



West Fargo City Commission Meeting
Monday January 15, 2018
Commission Chambers 5:30 PM

- A. Pledge of Allegiance
- B. Approve Order of Agenda
- C. Approval of Minutes – December 18, 2017 **(Pg 3-17)**
- D. Building Permits

Consent Agenda – Approve the Following:

- a. Bills
- b. Gaming Site Authorization for Team Makers Club, Inc. Games Conducted: Raffle, Pull Tabs, Sports Pools, Twenty-One, Poker, Paddlewheel Table on 1/15/18 to 6/30/18 at Bar Code, 835 23rd Ave E #207. **(Pg 18-19)**
- c. Gaming Site Authorization for Fargo West Rotary. Games Conducted: Raffle on 5/12/18 at Fargo Harley Davidson, 701 Christianson Drive W. **(Pg 20)**
- d. Schedule a Public Hearing on January 29, 2018 for the rezoning of Westview 3rd Addition, Subdivision and Rezoning from A: Agricultural to R-1SM: Mixed One & Two Family Dwellings **(Pg 21-22)**
- e. Accept Petition for Improvement for Sewer, Water, Storm and Street Imp. District No. 1315, Create Assessment District for Sewer, Water, Storm and Street Imp. Dist. No. 1315, Authorize Engineer to prepare Engineer's Report **(Pg 23-28)**
- f. Approve Amended Engineer's Report for Sewer, Water, Storm and Street Imp. Dist. No. 1314 **(Pg 29-32)**
- g. Approve Plans & Specs for Street Improvement District No. 2251, Authorize Ad for Bids for Street Improvement District No. 2251 **(Pg 33)**
- h. Approve Plans & Specs for Sewer Improvement Project No. 1310, Authorize Ad for Bids for Sewer Improvement Project No. 1310 **(Pg 34)**
- i. Create Water Improvement Project No. 1312, Authorize Engineer to prepare Engineer's Report, Approve Engineer's Report for Water Improvement Project No. 1312, Authorize preparation of Plans & Specs **(Pg 35-38)**
- j. Create Water Improvement Project No. 1313, Authorize Engineer to prepare Engineer's Report, Approve Engineer's Report for Water Improvement Project No. 1313, Authorize preparation of Plans & Specs **(Pg 39-42)**



West Fargo City Commission Meeting
Monday January 15, 2018
Commission Chambers 5:30 PM

Regular Agenda

1. 5:30pm Public Hearing and First Reading for LAG 1st Addition, Replat, Subdivision and Rezoning – **Tim Solberg (Pg 43-48)**
2. Resolution Providing for the Issuance of \$9,855,000 Refunding Improvement Bonds of 2018, Series A, – **John Shockley (Pg 49-72)**
3. Application of Transfer of Ownership: Bar Nine –**Tina Fisk (Pg 73-79)**
4. Second Reading and Final Plat Approval for West Fargo 8th Addition, subdivision and rezoning – **Larry Weil (Pg 80-87)**
5. Review bid tab for Water Improvement Project No. 1311 – **Dustin Scott (Pg 88-91)**
6. Report from the City Administrator
7. Non-Agenda Items
8. Correspondence
9. Adjourn



West Fargo City Commission Meeting
Monday, December 18, 2017
Commission Chambers 5:30 PM

The West Fargo City Commission met on Monday December 18, 2017, at 5:30 pm. Those present were Duane Hanson, Mark Simmons, Rich Mattern, Mark Wentz and Mike Thorstad. The President of the Board Rich Mattern called the meeting to order.

The Pledge of Allegiance was recited.

Commissioner Mattern advised that the Raffle Application for West Fargo Wrestling would be added to the Consent Agenda as item "i". Commissioner Wentz moved and Commissioner Simmons seconded to approve the order of agenda. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Hanson seconded to approve the minutes of December 4, 2017. No opposition. Motion carried.

The Commission reviewed the Building Department Activity Report dated December 18, 2017 and Building Permits #841-852.

Commissioner Thorstad moved and Commissioner Wentz seconded to approve the following items from the Consent Agenda:

- a. Bills
- b. November Payroll Checks
- c. Pledging of Securities
- d. Games of Chance for Bikers for Boobs. Games Conducted: Raffle on 1/1/2018 - 6/2/2018 at Motorheadz Boutique, 1420 9 St E.
- e. Application for the West Fargo Airport Authority Board for Matthew Retka
- f. Schedule a Public Hearing on January 15, 2018 for the LAG 1st Addition, Replat, Subdivision and Rezoning from A: Agricultural to HC: Heavy Commercial
- g. Final Plat Approval for Steffes 7th Addition, a replat
- h. Accept the Petition for Improvements for Sewer, Water, Storm and Street Imp. Dist. No. 1314, Create Assessment District for Sewer, Water, Storm and Street Imp. Dist. No. 1314, Authorize Engineer to prepare Engineer's Report, Approve Engineer's Report for Sewer, Water, Storm and Street Imp. Dist. No. 1314, Authorize preparation of Plans & Specs, Approve Plans & Specs for Sewer, Water, Storm and Street Imp. Dist. No. 1314, Authorize Ad for Bids for Sewer, Water, Storm and Street Imp. Dist. No. 1314
- i. Games of Chance for West Fargo Wrestling. Games Conducted: Raffle on 1/1/18-2/10/18 at West Fargo High School, 207 West Main Ave.

No opposition. Motion carried.

City Attorney John Shockley and City Administrator Tina Fisk appeared before the Commission to present the final Master Agreement for Fire Protection Services for the City of West Fargo. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to approve the Master Agreement for Fire Protection services for 2018. No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission for review and approval of the Aerial Mosquito Control Services contract with Airborne Spraying for 2018-2020. After discussion, Commissioner Wentz moved and Commissioner Thorstad seconded to approve the contract for 2018-2020. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission regarding an update on the Review of the Pioneer Place 1st Addition, and the Replat and Rezoning from C: Light Commercial to PUD: Planned Unit Development. No action was requested from the Commission.

Senior Planner Tim Solberg appeared before the Commission for a Review and Approval of a Conditional Use Permit for the expansion of a local landscaping business. After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to approve the Conditional Use Permit with the conditions. No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission regarding the Administrator's Report and discussed the following:

- City Assessor Nick Lee attended the abatement hearing for CashWise.
- The Urban Grant Program will have its first meeting on January 15, 2018. More information will be presented at the January 15 Commission Meeting.
- January 2018 starts an election year
 - Mayor and 2 Commission seats up for reelection
 - January 1 – First day to circulate a petition
 - January 2 – First day to file a petition to run for Commissioner or Mayor
 - April 9 – Last day to file a petition
 - June 12 – Elections

Commissioner Mattern shared that the City of West Fargo received a \$260,000 grant from the Community Development Block Grant Program to be used for the YWCA Permanent Supportive Housing Project.

There was no correspondence.

Commissioner Simmons moved and Commissioner Wentz seconded to adjourn the meeting. No opposition. Meeting was adjourned.

Rich Mattern
President of the Board

Tina Fisk
City Auditor

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
76278	S	289 ACME TOOLS	18.77	12/19/17			
						CL 76844	18.77
76279	S	317 AMERICAN WELDING & GAS, INC.	111.75	12/19/17			
						CL 76802	111.75
76280	S	3110 APRIL WALKER	60.00	12/19/17			
						CL 76893	60.00
76281	S	3032 AXON ENTERPRISE INC	5862.02	12/19/17			
						CL 76603	5862.02
76282	S	2599 BEAR'S TREE SERVICE	1110.00	12/19/17			
						CL 76646	1110.00
76283	S	637 BLACK MOUNTAIN SOFTWARE	993.00	12/19/17			
						CL 76792	993.00
76284	S	1403 BLUE TARP FINANCIAL, INC	134.97	12/19/17			
						CL 76632	134.97
76285	S	2704 BRAD'S COFFEE SERVICE	170.00	12/19/17			
						CL 76896	170.00
76286	S	73 BRAUN INTERTEC	31442.25	12/19/17			
						CL 76866	31442.25
76287	S	3106 BRETT'S TREE SERVICE	2215.00	12/19/17			
						CL 76647	2215.00
76288	S	16 BROKERAGE PRINTING	316.60	12/19/17			
						CL 76599	268.20
						CL 76617	28.40
						CL 76869	20.00
76289	S	351 BUSINESS ESSENTIALS	433.21	12/19/17			
						CL 76651	433.21
76290	S	39 BUTLER MACHINERY	295.55	12/19/17			
						CL 76818	49.64
						CL 76825	3.53
						CL 76864	242.38
76291	S	3081 CALLIE ROTH	53.90	12/19/17			
						CL 76884	53.90
76292	S	2660 CASEY'S GENERAL STORE INC	7.91	12/19/17			
						CL 76593	7.91
76293	S	51 CASS COUNTY ELECTRIC COOP	43311.63	12/19/17			
						CL 76849	43311.63
76294	S	1512 CDW GOVERNMENT, INC	148.81	12/19/17			
						CL 76791	46.48
						CL 76793	102.33
76295	S	62 CENTRAL DOOR/HARDWARE	102.06	12/19/17			
						CL 76819	102.06
76296	S	1777 CENTURY LINK	281.29	12/19/17			
						CL 76682	224.54
						CL 76895	56.75
76297	S	672 CHRIS BRUNGARDT	252.20	12/19/17			
						CL 76676	252.20
76298	S	111 CITY OF FARGO	85639.12	12/19/17			
						CL 76621	36199.08
						CL 76650	19656.54
						CL 76749	560.00
						CL 76879	29223.50

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CITY OF WEST FARGO, ND
Check Register
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Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
76299	S	2880 CITY OF FARGO	206494.00	12/19/17	_____	CL 76684	8.50
						CL 76685	206485.50
76300	S	229 CONSOLIDATED COMMUNICATIONS	1410.92	12/19/17	_____	CL 76683	1410.92
76301	S	999999 CRIST CONST	278.00	12/19/17	_____	CL 76690	278.00
76302	S	24 CULLIGAN WATER CONDITIONING	30.00	12/19/17	_____	CL 76634	30.00
76303	S	65 CURT'S LOCK & KEY	249.75	12/19/17	_____	CL 76721	100.76
						CL 76846	60.00
						CL 76847	88.99
76304	S	662 CUSTOM GRAPHICS, INC	235.00	12/19/17	_____	CL 76602	235.00
76305	S	91 DAKOTA FENCE CO.	42.00	12/19/17	_____	CL 76628	42.00
76306	S	1675 DAKOTA FLUID POWER, INC	343.12	12/19/17	_____	CL 76730	37.63
						CL 76815	8.51
						CL 76830	294.58
						CL 76848	2.40
76307	S	624 DAKOTA SUPPLY GROUP	387.85	12/19/17	_____	CL 76816	387.85
76308	S	90 DAKOTA UNDERGROUND	99037.87	12/19/17	_____	CL 76799	79332.87
						CL 76882	19705.00
76309	S	999999 DANIELLE SMITH	300.00	12/19/17	_____	CL 76644	300.00
76310	S	856 DAVE'S WEST FARGO TIRE	25.67	12/19/17	_____	CL 76607	25.67
76311	S	2813 DAVID GUST	180.00	12/19/17	_____	CL 76887	180.00
76312	S	1121 DAWSON INSURANCE	164.00	12/19/17	_____	CL 76618	164.00
76313	S	1825 DELL MARKETING LP	11911.62	12/19/17	_____	CL 76861	11911.62
76314	S	807 DISCOVERY BENEFITS, INC.	419.75	12/19/17	_____	CL 76589	419.75
76315	S	999999 DON KILENE	2392.36	12/19/17	_____	CL 76655	2392.36
76316	S	347 DOUGHERTY & COMPANY LLC	750.00	12/19/17	_____	CL 76788	750.00
76317	S	2100 EAGLE RUN CROSSING LLC	453.83	12/19/17	_____	CL 76623	147.81
						CL 76688	38.15
						CL 76745	130.52
						CL 76747	137.35

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76318	S	1502 EIDE BAILLY	145.00	12/19/17			
						CL 76645	145.00
76319	S	2862 ESSENTIA HEALTH	1304.00	12/19/17			
						CL 76636	454.00
						CL 76695	850.00
76320	S	660 FARGO FREIGHTLINER	376.76	12/19/17			
						CL 76719	376.76
76321	S	1648 FARSTAD OIL, INC	174.33	12/19/17			
						CL 76737	174.33
76322	S	329 FERGUSON WATERWORKS #2516	15674.92	12/19/17			
						CL 76675	2110.43
						CL 76784	1371.15
						CL 76785	553.18
						CL 76806	879.40
						CL 76832	7950.13
						CL 76834	2810.63
76323	S	55 FLEETPRIDE	3.54	12/19/17			
						CL 76668	3.54
76324	S	2046 FMAAR	558.00	12/19/17			
						CL 76586	558.00
76325	S	104 FORUM COMMUNICATIONS	1892.98	12/19/17			
						CL 76580	194.40
						CL 76590	105.30
						CL 76595	50.00
						CL 76790	233.28
						CL 76865	1310.00
76326	S	3016 FOX UNDERGROUND, INC.	59964.10	12/19/17			
						CL 76883	59964.10
76327	S	139 FRS INDUSTRIES, INC.	32.20	12/19/17			
						CL 76597	32.20
76328	S	1857 G & K SERVICES - FARGO	81.19	12/19/17			
						CL 76627	81.19
76329	S	2558 GOODYEAR COMMERCIAL TIRE	129.57	12/19/17			
						CL 76814	80.80
						CL 76828	48.77
76330	S	939 GRAYBAR	33.00	12/19/17			
						CL 76629	33.00
76331	S	2877 GREATAMERICA FINANCIAL SERVICES	704.51	12/19/17			
						CL 76894	704.51
76332	S	3105 HALDEMAN-HOMME, INC	35534.00	12/19/17			
						CL 76637	35534.00
76333	S	2713 HAMPTON INN & SUITES	669.60	12/19/17			
						CL 76639	669.60
76334	S	3080 HEALTH CHEMISTRY LAB	894.52	12/19/17			
						CL 76667	894.52
76335	S	3059 HEITH JANKE	54.79	12/19/17			
						CL 76638	54.79

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76336	S	1226 HP INC.	7800.00	12/19/17			
76337	S	1282 IAAO	190.00	12/19/17		CL 76868	7800.00
76338	S	687 INFORMATION TECHNOLOGY DEPT	659.05	12/19/17		CL 76873	190.00
76339	S	2500 INLAND TRUCK PARTS & SERVICE	475.80	12/19/17		CL 76871	659.05
76340	S	211 INTERSTATE BATTERIES	2.10	12/19/17		CL 76625	475.80
76341	S	233 J & L SPORTS	56.00	12/19/17		CL 76600	2.10
76342	S	1765 J.J. KELLER & ASSOC, INC	21.05	12/19/17		CL 76843	56.00
76343	S	2245 JAMES ANDERSON	179.94	12/19/17		CL 76761	21.05
76344	S	2872 JANA REINKE	90.00	12/19/17		CL 76872	179.94
76345	S	40 JIM BROWNLEE	60.00	12/19/17		CL 76891	90.00
76346	S	2055 JOBS HQ	499.50	12/19/17		CL 76885	60.00
76347	S	2747 JOE KOLB	150.00	12/19/17		CL 76862	499.50
76348	S	2735 KADRMAS, LEE & JACKSON, INC	326425.00	12/19/17		CL 76888	150.00
76349	S	2305 KEEPRS, INC.	3565.69	12/19/17		CL 76763	326425.00
76350	S	2122 KEY CONTRACTING	4400.00	12/19/17		CL 76703	3565.69
76351	S	2325 KUSTOM KONCEPTS	530.71	12/19/17		CL 76755	4400.00
76352	S	277 LARSONS WELDING/MACHINE	54.00	12/19/17		CL 76612	488.77
76353	S	767 LASER SYSTEMS	3103.47	12/19/17		CL 76827	41.94
76354	S	3107 LCG INC	2917.44	12/19/17		CL 76641	54.00
76355	S	675 LYNN PEAVEY CO.	76.00	12/19/17		CL 76794	1485.00
76356	S	1609 M.J. DAL SIN CO OF ND INC	14748.00	12/19/17		CL 76881	1618.47
76357	S	2457 MATT MARSHALL	428.47	12/19/17		CL 76718	2917.44
						CL 76596	76.00
						CL 76722	14748.00
						CL 76648	33.42
						CL 76681	395.05

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
76358	S	299 MENARDS	255.76	12/19/17	_____	CL 76739 CL 76741 CL 76803 CL 76804	5.56 216.67 16.77 16.76
76359	S	102 MIDSTATES WIRELESS	324.50	12/19/17	_____	CL 76598 CL 76605	49.50 275.00
76360	S	335 ND DEPT OF TRANSPORTATION	2692704.24	12/19/17	_____	CL 76876 CL 76877 CL 76878	1522370.97 105874.78 1064458.49
76361	S	281 NDACO RESOURCES GROUP	507.00	12/19/17	_____	CL 76606	507.00
76362	S	991 NDUCEFA	880.00	12/19/17	_____	CL 76674	880.00
76363	S	364 NELSON INTERNATIONAL	535.37	12/19/17	_____	CL 76624 CL 76626 CL 76664 CL 76727 CL 76807	39.03 42.43 81.73 13.13 359.05
76364	S	271 NETWORK CENTER COMMUNICATIONS	205.00	12/19/17	_____	CL 76795	205.00
76365	S	2801 NETWORK SERVICES COMPANY	539.03	12/19/17	_____	CL 76820 CL 76821 CL 76822 CL 76823 CL 76824	96.50 40.06 96.50 265.91 40.06
76366	S	1210 NORTH DAKOTA WATER USERS ASSOCIATION	600.00	12/19/17	_____	CL 76835	600.00
76367	S	753 O'DAY EQUIPMENT	592.15	12/19/17	_____	CL 76800 CL 76801	213.15 379.00
76368	S	1774 O'REILLY AUTOMOTIVE STORES, INC	1590.27	12/19/17	_____	CL 76635 CL 76733 CL 76735 CL 76805	919.63 239.69 44.97 385.98
76369	S	352 OK TIRE	180.00	12/19/17	_____	CL 76633 CL 76743	15.00 165.00
76370	S	399 OLYMPIC SALES	480.00	12/19/17	_____	CL 76813	480.00
76371	S	631 ONE CALL CONCEPT	334.70	12/19/17	_____	CL 76817	334.70

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76372	S	563 PETRO SERVE USA	24360.25	12/19/17			
						CL 76594	963.25
						CL 76630	68.34
						CL 76640	100.09
						CL 76642	62.88
						CL 76649	19343.89
						CL 76652	78.77
						CL 76653	21.23
						CL 76656	76.82
						CL 76657	13.45
						CL 76658	26.12
						CL 76659	79.78
						CL 76660	116.09
						CL 76661	43.76
						CL 76662	30.51
						CL 76663	24.72
						CL 76666	48.88
						CL 76670	12.24
						CL 76671	75.95
						CL 76672	58.97
						CL 76673	93.51
						CL 76677	122.06
						CL 76678	46.40
						CL 76679	159.39
						CL 76680	125.79
						CL 76720	37.24
						CL 76750	205.51
						CL 76751	63.24
						CL 76753	118.16
						CL 76754	118.69
						CL 76757	72.45
						CL 76765	132.72
						CL 76767	89.03
						CL 76769	88.44
						CL 76770	89.68
						CL 76778	29.86
						CL 76779	251.56
						CL 76780	82.04
						CL 76781	87.69
						CL 76782	173.56
						CL 76783	128.40
						CL 76809	25.10
						CL 76810	90.93
						CL 76811	80.68
						CL 76831	250.00
						CL 76839	98.22
						CL 76841	149.40
						CL 76842	104.76

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76373	S	384 PITNEY BOWES	764.25	12/19/17	_____	CL 76686 CL 76693	345.03 419.22
76374	S	411 POWER PLAN OIB	137.74	12/19/17	_____	CL 76654 CL 76669 CL 76759	21.63 43.26 72.85
76375	S	1295 PRO-WEST & ASSOCIATES, INC	96.56	12/19/17	_____	CL 76863	96.56
76376	S	623 QUALITY INN	418.50	12/19/17	_____	CL 76583	418.50
76377	S	1610 RADCO, A DIVISION OF SILVER STAR INDUSTR	312.22	12/19/17	_____	CL 76744	312.22
76378	S	291 RICH MATTERN	149.27	12/19/17	_____	CL 76697	149.27
76379	S	2045 RMLS	150.00	12/19/17	_____	CL 76587	150.00
76380	S	2512 SCOTT DIAMOND	180.00	12/19/17	_____	CL 76886	180.00
76381	S	2873 SHANE LEBAHN	180.00	12/19/17	_____	CL 76889	180.00
76382	S	2655 SIMPLIFILE	215.00	12/19/17	_____	CL 76588	215.00
76383	S	999999 SPICY PIE	8034.55	12/19/17	_____	CL 76798	8034.55
76384	S	88 STREICHER'S	539.85	12/19/17	_____	CL 76604 CL 76696	366.88 172.97
76385	S	733 SWANSTON EQUIPMENT CORP.	207.90	12/19/17	_____	CL 76728	207.90
76386	S	634 SWEENEY CONTROLS COMPANY	329.20	12/19/17	_____	CL 76845	329.20
76387	S	1900 THE UPS STORE #5998	33.20	12/19/17	_____	CL 76631	33.20
76388	S	2213 TITAN MACHINERY, INC.	12798.40	12/19/17	_____	CL 76692	12798.40
76389	S	1674 TOM MCDUGALL	120.00	12/19/17	_____	CL 76890	120.00
76390	S	2952 Town Planning & Urban Design Collaborati	3780.00	12/19/17	_____	CL 76584	3780.00
76391	S	2604 TRANSUNION RISK AND ALTERNATIVE	176.15	12/19/17	_____	CL 76601	176.15
76392	S	665 TWIN CITY GARAGE DOOR	222.58	12/19/17	_____	CL 76826	222.58
76393	S	2478 VALLI	5783.14	12/19/17	_____	CL 76796 CL 76797	502.90 5280.24

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76394	S	1267 VERIZON WIRELESS	91.26	12/19/17			
						CL 76694	91.26
76395	S	2437 VISA ASSESSING	462.23	12/19/17			
						CL 76620	462.23
76396	S	2436 VISA FINANCE	1273.96	12/19/17			
						CL 76614	1273.96
76397	S	2439 VISA IT	4220.82	12/19/17			
						CL 76867	4220.82
76398	S	2438 VISA PLANNING	30.00	12/19/17			
						CL 76622	30.00
76399	S	2435 VISA POLICE	7395.42	12/19/17			
						CL 76619	7395.42
76400	S	2423 VISA PW	2024.29	12/19/17			
						CL 76615	2024.29
76401	S	2740 WASTE MANAGEMENT OF WI-MN	60863.33	12/19/17			
						CL 76582	84.97
						CL 76665	60758.11
						CL 76837	20.25
76402	S	2945 WEST FARGO AREA COMMUNITY PROGRAM	7325.33	12/19/17			
						CL 76616	7325.33
76403	S	2184 WEST SIDE STEEL	797.88	12/19/17			
						CL 76687	41.50
						CL 76808	483.94
						CL 76812	224.45
						CL 76829	47.99
76404	S	569 WF ANIMAL HOSPITAL	1685.00	12/19/17			
						CL 76613	1685.00
76405	S	338 XCEL ENERGY	27821.77	12/19/17			
						CL 76591	130.16
						CL 76592	154.72
						CL 76880	27536.89
76406	S	582 ZEP MANUFACTURING	319.01	12/19/17			
						CL 76786	319.01
Total for Claim Checks			3855752.09				
Count for Claim Checks			129				

* denotes missing check number(s)

of Checks: 129 Total: 3855752.09

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
76438	S	317 AMERICAN WELDING & GAS, INC.	233.31	12/31/17			
						CL 77058	233.31
76439	S	709 ANDERSON-CRANE RUBBER COMPANY	44.54	12/31/17			
						CL 76960	44.54
76440	S	36 BERT'S TRUCK EQUIPMENT	1075.00	12/31/17			
						CL 76961	1075.00
76441	S	1127 BIERSCHBACH EQUIPMENT & SUPPLY	1380.00	12/31/17			
						CL 77024	1380.00
76442	S	1389 BNSF RAILWAY COMPANY	67200.32	12/31/17			
						CL 77045	67200.32
76443	S	16 BROKERAGE PRINTING	516.70	12/31/17			
						CL 76998	516.70
76444	S	351 BUSINESS ESSENTIALS	381.65	12/31/17			
						CL 76967	194.33
						CL 76989	153.44
						CL 77041	33.88
76445	S	51 CASS COUNTY ELECTRIC COOP	2450.00	12/31/17			
						CL 77048	2450.00
76446	S	61 CASS COUNTY TREASURER	101.70	12/31/17			
						CL 77074	101.70
76447	S	46 CASS RURAL WATER USERS	14814.29	12/31/17			
						CL 76966	14784.00
						CL 77072	30.29
76448	S	1512 CDW GOVERNMENT, INC	413.22	12/31/17			
						CL 77042	413.22
76449	S	111 CITY OF FARGO	16956.70	12/31/17			
						CL 77037	16956.70
76450	S	2403 CRAIG DANIELSON	470.00	12/31/17			
						CL 76973	470.00
76451	S	999999 DANIEL LOEGERING	200.00	12/31/17			
						CL 77073	200.00
76452	S	856 DAVE'S WEST FARGO TIRE	42.80	12/31/17			
						CL 76978	42.80
76453	S	1121 DAWSON INSURANCE	30.00	12/31/17			
						CL 76898	30.00
76454	S	2100 EAGLE RUN CROSSING LLC	1373.36	12/31/17			
						CL 76933	92.90
						CL 76936	145.98
						CL 76943	193.00
						CL 76947	123.13
						CL 76949	115.24
						CL 76950	138.00
						CL 76958	200.00
						CL 77056	120.03
						CL 77063	35.88
						CL 77064	209.20
76455	S	3013 EPIC MANAGEMENT, LLC	123615.62	12/31/17			
						CL 77038	123615.62

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
76456	S	1954 FAITH LUTHERAN CHURCH	1140.00	12/31/17			
76457	S	144 FARMERS BROTHERS COFFEE	239.80	12/31/17		CL 76968	1140.00
76458	S	1648 FARSTAD OIL, INC	240.50	12/31/17		CL 76918	239.80
76459	S	329 FERGUSON WATERWORKS #2516	2308.13	12/31/17		CL 77035	240.50
76460	S	104 FORUM COMMUNICATIONS	433.79	12/31/17		CL 76913 CL 76914 CL 76951	1364.90 368.78 574.45
76461	S	139 FRS INDUSTRIES, INC.	32.20	12/31/17		CL 76899 CL 77043	223.79 210.00
76462	S	1857 G & K SERVICES - FARGO	81.19	12/31/17		CL 76985	32.20
76463	S	93 GATEWAY CHEVROLET	668.29	12/31/17		CL 77031	81.19
76464	S	2558 GOODYEAR COMMERCIAL TIRE	353.95	12/31/17		CL 76925 CL 76926 CL 76927	104.93 71.10 492.26
76465	S	2877 GREATAMERICA FINANCIAL SERVICES	176.63	12/31/17		CL 77030	353.95
76466	S	2318 HABERDASHERY	80.07	12/31/17		CL 76990	176.63
76467	S	2939 HONEYWELL INTERNATIONAL INC	1441.48	12/31/17		CL 76897	80.07
76468	S	233 J & L SPORTS	185.00	12/31/17		CL 77069	1441.48
76469	S	811 JASON ANDERSON	514.86	12/31/17		CL 77003 CL 77004	43.00 142.00
76470	S	2196 L3 MOBILE-VISION, INC	34.00	12/31/17		CL 76976	514.86
76471	S	705 LAWSON PRODUCTS	346.26	12/31/17		CL 76981	34.00
76472	S	711 LUTHER FAMILY FORD	244.08	12/31/17		CL 76928	346.26
76473	S	301 MACS INC	16.57	12/31/17		CL 76922 CL 76948	26.72 217.36
76474	S	299 MENARDS	60.81	12/31/17		CL 76921	16.57
76475	S	2766 MIDCONTINENT COMMUNICATIONS	85.00	12/31/17		CL 76910 CL 77001	60.81 85.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
76476	S	772 MINNKOTA	49.98	12/31/17		CL 76980	49.98
76477	S	305 MOORE ENGINEERING	379089.62	12/31/17		CL 77039	379089.62
76478	S	1014 MOTION INDUSTRIES, INC	135.76	12/31/17		CL 77033	135.76
76479	S	723 ND POST BOARD	135.00	12/31/17		CL 76979	135.00
76480	S	370 ND SAFETY COUNCIL	527.97	12/31/17		CL 76983	527.97
76481	S	571 ND WORKFORCE SAFETY & INSURANCE C/O BANK	476.39	12/31/17		CL 76988	476.39
76482	S	756 NELCO FIRST AID	130.70	12/31/17		CL 77070	67.10
						CL 77071	63.60
76483	S	364 NELSON INTERNATIONAL	27.92	12/31/17		CL 77029	27.92
76484	S	2826 NORIDIAN MUTUAL INSURANCE CO	54.90	12/31/17		CL 77040	54.90
76485	S	1210 NORTH DAKOTA WATER USERS ASSOCIATION	150.00	12/31/17		CL 76908	150.00
76486	S	331 NORTHERN STATES SUPPLY	80.85	12/31/17		CL 76929	80.85
76487	S	1017 O'KEEFFE, O'BRIEN, LYSON & FOSS LTD	4516.00	12/31/17		CL 76969	4516.00
76488	S	352 OK TIRE	736.95	12/31/17		CL 77000	37.50
						CL 77005	638.60
						CL 77006	60.85
76489	S	276 OSTROMS ACE HARDWARE	529.80	12/31/17		CL 76987	9.99
						CL 76999	519.81
76490	S	903 PETE NIELSEN	470.00	12/31/17		CL 76974	470.00
76491	S	563 PETRO SERVE USA	5995.01	12/31/17		CL 76915	64.80
						CL 76919	42.90
						CL 76923	512.60
						CL 76924	399.30
						CL 76930	107.67
						CL 76931	31.83
						CL 76932	149.30
						CL 76934	95.26
						CL 76935	112.02
						CL 76937	121.24
						CL 76938	81.02
						CL 76939	34.10
						CL 76940	114.65
						CL 76941	99.09
						CL 76942	110.81
						CL 76944	222.63
						CL 76945	145.22

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
						CL 76946	140.35
						CL 76952	31.85
						CL 76953	111.47
						CL 76954	104.27
						CL 76955	114.44
						CL 76956	59.86
						CL 76957	103.76
						CL 76959	15.30
						CL 76962	86.95
						CL 76963	37.29
						CL 76964	30.54
						CL 76991	21.27
						CL 77007	87.74
						CL 77008	80.00
						CL 77009	44.98
						CL 77010	63.35
						CL 77011	91.63
						CL 77012	37.80
						CL 77013	109.02
						CL 77014	108.95
						CL 77015	77.91
						CL 77016	166.89
						CL 77017	38.00
						CL 77018	134.25
						CL 77019	112.65
						CL 77020	69.84
						CL 77021	80.82
						CL 77022	59.38
						CL 77025	77.02
						CL 77026	33.43
						CL 77027	100.83
						CL 77028	29.03
						CL 77046	20.32
						CL 77047	36.18
						CL 77057	24.87
						CL 77059	201.00
						CL 77060	210.85
						CL 77061	173.88
						CL 77062	153.86
						CL 77065	68.51
						CL 77066	164.23
						CL 77067	36.00
76492	S	360 PIONEER RIM/WHEEL	76.80	12/31/17	_____	CL 76916	37.36
						CL 76917	39.44
76493	S	764 POLYGRAPH SERVICES - ROLLIE RUST	875.00	12/31/17	_____	CL 76984	875.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
76494	S	916 PRAIRIE SUPPLY INC	80.70	12/31/17			
76495	S	1253 PROTECTION SYSTEMS, INC	1696.00	12/31/17		CL 77032	80.70
76496	S	1610 RADCO, A DIVISION OF SILVER STAR INDUSTR	217.10	12/31/17		CL 76971 CL 77023	120.00 1576.00
76497	S	663 ROAD EQUIPMENT PARTS CENTER	126.94	12/31/17		CL 76920	217.10
76498	S	1634 SHANE ORN	470.00	12/31/17		CL 77002	126.94
76499	S	459 SHERWIN WILLIAMS	21.74	12/31/17		CL 76972	470.00
76500	S	88 STREICHER'S	47.98	12/31/17		CL 76911	21.74
76501	S	31 STURDEVANT'S AUTO PARTS	462.87	12/31/17		CL 76986	47.98
76502	S	634 SWEENEY CONTROLS COMPANY	587.95	12/31/17		CL 77036	462.87
76503	S	3043 THE FORUM	157.35	12/31/17		CL 77055	587.95
76504	S	1320 TYLER WILLIAMS	440.18	12/31/17		CL 76912	157.35
76505	S	2852 TYLERS CUT	1700.00	12/31/17		CL 76977	440.18
76506	S	1267 VERIZON WIRELESS	7839.88	12/31/17		CL 76909	1700.00
76507	S	2945 WEST FARGO AREA COMMUNITY PROGRAM	2269.63	12/31/17		CL 76970	7839.88
76508	S	2184 WEST SIDE STEEL	601.18	12/31/17		CL 77044	2269.63
76509	S	575 WHITE BANNER UNIFORM	29.16	12/31/17		CL 77034 CL 77068	469.67 131.51
76510	S	338 XCEL ENERGY	1432.69	12/31/17		CL 76982	29.16
76511	S	563 PETRO SERVE USA	56.91	12/31/17		CL 76992 CL 76993 CL 76994 CL 76995 CL 76996 CL 76997	145.60 100.93 440.77 145.16 339.08 261.15
						CL 76965	56.91
Total for Claim Checks			652278.73				
Count for Claim Checks			74				

* denotes missing check number(s)

of Checks: 74 Total: 652278.73



GAMING SITE AUTHORIZATION
 OFFICE OF ATTORNEY GENERAL
 SFN 17996 (07/2016)

JAN - 1 2018

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

Full, Legal Name of Gaming Organization **Team Makers Club, Inc.**

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

Name of Location		Bar Code	
Street	835 23rd Ave. E. #207	City	West Fargo
		ZIP Code	58078
		County	Cass
Beginning Date(s) Authorized	1/15/18	Ending Date(s) Authorized	6/30/18
		Number of twenty-one tables if zero, enter "0":	1
Specific location where games of chance will be conducted and played at the site (required)			
South east corner of bar, patio, excluding any restrooms or entryways			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input checked="" type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input checked="" type="checkbox"/> Twenty-One
<input checked="" type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input checked="" type="checkbox"/> Poker
<input checked="" type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input checked="" type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input checked="" type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input checked="" type="checkbox"/> Paddlewheel Table

APPROVALS

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

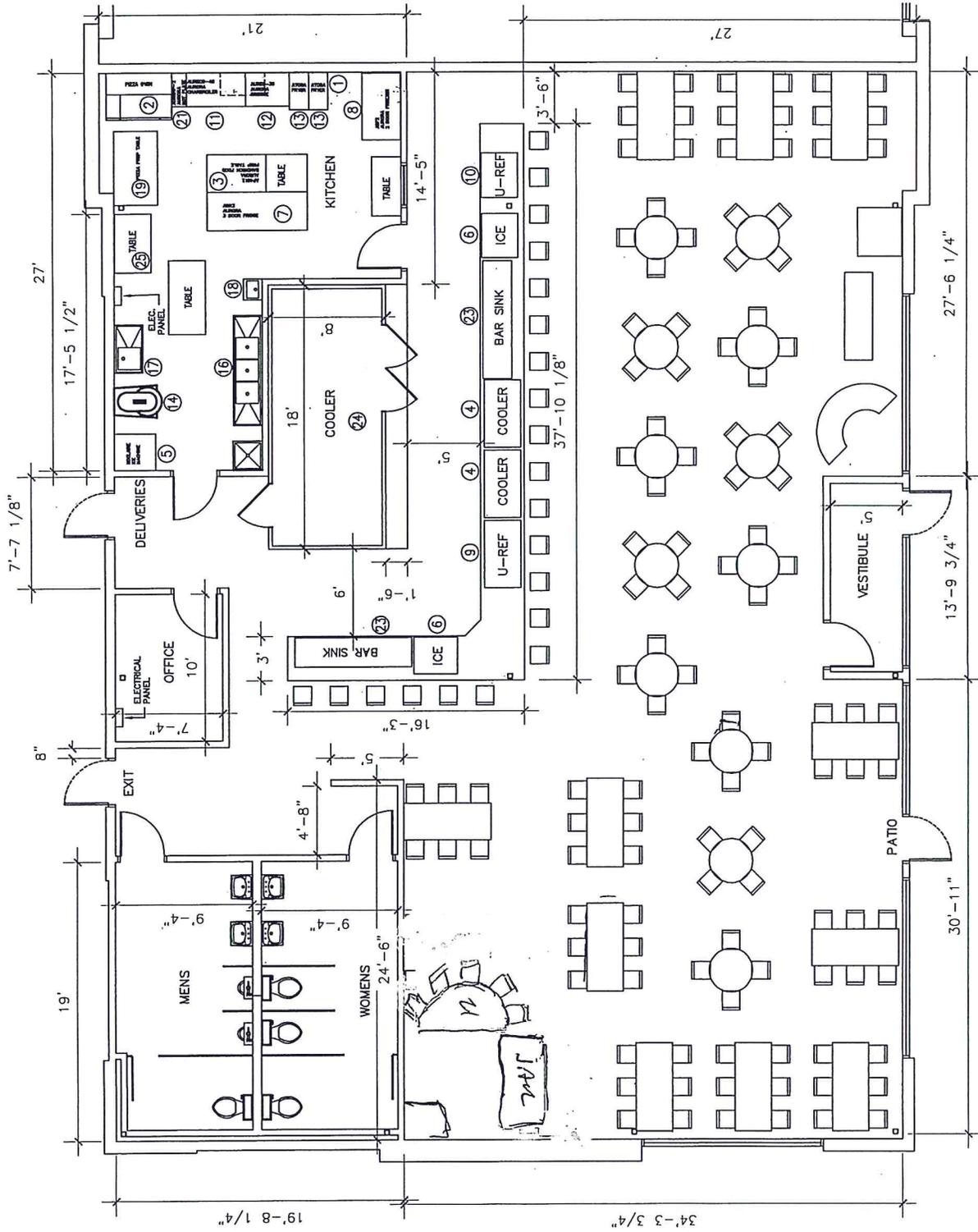
INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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

*#100.00
 pd. 1-2-18*



Consent Agenda Item: c

JAN - 9 2018



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (02/2016)

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

Full, Legal Name of Gaming Organization Fargo West Rotary

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

Name of Location <u>FARGO Harley Davidson</u>			
Street <u>701 Christianson Dr W</u>	City <u>West Fargo</u>	ZIP Code <u>58078</u>	County <u>CASS</u>
Beginning Date(s) Authorized <u>May 12 2018</u>	Ending Date(s) Authorized <u>May 12 2018</u>	Number of twenty-one tables if zero, enter "0":	
Specific location where games of chance will be conducted and played at the site (required) <u>FARGO Harley Davidson</u>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only) To be completed ONLY if restrictions are set by the local governing body

Days of week of gaming operations	Hours of gaming
-----------------------------------	-----------------

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

<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input checked="" type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input type="checkbox"/> Twenty-One
<input checked="" type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table

APPROVALS

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

- INSTRUCTIONS:**
1. City/County Auditors - Retain a **copy** of the Site Authorization for your files.
 2. City/County Auditors - Return the **original** Site Authorization form to the Organization.
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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

\$100.00
ck # 115
pd 1-9-18

*** Consent Agenda ***

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # d

***Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Tim Solberg
2. PHONE NUMBER: 433-5321 DATE: January 11, 2018
3. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Westview 3rd Addition, Subdivision and Rezoning from A: Agricultural to R-1SM:
Mixed One & Two Family Dwellings.

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Property located in the SE $\frac{1}{4}$ of Section 29, T139N, R49W, City of West Fargo,
North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:
Schedule a public hearing on the rezoning at 5:30 pm on January 29, 2018.



www.westfargond.gov

Larry M. Weil, Planning and Community Development Director
Tim Solberg, Senior Planner
Lisa Sankey, Assistant Planner

NOTICE OF PUBLIC HEARING

A public hearing will be held on the 29th day of January 2018, at 5:30 P.M. at the City Hall of West Fargo, North Dakota, concerning the enactment of a proposed zoning ordinance. The proposed ordinance involves the following:

Property located in the SE $\frac{1}{4}$ of Section 29, T139N, R49W, City of West Fargo, North Dakota (Proposed Westfield 3rd Addition)

The ordinance is for the purpose of rezoning from an A: Agricultural District to an R-1SM: Mixed One & Two Family Dwellings District.

A copy of the proposed ordinance is available for public inspection and copying at the office of the City Auditor between the hours of 8:00 A.M.-5:00 P.M. all days except weekends and holidays.

BY ORDER OF THE CITY COMMISSION OF THE CITY OF WEST FARGO, NORTH DAKOTA

Rich Mattern
President of the Board of City
Commissioners of the City of
West Fargo, North Dakota

(Please Publish January 15 and 22, 2018)

Agenda #	<u>e</u>
Agenda Code	<u>Consent</u>
Project #	<u>20092</u>

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

***Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Dustin Scott

2. PHONE NO. 282-4692 DATE: January 15, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: _____
Review the Petition for Improvements for Sewer, Water, Storm and Street Imp. Dist.
No. 1315
Review Assessment District for Sewer, Water, Storm and Street Imp. Dist. No. 1315

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Westview 3rd Addition

5. ACTION BEING REQUESTED FROM CITY COMMISSION: _____
Accept the Petition for Improvements for Sewer, Water, Storm and Street Imp. Dist.
No. 1315
Create Assessment District for Sewer, Water, Storm and Street Imp. Dist. No. 1315
Authorize Engineer to prepare Engineer's Report

Petition for Improvements

We Gerald D. Eid and Brenda J. Eid are the legal and equitable owners of the following described property,
to-wit:

Lots 1 through 10, Block 1, and Lots 1 through 9, Block 2, Westview Third Addition to the City of West Fargo, Cass County, North Dakota.

(hereinafter the "**Property**")

We hereby petition the City Commission of the City of West Fargo, Cass County, North Dakota, to create an improvement district for the purpose of constructing the following municipal improvements: Utilities, Streets, Street Lighting and Mail Boxes Units. (hereinafter the "**Improvements**")

We hereby request that the City Commission of the City of West Fargo, Cass County, North Dakota, determine by resolution that a written petition for the **Improvements** signed by the owners of a majority of the area of the **Property** included within the district, has been received and that the resolution declaring work necessary shall not be required for said improvement district.

We hereby certify that We are the legal and equitable owners of the **Property** and have the authority to grant the City of West Fargo all necessary easements, rights of ways, fee simple, dedications and other interests in the **Property** that may be required to complete the construction of the **Improvements**.

We agree that pursuant to North Dakota Century Code Chapters 40-23 through 40-32 that the City shall assess the entire cost of the Improvements against my/our Property and hereby agree to pay the entire cost as levied and apportioned by the city.

Dated this 28th day of November 2017.

OWNERS:


Gerald D. Eid


Brenda J. Eid

Wheeler McCartney, PC
Attorneys and Counselors at Law

Lisa J. Wheeler
Dane McCartney
dane@thetitlecompany.com
Post Office Box 2194
Fargo, North Dakota 58108-2194
(701)232-2653
Fax (701)232-7340

November 22, 2017

The City of West Fargo

RE: CASS COUNTY ABSTRACT NO. 66034
PRELIMINARY OPINION

Pursuant to your request, I have examined Abstract of Title No. 66034 which consists of 61 entries and which has been certified to November 8, 2017, at 6:59 a.m., covering the following described real estate:

That part of the Southeast Quarter of Section Twenty-nine, in Township One Hundred Thirty-nine North of Range Forty-nine West of the Fifth Principal Meridian, situate in the County of Cass and the State of North Dakota, described as follows: Beginning at the Northwest corner of Westview First Addition to the City of West Fargo, according to the recorded plat thereof on file and of record in the office of the Cass County Recorder, thence South 00°59'39" East on a record bearing along the Westerly line of said Westview First Addition for a distance of 202.00 feet; thence South 89°00'21" West continuing along said Westerly line for a distance of 24.12 feet; thence South 00°59'39" East continuing along said Westerly line for a distance of 280.00 feet; thence North 89°00'21" East continuing along said Westerly line for a distance of 23.32 feet; thence South 00°59'39" East continuing along said Westerly line for a distance of 205.44 feet to the North line of Block One, Westview Second Addition to the City of West Fargo, according to the recorded plat thereof on file and of record in the office of said Cass County Recorder; thence South 89°05'53" West along the North line of said Block One for a distance of 520.83 feet to the East line of 4th Street East as recorded in the plat of said Westview Second Addition; thence 25.20 feet Northerly along the East line of said 4th Street East on a non-tangential curve concave to the East having a radius of 420.00 feet, and a central angle of 03°26'16", a chord bearing of North 06°27'57" West and a chord length of 25.20 feet; thence North 04°44'50" West continuing along the East line of said 4th Street East for a distance of 662.94 feet to the Southwest corner of Block Two, Shadow

Creek Fifth Addition to the City of West Fargo, according to the recorded plat thereof on file and of record in the office of the Cass County Recorder; thence North 89°00'21" East along the South line of Block Two of said Shadow Creek Fifth Addition and the South line of Block Three, Shadow Creek Third Addition to the City of West Fargo, according to the recorded plat thereof on file and of record in the office of said Cass County Recorder, for a distance of 567.42 feet to the point of beginning.

From my examination, I am of the opinion that record title to said property is in the name of Gerald D Eid and Brenda J Eid, husband and wife, and subject to the following liens, defects, and exceptions:

1. I have not examined any court actions involved in this title and to the extent the same exist, their regularity is presumed.
2. This opinion does not cover oil, gas, and other minerals which have been severed from the surface by conveyances to third parties or reserved by prior grantors in the chain of title.
3. Taxes for the year 2016 are shown as paid.

No search has been made for financing statements filed pursuant to the Uniform Commercial Code.

This opinion is based upon an examination of the abstract only and the court files of any proceedings that may appear, such as foreclosure, quiet title actions, probate proceedings or tax sales have not been examined. As stated, according to the abstract there appear to be none.

You must satisfy yourself by survey or other proper investigation that all buildings or other improvements located upon the above captioned property lie within the boundaries of the real estate described in this abstract.

You are charged with notice of the rights of persons in possession of the premises as well as easements, encroachments and the like which, though not appearing of record, are capable of ascertainment through inspection or survey.

No opinion is rendered as to the presence or absence of asbestos, radon gas or any other environmentally dangerous product or substance. Additionally, no opinion is rendered as to the adequacy or inadequacy of any sewer or septic system which may service the property as to its compliance with any applicable ordinances or regulations.

Information relative to zoning restrictions is beyond the scope of this opinion, but may be obtained from the building inspector of the municipality in which the property is located.

Mechanic's liens must be filed for record within ninety days in North Dakota or one hundred twenty days in Minnesota after improvements or construction on the premises have been accomplished. Therefore, if there have been any recent improvements, the possibility exists that liens for such work may yet be filed although they do not appear in the abstract at this time. In North Dakota, failure to file a mechanic's lien within the ninety day period does not defeat the lien except as against purchasers or encumbrances in good faith and for value whose rights accrue after the ninety days and before any claim for the lien is filed. In Minnesota, the lien must be filed for record within the one hundred twenty day period. In either state, however, you should satisfy yourself that there has been no labor performed or material furnished which would subject the property to mechanic's liens or, if so, that the same have been fully paid.

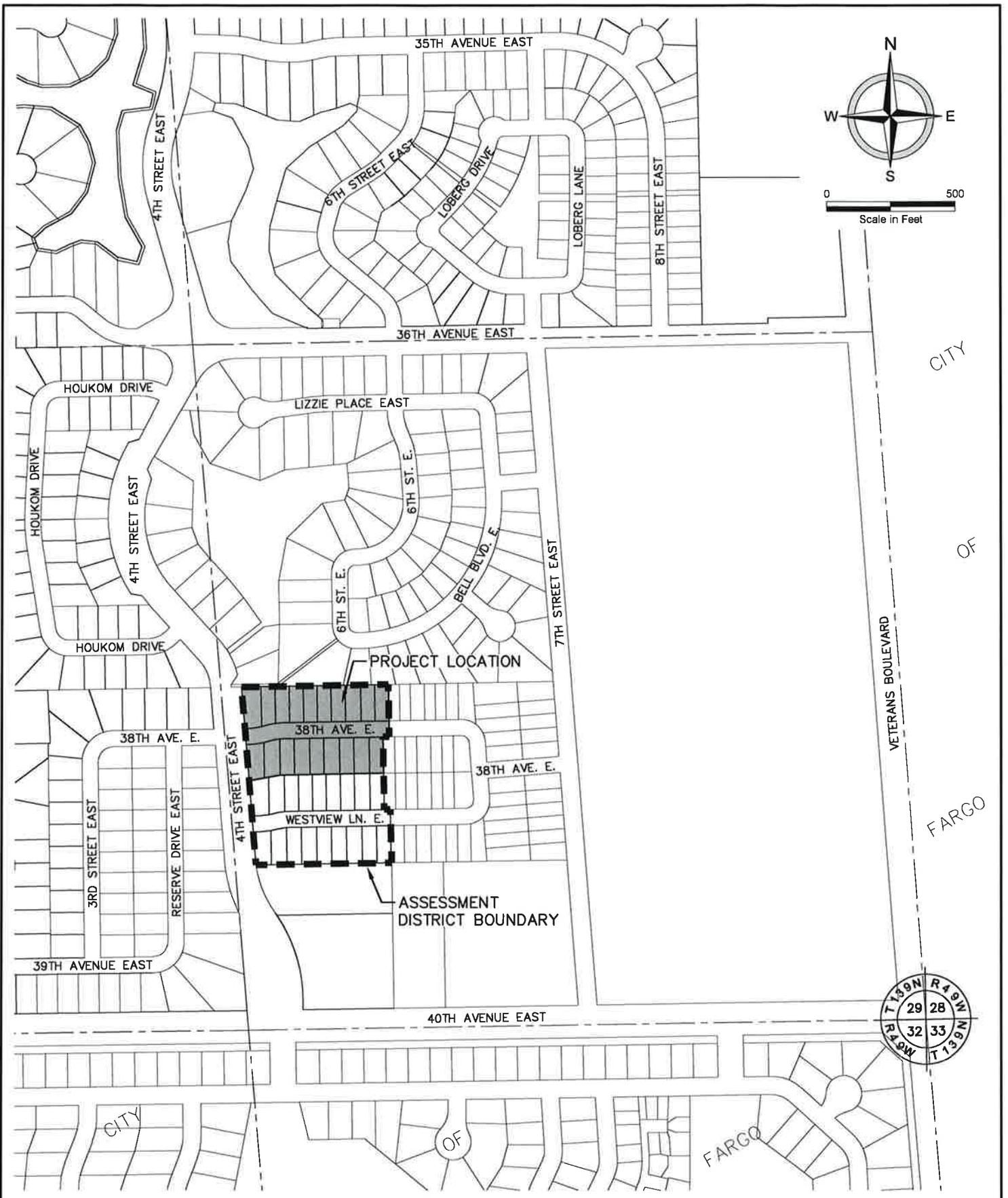
Special assessments are not usually shown in abstracts until they have been extended in the tax lists by the County Auditor. Consequently, it is possible for property to be subject to special assessments which do not appear in the abstract. If local improvements have recently been made, inquiry should be made as to special assessments of the county or city (municipal) auditor involved.

This opinion is based upon the assumption that any and all requirements of municipal, state and federal laws and regulations have been duly complied with and no independent review of such compliance has been made or undertaken by this examiner.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dane McCartney".

Dane McCartney
Attorney



SEWER, WATER, STORM AND STREET
 IMPROVEMENT DISTRICT NO. 1315
 WESTVIEW 3RD ADDITION
 WEST FARGO, NORTH DAKOTA

PROJECT No.	20092
DATE:	01.10.18
REVISED:	-
DRAFTER:	KAG
REVIEWER:	MJP



Agenda # f
Agenda Code Consent
Project # 19982

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

***Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Dustin Scott

2. PHONE NO. 282-4692 DATE: January 15, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: _____

Review Amended Engineer's Report for Sewer, Water, Storm and Street Imp. Dist.

No. 1314

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):

Eagle Run Plaza 6th Addition

5. ACTION BEING REQUESTED FROM CITY COMMISSION: _____

Approve Amended Engineer's Report for Sewer, Water, Storm and Street Imp. Dist.

No. 1314

ENGINEER'S REPORT

The Engineer's Report is amended from the initial report submitted on December 18, 2017. The amendments mainly include the land acquisition estimates as well as other miscellaneous estimates pertaining to the advancement of the design and Project.

The undersigned is the engineer for the City of West Fargo, Cass County, North Dakota, and submits the following amended report to the Board of City Commissioners of said city:

The purpose of the improvements is to provide new City infrastructure to service the Eagle Run Plaza 6th Addition development as petitioned by the developers. The improvements will service the new lots platted and will promote social and economic development in the proposed project area. The proposed infrastructure will allow development of the property, which is planned to be a mixed-use development providing a social-hub for the southern portions of West Fargo and the entire region. This project will help promote positive economic development along the Sheyenne Street corridor.

Sewer, Water, Storm and Street Improvement District No. 1314 will involve the construction of improvements consisting of sanitary sewer, water main, storm sewer, curb and gutter street pavement, driveways, street lights, sidewalks, on-street parking additions, signing, striping and other miscellaneous installations.

Based upon the estimate of the probable cost, attached hereto and made a part thereof, and the engineering information and studies, the work proposed in said district is feasible.

Dated this 15th day of January, 2018.

Dustin Scott
Moore Engineering, Inc.
West Fargo ND



Engineer for the City of West Fargo, ND

**SEWER, WATER, STORM AND STREET IMPROVEMENT DIST. NO. 1314
EAGLE RUN PLAZA 6TH ADDITION
WEST FARGO ND**

Engineer's Opinion of Probable Cost

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL	
<u>Sanitary Sewer Items</u>					
1.	Sanitary Sewer Manhole - Connect To Existing	Each	1	\$1,000.00	\$1,000.00
2.	Sanitary Sewer - 8" PVC SDR 35	LF	960	\$32.00	\$30,720.00
3.	Sanitary Sewer - 8" PVC SDR 26	LF	60	\$36.00	\$2,160.00
4.	Sanitary Sewer Manhole - Connect To Existing	Each	2	\$1,000.00	\$2,000.00
5.	Sanitary Sewer Manhole - 48"	Each	5	\$4,500.00	\$22,500.00
6.	Sanitary Sewer Manhole - 60"	Each	1	\$4,750.00	\$4,750.00
7.	Sanitary Sewer Manhole - Adjust Existing	Each	2	\$1,000.00	\$2,000.00
8.	External Manhole Chimney Seal	Each	6	\$250.00	\$1,500.00
9.	Sanitary Sewer Service Connection - 6" PVC SDR 26	Each	2	\$500.00	\$1,000.00
10.	Sanitary Sewer Service - 6" PVC SDR 26	LF	40	\$16.00	\$640.00
11.	Televising - Sanitary Sewer Main	LF	1,015	\$1.00	\$1,015.00
12.	Televising - Sanitary Sewer Service	Each	2	\$50.00	\$100.00
<u>Water Main Items</u>					
1.	Tapping Sleeve & Valve - 16" x 8"	Each	1	\$4,200.00	\$4,200.00
2.	Water Main - Remove	LF	15	\$15.00	\$225.00
3.	Water Main - Connect To Existing	Each	2	\$500.00	\$1,000.00
4.	Water Main - 8" PVC C900	LF	430	\$22.00	\$9,460.00
5.	Specials	Lbs	1,125	\$3.50	\$3,937.50
6.	Gate Valve & Box - 6"	Each	5	\$1,200.00	\$6,000.00
7.	Gate Valve & Box - 8"	Each	3	\$1,500.00	\$4,500.00
8.	Hydrant - 11'	Each	1	\$4,300.00	\$4,300.00
9.	Hydrant Lead - 6" PVC C900	LF	8	\$22.00	\$176.00
10.	Water Service Line - 6" PVC C900	LF	55	\$20.00	\$1,100.00
<u>Storm Sewer Items</u>					
1.	Storm Sewer - Remove	LF	30	\$50.00	\$1,500.00
2.	Storm Sewer - 4" Perforated PVC - Connect To Existing	Each	20	\$20.00	\$400.00
3.	Storm Sewer - 4" Perforated PVC - Remove	LF	580	\$2.00	\$1,160.00
4.	Storm Sewer - 4" Perforated PVC	LF	1,030	\$3.00	\$3,090.00
5.	Storm Sewer - Connect To Existing	Each	3	\$500.00	\$1,500.00
6.	Storm Sewer - 12" PVC SDR 26	LF	45	\$35.00	\$1,575.00
7.	Gate Valve & Box - 12"	Each	2	\$2,250.00	\$4,500.00
8.	Storm Sewer - 12" RCP	LF	380	\$22.00	\$8,360.00
9.	Storm Sewer - 15" RCP	LF	400	\$31.00	\$12,400.00
10.	Storm Sewer - 18" RCP	LF	660	\$34.00	\$22,440.00
11.	Storm Sewer - 21" RCP	LF	360	\$38.00	\$13,680.00
12.	Storm Sewer - 27" RCP	LF	25	\$52.00	\$1,300.00
13.	Storm Sewer Plug	Each	11	\$100.00	\$1,100.00
14.	Storm Sewer Manhole - 48"	Each	15	\$2,500.00	\$37,500.00
15.	Storm Sewer Manhole - 60"	Each	1	\$3,500.00	\$3,500.00
16.	Storm Sewer Catch Basin - Connect To Existing	Each	1	\$1,000.00	\$1,000.00
17.	Storm Sewer Catch Basin - 2' x 3'	Each	2	\$1,750.00	\$3,500.00
18.	Storm Sewer Catch Basin - Adjust Existing	Each	2	\$500.00	\$1,000.00
19.	Storm Sewer Catch Basin - Adjust Existing Special	Each	2	\$1,000.00	\$2,000.00
20.	External Manhole Chimney Seal	Each	18	\$250.00	\$4,500.00
21.	Temporary Pumping	LSum	1	\$1,250.00	\$1,250.00
22.	Culvert - 12" CMP	LF	80	\$25.00	\$2,000.00
23.	End Section - 12" CMP Flared	Each	4	\$250.00	\$1,000.00
<u>Roadway Items</u>					
1.	Excavation - Unclassified	CY	4,500	\$5.00	\$22,500.00
2.	Excavation - Unclassified - Export	CY	3,800	\$7.50	\$28,500.00
3.	Embankment	CY	110	\$2.00	\$220.00
4.	Subgrade Preparation	SY	5,500	\$1.50	\$8,250.00
5.	Reinforcement Fabric	SY	5,500	\$1.60	\$8,800.00
6.	Gravel - 6" NDDOT Class 5	CY	915	\$25.00	\$22,875.00
7.	Curb & Gutter - Saw Full Depth	LF	45	\$5.00	\$225.00
8.	Curb & Gutter - Remove	LF	576	\$5.00	\$2,880.00
9.	Curb & Gutter - Connect To Existing	Each	18	\$50.00	\$900.00
10.	Curb & Gutter - Highback Inflow	LF	370	\$16.00	\$5,920.00

11.	Curb & Gutter - Highback Outflow	LF	2,100	\$16.00	\$33,600.00
12.	Curb & Gutter - Mountable Inflow	LF	230	\$17.00	\$3,910.00
13.	Curb & Gutter - Knockdown	LF	600	\$15.00	\$9,000.00
14.	Concrete Pavement - Connect To Existing	Each	5	\$1,000.00	\$5,000.00
15.	Concrete Pavement - 6" Non-Reinforced	SY	4,200	\$55.00	\$231,000.00
16.	Concrete Pavement - 6" Non-Reinforced Stamped & Colored	SY	125	\$55.00	\$6,875.00
17.	Sidewalk - Saw Full Depth	LF	10	\$5.00	\$50.00
18.	Sidewalk - Connect To Existing	Each	3	\$100.00	\$300.00
19.	Sidewalk - 4" Concrete	SY	1,025	\$35.00	\$35,875.00
20.	Curb Ramp - 6" Concrete	SY	70	\$45.00	\$3,150.00
21.	Detectable Warning Panel	SF	135	\$40.00	\$5,400.00
22.	Decorative Colored Concrete - Boulevard	SY	20	\$75.00	\$1,500.00
23.	Driveway - 7" Concrete	SY	2,520	\$45.00	\$113,400.00
24.	Sign - Remove	Each	3	\$50.00	\$150.00
25.	Sign - Remove & Reset	Each	3	\$100.00	\$300.00
26.	Sign & Sign Post - Remove & Reset	Each	4	\$150.00	\$600.00
27.	Sign Anchor - In Ground	Each	30	\$40.00	\$1,200.00
28.	Sign Post	LF	285	\$10.00	\$2,850.00
29.	Signing - Standard	SF	105	\$15.00	\$1,575.00
30.	Flexible Delineator	Each	6	\$100.00	\$600.00
31.	Flexible Delineator - Spare	Each	2	\$110.00	\$220.00
32.	Message - White Grooved Plastic	SF	75	\$40.00	\$3,000.00
33.	Message - Blue Grooved Plastic	SF	90	\$40.00	\$3,600.00
34.	Striping - 4" Blue Grooved Plastic	LF	390	\$4.50	\$1,755.00
35.	Striping - 4" White Grooved Plastic	LF	1,730	\$4.50	\$7,785.00
36.	Striping - 4" Yellow Grooved Plastic	LF	4,380	\$4.50	\$19,710.00
37.	Striping - 8" White Grooved Plastic	LF	135	\$6.00	\$810.00
38.	Striping - 24" White Grooved Plastic	LF	50	\$10.00	\$500.00

General Items

1.	Cleaning	LSum	1	\$1,000.00	\$1,000.00
2.	Storm Water Management	LSum	1	\$1,000.00	\$1,000.00
3.	Traffic Control	LSum	1	\$1,000.00	\$1,000.00
4.	Mowing	Acre	2.5	\$450.00	\$1,125.00
5.	Watering	Each	6	\$150.00	\$900.00
6.	Excavation - 6" Topsoil Stripping	CY	2,500	\$1.50	\$3,750.00
7.	Excavation - Topsoil - Export	CY	1,600	\$5.00	\$8,000.00
8.	Topsoil Replacement - 4"	CY	915	\$5.00	\$4,575.00
9.	Inlet Protection Device	Each	14	\$100.00	\$1,400.00
10.	Sedimentation Control Wattle - 9"	LF	65	\$2.75	\$178.75
11.	Stabilized Construction Entrance	Each	2	\$1,250.00	\$2,500.00
12.	Seeding - Type II	Acre	2.5	\$475.00	\$1,187.50
13.	Mulch - Type B - Hydromulch	Acre	1.5	\$1,500.00	\$2,250.00
14.	Mulch - Type A - Permanent Straw	Acre	1.0	\$475.00	\$475.00
15.	Mulch - Type A - Temporary Straw	Acre	7.0	\$300.00	\$2,100.00

Electrical Items

1.	Conductor - #6 USE/Cu.	LF	3,120	\$1.15	\$3,588.00
2.	Tracer Wire - #12	LF	3,120	\$0.50	\$1,560.00
3.	Innerduct - 1.5" PVC	LF	1,040	\$4.30	\$4,472.00
4.	Concrete Base - 5'	Each	7	\$420.00	\$2,940.00
5.	Light Standard - Single LED and 14' Post	Each	7	\$2,400.00	\$16,800.00
6.	Spare Light Standard - Single LED and 14' Post	Each	1	\$2,100.00	\$2,100.00
7.	Light Standard - Remove	Each	1	\$1,000.00	\$1,000.00
8.	Light Standard - Remove & Reset	Each	1	\$1,200.00	\$1,200.00

Construction Subtotal	\$894,424.75
Contingencies	\$89,575.25

Total Construction \$984,000.00

Engineering	\$108,240.00
Legal & Administration	\$98,400.00
Bond Discount	\$39,360.00
Land Acquisition	\$800,000.00

TOTAL PROJECT \$2,030,000.00

Agenda # 9
Agenda Code Consent
Project # 19973

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

***Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Dustin Scott

2. PHONE NO. 282-4692 DATE: January 15, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: _____
Review Plans & Specs for Street Improvement District No. 2251

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
13th Avenue Reconstruction – 45th St (Fargo) to 12th St E (West Fargo)

5. ACTION BEING REQUESTED FROM CITY COMMISSION: _____
Approve Plans & Specs for Street Improvement District No. 2251
Authorize Ad for Bids for Street Improvement District No. 2251

Agenda # h
Agenda Code Consent
Project # 19862

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

***Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Dustin Scott

2. PHONE NO. 282-4692 DATE: January 15, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: _____
Review Plans & Specs for Sewer Improvement Project No. 1310

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
South Regional Sanitary Sewer Redundancy Force Main (SA 27)

5. ACTION BEING REQUESTED FROM CITY COMMISSION: _____
Approve Plans & Specs for Sewer Improvement Project No. 1310
Authorize Ad for Bids for Sewer Improvement Project No. 1310

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

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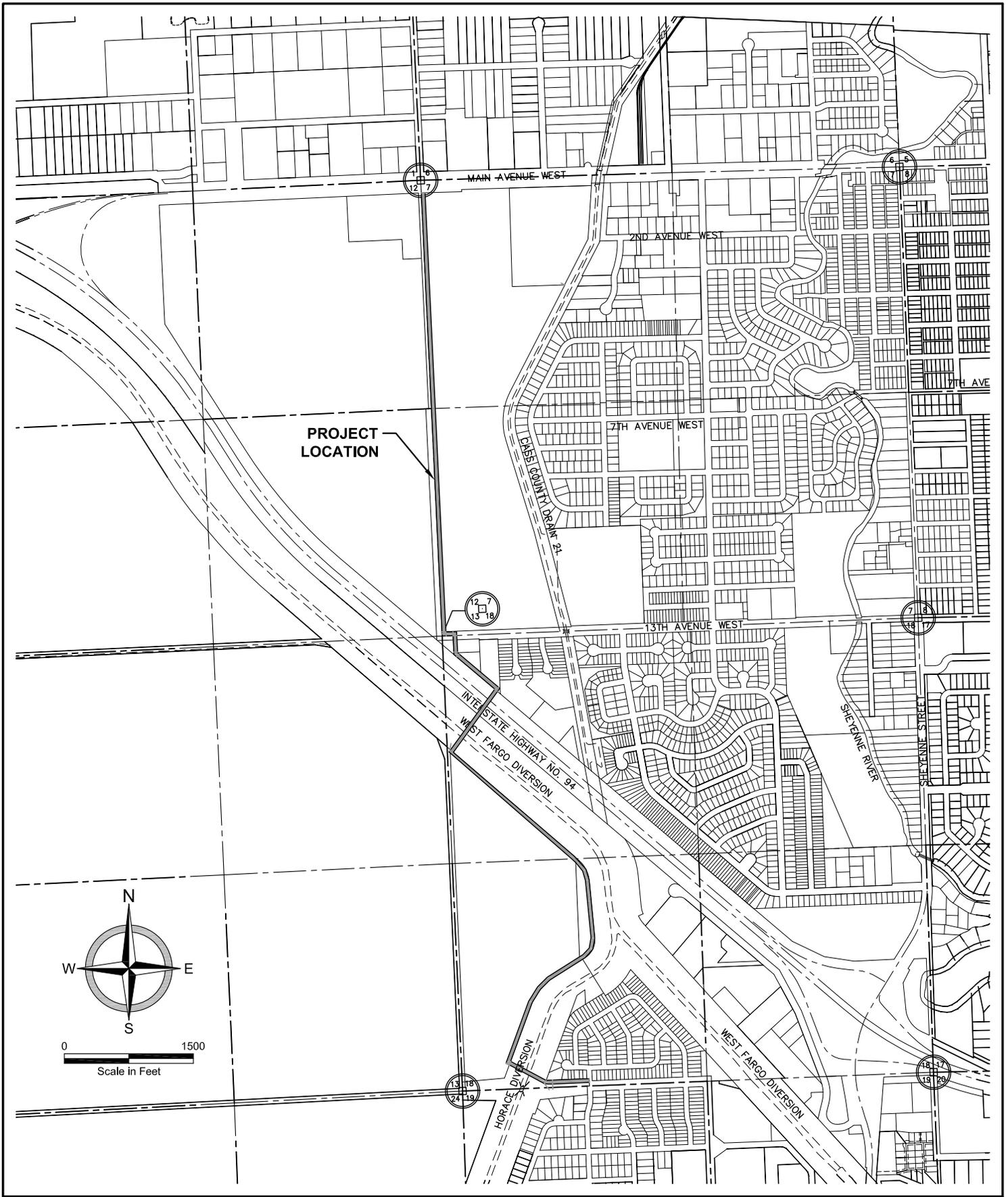
1. CONTACT PERSON: Dustin Scott

2. PHONE NO. 282-4692 DATE: January 15, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: _____
Review Water Improvement Project No. 1312
Review Location Map for Water Improvement Project No. 1312
Review Engineer's Report for Water Improvement Project No. 1312

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Water Distribution Loop – 15th St. NW (Main Ave to 21st Ave)

5. ACTION BEING REQUESTED FROM CITY COMMISSION: _____
Create Water Improvement Project No. 1312
Authorize Engineer to prepare Engineer's Report
Approve Engineer's Report for Water Improvement Project No. 1312
Authorize preparation of Plans & Specs



PROJECT LOCATION MAP
 WATER IMPROVEMENT PROJECT NO. 1312
 WATER DISTRIBUTION LOOP - 15TH ST. NW (MAIN AVE TO 21TH AVE)
 WEST FARGO, NORTH DAKOTA

PROJECT No.	19922
DATE:	01.09.18
REVISED:	-
DRAFTER:	CBK
REVIEWER:	MWW



ENGINEER'S REPORT

The undersigned is the engineer for the City of West Fargo, Cass County, North Dakota, and submits the following report to the Board of City Commissioners of said city:

The purpose of the proposed project is to address current water system demands including fire flow and pressure demands for the City. The need for the proposed project is warranted by extensive growth over the last 10-15 years, that the City has experienced. Current and projected needs within this corridor include increasing water supply capacity within the western portion of the City (industrial areas north of I94), and the southern portion of the City (residential areas south of I94).

Water Improvement Project No. 1312 will involve the construction of improvements consisting of water mains, asphalt streets repair, sidewalks repair, and other miscellaneous installations.

Based upon the estimate of the probable cost, attached hereto and made a part thereof, and the engineering information and studies, the work proposed in said district is feasible.

Dated this 15th day of January, 2018.

Dustin Scott
Moore Engineering, Inc.
West Fargo ND



Engineer for the City of West Fargo, ND

**WATER IMPROVEMENT PROJECT NO. 1312
WATER DISTRIBUTION LOOP - 15TH ST NW (MAIN AVE TO 21ST AVE)
WEST FARGO, ND**

Engineer's Opinion of Probable Cost

<i>BID ITEM NO. & DESCRIPTION</i>	<i>UNIT</i>	<i>QUANTITY</i>	<i>UNIT PRICE</i>	<i>TOTAL</i>
<u>Base Bid</u>				
1. Storm Water Management	LS	1	\$2,500.00	\$2,500.00
2. Removal Of Concrete	CY	21	\$50.00	\$1,050.00
3. Removal Of Bituminous Surfacing	SY	200	\$10.00	\$2,000.00
4. Culvert- Remove and Reset	LF	150	\$20.00	\$3,000.00
5. Casing - 24"	LF	1,270	\$350.00	\$444,500.00
6. Water Main Directional Drill - 16"	LF	860	\$150.00	\$129,000.00
7. Fittings	LBS	4,000	\$5.00	\$20,000.00
8. Water Main - 12"	LF	700	\$50.00	\$35,000.00
9. Water Main - 16"	LF	11,825	\$55.00	\$650,375.00
10. Water Main - 6"	LF	70	\$30.00	\$2,100.00
11. Water Main - 8"	LF	330	\$45.00	\$14,850.00
12. Water Main - Connect to Existing	EA	6	\$1,200.00	\$7,200.00
13. Gate Valve & Box - 12"	EA	1	\$3,000.00	\$3,000.00
14. Gate Valve & Box - 16"	EA	5	\$7,500.00	\$37,500.00
15. Gate Valve & Box - 6"	EA	10	\$1,500.00	\$15,000.00
16. Gate Valve & Box - 8"	EA	3	\$2,000.00	\$6,000.00
17. Hydrant - 6"	EA	10	\$4,600.00	\$46,000.00
18. Topsoil	CY	8,200	\$6.00	\$49,200.00
19. Aggregate Base Course CI 5	CY	70	\$30.00	\$2,100.00
20. Geotextile Fabric-Type R1	SY	200	\$1.50	\$300.00
21. Commercial Grade Hot Mix Asphalt	TON	65	\$100.00	\$6,500.00
22. Seeding Class III	ACRE	10	\$1,000.00	\$10,133.15
23. Hydraulic Mulch	ACRE	10	\$1,200.00	\$12,159.78
24. Traffic Control	L SUM	1	\$5,000.00	\$5,000.00
25. Remove Aggregate Base	SY	200	\$3.00	\$600.00
26. Subgrade Preparation- Type A-12In	SY	200	\$2.25	\$450.00
27. Sign - Remove & Replace	EA	15	\$200.00	\$3,000.00
			Construction Subtotal	\$1,508,517.93
			Contingencies	\$152,340.98
			Design & Construction Engineering (11%)	\$182,694.48
			Geotechnical Soil Borings	\$5,000.00
			Material Testing	\$5,000.00
			Permitting	\$10,000.00
			Public Communication	\$3,000.00
			Legal & Admin	\$118,446.61
			Land Acquisition & Crop Damage	\$50,000.00
			TOTAL PROJECT COST	\$2,035,000.00
			Estimated Cost Share Breakdown	
			State Water Commission Funding	\$1,050,000.00
			City Cost Share	\$985,000.00

Agenda #	j
Agenda Code	Consent
Project #	19923

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

***Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Dustin Scott

2. PHONE NO. 282-4692 DATE: January 15, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: _____

Review Water Improvement Project No. 1313

Review Engineer's Report for Water Improvement Project No. 1313

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):

Water Distribution Loop – 9th St NE (Main Ave to 12th Ave)

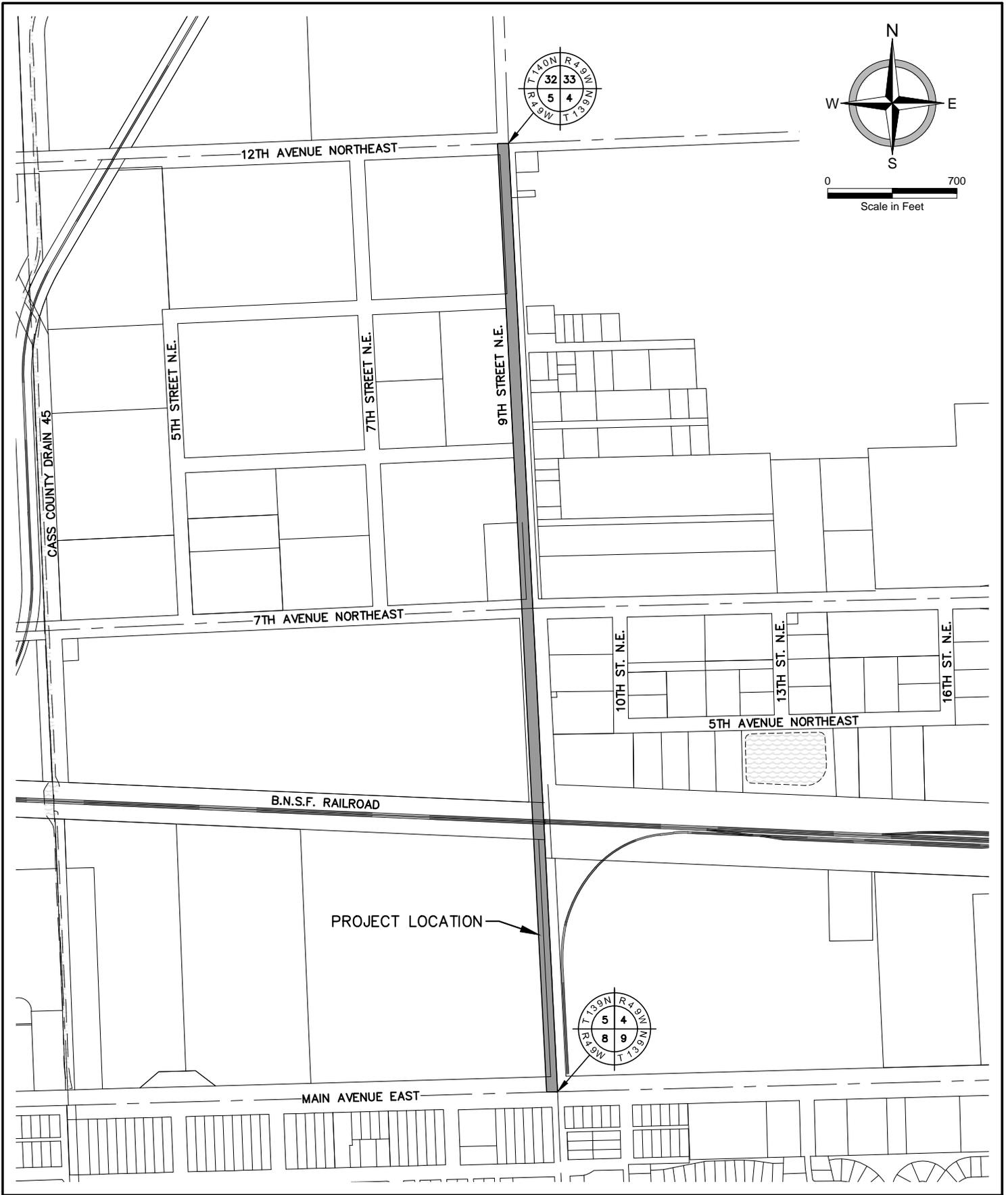
5. ACTION BEING REQUESTED FROM CITY COMMISSION: _____

Create Water Improvement Project No. 1313

Authorize Engineer to prepare Engineer's Report

Approve Engineer's Report for Water Improvement Project No. 1313

Authorize preparation of Plans & Specs



PROJECT LOCATION MAP
 WATER IMPROVEMENT PROJECT NO. 1313
 WATER DISTRIBUTION LOOP - 9TH ST. NE. (MAIN AVE. TO 12TH AVE.)
 WEST FARGO, NORTH DAKOTA

PROJECT No.	19923
DATE:	10.09.17
REVISED:	-
DRAFTER:	KAG
REVIEWER:	MWW



ENGINEER'S REPORT

The undersigned is the engineer for the City of West Fargo, Cass County, North Dakota, and submits the following report to the Board of City Commissioners of said city:

The purpose of the proposed project is to increase capacity along the 9th ST NE Corridor north of Main Ave E. The need for the proposed project is warranted by increased current water demand on the north side of the city. Additionally, this project will increase the reliability of the water distribution system through looping and add additional hydrants for fire protection.

Water Improvement Project No. 1313 will involve the construction of improvements consisting of water mains, hydrants, valves, and other miscellaneous items.

Based upon the estimate of the probable cost, attached hereto and made a part thereof, and the engineering information and studies, the work proposed in said district is feasible.

Dated this 15th day of January, 2018.

Dustin Scott
Moore Engineering, Inc.
West Fargo ND



Engineer for the City of West Fargo, ND

Water Improvement Project No. 1313
Water Distribution Loop - 9th St NE (Main Ave to 12th Ave)
West Fargo, ND

Engineer's Opinion of Probable Cost

<i>BID ITEM NO. & DESCRIPTION</i>	<i>UNIT</i>	<i>QUANTITY</i>	<i>UNIT PRICE</i>	<i>TOTAL</i>
<u>Base Bid</u>				
1. Fiber Rolls 6In	LF	150	\$3.50	\$525.00
2. Removal Of Concrete Pavement	SY	400	\$15.00	\$6,000.00
3. Removal Of Curb & Gutter	LF	180	\$10.00	\$1,800.00
4. Removal Of Bituminous Surfacing	SY	300	\$12.00	\$3,600.00
5. Gate Valve - Remove	EA	8	\$450.00	\$3,600.00
6. Hydrant - Remove	EA	2	\$650.00	\$1,300.00
7. Water Main - Remove	LF	700	\$10.00	\$7,000.00
8. Casing - 24"	LF	222	\$245.00	\$54,390.00
9. Water Main Directional Drill - 16"	LF	80	\$155.00	\$12,400.00
10. Fittings	LBS	9,315	\$5.00	\$46,575.00
11. Water Main - 16"	LF	4,920	\$55.00	\$270,600.00
12. Water Main - 6"	LF	62	\$30.00	\$1,860.00
13. Gate Valve & Box - 16"	EA	8	\$10,000.00	\$80,000.00
14. Gate Valve & Box - 6"	EA	7	\$1,500.00	\$10,500.00
15. Hydrant - 6"	EA	7	\$5,000.00	\$35,000.00
16. Tack Coat	GAL	15	\$2.50	\$37.50
17. Superpave FAA 42	TON	300	\$100.00	\$30,000.00
18. 8In Reinf Concrete Pavement Cl Ae	SY	275	\$160.00	\$44,000.00
19. Curb & Gutter	LF	180	\$40.00	\$7,200.00
20. Sidewalk Concrete 4In	SY	7	\$80.00	\$560.00
21. Driveway Concrete	SY	120	\$100.00	\$12,000.00
22. Seeding Class II	ACRE	5.50	\$1,500.00	\$8,250.00
23. Straw Mulch	SY	26,400	\$0.20	\$5,280.00
24. Traffic Control	L SUM	1	\$20,000.00	\$20,000.00

Construction Subtotal	\$662,477.50
Contingencies	\$67,989.30

Design & Construction Engineering (11%)	\$80,159.78
Legal & Administration	\$46,373.43
Materials Testing	\$5,000.00
Permitting	\$5,000.00
Public Communication	\$3,000.00
Land Acquisition	\$125,000.00

TOTAL PROJECT COST	\$995,000.00
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Estimated Cost Share Breakdown

State Water Commission Funding	\$465,000.00
City Cost Share	\$530,000.00

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # 1

***Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Tim Solberg

2. PHONE NUMBER: 433-5321 DATE: January 11, 2018

3. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:

LAG 1st Addition, Replat, Subdivision and Rezoning from A: Agricultural to HC:
Heavy Commercial.

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):

Lot 1, Block 1 of Rommesmo Addition and property located in part of the N½ of
Section 9, T139N, R49W, City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Hold First Reading and Public Hearing for the rezoning at 5:30 pm on January
15, 2018.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A17-43 REPLAT, SUBDIVISION AND REZONING	
LAG 1 st Addition	
Lot 1, Block 1 of Rommesmo Addition and property located in part of the N½ of Section 9, T139N, R49W, City of West Fargo, North Dakota	
Owner/Applicant: LAG Rentals & WR Properties	Staff Contact: Tim Solberg
Planning & Zoning Commission Introduction:	12-11-2017
Public Hearing:	12-11-2017
City Commission Introduction:	12-18-2017
Public Hearing & 1 st Reading:	01-15-2018
2 nd Reading & Final Plat Approval:	

PURPOSE:

Preparing the property for Heavy Commercial development and platting new lots created from the 17th Street East realignment as part of the recent Main Avenue reconstruction project.

STATEMENTS OF FACT:

Land Use Classification:	Heavy Commercial
Existing Land Use:	Vacant and RV Sales Lot
Current Zoning District(s):	A: Agricultural & HC: Heavy Commercial
Zoning Overlay District(s):	CO-R: Redevelopment Corridor Overlay District
Proposed Lot size(s) or range:	24,560 ft ² -100,476 ft ²
Total area size:	5.82 Acres
Adjacent Zoning Districts:	North – M: Heavy Industrial South – R-1: One & Two Family Dwellings (Retention Pond) East – HC: Heavy Commercial West – PUD: Planned Unit Development (General Commercial) & R-3: Multiple Dwellings
Adjacent street(s):	Main Avenue East (Arterial) & 17 th Street East (Collector)
Adjacent Bike/Pedestrian Facilities:	Main Avenue East multi-use path
Available Parks/Trail Facilities:	Main Avenue East multi-use path and Meadow Ridge Park within ½ mile accessible by paths and sidewalks
Public Dedication Requirements:	Newly lot created from City right of way will not require public land dedication. Any unplatted land not previously developed may require land dedication.

DISCUSSION AND OBSERVATIONS:

- Applicant has submitted an application and preliminary plat and is proposing to develop the property into four lots following the re-alignment of 17th Street East which was a result of the Main Avenue reconstruction project.
- The City intends to sell to the applicant their portion of right of way from the previous alignment of 17th Street East which is no longer needed. This area has not been zoned. The previously intact

STAFF REPORT

parcel that was split by the re-alignment created unzoned parcels of land that need to be rezoned to allow for development.

- The applicant intends to continue their RV sales lot onto the proposed lot east of 17th Street East. HC: Heavy Commercial zoning would allow for the sale of recreational vehicles as a permitted use – the district standards are attached for reference.
- The property is within the CO-R: Redevelopment Corridor Overlay district which has increased yard and building construction requirements. These requirements will be required as minimum standards as the site is developed – the district standards are attached for reference.
- 80 feet of right-of-way is provided for 17th Street East which meets City standards of right of way for commercial roadways.
- An existing access easement is in place with access to 17th St E for the developed property to the west. An existing ingress/egress easement is also in place between proposed Lot 1, Block 2 and the existing Lot 2, Block 1 of Rommesmo Addition on the east side. Additional access is not being requested to Main Avenue.
- There are no expected improvements to be requested with this development, therefore a subdivision improvement agreement is not likely necessary.

NOTICES:

Sent to: Property owners within 150' and applicable agencies and departments

Comments Received:

- None

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The proposed application is consistent with the City's land use plan which depicts the area developing as General Commercial and Light Industrial.

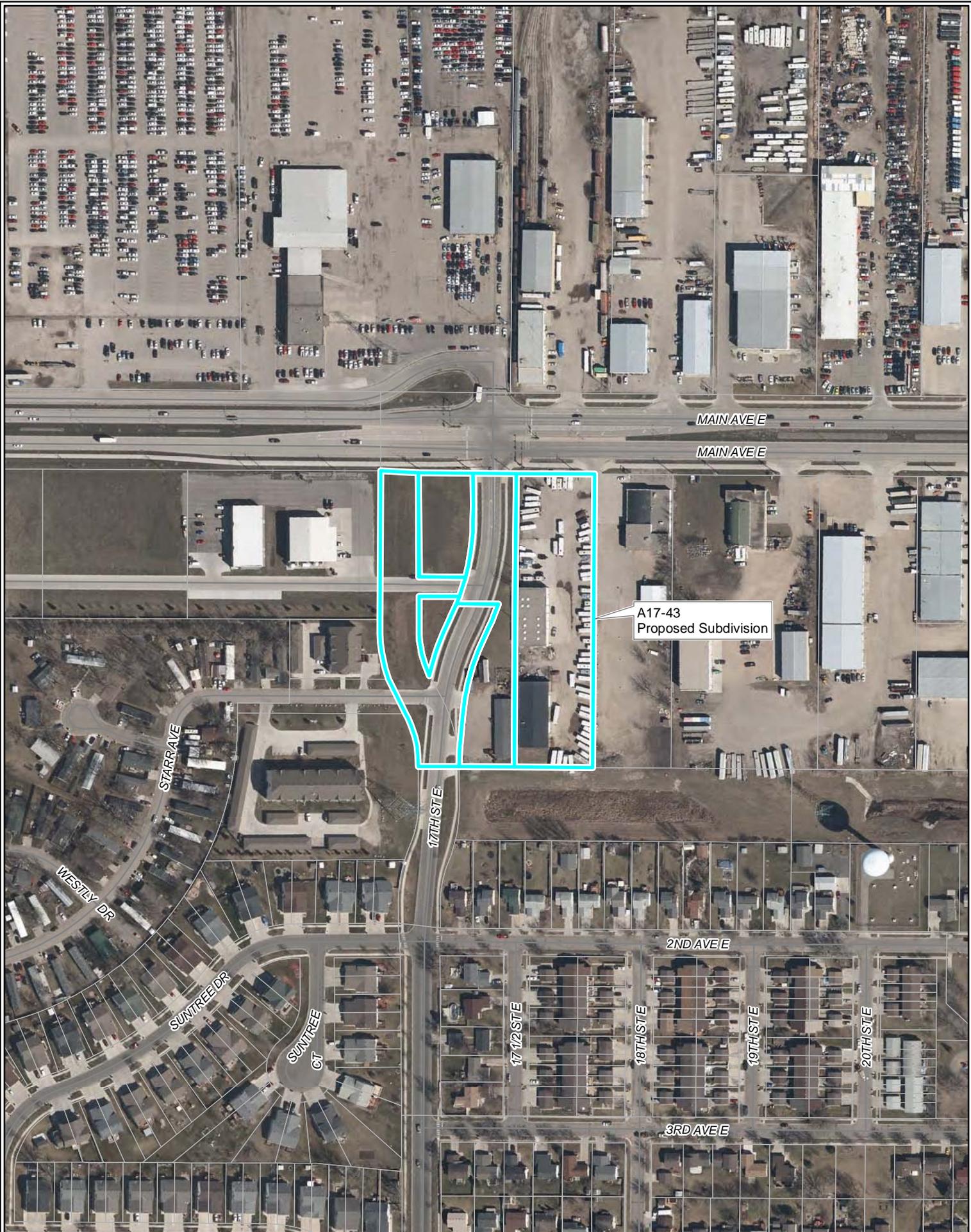
RECOMMENDATIONS:

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. A drainage plan is received and approved by the City Engineer.
2. An Attorney Title Opinion addressed to the City of West Fargo is received.
3. Signed Final Plat is received with any necessary easements.
4. A certificate is received showing taxes are current.

PLANNING AND ZONING RECOMMENDATION:

At their December 11, 2017 meeting, the Planning and Zoning Commission approved the application based on the four conditions listed above.



MAIN AVE E

MAIN AVE E

A17-43
Proposed Subdivision

STARR AVE

WESTLEY DR

SUNTREE DR

SUNTREE CT

17TH STE

17 12 STE

18TH STE

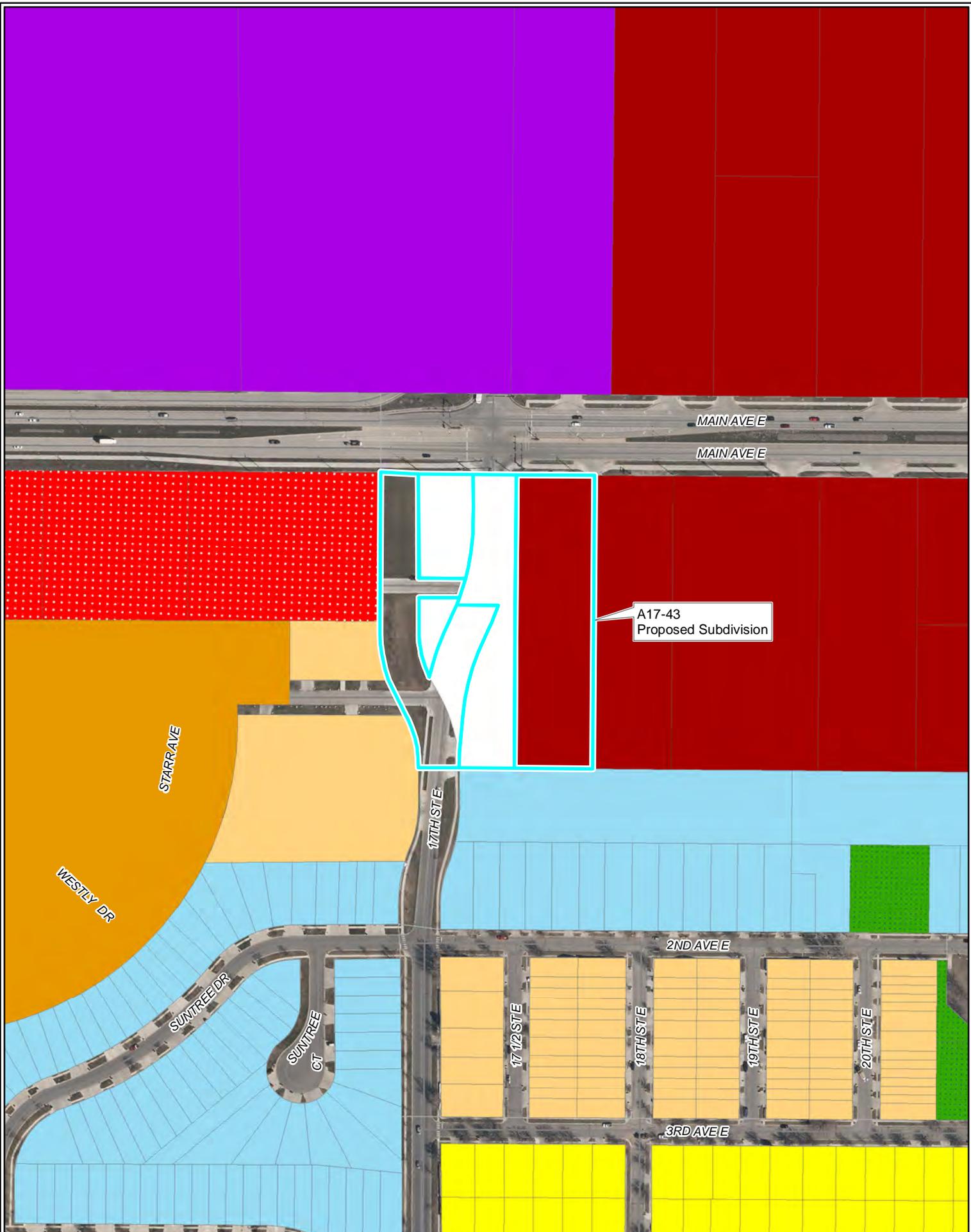
19TH STE

20TH STE

2ND AVE E

3RD AVE E





A17-43
Proposed Subdivision



- A: Agricultural
- C: Light Commercial
- C-PUD: PUD in General Commercial
- C-OP: Commercial Office Park
- C-OP-PUD: PUD in Office Park

- HC: Heavy Commercial
- LI: Light Industrial
- CM-PUD: PUD in Light Industrial
- M: Heavy Industrial
- P: Public

- P-PUD: PUD in Public
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home

- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential
- R-PUD: PUD in Residential



PLAT OF LAG FIRST ADDITION

TO THE CITY OF WEST FARGO, A REPLAT OF LOT 1, BLOCK 1, ROMMESMO ADDITION
TO THE CITY OF WEST FARGO AND A PART OF THE NORTH HALF OF SECTION 9,
TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA.



CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "LAG FIRST ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOT 1, BLOCK 1, ROMMESMO ADDITION TO THE CITY OF WEST FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA AND A PART OF THE NORTH HALF OF SECTION 9, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 02 DEGREES 12 MINUTES 12 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1 FOR A DISTANCE OF 600.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 88 DEGREES 26 MINUTES 53 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 1 AND THE WESTERLY EXTENSION THEREOF FOR A DISTANCE OF 359.72 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF 17TH STREET EAST AS SHOWN ON THE PLAT OF SUNTREE THIRD ADDITION TO THE CITY OF WEST FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE NORTH 02 DEGREES 13 MINUTES 11 SECONDS WEST ALONG SAID EAST LINE FOR A DISTANCE OF 0.98 FEET; THENCE CONTINUE ALONG SAID EAST LINE 123.66 FEET NORTHERLY ON A TANGENTIAL CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 32 DEGREES 12 MINUTES 22 SECONDS; THENCE CONTINUE ALONG SAID EAST LINE 168.58 FEET NORTHERLY ON A TANGENTIAL CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 32 DEGREES 11 MINUTES 48 SECONDS; THENCE CONTINUE ALONG SAID EASTERLY LINE

AND

LOT 1, BLOCK 1, STEFFES SIXTH ADDITION TO THE CITY OF WEST FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 5.82 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTION OF RECORD.

STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "LAG FIRST ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOT 1, BLOCK 1, ROMMESMO ADDITION TO THE CITY OF WEST FARGO AND A PART OF THE NORTH HALF OF SECTION 9, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS, AVENUES, DRIVES, LANES, UTILITY, POND ACCESS AND STORM WATER STORAGE EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER:

KIM ALBERTY

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KIM ALBERTY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2017.



DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DUSTIN T. SCOTT, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2017.

TOM MCDUGALL, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM MCDUGALL, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2017.

RICH MATTERN, PRESIDENT OF
THE WEST FARGO CITY COMMISSION

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICH MATTERN, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND TINA FISK, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____, 2017.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, CITY ATTORNEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

Regular Agenda Item #2

RESOLUTION PROVIDING FOR THE ISSUANCE OF
\$9,855,000 REFUNDING IMPROVEMENT BONDS OF 2018, SERIES A

CITY OF WEST FARGO

Adopted: January 15, 2018

This instrument was drafted by:

John T. Shockley
Ohnstad Twichell, P.C.
P.O. Box 458
West Fargo, ND 58078-0458

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION PROVIDING FOR THE ISSUANCE OF
\$9,855,000
REFUNDING IMPROVEMENT BONDS OF 2018, SERIES A

WHEREAS, the City of West Fargo, North Dakota (the "Issuer") by resolutions has heretofore authorized the issuance of certain definitive improvement warrants (the "Warrants") of the Issuer, which Warrants are outstanding at the date of this resolution providing for the issuance of \$9,855,000 Refunding Improvement Bonds of 2018, Series A (the "Resolution"); and

WHEREAS, the Issuer has by resolutions heretofore adopted, authorized the issuance of its Refunding Improvement Bonds of 2007, Series A; Refunding Improvement Bonds of 2007, Series B; Refunding Improvement Bonds of 2008, Series B; and Refunding Improvement Bonds of 2012, Series C (the "Refunded Bonds") in exchange for the Warrants; and

WHEREAS, the Issuer, through the issuance of new Refunding Improvement Bonds for the purpose of refunding the Refunded Bonds, can reduce the debt service thereon; and

WHEREAS, it is desired to provide for the retirement of the Refunded Bonds from the proceeds of the Refunding Improvement Bonds; and

NOW, THEREFORE BE IT RESOLVED by the governing body of the Issuer, that all actions heretofore taken by the City Auditor and others relating to the sale of the Refunding Improvement Bonds of 2018, Series A, are approved, ratified and confirmed; that the Issuer will accept a bid from Dougherty & Company LLC to purchase the Bonds upon the terms and conditions set forth in this Resolution; that the Chairman and Secretary are authorized to accept a bid at a later date, provided the interest rate on the Bonds does not exceed _____% per annum, and to execute this Resolution and fill in the appropriate interest rate and purchase price without further action of the District.

Section 1. Authorization and Sale.

1.01. There is hereby authorized to be issued a series of bonds designated the Issuer's Refunding Improvement Bonds of 2018, Series A, in the total amount of \$9,855,000 (the "Bonds") for the purpose of refunding the outstanding Refunded Bonds.

1.02. It is hereby found and determined that the Issuer will accept a bid to purchase the Bonds upon the terms and conditions set forth in this Resolution. The President of the Board of City

Commissioners and City Auditor are authorized to accept a bid at a later date, provided the interest rate on the Bonds does not exceed _____% per annum, and to execute this Resolution and fill in the appropriate interest rate and purchase price without further action of the Commission.

1.02. The actions heretofore taken by the City Auditor and others relating to the sale of the Bonds sold on this date, are approved, ratified and confirmed; that, having considered all bids received for the purchase of the Bonds, it is hereby found and determined that the most favorable of such bids is that of _____ to purchase the Bonds at a price of \$ _____ plus accrued interest, which terms are equivalent to an average annual net interest rate on the Bonds of _____% per annum; that the President of the Board of City Commissioners and City Auditor are authorized and directed to make and execute all documents necessary on the part of the Issuer for the sale of the Bonds in accordance with this Resolution.

Section 2. Terms.

2.01. The Bonds shall initially be dated February 1, 2018. Bonds issued upon exchange or transfer after May 1, 2018, shall be dated as of the interest payment date next preceding their issuance, or if the date of such issuance shall be on an interest payment date as of the date of such issue; provided, however, that if interest on the Bonds shall be in default, the Bonds shall be dated as of the date to which interest has been paid in full on the Bonds being transferred. The Bonds shall be issued in fully registered form in denominations of \$5,000 or any multiple thereof, of single maturities. The Bonds shall be numbered in consecutive numerical order from R-1 upwards as issued and shall mature on May 1 in the years and in the amounts and shall bear interest at the rates set forth in the Schedule of Maturities and Interest Rates attached hereto as Attachment 1.

2.02. Interest on the Bonds and, upon presentation and surrender thereof, the principal thereof shall be payable in lawful money of the United States of America by check or draft by the Starion Bond Services as Paying Agent, or its successor. Interest shall be payable on May 1 and November 1 in each year, commencing May 1, 2018, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month. Interest on the Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the holder thereof shall present the same for payment and payment is refused.

Section 3. Redemption.

3.01. The Bonds of this issue are not subject to optional redemption prior to maturity.

Section 4. Execution.

4.01. The Bonds shall be printed under the supervision and at the direction of the City Auditor, executed by the manual signature of the President of the Board of City Commissioners, and attested to by the manual signature of the City Auditor and delivered to the holder at closing upon receipt of the purchase price plus any accrued interest. The Bonds shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under this Resolution until the Certificate of Authentication thereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

4.02. The Bonds shall be reproduced in substantially the form attached to this Resolution as Attachment 2.

Section 5. Establishment of Bond Fund.

5.01. There is hereby created the Issuer's Refunding Improvement Bonds of 2018, Series A Bond Fund (the "Bond Fund") which shall be maintained by the City Auditor as a separate and special fund for the sole purpose of payment of principal and interest on any outstanding Bonds and shall be maintained until all balances of principal and interest on the Bonds are fully paid. There is hereby appropriated to the Bond Fund all of the funds heretofore appropriated for the payment of the Refunded Bonds. All payments of principal and interest made on the Warrants shall be credited to the Bond Fund and shall be used and applied in payment of the principal and interest on the Bonds as such principal and interest become due, or for the redemption of the Bonds when and as the same are redeemable by their terms.

Section 6. Retirement of the Refunded Bonds.

6.01. At closing, the Issuer shall set aside Bond proceeds and, if necessary, other funds of the Issuer, in an amount equal to the amount necessary to pay the principal and interest, if any, on all of the Refunded Bonds on March 1, 2018. Alternatively, the Issuer will invest such funds in a manner so that the original funds, together with investment earnings, will be sufficient to pay the principal and interest, if any, on all of the Refunded Bonds on March 1, 2018.

Section 7. Transfer of Warrants.

7.01. It is hereby found, determined and declared that the Warrants held as assets of the Issuer's Refunded Bonds bond funds, shall, simultaneously with the issuance of the Bonds herein authorized, be immediately transferred and deposited into the Bond Fund created hereby. The Warrants shall be held in trust for the holders of the Bonds.

Section 8. Covenants and Agreements of the Issuer.

8.01. The Issuer hereby covenants and agrees with the holders from time to time of the Bonds:

- (a) That the Warrants are validly issued and the special assessments are validly levied for the payment of the costs of the Improvements and are payable in years and amounts required by law and that it will use due diligence to collect the Warrants and to levy and collect the special assessments and, to the extent provided in the resolutions authorizing their issuance, to impose and collect service charges, appropriated for their payment.
- (b) That it will preserve and enforce for the benefit of the holders from time to time of the Bonds all the rights, powers and privileges reserved to holders of the Warrants and all of the covenants of the Issuer as provided in the resolutions authorizing the same.
- (c) That the Issuer recognizes its obligations under the provisions of Section 40-26-08 of the North Dakota Century Code that whenever all special assessments appropriated and theretofore collected for the improvements for which the Warrants were issued are insufficient to pay principal or interest when due on such Warrants, this governing body is required by law to levy a tax upon all taxable property within the City of West Fargo for the payment of such deficiency. The Issuer is also authorized, in its discretion, to levy such a tax if at any time a deficiency is deemed likely to occur within one year. Such taxes may be levied without limitation as to rate or amount, and the Issuer covenants and agrees that all collections thereof will be credited to the Bond Fund subject only to the prior lien thereon of the Refunded Bonds until the Refunded Bonds have been fully paid or redeemed.
- (d) In the event the monies in the Bond Fund should at any time be insufficient to make payments of principal and interest then due on the Bonds and any additional Bonds payable from the Bond Fund, said monies shall be first used to pay the

interest then accrued on all such Bonds outstanding, and the balance shall be applied in payment of the principal of the Bonds in order of their maturity dates, and pro rata in payment of the principal amount of Bonds maturing on the same date; and the Issuer reserves the right and privilege of refunding any of such matured Bonds for the payment of which monies are not at the time available by issuing new bonds payable from the Bond Fund, which Bonds shall be on a parity with those theretofore issued as to interest charges thereon, but the maturity thereof shall be subsequent to the maturity of all Bonds payable from the Bond Fund and then outstanding, which are not so refunded.

Section 9. Discharge.

9.01. When all of the Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution shall cease. The Issuer may discharge its obligations with respect to any Bonds which are due on any date by depositing with the paying agent on or before that date a sum sufficient for the payment thereof in full; or if any Bond shall not be paid when due, the same may nevertheless be discharged by depositing with the paying agent a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The Issuer may also discharge its obligations with respect to any prepayable Bonds according to their terms, by depositing with the paying agent on or before that date an amount equal to the principal, interest and redemption premium, if any, which are then due, provided that notice of such redemption has been duly given as provided herein. The Issuer may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or securities which are general obligations of the United States or securities of United States agencies which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be required to pay all principal, interest and redemption premium to become due thereon to maturity or said redemption date.

Section 10. Arbitrage.

10.01. The Issuer covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents, any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986 (the "Code"), and Regulations, Amended Regulations and Proposed Regulations issued thereunder, as

now existing or as hereinafter amended or proposed and in effect at the time of such action.

Section 11. Designation of Bond Registrar and Paying Agent.

11.01. The Issuer hereby designates Starion Bond Services as Paying Agent and Bond Registrar for the Bonds.

Section 12. Certificate of Proceedings.

12.01. The officers of the Issuer are hereby authorized and directed to prepare and furnish to said purchaser, and to the attorneys approving the legality of said Bonds, certified copies of such proceedings, ordinances, resolutions and records and all such certificates and affidavits and other instruments as may be required to evidence the legality and marketability of said Bonds, and all certified copies, certificates, affidavits and other instruments so furnished, including any heretofore furnished, shall constitute representations of the Issuer as to the correctness of all facts stated or recited therein.

Section 13. Book Entry System.

13.01. The Bonds shall be initially issued and, so long as they remain in book entry form only (the "Book Entry Only Period"), shall at all times be in the form of a separate single fully registered Bond for each maturity of the Bonds. The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York or any of its successors or successors to its functions hereunder (the "Depository") will act as securities depository for the Bonds.

13.02. Upon initial issuance, ownership of the Bonds shall be registered in a bond register maintained by the Bond Registrar in the name of CEDE & CO., as the nominee (it or any nominee of the existing or a successor Depository, the "Nominee").

13.03. With respect to the Bonds, neither the Issuer nor the Bond Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Bonds as securities depository (the "Participant") or the person for which a Participant holds an interest in the Bonds shown on the books and records of the Participant (the "Beneficial Owner"). Without limiting the immediately preceding sentence, neither the Issuer, nor the Bond Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any ownership interest in the Bonds, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect

to the Bonds, including any notice of redemption, or (C) the payment to any Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Bonds (the "Holder"). For purposes of securing the vote or consent of any Holder under this Resolution, the Issuer may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

13.04. The Issuer and the Bond Registrar may treat as and deem the Depository to be the absolute owner of the Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to the Bonds, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Bonds, and for all purpose whatsoever. The Bond Registrar, as paying agent hereunder, shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the Holder or the Holders of the Bonds as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid.

13.05. Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in Section 16 (with respect to registration, transfer, exchange) hereof, references to the Nominee hereunder shall refer to such new Nominee.

13.06. So long as any Bond is registered in the name of a Nominee, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, by the Bond Registrar or Issuer, as the case may be, to the Depository as provided in the Letter of Representations, to the Depository required by the Depository as a condition to its acting as book-entry Depository for the Bonds (said Letter of Representations, together with any replacement thereof or amendment or substitute thereto, including any standard procedures or policies referenced therein or applicable thereto respecting the procedures and other matters relating to the Depository's role as book-entry Depository for the Bonds, collectively hereinafter referred to as the "Letter of Representations").

13.07. All transfers of beneficial ownership interests in each Bond issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be effected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Bonds.

13.08. In connection with any notice or other communication to be provided to the Holders pursuant to this Resolution by the Issuer or Bond Registrar with respect to any consent or other action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action; provided, that the Issuer or the Bond Registrar may establish a special record date for such consent or other action. The Issuer or the Bond Registrar shall, to the extent possible, give the Depository notice of such special record date not less than 15 calendar days in advance of such special record date to the extent possible.

13.09. Any successor Bond Registrar in its written acceptance of its duties under this Resolution and any paying agency registrar agreement shall agree to take any actions necessary from time to time to comply with the requirements of the Letter of Representations.

13.10. In the case of a partial prepayment of a Bond, the Holder may, in lieu of surrendering the Bonds for a Bond of a lesser denomination as provided in Section 16 hereof, make a notation of the reduction in principal amount on the panel provided on the Bond stating the amount so redeemed.

Section 14. Termination of Book-Entry Only System.

14.01. The Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving written notice to the Issuer and discharging its responsibilities with respect thereto under applicable law. The Issuer may terminate the services of the Depository with respect to the Bond if it determines that the Depository is no longer able to carry out its functions as securities depository or the continuation of the system of book-entry transfers through the Depository is not in the best interests of the Issuer or the Beneficial Owners.

14.02. Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the Issuer, is willing and able to assume such functions upon reasonable or customary terms, or if the Issuer determines that it is in the best interests of the Issuer or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Bonds, the Bonds shall no longer be registered as being registered in the bond

register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Bonds shall designate at that time, in accordance with Section 16 hereof. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with Section 16 (with respect to registration, transfer, exchange) hereof, the Bonds will be delivered to the Beneficial Owners.

14.03. Nothing in this section shall limit or restrict the provisions of Section 16 (with respect to registration, transfer, exchange) hereof.

Section 15. Letter of Representations.

15.01. The provisions in the Letter of Representations are incorporated herein by reference and made a part of the resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this resolution, the provisions in the Letter of Representations shall control.

Section 16. Transfer.

16.01. Except as provided above, the Bonds are transferable upon the books of the Issuer at the principal office of the Bond Registrar in Bismarck, North Dakota, by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the Issuer will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. No transfer of Bonds shall be required to be made during the 15 days next preceding an interest payment date, nor during the 45 days next preceding the date fixed for redemption of such Bonds.

16.02. The Issuer and the Bond Registrar may deem and treat the person in whose name any Bond is registered as the absolute owner thereof, whether the Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the Issuer nor the Bond Registrar shall be affected by any notice to the contrary.

Section 17. Repealer.

17.01. All prior resolutions and other acts or proceedings of this governing body which are in any way inconsistent with the terms of this Resolution are hereby amended to the extent necessary to give full force and effect to this Resolution.

17.02. Nothing herein contained shall be deemed to modify, amend, violate, repudiate or repeal any provision or covenant contained in any Refunded Bond, or any resolution pursuant to which any Refunded Bond has been issued and is outstanding, to the extent that a modification, amendment, violation, repudiation or repealer would impair the obligation or contract owed to any holders of such Refunded Bonds or would otherwise be invalid or ineffective.

Section 18. Bond Insurance.

18.01. *Reserved for future use.*

Section 19. Bonds Not Subject to Acceleration.

19.01. The Bonds are not subject to acceleration in the event of default.

Section 20. Amendment of Resolution.

20.01. This Resolution may be amended without the consent of any Bondholders for one or more of the following purposes:

- (a) To add to the covenants and agreements of the Issuer in this Resolution and any other covenants and agreements thereafter to be observed by the Issuer, or to surrender any right or power herein reserved to or conferred upon the Issuer.
- (b) To cure any ambiguity or formal defect contained in this Resolution, that cure does not, in the judgment of the Issuer, adversely affects the interests of the Bondholders.

20.02. This Resolution may be amended for any other purpose only upon the consent of not less than 50% of an aggregate principal amount of the Bonds outstanding, provided, however, that no amendment shall be valid which:

- (a) Extends the maturity of any Bond, reduces the rate of interest upon any Bond, extends the time of payment of interest on the Bond, reduces the amount of principal payable on any Bond, or reduces any premium payable on any Bond, without the consent of the affected Bondholder; or

(b) Reduces the percent of Bondholders required to approve the mandatory resolutions.

Section 21. No Credit Enhancement.

21.01. There is no credit enhancement facility securing the Bonds, nor is there any provision for a credit enhancement facility to be provided to secure the Bonds.

Section 22. Headings.

22.01. Headings in this Resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

Section 23. North Dakota Law Applies.

23.01. This Resolution shall be controlled by the laws of the State of North Dakota, and as a result, any claim, demand, or cause of action arising under the terms of this Resolution shall be brought in an appropriate venue in the State of North Dakota.

Section 24. Not Qualified Tax Exempt Under Section 265.

24.01. The Issuer hereby acknowledges that the Bonds are **not** designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986.

Section 25. Official Statement.

25.01. The Official Statement relating to the Bonds, substantially in the form presented at this meeting, is hereby approved. The officers of the Issuer are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

Section 26. Continuing Disclosure.

26.01. The City Auditor is hereby authorized to execute, on behalf of the Issuer, the Continuing Disclosure Certificate attached as Attachment 4 to this Resolution.

ATTEST:

CITY OF WEST FARGO

City Auditor

President of the Board of City
Commissioners

The motion for the adoption of the foregoing Resolution was duly seconded by Commissioner _____. On roll call vote, the following Commissioners voted aye: _____
_____. The following Commissioners voted nay: _____. The following were absent and not voting: _____, so the motion carried and the Resolution was duly adopted.

PRELIMINARY

CITY OF WEST FARGO
 STATE OF NORTH DAKOTA

\$9,855,000

REFUNDING IMPROVEMENT BONDS OF 2018, SERIES A

SCHEDULE OF MATURITIES AND INTEREST

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2018	\$2,220,000		2021	\$1,380,000	
2019	2,255,000		2022	1,255,000	
2020	2,155,000		2023	590,000	

Principal due May 1 in each year

PRELIMINARY

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA

CITY OF WEST FARGO

REFUNDING IMPROVEMENT BONDS OF 2018, SERIES A

Registered
Number

Registered
Dollars

<u>INTEREST RATE</u>	<u>MATURITY</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
		February 1, 2018	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

KNOW ALL MEN BY THESE PRESENTS that the City of West Fargo, North Dakota, (the "Issuer") acknowledges itself to be specially indebted and for value received promises to pay to the registered owner specified above or registered assigns, the principal amount specified above, but only from its Refunding Improvement Bonds of 2018, Series A, Bond Fund (the "Bond Fund") on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable on May 1 and November 1 in each year, commencing May 1, 2018, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by Starion Bond Services as Paying Agent, or its successor.

This Bond is one of an issue in the aggregate principal amount of \$9,855,000 all of like date and tenor except as to serial number, maturity date, interest rate and redemption privilege, issued, pursuant to the Resolution adopted by the governing body of the Issuer for the purpose of refunding the Issuer's Refunding Improvement Bonds of 2007, Series A; Refunding Improvement Bonds of 2007, Series B; Refunding Improvement Bonds of 2008, Series B; and Refunding Improvement Bonds of 2012, Series C (the "Refunded Bonds") in full conformity with the Constitution and laws of the State of North Dakota.

Bonds of this issue are not subject to optional redemption and prepayment prior to maturity.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the Issuer at the principal office of the Bond Registrar, by the registered owner hereof in person or by its attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the Issuer will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. The Issuer and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the Issuer nor the Bond Registrar shall be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the Issuer has duly created the Bond Fund as a separate and special fund and has appropriated thereto all of the funds heretofore appropriated for the payment of the Refunded Bonds, subject to the prior lien of the Refunded bonds until they have been fully paid and redeemed; that at closing, the Issuer shall set aside Bond proceeds and, if necessary, other funds of the Issuer, in an amount equal to the amount necessary to pay the principal and interest, if any, on all of the Refunded bonds on March 1, 2018, or, alternatively, the Issuer will invest such funds in a manner so that the original funds, together with investment earnings, will be sufficient to pay the principal and accrued interest, if any, on all of the Refunded Bonds on March 1, 2018; that the assets appropriated to the Bond fund consist of special improvement warrants and special assessments validly issued and levied for the payment of the cost of improvements benefitting special improvement districts of the Issuer, which warrants and

assessments are payable in the years and amounts required by law; that it will use diligence to collect said improvement warrants and special assessments and, in the event of a deficiency in any of the improvement district funds for the payment of the warrants drawn thereon, the Issuer is further required to levy a tax on all taxable property within the City of West Fargo for the payment and discharge of such deficiency, without limitation as to rate or amount; that all collections of special assessments, and any deficiency taxes, are required to be credited to said Bond Fund and applied in payment of the principal of and interest on the Bonds of this issue, subject only to the prior lien thereon of certain of the Refunded Bonds until such bonds have been fully paid and redeemed; all as more fully stated in the Resolution, to which reference is hereby made for further details and other covenants of the Issuer with respect thereto; and that the issuance of the Bond has not caused the indebtedness of the Issuer to exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF the City of West Fargo, North Dakota, by its governing body, has caused this Bond to be executed in its behalf by the manual signature of the President of the Board of City Commissioners and City Auditor, and has caused the certificate appearing on the following page to be executed by the manual signatures of said officers.

Dated:

CERTIFICATE OF AUTHENTICATION

CITY OF WEST FARGO

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

President of the Board of City Commissioners

STARION BOND SERVICES
333 North Fourth Street
Bismarck, ND 58501

BY: _____
Authorized Representative

City Auditor

CERTIFICATE AS TO LEGAL OPINION

We certify that attached is the legal opinion rendered by Bond Counsel on the issue of Bonds which includes the within Bond, dated as of the date of delivery of and payment for the Bonds.

City Auditor

President of the Board of
City Commissioners

The following abbreviations when used in the inscription on the face of this Bond, shall be construed as though they were written in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with right of survivorship
and not as tenants in common

UTMA-ACT _____ Custodian _____
(Cust) (Minor)

under Uniform Transfer to Minors Act _____
(State)

Additional abbreviations may also be used.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Please insert social security or other identifying number of Assignee:

NOTICE: The signature to this Assignment must correspond to the name as it appears upon the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever.

Signature Guaranteed: NOTICE:
Signature(s) must be guaranteed
by a member of the Medallion
Signature Program.

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the "Disclosure Certificate") is executed and delivered by the City of West Fargo, North Dakota (the "Issuer") in connection with the Issuer's \$9,855,000 Refunding Improvement Bonds of 2018, Series A (the "Bonds"). The Bonds are being issued pursuant to the Authorizing Resolution adopted by the governing body of the Issuer on January 15, 2018 (the "Resolution") and delivered to the Purchaser on the date hereof. The Issuer hereby covenants and agrees as follows:

Section 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Owners of the Bonds in order to assist the Participating Underwriters within the meaning of SEC Rule 15c2-12(b) (5) (the "Rule") in complying with the Rule. This Disclosure Certificate constitutes the written undertaking required by the Rule.

Section 2. Definitions. In addition to the defined terms set forth in the Resolution, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" means any annual report provided by the Issuer pursuant to, and as described in Sections 3 and 4 of this Disclosure Certificate.

"EMMA" means the Electronic Municipal Market Access system operated by the MSRB as the primary portal for complying with the continuing disclosure requirements of the Rule.

"Financial Statements" means audited or, if unavailable, unaudited general purpose financial statements of the Issuer prepared in accordance with generally accepted accounting principles, as in effect from time to time or as required to be modified as a matter of law. If unaudited financial statements are provided, audited financial statements will be provided when and if available.

"Fiscal Year" means the fiscal year of the Issuer.

"Final Official Statement" means the deemed final official statement dated _____, 2018, delivered in connection with the Bonds, which is available from the MSRB.

"Issuer" means City of West Fargo, North Dakota, which is the obligated person with respect to the Bonds.

"Material Event" means any of the events listed in Section 5(a) of this Disclosure Certificate.

"MSRB" means the Municipal Securities Rulemaking Board located at 1300 I Street NW, Suite 1000, Washington, D.C.

"Owner" means the person in whose name Bond is registered or a beneficial owner of such a Bond.

"Participating Underwriter" means any of the original underwriter(s) of the Bonds (including the Purchaser) required to comply with the Rule in connection with the offering of the Bonds.

"Repository" means EMMA.

"Rule" means SEC Rule 15c2-12(b)(5) promulgated by the SEC under the Securities Exchange Act of 1934, as the same may be amended from time to time, and including written interpretations thereof by the SEC.

"SEC" means Securities and Exchange Commission.

Section 3. Provision of Annual Financial Information and Financial Statements.

- (a) The Issuer shall, not later than 12 months after the end of the Fiscal Year (currently December 31), commencing with the fiscal year ending December 31, 2018 (which is due no later than December 31, 2019), provide the Repository with an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the Financial Statements of the Issuer may be submitted separately from the balance of the Annual Report.
- (b) If the Issuer is unable or fails to provide to the Repository an Annual Report by the date required in subsection (a), the Issuer shall send a notice of that fact to the Repository, and the MSRB.
- (c) The Issuer shall determine each year prior to the date for providing the Annual Report the name and address of each Repository.

Section 4. Content of Annual Reports. The Issuer's Annual Report shall contain or incorporate by reference the annual Financial

Statements and the following sections of the Final Official Statement:

1. Larger Employers.
2. Population.
3. Unemployment.
4. Building Permits.
5. Bonded Debt.
6. Overlapping Debt.
7. Property Values.
8. Trend of Valuations.
9. Larger Taxpayers
10. Tax Levies and Collections.
11. Mill Rates.

In the event that the Issuer has not completed an audit of its annual financial statements by the date required in Section 3, subsection (a), of this Disclosure Certificate, then the Issuer will provide *unaudited* financial statements to the Repository. The Issuer will provide to the Repository its audited Financial Statements as soon as practicable after they are completed. The failure by the Issuer to provide an audited annual financial statement by the date required in Section 3, subsection (a) of this Disclosure Certificate shall not be deemed a violation of the reporting obligations under this Disclosure Certificate.

Section 5. Reporting of Material Events.

(a) This Section 5 shall govern the giving of notice of the occurrence of any of the following events ("Material Events") with respect to the Bonds:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
7. Modification to rights of security holders, if material;

8. Bond Calls, if material, and tender offers;
 9. Defeasances;
 10. Release, substitution, or sale of property securing repayment of the securities, if material;
 11. Rating changes.
 12. Bankruptcy, insolvency, receivership or similar event of the obligated person;
 13. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
 14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.
- (b) The Issuer shall file a notice of such occurrence with the Repository or with the MSRB within ten business days of the occurrence of the Material Event.
- (c) Unless otherwise required by law and subject to technical and economic feasibility, the Issuer shall employ such methods of information transmission as shall be requested or recommended by the designated recipients of the Issuer's information.

Section 6. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all the Bonds.

Section 7. Agent. The Issuer may, from time to time, appoint or engage a dissemination agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such agent, with or without appointing a successor dissemination agent.

Section 8. Amendment: Waiver. Notwithstanding any other provision of this Disclosure Certificate, the Issuer may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of nationally recognized bond counsel to the effect that such amendment or waiver would not, in and of itself, cause the undertakings to violate the Rule. This Disclosure Certificate, or any provision hereof, shall be null and void in the event that the Issuer delivers to the Repository an opinion of nationally

recognized bond counsel to the effect that those portions of the Rule which require this Disclosure Certificate are invalid, have been repealed retroactively or otherwise do not apply to the Bonds. The provisions of this Disclosure Certificate may be amended without the consent of the Owners of the Bonds, but only upon the delivery by the Issuer to the Repository of the proposed amendment and an opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will not adversely affect the compliance of this Disclosure Certificate and by the Issuer with the Rule.

Section 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Requested Report or notice of occurrence of a Material Event, in addition to that which is required by this Disclosure Certificate. If the Issuer chooses to include any information in any Requested Report or notice of occurrence of a Material Event in addition to that which is specifically required by this Disclosure Certificate, the Issuer shall have no obligation under this Disclosure Certificate to update such information or include it in any future Requested Report or notice of occurrence of a Material Event.

Section 10. Default. In the event of a failure of the Issuer to comply with any provision of this Disclosure Certificate, any Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default with respect to the Bonds and the sole remedy under this Disclosure Certificate in the event of any failure of the Issuer to comply with this Disclosure Certificate shall be an action to compel performance.

Section 11. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Issuer, the Participating Underwriters and Owners from time to time of the Bonds, and shall create no rights in any other person or entity.

Section 12. Counterparts. This Disclosure Certificate may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 13. Choice of Law. This Disclosure Certificate shall be governed by and construed in accordance with the laws of the State of North Dakota, provided that to the extent this Disclosure

Certificate addresses matters of federal securities laws, including the Rule, then this Disclosure Certificate shall be construed in accordance with such federal securities laws and official interpretations thereof.

Section 14. Severability. If any portion of this Disclosure Certificate shall be held invalid or inoperative, then, so far as is reasonable and possible (i) the remainder of this Disclosure Certificate shall be considered valid and operative, and (ii) effect shall be given to the intent manifested by the portion held invalid or inoperative.

Section 15. Captions, Titles, and Headings. The captions, titles, and headings used in this Disclosure Certificate are for convenience only and shall not be construed in interpreting this Disclosure Certificate.

IN WITNESS WHEREOF, I have executed this Disclosure Certificate in my official capacity effective February 1, 2018.

CITY OF WEST FARGO

Tina Fisk
City Auditor



DEC 28 2017

When completed please mail to: West Fargo City Hall
800 4th AVE E STE 1
West Fargo ND, 58078
If you have any questions, please call: (701)433-5300

LIQUOR LICENSE APPLICATION - PRE-APPROVAL REVIEW (FORM A)

All licenses expire each year on June 30th. (New license fees will be prorated with the number of months remaining in a license year)

Requests for Liquor Licenses require an administrative review prior to consideration by the City Commission. Administrative fees are utilized to offset the cost of this process and are non-refundable. If your license request is granted, you will be asked to complete a Post Approval Liquor License form to calculate final license fees.

For period beginning February 15, 2018 and ending June 30, 2018
Business Name: Aspect, LLC
DBA/Name: Bar Nine
Business Address: 1405 Prairie Pkwy West Fargo, ND 58078
Phone #: 701-356-0099 Cell Phone: 701-740-5934 Email: nasser.hammani@yahoo.com

I. TYPE OF LICENSE(S) APPROVED:

(CIRCLE THE APPROPRIATE LICENSES AND CALCULATE TOTAL FEES)

Application Review Fees

Retail On and Off Premises Liquor	\$375
Retail On and Off Premises Beer/Wine	\$100
Retail On Premises Liquor	<u>\$275</u>
Retail On Premises Beer/Wine	<u>\$150</u>
Retail Off Premises Liquor	\$275
Retail Off Premises Beer/Wine	\$150
Retail Club/Lodge On Sale Liquor	\$250
Retail Club/Lodge On Sale Beer/Wine	\$38
Wholesale	\$250
Total Due	<u>425.00</u>

CK #1002
Pd 12-28-17
\$425.00

- * If you are applying for a **Club License**, how many members do you have at this time? _____
- * If you are applying for a **On-Premises Liquor License** and plan to serve food:
Will you allow people under the age of 21 in your establishment? No If yes, do you anticipate that the sale of food will exceed the sale of alcoholic beverages? _____
(in future years you will be required to provide proof of food to alcohol sales)

II. APPLICANT DATA: (individual filling out application for license):

Your Full Name: (First, Middle, Last): Nasser A. Hammami
Applicant Legal Address: 3646 Bell Blvd E. West Fargo, ND 58078
Date of Birth: 9-15-72 Social Security [redacted] US Citizen Y or N
Applicant Email Address: nasser.hammami@yahoo.com
Applicant Phone #: 701-740-5934 How long have you been a resident of ND? 17 yrs. Have you ever been convicted of any violation, or any law, other than a traffic offense in the U.S.? No If yes, what crime?

What Court? [redacted]
Have you ever been convicted of any violation of laws governing the manufacture, sale, consumption or possession of intoxicating beverages? No If yes provide details: [redacted]

Please list any current or previous liquor licenses held: N/A

Have you ever had a liquor license revoked or rejected by any municipality or state? No
If yes, provide details: [redacted]

Will you be engaged in any other form of business besides the sale of liquor under the applied license? No If yes provide details: [redacted]

List names, addresses and phone numbers of three business references (at least one bank), and state the extent of your business relations with each:

1. _____
2. _____
3. _____

III. RESIDENT MANAGER INFORMATION:

Name: Patrick Tweeter Date of Birth: 12/29/78
Address: 4769 35th Ave S, Fargo, ND 58104 Phone #: 701-306-8624

List resident manager's previous employment for past five years:
Bar Nine general manager lot years

IV. BUSINESS DATA:

Name of Business (DBA): Bar Nine

Mailing Address of Licensed Establishment: 1405 Prairie Pkwy West Fargo, ND 58078

Establishment Phone #: 701-356-0099

Business Type: (Sole Proprietorship, Partnership, Corporation) Corporation

Based on the business type above provide below the names, addresses and dates of birth of ALL individuals, partners, officers and directors. Include all persons with 1% or more interest in the business and indicate percentage of ownership: (add additional pages if necessary):

Nasser Hammami 9/25/72 3646 Bell Blvd E, West Fargo, ND 58078

If Incorporated: Date of Charter: 1-1-18 State of Charter: ND

List any person (including name, address, date of birth and association with business), other than the applicants listed, with any right, title, estate or interest in the leasehold, furniture, fixtures or equipment in the premises for which the license is requested:

Does the business have any interest, directly or indirectly, with any other liquor establishment in any state? NO

If yes give names and addresses of the establishments: _____

V. ATTACH A DETAILED FLOOR-PLAN OF BUSINESS

(HAND DRAWN FLOOR PLANS WILL NOT BE ACCEPTED)

VI. EMPLOYEE ROSTER LIST - SERVER TRAINING (SEE ATTACHED FORM)

For new establishments, you will be given 90 days from date of opening to submit a server training roster which will list servers with completed training, as well as a detailed plan for completion of training for those who have not. Employee server training must be kept current and is subject to periodic review.

Information on signup and training is available online at Fargo Cass Public Health Department's Website:

www.fargocasspublichealth.com

VII. VALIDATION/SIGNATURES

Do you agree not to permit the sale of alcohol on said premises to a minor, incompetent person, or a person who is inebriated or a habitual drunkard? Yes No

Do you understand that any license granted with this application will not be transferable except by specific authority of the governing body and will authorize the sale of products as applied for only at the place and premises designated in the application and said license? Yes No

Have you reviewed the Alcoholic Beverage Ordinances(s) of the City of West Fargo and are familiar with the conditions and requirements of these ordinances? Yes No

If granted an alcoholic beverage license, will you comply with the State of North Dakota Liquor Control Act and the City of West Fargo Alcoholic Beverage Ordinances, as well as any amendments to either of these, which may be made in the future? Yes No
(copy of current ordinance provided with application)

Do you understand that approval of license application is contingent upon having completed successful inspections from the Police Department, Fire Department, Building Inspection Department and Cass County Health Department?

Do you certify that property owned in connection with this license does not have real and/or personal property taxes that are delinquent? Yes No

For leased/rented property, do you certify that all payments are current? Yes No

I(We) am (are) familiar with the information in this completed application, the answers and information contained herein are, to the best of my (our) knowledge true, complete and accurate

All signatures must be notarized.

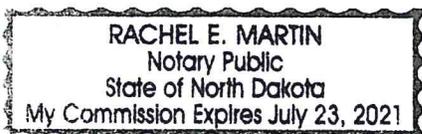
List owner(s) names (In case of a Corporation only President and Secretary are required):

Name : Nasser Hammami
Title: President
Signature: [Signature]
Date: 12-28-17
Name : _____
Title: _____
Signature: _____
Date: _____

Name : _____
Title: _____
Signature: _____
Date: _____
Name : _____
Title: _____
Signature: _____
Date: _____

Before me personally appeared: (list names from above) Nasser Hammami

Subscribed and sworn before me on this 28th day of December, 2017



[Signature]
(Signature of Notary Public)

My Commission expires: July 23, 2021

Notary Public for Cass City, ND 4

VIII. BACKGROUND CHECK AUTHORIZATION

To: _____
(Please leave blank - for use of WF Police Department)

YOU ARE HEREBY AUTHORIZED to release to the bearer of this authorization, any and all information concerning my dealings as a customer of your institution. Said information is to be given in connection with the investigation by the West Fargo Police Department in relation to a liquor license request.

PRINTED NAME OF APPLICANT: _____

By releasing this information to the West Fargo Police Department, I understand that my information may be subject to North Dakota open record laws.

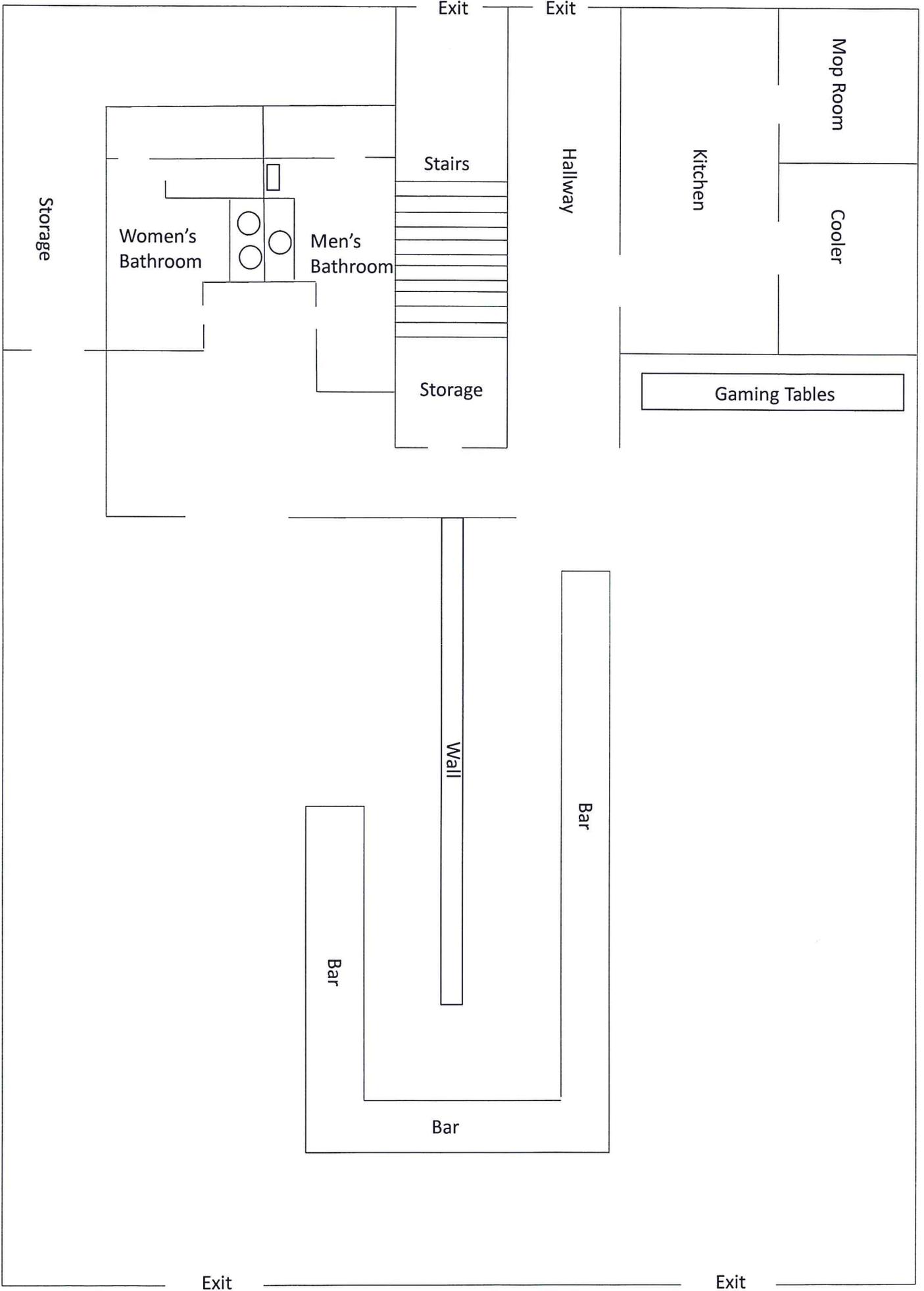
Signature of Applicant:  Date: 12-19-17

Please forward the records for the above investigation for a City liquor license to:

West Fargo Police Department
ATTN: License Investigations
800 4th Avenue East, Ste 2
West Fargo, ND 58078
Fax: 701-433-5508

Bar Nine Employee Contact List

Employee	SS No.	Main Phone	Address	Gender
Andrea McCloskey			1907 23rd St S Fargo, ND 58103	Female
Antonia L Tweten			1705 7th St S Moorhead, MN 56560	Female
April Gray			3256 9th St W Unit G West Fargo, ND 58078	Female
Brittany Krabbenhoft			3424 30th Ave S Fargo, ND 58103	Female
Brooke N Magnell			205 2nd Ave Oklee, MN 56742	Female
Darin Downs			1156 Ruffed Grouse Ct Lino Lakes, MN 55014	Male
Gabriel H Moteberg			1537 16 1/2 St S Fargo, ND 58103	Male
Jason Schmidt			612 5th St E #309 West Fargo, ND 58078	Male
Joe Finnemman			1846 14 1/2 St S Fargo, ND 58103	Male
Kristina J Bradley			1513 12th St S Fargo, ND 58103	Female
Nicholas F Randall			808 6th St E West Fargo, ND 58078	Male
Patrick J Tweeter			4769 35th Ave S Fargo, ND 58104	Female
Sara A VanOstrand			1019 2nd Ave S #4 Fargo, ND 58103	Female
Todd Diede			3570 42nd St SW Fargo, ND 58104	Male
Tony Gutormson			2626 Pacific Dr S #201 Fargo, ND 58103	Male
Wade A Hanson			510 Morrison St West Fargo, ND 58078	Male



AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # 4

***Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Larry Weil

2. PHONE NUMBER: 433-5320 DATE: January 11, 2018

3. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:

West Fargo 8th Addition, subdivision and rezoning from A: Agricultural to M: Heavy Industrial.

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):

Property located in the NW¹/₄ Section 1 T139N, R50W, City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Hold Second Reading on the rezoning and Final Plat Approval based on conditions listed in the staff report.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A17-14	Subdivision/Rezoning
West Fargo 8 th Addition	
Property located in NW¼ Section 1 T139N, R50W, City of West Fargo, North Dakota	
Applicant/Owner: Kost Materials/J&S Develop.	Larry Weil
Planning & Zoning Commission Introduction:	05-08-2017
Public Hearing:	05-08-2017 – Approved
City Commission Introduction:	05-15-2017
Public Hearing & 1 st Reading:	06-05-2017
2 nd Reading and Final Plat Approval:	

PURPOSE:

Prepare the property for future industrial development.

STATEMENTS OF FACT:

Land Use Classification:	General Industrial
Existing Land Use:	Vacant
Current Zoning District(s):	A: Agricultural
Zoning Overlay District(s):	None
Proposed Zoning District(s):	M: Heavy Industrial
Proposed Lot size(s) or range:	Lot 1: 20 Acres; Lot 2: 37.25 Acres
Total area size:	57.96 Acres
Adjacent Zoning Districts:	North –A: Agricultural (Sheyenne Diversion) South – Railroad and LI: Light Industrial East – M: Heavy Industrial West – M: Heavy Industrial
Adjacent street(s):	8 th Avenue NW (Collector) 26 th Street NW (Collector)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None
Land Dedication Requirements:	Land Dedication Required – 5% for an industrial subdivision. Comments have not yet been received from the WF Park District.

DISCUSSION AND OBSERVATIONS:

- The applicant is proposing to develop the property into two lots.
- The area was annexed into the City with a 2015 Annexation Plat.
- The lots are being proposed for future industrial development.
- The adjacent 8th St NW has been determined to be a minor collector on the City’s functional classification map. The road is within the right of way of Southeast Cass Water Resource District and the Sheyenne Diversion; however, the road is maintained by the City.

STAFF REPORT

- If possible, access to 8th Ave NW could be determined at time of platting to avoid returning to the Commissions to make a request in the future.
- Public dedication of lands or cash-in-lieu of public dedication is determined by the proposed use. Subdivisions for industrial uses are required to dedicate at a 5% rate, which for this subdivision would amount to 2.9 acres of land area if public uses are needed, or cash-in-lieu of land dedication at the rate of \$1.25 per square foot of developable property as set by resolution by the City Commission. The City will consider recommendations from the Park District or City departments regarding dedication of land for parks, playgrounds, public open space, public trails, municipal facilities, park facilities, or cash-in-lieu of land dedication. Public facilities constructed or improved with these funds shall be located in the general neighborhood if benefitting the subdivision, or elsewhere in the community if benefitting the community as a whole.
- We have not received recommendations yet for public dedication of land. The developer is supposed to submit a letter of recommendation from the Park District, or the application is considered incomplete. The City then notifies the Park District and they are given 30 days to review the subdivision information and provide recommendations. The City does not need to proceed with the application until following the 30-day timeframe, though generally the City has proceeded to the Planning and Zoning Commission. The application is not submitted to the City Commission for consideration until recommendations on public land dedication or cash-in-lieu are made.

NOTICES:

Sent to: Property owners within 150' and applicable agencies and departments

Comments Received: None

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The proposed application is consistent with the City's land use plan which depicts the area developing as General Industrial.

RECOMMENDATIONS:

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. A signed Land Dedication agreement is provided.
2. Signed Subdivision Agreement is received.
3. A drainage plan is received and approved by the City Engineer.
4. An Attorney Title Opinion to the City of West Fargo is received.
5. Signed Final Plat is received with any necessary easements.
6. A certificate is received showing taxes are current.

PLANNING AND ZONING RECOMMENDATION:

At their May 8, 2017 meeting, the Planning and Zoning Commission approved the subdivision and rezoning subject to the six conditions listed above.

STAFF REPORT

UPDATES & ADDITIONAL CONSIDERATIONS:

Since the Planning and Zoning Commission meeting and in light of the Comprehensive Plan future development scenario considerations, the staff has looked at the potential needs for future right-of-way preservation along the 15th Street corridor while lands are undeveloped. One consideration which affects the Kost development, albeit not land within the existing plat, is the platted property to the east. The 15th Street corridor would traverse the property platted as West Fargo 3rd Addition and West Fargo 4th Addition. It was recommended that for the required public dedication for the proposed subdivision, the City receive a corridor of land as preservation for a potential street connection from south of the BNSF Railroad to 12th Avenue NW. This would necessitate replatting Lot 12, Block 2 of West Fargo 3rd Addition and Lot 2, Block 1 of West Fargo 4th Addition. The land to be preserved for public purpose would be platted as a separate lot and deeded to the City.

Initially the applicant was willing to consider replatting the properties and providing needed right-of-way for a potential future street corridor, as part of the property is encumbered with a sewer forcemain easement. Replatting was necessary as the applicant had sold a part of Lot 2, Block 1 of West Fargo 4th Addition which is considered an illegal subdivision. The applicant and buyer signed an agreement for follow through with replatting the property. An alternative to replatting is to issue a corrective deed selling all of Lot 2, Block 1 to the buyer.

The applicant no longer desires to provide additional right-of-way for a future street corridor and wishes to provide cash-in-lieu of land dedication to satisfy the public dedication. The applicant is still required to either replat the affected properties, or issue a corrective deed to be in compliance with the Subdivision Ordinance. The applicant and buyer wish to utilize the property that has the sewer forcemain easement, which should require an agreement spelling out terms and conditions to protect the infrastructure and City interests.

The Final Plat shows developer proposed access points to the lots from 8th Avenue NW (Diversion Road) which meets the City's access spacing standards. It should be noted that the applicant will still need to obtain Corps of Engineers approval for the accesses which tie into 8th Avenue NW which is a part of the Sheyenne Diversion levy. It is recommended that the Final Plat be conditionally approved based on its consistency with plans and ordinances. The conditions of approval are as noted above as part of the Planning and Zoning Commission approval.



12TH AVE NW

26TH ST NW

Sheyenne Diversion

A17-14
Proposed Subdivision

8TH AVE NW

26TH ST NW

4TH AVE NW

4TH AVE NW

2ND AVE NW

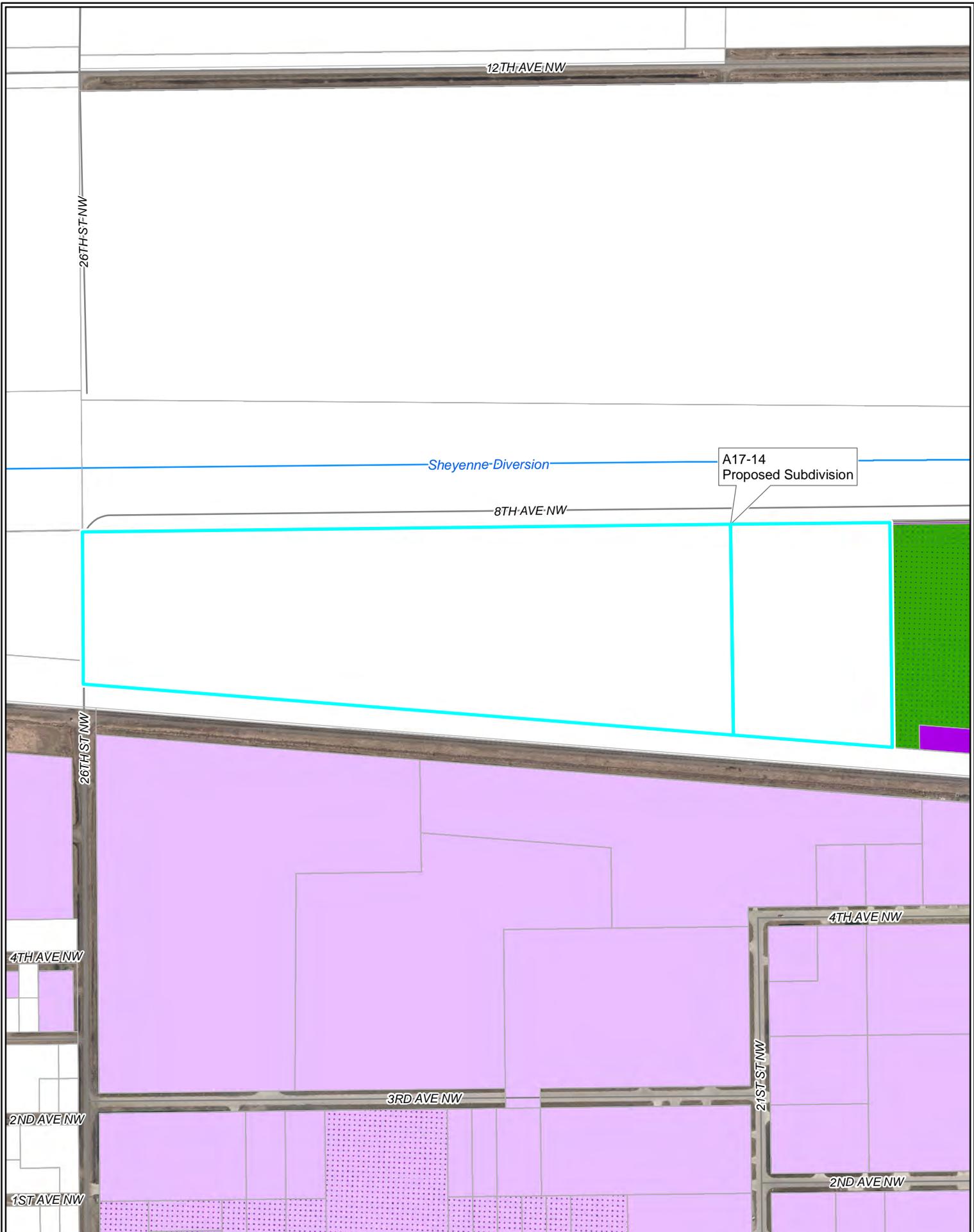
3RD AVE NW

21ST ST NW

1ST AVE NW

2ND AVE NW

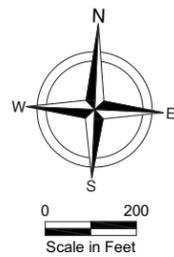
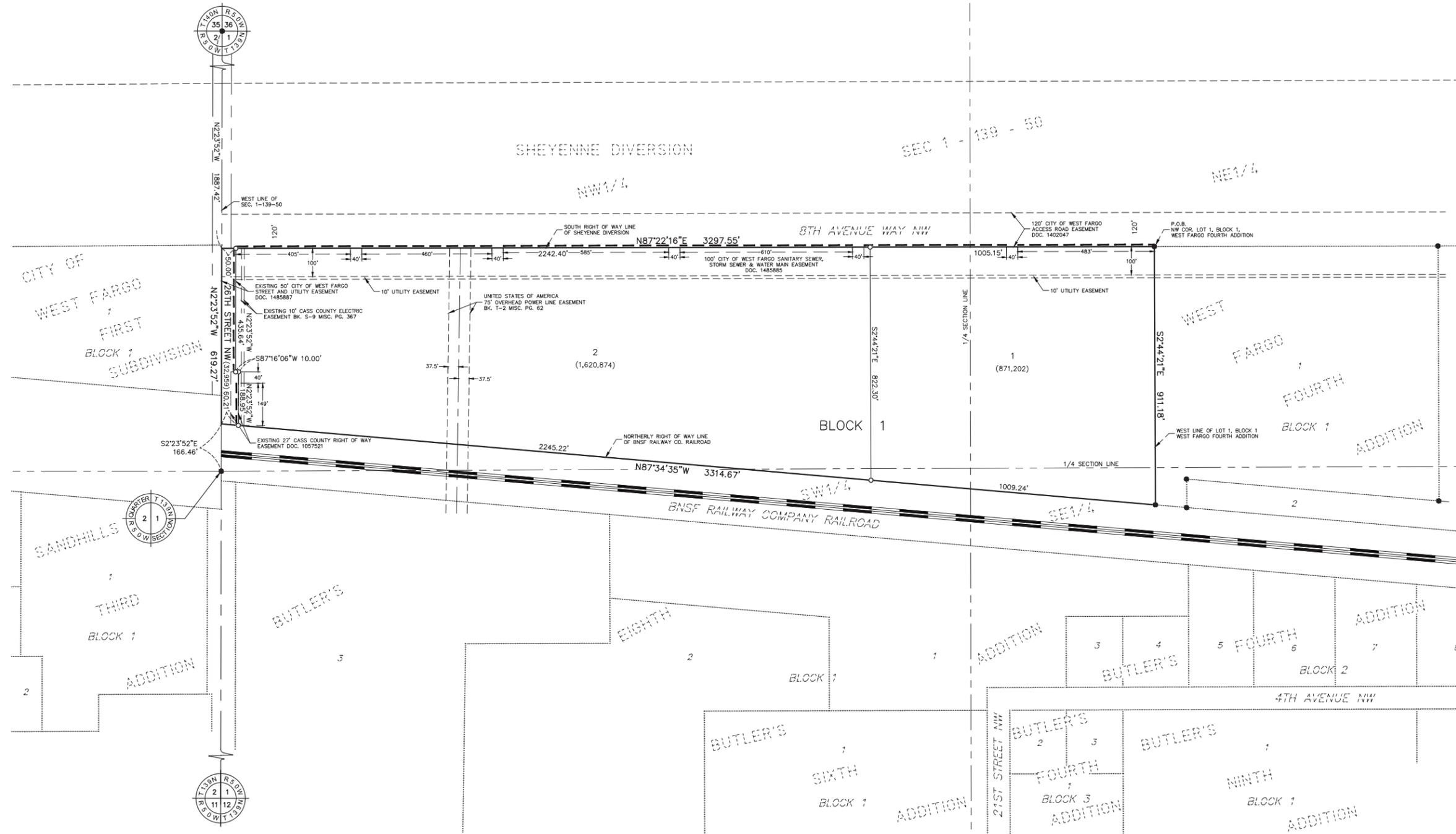




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|--|--|--|--|
| <ul style="list-style-type: none"> A: Agricultural C: Light Commercial C-PUD: PUD in General Commercial C-OP: Commercial Office Park C-OP-PUD: PUD in Office Park | <ul style="list-style-type: none"> HC: Heavy Commercial LI: Light Industrial CM-PUD: PUD in Light Industrial M: Heavy Industrial P: Public | <ul style="list-style-type: none"> P-PUD: PUD in Public R-L1A: Large Lot Single Family Dwelling R-1A: Single Family Dwelling R-1: One and Two Family Dwelling R-1SM: Mixed One and Two Family Dwelling R-2: Limited Multiple Dwelling R-3: Multiple Dwelling R-4: Mobile Home | <ul style="list-style-type: none"> R-5: Manufactured Home Subdivision R-1E: Rural Estate R-R: Rural Residential R-PUD: PUD in Residential |
|--|--|--|--|



PLAT OF
WEST FARGO EIGHTH ADDITION
 TO THE CITY OF WEST FARGO, A PART OF SECTION 1,
 TOWNSHIP 139 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA



- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
 - P.O.B. POINT OF BEGINNING ACCESS CONTROL

BASIS OF BEARINGS: WEST FARGO FOURTH ADDITION TO THE CITY OF WEST FARGO ACCORDING TO THE RECORDED PLAT THEREOF.

- EASEMENTS OF RECORD:**
1. MINNKOTA POWER COOPERATIVE ELECTRIC LINE EASE. BOOK S-2 OF MISC. PAGE 543
 2. AT&T COMMUNICATIONS OF THE MIDWEST EASE. DOC. 692032



**PLAT OF
WEST FARGO EIGHTH ADDITION
TO THE CITY OF WEST FARGO, A PART OF SECTION 1,
TOWNSHIP 139 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA**

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "WEST FARGO EIGHTH ADDITION" TO THE CITY OF WEST FARGO, A PART OF SECTION 1, TOWNSHIP 139 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF SECTION 1, TOWNSHIP 139 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, WEST FARGO FOURTH ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SAID COUNTY; THENCE SOUTH 02 DEGREES 44 MINUTES 21 SECONDS EAST ON A RECORD BEARING ALONG THE WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 911.18 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE BNSF RAILWAY COMPANY'S RAILROAD; THENCE NORTH 87 DEGREES 34 MINUTES 35 SECONDS WEST ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID RAILROAD FOR A DISTANCE OF 3314.67 FEET TO THE WEST LINE OF SAID SECTION 1; THENCE NORTH 02 DEGREES 23 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 1 FOR A DISTANCE OF 619.27 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE SHEYENNE DIVERSION; THENCE NORTH 87 DEGREES 22 MINUTES 16 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID SHEYENNE DIVERSION FOR A DISTANCE OF 3297.55 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 57.97 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "WEST FARGO EIGHTH ADDITION" TO THE CITY OF WEST FARGO, A PART OF SECTION 1, TOWNSHIP 139 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE 26TH STREET NW AND ALL UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: LOT 1: J & S DEVELOPMENT, LLLP

BY: _____
TITLE: _____

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN THE NAME OF J & S DEVELOPMENT, LLLP.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

OWNER: LOT 2: KOST MATERIALS, LLC

BY: _____
TITLE: _____

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN THE NAME OF KOST MATERIALS, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 20____.

TOM MCDUGALL, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM MCDUGALL, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 20____.

RICH MATTERN, PRESIDENT OF
THE WEST FARGO CITY COMMISSION

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICH MATTERN, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND TINA FISK, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____, 20____.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, CITY ATTORNEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 20____.

DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DUSTIN T. SCOTT, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



Agenda # 5
Agenda Code Regular
Project # 19921

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

***Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Dustin Scott
2. PHONE NO. 282-4692 DATE: January 15, 2018
3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: _____
Review bid tab for Water Improvement Project No. 1311

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Brooks Harbor Tower (WT 7)

5. ACTION BEING REQUESTED FROM CITY COMMISSION: _____
Award contract for Water Improvement Project No. 1311
to Phoenix Fabricators and Erectors



925 10th Avenue East
West Fargo, ND 58078

P: 701.282.4692
F: 701.282.4530



January 15, 2018

Board of Commissioners
800 4th Avenue East
West Fargo ND 58078

Re: Water Improvement Project No. 1311
Brooks Harbor Tower (WT 7)
West Fargo, ND

Dear Commissioners:

Attached is the bid tab for your review of the above referenced project.

I hereby recommend award of contract to Phoenix Fabricators and Erectors for their bid of \$2,230,900.00 received on December 21, 2017.

Our Engineer's Opinion of Probable Cost with the Engineer's Report was \$2,420,000.00. Our final engineer's estimate was \$2,400,000.00. The local share is estimated to be \$1,402,920 due to funding from the State Water Commission.

If the contract is awarded by the Commission, please sign, date, and return the Notice of Award.

Sincerely,

Matthew Welle, PE
Project Manager

Water Improvement Project No. 1311
Brooks Harbor Tower (WT 7)
West Fargo ND
Project No. 19921

Phoenix Fabricators and Erectors
182 South County Road 900 E
Avon, IN 46123

Landmark Structures
1665 Harmon Rd
Fort Worth, TX 76177

Caldwell Tanks, Inc.
4000 Tower Road
Louisville, KY 40219

CB&I LLC
14109 South Route 59
Plainfield, IL 60544

BID ITEM NO. & DESCRIPTION	BID PRICE	BID PRICE	BID PRICE	BID PRICE
A. Lump Sum Bid Price	\$2,155,900.00	\$2,239,000.00	\$2,240,000.00	\$2,261,000.00
B. Lump Sum for Cash Allowances	\$75,000.00	\$75,000.00	\$75,000.00	\$75,000.00
C. Total of all Lump Sums	\$2,230,900.00	\$2,314,000.00	\$2,315,000.00	\$2,336,000.00

NOTICE OF AWARD

Date of Issuance: January 15, 2018

Owner: City of West Fargo

Owner's Contract No.:

Engineer: Moore Engineering, Inc.

Engineer's Project No.: 19921

Project: Brooks Harbor Tower (WT 7)

Contract Name: Water Improvement Project No. 1311

Bidder: Phoenix Fabricators and Erectors

Bidder's Address: 182 South County Road 900 E
Avon, IN 46123

TO BIDDER:

You are notified that Owner has accepted your Bid dated December 21, 2017 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for: Water Improvement Project No. 1311.

The Contract Price of the awarded Contract is: \$2,230,900.00

3 unexecuted counterparts of the Agreement accompany this Notice of Award, and three copies of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

3 sets of the Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 10 days of the date of receipt of this Notice of Award:

1. Deliver to Owner 3 counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security [*e.g., performance and payment bonds*] and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

Owner: City of West Fargo

Authorized Signature

By: Richard Mattern

Title: President of the Board of City Commissioners

Copy: Engineer