



West Fargo City Commission Meeting
Monday, February 3, 2020
Commission Chambers 5:30 PM

- A. Pledge of Allegiance
- B. Approve Order of Agenda
- C. Approval of Minutes – January 20, 2020 **(Pg. 2-5)**
- D. Building Permits

Consent Agenda – Approve the Following:

- a. Bills **(Pg. 6-14)**
- b. Games of Chance for the West Fargo Exchange Club. Games to be conducted: Raffle Board on 4/17/2020 at Veterans Memorial Arena, 1201 7th Avenue East **(Pg. 15)**
- c. Games of Chance for Pink it Forward. Games to be conducted: Bingo on 2/6/2020 at the Doubletree by Hilton, 825 East Beaton Drive **(Pg. 16)**
- d. Five Year Commercial Remodel Exemption for Northern Stone **(Pg. 17-18)**
- e. Indigent Services Contract for Steve Mottinger **(Pg. 19-23)**
- f. Final Plat Approval of Eagle Run Plaza 10th Addition **(Pg. 24-30)**

Regular Agenda

- 1. 5:30pm Public Hearing and First Reading on The Wilds 18th Addition, a Replat and Rezoning from R-2: Limited Multiple Dwellings to R-1SM: Mixed One & Two Family Dwellings – **Malachi Petersen (Pg. 31-37)**
- 2. 5:30pm Public Hearing and First Reading on the Rezoning from R-R: Rural Residential District to C: Light Commercial, located at 225 40th Avenue West - **Tim Solberg (Pg. 38-48)**
- 3. Review Executive Summary for the Core Area Infrastructure Master Plan – **Dustin Scott (Pg. 49-73)**
- 4. Presentation regarding Procurement of New City Buildings – **John Shockley (Pg. 74-80)**
- 5. Review Change Orders for Improvement District No. 2250 – **Dustin Scott (Pg. 81-124)**
- 6. Discuss the Rescheduling of February 17, 2020 Commission Meeting – **Tina Fisk**
- 7. Construction Updates – **Dustin Scott**
- 8. City Administrator's Report – **Tina Fisk**
- 9. Correspondence
- 10. Non-Agenda

Closed executive session pursuant to N.D.C.C. § 44-04-19.1(9) to receive update and provide direction to the City Attorney regarding potential claims arising out of the issuance of a building permit for the property described as 906 19th Avenue NW, West Fargo, North Dakota 58078.

- 11. Adjourn



**West Fargo City Commission Meeting
Monday, January 20, 2020
Commission Chambers 5:30 PM**

The West Fargo City Commission met on Monday, January 20, 2020, at 5:30 pm. Those present were Bernie Dardis, Eric Gjerdevig, Brad Olson, Mark Simmons, and Mike Thorstad. The President of the Board Bernie Dardis called the meeting to order.

The Pledge of Allegiance was recited.

Commissioner Gjerdevig moved and Commissioner Olson seconded to approve the Order of Agenda as presented. No opposition. Motion carried.

Commissioner Olson moved and Commissioner Simmons seconded to approve the minutes of January 6, 2020 as presented. No opposition. Motion carried.

The Commission reviewed the Building Department Activity Report dated January 20, 2020 and Building Permits # 1-13. Commissioner Gjerdevig moved and Commissioner Simmons seconded to approve the Building Permits as presented. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Olson seconded to approve the following items from the Consent Agenda:

- a. Bills
- b. Gaming Site Authorization for Fargo West Rotary. Games to be conducted: Raffle on 5/9/2020 at Fargo Harley Davidson, 701 Christianson Drive
- c. Games of Chance for Fargo Ducks Unlimited. Games to be conducted: Raffle on 2/6/2020 at Speedway Event Center, 680 Main Avenue West
- d. Games of Chance for the West Fargo Lions Club. Games to be conducted: Raffle from 2/2/2020 to 8/2/2020 at the Silver Dollar Bar, 221 Sheyenne Street
- e. Final Plat Approval of The Wilds 17th Addition, a Replat
- f. Schedule a 5:30pm Public Hearing on the Rezoning from R-R: Rural Residential District to C: Light Commercial at 225 40th Avenue West on Monday, February 3, 2020
- g. Schedule a 5:30pm Public Hearing on The Wilds 18th Addition, a Replat and Rezoning from R-2: Limited Multiple Dwellings to R-1SM: Mixed One & Two Family Dwellings on Monday, February 3, 2020
- h. Resolution Directing Assessments to be Levied
 - a. Sewer, Water, Storm and Street Improvement District Numbers 1305, 1314, 1315, 1318, and 1319
 - b. Street Improvement District Numbers 2240, 2241, 2243, 2244, 2251, and 2253
 - c. Infrastructure Replacement District No. 3002
 - d. Storm Sewer Improvement District No. 4064
 - e. Storm Improvement District No. 4065

In regards to Consent Agenda Item 'h,' City Attorney John Shockley stated that approving the resolution is just the first step in the special assessment process, which



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Monday, January 20, 2020
Commission Chambers 5:30 PM**

allows the Special Assessment Committee to convene and begin the process, with notices of Public Hearings to be posted in the newspaper. Mr. Shockley also stated that approving the resolution is not levying any assessments; it is simply convening the Special Assessment Committee.

There was no opposition. Motion carried.

Planning & Zoning Director Tim Solberg appeared before the Commission for a 5:30pm Public Hearing and First Reading on the Sandhills 4th Addition, a Replat and Rezoning. The Public Hearing was opened. There was no public comment. The Public Hearing was closed. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the First Reading on the Sandhills 4th Addition a Replat and Rezoning with the six recommendations listed in the staff report. No opposition. Motion carried.

Planning & Zoning Director Tim Solberg appeared before the Commission for a 5:30pm Public Hearing and Second Reading of the Replacement of the Official Zoning Map. The Public Hearing was opened. City of West Fargo resident Delight Swingen, 115 32nd Avenue East, spoke in opposition of the proposed changes. There was no other Public Comment. The Public Hearing was closed. After discussion, Commissioner Simmons moved and Commissioner Olson seconded to approve the Second Reading of the Replacement of the Official Zoning Map. No opposition. Motion carried.

Planning & Zoning Director Tim Solberg appeared before the Commission for a Review of Off-premise sign within the EMU: Entertainment Mixed Use District. City of West Fargo resident Delight Swingen, 115 32nd Avenue East, appeared before the Commission to ask questions about the proposed sign. After discussion, Commissioner Simmons moved and Commissioner Olson seconded to approve the Off-premise sign within the EMU: Entertainment Mixed Use District. Commissioner Simmons, Olson and Gjerdevig voted in favor. Commissioners Dardis and Thorstad abstained. Motion carried.

Planner Malachi Petersen appeared before the Commission to Review the Planned Unit Development Amendment at 1360 Prairie Parkway. After discussion, Commissioner Olson moved and Commissioner Gjerdevig seconded to approve the Planned Unit Development Amendment as presented. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission for the Second Reading for Ordinance No. 1146, Bench Sign Franchise. After discussion, Commissioner Olson moved and Commissioner Simmons seconded to approve the Second Reading of Ordinance No. 1146, Bench Sign Franchise. Commissioners Simmons, Olson and Gjerdevig voted in favor. Commissioner Dardis and Commissioner Thorstad abstained. Motion carried.

Finance Director Jim Larson appeared before the Commission for a Presentation of the 2018 Audit Report. No action was requested of the Commission.



**West Fargo City Commission Meeting
Monday, January 20, 2020
Commission Chambers 5:30 PM**

City Engineer Dustin Scott appeared before the Commission to Review the Engineer's Report for Sewer, Water, Storm, and Street Improvement District No. 1329. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the Engineer's Report as presented and to direct the Engineer to prepare plans and specifications. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission to review the NDDOT Bridge Inspection and Load Rating Services Agreement. After discussion, Commissioner Gjerdevig moved and Commissioner Olson seconded to approve the Agreement as presented. No opposition. Motion carried.

There were no construction updates.

City Administrator Tina Fisk appeared before the Commission and provided the following for the City Administrator Report:

- a. City Attorney John Shockley
 - i. Update on upcoming projects
 - ii. New loan for 1% interest
 - iii. 10mil-75mil
 - iv. Transportation projects
 - vi. Can't use for Sheyenne project
 - vii. Commissioner Dardis asked if staff has been designated to look into it and Tina replied that staff is already working on it
- b. Tina
 - i. Staff has been meeting and working on an outline for special assessment guidelines
 - i. Will explain process of meetings and notices to public
 - ii. All Special Assessment Committee meetings will be recorded
 - iii. Letter to residents for process
 1. Where to go to stay informed
 2. Dates/times of meetings
 - iv. Final policies/procedures will come to Commission for approval
 - ii. Update on Snow Removal
 - i. Matt Andvik
 1. PW Director
 - a. Contractors widening streets 1/6-1/16
 - b. Working w/ Public Works trucks to clear south end of town
 - c. 10+ hour days
 - d. 17th Ave coming into West Fargo from Fargo, can tell where the line is as you get into West Fargo
 - e. Four snow dump sites



**West Fargo City Commission Meeting
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West Fargo resident Frank Lenzmeier appeared before the Commission to present correspondence from the West Fargo Senior Group.

Fire Inspector John Neeb appeared before the Commission to provide a brief update on the Adopt a Hydrant program.

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

Bernie Dardis, Commission President

Tina Fisk, City Administrator

Consent Agenda Item: a

01/21/20
16:33:51

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 1/20

Page: 1 of 9
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
85624	S	489 3-D SPECIALITIES	264.43	01/21/20			
						CL 88889	264.43
85625	S	3496 AAP OF FARGO ND #2167	59.07	01/21/20			
						CL 88852	59.07
85626	S	289 ACME TOOLS	2871.84	01/21/20			
						CL 88922	2871.84
85627	S	3179 ADVANCED ENGINEERING & ENVIRONMENTAL SER	19300.73	01/21/20			
						CL 88704	18431.76
						CL 88726	868.97
85628	S	2950 ALPHA TRAINING & TACTICS LLC & SALES	2258.84	01/21/20			
						CL 88748	2258.84
85629	S	3490 AMAZON CAPITAL SERVICES	64.99	01/21/20			
						CL 88760	42.53
						CL 88816	22.46
85630	S	317 AMERICAN WELDING & GAS, INC.	134.91	01/21/20			
						CL 88895	134.91
85631	S	3494 ASCAP	363.26	01/21/20			
						CL 88824	363.26
85632	S	1384 AUTO SPA	200.00	01/21/20			
						CL 88746	200.00
85633	S	1695 BAKER & TAYLOR	288.22	01/21/20			
						CL 88826	288.22
85634	S	2826 BCBS OF ND	138.60	01/21/20			
						CL 88944	138.60
85635	S	637 BLACK MOUNTAIN SOFTWARE	22476.00	01/21/20			
						CL 88699	22476.00
85636	S	1403 BLUE TARP FINANCIAL, INC	36.96	01/21/20			
						CL 88757	36.96
85637	S	26 BORDER STATES INDUSTRIES INC	356.25	01/21/20			
						CL 88762	143.36
						CL 88827	212.89
85638	S	73 BRAUN INTERTEC	2711.50	01/21/20			
						CL 88701	1710.50
						CL 88906	406.00
						CL 88930	595.00
85639	S	652 BRENCO CORPORATION	11199.00	01/21/20			
						CL 88743	5699.00
						CL 88890	5500.00
85640	S	16 BROKERAGE PRINTING	787.90	01/21/20			
						CL 88697	25.00
						CL 88737	52.50
						CL 88803	12.00
						CL 88865	698.40
85641	S	351 BUSINESS ESSENTIALS	540.29	01/21/20			
						CL 88766	109.34
						CL 88789	43.30
						CL 88790	52.14
						CL 88828	54.33
						CL 88849	120.29
						CL 88931	160.89

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
85642	S	39 BUTLER MACHINERY	508.95	01/21/20			
						CL 88761	508.95
85643	S	117 CARTEGRAPH SYSTEMS INC.	51262.79	01/21/20			
						CL 88779	51262.79
85644	S	51 CASS COUNTY ELECTRIC COOP	1489.91	01/21/20			
						CL 88782	391.00
						CL 88911	1098.91
85645	S	61 CASS COUNTY TREASURER	21.90	01/21/20			
						CL 88693	21.90
85646	S	1777 CENTURY LINK	289.22	01/21/20			
						CL 88768	224.54
						CL 88943	64.68
85647	S	3492 CHEMISTRY LAB	1006.32	01/21/20			
						CL 88773	1006.32
85648	S	3216 CINTAS	89.33	01/21/20			
						CL 88806	89.33
85649	S	111 CITY OF FARGO	18144.32	01/21/20			
						CL 88769	18144.32
85650	S	2880 CITY OF FARGO	308024.55	01/21/20			
						CL 88784	16.80
						CL 88791	213339.75
						CL 88792	94668.00
85651	S	1904 CODE 4 SERVICES, INC	5846.85	01/21/20			
						CL 88881	35.78
						CL 88923	5811.07
85652	S	229 CONSOLIDATED COMMUNICATIONS	1737.48	01/21/20			
						CL 88798	1737.48
85653	S	3245 CORE & MAIN	777.56	01/21/20			
						CL 88740	89.20
						CL 88808	688.36
85654	S	47 CORWIN CHRYSLER	430.00	01/21/20			
						CL 88822	357.76
						CL 88902	72.24
85655	S	3500 CUMMINS SALES AND SERVICE	544.00	01/21/20			
						CL 88925	544.00
85656	S	65 CURT'S LOCK & KEY	65.00	01/21/20			
						CL 88735	65.00
85657	S	90 DAKOTA UNDERGROUND	178342.74	01/21/20			
						CL 88714	116418.97
						CL 88914	27554.55
						CL 88915	34369.22
85658	S	856 DAVE'S WEST FARGO TIRE	119.63	01/21/20			
						CL 88879	119.63
85659	S	2948 DELTA 54 AVIATION LLC	3456.52	01/21/20			
						CL 88776	3456.52
85660	S	807 DISCOVERY BENEFITS, INC.	529.75	01/21/20			
						CL 88702	529.75

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
85661	S	347 DOUGHERTY & COMPANY LLC	750.00	01/21/20			
						CL 88778	750.00
85662	S	2225 DTN, LLC	392.00	01/21/20			
						CL 88788	392.00
85663	S	2100 EAGLE RUN CROSSING LLC	6298.31	01/21/20			
						CL 88706	221.84
						CL 88716	3837.23
						CL 88833	2239.24
85664	S	545 ELECTRIC PUMP, INC	722.55	01/21/20			
						CL 88731	722.55
85665	S	1991 ELITE K-9, INC	1092.54	01/21/20			
						CL 88749	1092.54
85666	S	2862 ESSENTIA HEALTH	1152.00	01/21/20			
						CL 88859	1152.00
85667	S	3344 FACTORY MOTOR PARTS	26.46	01/21/20			
						CL 88899	26.46
85668	S	660 FARGO FREIGHTLINER	407.65	01/21/20			
						CL 88736	407.65
85669	S	131 FARGO TRACTOR	467.64	01/21/20			
						CL 88783	467.64
85670	S	144 FARMERS BROTHERS COFFEE	124.39	01/21/20			
						CL 88738	124.39
85671	S	728 FARNAM'S GENUINE PARTS, INC	116.20	01/21/20			
						CL 88901	116.20
85672	S	1648 FARSTAD OIL, INC	433.89	01/21/20			
						CL 88843	433.89
85673	S	151 FEDERAL EXPRESS	21.44	01/21/20			
						CL 88750	21.44
85674	S	329 FERGUSON WATERWORKS #2516	3809.12	01/21/20			
						CL 88891	3809.12
85675	S	1812 FIRESTONE	522.48	01/21/20			
						CL 88877	522.48
85676	S	3499 FLINT GROUP	605.69	01/21/20			
						CL 88917	605.69
85677	S	999999 FORCE SCIENCE INSTITUTE	3300.00	01/21/20			
						CL 88880	3300.00
85678	S	104 FORUM COMMUNICATIONS	819.75	01/21/20			
						CL 88698	367.15
						CL 88831	159.60
						CL 88856	293.00
85679	S	139 FRS WORKS	6.95	01/21/20			
						CL 88887	6.95
85680	S	155 GALLS, LLC	621.85	01/21/20			
						CL 88765	621.85
85681	S	2864 GOODIN COMPANY	3.46	01/21/20			
						CL 88733	3.46
85682	S	2558 GOODYEAR COMMERCIAL TIRE	1005.33	01/21/20			
						CL 88739	1005.33

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
85683	S	999999 GRAND FORKS SHERIFF'S OFFICE	550.00	01/21/20			
85684	S	939 GRAYBAR	719.49	01/21/20		CL 88878	550.00
						CL 88729	238.31
						CL 88730	239.10
						CL 88818	142.35
						CL 88819	2.02
						CL 88821	97.71
85685	S	1963 GREATER FARGO MOORHEAD EDC	7290.00	01/21/20		CL 88722	7290.00
85686	S	180 HAZERS	302.93	01/21/20		CL 88814	186.01
						CL 88815	116.92
85687	S	1226 HP INC.	9652.48	01/21/20		CL 88700	9652.48
85688	S	999999 IACA	25.00	01/21/20		CL 88872	25.00
85689	S	2532 IAPE	50.00	01/21/20		CL 88876	50.00
85690	S	687 INFORMATION TECHNOLOGY DEPT	721.75	01/21/20		CL 88755	661.75
						CL 88832	60.00
85691	S	2500 INLAND TRUCK PARTS & SERVICE	1395.26	01/21/20		CL 88800	1395.26
85692	S	211 INTERSTATE BATTERIES	130.70	01/21/20		CL 88809	130.70
85693	S	233 J & L SPORTS	119.00	01/21/20		CL 88710	119.00
85694	S	811 JASON ANDERSON	37.11	01/21/20		CL 88869	37.11
85695	S	3367 JIM LARSON	29.79	01/21/20		CL 88725	29.79
85696	S	2750 JIM'S TOWING INC	195.00	01/21/20		CL 88719	195.00
85697	S	3495 JOANN STORES, LLC	1000.00	01/21/20		CL 88830	1000.00
85698	S	2798 JOHNSON CONTROLS	14870.00	01/21/20		CL 88801	14870.00
85699	S	2735 KADRMAS, LEE & JACKSON, INC	181478.60	01/21/20		CL 88908	2584.00
						CL 88909	67038.00
						CL 88910	111856.60
85700	S	3173 KIESLER'S POLICE SUPPLY, INC.	8302.00	01/21/20		CL 88871	8302.00
85701	S	3493 KIM DREHER	53.73	01/21/20		CL 88772	53.73
85702	S	3501 KNOX	1275.00	01/21/20		CL 88926	1275.00

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
85703	S	693 KPH, INC	190950.37	01/21/20	_____	CL 88712 CL 88713	108512.58 82437.79
85704	S	1020 L.E.A.D.S.ONLINE	1140.00	01/21/20	_____	CL 88873	1140.00
85705	S	260 LAR'S BODY SHOP	163.68	01/21/20	_____	CL 88868	163.68
85706	S	277 LARSONS WELDING/MACHINE	70.50	01/21/20	_____	CL 88758	70.50
85707	S	705 LAWSON PRODUCTS	163.53	01/21/20	_____	CL 88897	163.53
85708	S	3473 LISA STAUFFER	13.92	01/21/20	_____	CL 88835	13.92
85709	S	3418 LOFFLER	230.00	01/21/20	_____	CL 88836	230.00
85710	S	270 LOWE'S	1503.08	01/21/20	_____	CL 88767	1503.08
85711	S	711 LUTHER FAMILY FORD	309.86	01/21/20	_____	CL 88799 CL 88846	159.92 149.94
85712	S	3502 M&T FIRE AND SAFETY	85760.00	01/21/20	_____	CL 88927	85760.00
85713	S	961 M.O.C.I.C	250.00	01/21/20	_____	CL 88884	250.00
85714	S	3304 MAC'S - FARGO	169.14	01/21/20	_____	CL 88903	169.14
85715	S	3384 MATHESON TRI-GAS INC	264.27	01/21/20	_____	CL 88896	264.27
85716	S	3119 MATT RETKA	50.00	01/21/20	_____	CL 88777	50.00
85717	S	308 MATTHEW BENDER & CO., INC	65.07	01/21/20	_____	CL 88834	65.07
85718	S	3449 MBN ENGINEERING, INC	178.00	01/21/20	_____	CL 88703	178.00
85719	S	299 MENARDS	176.49	01/21/20	_____	CL 88839 CL 88840	24.99 151.50
85720	S	2766 MIDCONTINENT COMMUNICATIONS	200.00	01/21/20	_____	CL 88753	200.00
85721	S	102 MIDSTATES WIRELESS	2018.00	01/21/20	_____	CL 88817 CL 88882	33.00 1985.00
85722	S	1854 MIDWEST TAPE	111.51	01/21/20	_____	CL 88837	111.51
85723	S	305 MOORE ENGINEERING	55684.80	01/21/20	_____	CL 88918	55684.80
85724	S	673 MOORHEAD ELECTRIC	1830.00	01/21/20	_____	CL 88813	1830.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
85725	S	1014 MOTION INDUSTRIES, INC	465.95	01/21/20		CL 88807	140.56
						CL 88853	325.39
85726	S	3085 MRA-THE MANAGEMENT ASSOCIATION, INC	43.75	01/21/20		CL 88848	43.75
85727	S	628 MTW TOWING	175.00	01/21/20		CL 88764	90.00
						CL 88855	85.00
85728	S	298 MVTL LABORATORIES	2103.50	01/21/20		CL 88734	2103.50
85729	S	2764 NAPWDA	90.00	01/21/20		CL 88886	90.00
85730	S	2968 NATIONAL ANIMAL CARE AND CONTROL ASSOCIA	50.00	01/21/20		CL 88875	50.00
85731	S	1242 ND CLERKS ASSOCIATION	100.00	01/21/20		CL 88692	100.00
85732	S	2463 ND LIBRARY ASSOCIATION	390.00	01/21/20		CL 88838	390.00
85733	S	334 ND STATE RADIO COMM.	1800.00	01/21/20		CL 88752	1800.00
85734	S	1600 NELSON AUTO CENTER FLEET DEPT	55101.94	01/21/20		CL 88851	26000.00
						CL 88933	29101.94
85735	S	364 NELSON INTERNATIONAL	380.13	01/21/20		CL 88759	380.13
85736	S	271 NETCENTER TECHNOLOGIES	697.00	01/21/20		CL 88854	697.00
85737	S	2261 NETWORK CENTER INCORPORATED	80.00	01/21/20		CL 88948	80.00
85738	S	2035 NORTH CENTRAL RENTAL & LEASING, INC	160500.00	01/21/20		CL 88709	160500.00
85739	S	141 NORTH STAR SAFETY, INC	22096.96	01/21/20		CL 88804	444.39
						CL 88810	115.25
						CL 88916	21537.32
85740	S	331 NORTHERN STATES SUPPLY	16.92	01/21/20		CL 88742	16.92
85741	S	330 NORTHWESTERN EQUIP INC.	169.06	01/21/20		CL 88805	169.06
85742	S	1774 O'REILLY AUTOMOTIVE STORES, INC	1633.07	01/21/20		CL 88717	1614.60
						CL 88936	18.47
85743	S	353 OHNSTAD TWICHELL	49959.37	01/21/20		CL 88919	15917.88
						CL 88920	34041.49
85744	S	631 ONE CALL CONCEPT	178.80	01/21/20		CL 88705	178.80

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85745	S	276 OSTROMS ACE HARDWARE	147.71	01/21/20	_____	CL 88696 CL 88823	119.97 27.74
85746	S	563 PETRO SERVE USA	9882.68	01/21/20	_____	CL 88707 CL 88711 CL 88775	1662.77 7602.00 617.91
85747	S	411 POWER PLAN OIB	389.68	01/21/20	_____	CL 88771 CL 88841 CL 88894	148.46 27.62 213.60
85748	S	1253 PROTECTION SYSTEMS, INC	12909.00	01/21/20	_____	CL 88720	12909.00
85749	S	3498 QUALITY CONCRETE	1490.00	01/21/20	_____	CL 88912	1490.00
85750	S	3210 RIVISTAS SUBSCRIPTIONS SERVICES	3992.84	01/21/20	_____	CL 88845	3992.84
85751	S	999999 ROBERT MUELLER	169.99	01/21/20	_____	CL 88864	169.99
85752	S	1359 RUST SALES	31.32	01/21/20	_____	CL 88744	31.32
85753	S	454 SANITATION PRODUCTS	443.81	01/21/20	_____	CL 88770	443.81
85754	S	2256 SIGN A RAMA	849.60	01/21/20	_____	CL 88847	849.60
85755	S	1626 SIRCHIE FINGERPRINT LABORATORIES	155.87	01/21/20	_____	CL 88866	155.87
85756	S	2581 STALKER RADAR APPLIED CONCEPTS, INC	9162.00	01/21/20	_____	CL 88862	9162.00
85757	S	31 STURDEVANT'S AUTO PARTS	45.18	01/21/20	_____	CL 88721	45.18
85758	S	3436 SUPERIOR ELECTRIC	81343.95	01/21/20	_____	CL 88715	81343.95
85759	S	3503 SUTPHEN CORPORATION	1039.98	01/21/20	_____	CL 88938	1039.98
85760	S	733 SWANSTON EQUIPMENT CORP.	74944.79	01/21/20	_____	CL 88708 CL 88898	74800.00 144.79
85761	S	634 SWEENEY CONTROLS COMPANY	307.20	01/21/20	_____	CL 88732	307.20
85762	S	1225 T.R.S. INDUSTRIES, INC	2559.96	01/21/20	_____	CL 88718	2559.96
85763	S	999999 TERRY LEABO	7.50	01/21/20	_____	CL 88945	7.50
85764	S	1979 THE CHAMBER	64.00	01/21/20	_____	CL 88921	64.00
85765	S	3043 THE FORUM	204.88	01/21/20	_____	CL 88723	204.88

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
85766	S	1900 THE UPS STORE #5998	113.90	01/21/20	_____	CL 88850 CL 88888	74.40 39.50
85767	S	1234 TOOL WAREHOUSE INC	1099.99	01/21/20	_____	CL 88741	1099.99
85768	S	1285 TRAFFIC CONTROL CORPORATION	12160.00	01/21/20	_____	CL 88863	12160.00
85769	S	2604 TRANSUNION RISK AND ALTERNATIVE	1535.22	01/21/20	_____	CL 88751 CL 88867	266.10 1269.12
85770	S	665 TWIN CITY GARAGE DOOR	1445.31	01/21/20	_____	CL 88900 CL 88939	480.00 965.31
85771	S	2951 TYLER TECHNOLOGIES, INC	3241.88	01/21/20	_____	CL 88870 CL 88913	2925.00 316.88
85772	S	2486 USPCA	100.00	01/21/20	_____	CL 88885	100.00
85773	S	2478 VALLI	7391.75	01/21/20	_____	CL 88785 CL 88786	6414.05 977.70
85774	S	1267 VERIZON WIRELESS	9698.25	01/21/20	_____	CL 88842 CL 88857	91.26 9606.99
85775	S	3212 VISA ADMINISTRATION	4650.12	01/21/20	_____	CL 88932	4650.12
85776	S	2437 VISA ASSESSING	346.87	01/21/20	_____	CL 88727	346.87
85777	S	2436 VISA FINANCE	516.59	01/21/20	_____	CL 88774	516.59
85778	S	2439 VISA IT	1971.88	01/21/20	_____	CL 88793	1971.88
85779	S	2438 VISA PLANNING	873.15	01/21/20	_____	CL 88728	873.15
85780	S	2435 VISA POLICE #1	1605.80	01/21/20	_____	CL 88940 CL 88942	728.80 877.00
85781	S	3244 VISA POLICE #4	22.80	01/21/20	_____	CL 88858	22.80
85782	S	2423 VISA PW	2069.44	01/21/20	_____	CL 88797	2069.44
85783	S	2740 WASTE MANAGEMENT OF WI-MN	77671.20	01/21/20	_____	CL 88781 CL 88802	276.71 77394.49
85784	S	3497 WATCHGUARD VIDEO	43460.00	01/21/20	_____	CL 88861	43460.00
85785	S	2945 WEST FARGO AREA COMMUNITY PROGRAM	2901.71	01/21/20	_____	CL 88947	2901.71

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
85786	S	648 WEST FARGO AUTO BODY/GLASS	244.92	01/21/20	_____	CL 88745	244.92
85787	S	2625 WEST FARGO POLICE EXPLORER POST	10.00	01/21/20	_____	CL 88883	10.00
85788	S	2184 WEST SIDE STEEL	209.50	01/21/20	_____	CL 88812	209.50
85789	S	569 WF ANIMAL HOSPITAL	2154.05	01/21/20	_____	CL 88754	2154.05
85790	S	549 WF PUB SCHOOLS DIST #6	744.38	01/21/20	_____	CL 88747	660.00
						CL 88844	84.38
85791	S	338 XCEL ENERGY	23381.13	01/21/20	_____	CL 88724	6889.07
						CL 88780	16171.30
						CL 88787	320.76
85792	S	582 ZEP MANUFACTURING	394.31	01/21/20	_____	CL 88811	394.31
85793	S	3161 FIRST INTERNATIONAL BANK & TRUST #1	679.94	01/21/20	_____	CL 88952	679.94
85794	S	3162 FIRST INTERNATIONAL BANK & TRUST #2	1040.97	01/21/20	_____	CL 88953	1040.97
85795	S	939 GRAYBAR	153.58	01/21/20	_____	CL 88951	153.58
Total for Claim Checks			1927001.40				
Count for Claim Checks			172				

* denotes missing check number(s)

of Checks: 172 Total: 1927001.40

JAN 22



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (08/2019)

Application for: Local Permit * Restricted Event Permit (one event per year)

Name of Nonprofit Organization or group of people permit is issued to West Fargo Exchange Club		Date(s) of Activity 4/17/2020 to 4/17/2020		For a raffle, provide drawing date(s):	
Person Responsible for the Gaming Operation and Disbursement of Net Income Shane Lebahn		Title Event Chair		Business Phone Number (701) 367-0916	
Business Address Po Box 522		City West Fargo		State ND	
Mailing Address (if different)		City		State Zip Code	
Name of Site Where Game(s) will be Conducted Veterans Memorial Arena		Site Address 1201 7th Ave. East			
City West Fargo		State ND		Zip Code 58078-0000	
		County Cass			
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Restricted Event Permit. <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input checked="" type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *					

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Assorted Games	Assorted Prizes	\$30,000.00			
Total:					(Limit \$40,000 per year) \$ 30,000.00

Intended uses of gaming proceeds: 100% of proceeds to be given away to West Fargo youth activities and non-profit organizations.

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

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? No Yes-if "Yes," the organization or group does not qualify for a local permit or restricted event permit.

Has the organization or group received a local permit from any city or county for the fiscal year July 1-June 30? No Yes-if "Yes," indicate the total value of all prizes previously awarded: \$ _____. This amount is part of the total prize limit of \$40,000 per year.

Signature of Organization or Group's Top Official <i>[Signature]</i>	Date 1/21/19	Title <i>[Signature]</i>	Business Phone Number 701-282-9402
---	-----------------	-----------------------------	---------------------------------------

#10-00
 ck# 13701
 1-22-20

JAN 20



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (08/2019)

Application for: Local Permit * Restricted Event Permit (one event per year)

Name of Nonprofit Organization or group of people permit is issued to Pink It Forward	Date(s) of Activity 2/6/2020 to 2/6/2020	For a raffle, provide drawing date(s):	
Person Responsible for the Gaming Operation and Disbursement of Net Income Kayla Tanhoff	Title Vp	Business Phone Number (701) 367-4466	
Business Address 5511 Falconer Dr	City Bismarck	State ND	Zip Code 58504-4309
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Doubletree by Hilton	Site Address 825 E. Beaton Dr		
City West Fargo	State ND	Zip Code 58078-2696	County Cass
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Restricted Event Permit.			
<input checked="" type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Bingo	Designer Handbag	\$1,143.17			
Total:					(Limit \$40,000 per year) \$ 1,143.17

Intended uses of gaming proceeds: To provide funds for items sent within care packages to individuals battling breast cancer.

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

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? No Yes-If "Yes," the organization or group does not qualify for a local permit or restricted event permit.

Has the organization or group received a local permit from any city or county for the fiscal year July 1-June 30? No Yes-If "Yes," indicate the total value of all prizes previously awarded: \$ 10,154.70 This amount is part of the total prize limit of \$40,000 per year.

Signature of Organization or Group's Top Official <i>Kayla Tanhoff</i>	Date 1/6/2020	Title Vice President	Business Phone Number (701) 367-4466
---	-------------------------	--------------------------------	--

*CK# 2357
 pd 1-20-20
 \$10.00*





City Commission Agenda Item Request

Please Note: The following information must be completed and submitted before noon on the Thursday preceding the City Commission Meeting. Failure to comply may delay action being taken on your request.

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

Nick Lee

Phone Number: *

433-5340

Email Address:

nick.lee@westfargond.gov

Date *

1/22/2020

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Five Year Commercial Remodel Exemption for Northern Stone (02-0800-00541-000)

Site Address or Legal Description (if applicable)

201 12th St NW-Part of LOT 1 BLK 4 Halversons Industrial Park

Action Being Requested from City Commission *

Applicant has met all the conditions to receive a 5 year exemption on the improvement value added since their 2019 Assessment. As required by the state, please approve this exemption so it can take effect for Assessment 2020.

Upload Additional Documentation (Optional):

Northern Stone 2020-2024 (02-0800-00541-000).pdf

433.11KB

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed LOT 1 BLK 4 HALVERSONS
INDUSTRIAL PARK PART OF LOT 1 DESC AS: BEG SW COR THEN N 00DG23'30" W ON We

2. Address of Property 201 12 St NW

3. Parcel Number 02-0800-00541-000

4. Name of Property Owner SILVER STREAM INVESTMENTS, LLC Phone No. 701-200-9140

5. Mailing Address of Property Owner 250 25th St S Fargo, ND 58103

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Turn unheated warehouse space into heated stone fabrication facility.

7. Building permit No. BL20190428 8. Year built (residential property) 2004

9. Date of commencement of making the improvements 09/10/2019

10. Estimated market value of property before the improvements \$ 250,000.00

11. Cost of making the improvement (all labor, material and overhead) \$ 700,000.00

12. Estimated market value of property after the improvements \$ 900,000.00

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant [Signature] Date 11-19-19

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do do not meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization [Signature] Date 1/22/20

Action Of Governing Body

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

Approval is subject to the following conditions: _____

Exemption is allowed for years 20 __, 20 __, 20 __, 20 __, 20 __.

Chairperson _____ Date _____

2020

**CONTRACT FOR INDIGENT DEFENDANTS IN WEST FARGO, NORTH
DAKOTA**

This contract is made between the undersigned ATTORNEY, hereinafter referred to as ATTORNEY, and the City of West Fargo, through its authorized representative, hereinafter referred to as CITY.

I. SERVICES COVERED

The ATTORNEY shall provide legal services for eligible indigent persons at all stages of the proceedings pursuant to Canon 6 of the Code of Professional Responsibility

II. REPRESENTATION

The ATTORNEY shall represent indigent clients when, by Order of the Court, they are required to have representation and are eligible to be provided appointed counsel in the following categories of cases:

1. Misdemeanor criminal cases prosecuted in West Fargo Municipal Court.
2. Appeals to and/or cases removed to the District Court for Cass County.
3. Retrial.
4. Uniform post-conviction proceedings.
5. Extraordinary proceedings such as habeas corpus, mandamus.
6. Order to Show Cause hearings.
7. Restitution hearings.
8. Contempt hearings.
9. All other proceedings which may arise in West Fargo Municipal Court which the Court deems require the service of the public defender.

III. INDIGENT PERSONS

An indigent person includes any person charged with the commission of a misdemeanor or any person required by law to be provided representation for the protection of his or her right in any case listed in Section I above; and is one found by the Court or any of its authorized officers eligible for court appointed counsel.

IV. INITIAL APPOINTMENT

After receiving notice of appointment, the ATTORNEY shall interview the client within twenty-four hours of the appointment if the client is currently incarcerated; otherwise, as soon as practicable after the appointment.

V. CONFLICT OF INTEREST

If at any time after an appointment has been made and the ATTORNEY discovers he or she must withdraw from the case pursuant to the North Dakota Professional Code of Responsibility, the ATTORNEY shall notify the Judge of the Court in which the matter is pending. The ATTORNEY shall follow the general provisions under Rule 11.2 North Dakota Rules of Court when withdrawing from a case.

VI. CONTRACT PERIOD

The duration of this contract is from the date hereof through and including December 31, 2020. All necessary counsel services listed in Section I above for cases or proceedings for which appointments are made to the ATTORNEY on or before December 31, 2020, shall be completed without further compensation as part of this contract.

The City shall have the right to annually renew this contract for the succeeding calendar year at least thirty (30) days prior to its expiration.

VII. PAYMENT FOR SERVICES

The ATTORNEY shall be paid the sum of FOUR THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$4,750) per calendar month for the period from the date hereof through December 31, 2020, payable in equal monthly installments at the end of the month in which the services are rendered. The City Auditor shall establish payment procedures. Similar payments will be made if this contract is renewed for additional annual terms as provided above.

VIII. COSTS AND EXPENSES

The ATTORNEY shall pay for all costs, fees, and expenses incurred in providing contract services, except for the following expenses which shall be paid by the CITY.

1. Witness fees.
2. Sheriff's fees

Upon approval of the Judge of West Fargo Municipal Court, expenditures for the following services may be reimbursed:

1. Extraordinary expenses.

Prior approval of the assigned judge for all expenses exceeding \$50.00 in total is required in any one case.

The ATTORNEY will provide office space and supplies, clerical services, and support personnel. The ATTORNEY will provide all necessary books, equipment, furniture, malpractice insurance, photocopying expenses, and other necessities of the profession. In addition, absent extra-ordinary circumstances and pre-approval by the Court, the ATTORNEY, at his or her expense, will provide a backup/substitute attorney to appear in his or her stead at regularly scheduled hearings before the Court. Regularly scheduled hearings include, but are not limited to, arraignments, dispositional conferences, trials and change of plea hearings.

IX. RECORD KEEPING AND REPORTING

The ATTORNEY shall maintain individual case records showing services provided on each appointment.

X. INDEPENDENT CONTRACTOR

The ATTORNEY is an independent contractor and shall not for any reason whatsoever be considered the agent of or an employee of the CITY.

XI. SUPERVISING AUTHORITY

The Judge of West Fargo Municipal Court shall be the supervising authority of this contract on behalf of the CITY.

XII. INDEMNIFICATION

The ATTORNEY agrees to indemnify and hold harmless the CITY for malpractice claims made by persons represented by the ATTORNEY pursuant to this contract.

The ATTORNEY shall carry professional liability insurance in the amount of at least \$50,000 for any liability arising out of services provided pursuant to this contract.

XIII. TERMINATION OF CONTRACT

For good cause, the ATTORNEY or the CITY may terminate this contract upon 30 days' written notice to the other party.

Dated at West Fargo, North Dakota.

Date

ATTORNEY – Steven Mottinger

Date

Bernie L. Dardis
President of Board of City Commissioners

Date

Tina Fisk
City Auditor

*** Consent Agenda ***

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # f

***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: Malachi Peterson

2. PHONE NUMBER: 433-5324 DATE: January 28, 2020

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

Eagle Run Plaza 10th Addition, a Replat.

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

Lots 5 & 6, Block 1 of Eagle Run Plaza 6th Addition, City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Final Plat Approval based on the conditions listed in the staff report.

CITY OF WEST FARGO PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

A19-48		REPLAT
Eagle Run Plaza 10 th Addition		
Lots 5 & 6, Block 1 of Eagle Run Plaza 6 th Addition		
Applicant: Tony Sager, MBN Engineering Owner: Dennis Olson and Sheyenne 32, LLC (City of West Fargo)	Staff Contact: Malachi Petersen	
Planning & Zoning Commission Introduction:	12-10-2019	
Public Hearing:	12-10-2019 - Approved	
City Commission Final Approval:	02-03-2020	

PURPOSE:

Replat property for desired development pattern.

STATEMENTS OF FACT:

Land Use Classification:	G-4A Core Retrofit Growth Area
Existing Land Use:	Vacant/Plaza Area (Stage Structure, Winter Skating Rink)
Current Zoning District(s):	PUD: Planned Unit Development
Zoning Overlay District(s):	CO: Corridor Overlay District
Proposed Lot size(s) or range:	24,638 to 42,134 ft ²
Total area size:	1.53 Acres
Adjacent Zoning Districts:	North, South & West - PUD: Planned Unit Development East – A: Agricultural
Adjacent street(s):	Private Drive
Adjacent Bike/Pedestrian Facilities:	Multi-use path along 32 nd Ave W and Sheyenne St.
Available Parks/Trail Facilities:	Proposed park within the development
Park Dedication Requirements:	Provided with previous subdivision

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application and proposed plat.
- The replat is necessary for minor lot line adjustments to provide for continued development.
- The new lots will meet the current zoning district requirements.
- The proposed replat does not affect any existing public easements or rights of way.

NOTICES:

Sent to: Applicable agencies and departments

Comments Received:

- Building Administrator is concerned about egress at the SW corner of the existing Lot 6, Block 1 of Eagle Run Plaza 6th Addition being removed. The space was originally reviewed as a courtyard with the potential of 3,000+ occupants which he has stated would necessitate a minimum of four exits be required.

STAFF REPORT

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

- The proposed district standards provided in the proposed application would be consistent with the City's Comprehensive Plan, which depicts the area developing into a mixed-use node.

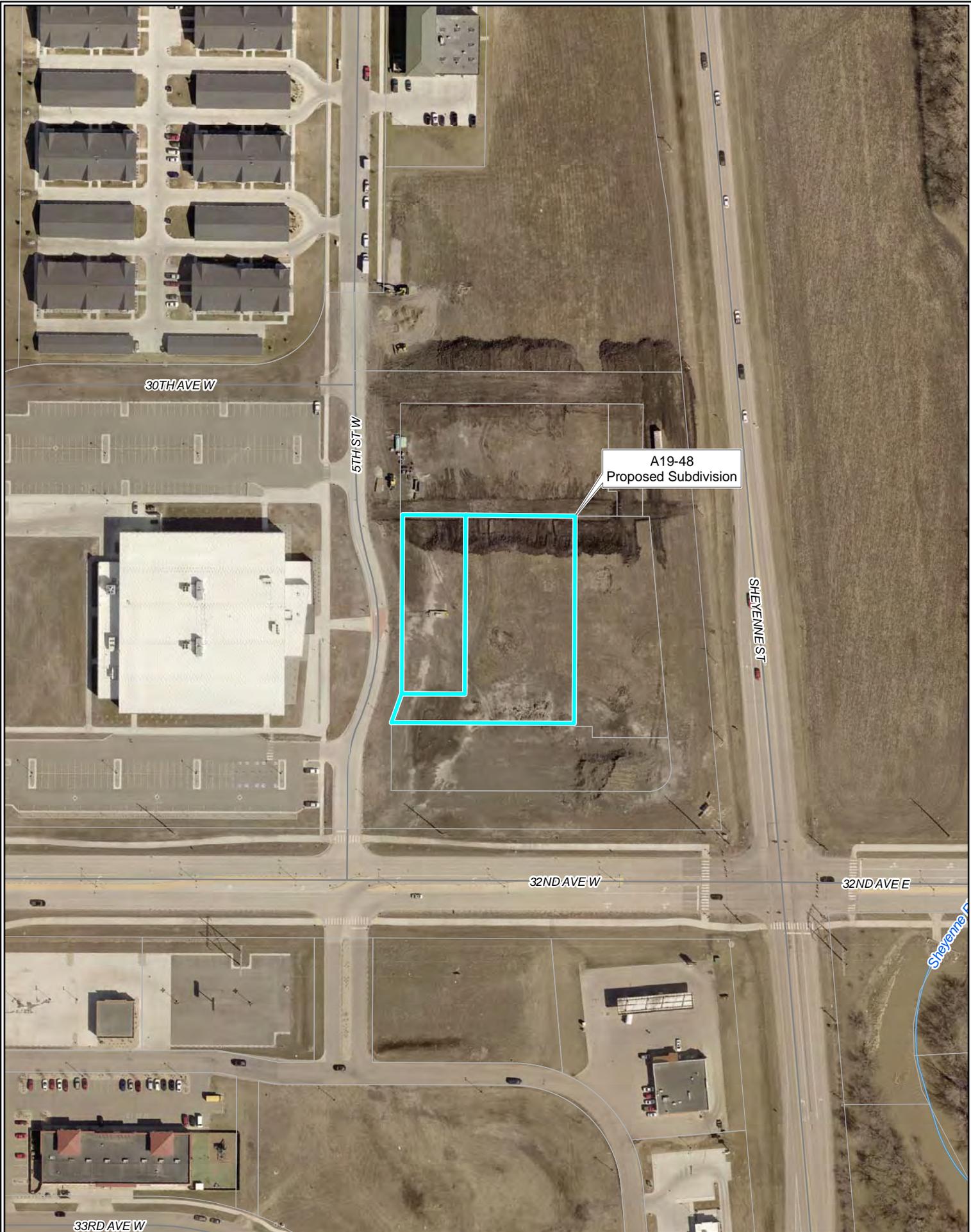
RECOMMENDATIONS:

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. Developer provides easements for ingress/egress on the Southwest side of proposed Lot 1 or alternative as approved by the Inspections Administrator.
2. An updated drainage plan is received and approved by the City Engineer.
3. An updated utility plan is received and approved by the City Engineer.
4. A signed Final Plat is received with any necessary easements.
5. An Attorney Title Opinion is received
6. A certificate is received showing taxes are current.

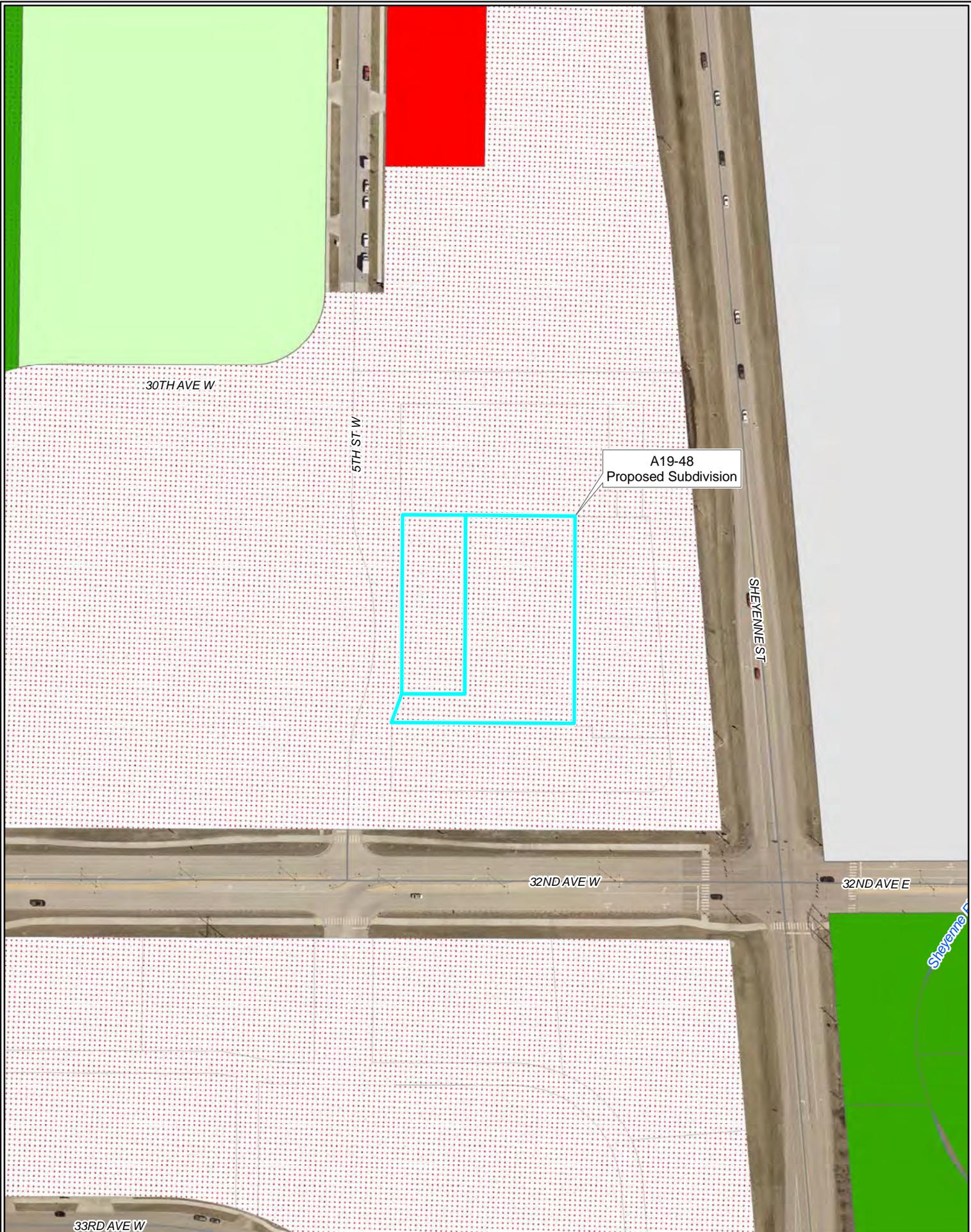
PLANNING AND ZONING RECOMMENDATION:

At their December 10, 2019 meeting, the Planning and Zoning Commission recommended approval of the replat, subject to the six conditions listed above.



A19-48
Proposed Subdivision





A19-48
Proposed Subdivision

30TH AVE W

5TH ST W

SHEYENNE ST

32ND AVE W

32ND AVE E

Sheyenne St

33RD AVE W

City of WEST FARGO

<ul style="list-style-type: none"> ■ A: Agricultural ■ C: Light Commercial ■ C-OP: Commercial Office Park ■ HC: Heavy Commercial 	<ul style="list-style-type: none"> ■ LI: Light Industrial ■ M: Heavy Industrial ■ P: Public ■ PUD: Planned Unit Development 	<ul style="list-style-type: none"> ■ R-1: One and Two Family ■ R-1A: Single Family ■ R-1B: Special Single Family ■ R-1E: Rural Estate 	<ul style="list-style-type: none"> ■ R-1S: Special One and Two Family ■ R-1SM: Mixed One and Two Family ■ R-2: Limited Multiple Dwelling ■ R-3: Multiple Dwelling 	<ul style="list-style-type: none"> ■ R-4: Mobile Home ■ R-5: Manufactured Home ■ R-L1A: Large Lot Single Family ■ R-R: Rural Residential
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EAGLE RUN PLAZA TENTH ADDITION

TO THE CITY OF WEST FARGO, A REPLAT OF LOT 5 AND LOT 6, BLOCK 1, EAGLE RUN PLAZA SIXTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS DESCRIPTION AND DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "EAGLE RUN PLAZA TENTH ADDITION" to the City of West Fargo, a replat of Lots 5 and 6, Block 1, EAGLE RUN PLAZA SIXTH ADDITION in the City of West Fargo, Cass County, North Dakota; that we have caused it to be platted into lots and blocks as shown by said plat and certificate of Joshua J. Nelson, Registered Land Surveyor, and that the description as shown in the certificate of the Registered Land Surveyor is correct.

Owner: Lot 5 - Sheyenne 32 West, LLC

By: _____

Title: _____

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, appeared before me, a Notary Public in and for said County and State, personally appeared _____ known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public, Cass County, North Dakota

Owner: Lot 5 - Dennis Olson

By: _____

Title: _____

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, appeared before me, a Notary Public in and for said County and State, personally appeared _____ known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public, Cass County, North Dakota

Owner: Lot 6 - Sheyenne 32, LLC

By: _____

Title: _____

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, appeared before me, a Notary Public in and for said County and State, personally appeared _____ known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public, Cass County, North Dakota

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

Joshua J. Nelson, being duly sworn, deposes and says that he is the Registered Land Surveyor under the State of North Dakota who prepared and made the attached plat of "EAGLE RUN PLAZA TENTH ADDITION" to the City of West Fargo, a replat of Lots 5 and 6, Block 1, EAGLE RUN PLAZA SIXTH ADDITION in the City of West Fargo, Cass County, North Dakota; do hereby certify that this plat is a true and correct representation of the boundary survey; 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:

All of Lots 5 and 6, Block 1, EAGLE RUN PLAZA 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 1.53 acres, more or less, and is subject to all easements, reservations, restrictions, and rights of way of record, if any.

Joshua J. Nelson, PLS
Professional Land Surveyor
Registration No. LS-27292

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public, Cass County, North Dakota

CITY ENGINEER'S APPROVAL

This Plat in the City of West Fargo, ND is approved this ____ day of _____, 20____.

DUSTIN T. SCOTT,
City Engineer

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Dustin T. Scott, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota

WEST FARGO PLANNING COMMISSION APPROVAL

This Plat in the City of West Fargo, ND is hereby approved this ____ day of _____, 20____.

TOM MCDUGALL, Chairman

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Tom McDougall, Chairman of the West Fargo Planning Commission, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota

WEST FARGO CITY COMMISSION APPROVAL

This Plat in the City of West Fargo, ND is hereby approved this ____ day of _____, 20____.

BERNIE L. DARDIS, President of
the West Fargo City Commission

TINA FISK, City Auditor

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Bernie L. Dardis, 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 same as a free act and deed.

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) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared John T. Shockley, City Attorney, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota



Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4289700-192985.01
SHEET 2 OF 2

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: Malachi Peterson

2. PHONE NUMBER: 433-5324 DATE: January 28, 2020

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

The Wilds 18th Addition, a Replat and Rezoning from R-2: Limited Multiple Dwellings to R-1SM: Mixed One & Two Family Dwellings.

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

Lots 24-43 and 52, Block 1 of The Wilds 11th Addition, City of West Fargo, North Dakota

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Hold First Reading and Public Hearing on the rezoning at 5:30 pm on February 3, 2020.

STAFF REPORT

A20-1 REPLAT & REZONING	
The Wilds 18 th Addition	
A replat of lots 24-43 and 52 Block 1 of the Wilds 11 th Addition, City of West Fargo, North Dakota and rezoning from R-2: Limited Multiple Dwellings to R-1SM: Mixed One & Two Family Dwellings, a portion of Lot 52, Block 1 of the Wilds 11 th Addition, City of West Fargo, North Dakota.	
Applicant: EagleRidge Development LLC Owner: Thomsen Homes LLC	Staff Contact: Malachi Petersen
Planning & Zoning Commission Public Hearing:	01-14-2020 – Approval
City Commission Introduction:	01/20/2020
1 st Reading & Public Hearing on Rezoning:	02-03-2020
2 nd Reading & Final Plat Approval:	

PURPOSE:

Replat and rezoning for minor lot line adjustments to provide for single-family dwellings.

STATEMENTS OF FACT:

Existing Land Use:	Residential Development Land
Land Use Classification:	G-2 Sub-Urban - Growth Sector
Current Zoning District(s):	R-1SM: Mixed One & Two Family Dwellings; P: Public (Lot 35), R-2: Limited Multiple Dwelling (Lot 52)
Zoning Overlay District(s):	52 Ave Corridor Overlay
Proposed Lot size(s) or range:	4,176 – 10,354 ft ²
Total area size:	6.36 acres
Adjacent Zoning Districts:	North & West – R-1SM: Mixed One & Two Family South & East – R-1: One & Two Family Dwellings
Adjacent street(s):	Albert Ct W (Local), 11 th St W (Local)
Adjacent Bike/Pedestrian Facilities:	Local sidewalks connecting to paths along 52 nd Ave W and 9 th St W
Available Parks/Trail Facilities:	Wilds parks within ½ mile
Land Dedication Requirements:	Provided with previous subdivision

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application and proposed plat.
- The replat and rezoning is necessary for minor lot line adjustments to provide for continued development.
- Lot 35 is a City owned lot, which is zoned P: Public Facilities. No changes have been made to this lot.
- Lot 52 is zoned R-2: Limited Multiple Dwelling and a tiny portion will be rezoned R-1SM: Mixed One and Two Family Dwellings, in order to shift lot lines for proposed Lot 6.
- The new lots will be required to meet the current zoning district requirements.
- The proposed replat does not affect any public easements or rights of ways, and the applicant has stated that it will not affect existing utility connections.

STAFF REPORT

NOTICES:

Sent to: Applicable agencies and departments

Comments Received:

- None to date.

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

- The proposed plan is consistent with City plans and Ordinances.

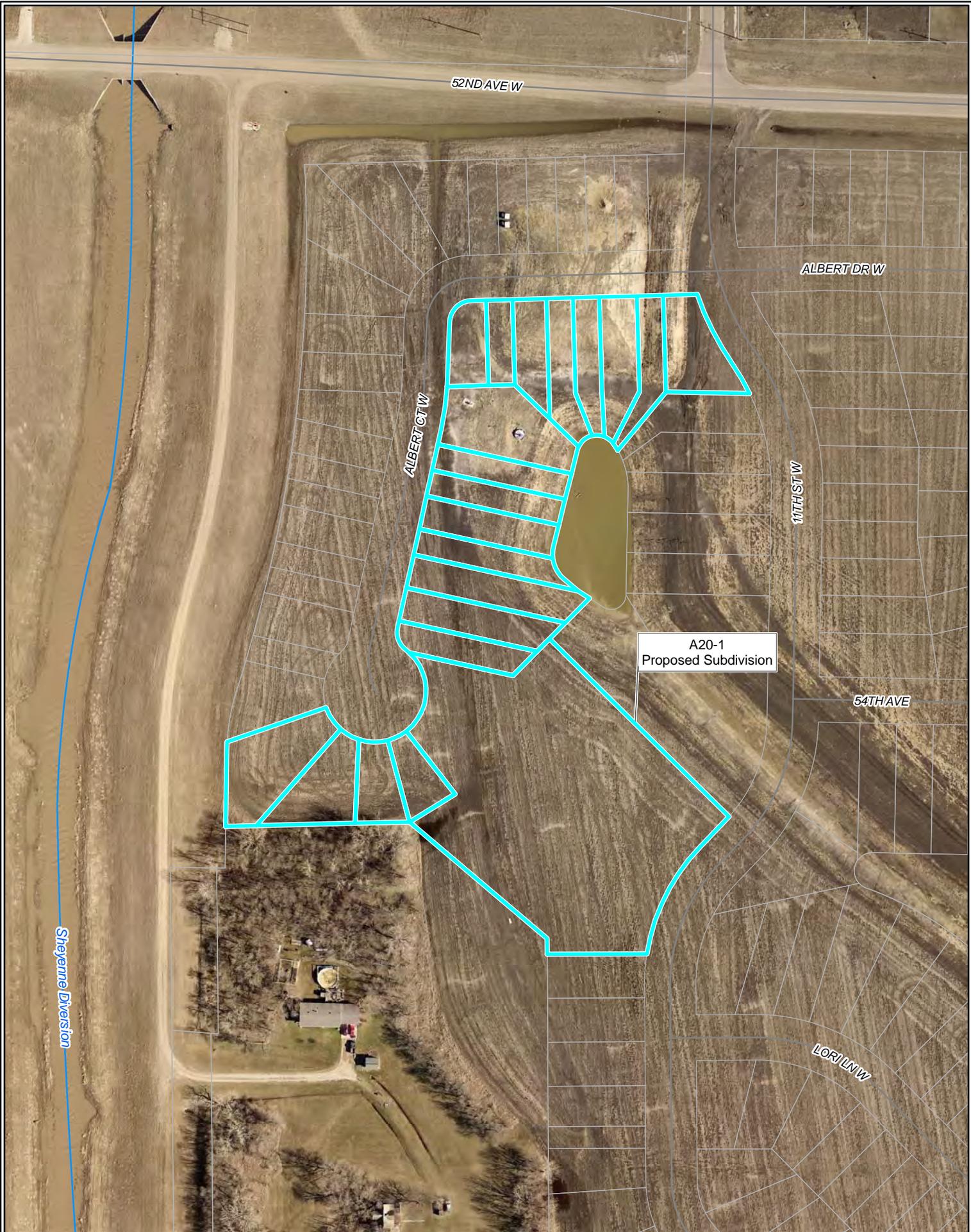
RECOMMENDATIONS:

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

PLANNING AND ZONING RECOMMENDATION:

At their January 14, 2020 meeting, the Planning and Zoning Commission recommended approval of the replat and rezoning, subject to the five conditions listed above.



52ND AVE W

ALBERT DR W

ALBERT CT W

11TH ST W

54TH AVE

A20-1
Proposed Subdivision

LORI LN W

Sheyenne Diversion



52ND AVE W

ALBERT DR W

ALBERT CT W

11TH ST W

54TH AVE

A20-1
Proposed Subdivision

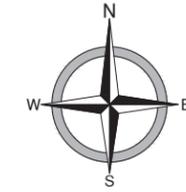
LORI LN W

Sheyenne Diversion

	A: Agricultural	LI: Light Industrial	R-1: One and Two Family	R-1S: Special One and Two Family	R-4: Mobile Home
	C: Light Commercial	M: Heavy Industrial	R-1A: Single Family	R-1SM: Mixed One and Two Family	R-5: Manufactured Home
	C-OP: Commercial Office Park	P: Public	R-1B: Special Single Family	R-2: Limited Multiple Dwelling	R-L1A: Large Lot Single Family
	HC: Heavy Commercial	PUD: Planned Unit Development	R-1E: Rural Estate	R-3: Multiple Dwelling	R-R: Rural Residential



PLAT OF
THE WILDS EIGHTEENTH ADDITION
 TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 24-43 INCLUSIVE AND LOT 52
 ALL IN BLOCK 1, THE WILDS ELEVENTH ADDITION
 TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA



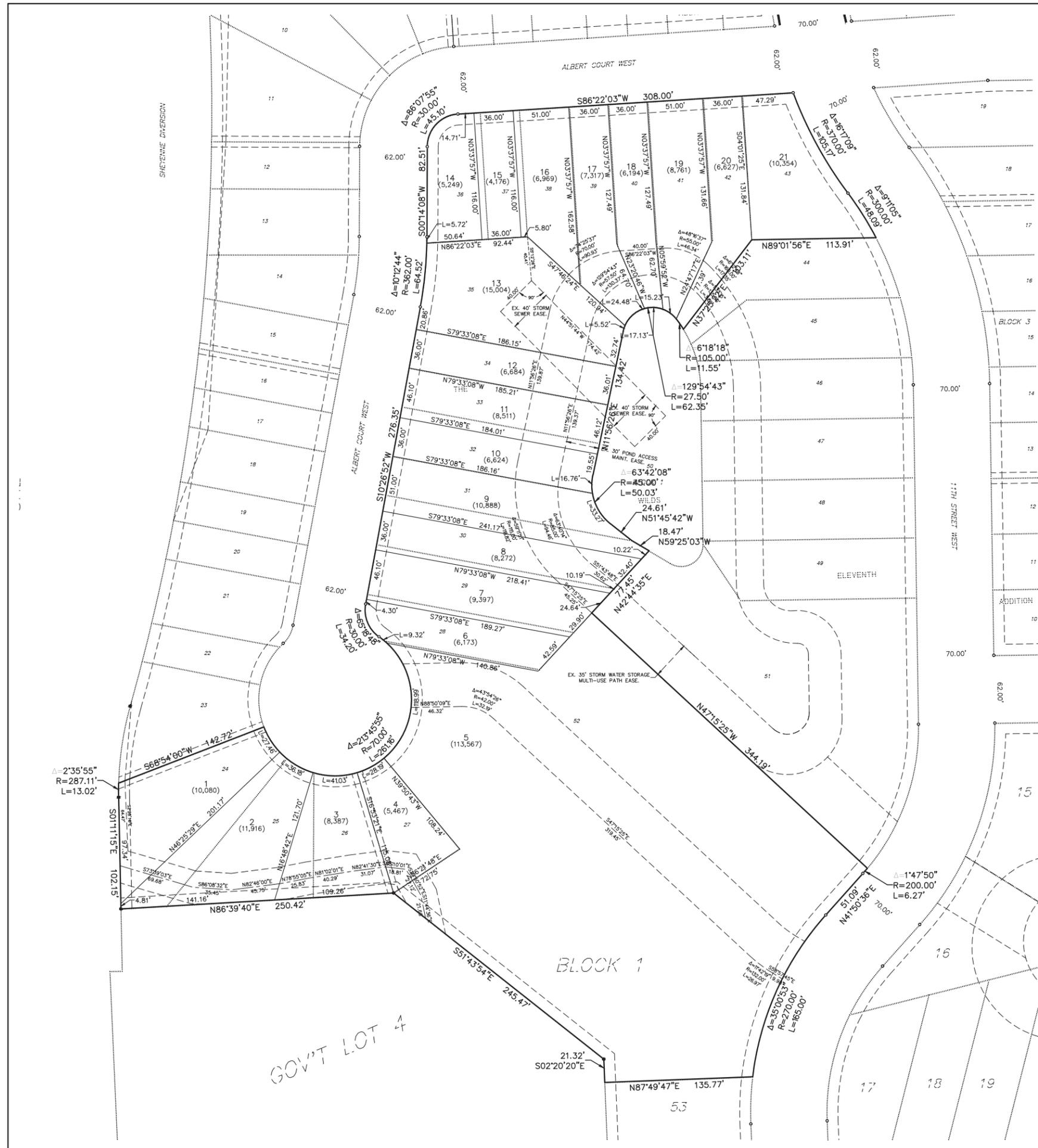
0 30
 Scale in Feet

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

- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
 - (4,810) LOT AREAS IN SQ. FT.
 - L ARC LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE

UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT OF WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.

STORM SEWER EASEMENTS ARE 10' WIDE LYING 5' ON EACH SIDE OF SIDE PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.



**PLAT OF
THE WILDS EIGHTEENTH ADDITION
TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 24-43 INCLUSIVE AND LOT 52
ALL IN BLOCK 1, THE WILDS ELEVENTH ADDITION
TO THE CITY OF WEST FARGO, 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 "THE WILDS EIGHTEENTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 24-43 INCLUSIVE AND LOT 52 ALL IN BLOCK 1, THE WILDS ELEVENTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; 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 THE EXTERIOR BOUNDARY LINES OF SAID ADDITION ARE DESCRIBED AS FOLLOWS, TO WIT:

LOTS 24-43 INCLUSIVE AND LOT 52 ALL IN BLOCK 1, THE WILDS ELEVENTH 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 ? 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 _____, 20___, 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 "THE WILDS EIGHTEENTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 24-43 INCLUSIVE AND LOT 52 ALL IN BLOCK 1, THE WILDS ELEVENTH ADDITION TO THE CITY OF WEST FARGO, 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, LANES, COURTS, DRIVES, UTILITY EASEMENTS, FENCE EASEMENTS, ACCESS EASEMENTS AND MULTI-USE PATH EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC AND ALL STORM SEWER EASEMENTS, STORM WATER STORAGE EASEMENTS, DRAINAGE EASEMENTS AND POND ACCESS MAINTENANCE EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE CITY OF WEST FARGO.

OWNER: LOTS 1-4, 6-12 AND 14-21, BLOCK 1
THOMSEN HOMES

OWNER: LOT 5, BLOCK 1
WESTPORT INVESTMENTS, LLC

NEILS THOMSEN, PRESIDENT

JIM BULLIS, SECRETARY

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 NEILS THOMSEN, PRESIDENT, 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 THOMSEN HOMES.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

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 JIM BULLIS, SECRETARY, 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 WESTPORT INVESTMENTS, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

OWNER: LOT 13, BLOCK 1
WEST FARGO CITY

BERNIE L. DARDIS, 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 BERNIE L. DARDIS, 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 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___.

BERNIE L. DARDIS, 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 BERNIE L. DARDIS, 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

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

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

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # 2

***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, AICP

2. PHONE NUMBER: 433-5320 DATE: January 28, 2020

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

Rezoning from R-R: Rural Residential District to C: Light Commercial.

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

Located at 225 40th Avenue West (Lot 1, Block 1 of Nelson Acres 5th Addition),

City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Hold 1st Reading and Public Hearing on the rezoning at 5:30 pm on February 3,

2020.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A20-5		REZONING
225 40 th Avenue West		
Lot 1, Block 1 of Nelson Acres 5 th Addition		
Applicant; Jodi Kallias, Greenworks Properties Owner: Duwane Engness	Staff Contact: Lisa Sankey	
Planning & Zoning Commission Introduction:	01-14-2020	
Public Hearing:	01-14-2020 – Approved	
City Commission Introduction:	01-20-2020	
1 st Reading and Public Hearing:	02-03-2020	
2 nd Reading:		

PURPOSE:

Rezone in order to develop the property for a landscaping business.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban – Growth Sector
Existing Land Use:	Single Family Dwelling
Current Zoning District(s):	R-R: Rural Residential District
Proposed Zoning District:	C: Light Commercial
Zoning Overlay District(s):	CO: Corridor Overlay District
Total area size:	2.5 Acres
Adjacent Zoning Districts:	North: R-1A: Single Family Dwelling; West & South: R-R: Rural Residential; East: R-1E: Rural Estate District
Adjacent street(s):	40 th Avenue West (Arterial); Sheyenne Street (Arterial)
Adjacent Bike/Pedestrian Facilities:	Multi-use path along 40 th Avenue West
Available Parks/Trail Facilities:	Eagle Run Park on the north side of 40 th Avenue West

DISCUSSION AND OBSERVATIONS:

- The applicant has provided a site plan, which proposes converting the home into offices and boutique/gift shop for a landscaping business, as well as an area for garden stock, mulch and decorative rock.
- The property is surrounded by a City Shop and water tower to the west with retention ponds to the south and is located at the intersection of two arterial streets. The applicant believes the site would be an ideal location for this type of business (see attached letter).
- The existing access will require further review and consideration by the City Engineer. Although this would be an item handled at time of permitting, it would be prudent to review at this time to avoid any future issues with development of the property.
- Rezoning the property to C: Light Commercial would open the property up to any of the uses allowed within the district; however, the City’s landscaping regulations would require buffering between uses of lower intensity and the City’s CO: Corridor Overlay will require increased yard and building requirements lending to the compatibility of any of those uses within the area.

STAFF REPORT

NOTICES:

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

Comments Received:

- None to date.

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

- The application is a mix of commercial for the neighborhood and section that is otherwise completely developed with residential and therefore the application would be strongly supported by the Comprehensive Plan by providing a mix of uses.

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. Consideration of any public comment regarding the proposed change.
2. Review and recommendation of the existing access or any proposed changes by the City Engineer.

PLANNING AND ZONING RECOMMENDATION:

At their January 14, 2020 meeting, the Planning and Zoning Commission recommended approval of the rezoning, subject to the two conditions listed above.



A20-5
Subject Property

SOUTH SEDONA DR

KENSINGTON DR

40TH AVE W

40TH AVE E

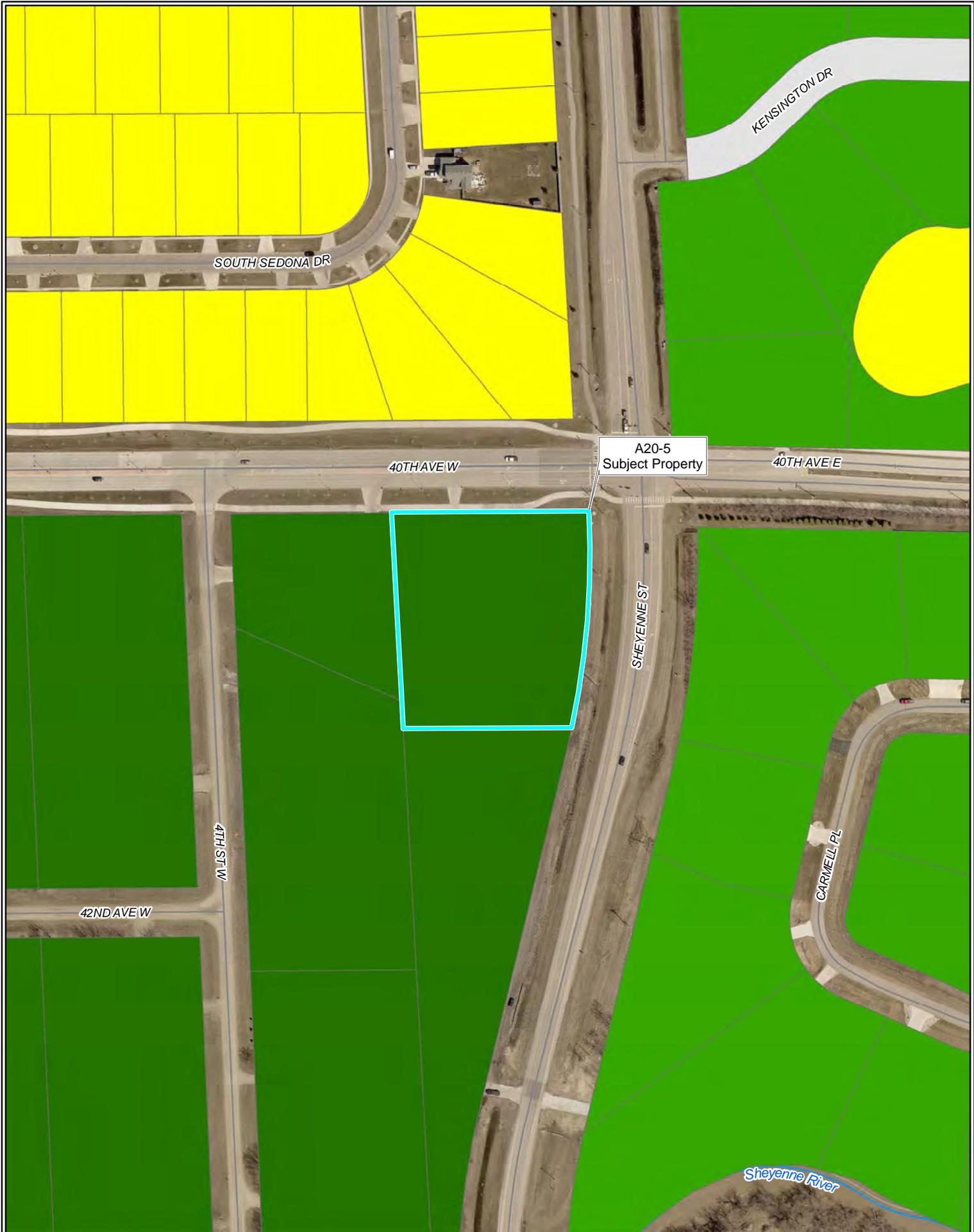
SHEYENNE ST

4TH ST W

CARMEIL PL

42ND AVE W

Sheyenne River



A20-5
Subject Property

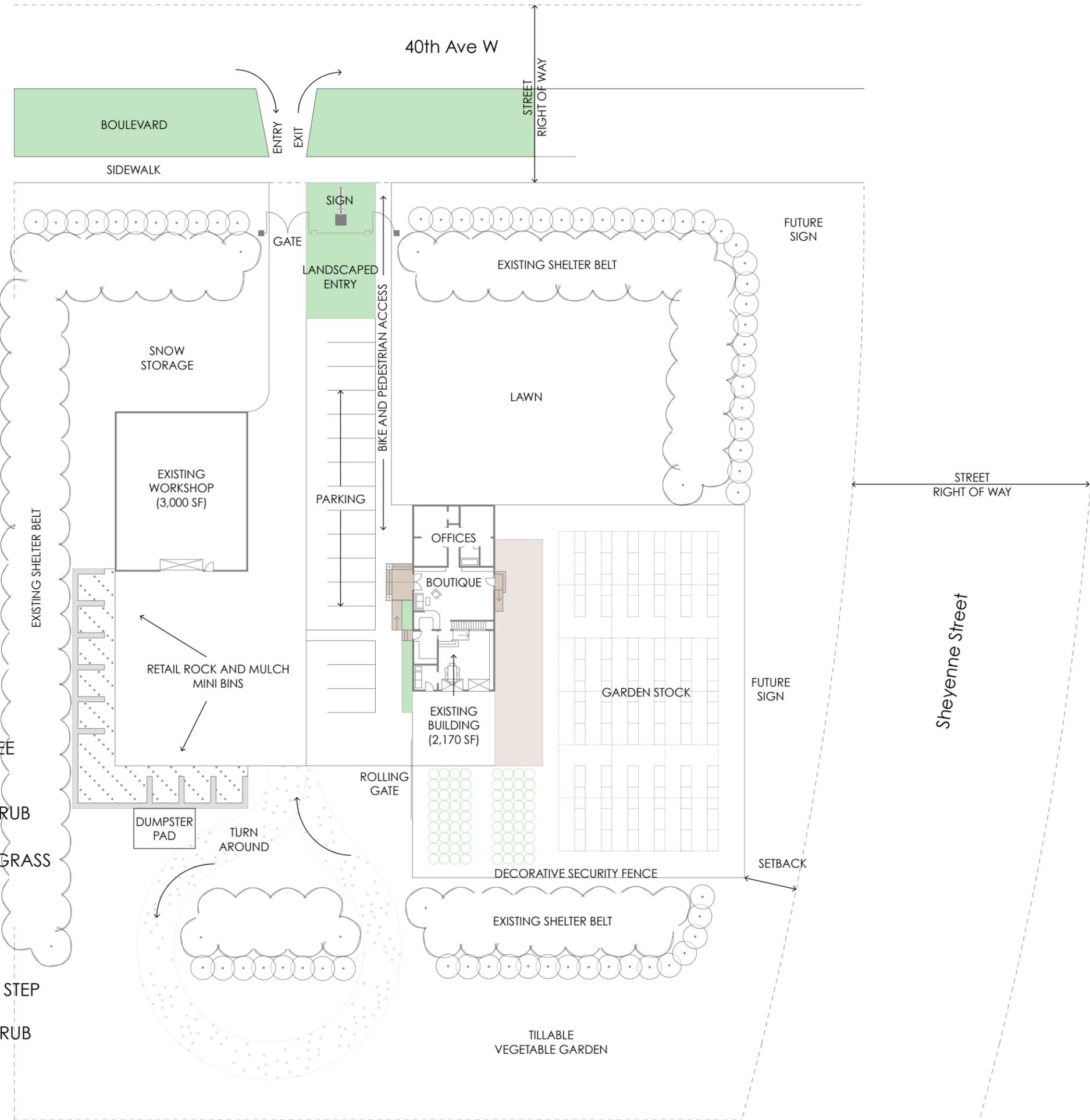


- | | | | | |
|--|--|--|---|--|
| <ul style="list-style-type: none"> ■ A: Agricultural ■ C: Light Commercial ■ C-OP: Commercial Office Park ■ HC: Heavy Commercial | <ul style="list-style-type: none"> ■ LI: Light Industrial ■ M: Heavy Industrial ■ P: Public ■ PUD: Planned Unit Development | <ul style="list-style-type: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



CITY OF WEST FARGO
RECYCLING DROP OFF

-  DECIDUOUS TREE
-  DECIDUOUS SHRUB
-  ORNAMENTAL GRASS
-  PERENNIAL
-  BOULDER
-  OUTCROPPING STEP
-  EVERGREEN SHRUB



GREENWORKS PROPERTIES, LLC

1482: NELSON ACRES 5TH
225 40th Ave W
West Fargo, ND 58078

↑ NORTH
1" = 40'-0" SCALE

DESIGNED BY:
Accelerated
GreenWorksInc.
"Where our work speaks for itself"

December 20th, 2019

GreenWorks Properties, LLC
PO Box 603
West Fargo, ND 58078

December 20, 2019

To Whom It May Concern:

We are currently under contract to purchase the property located at 225 40th Ave W in West Fargo. We intend to utilize the lot for a new boutique shop with gifts and garden stock (trees, shrubs and perennials, etc).

By introducing this new business, we hope to impact the surrounding community in a positive way through (1) added classes in the workshop space, (2) retail sales of plant goods for the new development in neighborhoods and (3) adding a valuable second office to better serve our existing client base. Our sister company, Accelerated Green Works will be occupying the lot and offers residential landscape design services as well as installation and future planning.

Many of those projects specialize in the middle to higher end residential market and this is a good opportunity for us to bring these goods and services closer to those we currently work with. We look forward to meeting everyone and introducing ourselves in the near future. I encourage you to call at the number listed below if you have any questions regarding our plans for the space.

It is our sincere intention to be good neighbors and a steward to the existing community. We pride ourselves on a tightknit and clean organization that focuses on quality above all else. You can trust that we will do our diligence to take the best care of those around us so that the business and neighboring properties can flourish and exist in harmony with one another. Thank you for your support as we reach for new heights in West Fargo!

Sincerely,



Jodi Kallias

GreenWorks Properties, LLC
(701) 566-2757
info@greenworksproperties.com

Lisa A. Sankey

From: Tim P. Solberg
Sent: Monday, January 13, 2020 11:16 AM
To: Lisa A. Sankey
Subject: FW: Proposed Rezoning

Tim Solberg, AICP
Director of Planning and Zoning - City of West Fargo
800 4th Ave E - West Fargo, ND 58078
701-433-5321 (direct) - 701-388-4925 (mobile)

Have you seen our new interactive GIS App?
Check it out here: <http://map.westfargond.gov/TaxParcels/>

From: dparker@far.midco.net <dparker@far.midco.net>
Sent: Monday, January 13, 2020 11:16 AM
To: Tim P. Solberg <Tim.Solberg@westfargond.gov>
Subject: Proposed Rezoning

Tim

I received your letter about the proposed rezoning at 225 40thave E(lot 1 Block 1 of nelson Acres 5th Addition).

I will not be able to make the meeting on the 14th, I just wanted the commission to know, my concerns at this time. First, the possible noise associated with the type of business that wants the rezoning. I questioned whether heavy duty trucks and payloaders will be loading and unloading rocks, dirt, etc at all times of the day, including the night. My other concern would be the the possible dust and dirt that may be blown over to my lot due to the possible addition of gravel.

I would appreciate if you could get an answer for me on my concerns at the meeting.

Thank you

Dan Parker
4019 Carmell Pl
West Fargo, ND 58078

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lisa A. Sankey

From: Jodi Kallias <jodi@acceleratedgreenworks.com>
Sent: Monday, January 13, 2020 2:30 PM
To: Lisa A. Sankey
Subject: Re: Proposed Rezoning

Lisa,

To answer those questions, we are intending to leave our main commercial operations at the existing facility on 7th Ave N. The hours for the new location should not extend beyond 7am to 7pm.

The bin sizes proposed for rock and mulch will be about 12'x12' or less. The dirt pile might be in the corner and slightly larger than that, but not monstrous. These products are meant for residential consumption (loading neighborhood people that purchase materials in 1/2 to 2 CY quantities mostly) more than our large trucks. We have currently planned to use a small Tool Cat for this task, not a payload. The location will mainly focus on sales of plant goods and neighborhood classes in the existing shop.

I also would encourage those adjacent to the intersection not be concerned about dust or noise. The traffic sounds should be comparable or even overshadow anything we will be doing on the lot. Backup alarms on trucks will not be an issue often and will not be present during overnight hours except possibly during snow removal (for the lot clearing only). Again, our main vehicle and equipment fleet will remain at the north location and operate from there.

The main change will be the removal of a small portion of the existing shelter belt to accommodate the new plant shade structure (60'x120') with a decorative aluminum fence enclosure. The remainder of the shelter belt will remain in place and should help contain the noise and any dust that is present.

Our intention is to create a clean and inviting sales location for clients to come and discuss future landscaping plans. Very boutique and minimally invasive to the existing neighborhood.

We want those neighbors to be using the facility and enjoying the space. We have no intentions to disrespect the normal noise ordinances and any concerns could be brought directly to me for immediate review and resolution as I will office here with my other staff.

Please feel free to pass along my mobile number below to the neighbor and I am happy to address any remaining questions if I missed something.

Sincerely,

Jodi L. Kallias
Sales and Marketing Coordinator

Accelerated Green Works, Inc / GreenWorks Properties, LLC
"Where our work speaks for itself!"

[PO BOX 603](#)
[West Fargo, ND 58078](#)
[\(701\) 478-5643](#) Office

Lisa A. Sankey

From: noreply@civicplus.com
Sent: Monday, January 13, 2020 3:04 PM
To: Lisa A. Sankey
Subject: Online Form Submittal: Contact Us - Planning and Zoning Commission

Contact Us - Planning and Zoning Commission

First Name	Jason
Last Name	Opp
Phone Number	701-730-3064
Email Address	jason.m.opp@gmail.com
Comment	Greetings -

I am writing in regards to Planning and Zoning agenda item #7 on Tuesday, January 14th: A20-5 Rezoning from R-R to Light Commercial of 225 40th Avenue East.

I request that the Planning and Zoning deny this request.

I live in the Westport Beach neighborhood to the west of this property. Understanding the intent for this property once it is rezoned, I cannot come to understand the rationale for an approval. If looking at the surrounding area, the property in question is surrounded completely by residential properties (excluding city owned shop directly to the west and lift station to the south). There are no other commercial or light commercial properties in the vicinity of this address. This property, would be sitting on an island all by itself. From a city planning aspect, rezoning this property makes absolutely no sense.

As a property owner living nearby, I have great concerns. This type of business will bring with it a great increase in traffic to an intersection that is already very busy. The traffic increase is extremely concerning as it will consist of 4 variables - 1.) the increase due to office workers and employees throughout the day 2.) increase due to retail shoppers (likely many using trucks and trailers to haul product home) 3.) the nature of the work vehicles coming and going throughout the day - medium to heavy duty trucks 4.) large trucks delivering landscaping materials - sod, other products.

The other concerns relate to noise created by the equipment and other business operations while being opened extended hours weekdays and on weekends. The last thing I want to hear on a Saturday morning is the beeping of a Bobcat loading rock into a trailer or the sound of a dump truck delivering delivering material to their site.

Finally, the bike path passing right in front of the entrance to this property is the major concern. The neighborhoods surrounding this property are ALL family neighborhoods. The walking and bike paths are full of activity on any given morning, afternoon or evening when the weather is kind enough to allow. The absolute last thing we need is a retail and business entrance with trucks, trailers and dump trucks coming and going all day long. As careful as they can be, it will only be a matter of time before there is an accident - all because this property would have been rezoned to allow 1 landscaping business sit alone amongst a group of neighborhoods. Please do the right thing and deny the request to rezone.

This business has no place at this property and would be better served finding another property to relocate to.

Sincerely -

Jason Opp

Email not displaying correctly? [View it in your browser.](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Dustin T. Scott - City Engineer
Jerry Wallace – Civil Engineer
Andrew Wrucke – Transportation Engineer
Kayla Volness – Engineering Office Manager

Engineering Department
800 4th Ave E
West Fargo, ND 58078
701-433-5330
www.westfargond.gov

AGENDA ITEM REQUEST
BOARD OF CITY COMMISSIONERS
WEST FARGO, NORTH DAKOTA

OFFICE USE: AGENDA ITEM # <u> 3 </u>

** "Consent" or "Regular" Agenda Item? **Regular** **

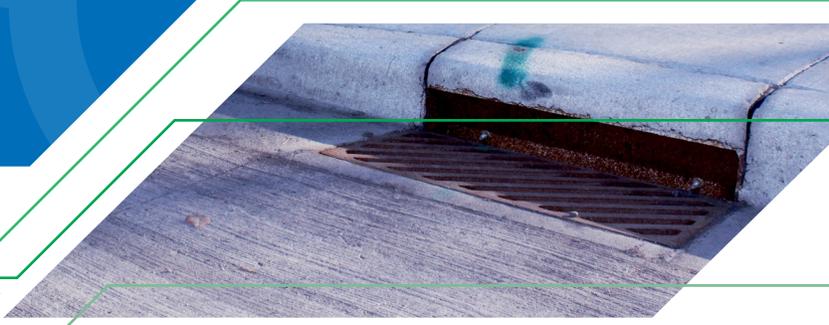
1. CONTACT PERSON(s):
 - Dustin T. Scott, City Engineer (433-5425)
2. DATE OF MEETING: **February 3rd, 2020**
3. DESCRIPTION OF REQUEST:
 - Review the Attached "Executive Summary" for the CAIMP (Core Area Infrastructure Master Plan) prepared by AE2S.
 - A presentation summarizing the process and results of the study will be given during the meeting.
4. LOCATION (address; legal; etc.):
 - N/A
5. ACTION(S) REQUESTED:
 - N/A

ADDITIONAL INFORMATION:

- Two (2) hard copies of the final report are available at the Engineering Department.

Note:

The results of this study will be used as a technical resource in the planning and prioritization of the City's overall C.I.P (Capital Improvement Plan).



P05557-2017-001



CORE AREA INFRASTRUCTURE MASTER PLAN

EXECUTIVE SUMMARY

JAN. 2020



Prepared By
 AES[®]
2

City of
**WEST
FARGO**

INTRODUCTION



MASTER PLAN OBJECTIVE

Identify and prioritize necessary infrastructure improvements in the form of a Capital Improvements Plan (CIP) to improve the overall functionality of systems while maximizing the remaining service life of existing infrastructure assets to ensure effective and efficient reconstruction is conducted in the Core Area.

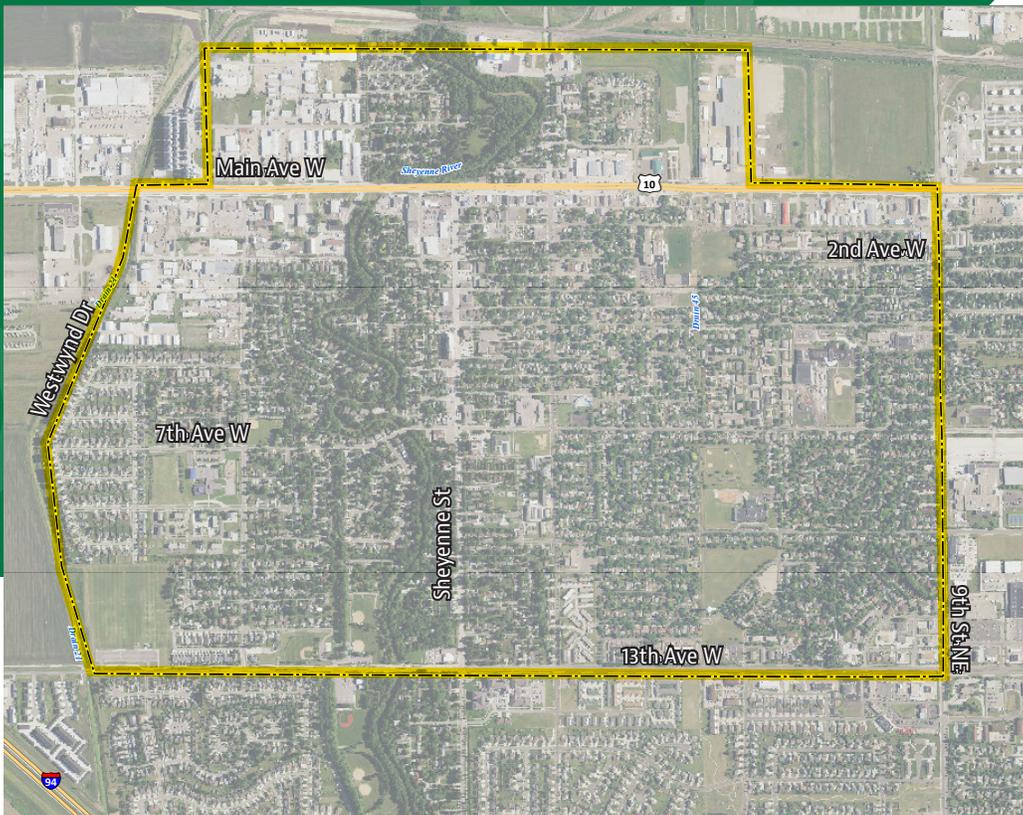
CORE AREA INFRASTRUCTURE MASTER PLAN

FOR THE CITY OF WEST FARGO, NORTH DAKOTA

The City of West Fargo has been one of the fastest growing communities in North Dakota over the past several years, growing from approximately 15,000 people in the year 2000 to over 35,000 in the year 2017. Most of this growth has occurred south of Interstate-94 (I-94), resulting in the new construction of streets and associated underground utilities (water, sanitary sewer, and storm sewer) to support new developments. Meanwhile, infrastructure surrounding the downtown area of the City, which is also referred to as the “Core Area” of West Fargo, is primarily from original construction, with some areas dating back to the 1920’s. The City has performed general maintenance and made

repairs in the Core Area over the past several years to keep the infrastructure operational. However, there are numerous areas where underground utilities have failed, known areas of poor drainage, and there are concerns with the overall age and condition of this infrastructure. As a result, more substantial improvements and areas of replacement are anticipated in the future.

PROJECT AREA



PROJECT COMPONENTS



MASTER PLANNING APPROACH **Having a Vision**

Infrastructure master planning can establish priorities for the construction of necessary improvements within the context of a long-term plan to ensure compatibility, prudent management, and fiscal stewardship.



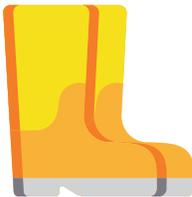
INFRASTRUCTURE OVERVIEW **Understanding What You Own and Operate**

It's important to have a clear understanding of the existing infrastructure in order to properly assess the infrastructure and propose improvements.



WATER DISTRIBUTION SYSTEM MODEL **Answering the “What If” Questions for Water Distribution**

The updated hydraulic model serves as a dynamic tool for identifying existing system deficiencies and planning for future infrastructure needs to support growth and redevelopment.



STORMWATER SYSTEM MODEL **Improving Flooding and Drainage Deficiencies**

The regional stormwater model for the Sheyenne River watershed within the study area provides for an evaluation of the storm sewer collection system and identifies effective options for mitigating drainage and flooding issues.



INFRASTRUCTURE RISK ASSESSMENT **Identifying High Risk Assets**

The infrastructure assessment provides the basis for making prioritized improvement recommendations with the goal of minimizing the overall risk of infrastructure failures and emergency repairs.



CAPITAL IMPROVEMENTS PLAN **Planning in Order to Reach Our Goals**

The City of West Fargo's Core Area Capital Improvements Plan (CIP) is a comprehensive, 10-year plan for capital investments in implementing, enhancing, and maintaining the City's public infrastructure assets located in the Core Area of West Fargo.



MASTER PLANNING APPROACH

Infrastructure master planning provides policymakers and the public with a detailed report on infrastructure needs as well as the recommended steps to meet those needs. Master planning can establish priorities for the construction of necessary improvements within the context of a long-term plan to ensure compatibility and prudent management. Lastly, an infrastructure system master plan can be used as a tool to pursue, and as the basis to support, capital improvement funding. For these reasons and many others, an infrastructure master plan is a useful tool for municipalities to utilize when establishing a vision for the management and continued development of infrastructure.





CORE AREA INFRASTRUCTURE OVERVIEW

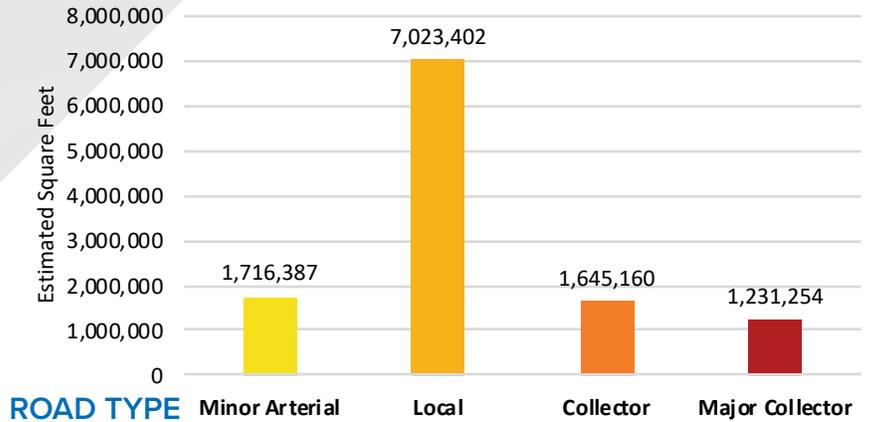


37+ CENTERLINE MILES

18% CONCRETE
82% ASPHALT

APPROXIMATELY 60% OF ROADWAYS NEED REHABILITATION OR RECONSTRUCTION

PAVEMENT



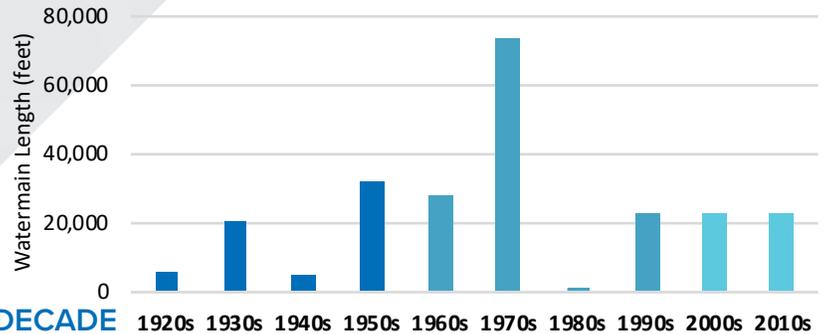
40+ MILES OF WATER MAIN

4"-16" SIZES

37% PVC **63%** ACP

A RECENT STUDY SHOWED THAT ASBESTOS CEMENT PIPE (ACP) HAS SEEN AN INCREASE IN PIPE BREAK RATES OF 46% FROM 2012 TO 2018. Source: Folkman, Steven, "Water Main Break Rates In the USA and Canada: A Comprehensive Study" (2018).

WATER



32+ MILES OF SANITARY SEWER

4"-18" SIZES

69% PVC **29%** CLAY **2%** OTHER

7 STORM SEWER LIFT STATIONS

10 SANITARY SEWER LIFT STATIONS

28+ MILES OF STORM SEWER



SIZES **8"-72"**

88% RCP **6%** PVC **6%** OTHER

16 drawdown tests were completed on Sanitary Sewer Lift Stations to determine their pumping capacity.

Sanitary Sewer Lift Station Pumping Capacity Range

70 gpm - 1,080 gpm



WATER DISTRIBUTION SYSTEM MODEL

The development of an accurately calibrated model provides the City with the ability to analyze countless scenarios and answer the looming “What If” questions as the City grows and considers redevelopment.



VALUABLE TOOL TO DIAGNOSE AND ANALYZE THE FOLLOWING

- System Pressure
- Storage Requirements
- Storage Operation
- Transmission Capacity
- Fire Flow
- Water Main Sizing
- Water Age

The water model was updated and calibrated for the entire City distribution system as part of this Master Plan.

“ALL PIPE” MODEL PROVIDES ACCURATE SIMULATION

The new hydraulic model is an “all pipes” model, meaning that it maintains a one-to-one relationship between individual elements in the City’s Geographic Information System (GIS) database and pipes in the model. An all pipes model results in a more accurate simulation, and enables continuous model updates and maintenance with changes in the City’s GIS database (that reflect changes in its infrastructure). This is critical for a City growing as fast as West Fargo and to avoid the model becoming outdated. The City now has a valuable tool that can be utilized with a high degree of confidence and accuracy.

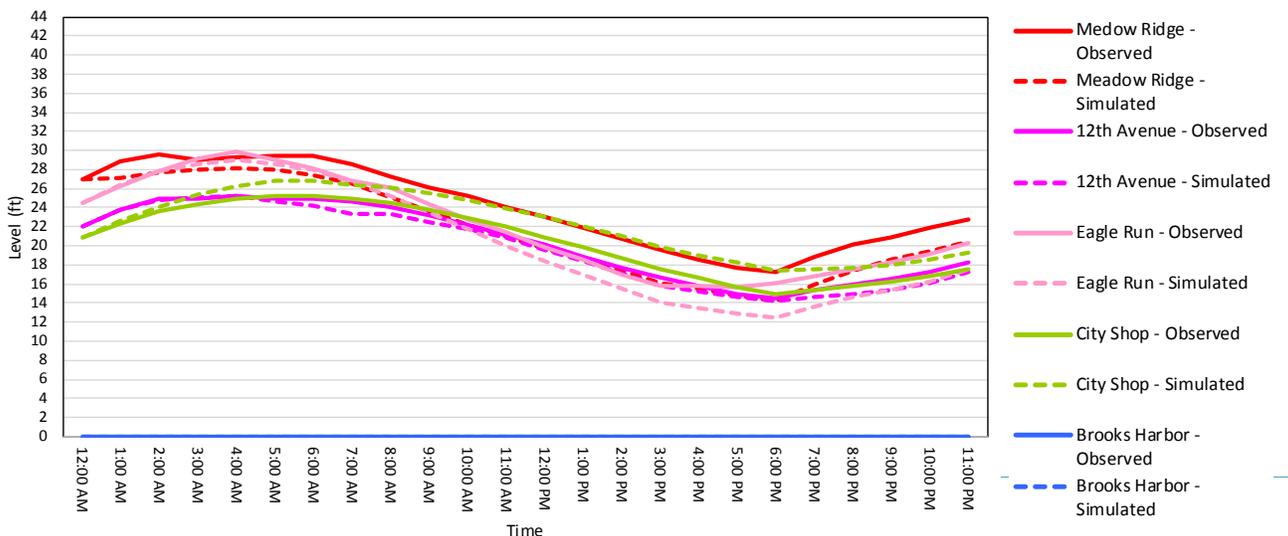
30 HYDRANT FLOW TEST **12 EXTENDED PERIOD TESTS**

Fire flow and extended period simulation (EPS) tests were conducted to ensure the model was calibrated correctly and accurately simulates system operations.

MODEL DEVELOPMENT AND CALIBRATION

Creating a model that accurately simulates a water distribution system is essential to ensure its usefulness of the model. Actual water usage was spatially allocated in the model to accurately simulate the demand on the system.

West Fargo Water Tower Level Comparison
July 19, 2018



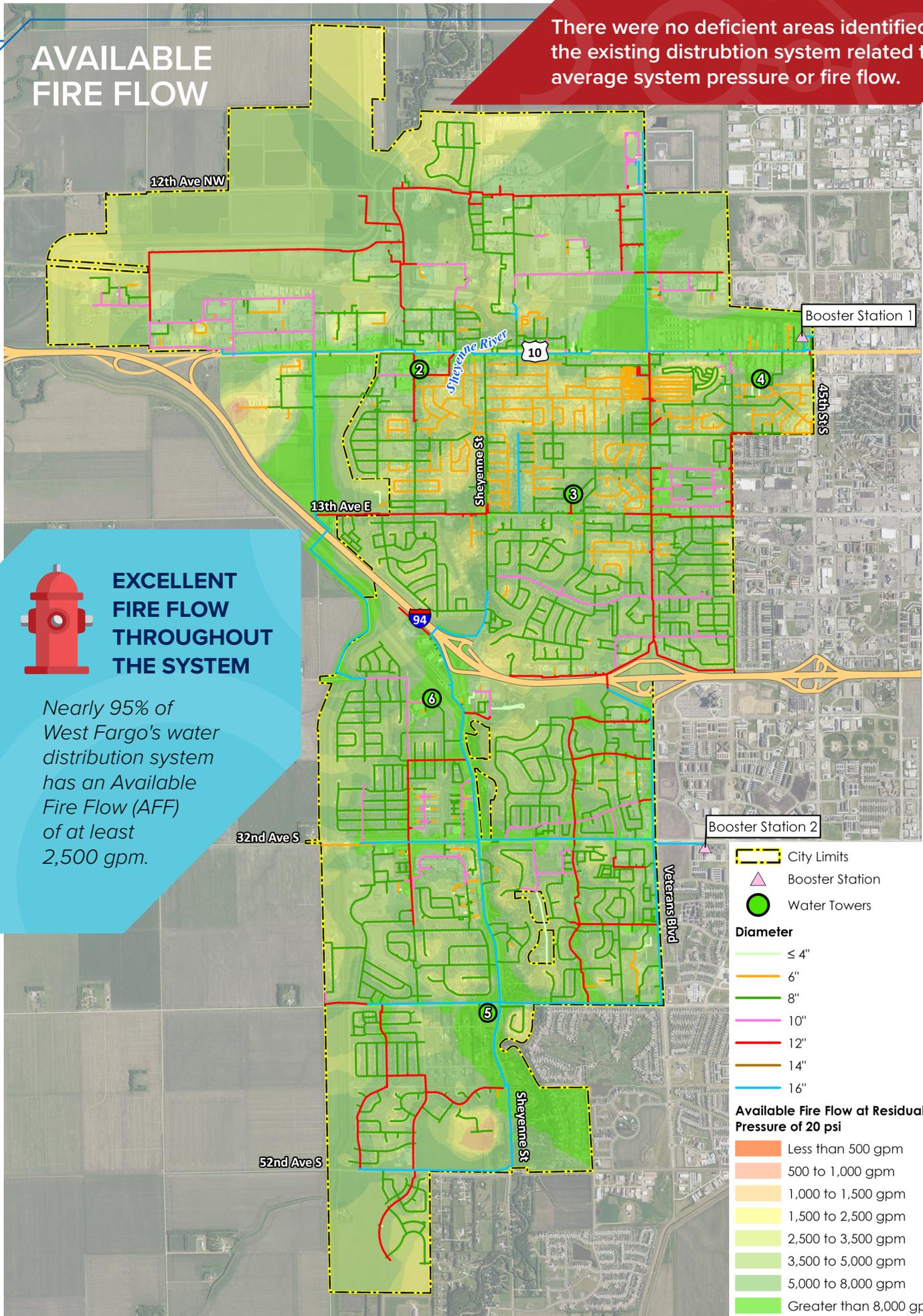
AVAILABLE FIRE FLOW

There were no deficient areas identified in the existing distribution system related to average system pressure or fire flow.



EXCELLENT FIRE FLOW THROUGHOUT THE SYSTEM

Nearly 95% of West Fargo's water distribution system has an Available Fire Flow (AFF) of at least 2,500 gpm.



- City Limits
- Booster Station
- Water Towers

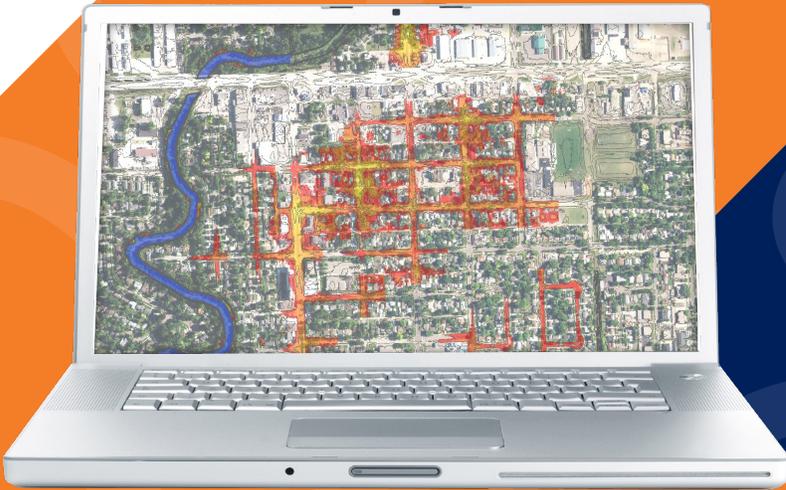
- Diameter**
- ≤ 4"
 - 6"
 - 8"
 - 10"
 - 12"
 - 14"
 - 16"

- Available Fire Flow at Residual Pressure of 20 psi**
- Less than 500 gpm
 - 500 to 1,000 gpm
 - 1,000 to 1,500 gpm
 - 1,500 to 2,500 gpm
 - 2,500 to 3,500 gpm
 - 3,500 to 5,000 gpm
 - 5,000 to 8,000 gpm
 - Greater than 8,000 gpm



STORMWATER SYSTEM MODEL

The development of a regional stormwater model for the Sheyenne River watershed area provides the City with the ability to better understand the reasons for drainage and flooding issues, and answer the questions of how to mitigate these issues.



VALUABLE TOOL TO ANALYZE SYSTEM DEFICIENCIES AND PLAN FOR IMPROVEMENTS

- Flooding Mitigation
- Drainage Issues
- Hydrologic and Hydraulic Analysis
- Determine Impact of Sheyenne River on the Storm Sewer

WATERSHED AREAS

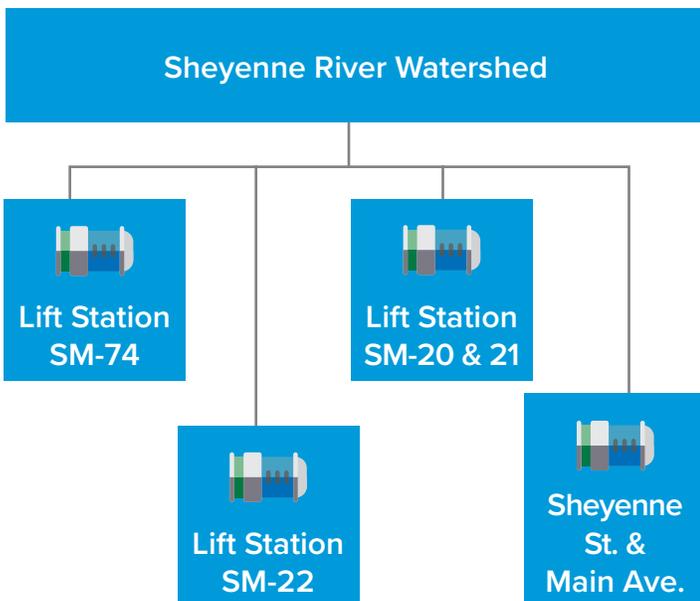
The study area contains three separate watersheds: Drain 21, Sheyenne River, and Drain 45. Stormwater modeling services included within the scope of this CAIMP included the Sheyenne River drainage basin only. Stormwater modeling services for the Drain 21 and Drain 45 watersheds were provided by others under a separate contract with the City. The Sheyenne River watershed was further separated into service areas.



MODELED RAINFALL EVENTS

Two rainfall events were considered for the project.

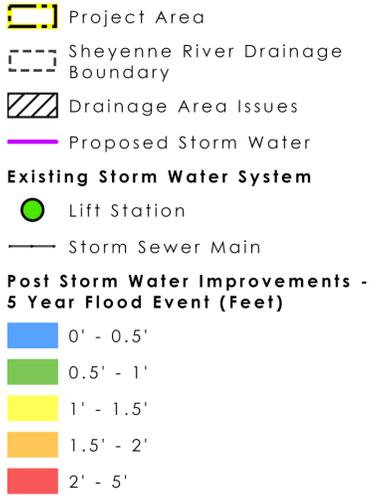
Rainfall Event	Depth (inches)
5-Year, 24-Hour	3.14
100-Year, 24-Hour	6.50



INFLUENCE OF THE SHEYENNE RIVER



Estimated flow in the Sheyenne River is 600-800 cubic feet per second (CFS) based on recent discharge rates from the Devils Lake basin. The stormwater modeling analysis assumed a constant base flow of 700cfs in the Sheyenne River. This base flow has a significant influence on the stormwater improvement recommendations.

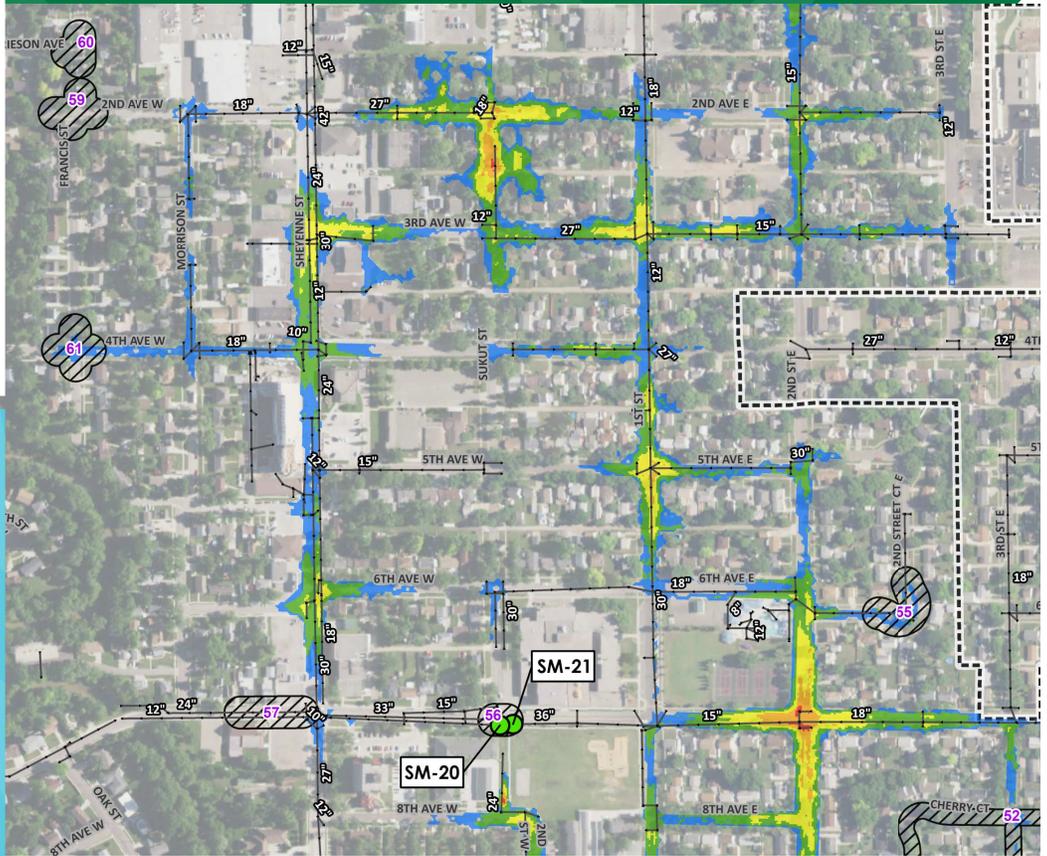


REGIONAL MODEL

The regional stormwater model was developed and utilized to effectively evaluate improvement alternatives to mitigate localized flooding and drainage concerns throughout the study area.

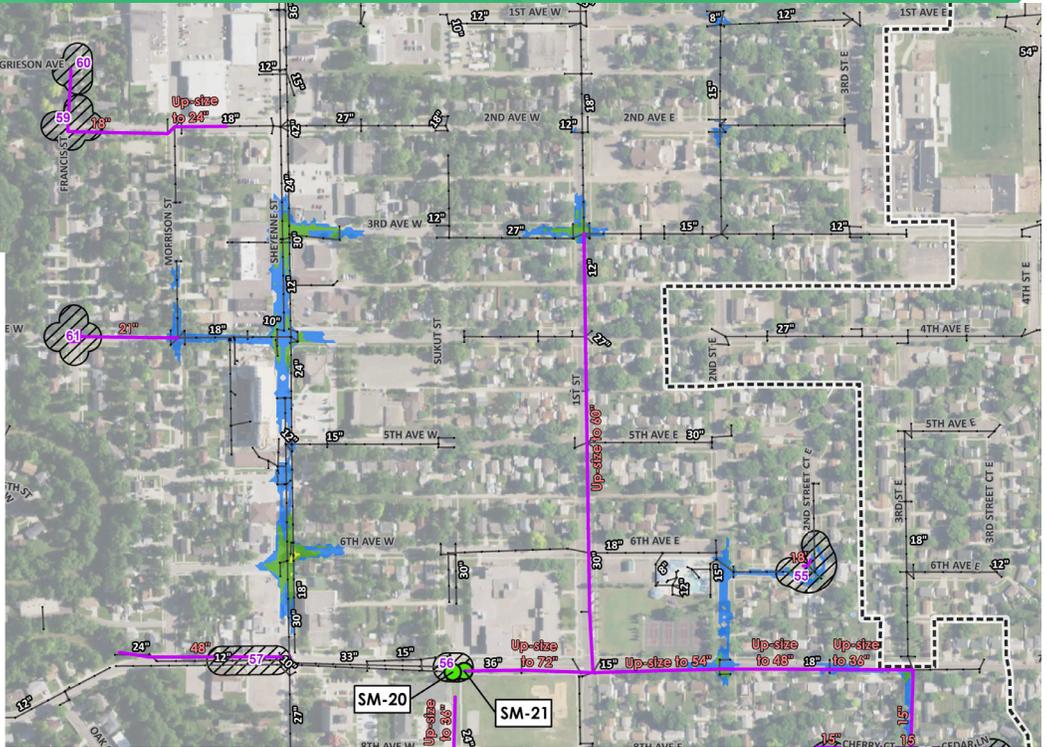
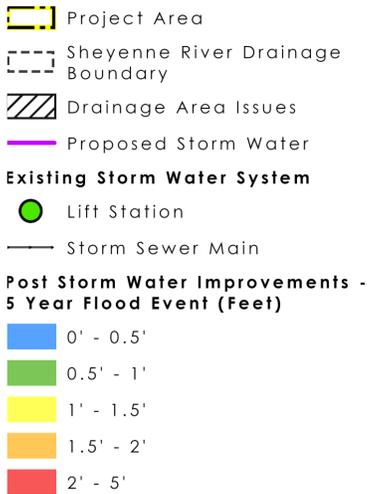
5-YEAR STORM EVENT

EXISTING CONDITIONS



5-YEAR STORM EVENT

PROPOSED CONDITIONS





INFRASTRUCTURE RISK ASSESSMENT

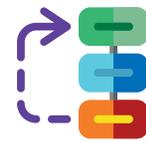
The infrastructure risk assessment provides a consistent approach of analyzing the risk of infrastructure failures, which allows improvement projects to be developed and prioritized. The infrastructure assessment is the basis for making prioritized improvement recommendations for executing full utility reconstructions, partial infrastructure replacements, and other projects to minimize the overall risk of infrastructure failures.

THE RISK EQUATION



COF provides a better understanding of how critical the asset is to the infrastructure system, as well as the over-arching consequence in the event of failure.

LOF provides a better understanding of how susceptible the asset is to failure. Asset material and condition is the focal point of the likelihood of failure for each system.



PRIORITIZING

*Prioritizing infrastructure improvements based on risk ensures investments are made towards the infrastructure that is **most critical** and **most likely to fail**.*

WHY PRACTICE RISK ASSESSMENT?

Risk assessment can assist in identifying the City's higher risk assets and identify action and improvements to mitigate those identified risks.

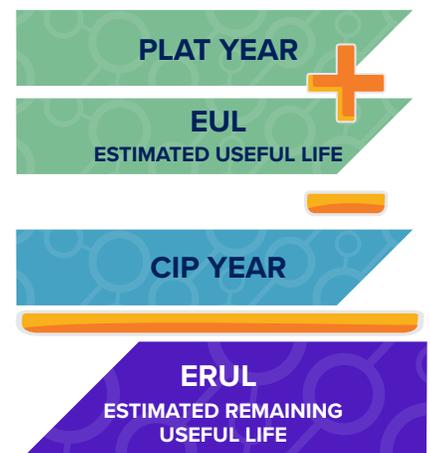
DYNAMIC RISK ASSESSMENT MODEL

The infrastructure risk assessment process is not intended to be a "one time use approach". Utilizing a spreadsheet model provides the City with a robust and updateable risk assessment model designed to be utilized in the future.

ESTIMATED USEFUL LIFE (EUL) RISK ASSUMPTIONS

A major component of the horizontal asset assessment was evaluating the remaining life of pipes that are currently in service. The Estimated Useful Life (EUL) of assets is defined as the estimated time period (expressed in years) assets will perform their intended function before failure. By combining the EUL with the plat year when the infrastructure was installed, the Estimated Remaining Useful Life (ERUL) can be calculated. Evaluating pipe age in terms of ERUL (which varies with pipe material) is much more effective compared to analyzing pipe age uniformly for all pipes because different pipe materials are proven to be more resilient than others.

HOW EUL & ERUL WERE UTILIZED DURING THE INFRASTRUCTURE ASSESSMENT

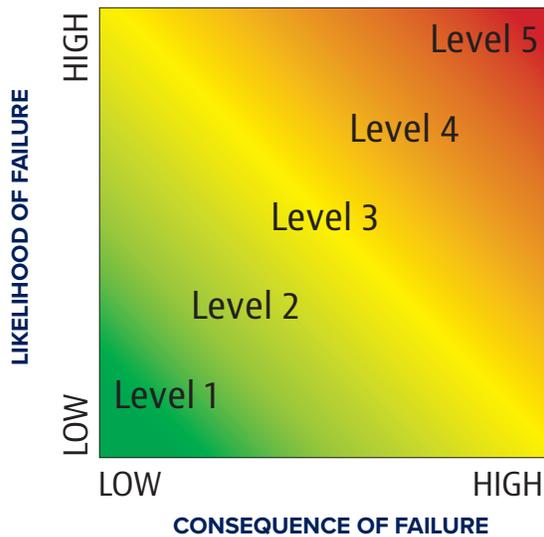


INFRASTRUCTURE RISK ASSESSMENT

Infrastructure risks for this project were categorized in one of five risk levels, ranging from minimal risk to extreme risk. Every water main, sanitary sewer, storm sewer, pavement section, and lift station within the Core Area received a risk level based on its respective risk score.

It's important to prioritize investments towards infrastructure that has the greatest risk - infrastructure risks can be quickly visualized in a risk matrix

RISK	RISK LEVEL
Extreme	Level 5
High	Level 4
Moderate	Level 3
Low	Level 2
Minimal	Level 1



Infrastructure evaluated in this assessment includes the City's core area streets, water mains, sanitary sewers, and storm sewers. Each system was assessed independently based on criteria pertinent to that system. Once the individual assessments were complete the data was compiled and consolidated into a comprehensive corridor assessment.

PAVEMENT
SYSTEM RISK
ASSESSMENT

WATER MAIN
SYSTEM RISK
ASSESSMENT

SANITARY
SEWER
SYSTEM RISK
ASSESSMENT

STORM SEWER
SYSTEM RISK
ASSESSMENT

**CORRIDOR
ASSESSMENT
SCORE**

333 CORRIDORS ASSESSED





PAVEMENT SYSTEM ASSESSMENT

The pavement system risk assessment utilized two criteria sets including pavement type and the estimated overall condition index (OCI) grade. The pavement system within the study area can be categorized into five types, includes, parking lots, local streets, collector streets, major collectors, and minor arterials. OCI grades (provided by the City) were used to provide a LOF score component to the pavement risk assessment. In total, there were 171 pavement segments assessed for the study area pavement system.



Pavement System Risk Assessment Results (Sample Set)

PAVE. ID	TYPE	TYPE (COF)	OCI GRADE	OCI LOF	WEIGHTED RISK	PAVE. RISK LEVEL
		20%		80%		
85	Collector	3.0	97.37	1.0	1.40	Level 1
65	Local	2.0	23.03	3.0	2.80	Level 3
23	Local	2.0	33.17	2.0	2.00	Level 2

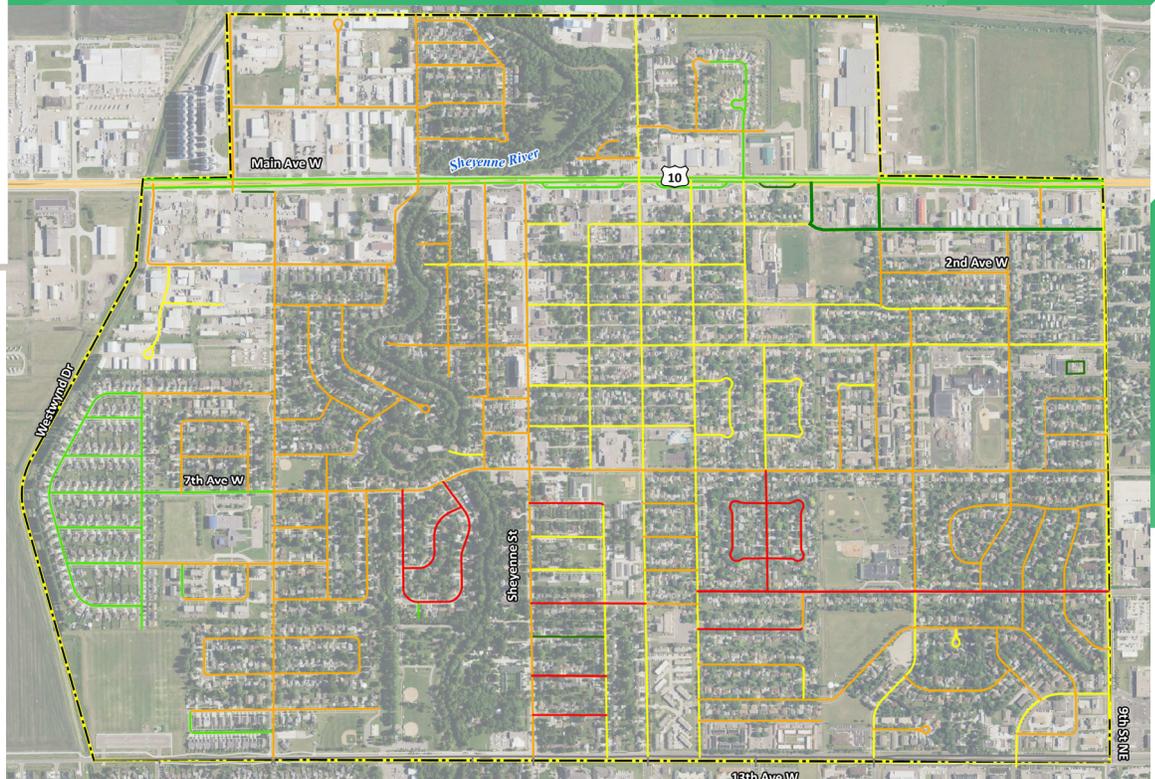
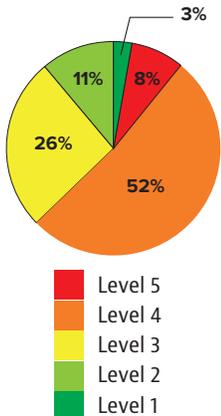
Pavement System Criteria Weights

CRITERIA	WEIGHT
Consequence of Failure	
Pavement Type	20%
Likelihood of Failure	
Pavement OCI Grade	80%
Total Weight	100%

PAVEMENT RISK SCORES

- Project Area
- Pavement - Risk Score**
- Level 5
- Level 4
- Level 3
- Level 2
- Level 1
- No Pavement Data

RISK SCORE DISTRIBUTION





WATER MAIN SYSTEM ASSESSMENT

The water main system risk assessment utilized three criteria sets including pipe diameter, pipe material, and estimated remaining useful life (ERUL) of pipe. In total, there were 1,739 pipes (totaling 212,000 linear feet) assessed for the water main system. Although a total of 1,739 pipe sections were assessed, there are only 333 corridors within the study area, meaning some corridors contain multiple water mains. Therefore, the individual water main risk scores were consolidated based on the individual water main risk scores and the respective water main length.



Water main pipe diameter in inches

Material: Water main pipe material of construction
ERUL: Estimated remaining useful life of water main pipe.

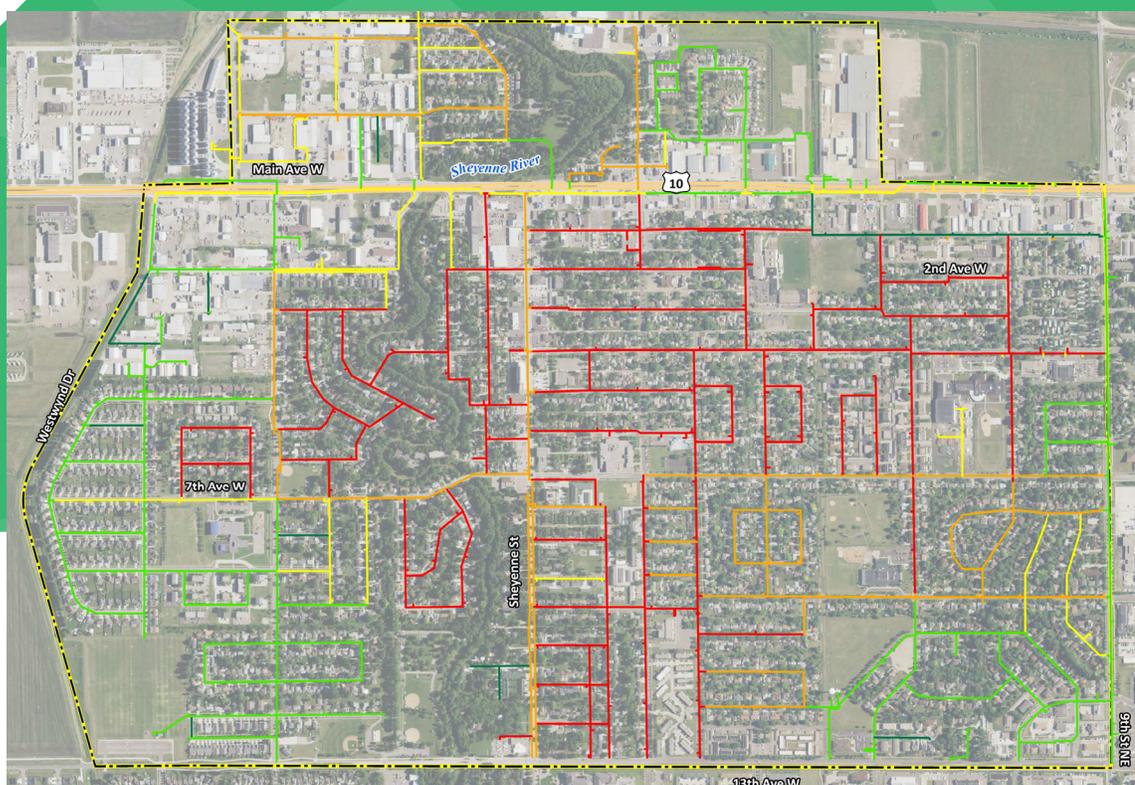
Water Main System Criteria Weights

CRITERIA	WEIGHT
Consequence of Failure	
Water Main Pipe Diameter	20%
Likelihood of Failure	
Water Main Pipe Material	40%
Water Main Pipe ERUL	40%
Total Weight	100%

Water Main System Risk Assessment Results (Sample Set)

WM ID	DIAMETER	DIAMETER (COF)	MATERIAL	MATERIAL (LOF)	ERUL	ERUL (LOF)	WEIGHTED RISK	WM RISK LEVEL
		20%		40%		40%		
4401	8-inches	1.0	PVC	1.0	84 Years	1.0	1.00	Level 1
2242	12-inches	3.0	ACP	5.0	29 Years	3.0	3.80	Level 4
485	16-inches	5.0	ACP	5.0	-19 Years	5.0	5.00	Level 5

WATER MAIN RISK SCORES

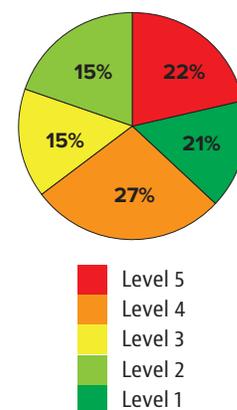


Project Area

Water System - Risk Score

- Level 5
- Level 4
- Level 3
- Level 2
- Level 1
- No Water Main Data

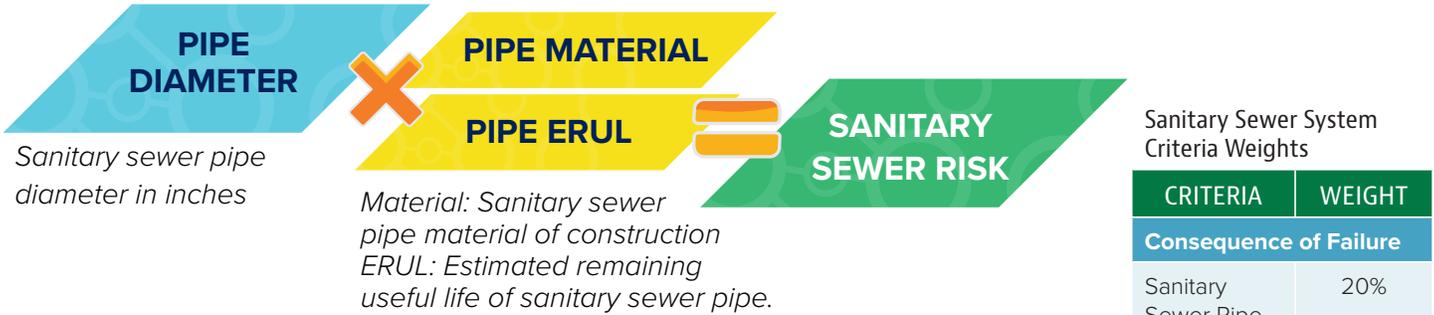
RISK SCORE DISTRIBUTION





SANITARY SEWER SYSTEM RISK ASSESSMENT

Like the water main system risk assessment, the sanitary sewer system risk assessment utilized three criteria sets including pipe diameter, pipe material, and pipe ERUL. Risk levels were also calculated based on the Closed-circuit Television (CCTV) assessment (further detailed on the following page) and were utilized for all pipes that had CCTV videos. In total, there were 687 pipes (totaling 170,000 linear feet) assessed for the sanitary sewer system.



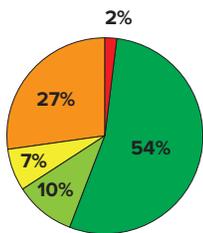
Sanitary Sewer System Risk Assessment Results (Sample Set)

SA ID	DIAMETER	DIAMETER (COF)	MATERIAL	MATERIAL (LOF)	ERUL	ERUL (LOF)	WEIGHTED RISK	SA RISK LEVEL
		20%		40%		40%		
110	8-inches	1.0	VCP	5.0	-15	5.0	4.20	Level 4
425	18-inches	4.0	PVC	1.0	44	2.0	2.00	Level 2
708	Unknown	5.0	Unknown	5.0	-44	5.0	5.00	Level 5

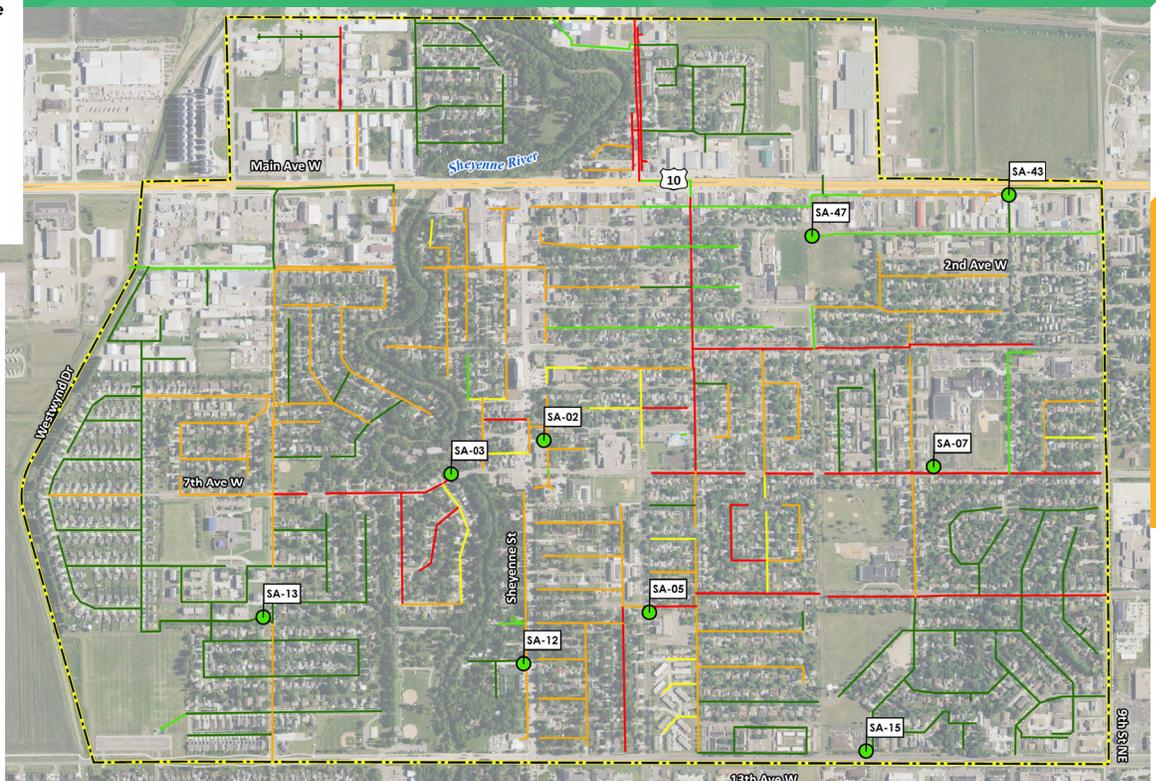
SANITARY SEWER RISK SCORES

- Project Area
- Wastewater Lift Station
- Sanitary Sewer System - Risk Score**
- Level 5
- Level 4
- Level 3
- Level 2
- Level 1
- No Sanitary Data

RISK SCORE DISTRIBUTION



- Level 5
- Level 4
- Level 3
- Level 2
- Level 1



SANITARY SEWER SYSTEM CCTV ASSESSMENT

The City provided CCTV data of roughly 20% of the entire sanitary sewer system within the study area. A web-based GIS map was created of the City's sanitary sewer system to help field staff spatially reference the videos in the future. Once the videos were reviewed the pipe risk score was calculated based on observed defects.

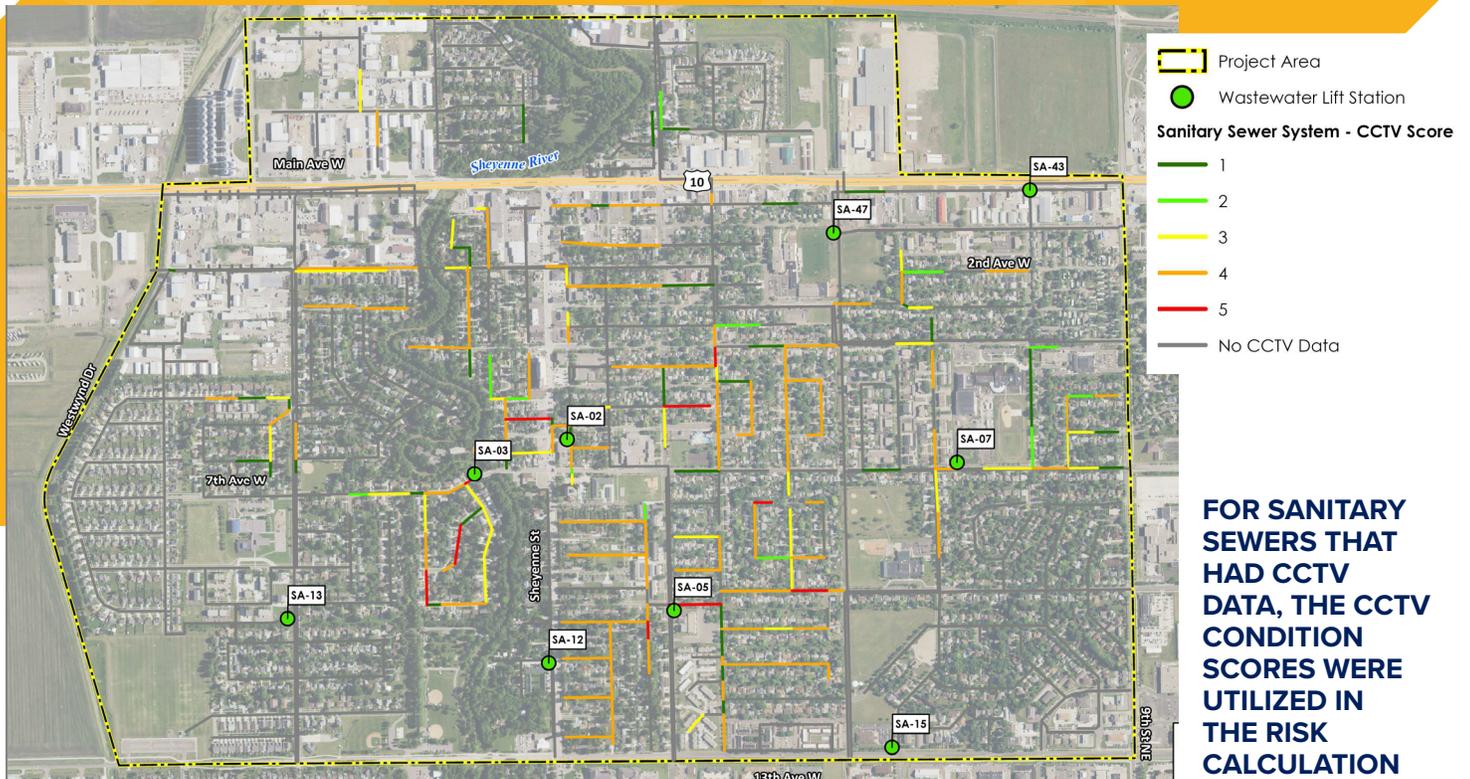
CCTV sewer inspection is a very effective method for assessing sewer systems. The Pipeline Assessment Certification Program (PACP) by the National Association of Sewer Service Companies (NASSCO) is an industry recognized method for assessing the structural and operational defects of sewers and was



NOTE ABOUT TELEVISED PIPES

Not all sanitary sewer pipe within the study area was televised but it was a goal of the project team to televise all known areas of clay pipe sanitary sewer.

SANITARY SEWER CCTV CONDITION SCORES





STORM SEWER SYSTEM ASSESSMENT

Identical to the water main and sanitary sewer system risk assessments, the storm sewer system risk assessment utilized the same three criteria sets including pipe diameter, pipe material, and pipe ERUL. In total, there were 1,458 pipes (totaling 149,000 linear feet) assessed for the storm sewer system.



Storm Sewer System Criteria Weights

CRITERIA	WEIGHT
Consequence of Failure	
Storm Sewer Pipe Diameter	10%
Likelihood of Failure*	
Storm Sewer Pipe Material	10%
Storm Sewer Pipe ERUL	80%
Total Weight	100%

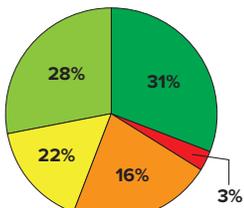
Storm Sewer System Risk Assessment Results (Sample Set)

SM ID	DIAMETER	DIAMETER (COF)	MATERIAL	MATERIAL (LOF)	ERUL	ERUL (LOF)	WEIGHTED RISK	SM RISK LEVEL
		10%		10%		80%		
434	24-inches	2.0	RCP	1.0	55 years	1.0	1.10	Level 1
1867	30-inches	3.0	RCP	1.0	58 years	1.0	1.20	Level 1
2018	18-inches	2.0	RCP	1.0	-6 years	5.0	4.30	Level 4

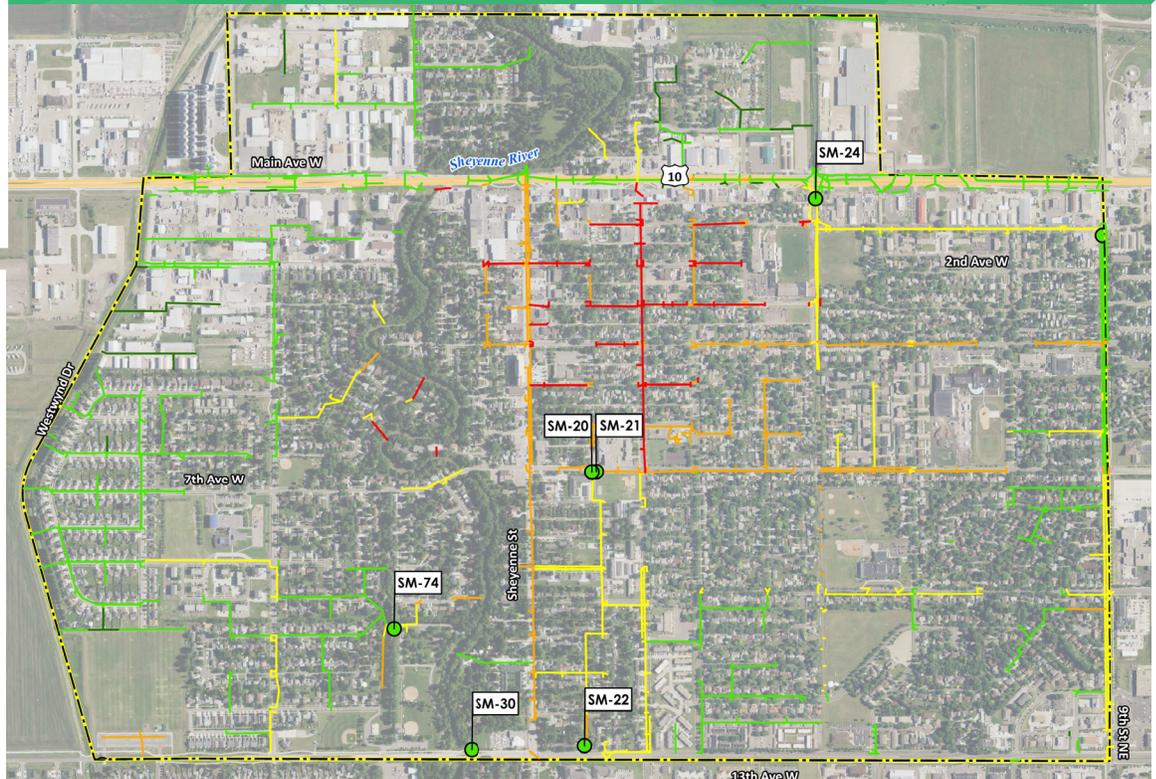
STORM SEWER RISK SCORES

- Project Area
- Lift Station
- Storm Sewer System - Risk Score**
- Level 5
- Level 4
- Level 3
- Level 2
- Level 1
- No Storm Sewer Data

RISK SCORE DISTRIBUTION

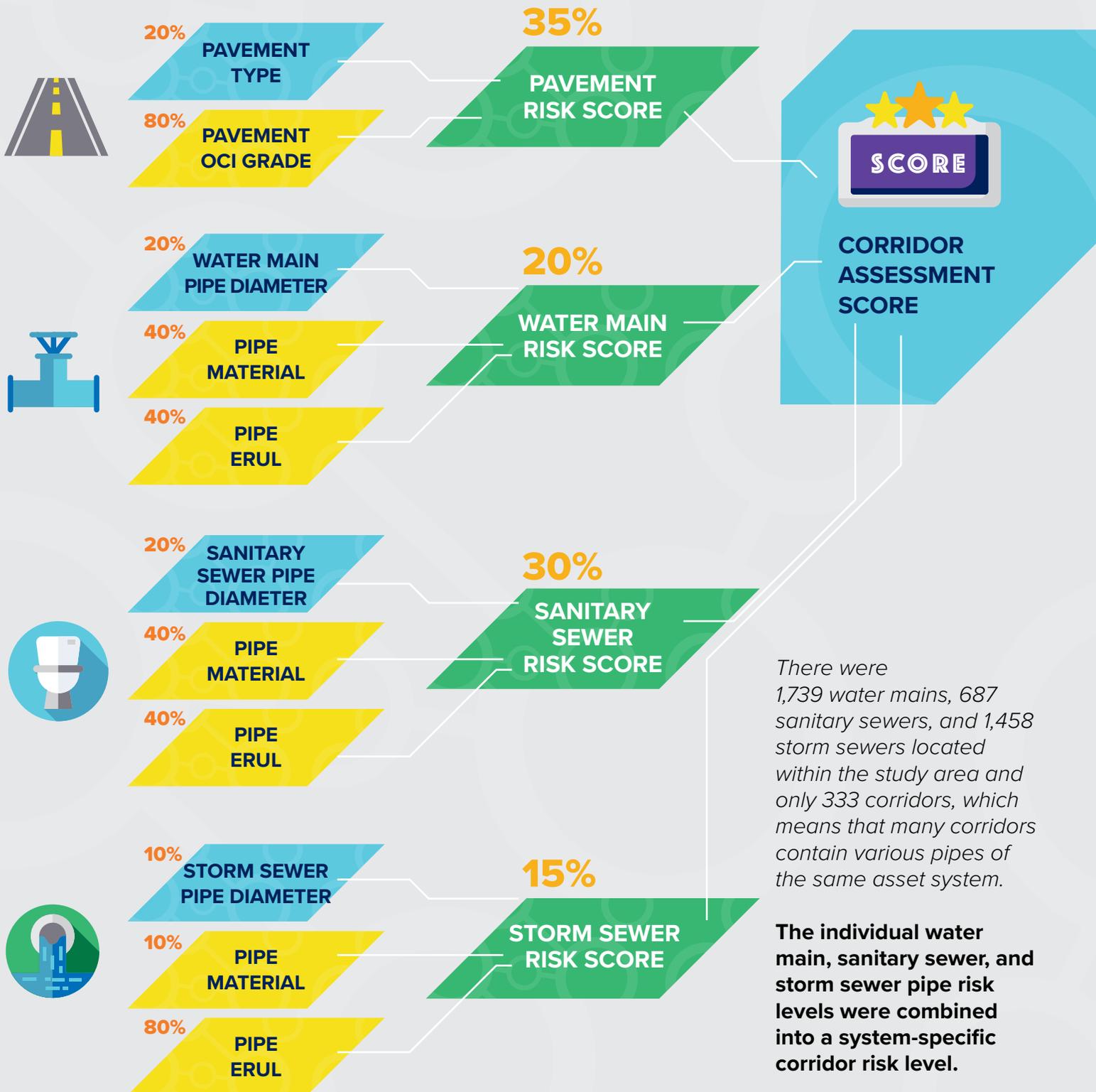


- Level 5
- Level 4
- Level 3
- Level 2
- Level 1



CORRIDOR ASSESSMENT

Determining the optimal time to replace underground infrastructure is a challenge all communities face. Performing a corridor assessment provides a comprehensive approach to addressing infrastructure challenges because every asset within that corridor is being considered. By taking this corridor-specific approach, West Fargo will have the ability to not only consider the replacement needs of individual utilities but also rank the overall needs of key corridors as part of its capital improvements process.



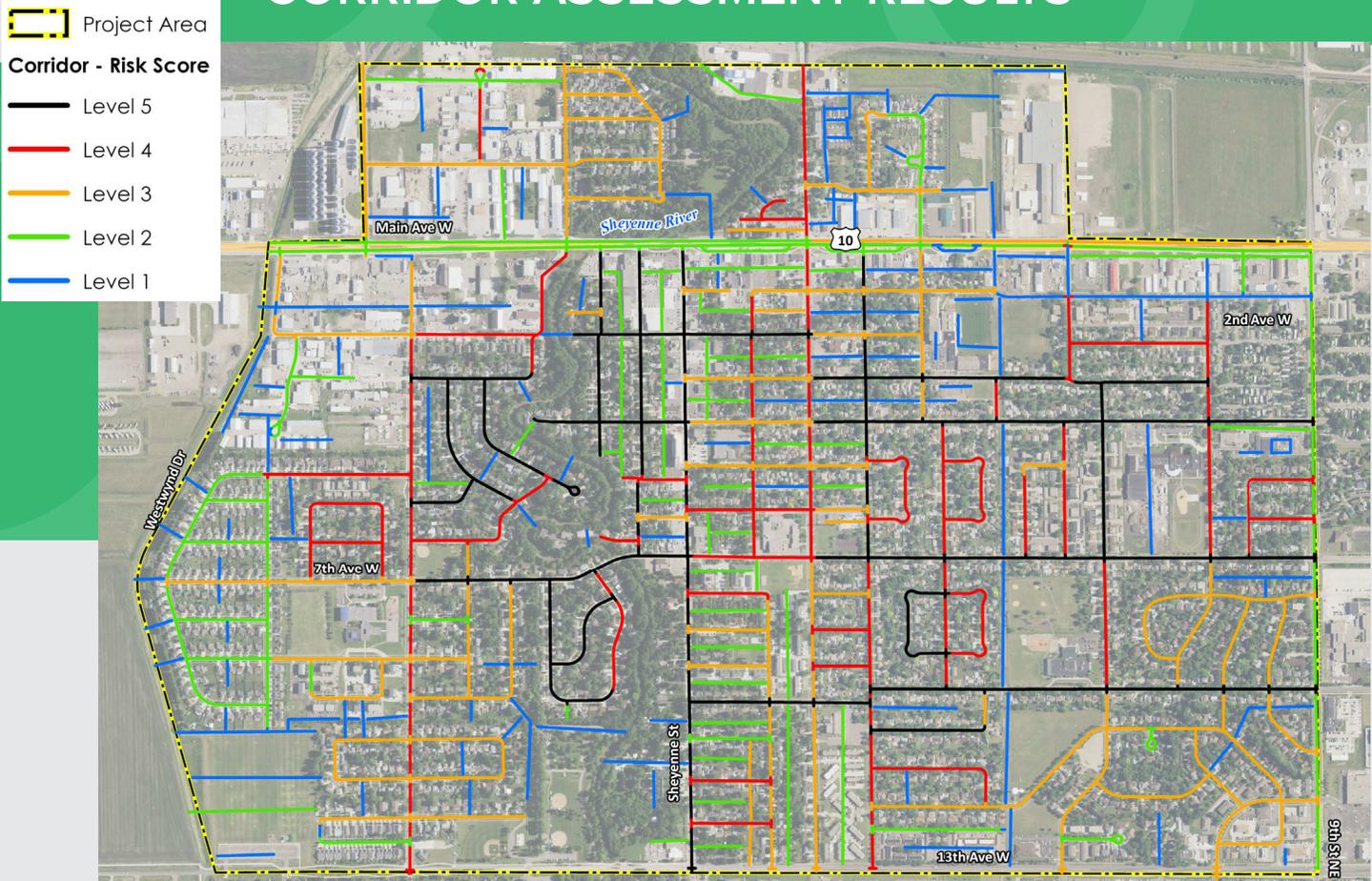
CORRIDOR ASSESSMENT

Like the individual system risk assessments, the corridor assessment utilized a five-level scoring system to identify corridors that are in significant need of investment versus corridors that are in excellent condition. The corridor assessment levels utilized are shown below.

Corridor Assessment Levels		
CORRIDOR SCORE RANGES	CORRIDOR ASSESSMENT LEVEL	GENERAL RECOMMENDATION
0.00 – 0.99	Level 1	No Project Recommended; Routine Monitoring
1.00 – 1.99	Level 2	No Project Recommended; Routing Monitoring
2.00 – 2.99	Level 3	No Project Recommended; Increased Monitoring
3.00 – 3.99	Level 4	Project Recommended in 1-10 Years
4.00 – 5.00	Level 5	Project Recommended Immediately

Projects were recommended for all corridors that received a risk level of 5. However, just because a corridor received a score of 1-4, it doesn't mean a project is not recommended. The purpose of the corridor assessment is to identify the corridors that are at the highest risk of having a single asset fail, which encourages prioritized and fiscally responsible infrastructure investments. A corridor that received a risk level 1 could still have an asset that's considered a high failure risk. In this case, the other assets within said corridor likely have a low failure risk, which is why said corridor received a risk level of one.

CORRIDOR ASSESSMENT RESULTS



LIFT STATION ASSESSMENT



Due to variability in the data that was available for the two lift station types, specific criteria and criteria weights were separately established for performing an assessment of the sanitary sewer and storm sewer lift stations. Upon collecting additional data, assessment criteria and weights were developed through a collaborative approach between AE2S and key City of West Fargo personnel. Each lift station was then assessed to determine the corresponding risk score and prioritization in which improvements should be conducted.

LIFT STATION INSPECTION AND O&M HISTORY SCORING SCALE

High Risk of Failure



Low Risk of Failure

Score	Condition Category	General Condition Description	General Functionality Description
5	Not Functioning	Component severely compromised	Component is not currently functioning as intended
4	Poor Condition	Component moderately compromised	In-service, but function is highly impaired
3	Fair Condition	Visible degradation	In-service, but function is impaired and higher than expected O&M
2	Good Condition	Slight visible degradation	In-service and functioning satisfactorily, but higher than expected O&M
1	Excellent Condition	New or nearly new; no signs of degradation	Component functioning as intended



Criteria scores were then multiplied by their respective weights to calculate an improvement priority score.



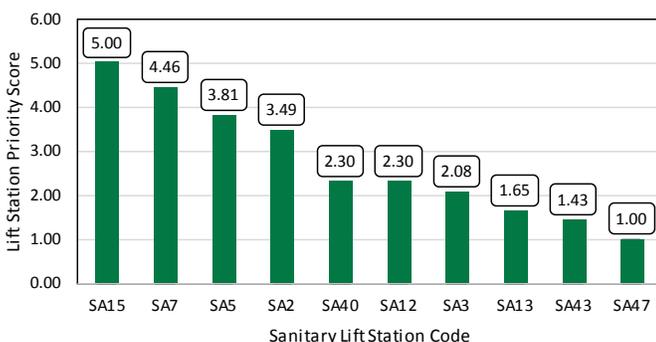
Sanitary (SA) Lift Station Criteria Weights

CRITERIA	WEIGHT
Consequence of Failure	
Lift Station Pumping Capacity	30%
Likelihood of Failure	
Lift Station ERUL	30%
Lift Station Inspection and O&M History	40%
Total Weight	100%

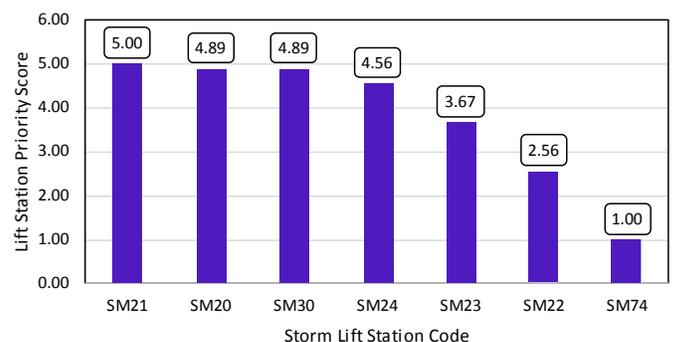
Storm (SM) Lift Station Criteria Weights

CRITERIA	WEIGHT
Consequence of Failure	
Lift Station Pump Horsepower	10%
Likelihood of Failure	
Lift Station ERUL	40%
Lift Station Inspection and O&M History	50%
Total Weight	100%

Sanitary Sewer Lift Station Assessment Results



Storm Sewer Lift Station Assessment Results





CAPITAL IMPROVEMENTS PLAN

The City of West Fargo's Core Area CIP is a comprehensive, 10-year plan for capital investments in implementing, enhancing, and maintaining the City's public infrastructure assets located within the study area of this master plan. The CIP provides a forecast of estimated funds needed for capital projects and identifies planned capital improvement projects located in the study area and their estimated costs over a 10-year planning horizon. The CIP developed in this master plan is intended to be used to supplement West Fargo's city-wide CIP.

The Core Area CIP includes project priorities to address infrastructure needs within the study area. However, it may be determined by City staff to be more economical and/or feasible to complete projects in a different order than recommended. Factors such as financial limitations tied to available funding sources, progress on ongoing projects, existing funding commitments and ongoing work to leverage outside funding sources and methods are all components that could influence the timing of undertaking a new project.

PROJECT CATEGORIES



FULL RECONSTRUCTION

Full reconstruction of all utilities in a given corridor is recommended.



PARTIAL REPLACEMENT AND REHABILITATION (R&R)

One utility is in need of immediate attention while other utilities are in adequate condition.



WATER SYSTEM HYDRAULIC IMPROVEMENTS

Recommendations to support redevelopment and water system operations.



STORMWATER SYSTEM HYDRAULIC IMPROVEMENTS

Recommendations to mitigate drainage and/or flooding issues.



LIFT STATION IMPROVEMENTS

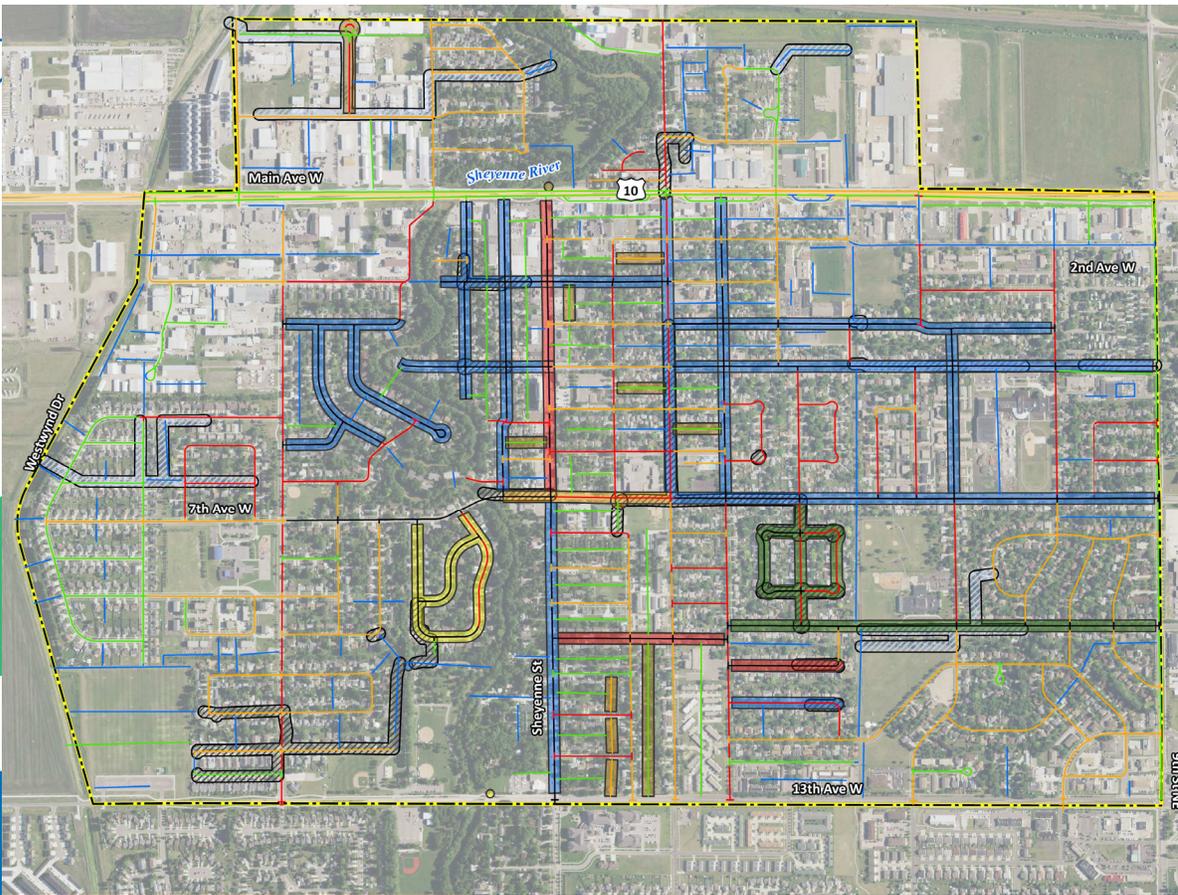
Condition and/or capacity related improvements.



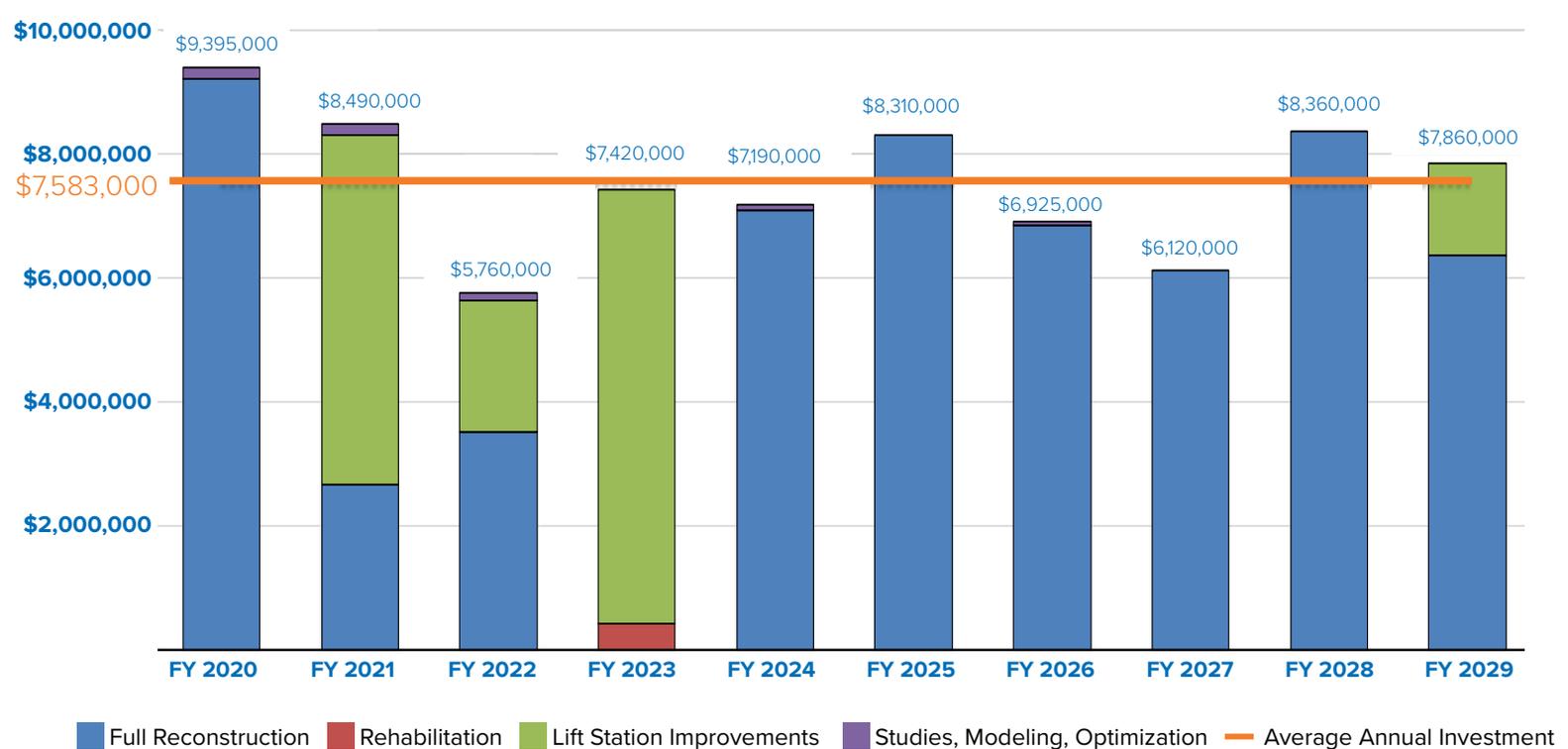
STUDIES AND OPTIMIZATION

More information is needed before the City makes costly investments.

WEST FARGO CAIMP 10-YEAR CIP PROJECT MAP



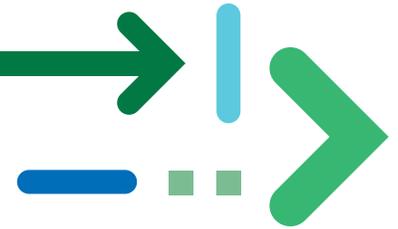
10-YEAR CIP - INVESTMENT PLAN WEST FARGO CORE AREA INFRASTRUCTURE MASTER PLAN



Priority	Project ID	Project Name	Project Category	Estimated Total Project Costs (2019\$)	Year
1	FR-01	10th 1/2 Ave. E Reconstruction	Full Reconstruction	\$950,000	2020
2	SMO-01	SM20 & SM21 Lift Station Replacement Study	Studies, Modeling, Optimization	\$75,000	2020
3	FR-02	10th Ave. Reconstruction	Full Reconstruction	\$1,300,000	2020
4	SMO-02	Sheyenne Street Storm Lift Station Study	Studies, Modeling, Optimization	\$100,000	2020
5	FR-17-N	Sheyenne St. Reconstruction (North Segment)	Full Reconstruction	\$6,970,000	2020
6	SMO-03	Sewer Televising Optimization Study	Studies, Modeling, Optimization	\$50,000	2021
7	SMO-04	I/I Reduction Study	Studies, Modeling, Optimization	\$130,000	2021
8	LS-01	SM20 & SM21 Lift Station Replacement	Lift Station Improvements	\$5,640,000	2021
9	FR-03	7th Ave. W. Reconstruction	Full Reconstruction	\$2,670,000	2021
10	FR-04	Elm St. and Oak St. Neighborhood Reconstruction	Full Reconstruction	\$3,510,000	2022
11	SMO-05	SM22 Storm Lift Station Study	Studies, Modeling, Optimization	\$50,000	2022
12	LS-02	SM30 Storm Lift Station Replacement	Lift Station Improvements	\$2,120,000	2022
13	SMO-06	SA15 Sanitary Lift Station Study	Studies, Modeling, Optimization	\$80,000	2022
14	LS-03	Sheyenne Street Regional Storm Lift Station Addition	Lift Station Improvements	\$7,000,000	2023
15	RR-01	Alley/Backyard Sanitary Sewer Rehabilitation Project	Rehabilitation	\$420,000	2023
16	FR-05	Cherry Court - Cedar Lane Neighborhood Reconstruction	Full Reconstruction	\$3,190,000	2024

Priority	Project ID	Project Name	Project Category	Estimated Total Project Costs (2019\$)	Year
17	SMO-07	Cartegraph Optimization Study	Studies, Modeling, Optimization	\$80,000	2024
18	FR-06	10th Ave. E. Reconstruction	Full Reconstruction	\$3,920,000	2024
19	FR-07	Francis St., 2nd Ave. W, and 4th Ave. W Reconstruction	Full Reconstruction	\$3,570,000	2025
20	FR-08	4th Ave. E. Reconstruction	Full Reconstruction	\$4,740,000	2025
21	SMO-08	SM74 Storm Lift Station Capacity Study	Studies, Modeling, Optimization	\$75,000	2026
22	FR-09	7th Ave. E. Reconstruction	Full Reconstruction	\$4,790,000	2026
23	FR-10	Morrison St. Reconstruction	Full Reconstruction	\$2,060,000	2026
24	FR-11	2nd St. E Reconstruction	Full Reconstruction	\$2,130,000	2027
25	FR-12	6th St. E Reconstruction	Full Reconstruction	\$1,230,000	2027
26	FR-13	3rd Ave. E Reconstruction	Full Reconstruction	\$2,760,000	2027
27	FR-14	6th St. W, 7th St. W, 3rd Ave. W, and 5th Ave. W Reconstruction	Full Reconstruction	\$4,730,000	2028
28	FR-15	1st St. Reconstruction	Full Reconstruction	\$2,710,000	2028
29	FR-16	11th Ave. E. Reconstruction	Full Reconstruction	\$920,000	2028
31	FR-17-S	Sheyenne St. Reconstruction (South Segment)	Full Reconstruction	\$6,360,000	2029
31	LS-04	SM74 Lift Station Capacity Upgrade	Lift Station Improvements	\$1,500,000	2029
			Total Estimated Project Costs	\$75,830,000	

MOVING FORWARD



As time passes, some uncertainties and changes are to be expected to the CIP due to a variety of social, environmental, and economical factors. The impacts of these changes can be best managed through a fluid planning approach. Positively responding to changes and differences will be most appropriately accomplished through a routine planning process that enables the City to maintain a clear vision and consistent direction for infrastructure reconstruction and improvement in the Core Area of West Fargo.

For additional details on the CAIMP, please refer to the full master plan report in the possession of the City of West Fargo Engineering Department.



Prepared By:



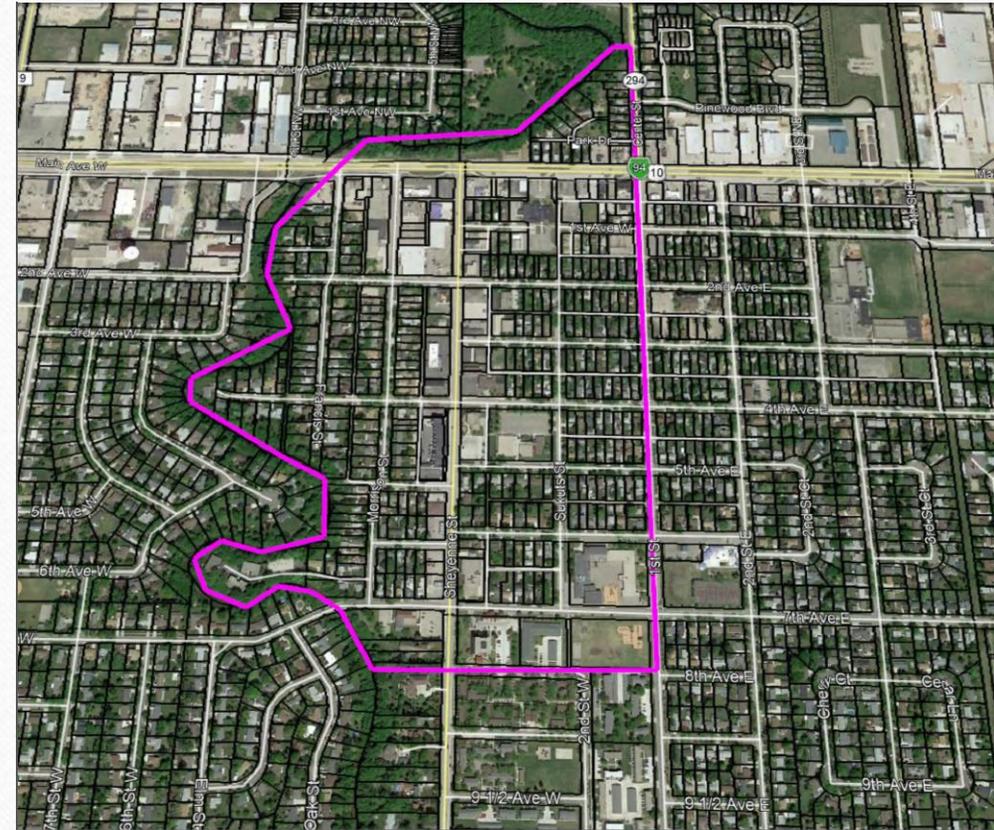
ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, INC.
4170 28th Ave S, Fargo, ND 58104 | 701-364-9111

Extraordinary Innovation Initiative

Procurement of a New City Hall and City Buildings

New City Hall and City Buildings

- Outgrown Current Space
- New City Hall
- New City Buildings
 - Public Works
 - Fire Department
- Extraordinary Innovation Initiative
= Defines a Means for Procurement



Initial Procurement Step

- Request for Information (RFI)
 - The purpose is to define the City needs and to gather information about how to accomplish those needs
 - It is not a commitment to contract with a respondent or to move forward with procurement
 - The City can reject all of the information presented
 - All of the preparation costs for responding to the RFI are the responsibility of a respondent
 - If the City moves forward with the procurement, it is not limited to working with only those who responded to the RFI

General Contents of RFI

- Description of City Project
- Description of City Payment Means
- Ask for Description of Delivery Means
 - Lease Purchase; Public-Private Partnership; Traditional Design-Bid-Build; Etc.
 - Prior Experience
 - Location
 - Land Acquisition
- Ask for General Pricing
- Ask for General Delivery Schedule

Submission of Information

- Respondents submit information to the Procurement Committee by a certain date
- Procurement Committee sets a schedule for respondent presentations on a local industry day
- Procurement Committee preliminarily reviews the submissions
- Procurement Committee holds a local industry day to allow for presentations and questions
- Procurement Committee takes the information and decides whether to continue with the procurement and how

Procurement Committee

- City Administrator
- Finance Director
- City Engineer
- Director of Planning and Zoning
- City Commissioner

Questions?



Dustin T. Scott - City Engineer
Jerry Wallace – Civil Engineer
Andrew Wrucke – Transportation Engineer
Kayla Volness – Engineering Office Manager

Engineering Department
800 4th Ave E
West Fargo, ND 58078
701-433-5330
www.westfargond.gov

AGENDA ITEM REQUEST
BOARD OF CITY COMMISSIONERS
WEST FARGO, NORTH DAKOTA

OFFICE USE:
AGENDA ITEM # 5

** "Consent" or "Regular" Agenda Item? **[Regular]** **

1. CONTACT PERSON(S):
 - Dustin T. Scott, City Engineer (433-5425)
2. DATE OF MEETING: **February 3rd, 2020**
3. DESCRIPTION OF REQUEST:
 - Review attached information regarding two (2) proposed Change Orders for Improvement District No. 2250 – Sheyenne St, Segment 3
4. LOCATION (address; legal; etc.):
 - 32nd to 40th Ave W
5. ACTION(S) REQUESTED:
 1. Approve Change Order in the amount of **\$222,708.20** that will be added to the contract by change order.
 2. Approve Change Order in the amount of **\$106,679.20** that will be added to the contract by change order.

ADDITIONAL INFORMATION:

- Current Contract Price
 - \$10,130,745.40
- New Contract Price (Including both Change Orders)
 - \$10,460,132.80
- Percentage increase from the original Contract
 - 3.73%

January 30, 2020

Subject: Improvement No. 2250 “*Sheyenne St. Segment 3 (32nd to 40th Avenue)*”

Proposed Change Orders for a.) disposal of excess soil and b.) request for 40th Avenue to remain open during construction.

The following is an executive summary for the above-mentioned Change Orders. Additional information and supporting documentation are attached for reference.

A. Disposal of excess soil

Over the course of construction, it became apparent that significant amounts of excess material were being generated that would ultimately require off-site disposal. Typical engineering and design assumptions for this region (i.e. factor of 25%) likely did not hold true for factors such as shrinkage and compaction. As a result, 13,178 cubic yards (CY) of material was removed and disposed of at various locations outside of the project. This issue was identified in August of 2019 during construction, and the contractor solely bore the cost of this extra work to complete the project on time.

Since project completion, multiple meetings have been held involving the contractor, the engineering consultants, North Dakota Department of Transportation officials, and the City of West Fargo. All parties agreed that there was extra work required to build the project to lines and grades indicated on the plans and meet project completion deadlines. The contractor initially submitted cost documentation for direct and indirect costs in the amount of \$298,941.99. After several discussions and review meetings, all parties agreed that \$222,708.20 was reasonable and justifiable compensation.

B. Request for 40th Avenue to remain open during construction

At the beginning of construction, the City of West Fargo requested city staff to work with the contractor on changing the construction plans to allow the intersection of Sheyenne St. and 40th Avenue to remain partially open for phase 1 of the project. This topic was originally discussed during the April 1st City Commission meeting, at which time the contractor had just received conceptual plans for the changes from the engineering consultant, KLJ. The topic was discussed

again during the April 15th City Commission meeting, and the contractor's preliminary cost estimate for this request was approximately \$200,000. The City Commission acknowledged the estimated cost and ultimately wanted to continue with the plan change to keep the intersection open.

Staff has been working with the contractor, engineering consultants, and the NDDOT to review documentation the contractor has submitted for compensation claims in the amount of \$106,679.20. It is difficult to quantify costs incurred by the contractor for keeping the intersection open (i.e. loss of efficiencies, time, etc.). However, it should be noted that contractually the intersection could have been closed for up to 32 days. If the liquidated damages, at \$4,000 per day, for late completion of this phase of work were to have been applied as an "incentive" to keep the road open, they would have been paid \$128,000. In this sense, staff and the NDDOT feel the contractor's request is reasonable and justifiable.

Relating to Change
Order item A

North Dakota Department of Transportation
Change Order

Change Order No: 9

Project: SU-8-992(040)041

PCN: 21569

SubProject: 1 GRADING, AGGREGATE BASE, PCC PAVEMENT, STC County: Cass

For: GRADING, AGGREGATE BASE, PCC PAVEMENT, STORM SEWER, S

Contractor: DAKOTA UNDERGROUND COMPANY
4001 15TH AVE N
FARGO, ND 58102-2832

Original Contract Amount:
\$10,083,777.85

Date Created: 11/27/2019

Date Approved:

Spec No	Code No	Item of Work	Unit	Original Quantity	+ or - Quantity	Unit Price	Increase Amount	Decrease Amount
		ADDED CONTRACT ITEM						
		NON-PARTICIPATING (FEDERAL FUNDS)						
203	113	COMMON EXCAVATION-WASTE	CY	0.00	13,178.00	16.900	222,708.20	
Net Increase or Decrease to Date			27,260.83 Part	242,414.97	Non-Part	TOTALS	222,708.20	
							NON-PARTICIPATING	222,708.20
							PARTICIPATING	

Due to This Change, the Contract Time:
NO CHANGE.

Classification

Administrative Change

**North Dakota Department of Transportation
Change Order**

Change Order No: 9

Project: SU-8-992(040)041

PCN: 21569

SubProject: 1 GRADING, AGGREGATE BASE, PCC PAVEMENT, STC County: Cass

For: GRADING, AGGREGATE BASE, PCC PAVEMENT, STORM SEWER, S

Contractor: DAKOTA UNDERGROUND COMPANY
4001 15TH AVE N
FARGO, ND 58102-2832

Original Contract Amount:
\$10,083,777.85

Date Created: 11/27/2019

Date Approved:

EXPLANATION OF CHANGE IN PLAN RECOMMENDED

If the federal funds authorized in the cost participation agreement with the local agency is exceeded and federal funds are not available for this change, the local agency will assume the total cost of this change order.
--

The Contractor hauled dirt off the project that was not originally anticipated or included in the contract documents. The earthwork quantities in the contract plans were checked by three different parties with relatively similar results to the quantities shown in the plan set. The project was constructed to the final lines and grades shown in the plans and was within tolerance of the specifications. The analysis concludes that the excess dirt is due to hauling in dirt before issues were known, using pipe waste dirt on the project, and a variation in shrinkage. A total of 13,178 CY of embankment was hauled off the project using end dump trucks. The explanation of how the volume of material hauled off the project was calculated is described below. The capacity of trucks that hauled dirt off the project was figured two different ways and the average between the two methods was used. The first method surveyed a stockpile of dirt that was to be removed from the project. The loads to remove the stockpile were counted (33 loads) and then the area was surveyed again. The volume of the pile was 400 CY which equates to an average of 12.1 CY/Truckload. This method was only used once because there was only one pile of material onsite at the time the severity of the issue was realized. The remaining dirt to be hauled off the project was spread throughout the project which prohibited any more possibilities for surveying a quantity onsite. Surveying the dirt at the location it was hauled to after it was removed from the project was not a viable option either due to the Contractor hauling dirt to several different waste sites. The other method used on this project, was to use weights of trucks and the dirt being hauled off. The Contractor weighed a few of their trucks that were loaded with the dirt leaving the jobsite. Soil density readings of in-situ conditions were taken throughout the project and showed an average soil density of 107.1 lbs./CF. When you take the weights of the trucks and use the average density of the soil, the average capacity of the trucks is 11.0 CY. Now that the volume of the truck was looked at two different ways, the average between the two methods was used to come up with an average capacity of 11.6 CY/Truckload. The Contractor hauled off 1,136 truckloads which totals 13,178 CY of material hauled off the project. The storm water storage pond excavation work that was done under this project was originally intended to use as fill on the project. The pond expansion was not needed for hydraulic purposes due to drainage improvements done on this project. The Contractor had already hauled some material out of the pond site that was to be used for the project. The plans show that at the south end of the project, where the Contractor began work, there is a large amount of fill required. The Contractor began to build up that area with the dirt taken from the pond. This material was placed on the project prior to the excess dirt issue becoming apparent. KLJ surveyed the pond and determined that they had hauled out 5,427 CY from the existing pond to the project. (See Attachment 1) When the excess dirt issue became apparent, the pond excavation was stopped. The pond was redesigned by the Engineer of Record to reflect what was already taken out of the pond. The Contractor incorporated the excavated pipe and structure waste back into the project. Following the detail in the plans (Section 20 Sheet 2) a quantity of 3,969 CY was displaced by either the granular backfill or the pipe itself. The manhole structures also accounted for a quantity of 867 CY of dirt. A total of 4,836 CY of dirt was replaced by the installation of pipe and structures. According to Plan Note 203-P06, the Contractor can stockpile excess material in designated areas. Based on that note, the Contractor bid the project expecting to keep all material generated by pipe waste on site and not be required to haul it off site and should be included for payment.

North Dakota Department of Transportation
Change Order

Change Order No: 9

Project: SU-8-992(040)041

PCN: 21569

SubProject: 1 GRADING, AGGREGATE BASE, PCC PAVEMENT, STC County: Cass

For: GRADING, AGGREGATE BASE, PCC PAVEMENT, STORM SEWER, S

Contractor: DAKOTA UNDERGROUND COMPANY
4001 15TH AVE N
FARGO, ND 58102-2832

Original Contract Amount:
\$10,083,777.85

Date Created: 11/27/2019

Date Approved:

CONTRACTOR

DATE

() Approval Recommended
PROJECT ENGINEER

() Approved
DATE

CITY/COUNTY/OTHER OFFICIAL

DATE

() Approval Recommended
DISTRICT ENGINEER

() Approved
DATE

REPRESENTING

DATE

() Approval Recommended
OFFICE OF OPERATIONS

() Approved
DATE



3203 32nd Avenue South, Suite 201
Fargo, ND 58103-6242
701 232 5353
KLJENG.COM

January 13, 2020

Jerry Wallace
Civil Engineer
City of West Fargo
800 4th Ave. East; Suite 1
West Fargo, ND 58078

Re: SU-8-992(040)041 – Change Order 9 Response to Dakota Underground’s Letter

Dear Jerry:

We have reviewed the letter from the Dakota Underground (DU) dated November 27, 2019 for the referenced project. We have the following comments and recommendation regarding the material hauled off site.

Truck Capacity

In our previous method of truck capacity calculations, we did not take into account the number of loads of each type of truck used to haul material away. We have since recalculated the truck capacity using the same method that DU used. We have come up with a slightly different quantity of material hauled off site that DU came up with based on the following reasons:

- In Attachments 2 and 4 of DU’s letter dated November 27, 2019 they have a total of 1,134 loads hauled off of the project. We have totaled all the loads included in DU’s spreadsheet and have calculated that number to be 1,136.
- Truck #12 in Attachments 2 and 4 of DU’s letter dated November 27, 2019 is shown to be a triple axle and quad axel truck with capacities of 15.6 tons/load and 18.6 tons/load respectively. KLJ confirmed with DU that truck #12 is a triple axle truck, therefore the capacity was revised to 15.6 ton/load.

Using the same calculation method as DU we have calculated a revised total quantity of embankment hauled off site to be **13,178 CY**. Please refer to *Attachment 1* for our calculations of this revised load count.

Pond Excavation

All parties are in agreement that 5,427 CY was excavated from the detention pond and clay stockpile and incorporated into the project.



Pipe and Manhole Dirt

In DU’s letter dated November 27, 2019 it stated that it was DU’s intention to incorporate the pipe and manhole waste material back into the project. During conversations with DU, it was stated that they intended to waste any excess dirt generated on the project at the designated stockpile site shown on Sheet 21 of Section 20. The plans include the following note:

203-P06 EXCESS CLAY AND TOPSOIL MATERIAL: Stockpile excess suitable clay and topsoil in designated areas. Include all cost for labor and equipment to complete the work in the price bid for “Common Excavation – Type A”.

Based on this note, DU bid the project expecting to keep all material generated by pipe waste on site and not required to be hauled off.

Using pipe diameters, structure diameters, and the details shown on Sheet 2 of Section 20, KLJ has calculated 4,836 CY of material was generated by pipe and structure installation. Because of the plan note, we feel this material should be eligible for payment and not be subtracted from the total amount hauled off site.

Shrinkage Reduction

We have quantified 13,178 CY of material was hauled off site by DU. As previously stated, the earthwork quantities were checked by three different parties, all calculating relatively similar results. We have contributed the excess material to two items, 1) shrinkage factor and 2) incorporating pipe and structure waste into the project.

Since a majority of the material generated within the Sheyenne Street right-of-way was taken from the existing roadbed, it is assumed that the shrinkage for that material was not at the 25% that was stated in the plans.

Quantity Summary

Please see the table below for our proposed quantity summary:

Pipe & Structure Waste	4,836 CY	Eligible for payment
Pond & Stockpile Excavation	5,427 CY	Eligible for payment
Material Hauled off Due to Decrease Shrinkage Factor	2,915 CY	Eligible for payment
Total Volume Eligible for Payment	13,178 CY	

Trucking Labor and Equipment Costs

DU has submitted their payroll hours they are claiming for trucking and operator time related to hauling excess material off site. Based on the hours, labor rates, and equipment rates, DU has requested \$201,464.37 for this work, which equates to a unit price of \$15.29/CY. KLJ has reviewed payrolls and equipment rates and agree with the unit prices and operator hours that DU has submitted.



KLJ has estimated trucking hours based on haul distances and number of loads hauled to each waste site. Based on KLJ's estimate, using the same ratio of regular to overtime hours, we have calculated a cost per cubic yard of \$12.67. Please see *Attachment 1* for a breakdown of KLJ's review. KLJ's review does not consider inefficiencies that may have been observed during construction. These inefficiencies include, but are not limited to:

- Change in project operations to begin exporting material
 - DU had to interrupt their scheduled operations to focus on moving material offsite to complete the project
- Securing and preparing waste sites to accept the excess material
 - DU had to coordinate with other project to determine suitable areas to stockpile the excess material. This also includes mobilizing equipment to the site along with stripping the site prior to placing the material and stabilizing the site upon completion of hauling the material.
- Operations within the waste sites due to the unseasonably wet fall that was experienced in 2019
 - DU had to pump water from their stockpile locations, deal with equipment and/or trucks getting stuck on site. DU also had to add additional time for cleaning truck boxes due to the wet and sticky material that was hauled off the project.

The NDDOT average annual bid price for Cass County in 2019 for Common Excavation-Waste is \$14.74/CY. Based on the analysis that KLJ completed along with factoring in the inefficiencies that may have been encountered and the 2019 average annual bid price, we feel that the unit price of \$15.29/CY is justifiable.

Equipment Standby Due to Delays

DU is claiming standby time for six pieces of equipment during hauling operations. Since the contract plans indicate that all excess material generated on site could have been stockpiled on site, DU did not plan for operations to haul material offsite. Based on project records, DU used operators and labors from the project to load and drive dump trucks. This would have caused equipment to be idle at times during construction. We feel that it is fair to use the same hours of idle equipment time as the time that DU submitted for the operator time shown for loading trucks, 173 hours. Based on that time we feel it is justifiable to compensate DU for \$21,189.04 for standby time. Please see *Attachment 2* for a summary of this time. \$21,189.04 equates to a unit price of \$1.61/CY.



Summary

In summary, KLJ recommends payment of \$16.90/CY (\$15.29/CY for loading/hauling and \$1.61/CY for standby time) to haul 13,178 CY of excess material off the jobsite. **This equates to a total cost of \$222,708.20 that will be added to the contract by change order.**

If you have any questions or require any additional information, please feel free to contact me at 701.271.4871 or scott.middaugh@kljeng.com.

Sincerely,

KLJ

A handwritten signature in blue ink, appearing to read 'Scott Middaugh'.

Scott Middaugh
Project Manager

Enclosure(s): Attachments 1 & 2
Project #: 1904-00120
cc: Dustin Scott – City of West Fargo
Justin Oss, Joe Peyerl – NDDOT

Date	To	From	Truck #	Tons/Load (KLJ Numbers)	Tons/Load (DU Numbers)	Load Count	Total Tons (KLJ Numbers)	Total Tons (DU Numbers)	Difference	Round Trip Time (Hrs)	Total Haul Time (Hrs)
8/3/19	pn 18b1	dot 3	1	11.6	11.6	2	23.2	23.2	0.0	0.3	0.5
8/3/19	pn 18b1	dot 3	5	11.6	11.6	1	11.6	11.6	0.0	0.3	0.25
8/3/19	pn 18b1	dot 3	7	15.6	15.6	2	31.2	31.2	0.0	0.3	0.5
8/7/19	pn 18b1	dot 3	8	15.6	15.6	5	78.0	78.0	0.0	0.8	4
8/7/19	pn 18b1	dot 3	9	15.6	15.6	3	46.8	46.8	0.0	0.8	2.4
8/7/19	pn 18b1	dot 3	11	15.6	15.6	4	62.4	62.4	0.0	0.8	3.2
8/7/19	pn 18b1	dot 3	13	18.6	18.6	3	55.8	55.8	0.0	0.8	2.4
8/7/19	pn 18b1	dot 3	14	18.6	18.6	4	74.4	74.4	0.0	0.8	3.2
8/8/19	pn 18b1	dot 3	8	15.6	15.6	8	124.8	124.8	0.0	0.8	6.4
8/8/19	pn 18b1	dot 3	9	15.6	15.6	3	46.8	46.8	0.0	0.8	2.4
8/8/19	pr 19c1	dot 3	11	15.6	15.6	9	140.4	140.4	0.0	0.8	7.2
8/8/19	pn 18b1	dot 3	12	15.6	18.6	7	109.2	130.2	21.0	0.8	5.6
8/8/19	pn 18b1	dot 3	13	18.6	18.6	10	186.0	186.0	0.0	0.8	8
8/8/19	pn 18b1	dot 3	14	18.6	18.6	6	111.6	111.6	0.0	0.8	4.8
8/9/19	pn 18b1	dot 3	7	15.6	15.6	10	156.0	156.0	0.0	0.8	8
8/9/19	pn 18b1	dot 3	8	15.6	15.6	7	109.2	109.2	0.0	0.8	5.6
8/9/19	pn 18b1	dot 3	9	15.6	15.6	12	187.2	187.2	0.0	0.8	9.6
8/9/19	pn 18b1	dot 3	10	15.6	15.6	5	78.0	78.0	0.0	0.8	4
8/9/19	pn 18b1	dot 3	11	15.6	15.6	5	78.0	78.0	0.0	0.8	4
8/9/19	dot 1	dot 3	11	15.6	15.6	4	62.4	62.4	0.0	1.5	6
8/9/19	pn 18b1	dot 3	12	15.6	18.6	17	265.2	316.2	51.0	0.8	13.6
8/9/19	pn 18b1	dot 3	13	18.6	18.6	11	204.6	204.6	0.0	0.8	8.8
8/9/19	pn 18b1	dot 3	14	18.6	18.6	3	55.8	55.8	0.0	0.8	2.4
8/10/19	pn 18b1	dot 3	7	15.6	15.6	15	234.0	234.0	0.0	0.8	12
8/10/19	pn 18b1	dot 3	8	15.6	15.6	4	62.4	62.4	0.0	0.8	3.2
8/10/19	pn 18b1	dot 3	9	15.6	15.6	14	218.4	218.4	0.0	0.8	11.2
8/10/19	pn 18b1	dot 3	10	15.6	15.6	7	109.2	109.2	0.0	0.8	5.6
8/10/19	pn 18b1	dot 3	11	15.6	15.6	3	46.8	46.8	0.0	0.8	2.4
8/10/19	pn 18b1	dot 3	12	15.6	18.6	16	249.6	297.6	48.0	0.8	12.8
8/10/19	pn 18b1	dot 3	13	18.6	18.6	14	260.4	260.4	0.0	0.8	11.2
8/10/19	pn 18b1	dot 3	14	18.6	18.6	14	260.4	260.4	0.0	0.8	11.2
8/14/19	pn 18b1	dot 3	3	11.6	11.6	23	266.8	266.8	0.0	0.8	18.4
8/14/19	pn 18b1	dot 3	5	11.6	11.6	21	243.6	243.6	0.0	0.8	16.8
8/14/19	pn 18b1	dot 3	6	18.6	18.6	2	37.2	37.2	0.0	0.8	1.6
8/14/19	pn 18b1	dot 3	7	15.6	15.6	7	109.2	109.2	0.0	0.8	5.6
8/14/19	pn 18b1	dot 3	8	15.6	15.6	15	234.0	234.0	0.0	0.8	12
8/14/19	pn 18b1	dot 3	9	15.6	15.6	22	343.2	343.2	0.0	0.8	17.6
8/14/19	pn 18b1	dot 3	11	15.6	15.6	13	202.8	202.8	0.0	0.8	10.4
8/14/19	pn 18b1	dot 3	12	15.6	18.6	21	327.6	390.6	63.0	0.8	16.8
8/14/19	pn 18b1	dot 3	13	18.6	18.6	18	334.8	334.8	0.0	0.8	14.4
8/14/19	pn 18b1	dot 3	14	18.6	18.6	22	409.2	409.2	0.0	0.8	17.6
8/15/19	pn 18b1	dot 3	1	11.6	11.6	14	162.4	162.4	0.0	0.8	11.2
8/15/19	pn 18b1	dot 3	3	11.6	11.6	20	232.0	232.0	0.0	0.8	16
8/15/19	pn 18b1	dot 3	6	18.6	18.6	4	74.4	74.4	0.0	0.8	3.2
8/15/19	pn 18b1	dot 3	7	15.6	15.6	19	296.4	296.4	0.0	0.8	15.2
8/15/19	pn 18b1	dot 3	8	15.6	15.6	6	93.6	93.6	0.0	0.8	4.8
8/15/19	yard	dot 3	9	15.6	15.6	1	15.6	15.6	0.0	1.4	1.4
8/15/19	pn 18b1	dot 3	12	15.6	18.6	6	93.6	111.6	18.0	0.8	4.8
8/15/19	pn 18b1	dot 3	13	18.6	18.6	17	316.2	316.2	0.0	0.8	13.6
8/15/19	pn 18b1	dot 3	14	18.6	18.6	22	409.2	409.2	0.0	0.8	17.6
8/16/19	pn 18b1	dot 3	3	11.6	11.6	5	58.0	58.0	0.0	0.8	4
8/16/19	pn 18b1	dot 3	6	18.6	18.6	7	130.2	130.2	0.0	0.8	5.6
8/16/19	pn 18b1	dot 3	7	15.6	15.6	18	280.8	280.8	0.0	0.8	14.4
8/16/19	pn 18b1	dot 3	8	15.6	15.6	7	109.2	109.2	0.0	0.8	5.6
8/16/19	pn 18b1	dot 3	9	15.6	15.6	18	280.8	280.8	0.0	0.8	14.4
8/16/19	pn 18b1	dot 3	12	15.6	18.6	18	280.8	334.8	54.0	0.8	14.4
8/16/19	pn 18b1	dot 3	13	18.6	18.6	18	334.8	334.8	0.0	0.8	14.4
8/16/19	pn 18b1	dot 3	14	18.6	18.6	18	334.8	334.8	0.0	0.8	14.4
8/17/19	pn 18b1	dot 3	8	15.6	15.6	4	62.4	62.4	0.0	0.8	3.2
8/17/19	pn 18b1	dot 3	9	15.6	15.6	5	78.0	78.0	0.0	0.8	4
8/17/19	pn 18b1	dot 3	14	18.6	18.6	4	74.4	74.4	0.0	0.8	3.2
8/22/19	bn19b1	dot 3	4	11.6	11.6	20	232.0	232.0	0.0	0.6	12
8/22/19	bn19b1	dot 3	7	15.6	15.6	20	312.0	312.0	0.0	0.6	12
8/22/19	bn19b1	dot 3	9	15.6	15.6	20	312.0	312.0	0.0	0.6	12
8/22/19	bn19b1	dot 3	11	15.6	15.6	17	265.2	265.2	0.0	0.6	10.2
8/22/19	bn19b1	dot 3	13	18.6	18.6	11	204.6	204.6	0.0	0.6	6.6
8/22/19	bn19b1	dot 3	14	18.6	18.6	15	279.0	279.0	0.0	0.6	9
8/23/19	wf1321	dot 3	3	11.6	11.6	4	46.4	46.4	0.0	0.6	2.4
8/23/19	wf1321	dot 3	4	11.6	11.6	13	150.8	150.8	0.0	0.6	7.8
8/23/19	bn19b1	dot 3	7	15.6	15.6	8	124.8	124.8	0.0	0.6	4.8
8/23/19	wf1321	dot 3	9	15.6	15.6	19	296.4	296.4	0.0	0.6	11.4
8/23/19	wf1321	dot 3	11	15.6	15.6	12	187.2	187.2	0.0	0.6	7.2
8/23/19	bn19b1	dot 3	13	18.6	18.6	5	93.0	93.0	0.0	0.6	3
8/23/19	wf1321	dot 3	14	18.6	18.6	12	223.2	223.2	0.0	0.6	7.2
8/24/19	wf1321	dot 3	4	11.6	11.6	3	34.8	34.8	0.0	0.6	1.8
8/24/19	wf1321	dot 3	7	15.6	15.6	3	46.8	46.8	0.0	0.6	1.8
8/24/19	wf1321	dot 3	9	15.6	15.6	3	46.8	46.8	0.0	0.6	1.8
8/24/19	wf1321	dot 3	13	18.6	18.6	2	37.2	37.2	0.0	0.6	1.2
8/24/19	wf1321	dot 3	14	18.6	18.6	3	55.8	55.8	0.0	0.6	1.8
8/28/19	wf1321	dot 3	3	11.6	11.6	7	81.2	81.2	0.0	0.6	4.2

Date	To	From	Truck #	Tons/Load (KLJ Numbers)	Tons/Load (DU Numbers)	Load Count	Total Tons (KLJ Numbers)	Total Tons (DU Numbers)	Difference	Round Trip Time (Hrs)	Total Haul Time (Hrs)
9/5/19	wf1321	dot 3	9	15.6	15.6	9	140.4	140.4	0.0	0.6	5.4
9/5/19	wf1321	dot 3	6	18.6	18.6	7	130.2	130.2	0.0	0.6	4.2
9/5/19	wf1321	dot 3	8	15.6	15.6	10	156.0	156.0	0.0	0.6	6
9/6/19	bn19b1	dot 3	3	11.6	11.6	2	23.2	23.2	0.0	0.6	1.2
9/16/19	wf1321	dot 3	6	18.6	18.6	7	130.2	130.2	0.0	0.6	4.2
9/16/19	wf1321	dot 3	14	18.6	18.6	7	130.2	130.2	0.0	0.6	4.2
9/16/19	wf1321	dot 3	9	15.6	15.6	25	390.0	390.0	0.0	0.6	15
9/16/19	wf1321	dot 3	8	15.6	15.6	17	265.2	265.2	0.0	0.6	10.2
9/16/19	wf1321	dot 3	12	15.6	18.6	25	390.0	465.0	75.0	0.6	15
9/17/19	wf1321	dot 3	13	18.6	18.6	8	148.8	148.8	0.0	0.6	4.8
9/17/19	wf1321	dot 3	6	18.6	18.6	4	74.4	74.4	0.0	0.6	2.4
9/17/19	wf1321	dot 3	14	18.6	18.6	3	55.8	55.8	0.0	0.6	1.8
9/17/19	wf1321	dot 3	8	15.6	15.6	18	280.8	280.8	0.0	0.6	10.8
9/17/19	wf1321	dot 3	9	15.6	15.6	18	280.8	280.8	0.0	0.6	10.8
10/8/19	wf1321	dot 3	10	15.6	15.6	10	156.0	156.0	0.0	0.6	6
10/8/19	wf1321	dot 3	14	18.6	18.6	10	186.0	186.0	0.0	0.6	6
10/8/19	wf1321	dot 3	13	18.6	18.6	14	260.4	260.4	0.0	0.6	8.4
10/8/19	wf1321	dot 3	9	15.6	15.6	13	202.8	202.8	0.0	0.6	7.8
10/9/19	wf1321	dot 3	10	15.6	15.6	11	171.6	171.6	0.0	0.6	6.6
10/9/19	wf1321	dot 3	9	15.6	15.6	10	156.0	156.0	0.0	0.6	6
10/9/19	wf1321	dot 3	13	18.6	18.6	10	186.0	186.0	0.0	0.6	6
10/14/19	wf1321	dot 3	9	15.6	15.6	6	93.6	93.6	0.0	0.6	3.6
10/14/19	wf1321	dot 3	5	11.6	11.6	8	92.8	92.8	0.0	0.6	4.8
10/14/19	wf1321	dot 3	2	11.6	11.6	5	58.0	58.0	0.0	0.6	3
10/15/19	wf1321	dot 3	10	15.6	15.6	6	93.6	93.6	0.0	0.6	3.6
10/15/19	wf1321	dot 3	13	18.6	18.6	4	74.4	74.4	0.0	0.6	2.4
10/15/19	wf1321	dot 3	9	15.6	15.6	4	62.4	62.4	0.0	0.6	2.4
10/15/19	wf1321	dot 3	14	18.6	18.6	6	111.6	111.6	0.0	0.6	3.6
10/16/19	wf1321	dot 3	11	15.6	15.6	12	187.2	187.2	0.0	0.6	7.2
10/16/19	wf1321	dot 3	12	15.6	15.6	6	93.6	93.6	0.0	0.6	3.6
10/17/19	wf1321	dot 3	12	15.6	15.6	6	93.6	93.6	0.0	0.6	3.6
10/17/19	wf1321	dot 3	11	15.6	15.6	4	62.4	62.4	0.0	0.6	2.4
10/17/19	wf1321	dot 3	10	15.6	15.6	6	93.6	93.6	0.0	0.6	3.6
10/18/19	wf1321	dot 3	10	15.6	15.6	2	31.2	31.2	0.0	0.6	1.2
10/18/19	wf1321	dot 3	12	15.6	15.6	2	31.2	31.2	0.0	0.6	1.2
10/19/19	wf1321	dot 3	10	15.6	15.6	1	15.6	15.6	0.0	0.6	0.6
Totals						1136.0	18104.6	18434.6	330.0		806.9
Cubic yards at average density of 107.1 lbs/CF (1.45 Ton/CY)							12486	12714	228		
Average cubic yards per load based on load counts and tons/load							11.0	11.2			
Cubic yards per load based on topographic survey							12.1	12.1			
Average cubic yards per load							11.6	11.7			
Average cubic yards hauled							13178	13291			

KLJ Estimated Cycle Times				
Project DU Hauled to	Haul Distance (one way)	Haul Distance (Round Trip)	Load/Unload Time (Hours)	Travel Time (Round Trip @ 15 MPH) (Hours)
pn 18b1	4	8	0.25	0.8
dot 1	9.7	19.4	0.25	1.5
wf1321	2.7	5.4	0.25	0.6
bn19b1	2.6	5.2	0.25	0.6
pr 19c1	3.8	7.6	0.25	0.8
yard	8.8	17.6	0.25	1.4

Equipment and Labor Comparison									
Labor Summary									
Employee Classification	Hours			Payrate				Cost	
	Total	Regular	Overtime	Regular	Regular +70%	Overtime	Overtime +70%		
Truck Driver	806.85	441	365.85	\$ 41.79	\$ 71.04	\$ 56.06	\$ 95.30	\$ 66,194.15	
Operator	173	107.75	65.25	\$ 45.75	\$ 77.78	\$ 60.33	\$ 102.56	\$ 15,072.84	
Labor Subtotal								\$ 81,266.98	
Equipment Summary									
Equipment Type	Hours			Rate					
Dump Truck	806.85			\$				82.72	\$ 66,742.63
Excavator	173			\$				109.52	\$ 18,946.96
Equipment Subtotal								\$ 85,689.59	
Total								\$ 166,956.57	

Total CYs Hauled	13178
Average Cost/CY	\$ 12.67

Equipment Standby Time Summary			
Equipment Type	Standby Rate	Standby Hours	Cost
Cat 938 Loader	\$ 20.13	173	\$ 3,482.49
Cat 140M Motor Grader	\$ 26.57	173	\$ 4,596.61
Cat 563 Compactor	\$ 15.19	173	\$ 2,627.87
Cat Challenger MT865	\$ 26.91	173	\$ 4,655.43
JD 2112 pull type scraper	\$ 11.89	173	\$ 2,056.97
Case 9270 4WD Tractor	\$ 14.69	173	\$ 2,541.37
Wishek Disc	\$ 7.10	173	\$ 1,228.30
Total			\$ 21,189.04



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November 27, 2019

Scott Smyth, PE
Project Engineer
KLJ
3203 32nd Avenue S. Suite 201
Fargo, ND 58103-6242

RE: SU-8-992(040)041 PCN 21569 Response to Change Order 9 Explanation of Change in Plan and Meeting held on November 21st, 2019

Dear Scott:

As requested, based on the meeting held on November 21st, 2019, this letter is our official response to the email received from you dated November 15, 2019, with the subject "Dirt Compensation Information" with attached document entitled "Explanation of Change of Plan." For reference and documentation, I have included this email and the attached document as Attachment 1.

I have formatted our response into individual sections based on the Explanation of Change of Plan document that was provided to us. I have summarized each section of the document for ease of review.

- **Additional Background Included in Future Communication**
 - **We are requesting that going forward, full background information including how this project was designed and bid as import job be included. This is to ensure that whoever reads any communication (i.e., City of West Fargo, NDDOT) understands this critical factor to this entire issue.**
- **The capacity of Trucks:**
 - We have reviewed your analysis on how you came up with the capacity of the trucks, and we are in disagreement on your average cubic yard per truckload you came up with. In the first analysis using the known volume and truck count, you came up with a 12.1 CY/truckload. We agree with this number.
 - Your second analysis using the average density of 107.1 lbs/CF, you came up with an average capacity of 10.6 CY/truckload. This is the number we disagree with. Reviewing your numbers, it looks like you averaged the three truck weights to come up with an average load of 15.26 tons. This would equate to 10.6 CY/truckload based on 1134 Loads and your average density of 107.1 lbs/CF.
 - Based on our analysis of our truck log that we provided on 10/22/2019 (Attachment 2) and the representative truck weights that we provided for each of our categories of trucks, including dual, triple, and quad-axle trucks, we came up with an average capacity of 11.2 CY/truckload. How we came up with this is for each truck we gave it the representative tons/load. For example, for Dual Axle (Trucks 1-5), we gave them a

weight of 11.6 Tons/Load, for Tri-Axle (Trucks 6-12) 15.6 Tons/Load, and Quad-Axle (Trucks 13 & 14) we gave them a tons/load of 18.6. These truck weights were provided to you and are also included as Attachment 3. Based on the actual truck log and these weights, we came up with total tons hauled 18434.6. Using the total loads of 1134 and the average density of 107.1 lbs/CF, we came up with 11.2 CY/Load. I have included Attachment 4, which shows this math on the actual truck log.

- With this revised average capacity of 11.2 and the agreed-upon 12.1 from above, this equates to an average capacity per load of 11.7 CY/load. Based on 1134 total loads, this equates to 13,268 CY of exported dirt. **We are requesting that the total exported amount be adjusted 13,268 CY.**
- **Pond Excavation:**
 - We agree with the number of 5,427 CY that was pulled from the pond at the start of the job to build the job as the job was bid as an import job. This amount includes actual pond excavation and the called out the quantity of 2,140 CY on Section 11 Sheet 1.
- **Pipe and Manhole Dirt:**
 - We agree with your quantity of pipe and manhole dirt of 4,836 CY. What we are in disagreement with is that as of right now, you are subtracting this amount off of the total export amount.
 - As mentioned previously, when we bid this job, this job presented itself as an import job. The plans and specifications called out a total of 15,054.2 CY in Section 11 Sheet 1 as "Material Required." As this was called out, we had intentions to use the excess pipe and manhole dirt to supplement this "Material Required." As shown in the meeting, based on this "Material Required" and the Pond Excavation and using the pipe and manhole dirt, we showed there still was a need for import of 2,857 CY (See Table 1 below).

Table 1: Import Material Still Required with Pipe and Manhole Dirt

Material Required (Per Section 11-Sheet 1)	15,054 CY
Pipe and Manhole Dirt (Per Document)	-4,836 CY
Pond Excavation (Per Document)	-5,427 CY
On-Site Excess Material (Per Section 11-Sheet 1)	-1,933 CY
Import Material Still Required	2,858 CY

- **Based on these discussion points above, we re-emphasize that the pipe and manhole dirt of 4,836 CY not be deducted from the export amount 13,268 CY, based on the fact that dirt was intended to be used as part of the import required to complete the job that was bid.**

- **Shrinkage Reduction**
 - We are in general agreement with the fact that most likely, the shrinkage that occurred within the field was less than what the assumed 25% within the plans.
 - After reviewing your table and your assumptions, we are not in agreement with your statement of “excess material” added to the job to account for some of the export. It was a challenge to follow your table and your assumptions, and there is no hard evidence (i.e., quantity) of this material added, only assumptions.
 - **We are requesting to be paid the full amount due to shrinkage, and as you called out, “excess material” based on your table presented.**

- **In summary, in terms of the total quantity that we are entitled to get paid for, we are claiming a total of 13,268 CY based on the abovementioned points.**

Also, as part of the document entitled “Explanation of Change in Plan,” and also from our discussion at the meeting, you were requesting additional justification for our proposed price of \$15.00 per cubic yard of export that we are proposing. I have included further justification as requested in the below bullets.

- **Trucking Labor and Equipment Costs:**
 - As part of our analysis for our trucking labor and equipment costs, we reviewed our truck log that was provided to you that included a total of 1134 truckloads, and our certified payroll for the dates that we hauled these loads.
 - **Based on this information, we are claiming to be reimbursed \$201,464.37. I have included the detail on how we came up with this number as Attachment 5.**

- **Cost of Rental of Trucks**
 - As we have brought up previously. This job was bid as an import job, and based on this, there wasn’t expected to be a need to use trucks to export dirt from the site. So put, there were no plans or schedules to reflect the need for trucks on this project to be used for export. That being said, we had secured another job at the beginning of August, which required the use of our trucks to export dirt. With the change in conditions for the job from an import job to the need to export clay from the site, we were required to rent trucks for the newly acquired job to complete that project within the project specifications. This cost of the rentals came to \$35,860.
 - **Our claim for additional compensation is \$35,860 for the truck rentals that would not have been had to be spent if we were able to use our trucks for this newly acquired job.**

- **Equipment Standby Time due to Delays**
 - The change of conditions with this project from an import as it was bid to now the need to export 13,268 CY also caused additional delays in the project. This was acknowledged by the City and NDDOT with the approval of a time extension of 13 days on October 3rd, 2019. I have included this approved time extension as Attachment 6.
 - Because of these delays and the days that were spent exporting clay from the job site instead of moving forward with the progression of the completion of the project, we had equipment sitting idle that was intended to be productive in grading, subgrade preparation, and laying gravel base. We have tabulated the equipment that sat idle

while the exporting of clay was taking place and have placed a cost on this based on standard bluebook standby rates.

- **Our claim for additional compensation for equipment standby due to the delay of exporting the clay is in the amount of \$22,995.62. The detail of this amount is shown in Attachment 7.**

- **Additional Moving of Clay on Jobsite due to Change of Conditions**
 - As we have discussed previously, we bid this job as an import job based on the plans and specifications. This called for 15,054.2 cubic yards of need material throughout the entire job site.
 - Based on these facts from the bid documents, we intended to need to bring some clay in to build the job, but we also planned to use the excess pipe and manhole dirt to build the job.
 - Early in the job, we started importing clay from the pond site, which was acknowledged in the pond excavation section as 5,427 CY. This import was mainly brought in on the job from the southern limits to 38th Avenue South. This section alone, based on the project plans, required 8,891 CY. Once this import of clay was completed, based on discussions with our grading superintendent, we were near grade on this section.
 - Once these importing operations were completed within this section and with the understanding from the plans and specifications, the additional import was required to be brought north past STA 537, we moved clay once again past STA 537.
 - This resulted in a total of 6,437 CY moved again past STA 537.
 - **Our claim is to be compensated for moving 6,437 CY twice within the job site due to the changed conditions within the job. Our claim for this item is to be paid at our \$6.00 per cubic yard price for common excavation for a total of \$38,622.00**

I summary, based on the items we have outlined above, we are requesting an additional \$298,941.99 or \$22.33 per cubic yard of exported clay (based on 13,268 cubic yards). I have provided Table 2 below with a summary breakdown of this additional compensation request, and the equivalent cost per cubic yard moved.

Table 2: Summary of Justification of Costs for Exporting Clay Material

Justification Item	Total Cost	Equivalent Cost Per Cubic Yard
Trucking Labor and Equipment Costs	\$201,464.37	\$15.18
Cost of Rental of Trucks	\$35,860.00	\$2.70
Equipment Standby Time	\$22,995.62	\$1.73
Additional Moving of Clay	\$38,622.00	\$2.91
Total	\$298,941.99	\$22.53

Thank you in advance for your consideration of this request. If you have any further questions, please don't hesitate to contact me.

Sincerely,

Sincerely,



Jared Heller, PE
Project Manager
Dakota Underground

Attachment 1-Email Dated November 15, 2019, with "Explanation of Change of Plan."

Attachment 2-Email Dated October 22, 2019, with "Truck Log."

Attachment 3-Truck Weights

Attachment 4-Revised Average Truck Load Calculations

Attachment 5-Summary of Costs for Trucking of Clay Export

Attachment 6-Time Extension Request Document

Attachment 7-Summary of Equipment Standby Costs

Jared Heller

From: Scott Smyth <Scott.Smyth@kljeng.com>
Sent: Friday, November 15, 2019 2:23 PM
To: Jared Heller
Cc: Jeff Johnson; Jerrold F. Wallace; Justin Oss; Scott Middaugh; jpeyerl@nd.gov
Subject: Dirt Compensation Information
Attachments: SU-8-992(040)041_CO-09_Explanation of Change in Plan.pdf; ATTACHMENT 1.pdf

Jared,

Please see the attached letter describing at our current evaluation of the dirt hauling on the project that we were intending to discuss yesterday. We would like Dakota to review this information and at our meeting next week provide any information on items you are in disagreement with as well as the cost justification.

Thanks,

Scott Smyth, PE



701-271-2114 **Direct**
701-893-5027 **Cell**
3203 32nd Ave. S. Suite 201
Fargo, ND 58103-6242
kljeng.com



SU-8-992(040)041
Change Order 9

Explanation of Change in Plan

Addition of Common Excavation-Waste

The Contractor hauled off dirt from the project that was not originally anticipated or included in the contract documents. KLJ's analysis concludes that this is due to variations in shrinkage and contractor operations. A total of 12,928 CY of embankment was hauled off the project. How the volume of material hauled off the project was calculated is described below.

The capacity of trucks that hauled dirt off the project were figured two different ways and the average between the two methods was used. The first method surveyed a stockpile of dirt that was to be removed from the project. The loads to remove the stockpile were counted (33 loads) and then the area was surveyed again. The volume of the pile was 400 CY which equates to an average of 12.1 CY/Truckload. This method was only used once because there was only one pile of material onsite at the time the severity of the issue was realized. The remaining dirt to be hauled off the project was spread throughout the project which prohibited any more possibilities for surveying a quantity onsite. Surveying the dirt at the location it was hauled to after it was removed was also not a viable option due to the Contractor hauling dirt to several different sites. The other method used on this project was to use weights of trucks and the dirt being hauled off. The Contractor weighed a few of their trucks that were loaded with the dirt leaving the jobsite. KLJ took density readings of in-situ conditions throughout the project and came up with an average soil density of 107.1 lbs./CF. When you take the weights of the truck and use the average density of the soil, the average capacity of the trucks is 10.6 CY. Now that the volume of the truck was looked at two different ways, the average between the two methods was used to come up with an average capacity of 11.4 CY/Truckload. The Contractor has hauled off 1,134 truckloads which totals 12,928 CY of material hauled off the project.

The Contractor had already hauled some material out of the pond site that was to be used as common excavation for the project. KLJ surveyed the pond and determined that they had hauled out 5,427 CY to the project. (See Attachment 1).

The Contractor incorporated the excavated pipe and structure waste into the project. Following the detail in the plans (Section 20 Sheet 2) a quantity of 3,969 CY was replaced by either the granular backfill or the pipe itself. The manhole structures were also accounted for which totals a quantity of 867 CY of dirt. A total of 4,836 CY of dirt was removed due to the replacement of pipe and/or structures. That dirt removal should have been included in the bid price for the related bid items according to Specification 203.06 A and is deducted from the total volume of material hauled offsite.

In summary, the Contractor hauled off 12,928 CY. Of the 12,928 CY that were hauled off, 5,427 CY is from excavation from that pond that was brought onsite before this issue developed. This quantity would be paid to be removed from the project. The amount of dirt replaced by the storm sewer, structures and granular backfill installed is 4,836 CY which will be subtracted from the total and not eligible for payment. That leaves 2,665 CY unaccounted for after looking at those two known quantities. To help quantify that number, we looked at possibly having a different shrinkage factor as well as the embankment above subgrade not being installed as per plan. The reason this was investigated is since there were several areas observed that the excess gravel was incorporated into the subgrade or topsoil is put on thicker than planned. This would have replaced dirt that was supposed to be incorporated into the project but was hauled off the project since it was replaced by gravel or topsoil. The table below shows the variable

volumes based on different shrinkage factors with different percentages of the embankment above subgrade work completed. For example, if the Contractor were to have installed all the embankment above subgrade per plan and there was a 0% shrinkage factor, that would have generated 1,979 CY of material needed to be removed from the project. If the Contractor would not have placed any of the embankment above subgrade and had a 0% shrinkage factor, that would have generated 7,063 CY of material needed to be removed from the project.

Cubic Yards of Excess Material Generated - With Above Subgrade Backfilled Scenarios											
	100%	90%	80%	70%	60%	50%	40%	30%	20%	10%	0%
0% Shrinkage	1,979	2,487	2,996	3,504	4,013	4,521	5,029	5,538	6,046	6,555	7,063
2% Shrinkage	1,296	1,815	2,334	2,852	3,371	3,889	4,408	4,926	5,445	5,964	6,482
5% Shrinkage	273	806	1,340	1,874	2,408	2,942	3,476	4,009	4,543	5,077	5,611
8% Shrinkage	-751	-202	347	896	1,445	1,994	2,543	3,092	3,641	4,190	4,740
10% Shrinkage	-1,434	-874	-315	244	803	1,363	1,922	2,481	3,040	3,599	4,159
12% Shrinkage	-2,116	-1,547	-977	-408	161	731	1,300	1,870	2,439	3,008	3,578

To summarize, of the 2,665 CY that were unaccounted for, if we look at if that there was 5% shrinkage on the project and the contractor filled in 80% of the embankment of subgrade then that would have created 1,340 CY of excess material. That would be subtracted from the 2,665 CY and drop the amount paid to 1,325 CY. We can discuss this number further but that is what we are recommending based on field observations.

Total Quantity Removed from Project	12,928 CY
Pipe & Structure Waste	4,836 CY
Pond & Clay Excavation	5,427 CY (Pay Quantity)
Amount of Dirt Remaining	2,665 CY (Pay a portion of this quantity based on table above)
Total Pay Quantity (5,427+1,325)	6,752 CY

Cost Justification

Dakota Underground has submitted a cost of \$15/CY but that has not been agreed to. More justification has been requested.

Time Justification

The time extension was handled separately from this Change Order. A time extension request of 13 days was approved and added to the contract

Jared Heller

From: Jared Heller <jared@dakotaunderground.net>
Sent: Tuesday, October 22, 2019 9:20 AM
To: Scott Smyth
Cc: Scott Middaugh; jared@dakotaunderground.net
Subject: PCN 21569-Updated Truck Logs as of 10/22/2019
Attachments: DOT 3 Truck Log of Export Clay-10222019.pdf

Scott-

Here is the updated truck logs as of 10/22/2019. There will be a few more loads possible over the next week or so.

Jared Heller, PE
Project Manager
Dakota Underground Company
4001 15th Avenue NW
Fargo, ND 58102
Office: 701-282-9753
Fax: 701-282-0016
Cell: 701-306-7523

Date	Truck #	Material	Load (Export)	Deposit (Import)	Load Count	Job #	Tons/Load	Total Tons
8/3/19	1	clay	dot 3	pn 18b1	2	dot 3	11.6	23.2
8/3/19	5	clay	dot 3	pn 18b1	1	dot 3	11.6	11.6
8/3/19	7	clay	dot 3	pn 18b1	2	dot 3	15.6	31.2
8/7/19	8	clay	dot 3	pn 18b1	5	dot 3	15.6	78
8/7/19	9	clay	dot 3	pn 18b1	3	dot 3	15.6	46.8
8/7/19	11	clay	dot 3	pn 18b1	4	dot 3	15.6	62.4
8/7/19	13	clay	dot 3	pn 18b1	3	dot 3	18.6	55.8
8/7/19	14	clay	dot 3	pn 18b1	4	dot 3	18.6	74.4
8/8/19	8	clay	dot 3	pn 18b1	6	dot 3	15.6	93.6
8/8/19	8	clay	dot 3	pn 18b1	2	dot 3	15.6	31.2
8/8/19	9	clay	dot 3	pn 18b1	1	dot 3	15.6	15.6
8/8/19	9	clay	dot 3	pn 18b1	2	dot 3	15.6	31.2
8/8/19	11	clay	dot 3	pn 18b1	7	dot 3	15.6	109.2
8/8/19	11	clay	dot 3	pr 19c1	2	dot 3	15.6	31.2
8/8/19	12	clay	dot 3	pn 18b1	7	dot 3	18.6	130.2
8/8/19	13	clay	dot 3	pn 18b1	8	dot 3	18.6	148.8
8/8/19	13	clay	dot 3	pn 18b1	2	dot 3	18.6	37.2
8/8/19	14	clay	dot 3	pn 18b1	6	dot 3	18.6	111.6
8/9/19	7	clay	dot 3	pn 18b1	9	dot 3	15.6	140.4
8/9/19	7	clay	dot 3	pn 18b1	1	dot 3	15.6	15.6
8/9/19	8	clay	dot 3	pn 18b1	2	dot 3	15.6	31.2
8/9/19	8	clay	dot 3	pn 18b1	5	dot 3	15.6	78
8/9/19	9	clay	dot 3	pn 18b1	11	dot 3	15.6	171.6
8/9/19	9	clay	dot 3	pn 18b1	1	dot 3	15.6	15.6
8/9/19	10	clay	dot 3	pn 18b1	5	dot 3	15.6	78
8/9/19	11	clay	dot 3	pn 18b1	3	dot 3	15.6	46.8
8/9/19	11	clay	dot 3	pn 18b1	2	dot 3	15.6	31.2
8/9/19	11	clay	dot 3	dot 1	4	dot 3	15.6	62.4
8/9/19	12	clay	dot 3	pn 18b1	11	dot 3	18.6	204.6
8/9/19	12	clay	dot 3	pn 18b1	1	dot 3	18.6	18.6
8/9/19	12	clay	dot 3	pn 18b1	5	dot 3	18.6	93
8/9/19	13	clay	dot 3	pn 18b1	10	dot 3	18.6	186
8/9/19	13	clay	dot 3	pn 18b1	1	dot 3	18.6	18.6
8/9/19	14	clay	dot 3	pn 18b1	3	dot 3	18.6	55.8
8/10/19	7	clay	dot 3	pn 18b1	15	dot 3	15.6	234
8/10/19	8	clay	dot 3	pn 18b1	4	dot 3	15.6	62.4
8/10/19	9	clay	dot 3	pn 18b1	14	dot 3	15.6	218.4
8/10/19	10	clay	dot 3	pn 18b1	7	dot 3	15.6	109.2
8/10/19	11	clay	dot 3	pn 18b1	3	dot 3	15.6	46.8
8/10/19	12	clay	dot 3	pn 18b1	16	dot 3	18.6	297.6
8/10/19	13	clay	dot 3	pn 18b1	14	dot 3	18.6	260.4
8/10/19	14	clay	dot 3	pn 18b1	14	dot 3	18.6	260.4
8/14/19	3	clay	dot 3	pn 18b1	23	dot 3	11.6	266.8
8/14/19	5	clay	dot 3	pn 18b1	21	dot 3	11.6	243.6
8/14/19	6	clay	dot 3	pn 18b1	2	dot 3	15.6	31.2
8/14/19	7	clay	dot 3	pn 18b1	7	pn 18b1	15.6	109.2
8/14/19	8	clay	dot 3	pn 18b1	15	dot 3	15.6	234
8/14/19	9	clay	dot 3	pn 18b1	22	dot 3	15.6	343.2
8/14/19	11	clay	dot 3	pn 18b1	13	dot 3	15.6	202.8
8/14/19	12	clay	dot 3	pn 18b1	21	dot 3	18.6	390.6
8/14/19	13	clay	dot 3	pn 18b1	18	dot 3	18.6	334.8
8/14/19	14	clay	dot 3	pn 18b1	22	dot 3	18.6	409.2
8/15/19	1	clay	dot 3	pn 18b1	14	dot 3	11.6	162.4
8/15/19	3	clay	dot 3	pn 18b1	20	dot 3	11.6	232
8/15/19	6	clay	dot 3	pn 18b1	4	dot 3	15.6	62.4
8/15/19	7	clay	dot 3	pn 18b1	19	dot 3	15.6	296.4
8/15/19	8	clay	dot 3	pn 18b1	6	dot 3	15.6	93.6
8/15/19	9	clay	dot 3	yard	1	dot 3	15.6	15.6
8/15/19	12	clay	dot 3	pn 18b1	6	dot 3	18.6	111.6
8/15/19	13	clay	dot 3	pn 18b1	17	dot 3	18.6	316.2
8/15/19	14	clay	dot 3	pn 18b1	22	dot 3	18.6	409.2
8/16/19	3	clay	dot 3	pn 18b1	5	dot 3	11.6	58
8/16/19	6	clay	dot 3	pn 18b1	7	dot 3	15.6	109.2
8/16/19	7	clay	dot 3	pn 18b1	18	dot 3	15.6	280.8
8/16/19	8	clay	dot 3	pn 18b1	7	dot 3	15.6	109.2
8/16/19	9	clay	dot 3	pn 18b1	18	dot 3	15.6	280.8
8/16/19	12	clay	dot 3	pn 18b1	18	dot 3	18.6	334.8
8/16/19	13	clay	dot 3	pn 18b1	18	dot 3	18.6	334.8
8/16/19	14	clay	dot 3	pn 18b1	18	dot 3	18.6	334.8
8/17/19	8	clay	dot 3	pn 18b1	4	dot 3	15.6	62.4
8/17/19	9	clay	dot 3	pn 18b1	5	dot 3	15.6	78
8/17/19	14	clay	dot 3	pn 18b1	4	dot 3	18.6	74.4
8/19/19	4	clay	dot 3	pn 18b1	1	dot 3	11.6	11.6
8/22/19	4	clay	dot 3	bn19b1	19	dot 3	11.6	220.4
8/22/19	7	clay	dot 3	bn19b1	20	dot 3	15.6	312

 Dual Axle
 Triple Axle
 Quad Axle

8/22/19	9	clay	dot 3	bn19b1	20	dot 3	15.6	312
8/22/19	11	clay	dot 3	bn19b1	17	dot 3	15.6	265.2
8/22/19	13	clay	dot 3	bn19b1	11	dot 3	18.6	204.6
8/22/19	14	clay	dot 3	bn19b1	15	dot 3	18.6	279
8/23/19	3	clay	dot 3	wf1321	4	dot 3	11.6	46.4
8/23/19	4	clay	dot 3	bn19b1	7	dot 3	11.6	81.2
8/23/19	4	clay	dot 3	bn19b1	1	dot 3	11.6	11.6
8/23/19	4	clay	dot 3	wf1321	5	dot 3	11.6	58
8/23/19	7	clay	dot 3	bn19b1	8	dot 3	15.6	124.8
8/23/19	9	clay	dot 3	bn19b1	9	dot 3	15.6	140.4
8/23/19	9	clay	dot 3	wf1321	10	dot 3	15.6	156
8/23/19	11	clay	dot 3	bn19b1	9	dot 3	15.6	140.4
8/23/19	11	clay	dot 3	wf1321	3	dot 3	15.6	46.8
8/23/19	13	clay	dot 3	bn19b1	5	dot 3	18.6	93
8/23/19	14	clay	dot 3	bn19b1	9	dot 3	18.6	167.4
8/23/19	14	clay	dot 3	wf1321	3	dot 3	18.6	55.8
8/24/19	4	clay	dot 3	wf1321	3	dot 3	11.6	34.8
8/24/19	7	clay	dot 3	wf1321	3	dot 3	15.6	46.8
8/24/19	9	clay	dot 3	wf1321	3	dot 3	15.6	46.8
8/24/19	13	clay	dot 3	wf1321	2	dot 3	18.6	37.2
8/24/19	14	clay	dot 3	wf1321	3	dot 3	18.6	55.8
8/28/19	3	clay	dot 3	wf1321	7	dot 3	11.6	81.2
9/5/19	9	clay	dot 3	wf1321	9	dot 3	15.6	140.4
9/5/19	6	clay	dot 3	wf1321	7	dot 3	15.6	109.2
9/5/19	8	clay	dot 3	wf1321	10	dot 3	15.6	156
9/6/19	3	clay	dot 3	bn19b1	2	dot 3	11.6	23.2
9/16/19	6	clay	dot 3	wf1321	7	dot 3	15.6	109.2
9/16/19	14	clay	dot 3	wf1321	7	dot 3	18.6	130.2
9/16/19	9	clay	dot 3	wf1321	25	dot 3	15.6	390
9/16/19	8	clay	dot 3	wf1321	17	dot 3	15.6	265.2
9/16/19	12	clay	dot 3	wf1321	25	dot 3	18.6	465
9/17/19	13	clay	dot 3	wf1321	8	dot 3	18.6	148.8
9/17/19	6	clay	dot 3	wf1321	4	dot 3	15.6	62.4
9/17/19	14	clay	dot 3	wf1321	3	dot 3	18.6	55.8
9/17/19	8	clay	dot 3	wf1321	18	dot 3	15.6	280.8
9/17/19	9	clay	dot 3	wf1321	18	dot 3	15.6	280.8
10/8/19	10	clay	dot 3	wf1321	10	dot 3	15.6	156
10/8/19	14	clay	dot 3	wf1321	10	dot 3	18.6	186
10/8/19	13	clay	dot 3	wf1321	14	dot 3	18.6	260.4
10/8/19	9	clay	dot 3	wf1321	13	dot 3	15.6	202.8
10/9/19	10	clay	dot 3	wf1321	11	dot 3	15.6	171.6
10/9/19	9	clay	dot 3	wf1321	10	dot 3	15.6	156
10/9/19	13	clay	dot 3	wf1321	10	dot 3	18.6	186
10/14/19	9	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/14/19	5	clay	dot 3	wf1321	8	dot 3	11.6	92.8
10/14/19	2	clay	dot 3	wf1321	5	dot 3	11.6	58
10/15/19	10	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/15/19	13	clay	dot 3	wf1321	4	dot 3	18.6	74.4
10/15/19	9	clay	dot 3	wf1321	4	dot 3	15.6	62.4
10/15/19	14	clay	dot 3	wf1321	6	dot 3	18.6	111.6
10/16/19	11	clay	dot 3	wf1321	12	dot 3	15.6	187.2
10/16/19	12	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/17/19	12	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/17/19	11	clay	dot 3	wf1321	4	dot 3	15.6	62.4
10/17/19	10	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/18/19	10	clay	dot 3	wf1321	2	dot 3	15.6	31.2
10/18/19	12	clay	dot 3	wf1321	2	dot 3	15.6	31.2
10/19/19	10	clay	dot 3	wf1321	1	dot 3	15.6	15.6

Total Truck Counts 1134

Total Tons 18341.6

Haul Ticket

Copy 1

Attachment 3

Fri Aug 16, 2019
8:36:17 AM

Dakota Underground Company
4001-15th Avenue NW
Fargo, ND 58102

Operator
DUC



Ticket Number 167813

Truck ID DT 3 Dakota Underground
Project Misc Projects 0 0

Material Conc/Asph Removals

Pit 3rd Ave

Gross Weight	46380 LBS	<u>Clay Export</u>
Tare Weight	23160 LBS (Stored)	_____
Net Weight	11.61 TONS	_____

Conc/Asph Removals day total, all Trucks:	45.80 TONS	3 Loads
Conc/Asph Removals YTD total, all Trucks:	344.41 TONS	31 Loads
Conc/Asph Removals day total, this Truck:	11.61 TONS	1 Loads
Conc/Asph Removals YTD total, this Truck:	20.00 TONS	2 Loads

Haul Ticket

Copy 2

Fri Aug 16, 2019
8:36:17 AM

Dakota Underground Company
4001-15th Avenue NW
Fargo, ND 58102

Operator
DUC

Ticket Number 167813

Truck ID DT 3 Dakota Underground
Project Misc Projects 0 0

Material Conc/Asph Removals

Pit 3rd Ave

Gross Weight	46380 LBS	<u>Clay Export</u>
Tare Weight	23160 LBS (Stored)	_____
Net Weight	11.61 TONS	_____

Conc/Asph Removals day total, all Trucks:	45.80 TONS	3 Loads
Conc/Asph Removals YTD total, all Trucks:	344.41 TONS	31 Loads
Conc/Asph Removals day total, this Truck:	11.61 TONS	1 Loads
Conc/Asph Removals YTD total, this Truck:	20.00 TONS	2 Loads

Haul Ticket

Copy 1

Fri Aug 16, 2019
7:55:23 AM

Dakota Underground Company
4001-15th Avenue NW
Fargo, ND 58102

Operator
DUC

Ticket Number 167811



Truck ID DT 11 Dakota Underground
Project Misc Projects 0 0

Material Conc/Asph Removals

Pit Sheyenne

Gross Weight	58080 LBS	<u>Clay Export</u>
Tare Weight	26920 LBS (Stored)	_____
Net Weight	15.58 TONS	_____

Conc/Asph Removals day total, all Trucks:	15.58 TONS	1 Loads
Conc/Asph Removals YTD total, all Trucks:	314.19 TONS	29 Loads
Conc/Asph Removals day total, this Truck:	15.58 TONS	1 Loads
Conc/Asph Removals YTD total, this Truck:	30.50 TONS	3 Loads

Haul Ticket

Copy 2

Fri Aug 16, 2019
7:55:23 AM

Dakota Underground Company
4001-15th Avenue NW
Fargo, ND 58102

Operator
DUC

Ticket Number 167811

Truck ID DT 11 Dakota Underground
Project Misc Projects 0 0

Material Conc/Asph Removals

Pit Sheyenne

Gross Weight	58080 LBS	<u>Clay Export</u>
Tare Weight	26920 LBS (Stored)	_____
Net Weight	15.58 TONS	_____

Conc/Asph Removals day total, all Trucks:	15.58 TONS	1 Loads
Conc/Asph Removals YTD total, all Trucks:	314.19 TONS	29 Loads
Conc/Asph Removals day total, this Truck:	15.58 TONS	1 Loads
Conc/Asph Removals YTD total, this Truck:	30.50 TONS	3 Loads

Haul Ticket

Copy 1

Fri Aug 16, 2019
8:15:17 AM

Dakota Underground Company
4001-15th Avenue NW
Fargo, ND 58102

Operator
DUC

Ticket Number 167812



Truck ID DT 13 Dakota Underground
Project Misc Projects 0 0

Material Conc/Asph Removals

Pit Sheyenne

Gross Weight 66900 LBS
Tare Weight 29680 LBS (Stored)
Net Weight 18.61 TONS

Conc/Asph Removals day total, all Trucks:	34.19 TONS	2 Loads
Conc/Asph Removals YTD total, all Trucks:	332.80 TONS	30 Loads
Conc/Asph Removals day total, this Truck:	18.61 TONS	1 Loads
Conc/Asph Removals YTD total, this Truck:	29.81 TONS	2 Loads

Haul Ticket

Copy 2

Fri Aug 16, 2019
8:15:17 AM

Dakota Underground Company
4001-15th Avenue NW
Fargo, ND 58102

Operator
DUC

Ticket Number 167812

Truck ID DT 13 Dakota Underground
Project Misc Projects 0 0

Material Conc/Asph Removals

Pit Sheyenne

Gross Weight 66900 LBS
Tare Weight 29680 LBS (Stored)
Net Weight 18.61 TONS

Conc/Asph Removals day total, all Trucks:	34.19 TONS	2 Loads
Conc/Asph Removals YTD total, all Trucks:	332.80 TONS	30 Loads
Conc/Asph Removals day total, this Truck:	18.61 TONS	1 Loads
Conc/Asph Removals YTD total, this Truck:	29.81 TONS	2 Loads

Attachment 4

Date	Truck #	Material	Load (Export)	Deposit (Import)	Load Count	Job #	Tons/Load	Total Tons							
8/3/19	1	clay	dot 3	pn 18b1	2	dot 3	11.6	23.2	Truck Weights from Attachment 3 <table border="1"> <tr> <td>11.6</td> <td>Dual Axle</td> </tr> <tr> <td>15.6</td> <td>Triple Axle</td> </tr> <tr> <td>18.6</td> <td>Quad Axle</td> </tr> </table>	11.6	Dual Axle	15.6	Triple Axle	18.6	Quad Axle
11.6	Dual Axle														
15.6	Triple Axle														
18.6	Quad Axle														
8/3/19	5	clay	dot 3	pn 18b1	1	dot 3	11.6	11.6							
8/3/19	7	clay	dot 3	pn 18b1	2	dot 3	15.6	31.2							
8/7/19	8	clay	dot 3	pn 18b1	5	dot 3	15.6	78							
8/7/19	9	clay	dot 3	pn 18b1	3	dot 3	15.6	46.8							
8/7/19	11	clay	dot 3	pn 18b1	4	dot 3	15.6	62.4							
8/7/19	13	clay	dot 3	pn 18b1	3	dot 3	18.6	55.8							
8/7/19	14	clay	dot 3	pn 18b1	4	dot 3	18.6	74.4							
8/8/19	8	clay	dot 3	pn 18b1	6	dot 3	15.6	93.6							
8/8/19	8	clay	dot 3	pn 18b1	2	dot 3	15.6	31.2							
8/8/19	9	clay	dot 3	pn 18b1	1	dot 3	15.6	15.6							
8/8/19	9	clay	dot 3	pn 18b1	2	dot 3	15.6	31.2							
8/8/19	11	clay	dot 3	pn 18b1	7	dot 3	15.6	109.2							
8/8/19	11	clay	dot 3	pr 19c1	2	dot 3	15.6	31.2							
8/8/19	12	clay	dot 3	pn 18b1	7	dot 3	18.6	130.2							
8/8/19	13	clay	dot 3	pn 18b1	8	dot 3	18.6	148.8							
8/8/19	13	clay	dot 3	pn 18b1	2	dot 3	18.6	37.2							
8/8/19	14	clay	dot 3	pn 18b1	6	dot 3	18.6	111.6							
8/9/19	7	clay	dot 3	pn 18b1	9	dot 3	15.6	140.4							
8/9/19	7	clay	dot 3	pn 18b1	1	dot 3	15.6	15.6							
8/9/19	8	clay	dot 3	pn 18b1	2	dot 3	15.6	31.2							
8/9/19	8	clay	dot 3	pn 18b1	5	dot 3	15.6	78							
8/9/19	9	clay	dot 3	pn 18b1	11	dot 3	15.6	171.6							
8/9/19	9	clay	dot 3	pn 18b1	1	dot 3	15.6	15.6							
8/9/19	10	clay	dot 3	pn 18b1	5	dot 3	15.6	78							
8/9/19	11	clay	dot 3	pn 18b1	3	dot 3	15.6	46.8							
8/9/19	11	clay	dot 3	pn 18b1	2	dot 3	15.6	31.2							
8/9/19	11	clay	dot 3	dot 1	4	dot 3	15.6	62.4							
8/9/19	12	clay	dot 3	pn 18b1	11	dot 3	18.6	204.6							
8/9/19	12	clay	dot 3	pn 18b1	1	dot 3	18.6	18.6							
8/9/19	12	clay	dot 3	pn 18b1	5	dot 3	18.6	93							
8/9/19	13	clay	dot 3	pn 18b1	10	dot 3	18.6	186							
8/9/19	13	clay	dot 3	pn 18b1	1	dot 3	18.6	18.6							
8/9/19	14	clay	dot 3	pn 18b1	3	dot 3	18.6	55.8							
8/10/19	7	clay	dot 3	pn 18b1	15	dot 3	15.6	234							
8/10/19	8	clay	dot 3	pn 18b1	4	dot 3	15.6	62.4							
8/10/19	9	clay	dot 3	pn 18b1	14	dot 3	15.6	218.4							
8/10/19	10	clay	dot 3	pn 18b1	7	dot 3	15.6	109.2							
8/10/19	11	clay	dot 3	pn 18b1	3	dot 3	15.6	46.8							
8/10/19	12	clay	dot 3	pn 18b1	16	dot 3	18.6	297.6							
8/10/19	13	clay	dot 3	pn 18b1	14	dot 3	18.6	260.4							
8/10/19	14	clay	dot 3	pn 18b1	14	dot 3	18.6	260.4							
8/14/19	3	clay	dot 3	pn 18b1	23	dot 3	11.6	266.8							
8/14/19	5	clay	dot 3	pn 18b1	21	dot 3	11.6	243.6							
8/14/19	6	clay	dot 3	pn 18b1	2	dot 3	18.6	37.2							
8/14/19	7	clay	dot 3	pn 18b1	7	pn 18b1	15.6	109.2							
8/14/19	8	clay	dot 3	pn 18b1	15	dot 3	15.6	234							
8/14/19	9	clay	dot 3	pn 18b1	22	dot 3	15.6	343.2							
8/14/19	11	clay	dot 3	pn 18b1	13	dot 3	15.6	202.8							
8/14/19	12	clay	dot 3	pn 18b1	21	dot 3	18.6	390.6							
8/14/19	13	clay	dot 3	pn 18b1	18	dot 3	18.6	334.8							
8/14/19	14	clay	dot 3	pn 18b1	22	dot 3	18.6	409.2							
8/15/19	1	clay	dot 3	pn 18b1	14	dot 3	11.6	162.4							
8/15/19	3	clay	dot 3	pn 18b1	20	dot 3	11.6	232							
8/15/19	6	clay	dot 3	pn 18b1	4	dot 3	18.6	74.4							
8/15/19	7	clay	dot 3	pn 18b1	19	dot 3	15.6	296.4							
8/15/19	8	clay	dot 3	pn 18b1	6	dot 3	15.6	93.6							
8/15/19	9	clay	dot 3	yard	1	dot 3	15.6	15.6							
8/15/19	12	clay	dot 3	pn 18b1	6	dot 3	18.6	111.6							
8/15/19	13	clay	dot 3	pn 18b1	17	dot 3	18.6	316.2							
8/15/19	14	clay	dot 3	pn 18b1	22	dot 3	18.6	409.2							
8/16/19	3	clay	dot 3	pn 18b1	5	dot 3	11.6	58							
8/16/19	6	clay	dot 3	pn 18b1	7	dot 3	18.6	130.2							
8/16/19	7	clay	dot 3	pn 18b1	18	dot 3	15.6	280.8							
8/16/19	8	clay	dot 3	pn 18b1	7	dot 3	15.6	109.2							
8/16/19	9	clay	dot 3	pn 18b1	18	dot 3	15.6	280.8							
8/16/19	12	clay	dot 3	pn 18b1	18	dot 3	18.6	334.8							
8/16/19	13	clay	dot 3	pn 18b1	18	dot 3	18.6	334.8							
8/16/19	14	clay	dot 3	pn 18b1	18	dot 3	18.6	334.8							
8/17/19	8	clay	dot 3	pn 18b1	4	dot 3	15.6	62.4							
8/17/19	9	clay	dot 3	pn 18b1	5	dot 3	15.6	78							
8/17/19	14	clay	dot 3	pn 18b1	4	dot 3	18.6	74.4							
8/19/19	4	clay	dot 3	pn 18b1	1	dot 3	11.6	11.6							
8/22/19	4	clay	dot 3	bn19b1	19	dot 3	11.6	220.4							
8/22/19	7	clay	dot 3	bn19b1	20	dot 3	15.6	312							
8/22/19	9	clay	dot 3	bn19b1	20	dot 3	15.6	312							
8/22/19	11	clay	dot 3	bn19b1	17	dot 3	15.6	265.2							
8/22/19	13	clay	dot 3	bn19b1	11	dot 3	18.6	204.6							
8/22/19	14	clay	dot 3	bn19b1	15	dot 3	18.6	279							
8/23/19	3	clay	dot 3	wf1321	4	dot 3	11.6	46.4							
8/23/19	4	clay	dot 3	bn19b1	7	dot 3	11.6	81.2							
8/23/19	4	clay	dot 3	bn19b1	1	dot 3	11.6	11.6							
8/23/19	4	clay	dot 3	wf1321	5	dot 3	11.6	58							
8/23/19	7	clay	dot 3	bn19b1	8	dot 3	15.6	124.8							
8/23/19	9	clay	dot 3	bn19b1	9	dot 3	15.6	140.4							
8/23/19	9	clay	dot 3	wf1321	10	dot 3	15.6	156							
8/23/19	11	clay	dot 3	bn19b1	9	dot 3	15.6	140.4							
8/23/19	11	clay	dot 3	wf1321	3	dot 3	15.6	46.8							
8/23/19	13	clay	dot 3	bn19b1	5	dot 3	18.6	93							

Total Tons Hauled	18434.6
Total Tons Converted to Lbs	36869200
Average Unit Weight lbs/CF	107.1
Average Unit Weight lbs/CY	2891.7
Average Tons/Load	16.3
Average Lbs/Load	32512.522
Average CY/Load	11.2

8/23/19	14	clay	dot 3	bn19b1	9	dot 3	18.6	167.4
8/23/19	14	clay	dot 3	wf1321	3	dot 3	18.6	55.8
8/24/19	4	clay	dot 3	wf1321	3	dot 3	11.6	34.8
8/24/19	7	clay	dot 3	wf1321	3	dot 3	15.6	46.8
8/24/19	9	clay	dot 3	wf1321	3	dot 3	15.6	46.8
8/24/19	13	clay	dot 3	wf1321	2	dot 3	18.6	37.2
8/24/19	14	clay	dot 3	wf1321	3	dot 3	18.6	55.8
8/28/19	3	clay	dot 3	wf1321	7	dot 3	11.6	81.2
9/5/19	9	clay	dot 3	wf1321	9	dot 3	15.6	140.4
9/5/19	6	clay	dot 3	wf1321	7	dot 3	18.6	130.2
9/5/19	8	clay	dot 3	wf1321	10	dot 3	15.6	156
9/6/19	3	clay	dot 3	bn19b1	2	dot 3	11.6	23.2
9/16/19	6	clay	dot 3	wf1321	7	dot 3	18.6	130.2
9/16/19	14	clay	dot 3	wf1321	7	dot 3	18.6	130.2
9/16/19	9	clay	dot 3	wf1321	25	dot 3	15.6	390
9/16/19	8	clay	dot 3	wf1321	17	dot 3	15.6	265.2
9/16/19	12	clay	dot 3	wf1321	25	dot 3	18.6	465
9/17/19	13	clay	dot 3	wf1321	8	dot 3	18.6	148.8
9/17/19	6	clay	dot 3	wf1321	4	dot 3	18.6	74.4
9/17/19	14	clay	dot 3	wf1321	3	dot 3	18.6	55.8
9/17/19	8	clay	dot 3	wf1321	18	dot 3	15.6	280.8
9/17/19	9	clay	dot 3	wf1321	18	dot 3	15.6	280.8
10/8/19	10	clay	dot 3	wf1321	10	dot 3	15.6	156
10/8/19	14	clay	dot 3	wf1321	10	dot 3	18.6	186
10/8/19	13	clay	dot 3	wf1321	14	dot 3	18.6	260.4
10/8/19	9	clay	dot 3	wf1321	13	dot 3	15.6	202.8
10/9/19	10	clay	dot 3	wf1321	11	dot 3	15.6	171.6
10/9/19	9	clay	dot 3	wf1321	10	dot 3	15.6	156
10/9/19	13	clay	dot 3	wf1321	10	dot 3	18.6	186
10/14/19	9	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/14/19	5	clay	dot 3	wf1321	8	dot 3	11.6	92.8
10/14/19	2	clay	dot 3	wf1321	5	dot 3	11.6	58
10/15/19	10	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/15/19	13	clay	dot 3	wf1321	4	dot 3	18.6	74.4
10/15/19	9	clay	dot 3	wf1321	4	dot 3	15.6	62.4
10/15/19	14	clay	dot 3	wf1321	6	dot 3	18.6	111.6
10/16/19	11	clay	dot 3	wf1321	12	dot 3	15.6	187.2
10/16/19	12	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/17/19	12	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/17/19	11	clay	dot 3	wf1321	4	dot 3	15.6	62.4
10/17/19	10	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/18/19	10	clay	dot 3	wf1321	2	dot 3	15.6	31.2
10/18/19	12	clay	dot 3	wf1321	2	dot 3	15.6	31.2
10/19/19	10	clay	dot 3	wf1321	1	dot 3	15.6	15.6

Total Truck Counts 1134

Total Tons 18434.6

8/23/19	14	clay	dot 3	bn19b1	9	dot 3	18.6	167.4
8/23/19	14	clay	dot 3	wf1321	3	dot 3	18.6	55.8
8/24/19	4	clay	dot 3	wf1321	3	dot 3	11.6	34.8
8/24/19	7	clay	dot 3	wf1321	3	dot 3	15.6	46.8
8/24/19	9	clay	dot 3	wf1321	3	dot 3	15.6	46.8
8/24/19	13	clay	dot 3	wf1321	2	dot 3	18.6	37.2
8/24/19	14	clay	dot 3	wf1321	3	dot 3	18.6	55.8
8/28/19	3	clay	dot 3	wf1321	7	dot 3	11.6	81.2
9/5/19	9	clay	dot 3	wf1321	9	dot 3	15.6	140.4
9/5/19	6	clay	dot 3	wf1321	7	dot 3	15.6	109.2
9/5/19	8	clay	dot 3	wf1321	10	dot 3	15.6	156
9/6/19	3	clay	dot 3	bn19b1	2	dot 3	11.6	23.2
9/16/19	6	clay	dot 3	wf1321	7	dot 3	15.6	109.2
9/16/19	14	clay	dot 3	wf1321	7	dot 3	18.6	130.2
9/16/19	9	clay	dot 3	wf1321	25	dot 3	15.6	390
9/16/19	8	clay	dot 3	wf1321	17	dot 3	15.6	265.2
9/16/19	12	clay	dot 3	wf1321	25	dot 3	18.6	465
9/17/19	13	clay	dot 3	wf1321	8	dot 3	18.6	148.8
9/17/19	6	clay	dot 3	wf1321	4	dot 3	15.6	62.4
9/17/19	14	clay	dot 3	wf1321	3	dot 3	18.6	55.8
9/17/19	8	clay	dot 3	wf1321	18	dot 3	15.6	280.8
9/17/19	9	clay	dot 3	wf1321	18	dot 3	15.6	280.8
10/8/19	10	clay	dot 3	wf1321	10	dot 3	15.6	156
10/8/19	14	clay	dot 3	wf1321	10	dot 3	18.6	186
10/8/19	13	clay	dot 3	wf1321	14	dot 3	18.6	260.4
10/8/19	9	clay	dot 3	wf1321	13	dot 3	15.6	202.8
10/9/19	10	clay	dot 3	wf1321	11	dot 3	15.6	171.6
10/9/19	9	clay	dot 3	wf1321	10	dot 3	15.6	156
10/9/19	13	clay	dot 3	wf1321	10	dot 3	18.6	186
10/14/19	9	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/14/19	5	clay	dot 3	wf1321	8	dot 3	11.6	92.8
10/14/19	2	clay	dot 3	wf1321	5	dot 3	11.6	58
10/15/19	10	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/15/19	13	clay	dot 3	wf1321	4	dot 3	18.6	74.4
10/15/19	9	clay	dot 3	wf1321	4	dot 3	15.6	62.4
10/15/19	14	clay	dot 3	wf1321	6	dot 3	18.6	111.6
10/16/19	11	clay	dot 3	wf1321	12	dot 3	15.6	187.2
10/16/19	12	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/17/19	12	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/17/19	11	clay	dot 3	wf1321	4	dot 3	15.6	62.4
10/17/19	10	clay	dot 3	wf1321	6	dot 3	15.6	93.6
10/18/19	10	clay	dot 3	wf1321	2	dot 3	15.6	31.2
10/18/19	12	clay	dot 3	wf1321	2	dot 3	15.6	31.2
10/19/19	10	clay	dot 3	wf1321	1	dot 3	15.6	15.6

Total Truck Counts 1134

Total Tons 18341.6

Attachement 5: Trucking and Excavator hours for clay export operations.

Attachment 5

	Reg Hrs	O.T. Hrs	Rate	O.T. Rate	Reg Amt	O.T. Amt	
Total Driver Hours	555.25	461.00	\$41.79	\$56.06	\$23,203.90	\$25,843.66	\$49,047.56
Total Truck Hours		1016.25		\$82.72		\$84,064.20	\$84,064.20
Total Operator Hours	107.75	65.25	\$45.75	\$60.33	\$4,929.56	\$3,936.53	\$8,866.10
Total Excavator Hours		173.00		\$109.52		\$18,946.96	\$18,946.96
							\$160,924.81

Driver Labor	\$49,047.56	
Excavator Labor	\$8,866.10	
<hr/>		
Labor Subtotal	\$57,913.65	
+ 70% O.H.	\$40,539.56	
Total Labor & O.H.	\$98,453.21	\$98,453.21
		<hr/>
	\$84,064.20	
	\$18,946.96	
Equipment Subtotal	\$103,011.16	\$103,011.16
		<hr/>
Total	\$201,464.37	\$201,464.37

CONTRACTOR REQUEST FOR EXTENSION OF CONTRACT TIME

Attachment 6

North Dakota Department of Transportation, Construction Services
SFN 14461 (2-2017)

Project Number SU-8-992(040)041		Type of Work Grading, Aggregate Base, PCC Concrete Pavement	PCN 21569
Original Contract Time (Completion Date Contract) or Working Days (Working Days Contract) October 5, 2019 (Interim Completion Date No. 2) and November 3, 2019 (Interim Completion Date No. 3)		County Cass	

Request is hereby made that the time allowed for completion of Interim Completion Date No. 2/Interim Completion Date No. 3
Indicate if request applies to all work or to a specific stage of completion.
 _____ on this contract be extended, without liability for liquidated damages, to:
 _____ or 13 additional working days. *8 9/30/19*
 New Completion Date No. of Additional Days
October

REASONS
See attached letter for explanation and reasons.

D. H. Underwood
Contractor *[Signature]* Signature *9/21/19* Date

OWNER'S ACTION
NDDOT's exclusion or omission of any applicable contract provision, Standard Specification or Supplemental Specification or any provision of state or federal law shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or the terms of the contract.

I recommend to approve the request.

Jerrold Wallace
Project Owner/Title *Jerrold Wallace* Signature *10/1/19* Date
 CIVIL ENGINEER - CITY OF WEST FARGO
NDDOT - District Engineer *[Signature]* *10/3/19*

APPROVED FOR FEDERAL AID

NDDOT (Non NDDOT Project) FHWA

Signature Date Signature Date

Title Title

The Contractor, Dakota Underground, by signing of this agreement certifies:

That adding 13 calendar days to the contract satisfies all time adjustments for the Time Extension Request (SFN 14461) dated September 21, 2019 pertaining to hauling of dirt off the project have been satisfied in full and the State of North Dakota and City of West Fargo are released and discharged from any additional time extension requests in any manner arising out of the referenced Time Extension Request.

All costs associated with the Time Extension Request (SFN 14461) dated September 21, 2019 will be addressed in a change order separate from the time extension request.

NDDOT Representative

Date

Contractor Representative

Date

Printed Name

Printed Name

 10/1/19
LPA Representative Date

JERROLD WALLACE
Printed Name

Equipment intended for use in grading/subgrade prep/laying Gravel base that was idle during export clay operations.

Attachment 7

Equipment Description	Standby Equip Rate	Standby Hours	Amount
Cat 938 Loader	\$20.13	187.75	\$3,779.41
Cat 140M Motor Grader	\$26.57	187.75	\$4,988.52
Cat 563 Compactor	\$15.19	187.75	\$2,851.92
Cat Challenger MT865	\$26.91	187.75	\$5,052.35
JD 2112 pull type scraper	\$11.89	187.75	\$2,232.35
Case 9270 4WD Tractor	\$14.69	187.75	\$2,758.05
Wishek Disc	\$7.10	187.75	\$1,333.03
	Total Standby Amount		\$22,995.62

Memorandum

Date: 1/29/2020
To: Dustin Scott –West Fargo City Engineer
Copy to: Justin Oss – NDDOT Fargo District; Jerry Wallace – City of West Fargo; Scott Middaugh – KLJ
From: Scott Smyth – KLJ
RE: PCN 21569; SU-8-992(040)041 – Sheyenne St. Segment 3 40th Ave. Additional Compensation Request

Remarks

This memo serves as a summary of Dakota Underground's (DU) request for additional compensation for keeping 40th Ave. open.

DU shut down Sheyenne St. and started construction on the project on April 8, 2019. The original contract plans show the intersection of 40th Ave. and Sheyenne St. to be closed to all directions of traffic when the project starts. The City of West Fargo requested that DU keep 40th Ave. open to through (EB/WB) traffic. The intersection of 40th Ave. and Sheyenne St. was open to through (EB/WB) traffic until May 2, 2019. From that point on, 40th Ave. was closed and DU worked to get the intersection completed. The intersection of 40th Ave. and Sheyenne St. was opened on June 15, 2019 with all work items associated with Interim Completion Date No. 1 complete.

DU submitted a cost of \$106,679.20 for keeping 40th Ave. open between April 8 to May 2. That equates to a cost of \$4,267.17 for each calendar day to keep 40th Ave. open to through traffic. In plan note 100-P01 liquidated damages were to be assessed to the Contractor at a rate of \$4,000 for each calendar day that expires after June 15, 2019 if the Contractor did not finish the work items listed. The daily cost submitted by DU to keep the intersection open matches very closely to the liquidated damages that were to be assessed if the intersection of 40th Ave. and Sheyenne St. was not open or completed by June 15, 2019.



4001 15 Avenue N. W. • Fargo, ND 58102 • Phone (701) 282-9753 • Fax (701) 282-0016

December 19, 2019

Scott Smyth, PE

Project Manager

KLJ

3203 32nd Avenue South, Suite 201

Fargo, ND 58103-6342

RE: PCN 21569 Claim for Additional Compensation for 40th Avenue Requested Change

Dear Scott:

This letter is to provide supporting material from Dakota Underground Company's (Dakota) claim for additional compensation of \$106,679.20 for the requested change in contract scope with regards to keeping 40th Avenue partially open for nearly 3 ½ weeks during the construction of Phase 1 of the PCN 21569. This claim for compensation is due to the inefficiencies allowing 40th Avenue to remain partially open during the construction of Phase 1 of the project.

Background

As you are aware, on March 29th, 2019, we were requested by the City of West Fargo to revise the construction phasing of Phase 1 of the project to allow for head to head traffic to flow from east to west through the intersection. As you recall, the original plans had called for the complete closure of 40th Avenue to allow for the construction of Phase 1; this is how the project was bid. Dakota tentatively agreed to these revisions based on the approval of a change order. On April 8th, 2019, Dakota set up traffic control per the revised phasing as discussed with the City of West Fargo, which allowed for continuous east-west traffic to travel 40th Avenue without distribution.

We continued to work with the City as well as with KLJ on the proposed change order. On April 12th, we submitted a proposed change order in the amount of nearly \$228,889.91 to complete the revisions as requested by the City. This change order accounted for the revised traffic control as well as inefficiencies that Dakota would face to complete the split-phase work, a substantial change from the project as bid. Additionally, this change order also

accounted for additional changes that were presented to the City and KLJ in terms of traffic control and detour routes for the residents north of 40th Avenue, which were approved.

Once submitted, we continued to negotiate with KLJ and the City on the language of the phase 1 completion date. In the meantime, the City of West Fargo staff presented the change order on two separate occasions since the March 29th discussion; once on April 1st and the second time on April 15th on both occasions, the City failed to approve the proposed change order.

Additionally, on April 23rd, 2019, Dakota received a letter from City Engineer Dustin Scott (see attached), which stated that "As of now, the change order is scheduled to be an agenda item the May 5 commission meeting. It is important to note that until that meeting, it is unknown if the change will be approved. The City of West Fargo realizes that by that date, DU may incur unanticipated costs associated with this change order request. The intent of this letter is to assure that those costs will be reimbursed to DU if a change order is not approved." This letter also stated that "... all work completed through May 9 be tracked daily and agreed to by all parties at the end of each day. At a minimum, this will include equipment, labor forces, and materials. If a change order is not approved, DU will be paid under NDDOT Specification 109.03 E Force Account for the work that has been completed."

At the April 25th, 2019 weekly coordination meeting, Dakota requested that on May 1st, the intersection be closed as initially planned. This was to ensure the best chance to complete the intersection within the timeframe of June 15th, 2019. With the delay in the approval of the change order and the increased inefficiencies that the revised traffic control was creating, Dakota was not confident that the intersection could be fully open by June 15th. At this meeting, it was decided that the intersection would be shut down on May 1st at 6:00 pm. In total, Dakota allowed for east-west traffic to flow through 40th Avenue for nearly 3 ½ weeks; in turn, this caused significant inefficiencies in our operations to construct the intersection, inefficiencies that weren't factored into the project that was bid and has yet to be compensated for.

December 19, 2019

Scott Smyth, PE

Page 3

Claim for Additional Compensation Due to Inefficiencies

The claim for additional compensation centers around three key areas that we recognized in terms of inefficiencies that the partial closure caused. These areas were 1) Asphalt Milling Trucking Delays, 2) Removal and Dirt Hauling Delays, and 3) Increased Underground Inefficiencies. These areas will be outlined below, along with supporting information that accounts for a total claim of \$106,679.20.

1) Asphalt Milling Inefficiencies:

One area where the partial closure of 40th Avenue caused significant inefficiencies with our operations was the Asphalt Milling between the southern limits of the project and STA 524. With the partial closure of 40th Avenue, the trucks exiting the project site had to deal with increased delays in hauling the millings to the City shop location by merging with traffic or crossing traffic on 40th Avenue. Because of these delays, we are claiming a total of \$12,284.84 for this inefficiency, which includes additional labor and equipment costs. I have outlined these costs below.

- To review our costs attributed to these inefficiencies, we first looked at our total cost to complete the milling between the southern limits and STA 524.
- This operation on 4/9,4/10, 4/11 of 2019, this was the time period we reviewed for this claim.
- Total Labor Costs for this period for our trucking operations were \$11,144.68. We are claiming that these inefficiencies caused a 30 percent increase in our labor costs, which equates to \$3,343.40. Adding in 70 percent overhead and profit on this amount equates to \$2,340.38. This equates to a total additional Labor cost of \$5,683.78.
- Total Equipment Costs for this period was based on a total of 266 hours from the Certified Payrolls. Based on a Blue Book value of \$82.72 per hour of operation, the total equipment costs for this period are \$22,003.52. Using the same 30 percent increase in time due to the inefficiencies, this equates to \$6,601.06 in additional equipment costs due to the inefficiencies.
- The combined additional labor and equipment costs total \$12,284.84.

2) Additional Removal and Dirt Hauling Operation Inefficiencies

The next area of focus for inefficiencies that were caused by the partial closure of 40th Avenue is the additional removal and dirt hauling operations. The outline below is some of the inefficiencies we encountered during the removal and dirt hauling operations.

- With the partial closure of 40th Avenue, during the removal operations on the east and west side of 40th Avenue were slowed due to dealing with traffic, as well as the hauling of the material was slowed due to the traffic.
- Concrete and asphalt saw cutting was slowed due to the presence of traffic on 40th Avenue as well slowed because additional cutting to keep lanes of traffic open.
- Additionally, during the dirt hauling, there were increased delays caused by the east-west traffic through 40th Avenue.
- With the partial closure of 40th Avenue, there was additional labor and equipment time spent on keeping the road surface for the east-west traffic clean that wasn't accounted for within our original bid.

Because of the inefficiencies, we are claiming a total of \$30,209.94 of additional compensation due to the inefficiencies caused by the partial closure of 40th Avenue for 3 ½ weeks. I have outlined these costs below.

- To review our costs attributed to these inefficiencies, we first looked at the total costs from the period of April 11th (after asphalt milling was completed) to May 11th (before the first pave the week of May 13th).
- For the labor portion of this claim, we only looked at the grading crew and the equipment that was used for hauling dirt from the pond area north through the intersection of 40th Avenue.
- For this period, based on certified payrolls from the grading crew, the total labor costs, including fringe, was \$56,245.00.
- To account for the fact that this amount was for the total area from the southern limits to STA 524, we looked at the percentage of just 40th Avenue, which accounted for 20 percent of this stretch. We took the total labor and multiplied by 20 percent to come up with \$11,249.12 that can be attributed to the 40th Avenue intersection area.

- Based on this amount, we then took our inefficiency factor of 30 percent to come up with an increased cost of labor due to the inefficiencies of \$3,374.74. Including the 70 percent overhead and profit of \$2,362.32, our total labor portion of this claim is \$5,737.06.
- As far as our equipment cost associated with these inefficiencies, we looked at what was used mainly to excavate dirt from the pond site, as well as equipment that was used to grade out the partial area of 40th Avenue. This included a D6 Dozer, 324 Excavator, (2) Scrapers with Tractors. We assigned an operator to each of these pieces of equipment during this same period based on the certified payrolls. Based on these hours, and the standard Blue Book Rates for these pieces of equipment, the total equipment costs account for \$407,881.39.
- Using the same 20 percent for the 40th Avenue area and the 30 percent inefficiency factor, the cost of the equipment attributed to this claim is \$24,477.88.
- The combined additional labor and equipment costs total \$30,209.94.

3) Underground Inefficiencies

The next area of focus of the inefficiencies that were caused by the partial closure of 40th Avenue was the installation of the underground within the intersection of 40th Avenue. I have outlined below some of the inefficiencies we encountered during the installation of utilities within the intersection of 40th Avenue during the partial closure as well after we were able to close the intersection down on May 1st.

- During the partial closure of 40th Avenue, our mainline crew, which was installing storm sewer along Sheyenne Street, had to stop short with the installation of the storm sewer. This was because they had reached the intersection and were unable to safely install the mainline storm sewer within the intersection at the depth because of the traffic flowing east-west through the intersection. This required the crew to backfill where they left off, and then once the intersection was closed, they were required to excavate once again and complete the installation of the storm sewer.
- Additionally, other underground utilities needed to be installed up to the intersection and stopped short until the full intersection was closed and removed. These included the sanitary sewer force main and other inlet leads.

December 19, 2019

Scott Smyth, PE

Page 6

- Once the full closure of 40th Avenue was commenced on May 1st, a second crew was brought in from May 1st through the 4th, to complete the intersection utilities on time to stay on schedule for a June 15th opening.

Because of these inefficiencies, we are claiming a total of \$64,184.78 of additional compensation due to the inefficiencies caused by the partial closure of 40th Avenue for 3 ½ weeks. I have outlined these costs below.

- To review our costs attributed to these inefficiencies, we only looked at the total costs between the dates of 5/1 to 5/4.
- All labor costs were tracked and accounted for from the certified payrolls.
- For the period of 5/1 to 5/4, the two underground crews that worked within the intersection of 40th Avenue accounted for a total of \$26,682.85 in costs including wages and fringe. Using the same 30% inefficiency factor as with the other items above, this accounts for \$6,804.86. Including the 70 percent overhead and profit of \$4,763.39, the total labor portion of the claim comes to \$11,568.25.
- As far as the equipment costs associated with this same period and the two crews we included the following equipment pieces:
 - 375 Excavator, 349 Excavator, 349 Excavator
 - (2) D6 Dozers
 - (2) 966M Loaders
- For each of the pieces of equipment, we assigned an operator for each of the pieces of equipment based on certified payroll. The total cost of equipment using standard Blue Book rates between the same period of 5/1-5/4 was \$175,388.44. Using the same 30 percent inefficiency factor as before, this comes to a total increase cost of \$52,616.53.
- The combined additional labor and equipment costs total \$64,184.77

December 19, 2019

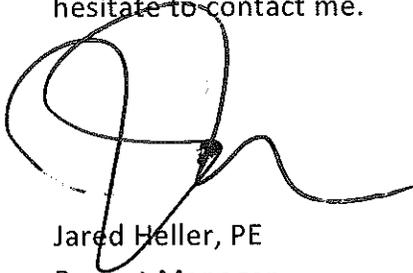
Scott Smyth, PE

Page 7

Summary

In summary, the partial closure of 40th Avenue for 3 ½ weeks caused many inefficiencies with our operations that were not accounted for within our original bid price. The change order we presented to the City in the middle of April of \$228,889.91 accounted for the inefficiencies that were caused by the partial closure. Because of the delay in the approval of the change order, this left us no choice but close down the intersection on May 1st if the City wished to still have the intersection open by June 15th as the original plans called for during the bidding of the project. In total, because of the inefficiencies that were caused by the partial closure of 40th Avenue, we are claiming a total of \$106,679.20.

If you have any questions or would like to set up a meeting to discuss this claim, please don't hesitate to contact me.

A handwritten signature in black ink, appearing to read 'Jared Heller', with a long horizontal tail extending to the right.

Jared Heller, PE
Project Manager
Dakota Underground