



West Fargo City Commission Meeting
Monday May 7, 2018
Commission Chambers 5:30 PM

- A. Pledge of Allegiance
- B. Approve Order of Agenda
- C. Approval of Minutes – April 16, 2018 (Pg 3-12)
- D. Building Permits

Consent Agenda – Approve the Following:

- a. Bills
- b. Gaming Site Authorization for The Arc Upper Valley. Games to Be conducted: Bingo, Raffles, Pull Tabs, Electronic Pull Tabs, Twenty-One, Paddlewheel Tables on 7/1/18 to 6/30/19 at Bar 9: 1405 Prairie Parkway #301 (Pg 13)
- c. Gaming Site Authorization for Matpac Wrestling Club, Inc. Games to be conducted: Pull Tabs on 7/1/18 to 6/30/19 at Blarney Stone Pub, 1910 9 St E (Pg 14-15)
- d. Gaming Site Authorization for Red River Human Services Foundation. Games to be conducted: Pull Tabs, Pull Tab Dispensing Device, Twenty-One, Paddlewheel Table on 7/1/18 to 6/30/19 at Town Hall Bar: 103 Main Ave West (Pg 16-18)
- e. Games of Chance for Nativity Knights of Columbus. Games to be conducted: Raffle, Raffle Board on 9/8/2018 at Bonanzaville, 1351 Main Ave W (Pg 19)
- f. Games of Chance for US Military Vets Motorcycle Club. Games to be conducted: Raffle on 5/15/18 to 9/14/18 at West Fargo VFW Post 7564, 308 Sheyenne St (Pg 20-21)
- g. Approve reappoint Dan Loegering to second term of Board of Directors for the West Fargo Municipal Airport (Term: 2018-2023) (Pg 22-23)
- h. Resolution Approving Contract and Contractor's Bond for Sewer, Water, Storm and Street Improvement District No. 1315 (Pg 24)
- i. Resolution Approving Contract and Contractor's Bond in Street Improvement District No. 2253 (Pg 25)
- j. Resolution Approving Contract and Contractor's Bond in Sidewalk District No. 6054 (Pg 26)
- k. Re-approval of Final Plat for Geller's 4th Addition (Pg 27-28)
- l. Amend KLJ Construction Engineering Contract to include Phase 1 (Pg 29-30)
- m. Approve Amendment No. 1 for MOU with Metro Cog (Pg 31-38)
- n. Create Assessment District for Storm Sewer Improvement District No. 4064, Authorize Engineer to prepare Engineer's Report, Approve Engineer's Report for Storm Sewer Improvement District No. 4064, Authorize preparation of Plans & Specs, Approve Plans & Specs for Storm Sewer Improvement District No. 4064, Authorize Ad for Bids for Storm Sewer Improvement District No. 4064 (Pg 39-42)
- o. Approve Access Agreement for Sewer Improvement Project No. 1310 (Pg 43-65)
- p. Accept the Petition for Improvements for Sanitary Sewer, Water and Storm Sewer Improvement District No. 1318, Create Assessment District for Sanitary Sewer Water and Storm Sewer Improvement District No. 1318, Authorize Engineer to prepare Engineer's Report, Approve Engineer's Report for Sanitary Sewer, Water and Storm Sewer Improvement District No. 1318, Authorize preparation of Plans & Specs, Approve Plans & Specs for Sanitary Sewer, Water and Storm Sewer Improvement District No. 1318, Authorize Ad for Bids for Sanitary Sewer, Water and Storm Sewer District No. 1318 (Pg 66-76)

Regular Agenda

1. 5:30pm First Reading and Public Hearing on the rezoning of Harper Heights 1st Addition – **Tim Solberg (Pg 77-93)**
2. 5:30pm First Reading and Public Hearing for rezoning from C-OP: Commercial Officer Park to C: Light Commercial – **Tim Solberg (Pg 94-98)**
3. 5:30pm First Reading and Public Hearing on Zoning Ordinance Amendment to Section 4-0407.4C – **Tim Solberg (Pg 99-104)**
4. 5:30pm Public Hearing regarding revisions to truck route on Sheyenne St – **John Shockley (Pg 105-115)**
5. 5:30pm Public Hearing to add Renaissance Zone block – **Matt Marshall (Pg 116-118)**



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Commission Chambers 5:30 PM

6. Renaissance Zone Application for Halverson's Addition – **Matt Marshall (Pg 119-137)**
7. Second Reading of Ordinance No. 1114, Ingesting a Controlled Substance – **John Shockley (Pg 138-139)**
8. Review bid tab for Storm Improvement District No. 4065 – **Dustin Scott (Pg 140-144)**
9. Burlington Drive pond concerns – **Almir Jupic (Pg 145-149)**
10. Approval of liquor license for Awake LLC, 1410 9 St E, Suite 501 – **Tina Fisk (Pg 150-198)**
11. Property Tax Caps – **Rich Mattern, Nick Lee**
12. City Administrator's Report
13. *Executive Session pursuant to N.D.C.C. § 44-04-19.2 and N.D.C.C. § 44-04-19.1, subdivision 9, for the purpose of receiving an update from the City Attorney and providing negotiating instructions to the City Attorney regarding modifications, amendments and/or potential claims regarding a potential claim against KPH, Inc.'s bid bond for Se Improvement Project No. 1310. (Pg 199)*
14. Non-Agenda Items
15. Correspondence
16. Adjourn



West Fargo City Commission Meeting
Monday, April 16, 2018
Commission Chambers 5:30 PM

The West Fargo City Commission met on Monday, April 16, 2018 at 5:30 pm. Those present were Rich Mattern, Mark Wentz, Mike Thorstad, Duane Hanson and Mark Simmons. The President of the Board Rich Mattern called the meeting to order.

The Pledge of Allegiance was recited.

Commissioner Mattern advised that Regular Agenda item #12 would be removed as it was the same as item #8. Commissioner Mattern also advised that the appointment of Eric Dodds to the Planning & Zoning Commission (item n) would be added to the Consent Agenda. Commissioner Wentz moved and Commissioner Simmons seconded to approve the order of agenda with the changes. No opposition. Motion carried.

Commissioner Hanson moved and Commissioner Simmons seconded to approve the minutes of April 2, 2018. No opposition. Motion carried.

The Commission reviewed the Building Department Activity Report dated April 16, 2018 and Building Permits #95-117.

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

- a. Bills
- b. February Auditor reports and Payroll Checks
- c. March Auditor reports and Payroll Checks
- d. Gaming Site Authorization for West Fargo Fire Department Incorporated. Games to be conducted: bingo, twenty-one, pull tab jar, pull tab dispensing device on 7/1/18 to 6/20/19 at Bordertown, 807 Main Ave E, Silver Dollar, 221 Sheyenne St, and Speedway Events Center, 680 Main Ave W
- e. Games of Chance for Haley's Milk Run. Games to be conducted: Raffle on 4/17/18 to 8/16/18 at West Fargo VFW, 308 Sheyenne St
- f. Confirm Kurtis Karn as member of the Tourism and Events Committee
- g. Reappoint Commissioner Scott Diamond to the Planning & Zoning Commission for Second term
- h. Resolution Amending Name of Storm Sewer Improvement District No. 4065
- i. Schedule a Public Hearing for the Rezoning from C-OP: Commercial Office Park to C: Light Commercial at 5:30pm on Monday, May 7, 2018
- j. Schedule a Public Hearing for the Rezoning of Harper Heights 1st Addition at 5:30pm on Monday, May 7, 2018
- k. Schedule a Public Hearing on Zoning Ordinance Text Amendment at 5:30pm on Monday, May 7, 2018
- l. Confirm appointment of Roben Anderson to the Special Assessment Committee to fill position of Joe Watzke (Term: 2018-2023)
- m. Reappoint Eddie Sheeley to the Special Assessment Committee (Term: 2018-2022)
- n. Appoint Eric Dodds to the Planning & Zoning Commission

No opposition. Motion carried.

Lynn Speral and Dell Sprecher appeared before the Commission regarding the American Red Cross “Sound the Alarm” program. The event will take place on April 28, and 160 volunteers from the FM area will be going around neighborhoods and identifying areas that are not up to fire code. They will check and replace smoke alarm batteries. No action was requested of the Commission.

Director of Planning & Zoning Tim Solberg appeared before the Commission for the Second reading of Zoning Ordinance Amendment 4-460.9. Two motions were made after discussion. Commissioner Simmons moved and Commissioner Hanson seconded to approve on Second Reading with the conditions. Commissioner Thorstad abstained. No opposition Motion carried. Commissioner Simmons moved and Commissioner Hanson seconded to approve use of the permit. Commissioner Thorstad abstained. No opposition. Motion carried.

Director of Planning & Zoning Tim Solberg appeared before the Commission in regards to a parking reduction of the YWCA Grace Gardens. After discussion, Commissioner Wentz moved and Commissioner Thorstad seconded to approve the parking reduction. No opposition. Motion carried.

Director of Planning & Zoning Tim Solberg appeared before the Commission for a Second Reading on the Rezoning and Final Plat Approval of Maul’s 2nd Addition. After discussion, Commissioner Thorstad moved and Commissioner Wentz seconded to place on Second Reading. No opposition. Motion carried.

Director of Planning & Zoning Tim Solberg appeared before the Commission in regards to the Pioneer Center 1st Addition. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to approve with the added condition of noise control and the right to come back and review the patio. Commissioner Hanson opposed. Motion carried.

City Attorney John Shockley appeared before the Commission for a First Reading of Proposed Ordinance No. 1120. After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to place on First Reading. No opposition. Motion carried.

Public Works Director Chris Brungardt appeared before the Commission to request to Approve KLJ Construction Engineering Contract. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the initial contract. No opposition. Motion carried.

Public Works Director Chris Brungardt appeared before the Commission to review the NDDOT selection to construct Sheyenne St. Phase II, Street Improvement District 2250. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to concur with the amount of \$19,403,134. No opposition. Motion carried.

Public Works Director Chris Brungardt and City Engineer Dustin Scott appeared before the Commission to review alternate project concepts for Street Improvement District No. 2249. Community Presbyterian Church member Lee Dobler appeared before the Commission to voice concerns regarding the proposed roundabout. After discussion, no action was requested of the Commission. Chris Brungardt and Dustin Scott will come back with other conceptual layouts.

City Engineer Dustin Scott appeared before the Commission to review the bid tab for Sewer Improvement Project No. 1310. After discussion, Commissioner Simmons moved and Commissioner Wentz seconded to award the base bid and alternates 1, 2 and 3 to KPH, Inc. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission to review the bid tab for Street Improvement District No. 2244. After discussion, Commissioner Wentz moved and Commissioner Hanson seconded to award the contract to Northern Improvement Company. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission to review the bid tab for Sidewalk Improvement District No. 6054. After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to award the contract to Key Contracting, Inc. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission to review the bid tab for Street Improvement District No. 2253. After discussion, Commissioner Simmons moved and Commissioner Wentz seconded to award the contract to Border States Paving, Inc. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission for the First Reading of Proposed Ordinance No. 1121 regarding the City Lodging Tax. After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to put on First Reading. No opposition. Motion carried.

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

- Since there are five Monday's in April, will not meet April 30th. The next meeting will be **Monday, May 7**
- The Construction Open House will be held Thursday, April 19
- Interest in live streaming Commission meetings?
- Final draft copy given to Commission, provide comments

There was no correspondence.

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

Rich Mattern
President of the Board

Tina Fisk
City Auditor

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
77687	S	2499 FM CONVENTION & VISITORS BUREAU	13463.66	04/17/18			
						CL 78983	13463.66
77688	S	2499 FM CONVENTION & VISITORS BUREAU	6731.83	04/17/18			
						CL 78984	6731.83
77689	S	489 3-D SPECIALITIES	1344.61	04/17/18			
						CL 78875	50.61
						CL 78924	1294.00
77690	S	2954 A-OX WELDING SUPPLY CO INC	175.21	04/17/18			
						CL 78920	175.21
77691	S	289 ACME TOOLS	841.99	04/17/18			
						CL 78929	534.90
						CL 78995	307.09
77692	S	1008 ADVENTURE RV, INC	48.98	04/17/18			
						CL 78931	48.98
77693	S	2947 ALLSTATE PETERBILT OF FARGO	22.54	04/17/18			
						CL 78916	22.54
77694	S	2742 AMBASSADOR INC	7218.59	04/17/18			
						CL 78889	7218.59
77695	S	3186 AMERICAN BLAST AND BULLET RESISTANT	3089.87	04/17/18			
						CL 78960	3089.87
77696	S	317 AMERICAN WELDING & GAS, INC.	229.94	04/17/18			
						CL 78855	6.65
						CL 78873	117.41
						CL 78921	105.88
77697	S	22 ASPLIN EXCAVATING	1515.70	04/17/18			
						CL 78998	1515.70
77698	S	43 BATTERIESPLUS c/o Bat 34 Inc	1531.38	04/17/18			
						CL 79032	1531.38
77699	S	26 BORDER STATES ELECTRIC SUPPLY	503.72	04/17/18			
						CL 78922	353.82
						CL 79034	149.90
77700	S	16 BROKERAGE PRINTING	249.61	04/17/18			
						CL 78899	109.11
						CL 78941	66.00
						CL 78956	52.50
						CL 79008	22.00
77701	S	351 BUSINESS ESSENTIALS	388.00	04/17/18			
						CL 79001	192.30
						CL 79006	2.13
						CL 79073	193.57
77702	S	3081 CALLIE ROTH	128.71	04/17/18			
						CL 78980	128.71
77703	S	2660 CASEY'S GENERAL STORE INC	28.92	04/17/18			
						CL 78951	28.92
77704	S	51 CASS COUNTY ELECTRIC COOP	40832.96	04/17/18			
						CL 79023	387.93
						CL 79077	40445.03

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
77705	S	1512 CDW GOVERNMENT, INC	20.00	04/17/18			
						CL 78903	20.00
77706	S	56 CENTRE, INC.	360.00	04/17/18			
						CL 79013	360.00
77707	S	1777 CENTURY LINK	224.54	04/17/18			
						CL 78939	224.54
77708	S	111 CITY OF FARGO	63840.56	04/17/18			
						CL 78861	560.00
						CL 78936	16683.66
						CL 79027	30451.42
						CL 79029	16145.48
77709	S	2880 CITY OF FARGO	207570.05	04/17/18			
						CL 79025	207561.25
						CL 79026	8.80
77710	S	72 CLASSIC FLORAL	50.00	04/17/18			
						CL 78863	50.00
77711	S	1904 CODE 4 SERVICES, INC	1103.77	04/17/18			
						CL 78933	68.77
						CL 78966	1035.00
77712	S	229 CONSOLIDATED COMMUNICATIONS	1395.57	04/17/18			
						CL 79028	1395.57
77713	S	24 CULLIGAN WATER CONDITIONING	30.00	04/17/18			
						CL 78859	30.00
77714	S	65 CURT'S LOCK & KEY	60.00	04/17/18			
						CL 78925	60.00
77715	S	1675 DAKOTA FLUID POWER, INC	318.23	04/17/18			
						CL 78871	277.77
						CL 79000	40.46
77716	S	79 DAKOTA HOSE & EQUIP	293.68	04/17/18			
						CL 78868	293.68
77717	S	624 DAKOTA SUPPLY GROUP	8457.67	04/17/18			
						CL 78877	968.48
						CL 78910	3153.77
						CL 78923	110.50
						CL 79031	643.52
						CL 79035	3581.40
77718	S	999999 DANIAL HALTER	61.00	04/17/18			
						CL 79076	61.00
77719	S	856 DAVE'S WEST FARGO TIRE	370.10	04/17/18			
						CL 78866	113.05
						CL 78967	257.05
77720	S	1121 DAWSON INSURANCE	987.00	04/17/18			
						CL 79007	904.00
						CL 79011	50.00
						CL 79038	33.00
77721	S	807 DISCOVERY BENEFITS, INC.	473.75	04/17/18			
						CL 78901	473.75

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77722	S	2100 EAGLE RUN CROSSING LLC	1625.30	04/17/18			
77723	S	1502 EIDE BAILLY	105.00	04/17/18		CL 78852	1625.30
77724	S	545 ELECTRIC PUMP, INC	832.32	04/17/18		CL 78905	105.00
77725	S	1954 FAITH LUTHERAN CHURCH	1320.00	04/17/18		CL 78880	832.32
77726	S	660 FARGO FREIGHTLINER	12.14	04/17/18		CL 78937	1320.00
77727	S	2387 FERGUSON ENTERPRISES #3093	77.14	04/17/18		CL 78860	12.14
77728	S	329 FERGUSON WATERWORKS #2516	8865.22	04/17/18		CL 78917	77.14
77729	S	2471 FIRESTONE	443.84	04/17/18		CL 78913	8865.22
77730	S	104 FORUM COMMUNICATIONS	576.72	04/17/18		CL 78953	443.84
77731	S	1857 G & K SERVICES - FARGO	81.19	04/17/18		CL 78938	336.96
77732	S	155 GALLS, LLC	95.00	04/17/18		CL 78973	239.76
77733	S	2565 GATE CITY BANK	35.50	04/17/18		CL 79004	81.19
77734	S	156 GENERAL EQUIP & SUPPLIES	43.92	04/17/18		CL 78954	95.00
77735	S	2558 GOODYEAR COMMERCIAL TIRE	55.35	04/17/18		CL 78970	35.50
77736	S	135 HAWKINS WTR TREATMENT	3531.90	04/17/18		CL 78879	43.92
77737	S	1226 HP INC.	2950.00	04/17/18		CL 78934	18.45
77738	S	687 INFORMATION TECHNOLOGY DEPT	659.05	04/17/18		CL 79037	36.90
77739	S	2500 INLAND TRUCK PARTS & SERVICE	4542.35	04/17/18		CL 78858	3531.90
77740	S	1660 INT'L CONFERENCE OF POLICE CHAPLAINS	125.00	04/17/18		CL 78898	2950.00
77741	S	1400 IVORY LEATHERS INC	132.00	04/17/18		CL 78965	659.05
77742	S	999999 JIM CHRISTOPHER	190.00	04/17/18		CL 78882	27.07
77743	S	2055 JOBS HQ	659.34	04/17/18		CL 78911	1042.65
						CL 78992	3472.63
						CL 78963	125.00
						CL 78955	132.00
						CL 78887	190.00
						CL 78943	659.34

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
77744	S	2325 KUSTOM KONCEPTS	2211.37	04/17/18		CL 78985	2211.37
77745	S	767 LASER SYSTEMS	2611.63	04/17/18		CL 78890	2611.63
77746	S	711 LUTHER FAMILY FORD	354.51	04/17/18		CL 78872	255.89
						CL 78876	66.29
						CL 78996	32.33
77747	S	2676 LUTHERAN SOCIAL SERVICES	75.00	04/17/18		CL 78900	75.00
77748	S	301 MACS INC	12.48	04/17/18		CL 78994	12.48
77749	S	2457 MATT MARSHALL	276.83	04/17/18		CL 78897	108.42
						CL 78979	168.41
77750	S	308 MATTHEW BENDER & CO., INC	61.75	04/17/18		CL 78904	61.75
77751	S	299 MENARDS	730.08	04/17/18		CL 78884	174.16
						CL 78888	241.57
						CL 78926	19.31
						CL 78989	295.04
77752	S	2851 MICHAEL JAHNKE	85.00	04/17/18		CL 78999	85.00
77753	S	102 MIDSTATES WIRELESS	1803.40	04/17/18		CL 78957	1803.40
77754	S	335 ND DEPT OF TRANSPORTATION	406.80	04/17/18		CL 78886	406.80
77755	S	333 ND MOTOR VEHICLE DEPT.	23.00	04/17/18		CL 78949	11.50
						CL 78988	11.50
77756	S	334 ND STATE RADIO COMM.	1800.00	04/17/18		CL 78961	1800.00
77757	S	911 NDPOA	1020.00	04/17/18		CL 78971	1020.00
77758	S	756 NELCO FIRST AID	191.85	04/17/18		CL 78864	132.25
						CL 78918	59.60
77759	S	1600 NELSON AUTO CENTER FLEET DEPT	59423.44	04/17/18		CL 78950	29711.72
						CL 78986	29711.72
77760	S	271 NETWORK CENTER COMMUNICATIONS	2557.85	04/17/18		CL 78942	1365.85
						CL 78962	367.00
						CL 79005	825.00
77761	S	2801 NETWORK SERVICES COMPANY	166.02	04/17/18		CL 79033	166.02

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
77762	S	3185 NEXT LEVEL TINTING	920.00	04/17/18			
77763	S	141 NORTH STAR SAFETY, INC	475.84	04/17/18		CL 78948	920.00
77764	S	3111 NORTHERN SALT INCORPORATED	10352.63	04/17/18		CL 78856 CL 79002	320.04 155.80
77765	S	331 NORTHERN STATES SUPPLY	4.81	04/17/18		CL 78907	10352.63
77766	S	1774 O'REILLY AUTOMOTIVE STORES, INC	904.00	04/17/18		CL 78930	4.81
77767	S	353 OHNSTAD TWICHELL	87713.86	04/17/18		CL 78862	904.00
77768	S	352 OK TIRE	1577.03	04/17/18		CL 78906	87713.86
77769	S	276 OSTROMS ACE HARDWARE	2.80	04/17/18		CL 78874 CL 78914 CL 78997	1200.20 135.00 241.83
77770	S	563 PETRO SERVE USA	28045.72	04/17/18		CL 79039	2.80
77771	S	764 POLYGRAPH SERVICES - ROLLIE RUST	875.00	04/17/18		CL 78851 CL 78958 CL 78976	3680.60 129.60 24235.52
77772	S	916 PRAIRIE SUPPLY INC	1845.00	04/17/18		CL 78964	875.00
77773	S	1295 PRO-WEST & ASSOCIATES, INC	435.72	04/17/18		CL 78909	1845.00
77774	S	1166 PRODUCTIVITY PLUS ACCOUNT	39924.69	04/17/18		CL 79075	435.72
77775	S	412 RDO TRUST ACCT 80-5800	21975.00	04/17/18		CL 78857 CL 78869 CL 78908 CL 78928 CL 78991 CL 79036	35498.69 44.36 518.47 17.32 3801.85 44.00
77776	S	3187 RED RIVER GLAZING, INC	225.00	04/17/18		CL 78932	21975.00
77777	S	2883 RELENTLESS DBA DESERT SNOW	1797.00	04/17/18		CL 78972	225.00
77778	S	291 RICH MATTERN	43.49	04/17/18		CL 78947	1797.00
77779	S	3122 ROBERT RUUD	75.00	04/17/18		CL 79074	43.49
77780	S	2513 SAFETY-KLEEN SYSTEMS, INC.	207.00	04/17/18		CL 78946	75.00
						CL 78881	207.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
77781	S	452 SAM'S CLUB	166.60	04/17/18			
77782	S	454 SANITATION PRODUCTS	97.24	04/17/18		CL 78944	166.60
77783	S	3184 SCHMIDT CONSULTING	1050.00	04/17/18		CL 78867	97.24
77784	S	2512 SCOTT DIAMOND	250.00	04/17/18		CL 78935	1050.00
77785	S	639 SECRETARY OF STATE	36.00	04/17/18		CL 78902	250.00
77786	S	88 STREICHER'S	356.99	04/17/18		CL 79012	36.00
77787	S	31 STURDEVANT'S AUTO PARTS	571.91	04/17/18		CL 78959	356.99
77788	S	634 SWEENEY CONTROLS COMPANY	3414.19	04/17/18		CL 78915	571.91
77789	S	1156 TESSMAN	98.50	04/17/18		CL 78990	3414.19
77790	S	2478 VALLI	5835.24	04/17/18		CL 78912	98.50
77791	S	1267 VERIZON WIRELESS	91.26	04/17/18		CL 79009	5397.22
77792	S	2437 VISA ASSESSING	69.52	04/17/18		CL 79010	438.02
77793	S	2436 VISA FINANCE	1210.81	04/17/18		CL 78952	91.26
77794	S	2439 VISA IT	1121.41	04/17/18		CL 78977	69.52
77795	S	2438 VISA PLANNING	472.87	04/17/18		CL 78977	1210.81
77796	S	2435 VISA POLICE	801.87	04/17/18		CL 78975	1210.81
77797	S	2423 VISA PW	2952.96	04/17/18		CL 79024	1121.41
77798	S	576 WALMART COMMUNITY	201.44	04/17/18		CL 78974	472.87
77799	S	3191 WASTE EXPO 2018	975.00	04/17/18		CL 78974	472.87
77800	S	2740 WASTE MANAGEMENT OF WI-MN	59553.04	04/17/18		CL 78978	801.87
77801	S	577 WAYNE TROPHIES	7.00	04/17/18		CL 79014	2952.96
77802	S	2184 WEST SIDE STEEL	355.92	04/17/18		CL 79014	2952.96
						CL 78883	20.25
						CL 78919	3221.54
						CL 78993	56221.78
						CL 79022	89.47
						CL 78987	7.00
						CL 78878	118.39
						CL 78927	77.76
						CL 79003	159.77

04/17/18
15:15:10

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 4/18

Page: 7 of 7
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
77803	S	569 WF ANIMAL HOSPITAL	1146.50	04/17/18	_____	CL 78969	1146.50
77804	S	338 XCEL ENERGY	30390.82	04/17/18	_____	CL 78981 CL 78982 CL 79030	7150.32 373.63 22866.87
77805	S	162 YVETTE GEHRKE	307.17	04/17/18	_____	CL 78865	307.17
Total for Claim Checks			773665.28				
Count for Claim Checks							119

* denotes missing check number(s)

of Checks: 119 Total: 773665.28

Consent Agenda Item: b

APR 30 2018



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (02/2018)

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

Full, Legal Name of Gaming Organization The Arc Upper Valley

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

Name of Location <u>Bar 9</u>			
Street <u>1405 Prairie Parkway #301</u>	City <u>West Fargo</u>	ZIP Code <u>58078</u>	County <u>Cass</u>
Beginning Date(s) Authorized <u>7-1-18</u>	Ending Date(s) Authorized <u>6-30-19</u>	Number of twenty-one tables if zero, enter "0": <u>2</u>	
Specific location where games of chance will be conducted and played at the site (required) <u>Conducted along east wall played in bar excluding restrooms.</u>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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

CK# 011961
Pd 4-30-18
\$100.



GAMING SITE AUTHORIZATION
 OFFICE OF ATTORNEY GENERAL
 SFN 17996 (02/2018)

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

Full, Legal Name of Gaming Organization **Matpac Wrestling Club, Inc.**

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

Name of Location Blarney Stone - Fargo			
Street 1910 9th Street East	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized 7/1/2018	Ending Date(s) Authorized 6/30/2019	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted and played at the site (required) Games will be conducted in bar area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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

*CK# 2844
 4-30-18
 Pd. \$100.*



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (Rev. 02-2018)

License Number (Office Use Only)

Site Owner (Lessor) Blarney Stone Pub - Fargo, Llc		Site Name Blarney Stone - Fargo		Site Phone Number (701) 532-1500
Site Address 1910 9th Street East		City West Fargo	State ND	Zip Code 58078
Organization (Lessee) Matpac Wrestling Club, Inc.		Rental Period 7/1/2018 to 6/30/2019		County Cass
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				Monthly Rent Amount \$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes				
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar and/or a dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar Only <input checked="" type="checkbox"/> Dispensing Device Only <input type="checkbox"/> Jar Bar and Dispensing Device <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				\$ 400.00
Total Monthly Rent				\$ 400.00
5. Is Electronic Pull Tabs involving an Electronic Pull Tab Device conducted at this site? No additional rent can be paid for electronic pull tabs. Rent must be based on standard dispensing device requirements per NDCC 53-06.1-11(5)(a)(b) if "Yes", number of devices _____				<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
6. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.				<input type="checkbox"/>
TERMS OF RENTAL AGREEMENT:				
This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.				
The LESSOR agrees that no game will be directly operated as part of the lessor's business.				
The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab or prize boards involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.				
The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.				
If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.				
The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.				
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.				
At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.				
Signature of Lessor X <i>Matthew J. Heigen</i>		Title X <i>Owner</i>		Date X <i>7/22/18</i>
Signature of Lessee <i>[Signature]</i>		Title <i>President</i>		Date <i>7/12/18</i>

(over)



GAMING SITE AUTHORIZATION
 OFFICE OF ATTORNEY GENERAL
 SFN 17996 (02/2018)

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

Full, Legal Name of Gaming Organization Red River Human Services Foundation
--

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

Name of Location Town Hall Bar			
Street 103 Main Ave. W.	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized 7/1/18	Ending Date(s) Authorized 6/30/19	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted and played at the site (required) north part of building, Gaming area is entire bar (except restroom/office/storage areas)			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)	
Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)

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

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

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

INSTRUCTIONS:

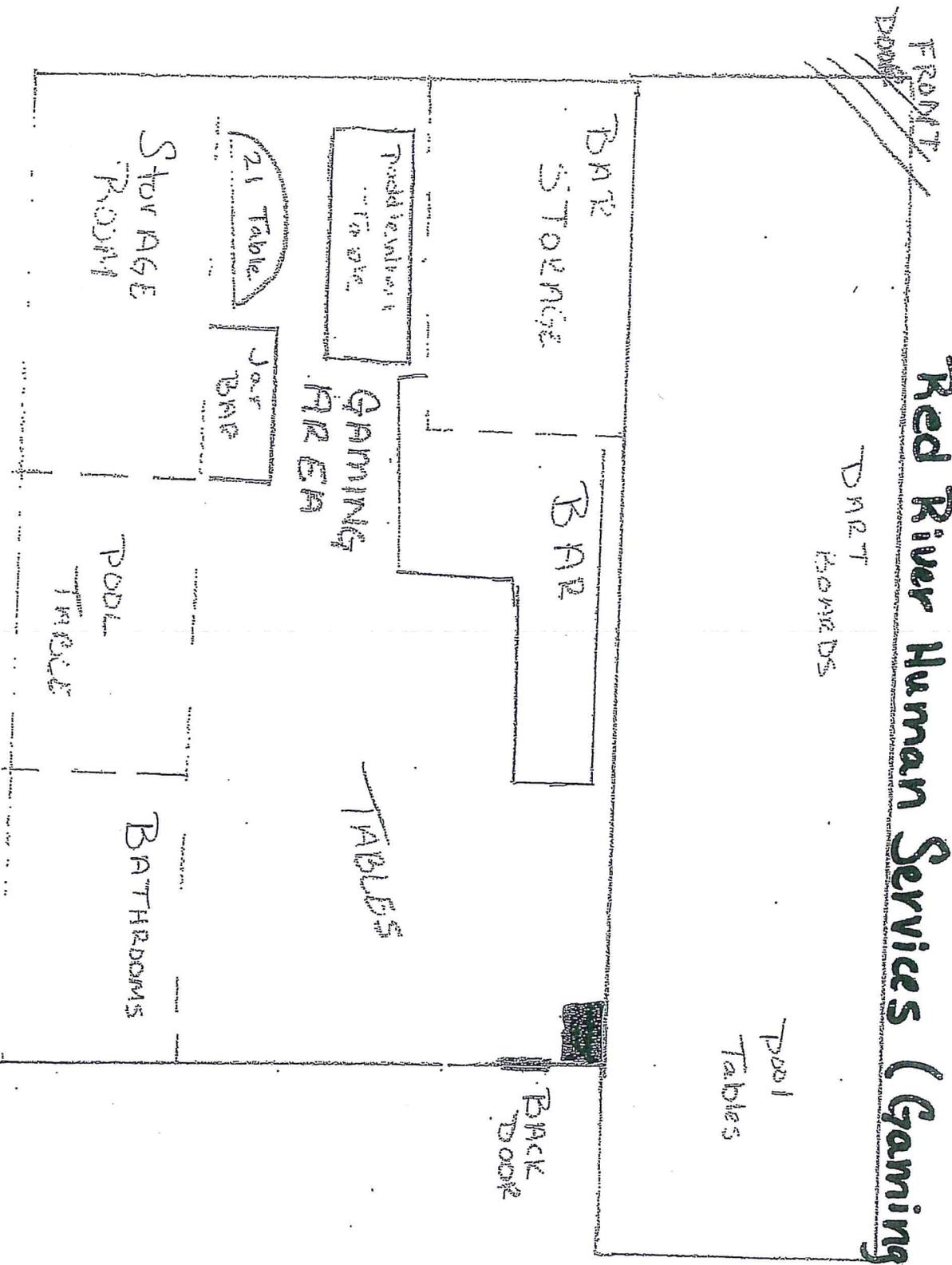
1. City/County-Retain a **copy** of the Site Authorization for your files.
2. City/County-Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms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

RETURN ALL DOCUMENTS TO:

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

CK# 22238
pd 4-19-18
in 120.

Red River Human Services (Gaming)



* Not to Scale

← N

City of West Fargo
800 4th Ave. E.
West Fargo, ND 58078

To whom it may concern:

Red River Human Services Foundation is requesting a gaming license renewal for the Town Hall Bar located in the city of West Fargo, ND. For the year July 1, 2018 through June 30, 2019.

Please allow all activities under Activities to be conducted. At least we would need the boxes checked for Pull tab Jar, Pull Tab Dispensing Device, Twenty-One, and Paddlewheel Table.

Enclosed you will find the following

- A Site Authorization form
- Floor plans
- a check in the amount of \$100.00 made payable to the city of West Fargo

If there is any questions or concerns please contact me at any time.

Thank you,



Michael Kantrud
Red River Human Services Foundation
(701) 799-0521
mkantrud@rrhsf.org

Consent Agenda Item: e

APR 30 2018



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT OFFICE OF ATTORNEY GENERAL SFN 9338 (08/2016)

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

Name of Non-profit Organization Nativity Knights Of Columbus		Date(s) of Activity 9/8/2018 to		For a raffle, provide drawing date(s): 9/8/2018	
Person Responsible for the Gaming Operation and Disbursement of Net Income Mike Langseth		Title Kc 6570 Fall		Business Phone Number (701) 361-1548	
Business Address 1825 11th St S		City Fargo		State ND	Zip Code
Mailing Address (if different)		City		State	Zip Code
Name of Site Where Game(s) will be Conducted Bonanzaville		Site Address 1351 Main Ave W			
City West Fargo		State ND	Zip Code 58078	County Cass	
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit. <input type="checkbox"/> Bingo <input checked="" 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
Raffle	Cash 500 (X3)	\$1,500.00	Raffle	Gun	\$545.00
Raffle	Cash 1000 (X2)	\$2,000.00	Raffle	Gun	\$825.00
Raffle	\$50 Cash or Gift card (X10)	\$500.00	Raffle	Gun	\$565.00
Raffle Board	Gun	\$780.00	Raffle Board	Gun	\$412.00
Raffle Board	Gun	\$336.00	Raffle Board	Gun	\$412.00
Raffle Board	Gun	\$336.00	Raffle Board	Gun	\$412.00
Raffle Board	Gun	\$336.00			
Raffle	Gun	\$309.00			
Raffle	Gun	\$721.00			
Total:					(Limit \$12,000 per year) \$ 9,989.00

Intended uses of gaming proceeds: Donation to local veterans groups
along with other KC 6570 council charitable works

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

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

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

Signature of Organization's Top Executive Official <i>Brad J. Scheidt</i>	Date 4-22-18	Title GRAND KNIGHT	Business Phone Number 718-790-3305
--	-----------------	-----------------------	---------------------------------------

cash \$10.00
pd 4-30-18

A handwritten signature in red ink, appearing to be the name "Chen", located at the bottom left of the page.



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: *

Daniel P Loegering

Phone Number: *

701-367-3891

Email Address:

dan.loegering@odaytank.com

Date *

4/30/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Reappoint Dan Loegering for a second term as a member of the Board of Directors for the West Fargo Municipal Airport. Dan has completed his first five year term effective April of 2018. He has volunteered for a second term and the board of directors made a motion to nominate Dan for a second term. The board unanimously approved the nomination.

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Approval of the West Fargo Airport Board of Directors nomination of Dan Loegering for a second term (5 years) on the board.

Upload Additional Documentation (Optional):

2018 Application for Boards and Commissions.pdf

402.8KB



**CITY OF WEST FARGO
APPLICATION FOR BOARDS AND COMMISSIONS**

PLEASE ATTACH A COPY OF YOUR RESUME

Board of Commission for which you are applying: West Fargo Airport Authority Board

YOUR NAME (Last, First, Middle) Loeering, Daniel, Paul County: Cass

Mailing Address: 2301 Ann St City: West Fargo State: ND Zip: 58078

Business Phone Number: 701-282-9260 Home Phone Number: 701-367-3891

Employer Name: O'Day Tank & Steel Your Job Title: President

Employer Address: 2420 1st Ave N City: Fargo State: ND Zip: 58102

EDUCATION AND GENERAL QUALIFICATIONS:

LEVEL	NAME OF SCHOOL	LOCATION	# YEARS ATTENDING	DID YOU GRADUATE	MAJOR-COURSE OF STUDY
HIGH SCHOOL	Fargo North High	Fargo ND	4	yes	
COLLEGE	NDSU	Fargo ND	2	no	Aero Manufacturing Engineering Tech
TRADE/BUSINESS/CORRESPONDENCE					

MEMBERSHIPS IN ORGANIZATIONS AND OFFICES HELD (INDICATE DATES HELD)	West Fargo Airport Board of Directors - Secretary 2013-2017, Co-Chairman 2018 - present.
VOLUNTEER ACTIVITIES (INDICATE IF PAST OR PRESENT)	
YOUR SPECIALS SKILLS AND QUALIFICATIONS	Private pilot since 1989, involved in the Experimental Aircraft Association

REFERENCES (List three persons, not related to you, whom you have known for at least one year)

NAME	ADDRESS	PHONE NUMBER	YEARS ACQUAINTED
Robbie Grande	Rilies Acres	701-371-2655	3
Chris Lehse	Fargo ND	701-630-1144	9
Jim O'Day	Fargo ND	701-261-1214	25

I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize investigations of all statements contained herein and the references listed above to give you any and all information concerning my qualifications and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you.

PLEASE RETURN COMPLETED FORM, RESUME AND COVER LETTER TO:

City of West Fargo ATTN: Boards
800 4th Avenue East, Ste 1
West Fargo ND 58078

SIGNATURE:

DATE: 4-31-2018

Consent Agenda Item: h

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND
IN SEWER, WATER, STORM AND STREET IMPROVEMENT DISTRICT NO. 1315

BE IT RESOLVED by the City Commission of the City of West Fargo, North Dakota, that it is hereby found, determined and declared that the contract heretofore entered into by and between the City of West Fargo and Dirt Dynamics, LLC, is in full conformity with the law, including Section 40-22-36 of the North Dakota Century Code; that the contractor's bond of Dirt Dynamics, LLC, heretofore received and filed with the City Auditor is in full conformity with the law including Section 48-02-06.2 of the North Dakota Century Code; and that the contract and contractor's bond are hereby approved.

Dated: May 7, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____. On roll call vote, the following commissioners voted aye: _____
_____. The following commissioners voted nay: none. The following commissioners were absent and not voting: _____.

The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: i

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND
IN STREET IMPROVEMENT DISTRICT NO. 2253

BE IT RESOLVED by the City Commission of the City of West Fargo, North Dakota, that it is hereby found, determined and declared that the contract heretofore entered into by and between the City of West Fargo and Border States Paving, Inc., is in full conformity with the law, including Section 40-22-36 of the North Dakota Century Code; that the contractor's bond of Border States Paving, Inc., heretofore received and filed with the City Auditor is in full conformity with the law including Section 48-02-06.2 of the North Dakota Century Code; and that the contract and contractor's bond are hereby approved.

Dated: May 7, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____. On roll call vote, the following commissioners voted aye: _____
_____. The following commissioners voted nay: none. The following commissioners were absent and not voting: _____.

The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: j

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND
IN SIDEWALK DISTRICT NO. 6054

BE IT RESOLVED by the City Commission of the City of West Fargo, North Dakota, that it is hereby found, determined and declared that the contract heretofore entered into by and between the City of West Fargo and Key Contracting, Inc., is in full conformity with the law, including Section 40-22-36 of the North Dakota Century Code; that the contractor's bond of Key Contracting, Inc., heretofore received and filed with the City Auditor is in full conformity with the law including Section 48-02-06.2 of the North Dakota Century Code; and that the contract and contractor's bond are hereby approved.

Dated: May 7, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____. On roll call vote, the following commissioners voted aye: _____
_____. The following commissioners voted nay: none. The following commissioners were absent and not voting: _____.

The majority having voted aye, the motion carried and the resolution was duly adopted.

*** Consent Agenda ***

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # k

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

1. CONTACT PERSON: Tim Solberg

2. PHONE NUMBER: 433-5230 DATE: May 3, 2018

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

Re-approve Geller's 4th Addition. Original Plat was approved by the City Commission on October 16, 2017; however the Final Plat was not filed.

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

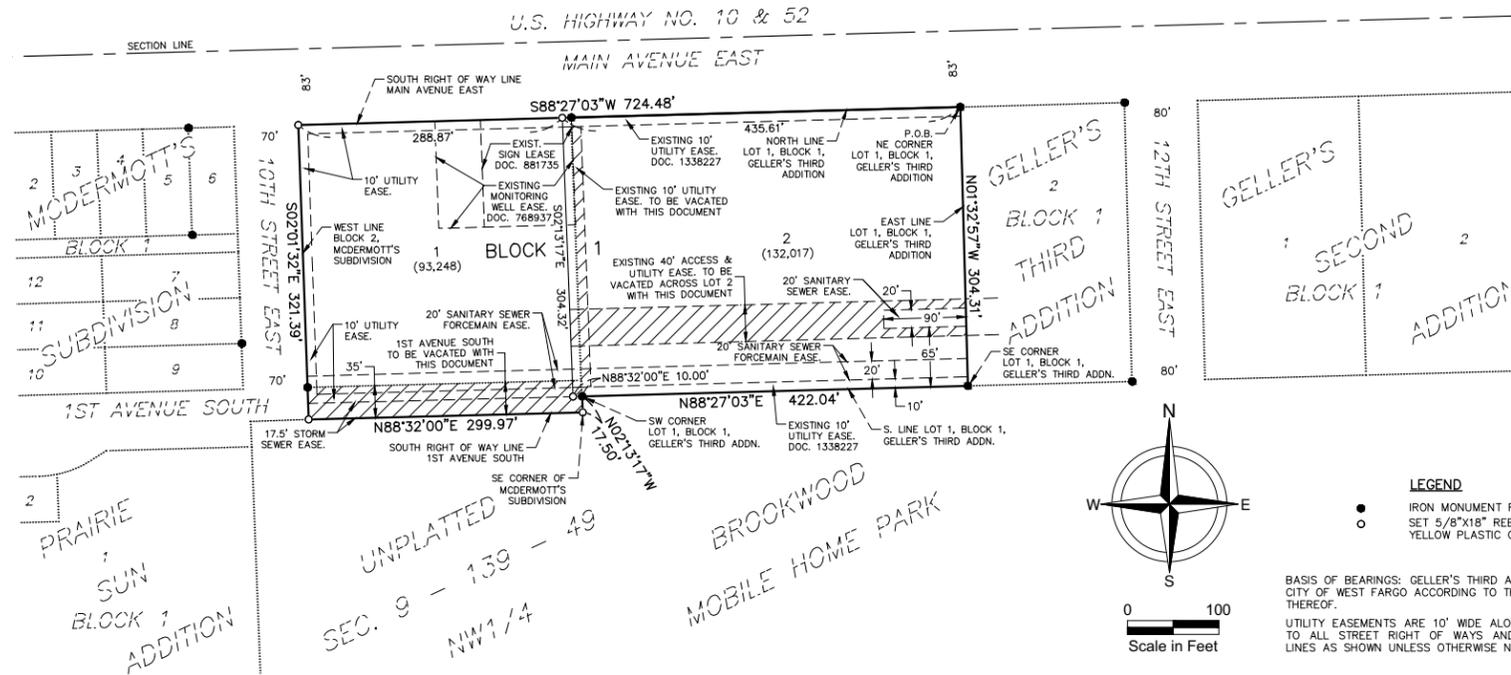
Lots 1-12, Block 2 of McDermott's Subdivision, Lot 1, Block 1 of Geller's 3rd Addition and vacation of part of 1st Avenue East, City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Re-approval of Final Plat

PLAT OF GELLER'S FOURTH ADDITION

TO THE CITY OF WEST FARGO, A VACATION PLAT OF PART OF 1ST AVENUE SOUTH,
A REPLAT OF A PART OF BLOCK 2, MCDERMOTT'S SUBDIVISION AND A REPLAT OF LOT 1, BLOCK 1,
GELLER'S THIRD ADDITION, ALL IN THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA



DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "GELLER'S FOURTH ADDITION" TO THE CITY OF WEST FARGO, A VACATION PLAT OF PART OF 1ST AVENUE SOUTH, A REPLAT OF A PART OF BLOCK 2, MCDERMOTT'S SUBDIVISION AND A REPLAT OF LOT 1, BLOCK 1, GELLER'S THIRD ADDITION, ALL 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 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 UTILITY, STORM SEWER AND SANITARY SEWER EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: LOT 1: NORE'S HOLDING COMPANY, LLC

MORTGAGEE: LOT 1: STATE BANK & TRUST OF KENMARE

JOHN D. NORE
TITLE: _____

BY: _____

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN D. NORE, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF NORE'S HOLDING COMPANY, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF STATE BANK & TRUST OF KENMARE.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FEE OWNER: LOT 2:

CONTRACT PURCHASER: LOT 2: JOHN D. NORE, INC.

ERWIN VISTO

JOHN D. NORE

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ERWIN VISTO, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN D. NORE, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF JOHN D. NORE, INC..

NOTARY PUBLIC, 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 "GELLER'S FOURTH ADDITION" TO THE CITY OF WEST FARGO, A VACATION PLAT OF PART OF 1ST AVENUE SOUTH, A REPLAT OF A PART OF BLOCK 2, MCDERMOTT'S SUBDIVISION AND A REPLAT OF LOT 1, BLOCK 1, GELLER'S THIRD ADDITION, ALL IN 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 SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

ALL OF LOT 1, BLOCK 1, GELLER'S THIRD ADDITION ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA, A PART OF BLOCK 2, MCDERMOTT'S SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER AND PART OF 1ST AVENUE SOUTH ACCORDING TO SAID MCDERMOTT'S SUBDIVISION, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, SAID GELLER'S THIRD ADDITION; THENCE SOUTH 88 DEGREES 27 MINUTES 03 SECONDS WEST ON A RECORD BEARING ALONG THE NORTH LINE OF SAID LOT 1 AND THE WESTERLY EXTENSION THEREOF AND ALONG THE SOUTH RIGHT OF WAY LINE OF MAIN AVENUE EAST FOR A DISTANCE OF 724.48 FEET TO THE WEST LINE OF BLOCK 2, SAID MCDERMOTT'S SUBDIVISION; THENCE SOUTH 02 DEGREES 01 MINUTE 32 SECONDS EAST ALONG THE WEST LINE OF SAID BLOCK 2, AND THE SOUTHERLY EXTENSION THEREOF, FOR A DISTANCE OF 321.39 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID 1ST AVENUE SOUTH; THENCE NORTH 88 DEGREES 32 MINUTES 00 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID 1ST AVENUE SOUTH FOR A DISTANCE OF 299.97 FEET TO THE SOUTHEAST CORNER OF THE PLAT OF SAID MCDERMOTT'S SUBDIVISION; THENCE NORTH 02 DEGREES 13 MINUTES 17 SECONDS WEST ALONG THE EAST LINE OF SAID MCDERMOTT'S SUBDIVISION FOR A DISTANCE OF 17.50 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, SAID GELLER'S THIRD ADDITION; THENCE NORTH 88 DEGREES 27 MINUTES 03 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 1 FOR A DISTANCE OF 422.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 01 DEGREE 32 MINUTES 57 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 1 FOR A DISTANCE OF 304.31 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 5.17 ACRES, MORE OR LESS, 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 _____, 2018, 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

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2018.

DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DUSTIN T. SCOTT, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2018.

TOM MCDUGALL, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, 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 _____, 2018.

RICH MATTERN, PRESIDENT OF
THE WEST FARGO CITY COMMISSION

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICH MATTERN, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND TINA FISK, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____, 2018.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, 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



Consent Agenda Item: I



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: *

Chris Brungardt

Phone Number: *

701.306.8484

Email Address:

chris.brungardt@westfargond.gov

Date *

5/2/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Amend KLJ Construction Engineering Contract to include Phase 1

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Amend KLJ Construction Engineering Contract to include Phase 1

Upload Additional Documentation (Optional):

doc03368820180502160250.pdf

335.44KB



Department of Public Works

Chris Brungardt ~ Public Works Director ~ Cell: 701.306.8484 ~ Email: Chris.Brungardt@westfargond.gov
Ryan James ~ Operations Manager ~ Cell: 701.200.9099 ~ Email: Ryan.James@westfargond.gov
Eric Hanson ~ Fleet & Facilities Manager ~ Cell: 701.306.7057 ~ Email: Eric.Hanson@westfargond.gov
Terry Rust ~ Environmental Manager ~ Cell: 701.306.8741 ~ Email: Terry.Rust@westfargond.gov
Thomas Clark ~ Sanitation Manager ~ Cell: 701.306.8922 ~ Email: Thomas.Clark@westfargond.gov
Chad Zander ~ Program Coordinator ~ Cell: 701.306.2646 ~ Email: Chad.Zander@westfargond.gov

To: City Commission
From: Chris Brungardt 
Date: 4/27/18

RE: MODIFY ENGINEERING CONTRACT WITH KLJ FOR SHEYENNE STREET TO INCLUDE PHASE 1

At the April 16, 2018 meeting the Commission approved a scoping contract with KLJ Engineering to provide construction engineering for Sheyenne Street. There was an error stating the contract was for only Phase 2. It was intended that KLJ would provide these services for both construction phases. Similar to the services KLJ provided as the engineering consultant for all phases of Sheyenne St for the environmental, and design. For the purposes of continuity they should be the lead for construction engineering.

Initial and estimated costs are unchanged. As with the contract approved on April 16, the initial contract for the project startup remains at \$250,000. Additionally, the estimated total to complete the construction and survey services is unchanged at \$2,450,000.

Please let me know if you have any questions concerning the above information.

**AMENDMENT NO. 1
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF WEST FARGO, NORTH DAKOTA
AND
THE FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS**

THIS AMENDMENT NO. 1 is entered into as of the _____ day of _____, 2018, (the “Effective Date”) by and between the City of West Fargo, whose address is 800 4th Avenue East, Suite 1, West Fargo, ND 58078 (the “City”), and the Fargo-Moorhead Metropolitan Council of Governments, whose address is Case Plaza, Suite 232, One 2nd Street North, Fargo, ND 58102-4807 (“F-M Metro COG”).

WHEREAS, the City and F-M Metro COG previously entered into a Memorandum of Understanding dated July 20, 2018, (the “Memorandum”), a copy of which is attached as **Exhibit A**; and

WHEREAS, the purpose of this Amendment No. 1 is to include compensation provisions in the Memorandum for the City to provide the services of its Human Resource Director or another member of the City’s Human Resource Department to F-M Metro COG for a review of F-M Metro COG’s human resources policies and practices exceeding one hundred twenty hours in any calendar year in which the Memorandum and this Amendment No. 1 are in effect.

NOW THEREFORE, in consideration of the mutual agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby amend the Memorandum as follows:

A. The second paragraph of the Memorandum is hereby amended to read as follows:

The purpose of this Memorandum is for the City to provide the services of its Human Resource Director or another member of the City’s Human Resource Department to F-M Metro COG for a review of F-M Metro COG’s human resources policies and practices. The City is a member of F-M Metro COG and it is in the best interest of both parties to minimize F-M Metro Cog’s overhead costs; therefore, the City will allocate up to one hundred twenty (120) hours of human resource services to each calendar year to F-M Metro Cog at no cost.

B. Section (5) of the Memorandum, under heading “**The City will,**” is hereby amended to read as follows:

5. Provide the work described above at no cost to F-M Metro COG for the first one hundred twenty (120) hours of human resource services per calendar year. In the event, the City’s human resource services exceed one hundred twenty (120) hours, the City may charge F-M Metro COG for any additional hours. The City shall

submit an invoice to F-M Metro COG indicating the number of hours exceeding the allotted one hundred twenty (120) hours and the hourly rate of the additional human resource services. F-M Metro COG will then have an opportunity to review the invoice before paying the City. If there is a dispute in the invoice, the parties will use best efforts to amicably resolve any dispute. Failure to pay the invoice by the first of the month may result in the City charging interest in the amount of one-half percent.

C. Section (4) of the Memorandum, under “**F-M Metro COG will,**” is hereby incorporated as follows:

4. Provide payment to the City for any human resource sources exceeding the allotted one hundred twenty (120) free hours per calendar year.

D. Section (1) of the Memorandum, under “**Terms,**” is hereby amended to read as follows:

1. Timeline. The City will complete the review of F-M Metro COG’s human resources policies and practices in a timely manner, as soon as reasonably possible.

E. All other terms of the Memorandum will remain in full force and effect, except as specifically modified by this Amendment.

F. This Amendment may be signed in counterparts, meaning this Amendment to the Memorandum is valid if signed by all parties even if the signatures appear on separate copies of the same Amendment rather than on a single document.

IN WITNESS WHEREOF, this Amendment has been executed and approved on the Effective Date first written above.

[Signatures appear on the following pages.]

CITY:

City of West Fargo, North Dakota

Rich Mattern, Mayor

Tina Fisk, City Auditor

[Signatures continue on the following page.]

F-M METRO COG:

Fargo-Moorhead Metropolitan Council of Governments

Chair, Metro COG Policy Board

Secretary, Metro COG Policy Board

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF WEST FARGO, NORTH DAKOTA
AND
THE FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS**

This Memorandum of Understanding (this "Memorandum") is entered into as of the 20 day of July, 2017, (the "Effective Date") by and between the City of West Fargo, whose address is 800 4th Avenue East, Suite 1, West Fargo, ND 58078 (the "City"), and the Fargo-Moorhead Metropolitan Council of Governments whose address is Case Plaza, Suite 232, One 2nd St. N, Fargo, ND 58102-4807 ("F-M Metro COG").

The purpose of this Memorandum is for the City to provide the services of its Human Resource Administrator or another member of the City's Human Resource Department to F-M Metro COG for a review of F-M Metro COG's human resources policies and practices at no cost to F-M Metro COG. The City is a member of F-M Metro COG and it is in the best interest of both parties to minimize F-M Metro COG's overhead costs.

This Memorandum is now made and entered as a memorandum of all the terms, and the only terms, agreed upon in connection with the above transaction. It is hereby acknowledged and agreed upon between the parties that:

The City will:

1. Provide human resource services to F-M Metro COG in order to conduct an audit of F-M Metro COG's current human resource (HR) policies and practices. The City's Human Resource Administrator or another member of the City's Human Resource Department (the "City's HR Employee"), will work cooperatively with the Executive Director and staff of F-M Metro COG. The City's executive management and City Commission have approved the Human Resource Administrator or another member of the City's Human Resource Department to undertake the audit and that certain City HR Employees may not be available to the City from time to time.
2. Conduct individual meetings with employees to determine their role and to address any questions, suggestions or concerns in relation to HR policies and their positions within F-M Metro COG.
3. Review current F-M Metro COG HR policies and practices and make recommendations based on the review.
4. Following the review, provide ongoing recommendations to the Executive Committee and/or Policy Board of F-M Metro COG.

Exhibit "A"

5. Provide the work described above at no cost to F-M Metro COG.

F-M Metro COG will:

1. Arrange for its Executive Director and employees to meet with the City's HR Employee.
2. Provide its current HR policies and practices to the City's HR Employee.
3. Provide any other pertinent information requested by City's HR Employee in a timely manner.

Terms:

1. Timeline. The City will complete the review of F-M Metro COG's human resources policies and practices in a timely manner, as soon as reasonably possible, and at no cost to F-M Metro COG.
2. Modification. Any additions or modifications of the terms of this Memorandum or the scope of work to be performed hereunder must be agreed to by both parties. Such changes shall be incorporated in written amendments to this Memorandum.
3. Termination. This Memorandum may be cancelled or terminated by mutual consent, by default, or by conditions beyond the control of either party. The party desiring to terminate or cancel must give written notice of its intention thirty (30) days prior to the date of cancellation, setting forth the reasons and conditions of said termination.
4. Notice. Written notice shall be addressed to the following addresses:

F-M Metro COG: Case Plaza, Suite 232
One 2nd St. N
Fargo, ND 58102-4807

City: City of West Fargo
800 4th Avenue East, Suite 1
West Fargo, ND 58078

5. Indemnity. The parties to this Memorandum agree that each shall be responsible for all claims, losses, liability, suits, judgments, costs, and expenses caused by them or their personnel. The parties are not liable for the acts or omissions of the other party to this Memorandum except to the extent to which they have agreed in writing to be responsible for acts or omissions of another party.
6. North Dakota Law Applies. This Memorandum shall be controlled by the laws of the State of North Dakota, and any action brought as a result of any claim, demand or cause

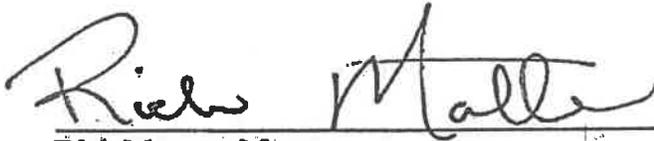
Exhibit "A"

of action arising under the terms of this Memorandum shall be brought in an appropriate venue in the State of North Dakota.

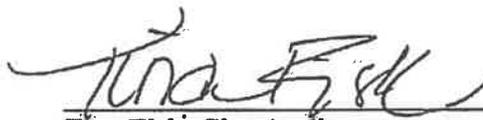
7. Severability. If any term or condition of this Memorandum is, to any extent, determined to be invalid or unenforceable, the remainder of this Memorandum, or such term or condition other than those in respect to which it is held invalid or unenforceable, shall not be affected thereby and each term or condition of this Memorandum shall be valid and be enforced to the fullest extent permitted by law.
8. Merger. This Memorandum constitutes the entire agreement by and between the parties, and any other prior representations or agreements are deemed merged herein, and those not specified herein do not represent any agreements or promises or covenants or representations on the part of either party hereto.
9. Effective Date. This Memorandum will go into effect upon approval, as represented by the signatures below, on the Effective Date written above.

CITY:

City of West Fargo, North Dakota



Rich Mattern, Mayor

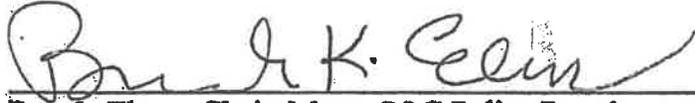


Tina Fisk, City Auditor

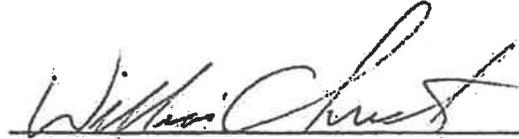
(Additional signatures on the following page.)

F-M METRO COG:

Fargo-Moorhead Metropolitan Council of Governments



Brenda Elmer, Chair, Metro COG Policy Board



William Christian, Metro COG Policy Board Secretary

Agenda #	n
Agenda Code	Consent
Project #	19296

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

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

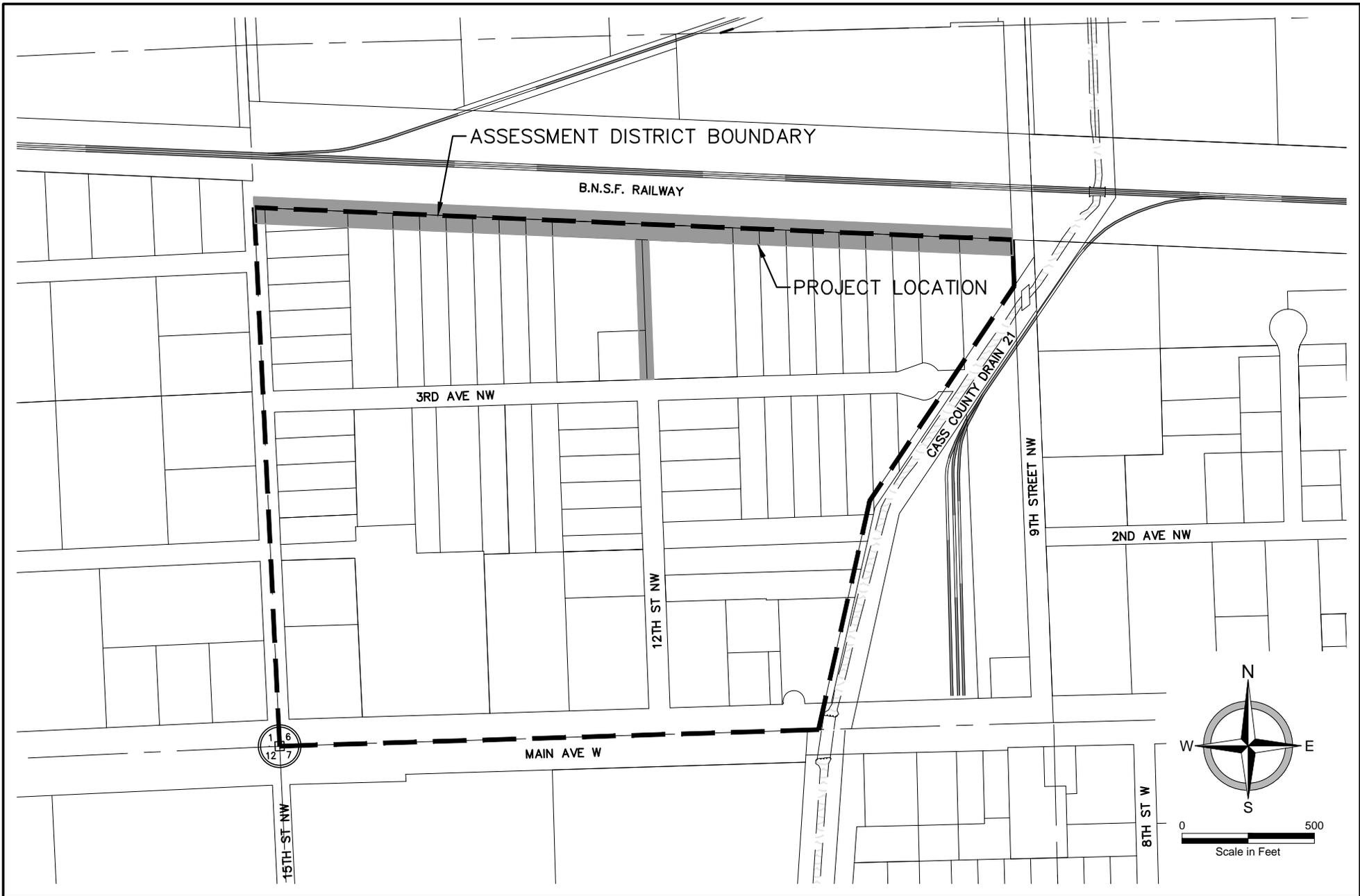
1. CONTACT PERSON: Dustin Scott

2. PHONE NO. 282-4692 DATE: May 7, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST:
 - Review Assessment District for Storm Sewer Improvement District No. 4064
 - Review Engineer's Report for Storm Sewer Improvement District No. 4064
 - Review Plans & Specs for Storm Sewer Improvement District No. 4064

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

5. ACTION BEING REQUESTED FROM CITY COMMISSION:
 - Create Assessment District for Storm Sewer Improvement District No. 4064
 - Authorize Engineer to prepare Engineer's Report
 - Approve Engineer's Report for Storm Sewer Improvement District No. 4064
 - Authorize preparation of Plans & Specs
 - Approve Plans & Specs for Storm Sewer Improvement District No. 4064
 - Authorize Ad for Bids for Storm Sewer Improvement District No. 4064



STORM SEWER IMPROVEMENT DISTRICT NO. 4064
 HALVERSON POND
 WEST FARGO, NORTH DAKOTA

PROJECT No.	19296
DATE:	05.03.18
REVISED:	-
DRAFTER:	KHS
REVIEWER:	BJR



ENGINEER'S REPORT

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

The purpose of the proposed project is install storm sewer and a storm water pond to service and provide regional retention for the Halverson Industrial Park and surrounding area. The need for the project is warranted by the current lack of regional retention for the area as well as new development of the Halverson Industrial area.

Storm Sewer Improvement District No. 4064 will involve the construction of improvements consisting of storm sewer, storm water detention pond, and other miscellaneous installations.

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

Dated this 7th day of May, 2018.

Dustin Scott
Moore Engineering, Inc.
West Fargo ND



Engineer for the City of West Fargo, ND

Agenda # 0
Agenda Code Consent
Project # 19862

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

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

- 1. CONTACT PERSON: Dustin Scott

- 2. PHONE NO. 282-4692 DATE: May 7, 2018

- 3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: _____
Review Access Agreement for Sewer Improvement Project No. 1310

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

- 5. ACTION BEING REQUESTED FROM CITY COMMISSION: _____
Approve Access Agreement for Sewer Improvement Project No. 1310

ACCESS AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2018, by Southeast Cass Water Resource District, a North Dakota political subdivision (the “District”); and the City of West Fargo, a North Dakota political subdivision (the “City”).

RECITALS

A. The District owns, operates, and maintains Cass County Drain No. 21, a legal assessment drain (“Drain 21”).

B. The District previously issued a UTILITY PERMIT to the City for purposes of installing an underground utility below Drain 21; the UTILITY PERMIT, dated December 13, 2017, is attached as **Exhibit A** (the “UTILITY PERMIT”).

C. The City has requested access on and over certain portions of the District’s Drain 21 right of way for purposes of temporarily installing a culvert in the Drain 21 channel and additional fill for purposes of providing the City a temporary crossing for purposes of installing the utility contemplated under the UTILITY PERMIT (the “Project”).

D. The District is willing to grant the City temporary access on portions of its Drain 21 right of way, subject to the terms and conditions contained in this Agreement.

NOW, THEREFORE, in consideration of the parties’ mutual covenants contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

AGREEMENT

1. **License Property.** The District grants and conveys to the City a temporary, non-exclusive, revocable license for purposes of the rights described in this Agreement upon, over, under, and across the District’s right of way in Cass County, North Dakota, as illustrated in the map attached as **Exhibit B**; the property depicted on **Exhibit B** is the “License Property.” The rights granted to the City by the District under this Agreement constitute a license, revocable at will by the District for cause or for protection of its facilities under the terms of this Agreement, and the license does not create for or on behalf of the City any interest or estate of any kind in the License Property, either by virtue of this Agreement or by the City’s entry upon or use of the License Property.

2. **Access Rights.** Under this Agreement, the District grants to the City, and the City’s officers, employees, agents, representatives, and contractors, access upon, over, under, and across the License Property for the following purposes: ingress and egress for purposes of installing and constructing the Project; installing a drainage culvert and additional fill in the Drain 21 channel for purposes of providing a temporary drain crossing; installing a utility line below Drain 21, in accordance with the UTILITY PERMIT; moving, storing, and removing equipment, materials, and supplies; and other work necessary and incident to the construction of

the Project. The City may not use the License Property for any other purpose, and the City's rights regarding the License Property will not disrupt or interfere with Drain 21 or the District's use of the License Property as a legal assessment drain project. The City's rights are revocable by the District in accordance with the terms of this Agreement.

3. **Improvements and Repairs to the License Property.** Any improvements or repairs to the License Property by the City are subject to the following:

- a) The City will install the culvert and fill in the Drain 21 channel in a manner that will not interfere with drainage through and within Drain 21.
- b) With the exception of the Project and related appurtenances, the City will not construct any improvements in, upon, under, over, or across any portion of the License Property; the City will not encumber any portion of the License Property; and the City will not otherwise alter any portion of the License Property without prior consent from the District.
- c) The City will repair the License Property and will repair or replace any of the District's other structures, facilities, right of way, or any other property owned by the District, including Drain 21, damaged as a result of the Project or otherwise damaged as a result of the City's use, access, ingress, and egress regarding the License Property; the City will otherwise repair and return the License Property as near as practicable to its original condition following any disturbance or damages, at the City's sole cost.
- d) The City will promptly cease any activity and remove any structure or obstruction that interferes with the District's use of the License Property or with Drain 21, at the City's sole cost.
- e) Following the City's completion of the Project, or upon any earlier termination of this Agreement, the City will promptly remove its temporary crossing, including the culvert and temporary fill, and otherwise return Drain 21 and the District's right of way to its previous condition, at the City's sole cost.

4. **Term.** The City's rights under this Agreement will terminate upon completion of the Project. In addition, the District may terminate this Agreement as necessary to comply with any laws, rules, regulations, requirements, or directives of the State of North Dakota, or any other federal or state agency with regulatory jurisdiction over Drain 21; in the event of any default by the City under this Agreement; or as necessary to protect the integrity of Drain 21. In the event of any termination, the City will promptly remove its temporary crossing, including the culvert and temporary fill, and otherwise return Drain 21 and the District's right of way to its previous condition, at the City's sole cost.

5. **Remedies.** If the City fails to perform any of the City's obligations under this Agreement within a reasonable time following request or demand from the District, the District may perform the City's obligations and may recover its costs incurred by assessing the costs against any property owned by the City in Cass County, North Dakota, including any attorneys' fees incurred in attempting to collect the amounts due, or by other legal means of collection. The District's remedies provided in this Agreement are cumulative and not exclusive, and are in addition to any and all other remedies available to the District under North Dakota law. The City will reimburse the District for all of the District's costs and expenses, including reasonable attorneys' fees, incurred in enforcing, collecting, or attempting to collect under this Agreement, or incurred in litigating the terms or validity of this Agreement.

6. **Compliance with Laws.** The City, at the City's sole cost, is solely responsible for promptly complying with all present and future laws, ordinances, rules, and regulations, and obtaining all necessary licenses, permits, registrations, and/or approvals, from all applicable federal, state, county, municipal governments, and any other applicable governmental entities or political subdivisions, and their appropriate departments, commissions, boards, and officers, regarding the Project or the City's other permissible use, access, ingress, and egress rights upon, over, or across any of the License Property.

7. **Forbearance.** The failure or delay of either party to insist on the timely performance of any of the terms of this Agreement, or the waiver of any particular breach of any of the terms of this Agreement, at any time, will not be construed as a continuing waiver of those terms or any subsequent breach, and all terms will continue and remain in full force and effect as if no forbearance or waiver had occurred.

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

9. **Severability.** If any court of competent jurisdiction finds any provision or part of this Agreement is invalid, illegal, or unenforceable, that portion will be deemed severed from this Agreement, and all remaining terms and provisions of this Agreement will remain binding and enforceable; the parties will reconvene negotiations to arrive, in good faith, at an agreement as to matters remaining undetermined as a result of any finding by a court of competent jurisdiction that any provision or part of this Agreement is invalid, illegal, or unenforceable.

10. **Entire Agreement.** This Agreement, together with any amendments, constitutes the entire agreement between the parties regarding the matters described in this Agreement, and this Agreement supersedes all other previous oral or written agreements between the parties.

11. **Assignment.** Neither party may transfer or assign this Agreement, or any rights or obligations under this Agreement, without the express written consent of the other party.

12. **Binding Effect.** The obligations, covenants, terms, conditions, provisions, and undertakings in this Agreement, or in any amendment, will be binding upon the parties' heirs, successors, and permitted assigns, including all subsequent owners of City property.

13. **Modifications.** Any modifications or amendments of this Agreement must be in writing and signed by the District and the City.

14. **Interpretation.** This Agreement will be construed as if prepared by both parties.

15. **Representation.** The parties, having been represented by counsel or having waived the right to counsel, have carefully read and understand the contents of this Agreement, and agree they have not been influenced by any representations or statements made by any other parties.

16. **Headings.** Headings in this Agreement are for convenience only and will not be used to interpret or construe its provisions.

[Signatures appear on the following pages.]

**SOUTHEAST CASS WATER
RESOURCE DISTRICT**

Dan Jacobson, Chair

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer

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

On this ____ day of _____, 2018, before me, a Notary Public in and for said County and State, personally appeared Dan Jacobson and Carol Harbeke Lewis, known to me to be the Chair and Secretary-Treasurer, respectively, of the Southeast Cass Water Resource District, and who executed the foregoing instrument, and acknowledged to me that they executed the same on behalf of the Southeast Cass Water Resource District.

Notary Public, Cass County, ND

(SEAL)

EXHIBIT A

The UTILITY PERMIT



Southeast Cass
Water Resource
District

January 4, 2018

Dan Jacobson
Chairman
West Fargo, North Dakota

Lance Yohe
Manager
Fargo, North Dakota

Ken Pawluk
Manager
Fargo, North Dakota

Dustin Scott
Senior Project Manager
Moore Engineering, Inc.
925 10th Avenue East
West Fargo, ND 58078

Dear Dustin:

RE: *Utility Permit* for the City of West Fargo (Sewer Improvement District No. 1310) to install a sanitary sewer forcemain under Drain #21 north of I-94 and on Drain #21 right of way west of the intersection of 11th Street West and 2nd Avenue North

Enclosed please find a copy of the above referenced *Utility Permit* which has been approved by the Southeast Cass Water Resource District, subject to the conditions attached to the permit.

If you have any questions, please feel free to contact us. Thank you.

Sincerely,

SOUTHEAST CASS WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Carol Harbeke Lewis
Secretary-Treasurer
1201 Main Avenue West
West Fargo, ND 58078-1301

Enclosure

701-298-2381
FAX 701-298-2397
wrld@casscountynd.gov
www.casscountynd.gov

SOUTHEAST CASS WATER RESOURCE DISTRICT
UTILITY PERMIT

City of West Fargo, a Political Subdivision [type of entity and state of incorporation] with a post office address of 811 9th St NE, West Fargo, ND 58078-316 (“Applicant”), applies for this Permit to install sanitary sewer forcemain [describe type of utility, e.g., fiber optic cables, telephone lines, etc.] and related appurtenances under [on, through, under, over] Cass County Drain No. 21 (the “Drain”) on right of way or facilities owned by the Southeast Cass Water Resource District (the “District”), as shown on the plans attached as **Exhibit A** (“Applicant’s Utilities”).

Applicant may install Applicant’s Utilities under [on, through, under, over] the Drain as specifically shown on **Exhibit A**. Installation, operation, and maintenance of Applicant’s Utilities on the District’s right of way will conform to the following provisions:

1. Applicant will complete construction and maintenance at Applicant’s sole expense.
2. Applicant will place Applicant’s Utilities at the designated depth below the original design grade as set forth in the plans attached as **Exhibit A**.
3. Within 30 days after construction, maintenance, relocation, or removal of Applicant’s Utilities, Applicant will remove any right of way scars; Applicant will restore any disturbed areas to original condition; and Applicant will re-seed the vicinity disturbed by Applicant’s activities. Applicant will maintain any disturbed areas for a period of one year from the date of completion.
4. Applicant will install marker posts at all the Drain crossings on the right of way line, or at any other point as designated by the District.
5. Applicant will complete installation, maintenance, relocation, and/or removal of Applicant’s Utilities on the District’s right of way in a manner satisfactory to the District.

6. The District will not be liable for any damages to Applicant's Utilities resulting from reconstruction or maintenance of the Drain or any of the District's facilities or right of way. Applicant will release, defend, indemnify, and hold harmless the District, and all of the District's employees, officers, agents, and representatives, from and against any and all claims, demands, causes of action, or demands for relief, including costs, expenses, and attorneys' fees, that may arise out of or result from any acts or omissions regarding this Permit or Applicant's installation or maintenance of Applicant's Utilities, or any accident, injury, or damage to person, property, or equipment as a result of Applicant's entry upon or use of the District's right of way or property.
7. Applicant, at Applicant's own cost, will repair or replace the District's structures, facilities, right of way, or any other property owned by the District which may be damaged as a result of Applicant's installation and maintenance of Applicant's Utilities on the District's right of way, or otherwise as a result of Applicant's entry upon or use of the District's right of way.
8. Applicant will promptly remove Applicant's Utilities from the District's right of way, or will relocate or adjust Applicant's Utilities, all at Applicant's sole cost and expense upon notice from the District, as necessary for purposes of constructing, cleaning, inspecting, reconstructing, modifying, operating, maintaining, repairing, or improving the Drain.
9. Applicant will be solely responsible for promptly complying with all present and future laws, ordinances, rules, and regulations of any other federal, state, county, or local governments or governmental entities which may be applicable regarding Applicant's Utilities or Applicant's activities. Further, Applicant will be solely responsible for obtaining all applicable licenses, permits, or other approvals necessary, if any, regarding Applicant's Utilities or Applicant's activities under this Permit.
10. Applicant will be solely responsible for all costs and expenses associated with complying with Applicant's obligations under this Permit.
11. Applicant will not transfer or assign this Permit, nor any of Applicant's rights or obligations under this Permit, without the express written consent of the District.
12. Upon Applicant's completion of installation of Applicant's Utilities, Applicant will notify the District and the District, in its discretion, may require an inspection of Applicant's Utilities to ensure compliance with this Permit. Applicant will be responsible for the District's costs associated with the inspection; following an inspection, the District will provide Applicant with notice of costs incurred and Applicant will reimburse the District within 60 days.

13. If Applicant fails to perform any of Applicant's obligations under this Permit within a reasonable time following request or demand from the District, the District may perform Applicant's obligations and may recover its costs incurred by assessing the costs against any property owned by Applicant in Cass County, North Dakota, including any attorneys' fees incurred in attempting to collect the amounts due, or by other legal means of collection.

14. The failure or delay of the District to insist on the timely performance of any of the terms of this Permit, or the waiver of any particular breach of any of the terms of this Permit, at any time, will not be construed as a continuing waiver of those terms or any subsequent breach, and all terms will continue and remain in full force and effect as if no forbearance or waiver had occurred. Upon the occurrence of any default by Applicant, the District may, immediately and without the need for any prior notice, enforce the provisions of this Permit and may take any and all other actions necessary, in law or in equity, to collect all amounts due under this Permit or to enforce any of Applicant's other obligations under this Permit. The remedies provided for in this Permit are cumulative and not exclusive, and are in addition to any and all other remedies available to the District under North Dakota law. Applicant will be responsible for all of the District's costs and expenses, including reasonable attorneys' fees, incurred in enforcing, collecting, or attempting to collect under this Permit, or incurred in litigating the terms or validity of this Permit.

15. Special Conditions:

See attached sheet

Applicant agrees to the above terms and conditions. This application will become effective as a Permit upon execution by both Applicant and the District.

APPLICANT:

CITY OF WEST FARGO

By: Carson Mitchell

Its: Finance Director

SOUTHEAST CASS WATER
RESOURCE DISTRICT



Carol Harbeke Lewis
Secretary-Treasurer

Date Approved: 12-13-17

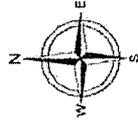
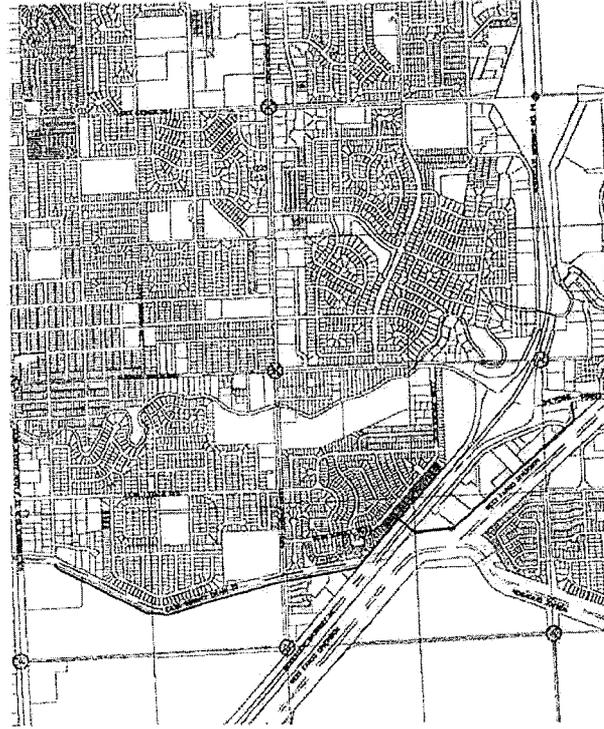
EXHIBIT A
Applicant's Plans

SEWER IMPROVEMENT PROJECT NO. 1310



SOUTH REGIONAL SANITARY SEWER REDUNDANCY FORCEMAIN

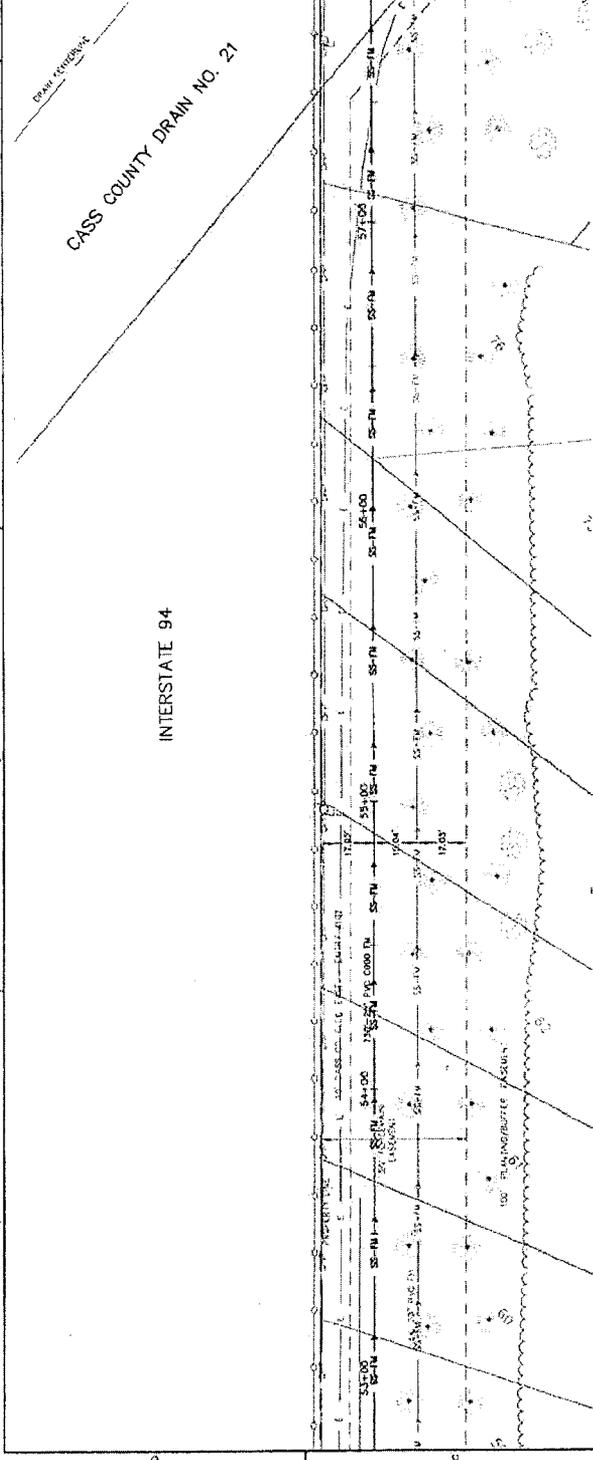
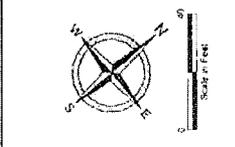
VICINITY MAP



PRELIMINARY

PROJECT No 19662

PRELIMINARY



moore
engineering, inc.

PLAN AND PROFILE - UNDERGROUND
SEWER IMPROVEMENT PROJECT NO. 1310
SOUTH REGIONAL SANITARY SEWER REDUNDANCY FOREMAN
WEST FARGO, NORTH DAKOTA
PLAN AND PROFILE - STA: 63+00 TO 68+00

STATION	920	915	910	905	900	895	890	885	880	875
53+00										
54+00										
55+00										
56+00										
57+00										
58+00										

C-211
SHEET 91 OF 100

**CONDITIONS TO UTILITY PERMIT FOR
CITY OF WEST FARGO
DRAIN #21
WEST FARGO SANITARY IMPROVEMENT DISTRICT NO. 1310
DECEMBER 13, 2017**

1. There shall be no excavation within the channel, on the berms, or within 25 feet of the outside berm toe.
 - a. If no berm exists, there shall be no excavation within the channel or within 25 feet of the channel daylight.
2. The utility shall be installed by boring, using a continuous welded joint carrier pipe.
3. The carrier pipe shall be bored horizontally below the drain at a constant elevation for a distance of 25 feet beyond each side of the outside channel berm toe or channel daylight, whichever is further from the drain centerline.
4. The top of the carrier pipe shall be a minimum of 5 feet below the current design invert of the channel bottom.
5. The utility shall not be installed below any existing structures, bridges, or culverts.
6. Applicant shall document disposal location for drilling fluids and follow applicable environmental regulations.

EXHIBIT B
PROJECT MAP

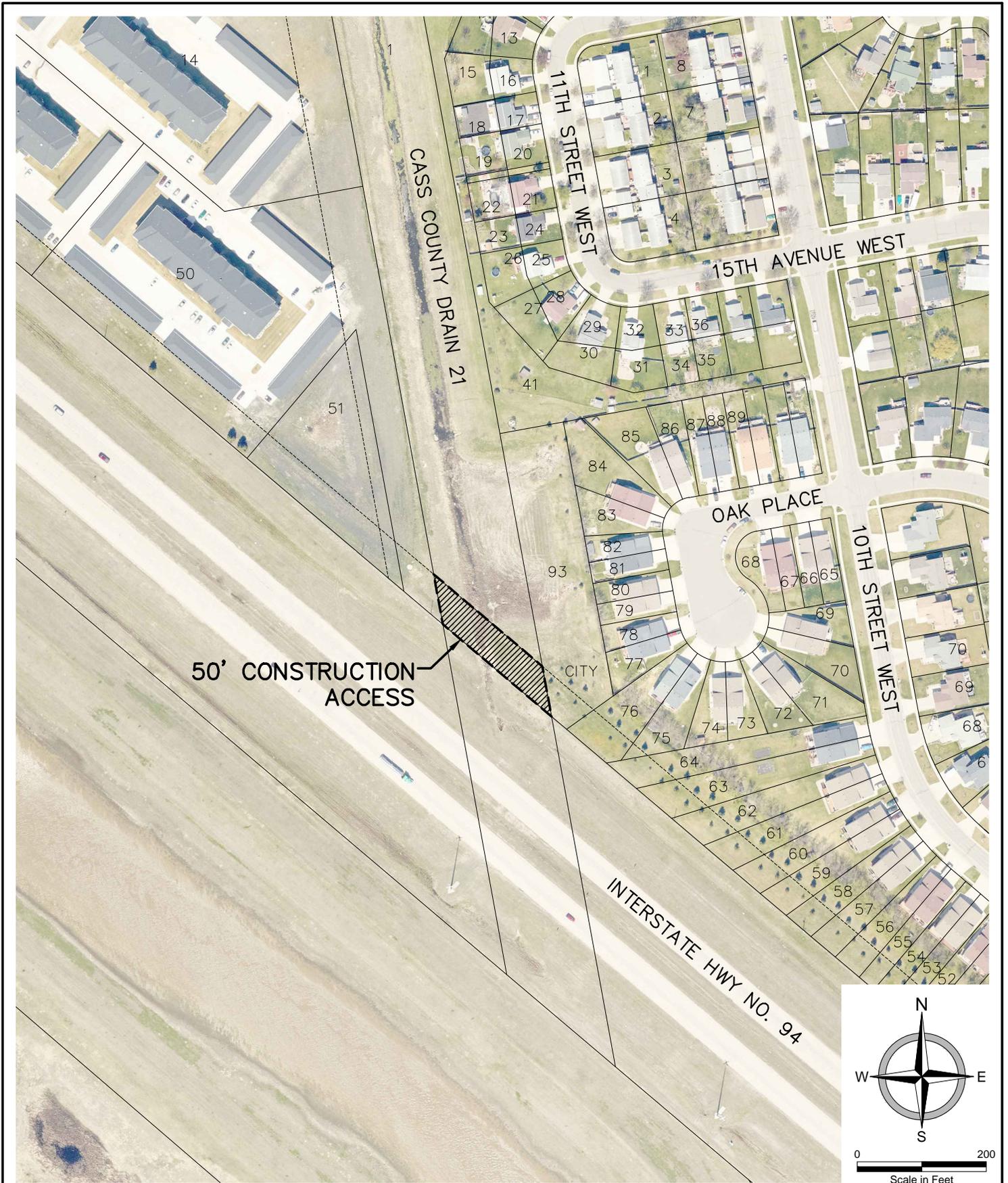


EXHIBIT B
 SEWER IMPROVEMENT PROJECT NO. 1310
 SOUTH REGIONAL SANITARY SEWER REDUNDANCY FORCEMAIN
 WEST FARGO, NORTH DAKOTA

PROJECT No.	19862
DATE:	04.04.18
REVISED:	-
DRAFTER:	KHS
REVIEWER:	EAG



Agenda #	p
Agenda Code	Consent
Project #	19296

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

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

1. CONTACT PERSON: Dustin Scott

2. PHONE NO. 282-4692 DATE: May 7, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST:
 - Review the Petition for Improvements for Sanitary Sewer, Water and Storm Sewer Imp.
 - Dist. No. 1318
 - Review Assessment District for Sanitary Sewer, Water and Storm Sewer Imp. Dist. No. 1318
 - Review Engineer's Report for Sanitary Sewer, Water and Storm Sewer Imp. Dist. No. 1318
 - Review Plans & Specs for Sanitary Sewer, Water and Storm Sewer Imp. Dist. No. 1318

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
 - Halverson Industrial 2nd Addition

5. ACTION BEING REQUESTED FROM CITY COMMISSION:
 - Accept the Petition for Improvements for Sanitary Sewer, Water and Storm Sewer Imp.
 - Dist. No. 1318
 - Create Assessment District for Sanitary Sewer, Water and Storm Sewer Imp. Dist. No. 1318
 - Authorize Engineer to prepare Engineer's Report
 - Approve Engineer's Report for Sanitary Sewer, Water and Storm Sewer Imp. Dist. No. 1318
 - Authorize preparation of Plans & Specs
 - Approve Plans & Specs for Sanitary Sewer, Water and Storm Sewer Imp. Dist. No. 1318
 - Authorize Ad for Bids for Sanitary Sewer, Water and Storm Sewer Imp. Dist. No. 1318

I Ryan Restad am the legal and equitable owners of the following described property, to-wit:

Lots 1 and 3-4 Block 1 Halversons Industrial Park Second Addition. Slated to be on
(hereinafter the “**Property**”)

I/we hereby petition the City Commission of the City of West Fargo, Cass County, North Dakota, to create an improvement district for the purpose of constructing the following municipal improvements, also as shown on the attachment:

- Water main extension within the 50’ access utility easement from existing PVC water main in 3rd Avenue Northwest to the north lot line of Lot 4, and then tee east and west to 10’ beyond the 50’ utility and cross access easement,
- Water services extended to Lots 1 and 4, 10’ beyond the 50’ utility and cross access easement,
- Sanitary sewer services to Lots 1 and 4 to 10’ beyond the 50’ utility and cross access easement
- Sanitary manhole and main to Lot 3 to 10’ beyond the 50’ utility and cross access easement,
- Storm sewer main within the 50’ utility and cross access easement sized to accommodate development of Halverson’s Industrial Park Second Addition,
- Storm sewer retention pond capacity to accommodate development of Halverson’s Industrial Park Second Addition, and

- Storm sewer manholes and stubs to Lots 1, 3, and 4 to 10' beyond the 50' utility and cross access easement (hereinafter the "**Improvements**", also shown on the attached exhibit)

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

I/we hereby certify that I/we am/are the legal and equitable owner(s) of the **Property** and have the authority to grant the City of West Fargo all necessary easements including temporary construction easements beyond the 50' utility and cross access easement, rights of ways, fee simple, dedications and other interests in the **Property** that may be required to complete the construction of the **Improvements**.

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

Dated this 30 day of April, 2018.

OWNERS:



This petition must be accompanied by evidence of ownership of the Property. Such evidence can include the following items: (a) title opinion; (b) O & E report; or (c) a copy of the vesting deed.

Gregory B. Selbo
William P. Harrie*
Mark R. Hanson* •
Douglas W. Gigler*
Andrew L.B. Noah
Jacqueline S. Anderson*
Shanon M. Gregor*



*Michael P. Carlson
Brayden K. Harwood
*Thaddeus E. Swanson
*James J. Grossman
Peter A. Hvidston
Cloe A. Kilwein

*Also Licensed in Minnesota
• Also Licensed In South Dakota

March 22, 2018

Steve Iverson
MOORE ENGINEERING

Re: Our File No. N1709017
Property Address: 301, 302, 307, 308, 313, 314, 319, 320, 325, 326, 331, 332
12th Street NW, West Fargo, ND 58078

PRELIMINARY TITLE OPINION

We have examined the accompanying Abstract of Title No. 65868 consisting of entries 1 through 167, certified to March 13, 2018, at 6:59 a.m. by RED RIVER TITLE SERVICES, INC., DBA CASS COUNTY ABSTRACT COMPANY, Fargo, North Dakota, affecting the following-described real property:

Lots Fifteen, Sixteen, Seventeen, Eighteen, Nineteen and Twenty, in Block Two, and Lots One, Two, Three, Four, Five and Six, in Block Three, of Halverson's Industrial Park Addition to the City of West Fargo, situate in the County of Cass and the State of North Dakota, according to the certified plat thereof.

From such examination, we are of the opinion that the premises are owned in fee simple by **Ryan Restad**, free and clear of all liens and encumbrances except the following:

1. We have not examined any court proceedings involved in this title and their regularity is presumed. We call to your attention the attached Exhibit "A" for additional comments, which are a part hereof.
2. At entry 127 there appears the Plat of Halvorson's Industrial Park Addition, recorded April 4, 1975, in Book "J" of Plats, page 59.
3. At entry 136 there appears a Right-of-Way Easement in favor of Cass County Electric Cooperative, Inc., for the construction, operation and maintenance of an electric transmission or distribution line or system over the east 10' of Lots 15, 16, 17, 18, 19 and 20, in Block 2; the south 10' of Lot 20, Block 2; the west 10' of Lots 1 - 6, Block 3; and the south 10' of Lot 1, Block 3, recorded January 20, 1976, in Book "U-6" of Misc., page 554, as Document No. 498215.

4. At entry 138 there appears a Right-of-Way Easement in favor of Cass County Electric Cooperative, Inc., over the south 10' of Lot 20, Block 2; the east 10' of Lots 20, 19, 18, 17 and 16, of Block 2; a 10' strip on that portion of Lot 15, Block 2 that borders 12th Street NW; a 10' strip on that portion of Lot 6, Block 3 that borders on 12th Street NW; the west 10' of Lots 1 - 5, Block 3; and the south 10' of Lot 1, Block 3, recorded February 24, 1977, in Book "H-7" of Misc., page 274, as Document No. 514682.

5. At entry 166 there appears a Mortgage from Ryan Restad to ISCO, Inc., to secure the principal sum of \$832,875.00, dated September 29, 2017, recorded October 3, 2017, as Document No. 1522143.

6. Taxes for 2017 are paid.

Respectfully submitted,



Andrew L. B. Noah
ALBN:lj

EXHIBIT "A"

The following comments are part of our opinion:

LOCATION OF BUILDINGS: Abstracts do not show the location of buildings or improvements. You may satisfy yourself by survey or other investigation that any improvements lie within the boundaries of the property.

SPECIAL ASSESSMENTS: The abstract does not cover special improvement or drainage assessments, if any, which have not been certified to the County Auditor for collection. The installments certified to the County Auditor for collection. The installments certified for collection are only for the annual installment due during the current year, and future installments are thereafter certified annually. The amount of future installments can be obtained from the City or County Auditor.

MECHANIC'S LIENS NOT NOW FILED: If any construction or repair has been done on the premises or any material has been furnished to the premises, a mechanic's lien may be filed for unpaid accounts for labor or material. The mechanic's lien appears in the abstract only if filed before the date of the last abstractor's certificate.

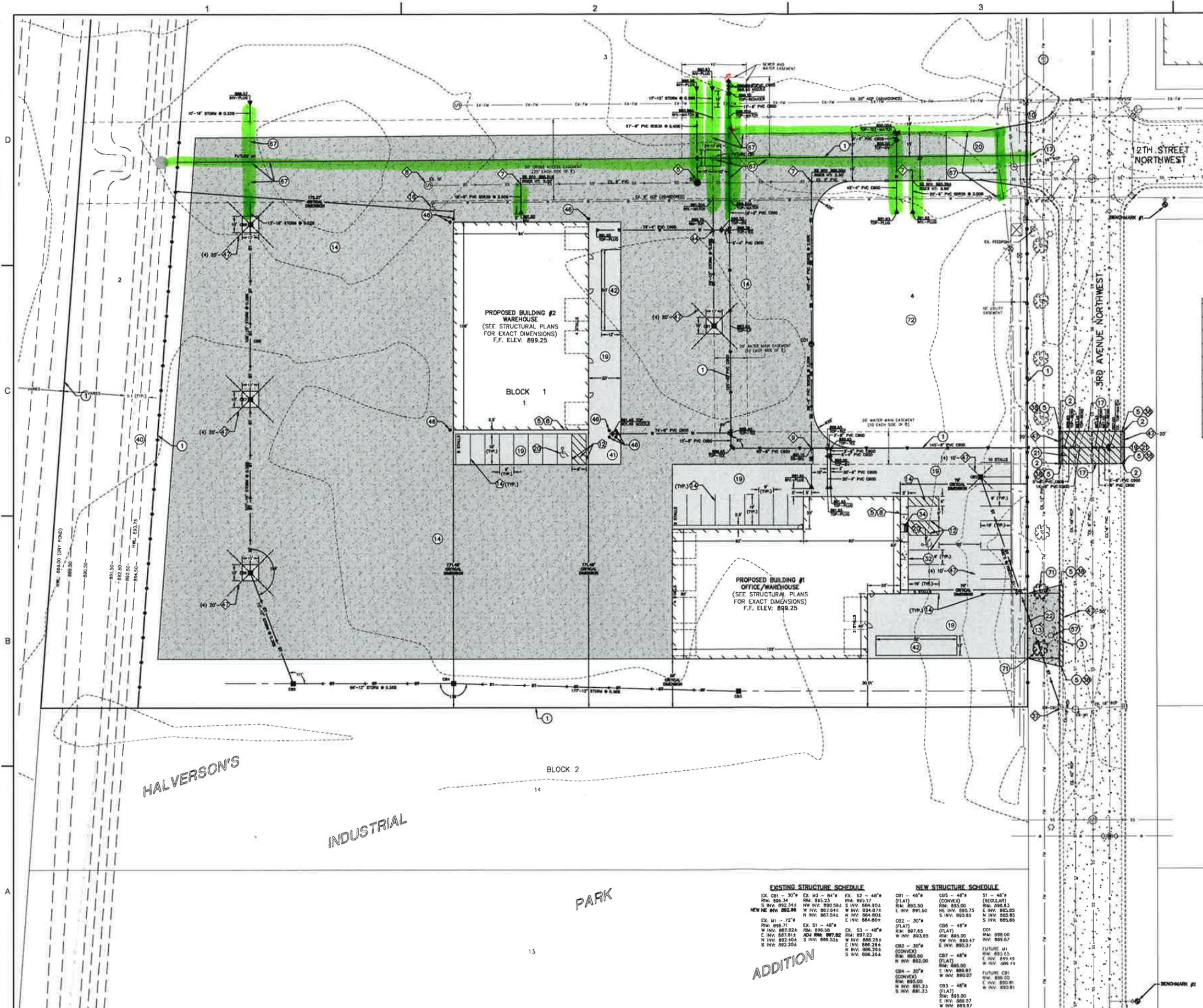
OCCUPANCY BY OTHERS: If the premises are occupied by any person other than the person or persons shown as owner in this opinion, you are charged with notice of whatever rights the occupant may have, and you should satisfy yourself as to what rights, if any, occupant claims.

TAXES: In North Dakota, the general real estate taxes are not payable until the first of January following the year for which they are assessed. In Minnesota, taxes are payable after the first Monday in January and are designated by the year in which they become payable.

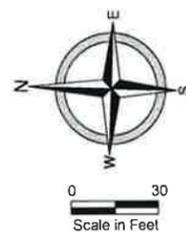
GOVERNMENT REGULATIONS: Our opinion is based upon the assumption that any and all requirements of state and federal laws and regulations, such as Truth and Lending and the Settlement Procedure Act, have been complied with.

ZONING: The abstract does not show the zoning of the property or other restrictions on the use imposed by laws or regulations of governmental agencies.

CAVEAT: This opinion is for the sole benefit of the persons or entities by whom we were retained to render the opinion and should not be relied upon by any other persons or entities.



- GENERAL NOTATIONS**
- PROPERTY LINE.
- SITE NOTATIONS - CURB & GUTTER**
- SAWCUT AND REMOVE EXISTING CURB AND GUTTER AND CONCRETE PAVEMENT FULL DEPTH TO EXISTING WATER MAIN. INSTALLATION OF PROPOSED WATER MAIN AND REPLACEMENT OF HIGH BASE CURB AND GUTTER AND HEAVY DUTY CONCRETE PAVEMENT SECTION TO BE LIMITED TO ONE WEEK FROM TIME OF REMOVAL.
 - SAWCUT AND REMOVE EXISTING HIGHBASE CURB AND GUTTER AND REPLACE WITH KNICKDOWN CURB AND GUTTER. REPLACEMENT LIMITED TO ONE WEEK FROM TIME OF REMOVAL.
 - CONNECT TO EXISTING CURB AND GUTTER.
- SITE NOTATIONS - PAVEMENT & DRIVEWAY**
- 7" CONCRETE DRIVEWAY.
 - CRUSHED CONCRETE SECTION.
 - CONNECT TO EXISTING CONCRETE PAVEMENT.
 - CONCRETE PAVEMENT SECTION.
 - HEAVY DUTY CONCRETE PAVEMENT SECTION.
 - STREET PATCH/TRENCH - CONCRETE SURFACE.
 - PLACE EXPANSION JOINT WITH #4 X 12" SMOOTH DOWELS @ 24" SPACING MID-DEPTH THROUGH DRIVEWAY AT PROPERTY LINE.
- SITE NOTATIONS - SIDEWALK & PATH**
- SIDEWALK CURB.
 - 6" CONCRETE CURB RAMP.
- SITE NOTATIONS - GENERAL**
- FUTURE STORM WATER RETENTION AREA.
 - TRASH ENCLOSURE/DUMPSTER AREA.
 - OFF-STREET LOADING AREA.
 - ROLLARD POST.
 - RELOCATE EX. LIGHT STANDARD. COORDINATE RELOCATION WITH CITY ELECTRICIAN (GARY ROBINSON (701) 306-8925).
 - SEE LANDSCAPE PLANS.
 - TO BE INSTALLED BY CITY UNDER CONCURRENT DISTRICT 4064 PROJECT.
 - REMOVE & RELOCATE EX. TREE. COORDINATE REPLACEMENT WITH CITY FORESTER (DAN ZANDER).
 - FUTURE BUILDING LOCATION.
- UTILITY NOTATIONS - SANITARY SEWER**
- CONNECT TO EXISTING SANITARY SEWER.
 - CONNECT TO EXISTING SANITARY SEWER WITH 6" x 6" SADDLE WYE WITH 2" OF ROCK AROUND WYE.
 - ADJUST EXISTING SANITARY SEWER MANHOLE.
 - INSULATE BELOW SANITARY/ABOVE WATER MAIN.
- UTILITY NOTATIONS - WATER MAIN**
- EXISTING HYDRANT TO BE REMOVED UNDER CONCURRENT DISTRICT 4064 PROJECT.
 - CONNECT TO EXISTING WATER MAIN.
 - 6" TAPPING SLEEVE AND VALVE.
- UTILITY NOTATIONS - STORM SEWER**
- CONNECT TO EXISTING STORM SEWER CATCH BASIN.
 - CONNECT TO EXISTING 4" PERFORATED P.V.C. DRAIN TILE.
 - INSULATE BELOW STORM/ABOVE WATER MAIN.
 - PERFORATED 4" P.V.C. PIPE.
- SITE NOTATIONS - SIGNING**
- VAN ACCESSIBLE PARKING SIGN ASSEMBLY.
 - ATTACH PARKING SIGN ASSEMBLY TO BUILDING.
 - STORMWATER MANAGEMENT MAINTENANCE NOTIFICATION SIGN.
- SITE NOTATIONS - STRIPING**
- 4" BLUE
 - 4" YELLOW
 - BLUE MESSAGE



BENCHMARK LIST
ALL ELEVATIONS SHOWN ARE NGVD 1929

NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT	SOUTHWEST CORNER OF 3RD AVE NW & 12TH ST NW INTERSECTION	828.28
2	TOP NUT ON HYDRANT	SOUTH SIDE OF 3RD AVE NW 185' WEST OF SITE	809.95

EXISTING STRUCTURE SCHEDULE				NEW STRUCTURE SCHEDULE			
EX C01 - 30'x	EX M2 - 84'x	EX S2 - 48'x	EX S1 - 48'x	C01 - 48'x	C05 - 48'x	S1 - 48'x	S2 - 48'x
RM: 896.34	RM: 885.23	RM: 895.17	RM: 895.17	(FLAT)	(CONEX)	(REGULAR)	(REGULAR)
S INV: 892.344	NW INV: 890.584	E INV: 894.304	E INV: 895.50	RM: 895.50	RM: 895.00	RM: 898.83	RM: 898.83
NE INV: 892.80	W INV: 887.644	W INV: 884.874	E INV: 891.50	NE INV: 890.75	E INV: 890.75	E INV: 885.85	E INV: 885.85
	N INV: 887.644	N INV: 884.804	S INV: 890.85	S INV: 890.85	S INV: 890.85	S INV: 885.85	S INV: 885.85
EX M1 - 72'x	EX S1 - 48'x	EX S3 - 48'x	C02 - 30'x	C02 - 30'x	C06 - 48'x	C01	C01
RM: 898.71	RM: 896.08	RM: 897.23	(FLAT)	(FLAT)	(FLAT)	RM: 898.00	RM: 898.00
W INV: 897.824	W INV: 897.82	W INV: 898.284	RM: 897.85	RM: 897.85	RM: 895.00	SW INV: 899.47	SW INV: 899.47
E INV: 897.812	ADJ INV: 897.82	E INV: 898.284	W INV: 893.85	W INV: 893.85	E INV: 890.37	E INV: 890.37	E INV: 890.37
N INV: 892.408	S INV: 898.532	N INV: 898.284	C03 - 30'x	C07 - 48'x	(CONEX)	FUTURE M1	FUTURE M1
S INV: 892.202		S INV: 898.284	(CONEX)	(CONEX)	RM: 893.00	RM: 893.65	RM: 893.65
			RM: 893.00	RM: 893.00	N INV: 892.00	E INV: 238.48	E INV: 238.48
			S INV: 898.284	S INV: 898.284	RM: 895.00	W INV: 899.49	W INV: 899.49
					E INV: 899.97	FUTURE C01	FUTURE C01
					W INV: 890.97	W INV: 898.00	W INV: 898.00
					N INV: 891.23	E INV: 890.81	E INV: 890.81
					S INV: 891.23	RM: 895.00	RM: 895.00
					E INV: 898.97	S INV: 898.97	S INV: 898.97
					W INV: 899.97	W INV: 899.97	W INV: 899.97

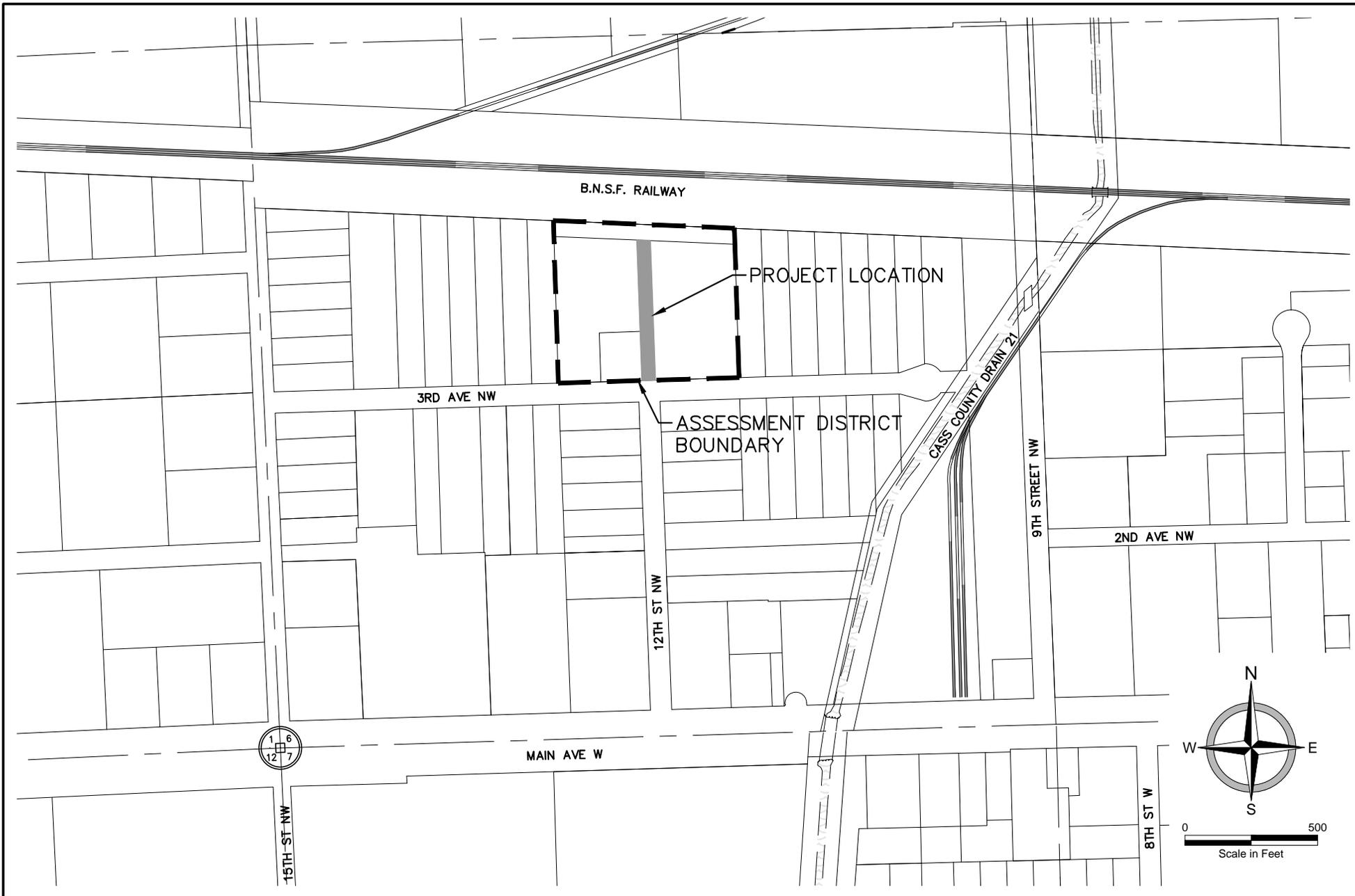
TABLE OF CONTENTS		TABLE OF CONTENTS	
SHEET 1 OF 9	COVER SHEET	SHEET 1 OF 9	COVER SHEET
SHEET 2 OF 9	GENERAL NOTES	SHEET 2 OF 9	GENERAL NOTES
SHEET 3 OF 9	SITE PLAN	SHEET 3 OF 9	SITE PLAN
SHEET 4 OF 9	UTILITY PLAN	SHEET 4 OF 9	UTILITY PLAN
SHEET 5 OF 9	GRADING PLAN	SHEET 5 OF 9	GRADING PLAN
SHEET 6 OF 9	EROSION CONTROL PLAN	SHEET 6 OF 9	EROSION CONTROL PLAN
SHEET 7 OF 9	TYPICAL DETAILS	SHEET 7 OF 9	TYPICAL DETAILS



moore
engineering, inc.

SITE AND UTILITY PLAN
RESTAD TRUCKING COMPLEX
LOTS 1 AND 4, BLOCK 1 OF HALVERSON'S INDUSTRIAL PARK 2ND ADDITION
WEST FARGO, NORTH DAKOTA
SITE AND UTILITY PLAN

DATE:	04.26.18
REVISED:	---
RECORD:	---
PROJECT No:	20215
MANAGER:	SWI
DESIGNER:	BMB
DRAFTER:	TWD
REVIEWER:	BOB



SANITARY SEWER, WATER, AND STORM SEWER IMPROVEMENT DISTRICT NO. 1318
 HALVERSON INDUSTRIAL 2ND ADDITION
 WEST FARGO, NORTH DAKOTA

PROJECT No.	19296
DATE:	05.03.18
REVISED:	-
DRAFTER:	KHS
REVIEWER:	BJR



ENGINEER'S REPORT

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

The purpose of the proposed project is to install sanitary sewer, water main, and storm sewer to service the Halverson Industrial 2nd Addition development as petitioned by Ryan Restad.

Sanitary Sewer, Water and Storm Sewer Improvement District No. 1318 will involve the construction of improvements consisting of sanitary sewer, water mains, storm sewer, and other miscellaneous installations.

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

Dated this 7th day of May, 2018.

Dustin Scott
Moore Engineering, Inc.
West Fargo ND



Engineer for the City of West Fargo, ND

**SANITARY SEWER, WATER AND STORM SEWER IMPROVEMENT DIST. NO. 1318
HALVERSON INDUSTRIAL 2ND ADDITION
WEST FARGO, ND**

Engineer's Opinion of Probable Cost

<i>BID ITEM NO. & DESCRIPTION</i>	<i>UNIT</i>	<i>QUANTITY</i>	<i>UNIT PRICE</i>	<i>TOTAL</i>	
<u>Base Bid</u>					
1. 714.0205	Pipe Conc Reinf 15In CI III	LF	80	\$30.00	\$2,400.00
2. 714.0310	Pipe Conc Reinf 18In CI III	LF	75	\$35.00	\$2,625.00
3. 714.9680	Plug Pipe-All Types & Sizes	EA	6	\$100.00	\$600.00
4. 24200	Removal of Gate Valve	EA	2	\$500.00	\$1,000.00
5. 24200	Removal of Hydrant	EA	1	\$1,000.00	\$1,000.00
6. 24200	Removal of Sanitary Sewer Manhole	EA	1	\$1,000.00	\$1,000.00
7. 28213.33	Removal of Asbestos Concrete Pipe	LF	200	\$25.00	\$5,000.00
8. 330130.11	Televiser - Mainline	LF	100	\$2.50	\$250.00
9. 330130.11	Televiser - Service	LF	60	\$2.50	\$150.00
10. 330561	Manhole Chimney Seal	EA	1	\$150.00	\$150.00
11. 330561	Sanitary Sewer Manhole	EA	1	\$4,500.00	\$4,500.00
12. 331413	Fittings	LBS	500	\$5.00	\$2,500.00
13. 331413	Hydrant Lead - 6"	LF	10	\$30.00	\$300.00
14. 331413	Water Main - 4"	LF	50	\$20.00	\$1,000.00
15. 331413	Water Main - 8"	LF	300	\$24.00	\$7,200.00
16. 331419	Gate Valve & Box - 4"	EA	1	\$1,000.00	\$1,000.00
17. 331419	Gate Valve & Box - 6"	EA	1	\$1,400.00	\$1,400.00
18. 331419	Gate Valve & Box - 8"	EA	3	\$1,600.00	\$4,800.00
19. 331419	Hydrant - 6"	EA	1	\$4,000.00	\$4,000.00
20. 333111	Sanitary Sewer - 8"	LF	100	\$30.00	\$3,000.00
21. 333111	Sanitary Sewer Service - 6"	LF	60	\$26.00	\$1,560.00
22. 333111	Sanitary Sewer Service Connection	EA	3	\$500.00	\$1,500.00

Construction Subtotal	<u>\$46,935.00</u>
Contingencies	\$5,331.25

Total Construction \$52,266.25

Engineering	\$5,162.85
Legal & Administration	\$4,693.50
Bond Discount	\$1,877.40

TOTAL PROJECT COST \$64,000.00

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # 1

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

1. CONTACT PERSON: Tim Solberg

2. PHONE NUMBER: 433-5321 DATE: May 3, 2018

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

Harper Heights 1st Addition, Replat and Rezoning from C: Light Commercial to PUD: Planned Unit Development.

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

Lots 1-4, Block 7 of Sukut's Estates, 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 May 7, 2018.

CITY OF WEST FARGO PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

A17-29		REPLAT AND REZONING	
Harper Dakota-Heights 1 st Addition			
Lots 1-3 & 4, Block 7 of Sukut's Estates and a portion of the publicly dedicated alley west of said lots also known as Sukut Street, City of West Fargo, North Dakota			
Owner: Joann Gilbertson		Staff Contact: Larry Weil	
Applicant: Jim Twomey, Southhill Group			
Planning & Zoning Commission Introduction:		07-10-2017	
Public Hearing:		07-10-2017 – Concept Plans	
Detailed Development Plans & Public Hearing:		04-09-2018 – Approval	
City Commission Introduction:		04-16-2018	
Public Hearing & 1 st Reading:		05-08-2018	
2 nd Reading and Final Plat Approval:			

PURPOSE:

Replat to develop a multiple family dwelling intended for affordable senior living.

STATEMENTS OF FACT:

Land Use Classification:	General Commercial
Existing Land Use:	Nonconforming Mobile Home Park
Current Zoning District(s):	C: Light Commercial
Zoning Overlay District(s):	None
Proposed Zoning District(s):	PUD: Planned Unit Development
Proposed Lot size(s) or range:	26,496 ft ²
Total area size:	.6 Acres
Adjacent Zoning Districts:	North, West & East – C: Light Commercial South – R-1: One & Two Family Dwellings
Adjacent street(s):	1 st Avenue West (Local); Sukut Street (Alley to be vacated)
Adjacent Bike/Pedestrian Facilities:	Existing Sidewalks
Available Parks/Trail Facilities:	There are a number of parks within 1 mile.
Park Dedication Requirements:	The area is developed.

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application, preliminary plat, site plan, elevations and area plan.
- The plat currently shows one lot.
- The properties are currently zoned Light Commercial, which would accommodate multiple family structures as a conditional use, subject to lot and yard requirements of the R-3: Multiple Dwelling District. The applicant proposes rezoning the property to Planned Unit Development (PUD) which would allow for additional density and reduced setbacks given the limitations of the redevelopment area. This area is viewed as a transitioning area where an older residential area (zoned R-1: One and Two Family Dwellings) is located adjacent to a Light Commercial zoned area which has an old mobile home park development. There are few multiple family structures in the area.

STAFF REPORT

- A PUD is required to have a minimum area of 2 acres unless the applicant can show that the waiving of this requirement is in the public interest and that at least one of the following conditions is met:
 - a. Unusual physical features of the site or the surrounding neighborhood are such that development under a different zoning district would not conserve the unique physical features of the site or would not allow functional or environmental compatibility with the surrounding neighborhood.
 - b. The site is adjacent to an area which has been developed under the provisions of a Planned Unit Development District and will contribute to the amenity and functionality of the neighborhood.
 - c. The site is part of an urban redevelopment and/or spot renewal program, provided it does not conflict with the nature of the surrounding neighborhood.
- The lot is proposed to be developed with a four-story, 30-unit senior living housing facility which would be accessed off 1st Avenue West and the alley to the south. The applicant proposes vacating that portion of the narrow street to the west known as Sukut Street.
- The property was developed as a small mobile home park many years ago. The property has been zoned Light Commercial for quite some time, so the mobile home park is considered a nonconforming use. Several years ago a fire destroyed several mobile homes and since then several of the pad sites have been utilized by RVs. It has not been clear whether RVs are allowed in the mobile home park or not, but the State does the inspections so the issue has not been addressed.
- The owner of the mobile home park has been considering redeveloping the property for several years.
- Sukut Street terminates at 1st Avenue West on the north side currently and provides access to the mobile home park and West Fargo School District Leidal Education Center Administration building. The project proposes to vacate that part of Sukut Street which extends along the mobile home park property. The Leidal Center would lose the south access, whereas the north access would connect to 1st Avenue West. It would be appropriate to widen the north access and driving aisle into the Leidal Center parking lot which should be a development cost. Sukut Street would not be affected south of the existing alley.
- The applicant proposes to provide 14 exterior parking spaces in a parking lot behind the building and 28 interior parking spaces at ground level within the structure.
- The multiple family structure would have 12 2-bedroom units and 18 1-bedroom units.
- A drainage plan is required for the subdivision and will need to be developed prior to, or as a part of, the special improvement district. The City Engineer has indicated that retention needs are difficult in this area of town and that the current development pattern does not provide retention. Staff is recommending that as part of the developer agreement that future retention needs are addressed as they will likely become part of a larger improvement district.
- An Attorney Title Opinion is required and will need to be received prior to Final Plat consideration.

NOTICES:

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

Comments Received:

- The City received a letter from the West Fargo School District (attached). The School District is not objecting to the project, but raises the issue that with the elimination of the one access onto Sukut Street, there will be a need to make changes to accommodate 2-way traffic for ingress and egress. There should be consideration to assess those costs to the new development. They would like to be involved with the discussions regarding the street vacation and costs for parking lot changes.

STAFF REPORT

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

- Staff has reviewed the current and proposed developments in the section and their consistency with the Comprehensive Plan and provides reference below:
Chapter 7 of the Comprehensive Plan under the heading “Community Development, Design, and Housing” has a goal statement which states “To provide a diversity of residential neighborhoods, both single family and multiple family, and a balance of housing alternatives to meet the changing life-cycle needs of residents.” Several applicable objective statements are as follows:
 - Objective a. “To encourage the development of a mix of housing types that blend with the existing housing stock.”
 - Objective b. “To provide opportunities for high-quality multiple family developments, including townhomes, condominiums, and higher density rental properties.”
 - Objective d. “To encourage the development of independent and assisted living housing for senior citizens that wish to remain in the community.”
 - Objective e. “To foster partnerships with the private sector to help diversify housing choices in the community.”
 - Objective h. “To provide a housing development pattern with the ratio of single-family dwelling units to multiple-family dwelling units between 60 to 70% single-family to 30 to 40% multiple family.”
- The properties are identified within the City’s General Plan for Urban Renewal and Urban Development as potential redevelopment properties. The Plan notes that these properties contain slums or blighting conditions which have had negative effects on the City.
- The properties are identified within one of the City’s Renaissance Zone blocks which promotes upgrades to existing buildings or redevelopment.

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. Parking requirements are further refined and if necessary shared parking agreements are provided and included in a resolution for reduction in parking by the City Commission.
2. Consideration is to be given to costs associated with driving aisle changes for the Leidal Center parking lot.
3. Development will be subject, but not limited to 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
4. A signed Subdivision/PUD Agreement is received.
5. An Attorney Title Opinion to the City of West Fargo is received.
6. A drainage plan is received and approved by the City Engineer.
7. A signed Final Plat is received with any necessary easements.
8. A certificate is received showing taxes are current.

PLANNING AND ZONING RECOMMENDATION:

At their July 10, 2017 meeting, the Planning and Zoning Commission approved the concept based on the eight conditions listed above.

STAFF REPORT

DETAILED DEVELOPMENT PLANS:

Since the Planning and Zoning Commission approved the concept in July, the applicant has purchased an additional lot (Lot 4) to the east. The purpose of the public hearing is to include the additional lot. The overall footprint is not likely to change however may shift or increase/decrease depending upon final building design. The additional lot is intended to be used for storm water retention, green space and additional parking. The applicant has also changed the name from Dakota Heights to Harper Heights.

The applicant has provided an updated plat, site plan, floor plan, and building elevations. There have not been any major changes to what was previously provided. The applicant continues to communicate with the School District on any updates required to their parking lot if Sukut Street is to be vacated.

In regards to the vacation of Sukut Street, staff has received a phone call indicating protest to the vacation of Sukut due to needs related to exiting with truck traffic for a business along 1st Ave W. Vacation of the road would need to be done by petition of the plat. Vacation will require a 2/3 majority vote of the City Commission. If approved, any aggrieved person may file an appeal to district court within fifteen days following the publication of a resolution to vacate.

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

1. Parking requirements are further refined and if necessary shared parking agreements are provided and included in a resolution for reduction in parking by the City Commission.
2. Consideration be given to the vacation of Sukut Street. If it is determined that Sukut Street should not be vacated, the applicant shall move the proposed building to the east to allow the continued operation of Sukut Street.
3. If Sukut Street is to be vacated, that consideration is to be given to costs associated with driving aisle changes for the Leidal Center parking lot.
4. Development will be subject, but not limited to 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
5. A signed Subdivision/PUD Agreement is received.
6. An Attorney Title Opinion to the City of West Fargo is received.
7. A drainage plan is received and approved by the City Engineer.
8. A signed Final Plat is received with any necessary easements.
9. A certificate is received showing taxes are current.

PLANNING AND ZONING RECOMMENDATION:

At their April 9, 2018 meeting, the Planning and Zoning Commission approved the application for a replat and rezoning without the vacation of Sukut Street and subject to the eight remaining conditions (# 1-2, 4-9).

UPDATE FOR PUBLIC HEARING:

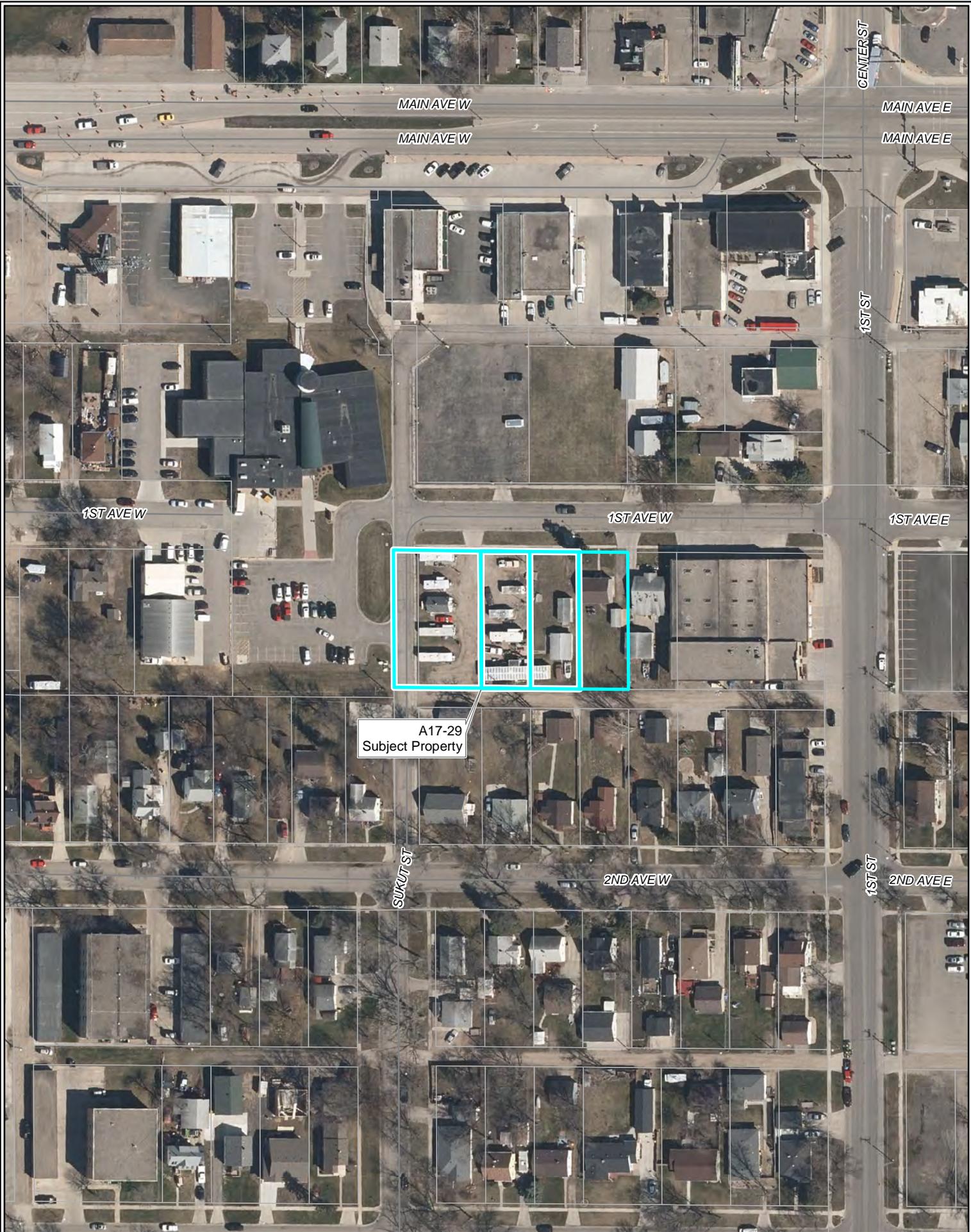
The applicant has provided a revised plat and site plan which no longer requires the vacation of Sukut Street to accommodate concerns of the neighborhood and the School District Leidal facility. The site

STAFF REPORT

plan now show the same building shifted to the east. The applicant has agreed to purchase one existing residence to the east of the existing trailer court and the City has agreed to purchase the other home to the east which is directly adjacent to the Fire Hall.

The proposal appears to retain the existing sidewalk at Sukut Street which is very narrow and has stairs leading from the building immediately to that sidewalk. There appears to be room to shift the building to the east further to avoid direct access from the stairs to the narrow sidewalk. The City should protect its ability to widen the narrow sidewalk in the future and require the building be shifted to the east prior to consideration of final approval.

37 provided parking spaces fall short of a required 60 spaces for a building with 12 2-bedroom units and 18 1-bedroom units. The applicant is requesting a reduction in parking to also be considered which may be justified given the past examples of similar projects in the City from the applicant. There are 13 surface parking spaces provided within the site as well as 24 enclosed spaces in the building. A potential option which has been considered by staff, but would need further discussion is to remove the on-site parking and include diagonal parking on 1st Ave W by removing the boulevard and leaving a larger front yard to avoid the additional impervious surface on the site which is currently being proposed. The on-street diagonal parking would also provide open space for the building and reduce water retention needs. The on-street diagonal could be extended down to the Fire Hall to increase the number of parking on the block which has been noted as a concern by neighbors at previous meetings.



A17-29
Subject Property



**PLAT OF
HARPER HEIGHTS ADDITION**
TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 1, 2, 3 & 4, BLOCK 7, SUKUT'S
ESTATES ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

SHAWN M. THOMASSON, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE PROFESSIONAL LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "HARPER HEIGHTS ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 1, 2, 3 & 4, BLOCK 7, SUKUT'S ESTATES ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT THE BOUNDARY OF SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

ALL OF LOTS 1 THROUGH 4 INCLUSIVE, BLOCK 7, SUKUT'S ESTATES SUBDIVISION IN 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 29,997 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

SHAWN M. THOMASSON
PROFESSIONAL LAND SURVEYOR
ND PLS #5900

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHAWN M. THOMASSON, PROFESSIONAL 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 "HARPER HEIGHTS ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 1, 2, 3 & 4, BLOCK 7, SUKUT'S ESTATES 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 SHAWN M. THOMASSON, PROFESSIONAL LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED PROFESSIONAL LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

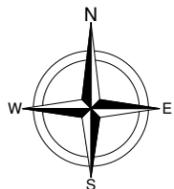
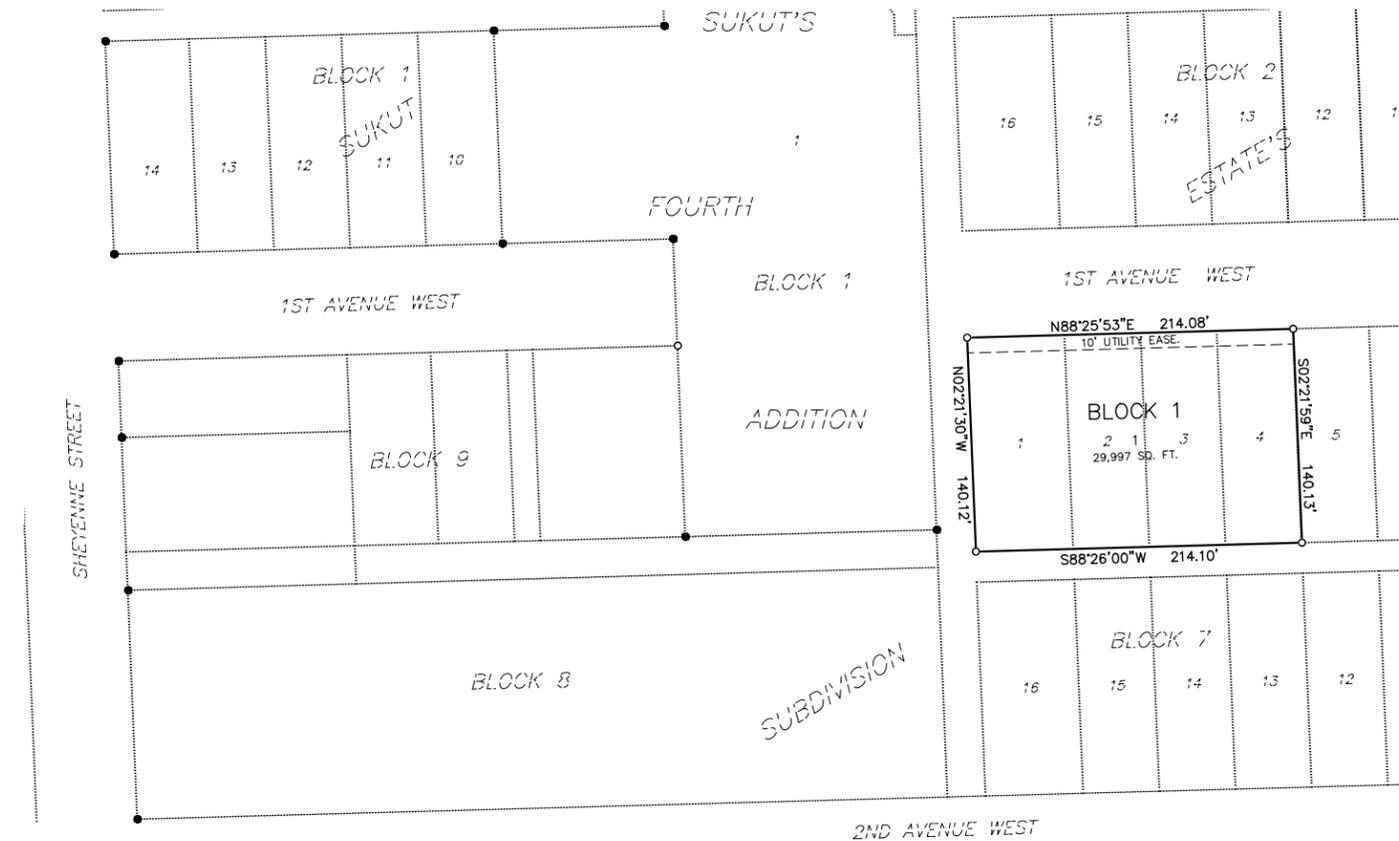
OWNER:

JOANN GILBERTSON

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOANN GILBERTSON, 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



LEGEND

● IRON MONUMENT FOUND
○ SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #5900

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



WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2018.

TOM MCDUGALL, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, 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 _____, 2018.

RICH MATTERN, PRESIDENT OF THE WEST FARGO CITY COMMISSION

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICH MATTERN, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND TINA FISK, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2018.

DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, 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 DO 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 _____, 2018.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, 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



SITE DATA

SITE AREA:

BLOCK 1 PART 2:	22,860 S.F.
LOT 4 (50' LOT EAST OF BLOCK 1 PART 2)	7,007 S.F.
	29,867 S.F. TOTAL AREA

IMPERVIOUS SQUARE FOOTAGE:

SIDEWALKS/DUMPSTER PAD:	2,307 S.F.
EXTERIOR PARKING AND EXTERIOR DRIVEWAYS:	7,849 S.F.
	10,156 S.F. PAVEMENT
BUILDING FOOTPRINT:	11,356 S.F.
	21,512 S.F. TOTAL IMPERVIOUS

PARKING :

24 INTERIOR PARKING STALLS (1 HDCP PARK'G STALL PROVIDED)
13 EXTERIOR PARKING STALLS (2 HDCP PARK'G STALLS PROVIDED)
37 TOTAL ON SITE PARKING STALLS (3 HDCP PARK'G STALLS TOTAL)

CLIENT

Terry Welle Construction
 3301 15th. St. S. Ste. E.
 P.O. Box 9361
 Fargo, North Dakota 58106
 TELE: 701-241-9157, FAX: 701-293-7431
 CELL: 701-238-0848

PROJECT DESCRIPTION

HARPER HEIGHTS
 121 1ST AVENUE WEST
 WEST FARGO, ND

CITY WEST FARGO

STATE ND

ISSUE DATES

CD	CONSTRUCTION DOCUMENTS	05/02/2018
MARK	DESCRIPTION	DATE

PROJECT NO: 20173440

DRAWN BY: BH

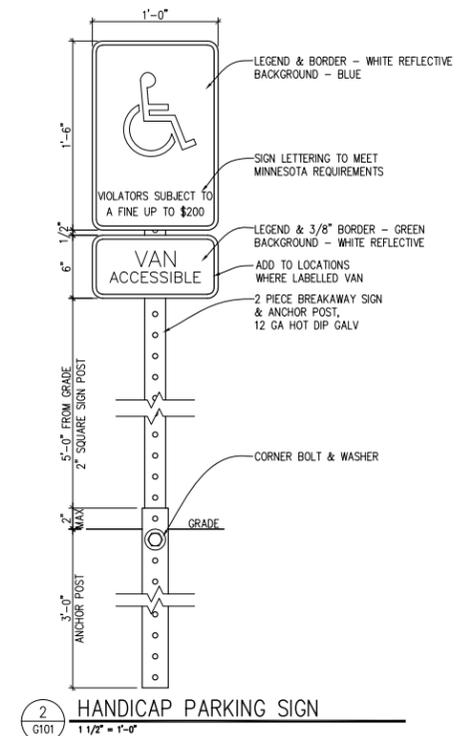
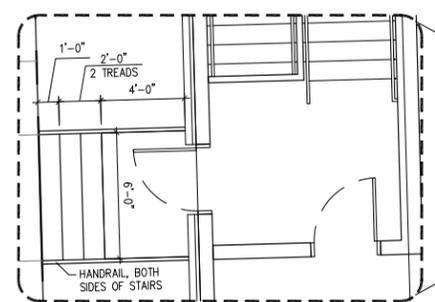
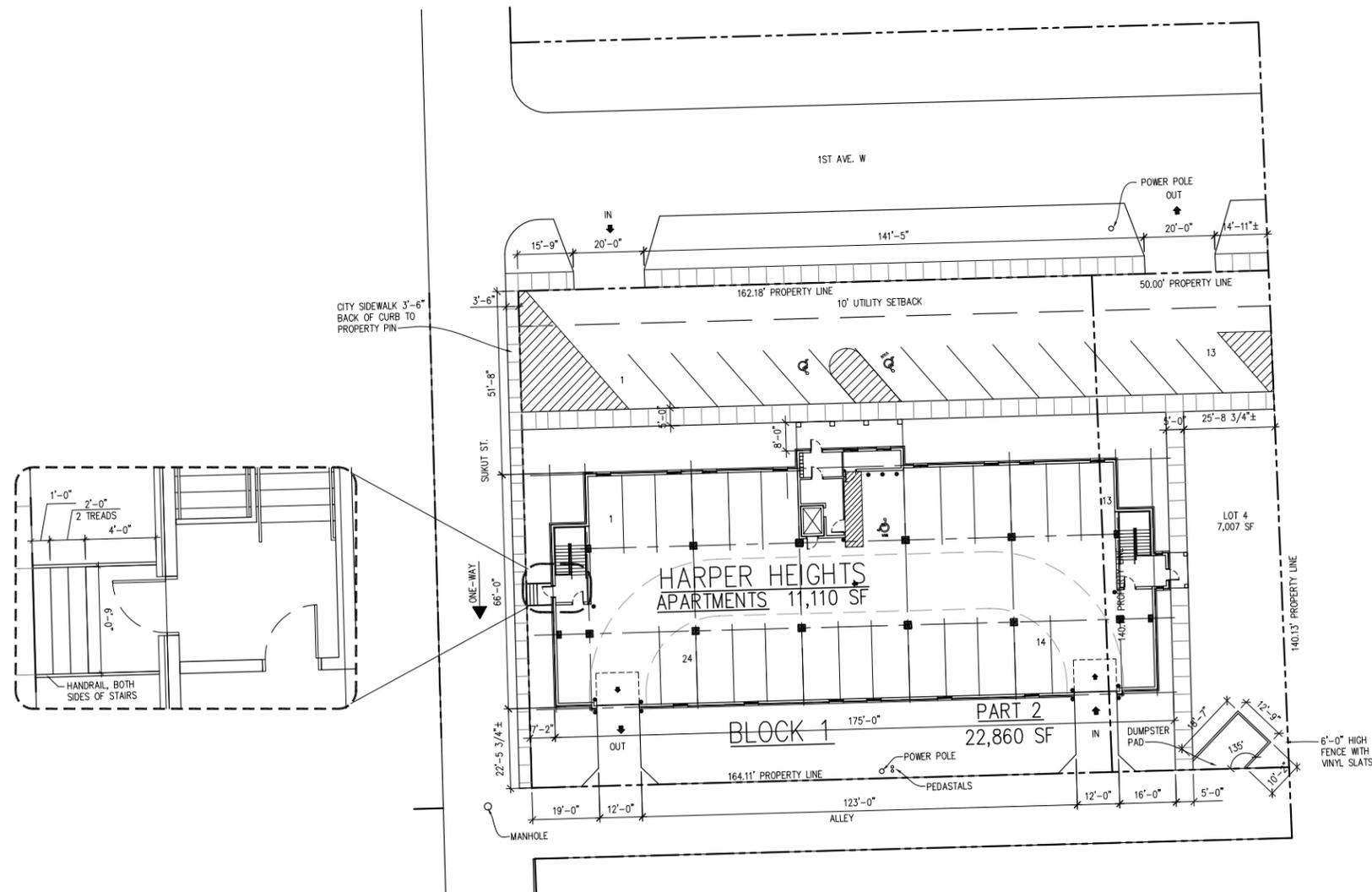
CHECKED BY: NN

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DRAWING TITLE

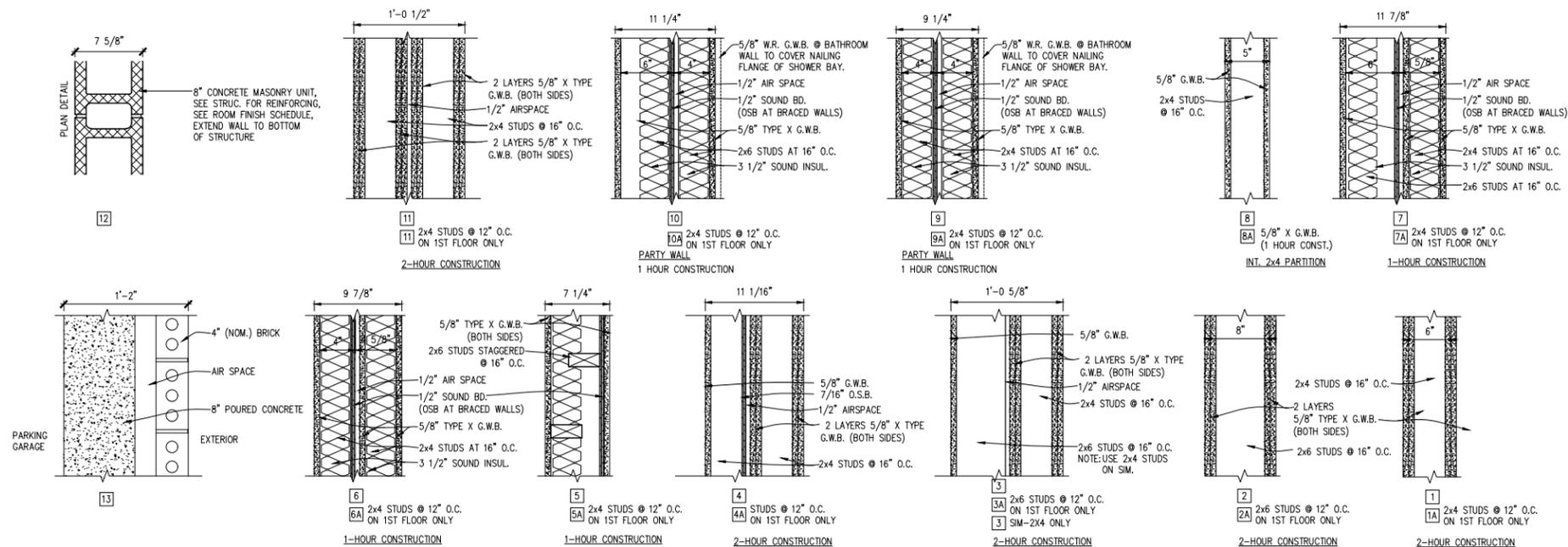
SITE PLAN

G101

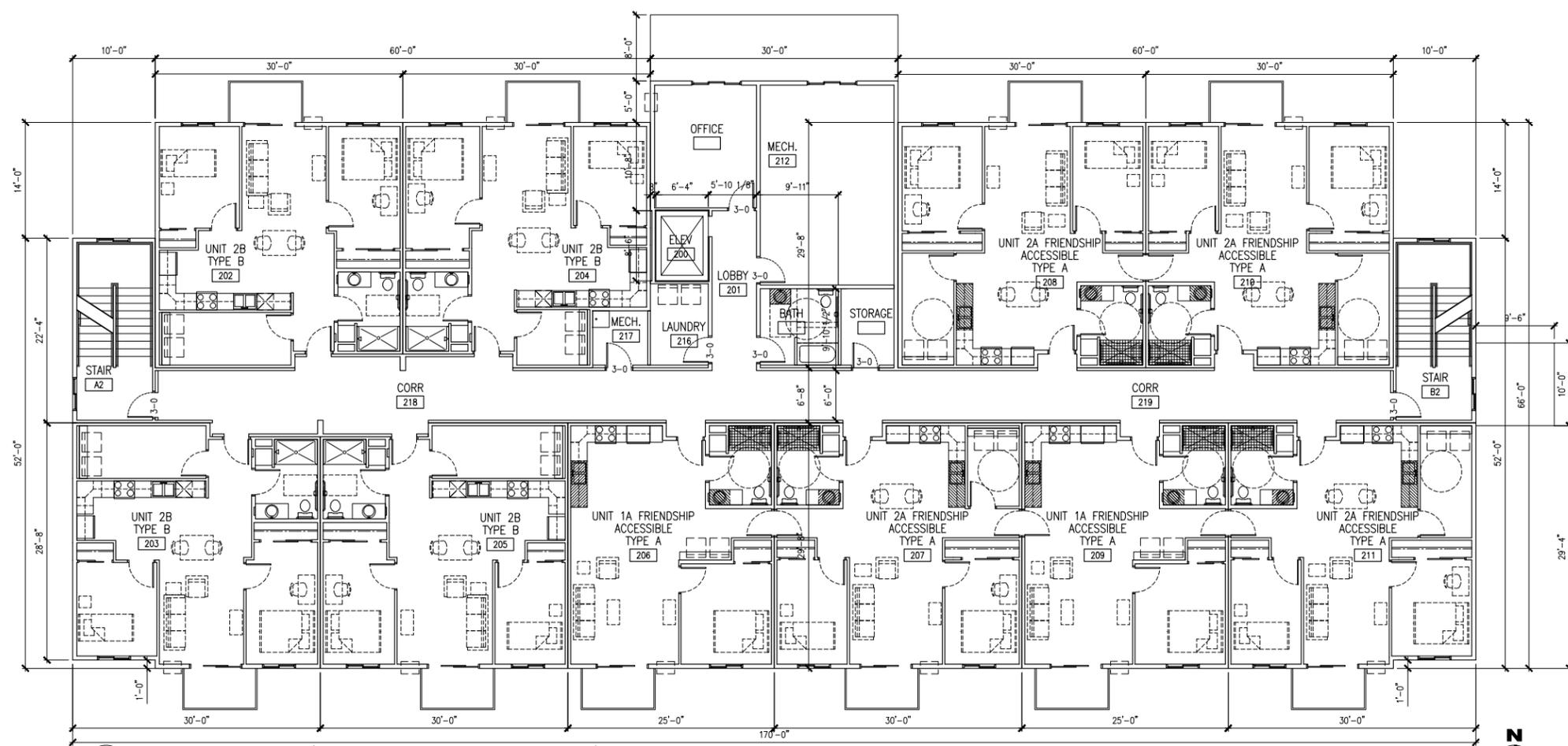


1 SITE PLAN
 1" = 20'-0"

2 HANDICAP PARKING SIGN
 1 1/2" x 1'-0"



2 WALL TYPES
1-1/2" = 1'-0"



1 SECOND FLOOR PLAN (FRIENDSHIP FLOOR - TYPE A UNITS)
1/8" = 1'-0"



CLIENT

Terry Welle Construction
3301 15th. St. S. Ste. E.
P.O. Box 9361
Fargo, North Dakota 58106
TELE: 701-241-9157, FAX: 701-293-7431
CELL: 701-238-0848

PROJECT DESCRIPTION

HARPER HEIGHTS
121 1ST AVENUE WEST
WEST FARGO, ND

CITY WEST FARGO

STATE ND

ISSUE DATES

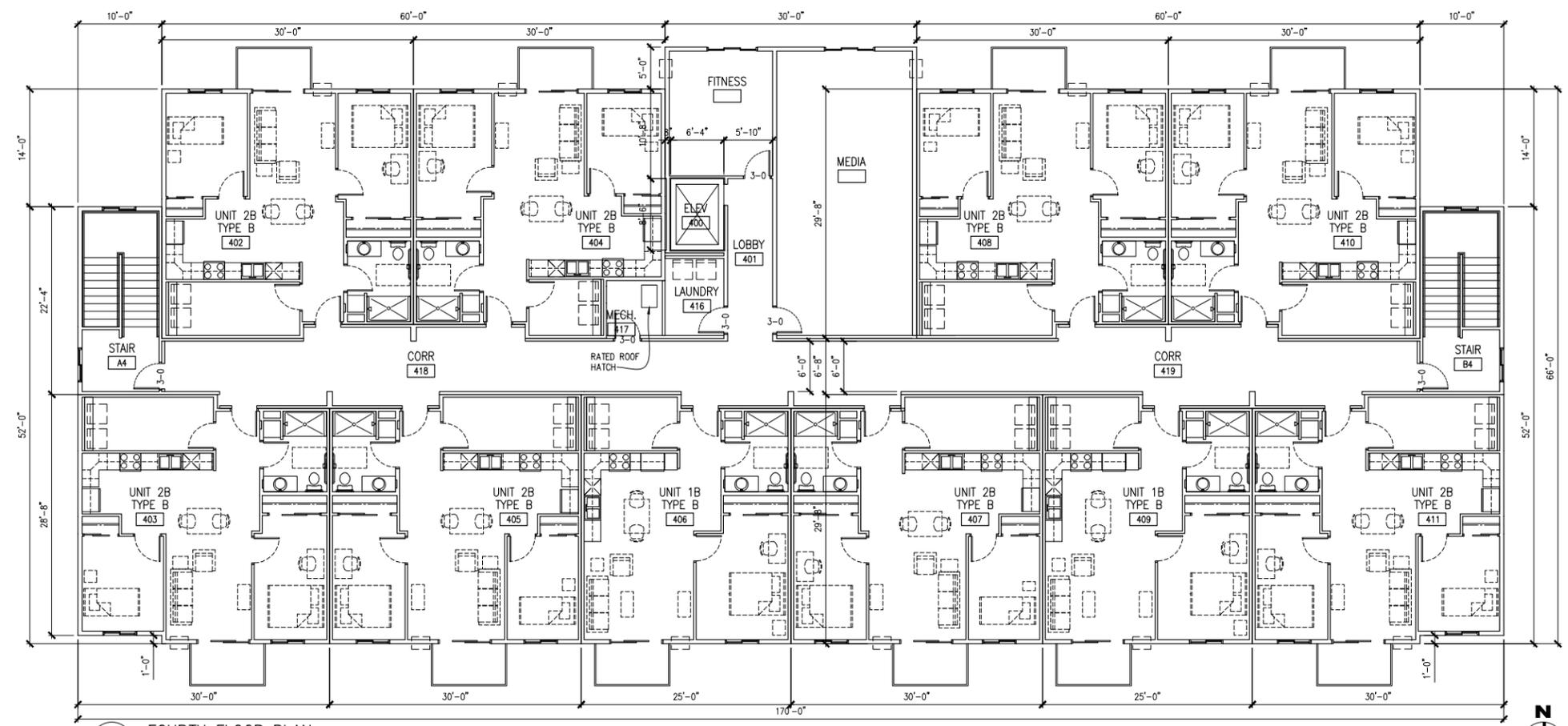
CD	CONSTRUCTION DOCUMENTS	05/02/2018
MARK	DESCRIPTION	DATE

PROJECT NO: 20173440
DRAWN BY: NN
CHECKED BY: AD

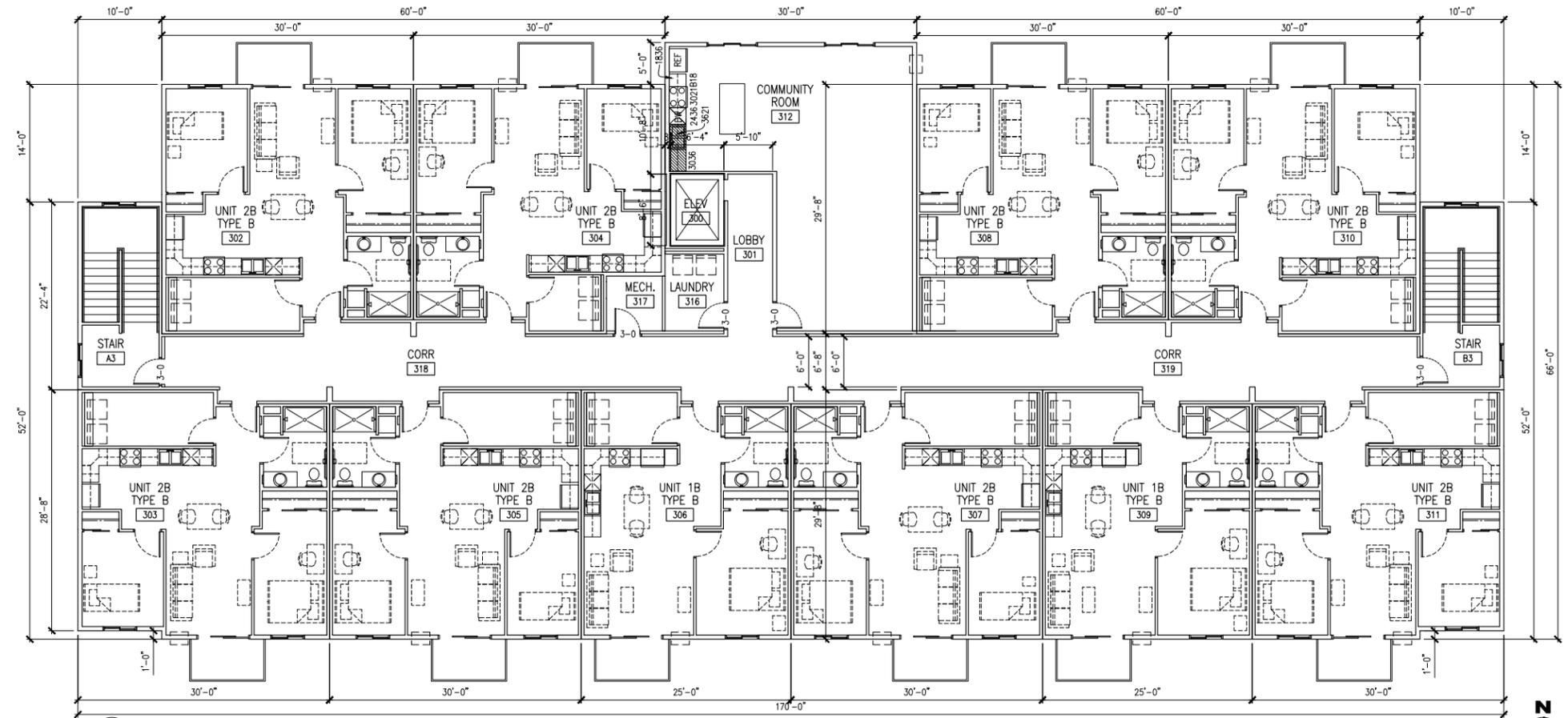
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DRAWING TITLE
SECOND FLOOR PLAN & WALL TYPES

File Location: \\2017\20173440 - WFRGC Dakota Heights\Drawings\20173440-A202.dwg
Plt: 20173440.dwg



2 FOURTH FLOOR PLAN
A203 1/8" = 1'-0" 11,068 S.F.



1 THIRD FLOOR PLAN
A203 1/8" = 1'-0" 11,068 S.F.

CLIENT

Terry Welle Construction
3301 15th. St. S. Ste. E.
P.O. Box 9361
Fargo, North Dakota 58106
TELE: 701-241-9157, FAX: 701-293-7431
CELL: 701-238-0848

PROJECT DESCRIPTION

HARPER HEIGHTS
121 1ST AVENUE WEST
WEST FARGO, ND

CITY WEST FARGO

STATE ND

ISSUE DATES

NOT FOR CONSTRUCTION

CD	CONSTRUCTION DOCUMENTS	05/02/2018
MARK	DESCRIPTION	DATE

PROJECT NO: 20173440

DRAWN BY: NN

CHECKED BY: AD

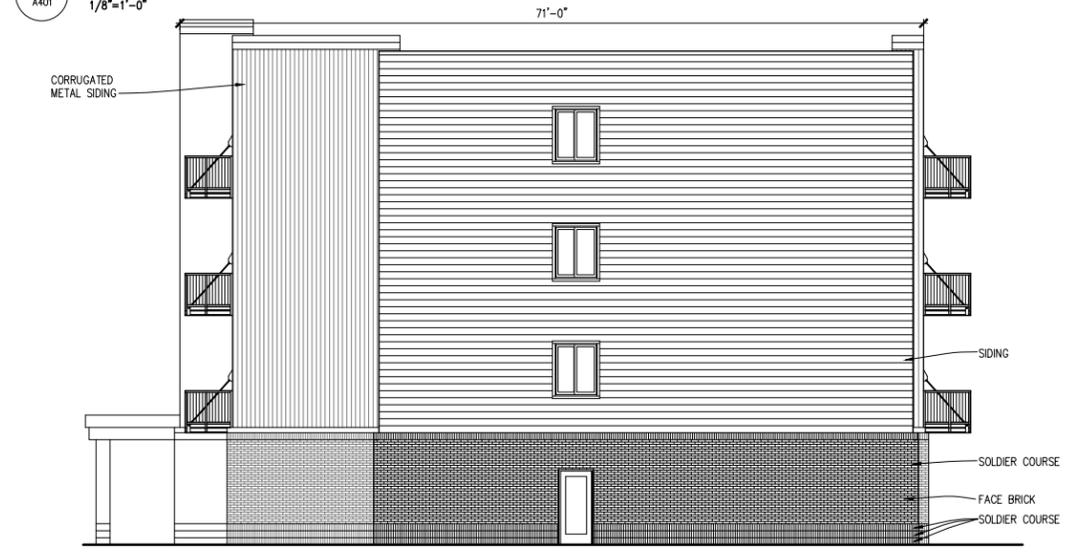
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DRAWING TITLE

THIRD AND FOURTH FLOOR PLANS



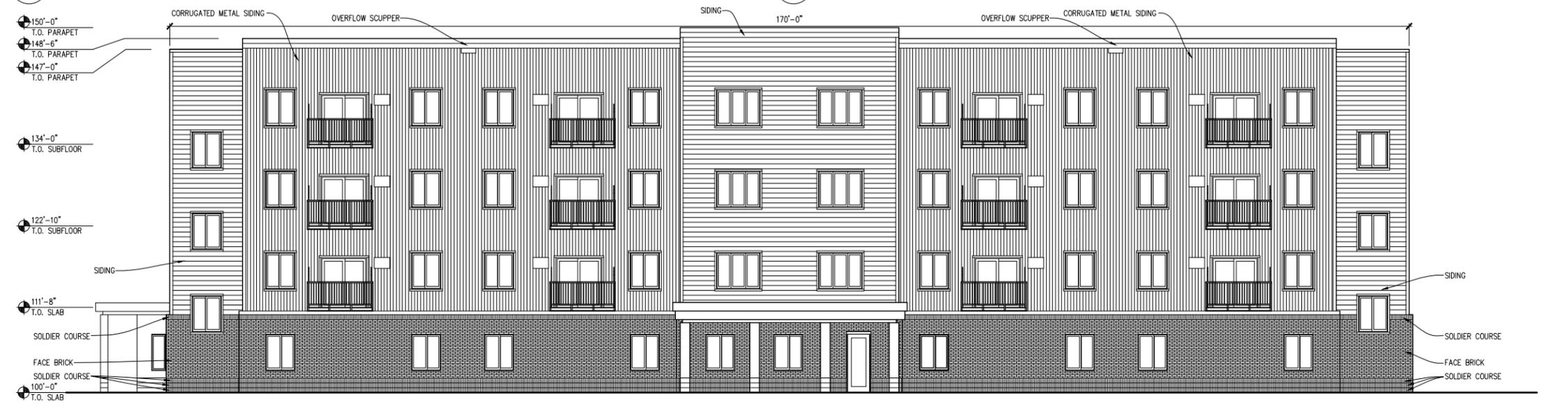
4 SOUTH ELEVATION
A401 1/8"=1'-0"



3 WEST ELEVATION
A401 1/8"=1'-0"



2 EAST ELEVATION
A401 1/8"=1'-0"



1 NORTH ELEVATION
A401 1/8"=1'-0"

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DRAWING TITLE
EXTERIOR ELEVATIONS

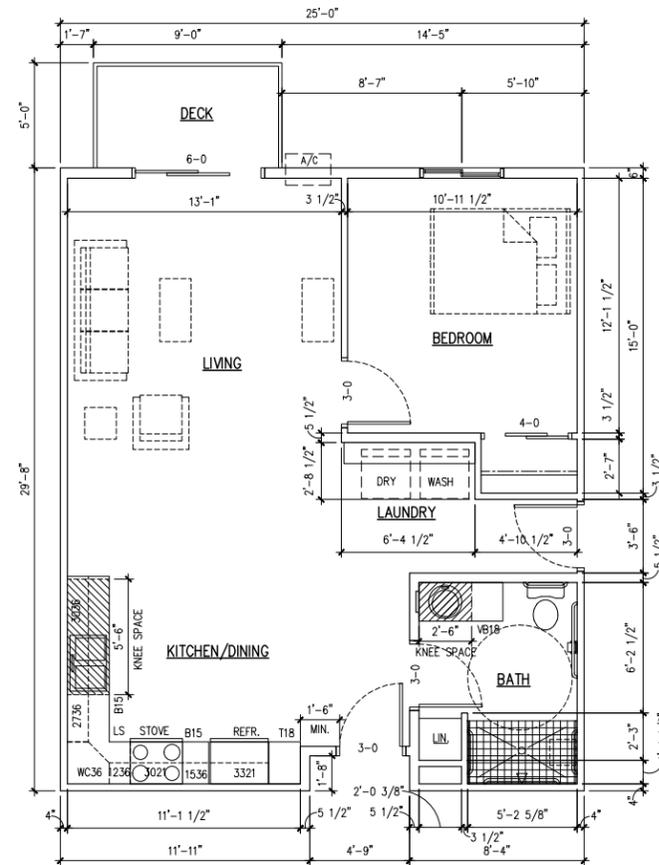
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NOT FOR CONSTRUCTION

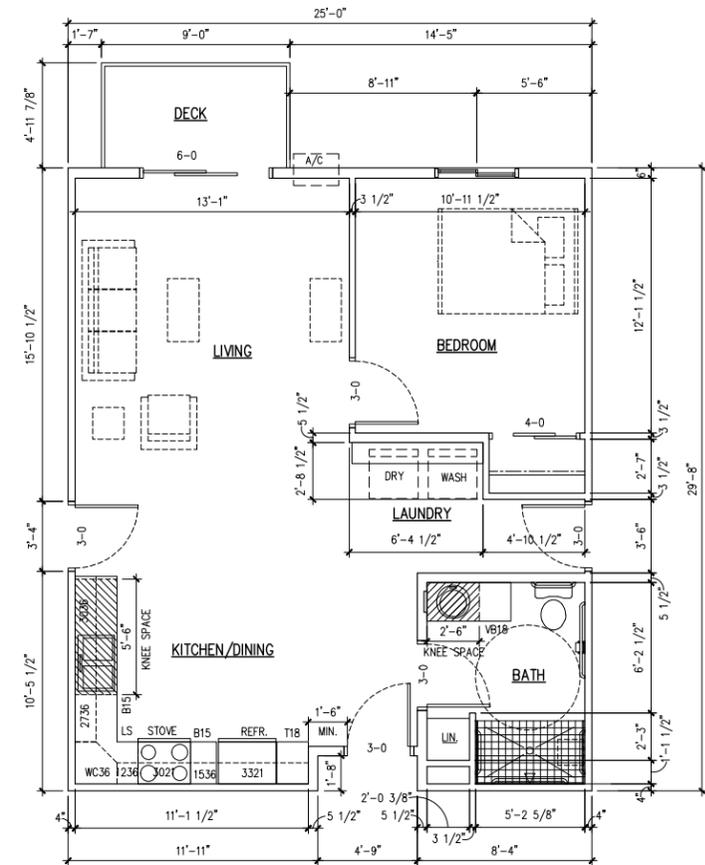
ROOM FINISH SCHEDULE	
FLOOR FINISH	BASE TYPE
WALL FINISH PER ROOM WALL	CEILING FINISH
NOTES	CEILING HEIGHT SEE WALL SECTIONS
FLOORS	BASE
CA CARPET 'A' W/ PAD	W WOOD
CB CARPET 'B' GLUE DOWN	V VINYL
SV SHEET VINYL	N NONE
SC SEALED CONCRETE	
CEILING	WALLS
G GWB TAPED, TEXTURED AND PAINTED.	G GWB TAPED, TEXTURED AND PAINTED.
F GWB FIRE TAPED	F GWB FIRE TAPED
N NONE	N NONE

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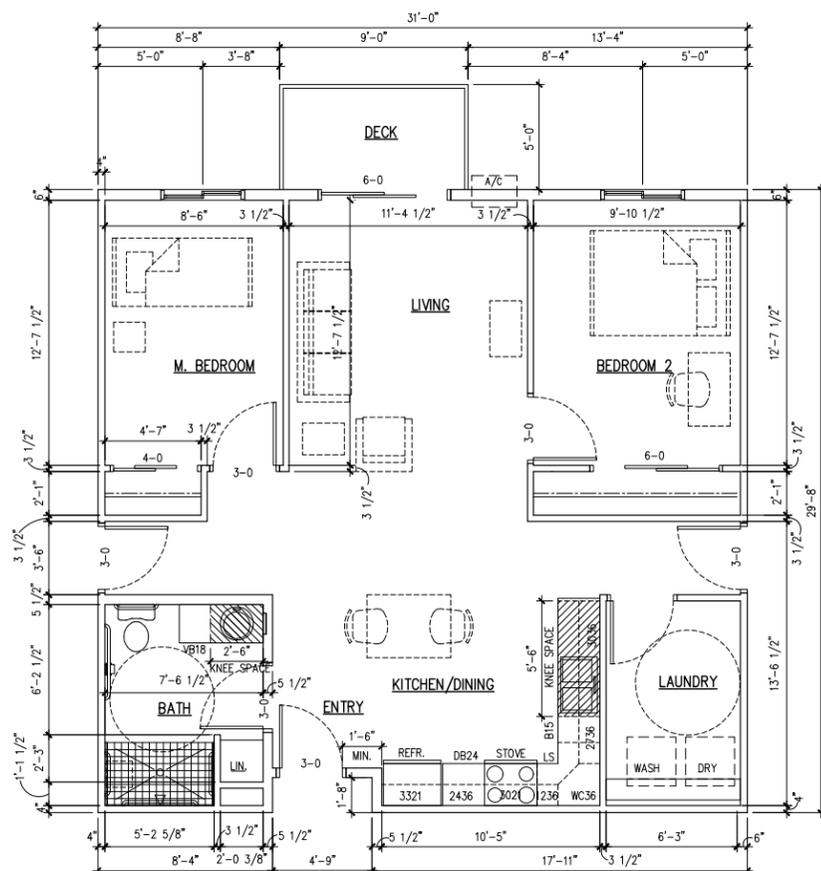
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CENTERLINE OF THE WATER CLOSETS SHALL BE 18" FROM THE SIDEWALL



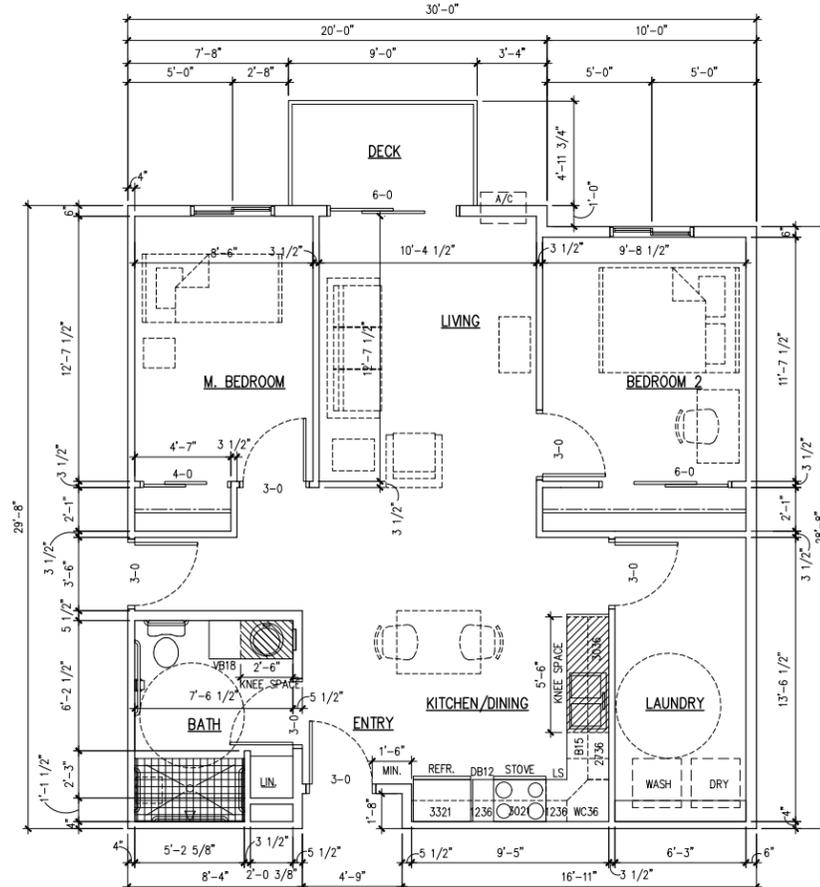
5 UNIT '1A-FRIENDSHIP END' - FLOOR PLAN (TYPE 'A') x-THUS
1/4" = 1'-0" 704 S.F.



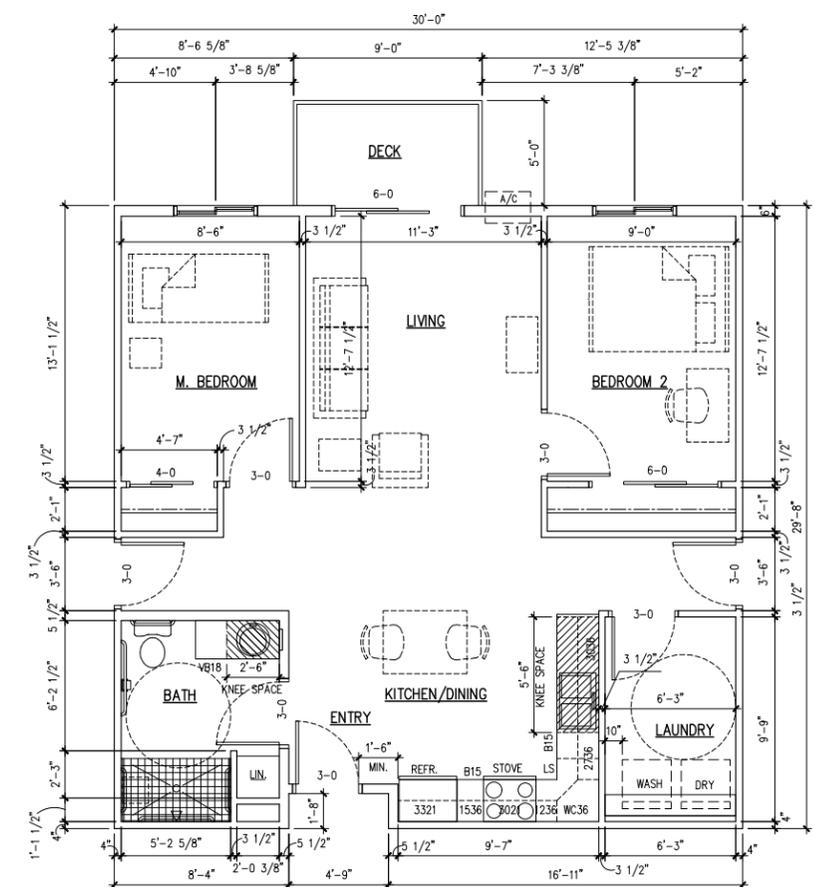
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1/4" = 1'-0" 734 S.F.



3 UNIT '2A-2 FRIENDSHIP END' - FLOOR PLAN (TYPE 'A') x-THUS
1/4" = 1'-0" 912 S.F.



2 UNIT '2A-FRIENDSHIP END' - FLOOR PLAN (TYPE 'A') x-THUS
1/4" = 1'-0" 872 S.F.



1 UNIT '2A-FRIENDSHIP' - FLOOR PLAN (TYPE 'A') x-THUS
1/4" = 1'-0" 882 S.F.

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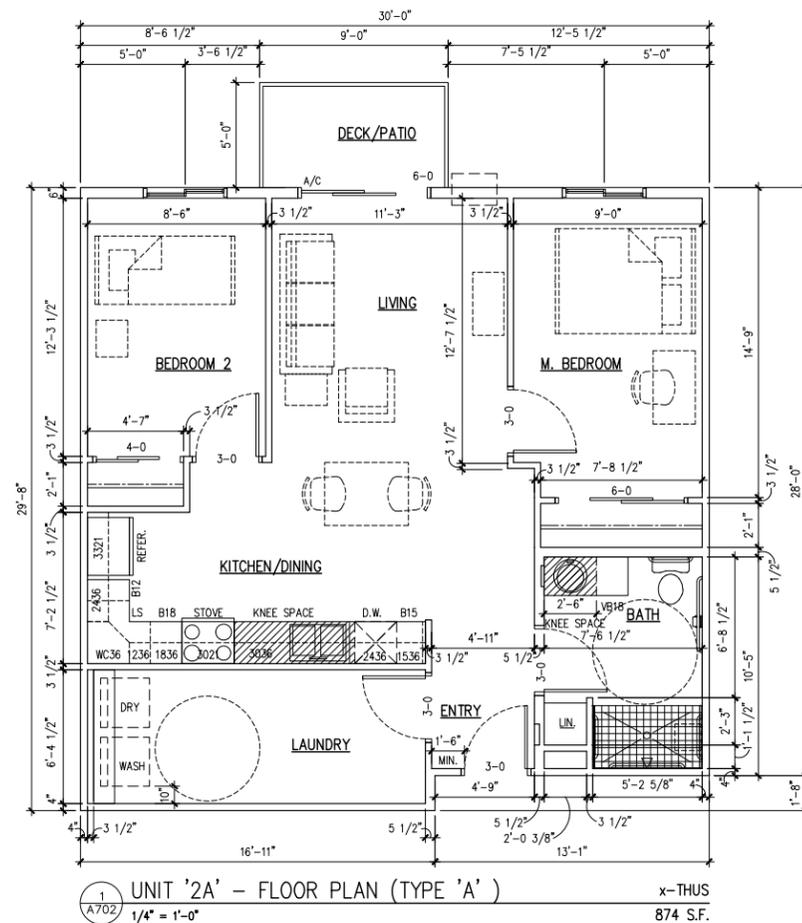
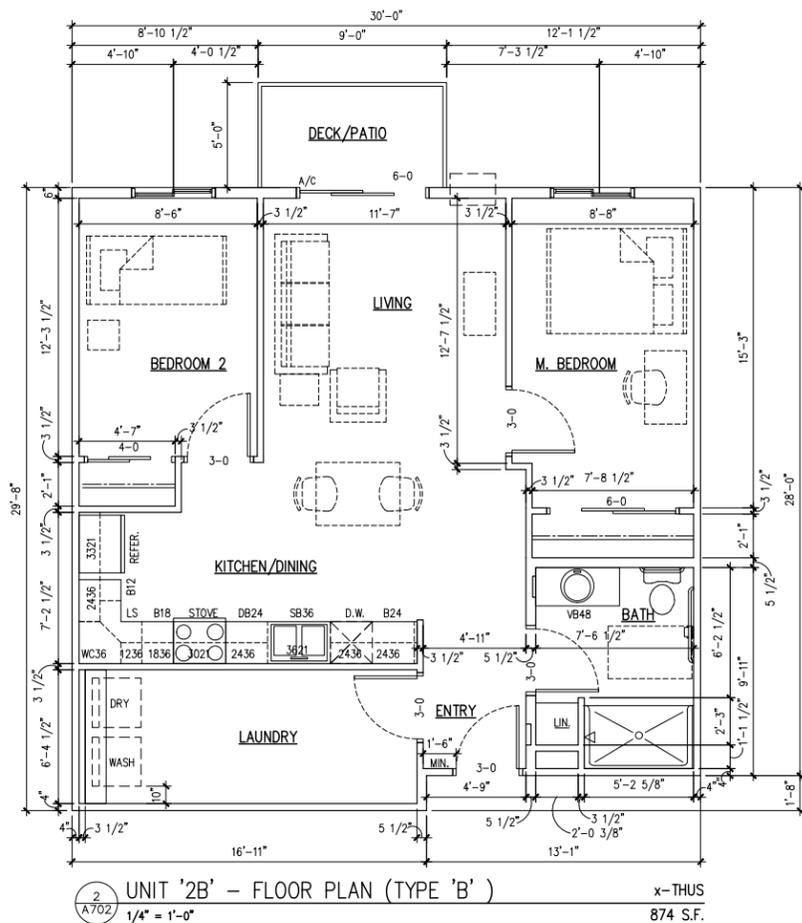
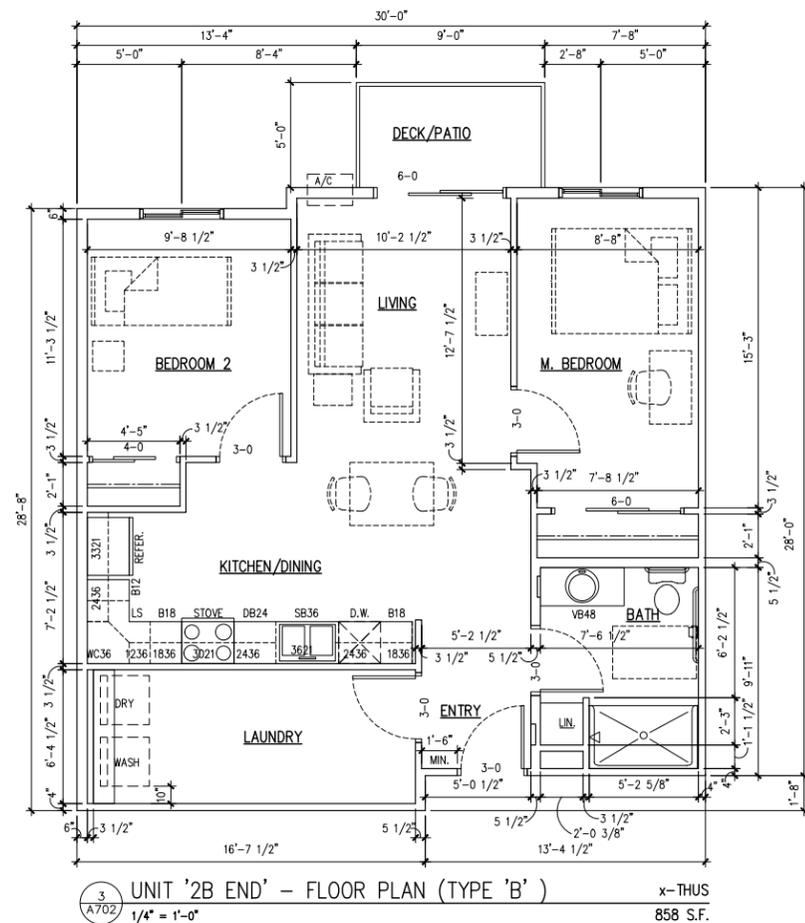
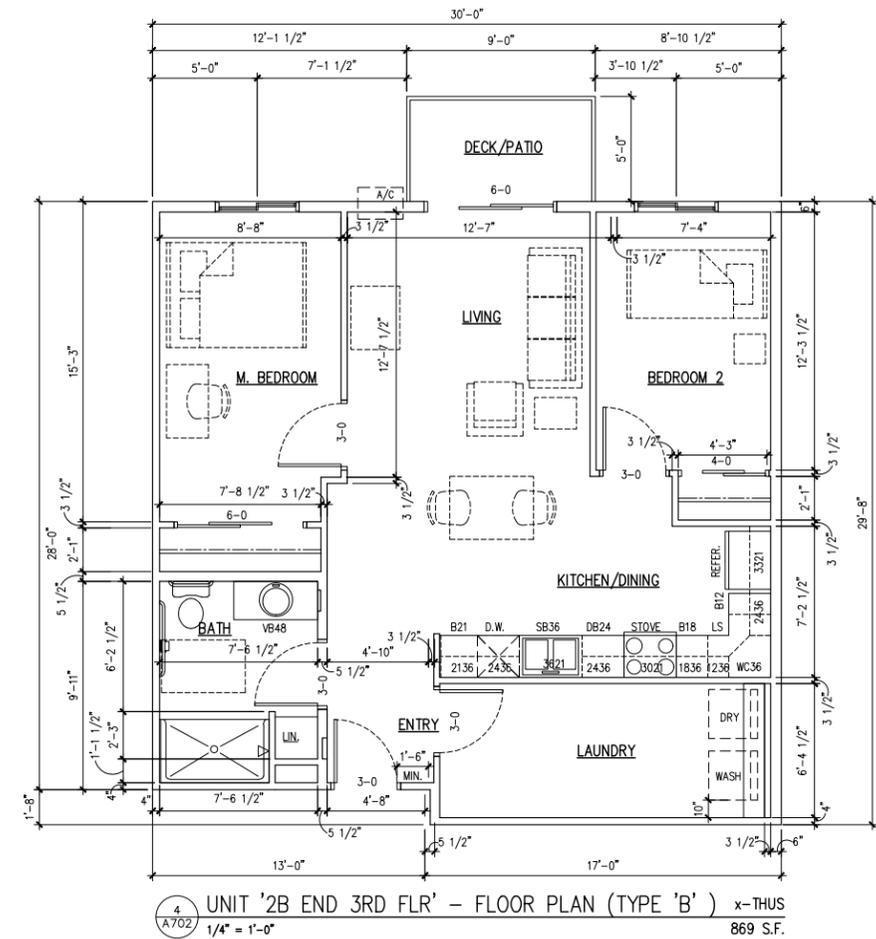
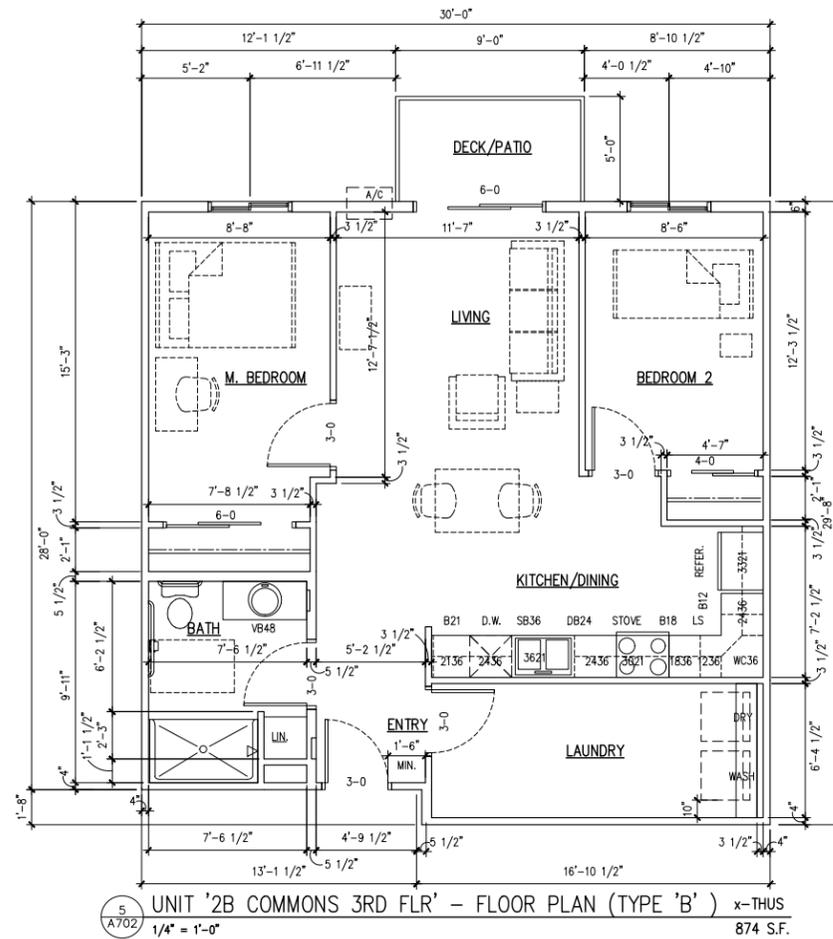
UNIT PLANS

A701

ROOM FINISH SCHEDULE	
FLOOR FINISH	BASE TYPE
WALL FINISH PER ROOM WALL	CEILING FINISH
NOTES	CEILING HEIGHT SEE WALL SECTIONS
FLOORS	BASE
CA CARPET 'A' W/ PAD	W WOOD
CB CARPET 'B' GLUE DOWN	V VINYL
SV SHEET VINYL	N NONE
SC SEALED CONCRETE	
CEILING	WALLS
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PROJECT DESCRIPTION
HARPER HEIGHTS
121 1ST AVENUE WEST
WEST FARGO, ND

CITY WEST FARGO
STATE ND
ISSUE DATES

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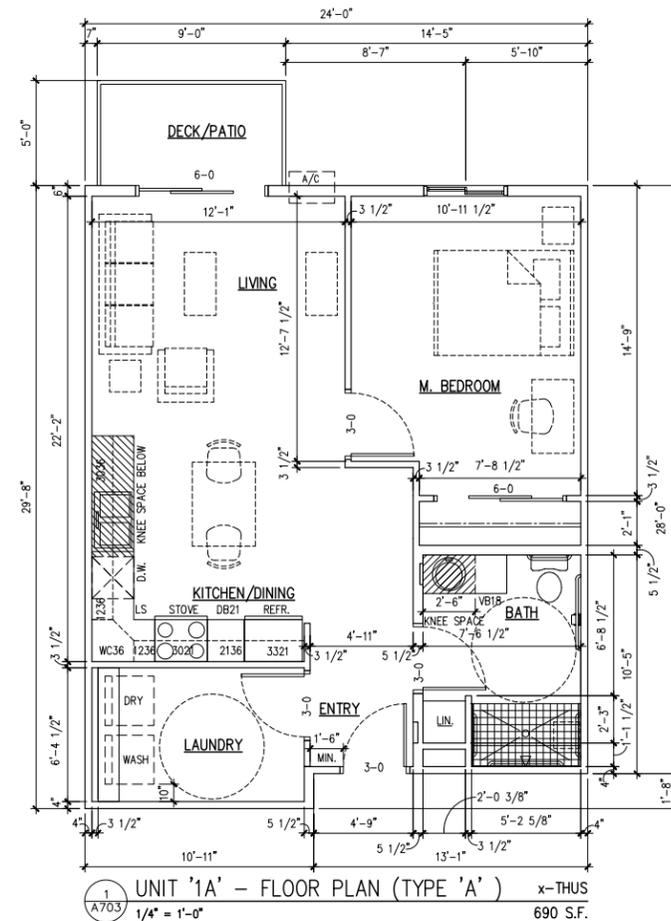
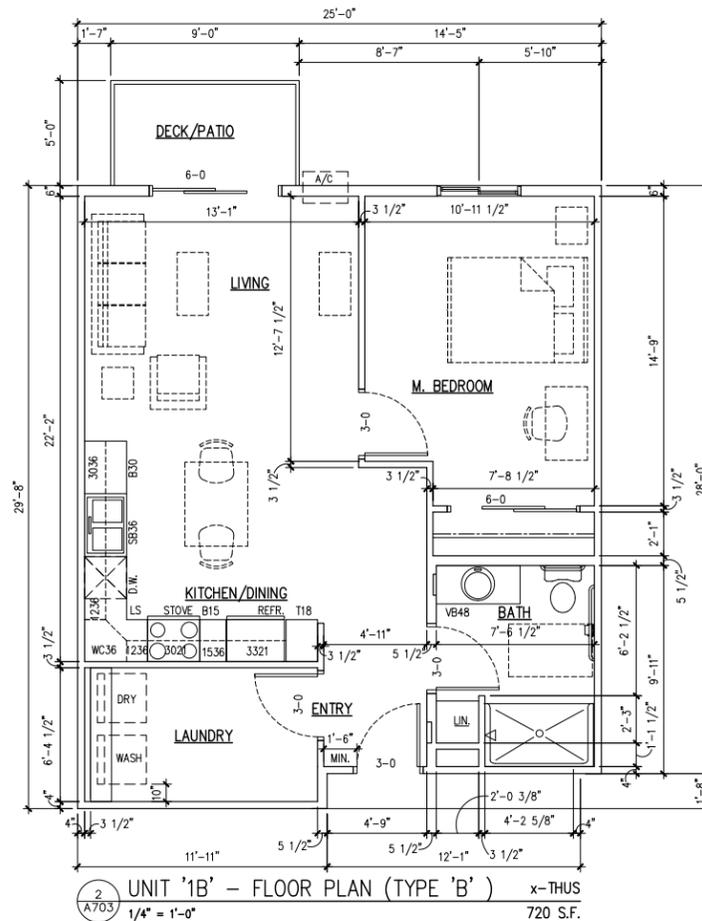
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DRAWING TITLE
UNIT PLANS

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DRAWING TITLE

UNIT PLANS

A703

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

2. PHONE NUMBER: 433-5320 DATE: May 1, 2018

3. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Rezoning from C-OP: Commercial Office Park to C: Light Commercial

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Property at 2630 Sheyenne Street (Lot 3, Block 1 of Eaglewood 2nd 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 May 7,
2018.

STAFF REPORT

A18-14		REZONING
Eaglewood 2 nd		
2630 Sheyenne Street (Lot 3, Block 1 of Eaglewood 2 nd Addition)		
Applicant: Nate Vollmuth	Staff Contact: Tim Solberg, AICP	
Owner: Westwood Development, LLC		
Planning & Zoning Commission Introduction:	04-09-2018	
Public Hearing:	04-09-2018 – Approved	
City Commission Introduction:	04-16-2018	
Public Hearing & 1 st Reading:	05-07-2018	
2 nd Reading:		

PURPOSE:

Rezoning from C-OP: Commercial Office Park to C: Light Commercial.

STATEMENTS OF FACT:

Land Use Classification:	Office Park
Existing Land Use:	Vacant
Current Zoning District(s):	C-OP: Commercial Office Park District
Zoning Overlay District(s):	CO: Corridor Overlay District
Proposed Zoning District(s):	C: Light Commercial
Total area size:	2.26 Acres
Adjacent Zoning Districts:	North – C: Light Commercial South – P: Public Facilities East– R-1E: Rural Estate District & A: Agricultural West – R-2: Limited Multiple Dwellings
Adjacent street(s):	26 th Avenue West (Local); Sheyenne Street (Arterial)
Adjacent Bike/Pedestrian Facilities:	Sidewalk along 26 th Ave W; Future path along Sheyenne St.
Available Parks/Trail Facilities:	Brooks Harbor Elementary with adjacent park and Eaglewood park facility within ½ mile. Both accessible via path and sidewalks

DISCUSSION AND OBSERVATIONS:

- The applicant intends to develop the property as a veterinary clinic, which is not provided for in the C-OP: Commercial Office Park zoning district.
- Under the proposed C District, Veterinary Clinics without overnight facilities are allowed as a permitted use and with overnight facilities as Conditionally Permitted Uses.
- The property was zoned C-OP in April 2013 and was based on the 2008 Comprehensive Plan.
- C: Light Commercial and C-OP: Commercial Office Park are required to provide for the same buffer requirements under Section 4-449-A: Landscaping Standards of City Ordinances.
- The adjacent medium density townhome development to the west has the minimal setback and may have conflicts with increased development, however the existing zoning would allow for similar development patterns.

STAFF REPORT

NOTICES:

Sent to: Property owners within 150’.

Comments Received:

- None to date.

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

- The City’s new Comprehensive Plan under consideration would not restrict the use on the property and would not require a land use plan amendment. Considering the Comprehensive Plan is under consideration, staff is not recommending a land use plan amendment to the current plan to accommodate the proposed rezoning and would find it to be consistent with the City’s new Comprehensive Plan.

RECOMMENDATIONS:

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans under consideration and City ordinances.

PLANNING AND ZONING RECOMMENDATION:

At their April 9, 2018 meeting, the Planning and Zoning Commission approved the rezoning on the basis it is consistent with City plans under consideration and City ordinances.

24TH AVE W

26TH AVE W

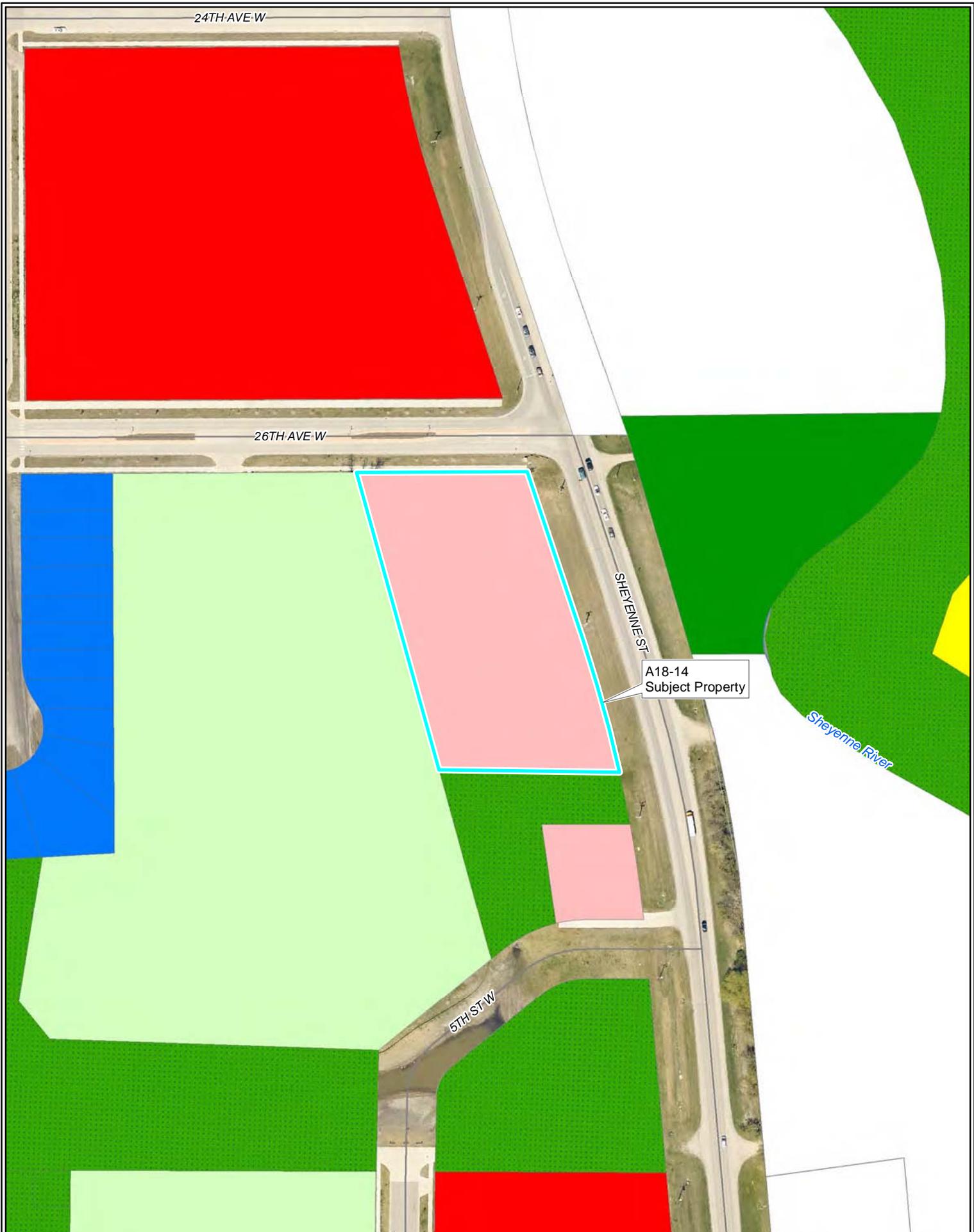
SHEYENNE ST

Sheyenne River

5TH ST W

A18-14
Subject Property





24TH AVE W

26TH AVE W

SHEYENNE ST

Sheyenne River

5TH ST W

A18-14
Subject Property



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

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

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

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

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



AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # 3

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

1. CONTACT PERSON: Tim Solberg

2. PHONE NUMBER: 433-5321 DATE: May 1, 2018

3. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Zoning Ordinance Text Amendment to Section 4-0407.4C of West Fargo City Ordinances to provide for removal of the 13th Avenue Tree Planting Plan.

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

5. ACTION BEING REQUESTED FROM CITY COMMISSION:
Hold First Reading and Public Hearing on the Zoning Ordinance Amendment at 5:30 pm on May 7, 2018.

STAFF REPORT

A18-13	ZONING ORDINANCE AMENDMENTS
Zoning Ordinance Amendment to Section 4-0407.4C	
City of West Fargo	Staff Contact: Tim Solberg, AICP
Planning & Zoning Commission Introduction:	04-09-2018
Public Hearing:	04-09-2018 – Approval
City Commission Introduction:	04-16-2018
Public Hearing & & 1 st Reading:	05-07-2018
2 nd Reading	

PURPOSE:

Amendment to Section 4-0407 of West Fargo City Ordinances to provide for removal of the 13th Avenue Tree Planting Plan

DISCUSSION AND OBSERVATIONS:

- Staff is proposing a text amendment to Section 4-0407 Public Sites and Uses at the request of the City Forestry Committee. The specific sections with proposed changes highlighted in red are attached for reference.
- 4-0407.4C Preservation of Natural Features and Amenities - 13th Avenue Corridor
 - Remove the requirements with regard to the 13th Avenue Corridor. The purpose of the amendment is to remove reference to the specific plan completed in 1986 and remove the question as to whether it is still applicable.
- Removing the requirements of the 13th Avenue Tree Planting Plan will allow the City Forestry department to develop planting plans along 13th Avenue that may be more successful. Individual properties would still be required to meet 4-0407.4B Boulevard Trees and Section 4-449-A. Landscaping Standard.

NOTICES:

Sent to: Notice in the newspaper and City Departments

Comments Received: None

RECOMMENDATIONS:

Following the public hearing and obtaining public comments, consider recommending approval of the ordinance amendments.

PLANNING AND ZONING RECOMMENDATION:

At their April 9, 2018 meeting, the Planning and Zoning Commission approved the ordinance amendment.

4-0407. PUBLIC SITES AND USES.

Source: Ord. 605, Sec. 1 (2000)

Subsections:

- 4-0407.1. Subdivision Exactions.
- 4-0407.2. Private Open Space/Parks.
- 4-0407.3. Plan to Provide for Public Use.
- 4-0407.4. Preservation of Natural Features and Amenities.

4-0407.1 Subdivision Exactions. Because new development within the City and its extraterritorial area increases population and/or demand upon public services, it shall be required that the owner or developer (subdivider) of every subdivision or resubdivision of property dedicate land for parks, playgrounds, public open space, public trails, municipal facilities, park facilities and/or pay a fee in accordance with those regulations for the purpose of providing the above-mentioned public uses and facilities for existing and future residents of the community. Subdivisions or resubdivisions of properties which are partially or fully developed will only be required to provide for dedication on the undeveloped portion of the property being platted into lot(s).

Source: Ord. 748, Sec. 8 (2005)

- A. APPLICATION. The provisions of this requirement shall apply to all of residential, commercial, industrial and other subdivisions and shall include replats where land dedication and/or cash-in lieu of dedication fees have not been previously provided. Where landowners previously have dedicated land in advance of development, the City Commission will determine if a dedication will be required and what an equitable amount would be.
- B. PROCEDURE. The subdivider of property shall submit with the application for subdivision or resubdivision a letter from the Park District indicating their recommendation for land dedication or cash-in-lieu of land dedication. When the subdivider has not provided a letter of recommendation from the Park District, the application will be considered incomplete. The City will then notify the Park District and provide information on the proposed subdivision. The Park District will be given thirty (30) days to review the subdivision information and provide recommendations, whereupon the application will be considered complete and the City will proceed with platting procedures.

The Planning and Zoning Commission will consider the Park District recommendations in addition to public uses and facilities identified within the Comprehensive Plan and other City plans when formulating their

recommendation to the City Commission. The City Commission will have final authority to determine whether land dedication or cash-in-lieu of land dedication will be accepted.

- C. LAND DEDICATION. The amount of land required to be dedicated by the subdivider pursuant to this ordinance, shall be based upon the type of development and shall be a percentage of the gross area of all property to be subdivided as follows:

Residential Subdivision - 10%

Commercial Subdivision - 5%

Industrial Subdivision - 5%

Other Subdivision - 10%

Where no proposed use is given for lots within the proposed subdivision, the City will base the required dedication on the future land use as shown in the Comprehensive Plan. The land area conveyed or dedicated to the City will not be used in calculating density requirements of the Comprehensive Plan and Zoning Ordinance.

- D. LAND SUITABILITY. Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. In evaluating the adequacy of proposed land dedications, the City shall consider factors including size, shape, topography, geology, hydrology, tree cover, access and location. Land will not be accepted as meeting the required dedication if it is encumbered with major utility easements, storm drains or retention areas, wetlands or other features which make the property difficult to utilize for parks or other desired municipal or park facilities. The City may consider land for parks or open space that is located in the vicinity of areas for storm water retention, major drains, or wetlands or other natural features provided the dedication will further the interests of the City or Park District, as well as the City's Comprehensive Plan. The City Commission will make the final decision whether land will be accepted for dedication.

- E. TIMING AND MAINTENANCE. Prior to final plat approval by the City Commission, the subdivider shall denote on the plat the designated park or open space land, or shall tender a deed of the dedicated land to the public entity that is to receive the land. If the plat is not approved, the deed shall be returned to the subdivider. The transfer of the deed is only final upon final approval of plat. The public entity that receives the dedicated land shall be required to maintain such land.

F. FEE IN LIEU OF LAND DEDICATION. When it is determined that park dedication is not desirable due to location, size or other suitability factors, the City shall require, in lieu of land dedication, a cash dedication equal to a percentage of the fair market value of the property. Such percentage is based on the requirements identified above. For the purposes of this section, fair market value shall be determined at the time of final plat approval in accordance with the following:

1. The City may establish by resolution of the City Commission annually the acceptable value for residential, commercial and industrial designated land for consideration as the fair market value; or
2. The developer may submit a copy of the purchase agreement and/or other pertinent information for which the City will take into account any and all concessions made and any improvements to said property to arrive upon an agreed upon fair market value at the time of approval of plat; or
3. The fair market value may be based upon a current appraisal submitted to the City by the subdivider at the subdivider's expense. The appraisal shall be made by appraisers who are certified or licensed through the State of North Dakota.
4. If the City disputes such appraisal, the City may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.

Source: Ord. 1049, Sec. 4 (2015)

G. COMBINED LAND AND CASH DEDICATIONS. The City may elect to receive a combination of cash and land as part of parkland dedication requirements. In such cases, the percentage of land dedicated shall reduce the required fee percentage by an equal amount.

H. PAYMENT TIMING AND PROCEDURES. The subdivider shall make payment to the City upon approval of the final plat. Funds received by the City shall be placed in a public improvement fund and in the discretion of the City Commission be used to benefit the residents of the community. Any public facilities constructed or improved with these funds shall be located in the general neighborhood if benefitting that subdivision, or elsewhere in the community if benefitting the community as a whole.

4-0407.2. Private Open Space/Parks. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City Commission, against the requirement of dedication for park and recreation purposes, provided the City Commission finds it in the public interest to do so. Generally, however, land dedications for private parks will be discouraged.

4-0407.3. Plan to Provide for Public Use. Wherever a tract to be subdivided includes area for school, or other public use, such as streets, which are indicated on official City plans or any portion thereof, such space may be required for reservation by the Planning Commission. If so required, the Planning Commission shall give the public agency involved sixty (60) days to express its interest in the proposed subdivision in connection with the use of the public site. Should interest be expressed by the public agency involved, that agency shall have an additional sixty (60) days within which to arrange for the acquisition of the public site under consideration. If no interest is shown within the first sixty (60) days, the developer may proceed with development of the parcel in question.

4-0407.4. Preservation of Natural Features and Amenities.

- A. General. Existing and proposed features which would add value to land, enhance traffic corridors, or benefit the City as a whole, shall be preserved and/or included in the design of subdivisions.
- B. Boulevard Trees. Boulevard trees shall be planted in accordance with Section 4-532 of the Revised Ordinance of 1990 of the City of West Fargo as amended. No building permits for residential property or property abutting 13th Avenue East may be issued unless in accordance with that ordinance. Boulevard areas not included within the above-mentioned ordinance shall have a landscaping plan approved as part of the subdivision process and have provisions made for payment. The installation of the trees provided for within the landscaping plan shall then be installed when the abutting property is developed.
- C. ~~13th Avenue Corridor. All trees to be planted on the 13th Avenue traffic corridor shall be in accordance with applicable City plans and ordinances and receive approval from the Planning Commission. Tree and landscape plans between building line and street curb line shall be included on the required site plan with written data as to the species of the trees to be planted. These trees shall be in general conformance to official tree planting plans for the corridor. Trees on private property and within the boulevard must be maintained and replaced when necessary by the responsible property owner.~~

Regular Agenda Item #4

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION SETTING TRUCK ROUTES

WHEREAS, Section 13-1522 of the Revised Ordinances of 1990 of the City of West Fargo (Trucks Prohibited on Certain Streets - Truck Routes Established - Maps and Signs Required) allows the City Commission to designate by resolution specific streets or avenues on which trucks or commercial vehicles exceeding in weight of 10,000 pounds per axle or configured with three or more axles will be allowed to operate in the City of West Fargo; and

WHEREAS, pursuant to Section 13-1522.2 of the the Revised Ordinances of 1990 of the City of West Fargo, notice was published in the official newspaper of the City of West Fargo, and a public hearing was held on the 7th day of May, 2018, to hear any objections to the proposed truck routes.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, North Dakota, that the truck routes as shown on Exhibit A to this Resolution are hereby approved.

Dated this 7th day of May, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

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



2018 Road Class Updates

Existing Roadway Changes:

Sheyenne St. – from Main Ave. W. to 13th Ave. W. currently Class 1, updated to Class 3 and will be removed as a truck route.

21st Ave. W. – Sheyenne St. to 9th St. W. – removed, no longer a roadway

New Roadways:

Ashley Ln. W. – Class 3 - see attached (Wilds 8th Add.)

Albert Dr. W. – Class 3 – see attached (Wilds 8th Add.)

10th St. W. – Class 3 – see attached (Wilds 8th Add.)

Highland Ln. W. – Class 3 – see attached (Highland Meadows 1st Add.)

Barnes Dr. W. – Class 3 – see attached (Highland Meadows 1st Add.)

11th St. W. – Class 3 – see attached (Highland Meadows 1st Add.)

12th St. W. – Class 3 – see attached (Highland Meadows 1st Add.)

Rivers Bend Dr. E. – Class 3 – see attached (Rivers Bend 4th Add.)

1st St. E. – Class 3 – see attached (Rivers Bend 4th Add.)

4th Ave. NW. – Class 1 – see attached (Sandhills 3rd Add.)

28th Ct. NW. – Class 1 – see attached (Sandhills 3rd Add.)

29th Ct. NW. – Class 1 – see attached (Sandhills 3rd Add.)

Bluestem Dr. – Class 3 – see attached (North Pond 9th Add.)

24th Ave. E. – Class 3 – see attached (North Pond 9th Add.)

West Fargo Truck Route Map 2018



Legend
Truck Route
—



Highland Meadows 1st Add



Legend

Class 1	Thick black line
Class 2	Medium black line
Class 3	Thin black line
Private	Dashed line

Exhibit "A"

North Pond 9th Add



Exhibit "A"

Rivers Bend 4th Add



Exhibit "A"

West Fargo Road Class Map 2018



Legend	
Class 1	
Class 2	
Class 3	
Private	



Sandhills 3rd Add.



Exhibit "A"

The Wilds 8th Add



Legend	
Class 1	
Class 2	
Class 3	
Private	

Exhibit "A"



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: *

Matt Marshall

Phone Number: *

701-433-5311

Email Address:

matt.marshall@westfargond.gov

Date *

5/3/2018

Topic for Consent or Regular Agenda?

Please select one option:

- Consent Agenda
 Regular Agenda

Please Briefly Describe Your Request *

Request for Public Hearing to add Renaissance Zone block

Site Address or Legal Description (if applicable)

Lots 15-20, Block 2 and Lots 1-6, Block 3 of Halverson's Industrial Park Addition

Action Being Requested from City Commission *

Approval to add Renaissance Zone block

Upload Additional Documentation (Optional):

RZ_Proposed201804.pdf	32.79MB
Halverson Legal Proof.pdf	27.76KB
Halverson RZ Add Block - Letter to Property Owners.docx	31.17KB

Client:

CITY OF WEST FARGO

Account # 19435 Ad # 2615874

Phone: (701) 433-5317

Fax: (701) 433-5319

Address: 800 4TH AVE E 1
WEST FARGO, ND 58078-2015

Sales Rep.:

0135 Forum Legal AdTaker

Phone: (701) 241-5504

Fax: (701) 241-5540

Email: legals@forumcomm.com

Class.: 9953 NORTH DAKOTA LEGALS - WEST

Requested By:

Start Date: 04/16/2018

End Date: 04/25/2018

Nb. of Inserts: 11

Dimensions: 1 col. x 23.00 6.5 PT LINES

Publications: West Fargo Pioneer

Total Price: \$35.64

Paid Amount: \$0.00

Balance: \$35.64

Page 1 of 2

**NOTICE TO COMPETITORS OF
HEARING ON APPLICATION
FOR PROPERTY TAX EXEMPTION**

Notice is hereby given that the City Commission of West Fargo, North Dakota, will meet at 5:30 p.m. on May 7th, 2018, at City Hall to consider the extension of the Renaissance Zone program. Legal description of the properties are: Lots 15-20, Block 2 and Lots 1-6, Block 3 of Halverson's Industrial Park Addition, City of West Fargo, North Dakota.

Any interested party may appear and be heard by the City Commission at the time and place designated herein. An interested party may provide written comments to the governing body before the scheduled hearing.

This notice is given by the above named applicant pursuant to the provisions of North Dakota Century Code Section 40-57.1-03.
(April 16, 23, 2018) 2615874

Regular Agenda Item #6



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: *

Matt Marshall

Phone Number: *

701-433-5311

Email Address:

matt.marshall@westfargond.gov

Date *

5/3/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Renaissance Zone Application Approval- Halverson's Addition

Site Address or Legal Description (if applicable)

Lots 15-20, Block 2 and Lots 1-6, Block 3 of Halverson's Industrial Park Addition

Action Being Requested from City Commission *

Approval of Renaissance Zone Application

Upload Additional Documentation (Optional):

Halverson Application.pdf

6.53MB

STAFF REPORT

Project Name: Halverson's Industrial Park Addition

Project Location: 301, 302, 307, 308, 313, 314, 319, 320, 325, 326, 331, 332
12th St NW West Fargo, ND 58078

Contact Name: Ryan Restad

Contact Phone: 701-277-5065

Email: ryanrestad@hotmail.com

Purpose: Renaissance Zone

Background: Lots 1-6 and 15-20, Block 2

Timeline:

Assessment Department	YES	NO
Property Taxes Current	X	
Additional Notes:	<i>M J 3/29/18</i>	
Planning Department	YES	NO
Property in Corridor Overlay District		X
Property in Renaissance Zone	X	
Property in Main Ave Corridor		X
Main Ave Corridor Conditions Met	NA	
Zoning Appropriate for Proposed Project	X	
Sufficient/Appropriate Parking Included	<i>not yet submitted</i>	
Landscape Submitted/Reviewed	<i>not yet submitted</i>	
Additional Notes:	<i>This application for replat was just received.</i>	
Economic Development Department	YES	NO
Project Located in Existing Incentive Program		X
Project Eligible for Local Incentives		X
Project Eligible for State Incentives	X	
Project Operator Received Tax Incentives within Past 5 years		X
City Granted Tax Incentive on Similar Project within Past 5 years	X	
Is there Precedent for Proposed Tax Incentive	X	
Does City Recommend Approval of Application	X	
Score:	NA	
Reasons:		
Additional Notes:		

M J

Staff is reviewing and plans to place on May PB 2 Agenda

[Handwritten signature]



Assessor's Department

800 4th Ave. E, Suite 1
 West Fargo, ND 58078
assessor@westfargond.gov

Telephone: 701-433-5340
 Fax: 701-433-5319
assessments.westfargond.gov

Project Name: Halverson Industrial Park
Situs Address: 300 Block of 12th St NW
Exemption Type: Renaissance Zone

Current 2018 Valuation*

**subject to change in future years*

Parcel #	Land Value	Building Value	Total T&F
02-0800-(00340-00450)-00	\$ 527,400		\$ 527,400

	Land Value	Original Bldg Value	Exemption	Total
True & Full	\$ 527,400	\$ -	\$ 1,096,000	\$ 1,623,400
Taxable	\$ 26,370	\$ -	\$ 54,800	\$ 81,170
Tax Estimate	\$ 7,498	\$ -	\$ 15,581	\$ 23,079

Tax Year	Tax Payable Estimate	Exemption Estimate	Cummulative Tax Paid	Cummulative Tax Savings
2018	\$ 7,498	\$ 15,581	\$ 7,498	\$ 15,581
2019	\$ 7,498	\$ 15,581	\$ 14,996	\$ 31,163
2020	\$ 7,498	\$ 15,581	\$ 22,493	\$ 46,744
2021	\$ 7,498	\$ 15,581	\$ 29,991	\$ 62,325
2022	\$ 7,498	\$ 15,581	\$ 37,489	\$ 77,906
2023	\$ 23,079	\$ -	\$ 60,568	\$ 77,906

**Taxes Payable does NOT include any specials or drain/diversion payments*

**Tax estimate is provided using 2018 mill rate for all future years.*

Land Values are prior to land being replat

Programs: None

Estimate of completed building value: **\$ 1,096,000**

**Estimate is based off of numbers provided by applicant*

Provided By: Nick R. Lee, City Assessor

5/2/2018

49000

41300

43900

44700

44900

45000

45000

45000

45200

44700

42500

36200

\$ 527,400

Mill Rate

0.28433

City of West Fargo Renaissance Zone Project Application

Proposed Renaissance Zone projects must be submitted to and approved by West Fargo City and the State of North Dakota prior to start of construction. Please submit a project proposal that addresses the following items:

What is the legal description and street address of proposed project?

Lots 1-6 B3 and 15-20 B2 Halverson's Industrial Park Addition

Who are the current property owners?

Ryan Restad

Contact phone number where you may be reached 701-277-5065

Email address you can be reached at ryanrestad@hotmail.com

List the name of applicant and their Tax I.D. Number or Social Security Number.

Applicant's Name: Ryan Restad

Tax ID #: _____

SSN: 502-04-4936

What is the current use of property?

The land is undeveloped.

What is the square footage of the lot and of the building – each floor should be listed separately.

Land Square Footage, 351,531 Sq. Ft. (8.08 acres) Two buildings for 2018 projected to be approximately 10,752 SF. The second building to be approximately 15,360 SF on main floor with additional 1600 SF on second floor. Future buildings will be considered in the following years.

Type of investment ~ Is the project being funded by a Renaissance Fund Organization? If so, describe the type and amount of financing and the name of the Renaissance Fund Organization. If the project is being financed through a loan or personal financing, please indicate so.

NO

Describe scope of work, including a detailed cost estimate of the work to be completed.

One Building to have main office space for the business, shop and truck-trailer space.

Second Building to have shop, truck-trailer space and smaller office space.

Buildings 1.5 to 2.0 million. See Attachment

Provide a break out of capital improvements.

1.5 to 2.0 approximate projected building costs of the two buildings for

2018.

Estimate the value of the building after improvements have been completed and provide the estimated state income tax and local property tax benefit you will receive each of the five years.

Total range of both buildings are estimated at \$1,096,000 - \$1,622,000. There are no buildings located on the property currently.

Describe how the project meets the zone's goals, objectives and guidelines.

Improves overall appearances, encourages new development, creates high-quality jobs, comprehensive redevelopment

Extent of the exterior renovation and/or property improvements – include site plans and building plans or renderings as attachments.

The land is now without structures. Attached are footprints of the projected buildings that will be placed on the land for 2018.

A building permit must be obtained for the work. If known at this time, please include the permit number _____ and permit date: 07/1 /2018.

Provide documentation that the project cost meets the city's minimum criteria.

Please attach copies of all cost estimates.

Cost estimates attached.

Are income and property taxes current? Attach a copy of a Certificate of Good Standing from the State Tax Commissioner and copies of receipts showing proof that local real estate taxes have been paid.

Property taxes are paid for the full 2017. Attached are the paid receipts from the tax office.

For residential applicants only ~ please answer the following question:

Please provide evidence that the home is the taxpayer's primary residence.

N/A

For commercial and investment applicants only ~ please answer the following questions:

What is the business name or investor's name (trade name, doing business as)?

Investor's name - Ryan Restad

What is the legal name of business, if different from trade name?

N/A

What is the mailing address ~ if different from property address?

135 21st Street NW #3, West Fargo, ND 58078

For commercial and investment applicants only (Continued)

Type of Entity ~ partnership; corporation; cooperative, limited liability partnership, limited liability corporation, sole proprietorship, subchapter S corporation.

Limited Liability Corporation

Are you subject to a financial institution tax (NDCC § 57-35.3)?

No

What is the expected date of purchase, lease, completion of rehabilitation and / or historical preservation and renovation, and the exact date when it occurs? For purchase with major improvements include the expected and final purchase date, the expected date of occupancy or first rental, and the final dates when they occur.

Construction is projected to begin early Summer with completion

late Fall 2018

**Submit Project Proposals to:
Economic Development and Community Services Director,
800 4th Ave E, West Fargo, ND 58078 701-433-5311**

S

B.N.S.F. RAILROAD



WEST FARGO CORPORATE LIMITS

WEST FARGO CORP

HALLIBURTON'S

BLOCK 2

INDUSTRIAL

PARK

SUBJECT PROPERTIES

3RD AVENUE NORTHWEST

3RD AVENUE NORTHWEST

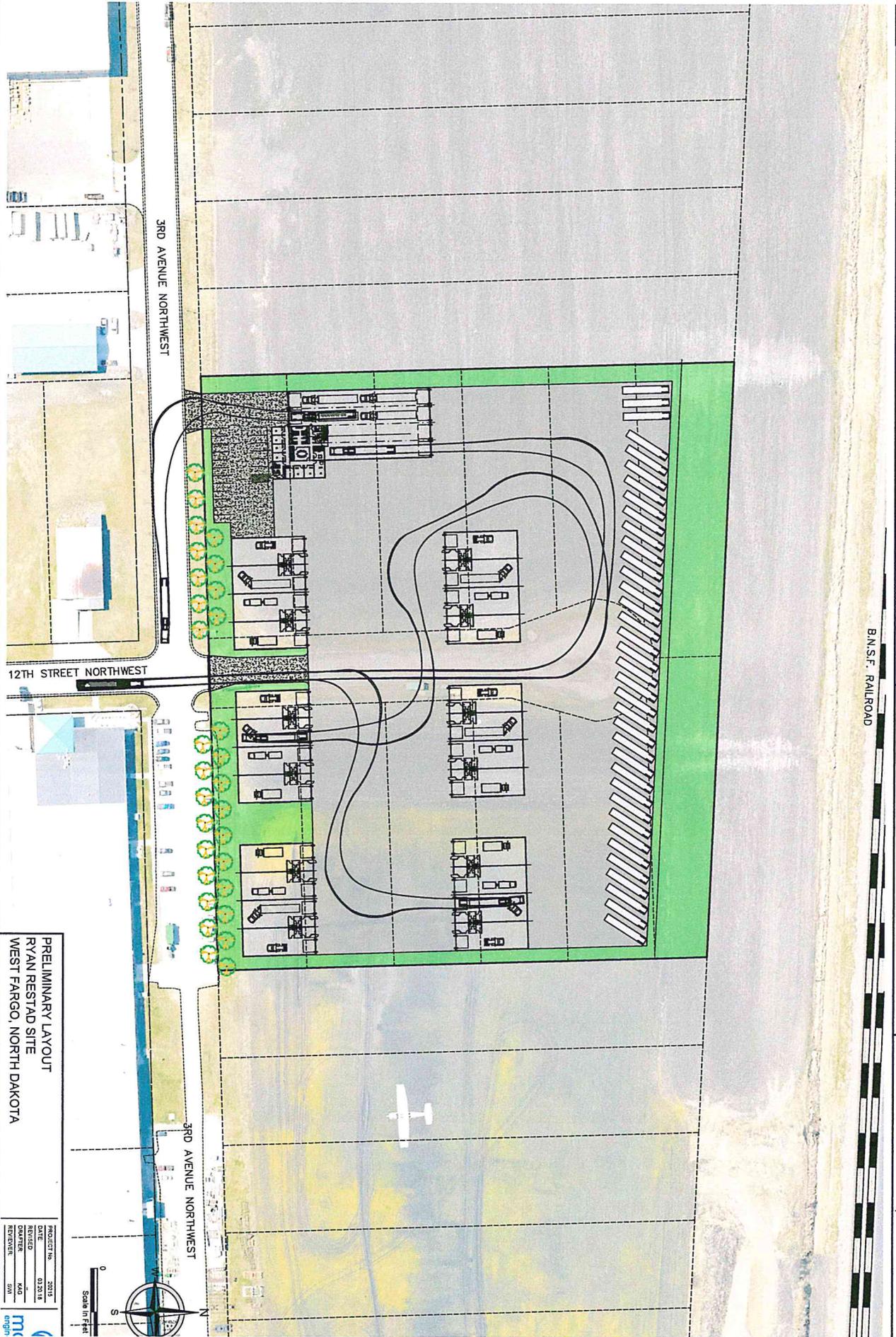
12TH STREET NORTHWEST

BLOCK 4

BL



B.N.S.F. RAILROAD

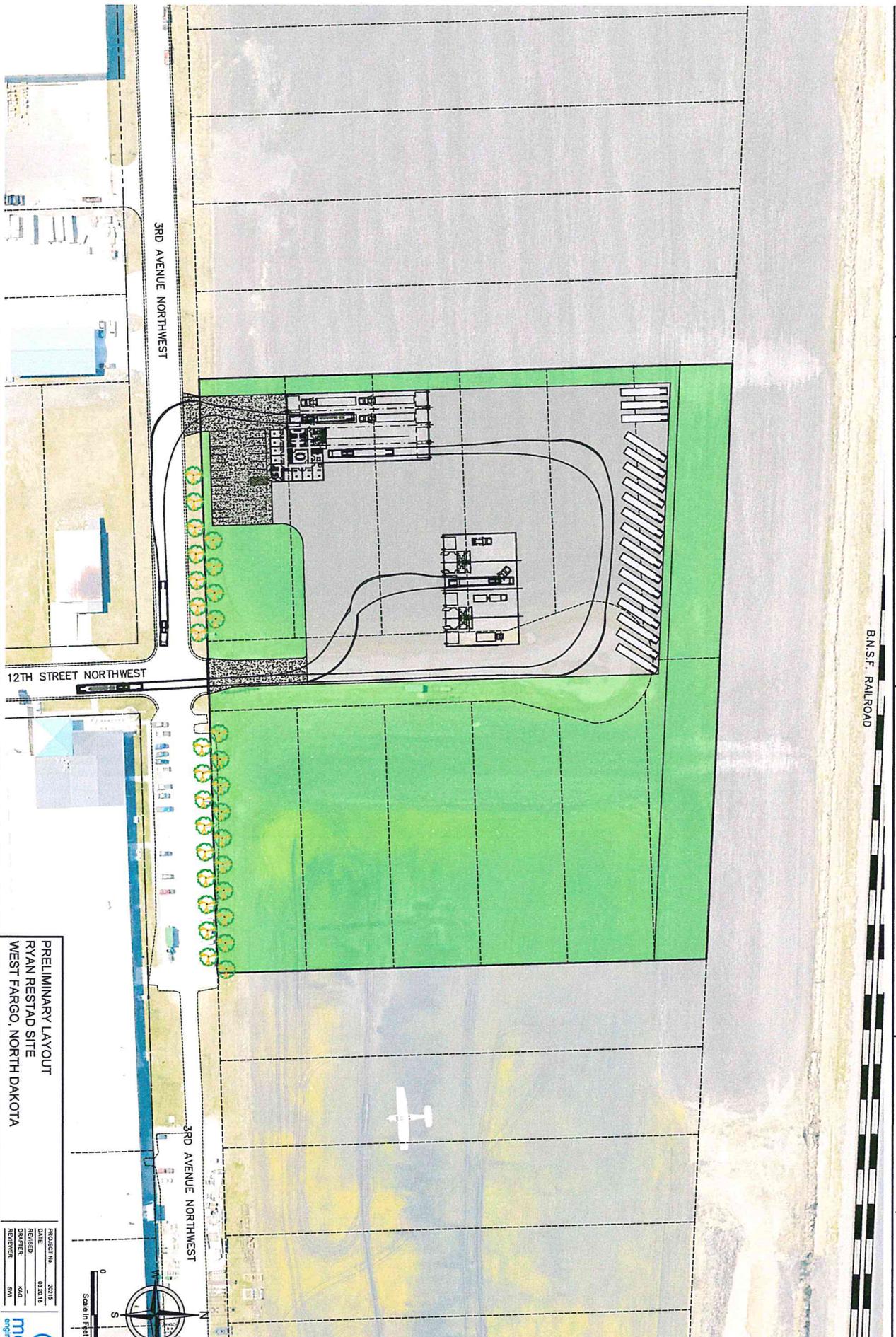
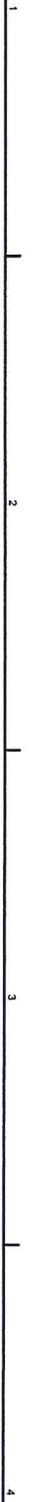


PRELIMINARY LAYOUT
RYAN RESTAD SITE
WEST FARGO, NORTH DAKOTA

PROJECT No.	20118
DATE	03/20/13
DESIGNED	AKG
DRAWN	SM
CHECKED	
SCALE	AS SHOWN

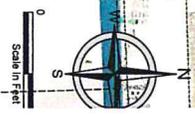


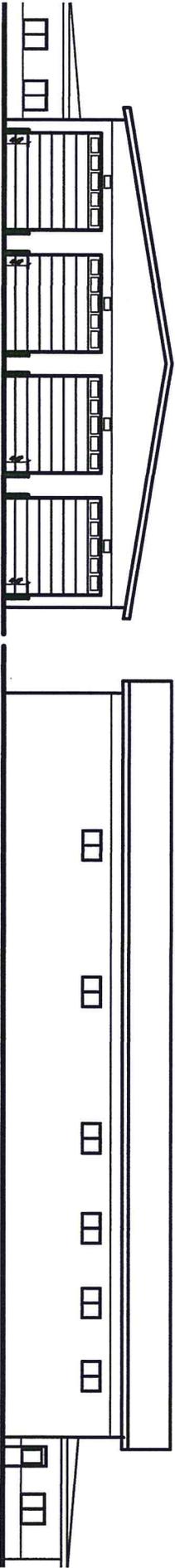
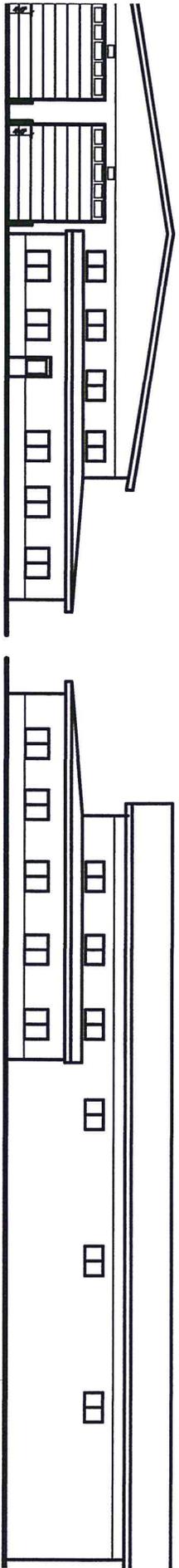
B.N.S.F. RAILROAD



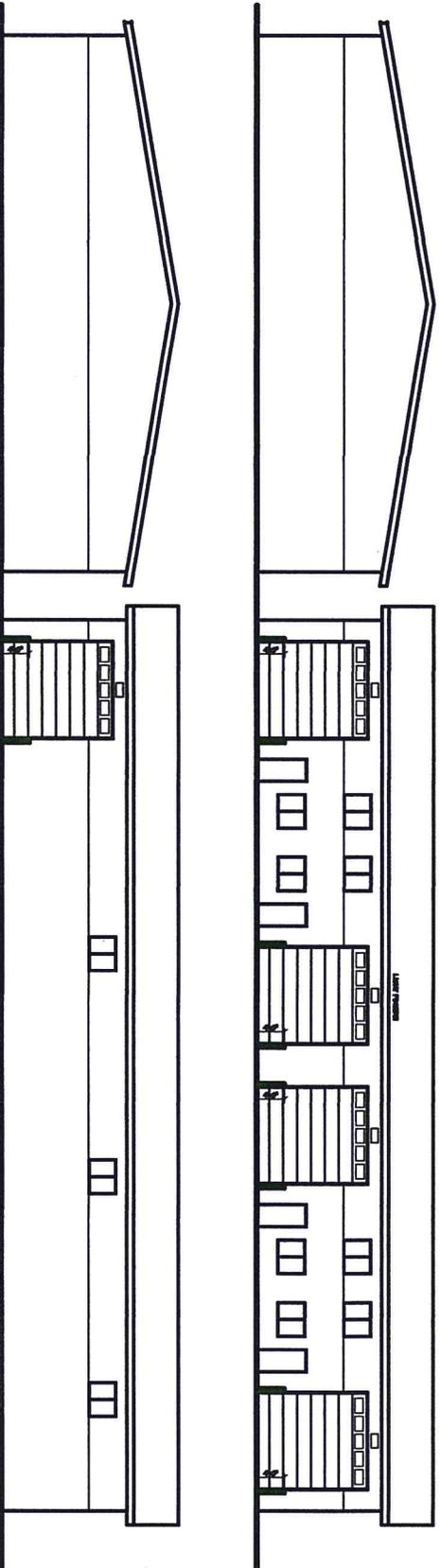
PRELIMINARY LAYOUT
RYAN RESTAD SITE
WEST FARGO, NORTH DAKOTA

PROJECT No.	20218
DATE	03/20/18
DESIGNED BY	AKG
DRAWN BY	SMV
CHECKED BY	
DATE	

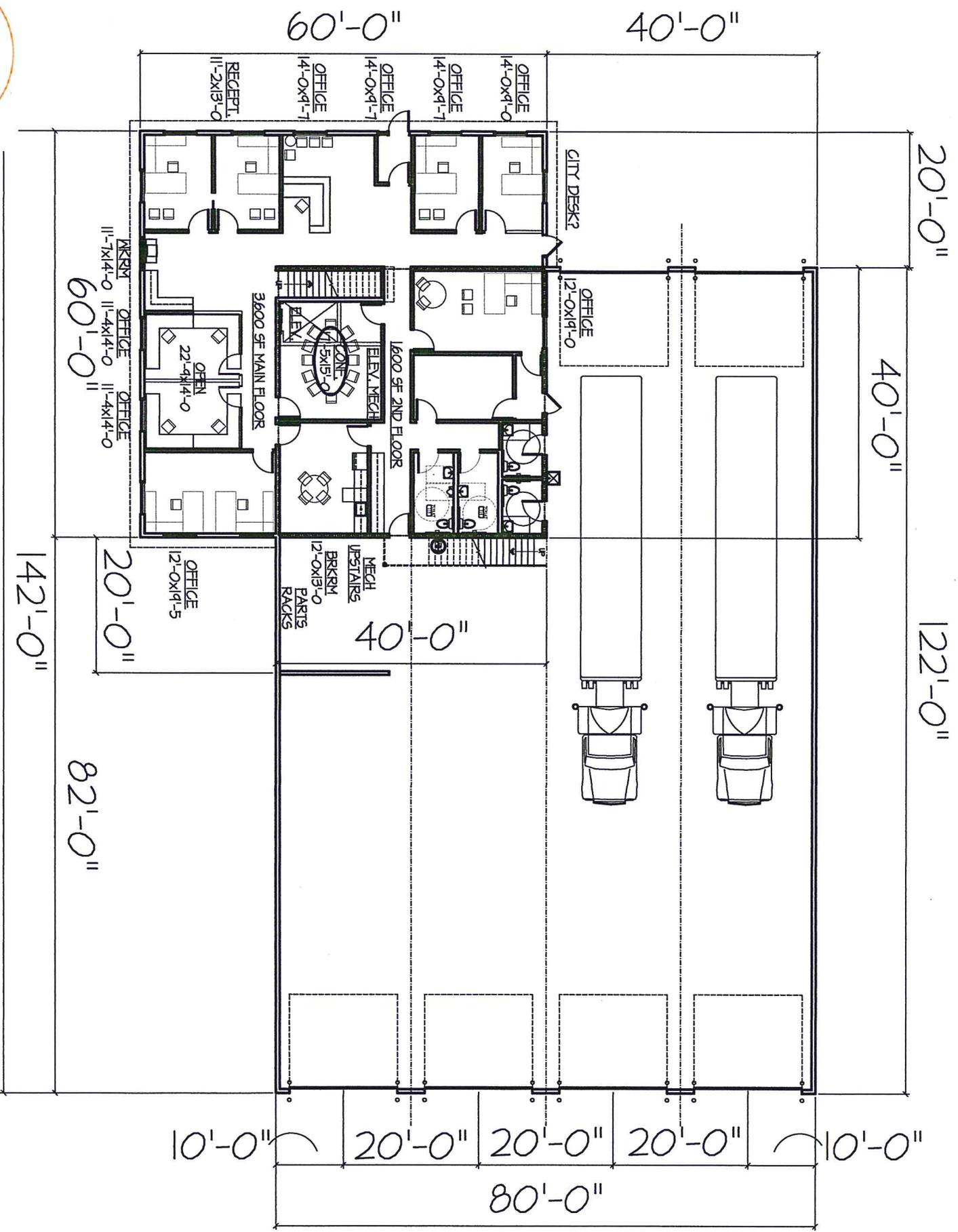


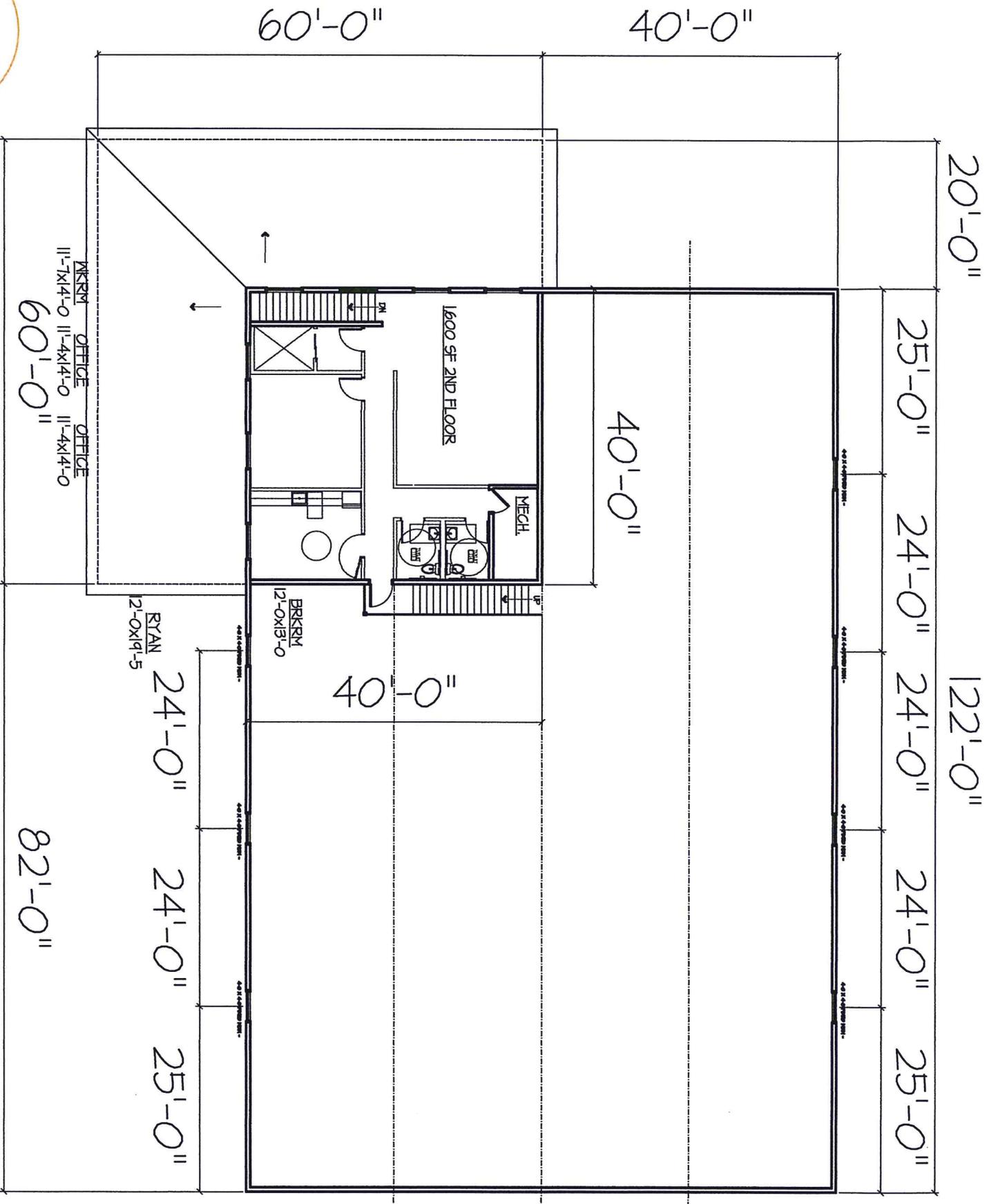


OFFICE / WAREHOUSE - BUILDING #1 - ELEVATIONS (not to scale)

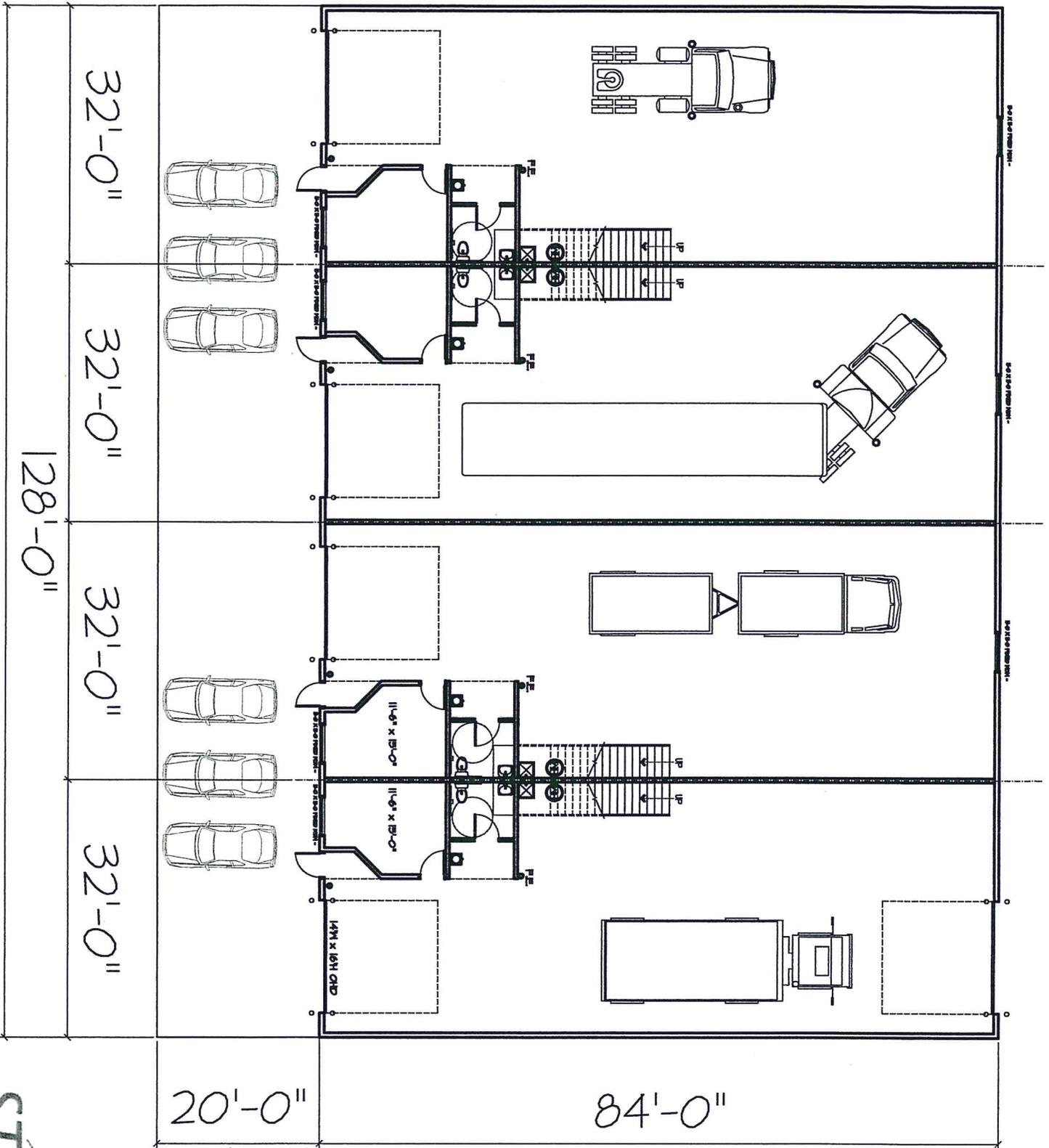


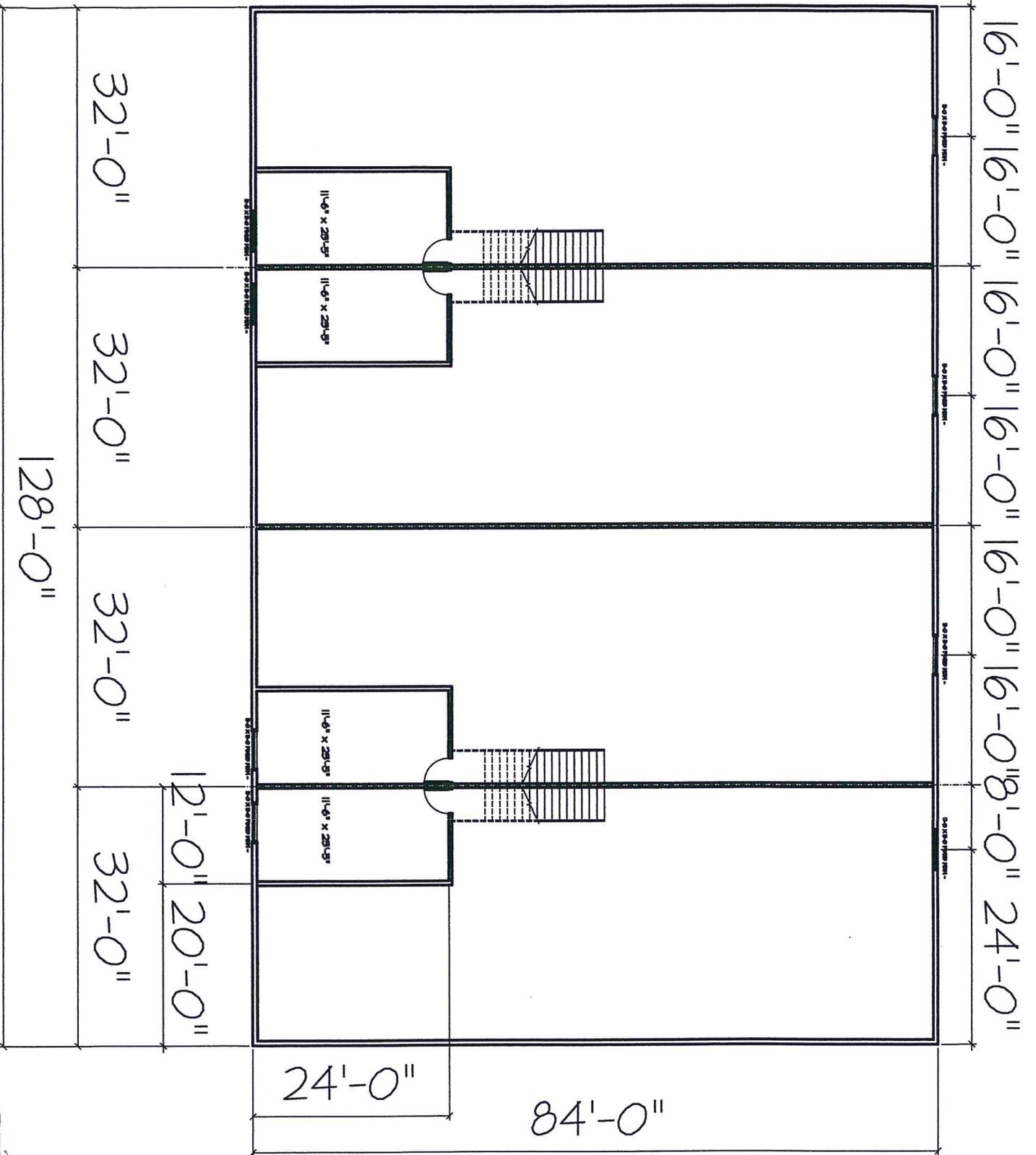
WAREHOUSE - BUILDING #2 - ELEVATIONS (not to scale)





WAREHOUSE - BUILDING #2 - FIRST FLOOR PLAN (not to scale)





WAREHOUSE - RIII RING#9 - SECOND FLOOR PLAN (not to scale)



March 22, 2018

Project Name: 030118 Restad Office Warehouse – West Fargo ND
Project Client: Ryan Restad (Point of Contact: Nancy Peterson, live2sail47@yahoo.com)
Client Address: 135 21st Street NW- Unit #3, West Fargo ND 58078-1340 (Business)
Phone Number/s: Ryan: 701-365-0040 (Nancy: 701-238-1211 cell)
Project Address: Lots 1-6 of Block 3, and Lots 15-20 of Block 2, Halverson's Industrial Park Addition
West Fargo ND 58078

1. **Project Scope:**
Warehouses + Office Building – New Construction

Office - Warehouse #1: See attached plans.

60'W x 60'L x 10'Ht. Office portion of building:

3,600 square feet; main floor has reception, waiting, open and separate offices, conference, breakroom, ADA compliant toilets, workroom, slab-on-grade, wood-framed structure, stone/tile/decorative metal exterior, forced air system heated w/ gas and A/C, energy efficient LED lighting throughout.

2nd floor: 40'W x 40'L x 10'Ht. = 1,600 SF will serve as storage, with masterplan of office expansion, toilets.

80'W x 122'L x 20'Ht. (minus 1,600 portion of office) = 8,160 SF Warehouse portion of building, Main floor has (4) vehicle/equipment service & parking bays, (2) Bays are pass/drive thru, male & female ADA compliant toilets, slab-on-grade, pole structure, metal clad exterior & interior, heated w/ gas, energy efficient LED lighting throughout. (6) total overhead 16'x16' doors. Parts storage area. Clerestory windows.

No 2nd floor planned at this time. Warehouse access to 2nd floor office with second stair.

Budget: To be competitively bid, will have a range of \$40-60/SF (warehouse) x 8,160 = \$326,000 - \$490,000
\$80-120/SF (office) x 3,600 SF = \$290,000 - \$432,000, + \$50/SF 2nd floor shell x 1,600SF = \$80,000,

Total: \$666,000 - \$972,000, not including sitework.

Warehouse #2: See attached plans.

84'W x 128'L x 18'Ht, Approx. 10,800 square feet; main floor has (4) bays of 2,700 SF each per unit for Owner and leased tenants, with walls for dividing units, office and unisex ADA compliant toilet, slab-on-grade, pole structure, metal clad exterior & interior, heated w/ gas, energy efficient LED lighting throughout. (4) overhead doors for vehicles & equipment. One toilet and small office per each bay. Clerestory windows opposite overhead doors.

2nd floor is a loft storage, with future office/conference potential.

Budget: To be competitively bid, will have a range of \$40-60/SF x 10,800 SF = \$430,000 - \$650,000, not including sitework.

Grand total range of both buildings: \$1,096,000 - \$1,622,000, not including sitework.

Client:

CITY OF WEST FARGO

Account # 19435 Ad # 2615874

Phone: (701) 433-5317

Fax: (701) 433-5319

Address: 800 4TH AVE E 1
WEST FARGO, ND 58078-2015

Sales Rep.:

0135 Forum Legal AdTaker

Phone: (701) 241-5504

Fax: (701) 241-5540

Email: legals@forumcomm.com

Class.: 9953 NORTH DAKOTA LEGALS - WEST

Requested By:

Start Date: 04/16/2018

End Date: 04/25/2018

Nb. of Inserts: 11

Dimensions: 1 col. x 23.00 6.5 PT LINES

Publications: inforum.com

The Forum-Fargo

Total Price: \$35.64

Paid Amount: \$0.00

Balance: \$35.64

Page 2 of 2

**NOTICE TO COMPETITORS OF
HEARING ON APPLICATION
FOR PROPERTY TAX EXEMPTION**

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Any interested party may appear and be heard by the City Commission at the time and place designated herein. An interested party may provide written comments to the governing body before the scheduled hearing.

This notice is given by the above named applicant pursuant to the provisions of North Dakota Century Code Section 40-57.1-03.
(April 16, 23, 2018) 2615874

Regular Agenda Item #7

ORDINANCE NO. 1114

AN ORDINANCE TO CREATE AND ENACT SECTION 12-0407 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO INGESTING A CONTROLLED SUBSTANCE - VENUE FOR VIOLATION - PENALTY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, NORTH DAKOTA:

SECTION 1. Section 12-0407 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby created and enacted to read as follows:

12-0407. INGESTING A CONTROLLED SUBSTANCE - VENUE FOR VIOLATION - PENALTY. A person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a class B misdemeanor if the controlled substance is marijuana. Otherwise, the offense is a class A misdemeanor. The venue for a violation of this section exists in either the jurisdiction in which the controlled substance was ingested, inhaled, injected, or otherwise taken into the body or the jurisdiction in which the controlled substance was detected in the body of the accused.

SECTION 2. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

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

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

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

1. CONTACT PERSON: Dustin Scott

2. PHONE NO. 282-4692 DATE: May 7, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: _____
Review bid tab for Storm Improvement District No. 4065

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Storm Sewer Improvements & Lift Station (SM-78) - Gateway West

5. ACTION BEING REQUESTED FROM CITY COMMISSION: _____
Award contract for Storm Improvement District No. 4065
to Dirt Dynamics, LLC



925 10th Avenue East
West Fargo, ND 58078

P: 701.282.4692
F: 701.282.4530



May 7, 2018

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

Re: Storm Improvement District No. 4065
Storm Sewer Improvements & Lift Station (SM-78) - Gateway West
West Fargo, ND

Dear Commissioners:

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

I hereby recommend award of contract to Dirt Dynamics, LLC for their bid of \$356,879.50, received on April 26, 2018.

Our Engineer's Opinion of Probable Cost with the Engineer's Report was \$525,306.11. Our final engineer's estimate was \$445,000.00.

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

Sincerely,

Brandon Reber, PE
Project Engineer

Storm Improvement District No. 4065
 Storm Sewer Improvements & Lift Station (SM 78) – Gateway West West
 Fargo ND

Dirt Dynamics, LLC
 4206 3rd Ave N
 Fargo, ND 58102

Excavating, Inc.
 651 5th St Ct NW
 West Fargo, ND 58078

D.L. Barkie Construction, Inc.
 3830 Willow Road
 West Fargo, ND 58078

Project No. 20211

Bid Date: April 26, 2018

[C] = Corrected Amount

BID ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
1. 203.0101 Common Excavation-Type A	CY	15,535	\$5.00	\$77,675.00	\$3.61	\$56,081.35	\$2.50	\$38,837.50
2. 203.0109 Topsoil	CY	1,509	\$3.50	\$5,281.50	\$5.80	\$8,752.20	\$5.00	\$7,545.00
3. 251.300 Seeding Class III	ACRE	4	\$1,000.00	\$3,950.00	\$1,050.00	\$4,147.50	\$1,000.00	\$3,950.00
4. 253.0201 Hydraulic Mulch	ACRE	4	\$1,080.00	\$3,996.00	\$1,134.00	\$4,195.80	\$1,100.00	\$4,070.00
5. 255.0101 ECB Type 1	SY	1,069	\$1.00	\$1,069.00	\$1.05	\$1,122.45	\$1.00	\$1,069.00
6. 256.0500 Riprap Special	CY	100	\$80.00	\$8,000.00	\$80.00	\$8,000.00	\$68.00	\$6,800.00
7. 260.0100 Silt Fence Unsupported	LF	2,880	\$1.75	\$5,040.00	\$1.84	\$5,299.20	\$2.00	\$5,760.00
8. 265.0100 Stabilized Construction Access	EA	1	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00
9. 708.1540 Inlet Protection-Special	EA	5	\$100.00	\$500.00	\$105.00	\$525.00	\$100.00	\$500.00
10. 714.0115 Pipe Conc Reinf 12In CI III-Storm Drain	LF	24	\$29.00	\$696.00	\$27.30	\$655.20	\$75.00	\$1,800.00
11. 714.0210 Pipe Conc Reinf 15In CI III-Storm Drain	LF	54	\$40.00	\$2,160.00	\$31.50	\$1,701.00	\$85.00	\$4,590.00
12. 714.0315 Pipe Conc Reinf 18In CI III-Storm Drain	LF	84	\$41.00	\$3,444.00	\$37.80	\$3,175.20	\$95.00	\$7,980.00
13. 714.0910 Pipe Conc Reinf 36In CI III-Storm Drain	LF	433	\$92.00	\$39,836.00	\$97.65	\$42,282.45	\$115.00	\$49,795.00
14. 714.3000 End Sect-Conc Reinf 12In	EA	1	\$850.00	\$850.00	\$997.50	\$997.50	\$1,800.00	\$1,800.00
15. 714.3005 End Sect-Conc Reinf 15In	EA	1	\$950.00	\$950.00	\$1,102.50	\$1,102.50	\$2,400.00	\$2,400.00
16. 714.3035 End Sect-Conc Reinf 36In	EA	6	\$2,650.00	\$15,900.00	\$2,625.00	\$15,750.00	\$3,800.00	\$22,800.00
17. 722.0110 Manhole 60In	EA	3	\$3,500.00	\$10,500.00	\$3,675.00	\$11,025.00	\$4,950.00	\$14,850.00
18. 750.1000 Driveway Concrete 8in Reinforced	SY	262	\$50.00	\$13,100.00	\$60.80	\$15,929.60	\$60.00	\$15,720.00
19. 015000 Temporary Pumping	LSUM	1	\$750.00	\$750.00	\$2,500.00	\$2,500.00	\$6,000.00	\$6,000.00
20. 015000 Storm Water Management	LSUM	1	\$1,100.00	\$1,100.00	\$2,500.00	\$2,500.00	\$2,000.00	\$2,000.00
21. 333123 Fittings	LBS	146	\$6.50	\$949.00	\$11.55	\$1,686.30	\$6.50	\$949.00
22. 333123 Storm Sewer Force Main - 8" PVC	LF	837	\$22.00	\$18,414.00	\$25.20	\$21,092.40	\$32.00	\$26,784.00
23. 334411 Storm Sewer Lift Station	LSUM	1	\$96,219.00	\$96,219.00	\$107,650.00	\$107,650.00	\$120,000.00	\$120,000.00
24. 012000 Lift Station Controls	ALLOW	1	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00
TOTAL OF ALL BID PRICES				\$356,879.50		\$362,670.65		\$395,999.50

Storm Improvement District No. 4065

Storm Sewer Improvements & Lift Station (SM 78) – Gateway West West
 Fargo ND

Project No. 20211

Bid Date: April 26, 2018

[C] = Corrected Amount

Dakota Underground Company

4001 15th Ave NW
 Fargo, ND 58102

CC Steel LLC

5303 Creekview Green
 Maple Plain, MN 55359

Jensen Brothers Construction, Inc.

747 14 1/2 Ave E
 West Fargo, ND 58078

Sellin Brothers, Inc.

1204 Hobart St
 Hawley, MN 56549

BID ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
1. 203.0101 Common Excavation-Type A	CY	15,535	\$4.50	\$69,907.50	\$8.00	\$124,280.00	\$5.00	\$77,675.00	\$5.25	\$81,558.75
2. 203.0109 Topsoil	CY	1,509	\$10.00	\$15,090.00	\$8.00	\$12,072.00	\$2.00	\$3,018.00	\$3.00	\$4,527.00
3. 251.300 Seeding Class III	ACRE	4	\$600.00	\$2,370.00	\$1,000.00	\$3,950.00	\$578.00	\$2,283.10	\$560.00	\$2,212.00
4. 253.0201 Hydraulic Mulch	ACRE	4	\$600.00	\$2,220.00	\$1,080.00	\$3,996.00	\$578.00	\$2,138.60	\$560.00	\$2,072.00
5. 255.0101 ECB Type 1	SY	1,069	\$1.50	\$1,603.50	\$1.00	\$1,069.00	\$1.50	\$1,603.50	\$1.50	\$1,603.50
6. 256.0500 Riprap Special	CY	100	\$125.00	\$12,500.00	\$80.00	\$8,000.00 [C]	\$90.00	\$9,000.00	\$75.00	\$7,500.00
7. 260.0100 Silt Fence Unsupported	LF	2,880	\$2.00	\$5,760.00	\$1.75	\$5,040.00	\$1.75	\$5,040.00	\$2.00	\$5,760.00
8. 265.0100 Stabilized Construction Access	EA	1	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$3,500.00	\$3,500.00	\$750.00	\$750.00
9. 708.1540 Inlet Protection-Special	EA	5	\$150.00	\$750.00	\$100.00	\$500.00	\$200.00	\$1,000.00	\$105.00	\$525.00
10. 714.0115 Pipe Conc Reinf 12In Cl III-Storm Drain	LF	24	\$56.00	\$1,344.00	\$74.00	\$1,776.00	\$50.00	\$1,200.00	\$65.00	\$1,560.00
11. 714.0210 Pipe Conc Reinf 15In Cl III-Storm Drain	LF	54	\$78.00	\$4,212.00	\$77.00	\$4,158.00	\$54.00	\$2,916.00	\$70.00	\$3,780.00
12. 714.0315 Pipe Conc Reinf 18In Cl III-Storm Drain	LF	84	\$62.00	\$5,208.00	\$81.00	\$6,804.00	\$60.00	\$5,040.00	\$71.00	\$5,964.00
13. 714.0910 Pipe Conc Reinf 36In Cl III-Storm Drain	LF	433	\$117.00	\$50,661.00	\$135.00	\$58,455.00	\$150.00	\$64,950.00	\$115.00	\$49,795.00
14. 714.3000 End Sect-Conc Reinf 12In	EA	1	\$900.00	\$900.00	\$1,500.00	\$1,500.00	\$561.00	\$561.00	\$850.00	\$850.00
15. 714.3005 End Sect-Conc Reinf 15In	EA	1	\$950.00	\$950.00	\$1,500.00	\$1,500.00	\$592.00	\$592.00	\$900.00	\$900.00
16. 714.3035 End Sect-Conc Reinf 36In	EA	6	\$2,500.00	\$15,000.00	\$2,300.00	\$13,800.00	\$1,500.00	\$9,000.00	\$1,650.00	\$9,900.00
17. 722.0110 Manhole 60In	EA	3	\$4,800.00	\$14,400.00	\$4,500.00	\$13,500.00	\$3,500.00	\$10,500.00	\$4,200.00	\$12,600.00
18. 750.1000 Driveway Concrete 8in Reinforced	SY	262	\$55.00	\$14,410.00	\$75.00	\$19,650.00	\$96.50	\$25,283.00	\$105.00	\$27,510.00
19. 015000 Temporary Pumping	LSUM	1	\$7,000.00	\$7,000.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1.00	\$1.00
20. 015000 Storm Water Management	LSUM	1	\$1,500.00	\$1,500.00	\$500.00	\$500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
21. 333123 Fittings	LBS	146	\$7.00	\$1,022.00	\$15.00	\$2,190.00	\$7.00	\$1,022.00	\$13.00	\$1,898.00
22. 333123 Storm Sewer Force Main - 8" PVC	LF	837	\$30.00	\$25,110.00	\$45.00	\$37,665.00	\$33.00	\$27,621.00	\$34.00	\$28,458.00
23. 334411 Storm Sewer Lift Station	LSUM	1	\$101,350.00	\$101,350.00	\$83,642.38	\$83,642.38	\$152,000.00	\$152,000.00	\$216,087.75	\$216,087.75
24. 012000 Lift Station Controls	ALLOW	1	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00
TOTAL OF ALL BID PRICES				\$399,268.00	\$452,047.38 [C]					

NOTICE OF AWARD

Date of Issuance: May 7, 2018

Owner: City of West Fargo

Owner's Contract No.:

Engineer: Moore Engineering, Inc.

Engineer's Project No.: 20211

Storm Sewer Improvements & Lift Station
Project: (SM 78) – Gateway West

Contract Name: Storm Improvement District No. 4065

Bidder: Dirt Dynamics, LLC

Bidder's Address: 4206, 3rd Ave N, Fargo, ND 58102

TO BIDDER:

You are notified that Owner has accepted your Bid dated April 26, 2018 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:
Storm Sewer Improvements & Lift Station (SM 78) – Gateway West Addition.

The Contract Price of the awarded Contract is: \$356,879.50

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

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

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

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

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

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

Owner: City of West Fargo

Authorized Signature

By: Richard Mattern

Title: President of the Board of City Commissioners

Copy: Engineer



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: *

Almir Jupic

Phone Number: *

701-219-1898

Email Address:

almir.jupic@gmail.com

Date *

5/7/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Addressing the concerns with the pond on Burlington Drive addition - dead fish, low water, levels, replacement of the fountain. There is approximately 25ft of exposed rock at this time.. raising the levels would make water cleaner and might prevent fish from dying. Also dead fish floating around is a major health hazard.

Site Address or Legal Description (if applicable)

Burlington Drive Pond

Action Being Requested from City Commission *

Fix the fountain, clean up the dead fish as it is a health hazard and raise the water levels 10-15ft.

Upload Additional Documentation (Optional):

20180422_151538.jpg	174.43KB
20180422_151551.jpg	196.37KB
20180422_152603.3gp	956.77KB
20180426_202134.jpg	265.07KB
20180426_202140.jpg	256.24KB
20180426_202748.jpg	409.97KB











West Fargo Police Department Summary



Print Date/Time: 05/02/2018 10:20
 Login ID: westfargo\larsonm
 Case Number: 2018-00009398

WEST FARGO POLICE DEPARTMENT
 ORI Number: ND0090300

Case

Case Number: 2018-00009398 Location: 1410 9TH ST E 501 WEST FARGO, ND 58078 Reporting Officer ID: 041 - CRUFF	Incident Type: Liquor License Background Occurred From: 05/02/2018 08:47 Occurred Thru: 05/02/2018 08:47 Disposition: Disposition Date: Reported Date: 05/01/2018 15:22 Tuesday
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Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	ND0090300	OTHER	LIQUOR LICENSE	BACKGROUND LIQUOR LICENSE CHECK	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Assisting Officer	1	CRUFF, DEREK AARON	800 4TH AVE E 2 WEST FARGO, ND 58078	(701)433-5500			
Mentioned	1	ABOAH, RITCHELL EVE	██████████ FARGO, ND 58103	██████████	Black	Female	██████████ 25

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate State
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West Fargo Police Department Summary



Print Date/Time: 05/02/2018 10:20
Login ID: westfargo\larsonm
Case Number: 2018-00009398

WEST FARGO POLICE DEPARTMENT
ORI Number: ND0090300

Routing:

- SRO
- SEHS
- City Prosecutor-long form
- City Prosecutor-citation
- WF Investigations
- State Medical Examiner
- Probation & Parole
- Other Agency
- Coroner
- Rape & Abuse
- Juvenile Court
- Social Services
- States Attorney
- Chief
- File

OfficerID: WESTFARGO\CruftD, Synopsis

LIQ. LIC BACKGROUND FOR AWAKE BAR

SUPP01.W414.05/02/2018

2018-00009398
Supplement 1
Detective Sergeant Derek Cruff #414
May 2, 2018

In reference to this case, this investigator was given a liquor license background for Awake LLC located at 1410 9th Street East Suite 501 in West Fargo. In reviewing the application, I found it to be a single owner operator who is also going to act as the manager for this location. That person being RITCHELL EVE ABOAH, date of birth of [REDACTED] currently residing at [REDACTED] in Fargo. I began a search by doing a New World search for contacts for ABOAH. I did find several contacts in our system for her. Most notable was her arrest and booking on April 14, 2016 for disorderly conduct for disturbance that had occurred at a bar and a copy of that report will be attached to this report. She has been a victim of several domestics from 2015 and has been a caller for several restraining orders she has had two previous restraining orders through the State of North Dakota with individuals that she is associated to. In doing a civil search for activity with her, I did find a judgment from AR Audit Services for \$5877.97 from July of 2017. Also located were restraining orders one against JARKUKU GREENE and against MINA ROQUES. Copies of those judgments will be attached to this report as well. This investigator was able to confirm as well as she has a copy of her liability insurance in speaking with her on the phone, I did confirm that she has insurance and is currently set up on a payment plan after initial payment per month for going forward for covering herself for dram insurance for the bar. TLO search located nothing of interest other than previous address out of Minneapolis associated to her. In speaking with ABOAH in reference

to her alcohol distributors, she is currently set up with Johnson Brothers and she has not had an account previously as this is her first adventure into the alcohol industry. I did contact Wells Fargo Bank where her funding is coming from her for this adventure and had an opportunity to speak with the banker, EASTON HEGLIE who is the personal banker out of the 1401 13th Avenue East branch in West Fargo and stated that she is in current good standing and is well aware of her adventure for this bar in which she is going to go forward with. She will be acting as manager for this establishment and will be residing within the city of Fargo. In speaking with ABOAH in reference to her intentions for the establishment I learned that her intention is to run a standard bar with no particular direction in any other form as far as music or things like that that will be associated to the bar just plans to run a standard bar which she has had experience in waitressing in previously. In speaking with her further about her experience, she stated that she has had a long term experience in waitressing and has been mentored with a friend of hers from New York in the bar industry. A letter and report will be forwarded to the Chief of Police for approval for the liquor license application.

Detective Sergeant Derek Cruff #414
May 2, 2018
DC/ml



POLICE DEPARTMENT
Heith R. Janke
Chief of Police

May 2, 2018

West Fargo City Commission,

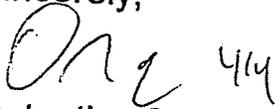
This investigator had an opportunity on May 1, 2018 to conduct a background investigation for the new liquor license application for Awake to be located at 1401 9th Street East Suite 501 in West Fargo.

As this is a new business, employees have not yet been hired or completed the server training program. Management intends to have all employees attend training as employees are hired.

A full background investigation was completed into the owner of the future bar with no areas of concern being found. I personally spoke with the owner and found their intention is to have a bar after the project is completed. Copies of the floor plans are submitted with the application. The owner has secured insurance as the bar and has been confirmed at this time.

The owner, RITCHELL ABOAH will be the resident manager.

Sincerely,


Detective Sergeant Derek Cruff

800 4 Avenue East, Suite 2 • West Fargo, North Dakota 58078
701.433.5500 • FAX: 701.433.5508
Tip Line: 701.433.5333
www.westfargopolice.com
Crime Prevention is a Community Effort

Liquor License Background Check

Checklist

- New World check on Owners and Management
- Civil Check/Criminal Check Owners and Management
- Confirm Liability Insurance
- Generate Case number for check have all documents associated (code Liq. Lic. Background)
- Check TLO or LP police on Owners and Management
- Check with references for alcohol distributors
- Check with banks and financial institution for good standing
- Confirm a manager is within 75 miles of city limits
- Speak with Owner or Management for intentions for establishment
- Generate narrative for report of findings for Chief of Police
- Generate letter for city commission or findings.

Establishment Name Awake LLC

Detective Initial DAC JM YH



APR - 4 2018

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

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

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

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

For period beginning June 1, 2018 and ending June 30, _____
Business Name: Awake LLC
DBA/Name: _____
Business Address: 1410 9th St E Suite 501 West Fargo ND 58078
Phone #: [REDACTED] Cell Phone: _____ Email: AwakeLLC@yahoo.com

I. TYPE OF LICENSE(S) APPROVED:

(CIRCLE THE APPROPRIATE LICENSES AND CALCULATE TOTAL FEES)

Application Review Fees

Retail On and Off Premises Liquor	\$375	}
Retail On and Off Premises Beer/Wine	\$100	
Retail On Premises Liquor	\$275	
Retail On Premises Beer/Wine	\$150	
Retail Off Premises Liquor	\$275	
Retail Off Premises Beer/Wine	\$150	
Retail Club/Lodge On Sale Liquor	\$250	
Retail Club/Lodge On Sale Beer/Wine	\$38	
Wholesale	\$250	
Total Due	473	

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

CK# 0105723530
no-pd 4-4-18
\$475.00
1

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

Your Full Name: (First, Middle, Last): Richell E Abrah

Applicant Legal Address: [Redacted] Fargo ND 58103

Date of Birth: [Redacted] Social Security [Redacted] JS Citizen: Y N

Applicant Email Address: Awake.HC@yaho.com

Applicant Phone #: [Redacted] How long have you been a resident of ND? 5 years Have you ever been convicted of any violation, or any law, other than a traffic offense in the U.S.? NO If yes, what crime?

What Court? _____

Have you ever been convicted of any violation of laws governing the manufacture, sale, consumption or possession of intoxicating beverages? NO If yes provide details: _____

Please list any current or previous liquor licenses held: NO

Have you ever had a liquor license revoked or rejected by any municipality or state? NO
If yes, provide details: _____

Will you be engaged in any other form of business besides the sale of liquor under the applied license? NO If yes provide details: _____

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

1. Easton Heagle, Personal Banker, 1401 13th Ave E, West Fargo ND, 58078, 701-433-3688, easton.heagle@wellsfargo.com
2. Advantage Realtor - 2345 Meador Ridge Pkwy, West Fargo ND (Mendota) 701-552-2937 Member
3. All Star 745 45 St S Fargo ND 58103 (Owner David 701 541 1760 (business manager))

III. RESIDENT MANAGER INFORMATION:

Name: Richell Abrah Date of Birth: [Redacted]

Address: [Redacted] Fargo ND 58103 Phone #: [Redacted]

List resident manager's previous employment for past five years:

- 2431 5th St W, West Fargo ND 58078 Apt 205
- 4021 19th Ave S Fargo ND 58103 Apt 101

IV. BUSINESS DATA:

Name of Business (DBA): Awake LLC

Mailing Address of Licensed Establishment: 1010 11th St E, Suite 501

Establishment Phone #: 701-412-4187

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

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

If Incorporated: Date of Charter: _____ State of Charter: _____

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

Dakota brew limited partnership (leaseholder)
701-339-1287 3003 22nd Ave S #250 Fargo ND 58103

Does the business have any interest, directly or indirectly, with any other liquor establishment in any state?
If yes give names and addresses of the establishments: NO

V. ATTACH A DETAILED FLOOR-PLAN OF BUSINESS
(HAND DRAWN FLOOR PLANS WILL NOT BE ACCEPTED)

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

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

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

www.fargocasspublichealth.com

VII. VALIDATION/SIGNATURES

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

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

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

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

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

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

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

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

All signatures must be notarized.

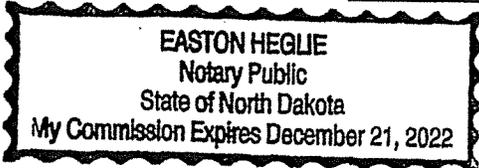
List owner(s) names (In case of a Corporation only President and Secretary are required):

Name: Ericell Abraham
Title: Owner
Signature: [Signature]
Date: _____
Name: _____
Title: _____
Signature: _____
Date: _____

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

Before me personally appeared: (list names from above) Ericell Abraham

Subscribed and sworn before me on this 02 day of April, 2018.



[Signature]
(Signature of Notary Public)

My Commission expires: 12/21/2022

Notary Public for CASS, ND 4

All-purpose Acknowledgment

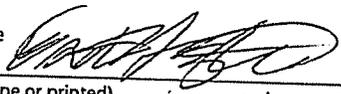
STATE OF North Dakota, COUNTY OF CASS

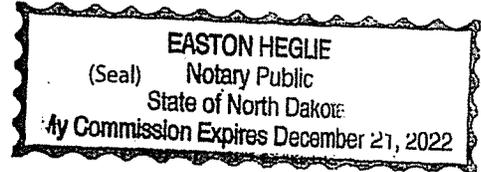
On April 02, 2018 before me, the undersigned, a Notary Public
in and for said State, personally appeared

Ritchell E Aboah

personally known to me -OR- proved to me on the basis of satisfactory evidence/ to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature 
Name (type or printed) Easton Heglie
My commission expires: 12/21/2022



VIII. BACKGROUND CHECK AUTHORIZATION

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

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

PRINTED NAME OF APPLICANT: Ritchell E. Aboach

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

Signature of Applicant: Ritchell E. Aboach Date: 3-29-18

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

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

State of North Dakota

SECRETARY OF STATE



CERTIFICATE OF ORGANIZATION OF

AWAKE LLC
Secretary of State ID#: 43,905,100

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that Articles of Organization for

AWAKE LLC
duly signed and executed pursuant to the provisions governing a North Dakota LIMITED LIABILITY COMPANY, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Organization to

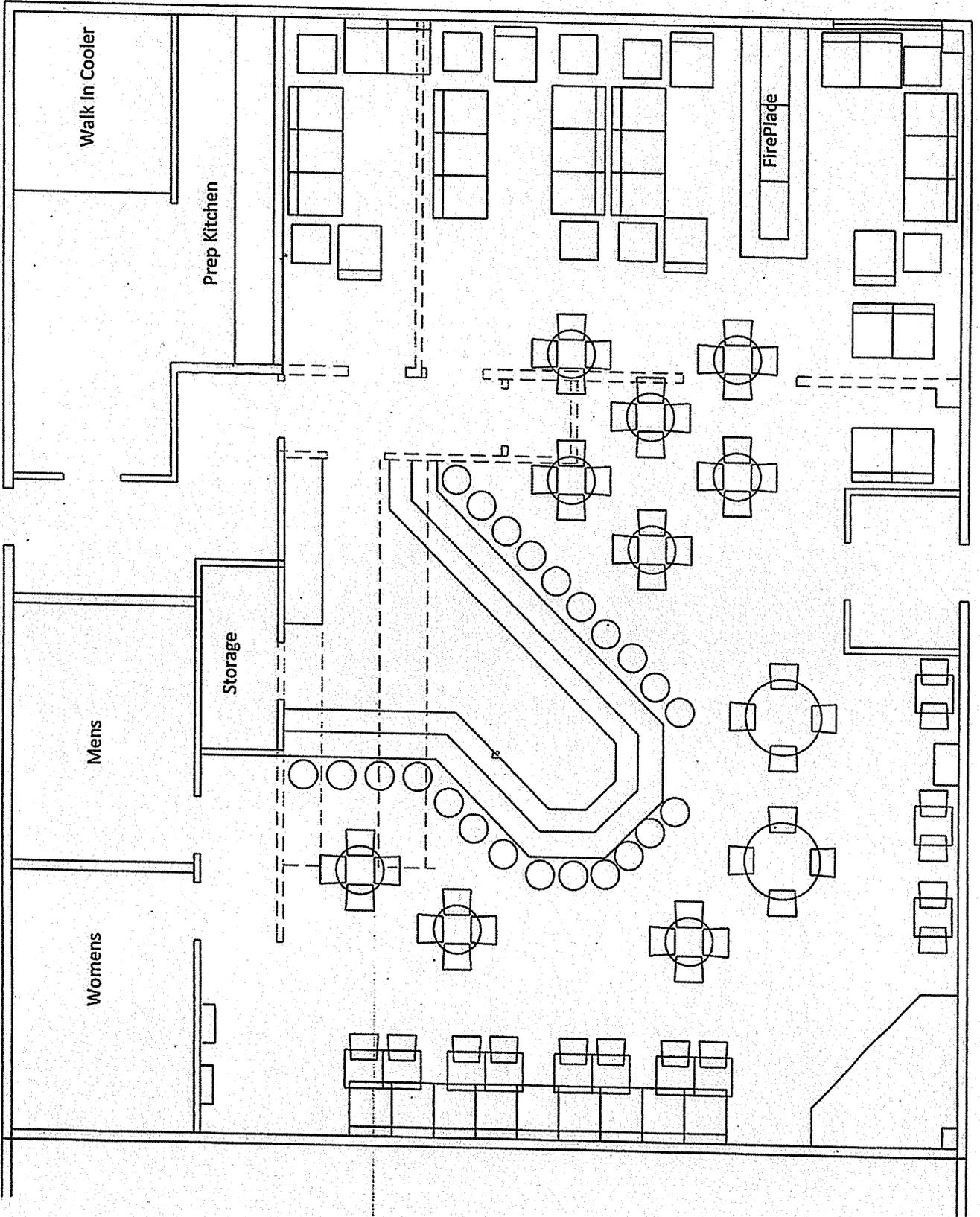
AWAKE LLC

Effective date of organization: September 25, 2017

Issued: September 25, 2017

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



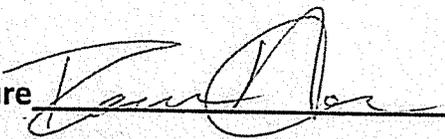


At Commercialinsurance.NET, we strive to provide fast, transparent services that allow the customer to make accurate choices for their business.

Below are the types of quotes that were provided to you today. Please review and contact your agent if you require additional quotes.

- Commercial General Liability**
 - Per Occurrence Policy
 - Claims Made Policy
- Workers Compensation
- Commercial Auto
- Inland Marine (Equipment/Tool Coverage)
- Business Owner's Policy
- Excess Liability
- Garage Liability/ Garagekeepers
- Errors and Omissions

By signing below, you acknowledge that these are the quotes you have requested for your business. Additionally your agreeing to have delivery of your policy documents transmitted to you in email format.

Signature 

Date: 03-30-18

**There are two types of insurance policies available through Commercialinsurance.NET. Per Occurrence and Claims Made are both types of General Liability policies. By signing, you acknowledge that both have been discussed with you verbally during the quoting process. The type indicated above is the type you agreed is best to fit your business needs.



2420 Springer Drive
Suite 100
Norman, Ok 73069
1-877-907-5267 Toll Free
1-405-366-8817 Fax

Policy Coverage

General Aggregate

Per Occurrence

Products/Comp.Ops

Price

Total Premium Amount \$5,662.00

Payments

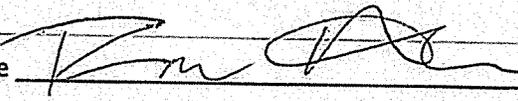
Down Payment \$2,264.80

Monthly Payments Amount \$340.00

Broker Fee \$0.00

Monthly Payments are NOT automatic withdrawals. Please Confirm if your carrier offers recurring payment option. For help setting up automatic payments, please contact our service department at 877-907-5267.

Insured Signature

 Awake LLC

COMMERCIAL INSURANCE.NET LLC
2420 Springer Drive, Suite 100
Norman, OK 73069

richelle@commercialinsurance.net
Phone: (405) 366-8520 ext: Ext 7009 Fax: (405) 366-8817

MCP018M20R4 Version 3

Quote is valid until 5/12/2018

To: **Awake LLC**

From: Richelle Seck

richelle@commercialinsurance.net

Please bind effective: _____

Confirm optional coverages: _____

Do not include any optional coverages.

Include the following optional coverages from Section VI
(Taxes & Fees may apply to optional premium if purchased)

Option 1 - (add: \$210.00) - Non-Owned & Hired Automobile Liability

Option 2 - (add: \$250.00) - Value Plus

Option 3 - (add: \$50.00) - Waiver of Rights of Recovery

Option 4 - (add: *\$127.00) - Terrorism Coverage
*See Terrorism Section for Exact Pricing and Terms

This policy is eligible to be Direct Billed.
Note: a \$5.00 installment fee will apply to each installment after the first - please select one of the following:

Direct Bill both this New Business and future Renewals
(If checked - Select a Payment Plan):

SINGLE PAYMENT

TWO PAYMENTS - Premium must be over \$400

THREE PAYMENTS - Premium must be over \$675

FOUR PAYMENTS - Premium must be over \$1,000

SIX PAYMENTS - Premium must be over \$2,500

TEN PAYMENTS - Premium must be over \$5,000

See the last page of this quote for Payment Plan Descriptions

Do not Direct Bill this New Business but do Direct Bill future Renewals

Do not Direct Bill this policy

NOTE: If the Direct Bill Option is selected, the Company will invoice the insured. Do not bill or collect the down payment. All taxes, surcharges and fees (except installment fees) will be billed in full with the first installment.

DocuSigned by:
Seth Markum
Signature: _____
2835205A855742F...

I. PREMIUM AND UNDERWRITING NOTES/REQUIREMENTS

COMMERCIAL PACKAGE POLICY INFORMATION	
Carrier:	U.S. Underwriters Insurance Company
Status:	Admitted
A.M. Best Rating:	A++ (Superior) - X
Term Quoted:	Annual
COVERAGE PART	PREMIUM
Commercial Property	\$593.00
Commercial General Liability	\$1,944.00

Please contact us with any questions regarding the terminology used or the coverages provided.

Read the quote carefully, it may not match the coverages requested

Liquor Liability	\$3,125.00
TOTAL PREMIUM DUE TO CARRIER	\$5,662.00
ADDITIONAL COSTS	
Broker Fee	\$0.00
TOTAL AMOUNT DUE	\$5,662.00

FREE AND DISCOUNTED BUSINESS SERVICES AVAILABLE TO USLI INSUREDS – VISIT BIZRESOURCECENTER.COM FOR DETAILS

The premium quoted was calculated based on information provided by you in your application for insurance. The premium quoted may be adjusted based on an audit of your books and records during and/or at the conclusion of the policy period to determine actual receipts, payroll and other factors used to calculate earned premium.

Within 21 days of the inception date of coverage, this account will be subject to the following:

- Our completed & signed application.

Underwriting Notes:

- Please note: If only the property coverage is desired, pricing is subject to change.
- If bound, we will conduct an audit within 60 days based on the applicant's books from the prior 12 months to ensure that this risk meets our underwriting guidelines.
- Quote is subject to Audit results and/or Inspection (if any) as well as review and approval of a completed, signed, titled and dated Liquor Liability Representation Application (if not yet received).
- Your liquor liability premium can be reduced up to 5% if you utilize an identification scanner device to verify the ages of your patrons.
- Above Liquor Liability premium includes the liquor license holder as an additional insured.
- Valid certificates for all alcohol servers must be available for review at time of inspection.
- Thank you for the opportunity to quote this risk.

Prior to Bind Requirements: this account is subject to the following:

Coverage cannot be bound without the following information. We may modify the terms and/or premiums quoted or rescind this quote if the information provided below or on the completed application materially affects the rating or eligibility of the risk.

- Provide audit contact name, email address, and phone number _____
- If alcohol is sold or served away from premise, please forward the CP LLA - Catering Plus Liquor Liability Application.

The questions listed are part of the application. Responses are not needed if the completed and signed application specified is submitted at the time of binding.

"x" indicates Prior to Bind requirement for Coverage Part

Liab = Liability; Prop = Property; Liq = Liquor; Cr = Crime; IM = Inland Marine;

Liab	Prop	Liq	Eligibility Question (applies to all locations)	Response
x	x	x	How many nights of major entertainment per week? (major entertainment is defined as - Bands with 3 or more members, excluding Jazz Bands; DJ with dancing; Dance Clubs; Dance Halls; or Adult or Exotic Dancing; not including banquet entertainment)	

Please contact us with any questions regarding the terminology used or the coverages provided.

****Read the quote carefully, it may not match the coverages requested****

II. COVERED LOCATION(S) AND CORRESPONDING CLASSIFICATIONS

Location #1 - 14109th St E, West Fargo, ND 58078

Construction: Joisted Masonry / Protection Class: 4

Property Coverage

Perils: Special

Coverage	Limit	Coinsurance	Deductible	Valuation	Rate	Premium
Business Personal Property	\$6,000	80%	\$1,000	Replacement Cost	0.468	\$28
Equipment Breakdown	Included		\$1,000		55	\$55
Power Outage Business Personal Property	\$5,000	Not Applicable	\$1,000	Not Applicable	0.75	\$38

Property Coverage Premium for Location #1: \$593 MP

Coverage provided by Equipment Breakdown

Mechanical Breakdown,Electrical Arcing

Loss or damage to hot water boilers & steam equipment

Steam explosion of boilers, piping, engines & turbines

\$250,000 limit for Perishable Goods Spoilage

\$250,000 limit for Refrigeration Contamination

Warranted Property Conditions

- All electric is on functioning and operational circuit breakers [P-6]
- Automatic Sprinkler System, Including related supervisory services. [P-1]
- Functioning and operational central station burglar alarms with a monitoring contract.[P-7]
- Functioning and operational smoke/heat detectors in all units or occupancies [P-5]
- Refrigeration maintenance contract on all refrigeration equipment. [P-9]

Liability Coverage

Description	Fire Code	Class Code	Basis	Exposure	Prod/CompOps Rate	All Other Rate	Prod/CompOps Premium	All Other Premium
Restaurant - all other sales, excluding food and liquor		16920	Sales	100,000	0.480	4.994	\$48	\$499
				Per 1,000 Sales				
Restaurant - with sale of alcoholic beverages that are 75% or more of the total annual food and liquor receipts of the restaurant - with tables - with a dance floor and table service	0532	16920	Sales	265,000	0.528	4.744	\$140	\$1,257
				Per 1,000 Sales				

Liability Coverage Premium for Location #1: \$1,944

Please contact us with any questions regarding the terminology used or the coverages provided.

****Read the quote carefully, it may not match the coverages requested****

Liquor Liability Coverage

Classification	Code	Exposure	Limit	Rate	Premium
Restaurant - With Sale Of Alcoholic Beverages That Are 50% Or More Of The Total Food And Alcohol Receipts Of The Restaurant	00010	\$210,000 Receipts	\$1M/\$2M	1.488	\$3,125

Liquor Liability Coverage Premium for Location #1: \$3,125

Conditions (as represented on the Liquor Policy Conditions Endorsement)

- The insured has no knowledge of more than 1 liquor liability and/or assault or battery claims or notification of potential liquor liability and/or assault or battery claims for this location arising out of occurrences within five years prior to the date the application is signed (excluding a liquor liability claim closed without payment because insured found not legally liable).
- The insured has no knowledge of more than three (3) citations, violations, charges or enforcement actions at this location within five (5) years of the date of the application. Of those three (3), no more than two (2) relate to the sale or service of alcohol or criminal activities.
- Employees or other persons are not permitted to consume alcohol during their hours of employment or service.
- Only the insured and its authorized employees or members are permitted to serve alcohol. In the alternative, the insured agrees that persons serving alcohol who are not the insured's authorized employees or members are covered under a policy of liquor liability insurance with limits greater than or equal to the limits of this policy.
- The establishment closes by 2:30 AM daily.
- Alcohol sales cease by 2:00 AM.

Total for Location: \$5,662

III. LIABILITY LIMITS OF INSURANCE

COMMERCIAL GENERAL LIABILITY

Each Occurrence	\$1,000,000
Personal Injury and Advertising Injury	\$1,000,000
Medical Expense (Any One Person)	\$5,000
Damage To Premises Rented to You	\$100,000
Products/Completed Ops Aggregate	\$2,000,000
General Aggregate	\$2,000,000
General Liability Deductible	\$0

LIQUOR LIABILITY

Each Common Cause	\$1,000,000
Aggregate	\$2,000,000

IV. REQUIRED FORMS & ENDORSEMENTS

Common Endorsements

IL0017	(11/98) Common Policy Conditions	Jacket	(09/10) Commercial Insurance Policy Jacket
IL0234	(09/08) North Dakota Changes - Cancellation And Nonrenewal		

Property Endorsements

CP 101	(06/08) Maintenance Of Heat Condition	CP0010	(06/07) Building And Personal Property Coverage Form
CP 112	(06/09) Equipment Breakdown Enhancement Endorsement	CP0090	(07/88) Commercial Property Conditions
CP 142	(04/14) Protective Devices Or Services Provisions	CP0114	(11/15) North Dakota Changes
CP 149	(08/09) Business Personal Property Utility Services Coverage - Power Outage	CP1030	(06/07) Causes Of Loss - Special Form
CP 224	(02/11) Asbestos Material Exclusion	CP1032	(08/08) Water Exclusion Endorsement
CP 225	(02/11) Exclusion - Lead Contamination	IL0165	(09/08) North Dakota Changes - Examination
CP 226	(02/11) Absolute Pollution Exclusion - Property	IL0935	(07/02) Exclusion Of Certain Computer-Related Losses
CP 227	(02/11) Mold, Fungus, Bacteria, Virus Or Organic Pathogen Exclusion	P 248	(02/15) Exclusion of Certified Acts of Terrorism (Coverage for Certain Fire Losses)
CP 245	(09/15) Earth Movement Exclusion	TRIADN	(02/15) Policyholder Disclosure Notice of Terrorism Insurance Coverage

Please contact us with any questions regarding the terminology used or the coverages provided.

Read the quote carefully, it may not match the coverages requested

General Liability Endorsements

CG0001	(12/07) Commercial General Liability Coverage Form	L-461	(12/11) Assault Or Battery Exclusion
CG0068	(05/09) Recording And Distribution Of Material Or Information In Violation Of Law Exclusion	L-472	(07/08) Exclusion - Injury To Performers Or Entertainers
CG2107	(05/14) Exclusion - Access Or Disclosure Of Confidential Or Personal Information And Data-Related Liability - Limited Bodily Injury Exception Not Included	L-599	(10/12) Absolute Exclusion for Pollution, Organic Pathogen, Silica, Asbestos and Lead with a Hostile Fire Exception
CG2147	(12/07) Employment-Related Practices Exclusion	L-610	(11/04) Expanded Definition Of Bodily Injury
CG2173	(01/15) Exclusion Of Certified Acts Of Terrorism	L-618C	(09/09) Amendment Of Premium Audit Conditions
CG2407	(01/96) Products/Completed Operations Hazard Redefined	L-686	(10/12) Absolute Exclusion for Liquor and Other Related Liability
IL0021	(09/08) Nuclear Energy Liability Exclusion Endorsement	LLQ-100	(07/06) Amendatory Endorsement
IL0165	(09/08) North Dakota Changes - Examination	LLQ-368	(08/10) Separation Of Insureds Clarification Endorsement
L-428	(01/12) Absolute Firearms Exclusion	TRIADN	(02/15) Policyholder Disclosure Notice of Terrorism Insurance Coverage

Liquor Endorsements

CG0033	(12/07) Liquor Liability Coverage Form	LLQ-100	(07/06) Amendatory Endorsement
IL0021	(09/08) Nuclear Energy Liability Exclusion Endorsement	LLQ-368	(08/10) Separation Of Insureds Clarification Endorsement
L-584A	(03/17) Policy Conditions Endorsement	LQ-203	(08/07) Additional Insured - Liquor License Holder
L-590	(01/04) Exclusion - New Entities	LQ-346	(09/06) Definition of Receipts
L-610	(11/04) Expanded Definition Of Bodily Injury	LQ-354	(10/09) Limitation of Coverage to Insured Premises
L-618C	(09/09) Amendment Of Premium Audit Conditions	LQ-428	(03/12) Absolute Firearms Exclusion
L-657	(01/13) Absolute Pollution Exclusion-Liability		

V. OFFER OF OPTIONAL COVERAGE(S)

Based on the information provided, the following additional coverages are available to this applicant but are not currently included in the quotation. The additional premium may be subject to taxes & fees. For a firm final amount please contact us and we will revise the quote.

Coverage	Additional Premium
Option 1 Non-Owned & Hired Automobile Liability	\$210.00

Important Information

- Prior to binding with this optional coverage, we would need to confirm that the applicant does not have a Business Auto policy, does not regularly deliver goods or products and does not require its employees to use their personal vehicle to conduct the applicant's business on a regular basis
- If this coverage is purchased, add L-488 Non-Owned And/Or Hired Auto Liability

Please contact us with any questions regarding the terminology used or the coverages provided.

****Read the quote carefully, it may not match the coverages requested****

Coverage	Additional Premium
Option 2 Value Plus Endorsement	\$250.00

Important Information

- If this coverage is purchased, add Value Plus Endorsement
- Provides coverage extensions and additional coverages for:
 - Valuable Papers and Records (Other than Electronic Data)- \$25,000
 - Accounts Receivable- \$25,000
 - Fine Arts- \$25,000
 - Electronic data- \$25,000
 - Property Off-premises- \$15,000
 - Outdoor Property- \$10,000
 - Signs- \$10,000
 - Water Back-up at Sewer, Drain or Sump- \$5,000
 - Money and Securities- \$5,000
 - Employee Dishonesty- \$5,000
 - Property In Transit- \$10,000
 - Fire Extinguishing Equipment Recharge- \$5,000
 - Arson Reward- \$5,000
 - Fire Department Service Charge- \$2,500
 - Personal Effects- \$6,000

Coverage	Additional Premium
Option 3 Waiver of Rights of Recovery	\$50.00

Important Information

- If this coverage is desired, add LQ-349 Waiver of Rights of Recovery.
- Prior to adding, we will need to add the applicable additional insured form and will need to know the Name and Address of the entity seeking the waiver and their relationship to the applicant.

Coverage	Additional Premium
Option 4 Terrorism Coverage	\$127.00

Important Information

- Terrorism coverage, per the Terrorism Risk Insurance Program Reauthorization Act of 2015, is available for an additional premium of \$100 or 5.00% of the total policy premium, whichever is greater. If not purchased, please provide the signed TRIADN Disclosure Notice or add form NTE - Notice of Terrorism Exclusion. When making your decision to purchase Terrorism Coverage, please be aware that coverage for "insured losses" as defined by the Act is subject to the coverage terms, conditions, amount, and limits in this policy applicable to losses arising from events other than acts of terrorism.
- The Terrorism premium shown above has been calculated as a percentage of the quoted coverages. If any coverages are added or removed at binding, the additional premium shown above is subject to change.
- This coverage cannot be added mid-term.

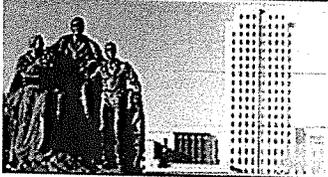
VI. DIRECT BILL PAYMENT PLAN DESCRIPTIONS

One Year Payment Plan Descriptions:	
SINGLE PAYMENT	- The entire premium is invoiced immediately and is due 20 days after it is invoiced.
TWO PAYMENTS	- 50% of the premium is invoiced immediately and is due 20 days after it is invoiced; the balance is invoiced 60 days after inception.
THREE PAYMENTS	- 40% of the premium is invoiced immediately and is due 20 days after it is invoiced; 30% is invoiced 60 days after inception; the balance is invoiced 120 days after inception.
FOUR PAYMENTS	- 40% of the premium is invoiced immediately and is due 20 days after it is invoiced; three equal installments of 20% are invoiced at 60 days, 120 days and 180 days after inception.
SIX PAYMENTS	- 40% of the premium is invoiced immediately and is due 20 days after it is invoiced; five equal installments of 12% are invoiced at 45 days, 105 days, 165 days, 225 days and 255 days after inception.
TEN PAYMENTS	- 25% of the premium is invoiced immediately and is due 20 days after it is invoiced; the remaining amount is divided into 9 equal installments that are invoiced at 30 day intervals: 30 days, 60 days, 90 days, 120 days, 150 days, 180 days, 210 days, 240 days and 270 days after inception.

An installment fee as noted on page 1 of this quote applies to each installment after the first.
Please Note - there may be additional time between installments if bound with an effective date of 4/1/18 or later.

Please contact us with any questions regarding the terminology used or the coverages provided.

****Read the quote carefully, it may not match the coverages requested****



SECRETARY OF STATE NORTH DAKOTA

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AWAKE LLC

Corporation Details

System ID: 43905100**Phone:** Not on file**Type:** LIMITED LIABILITY COMPANY**Status:** Active & Good Standing**Original File Date:** 09/25/2017**Effective Date:** 09/25/2017**State of Origin:** North Dakota

Principal Office

[REDACTED] FARGO, ND 58103-7123

Registered Agent

RITCHELL ABOAH
[REDACTED]

FARGO, ND 58103-7123

Established Date: Sep 25, 2017

Generate an Annual Report To File

To Generate a Annual Report form to be filed with the Secretary of State, select the appropriate year of the report you intend to file. This report does not contain details of a report previously filed with the Secretary of State. The annual report years reflected are an indication of the various report forms available in this site and is not an indication that an entity needs to file reports for all years. Missing years indicate that the forms for the missing year have not yet been deployed to the website, or have already been removed, and can be obtained by contacting the Secretary of State.

2017 (generates a forms-fillable pdf in a new pop-up window)

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Will open a new window (pop-up).

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West Fargo Police Department Summary



Print Date/Time: 05/01/2018 14:34
 Login ID: westfargo\cruffd
 Case Number: 2015-00009372

WEST FARGO POLICE DEPARTMENT
 ORI Number: ND0090300

Case

Case Number: 2015-00009372
 Location: ██████████
 WEST FARGO, ND 58078
 Reporting Officer ID: 168 - SORENSON

Incident Type: Viol of Court Orders
 Occurred From: 06/08/2015 13:14
 Occurred Thru: 06/08/2015 13:14
 Disposition:
 Disposition Date:
 Reported Date: 06/09/2015 22:55 Tuesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	ND	90Z	12.1-10-05	DISOBEDIENCE TO COURT ORDER	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Arresting Officer	1	WARREN, GREGORY CLAYTON	800 4TH AVE E 2 WEST FARGO, ND 58078	(701)433-5500			
Assisting Officer	1	FELTMAN, RYAN LEE	800 4TH AVE E 2 WEST FARGO, ND 58078	(701)433-5500			
Mentioned	1	ABOAH, RITCHELL EVE	██████████ WEST FARGO, ND 58078	██████████	Black	Female	██████████
Mentioned	2	NAH, SLEWION DAVID	██████████ FARGO, ND 58102	██████████	Black	Male	22
Reporting Officer	1	SORENSON, ERIC PAUL	800 4TH AVE E 2 WEST FARGO, ND 58078	(701)433-5500			22
Suspect	1	ROQUES, ELMINA ELNATHAN	██████████ FARGO, ND 58104	██████████	Black	Female	██████████
Victim	1	SOCIETY					19

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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West Fargo Police Department

Summary



Print Date/Time: 05/01/2018 14:34
Login ID: westfargo\cruffd
Case Number: 2015-00009372

WEST FARGO POLICE DEPARTMENT
ORI Number: ND0090300

Routing:

- SRO
- SEHS
- City Prosecutor-long form
- City Prosecutor-citation
- WF Investigations
- State Medical Examiner
- Probation & Parole
- Other Agency
- Coroner
- Rape & Abuse
- Juvenile Court
- Social Services
- States Attorney
- Chief
- File

SUPP02.W404.06/24/2015

This officer reviewed this report on June 23, 2015 and tried to make contact with one of the victims in the case, RITCHELL ABOAH. I left messages for RITCHELL and she has yet to return any of my calls. Also in reviewing the case, at this point, unless there is more that has happened, we will be closing the case. The information that she gave us in reference to the suspect ELMINA ROQUES, it sounds like both RITCHELL and ELMINA were transferring messages back and forth and in a sense, you can call that disobeying the court order, but they were both involved in it and it was not anything threatening and it was very short and brief and again, the victim, RITCHELL was continuously involved in transferring those calls. I am going to inform her that she needs to not do that in the future and we will see if there has been anything more going on since she reported this on June 8, 2015.

If there has been nothing else happening, this case will be closed.

Detective Greg Warren #404
June 24, 2015
GW/ml

WPD Case Supplement Report, Officer: WESTFARGO\WarrenG, Supervis

**RRRDC – North Dakota Agencies
Field Report**

DETAILS

Case Number: 2015-00009372

Case Number: 2015-00009372

Location:

Incident Type:

Occurred From:

Reporting Officer ID: W404 WARREN GREGORY

Occurred Thru:

Reporting Date: 6/24/2015

OFFENSES

Counts	Statute	Description
--------	---------	-------------

SUSPECTS

Type /Subtype Name	Street Address City, State Zip	Primary Phone Secondary Phone	Sex Race	DOB
--------------------	--------------------------------	-------------------------------	----------	-----

VICTIMS/MISSING

Type /Subtype Name	Street Address City, State Zip	Primary Phone Secondary Phone	Sex Race	DOB
--------------------	--------------------------------	-------------------------------	----------	-----

WITNESS/OTHER

Type /Subtype Name	Street Address City, State Zip	Primary Phone Secondary Phone	Sex Race	DOB
Arresting Officer WARREN, GREG	800 4TH AVE E WEST FARGO, ND 58078-	(701)433-5500		

PROPERTY

Date	Type Description	Property Action Code(s) Color	Value	Serial
------	------------------	-------------------------------	-------	--------

PROPERTY - VEHICLE

Date Year	Type Make Model	Property Action Code(s) Color	License Plate/State	Additional Description	Value
-----------	-----------------	-------------------------------	---------------------	------------------------	-------

SUSPECT/SUSPICIOUS - VEHICLE

Reported Date/Time Year	Make Model	Color	License Plate/State	Additional Description
-------------------------	------------	-------	---------------------	------------------------

Disclaimer: This temporary field report should not be considered the final official police report on the incident described within. This report is to be used only for proceedings requiring a report prior to the final report being completed. Any information contained within is subject to verification and/or change.

OfficerID: WESTFARGO\SorensonE, Synopsis

On 6/9/15 at approximately 2255 hours I, Officer Eric Sorenson, was dispatched to [REDACTED] for a violation of an order for protection report. Ritchell Aboah stated on 6/8/15 at 1314 hours she recieved a Facebook message from Mina Roques. Aboah showed me the message and the profile picture on the message matched the profile picture on Roques' Facebook page. I confirmed that there is a valid Order For Protection that Roques not have any contact with Oboah. I was unable to contact Roques but I left a message for her to call me back.

WPD Case Report, Officer: WESTFARGO\SorensonE, Supervisor: WESTF

RRRDC - North Dakota Agencies
Field Report

DETAILS

Case Number: 2015-00009372

Case Number: 2015-00009372
 Location: WEST FARGO CASS - ND
 Reporting Officer ID: SORENSON W667 ERIC
 Incident Type: Viol of Court Orders
 Occurred From: 06/08/2015 13:14
 Occurred Thru: 06/08/2015 13:14
 Reporting Date: 06/09/2015

OFFENSES

Count	Statute	Description
1	12.1-10-05	DISOBEDIENCE TO COURT ORDER

SUSPECTS

Type / Sub-type	Name	Street Address City, State, Zip	Primary Phone Secondary Phone	Sex Race	DOB
Suspect	MINA ROQUES			Female Black	DOE

VICTIMS/MISSING

Type / Sub-type	Name	Street Address City, State, Zip	Primary Phone Secondary Phone	Sex Race	DOB
Victim	SOCIETY,				
					FARGO, ND 58102

WITNESS/OTHER

Type / Sub-type	Name	Street Address City, State, Zip	Primary Phone Secondary Phone	Sex Race	DOB
Reporting Officer	SORENSON, ERIC	800 4 AVE E WEST FARGO, ND 58078-	(701)433-5500		
Assisting Officer	FELTMAN, RYAN	800 4 AVE E WEST FARGO, ND 58078-	(701)433-5500		
Mentioned	ABOAH, RITCHELL EVE	WEST FARGO, ND 58078		Female Black	

Date	Type	Description	Property Action Code(s)	Value	Serial

PROPERTY - VEHICLE

Date	Type	Make	Model	Property Action Code(s)	Value
Year				Color License Plate/State	Additional Description

SUSPECT/SUSPICIOUS - VEHICLE

Reported Date/Time	Make	Model	Color	License Plate/State	Additional Description
Year					

Disclaimer: This temporary field report should not be considered the final official police report on the incident described within. This report is to be used only for proceedings requiring a report prior to the final report being completed. Any information contained within is subject to verification and/or change.

**RRRDC – North Dakota Agencies
Field Report**

SYNOPSIS

Case Number: 2015-00009372

On 6/9/15 at approximately 2255 hours I, Officer Eric Sorenson, was dispatched to [REDACTED] for a violation of an order for protection report. Ritchell Aboah stated on 6/8/15 at 1314 hours she recieved a Facebook message from Mina Roques. Aboah showed me the message and the profile picture on the message matched the profile picture on Roques' Facebook page. I confirmed that there is a valid Order For Protection that Roques not have any contact with Oboah. I was unable to contact Roques but I left a message for her to call me back.

Disclaimer: This temporary field report should not be considered the final official police report on the incident described within. This report is to be used only for proceedings requiring a report prior to the final report being completed. Any information contained within is subject to verification and/or change.

RRRDC – North Dakota Agencies Field Report

DETAILS

Case Number: 2015-00009372

Case Number: 2015-00009372	Incident Type: Viol of Court Orders
Location: ██████████ WEST FARGO CASS - ND	Occurred From: 06/08/2015 13:14
Reporting Officer ID: SORENSON W667	Occurred Thru: 06/08/2015 13:14
ERIC	Reporting Date: 06/09/2015

OFFENSES

Counts	Statute	Description

SUSPECTS

Type / Sub-type Name	Street Address City, State Zip	Primary Phone Secondary Phone	Sex Race	DOB

VICTIMS/MISSING

Type / Sub-type Name	Street Address City, State Zip	Primary Phone Secondary Phone	Sex Race	DOB

WITNESS/OTHER

Type / Sub-type Name	Street Address City, State Zip	Primary Phone Secondary Phone	Sex Race	DOB
Mentioned NAH, SLEWION DAVID	██████████ FARGO, ND 58102	██████████	Male Black	██████████

PROPERTY

Date	Type Description	Property Action Code(s)	Value	Serial

PROPERTY - VEHICLE

Date Year	Type Make	Model	Property Action Code(s) Color	License Plate/State	Additional Description	Value

SUSPECT/SUSPICIOUS - VEHICLE

Reported Date/Time Year	Make	Model	Color	License Plate/State	Additional Description

Disclaimer: This temporary field report should not be considered the final official police report on the incident described within. This report is to be used only for proceedings requiring a report prior to the final report being completed. Any information contained within is subject to verification and/or change.

SUPP01.W667.06/11/2015

On June 9, 2015, I, OFFICER ERIC SORENSON was working a "C" shift for the city of West Fargo. At approximately 10:55 p.m. I was dispatched [REDACTED] for a report for violation of an order of protection. I met with RITCHELL EVE ABOAH, date of birth of [REDACTED]. ABOAH showed me documentation that there was an order for protection between herself and MINA ROQUES. The order of protection stated that ROQUES is not to have contact with ABOAH. ABOAH stated that there is a picture on Facebook that she is in and a female by the name of MINA ROQUES, date of birth of [REDACTED], attempted to tag ABOAH in the picture. ABOAH showed me the comment section of the picture and there is a comment written by MINA ROQUES that says, "Ritch." ABOAH stated to me that RITCH is a nickname of hers and believes that the female was trying to tag her in the photo. ABOAH believed that this was a violation of her order for protection which prohibits any direct or indirect contact, however, I disagree with her. At this point, ABOAH stated that she received a Facebook message from ROQUES. The message was time stamped to have been sent on June 8, 2015 at 1:14 p.m. The message states that ROQUES was ABOAH to leave her alone and not talk to her and made several statements that ABOAH does not know ROQUES' life. ABOAH did state that she had previously sent a message to ROQUES with a fairly similar message because she was tired of ROQUES showing up to events that she was showing up. ABOAH stated that her ex-boyfriend is ROQUES' current boyfriend. ABOAH does have a child in common with ROQUES' current boyfriend, therefore ROQUES does show up to some events involving the child. ABOAH stated that she wrote a message to ROQUES requesting that ROQUES stay away from her. Pictures of the Facebook message that ROQUES sent to ABOAH will be included with this

report. There was no evidence available of ABOAH'S message to ROQUES.

I was given information by ABOAH that her ex-boyfriends name is SLEWION DAVID NAH, date of birth of [REDACTED]. The phone number for NAH is [REDACTED]. ABOAH stated to me that ROQUES does not have a phone number, therefore we would have to call this phone number to attempt to contact ROQUES. I did call the phone number and made contact with NAH. NAH stated that he has not spoken to ROQUES all day but he will pass the message along to call me back at the West Fargo Police Department because I have a few questions to ask her. So far, there has been no contact with ROQUES regarding this situation.

Officer Eric Sorenson #667
June 11, 2015
ES/ml

FARGO POLICE DEPARTMENT

Summary

Print Date/Time: 05/01/2018 14:32
 Login ID: westfargo\cruftd
 Case Number: 2016-00056583

FARGO POLICE DEPARTMENT
 ORI Number: ND0090200

Case

Case Number: 2016-00056583 Location: ██████████ BLK FARGO, ND 58102 Reporting Officer ID: 500 - Schock	Incident Type: Assault Occurred From: 08/14/2016 01:45 Occurred Thru: 08/14/2016 01:49 Disposition: Arrested - State's Attorney Disposition Date: 08/15/2016 Reported Date: 08/14/2016 01:45 Sunday
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Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	ND	90C	12.1-31-01	DISORDERLY CONDUCT	1
2	ND	13B	12.1-17-01(2)(a)	ASSAULT PEACE OFFICER/SIMPLE	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	KAMARA, DOMINIQUE DREAM	██████████ FARGO, ND 58103	██████████	Black	Female	██████████ 22
Suspect	2	WESSEH, DENISE PASSION	██████████ FARGO, ND 58103	██████████	Black	Female	██████████ 23
Suspect	3	ABOAH, RITCHELL EVE	██████████ FARGO, ND 58103	██████████	Black	Female	██████████ 23
Victim	1	SCHOCK, ADAM	██████████ FARGO, ND 58102	██████████	White	Male	██████████ 23
Victim	2	SOCIETY					
Witness	1	BRITTIAN, JERRY JERMAINE	██████████ FARGO, ND 58102	██████████	Black	Male	██████████ 31

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
34089 A	WESSEH, DENISE PASSION	██████████	08/14/2016 01:49	On-View	23
34090 A	ABOAH, RITCHELL EVE	██████████	08/14/2016 01:49	On-View	23
34091 A	KAMARA, DOMINIQUE DREAM	██████████	08/14/2016 01:45	On-View	22

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate State
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FARGO POLICE DEPARTMENT

Summary

Print Date/Time: 05/01/2018 14:32
Login ID: westfargo\cruffd
Case Number: 2016-00056583

ORI Number: FARGO POLICE DEPARTMENT
ND0090200

Routing:

- US Attorney
- LaserFiche Documents Exist
- LaserFiche Documents - Not Sent
- LaserFiche Documents - Sent
- State Medical Examiner
- Probation & Parole
- Rape & Abuse
- Juvenile Court
- Social Services
- City Attorney
- States Attorney

On 8/14/2016, at approximately 0140 hours, I was dispatched to the area of the 600 block of Northern Pacific Ave N for a disturbance near the Old Broadway Bar. Upon arrival, I provided scene security for the several other officers who were on scene. While providing security for the scene, I noticed three females who began yelling at each other. At approximately 0145 hours, the three females began pushing, slapping and punching each other. Officer Schock and I ran over to the females to split them up. I took Ritchell Aboah, placed her into handcuffs and put her in the backseat of my squad car. I then spoke with Officer Schock who explained that one of the other females assaulted him while he was trying to get her into handcuffs. Based on the fact that all three females appeared to be in a mutual combat fight, it was determined that all three would be placed under arrest for disorderly conduct and the female that assaulted Officer Schock was placed under arrest for assault on a peace officer. I transported Aboah to the Cass County Jail where she was booked for disorderly conduct.

al

On 08/14/2016 at approximately 0109 hours, I was standing outside the Old Broadway 22 Broadway N, when a fight between a few females started in the 600 BLK of NP AVE N.

When I arrived to assist Officer's already attempting to place the resistive females in handcuffs, I saw Officer Shock with a female on the ground struggling to get her under control. At this time the suspect Dominique Kamara came up to Officer Schock and started to interfere with him attempting to handcuff the female.

Officer Schock loudly yelled at Kamara to get back and pushed her away. At this time, I saw Kamara punch Officer Schock several times. I went hands on with Kamara and assisted her to the ground. Other Officer's assisted me with getting Kamara under control and handcuffed.

Once Kamara was under control, she asked me to pull her shirt up as her breasts were exposed. I briefly attempted to cover her up by lifting her shirt upwards, before a female Officer arrived and was able to get Kamara fully covered.

Kamara was placed in a squad car and taken to the Cass County Jail. Please see Officer Schock's template report for this incident.

JDE

WITNESS:

BRITTIAN, JERRY JERMAINE

DOB: [REDACTED]

FARGO, ND 58102

PHONE: [REDACTED]

BLACK MALE, 6'2", 300 LB

EMPLOYER: OLD BROADWAY

I, Officer Schock, was assigned follow up to this case to find the Old Broadway employee who witnessed this incident. I spoke with one of the managers, Jerry Brittian. The following is a summary of the statement Jerry gave to me:

Jerry said that Officers were trying to take people into custody for fighting on the corner of NP and Broadway when he noticed two other females starting to fight and other officers running over there to stop them. Jerry remembered that I took a female to the ground and another female came up and started pushing me off of her and then started punching me. Jerry said that it alarmed him when the first two females were fighting because there was a fight before this separate fight on the north side of the OB and he said it alarmed him even more when the female started punching me.

Please forward this supplement to the State's Attorney's Office for review.

End of supplement.

Jms



Global Subject Activity Report



Detail

Print Date/Time: 05/01/2018 14:57
Login ID: westfargo\cruffd

CASS COUNTY SHERIFF'S OFFICE
ORI Number: ND0090000

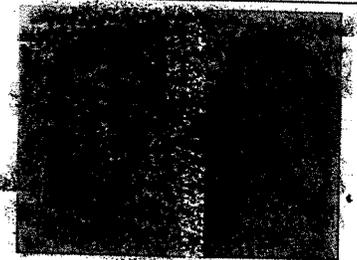
ABOAH, RITCHELL EVE

Jacket: 181773 A

SSN:

Address: [REDACTED]
WEST FARGO
ND 58078
Phone #: [REDACTED]
DOB: [REDACTED]
Race: Black
DL State: ND

Sex: Female
Height: 5ft 7in
Weight: 130.0 lbs.
Eyes: BRO
Hair: BLK
DL#: [REDACTED]



Physical Characteristics:

Appearance:
Hair Style:
Hair Length:
Facial Shape:
Complexion:
Build:
Glasses:
Teeth:
Speech:
Voice:
Mustache:
DNA Collected: No
Known Offender:

Country/State of Birth:
City of Birth:
County of Origin:
Ethnicity: Black
Citizenship:
Tribe:
Hate Group:
Military Service:
Military Discharge:
School:
Beard:
DNA Collected Date:

Age Range:
Hand Preference:
Place of Birth: Ghana
Occupation:
of Dependents:
Primary Language:
Second Language:
Gang Affiliation:
Marital Status:
Blood Type:
Religion:
Illegal Alien: No

County of Conviction:
Identifying Clothing:
State Of Conviction:

Modus Operandi

Crime Specialities

Aliases

Type	Alias	DOB	Race	Sex	SSN	Hair	Eyes	DL#	Height	Weight	Phone
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Nicknames

Entered Date/Time	Nickname Type	Nickname
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Associated IDs

Issue Date	ID Type	Number	Issuing State	Start Date	Expire Date
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Known Associates

Relationship	Name
Keep Separate	WESSEH, DENISE PASSION

School/Employer Information

Relationship	School/Employer Name	Phone Type	Phone
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Scars, Marks, Tattoos

Type	Location	Scar, Mark or Tattoo Detail	Description
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Handicap Information

Handicap

Current Address Information

Address Type	Address	City	State	Zip
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Prior Address Information

Address Type	Address	City	State	Zip	From Date	To Date
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Global Subject Activity Report



Detail

Print Date/Time: 05/01/2018 14:57
Login ID: westfargo\cruffd

CASS COUNTY SHERIFF'S OFFICE
ORI Number: ND0090000

Contact Information

Date	Type	Phone	Extension
03/25/2016 18:53	Cell Phone - Personal	[REDACTED]	

Vehicle Information

Vehicle #	Role	Contact Date	Vehicle Type	Make	Model	Vehicle Year	Registration Number	State
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Activity

Type : Arrest

Date	Activity Reference	Description	ORI
08/14/2016 01:49	34090	Arrest Type: On-View Charge(s): 100301,DISORDERLY CONDUCT	ND0090200

Type : Booking

Date	Activity Reference	Description	ORI
08/14/2016 02:25	2016-00005632	Booking Charge(s): 100301,DISORDERLY CONDUCT	ND0090000

Type : Case

Date	Activity Reference	Description	ORI
05/27/2015 19:07	2015-00035318	Subject Type : Victim, Incident Type : Domestic Charge(s): 100323,ASSAULT SIMPLE	ND0090200
06/07/2015 01:13	2015-00038183	Subject Type : Victim, Incident Type : Assault Charge(s): 12.1-17-01(2)(C),ASSAULT SIMPLE	ND0090200
08/14/2016 01:45	2016-00056583	14-07.1-06,VIOL PROTECTION ORDER 1ST OFF Subject Type: Suspect, Incident Type: Assault Charge(s): 12.1-31-01,DISORDERLY CONDUCT	ND0090200
10/10/2017 23:37	2017-00085001	Subject Type: Victim, Incident Type: Viol of Court Orders Charge(s): 12.1-31.2-02,VIOL ORDER PROHIB CONTACT	ND0090200
12/19/2017 13:14	2017-00103846	Subject Type: Victim, Incident Type: Viol of Court Orders Charge(s): 14-07.1-06,VIOL PROTECTION ORDER 1ST OFF	ND0090200
06/09/2015 22:55	2015-00009372	Subject Type: Mentioned, Incident Type: Viol of Court Orders Charge(s):	ND0090300

Type : Incident

Date	Activity Reference	Description	ORI
06/09/2015 22:55	2015-00009372	Incident Type : Violation of Court Orders, Role : Caller Charge(s):	ND0090300



Global Subject Activity Report



Detail

Print Date/Time: 05/01/2018 14:57
 Login ID: westfargo\cruffd
 Type : Tickets & Citations

CASS COUNTY SHERIFF'S OFFICE
 ORI Number: ND0090000

Date	Activity Reference	Description	ORI
07/05/2015 00:52	0740900929	Traffic Charge(s): 80305B1,OMV W/OUT VALID DRIVERS LIC	ND0090200
10/27/2016 08:41	0680906368	Traffic Charge(s): 80502,SPEEDING	ND0090200
04/06/2015 23:05	64618	Parking Charge(s): 13-1623,MISUSE OF MOBILITY IMPAIRED SYMBOL	ND0090300

Type : Wants & Warrants

Date	Activity Reference	Description	ORI
08/29/2016 00:00	16002658	Warrant No.: 16002658, Type: Arrest, Status: Served, Date: 09/07/2016 14:25:00 Charge(s): 12.1-31-01,DISORDERLY CONDUCT	ND0090000

Total Activity : 13

02/04/2016	IVR Payment	Receipt # EP21-2016-00388	ABOAH, RITCHELL EVE	(30.00)
02/04/2016	Transaction Assessment			1.50
02/04/2016	IVR Payment	Receipt # EP21-2016-00389	ABOAH, RITCHELL EVE	(1.50)
03/07/2016	IVR Payment	Receipt # EP21-2016-00865	ABOAH, RITCHELL EVE	(30.00)
03/07/2016	Transaction Assessment			1.50
03/07/2016	IVR Payment	Receipt # EP21-2016-00866	ABOAH, RITCHELL EVE	(1.50)
04/07/2016	IVR Payment	Receipt # EP21-2016-01330	ABOAH, RITCHELL EVE	(30.00)
04/07/2016	Transaction Assessment			1.50
04/07/2016	IVR Payment	Receipt # EP21-2016-01331	ABOAH, RITCHELL EVE	(1.50)
05/06/2016	Web Payment	Receipt # EP21-2016-01715	ABOAH, RITCHELL EVE	(30.00)
05/06/2016	Transaction Assessment			1.50
05/06/2016	Web Payment	Receipt # EP21-2016-01716	ABOAH, RITCHELL EVE	(1.50)
06/06/2016	IVR Payment	Receipt # EP21-2016-02107	ABOAH, RITCHELL EVE	(30.00)
06/06/2016	Transaction Assessment			1.50
06/06/2016	IVR Payment	Receipt # EP21-2016-02108	ABOAH, RITCHELL EVE	(1.50)
07/07/2016	IVR Payment	Receipt # EP21-2016-02636	ABOAH, RITCHELL EVE	(30.00)
07/07/2016	Transaction Assessment			1.50
07/07/2016	IVR Payment	Receipt # EP21-2016-02637	ABOAH, RITCHELL EVE	(1.50)
08/10/2016	Phone Payment	Receipt # 0021-2016-01709	ABOAH, RITCHELL EVE	(30.00)
09/06/2016	Phone Payment	Receipt # 0021-2016-01900	ABOAH, RITCHELL EVE	(31.00)
10/05/2016	IVR Payment	Receipt # EP21-2016-03818	ABOAH, RITCHELL EVE	(29.00)
10/05/2016	Transaction Assessment			1.50
10/05/2016	IVR Payment	Receipt # EP21-2016-03819	ABOAH, RITCHELL EVE	(1.50)
11/14/2016	Phone Payment	Receipt # 0021-2016-02370	ABOAH, RITCHELL EVE	(30.00)
01/03/2017	IVR Payment	Receipt # EP21-2017-00031	ABOAH, RITCHELL EVE	(75.00)
01/03/2017	Transaction Assessment			1.50
01/03/2017	IVR Payment	Receipt # EP21-2017-00032	ABOAH, RITCHELL EVE	(1.50)

REGISTER OF ACTIONS

CASE No. 09-2017-CV-02921

Ritchell Eve Aboah vs. Garkuku Greene

09
20
17
CV
02
92
1

Case Type: Restraining Order
 Date Filed: 10/09/2017
 Location: -- Cass County
 Judicial Officer: Bailey, Susan L

PARTY INFORMATION

Petitioner	Aboah, Ritchell Eve FARGO, ND 58103	Female DOB: [REDACTED] SSN: [REDACTED]	Attorneys
Respondent	Greene, Garkuku Fargo, ND 58103	Male DOB: [REDACTED]	

EVENTS & ORDERS OF THE COURT

DISPOSITIONS	
10/19/2017	Judgment / Order Entered (Judicial Officer: Bailey, Susan L)
03/13/2018	Dismissed (Judicial Officer: Bailey, Susan L)
OTHER EVENTS AND HEARINGS	
10/09/2017	Petition Index # 1 <i>for Disorderly Conduct Restraining Order</i>
10/09/2017	Petition Index # 2 <i>for Waiver of Fees</i>
10/09/2017	Affidavit Index # 3 <i>in Support of Petition for Waiver of Fees</i>
10/09/2017	Order Index # 4 <i>Waiving Filing Fees</i>
10/09/2017	Temporary Disorderly Conduct Restraining Order Index # 5 <i>with email verification</i>
10/10/2017	Temporary Disorderly Conduct Restraining Order Index # 6 <i>Amended w/ email verification</i>
10/11/2017	Sheriff's Return Served Index # 7
10/19/2017	Protection/Restraining Order Hearing (2:00 PM) (Judicial Officer Bailey, Susan L) <i>Tape #09jawcr304171019</i> Result: Hearing Ended
10/19/2017	Disorderly Conduct Restraining Order Index # 8 <i>with e-mail verification</i>
10/20/2017	Exhibit Index # 9 <i>1 - Gmail print out</i>
03/09/2018	Petition Index # 10 <i>Petitioner's Petition for Dismissal of Disorderly Conduct Restraining Order</i>
03/09/2018	Affidavit Index # 11 <i>of Petitioner in Support of Request for Dismissal of Order</i>
03/13/2018	Order Index # 12 <i>Dismissing and Vacating Disorderly Conduct Restraining Order with email verification</i>

FINANCIAL INFORMATION

	Plaintiff AR Audit Services Inc			
	Total Financial Assessment			80.00
	Total Payments and Credits			80.00
	Balance Due as of 05/01/2018			0.00
07/10/2017	Transaction Assessment			
07/10/2017	E-File Payment	Receipt # 09-2017-13756	AR Audit Services Inc	80.00 (80.00)

REGISTER OF ACTIONS
CASE No. 09-2017-CV-01917

AR Audit Services Inc vs. Ritchell E Aboah

§
§
§
§
§
§
§
§
§
§

Case Type: **Contract / Collection**
Date Filed: **07/10/2017**
Location: **-- Cass County**
Judicial Officer: **McCullough, Steven E**

PARTY INFORMATION

Defendant	Aboah, Ritchell E Fargo, ND 58103	Attorneys
Plaintiff	AR Audit Services Inc Bismarck, ND 58503	David Del Schweigert <i>Retained</i> 701-258-8988 x0000(W) Tyler Johnson Siewert <i>Retained</i> 701-258-8988 x0000(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

07/13/2017 **Money Judgment Entered** (Judicial Officer: McCullough, Steven E)
Monetary Award Judgment
Status: \$5,877.97
Creditor: AR Audit Services Inc
Debtor: Ritchell E Aboah (Active)
Entered: 07/13/2017
Docketed: 07/13/2017, 9:20 AM
Damages: \$5,877.97
Interest Rate: 6.50%

OTHER EVENTS AND HEARINGS

07/10/2017 **Complaint** Index # 1
Complaint

07/10/2017 **Summons** Index # 2
Summons

07/10/2017 **Service Document** Index # 3
Service Ritchell Aboah

07/10/2017 **Affidavit** Index # 4
Of Proof Assignment Merits And Verification

07/10/2017 **Service of Motion** Index # 5
Affidavit Of Service By Mail For Motion For Default Judgment Ritchell Aboah

07/10/2017 **Notice** Index # 6
Notice Of Motion For Default Judgment

07/10/2017 **Motion** Index # 7
Motion For Default Judgment

07/10/2017 **Brief** Index # 8
Brief In Support Of Motion For Default Judgment

07/10/2017 **Affidavit** Index # 9
Of Identification And Non-Military Status

07/10/2017 **Affidavit** Index # 10
Of Default

07/10/2017 **Proposed Statement of Costs and Disbursements** Index # 11
Affidavit Of Costs And Disbursements Attorney Laura Ringsak

07/10/2017 **Proposed Order** Index # 12
Order For Judgment Attorney Laura Ringsak

07/10/2017 **Proposed Judgment** Index # 13
Judgment Attorney Laura Ringsak

07/13/2017 **Order** Index # 14
for Judgment

07/13/2017 **Statement of Costs and Disbursements** Index # 15

07/13/2017 **Judgment** Index # 16

07/17/2017 **Notice of Entry of Judgment** Index # 17
Notice of Entry of Judgment

07/17/2017 **Service Document** Index # 18
Ritchell Aboah

08/16/2017 **Substitution of Attorneys** Index # 19
Notice of Substitution of Counsel

08/16/2017 **Service Document** Index # 20
Ritchell Aboah

REGISTER OF ACTIONS

CASE No. 09-2015-CV-01382

Ritchell Eve Aboah vs. Mina Roques

§
§
§
§
§
§

Case Type: Restraining Order
Date Filed: 06/04/2015
Location: -- Cass County
Judicial Officer: Herman, Douglas

PARTY INFORMATION

Petitioner	Aboah, Ritchell Eve FARGO, ND 58103	Female DOB: ██████████ SSN: ██████████	Attorneys
Respondent	Roques, Mina	Female	

EVENTS & ORDERS OF THE COURT

	DISPOSITIONS
06/18/2015	Judgment / Order Entered (Judicial Officer: Herman, Douglas)
	OTHER EVENTS AND HEARINGS
06/04/2015	Petition Index # 1
06/04/2015	Temporary Disorderly Conduct Restraining Order Index # 2 <i>w/faxed confirmation</i>
06/04/2015	Notice of Assignment and Case Number Index # 3
06/04/2015	Protection / Restraining Order Served <i>Protection Order served on 2015-06-04.</i>
06/18/2015	Protection/Restraining Order Hearing (3:00 PM) (Judicial Officer Herman, Douglas) <i>Tape #09kreocr301150618</i> Result: Hearing Ended
06/18/2015	Disorderly Conduct Restraining Order Index # 4 <i>with Fax Confirmation</i>

Regular Agenda Item #13

Wed 5/2/2018 3:40 PM

Good afternoon,

Please add the following item to the May 7, 2018, City Commission meeting. [all of the language in italics should be on the agenda]

Executive Session pursuant to N.D.C.C. § 44-04-19.2 and N.D.C.C. § 44-04-19.1, subdivision 9, for the purpose of receiving an update from the City Attorney and providing negotiating instructions to the City Attorney regarding modifications, amendments and/or potential claims regarding a potential claim against KPH, Inc.'s bid bond for Sewer Improvement Project No. 1310.

Kind regards,

John T. Shockley
Attorney at Law
Ohnstad Twichell, P.C.
901 - 13th Avenue East
P.O. Box 458
West Fargo, ND 58078-0458
TEL (701) 282-3249
FAX (701) 282-0825



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