.

Staff is recommending approval.

On a motion by Ben Dow, seconded by Jim Gilmour, the Committee voted to recommend approval of the Early Building Permit.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve the Early Building Permit.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: N/A

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


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

COMMITTEE

- Tim Mahoney, Mayor
- Jim Gilmour, Director of Planning
- Steve Dirksen, Fire Chief
- Mark Bittner, Director of Engineering
- Bruce Grubb, City Administrator
- Ben Dow, Director of Operations
- Steve Sprague, City Auditor
- City Engineer
- Kent Costin, Finance Director

<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brenda Derrig
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:


 Brenda E. Derrig, P.E.
 Division Engineer

EARLY BUILDING PERMIT AGREEMENT

THIS AGREEMENT, made and entered into by and between **THE CITY OF FARGO, NORTH DAKOTA**, a municipal corporation, 200 North Third Street, Fargo, North Dakota 58102, hereinafter referred to as "City", and **MID AMERICA STEEL INC.**, a North Dakota corporation, hereinafter referred to as "Owner", and **CONSTRUCTION RESOURCE GROUP, INC.**, a North Dakota corporation, hereinafter referred to as "Builder."

WITNESSETH:

WHEREAS, building permits are generally not available until sewer and water main connections are functional, except under limited circumstances and by agreement of the parties; and,

WHEREAS, for large building projects (commercial, industrial and multi-family [8-plex or greater]), permits may be issued prior to completion of said underground utilities, provided certain criteria are met;

WHEREAS, Early Building Permits may be permitted only when installation of utilities and paving can take place during the time said building projects are under way;

WHEREAS, Owner and Builder have applied for an Early Building Permit for the purposes of commencing construction on the following described property;

Lot 1, Block 1, Mid America Steel Addition to the City of Fargo, County of Cass, State of North Dakota.

WHEREAS, City requires a cash deposit as one of the conditions for granting Early Building Permits, said deposit to be utilized, if necessary, to reimburse City for any costs incurred by City arising out of Owner's, Builder's, Developers', Agents' or Subcontractors' activities under the Early Building Permit; and,

WHEREAS, City requires an agreement with Owner and Builder relative to the issuance of Early Building Permits.

NOW, THEREFORE, for good and valuable consideration hereby acknowledged, it is agreed by and between the parties as follows:

1. City agrees to issue an Early Building Permit to Owner and Builder for the project, provided all conditions precedent are met.

2. In consideration of the issuance of said Early Building Permit for the project stated, Owner agrees to deposit with City a cash deposit in the amount of **Twenty Three Thousand One Hundred Dollars (\$23,100.00)** (\$20.00 per front foot of lot covered by the permit). Said cash deposit may be utilized by City for any building site impacts, municipal project impacts, including utilities or paving, payment for corrective measures such as debris removal, drain maintenance, damages caused by unauthorized access, and cleaning adjacent streets impacted by building construction. It is specifically understood and agreed that this list is not exhaustive or exclusive, and that the City may use the deposited funds for any costs incurred by City due to Owner or Builder's activities.

3. Owner and Builder agree to be bound by the terms of the City of Fargo's policy on Early Building Permits. Owner and/or Builder agree to provide a building site plan drawing showing access points and exact service utility connections before any construction activities take place, such drawing and/or site plan must clearly show sanitary sewer, water sewer service, and storm sewer plans. Owner and/or Builder shall specify the following:

- a. Site access to the building that will not impact municipal utilities/paving installation.

- b. Temporary measures to address nonfunctional sewer, water and storm sewer on the building site.
 - c. Building construction and occupancy schedule.
 - d. Contact person for notification including name, address and phone.
4. Owner and/or Builder will be allowed to use City right of way for access to the site from one direction through the duration of the municipal project. City agrees to provide Owner and/or Builder 48-hour notice of project phase start-up. Owner and/or Builder agree to clear right-of-way for such public construction within the notice period. During construction, City shall give Owner and/or Builder two (2) hour notice to clear any area impacted by the City project.
5. Owner and Builder understand and agree that occupancy will not be allowed until after utility installation is complete.
6. Owner and Builder are prohibited from permitting or installing any utilities (including but not limited to gas, electric, telephone, cable, fiber, etc.) until municipal utility installation is complete.
7. Owner and Builder agree to indemnify and hold City harmless for any delays in municipal projects (i.e. utilities or paving) resulting from Owner and/or Builder's activities including, but not limited to, site interference, storage of construction materials, or any other activities permitted by the Early Building permit.
8. Owner and Builder understand and agree to accept all risks of proceeding with the building project in advance of the installation and operation of the municipal improvements. Owner and Builder waive, for themselves and successors, any and all claims for damages against City as a result of any delay in the installation of the municipal projects, for whatever reason.

City will enter into a standard contract for the municipal project. Owner and Builder are not third party beneficiaries of the City contract and have no rights thereunder.

9. Owner and/or Builder agree to acquire any easements deemed necessary for access to the building site. City shall not be responsible for easements.

10. Owner and Builder understand and agree that without installation of streets there is limited access to the site for fire and police protection. Owner and Builder agree they are solely responsible for any access limitations, and agree to indemnify and hold the City harmless from any all claims or damages alleged as a result of the limited site access.

11. The parties agree that any cash deposit remaining unused upon completion of the paving project (thus completing the public construction) shall be returned to Owner upon application.

12. The Early Building Permit is approved for the project located at the following street address:

5101 19th Avenue North, Fargo, ND 58102

IN WITNESS WHEREOF, the parties have entered into this agreement the day and year first above written.

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

Timothy J. Mahoney, Mayor

ATTEST:

Steve Sprague, City Auditor

Approved by Public Works Projects Evaluation Committee on this 10th day of July, 2017.

B. D.
Brenda Derrig, Division Engineer

Owner:
Mid America Steel Inc

Dated: 7/12/17

Joe Ables

By:

Its: President

Builder:
Construction Resource Group, Inc.

Dated: 7.11.17

Mike WMO.
By:

EXEC. VICE PRESIDENT
Its:

REPORT OF ACTION

2/10/17

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. TR-16-A1 Type: Change Order #2
 Location: 45th St S at 23rd Ave Date of Hearing: 7/10/2017

<u>Routing</u>	<u>Date</u>
City Commission	7/17/2017
PWPEC File	X
Project File	Jacob Rick

The Committee reviewed the accompanying correspondence from Project Manager, Jacob Rick, related to a Change Order in the amount of \$5,621.90 bringing the total contract amount to \$127,846.98. The additional costs covered in this request reconciles the estimate quantities used in the contract with the final quantities as measured in the field.

Staff is recommending approval.

On a motion by Steve Sprague, seconded by Ben Dow, the Committee voted to recommend approval of the Change Order #1 in the amount of \$5,621.90.

RECOMMENDED MOTION

Approve the Final Balancing Change Order #2 in the amount of +\$5,621.90 to Moorhead Electric.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Sales Tax

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

COMMITTEE

	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
Tim Mahoney, Mayor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Gilmour, Director of Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Steve Dirksen, Fire Chief	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mark Bittner, Director of Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Bruce Grubb, City Administrator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Ben Dow, Director of Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Steve Sprague, City Auditor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
City Engineer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Brenda Derrig</u>
Kent Costin, Finance Director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

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

C: Jen Graphenteen



Memorandum

To: Members of PWPEC
From: Jacob Rick, Project Manager
Date: July 10, 2017
Re: Improvement District #TR-16-A1 – Final Balancing Change Order #2

Background:

Improvement District No. TR-16-A1 is a project aimed to remove and replace existing pedestrian signal heads that are the "Walk/Don't Walk" variety to the countdown variety, add flashing yellow arrows to 45th St S @ 23rd Ave, due to the increase of traffic, and installation of 5 new PTZ cameras.

Attached is a final balancing change order in the amount of +\$5,621.90 for Improvement District No. TR-16-A1. This reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

The original contract bid price for this project was \$116,439.25. Charge Order #1(\$5785.83) and this FBCO will bring the project final amount to \$127,846.98 (0.91% increase). This Improvement District is 100% Sales Tax.

Recommended Motion:

Approve the Final Balancing Change Order #2 in the amount of +\$5,621.90 to Moorhead Electric.

JJR/jmg
Attachment



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

Project No	TR-16-A1	Change Order No	2
Project Name	Traffic Signal Rehabilitation & Incidentals		
Date Entered	6/21/2017	For	Moorhead Electric

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

EXPLANATION OF CHANGE:

This change order reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)	
Miscellaneous	1	Traffic Control - Minor	LS	1.00	0.00	1.00	0.00	1.00	3,500.00	0.00	
	15	* Removed tree that was to close to new curb on 23rd Ave S, half a block West of 45th St.	LS	0.00	0.00	0.00	1.00	1.00	136.40	136.40	
Miscellaneous Sub Total (\$)										136.40	
Traffic Signals										Grand Total (\$)	136.40
	2	F&I Ped Head 1 Sect Countdown w/LED Mtd	EA	94.00	0.00	94.00	0.00	94.00	495.00	0.00	
	3	F&I PTZ Camera System	EA	5.00	0.00	5.00	0.00	5.00	7,050.00	0.00	
	4	F&I Signal Cable AWG 16/3	LF	690.00	0.00	690.00	0.00	690.00	1.65	0.00	
	5	F&I Signal Cable CAT 6	LF	690.00	0.00	690.00	0.00	690.00	1.50	0.00	
	6	F&I Head 4 Sect w/12" LED Post Mtd	EA	2.00	0.00	2.00	0.00	2.00	1,125.00	0.00	
	7	F&I Head 4 Sect w/12" LED MA Mtd	EA	2.00	0.00	2.00	0.00	2.00	1,085.00	0.00	
	8	F&I Signal Cable AWG 14/20	LF	725.00	0.00	725.00	0.00	725.00	3.25	0.00	
	9	Modify Traffic Signal System	LS	1.00	0.00	1.00	0.00	1.00	4,400.00	0.00	
	16	F&I PTZ Camera System	EA	1.00	0.00	1.00	0.00	1.00	5,785.83	0.00	
Traffic Signals Sub Total (\$)										Grand Total (\$)	0.00
Paving	10	F&I Curb & Gutter Standard (Type II)	LF	109.00	0.00	109.00	1.00	110.00	50.00	50.00	
	Grand Total (\$)										50.00

Paving	11	Remove Curb & Gutter	LF	112.00	0.00	112.00	-4.00	108.00	32.00	-128.00			
	12	F&I Class 5 Agg - 9" Thick	SY	62.00	0.00	62.00	65.00	127.00	50.00	3,250.00			
	13	F&I Asphalt Cement PG 58-34	GAL	475.00	0.00	475.00	239.00	714.00	2.50	597.50			
	14	F&I Aggregate for Asph Pavement FAA 43	TON	34.00	0.00	34.00	13.00	47.00	192.00	1,716.00			
		Paving Sub Total (\$)								5,485.50			
		Grand Total (\$)								5,485.50			

* NC Items

Summary

Source Of Funding

Net Amount Change Order # 2 (\$)

Previous Change Orders (\$)

Original Contract Amount (\$)

Total Contract Amount (\$)

5,621.90
5,785.83
116,439.25
127,846.98

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

CONTRACT TIME

Current Completion Date

01/29/2017

Additional Days

0.00

New Completion Date

01/29/2017

Description

APPROVED

For Contractor

Title

APPROVED DATE

Department Head

Mayor

Attest

Kyle Pedersen
John Pedersen
Project Manager
06/21/2017

[Signature]
7/12/17

REPORT OF ACTION

266

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BN-15-N1 Type: Change Order #3

Location: Commerce on 12th Date of Hearing: 6/26/2017

<u>Routing</u>	<u>Date</u>
City Commission	7/17/17
PWPEC File	X
Project File	Jason Leonard

The Committee reviewed the accompanying correspondence from Jason Leonard, Project Engineer, for a change order in the amount of \$10,434.86, bringing the total contract amount to \$3,683,729.65. This change order is for the placement of 2 additional fire hydrant extensions.

Staff is recommending approval of Change Order #3.

On a motion by Steve Sprague, seconded by Mark Bittner, the Committee voted to recommend approval of the Change Order.

RECOMMENDED MOTION

Concur with PWPEC recommendation and approve Change Order #3 in the amount of \$10,434.86 to Dakota Underground, bringing the total contract amount for Sanitary Sewer, Water Main, Storm Sewer, PC Concrete Paving, Street Lights & Incidentals, Improvement District No. BN-15-N1, to \$3,683,729.65.

PROJECT FINANCING INFORMATION:

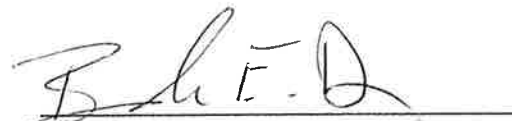
Recommended source of funding for project: Special Assessments

	<u>Yes</u>	<u>No</u>
Developer meets City policy for payment of delinquent specials		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

	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
				<input checked="" type="checkbox"/>
Tim Mahoney, Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jim Gilmour, Director of Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Steve Dirksen, Fire Chief	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mark Bittner, Director of Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Bruce Grubb, City Administrator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mike Redlinger
Ben Dow, Director of Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Steve Sprague, City Auditor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
City Engineer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brenda Derrig
Kent Costin, Finance Director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:


Brenda E. Derrig, P.E.
Division Engineer

C: Jen Graphenteen



Memorandum

To: PWPEC

From: Jason Leonard, Civil Engineer II *JTL*

Date: June 21, 2017

Re: Improvement District No. BN-15-N1 – Change Order # 3

Background:

Improvement District #BN-15-N1 is an underground utility and concrete paving project located within the Commerce on 12th Addition.

The attached Change Order # 3 in the amount of \$10,434.86 is for the placement of additional fire hydrant extensions. During the installation of the water main on the project, conflicts arose with the existing Magellan Gas Lines, depth of sanitary services and other utility conflicts that required the water main to be placed lower than originally planned. The water main could not be raised due to depth of cover which in effect, additional hydrant extensions were required.

Substantial and final completion dates were not affected by this additional work.

Recommended Motion:

Approve Change Order # 3 in the amount of \$10,434.86.

JTL/jmg
Attachment

C: Brenda Derrig
Thomas Knakmuhs



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

Improvement District No BN-15-N1 Change Order No 3
 Project Name Sanitary Sewer, Water Main, Storm Sewer, PC Concrete Paving, Street Lights & Incidentals
 Date Entered 6/20/2017 For Dakota Underground Cq 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: Additional Hydrant Extensions

During the installation of the water main on the project conflicts arose with the existing Magellan Gas Lines, depth of sanitary services and other utility conflicts that required the water main to be placed lower than originally planned. In effect additional hydrant extensions were required.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Qurr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
Water Main	94	F&I Hydrant Ext. 6" High	EA	0.00	0.00	0.00	3.00	3.00	795.70	2,387.10
	95	F&I Hydrant Ext. 12" High	EA	0.00	0.00	0.00	3.00	3.00	912.29	2,736.87
	96	F&I Hydrant Ext. 18" High	EA	0.00	0.00	0.00	3.00	3.00	1,018.69	3,056.07
	97	F&I Hydrant Ext. 24" High	EA	0.00	0.00	0.00	2.00	2.00	1,127.41	2,254.82
Water Main Sub Total (\$)									10,434.86	
Grand Total (\$)									10,434.86	

Summary

Source Of Funding Special Assessments

Net Amount Change Order # 3 (\$)	10,434.86
Previous Change Orders (\$)	25,162.09
Original Contract Amount (\$)	3,648,132.70
Total Contract Amount (\$)	3,683,729.65

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

CONTRACT TIME

Current Completion Date	Additional Days	New Completion Date
10/31/2015	0.00	10/31/2015

Description



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

APPROVED

For Contractor *Bob Johnson*
Title *Project Manager*

APPROVED DATE

Department Head

Mayor

Attest

Bob F.D.

26

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BR-16-B1 Type: Change Order #4

Location: 25th Ave N & Broadway Hearing: 7/10/2017

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/17/17</u>
PWPEC File	<u>X</u>
Project File	<u>Aaron Edgar</u>

The Committee reviewed the accompanying correspondence from Aaron Edgar, Project Manager, for a Change Order in the amount of \$17,003.95 for additional costs as follows:

1. Remove and replace concrete, at the intersection of Broadway North/25th Avenue, for the installation of traffic signal loops.
2. Relocate two existing street lights by Broadway North/32nd Avenue.
3. Provide additional traffic control, along Broadway North from 25th Avenue to 28th Avenue, to mill and overlay Broadway under traffic.

This change order will bring the total contract amount to \$4,062,466.10

Staff is recommending approval of Change Order #4.

On a motion by Steve Sprague, seconded by Ben Dow, the Committee voted to recommend approval of Change Order #4.

RECOMMENDED MOTION

Approve change order #4 in the amount of \$17,003.95 to Master Construction, bringing the total contract amount to \$4,062,466.10.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: HMGP, WW Sales Tax, San Sewer, WM, Sales Tax (420)& Special Assessments

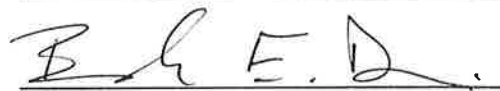
Developer meets City policy for payment of delinquent specials	<u>Yes</u>	<u>No</u>
Agreement for payment of specials required of developer	<u>N/A</u>	<u>N/A</u>
Letter of Credit required (per policy approved 5-28-13)	<u>N/A</u>	<u>N/A</u>

COMMITTEE

	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
				<u><input checked="" type="checkbox"/></u>
Tim Mahoney, Mayor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Jim Gilmour, Director of Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Steve Dirksen, Fire Chief	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mark Bittner, Director of Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Bruce Grubb, City Administrator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Ben Dow, Director of Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Steve Sprague, City Auditor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
City Engineer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brenda Derrig
Kent Costin, Finance Director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

C: Jen Graphenteen


 Brenda E. Derrig, P.E.
 City Engineer



Memorandum

To: Members of PWPEC
From: Aaron Edgar, Project Engineer *ADE*
Date: July 10th, 2017
C: Thomas Knakmuhs – Division Engineer
Re: Change Order #4 for ID #BR-16-B1 Water Main Replacement, Force Main Construction, Street Reconstruction & Incidentals

Background:

Improvement District BR-16-B1 runs along Broadway North from 19th Avenue to 25th Avenue, on 25th Avenue North from Broadway to 8th Street and on 8th Street North from 25th Avenue to 28th Avenue.

Master Construction is the prime contractor on this project.

The attached Change Order in the amount of \$17,003.95 (0.44% of original contract), which increases the total contract amount to \$4,062,466.10, is for additional costs as follows:

- 1.) Remove and replace concrete, at the intersection of Broadway North/25th Avenue, for the installation of traffic signal loops.
- 2.) Relocate two existing street lights by Broadway North/32nd Avenue.
- 3.) Provide additional traffic control, along Broadway North from 25th Avenue to 28th Avenue, to mill and overlay Broadway under traffic.

Recommended Motion:

Approve Change Order 4, for Improvement District BR-16-B1, in the amount of \$17,003.95.

ADE/jmg



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

Improvement District No	BR-16-B1	Change Order No	4
Project Name	Water Main Replacement, Force Main Construction, Street Reconstruction & Incidentals		
Date Entered	6/26/2017	For	Master Construction Co Inc

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

EXPLANATION OF CHANGE:

- This change order is for additional work as follows:
 1.) Remove & replace concrete, at the intersection of Broadway North/25th Avenue, for the installation of traffic signal loops.
 2.) Relocate two existing street lights by Broadway North/32nd Avenue.
 3.) Provide additional traffic control, along Broadway North from 25th Avenue to 25th Avenue, to mill and overlay Broadway under traffic.

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 Eligible	206	Relocate Street Light	EA	0.00	0.00	0.00	2.00	2.00	2,776.13	5,552.26
HMGP Eligible Sub Total (\$)										5,552.26
Grand Total (\$)										5,552.26
Paving	207	Traffic Control - Minor	LS	0.00	0.00	0.00	1.00	1.00	10,912.69	10,912.69
Paving Sub Total (\$)										10,912.69
Grand Total (\$)										10,912.69
Traffic Signals	208	Rem & Repl Pavement 9" Thick Reinf Conc	SY	0.00	0.00	0.00	5.00	5.00	107.80	539.00
Traffic Signals Sub Total (\$)										539.00
Grand Total (\$)										539.00

Summary

Source Of Funding	Federal Funds - HMGP, Sales Tax Funds - Infrastructure - 420, Sales Tax Funds - Wastewater - 455, Special Assessments, State Funds - Other ND	
Net Amount Change Order # 4 (\$)		17,003.95
Previous Change Orders (\$)		218,815.85
Original Contract Amount (\$)		3,826,646.30
Total Contract Amount (\$)		4,062,466.10



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

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

CONTRACT TIME

Current Completion Date

12/02/2016

Additional Days

0.00

New Completion Date

12/02/2016

Description

APPROVED

APPROVED DATE

For Contractor

Department Head

Title


CFO

 7/12/17

Mayor

Attest

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

27a

Improvement District No. AN-16-E1

Type: Final Balancing Change Order

Location: Alley Btwn 12th St N & University Dr.
from NP to 1st Ave N

Date of Hearing: 7/10/2017

<u>Routing</u>	<u>Date</u>
City Commission	<u>7-17-2017</u>
PWPEC File	<u>X</u>
Project File	<u>Jeremy Engquist</u>

The Committee reviewed the final balancing change order in the amount of \$293.30.

On a motion by Steve Sprague, seconded by Ben Dow, the Committee voted to recommend approval the final balancing change order

RECOMMENDED MOTION

Approve the final balancing change order #1 in the amount of \$293.30 to Dirt Dynamics.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Special Assessments

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

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

COMMITTEE

Tim Mahoney, Mayor
 Jim Gilmour, Director of Planning
 Steve Dirksen, Fire Chief
 Mark Bittner, Director of Engineering
 Bruce Grubb, City Administrator
 Ben Dow, Director of Operations
 Steve Sprague, City Auditor
 City Engineer
 Kent Costin, Finance Director

<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Brenda Derrig</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:


B. E. D.
 Brenda E. Derrig, P.E.
 Division Engineer

C: Jen Graphenteen



Memorandum

To: Members of PWPEC

From: Jeremy Engquist, Project Engineer 

Date: July 10, 2017

Re: Improvement District #AN-16-E1 - Final Balancing Change Order #1 -
PC Concrete Alley Paving & Incidentals – University Drive North and 12th Street
North from 1st Avenue North to Northern Pacific Avenue North

Background:

Attached is a final balancing change order for Improvement District No. AN-16-E1 in the amount of \$293.30 bringing the total contract amount to \$83,458.30. This change order reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

The original contract bid price for this project was \$83,165.00 and this FBCO will bring the project final amount to \$83,458.30 (0.35% Increase). This Improvement District is 100% Special Assessed.

Recommended Motion:

Approve the Final Balancing Change Order #1 in the amount of \$293.30 to Dirt Dynamics.

JJE/jmg
Attachment



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	AN-16-E1	Change Order No	1
Project Name	PC Concrete Alley Paving & Incidentals		
Date Entered	6/15/2017	For	Dir Dynamics

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: 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 (\$)
Storm Sewer	1	F&I Pipe 6" Dia HDPE	LF	10.00	0.00	10.00	-9.00	1.00	46.00	-414.00
	3	F&I Inlet - Manhole (MHI) 4' Dia Reinf Conc	EA	2.00	0.00	2.00	-1.00	1.00	3,200.00	-3,200.00
	4	F&I Pipe 12" Dia Reinf Conc	LF	120.00	0.00	120.00	-20.00	100.00	62.00	-1,240.00
	5	F&I Pipe w/GB 12" Dia Reinf Conc	LF	135.00	0.00	135.00	36.00	171.00	84.00	3,024.00
	18	* F&I Inlet - Round (RDI) Reinf Conc	EA	0.00	0.00	0.00	1.00	1.00	1,450.00	1,450.00
Storm Sewer Sub Total (\$)										-380.00
Grand Total (\$)										-380.00
Paving	6	Remove Pavement All Thicknesses All Types	SY	30.00	0.00	30.00	13.50	43.50	30.00	405.00
	8	Subgrade Preparation	SY	510.00	0.00	510.00	1.00	511.00	3.50	3.50
	9	Rem & Repl Curb & Gutter	LF	20.00	0.00	20.00	11.00	31.00	40.00	440.00
	10	F&I Pavement 7" Thick Reinf Conc	SY	510.00	0.00	510.00	1.00	511.00	60.00	60.00
	11	F&I Pavement 8" Thick Reinf Conc	SY	50.00	0.00	50.00	35.70	85.70	64.00	2,284.80
	12	F&I Driveway 7" Thick Reinf Conc	SY	24.00	0.00	24.00	-4.20	19.80	60.00	-252.00
	13	Repair Pavement - Patch Asph	SY	15.00	0.00	15.00	1.40	16.40	80.00	112.00
	14	Remove Pavement 6" Thick Asph	SY	255.00	0.00	255.00	-74.00	181.00	30.00	-2,220.00
	15	Inlet Protection - Existing Inlet	EA	6.00	0.00	6.00	-4.00	2.00	200.00	-800.00

CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT



Paving	19	* Rem & Repl Sidewalk 4"Thick Reinf Conc	LS	0.00	0.00	0.00	1.00	1.00	640.00	640.00
* NC Items										
Summary										
Source Of Funding										
Net Amount Change Order # 1 (\$)										
293.30										
Previous Change Orders (\$)										
0.00										
Original Contract Amount (\$)										
83,166.00										
Total Contract Amount (\$)										
83,458.30										
Paving Sub Total (\$)										
640.00										
Grand Total (\$)										
673.30										
673.30										

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

CONTRACT TIME		Additional Days		New Completion Date	
Current Completion Date		0.00		10/28/2016	
Description		10/28/2016			
APPROVED		APPROVED DATE			
For Contractor		Department Head		7/12/17	
<i>Wash</i>		<i>[Signature]</i>			
Title		Mayor			
<i>Estimator</i>		Attest			

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PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BN-16-E1

Type: Final Balancing Change Order

Location: Intersection of 64th Ave S & 33rd St S

Date of Hearing: 7/10/2017

<u>Routing</u>	<u>Date</u>
City Commission	7-17-2017
PWPEC File	X
Project Files	Jason Leonard

The Committee reviewed the final balancing change order in the amount of -\$83,281.50. This brings the final contract amount to \$1,382,600.60.

On a motion by Steve Sprague, seconded by Ben Dow, the Committee voted to approve the final balancing change order.

RECOMMENDED MOTION

Approve the final balancing change order in the amount of -\$83,281.50 to Ryan Contracting.


PROJECT FINANCING INFORMATION:

Recommended source of funding for project:	<u>Special Assessments/Cass Rural WUD Funds</u>	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

	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
				<input checked="" type="checkbox"/>
Tim Mahoney, Mayor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Jim Gilmour, Director of Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Steve Dirksen, Fire Chief	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mark Bittner, Director of Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Bruce Grubb, City Administrator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Ben Dow, Director of Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Steve Sprague, City Auditor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
City Engineer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brenda Derrig
Kent Costin, Finance Director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:


 Brenda E. Derrig, P.E.
 Division Engineer



Memorandum

To: Members of PWPEC
From: Jason Leonard, Project Engineer *JTL*
Date: June 28, 2017
Re: Improvement District #BN-16-E1 – Final Balancing Change Order #2

Background:

Improvement District # BN-16-E1 is for the Asphalt Paving and Underground Utilities within Maple Valley 2nd Addition.

Attached is a final balancing change order #2 in the amount of -\$83,281.50 for Improvement District #BN-16-E1 that reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

The original contract bid price for this project was \$1,464,382.10 and this FBCO will bring the project final amount to \$1,382,600.60 (5.58% Decrease). This decrease in project cost is directly tied to the estimated and actual removal and replacement of the asphalt pavement on Maple Valley Drive South. The existing asphalt pavement and center median were able to remain in place during the placement of the utilities at the intersection of Maple Valley Drive S and 35th Street S. Also the existing roadway grades matched the proposed section better than expected. This Improvement District is 100% Special Assessed.

Recommended Motion:

Approve the final balancing change order in the amount of -\$83,281.50 to Ryan Contracting.

JTL/jmg
Attachment

C: Brenda Derrig
Thomas Knakmuhs



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

Improvement District No	BN-16-E1	Change Order No	2
Project Name	Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lighting & Incidentals		
Date Entered	6/27/2017	For	Ryan Contracting

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

EXPLANATION OF CHANGE: FINAL BALANCING CHANGE ORDER

This change order reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)		
Miscellaneous	7	Temp Construction Entrance	EA	2.00	0.00	2.00	-2.00	0.00	300.00	-600.00		
	8	Silt Fence - Standard	LF	2,012.00	0.00	2,012.00	-1,492.00	520.00	2.25	-3,357.00		
	9	Sediment Control Log 6" to 8" Dia	LF	480.00	0.00	480.00	-480.00	0.00	3.75	-1,800.00		
	10	Inlet Protection - Existing Inlet	EA	18.00	0.00	18.00	-12.00	6.00	100.00	-1,200.00		
				Miscellaneous Sub Total (\$)							-6,957.00	
				Grand Total (\$)							-6,957.00	
Sanitary Sewer	15	F&I Pipe SDR 26 - 6" Dia PVC	LF	3,090.00	0.00	3,090.00	33.00	3,123.00	18.00	594.00		
	18	F&I 1-1/4" Trench Found Rock 4" thru 12" Dia	LF	500.00	0.00	500.00	-500.00	0.00	0.01	-5.00		
				Sanitary Sewer Sub Total (\$)							589.00	
				Grand Total (\$)							589.00	
Cass Rural Water Improvements	19	F&I Fittings Ductile Iron	LB	1,185.00	0.00	1,185.00	-622.00	563.00	1.00	-622.00		
	26	F&I Pipe 1" Dia Copper	LF	2,898.00	0.00	2,898.00	-44.00	2,854.00	18.00	-792.00		
	27	Connect Water Service	EA	64.00	0.00	64.00	-1.00	63.00	500.00	-500.00		
				Cass Rural Water Improvements Sub Total (\$)							-1,914.00	
				Grand Total (\$)							-1,914.00	
Storm Sewer	35	F&I Pipe 15" Dia Reinf Conc	LF	1,029.00	0.00	1,029.00	-83.00	946.00	39.00	-3,237.00		
	36	F&I Pipe 21" Dia Reinf Conc	LF	635.00	0.00	635.00	2.00	637.00	42.00	84.00		
	37	F&I Pipe 24" Dia Reinf Conc	LF	363.00	0.00	363.00	-1.00	362.00	46.00	-46.00		



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Storm Sewer	40	Remove Pipe All Sizes All Types	LF	37.00	0.00	37.00	-7.00	30.00	10.00	-70.00
	42	F&I Pipe w/GB 15" Dia Reinf Conc	LF	135.00	0.00	135.00	-15.00	120.00	50.00	-750.00
	44	F&I Pipe w/GB 27" Dia Reinf Conc	LF	35.00	0.00	35.00	4.00	39.00	75.00	300.00
		Storm Sewer Sub Total (\$)								-3,719.00
		Grand Total (\$)								-3,719.00
Site Grading/LOMR	49	Fill - Contractor Supply	CY	19,296.00	0.00	19,296.00	1,715.00	21,011.00	11.00	18,865.00
		Site Grading/LOMR Sub Total (\$)								18,865.00
		Grand Total (\$)								18,865.00
Paving	53	Fill - Contractor Supply	CY	5,651.00	0.00	5,651.00	-5,651.00	0.00	11.00	-62,161.00
	56	Subcut	CY	1,018.00	0.00	1,018.00	-1,018.00	0.00	4.00	-4,072.00
	59	F&I Class 5 Agg - 7" Thick	SY	6,662.00	0.00	6,662.00	-167.00	6,495.00	7.00	-1,169.00
	60	F&I Class 5 Agg - 8" Thick	SY	3,075.00	0.00	3,075.00	-77.00	2,998.00	9.00	-693.00
	62	F&I Curb & Gutter Mountable (Type I)	LF	2,731.00	0.00	2,731.00	-1.00	2,730.00	16.85	-16.85
	63	F&I Curb & Gutter Standard (Type II)	LF	1,441.00	0.00	1,441.00	-53.00	1,388.00	17.50	-927.50
	64	Remove Curb & Gutter	LF	413.00	0.00	413.00	-20.00	393.00	3.00	-60.00
	66	F&I Sidewalk 4" Thick Reinf Conc	SY	651.00	0.00	651.00	-27.00	624.00	34.75	-938.25
	67	F&I Sidewalk 6" Thick Reinf Conc	SY	39.00	0.00	39.00	11.00	50.00	48.00	528.00
	68	F&I Det Warn Panels Cast Iron	SF	135.00	0.00	135.00	-7.00	128.00	45.00	-315.00
	69	Remove Sidewalk All Thicknesses All Types	SY	70.00	0.00	70.00	-3.00	67.00	10.00	-30.00
	70	F&I Aggregate for Asph Pavement FAA 43	TON	3,083.00	0.00	3,083.00	-281.00	2,802.00	34.65	-9,736.65
	71	F&I Asphalt Cement PG 58-34	GAL	43,019.00	0.00	43,019.00	-5,230.00	37,789.00	1.95	-10,198.50
	76	Remove Pavement 7" Thick Asph	SY	590.00	0.00	590.00	-126.00	464.00	5.00	-630.00
	90	* The new sidewalk required adjustment prior to being poured. Cost is associated with re-form, regrade and additional rebar costs	LS	0.00	0.00	0.00	1.00	1.00	700.00	700.00
		Paving Sub Total (\$)								-89,719.75
		Grand Total (\$)								-89,719.75



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

78	F&I Engineering Grade	SF	21.10	0.00	21.10	-21.10	0.00	10.00	-211.00
79	F&I Diamond Grade Cubed	SF	10.50	0.00	10.50	46.76	57.28	20.00	935.60
Signing Sub Total (\$)									724.60
Grand Total (\$)									724.60
80	Remove Street Light	EA	2.00	0.00	2.00	-1.00	1.00	600.00	-600.00
81	F&I Base 5' Deep Reinf Conc	EA	11.00	0.00	11.00	-1.00	10.00	360.00	-360.00
83	F&I Conductor #6 USE Cu	LF	7,005.00	0.00	7,005.00	-81.00	6,924.00	1.10	-89.10
84	F&I Innerduct 1.5" Dia	LF	2,194.00	0.00	2,194.00	-27.00	2,167.00	3.75	-101.25
Street Lighting Sub Total (\$)									-1,150.35
Grand Total (\$)									-1,150.35

* NC Items

Summary

Source Of Funding	
Net Amount Change Order # 2 (\$)	-83,281.50
Previous Change Orders (\$)	1,500.00
Original Contract Amount (\$)	1,454,382.10
Total Contract Amount (\$)	1,382,600.60

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

CONTRACT TIME

Current Completion Date	10/17/2016	Additional Days	0.00	New Completion Date	10/17/2016
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APPROVED

Description		APPROVED DATE	
For Contractor		Department Head	
Title	CPD	Mayor	7/12/17



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

	Attest	
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REPORT OF ACTION

270

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. PN-15-N1 Type: Final Balancing Change Order #2
 Location: 41st St S and 58th Ave S Date of Hearing: 7/10/2017
 Maplewood Estates Addition

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/17/2017</u>
PWPEC File	<u>X</u>
Project File	<u>Jason Leonard</u>

The Committee reviewed the final balancing change order in the amount of -\$7,058.60 bringing the final contract amount to \$432,681.30.

On a motion by Steve Sprague, seconded by Ben Dow, the Committee voted to approve the Final Balancing Change Order #2.

RECOMMENDED MOTION

Approve the Final Balancing Change Order #2 in the amount of -\$7,058.60 to KPH, Inc.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Special Assessments

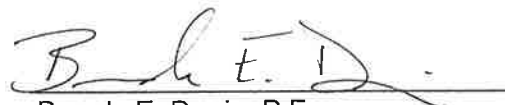
	<u>Yes</u>	<u>No</u>
Developer meets City policy for payment of delinquent specials	<u>N/A</u>	<u>N/A</u>
Agreement for payment of specials required of developer	<u>N/A</u>	<u>N/A</u>
Letter of Credit required (per policy approved 5-28-13)	<u>N/A</u>	<u>N/A</u>

COMMITTEE

Tim Mahoney, Mayor
 Jim Gilmour, Director of Planning
 Steve Dirksen, Fire Chief
 Mark Bittner, Director of Engineering
 Bruce Grubb, City Administrator
 Ben Dow, Director of Operations
 Steve Sprague, City Auditor
 City Engineer
 Kent Costin, Finance Director

	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brenda Derrig
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:


 Brenda E. Derrig, P.E.
 Division Engineer

C: Jen Graphenteen



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

Improvement District No PN-15-N1 Change Order No 2
 Project Name Concrete Curb & Gutter, Asphalt Paving, Street Lights & Incidentals
 Date Entered 7/13/2017 For KPH, Inc.

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

EXPLANATION OF CHANGE: 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	8	F&I Curb & Gutter Standard (Type II)	LF	2,140.00	0.00	2,140.00	158.40	2,298.40	18.00	2,851.20	
	9	F&I Sidewalk 4" Thick Reinf Conc	SY	553.00	0.00	553.00	11.78	564.78	40.00	471.20	
	10	F&I Sidewalk 6" Thick Reinf Conc	SY	16.00	0.00	16.00	-1.92	14.08	55.00	-105.60	
	11	F&I Driveway 7" Thick Reinf Conc	SY	165.00	0.00	165.00	-50.17	114.83	60.00	-3,010.20	
	12	F&I Det Warn Panels Cast Iron	SF	32.00	0.00	32.00	4.00	36.00	42.00	168.00	
	13	F&I Aggregate for Asph Pavement FAA 43	TON	1,763.00	0.00	1,763.00	-314.56	1,448.44	38.00	-11,953.28	
	14	F&I Asphalt Cement PG 58-34	GAL	24,597.00	0.00	24,597.00	-6,589.54	18,007.46	2.10	-13,838.03	
	17	GV Box to Grade - Blvd	EA	4.00	0.00	4.00	3.00	7.00	125.00	375.00	
	18	Seeding Type B	SY	2,900.00	0.00	2,900.00	-1,096.18	1,803.82	0.28	-306.93	
	19	Mulching Type 1 - Hydro	SY	2,900.00	0.00	2,900.00	707.64	3,607.64	0.32	226.44	
	Paving Sub Total (\$)									-25,122.20	
	Signing	25	F&I Engineering Grade	SF	25.00	0.00	25.00	-17.00	8.00	13.00	-221.00
		26	F&I Diamond Grade Cubed	SF	6.00	0.00	6.00	14.30	20.30	22.00	314.60
	Signing Sub Total (\$)									93.60	
	Levee	34	Fill - Contractor Supply	CY	2,400.00	0.00	2,400.00	2,995.00	5,395.00	6.00	17,970.00
		Levee Sub Total (\$)									17,970.00



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Summary	
Source Of Funding	
Net Amount Change Order # 2 (\$)	-7,058.60
Previous Change Orders (\$)	27,776.00
Original Contract Amount (\$)	427,563.90
Total Contract Amount (\$)	448,281.30

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

CONTRACT TIME	
Current Completion Date	09/25/2016
Additional Days	0.00
New Completion Date	09/25/2016
APPROVED	
For Contractor	
Title	President
APPROVED DATE	7/13/17
Department Head	
Mayor	
Attest	

27d

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BN-15-K1 Type: Final Balancing Change Order #4
 Location: 38th & 40th St S Hearing: 7/10/2017

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/17/2017</u>
PWPEC File	<u>X</u>
Project File	<u>Jason Leonard</u>

The Committee reviewed the Final Balancing Change Order #4 in the amount of -\$21,219.79. This will bring the final contract amount to \$898,596.69.

On a motion by Steve Sprague, seconded by Ben Dow, the Committee voted to recommend approval of the Final Balancing Change Order #4.

RECOMMENDED MOTION

Approve the Final Balancing Change Order #4 in the amount of -\$21,219.79 to Northern Improvement.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Special Assessments

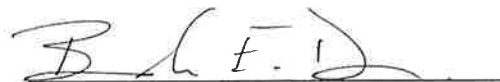
	<u>Yes</u>	<u>No</u>
Developer meets City policy for payment of delinquent specials	<u>N/A</u>	<u> </u>
Agreement for payment of specials required of developer	<u>N/A</u>	<u> </u>
Letter of Credit required (per policy approved 5-28-13)	<u>N/A</u>	<u> </u>

COMMITTEE

Tim Mahoney, Mayor
 Jim Gilmour, Director of Planning
 Steve Dirksen, Fire Chief
 Mark Bittner, Director of Engineering
 Bruce Grubb, City Administrator
 Ben Dow, Director of Operations
 Steve Sprague, City Auditor
 City Engineer
 Kent Costin, Finance Director

Present	Yes	No	Unanimous
			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brenda Derrig
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:


 Brenda E Derrig, P.E.
 Division Engineer

C: Jen Graphenteen



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Improvement District No	BN-15-K1	Change Order No	4
Project Name	Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & Incidentals		
Date Entered	7/13/2017	For	Northern Improvement Co

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

EXPLANATION OF CHANGE: FINAL BALANCING CHANGE ORDER

This change order reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
Miscellaneous	1	Temp Fence - Safety	LF	310.00	0.00	310.00	-10.00	300.00	3.85	-38.50
	3	Mulching Type 2 - Straw	SY	10,700.00	0.00	10,700.00	-637.00	10,063.00	0.08	-50.96
	4	Seeding Type B	SY	10,700.00	0.00	10,700.00	-5,668.00	5,032.00	0.22	-1,246.96
	6	Temp Construction Entrance	EA	2.00	0.00	2.00	-1.00	1.00	1,500.00	-1,500.00
	7	Silt Fence - Standard	LF	500.00	0.00	500.00	-500.00	0.00	2.15	-1,075.00
Sanitary Sewer	8	Sediment Control Log 10" to 15" Dia	LF	100.00	0.00	100.00	-100.00	0.00	2.75	-275.00
	11	F&I W-Beam Guardrail	LF	280.00	0.00	280.00	-18.00	262.00	30.00	-540.00
	13	F&I Fence	LF	130.00	0.00	130.00	143.00	273.00	34.00	4,862.00
	15	Remove Fence	LF	150.00	0.00	150.00	132.00	282.00	7.75	1,023.00
	78	* Additional Compensation to hydromulch	LS	0.00	0.00	0.00	1.00	1.00	1,812.26	1,812.26
Water Main	79	* Additional Compensation for Hydro Mulch	LS	0.00	0.00	0.00	1.00	1.00	1,307.27	1,307.27
	Miscellaneous Sub Total (\$) 4,278.11									
Sanitary Sewer Sub Total (\$) 24.50										
Sanitary Sewer Sub Total (\$) -171.00										
Sanitary Sewer Sub Total (\$) -220.00										
Water Main Sub Total (\$) 1.10										
Water Main Sub Total (\$) -528.00										
Water Main Sub Total (\$) 1,852.80										



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Water Main	28	F&I Gate Valve 12" Dia	EA	2.00	0.00	2.00	1.00	3.00	3,520.00	3,520.00	3,520.00	
	71	Bore Pipe C900 DR 18 - 12" Dia PVC	LF	190.00	0.00	190.00	-60.00	130.00	82.50	82.50	82.50	-4,950.00
	74	* Exploratory work to ensure watermain was away from Cass County Electric Line	LS	0.00	0.00	0.00	1.00	1.00	1,065.00	1,065.00	1,065.00	1,065.00
									Water Main Sub Total (\$)			959.80
Storm Sewer	31	F&I Pipe 15" Dia Reinf Conc	LF	273.00	0.00	273.00	1.00	274.00	27.00	27.00	27.00	27.00
	32	F&I Pipe 24" Dia Reinf Conc	LF	1,465.00	0.00	1,465.00	-0.70	1,464.30	38.00	38.00	38.00	-26.60
									Storm Sewer Sub Total (\$)			0.40
Paving	36	Fill - Contractor Supply	CY	4,160.00	0.00	4,160.00	-2,563.23	1,596.77	13.00	13.00	13.00	-33,321.99
	37	Excavation	CY	1,990.00	0.00	1,990.00	300.21	2,290.21	3.30	3.30	3.30	990.69
	38	Subcut	CY	2,620.00	0.00	2,620.00	-470.00	2,150.00	5.50	5.50	5.50	-2,585.00
	40	F&I Woven Geotextile	SY	7,861.00	0.00	7,861.00	92.00	7,953.00	1.40	1.40	1.40	128.80
	41	F&I Class 5 Agg - 8" Thick	SY	7,861.00	0.00	7,861.00	544.00	8,405.00	8.50	8.50	8.50	4,624.00
	42	F&I Edge Drain 4" Dia PVC	LF	2,210.00	0.00	2,210.00	-260.00	1,950.00	6.50	6.50	6.50	-1,690.00
	43	F&I Curb & Gutter Standard (Type II)	LF	2,210.00	0.00	2,210.00	206.00	2,416.00	16.00	16.00	16.00	3,296.00
	45	F&I Sidewalk 4" Thick Reinf Conc	SY	281.00	0.00	281.00	-93.05	187.95	45.00	45.00	45.00	-4,187.25
	46	F&I Sidewalk 6" Thick Reinf Conc	SY	20.00	0.00	20.00	-20.00	0.00	55.00	55.00	55.00	-1,100.00
	47	Remove Sidewalk 4" Thick Conc	SY	108.00	0.00	108.00	-51.30	56.70	7.00	7.00	7.00	-359.10
	48	F&I Driveway 7" Thick Reinf Conc	SY	328.00	0.00	328.00	-11.67	316.33	65.00	65.00	65.00	-758.55
	49	Remove Driveway All Thicknesses All Types	SY	116.00	0.00	116.00	21.00	137.00	15.00	15.00	15.00	315.00
	50	F&I Det Warn Panels Cast Iron	SF	32.00	0.00	32.00	-32.00	0.00	30.00	30.00	30.00	-960.00
	51	F&I Aggregate for Asph Pavement FAA 43	TON	3,025.00	0.00	3,025.00	160.06	3,185.06	36.50	36.50	36.50	5,842.19
	52	F&I Asphalt Cement PG 58-34	GAL	42,215.00	0.00	42,215.00	-1,896.87	40,318.13	1.90	1.90	1.90	-3,604.05
	54	Casting to Grade - no Conc	EA	10.00	0.00	10.00	1.00	11.00	550.00	550.00	550.00	550.00
	73	* Remove Existing Concrete Diamond and Replace Casting Lid with an EJ Self Leveling	LS	0.00	0.00	0.00	1.00	1.00	2,032.06	2,032.06	2,032.06	2,032.06
									Paving Sub Total (\$)			-30,787.20
Street Lights	59	F&I Conductor #6 USE Cu	LF	9,786.00	0.00	9,786.00	-786.00	9,000.00	1.25	1.25	1.25	-982.50



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Item #	Description	LF	LS	3,480.00	0.00	0.00	3,480.00	-280.00	3,200.00	4.15	-1,162.00
60	F&I Innerduct 1.5" Dia										
81	* Relocating the project Feed Point			0.00			0.00	1.00	1.00	660.00	660.00
Street Lights Sub Total (\$)											
63	F&I Diamond Grade Cubed	SF		28.50	0.00		28.50	-6.20	22.30	22.00	-136.40
64	F&I Sign Assembly	EA		6.00	0.00		6.00	1.00	7.00	85.00	85.00
66	F&I Sign Assembly & Anchor	EA		6.00	0.00		6.00	2.00	8.00	88.00	176.00
67	F&I High Intensity Prismatic	SF		15.00	0.00		15.00	-5.00	10.00	20.00	-100.00
Signing Sub Total (\$)											24.60
69	Paint Epoxy Line 4" Wide	LF		1,080.00	0.00		1,080.00	2,003.00	3,083.00	3.00	6,009.00
Pavement Markings Sub Total (\$)											6,009.00
Grand Total (\$)											-21,219.79

* NC Items

Summary

Source Of Funding
 Net Amount Change Order # 4 (\$) -21,219.79
 Previous Change Orders (\$) 27,701.98
 Original Contract Amount (\$) 905,909.45
 Total Contract Amount (\$) 912,391.64

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

CONTRACT TIME

Current Completion Date 09/01/2016

Additional Days 0.00

New Completion Date 09/01/2016

APPROVED

[Signature]
 Northern Improvement

APPROVED DATE

[Signature]
 Department Head
 7/13/17

For Contractor



CITY OF FARGO
ENGINEERING DEPARTMENT
CHANGE ORDER REPORT

Title

Project Manager

Mayor

Attest

(28)

July 12, 2017

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Improvement District No. BN-17-A1

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, July 12, 2017, for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, PC Concrete Paving, Street Lights & Incidentals, Improvement District No. BN-17-A1, located at 19th Avenue North from 45th Street to 57th Street North

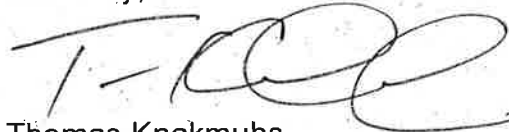
The bids were as follows:

Master Construction Co., Inc.	\$ 8,044,768.45
Dakota Underground Co., Inc.	\$ 8,449,482.20
Quam Construction	\$ 8,706,568.85
Northern Improvement Co.	\$ 8,715,898.80
Ryan Contracting	\$ 8,736,620.40
Gladden Construction Inc.	\$ 9,143,267.95
Engineer's Estimate	\$10,455,691.00

The special assessment escrow is not required.

Two protests were received amounting to 28.03% of the Improvement District. We recommend that protests be declared insufficient and the contract be awarded to Master Construction Co, Inc. in the amount of \$8,044,768.45 as the lowest and best bid.

Sincerely,



Thomas Knakmuhs
Division Engineer

TAK/jmg



ENGINEER'S STATEMENT OF ESTIMATED COST

IMPROVEMENT DISTRICT # BN-17-A1

**Sanitary Sewer, Water Main, Storm Sewer, Site Grading, PC
Concrete Paving, Street Lighting & Inciden**

19th Avenue North from 45th Street N to 57th Street N

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

NOW THEREFORE April E. Walker, do hereby certify as follows:

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

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

Sanitary Sewer, Water Main, Storm Sewer, Site Grading, PC Concrete Paving, Street Lighting & Inciden Improvement District #
BN-17-A1 of the City of Fargo, North Dakota.

Line Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
Sanitary Sewer				
1 F&I Manhole 4' Dia Reinf Conc	EA	2.00	3,200.00	6,400.00
2 F&I Manhole w/Ext Drop 6' Dia Reinf Conc	EA	3.00	7,600.00	22,800.00
3 Connect Pipe to Exist Pipe	EA	2.00	500.00	1,000.00
4 Plug Pipe 8" Dia	EA	11.00	500.00	5,500.00
5 Plug Pipe 12" Dia	EA	1.00	600.00	600.00
6 Plug Pipe 36" Dia	EA	1.00	1,000.00	1,000.00
7 Bore Pipe 48" Dia Steel	LF	168.00	850.00	142,800.00
8 F&I Pipe SDR 26 - 8" Dia PVC	LF	820.00	34.00	27,880.00
9 F&I Pipe SDR 35 - 12" Dia PVC	LF	523.00	39.00	20,397.00
10 F&I Pipe SDR 35 - 36" Dia PVC	LF	4,830.00	141.00	681,030.00
11 F&I Pipe w/GB SDR 26 - 8" Dia PVC	LF	955.00	49.00	46,795.00
12 F&I Pipe w/GB SDR 35 - 12" Dia PVC	LF	47.00	54.00	2,538.00
13 F&I Pipe w/GB SDR 35 - 36" Dia PVC	LF	306.00	155.00	47,430.00
14 F&I 1-1/4" Trench Found Rock 27" thru 36" Dia	LF	200.00	5.00	1,000.00
15 F&I 1-1/4" Trench Found Rock 4" thru 12" Dia	LF	500.00	6.00	3,000.00
16 F&I Manhole 6' Dia Reinf Conc	EA	15.00	6,300.00	94,500.00
Sanitary Sewer Total				1,104,670.00
Water Main				
17 F&I Fittings Ductile Iron	LB	10,490.00	3.00	31,470.00
18 F&I Hydrant	EA	14.00	4,150.00	58,100.00
19 F&I Insulation 4" Thick	SY	400.00	20.00	8,000.00
20 Bore Pipe 24" Dia Steel	LF	166.00	410.00	68,060.00
21 F&I Pipe C900 DR 18 - 6" Dia PVC	LF	239.00	40.00	9,560.00
22 F&I Pipe C900 DR 18 - 8" Dia PVC	LF	56.00	50.00	2,800.00
23 F&I Pipe C900 DR 18 - 12" Dia PVC	LF	632.00	41.00	25,912.00
24 F&I Pipe C900 DR 18 - 16" Dia PVC	LF	4,872.00	50.00	243,600.00
25 F&I Pipe w/GB C900 DR 18 - 8" Dia PVC	LF	100.00	60.00	6,000.00
26 F&I Pipe w/GB C900 DR 18 - 12" Dia PVC	LF	536.00	51.00	27,336.00
27 F&I Pipe w/GB C900 DR 18 - 16" Dia PVC	LF	212.00	62.00	13,144.00
28 F&I Gate Valve 6" Dia	EA	14.00	1,000.00	14,000.00
29 F&I Gate Valve 8" Dia	EA	1.00	1,400.00	1,400.00
30 F&I Gate Valve 12" Dia	EA	8.00	2,300.00	18,400.00
31 F&I Gate Valve 16" Dia	EA	8.00	9,100.00	72,800.00
32 F&I Hydrant Ext. 12" High	EA	5.00	700.00	3,500.00
Water Main Total				604,082.00
Storm Sewer				
33 F&I Manhole 4' Dia Reinf Conc	EA	6.00	2,400.00	14,400.00
34 F&I Manhole 5' Dia Reinf Conc	EA	5.00	3,300.00	16,500.00



ENGINEER'S STATEMENT OF ESTIMATED COST

IMPROVEMENT DISTRICT # BN-17-A1

**Sanitary Sewer, Water Main, Storm Sewer, Site Grading, PC
Concrete Paving, Street Lighting & Inciden**

35 F&I Manhole 6' Dia Reinf Conc	EA	7.00	4,200.00	29,400.00
36 F&I Manhole 7' Dia Reinf Conc	EA	5.00	5,800.00	29,000.00
37 F&I Manhole 8' Dia Reinf Conc	EA	2.00	8,200.00	16,400.00
38 F&I Inlet - Manhole (MHI) Type E Reinf Conc	EA	1.00	8,700.00	8,700.00
39 F&I Inlet - Manhole (MHI) 4' Dia Reinf Conc	EA	17.00	2,160.00	36,720.00
40 F&I Inlet - Manhole (MHI) 6' Dia Reinf Conc	EA	2.00	3,950.00	7,900.00
41 F&I Inlet - Manhole (MHI) 7' Dia Reinf Conc	EA	1.00	5,900.00	5,900.00
42 F&I Inlet - Single Box (SBI) Reinf Conc	EA	1.00	2,000.00	2,000.00
43 F&I Inlet - Double Box (DBI) Reinf Conc	EA	26.00	2,600.00	67,600.00
44 F&I Inlet - Round (RDI) Reinf Conc	EA	3.00	1,550.00	4,650.00
45 F&I Outlet Structure	EA	1.00	14,500.00	14,500.00
46 Connect Pipe to Exist Pipe	EA	2.00	500.00	1,000.00
47 Plug Pipe 4" thru 12" Dia	EA	1.00	200.00	200.00
48 Plug Pipe 14" thru 24" Dia	EA	3.00	300.00	900.00
49 Bore Pipe 60" Dia Reinf Conc	LF	150.00	1,100.00	165,000.00
50 F&I Pipe 12" Dia	LF	418.00	27.00	11,286.00
51 F&I Pipe 15" Dia Reinf Conc	LF	979.00	41.00	40,139.00
52 F&I Pipe 18" Dia Reinf Conc	LF	1,172.00	43.00	50,396.00
53 F&I Pipe 24" Dia Reinf Conc	LF	299.00	48.00	14,352.00
54 F&I Pipe 27" Dia Reinf Conc	LF	42.00	59.00	2,478.00
55 F&I Pipe 30" Dia Reinf Conc	LF	1,256.00	72.00	90,432.00
56 F&I Pipe 42" Dia Reinf Conc	LF	1,175.00	115.00	135,125.00
57 F&I Pipe 48" Dia Reinf Conc	LF	1,684.00	144.00	242,496.00
58 F&I Pipe 54" Dia Reinf Conc	LF	312.00	168.00	52,416.00
59 F&I Pipe 60" Dia Reinf Conc	LF	210.00	188.00	39,480.00
60 Remove Pipe All Sizes All Types	LF	150.00	5.00	750.00
61 F&I Pipe w/GB 15" Dia Reinf Conc	LF	536.00	51.00	27,336.00
62 F&I Pipe w/GB 18" Dia Reinf Conc	LF	834.00	53.00	44,202.00
63 F&I Pipe w/GB 24" Dia Reinf Conc	LF	73.00	58.00	4,234.00
64 F&I Pipe w/GB 27" Dia Reinf Conc	LF	93.00	69.00	6,417.00
65 F&I Pipe w/GB 42" Dia Reinf Conc	LF	95.00	125.00	11,875.00
66 F&I Pipe w/GB 48" Dia Reinf Conc	LF	112.00	154.00	17,248.00
67 F&I Rip Rap Rock	CY	130.00	70.00	9,100.00
68 F&I Gate Valve 12" Dia	EA	7.00	2,300.00	16,100.00
69 F&I Flared End Section 15" Dia Reinf Conc	EA	7.00	800.00	5,600.00
70 F&I Flared End Section 18" Dia Reinf Conc	EA	1.00	900.00	900.00
71 F&I Flared End Section 48" Dia Reinf Conc	EA	1.00	2,000.00	2,000.00
72 F&I Flared End Section 54" Dia Reinf Conc	EA	1.00	2,300.00	2,300.00
73 F&I Flared End Section 60" Dia Reinf Conc	EA	2.00	2,700.00	5,400.00
Storm Sewer Total				1,252,832.00
Paving				
74 Remove Pavement All Thicknesses All Types	SY	330.00	10.00	3,300.00
75 Topsoil - Strip & Spread	LS	1.00	150,000.00	150,000.00
76 Topsoil - Haul	CY	37,000.00	3.00	111,000.00
77 Fill - Contractor Supply	CY	10,000.00	7.00	70,000.00
78 Excavation	CY	53,000.00	2.65	140,450.00
79 Subgrade Preparation	SY	37,500.00	1.00	37,500.00
80 F&I Woven Geotextile	SY	37,500.00	1.25	46,875.00
81 F&I Class 5 Agg - 10" Thick	SY	1,980.00	6.50	12,870.00
82 F&I Class 5 Agg - 12" Thick	SY	36,080.00	7.50	270,600.00
83 F&I Edge Drain 4" Dia PVC	LF	11,145.00	6.00	66,870.00
84 F&I Curb & Gutter Standard (Type II)	LF	13,445.00	16.00	215,120.00
85 Remove Curb & Gutter	LF	62.00	10.00	620.00



ENGINEER'S STATEMENT OF ESTIMATED COST

IMPROVEMENT DISTRICT # BN-17-A1

**Sanitary Sewer, Water Main, Storm Sewer, Site Grading, PC
Concrete Paving, Street Lighting & Inciden**

86 F&I Pavement 10" Thick Doweled Conc	SY	1,660.00	56.00	92,960.00
87 F&I Pavement 10.5" Thick Doweled Conc	SY	31,170.00	58.00	1,807,860.00
88 F&I Median Nose - Conc	SY	30.00	70.00	2,100.00
89 F&I Sidewalk 4" Thick Reinf Conc	SY	5,953.00	34.00	202,402.00
90 F&I Sidewalk 6" Thick Reinf Conc	SY	219.00	36.00	7,884.00
91 F&I Impressioned 4" Thick Reinf Conc	SY	392.00	75.00	29,400.00
92 F&I Det Warn Panels Cast Iron	SF	307.00	41.00	12,587.00
93 F&I Driveway 7" Thick Reinf Conc	SY	687.00	41.00	28,167.00
94 Remove Driveway All Thicknesses All Types	SY	1,745.00	7.00	12,215.00
95 F&I Aggregate for Asph Pavement FAA 43	TON	200.00	55.00	11,000.00
96 F&I Asphalt Cement PG 58-34	GAL	2,790.00	2.25	6,277.50
97 Casting to Grade - Blvd	EA	56.00	350.00	19,600.00
98 Casting to Grade - w/Conc	EA	32.00	500.00	16,000.00
99 GV Box to Grade - Blvd	EA	33.00	325.00	10,725.00
100 GV Box to Grade - w/Conc	EA	2.00	300.00	600.00
101 Remove Pavement All Thicknesses Asph	SY	16,100.00	7.00	112,700.00
Paving Total				3,497,682.50
Pavement Marking				
102 F&I Grooved Plastic Film Message	SF	928.00	21.00	19,488.00
103 F&I Grooved Plastic Film 4" Wide	LF	10,520.00	3.75	39,450.00
104 F&I Grooved Plastic Film 6" Wide	LF	516.00	6.00	3,096.00
105 F&I Grooved Plastic Film 8" Wide	LF	1,244.00	7.50	9,330.00
106 F&I Grooved Plastic Film 16" Wide	LF	80.00	17.00	1,360.00
107 F&I Grooved Contrast Film 7" Wide	LF	1,462.00	7.50	10,965.00
Pavement Marking Total				83,689.00
Signing				
108 F&I Sign Assembly	EA	6.00	130.00	780.00
109 F&I Sign Assembly & Anchor	EA	16.00	130.00	2,080.00
110 F&I Engineering Grade	SF	9.00	21.00	189.00
111 F&I Diamond Grade Cubed	SF	108.00	21.00	2,268.00
112 F&I High Intensity Prismatic	SF	79.00	21.00	1,659.00
Signing Total				6,976.00
Street Lights				
113 F&I Feed Point	EA	1.00	6,825.00	6,825.00
114 F&I Base 8' Deep Reinf Conc	EA	39.00	475.00	18,525.00
115 F&I Conductor #2 USE Cu	LF	32,109.00	1.20	38,530.80
116 F&I Innerduct 1.5" Dia	LF	11,268.00	3.30	37,184.40
117 F&I Innerduct 2" Dia	LF	724.00	4.25	3,077.00
118 F&I Luminaire Type A	EA	37.00	675.00	24,975.00
119 F&I Luminaire Type B	EA	2.00	2,050.00	4,100.00
120 F&I Pull Box	EA	6.00	900.00	5,400.00
121 F&I Light Standard Type A	EA	37.00	1,800.00	66,600.00
122 F&I Light Standard Type B	EA	2.00	1,300.00	2,600.00
Street Lights Total				207,817.20
Miscellaneous				
123 Temp Fence - Safety	LS	1.00	2,500.00	2,500.00
124 Clear & Grub	LS	1.00	25,000.00	25,000.00
125 Mulching Type 1 - Hydro	SY	69,000.00	0.35	24,150.00
126 Seeding Type A	SY	69,000.00	0.15	10,350.00
127 Seeding Type B	SY	51,750.00	0.20	10,350.00
128 Temp Construction Entrance	EA	2.00	750.00	1,500.00
129 Silt Fence - Standard	LF	2,130.00	1.60	3,408.00



ENGINEER'S STATEMENT OF ESTIMATED COST

IMPROVEMENT DISTRICT # BN-17-A1

**Sanitary Sewer, Water Main, Storm Sewer, Site Grading, PC
Concrete Paving, Street Lighting & Inciden**

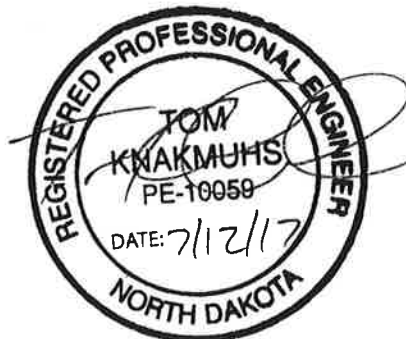
130 Sediment Control Log 6" to 8" Dia	LF	4,730.00	1.70	8,041.00
131 Inlet Protection - New Inlet	EA	42.00	125.00	5,250.00
132 Inlet Protection - Existing Inlet	EA	4.00	105.00	420.00
133 F&I Slope Protection 5" Thick Reinf Conc	SY	95.00	120.00	11,400.00
134 Traffic Control - Type 1	LS	1.00	5,000.00	5,000.00
135 Flagging	MHR	500.00	35.00	17,500.00
136 Bore Pipe 8" Dia Steel	LF	332.00	185.00	61,420.00
137 Construction Signing	SF	75.00	11.00	825.00
Miscellaneous Total				187,114.00
Storm Sewer Lift Station				
138 F&I Gate	EA	1.00	5,000.00	5,000.00
139 F&I Lift Station	LS	1.00	850,000.00	850,000.00
140 F&I Lift Station Pumps & Controls	LS	1.00	200,000.00	200,000.00
141 F&I Woven Geotextile	SY	478.00	1.50	717.00
142 F&I Class 5 Agg - 9" Thick	SY	435.00	8.25	3,588.75
143 F&I Pavement 8" Thick Reinf Conc	SY	400.00	44.00	17,600.00
Storm Sewer Lift Station Total				1,076,905.75
Building Demolition				
144 Demolition	EA	1.00	15,000.00	15,000.00
145 Remove Foundation All Types	EA	1.00	5,000.00	5,000.00
146 Remove Landscaping	LS	1.00	1,000.00	1,000.00
147 Abandon Septic System	EA	1.00	1,000.00	1,000.00
148 Abandon Well	EA	1.00	1,000.00	1,000.00
Building Demolition Total				23,000.00
Total Construction in \$				8,044,768.45
Engineering		4.00 %		321,790.74
Legal & Misc		7.00 %		563,133.79
Contingencies		10.00 %		804,476.85
Administration		5.73 %		460,965.23
Interest		4.00 %		321,790.74
Outside Engineering		9.25 %		744,141.08
Total Estimated Costs				11,261,066.88
Special Assessments				10,803,701.88
Sales Tax Funds - Wastewater - 455				457,365.00
Unfunded Costs				0.00

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

Date: 07/12/2017

Thomas Knakmuhs

Division Engineer



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Kember Anderson

From: Memory Fireworks <info@memoryfireworks.com>
Sent: Wednesday, July 12, 2017 6:59 PM
To: Kember Anderson
Subject: Agenda item

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

Hello,

It was nice visiting with you today.

I would like to be put on the agenda for Monday nights meeting if possible.

We would like the Commision to consider a change to the fireworks ordnance in Fargo city limits. We and our customers would like a similar ordnance to our sister city, West Fargo. Allowing the lighting off of fireworks on July 4th and Dec. 31.

Please let me know if I could speak for a few minutes at the meeting.

Thank you,

David Reuter
Memory Fireworks

David Reuter

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As used in this section the term "fireworks" means any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sky rockets, Roman candles, daygo bombs, sparklers, or other fireworks containing any explosive or inflammable compound, or any tablets or other devices containing any explosive substance and commonly known as fireworks. The term "fireworks" shall not include toy paper caps containing not more than .25 of a grain of explosive composition per cap.

Except as otherwise provided in this ordinance, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, use, explode or possess any fireworks within the limits of the city of Fargo.

In the event an existing location for the retail or wholesale sale of fireworks becomes annexed into the city of Fargo, the chief of the fire department shall be authorized to grant a permit to possess and sell at retail or wholesale fireworks within the limits of the city of Fargo provided the following are met:

- A. The permit may only be granted for the next period for sale of fireworks of June twenty-seventh through July fifth as defined in N.D.C.C. Section 23-15-01.
- B. Any enclosure in which fireworks are stored or from which fireworks are sold must be at least 1,000 feet from the nearest single or multiple residential (SR or MR) zoning district.
- C. Any enclosure in which fireworks are stored or from which fireworks are sold must be at least 1,000 feet from the nearest residential building.
- D. In order to qualify for such permit, the said person, firm or other entity requesting the permit shall have obtained a Temporary Use Permit, under Section 20-0404 of the Land Development Code, for the prior period for sale of fireworks of June twenty-seventh through July fifth as defined in N.D.C.C. Section 23-15-01.
- E. The said person, firm or other entity requesting the permit shall obtain a Temporary Use Permit, under Section 20-0404 of the Land Development Code for the next and upcoming period for sale of fireworks of June twenty-seventh through July fifth as defined in N.D.C.C. Section 23-15-01. The zoning administrator shall be authorized to issue a Temporary Use Permit, under Section 20-0404, as though said person, firm or other entity were still located outside city limits..
- F. The applicant shall display a sign at each check-out stand where retail fireworks are sold indicating that possession of fireworks within Fargo city limits is unlawful and that purchases of fireworks from the applicant must be removed from city limits within one hour of purchase. Such sign shall be displayed in a location which may be viewed and easily read by any customer purchasing fireworks.
- G.

Any person in possession of fireworks purchased at a fireworks stand within Fargo city limits which has obtained permission from the fire chief, as described herein, shall not be in violation of this ordinance prohibiting such possession during a period of one hour from the time such purchase is made.

This ordinance shall not prohibit supervised public displays of fireworks by any organization or association within the city for which a permit shall have been first obtained from the Fargo fire department. The application for such permit shall be made with the fire department for investigation to determine whether the operator of the display is competent and whether the display is of such character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The chief of the fire department shall determine whether such permit shall be issued or the application rejected. In issuing such permit, the city assumes no liability for any damage to persons or property resulting from such displays.

Nothing in this section shall be construed to prohibit the use of fireworks by airplanes and railroads or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

Source: 2508 (1989), 4318 (2003).

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2. A person may not engage in the open burning of solid waste, unless the burning is conducted in accordance with rules adopted by the department.
3. A person violating this section is guilty of an infraction for which a minimum fine of one hundred dollars (\$100) must be imposed, except if the litter discarded and abandoned amounted to more than one (1) cubic foot [0.0283 cubic meters] in volume or if the litter consisted of furniture or a major appliance, the offense is a class B misdemeanor.

Source: Ord. 906, Sec. 4 (2011)

12-0709. PUBLIC INTOXICATION - ASSISTANCE. A peace officer has authority to take any apparently intoxicated person to the person's home, to a local hospital, to a detoxification center, or, whenever that person constitutes a danger to that person or others, to a jail for purposes of detoxification. A duly licensed physician of a local hospital or a licensed addiction counselor of a detoxification center has authority to hold that person for treatment up to seventy-two (72) hours. That intoxicated person may not be held in jail because of intoxication more than twenty-four (24) hours. An intoxicated person may not be placed in a jail unless a jailer is constantly present within hearing distance and medical services are provided when the need is indicated. Upon placing that person in a hospital, detoxification center, or jail, the peace officer shall make a reasonable effort to notify the intoxicated person's family as soon as possible. Any additional costs incurred by the City or county on account of an intoxicated person shall be recoverable from that person.

12-0710. NO PROSECUTION FOR INTOXICATION. No person may be prosecuted in any court solely for public intoxication. Law enforcement officers may utilize standard identification procedures on all persons given assistance because of apparent intoxication.

12-0711. FIREWORKS. Source: Ord. 991, Sec. 2 (2014)

2. The Definition of "fireworks" for the purposes of this chapter means any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by explosion or detonation as defined by the North Dakota State Fire Marshall as 1.4G fireworks, including but not limited to: Star Light, helicopter flyers, cylindrical fountains, cone fountains, wheels, torches, colored fire, sparkler, dipped sticks, comets, shells, soft shell firecrackers not to exceed 1 1/2" in length and 1/2" in diameter total pyrotechnic composition not to exceed 50 mg. each.
3. Except as otherwise provided in herein, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, use, explode or

possess any fireworks within the limits of the City of West Fargo. The Chief of the West Fargo Fire Department may grant permits for the sale of fireworks outside of the limits of the City of West Fargo, but within the City of West Fargo's extra-territorial zoning authority.

4. This section shall not prohibit supervised public displays of fireworks by any person, organization or association within the City for which a permit shall have been first obtained from the City Commission. The application for such permit, in such form as may be required by the City Commission, shall be filed with the City Administrator and referred to the Chief of the Fire Department for investigation to determine whether the operator of the display is competent and whether the display is of such character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The Chief of the Fire Department shall report the results of his investigation to the City Commission who shall determine whether such permit shall be issued or the application rejected. Nothing in this ordinance shall be construed to prohibit the use of fireworks by airplanes and railroads or other transportation agencies for signal purposes or illumination or the sale or use of blank cartridges or pyrotechnic special effects for a motion picture, television, show or theater, or sale or possession of powder for reloading cartridges or firearms used for hunting or trap shooting, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.
5. Any individual who is at least 12 years of age may use, explode or possess any retail fireworks within the limits of the City of West Fargo, commencing July 4 at 8:00 a.m. CST, and ending on July 4 at 11:59 p.m. CST, and commencing on December 31 at 8:00 p.m. CST, and ending on January 1 at 1:00 a.m. CST. The individual use, explosion, or possession of fireworks at any other time during the year is prohibited.
6. No person shall ignite, discharge or use fireworks on publicly owned or controlled property, including but not limited to, park property, city or county property, school property or federally owned property without prior written authorization from the governing board or authorized representative of the public entity, which owns or controls the property.
7. No person shall ignite, discharge or use fireworks on any property owned or controlled by another person or entity without the express permission of the owner or person or entity in control of the property.

8. The exception set forth in subsection 4 of this section, providing for use and possession of fireworks during specified dates and times may be suspended by the Chief of the West Fargo Fire Department when a burning ban has been issued for either the State of North Dakota, Cass County or the City of West Fargo. In the event, the Chief of West Fargo Fire Department suspends the use of fireworks, he shall notify the West Fargo Police Department and the Public. The purpose of this subsection is to protect the property and provide for the safety and well-being of the residents of West Fargo.
9. In addition to the penalty provided by section 01-0211, any violation of this section may result in the seizure or removal by the state fire marshal, sheriff, police officer, or local fire marshal, at the expense of the owner, of all fireworks or combustibles offered or exposed for sale, stored, or held.

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City of Fargo Staff Report			
Title:	Pantzke Addition	Date:	5-30-2017
		Update:	7-7-2017
Location:	402 25th Street North	Staff Contact:	Barrett Voigt
Owner(s)/Applicant:	Security Self Storage LLC/Darren Kruse (Gast Construction)	Engineer:	None
Entitlements Requested:	Zoning Change (From LI, Limited Industrial, to LI, Limited Industrial, with a PUD, Planned Unit Development Overlay) and a PUD Master Land Use Plan		
Status:	City Commission Public Hearing: July 17, 2017		

Existing	Proposed
Land Use: Retail Sales and Service, Self-Service Storage	Land Use: Retail Sales and Service, Self-Service Storage
Zoning: LI, Limited Industrial	Zoning: LI, Limited Industrial with a Planned Unit Development (PUD)
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.	Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.
Maximum Density Allowed: Maximum 85% building coverage	Maximum Density Allowed: Maximum 85% building coverage

Proposal:
<p>The applicant is seeking approval of a planned unit development (PUD) Master Land Use Plan and Final Plan for commercial development purposes. The subject location is a self-storage and moving truck rental facility located at 402 25th Street North (Lot 1, Block 1, Pantzke Addition) and encompasses approximately 3.198 acres.</p> <p>Prior to this application, the applicants met with Planning staff to discuss the possibility of a building addition on the north side of the existing principal building structure located on the eastern property line (Please see illustration below). However, staff discovered that there were multiple challenges that would prohibit the applicant from constructing the addition.</p> <ul style="list-style-type: none"> • First, staff found that the proposed expansion would be prohibited by the dimensional standards required of section §20-0502 of the Land Development Code (LDC). Section §20-0502 requires a front setback of 20 feet for properties located in a LI, Limited Industrial zoning district. • Second, staff found that the property did not meet the landscape requirements of section §20-0705C of the LDC resulting in a zoning violation on record, and that the applicant had extended a parking lot by adding pavement to the property (without evidence of a building permit). <p>To resolve the issue, the applicant requests the PUD to allow for the building addition, improve site aesthetics, and to bring the property into compliance with the LDC. Staff notes that the PUD would bring the property into</p>

conformance with the LDC by removing the front setback, removing landscaping requirements, removing open space requirements, and removing parking lot buffer requirements. For additional information, please refer to the PUD chart attached with the staff report.



Proposed building addition

Background History of Property

- 1994 - Prior to the adoption of the LDC, a building permit was received for the property to construct 6 buildings (5 storage, 1 office)
- 2001 - Rear buildings (currently along rear property line) received a building permit in 2001 to build on neighboring property west of subject property with private owner agreement
 - Buildings reviewed as accessory buildings with 3-foot setbacks to rear and side lot lines
- 2004 - Property received variance to allow for the construction of an office building addition to encroach into the front setback by 20 feet so that it could be built on the property line
- 2004 - Building permit received to construct office addition
 - Site plans showed building length reduced to allow for 14 trees
- 2004 - Subject property platted along with rear buildings on neighboring west lot into one property under one ownership as Panzke Addition
- 2005 - Property receives zoning violation for not planting 14 trees from 2004 building permit

- 2006-2008 - Applicant paves remaining open space on property without permit and the site becomes completely paved.

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

Surrounding Zoning and Land Uses Include:

- North: LI, Light Industrial with warehouse use;
- East: Across 25th Street North, GC, General Commercial with parking lot, warehouse & office, and city public works use;
- South: LI, Light Industrial with manufacturing & production and warehouse & office uses;
- West: LI, Light Industrial with manufacturing & production use.

Area Plans:

No area plans apply.

Schools and Parks:

Schools: The subject property is located within the Fargo School District and is served by Madison Elementary, Ben Franklin Middle and North High schools.

Parks: Cannon Park (351 21st Street North) is located approximately 0.29 miles east of the subject property and provides picnic table, playground and shelter amenities.

Pedestrian / Bicycle: There are on and off-road bike facilities on the corner of 25th Street North and 1st Avenue North that are located about 0.19 miles south of the subject property. Both bike facilities are a component of the metro area bikeways system.

Staff Analysis:

Zoning

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
 Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established because the applicant has a clearer picture of the type of development for the property.
(Criteria Satisfied)
2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**
 The development is served by city services (water, sewer, streets, police/fire protection, etc.) resulting from prior development of the majority of the property. The City Engineer and other applicable review agencies have reviewed this proposal.
(Criteria Satisfied)
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
 Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received no communication from the surrounding owners
(Criteria Satisfied)

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal is consistent with the purposes of the LDC and other adopted policies of the City.

(Criteria Satisfied)

Master Land Use Plan: The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan.

1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;

This PUD allows for flexibility needed in order to facilitate additional development on this site, which would have otherwise been prohibited through section §20-0502. This flexibility would allow for aesthetic improvements to the property by replacing chain link fence along the property with a building wall façade. The current business is self-contained and has not been a nuisance to the surrounding neighborhood. Long-term plans for the developer would be to construct an addition onto the north side of the existing office building to expand self-storage services. See attached site plans for additional details.

(Criteria Satisfied)

2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;

Staff calls attention to the fact that LDC section §20-0302.F.3 requires that at least 10% of the gross land area in a PUD shall consist of open space. Because this property is completely paved, the applicant will not be able to meet this requirement without removing portions of pavement. However a previous section of the LDC, section §20-0302.E.8, allows the City Commission to waive the landscaping requirements of the underlying zoning district. Staff believes that when section §20-0302.E.8 of the LDC was modified in 2008, the intent was to allow the Planning Commission and City Commission to alter any PUD landscaping requirements including open space requirements. The ordinance requirement for 10% open space may have been an oversight during the redrafting of this section in 2008. The Planning Commission may choose to weigh in or seek additional clarification of this section of the code and its application in this case

(Criteria Satisfied)

3. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;

This property is developed with commercial uses and has access to public services. Applicable City departments have reviewed the redevelopment proposal and staff has not received any comments that would indicate any issue in servicing this development. The City and other agencies will be able to provide the necessary public services, facilities, and programs to serve the development.

(Criteria Satisfied)

4. The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;

The PUD is consistent with planning objectives set forth in the City Comprehensive Plan by proposing infill development. GO2030 promotes infill development to improve aesthetics and reinvestment. The majority of the development on the property existed prior to the adoption of the LDC. The request for the PUD would allow the property owner to continue to invest into the property that is already fully developed and mitigate the risk of disinvestment in the property.

(Criteria Satisfied)

5. The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.

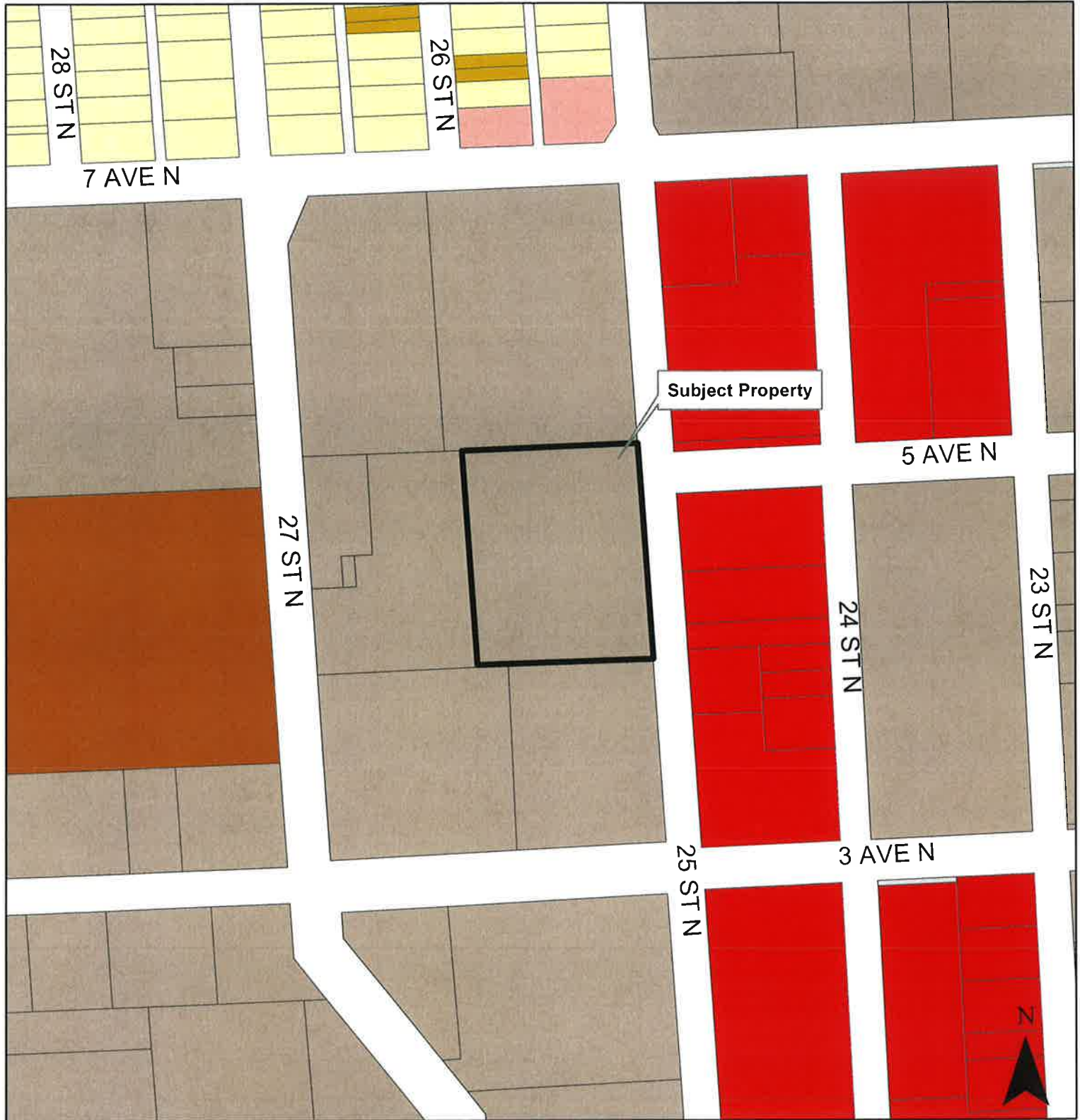
The PUD will provide the zoning framework needed in order to facilitate expansion of the office building at this location. The proposed development is consistent with the LDC and the City Comprehensive Plan by encouraging the maximization of the use on the property in a compatible manner with the surrounding land uses as well as improve the aesthetics of the site. In

<p>addition, the owner of the property has also indicated interest in removing the billboard in the northeast corner of the property to improve aesthetics as well. (Criteria Satisfied)</p>
<p>Planning Commission Recommendation: June 6, 2017</p>
<p>On June 6, 2017, with a 6-0 vote, the Planning Commission accepted the findings and recommendations of staff recommend approval to the City Commission of the proposed 1) Zoning Change from LI, Limited Industrial to LI, Limited Industrial with a PUD, Planned Unit Overlay and 2) PUD Master Land Use Plan as outlined within the staff report, and hereby approve the PUD Final Plan as the proposal complies with the GO2030 Fargo Comprehensive Plan, Standards of Section 20-0908.B (7), and Section 20-0906F (1-4) of the LDC and all other applicable requirements of the LDC.</p>
<p>Staff Recommendation:</p>
<p>Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission, and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the rezoning Ordinance on first reading, and move to approve the proposed: 1) Zoning Change from LI, Limited Industrial, to LI, Limited Industrial, with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."</p>
<p>Attachments:</p>
<ol style="list-style-type: none">1. Zoning Map2. Location Map3. Planned Unit Development Master Land Use Plan (narrative, comparison chart, site plan)4. Final Plan (site plans)

Planned Unit Development (PUD)

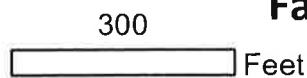
Pantzke Addition

402 25th Street North



Legend

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



Fargo Planning Commission
June 6, 2017

Planned Unit Development (PUD)

Pantzke Addition

402 25th Street North





March 28, 2017

City of Fargo
Planning and Development
200 Third Street North
Fargo, North Dakota 58102

Re: Security Self Storage North Fargo. PUD project narrative.

To whom it concerns,

This narrative / description is to request consideration of a Planned Unit Development for a proposed building addition to an existing climate controlled self-storage building.

The existing building to the south of the proposed addition is constructed on a 0' setback. The current zoning requirements for the property state a 20' setback for buildings. We request to build the proposed addition on a 0' setback to match up with the existing building.

The existing building has blue metal panel roof and the walls are a combination of light colored metal panels and split face masonry wainscot. If approved the addition would be of similar construction to match the existing building.

A visual benefit to the city would be the removal of a large amount of the chain link fencing at the east side which would be replaced by an attractive building addition. Also the vehicles that are currently parked in the area the proposed addition would be would be relocated elsewhere on the property.

Benefits to the surrounding public would be additional climate controlled secure storage space.

If you have any questions, please don't hesitate to contact me.
Thank you for your consideration.

Sincerely,

Darren Kruse
Project Manager
Gast Construction Co., Inc.

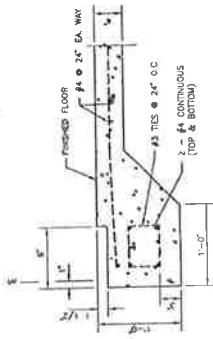
EXAMPLE PUD NARRATIVE

DEVELOPER'S STATEMENT OF INTENT: *Describing how the proposed development provides greater benefits to the city than would a development carried out in accordance with others applicable land use development regulations*

The PUD will include a site plan for the development that is incorporated here by reference. The PUD will, generally, apply the LI, Limited Industrial development standards, except as otherwise provided below:

Development Standards	Current LDC development standards for LI zone	PUD modifications to LI development standards	NOTES
Allowed Uses	colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.	<i>No change</i>	
Lot Size	No minimum	<i>No change</i>	
Residential Density	None—industrial zoning	<i>No change</i>	
Setbacks	Front 20 ft Interior side 10 ft Street side 20 ft Rear 20 ft	<i>Front 0 ft</i>	
Max. Height	No maximum	<i>No change</i>	
Building Coverage	85% of gross lot area	<i>No change</i>	
Parking	As required by LDC Sec. 20-0701	<i>No change</i>	
Landscaping—Street Trees	As required by LDC Sec. 20-0705B.	<i>No change</i>	
Landscaping—Open Space	As required by LDC Sec. 20-0705C.	<i>Reduced to zero</i>	
Landscaping—Parking Lot Perimeter	As required by LDC Sec. 20-0705D.	<i>Reduced to zero</i>	
Residential Protection Standards (RPS)	LDC Section 20-0704	<i>No change</i>	

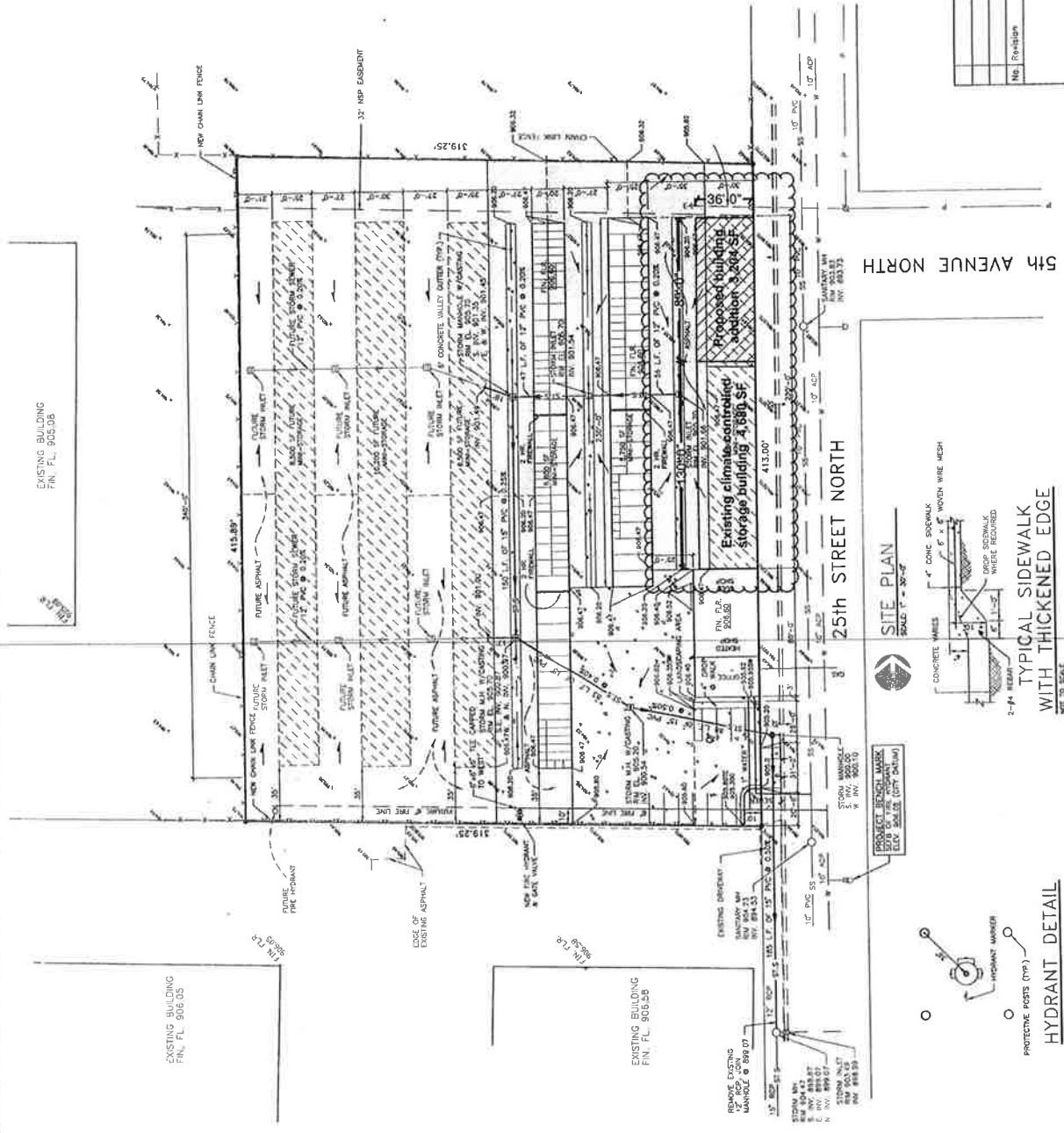
LEGEND	EXISTING	PROPOSED
STORM SEWER MAIN	8" S	8" S
STORM SEWER MAN	W	W
WATER MAIN	W	W
GAS MAIN	W	W
STORM INLET	B	B
CONCRETE VALLET GUTTER	D	D
FIRE HYDRANT	○	○
HYDRANT MARKER	○	○
W / GUT WIRE	○	○
OVERHEAD POWER LINE	○	○
UNDERGROUND ELECTRIC	○	○
UNDERGROUND TELEPHONE	○	○
STREET LIGHT	○	○
STREET SIGN	○	○
DIRECTION OF DRAINAGE	→	→
CONCRETE	▨	▨
ASPHALT	▨	▨



SIDEWALL DETAIL
NOT TO SCALE

ESTIMATED QUANTITIES:

- 1 EA. STORM SEWER MANHOLE
- 3 EA. STORM SEWER MANHOLE W/INLET CASTING
- 2 EA. STORM INLETS - TYPES A, B, & C
- 138 L.F. 12" PVC STORM SEWER MAIN
- 508 L.F. 18" PVC STORM SEWER MAIN
- 200 L.F. 4" PVC FIRE LINE
- 1 EA. 6" GATE VALVE
- 1 EA. FIRE HYDRANT
- 69 L.F. 1" DOMESTIC WATER SERVICE
- 84 L.F. 4" SANITARY SEWER SERVICE
- 18 SQ. YD. 4" CONCRETE SIDEWALK W/THICKENED EDGE
- 1,600 SQ. YD. 6" CONCRETE ON 3" SAND CUSHION
- 525 SQ. YD. 8" CONCRETE VALLET GUTTER
- 2,760 SQ. YD. 4" ASPHALT ON 4" RECYCLED ASPHALT BASE
- 315 L.F. 6" CHAIN LINK FENCE



Security Self Storage
402 25th St N
Fargo, ND 58102

Proposed climate controlled self storage building addition

Sheet Name		SITE PLAN	
No. Revision	DATE	BY	
Scale	1" = 30' Sheet	Code	
Project No.		Code Desc	
Job Number		Revised	
Drawn By		Checked	
			C-1



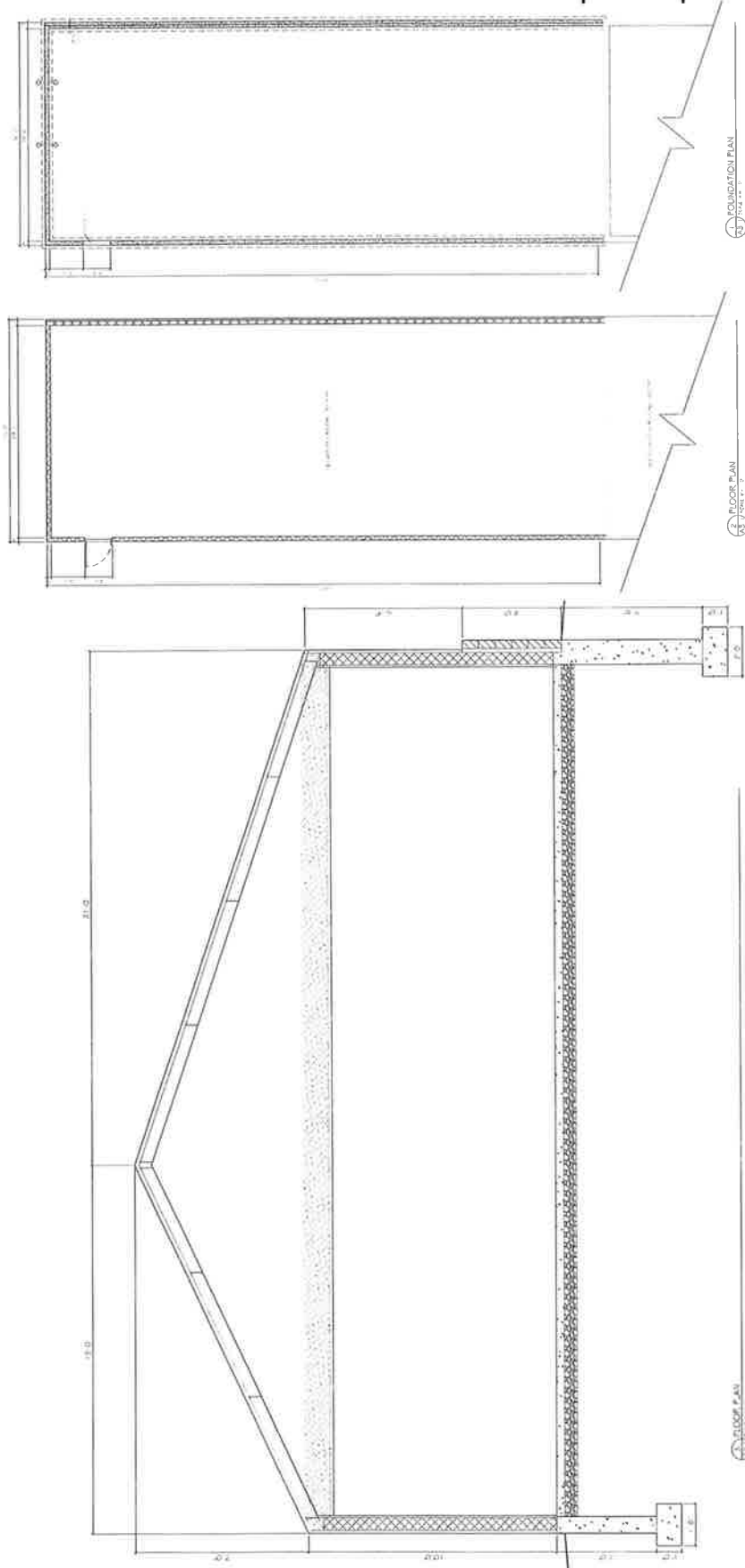
TYPICAL SIDEWALK WITH THICKENED EDGE
NOT TO SCALE



HYDRANT DETAIL
NOT TO SCALE



Imagery ©2017 Google, Map data ©2017 Google 50 ft



SELF STORAGE
 NORTH FARGO
 ADDITION

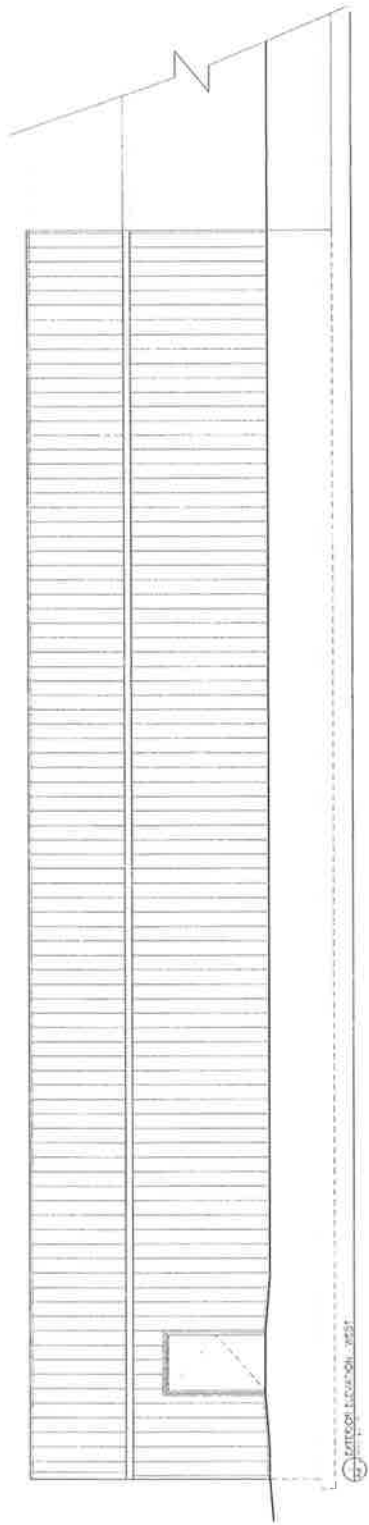
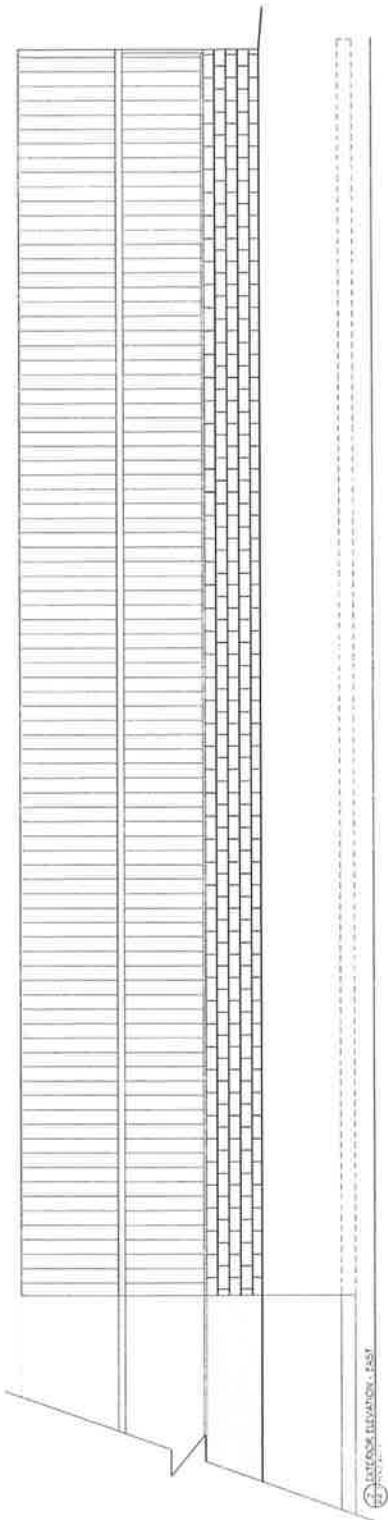
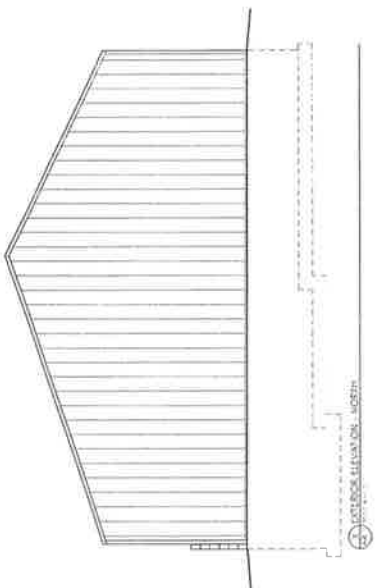
FARGO, ND

2149 1/2 S. WILSON ST.
 FARGO, ND 58103

1 FOUNDATION PLAN

1 1st FLOOR PLAN

1 1st FLOOR PLAN



3362

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

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

7 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
8 request on June 6, 2017; and,

9 WHEREAS, the rezoning changes were approved by the City Commission on July 17,
10 2017,

11 NOW, THEREFORE,

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

13 Section 1. The following described property:

14 Lot One (1), Block One (1) of Pantzke Addition to the city of Fargo, Cass County,
15 North Dakota,

16 is hereby rezoned from "LI", Limited Industrial, District to "LI", Limited Industrial, District with a
17 PUD, Planned Unit Development overlay as follows:

18 Setbacks:

- 19 • The minimum front setback shall be zero (0) feet.

20 Open Space: Requirement for 10% open space waived pursuant to LDC Section 20-
21 0302.E.8.

22 Landscaping—Open Space: Reduced to zero (0)

23 Landscaping—Parking Lot Perimeter: Reduced to zero (0)

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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.

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(SEAL)

Attest:

Steven Sprague, City Auditor

Timothy J. Mahoney, Mayor

First Reading:
Second Reading:
Final Passage:

330

City of Fargo Staff Report			
Title:	Text Amendment	Date:	6-22-2017
		Update:	7-12-2017
Location:	N/A	Staff Contact:	Aaron Nelson
Owner(s)/Applicant:	City of Fargo/Zoning Administrator	Engineer:	N/A
Entitlements Requested:	Text Amendment (Amending Article 20-10, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to nonconformities)		
Status:	City Commission Public Hearing: July 17, 2017		

Proposed Text Amendment

The Zoning Administrator is seeking approval of a text amendment to Article 20-10, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to nonconformities. Specifically, the Zoning Administrator is proposing the following edits to Section 20-1005 of the LDC:

Existing text:

"When lot area or setbacks are reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum standard for the district in which it is located, then that lot shall be deemed to be in compliance with the minimum lot size and setback standards of this Land Development Code."

Proposed text:

"When a conveyance of land to a federal, state, or local government for a public purpose results in the creation of a nonconformity to Article 20-04, Article 20-05, or Article 20-07 of the Land Development Code, such nonconformity shall not be deemed to be a violation of the Land Development Code. Such nonconformity shall be deemed to be in compliance with the Land Development Code until such time that subsequent development activity will trigger Land Development Code provisions as applicable at the time of such activity."

Background:

Article 20-10 (Nonconformities) of the Land Development Code regulates uses, structures, lots, and other current conditions that came into being lawfully, but that no longer conform to one or more requirements of the LDC due to a change in circumstance such as amendments to the zoning requirements. Sections 20-1002, 20-1003, and 20-1004 of Article 20-10 provide guidance and govern nonconforming uses, nonconforming lots, and nonconforming structures, respectively. In addition, Section 20-1005 allows for up to a 25% reduction below required minimums for lot area or setbacks in situations where land is conveyed to a government entity for public purposes.

There are certain requirements of the LDC that do not fit within these three categories of uses, lots, or structures and are not addressed within Article 20-10, however, such as landscaping and off-street parking requirements. Consequently, it is unclear whether or not a property is in conformance with the LDC in situations where requirements such as landscaping and off-street parking are no longer met due to a conveyance of land to the public or due to amendments to the zoning requirements, for example.

In the past, the Zoning Administrator has taken the position that nonconformities such as these are not a violation of the LDC and that certain "grandfathering" rights allow the property to continue to exist in a nonconforming state until such time that redevelopment or changes in use/intensity occur. Although the Zoning Administrator has taken this position, the LDC is silent on the matter and does not provide property owners with the same level of confidence that a codified provision can afford.

This situation has come up as a result of recent land acquisition proceedings related to the reconstruction and widening of 32nd Avenue South. In this particular situation, the City acquired a strip of land along the existing right-of-way which resulted in the loss of parking stalls and parking lot perimeter landscaping on an existing developed lot. The property owner has expressed concern relating to the property no longer meeting parking and landscaping requirements as a result of this conveyance.

The intent of the proposed LDC text amendment is to provide clarity in situations where nonconformities are created by conveyance of land for public purposes, by allowing such nonconformities to legally exist as is until such time that sufficient development activities would trigger compliance with the applicable standards.

Staff Analysis:

In accordance with §20-0904.E Review Criteria of the Land Development Code, proposed text amendments that satisfy all of the following criteria may be approved.

1. **The amendment must be consistent with the purpose of this Land Development Code;**
Section 20-0104 of the LDC stipulates that the purpose and intent of the Land Development Code is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. The proposed amendment is consistent with the intent and purpose of the LDC because it seeks to address an issue to which the LDC is currently silent, thereby providing clarity and a consistent understanding for both the City and property owners. **(Criteria Satisfied)**
2. **The amendment must not adversely affect the public health, safety, or general welfare;**
Staff finds that the amendment does not adversely affect the public health, safety, or general welfare. The proposed amendment is intended to clarify zoning provisions related to nonconformities created by public action. **(Criteria Satisfied)**
3. **The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected.**
Staff finds that the proposed amendment is necessary because of changing social and economic conditions. As described above, recent roadway expansions have resulted in conditions of uncertainty regarding conformance with LDC requirements. Accordingly, the proposed amendment seeks to provide clarity for how these situations are governed by the LDC. **(Criteria Satisfied)**

Planning Commission Recommendation: July 6, 2017

On July 6, 2017, with a 8-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed text amendment to Article 20-10, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to nonconformities, as the proposal meets the approval criteria of §20-0904.E(1-3) of the LDC.

Staff Recommendation:

Suggested Motion "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the Ordinance on first reading, and move to approve the proposed text amendment to Article 20-10, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to nonconformities, as the proposal meets the approval criteria of §20-0904.E(1-3) of the LDC."

Attachments:

1. Article 20-10 of the Land Development Code
2. Proposed LDC Text Amendment Ordinance

Article 20-10

Nonconformities

§20-1001 General

A. Overview

The regulations of this article establish regulations that govern uses, structures, lots and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this Land Development Code. The regulations address the following types of nonconformities:

1. Nonconforming Uses

Nonconforming uses are uses that were established in accordance with zoning regulations in effect at the time of their establishment, but which, because of amendments to the zoning regulations, no longer comply with the use regulations of the underlying zoning district. A use that was legally established without a Conditional Use Permit shall be deemed to have a Conditional Use Permit and shall not be deemed nonconforming solely because a Conditional Use Permit is now required for the use.

2. Nonconforming Structures

Nonconforming structures are buildings or structures that were established in accordance with all zoning regulations in effect at the time of their establishment, but which, because of amendments to the zoning regulations, no longer comply with the dimensional standards of the underlying zoning district.

3. Nonconforming Lots

Nonconforming lots are lots that were legally created in accordance with zoning district minimum lot size and dimensional standards in effect at the time of their creation, but which, because of amendments to the zoning regulations, no longer comply with the minimum lot size or other dimensional standards of the zoning district.

B. Policy

It is the general policy of the City to allow uses, structures or lots that came into existence legally and in conformance with then-applicable requirements but that do not conform to all of the applicable requirements of this Land Development Code to continue to exist and be put to productive use, but to bring as many aspects of such use into conformance with current Land Development Code as is reasonably practicable, all subject to the limitations of this Article. The limitations of this Article are intended to recognize the interests of the property owner in continuing to use the property but to control the expansion of the nonconformity and to control re-establishment of abandoned uses and limit re-establishment of buildings and structures that have been substantially destroyed.

C. Authority to Continue

Nonconformities shall be allowed to continue in accordance with the regulations of this Article.

D. Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists is the owner's burden, not the City's.

E. Repairs and Maintenance

Repairs and normal maintenance required to keep nonconforming uses, structures and lots in a safe condition are permitted, provided that no alterations may be made except those allowed by this Article or required by law or ordinance.

F. Change of Tenancy or Ownership

Changes of tenancy, ownership or management of an existing nonconformity are permitted, provided that no changes in the nature or character, extent or intensity of such nonconformity may occur except those allowed by this Article.

Source: 4558 (2006).

§20-1002 Nonconforming Uses

Nonconforming uses shall be subject to the following standards.

A. Enlargement

No nonconforming use may be enlarged, expanded or extended to occupy a greater area of land or floor area than was occupied on February 17, 1998, and no additional accessory use, building or structure may be established on the site of a nonconforming use. This provision notwithstanding, uses may be extended throughout any part of a building or other structure that was lawfully and manifestly designed or arranged for such use on February 17, 1998.

B. Relocation

No nonconforming use may be moved in whole or in part to any other portion of such parcel nor to another lot unless the use will be in conformance with the use regulations of the district into which it is moved.

C. Discontinuance and Abandonment

If a nonconforming use ceases for any reason for a period of more than 12 consecutive months (except where Government action causes such cessation), the subsequent use of such parcel or lot must conform to the regulations and provisions set by this Land Development Code for the district in which such parcel or lot is located.

D. Damage or Destruction

If a structure devoted in whole or in part to a nonconforming use is damaged or destroyed by any means, to the extent of more than 50 percent of its structural value prior to the damage, that structure may not be restored unless the structure and the use thereof thereafter complies with all regulations of the zoning district in which it is located. The determination of reduced structural valuation shall be made by the City. If the damage or destruction represents 50 percent or less of the structure's value prior to the damage, repair and restoration is allowed, provided that a building permit must be obtained within 6 months of the damage and restoration must begin within 1 year of the date of damage.

1. Existing, off-premise advertising signs located along interstate highways that become legal, nonconforming signs with the adoption of this Land Development Code may be replaced or repaired even though damaged beyond 50 percent of their value, and such signs may also be relocated, even if not damaged or destroyed, so long as they remain on the same property; provided, that any such replacement sign shall be limited to a sign of no greater size than the original.
2. Existing off-premise advertising signs located within the DMU zoning district, but outside of the downtown historic district, that become legal, nonconforming signs with the adoption of this Land Development Code may be replaced or repaired even though damaged beyond 50 percent of their value, and such signs may also be relocated, even if not damaged or destroyed, so long as they remain on the same property, provided that any such replacement sign shall be limited to a sign of no greater size than the original.
3. Notwithstanding the foregoing provisions of this section, if a structure devoted in whole or in part to a nonconforming use that is residential in nature is damaged or destroyed by any

means, to the extent of more than 50 percent of its structural value prior to the damage, that structure may be restored, repaired or rebuilt in its entirety if all of the following conditions are met:

- a. The building or structure will not occupy any portion of the lot that was not occupied by the destroyed structure
- b. The building or structure will not have a greater floor area than the destroyed structure,
- c. The building or structure will not exceed the height or number of stories contained in the destroyed structure
- d. The number of off-street parking spaces located on the property will not be reduced from the number available before the damage; and,
- e. The building permit for the repair or restoration must be obtained within 6 months of the damage and restoration must begin within 1 year of the date of the damage.

E. Change in Use

A nonconforming use may be changed to a new use, provided that the new use must be of the same general character or of a less intensive character (and thus more closely conforming) than the existing, nonconforming use. The determination of whether a proposed use is a conforming use or is less intensive shall be made by the Zoning Administrator. A nonconforming use, if changed to a conforming use or less intensive nonconforming use, may not thereafter be changed back to a less conforming use.

F. Residential Uses in Nonresidential Districts

The other provisions of this section notwithstanding, any structure that is devoted to a nonconforming residential use and located in an NO or more intensive zoning district may be remodeled, extended, expanded, and enlarged, provided that after the remodeling, extension, expansion or enlargement, the structure may not be used to accommodate a greater number of dwelling units than the structure accommodated prior to the work.

G. Accessory Uses

No use that is accessory to a principal nonconforming use may continue after the principal use ceases or terminates.

Source: 4658 (2008), 4697 (2009).

§20-1003 Nonconforming Lots

A lot shown on an approved and recorded subdivision plat on February 17, 1998, or a parcel shown on the assessor's records as a separate parcel on February 17, 1998, may be occupied and used although it may not conform in every respect with the lot size and width standards of this Land Development Code, subject to the provisions of this section.

A. Vacant Lot

If the lot or parcel was vacant on February 17, 1998, then the owner may use the property for any uses allowed in the underlying zoning district, provided that the use must comply with applicable dimensional requirements to the maximum extent practicable. If the applicable zoning district permits a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable dimensional requirements while others would not, then only the uses or intensities that would comply with the applicable dimensional standards shall be permitted.

B. Lot with Building or Structure

If the lot or parcel contains a building or structure on February 17, 1998, then the owner may continue the use of that building or structure and may expand the structure provided that the expansion is in compliance with all applicable Land Development Code standards. The determination of whether a proposed expansion is in compliance with all applicable Land Development Code standards shall be made by the Zoning Administrator. If the structure is removed or destroyed, any structure that is reconstructed must comply with all applicable land use and dimensional requirements.

C. Lot Merger

If the lot or parcel is smaller than would otherwise be required by this Land Development Code and such lot or parcel is at any time on or after February 17, 1998, under common control with an adjacent lot or parcel, then the two lots shall be considered merged for purposes of this Land Development Code and shall in the future be considered together for purposes of determining compliance with the Land Development Code. If the merged lots or parcels contain sufficient area for the actual or proposed use, then they shall be deemed fully conforming. If the merged lots or parcels together do not contain sufficient area for the actual or proposed use, they shall nonetheless be considered together for purposes of reducing the degree of nonconformity.

Source: 4039 (2000), 4169 (2001).

§20-1004 Nonconforming Structures

Nonconforming structures shall be subject to the following standards.

A. Enlargement and Expansion

Any expansion of a nonconforming structure shall be prohibited unless such expansion is in compliance with all applicable Land Development Code standards. The determination of whether a proposed expansion is in compliance with all applicable Land Development Code standards shall be made by the Zoning Administrator.

B. Damage or Destruction

In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value prior to such destruction, such structure may not be restored except in conformance with the regulations of the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less of its pre-destruction value, repairs or restoration may be made, provided that a building permit is obtained within 6 months and restoration begins within one year after the date of destruction. The determination of reduced structural valuation shall be made by the Zoning Administrator.

1. Notwithstanding the foregoing paragraph, any existing structure that is devoted to a legal nonconforming residential use may be repaired or rebuilt even though damaged beyond 50 percent of its value, provided that the structure may be repaired or rebuilt in its entirety so long as the new structure will not: occupy any portion of the lot that was not occupied by the destroyed structure, have a greater floor area than the destroyed structure, exceed the height or number of stories contained in the destroyed structure, or diminish the number of off-street parking spaces located on the property from the number existing before the damage; and so long as a building permit is obtained within 6 months of the date the damage occurs and so long as restoration begins within 1 year of the date the damage occurs.

C. Relocation

Nonconforming structures may not be moved unless the movement or relocation will bring the structure into compliance with all applicable zoning district regulations.

Source: 4039 (2000), 4658 (2008), 4697 (2009).

§20-1005 Nonconformities Created by Public Action

When lot area or setbacks are reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum standard for the district in which it is located, then that lot shall be deemed to be in compliance with the minimum lot size and setback standards of this Land Development Code.

3301

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 20-1005
OF ARTICLE 20-10 OF CHAPTER 20 OF
THE FARGO MUNICIPAL CODE (LAND DEVELOPMENT CODE)
RELATING TO NONCONFORMITIES

WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in accordance with Chapter 40-50.1 of the North Dakota Century Code; and

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

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

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

NOW, THEREFORE,

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

Section 1. Amendment.

Section 20-1005 of Article 20-10 of Chapter 20 (Land Development Code) is hereby amended to read as follows:

* * * * *

§20-1005 Nonconformities Created by Public Action

~~When lot area or setbacks are reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum standard for the district in which it is located, then that lot shall be deemed to be in compliance with the minimum lot size and setback standards of this Land Development Code.~~

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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

When a conveyance of land to a federal, state, or local government for a public purpose results in the creation of nonconformity to Article 20-04, Article 20-05, or Article 20-07 of the Land Development Code, such nonconformity shall not be deemed to be a violation of the Land Development Code. Such nonconformity shall be deemed to be in compliance with the Land Development Code until such time that subsequent development activity will trigger Land Development Code provisions as applicable at the time of such activity.

Section 2. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed \$500; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 3. Effective Date.

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

Timothy J. Mahoney, Mayor

(Seal)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Reading:
Publication:

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City of Fargo Staff Report			
Title:	Brandt Crossing Twelfth Addition	Date:	5/26/2017
		Update:	7/3/17
Location:	3270 51st Street South	Staff Contact:	Barrett Voigt
Legal Description:	Lot 1, Block 1, Brandt Crossing 11th Addition		
Owner(s)/Applicant:	Brandt Crossing LLC/Nate Vollmuth	Engineer:	Ulteig
Entitlements Requested:	Minor Subdivision (Replat of Lot 1, Block 1, Brandt Crossing 11th Addition, to the City of Fargo, Cass County, North Dakota.)		
Status:	City Commission Public Hearing: July 17, 2017		

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

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **Brandt Crossing Twelfth Addition**, which is a replat of Lot 1, Block 1, Brandt Crossing 11th Addition. The subject property is located at 3270 51st Street South and encompasses approximately 4.04 acres. The applicant is proposing a two (2) lot, one (1) block minor subdivision to accommodate for the construction of a medical clinic.

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

Surrounding Land Uses and Zoning Districts:

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

(continued on next page)

Area Plans:

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



Schools and Parks:

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

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

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

Staff Analysis:

Minor Subdivision

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

- Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The subdivision is intended to replat Lot 1, Block 1, Brandt Crossing 11th Addition into two lots and one block to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

- Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are

subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.
(Criteria Satisfied)

Planning Commission Recommendation: June 6, 2017

On June 6, 2017 with a 6-0 vote, the Planning Commission accepted the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Brandt Crossing Twelfth Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code”.

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of the Planning Commission and staff and hereby move to approve the proposed subdivision plat, **Brandt Crossing Twelfth Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code”.

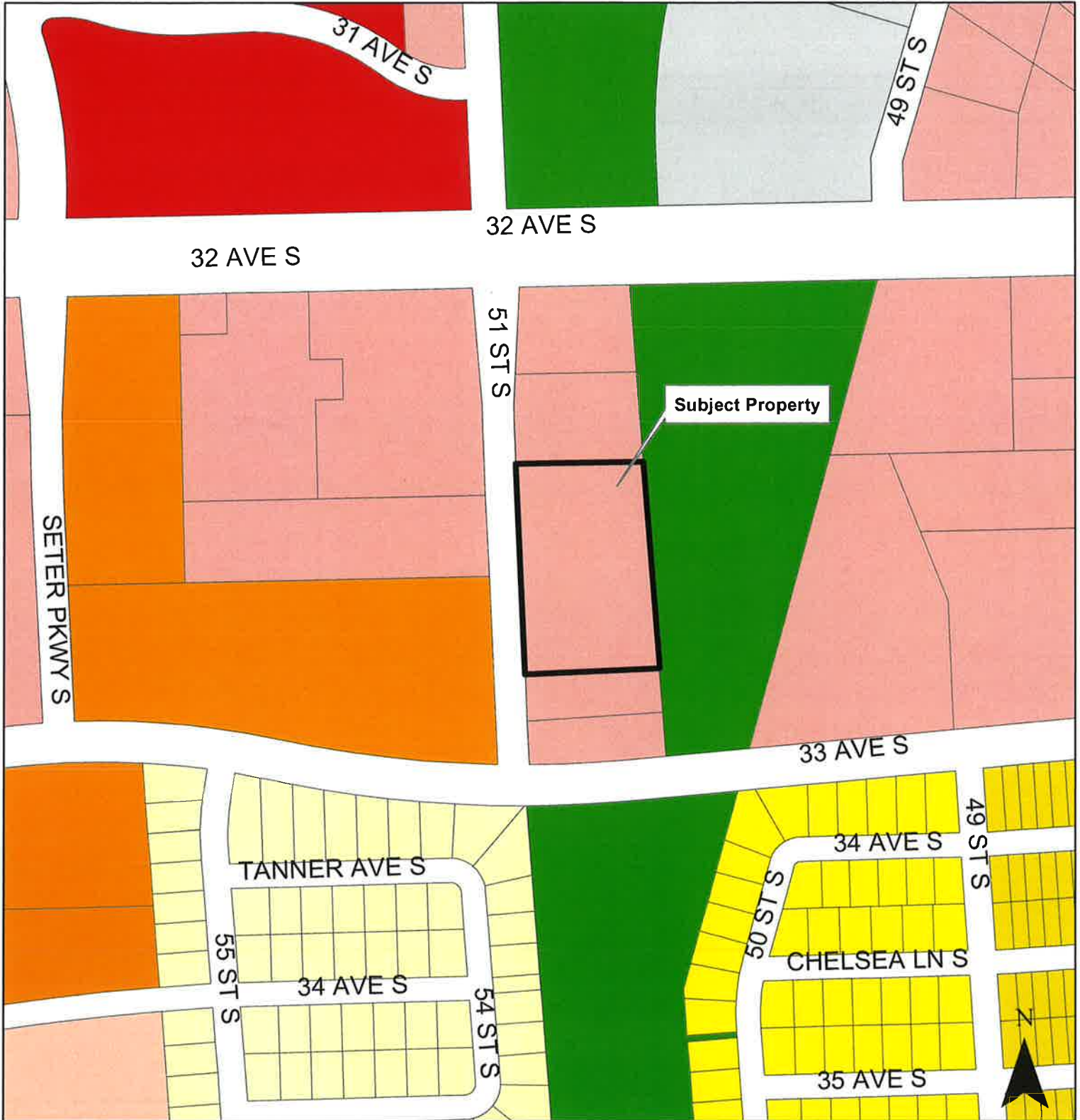
Attachments:

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

Plat (Minor)

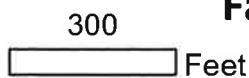
Brandt Crossing 12th Addition

3270 51st Street South



Legend

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



Fargo Planning Commission
June 6, 2017



Plat (Minor)

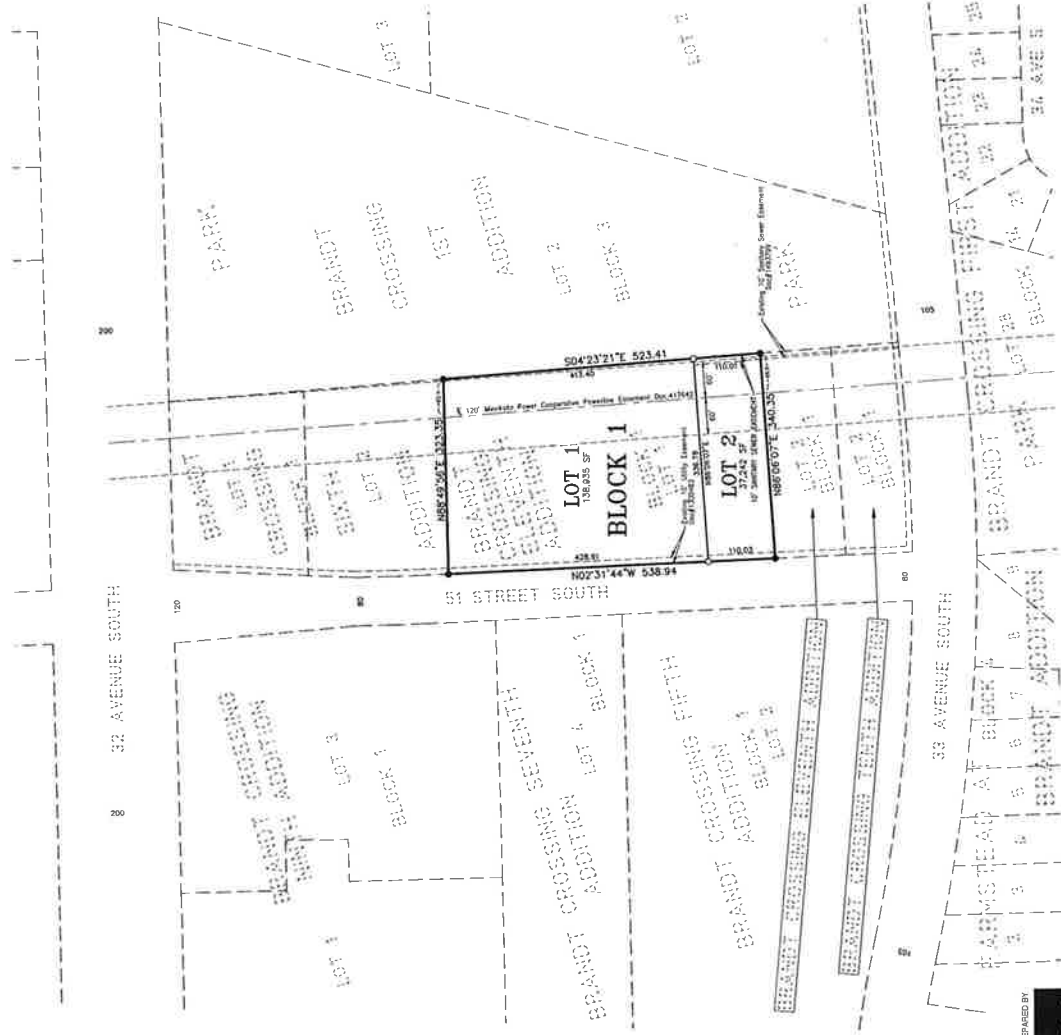
Brandt Crossing 12th Addition

3270 51st Street South



BRANDT CROSSING TWELFTH ADDITION

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



PREPARED BY
Uiteig

FARGO, MINNISCOTT, DEWENT LAKE, MINNETONKA, BOCA VISTA, LEWIS & CLARK, WILSON

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Brandt Crossing, LLC has caused to be recorded in the Public Records of Cass County, North Dakota, this plat for the purpose as recited.

On this day of 2017, before me, a duly qualified and acting Notary Public in and for said County, appeared the person described in and who executed the same as a free and voluntary act.

Notary Public

OWNER:
Brandt Crossing, LLC

By: Mark Christensen, President
State of North Dakota } SS
County of Cass

On this day of 2017, before me, a duly qualified and acting Notary Public in and for said County, appeared the person described in and who executed the same as a free and voluntary act.

Notary Public

WITNESSE:
Commissioners Book

By: Jim Burdick, Vice President
State of North Dakota } SS
County of Cass

On this day of 2017, before me, a duly qualified and acting Notary Public in and for said County, appeared the person described in and who executed the same as a free and voluntary act.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, David W. Skinner, Registered Professional Land Surveyor, under the laws of the State of North Dakota, do hereby certify that the above described plat is a true and correct copy of the original plat as shown and that the plat is a true and correct copy of the original plat as shown and that the plat is a true and correct copy of the original plat as shown.

Notary Public

David W. Skinner, Professional Land Surveyor
North Dakota License No. 140-003

State of North Dakota } SS
County of Cass

On this day of 2017, before me, a duly qualified and acting Notary Public in and for said County, appeared the person described in and who executed the same as a free and voluntary act.

Notary Public

LEGEND

- MONUMENT
- CENTER POINT
- SURVEY PROPERTY LINE
- - - - - ORIGINAL PROPERTY LINE
- - - - - DRAINAGE LINE

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CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer (Name) _____ day of _____, 2017.

April L. Weber, City Engineer
State of North Dakota } SS
County of Cass

On this day of 2017, before me, a duly qualified and acting Notary Public in and for said County, appeared the person described in and who executed the same as a free and voluntary act.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Tom Ulrich, Chairman, Planning Commission Chair
State of North Dakota } SS
County of Cass

On this day of 2017, before me, a duly qualified and acting Notary Public in and for said County, appeared the person described in and who executed the same as a free and voluntary act.

Notary Public

FARGO CITY COMMISSION APPROVAL

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

Deborah A. Mahoney, Mayor
State of North Dakota } SS
County of Cass

On this day of 2017, before me, a duly qualified and acting Notary Public in and for said County, appeared the person described in and who executed the same as a free and voluntary act.

Notary Public

State of North Dakota } SS
County of Cass

On this day of 2017, before me, a duly qualified and acting Notary Public in and for said County, appeared the person described in and who executed the same as a free and voluntary act.

Notary Public

3/10

TO: BOARD OF CITY COMMISSIONERS

FROM: KENT COSTIN, DIRECTOR OF FINANCE *KAC*

RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL

DATE: July 6, 2017

The existing legislation in place for State Water Commission funding related to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project requires that the Fargo City Commission, Cass County Commission, and the Cass Water Resource Board approve all payment reimbursement requests prior to their submission and ultimate payment.

The attached reimbursement request has been prepared by Finance staff and is ready for processing. Your approval of the request for funds is hereby requested as required.

As requested previously by the City Commission, the costs related to the Oxbow Hickson Bakke levee are being presented separately from the rest of the Metro Flood Diversion expenses. This request includes only the OHB levee related costs for June 2017.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$538,830.

July 6, 2017

Garland Erbele, P.E.
 North Dakota State Water Commission
 900 East Boulevard Avenue, Dept 770
 Bismarck, ND 58505-0850

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #47 pursuant to the terms and conditions of House Bill 1020 for costs incurred on the OHB Levee project from June 1, 2017 to June 30, 2017. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$538,830.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$165,085,083	\$334,847	100%	\$334,847	
		407,965	50%	203,983	
		\$742,812		\$538,830	\$144,876,087

Project Narrative, this request:

Project Number	Project Description
V02411	Residential relocation assistance for homeowners that will be displaced by the O/H/B ring levee project
N/A	Land purchased related to the O/H/B ring levee project

We certify that \$75,229,082 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in HB 1020. Copies of their approval letters are included.

If you have any questions relating to our request, please contact me directly.

Sincerely,



Kent Costin
 Director of Finance, City of Fargo
 Metro Flood Diversion Authority

Required Local Approvals:

City of Fargo

Cass County Commission


Cass County Joint Water Resource Dist.

**FM Metropolitan Area Flood Risk Management Project
 Summary of Cash Disbursements Eligible for SWC Funding
 June 2017 - OHB Levee Related Costs**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7930-429.67-11	6/28/2017	279053	CASS COUNTY JOINT WATER RESOURCE DI	5,563.25	CHAD AND HEIDI MCQUILLAN	V02411	AXBOW MOU-RESIDENT RLCTN
790-7930-429.67-11	6/28/2017	279053	CASS COUNTY JOINT WATER RESOURCE DI	502,894.16	THE TITLE COMPANY	V02411	AXBOW MOU-RESIDENT RLCTN
			Total LERRDS - North Dakota - Residential Buildings	508,457.41			
			Total Expense	508,457.41			
			Land - From Local Match Spreadsheet	234,355.00			
			Total Expense for Period	742,812.41			

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TO: BOARD OF CITY COMMISSIONERS

FROM: KENT COSTIN, DIRECTOR OF FINANCE 

RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL

DATE: July 6, 2017

The existing legislation in place for State Water Commission funding related to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project requires that the Fargo City Commission, Cass County Commission, and the Cass Water Resource Board approve all payment reimbursement requests prior to their submission and ultimate payment.

The attached reimbursement request has been prepared by Finance staff and is ready for processing. Your approval of the request for funds is hereby requested as required.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$457,440.

July 6, 2017

Garland Erbele, P.E.
 North Dakota State Water Commission
 900 East Boulevard Avenue, Dept 770
 Bismarck, ND 58505-0850

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #46 pursuant to the terms and conditions of House Bill 1020 for costs incurred from June 1, 2017 to June 30, 2017 on the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$457,440.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$164,627,643	\$914,879	50%	\$457,440	\$145,414,917

Project Narrative, this request:

Project Number	Project Description
V02805	Pay Application #29 for WP 42A.1/A.3, 4 th St Pump Station and Gatewell and 2 nd Street Floodwall South
V02819	Pay Application #10 for WP 42F.1N 2 nd Street North, North of Pump Station
V04201	Dust and Traffic Control at Inlet Construction Site
N/A	Land and Easements purchased for Diversion Channel Phase 1A

We certify that \$74,894,235 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in HB 1020. Copies of their approval letters are included.

If you have any questions relating to our request, please contact me directly.

Sincerely,



Kent Costin
 Director of Finance, City of Fargo
 Metro Flood Diversion Authority

Required Local Approvals:

City of Fargo

Cass County Commission

Cass County Joint Water Resource Dist.


**FM Metropolitan Area Flood Risk Management Project
Summary of Cash Disbursements Eligible for SWC Funding
June 2017**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7950-429.38-99	6/28/2017	279054	CASS COUNTY TREASURER	8,363.36	DUST & TRAFFIC CONTROL	V04201	DUST/TRAFFIC CONTRL-INLET
Total ND Construction - Other Services				8,363.36			
790-7950-429.73-52	6/14/2017	278719	INDUSTRIAL CONTRACT SERVICES INC	459,556.35	PUMP STATION & FLOODWALL	V02805	PUMP STATION & FLOODWALL
790-7950-429.73-52	6/14/2017	278718	INDUSTRIAL BUILDERS INC	432,902.50	WORK PKG 42F.1N	V02819	2ND ST N FLOODWALL
790-7950-429.73-52	6/14/2017	278718	INDUSTRIAL BUILDERS INC	(17,564.00)	CITY OF FARGO SHARE OF PROJ	V02819	2ND ST N FLOODWALL
Total ND Construction - Flood Control				874,894.85			
Total Expense				883,258.21			
Land - From Local Match Spreadsheet				31,621.00			
Total Expense for Period				914,879.21			

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: JULY 10, 2017

SUBJECT: APPOINTMENT TO THE LIBRARY BOARD

The term of Don Carlton Hawley Jr. on the Library Board expired on June 30, 2017. Mr. Hawley is willing to serve another term and I am recommending his reappointment.

Your favorable consideration of this recommendation will be greatly appreciated.


RECOMMENDED MOTION: To approve the reappointment of Don Carlton Hawley Jr. to the Library Board for a three-year term ending June 30, 2020.

mmappt17lib

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: JULY 12, 2017

SUBJECT: APPOINTMENTS TO THE NATIVE AMERICAN COMMISSION

The terms of David Donahue and Connie Longie expired on June 30, 2017. Mr. Donahue resigned his position and Ms. Longie is no longer able to serve on the Board.

Francis Oakgrove and Ruth Buffalo have submitted their applications indicating interest in serving on the Board and I am recommending their appointments. I have attached a copy of their applications for your information.

Your favorable consideration of these recommendations will be greatly appreciated.

RECOMMENDED MOTION: To approve the appointments of Francis Oakgrove and Ruth Buffalo to the Native American Commission for three-year terms ending June 30, 2020.

Attachments
mmappts17nac

Kember Anderson

From: noreply@cityoffargo.com
Sent: Tuesday, June 13, 2017 2:30 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:
[Francis Oakgrove]

Mailing Address:
[6194 24th St S]

City:
[Fargo]

State:
[ND]

Zip:
[58104]

Work Phone:
[7158646474]

Home Phone:
[7158646474]

E-mail:
[frank.oakgrove@gmail.com]

Which boards or commissions would you like to be considered for?
[Native American Commission]

Briefly state why you would like to be on this panel:
[As part of the Native American community, I would like to serve the commission and community by providing expertise within education. I work at NDSU and have and continue to be dedicated to serving the Fargo community to help foster and promote Native American communities particularly through education and leadership (my area's of expertise at NDSU).]

How many hours per month could you volunteer as a panel member?
[10 or as needed.]

Please list any past experience you have with city government here or in other cities:
[Other than working at a State institution I have no other city government experience.]

Please describe any professional experience you have related to the responsibilities of the panel you are interested in:

[I currently work at NDSU as the Assistant Director for Leadership Programs and have had the opportunity to work with the Native American community in a number of areas. I serve our Native population connecting with student organizations such as the Native American Student Association (NASA), American Indian Science and Engineering Society, and the Legacy Warriors. I continue to serve as a member of the Woodlands and High Plains Powwow planning committee. Most recently, I chaired the planning committee for the first diversity conference at NDSU having critical conversations of areas of diversity within our region.]

If you have a resume you would like to submit, please paste it below.

[Education North Dakota State University May 2013 – (Anticipated 2017) Fargo, North Dakota Doctor of Philosophy Education Iowa State University August 2010-May 2012 Ames, Iowa Masters of Education University of Wisconsin-Eau Claire August 2004-May 2008 Eau Claire, Wisconsin Bachelor of Arts SUMMARY OF QUALIFICATIONS • Six years of experience in Student Affairs. • Knowledgeable of student development theory and application in higher education settings. • Six years of experience developing curriculum and teaching diverse college students. • Six years of experience supervising and working with diverse staff. • Experienced in methodological areas of assessment, research design, and evaluation to track data to inform and improve practices, learning outcomes, and programmatic development. • Demonstrated the ability to work in a continuously changing team environment and operate autonomously. • Demonstrated excellent oral and written communication and presentation skills. HIGHLIGHTED PROFESSIONAL EXPERIENCE NORTH DAKOTA STATE UNIVERSITY, Fargo, ND August 2015 – Present Assistant Director for Leadership Programs (Recruited) • Develop and implement the Distinguished Leader mentoring program. • Develop and assess leadership programs. • Develop and chair the diversity conference • Build strong collaborative relationships with community and Academic Affairs partners. • Develop the curriculum and instruction for leadership programs;

Summer Leadership Institute, Foundations of Leadership, Distinguished Leader Program, the Unknown Leadership program, Global Leadership: New Zealand. • Track student leadership involvement on campus using Blackboard • Assist in the development of the Memorial Union Leadership Academy • Participate in professional communities, research, and presentations. • Manage and maintain budget for leadership programming • Supervise student staff and a graduate assistant. MINNESOTA STATE UNIVERSITY MOORHEAD, Moorhead, MN July 2014 – August 2015 Academic Advisor/Student Relation Coordinator • Assisted students to discover their academic and career interests through course selection and exploration within the Liberal Arts and Science Curriculum. • Maintained and enhanced the exploratory, intrusive, and developmental advising focus for undeclared students. • Worked closely with students to identify academic options including, but not limited to: degrees, extracurricular activities, study abroad programs, leadership programs, research, and internships; supporting and providing counsel to student in selection of options best suited to student's goals, interests and skills. • Worked closely with the Dean, department chairs, faculty and staff members for the College of Humanities and Social Sciences to provide student services and support. • Assisted students in developing an academic plan to improve their standing when on academic warning, or probation status. • Taught First Year Experience or similar courses. Program and Resource Development • Worked closely with other university stakeholders, including other advisement units, academic departments and support programs associated with first-year, curricular and co-curricular, and other retention initiatives supporting undeclared students. • Collaborated with Peer Advising program and provided training sessions for Peer Advisors relating to advising students from the College of Humanities and Social Sciences. NORTH DAKOTA STATE UNIVERSITY, Fargo, ND July 2012 – July 2014 Program Coordinator for the Office of Multicultural Programs • Developed and built the Bison Bridge program, to assist first generation multicultural students with engaging in diverse student community and to develop strong relationships and learn to be a leader on campus. • Assisted with academic advising meetings with students, including identifying appropriate resources, making referrals, and monitoring satisfactory academic progress. • Assisted in the analysis, assessment, development, implementation, and monitoring of a comprehensive retention strategy and outreach initiatives. • Analyzed data and develop reports on retention statistics. • Assessed and evaluated programming and student learning outcomes. • Assisted in the development and coordination of faculty and staff affinity groups, retention, and recruitment materials. • Developed and served as instructor for the cultural diversity scholar's course. • Software proficiency in Campus Connection\PeopleSoft and Blackboard. • Provided instructional and administration leadership for peer mentor program. Methodology Consultant North Dakota Association of Colleges for Teacher Education Data Analysis May 2016 –June 2017 Minnesota State University Moorhead Emotional Intelligence Data Presentation Data Analysis March 2015]

We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.

Kember Anderson

From: noreply@cityoffargo.com
Sent: Tuesday, July 11, 2017 1:38 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:
[Ruth A Buffalo]
Mailing Address:
[7331 20th St S]
City:
[Fargo]
State:
[ND]
Zip:
[58104]
Work Phone:
[7015166125]
Home Phone:
[7015166125]
E-mail:
[ruthannabuffalo@gmail.com]

Which boards or commissions would you like to be considered for?

[Native American Commission]

Briefly state why you would like to be on this panel:

[As a Native American advocate and mother, my hope is to carry the good work of the Fargo NA Commission forward. My unique background and experience will provide a well rounded diplomatic solution-oriented approach. Having spent 6 years of my young adulthood here in the Fargo area, I am committed to improving the quality of life for all.]

How many hours per month could you volunteer as a panel member?

[20]

Please list any past experience you have with city government here or in other cities:

[My past experience in working with city governments here and in other cities is through partnerships and collaborations in event planning to bridge gaps between communities. In Bismarck, we worked with the city on various cultural awareness events such as, the Thunderbird Run which included a cultural exchange in conjunction with a Half Marathon, 10K and 5K, the First Nation's Day proclamation and observance. In Fargo, advocating and testifying for a designated Indigenous Peoples Day. I am dedicated to community work which requires building strong relationships through community engagement.]

Please describe any professional experience you have related to the responsibilities of the panel you are interested in:

[I have over 20 years of experience in working with Native American communities, both in urban and rural settings. I am an Alumni of various Women's Leadership initiatives and recently served as a Faculty in Residence for the 2017 Tri College New Women's Leadership Institute.]

If you have a resume you would like to submit, please paste it below.

[Ruth Anna Buffalo 7331 20th St S., Fargo, ND 58104 (701) 516-6125 Summary of Professional Qualifications Citizen of the Three Affiliated Tribes; Mandan, Hidatsa, and Arikara Nation. Offering to leverage 20+ years of experience in tribal community work to bring effective strategies forward in community service. Professional Experience: April 2017-present Honor the Earth, Callaway, MN Independent Contractor - Work with staff, volunteers and allied organizations in North Dakota to build a stronger presence for racial justice - Increase awareness by educating others through the use of various community engagement methods Jan 2017-present Sacred Pipe Resource Center, Mandan, ND Independent Contractor - Assessment of food systems within the exterior boundaries of the Fort Berthold Indian Reservation - Coordinate meetings with key stakeholders regarding food systems - Data collection - Administer community survey Jan 2017-Mar 2017 American Civil Liberties Union, Fargo, ND Outreach and Communications Coordinator, Independent Contractor ACLU of ND - Coordinated and cultivated relationships with key indigenous leaders, activists, and other stakeholders in the camps, including other legal organizations with staff on the ground regarding Standing Rock - Documented civil

rights violations at protector actions on public land - Supervised, recruited, and trained volunteers to perform legal observer duties for the ACLU (documentation, intake) - Captured video and photographic footage of protector actions - Provided a report of recommendations upon completion of the 3-month contract Apr 2015-Nov 2016 Endorsed Democrat-NPL Candidate for Insurance Commissioner, North Dakota - Coordinated fundraising, marketing, and communications for campaign - Traveled throughout North Dakota to meet with constituents through town halls and door knocking - Managed bookkeeping and finances June 2015 - Dec 2015 Mandan, Hidatsa, and Arikara Nation, New Town, ND Consultant Summer Youth Employment - Provided Technical Assistance to the Program Administrator - Drafted SYEP Policies - Implemented Professional Development Incentive Program Aug 2014-Aug 2016 North Dakota State University, Fargo, ND Graduate Assistant-Public Health Policy/Public Health Service American Indian Public Health Resource Center - Assisted with grant writing, data collection, data analysis, reports, and technical assistance to tribal communities in working with key stakeholders - Assisted with community outreach and community needs assessment Jan 2014-May 2014 Kansas State Capitol, Topeka, KS 2014 Legislative Intern House of Representatives-Rep Ponka-We Victors - Assisted with daily office support, newsletter editing, and constituent correspondence August 2011-Dec 2013 University of Kansas-Medical Center, Kansas City, KS Graduate Research Assistant Center for American Indian Community Health (CAICH) - Coordinated community outreach through health promotion events such as Breast Cancer Awareness walks - Assisted with health fairs for American Indian community and Somalian community - Contributed to the development of culturally tailored breast cancer awareness brochures - Conducted data cleaning for various community health research surveys Summers 2011-2014 Three Affiliated Tribes: Mandan, Hidatsa, and Arikara Nation, New Town, ND Summer Youth Employment-Program Administrator Tribal Employee Rights Office (TERO) - Oversaw Pre-Apprenticeship Summer Youth Employment Program - Supervised 6 District coordinators and 185 summer youth workers - Provided mentorships, professional development and employment skills training to youth Nov 2004-June 2011 United Tribes Technical College, Bismarck, ND Strengthening Lifestyles Director Student and Campus Services - Supervised 25 staff employees when S.L. department included the resident halls, provided ample structure within resident halls and personnel - Restructured Recreation department to Wellness Activities to Strengthening Lifestyles. Staff included cultural, health promotions, physical, family, and fitness specialists. - Administrator responsible for overall efficiency of S.L. department - Promoted healthy lifestyles to campus community through utilizing holistic wellness approach - Provided wellness activities to staff/faculty/students of UTTC campus - Oversaw the student conduct process for the college community by holding discipline/prevention/intervention hearings with Wellness Service Staff, record keeping and support, when the resident halls were a part of the S.L. department - Assisted in the development of a community based student involvement leadership model - Designed and promoted community through innovative programs/activities that create an environment conducive to high academic achievement and student development - Planned master schedule for all activities for UTTC students and families after hours and weekends as well as daily - Oversaw program budget - Developed policies and procedures specific to S.L. department - Conducted staff selection and evaluation process - Applied for/Awarded a \$20,000 mini grant (Spring 2009) for UTTC Theodore Jamerson Elementary school for supplemental funds for Summer Wellness program Part time positions held throughout duration of employment with UTTC: Adjunct Health and Wellness Instructor (2008-2011), Assistant Women's Basketball Coach (2008-2010), Assistant Men's Basketball Coach (2007-08), Head Women's Basketball Coach (2004-07) Feb 2003-Oct 2004 ND Department of Human Services and Three Affiliated Tribes, New Town, ND Substance Abuse Prevention Coordinator Three Affiliated Tribes Social Services - Developed relationships with existing coalitions and/or new partners, built community relationships/collaborations/partnerships - Facilitated initial coalition development meetings - Involved existing or new organizations from health, social services, youth, school, ministry, medical and business communities - Assisted in the collection, synthesis, and dissemination of community data - Provided training and technical assistance to the six communities of Fort Berthold reservation - Developed a relationship with local media for print and broadcast activities - Speaking engagements with area schools and summer camps - Held a young women's support group weekly with Boys and Girls Club Education: Feb 2017 - May 2017 Leadership, Organizing, and Action, Executive Education Online Certificate Program Harvard Kennedy School of Government, Cambridge, MA Aug 2016 Master of Public Health North Dakota State University, Fargo, ND Aug 2011-Dec 2013 Master of Public Health Coursework University of Kansas Medical Center, Kansas City, KS Aug 2010 Master of Business Administration University of Mary, Bismarck, ND Apr 2005 Master of Management University of Mary, Bismarck, ND Dec 2002 Bachelor of Science, Criminal Justice Si Tanka-Huron University, Huron, SD Boards: Jan 2017-present North Dakota Human Rights Coalition, Fargo, ND Jan 2017-present North Dakota Planned Parenthood, Fargo, ND Committees: Dec 2017-March 2017 Women's Empowerment, WE Rise, Women's Advocacy & Lobby Day training, Planning Committee, Bismarck, ND Dec 2016-Jan 2017 Women's March, Planning Committee, Bismarck, ND Sept 2015-Present Tri College NEW Women's Leadership Institute, Planning Committee, Fargo, ND Aug 2014-2016 North Dakota State University, School of Health Professions, Inclusion/Diversity Committee, Fargo, ND Aug 2009-2011 United Tribes Technical College, Professional Development Committee, Bismarck, ND]

We will retain your application for three years and consider you for the board you

have indicated interest in when a vacancy arises.

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