



West Fargo City Commission Meeting
Monday, June 3, 2019
Commission Chambers 5:30 PM

- A. Pledge of Allegiance
- B. Approve Order of Agenda
- C. Approval of Minutes – May 20, 2019 **(Pg 2-5)**
- D. Building Permits

Consent Agenda – Approve the Following:

- a. Bills **(Pg 6-14)**
- b. Designation of the Fargo Forum as the Official Newspaper of the City of West Fargo
- c. Approval of Public Liquor Consumption for the Wet Fargo Street Fair on June 8, 2019 **(Pg 15)**
- d. Encroachment Agreement for 300 Sheyenne Street **(Pg 16)**
- e. Approve Plans and Specifications for construction of Street Improvement District No. 2254, Authorize Advertisement for bid documents for construction of Street Improvement District No. 2254 **(Pg 17-20)**
- f. Resolution Approving Contract and Contractor’s Bond for Sewer, Water, Storm and Street Improvement District No. 1322 **(Pg 21)**
- g. Gaming Site Authorization for Arc Upper Valley. Games to be conducted: Bingo, Raffles, Pull Tab Jar, Electronic Pull Tabs, Twenty-One, Poker, and Paddlewheel Table from 7-1-19 to 6-30-20 at Bar 9, 1405 Prairie Parkway **(Pg 22-23)**
- h. Gaming Site Authorization for Red River Regional Marksmanship Center. Games to be conducted: Raffles from 7-1-19 to 6-30-20 at the Red River Regional Marksmanship Center, 640 16th Street NE **(Pg 24)**
- i. Final Approval of funding for Fueling Our Future for \$100,000/year for four years **(Pg 25)**

Regular Agenda

- 1. 5:30pm Public Hearing for Buffalo Wings & Rings Liquor License Application – **Tina Fisk (Pg 26-43)**
- 2. Update on buffering at Oppidan Site – **Paul Tucci (Pg 44-63)**
- 3. Project update for Water Distribution Project (Improvement No. 1312 and 1313) and Review of Preliminary Engineering Report – **Dustin Scott (Pg 64-79)**
- 4. Request to hire additional personnel – **Tina Fisk (Pg 80-82)**
- 5. Review 2019 Mosquito Control Contract with Cass County Vector Control – **Tina Fisk (83-85)**
- 6. City Administrator’s Report – **Tina Fisk**
- 7. Construction Updates – **Dustin Scott**
- 8. Correspondence
- 9. Non-Agenda
- 10. Adjourn



West Fargo City Commission Meeting
Monday May 20, 2019
Commission Chambers 5:30 PM

The West Fargo City Commission met on Monday May 20, 2019, at 5:30 pm. Those present were Mike Thorstad, Eric Gjerdevig, Bernie Dardis and Mark Simmons. Brad Olson was absent. The President of the Board Bernie Dardis called the meeting to order.

The Pledge of Allegiance was recited.

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

Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the minutes of May 6, 2019. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Thorstad seconded to approve the amended minutes of March 18, 2019. No opposition. Motion carried.

The Commission reviewed the Building Department Activity Report dated May 20, 2019 and Building Permits #156-210.

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

- a. Bills
- b. Financial Statement for 3 months ending March 31, 2019
- c. Application for 5 year Property Tax Exemption for Improvements, 2832 Sheyenne Street
- d. Appointment of Melissa Herberholz and Alanna Rerick to the Library Board
- e. Schedule a 5:30pm Public Hearing for Buffalo Wings & Rings, 695 32 Ave E, on Monday, June 3, 2019
- f. Schedule a 5:30pm Public Hearing for The Art Bar, 18 First Street, on Monday, June 17, 2019
- g. Gaming Site Authorization for the North Dakota Association for the Disabled, Inc. Games to be conducted: Bingo, Electronic Quick Shot Bingo, Pull Tab Jar, Pull Tab Dispensing Device, Electronic Pull Tab Device, Sports Pools, Twenty-One, and Poker from 7/1/19 to 6/30/20 at Blvd Pub, Inc, 3147 Bluestem Drive
- h. Gaming Site Authorization for Prairie Public Broadcasting, Inc. Games to be conducted: Raffles, Pull Tab Dispensing Device, and Electronic Pull Tab Device from 7/1/19 to 6/30/20 at Three Lyon's LLC, 975 13 Ave E
- i. Gaming Site Authorization for Prairie Public Broadcasting, Inc. Games to be conducted: Raffles, Pull Tab Dispensing Device, and Electronic Pull Tab Device from 7/1/19 to 6/30/20 at Wurst Bier Hall, 3179 Bluestem Drive

No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission for the Proposed Resolution Setting the Fee Schedule for Liquor and Cabaret Licenses as continued from May 6, 2019. After discussion, Commissioner Thorstad moved and Commissioner Gjerdevig seconded to approve the Proposed Resolution Setting the Fee Schedule for Liquor and Cabaret Licenses. No opposition. Motion carried.

West Fargo Fire Department Chief Dan Fuller appeared before the Commission for the Resolution for Lease Approval for Pierce Fire. After discussion, Commissioner Gjerdevig moved and Commissioner Simmons seconded to approve the Resolution for Lease Approval for Pierce Fire. No opposition. Motion carried.

IT Director James Anderson appeared before the Commission for a Budget Amendment Request for the IT Department, to purchase a storage area network. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the IT Budget request as presented. No opposition. Motion carried.

Communications Director Melissa Richard appeared before the Commission for the Special Assessment Community Forum Recommendations. After discussion, Commissioner Gjerdevig moved and Commissioner Thorstad seconded to approve the two recommendations as presented at the April 29, 2019 Special Commission meeting. No opposition. Motion carried.

Director of Planning & Zoning Tim Solberg appeared before the Commission for a Conditional Use Permit Review for 16674 37th Street, SE. after discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the Conditional Use Permit with the three conditions listed in the staff report. No opposition. Motion carried.

Director of Planning & Zoning Tim Solberg appeared before the Commission for a Conditional Use Permit Review for the West Fargo Municipal Airport as continued from February 18, 2019. Commissioner Simmons moved and Commissioner Gjerdevig seconded to un-table the discussion. No opposition. Motion carried. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to approve the Conditional Use Permit for the West Fargo Municipal Airport with the conditions listed in the staff report. No opposition. Motion carried.

Director of Planning & Zoning Tim Solberg and West Fargo Park District Director Barb Erbstoesser appeared before the Commission to Review a Request from the West Fargo Park District. After discussion, no action was requested of the Commission.

Director of Planning & Zoning Tim Solberg appeared before the Commission for a Final Plat Approval of Eagle Run Plaza 7th Addition, a Retracement Plat. After discussion, two motions were made. Commissioner Gjerdevig moved and Commissioner Thorstad seconded to approve a 30 day Temporary Certificate of Occupancy as requested by owner Robert Klinger. Commissioner Simmons voted in opposition. The majority having voted aye, the motion carried. Commissioner Simmons moved and Commissioner

Gjerdevig seconded to approve the Final Plat for Eagle Run 7th Addition. No opposition. Motion carried.

Director of Planning & Zoning Tim Solberg appeared before the Commission for a Planned Unit Development Amendment for 320 32nd Avenue West. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to approve the Planned Unit Development Amendment. Commissioner Dardis voted in opposition. The majority having voted aye, the motion carried.

Director of Planning & Zoning Tim Solberg appeared before the Commission for an Access Request for Forum Communications First Addition. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the Access Request: move the southern access out of the functional area, improve the access points on Main Avenue, and to approve the middle access to 9th Street. The northernmost access point will be eliminated. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission to Review the Engineer's Report for Street Improvement District No. 2254. After discussion, Commissioner Gjerdevig moved and Commissioner Thorstad seconded to approve the Engineer's Report for Street Improvement District No. 2254. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission to Review Bid Results and Engineer's Statement of Cost for Sewer, Water, Storm and Street Improvement District No. 1321. After discussion, Commissioner Gjerdevig moved and Commissioner Thorstad seconded to award the contract to Dakota Underground for \$3,993,478.55. Commissioner Dardis voted in opposition. The majority having voted aye, the motion carried.

City Engineer Dustin Scott appeared before the Commission to Review Bid Results and Engineer's Statement of Cost for Sewer, Water, Storm and Street Improvement District No. 1322. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to award the contract to Dakota Underground for \$1,719,099.35. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission to Review Bid Results and Engineer's Statement of Cost for Sewer, Water, Storm and Street Improvement District No. 1323. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to award the contract to Dirt Dynamics for \$1,018,000.18. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission to Review Bid Results and Engineer's Statement of Cost for Sewer, Water, Storm and Street Improvement District No. 4063. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to award the General Construction contract to Key Contracting for \$1,891,860.80, and the Electrical contract to Superior Electrical of Fargo for \$340,419. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission to Review Amendment No. 1 to the Owner-Engineer Agreement with KLJ for the Sheyenne Street Reconstruction project. After discussion, Commissioner Gjerdevig moved and Commissioner Thorstad

seconded to approve the Amendment No. 1 to the Owner-Engineer Agreement for \$1,406,078. No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission and presented the following for the City Administrator's Report:

- Third graders from West Fargo's elementary schools will be touring City Hall and the West Fargo Police Department over the next few weeks
- Staff will volunteer for tours and commissioners will give a welcome introduction

City Engineer Dustin Scott appeared before the Commission to provide an update on construction projects. No action was requested of the Commission.

There was no correspondence.

There were no non-agenda items.

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

Bernie Dardis, Commission President

Tina Fisk, City Administrator

Consent Agenda Item: a

05/21/19
17:00:52

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 5/19

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Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
82564	S	489 3-D SPECIALITIES	131.18	05/21/19			
						CL 85089	131.18
82565	S	1187 A1 RADIATOR SALES & REPAIR	218.00	05/21/19			
						CL 85152	218.00
82566	S	289 ACME TOOLS	3043.33	05/21/19			
						CL 85050	150.98
						CL 85121	2892.35
82567	S	3265 ACP INTERNATIONAL	2522.07	05/21/19			
						CL 85164	2522.07
82568	S	1740 ADAM GUSTAFSON	370.56	05/21/19			
						CL 85059	370.56
82569	S	3179 ADVANCED ENGINEERING & ENVIRONMENTAL SER	29550.00	05/21/19			
						CL 85178	29550.00
82570	S	779 AGASSIZ SEED COMPANY	494.64	05/21/19			
						CL 85028	35.64
						CL 85140	459.00
82571	S	2828 ALLEN JOHNSON	168.00	05/21/19			
						CL 85030	168.00
82572	S	3397 ALTRU HEALTH SYSTEM	28.00	05/21/19			
						CL 85010	28.00
82573	S	865 AMERICAN ENTERPRISES, INC.	20000.00	05/21/19			
						CL 84992	20000.00
82574	S	317 AMERICAN WELDING & GAS, INC.	177.63	05/21/19			
						CL 85045	177.63
82575	S	2838 ANNIE BURTHOLD	5.50	05/21/19			
						CL 85052	5.50
82576	S	3270 Aqua Lawn & Landscaping	776.58	05/21/19			
						CL 85103	776.58
82577	S	2914 AUSTIN BAGLEY	79.98	05/21/19			
						CL 85076	79.98
82578	S	1384 AUTO SPA	65.00	05/21/19			
						CL 85139	65.00
82579	S	2931 AUTO VALUE PARTS STORES	36.99	05/21/19			
						CL 85138	36.99
82580	S	3000 BAILEY NURSERIES, INC	9993.75	05/21/19			
						CL 85153	9993.75
82581	S	1069 BAKER GARDEN & GIFT	649.96	05/21/19			
						CL 85135	649.96
82582	S	36 BERT'S TRUCK EQUIPMENT	56260.00	05/21/19			
						CL 85108	56260.00
82583	S	1403 BLUE TARP FINANCIAL, INC	139.96	05/21/19			
						CL 85143	139.96
82584	S	3025 BONANZAVILLE	1500.00	05/21/19			
						CL 85019	1500.00
82585	S	26 BORDER STATES ELECTRIC SUPPLY	40.84	05/21/19			
						CL 85088	29.26
						CL 85190	11.58

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
82586	S	2811 BROCK ACKERMAN	311.76	05/21/19			
82587	S	16 BROKERAGE PRINTING	378.98	05/21/19		CL 85064	311.76
82588	S	351 BUSINESS ESSENTIALS	342.72	05/21/19		CL 84993 CL 85072	326.48 52.50
82589	S	2649 CAROLYN FIECHTNER	224.38	05/21/19		CL 85068 CL 85119 CL 85162	215.04 72.08 55.60
82590	S	51 CASS COUNTY ELECTRIC COOP	549397.35	05/21/19		CL 84978	224.38
82591	S	999999 CASS COUNTY S/A (CASIDY HEILMAN)	370.00	05/21/19		CL 85015 CL 85102 CL 85186	300.16 506000.00 43097.19
82592	S	61 CASS COUNTY TREASURER	408.67	05/21/19		CL 85062	370.00
82593	S	1512 CDW GOVERNMENT, INC	306.72	05/21/19		CL 85095	408.67
82594	S	1074 CENTER UPHOLSTERY & CANVAS REPAIR	350.00	05/21/19		CL 85006 CL 85066	17.36 289.36
82595	S	1777 CENTURY LINK	224.54	05/21/19		CL 85154	350.00
82596	S	52 CHIEF SUPPLY COMPANY	581.49	05/21/19		CL 84990	224.54
82597	S	999999 CINDY BUOKER	10.97	05/21/19		CL 85174	581.49
82598	S	3216 CINTAS	89.33	05/21/19		CL 85112	10.97
82599	S	111 CITY OF FARGO	77834.24	05/21/19		CL 85047	89.33
82600	S	2880 CITY OF FARGO	204841.55	05/21/19		CL 84999 CL 85000 CL 85124	32330.91 44733.33 770.00
82601	S	66 CITY OF WEST FARGO-PETTY CASH	300.00	05/21/19		CL 85011 CL 85032	16.80 204824.75
82602	S	1338 CLARK'S EXCAVATING & SEPTIC PUMPING	175.00	05/21/19		CL 85137	300.00
82603	S	1904 CODE 4 SERVICES, INC	3312.50	05/21/19		CL 85086	175.00
82604	S	229 CONSOLIDATED COMMUNICATIONS	1511.75	05/21/19		CL 85048 CL 85185	3265.75 46.75
						CL 84974	1511.75

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82605	S	3245 CORE & MAIN	7153.16	05/21/19	_____	CL 85031 CL 85150	6452.48 700.68
82606	S	999999 CORY SCHWANTES	300.00	05/21/19	_____	CL 85126	300.00
82607	S	3258 COURTNEY WILLIAMS	206.40	05/21/19	_____	CL 85192	206.40
82608	S	60 CROSSCOUNTRY FREIGHT SOLUTIONS	88.90	05/21/19	_____	CL 85025	88.90
82609	S	65 CURT'S LOCK & KEY	293.00	05/21/19	_____	CL 85169	293.00
82610	S	662 CUSTOM GRAPHICS, INC	697.50	05/21/19	_____	CL 85180	697.50
82611	S	1675 DAKOTA FLUID POWER, INC	29.20	05/21/19	_____	CL 85091	29.20
82612	S	79 DAKOTA HOSE & EQUIP	233.22	05/21/19	_____	CL 85036 CL 85149	0.63 232.59
82613	S	624 DAKOTA SUPPLY GROUP	218.69	05/21/19	_____	CL 85027 CL 85159	45.97 172.72
82614	S	90 DAKOTA UNDERGROUND	227770.98	05/21/19	_____	CL 84980	227770.98
82615	S	1153 DAVE WIEDERHOLT	75.00	05/21/19	_____	CL 85128	75.00
82616	S	856 DAVE'S WEST FARGO TIRE	49.16	05/21/19	_____	CL 85074	49.16
82617	S	807 DISCOVERY BENEFITS, INC.	522.75	05/21/19	_____	CL 84975	522.75
82618	S	2225 DTN, LLC	373.25	05/21/19	_____	CL 85115	373.25
82619	S	2100 EAGLE RUN CROSSING LLC	424.90	05/21/19	_____	CL 85016	424.90
82620	S	1502 EIDE BAILLY	600.00	05/21/19	_____	CL 84976	600.00
82621	S	3207 ELLEN ROSSOW	145.00	05/21/19	_____	CL 84985	145.00
82622	S	877 ENVIRONMENTAL TOXICITY CONTROL INC.	850.00	05/21/19	_____	CL 85026	850.00
82623	S	2862 ESSENTIA HEALTH	1033.00	05/21/19	_____	CL 85083 CL 85188	77.00 956.00
82624	S	1851 F/S MANUFACTURING INC	2593.11	05/21/19	_____	CL 85145	2593.11
82625	S	144 FARMERS BROTHERS COFFEE	343.15	05/21/19	_____	CL 85111	343.15
82626	S	728 FARNAM'S GENUINE PARTS, INC	22.98	05/21/19	_____	CL 85179	22.98

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82627	S	1648 FARSTAD OIL, INC	263.90	05/21/19			
82628	S	329 FERGUSON WATERWORKS #2516	10280.89	05/21/19		CL 85046	263.90
82629	S	1812 FIRESTONE	1212.56	05/21/19		CL 85055	10280.89
82630	S	104 FORUM COMMUNICATIONS	382.56	05/21/19		CL 85075	1212.56
82631	S	155 GALLS, LLC	239.99	05/21/19		CL 84977 CL 85022	216.81 165.75
82632	S	93 GATEWAY CHEVROLET	187.88	05/21/19		CL 85056	239.99
82633	S	2558 GOODYEAR COMMERCIAL TIRE	2931.55	05/21/19		CL 85161	187.88
82634	S	556 GRAINGER, INC.	8.40	05/21/19		CL 85125	2931.55
82635	S	2877 GREATAMERICA FINANCIAL SERVICES	704.51	05/21/19		CL 85039	8.40
82636	S	177 HACH CHEMICAL	612.62	05/21/19		CL 85191	704.51
82637	S	135 HAWKINS WTR TREATMENT	6069.60	05/21/19		CL 85146	612.62
82638	S	3281 HEARTLAND PAPER COMPANY	702.34	05/21/19		CL 85113	6069.60
82639	S	2916 HUBER ELECTRIC MOTOR & PUMP REPAIR	589.50	05/21/19		CL 85051	702.34
82640	S	687 INFORMATION TECHNOLOGY DEPT	664.05	05/21/19		CL 85133	589.50
82641	S	2500 INLAND TRUCK PARTS & SERVICE	156.51	05/21/19		CL 85081	664.05
82642	S	1660 INT'L CONFERENCE OF POLICE CHAPLAINS	630.00	05/21/19		CL 85147	156.51
82643	S	999999 JASON KARCH	190.00	05/21/19		CL 85177	630.00
82644	S	2798 JOHNSON CONTROLS	6174.74	05/21/19		CL 85127	190.00
82645	S	999999 JUSTIN STANSBURY	190.00	05/21/19		CL 85123	6174.74
82646	S	3298 KIMBERLY BREDESON	75.44	05/21/19		CL 85132	190.00
82647	S	767 LASER SYSTEMS	2723.53	05/21/19		CL 85182	75.44
82648	S	705 LAWSON PRODUCTS	381.39	05/21/19		CL 84995	2723.53
82649	S	3399 LES PORTER	168.00	05/21/19		CL 85038	381.39
						CL 85035	168.00

Claim Checks

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82650	S	2570 LG EVERIST INC	2043.00	05/21/19			
						CL 85118	2043.00
82651	S	273 LUNDE LINCOLN	79.95	05/21/19			
						CL 85065	79.95
82652	S	711 LUTHER FAMILY FORD	460.96	05/21/19			
						CL 85163	460.96
82653	S	2676 LUTHERAN SOCIAL SERVICES	50.00	05/21/19			
						CL 85001	50.00
82654	S	675 LYNN PEAVEY CO.	164.25	05/21/19			
						CL 85073	164.25
82655	S	3304 MAC'S - FARGO	372.19	05/21/19			
						CL 85130	372.19
82656	S	2643 MARCO'S PIZZA	59.00	05/21/19			
						CL 85071	59.00
82657	S	999999 MARILY WEIS	190.00	05/21/19			
						CL 85131	190.00
82658	S	299 MENARDS	1239.33	05/21/19			
						CL 85043	1000.33
						CL 85167	239.00
82659	S	2766 MIDCONTINENT COMMUNICATIONS	200.00	05/21/19			
						CL 85176	200.00
82660	S	2052 MINNKOTA POWER COOPERATIVE, INC	514.00	05/21/19			
						CL 85107	514.00
82661	S	305 MOORE ENGINEERING	49175.83	05/21/19			
						CL 84979	36011.83
						CL 85087	13164.00
82662	S	673 MOORHEAD ELECTRIC	58226.50	05/21/19			
						CL 85023	43650.00
						CL 85024	14576.50
82663	S	3085 MRA-THE MANAGEMENT ASSOCIATION, INC	393.75	05/21/19			
						CL 84998	393.75
82664	S	298 MVTL LABORATORIES	1584.50	05/21/19			
						CL 85058	212.00
						CL 85120	1372.50
82665	S	335 ND DEPT OF TRANSPORTATION	818511.09	05/21/19			
						CL 84986	217536.35
						CL 84987	600974.74
82666	S	3083 NDLTAP/UGPTI	100.00	05/21/19			
						CL 85109	100.00
82667	S	911 NDPOA	520.00	05/21/19			
						CL 85049	520.00
82668	S	756 NELCO FIRST AID	93.45	05/21/19			
						CL 85067	93.45
82669	S	364 NELSON INTERNATIONAL	417.83	05/21/19			
						CL 85094	34.47
						CL 85184	383.36
82670	S	2261 NETWORK CENTER INCORPORATED	530.00	05/21/19			
						CL 85189	530.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
82671	S	2523 NEXUS INNOVATIONS, INC	405.00	05/21/19			
						CL 84991	405.00
82672	S	2035 NORTH CENTRAL RENTAL & LEASING, INC	1144.66	05/21/19			
						CL 85170	1144.66
82673	S	141 NORTH STAR SAFETY, INC	99.36	05/21/19			
						CL 85033	99.36
82674	S	328 NORTHERN ENGINE & SUPPL	85.76	05/21/19			
						CL 85092	85.76
82675	S	348 NORTHERN IMPROVEMENT CO	313115.84	05/21/19			
						CL 84982	313115.84
82676	S	1715 NORTHWEST TIRE INC	85.96	05/21/19			
						CL 85082	56.02
						CL 85181	29.94
82677	S	322 NOVA FIRE PROTECTION	20.00	05/21/19			
						CL 85070	20.00
82678	S	3402 NOZZTEQ	296.67	05/21/19			
						CL 85183	296.67
82679	S	1774 O'REILLY AUTOMOTIVE STORES, INC	963.85	05/21/19			
						CL 85041	963.85
82680	S	353 OHNSTAD TWICHELL	88172.92	05/21/19			
						CL 84983	13947.04
						CL 84984	74225.88
82681	S	352 OK TIRE	65.90	05/21/19			
						CL 85040	42.95
						CL 85151	22.95
82682	S	399 OLYMPIC SALES	8238.00	05/21/19			
						CL 85136	8238.00
82683	S	631 ONE CALL CONCEPT	726.75	05/21/19			
						CL 85116	726.75
82684	S	903 PETE NIELSEN	88.00	05/21/19			
						CL 85173	88.00
82685	S	563 PETRO SERVE USA	37249.52	05/21/19			
						CL 85017	6316.92
						CL 85085	58.05
						CL 85158	30874.55
82686	S	1987 PETSMAST	95.98	05/21/19			
						CL 85054	95.98
82687	S	3180 PHOENIX FABRICATORS AND ERECTORS	49371.56	05/21/19			
						CL 84981	49371.56
82688	S	2922 PIERRE FREEMAN	144.69	05/21/19			
						CL 85003	64.19
						CL 85117	80.50
82689	S	411 POWER PLAN OIB	884.25	05/21/19			
						CL 85142	884.25
82690	S	916 PRAIRIE SUPPLY INC	23.00	05/21/19			
						CL 85155	23.00
82691	S	1253 PROTECTION SYSTEMS, INC	120.00	05/21/19			
						CL 85005	120.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
82692	S	2982 RDO EQUIPMENT CO	10654.00	05/21/19		CL 85037 CL 85093	879.00 9775.00
82693	S	1766 RED RIVER CHILDREN'S ADVOCACY CENTER	4085.00	05/21/19		CL 85084 CL 85098	85.00 4000.00
82694	S	663 ROAD EQUIPMENT PARTS CENTER	241.20	05/21/19		CL 85165	241.20
82695	S	999999 ROBERT ARENDS	190.00	05/21/19		CL 85134	190.00
82696	S	1452 SAFE KIDS C/O PES	55.00	05/21/19		CL 85080	55.00
82697	S	2513 SAFETY-KLEEN SYSTEMS, INC.	178.00	05/21/19		CL 85042	178.00
82698	S	999999 SAM BOLLMAN	450.00	05/21/19		CL 85105	450.00
82699	S	999999 SANDY WINDINGLAND	190.00	05/21/19		CL 85129	190.00
82700	S	454 SANITATION PRODUCTS	434.43	05/21/19		CL 85157	434.43
82701	S	1634 SHANE ORN	202.00	05/21/19		CL 85057	202.00
82702	S	459 SHERWIN WILLIAMS	23.26	05/21/19		CL 85160	23.26
82703	S	2655 SIMPLIFILE	285.00	05/21/19		CL 85021	285.00
82704	S	1626 SIRCHIE FINGERPRINT LABORATORIES	227.71	05/21/19		CL 85175	227.71
82705	S	2535 SKOOTER'S PLUMBING	1630.90	05/21/19		CL 85177	1630.90
82706	S	3150 SKYHAWK TELEMATICS	4984.00	05/21/19		CL 85097	4984.00
82707	S	31 STURDEVANT'S AUTO PARTS	960.95	05/21/19		CL 85061	960.95
82708	S	733 SWANSTON EQUIPMENT CORP.	38.80	05/21/19		CL 85141	38.80
82709	S	634 SWEENEY CONTROLS COMPANY	774.00	05/21/19		CL 85122	774.00
82710	S	890 TCC MATERIALS	358.55	05/21/19		CL 85029 CL 85156	148.50 210.05
82711	S	1900 THE UPS STORE #5998	159.58	05/21/19		CL 85144	159.58
82712	S	1234 TOOL WAREHOUSE INC	21.80	05/21/19		CL 85063	21.80
82713	S	1672 TRUCK UTILITIES, INC	855.00	05/21/19		CL 85171	855.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
82714	S	665 TWIN CITY GARAGE DOOR	196.23	05/21/19			
82715	S	2951 TYLER TECHNOLOGIES, INC	271.99	05/21/19		CL 85168	196.23
82716	S	1320 TYLER WILLIAMS	88.00	05/21/19		CL 84996	271.99
82717	S	2478 VALLI	9166.97	05/21/19		CL 85172	88.00
82718	S	1267 VERIZON WIRELESS	9180.27	05/21/19		CL 85013 CL 85014	7572.26 1594.71
82719	S	3212 VISA ADMINISTRATION	2152.27	05/21/19		CL 85078 CL 85100	91.26 9089.01
82720	S	2437 VISA ASSESSING	943.62	05/21/19		CL 85020	2152.27
82721	S	2436 VISA FINANCE	995.03	05/21/19		CL 84994	943.62
82722	S	2439 VISA IT	1587.71	05/21/19		CL 85104	995.03
82723	S	2438 VISA PLANNING	567.12	05/21/19		CL 85187	1587.71
82724	S	2435 VISA POLICE #1	4836.33	05/21/19		CL 84997	567.12
82725	S	3233 VISA POLICE #2	2341.95	05/21/19		CL 85009	4836.33
82726	S	3234 VISA POLICE #3	144.26	05/21/19		CL 85008	2341.95
82727	S	3244 VISA POLICE #4	1040.29	05/21/19		CL 85007	144.26
82728	S	2423 VISA PW	5494.61	05/21/19		CL 85002	1040.29
82729	S	1346 VISTO'S TRAILER SALES	16.91	05/21/19		CL 85193	5494.61
82730	S	544 WALLWORK TRUCK CENTER	24.51	05/21/19		CL 85090	16.91
82731	S	576 WALMART COMMUNITY	38.08	05/21/19		CL 85148	24.51
82732	S	2740 WASTE MANAGEMENT OF WI-MN	65259.15	05/21/19		CL 85053	38.08
82733	S	3306 WEST FARGO EVENTS, INC	15000.00	05/21/19		CL 85110	65259.15
82734	S	2184 WEST SIDE STEEL	247.72	05/21/19		CL 85099	15000.00
82735	S	569 WF ANIMAL HOSPITAL	1484.00	05/21/19		CL 85166	247.72
82736	S	549 WF PUB SCHOOLS DIST #6	660.00	05/21/19		CL 85079 CL 85060	1484.00 660.00

05/21/19
17:00:52

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 5/19

Page: 9 of 9
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
82737	S	338 XCEL ENERGY	23094.21	05/21/19		CL 84989	6617.13
						CL 85012	193.47
						CL 85096	16283.61
Total for Claim Checks			2854940.94				
Count for Claim Checks							174

* denotes missing check number(s)

of Checks: 174 Total: 2854940.94



**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: Tina Fisk

2. PHONE NUMBER: 433-5301 DATE: 5/30/19

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST:

Approval of Public Liquor Consumption for Street Fair June 8th

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

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval

*** Consent Agenda ***

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # d

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

1. CONTACT PERSON: Tim Solberg

2. PHONE NUMBER: 433-5320 DATE: May 30, 2019

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

Approve encroachment agreement per 4-431-D.6 which allows for buildings which meet the required zero front setback to install signs which protrude into City right of way with an encroachment agreement approved by the City Commission.

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

300 Sheyenne Street (Lot 1, Block 1, Pioneer Place First Addition)

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval of the attached encroachment agreement.



ENGINEERING DEPARTMENT

800 4 Ave E, Suite 1
West Fargo, ND 58078
701.433.5300
www.westfargond.gov

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

OFFICE USE:
AGENDA ITEM # e

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

1. CONTACT PERSON(s):
 - Dustin T. Scott, City Engineer (433-5425)
2. DATE OF MEETING: **June 3, 2019**
3. DESCRIPTION OF REQUEST:
 - Review the attached "General Layout" which represents the plans and specifications prepared by MBN Engineering for construction of *Street Improvement District No. 2254*
Note: A complete set of plans and specifications are available at the City Engineer's office.
4. LOCATION (address; legal; etc.):
 - Eagle Run Plaza 6th Addition (a.k.a. Sheyenne-32 development)
5. ACTION(S) REQUESTED:
 - Approve Plans and Specifications for construction of *Street Improvement District No. 2254*
 - Authorize advertisement of bid documents for construction of *Street Improvement District No. 2254*



May 30, 2019

Dustin Scott, PE
City Engineer
City of West Fargo
800 4th Ave. E. Suite 1
West Fargo, ND 58078

Subject: Street Improvement District No. 2254
Eagle Run Plaza 6th Addition
MBN Project No. 19-087

Mr. Scott,

Please see attached Bid Advertisement for the Street Improvement District No.2254 for your review. If you find that the attached documents are acceptable, please present it to the West Fargo City Commission during the next scheduled meeting. In order to meet the project's current proposed schedule, it is anticipated that this will be approved by the Commission on June 3, 2019.

If you have any questions or require additional information, please feel free to contact me at 701-478-6336.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Sager".

Tony Sager, P.E.
Civil Engineer

Enclosed: Bid Advertisement
 General Layout

CITY OF WEST FARGO
WEST FARGO, NORTH DAKOTA
STREET IMPROVEMENT DISTRICT NO. 2254
EAGLE RUN PLAZA 6TH ADDITION

ADVERTISEMENT FOR BIDS

Sealed bids will be received at the office of the City of West Fargo, City Hall (Commission Chambers), 800 4th Avenue East, West Fargo, North Dakota, until 10:00 A.M. CT, June 25, 2019 and then opened and read aloud for the **Street Improvement District No. 2254**. This project consists of constructing storm sewer, concrete paving, curb & gutter, sidewalks, street lights, and other miscellaneous installations for a local road.

Bids shall be received for a single prime contract for work performed. Bids shall be on a unit price basis as indicated in the Bid Form. All work included in the contract must be substantially completed on or before September 15th, 2019 (with final completion by October 1, 2019).

Bids must be submitted on copies of the bid form in the specifications and must be accompanied by a separate envelope containing a bidder's bond in a sum equal to five percent (5%) of the full amount of the bid executed by the bidder as principal and by a surety company authorized to do business in this state, conditioned that if the bidder's bid be accepted and the contract be awarded to the bidder, the bidder, within ten (10) days after notice of award, will execute and effect a contract in accordance with the terms of the bidder's bid and a contractor's bond as required by law and the regulations and determinations of the City of West Fargo. The successful bidder will be required to furnish a performance and payment Bond in the full amount of their contract. If the City of West Fargo elects to award a contract to the lowest responsible bidder, and the lowest responsible bidder does not execute a contract within ten (10) days, the bidder's bond will be forfeited by the City of West Fargo, and the City of West Fargo may award the project to the next lowest responsible bidder.

The plans and specifications may be examined at the following locations:

MBN Engineering, Inc., 503 7th St N, Suite 200, Fargo, ND 58102 (Issuing Office)
QuestCDN.com

Bidding Documents can be downloaded for a non-refundable charge of \$20.00. Planholders are parties that have downloaded the plans and specifications. Planholders will be notified via email as addenda are issued. Parties that download the plans and specifications and need to have them printed elsewhere are solely responsible for those printing costs. The sales of paper copies for projects listed on this site are not available. Contact QuestCDN.com at 952-233-1632 or info@questcdn.com for assistance in viewing or downloading with this digital project information. **Refer to eBidDoc #6380332.**

Bidders must hold a North Dakota Contractor's License and carry North Dakota Workers' Compensation Insurance as required by N.D.C.C. § 43-07-7. The required bid bond envelope shall also contain a copy of the Contractor's License or Certificate of Renewal thereof issued by the Secretary of State as required by N.D.C.C. § 43-07-12.

No bid will be read or considered which does not fully comply with the above provisions as to bond and licenses and any deficient bid will be resealed and returned to the bidder immediately.

OWNER: THE CITY OF WEST FARGO

By: Tina Fisk, City Administrator

(June 10, 17, 2019)

Consent Agenda Item: f

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. 1322

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 Dakota Underground Company is in full conformity with the law, including Section 40-22-36 of the North Dakota Century Code; that the contractor's bond of Dakota Underground Company 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: June 3, 2019.

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.

MAY 28 2019



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
 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 Bar 9			
Street 1405 Prairie Parkway	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized 7-1-19	Ending Date(s) Authorized 6-30-20	Number of twenty-one tables if zero, enter "0":	
Specific location where games of chance will be conducted and played at the site (required) conducted East side of Bar, played - entire bar + patio, excluding 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 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 checked="" 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 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# 012152
 5/28/19
 \$100. -



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

License Number (Office Use Only)

Site Owner (Lessor) <u>Nasser Hammami</u>		Site Name <u>Bar 9</u>		Site Phone Number <u>701-356-0099</u>
Site Address <u>1405 Prairie Parkway</u>		City <u>West Fargo</u>	State <u>ND</u>	Zip Code <u>58078</u>
Organization (Lessee) <u>ARG Upper Valley</u>		Rental Period <u>7-1-19</u> to <u>6-30-20</u>		County <u>Cass</u>
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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes				\$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
2. Is Twenty-One conducted at this site?		X Rent per Table \$ _____		\$
Number of Tables with wagers up to \$5 _____		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ <u>300/300</u>
Number of Tables with wagers over \$5 <u>1</u>		X Rent per Table \$ <u>300</u>		
3. Is Paddlewheels conducted at this site?		X Rent per Table \$ _____		\$
Number of Tables _____		<input type="checkbox"/> No <input type="checkbox"/> Yes		\$ <u>325</u> <u>725</u>
4. Is Pull Tabs involving either a jar bar and/or a dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar Only <input type="checkbox"/> Dispensing Device Only <input type="checkbox"/> Jar Bar and Dispensing Device				
Total Monthly Rent				\$ <u>625</u> <u>1025</u>
5. Is Electronic Pull Tabs involving an Electronic Pull Tab Device conducted at this site?				<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
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 <u>10</u>
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 <u>Nasser Hammami</u>	Title <u>Owner, Bar Mine</u>	Date <u>5-24-19</u>
Signature of Lessee <u>[Signature]</u>	Title <u>Board President</u>	Date <u>5-24-19</u> (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 Regional Marksmanship Center**

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 Red River Regional Marksmanship Center			
Street 640 16th Street NE	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized 7/1/19	Ending Date(s) Authorized 6/30/20	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) Large Classroom			
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 checked="" type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<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



**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: Tina Fisk

2. PHONE NUMBER: 433-5301

DATE: 05/24/19

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST:

Final approval of funding for Fueling Our Future
\$100,000/year for 4 years to be paid from Economic Development Sales Tax
* agreement to be approved at a future meeting

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

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval of investment.



West Fargo Police Department Summary



Print Date/Time: 04/18/2019 10:08
 Login ID: westfargo\gustafsonj
 Case Number: 2019-00007765

WEST FARGO POLICE DEPARTMENT
 ORI Number: ND0090300

Case

Case Number: 2019-00007765	Incident Type: Background Investigation
Location: 695 32ND AVE W WEST FARGO, ND 58078	Occurred From: 04/01/2019 08:00
Reporting Officer ID: 175 - WERNER	Occurred Thru: 04/03/2019 08:00
	Disposition:
	Disposition Date:
	Reported Date: 04/01/2019 13:52 Monday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
-----	-----------	------------	---------	-------------	--------

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Mentioned	1	HAUCK, ALLAN FRANCIS	13808 SADDLEHORN DR BISMARCK, ND 58503	(701)340-3930	White	Male	07/09/1962 56
Mentioned	2	HAUCK, MARY K	13808 SADDLEHORN DR BISMARCK, ND 58503	(701)340-3930	White	Female	04/18/1962 56
Mentioned	3	KRODEL, KENDALL K	4643 36TH AVE S 107 FARGO, ND 58104	(701)340-0950	White	Female	04/18/1962 56
Mentioned	4	BUFFALO WINGS AND RINGS	695 32ND AVE E WEST FARGO, ND 58078				
Reporting Officer	1	WERNER, DEREK C	800 4TH AVE E 2 WEST FARGO, ND 58078	(701)433-5500			

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: 04/18/2019 10:08
Login ID: westfargo\gustafsonj
Case Number: 2019-00007765

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\wernerd, Synopsis

LIQUOR LICENSE BACKGROUND SEE NARRATIVE.

SUPP01.I672.04/18/2019

2019-00007765
Supplement 1
Detective Derek Werner #672
April 4, 2019

Title: Buffalo Wings and Rings liquor license background check

1. On April 1, 2019, I, DETECTIVE DEREK WERNER, received the background packet for a liquor license for the Buffalo Wings and Rings restaurant that is set to be open in West Fargo, ND, at the address of 695 32nd Ave E, West Fargo.
2. The owner is listed as ALLAN FRANCIS HAUCK, date of birth 01/09/1962. HAUCK has a personal cell phone number listed as (701) 340-3930 and an address in Bismarck of 13808 Saddlehorn Dr, which is his permanent residence. After doing a civil and criminal background history on HAUCK the only thing that showed in his background check was one care required ticket traffic violation. There is no criminal convictions or civil cases open or any convictions.
3. I spoke with ALLAN HAUCK over the phone, who stated that the Buffalo Wings and Rings is a franchise restaurant and that he uses many different liquor distributors due to the franchise owners requiring the sale of many different types of liquor and beer. HAUCK stated that you cannot get all different brands of liquor through one distributor which forces him to use many different distributors for his business.
4. HAUCK owns two other Buffalo Wings and Rings franchises in the state of North Dakota. One in Minot, which was the original store opened and one in Bismarck, ND.

5. HAUCK first opened the store in Minot approximately 10 years ago and still is currently open and running business.
6. I spoke with the Minot Police Department in regards to the Buffalo Rings and Wings who informed me that in March 2010, March 2012, October 2013, and May 2014, Buffalo Wings and Rings failed compliance checks which lead to a 2014 liquor license suspension for 3 days. The Detective I spoke with in Minot stated they have not had any issues with Buffalo Wings and Rings in the area since the failed compliance check in 2014 and that they have passed every compliance check since the suspension. The Detective also stated that they do have calls for services, they are generally known as a good compliant business with law enforcement within the city of Minot.
7. The store in Bismarck, ND, has not failed any compliance checks since they have been open and after speaking with the Detective in charge of compliance checks in Bismarck he stated that they have not had any other issues with the business in Bismarck and that they are in good standing with their liquor license and with the city.
8. The next person listed as a secretary for the Buffalo Wings and Rings was ALLAN's wife, MARY HAUCK, date of birth 04/18/1962, MARY has the same address as ALLAN. MARY also does not have any civil nor criminal history that was found.
9. I then spoke with the listed manager of the West Fargo store, KENDALL KRODEL, date of birth 03/09/1992, he has an address in Fargo listed as 4643 36th Ave S Apt 107, Fargo, ND 58104 and a listed phone number of (701) 340-0950. KRODEL has been a

manager with Buffalo Wings and Rings both in Minot from 2012-2016 and in Bismarck from 2016-present time.

10. KRODEL will be moving full time to the area once the new store opens.
11. On the phone with KRODEL he stated that he has always had a good working relationship with the owners, ALLAN and MARY HAUCK. He stated that the Minot store is the number 2 store in the nation for sales within the franchise and that the Bismarck store is in the top 20. KRODEL also states that HAUCK is a very hands on owner and oversees all operations for all three stores. I asked KRODEL about the alcohol distribution and he told me that ALLAN HAUCK takes care of all the liquor distribution for all three of the stores.
12. The manager KRODEL does not have any criminal, traffic, or civil history within the state of North Dakota.
13. After speaking with KRODEL, I called the insurance agent for all of the Buffalo Wings and Rings, PETE FISK, from the Western Insurance Agency. PETE stated that all the business and insurance are in place for when ALLAN and handed the keys after construction is complete. FISK is the insurance agent for all of the Buffalo Wings and Rings in the state of North Dakota and the company has always stayed in good standing with their insurances.
14. I then called the Gate City Bank in Fargo, who handles the business loan for the Buffalo Wings and Rings franchise and ALLAN HAUCK. They also state that he is in good standing with the bank and they have not had any issues.
15. After speaking with the bank, I called the references that HAUCK had put on his application. I first called Food Services of America who did

not return my phone call. The second reference that I called was the Haga Kommer agency who is the accounting agency for Buffalo Wings and Rings and spoke with the personal accountant for the business, JENNIFER EATON, who is their account representative. EATON stated that she has done the accounting for Buffalo Wings and Rings for approximately 10 years when the first Minot store had opened. EATON states that HAUCK and Buffalo Wings and Rings has always been in good standing and that there is nothing out of the ordinary or any issues. I then spoke with some distributors in the city of Bismarck. I first called Jerome Distributing who has an account with Buffalo Wings and Rings. They stated that they have an ACH account and have never had any issues.

16. I then spoke with McQuades Distributing in Bismarck. They also stated that they have not had any issues and have an ACH automatic withdrawal account with Buffalo Wings and Rings.
17. I then called Morelli's Distributing in Minot, who also stated that Buffalo Wings and Rings pays at delivery and they have never had any issues.
18. I then called the Magic City Distributors out of Minot. They also state that there has not been any issues with Buffalo Wings and Rings.
19. In summary, after speaking with multiple references for the business I found nothing of concern with the owner, secretary, or the manager criminally or civilly.
20. The only area of concern that was found in this background investigation was the multiple failed compliance checks in Minot, ND, which happened over 5 years ago, but all of those compliance checks

have been passed since 2014 in both restaurants in Minot and Bismarck.

Detective Derek Werner #672
April 4, 2019
DW/jg

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 Buffalo Wings & Rings

Detective Initial Dev



MAR 28 2019

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 2019 and ending June 30, _____
Business Name: Buffalo Wings & Rings
DBA/Name: BWR-West Fargo, Inc.
Business Address: 695 32nd Ave East, West Fargo, ND 58078
Phone #: 701-532-3000 Cell Phone: 701-340-3930 Email: bwral@outlook.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	\$425.00

78425.-

CK# 5242
Pct 3/28/19

- * If you are applying for a Club License, how many members do you have at this time? _____
- * If you are applying for a On-Premises Liquor License and plan to serve food:
Will you allow people under the age of 21 in your establishment? yes If yes, do you
anticipate that the sale of food will exceed the sale of alcoholic beverages? yes
(in future years you will be required to provide proof of food to alcohol sales)

IV. BUSINESS DATA:

Name of Business (DBA): BWR-West Fargo, Inc. dba Buffalo Wings and Rings

Mailing Address of Licensed Establishment: 4424 N 15th Street, Bismarck, ND 58503

Establishment Phone #: _____
applied for _____

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

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

Allan F Hauck, 13088 Saddlehorn Drive, Bismarck, ND 58504 (01-09-1962) President

Mary K Hauck, 13808 Saddlehorn Drive, Bismarck, ND 58504 (04-18-1962) Secretary

If Incorporated: Date of Charter: 01-31-2019 State of Charter: North Dakota

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

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

If yes give names and addresses of the establishments: _____

V. ATTACH A DETAILED FLOOR-PLAN OF BUSINESS

(HAND DRAWN FLOOR PLANS WILL NOT BE ACCEPTED)

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

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

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

www.fargocasspublichealth.com

VII. VALIDATION/SIGNATURES

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

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

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

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

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

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.

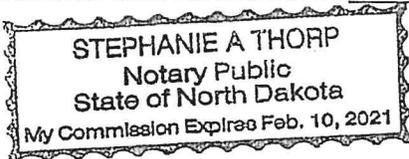
List owner(s) names (In case of a Corporation only President and Secretary are required):

Name : Allan F Hauck
 Title: President
 Signature: [Signature]
 Date: 3-26-2019
 Name : Mary K Hauck
 Title: Secretary
 Signature: [Signature]
 Date: 3-26-2019

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

Before me personally appeared: (list names from above) Allan F Hauck, Mary K Hauck

Subscribed and sworn before me on this 26 day of March, 2019



[Signature]
 (Signature of Notary Public)

My Commission expires: February 10, 2021

Notary Public for Burleigh Co., ND 4

VIII. BACKGROUND CHECK AUTHORIZATION

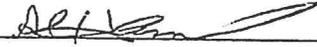
To: Gate City Bank

(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: Allen F. Hauke

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

Signature of Applicant:  Date: 3-26-2019

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

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: Mary K. Hauck

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: Mary K. Hauck Date: 3-26-2019

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

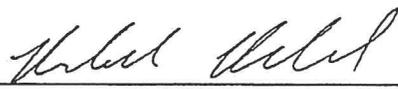
VIII. BACKGROUND CHECK AUTHORIZATION

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: Kendall Kradel

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

Signature of Applicant:  Date: 3-26-19

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

Zepol D. Vonnegut, P.A.
 1000 Broadway, Suite 1000
 Fargo, ND 58102
 Phone: 701.785.1100
 Fax: 701.785.1101
 Email: zepol@zdv.com

BWR WEST FARGO
 695 32ND AVE E
 WEST FARGO, ND 58078



DRAWING ISSUE
 NO. 12345
 DATE: 7/28/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]

PROJECT NUMBER: [Number]
 SHEET NUMBER: EC100
 DRAWING TITLE: FURNITURE + EQUIPMENT PLAN
 DATE: 7/28/2018

- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NORTH DAKOTA BUILDING CODE AND ALL APPLICABLE REGULATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT AND/OR LOCAL AGENCIES.
 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT AREAS AND UTILITIES AT ALL TIMES.
 5. PROTECT ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
 6. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.
 7. FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
 9. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 10. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
 11. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
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 19. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.

- KEY NOTES**
1. SEE KEY PLAN FOR ROOM NUMBERS AND LOCATIONS.
 2. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.
 3. FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
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SYMBOL LEGEND

Symbol	Description
Circle with dot	Table
Square with dot	Chair
Triangle with dot	Stool
Circle with cross	Bar Stool
Square with cross	Bar Stool
Circle with star	Bar Stool
Square with star	Bar Stool
Circle with triangle	Bar Stool
Square with triangle	Bar Stool

BANK ACCESSORIES

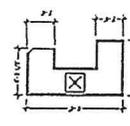
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Circle with cross	Bar Stool
Square with cross	Bar Stool
Circle with star	Bar Stool
Square with star	Bar Stool
Circle with triangle	Bar Stool
Square with triangle	Bar Stool

REMARKS

1. SEE KEY PLAN FOR ROOM NUMBERS AND LOCATIONS.

SEAT COUNT

Total Seating 256



② DINING TABLE (100) DETAIL

① EQUIPMENT PLAN



West Fargo City Commission

On April 3rd, 2019 a liquor license check was completed on Buffalo Wings & Rings located at 695 32nd Ave E in West Fargo. Nothing of significance was found in the backgrounds of the owners, Allan and Mary Hauck, or onsite manager Kendall Krodel. Krodel will be moving to Fargo/West Fargo area as soon as the store opens. Until then he will be staying with family which resides in Fargo.

All 3 franchise locations of Buffalo Wings & Rings are in good standing with Gate City Bank.

The liability insurance was confirmed with Western Insurance agency and account manager Pete Fisk.

I spoke with multiple different liquor distributors in Bismarck and Minot who all state that the franchise location in their cities are and always have been in good standing with them.

This establishment will be a bar and grill serving liquor, beer and wine along with a full food menu.

This establishment will be open to the public.

The only concern that was found during the check was that after opening in Minot, Buffalo Wings & Rings failed multiple compliance checks which lead to a 3 day suspension of their liquor license in 2014. After 2014, both franchises in Bismarck and Minot have passed all compliance checks since the 2014 failures.

Sincerely,

Detective Derek Werner

800 4 Avenue East, Suite 2 • West Fargo, ND 58078 • 701-433-5500 • Fax: 701-433-5508

Tip Line: 701-241-5777

www.westfargopolice.com

Law Enforcement is a Community Effort



**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: Paul Tucci

2. PHONE NUMBER: 433-5301

DATE: 5/30/19

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST:

Update on progress on buffering at Oppidan Site.

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

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Either click above to email your agenda item directly to the City Auditor's office or click on the print button and mail the form to: West Fargo City Hall or fax it to : 701-433-5319
800 4th Avenue East Ste1
West Fargo, ND 58078

Tina M. Fisk

From: Paul Tucci <Paul@Oppidan.com>
Sent: Tuesday, May 28, 2019 9:42 AM
To: Tina M. Fisk; Tim P. Solberg; Dustin T. Scott
Cc: Louis Zachary
Subject: Completion of Site Work
Attachments: IMG_3049.jpg; IMG_3050.jpg; IMG_3053.jpg; IMG_3057.jpg

All:

We are very close to being complete with the site work. All of the landscape material are in, the berm has been built in place, fence and posts are in are ready to go. I am attaching some photos to show the areas.

We are prepared to start as soon as the site dries more to allow for the posts to be dug and set and the fence to be constructed. We hope to start on that on Wednesday or Thursday, depending on the weather. As we discussed the last time on this matter, we will start the fence on the east end and work our way west, so we get the screening up behind the new retail building as soon as possible. There are a number of post holes that will need to be dug by hand behind that building due to the location of utilities in the immediate area. Once the fence is up, the seeding for the balance of the site will be completed.

If the weather holds, we hope to be completed the end of next week or early the following week. We had previously requested an extension (early this calendar year) of the completion date which was set aside as I understand it because it was too early and no work was completed. I would request an extension of the timeframe from May 31 to June 14, 2019. Looking at the weather forecast, that should provide us the time to complete the work.

Let me know if we can get on the phone or if we need to meet in person. Thursday would be the best day if I need to come to West Fargo.

Paul Tucci
400 Water Street, Suite 200
Excelsior MN 55331
D: 952-294-1243
C: 612-578-3615
F: 952-294-0151
paul@oppidan.com



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

EXTENSION AGREEMENT

BY AND BETWEEN

CITY OF WEST FARGO, NORTH DAKOTA

AND

KTJ 299, LLC

Dated as of _____, 2019.

Relating to:

An Extension Agreement extending the final completion date for the Developer for construction of the Buffer, Fence, Plantings, and Path in the Gateway West Addition.

This instrument was drafted by:
Ohnstad Twichell, P.C. (KJB)
P.O. Box 458
West Fargo, North Dakota 58078

EXTENSION AGREEMENT

THIS EXTENSION AGREEMENT (“Agreement”) is entered into this _____ day of _____, 2019, by and between THE CITY OF WEST FARGO, a Home Rule City and political subdivision of the State of North Dakota (the “City”); and KTJ 299, LLC, a limited liability company organized and existing under the laws of the State of Minnesota (“Developer”) (the City and Developer collectively referred to as “Parties”).

WHEREAS, on May 3, 2018, the City and the Developer entered into a Subdivision Agreement for the development of the Gateway West Addition to the City (“Property”); and

WHEREAS, the City owns Lots 1, 2, and 3, Block 1, of the Property (“City Lots”), and the Developer owns Lot 5, Block 1, of the Property (“Developer Lot”); and

WHEREAS, Section 3(d) of the Subdivision Agreement requires that the Developer establish a 26-foot buffer along the north side of the City Lots which will include an earthen berm (“Berm”), 6-foot privacy fence (“Fence”), and plantings (“Plantings”) that will promote screening of the development, and along the south side of the 26-foot buffer, the Developer must construct a 10-foot pedestrian/bikeway facility (“Path”); and

WHEREAS, Section 3(d) of the Subdivision Agreement further provides that the Developer would complete construction in accordance with the Detailed Development Plans (“Plans”); and

WHEREAS, comments included on maps and drawings incorporated into the Plans provide that the Developer will install the landscape Berm with construction Fence within sixty (60) days of grading/utility activity on-site, per the Subdivision Agreement; and

WHEREAS, due to weather conditions, the Developer was unable to complete construction of the Berm, Fence, Plantings, or Path during the time period outlined in the Plans; and

WHEREAS, the City desires to grant an extension to the Developer to complete the Berm, Fence, Plantings, and Path; and

WHEREAS, the City and the Developer desire to enter into this Agreement to set forth their respective duties and responsibilities regarding an extension.

NOW, THEREFORE, in consideration of the mutual covenants made herein and for other valuable consideration, the receipt of which is hereby acknowledged, the City and the Developer agree as follows:

Section 1. Extension Period. The City hereby grants an extension to the Developer to complete final construction of the Berm, Fence, Plantings, and Path, in accordance with the Subdivision Agreement and the Plans, until May 31, 2019 (“Final Completion Date”) and as generally described in Exhibit A to this Agreement. Prior to the Final Completion Date the Developer shall complete the following items by or before the following milestone dates:

Item	Milestone Date
Finish placing the clay and black dirt at the remaining areas of the berm and install the class V for the remaining sidewalk	April 30, 2019
Final grade the black dirt and start landscaping the Berm	May 17, 2019
Sidewalk to be poured and completed	May 15, 2019
Fence installation completed	May 27, 2019

An inspection and sign-off by the City may occur following the Final Completion Date, but the Developer must notify the City that the Berm, Fence, Plantings, and Path are ready for a final inspection and sign-off prior to or on the Final Completion Date.

Section 2. Liquidated Damages. In the event that the Developer fails to complete construction of the Berm, Fence, Plantings, and Path by or on the Final Completion Date, the Developer will pay \$1,000.00 per day to the City as liquidated damages for each calendar day following the Final Completion Date that it takes the Developer to reach final completion of the Berm, Fence, Plantings, and Path. This amount does not constitute a penalty, but is intended to be, and will constitute, liquidated damages to compensate the City for the costs incurred by the City in reliance upon the Developer’s agreement to enter into this Agreement. The Parties acknowledge that it is difficult to ascertain the amount of actual damages that would be incurred by the City in such circumstances and that such liquidated damages are a reasonable estimate of the presumed actual damages that would be incurred by the City. The Developer must pay the liquidated damages in their entirety within thirty (30) calendar days of being assessed the same by the City in a written notice.

Section 3. Special Assessments. The Developer agrees that in the event it fails to remit payment of liquidated damages in their entirety within the time period specified in Section 2, the City will specially assess the deficiency against the Developer Lot, levied and certified as a special assessment (the “Special Assessments”).

Section 4. Waiver by Developer. The Developer agrees that the Special Assessments benefit the Developer Lot and that said benefit exceeds the amount of the proposed special assessment by more than fifty percent (50%). The Developer waives any all objections to any irregularity with regard to the assessment process for such Special Assessments. This waiver includes a waiver to any and all objections to the amount of the Special Assessment levied against the Developer Lot, including any and all claims that such assessment is excessive, arbitrary, capricious, or unreasonable. Further, the Developer waives any and all rights to appeal such action of the City to any Court having personal or subject matter jurisdiction over any appeal and/or cause of action arising out of or related to this Agreement. These waivers are express, and the Developer acknowledges that it is waiving any and all rights of appeal to the assessment and reassessment.

Section 5. Entire Agreement. This Agreement contains the entire understanding of the Parties pertaining to its subject matter. It may not be changed orally but only upon an agreement in writing approved by the City Commission and signed by the President of the Board of City Commissioners and City Auditor. It may be modified as to terms and conditions from time to time upon the mutual consent of the Parties; however, such modification must be reduced

to writing, signed by the Parties and the document appended to and made a part of this Agreement.

Section 6. Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which will be an original and all of which will constitute but one and the same instrument.

Section 7. Headings. The headings in this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any provisions or sections of this Agreement.

Section 8. Governing Law. This Agreement shall be governed by the laws of the State of North Dakota.

Section 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; however, the Parties agree that this Agreement will be reformed to replace any invalid, illegal, or unenforceable provision or portion of this Agreement with an alternative provision that is enforceable and bears as close a resemblance as possible to any provision determined to be invalid, illegal, or unenforceable.

Section 10. Waiver of Jury Trial. THE CITY AND THE DEVELOPER HEREBY KNOWINGLY, IRREVOCABLY, VOLUNTARILY, AND INTENTIONALLY WAIVE ANY RIGHT ANY MAY HAVE TO A TRIAL BY JURY IN RESPECT OF ANY ACTION, PROCEEDING, COUNTERCLAIM, OR DEFENSE BASED ON THIS AGREEMENT, OR IN ARISING OUT OF, UNDER, OR IN ANY CONNECTION WITH THIS AGREEMENT, OR ANY COURSE OF CONDUCT, COURSE OF DEALING, STATEMENTS (WHETHER ORAL OR WRITTEN) OR ACTIONS OF ANY PARTY HERETO RELATING TO THIS AGREEMENT. THIS PROVISION IS A MATERIAL INDUCEMENT FOR THE CITY AND THE DEVELOPER ENTERING INTO THIS AGREEMENT. THE PARTIES STIPULATE AND AGREE THAT THE DISTRICT COURT OF CASS COUNTY, NORTH DAKOTA, SHALL BE THE SOLE AND EXCLUSIVE VENUE FOR ANY LAWSUIT PERTAINING TO THIS AGREEMENT AND CONSENT TO THE PERSONAL JURISDICTION IN SAID COURT IN THE EVENT OF ANY SUCH LAWSUIT.

(Signatures appear on the following pages.)

Signature Page for KTJ 299, LLC

The governing board of KTJ 299, LLC approved this Agreement on January 3, 2019.

KTJ 299, LLC

By: 
Its: Vice President

STATE OF Minnesota)
COUNTY OF Hennepin) ss.

This record was acknowledged before me on January 3, 2019, by David Scott, Vice President (name & title) on behalf of KTJ 299, LLC.

(SEAL)



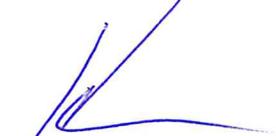
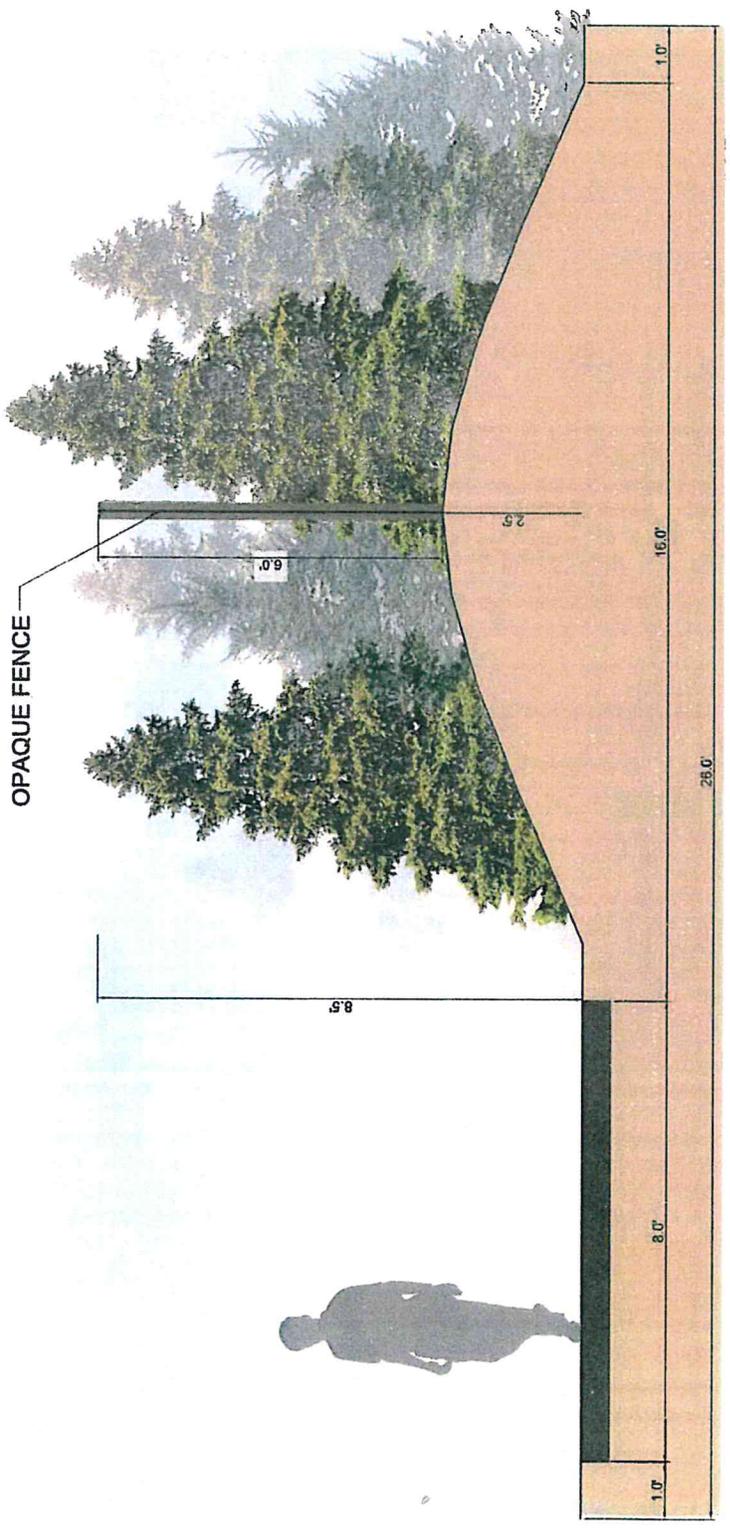

Notary Public
My Commission Expires:

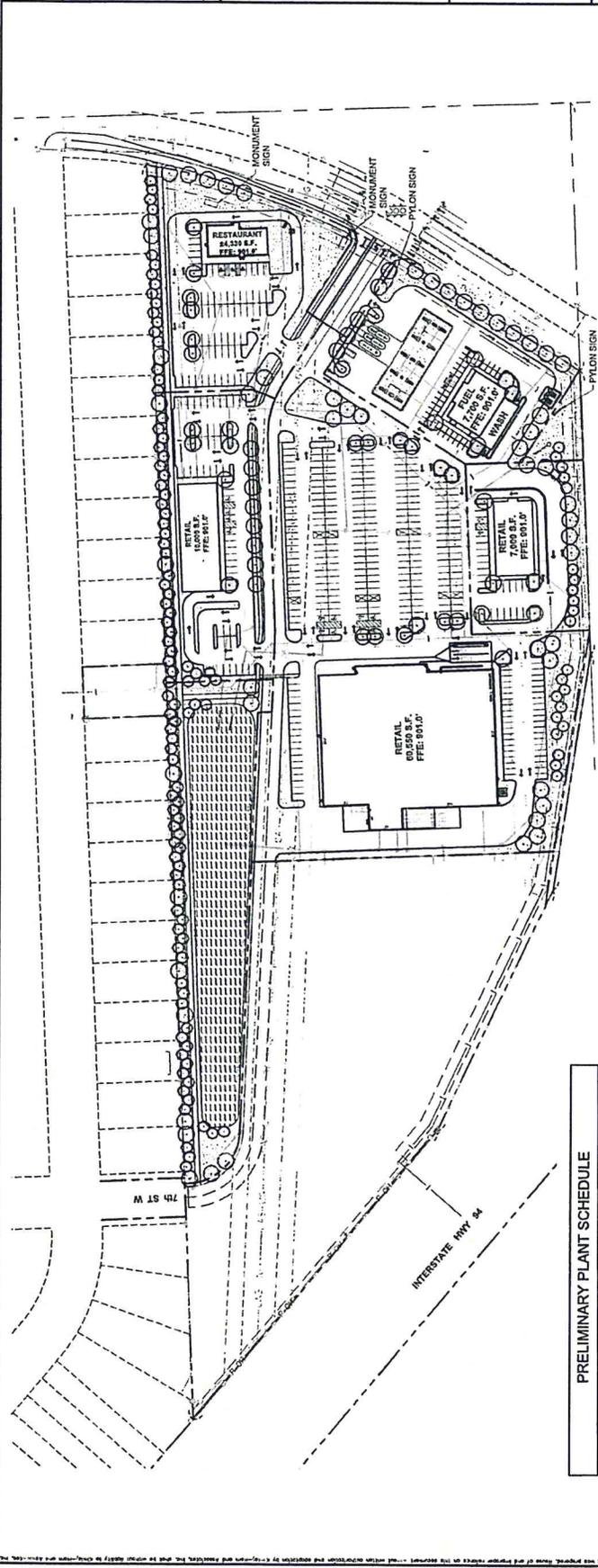
EXHIBIT A

(7 pages)

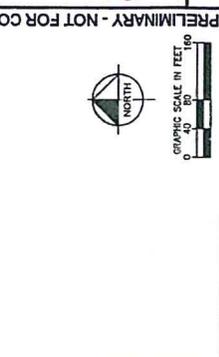
PRELIMINARY - NOT FOR CONSTRUCTION



FACING WEST THROUGH LANDSCAPE BUFFER AREA



- PLANTING NOTES:** SHALL COMPLY WITH THE CURRENT EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AND 2011, UNLESS NOTED OTHERWISE. DECIDUOUS SHRUBS SHALL HAVE AT LEAST 2 CAMERAS AT THE SPECIFIED HEIGHT. ORNAMENTAL TREES SHALL HAVE NO "C" GRADES AND SHALL BEGRASSING NO LOWER THAN 2 ABOVE THE ROOT BALL. STREET AND BOULEVARD TREES SHALL BEGRASSING NO LOWER THAN 6 ABOVE PAVED SURFACE.
- INSTALL PLANT MATERIAL ONCE FINAL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
 - INSTALL PLANT MATERIALS PER PLANTING DETAILS.
 - SUBSTITUTION REQUESTS FOR PLANT MATERIAL TYPE & SIZE SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR CONSIDERATION PRIOR TO BIDDING. ALL SUBSTITUTIONS AFTER BIDDING MUST BE APPROVED BY LANDSCAPE ARCHITECT AND ARE SUBJECT TO CONTRACT ADJUSTMENT.
 - ADJUSTMENTS IN LOCATION OF PROPOSED PLANT MATERIALS MAY BE NEEDED IN FIELD. LANDSCAPE ARCHITECT MUST BE NOTIFIED PRIOR TO ADJUSTMENT OF PLANTS.
 - INSTALL PLANT MATERIALS WITH THE PLANTING SOIL WITH THE MANUFACTURER'S INSTRUCTIONS OR MAY BE TREATED FOR SUMMER AND FALL PROTECTION WITH AN APPLICATION OF GRANULAR 16% OF 12.5% PER 2" CALIBER TREE AND 10% PER SHRUB. APPLICATION OF 16% IS THE FOLLOWING SPRING IN THE TREE BAGS.
 - INSTALL WITH AN APPLICATION OF GRANULAR 16% OF 12.5% PER 2" CALIBER TREE AND 10% PER SHRUB. APPLICATION OF 16% IS THE FOLLOWING SPRING IN THE TREE BAGS.
 - TREE WRAPPING SHALL OCCUR IN THE FALL ON OCTOBER 15 AND REMOVE WRAPPING AFTER APRIL 15.
 - APPLY PRE-EMERGENT HERBICIDE (PREEN OR APPROVED EQUAL) IN ANNUAL, PERENNIAL, AND SHRUB BEDS FOLLOWED BY SHREDDED HARDWOOD MULCH. REFER TO SPECIFICATIONS FOR ADDITIONAL INFORMATION REGARDING USE OF HERBICIDES.
 - INSTALL 4" DEEP DOUBLE SHREDDED HARDWOOD DARK MULCH RINGS AT CONIFEROUS & DECIDUOUS TREES WITH NO MULCH IN DIRECT CONTACT WITH TREE TRUNK.
 - INSTALL 4" DEEP DOUBLE SHREDDED HARDWOOD DARK MULCH RINGS AT SHRUB PLANTING AREAS WITH NO MULCH IN DIRECT CONTACT WITH SHRUB STEMS.
 - INSTALL 4" DEEP DOUBLE SHREDDED HARDWOOD DARK MULCH IN PERENNIAL PLANTING BEDS. REMOVE ALL MULCH FROM STEMS OF PERENNIALS - PLANT STEMS SHOULD NOT BE IN DIRECT CONTACT WITH MULCH.
 - ENSURE THAT SOIL CONDITIONS AND COMPACTON ARE ADEQUATE TO ALLOW FOR PROPER DRAINAGE AROUND THE CONSTRUCTION SITE. VISIBLE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BEGINNING OF WORK. IT SHALL BE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO ENSURE PROPER SURFACE AND SUBSURFACE DRAINAGE IN PLANTING AREA.
 - WARRANTY NET PLANT MATERIAL THROUGH ONE CALENDAR YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED.



SYMBOL	QTY	COMMON NAME	SIZE	ROOT
OVERSTORY DECIDUOUS	120	BUR OAK	2.5" CAL.	B & B
		COMMON HOBCHERRY	2.5" CAL.	B & B
		QUAKING ASPEN	#20	CONT.
		IVORY SILK LILAC	2.5" CAL.	B & B
		DISCOVERY ELM	2.5" CAL.	B & B
		BOULEVARD LINDEN	2.5" CAL.	B & B
		BLACK HILLS SPRUCE	6" HT	B & B
		FRASER STATESMAN SWISS STONE PINE	6" HT	B & B
		SWISS MOUNTAIN PINE	6" HT	B & B
		ROYAL SPANISH SPRUCE	6" HT	B & B
EVERGREEN	104	EASTERN RED CEDAR	5" FT	B & B
		ROCKY MOUNTAIN JUNIPER	#20	CONT.
		TEGERT AGROVITAE	#5	CONT.
		VIBURNUM	#5	CONT.
		HYDRANGEA	#5	CONT.
		DOORWEE	#5	CONT.
		SPirea	#3	CONT.
		ROSE	#3	CONT.
		JUNIFER	#2	CONT.
		BLACK EYED SUSAN	#1	CONT.
SHRUB PERENNIAL BEDS SHALL RECEIVE 4" MINIMUM HARDWOOD MULCH	6,976 S.F.	DAYLILY	#1	CONT.
		KARL FOERSTER	#2	CONT.
		CATPAINT	#1	CONT.
		NATIVE NET SEED MIX		
SOD	52,004 S.F.			
	141,976 S.F.			

REQUIREMENTS	REQUIREMENTS
4.49-A.7.B. MINIMUM REQUIRED PLANT UNITS: 676,203 SE. X 4 = 2,701 PLANT UNITS	4.49-A.7.B. MINIMUM REQUIRED PLANT UNITS: 676,203 SE. X 4 = 2,701 PLANT UNITS
4.49-A.8.A. BEYONDE ST. ONE TREE PER 30 FEET ON BOULEVARD	4.49-A.8.A. BEYONDE ST. ONE TREE PER 30 FEET ON BOULEVARD
4.49-A.8.B. ONE TREE PER 60 FEET	4.49-A.8.B. ONE TREE PER 60 FEET
TOTAL UNITS: 2,701 PLANT UNITS	TOTAL UNITS: 2,701 PLANT UNITS
15 TREES (MINIMUM 15)	15 TREES (MINIMUM 15)
31 TREES	31 TREES

REQUIREMENTS	REQUIREMENTS
4.49-A.7.B. MINIMUM REQUIRED PLANT UNITS: 676,203 SE. X 4 = 2,701 PLANT UNITS	4.49-A.7.B. MINIMUM REQUIRED PLANT UNITS: 676,203 SE. X 4 = 2,701 PLANT UNITS
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4.49-A.8.B. ONE TREE PER 60 FEET	4.49-A.8.B. ONE TREE PER 60 FEET
TOTAL UNITS: 2,701 PLANT UNITS	TOTAL UNITS: 2,701 PLANT UNITS
15 TREES (MINIMUM 15)	15 TREES (MINIMUM 15)
31 TREES	31 TREES

NO.	REVISIONS	DATE	BY
1	ISSUED FOR CITY REVIEW	4/20/17	BRJ

Kimley-Horn
 2550 UNIVERSITY AVENUE WEST, SUITE 200, ST. PAUL, MN 55114
 PHONE: 651-644-1322
 WWW.KIMLEY-HORN.COM

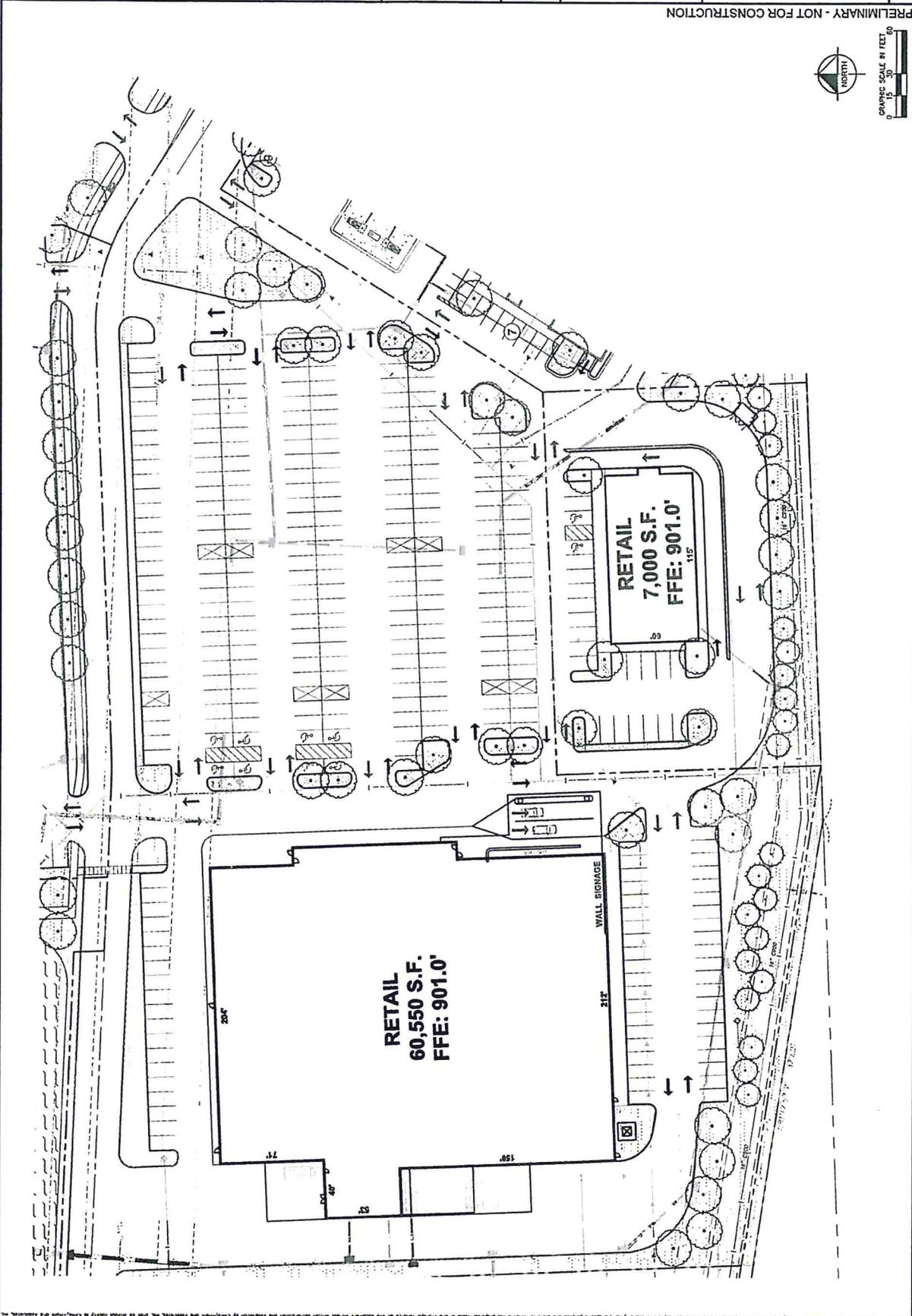
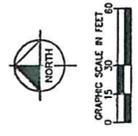
KIM PROJECT
 15077.0023
 DATE: 04/20/2017
 SCALE: AS SHOWN
 DESIGNED BY: ALC
 DRAWN BY: ALC

LANDSCAPE PLAN
 - LOT 4

OPPIDAN
 GATEWAY WEST
 WEST FARGO,
 NORTH DAKOTA

SHEET NUMBER
 L1.1

PRELIMINARY - NOT FOR CONSTRUCTION



K:\WORK\DEV\OPPIDAN\WEST FARGO RETAIL\3 Design\CAD\Plots\Sheet1\LANDSCAPE PLAN - OVERALL.dwg April 20, 2017 - 6:34pm

NO.	REVISIONS	DATE	BY
1	ISSUED FOR CITY REVIEW	4.20.17	JB

Kimley-Horn
 2017 KIMLEY-HORN AND ASSOCIATES, INC.
 2202 UNIVERSITY AVENUE WEST, SUITE 200, ST. PAUL, MN 55114
 PHONE: 651-454-1177
 WWW.KHAE.COM

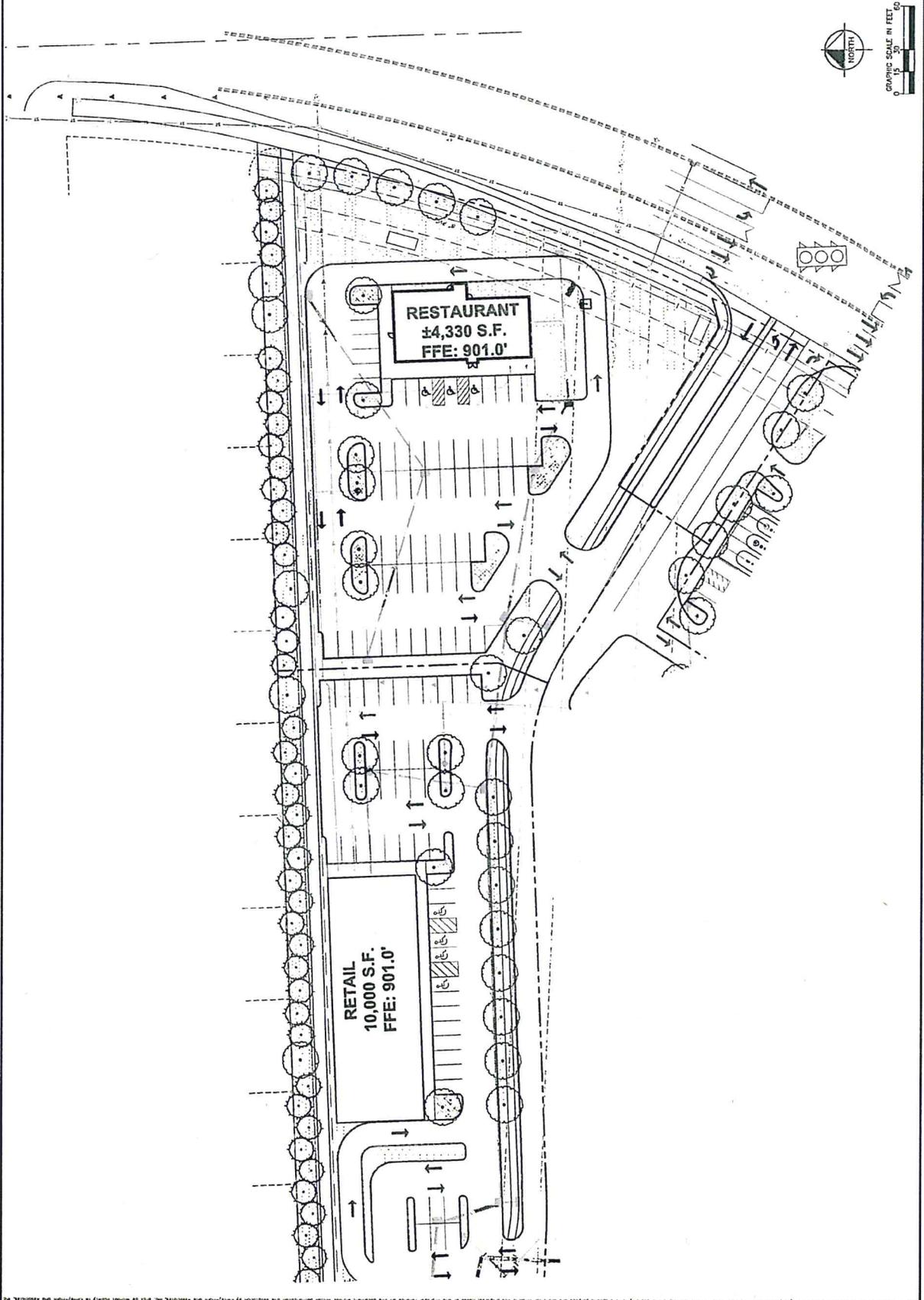
NO.	REVISIONS	DATE	BY

LANDSCAPE PLAN
 - LOT 1 & 2

OPPIDAN
 GATEWAY WEST
 WEST FARGO,
 NORTH DAKOTA

SHEET NUMBER
 L11.2

PRELIMINARY - NOT FOR CONSTRUCTION



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NO.	REVISIONS	DATE	BY
1	ISSUED FOR CITY REVIEW	4/20/17	BRJ

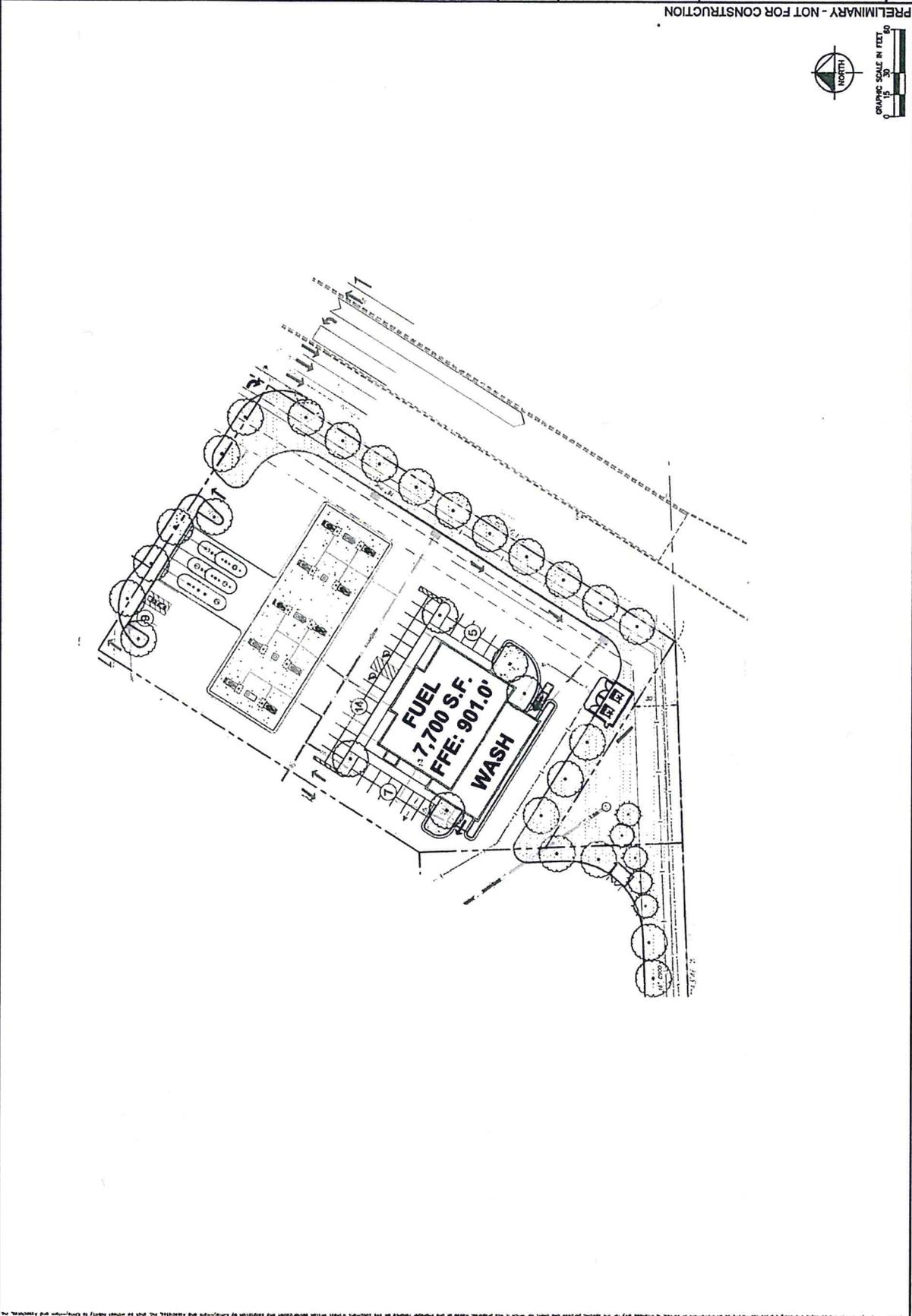
Kimley-Horn
 2017 KIMLEY-HORN AND ASSOCIATES, INC.
 1288 UNIVERSITY AVENUE WEST, SUITE 2200, ST. PAUL, MN 55114
 PHONE: 612-441-1177
 WWW.KIMLEY-HORN.COM

PROJECT	16274029
DATE	04/20/2017
SCALE	AS SHOWN
DESIGNED BY	J.K.
CHECKED BY	J.K.
DRAWN BY	J.K.
DATE	04/20/2017

LANDSCAPE PLAN
 - LOT 5

GATEWAY WEST
 WEST FARGO,
 NORTH DAKOTA
OPPIDAN
 Office of Urban Community & Design

SHEET NUMBER
L13



K:\TWC_LODEV\OPPIDAN\WEST FARGO RETAIL\3 Design\CAD\PlanSheets\LANDSCAPE PLAN - OVERALL.dwg April 20, 2017 - 6:54pm
 The documents, reports, maps, and designs prepared herein, as an instrument of service, is provided for the specific project and shall not be used for any other project without the written consent and approval of Kimley-Horn and Associates, Inc. and its affiliates. Kimley-Horn and Associates, Inc. and its affiliates shall not be held responsible for any errors or omissions in this document.

NO.	REVISIONS	DATE	BY
1	ISSUED FOR CITY REVIEW	4/20/17	BRJ

Kimley»Horn
 2520 UNIVERSITY AVENUE WEST, SUITE 200N, ST. PAUL, MN 55114
 PHONE: 651-444-1177
 WWW.KIMLEY-HORN.COM

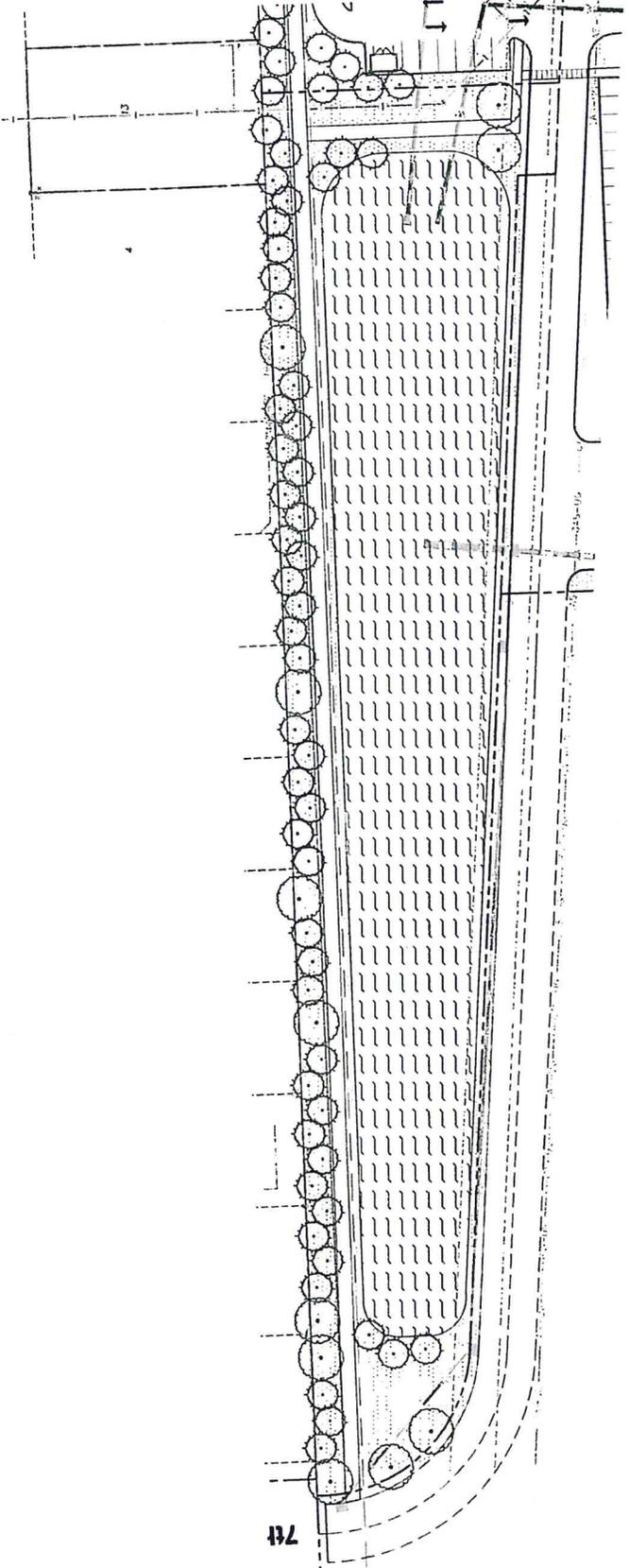
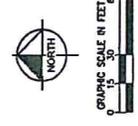
RMA PROJECT
 15077033
 DATE
 04/20/17
 SCALE AS SHOWN
 DESIGNED BY
 JLT
 CHECKED BY
 JLT
 DRAWN BY
 JLT

LANDSCAPE PLAN
- LOT 3

OPPIDAN
 GATEWAY WEST
 WEST FARGO,
 NORTH DAKOTA

SHEET NUMBER
L1.4

PRELIMINARY - NOT FOR CONSTRUCTION



741

NO.	REVISIONS	DATE	BY
1	ISSUED FOR CITY REVIEW	4/20/17	JL
2			
3			
4			
5			

Kimley-Horn
 2017 KIMLEY-HORN AND ASSOCIATES, INC.
 2500 UNIVERSITY AVENUE WEST, SUITE 200A, ST. PAUL, MN 55114
 PHONE: 651-445-1177
 WWW.KIMLEY-HORN.COM

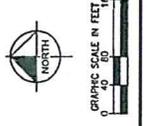
PROJECT NO.	17-0000
DATE	04/20/17
DESIGNED BY	JL
DRAWN BY	KM
CHECKED BY	KM
SCALE	AS SHOWN
DATE	04/20/17
PROJECT	17-0000

LANDSCAPE DETAILS

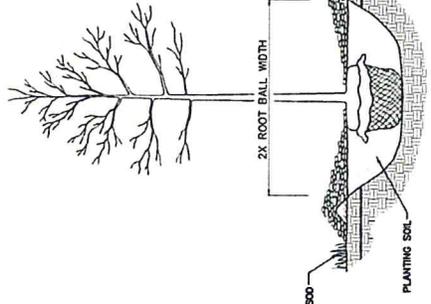
OPPIDAN
 GATEWAY WEST
 WEST FARGO,
 NORTH DAKOTA

SHEET NUMBER
 L1.5

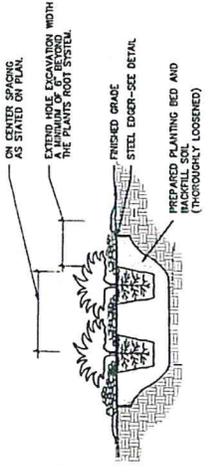
PRELIMINARY - NOT FOR CONSTRUCTION



- NOTES:**
1. SCARIFY SIDES AND BOTTOM OF HOLE.
 2. PROCEED WITH CORRECTIVE PRUNING.
 3. SET PLANT ON UNDISTURBED NATIVE SOIL.
 4. INSTALL PLANT SO THE ROOT FLAKE IS AT OR UP TO 2" ABOVE THE FINISHED GRADE.
 5. BURLAP AND WIRE BASKET, (IF USED), INTACT.
 6. SUIT REMAINING TREATED BURLAP AT 6" BACKFILL TO WITHIN APPROXIMATELY 1/2" OF THE TOP OF THE ROOTBALL, THEN WATER PLANT.
 7. REMOVE THE TOP 1/3 OF THE RINGS WHICHEVER IS GREATER. REMOVE ALL BURLAP AND NAILS FROM THE TOP 1/2 OF THE ROOTBALL.
 8. OR CORRECT STEM CURLING ROOTS.
 9. PLUMB AND BACKFILL WITH PLANTING SOIL.
 10. SETTLE PLANTS AND WATER SECOND TIME.
 11. BACK FILL Voids AND WATER SECOND TIME.
 12. EXCESSIVE WATERING UNLESS SOIL MOISTURE IS BY OWNER.

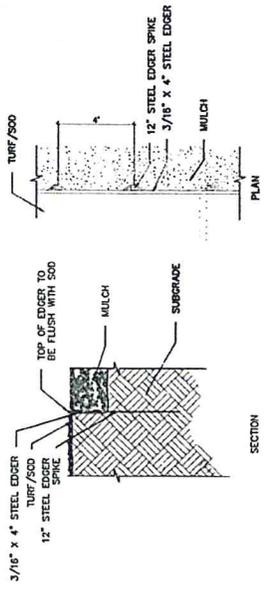


1. TREE PLANTING DETAIL

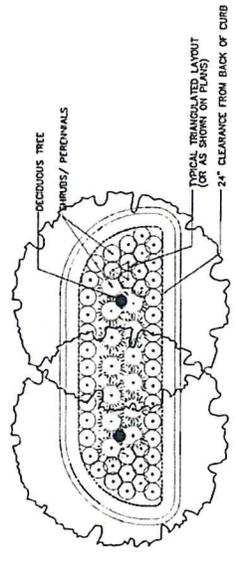


- NOTES:**
1. SCARIFY SIDES AND BOTTOM OF HOLE.
 2. PROCEED WITH CORRECTIVE PRUNING OF TOP AND ROOT.
 3. REMOVE THE TOP 1/3 OF THE RINGS WHICHEVER IS GREATER. REMOVE OR CORRECT STEM CURLING ROOTS.
 4. WATER THOROUGHLY WITHIN 2 HOURS TO SETTLE PLANTS AND FILL Voids.
 5. WATER THOROUGHLY WITHIN 2 HOURS TO SETTLE PLANTS AND FILL Voids.
 6. PLACE MULCH WITHIN 48 HOURS OF THE SECOND WATERING UNLESS SOIL MOISTURE IS EXCESSIVE.
 7. MIX IN 3-4" OF ORGANIC COMPOST.

2. SHRUB PLANTING DETAIL



3. LANDSCAPE EDGER DETAIL

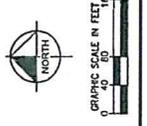


4. LANDSCAPE ISLAND PLANTINGS



- NOTES:**
1. MULCH SHALL BE MAINTAINED THROUGHOUT TO PARKING SPACES AS SHOWN.
 2. WHEN 2' OF A PARKING SPACE ON ANY SIDE.
 3. CURB ON PARKING LOT SIDE.

5. PARKING SPACE PLANTINGS













ENGINEERING DEPARTMENT

800 4 Ave E, Suite 1
West Fargo, ND 58078
701.433.5300
www.westfargond.gov

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

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

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

1. CONTACT PERSON(s):
 - Dustin T. Scott, City Engineer (433-5425)
2. DATE OF MEETING: **June 3, 2019**
3. DESCRIPTION OF REQUEST:
 - Project update for Water Distribution Project (Impr.No. 1312 & 1313) and review of Preliminary Engineering Report
4. LOCATION (address; legal; etc.):
 - 9th St NE (Main to 12th Ave) and 15th St NW (Main to 21st Ave)
5. ACTION(S) REQUESTED:
 - Authorize advertisement of bid documents for construction of Water Distribution Project (Impr.No. 1312 & 1313)

ADDITIONAL INFORMATION:

This project is receiving financial assistance through a grant issued by the ND State Water Commission, which covers up to 60% of eligible construction costs. The remaining project balance will be financed using sales tax and/or other city revenues (NO special assessments).

City of West Fargo, North Dakota

***Water Improvement Project No. 1312
15th Street SW Water Looping***

&

***Water Improvement Project No. 1313
9th Street NE Water Looping***

Engineer's Report

This document was originally issued and sealed by Erik Gilbertson, Registration No. PE-5581, on May 30, 2019 and the original document is stored at Moore Engineering, Inc., West Fargo, N.D.



May 2019
Project No. 19922 / 19923

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Attachments

- Exhibit 1: Water 1312 Project Map
- Exhibit 2: Water 1313 Project Map
- Opinion of Cost

1. INTRODUCTION

The City of West Fargo, North Dakota (“City”) identified the need for improved water distribution capacity in two areas of the community. This includes the southwest part of town (identified as Water Improvement District No. 1312) and the northeast side of town (identified as Water Improvement District No. 1313). Funding applications were submitted for two projects to the State Water Commission and were awarded to the City. The purpose of this preliminary engineer’s report is to establish the general nature, purpose, and feasibility of the proposed Improvements as well as estimate the probable costs of the Improvements. Additionally, this report will indicate the existing conditions of the water system; Improvement alternatives; evaluations of the alternatives; recommendations for the proposed Improvements; and funding related to the Improvements and prior City improvements associated with the area.

2. EXISTING CONDITIONS

2.1. Water Improvement Project No. 1312 / 15th Street SW Water Looping

The Water 1312 corridor begins at the intersection of Main Avenue W and 15th Street SW, extending south along 15th Street to Interstate 94, then southwesterly crossing I-94 and the West Fargo Diversion, then southeasterly parallel to the diversion to 21st Avenue S. There is an existing 8” asbestos cement pipe (ACP) water main along the west side of 15th Street SW from Main Avenue to the grand stand entrance for the Red River Valley Fairgrounds (RRVF) that was installed in 1965. This water main serves the RRVF, Bonanzaville, and the RRVF campgrounds. ACP water mains were prevalent in the 1950’s and 1960’s as an alternative to cast iron pipe (the use of PVC started in the 1970’s). The design life of ACP is approximately 50 years and the mains are currently 54 years old. The water mains in this area are not looped, basically a dead end off of Main Avenue, restricting fire flow in the area. In Main Avenue, a new 16” PVC water main was installed with the reconstruction of the street a few years ago.

On the southern end of the project, at 21st Avenue S and the Horace Diversion, there is a new 10” PVC water main that currently dead ends near 12th Street W.

The remainder of the Water 1312 corridor does not have any existing water mains.

2.2. Water Improvement Project No. 1313 / 9th Street NE Water Looping

There is an existing 12” polyvinyl chloride pipe (PVC) water main along the east side of 9th Street NE from Main Avenue to 7th Avenue NE and along the west side of 9th Street NE from 11th Avenue NE to 12th Avenue NE. This water main serves the developments near this corridor. The 12” water main does not meet the current or future needs for water supply in the area. There is a 16” PVC water main in Main Avenue, a 12” PVC water main in 7th Avenue N, a 12” water main in 10th Avenue N, an 8” PVC water main in 11th Avenue N, and a 16” water main extending north near 12th Avenue N.

There is not a continuous water main from Main Avenue to 12th Avenue NE. Areas without water service currently utilize private wells.

2.2.1. Contaminated Soils

During the initial investigation of the 9th Street NE corridor, it was found that there was a history of contaminated soils adjacent to the Magellan Pipeline Company facility. Braun Intertec performed a field investigation along the properties adjacent to Magellan and also adjacent to the Hazer Auto Salvage property along 9th Street NE.

The findings of the investigation are found in a Letter of Exploration dated May 11, 2018. A copy of this report is available at the offices of Moore Engineering. The investigation found Gasoline Range Organics (GOC) and Volatile Organic Compounds (VOC) exceeding regulatory standards across from the Magellan property. In addition, Diesel Range Organics (DRO) were detected in the groundwater adjacent to the Hazer Auto Salvage yard. Both locations exceeded the action levels triggering discussion with the North Dakota Department of Environmental Quality, formerly North Dakota Department of Health.

3. NEED FOR IMPROVEMENTS

3.1. Water Improvement Project No. 1312 / 15th Street SW Water Looping

There are only two water mains that cross Interstate 94 connecting the northern half of West Fargo to the southern half. These include a 12" water main at Veterans Boulevard and a 16" water main at Sheyenne Street. Water Improvement Project No. 1312 will provide a 16" loop connecting the water system in Main Avenue, 13th Avenue S, and 21st Avenue S. The improvements will greatly improve the water supply system in the western portions of West Fargo. In addition, the water loop will provide a backbone for future expansion to the west.

There are six (6) water mains that cross the BNSF railroad connecting the northern tier of West Fargo to the remainder of town. These include the existing 12" water main at 9th Street NE, an 8" water main at Center Street, an 8" main east of the Sheyenne River, a 10" water main west of the Sheyenne River, a 12" water main at 9th Street NW, and a 12" water main at 26th Street NW. The improvements will greatly improve the volume of water to the northern system.

3.1.1. Contaminated Soils

The existing 12" water main adjacent to the Magellan property is a standard PVC pipe with normal gaskets. Research of PVC pipe has shown that the gaskets have reduced lifespan when exposed to the GOC's and VOC's indicated in the Letter of Exploration. Replacement of this pipe is necessary to protect the public from potential contamination.

4. CONSIDERATION AND EVALUATION OF ALTERNATIVES

4.1. Water Improvement Project No. 1312 / 15th Street SW Water Looping

4.1.1. North of 13th Avenue W

The proposed 16" water main could be installed in the east side of 15th Street SW, between the road and the existing multi use path from Main Avenue to 13th Avenue S. This alternative could potentially cause damage to the multi-use path during construction. There also appear to be multiple utilities located in this area that will impact construction.

An alternative would be to install the proposed 16" water main adjacent to the west right of way line, approximately 15-30' west of the road in the north section. This alternative would place the water main up against the existing fencing for Bonanzaville, requiring replacement. This alternative also requires that additional easements be obtained for the work.

4.1.2. South of 13th Avenue W

South of 13th Avenue S, the proposed water main will cross I-94 and the West Fargo Diversion, then can be installed adjacent to the West Fargo Diversion. This route would parallel the diversion from the Interstate 94, south to 21st Avenue S. This location would place the water main on the edge of any future developments. Access would be difficult for maintenance or repairs.

An alternative location south of the West Fargo diversion, is to place the proposed water main along 15th Street and 21st Avenue S. This route would parallel the existing section lines. This route may cause issues if the existing township roads are relocated with development in these areas. Access for maintenance or repairs would be good off of the existing roads.

4.2. Water Improvement Project No. 1313 / 9th Street NE Water Looping

The new water main can be installed in the eastern ditch of 9th Street NE. This would place the water main directly adjacent to the Magellan and Hazer Auto Salvage properties. These two properties are the suspected source of the contamination, so placement on this side of the road may require more mitigation.

An alternative location for the new water main is the western ditch of 9th Street NE. This would place the water main next to vacant and developed properties. Contaminated soils were found on this side of the street, but are anticipated to be less than the other side.

5. RECOMMENDED ALTERNATIVES

5.1. Water Improvement Project No. 1312 / 15th Street SW Water Looping

5.1.1. North of 13th Avenue W

The recommended alternative for the water main along 15th Street S, north of 13th Avenue W, is along the western side of the road. There are fewer utilities to navigate around and there would not be impacts to the new multi-use path located on the east side of the road.

5.1.2. South of 13th Avenue W

The recommended alternative for the water main south of the West Fargo Diversion is to parallel the diversion. This will keep the water main out of any potential conflicts for future development in these areas.

5.2. Water Improvement Project No. 1313 / 9th Street NE Water Looping

With the potential of increased soil contamination on the east side of 9th Street NE, the west side of the road is the preferred location. Additionally, the east side has more space for construction, with the improvements on the Magellan and Hazer sites being located up against the existing 33' right of way.

In the areas where the contamination has been identified, the water main would be PVC with NBR gaskets or with Fusible PVC (no joints). This pipe is more resistant to the contamination. Additionally, to reduce the amount of contaminated soils that would need to be disposed of, these areas would be bored.

6. PROPOSED IMPROVEMENTS

The proposed Improvements will be constructed as part of a two phase project. All of Water 1312 lying north of 13th Avenue W and all of Water Improvement Project No. 1313 will be constructed as one project. The remainder of Water Improvement Project No. 1312 (lying south of 13th Avenue S), will be constructed as a Phase 2 project. The project components are summarized as follows:

- **Phase 1 Project**
 - Water Improvement Project No. 1312
 - North of 13th Avenue W
 - 16" water mains from I-94 to Main Avenue
 - 8" water mains to the Fairgrounds and RRVF Campsites.
 - Fire Hydrants to assist with fire protection of the area

-
- Water Improvement Project No. 1313
 - 9th Street NE
 - 16" water mains from Main Avenue to 12th Avenue NE
 - Removal and disposal of contaminated soils.
 - Connecting to all the mains crossing east/west in the area.
 - Fire Hydrants to assist with fire protection of the area
 - RRVF Campsites
 - 8" water mains
 - Fire hydrants to assist with fire protection of the area
 - Reconnecting existing bath house.
 - Miscellaneous Improvements
 - 8" water main loop to the RRVF campsites to the water system east of Drain 21.
 - Removal of Cass Rural Water tie-overs at the intersection of 9th Street W and 32nd Avenue S.
 - Connecting existing 8" dead end water main at Main Avenue W and 6th Street NW to the water system in Main Avenue W.
 - Right-of-way
 - Right-of-way or easements are currently being obtained for the proposed project.
 - Phase 2 Project
 - Water Improvement Project No. 1312
 - South of 13th Avenue W (Phase 2)
 - 16" water mains from 21st Avenue to I-94
 - Fire Hydrants to assist with flushing the mains
 - Right-of-way
 - Right-of-way or easements are currently obtained for the proposed project.

Upon completion of the Improvements, the necessary City Infrastructure will be provided to service the Property for residential use as well as the overall development for the regional infrastructure. Furthermore, the City's Infrastructures systems will be complete in this area. The total cost of the Phase 1 project improvements, is estimated to be \$3,130,000. The Engineer's Opinion of Probable Cost can be found in Appendix A.

The total cost of the Phase 2 project improvements, is estimated to be \$1,170,000. The Engineer's Opinion of Probable Cost can be found in Appendix A.

7. FUNDING

The Improvements are intended to be funded through a combination of City Funds and State Water Commission Funding.

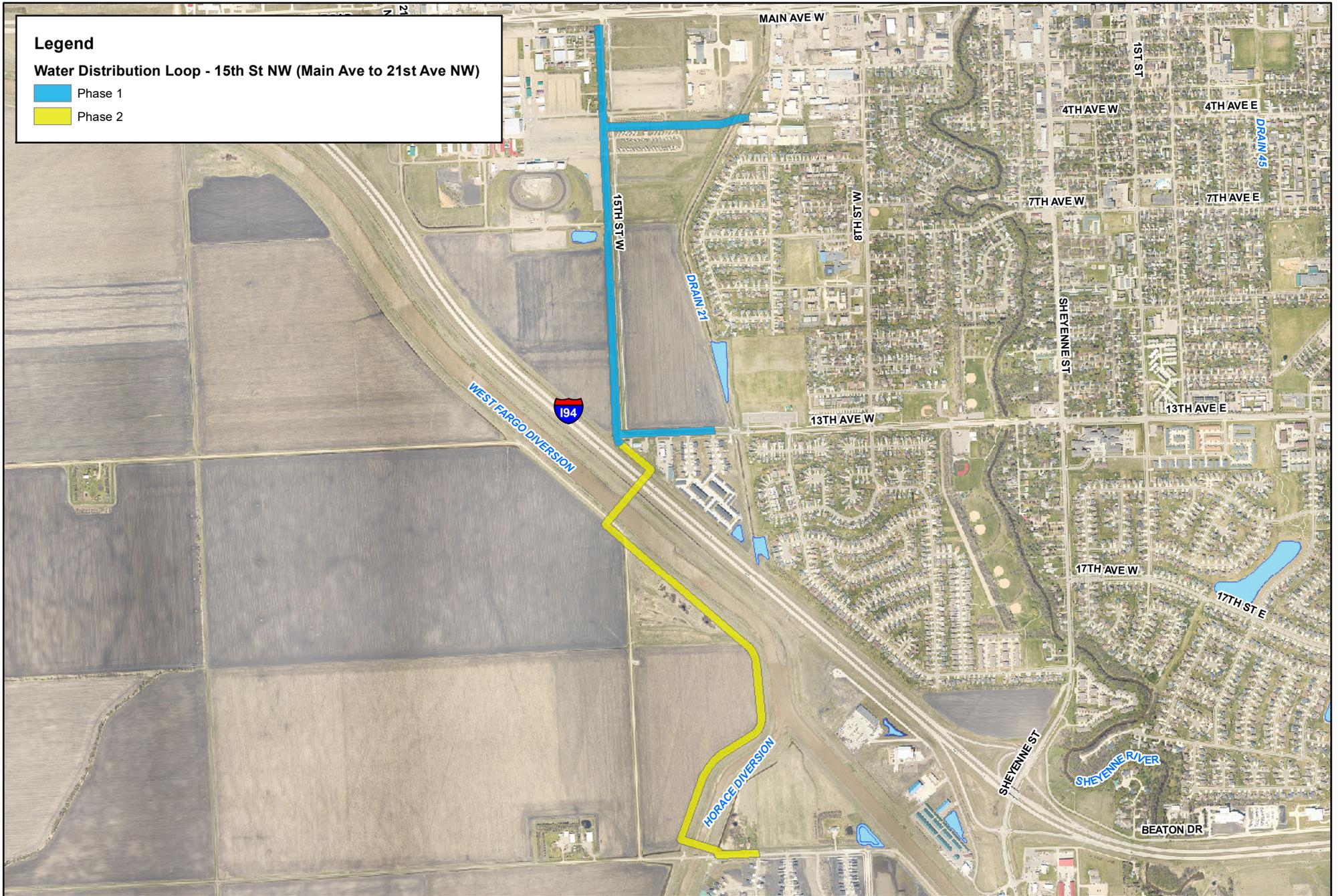
8. CONCLUSION

The proposed Improvements are necessary to improve water flows in the northeast and west sides of the City and would be in accordance with the City of West Fargo design standards for public improvements.

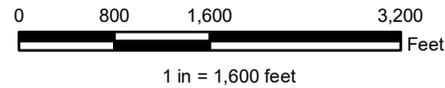
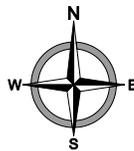
Legend

Water Distribution Loop - 15th St NW (Main Ave to 21st Ave NW)

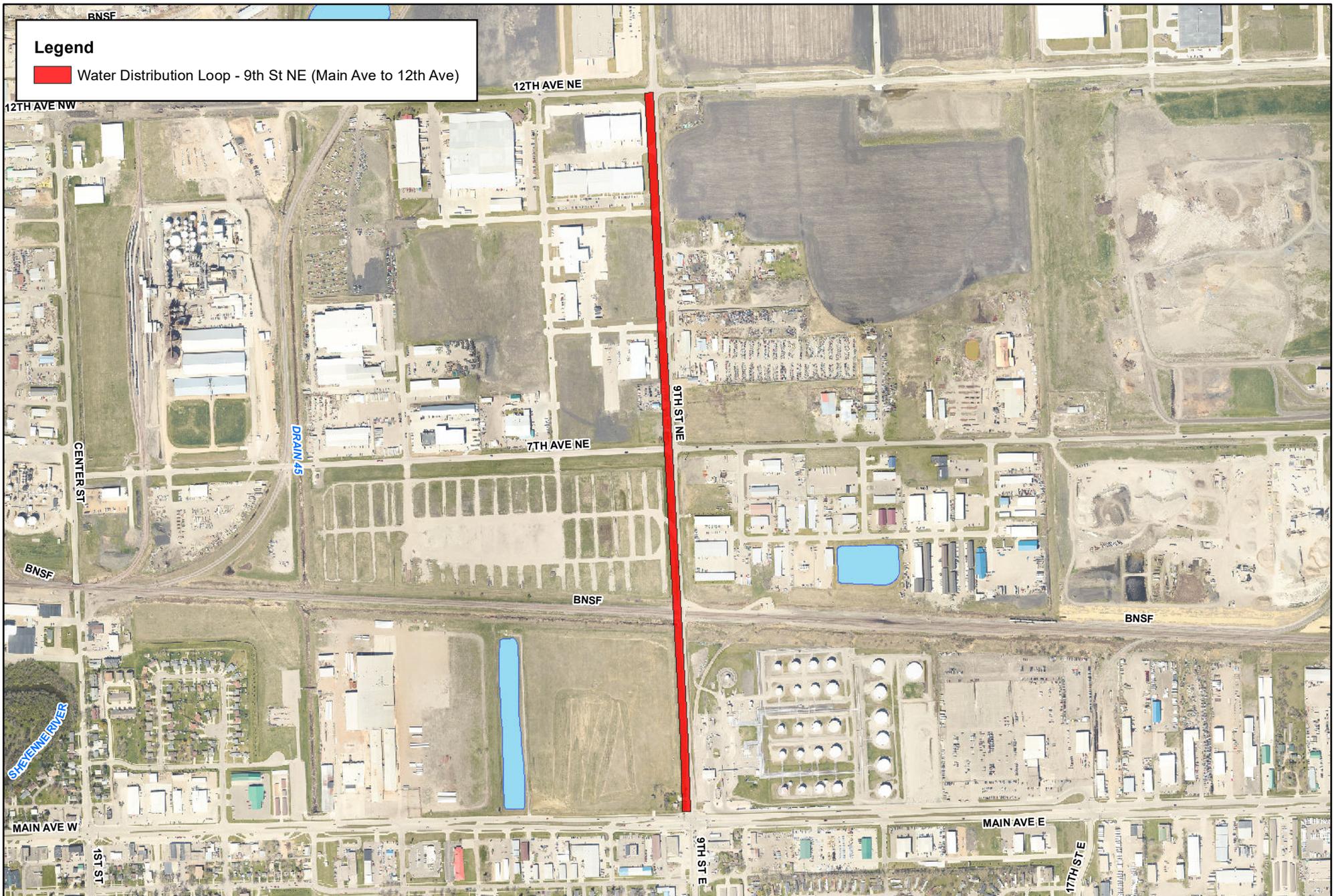
-  Phase 1
-  Phase 2



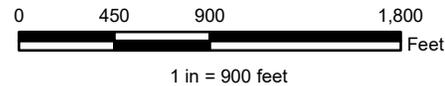
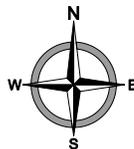
Water Distribution Loop - 15th St NW (Main Ave to 21st Ave NW)
Water Improvement Project No. 1312
West Fargo, North Dakota



Created By: TJS Date Created: 05/02/19 Date Saved: 05/02/19 Date Plotted: NEVER Date Exported: 05/02/19
Plotted By: tanner.schmidt Parcel Date: N/A Aerial Image: 2017 Metro COG Elevation Data: Lidar
Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
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Water Distribution Loop - 9th St NE (Main Ave to 12th Ave)
Water Improvement Project No. 1313
West Fargo, North Dakota



Created By: TJS Date Created: 05/02/19 Date Saved: 05/02/19 Date Plotted: NEVER Date Exported: 05/02/19
 Plotted By: tanner.schmidt Parcel Date: N/A Aerial Image: 2017 Metro COG Elevation Data: Lidar
 Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
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**Water Improvement Project No. 1312 & 1313
15th Street SW & 9th Street NE
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>Part A: 15th Street W, SWC Participating</u>					
1. 261.0112	Fiber Rolls 12In	LF	145	\$3.00	\$435.00
2. 708.1540	Inlet Protection-Special	EA	10	\$500.00	\$5,000.00
3. 202.0114	Removal of Concrete Pavement	SY	190	\$10.00	\$1,900.00
4. 202.0130	Removal of Curb & Gutter	LF	95	\$10.00	\$950.00
5. 202.0132	Removal of Bituminous Surfacing	SY	815	\$10.00	\$8,150.00
6. 202.0312	Remove Existing Fence	LF	810	\$2.00	\$1,620.00
7. 24200	Removal of Gate Valve	EA	4	\$475.00	\$1,900.00
8. 24200	Removal of Hydrant	EA	3	\$685.00	\$2,055.00
9. 28213.33	Removal of Asbestos Concrete Pipe	LF	585	\$85.00	\$49,725.00
10. 330507.13	Directional Drill - 12"	LF	126	\$150.00	\$18,900.00
11. 330507.13	Directional Drill - 16"	LF	116	\$175.00	\$20,300.00
12. 331413	Fittings	LBS	5,495	\$5.00	\$27,475.00
13. 331413	Meter Pit	EA	2	\$30,000.00	\$60,000.00
14. 331413	Water Main - 12"	LF	745	\$50.00	\$37,250.00
15. 331413	Water Main - 16"	LF	5,200	\$62.00	\$322,400.00
16. 331413	Water Main - 6"	LF	157	\$28.00	\$4,396.00
17. 331413	Water Main - 8"	LF	227	\$35.00	\$7,945.00
18. 331417	Water Service Connection - 1"	EA	2	\$650.00	\$1,300.00
19. 331417	Water Service Line - 1"	LF	80	\$25.00	\$2,000.00
20. 331419	Gate Valve & Box - 12"	EA	2	\$4,000.00	\$8,000.00
21. 331419	Gate Valve & Box - 16"	EA	7	\$10,000.00	\$70,000.00
22. 331419	Gate Valve & Box - 6"	EA	11	\$1,500.00	\$16,500.00
23. 331419	Gate Valve & Box - 8"	EA	7	\$2,000.00	\$14,000.00
24. 331419	Hydrant - 6"	EA	11	\$5,500.00	\$60,500.00
25. 714.5015	Pipe Corr Steel .064In 18In	LF	80	\$80.00	\$6,400.00
26. 714.5035	Pipe Corr Steel .064In 24In	LF	30	\$100.00	\$3,000.00
27. 714.5810	End Sect Corr Steel .064In 18In	EA	3	\$400.00	\$1,200.00
28. 714.5820	End Sect Corr Steel .064In 24In	EA	3	\$600.00	\$1,800.00
29. 302.0120	Aggregate Base Course Cl 5	TON	485	\$35.00	\$16,975.00
30. 302.0320	Aggregate Surface Course Cl 5	TON	25	\$35.00	\$875.00
31. 709.0151	Geosynthetic Material Type R1	SY	1,040	\$2.00	\$2,080.00
32. 430.0042	Superpave FAA 42	TON	315	\$125.00	\$39,375.00
33. 550.0310	10In Non Reinf Concrete Pvmt Cl Ae-Doweled	SY	160	\$150.00	\$24,000.00
34. 748.0140	Curb & Gutter-Type I	LF	95	\$30.00	\$2,850.00
35. 750.0030	Pigmented Imprinted Concrete	SY	26	\$110.00	\$2,860.00
36. 752.0600	Fence Chain Link	LF	810	\$30.00	\$24,300.00
37. 752.0850	Ornamental Fence	LF	170	\$75.00	\$12,750.00
38. 752.0920	Fence Remove & Reset	L SUM	65	\$1,000.00	\$65,000.00
39. 762.1305	Preformed Patterned Pvmt Mk 4In Line-Grooved	LF	100	\$10.00	\$1,000.00
40. 762.1309	Preformed Patterned Pvmt Mk 8In Line-Grooved	LF	100	\$20.00	\$2,000.00
41. 762.1325	Preformed Patterned Pvmt Mk 24In Line-Grooved	LF	100	\$50.00	\$5,000.00
42. 251.0300	Seeding Class III	ACRE	6	\$2,500.00	\$15,000.00
43. 255.0101	Ecb Type 1	SY	1,650	\$2.00	\$3,300.00
44. 754.0593	Reset Sign Support	EA	17	\$150.00	\$2,550.00
45. 704.1100	Traffic Control	L SUM	1	\$20,000.00	\$20,000.00
46. 15000	Storm Water Management	L SUM	1	\$5,000.00	\$5,000.00

**Water Improvement Project No. 1312 & 1313
15th Street SW & 9th Street NE
West Fargo, ND**

Engineer's Opinion of Probable Cost

BID ITEM NO. & DESCRIPTION		UNIT	QUANTITY	UNIT PRICE	TOTAL	
				PART A TOTAL	\$1,000,016.00	
<u>PART B: 9th Street NE, SWC Participating</u>						
1.	261.0112	Fiber Rolls 12In	LF	760	\$3.00	\$2,280.00
2.	708.1540	Inlet Protection-Special	EA	8	\$500.00	\$4,000.00
3.	201.0330	Clearing & Grubbing	L SUM	1	\$2,500.00	\$2,500.00
4.	202.0114	Removal Of Concrete Pavement	SY	582	\$10.00	\$5,820.00
5.	202.0130	Removal Of Curb & Gutter	LF	260	\$10.00	\$2,600.00
6.	202.0132	Removal Of Bituminous Surfacing	SY	526	\$10.00	\$5,260.00
7.	202.0288	Excavation & Disposal Of Contaminated Soil	CY	675	\$60.00	\$40,500.00
8.	24200	Removal of Gate Valve	EA	11	\$475.00	\$5,225.00
9.	24200	Removal of Hydrant	EA	3	\$685.00	\$2,055.00
10.	24200	Removal of Water Main	LF	890	\$11.00	\$9,790.00
11.	PLAN	Abandonment of Pipe	LS	1	\$26,000.00	\$26,000.00
12.	PLAN	Disposal of Groundwater	GAL	10,000	\$0.50	\$5,000.00
13.	330507	Jacked Pipe - 24"	LF	223	\$350.00	\$78,050.00
14.	330507.13	Directional Drill - 16"	LF	678	\$175.00	\$118,650.00
15.	330507.13	Directional Drill - 8"	LF	101	\$125.00	\$12,625.00
16.	331413	Fittings	LBS	3,743	\$5.00	\$18,715.00
17.	331413	Fittings - NBR	LBS	1,410	\$10.00	\$14,100.00
18.	331413	Water Main - 12"	LF	50	\$50.00	\$2,500.00
19.	331413	Water Main - 16"	LF	3,252	\$62.00	\$201,624.00
20.	331413	Water Main - 16" - NBR	LF	737	\$72.00	\$53,064.00
21.	331413	Water Main - 6"	LF	38	\$28.00	\$1,064.00
22.	331413	Water Main - 6" - NBR	LF	24	\$35.00	\$840.00
23.	331413	Water Main - 8"	LF	90	\$35.00	\$3,150.00
24.	331417	Water Service Connection - 1"	EA	1	\$650.00	\$650.00
25.	331417	Water Service Line - 1"	LF	25	\$25.00	\$625.00
26.	PLAN	Water Service Line Adjustments	EA	1	\$1,000.00	\$1,000.00
27.	331419	Gate Valve & Box - 12"	EA	3	\$4,000.00	\$12,000.00
28.	331419	Gate Valve & Box - 16"	EA	7	\$10,000.00	\$70,000.00
29.	331419	Gate Valve & Box - 16" - NBR	EA	3	\$10,750.00	\$32,250.00
30.	331419	Gate Valve & Box - 6"	EA	7	\$1,500.00	\$10,500.00
31.	331419	Gate Valve & Box - 6" - NBR	EA	3	\$2,000.00	\$6,000.00
32.	331419	Gate Valve & Box - 8"	EA	2	\$2,000.00	\$4,000.00
33.	331419	Hydrant - 6"	EA	9	\$5,500.00	\$49,500.00
34.	331419	Hydrant - 6" - NBR	EA	3	\$6,000.00	\$18,000.00
35.	PLAN	Sample Station	L SUM	1	\$5,000.00	\$5,000.00
36.	203.0140	Borrow-Excavation	CY	675	\$10.00	\$6,750.00
37.	302.0120	Aggregate Base Course CI 5	TON	785	\$35.00	\$27,475.00
38.	310516	Rock Bedding	CY	200	\$35.00	\$7,000.00
39.	709.0151	Geosynthetic Material Type R1	SY	1,604	\$2.00	\$3,208.00
40.	430.0042	Superpave FAA 42	TON	176	\$125.00	\$22,000.00
41.	550.0113	8In Reinf Concrete Pavement CI Ae	SY	80	\$80.00	\$6,400.00
42.	550.0310	10In Non Reinf Concrete Pvmt CI Ae-Doweled	SY	334	\$150.00	\$50,100.00
43.	748.0140	Curb & Gutter-Type I	LF	260	\$30.00	\$7,800.00
44.	750.00001	Driveway Concrete 7In Reinforced	SY	133	\$80.00	\$10,640.00
45.	750.0115	Sidewalk Concrete 4In	SY	9	\$75.00	\$675.00

**Water Improvement Project No. 1312 & 1313
15th Street SW & 9th Street NE
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>
46. 750.1021 Driveway Concrete 8In Reinforced	SY	8	\$80.00	\$640.00
47. 762.1344 Pref Patt Pvmt Mk 7In Line Contrast-Grooved	LF	10	\$100.00	\$1,000.00
48. 251.0300 Seeding Class III	ACRE	5	\$2,500.00	\$12,500.00
49. 255.0101 Ecb Type 1	SY	500	\$5.00	\$2,500.00
50. 704.1100 Traffic Control	L SUM	1	\$20,000.00	\$19,000.00
51. 15000 Storm Water Management	L SUM	1	\$5,000.00	\$4,750.00
			TOTAL PART B	\$1,007,375.00

PART C: Local Funded

1. 708.1540 Inlet Protection-Special	EA	2	\$500.00	\$1,000.00
2. 202.0114 Removal Of Concrete Pavement	SY	150	\$10.00	\$1,500.00
3. 202.0130 Removal Of Curb & Gutter	LF	45	\$10.00	\$450.00
4. 202.0132 Removal Of Bituminous Surfacing	SY	25	\$10.00	\$250.00
5. 24200 Removal of Gate Valve	EA	2	\$475.00	\$950.00
6. 24200 Removal of Water Main	LF	20	\$11.00	\$220.00
7. 330507.13 Directional Drill - 8"	LF	327	\$175.00	\$57,225.00
8. 331413 Fittings	LBS	1,153	\$5.00	\$5,765.00
9. 331413 Tapping Sleeve & Valve - 8" x 8"	EA	1	\$5,000.00	\$5,000.00
10. 331413 Water Main - 6"	LF	20	\$28.00	\$560.00
11. 331413 Water Main - 8"	LF	730	\$35.00	\$25,550.00
12. 331419 Gate Valve & Box - 6"	EA	1	\$1,500.00	\$1,500.00
13. 331419 Gate Valve & Box - 8"	EA	2	\$2,000.00	\$4,000.00
14. 331419 Hydrant - 6"	EA	1	\$5,500.00	\$5,500.00
15. 302.0120 Aggregate Base Course Cl 5	TON	26	\$35.00	\$910.00
16. 709.0151 Geosynthetic Material Type R1	SY	45	\$2.00	\$90.00
17. 430.0042 Superpave FAA 42	TON	10	\$125.00	\$1,250.00
18. 550.0113 8In Reinf Concrete Pavement Cl Ae	SY	45	\$80.00	\$3,600.00
19. 550.0310 10In Non Reinf Concrete Pvmt Cl Ae-Doweled	SY	105	\$150.00	\$15,750.00
20. 748.0140 Curb & Gutter-Type I	LF	45	\$30.00	\$1,350.00
21. 750.0115 Sidewalk Concrete 4In	SY	65	\$75.00	\$4,875.00
22. 750.0140 Sidewalk Concrete 6In	SY	20	\$80.00	\$1,600.00
23. 750.2115 Detectable Warning Panels	SF	52	\$60.00	\$3,120.00
24. 15000 Storm Water Management	L SUM	1	\$2,500.00	\$2,500.00
25. 251.0300 Seeding Class III	ACRE	1.5	\$2,500.00	\$3,750.00
26. 704.1100 Traffic Control	L SUM	1	\$2,500.00	\$2,500.00
			TOTAL PART C	\$150,765.00

**Water Improvement Project No. 1312 & 1313
15th Street SW & 9th Street NE
West Fargo, ND**

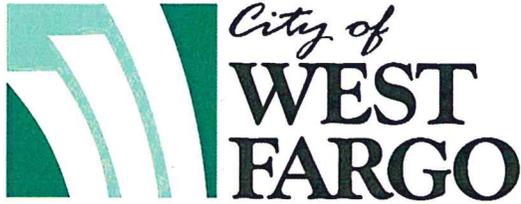
Engineer's Opinion of Probable Cost

<i>BID ITEM NO. & DESCRIPTION</i>	<i>UNIT</i>	<i>QUANTITY</i>	<i>UNIT PRICE</i>	<i>TOTAL</i>	
<u>PART D: Red River Valley Fair Campgrounds</u>					
1. 261.0106	Fiber Rolls 6In	LF	105	\$3.00	\$315.00
2. 24200	Removal of Gate Valve	EA	1	\$475.00	\$475.00
3. 24200	Removal of Hydrant	EA	1	\$685.00	\$685.00
4. 331413	Water Main - 6"	LF	16	\$28.00	\$448.00
5. 331413	Water Main - 8"	LF	875	\$35.00	\$30,625.00
6. 331417	Water Service Connection - 2"	EA	1	\$1,000.00	\$1,000.00
7. 331417	Water Service Line - 2"	LF	130	\$35.00	\$4,550.00
8. 331419	Gate Valve & Box - 6"	EA	2	\$1,500.00	\$3,000.00
9. 331419	Hydrant - 6"	EA	2	\$5,500.00	\$11,000.00
10. 302.0320	Aggregate Surface Course CI 5	TON	325	\$35.00	\$11,375.00
11. 251.0300	Seeding Class III	ACRE	0.60	\$2,500.00	\$1,500.00
12. 754.0592	Reset Sign Panel	EA	1	\$100.00	\$100.00
13. 754.0593	Reset Sign Support	EA	1	\$150.00	\$150.00
				TOTAL PART D	\$65,223.00
				Construction Subtotal	\$2,223,379.00
				Contingencies	\$225,000.00
				Design & Construction Engineering (11%)	\$269,321.69
				Engineer's Report	\$3,000.00
				Land Acquisition	\$240,000.00
				Funding Administration	\$5,100.00
				Restructuring Bid Package	\$6,500.00
				Legal Fees	\$122,418.95
				Soil Borings & Geotechnical Report	\$30,000.00
				TOTAL PROJECT COST	\$3,130,000.00

**Water Improvement Project No. 1312
Phase II 13th Ave to 21st Ave
West Fargo, ND**

Engineer's Opinion of Probable Cost

<i>BID ITEM NO. & DESCRIPTION</i>	<i>UNIT</i>	<i>QUANTITY</i>	<i>UNIT PRICE</i>	<i>TOTAL</i>	
<u>Base Bid</u>					
1. 261.0112	Fiber Rolls 12In	LF	1,225	\$3.00	\$3,675.00
2. 202.0114	Removal of Concrete Pavement	SY	19	\$10.00	\$190.00
3. 202.0312	Remove Existing Fence	LF	40	\$2.00	\$80.00
4. 24200	Removal of Gate Valve	EA	1	\$475.00	\$475.00
5. 24200	Removal of Hydrant	EA	1	\$685.00	\$685.00
6. 330507	Jacked Pipe - 24"	LF	775	\$350.00	\$271,250.00
7. 331413	Fittings	LBS	12,730	\$5.00	\$63,650.00
8. 331413	Water Main - 16"	LF	5,644	\$62.00	\$349,928.00
9. 331413	Water Main - 6"	LF	40	\$28.00	\$1,120.00
10. 331419	Gate Valve & Box - 16"	EA	7	\$10,000.00	\$70,000.00
11. 331419	Gate Valve & Box - 6"	EA	6	\$1,500.00	\$9,000.00
12. 331419	Hydrant - 6"	EA	6	\$5,500.00	\$33,000.00
13. 302.0320	Aggregate Surface Course CI 5	TON	55	\$35.00	\$1,925.00
14. 709.0151	Geosynthetic Material Type R1	SY	167	\$2.00	\$334.00
15. 251.0100	Seeding Class I	ACRE	3	\$2,500.00	\$7,500.00
16. 251.0300	Seeding Class III	ACRE	1	\$2,500.00	\$2,500.00
17. 750.0115	Sidewalk Concrete 4In	SY	19	\$75.00	\$1,425.00
18. 704.1100	Traffic Control	L SUM	1	\$5,000.00	\$5,000.00
19. 15000	Storm Water Management	L SUM	1	\$5,000.00	\$5,000.00
				Construction Subtotal	\$826,737.00
				Contingencies	\$85,000.00
				Design & Construction Engineering (11%)	\$100,291.07
				Engineer's Report	\$3,000.00
				Land Acquisition	\$64,000.00
				Funding Administration	\$5,100.00
				Restructuring Bid Package	\$6,500.00
				Legal Fees	\$45,586.85
				Soil Borings & Geotechnical Report	\$30,000.00
				TOTAL PROJECT COST	\$1,170,000.00



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: Tina Fisk

2. PHONE NUMBER: 433-5301

DATE: 5/30/19

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST:

Request to add Office Coordinator position at a cost for 2019 of: \$35,438
This position would be exclusively for the Engineering and Planning Departments.
Funding will be split between Engineering and Planning & Zoning. Their current budgets have excess funds in those items as they had positions built into their budgets to start January 1 which are now just being filled. These positions are at a higher rate of pay than the office coordinator will be therefore they will not need a budget amendment for this position.

SEE ATTACHED

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

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval to hire additional position.



ENGINEERING DEPT.

800 4 Ave E, Suite 1
West Fargo, ND 58078
701.433.5300
www.westfargond.gov

MEMORANDUM

TO: West Fargo City Commission

FROM: Dustin T. Scott, PE, City Engineer

RE: Request 2019 Budget Amendment for hiring a full-time position (Office Coordinator) to assist the Engineering and Planning Departments

DATE: May 29, 2019

Thinking back to last year when commissioners and department managers started working on strategic planning and visioning for the city, I recall a key focal point was public service. Our dedication and commitment to provide cost effective and quality service for the citizens and businesses in our community is something we are all proudly striving to maintain.

It is with this common mission, I am respectfully requesting an amendment to the 2019 Budget to accommodate a new position (Office Coordinator) dedicated to assisting both the Engineering and Planning Departments. Our departments have similar day-to-day functions and each have high volumes of daily public interactions (office visits, emails, phone calls, etc.) as well as project administration, record management and other responsibilities that would be perfectly suited for this shared position. Specifically in the Engineering Department, the Office Coordinator will dramatically improve response times to general public inquiries and provide more immediate assistance to visitors. This position will also be of great benefit by assisting with the administrative aspects of the engineering department including document/file management, technical writing, scheduling, coordination, etc.

Tim and I have collaborated on this over the past couple months and recently reviewed our proposal to immediately fill this position with Tina, Jenna and other staff. All were supportive in bringing this request before the city commission. Based on a preliminary job description we prepared with help from Jenna, the position would start as a Grade 11, Non-Exempt employee. As this position will assist both departments, we propose to split the cost between our department funds. However, the position would be staffed within the Engineering Department and report directly to City Engineer.

Thank you for your consideration on this request and please contact me if you would like to discuss further.



www.westfargond.gov

*Tim Solberg, AICP, Director of Planning and Zoning
Larry Weil, Director of Community Development
Lisa Sankey, Planner*

- Memorandum -

TO: West Fargo City Commission

FROM: Tim Solberg, AICP, Director of Planning and Zoning

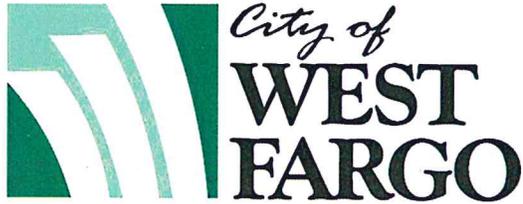
RE: Request to approve hiring of Office Coordinator to assist Engineering and Planning Departments

DATE: May 30, 2019

In an effort to more efficiently and effectively serve the residents of West Fargo, the Engineering Department and Planning and Community Development Department are requesting the hiring of an Office Coordinator to be funded by and assist the two respective departments.

The Planning Department has kept up with tremendous growth for an extended period of time. Daily tasks such as permit review, current applications, and interactions with the public and applicable agencies have long strained the department's ability to achieve short and long range planning tasks and major ordinance revisions. As a City of nearly 40,000 people there are many opportunities available that the Planning and Community Development Department can use to further enhance the quality of life of our residents. To date, with minimal staff managing the rapid pace of current development it has been difficult to fully utilize the higher level staff to devote to higher level projects. An Office Coordinator would assist the department as a first level customer service person for general Planning and Community Development issues. The staff person would be able to properly assign and coordinate quicker response to inquiries and needs of the Public. The staff person would also assist in proper record management to reduce redundancy in the City and make obtaining information easier. It is my intention that this position will increase efficiency and transparency of our departments while providing excellent customer service to our residents.

With the inception of the Engineering Department, it became clear that the two departments were in similar situations. The Office Coordinator is proposed to be funded 50% by each department. It is anticipated that there will be times when the position will have higher demand from one department over the other. At this time, it is further understood and accepted that the position would report to the City Engineer.



**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: Tina Fisk

2. PHONE NUMBER: 433-5301 DATE: 05/24/19

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST:

Review and approval of 2019 Mosquito Control contract with Cass County Vector Control

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

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval of the 2019 contract

2019 MOSQUITO CONTROL AGREEMENT
CITY OF WEST FARGO AND CASS COUNTY GOVERNMENT

This is an agreement to formalize the partnership for mosquito control between the City of West Fargo and Cass County Government during the 2019 mosquito control season. The agreement is made between the City of West Fargo, whose office is located at 800 4 Ave East, West Fargo, ND 58078, hereinafter CITY, and Cass County Government, whose office is 211 Ninth Street South, Fargo, ND 58108, hereinafter COUNTY.

THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

1. COUNTY agrees to provide mosquito control activities throughout the Vector Control District commensurate with the funding available. For the 2019 season, approximately \$750,900 in Vector Control Mill funds has been designated for the Countywide Vector Program. County funds will be used within the City of West Fargo and in surrounding areas with the objective being to distribute products and services commensurate with the source of revenue.
2. In addition to service provided in paragraph 1, COUNTY will provide services within the City of West Fargo and adjacent area for various mosquito control activities such as but not limited to: making applications of pesticides using off-highway vehicles, spraying mosquitoes in West Fargo parks and schools, inspection of public and private property, collection of mosquito traps for population monitoring. The County Vector Director will provide technical direction and coordination of these activities. The Vector Director will also work in cooperation with CITY officials to provide other technical assistance as necessary.
3. CITY agrees to provide funding to support the activities referred to in paragraph 2. Total estimated cost for these activities is \$70,000. Estimated start date and end dates for activities is April 15th to October 1st respectively.
4. COUNTY will provide services within the predetermined "Extra-territorial" area for various mosquito control activities such as but not limited to: making applications of pesticides using off-highway vehicles, inspection of public and private property, and collection of mosquito traps for population monitoring.
5. CITY agrees to fund fifty percent (50%) of the activities described in paragraph 4. COUNTY agrees to fund fifty percent (50%) of the activities described in paragraph 4. Anticipated total cost of services defined in paragraph 3 are estimated to not exceed \$15,000.
6. COUNTY will provide monthly statements to CITY of time and materials, and invoice CITY monthly.
7. CITY agrees to fund the cost of City wide adult mosquito spraying at \$1,000 per application. Estimate between 5 and 10 applications per season dependent upon conditions. Adult mosquito spraying will be invoiced monthly.
8. If COUNTY costs significantly exceed any line items, COUNTY may request an additional funding to maintain activities in LINE 2. If at any time the amount charged to CITY exceeds funds available; the CITY can request a stoppage in service.
9. If at any time total charges to CITY exceeds \$82,500; the CITY can request a stoppage in service.

10. To request a stoppage in service, CITY must provide COUNTY written notice 14 days in advance of requested termination to Cass County Vector Control at the following address:
 - a. 1201 Main Ave West
West Fargo, ND 58078
11. CITY agrees to fund contract costs for aerial spraying when CITY requests the services of an aerial applicator. COUNTY will coordinate the aerial spray operation upon the CITY's approval.
12. COUNTY will fund all contract costs for aerial spraying in unincorporated areas and all other areas within the district when determined necessary.
13. COUNTY agrees to assume all liability and agrees to indemnify and defend the CITY from all direct and indirect, present and future claims or causes of action, which in any way result from the activities of the COUNTY in completion of the tasks stated herein or may result from the decisions, recommendations, actions, omissions of actions or other errors on the part of COUNTY, its employees or contractors and any party from which COUNTY may obtain information or services for the completion of the same. This assumption of liability and agreement to hold harmless is intended to cover any present or future activities undertaken by COUNTY in furtherance of this agreement.
14. CITY agrees to assume all liability and agrees to indemnify and defend the COUNTY from all direct and indirect, present and future claims or causes of action, which in any way result from the activities of the CITY in completion of the tasks stated herein or may result from the decisions, recommendations, actions, omissions of actions or other errors on the part of CITY, its employees or contractors and any part from which CITY may obtain information or services for the completion of the same. This assumption of liability and agreement to hold harmless is intended to cover any present or future activities undertaken by CITY in furtherance of this agreement.

Chair, Cass County Commission

Date

Mayor, City of West Fargo

Date
