

FARGO CITY COMMISSION AGENDA  
Monday, July 7, 2025 - 5:00 p.m.

Executive Session at 4:00 p.m.

Roll Call.

**PLEASE NOTE:** The Board of City Commissioners will convene in the City Commission Chambers at 4:00 p.m. and retire into Executive Session in the Red River Room for the purposes of attorney consultation regarding reasonably predictable and/or threatened litigation by Northdale Oil, Inc. and its affiliate Eastdale, LLC., and to discuss negotiating strategy or providing negotiating instructions to its attorney or other negotiator regarding the reasonably predictable or threatened litigation, and to receive its attorney's advice and guidance on the legal risks, strengths and weaknesses of an action of a public entity. Discussing these matters in an open meeting will have a negative fiscal effect on the bargaining and/or litigation position of the City. Thus, an Executive Session for this matter is authorized pursuant to North Dakota Century Code § 44-04-19.1 subsections 2, 5 and 9.

Regular Meeting at 5:00 P.M.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, June 23, 2025).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. 1st reading of an Ordinance Amending Sections 21-0601, 21-0602, 21-0603, 21-0604 and Enacting Sections 21-0601.1 and 21-0605 of Article 21-06 of Chapter 21 of the Fargo Municipal Code Relating to Flood Plain Management.
- 2. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Ordinance No. 5464 Pertaining to Zoning of The Pines at the District Seventh Addition to the City of Fargo, Cass County, North Dakota.
- 3. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Enacting Section 8-1322 of Article 8-13 of Chapter 8 of the Fargo Municipal Code relating to Traffic Code and an Ordinance Amending Section 1-0305(C)(7) and adding Section 1-0305(C)(14) of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
- 4. Resolution Concluding the Community Development Committee, Parking Commission and City Hall/Auditorium Commission, and waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of the following Ordinances:

- a. Amending Sections 8-1006 and 8-1006.2 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Parking Regulations.
  - b. Repealing Section 8-1025 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Parking Regulations.
  - c. Repealing Sections 18-0505, 18-0506, 18-0507, 18-0508, 18-0509, 18-0510, 18-0511, 18-0512 and 18-0513 of Article 18-05 of Chapter 18 of the Fargo Municipal Code Relating to Public Ways and Places.
5. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of the following Ordinances:
  - a. Amending Sections 10-0322 and 10-0322.1 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Harassment and Harassment - Hate Crime.
  - b. Amending Section 10-0103 of Article 10-01 of Chapter 10 of the Fargo Municipal Code Relating to Sale of Tobacco to Individuals Under Twenty-One (21) Years of Age and Use and Possession by Individuals Under 21 Years of Age Prohibited.
  - c. Amending Section 8-0610 of Article 8-06 of Chapter 8 of the Fargo Municipal Code Relating to Rotary Traffic Islands.
  - d. Amending Section 08-0313 of Article 08-03 of Chapter 8 of the Fargo Municipal Code Relating to Careless Driving and Amending Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
  - e. Amending Section 8-0309 of Article 8-03 of Chapter 8 of the Fargo Municipal Code Relating to Driving while License Suspended or Revoked - Impoundment of License Plates and Amending Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
  - f. Enacting Section 10-0502 in Article 10-05 of Chapter 10 of the Fargo Municipal Code Titled Proof of Identification in Licensed Premises.
  - g. Amending Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
  - h. Amending Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
  - i. Amending Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
6. Findings of Fact, Conclusion and Order of the Board of City Commissioners of the City of Fargo, Conclusions and Order, and Notice of Entry of Order for property located at 1102 1st Avenue South.
7. Direct the City Attorney to repeal the appropriate Ordinances and/or Resolutions to conclude the Sustainability and Resiliency Committee and the Police Advisory and Oversight Board.
8. Site Authorization for Games of Chance for the North Dakota Horse Park Foundation at Sickies Garage Fargo.
9. Applications for Games of Chance:
  - a. El Zagal Directors Staff for a raffle on 9/20/25.
  - b. Knights of Columbus 4th Degree Assembly 788 for a raffle and calendar raffle on 2/16/26.
  - c. St. Anthony of Padua Parish Fall Bazaar for bingo and a raffle on 9/28/25.
  - d. YMCA of the Northern Sky for a raffle and raffle board on 8/5/2025.
  - e. Holy Spirit for a raffle on 10/15/25, 10/22/25 and 10/26/25
10. Denial of a request from Folkways to close a portion of Broadway for upcoming events.



11. Permanent Easement (Storm Sewer) with Designer Homes of Fargo-Moorhead LLC.
12. Consent to Construction Agreement with Kwik Trip, Inc. for 4460 Calico Drive South.
13. Encroachment Agreement (Pickup & Drop-Off Lane) with West Fargo Public School District No. 6 for 4901 15th Avenue South.
14. Amendment No. 2 with Houston Engineering, Inc. in the amount of \$9,714.00 for Project No. SN-25-B0.
15. Bid awards for Project No. NR-25-D1:
  - a. General construction contract to CC Steel, LLC in the amount of \$2,154,712.00.
  - b. Electrical construction contract to JDP Electric in the amount of \$159,418.00.
16. Contract and bond for Improvement District No. BN-25-E1.
17. Negative Final Balancing Change Order No. 2 in the amount of -\$11,310.74 for Improvement District No. BN-23-G1.
18. Negative Final Balancing Change Order No. 3 in the amount of -\$21,363.30 for Improvement District No. BN-23-J1.
19. Negative Final Balancing Change Order No. 2 in the amount of -\$26,457.00 for Improvement District No. BN-24-A1.
20. Negative Final Balancing Change Order No. 2 in the amount of -\$113,297.34 for Improvement District No. BR-24-E1.
21. Final Balancing Change Order No. 1 in the amount of \$1,220.00 for Improvement District No. AN-24-A1.
22. Final Balancing Change Order No. 1 in the amount of \$3,698.20 for Improvement District No. AN-24-B1.
23. Final Balancing Change Order No. 5 in the amount of \$48,546.26 for Improvement District No. BN-23-E1.
24. Final Balancing Change Order No. 5 in the amount of \$19,674.91 for Improvement District No. BR-24-F1.
25. Final Balancing Change Order No. 2 in the amount of \$22,289.57 for Improvement District No. BR-24-G1.
26. Private Utility Relocation with Sparklight for Improvement District No. PR-24-A1.
27. Items from the FAHR Meeting:
  - a. Receive and file Sales Tax Update.
  - b. Allocation of \$190,476.00 for the Axon Draft One Contract.
  - c. Donation in the amount of \$30,650.00 from the Fargo Police Foundation to acquire and train a new K9 Unit.
  - d. Rental Inspection and Code Enforcement fee schedule as presented.

- e. Increase of fees for Municipal Court as presented.
- 28. Notice of Grant Award Amendment from the ND Department of Health and Human Services for PHEP-EPR Statewide Response Team (CFDA #93.069).
- 29. Notice of Grant Award Amendment from the ND Department of Health and Human Services for PHEP - City Readiness Initiative (CFDA# 93.089).
- 30. Notice of Grant Award from the ND Department of Health and Human Services for HIV/HCV counseling, testing and referral (CFDA# 93.940).
- 31. Notice of Grant Award from the ND Department of Health and Human Services for PHEP - EPR All Hazards Allocation (CFDA# 93.069).
- 32. Notice of Grant Award from the ND Department of Health and Human Services for PHEP-EPR Statewide Response Team (CFDA# 93.069).
- 33. Notice of Grant Award from the ND Department of Health and Human Services for the Tobacco Prevention and Control Program.
- 34. Financial Award from the ND Housing Finance Agency for ND Homeless Grant.
- 35. Direct the City Attorney to work with Environmental Health to revise the Keeping of Chickens Ordinance - Article 12-03.
- 36. Resolution approving Plat of Champions Gate at Prairie Farms Second Addition.
- 37. Resolution approving Plat of Dakota Commerce Center North Second Addition.
- 38. Resolution approving Plat of Family Healthcare Center Addition.
- 39. Direct the City Attorney's Office to review and draft Ordinances related to electric vehicle stalls and motorized scooters.
- 40. Contract and bond for Public Works Administrative Building Exterior Improvements (ITB25189).
- 41. Change Order No. 3 in the amount of \$632,357.00 and time extension of 72 days to the substantial completion date for Project No. SW23-04.
- 42. Change Order No. 2 in the amount of \$32,361.30 for Project No. WA2158.
- 43. Task Order No. WA11 with Apex Engineering Group, Inc. in the amount of \$129,100.00 for Water Tower Demolition of Tower Nos. 2, 3 and 8 (Project No. WA2158).
- 44. Change Order No. 9 with PKG Contracting, Inc. in the amount of \$158,127.00 and time extension to the final completion date to 12/31/25 for Project No. WW1701 (Phase IIB Expansion).
- 45. Bills.

**REGULAR AGENDA:**

**PUBLIC HEARINGS - 5:05 pm:**

16. **PUBLIC HEARING** – Prairie Crossing Addition (3910 25th Street South); approval recommended by the Planning Commission on 6/3/25:
  - a. Zoning Change from SR-2, Single-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay.
  - b. 1st reading of rezoning Ordinance.
17. **PUBLIC HEARING** – Annexation of 87.89 acres, more or less located in a part of Section 10 and Section 15, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota (4370 52nd Avenue North; 4300, 5001 and 5115 County Road 81; 4821-4943 43rd Street North; 4349 and 4350 48th Avenue North); continued from the 6/23/25 Regular Meeting.
18. **PUBLIC HEARING** – Northdale First Addition (4300 County Highway 81 North); approval recommended by the Planning Commission on 2/4/25; continued from the 6/23/25 Regular Meeting:
  - a. Zoning Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay.
  - b. 1st reading of rezoning Ordinance.
  - c. Plat of Northdale First Addition.
19. **PUBLIC HEARING** - Community Development Block Grant (CDBG) and HOME Investment Partnership Programs (HOME) 2025-2029 HUD Consolidated Plan including the 2025 HUD Action Plan and Budget Amendments to 2023 and 2024 Action Plans.
20. 2026 Budget Request from the Municipal Airport Authority.
21. Recommendation for reappointment to the Renaissance Zone Authority.
22. Applications for Property Tax Exemptions for Improvements Made to Buildings:
  - a. Matthew and Courtney Sizer (5 years).
  - b. Clyde Jr. and Katherine McArthur (5 years).
23. Liaison Commissioner Assignment Updates.
24. **RESIDENT COMMENTS (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at [FargoND.gov/VirtualCommission](https://www.fargoND.gov/VirtualCommission)).**

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at [www.fargoND.gov/CityCommission](https://www.fargoND.gov/CityCommission).

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AN ORDINANCE AMENDING SECTIONS 21-0601, 21-0602, 21-0603, 21-0604 AND  
ENACTING SECTIONS 21-0601.1 AND 21-0605 OF ARTICLE 21-06 OF CHAPTER 21 OF  
THE FARGO MUNICIPAL CODE RELATING TO FLOOD PLAIN MANAGEMENT

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

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

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

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

NOW, THEREFORE,

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

Section 1. Amendment.

Section 21-0601 of Article 21-06 of Chapter 21 of the Fargo Municipal Code is hereby amended to read as follows:

**21-0601. Definitions.**

1. "Area of jurisdiction" shall mean the area within the corporate limits of the city, the area which is served by the city of Fargo utilities, and any area in which the city has statutory planning and zoning authority.
2. "Area of special flood hazard" means the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.

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- 1 3. "Base flood" means the flood having a 1% chance of being equaled or exceeded in any  
2 given year.
- 3 4. "Base Flood Elevation" (BFE) means the height of the base flood or 100-year flood  
4 usually in feet, measured in the same datum (either NAVD88 or NGVD29) as the FIRM.
- 5 5. "Basement" means any area of the building having its floor subgrade (below ground) on  
6 all sides.
- 7 6. "Best Available Information" (BAI) means water elevation information from any source  
8 used to estimate or determine a base flood elevation (i.e. high water mark).
- 9 7. "Community" means any political subdivision that has the authority to zone, or any Indian  
10 tribe or authorized tribal organization, which has authority to adopt and enforce flood plain  
11 management regulations for the areas within its jurisdiction.
- 12 8. "Conveyance or hydraulic conveyance" means a geometric characteristic of a river or  
13 watercourse at a given point that determines the flow-carrying capacity at that point.
- 14 49. "Development" means any man-made change to improved or unimproved real estate,  
15 including but not limited to, buildings or other structures, mining, dredging, filling,  
16 grading, paving, excavation or drilling operations located within the area of special flood  
17 hazard.
- 18 §10. "Elevation" shall mean height, above mean sea level, measured in feet.
- 19 11. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or  
20 subdivision for which the construction of facilities for servicing the lots on which the  
21 manufactured homes are to be affixed (including, at a minimum, the installation of utilities,  
22 the construction of streets, and either final site grading or the pouring of concrete pads) is  
23 completed before the effective date of the floodplain management regulations adopted by  
a community.
12. Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation  
of additional sites by the construction of facilities for servicing the lots on which the  
manufacturing homes are to be affixed (including the installation of utilities, he  
construction of streets, and either final site grading or the pouring of concrete pads).

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1     ~~6~~13. "FEMA" shall mean the Federal Emergency Management Agency.

2     ~~7.14~~ "Flood" or "flooding" means a general and temporary condition of partial or complete  
3       inundation of normally dry land areas from:

4       a. The overflow of inland waters and/or

5       b. The unusual and rapid accumulation or runoff of surface waters from any source.

6     ~~8~~15. "FIRM" means the Flood Insurance Rate Map which is the official map on which  
7       FEMA has delineated both the areas of special flood hazard and the risk premium zones  
8       applicable to the community.

9     ~~9~~16. "Flood Insurance Study" means the official report provided by FEMA that includes  
10       flood profiles, the Flood Boundary - Floodway Map, and the water surface elevation of  
11       the base flood.

12     ~~10~~7. "Floodproofing" means any combination of structural and nonstructural additions,  
13       changes or adjustments to properties and structures which reduce or eliminate flood  
14       damage to lands, water and sanitary facilities, structures and contents of buildings.

15     ~~11~~8. "Floodproofing Code" means the revised Floodproofing Code of the City of Fargo,  
16       North Dakota, as prepared by Moore Engineering, Inc., and dated December 9, 1975, as  
17       clarified by the Floodproofing Construction Requirements, together with illustrative  
18       exhibits as adopted by the board of city commission, adopted by the city effective as of  
19       ~~the date of adoption of this ordinance.~~

20     ~~12~~9. "Floodway" means the channel of a river or other watercourse and the adjacent land  
21       areas that must be reserved in order to discharge the base flood without cumulatively  
22       increasing the water surface elevation more than 0.75 feet.

23     ~~20.~~ "Highest adjacent grade" means the highest natural elevation of the ground surface prior to  
       construction next to the proposed walls of a structure.

~~13~~21. "Lowest floor" means the lowest floor of the lowest enclosed area (including  
       basement). An unfinished or flood resistant enclosure, usable solely for parking of  
       vehicles, building access or storage, in an area other than a basement area, is not  
       considered a building's lowest floor, provided that such enclosure is not built so as to

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render the structure in violation of the applicable non-elevation design requirements of this ordinance.

~~1422.~~ "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

~~1523.~~ "Manufactured home park" or "subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale and shall include mobile home parks as defined in § 25-2401 of the Fargo Municipal Code.

~~1624.~~ "New construction" means structures for which the start of construction occurred on or after the effective date of this ordinance.

25. "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

26. "Person" means any person, firm, partnership, association, corporation, limited liability company, agency, or any other private or governmental organization, which includes any agency of the United States, a state agency, or any political subdivision of the state.

27. "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

28. "Recreational vehicle" means a vehicle which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) designed to be self-propelled or permanently towable by a light duty truck;



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(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use; including, but not limited to;  
(e) travel trailers, trailers on wheels, park-model trailers, and other similar vehicles.

29. "Special Flood Hazard Area" (SFHA) means an area of land that would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year

~~17~~30. "Start of construction" means the date the building permit was issued for any construction or substantial improvement, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

~~18~~31. "Structure" means a walled and roofed building or manufactured home that is principally above ground.

~~19~~32. "Substantial improvement" means any single repair, combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure taking place during a period of five consecutive years beginning in 2015, the cumulative cost of which equals or exceeds 50% of the market value of the structure either:

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other

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structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term "substantial improvement" does not include:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure living conditions, or
- b. Any alteration of a structure listed on the National Register of Historic Places or a state or local inventory or register of historic places.

33. "Watercourse" means only the channel and banks of an identifiable watercourse, and not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the flood carrying capacity of the channel, except in the case of alluvial fans, where a channel is not typically defined. The definition of watercourse in N.D.C.C. § 61-01-06 is not applicable in this ordinance.

~~20~~34. "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

35. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the community's floodplain management ordinance is presumed to be in violation until such time as that documentation is provided.

Section 2. Enactment.

Section 21-0601.1 of Article 21-06 of Chapter 21 of the Fargo Municipal Code is hereby enacted to read as follows:

**21-0601.1-Statutory Authorization, Findings of Fact, Purpose, and Objectives**

**A1.1 Statutory Authorization.**

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The Legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-47, 11-33 and 58-03 delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the board of city commissioners of the city of Fargo hereby adopt such regulations, and does hereby ordain as follows:

B1.2 Findings of Fact.

1.(1) The flood hazard areas of City of Fargo are subject to periodic inundation which can endanger life, result in loss of property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect the public health, safety, and general welfare.

2.(2) Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas cause increases in flood heights and velocities. Inadequately floodproofed, elevated or otherwise unprotected structures also contribute to the flood loss.

C1.3 Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1.(1) To protect human life and health;

2.(2) To minimize expenditure of public money for costly flood control projects;

3.(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4.(4) To minimize prolonged business interruptions;

5.(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;

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6.(6) To help maintain a stable tax base by providing for the second use and development of special flood hazard areas so as to minimize future flood blight areas;

7.(7) To ensure that potential buyers are notified that property is in a special flood hazard area; and

8.(8) To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

D4.4 Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

5(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 3. Amendment.

Section 21-0602 of Article 21-06 of Chapter 21 of the Fargo Municipal Code is hereby amended to read as follows:

**21-0602. General Provisions.**

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- A. Applicability—This ordinance shall apply to all areas of special flood hazard within the area of jurisdiction of the city.
- B. Identification of affected area—The areas of special flood hazard identified by FEMA in ~~the most recent~~ the Flood Insurance Study for Cass County, the City of Fargo, North Dakota, All Jurisdictions, with the accompanying FIRM dated January 15, 2015 and September 5, 2025, is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM are on file at the office of the city engineer in Fargo, North Dakota.
- C. Compliance—No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.
- D. Abrogation and greater restrictions—This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance, ~~and another ordinance~~, the Floodproofing Code, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation—In the interpretation and application of this ordinance, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and,
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- F. Warning and disclaimer of liability—The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such area will be free from flooding or flood damages. This ordinance shall not create liability on the part of the city of Fargo, any officer or employee thereof, or FEMA for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 4. Amendment.

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Section 21-0603 of Article 21-06 of Chapter 21 of the Fargo Municipal Code is hereby amended to read as follows:

**21-0603. Administration.**

- A. Development Permit—Permit required—A ~~building-development~~ permit shall be obtained before construction or development begins within any area of special flood hazard. Application for such ~~building-development~~ permit shall be made on forms furnished by the building inspector and shall include, but not be limited to, the following:
1. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;
  2. Existing or proposed structures, fill, storage of materials, and drainage facilities;
  3. Elevation of the lowest floor of all structures;
  4. Elevation to which any structure has been floodproofed;
  5. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in § 21-0604 of this article; and,
  6. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

A building permit issued for a structure to be constructed within the SFHA shall serve as the required development permit.

- B. Building Inspector—The building inspector or designee is hereby appointed to administer and implement this ordinance by granting or denying ~~building-development~~ permit applications in accordance with the provisions of this article. The duties of the building inspector shall include, but not be limited to, the following:
1. Review all applications for ~~building-development~~ permits to determine that the

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1 permit requirements of this ordinance have been satisfied.

2 2. Review all applications for building development permits to determine that all  
3 necessary permits have been obtained from federal, state, or local governmental  
4 agencies from which prior approval is required.

5 3. Review all applications for building development permits to determine if the  
6 proposed structure or development is located in the floodway. If located in the  
7 floodway, assure that the encroachment provisions of § 21-0604 are met.

8 4. Review permit applications and proposed improvements to determine whether  
9 any improvement or repair of a building constitutes a substantial improvement  
10 and issue a written conclusion to the owner or applicant.

11 a. Determining substantial improvement. The building inspector shall make a  
12 determination based on the current market value of a structure, taking into  
13 account the cumulative cost of an improvement or repair taking place  
14 during a period of five consecutive years beginning in 2015.

15 b. Determining current market value. Unless the owner provides the building  
16 inspector with a current market value assessment completed by a licensed  
17 assessor, the building inspector shall determine market value based on the  
18 current assessed value by the assessor's department either before the start  
19 of construction or before the damage occurred. If buildings have not been  
20 maintained and have deteriorated over time, current market value is based  
21 on the date of the application for the permit to improve or repair the  
22 building.

23 5. Track the cost of repairs and improvements for the purpose of making substantial  
improvement determinations.

C. Use of Other Data—When base flood elevation data has not been provided in  
accordance with § 21-0602 of this article, the building inspector shall obtain, review,  
and reasonably utilize any base flood elevation and floodway data available from any  
federal, state or other source to establish criteria for requiring that new construction,  
substantial improvements, or other development in Zone A are constructed in  
accordance with § 21-0604 of this article.



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1 D. Maintenance of information—

- 2 1. The building inspector shall obtain and record the elevation of the lowest floor of  
3 all new or substantially improved structures; and whether or not the structure  
4 contains a basement.
- 5 2. For all new or substantially improved floodproofed structures, the building  
6 inspector shall:
- 7 a. Verify and record the actual elevation to which the structure has been  
8 floodproofed.
- 9 b. Maintain the floodproofing certifications of registered professional  
10 engineers or architects as hereinabove provided.
- 11 c. Maintain for public inspection, all records pertaining to the provisions of  
12 this ordinance.

13 E. Alteration of watercourses—

- 14 1. The building inspector shall notify adjacent communities and the North Dakota State  
15 Department of Water Commission Resources prior to any alteration or relocation of a  
16 watercourse, and submit evidence of such notification to FEMA.
- 17 2. Require that maintenance is provided within the altered or relocated portion of said  
18 watercourse so that the flood-carrying capacity is not diminished.
- 19 3. All buildings or structures in the Minimal Disturbance Zone Setback and the Limited  
20 Disturbance Zone Setback shall be erected, constructed, enlarged or altered in  
21 conformance with the Watercourse and Setback Restrictions and Exceptions as stated  
22 in Municipal Code §20-0508.

23 F. FIRM Boundaries—Interpretation—The building inspector shall interpret, when  
needed, the exact location of the boundaries of the areas of special flood hazards and  
shall make adjustments when necessary to resolve conflicts between mapped  
boundaries and actual field conditions. The person contesting the location of any  
boundary shall be given a reasonable opportunity to appeal the interpretation of the  
building inspector as hereinafter provided.

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1 G. Appeals—Variances—

- 2 1. The board of adjustment shall hear and decide appeals from decisions or  
3 determinations made by the building inspector in the enforcement or administration  
4 of this article.
- 5 2. The board of adjustment shall consider requests for variances from the requirements  
6 of this ordinance.
- 7 3. Any person aggrieved by the decision of the board of adjustment may appeal such  
8 decision to the board of city commissioners of the city of Fargo.
- 9 4. Any person aggrieved by the decision of the board of city commissioners may appeal  
10 such decision to the North Dakota district court, pursuant to law.
- 11 5. In determining appeals or requests for variances, the board of adjustment shall  
12 consider all technical evaluations, all relevant factors, standards specified in other  
13 sections of this ordinance, and:
- 14 a. The danger that materials may be swept onto other lands to the injury of others;
- 15 b. The danger to life and property due to flooding or erosion damage;
- 16 c. The susceptibility of the proposed facility and its contents to flood damage and  
17 the effect of such damage on the individual owners;
- 18 d. The importance of the services provided by the proposed facility to the  
19 community;
- 20 e. The necessity to the facility of a waterfront location, where applicable;
- 21 f. The availability of alternative locations for the proposed use which are not subject  
22 to flooding or erosion damage;
- 23 g. The compatibility of the proposed use with the existing and anticipated  
development;

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- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
6. Upon consideration of the foregoing factors and the purpose of this article, the board of adjustment may attach such conditions to the granting of variances as it may deem appropriate and necessary to effectuate the intent of this article.
  7. The building inspector shall maintain the records of all appeal actions, including technical information, and report any variances to FEMA.
- H. Conditions for variances—
1. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (a-k) in subsection (G)(5) above have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.
  2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or any state or local inventory or register of historic places without regard to the procedures set forth in the remainder of this section.
  3. Variances shall not be issued within any designated floodway if any increase in flood

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1 levels during the base flood discharge would result.

2 4. Variances shall be issued only upon a determination that the variance is the minimum  
3 necessary, considering the flood hazard, to afford relief.

4 5. Variances shall be issued only upon:

- 5 a. A showing of good and sufficient cause;  
6 b. A determination that failure to grant the variance would result in exceptional  
7 hardship to the applicant; and  
8 c. A determination that the granting of a variance will not result in increased flood  
9 heights, additional threats to public safety, extraordinary public expense, create  
10 nuisances, cause fraud on or victimization of the public, or conflict with existing  
11 local laws or ordinances.

12 6. Any applicant to whom a variance is granted shall be given written notice that the  
13 structure will be permitted to be built with a lowest floor below the base flood  
14 elevation and that the cost of flood insurance will be commensurate with the  
15 increased risk from the reduced lowest floor elevation.

16 Section 5. Amendment.

17 Section 21-0604 of Article 21-06 of Chapter 21 of the Fargo Municipal Code is hereby  
18 amended to read as follows:

19 **21-0604. Provisions for flood hazard reduction.**

20 A. General standards—In all areas of special flood hazard, the following standards shall  
21 apply:

22 1. Anchoring

23 a. All new construction and substantial improvements shall be anchored to prevent  
flotation, collapse, or lateral movement of the structure and shall be capable of  
resisting the hydrostatic and hydrodynamic loads.

b. All manufactured homes which are placed or substantially improved must be

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1 elevated and anchored to resist flotation, collapse or lateral movement and shall  
2 be capable of resisting the hydrostatic and hydrodynamic loads. Methods of  
anchoring shall include, but are not limited to, the following:

- 3 i. Over-the-top ties shall be provided at each of the four corners of the  
4 manufactured home, with two additional ties per side at intermediate  
5 locations, provided that manufactured homes less than 50 feet long shall  
6 have one additional tie per side.  
7  
8 ii. Frame ties shall be provided at each corner of the home with five  
9 additional ties per side at intermediate points, provided that manufactured  
homes less than 50 feet long shall have four additional ties per side;  
10  
11 iii. All components of the anchoring system shall be capable of carrying a  
force of 4,800 pounds.

Any additions to a manufactured home shall be similarly anchored.

12 2. Construction materials and methods

- 13 a. All new construction and substantial improvements shall be constructed with  
materials which are resistant to flood damage.  
14  
15 b. All new construction and substantial improvements shall be constructed using  
methods and practices that minimize flood damage.  
16  
17 c. All new construction and substantial improvements shall be constructed with  
electrical, heating, ventilation, plumbing, and air conditioning equipment and  
other service facilities that are designed and/or located so as to prevent water from  
entering or accumulating within the components during conditions of flooding.

18 3. Utilities

- 19 a. All new and replacement water supply systems shall be designed to minimize or  
20 eliminate infiltration of flood waters into the system.  
21  
22 b. New and replacement sanitary sewage systems shall be designed to minimize or  
23

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1 eliminate infiltration of flood waters into the systems and discharge from the  
2 systems into flood waters.

- 3 c. On-site waste disposal systems shall be located to avoid impairment or  
4 contamination during flooding.

5 4. Subdivisions

- 6 a. All proposed subdivisions shall be consistent with the need to minimize flood  
7 damage.
- 8 b. All subdivisions shall have public utilities and facilities such as sewer, gas,  
9 electrical, and water systems located and constructed to minimize flood damage.
- 10 c. All subdivisions shall have adequate drainage provided to reduce exposure to  
11 flood damage.
- 12 d. Base flood elevation data shall be provided for proposed subdivisions and other  
13 development proposals which contain at least 50 lots or five acres (whichever is  
14 less).

15 5. Specific standards—In all areas of special flood hazard where base flood elevation  
16 data has been provided as set forth in § 21-0602 or 21-0603, the following provisions  
17 are required:

- 18 a. New construction and substantial improvement of any structure shall:
- 19 i. Conform to structural and technical provisions set forth in the  
20 floodproofing code.
- 21 ii. Be constructed in accordance with the Floodproofing Construction  
22 Requirements, on file in the Inspections Office of the city of Fargo, North  
23 Dakota. A registered professional engineer or architect shall develop  
and/or review structural design, specifications, and plans for the  
construction, and shall certify that the design methods of construction are  
in accordance with accepted standards of practice.
- iii. Have structural components capable of resisting hydrostatic and

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hydrodynamic loads and effects of buoyancy. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- A minimum of two openings having a total net area of not less than one square inch per square foot of enclosed area subject to flooding shall be provided;
- The bottom of all openings shall be no higher than one foot above grade.
- Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

6. ~~Manufactured homes~~ ~~Manufactured homes which are placed or substantially improved shall be set on a permanent foundation and shall be elevated so that the lowest floor is at or above the base flood elevation and is securely anchored as hereinabove provided.~~

a. (1) Require all manufactured homes placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. (2) Require all manufactured homes placed or substantially improved within Zones A 1-30, AH, or AE on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision which has incurred substantial damage, be elevated on a permanent foundation so the lowest floor of the manufactured



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home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

c. (3) Require that manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A 1-30, AH, or AE not subject to other requirements of this section be elevated so that either:

(i) the lowest floor of the manufactured home is one foot above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36" in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

7.5.24 Recreational Vehicles.

a. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must:

(i) be elevated and anchored to meet the requirements in 5.2-3; OR

(ii) be on the site for less than 180 consecutive days; AND

(iii) be fully licensed and highway ready

87. Encroachment Analysis.

a. When a regulatory floodway has not been designated, the Floodplain Administrator building inspector must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

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b. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

98. Floodways—The following provisions shall apply to any development or construction in the floodway:

- a. Any development or construction is prohibited unless a registered professional engineer certifies that such development or construction shall not result in any increase in flood levels during the occurrence of the base flood discharge. Any increase, as used in this section, means any modeled impacted greater than 0.0 feet.
- b. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
- c. Under the provisions of 44 CFR Section 65.12 of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

Section 6. Enactment. Section 21-0605 of Article 21-06 of Chapter 21 of the Fargo Municipal Code is hereby enacted to read as follows:

**21-0605. Penalty.**

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

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Section 7. Effective Date.

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

\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading and Final Passage:  
Publication:

**OFFICE OF THE  
CITY ATTORNEY**

**CITY ATTORNEY**  
Nancy J. Morris

**SERKLAND LAW FIRM**

10 Roberts Street North

P.O. Box 6017

Fargo, ND 58108

Phone: 701.232.8957 | Fax: 701.237.4049

**ASSISTANT CITY ATTORNEYS**

Ian R. McLean • Alissa R. Farol • William B. Wischer

(2)

July 3, 2025

Board of City Commissioners  
City Hall  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

**RE: An Ordinance Amending Ordinance No. 5464 Pertaining to Zoning of  
The Pines at the District Seventh Addition**

Dear Commissioners,

Enclosed for your review and consideration is an ordinance amending Ordinance No. 5464, which received second reading and final passage by the Board on February 3, 2025. Ordinance No. 5464 authorized the rezoning of property legally described as The Pines at the District Seventh Addition.

Following its adoption, a clerical oversight was identified—specifically, the individual lot designations associated with the rezoning were inadvertently omitted from the ordinance text. So, the purpose of this amendment is to explicitly identify the lot designations consistent with the discussion and approval during the public hearing held on January 21, 2025.

The City's official zoning map has been correctly updated to reflect the intended lot designations. As such, this amendment serves solely to clarify the ordinance language and ensure consistency between the ordinance and the zoning map.

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

**Suggested Motion:** I move to waive receipt and filing of the enclosed ordinance one week prior to first reading and that this be the first reading, by title, of an Ordinance Amending Ordinance No. 5464 pertaining to zoning of The Pines at the District Seventh Addition to the City of Fargo, Cass County, North Dakota.

Sincerely,



Alissa R. Farol Czapiewski  
Assistant City Attorney

Enclosure

cc: Donald Kress, Planning & Development Department  
Nicole Crutchfield, Planning & Development Department  
Luke Morman, Planning & Development Department

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AN ORDINANCE AMENDING ORDINANCE NO. 5464  
PERTAINING TO ZONING OF THE PINES AT THE DISTRICT SEVENTH ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, at its regular meeting of February 3, 2025, the Board of City Commissioners approved second reading and final passage of Fargo Municipal Ordinance No. 5464, which memorialized and effected a rezoning of certain property described as The Pines at the District Seventh Addition to the city of Fargo, Cass County, North Dakota; and

WHEREAS, a clerical error was later discovered in which the individual lot designations for the rezoning were inadvertently omitted from the Ordinance; and,

WHEREAS, by this Ordinance, the Board of City Commissioners desires to correct the lot designations to accurately reflect those as discussed and approved by the Board at the January 21, 2025, hearing.

NOW, THEREFORE,

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

Section 1. The following described property:

All of Lots One (1) and Two (2), Block One (1) of The Pines at the District Seventh Addition to the City of Fargo, Cass County, North Dakota,

that ~~is~~ are currently zoned "LC", Limited Commercial, District, with an existing "C-O", Conditional Overlay, District, as established by Fargo Municipal Ordinance No. 5422, is will hereby retain the base zoning of rezoned to "LC", Limited Commercial, District, and "MR-3", Multi-Dwelling Residential, District, repealing said "C-O", Conditional Overlay, District, and establishing a new "C-O", Conditional Overlay, District as follows:

\* \* \* \*

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Section 2. The following described property:

Lot Three (3), Block One (1) of The Pines at the District Seventh Addition to the City of Fargo, Cass County, North Dakota,

that is currently zoned "LC", Limited Commercial, District, with an existing "C-O", Conditional Overlay, District, as established by Fargo Municipal Ordinance No. 5422, is hereby rezoned to "MR-3", Multi-Dwelling Residential, District, repealing said "C-O", Conditional Overlay, District, and establishing a new "C-O", Conditional Overlay, District as follows:

1. Description: This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding development within the described property.
  - a. All buildings shall have architectural interest and variety through the use of articulated façades to avoid the effect of a single, long or massive wall.
  - b. Four-sided design – all building facades shall be designed with a similar level of design detail, respective to building massing and building materials.
2. All primary buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; EIFS (exterior insulation finishing system), glass, metal-cladding similar to 'Aluco Bond', 'MAC', 'Pac-Clad', and synthetic panels similar to 'Trespa' and 'Nichiha'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with a wood look may be used. Horizontal lap siding and vertical board & batten shall be allowed on residential structures but shall not exceed 75% of the building elevation for residential.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the

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length of the facade, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated facade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.

5. Ground floor façades that front public right-of-way shall have arcades, windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length for commercial and 30 percent of their horizontal length for residential. If the façade facing the street is not the front, it shall include the same features and/or landscaping in scale with the façade.
6. The total building footprint for all accessory buildings shall be a maximum of 45 percent of the primary building coverage.
7. No accessory structures shall be allowed between the primary structure and the front or street side property line or in the front of the building.
8. Individual accessory structures shall have a maximum length of 140 feet.
9. A minimum of 40 percent of the primary building footprint shall be designated for parking integrated into the structure for residential.
10. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other structures. All ground level HVAC units and utility boxes shall be screened from view by a structure, wall, fence, or landscaping.
11. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.
12. Separate vehicular and pedestrian circulation systems shall be provided. An onsite system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:



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- a. The primary entrance or entrances to each commercial building, including pad site buildings.
  - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
  - c. Parking areas or structures that serve such primary buildings.
  - d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
  - e. Any public sidewalk system along the perimeter streets adjacent to the commercial development.
  - f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
13. A minimum of 5% of the internal surface area of the parking lot shall be landscaped with plantings. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.
14. As to the Use Categories applicable to the base, "LC", zoning district, the following uses are prohibited.
- a. Detention Facilities
  - b. Self-Service Storage
  - c. Adult Establishment
  - d. Off-Premise Advertising
  - e. Portable Signs
  - f. Vehicle Repair
  - g. Industrial Uses
15. Definitions:
- a. Façade: Any exterior side of a building as viewed from a single direction, typically perpendicular to the exterior side of the building being viewed.
  - b. Depth: A horizontal distance perpendicular to a building façade.
  - c. Elevation: A horizontal orthographic projection of a building onto a vertical plane, parallel to one side of the building.
  - d. Landscaped: To make an area of land more attractive by adding plants.

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1           Section 3. The City Auditor is hereby directed to amend the zoning map now on file in his  
2 office so as to conform with and carry out the provisions of this ordinance.

3           Section 4. This ordinance shall be in full force and effect from and after its passage  
4 and approval.

5  
6  
7 (SEAL)

\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

8 Attest:

9  
10 \_\_\_\_\_  
11 Steve Sprague, City Auditor

First Reading:  
Second Reading  
Final Passage:



**CITY ATTORNEY**  
Nancy J. Morris

**OFFICE OF THE  
CITY ATTORNEY**

3

July 3, 2025

**SERKLAND LAW FIRM**

10 Roberts Street North

P.O. Box 6017

Fargo, ND 58108

Phone: 701.232.8957 | Fax: 701.237.4049

**ASSISTANT CITY ATTORNEYS**

Ian R. McLean ▪ Alissa R. Farol ▪ William B. Wischer

Board of City Commissioners  
City Hall  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

**RE: Fleeing Ordinance Enactment and Penalty Provisions**

Mayor and Commissioners,

Presented for your consideration and approval is an ordinance enacting a new offense of fleeing from a peace officer, in conformance with recently passed HB 1229, which enacted a new North Dakota Century Code § 39-10-71.1 of the same title. The new ordinance will be identified as Fargo Municipal Code § 8-1322- Motor vehicle owner's responsibility regarding a driver who flees a peace officer-Exceptions. In addition, HB 1229 provides for a non-criminal penalty in the amount of \$100 for a first offense and \$500 for any subsequent offense. The ordinance presented for your consideration also includes the same penalty provision additions to Fargo Municipal Code § 1-0305 (C) (7) and (14). The presentation of these ordinance amendments is pursuant to your motion on June 9, 2025, directing the City Attorney to work with the various departments to enact or amend ordinances in accordance with the state law changes. The ordinance would be effective in conjunction with the effective date of the State Law on August 1, 2025.

**Suggested Motion:** I move to waive the receipt and filing of the enclosed ordinances one week prior to first reading and that this be the first reading, by title, of An Ordinance Enacting Section 8-1322 of Article 8-13 of Chapter 8 of the Fargo Municipal Code Relating to Traffic Code and An Ordinance Amending Section 1-0305 (C) (7) and Adding Section 1-0305 (C)(14) of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.

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

Regards,

Nancy J. Morris

NJM/lmw  
Enclosures  
cc: Chief David Zibolski (email only)

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ENACTING SECTION 8-1322 OF ARTICLE 8-13  
OF CHAPTER 8 OF THE FARGO MUNICIPAL CODE  
RELATING TO TRAFFICE CODE

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

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

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

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

NOW, THEREFORE,

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

Section 1. Enactment.

Section 8-1322 of Article 8-13 of Chapter 8 of the Fargo Municipal Code is hereby enacted as follows:

**8-1322. – Motor vehicle owner's responsibility regarding a driver who flees a peace officer – Exceptions.**

1. The owner of a motor vehicle involved in a violation of North Dakota Century Code § 39-10-71 is presumed to have violated this section.
2. A peace officer may proceed in accordance with this section instead of pursuing the driver of a motor vehicle who flees or attempts to elude the peace officer after being given a visual or audible signal to bring the vehicle to a stop in violation of North Dakota Century Code § 39-10-71.
  - a. A peace officer may investigate the violation and prepare a traffic citation under this section.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

- b. A peace officer may issue a traffic citation under this section in accordance with the North Dakota Rules of Civil Procedure to the motor vehicle owner within ninety-six (96) hours after observing the violation.

3. A motor vehicle owner may not be found to have violated this section if:

- a. The driver operating the motor vehicle at the time of the violation of North Dakota Century Code § 39-10-71 has been charged with a violation of North Dakota Century Code § 39-10-71.
- b. The motor vehicle was reported stolen before the violation occurred or within a reasonable time after the violation occurred.
- c. The motor vehicle owner assists or cooperates with a peace officer to demonstrate the owner was not the one who operated the motor vehicle at the time and place of the violation of North Dakota Century Code § 39-10-71.
- d. The motor vehicle owner provides information that demonstrates the owner was not the driver of the motor vehicle at the time of the offense.

4. A motor vehicle owner may not be found to have violated this section, and the lessee is presumed to have violated this section, if the motor vehicle owner is a lessor of vehicles and at the time of the violation of North Dakota Century Code § 39-10-71 the motor vehicle was in the possession of a lessee, and the lessor provides a peace officer with the motor vehicle's registration number and the name, address, and operator's license number of the individual renting or leasing the motor vehicle.

5. An individual may not be charged both with violating this section and North Dakota Century Code § 39-10-71 for acts arising out of the same incident or occurrence.

6. This section may not apply to a motor vehicle rental company that rents motor vehicles to customers for a period of ninety (90) days or less.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 2. Penalty.

A violation of Fargo Municipal Code § 8-1322 shall result in a fine of one hundred dollars (\$100.00) for a first violation, and five hundred dollars (\$500.00) for a second or subsequent violation.

Section 3. Effective Date.

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

\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading  
Final Passage:  
Publication:

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 1-0305(C)(7) AND ADDING SECTION 1-0305  
(C)(14) OF ARTICLE 1-03 OF CHAPTER 1 OF THE FARGO MUNICIPAL CODE  
RELATING TO CLASSIFICATION OF ORDINANCE VIOLATIONS

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

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

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

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance to include the statutory penalties for fleeing a police officer.

NOW, THEREFORE,

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

Section 1. Amendment.

Section 1-0305(C)(7)) of Article 1-03 of Chapter 1 of the Fargo Municipal Code is hereby amended to read as follows:

\* \* \*

1-0305. Classification of ordinance violations.

C. Violations of the following ordinances are non-criminal offenses and shall require payment of a fee as follows

7. For a violation of the following ordinances, a fee of \$100.00.

Section 8-0317(B)(1) (drag racing), section 8-1003(K) (parking in areas reserved handicap), section 8-0702 (fail yield right-of-way pedestrian), section 8-0920 (size, weight, and load restrictions of vehicles operated within the city), section 8-

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

0924 (restricted use of streets and highways), section 8-1108(A) (disobey signal of approaching train), section 8-1108(B) (driving thru/around railroad crossing gate), section 8-1110 (disobey railroad stop sign), section 8-1218(F) (unlawful passing of school bus), section 8-1218(G) (unlawful proceeding past bus in oncoming lane) section 8-1322 (Motor vehicle owner's responsibility regarding a driver who flees a peace officer).

Section 2. Amendment.

Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code is hereby amended as follows:

14. For a violation of the following ordinance, a fee of \$500.00.

Section 8-1322 (Motor vehicle owner's responsibility regarding a driver who flees a peace officer- second or subsequent offense).

Section 3. Effective Date.

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

\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

First Reading:  
Second Reading:  
Final Passage:  
Publication:

\_\_\_\_\_  
Steven Sprague, City Auditor



**CITY ATTORNEY**  
Nancy J. Morris

**OFFICE OF THE  
CITY ATTORNEY**

4

July 3, 2025

**SERKLAND LAW FIRM**

10 Roberts Street North

P.O. Box 6017

Fargo, ND 58108

Phone: 701.232.8957 | Fax: 701.237.4049

**ASSISTANT CITY ATTORNEYS**

Ian R. McLean • Alissa R. Farol • William B. Wischer

Board of City Commissioners  
City Hall  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

**RE: Resolution and Ordinances Concluding Committees**

Mayor and Commissioners,

Presented for your consideration and approval are the process documents deemed necessary to repeal the ordinances establishing the City hall/Auditorium Commission and the Parking Commission, with necessary changes to other ordinances that reference the latter, and the Resolution to conclude the Community Development Committee established by motion of the board of city commissioners on December 1, 1997. The motion to direct the City Attorney to prepare the necessary concluding documents for these three city formed committees was approved on June 23, 2025.

**Suggested Motion:** I move to approve the Resolution and Adopt the same Concluding the Community Development Committee. I further move to waive the receipt and filing of the enclosed ordinances one week prior to first reading and that this be the first reading, by title, of the following ordinances: An ordinance repealing sections 18-0505, 18-0506, 18-0507, 18-0508, 18-0509, 18-0510, 18-0511. 18-0512 and 18-0513 of Article 18-05 of Chapter 18 of the Fargo Municipal Code Relating to Public Ways and Places, An Ordinance Repealing section 8-1025 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Parking Regulations, and An Ordinance Amending Sections 8-1006 and 8-1006.2 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Parking Regulations.

Please do not hesitate to contact me if you have any questions regarding the process to implement your earlier motion to conclude the Parking Commission, the City hall/Auditorium Commission and the Community Development Commission.

Regards,



Nancy J. Morris

NJM/lmw  
Enclosures

COMMISSIONER \_\_\_\_\_ introduced the following resolution and moved its adoption:

**Resolution Concluding the Community Development Committee**

**WHEREAS**, the city of Fargo board of city commissioners approved a motion on December 1, 1997, to redefine the Community Development Block Grant Budget Committee to the Community Development Committee; and

**WHEREAS**, the Community Development Committee has not met since January 17, 2023; and

**WHEREAS**, on June 23, 2025, the city of Fargo board of city commissioners approved a motion to direct the City Attorney to take the necessary steps to conclude several committees of the City, including the Community Development Committee; and

**WHEREAS**, the city of Fargo board of city commissioners wishes to formally conclude the Community Development Committee established by motion by adopting a Resolution and directing that the purpose and duties of the Community Development Committee be appropriately absorbed by City staff in the normal course of their duties; and

**WHEREAS**, the city of Fargo board of city commissioners wishes to thank the many volunteers appointed to the Community Development Committee for their public service.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners of the city of Fargo:

The Community Development Committee created by motion on December 1, 1997, is hereby concluded and all members of the Community Development Committee are released from further involvement with the Community Development Committee, with the City of Fargo's thanks and genuine appreciation.

The motion for the adoption of the foregoing resolution was duly seconded by COMMISSIONER \_\_\_\_\_, and upon roll call vote, the following voted in favor thereof: COMMISSIONERS \_\_\_\_\_. The following were absent and not voting: \_\_\_\_\_, and the following voted against the same: \_\_\_\_\_, whereupon the resolution was declared duly passed and adopted.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

ATTEST:

\_\_\_\_\_  
Steve Sprague, City Auditor

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 8-1006 AND 8-1006.2  
OF ARTICLE 8-10 OF CHAPTER 8 OF THE FARGO MUNICIPAL CODE  
RELATING TO PARKING REGULATIONS

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

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

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

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

9 WHEREAS, the city of Fargo seeks to regulate parking in publicly owned or operated  
parking lots and ramps, as well as time restrictions in certain parking zones.

10 NOW. THEREFORE,

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

12 Section 1. Amendment.

13 Section 8-1006 of Article 8-10 of Chapter 8 of the Fargo Municipal Code is hereby  
14 amended as follows:

15 8-1006. Time-limited parking zones.

16 Except as otherwise allowed by a permit issued by the Department of Planning and  
17 Development or designee for the Downtown Residential Parking Zone as authorized below, the  
18 owner or driver of any motor vehicle of any kind whatsoever shall not cause, permit, or allow  
19 such vehicle to be parked or to be re-parked within the same block, or within the same off-street  
20 parking lot or parking ramp owned or operated by the city of Fargo, for a period longer than the  
time limit restrictions posted for such area.

21 For purposes of determining a violation of this ordinance, a vehicle shall be considered to  
22 have remained parked or to have been re-parked within the same block, lot, or ramp when it is  
23

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

established by a preponderance of the evidence that the same vehicle has been found parked along either side of the same street or road between two intersecting roads, or has been parked within the same lot or ramp at any time within a four hour period, regardless of any evidence that the vehicle was moved between the time it was initially parked and later re-parked. Each 10-, 15-, 30-, 60-, 90-, 120-minute or other time-limited period during which a vehicle is parked shall constitute a separate and additional violation of this section.

The ~~Parking Commission~~ City Engineer shall post the time-limited parking zones on city streets, except for time-zones located on the campus of North Dakota State University in which case the University shall post the time-limited parking zones. The ~~Parking Commission~~ City Engineer is hereby authorized to establish and post time-limited parking zones in publicly owned or operated parking lots or ramps. Time-limited parking zones in publicly operated lots and ramps shall be approved by resolution by the board of commissioners. The police department or its designee shall enforce such time zone restrictions in areas which are so posted.

The ~~Parking Commission~~ City Engineer, if in its judgment traffic conditions so warrant it, may extend, change, or adjust the parking zones designated herein, provided said extension, changes, or adjustments are posted or marked.

The Department of Planning and Development or designee shall be authorized to issue a permit to residents of the Downtown Residential Parking Zone in accordance with an approved program as adopted by resolution of the board of city commissioners.

~~Decisions of the Parking Commission are subject to review and confirmation or approval by the board of city commissioners by request of any interested person submitted in writing to the director of planning and development within ten days of such decision.~~

Section 2. Amendment.

Section 8-1006.2 of Article 8-10 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

8-1006.2 Permit only parking zones in publicly operated lots and ramps.

No person shall stop, stand, or park a vehicle in any space located within a parking lot or ramp owned or operated by the city of Fargo which is designated as a permit-only space, unless the vehicle has a valid permit that has been issued by the department of planning and development or designee.

The ~~Parking Commission~~ Planning and Development Director is hereby authorized to establish permit-only parking zones located in off-street parking lots or ramps owned or operated by the city of Fargo. The fees for such a parking permit shall be approved by resolution of the board of commissioners.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 3. Penalty.

A person who violates these ordinances shall be deemed to have committed a non-criminal offense and shall pay a fee of \$20.00 as provided in Section 1-0305(C) (13) of the Fargo Municipal Code, as the same may be amended from time to time.

Section 4 . Effective Date.

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

\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:  
Publication:

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING SECTION 8-1025 OF  
ARTICLE 8-10 OF CHAPTER 8 OF THE FARGO MUNICIPAL CODE  
RELATING TO PARKING REGULATIONS

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

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

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

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

NOW, THEREFORE,

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

Section 1. Repeal.

Section 8-1025 of Article 8-10 of Chapter 8 of the Fargo Municipal Code is hereby repealed in its entirety.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 2. Effective Date.

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

\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Reading:



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING SECTIONS 18-0505  
18-0506, 18-0507, 18-0508, 18-0509, 18-0510, 18-0511, 18-0512 AND  
18-0513 OF ARTICLE 18-05 OF CHAPTER 18 OF THE FARGO  
MUNICIPAL CODE RELATING TO PUBLIC WAYS AND PLACES

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

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

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

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

NOW, THEREFORE,

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

Section 1. Repeal-City hall/auditorium commission-Composition of commission-Number of Members-Qualifications

Section 18-0505 of Article 18-05 of Chapter 18 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 2. Repeal-City hall/auditorium commission-Terms of office of members-Serve without compensation

Section 18-0506 of Article 18-05 of Chapter 18 of the Fargo Municipal Code is hereby repealed in its entirety.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 3. Repeal-City hall/auditorium commission-Removal from office-Filling vacancies in office

Section 18-0507 of Article 18-05 of Chapter 18 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 4. Repeal-City hall/auditorium commission-Officers and employees of commission-Compensation

Section 18-0508 of Article 18-05 of Chapter 18 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 5. Repeal-City hall/auditorium commission-Meetings of commission-Rules of procedure-Records-Quorum for transacting business

Section 18-0509 of Article 18-05 of Chapter 18 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 6. Repeal-City hall/auditorium commission-Powers and duties of commission

Section 18-0510 of Article 18-05 of Chapter 18 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 7. Repeal-City hall/auditorium commission-Monies received by commission-Report-Payment to city treasury

Section 18-0511 of Article 18-05 of Chapter 18 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 8. Repeal-City hall/auditorium commission-Estimate of expenses for ensuing fiscal year-Reports

Section 18-0512 of Article 18-05 of Chapter 18 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 9. Repeal-Possession, use or consumption of intoxicating liquor unlawful

Section 18-0513 of Article 18-05 of Chapter 18 of the Fargo Municipal Code is hereby repealed in its entirety.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 10. Effective Date.

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

\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Reading:

**OFFICE OF THE  
CITY ATTORNEY**

**CITY ATTORNEY**  
Nancy J. Morris

**SERKLAND LAW FIRM**  
10 Roberts Street North  
P.O. Box 6017  
Fargo, ND 58108  
Phone: 701.232.8957 | Fax: 701.237.4049

**ASSISTANT CITY ATTORNEYS**  
Ian R. McLean ▪ Alissa R. Farol ▪ William B. Wischer

5

July 3, 2025

Board of City Commissioners  
City Hall  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

**RE: Ordinance Amendments in Response to Changes in State Law (Criminal and Moving Violations)**

Dear Commissioners,

At the June 9, 2025, meeting of the Board of City Commissioners, you approved a motion to direct the City Attorney's Office to work with various city departments to revise city ordinances to comport with changes to state law passed during the 2025 legislative session. I am enclosing a series of proposed amended and/or newly enacted ordinances which focus on changes in state law regarding criminal behaviors and/or moving violations and the corresponding fines.

A summary of the enclosed ordinances is as follows (the relevant Legislative Bill is in **Bold**):

**HB 1429:** Fargo Municipal Code 10-0322 (harassment) and 10-0322.1 (harassment -hate crime) are amended to include an offense for using a robot to engage in offensive conduct.

**SB 2037:** Fargo Municipal Code 10-0103 is amended so individuals that use tobacco or sell tobacco who are 14-18 years old must be prosecuted in juvenile court.

**SB 2371:** Fargo Municipal Code 8-0610 (rotary traffic islands) is amended so that a vehicle does not have to signal when exiting the rotary traffic islands (i.e., round-a-bouts).

**SB 2132:** Fargo Municipal Code 8-0313 (careless driving) is amended to make minor changes to the definition of careless driving and to increase the fine from \$60 to \$200.

**HB 1422:** Fargo Municipal Code 8-0309 (Driving under suspension) is amended to provide a judge with discretion to dismiss or amend a driving under suspension charge if the defendant is able to reinstate their driving privileges within sixty days of the offense. Additionally, Fargo Municipal Code 8-0305(B) is amended to increase the fine for driving without a valid license in possession from \$40 to \$150.

**HB 1375:** Fargo Municipal Code 10-0502 is being enacted which will require individuals who appear to be under the age of 21, and are located within a liquor establishment, to provide an officer with an ID, upon request. Failure to do so is an infraction which is punishable with a fine. An individual may have the charge dismissed if they provide an ID that establishes they were over the age of 21 at the time of the officer's request prior to the disposition of their criminal matter.

**HB 1294:** Fargo Municipal Code 8-1218(F-G) and 8-1219 regard passing a stopped school bus. The respective fines will be raised to \$250.

**HB 1316:** Fargo Municipal Code 1-0305 is being amended to assess an additional \$100 fee to any moving violation if the defendant has a restricted license (permit).

**HB 1298:** Fargo Municipal Code 1-0305 is amended to increase speeding fines.

**Suggested Motion:** I move to waive receipt and filing of the enclosed ordinances one week prior to first reading and that this be the first reading, by title, of:

- An ordinance amending sections 10-0322 and 10-0322.1, of article 10-03, of chapter 10, of the Fargo Municipal Code relating to harassment and harassment – hate crime;
- An ordinance amending section 10-0103, of article 10-01, of chapter 10, of the Fargo Municipal Code relating to sale of tobacco to individuals under twenty-one (21) years of age and use and possession by individuals under 21 years of age prohibited;
- An ordinance amending section 8-0610, of article 8-06, of chapter 8, of the Fargo Municipal Code relating to rotary traffic islands;
- An ordinance amending section 08-0313, of article 08-03, of chapter 8, of the Fargo Municipal Code, relating to careless driving and an ordinance amending section 1-0305, of article 1-03, of chapter 1, of the Fargo Municipal Code, relating to classification of ordinance violations;
- An ordinance amending section 8-0309, of article 8-03, of chapter 8, of the Fargo Municipal Code relating to driving while license suspended or revoked—impoundment of license plates and an ordinance amending section 1-0305, of article 1-03, of chapter 1, of the Fargo Municipal Code relating to classification of ordinance violations;
- An ordinance enacting section 10-0502, in article 10-05, of chapter 10, of the Fargo Municipal Code, titled, proof of identification in licensed premises;
- An ordinance amending section 1-0305, of article 1-03, of chapter 1, of the Fargo Municipal Code relating to classification of ordinance violations (passing a bus);

- An ordinance amending section 1-0305, of article 1-03, of chapter 1, of the Fargo Municipal Code relating to classification of ordinance violations (\$100 fee); and
- An ordinance amending section 1-0305, of article 1-03, of chapter 1, of the Fargo Municipal Code relating to classification of ordinance violations (speeding).

Sincerely,

A handwritten signature in blue ink, appearing to read 'William B. Wischer', with a stylized, cursive script.

William B. Wischer

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1           AN ORDINANCE AMENDING SECTIONS 10-0322 AND 10-0322.1,  
2           OF ARTICLE 10-03, OF CHAPTER 10, OF THE FARGO MUNICIPAL CODE  
3           RELATING TO HARASSMENT AND HARASSMENT – HATE CRIME

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

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

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

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

13          NOW, THEREFORE,

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

15               Section 1. amendment.

16               Section 10-0322, of Article 10-03, of Chapter 10, of the Fargo Municipal Code, is amended  
17               as follows:

18               10-0322. - Harassment.

19               A. A person is guilty of an offense if, with intent to frighten or harass another, ~~he~~  
20               the person:

21                   1. Makes a telephone call anonymously or in offensively coarse language;  
22  
23

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

2. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication;  
~~or~~
3. Communicates a falsehood in writing or by electronic communication and causes mental anguish; ~~or~~
4. Uses a robot to engage in offensive conduct with no legitimate purpose.

B. Any offense defined herein and committed by use of electronic communication may be deemed to have been committed at either the place at which the electronic communication was made, or at the place where the electronic communication was received.

C. Any offense defined herein is deemed communicated in writing if it is transmitted electronically, by electronic mail, facsimile, or other similar means. Electronic communication means transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.

D. As used in this section "robot" means an artificial object or system that senses, processes, and acts using technology, including the associated elements, communication links, and artificial intelligence. The term includes remotely piloted aircraft.

Section 2. amendment.

Section 10-0322.1, of Article 10-03, of Chapter 10, of the Fargo Municipal Code, is amended as follows:

10-0322.1. – Harassment – Hate Crime.

A. A person is guilty of an offense if, with intent to frighten or harass another, ~~he~~ the person:

1. Makes a telephone call anonymously or in offensively coarse language;
2. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication;  
~~or~~



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

- 1                   3. Communicates a falsehood in writing or by electronic communication and  
2                   causes mental anguish; or  
3                   4. Uses a robot to engage in offensive conduct with no legitimate purpose.

4                   B. Any offense defined herein and committed by use of electronic communication  
5                   may be deemed to have been committed at either the place at which the  
6                   electronic communication was made, or at the place where the electronic  
7                   communication was received.

8                   C. Any offense defined herein is deemed communicated in writing if it is  
9                   transmitted electronically, by electronic mail, facsimile, or other similar means.  
10                  Electronic communication means transfer of signs, signals, writing, images,  
11                  sounds, data, or intelligence of any nature transmitted in whole or in part by a  
12                  wire, radio, electromagnetic, photo-electronic, or photo-optical system.

13                  D. Commits an offense in violation of subdivision A (1), (2), or (3) in whole or in  
14                  part because of the actual or perceived race, color, religion, gender, disability,  
15                  sexual orientation, gender identity, national origin, or ancestry of the victim.

16                  E. As used in this section "robot" means an artificial object or system that senses,  
17                  processes, and acts using technology, including the associated elements,  
18                  communication links, and artificial intelligence. The term includes remotely  
19                  piloted aircraft.

20                  Section 3. Penalty.

21                  A person who violates section 10-0322 or 10-0322.1 of the Fargo Municipal Code shall be  
22                  deemed to have committed a Class B Misdemeanor and shall be punished as provided in  
23                  Section 1-0301 of the Fargo Municipal Code, as may be amended from time to time.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 4. Effective Date.

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

\_\_\_\_\_  
Dr. Timothy J. Mahoney, M.D., Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading and Final Passage:  
Publication:

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1           AN ORDINANCE AMENDING SECTION 10-0103, OF ARTICLE 10-01,  
2           OF CHAPTER 10, OF THE FARGO MUNICIPAL CODE  
3           RELATING TO SALE OF TOBACCO TO INDIVIDUALS UNDER TWENTY-ONE  
4           (21) YEARS OF AGE AND USE AND POSSESSION BY INDIVIDUALS UNDER 21  
5           YEARS OF AGE PROHIBITED

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

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

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

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

15           NOW, THEREFORE,

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

17           Section 1. amendment.

18           Section 10-0103, of Article 10-0103, of Chapter 10, of the Fargo Municipal Code, is  
19           amended as follows:

20           10-0103. - Sale of tobacco to individuals under twenty-one (21) years of age and use and  
21           possession by individuals under 21 years of age prohibited.

22           A. For purposes of this section the definitions in 10-1001 shall apply.  
23

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ORDINANCE NO. \_\_\_\_\_

1 B. No person shall sell or furnish to an individual under 21 years of age, or procure  
2 for an individual under 21 years of age, cigarettes, including clove cigarettes,  
3 cigarette papers, cigars, e-cigarettes, snuff, or tobacco products in any other form  
4 in which it may be utilized for smoking, vaping, or chewing. As used in this section,  
"sell" includes dispensing from a vending machine under the control of the vendor.  
A person in violation of this subsection shall be guilty of an infraction.

5 C. No person under the age of 21 shall sell, possess, purchase, attempt to purchase,  
6 smoke, or use cigarettes, including clove cigarettes, cigars, cigarette papers, e-  
cigarettes, snuff, or tobacco products in any other form in which it may be utilized  
for smoking, vaping, or chewing.

7 D. An individual fourteen years of age or older, but under eighteen years of age, found  
8 to have violated subsection B or C of this section has committed an infraction and  
must be sent to juvenile court.

9 1. Subsections (B) and (C) shall not apply to persons under the age of 21 who  
10 purchase or attempt to purchase said tobacco products listed in this subsection  
while under the direct supervision of the police department, the city health  
department, or the city attorney's office, for training, education, research, or  
enforcement purposes.

11 2. Subsections (B) and (C) do not apply to an individual under 21 years of age  
12 who possesses cigarettes, cigarette papers, cigars, snuff, tobacco in any other  
13 form in which it may be used for smoking or chewing, electronic smoking  
devices, or alternative nicotine products when required in the performance of  
the individual's duties as an employee, however, in no event shall any sale or  
other exchange for value with a person under 21 years of age be lawful.

14 3. It shall be a defense to subsections (B) and (C) if the individual under 21 years  
15 of age possesses or uses tobacco related to a cultural or religious practice;  
16 including, without limitation, the use or possession of tobacco during any  
religious or cultural ceremony, however, in no event shall any sale or other  
exchange for value with a person under 21 years of age be lawful.

17 4. Non-criminal violation. A person found to have violated subsection (C) and is  
18 at least ~~14~~ 18 years of age must attend and complete within sixty (60) days of  
the date of offense a tobacco education program or cessation class approved by  
the Fargo Municipal Court.

19 5. Payment procedure. Any individual who has been cited for a violation of  
20 subsection (C) must post bond in the amount stated on the citation within  
fourteen (14) days of the date of the citation and must also, within said fourteen  
21 (14) day period, notify the Fargo Municipal Court whether he or she requests a  
hearing before one of the judges of the Fargo Municipal Court. At such hearing,  
22 the individual who has been cited for a violation of subsection (C) may make a  
statement in explanation of that individual's action and the judge may waive,  
23

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

reduce, or suspend the fee or bond, or both. If the individual cited elects to forfeit the bond or fails to appear before the Fargo Municipal Court at a time scheduled for a hearing, that individual has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the court is the same as the fee schedule set forth in subparagraph 4, above. This section does not allow a citing officer to receive the fee or bond.

- a. If an individual cited for a violation of subsection (C) requests a hearing on the issue of the commission of the violation cited, the clerk of court will schedule a hearing date no later than 90 days after the citation was issued. If said individual has not already done so, at the time of a request for a hearing on the issue on commission of the violation, the individual cited shall deposit with the court an appearance bond equal to the fee for the violation cited.
- b. The failure to post bond or to pay an assessed fee, or attend a tobacco education or tobacco cessation class when required to do so is punishable as contempt of court. Such person adjudged guilty of contempt for failure to pay a fee or fine or to attend a tobacco education class or tobacco cessation class when required to do so may be sentenced by the court to a sanction or order designed to ensure compliance with the payment of the fee or fine or attendance at a tobacco education class or tobacco cessation class, to an alternative sentence or a sanction including community service. An individual under 21 years of age may not be imprisoned for the contempt.
6. Burden of proof. The prosecution must prove the commission of a cited violation under subsection (C), above, by a preponderance of the evidence.
- ~~7. Notice to parent or legal guardian. A law enforcement officer that cites a minor for violation of this section shall mail a notice of the violation to the parent or legal guardian of the minor within ten (10) days of the citation.~~
- ~~8.~~ 7. Penalty for contempt. A person adjudged guilty of contempt for failure to pay a fee or fine or to attend a tobacco education class or tobacco cessation class when required to do so may be sentenced by the court to a sanction or order designed to ensure compliance with the payment of the fee or fine or attendance at a tobacco cessation class to an alternative sentence or sanction including community service and may require the person to pay an additional fee or fine of up to \$500.

## ORDINANCE NO. \_\_\_\_\_

First Reading:  
Second Reading and Final Passage:  
Publication:

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 8-0610, OF ARTICLE 8-06,  
OF CHAPTER 8, OF THE FARGO MUNICIPAL CODE  
RELATING TO ROTARY TRAFFIC ISLANDS

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

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

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

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

NOW, THEREFORE,

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

Section 1. amendment.

Section 8-0610, of Article 8-06, of Chapter 8, of the Fargo Municipal Code, is amended as  
follows:

8-0610 - Rotary traffic islands.

1. A vehicle passing around a rotary traffic island must be driven only to the right  
of such island.
2. After a vehicle enters a rotary traffic island, the vehicle may ~~not~~ exit from any  
position within the rotary traffic island without ~~first~~ giving a signal of intention  
to exit the rotary traffic island.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 2. Penalty.

A person who violates section 8-0610 of the Fargo Municipal Code shall be deemed to have committed a noncriminal offense and shall be punished as provided in Section 1-0305 of the Fargo Municipal Code, as may be amended from time to time.

Section 3. Effective Date.

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

\_\_\_\_\_  
Dr. Timothy J. Mahoney, M.D., Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading and Final Passage:  
Publication:



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE AMENDING SECTION 08-0313, OF ARTICLE 08-03, OF  
2 CHAPTER 8, OF THE FARGO MUNICIPAL CODE, RELATING TO  
3 CARELESS DRIVING

4 AND

5 AN ORDINANCE AMENDING SECTION 1-0305, OF ARTICLE 1-03,  
6 OF CHAPTER 1, OF THE FARGO MUNICIPAL CODE, RELATING TO  
7 CLASSIFICATION OF ORDINANCE VIOLATIONS

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

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

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

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

17 NOW, THEREFORE,

18 Be it Ordained by the Board of City Commissioners of the City of Fargo:  
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OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 1. Amendment.

Section 08-0313, of Article 08-03, of Chapter 8, of the Fargo Municipal Code, is amended as follows:

08-0313. - Careless Driving.

An individual ~~No person~~ may not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and ~~having~~ shall drive with regard to the existing actual and potential hazards, ~~then existing. Consistent with the foregoing, every person~~ An individual shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. An individual ~~Any person~~ who drives a vehicle upon a highway or private or public property open to the public for the operation of motor vehicles ~~without heed to~~ in violation of the requirements or restrictions of this section ~~has committed~~ is guilty of careless driving.

Section 2. Amendment.

Section 1-0305, of Article 1-03, of Chapter 1, of the Fargo Municipal Code, is amended as follows:

1-0305. - Classification of ordinance violations.

\* \* \*

C. Violations of the following ordinances are noncriminal offenses and shall require payment of a fee as follows:

\* \* \*

6. For a violation of the following ordinances, a fee of \$60.00.

Section 8-0301 (failure to have vehicle under control), ~~section 8-0313 (careless driving)~~, section 8-0501 (speed-care required), section 8-0505 (special speed

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1 limitation on bridges), section 8-0409 (traffic engineer to establish and design public  
2 carrier stops and stands).

3 \* \* \*

4 10. For a violation of the following ordinances, a fee of \$200.00

5 Section 8-0321 (use of a wireless communication device prohibited), section 8-0322  
6 (distracted driving), section 8-0313 (careless driving).

7 Section 3. Effective Date.

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

11 \_\_\_\_\_  
12 Dr. Timothy J. Mahoney, M.D., Mayor

13 Attest:

14 \_\_\_\_\_  
15 Steven Sprague, City Auditor

16 First Reading:  
17 Second Reading and Final Passage:  
18 Publication:  
19  
20  
21  
22  
23

## ORDINANCE NO. \_\_\_\_\_

AND

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

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 1. amendment.

Section 8-0309, of Article 8-03, of Chapter 8, of the Fargo Municipal Code, is amended as follows:

8-0309. - Driving while license suspended or revoked—Impoundment of license plates.

~~It shall be unlawful for any person to drive a vehicle on any public or private way, street, alley, parking lot, or area to which the public has a right of access for vehicular use, within the city, at a time when his privilege to do so is suspended or revoked in any jurisdiction. If the suspension or revocation was imposed for violation of § 39-08-01 of the North Dakota Century Code or equivalent statute or ordinance or was governed by § 39-06-31 or chapter 39-20 of the North Dakota Century Code, the sentence must be at least four consecutive days' imprisonment and such fine as the court deems proper. Upon conviction for violation of this ordinance, the court may, in addition to the imposition of the penalty, order the motor vehicle number plates of the motor vehicle owned by the offender at the time of the offense to be impounded by the chief law enforcement officer of the city for the duration of the period of suspension of the offender's driver's license or driving privileges by the licensing authority. The impounded motor vehicle number plates may be released, upon the order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title issued by the registrar of motor vehicles.~~

It shall be unlawful for any person to drive a vehicle on any public or private way, street, alley, parking lot, or area to which the public has a right of access for vehicular use, within the city, at a time when the driver's privilege to do so is suspended or revoked in any jurisdiction.

If the suspension or revocation was imposed for violation of § 39-08-01 of the North Dakota Century Code or equivalent statute or ordinance or was governed by § 39-06-31 or chapter 39-20 of the North Dakota Century Code, the sentence must be at least four consecutive days' imprisonment and such fine as the court deems proper.

Upon conviction for violation of this ordinance, the court may, in addition to the imposition of the penalty, order the motor vehicle number plates of the motor vehicle owned by the offender at the time of the offense to be impounded by the chief law enforcement officer of the city or designated representative for the duration of the period of suspension of the offender's driver's license or driving privileges by the licensing authority. The impounded

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

motor vehicle number plates may be released, upon the order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title issued by the registrar of motor vehicles.

The municipal Judge may order the destruction of a motor vehicle number plate as permitted in state law.

A court may dismiss a charge under this section upon motion by the defendant if the defendant's operator's license is reinstated within sixty days of the date of the offense and the defendant provides to the court satisfactory evidence of the reinstatement. Alternatively, upon motion, a court may grant a motion to amend a charge under this section to a violation of section 8-0305(B).

Section 2. amendment.

Section 1-0305, of Article 1-03, of Chapter 1, of the Fargo Municipal Code, is amended as follows:

1-0305. - Classification of ordinance violations.

\*\*\*

C. Violations of the following ordinances are noncriminal offenses and shall require payment of a fee as follows:

\*\*\*

4. For a violation of the following ordinances a fee of \$40.00.

Section 8-0105 (driving wrong way on one-way street), section 8-0106 (obey temporary traffic sign/barrier), section 8-0303(B) (parent/guardian allow unlicensed/under 16 to drive), section 8-0303(C) (owner allowing unlicensed/under 16 to drive), ~~section 8-0305(B) (current license required)~~, section 8-0306 (violation of restricted license), section 8-0316 (permit unauthorized person to drive), section 8-0403 (disobey traffic control device (barricade)), section 8-0405 (traffic control signals), section 8-0407 (flashing signals), section 8-0506 (impeding traffic), article 8-06 (regulating turning movements), section 8-1010 (motor vehicle left unattended—brakes to be set, engine stopped, and keys removed),

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1 section 8-1011 (drive or park on private property), section 8-1018  
2 (taking on or discharging passengers), section 8-1111 (vehicle  
3 required to stop at railroad crossing), section 8-1201 (following too  
4 closely), sections 8-1202 thru 8-1218(D) (general rules of the road),  
5 section 8-1220 (overtaking and passing a bicycle), section 8-  
6 1301(C) (driving over fire hose), section 8-1301(D) (driving  
7 through/around barricade), section 8-1305 (driving vehicle on  
8 sidewalk), section 8-1306 (improper backing), 8-1308 (helmet  
9 required—operator/passenger), section 8-1309 (number of riders on  
10 motorcycle limited), section 8-1310 (clinging to a vehicle or  
11 allowing same), section 8-1313 (unlawful riding on vehicle), section  
12 8-1315 (unlawful towing), section 8-1316(A) (operating motor  
13 vehicle with view obstructed by load/passengers), section 8-1316(B)  
14 (passenger obstructing driver's view), section 8-1319 (unlawful  
15 operation of motor vehicle private property), section 8-1321 (use of  
16 seat belts required), section 8-1804 (driving through school patrols),  
17 section 8-1415 (right-of-way emerging from alley or driveway),  
18 section 8-1417 (parking restriction).

11 \*\*\*

12 9. For a violation of the following ordinance, a fee of \$150.00.

13 Section 11-0814 (littering on private property), section 8-0305(B)  
14 (current license required), section 8-0320(A) (driving without  
15 liability insurance — first offense).

16 Section 3. Penalty.

17 A person who violates section 8-0309 of the Fargo Municipal Code shall be deemed to  
18 have committed a Class B misdemeanor and shall be punished as provided in Section 1-  
19 0301 of the Fargo Municipal Code, as may be amended from time to time.

20 A person who violates section 8-0305(B) of the Fargo Municipal Code shall be deemed to  
21 have committed a noncriminal offense and shall be punished as provided in Section 1-0305  
22 of the Fargo Municipal Code, as may be amended from time to time.  
23

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 4. Effective Date.

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

\_\_\_\_\_  
Dr. Timothy J. Mahoney, M.D., Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading and Final Passage:  
Publication:



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ENACTING SECTION 10-0502, IN ARTICLE 10-05,  
2 OF CHAPTER 10, OF THE FARGO MUNICIPAL CODE,  
3 TITLED, PROOF OF IDENTIFICATION IN LICENSED PREMISES

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

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

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

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

13 NOW, THEREFORE,

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

15 Section 1. Enactment.

16 Section 10-0502, of Article 10-05, of Chapter 10, of the Fargo Municipal Code, is enacted  
17 as follows:

18 10-0502. - Proof of Identification in a licensed premise.

- 19
- 20 1. If a peace officer has reasonable and articulable suspicion that an individual  
21 is under the age of twenty - one and is in a licensed premises as prohibited  
22 in section 25-1509 of the Fargo Municipal Code, the peace officer may  
23 request the individual to furnish a nondriver photo identification card or an  
operator's license to verify the individual's age.

## ORDINANCE NO. \_\_\_\_\_

- Section 2. Penalty.

**Section 3. Effective Date.**

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

Steven Sprague, City Auditor

First Reading:  
Second Reading and Final Passage:  
Publication:

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1  
2 AN ORDINANCE AMENDING SECTION 1-0305, OF ARTICLE 1-03,  
3 OF CHAPTER 1, OF THE FARGO MUNICIPAL CODE  
4 RELATING TO CLASSIFICATION OF ORDINANCE VIOLATIONS

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

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

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

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

14 NOW, THEREFORE,

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

16 Section 1. amendment.

17  
18 Section 1-0305, of Article 1-03, of Chapter 1, of the Fargo Municipal Code, is amended as  
19 follows:

20 1-0305. - Classification of ordinance violations.

21 \*\*\*

22 C. Violations of the following ordinances are noncriminal offenses and shall require  
23 payment of a fee as follows:

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

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5. For a violation of the following ordinances, a fee of \$50.00.

Section 8-0116 (failure to yield to emergency vehicle), section 8-0311 (open container), section 8-0317(B)(2) (exhibition driving), section 8-0801 (immediate notice of accident), section 8-0931 (child restraint devices required), ~~8-1219 (use of motor vehicle)~~, section 10-0311(C) (panhandling within the city of Fargo).

6. For a violation of the following ordinances, a fee of \$60.00.

Section 8-0301 (failure to have vehicle under control), section 8-0313 (careless driving), section 8-0501 (speed-care required), section 8-0505 (special speed limitation on bridges), section 8-0409 (traffic engineer to establish and design public carrier stops and stands).

7. For a violation of the following ordinances, a fee of \$100.00.

Section 8-0317(B)(1) (drag racing), section 8-1003(K) (parking in areas reserved handicap), section 8-0702 (fail yield right-of-way pedestrian), section 8-0920 (size, weight, and load restrictions of vehicles operated within the city), section 8-0924 (restricted use of streets and highways), section 8-1108(A) (disobey signal of approaching train), section 8-1108(B) (driving thru/around railroad crossing gate), section 8-1110 (disobey railroad stop sign), ~~section 8-1218(F) (unlawful passing of school bus), section 8-1218(G) (unlawful proceeding past bus in oncoming lane).~~

8. For a violation of the following ordinances, a fee of \$120.00.

Section 11-0202 (unnecessary noise prohibited), section 11-0204 (projection of sound unlawful), section 11-0205 (motorized vehicles—excessive noise), section 11-0205 Table 2(D) (motorized vehicles—compression brakes prohibited).

9. For a violation of the following ordinance, a fee of \$150.00.

Section 11-0814 (littering on private property), section 8-0320(A) (driving without liability insurance — first offense).

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

10. For a violation of the following ordinance, a fee of \$200.00.

Section 8-0321 (use of a wireless communication device prohibited),  
section 8-0322 (distracted driving).

11. For a violation of the following ordinance, a fee of \$250.00.

Section 8-1219 (use of motor vehicle), section 8-1218(F) (unlawful passing  
of school bus), section 8-1218(G) (unlawful proceeding past bus in  
oncoming lane).

~~11.~~ 12. For a violation of the following ordinance, a fee of \$300.00.

Section 08-0320(A) (driving without liability insurance — second or  
subsequent offense in three years).

~~12.~~ 13. For a violation of section 08-0502, a fee established as follows:

\*\*\*

~~13.~~ 14. The determination of the fees payable for parking violations described in  
articles 8-10, 8-17, and section 9-0705 shall be based upon the vehicle that  
is found to be in violation of said article and the owner of the vehicle shall  
be responsible for payment of the fees.

\*\*\*

Section 2. Penalty.

A person who violates sections 8-1219, 8-1218(F), and 8-1218(G) of the Fargo Municipal  
Code shall be deemed to have committed a noncriminal offense and shall be punished as  
provided in Section 1-0305 of the Fargo Municipal Code, as may be amended from time  
to time.

Section 3. Effective Date.

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

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

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

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading and Final Passage:  
Publication:

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE AMENDING SECTION 1-0305, OF ARTICLE 1-03,  
2 OF CHAPTER 1, OF THE FARGO MUNICIPAL CODE  
3 RELATING TO CLASSIFICATION OF ORDINANCE VIOLATIONS.

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

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

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

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

13 NOW, THEREFORE,

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

15 Section 1. amendment.

16 Section 1-0305, of Article 1-03, of Chapter 1, of the Fargo Municipal Code, is amended as  
17 follows:

18 1-0305. - Classification of ordinance violations.

19 \*\*\*

20  
21 C. Violations of the following ordinances are noncriminal offenses and shall require  
22 payment of a fee as follows:  
23

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

\*\*\*

~~13-14.~~ The determination of the fees payable for parking violations described in articles 8-10, 8-17, and section 9-0705 shall be based upon the vehicle that is found to be in violation of said article and the owner of the vehicle shall be responsible for payment of the fees.

- a. With respect to violations in the central business district, as defined in section 8-0101, for a violation of section 8-1006, and section 8-1009, the fee for such violation shall be \$20.00 for the first violation associated with the vehicle within the prior six-month period, \$20.00 for a second violation within six months of said first violation and \$25.00 for a third violation within six months of the said second violation and \$30.00 for the fourth violation within six months of the said third violation and for every subsequent violation within six months of the next-preceding violation. As to violations of sections 8-1006 and 8-1009, the person issuing the ticket for the parking violation is authorized to waive the fee and, instead, to issue a warning ticket, for the first said violation. At such time as a period of six months or more elapses without a parking ticket for any violation of article 8-10 having been issued for a particular vehicle, the next violation shall be treated as an initial violation.
- b. Violations. With respect to parking violations other than in the central business district, for a violation of sections 8-1001, 8-1002, 8-1004, 8-1005, 8-1006, 8-1006.1, 8-1007, 8-1008, 8-1009, 8-1012, 8-1014 through 8-1024, 8-1026, the fee for such violation shall be \$20.00.
- c. With respect to a parking violation as defined in section 9-0705, the fee for such violation shall be \$20.00.
- d. With respect to a snow emergency route or snow emergency declaration parking violation as defined in section 8-1710, the fee for such violation shall be \$100.00.
- e. With respect to any parking violation, the prescribed fee must be paid within 15 days of the date it is due. The fee shall be due upon the date of issuance of the ticket or, if there is a review of the ticket, upon the date of notification after such review. In the event the prescribed fee on a parking ticket is not paid within said 15 days, the fee shall increase by \$5.00.



## ORDINANCE NO. \_\_\_\_\_

Section 2. Penalty.

**Section 3. Effective Date.**

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

Steven Sprague, City Auditor

First Reading:  
Second Reading and Final Passage:  
Publication:

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE AMENDING SECTION 1-0305, OF ARTICLE 1-03,  
2 OF CHAPTER 1, OF THE FARGO MUNICIPAL CODE  
3 RELATING TO CLASSIFICATION OF ORDINANCE VIOLATIONS

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

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

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

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

13 NOW, THEREFORE,

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

15 Section 1. amendment.

16 Section 1-0305, of Article 1-03, of Chapter 1, of the Fargo Municipal Code, is amended as  
17 follows:

18 1-0305. – Classification of ordinance violations.

19 \*\*\*

20  
21 C. Violations of the following ordinances are noncriminal offenses and shall  
22 require payment of a fee as follows:  
23

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

\*\*\*

12.13. For a violation of section 08-0502, a fee established as follows:

<del>SPEED ZONES 55 mph or LESS:</del>	
<del>1—5 miles over limit</del>	<del>10.00</del>
<del>6—10 miles over limit</del>	<del>\$10.00 plus \$2.00/each mph over 5 mph over limit</del>
<del>11—15 miles over limit</del>	<del>\$20.00 plus \$2.00/each mph over 10 mph over limit</del>
<del>16—20 miles over limit</del>	<del>\$30.00 plus \$4.00/each mph over 15 mph over limit</del>
<del>21—25 miles over limit</del>	<del>\$50.00 plus \$6.00/each mph over 20 mph over limit</del>
<del>26—35 miles over limit</del>	<del>\$80.00 plus \$6.00/each mph over 25 mph over limit</del>
<del>36—45 miles over limit</del>	<del>\$140.00 plus \$6.00/each mph over 35 mph over limit</del>
<del>46+ miles over limit</del>	<del>\$200.00 plus \$10.00/each mph over 45 mph over limit</del>
<del>SPEED ZONES greater than 55 mph:</del>	
<del>1—10 miles over limit</del>	<del>\$4.00/each mph over limit</del>
<del>11+ miles over limit</del>	<del>\$40.00 plus \$10.00/each mph over 10 mph over limit</del>
<del>SPEED ZONES greater than 65 mph: a fee of ten dollars (\$10.00) for each mile per hour over the limit.</del>	
<del>SPEEDING IN SCHOOL ZONE with children present:</del>	
<del>1—10 miles over limit</del>	<del>\$80.00</del>
<del>11+ miles over limit</del>	<del>\$80.00 plus \$2.00/each mph over 10 mph over limit</del>
<del>SPEEDING IN CONSTRUCTION ZONE — workers present and posted "Minimum fee \$160.00"</del>	

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

<del>1-10 miles over limit</del>	<del>\$160.00</del>
<del>11+ miles over limit</del>	<del>\$160.00 plus \$4.00/each mph over 10 mph over limit</del>

- a. Speed zones 65 miles per hour or less: \$20. or \$3 for each mile per hour over the limit, whichever is greater. An additional fee of \$20 must be assessed for a violation of 16 miles per hour or more over the limit.
- b. Speed zones in excess of 65 miles per hour: \$20. or \$5 for each mile per hour over the limit, whichever is greater. An additional fee of \$20 must be assessed for a violation of 16 miles per hour or more over the limit.
- c. School zone speed limit: \$40 for 1-10 miles per hour over the posted speed; and \$40 plus \$1 for each additional mile per hour over 10 miles per hour over the limit, unless a greater fee would be applicable.
- d. Construction Zone: \$80 for 1-10 miles per hour over the posted limit; and \$80 plus \$2 for each mile per hour over 10 miles per hour over the limit, unless a greater fee would be applicable. The fee in this subsection does not apply to a construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

\*\*\*

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 2. Effective Date.

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

\_\_\_\_\_  
Dr. Timothy J. Mahoney, M.D., Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading and Final Passage:  
Publication:

**CITY ATTORNEY**  
Nancy J. Morris

**OFFICE OF THE  
CITY ATTORNEY**



July 3, 2025

**SERKLAND LAW FIRM**

10 Roberts Street North

P.O. Box 6017

Fargo, ND 58108

Phone: 701.232.8957 | Fax: 701.237.4049

**ASSISTANT CITY ATTORNEYS**

Ian R. McLean ■ Alissa R. Farol ■ William B. Wischer

Board of City Commissioners  
City Hall  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

**RE: Dangerous Building located at 1102 1<sup>st</sup> Avenue South, Fargo, North Dakota**

Dear Commissioners,

Enclosed for your review and approval are the proposed Findings of Fact and Conclusions and Order regarding the dangerous building proceeding for the property at 1102 1<sup>st</sup> Avenue South. At its June 23, 2025 meeting, the report presented by Shawn Ouradnik, city of Fargo Building Inspections Director, was approved by the Board. As such, the City Attorney's Office was directed to prepare the appropriate Findings of Fact and Conclusions and Order.

**Suggested Motion:** I move to approve the Findings of Fact and Conclusions and Order, as presented.

Sincerely,

Alissa R. Farol Czapiewski  
Assistant City Attorney

Enclosure

cc: Shawn Ouradnik, Inspections Department

**FINDINGS OF FACT, CONCLUSIONS AND ORDER**  
**of the**  
**BOARD OF CITY COMMISSIONERS**  
**OF THE CITY OF FARGO**

Property Address: 1102 1<sup>st</sup> Avenue South, Fargo, North Dakota

Property Owner: AJS Ventures LLC

A hearing was held before the Board of City Commissioners of the City of Fargo on the 23<sup>rd</sup> day of June, 2025 regarding the property located at 1102 1<sup>st</sup> Avenue South, Fargo, North Dakota. Shawn Ouradnik, city of Fargo Building Inspections Director, appeared on behalf of the city of Fargo Inspections Department and provided testimony as to the condition of the property. Neighbor Heather Johnson additionally appeared and provided testimony.

The Board heard the testimony offered by the Inspections Director and Ms. Johnson, considered the reports, evidence, and other information presented, and hereby makes the following Findings of Fact:

**FINDINGS OF FACT**

1. That AJS Ventures LLC is the owner of the following described real property located in the City of Fargo, County of Cass, and State of North Dakota:

North 110 Feet of Lot One (1), Block Fourteen (14), Fargo Original Addition to the city of Fargo

Street address: 1102 1<sup>st</sup> Avenue South, Fargo, North Dakota, 58103

[hereinafter "Subject Property"].

2. That AJS Ventures LLC obtained multiple permits from the Inspections Department in connection with the Subject Property. Specifically, an Interior Demolition Permit (Permit No. 2307-0441-REN) was issued on July 17, 2023, and a Demolition Permit (Permit No. 2403-0383-DEM) was issued on February 14, 2025. The Demolition Permit required that the existing structure

be fully demolished within 60 days of issuance, with a deadline of April 15, 2025. On April 3, 2025, the Property Owner submitted a written request for a 30-day extension of the demolition deadline, which the Inspections Department granted, extending the expiration date to May 15, 2025. Despite this extension, no demolition activity occurred thereafter.

3. That on May 19, 2025, Bryant Doschadis, Building Inspector for the city of Fargo, inspected the Subject Property and found the building, consisting of a two-story, wood-framed house structure, to be a dangerous building within the standards outlined in Article 21-04 of the Fargo Municipal Code and Section 111.1.5 of the International Property Maintenance Code concerning dangerous structures.

4. That the building is unsafe and dangerous in the following respects: (a) interior finishes, exterior siding, windows, and doors have been removed (pursuant to the expired Interior Demolition Permit and Demolition Permit); and (b) water meter was removed on August 30, 2023, and electric meter was removed on May 6, 2025.

5. That the following conditions exist concerning the Subject Property:

- a. The building is unsafe, fails to provide the amenities essential to decent living, and is unfit for human habitation; and
- b. The building is unsafe or dangerous to the health, moral safety, or general welfare of the people of the City of Fargo.

6. That the information in the files of the Inspections Department stemming from various inspections of the property on or before May 19, 2025, concerning the Subject Property is hereby accepted as true and correct.

7. That Notice of Dangerous Building was posted to the house and garage on the property on or about May 19, 2025, under Municipal Code § 21-0404. The Notice of Dangerous Building informed the owner and all occupants, if any, that the “dangerous building” must be vacated and secured, and the building must be demolished, or any necessary and valid permits be obtained within thirty (30) days from the date of the notice.



**CONCLUSIONS AND ORDER**

Based on the foregoing Findings of Fact, the Board of City Commissioners hereby makes the following Conclusions:

1. That the building located at 1102 1<sup>st</sup> Avenue South, Fargo, North Dakota 58103, is hereby found to be a “dangerous building.”
2. That the owner or anyone claiming to have an ownership interest in said building has not sufficiently presented cause why the “dangerous building” should not be demolished.
3. That despite being ordered that the building on the Subject Property should be demolished, or necessary and valid permits be obtained within thirty (30) days of the notice, the owner or anyone else claiming to have an ownership interest in said building has failed to do so.

**IT IS HEREBY ORDERED** that AJS Ventures LLC, or anyone else claiming an ownership interest, shall demolish the “dangerous building” and remove all building debris located at 1102 1<sup>st</sup> Avenue South, Fargo, North Dakota by August 23, 2025.

It is further ordered that if the owner fails to demolish said “dangerous building,” the City Auditor, Building Inspector, and City Attorney are directed to act on behalf of the city of Fargo to cause the “dangerous building” to be demolished, and the cost of said demolition to be assessed against the Subject Property as provided in Section 21-0405 of the Fargo Municipal Code.

DATED this \_\_\_\_ day of July, 2025.

BOARD of CITY COMMISSIONERS of the  
CITY OF FARGO,  
a North Dakota Municipal Corporation

By \_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

ATTEST:

\_\_\_\_\_  
Steven Sprague, City Auditor

**NOTICE OF ENTRY OF ORDER**

TO: AJS VENTURES LLC AND ALL OTHER PERSONS HAVING INTEREST IN THIS  
PROPERTY

RE: PROPERTY AT 1102 1<sup>ST</sup> AVENUE SOUTH, FARGO, NORTH DAKOTA 58103

YOU ARE HEREBY GIVEN NOTICE that you shall have thirty (30) days from the date of service of Findings of Fact and Conclusions and Order of the Board of City Commissioners of the City of Fargo (“Order”) upon you in which to appeal the Order to the District Court of Cass County, North Dakota, or to take such other legal action to enjoin the enforcement of this Order as you deem proper, all under the appeal procedure outlined in Fargo Municipal Code § 21-0412. You are further given notice that the “dangerous building” on the Subject Property may be demolished by the city of Fargo at any time on or after August 23, 2025.

DATED this \_\_\_\_\_ day of July, 2025.

BOARD OF CITY COMMISSIONERS  
CITY OF FARGO, a North Dakota Municipal  
Corporation

By \_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

ATTEST:

\_\_\_\_\_  
Steven Sprague, City Auditor

⑦

July 7, 2025

Honorable Board of City Commissioners  
City of Fargo

Re: Conclude Sustainability and Resiliency Committee and Police Advisory and Oversight Board

Dear Commissioners:

In February 2025, as part of the governance and policy meetings held by the City Commissioners, a presentation on the City's boards and commissions was received. This included a white paper that highlighted the origin, frequency of meetings and logistics of the City's volunteer boards and commissions. Over the past several months, I have worked with City staff members, with emphasis on the Planning Department, since there are several boards that reside under their management. A summary of the assessment work and a presentation was provided on June 9 at an informational meeting. As an outcome of this meeting, there was general concurrence regarding the next procedural steps for the reframing of boards and commissions. The first step was to direct the City Attorney to develop the appropriate ordinances and/or resolutions to repeal and redirect the legal intention for the boards that are no longer meeting. Those boards included Parking Commission, Community Development Committee and City Hall/Auditorium Commission. This action was taken by the City Commission on June 23, 2025.

I have worked with the associated departments and am recommending the City Attorney provide the necessary ordinance and/or resolution revisions to conclude the Sustainability and Resiliency Committee on December 31, 2025 and the Police Advisory and Oversight Board upon ordinance repeal.

The mission of these two boards remains important for the City and will be continued through staff and the City Commission as appropriate for operations.

Our final step will be to provide recommendations for the Arts and Culture Commission, Fargo Youth Initiative, Human Rights Commission and Native American Commission. Our office will continue to work with the appropriate staff, City Commission liaisons and the executive teams of the volunteer boards for continued evaluation over the course of the next few months. Additional recommendations will be presented to the City Commission in the future.

**Recommended Motion:**

Direct the City Attorney to repeal the appropriate ordinances and/or resolutions to conclude the Sustainability and Resiliency Committee on December 31, 2025 and the Police Advisory and Oversight Board upon ordinance repeal.

Respectfully submitted,



Brenda Derrig, PE  
Assistant City Administrator

**GAMING SITE AUTHORIZATION**  
ND OFFICE OF ATTORNEY GENERAL  
SFN 17996 (4-2023)G - \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Site License Number  
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

**North Dakota Horse Park Foundation**

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

Name of Location

**Sickies Garage Fargo - (13th Avenue/Fiechtner Drive Location)**

Street

**3431 Fiechtner Drive S**

City

**Fargo**

ZIP Code

**58103**

County

**Cass**

Beginning Date(s) Authorized

**07/07/25**

Ending Date(s) Authorized

**06/30/26**Number of Twenty-One  
tables, if zero, enter "0"**0**Specific location where games of chance will be conducted and played at the site (required)**Games will be conducted and played in all public areas, excluding bathrooms**If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known**RESTRICTIONS FOR CITY/COUNTY USE ONLY**The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

Bingo



Club Special



Sports Pools



ELECTRONIC Quick Shot Bingo



Tip Board



Twenty-One



Raffles



Seal Board



Poker



ELECTRONIC 50/50 Raffle



Punchboard



Calcuttas



Pull Tab Jar



Prize Board



Paddlewheel with Tickets



Pull Tab Dispensing Device



Prize Board Dispensing Device



Paddlewheel Table



ELECTRONIC Pull Tab Device

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

**APPROVALS**

Attorney General

Date

Signature of City/County Official

Date

PRINT Name and official position of person signing on behalf of city/county above

**INSTRUCTIONS:**

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

**RETURN ALL DOCUMENTS TO:**

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



## APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

GAMING DIVISION

SFN 9338 (9-2023)

✓ 6/20/25

Applying for (check one)

☒ Local Permit
 ☐ Restricted Event Permit\*
Games to be conducted ☐ Raffle by a Political or Legislative District Party
☐ Bingo
 ☒ Raffle
 ☐ Raffle Board
 ☐ Calendar Raffle
 ☐ Sports Pool
 ☐ Poker\*
 ☐ Twenty-One\*
 ☐ Paddlewheels\*

\*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

## ORGANIZATION INFO

Name of Organization or Group <b>El Zagal Directors Staff</b>		Dates of Activity (Does not include dates for the sales of tickets) <b>9-20-25</b>	
Organization or Group Contact Person <b>Ian Somerville</b>	E-mail <b>ianlsomerville@gmail.com</b>	Telephone Number <b>7013889691</b>	
Business Address <b>1429 3rd st N.</b>	City <b>Fargo</b>	State <b>ND</b>	ZIP Code <b>58102</b>
Mailing Address (if different)	City	State	ZIP Code

## SITE INFO

Site Name <b>El Zagal</b>		County <b>Cass</b>	
Site Physical Address <b>1429 3rd St. N.</b>	City <b>Fargo</b>	State <b>ND</b>	ZIP Code <b>58102</b>
Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.) <b>9-20-25 once</b>			

## PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle	26.7% of sale up to \$8,000	8,000.00
Raffle	16.7% of sale up to \$5,000	5,000.00
Raffle	6.6% of sale up to \$2000	2,000.00
Total (limit \$40,000 per year)		\$ 15,000.00

## ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds <b>Fraternal Operations El Zagal Shrine</b>	
Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded) <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Total Retail Value: <input type="text"/> (This amount is part of the total prize limit for \$40,000 per fiscal year)	
Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Printed Name of Organization Group's Permit Organizer <b>Ian Somerville</b>	Telephone Number <b>7013889691</b>	E-mail Address <b>ianlsomerville@gmail.com</b>
Signature of Organization Group's Permit Organizer 	Title <b>El Zagal Directors Staff Vice President</b>	Date <b>6-18-25</b>



**APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT**  
**NORTH DAKOTA OFFICE OF ATTORNEY GENERAL**  
**GAMING DIVISION**  
 SFN 9338 (9-2023)

**96**

*Ad cash*

Applying for (check one)

☒ Local Permit      ☐ Restricted Event Permit\*

Games to be conducted

☐ Raffle by a Political or Legislative District Party

☐ Bingo    ☒ Raffle    ☐ Raffle Board    ☒ Calendar Raffle    ☐ Sports Pool    ☐ Poker\*    ☐ Twenty-One\*    ☐ Paddiewheels\*

\*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddiewheels may be conducted Only with a Restricted Event Permit. Only one permit per year  
**LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS**

**ORGANIZATION INFO**

Name of Organization or Group

Knights of Columbus 4th Degree Assembly 788

Dates of Activity (Does not include dates for the sales of tickets)

February 16, 2026

Organization or Group Contact Person

John A. Herlick

E-mail

john.herlick@gmail.com

Telephone Number

701-412-6776

Business Address

104 Meadowlark Lane N

City

Fargo

State

ND

ZIP Code

58102-2660

Mailing Address (if different)

City

State

ZIP Code

**SITE INFO**

Site Name

St Mary's Cathedral Social Hall

County

Cass

Site Physical Address

604 Broadway

City

Fargo

State

ND

ZIP Code

58102

Provide the exact date(s) &amp; frequency of each event &amp; type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)

Raffle tickets to be drawn for every day of January 2026

**PRIZE / AWARD INFO** (List prizes, their approximate retail value, and frequency)

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle	Cash	\$1,410.00
		\$
Total (limit \$40,000 per year)		\$ 1,410.00

**ADDITIONAL REQUIRED INFORMATION**

Intended Uses of Gaming Proceeds

charities and scholarships

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)

☐ Yes    ☒ No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)

☐ Yes    ☒ No

Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)

☐ No    ☒ Yes - Total Retail Value: 1410.00 (This amount is part of the total prize limit for \$40,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Not proceeds may be for political purposes.)

☐ Yes    ☒ No

Printed Name of Organization Group's Permit Organizer

John A. Herlick

Telephone Number

701 412 6776

E-mail Address

john.herlick@gmail.com

Signature of Organization Group's Permit Organizer

John A. Herlick

Title

Raffle Chairman

Date

June 25, 2025



# APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

GAMING DIVISION

SFN 9338 (9-2023)

90

Applying for (check one)

☒ Local Permit
 ☐ Restricted Event Permit\*

Games to be conducted

☐ Raffle by a Political or Legislative District Party

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

\*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.

**LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS**

## ORGANIZATION INFO

Name of Organization or Group <b>St Anthony of Padua Parish Fall Bazaar</b>		Dates of Activity (Does not include dates for the sales of tickets) <b>September 28th, 2025</b>	
Organization or Group Contact Person <b>Bonnie Kroetsch</b>	E-mail <b>bonnie.kroetsch@icloud.com</b>	Telephone Number <b>701-235-9515</b>	
Business Address <b>710 S 10th St</b>	City <b>Fargo</b>	State <b>ND</b>	ZIP Code <b>58103</b>
Mailing Address (if different) <b>1419 7th Ave S</b>	City <b>Fargo</b>	State <b>ND</b>	ZIP Code <b>58103</b>

## SITE INFO

Site Name <b>St Anthony of Padua Catholic Church</b>		County <b>Cass</b>	
Site Physical Address <b>710 S 10th St</b>	City <b>Fargo</b>	State <b>ND</b>	ZIP Code <b>58103</b>
Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.) <b>Raffle Once on 9/28/2025</b> <b>Bingo Once on 9/28/2025</b>			

## PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle	\$500 Cash Prize	\$500
Raffle	Yeti Cooler	\$400
Raffle	55 Inch Smart TV	\$375
Total (limit \$40,000 per year)		\$ <b>2425.00</b>

## ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds <b>Parking Lot Expansion and Repair</b>	
Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded) <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - Total Retail Value: <b>\$2425</b> (This amount is part of the total prize limit for \$40,000 per fiscal year)	
Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Printed Name of Organization Group's Permit Organizer <b>Bonnie Kroetsch</b>	Telephone Number <b>701-235-9515</b>	E-mail Address <b>bonnie.kroetsch@icloud.com</b>
Signature of Organization Group's Permit Organizer <i>Bonnie Kroetsch</i>	Title <b>Raffle Chairperson</b>	Date <b>6-25-25</b>





**APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT**  
**NORTH DAKOTA OFFICE OF ATTORNEY GENERAL**  
**GAMING DIVISION**  
**SFN 9338 (9-2023)**

9d

Applying for (check one)

☒ Local Permit ☐ Restricted Event Permit

Games to be conducted

☐ Raffle by a Political or Legislative District Party

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

\*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted only with a Restricted Event Permit. Only one permit per year.

**LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS**

**ORGANIZATION INFO**

Name of Organization or Group

YMCA of the Northern Sky

Dates of Activity (Does not include dates for the sales of tickets)

8/5/2025

Organization or Group Contact Person

Ashleigh Brown

E-mail

abrown@ymcannorthernsky.org

Telephone Number

701 304 4120

Business Address

400 1st Ave S

City

Fargo

State

ND

ZIP Code

58103

Mailing Address (if different)

City

State

ZIP Code

**SITE INFO**

Site Name

Edgewood Golf Course

County

Cass

Site Physical Address

19 Golf Course Rd

City

Fargo

State

ND

ZIP Code

58102

Provide the exact date(s) & frequency of each event & type (Ex: Bingo every Friday 10:00-12:30, Raffle - 10:30-11:30, 12:30-etc.)

Golf Tournament, 1-day event on 8/5/2025

**PRIZE / AWARD INFO**

Game Type	Description of Prize	Exact Retail Value of Prize
50/50 Board Raffle	50/50 Board Raffle	\$ 625.00
Raffle	Sprint Wagon Liqueur Package	\$ 1,500.00
Raffle	Mn Entertainment Package	\$ 4,000.00
Total (limit \$40,000 per year)		\$ 4,625.00

**ADDITIONAL REQUIRED INFORMATION**

Intended Uses of Gaming Proceeds

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)

☐ Yes ☒ No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30? (If yes, the organization or group does not qualify for a local permit or restricted event permit)

☐ Yes ☒ No

Has the organization or group received a local permit from any city or county for the fiscal year July 1 - June 30? (If yes, indicate the total retail value of all prizes previously awarded)

☐ No ☒ Yes Total Retail Value: \$ 1,500.00 (This amount is part of the total prize limit for \$40,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52890 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)

☐ Yes ☒ No

Printed Name of Organization Group's Permit Organizer

Telephone Number

E-mail Address

Ashleigh Brown

701 304 4120

abrown@ymcannorthernsky.org

Signature of Organization Group's Permit Organizer

Title

Date

Ashleigh Brown

Annual Campaign & Development

8/30/2025

Director





## APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

GAMING DIVISION

SFN 9338 (9-2023)

9e

Applying for (check one)



Local Permit



Restricted Event Permit\*

Games to be conducted



Raffle by a Political or Legislative District Party



Bingo



Raffle



Raffle Board



Calendar Raffle



Sports Pool



Poker\*



Twenty-One\*



Paddlewheels\*

\*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

## ORGANIZATION INFO

Name of Organization or Group <i>Holy Spirit</i>		Dates of Activity (Does not include dates for the sales of tickets) <i>10/26/25 ; 10/22 ; 10/15</i>	
Organization or Group Contact Person <i>Jay Devitt</i>		E-mail <i>jay@holyspiritfargo.com</i>	Telephone Number <i>701-232-5900</i>
Business Address <i>1420 7<sup>th</sup> Street North</i>		City <i>Fargo</i>	State <i>ND</i>
Mailing Address (if different)		City	ZIP Code <i>58102</i>

## SITE INFO

Site Name <i>Holy Spirit Catholic Church</i>		County <i>Cass</i>	
Site Physical Address <i>1420 7<sup>th</sup> St N.</i>		City <i>Fargo</i>	State <i>ND</i>
			ZIP Code <i>58102</i>

Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)

*10/26/2025 - main Raffle. 10/22 ; 10/15 - Early Bird Raffle*

## PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle - main	(1) \$1,000 (1) \$500 (5) \$100	\$2,000.00
Raffle - Early Bird	(4) \$100.00 (2 drawn on 10/22 ; 2 on 10/15)	\$400.00
Total (limit \$40,000 per year)		\$ 2,400.00

## ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds <i>Church Fundraiser</i>	
Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded) <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Total Retail Value: <input type="text"/> (This amount is part of the total prize limit for \$40,000 per fiscal year)	
Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Printed Name of Organization Group's Permit Organizer <i>Jay Devitt</i>	Telephone Number <i>701-232-5900</i>	E-mail Address <i>jay@holyspiritfargo.com</i>
Signature of Organization Group's Permit Organizer <i>[Signature]</i>	Title <i>Business Mgr</i>	Date <i>7/1/2025</i>

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

110

Type: Event Closures

Location: Broadway Square

Date of Hearing: 6/30/2025

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/7/2025</u>
PWPEC File	<u>X</u>
Project File	<u>Kevin Gorder</u>

The Committee reviewed a communication from Division Engineer, Kevin Gorder, regarding a request from Folkways to close a portion of Broadway for upcoming events.

Folkways has requested the closure of Broadway adjacent to Broadway Square. Although the evening events typically begin around 5:00 p.m., the closure request includes removing on-street parking for most of the business day to allow time for event setup. Representatives from multiple departments do not support the closure of Broadway at this time. Folkways has asked the City to reconsider the staff decision.

During discussion, it became clear early on that Committee members did not support closures for the Night Bazaar events, as they would effectively require a full-day closure of Broadway. There was initial interest in supporting the July 20<sup>th</sup> closure for the Red River Market, which would follow the Downtown Street Fair, however members recognized the challenges of adequately cleaning the street after the Street Fair and before the market, as this has traditionally been done by the City following the Street Fair.

Additional discussion focused on how the July 20<sup>th</sup> request aligns with the Downtown InFocus Plan, which highlights the negative impact street closures can have on adjacent businesses and encourages the use of "Off Broadway" locations for events.

The consensus of the Committee is that the request would not allow for Public Works post-Street Fair cleanup and does not align with the goals outlined in the Downtown InFocus Plan.

On a motion by Brenda Derrig, seconded by Susan Thompson, the Committee voted to support staff's recommendation and deny the closure request for all three events.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and deny the request to close Broadway for the proposed events.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: N/A

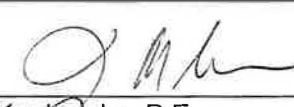
	<u>Yes</u>	<u>No</u>
Developer meets City policy for payment of delinquent specials	<u>N/A</u>	
Agreement for payment of specials required of developer	<u>N/A</u>	
Letter of Credit required (per policy approved 5-28-13)	<u>N/A</u>	

COMMITTEE

Tim Mahoney, Mayor  
 Nicole Crutchfield, Director of Planning  
 Gary Lorenz, Fire Chief  
 Brenda Derrig, Assistant City Administrator  
 Ben Dow, Director of Operations  
 Steve Sprague, City Auditor  
 Tom Knakmuhs, City Engineer  
 Susan Thompson, Finance Director

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

ATTEST:

 for Tom Knakmuhs  
 Tom Knakmuhs, P.E.  
 City Engineer

# Memorandum

**To:** Members of PWPEC  
**From:** Kevin Gorder, Division Engineer  
**Date:** June 25, 2025  
**Re:** Broadway Closures for Events

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## Background:

Broadway Square has created a lot of pedestrian traffic in and around downtown. This gathering space has created an increase in street closure requests in the same area. Staff is following the Downtown InFocus plan where it identified 2<sup>nd</sup> Avenue North as the preferred corridor for street closings to host events. Folkways has multiple events planned in downtown including their monthly bazaars and Saturday market closures. Staff has worked with Folkways to close additional blocks of 2<sup>nd</sup> Avenue North towards Roberts Street. We have also allowed Folkways to close portions of 5<sup>th</sup> Street North between 1<sup>st</sup> Avenue North and 3<sup>rd</sup> Avenue North.

Folkways has again requested closing portions of Broadway adjacent to Broadway Square for some of their events. Representatives from various departments met to discuss and staff did not support closing Broadway at this time. Staff is unsure of business support to close Broadway for these events. The evening events often start around 5:00, but the closure request is to remove parking for most of the business day for event setup prior to the start time.

A representative with Folkways has asked PWPEC, and possibly the City Commission, to reconsider the decision of staff to not close Broadway. The Broadway closure applications are attached for your consideration.

## Recommended Motion:

Move to support/not support the closing of Broadway and forward to the City Commission for their consideration.

KOG/klb  
Attachment



## General Special Permit / Street Closing / Block Party Request

### **For Office Use**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Approved ( ☐ ) Denied ( ☐ ) By: \_\_\_\_\_ Date: \_\_\_\_\_

Requesting Party Notified: Yes ( ☐ ) No ( ☐ ) Date: \_\_\_\_\_

#### CC Approved Requests:

- Fire Chief \_\_\_\_\_
- FM Ambulance \_\_\_\_\_
- Street Department \_\_\_\_\_
- Dispatch \_\_\_\_\_
- Police Supervisor \_\_\_\_\_
- City Traffic Engineer \_\_\_\_\_
- Mat Bus \_\_\_\_\_

### Contact Information

Name: Brenna Malard

Business / Organization (If Applicable): Folkways Community

Address: 210 Broadway N STE #202, Fargo ND 58102

Daytime Phone Number: \_\_\_\_\_ Evening Phone Number: \_\_\_\_\_

Cell Phone Number: 701-595-2300 Fax Number: \_\_\_\_\_

Email Address: brenna@folkways.org

## **APPLICATIONS MUST BE SUBMITTED 45 DAYS PRIOR TO EVENT**

Description of proposed event including date, times and estimated number of people attending. If the proposed event is a parade, you must indicate the number of vehicles, animals and/or other special equipment. When applicable include a diagram or map.

Date: Sunday, July 20, 2025

Time: 10:00 AM - 2:00 PM

The Red River Sunday Market is a special edition of our weekly community market, held on the Sunday immediately following the Downtown Fargo Street Fair. This expanded version of the market brings together local farmers, food trucks, artists, and small businesses for a day of community celebration in Broadway Square.

This year's Sunday Market will feature a Vintage Car Show as a key attraction. We are requesting the additional street closure of Broadway from just north of 1st Avenue to just before 3rd Avenue—including full closure of the 2nd Avenue intersection—to provide the space and safety needed for displaying vintage vehicles and accommodating large crowds in a walkable, car-free environment.

The event is free and open to the public, with an expected attendance of 4,000 people. Load-in will begin at 7:00 AM and teardown will be complete by 3:00 PM. The car show will be held in conjunction with the market.

Barricades and signage will clearly mark all closed areas, and event staff will be present to manage the flow of attendees.

Does your event require a street closing? *If yes, answer below.*

Street and specific block you would like to close: Broadway from North of 1st Avenue to before 3rd Avenue

*If you are requesting to block a street, two barricades at each end of the block will be required to discourage vehicular traffic. The requesting party is responsible for making arrangement through The City of Fargo Street Department for FOUR barricades by calling (701) 241.1453.*

Do you need barricades at your special event? Yes ☐ No ☒

### History

Have you ever been denied any permit by The City of Fargo during the past five (5) years?

Yes ☐ No ☒ If yes, give a brief description of the circumstances:

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### Insurance

The City of Fargo requires certain events to obtain insurance *prior to approval*. Those events include parades and/or other mobile events utilizing The City of Fargo streets, events open to the public with the expectation of a large number of attendees, events including exotic animals and any other events deemed necessary by The City of Fargo.

Does your event require insurance? Yes ☒ No ☐ If yes, fill out the below information.

As a condition of the permit, the applicant shall:

- Procure and maintain insurance, which includes The City of Fargo as named insured or additional named insured.
- This insurance will need to provide the level of coverage that The City of Fargo determines to be necessary and adequate under the circumstances.
- Proof of insurance shall be submitted to The City of Fargo at least ten days prior to the event.

Insurance Company: Bell Insurance

Policy Holder: Folkways Community

Insurance Company Address: PO Box 1470 Fargo ND 58107

Policy Number: 77117052 Proof of Insurance submitted? Yes ☒ No ☐

Waiver

By signing you are verifying you understand and agree to abide by the bulleted points listed below:

- Requests to close major thoroughfare may not be approved.
- No bands or amplified music will be allowed at block parties.
- The applicant has a copy of the General Special Permit / Street Closing / Block Party Request procedure of The City of Fargo, and is familiar with the conditions and requirements set forth and contained therein.
- The applicant is familiar with the questions, answers and information as now appears in this completed application and that the answers and information are, to the applicant's knowledge, true, correct and complete.
- The applicant, if granted a Special Event Permit, will obey and comply with The City of Fargo Special Event Permit requirements and any amendments which may be made.

*I hereby agree to indemnify The City of Fargo from any claims arising from events or activities under the permit.*

\_\_\_\_\_  
Signature

6/17/2025

\_\_\_\_\_  
Date

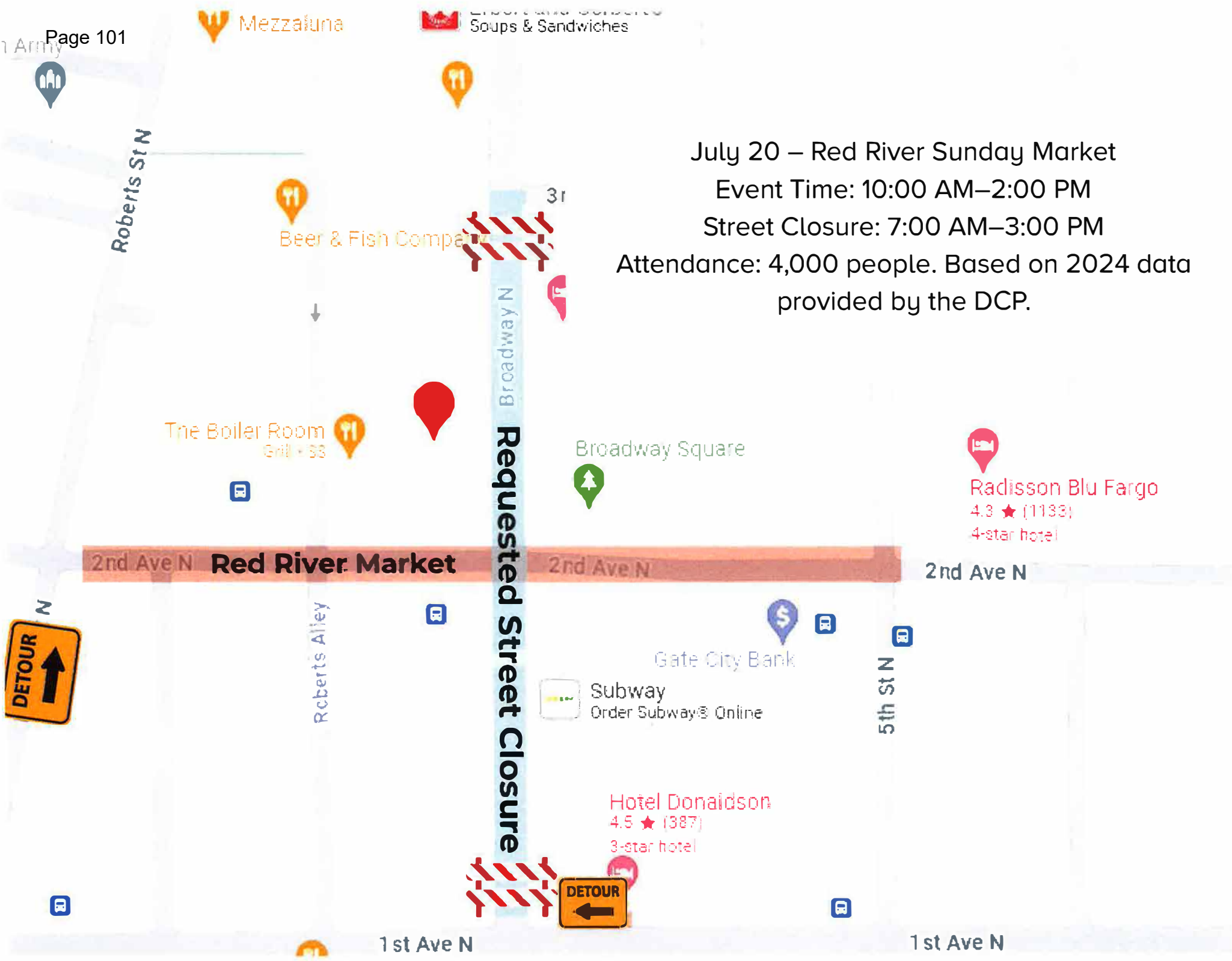
**Return completed applications to:**

The City of Fargo Engineering Department

Mail: 200 3rd Street North, Fargo, ND 58102

Email: [feng@FargoND.gov](mailto:feng@FargoND.gov)

Fax: 701.241.8101



July 20 – Red River Sunday Market

Event Time: 10:00 AM–2:00 PM

Street Closure: 7:00 AM–3:00 PM

Attendance: 4,000 people. Based on 2024 data provided by the DCP.



## General Special Permit / Street Closing / Block Party Request

### For Office Use

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Approved ( ) Denied ( ) By: \_\_\_\_\_ Date: \_\_\_\_\_

Requesting Party Notified: Yes ( ) No ( ) Date: \_\_\_\_\_

#### CC Approved Requests:

- Fire Chief \_\_\_\_\_
- FM Ambulance \_\_\_\_\_
- Street Department \_\_\_\_\_
- Dispatch \_\_\_\_\_
- Police Supervisor \_\_\_\_\_
- City Traffic Engineer \_\_\_\_\_
- Mat Bus \_\_\_\_\_

### Contact Information

Name: Brenna Majard

Business / Organization (If Applicable): Folkways Community

Address: 210 Broadway N STE #202, Fargo ND 58102

Daytime Phone Number: \_\_\_\_\_ Evening Phone Number: \_\_\_\_\_

Cell Phone Number: 701-595-2300 Fax Number: \_\_\_\_\_

Email Address: brenna@folkways.org



## **APPLICATIONS MUST BE SUBMITTED 45 DAYS PRIOR TO EVENT**

Description of proposed event including date, times and estimated number of people attending. If the proposed event is a parade, you must indicate the number of vehicles, animals and/or other special equipment. When applicable include a diagram or map.

Date: Thursday, September 18, 2025

Time: 5:00 PM - 10:00 PM

Street Closure Time Requested: 8:00 AM - 11:00 PM | Estimated Attendance: 4,000 attendees (based on 2024 data from DCP)

Night Bazaar: Magic is a whimsical, family-friendly street festival presented by Folkways, designed to celebrate imagination, artistry, and community with enchanting performances, themed vendor booths, and interactive activities. We are requesting additional closure of Broadway, from just north of 2nd Avenue to just before 3rd Avenue, to create expanded space for guests to safely roast s'mores in a designated fire-safe zone, and to accommodate a larger number of vendors and installations than in past events. The extended layout helps ensure safe pedestrian movement, improved crowd flow, and a welcoming environment for families and children.

Does your event require a street closing? *If yes, answer below.*

Street and specific block you would like to close: Broadway from North of 2nd Avenue to before 3rd Avenue

*If you are requesting to block a street, two barricades at each end of the block will be required to discourage vehicular traffic. The requesting party is responsible for making arrangement through The City of Fargo Street Department for FOUR barricades by calling (701) 241.1453.*

Do you need barricades at your special event? Yes ☐ No ☒

### History

Have you ever been denied any permit by The City of Fargo during the past five (5) years?

Yes ☐ No ☒ If yes, give a brief description of the circumstances:

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### Insurance

The City of Fargo requires certain events to obtain insurance *prior to approval*. Those events include parades and/or other mobile events utilizing The City of Fargo streets, events open to the public with the expectation of a large number of attendees, events including exotic animals and any other events deemed necessary by The City of Fargo.

Does your event require insurance? Yes ☒ No ☐ If yes, fill out the below information.

As a condition of the permit, the applicant shall:

- Procure and maintain insurance, which includes The City of Fargo as named insured or additional named insured.
- This insurance will need to provide the level of coverage that The City of Fargo determines to be necessary and adequate under the circumstances.
- Proof of insurance shall be submitted to The City of Fargo at least ten days prior to the event.

Insurance Company: Bell Insurance

Policy Holder: Folkways Community

Insurance Company Address: PO Box 1470 Fargo ND 58107

Policy Number: 77117052 Proof of Insurance submitted? Yes ☒ No ☐

Waiver

By signing you are verifying you understand and agree to abide by the bulleted points listed below:

- Requests to close major thoroughfare may not be approved.
- No bands or amplified music will be allowed at block parties.
- The applicant has a copy of the General Special Permit / Street Closing / Block Party Request procedure of The City of Fargo, and is familiar with the conditions and requirements set forth and contained therein.
- The applicant is familiar with the questions, answers and information as now appears in this completed application and that the answers and information are, to the applicant's knowledge, true, correct and complete.
- The applicant, if granted a Special Event Permit, will obey and comply with The City of Fargo Special Event Permit requirements and any amendments which may be made.

*I hereby agree to indemnify The City of Fargo from any claims arising from events or activities under the permit.*

\_\_\_\_\_  
Signature

6/17/2025

\_\_\_\_\_  
Date


**Return completed applications to:**

The City of Fargo Engineering Department

Mail: 200 3rd Street North, Fargo, ND 58102

Email: [feng@FargoND.gov](mailto:feng@FargoND.gov)

Fax: 701.241.8101

 **Life's Great Comforts**  
Soups & Sandwiches

## September 18 – Night Bazaar: Magic

Event Time: 5:00 PM–10:00 PM

Street Closure: 8:00 AM–11:00 PM

Attendance: 4,000 people. Based on 2024 data provided by the DCP.

**Requested Street Closure**

**Radisson Blu Fargo**  
4.3 ★ (1135)  
4-star hotel

## Night Bazaar

This closure request would leave the intersection of Broadway and 2nd partially open, allowing northbound Broadway traffic to circulate west onto 2nd Avenue. As well as Eastbound 2<sup>nd</sup> ave traffic south on Broadway.

Subway  
Order Subway® Online

**Hotel Donaldson**  
4.5 ★ (387)  
3-star hotel

1st Ave N

1st Ave N



## General Special Permit / Street Closing / Block Party Request

### For Office Use

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Approved ( ) Denied ( ) By: \_\_\_\_\_ Date: \_\_\_\_\_

Requesting Party Notified: Yes ( ) No ( ) Date: \_\_\_\_\_

#### CC Approved Requests:

- Fire Chief \_\_\_\_\_
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- Dispatch \_\_\_\_\_
- Police Supervisor \_\_\_\_\_
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- Mat Bus \_\_\_\_\_

### Contact Information

Name: Brenna Malard

Business / Organization (If Applicable): Folkways Community

Address: 210 Broadway N STE #202, Fargo ND 58102

Daytime Phone Number: \_\_\_\_\_ Evening Phone Number: \_\_\_\_\_

Cell Phone Number: 701-595-2300 Fax Number: \_\_\_\_\_

Email Address: brenna@folkways.org

## **APPLICATIONS MUST BE SUBMITTED 45 DAYS PRIOR TO EVENT**

Description of proposed event including date, times and estimated number of people attending. If the proposed event is a parade, you must indicate the number of vehicles, animals and/or other special equipment. When applicable include a diagram or map.

Date: Thursday, July 24, 2025

Time: 5:00 PM - 10:00 PM

The Night Bazaar: Circus is a themed evening street festival organized by Folkways in collaboration with TEDxFargo. This event celebrates local art

creativity, and community with a circus-inspired twist. The Night Bazaar transforms the Broadway Square area into an interactive pedestrian marketplace filled with vendor booths, food trucks, live performances, and entertainment installations.

Street Closure Time Requested: 8:00 AM - 11:00 PM | Estimated Attendance: 4,000 attendees (based on 2024 data from DCP)

For this edition of the Night Bazaar, we are requesting additional closure of a portion of Broadway (from just north of 2nd Avenue to just before 3rd Avenue) This extra space is needed to ensure safe pedestrian flow, adequate crowd staging, and buffer zones for participants and spectators. Barricades and signage will be used to secure and clearly mark all closed areas.

Does your event require a street closing? *If yes, answer below.*

Street and specific block you would like to close: Broadway from North of 2nd Avenue to before 3rd Avenue

*If you are requesting to block a street, two barricades at each end of the block will be required to discourage vehicular traffic. The requesting party is responsible for making arrangement through The City of Fargo Street Department for FOUR barricades by calling (701) 241.1453.*

Do you need barricades at your special event? Yes ☐ No ☒

### History

Have you ever been denied any permit by The City of Fargo during the past five (5) years?

Yes ☐ No ☒ If yes, give a brief description of the circumstances:

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### Insurance

The City of Fargo requires certain events to obtain insurance *prior to approval*. Those events include parades and/or other mobile events utilizing The City of Fargo streets, events open to the public with the expectation of a large number of attendees, events including exotic animals and any other events deemed necessary by The City of Fargo.

Does your event require insurance? Yes ☒ No ☐ If yes, fill out the below information.

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Policy Holder: Folkways Community

Insurance Company Address: PO Box 1470 Fargo ND 58107

Policy Number: 77117052 Proof of Insurance submitted? Yes ☒ No ☐

Waiver

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- The applicant, if granted a Special Event Permit, will obey and comply with The City of Fargo Special Event Permit requirements and any amendments which may be made.

*I hereby agree to indemnify The City of Fargo from any claims arising from events or activities under the permit.*

\_\_\_\_\_  
Signature

6/17/2025

\_\_\_\_\_  
Date

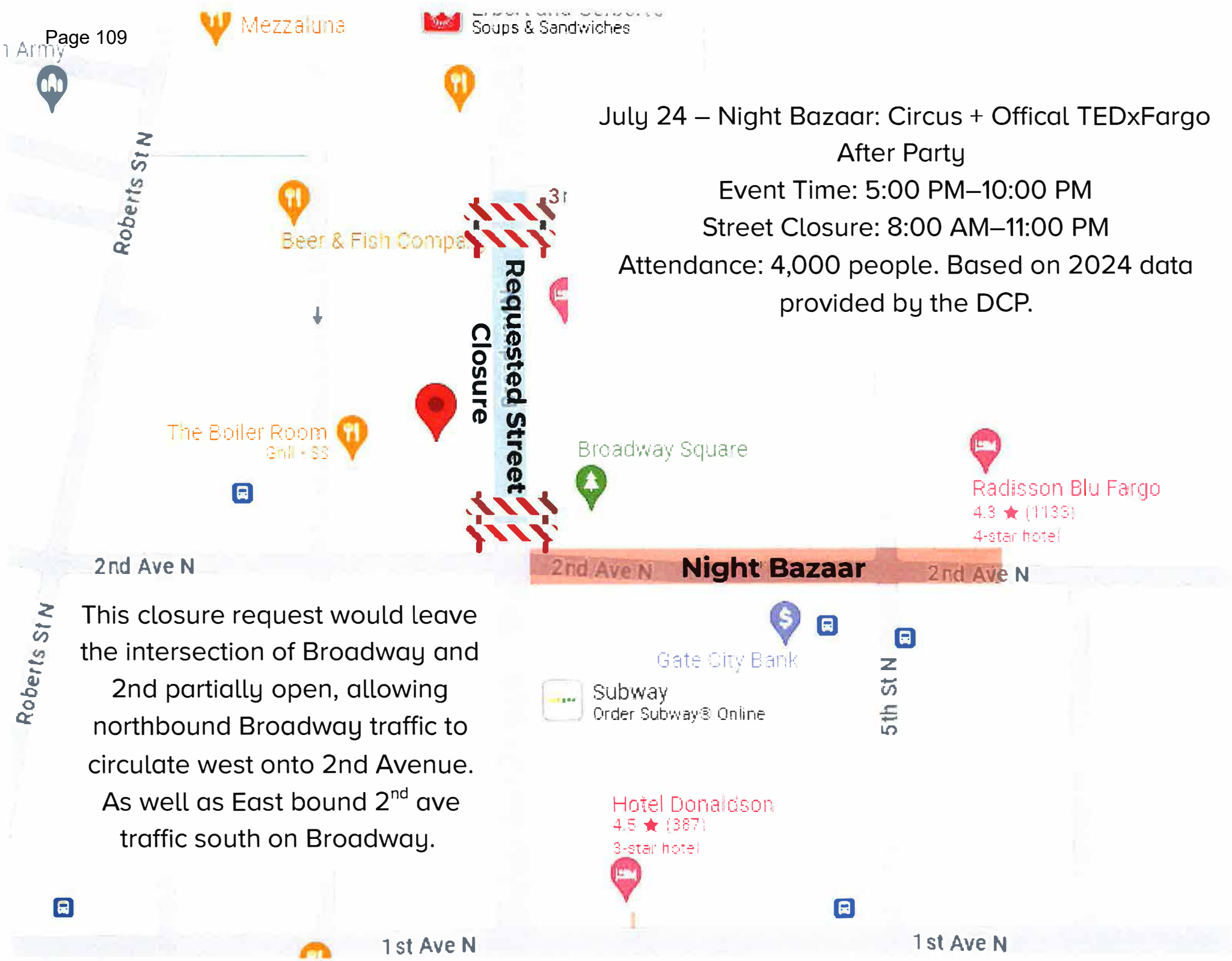
**Return completed applications to:**

The City of Fargo Engineering Department

Mail: 200 3rd Street North, Fargo, ND 58102

Email: [feng@FargoND.gov](mailto:feng@FargoND.gov)

Fax: 701.241.8101



## July 24 – Night Bazaar: Circus + Official TEDxFargo After Party

Event Time: 5:00 PM–10:00 PM

Street Closure: 8:00 AM–11:00 PM

Attendance: 4,000 people. Based on 2024 data  
provided by the DCP.

This closure request would leave the intersection of Broadway and 2nd partially open, allowing northbound Broadway traffic to circulate west onto 2nd Avenue. As well as East bound 2<sup>nd</sup> ave traffic south on Broadway.

- Mezzaluna
- Soups & Sandwiches
- Beer & Fish Comp
- The Boiler Room Grill + Bar
- Broadway Square
- Radisson Blu Fargo  
4.3 ★ (1133)  
4-star hotel
- Gate City Bank
- Subway  
Order Subway® Online
- Hotel Donaldson  
4.5 ★ (387)  
3-star hotel

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/12/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Bell Insurance PO Box 1470 Fargo ND 58107		<b>CONTACT NAME:</b> Cinder Jaycox <b>PHONE (A/C, No, Ext):</b> 701-237-6414 <b>E-MAIL ADDRESS:</b> cjaycox@bell.insurance		<b>FAX (A/C, No):</b> 701-239-0009
		<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
		<b>INSURER A:</b> Auto Owners Insurance Company		18988
		<b>INSURER B:</b>		
		<b>INSURER C:</b>		
		<b>INSURER D:</b>		
		<b>INSURER E:</b>		
		<b>INSURER F:</b>		

**COVERAGES** **CERTIFICATE NUMBER:** 607478140 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	Y		77117052	2/1/2025	2/1/2026	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			77117052	2/1/2025	2/1/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 Regarding the following events: Red River Market & Night Bazaar

**CERTIFICATE HOLDER**

**CANCELLATION**

City of Fargo Engineering Department  
 200 3rd St N  
 Fargo ND 58102

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Annette Ambuehl*





July 1, 2025

Board of City Commissioners  
City of Fargo  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

**Re: Permanent Easement**

Dear Commissioners:

Accompanying for City Commission review and approval is an original Permanent Easement from **Designer Homes of Fargo-Moorhead LLC**.

**RECOMMENDED MOTION:** I/we hereby move to approve the Permanent Easement from **Designer Homes of Fargo-Moorhead LLC**.

Please return the signed original.

Respectfully submitted,

Shawn G. Bullinger  
Land Acquisition Specialist

C: Nathan Boerboom

**PERMANENT EASEMENT**  
(Storm Sewer)

KNOW ALL MEN BY THESE PRESENTS that **DESIGNER HOMES OF FARGO-**  
**MOORHEAD LLC**, a North Dakota limited liability company, <sup>3250 47TH ST S</sup>~~4342 15<sup>th</sup> Ave S, Suite 105~~, Fargo, <sup>58104</sup>~~ND 58105~~, hereinafter referred to as "Grantor", for and in consideration of the sum of One and no/100 Dollars (\$1.00) and other valuable consideration, to it in hand paid the receipt whereof is hereby acknowledged, **HEREBY GRANTS UNTO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA**, a municipal corporation, its successors and assigns, hereinafter referred to as "Grantee", a permanent and perpetual easement under, over, upon and in the land hereinafter described for the purpose of constructing, operating, maintaining and repairing a storm sewer, together with the customary appurtenances, said tracts being described as follows:

**The East 12.00 feet of Lot 7, Block 6, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota.**

**Said tract contains 2,381 square feet, more or less.**

The easement area is pictorially represented on Exhibit A attached hereto and incorporated herein by reference.

Grantor, its successors and assigns, hereby covenants to and with Grantee that Grantee's officers, contractors, agents and employees may at any and all times when necessary or convenient

to do so, go under, over, in and upon said above-described tract of land and perform any and all acts necessary or convenient to carry into effect the purpose for which the grant is made.


Grantor, its successors and assigns, further agrees that it will not disturb, injure, molest or in any manner interfere with said storm sewer and customary appurtenances, or with material for laying, maintaining, operating or repairing the same, in, over or upon the above-described premises, and Grantor expressly warrants and states that no buildings or other obstacles of any kind shall be placed or located upon the tract so as to interfere in any manner with the construction, operation, maintenance or repair of said storm sewer, including customary appurtenances, provided that Grantee, at its own expense, shall refill any excavation it makes and level the ground thereafter, leaving the premises in as good condition as it was prior to the time of constructing of said storm sewer and customary appurtenances was begun.

[Signature pages to follow]

IN WITNESS WHEREOF, Grantor has set his hand and caused this instrument to be executed this 25<sup>th</sup> day of JUNE, 2025.

**GRANTOR:**

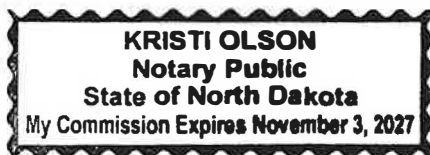
DESIGNER HOMES OF FARGO-MOORHEAD  
LLC

  
By: ROBERT LESLIE  
Its: PRES.

STATE OF NORTH DAKOTA                    )  
  )  
COUNTY OF CASS                            )

On this 25<sup>th</sup> day of June, 2025, before me, a notary public in and for said county and state, personally appeared Robert Leslie to me known to be the President of Designer Homes of Fargo-Moorhead, LLC, a North Dakota limited liability company, and who executed the within and foregoing instrument, and acknowledged the same on behalf of said limited liability company.

(SEAL)



  
Notary Public  
My Commission Expires:

**GRANTEE:**

City of Fargo, North Dakota, a North Dakota  
Municipal Corporation

\_\_\_\_\_  
Timothy J. Mahoney, Mayor

**ATTEST:**

\_\_\_\_\_  
Steve Sprague, City Auditor

STATE OF NORTH DAKOTA    )  
  )  
COUNTY OF CASS            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me a notary public in and for said county and state, personally appeared Timothy J. Mahoney and Steve Sprague, known to me to be the Mayor and City Auditor, respectively, of the city of Fargo, the Grantee described in and that they executed the within and foregoing instrument, and acknowledged to me that said Grantee executed the same.

(SEAL)

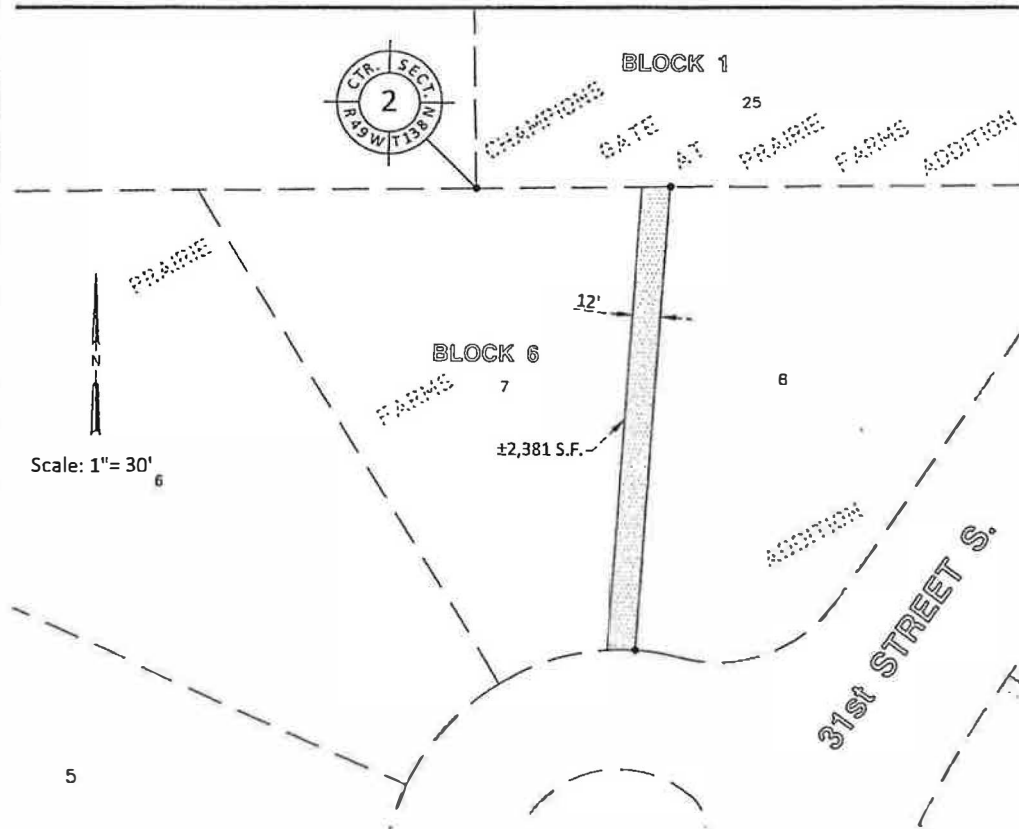
\_\_\_\_\_  
Notary Public  
My Commission Expires:

The legal description was prepared by:  
Curtis A. Skarud (LS-4723)  
Professional Land Surveyor  
Houston Engineering, Inc.  
1401 21<sup>st</sup> Ave N  
Fargo ND 58102  
(701) 237-5065

This document prepared by:  
Kasey D. McNary (ND# 06590)  
Assistant City Attorney  
SERKLAND LAW FIRM  
10 Roberts Street N.  
Fargo, ND 58102  
(701) 232-8957

PART OF LOT 7, BLOCK 6,  
PRAIRIE FARMS ADDITION  
CITY OF FARGO, CASS COUNTY  
STATE OF NORTH DAKOTA

EXHIBIT A



Description - Storm Sewer Easement:

The East 12.00 feet of Lot 7, Block 6, Prairie Farms Addition  
to the City of Fargo, Cass County, North Dakota.

Said tract contains 2,381 square feet, more or less.



**LEGEND:**

IRON MONUMENT FOUND  
IRON MONUMENT SET  
MEASURED BEARING  
MEASURED DISTANCE  
STORM SEWER EASEMENT

S59°27'46"E  
105.00'

NOTE: ALL BEARINGS GIVEN ARE  
BASED ON THE CITY OF  
FARGO GIS COORDINATE  
SYSTEM, DECEMBER 1992.



**EASEMENT EXHIBIT**

PROJECT NO.  
6867-0056

PART OF LOT 7, BLOCK 6,  
PRAIRIE FARMS ADDITION, CITY OF FARGO, CASS CO., ND

SHEET  
1 OF 1

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(12)

Type: Consent to Construct

Location: 4460 Calico Drive South

Date of Hearing: 6/16/2025

Routing

City Commission

PWPEC File

Project File

Date7/7/25XKevin Gorder

The Committee reviewed the attached correspondence from Division Engineer, Kevin Gorder, regarding plans for Kwik Trip to build a gas station at 4460 Calico Drive South.

The City of Fargo has a sanitary sewer and water easement on the west 30' of this site. Kwik Trip is not building on the easement, but they do plan to install three inlets in the easement area and a storm sewer that will collect the water that will cross the existing sanitary force main in three locations. In addition, they plan to install three light poles they will use for their gas station and a surface sidewalk between their parking lot and the sidewalk along 45<sup>th</sup> for their customers to use.

Engineering has drafted a Consent to Construct Agreement and is recommending approval.

On a motion by Brenda Derrig, seconded by Ryan Erickson, the Committee voted to recommend approval of the Consent to Construct with Kwik Trip.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve the Consent to Construct with Kwik Trip.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: N/A

Yes	No

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)

COMMITTEE

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

Tim Mahoney, Mayor

Nicole Crutchfield, Director of Planning

Gary Lorenz, Fire Chief

Brenda Derrig, Assistant City Administrator

Ben Dow, Director of Operations

Steve Sprague, City Auditor

Tom Knakmuhs, City Engineer

Susan Thompson, Finance Director

ATTEST:

C: Kristi Olson

  
 Tom Knakmuhs, P.E.  
 City Engineer

# Memorandum

**To:** Members of PWPEC  
**From:** Kevin Gorder, Division Engineer  
**Date:** June 11, 2025  
**Re:** Consent to Construct Agreement – 4460 Calico Drive South

---

**Background:**

Kwik Trip is working on their site plan to build a gas station at 4460 Calico Drive South. The City of Fargo has a sanitary sewer and water easement on the west 30' of this site. Kwik Trip is not building a portion of their building, parking lot, or gas pumps over the easement, but they do plan to install storm sewer to collect the water from the edge of their parking lot to the sidewalk. They plan to install three inlets in the easement area and the storm sewer that will collect the water will cross the existing sanitary force main in three locations. In addition, they plan to install three light poles they will use for their gas station. Kwik Trip also plans to install a surface sidewalk between their parking lot and the sidewalk along 45<sup>th</sup> for their customers to use. A portion of their plan is included below.

Engineering has drafted a Consent to Construct Agreement typical of other locations that propose to use our easement for private purposes. This Consent to Construct Agreement has the typical language that the City will give notice if we have planned maintenance to this sanitary force main. If the City determines an emergency exists, the City will start work without notice. The Agreement also states the City is not responsible for replacing any surface improvements in the event we need to work on our sanitary sewer force main.

**Recommended Motion:**

Approve the Consent to Construct Agreement with Kwik Trip and forward to City Commission for their consideration.

KOG/klb  
Attachment





### **CONSENT TO CONSTRUCTION AGREEMENT**

COME NOW, **Kwik Trip, Inc.**, a Wisconsin corporation (“Kwik Trip”), 1626 Oak Street, La Crosse, WI 54603, and the **City of Fargo**, a North Dakota municipal corporation (“City”), 225 4th Street North, Fargo ND, and enter into this Consent to Construction Agreement (“Agreement”).

**WHEREAS**, the City holds a 30’ wide sanitary sewer and water permanent easement upon Lots 1 and 2, Block 1, Metropolitan Park Second Addition, City of Fargo, Cass County, North Dakota (the “Easement Area”), as depicted in the plat recorded on May 21, 2021, as Document No. 1633210. Said Easement Area contains 0.413 acres, more or less;

**WHEREAS**, Kwik Trip is now the successor in interest to the real property, upon which the Easement Area is located, more particularly described as:

Lots 1 and 2, Block 1 Metropolitan Park Second Addition, City of Fargo, Cass County  
North Dakota

**WHEREAS**, Kwik Trip now seeks permission to use the Easement Area in a manner inconsistent with the grant and purpose of the easement as reserved unto the City. Specifically, Kwik Trip wishes to construct a building to be used as a gas station adjacent to the Easement Area, and wishes to install lighting and underground utilities over, upon, and within the Easement Area to support the operations of said gas station (hereinafter the “Improvements”).

NOW, THEREFORE, the parties hereby agree that Kwik Trip may construct the Improvements near and within the Easement Area as provided under the following terms and conditions:

1. Kwik Trip shall be permitted to construct the building adjacent to the Easement Area only upon approval of the plans and location by the City in advance of such construction. Such approval shall not be unreasonably withheld by City. Kwik Trip shall be permitted to construct, as part of the Improvements, three light poles, three storm drain inlets, and storm sewer to convey the storm water from the Easement Area to Kwik Trip's storm sewer collection and retention area located adjacent to the Easement Area. in accordance with the terms of this Agreement and as approved by City. The storm sewer shall cross the existing sanitary sewer force main at or as close as possible to perpendicular and in no case shall it run parallel to the sanitary sewer force main.
2. Kwik Trip shall at all times protect the City's sanitary sewer and customary appurtenances ("City Infrastructure") and ensure the City Infrastructure is not damaged during construction. No construction shall occur within 5 feet of the location of any City Infrastructure or other public utilities. Kwik Trip shall follow all North Dakota One Call requirements, N.D. Cent. Code § 49-23-01, prior to any construction activity occurring near the Easement Area. City shall have no responsibility for any costs or expenses incurred by Kwik Trip required to engage in the construction or maintenance of the permitted Improvements or for Kwik Trip to ensure protection of the City Infrastructure located in the Easement Area.
3. Kwik Trip shall be responsible for the cost of any repairs, removal, or relocation of the City Infrastructure which is damaged by any of the construction activities undertaken by Kwik Trip as permitted herein or by Kwik Trips' activity upon or near the Easement Area.
4. City shall not be responsible for any damage or repairs to the Improvements installed or constructed by Kwik Trip as permitted herein within, near, or upon the Easement Area.
5. To the extent possible, City shall provide Kwik Trip with 30 days written notice of any scheduled or necessary work on City Infrastructure located within the Easement Area, except in the event of an emergency. If the City, in its sole discretion, determines an emergency exists, the City will begin any necessary repairs without notice to Kwik Trip. The City will then give notice as soon as possible after emergency repairs have started. Upon completion of City's work on City Infrastructure, it will fill the excavation site, if necessary, and return the Easement Area to level surface. If it becomes necessary for the Improvements to be removed for protection of the City Infrastructure, then Kwik Trip shall be solely responsible for the removal and cost thereof as well as replacing the Improvements. City shall not be responsible for the replacement or cost of replacing the Improvements.
6. Kwik Trip shall not be allowed to place any excavation, inventory, supplies, vehicles, construction materials, or other debris on the Easement Area before, during, and after construction.
7. Kwik Trip hereby recognizes and acknowledges that City's sanitary sewer easement located upon the subject property affords the City the reasonable right of access to the

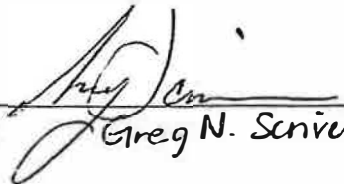
Easement Area for the customary use and purpose of the reservation, including the rights of ingress and egress to perform maintenance, repairs, and improvements to the City Infrastructure located within or upon the Easement Area. Kwik Trip hereby agrees it will not undertake any actions to impede or impair the City's right of access.

8. To the fullest extent permitted by law, Kwik Trip agrees to hold the City harmless against any and all expenses, demands, claims, or suits for damages or injury of any kind that may be brought against the City, its officers, agents, and employees arising from Kwik Trip's construction of the building and maintenance of the Improvements.
9. This Agreement will be construed and enforced in accordance with North Dakota law. The parties agree that any dispute arising out of this Agreement shall be venued in State District Court in Cass County, North Dakota, and the parties hereby expressly waive any objection to personal jurisdiction.
10. If any court of competent jurisdiction finds any provision or part of this Agreement is invalid, illegal, or unenforceable, that portion will be deemed severed from this Agreement, and all remaining terms and provisions will remain binding and enforceable, and the parties' obligations under this Agreement will remain binding and enforceable.
11. This Agreement constitutes the entire agreement between the parties regarding the matters described herein.
12. Any modifications or amendments of this Agreement must be in writing and signed by both parties.

**Remainder of Page Intentionally Left Blank**

IN WITNESS WHEREOF, executed this 19 day of June, 2025.

Kwik Trip, Inc., a Wisconsin Corporation

By:   
Greg N. Scriver

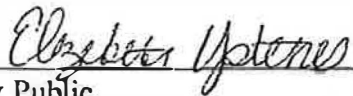
Its: Senior Vice President &  
Assistant Secretary

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF LA CROSSE )

On this 19 day of June, 2025, before me, a notary public in and for said county and state, personally appeared Greg N. Scriver, the <sup>Senior VP & Assistant Secretary</sup> of Kwik Trip, Inc. the person described in and that executed the within and foregoing instrument, and acknowledged to me that said person executed the same.

(SEAL)



  
Notary Public  
La Crosse County, Wisconsin  
My Commission expires: 3/31/28

**IN WITNESS WHEREOF**, executed this \_\_\_\_ day of \_\_\_\_\_, 2025.

City of Fargo,  
North Dakota Municipal Corporation

\_\_\_\_\_  
Dr. Timothy J. Mahoney M.D., Mayor

**ATTEST**

\_\_\_\_\_  
Steven Sprague, City Auditor

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

On this \_\_\_\_ day of \_\_\_\_\_, 2025, before me, a notary public in and for said county and state, personally appeared DR. TIMOTHY J. MAHONEY, M.D. and STEVEN SPRAGUE, to me known to be the Mayor and City Auditor, respectively, of the City of Fargo, Cass County, North Dakota, the municipal corporation described in and that executed the within and foregoing instrument, and acknowledged to me that said municipal corporation executed the same.

\_\_\_\_\_  
Notary Public  
Cass County, ND  
My Commission expires:

(SEAL)

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(13)

Type: Encroachment Agreement

Location: 4901 15<sup>th</sup> Ave S

Date of Hearing: 6/16/2025

Routing

City Commission

PWPEC File

Project File

Date7/7/25XMatt Jennings

The Committee reviewed a communication from Civil Engineer, Matt Jennings, regarding an Encroachment Agreement at 4901 15<sup>th</sup> Avenue South with West Fargo Public Schools seeking to install a sidewalk lane within the public right of way. This lane would serve as a drop-off and pick up area for parents who choose to park along the public street rather than use the school's private parking lot.

Today, children wait along the sidewalk 25' away from the street within private property and then have to walk up towards the street when their parents arrive. From a safety and liability perspective, having children wait adjacent to a City street increases the risk of traffic accidents and contributes to street congestion and chaotic vehicle movements as parents pull in and out from the curb. Staff has been working with MBN Engineering to develop an Encroachment Agreement. West Fargo Public Schools have requested we waive the annual encroachment fee of \$4,094. Typically, annual fees are only waived for long-standing, essential encroachments.

Engineering recommends approval of the Encroachment Agreement and recommends waiving the annual fee of \$4,094.

On a motion by Brenda Derrig, seconded by Nicole Crutchfield, the Committee voted to recommend approval of the Encroachment Agreement and waive the annual fee with West Fargo Public Schools at 4901 15<sup>th</sup> Avenue South.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve the Encroachment Agreement and waive the annual fee with West Fargo Public Schools at 4901 15<sup>th</sup> Avenue South.

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)

Yes	No
N/A	
N/A	
N/A	


COMMITTEE

Tim Mahoney, Mayor  
Nicole Crutchfield, Director of Planning  
Gary Lorenz, Fire Chief  
Brenda Derrig, Assistant City Administrator  
Ben Dow, Director of Operations  
Steve Sprague, City Auditor  
Tom Knakmuhs, City Engineer  
Susan Thompson, Finance Director

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

ATTEST:

C: Kristi Olson

  
Tom Knakmuhs, P.E.  
City Engineer



**To:** Members of PWPEC  
**From:** Matthew Jennings, ROW Management  
**Date:** June 10, 2025  
**Re:** Pick-up/drop-off lane Sidewalk Encroachment – 4901 15<sup>th</sup> Avenue South

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**Background:**

The City of Fargo Engineering Department received a request for an encroachment agreement along 15<sup>th</sup> Avenue South. West Fargo Public Schools is seeking to install a sidewalk lane within the public right of way, located behind the curb. This lane would serve as a drop-off and pick-up area for parents who choose to park along the public street rather than use the school's private parking lot.

As of today, the children wait along the sidewalk 25' away from the street within private property and then walk up towards the street when their parents arrive. From a safety and liability perspective, having children wait adjacent to a City street increases the risk of traffic accidents. It also contributes to street congestion and chaotic vehicle movements as parents pull in and out, and load or unload from the curb.

Our team has been in discussions with Tony Eukel of MBN Engineering to develop this agreement. After completing the draft and forwarding it to MBN and West Fargo Public Schools, they requested a waiver of the annual encroachment fee of \$4,094. This fee is calculated based on the square footage—approximately 7,000 square feet—of the right of way impacted by the encroachment.

Because West Fargo Public Schools is a public entity, I am bringing this matter to PWPEC for a decision regarding the fee requirement. I recommend approval and for the annual fee to **not** be waived, for the following reasons:

- Fee waivers are typically granted for long-standing, essential encroachments, such as utility or boiler rooms located beneath downtown sidewalks.
- A similar encroachment agreement was approved for Oak Grove's south campus last year, which included annual fees for a designated bus drop-off lane.
- Schools should be responsible for managing traffic, student flow, and overall organization within their private parking lots.

**Options for Recommended Motion:**

- Approve the West Fargo Public School Sidewalk Drop-off/Pick-up encroachment with annual fee.
- Approve the West Fargo Public School Sidewalk Drop-off/Pick-up encroachment with the annual fee waived.



**Matt Jennings**

**From:** Tony Eukel <Tony.Eukel@mbnengr.com>  
**Sent:** Wednesday, May 28, 2025 8:10 AM  
**To:** Matt Jennings; Kevin Gorder; Jeremy Gorden; Goebel, Jeffrey  
**Cc:** Lemer, Mark; Brandon Beaudry; Chris Johnson; Bachmeier, Levi  
**Subject:** RE: WF Willow Park Elementary - 15th Avenue Drop off/Pick Up Lanes

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

Matt,

The School District would like to know if there is a way to waive this annual fee for these sidewalk improvements? These improvements benefit the safety of the students and parents. Even if the school district doesn't make these improvements, the students and parents will continue to use this area and create additional safety and maintenance concerns.

Let us know if we need to request this formally and who this needs to go to.

**Tony Eukel, PE,**   
 Civil Engineer (ND, SD, MN, IA)  
 O 701.478.6336  
 D 701.478.3316  
 C 701.388.3823  
[tony.eukel@mbnengr.com](mailto:tony.eukel@mbnengr.com)  
 MBN Engineering, Inc  
 503 7th Street N, Suite 200  
 Fargo, ND 58102  
[mbnengr.com](http://mbnengr.com)

**From:** Matt Jennings <MJennings@FargoND.gov>  
**Sent:** Tuesday, May 27, 2025 4:30 PM  
**To:** Tony Eukel <Tony.Eukel@mbnengr.com>; Kevin Gorder <KGorder@FargoND.gov>; Jeremy Gorden <JGorden@FargoND.gov>; Goebel, Jeffrey <JGOEBEL@west-fargo.k12.nd.us>  
**Cc:** Lemer, Mark <LEMER@west-fargo.k12.nd.us>; Brandon Beaudry <BBeaudry@FargoND.gov>; Chris Johnson <chris.johnson@mbnengr.com>  
**Subject:** RE: WF Willow Park Elementary - 15th Avenue Drop off/Pick Up Lanes

Hey Tony,

You're correct, we at times have waived the processing and annual fee for certain downtown buildings with important components within the ROW or for certain encroachments behind the standard sidewalk.

I've pulled some info from the City of Fargo Encroachment Policy showing how the fee is calculated below. In this particular situation, I downsized the land area to just the sidewalk footprint for the calculation, even though the encroachment description has a larger area described.

†

***Request for waiver of annual fee.***

**ENCROACHMENT AGREEMENT**

(Pickup & Drop-off Lane)

**THIS AGREEMENT**, made and entered by and between the **CITY OF FARGO**, a North Dakota municipal corporation, hereinafter referred to as “City”, and **WEST FARGO PUBLIC SCHOOL DIST NO 6**, hereinafter referred to as “WF Public Schools” or “Owner”;

**WITNESSETH:**

**WHEREAS**, WF Public Schools owns property located at 4901 15<sup>th</sup> Avenue South in Fargo, which is bordered to the west by 50<sup>th</sup> Street South.

**WHEREAS**, WF Public Schools desires to encroach on a portion of City right-of-way (described below) for the purpose of a sidewalk encroachment to operate as a student pickup and drop-off lane for Willow Park Elementary School;

**WHEREAS**, WF Public Schools has requested permission to encroach on a portion of the right-of-way, hereinafter particularly described and also depicted in Exhibit “A”, allowing it to utilize City right-of-way for such purpose;

**WHEREAS**, the Public Works Projects Evaluation Committee (PWPEC) has reviewed the request for encroachment and recommended approval; and,

**WHEREAS**, WF Public Schools has agreed to execute this agreement required by City for encroachment upon City right-of-way.

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

WF Public Schools, is hereby granted the right to encroach upon and use a portion of the right-of-way, said encroachment being for the purpose of a sidewalk pickup and drop-off lane, bordering along the east side of 50<sup>th</sup> Street South.

1. The legal description of the Owner's property is as follows:

LOT 1, BLOCK 1, OF NORIDIAN CENTER 3RD ADDITION

located within the City of Fargo, situate in the County of Cass and the State of North Dakota

The property has a street address of 4901 15<sup>th</sup> Avenue South, Fargo, ND 58103 (the "encroaching property").

The encroachment at said property is described as follows:

A 14.5 foot wide strip of land in the right-of-way of 15th AVE. S.W. and 50th ST. S.W. as dedicated by the REPLAT OF WELLS FARGO ADDITION to the City of Fargo, Cass County, North Dakota lying to the left of and coincident to the following described line:

Commencing at the southeast corner of Lot 1, Block 1 of NORIDIAN CENTER 3RD ADDITION to the City of Fargo on file and of record in the office of the County Recorder for said Cass County; thence on a record bearing of South 88°25'56" West, on the southerly line of said Lot 1, a distance of 856.37 feet; thence continuing on said southerly line, 38.06 feet along a curve to the right having a central angle of 8°18'46", a radius of 262.35 feet and a chord bearing of North 87°28'33" West to the point of beginning; thence continuing on said southerly line and the southwesterly and westerly line of said Lot 1, 458.40 feet along a curve to the right having a central angle of 100°06'40", a radius of 262.35 feet and a chord bearing of North 33°15'51" West and there terminating.

Said tract contains 6,830 square feet, more or less.

Said encroachment is more particularly described and indicated in attached Exhibit "A" showing the property and proposed sidewalk lane. Exhibit "A" is attached hereto and incorporated herein by reference.

2. It is the intent of this agreement that Owner may utilize City right-of-way for the purpose of maintaining and utilizing the sidewalk encroachment.

3. Owner agrees and understands that as a condition of the use of the right-of-way, Owner shall be responsible for the installation cost, ADA compliance and maintenance of all components of the sidewalk encroachment.

4. Upon discontinuance of use or termination of this agreement, Owner will restore and replace all public property to a vegetated surface, or pay to the City all costs incurred by City to restore the public property to a vegetated surface.

5. It is understood and agreed by and between the parties that Owner will be responsible for the repair or replacement of any public property which may be damaged or destroyed as a direct or indirect result of the use of the public right-of-way for the sidewalk encroachment. WF Public Schools agrees to accept all maintenance responsibility for the sidewalk encroachment and associated property used by Owner within the City right-of-way.

6. Owner agrees and understands that the City owns the existing street lights and associated conduit located within the encroachment area. In the event the City elects to perform any work within the encroachment area, including but not limited to maintenance, repairs, or the installation of new utilities, the Owner agrees and understands that the encroaching sidewalk, functioning as a pickup and drop-off lane, may be removed by City. City, however, shall not be responsible for the subsequent reinstallation or reconstruction of the encroaching sidewalk. Owner

shall be solely responsible for the subsequent reinstallation and reconstruction, including all costs and expenses.

7. Owner agrees and understands that as a condition of the use of the right-of-way, Owner shall be responsible for snow plowing and snow removal within the sidewalk encroachment.

8. Owner agrees to indemnify and further hold the City harmless against any and all expenses, demands, claims or losses of any kind that may be sustained by City, its officers, agents and employees, its property, streets, sidewalks, or any other municipal improvements by reason of the Owner's use of the public right-of-way in accordance with this agreement. Owner agrees to pay any and all costs the City incurs to enforce this indemnity provision, including attorney's fees. Owner agrees to provide to the City a certificate of insurance indicating acceptance by its insurer of Owner's obligation to defend and hold the City harmless as herein stated.

9. This agreement is personal to Owner and cannot be sold, transferred or otherwise assigned. This agreement shall immediately terminate upon Owner's sale, transfer or assignment of the encroaching property. Subsequent owners may request permission to encroach, and enter into a separate encroachment agreement with City.

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

11. It is specifically understood and agreed that the City retains authority to operate and maintain existing above ground and underground municipal facilities in the encroachment area. In the event the City needs to permanently retake the encroachment area, City will provide Owner written notice ninety (90) days in advance to remove the encroaching private facilities, to the extent deemed necessary by City.

12. If City determines, in its sole discretion, that Owner has failed to maintain the sidewalk encroachment in an acceptable manner, City may terminate as provided herein. Further, this agreement shall terminate if the encroaching property is repaired, reconstructed or improved at a cost of 25% or more of the market value of the property prior to such improvement or repair. If the encroaching property is damaged, market value will be determined as the value before the damage occurred

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

14. Owner agrees to pay the City a one-time processing fee of \$500. The City hereby agrees to initially waive the annual encroachment fee of \$4,094, calculated based upon the square footage of the encroachment area. The parties hereby agree the annual encroachment fee will become due and continue on an annual basis if Owner fails to comply with any term or condition of this Agreement. Upon Owner's non-compliance, the City will provide written notice to the Owner of the non-compliance and Owner shall then have fourteen (14) days following receipt of the written notice to remedy the non-compliance. If Owner fails to timely remedy the non-compliance, then the annual encroachment fee will become due and owing. Owner must pay the annual encroachment fee on or before February 1 of each calendar year for the duration of the encroachment under this Agreement. Owner's failure to timely pay the annual encroachment fee shall result in a termination of this agreement.

(Signatures on following pages)



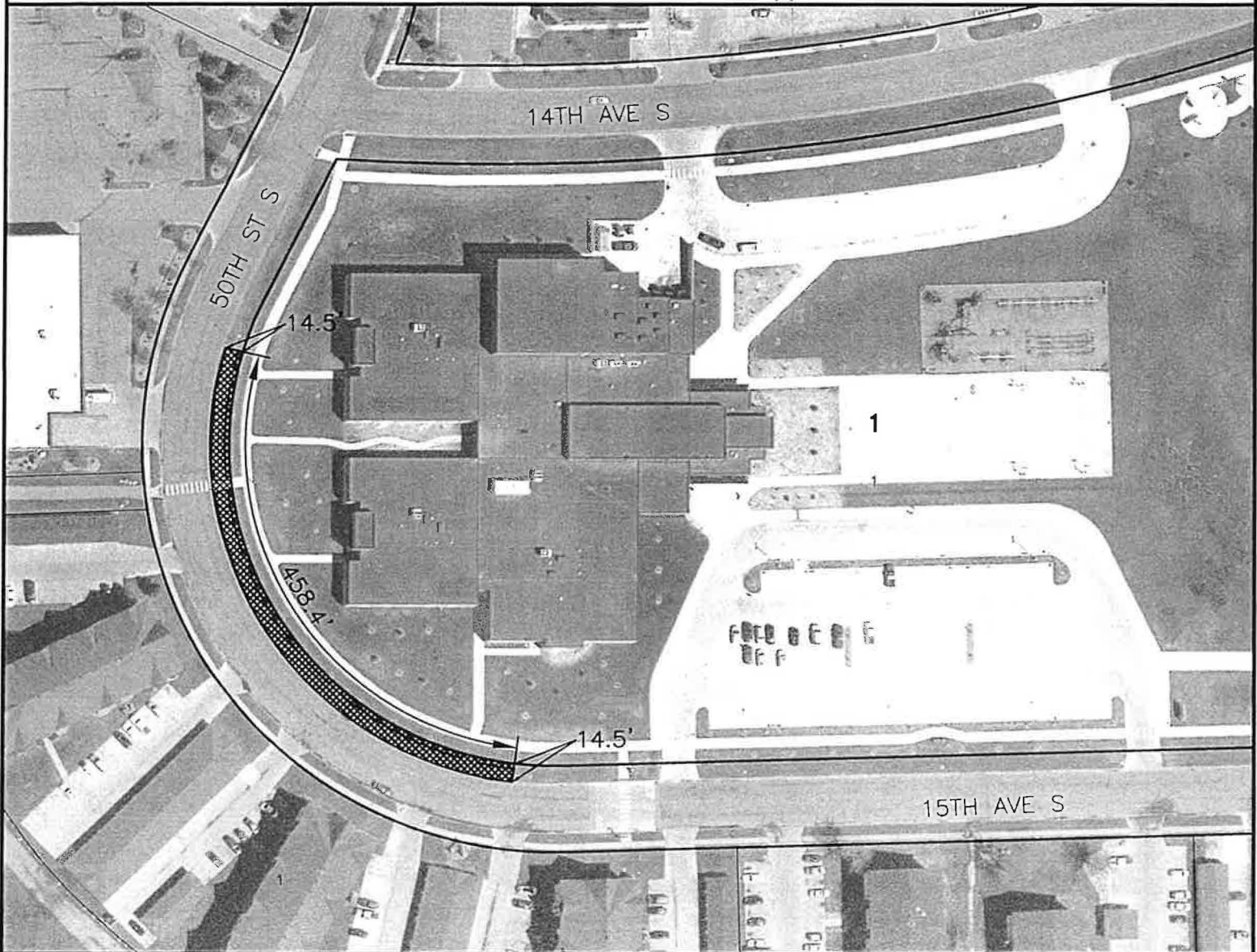




ENCROACHMENT AREA = 



THE CITY OF  
**Fargo**  
ENGINEERING



OWNER: WEST FARGO PUBLIC SCHOOL DIST NO 6

LEGAL DESCRIPTION: A 14.5 FOOT WIDE STRIP OF LAND IN THE RIGHT-OF-WAY OF 15TH AVE. S.W. AND 50TH ST. S.W. AS DEDICATED BY THE REPLAT OF WELLS FARGO ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA LYING TO THE LEFT OF AND COINCIDENT TO THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 1 OF NORIDIAN CENTER 3RD ADDITION TO THE CITY OF FARGO ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER FOR SAID CASS COUNTY; THENCE ON A RECORD BEARING OF SOUTH 88°25'56" WEST, ON THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 856.37 FEET; THENCE CONTINUING ON SAID SOUTHERLY LINE, 38.06 FEET ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 8°18'46", A RADIUS OF 262.35 FEET AND A CHORD BEARING OF NORTH 87°28'33" WEST TO THE POINT OF BEGINNING; THENCE CONTINUING ON SAID SOUTHERLY LINE AND THE SOUTHWESTERLY AND WESTERLY LINE OF SAID LOT 1, 458.40 FEET ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 100°06'40", A RADIUS OF 262.35 FEET AND A CHORD BEARING OF NORTH 33°15'51" WEST AND THERE TERMINATING.

SAID TRACT CONTAINS 6,830 SQUARE FEET, MORE OR LESS.

DESCRIPTION BY CITY OF FARGO ENGINEERING DEPARTMENT — CITY OF FARGO COORDINATE SYSTEM

(14)

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. SN-25-B0

Type: Amendment #2

Location: Red River from Park Lane to 15<sup>th</sup> Ave N

Date of Hearing: 6/30/2025

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/7/2025</u>
PWPEC File	<u>X</u>
Project File	<u>Eric Hodgson</u>

The Committee reviewed the accompanying correspondence from Project Manager, Eric Hodgson, related to Amendment #2 in the amount of \$9,714.00 for additional work.

Staff is recommending approval of Amendment #2 in the amount of \$9,714.00, which increases the total contract amount to \$176,279.00 to Houston Engineering.

On a motion by Ryan Erickson, seconded by Ben Dow, the Committee voted to recommend approval of Amendment #2 to Houston Engineering.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Amendment #2 in the amount of \$9,714.00, which brings the total contract amount to \$176,279.00 to Houston Engineering.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Sales Tax

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

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

COMMITTEE

Tim Mahoney, Mayor  
 Nicole Crutchfield, Director of Planning  
 Gary Lorenz, Fire Chief  
 Brenda Derrig, Assistant City Administrator  
 Ben Dow, Director of Operations  
 Steve Sprague, City Auditor  
 Tom Knakmuhs, City Engineer  
 Susan Thompson, Finance Director

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

ATTEST:

C: Kristi Olson

T-Kn  
 Tom Knakmuhs, P.E.  
 City Engineer

# Memorandum

**To:** Members of PWPEC  
**From:** Eric Hodgson, Civil Engineer II  
**Date:** June 30, 2025  
**Re:** 15<sup>th</sup> Avenue North Red River Trail (15<sup>th</sup> Avenue N to Woodcrest Dr. N)  
Project Number SN-25-B0

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## Background:

City staff met on February 12, 2024 and selected Houston Engineering for Project #SN-25-B0.

During design, additional tasks and work were requested by the VA Hospital causing Houston Engineering to incur more costs.

Houston is requesting additional payment in the amount of \$9,714. This amendment serves to pay Houston for that extra work. The additional funds will be paid with City Sales Tax.

## Recommended Motion:

Approve Houston's Amendment #2 in the amount of \$9,714 to cover the additional work for the project.

EBH/jmg

Attachment:

Houston Amendment #2 – Description of changes and cost breakdown.

June 23, 2025

City of Fargo  
Attn: Eric Hodgson  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

**Subject:** Engineering Services Agreement – Amendment No. 2

**Project:** Improvement District No. SN-25-B0 New Red River Shared Use Path Project – 15<sup>th</sup> Ave N to Park Lane

**Client:** City of Fargo  
225 4<sup>th</sup> Street North  
Fargo, ND 58102  
Attn: Jeremy Gorden

**Location of Project:** City of Fargo, Cass County, North Dakota

**Description of Work:** This contract amendment is for additional services provided as a result of unexpected additional coordination required with VA Health Care representatives and associated design modifications to obtain project approvals.

The additional services associated with the project were discussed prior to completing the work and it was desired to wait to process the amendment until the level of effort was known. The additional services are detailed further in this amendment. The project had an initial contract value of \$140,065 and amendment 1 of \$26,500 for a current total value of \$166,565. This amendment to the contract is requested for consideration equal to the estimated cost to complete the project less the existing contract value:

**Task 1 – Services During Project Development – \$9,714 Total**

**Subtask 1.1 – VA Coordination Meetings**

At the request of the City, HEI held additional coordination meetings with VA Health Care representatives including a field walk through to discuss the design. Due to the design modifications, additional coordination meetings were also required with the USACE to satisfy permitting requirements.

The additional cost to complete **Subtask 1.1** is \$2,280.

**Subtask 1.2 – Design Revisions**

The design and plans were modified to meet the requirements requested by the VA.

These revisions included additional signage, lighting, fencing and gates. The revised design resulted in additional effort to modify the plans for bidding.

The additional cost to complete **Subtask 1.2** is \$7,434.

### Basis of Proposal

This amendment only covers the services as described above. Specifically, the amendment includes additional tasks due to changes completed during project development.

### Fee:

The total fee to complete the above-described tasks is **\$9,714**. An amendment to the contract is requested for consideration equal to the cost to complete the additional work. Tasks will be performed in accordance with our current hourly rates in the year services are provided.

### Contract Summary Table

Contract Element	Fee	Status
Initial Contract: Project Development	\$140,065	Complete
Contract Amendment 1: Additional Services During Project	\$26,500	Complete
<b>Proposed Contract Amendment 2: Additional Services During Project</b>	<b>\$9,714</b>	<b>In Progress</b>
<b>Total</b>	<b>\$176,279</b>	

**Conditions:** Services will be invoiced monthly and are due and payable upon receipt.

Limitation of Liability: Houston Engineering, Inc. agrees to indemnify and save the client harmless from any loss, cost, or expense including attorney fees, claimed by third parties for property damage or bodily injury, including death, caused by the negligence of Houston Engineering, Inc. or its employees in connection with Houston Engineering, Inc.'s services. The client agrees to indemnify and save Houston Engineering, Inc. harmless from any loss, cost, or expense, including attorney fees, claimed by third parties for property damage or bodily injury including death, caused by the negligence of the client or its employees in connection with the operations of the client. If the negligence of both Houston Engineering, Inc. and the client (or a person identified above for whom each is liable) is the cause of such damage or injury, the loss, cost, or expense shall be shared between Houston Engineering, Inc. and the client in proportion to their relative degrees of negligence and the right of indemnity shall apply for such proportion. Neither party hereto shall be liable to the other for incidental, special or indirect damages nor shall Houston Engineering, Inc. be liable for any cost or expense that provides betterment, upgrade or enhancement of the project.

Houston Engineering, Inc. hereby proposes, and the client hereby authorizes, the above described services to be performed by Houston Engineering, Inc. under the terms and conditions set forth.

Authorization:

Client: City of Fargo

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Proposal: Houston Engineering, Inc.

Signature: \_\_\_\_\_  
Digitally signed by Jeremy McLaughlin, VP  
DN: cn=US, email=jeremymclaughlin@houstoneng.com,  
c=US, ou=Houston Engineering, Inc., cn=Jeremy  
McLaughlin, vp  
Date: 2025.06.23 14:37:23 -0500

Title: \_\_\_\_\_

Date: \_\_\_\_\_

H:\UBN\6000\6059\6059\_0217 17th Ave SI\Contract\Amendment\ No. 1.docx

**SN-25-B0**  
 New Shared Use Path - 15th Ave N to Park Lane

		Engineer 6	Engineer 10
	<i>Task Cost</i>	\$187	\$228
Amendment 2			
<b>Task 1- Services During Project Development</b>	<b>\$9,714</b>		
1.1 - VA Coordination Meetings	\$2,280		10
1.2 - Design Revisions	\$7,434	30	8
<b>Total Hours</b>	<b>48</b>	<b>30</b>	<b>18</b>
<b>Total Costs</b>	<b>\$9,714</b>	<b>\$5,610</b>	<b>\$4,104</b>

(15)

July 3, 2025

Honorable Board of City  
 Commissioners  
 City of Fargo  
 Fargo, ND

Re: Project No. NR-25-D1

Dear Commissioners:

Bids were opened at 11:45 AM on Wednesday, July 2, 2025, for Storm Lift Stations #41, #42 and #58. Project No. NR-25-D1, located at Storm Lift Stations #41, #42, & #58.

For the bidding and advertising of this project, the North Dakota Century Code Section 48-01.2-06 was utilized due to the Engineer's estimated electrical costs for the project to be greater than \$50,000.00. Therefore, the North Dakota Century Code required bids for this project to be received for the following: General Construction, Electrical Construction and Combined.

The bids received were as follows:

<u>Company</u>	<u>General</u>	<u>Electrical</u>	<u>Combined</u>
JDP Electric	-	\$159,418.00	-
Sun Electric, Inc.	-	\$177,697.50	-
CC Steel, LLC	\$2,154,712.00	-	-
Key Contracting, Inc.	\$2,218,921.00	-	\$2,427,063.00
ICS, Inc.	\$2,479,761.24	-	\$2,654,760.24
Meyer Contracting, Inc.	\$2,962,880.02	-	\$3,134,792.14

Original Engineer's Estimate                      \$ 2,617,485.00

As a result of the bids received, the apparent low bid is a combination of the General Construction bid submitted by CC Steel, LLC of \$2,154,712.00 and the Electrical Construction bid submitted by JDP Electric of \$159,418.00. The total of these two bids are \$2,314,130.00, which is less than the lowest Combined bid submitted.

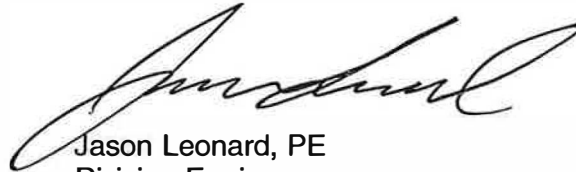
For proper accounting and administration of the General Construction and Electrical Construction contracts, it is necessary to assign new phase numbers to Project No. NR-25-D. These new phase numbers will replace Project No. NR-25-D1, which is the phase these bids were received under. The new phases for the General Construction contract and Electrical Construction contract shall be known as Project No. NR-25-D2 and Project No. NR-25-D3, respectively.



**Recommended Motion:**

Engineering staff is recommending award of a General Construction contract (Project No. NR-25-D2) to CC Steel, LLC in the amount of \$2,154,712.00 as the lowest and best bid received for General Construction, and an award of an Electrical Construction contract (Project No. NR-25-D3) to JDP Electric in the amount of \$159,418.00 as the lowest and best bid received for Electrical Construction.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Leonard", is written over the typed name.

Jason Leonard, PE  
Division Engineer

JTL/klb

**Engineer's Statement Of Cost**  
**Project # NR-25-D2**  
**Storm Lift Stations #41/#42/#58 - General Contract**

Storm Sewer Lift Station - #41 @ 10th St and 37th Ave N, Storm  
Sewer Lift Station - #42 @ 5th St and 21st Ave S & Storm Sewer  
Lift Station - #58 @ University Drive South and 64th Ave S

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 Jason Leonard, do hereby certify as follows:

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

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

Storm Lift Stations #41/#42/#58 - General Contract Project # NR-25-D2 of the City of Fargo, North Dakota.

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
<b>Lift Station #41 (10th Street North Cul-de-sac)</b>					
1	Mobilization	LS	1.00	100,000.00	100,000.00
2	F&I Bollards	EA	3.00	1,480.00	4,440.00
3	F&I Fence	LF	39.00	210.00	8,190.00
4	Saw Pavement All Thicknesses All Types	LF	28.00	22.00	616.00
5	Remove Manhole	EA	1.00	2,400.00	2,400.00
6	F&I Inlet - Round (RDI) Reinf Conc	EA	1.00	2,800.00	2,800.00
7	Modify Gatewell	EA	1.00	15,600.00	15,600.00
8	F&I Gatewell	EA	1.00	164,416.00	164,416.00
9	Remove Inlet	EA	1.00	1,710.00	1,710.00
10	F&I Lift Station Pumps	LS	1.00	166,000.00	166,000.00
11	F&I Lift Station Controls	LS	1.00	5,500.00	5,500.00
12	Modify Lift Station	EA	1.00	136,400.00	136,400.00
13	F&I Pipe 10" Dia	LF	11.00	120.00	1,320.00
14	F&I Pipe 42" Dia Reinf Conc	LF	17.00	500.00	8,500.00
15	Remove Pipe All Sizes All Types	LF	112.00	61.00	6,832.00
16	Repair Manhole Leak	EA	4.00	922.00	3,688.00
17	Site Grading	LS	1.00	75,502.00	75,502.00
18	F&I Curb & Gutter Custom	LF	41.00	207.00	8,487.00
19	F&I Pavement 8" Thick Reinf Conc	SY	40.00	150.00	6,000.00
20	Remove Driveway All Thicknesses All Types	SY	28.00	130.00	3,640.00

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
1	Mulching Type 1 Hydro	SY	160.00	4.40	704.00
2	Seeding Type C	SY	160.00	3.85	616.00
3	Overseeding	SY	160.00	3.85	616.00
4	Weed Control Type B	SY	160.00	1.10	176.00
5	Stormwater Management	LS	1.00	2,750.00	2,750.00
6	Concrete Washout Area	EA	1.00	1,100.00	1,100.00
7	F&I Erosion Control Blanket Type 1	SY	50.00	6.50	325.00
28	Inlet Protection - New Inlet	EA	1.00	270.00	270.00
29	Inlet Protection - Existing Inlet	EA	1.00	272.00	272.00
30	Traffic Control - Type 1	LS	1.00	1,100.00	1,100.00
Lift Station #41 (10th Street North Cul-de-sac) Total					<b>729,970.00</b>
<b>Lift Station #42 (5th Street &amp; 21st Avenue South)</b>					
31	Mobilization	LS	1.00	60,000.00	60,000.00
32	F&I Fence	LF	66.00	343.00	22,638.00
33	Remove Fence	LF	68.00	25.00	1,700.00
34	F&I Lift Station Pumps	LS	1.00	166,000.00	166,000.00
35	F&I Lift Station Controls	LS	1.00	6,200.00	6,200.00
36	Modify Lift Station	EA	1.00	237,400.00	237,400.00
37	Rem & Repl Pavement 8" Thick Reinf Conc	SY	24.00	350.00	8,400.00
38	Stormwater Management	LS	160.00	4.40	704.00
39	Concrete Washout Area	EA	160.00	3.85	616.00
40	Inlet Protection - Existing Inlet	EA	1.00	2,750.00	2,750.00
41	Traffic Control - Type 2	LS	1.00	1,100.00	1,100.00
42	Mulching Type 1 Hydro	SY	2.00	220.00	440.00
43	Seeding Type C	SY	1.00	1,530.00	1,530.00
44	Remove Landscaping	LS	1.00	3,300.00	3,300.00
Lift Station #42 (5th Street & 21st Avenue South) Total					<b>512,778.00</b>
<b>Lift Station #58 (Univ Dr &amp; 64th Avenue South)</b>					
45	Mobilization	LS	1.00	85,300.00	85,300.00
46	F&I Fence	LF	69.00	352.00	24,288.00
47	Modify Manhole	EA	1.00	1,400.00	1,400.00
48	Remove Manhole	EA	1.00	2,200.00	2,200.00
49	F&I Inlet - Round (RDI) Reinf Conc	EA	2.00	3,500.00	7,000.00
50	F&I Lift Station Pumps	LS	1.00	220,000.00	220,000.00
51	F&I Lift Station Controls	LS	1.00	5,600.00	5,600.00

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
52	Modify Lift Station	EA	1.00	230,000.00	230,000.00
53	F&I Pipe 15" Dia Reinf Conc	LF	487.00	102.00	49,674.00
54	Remove Pipe All Sizes All Types	LF	139.00	110.00	15,290.00
55	Site Grading	LS	1.00	50,000.00	50,000.00
56	F&I Pipe Liner 66" Dia 27 mm CIPP	LF	209.00	908.00	189,772.00
57	F&I Pavement 8" Thick Reinf Conc	SY	6.00	220.00	1,320.00
58	Mulching Type 1 Hydro	SY	1,800.00	4.00	7,200.00
59	Seeding Type C	SY	1,800.00	3.80	6,840.00
60	Overseeding	SY	1,800.00	2.20	3,960.00
61	Weed Control Type B	SY	1,800.00	0.20	360.00
62	Stormwater Management	LS	1.00	2,750.00	2,750.00
63	Concrete Washout Area	EA	1.00	1,100.00	1,100.00
64	Inlet Protection - New Inlet	EA	2.00	410.00	820.00
65	Sediment Control Log 10" to 15" Dia	LF	30.00	113.00	3,390.00
66	Inlet Protection - Existing Inlet	EA	6.00	250.00	1,500.00
67	Traffic Control - Type 2	LS	1.00	2,200.00	2,200.00
Lift Station #58 (Univ Dr & 64th Avenue South) Total					<b>911,964.00</b>
<b>Total Construction in \$</b>					<b>2,154,712.00</b>

Contingency	10.00%	215,471.20
Misc. Costs		899,800.00
<b>Total Estimated Costs</b>		<b>3,269,983.20</b>
Sales Tax Funds - Flood Control - 460		3,269,983.20
<b>Unfunded Costs</b>		<b>0.00</b>

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



A handwritten signature in black ink that reads "Jason T. Leonard".

Jason Leonard, P.E.  
Division Engineer

**Engineer's Statement Of Cost**  
**Project # NR-25-D3**  
**Storm Lift Stations #41/#42/#58 - Electrical Contract**

Storm Sewer Lift Station - #41 @ 10th St and 37th Ave N, Storm  
 Sewer Lift Station - #42 @ 5th St and 21st Ave S & Storm Sewer  
 Lift Station - #58 @ University Drive South and 64th Ave S

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 Jason Leonard, do hereby certify as follows:

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

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

Storm Lift Stations #41/#42/#58 - Electrical Contract Project # NR-25-D3 of the City of Fargo, North Dakota.

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
<b>Lift Station #41 Electrical</b>					
1	Modify Lift Station Electrical	LS	1.00	40,891.00	40,891.00
Lift Station #41 Electrical Total					<b>40,891.00</b>
<b>Lift Station #42 Electrical</b>					
2	Modify Lift Station Electrical	LS	1.00	32,828.00	32,828.00
Lift Station #42 Electrical Total					<b>32,828.00</b>
<b>Lift Station #58 Electrical</b>					
3	Modify Lift Station Electrical	LS	1.00	38,437.00	38,437.00
4	F&I Fiber Optic Terminations & Equip	LS	1.00	17,622.00	17,622.00
5	F&I Fiber Optic Cable - 12SM	LF	2,415.00	7.00	16,905.00
6	F&I Conduit 2" Dia	LF	165.00	41.00	6,765.00
7	F&I Pull Box PVC	EA	2.00	2,985.00	5,970.00
Lift Station #58 Electrical Total					<b>85,699.00</b>
<b>Total Construction in \$</b>					<b>159,418.00</b>
Contingency 10.00%					15,941.80
<b>Total Estimated Costs</b>					<b>175,359.80</b>
Sales Tax Funds - Flood Control - 460					175,359.80
<b>Unfunded Costs</b>					<b>0.00</b>

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



A handwritten signature in black ink, reading "Jason T. Leonard".

Jason Leonard, P.E.  
Division Engineer

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(17)

Improvement District No. BN-23-G1

Type: Negative Final Balancing Change Order #2

Location: 23<sup>rd</sup> Ave N & 53<sup>rd</sup> St

Date of Hearing: 6/30/2025

Routing

City Commission

Date

7/7/2025

PWPEC File

X

Project File

Tyler Jacobs

The Committee reviewed the accompanying correspondence from Project Manager, Tyler Jacobs, related to Negative Final Balancing Change Order #2 in the amount of \$-11,310.74, which reconciles the final quantities as measured in the field.

Staff is recommending approval of Negative Final Balancing Change Order #2 in the amount of \$-11,310.74, bringing the total contract amount to \$3,245,069.87.

On a motion by Ryan Erickson, seconded by Ben Dow, the Committee voted to recommend approval of Negative Final Balancing Change Order #2 to Dirt Dynamics.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Negative Final Balancing Change Order #2 in the amount of \$-11,310.74, bringing the total contract amount to \$3,245,069.87 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)

Yes	No
N/A	
N/A	
N/A	

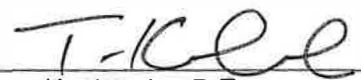
COMMITTEE

Tim Mahoney, Mayor  
 Nicole Crutchfield, Director of Planning  
 Gary Lorenz, Fire Chief  
 Brenda Derrig, Assistant City Administrator  
 Ben Dow, Director of Operations  
 Steve Sprague, City Auditor  
 Tom Knakmuhs, City Engineer  
 Susan Thompson, Finance Director

Present	Yes	No	Unanimous
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mark Williams
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ryan Erickson
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

C: Kristi Olson

  
 Tom Knakmuhs, P.E.  
 City Engineer

# Memorandum

**To:** Members of PWPEC  
**From:** Tyler Jacobs, Project Manager  
**Date:** June 24, 2025  
**Re:** Improvement District No. BN-23-G1 – Negative Final Balancing Change Order No. 2

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## Background:

Improvement District No. BN-23-G1 is for the new construction of underground utilities, concrete pavement, streetlights and incidentals on 53<sup>rd</sup> Street North and 23<sup>rd</sup> Avenue North in The Veteran Industrial Park Addition.

The attached Negative Final Balancing Change Order #2 in the amount of \$-11,310.74 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 \$3,256,380.61 and this FBCO will bring the project final amount to \$3,245,069.87 (0.35% Decrease). This Improvement District is 100% Special Assessed.

## Recommended Motion:

Approve Negative Final Balancing Change Order #2 in the amount of \$-11,310.74 to Dirt Dynamics for Improvement District No. BN-23-G1.

TMJ\klb  
Attachments





**CHANGE ORDER REPORT  
NEW PAVING AND UTILITY CONSTRUCTION  
IMPROVEMENT DISTRICT NO. BN-23-G1**

Final Balancing  
Change Order

**VETERANS INDUSTRIAL PARK - ON 53RD STREET NORTH & 23RD AVENUE NORTH  
BETWEEN 19TH AVENUE NORTH AND 57TH STREET NORTH**

**Change Order No** 2 **Change Order Date** 6/24/2025  
**Contractor** Dirt 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** Change Order # 2

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	5338		5338	23	5361	\$29.00	\$667.00
	9	Rem & Repl Curb & Gutter	LF	60		60	12	72	\$115.00	\$1,380.00
	11	Rem & Repl Pavement 10.5" Thick Reinf Conc	SY	45		45	7	52	\$230.00	\$1,610.00
	12	F&I Sidewalk 4" Thick Reinf Conc	SY	703		703	13.66	716.66	\$85.00	\$1,161.10
	13	F&I Sidewalk 6" Thick Reinf Conc	SY	10		10	-0.81	9.19	\$125.00	-\$101.25
	15	F&I Asphalt Pavement FAA 43 w/ PG58H-34	Ton	350		350	-1.37	348.63	\$136.00	-\$186.32
	19	Mulching Type 1 Hydro	SY	23000		23000	-4599	18401	\$0.52	-\$2,391.48
	20	Seeding Type C	SY	23000		23000	-4599	18401	\$0.47	-\$2,161.53
<b>Paving Sub Total</b>										<b>-\$22.48</b>
Sanitary Sewer	22	F&I Pipe SDR 26 - 6" Dia PVC	LF	220		220	1	221	\$43.00	\$43.00
	24	F&I Manhole 4' Dia Reinf Conc	EA	9		9	1	10	\$7,100.00	\$7,100.00

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
	25	F&I 1-1/4" Trench Found Rock 4" thru 12" Dia	LF	2481		2481	-2481	0	\$0.01	-\$24.81
		<b>Sanitary Sewer Sub Total</b>								<b>\$7,118.19</b>
Street Lights	61	F&I Base 6' Deep Reinf Conc	EA	16		16	-2	14	\$2,100.00	-\$4,200.00
	62	F&I Conductor #6 USE Cu	LF	8310		8310	-129	8181	\$3.65	-\$470.85
	63	F&I Innerduct 1.5" Dia	LF	2756		2756	41	2797	\$8.40	\$344.40
	64	F&I Luminaire Type A	EA	16		16	-2	14	\$840.00	-\$1,680.00
	66	F&I Light Standard Type A	EA	16		16	-2	14	\$5,250.00	-\$10,500.00
		<b>Street Lights Sub Total</b>								<b>-\$16,606.45</b>
Water Main	67	F&I Hydrant Ext. 6" High	EA	2		2	1	3	\$1,500.00	\$1,500.00
	68	F&I Hydrant Ext. 12" High	EA	2		2	-2	0	\$1,700.00	-\$3,400.00
		<b>Water Main Sub Total</b>								<b>-\$1,900.00</b>

**Summary**


<b>Source Of Funding</b>	<b>Special Assessment</b>
<b>Net Amount Change Order # 2 (\$)</b>	<b>-\$11,310.74</b>
<b>Previous Change Orders (\$)</b>	<b>\$0.00</b>
<b>Original Contract Amount (\$)</b>	<b>\$3,256,380.61</b>
<b>Total Contract Amount (\$)</b>	<b>\$3,245,069.87</b>

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

APPROVED

For Contractor

Title

  
estimator

APPROVED DATE

Department Head

Mayor

Attest



## REPORT OF ACTION

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

18

Improvement District No. BN-23-J1 Type: Negative Final Balancing Change Order #3

Location: 46<sup>th</sup> Ave N, 33<sup>rd</sup> St – 37<sup>th</sup> St Date of Hearing: 6/30/2025

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/7/2025</u>
PWPEC File	<u>X</u>
Project File	<u>Jason Satterlund</u>

The Committee reviewed the accompanying correspondence from Project Manager, Jason Satterlund, related to Negative Final Balancing Change Order #3 in the amount of \$-21,363.30, which reconciles the final quantities as measured in the field.

Staff is recommending approval of Negative Final Balancing Change Order #3 in the amount of \$-21,363.30, bringing the total contract amount to \$2,496,595.07.

On a motion by Ryan Erickson, seconded by Ben Dow, the Committee voted to recommend approval of Negative Final Balancing Change Order #3 to Northern Improvement.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Negative Final Balancing Change Order #3 in the amount of \$-21,363.30, bringing the total contract amount to \$2,496.595.07 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>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

	<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"/>	
Nicole Crutchfield, Director of Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mark Williams
Gary Lorenz, Fire Chief	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ryan Erickson
Brenda Derrig, Assistant 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tom Knakmuhs, City Engineer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Susan Thompson, Finance Director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

C: Kristi Olson

T. Knakmuhs  
Tom Knakmuhs, P.E.  
City Engineer

# Memorandum

**To:** Members of PWPEC  
**From:** Jason Satterlund, Senior Project Manager  
**Date:** June 23, 2025  
**Re:** Improvement District No. BN-23-J1 – Negative Final Balancing Change Order No. 3

---

**Background:**

Improvement District No. BN-23-J1 is for the New Utility and Paving Construction of 46<sup>th</sup> Avenue North between 33<sup>rd</sup> and 37<sup>th</sup> Streets North as well as a portion of 33<sup>rd</sup> Street north of 46<sup>th</sup> Avenue.

Northern Improvement, Inc. is the Prime Contractor for this project.

Attached is the Negative Final Balancing Change Order #3 in the amount of -\$21,363.30. The Contractor met the requirements of the contract and it has been accepted by the City. This FBCO reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Original Contract:	\$ 2,430,023.07
Change Order #1	\$ 85,460.30
Change Order #2	\$ 2,475.00
FBCO #3	\$ (21,363.30)
<b>Total Contract:</b>	<b>\$ 2,496,595.07</b>

**Recommended Motion:**

Approve Negative Final Balancing Change Order #3 in the amount of -\$21,363.30 for Improvement District No. BN-23-J1.

JTS/klb  
Attachment



**CHANGE ORDER REPORT  
NEW PAVING AND UTILITY CONSTRUCTION  
IMPROVEMENT DISTRICT NO. BN-23-J1**

Final Balancing  
Change Order

**46TH AVENUE NORTH BETWEEN 33RD STREET NORTH AND 37TH STREET NORTH,  
33RD STREET NORTH FROM 100' SOUTH OF 46TH AVENUE NORTH TO 600' NORTH  
OF 46TH AVENUE NORTH.**

**Change Order No** 3 **Change Order Date** 6/17/2025  
**Contractor** Northern Improvement Co

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

**EXPLANATION OF CHANGE** Change Order # 3  
Final Balancing

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
Miscellaneous	4	Mulching Type 2 Straw	SY	6666		6666	-6666	0	\$0.17	-\$1,133.22
	5	Seeding Type C	SY	6666		6666	-6666	0	\$0.40	-\$2,666.40
	8	Sediment Control Log 6" to 8" Dia	LF	60		60	-60	0	\$4.20	-\$252.00
	10	Inlet Protection - Existing Inlet	EA	2		2	2	4	\$195.00	\$390.00
<b>Miscellaneous Sub Total</b>										<b>-\$3,661.62</b>
Change Order 1	16	F&I Sidewalk 4" Thick Reinf Conc	SY	-1.30000000000000114	0	292	-1.3	290.7	\$70.85	-\$92.10
	17	F&I Driveway 7" Thick Reinf Conc	SY	11.25	0	574	11.25	585.25	\$82.50	\$928.13
<b>Change Order 1 Sub Total</b>										<b>\$836.02</b>
Sanitary Sewer	21	F&I 1-1/4" Trench Found Rock 4" thru 12" Dia	LF	628		628	-628	0	\$5.15	-\$3,234.20

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 (\$)
<b>Sanitary Sewer Sub Total</b>										<b>-\$3,234.20</b>
Water Main	35	F&I Pipe C900 DR 18 - 4" Dia PVC	LF	21		21	21	42	\$103.00	\$2,163.00
	36	F&I Pipe C900 DR 18 - 6" Dia PVC	LF	77		77	3	80	\$103.00	\$309.00
	37	F&I Pipe C900 DR 18 - 8" Dia PVC	LF	25		25	19	44	\$103.00	\$1,957.00
	38	F&I Pipe C900 DR 18 - 12" Dia PVC	LF	2708		2708	-43	2665	\$61.80	-\$2,657.40
	39	Remove Pipe All Sizes All Types	LF	200		200	17.5	217.5	\$25.75	\$450.63
	40	F&I Pipe w/GB C900 DR 18 - 12" Dia PVC	LF	94		94	-28	66	\$140.00	-\$3,920.00
	45	F&I Hydrant Ext. 12" High	EA	2		2	1	3	\$1,980.00	\$1,980.00
	46	F&I Hydrant Ext. 24" High	EA	1		1	1	2	\$2,475.00	\$2,475.00
<b>Water Main Sub Total</b>										<b>\$2,757.23</b>
Storm Sewer	51	Modify Manhole	EA	5		5	-1	4	\$515.00	-\$515.00
	55	F&I Pipe 15" Dia	LF	371		371	8	379	\$40.75	\$326.00
	56	F&I Pipe 24" Dia Reinf Conc	LF	25		25	-9	16	\$90.75	-\$816.75
<b>Storm Sewer Sub Total</b>										<b>-\$1,005.75</b>
Paving	60	Excavate & Haul - Excess Material	CY	4748	0	5500	-376	5124	\$7.00	-\$2,632.00
	61	Excavation	CY	4410	0	3990	210	4200	\$6.25	\$1,312.50
	63	Subgrade Preparation	SY	11654		11654	57.3	11711.3	\$2.00	\$114.60
	64	F&I Woven Geotextile	SY	11654		11654	57.3	11711.3	\$1.75	\$100.27

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 (\$)
	65	F&I Class 5 Agg - 10" Thick	SY	11654		11654	57.3	11711.3	\$12.50	\$716.25
	66	F&I Edge Drain 4" Dia PVC	LF	4712		4712	10.3	4722.3	\$10.85	\$111.76
	67	F&I Curb & Gutter Standard (Type II)	LF	4390	0	4390	10.3	4400.3	\$29.00	\$298.70
	69	F&I Pavement 10" Thick Doweled Conc	SY	9826		9826	52	9878	\$85.50	\$4,446.00
	70	Remove Pavement 10" Thick Conc	SY	25		25	-6.6	18.4	\$20.00	-\$132.00
	71	F&I Sidewalk 4" Thick Reinf Conc	SY	1117.45	0	1424	-14.55	1409.45	\$64.85	-\$943.57
	72	F&I Sidewalk 6" Thick Reinf Conc	SY	40		40	-13	27	\$78.00	-\$1,014.00
	73	F&I Driveway 7" Thick Reinf Conc	SY	116.89999999999998	0	762	-71.1	690.9	\$80.50	-\$5,723.55
	75	Casting to Grade - Blvd	EA	14		14	-1	13	\$425.00	-\$425.00
	76	Casting to Grade - no Conc	EA	11		11	1	12	\$625.00	\$625.00
	77	GV Box to Grade - Blvd	EA	14		14	2	16	\$175.00	\$350.00
	79	Mulching Type 1 Hydro	SY	35295		35295	-16265.9	19029.1	\$0.47	-\$7,644.97
	80	Seeding Type B	SY	8580		8580	-8580	0	\$0.40	-\$3,432.00
	81	Seeding Type C	SY	26715		26715	-7685.9	19029.1	\$0.40	-\$3,074.36
									<b>Paving Sub Total</b>	<b>-\$16,946.37</b>
Street Lights	89	F&I Conductor #6 USE Cu	LF	6858		6858	-318	6540	\$2.60	-\$826.80



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 (\$)
	90	F&I Innerduct 1.5" Dia	LF	2370		2370	57	2427	\$12.60	\$718.20
Street Lights Sub Total										-\$108.60

**Summary**

<b>Source Of Funding</b>	<b>Special Assessments</b>
<b>Net Amount Change Order # 3 (\$)</b>	<b>-\$21,363.30</b>
<b>Previous Change Orders (\$)</b>	<b>\$87,935.30</b>
<b>Original Contract Amount (\$)</b>	<b>\$2,430,023.07</b>
<b>Total Contract Amount (\$)</b>	<b>\$2,496,595.07</b>

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

APPROVED	NORTHERN IMPROVEMENT COMPANY	APPROVED DATE
For Contractor		Department Head
Title	PHIL DUGINSKI	Mayor
	VICE PRESIDENT	Attest
		

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

19

Improvement District No. BN-24-A1

Type: Negative Final Balancing Change Order #2

Location: Alexander Dr S, 38<sup>th</sup> St – 51<sup>st</sup> St

Date of Hearing: 6/30/2025

Routing

City Commission

PWPEC File

Project File

Date

7/7/2025

X

Mike Monson

The Committee reviewed the accompanying correspondence from Project Manager, Mike Monson, related to Negative Final Balancing Change Order #2 in the amount of \$-26,457.00, which reconciles the final quantities as measured in the field.

Staff is recommending approval of Negative Final Balancing Change Order #2 in the amount of \$-26,457.00, bringing the total contract amount to \$1,254,004.50.

On a motion by Ryan Erickson, seconded by Ben Dow, the Committee voted to recommend approval of Negative Final Balancing Change Order #2 to Master Construction.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Negative Final Balancing Change Order #2 in the amount of \$-26,457.00, bringing the total contract amount to \$1,254,004.50 to Master Construction.

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)

Yes No

N/A

N/A

N/A

COMMITTEE

Present	Yes	No	Unanimous
			<input checked="" type="checkbox"/>
Tim Mahoney, Mayor	<input type="checkbox"/>	<input type="checkbox"/>	
Nicole Crutchfield, Director of Planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mark Williams
Gary Lorenz, Fire Chief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ryan Erickson
Brenda Derrig, Assistant City Administrator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Ben Dow, Director of Operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Steve Sprague, City Auditor	<input type="checkbox"/>	<input type="checkbox"/>	
Tom Knakmuhs, City Engineer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Susan Thompson, Finance Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

C: Kristi Olson

  
 Tom Knakmuhs, P.E.  
 City Engineer

# Memorandum

**To:** Members of PWPEC  
**From:** Michael Monson, Civil Engineer  
**Date:** June 24, 2025  
**Re:** Improvement District No. BN-24-A1 – Negative Final Balancing Change Order No. 2

---

**Background:**

Improvement District No. BN-24-A1 is for the New Utility and Paving Construction of Alexander Drive South between 38<sup>th</sup> Street South and 51<sup>st</sup> Avenue South.

Master Construction is the Prime Contractor for this project.

Attached is Negative Final Balancing Change Order #2 in the amount of -\$26,457.00. The Contractor met the requirements of the contract and it has been accepted by the City. This FBCO reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Original Contract:	\$ 1,253,194.00
Change Order #1	\$ 27,267.50
FBCO #2	\$ (26,457.00)
<b>Total Contract:</b>	<b>\$ 1,254,004.50</b>

**Recommended Motion:**

Approve Negative Final Balancing Change Order #2 in the amount of -\$26,457.00 to Master Construction for Improvement District No. BN-24-A1.

MPM/klb  
Attachment



**CHANGE ORDER REPORT  
NEW PAVING AND UTILITY CONSTRUCTION  
IMPROVEMENT DISTRICT NO. BN-24-A1**

Final Balancing  
Change Order

**ON ALEXANDER DRIVE SOUTH BETWEEN 38TH STREET SOUTH AND 51ST AVE  
SOUTH.**

**Change Order No** 2 **Change Order Date** 6/24/2025  
**Contractor** Master Construction Co Inc

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

**EXPLANATION OF CHANGE** Change Order # 2

Final Balancing Change Order #2

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
Sanitary Sewer	4	F&I 1-1/4" Trench Found Rock 4" thru 12" Dia	LF	250		250	-250	0	\$1.00	-\$250.00
<b>Sanitary Sewer Sub Total</b>										<b>-\$250.00</b>
Water Main	13	F&I Fittings C153 Ductile Iron	LB	655		655	-11	644	\$8.00	-\$88.00
	19	Remove Pipe All Sizes All Types	LF	5		5	-5	0	\$15.00	-\$75.00
	23	F&I Hydrant Ext. 6" High	EA	1		1	-1	0	\$1,000.00	-\$1,000.00
	24	F&I Hydrant Ext. 12" High	EA	1		1	-1	0	\$1,200.00	-\$1,200.00
<b>Water Main Sub Total</b>										<b>-\$2,363.00</b>
Storm Sewer	27	F&I Manhole GB	EA	5		5	-5	0	\$1,000.00	-\$5,000.00
	28	Modify Manhole	EA	1		1	1	2	\$2,275.00	\$2,275.00
<b>Storm Sewer Sub Total</b>										<b>-\$2,725.00</b>
Paving	45	Topsoil - Strip	CY	3370		3370	1050	4420	\$3.00	\$3,150.00
	53	F&I Curb & Gutter Standard (Type II)	LF	2070		2070	-4	2066	\$33.00	-\$132.00
	54	Remove Curb & Gutter	LF	230		230	-19	211	\$10.00	-\$190.00

Section	No	Item Description	Unit	Cont Qty	C/O Qty	Cont Qty	C/O Qty	Qty	(\$)	Price (\$)
	56	F&I Sidewalk 4" Thick Reinf Conc	SY	175		175	-8	167	\$75.00	-\$600.00
	57	F&I Sidewalk 6" Thick Reinf Conc	SY	15		15	1	16	\$100.00	\$100.00
	59	F&I Det Wam Panels Cast Iron	SF	24		24	8	32	\$65.00	\$520.00
	60	F&I Casting - Inlet	EA	1		1	-1	0	\$2,100.00	-\$2,100.00
	63	Casting to Grade - w/Conc	EA	11		11	-1	10	\$550.00	-\$550.00
	64	GV Box to Grade - Blvd	EA	6		6	1	7	\$200.00	\$200.00
	66	Mulching Type 1 Hydro	SY	7400		7400	3233	10633	\$0.50	\$1,616.50
	67	Seeding Type C	SY	7400		7400	3233	10633	\$0.50	\$1,616.50
<b>Paving Sub Total</b>										<b>\$3,631.00</b>
Miscellaneous	68	F&I Asphalt Pavement FAA 43 w/ PG58H-34	Ton	90		90	-90	0	\$275.00	-\$24,750.00
<b>Miscellaneous Sub Total</b>										<b>-\$24,750.00</b>

Summary

Source Of Funding	Special Assesments
Net Amount Change Order # 2 (\$)	-\$26,457.00
Previous Change Orders (\$)	\$27,267.50
Original Contract Amount (\$)	\$1,253,194.00
Total Contract Amount (\$)	\$1,254,004.50

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

APPROVED

For Contractor

Title

  
PROJECT MANAGER

APPROVED DATE

Department Head

Mayor

Attest



**FINAL PAY ESTIMATE QUANTITY REVIEW  
 NEW PAVING AND UTILITY CONSTRUCTION  
 IMPROVEMENT DISTRICT NO. BN-24-A1  
 ON ALEXANDER DRIVE SOUTH BETWEEN 38TH STREET SOUTH AND 51ST AVE  
 SOUTH.**

**Project No.** BN-24-A1  
**Project Name** New Paving and Utility Construction  
**Type** Utilities and Paving New  
**Description** On Alexander Drive South between 38th Street South and 51st Ave South.  
**From Date** 5/2/2025  
**To Date** 6/24/2025

**1. Contract Work**

Contract			Previous		Current		To Date		
Unit	Quantity	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	% Comp.
<b>Sanitary Sewer</b>									
1	F&I Pipe SDR 26 - 6" Dia PVC	LF	135	\$65.00	135	\$8,775.00	0	\$0.00	135 \$8,775.00 100%
2	F&I Manhole GB	EA	3	\$1,200.00	3	\$3,600.00	0	\$0.00	3 \$3,600.00 100%
3	F&I Manhole 4' Dia Reinf Conc	EA	5	\$4,900.00	5	\$24,500.00	0	\$0.00	5 \$24,500.00 100%
4	Connect Pipe to Exist Structure	EA	1	\$1,900.00	1	\$1,900.00	0	\$0.00	1 \$1,900.00 100%
5	F&I Pipe SDR 35 - 12" Dia PVC	LF	588	\$70.00	588	\$41,160.00	0	\$0.00	588 \$41,160.00 100%
6	F&I Pipe w/GB SDR 35 - 12" Dia PVC	LF	292	\$85.00	292	\$24,820.00	0	\$0.00	292 \$24,820.00 100%
7	F&I Pipe SDR 26 - 8" Dia PVC	LF	330	\$62.00	330	\$20,460.00	0	\$0.00	330 \$20,460.00 100%
8	F&I 1-1/4" Trench Found Rock 4" thru 12" Dia	LF	250	\$1.00	0	\$0.00	0	\$0.00	0 \$0.00 0%
9	Modify Manhole	EA	1	\$2,000.00	1	\$2,000.00	0	\$0.00	1 \$2,000.00 100%
10	F&I Pipe w/GB SDR 35 - 10" Dia PVC	LF	28	\$76.00	28	\$2,128.00	0	\$0.00	28 \$2,128.00 100%
11	F&I Pipe w/GB SDR 26 - 6" Dia PVC	LF	85	\$64.00	85	\$5,440.00	0	\$0.00	85 \$5,440.00 100%



## 1. Contract Work

1. Contract Work		Contract			Previous		Current		To Date		
		Unit	Quantity	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	% Comp.
Sanitary Sewer Sub Total					\$134,783.00		\$0.00		\$134,783.00		
Water Main											
12	F&I Fittings C153 Ductile Iron	LB	655	\$8.00	644	\$5,152.00	0	\$0.00	644	\$5,152.00	98%
13	F&I Hydrant	EA	3	\$6,210.00	3	\$18,630.00	0	\$0.00	3	\$18,630.00	100%
14	F&I Gate Valve 6" Dia	EA	4	\$2,150.00	4	\$8,600.00	0	\$0.00	4	\$8,600.00	100%
15	F&I Gate Valve 8" Dia	EA	2	\$2,875.00	2	\$5,750.00	0	\$0.00	2	\$5,750.00	100%
16	Bore Pipe C900 DR 18 - 8" Dia PVC	LF	60	\$75.00	60	\$4,500.00	0	\$0.00	60	\$4,500.00	100%
17	F&I Tapping Sleeve & Valve 20"x8"	EA	1	\$7,100.00	1	\$7,100.00	0	\$0.00	1	\$7,100.00	100%
18	F&I Pipe C900 DR 18 - 6" Dia PVC	LF	37	\$65.00	37	\$2,405.00	0	\$0.00	37	\$2,405.00	100%
19	F&I Pipe C900 DR 18 - 8" Dia PVC	LF	1024	\$54.00	1024	\$55,296.00	0	\$0.00	1024	\$55,296.00	100%
20	F&I CS & Box 2" Dia	EA	1	\$970.00	1	\$970.00	0	\$0.00	1	\$970.00	100%
21	F&I Pipe 2" Dia Water Service	LF	19	\$105.00	19	\$1,995.00	0	\$0.00	19	\$1,995.00	100%
22	F&I Hydrant Ext. 6" High	EA	1	\$1,000.00	0	\$0.00	0	\$0.00	0	\$0.00	0%
23	Connect Pipe to Exist Pipe	EA	1	\$940.00	1	\$940.00	0	\$0.00	1	\$940.00	100%
24	F&I Hydrant Ext. 12" High	EA	1	\$1,200.00	0	\$0.00	0	\$0.00	0	\$0.00	0%
25	Remove Pipe All Sizes All Types	LF	5	\$15.00	0	\$0.00	0	\$0.00	0	\$0.00	0%
Water Main Sub Total					\$111,338.00		\$0.00		\$111,338.00		
Storm Sewer											
26	F&I Manhole GB	EA	5	\$1,000.00	0	\$0.00	0	\$0.00	0	\$0.00	0%
27	F&I Manhole 4' Dia Reinf Conc	EA	2	\$3,800.00	2	\$7,600.00	0	\$0.00	2	\$7,600.00	100%
28	F&I Manhole 5' Dia Reinf Conc	EA	3	\$5,300.00	3	\$15,900.00	0	\$0.00	3	\$15,900.00	100%
29	F&I Manhole 7' Dia Reinf Conc	EA	1	\$9,700.00	1	\$9,700.00	0	\$0.00	1	\$9,700.00	100%
30	F&I Inlet - Double Box (DBI) Reinf Conc	EA	6	\$5,400.00	6	\$32,400.00	0	\$0.00	6	\$32,400.00	100%

# 1. Contract Work

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1. Contract Work

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		Contract			Previous		Current		To Date		
		Unit	Quantity	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	% Comp.
31	Remove Inlet	EA	2	\$500.00	2	\$1,000.00	0	\$0.00	2	\$1,000.00	100%
32	Connect Pipe to Exist Structure	EA	2	\$910.00	2	\$1,820.00	0	\$0.00	2	\$1,820.00	100%
33	Remove Pipe All Sizes All Types	LF	22	\$10.00	22	\$220.00	0	\$0.00	22	\$220.00	100%
34	F&I Pipe 15" Dia	LF	36	\$71.00	36	\$2,556.00	0	\$0.00	36	\$2,556.00	100%
35	F&I Pipe 18" Dia	LF	97	\$74.00	97	\$7,178.00	0	\$0.00	97	\$7,178.00	100%
36	F&I Pipe 21" Dia	LF	219	\$81.00	219	\$17,739.00	0	\$0.00	219	\$17,739.00	100%
37	F&I Pipe 27" Dia	LF	88	\$107.00	88	\$9,416.00	0	\$0.00	88	\$9,416.00	100%
38	F&I Pipe 36" Dia	LF	424	\$147.00	424	\$62,328.00	0	\$0.00	424	\$62,328.00	100%
39	F&I Pipe w/GB 15" Dia Reinf Conc	LF	22	\$81.00	22	\$1,782.00	0	\$0.00	22	\$1,782.00	100%
40	Modify Manhole	EA	1	\$2,275.00	2	\$4,550.00	0	\$0.00	2	\$4,550.00	200%
41	F&I Pipe w/GB 18" Dia	LF	117	\$90.00	117	\$10,530.00	0	\$0.00	117	\$10,530.00	100%
42	F&I Pipe w/GB 36" Dia	LF	20	\$120.00	20	\$2,400.00	0	\$0.00	20	\$2,400.00	100%
Storm Sewer Sub Total						\$187,119.00	\$0.00		\$187,119.00		
Paving											
43	Remove Pavement All Thicknesses All Types	SY	460	\$12.00	460	\$5,520.00	0	\$0.00	460	\$5,520.00	100%
44	Topsoil - Strip	CY	3370	\$3.00	4420	\$13,260.00	0	\$0.00	4420	\$13,260.00	131%
45	Topsoil - Spread	CY	3370	\$3.00	3370	\$10,110.00	0	\$0.00	3370	\$10,110.00	100%
46	F&I Pavement 10" Thick Doweled Conc	SY	4410	\$98.25	4410	\$433,282.50	0	\$0.00	4410	\$433,282.50	100%
47	F&I Sidewalk 4" Thick Reinf Conc	SY	175	\$75.00	167	\$12,525.00	0	\$0.00	167	\$12,525.00	95%
48	F&I Sidewalk 6" Thick Reinf Conc	SY	15	\$100.00	16	\$1,600.00	0	\$0.00	16	\$1,600.00	107%
49	F&I Driveway 7" Thick Reinf Conc	SY	115	\$89.00	115	\$10,235.00	0	\$0.00	115	\$10,235.00	100%
50	F&I Det Warn Panels Cast Iron	SF	24	\$65.00	32	\$2,080.00	0	\$0.00	32	\$2,080.00	133%
51	F&I Casting - Inlet	EA	1	\$2,100.00	0	\$0.00	0	\$0.00	0	\$0.00	0%
52	F&I Casting - Floating Manhole	EA	3	\$1,975.00	3	\$5,925.00	0	\$0.00	3	\$5,925.00	100%
53	Casting to Grade - Blvd	EA	10	\$425.00	10	\$4,250.00	0	\$0.00	10	\$4,250.00	100%
54	Casting to Grade - w/Conc	EA	11	\$550.00	10	\$5,500.00	0	\$0.00	10	\$5,500.00	91%

# 1. Contract Work

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			Contract		Previous		Current		to Date		% Comp.
	Unit	Quantity	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)		
55	GV Box to Grade - Blvd	EA	6	\$200.00	7	\$1,400.00	0	\$0.00	7	\$1,400.00	117%
56	Curb Stop Box to Grade	EA	1	\$100.00	1	\$100.00	0	\$0.00	1	\$100.00	100%
57	Seeding Type C	SY	7400	\$0.50	10633	\$5,316.50	0	\$0.00	10633	\$5,316.50	144%
58	Mulching Type 1 Hydro	SY	7400	\$0.50	10633	\$5,316.50	0	\$0.00	10633	\$5,316.50	144%
59	Subcut	CY	1710	\$2.50	1710	\$4,275.00	0	\$0.00	1710	\$4,275.00	100%
60	Subgrade Preparation	SY	5130	\$2.50	5130	\$12,825.00	0	\$0.00	5130	\$12,825.00	100%
61	F&I Woven Geotextile	SY	5130	\$1.90	5130	\$9,747.00	0	\$0.00	5130	\$9,747.00	100%
62	F&I Edge Drain 4" Dia PVC	LF	2050	\$8.10	2050	\$16,605.00	0	\$0.00	2050	\$16,605.00	100%
63	F&I Curb & Gutter Standard (Type II)	LF	2070	\$33.00	2066	\$68,178.00	0	\$0.00	2066	\$68,178.00	100%
64	Remove Curb & Gutter	LF	230	\$10.00	211	\$2,110.00	0	\$0.00	211	\$2,110.00	92%
65	F&I Class 5 Agg - 10" Thick	SY	5130	\$14.80	5130	\$75,924.00	0	\$0.00	5130	\$75,924.00	100%
66	Excavation	CY	3250	\$3.50	3250	\$11,375.00	0	\$0.00	3250	\$11,375.00	100%
Paving Sub Total					\$717,459.50		\$0.00		\$717,459.50		
Miscellaneous											
67	Stormwater Management	LS	1	\$750.00	1	\$750.00	0	\$0.00	1	\$750.00	100%
68	Temp Construction Entrance	EA	1	\$100.00	1	\$100.00	0	\$0.00	1	\$100.00	100%
69	Inlet Protection - New Inlet	EA	6	\$275.00	6	\$1,650.00	0	\$0.00	6	\$1,650.00	100%
70	Inlet Protection - Existing Inlet	EA	4	\$200.00	4	\$800.00	0	\$0.00	4	\$800.00	100%
71	F&I Asphalt Pavement FAA 43 w/ PG58H-34	Ton	90	\$275.00	0	\$0.00	0	\$0.00	0	\$0.00	0%
Miscellaneous Sub Total					\$3,300.00		\$0.00		\$3,300.00		
Pavement Marking											
72	F&I Grooved Plastic Film 4" Wide	LF	310	\$16.00	310	\$4,960.00	0	\$0.00	310	\$4,960.00	100%
73	F&I Contrast Tape Messages	SF	37	\$108.00	37	\$3,996.00	0	\$0.00	37	\$3,996.00	100%
Pavement Marking Sub Total					\$8,956.00		\$0.00		\$8,956.00		
Signing											
74	Traffic Control - Type 1	LS	1	\$5,000.00	1	\$5,000.00	0	\$0.00	1	\$5,000.00	100%

**Contract Work**

Contract			Previous		Current		To Date		
Unit	Quantity	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	% Comp.
75 F&I Sign Assembly	EA	1	\$100.00	1	\$100.00	0	\$0.00	1	\$100.00 100%
76 F&I Sign Assembly & Anchor	EA	4	\$150.00	4	\$600.00	0	\$0.00	4	\$600.00 100%
77 F&I Diamond Grade Cubed	SF	30.9	\$35.00	30.9	\$1,081.50	0	\$0.00	30.9	\$1,081.50 100%
78 F&I High Intensity Prismatic	SF	5	\$30.00	5	\$150.00	0	\$0.00	5	\$150.00 100%
<b>Signing Sub Total</b>				<b>\$6,931.50</b>		<b>\$0.00</b>		<b>\$6,931.50</b>	
<b>Street Lights</b>									
79 F&I Base 6' Deep Reinf Conc	EA	5	\$1,300.00	5	\$6,500.00	0	\$0.00	5	\$6,500.00 100%
80 F&I Conductor #6 USE Cu	LF	2775	\$3.00	2775	\$8,325.00	0	\$0.00	2775	\$8,325.00 100%
81 F&I Innerduct 1.5" Dia	LF	925	\$15.00	925	\$13,875.00	0	\$0.00	925	\$13,875.00 100%
82 F&I Luminaire Type A	EA	5	\$840.00	5	\$4,200.00	0	\$0.00	5	\$4,200.00 100%
83 F&I Light Standard Type A	EA	5	\$4,790.00	5	\$23,950.00	0	\$0.00	5	\$23,950.00 100%
<b>Street Lights Sub Total</b>				<b>\$56,850.00</b>		<b>\$0.00</b>		<b>\$56,850.00</b>	
<b>A. All Contract Work Container Subtotal</b>				<b>\$1,226,737.00</b>		<b>\$0.00</b>		<b>\$1,226,737.00</b>	

# Page 174 Change Orders

Change Orders			Change Order Item & Quantity Summary						Change Order Item Payment Summary						
			Previous Contract Totals			New Contract Totals			Previous		Current		To Date		% Complete
CO# & Category	Line No	Description	Unit	Qty	Price	Unit	Qty	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	
Change Order #1			Net Contract Change: \$27,267.50												
New	C1	Excavate & Haul - Excess Material	CY	0	\$8.39	CY	3250	\$8.39	3250	\$27,267.50	0	\$0.00	3250	\$27,267.50	100%
Change Order #1 Subtotals										\$27,267.50	\$0.00	\$27,267.50			
B. All Change Order Work Paid Subtotal										\$27,267.50	\$0.00	\$27,267.50			
C. All Contract Work Container Subtotal										\$1,226,737.00	\$0.00	\$1,226,737.00			
D. Total Contract Work Completed To Date										\$1,254,004.50					
E. Total Contract Work Completed This Pay Estimate										\$0.00					

\* Please Note That Change Order Payment Totals On This Page Will Not Reflect The Total Change Order Value If The Change Order Contains Quantity Change Items

3. Payment Adjustments			Contract			Previous		Current		To Date		
Category	Line No	Description	Unit	Qty	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	% Complete
Material On Hand												
MOH1	P1	MOH Payment F&I Pavement 10" Thick Doweled Conc	LS	1	\$34,097.18		\$0.00		\$0.00	1	\$34,097.18	
	R1	MOH Recovery F&I Pavement 10" Thick Doweled Conc	SY	1	\$34,097.18		\$0.00		\$0.00	1	-\$34,097.18	100%
Material On Hand Subtotals							\$0.00		\$0.00		\$0.00	
F. All Payment Adjustment Category Subtotals This Pay Estimate							\$0.00		\$0.00			
G. All Payment Adjustment Category Subtotals To Date												\$0.00

**Contract Summary**

1. Original Contract Amount	Original contract amount	\$1,253,194.00
2. Net Contract Change by Change Order	Sum of all net change order values	\$27,267.50
3. Current Contract Amount	Sum of original contract amount and all change orders	\$1,280,461.50
<b>Total Work Completed To Date</b>		
4. Total Contract Work Completed to Date	Section 2 of This Estimate, Line D	\$1,254,004.50
5. Total Contract Work Completed This Pay Estimate	Section 2 of This Estimate, Line E	\$0.00
<b>Payment Adjustments</b>		
6. Total Retainage Withheld @ 0% of Total Contract Work Completed to Date	Line 4 x 0%	\$0
7. Retainage Release This Pay Estimate	(If Retainage is to be released) = Previous Total Retainage Withheld minus Line 6	\$12,540.05
8. Total Payment Adjustments This Pay Estimate	Section 3 of This Estimate, Line F	\$0.00
<b>Payment Due Summary</b>		
9. Total Due to Date	Line 4 + Line 6 + Total Payment Adjustments To Date (Line G, Section Three)	\$1,241,464.45
10. Previous Payments	Sum of all previous Payments to Contractor	\$1,241,464.45
11. Payment Due This Estimate	Line 9 - Line 10	\$12,540.05

(20)

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Improvement District No. BR-24-E1 Type: Negative Final Balancing Change Order #2

Location: 1<sup>st</sup> St N, 32<sup>nd</sup> Ave -- 35<sup>th</sup> Ave Date of Hearing: 6/30/2025

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/7/2025</u>
PWPEC File	<u>X</u>
Project File	<u>Brian Skanson</u>

The Committee reviewed the accompanying correspondence from Project Manager, Brian Skanson, related to Negative Final Balancing Change Order #2 in the amount of \$-113,297.34, which reconciles the final quantities as measured in the field.

Staff is recommending approval of Negative Final Balancing Change Order #2 in the amount of \$-113,297.34, bringing the total contract amount to \$1,227,228.61.

On a motion by Ryan Erickson, seconded by Ben Dow, the Committee voted to recommend approval of Negative Final Balancing Change Order #2 to KPH, Inc.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Negative Final Balancing Change Order #2 in the amount of \$-113,297.34, bringing the total contract amount to \$1,227,228.61 to KPH, Inc.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Special Assessments & Prairie Dog Funds


	<u>Yes</u>	<u>No</u>
Developer meets City policy for payment of delinquent specials	<u>N/A</u>	
Agreement for payment of specials required of developer	<u>N/A</u>	
Letter of Credit required (per policy approved 5-28-13)	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Nicole Crutchfield, Director of Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mark Williams
Gary Lorenz, Fire Chief	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ryan Erickson
Brenda Derrig, Assistant 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tom Knakmuhs, City Engineer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Susan Thompson, Finance Director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

C: Kristi Olson

  
 Tom Knakmuhs, P.E.  
 City Engineer



# Memorandum

**To:** Members of PWPEC  
**From:** Brian Skanson, Project Manager  
**Date:** June 17, 2025  
**Re:** Improvement District No. BR-24-E1 – Negative Final Balancing Change Order #2

---

**Background:**

Improvement District No. BR-24-E1 is on 1<sup>st</sup> Street North from 32<sup>nd</sup> Avenue to 35<sup>th</sup> Avenue.

KPH, Inc. is the Prime Contractor on this project.

Negative Final Balancing Change Order #2 is in the amount of -\$113,297.34. The Contractor met the requirements of the contract and it has been accepted by the City. This FBCO reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Original Contract:	\$ 1,340,525.95
Change Order #1	\$ 0.00
FBCO #2	\$ -113,297.34
<b>Total Contract:</b>	<b>\$ 1,227,228.61</b>

**Recommended Motion:**

Approve Negative Final Balancing Change Order #2 in the amount of -\$113,297.34 to KPH, Inc.

BJS/klb  
Attachment

**CHANGE ORDER REPORT**  
**PAVING AND UTILITY REHAB/RECONSTRUCTION**  
**IMPROVEMENT DISTRICT NO. BR-24-E1**  
**1ST ST. N. FROM 32ND AVE. TO 35TH AVE.**

Final Balancing  
Change Order

**Change Order No** 2 **Change Order Date** 6/16/2025  
**Contractor** 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** Change Order # 2  
Final Balancing Change Order

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
Sanitary Sewer	3	F&I Pipe w/GB SDR 26 - 6" Dia PVC	LF	630		630	-35.5	594.5	\$96.00	-\$3,408.00
	4	Bore Pipe SDR 26 - 6" Dia PVC	LF	88		88	-88	0	\$110.00	-\$9,680.00
	5	F&I Flat MH Cover 8" Thick Reinf Conc	EA	3		3	-3	0	\$1,650.00	-\$4,950.00
<b>Sanitary Sewer Sub Total</b>										<b>-\$18,038.00</b>
Water Main	7	Remove Pipe All Sizes All Types	LF	1128		1128	-1128	0	\$45.00	-\$50,760.00
	8	Remove Pipe Asbestos Cement	LF	1128		1128	-19.8	1108.2	\$55.00	-\$1,089.00
	10	Rem & Repl CS & Box 1.5" Dia	EA	3		3	-3	0	\$1,150.00	-\$3,450.00

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
	14	F&I Hydrant Ext. 6" High	EA	1		1	-1	0	\$1,500.00	-\$1,500.00
	17	F&I Fittings C153 Ductile Iron	LB	790		790	-45	745	\$10.00	-\$450.00
	18	F&I 1-1/4" Trench Found Rock 4" thru 12" Dia	LF	500		500	-500	0	\$0.01	-\$5.00
	19	F&I Pipe w/GB C900 DR 18 - 6" Dia PVC	LF	43		43	14.6	57.6	\$100.00	\$1,460.00
	20	F&I Pipe w/GB C900 DR 18 - 8" Dia PVC	LF	1110		1110	-1.8	1108.2	\$115.00	-\$207.00
	21	F&I Pipe w/GB C900 DR 18 - 10" Dia PVC	LF	9		9	0.8	9.8	\$125.00	\$100.00
	22	F&I Pipe w/GB 1" Dia Water Service	LF	641		641	15.3	656.3	\$66.00	\$1,009.80
	23	F&I Pipe w/GB 1.5" Dia Water Service	LF	60		60	-60	0	\$71.00	-\$4,260.00
	24	Bore Pipe 1" Dia Water Service	LF	60		60	-60	0	\$84.00	-\$5,040.00
<b>Water Main Sub Total</b>										<b>-\$64,191.20</b>

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	27	Remove Pipe All Sizes All Types	LF	46		46	-7.1	38.9	\$25.00	-\$177.50
	31	F&I Pipe w/GB 12" Dia Reinf Conc	LF	19		19	-6.5	12.5	\$115.00	-\$747.50
	32	F&I Pipe w/GB 15" Dia Reinf Conc	LF	32		32	-1.8	30.2	\$140.00	-\$252.00
	33	F&I Pipe w/GB 18" Dia Reinf Conc	LF	3		3	1.7	4.7	\$200.00	\$340.00
	<b>Storm Sewer Sub Total</b>									<b>-\$837.00</b>
Paving	36	Temp Construction Entrance	EA	2		2	-1	1	\$2,850.00	-\$2,850.00
	37	Inlet Protection - New Inlet	EA	4		4	-2	2	\$260.00	-\$520.00
	38	Inlet Protection - Existing Inlet	EA	6		6	5	11	\$215.00	\$1,075.00
	39	Remove Pavement All Thicknesses All Types	SY	4040		4040	-374	3666	\$12.00	-\$4,488.00
	40	Remove Curb & Gutter	LF	2260		2260	-4	2256	\$9.00	-\$36.00
	41	Remove Sidewalk All Thicknesses All Types	SY	1375		1375	-412.5	962.5	\$9.00	-\$3,712.50

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 (\$)
	42	Remove Driveway All Thicknesses All Types	SY	730		730	22	752	\$9.00	\$198.00
	43	Rem & Repl Casting - Self Leveling	EA	3		3	-1	2	\$2,500.00	-\$2,500.00
	45	Casting to Grade - no Conc	EA	3		3	-1	2	\$300.00	-\$300.00
	48	F&I Casting Water Service	EA	11		11	-2	9	\$300.00	-\$600.00
	49	Subgrade Preparation	SY	4435		4435	-29	4406	\$3.50	-\$101.50
	50	Boulevard Grading	SY	2010		2010	-301.5	1708.5	\$8.00	-\$2,412.00
	51	F&I Woven Geotextile	SY	4435		4435	-29	4406	\$3.50	-\$101.50
	52	F&I Class 5 Agg - 8" Thick	SY	4435		4435	-29	4406	\$14.00	-\$406.00
	53	F&I Edge Drain 4" Dia PVC	LF	2260		2260	-4	2256	\$9.00	-\$36.00
	55	F&I Sidewalk 4" Thick Reinf Conc	SY	1105		1105	-228.2	876.8	\$60.00	-\$13,692.00
	56	F&I Sidewalk 6" Thick Reinf Conc	SY	29.999999999999996		29.999999999999996	2.8	32.8	\$68.00	\$190.40

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 (\$)
	58	F&I Driveway 6" Thick Reinf Conc	SY	730		730	65	795	\$70.00	\$4,550.00
	59	F&I Asphalt Pavement FAA 43 w/ PG58H-34	Ton	1375		1375	-32.87	1342.13	\$105.00	-\$3,451.35
	60	Seeding Type C	SY	2010		2010	1322	3332	\$3.00	\$3,966.00
	61	Mulching Type 1 Hydro	SY	2010		2010	1322	3332	\$3.00	\$3,966.00
	62	Weed Control Type B	SY	2010		2010	-2010	0	\$0.10	-\$201.00
	63	Tree Protection	EA	33		33	-16	17	\$150.00	-\$2,400.00
	64	Irrigation Repair	EA	10		10	-10	0	\$1,000.00	-\$10,000.00
	66	Relocate Mailbox	EA	22		22	4	26	\$600.00	\$2,400.00
		<b>Paving Sub Total</b>								<b>-\$31,462.45</b>
Street Lights	69	Remove Pull Box	EA	1		1	-1	0	\$1,000.00	-\$1,000.00
	70	F&I Pull Box	EA	1		1	-1	0	\$2,650.00	-\$2,650.00
	72	F&I Innerduct 1.5" Dia	LF	1015		1015	233	1248	\$13.00	\$3,029.00
	73	F&I Conductor #6 USE Cu	LF	3045		3045	699	3744	\$2.75	\$1,922.25
		<b>Street Lights Sub Total</b>								<b>\$1,301.25</b>
Signing	77	F&I Diamond Grade Cubed	SF	20.200000000000003		20.200000000000003	-2.69	17.51	\$26.00	-\$69.94
		<b>Signing Sub Total</b>								<b>-\$69.94</b>

Summary

Source Of Funding	Special Assessments, Prairie Dog funds
Net Amount Change Order # 2 (\$)	-\$113,297.34
Previous Change Orders (\$)	\$0.00
Original Contract Amount (\$)	\$1,340,525.95
Total Contract Amount (\$)	\$1,227,228.61

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

CONTRACT DATES

Current Substantial Completion Date	Current Final Completion Date
9/13/2024	10/13/2024
Additional Days Substantial Completion	Additional Days Final Completion
0	246
New Substantial Completion Date	New Final Completion Date
9/13/2024	6/16/2025
Interim Completion Dates	

For Contractor

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JOSH SMITH  
Project Manager

O=KPH, Inc.", CN=Josh Smith  
Date: 2025.06.16 09:26:00-05'00'

Department Head  
Mayor  
Attest

T-KK



## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(21)

Improvement District No. AN-24-A1

Type: Final Balancing Change Order #1

Location: 16<sup>th</sup> - 18<sup>th</sup> St S b/w 4<sup>th</sup> & 5<sup>th</sup> Ave S

Date of Hearing: 6/30/2025

Routing

City Commission

Date

7/7/2025

PWPEC File

X

Project File

Mike Monson

The Committee reviewed the accompanying correspondence from Project Manager, Mike Monson, related to Final Balancing Change Order #1 in the amount of \$1,220.00, which reconciles the final quantities as measured in the field.

Staff is recommending approval of Final Balancing Change Order #1 in the amount of \$1,220.00, bringing the total contract amount to \$188,765.00.

On a motion by Ryan Erickson, seconded by Ben Dow, the Committee voted to recommend approval of Final Balancing Change Order #1 to Master Construction.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Final Balancing Change Order #1 in the amount of \$1,220.00, bringing the total contract amount to \$188,765.00 to Master Construction.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: \_\_\_\_\_ Special Assessments \_\_\_\_\_

Developer meets City policy for payment of delinquent specials

Yes No

Agreement for payment of specials required of developer

N/A

Letter of Credit required (per policy approved 5-28-13)

N/A

COMMITTEE

Present Yes No Unanimous

☒

Tim Mahoney, Mayor

☐☐☐

Nicole Crutchfield, Director of Planning

☒☒☐

Mark Williams

Gary Lorenz, Fire Chief

☒☒☐

Ryan Erickson

Brenda Derrig, Assistant City Administrator

☒☒☐

Ben Dow, Director of Operations

☒☒☐

Steve Sprague, City Auditor

☐☐☐

Tom Knakmuhs, City Engineer


☒☒☐

Susan Thompson, Finance Director

☒☒☐

ATTEST:

C: Kristi Olson

  
 Tom Knakmuhs, P.E.  
 City Engineer

# Memorandum

**To:** Members of PWPEC  
**From:** Michael Monson, Civil Engineer  
**Date:** June 25, 2025  
**Re:** Improvement District No. AN-24-A1 – Final Balancing Change Order No. 1

---

**Background:**

Improvement District No. AN-24-A1 is for the New Concrete Paving and Storm Sewer Construction in the alley from 16<sup>th</sup> Street South to 18<sup>th</sup> Street South between 4<sup>th</sup> Avenue South and 5<sup>th</sup> Avenue South.

Master Construction is the Prime Contractor for this project.

Attached is Final Balancing Change Order #1 in the amount of \$1,220.00. The Contractor met the requirements of the contract and it has been accepted by the City. This FBCO reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Original Contract:	\$ 187,545.00
FBCO #1	\$ 1,220.00
<b>Total Contract:</b>	<b>\$ 188,765.00</b>

**Recommended Motion:**

Approve Final Balancing Change Order #1 in the amount of \$1,220.00 to Master Construction for Improvement District No. AN-24-A1.

MPM/klb  
Attachment



**CHANGE ORDER REPORT  
ALLEY PAVING  
IMPROVEMENT DISTRICT NO. AN-24-A1**

Final Balancing  
Change Order

**FROM 16TH STREET TO 18TH STREET SOUTH BETWEEN 4TH AVENUE & 5TH  
AVENUE SOUTH**

<b>Change Order No</b>	1	<b>Change Order Date</b>	6/25/2025
<b>Contractor</b>	Master Construction Co Inc		

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

**EXPLANATION OF CHANGE**      Change Order # 1

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	3	F&I Pipe w/GB SDR 26 - 8" Dia PVC	LF	401		401	2	403	\$100.00	\$200.00
Storm Sewer Sub Total										\$200.00
Paving	5	Subgrade Preparation	SY	1015		1015	5	1020	\$4.00	\$20.00
	6	F&I Pavement 6" Thick Reinf Conc	SY	1015		1015	5	1020	\$110.00	\$550.00
	9	Mulching Type 1 Hydro	SY	40		40	4	44	\$30.00	\$120.00
	10	Seeding Type B	SY	40		40	4	44	\$30.00	\$120.00
	14	F&I Rock Mulch	Ton	5		5	1	6	\$210.00	\$210.00
Paving Sub Total										\$1,020.00

Summary


Source Of Funding	Special Assessments
Net Amount Change Order # 1 (\$)	\$1,220.00
Previous Change Orders (\$)	\$0.00
Original Contract Amount (\$)	\$187,545.00
Total Contract Amount (\$)	\$188,765.00

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

APPROVED

For Contractor

Title

  
PROJECT MANAGER

APPROVED DATE

Department Head

Mayor

Attest



**FINAL PAY ESTIMATE QUANTITY REVIEW**  
**ALLEY PAVING**  
**IMPROVEMENT DISTRICT NO. AN-24-A1**  
**FROM 16TH STREET TO 18TH STREET SOUTH BETWEEN 4TH AVENUE & 5TH**  
**AVENUE SOUTH**

**Project No.** AN-24-A1  
**Project Name** Alley Paving  
**Type** Alley Paving New  
**Description** From 16th Street to 18th Street South between 4th Avenue & 5th Avenue South  
**From Date** 12/4/2024  
**To Date** 6/25/2025

**1. Contract Work**

			Contract		Previous		Current		To Date	
	Unit	Quantity	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	% Comp.
<b>Storm Sewer</b>										
1	F&I Inlet - Round (RDI) Reinf Conc	EA	2 \$3,000.00	2	\$6,000.00	0	\$0.00	2	\$6,000.00	100%
2	Connect Pipe to Exist Pipe	EA	1 \$1,100.00	1	\$1,100.00	0	\$0.00	1	\$1,100.00	100%
3	F&I Pipe w/GB SDR 26 - 8" Dia PVC	LF	401 \$100.00	403	\$40,300.00	0	\$0.00	403	\$40,300.00	100%
<b>Storm Sewer Sub Total</b>					<b>\$47,400.00</b>		<b>\$0.00</b>		<b>\$47,400.00</b>	
<b>Paving</b>										
4	Excavation	CY	540 \$17.00	540	\$9,180.00	0	\$0.00	540	\$9,180.00	100%
5	Subgrade Preparation	SY	1015 \$4.00	1020	\$4,080.00	0	\$0.00	1020	\$4,080.00	100%
6	F&I Pavement 6" Thick Reinf Conc	SY	1015 \$110.00	1020	\$112,200.00	0	\$0.00	1020	\$112,200.00	100%
7	Remove Driveway All Thicknesses All Types	SY	15 \$15.00	15	\$225.00	0	\$0.00	15	\$225.00	100%
8	Casting to Grade - w/Conc	EA	2 \$350.00	2	\$700.00	0	\$0.00	2	\$700.00	100%
9	Mulching Type 1 Hydro	SY	40 \$30.00	10	\$300.00	34	\$1,020.00	44	\$1,320.00	110%

**1. Contract Work**

Page 100

1. Contract Work		Contract			Previous		Current		To Date		
		Unit	Quantity	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	% Comp.
10	Seeding Type B	SY	40	\$30.00	10	\$300.00	34	\$1,020.00	44	\$1,320.00	110%
11	Inlet Protection - New Inlet	EA	2	\$270.00	2	\$540.00	0	\$0.00	2	\$540.00	100%
12	Inlet Protection - Existing Inlet	EA	2	\$270.00	2	\$540.00	0	\$0.00	2	\$540.00	100%
13	Traffic Control - Type 1	LS	1	\$10,000.00	1	\$10,000.00	0	\$0.00	1	\$10,000.00	100%
14	F&I Rock Mulch	Ton	5	\$210.00	2	\$420.00	4	\$840.00	6	\$1,260.00	120%
Paving Sub Total						\$138,485.00	\$2,880.00	\$141,365.00			
A. All Contract Work Container Subtotal						\$185,885.00	\$2,880.00	\$188,765.00			

2. Change Orders

			Change Order Item & Quantity Summary						Change Order Item Payment Summary						
			Previous Contract Totals			New Contract Totals			Previous		Current		To Date		% Complete
CO# & Category	Line No	Description	Unit	Qty	Price	Unit	Qty	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	

To Date, No Change Orders Have Been Made on This Project.

B. All Change Order Work Paid Subtotal										\$0.00	\$0.00	\$0.00
C. All Contract Work Container Subtotal										\$185,885.00	\$2,880.00	\$188,765.00
D. Total Contract Work Completed To Date												\$188,765.00
E. Total Contract Work Completed This Pay Estimate											\$2,880.00	

\* Please Note That Change Order Payment Totals On This Page Will Not Reflect The Total Change Order Value If The Change Order Contains Quantity Change Items

3. Payment Adjustments

			Contract			Previous		Current		To Date		
Category	Line No	Description	Unit	Qty	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	% Complete

To Date, No Payment Adjustments Have Been Made on This Project



**Contract Summary**

1. Original Contract Amount	<i>Original contract amount</i>	\$187,545.00
2. Net Contract Change by Change Order	<i>Sum of all net change order values</i>	\$0.00
3. Current Contract Amount	<i>Sum of original contract amount and all change orders</i>	\$187,545.00

**Total Work Completed To Date**

4. Total Contract Work Completed to Date	<i>Section 2 of This Estimate, Line D</i>	\$188,765.00
5. Total Contract Work Completed This Pay Estimate	<i>Section 2 of This Estimate, Line E</i>	\$2,880.00

**Payment Adjustments**

6. Total Retainage Withheld @ 0% of Total Contract Work Completed to Date	<i>Line 4 x 0%</i>	\$0
7. Retainage Release This Pay Estimate	<i>(If Retainage is to be released) = Previous Total Retainage Withheld minus Line 6</i>	\$1,858.85
8. Total Payment Adjustments This Pay Estimate	<i>Section 3 of This Estimate, Line F</i>	\$0.00

**Payment Due Summary**

9. Total Due to Date	<i>Line 4 + Line 6 + Total Payment Adjustments To Date (Line G, Section Three)</i>	\$186,906.15
10. Previous Payments	<i>Sum of all previous Payments to Contractor</i>	\$184,026.15
11. Payment Due This Estimate	<i>Line 9 - Line 10</i>	\$4,738.85

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(22)

Improvement District No. AN-24-B1

Type: Final Balancing Change Order #1

Location: 4<sup>th</sup> - 5<sup>th</sup> St S b/w 8<sup>th</sup> & 9<sup>th</sup> Ave S

Date of Hearing: 6/30/2025

Routing

City Commission

PWPEC File

Project File

Date

7/7/2025

X

Mike Monson

The Committee reviewed the accompanying correspondence from Project Manager, Mike Monson, related to Final Balancing Change Order #1 in the amount of \$3,698.20, which reconciles the final quantities as measured in the field.

Staff is recommending approval of Final Balancing Change Order #1 in the amount of \$3,698.20, bringing the total contract amount to \$123,730.20.

On a motion by Ryan Erickson, seconded by Ben Dow, the Committee voted to recommend approval of Final Balancing Change Order #1 to Master Construction.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Final Balancing Change Order #1 in the amount of \$3,698.20, bringing the total contract amount to \$123,730.20 to Master Construction.

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)

Yes	No
N/A	
N/A	
N/A	

COMMITTEE

Tim Mahoney, Mayor  
 Nicole Crutchfield, Director of Planning  
 Gary Lorenz, Fire Chief  
 Brenda Derrig, Assistant City Administrator  
 Ben Dow, Director of Operations  
 Steve Sprague, City Auditor  
 Tom Knakmuhs, City Engineer  
 Susan Thompson, Finance Director

Present	Yes	No	Unanimous
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mark Williams
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ryan Erickson
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

C: Kristi Olson

  
 Tom Knakmuhs, P.E.  
 City Engineer

# Memorandum

**To:** Members of PWPEC  
**From:** Michael Monson, Civil Engineer  
**Date:** June 24, 2025  
**Re:** Improvement District No. AN-24-B1 – Final Balancing Change Order No. 1

---

**Background:**

Improvement District No. AN-24-B1 is for the New Concrete Paving Construction in the alley from 4<sup>th</sup> Street South to 5<sup>th</sup> Street South between 8<sup>th</sup> Avenue South and 9<sup>th</sup> Avenue South.

Master Construction is the Prime Contractor for this project.

Attached is Final Balancing Change Order #1 in the amount of \$3,698.20. The Contractor met the requirements of the contract and it has been accepted by the City. This FBCO reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Original Contract:	\$ 120,032.00
FBCO #1	\$ 3,698.20
<b>Total Contract:</b>	<b>\$ 123,730.20</b>

**Recommended Motion:**

Approve Final Balancing Change Order #1 in the amount of \$3,698.20 to Master Construction for Improvement District No. AN-24-B1.

MPM/klb  
Attachment



**CHANGE ORDER REPORT**  
**ALLEY PAVING**  
**IMPROVEMENT DISTRICT NO. AN-24-B1**  
**FROM 4 ST TO 5 ST S BETWEEN 8 AVE & 9 AVE S**

Final Balancing  
Change Order

**Change Order No** 1 **Change Order Date** 6/25/2025  
**Contractor** Master Construction Co Inc

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

**EXPLANATION OF CHANGE** Change Order # 1

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
Paving	2	Subgrade Preparation	SY	1000		1000	32.2	1032.2	\$4.00	\$128.80
	4	F&I Pavement 6" Thick Reinf Conc	SY	1000		1000	32.2	1032.2	\$97.00	\$3,123.40
	5	Remove Driveway All Thicknesses All Types	SY	23.000000000000004		23.000000000000004	15.7	38.7	\$20.00	\$314.00
	6	Mulching Type 1 Hydro	SY	372		372	11	383	\$6.00	\$66.00
	7	Seeding Type B	SY	372		372	11	383	\$6.00	\$66.00
<b>Paving Sub Total</b>										<b>\$3,698.20</b>

Summary

Source Of Funding	Special Assessments
Net Amount Change Order # 1 (\$)	\$3,698.20
Previous Change Orders (\$)	\$0.00
Original Contract Amount (\$)	\$120,032.00
Total Contract Amount (\$)	\$123,730.20

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

APPROVED

For Contractor

Title

  
PROJECT MANAGER

APPROVED DATE

Department Head

Mayor

Attest





**FINAL PAY ESTIMATE QUANTITY REVIEW**  
**ALLEY PAVING**  
**IMPROVEMENT DISTRICT NO. AN-24-B1**  
**FROM 4 ST TO 5 ST S BETWEEN 8 AVE & 9 AVE S**

**Project No.** AN-24-B1  
**Project Name** Alley Paving  
**Type** Alley Paving New  
**Description** From 4 St to 5 St S between 8 Ave & 9 Ave S  
**From Date** 12/5/2024  
**To Date** 6/25/2025

## 1. Contract Work

1. Contract Work		Contract			Previous		Current		To Date		
		Unit	Quantity	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	% Comp.
Paving											
1	Excavation	CY	350	\$12.00	350	\$4,200.00	0	\$0.00	350	\$4,200.00	100%
2	Subgrade Preparation	SY	1000	\$4.00	1032.2	\$4,128.80	0	\$0.00	1032.2	\$4,128.80	103%
3	Remove Gravel	SY	977	\$4.00	977	\$3,908.00	0	\$0.00	977	\$3,908.00	100%
4	F&I Pavement 6" Thick Reinf Conc	SY	1000	\$97.00	1032.2	\$100,123.40	0	\$0.00	1032.2	\$100,123.40	103%
5	Remove Driveway All Thicknesses All Types	SY	23	\$20.00	38.7	\$774.00	0	\$0.00	38.7	\$774.00	168%
6	Mulching Type 1 Hydro	SY	372	\$6.00	0	\$0.00	383	\$2,298.00	383	\$2,298.00	103%
7	Seeding Type B	SY	372	\$6.00	0	\$0.00	383	\$2,298.00	383	\$2,298.00	103%
8	Inlet Protection - Existing Inlet	EA	4	\$250.00	4	\$1,000.00	0	\$0.00	4	\$1,000.00	100%
9	Traffic Control - Type 1	LS	1	\$5,000.00	1	\$5,000.00	0	\$0.00	1	\$5,000.00	100%
Paving Sub Total						\$119,134.20	\$4,596.00		\$123,730.20		
A. All Contract Work Container Subtotal						\$119,134.20	\$4,596.00		\$123,730.20		

Change Orders			Change Order Item & Quantity Summary						Change Order Item Payment Summary						
			Previous Contract Totals			New Contract Totals			Previous		Current		To Date		% Complete
CO# & Category	Line No	Description	Unit	Qty	Price	Unit	Qty	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	

To Date, No Change Orders Have Been Made on This Project.

B. All Change Order Work Paid Subtotal										\$0.00	\$0.00		\$0.00		
C. All Contract Work Container Subtotal										\$119,134.20	\$4,596.00		\$123,730.20		
D. Total Contract Work Completed To Date													\$123,730.20		
E. Total Contract Work Completed This Pay Estimate											\$4,596.00				

\* Please Note That Change Order Payment Totals On This Page Will Not Reflect The Total Change Order Value If The Change Order Contains Quantity Change Items

3. Payment Adjustments

Page 198

			Contract			Previous		Current		To Date		
Category	Line No	Description	Unit	Qty	Price	Quantity	Amount (\$)	Quantity	Amount (\$)	Quantity	Amount (\$)	% Complete

To Date, No Payment Adjustments Have Been Made on This Project



**Contract Summary**

<b>1. Original Contract Amount</b>	<i>Original contract amount</i>	\$120,032.00
<b>2. Net Contract Change by Change Order</b>	<i>Sum of all net change order values</i>	\$0.00
<b>3. Current Contract Amount</b>	<i>Sum of original contract amount and all change orders</i>	\$120,032.00

**Total Work Completed To Date**

<b>4. Total Contract Work Completed to Date</b>	<i>Section 2 of This Estimate, Line D</i>	\$123,730.20
<b>5. Total Contract Work Completed This Pay Estimate</b>	<i>Section 2 of This Estimate, Line E</i>	\$4,596.00

**Payment Adjustments**

<b>6. Total Retainage Withheld @ 0% of Total Contract Work Completed to Date</b>	<i>Line 4 x 0%</i>	\$0
<b>7. Retainage Release This Pay Estimate</b>	<i>(If Retainage is to be released) = Previous Total Retainage Withheld minus Line 6</i>	\$1,191.34
<b>8. Total Payment Adjustments This Pay Estimate</b>	<i>Section 3 of This Estimate, Line F</i>	\$0.00

**Payment Due Summary**

<b>9. Total Due to Date</b>	<i>Line 4 + Line 6 + Total Payment Adjustments To Date (Line G, Section Three)</i>	\$122,538.86
<b>10. Previous Payments</b>	<i>Sum of all previous Payments to Contractor</i>	\$117,942.86
<b>11. Payment Due This Estimate</b>	<i>Line 9 - Line 10</i>	\$5,787.34

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(23)

Improvement District No. BN-23-E1

Type: Final Balancing Change Order #5

Location: 45<sup>th</sup> St N, 19<sup>th</sup> Ave N – 32<sup>nd</sup> Ave N

Date of Hearing: 6/30/2025

Routing

City Commission

Date

7/7/2025

PWPEC File

X

Project File

Jason Satterlund

The Committee reviewed the accompanying correspondence from Project Manager, Jason Satterlund, related to Final Balancing Change Order #5 in the amount of \$48,546.26, which reconciles the final quantities as measured in the field.

Staff is recommending approval of Final Balancing Change Order #5 in the amount of \$48,546.26, bringing the total contract amount to \$3,723,153.46.

On a motion by Ryan Erickson, seconded by Ben Dow, the Committee voted to recommend approval of Final Balancing Change Order #5 to Dakota Underground.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Final Balancing Change Order #5 in the amount of \$48,546.26, bringing the total contract amount to \$3,723,153.46 to Dakota Underground.

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)

Yes	No
N/A	
N/A	
N/A	

COMMITTEE

Tim Mahoney, Mayor  
 Nicole Crutchfield, Director of Planning  
 Gary Lorenz, Fire Chief  
 Brenda Derrig, Assistant City Administrator  
 Ben Dow, Director of Operations  
 Steve Sprague, City Auditor  
 Tom Knakmuhs, City Engineer  
 Susan Thompson, Finance Director

Present	Yes	No	Unanimous
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mark Williams
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ryan Erickson
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

C: Kristi Olson

  
 Tom Knakmuhs, P.E.  
 City Engineer

# Memorandum

**To:** Members of PWPEC

**From:** Jason Satterlund, Senior Project Manager

**Date:** June 24, 2025

**Re:** Improvement District No. BN-23-E1 – Site Grading, Sediment Control Logs, Street Light Wind Damage Repair, and Final Balancing Change Order #5

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**Background:**

Improvement District No. BN-23-E1 is for the construction of 45<sup>th</sup> Street North between 19<sup>th</sup> Avenue North and 32<sup>nd</sup> Avenue North. This project will urbanize 45<sup>th</sup> Street North from a gravel section line roadway to an urban 3-lane concrete roadway section.

Dakota Underground is the Prime Contractor on this project.

Additional items included with this Final Balancing Change Order--Site Grading and Sediment Control Logs--will be special assessed to the benefitting properties. Special Bid Item A, which covers the repair of wind damaged street lights, will be funded through Street Light Utility funds.

Attached is the Final Balancing Change Order #5 in the amount of \$48,546.26. The Contractor met the requirements of the contract and it has been accepted by the City. This FBCO reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Original Contract:	\$ 3,643,790.33
Change Order #1	\$ (2,500.00)
Change Order #2	\$ 4,801.50
Change Order #3	\$ 4,614.50
Change Order #4	\$ 23,900.87
FBCO #3	\$ 48,546.26
<b>Total Contract:</b>	<b>\$ 3,723,153.46</b>

**Recommended Motion:**

Approve Final Balancing Change Order #5 in the amount of \$48,546.26 for Improvement District No. BN-23-E1.

Attachment

**CHANGE ORDER REPORT**  
**NEW PAVING AND UTILITY CONSTRUCTION**  
**IMPROVEMENT DISTRICT NO. BN-23-E1**

Final Balancing  
 Change Order

**45TH STREET NORTH FROM 19TH AVENUE NORTH TO 32ND AVENUE NORTH**

**Change Order No** 5 **Change Order Date** 6/19/2025  
**Contractor** Dakota Underground Co Inc

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

**EXPLANATION OF CHANGE** Change Order # 5

Final Balancing.

Special Bid Item A on FBCO Change Order #5 is for Street light repairs and will be funded through Street Light Utility Funds. Remaining items will be special assessed to benefitting properties.

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	3	Mulching Type 2 Straw	SY	64600		64600	-10976	53624	\$0.16	-\$1,756.16
	4	Seeding Type A	SY	60100		60100	-6476	53624	\$0.25	-\$1,619.00
	5	Seeding Type C	SY	4400		4400	-4400	0	\$0.27	-\$1,188.00
	7	Temp Construction Entrance	EA	3		3	-2	1	\$0.01	-\$0.02
	8	Sediment Control Log 6" to 8" Dia	LF	1150		1150	64	1214	\$2.25	\$144.00
<b>Miscellaneous Sub Total</b>										<b>-\$4,419.18</b>
Change Order 3	13	F&I Innerduct 2" Dia	LF	57	0	250	57	307	\$16.50	\$940.50
<b>Change Order 3 Sub Total</b>										<b>\$940.50</b>
Change Order 5	19	Site Grading	LS	0	1	0	1	1	\$852.50	\$852.50
	20	Sediment Control Log 10" to 15" Dia	LF	0		0	600	600	\$7.70	\$4,620.00
	21	Special Bid Item A	LS	0	0	0	1	1	\$13,047.50	\$13,047.50
<b>Change Order 5 Sub Total</b>										<b>\$18,520.00</b>

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
Water Main	34	F&I Pipe C900 DR 18 - 6" Dia PVC	LF	11		11	-3	8	\$45.00	-\$135.00
	35	F&I Pipe C900 DR 18 - 16" Dia PVC	LF	250		250	-16	234	\$112.00	-\$1,792.00
<b>Water Main Sub Total</b>										<b>-\$1,927.00</b>
Storm Sewer	49	F&I Pipe 18" Dia	LF	17		17	2	19	\$65.00	\$130.00
	51	F&I Pipe 18" Dia Reinf Conc	LF	221		221	1	222	\$76.00	\$76.00
	53	F&I Pipe 30" Dia Reinf Conc	LF	132		132	6	138	\$137.00	\$822.00
<b>Storm Sewer Sub Total</b>										<b>\$1,028.00</b>
Paving	68	F&I Class 5 Agg - 12" Thick	SY	20320		20320	1071.8	21391.8	\$16.50	\$17,684.70
	74	Subgrade Preparation	SY	21330		21330	61.8	21391.8	\$1.50	\$92.70
	80	F&I Edge Drain 4" Dia PVC	LF	9126		9126	-7.3	9118.7	\$9.30	-\$67.89
	81	F&I Curb & Gutter Standard (Type II)	LF	9526		9526	8.7	9534.7	\$29.00	\$252.30
	82	Remove Curb & Gutter	LF	20		20	9.3	29.3	\$5.00	\$46.50
	83	F&I Pavement 10" Thick Doweled Conc	SY	18571		18571	55.7	18626.7	\$93.00	\$5,180.10
	84	F&I Sidewalk 4" Thick Reinf Conc	SY	118		118	-4.4	113.6	\$65.00	-\$286.00
	85	F&I Sidewalk 6" Thick Reinf Conc	SY	37		37	2	39	\$75.00	\$150.00
	86	F&I Shared Use Path 5" Thick Reinf Conc	SY	322		322	-3.5	318.5	\$66.00	-\$231.00
	87	F&I Det Warn Panels Cast Iron	SF	68		68	-5	63	\$62.00	-\$310.00
	88	F&I Asphalt Pavement FAA 43 w/ PG58H-34	Ton	74		74	-5.42	68.58	\$286.00	-\$1,550.12
	91	GV Box to Grade - Blvd	EA	2		2	2	4	\$250.00	\$500.00
<b>Paving Sub Total</b>										<b>\$21,461.29</b>

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 (\$)
Signing	94	F&I Sign Assembly & Anchor	EA	14		14	4	18	\$109.00	\$436.00
	96	F&I High Intensity Prismatic	SF	110.4		110.4	18.75	129.15	\$25.00	\$468.75
<b>Signing Sub Total \$904.75</b>										
Pavement Marking	97	F&I Grooved Plastic Film Message	SF	288		288	96	384	\$46.80	\$4,492.80
	98	F&I Grooved Plastic Film 4" Wide	LF	10046		10046	679	10725	\$8.10	\$5,499.90
	99	F&I Grooved Plastic Film 8" Wide	LF	985		985	276	1261	\$14.60	\$4,029.60
	100	F&I Grooved Plastic Film 16" Wide	LF	40		40	-1	39	\$36.40	-\$36.40
	101	F&I Grooved Contrast Film 7" Wide	LF	80		80	-40	40	\$15.60	-\$624.00
	102	Paint Epoxy Line 4" Wide	LF	30		30	-30	0	\$21.00	-\$630.00
	103	Paint Epoxy Line 16" Wide	LF	12		12	-1	11	\$31.00	-\$31.00
<b>Pavement Marking Sub Total \$12,700.90</b>										
Street Lights	109	F&I Conductor #6 USE Cu	LF	13224		13224	-90	13134	\$2.60	-\$234.00
	110	F&I Innerduct 1.5" Dia	LF	5004		5004	-30	4974	\$7.30	-\$219.00
<b>Street Lights Sub Total -\$453.00</b>										
Traffic Signals	117	F&I Conduit 2" Dia	LF	200		200	-10	190	\$21.00	-\$210.00
<b>Traffic Signals Sub Total -\$210.00</b>										

Summary

Source Of Funding

Net Amount Change Order # 5 (\$)

Previous Change Orders (\$)

Original Contract Amount (\$)

Total Contract Amount (\$)

Special Assessments

\$48,546.26

\$30,816.87

\$3,643,790.33

\$3,723,153.46

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

APPROVED

For Contractor

Title project mgr.

 6/24/25  
Dakota Underground Company

APPROVED DATE

Department Head

Mayor

Attest



## REPORT OF ACTION

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(24)

Improvement District No. BR-24-F1

Type: Final Balancing Change Order #5

Location: 8<sup>th</sup> St N, Main Ave – NP Ave

Date of Hearing: 6/30/2025

Routing

City Commission

Date

7/7/2025

PWPEC File

X

Project File

Rick Larson

The Committee reviewed the accompanying correspondence from Project Manager, Rick Larson, related to Final Balancing Change Order #5 in the amount of \$19,674.91, which reconciles the final quantities as measured in the field.

Staff is recommending approval of Final Balancing Change Order #5 in the amount of \$19,674.91, bringing the total contract amount to \$1,958,180.05.

On a motion by Ryan Erickson, seconded by Ben Dow, the Committee voted to recommend approval of Final Balancing Change Order #5 to Master Construction.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Final Balancing Change Order #5 in the amount of \$19,674.91, bringing the total contract amount to \$1,958,180.05 to Master Construction.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Special Assessments & Prairie Dog Funds

Developer meets City policy for payment of delinquent specials

Yes No

N/A

Agreement for payment of specials required of developer

N/A

Letter of Credit required (per policy approved 5-28-13)

N/A

COMMITTEE

	Present	Yes	No	Unanimous
				<input checked="" type="checkbox"/>
Tim Mahoney, Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Nicole Crutchfield, Director of Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mark Williams
Gary Lorenz, Fire Chief	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ryan Erickson
Brenda Derrig, Assistant 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tom Knakmuhs, City Engineer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Susan Thompson, Finance Director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

C: Kristi Olson

  
 Tom Knakmuhs, P.E.  
 City Engineer



# Memorandum

**To:** Members of PWPEC  
**From:** Rick Larson, Senior Project Manager  
**Date:** June 17, 2025  
**Re:** Improvement District No. BR-24-F1 – Final Balancing Change Order #5

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**Background:**

Improvement District No. BR-24-F1 is for the Rehab/Reconstruction of NP Avenue North from 8<sup>th</sup> Street approx. 175' E of 8<sup>th</sup> Street and 8<sup>th</sup> Street North from BNSF RR Tracks to 100' north of NP Avenue North.

Master Construction is the Prime Contractor for this project.

**Change Order #5**

Attached is the Final Balancing Change Order #5 in the amount of \$19,674.91. The Contractor met the requirements of the contract and it has been accepted by the City. This FBCO reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Original Contract:	\$ 1,871,362.80
Change Order #1	\$ 24,081.46
Change Order #2	\$ 23,982.55
Change Order #3	\$ 11,945.13
Change Order #4	\$ 7,133.20
FBCO #5	\$ 19,674.91
<b>Total Contract:</b>	<b>\$ 1,958,180.05</b>

**Recommended Motion:**

Approve Change Order #5 in the amount of \$19,674.91 for Improvement District No. BR-24-F1.

RJL/jmg  
Attachment



**CHANGE ORDER REPORT  
PAVING AND UTILITY REHAB/RECONSTRUCTION  
IMPROVEMENT DISTRICT NO. BR-24-F1**

Final Balancing  
Change Order

**NORTHERN PACIFIC AVE N FROM 8TH ST TO 170' E OF 8TH ST N; 8TH ST N FROM  
BNSF RR TRACKS TO 100' N OF NORTHERN PACIFIC AVE N.**

**Change Order No** 5 **Change Order Date** 6/13/2025  
**Contractor** Master Construction Co Inc

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

**EXPLANATION OF CHANGE** Change Order # 5  
Final Balancing Change Order

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
Sanitary Sewer	3	Remove Pipe All Sizes All Types	LF	193		193	2.5	195.5	\$10.00	\$25.00
	6	F&I Pipe w/GB SDR 26 - 6" Dia PVC	LF	10		10	30	40	\$110.00	\$3,300.00
	7	F&I Pipe w/GB SDR 26 - 12" Dia PVC	LF	193		193	2.5	195.5	\$140.00	\$350.00
<b>Sanitary Sewer Sub Total</b>										<b>\$3,675.00</b>
Water Main	17	Remove Pipe All Sizes All Types	LF	440		440	-40	400	\$10.00	-\$400.00
	21	F&I Fittings C153 Ductile Iron	LB	1895		1895	103	1998	\$10.50	\$1,081.50

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 (\$)
	22	F&I Pipe w/GB C900 DR 18 - 4" Dia PVC	LF	5		5	27.1	32.1	\$106.00	\$2,872.60
	23	F&I Pipe w/GB C900 DR 18 - 6" Dia PVC	LF	132		132	-28.1	103.9	\$140.00	-\$3,934.00
	24	F&I Pipe w/GB C900 DR 18 - 8" Dia PVC	LF	54		54	0.2	54.2	\$150.00	\$30.00
	25	F&I Pipe w/GB C900 DR 18 - 10" Dia PVC	LF	705		705	3.6	708.6	\$165.00	\$594.00
	26	F&I Gate Valve 4" Dia	EA	1		1	1	2	\$2,400.00	\$2,400.00
	27	F&I Gate Valve 6" Dia	EA	6		6	-1	5	\$2,725.00	-\$2,725.00
	30	F&I Pipe w/GB 1" Dia Water Service	LF	33		33	2.6	35.6	\$75.00	\$195.00
	<b>Water Main Sub Total</b>									<b>\$114.10</b>
Storm Sewer	34	Remove Inlet	EA	6		6	-1	5	\$300.00	-\$300.00
	35	Remove Pipe All Sizes All Types	LF	442		442	7.6	449.6	\$10.00	\$76.00

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
	39	F&I Inlet - Single Box (SBI) Reinf Conc	EA	4		4	1	5	\$3,600.00	\$3,600.00
	42	F&I Pipe w/GB 12" Dia Reinf Conc	LF	121.99999999999999		121.99999999999999	8.7	130.7	\$130.00	\$1,131.00
	43	F&I Pipe w/GB 15" Dia Reinf Conc	LF	377		377	0.6	377.6	\$140.00	\$84.00
	44	F&I Pipe w/GB 18" Dia Reinf Conc	LF	52		52	-23	29	\$150.00	-\$3,450.00
	45	F&I Pipe w/GB 21" Dia Reinf Conc	LF	35		35	21	56	\$160.00	\$3,360.00
	47	Connect Pipe to Exist Structure	EA	1	0	3	-1	2	\$1,250.00	-\$1,250.00
		<b>Storm Sewer Sub Total</b>								<b>\$3,251.00</b>
Paving	49	Temp Fence - Safety	LF	700		700	-20	680	\$30.00	-\$600.00
	50	Construction Signing	SF	10		10	-10	0	\$10.00	-\$100.00
	51	Construction Inspection of Structures and Monitoring	LS	1		1	-0.1	0.9	\$40,000.00	-\$4,000.00

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
	52	Remove Pavement All Thicknesses All Types	SY	3590		3590	-3.95	3586.05	\$20.00	-\$79.00
	53	Remove Curb & Gutter	LF	1247		1247	16.3	1263.3	\$10.00	\$163.00
	54	Remove Driveway All Thicknesses All Types	SY	204.10999999999999	0	199.62	11.11	210.73	\$10.00	\$111.10
	55	Remove Sidewalk All Thicknesses All Types	SY	1104.71	0	1170.47	-17.29	1153.18	\$10.00	-\$172.90
	56	Subgrade Preparation	SY	3633		3633	-3.81	3629.19	\$5.00	-\$19.05
	57	F&I Woven Geotextile	SY	3633		3633	-3.81	3629.19	\$3.00	-\$11.43
	58	F&I Class 5 Agg - 12" Thick	SY	3633		3633	-3.81	3629.19	\$21.00	-\$80.01
	59	F&I Edge Drain 4" Dia PVC	LF	1205		1205	-299.6	905.4	\$10.00	-\$2,996.00
	60	F&I Curb & Gutter Standard (Type II)	LF	1283		1283	-4.3	1278.7	\$49.00	-\$210.70

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 (\$)
	61	F&I Pavement 9" Thick Doweled Conc	SY	2980		2980	-3	2977	\$125.00	-\$375.00
	63	F&I Median Nose Conc	SY	20		20	1.8	21.8	\$100.00	\$180.00
	64	F&I Sidewalk 4" Thick Reinf Conc	SY	1045.45	0	1111.47	-17.55	1093.92	\$95.00	-\$1,667.25
	65	F&I Sidewalk 6" Thick Reinf Conc	SY	35		35	-0.7	34.3	\$100.00	-\$70.00
	66	F&I Driveway 7" Thick Reinf Conc	SY	192		192	39.68	231.68	\$105.00	\$4,166.40
	67	F&I Det Warn Panels Cast Iron	SF	181		181	-15.5	165.5	\$70.00	-\$1,085.00
	68	Salvage & Reuse Casting	EA	7		7	-3	4	\$1,200.00	-\$3,600.00
	74	Boulevard Grading	SY	205		205	0.83	205.83	\$10.00	\$8.30
	75	Seeding Type C	SY	205		205	143.8	348.8	\$10.00	\$1,438.00
	76	Mulching Type 1 Hydro	SY	205		205	143.8	348.8	\$3.00	\$431.40
	77	Weed Control Type B	SY	205		205	-205	0	\$1.00	-\$205.00

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
<b>Paving Sub Total</b>										<b>-\$8,773.14</b>
Street Amenities	81	F&I Shared Use Path 4" Thick Reinf Conc	SY	125		125	-2.33	122.67	\$85.00	-\$198.05
	82	F&I Impressioned 4" Thick Reinf Conc	SY	210		210	-14.46	195.54	\$190.00	-\$2,747.40
	83	F&I Decorative 4" Thick Reinf Conc	SY	76		76	-6.83	69.17	\$100.00	-\$683.00
	84	F&I Edge Drain 4" Dia PVC	LF	216		216	-0.8	215.2	\$15.00	-\$12.00
	85	Topsoil - Import Special	CY	62		62	-23.6	38.4	\$50.00	-\$1,180.00
<b>Street Amenities Sub Total</b>										<b>-\$4,820.45</b>
Street Lights	86	Remove Feed Point	EA	1		1	-1	0	\$2,000.00	-\$2,000.00
	92	F&I Pull Box	EA	1		1	1	2	\$2,700.00	\$2,700.00
	94	F&I Innerduct 1.5" Dia	LF	1172		1172	27	1199	\$20.00	\$540.00
	95	F&I Conductor #6 USE Cu	LF	4095		4095	-549	3546	\$2.50	-\$1,372.50
<b>Street Lights Sub Total</b>										<b>-\$132.50</b>

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 (\$)
Pavement Marking	100	F&I Grooved Plastic Film 4" Wide	LF	1439		1439	201	1640	\$14.00	\$2,814.00
	102	Paint Epoxy Line 4" Wide	LF	155		155	187.8	342.8	\$9.00	\$1,690.20
	103	F&I Grooved Plastic Film 16" Wide	LF	81		81	6.6	87.6	\$40.00	\$264.00
	104	F&I Grooved Plastic Film 24" Wide	LF	174		174	60	234	\$65.00	\$3,900.00
	105	F&I Grooved Contrast Film 7" Wide	LF	451		451	54.8	505.8	\$20.00	\$1,096.00
	106	F&I Grooved Thermoplastic Pavement Marking Message	SF	53		53	59	112	\$90.00	\$5,310.00
	<b>Pavement Marking Sub Total</b>									<b>\$15,074.20</b>
Signing	109	F&I Sign Assembly & Anchor	EA	12		12	-1	11	\$180.00	-\$180.00
	110	F&I Diamond Grade Cubed	SF	64.1		64.1	6.9	71	\$30.00	\$207.00
	111	F&I High Intensity Prismatic	SF	28.8		28.8	-1.55	27.25	\$26.00	-\$40.30
<b>Signing Sub Total</b>										<b>-\$13.30</b>




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 (\$)
Traffic Signals	114	F&I Conduit 2" Dia	LF	365		365	190	555	\$25.00	\$4,750.00
	115	F&I Pull Box	EA	1		1	1	2	\$6,550.00	\$6,550.00
Traffic Signals Sub Total										\$11,300.00

Summary

Source Of Funding	Special Assessments, State Funds-Prairie Dog
Net Amount Change Order # 5 (\$)	\$19,674.91
Previous Change Orders (\$)	\$67,142.34
Original Contract Amount (\$)	\$1,871,362.80
Total Contract Amount (\$)	\$1,958,180.05

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

APPROVED

For Contractor   
Title  
PROJECT MANAGER

APPROVED DATE

Department Head   
Mayor  
Attest

## REPORT OF ACTION

## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(25)

Improvement District No. BR-24-G1 Type: Final Balancing Change Order #2

Location: 13 ½ St S, 16<sup>th</sup> Ave – 17<sup>th</sup> Ave Date of Hearing: 6/30/2025

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/7/2025</u>
PWPEC File	<u>X</u>
Project File	<u>Matthew Jennings</u>

The Committee reviewed the accompanying correspondence from Project Manager, Matthew Jennings, related to Final Balancing Change Order #2 in the amount of \$22,289.57, which reconciles the final quantities as measured in the field.

Staff is recommending approval of Final Balancing Change Order #2 in the amount of \$22,289.57, bringing the total contract amount to \$506,560.62.

On a motion by Ryan Erickson, seconded by Ben Dow, the Committee voted to recommend approval of Final Balancing Change Order #2 to Master Construction.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve Final Balancing Change Order #2 in the amount of \$22,289.57, bringing the total contract amount to \$506,560.62 to Master Construction.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Developer Funds, State Funds & 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  
 Nicole Crutchfield, Director of Planning  
 Gary Lorenz, Fire Chief  
 Brenda Derrig, Assistant City Administrator  
 Ben Dow, Director of Operations  
 Steve Sprague, City Auditor  
 Tom Knakmuhs, City Engineer  
 Susan Thompson, Finance Director

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

ATTEST:

C: Kristi Olson

  
 Tom Knakmuhs, P.E.  
 City Engineer

## Memorandum

**To:** Members of PWPEC  
**From:** Matthew Jennings, Project Manager  
**Date:** June 24, 2024  
**Re:** Improvement District No. BR-24-G1 – Final Balancing Change Order #2

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### **Background:**

Improvement District No. BR-24-G1 is for the reconstruction of 13 ½ Street between 16<sup>th</sup> Avenue South & 17<sup>th</sup> Avenue South. This project is for the replacement of the water services, sanitary sewer main and services, street reconstruction, sidewalk, driveways, and incidentals.

Master Construction Co Inc. is the prime contractor on this project.

This final balancing change order includes payment for two items discovered during construction to close out the project. It was discovered that there is no existing tracer wire on the watermain, since we are not replacing the main but still installing tracer wire along the watermain services, 7 additional anode rods are required for a total price of **\$1,881.46**. The next item is for a tree removal located in the way of a new driveway for the BLOC development, the cost to remove this tree **\$2,500** with prime contractor markup.


The attached Change Order items in the amount of **\$4,381.46** (0.90% of the original contract), increases the total contract amount to \$488,652.51.

Positive Final Balancing Change Order #2 is in the amount of \$22,289.57. The Contractor met the requirements of the contract and it has been accepted by the City. This FBCO reconciles the estimated quantities used in the contract with the final quantities as measured in the field.

Original Contract:	\$ 484,271.05
Change Order #1	\$ 0.00
FBCO #2	\$ 22,289.57
Total Contract:	\$ 506,560.62

### **Recommended Motion:**

Approve Final Balancing Change Order #2 in the amount of \$22,289.57 for Improvement District BR-24-G1.

<div><h1>MASTER</h1></div> <div>C O N S T R U C T I O N</div> <div>BOX 788 • FARGO, ND 58107 • (701) 237-4950 • FAX (701) 237-5027</div>			
Change Order Submitted to: City of Fargo - Engineering		Phone 701-730-8664	Date October 31, 2024
Street 225 4th Street N		Job Name BR-24-G1	
City, State, and Zip Code Fargo, ND 58102		Job Location 13th and 1/2 St	
Contact Aaron Edgar	Bid Letting Date:		Job Phone
We hereby submit quote for the following Scope of Work:			
Install Anoids and Traccc wire at existing water services			
Laborer (2 hours each service)	14.00	75.00	1,050.00
Material - DSG See Attached	1.00	831.46	Includes 10% Markup 831.46
We propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:			\$ 1,881.46
One Thousand Eight Hundred Eight One and 46/100's			



4557 15TH AVE NORTH  
FARGO ND 58102  
Phone: 701-237-0222  
Fax: (701)-234-0116

# INVOICE

INVOICE DATE		INVOICE NUMBER	
07/08/2024		S103871790.001	
ORDERED BY			PAGE NO.
REMIT TO: DAKOTA SUPPLY GROUP PO BOX 74007497 CHICAGO IL 60674-7497			1 of 1
TO VIEW AND PAY ONLINE GO TO:			
<a href="http://dsgsupply.com">http://dsgsupply.com</a>			

BILL TO:

SHIP TO:

MASTER CONST CO  
PO BOX 788  
FARGO ND 58107-0788

MASTER CONST J: IMPROVEMENT DIST  
13 1/2 ST BETWEEN 16 & 17 NE S  
FARGO ND 58103

CUSTOMER NUMBER		CUSTOMER PO NUMBER		JOB NUMBER / RELEASE NUMBER		SALESPERSON	
99692		2412				Josiah Johnson	
WRITER		SHIP VIA		TERMS		SHIP DATE	ORDER DATE
Caleb Kallander		CITY TRUCK		Net 25th Prx		07/08/2024	07/08/2024
ORDER QTY	SHIP QTY	DESCRIPTION				UNIT PRICE	EXT PRICE
7ea	7ea	12 AWG GROUND ROD (COPPERHEAD) (ANO-12) Pn: 167631				46.841/E	327.89
7ea	7ea	14" LITE DUTY TRACER WIRE LID (BLUE) TWO-TERMINAL SWITCHABLE (COPPERHEAD SNAKEPIT) (LD14B2T-SW) Pn: 181707				40.278/E	281.95
500ft	500ft	12 AWG X 500' TRACER WIRE (BLUE) (30 MIL COATING) COPPERHEAD (1230B-HS-500) Pn: 55124				0.187/ft	93.29



## ONLINE BILLPAY NOW AVAILABLE

DSG has partnered with Billtrust to provide a new feature to help you view, print and download your invoices and statements. Online BillPay is easy to use, simple to navigate and is user-friendly. Access this tool through your DSGSupply.com account.

ENROLL TODAY BY CONTACTING US AT: ARHelp@dsgsupply.com or 1-833-374-2745 (all calls returned within 24 hours).

Invoice is due by 08/25/24.

Past Due invoices will be subject to 1.50% late charge.

Thank you for your Business!

Subtotal	\$703.13
S&H Charges	\$0.00
Tax	\$52.74
Amount Due	\$755.87

10% — 75.59  
Total 831.46

<span style="font-size: 2em; font-weight: bold; vertical-align: middle;">MASTER</span> <span style="font-size: 1.5em; font-weight: bold; vertical-align: middle;">CONSTRUCTION</span>		
BOX 788 • FARGO, ND 58107 • (701) 237-4950 • FAX (701) 237-5027		
Change Order Submitted to: <b>City of Fargo - Engineering</b>	Phone <b>701-730-8664</b>	Date <b>October 31, 2024</b>
Street <b>225 4th Street N</b>	Job Name <b>BR-24-G1</b>	
City, State, and Zip Code <b>Fargo, ND 58102</b>	Job Location <b>13th and 1/2 St</b>	
Contact <b>Aaron Edgar</b>	Bid Letting Date:	Job Phone
We hereby submit quote for the following Scope of Work:		
<b>Tree Removal</b>		
<b>Lump Sum (Includes master labor and equipment/trucking and stump removal</b>		<b>2,500.00</b>
We propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:		<b>\$ 2,500.00</b>
Two Thousand Five Hundred dollars		



**CHANGE ORDER REPORT**  
**PAVING AND UTILITY REHAB/RECONSTRUCTION**  
**IMPROVEMENT DISTRICT NO. BR-24-G1**  
**13 1/2 ST S, BETWEEN 16TH AVE S & 17TH AVE S**

Final Balancing  
Change Order

Change Order No                      2                                      Change Order Date                      6/24/2025  
Contractor                              Master Construction Co Inc

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

**EXPLANATION OF CHANGE**              Change Order # 2

This final balancing change order is to pay for two items discovered during construction and final out the project. It was discovered that there is no existing tracer wire on the watermain, since we are not replacing the main but still installing tracer wire along the watermain services, 7 additional anode rods are required for a total price of \$2,625. The next item is for a tree removal located in the way of a new driveway for the BLOC development, the cost to remove this tree \$3,300 with prime contractor markup.

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
Paving	2	Remove Pavement All Thicknesses All Types	SY	1298		1298	27	1325	\$7.75	\$209.25
	3	Topsoil - Import Special	CY	30		30	52	82	\$41.00	\$2,132.00
	4	Boulevard Grading	SY	1005		1005	302	1307	\$5.00	\$1,510.00
	5	Subgrade Preparation	SY	1622		1622	43	1665	\$4.25	\$182.75
	6	F&I Woven Geotextile	SY	1622		1622	43	1665	\$1.90	\$81.70
	7	F&I Class 5 Agg - 8" Thick	SY	1622		1622	43	1665	\$12.75	\$548.25



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 (\$)
	8	F&I Edge Drain 4" Dia PVC	LF	871		871	1	872	\$8.75	\$8.75
	11	Remove Curb & Gutter	LF	871		871	1	872	\$7.25	\$7.25
	12	F&I Sidewalk 4" Thick Reinf Conc	SY	223.00000000000003		223.00000000000003	132.97	355.97	\$68.00	\$9,041.96
	13	F&I Sidewalk 6" Thick Reinf Conc	SY	41.99999999999999		41.99999999999999	35.82	77.82	\$74.00	\$2,650.68
	14	F&I Sidewalk 7" Thick Reinf Conc	SY	45		45	-0.6	44.4	\$77.00	-\$46.20
	15	Remove Sidewalk All Thicknesses All Types	SY	310		310	153.2	463.2	\$5.10	\$781.32
	16	F&I Driveway 6" Thick Reinf Conc	SY	172		172	11.2	183.2	\$74.00	\$828.80
	17	F&I Driveway 7" Thick Reinf Conc	SY	170		170	8.4	178.4	\$77.00	\$646.80
	18	Remove Driveway All Thicknesses All Types	SY	308		308	19	327	\$6.00	\$114.00
	19	F&I Det Warn Panels Cast Iron	SF	45		45	3	48	\$64.00	\$192.00

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
	20	F&I Asphalt Pavement FAA 43 w/ PG58H-34	Ton	577		577	64.68	641.68	\$91.00	\$5,885.88
	21	Casting to Grade - no Conc	EA	7		7	-4	3	\$450.00	-\$1,800.00
	23	GV Box to Grade - no Conc	EA	2		2	1	3	\$200.00	\$200.00
	24	Mulching Type 1 Hydro	SY	1005.00000000000001		1005.00000000000001	919.14	1924.14	\$2.20	\$2,022.11
	25	Seeding Type C	SY	1005.00000000000001		1005.00000000000001	919.14	1924.14	\$4.00	\$3,676.56
	26	Weed Control Type B	SY	1005		1005	-1005	0	\$0.15	-\$150.75
	28	Temp Construction Entrance	EA	2		2	-1	1	\$750.00	-\$750.00
	29	Inlet Protection - Existing Inlet	EA	8		8	-2	6	\$220.00	-\$440.00
	33	F&I Diamond Grade Cubed	SF	24.5		24.5	3.5	28	\$20.00	\$70.00
									<b>Paving Sub Total</b>	<b>\$27,603.11</b>
Change Order 2	36	Remove Tree	EA	0		0	1	1	\$2,500.00	\$2,500.00
	37	F&I Water Main - Locator Pedestal	EA	0		0	7	7	\$268.78	\$1,881.46
									<b>Change Order 2 Sub Total</b>	<b>\$4,381.46</b>

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
Sanitary Sewer	41	Bore Pipe SDR 26 - 6" Dia PVC	LF	33		33	-33	0	\$100.00	-\$3,300.00
	43	F&I Pipe w/GB SDR 26 - 6" Dia PVC	LF	244		244	-30	214	\$160.00	-\$4,800.00
	44	F&I Pipe w/GB SDR 26 - 8" Dia PVC	LF	80		80	4	84	\$170.00	\$680.00
	46	Connect Sewer Service	EA	9		9	-2	7	\$1,250.00	-\$2,500.00
	<b>Sanitary Sewer Sub Total</b>									<b>-\$9,920.00</b>
Water Main	47	F&I Fittings C153 Ductile Iron	LB	423		423	135	558	\$14.00	\$1,890.00
	50	F&I Pipe w/GB C900 DR 18 - 6" Dia PVC	LF	103		103	-13	90	\$120.00	-\$1,560.00
	51	F&I Pipe w/GB C900 DR 18 - 8" Dia PVC	LF	18		18	-6	12	\$150.00	-\$900.00
	52	F&I Gate Valve 6" Dia	EA	2		2	2	4	\$2,500.00	\$5,000.00
	54	Bore Pipe 1" Dia Water Service	LF	43		43	-43	0	\$40.00	-\$1,720.00
	55	F&I Pipe w/GB 1" Dia Water Service	LF	315		315	-35	280	\$59.00	-\$2,065.00
	60	F&I Casting Water Service	EA	2		2	-2	0	\$210.00	-\$420.00

Section	Line No	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price (\$)	C/O Ext Price (\$)
Water Main Sub Total										\$225.00

Summary

Source Of Funding	Special Assessments, Water Utility Fund, Sanitary Utility Fund, Sales Tax
Net Amount Change Order # 2 (\$)	\$22,289.57
Previous Change Orders (\$)	\$0.00
Original Contract Amount (\$)	\$484,271.05
Total Contract Amount (\$)	\$506,560.62

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

APPROVED

For Contractor

Title

  
Master Construction  
Controller

APPROVED DATE

Department Head

Mayor

Attest



## PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(26)

Improvement District No. PR-24-A1

Type: Private Utility Relocation

Location: 45<sup>th</sup> Street & 23<sup>rd</sup> Avenue South

Date of Hearing: 6/30/2025

Routing

City Commission

Date

7/7/2025

PWPEC File

X

Project File

Jeremy Engquist

The Committee reviewed a communication from Project Manager, Jeremy Engquist, regarding the relocation of an existing private utility as part of the street improvement project.

Relocation of an existing vault and one pedestal box located in the southeast corner of 45<sup>th</sup> Street South and 23<sup>rd</sup> Avenue South will be necessary due to a conflict with the proposed sidewalk placement. The total cost to be reimbursed to Sparklight for the relocation of their utilities is \$13,878.

On a motion by Brenda Derrig, seconded by Mark Williams, the Committee voted to recommend approval the utility relocation and payment to Sparklight in the amount of \$13,878.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve the utility relocation and invoice from Sparklight in the amount of \$13,878.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Utility Funds, State Funds & Special Assessments

Developer meets City policy for payment of delinquent specials

Yes No

N/A

Agreement for payment of specials required of developer

N/A

Letter of Credit required (per policy approved 5-28-13)

N/A

COMMITTEE

Present	Yes	No	Unanimous
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mark Williams
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ryan Erickson
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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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"/>	

Tim Mahoney, Mayor

Nicole Crutchfield, Director of Planning

Gary Lorenz, Fire Chief

Brenda Derrig, Assistant City Administrator

Ben Dow, Director of Operations

Steve Sprague, City Auditor

Tom Knakmuhs, City Engineer

Susan Thompson, Finance Director

ATTEST:

C: Kristi Olson



Tom Knakmuhs, P.E.  
City Engineer

# Memorandum

**To:** Members of PWPEC  
**From:** Jeremy Engquist, Project Manager  
**Date:** June 24, 2025  
**Re:** Improvement District No. PR-24-A1 - Relocation of Private Utility (Sparklight)

---

**Background:**

This project involves concrete pavement repairs and incidental work on 45<sup>th</sup> Street South from I-94 to 32<sup>nd</sup> Avenue South and on 32<sup>nd</sup> Avenue South from 42<sup>nd</sup> Street South to 45<sup>th</sup> Street South. The scope also includes lane widening and intersection improvements on 32<sup>nd</sup> Avenue South between 42<sup>nd</sup> Street South and 45<sup>th</sup> Street South. Reede Construction is the Prime Contractor for this project.

The attached invoice from Sparklight pertains to the relocation of one existing vault and one pedestal box located at the southeast corner of 45<sup>th</sup> Street South and 23<sup>rd</sup> Avenue South. This relocation was necessary due to a conflict with the proposed sidewalk placement. The utilities, currently within an existing utility easement, were relocated to align with a newly acquired utility easement designated by the City. The total cost for this work is \$13,878.00.

**Recommended Motion:**

Approve payment in the amount of \$13,878.00 to Sparklight for the relocation of the existing private utilities as part of this street improvement project.

Attachment



DATE	INVOICE#
------	----------

6/17/2025

100617

BILL TO:
----------

City of Fargo/Engineering  
c/o Jeremy Engquist  
225 4th St N  
Fargo ND 58102

REMIT PAYMENT TO:
-------------------

/Sparklight ATT: Allan Friedt  
1024 Page Dr S  
Fargo, ND 58103

Description
Relocate Vault and Pedestal 23rd ave and 45th st s

DESCRIPTION	QUANTITY	U/M	AMOUNT		EXTENDED
Mini and Vac	34	hours	\$235.00		\$7,990.00
Labor	70	hours	\$80.00		\$5,600.00
Material	1	unit	\$288.00		\$288.00
				TOTAL:	\$13,878.00

Terms: Net 30 Days





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**FINANCE OFFICE**  
225 4<sup>th</sup> Street North  
Fargo, ND 58102  
Phone: (701) 241-1333  
[www.FargoND.gov](http://www.FargoND.gov)

**TO:** Board of Commissioners

**FROM:** Susan Thompson, Director of Finance

**RE:** FAHR Staff meeting – Items for Commission Review/Approval

**DATE:** July 1, 2025

---

**Receive & File:** Sales Tax Update

**Action Needed:** *FAHR endorsed the respective departments' requests for City Commissions approval. Reports of Action and supporting schedules are included.*

**Budget Adjustments**

Police – Axon Draft One (Public Safety Sales Tax -2025 approval)  
Police – K9 (Fargo Police Foundation)

**Other Financial Considerations**

Inspections – Fee update  
Municipal Court – Fee update (subsequent to FAHR meeting; endorsed by FAHR)

## City of Fargo

## Comparative Sales Tax Analysis of All Sales Tax Revenue - ACCRUAL BASIS

PB: SS/KAC (prior to 2022)

6/20/2025

Payment Date	month collected	County Amount	Annual County Collections	County Growth %	PSST Amount	Infra & FC Amount	Total City Amount	Annual City Collections	City Growth %
2025 Collections			6,486,006.21	-6.68%				20,390,830.33	-6.33%
6/20/2025	Apr-25	1,616,213.54			600,695.48	4,805,564.00	5,406,259.48		
5/21/2025	Mar-25	1,698,986.33			-	5,424,656.49	5,424,656.49		
4/22/2025	Feb-25	1,477,568.31			-	4,523,059.25	4,523,059.25		
3/21/2025	Jan-25	1,693,238.03			-	5,036,855.11	5,036,855.11		
2024 Collections			23,304,345.12	0.86%				69,824,744.71	0.83%
2/22/2025	Dec-24	2,207,030.88			-	6,626,714.99	6,626,714.99		
1/21/2025	Nov-24	2,281,112.22			-	6,540,733.39	6,540,733.39		
12/20/2024	24-Oct	1,764,529.62			-	5,342,358.63	5,342,358.63		
11/22/2024	Sept-24	2,257,740.11			-	6,622,406.84	6,622,406.84		
10/21/2024	Aug-24	2,088,361.27			-	6,284,633.45	6,284,633.45		
9/21/2024	July-24	1,746,626.42			-	5,168,111.30	5,168,111.30		
8/21/2024	June-24	2,659,707.17			-	7,859,913.01	7,859,913.01		
7/22/2024	May-24	1,348,902.41			-	4,252,926.43	4,252,926.43		
6/24/2025	Apr-24	1,759,660.73			-	5,404,517.72	5,404,517.72		
5/21/2024	Mar-24	2,276,388.27			-	6,980,911.25	6,980,911.25		
4/22/2024	Feb-24	1,023,591.77			-	3,163,097.74	3,163,097.74		
3/21/2024	Jan-24	1,890,694.25			-	5,578,419.96	5,578,419.96		
2023 Collections			23,106,462.71	8.18%				69,250,461.96	4.02%
2022 Collections			21,358,922.89	-2.56%				66,571,120.26	4.28%
2021 Collections			21,920,710.74	31.11%				63,840,810.53	29.90%
2020 Collections			16,719,327.13	0.30%				49,146,842.57	-5.00%
2019 Collections			16,670,136.34	6.04%				51,732,824.69	7.36%
2018 Collections			15,720,221.20					48,185,965.90	
Totals Since 2018			\$ 145,286,132		\$ 600,695	\$ 438,342,905	\$ 438,943,601		

**Report of Action:**  
**FAHR Meeting of June 30, 2025**

☐ Purchase Policy  
☒ Budget Adjustment/Reallocation  
☐ Personnel Request  
☐ Other Financial

**Department:** Police

**Description:** See Memo. Police requests authorization of the Axon Draft One funding as was approved through the Public Safety Sales Tax Allocations in May, and related budget adjustments. Contract is from 7/15/25-7/15/26 to align with existing Axon contract.

**Net Financial Impact:** \$190,476 (funded by 2025 Public Safety Sales Tax)

At their meeting, FAHR endorsed this request.

**Suggested Motion:** Approve the allocation of \$190,476 for the Axon Draft One Contract, covering the period of July 15, 2025 through July 16, 2026, using previously authorized public Safety Sales Tax, and related budget adjustment.



# FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

*OFFICE OF THE CHIEF*

## MEMORANDUM

To: F.A.H.R. Committee

From: Chief David Zibolski 

Date: 06/13/2025

RE: Recommendation for Department-Wide Implementation of AXON Draft One

FAHR Committee Members,

The Fargo Police Department remains committed to implementing innovative solutions that improve operational efficiency, officer well-being, and service delivery to the citizens of Fargo. As previously submitted to this committee in February 2025, AXON Draft One was identified as a valuable tool to improve report writing efficiency department-wide, following a successful pilot program and comprehensive evaluation.

During the February 2025 discussion, the pilot results and recognized benefits of Draft One were noted, with preliminary funding discussions focused on utilizing Public Safety Sales Tax revenues. Through subsequent planning and budget development, the Public Safety Sales Tax allocation was approved by the City Commission to fully fund this project as part of the department's broader operational efficiency initiatives.

As part of the next steps, I am formally resubmitting the AXON Draft One project to the FAHR Committee with the finalized contract pricing and term. The updated contract total is **\$190,476.00**, covering the subscription period from **July 15, 2025, through July 15, 2026**. This contract period was intentionally structured to align with our broader department-wide AXON contract renewal cycle, ensuring consistency across our AXON product suite and simplifying future budgeting and renewal processes.

To briefly recap, AXON Draft One delivers significant benefits to the department and community:

- **Increased operational efficiency and reduced administrative time** for officers, allowing more time for field operations and community engagement.
- **Enhanced report quality and accuracy**, with well-structured narratives that improve prosecutorial outcomes and reduce court subpoenas.
- **Reduction in officer overtime and improved work-life balance**, directly impacting officer morale and wellness.

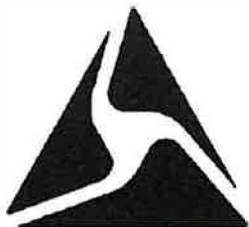
The results from the pilot program demonstrated measurable time savings and operational improvements, which directly align with the department's strategic goals of improving internal processes while maintaining high-quality public safety services. The City Commission's approval of the Public Safety Sales Tax allocation now allows this project to move forward with this updated pricing submission.

Thank you for your continued support of this important project. Please contact me if you have any questions or require additional information.

**Recommended Motion:**

Approve the allocation of \$190,476.00 for the AXON Draft One contract, covering the period of July 15, 2025, through July 15, 2026, utilizing funds previously authorized through the Public Safety Sales Tax allocation.

ACCT# - (Exact Funding Account line for P.S.S.T. to be identified)



**Axon Enterprise, Inc.**  
17800 N 85th St.  
Scottsdale, Arizona 85255  
United States  
VAT: 86-0741227  
Domestic: (800) 978-2737  
International: +1.800.978.2737

Q-654659-45814NB

Issued: 06/06/2025

Quote Expiration: 06/30/2025

Estimated Contract Start Date: 07/15/2025

Account Number: 109484

Payment Terms: N30

Mode of Delivery: UPS-GND

Credit/Debit Amount: \$0.00

SHIP TO		BILL TO		SALES REPRESENTATIVE		PRIMARY CONTACT	
Fargo Police Dept. 105 25TH ST N FARGO, ND 58102-4002 USA		Fargo Police Dept. - ND 105 25th St N Fargo ND 58102-4002 USA Email:		Nick Butier Phone: Email: nbutier@axon.com Fax:		Travis Stefonowicz Phone: (701) 241-8107 Email: tstefonowicz@fargond.gov Fax: 7012411407	

Quote Summary

Program Length	12 Months
TOTAL COST	\$190,476.00
ESTIMATED TOTAL W/ TAX	\$190,476.00

Discount Summary

Average Savings Per Year	\$0.00
TOTAL SAVINGS	\$0.00

Date	Subtotal	Tax	Total
Jul 2025	\$190,476.00	\$0.00	\$190,476.00
Total	\$190,476.00	\$0.00	\$190,476.00

Quote Unbundled Price:	\$190,476.00
Quote List Price:	\$190,476.00
Quote Subtotal:	\$190,476.00

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
A la Carte Software									
85760	AXON AUTO-TRANSCRIBE - UNLIMITED SERVICE	185	12		\$20.80	\$20.80	\$46,176.00	\$0.00	\$46,176.00
101283	AXON RECORDS - DRAFT ONE - AI-ASSISTED REPORT WRITING	185	12		\$65.00	\$65.00	\$144,300.00	\$0.00	\$144,300.00
Total							\$190,476.00	\$0.00	\$190,476.00

Delivery Schedule

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
A la Carte	101283	AXON RECORDS - DRAFT ONE - AI-ASSISTED REPORT WRITING	185	07/15/2025	07/14/2026
A la Carte	85760	AXON AUTO-TRANSCRIBE - UNLIMITED SERVICE	185	07/15/2025	07/14/2026



Shipping Locations

Location Number	Street	City	State	Zip	Country
1	105 25TH ST N	FARGO	ND	58102-4002	USA

Payment Details

Jul 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Add	101283	AXON RECORDS - DRAFT ONE - AI-ASSISTED REPORT WRITING	185	\$144,300.00	\$0.00	\$144,300.00
Add	85760	AXON AUTO-TRANSCRIBE - UNLIMITED SERVICE	185	\$46,176.00	\$0.00	\$46,176.00
Total				\$190,476.00	\$0.00	\$190,476.00

**Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.**

## Standard Terms and Conditions

### Axon Enterprise Inc. Sales Terms and Conditions

#### Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at <https://www.axon.com/sales-terms-and-conditions>), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

#### ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at [www.axon.com/legal/sales-terms-and-conditions](http://www.axon.com/legal/sales-terms-and-conditions)), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

#### Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Attest

6/6/2025





**Report of Action:**  
**FAHR Meeting of June 30, 2025**

- ☐ Purchase Policy
- ☒ Budget Adjustment/Reallocation
- ☐ Personnel Request
- ☐ Other Financial

**Department:** Police

**Description:** See memo. Police requests to accept a donation from Fargo Police Foundation in the amount of \$30,650 to begin the acquisition and training of a replacement K9 unit, as K9 Blue is scheduled to retire at the end of the year. Police also request the related budget adjustment. Police will track all costs related to the donation and send an invoice to the donor at the conclusion of the procurement and training.

**Net Financial Impact:** \$0. Donated funds will cover initial costs of acquisition and training. Ongoing operating costs are budgeted for 2026.

At their meeting, FAHR endorsed this request.

**Suggested Motion:**

Approve the receipt of a \$30,650 donation from the Fargo Police Foundation to acquire and train a new K9 unit in the fall of 2025 so the dog is ready for service at the end of 2025; approve related budget adjustments as noted.



# FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

*OFFICE OF THE CHIEF*

## MEMORANDUM

F.A.H.R. Committee

TO: Chief David Zibolski *DZ*

DATE: 06/26/2025

### Acceptance of Fargo Police Foundation Donation for Replacement K9

Fargo Police Department respectfully requests approval to accept a donation from the Fargo Police Foundation in the amount of \$30,650 to support the acquisition and training of a replacement K9 Unit. These funds have already been received and will be formally approved by the Fargo Police Foundation on July 11, 2025.

K9 Blue is scheduled to retire in December 2025. To ensure uninterrupted service and preserve operational readiness, this replacement K9 and new handler will overlap with K9 Blue for a short transitional period. This overlap allows the new team to train alongside an experienced K9 unit, ensuring a smooth handoff of responsibilities and continuity in the critical services our K9 team provides.

The total donation will fully cover the following costs:

- \$13,000 – Purchase of a new K9 from Performance Kennels Inc. in Buffalo, MN
- \$6,500 – K9 handler and team training at Code Blue K9 LLC in Rushford, MN
- \$11,150 – Per diem and travel expenses for the handler and K9 during the 12.5-week training period (August–October)

K9 procurement followed a formal competitive process through **RFQ25202**, which generated three competitive bids. Based on the results and past successful experiences, the preferred K9 vendor is **Performance Kennels Inc.**, whose bloodline of working dogs has proven to be reliable and high-performing in police service applications.

Upon acquisition, the K9 and its assigned handler will attend the 12.5-week training course, August through October, with **Code Blue K9 LLC**, an established provider with a strong track record in law enforcement K9 development.

This entire project, including the K9 purchase, training, and travel, will be fully funded through the generous donation of the Fargo Police Foundation.

This initiative aligns directly with the Foundation's mission and vision to invest in staff wellness, enhance public safety, and strengthen police-community relationships. By ensuring the continued availability of K9 resources, the Fargo Police Foundation demonstrates its commitment to providing the Fargo Police Department with tools and training to meet evolving public safety needs.

We appreciate the Committee's consideration and ongoing support of public safety efforts.

We respectfully request a motion to:

- Accept the \$30,650 donation into revenue account = **101-0000-365-85-00**
- Utilize identified expense account line = **101-5045-411-68-10**
  - **PD98** = project code to track all expenses related to this K9 acquisition and training effort
- **Request For Quote# 25202**
- **Requisition# 266205**

## BUDGET ADJUSTMENT REQUEST

*This form must be completed for all budget adjustments. Please include this form with any requests submitted to FAHR and Commission. If the requested adjustment is a reallocation of budgeted funds within the same department, the request form can be sent directly to Finance. Please email to: [Finance@fargond.gov](mailto:Finance@fargond.gov).*

*Finance should review this adjustment request form for validity before it is presented to ensure accuracy. Any budget adjustments that increase expenditures **MUST** be approved by City Commission to be entered.*

**DEPARTMENT:** Police Department

**REQUESTED BY:** Travis Stefonowicz

**PROJECT NUMBER :** PD98

**DATE PREPARED:** 6/23/2025

**DESCRIPTION OF REQUEST:**

Purchase of replacement K9 through the Police Department

NOTE: if relevant, please identify the appropriate fiscal year in the description

REVENUE ACCOUNT NUMBER:	CURRENT BUDGET	REQUESTED ADJUSTMENT	NEW BUDGET
101-0000-365-85-00	\$ -	\$ 30,650	= \$ 30,650
			= \$ -
		+	= \$ -
		+	= \$ -
TOTAL REVENUE ADJUSTMENTS:		\$ 30,650	

EXPENSE ACCOUNT NUMBER:	CURRENT BUDGET	REQUESTED ADJUSTMENT	NEW BUDGET
101-5045-411-68-10		\$ 30,650	= \$ 30,650
			= \$ -
		+	= \$ -
		+	= \$ -
		+	= \$ -
		+	= \$ -
		+	= \$ -
TOTAL EXPENSE ADJUSTMENTS:		\$ 30,650	

**PLEASE NOTE: Budget Adjustments that increase expenditures **MUST** be approved by Finance & Commission.**

MONTHLY ALLOCATION (if not evenly over the remaining months of the year)					
Jan	Feb	Mar	Apr	May	June
Jul	Aug	Sep	Oct	Nov	Dec

### FINANCE DEPT USE ONLY:

**FAHR REVIEWED ON:**

**COMMISSION APPROVED ON:**

**ENTERED BY FINANCE:**

**Date:**

**By:**

**BA#**



**Report of Action:**  
**FAHR Meeting of June 30, 2025**

- ☐ Purchase Policy
- ☐ Budget Adjustment/Reallocation
- ☐ Personnel Request
- ☒ Other Financial

**Department:** Inspections  
**Description:** See Memo. Inspections requests to increase rental inspection fees from \$75 to \$150 for any inspection after the second inspection.  
**Net Financial Impact:** Some additional revenue to help offset the personnel cost associated with subsequent inspections. Not quantified and varies annually.

At their meeting, FAHR endorsed this request.

**Suggested Motion:**  
Adopt the Rental Inspection and Code Enforcement fee schedule as presented.





## INSPECTIONS

### INSPECTIONS DEPARTMENT

Fargo City  
Hall 225 Fourth  
Street North Fargo,  
ND 58102  
Phone: 701.241.1561 | Fax: 701.476.6779  
[FargoND.gov](http://FargoND.gov)

---

## Memorandum

DATE: July 7, 2025  
TO: Mayor and Board of City Commissioners  
FROM: Shawn Ouradnik, Inspections Director  
SUBJECT: Inspections Department fee updates

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### Background:

The inspections Department has reviewed our fees and noted updates are needed. The department is asking to update our Rental inspection and Code Enforcement fee schedule.

During the code adoption process it was noted by our team that the Rental inspection fees were adopted with the code instead of the city commission approving and adopting a fee schedule as is done with the other building codes. We also noted that the Code Enforcement fees were listed under the Residential building permit fee schedule and the Commercial building permit fee schedule. We feel that these places are not appropriate for the fees and has led to some confusion. By adopting a fee schedule separate from other fee schedules and separate from the adopted codes it will clarify what the fees are adding to the transparency and mitigating confusion for the public. The approval of the fee schedule will increase the Code Enforcement fees from \$75.00 to \$150.00 for any inspection after the second inspection.

Documentation showing changes is attached.

**RECOMMENDED MOTION:** To adopt the Rental inspection and Code Enforcement fee schedule.



## INSPECTIONS

### INSPECTIONS DEPARTMENT

Fargo City  
Hall 225 Fourth  
Street North Fargo,  
ND 58102  
Phone: 701.241.1561 | Fax: 701.476.6779  
[FargoND.gov](http://FargoND.gov)

### FARGO RENTAL AND CODE ENFORCEMENT INSPECTIONS

Effective XXXX, 2025

Inspection	Fee
Initial Inspection	No Charge
First Re-Inspection	No Charge
Second Re-Inspection	\$150.00
Third Re-Inspection	\$150.00
Fourth and Subsequent Re-Inspections	\$150.00
Replacement for removal of Building placard	\$150.00

Fees will be charged for all government projects. Fees will be charged for all inspections conducted beyond the first Re-Inspection even if owner, owners authorized agent, tenant, or other people having any other legal interest in the property are not present.



**Report of Action:**  
**FAHR Meeting of June 30, 2025**

- ☐ Purchase Policy
- ☐ Budget Adjustment/Reallocation
- ☐ Personnel Request
- ☒ Other Financial

**Department:** Municipal Court

**Description:** As a practice, Municipal Court follows the same charges as State Court for filing paperwork, preparing certified copies, etc. During the last legislative session, the State Court fee for these services was increased from \$10 to \$20. Municipal Court requests to increase their fees to \$20 to remain consistent with State Court. See Notice of Fee increase.

**Net Financial Impact:** Some nominal additional revenue to help offset the personnel and supply costs associated with processing these requests. Not quantified and varies annually.

This request was received after the FAHR meeting; however, a poll of FAHR members indicated endorsement of the request.

**Suggested Motion:**

Approve the increase of fees for paperwork processing as described in the fee schedule notice from \$10 to \$20, consistent with the rates of State Court.



## STATE OF NORTH DAKOTA COURTS

### Notice of Fee Increases

Monday, June 23, 2025

Effective July 1, 2025, all court filing fees and service fees for clerks to prepare, certify, issue or transmit a document will increase (SB 2057). The restitution collection fee assessed upon conviction for issuing a check or draft without sufficient funds or without an account will also increase.

The last time Supreme Court and District Court filing fees and clerk of court service fees were increased was 1995. The Small Claims Court filing fee has not been increased since 1985. The restitution collection fee was enacted in 2003 and this is the first time it has been increased.

The new fee amounts will be:

**Supreme Court Filing Fee [NDCC 27-03-05]:** Increased from \$125 to \$250.

**Small Claims Court Filing Fee [current citation NDCC 27-05.2-03(c), citation after 7/12/2025 NDCC 27-05.2-03(e)]:** Increased from \$10 to \$20.

**District Court Civil filing fee [NDCC 27-05.2-03(1)(a) and NDCC 27-05.2-03 (1)(b)]:** Increased from \$80 to \$160.

**District Court Answer fee [current citation NDCC 27-05.2-03(b), citation after 7/12/2025 NDCC 27-05.2-03(1)(c)]:** Increased from \$50 to \$100.

**District Court Motion Fee [NDCC 27-05.2-03 (1)(d)]:** For filing a motion to modify spousal support, property division, child support, parental rights and responsibilities, residential responsibilities, or parenting time. Increased from \$30 to \$160.

**District Court Answer to Motion Fee [current citation NDCC 27-05.2-03 (1)(f); citation after 7/1/25 NDCC 27-05.2-03 (1)(d)]:** For filing an answer to a motion to modify spousal support, property division, child support, parental rights and responsibilities, residential responsibilities, or parenting time. Increased from \$30 to \$100.

**Clerk of Court - Other filing fee/fees for preparing, certifying, issuing or transmitting a document [NDCC 27-05.2-03 (1)(d) and NDCC 27-05.2-03 (1)(e), citations after 7/1/2025 NDCC 27-05.2-03(1)(f) and NDCC 27-05.2-03(1)(g)]:** Increased from \$10 to \$20.

**Restitution Collection Assistance Fee [NDCC 12.1-32-08-(6)]** The fee is the greater of the sum of \$10 or an amount equal to the 25% of the restitution ordered, not to exceed \$1,000. The base fee has been Increased from \$10 to \$20.



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**M E M O R A N D U M**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: JENN FAUL**  
DIRECTOR OF PUBLIC HEALTH

**DATE: JUNE 27, 2025**

**RE: NOTICE OF GRANT AWARD AMENDMENT FROM NDHHS FOR  
PHEP – EPR STATEWIDE RESPONSE TEAM.  
NO: G23.765A CFDA: 93.069  
FUNDS: \$NO EXTRA FUNDS EXTENSION OF END DATE  
EXPIRES: 12/31/2025**

The attached notice of grant award amendment is for an extension of the end date for the Public Health Emergency Preparedness grant G23.765A from June 30, 2025 to December 31, 2025.

**BUDGET ADJUSTMENT**

No budget adjustments.

If you have any questions, please contact me at 241.1380.

**Suggested Motion:**

Move to approve this grant award amendment from the ND Department of Health and Human Services.

JF/lls  
Attachment

**NOTICE OF GRANT AWARD**NORTH DAKOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
SFN 53771 (05-2025)

Grant Number G23.765A	CFDA Name Public Health Emergency Preparedness (PHEP)	CFDA Number 93.069	
FAIN Number NU90TU000004	Grant Type (Check One) <input checked="" type="checkbox"/> Program <input type="checkbox"/> R&D	Grant Start Date 7/1/2025	
Grant End Date 12/31/2025	Federal Awarding Agency Department of Health and Human Services		
This award is not effective, and expenditures related to this award should not be incurred until all parties have signed this document.			
Title of Project/Program PHEP – EPR Statewide Response Team		North Dakota Department of Health and Human Services (NDDHHS) Project Code: 6611S327-11	
Grantee Name Fargo – Cass Public Health		Project Director Tim Wiedrich, Director	
Address 1240 – 25 <sup>th</sup> Street South		Address 1720 Burlington Drive, Suite A	
City/State/ZIP Code Fargo, ND 58103-2367		City/State/ZIP Code Bismarck, ND 58504	
Contact Name Jenn Faul		Contact Name Juli Sickler, Unit Director	
Telephone Number 701-241-1360		Telephone Number 701-328-2293	
Email Address jfaul@fargond.gov		Email Address jsickler@nd.gov	
Amount Awarded	NDDHHS Cost Share \$0	Grantee Cost Share \$0	Total Costs \$0
Previous Funds Awarded	\$220,105	\$0	\$220,105
Total Funds Awarded	\$220,105	\$0	\$220,105
Indirect Rate (Check One)	<input checked="" type="checkbox"/> Subrecipient waived indirect costs	<input type="checkbox"/> De minimis rate of % (limited to 15%)	<input type="checkbox"/> Negotiated/Approved rate of %
Scope of Service This amendment extends the end date from June 30, 2025, to December 31, 2025.			
Reporting Requirements A year-end progress report, as prescribed by the North Dakota Department of Health and Human Services (NDDHHS), must be submitted by January 31, 2026. All other reporting requirements of the original agreement remain the same.			
Special Conditions All special conditions of the original agreement remain the same.			
This Notice of Grant Award is subject to the terms and conditions incorporated either directly or by reference in the following: (1) Requirements Addendum and Grantee Assurances for Notice of Grant Awards issued by the NDDHHS as signed by Grantee for the period of July 1, 2025 to June 30, 2027 [Finance Use Only: <input type="checkbox"/> Requirements Received; <input type="checkbox"/> Questionnaire received] and (2) applicable State and Federal regulations.			
Evidence of Grantee's Acceptance		Evidence of NDDHHS Acceptance	
Date 06/27/2025	Signature 	Date	Signature
Typed Name/Title of Authorized Representative Jenn Faul, Director of Public Health		Typed Name/Title of Authorized Representative Tim Wiedrich, Director Health Response and Licensure	
Date	Signature	Date	Signature
Typed Name/Title of Authorized Representative Timothy J. Mahoney, Mayor, City of Fargo		Typed Name/Title of Authorized Representative Dirk D. Wilke, J.D., M.B.A., Executive Director of Public Health	
ATTEST:		Steve Sprague, City Auditor	

If attachments are referenced, they must be returned with the signed award.  
If you did not receive attachments as indicated, contact the Program Director identified above.



(29)

## MEMORANDUM

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: JENN FAUL**  
DIRECTOR OF PUBLIC HEALTH

**DATE: JUNE 27, 2025**

**RE: NOTICE OF GRANT AWARD AMENDMENT FROM NDHHS FOR  
PHEP – CITY READINESS INITIATIVE.  
NO: G23.908A CFDA: 93.089  
FUNDS: \$NO EXTRA FUNDS EXTENSION OF END DATE  
EXPIRES: 12/31/2025**

The attached notice of grant award amendment is for an extension of the end date for the Public Health Emergency Preparedness grant G23.908 from June 30, 2025 to December 31, 2025.

### BUDGET ADJUSTMENT

No budget adjustments.

If you have any questions, please contact me at 241.1380.

### **Suggested Motion:**

Move to approve this grant award amendment from the ND Department of Health and Human Services.

JF/lls  
Attachment

**NOTICE OF GRANT AWARD**NORTH DAKOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
SFN 53771 (05-2025)

Grant Number G23.908A	CFDA Name Public Health Emergency Preparedness (PHEP)	CFDA Number 93.089
FAIN Number NU90TU000004	Grant Type (Check One) <input checked="" type="checkbox"/> Program <input type="checkbox"/> R&D	Grant Start Date 7/1/2025
Federal Award Date 6/13/2024	Grant End Date 12/31/2025	
Federal Awarding Agency Department of Health and Human Services		
This award is not effective, and expenditures related to this award should not be incurred until all parties have signed this document.		
Title of Project/Program PHEP – City Readiness Initiative		North Dakota Department of Health and Human Services (NDDHHS) Project Code: 6611S327-11
Grantee Name Fargo – Cass Public Health		Project Director Tim Wiedrich, Director
Address 1240 25 <sup>th</sup> Street South		Address 1720 Burlington Drive, Suite A
City/State/ZIP Code Fargo, ND 58103-2367		City/State/ZIP Code Bismarck, ND 58504
Contact Name Jenn Faul		Contact Name Juli Sickler, Unit Director
Telephone Number 701-241-1380		Telephone Number 701-328-2293
Email Address Jfaul@Fargond.gov		Email Address jsickler@nd.gov
Amount Awarded	NDDHHS Cost Share \$0	Grantee Cost Share \$0
Previous Funds Awarded	\$158,000	Total Costs \$158,000
Total Funds Awarded	\$158,000	\$0
Indirect Rate (Check One)	<input checked="" type="checkbox"/> Subrecipient waived indirect costs	<input type="checkbox"/> De minimis rate of % (limited to 15%)
		<input type="checkbox"/> Negotiated/Approved rate of %
Scope of Service This amendment extends the end date from June 30, 2025, to December 31, 2025. All other scope of service elements of the original agreement remains the same.		
Reporting Requirements A year-end progress report, as prescribed by the NDDHHS, must be submitted by January 31, 2026. All other reporting requirements of the original agreement remain the same.		
Special Conditions All special conditions of the original agreement remain the same.		
This Notice of Grant Award is subject to the terms and conditions incorporated either directly or by reference in the following: (1) Requirements Addendum and Grantee Assurances for Notice of Grant Awards issued by the NDDHHS as signed by Grantee for the period of July 1, 2025 to June 30, 2027 [Finance Use Only: <input type="checkbox"/> Requirements Received; <input type="checkbox"/> Questionnaire received] and (2) applicable State and Federal regulations.		
Evidence of Grantee's Acceptance		Evidence of NDDHHS Acceptance
Date 06/27/2025	Signature 	Date
Typed Name/Title of Authorized Representative Jenn Faul, Director of Public Health		Signature
		Typed Name/Title of Authorized Representative Tim Wiedrich, Director Health Response and Licensure
Date	Signature	Date
		Signature
Typed Name/Title of Authorized Representative Timothy J. Mahoney, Mayor, City of Fargo		Typed Name/Title of Authorized Representative Dirk D. Wilke, J.D., M.B.A., Executive Director of Public Health
ATTEST:		Steve Sprague, City Auditor

If attachments are referenced, they must be returned with the signed award.  
If you did not receive attachments as indicated, contact the Program Director identified above.





(30)

**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: JENN FAUL**  
DIRECTOR OF PUBLIC HEALTH

**DATE: JULY 2, 2025**

**RE: NOTICE OF GRANT AWARD FROM NDHHS FOR HIV.HCV  
COUNSELING, TESTING AND REFERRAL.  
NO: G25.160 CFDA: 93.940 FOR \$15,640  
FUNDS: \$17,600  
EXPIRES: 05/31/2026**

The attached notice of grant award is for Fargo Cass Public Health to continue providing services such as collecting blood specimens for rapid HIV/HCV testing for persons at risk for infection.

**BUDGET ADJUSTMENT**

No budget adjustments.

If you have any questions, please contact me at 241.1380.

**Suggested Motion:**

Move to approve this grant award from the ND Department of Health and Human Services.

JF/lls  
Attachment

**NOTICE OF GRANT AWARD**

NORTH DAKOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
SFN 53771 (05-2025)

Grant Number G25.160	CFDA Name HIV: HIV Prevention Activities Health Department Based GF: Not Applicable		CFDA Number HIV: 93.940 for \$15,640 GF: Not Applicable for \$1,960
FAIN Number HIV: GF: Not Applicable	Grant Type (Check One) <input checked="" type="checkbox"/> Program <input type="checkbox"/> R&D	Grant Start Date 7/1/2025	Grant End Date 5/31/2026
Federal Award Date HIV: GF: Not Applicable	Federal Awarding Agency HIV: Department of Health and Human Services, Centers for Disease Control (CDC). GF: Not Applicable		
This award is not effective and expenditures related to this award should not be incurred until all parties have signed this document.			
Title of Project/Program HIV.HCV Counseling, Testing and Referral (CTR)		North Dakota Department of Health and Human Services (NDDHHS) Project Code HIV: 2201 S537 02 \$15,640. GF: 2201 Z639 01 \$1,960.	
Grantee Name Fargo Cass Public Health		Project Director Lindsey VanderBusch, MPH	
Address: 1240 25th Street South		Address: 600 E Boulevard Ave, Dept 325	
City/State/ZIP Code: Fargo, ND 58103		City/State/ZIP Code: Bismarck, ND 58505-0250	
Contact Name: Jenn Faul		Contact Name: Lindsey VanderBusch	
Telephone Number: 701-241-1380		Telephone Number: 701-328-4555	
Email Address: jfaul@fargond.gov		Email Address: lvanderbusch@nd.gov	
	NDDHHS Cost Share	Grantee Cost Share	Total Costs
Amount Awarded	\$17,600	\$0	\$17,600
Previous Funds Awarded	\$0	\$0	\$0
Total Funds Awarded	\$17,600	\$0	\$17,600
Indirect Rate (Check One)	<input type="checkbox"/> Subrecipient waived indirect costs	<input checked="" type="checkbox"/> De minimis rate of 10 % (limited to 15%)	<input type="checkbox"/> Negotiated/Approved rate of %
Scope of Service Scope of Service Requirements are defined in Attachment A.			
Reporting Requirements Grantee must provide monthly expenditure and progress reports via the Program Reporting System (PRS). Monthly expenditure and progress reports are due 15 days after the end of each month. Final expenditure report for the period ending May 31, 2026 must be received by July 15, 2026. Epidemiologic data must be submitted using the online reporting tool within one week of the specimen collection. Reimbursements will be processed upon Department approval of expenditures and progress reports.			
Special Conditions If Grantee has the ability to bill third-party payers for these services, Grantee is expected to do so as appropriate before requesting reimbursement from the Department.			
This Notice of Grant Award is subject to the terms and conditions incorporated either directly or by reference in the following: (1) Requirements Addendum and Grantee Assurances for Notice of Grant Awards issued by the NDDHHS as signed by Grantee for the period of July 1, 2025 to June 30, 2027 [Finance Use Only: <input type="checkbox"/> Requirements Received; <input type="checkbox"/> Questionnaire received] and (2) applicable State and Federal regulations.			
Evidence of Grantee's Acceptance		Evidence of NDDHHS Acceptance	
Date 07/02/2025	Signature 	Date	Signature
Typed Name/Title of Authorized Representative Jenn Faul, Director of Public Health		Typed Name/Title of Authorized Representative Lindsey VanderBusch, MPH, Unit Director Sexually Transmitted and Blood Borne Diseases	
Date	Signature	Date	Signature
Typed Name/Title of Authorized Representative Timothy J. Mahoney, Mayor, City of Fargo		Typed Name/Title of Authorized Representative Dirk D. Wilke, J.D., M.B.A., Executive Director of Public Health	
ATTEST:		Steve Sprague, City Auditor	

If attachments are referenced, they must be returned with the signed award.  
If you did not receive attachments as indicated, contact the Program Director identified above.

**G25.160**  
**Fargo Cass Public Health**  
**Attachment A**

**Scope of Service**

Grantee will provide the following services:

- Collect blood specimens for rapid HIV/HCV testing for persons at risk for infection.
- Provide pre-test and post-test counseling to individuals being screened for HIV/HCV at a time and place appropriate for both the client and provider.
- Collect and provide blood specimens to confirm positive rapid screens to the NDDHHS Laboratory Services Section using the most recent laboratory specimen testing form.
- Submit the mandatory epidemiologic information on all tests performed within one week of specimen collection via online reporting tool.
- Provide hepatitis A and hepatitis B vaccinations to individuals in whom a risk factor has been identified or are positive for hepatitis C.
- Provide community outreach testing and education.
- Ensure access to HIV prevention supplies and educational materials.
- Provide linkage to medical care services for HCV positive individuals.
- Follow all requirements as written in the NDDHHS Counseling, Testing and Referral Manual.
- File necessary records consistent with the Maven Security Policy.
- Conduct evaluative activities as requested by the Department.
- Participate in HIV/HCV CTR site meetings, training and activities as requested.



(31)

**M E M O R A N D U M**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: JENN FAUL**  
*JF*  
**DIRECTOR OF PUBLIC HEALTH**

**DATE: JULY 2, 2025**

**RE: NOTICE OF GRANT AWARD FROM NDHHS FOR PHEP – EPR  
ALL HAZARDS ALLOCATION.  
NO: G23.014 CFDA: 93.069  
FUNDS: \$12,062  
EXPIRES: 06/30/2026**

The attached notice of grant award is for Fargo Cass Public Health to continue their public health emergency preparedness activities.

**BUDGET ADJUSTMENT**

No budget adjustments.

If you have any questions, please contact me at 241.1380.

**Suggested Motion:**

Move to approve this grant award from the ND Department of Health and Human Services.

JF/lls  
Attachment

**NOTICE OF GRANT AWARD**

NORTH DAKOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
SFN 53771 (04-2025)

Grant Number G23.014	CFDA Name Public Health Emergency Preparedness		CFDA Number 93.069
FAIN Number NU90TU000004	Grant Type (Check One) <input checked="" type="checkbox"/> Program <input type="checkbox"/> R&D	Grant Start Date 7/1/2025	Grant End Date 6/30/2026
Federal Award Date 6/25/2025	Federal Awarding Agency Department of Health and Human Services		
This award is not effective, and expenditures related to this award should not be incurred until all parties have signed this document.			
Title of Project/Program PHEP – EPR All Hazards Allocation		North Dakota Department of Health and Human Services (NDDHHS) Project Code 6611S327-11	
Grantee Name Fargo Cass Public Health		Project Director Tim Wiedrich	
Address 1240 25 <sup>th</sup> Street South		Address 1720 Burlington Drive, Suite A	
City/State/ZIP Code Fargo, ND 58103-2367		City/State/ZIP Code Bismarck, ND 58504	
Contact Name Jenn Faul		Contact Name Juli Sickler	
Telephone Number 701-241-1360		Telephone Number 701-328-2293	
Email Address JFaul@FargoND.gov		Email Address Jsickler@nd.gov	
	NDDHHS Cost Share	Grantee Cost Share	Total Costs
Amount Awarded	\$12,062	\$0	\$12,062
Previous Funds Awarded	\$0	\$0	\$0
Total Funds Awarded	\$12,062	\$0	\$12,062
Indirect Rate (Check One)	<input checked="" type="checkbox"/> Subrecipient waived indirect costs	<input type="checkbox"/> De minimus rate of 10%	<input type="checkbox"/> Negotiated/Approved rate of %
Scope of Service Grantee will complete the activities identified in Attachment A.			
Reporting Requirements Expenditure reports must be submitted within 30 days of incurring the expense to the North Dakota Department of Health and Human Services (NDDHHS). Final expense report for the period ending June 30, 2026, must be received by July 15, 2026. A mid-year progress report, as prescribed by the NDDHHS, must be submitted by January 31, 2026, for the period of July 1, 2025, through December 31, 2025. A year-end progress report, as prescribed by the NDDHHS, must be submitted by August 31, 2026, for the period of January 1, 2026, through June 30, 2026. Payments will be processed upon Department approval of expenditure reports and progress reporting.			
Special Conditions The language contained within the Centers for Disease Control and Prevention Grant Award issued to the Department of Health and Human Services is attached by reference and made a part of this agreement.			
This Notice of Grant Award is subject to the terms and conditions incorporated either directly or by reference in the following: (1) Requirements Addendum and Grantee Assurances for Notice of Grant Awards issued by the NDDHHS as signed by Grantee for the period of July 1, 2025, to June 30, 2027 [Finance Use Only: <input type="checkbox"/> Requirements Received; <input type="checkbox"/> Questionnaire received] and (2) applicable State and Federal regulations.			
Evidence of Grantee's Acceptance		Evidence of NDDHHS Acceptance	
Date 07/02/2025	Signature 	Date	Signature
Typed Name/Title of Authorized Representative Jenn Faul, Director of Public Health		Typed Name/Title of Authorized Representative Tim Wiedrich, Section Director Health Response and Licensure	
Date	Signature	Date	Signature
Typed Name/Title of Authorized Representative Timothy J. Mahoney, Mayor, City of Fargo		Typed Name/Title of Authorized Representative Dirk D. Wilke, J.D., M.B.A., Executive Director of Public Health	
<p align="center">If attachments are referenced, they must be returned with the signed award.</p> <p>ATTEST: <span style="float: right;">If you did not receive attachments as indicated, contact the Program Director identified above.</span></p> <p>Steve Sprague, City Auditor</p>			

**Contract Number: G23.014**  
**Unit: Fargo – Cass Public Health**  
**Attachment A: FY2025-2026 BP2**

The following activities *are required* for reimbursement through this award:

1. Participate in one (1) community-wide exercise event within your jurisdiction annually. Exercises must include strategies from the Public Health Response Readiness Framework as identified in the Public Health Emergency Preparedness (PHEP) Cooperative Agreement, Notice of Funding Opportunity number CDC-RFA-TU24-0137.
  - Critical response and recovery partners as identified in the agency's emergency plans must be included in these exercises/trainings.
  - After-action reports for the exercises your public health agency hosts must be filed with the Emergency Preparedness and Response (EPR) Unit within 90 days of the completion of the exercise.
  - Annual influenza clinics will be considered a full-scale exercise and count towards this requirement if the clinic includes priorities from the PHEP Public Health Response and Readiness Framework.
2. Attend 75% of state-hosted videoconference meetings.
  - Bi-monthly videoconference meetings will be held with local public health administrators throughout this budget period.
  - Meetings will be held in the months of July, September, November, January, March, and May.

The following activities *are eligible* for reimbursement through this award. Eligible expenses include equipment, office supplies, travel, salaries for public health employees, rent, utilities, connectivity fees, maintenance agreements, IT software, contracts for professional services, training, and professional development costs.

1. Active participation in local/regional emergency preparedness and response planning committees.
2. Assist PHEP Statewide Response Team with maintenance of current local emergency operations plans (updates should occur annually). All plans should be available in the NDDHHS Document Library i.e., local all hazards' plans, pandemic influenza plans, risk communications plans, etc.
3. Work with the PHEP Statewide Response Team to conduct call down drills of the local response partners, and local public health groups. Maintain accurate contact information for these groups throughout the budget period.
4. Maintain 24/7/365 access to knowledgeable public health personnel through a locally published phone number.
5. Public health response personnel may complete the following NIMS courses: ICS100, ICS200, ICS700 and ICS800. Additionally, department operation center incident commanders and section chiefs should complete the following NIMS courses: ICS300 and ICS400.
6. To ensure baseline competency and integration with preparedness requirements, individuals funded under this grant should consider the trainings identified in the Public Health Emergency Preparedness Cooperative Agreement, Notice of Funding Opportunity number CDC-RFA-TU24-0137, Strategy 1 AHA-G.

7. Work with the PHEP Statewide Response Team in assisting long term care facilities to develop emergency operations plans for their facilities and invite those representatives to participate in local community preparedness and response meetings.

Other activities may be eligible for funding as mutually agreed upon in writing between the local public health unit and the North Dakota Department of Health and Human Services Emergency Preparedness and Response Unit Director.



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**MEMORANDUM**

**TO:** BOARD OF CITY COMMISSIONERS

**FROM:** JENN FAUL *JF*  
DIRECTOR OF PUBLIC HEALTH

**DATE:** JULY 2, 2025

**RE:** NOTICE OF GRANT AWARD FROM NDHHS FOR PHEP – EPR  
STATEWIDE RESPONSE TEAM.  
NO: G25.003 CFDA: 93.069  
FUNDS: \$154,074  
EXPIRES: 06/30/2026

The attached notice of grant award is for Fargo Cass Public Health to continue staffing their public health emergency preparedness team.

**BUDGET ADJUSTMENT**

No budget adjustments.

If you have any questions, please contact me at 241.1380.

**Suggested Motion:**

Move to approve this grant award from the ND Department of Health and Human Services.

JF/lls  
Attachment





Page 108 **NOTICE OF GRANT AWARD**

NORTH DAKOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
SFN 53771 (05-2025)

Grant Number G25.003	CFDA Name Public Health Emergency Preparedness (PHEP)	CFDA Number 93.069
FAIN Number NU90TU000004	Grant Type (Check One) <input checked="" type="checkbox"/> Program <input type="checkbox"/> R&D	Grant Start Date 7/1/2025
Federal Award Date 6/25/2025	Grant End Date 6/30/2026	
Federal Awarding Agency Department of Health and Human Services		

This award is not effective, and expenditures related to this award should not be incurred until all parties have signed this document.

Title of Project/Program PHEP – EPR Statewide Response Team	North Dakota Department of Health and Human Services (NDDHHS) Project Code 6611S327-11
Grantee Name Fargo Cass Public Health	Project Director Tim Wiedrich
Address 1240 25 <sup>th</sup> Street South	Address 1720 Burlington Drive, Suite A
City/State/ZIP Code Fargo, ND 58103-2367	City/State/ZIP Code Bismarck, ND 58504
Contact Name Jenn Faul	Contact Name Juli Sickler
Telephone Number 701-241-1360	Telephone Number 701-328-2293
Email Address JFaul@FargoND.gov	Email Address Jsickler@nd.gov

	NDDHHS Cost Share	Grantee Cost Share	Total Costs
Amount Awarded	\$154,074	\$0	\$154,074
Previous Funds Awarded	\$0	\$0	\$0
Total Funds Awarded	\$154,074	\$0	\$154,074
Indirect Rate (Check One)	<input checked="" type="checkbox"/> Subrecipient waived indirect costs	<input type="checkbox"/> De minimus rate of 10%	<input type="checkbox"/> Negotiated/Approved rate of %

Scope of Service  
Grantee will complete the activities identified in Attachment A.

**Reporting Requirements**  
Expenditure reports must be submitted within 30 days of incurring the expense to the North Dakota Department of Health and Human Services (NDDHHS). Final expense report for the period ending June 30, 2026, must be received by July 15, 2026. A mid-year progress report, as prescribed by the NDDHHS, must be submitted by January 31, 2026, for the period of July 1, 2025, through December 31, 2025. A year-end progress report, as prescribed by the NDDHHS, must be submitted by August 31, 2026, for the period of January 1, 2026, through June 30, 2026. Payments will be processed upon Department approval of expenditure reports and progress reports.

**Special Conditions**  
The language contained within the Centers for Disease Control and Prevention Grant Award issued to the Department of Health and Human Services is attached by reference and made a part of this agreement.

This Notice of Grant Award is subject to the terms and conditions incorporated either directly or by reference in the following: (1) Requirements Addendum and Grantee Assurances for Notice of Grant Awards issued by the NDDHHS as signed by Grantee for the period of July 1, 2025, to June 30, 2027 [Finance Use Only: ☐ Requirements Received; ☐ Questionnaire received] and (2) applicable State and Federal regulations.

Evidence of Grantee's Acceptance		Evidence of NDDHHS Acceptance	
Date 07/02/2025	Signature 	Date	Signature
Typed Name/Title of Authorized Representative Jenn Faul, Director of Public Health		Typed Name/Title of Authorized Representative Tim Wiedrich, Section Director Health Response and Licensure	
Date	Signature	Date	Signature
Typed Name/Title of Authorized Representative Timothy J. Mahoney, Mayor, City of Fargo		Typed Name/Title of Authorized Representative Dirk D. Wilke, J.D., M.B.A., Executive Director of Public Health	

ATTEST: If attachments are referenced, they must be returned with the signed award.  
If you did not receive attachments as indicated, contact the Program Director identified above.

**Contract Number: G25.003****Unit: Fargo Cass Public Health****Attachment A: FY2025-2026 BP2**

Funding is provided to hire staff for planning and coordination of public health emergency preparedness and response activity in the State of North Dakota. Public Health Emergency Preparedness (PHEP) Statewide Response Team members shall work closely with the North Dakota Department of Health and Human Services (NDDHHS) Emergency Preparedness and Response Unit (EPR) and community leaders throughout the state to coordinate planning and response activities for health and medical emergency events. Emergency events that require in-state and out-of-state response from team members are described as federal, state, county and/or city declared disaster/emergency, and/or a local public health declared emergency.

- All positions funded by this award must be approved by the EPR Director.
- Of the total funding awarded with this award, no more than 10% can be used for administrative personnel to assist with this award's activity (accountant, administrative assistance and/or supervisory duties). The remaining funds are restricted to support the response personnel funded as part of the PHEP Statewide Response Team.
- Of the PHEP Statewide Response Team positions hired, one position must be one (1) FTE funded at 100%.
- PHEP Statewide Response Team members funded by this award must complete all training identified in the Public Health Emergency Preparedness Cooperative Agreement, Opportunity Number: CDC-RFA-TU24-0137, Strategy 1: AHA-G to ensure baseline competency and integration with preparedness requirements of the program.
- Expenses such as supplies, rent, communications, etc., for team members NOT funded at 100%, must be allocated accordingly with other funding sources supporting the position.
- All PHEP Statewide Response Team members are required to participate in the following activity:
  - Attend bi-weekly videoconference meetings with the State.
  - Participate in state-hosted exercises and trainings, as requested.
  - Attend annual training sessions equal to 20 hours as prescribed by the EPR Director.
  - Assist the Department with completion of health and medical risk assessments.
  - Integrate health equity practices to enhance preparedness, response, and recovery support for populations experiencing health disparities.
- As requested by local public health agencies, PHEP Statewide Response Team members will assist in conducting exercises and/or trainings with local public health agencies, long-term care facilities, hospitals and human service agencies throughout the state. Critical response and recovery partners as identified in the plans must be included in these activities. After-action reports should be filed with EPR within 90 days of the completion of the exercise/training.
- Team members that have been assigned a port-a-count machine will be responsible to provide fit-testing as requested by other entities that include, but are not limited to EMS, hospitals, long term care, public health, law enforcement and fire departments. Grantees will store Department-owned port-a-count machines from the State Medical Cache and allow other agencies from their region to borrow said machines for the purposes of fit testing staff and responders.

Each port-a-count machine must have training/testing records maintained by the respective team members using the forms/methods mutually agreed upon by the Grantee and the Department. Grantee will keep accurate tracking records of the port-a-count machines assigned to their public health unit and have those records available at the Department's request. 30 days prior to expired calibration dates, grantee will provide notification to EPR and assist EPR staff with collecting the

machines to be sent back to the manufacturer for proper calibration. EPR will return the machines to the Grantee once calibration activities are completed by the manufacturer.

The following activities are also eligible for reimbursement through this award. Eligible expenses for each include equipment, office supplies, travel, salaries, rent, utilities, connectivity/communication fees, IT software, training, and professional development costs.

1. Participation in trainings, exercises, and drills as conducted by NDDHHS.
2. Active participation in and/or coordination of local planning and preparedness committees.
3. Assist local public health units with coordination of local all hazards planning with local emergency management and human service agencies.
4. Assist with maintenance of local health and medical emergency operations plans (updates should occur annually). All plans should be available in the HAN Document Library i.e., local all hazards' plans, pandemic plans, risk communications plans, etc.
5. Assist with maintenance of accurate contact information for local emergency plans, regional groups, local public health groups, etc.


Other activities may be eligible for funding as mutually agreed upon between the local public health unit and the North Dakota Department of Health and Human Services, Emergency Preparedness and Response Unit Director.

The PHEP Statewide Response Team members funded by this grant award are expected to respond to emergency events across the State of North Dakota as requested by the North Dakota Department of Health and Human Services. However, there may be situations that prevent a team member from responding as requested. These situations may include, but are not limited to, sickness or injury; a team member's family member being sick or injured and requiring assistance with care; funeral; or an emergency identified by the local public health administrator. These and other situations will be discussed between the local public health administrator and the Director of the Health Response and Licensure Section and/or the EPR Unit Director at the time of the request.



**M E M O R A N D U M**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: JENN FAUL**   
**DIRECTOR OF PUBLIC HEALTH**

**DATE: JULY 2, 2025**

**RE: NOTICE OF GRANT AWARD FROM NORTH DAKOTA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR  
TOBACCO PREVENTION.  
NO: G25.098 CFDA: NA  
FUNDS: \$535,993  
EXPIRES: 07/01/2025**

The attached notice of grant award is for Local Public Health Unit Tobacco Prevention and Control Program.

If you have any questions, please contact me at 241.1380.

**Suggested Motion:**

Move to approve this grant award and the above budget adjustments from the ND Department of Health and Human Services.

JF/lls  
Attachment

**NOTICE OF GRANT AWARD**

NORTH DAKOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES

SFN 53771 (05-2025)

Grant Number G25.098	CFDA Name Not Applicable	CFDA Number Not Applicable	
FAIN Number Not Applicable	Grant Type (Check One) <input checked="" type="checkbox"/> Program <input type="checkbox"/> R&D	Grant Start Date 7/1/2025	
Federal Award Date Not Applicable	Federal Awarding Agency Not Applicable	Grant End Date 6/30/2026	
This award is not effective and expenditures related to this award should not be incurred until all parties have signed this document.			
Title of Project/Program Local Public Health Unit Tobacco Prevention and Control Program		North Dakota Department of Health and Human Services (NDDHHS) Project Code 4521 Z684 01	
Grantee Name Fargo Cass Public Health		Project Director Neil Charvat	
Address 1240 25 <sup>th</sup> St S		Address 600 E. Boulevard Ave., Dept. 325	
City/State/ZIP Code Fargo, ND 58103-2367		City/State/ZIP Code Bismarck, ND 58505-0250	
Contact Name Jenn Faul		Contact Name Abby Erickson	
Telephone Number: 701-241-1380		Telephone Number: 701-328-3337	
Email Address: JFaul@FargoND.gov		Email Address: abbyerickson@nd.gov	
	NDDHHS Cost Share	Grantee Cost Share	Total Costs
Amount Awarded	\$535,993	\$0	\$535,993
Previous Funds Awarded	\$0	\$0	\$0
Total Funds Awarded	\$535,993	\$0	\$535,993
Indirect Rate (Check One)	<input type="checkbox"/> Subrecipient waived indirect costs	<input checked="" type="checkbox"/> De minimis rate of 10 % (limited to 15%)	<input type="checkbox"/> Negotiated/Approved rate of %
Scope of Service: Grantee will implement Tobacco Prevention and Control Program (TPCP) services in accordance with the Grantee's TPCP work plan and budget as approved by the North Dakota Department of Health and Human Services (Department). Grantee will follow the current <i>North Dakota Comprehensive Tobacco Prevention and Control State Plan</i> based on <i>Centers for Disease Control and Prevention (CDC) Best Practices for Comprehensive Tobacco Control Programs 2014</i> . Grantee will submit any requests for use of the NDQuits logo or URL (i.e. newspaper, newsletter, ads, banners, signs, etc.) to the Department for approval prior to publication. Grantee will submit any media produced with TPCP funding to the Department to allow sharing of media resources by all Grantees. Grantee must attend the Comprehensive State Plan organizational meeting and annual collaborative grant requirements meeting. Grantee staff funded to provide nicotine dependence treatment services (counseling and medications) must use an HHS-approved electronic health record or the HHS Provider Treatment Tracker to report on interventions provided. This includes the distribution of program-funded "quit kits."			
Reporting Requirements: Grantee must submit at least quarterly requests for reimbursement via the Program Reporting System (PRS) by the 15th of the following month. Grantee must submit a quarterly progress report of activities completed as described in the Grantee's approved work plan and budget. Final request for reimbursement for the period ending June 30, 2026 must be received by July 15, 2026. Reimbursements will be processed upon Department approval of request for reimbursements and progress reports.			
Special Conditions: None.			
This Notice of Grant Award is subject to the terms and conditions incorporated either directly or by reference in the following: (1) Requirements Addendum and Grantee Assurances for Notice of Grant Awards issued by the NDDHHS as signed by Grantee for the period of July 1, 2025 to June 30, 2027 [Finance Use Only: <input type="checkbox"/> Requirements Received; <input type="checkbox"/> Questionnaire received] and (2) applicable State and Federal regulations.			
Evidence of Grantee's Acceptance		Evidence of NDDHHS Acceptance	
Date 07/02/2025	Signature 	Date	Signature
Typed Name/Title of Authorized Representative Jenn Faul, Director of Public Health		Typed Name/Title of Authorized Representative Susan M. Mormann, Unit Director Health Promotion & Chronic Disease Prevention	
Date	Signature	Date	Signature
Typed Name/Title of Authorized Representative Timothy J. Mahoney, Mayor, City of Fargo		Typed Name/Title of Authorized Representative Donna Aukland, Chief Financial Officer	
ATTEST:		Steve Sprague, City Auditor	

If attachments are referenced, they must be returned with the signed award.

If you did not receive attachments as indicated, contact the Program Director identified above.



**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: JENN FAUL**  
*JF*  
**DIRECTOR OF PUBLIC HEALTH**

**DATE: JULY 1, 2025**

**RE: NOTICE OF GRANT AWARD FROM NORTH DAKOTA HOUSING  
FINANCE AGENCY FOR THE NORTH DAKOTA HOMELESS  
GRANT.**  
**NO: NDHG-25-0008** **CFDA: NA**  
**FUNDS: UP TO \$329,330**  
**EXPIRES: 06/30/2026**

The attached notice of grant award is for the FCPH Gladys Ray Shelter to continue its essential services and emergency shelter operations. This will be on the FAHR committee for budget adjustment approval on July 14, 2025.

**BUDGET ADJUSTMENT**

Revenue		
NDHG Grant	101-0000-334-10-19	\$25,000
Expense		
Guest Hotel	101-6013-451-56-70	\$25,000

If you have any questions, please contact me at 241.1380.

**Suggested Motion:**

Move to approve this grant award and the above budget adjustments from the ND Housing Finance Agency.

JF/lls  
Attachment

**RECIPIENT AND GRANTOR INFORMATION**

Program Type State-North Dakota Homeless Grant		Project Name Gladys Ray 2025 NDHG	
Instrument Type <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Loan <input type="checkbox"/> Cooperative Agreement		Instrument Number NDHG-25-0008	
Recipient Name Fargo Cass Public Health - Gladys Ray Shelter			
Address 1519 1st Ave S		City Fargo	State ND
ZIP Code 58103			
Grantor/Lender North Dakota Housing Finance Agency, PO Box 1535, Bismarck, ND 58502-1535			
Recipient Federal Identification Number NA		Budget/Project Period 07/01/2025-06/30/2026	Date 07/01/2025
Recipient Type <input type="checkbox"/> State Government <input checked="" type="checkbox"/> Local Government <input type="checkbox"/> Indian Tribal Government <input type="checkbox"/> Individual <input type="checkbox"/> For Profit Organization <input type="checkbox"/> Other Non-Profit Organization <input type="checkbox"/> Other (specify) _____			
Funding Source <input type="checkbox"/> Federal \$ _____ <input checked="" type="checkbox"/> State \$ 329,330.00 <input type="checkbox"/> Other \$ _____			
Eligible Use of Funds Shelter Operations, Essential Services			
Type of Award <input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Amendment No. _____		Federal Grant Number (if applicable) NA	CFDA Number (if applicable) NA
Administering Agency North Dakota Housing Finance Agency		Project Administrator Bridget Mattern	Telephone Number (701) 328-8080
Procurement Method (if applicable) <input type="checkbox"/> Formal Bid <input type="checkbox"/> Noncompetitive Negotiation/Application <input type="checkbox"/> Competitive Negotiation/Application <input type="checkbox"/> Small Purchase			

**FUNDING AUTHORIZATION**

NDHFA Funds Awarded this Action	\$ 329,330.00
NDHFA Carryover Funds Authorized	\$ _____
NDHFA Previous Award(s) this Project Period	\$ _____
NDHFA Previous De-authorizations this Project Period	\$ _____
Current NDHFA Funds Authorized	\$ 329,330.00
Recipient Share of Budget	\$ _____
Total Approved Budget	\$ 329,330.00
Remarks Approved Budget: Emergency Shelter Operations \$100,000.00 & Essential Services \$229,330.00	

This award agreement is entered into by the RECIPIENT and GRANTOR specified above. The RECIPIENT agrees to implement the tasks delineated in this award and will comply with all incorporated and referenced terms and conditions. The award consists of this signatory sheet, the attached terms and conditions letter, and previously provided application.

**EVIDENCE OF RECIPIENT ACCEPTANCE**

Print Name Jenn Faul, Director of Public Health	Signature 	Date 07/01/2025
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**EVIDENCE OF GRANTOR ACCEPTANCE**

Print Name Jennifer Henderson	Signature _____	Date _____
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Timothy J. Mahoney, Mayor, City of Fargo \_\_\_\_\_ Date \_\_\_\_\_

ATTEST: \_\_\_\_\_ Steve Sprague

**FINANCIAL AWARD TERMS AND CONDITIONS**  
PLANNING AND HOUSING DEVELOPMENT DIVISION  
ATTACHMENT TO SFN 60139(07/25)

**Terms and Conditions**

**Section 1. General Assistance Terms and Conditions**

A. State Appropriation Authority

Fund authorized under this Financial Award are subject to state appropriation authority.

B. Scope of Work

All work and activities authorized under this Financial Award will be performed in accordance with the terms and conditions outlined in the Emergency Solutions Grant and North Dakota Homeless Grant Administrative Manual and the approved activities.

C. Reimbursement

Payment of NDHG funds will be completed as a reimbursement. To ensure NDHG funds are being utilized and subrecipients are meeting the required expenditure deadline, subrecipients must request reimbursement at least once each **MONTH** unless provided an exception by NDHFA for other timing. Requests must be submitted for \$1,000 or more, in a format approved by NDHFA, and must include a detailed breakdown of expenses incurred and NDHG funds requested. Recipients who have less than \$1,000 remaining in their award may request less. Copies of all expenses and documentation of payment must be submitted for verification purposes. Lack of documentation or explanation may result in a delay in payment. **Final reimbursement requests must be received by July 10, 2026.**

D. Limitations on Expenditures

The total cost of performing tasks under the Financial Award must not exceed the total funds authorized and will be limited to and in accordance with those identified in the budget.

E. Timely Obligation of Funds

The Recipient must obligate all grant funds within the award timeline of this Financial Award. At least one Request for Funds must be submitted to NDHFA not less than once during each month of the program year. Failure to obligate or request reimbursement as specified may result in the termination of this award.

F. Amendments and Modifications

When necessary, the recipient may request changes in the scope of services to be provided in this financial award to include any changes in the budget. The request must be made in writing and supported with appropriate documentation. Such changes must not be undertaken until incorporated by written amendments to this financial award.



G. Reporting

The Recipient must submit a final progress report to NDHFA. The program end date is the date of final reimbursement of financial award or June 30, 2026, whichever is sooner. A final progress report is due 30 days after the program end date. Expenditure of funds must be reported by activity funded - Renovation; Rehabilitation or Conversion; Operational; and/or Essential Services. The report must detail NDHG expenditures, and the number of persons served in each component. .

H. Record Retention and Access

Pursuant to N.D.C.C. § 54-10-19, all records, regardless of physical form, and the accounting practices and procedures of Recipient relevant to this Financial Award are subject to examination by the NDHFA Staff, North Dakota State Auditor, the Auditor's designee, or Federal auditors, if required. NDHFA and duly authorized officials of the State shall have full access and the right to examine any pertinent documents, papers, records, and books of the Recipient and of persons or organizations the Recipient may contract with which involve transactions related to this Financial Award. The Recipient shall retain all documents, papers, records, and books that are pertinent to this Financial Award for a period of five (5) years following the submission of the final progress report or until all audit findings have been resolved, whichever is later unless otherwise stated in this agreement.

I. Subcontracting

The Recipient shall not assign, transfer, or subcontract professional service responsibilities (excluding approved construction and rehabilitation services) covered under this Award without prior written approval of the NDHFA.

J. Prohibition Against Payment of Bonus or Commission

The assistance provided under this Financial Award shall not be used in the payment of any bonus or commission for the purpose of the preparation of and/or activities associated with obtaining approval of the work proposal.

K. Termination

The Recipient and NDHFA may terminate this Financial Award agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof and the cause for the termination. Unless otherwise noted in Section 2. of this award, the other party must receive such notice at least thirty (30) days before the effective date of termination. Cause for termination may include nonperformance of specified work activities and noncompliance with the terms and conditions of this Award. NDHFA shall be liable only for work performed or services provided under this Award prior to the effective date of termination.

L. Default

If the Recipient fails to comply with the terms of this Financial Award or fails to use the Financial Award for only those purposes set forth herein, NDHFA may, unless otherwise noted in Section 2;

- a. After notice to the Recipient, suspend the award and withhold further payment or prohibit the Recipient from incurring additional obligations of grant funds, pending corrective action by the Recipient.

- b. Terminate the Award in whole, or in part, at any time before the final award payment is made. NDHFA shall promptly notify the Recipient in writing of the determination to terminate, the reason for such termination, and the effective date of the termination.

M. Non-Discrimination

The Recipient agrees that it will be subject to and will comply with Title VI of the Civil Rights Act of 1964, Executive Order 11246 as amended by the Executive Orders 11375 and 12086, the Age Discrimination Act of 1975, and Title VIII of the Civil Rights Act of 1968. Under these acts, no person shall on the grounds of race, color, religion, sex, national origin, or age be excluded from participation in, be denied the benefits or be otherwise subject to discrimination under this program.

Section 504 Rehabilitation Act of 1973 and ADA generally requires any individual with a disability, who is otherwise qualified, shall not be excluded from participation in, or denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving by reason of that disability.

The 1975 Age Discrimination Act, as amended provides that no person shall be excluded from participation, denied program benefits, or subjected to discrimination on the basis of age, under any program or activity receiving funds.

N. Accessibility

The Recipient's program both staff and facility are required to be readily accessible to and usable by persons with disabilities in accordance with Section 504 of the Rehabilitation Act and implementing regulations at 24 CFR Part 8; the Fair Housing Act and implementing regulations at 24 CFR Part 100; and Title II of the Americans with Disabilities Act and 28 CFR Part 35; where applicable.

O. Code of Conduct

Recipients shall maintain a written code or standards of conduct which shall govern the performance of their officers, employees or agents engaged in the Award and administration of contracts supported by federal funds. No employee, officer or agent of the Recipient shall participate in selection, or in the award or administration of a contract supported by state funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when an organization which employs, or is about to employ any of the below, or has a financial or other interest in the firm selected for award.

- a. The employee, officer or agent.
- b. Any member of his immediate family.
- c. His or her partner.

The Recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub agreements.

To the extent permitted by state or local law or regulations, such standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the Recipient's officers, employees, or agents, or by contractors or their agents.

P. Internal Controls

The recipient must establish and maintain effective internal controls that provide reasonable assurance that the Recipient is complying with the program policies outlined in the ESG/NDHG Administrative

Manual. The Recipient must take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings. The recipient must take reasonable measures to safeguard protected personally identifiable information and other information that is designated as sensitive consistent with Federal, state, local and tribal laws regarding privacy and obligations of confidentiality.

## **Section 2. Programmatic Terms and Conditions- NDHG**

### **A. Compliance with CoC and ESG Written Standards and Procedures**

The Recipient is required to adhere to the currently approved CoC and ESG Written Standards.

### **B. Program Operation Program Manual**

The recipient is required to establish operational policies which include policies and procedures that are specific to NDHG program operations for each approved component the Recipient was approved for in the financial award budget. Policies must include policy and procedures for evaluating eligibility, coordination among providers including providers of homeless programs, mainstream resources, and housing. Other applicable policies include Housing First, Low-Barrier, Fair Housing, Anti-Discrimination, Termination of Assistance, and Confidentiality.

### **C. Participation in HMIS or Comparable Database**

Recipients of NDHG must ensure that data on all persons served, and activities assisted under NDHG are entered into HMIS. If the Recipient is a victim service provider, the CoC approved comparable database must be used to collect client level data.

### **D. Coordinated Entry**

Recipients must use CARES, the coordinated entry process established by the ND CoC, to evaluate individuals and families applying for NDHG services.

### **E. Eligible Activities and Components**

The Recipient will adhere to the policies and procedures outlined in the ESG/NDHG Administrative Manual. Reimbursement for eligible activities and components is limited to the funding amount and components listed in the financial award budget.

### **F. Participant Eligibility**

The recipient will conduct an initial evaluation of participant's eligibility for assistance and the amount and types of assistance the participant is eligible to receive. Recipients will maintain participant files that certify the participant meets the definition of homeless or at-risk of homeless and the amount and type of assistance provided.

### **G. Termination of Assistance**

The Recipient must have established policies and procedures for termination of assistance. This includes a formal process establishing a clear process to provide written notice to the program participant the

reasons for termination, allowing the participant the opportunity to appeal the decision, and provide prompt notification of the final decision of termination.

**H. Verification of Ownership (Rehabilitation Funds Only)**

The Recipient must submit to NDHFA, within 60 days, verification of ownership of the property by the Recipient or a lease agreement giving the Recipient control of the property at least until the end of the project. (For rehab projects only).

**I. Hotel/Motel/Commercial Leasing**

Recipients providing emergency shelter in hotels or motels or other commercial facilities must certify that leases have been negotiated which provide that the living space will be rented at substantially less than the daily room rate otherwise charged by the facility, and that the Recipient has considered using other facilities as emergency shelter and has determined that the use of the hotel or motel provides the most cost effective means of providing emergency shelter for the homeless in its jurisdiction.

**J. Faith Based Organization**

The Recipient must comply with provisions contained in 24 CFR 576.23 and Executive Order 13559 regarding faith-based organizations as outlined in Attachment A of this award.

**K. Youth Eligibility**

Youth aged 24 and under seeking assistance shall not be required to provide third party documentation to establish their eligibility under 42 U.S.C. 11302(a) or (b) to receive services. Unaccompanied youth aged 24 and under or families headed by youth aged 24 or under who are living in unsafe situations may be served by youth-serving providers.

**Section 3. Certifications**

**A. Authority of Representative Signor**

The authorized representative of the approved recipient who signs the certifications, assurances and executes the financial award affirms that the authorized representative has adequate authority under state and local law, and internal policies of the Recipient to execute the financial award and agreements and authority to provide for certifications and assurances and agreements on behalf of the Recipient.

**B. Standard Assurances**

The recipient assures that it will comply with all applicable local, state, and federal statutes, regulations executive orders, circulars, and other federal and state administrative requirements in carrying out the grant.

**C. Debarment and Suspension**

The recipient warrants that it has no current or outstanding criminal, civil, or enforcement actions initiated Federally or by the State pending and agrees that it will immediately notify NDHFA of any such actions. If such actions arise during the term of the financial award, the Recipient agrees that NDHFA

may delay, withhold, or deny continued payment of grant reimbursement requests until such actions are resolved.

The Recipient certifies that it or its principals have not been convicted of nor had a civil judgement rendered against them for commission of fraud or criminal offence in connection with obtaining, attempting to obtain, or performing a public transaction, or have not been terminated for cause or default. The Recipient certifies that neither it nor its principals nor any of its subcontractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from doing business or receiving funds from any federal agency or by any department, agency, or political subdivision of the State of North Dakota. The term "principal" for the purpose of this certification means an officer, director, owner, partner, key employee or other person with primary management or supervisor responsibility, or a person who has a critical influence on or substantive control over the operations of the Recipient.

The Recipient certifies that it will not employ, contract, or engage in services with any contractors or subcontractors that are currently debarred, suspended, or ineligible to do business with or in the State of North Dakota, including active registration with the ND Secretary of State.

#### D. Drug Free Workplace


The Recipient's internal policies include a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifies the actions in policy that may be taken against employees for violation of that prohibition.



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**M E M O R A N D U M**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: GRANT LARSON**   
**ENVIRONMENTAL HEALTH DIRECTOR**

**DATE: JULY 1, 2025**

**RE: CHICKEN KEEPING ORDINANCE – CHAPTER 12-03**

Staff at Fargo Cass Public Health request the direction of the City of Fargo Attorney's office to revise the Chicken Keeping Ordinance, Article 12-03.

If you have any questions, please contact me at 241.1388.

**Suggested Motion:**

Move to direct the City of Fargo Attorney's office to work with the Environmental Health Division to revise the Chicken Keeping Ordinance, Article 12-03.

GL/lls

(36)

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Champions Gate at Prairie Farms Second Addition	<b>Date:</b> <b>Update:</b>	7/31/2024 7/3/2025
<b>Location:</b>	5475-5643 and 5655-5785 31st Street South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Lots 1 through 25, Block 1, Champion's Gate at Prairie Farms Addition		
<b>Owner(s)/Applicant:</b>	Prairie Grove, Inc. / Houston Engineering, Inc.	<b>Engineer:</b>	Houston Engineering, Inc.
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (Replat of Lots 1 through 25, Block 1, Champion's Gate at Prairie Farms Addition, to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	City Commission Consent Agenda: July 7 <sup>th</sup> , 2025		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Platted but not developed	<b>Land Use:</b> No change
<b>Zoning:</b> SR-3, Single dwelling residential	<b>Zoning:</b> No change
<b>Uses Allowed:</b> allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	<b>Uses Allowed:</b> No change
<b>Maximum Density Allowed:</b> 8.7 dwelling units per acre	<b>Maximum Density Allowed:</b> No change

**Proposal:**

*Project History Note: This subdivision was recommended for approval by the Planning Commission on August 6<sup>th</sup>, 2024. Subsequent to that approval, the applicant considered changing the lot configuration, and eventually decided to retain the original configuration that had been recommended for approval by the Planning Commission. The applicant later had to revise the access easement width to the width originally proposed, which the City had to re-review. These actions account for the long time lag between the Planning Commission and City Commission hearings for this plat.*

The applicant requests approval of one entitlement:

1. A plat of the **Champions Gate at Prairie Farms Second Addition**, a replat of Lots 1 through 25, Block 1, Champion's Gate at Prairie Farms Addition, to the City of Fargo, Cass County, North Dakota.

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.

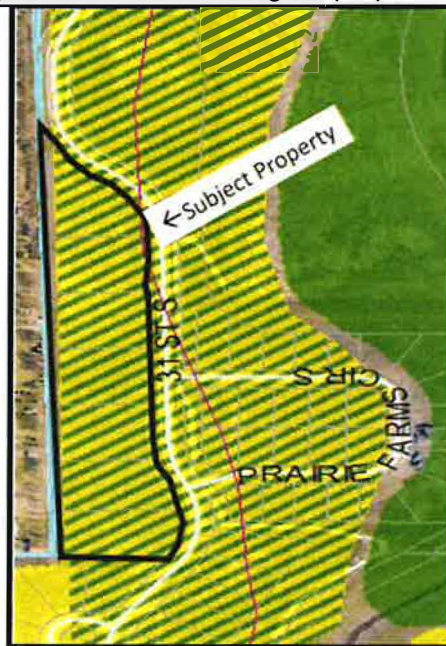
**Surrounding Land Uses and Zoning Districts:**

- North: P/I, Public/Institutional, with park and open space use
- East: P/I, Public/Institutional, with park and open space use; and SR-4, with single family use
- South: SR-4, with single family use
- West: City of Frontier—lots adjacent to the proposed subdivision are large lot detached single family residences.

**Area Plans:**

This subdivision was proposed, and was recommended for approval by the Planning Commission, when the 2001 Growth Plan was still in effect for this area, prior to the adoption of the Fargo Growth Plan 2024 on August 19<sup>th</sup>, 2024, so the subdivision can continue forward under the 2001 plan.

As shown in the graphic below, this property is designated "Low/Medium Density Residential or Parkland" in the 2001 Growth Plan. The existing SR-3 zoning is included in the "Low/Medium Density Residential" designation. No zone change is proposed.



- Low Med Res or Med High Res
- Low Med Res or Parkland
- Commercial or Office
- Commercial
- Low Med Res
- Med High Res or Office
- Med High Res
- Office
- Parkland
- Public and Inst

**Context:**

**Schools:** The subject property is located within the Fargo School District and is served by Centennial Elementary, Discovery Middle and Davies High schools.

**Neighborhood:** The subject property is located within the Maple Valley neighborhood.

**Parks:** Prairie Farms Park (5400 31<sup>st</sup> Street South) is located east across 31<sup>st</sup> Street South, just to the north of the subject property. This park has amenities of a basketball court, grill, picnic table, playgrounds for ages 2-5 and 5-12 recreational trails, and a shelter.

**Pedestrian / Bicycle:** An off-road bike facility is located along 52<sup>nd</sup> Avenue South (approximately one-quarter mile north of the subject property). Additionally, there are trails within Prairie Farms Park, as noted above. All these trails are components of the metro area trail system.

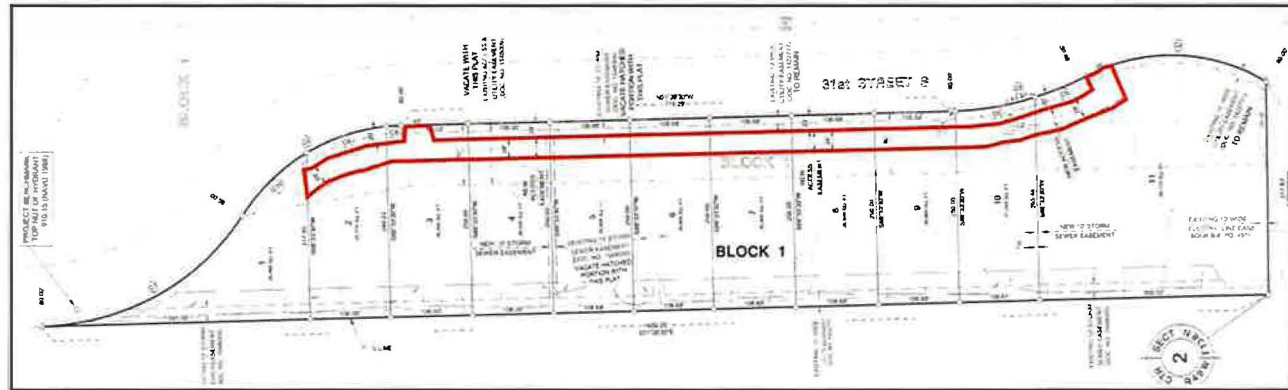
**MATBUS Route:** The subject properties are not located along a MATBUS route.

**Staff Analysis:**

**ACCESS AND SITE DESIGN:** The project will take access from 31st Street South, an existing dedicated public street. The plat depicts a private driveway serving the individual lots, so there are not individual driveways directly onto 31<sup>st</sup> Street South. This driveway is identified as "New Access Easement" on the plat, and is outlined in red in the graphic below. A negative access easement along the 31<sup>st</sup> Street South property frontage will prohibit direct access to the lots. The existing access and utility easement along the



31<sup>st</sup> Street South property frontage, which is between 80 and 145 feet deep, will be vacated with this plat, due the change in site design from the original Champion's Gate at Prairie Farms Addition. A homeowners association (HOA) will be responsible for the maintenance of the private drive. The City will have no maintenance responsibility.



**LOT SIZES:** The subdivision replats the 25 existing lots into 11 larger lots. The existing lots are mostly in the 12,600 square foot (0.28 acre) range. The proposed lots range in size from 25,174 square feet (0.57 acre) to 27,244 square feet (0.62 acre), with one lot, Lot 11, being 90,123 square feet (2.06 acres).

**PUBLIC WATER AND SEWER:** Public water and sewer are available in 31<sup>st</sup> Street South.

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.** As noted above, this project was designed and recommended for approval before the Fargo Growth Plan 2024 was adopted. No revision to the project was required due to the adoption of the 2024 plan. This property is designated "Low/Medium Density Residential or Parkland" in the 2001 Growth Plan. The current SR-3 zoning is included in the "Low/Medium Density Residential" designation. 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 received and responded to one inquiry about the nature of the project. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. These departments have found that the plat meets the standards of Article 20-06 and other applicable requirements of the Land Development Code.  
(Criteria Satisfied)
2. **Section 20-0907.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 public improvements associated with the project (whether rehabilitation of existing infrastructure or new proposed improvements) will be funded in

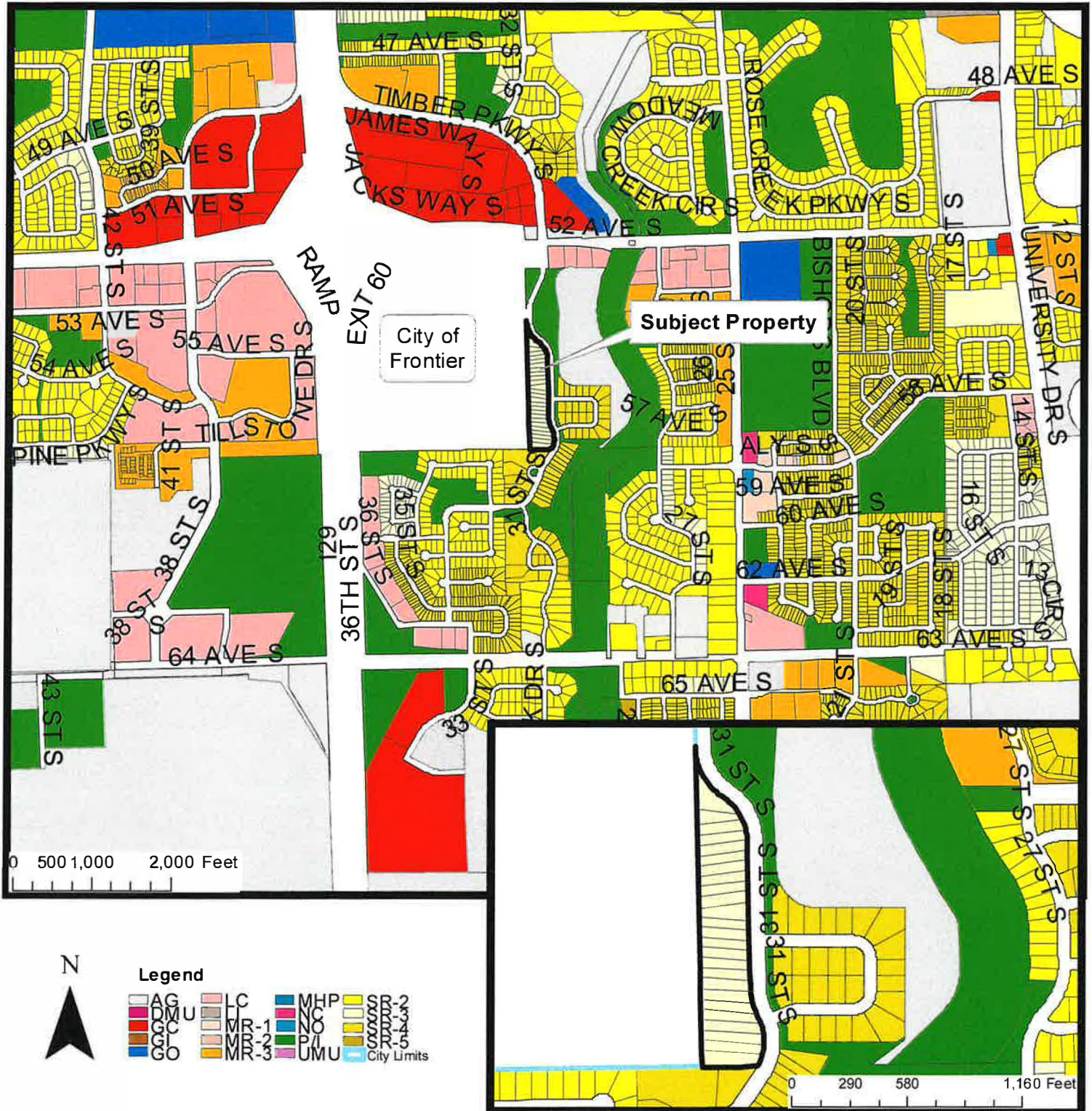
accordance with the City's Infrastructure Funding Policy, which may include the use of special assessments. <b>(Criteria Satisfied)</b>
<b>Suggested Motion:</b> "To accept the findings and recommendations of the Planning Commission and staff and move to approve the proposed plat of the <b>Champions Gate at Prairie Farms Second Addition</b> , as outlined within the staff report, as the proposal complies with the adopted 2001 Growth Plan, the standards of Article 20-06, Section 20-0907.B. and C and all other applicable requirements of the Land Development Code."
<b>Planning Commission Recommendation: August 6, 2024</b>
At the August 6 <sup>th</sup> , 2025 Planning Commission hearing, that Commission, by a vote of 7-0 with three Commissioners absent and one Commission seat vacant, moved to accept the findings and recommendations of staff and move to recommended approval to the City Commission of the proposed plat of the <b>Champions Gate at Prairie Farms Second Addition</b> , as outlined within the staff report, as the proposal complies with the adopted 2001 Growth Plan, the standards of Article 20-06, Section 20-0907.B. and C and all other applicable requirements of the Land Development Code.
<b>Attachments:</b>
<ol style="list-style-type: none"> <li>1. Zoning Map</li> <li>2. Location Map</li> <li>3. Preliminary Plat</li> </ol>



## Minor Subdivision

Champion's Gate at Prairie Farms Second Addition

5475 - 5643 & 5655 - 5785 31st Street South

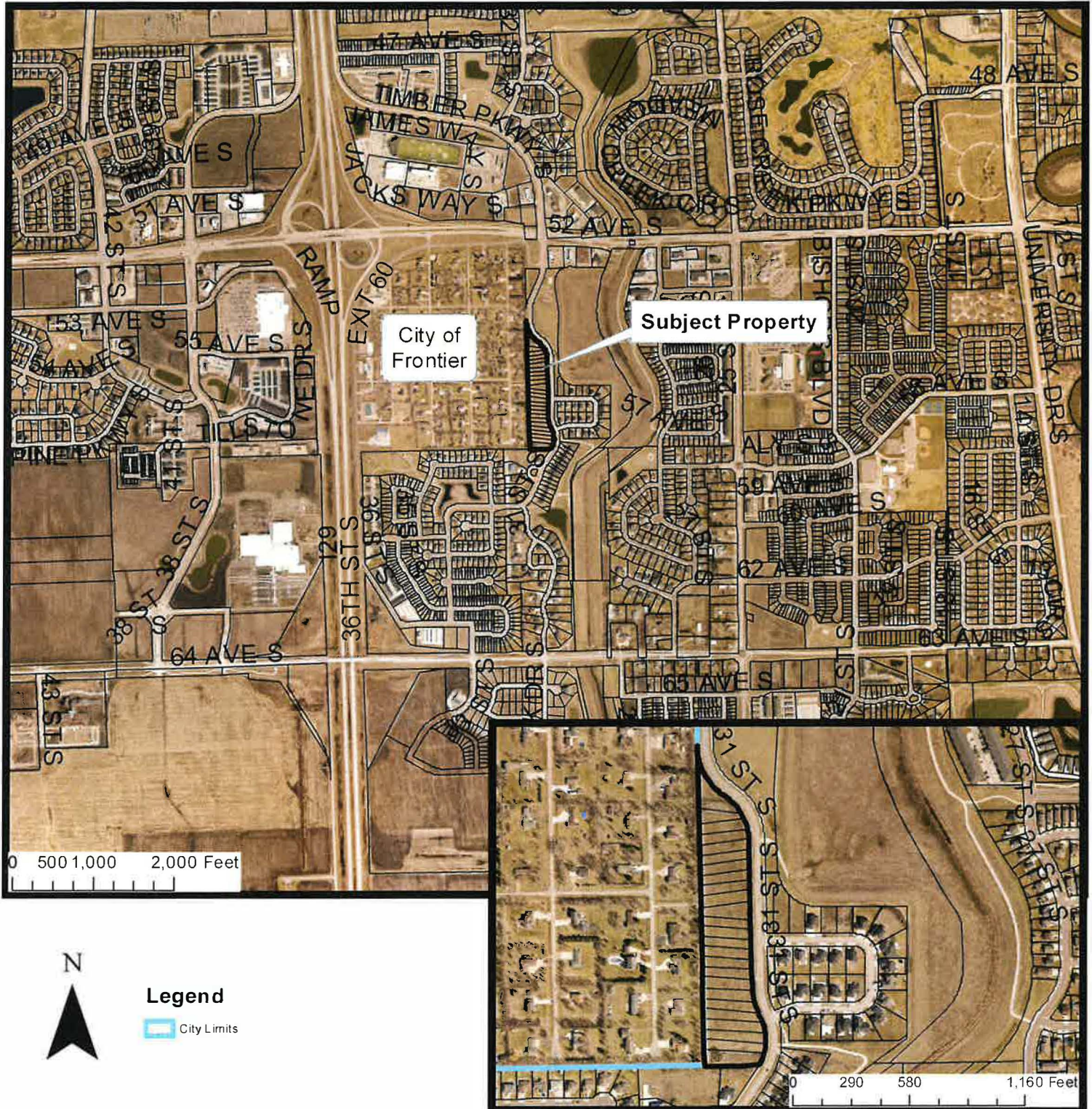




## Minor Subdivision

Champion's Gate at Prairie Farms Second Addition

5475 - 5643 & 5655 - 5785 31st Street South

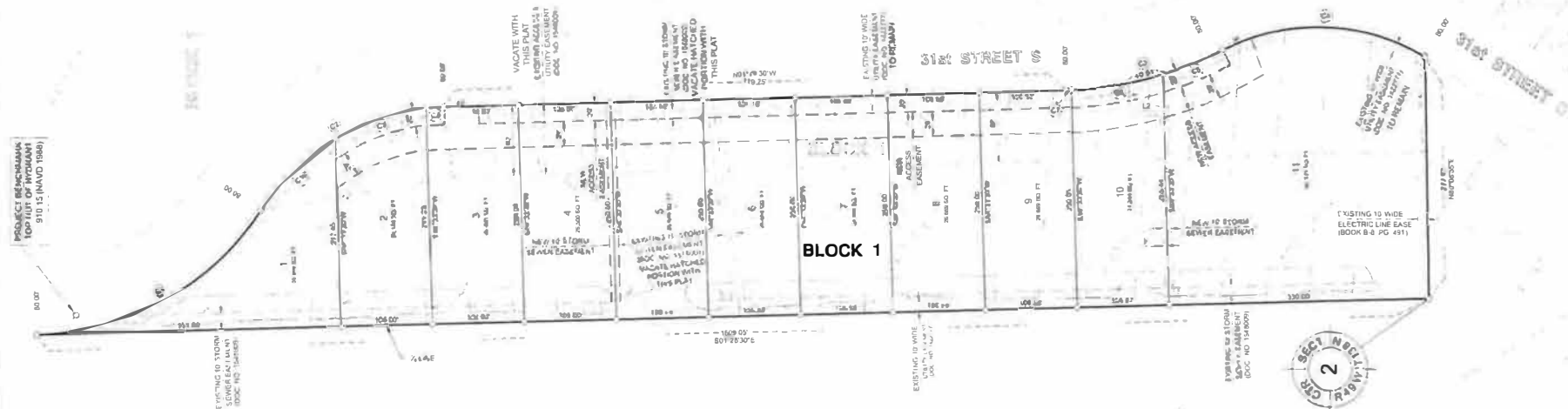




BEING A REPLAT OF LOTS 1 THROUGH 25, BLOCK 1,  
CHAMPIONS GATE AT PRAIRIE FARMS ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA  
A MINOR SUBDIVISION

Curve #	Le-Wt	Radius	Delta	Chord Deviation	Chord Length
C1	306.98	154.00	55°16'18"	N28°00'00"W	267.11
C2	268.92	137.00	55°16'18"	N28°00'00"W	241.83
C3	589.84	420.00	25°14'11"	N11°12'18"E	157.05
C4	241.10	243.00	38°42'26"	N41°30'24"E	243.24
C5	34.84	636.00	10°03'10"	N22°00'00"E	14.24
C6	1058.06	430.00	14°14'31"	N09°38'12"W	107.78
C7	6.98	426.00	15°00'24"	N01°14'48"E	6.88
C8	19.99	200.00	4°24'38"	N03°28'30"W	19.98
C9	117.52	200.00	23°24'29"	N48°10'00"W	110.60
C10	119.54	200.00	25°23'52"	N43°33'30"W	110.46

Level	Large	Overhead
L1	22.45	816.2047%
L2	30.00	231.7422%



## NOTES

1. **NEGATIVE EASEMENT EASEMENT** AS NOTED ON THIS PLAT. IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC HIGHWAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE EASEMENT EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
2. **A PORTION OF THE PROPERTY IS SITUATED IN FLOOD ZONE A (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 33017 C02 DATED JAN 18, 2015**
3. **BASE FLOOD ELEVATION = 606.7' (NAVD 1985)**
4. **AREAS WITHIN FLOOD ZONE A ARE ONLY DEPICTED WITHIN THE BOUNDARY OF THIS PLAT**
5. **ELEVATION COUNTERS ARE ONLY SHOWN WITHIN FLOOD ZONE A**

**LEGEND**

- IRON MONUMENT FOUND  
1/2" ID PIPE SET  
MEASURED BEARING  
PLAT BEARING  
MEASURED DISTANCE  
PL DISTANCE  
PLAT BOUNDARY  
NEW LOT LINE  
NEW UTILITY EASEMENT  
EXISTING LOT LINE  
EXISTING UTILITY EASEMENT  
ELEVATION CONTOUR (H&M 1988)  
EASTING-14-15-16 ACRES EASEMENT  
NEW NEGATIVE ACCESS EASEMENT  
STORM SEWER EASEMENT NOT  
DECATED BY 7m S PLAT  
PRIVATE ACCESS & UTILITY EASEMENT  
TO BE VACATED BY THE PLAT  
ZONE A - AREA WITHIN  
FEMA 100 YEAR FLOODPLAIN  
BEARINGS SHOWN ARE BASED ON THE  
CITY OF FARGO GROUND COORDINATE  
SYSTEM, DECEMBER 1983

# CHAMPIONS GATE AT PRAIRIE FARMS SECOND ADDITION

BEING A REPLAT OF LOTS 1 THROUGH 25, BLOCK 1,  
CHAMPIONS GATE AT PRAIRIE FARMS ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA  
A MINOR SUBDIVISION

## OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That Prairie Grove, Inc., a North Dakota corporation, is the owner and proprietor of the following described tract of land:

Lots 1 through 25, Block 1, Champions Gate at Prairie Farms Addition to the City of Fargo, Cass County, North Dakota

Said tract contains 8 1/2 acres, more or less.

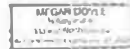
And that said party does hereby vacate the access and utility easement and the storm sewer easement as designated for vacation on this plat, has caused the same to be surveyed and replatted as CHAMPIONS GATE AT PRAIRIE FARMS SECOND ADDITION to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the storm sewer easement and the negative access easement; and does hereby dedicate to the current and future owners of the Lots within this plat the access easement shown on this plat.

OWNER  
Prairie Grove, Inc.  
*[Signature]*  
Ole Rommestad Jr., President

State of North Dakota  
County of Cass

On this 1<sup>st</sup> day of April, 2025, before me personally appeared Ole Rommestad Jr., President of Prairie Grove, Inc., known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said Corporation.

Notary Public [Signature]



## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Curtis A. Skarphol, Professional Land Surveyor or under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision, that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

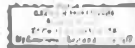
Dated this 13<sup>th</sup> day of MARCH, 2025

*[Signature]*  
Curtis A. Skarphol, Professional Land Surveyor No. 4723

State of North Dakota  
County of Cass

On this 13<sup>th</sup> day of MARCH, 2025, before me personally appeared Curtis A. Skarphol, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as he free act and deed.

Notary Public [Signature]



## CITY ENGINEERS APPROVAL

Approved by the Fargo City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Tom Knakmuhs, PE, City Engineer

State of North Dakota  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Tom Knakmuhs, PE, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as Fargo City Engineer.

Notary Public \_\_\_\_\_

## FARGO PLANNING COMMISSION APPROVAL

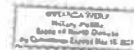
Approved by the City of Fargo Planning Commission this 6<sup>th</sup> day of August, 2024.

*[Signature]*  
Maranda A. Telsa, Chair  
Fargo Planning Commission

State of North Dakota  
County of Cass

On this 6<sup>th</sup> day of April, 2025, before me personally appeared Maranda A. Telsa, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public [Signature]



## FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Timothy J. Mahoney, Mayor

Attest: Steven Soragus, City Auditor

State of North Dakota  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo, and Steven Soragus, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public \_\_\_\_\_



Sheet 2 of 2  
Project No. 6867-0055

(37)

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Dakota Commerce Center North Second Addition	<b>Date:</b>	5/28/2025
		<b>Update:</b>	7/3/2025
<b>Location:</b>	3901 and 4001 48 <sup>th</sup> Avenue North	<b>Staff Contact:</b>	Luke Morman, Planner
<b>Legal Description:</b>	Lots 5-6, Block 1, Dakota Commerce Center North Addition		
<b>Owner(s)/Applicant:</b>	Dakota Commerce Center 5, LLC	<b>Engineer:</b>	Ulteig Engineering
<b>Entitlements Requested:</b>	Minor Subdivision (a replat of Lots 5-6, Block 1, Dakota Commerce Center North Addition, to the City of Fargo, Cass County, North Dakota.)		
<b>Status:</b>	City Commission Consent Agenda: July 7, 2025		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Industrial – warehouse and freight movement
<b>Zoning:</b> LI, Limited Industrial	<b>Zoning:</b> Unchanged
<b>Uses Allowed:</b> LI, Limited Industrial allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space areas, religious institutions, safety services, basic utilities, adult establishments, offices, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and certain telecommunications facilities.	<b>Uses Allowed:</b> Unchanged
<b>Maximum Lot Coverage Allowed:</b> 85%	<b>Maximum Lot Coverage Allowed:</b> Unchanged

<b>Proposal:</b>
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A minor subdivision, entitled <b>Dakota Commerce Center North Second Addition</b>, replat of Lots 5-6, Block 1, Dakota Commerce Center North Addition, to the City of Fargo, Cass County, North Dakota.</li> </ol> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: Undeveloped land in LI, Limited Industrial;</li> <li>• East: Undeveloped land in LI, Limited Industrial;</li> <li>• South: Industrial in LI, Limited Industrial;</li> <li>• West: In Fargo's Extraterritorial Jurisdiction (ETJ), Industrial in LI, Limited Industrial.</li> </ul>

<b>Area Plans:</b>
The Fargo Growth Plan 2024 designates the Place Type of the subject property as General Industrial and Flex Warehouse. The current zoning of LI, Limited Industrial, matches this Place Type designation.
<b>Context:</b>
<p><b>Neighborhood:</b> The subject properties are not located within a designated Neighborhood.</p> <p><b>Schools:</b> The properties are located within the Fargo Public School District, specifically Washington elementary, Ben Franklin middle, and Fargo North high schools.</p> <p><b>Parks:</b> Within a mile north of the subject property is the North Softball Complex (6063 45 St N), which has amenities of baseball/softball fields, concessions, picnic tables, playgrounds and restrooms.</p> <p><b>Pedestrian / Bicycle:</b> There are no on-road or off-road bike facilities adjacent to the subject property. However, the Amenities Plan addresses future shared use paths.</p> <p><b>Transit:</b> The subject properties are not on a MATBUS route at this time.</p>
<b>Staff Analysis:</b>
<p>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.</p> <p><u>Minor Subdivision Plat</u> The plat will replat two existing lots into one single lot. The plat encompasses approximately 25.54 acres. Within the scope of this plat is the vacation of a 20' Public Utility Easement. The applicant confirmed there are no existing utilities within the easement.</p> <p><u>Amenities Plan</u> The existing Amenities Plan and Airport Proximity Agreement for the subject properties will continue through from the previous plat.</p> <p><b>Minor Subdivision Criteria</b></p> <p>The LDC stipulates that the following criteria is met before a minor plat can be approved:</p> <ol style="list-style-type: none"> <li><b>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.</b> The current zoning is LI, Limited Industrial and no zone change is proposed. The zoning is consistent with the Fargo Growth Plan 2024 designation of "General Industrial and Flex Warehouse" Place Type for the subject property. In accordance with Section 20-0901.F of the LDC, notices of the proposed</li> </ol>



plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no inquiries. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any public improvements associated with the project (whether rehabilitation of existing infrastructure or new proposed improvements) will be funded in accordance with the City's Infrastructure and Funding Policy, which may include the use of special assessments.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of Planning Commission and staff and move to approve the proposed subdivision plat, **Dakota Commerce Center North Second Addition**, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, the standards of Article 20-06, Section 20-0907.B and C of the LDC, and all other applicable requirements of the Land Development Code".

**Planning Commission Recommendation:**

At the June 3<sup>rd</sup>, 2025 Planning Commission hearing, that Commission, by a vote of 10-0 with one commissioner absent, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed subdivision plat, **Dakota Commerce Center North Second Addition**, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, the standards of Article 20-06, Section 20-0907.B and C of the LDC, and all other applicable requirements of the Land Development Code

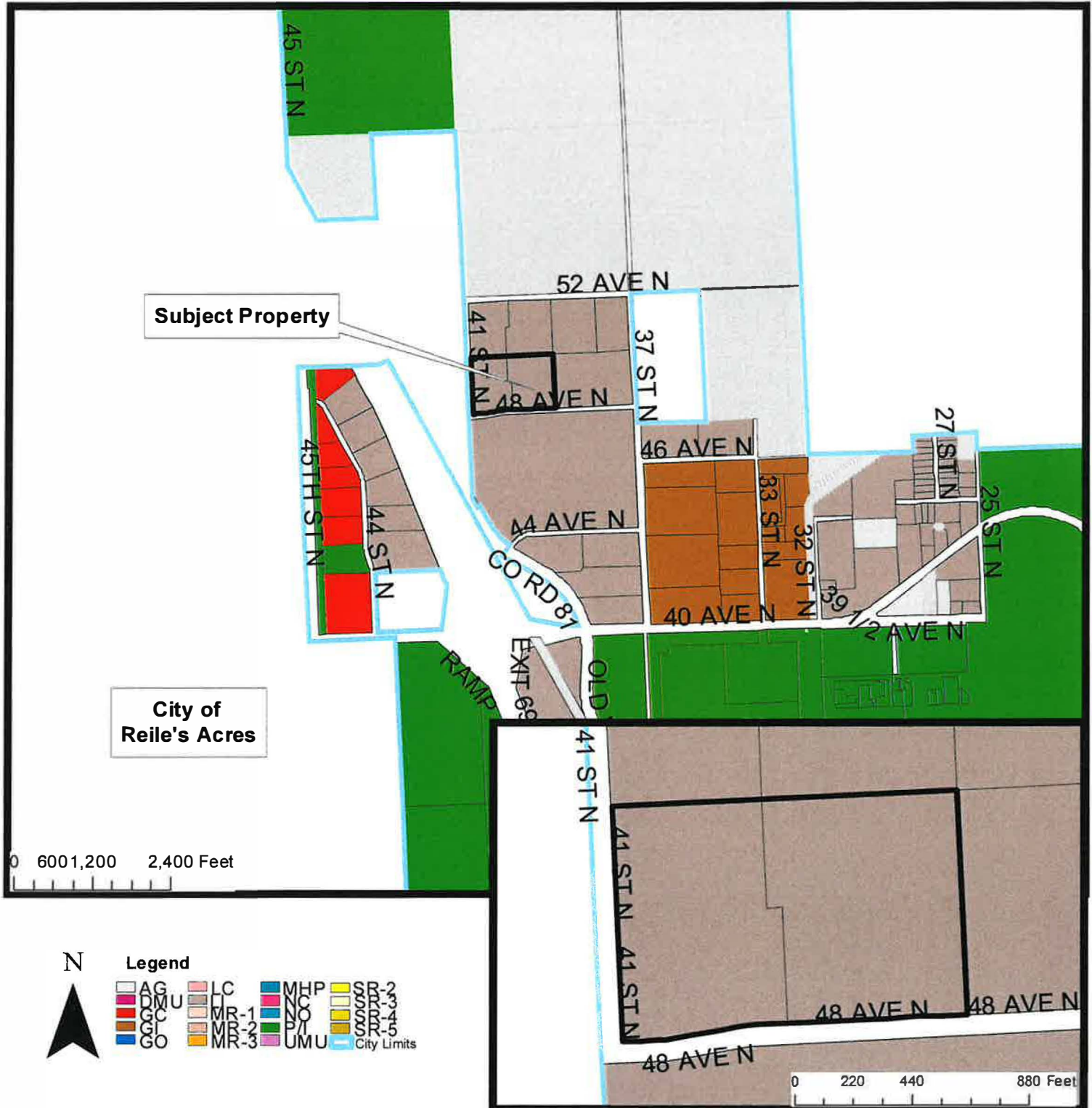
**Attachments:**

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

## Minor Subdivision

### Dakota Commerce Center North Second Addition

3901 and 4001  
48th Avenue North

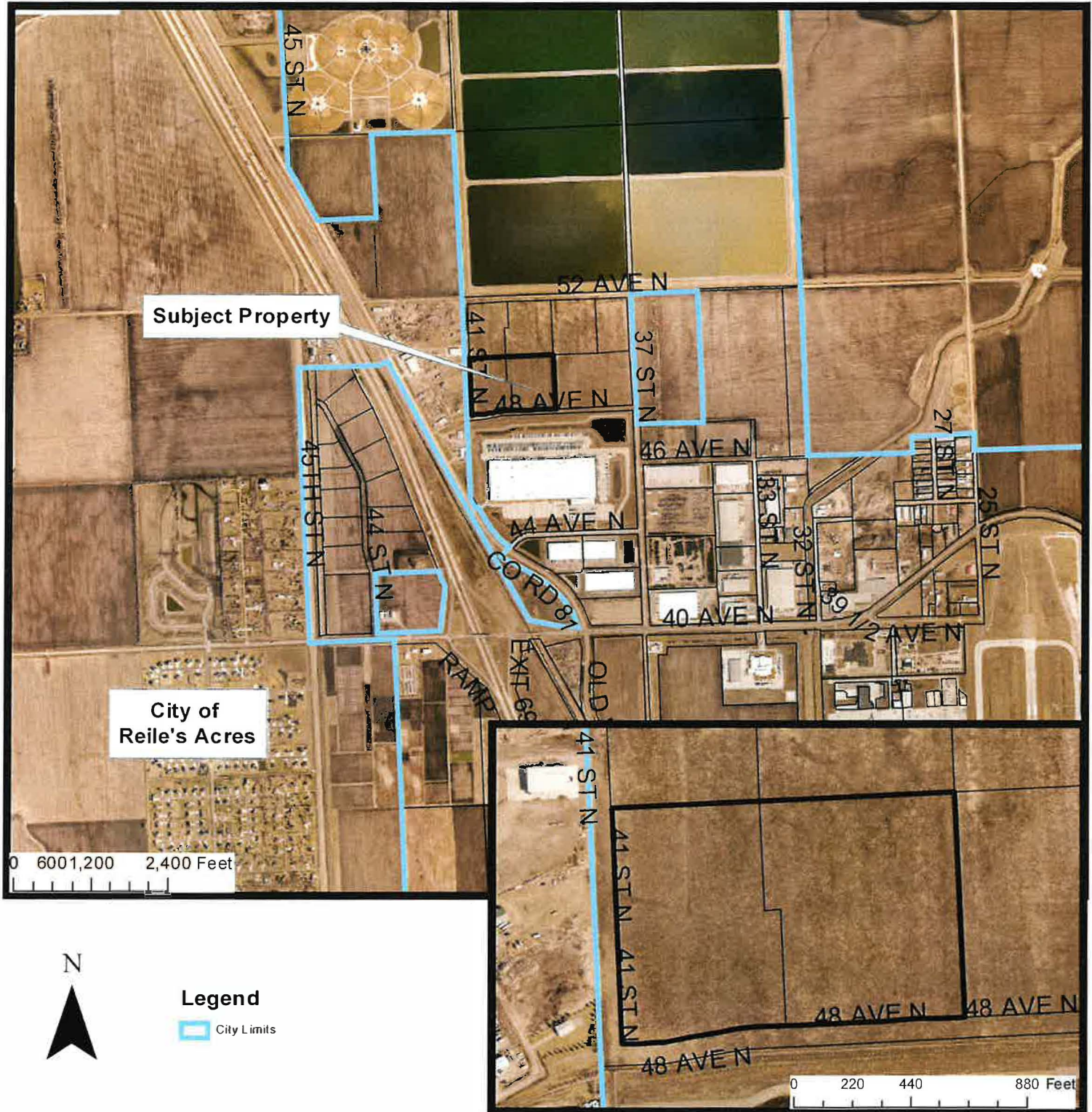




## Minor Subdivision

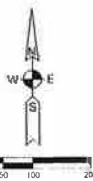
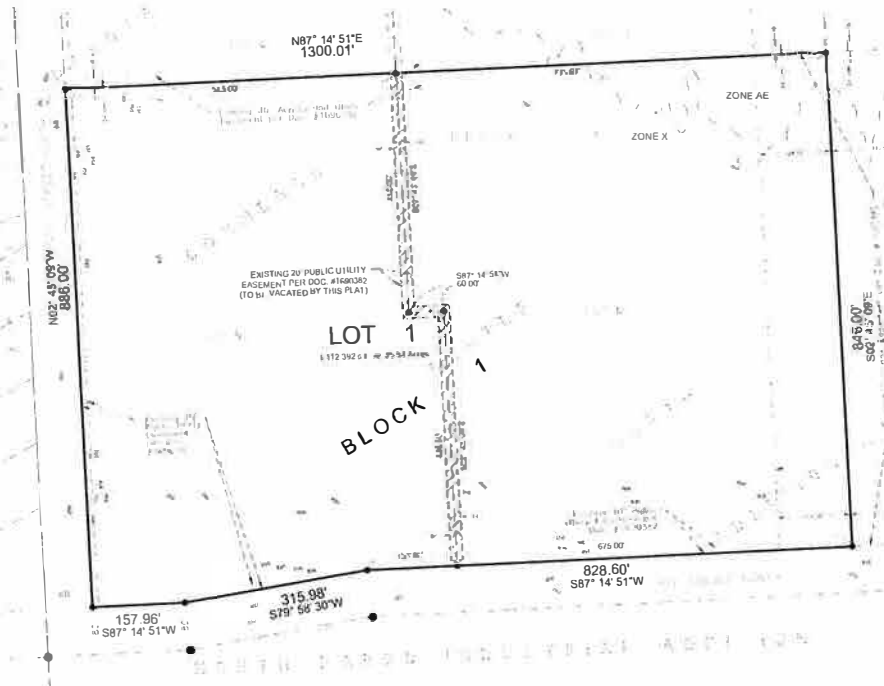
### Dakota Commerce Center North Second Addition

3901 and 4001  
48th Avenue North

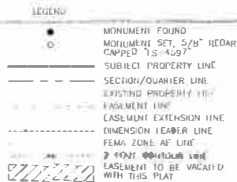


# DAKOTA COMMERCE CENTER NORTH SECOND ADDITION

A REPLAT OF LOTS 5 & 6, BLOCK 1, DAKOTA COMMERCE CENTER NORTH ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA,  
(A MINOR SUBDIVISION)



GRAPHIC SCALE: 1" = 100'  
For the purposes of this plat,  
the west line of Lot 5, Block 1, DAKOTA  
COMMERCE CENTER NORTH ADDITION  
is assumed to bear North 02° 45' 19\"/>



Floodplain Areas, as noted on this plat, are from the following FEMA  
Flood Insurance Rate Map:

38017C05780 with an Effective Date of January 16, 2015

Block 1 Zone AE and Zone X are shown through a base flood elevation of 893  
feet per above referenced FEMA map.

Contours shown are based on a Field Survey by Ulteig, March, 2025

**PLAT 63** **1/10/2025**  
BAC-110 - 10x10 survey disk stamped "BACUM 1993" set on trip at  
an aluminum alloy rod located in southwest quadrant of intersection of  
70th Ave N and 24th St N, Cass County, Minnesota (approx  
26,500 feet Fossil Northeast from intersection at County Road 20 &  
37th Street)  
Published Elevation = 899.21' (NAVD83)

Site Monuments  
Benchmark #11 - #5 rebar with cap, "ULTEIG LONG CONTROL PT" set  
7500 feet west at the centerline of 37th St N and  
42 feet north of the centerline of 24th Ave N  
Elevation = 891.94' (NAVD83)

## OWNERS DESCRIPTION AND DECLARATION

KNOW ALL MEN BY THESE PRESENTS, That DAKOTA COMMERCE CENTER'S LLC, A DELAWARE  
LIMITED LIABILITY COMPANY, as owner of a parcel of land located in the Northeast Quarter of  
Section 15, Township 14N, Range 49 West of the Fifth Principal Meridian, Cass County,  
North Dakota, more particularly described as follows:

Lots 5 and 6, Block 1, DAKOTA COMMERCE CENTER NORTH ADDITION to the City of Fargo according  
to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota  
Containing 1,115,292 square feet or 25.54 acres, more or less.

Said owners have caused the above described parcel of land to be surveyed and platted as  
"DAKOTA COMMERCE CENTER NORTH SECOND ADDITION" to the City of Fargo, Cass County,  
North Dakota.

Dakota Commerce Center's LLC, a Delaware limited liability company, by Hyde Fargo LLC, its  
sole manager:

Hyde Fargo, Inc. (Print)

State of Minnesota } SS  
County of Minnehaha

On this 2nd day of June, 2025, before me personally appeared Paul  
Hyde, President of Dakota Commerce Center's LLC, a Delaware limited liability company, by Hyde  
Fargo LLC, its sole manager (as stated on said plat) and who executed the within and foregoing  
said instrument and that he executed the same.

*Paul Hyde*  
State of Minnesota } SS  
County of Minnehaha

## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Kurt M. Kisch, Registered Professional Land Surveyor under the laws of the State of North  
Dakota do hereby certify that this plat is a true and correct representation of the survey of  
said addition, that all distances shown on said plat are correct; that the monuments for the  
guidance of future surveys have been located or placed in the ground as shown.

*Kurt M. Kisch*  
Kurt M. Kisch, Professional Land Surveyor  
North Dakota License No. 11-1416

State of Minnesota } SS  
County of Minnehaha

On this 2nd day of June, 2025, before me, a notary public with and  
for said County, personally appeared Kurt M. Kisch, to me known to be the person  
described in and who executed the same as a free act and deed.

*Notary Public*

## CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this    day of   , 2025.

*Tam Knapik*, PE, City Engineer

State of North Dakota } SS  
County of Cass

On this    day of   , 2025, before me, a notary public with and  
for said County, personally appeared Tam Knapik, PE, City Engineer, to me known to be  
the person described in and who executed the same as a free act and deed.

*Notary Public*

## CITY OF FARGO PLANNING COMMISSION APPROVAL

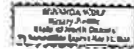
Approved by the City of Fargo Planning Commission  
this 3rd day of June, 2025.

*Moranda K. Wolf*, Planning Commission Chair

State of North Dakota } SS  
County of Cass

On this 3rd day of June, 2025,  
before me, a notary public with and for said County,  
personally appeared Moranda K. Wolf, Planning  
Commission Chair, to me known to be the person  
described in and who executed the same as a free act  
and deed.

*Moranda Wolf*  
Notary Public



## FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and Ordained  
that this    day of   , 2025.

*Timothy J. Mahoney*, Mayor

*Steven Sprague*, City Auditor

State of North Dakota } SS  
County of Cass

On this    day of   , 2025,  
before me, a notary public with and for said County,  
personally appeared Timothy J. Mahoney, Mayor, and  
Steven Sprague, City Auditor, to me known to be the  
persons described in and who executed the same as a  
free act and deed.

*Notary Public*

PREPARED BY



PROJECT NO. 25-01070  
SHEET 1 OF 1 SHEETS

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Family Healthcare Center Addition	<b>Date:</b>	5/28/2025 7/3/2025
<b>Location:</b>	301, 307, 309, 313 Northern Pacific Avenue North	<b>Staff Contact:</b>	Alayna Espeseth, Assistant Planner
<b>Legal Description:</b>	Lots 6-12, Block 3, Keeney & Devitt's Addition		
<b>Owner(s)/Applicant:</b>	Family Healthcare Center	<b>Engineer:</b>	Houston Engineering Inc.
<b>Entitlements Requested:</b>	Minor Subdivision (Replat of Lots 6-12, Block 3, Keeney & Devitts Addition, to the City of Fargo, Cass County, North Dakota.)		
<b>Status:</b>	City Commission Consent Agenda: July 7th, 2025		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Medical Office	<b>Land Use:</b> No Change
<b>Zoning:</b> DMU, Downtown Mixed-Use	<b>Zoning:</b> No Change
<b>Uses Allowed:</b> DMU, Downtown Mixed-Use allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, commercial parking, retail sales and service, vehicle repair, limited vehicle service, major entertainment events, basic utilities and certain telecommunications facilities.	<b>Uses Allowed:</b> No Change
<b>Maximum Lot Coverage Allowed:</b> 100%	<b>Maximum Lot Coverage Allowed:</b> No Change

<b>Proposal:</b>
<p>The applicant has requested one entitlement:</p> <ol style="list-style-type: none"> <li>1. A minor subdivision, entitled <b>Family Healthcare Center Addition</b>, a replat of Lots 6-12, Block 3, Keeney &amp; Devitts Addition, to the City of Fargo, Cass County, North Dakota.</li> </ol> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: DMU, Downtown Mixed-Use with Vehicle Repair;</li> <li>• East: DMU, Downtown Mixed-Use with Office;</li> <li>• South: DMU, Downtown Mixed-Use with Household Living and Office;</li> <li>• West: DMU, Downtown Mixed-Use with Parking, Commercial.</li> </ul>
<b>Area Plans:</b>
<p>The Fargo Growth Plan 2024 designates the place type of the subject property as Downtown / Core. The Downtown InFocus plan identifies the property for commercial. The current zoning is DMU, Downtown Mixed-Use, which matches this place type designation.</p>



**Context:**

**Neighborhood:** The subject property is located within the Downtown Neighborhood.

**Schools:** The subject property is located within the Fargo School District and is served by Horace Mann and Roosevelt elementary, Ben Franklin middle and North high schools.

**Parks:** The subject property is located approximately 0.25 miles south from Broadway Square. Amenities include green space in the summer, picnic tables, live music, kid friendly events, ice rink in the winter, and warming houses. The subject property is also located approximately 0.25 miles north of Island Park. Amenities include outdoor pool, basketball courts, cross country ski trails, grill, handball court, picnic tables, playgrounds for ages 2-5, and 5-12, recreational trails, restrooms, a shelter that can be reserved and tennis courts.

**Pedestrian / Bicycle:** There is a bike lane on both the north and south sides of Northern Pacific Avenue North directly south of the subject property.

**MATBUS:** The Ground Transportation Center (GTC) is located at 502 Northern Pacific Drive North approximately 0.8 miles from the subject property.

**Staff Analysis:**

The Family Healthcare Center is seeking a minor subdivision plat to combine seven underlying lots into a single lot of approximately 0.56 acres. These were platted in 1882 as part of Keeney & Devitts Addition. These lots have existing structures. The Family Healthcare Center occupies these structures and have proposed to connect the buildings with a passage way. The reason for combining the lots is so that the proposed passage to connect the structures is not crossing lot lines. The current use of the building is Medical Office and is not changing.

Note that the underlying seven lots have been deed-combined into three lots. Deed combines are a method some land owners historically used to formalize tax parcel changes. Deed-combined lots are not platted lots.

The Engineering Department is working with the applicant on an encroachment agreement for the ADA ramp that is encroaching south into City right-of-way along Northern Pacific Avenue North. This is not an item that effects the plat but is to be completed prior to any improvements or construction projects.

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

**Minor Subdivision**

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

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

**the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The current zoning of the subject property is DMU, Downtown Mixed-Use and no zone change is proposed. The zoning is consistent with the Fargo Growth Plan 2024 designation of "Downtown / Core" place type and Downtown InFocus plan for "commercial". 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, Planning staff has received zero inquiries about the proposal. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

**2. Section 20-0907.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 public improvements associated with the project (whether rehabilitation of existing infrastructure or new proposed improvements) will be funded in accordance with the City's Infrastructure Funding Policy, which may include the use of special assessments. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to approve the proposed subdivision plat, **Family Healthcare Center Addition** as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, Downtown InFocus Plan, the standards of Article 20-06, Section 20-0907.B and C of the LDC, and all other applicable requirements of the Land Development Code."

**Planning Commission Recommendation: June 3, 2025**

At the June 3<sup>rd</sup>, 2025, Planning Commission hearing, by a vote of 10-0, the Commission moved to accept the findings and recommendations of staff and moved to recommend approval to the City Commission of the proposed subdivision plat, **Family Healthcare Center Addition** as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, Downtown InFocus Plan, the standards of Article 20-06, Section 20-0907.B and C of the LDC, and all other applicable requirements of the Land Development Code.

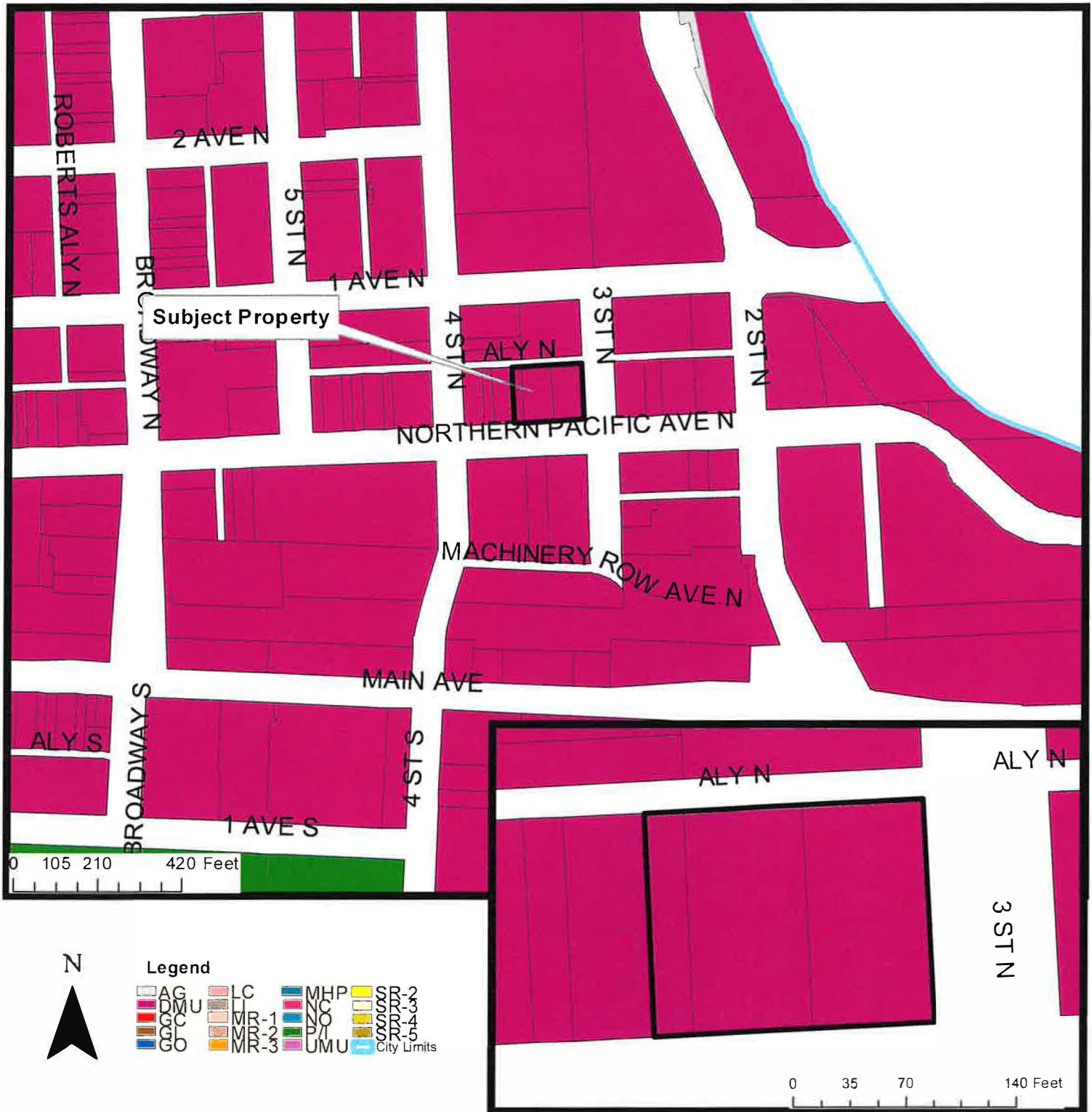
**Attachments:**

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

## Minor Subdivision

### Family Healthcare Center Addition

301, 307, 309, and 313  
Northern Pacific Avenue North

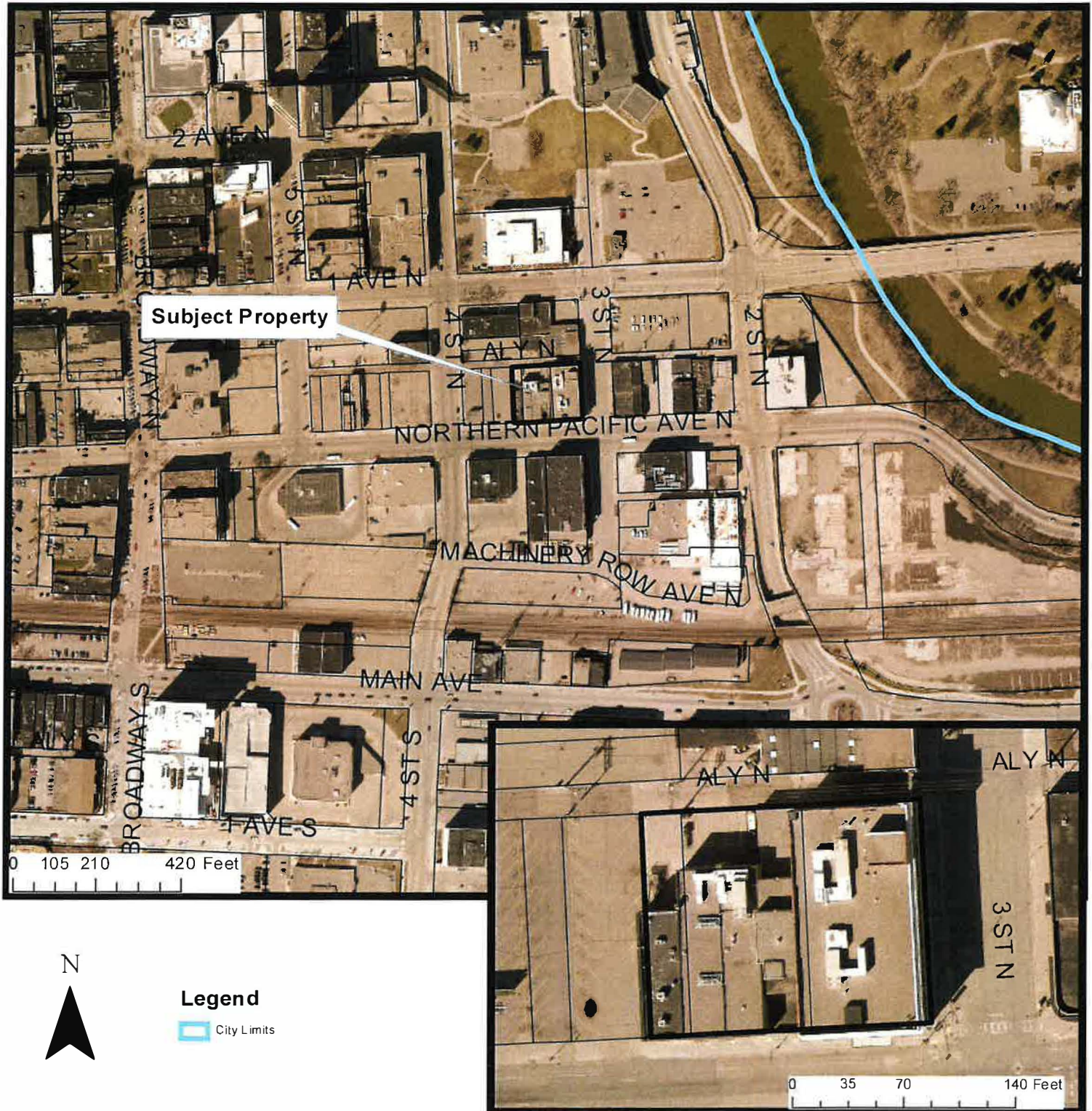


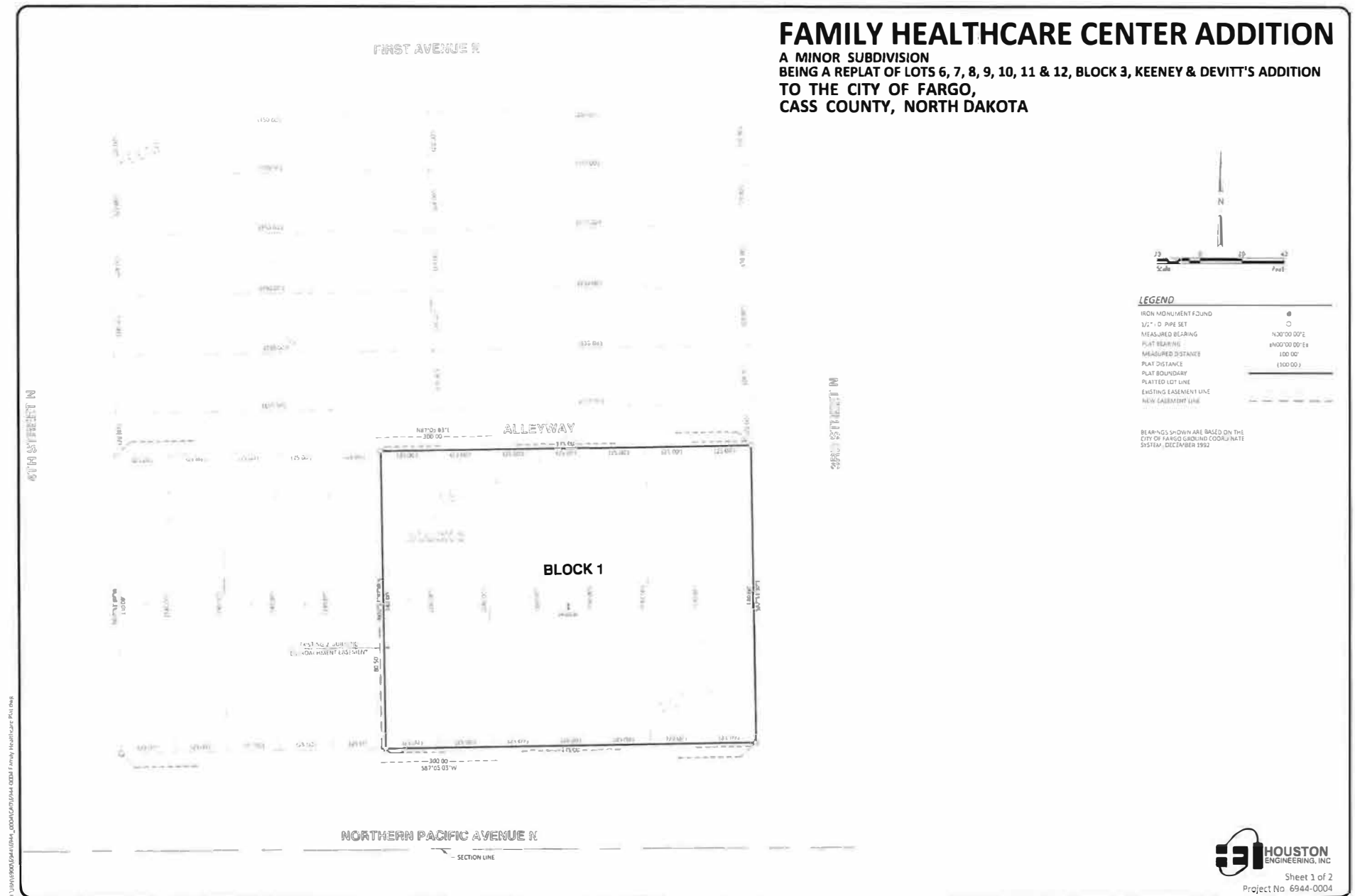


## Minor Subdivision

### Family Healthcare Center Addition

301, 307, 309, and 313  
Northern Pacific Avenue North





# FAMILY HEALTHCARE CENTER ADDITION

A MINOR SUBDIVISION  
BEING A REPLAT OF LOTS 6, 7, 8, 9, 10, 11 & 12, BLOCK 3, KEENEY & DEVITT'S ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA

## OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That Family Healthcare Center, a North Dakota nonprofit corporation is the owner and proprietor of the following described tract of land:

Lot 6, 7, 8, 9, 10, 11 & 12, Block 3, Keeney & Devitt's Addition to the City of Fargo, Cass County, North Dakota

Said tract contains 0.563 acres, more or less.

And that said party has caused the same to be surveyed and plotted as FAMILY HEALTHCARE CENTER ADDITION to the City of Fargo, Cass County, North Dakota.

## OWNER

Family Healthcare Center, a North Dakota nonprofit corporation

Margaret Ashheim  
Margaret Ashheim, Chief Executive Officer

State of North Dakota )  
County of Cass ) ss

On this 22<sup>nd</sup> day of May, 2025, before me personally appeared Margaret Ashheim, Chief Executive Officer of Family Healthcare Center, a North Dakota nonprofit corporation, known to me to be the person whose name is subscribed to and who executed the within instrument and acknowledged to me that she executed the same on behalf of said limited liability partnership.

Notary Public Stella Wolf



## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision, that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this 28<sup>th</sup> day of MAY, 2025.

Curtis A. Skarphol  
Curtis A. Skarphol, Professional Land Surveyor No. 4723

State of North Dakota )  
County of Cass ) ss

On this 28<sup>th</sup> day of MAY, 2025, before me personally appeared Curtis A. Skarphol, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as the free and sole agent.

Notary Public Stella Wolf



## CITY ENGINEER'S APPROVAL

Approved by the Fargo City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Tom Knakmuhs, PE, City Engineer

State of North Dakota )  
County of Cass ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Tom Knakmuhs, PE, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as City Engineer.

Notary Public \_\_\_\_\_

## FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this 3<sup>rd</sup> day of June, 2025.

Melinda R. Tasa  
Melinda R. Tasa, Chair, Fargo Planning Commission

State of North Dakota )  
County of Cass ) ss

On this 3<sup>rd</sup> day of June, 2025, before me personally appeared Melinda R. Tasa, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public Stella Wolf



## FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Timothy J. Mahoney, Mayor

Attest:  
Steven Sprague, City Auditor

State of North Dakota )  
County of Cass ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo, and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public \_\_\_\_\_



# FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

*OFFICE OF THE CHIEF*

## MEMORANDUM

**To:** City Commission

**From:** Chief David B. Zibolski

**Date:** July 1, 2025

**RE:** Consent Agenda Request

**DRAFT**

Dear Commissioners,

Pursuant to discussions and suggestions from the City Attorney's Office, we are requesting that the City Attorney draft ordinances related to the following issues:


1. An ordinance to specify the parameters and locations for electric vehicle stalls, which will put us in compliance with state statutory language.
2. An ordinance to restrict the use of motorized scooters on sidewalks and other areas where they may be dangerous to the public. We currently do not have an ordinance to address this. Our City Attorney has reviewed a similar ordinance in Grand Forks as a model.

**Suggested Motion:**

To direct the City Attorney's Office to review and craft ordinances related to electric vehicle stalls and motorized scooters.

If you have any questions please feel free to contact me.

Sincerely,

  
David B. Zibolski  
Chief of Police



# REPORT OF ACTION

## UTILITY COMMITTEE



Project No. SW 23-04

Type: Change Order

Location: Solid Waste Division – Landfill

Date of Hearing: 06/25/25

Routing	Date
City Commission	07/07/25
Project File	SW 23-04 Cell 21 Waste Excavation and Construction

Scott Olson, Solid Waste Utility Director, presented the attached Change Order related to repair made to the damaged area on the south slope of the Cell 21.

In November of 2024 following a large rain event the southern slope of the excavation site for Cell 21 construction experienced a failure. Following intensive geotechnical analysis a plan to repair the slope and complete the project was developed. Change Order 2 with Excavating Inc includes the slope repair and all necessary equipment to complete the project. This project is funded utilizing North Dakota Clean Water State Revolving Funds (CWSRF) loan #380715-11.

Current contract bid price, change orders and adjusted contract price are as follows:

Contractor	Approved Contract Original	Current Change Orders	New Substantial Completion Date	Adjusted Contract Price
Excavating Inc.	\$6,165,624.20			
CO 1 - West Slope Repair on Cell 20		\$569,910.72	Nov. 30, 2024	
CO 2 - Cell 21 South Slope Repair		\$634,077.00	Aug. 31, 2025	
				<b>\$7,369,611.92</b>

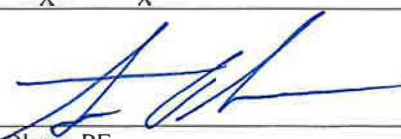
A detailed summary of each change order has been included in the memorandum to the Utility Committee for your review.

### **MOTION:**

On a motion by Mark Miller, seconded by Dan Portlock, the Utility Committee voted to approve the contract change order with Excavating Inc for project SW 23-04 in the amount of \$634,077.00 for the emergency slope repair as described in the attached memo.

COMMITTEE:	Present	Yes	No	Unanimous
Denise Kolpack, City Commissioner				X
Thomas Knaukmuhs, City Engineer	X	X		
Susan Thompson, Interim City Finance Director	X	X		
Bruce Grubb, City Administration	X	X		
Brian Ward, Water Plant Supt.	X	X		
Mark Miller, Wastewater Plant Supt.	X	X		
Scott Liudahl, City Forester	X	X		
James Hausauer, Wastewater Util. Director	X	X		
Troy Hall, Water Utility Director	X	X		
Ben Dow, Public Works Operations Director	X	X		
Scott Olson, Solid Waste Utility Director	X	X		
Daniel Portlock, Water Utility Engineer	X	X		

ATTEST:



\_\_\_\_\_  
 Scott Olson, PE  
 Solid Waste Utility Director

C Tim Mahoney, Mayor  
 Commissioner Kolpack  
 Commissioner Piepkorn  
 Commissioner Strand

**To:** Utility Committee  
**From:** Scott Olson, Solid Waste Utility Director  
**Date:** June 30, 2025  
**Subject:** Project SW 23-04 – Cell 21 Waste Excavation and Construction Change Order 3

On October 2, 2023, the Commission approved the award of the Cell 21 Waste Excavation and Construction Project SW 23-04 to Excavating Inc. in the amount of **\$6,165,624.20**.

With previous change orders, the current contract complete date and amount is:

Contract	Contractor	Substantial Completion Date	New Contract Amount
Cell 21 Waste Exc. & Construction	Excavating Inc.	June 19, 2025	<b>\$6,735,534.92</b>

The following table shows the cost for the proposed change orders and associated change in the substantial completion date during this approval period (monthly):

Change Order	Description	Change in Sub. Completion Date	Change Order Amount
Cell 21 Slope Repair	Repair to southern slope	72 Days	\$634,077.00
		<b>Total</b>	<b>\$632,357.00</b>

With Change Order approval, the updated contract amounts and completion dates would be:

Contract	Contractor	New Substantial Completion Date	New Contract Amount
Cell 21 Waste Exc. & Construction	Excavating Inc.	August 30, 2025	<b>\$7,367,891.92</b>

#### **Detailed Summary of Change Orders**

The project cost and time impacts for the proposed changes are as follows:

#### **Change Order #3 – Cell 21 Slope Repair**

In November of 2024, Excavating Inc was nearing completion of excavation activities and preparing the site for installation of clay liner. Immediately following a large rain event the southern slope of the construction area experienced a failure in which material from within the Cell 18 area (directly south Cell 21) settled and forced a large amount of soils into the Cell 21 construction area.

Following a geotechnical evaluation and discussions with the North Dakota Department of Environmental Quality it was decided that to best repair the area we install a soil buttress at the south end of Cell 21 through the tie-in location of Cells 21 & 18, which would effectively become

the cell floor. Above the soil buttress would then be the clay liner, synthetic liner and granular drainage layer. The major work required in this change order would be;

- 33,500 cubic yards of controlled fill
- 10,800 square yards of clay subliner
- 10,800 square yards of synthetic (60 Mil HDPE) liner
- 10,800 square yards of granular drainage layer

With the addition of this work there will be an adjustment to final quantities related to the original contract which is estimated to be approximately \$180,000 in cost savings. Moving forward the City will be committing to additional geotechnical analysis during excavation and construction activities on adjacent slopes.

Cost: \$632,357.00

Added Contract Time: 72 Days

Reason: Owner requested emergency repair to failed slope

The Cell 21 project is financed through the CWSRF program (#380715-11).

**Process for Amending the Contract Documents; Changes in the Work**

As provided in the specifications, and to avoid substantial construction schedule delays, Work Change Directives (WCD) were issued for the additional work described above. Acceptance of WCD's by Solid Waste (City) staff are provided after review and negotiation following Contractor proposal requests and submittal. WCD's are incorporated in subsequent Change Orders through formal Utility Committee and City Commission approval on this project.

**SUGGESTED MOTION:**

Approve the contract Change Order with Excavating, Inc. for project SW 23-04 as described above.

**Attachment**

cc: Steve Sprague, City Auditor  
Sam Mauch, Stantec  
Dustin Halsne, Landfill Supervisor

Date of Issuance: 06/18/25  
 Owner: City of Fargo Division of Solid Waste  
 Contractor: Excavating, Inc.  
 Engineer: Stantec, Inc.  
 Project: Cell 21 Waste Excavation and Construction

Effective Date: 06/18/25  
 Owner's Contract No.: SW 23-04  
 Contractor's Project No.:  
 Engineer's Project No.: 227705930  
 Contract Name: Cell 21 Waste  
 Excavation and Construction

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

Description: Cell 21 Revised Design and Slope Repair

Attachments: See the attached "Cell 21 Slope Repair Work Proposal"

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ <u>6,165,624.20</u>	Original Contract Times: Substantial Completion: <u>October 31, 2024</u> Ready for Final Payment: <u>November 30, 2024</u> dates
Increase from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$ <u>569,910.72</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : Substantial Completion: <u>231</u> Ready for Final Payment: <u>231</u> days
Contract Price prior to this Change Order: \$ <u>6,735,534.92</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 19, 2025</u> Ready for Final Payment: <u>July 19, 2025</u> dates
Increase of this Change Order: \$ <u>632,357.00</u>	Increase of this Change Order: Substantial Completion: <u>72</u> Ready for Final Payment: <u>73</u> days
Contract Price incorporating this Change Order: \$ <u>7,367,891.92</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>August 30, 2025</u> Ready for Final Payment: <u>September 30, 2025</u> dates

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: <u>Samuel March</u>	By: _____	By: <u>[Signature]</u>	By: _____	By: <u>[Signature]</u>	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)		Contractor (Authorized Signature)	
Title: <u>Project Manager</u>	Title: _____	Title: <u>Estimator/Project Manager</u>	Title: _____	Title: <u>Estimator/Project Manager</u>	Title: _____
Date: <u>06/18/2025</u>	Date: _____	Date: <u>June 18, 2025</u>	Date: _____	Date: <u>June 18, 2025</u>	Date: _____

Approved by Funding Agency (if applicable)

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Title: \_\_\_\_\_



**CITY OF FARGO**  
**DIVISION OF SOLID WASTE**  
**Cell 21 Slope Repair Work Proposal**  
**PROJECT SW 23-04**

**Date: 06/09/25**

Item	Estimated Quantity	Unit Price	Extended Price
1 Mobilization and Demobilization	1 LS	\$8,400.00	\$8,400.00
2 Excavation of Soils	300 CY	\$8.50	\$2,550.00
3 Controlled Fill	33,500 CY	\$7.85	\$262,975.00
4 Clay Subliner	10,800 SY	\$3.35	\$36,180.00
5 60 Mil HDPE Liner	10,800 SY	\$16.65	\$179,820.00
6 12-Inch Granular Drainage Layer	10,800 SY	\$12.25	\$132,300.00
7 Anchor Trench Installation	680 LF	\$14.90	\$10,132.00
		<b>TOTAL</b>	<b>\$632,357.00</b>

Project Start Date: June 9, 2025

Estimated Project Completion Date: August 30, 2025


Notes:

- 1 Contractor to provide necessary construction and documentation surveying
- 2 Contractor to assume same contract terms and conditions of Cell 21 will apply to this work and a change order will be issued towards the Cell 21 project

Contractor: Excavating, Inc. - Fargo

Date: June 12, 2025

Printed Name: Austin Stockert

Signature: 



Stantec Consulting Services Inc.  
3303 Fiechtner Drive, Suite 100  
Fargo ND 58103

April 4, 2025

Project/File: 227705930

**Ms. Diana Trussell**

Solid Waste Program Manager  
North Dakota Department of Environmental Quality  
4201 Normandy Street  
Bismarck, ND 58503-1324

**Reference: City of Fargo – Fargo Landfill Cell 18 & 21 Slope Movement  
Proposed Slope Stabilization & Cell 21 Revised Design**

Dear Ms. Trussell,

On behalf of the City of Fargo and the Fargo Landfill (Permit 260), Stantec Consulting Services, Inc., (Stantec) is submitting this letter which summarizes an evaluation of the slope movement event that occurred along the border of Cell 18 and Cell 21 of the Fargo Landfill on November 20, 2024. This letter also presents proposed stabilization construction for the slope and a proposed revised base liner design for Cell 21 along the Cell 18 tie-in. The North Dakota Department of Environmental Quality (NDDEQ) was notified of this slope movement event shortly after the occurrence.

Stantec performed an evaluation of the 2024 slope movement event to represent conditions present prior to slope movement and to evaluate proposed conditions that would stabilize the slump area and allow for continued construction of Cell 21 and operation of Cells 18 and 21. A portion of Cell 21 (Phase 1) was constructed in 2024 and subsequently approved for filling activities. A technical memorandum prepared by Stantec dated February 10, 2025, is included in **Attachment 1** which summarizes the slope movement event, presents the geotechnical modeling of the pre-movement conditions and proposed constructed stabilized conditions. Also included in this memorandum are photos of the area following the slope movement event.

**Attachment 2** to this letter includes proposed construction drawings. The proposed design will stabilize the moved slope and allow for the remainder of Cell 21 landfill liner to be constructed and operated. As presented in **Attachment 1** technical memorandum, proposed slope stabilization work includes:

- Smoothing out the failure surface to seal up any scarp areas that could allow surface water to further infiltrate the existing slip plane; and
- Constructing a buttress made of compacted clay in the proposed Cell 21 lined area and clay/waste outside of the Cell 21 limits (in Cell 18) (see **Attachment 2** on sheet C-03) to counteract further movement along the developed slip plane.

The slump toe is currently providing buttressing resistance against further rotation and therefore it is not recommended to remove the toe slump. Thus, it is proposed to reconfigure the southern limit of the Cell 21 base liner so that the landfill liner overlays a portion of the fully constructed toe buttress. The existing slump

Reference: **City of Fargo – Fargo Landfill Cell 18 & 21 Slope Movement  
Proposed Slope Stabilization & Cell 21 Revised Design**

toe will remain in place to serve as a portion of the complete toe buttress. The existing slump toe material is comprised of existing native clays. Additional controlled fill, which will also be the same native clays, will be placed as shown on the construction drawings to construct the remaining toe buttress.

The native and underlying clays (ranging from 50 to 100 feet in depth) which have been used historically for the compacted clay liner component of the landfill liner system have been well documented to have soil properties that meet the compacted clay liner specifications and notably have been documented to have a hydraulic conductivity less than  $1 \times 10^{-7}$  cm/sec. Hydraulic conductivity results of this clay from the partial Cell 21 construction certification report are included for reference in **Attachment 3**. Therefore, the clay soils that underly the entirety of the site and make up the toe buttress, which will be located directly beneath the Cell 21 liner, sufficiently provide containment for leachate.

The Cell 21 landfill liner will be extended 20 feet horizontally beyond the Cell 21 footprint as shown on sheet C-01. This lapping of Cell 21 over the top of Cells 18 (and smaller portions of Cells 19 and 20) will provide shingling to promote leachate percolating down through the waste onto the leachate collection system of one of these four landfill cells. The proposed 20-foot overlap is similar to guidance and precedent from other regulatory jurisdictions (Iowa Department of Natural Resources (IDNR)) that have required a 1H:1V runout for similar overlay liner designs. The approximate height of Cell 21's base liner over Cell 18's base liner is approximately 22 vertical feet. This overlap along with the native, underlying clays will provide sufficient environmental protection.

The leachate collection piping and trench lengths within the southern limit of Cell 21 will be reduced compared to the originally planned length due to the presence of the toe buttress. The revised termination of the leachate piping and trenches are shown on sheet C-02. There is no proposed revision to the leachate piping and trench detail. The toe buttress will have a slope of at least 15% which is sufficient to promote all leachate on the liner in that area towards the leachate collection pipe and trenches.

All soils and geosynthetic materials used for the toe buttress and Cell 21 construction will conform to the facility's permitted specifications. Additionally, all construction work will be completed and documented in accordance with the permitted construction quality assurance (CQA) plan, with one exception; it is proposed to omit in-place soils testing (density testing) on the toe buttress construction that will be located in the valley created by the slope movement. This valley, as seen in **Attachment 2** on sheet C-03, is located at and near Station 4+50 on the provided cross section. This testing exception is proposed as a safety precaution to minimize CQA personnel's risk of engulfment should any additional soil/slope movement occur. Stantec will still visually inspect the area to ensure compaction is still being fulfilled by the contractor. Once the valley is deemed safe for entry for CQA personnel, field density testing will commence in this area. Controlled fill placement, including lift thickness and compaction methods, will be still performed in accordance with the specifications. The 15% slope specified as part of the reconfigured baseliner design has been selected in part to ensure sufficient grade to promote leachate towards the collection piping and trenches in the event there is settling by the toe buttress in the vicinity of the scarp.

Outside of the proposed Cell 21 construction work, the remaining scarp(s) (south of Cell 21 in Cell 18 and a smaller portion in Cell 19) will be filled with waste and/or regraded to seal the scarp. Overall, the proposed revision to Cell 21 will reduce the disposal capacity by about 30,000 cubic yards.

The City intends to begin the construction work proposed herein as soon as possible. Should you have any questions regarding the slope movement event evaluation or the proposed stabilization and Cell 21 design modifications, feel free to reach us at the contact information below.

**Reference:** City of Fargo – Fargo Landfill Cell 18 & 21 Slope Movement  
Proposed Slope Stabilization & Cell 21 Revised Design

Regards,

**STANTEC CONSULTING SERVICES INC.**



**Sam Mauch** EIT  
Civil Designer  
Phone: (701) 893-2315  
sam.mauch@stantec.com



**Brad Sullivan** PE  
Senior Associate, Civil Engineer  
Phone: (763) 252-6807  
brad.sullivan@stantec.com

**Attachments:**

1. Cell 21 Slope Movement Evaluation Technical Memorandum
2. Design and Construction Drawings
3. Clay Proctor and Hydraulic Conductivity Laboratory Reports

**ATTACHMENT 1 – Cell 21 Slope Movement Evaluation  
Technical Memorandum**



## Memo

**To:** Scott Olson – City of Fargo, ND

**From:** Jason Warne - Stantec Consulting Services, Inc.

**Project:** Cell 21 Slope Movement Evaluation

**Date:** February 10, 2025

**File:** Stantec Project No.: 227705930

---

A slope movement event occurred along the border between Cell 18 and Cell 21 of the Fargo Landfill on November 20, 2024. Stantec has evaluated the movement to estimate the extent and depth of displacement. This memo summarizes the results of the evaluation and presents recommendations for stabilization of the area.

### Slope Movement Evaluation

At the time of the slope movement event, landfill Cell 21 was under construction in the north half of the Fargo Landfill and did not contain waste material. Waste fill was being placed from south to north in adjacent Cell 18 in the south half of the landfill and an interim slope was located near the Cell 18/Cell 21 border. The slope movement occurred in the interim slope with movement proceeding to the north. The head scarp of the slump area developed near the top of the interim slope in the waste fill in Cell 18, approximately 500 feet south of the Cell 18/Cell 21 border. The furthest toe of the slump area exited approximately 150 feet north of the Cell 18/Cell 21 border. The slope movement appeared to be progressive in nature, with one or more secondary slip surface and toe features apparent within the overall slump area between the head scarp and the toe feature in Cell 21. Photos of the area following the slope movement are included in **Attachment A** for reference.

#### *Data Collection*

Previous slope stability models produced for the site were used to establish the subsurface conditions along a cross section through the slump area from Cell 18 to Cell 21. A topographic survey of the site collected on November 17, 2024 was used to create the initial surface conditions on the cross section prior to the slump. The November 17, 2024 topography of the Cell 18 and Cell 21 area and the location of the cross section used for this analysis are shown in **Attachment B**.

In addition to the topographic conditions, it was noted in conversations with local staff that a significant rainfall event occurred prior to the slope movement in Cell 18 and Cell 21. A review of the weather data for Hector International Airport in Fargo, ND the week of November 17-23, 2024 showed that 0.96 inches of rainfall was received on November 19, 2024 and 0.41 inches of rainfall was received on November 20, 2024 for a total of 1.37 inches. The weather record is included in **Attachment C** for reference.

#### *Slope Stability Modeling*

A slope stability model was produced using Slope/W limit equilibrium software with the data described above to represent conditions present prior to the slope movement event. The model was analyzed to reproduce the slide and calibrate the model to the groundwater conditions estimated to have been present at the time of the slide. The initial conditions model indicated a likely elevated groundwater surface

Reference: Cell 21 Slope Movement Evaluation

mimicking the ground surface and ranging from 5 to 10 feet below the ground surface. The initial conditions model predicted an initial slump occurring near the top of the slope in Cell 18 and exiting mid-slope in Cell 18 to the north with a factor of safety of 1.00. This matched observations of an upper slump bench in the landfill slump area.

Observations of multiple slip surface toe areas within the slope failure area suggested that the movement was progressive in nature, with the initial slump triggering further slump formation downslope. An interim slope model was performed to simulate the geometry following the initial slump movement and a subsequent reduction in strength of the Brenna Formation sediments below the landfill. The model predicted a larger secondary slope failure with a toe exiting in Cell 21, similar to what was observed in the landfill.

With the model calibrated to recreate conditions observed in the field, a third model was created to evaluate proposed conditions that could help to stabilize the slump area. The proposed improvements included:

- Smoothing out the failure surface to seal up any scarp areas that could allow surface water to further infiltrate the existing slip plane.
- Constructing a buttress at the toe of the slip surface in Cell 21 to counteract further movement along the developed slip plane.

The waste slope in Cell 18 and Cell 21 of the Fargo Landfill is an active waste placement area and therefore temporary. For the purposes of the proposed conditions model, the toe buttress was sized to produce a minimum factor of safety of 1.20 for short term slope stability. The model indicated that a toe buttress composed of approximately 25 vertical feet of waste fill extending from the slip surface toe area in Cell 21 to part way up the slope in Cell 18 would produce a slope with a factor of safety of 1.25. All slope stability model outputs are included in **Attachment D** for reference.

## Recommendations

Based on the slope stability analysis above, it appears that the slope movement in Cell 18 and Cell 21 in November 2024 was triggered by a recent heavy rainfall event. We recommend that the slump area be graded to eliminate any scarp areas and cracks where surface water could further infiltrate the slip surface.

Further creep along the slump slip plane may be observed, particularly during slope grading activities. However, the magnitude of creep is likely to be small in comparison to the initial slope movement. A waste buttress placed at the toe of the slump area could help stabilize the area for further waste placement. The buttress evaluated will produce a minimum short-term factor of safety. A larger buttress could be considered to increase the factor of safety if desired.

Upon review of this memo, please contact us by phone or email with any questions you may have and to determine next steps. We are also available to meet with you via Teams meeting for discussion.

**STANTEC CONSULTING SERVICES INC.**

**Jason Warne** PE  
Principal Geotechnical Engineer  
Phone: 763-479-4285  
jason.warne@stantec.com

**Randy Hanson**  
Principal, Project Manager  
Phone: 701-893-2313  
randy.hanson@stantec.com

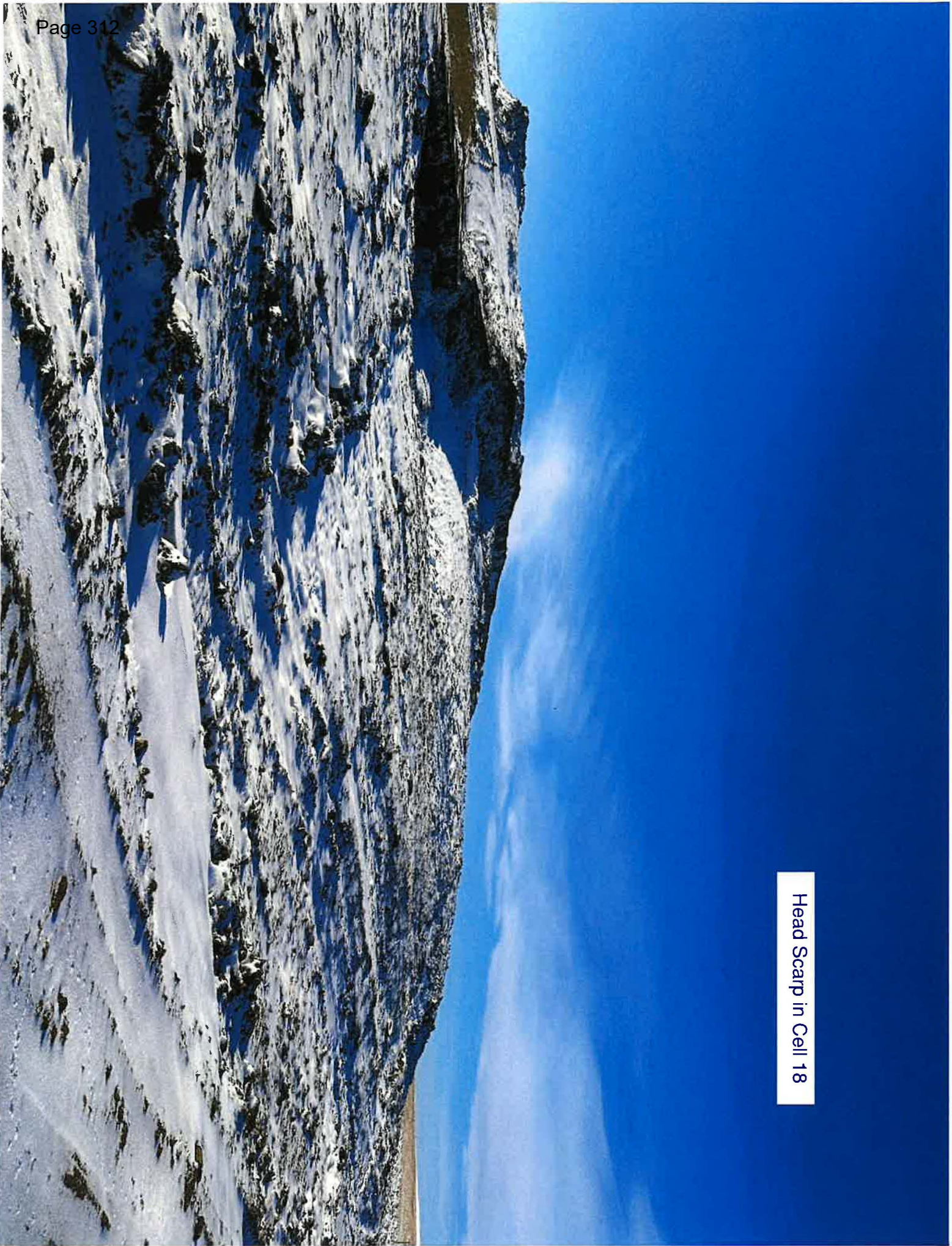
Attachments:

- A – Site Photos
- B – Cross Section
- C – Weather Data
- D – Slope Stability Model Outputs

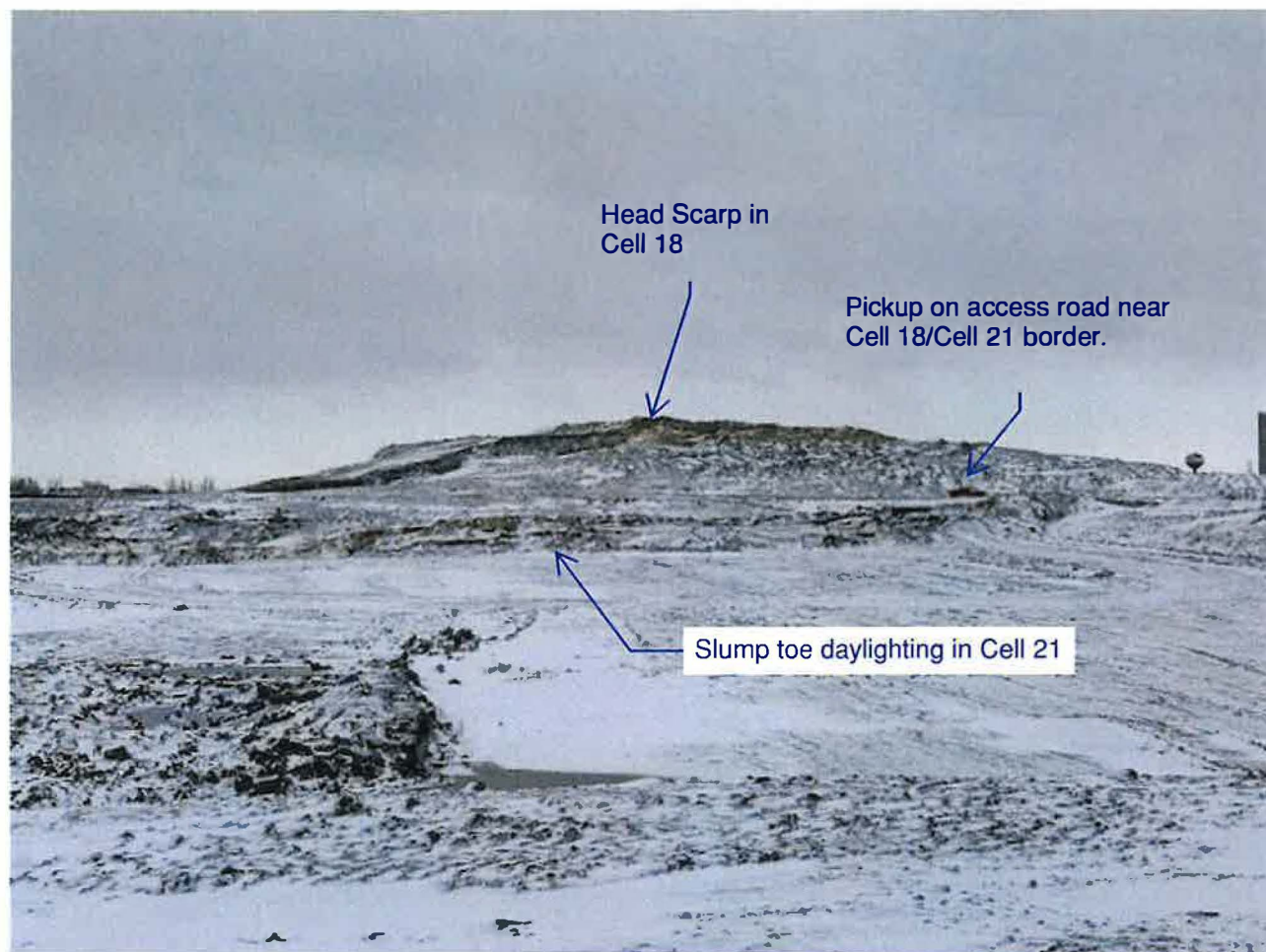


## **Attachment A – Site Photos**

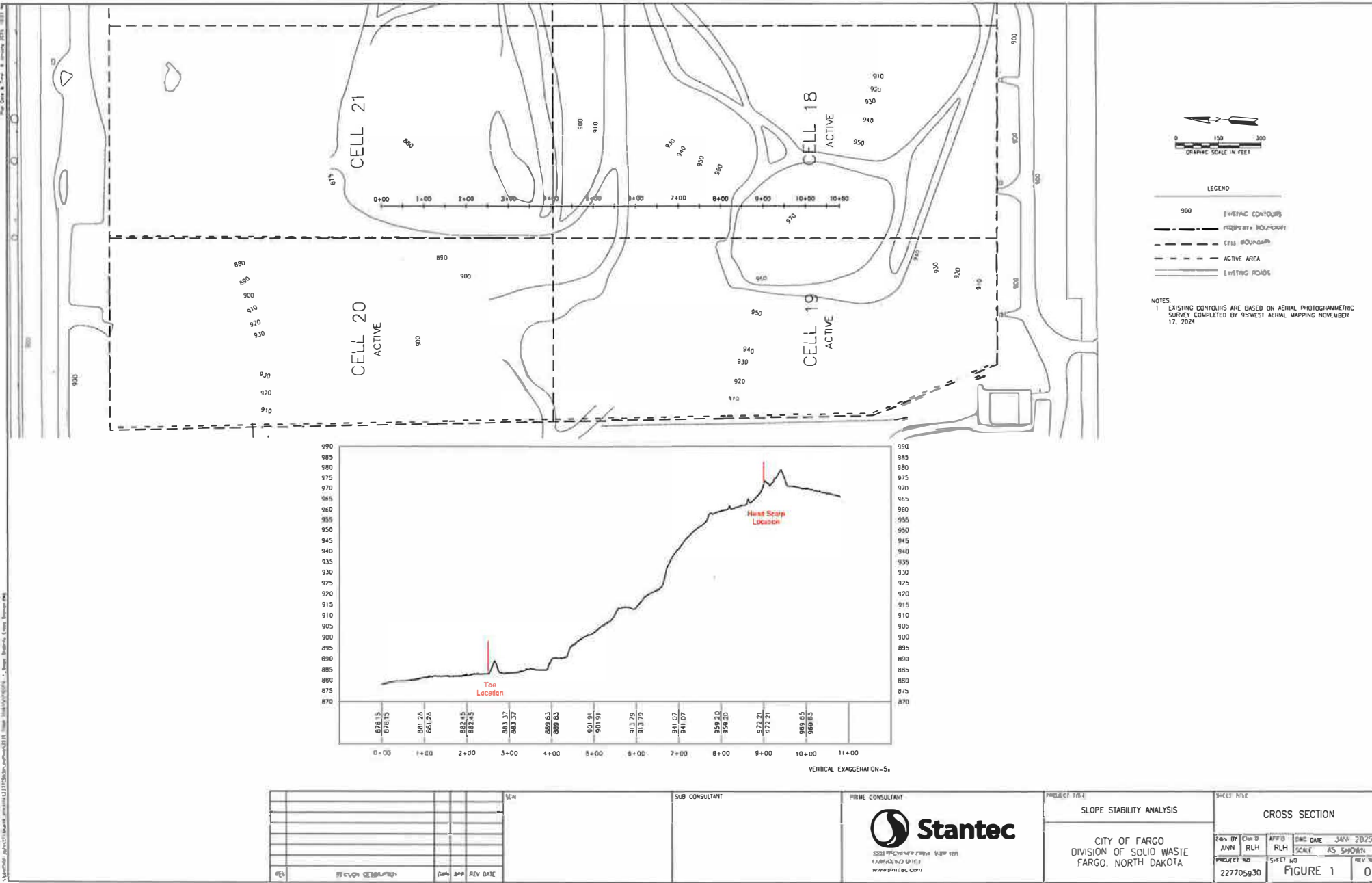
Head Scarp in Cell 18



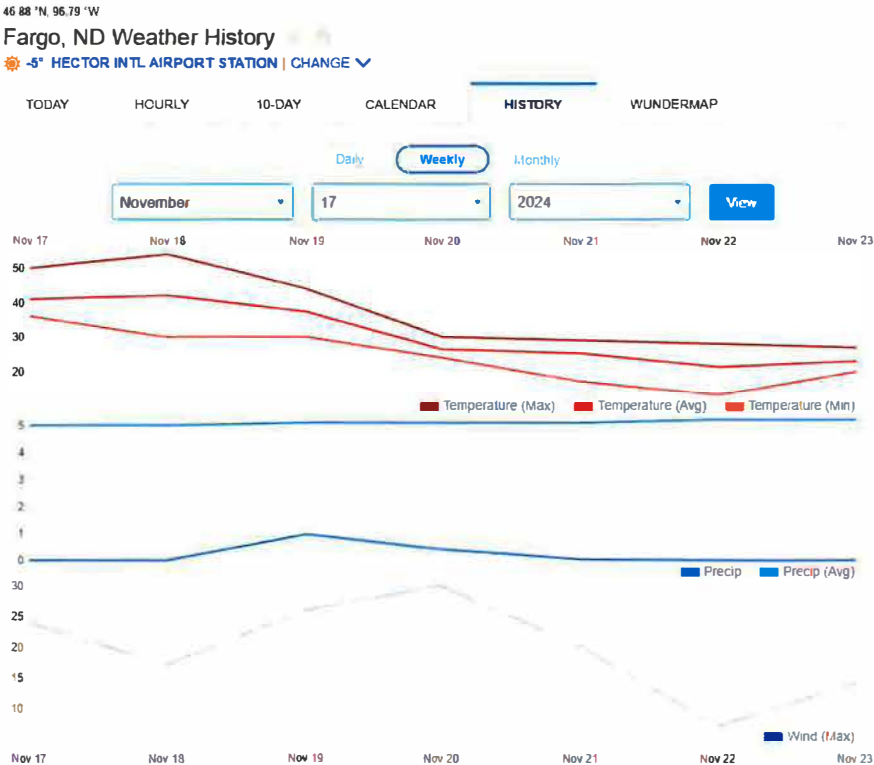




## **Attachment B – Cross Section**



## **Attachment C – Weather Data**



### Summary

Temperature (°F)		Max	Average	Min	
Max Temperature		54	37.43	27	
Avg Temperature		42.08	30.91	21.25	
Min Temperature		36	24.29	13	
Dew Point (°F)		Max	Average	Min	
Dew Point		43	25.75	11	
Precipitation (in)		Max	Average	Min	Sum
Precipitation		0.96	0.20	0.00	1.41
Snowdepth		0.00	0.00	0.00	0.00
Wind (mph)		Max	Average	Min	
Wind		30	12.97	0	
Gust Wind		47	7.82	0	
Sea Level Pressure (in)		Max	Average	Min	
Sea Level Pressure		29.3	28.86	28.21	

### Daily Observations

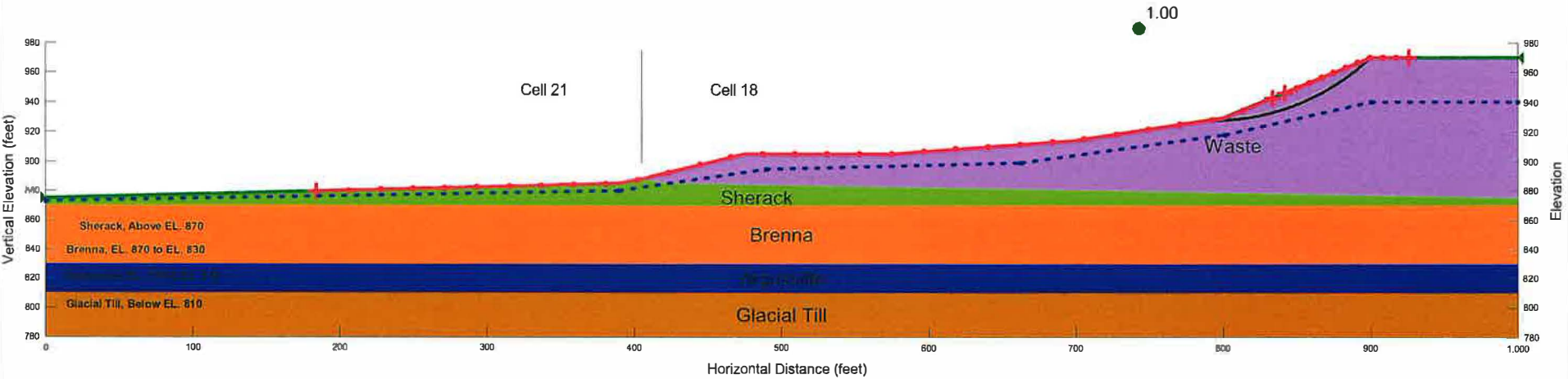
Time	Temperature (°F)			Dew Point (°F)			Humidity (%)			Wind Speed (mph)			Pressure (in)			Precipitation
	Max	Avg	Min	Max	Avg	Min	Max	Avg	Min	Max	Avg	Min	Max	Avg	Min	
Nov 17	50	41.0	36	33	30.4	28	82	67.1	46	24	13.0	7	28.8	28.7	28.6	0.00
18	54	42.1	30	42	33.5	28	93	73.4	48	17	9.7	3	28.8	28.6	28.4	0.00
19	44	37.3	30	43	35.2	27	100	92.2	78	26	18.1	10	28.5	28.4	28.2	0.96
20	30	26.5	24	28	23.6	20	96	89.0	78	30	24.3	18	29.1	28.7	28.5	0.41
21	29	25.2	17	24	20.9	14	89	83.6	78	20	13.2	3	29.3	29.2	29.1	0.04
22	28	21.3	13	22	17.0	11	92	83.8	66	7	2.5	0	29.3	29.2	29.1	0.00
23	27	23.1	20	23	19.7	17	92	87.0	81	14	10.0	5	29.2	29.1	28.9	0.00

## **Attachment D – Slope Stability Model Outputs**



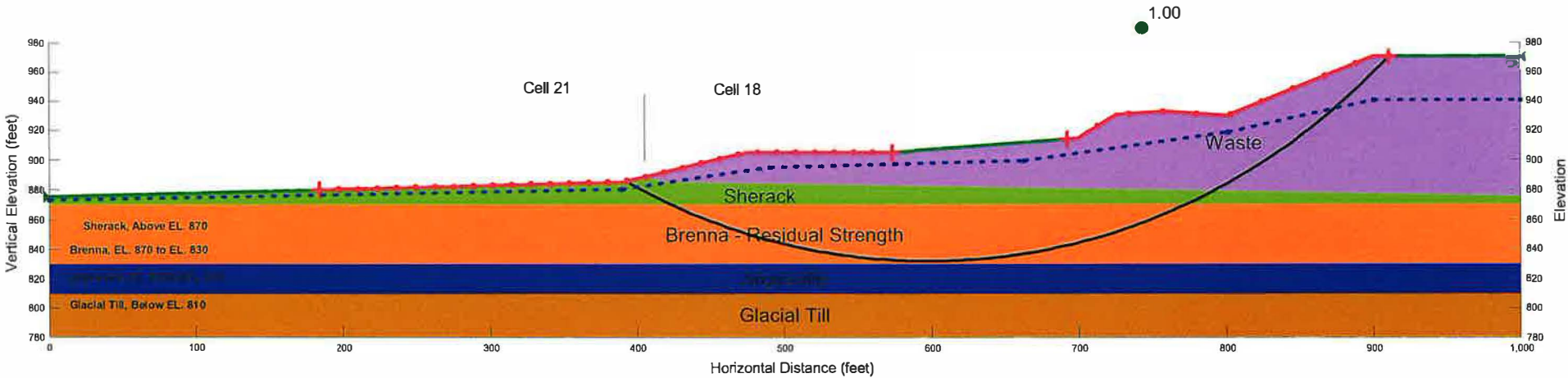
City of Fargo  
Fargo Landfill  
Slope Stability Analysis  
  
Initial Conditions

Color	Name	Unit Weight (pcf)	Cohesion (psf)	Phi (°)
Blue	Argusville	106	50	12
Orange	Brenna	104	50	12
Brown	Glacial Till	122	50	30
Green	Sherack	115	0	12
Purple	Waste	109	25	19



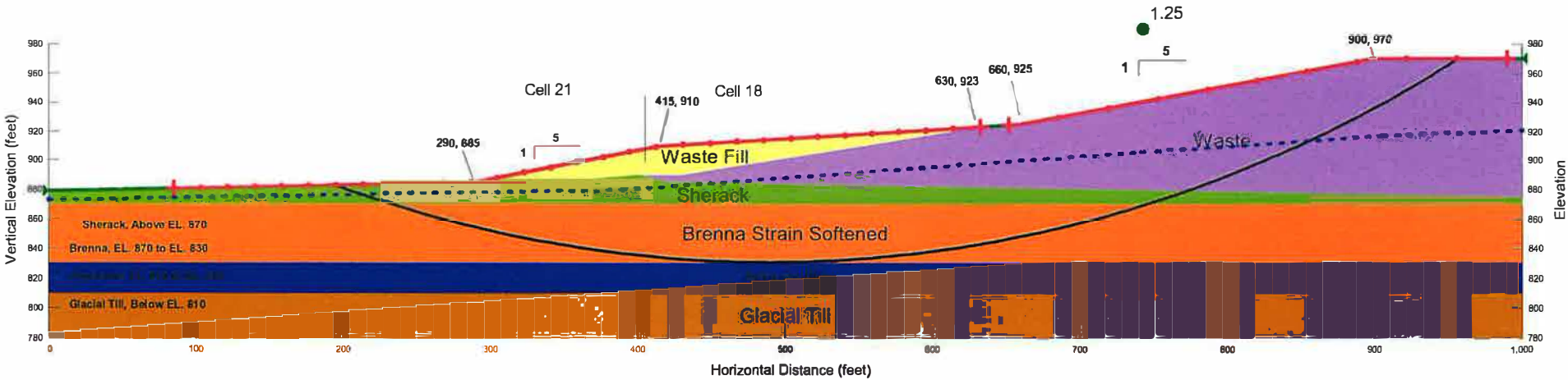
City of Fargo  
Fargo Landfill  
Slope Stability Analysis  
  
Interim Movement

Color	Name	Unit Weight (pcf)	Cohesion (psf)	Phi (°)
Blue	Argusville	106	50	12
Orange	Brenna - Residual Strength	104	0	9
Brown	Glacial Till	122	50	30
Green	Sherack	115	0	12
Purple	Waste	109	25	19

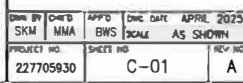


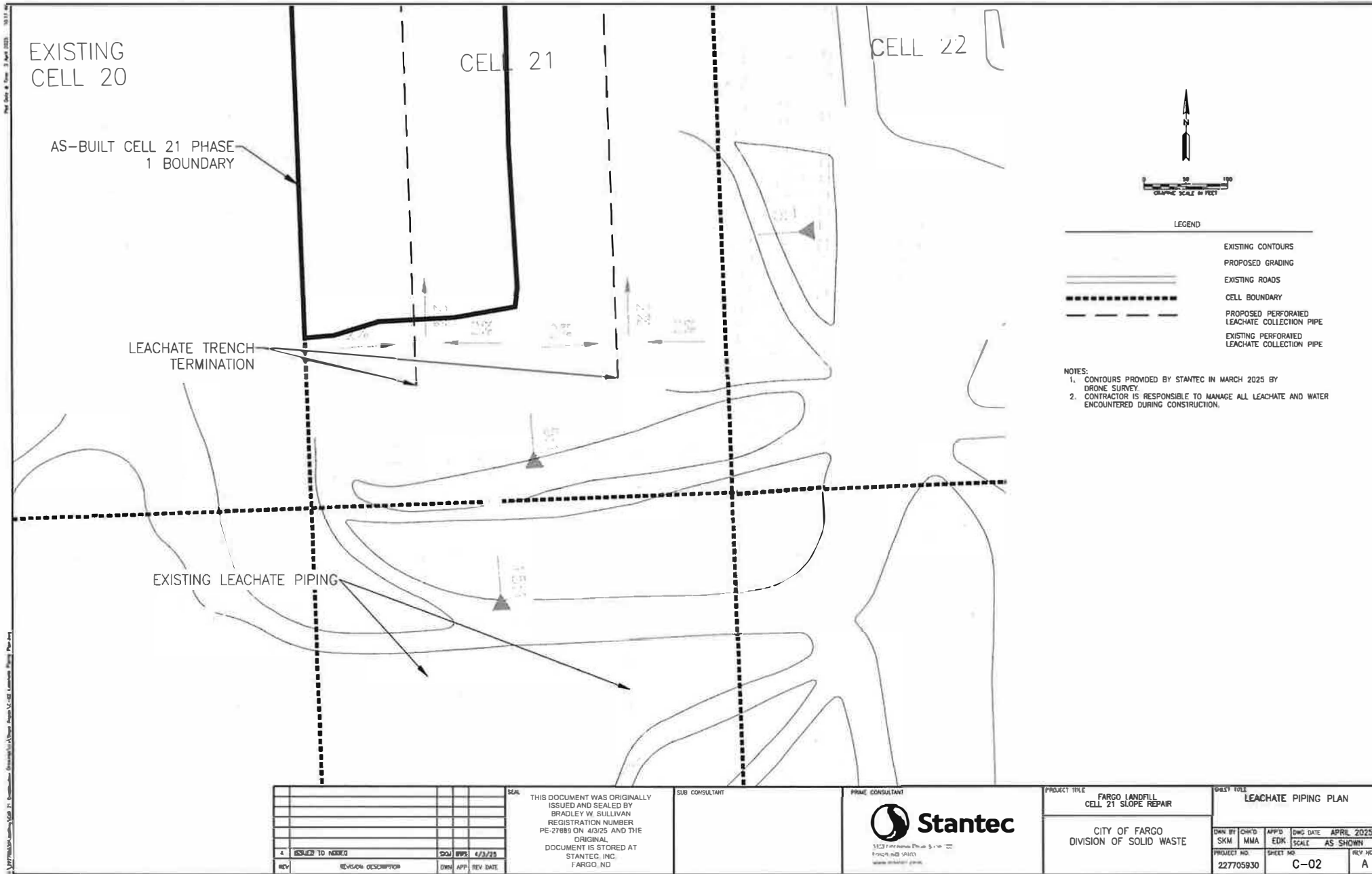
City of Fargo  
Fargo Landfill  
Slope Stability Analysis  
  
Proposed Conditions

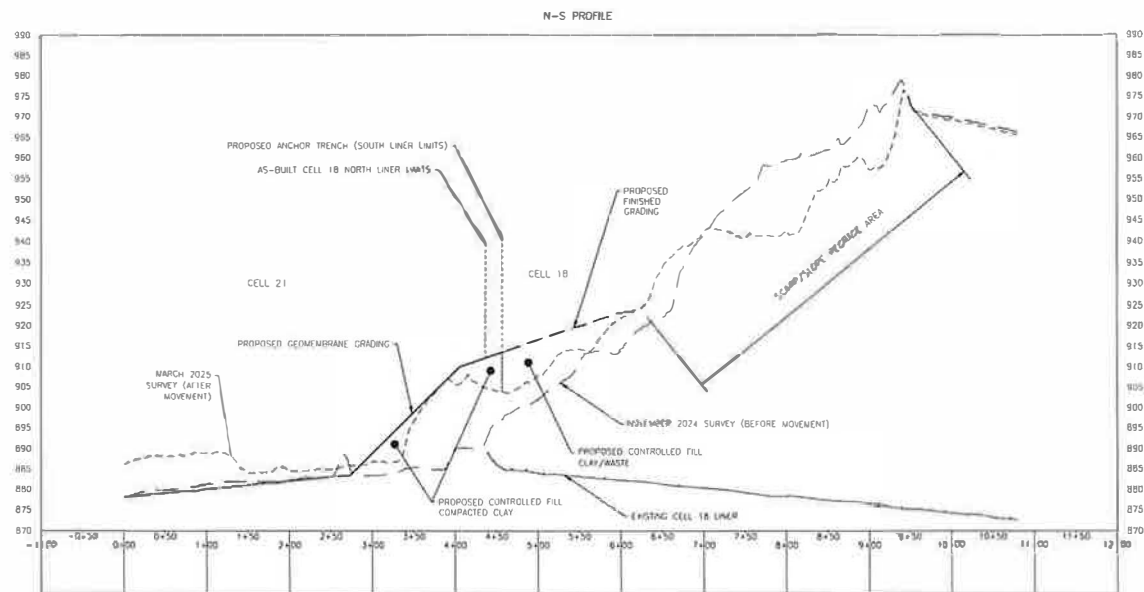
Color	Name	Unit Weight (pcf)	Cohesion (psf)	Phi (°)
<div></div>	Argusville	106	50	12
<div></div>	Brenna Strain Softened	104	25	9
<div></div>	Glacial Till	122	50	30
<div></div>	Sherack	115	0	12
<div></div>	Waste	109	25	19
<div></div>	Waste Fill	109	0	19



## **ATTACHMENT 2 – Design and Construction Drawings**







CROSS-SECTION  
VERTICAL EXAGGERATION=5x

A  
C-03



			DATE		THIS DOCUMENT WAS ORIGINALLY ISSUED AND SEALED BY		DATE		PROJECT TITLE		SHEET TITLE	
					BRADLEY W. SULLIVAN				FARGO LANDFILL		CROSS SECTION	
					REGISTRATION NUMBER				CELL 21 SLOPE REPAIR			
					PE-27689 ON 4/3/25 AND THE ORIGINAL				CITY OF FARGO		DATE: APRIL 2025	
					DOCUMENT IS STORED AT				DIVISION OF SOLID WASTE		BY: SKM	
					STANTEC, INC				FARGO, NORTH DAKOTA		APP'D: MMA	
					FARGO ND						EWS	
											SCALE: AS SHOWN	
											PROJECT NO: 227705930	
											SHEET NO: C-03	
											REV NO: A	





## **ATTACHMENT 3 – Clay Proctor and Hydraulic Conductivity Laboratory Reports**

# LABORATORY COMPACTION CHARACTERISTICS OF SOIL REPORT

Page 328  
Report Number: M1191046.0006  
Service Date: 10/07/19  
Report Date: 10/14/19

## Source Proctor 1

# Terracon

860 9th St. NE, Unit K  
West Fargo, ND 58078  
701-282-9633

### Client

City of Fargo ND  
Division of Solid Waste  
Attn: Terry Ludlum  
2301 8th Ave. N.  
Fargo, ND 58102-3201

### Project

SW 19-01 Cell 19 Construction & Partial Closure  
7th Ave N and 45th St.  
Fargo, ND 58102

Project Number: M1191046

### Material Information

Source of Material: S-CL -1, Cell 19 North End  
Proposed Use: Impervious Fill

### Sample Information

Sample Date: 10/07/19  
Sampled By: Engineer  
Sample Location: S-CL 1, Cell 19, North End

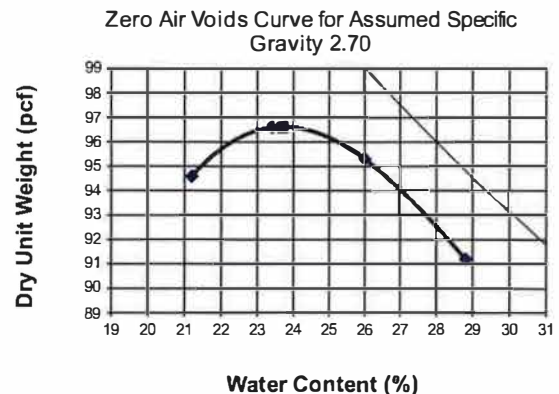
Sample Description: FAT CLAY w/sand, Dark Brown (CH)

### Laboratory Test Data

Test Procedure: ASTM D698  
Test Method: Method A  
Sample Preparation: Dry  
Rammer Type: Manual  
Maximum Dry Unit Weight (pcf): 96.6  
Optimum Water Content (%): 23.7

	Result	Specifications
Liquid Limit:	62	
Plastic Limit:	19	
Plasticity Index:	43	
In-Place Moisture (%):	32.7	

USCS:



### Comments:

Services: Prepare and test submitted sample for moisture-density relationship.

Terracon Rep.:

Reported To:

Contractor:

Report Distribution:

(1) City of Fargo ND, Terry Ludlum

(1) Wenck Associates, Inc., Alexa Hoffarth

(1) Wenck Associates, Inc., Sam Mauch

Reviewed By:

Jeffrey J. Mathson

Test Methods: ASTM D698, ASTM D2487

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.

# LABORATORY SERVICES REPORT

Page 329



Report Number: M1191046.0006A

Service Date: 10/14/19

Report Date: 10/25/19 Revision 1 - Added Permeability results

860 9th St. NE, Unit K

West Fargo, ND 58078

701-282-9633

## Client

City of Fargo ND  
Division of Solid Waste  
Attn: Terry Ludlum  
2301 8th Ave. N.  
Fargo, ND 58102-3201

## Project

SW 19-01 Cell 19 Construction & Partial Closure  
7th Ave N and 45th St.  
Fargo, ND 58102

Project Number: M1191046

### LOCATION:

S-CL 1 (Cell 19, North End)

### CLASSIFICATION (ASTM D2487):

FAT CLAY w/sand (CH)

### COLOR:

DARK BROWN

### PARTICLE SIZE DISTRIBUTION (ASTM D421 & D422)

Gravel (%)	
Coarse (plus 30 mm):	0.0
Fine (30-5 mm):	0.0
Sand (%)	
Coarse (5-2 mm):	1.0
Medium (2-.44 mm):	4.1
Fine (.44 mm-.074):	9.7
Fines	
Silt (.074-.005 mm):	28.3
Clay (.005-.001 mm):	16.6
Colloids (less than .001 mm):	40.3

### ATTERBERG LIMITS (ASTM D4318)

Liquid Limit (%):	62
Plastic Limit (%):	19
Plasticity Index:	43

## LABORATORY PERMEABILITY RESULTS:

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.

# LABORATORY SERVICES REPORT

Page 330



Report Number: M1191046.0006A

Service Date: 10/14/19

Report Date: 10/25/19 Revision 1 - Added Permeability results

860 9th St. NE, Unit K

West Fargo, ND 58078

701-282-9633

## Client

City of Fargo ND  
Division of Solid Waste  
Attn: Terry Ludlum  
2301 8th Ave. N.  
Fargo, ND 58102-3201

## Project

SW 19-01 Cell 19 Construction & Partial Closure  
7th Ave N and 45th St.  
Fargo, ND 58102

Project Number: M1191046

Method:	Flexible Wall – ASTM D5084 Method C
Specific Gravity (assumed):	2.65
Initial Dry Unit Weight (lbs./ft <sup>3</sup> ):	92.2
Initial Moisture Content (%):	26.2
Initial Mass (grams):	67.95
Initial Height (inches):	1.44
Initial Diameter (inches):	1.40
Cell Pressure (psi): 57.0	
Back Pressure (psi):	52.0
Tail Pressure (psi): 50.0	
Hydraulic Gradient:	38.6
B Coefficient:	0.95
Final Dry Unit Weight (lbs./ft <sup>3</sup> ):	90.8
Final Moisture Content (%):	30.4
Final Mass (grams):	70.50
Final Height (inches):	1.45
Final Diameter (inches):	1.41
Coefficient of Permeability (cm/sec.):	1.1x10 <sup>-8</sup> Max. 1.0x10 <sup>-7</sup>

## REMARKS

Sample was submitted by Wenck Associates, Inc. on October 7, 2019. Sample was molded to 95.4% of soil's maximum dry density per ASTM D698 with a water content 2.5% above optimum. Sample meets specification for coefficient of permeability.

## Services:

Terracon Rep.: Roger Glander

Reported To:

Contractor:

Report Distribution:

(1) City of Fargo ND, Terry Ludlum

(1) Wenck Associates, Inc., Sam Mauch

(1) Wenck Associates, Inc., Alexa Hoffarth

Reviewed By:

Jeffrey J. Mathson

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.



Project No.: M1191046.0006A

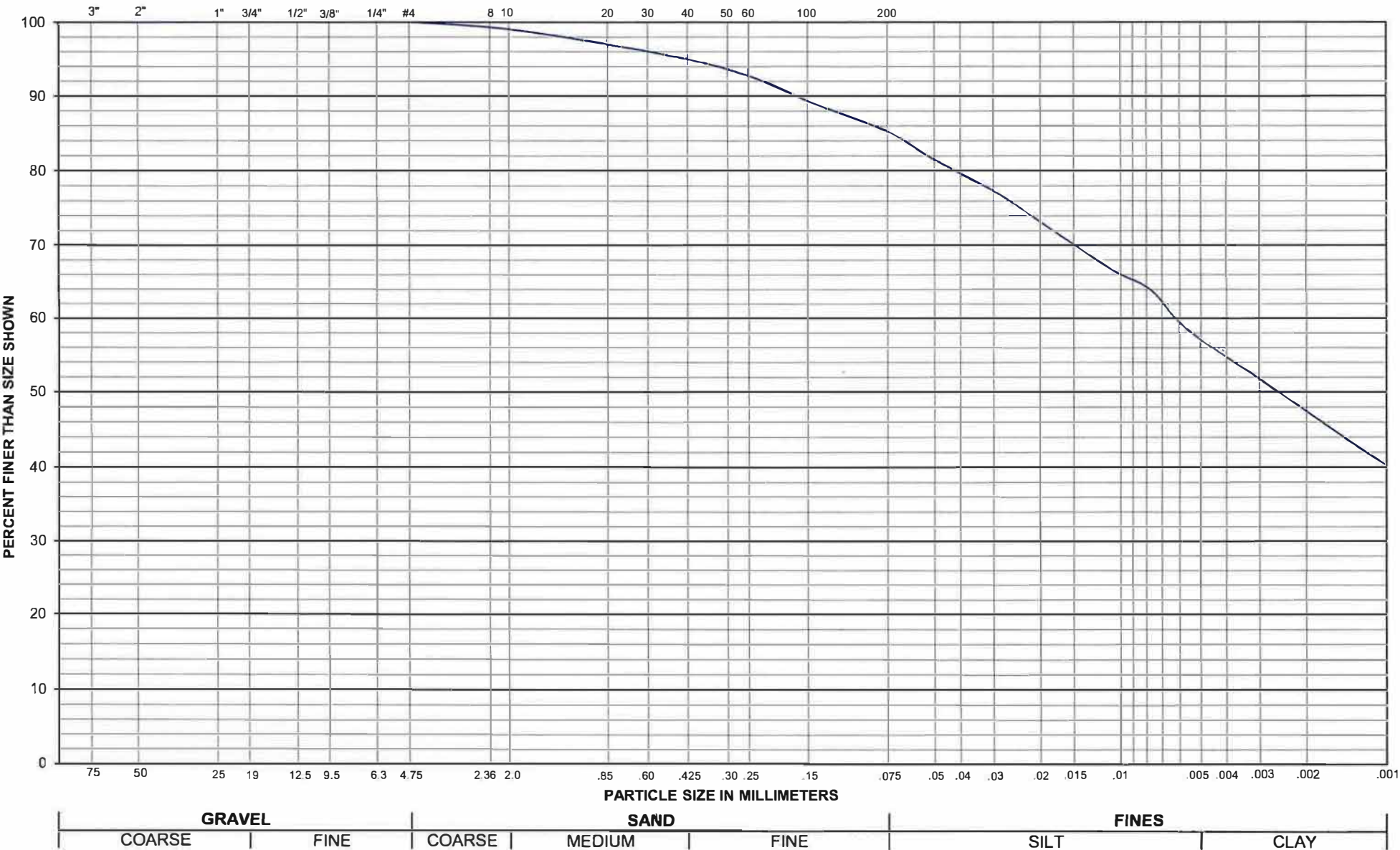
Sample Source: S-CL 1 (Cell 19, North End)

Classification: FAT CLAY, dark brown (CH)

Project: SW 19-01 Cell 19 Construction  
7th Ave N and 45th St  
Fargo, ND 58102

Reported to: Wenck Associates, Inc.

**GRAIN SIZE DISTRIBUTION CURVE**  
U.S. Standard Sieve Sizes

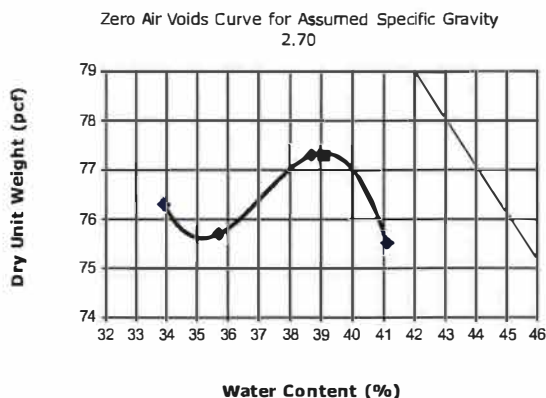


**LABORATORY COMPACTION CHARACTERISTICS OF SOIL REPORT**

Page 332

**Report Number:** M1221140.0002**Service Date:** 09/13/22**Report Date:** 10/04/22 Revision 1 - Added Test of Soils**Source Proctor 2**860 9th St. NE, Unit K  
West Fargo, ND 58078  
701-282-9633**Client**City of Fargo ND  
c/o Division of Solid Waste  
Attn: Terry Ludlum  
2301 8th Ave N  
Fargo, ND 58102-3201**Project**Fargo Landfill - Cell 20 Construction Project # 227704764  
45th St N + 7th Ave N  
Fargo, ND 58102

Project Number: M1221140

**Material Information****Source of Material:** On-site  
**Proposed Use:****Sample Information****Sample Date:** 09/13/22  
**Sampled By:** Engineer  
**Sample Location:** Not Given**Sample Description:** Fat Clay, blue/grey**Laboratory Test Data****Test Procedure:** ASTM D698  
**Test Method:** Method A  
**Sample Preparation:** Dry  
**Rammer Type:** Manual  
**Maximum Dry Unit Weight (pcf):** 77.3  
**Optimum Water Content (%):** 39.1**Result Specifications****Liquid Limit:** 109  
**Plastic Limit:** 26  
**Plasticity Index:** 83  
**In-Place Moisture (%):** 68.1  
**Passing #4 (%):** 100.0**USCS:****Comments:****Services:** Prepare and test submitted sample for moisture-density relationship.**Terracon Rep.:** Michael Ellingson**Reported To:****Contractor:****Report Distribution:**

(1) City of Fargo ND, Terry Ludlum

(1) City of Fargo ND, Scott Olson

(1) Stantec Consulting Services Inc, Sam Mauch

**Reviewed By:**

Dustin Lemke

**Test Methods:** ASTM D698, ASTM D2488

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.

**LABORATORY COMPACTION CHARACTERISTICS OF SOIL REPORT**

Page 333

**Report Number:** M1221140.0002**Service Date:** 09/13/22**Report Date:** 10/04/22 Revision 1 - Added Test of Soils

860 9th St. NE, Unit K

West Fargo, ND 58078

701-282-9633

**Client**

City of Fargo ND  
c/o Division of Solid Waste  
Attn: Terry Ludlum  
2301 8th Ave N  
Fargo, ND 58102-3201

**Project**

Fargo Landfill - Cell 20 Construction Project # 227704764  
45th St N + 7th Ave N  
Fargo, ND 58102

**Project Number:** M1221140**LOCATION:**

ON-SITE

**CLASSIFICATION:**

FAT CLAY (CH)

**COLOR:**

GRAY

**LABORATORY PERMEABILITY RESULTS:**

Method:	Flexible Wall – ASTM D5084 Method C
Specific Gravity (assumed):	2.68
Initial Dry Unit Weight (lbs./ft <sup>3</sup> ):	74.6
Initial Moisture Content (%):	39.1
Initial Mass (grams):	56.03
Initial Height (inches):	1.32
Initial Diameter (inches):	1.41
Cell Pressure (psi):	60.0
Back Pressure (psi):	55.0
Tail Pressure (psi):	53.0
Hydraulic Gradient:	42.1
B Coefficient:	0.95
Final Dry Unit Weight (lbs./ft <sup>3</sup> ):	71.8
Final Moisture Content (%):	48.7
Final Mass (grams):	60.13
Final Height (inches):	1.34
Final Diameter (inches):	1.43
Coefficient of Permeability (cm/sec.):	3.0x10 <sup>-9</sup> 1.0x10 <sup>-7</sup> maximum

**REMARKS**

Sample was submitted by Stantec on September 13, 2022.

**Services:** Prepare and test submitted sample for moisture-density relationship.**Terracon Rep.:** Michael Ellingson**Reported To:****Contractor:****Report Distribution:**

(1) City of Fargo ND, Terry Ludlum

(1) City of Fargo ND, Scott Olson

(1) Stantec Consulting Services Inc, Sam Mauch

**Reviewed By:**  
Dustin Lemke

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.

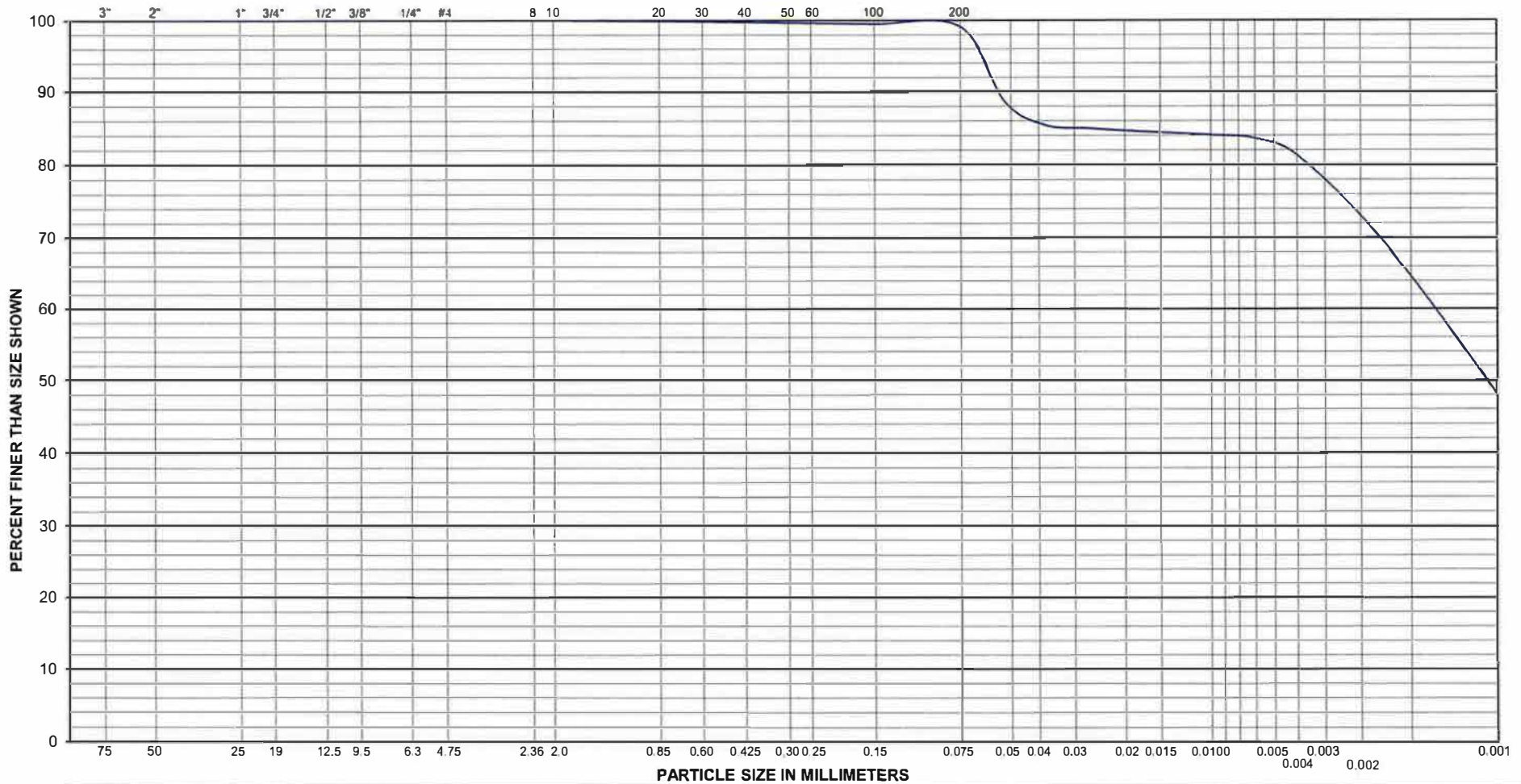




**Reported to:** City of Fargo

### GRAIN SIZE DISTRIBUTION CURVE (ASTM D7928)

U.S. Standard Sieve Sizes



GRAVEL		SAND			FINES		
COARSE	FINE	COARSE	MEDIUM	FINE	SILT	CLAY	<0.001mm
0.0%	0.0%	0.0%	0.3%	0.7%	17.8%	33.1%	48.1%
0.0%		0.9%			51.0%		48.1%
100.0%							



# LABORATORY COMPACTION CHARACTERISTICS OF SOIL REPORT

Report Number: M1191046.0011  
Service Date: 05/26/20  
Report Date: 05/29/20

## Source Proctor 3

# Terracon

860 9th St. NE, Unit K  
West Fargo, ND 58078  
701-282-9633

### Client

City of Fargo ND  
Division of Solid Waste  
Attn: Terry Ludlum  
2301 8th Ave. N.  
Fargo, ND 58102-3201

### Project

SW 19-01 Cell 19 Construction & Partial Closure  
7th Ave N and 45th St.  
Fargo, ND 58102

Project Number: M1191046

### Material Information

Source of Material: On site  
Proposed Use: Clay subliner

### Sample Information

Sample Date: 05/20/20  
Sampled By: Engineer  
Sample Location: South Cell 19, S-CL5

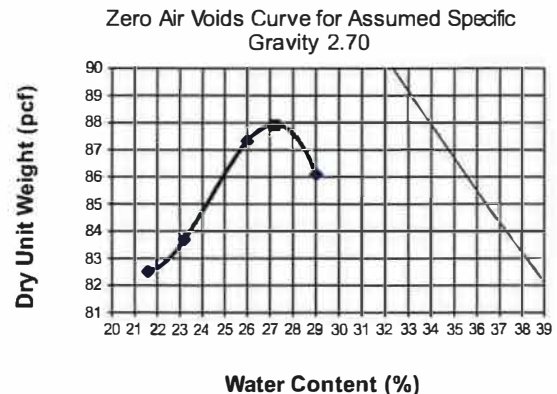
Sample Description: FAT CLAY grey with a little brown (CH)

### Laboratory Test Data

Test Procedure: ASTM D698  
Test Method: Method A  
Sample Preparation: Dry  
Rammer Type: Manual  
Maximum Dry Unit Weight (pcf): 87.9  
Optimum Water Content (%): 27.2

	Result	Specifications
Liquid Limit:	81	
Plastic Limit:	26	
Plasticity Index:	55	
In-Place Moisture (%):	53.5	

USCS:



### Comments:

Services: Prepare and test submitted sample for moisture-density relationship.

Terracon Rep.:

Reported To:

Contractor:

Report Distribution:

(1) City of Fargo ND, Terry Ludlum

(1) Wenck Associates, Inc., Alexa Hoffarth

(1) Wenck Associates, Inc., Sam Mauch

Reviewed By:

Jeffrey J. Mathson

Test Methods: ASTM D698, ASTM D2488, ASTM D4318

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.

# LABORATORY SERVICES REPORT

Page 336

Report Number: M1191046.0011B

Service Date: 06/11/20

Report Date: 06/12/20

# Terracon

860 9th St. NE, Unit K

West Fargo, ND 58078

701-282-9633

## Client

City of Fargo ND  
Division of Solid Waste  
Attn: Terry Ludlum  
2301 8th Ave. N.  
Fargo, ND 58102-3201

## Project

SW 19-01 Cell 19 Construction & Partial Closure  
7th Ave N and 45th St.  
Fargo, ND 58102

Project Number: M1191046

### LOCATION:

SOUTH CELL 19, S-CL5

### CLASSIFICATION:

FAT CLAY (CH)

### COLOR:

GRAY WITH BROWN

### PARTICLE SIZE DISTRIBUTION (ASTM D 421 & 422)

#### Gravel (%)

Coarse (plus 30 mm): 0.0

Fine (30-5 mm): 0.0

#### Sand (%)

Coarse (5-2 mm): 0.3

Medium (2-.44 mm): 1.2

Fine (.44 mm-.074): 3.2

#### Fines

Silt (.074-.005 mm): 13.6

Clay (.005-.001 mm): 24.4

Colloids (less than .001 mm): 57.3

### ATTERBERG LIMITS (ASTM D 4318, air-dried sample)

Liquid Limit (%): 81

Plastic Limit (%): 26

Plasticity Index: 55

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.

# LABORATORY SERVICES REPORT

Page 337

Report Number: M1191046.0011B

Service Date: 06/11/20

Report Date: 06/12/20

# Terracon

860 9th St. NE, Unit K

West Fargo, ND 58078

701-282-9633

## Client

City of Fargo ND  
Division of Solid Waste  
Attn: Terry Ludlum  
2301 8th Ave. N.  
Fargo, ND 58102-3201

## Project

SW 19-01 Cell 19 Construction & Partial Closure  
7th Ave N and 45th St.  
Fargo, ND 58102

Project Number: M1191046

## LABORATORY PERMEABILITY RESULTS:

Method:	Flexible Wall – ASTM D5084 Method C
Specific Gravity (assumed):	2.72
Initial Dry Unit Weight (lbs./ft <sup>3</sup> ):	83.8
Initial Moisture Content (%):	29.5
Initial Mass (grams):	65.03
Initial Height (inches):	1.41
Initial Diameter (inches):	1.46
Cell Pressure (psi):	57.0
Back Pressure (psi):	52.0
Tail Pressure (psi):	50.0
Hydraulic Gradient:	38.1
B Coefficient:	0.95
Final Dry Unit Weight (lbs./ft <sup>3</sup> ):	79.6
Final Moisture Content (%):	40.7
Final Mass (grams):	70.26
Final Height (inches):	1.43
Final Diameter (inches):	1.48
Coefficient of Permeability (cm/sec.):	5.8x10 <sup>-9</sup>
	1.0x10 <sup>-7</sup> maximum

## REMARKS

Sample was submitted by Wenck on May 20, 2020. Perm sample remolded to 95.3% of the soil's maximum dry density with a water content 2.3% above optimum.

## Services:

Terracon Rep.: Roger Glander

Reported To:

Contractor:

Report Distribution:

(1) City of Fargo ND, Terry Ludlum

(1) Wenck Associates, Inc., Sam Mauch

(1) Wenck Associates, Inc., Alexa Hoffarth

Reviewed By:

  
Jeffrey J. Mathson

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.



Project No.: M1191046.0011B

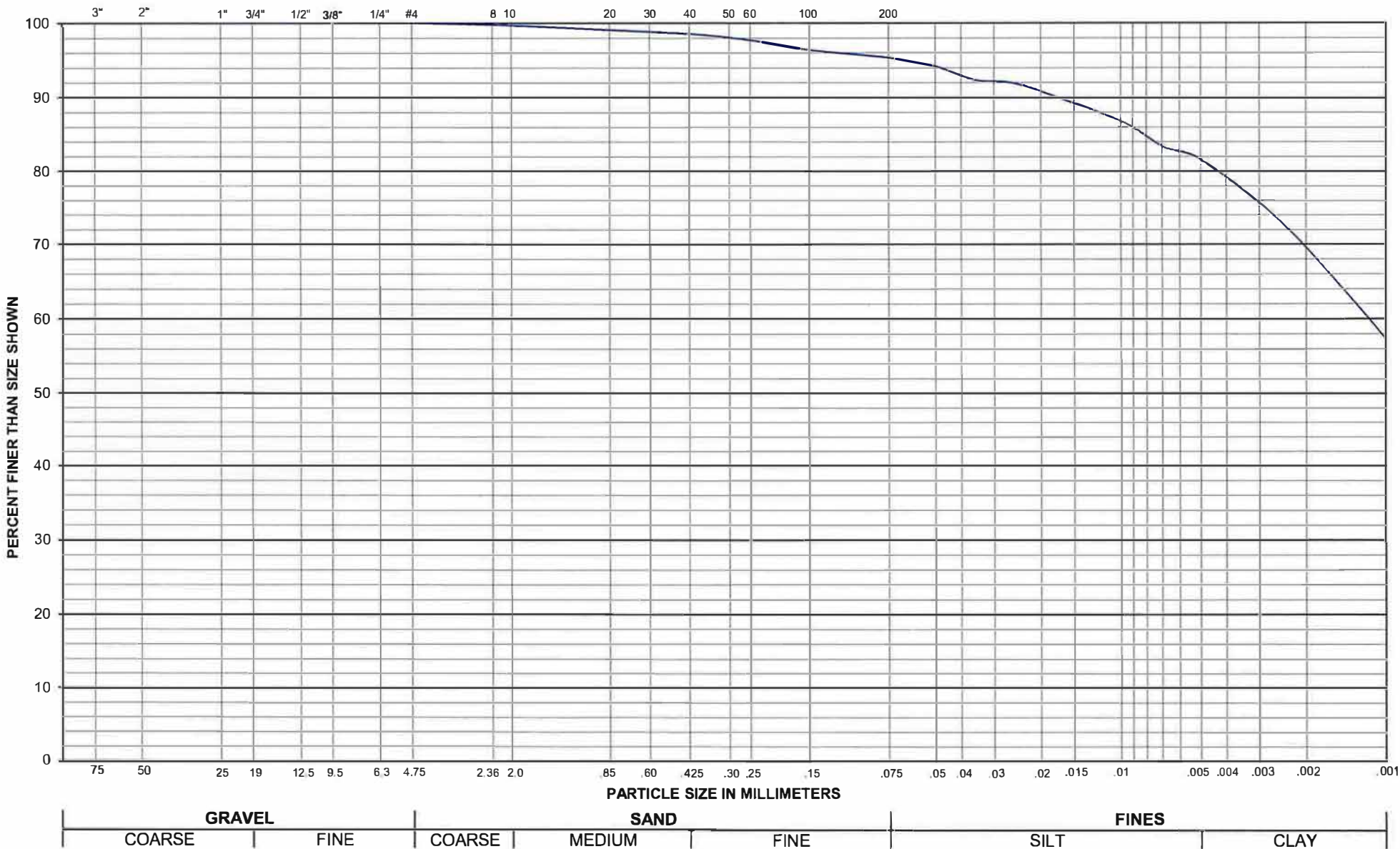
Sample Source: S-CL 5

Classification: FAT CLAY - gray and brown (CH)

Project: SW 19-01 Cell 19 Construction  
7th Ave N and 45th St  
Fargo, ND 58102

Reported to: Wenck Associates, Inc.

**GRAIN SIZE DISTRIBUTION CURVE**  
U.S. Standard Sieve Sizes



# LABORATORY COMPACTION CHARACTERISTICS OF SOIL REPORT

Page 339

Report Number: M1241214.0002

Service Date: 10/15/24

Report Date: 10/21/24

## Conformance Proctor 1



860 9th St. NE, Unit K  
West Fargo, ND 58078  
701-282-9633

### Client

City of Fargo ND  
c/o Division of Solid Waste  
Attn: Scott Olson  
2301 8th Ave N  
Fargo, ND 58102-3201

### Project

City of Fargo Landfill - Cell 21 Construction  
45th St N + 7th Ave N  
Fargo, ND 58102

Project Number: M1241214

### Material Information

Source of Material: Existing  
Proposed Use: Not given

### Sample Information

Sample Date: 10/15/24  
Sampled By: Contractor  
Sample Location: CCL-1 SE #1

Sample Description: Fat Clay, black & gray w/some organics

### Laboratory Test Data

Test Procedure: ASTM D698  
Test Method: Method A  
Sample Preparation: Dry  
Rammer Type: Manual  
Maximum Dry Unit Weight (pcf): 89.1  
Optimum Water Content (%): 28.7

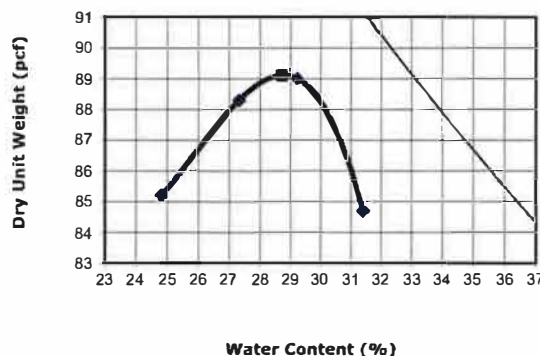
### Result

### Specifications

Liquid Limit:  
Plastic Limit:  
Plasticity Index:  
In-Place Moisture (%):  
Passing #4 (%): 99.1

USCS: CH

Zero Air Voids Curve for Assumed Specific Gravity  
2.70



### Comments:

Services: Prepare and test submitted sample for moisture-density relationship.

### Terracon Rep.:

### Reported To:

### Contractor:

### Report Distribution:

(1) City of Fargo ND, Scott Olson

(1) Stantec Consulting Services Inc, Randy Hanson

(1) Stantec Consulting Services Inc, Sam Mauch

Reviewed By:

Dustin Lemke  
Laboratory Manager

### Test Methods: ASTM D698, ASTM D2488

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.

# TEST OF SOILS REPORT

Page 340

Report Number: M1241214.0002A

Service Date: 10/15/24

Report Date: 11/12/24



860 9th St. NE, Unit K

West Fargo, ND 58078

701-282-9633

## Client

City of Fargo ND  
c/o Division of Solid Waste  
Attn: Scott Olson  
2301 8th Ave N  
Fargo, ND 58102-3201

## Project

City of Fargo Landfill - Cell 21 Construction  
45th St N + 7th Ave N  
Fargo, ND 58102

Project Number: M1241214

**SAMPLE NUMBER:** CCL-1, SE #1

## ATTERBERG LIMITS (ASTM D4318-Method B)

Liquid Limit (%): 65  
Plastic Limit (%): (Procedure 1): 27  
Plasticity Index: 38

## LABORATORY PERMEABILITY RESULTS:

Method:	Flexible Wall – ASTM D5084 Method C
Specific Gravity (assumed):	2.68
Initial Dry Unit Weight (lbs./ft <sup>3</sup> ):	84.9
Initial Moisture Content (%):	28.7
Initial Mass (grams):	71.65
Initial Height (inches):	1.60
Initial Diameter (inches):	1.41
Cell Pressure (psi):	57.0
Back Pressure (psi):	52.0
Tail Pressure (psi):	50.0
Hydraulic Gradient:	34.6
B Coefficient:	0.95
Final Dry Unit Weight (lbs./ft <sup>3</sup> ):	85.8
Final Moisture Content (%):	35.8
Final Mass (grams):	75.47
Final Height (inches):	1.57
Final Diameter (inches):	1.41
Coefficient of Permeability (cm/sec.):	5.7x10 <sup>-9</sup> 1.0x10 <sup>-7</sup> maximum

## REMARKS

Sample was submitted by Stantec Consulting on October 15<sup>th</sup>, 2024. Sample was remolded to 95.3% of the soil's maximum dry density at optimum water content.

## Services:

Terracon Rep.: Roger Glander

Reported To:

Contractor:

Report Distribution:

(1) City of Fargo ND, Scott Olson

(1) Stantec Consulting Services Inc,  
Randv Hanson

(1) Stantec Consulting Services Inc, Sam  
Mauch

Reviewed By:

Dustin Lemke

Laboratory Manager

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.





# LABORATORY COMPACTION CHARACTERISTICS OF SOIL REPORT

Page 342

Report Number: M1241214.0003

Service Date: 10/15/24

Report Date: 10/21/24

## Conformance Proctor 2



860 9th St. NE, Unit K

West Fargo, ND 58078

701-282-9633

### Client

City of Fargo ND  
c/o Division of Solid Waste  
Attn: Scott Olson  
2301 8th Ave N  
Fargo, ND 58102-3201

### Project

City of Fargo Landfill - Cell 21 Construction  
45th St N + 7th Ave N  
Fargo, ND 58102

Project Number: M1241214

### Material Information

Source of Material: Existing  
Proposed Use: Not given

### Sample Information

Sample Date: 10/15/24  
Sampled By: Contractor  
Sample Location: CCL-2 N side #2

Sample Description: Fat Clay, dark gray w/trace gravel

### Laboratory Test Data

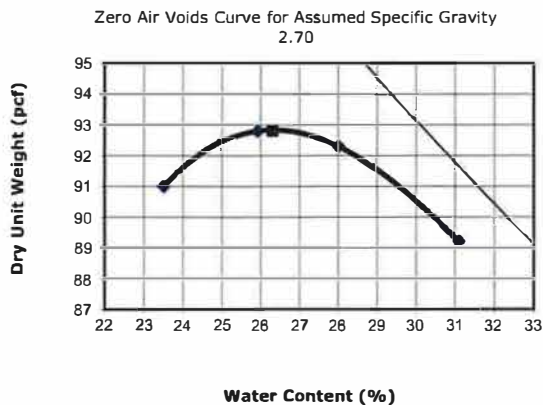
Test Procedure: ASTM D698  
Test Method: Method A  
Sample Preparation: Dry  
Rammer Type: Manual  
Maximum Dry Unit Weight (pcf): 92.8  
Optimum Water Content (%): 26.3

### Result

### Specifications

Liquid Limit:  
Plastic Limit:  
Plasticity Index:  
In-Place Moisture (%):  
Passing #4 (%): 99.3

USCS: CH



### Comments:

Services: Sample fill material and return it to laboratory on Service Date. Prepare and test sample for moisture-density relationship.

### Terracon Rep.:

### Reported To:

### Contractor:

### Report Distribution:

(1) City of Fargo ND, Scott Olson

(1) Stantec Consulting Services Inc, Randy Hanson

(1) Stantec Consulting Services Inc, Sam Mauch

### Reviewed By:

Dustin Lemke  
Laboratory Manager

### Test Methods: ASTM D698, ASTM D2488

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.



# TEST OF SOILS REPORT

Page 343



Report Number: M1241214.0003A

Service Date: 10/15/24

Report Date: 11/12/24

860 9th St. NE, Unit K

West Fargo, ND 58078

701-282-9633

## Client

City of Fargo ND  
c/o Division of Solid Waste  
Attn: Scott Olson  
2301 8th Ave N  
Fargo, ND 58102-3201

## Project

City of Fargo Landfill - Cell 21 Construction  
45th St N + 7th Ave N  
Fargo, ND 58102

Project Number: M1241214

## SAMPLE NUMBER:

CCL-2, N Side #2

## ATTERBERG LIMITS (ASTM D4318-Method B)

Liquid Limit (%):	71
Plastic Limit (%): (Procedure 1):	23
Plasticity Index:	48

## LABORATORY PERMEABILITY RESULTS:

Method:	Flexible Wall – ASTM D5084 Method C	
Specific Gravity (assumed):	2.68	
Initial Dry Unit Weight (lbs./ft <sup>3</sup> ):	88.7	
Initial Moisture Content (%):	26.3	
Initial Mass (grams):	71.89	
Initial Height (inches):	1.56	
Initial Diameter (inches):	1.41	
Cell Pressure (psi):	57.0	
Back Pressure (psi):	52.0	
Tail Pressure (psi):	50.0	
Hydraulic Gradient:	35.5	
B Coefficient:	0.95	
Final Dry Unit Weight (lbs./ft <sup>3</sup> ):	87.6	
Final Moisture Content (%):	33.6	
Final Mass (grams):	76.13	
Final Height (inches):	1.58	
Final Diameter (inches):	1.41	
Coefficient of Permeability (cm/sec.):	6.1x10 <sup>-8</sup>	1.0x10 <sup>-7</sup> maximum

## REMARKS

Sample was submitted by Stantec Consulting on October 15<sup>th</sup>, 2024. Sample was remolded to 95.6% of the soil's maximum dry density at optimum water content.

## Services:

Terracon Rep.: Roger Glander

Reported To:

Contractor:

Report Distribution:

(1) City of Fargo ND, Scott Olson

(1) Stantec Consulting Services Inc,  
Randv Hanson

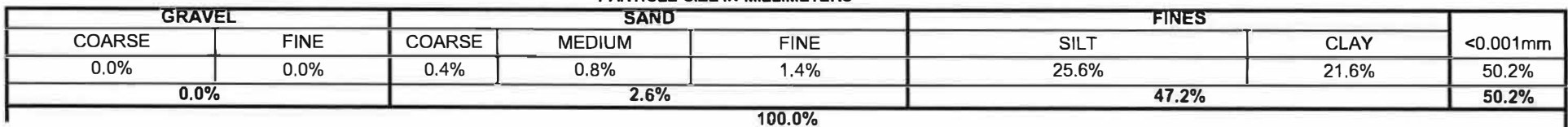
(1) Stantec Consulting Services Inc, Sam  
Mauch

Reviewed By:

Dustin Lemke

Laboratory Manager

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.



# LABORATORY COMPACTION CHARACTERISTICS OF SOIL REPORT

Page 345

Report Number: M1241214.0004

Service Date: 10/15/24

Report Date: 10/21/24

## Conformance Proctor 3



860 9th St. NE, Unit K  
West Fargo, ND 58078  
701-282-9633

### Client

City of Fargo ND  
c/o Division of Solid Waste  
Attn: Scott Olson  
2301 8th Ave N  
Fargo, ND 58102-3201

### Project

City of Fargo Landfill - Cell 21 Construction  
45th St N + 7th Ave N  
Fargo, ND 58102

Project Number: M1241214

### Material Information

Source of Material: Existing  
Proposed Use: Not given

### Sample Information

Sample Date: 10/15/24  
Sampled By: Contractor  
Sample Location: CCL-3 Midwest #3

Sample Description: Fat Clay, dark gray, black, & mottled

### Laboratory Test Data

Test Procedure: ASTM D698  
Test Method: Method A  
Sample Preparation: Dry  
Rammer Type: Manual  
Maximum Dry Unit Weight (pcf): 79.9  
Optimum Water Content (%): 35.1

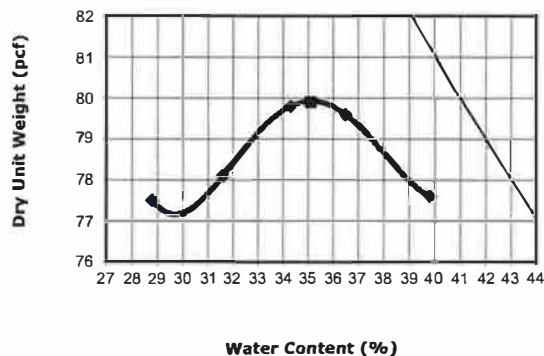
### Result

### Specifications

Liquid Limit:  
Plastic Limit:  
Plasticity Index:  
In-Place Moisture (%):  
Passing #4 (%): 100.0

USCS: CH

Zero Air Voids Curve for Assumed Specific Gravity  
2.70



### Comments:

Services: Sample fill material and return it to laboratory on Service Date. Prepare and test sample for moisture-density relationship.

### Terracon Rep.:

### Reported To:

### Contractor:

### Report Distribution:

(1) City of Fargo ND, Scott Olson

(1) Stantec Consulting Services Inc, Randy Hanson

(1) Stantec Consulting Services Inc, Sam Mauch

### Reviewed By:

Dustin Lemke  
Laboratory Manager

### Test Methods: ASTM D698, ASTM D2488

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.

# TEST OF SOILS REPORT

Page 346



Report Number: M1241214.0004A

Service Date: 10/15/24

Report Date: 11/12/24

860 9th St. NE, Unit K  
West Fargo, ND 58078  
701-282-9633

## Client

City of Fargo ND  
c/o Division of Solid Waste  
Attn: Scott Olson  
2301 8th Ave N  
Fargo, ND 58102-3201

## Project

City of Fargo Landfill - Cell 21 Construction  
45th St N + 7th Ave N  
Fargo, ND 58102

Project Number: M1241214

## SAMPLE NUMBER:

CCL-3, Midwest #3

## ATTERBERG LIMITS (ASTM D4318-Method B)

Liquid Limit (%):	107
Plastic Limit (%): (Procedure 1):	29
Plasticity Index:	78

## LABORATORY PERMEABILITY RESULTS:

Method:	Flexible Wall – ASTM D5084 Method C	
Specific Gravity (assumed):	2.68	
Initial Dry Unit Weight (lbs./ft <sup>3</sup> ):	76.3	
Initial Moisture Content (%):	35.1	
Initial Mass (grams):	51.02	
Initial Height (inches):	1.22	
Initial Diameter (inches):	1.40	
Cell Pressure (psi):	57.0	
Back Pressure (psi):	52.0	
Tail Pressure (psi):	50.0	
Hydraulic Gradient:	45.4	
B Coefficient:	0.95	
Final Dry Unit Weight (lbs./ft <sup>3</sup> ):	71.7	
Final Moisture Content (%):	49.0	
Final Mass (grams):	56.28	
Final Height (inches):	1.26	
Final Diameter (inches):	1.42	
Coefficient of Permeability (cm/sec.):	4.5x10 <sup>-9</sup>	1.0x10 <sup>-7</sup> maximum

## REMARKS

Sample was submitted by Stantec Consulting on October 15<sup>th</sup>, 2024. Sample was remolded to 95.4% of the soil's maximum dry density at optimum water content.

## Services:

Terracon Rep.: Roger Glander

Reported To:

Contractor:

Report Distribution:

(1) City of Fargo ND, Scott Olson

(1) Stantec Consulting Services Inc,  
Randv Hanson

(1) Stantec Consulting Services Inc, Sam  
Mauch

Reviewed By:

Dustin Lemke

Laboratory Manager

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.

PARTICLE-SIZE DISTRIBUTION OF FINE GRAINED SOILS REPORT



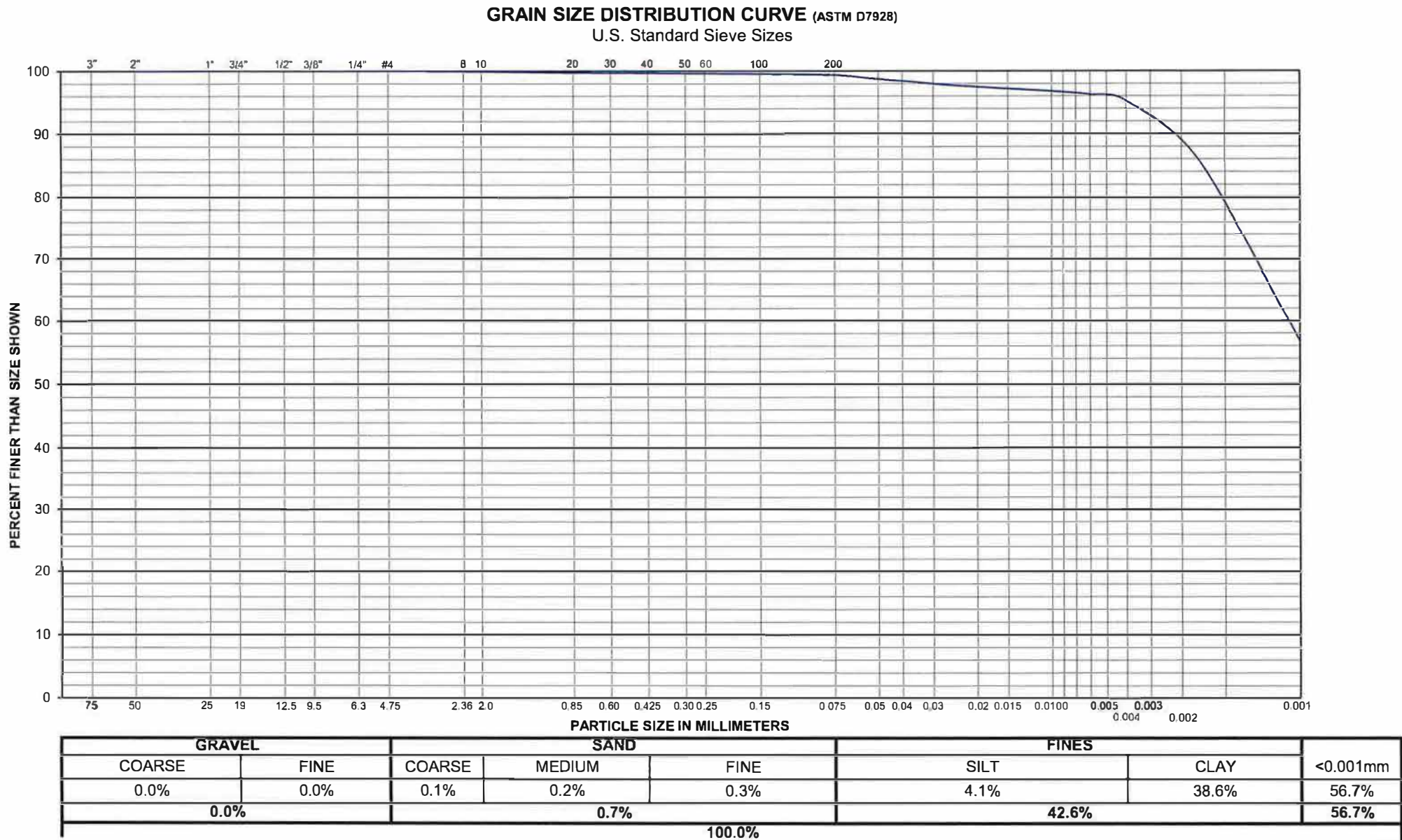
Report No.: M1241214.0004A

Project: City of Fargo Landfill - Cell 21 Const  
45th St N + 7th Ave N  
Fargo, ND 58102

Sample Source: CCL-3 Midwest #3

Classification: FAT CLAY, dark gray and black (CH)

Reported to: City of Fargo



ALLING HEAD PERMEABILITY TEST  
STM D 5084

Tetra Tech  
2679 Continental Dr.  
Green Bay, WI. 54311

Project No.: 227705930  
Client: Stantec  
Project: City of Fargo Landfill- Cell 21 Const.  
Sample Date: 10/15/2024 Date Received: 10/16/2024

SUMMARY OF TEST RESULTS

Dates Tested: 10/16/24 - 10/29/24  
Sample No.: P-1  
Location:  
Visual Classification: LEAN CLAY  
trace sand and roots, very dark gray brown  
CL

FINAL

Dry Unit Weight (pcf):	93.0
Water Content (%):	27.9
Diameter (in):	2.843
Length (in):	2.948
Max. Head Differential (ft.):	6.0
Confining Pressure (effective psi):	2.0
Hydraulic Gradient:	20-21
Test Trial No.:	11-14
Water Temperature:	21°C
Hydraulic Conductivity: (cm/sec)	9.92E-08

Tested By: RJP

Reviewed By: 

Date Reviewed: 10/30/2024

FALLING HEAD PERMEABILITY TEST  
ASTM D 5084Tetra Tech  
2679 Continental Dr.  
Green Bay, WI. 54311

Project No. : 227705930

Client: Stantec

Project: City of Fargo Landfill- Cell 21 Const.

Sampled Date: 10/15/2024 Date Received: 10/16/2024

SUMMARY OF TEST RESULTS

Dates Tested: 10/16/24 - 10/23/24

Sample No.: P-2

Location:

Visual Classification: LEAN CLAY  
very dark gray to brown  
CL

FINAL

Dry Unit Weight (pcf): 89.4

Water Content (%): 32.4

Diameter (in): 2.834

Length (in): 3.024

Max. Head Differential (ft.): 6.0

Confining Pressure  
(effective psi): 2.0

Hydraulic Gradient: 18-19

Trial No.: 4-7

Water Temperature: 21°C

Hydraulic Conductivity:  
k (cm/sec) 8.19E-08

Tested By: RJP

Reviewed By: 

Date Reviewed: 10/24/2024



FALLING HEAD PERMEABILITY TEST  
ASTM D 5084Tetra Tech  
2679 Continental Dr.  
Green Bay, WI. 54311

---

Project No. : 227705930  
Client: Stantec  
Project: City of Fargo Landfill- Cell 21 Const.  
Sampled Date: 10/15/2024 Date Received: 10/16/2024

SUMMARY OF TEST RESULTS

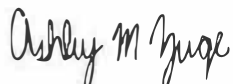
Dates Tested: 10/16/24 - 10/23/24  
Sample No.: P-3  
Location:  
Visual Classification: LEAN CLAY  
very dark gray to brown  
CL

FINAL

Dry Unit Weight (pcf):	74.6
Water Content (%):	48.1
Diameter (in):	2.832
Length (in):	3.099
Max. Head Differential (ft.):	6.0
Confining Pressure (effective psi):	2.0
Hydraulic Gradient:	21-22
Trial No.:	4-7
Water Temperature:	21°C
Hydraulic Conductivity: k (cm/sec)	6.58E-08

Tested By: RJP

Reviewed By:



Date Reviewed: 10/24/2024



---

FILE: Fargo Municipal Solid Waste Landfill (0260)

June 9, 2025

Scott Olson  
City of Fargo  
2301 8th Ave N  
Fargo ND 58102

**via e-mail**

Dear Mr. Olson:

On April 4, 2025, the North Dakota Department of Environmental Quality – Solid Waste Program (Department) received the Cell 18 & 21 Slope Movement Proposed Stabilization & Cell 21 Revised Design Plan, via e-mail from Stantec Consulting Services (Stantec), on behalf of the City of Fargo. The plan was prepared by Stantec and certified by registered North Dakota Professional Engineer Brad Sullivan. The report includes the proposed plan to repair the slope failure along the Cell 18 and Cell 21 border of the Fargo Landfill that occurred on November 20, 2024. The Fargo Landfill is regulated by the Department under Solid Waste Management Permit 0260.

On May 21, 2025, the Department, via e-mail, approved the contractor to start working on the general fill as part of the repair work. On June 5, 2025, the Department received an e-mail from Stantec with a revised cross-section and additional information that was discussed during a meeting on June 5, 2025 between the Department, the City of Fargo and Stantec.

The Department has reviewed the April 4, 2025 plan, and the additional information submitted on June 5, 2025, and noted the following:

- A slope movement event occurred on November 20, 2024 along the border between Cell 18 and Cell 21. Cell 21 was under construction and did not contain waste material. The movement occurred in the interim slope with movement proceeding to the north. The head of the scarp of the slump area developed near the top of the interim slope in the waste fill in Cell 18, approximately 500 feet south of the Cell 18/Cell 21 border, and the furthest toe of the slump area exited approximately 150 feet north of the Cell 18/Cell 21 border.
- A toe buttress composed of compacted clay material will be constructed at the toe of the slope failure to prevent further rotation and slope movement.
- The Cell 21 landfill liner will be extended an additional 20 feet horizontally beyond the Cell 21 footprint, over the top of Cell 18 and smaller portions of Cells 19 and 20. This additional liner will provide shingling to promote leachate drainage.
- The failure surface will be smoothed out to seal any scarp areas that would allow surface water to further infiltrate the existing slip plane. The waste will be regraded to a consistent slope and additional clay material will be placed in the future once waste placement commences in Cell 21. Additional clay material will be placed in the scarp/slope regrade area as a protect measure against infiltration.

---

4201 Normandy Street | Bismarck ND 58503-1324 | Fax 701-328-5200 | [deq.nd.gov](http://deq.nd.gov)

Director's Office  
701-328-5150

Division of  
Air Quality  
701-328-5188

Division of  
Municipal Facilities  
701-328-5211

Division of  
Waste Management  
701-328-5166

Division of  
Water Quality  
701-328-5210

Division of Chemistry  
701-328-6140  
2635 East Main Ave  
Bismarck ND 58501

- The leachate piping at the southern limit of Cell 21 will be reduced due to the presence of the toe buttress.
- All construction work will be completed and documented in accordance with the approved Construction Quality Assurance (CQA) Plan for the Fargo Landfill (Permit 0260), with one exception: in-place soil testing is proposed to be omitted for the toe buttress construction located near Station 4+50, which is in the valley created by the slope movement. This is due to safety concerns regarding the potential engulfment of CQA personnel should additional slope movement occur. Visual inspection of the area will occur to ensure proper compaction.

Based on the Cell 18 & 21 Slope Movement Proposed Stabilization & Cell 21 Revised Design Plan submitted on April 4, 2025, and the additional information submitted on June 5, 2025, the Department hereby approves the Cell 18 & 21 Slope Movement Proposed Stabilization & Cell 21 Revised Design Plan contingent upon the following:

- Plans and specifications, including a detailed geotechnical analysis of interim slopes, for each future municipal solid waste (MSW) landfill cell must be submitted to the Department for review and approval prior to the start of any cell construction.
- Interim slopes must be reduced to prevent slope movement.

If you have any questions, please contact Jane Geiger at [jgeiger@nd.gov](mailto:jgeiger@nd.gov) or 701-298-4637 or Ethan Hardy at 701-328-5158 or [ehardy@nd.gov](mailto:ehardy@nd.gov).

Sincerely,



Diana A. Trussell, Manager  
Solid Waste Program  
Division of Waste Management

DAT:EH

c/by e-mail: Dustin Halsne, City of Fargo  
Megan Ambuehl, Stantec  
Ethan Ketelsen, Stantec  
Sam Mauch, Stantec  
Brad Sullivan, Stantec  
Jason Warne, Stantec  
Rod Ambrosie  
Jane Geiger, NDDEQ  
Ethan Hardy, NDDEQ

REPORT OF ACTION**UTILITY COMMITTEE**

(42)

Project No. WA2158

Type: Change order #2 to Contract #2

Location: Water Utility Facilities

Date of Hearing: 6/25/2025

Routing \_\_\_\_\_ Date \_\_\_\_\_  
 City Commission 7/07/2025  
 Project File \_\_\_\_\_


Dan Portlock, Assistant Water Utility Director, presented the attached memo regarding change order #2 to Contract #2 for Electrical Construction of the Fargo Regional Supply and Lift Station. This change order will replace the existing flow meter at the lift station with a different model that should perform better. The contractor and manufacturer were unable to get the existing flow meter to read water going through the pump station.

**MOTION:**

On a motion by Scott Liudahl, seconded by Ben Dow, the Utility Committee voted to approve change order #2 to Contract #2 for the electrical contract for \$32,361.30 with CC Steel.

<u>COMMITTEE:</u> _____	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>	<u>Proxy</u>
Denise Kolpack, City Commissioner		X			
Brenda Derrig, Assistant City Administrator		X			
Susan Thompson, Finance Director		X			
Brian Ward, Water Plant Supt.		X			
Mark Miller, Wastewater Plant Supt.		X			
Bruce Grubb, Temp. Asst. City Administrator		X			
Scott Liudahl, City Forester		X			
James Hausauer, Water Recl. Utility Director		X			
Troy Hall, Water Utility Director		X			
Ben Dow, Public Works Operations Director		X			
Tom Knakmuhs, City Engineer		X			
Dan Portlock, Assistant Water Utility Director		X			
Scott Olson, Solid Waste Utility Director		X			

ATTEST:


  
 Dan Portlock, PE  
 Assistant Water Utility Director

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

MEMORANDUM  
June 19<sup>th</sup>, 2025

---

**To:** Utility Committee

**From:** Dan Portlock, PE Assistant Water Utility Director 

**Re:** WA2158 Change Order #2 to Contract #2 – Electrical Construction, Fargo Regional Emergency Water Supply and Lift Station

---

Attached, please find a proposed change order in the amount of \$32,361.30 for the electrical construction contract of the Fargo Regional Emergency Water Supply and Lift Station project. This change order would replace the flow meter that was proposed in the project with a new flow meter. After the project was started up, the contractor had issues getting readings with the flow meter. They had the manufacturer on site and still was unsuccessful in getting it to work. The new flow meter is supposed to be able to read the flow, the manufacture gave us the ability to return the flow meter if this model is also unsuccessful in metering the water.



W400 Ultrasonic flow meter

**Plan of Financing**

This project is in the 20-year CIP and is an eligible project for using the State Revolving Fund (SRF) loan. The SRF loan funding is available and already approved for this specific project by the North Dakota Department of Environmental Quality (NDDEQ)

**SUGGESTED MOTION:**

Approve change order #2 to Contract #2 (Electrical Construction) in the amount of \$32,361.30 to replace the ultrasonic flow meter.

Your consideration in this matter is greatly appreciated.

## Change Order

No. 2Date of Issuance: 6/19/2025Effective Date: 6/19/2025

Project: Fargo Regional Emergency Water Supply LS and Pipeline	Owner: City of Fargo	Owner's Contract No.: WA2158
Contract: No. 2 - Electrical Construction		Date of Contract: 2/6/2023
Contractor: John's Refrigeration & Electric, Inc.		Engineer's Project No.: P00803-2021-028

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description: Install a W400 Ultrasonic flow meter at the Fargo Regional Emergency Water Supply Lift Station.

Attachments: (List documents supporting change):

Attached document provides a breakdown of the work items.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price:	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days
\$ <u>365,950.00</u>	Substantial completion (days or date): <u>9/1/2024</u>
	Ready for final payment (days or date): <u>12/1/2024</u>
(Increase) (Decrease) from previously approved Change Orders No. <u>0</u> to No. <u>0</u> :	(Increase) (Decrease) from previously approved Change Orders No. <u>1</u> to No. <u>1</u> :
\$ <u>0</u>	Substantial completion (days): <u>9/27/2024</u>
	Ready for final payment (days): <u>12/1/2024</u>
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
\$ <u>365,950.00</u>	Substantial completion (days or date): <u>9/27/2024</u>
	Ready for final payment (days or date): <u>12/1/2024</u>
(Increase) (Decrease) of this Change Order:	(Increase) (Decrease) of this Change Order:
\$ <u>32,361.30</u>	Substantial completion (days or date): <u>0 days</u>
	Ready for final payment (days or date): <u>0 days</u>
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
\$ <u>398,311.30</u>	Substantial completion (days or date): <u>9/27/2024</u>
	Ready for final payment (days or date): <u>12/1/2024</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u>	By: _____	By: _____
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: <u>June 19, 2025</u>	Date: _____	Date: _____
Approved by Funding Agency (if applicable): _____	Date: _____	

**Work Change Directive No. 1**

Date of Issuance: 6/18/2025      Effective Date: 6/18/2025  
 Owner: City of Fargo      Owner's Contract No.: WA2158  
 Contractor: John's Refrigeration & Electric, Inc.      Contractor's Project No.:  
 Engineer: AE2S      Engineer's Project No.: P00803-2021-028  
 Project: Fargo Regional Emergency Water Supply LS and Pipeline      Contract Name: Contract No. 2 - Electrical Construction

Contractor is directed to proceed promptly with the following change(s):

Description: Install a W400 Ultrasonic flow meter at the Fargo Regional Emergency Water Supply Lift Station.

Attachments: [List documents supporting change]

Attached document provides a breakdown of the work items.

**Purpose for Work Change Directive:**

Directive to proceed promptly with the Work described herein, prior to agreeing to changes on Contract Price and Contract Time, is issued due to: [check one or both of the following]

- ☐ Non-agreement on pricing of proposed change.  
☒ Necessity to proceed for schedule or other Project reasons.

**Estimated Change in Contract Price and Contract Times (non-binding, preliminary):**

Contract Price \$ 32,361.30      ~~(increase)~~ [decrease]  
 Contract Time N/A days      [increase] [decrease]

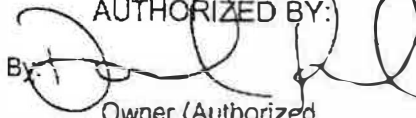
**Basis of estimated change in Contract Price:**

- ☐ Lump Sum      ☐ Unit Price  
☒ Cost of the Work      ☐ Other

RECOMMENDED:

By:   
 Engineer (Authorized Signature)

Title: Project Manager  
 Date: 6/18/2025

AUTHORIZED BY:  
 By:   
 Owner (Authorized Signature)

Title: ASSISTANT DIRECTOR  
 Date: 6/19/25

RECEIVED:  
 By:   
 Contractor (Authorized Signature)

Title: President  
 Date: 6-19-25

Approved by Funding Agency (if applicable)

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Title: \_\_\_\_\_



# JOHN'S REFRIGERATION & ELECTRIC, INC.

1221 West Main Street • PO Box 251 • Valley City, ND 58072

Phone: 701-845-5712 • Fax: 701-845-5712

## Change order for replacing the flow meter at the Fargo Emergency Lift Station

Primex change order for flow meter	\$22,479.00
Primex 2 <sup>nd</sup> trip fall of 2024 (to make sure meter was unusable)	\$ 1,200.00
Overhead 5%	\$ 1,183.95
JRE labor and travel fall 2024 – (16 hrs x \$120.00)	\$ 1,920.00
JRE labor and travel spring 2025 – (24 hrs x \$120.00)	<u>\$ 2,880.00</u>
	\$29,662.95
Sales tax	\$ 1,742.12
Bond and insurance	<u>\$ 956.23</u>

**Notes:** **Total of change order** **\$32,361.30**

**#1** - As per agreement with AE2S and Dan Portlock JRE's punch list is complete with the exception of the exterior light on the pump building . Dan stated in 2 weeks they will decide if they want a building light or a \$750.00 credit. O & M books after flow meter installed.

**#2** – Warranty of replacement flow meter will be 12 months from install date. Warranty on everything else will expire 12 months after lift station was started-up Nov 1<sup>st</sup> 2025

**#3** – Installation of flow meter will be approx..6- to 8 weeks after signed order from City of Fargo.

**#4** -This offer of a change order will expire at noon on Thursday 19<sup>th</sup>.Deadline imposed by Flow meter vendor. Prices will be higher after that time. Price increase and tariffs go into effect after that.

**#5** – This change order supersedes all previous proposals which are now void.

If JRE receives this proposal back by noon tomorrow signed by Dan Portlock. Dan's word is good enough for JRE to order up equipment. This proposal must become part of formal change order.

Thank You!

John Lonski Pres.



## REPORT OF ACTION

## UTILITY COMMITTEE

(43)

Project No. WA2158

Type: Construction Services

Location: Water Tower Demolition 2, 3, and 8

Date of Hearing: 6/25/2025

Routing \_\_\_\_\_ Date \_\_\_\_\_  
 City Commission \_\_\_\_\_ 7/07/2025 \_\_\_\_\_  
 Project File \_\_\_\_\_

Dan Portlock, Assistant Water Utility Director, presented a memo outlining a proposed construction services task order with Apex Engineering for the upcoming Water Tower Demolition Project. This project will involve the removal of Water Towers 2, 3, and 8, followed by regrading of the sites to restore the areas for future use. The work is particularly complex due to the constrained site conditions, as the towers are located near a school, residential neighborhoods, and buildings in the downtown area.

To support the project, the City intends to enter into a construction services contract with Apex Engineering. Apex will be responsible for monitoring all demolition activities and coordinating the work to ensure safety and minimize disruptions. Special attention will be given to communication with surrounding stakeholders and maintaining orderly progress in these sensitive locations.

**MOTION:**

On a motion by James Hausauer, seconded by Scott Olson, the Utility Committee voted to approve the construction services task order with Apex Engineering for \$129,100.00

COMMITTEE:	Present	Yes	No	Unanimous	
					X
					Proxy
Denise Kolpack, City Commissioner		X			
Brenda Derrig, Assistant City Administrator		X			
Susan Thompson, Finance Director		X			
Brian Ward, Water Plant Supt.		X			
Mark Miller, Wastewater Plant Supt.		X			
Bruce Grubb, Temp. Asst. City Administrator		X			
Scott Liudahl, City Forester		X			
James Hausauer, Water Recl. Utility Director		X			
Troy Hall, Water Utility Director		X			
Ben Dow, Public Works Operations Director		X			
Tom Knakmuhs, City Engineer		X			
Dan Portlock, Assistant Water Utility Director		X			
Scott Olson, Solid Waste Utility Director		X			

ATTEST:

  
 Dan Portlock, PE  
 Assistant Water Utility Director

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



**Water Treatment Plant**  
435 14th Avenue South  
Fargo, ND 58103  
Office: 701.241.1469 | Fax: 701.241.8110  
[www.FargoND.gov](http://www.FargoND.gov)

**MEMORANDUM**

June 25, 2025

---

**To:** Utility Committee

**From:** Troy B. Hall, Water Utility Director *TBH*

**Re:** Apex Task Order No. WA11 – Water Tower Demolition – Construction Services

---

Attached, please find a proposed task order with Apex Engineering Group, Inc. (Apex) for construction services related to water tower demolition (Towers 2,3, & 8). The task order is in the amount of \$129,100. This is 10 percent of the awarded construction bid. For the tower demolition, the three tower locations are all unique and difficult for the actual water tower removal. The sites are very tight with buildings, homes, and other features that need to be protected. Also, the project will prepare the sites for redevelopment. Some of the groups we will be working with in the coordination are:

- Fargo Public Schools
- Fargo Park District
- Private business and homeowners
- Multiple City of Fargo Departments.

This decommissioning and demolition of the three water towers under this task order is the last remaining piece of this overall project. Due to the complexity of the tower removal involving several parties, this project will require significant coordination. The water tower system is now operating as envisioned in the 2005 Water Distribution Master Plan with eight water towers each operating with adequate storage for localized short-term emergency water demands and fire protection.

**Plan of Financing**

The tower demolition was accounted for in the 2025 budget. The project will be funded with Infrastructure Sales Tax (Fund 450). This is the last implementation phase of planning work for water tower operation in the 2005 Water Distribution Master Plan.

**SUGGESTED MOTION:**

Approve Task Order No. WA11 with Apex Engineering Group, Inc. in the amount of \$129,100 for water supply planning support.

Your consideration in this matter is greatly appreciated.

**Task Order No. WA11 – Water Tower Demolition – Towers 2, 3, & 8 – Construction Phase Services**

In accordance with Paragraph 1.01 of the Agreement between Owner and Engineer for Professional Services – Task Order Edition, dated January 1, 2021 ("Agreement"), Owner and Engineer agree as follows:

**1. Background Data**

- a. Effective Date of Task Order: June 24, 2025
- b. Owner: City of Fargo – Water Division
- c. Engineer: Apex Engineering Group, Inc.
- d. Specific Project (title): Water Tower Demolition – Water Towers 2, 3, & 8
- e. Specific Project (description): Construction Phase Services for demolition of Water Towers 2, 3, and 8.

**2. Services of Engineer**

- A. The specific services to be provided or furnished by Engineer under this Task Order are:

☒ as follows: ***See attached Scope of Services***

- B. Resident Project Representative (RPR) Services

If the scope of services established in Paragraph 2.A above includes RPR services, then Exhibit D of the Agreement is expressly incorporated in this Task Order by reference.

- C. Other Services

Engineer shall also provide the following services: ***None***

- D. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

**3. Additional Services**

- A. Additional Services that may be authorized or necessary under this Task Order are:

☐ as follows: ***None***

#### 4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following: ***Attached Scope of Services***

#### 5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule:

<u>Phase/Task</u>	<u>Completion Date (week of)</u>
Execute Task Order Agreement	June 24, 2025
Contractor – Notice to Proceed (estimated)	June 24, 2025
Pre-Construction Meeting with Contractor	June 27, 2025
Tower Demolitions – Substantial Completion	October 30, 2025
Tower Demolitions – Final Completion	November 30, 2025
Project Closeout Complete	December 31, 2025

**6. Payments to Engineer**

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

Description of Service	Amount	Basis of Compensation
1. Basic Services		
a. Task 1: Project Management	\$2,726	Hourly Not to Exceed
b. Task 2: Construction & Contract Administration	\$35,041	Hourly Not to Exceed
c. Task 3: Construction Observation	\$78,113	Hourly Not to Exceed
d. Task 4: Project Closeout	\$13,220	Hourly Not to Exceed
<b>TOTAL COMPENSATION</b>	<b>\$129,100</b>	Hourly Not to Exceed

Amounts and estimated totals included in the breakdown by phases incorporate Engineer's labor, overhead, profit, reimbursable expenses (if any), and Consultants' charges, if any. Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered, but shall not exceed the total compensation amount unless approved in writing by the Owner.

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

**7. Consultants retained as of the Effective Date of the Task Order:** *None*

**8. Other Modifications to Agreement and Exhibits:** *None*

**9. Attachments:** *Scope of Services – Water Tower Demolition – Water Towers 2, 3, & 8 – Construction Phase Services*

**10. Other Documents Incorporated by Reference:** *None*

**11. Terms and Conditions**

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is **June 24, 2025**.

OWNER:

ENGINEER:

City of Fargo

By: Apex Engineering Group, Inc.

Name:

Name:

Timothy J. Paustian, PE

Title:

Title: Senior Vice President

Date:

Date: June 24, 2025

Engineer License or Firm's  
Certificate No. (if required): COCP #975C

State of: North Dakota

DESIGNATED REPRESENTATIVE FOR TASK  
ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Troy Hall

Name: Timothy J. Paustian, PE

Title: Water Utility Director

Title: Project Manager

Address: 435 14<sup>th</sup> Avenue South  
Fargo, ND 58103Address: 4733 Amber Valley Parkway South  
Fargo, ND 58103E-Mail: [THall@FargoND.gov](mailto:THall@FargoND.gov)E-Mail: [Tim.Paustian@ApexEngGroup.com](mailto:Tim.Paustian@ApexEngGroup.com)

Address:

Address:

Phone: 701-476-6741

Phone: 701-373-7991

## Task Order Form

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.  
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and American Society of Civil Engineers. All rights reserved.



# Scope of Services

## Task Order No. WA11

### Water Tower Demolition – Water Towers 2, 3, & 8 – Construction Phase Services

City of Fargo, North Dakota  
*June 24, 2025*

Task No.	Description
1	Project Management
2	Construction and Contract Administration
3	Construction Observation
4	Project Closeout



## Project Background

The new Downtown Water Tower is currently operational. The new tower is located on 7<sup>th</sup> Avenue North, near the existing tower No. 1. The new tower is referred to as Tower No. 12.

The new Tower No. 12 was designed to replace three existing water towers, which will need to be demolished. Those towers are as follows:

- Tower No. 1: 1102 7<sup>th</sup> Avenue North (Adjacent to Tower No. 12).
- Tower No. 2: 508 5<sup>th</sup> Street North
- Tower No. 3: 1430 10<sup>th</sup> Street North

In addition, the City of Fargo wishes to demolish another tower that is no longer in use. This is Tower No. 8, which is located on the Fargo South High School campus.

Tower No. 1 was demolished as part of the construction of Tower No. 12. The design and bidding for the demolition of Towers No. 2, 3, and 8 has been completed.

This Task Order provides for construction phase services for the demolition of the water towers and restoration of each of the sites, as well as coordination with surrounding residential, educational, and commercial structures. It also includes coordination with various stakeholders such as the Fargo School District and the Fargo Park District.

Listed on the following pages you will find a breakdown of the various tasks associated with services for the construction phase services for the Demolition for Towers 2, 3 & 8.





## Task No. 1.0 – Project Management

### Objective:

To provide management of engineers, technicians, subconsultant and all team members throughout this project, including contract administration and quality assurance / quality control. To provide a single point of contact for the City of Fargo throughout the duration of the project.

### Activities:

1. Review and execute Task Order between the City of Fargo, North Dakota and Apex Engineering Group, Inc. (Apex).
2. Oversee Engineers and Technicians assigned to the project.
3. Attend and report at project update meetings, as necessary.
4. Provide communications and coordination between City of Fargo and Apex team members.
5. Provide quality assurance/quality control throughout all phases of the project.

### City of Fargo Responsibilities:

- ✓ Execute task order between City of Fargo and Apex.
- ✓ Provide requested information in a timely manner.

### Apex Responsibilities and Deliverables:

- ✓ Review and execute task order with City of Fargo in a timely manner.
- ✓ Gather, organize, review and return (if applicable) any necessary information.
- ✓ Coordinate all activities with project team.
- ✓ Schedule and attend project update meetings.
- ✓ Communicate with City of Fargo on project updates and schedule.



## Task No. 2.0 – Construction and Contract Administration

### Objective:

To provide Administration of construction activities and administration of the Construction contract between the General Contractor and the City of Fargo. This scope is based on administration of one (1) construction contract. This Task also provides needed coordination between project stakeholders, such as the Fargo School District, Fargo Park District, and property owners in the vicinity of the towers.

### Activities:

1. Pre-Construction Meeting
2. Easement & Stakeholder Coordination
3. Construction Contract Administration
4. Shop Drawing Review
5. Operations and Maintenance Manual Review
6. Process Requests for Information (RFIs)
7. Process Work Change Directives (WCDs)
8. Process Change Orders
9. Progress Meetings
10. As-Built Drawings

### City of Fargo Responsibilities:

- ✓ Provide documents as requested
- ✓ Attend meetings, as necessary
- ✓ Attend and participate in conference calls and site visits
- ✓ Provide access and support to Engineer
- ✓ Review and provide comments on submittals.

### Apex Responsibilities and Deliverables:

- ✓ Schedule and lead construction progress meetings and distribute minutes.
- ✓ Review all submittals and provide comments to Contractor and Owner.
- ✓ Provide Owner with as-built drawings at the conclusion of the project.



### Task No. 3.0 – Construction Observation

#### Objective:

To provide on-site Resident Project Representative to observe and document construction progress and report to Engineer and Owner.

#### Activities:

1. Resident Project Representative Services
2. Construction Progress Meetings

#### City of Fargo Responsibilities:

- ✓ Provide documents as requested
- ✓ Attend meetings, as necessary
- ✓ Attend and participate in conference calls and site visits
- ✓ Provide access and support to Engineer

#### Apex Responsibilities and Deliverables:

- ✓ Provide on-site construction observation services during construction activities.



## Task No. 4.0 – Project Closeout

### Objective:

To provide engineering support services during project commissioning and project closeout and to complete all necessary project closeout documents required by the Contract.

### Activities:

1. Project Commissioning
2. Project Closeout

### City of Fargo Responsibilities:

- ✓ Provide documents as requested
- ✓ Attend meetings, as necessary
- ✓ Attend and participate in conference calls and site visits
- ✓ Provide access and support to Engineer.

### Apex Responsibilities and Deliverables:

- ✓ Provide personnel to assist with each startup activity.
- ✓ Provide final project closeout documentation.



Project Schedule

<u>Task/Activity</u>	<u>Date (Week of)</u>
- Execute Task Order Agreement	June 24, 2025
- Contractor Notice to Proceed (estimated)	June 24, 2025
- Pre-Construction Meeting with Contractor	June 27, 2025
- Tower Demolitions Complete (Substantial Completion)	October 30, 2025
- Tower Demolitions Final Completion	November 30, 2025
- Project Closeout Completion	December 31, 2025



# Apex Engineering Group

Hours Estimate

Fargo, North Dakota

Task Order No. WA11 - Water Tower Demolition - Construction Phase Services

Apex Engineering Group, Inc.

Task	Principal Engineer	Senior Engineer	Design Engineer	Graduate Engineer	Lead Engineering Technician	Admin Support	Total
<b>Task 1.0 - Project Management</b>							
Task Subtotal	8	0	0	0	0	4	12
<b>Task 2.0 - Construction &amp; Contract Administration</b>							
Task Subtotal	13	12	38	90	40	6	199
<b>Task 3.0 - Construction Observation</b>							
Task Subtotal	8	2	40	415	0	8	473
<b>Task 4.0 - Project Closeout</b>							
Task Subtotal	12	0	0	56	0	8	76
<b>Apex Project Subtotals</b>							
Hours	41	14	78	561	40	26	760

**REPORT OF ACTION****UTILITY COMMITTEE**

Project: WW1701

Type: Change Order #9-PKG Contracting, Inc.

Location: Water Reclamation Facility Phase IIB Expansion

Date of Hearing: 6-25-2025

<u>Routing</u>	<u>Date</u>
City Commission	<u>7-7-2025</u>
Project File	<u></u>

Jim Hausauer, Water Reclamation Utility Director, presented the attached memo describing Change Order #9 for Project WW1701 (Phase IIB Expansion). In 2014, the City of Fargo completed a Water Reclamation Facility (WRF) Plan to review the existing facilities condition & capacity. The Facility Plan assessed all process equipment and structural components of the WRF, as well as deficiencies associated with capacity, condition, & future regulations. Improvements were prioritized via a phased approach based on immediate deficiencies, with a goal to treat projected hydraulic & organic loading over the next 20-plus years to meet the needs for Fargo growth and regionalization.

Components of the Phase IIB design include a combined headworks building, hybrid Integrated Fixed Film Activated Sludge (IFAS) for biological treatment, final clarifiers, blower building, return and waste activated sludge (RAS/WAS) pump station, thickening building, primary digester, odor control, and ancillary pumps, vaults and piping. The facility will double its capacity to treat 29 million gallons per day, serving a regional population of 270,700.

The Water Reclamation Utility has a placeholder in the 20-year CIP for the Phase II Expansion. The project is funded with a 30-year/2% Clean Water State Revolving Fund (CWSRF) loan. The debt is programmed to be repaid with rate & infrastructure sales tax funds and is included in our Revenue Adequacy Model. Loan forgiveness funds are available within the CWSRF Program in North Dakota. Project WW1701 Construction Loan 380715-05 has been determined to be eligible for this loan forgiveness in the amount of \$4,348,770. To ensure that loan forgiveness funds are used expeditiously, we are required to use all loan forgiveness funds by June 30, 2026.

The project bid during the start of the COVID-19 pandemic. To save project costs and be prepared for unforeseen cost increases from the pandemic, no alternates were awarded. The alternates not awarded were the following:

- |   |                |
|---|----------------|
| ▪ Alt. #1 Operations Building           | \$291,000.00   |
| ▪ Alt. #2 Trickling Filter Pump Station | \$3,120,000.00 |
| ▪ Alt. #3 Administration Building       | \$4,654,000.00 |
| ▪ Alt. #4 East Train Vault Work         | \$269,000.00   |
| ▪ Alt. #5 Effluent Force Main           | \$4,340,000.00 |
| ▪ Alt. #6 Secondary Digester Work       | \$452,000.00   |

Project WW1701 has been under construction since May 2020. There have been 8 change orders for this \$123,950,000 project, which included:

1. Shifting work from the Phase IIA project to Phase IIB for construction sequencing purposes.
2. Adding \$52,443 to the contract for changes due to a deeper storm water pipe than expected.
3. Extending the completion date for Covid-19 related delays.
4. Emergency repair of two failed manholes on the West Side Interceptor totaling \$127,486.
5. Replacement of the HVAC system and plumbing in the Trickling Filter Pump Station for \$523,095.
6. Replacement of 3 BOD and 3 Nitrification pumps in the Trickling Filter Pump Station in the amount of \$998,002.
7. Replacement of BOD Trickling Filter Pump Station electrical and controls totaling \$852,825.
8. Electrical and controls improvements in the Admin/Ops Bld. and procurement of an 85 hp pump for the new headworks in the amount of \$317,649.

**Project WW1701 Change Order #9**

Now that construction is over 95% complete and costs are more known, there are funds still available in the SRF loan for high priority items not awarded as alternates or other items deemed critical for reliable operations.

Change Order #9 includes:

- Trickling Filter exterior tank wall recoating. The 5 tanks have not been recoated since the 1990's and should be repainted to extend the life of the concrete. This was included in alternate #4 which was not awarded. (\$58,702)
- Electrical installation, connection and programming of an influent pH meter to our SCADA for operational monitoring & permit reporting. (\$7,788)
- New garage electrical service: The old electrical service was fed from the digester gallery and is now temporarily fed. Space limitations, modifications to the digester gallery and new codes required a new electrical building. This was included in alternate #3 which was not awarded. (\$51,629)
- Provide 7 new exterior electrical receptacles for heat trace for transducers for various wet wells on site. Staff are currently using extension cords and would like a safer long-term solution. (\$14,673)
- Correct sludge transfer #2 tunnel drainage and grading issues that have existed since it was constructed the 1990's. This will include demolition of the entrance, grading, install new door, new sidewalk, removal of electrical to provide better access to future infrastructure. (\$25,335)
- A Time Extension with a new completion date of December 31, 2025. This time extension was due to City requested additional work, recent change order delivery delays, unforeseen operational sequencing requirements and solids removal in the digesters.

Change Orders to date, are less than 2.5% of the original bid price.

On a motion by Troy Hall, seconded by Scott Olson, the Utility Committee voted to approve Project WW1701 Change Order #9 from PKG Contracting Inc. in the amount of \$158,127 and to also include a Time Extension of the completion date to December 31, 2025

**RECOMMENDED MOTION:**

Concur with the Utility Committee to approve Project WW1701 Change Order #9 from PKG Contracting Inc. in the amount of \$158,127 and to also include a Time Extension of the completion date to December 31, 2025

<u>COMMITTEE</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous X</u> <u>X Proxy</u>
Denise Kolpack, City Commissioner	X	X		Virtual
Susan Thompson, Finance Director	X	X		Virtual
Brian Ward, Water Plant Superintendent	X	X		
Mark Miller, Water Reclamation Plant Supt.	X	X		
Bruce Grubb, Temp. PT City Administrator	X	X		
Scott Liudahl, City Forester	X	X		
Scott Olson, Solid Waste Utility Director	X	X		
Jim Hausauer, Water Reclamation Utility Dir.	X	X		
Troy Hall, Water Utility Director	X	X		
Ben Dow, Public Works Operations Director	X	X		
Tom Knakmuhs, City Engineer	X	X		
Dan Portlock, Water Utility Engineer	X	X		
Brenda Derrig, Assistant City Administrator	X	X		

ATTEST:



Jim Hausauer  
Water Reclamation Utility Director

C: Mayor Mahoney  
Commissioner Strand  
Commissioner Piepkorn  
Commissioner Turnberg



**MEMORANDUM**

June 25<sup>th</sup>, 2025

**To: Utility Committee**  
**From: Jim Hausauer, Water Reclamation Utility Director**  
**Re: Project WW1701 - Change Order #9**

**Background/Phase II Improvements**

In 2014, the City of Fargo completed a Water Reclamation Facility (WRF) Plan to review the existing facilities condition & capacity. The Facility Plan assessed all process equipment and structural components of the WRF, as well as deficiencies associated with capacity, condition, & future regulations. Improvements were prioritized via a phased approach based on immediate needs/deficiencies, with a goal to treat projected hydraulic & organic loading over the next 20-plus years to meet the needs for Fargo growth and regionalization.

Components of the Phase IIB design include a combined headworks building, hybrid Integrated Fixed Film Activated Sludge (IFAS) for biological treatment, final clarifiers, blower building, return & waste activated sludge (RAS/WAS) pump station, thickening building, primary digester, odor control, ancillary pumps, vaults and piping. The facility will double its capacity to treat 29 million gallons per day, serving a regional population of 270,700.

**Project Funding**

The Water Reclamation Utility has a placeholder in the 20-year CIP for the Phase II Expansion. The project is funded with a 30-year/2% Clean Water State Revolving Fund (CWSRF) loan. The debt is programmed to be repaid with rate revenue, infrastructure sales tax funds and is included in our Revenue Adequacy Model. Loan forgiveness funds are also available within the CWSRF Program in North Dakota. Project WW1701 Construction Loan 380715-05 has been determined to be eligible for loan forgiveness in the amount of \$4,348,770. To ensure that loan forgiveness funds are used expeditiously, we are required to use all loan forgiveness funds by June 30, 2026.

The project bid during the start of the COVID-19 pandemic. To save project costs & be prepared for unforeseen cost increases from the pandemic, no alternates were awarded. The alternates not awarded at the time were the following:

- |           |                               |                |
|-----------|-------------------------------|----------------|
| ▪ Alt. #1 | Operations Building           | \$291,000.00   |
| ▪ Alt. #2 | Trickling Filter Pump Station | \$3,120,000.00 |
| ▪ Alt. #3 | Administration Building       | \$4,654,000.00 |
| ▪ Alt. #4 | East Train Vault Work         | \$269,000.00   |
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Project WW1701 has been under construction since May 2020. There have been 8 change orders for this \$123,950,000 project, which included:

1. Shifting work from the Phase IIA project to Phase IIB for construction sequencing purposes.
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3. Extending the completion date for Covid-19 related delays.
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5. Replacement of the HVAC system and plumbing in the Trickling Filter Pump Station for \$523,095.
6. Replacement of three BOD & three Nitrification pumps in the Trickling Filter Pump Station totaling \$998,002.
7. Replacement of BOD Trickling Filter Pump Station electrical and controls totaling \$852,825.
8. Electrical & controls improvements in the Admin/Ops building and procurement of an 85 hp pump for the new headworks building in the amount of \$317,649.

#### **Project WW1701-Change Order #9**

As Phase IIB is over 95% complete and costs are more known, there are funds still available in the CWSRF loan for high priority items not awarded as alternates or other items deemed critical for reliable operations.

Change Order #9 includes:

- Trickling Filter exterior tank wall recoating. The 5 tanks have not been recoated since the 1990's and should be repainted to extend the life of the concrete. This was included in alternate #4 which was not awarded. (\$58,702)
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- A Time Extension with a new completion date of December 31, 2025. This time extension was due to City requested additional work, recent change order delivery delays, unforeseen operational sequencing requirements and solids removal in the digesters.

Change Orders to date, are less than 2.5% of the original bid price.

#### **Recommended Motion**

Approve Change Order #9 in the amount of \$158,127 to also include a Time Extension of the completion date to December 31, 2025 from PKG Contracting Inc. for Project WW1701 (Phase IIB Expansion).



701.373.7980  
4733 Amber Valley Parkway  
Fargo, ND 58104

June 18, 2025

Mr. James Hausauer  
City of Fargo  
3400 North Broadway  
Fargo, ND 58102

RE: Fargo Wastewater Treatment Facility  
Phase IIB Expansion  
Apex Project No. 18.102.0114  
Change Order #9

Dear Mr. Hausauer,

The Phase IIB Expansion Project at the Wastewater Treatment Facility has been under construction since May of 2020. The work to date in the Headworks, IFAS, Final Clarifiers, Thickening Building, Digesters, underground utilities and Storm Lift Station areas has put the project at about 95% complete. There have been 8 change orders for this \$123,950,000 project, which included:

- Shifting remaining work from the Phase IIA project to this project for construction sequencing purposes;
- Adding \$52,443 to the contract for changes necessary due to a deeper storm water pipe than expected;
- Extending the completion date for Covid-19 related delays;
- Emergency repair of two failed manholes on the West Side Interceptor totaling \$127,486.00.
- Replacement of the heating, ventilation, air conditioning and plumbing in the Trickling Filter Pump Station totaling \$523,095.00.
- Replacement of three BOD Trickling Filter pumps and three Nitrification Trickling Filter pumps in the Trickling Filter Pump Station totaling \$998,002.00
- Replacement of BOD Trickling Filter electrical and controls totaling \$852,825.00
- Electrical work in the Administration Building to add the area to the Central Generation System power loop and remove the old generator totaling \$155,918.00
- Provide a new influent pump in Headworks in lieu of transferring an existing pump from the Influent Pump Station totaling \$161,731.

The project bid during the start of the COVID-19 pandemic. To save overall project costs and be prepared for potential unforeseen cost increases from the pandemic, no additive alternates were initially awarded. The alternates not awarded at the time were the following:

- |   |                |
|---|----------------|
| ▪ Alt. #1 Operations Building           | \$291,000.00   |
| ▪ Alt. #2 Trickling Filter Pump Station | \$3,120,000.00 |
| ▪ Alt. #3 Administration Building       | \$4,654,000.00 |
| ▪ Alt. #4 East Train Coatings           | \$269,000.00   |

Mr. Hausauer  
 June 18, 2025  
 Re: Change Order #9  
 Page 2 of 3

- Alt. #5 Effluent Forcemain \$4,340,000.00
- Alt. #6 Secondary Digester Work \$452,000.00

Now that construction is over 95% complete and costs are more known, there are funds still available in the SRF loan for high priority items not awarded as alternates and items the facility deems critical for reliable operations.

The following items are included as Change Order 9 for the City's consideration:

- The five existing trickling filters were last coated in the 1990s and should be repainted to extend the life of the concrete. The trickling filter coating work was included in Alternate #4 as part of the original bid but was not awarded at that time. (\$58,702.00)
- A pH meter to monitor influent pH through the city's SCADA system is necessary for permit reporting and operations. (\$7,788.00)
- The existing garage electrical is currently fed from the digester gallery area. Modifications to the digester gallery, space limitations and new codes required a new Electrical Building. Moving the electrical feed for the garage to the newly constructed Electrical Building was included in Alternate #3 but was not awarded at bid time. (\$51,629.00)
- Transducers at various wetwells have been heat traced with power from extension cords; new exterior outlets at the transducers will be added. (\$14,673.00)
- The area of Sludge Transfer #2 has included a tunnel since it was constructed in the early 1990s. It has historically been a low point and storm water drains into the tunnel and towards the sludge pumping area. The tunnel will be removed, the area backfilled and a new door installed at a higher elevation. (\$25,335.00)

The original project schedule was Substantial Completion in December of 2023 and Final Completion in May of 2024. A previous change order extended Substantial Completion to April 30, 2025 and Final Completion to June 1, 2025 due to supply chain issues related to the Covid-19 pandemic. The new west treatment train has been operating since Spring of 2024. However, work on the solids treatment train could not begin until much of the west train was complete. In addition, the City found that operationally, they could only take one digester out of service at a time and maintain proper treatment. The solids build up in the old digesters was unknown prior to taking them out of service and was found to be significant. This required a specialized contractor to remove the rags, grit and debris and could not be completed in the winter months. Each digester has associated process equipment (mixers, heat exchangers, pumps, piping and valves) that cannot be replaced until the digester is out of service and cleaned. As such, the solids treatment train construction activities have been extended due to these operational and sequencing constraints that were not anticipated. In addition, the work added by recent change orders takes time for delivery and installation. For these reasons, PKG Contracting is requesting a change order to change the completion dates as follows:

	<u>Substantial Completion</u>	<u>Final Completion</u>
CO #3	April 30, 2025	June 1, 2025
CO #9	December 31, 2025	December 31, 2025

Mr. Hausauer  
June 18, 2025  
Re: Change Order #9  
Page 3 of 3

Apex agrees with these proposed changes to the original contract. Two change orders were included in the original bid as alternates and three are needed for operations and longevity of the existing facility. The total cost of Change Order #9 is \$158,127.00. The time extension is needed due to unforeseen sequencing requirements, significant solids removal in the digesters and increase in construction scope due to recent change orders.

If approved, please sign the attached Change Order 9 form and return to me for processing.

Apex Engineering Group, Inc.



Karla Olson, PE  
Project Manager

CC: Mark Miller – City of Fargo  
Elizabeth Tokach-Duran, NDDEQ

Change Order No. 9

Date of Issuance: July 7, 2025

Effective Date: July 7, 2025

Owner: City of Fargo, ND

Owner's Contract No.: WW1701

Contractor: PKG Contracting

Contractor's Project No.: 1811

Engineer: Apex Engineering Group

Engineer's Project No.: 18.102.0114

Project: Fargo WWTF Expansion Phase IIB

Contract Name: Phase IIB Expansion

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

**Description:** Increase in contract price for labor, equipment and materials required for protective coatings for 5 existing trickling filters (\$58,702.00), electrical and SCADA connection for new pH meter (\$7,788.00), new garage electrical service from new electrical distribution building (\$51,629.00), new exterior receptacles for heat tracing wetwell transducers (\$14,673.00) and removal of sludge transfer 2 tunnel (\$25,335.00).

**Attachments:** PKG PCOs 08, 23, 25, 29 and 50.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price:  \$ 123,950,000.00	Original Contract Times: Substantial Completion: <u>December 31, 2023</u> Ready for Final Payment: <u>May 31, 2024</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>8</u> :  \$ 2,911,800.00	[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>8</u> : Substantial Completion: <u>April 30, 2025</u> Ready for Final Payment: <u>June 1, 2025</u> days
Contract Price prior to this Change Order:  \$ 126,861,800.00	Contract Times prior to this Change Order: Substantial Completion: <u>April 30, 2025</u> Ready for Final Payment: <u>June 1, 2025</u> days or dates
[Increase] [Decrease] of this Change Order:  \$158,127.00	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>December 31, 2025</u> Ready for Final Payment: <u>December 31, 2025</u> days or dates
Contract Price incorporating this Change Order:  \$ 127,019,927.00	Contract Times with all approved Change Orders: Substantial Completion: <u>December 31, 2025</u> Ready for Final Payment: <u>December 31, 2025</u> days or dates

RECOMMENDED:  
By:   
Engineer (if required)

Title: Project Manager

Date: \_\_\_\_\_

ACCEPTED:  
By: \_\_\_\_\_  
Owner (Authorized Signature)

Title: Mayor

Date: \_\_\_\_\_

ACCEPTED:  
By: \_\_\_\_\_  
Contractor (Authorized Signature)

Title: Project Manager

Date: \_\_\_\_\_

Approved by Funding Agency (if applicable)

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



7-23-2024

APEX Engineering Group  
4733 Amber Valley Parkway South  
Fargo, ND 58104

Attn: Karla Olson

RE: Fargo Wastewater Treatment Facility - Phase IIB  
City of Fargo Project Number: WW1701

SUBJECT: Change Order No. 8

This itemized proposal is for changes in the Contract Sum and/or Time incidental to the proposed modifications described herein.

**PCO No. 08** We propose to provide labor, equipment and materials necessary to perform Coatings on Trickling Filter Tanks Wall Exterior Per Drawings Alt #2 05.C.01 and Per Karla Olson E-Mail Dated March 26th 2024

A.)	<b>1. PKG Labor: (including burden/lodging/per diem)</b>	0.00	
	<i>Subtotal Section A.1</i>		\$0.00
	<b>2. Material: (including tax):</b>	0.00	
	<i>Subtotal Section A.2</i>		\$0.00
	<b>3. Equipment: (including fuel/oil/expendables)</b>		
	- NA	0.00	
	<i>Subtotal Section A.3</i>		\$0.00
	4. Contractor Fee: Fifteen (15% on items A.1,2,3)		\$0.00
B.)	<i>Subtotal Section A</i>		\$0.00
	<b>1. Subcontractor:</b>		
	- Protech Contracting (see attached proposal)	54,000.00	
	2. Contractor Fee: Five (5% on item B.1)	2,700.00	
C.)	<i>Subtotal Section B</i>		\$56,700.00
	<b>Supplemental Costs:</b>		
	1. Small Tools/Equip. & Expendables (10% of A.1)	0.00	
	2. Safety Expense (4% of A.1)	0.00	
	3. Temporary Construction Facilities (2% of Section A, B & C.1)	1,134.00	

Offer valid 30 days  
from date of proposal

4201 5th Avenue South  
Fargo, ND 58103

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<i>Subtotal C.1, C.2.C.3</i>	\$1,134.00
4. Bonding & Insurance (1.50% of Section A,B,C)	\$867.51
<i>Subtotal of Section A,B,C</i>	<u>\$58,701.51</u>
<b>TOTAL CHANGE REQUEST .....</b>	<b>\$58,702.00</b>
<b>TOTAL CHANGE IN CONTRACT TIME (working days) .....</b>	<b>TBD</b>

Should you need additional information, please do not hesitate to contact me.

Thank you,

**PKG Contracting, Inc.**



John Gisvold  
Project Manager

cc: 2005 PCO file  
attachments





*Industrial Painting and Protective Coatings  
Floor Coating and Topping Applications*

Box 9217 Fargo, ND 58106-9217  
(701) 235-9243  
Toll Free (800) 825 9243  
Fax (701) 235-6720

## QUOTATION

**Quote Date: 07/17/24**  
**Quote No.: Q24-0717**  
**Page No.: 1 of 1**

**To:** PKG Contracting, Inc.  
4301 South University Drive  
Fargo, ND 58104

**Project:** Trickling Filter Tanks Wall Recoating, Fargo Wastewater Treatment Facility Phase IIB Expansion, Apex Project# 18.102.0114, City of Fargo Project #WW1701, City of Fargo, North Dakota.

**I. Scope of work:** Protech Contracting Services, Inc. will provide labor, equipment, and materials to paint and coat the Trickling Filter Tanks Walls (5 ea.- totaling 18,500 square feet) as described in the Fargo Wastewater Treatment Facility Phase IIB Expansion Facility project, Apex Project# 18.102.0114, City of Fargo Project #WW1701, City of Fargo, North Dakota. This quotation specifically includes Section 09900 PAINTING AND COATING and Addendum No.1. Pricing is as follows:

**II. Pricing: Coat Exterior walls of 5ea. Trickling Filter tanks (total 18,500 square feet):**

**Sherwin Williams Acrylic Dryfall system, which includes the following:**

1. Surface Preparation: Pressure wash to remove loosely adhered coatings. Remove existing mildew. Price does not include filling bugholes or concrete imperfections.
2. Spot-Prime bare areas with Sherwin Williams Pro-Industrial Multi-Surface Acrylic
3. Topcoat(s) - two coats Sherwin Williams Pro-Industrial Multi-Surface Acrylic applied at 2.5 mils per coat.

**Total Price: \$54,000.00**

**III. Terms and Requirements:**

1. Price includes all labor, materials, freight, tax, equipment, and insurance.
2. Price does not include filling bug-holes or concrete imperfections.
3. The General Contractor to provide Forklifts for loading and unloading painting equipment and materials.

*Above prices quoted for acceptance within 30 days from date. Prices quoted apply only to project specified.*

**Quoted by: Dale Mulvaney**

**Customer approval by: \_\_\_\_\_**

05-6-21  
AHT



11-21-2024

APEX Engineering Group  
4733 Amber Valley Parkway South  
Fargo, ND 58104

Attn: Karla Olson

RE: Fargo Wastewater Treatment Facility - Phase IIB  
City of Fargo Project Number: WW1701

SUBJECT: Proposed Change Order No. 23

This itemized proposal is for changes in the Contract Sum and/or Time incidental to the proposed modifications described herein.

PCO No. 23 This change order is for providing labor, equipment, and materials as necessary to install PH Meter to PLC-01 ( Per JDP CO Summary)

A.)	<b>1. PKG Labor: (including burden/lodging/per diem)</b>	0.00	
	<i>Subtotal Section A.1</i>		\$0.00
	<b>2. PKG Material: (including tax):</b>	0.00	
	<i>Subtotal Section A.2</i>		\$0.00
	<b>3. PKG Equipment/Rentals: (including fuel/oil/expendables)</b>	0.00	
	<i>Subtotal Section A.3</i>		\$0.00
	<b>4. 15% Fee (Overhead &amp; Profit on items A.1,2,3)</b>		\$0.00
	<i>Subtotal Section A</i>		\$0.00
B.)	<b>1. Subcontractor:</b>		
	JDP Electric / Sweeney	7,026.00	
	2. 5% Fee (Overhead & Profit on item B.1)	351.30	
	<i>Subtotal Section B</i>		\$7,377.30
C.)	<b>Supplemental Costs:</b>		
	1. Small Tools/Equip. & Expendables (10% of A.1)	0.00	
	2. Safety Expense (4% of A.1)	0.00	
	3. Temporary Construction Facilities (4% of Section A, B & C.1)	295.09	
	<i>Subtotal C.1, C.2.C.3</i>		\$295.09
	4. Bonding & Insurance (1.50% of Section A,B,C)		\$115.09
	<i>Subtotal of Section A,B,C</i>		\$7,787.48
<b>TOTAL CHANGE REQUEST</b>			<b>\$7,788.00</b>
<b>TOTAL CHANGE IN CONTRACT TIME (working days)</b>			<b>TBD</b>

Should you need additional information, please do not hesitate to contact me.

Thank you,

PKG Contracting, Inc.

  
John Gisvold  
Project Manager

cc: 2005 PCO file  
attachments

DATE: 11-21-2024  
TIME: 10:00 AM  
BY: JDP  
FOR: APEX ENGINEERING GROUP  
PROJECT: WW1701

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# CHANGE ORDER SUMMARY

Job Name - Fargo Waste Water Plant

CHANGE ORDER #: 21

24-Sep-24

Material Tax : 7.50%  
 Labor Rate: \$79.00  
 PM Labor Rate: \$100.00

**Estimated Pricing:**

Material	\$	566.14
Quotes (Taxable)		2,700.00
Sub Con & DJE		-
Quotes (Non Taxable)		-
Total Material Cost		3,266.14
Sales Tax		244.96
<b>Subtotal</b>	<b>\$</b>	<b>3,511.10</b>

**WORK DESCRIPTION:** Requested By: City Of Fargo JDP Electrical to supply necessary conduit and wiring to connect the PH meter to PLC-01. Additionally, Sweeney Controls will implement modifications to PLC-01 and update the Scada screens to monitor and trend PH levels. PH probe and controller provided by the City Of Fargo.

**Estimated Items:**

Est. Materials	\$566.14
Est. Labor Hrs.	32.5
Foreman Hours	3.0
Project Manager Hrs.	1.0
Total Quotes(Taxable)	\$2,700.00
Total Quotes(Non Taxable)	\$0.00
Sub Con & DJE	\$0.00

Material Cost	\$	3,511.10
10% Overhead 5% Profit		526.67
LABOR		2,907.66
Permit & Fee's		80.99
Bond		-

**CHANGE ORDER PRICE** **\$ 7,026.00**

9/24/2024 1:06:59 PM

JDP Electric Inc.  
 FWWTP Phase 2B  
 Job Number: 10300  
 Extension By Phase

Page 1

Item #	Description	Quantity	Price	U	Ext Price	Labor Hr	U	Ext Lab Hr
--- 01 Rough In ---								
1001	3/4" EMT	36	81.17	C	29.22	5.00	C	1.80
1002	1" EMT	36	141.25	C	50.85	5.50	C	1.98
1164	3/4" ARC	74	181.90	C	134.61	5.50	C	4.07
1339	1" EMT Elbow	2	6.36	E	12.72	0.25	E	0.50
1374	3/4" ARC Elbow	8	711.68	C	56.93	0.30	E	2.40
1437	3/4" Set Screw Steel Conn	2	173.92	C	3.48	0.10	E	0.20
1438	1" Set Screw Steel Conn	2	65.66	C	1.31	0.12	E	0.24
1557	3/4" Set Screw Steel Cplg	5	27.68	C	1.25	0.12	E	0.54
1558	1" Set Screw Steel Cplg	7	59.26	C	3.85	0.14	E	0.91
1985	3/4" Alum Rigid Coupling	8	237.31	C	18.98	0.12	E	0.96
2279	3/4" 1-Hole Strap	5	31.72	C	1.43	4.00	C	0.18
2280	1" 1-Hole Strap	5	57.08	C	2.57	4.00	C	0.18
2356	3/4" Mini	9	120.03	C	11.10	25.00	C	2.31
8157	3/4" Vert & Horiz Seal	1	13.41	E	13.41	1.08	E	1.08
8158	1" Vert & Horiz Seal	1	23.17	E	23.17	1.22	E	1.22
16546566	3/4-INCH THREADED CONDUIT BODY WITH COVE	2	691.96	C	13.84	0.65	E	1.30
16546613	3/4" AL Meyers Hub	2	305.23	C	6.10	0.20	E	0.40
16547729	3/4" Hub Al C Conduit Body	4	7.73	E	30.92	0.84	E	3.36
--- 01 Rough In Total ---					415.74			23.63
--- 02 Wire ---								
2789	#14 THHN CU Stranded Wire	489	123.53	M	60.41	5.00	M	2.45
16547912	16-2 Twisted pair	163	407.00	M	66.34	12.00	M	1.96
--- 02 Wire Total ---					126.75			4.41
--- 18 Misc. ---								
T0002	Mount Instrument	1	9.35	E	9.35	1.00	E	1.00
T0003	Terminate Instrument	1	14.30	E	14.30	3.50	E	3.50
--- 18 Misc. Total ---					23.65			4.50
Job Total					566.14			32.54



234 28<sup>th</sup> Street S  
Fargo ND 58103

T. 701-232-3644  
F. 701-232-3635

[www.sweeneycontrols.com](http://www.sweeneycontrols.com)

September 24, 2024

Mr. Dave Thingvold  
JDP Electric

Quote Number: QUO-04929-Y6X7D1  
SCC - Change Order Number: 28

RE: pH Sensor Addition  
Fargo, ND

Dave,

We propose to supply the following services for the above referenced project.

One (1) Lot Programming updates and to add a pH sensor, provided by others, to the Area 1 PLC and SCADA screens. Includes High and Low pH setpoints.

One (1) 120v Circuit Breaker back panel mounted

Total lump sum addition for this change order.....\$ 2,700.00

Prices do not include inspections, pH Sensor, installation unless specifically stated, conduit, or field wiring.

By accepting this quotation you agree to our terms and conditions. Pricing will be honored for 30 days from above quoted date.

If you have any questions or comments, please feel free to contact me at 1-800-743-6536.

Sincerely,

*Mike Phillips*

Mike Phillips | [mphillips@sweeneycontrols.com](mailto:mphillips@sweeneycontrols.com)

**Contract Acceptance:**

By signing below, or by returning your executed purchase order on these same terms, you have accepted the foregoing Scope Letter and the attached Terms and Conditions and this document becomes a legal and binding contract between the parties.

234 28<sup>th</sup> Street S Fargo ND 58103 | T. 701.232.3644 | F. 701.232.3635 | [www.sweeneycontrols.com](http://www.sweeneycontrols.com)  
pH Sensor Addition –QUO-04929-Y6X7D1



1-2-2025

APEX Engineering Group  
4733 Amber Valley Parkway South  
Fargo, ND 58104

Attn: Karla Olson

RE: Fargo Wastewater Treatment Facility - Phase IIB  
City of Fargo Project Number: WW1701

SUBJECT: Proposed Change Order No. 25

This itemized proposal is for changes in the Contract Sum and/or Time incidental to the proposed modifications described herein.

PCO No. 25 This change order is for providing labor, equipment, and materials as necessary to Install New Garage Service (Per Attached Wiring Proposal from JDP Electric)

A.)	1. PKG Labor: (including burden/lodging/per diem)	0.00	
	Subtotal Section A.1		\$0.00
	2. PKG Material: (including tax):	0.00	
	Subtotal Section A.2		\$0.00
	3. PKG Equipment/Rentals: (including fuel/oil/expendables)	0.00	
	Subtotal Section A.3		\$0.00
	4. 15% Fee (Overhead & Profit on items A.1,2,3)		\$0.00
	Subtotal Section A		\$0.00
B.)	1. Subcontractor:		
	JDP Electric	46,580.00	
	2. 5% Fee (Overhead & Profit on item B.1)	2,329.00	
	Subtotal Section B		\$48,909.00
C.)	Supplemental Costs:		
	1. Small Tools/Equip. & Expendables (10% of A.1)	0.00	
	2. Safety Expense (4% of A.1)	0.00	
	3. Temporary Construction Facilities (4% of Section A, B & C.1)	1,956.36	
	Subtotal C.1, C.2,C.3		\$1,956.36
	4. Bonding & Insurance (1.50% of Section A,B,C)		\$762.98
	Subtotal of Section A,B,C		\$51,628.34
	<b>TOTAL CHANGE REQUEST</b>		<b>\$51,629.00</b>
	<b>TOTAL CHANGE IN CONTRACT TIME (working days)</b>		<b>TBD</b>

Should you need additional information, please do not hesitate to contact me.

Thank you,

**PKG Contracting, Inc.**

John Gisvold  
Project Manager

cc: 2005 PCO file  
attachments

Office: 701-233-3878  
Fax: 701-233-2935

1811 University Drive  
Fargo, ND 58104

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803 28<sup>th</sup> St S  
Fargo, ND 58103-2364  
(701) 232-1991  
Fax: (701)-364-5483

## Wiring Proposal

12/19/2024

TO: John Gisvold

RE: New Garage Service

**WORK DESCRIPTION:** In Reference to RFI 243, we would like to propose the following changes to facilitate MCC-19 removal

- **Removal of Existing Garage Feeds:**
  - Remove the existing garage feeds currently routed within the footprint of Digester #4
- **Temporary power Provision:**
  - Provide temporary power supply from MCC-19 to Garage panelboard
- **Utilization of Existing Equipment**
  - Utilized 400-amp Eaton breaker located in SWBD-11 and install breaker in SWBD-19
- **Permanent Power Installation:**
  - Provide new feeder conduit from SWBD-19 through the digester galley to the exterior of the building.
  - Install new underground conduit from the digester gallery to the new garage routed between Digesters 1 and 4
  - Pull new feeders and terminate the service appropriately

**Total Price \$46,580.00**





4-02-2025

APEX Engineering Group  
4733 Amber Valley Parkway South  
Fargo, ND 58104

Attn: Karla Olson

RE: Fargo Wastewater Treatment Facility - Phase IIB  
City of Fargo Project Number: WW1701

SUBJECT: Proposed Change Order No. 29

This itemized proposal is for changes in the Contract Sum and/or Time incidental to the proposed modifications described herein.

PCO No. 29 This change order is for providing labor, equipment, and materials as necessary to install 7 new Receptacles for Heat Trace around Transducers

A.)	<b>1. PKG Labor: (including burden/lodging/per diem)</b>	0.00	
	<i>Subtotal Section A.1</i>		\$0.00
	<b>2. PKG Material: (including tax):</b>	0.00	
	<i>Subtotal Section A.2</i>		\$0.00
	<b>3. PKG Equipment/Rentals: (including fuel/oil/expendables)</b>	0.00	
	<i>Subtotal Section A.3</i>		\$0.00
	<b>4. 15% Fee (Overhead &amp; Profit on items A.1,2,3)</b>		\$0.00
	<i>Subtotal Section A</i>		\$0.00
B.)	<b>1. Subcontractor:</b>		
	JDP Electric	13,238.00	
	<b>2. 5% Fee (Overhead &amp; Profit on item B.1)</b>	661.90	
	<i>Subtotal Section B</i>		\$13,899.90
C.)	<b>Supplemental Costs:</b>		
	1. Small Tools/Equip. & Expendables (10% of A.1)	0.00	
	2. Safety Expense (4% of A.1)	0.00	
	3. Temporary Construction Facilities	556.00	
	(4% of Section A, B & C.1)		
	<i>Subtotal C.1, C.2.C.3</i>		\$556.00
	<b>4. Bonding &amp; Insurance (1.50% of Section A,B,C)</b>		\$216.84
	<i>Subtotal of Section A,B,C</i>		\$14,672.73
	<b>TOTAL CHANGE REQUEST</b>		<b>\$14,673.00</b>
	<b>TOTAL CHANGE IN CONTRACT TIME (working days)</b>		<b>TBD</b>

Should you need additional information, please do not hesitate to contact me.

Thank you,

PKG Contracting, Inc.

John Gisvold  
Project Manager

cc: 2005 PCO file  
attachments

1000-2005-0000  
1000-2005-0000  
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1000-2005-0000

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803 28<sup>th</sup> St S  
Fargo, ND 58103-2364  
(701) 232-1991  
Fax: (701)-364-5483

## Change Order Proposal

2/24/2025

**TO: PKG Contracting INC**  
**ATTN: John Gisvold**  
**RE: Heat Trace Receptacles**

### **WORK DESCRIPTION:**

- **Area 01= Add conduit and wiring to provide (3) new Receptacles on exterior on east wall for heat trace.**
- **Area 02= Install new conduit and wiring to provide (1) new Receptacle on top of wet well next to In-Plant Disconnects**
- **Area 09=Install new conduit and wiring to provide (1) new receptacle on Final Clarifier control panel**
- **Area 15= Install new conduit and wiring to provide (2) new receptacles on top of thickening wet well.**

**Total Base Price \$13,238.00**

### **General Conditions**

1. All applicable taxes are included in our submission.
2. JDP Electric shall not be held liable for errors or omissions in designs by others, nor inadequacies of materials and equipment specified or supplied by others.
3. Equipment and materials supplied by the contractor are warranted only to the extent that the same are warranted by the manufacturer.
4. JDP Electric shall not be liable for indirect loss or damage.
5. Unless included in this proposal, all bonding and/or special insurance requirements are supplied at additional cost.
6. If a formal contract is required, its conditions must not deviate from this proposal without contractor's permission.
7. Anything (verbal or written), express or implied elsewhere, which is contrary to these conditions shall be null and void.
8. Proposal subject to change if not accepted within 30 days.

**Respectfully,**  
**Estimator,**  
**David Thingvold**

**Accepted By:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_



4-8-2025

APEX Engineering Group  
4733 Amber Valley Parkway South  
Fargo, ND 58104

Attn: Karla Olson

RE: Fargo Wastewater Treatment Facility - Phase IIB  
City of Fargo Project Number: WW1701

SUBJECT: Proposed Change Order No. 50

This itemized proposal is for changes in the Contract Sum and/or Time incidental to the proposed modifications described herein.

PCO No. 50 This change order is for providing labor, equipment, and materials as necessary to Relocate Electrical and Demo Entrance into Sludge Transfer #2 Cut New Opening for New Door and install new door and Estimated 30' of Sidewalk

A.)	<b>1. PKG Labor: (including burden/lodging/per diem)</b>	3,400.00	
	<i>Subtotal Section A.1</i>		\$2,450.00
	<b>2. PKG Material: (including tax): Concrete Rebar</b>	2,230.00	
	<i>Subtotal Section A.2</i>		\$2,100.00
	<b>3. PKG Equipment/Rentals: (including fuel/oil/expendables)</b>		
	Excavate and Backfill EQ	4,500.00	
	<i>Subtotal Section A.3</i>		\$4,500.00
	<b>4. 15% Fee (Overhead &amp; Profit on items A.1,2,3)</b>		\$1,140.00
	<i>Subtotal Section A</i>		\$10,190.00
B.)	<b>1. Subcontractor:</b>		
	JDP Electric	8,829.00	
	Edson	4,200.00	
	<b>2. 5% Fee (Overhead &amp; Profit on item B.1)</b>	441.45	
	<i>Subtotal Section B</i>		\$13,470.45
C.)	<b>Supplemental Costs:</b>		
	1. Small Tools/Equip. & Expendables (10% of A.1)	245.00	
	2. Safety Expense (4% of A.1)	98.00	
	3. Temporary Construction Facilities (4% of Section A, B & C.1)	956.22	
	<i>Subtotal C.1, C.2.C.3</i>		\$1,299.22
	<b>4. Bonding &amp; Insurance (1.50% of Section A,B,C)</b>		\$374.40
	<i>Subtotal of Section A,B,C</i>		\$25,334.06
	<b>TOTAL CHANGE REQUEST</b>		<b>\$25,335.00</b>
	<b>TOTAL CHANGE IN CONTRACT TIME (working days)</b>		<b>TBD</b>

Should you need additional information, please do not hesitate to contact me.

Thank you,

PKG Contracting, Inc.

*John Gisvold*  
John Gisvold  
Project Manager

cc: 2005 PCO file  
attachments

DATE: 4/8/25 10:38:30  
TIME: 4/8/25 10:38:30  
USER: JG  
IP: 10.10.10.10

www.pkg-inc.com

**JDP CO# 41**  
**PKG PCO# 50**



803 28<sup>th</sup> St S  
Fargo, ND 58103-2364  
(701) 232-1991  
Fax: (701)-364-5483

## Change Order Proposal

**ATTN: John Gisvold, PKG Contracting**  
**RE: Sludge Transfer 2 tunnel Demo**

### **WORK DESCRIPTION:**

- Demo Sludge transfer #2 feeds back to pull box. Extend conduits up to determined grade. Pull in new feeds back to panelboard and splice in box. Demo Fiber pull new fiber in and terminate and test.

**Total Price of change order \$8,829.00**

### **General Conditions**

1. All applicable taxes are included in our submission.
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4. JDP Electric shall not be liable for indirect loss or damage.
5. Unless included in this proposal, all bonding and/or special insurance requirements are supplied at additional cost.
6. If a formal contract is required, its conditions must not deviate from this proposal without contractor's permission.
7. Anything (verbal or written), express or implied elsewhere, which is contrary to these conditions shall be null and void.
8. Proposal subject to change if not accepted within 30 days.

Respectfully,

David Thingvold

Accepted By

Print Here: \_\_\_\_\_

Sign Here: \_\_\_\_\_