



West Fargo City Commission Meeting  
Monday June 19, 2017  
Commission Chambers 5:30 PM

- A. Pledge of Allegiance
- B. Approve Order of Agenda **(Pages 3-6)**
- C. Approval of Minutes – June 5, 2017
- D. Building Permits
- E. Auditor Reports **(Pages 18-24)**

**Consent Agenda – Approve the Following:**

- a. Bills
- b. May Payroll Checklist **(Page 25)**
- c. Games of Chance for Kristi Engelstad Benefit. Games Conducted: Raffle on 06/22/17, at Lutheran Church of the Cross, 1402 16<sup>th</sup> Street E. **(Page 26)**
- d. Games of Chance for Blessed Sacrament Catholic Church. Games Conducted: Bingo, Raffle and Calendar Raffle on 07/01/17 to 06/30/18, at Blessed Sacrament Catholic Church, 210 5<sup>th</sup> Avenue W. **(Page 27)**
- e. Gaming Site Authorization for the North Dakota Association for the Disabled, Inc. Games Conducted: Pull Tab Dispensing Device on 7/1/17 to 6/30/18, at Blvd Pub, Inc. 3147 Bluestem Drive. **(Pages 28-29)**
- f. Schedule first reading and public hearing at 5:30 pm on July 5, 2017, for an ordinance amendment to allow for increased total sign area for individual and multi-tenant on premise freestanding sign area size along the Main Avenue corridor. **(Pages 30-31)**
- g. Schedule first reading and public hearing at 5:30 pm on July 5, 2017, for the rezoning of Highland Meadows 2<sup>nd</sup> Addition from A: Agricultural to R-1SM: Mixed One & Two Family Dwellings. **(Pages 32-33)**
- h. Schedule first reading and public hearing at 5:30 pm on July 5, 2017, for the rezoning of North Pond at the Preserve 10<sup>th</sup> Addition from A: Agricultural to C: Light Commercial. **(Pages 34-35)**
- i. Approve Engineer's Report for Sewer, Water, Storm and Street Improvement District No. 1305; and Authorize preparation of Plans & Specs. **(Pages 36-40)**
- j. Pledging of Assets. **(Page 41)**

**Regular Agenda**

- 1. **5:30 pm Public Hearing:** Changes to the West Fargo Transit Routes. – **Larry Weil (Pages 42-66)**
- 2. Upkeep of the neighborhood pond and the existing fountain in the Burlington Addition. – **Almir Jupic (Page 67)**



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3. African Rainforest Liquor License Application – **Aaron Mitchell** (Pages 68-75)
4. Satisfaction Under Developer's Incentive Agreement – **John Shockley** (Pages 76-90)
5. Visitor Committee Name Change and New Member – **Rich Mattern**
6. **First Reading** of Code Ordinances – **Mark Housh** (Pages 91-168)
7. Amendment to the West Fargo General Plan for Urban Renewal and Urban Development – **Larry Weil** (Pages 169-184)
8. Sheyenne Street Construction Alternatives – **Chris Brungardt** (Page 185)
9. Conditional Use Permit for concrete batch plant – **Tim Solberg** (Pages 186-192)
10. Planned Unit Development Amendment for General Commercial Development – **Tim Solberg** (Pages 193-200)
11. **Second Reading** on the rezoning of the Eaglewood 6th Addition – **Tim Solberg** (Pages 201-203)
12. **Second Reading** on the rezoning of the Wilds 9th Addition – **Larry Weil** (Pages 204-207)
13. Fargo Hot Spring proposed murals – **Tim Solberg** (Pages 208-234)
14. Bid tab for Storm Improvement District No. 4060 - **Dustin Scott** (Pages 235-244)
15. 2017-18 Liquor License applications – **Tina Fisk**
16. Report from the City Administrator
17. Non-Agenda Items
18. Correspondence
19. Adjourn



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

The Pledge of Allegiance was recited.

Commissioner Mattern advised that a Resolution Approving Contract and Contractor's Bond in Infrastructure Replacement District No. 3001 will be added to the Consent Agenda. Item #3 regarding a public hearing for proposed changes to the West Fargo Transit Routes will be removed and a Fire Department Update will be added to the Non-Agenda items, on the Regular Agenda. Commissioner Wentz moved and Commissioner Simmons seconded to approve the order of agenda. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Hanson seconded to approve the minutes of May 15, 2017. No opposition. Motion carried.

There were no Building Department Activity Reports submitted for Commission review.

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

- a. Bills
- b. Gaming Site Authorization for Boys & Girls Club of the Red River Valley. Games Conducted: Raffles, Pull Tab Jar, Twenty-One and Paddlewheels with Tickets on 7/1/17 to 6/30/18, at Work Zone 701 Main Avenue E.
- c. Games of Chance for American Foundation for Suicide Prevention ND Chapter. Games Conducted: Calendar Raffle on 08/01/17 to 08/31/17, at Spicy Pie, 745 31<sup>st</sup> Avenue SE #110.
- d. Gaming Site Authorization for The Arc Upper Valley Inc. Games Conducted: Pull Tab Jar, Twenty-One and Paddlewheel Table on 7/1/17 to 6/30/18, at Bar 9 1405 Prairie Parkway.
- e. Approve Resolution Approving Contract and Contractor's Bond in Water Improvement Project No 1302 – Phase II.
- f. Games of Chance for Dave Larson's Bike Run & Breakfast. Games Conducted: Raffle on 06/10/17, at the West Fargo VFW, 308 Sheyenne Street.
- g. Gaming Site Authorization for Arthur W. Jones Post 7564 VFW of the US Inc. Games Conducted: Bingo, Electronic Quick Shot Bingo, Raffles, Pull Tab Jar, Seal Board, Prize Board, Sports Pool, Twenty-One and Paddlewheels with Tickets on 7/1/17 to 6/30/18, at Arthur W. Jones Post 7564 VFW 308 Sheyenne Street.

- h. Accept the Amended Petition for Improvements for Sewer, Water, Storm and Street Improvement District No. 1295; Create Amended Assessment District for Sewer, Water, Storm and Street Improvement District No. 1295; Authorize Engineer to prepare Amended Engineer's Report; Approve Amended Engineer's Report for Sewer, Water, Storm and Street Improvement District No. 1295; Authorize preparation of Plans & Specs; Approve Plans & Specs for Sewer, Water, Storm and Street Improvement District No. 1295; Authorize Ad for Bids for Sewer, Water, Storm and Street Improvement District No. 1295.
- i. Gaming Site Authorization for the West Fargo Hockey Association. Games Conducted: Raffles, Pull Tab Jar, Twenty-One, Poker and Paddlewheel Table on 7/1/17 to 6/30/18, at M & J Saloon 817 W. Main Avenue.
- j. Gaming Site Authorization for the West Fargo Hockey Association. Games Conducted: Bingo, Raffles, Pull Tab Jar and Twenty-One on 7/1/17 to 6/30/18, at Pub West 3140 Bluestem Drive.
- k. Gaming Site Authorization for the West Fargo Hockey Association. Games Conducted: Raffles, Pull Tab Jar and Twenty-One on 7/1/17 to 6/30/18, at Rookies 715 13<sup>th</sup> Avenue E.
- l. Gaming Site Authorization for the West Fargo Hockey Association. Games Conducted: Raffles, Pull Tab Jar, Twenty-One and Paddlewheel Table on 7/1/17 to 6/30/18, at Brewtus' Brickhouse 635 32<sup>nd</sup> Avenue E #108.
- m. The Wilds 9<sup>th</sup> Cass Rural Water Agreement.
- n. Resolution Approving Contract and Contractor's Bond in Infrastructure Replacement District No. 3001.

No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission regarding the first reading and public hearing for rezoning of West Fargo 8<sup>th</sup> Addition from Agricultural to M: Heavy Industrial. A public hearing was held. There was no public comment and the hearing was closed. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to place the rezoning of the West Fargo 8<sup>th</sup> Addition on first reading, subject to the six conditions listed in the staff report and the proposed land dedication recommendation. No opposition. Motion carried.

Senior Planner Tim Solberg and the developer Jim Hornecker with Oppidan Holdings, appeared before the Commission regarding the first reading and public hearing for rezoning of Gateway West Addition from A: Agricultural to PUD: Planned Unit Development & Land Use Plan Amendment from Office Park to General Commercial for north 200' of property. Discussion occurred regarding truck traffic, and traffic control as well as lighting concerns for area residents. The Planning & Zoning Department will

work with the developer regarding these concerns as well as the current tree line and the need for improvements. Subject to these conditions, Commissioner Simmons moved and Commissioner Wentz seconded to place the rezoning of the Gateway West Addition on first reading and the Land Use Plan Amendment from Office Park to General Commercial for north 200' of property. No opposition. Motion carried.

Commissioner Mattern discussed the Commission Meeting scheduled for July 3, 2017. After brief discussion, Commissioner Hanson moved and Commissioner Simmons seconded to reschedule the July 3<sup>rd</sup> meeting to July 5, 2017. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission regarding the Second Reading on the Rezoning and Final Plat Approval for Maple Ridge at the Preserve 5th Addition, from A: Agricultural to PUD: Planned Unit Development. After brief discussion, Commissioner Thorstad moved and Commissioner Wentz seconded to place the Rezoning and Final Plat Approval for Maple Ridge at the Preserve 5th Addition on second reading. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall appeared before the Commission regarding a Professional Services Agreement for the ICON Architectural Group. After brief discussion, Commissioner Wentz moved and Commissioner Thorstad seconded to accept the contract with ICON Architectural Group. No opposition. Motion carried.

City Administrator Tina Fisk, Public Works Director Chris Brungardt and City Attorney John Shockley appeared before the Commission regarding the Sewer Connection Agreement with the City of Fargo. After highlights of the changes to the contract were discussed, Commissioner Hanson moved and Commissioner Simmons seconded to accept the contract with the City of Fargo. No opposition. Motion carried.

City Administrator Tina Fisk and Parks & Recreation Director Barb Erbstoesser appeared before the Commission regarding the Land Dedication/Cash in Lieu Ordinance. A presentation was given to the Commission. Park Board Chair Sharon Odegaard also appeared before the Commission. Discussion occurred regarding the ordinance and interpretation of said ordinance, Commissioner Simmons moved and Commissioner Hanson seconded to table this item for a later time to discuss. It is recommended that City staff and Park staff sit down and come to an understanding of the ordinance. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission in regards to awarding the contract for Sewer, Water, Storm and Street Improvement District No. 1304 to Agassiz Underground, LLC; for their bid of \$248,685.68. Commissioner Wentz moved and Commissioner Thorstad seconded to award the contract to Agassiz Underground, LLC; for their bid of \$248,685.68. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission in regards to awarding the contract for Street Improvement District No. 2241 to Dakota Underground Company; for their bid of \$435,389.07. Commissioner Simmons moved and Commissioner Hanson seconded to award the contract to Dakota Underground Company; for their bid of \$435,389.07. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission in regards to Sewer, Water, Storm and Street Improvement District No. 1279 – Phase I. The recommendation before the Commission is not to award the contract at this time due to bid prices being too high. Commissioner Simmons moved and Commissioner Thorstad seconded to reject all bids, and to authorize the City Engineer to re-advertise for a re-bid of Sewer, Water, Storm and Street Improvement District No. 1279 – Phase I. No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission regarding the Administrator Report and reported the following:

- Ground-breaking ceremony is scheduled for Noon on June 6<sup>th</sup>.
- Chief interviews will continue this week.

Fire Department Chief Dan Fuller appeared before the Commission to give a fire department update. An open house was held last week. Chief Fuller went on to discuss the plan to transition to a career/volunteer fire department beginning in January 2018; and discussed the benefits and impacts to the community of West Fargo. There was no motion before the Commission.

There was no correspondence.

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

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Rich Mattern  
President of the Board

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Tina Fisk  
City Auditor

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
73686	S	999999 AARON MITCHELL	388.00	06/06/17			
73687	S	289 ACME TOOLS	430.96	06/06/17		CL 72759	388.00
						CL 72662	169.98
						CL 72703	149.00
						CL 72858	111.98
73688	S	2950 ALPHA TRAINING & TACTICS LLC & SALES	1171.20	06/06/17			
73689	S	865 AMERICAN ENTERPRISES, INC.	30318.50	06/06/17		CL 72657	1171.20
73690	S	317 AMERICAN WELDING & GAS, INC.	356.22	06/06/17		CL 72787	30318.50
						CL 72617	89.72
						CL 72793	133.25
						CL 72864	133.25
73691	S	1758 ANDERSON, BOTTRELL, SANDEN & THOMPSON	50.00	06/06/17			
73692	S	2838 ANNIE BURTHOLD	204.00	06/06/17		CL 72833	50.00
73693	S	2931 AUTO VALUE PARTS STORES	274.99	06/06/17		CL 72683	204.00
73694	S	43 BATTERIESPLUS c/o Bat 34 Inc	214.85	06/06/17		CL 72749	274.99
						CL 72654	84.95
						CL 72656	129.90
73695	S	2353 BEN NECHIPORENKO	281.17	06/06/17			
73696	S	31 BERG AUTO SUPPLY, LLC	559.96	06/06/17		CL 72832	281.17
73697	S	1403 BLUE TARP FINANCIAL, INC	265.98	06/06/17		CL 72855	559.96
						CL 72752	15.99
						CL 72792	249.99
73698	S	26 BORDER STATES ELECTRIC SUPPLY	123.34	06/06/17			
73699	S	2712 BRIAN MATZKE	72.00	06/06/17		CL 72820	123.34
73700	S	16 BROKERAGE PRINTING	125.40	06/06/17		CL 72841	72.00
73701	S	113 BROWN & SAENGER	496.50	06/06/17		CL 72732	125.40
73702	S	351 BUSINESS ESSENTIALS	1469.14	06/06/17		CL 72893	496.50
						CL 72646	140.10
						CL 72696	612.83
						CL 72721	14.67
						CL 72766	226.19
						CL 72805	61.48
						CL 72852	228.59
						CL 72867	185.28
73703	S	39 BUTLER MACHINERY	98.12	06/06/17		CL 72729	98.12

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
73704	S	1509 CARRIE SCARR	587.60	06/06/17		CL 72689	531.60
						CL 72866	56.00
73705	S	117 CARTEGRAPH SYSTEMS INC.	7449.97	06/06/17		CL 72688	7449.97
73706	S	2660 CASEY'S GENERAL STORE INC	160.04	06/06/17		CL 72649	160.04
73707	S	63 CASS COUNTY SHERIFF	64.50	06/06/17		CL 72744	64.50
73708	S	2909 CC STEEL LLC	180986.31	06/06/17		CL 72908	107192.54
						CL 72909	73793.77
73709	S	1512 CDW GOVERNMENT, INC	113.40	06/06/17		CL 72695	113.40
73710	S	1074 CENTER UPHOLSTERY & CANVAS REPAIR	90.00	06/06/17		CL 72639	90.00
73711	S	2875 CENTRAL LANDSCAPE	404.05	06/06/17		CL 72663	404.05
73712	S	999999 CHANNING LARSON	98.00	06/06/17		CL 72886	98.00
73713	S	52 CHIEF SUPPLY COMPANY	208.45	06/06/17		CL 72675	208.45
73714	S	2392 CHOICE FINANCIAL	30720.00	06/06/17		CL 72650	30720.00
73715	S	923 CHRIS DAVIDSON	1319.22	06/06/17		CL 72680	1319.22
73716	S	2166 CHRISTOPHER GOLTZ	150.00	06/06/17		CL 72765	150.00
73717	S	2097 CITI LITES	6638.00	06/06/17		CL 72724	6638.00
73718	S	111 CITY OF FARGO	106152.78	06/06/17		CL 72693	45108.75
						CL 72885	61044.03
73719	S	999999 CLIFFORD CHRISTIANSON	190.00	06/06/17		CL 72923	190.00
73720	S	1904 CODE 4 SERVICES, LLC	1681.19	06/06/17		CL 72667	1681.19
73721	S	623 COMFORT INN - BISMARCK	819.00	06/06/17		CL 72687	819.00
73722	S	60 CROSSCOUNTRY FREIGHT SOLUTIONS	265.14	06/06/17		CL 72633	88.26
						CL 72812	176.88
73723	S	1675 DAKOTA FLUID POWER, INC	364.48	06/06/17		CL 72620	77.27
						CL 72659	160.14
						CL 72778	42.19
						CL 72810	10.13
						CL 72850	47.76
						CL 72851	26.99

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
73724	S	79 DAKOTA HOSE & EQUIP	1162.70	06/06/17		CL 72669 CL 72798 CL 72824	26.98 88.52 1047.20
73725	S	2514 DAKOTA MAILING & SHIPPING EQUIPMENT, INC	266.82	06/06/17		CL 72746 CL 72889	128.19 138.63
73726	S	624 DAKOTA SUPPLY GROUP	12273.89	06/06/17		CL 72634 CL 72636 CL 72754 CL 72755 CL 72814 CL 72819 CL 72845 CL 72846 CL 72847 CL 72854	397.14 319.32 1577.85 5710.54 25.80 402.96 194.40 963.90 2001.73 680.25
73727	S	90 DAKOTA UNDERGROUND	973350.64	06/06/17		CL 72896 CL 72901 CL 72907 CL 72912 CL 72913	212696.90 23453.10 249392.70 347643.30 140164.64
73728	S	999999 DAMON BRADSHAW	190.00	06/06/17		CL 72927	190.00
73729	S	1746 DAN BIRNBAUM	72.00	06/06/17		CL 72840	72.00
73730	S	999999 DAN HODGSON	300.00	06/06/17		CL 72873	300.00
73731	S	999999 DARREN KRUSE	95.00	06/06/17		CL 72870	95.00
73732	S	2949 DATA INTEGRATION, INC	336.46	06/06/17		CL 72799	336.46
73733	S	856 DAVE'S WEST FARGO TIRE	338.77	06/06/17		CL 72673	338.77
73734	S	1121 DAWSON INSURANCE	30.00	06/06/17		CL 72784	30.00
73735	S	2706 DEREK WERNER	537.11	06/06/17		CL 72808	537.11
73736	S	2275 DIRT DYNAMICS	127000.84	06/06/17		CL 72897	127000.84
73737	S	2100 EAGLE RUN CROSSING LLC	97.45	06/06/17		CL 72700	97.45
73738	S	1729 EIDE BAILLY TECHNOLOGY CONSULT.	675.00	06/06/17		CL 72892	675.00
73739	S	545 ELECTRIC PUMP, INC	1090.93	06/06/17		CL 72714	1090.93

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73740	S	877 ENVIRONMENTAL TOXICITY CONTROL INC.	775.00	06/06/17			
						CL 72813	775.00
73741	S	3013 EPIC MANAGEMENT, LLC	67836.29	06/06/17			
						CL 72883	67836.29
73742	S	1954 FAITH LUTHERAN CHURCH	1320.00	06/06/17			
						CL 72884	1320.00
73743	S	1648 FARSTAD OIL, INC	460.50	06/06/17			
						CL 72842	460.50
73744	S	124 FASTENAL	119.99	06/06/17			
						CL 72637	119.99
73745	S	3007 FEDEX-CUSTODIAN OF RECORDS	40.00	06/06/17			
						CL 72665	40.00
73746	S	329 FERGUSON WATERWORKS #2516	571.48	06/06/17			
						CL 72710	52.35
						CL 72863	519.13
73747	S	104 FORUM COMMUNICATIONS	3046.23	06/06/17			
						CL 72723	849.34
						CL 72731	424.44
						CL 72745	1631.45
						CL 72826	141.00
73748	S	3016 FOX UNDERGROUND, INC.	194976.27	06/06/17			
						CL 72916	194976.27
73749	S	139 FRS INDUSTRIES, INC.	64.40	06/06/17			
						CL 72670	32.20
						CL 72803	32.20
73750	S	1857 G & K SERVICES - FARGO	77.44	06/06/17			
						CL 72748	77.44
73751	S	2123 GLADEN CONSTRUCTION, INC	197816.45	06/06/17			
						CL 72911	197816.45
73752	S	2904 GLASS DOCTOR-FARGO	314.44	06/06/17			
						CL 72772	314.44
73753	S	2558 GOODYEAR COMMERCIAL TIRE	1991.01	06/06/17			
						CL 72671	967.19
						CL 72768	50.27
						CL 72770	102.12
						CL 72775	867.66
						CL 72836	3.77
73754	S	556 GRAINGER, INC.	94.48	06/06/17			
						CL 72769	65.20
						CL 72844	29.28
73755	S	1284 GRANT'S MECHANICAL	18551.45	06/06/17			
						CL 72900	18551.45
73756	S	939 GRAYBAR	2626.04	06/06/17			
						CL 72853	2040.00
						CL 72859	586.04
73757	S	2877 GREATAMERICA FINANCIAL SERVICES	176.63	06/06/17			
						CL 72694	176.63

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
73758	S	135 HAWKINS WTR TREATMENT	4393.75	06/06/17			
						CL 72726	4393.75
73759	S	1245 INDIGO SIGNWORKS, INC	13971.36	06/06/17			
						CL 72789	13971.36
73760	S	2409 INTOXIMETERS	295.00	06/06/17			
						CL 72804	295.00
73761	S	1076 IPMA - HR	149.00	06/06/17			
						CL 72699	149.00
73762	S	924 ISA MEMBERSHIP	120.00	06/06/17			
						CL 72751	120.00
73763	S	999999 JAMIE GORDE	300.00	06/06/17			
						CL 72872	300.00
73764	S	999999 JARED RIGGS	190.00	06/06/17			
						CL 72928	190.00
73765	S	811 JASON ANDERSON	922.23	06/06/17			
						CL 72681	922.23
73766	S	2817 JOE SOLBERG	80.00	06/06/17			
						CL 72679	80.00
73767	S	999999 JOHN GEFRIN	190.00	06/06/17			
						CL 72920	190.00
73768	S	2735 KADRMAS, LEE & JACKSON, INC	1705.00	06/06/17			
						CL 72722	1705.00
73769	S	999999 KATIE VISETH	190.00	06/06/17			
						CL 72874	190.00
73770	S	2495 KAYLA VOLNESS	72.00	06/06/17			
						CL 72839	72.00
73771	S	2305 KEEPRS, INC.	6423.17	06/06/17			
						CL 72645	5848.23
						CL 72720	515.94
						CL 72807	59.00
73772	S	2122 KEY CONTRACTING	421751.42	06/06/17			
						CL 72898	120986.50
						CL 72903	45048.82
						CL 72904	255716.10
73773	S	2352 KLM ENGINEERING, INC	12000.00	06/06/17			
						CL 72733	12000.00
73774	S	693 KPH, INC	204290.10	06/06/17			
						CL 72910	109994.40
						CL 72914	94295.70
73775	S	999999 KRIS SVALESON	190.00	06/06/17			
						CL 72919	190.00
73776	S	999999 KRISTIN GILLE	190.00	06/06/17			
						CL 72925	190.00
73777	S	2325 KUSTOM KONCEPTS	548.44	06/06/17			
						CL 72632	548.44
73778	S	2196 L3 MOBILE-VISION, INC	157.90	06/06/17			
						CL 72802	157.90

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
73779	S	705 LAWSON PRODUCTS	203.93	06/06/17			
73780	S	2926 LEGAL PROFESSIONALS LTD	617.03	06/06/17		CL 72618	203.93
73781	S	999999 LUCAS NELSON	190.00	06/06/17		CL 72747	302.74
73782	S	1417 LUTHER FAMILY BUICK-PONTIAC-GMC	84.96	06/06/17		CL 72760	314.29
73783	S	301 MACS INC	34.83	06/06/17		CL 72921	190.00
73784	S	999999 MARCO WEIL	190.00	06/06/17		CL 72816	84.96
73785	S	1407 MARGY LARSON	1002.63	06/06/17		CL 72621	25.85
73786	S	3011 MARK SIBENALLER	72.00	06/06/17		CL 72640	8.98
73787	S	656 MASTER CONSTRUCTION	45004.75	06/06/17		CL 72877	190.00
73788	S	308 MATTHEW BENDER & CO., INC	77.81	06/06/17		CL 72682	1002.63
73789	S	3014 MELISSA RICHARD	1490.60	06/06/17		CL 72849	72.00
73790	S	299 MENARDS	770.93	06/06/17		CL 72905	45004.75
						CL 72734	77.81
						CL 72888	1490.60
						CL 72627	27.59
						CL 72730	74.84
						CL 72756	14.97
						CL 72757	291.44
						CL 72758	39.93
						CL 72795	6.89
						CL 72822	244.80
						CL 72823	42.43
						CL 72835	28.04
73791	S	999999 MICHAEL POSL	190.00	06/06/17		CL 72876	190.00
73792	S	2766 MIDCONTINENT COMMUNICATIONS	91.38	06/06/17		CL 72771	91.38
73793	S	1463 MIDLAND DIESEL SERVICE	1180.73	06/06/17		CL 72651	1180.73
73794	S	102 MIDSTATES WIRELESS	105.00	06/06/17		CL 72661	105.00
73795	S	999999 MIKE GIESEKE	190.00	06/06/17		CL 72929	190.00
73796	S	999999 MIKE JOHANNECK	300.00	06/06/17		CL 72871	300.00
73797	S	772 MINNKOTA	49.98	06/06/17		CL 72672	49.98

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
73798	S	305 MOORE ENGINEERING	396240.13	06/06/17	_____	CL 72895 CL 72917	308740.13 87500.00
73799	S	673 MOORHEAD ELECTRIC	2341.79	06/06/17	_____	CL 72764	2341.79
73800	S	688 MOTOROLA SOLUTIONS, INC	428.93	06/06/17	_____	CL 72674	428.93
73801	S	2969 MTI DISTRIBUTING INC	259.00	06/06/17	_____	CL 72709	259.00
73802	S	298 MVTL LABORATORIES	1273.00	06/06/17	_____	CL 72796	1273.00
73803	S	1022 ND DEPT OF HEALTH	6821.86	06/06/17	_____	CL 72616	6821.86
73804	S	335 ND DEPT OF TRANSPORTATION	6917.87	06/06/17	_____	CL 72894	6917.87
73805	S	826 ND RURAL WATER SYSTEMS	695.00	06/06/17	_____	CL 72797	695.00
73806	S	370 ND SAFETY COUNCIL	350.00	06/06/17	_____	CL 72727	350.00
73807	S	3008 NDPHA/CPS TRAINING	60.00	06/06/17	_____	CL 72686	60.00
73808	S	756 NELCO FIRST AID	68.35	06/06/17	_____	CL 72837 CL 72838	35.90 32.45
73809	S	2261 NETWORK CENTER INCORPORATED	11949.00	06/06/17	_____	CL 72831	11949.00
73810	S	2938 NEW CENTURY PRESS	20.00	06/06/17	_____	CL 72827	20.00
73811	S	2826 NORIDIAN MUTUAL INSURANCE CO	49.80	06/06/17	_____	CL 72691	49.80
73812	S	141 NORTH STAR SAFETY, INC	417.06	06/06/17	_____	CL 72786 CL 72811	95.04 322.02
73813	S	1350 NORTHWEST SCALE, INC	675.00	06/06/17	_____	CL 72630	675.00
73814	S	753 O'DAY EQUIPMENT	406.96	06/06/17	_____	CL 72625 CL 72704	127.32 279.64
73815	S	1017 O'KEEFFE, O'BRIEN, LYSON & FOSS LTD	4500.00	06/06/17	_____	CL 72717	4500.00
73816	S	1774 O'REILLY AUTOMOTIVE STORES, INC	328.18	06/06/17	_____	CL 72638	328.18
73817	S	353 OHNSTAD TWICHELL	53684.99	06/06/17	_____	CL 72785 CL 72868 CL 72869	375.00 13621.25 39688.74
73818	S	399 OLYMPIC SALES	800.78	06/06/17	_____	CL 72631 CL 72728	320.78 480.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
73819	S	276 OSTROMS ACE HARDWARE	986.96	06/06/17			
						CL 72763	986.96
73820	S	1809 PARAMOUNT SPORTS	154.99	06/06/17			
						CL 72806	154.99
73821	S	397 PARAS CONTRACTING	144066.98	06/06/17			
						CL 72902	144066.98
73822	S	563 PETRO SERVE USA	3655.67	06/06/17			
						CL 72615	442.50
						CL 72648	18.91
						CL 72658	28.00
						CL 72666	351.71
						CL 72701	315.65
						CL 72767	367.96
						CL 72776	1875.50
						CL 72815	93.61
						CL 72857	161.83
73823	S	1987 PETSMAST	123.73	06/06/17			
						CL 72697	62.33
						CL 72719	61.40
73824	S	360 PIONEER RIM/WHEEL	228.45	06/06/17			
						CL 72777	228.45
73825	S	2910 PKG CONSTRUCTION	422469.36	06/06/17			
						CL 72899	422469.36
73826	S	3006 POLICEONE.COM	2139.00	06/06/17			
						CL 72664	870.00
						CL 72676	1269.00
73827	S	1755 PRO SWEEP INC	260.00	06/06/17			
						CL 72711	260.00
73828	S	1166 PRODUCTIVITY PLUS ACCOUNT	1021.60	06/06/17			
						CL 72713	26.40
						CL 72818	62.19
						CL 72865	933.01
73829	S	1610 RADCO, A DIVISION OF SILVER STAR INDUSTR	263.95	06/06/17			
						CL 72619	263.95
73830	S	1472 RAILROAD MANAGEMENT CO III, LLC	194.55	06/06/17			
						CL 72890	194.55
73831	S	2883 RELENTLESS DBA DESERT SNOW	599.00	06/06/17			
						CL 72809	599.00
73832	S	3010 RICHARD BRUNS	127.00	06/06/17			
						CL 72828	127.00
73833	S	2906 RINGSAK LAW OFFICE	988.18	06/06/17			
						CL 72761	481.62
						CL 72762	506.56
73834	S	999999 RONALD SEVALD	190.00	06/06/17			
						CL 72875	190.00
73835	S	999999 RUSSELL SCHULTZ	190.00	06/06/17			
						CL 72926	190.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
73836	S	2291 RYAN WUOLLET	342.00	06/06/17			
73837	S	441 S & S LANDSCAPING	80.92	06/06/17		CL 72829	342.00
73838	S	1452 SAFE KIDS C/O PES	50.00	06/06/17		CL 72715	80.92
73839	S	2513 SAFETY-KLEEN SYSTEMS, INC.	178.00	06/06/17		CL 72668	50.00
73840	S	452 SAM'S CLUB	132.57	06/06/17		CL 72705	178.00
73841	S	437 SANDY'S DONUTS	105.79	06/06/17		CL 72644	132.57
73842	S	454 SANITATION PRODUCTS	314.84	06/06/17		CL 72698 CL 72881	56.35 49.44
73843	S	2225 SCHNEIDER ELECTRIC	310.00	06/06/17		CL 72707 CL 72716 CL 72774	223.36 13.48 78.00
73844	S	2512 SCOTT DIAMOND	450.00	06/06/17		CL 72718	310.00
73845	S	1634 SHANE ORN	211.75	06/06/17		CL 72882	450.00
73846	S	2655 SIMPLIFILE	345.00	06/06/17		CL 72684	211.75
73847	S	2581 STALKER RADAR APPLIED CONCEPTS, INC	11512.00	06/06/17		CL 72843	345.00
73848	S	274 STEVE MOTTINGER	3166.66	06/06/17		CL 72652	11512.00
73849	S	38 STRATA CORPORATION	1560.27	06/06/17		CL 72918	3166.66
73850	S	88 STREICHER'S	100.00	06/06/17		CL 72635 CL 72856	261.75 1298.52
73851	S	816 STRUCTURAL MATERIALS, INC	5200.00	06/06/17		CL 72678	100.00
73852	S	176 SUMMIT COMPANIES	818.00	06/06/17		CL 72834	5200.00
73853	S	733 SWANSTON EQUIPMENT CORP.	5100.00	06/06/17		CL 72628 CL 72800	146.00 672.00
73854	S	2203 SYN-TECH SYSTEMS, INC	618.25	06/06/17		CL 72653 CL 72794 CL 72817	2040.00 1020.00 2040.00
73855	S	2272 TALENT PRODUCTIONS	150.00	06/06/17		CL 72623	618.25
						CL 72690	150.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
73856	S	999999 TANNER STIKA	190.00	06/06/17			
73857	S	442 TERRY RUST	801.31	06/06/17		CL 72924	190.00
73858	S	1156 TESSMAN	1110.21	06/06/17		CL 72629	801.31
						CL 72753	96.25
						CL 72801	116.01
						CL 72821	897.95
73859	S	1308 TEXAS REFINERY CORP	973.50	06/06/17		CL 72624	973.50
73860	S	2575 THE CINCINNATI INSURANCE COMPANY	550.00	06/06/17		CL 72891	550.00
73861	S	1907 THE SHOOTING PARK OF HORACE	350.00	06/06/17		CL 72677	350.00
73862	S	2217 TINA FISK	374.48	06/06/17		CL 72791	374.48
73863	S	1234 TOOL WAREHOUSE INC	98.85	06/06/17		CL 72773	98.85
73864	S	1285 TRAFFIC CONTROL CORPORATION	9000.00	06/06/17		CL 72790	9000.00
73865	S	2604 TRANSUNION RISK AND ALTERNATIVE	48.70	06/06/17		CL 72878	48.70
73866	S	3012 TRAVIS ELSER	72.00	06/06/17		CL 72848	72.00
73867	S	3001 TRAVIS GENTY	56.00	06/06/17		CL 72880	56.00
73868	S	999999 TREVOR KENEY	190.00	06/06/17		CL 72922	190.00
73869	S	665 TWIN CITY GARAGE DOOR	210.00	06/06/17		CL 72708	210.00
73870	S	2136 ULINE	101.63	06/06/17		CL 72655	101.63
73871	S	784 UNITED POWER EQUIPMENT	702.68	06/06/17		CL 72706	459.68
						CL 72862	243.00
73872	S	2865 VALLEY LANDSCAPING	32633.00	06/06/17		CL 72788	32633.00
73873	S	1267 VERIZON WIRELESS	7974.74	06/06/17		CL 72643	7923.49
						CL 72660	51.25
73874	S	2435 VISA POLICE	1953.11	06/06/17		CL 72750	1953.11
73875	S	1346 VISTO'S TRAILER SALES	129.97	06/06/17		CL 72626	129.97
73876	S	878 WATER ENVIRONMENT FEDERATION MEMBERSHIP	90.00	06/06/17		CL 72861	90.00
73877	S	378 WEST FARGO POSTMASTER	245.00	06/06/17		CL 72712	245.00

06/15/17  
14:49:32

CITY OF WEST FARGO, ND  
Check Register  
For the Accounting Period: 6/17

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Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
73878	S	2184 WEST SIDE STEEL	485.33	06/06/17	_____	CL 72702 CL 72860	178.62 306.71
73879	S	549 WF PUB SCHOOLS DIST #6	11420.00	06/06/17	_____	CL 72692	11420.00
73880	S	338 XCEL ENERGY	638.87	06/06/17	_____	CL 72725 CL 72780 CL 72781 CL 72782 CL 72783	77.66 254.47 194.41 24.78 87.55
73881	S	1389 BNSF RAILWAY COMPANY	800.00	06/06/17	_____	CL 72930	800.00
<b>Total for Claim Checks</b>			<b>3871906.65</b>				
Count for Claim Checks			196				
# of Checks:	196	Total:	3871906.65				

# Item E

06/15/17  
14:01:15

CITY OF WEST FARGO, ND  
Cash Report  
For the Accounting Period: 5/17

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Report ID: L160

Fund/Account	Beginning Balance	Received	Transfers In	Disbursed	Transfers Out	Ending Balance
1000 GENERAL						
101000 CASH - OPERATING	17,686,142.46	1,163,731.54	289,323.34	9,240.67	1,180,570.17	17,949,386.50
1001 GENERAL FUND RESERVE						
101000 CASH - OPERATING	7,746,483.44	17,046.43	0.00	0.00	0.00	7,763,529.87
2000 SALES TAX						
101000 CASH - OPERATING	12,409,783.63	649,295.44	0.00	1,000,000.00	0.00	12,059,079.07
2030 CITY'S SHARE OF SPECIALS						
101000 CASH - OPERATING	7,384.75	11,979.45	0.00	0.00	0.00	19,364.20
2050 PARK						
101000 CASH - OPERATING	600,252.41	0.00	0.00	0.00	147,809.50	452,442.91
2060 FIRE FUND						
101000 CASH - OPERATING	392,250.58	80,859.24	0.00	0.00	476.47	472,633.35
2080 BUILDING & TECHNOLOGY FUND						
101000 CASH - OPERATING	-7,528.95	9,188.61	0.00	1,659.66	0.00	0.00
2110 GAMING FUNDS						
101000 CASH - OPERATING	41,457.33	3,263.52	0.00	0.00	0.00	44,720.85
2130 MUNICIPAL HIGHWAY FUND						
101000 CASH - OPERATING	490,130.09	168,694.12	0.00	0.00	289,153.34	369,670.87
2140 LODGING TAX						
101000 CASH - OPERATING	67,712.55	9.02	0.00	1,000.00	10,000.00	56,721.57
2141 FM CONVENTION VISITOR'S BUREAU						
101000 CASH - OPERATING	31,960.65	14,600.12	0.00	0.00	31,960.65	14,600.12
2146 OTTO BREMER GRANT CRISIS INTERVENTION TRAINING						
101000 CASH - OPERATING	3,367.06	0.00	0.00	0.00	0.00	3,367.06
2200 VECTOR CONTROL						
101000 CASH - OPERATING	24,718.92	7,490.00	0.50	10.00	0.00	32,199.42
2210 FORESTRY						
101000 CASH - OPERATING	74,018.21	7,533.52	3.00	10.50	17,686.58	63,857.65
2230 CITY UTILITY						
101000 CASH - OPERATING	353,845.15	30,422.13	0.00	0.00	4,079.04	380,188.24
2500 NIGHT TO UNITE						
101000 CASH - OPERATING	1,249.94	1,400.00	0.00	0.00	0.00	2,649.94
2600 FUTURE BUILDING						
101000 CASH - OPERATING	298,805.53	39.80	0.00	0.00	0.00	298,845.33
2800 WEST FEST						
101000 CASH - OPERATING	31,536.77	2,825.00	0.00	0.00	2,243.75	32,118.02
2900 CRUISE NIGHT						
101000 CASH - OPERATING	18,595.61	2,800.00	0.00	0.00	0.00	21,395.61
2950 ASSET FORFEITURES						
101000 CASH - OPERATING	42,914.84	13,559.43	0.00	0.00	0.00	56,474.27
102000 Cash - Restricted	59,210.93	0.00	0.00	13,052.00	0.00	46,158.93
<b>Total Fund</b>	<b>102,125.77</b>	<b>13,559.43</b>		<b>13,052.00</b>		<b>102,633.20</b>
2960 ECONOMIC DEVELOPMENT						
101000 CASH - OPERATING	297,471.93	1,272.32	0.00	0.00	0.00	298,744.25
2970 CAPITAL IMPROVEMENTS						
101000 CASH - OPERATING	833,220.62	20,820.97	0.00	0.00	0.00	854,041.59

Fund/Account	Beginning Balance	Received	Transfers In	Disbursed	Transfers Out	Ending Balance
2980 SOUTH FACILITIES HOOKUP						
101000 CASH - OPERATING	2,777,968.82	369.98	0.00	0.00	0.00	2,778,338.80
3339 RIB - 2011 SERIES C						
101000 CASH - OPERATING	1,579,439.97	635.87	0.00	0.00	0.00	1,580,075.84
3340 RIB 2011 B (recall 2004B)						
101000 CASH - OPERATING	83,768.78	1,851.72	0.00	0.00	0.00	85,620.50
3341 RIB 2011 A (recall 2005A)						
101000 CASH - OPERATING	1,612,304.51	5,536.25	0.00	0.00	0.00	1,617,840.76
3344 6043 SIDEWALK WARRANTS 2006						
101000 CASH - OPERATING	-36,373.38	289.77	0.00	0.00	0.00	-36,083.61
3345 SIDEWALK 6042 WARRANTS 2005						
101000 CASH - OPERATING	24,391.09	3.25	0.00	0.00	0.00	24,394.34
3347 SIDEWALK 6044 WARRANTS 2007						
101000 CASH - OPERATING	13,491.07	1.80	0.00	0.00	0.00	13,492.87
3348 RIB 2008-B						
101000 CASH - OPERATING	131,724.54	2,302.53	0.00	0.00	0.00	134,027.07
3349 RIB 2008 - C						
101000 CASH - OPERATING	1,693,514.23	4,529.03	0.00	0.00	0.00	1,698,043.26
3351 R. I. B. 2009 A (from 2001/2001C/2002						
101000 CASH - OPERATING	555,100.45	2,840.58	0.00	0.00	0.00	557,941.03
3353 RIB 2009 B (from 2003 C & 2003 D)						
101000 CASH - OPERATING	247,319.38	271.14	0.00	0.00	0.00	247,590.52
3355 REFUND BOND 2005C						
101000 CASH - OPERATING	25,491.87	5,657.01	0.00	0.00	0.00	31,148.88
3360 RIB 2012B (Ref 2006A)						
101000 CASH - OPERATING	42,679.13	9,802.29	0.00	0.00	0.00	52,481.42
3365 RIB 2007A						
101000 CASH - OPERATING	960,522.04	10,699.38	0.00	0.00	0.00	971,221.42
3366 RIB 2007-B						
101000 CASH - OPERATING	1,048,435.00	12,788.75	0.00	0.00	0.00	1,061,223.75
3368 GO BONDS OF 2009						
101000 CASH - OPERATING	-113,795.37	0.00	0.00	0.00	0.00	-113,795.37
3369 MUNICIPAL BONDS 2009 NDPFA						
101000 CASH - OPERATING	211,891.14	2,252.38	0.00	0.00	21,157.92	192,985.60
3370 R. I. B. 2009 SERIES C						
101000 CASH - OPERATING	620,572.29	7,475.82	0.00	0.00	0.00	628,048.11
3371 R. I. B. 2010 A (refund of 2003E & 2004A)						
101000 CASH - OPERATING	1,196,486.13	5,324.55	0.00	0.00	0.00	1,201,810.68
3372 REFUNDING IMPROVEMENT BONDS 2010 B						
101000 CASH - OPERATING	388,796.22	2,632.63	0.00	0.00	0.00	391,428.85
3373 SIDEWALK REFUNDING BONDS 2010						
101000 CASH - OPERATING	22,301.42	0.00	0.00	0.00	0.00	22,301.42
3375 RIB - 2012A						
101000 CASH - OPERATING	1,447,964.84	14,303.69	0.00	0.00	0.00	1,462,268.53
3376 SIDEWALK REFUNDING BONDS OF 2012						
101000 CASH - OPERATING	35,145.57	4.68	0.00	0.00	0.00	35,150.25

Fund/Account	Beginning Balance	Received	Transfers In	Disbursed	Transfers Out	Ending Balance
3377 RIB 2012-C (Ref 2005B & 2005D)						
101000 CASH - OPERATING	761,262.54	29,626.83	0.00	0.00	0.00	790,889.37
3378 RIB 2012-D						
101000 CASH - OPERATING	2,258,315.93	35,332.58	0.00	0.00	0.00	2,293,648.51
3379 2012 Sales Tax Bonds - COSTCO						
101000 CASH - OPERATING	66,463.34	8.85	0.00	0.00	0.00	66,472.19
3380 RESERVE FUND FOR 2012 SALES TAX BONDS						
101000 CASH - OPERATING	206,893.44	27.55	0.00	0.00	0.00	206,920.99
3381 RIB 2013A						
101000 CASH - OPERATING	1,651,190.58	25,929.39	0.00	0.00	0.00	1,677,119.97
3382 RIB 2013B						
101000 CASH - OPERATING	1,653,233.24	4,349.46	0.00	0.00	0.00	1,657,582.70
3383 2012 SIDEWALK DISTRICT (6050)						
101000 CASH - OPERATING	-116,660.95	0.00	0.00	0.00	0.00	-116,660.95
3384 2014A REFUNDING IMPROVEMENT BOND						
101000 CASH - OPERATING	110,965.53	15,415.83	0.00	0.00	0.00	126,381.36
3385 2014B REFUNDING IMPROVEMENT BOND						
101000 CASH - OPERATING	-499,228.36	157,176.03	0.00	0.00	0.00	-342,052.33
3386 2015A RIB						
101000 CASH - OPERATING	1,522,416.31	133,764.75	0.00	0.00	0.00	1,656,181.06
3387 2015B RIB						
101000 CASH - OPERATING	2,172,249.88	17,353.65	0.00	0.00	0.00	2,189,603.53
3388 2016A RIB						
101000 CASH - OPERATING	168,359.23	229,165.52	0.00	0.00	0.00	397,524.75
3730 2067						
101000 CASH - OPERATING	362,961.27	48.34	0.00	0.00	0.00	363,009.61
3979 TIF WEST FARGO 2ND & 3RD						
101000 CASH - OPERATING	38,920.41	4,189.95	0.00	0.00	0.00	43,110.36
3981 TIF BONDS STERLING IND. PARK (to 3377)						
101000 CASH - OPERATING	1,629,262.84	98,783.78	0.00	0.00	0.00	1,728,046.62
3982 TIF - BUTLER (to 3360 and 3366)						
101000 CASH - OPERATING	1,680,249.22	26,126.50	0.00	0.00	0.00	1,706,375.72
3983 TIF BONDS 2009 TITAN MACHINERY (to 3370 30,000 per year)						
101000 CASH - OPERATING	441,464.10	32,209.98	0.00	0.00	0.00	473,674.08
4000 CONSTRUCTION TESTING						
101000 CASH - OPERATING	2,432.03	0.00	0.00	0.00	0.00	2,432.03
4011 3001 1ST AVE E RECONSTRUCT						
101000 CASH - OPERATING	-16,956.56	0.00	0.00	0.00	142,739.83	-159,696.39
4031 4057 STORM LIFT STATION (SM71)						
101000 CASH - OPERATING	-1,348,535.83	0.00	0.00	0.00	8,026.10	-1,356,561.93
4032 2241 5th ST WEST EXT. (27TH AVE W TO 28TH AVE W)						
101000 CASH - OPERATING	-32,945.25	0.00	0.00	0.00	246.00	-33,191.25
4033 2240 8TH AVE NW & 26TH ST NW - PAVING						
101000 CASH - OPERATING	-1,552,629.51	0.00	0.00	17,001.85	79,595.14	-1,649,226.50
4034 2242 STREET IMPROVEMENT DISTRICT						
101000 CASH - OPERATING	-20,047.20	0.00	0.00	0.00	0.00	-20,047.20

Fund/Account	Beginning Balance	Received	Transfers In	Disbursed	Transfers Out	Ending Balance
4048 4054 REGIONAL STM LIFT ((th Str & 12th Ave NE) SM70 IMPR 101000 CASH - OPERATING	-4,936,269.84	0.00	0.00	0.00	270.00	-4,936,539.84
4049 4055 CHRISTIANSON'S 3RD STM LIFT SM68 IMPR 101000 CASH - OPERATING	4,814.35	0.00	0.00	4,814.35	0.00	0.00
4051 4056 Ph I - Meadow Ridge Storm Lift (SM 29) 101000 CASH - OPERATING	1,844.14	0.00	0.00	1,844.14	0.00	0.00
4052 4045 SOUTHSIDE GENERAL STORM SEWER DISTRICT 101000 CASH - OPERATING	-8,330.50	0.00	0.00	0.00	0.00	-8,330.50
4053 4058 HAYDEN HEIGHTS DRAINAGE IMPROVEMENTS 101000 CASH - OPERATING	-414,418.99	255,000.00	0.00	0.00	170.80	-159,589.79
4054 2243 Intersection at 9th & 13th 101000 CASH - OPERATING	-493,625.68	0.00	0.00	0.00	1,911.50	-495,537.18
4055 4060 STORM SEWER LIFT SA 72 IMPROVEMENTS 101000 CASH - OPERATING	-1,648.80	0.00	0.00	0.00	3,532.50	-5,181.30
4059 4059 STORM LIFT SM 33 REHABILITATION 101000 CASH - OPERATING	-15,843.23	0.00	0.00	0.00	308.00	-16,151.23
4061 4061 STORM LIFT REHAB (SM 25, 28, 44) 101000 CASH - OPERATING	-412.38	0.00	0.00	0.00	78,407.85	-78,820.23
4062 4062 improvement district 101000 CASH - OPERATING	0.00	0.00	0.00	0.00	60.00	-60.00
4278 2219 7th Ave - 17th to 45th Str SU-8992(035)036-SHARED W/FAR 101000 CASH - OPERATING	-5,344.70	0.00	0.00	0.00	0.00	-5,344.70
4301 1279 12th AVE NORTH - 45TH STREET TO CTY RD 19 101000 CASH - OPERATING	-4,078,583.96	0.00	0.00	0.00	42,517.56	-4,121,101.52
4302 1273 MAIN AVE PHASE III NHU-8-010(032)932 101000 CASH - OPERATING	-9,105,936.66	1,000,000.00	0.00	0.00	158,676.43	-8,264,613.09
4336 1260 1.5MM GALLON WATER TANK IMPROVEMENT DISTRICT 101000 CASH - OPERATING	-1,106,240.89	0.00	0.00	0.00	0.00	-1,106,240.89
4353 1276 - CHRISTIANSON'S 2ND 101000 CASH - OPERATING	3,499.38	0.00	0.00	3,499.38	0.00	0.00
4362 1284 CHRISTIANSON 3rd (DR W EXT IMPR DISTRICT) 101000 CASH - OPERATING	15,502.94	0.00	0.00	15,502.94	0.00	0.00
4365 1287 SHEYENNE ST & 52ND AVE WATER MAIN 101000 CASH - OPERATING	-382,916.33	0.00	0.00	0.00	0.00	-382,916.33
4366 1288 PH I-WILD'S 7TH ADDITION (WP BEACH S) 101000 CASH - OPERATING	96,704.58	0.00	0.00	96,704.58	0.00	0.00
4367 1289 26th STREET NE & DIVERSION RD IMPR 101000 CASH - OPERATING	-9,181,644.26	17,001.85	0.00	0.00	0.00	-9,164,642.41
4368 1291 BROOKS HARBOR 5TH & 6TH ADDITION 101000 CASH - OPERATING	82,835.50	0.00	0.00	82,835.50	0.00	0.00
4369 1290 IMPROVEMENT DISTRICT AT 7TH AVE NW & CENTER ST 101000 CASH - OPERATING	-1,972.00	0.00	0.00	0.00	0.00	-1,972.00
4371 1293 The Wild's 8th Addition 101000 CASH - OPERATING	-1,063,240.08	0.00	0.00	0.00	0.00	-1,063,240.08
4372 1294 Eaglewood 5th Addition 101000 CASH - OPERATING	-1,961,781.70	0.00	0.00	0.00	0.00	-1,961,781.70

Fund/Account	Beginning Balance	Received	Transfers In	Disbursed	Transfers Out	Ending Balance
4373 1295 Highland Meadows 2nd Addition						
101000 CASH - OPERATING	-5,283.50	0.00	0.00	0.00	17.20	-5,300.70
4374 1296 Lagoon System Improvements						
101000 CASH - OPERATING	-62,604.00	0.00	0.00	0.00	0.00	-62,604.00
4375 1297 LIFT STATION SA 27 & SA 40						
101000 CASH - OPERATING	-1,880,370.23	0.00	0.00	0.00	344.50	-1,880,714.73
4376 1298 EAGLE RUN PLAZA 5TH ADDITION						
101000 CASH - OPERATING	-463,841.64	116.00	0.00	0.00	0.00	-463,725.64
4377 1301 SANDHILLS 3rd ADDITION						
101000 CASH - OPERATING	-7,039.00	0.00	0.00	0.00	193,044.38	-200,083.38
4378 1292 Water Sewer Street Improvement District						
101000 CASH - OPERATING	-44,733.30	0.00	0.00	0.00	276.80	-45,010.10
4379 1299 Lift Station SA13 Rehabilitation						
101000 CASH - OPERATING	-7,442.11	0.00	0.00	0.00	0.00	-7,442.11
4381 1300 RIVERS BEND AT PRESERVE 4TH ADDITION						
101000 CASH - OPERATING	-110,689.20	0.00	0.00	0.00	14,230.18	-124,919.38
4382 1303 OAK RIDGE 11TH ADDITION						
101000 CASH - OPERATING	-35,654.44	0.00	0.00	0.00	383.80	-36,038.24
4383 1302 WATER TANK REHABILITATION						
101000 CASH - OPERATING	-53,060.83	0.00	0.00	0.00	259.60	-53,320.43
4384 1304 Improvement District						
101000 CASH - OPERATING	0.00	0.00	0.00	0.00	186.00	-186.00
4385 1305 improvement district						
101000 CASH - OPERATING	0.00	0.00	0.00	0.00	60.00	-60.00
4396 6052 SIDEWALK IMPROVEMENT DISTRICT 2016						
101000 CASH - OPERATING	-328,898.82	0.00	0.00	0.00	0.00	-328,898.82
4397 6053 Sidewalk Improvement District						
101000 CASH - OPERATING	-5,685.38	0.00	0.00	0.00	92.00	-5,777.38
4480 2157 13TH AVENUE W CMU8992(027)028						
101000 CASH - OPERATING	-300.00	0.00	0.00	0.00	0.00	-300.00
4498 2245 CITY STRIPING IMPROVEMENT PROJECT						
101000 CASH - OPERATING	-304.28	0.00	0.00	0.00	13,347.68	-13,651.96
4499 2244 - SHEYENNE ST CIP (SOUTH OF 194)						
101000 CASH - OPERATING	-1,055,054.43	0.00	0.00	0.00	240,000.00	-1,295,054.43
4501 2246 improvement district						
101000 CASH - OPERATING	0.00	0.00	0.00	0.00	60.00	-60.00
4579 2234 33rd Ave E to Prairie Heights Drive Str. Impr.						
101000 CASH - OPERATING	-15,190.80	0.00	0.00	0.00	0.00	-15,190.80
4586 2239 32 & 40th Ave West to Diversion						
101000 CASH - OPERATING	-4,328,028.92	0.00	0.00	255,116.00	5,930.00	-4,589,074.92
5000 TREE PLANTING						
101000 CASH - OPERATING	448,750.21	15,659.77	0.00	0.00	2,090.00	462,319.98
6010 HEALTH & SANITATION						
101000 CASH - OPERATING	1,365,275.58	273,288.90	982.78	386.35	265,448.31	1,373,712.60
6020 SEWER AND WATER OPERATING						
101000 CASH - OPERATING	6,080,527.24	705,871.79	0.00	2,068.93	715,634.30	6,068,695.80

Fund/Account	Beginning Balance	Received	Transfers In	Disbursed	Transfers Out	Ending Balance
6040 REPL & DEPRECIATION SWOP						
101000 CASH - OPERATING	30,000.00	0.00	0.00	0.00	0.00	30,000.00
6050 SEWAGE SURCHARGE						
101000 CASH - OPERATING	296,650.16	677.26	0.00	0.00	0.00	297,327.42
6060 W/S 2012 REF (2005) RESERVE FUND						
101000 CASH - OPERATING	665,660.22	0.00	0.00	0.00	0.00	665,660.22
6070 W/S 2009 RESERVE FUND						
101000 CASH - OPERATING	601,646.26	0.00	0.00	0.00	0.00	601,646.26
7000 LIBRARY						
101000 CASH - OPERATING	1,387,477.27	130,968.81	246.53	0.00	74,902.31	1,443,790.30
7040 AIRPORT AUTH BOND CONSTRUCTION						
101000 CASH - OPERATING	136,949.87	18.24	0.00	0.00	0.00	136,968.11
7050 AIRPORT AUTHORITY						
101000 CASH - OPERATING	270,602.42	18,933.95	0.00	0.00	57,563.42	231,972.95
7501 MARVIN WINDOWS ESCROW SP. ASSMTS						
101000 CASH - OPERATING	170,658.00	0.00	0.00	0.00	0.00	170,658.00
7551 TITAN JOB TRAINING GRANT 5%						
101000 CASH - OPERATING	10,999.65	0.00	0.00	0.00	0.00	10,999.65
7570 ENERGY GRANT						
101000 CASH - OPERATING	15,800.00	0.00	0.00	0.00	0.00	15,800.00
7601 DOWNTOWN BUSINESS ASSOCIATION						
101000 CASH - OPERATING	10,161.11	0.00	0.00	0.00	0.00	10,161.11
7650 WAGE GARNISHMENTS						
101000 CASH - OPERATING	893.22	0.00	0.00	0.00	-409.25	1,302.47
7700 WINSOR GREEN SUBDIVISION						
101000 CASH - OPERATING	15,910.81	0.00	0.00	0.00	0.00	15,910.81
7710 Eagle Run 8th-Gustafson Land Development						
101000 CASH - OPERATING	118,516.89	0.00	0.00	0.00	0.00	118,516.89
7750 BORUD'S SUBDIVISION						
101000 CASH - OPERATING	21,739.37	0.00	0.00	0.00	0.00	21,739.37
7910 PAYROLL FUND						
101000 CASH - OPERATING	234,205.22	0.00	1,021,389.68	1,125,359.28	0.00	130,235.62
7930 CLAIMS FUND						
101000 CASH - OPERATING	15,092.20	0.00	2,508,271.46	2,511,772.51	0.00	11,591.15
8600 2003-1 SP ASSMT PARK-40TH AVE						
101000 CASH - OPERATING	87.06	40.34	0.00	0.00	87.06	40.34
8615 8615 SHADOWWOOD PARK SPECIALS 2010						
101000 CASH - OPERATING	2,038.22	0.00	0.00	0.00	2,038.22	0.00
8620 2011 PARK SPECIALS - MAPLE RIDGE						
101000 CASH - OPERATING	0.00	970.22	0.00	0.00	0.00	970.22
8625 Park Improvement District 2011-1						
101000 CASH - OPERATING	10,838.45	291.63	0.00	0.00	10,838.45	291.63
8635 2014 PARK SPECIAL ASSESSMENTS-RIVER'S BEND						
101000 CASH - OPERATING	632.25	793.44	0.00	0.00	632.25	793.44
8700 2007-1 SP ASSMT PARK BURLI NGTON						
101000 CASH - OPERATING	258.48	516.96	0.00	0.00	258.48	516.96

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<b>Fund/Account</b>	<b>Beginning Balance</b>	<b>Received</b>	<b>Transfers In</b>	<b>Disbursed</b>	<b>Transfers Out</b>	<b>Ending Balance</b>
9000 CDBG FUND						
101000 CASH - OPERATING	1,921.91	0.00	0.00	0.00	0.00	1,921.91
<b>Totals</b>	<b>38,169,862.50</b>	<b>5,526,061.91</b>	<b>3,820,217.29</b>	<b>5,141,878.64</b>	<b>3,818,914.82</b>	<b>38,555,348.24</b>

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\*\*\* Transfers In and Transfers Out columns should match. There are a couple exceptions to this: 1) Canceled Electronic Checks and 2) Payroll Journal Vouchers that include local deductions set up with receipt accounting. Please see cash reconciliation procedure in manual or call for more details.

Consent Agenda Item: b.

Check #	Payee #/Name	Check Amount	Date Issued	Period Redeemed
73473 *	756 THOMAS E MILNER	683.55	05/12/17	5/17
73671	756 THOMAS E MILNER	688.22	05/26/17	5/17
73656 *	ALERUS FIN/DEF ALERUS FINANCIAL SECURIT	2693.92	05/24/17	5/17
73672	BCBS PRETAX-DEN BLUE CROSS BLUE SHIELD	110911.10	05/24/17	_____
73657	COLONIAL PRETAX COLONIAL INSURANCE - BCN	31.50	05/24/17	_____
73476	DEP CARE PRETAX DISCOVERY BENEFITS	1494.65	05/09/17	5/17
73658	DEP CARE PRETAX DISCOVERY BENEFITS	1494.65	05/24/17	5/17
73659	EQ DEF COMP AXA EQUITABLE LIFE INSUR	2233.04	05/24/17	_____
73660	FOP DUES RED RIVER VALLEY FOP LOD	539.00	05/24/17	_____
73661	FOP LEGAL FEES ND FRATERNAL ORDER OF PO	1078.00	05/24/17	_____
73662	FTJ DEF COMP TD AMERITRADE TRUST COMP	1328.60	05/24/17	_____
73474	IRS INTERNAL REVENUE SERVICE	50.00	05/09/17	5/17
73663	IRS INTERNAL REVENUE SERVICE	50.00	05/24/17	_____
73664	MAIN STAY - IRA MAIN STAY FUNDS	1651.66	05/24/17	5/17
73475	MNCHILDSUPPORT MINNESOTA CHILD SUPPORT	201.60	05/09/17	5/17
73665	MNCHILDSUPPORT MINNESOTA CHILD SUPPORT	201.60	05/24/17	5/17
73673	NATIONWIDE NATIONWIDE INVESTMENT AD	1239.50	05/24/17	5/17
73667 *	NY LF DEF COMP NEW YORK LIFE INSURANCE	10631.54	05/24/17	5/17
73674	PENSION-NDPERS PENSION - NDPERS	92567.59	05/24/17	5/17
73668	UNION DUES VICKIE PETERS - TEAMSTER	50.00	05/24/17	_____
73669	UNITED WAY UNITED WAY OF CASS CLAY	44.00	05/24/17	_____
73670	VOYA - ING DEF VRIAC	600.00	05/24/17	_____
<b># of Checks:</b>		<b>22</b>		
		<b>Total:</b>	<b>230463.72</b>	



**APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT**  
 OFFICE OF ATTORNEY GENERAL  
 SFN 9338 (9-2009)

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

Name of Non-profit Organization Kristi Engelstad Benefit		Date(s) of Activity 6/22/2017 to 6/22/2017	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Kristi Pink		Title Coordinator	Business Phone Number (701) 540-7587
Business Address 5208 18th St. N.	City Moorhead	State MN	Zip Code 56560-0000
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Lutheran Church of the Cross		Site Address 1402 16th St. E.	
City West Fargo	State ND	Zip Code 58078-0000	County Cass
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit. <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

**DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED**

Game Type	Description of Prize	Retail Value of Prize
Raffle	Assorted meat	\$300.00
Raffle Board	Carson Wentz FB	\$2,000.00
Raffle Board	Glamp Quilt	\$800.00
Raffle Board	UND Jersey	\$200.00
Raffle Board	Xbox & Accessory	\$800.00

Game Type	Description of Prize	Retail Value of Prize
Raffle Board	NDSU Champ FB	\$150.00
Raffle Board	Grill	\$399.99
Raffle Board	Log Cabin Quilt	\$800.00
Raffle Board	AirMed Helicopt	\$500.00

(Limit \$12,000 per year)  
 Total: \$ 5,949.99

Intended uses of gaming proceeds: All proceeds will be deposited into the Kristi Englestad benefit fund to be used by Kristi Engelstad for medical expenses related to her treatment for cancer.

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

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

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

Signature of Organization's Top Executive Official <i>Kristi Pink</i>	Date 5/5/2017	Title Benefit Coordinator	Business Phone Number (701) 540-7587
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*CK# 1532  
pd 6-14-17  
\$10.00*

JUN 12 2017

Consent Agenda Item: d.



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
OFFICE OF ATTORNEY GENERAL
SFN 9338 (9-2009)

Application for: [X] Local Permit \* [ ] Charity Local Permit (one event per year)

Form with fields: Name of Non-profit Organization (BLESSED SACRAMENT CATHOLIC CHURCH), Date(s) of Activity (7-1-17 to 6-30-18), Person Responsible (Fr. Gary Luiten), Title (PRIEST), Business Phone Number (701-282-3321), Business Address (210 5th AVE WEST), City (WEST FARGO), State (ND), Zip Code (58078), Name of Site (BLESSED SACRAMENT CATHOLIC CHURCH), Site Address (210 5th AVE WEST), City (WEST FARGO), State (ND), Zip Code (58078), County (CASS). Includes checkboxes for game types: Bingo, Raffle, Calendar Raffle, Sports Pool, Poker, Twenty-one, Paddlewheels.

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Two empty tables with columns: Game Type, Description of Prize, Retail Value of Prize.

Total: (Limit \$12,000 per year) \$ NOT TO EXCEED \$12,000

Intended uses of gaming proceeds:
Does the organization presently have a state gaming license? [X] No [ ] Yes
Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? [X] No [ ] Yes
Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? [X] No [ ] Yes

Signature of Organization's Top Executive Official: Karen Beets, Date: 6/12/17, Title: PARISH LIFE COORD., Business Phone Number: 701-282-3321

Handwritten notes: CK# 24608, pd 6-12-17, \$25.-



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

G - \_\_\_\_\_ (\_\_\_\_)\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization **North Dakota Association For The Disabled, Inc.**

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

Name of Location <b>Blvd Pub, Inc.</b>			
Street <b>3147 Bluestem Dr</b>	City <b>West Fargo</b>	ZIP Code <b>58078</b>	County <b>Cass</b>
Beginning Date(s) Authorized <b>7/1/17</b>	Ending Date(s) Authorized <b>6/30/18</b>	Number of twenty-one tables if zero, enter "0": <b>0</b>	
Specific location where games of chance will be conducted and played at the site (required) <b>Entire bar area (excluding restrooms) for pull tabs.</b>			
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)
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**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

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

**APPROVALS**

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

**INSTRUCTIONS:**

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

**RETURN ALL DOCUMENTS TO:**

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

*CK# 5025375  
 Ad 6-15-17  
 \$ 100. -*



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2015)

License Number (Office Use Only)

Site Owner (Lessor) Blvd Pub, Inc.		Site Name Blvd Pub, Inc.		Site Phone Number (701) 552-7798
Site Address 3147 Bluestem Dr		City West Fargo	State ND	Zip Code 58078
Organization (Lessee) North Dakota Association For The Disabled, Inc.		Rental Period 7/1/2017	to 6/30/2022	
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				Monthly Rent Amount \$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
2. Is a raffle drawing going to be conducted at this site?				\$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
3. Is Prize Boards involving a dispensing device conducted at this site?				\$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				\$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
5. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____				\$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
6. Is Pull Tabs involving either a jar bar and/or a dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar Only <input checked="" type="checkbox"/> Dispensing Device Only <input type="checkbox"/> Jar Bar and Dispensing Device				\$ 300.00
				\$ 300.00
				Total Monthly Rent \$ 300.00

**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 	Title GM/co-owner	Date 06-14-17
Signature of Lessee (Top Executive Official) 	Title CEO	Date 06-14-17

(over)

\*\*\* Consent Agenda \*\*\*

AGENDA ITEM DESCRIPTION  
CITY COMMISSION  
WEST FARGO, NORTH DAKOTA

Agenda # f.

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

1. CONTACT PERSON: Larry Weil

2. PHONE NUMBER: 433-5322 DATE: June 13, 2017

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

Zoning Ordinance Amendment to consider an amendment to Ordinance 4-460.9  
to allow for increased total sign area for individual and multi-tenant on-premise  
freestanding sign area size along the Main Avenue corridor.

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

Main Avenue Corridor.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Schedule First Reading and Public Hearing on the Ordinance Amendment at  
5:30 pm on July 5, 2017.



[www.westfargond.gov](http://www.westfargond.gov)

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

## NOTICE OF PUBLIC HEARING

A public hearing will be held on the 5<sup>th</sup> day of July 2017, at 5:30 P.M. at the City Hall of West Fargo, North Dakota, concerning the enactment of a proposed zoning ordinance. The proposed ordinance involves the following:

To consider an amendment to Ordinance 4-460.9 to allow for increased total sign area for individual and multi-tenant on-premise freestanding sign area size along the Main Avenue corridor.

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

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

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

(Please Publish June 19 & 26, 2017)

\*\*\* Consent Agenda \*\*\*

AGENDA ITEM DESCRIPTION  
CITY COMMISSION  
WEST FARGO, NORTH DAKOTA

Agenda # g.

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

1. CONTACT PERSON: Larry Weil

2. PHONE NUMBER: 433-5320 DATE: June 13, 2017

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

Highland Meadows 2<sup>nd</sup> Addition, Subdivision & Rezoning from A: Agricultural to R-1SM: Mixed One & Two Family Dwellings.

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

Located on part of the property in the S½ of Section 18, T139N, R49W, City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Schedule First Reading and Public Hearing on the rezoning at 5:30 pm on July 5, 2017.



[www.westfargond.gov](http://www.westfargond.gov)

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

## NOTICE OF PUBLIC HEARING

A public hearing will be held on the 5<sup>th</sup> day of July 2017, at 5:30 P.M. at the City Hall of West Fargo, North Dakota, concerning the enactment of a proposed zoning ordinance. The proposed ordinance involves the following:

Property located in the S½ of Section 18, T139N, R49W, City of West Fargo, North Dakota (Proposed Highland Meadows 2<sup>nd</sup> Addition)

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

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

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

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

(Please Publish June 19 & 26, 2017)

\*\*\* Consent Agenda \*\*\*

AGENDA ITEM DESCRIPTION  
CITY COMMISSION  
WEST FARGO, NORTH DAKOTA

Agenda # h.

\*\*\*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: June 13, 2017

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

North Pond at the Preserve 10<sup>th</sup> Addition, Subdivision & Rezoning from A:  
Agricultural to C: Light Commercial

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

Property in the NE¼ of Section 20, T139N, R49W, City of West Fargo, North  
Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Schedule 1<sup>st</sup> Reading & Public Hearing on the rezoning at 5:30 pm on July 5,  
2017.



[www.westfargond.gov](http://www.westfargond.gov)

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

## NOTICE OF PUBLIC HEARING

A public hearing will be held on the 5<sup>th</sup> day of July 2017, at 5:30 P.M. at the City Hall of West Fargo, North Dakota, concerning the enactment of a proposed zoning ordinance. The proposed ordinance involves the following:

Parcel located in the NE $\frac{1}{4}$  of Section 20, T139N, R49W, City of West Fargo, North Dakota (Proposed North Pond at the Preserve 10<sup>th</sup> Addition)

The ordinance is for the purpose of rezoning from an A: Agricultural District to C: Light Commercial District.

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

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

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

(Please Publish June 19 & 26, 2017)

Agenda # i.  
Agenda Code Consent  
Project # 19729

**AGENDA ITEM DESCRIPTION**  
**CITY COMMISSION**  
**WEST FARGO, NORTH DAKOTA**

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

1. CONTACT PERSON: Dustin Scott
  
2. PHONE NO. 282-4692 DATE: June 19, 2017
  
3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: \_\_\_\_\_  
Review Engineer's Report for Sewer, Water, Storm and Street Improvement  
District No. 1305  
\_\_\_\_\_  
\_\_\_\_\_
  
4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):  
The Wilds 9th Addition  
\_\_\_\_\_
  
5. ACTION BEING REQUESTED FROM CITY COMMISSION: \_\_\_\_\_  
Approve Engineer's Report for Sewer, Water, Storm and Street Improvement  
District No. 1305  
Authorize preparation of Plans & Specs  
\_\_\_\_\_

## ENGINEER'S REPORT

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

The purpose of the improvements is to install new City infrastructure for Wilds 9<sup>th</sup> Addition development as petitioned by Westport Investments, LLC. The infrastructure installed will meet regional infrastructure needs which include a sanitary sewer lift station, storm water retention ponds, and extending 9<sup>th</sup> Street West approximately 2,250' including sanitary sewer, water main, storm sewer, concrete streets with curb and gutter, street lights, multi-use path and trees. The infrastructure installed for the development include sanitary sewer, water main, storm sewer, asphalt streets with curb and gutter, street lights, and side yard sidewalks.

Sewer, Water, Storm and Street Improvement District No. 1305 will involve the construction of improvements consisting of sanitary sewer, water mains, storm sewer, asphalt streets, concrete streets, curb and gutter, street lights, sidewalks, multi-use paths, storm water retention ponds, sanitary lift station with siren and other miscellaneous installations.

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

Dated this 19<sup>th</sup> day of June, 2017.

Dustin Scott  
Moore Engineering, Inc.  
West Fargo ND



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Engineer for the City of West Fargo, ND

**SEWER, WATER, STORM AND STREET IMPROVEMENT DIST. NO. 1305  
THE WILDS 9TH ADDITION & SANITARY LIFT STATION (SA 46)  
WEST FARGO ND**

*Engineer's Opinion of Probable Cost*

ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL
<b><u>Sanitary Sewer Items</u></b>				
1. Sanitary Sewer - Remove	LF	20	\$25.00	\$500.00
2. Sanitary Sewer - Connect To Existing	Each	1	\$1,000.00	\$1,000.00
3. Sanitary Sewer - 8" PVC SDR 35	LF	4,900	\$32.00	\$156,800.00
4. Sanitary Sewer - 10" PVC SDR 26	LF	2,150	\$80.00	\$172,000.00
5. Sanitary Sewer Manhole	Each	35	\$45.00	\$1,575.00
6. Sanitary Sewer Manhole - Remove	Each	1	\$1,000.00	\$1,000.00
7. External Manhole Chimney Seal	Each	35	\$250.00	\$8,750.00
8. Sanitary Sewer Cleanout	Each	5	\$500.00	\$2,500.00
9. Sanitary Sewer Service Connection - 6" PVC SDR 26	Each	141	\$175.00	\$24,675.00
10. Sanitary Sewer Service - 6" PVC SDR 26	LF	8,600	\$16.00	\$137,600.00
11. Televising - Sanitary Sewer Main	LF	7,050	\$1.00	\$7,050.00
12. Televising - Sanitary Sewer Service	Each	141	\$50.00	\$7,050.00
13. Sanitary Sewer Lift Station	LSum	1	\$200,000.00	\$200,000.00
<b><u>Water Main Items</u></b>				
1. Water Main - Connect To Existing	Each	1	\$500.00	\$500.00
2. Water Main - 8" PVC C900	LF	4,900	\$22.00	\$107,800.00
3. Water Main - 12" PVC C900	LF	2,150	\$38.00	\$81,700.00
4. Specials	Lbs	7,000	\$3.50	\$24,500.00
5. Gate Valve & Box - 6"	Each	10	\$1,000.00	\$10,000.00
6. Gate Valve & Box - 8"	Each	15	\$1,350.00	\$20,250.00
7. Gate Valve & Box - 12"	Each	5	\$3,000.00	\$15,000.00
8. Hydrant - 10'	Each	10	\$4,000.00	\$40,000.00
9. Hydrant Lead - 6" PVC C900	LF	75	\$17.50	\$1,312.50
10. Corporation - 1"	Each	141	\$200.00	\$28,200.00
11. Curb Stop & Box - 1"	Each	141	\$300.00	\$42,300.00
12. Water Service Line - 1"	LF	8,600	\$13.00	\$111,800.00
<b><u>Storm Sewer Items</u></b>				
1. Storm Sewer - 4" Perforated PVC - Connect To Existing	Each	2	\$20.00	\$40.00
2. Storm Sewer - 4" Perforated PVC	LF	16,300	\$3.00	\$48,900.00
3. Storm Sewer - Connect To Existing	Each	1	\$500.00	\$500.00
4. Storm Sewer - 12" PP	LF	1,415	\$22.00	\$31,130.00
5. Storm Sewer - 15" RCP	LF	2,700	\$31.00	\$83,700.00
6. Storm Sewer - 18" RCP	LF	850	\$34.00	\$28,900.00
7. Storm Sewer - 21" RCP	LF	600	\$38.00	\$22,800.00
8. Storm Sewer - 24" RCP	LF	325	\$41.50	\$13,487.50
9. Storm Sewer - 27" RCP	LF	160	\$52.00	\$8,320.00
10. Storm Sewer - 30" RCP	LF	165	\$60.00	\$9,900.00
11. Storm Sewer - 36" RCP	LF	300	\$75.00	\$22,500.00
12. Storm Sewer - 42" RCP	LF	600	\$100.00	\$60,000.00
13. Storm Sewer - 48" RCP	LF	400	\$125.00	\$50,000.00
14. Storm Sewer - 60" RCP	LF	1,900	\$165.00	\$313,500.00
15. Storm Sewer Plug	Each	4	\$100.00	\$400.00
16. Storm Sewer Manhole - 48"	Each	15	\$2,500.00	\$37,500.00
17. Storm Sewer Manhole - 60"	Each	10	\$3,500.00	\$35,000.00
18. Storm Sewer Manhole - 72"	Each	5	\$5,000.00	\$25,000.00
19. Storm Sewer Manhole - 84"	Each	5	\$6,500.00	\$32,500.00
20. Storm Sewer Manhole - 96"	Each	4	\$8,000.00	\$32,000.00
21. Storm Sewer Manhole - 108"	Each	2	\$10,000.00	\$20,000.00
22. Storm Sewer Manhole - 120"	Each	2	\$12,500.00	\$25,000.00
23. Storm Sewer Control Structure	Each	2	\$15,000.00	\$30,000.00
24. Storm Sewer Catch Basin - 2' x 3'	Each	50	\$1,750.00	\$87,500.00

25.	Storm Sewer Catch Basin - 30"	Each	10	\$1,200.00	\$12,000.00
26.	External Manhole Chimney Seal	Each	100	\$250.00	\$25,000.00
27.	Temporary Pumping	LSum	1	\$1,000.00	\$1,000.00
28.	Culvert - 24" CMP	LF	50	\$35.00	\$1,750.00
29.	End Section - 24" CMP Flared	Each	2	\$600.00	\$1,200.00
30.	End Section - 60" RCP Flared	Each	6	\$2,000.00	\$12,000.00

**Roadway Items**

1.	Excavation - Unclassified	CY	7,500	\$5.00	\$37,500.00
2.	Embankment	CY	7,500	\$2.00	\$15,000.00
3.	Subgrade Preparation	SY	27,900	\$1.50	\$41,850.00
4.	Reinforcement Fabric	SY	27,900	\$1.60	\$44,640.00
5.	Gravel - 9" NDDOT Class 5	CY	7,450	\$27.50	\$204,875.00
6.	Curb & Gutter - Saw Full Depth	LF	5	\$5.00	\$25.00
7.	Curb & Gutter - Connect To Existing	Each	2	\$50.00	\$100.00
8.	Curb & Gutter	LF	20,300	\$14.00	\$284,200.00
9.	Asphalt Base Course - 3.5"	SY	13,115	\$12.00	\$157,380.00
10.	Tack Coat	Gal	655	\$1.75	\$1,146.25
11.	Asphalt Wear Course - 2"	SY	13,115	\$7.50	\$98,362.50
12.	Concrete Pavement - Saw Full Depth	LF	50	\$5.00	\$250.00
13.	Concrete Pavement - Connect To Existing	Each	1	\$1,000.00	\$1,000.00
14.	Concrete Pavement - 8" Non-Reinforced	SY	7,500	\$50.00	\$375,000.00
15.	Sidewalk - Saw Full Depth	LF	5	\$5.00	\$25.00
16.	Sidewalk - Connect To Existing	Each	1	\$100.00	\$100.00
17.	Sidewalk - 4" Concrete	SY	610	\$35.00	\$21,350.00
18.	Sidewalk - 6" Concrete	SY	1,375	\$36.00	\$49,500.00
19.	Multi-Use Path - Saw Full Depth	LF	10	\$5.00	\$50.00
20.	Multi-Use Path - Connect To Existing	Each	1	\$100.00	\$100.00
21.	Multi-Use Path - 5" Concrete	SY	5,600	\$36.00	\$201,600.00
22.	Curb Ramp - 6" Concrete	SY	125	\$45.00	\$5,625.00
23.	Detectable Warning Panel	SF	325	\$40.00	\$13,000.00
24.	Decorative Colored Concrete - Median	SY	1,100	\$75.00	\$82,500.00
25.	Median Nose Apron - Concrete	SY	40	\$75.00	\$3,000.00
26.	Driveway - 7" Concrete	SY	70	\$50.00	\$3,500.00
27.	Driveway - 8" Concrete	SY	170	\$55.00	\$9,350.00
28.	Signing	LSum	1	\$35,000.00	\$35,000.00
29.	Striping	LSum	1	\$50,000.00	\$50,000.00
30.	Flexible Delineator	Each	7	\$100.00	\$700.00
31.	Cluster Box Unit - 8 Unit	Each	13	\$1,400.00	\$18,200.00
32.	Cluster Box Unit - 12 Unit	Each	4	\$1,500.00	\$6,000.00
33.	Spare Cluster Box Unit - 8 Unit	Each	1	\$1,300.00	\$1,300.00
34.	Spare Cluster Box Unit - 12 Unit	Each	1	\$1,400.00	\$1,400.00

**Pond Items**

1.	Excavation - Pond - On Site	CY	210,000	\$1.50	\$315,000.00
2.	Air Bubbler System	Each	1	\$100,000.00	\$100,000.00
3.	Riprap & Fabric - 18" Class III	CY	200	\$100.00	\$20,000.00

**General Items**

1.	Cleaning	LSum	1	\$1,000.00	\$1,000.00
2.	Storm Water Management	LSum	1	\$1,000.00	\$1,000.00
3.	Traffic Control	LSum	1	\$1,000.00	\$1,000.00
4.	Mowing	Acre	20	\$45.00	\$900.00
5.	Watering	Each	6	\$250.00	\$1,500.00
6.	Excavation - 6" Topsoil Stripping	CY	47,000	\$1.50	\$70,500.00
7.	Topsoil Replacement - 4"	CY	5,200	\$5.00	\$26,000.00
8.	Rear Yard Grading	SY	5,500	\$2.00	\$11,000.00
9.	Inlet Protection Device	Each	60	\$100.00	\$6,000.00
10.	Sedimentation Control Wattle - 9"	LF	1,500	\$2.75	\$4,125.00
11.	Sedimentation Control Fence	LF	1,500	\$2.00	\$3,000.00
12.	Stabilized Construction Entrance	Each	1	\$1,000.00	\$1,000.00
13.	Seeding - Type II	Acre	20	\$6.00	\$120.00
14.	Mulch - Type B - Hydromulch	Acre	6	\$1,500.00	\$9,000.00
15.	Mulch - Type A - Permanent Straw	Acre	45	\$300.00	\$13,500.00

16.	Mulch - Type A - Temporary Straw	Acre	65	\$300.00	\$19,500.00
17.	Tree - Small Deciduous	Each	34	\$300.00	\$10,200.00
18.	Tree - Large Deciduous	Each	130	\$350.00	\$45,500.00
19.	Decorative Fence - 6'	LF	1,650	\$70.00	\$115,500.00
<b>Electrical Items</b>					
1.	Conductor - #6 USE/Cu.	LF	22,500	\$1.00	\$22,500.00
2.	Tracer Wire - #12	LF	7,500	\$0.25	\$1,875.00
3.	Innerduct - 1.5" PVC	LF	7,500	\$3.50	\$26,250.00
4.	Concrete Base - 5'	Each	40	\$325.00	\$13,000.00
5.	Light Standard - Single LED and 14' Post	Each	30	\$2,100.00	\$63,000.00
6.	Light Standard - Double LED and 16' Post	Each	10	\$5,550.00	\$55,500.00
7.	Spare Light Standard - Single LED and 14' Post	Each	4	\$2,000.00	\$8,000.00
8.	Spare Light Standard - Double LED and 16' Post	Each	1	\$5,450.00	\$5,450.00
9.	Sanitary Sewer Lift Station - Electrical	LSum	1	\$50,000.00	\$50,000.00
10.	Sanitary Sewer Lift Station - Electrical Cash Allowances	LSum	1	\$50,000.00	\$50,000.00
11.	Siren	Each	1	\$5,000.00	\$5,000.00
Construction Subtotal					\$5,114,938.75
Contingencies					\$512,261.25
<b>Total Construction</b>					<b>\$5,627,200.00</b>
Engineering					\$618,992.00
Legal & Administration					\$562,720.00
Bond Discount					\$225,088.00
<b>TOTAL PROJECT</b>					<b>\$7,034,000.00</b>



**Pledging of Securities Collateral  
May 31, 2017**

Consent Agenda Item: j.

<b>Bank Accounts</b>	<b>Bank Balance</b>	<b>FDIC Covered</b>	<b>Amount to be Covered by Pledging</b>	<b>Bank Actual Pledged</b>	<b>Pledged %</b>	<b>Source</b>	<b>Expiration</b>
<b>1st International Bank</b>							
Money Market Checking	\$240,359.33	\$250,000.00	\$0.00	\$0.00	0%	FDIC	
ICS Savings	9,101,426.10	9,101,426.10	0.00	0.00	0%	FDIC	
<b>Alerus Financial</b>							
Money Market Checking	297,866.72	250,000.00	47,866.72	52,653.39	110%	BND Pledge Pool LOC 6526	6/2/2017
ICS Savings	11,652,078.32	11,652,078.32	0.00	0.00	0%	FDIC	
<b>Bell State Bank</b>	5,056,729.48	250,000.00	4,806,729.48	6,000,000.00	125%	BND Irrevocable LOC's 6453 & 6498	6/21/2017 & 8/14/2017
<b>Blackridge Bank</b>	1,001,496.83	250,000.00	751,496.83	1,000,000.00	133%	Irrevocable LOC 4072-189	11/21/2017
<b>Choice Financial</b>	10,064,574.63	250,000.00	9,814,574.63	10,796,032.09	110%	BND Pledge Pool LOC 6534	7/17/2017
<b>Western State Bank</b>	1,125,700.91	250,000.00	875,700.91	963,271.00	110%	BND Pledge Pool LOC 6089	9/18/2017
	<b>\$38,540,232.32</b>	<b>\$22,253,504.42</b>	<b>\$16,296,368.57</b>	<b>\$18,811,956.48</b>			

AGENDA ITEM DESCRIPTION  
CITY COMMISSION  
WEST FARGO, NORTH DAKOTA

Agenda # 1.

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

1. CONTACT PERSON: Larry Weil/Julie Bommelman/Matt Peterson

2. PHONE NUMBER: 433-5322/476-6737/476-6660 DATE: June 15, 2017

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

Transit Route Information for Existing West Fargo Route #16 (Proposed Route #22); and New Route #24 Serving SW West Fargo

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

N/A

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Hold Public Hearing on changes to West Fargo Transit Routes and consider agreement.



## Metropolitan Area Transit

650 23rd Street N  
Fargo, ND 58102  
Phone: 701-241-8140  
Fax: 701-241-8558

June 15, 2017

West Fargo Board of City Commissioners  
City Hall – 800 4<sup>th</sup> Avenue East  
West Fargo, ND 58078

Dear Commissioners:

The Cities of West Fargo, Fargo, and Moorhead completed the 2016-2020 Transit Development Plan (TDP) which studied existing conditions and recommended potential changes to the MATBUS system, facilities and organizational structure. Based on the TDP recommendations, and to improve timeliness, reliability, and expansion of the MATBUS system, the City of Fargo is considering changes to several of Fargo's fixed transit routes: 13, 13U, 14, 15, 16, 17, 18, 21, 22, 23, and 24. If approved, the changes would become effective July 1, 2017. The changes to Route 16, and the addition of Routes 22 and 24 directly impact the City of West Fargo and provide immensely improved transit service.

The current Route 16 configuration, which serves the City of West Fargo, will become Route 22 in West Fargo and remain Route 16 in Fargo. Routes 22 and 24 will be cost shared with the City of West Fargo: Route 22, West Fargo will pay 54.47% of the operating cost; for Route 24, West Fargo will pay 40.76% of the operating cost. Operating costs are after farebox revenue and federal/state subsidies have been taken into account.

*For informational purposes*, all route changes are being included in this presentation to provide an overall picture of the fixed route system in West Fargo and Fargo: The changes for Routes 13, 13U, 14 and 15 are cost neutral and will have no impact on the City of West Fargo's current budget. Changes for Routes 16, 17, 18, 23 and the addition of Routes 21 and 22 must be implemented together to remain cost neutral for the City of Fargo. During the 2016 budget cycle, the addition of Route 24 was approved to begin service on July 1, 2017 by the City of Fargo.

Notices of the proposed changes, informational meetings and public hearings were published in The Forum, and provided to passengers by posting notices at the Ground Transportation Center (GTC) and on the buses, posting on the MATBUS website, digital display boards at the GTC and via social media. Informational meetings/open houses were held on June 13, 2017, from 9-10 a.m. and 4-5 p.m. at the GTC to gather public comments and input. An informational meeting/open house was also held at West Fargo City Hall on June 14, 2017 from 4:30pm to 5:30pm. Maps were displayed at the GTC and comment sheets were available. The public hearing notice, posters and detailed comments received are attached.

### **Proposed Changes – Cost Neutral:**

#### **Route 13:**

Currently – Route 13 operates on a 60-minute route, departing the Ground Transportation Center (GTC) every 30 minutes. Route 13 services Klai Hall, Barry Hall, NDSU Transit Hub, Northport Hornbachers, Trollwood Village, Labor Ready and Renaissance Hall.

For Schedule Information: 701-232-7500

Proposed Change - To add U32 Apartments (Roers Development) as an extension of the route. Route 13 would continue to travel along 32<sup>nd</sup> Ave N to U32, turn around in their parking lot, and back to 10<sup>th</sup> St N where it would resume its original alignment. The adopted route changes policy states changes to routes of 25% or greater require public hearings; however, MATBUS staff has determined even though this adjustment does not constitute 25% of this route being changed, it is valuable to denote this adjustment at this time. Please note this change will take effect upon the opening of the U32 development.

**Route 13U:**

The proposed changes to 13U will be to remove year round service from 6:45 pm to 10:45 pm. Route 13U will still operate during the academic year from 6:15 am to 6:45 pm.

**Route 14:**

The final configuration of the intersection at 32nd Ave S and 33rd St S, will permanently eliminate the left turn at 33rd St, therefore Route 14 only complete the apartment loop (32nd St to 33rd St) on the outbound trip of Route 14. Route 14 will depart Essentia Hospital on 32nd St to 32nd Ave, travel West to 33rd St, travel North to 30th Ave, travel East to 32nd St, travel South to 32nd Ave to 32nd Ave S. Route 14 will then travel along its previous path to West Acres. After departing West Acres, Route 14 will travel along its 32nd Ave S bypassing the apartment loop and entering into Essentia Hospital from 32nd St S.

**Route 15:**

Currently – Route 15 currently operates on a 60-minute route, departing the GTC and services University Dr to West Acres along the 13<sup>th</sup> Ave corridor, then to Wal-Mart. On Route 15's return to the GTC, it departs Wal-Mart back to West Acres, along the 13<sup>th</sup> Ave corridor to 10<sup>th</sup> St and ends at the GTC.

Proposed Change - To change the return portion of Route 15 from Wal-Mart to service only the 13<sup>th</sup> Ave corridor to 10<sup>th</sup> St, removing the second stop at West Acres. This change will assist the route in maintain better on-time performance. Passengers who wish to travel to West Acres from Wal-Mart will be able to take Route 22.

**Linked Changes (Routes 16, 17, 18, 21, 22, and 24):**

The changes below must occur at the same time as resources have been reallocated.

**Route 16 (impacts West Fargo):**

Currently - Route 16 is a 90-minute route, which departs the GTC and services the Fargo High Rise, Essentia Clinic, Fargo South High School, CashWise Foods, West Acres, Home Depot, Family Fare, West Fargo High Rise, West Fargo High School, Sharehouse, and Century 10 Theater.

Proposed Change – Change the route to a 60-minute route, which will depart GTC and service the Fargo High Rise, Essentia Clinic, Fargo South High School, CashWise Foods and West Acres. Route 22 will service the remaining portion of Route 16 that covers West Fargo.

**Route 17:**

Currently - Route 17 operates until 8:40pm with its last departure from the GTC at 8:15pm.

Proposed Change – Route 17 would continue in service until 10:15pm. No other changes to this route are being proposed.

**Route 18:**

Currently - Route 18 is a 30-minute route which departs the GTC and services Bethany Homes, Woodrow High School, Teleforce, South East Human Services (SEHS), Community Homes, and the Cass County Courthouse.

Proposed Change – Route 18 would operate as a 90-minute route, departing from the GTC every 60 minutes. The proposed Route 18 would service Bethany Homes, SEHS, the 25<sup>th</sup> St corridor, Essentia Hospital (32<sup>nd</sup> Ave S), Osgood Hornbachers, Microsoft and Walmart (52<sup>nd</sup> Ave S), Cass County Courthouse. Route 18 would then follow the exact same path back to the GTC, servicing the opposite side of the roadway, thus making the route linear.

**Route 21:**

Proposed – Route 21 would be new to the system and would operate on a 30-minute route, departing West Acres every 60-minutes. Route 21 would service 38<sup>th</sup> St to the Cass County Jail/Probation Office, Somali Business Center, returning on Fiechtner Dr S servicing Centre Girls Dormitory and ending at West Acres.

**Route 22 (impacts West Fargo):**

Proposed – Route 22 would operate on a 30-minute route, departing West Acres every 60-minutes. Route 22 would service Sharehouse, West Fargo High School, West Fargo City Hall, West Fargo High Rise, Family Fare and Walmart. Route 22 is the 30-minute portion of Route 16, which was reduced from a 90-minute route to a 60-minute route. Route 22 would also operate counter clockwise from its preexisting path to better service Wal-Mart and other businesses along 13<sup>th</sup> Ave.

**Route 23:**

Currently – Route 23 operates on a 60-minute route, departing West Acres every 60-minutes. This route services the 45<sup>th</sup> St corridor, Osgood Hornbachers, Microsoft and Wal-Mart (52<sup>nd</sup> Ave).

Proposed Change – To better utilize the resources on Route 23, we are proposing to technically eliminate Route 23 but will continue to service the same locations with the changes recommended to Route 18 and the addition of Route 24.

**Budgeted to begin July 1, 2017 (impacts West Fargo):**

**Route 24:**

Proposed Route - Route 24 is a newly created Route. Working within budgetary constraints, staff has combined the TDP's recommendations for Routes 26 & 27 into Route 24. Route 24 will depart West Acres every 60-minutes on a 60-minute route. Route 24 will service the Red River Zoo, Sanford Medical Center, Family Wellness, Scheel's Arena, CashWise (32<sup>nd</sup> Ave & Veterans Blvd), Eagle Run area and Costco. In addition to the locations above, we will also be servicing several hotels along this route for FM area visitors.

The requested motion is to approve the proposed route changes/additions for Routes 16, 22 and 24 effective July 1, 2017.

Thank you.



Matthew G. Peterson  
Assistant Transit Director  
City of Fargo

Attachments

# WEST FARGO – TRANSIT SERVICES BREAKDOWN

The proposed number of miles for the new service broken out by jurisdiction:

Routes in West Fargo starting July 1, 2017			
	Fargo	West Fargo	Totals
Current Rt 16 Miles:	14.85	7.13	21.98
% of Route	67.55%	32.45%	100.00%
<b>July 1, 2017 Routes:</b>			
Proposed Rt 24 Miles:	7.40	5.09	12.49
% of Route	59.24%	40.76%	100.00%
Proposed Rt 22 Miles:	4.29	4.56	8.85
Proposed Route 22 miles shared along 7 <sup>th</sup> Avenue	.335	.335	.067
Proposed Total Route 22 miles			9.52
% of Route	45.53%	54.47%	100.00%

Details on the service, i.e. days of service, hours of service during the day, frequency of service, and proposed schedule





West Acres, Sanford Medical Center, CashWise Foods, Costco

West Acres	23rd Ave S & 43rd St S	Sanford Medical Center	CashWise Foods	6th St W & 33rd Ave W	Bluestem Dr & 26th Ave E	Costco	Sanford Medical Center	19th Ave & Burlington Dr	West Acres		
T	A	B	C	D	E	F	G	H	I	T	A
7:30	7:35	7:45	7:52	7:57	8:04	8:11	8:15	8:18	8:25		
8:30	8:35	8:45	8:52	8:57	9:04	9:11	9:15	9:18	9:25		
9:30	9:35	9:45	9:52	9:57	10:04	10:11	10:15	10:18	10:25		
10:30	10:35	10:45	10:52	10:57	11:04	11:11	11:15	11:18	11:25		
11:30	11:35	11:45	11:52	11:57	12:04	12:11	12:15	12:18	12:25		
12:30	12:35	12:45	12:52	12:57	1:04	1:11	1:15	1:18	1:25		
1:30	1:35	1:45	1:52	1:57	2:04	2:11	2:15	2:18	2:25		
2:30	2:35	2:45	2:52	2:57	3:04	3:11	3:15	3:18	3:25		
3:30	3:35	3:45	3:52	3:57	4:04	4:11	4:15	4:18	4:25		
4:30	4:35	4:45	4:52	4:57	5:04	5:11	5:15	5:18	5:25		
5:30	5:35	5:45	5:52	5:57	6:04	6:11	6:15	6:18	6:25		
6:30	6:35	6:45	6:52	6:57	7:04	7:11	7:15	7:18	7:25		
7:30	7:35	7:45	7:52	7:57	8:04	8:11	8:15	8:18	8:25		
8:30	8:35	8:45	8:52	8:57	9:04	9:11	9:15	9:18	9:25		
9:30	9:35	9:45	9:52	9:57	10:04	10:11	10:15	10:18	10:25		
10:30	10:35	10:45	10:52	10:57	11:04	11:11	11:15				

Proposed cost to West Fargo for Route 24 would be for 2017 (July – December) and for 2018 (12 months):

**Route 24:**

2017 (July – December) - \$77,600.56

2018 (Full 12 Months) - \$159,857.16

**Route 22:**

2017 - \$9252.42/month

2018 - \$9530/month

**Paratransit:**

\$15.71/ride for 2017 2% increase over 2016

\$16.18/ride for 2018 3% increase over 2017

Both rates are based on driver services contract increases for revenue hours and other costs including fuel with minimal increase.

**Public Hearing Notice**  
**Proposed Transit Service Changes to**  
**Fargo and West Fargo MATBUS Routes 13, 13U, 14, 15, 16, 17, 18, 21, 22, 23**  
**And Addition of Route 24**

The Cities of Fargo and West Fargo are considering service changes to Fargo and West Fargo MATBUS to become effective **July 1, 2017**. The Cities are considering changes to several of their fixed transit routes 13, 13U, 14, 15, 16, 17, 18, 21, 22, 23 and 24 addition in the MATBUS system. Proposed route changes are to improve timeliness, reliability and expansion of the MATBUS system. The service changes/additions are based upon recommendations of the 5-year Transit Development Plan and the opening of the new Sanford Medical Center in south Fargo.

**Informational Display:** An informational display on the proposed changes, as well as comment cards, will be in the lobby of the Ground Transportation Center (GTC), 502 NP Avenue, Fargo, ND, from June 5 to June 16, 2017, and posted online at [www.matbus.com](http://www.matbus.com). Written comments may be turned in to the GTC dispatch window and will be considered by staff prior to the final recommendation to the Fargo and West Fargo City Commissions. In addition, written comments may be submitted in advance to: Julie Bommelman, Transit Director (email: [JBommelman@matbus.com](mailto:JBommelman@matbus.com)), or Matthew Peterson, Assistant Transit Director (email: [MGPeterson@matbus.com](mailto:MGPeterson@matbus.com)), 650 23<sup>rd</sup> Street North, Fargo, ND 58102, telephone 701-241-8140. For TDD Relay Service call 7-1-1.

**Informational Meetings – Tuesday, June 13, 2017 at the GTC & Wednesday, June 14, 2017 at West Fargo City Hall:** Informational meetings open to the general public will be held at the GTC on Tuesday, June 13 from 9:00-10:00 AM and 4:00 -5:00 PM & at the West Fargo City Hall, 800 4<sup>th</sup> Avenue East, on Wednesday, June 14 from 4:30-5:30 PM. In addition, written comments may be submitted in advance to: Julie Bommelman, Transit Director (email: [JBommelman@matbus.com](mailto:JBommelman@matbus.com)), or Matthew Peterson, Assistant Transit Director (email: [MGPeterson@matbus.com](mailto:MGPeterson@matbus.com)), 650 23<sup>rd</sup> Street North, Fargo, ND 58102, telephone 701-241-8140. For TDD Relay Service call 7-1-1.

**Public Hearing - Fargo:** The proposed service changes are considered major and will require a public hearing in Fargo. The Fargo City Commission will hold the public hearing in Fargo on Monday, June 19, 2017, at 5:15 p.m. in the City Commission Chambers of City Hall, 200 N 3<sup>rd</sup> Avenue, Fargo, ND. At the hearing, the City of Fargo City Commission will afford an opportunity for interested persons to be heard with respect to the proposed service changes. Written comments may be submitted in advance of the public hearings to: Julie Bommelman, Transit Director (email: [JBommelman@matbus.com](mailto:JBommelman@matbus.com)), or Matthew Peterson, Assistant Transit Director (email: [MGPeterson@matbus.com](mailto:MGPeterson@matbus.com)), 650 23<sup>rd</sup> Street North, Fargo, ND 58102, telephone 701-241-8140. For TDD Relay Service call 7-1-1.

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

**Public Hearing - West Fargo:** The proposed service changes are considered major and will require a public hearing in West Fargo. The West Fargo City Commission will hold the public hearing in West Fargo on Monday, June 19, 2017, at 5:30 p.m. in the West Fargo City Commission Chambers of City Hall, 800 4<sup>th</sup> Avenue East, West Fargo, ND. At the hearing, the City of West Fargo City Commission will afford an opportunity for interested persons to be heard with respect to the proposed service changes. Written comments may be submitted in advance of the public hearings to: Julie Bommelman, Transit Director (email: [JBommelman@matbus.com](mailto:JBommelman@matbus.com)), or Matthew Peterson, Assistant Transit Director (email: [MGPeterson@matbus.com](mailto:MGPeterson@matbus.com)), 650 23<sup>rd</sup> Street North, Fargo, ND 58102, telephone 701-241-8140. For TDD Relay Service call 7-1-1.

People with disabilities who plan to attend the meeting and need special accommodations should contact the West Fargo City Commission Administrative Assistant at (701) 433-5313.

Comments from the informational meeting may result in changes to the proposed service routes and times. The *final recommendations* will be available to the public on Friday, June 23, 2017, at the GTC.

**Public Hearing - June 19, 2017**

**Summary of Proposed Changes – Effective July 1, 2017 Fargo MATBUS**

**Change to Route 13:**

Route 13 will add the new U32 Apartment complex to its existing route. The route will continue along 32<sup>nd</sup> Ave N to the east entrance of U32 where it will turn into the parking lot and exit through the west exit, then back to 10<sup>th</sup> St where it will continue on its regular route.

**Change to Route 14:**

The final configuration of the intersection at 32<sup>nd</sup> Ave S and 33<sup>rd</sup> St S, will permanently eliminate the left turn at 33<sup>rd</sup> St, therefore Route 14 only complete the apartment loop (32<sup>nd</sup> St to 33<sup>rd</sup> St) on the outbound trip of Route 14. Route 14 will depart Essentia Hospital on 32<sup>nd</sup> St to 32<sup>nd</sup> Ave, travel West to 33<sup>rd</sup> St, travel North to 30<sup>th</sup> Ave, travel East to 32<sup>nd</sup> St, travel South to 32<sup>nd</sup> Ave to 32<sup>nd</sup> Ave S. Route 14 will then travel along its previous path to West Acres. After departing West Acres, Route 14 will travel along its 32<sup>nd</sup> Ave S bypassing the apartment loop and entering into Essentia Hospital from 32<sup>nd</sup> St S.

**Change to Route 13U:**

The proposed changes to Route 13U will be to remove year round service from 6:45pm to 10:45pm. Route 13U will still operate during the academic year from 6:15am to 6:45pm.

**Changes to Route 15:**

The proposed changes to Route 15 will adjust service on the inbound portion of the route from Wal-Mart only. Route 15 will travel from Wal-Mart along 13<sup>th</sup> Ave to the GTC, bypassing West Acres. Route 15 will still service West Acres on the outbound portion of the route. This change is recommended to help on-time performance of the route and to better serve businesses along 13<sup>th</sup> Ave.

**Changes to Route 16:**

The proposed changes to Route 16 will remove the West Fargo portion of the Route. Route 16 will continue on its current path to West Acres and back to the GTC. Route 16 will go from a 90-minute route to a 60-minute route. Route 16 will remain on hourly frequency.

- See Route 22 for the West Fargo portion of Route 16.

**Changes to Route 17:**

The proposed changes to Route 17 are to extend service hours from 8:15pm to 10:15pm.

**Changes to Route 18 (Combine Route 23):**

The proposed changes to Route 18 include adding the 25<sup>th</sup> St corridor. Route 18 will continue from 9<sup>th</sup> St S. to 32<sup>nd</sup> Ave and then to 42<sup>nd</sup> St and follow along the previously established route 23 to Walmart. Route 18 will then travel along its same outbound path on the inbound path servicing the same streets and avenues to the GTC. Route 18 will now operate on a 90-minute route instead of its previous 30-minute route. These changes have been recommended to serve the 25<sup>th</sup> St. corridor and increase ridership.

**New Route 21:**

Route 21 will be a newly created route operating on a 30-minute route and 60-minute frequency starting and ending at West Acres. Route 21 will service the Fargo Cass County Jail and Probation, the Center Inc. dormitory for women and the Somali Business Center. Route 21 will operate from 6:15am to 8:15pm. (7:15am Saturdays).

**New Route 22:**

Route 22 will be the West Fargo portion of previous Route 16. Route 22 will operate on a 30-minute route and 60-minute frequency. The route will travel along 42<sup>nd</sup> St Northbound to 9<sup>th</sup> Ave and follow its previous route path in the opposite direction as when it was part of Route 16. Route 22 will add service to Wal-Mart on 13<sup>th</sup> Ave, prior to arriving at West Acres.

**Remove Route 23:**

Route 23 will be discontinued; the 42<sup>nd</sup> St, Osgood Hornbacher's, Microsoft and Wal-Mart section of the route will now be serviced by Route 18.

**New Route 24:**

Route 24 will operate on a 60-minute route and 60-minute frequency starting and ending at West Acres. Route 24 will service the apartment complexes just south of West Acres, the Red River Zoo, Sanford Medical Center, Scheel's Arena, Cashwise on Veterans Blvd., Eagle Run and Costco.

# Proposed Change Route 13

## Departing GTC:

6:15	1:45
6:45	2:15
7:15	2:45
7:45	3:15
8:15	3:45
8:45	4:15
9:15	4:45
9:45	5:15
10:15	5:45
10:45	6:15
11:15	7:15
11:45	8:15
12:15	9:15
12:45	10:15
3:15	



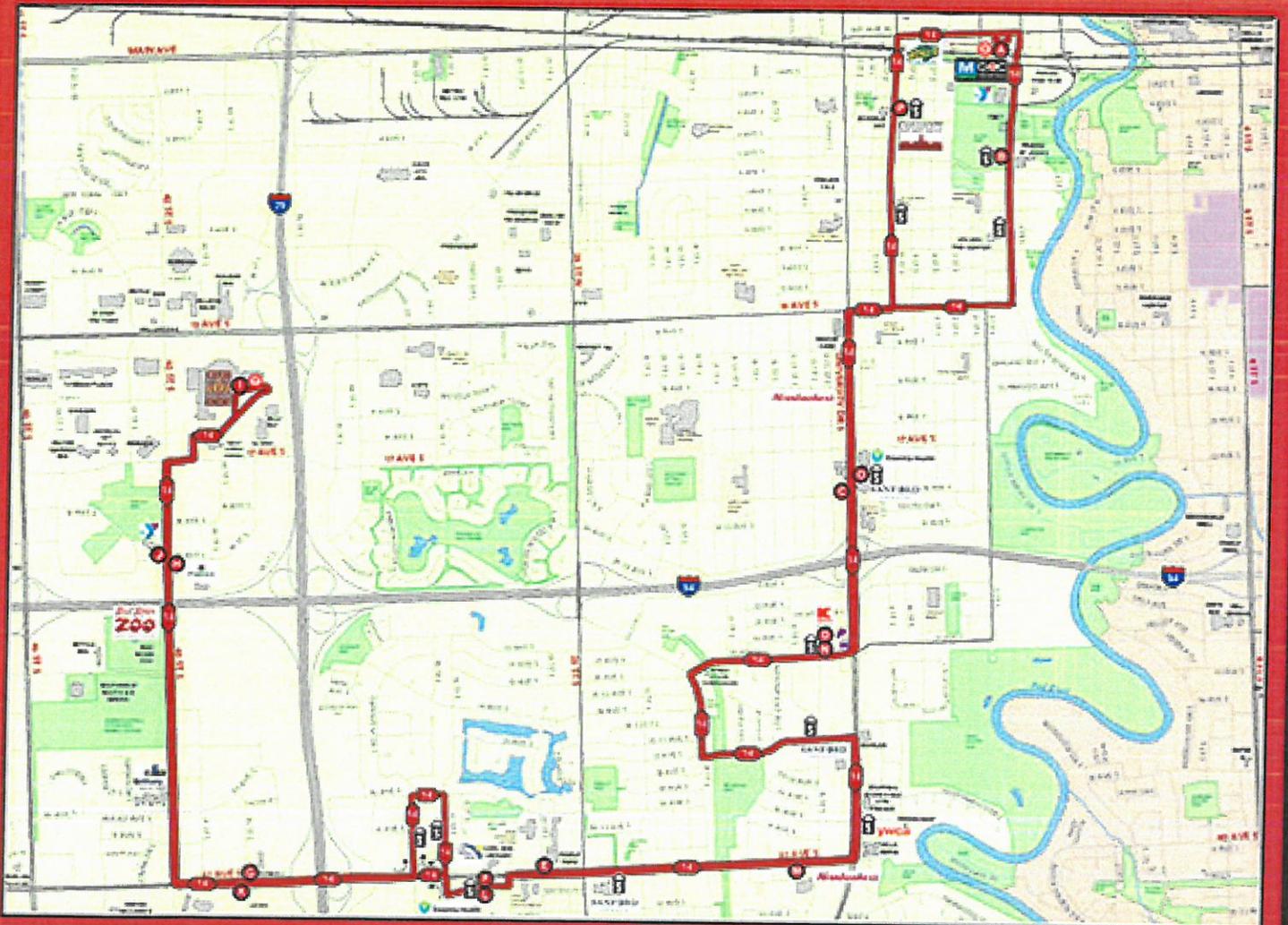
Change to Route 13:  
 Route 13 will add the new U32 Apartment complex to its existing route. The route will continue along 32nd Ave N to the east entrance of U32 where it will turn into the parking lot and exit through the west exit, then back to 10th St where it will continue on its regular route.

# Proposed Route 14

## Change to Route 14

The final configuration of the intersection at 32nd Ave. S. and 33rd St. S. will permanently eliminate the left turn at 33rd St. S. Therefore, Route 14 only complete the apartment loop (32nd St. to 33rd St.) on the outbound trip of Route 14. Route 14 will depart Essentia Hospital on 32nd St. to 32nd Ave., travel west to 33rd St., travel north to 30th Ave., travel east to 32nd St., travel south to 32nd Ave. S. Route 14 will then travel along its previous path to West Acres. After departing West Acres, Route 14 will travel along 32nd Ave. S., bypassing the apartment loop and entering Essentia Hospital from 32nd St. S.

## Route 14



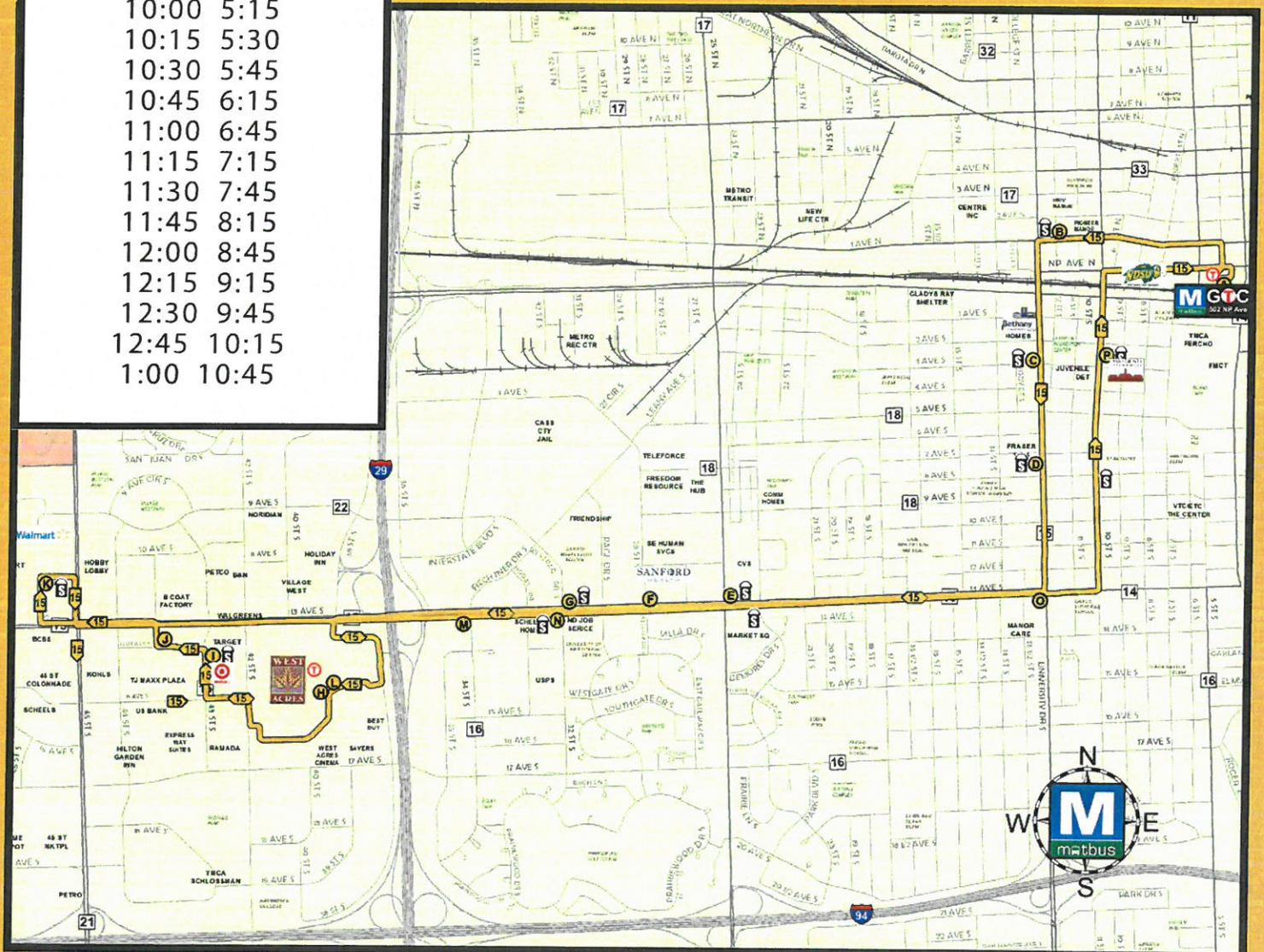
# Proposed Route 15

## Departing GTC:

6:15	1:30
6:30	1:45
6:45	2:00
7:00	2:15
7:15	2:30
7:30	2:45
7:45	3:00
8:00	3:15
8:15	3:30
8:30	3:45
8:45	4:00
9:00	4:15
9:15	4:30
9:30	4:45
9:45	5:00
10:00	5:15
10:15	5:30
10:30	5:45
10:45	6:15
11:00	6:45
11:15	7:15
11:30	7:45
11:45	8:15
12:00	8:45
12:15	9:15
12:30	9:45
12:45	10:15
1:00	10:45

## Changes to Route 15:

The proposed changes to Route 15 will adjust service on the inbound portion of the route from Wal-Mart only. Route 15 will travel from Wal-Mart along 13th Ave to the GTC, bypassing West Acres. Route 15 will still service West Acres on the outbound portion of the route. This change is recommended to help on-time performance of the route and to better serve businesses along 13th Ave.



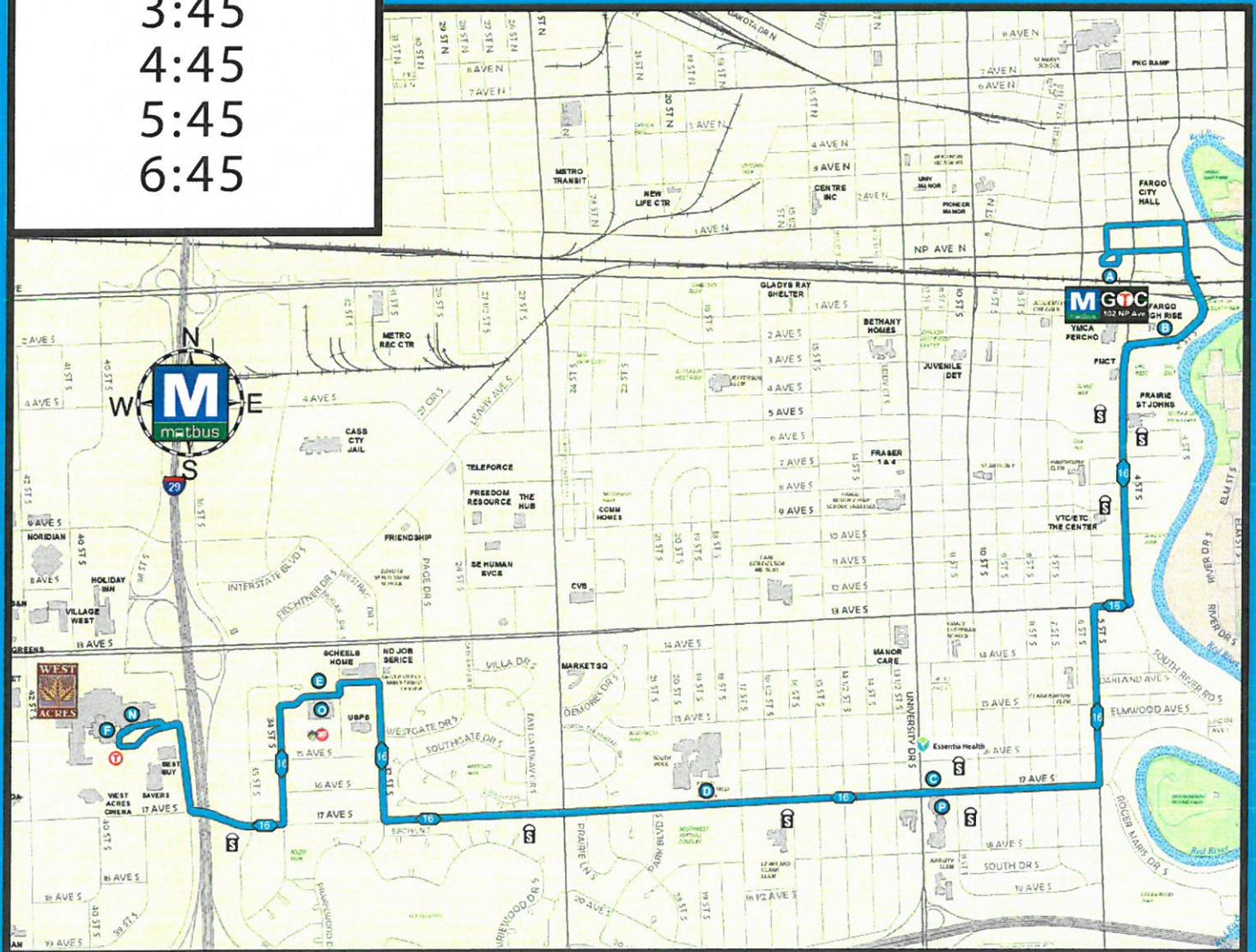
# Proposed Route 16

## Departing GTC:

- 6:45
- 7:45
- 8:45
- 9:45
- 10:45
- 11:45
- 12:45
- 1:45
- 2:45
- 3:45
- 4:45
- 5:45
- 6:45

Changes to Route 16:  
The proposed changes to Route 16 will remove the West Fargo portion of the Route. Route 16 will continue on its current path to West Acres and back to the GTC. Route 16 will go from a 90-minute route to a 60-minute route. Route 16 will remain on hourly frequency.

- See Route 22 for the West Fargo portion of Route 16.



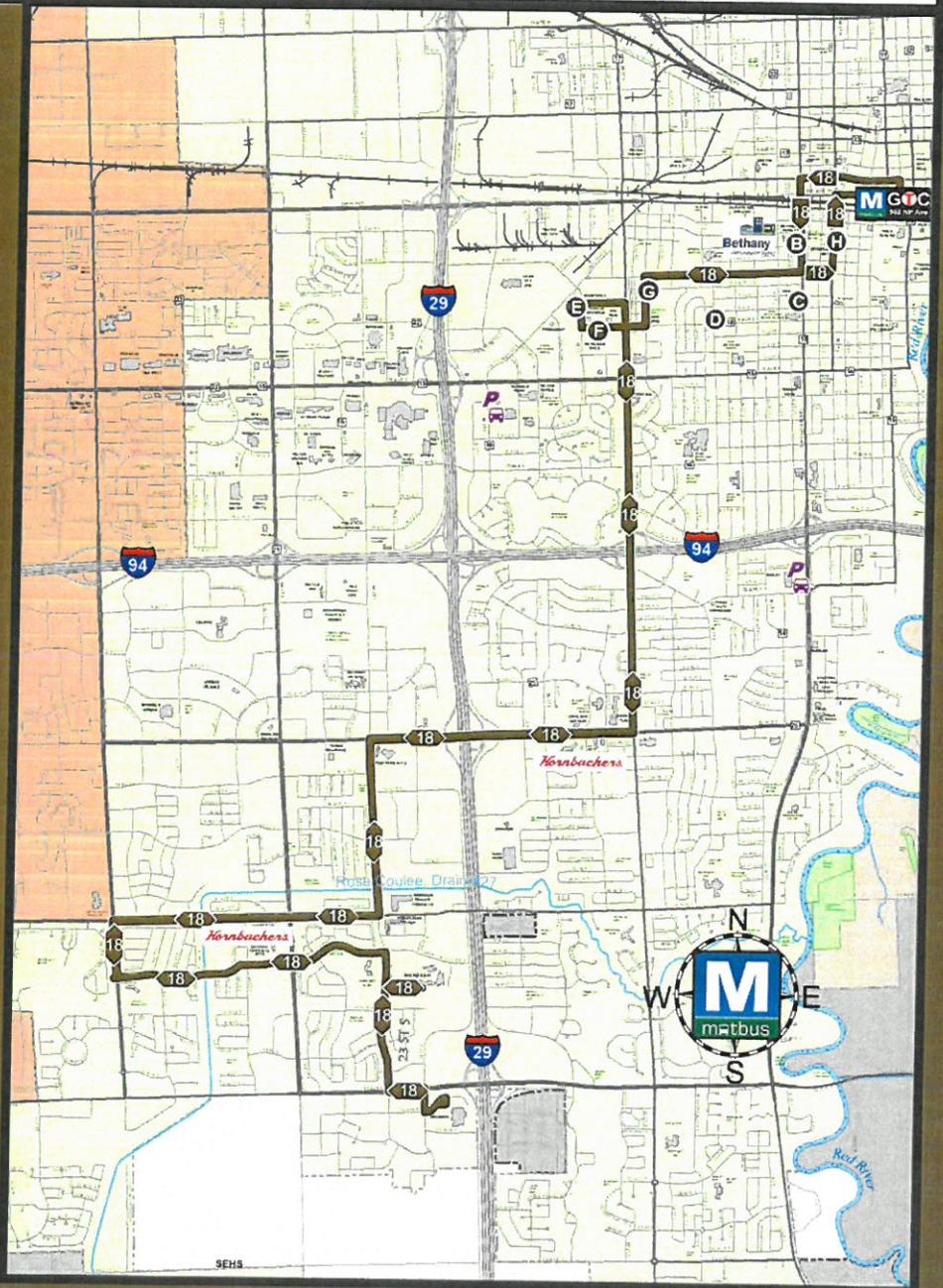
# Proposed Route 18

## Changes to Route 18 (Combine Route 23):

The proposed changes to Route 18 include adding the 25th St corridor. Route 18 will continue from 9th St S. to 32nd Ave and then to 42nd St and follow along the previously established route 23 to Walmart. Route 18 will then travel along its same outbound path on the inbound path servicing the same streets and avenues to the GTC. Route 18 will now operate on a 90-minute route instead of its previous 30-minute route. These changes have been recommended to serve the 25th St. corridor and increase ridership.

## Departing GTC:

6:45  
7:45  
8:45  
9:45  
10:45  
11:45  
12:45  
1:45  
2:45  
3:45  
4:45  
5:45  
6:45  
7:45  
8:45



# Proposed Route 21

## Departing West Acres:

- 6:15
- 7:15
- 8:15
- 9:15
- 10:15
- 11:15
- 12:15
- 1:15
- 2:15
- 3:15
- 4:15
- 5:15
- 6:15
- 7:15
- 8:15

## New Route 21:

Route 21 will be a newly created route operating on a 30-minute route and 60-minute frequency starting and ending at West Acres. Route 21 will service the Fargo Cass County Jail and Probation, the Center Inc. dormitory for women and the Somali Business Center. Route 21 will operate from 6:15am to 8:15pm. (7:15am Saturdays).





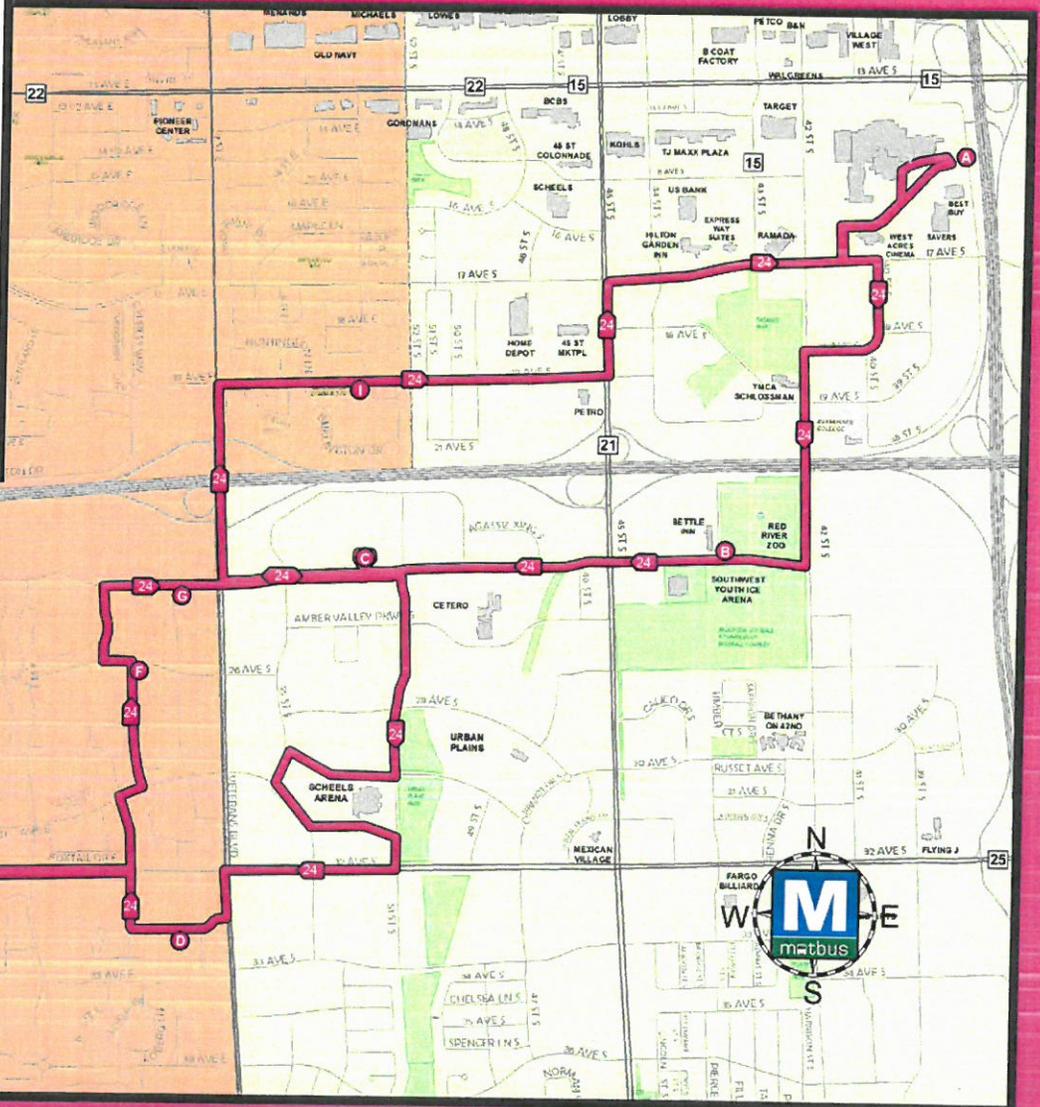
# Proposed Route 24

## Departing West Acres:

- 7:30
- 8:30
- 9:30
- 10:30
- 11:30
- 12:30
- 1:30
- 2:30
- 3:30
- 4:30
- 5:30
- 6:30
- 7:30
- 8:30
- 9:30
- 10:30

## New Route 24:

Route 24 will operate on a 60-minute route and 60-minute frequency starting and ending at West Acres. Route 24 will service the apartment complexes just south of West Acres, the Red River Zoo, Sanford Medical Center, Scheel's Arena, Cashwise on Veterans Blvd., Eagle Run and Costco.



**COMMENT SHEET**

**PROPOSED MATBUS CHANGES TO ROUTES 13,13U, 14, 15, 16, 17, 18, 21, 22, 23 & 24**

(The Public Hearing on these service changes will be held in the Fargo City Commission Chambers at 5:15pm & West Fargo City Commission Chambers at 5:30 p.m. on Monday, June 19, 2017.)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Route #: \_\_\_\_\_

Date: \_\_\_\_\_ Email: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Return to: GTC Dispatcher or Mail to: Matthew Peterson, Fargo Assistant Transit Director, 650 23<sup>rd</sup> Street N, Fargo, ND 58102, Email: [mgpeterson@cityoffargo.com](mailto:mgpeterson@cityoffargo.com)

**COMMENTS RECEIVED FROM PUBLIC REGARDING PROPOSED ROUTE CHANGES:**

Matthew James Ramirez YASSSSS ROUTE 22 PLEASE! THIS WOULD BE AWESOME!

The only suggestion i could only beg for because it would make some things a lot easier would be to have it only a 30 min frequency and not a 60

Elizabeth Phelps #15 - less confusion at West Acres, better access to 13th, makes sense.

#16 - splitting into #16 & #22 is good.

#18 - why? Why not add the proposed #21 to #18, since they run on so much of the same area?

Then the new #21 could actually give good access to 25th St and run west on 1st N to 25th St, south to 52nd, west to Walmart, continue on the proposed route from there to where it meets 25th St again, run north to 1st Ave S, over to 10th St, NP, and return to the GTC. Probably should allow transfers at Walmart to #23.

#22 - Good idea, makes more sense.

#24 - Also a good idea.

Elizabeth Phelps Could extend the hours on #16 though,

Dustin Quinn

The proposed route changes, are much needed urgently in our city! I believe more people will start taking MATBUS, if the proposed changes become approved! I will be able to go to more places, than ever before, and get their in less time! We need your committee to approve these proposed routes as soon as possible.

From: Christel Thorsell [mailto:cmthorsell1@gmail.com]

**Sent:** Thursday, June 01, 2017 8:04 PM

**To:** Transit E-mail <transit@matbus.com>

**Subject:** Feedback for Proposed Changes to Route 18

MATBUS,

I am a loyal MATBUS customer for years and am excited to see expansion in rider services.

But the proposed change to Bus 18 may take me out of the equation to use public transportation to get to work. I take Route 18 on a daily basis to get to my job downtown before 8:00 am, Mon - Fri. Based on the proposed change to Route 18, it doesn't look like there will be any buses that arrive to the GTC before 8am. (The same goes for Route 15 from what I can tell). The earliest Route 18 bus that would depart the GTC at 6:45 am, based on a 90 minute route, wouldn't return to the GTC until 8:15 am.

Any chance to add an earlier Route 18 bus departing the GTC or cut down the total route time from 90 to 60 minutes?

Christel Thorsell

My name is Lisa Jenkins, and I currently live along Route 18's 9th Avenue corridor. I have looked over the proposed changes and have the following comments and suggestions:

I do like the combining of Route 18 with Route 23. My current employer has moved us to a new location along 40th Avenue and thus a bus that goes through my neighborhood to take me directly to the area where I am now working would be extremely convenient for me. I also like the access to 25th Street as there is none currently, and the convenience I would have to 32nd Avenue as this is an area I would like to use more but don't because of the time factor involved in travelling there.

However, in order to use the proposed modified Route 18, I would have to cross a semi-busy road (5th Avenue) without a stop sign or traffic light in order to catch the bus going outbound. To me, this is a safety issue.

More importantly, there are groups of people who ride daily from Frasier Hall to Southeast Human Services in order to get to and from their work there. They depend 100% on Route 18 for this. If Route 18 turns along University Drive onto 5th Avenue instead of 8th/9th Avenue, this cuts off the people from Frasier, and they will no longer have a dependable way to get to and from work.

Personally, I think continuing the outbound service along 9th Avenue will not impact the time schedule and would address both the issues of safety and continue to work for the people at Fraiser who wholly depend on this route.

Also, the revised Route 18 does have a problem with no connection to the West Acres area other than the transfer hub downtown, especially now that the whole route is 90 minutes with a one-hour overlap between buses. A solution may be to allow transfers with Route 14 at Essentia Health for people who want to go to and from West Acres. It depends on the timing of the two buses as to how this could work.

Concerning Route 15, the bus travelling inbound along 13th Avenue north of West Acres tends to make the bus extremely late, especially during winter and Saturdays when that area is the most congested. It's one of the reasons why, when Route 15 leaves Walmart, instead of going on 13th Avenue back to West Acres as it did years ago, it now goes to 15th Avenue.

It is only on Saturday I find the timing of Route 15 to be inadequate, plus I am finding the bus more and more full on Route 15 on Saturdays. During the week, because of the 15 minute frequency, the buses tend to stay on time. However, the frequency is 30 minutes on Saturday. During the Christmas season, the bus frequency was increased to 15 minutes. This actually alleviated the timing for Saturday service.

Another suggestion would be to eliminate Walmart from Route 15 and switch to a circulator route like there was over 20 years ago. The circulator interlined between doing the West Fargo route and circulating between West Acres/Walmart/Hornbacher's/Century Cinema areas. Since the elimination of the West Acres/Walmart circulator, this area has not been adequately addressed with Route 16. The frequency to Century Cinema is abysmal (far too long to get there, and far too long to wait after a showing to catch a bus), and there is NO service to Village West Hornbacher's any more.

I hope these comments are beneficial to you.

Lisa Jenkins  
701-271-9005

## MASS TRANSIT AGREEMENT

This AGREEMENT made and entered into this 19th day of June, 2017, by and between the City of West Fargo, North Dakota (hereinafter "West Fargo") and the City of Fargo, North Dakota (hereinafter "Fargo").

WHEREAS, Fargo provides regular transit service and Paratransit service for its citizens; and

WHEREAS, West Fargo would like to provide such services to the citizens of West Fargo; and

WHEREAS, Fargo is agreeable to provide such transit service to West Fargo on the terms and conditions set out below;

NOW THEREFORE, be it agreed between West Fargo and Fargo as follows:

1. Fargo will provide regular transit service to West Fargo during the term of this agreement under the following conditions:
  - A. Fargo and West Fargo shall agree to routes, schedules, and stopping points of the transit service in West Fargo. It is understood that such West Fargo routes will tie into the Fargo route system at West Acres. Route 22 and stopping points must be such that the route can be completed in approximately thirty (30) minutes; the route will run once each hour. Route 24 and stopping points must be such that the route can be completed in approximately 60 minutes; the route will run once each hour.
  - B. West Fargo shall pay Fargo, on a monthly basis, \$9,252.42 a month in 2017 and \$9,530 a month in 2018, for Route 22 transit service to be available in West Fargo. In addition, West Fargo shall pay Fargo, on a monthly basis, \$12,933 a month in 2017 and \$13,333 a month in 2018, for Route 24 transit service to be available in West Fargo. Fargo will use these funds for the local share of the overall cost of these services and for transit capital needs.
  - C. Persons who get onto the bus in West Fargo shall not be charged a fee to transfer onto other bus routes of the bus system, and may transfer onto another bus with no transfer fee.
  - D. The bus fare for using the buses in West Fargo shall be the same fare that is charged to passengers using the bus service in Fargo.
  - E. Fargo shall be responsible for all administrative responsibilities regarding the bus transit service provided to West Fargo, including dispatching, complaint issues, annual grant applications, marketing of routes, preparation and revision of route maps and schedules, and filing of any necessary reports.
2. Fargo shall provide West Fargo transit service for persons with disabilities through the Paratransit service on the following conditions:

- A. The service shall be available to the citizens of West Fargo on the same basis that it is available to citizens in Fargo.
  - B. The cost of the service to the citizens of West Fargo shall be the same cost as available to the citizens of Fargo.
  - C. It is understood between West Fargo and Fargo, that Fargo contracts with a provider for drivers services for the Paratransit service. West Fargo shall pay Fargo \$15.71 per ride in 2017 and \$16.18 per ride in 2018, for paratransit services taken by a resident of West Fargo, except for those rides that are paid at an agency rate or those rides that are paid by Medicaid. West Fargo will not pay for rides billed at an agency rate or those rides that are paid by Medicaid. Fargo will use these funds for the local share of the overall cost of these services and for transit capital needs.
  - D. West Fargo, by written notification to Fargo, may limit the hours of Paratransit service in West Fargo, provided that such limitation would not cause any violation of any state or federal law.
3. West Fargo shall adhere to the Emergency Service Guidelines that Fargo has implemented.
  4. This agreement shall be for a period of eighteen (18) months, beginning on July 1, 2017 and terminating on December 31, 2018.
  5. Either party may terminate or reduce the amount of service to be rendered if there is, in the opinion of either party's City Commission, a significant increase in local costs; or, in the opinion of either party's City Commission, insufficient state or federal funding available for the service, thereby terminating this Contract or reducing the service and compensation to be paid under this contract. In such event the terminating party will notify the other party in writing one hundred eighty (180) days in advance of the date such actions are to be implemented. In the event of any termination, the West Fargo shall pay the agreed rate only for services delivered up to the date of termination. West Fargo has no obligation to Fargo, of any kind, after the date of termination.
  6. This agreement shall not be amended, except in writing executed by both parties.

IN WITNESS WHEREOF, the parties have caused this Contract to be executed on the day and year first above written.

**CITY OF WEST FARGO**

BY: \_\_\_\_\_  
Rich Mattern, Mayor

ATTEST: \_\_\_\_\_  
City Auditor

**CITY OF FARGO**

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

ATTEST: \_\_\_\_\_  
City Auditor



## City Commission Agenda Item Request

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

**Contact Name: \***

Almir Jupic

**Phone Number: \***

701-219-1898

**Email Address:**

almir.jupic@gmail.com

**Date \***

6/7/2017

**Topic for Consent or Regular Agenda?**

Please select one option:

Consent Agenda

Regular Agenda

**Please Briefly Describe Your Request \***

Upkeep of the pond in our neighborhood as well as installation of a new or repair of the existing fountain. Burlington addition pond as we were informed that city will no longer upkeep or install the existing fountain.

**Site Address or Legal Description (if applicable)**

1985 Burlington Drive, West Fargo

**Action Being Requested from City Commission \***

City should continue with the upkeep of the pond. The existing fountain and aerators should be turned and if necessary the fountain should be replaced. Our neighborhood has met with the city staff and we would like to participate if necessary. We would like to know the cost of it and how much each house would be assessed at. If the pond is left as it will become an eyesore and a swamp with nasty water.

**Upload Additional Documentation (Optional):**



MAR 15 2017

800 4th AVE E STE  
West Fargo ND, 580  
If you have any questions, please call: (701)433-53

Regular Agenda Item: 3.

**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 \_\_\_\_\_ and ending June 30, \_\_\_\_\_

Business Name: African Rainforest LLP

DBA/Name: African Rainforest

Business Address: 405 Main Avenue, Unit 5C West Fargo ND 58078

Phone #: 701-799-2458 Cell Phone: 701-478-1251 Email: sluogon@yahoo.com

I. TYPE OF LICENSE(S) APPROVED:

(CIRCLE THE APPROPRIATE LICENSES AND CALCULATE TOTAL FEES)

**Application Review Fees**

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

\$425 - Non Refundable  
pd 3-15-17  
CK# 81

Total Due 425.00

\* If you are applying for a Club License, how many members do you have at this time? \_\_\_\_\_

\* If you are applying for a On-Premises Liquor License and plan to serve food:

Will you allow people under the age of 21 in your establishment? No If yes, do you

anticipate that the sale of food will exceed the sale of alcoholic beverages? \_\_\_\_\_

(in future years you will be required to provide proof of food to alcohol sales)

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

Your Full Name: (First, Middle, Last): Stephen Mya Luogon  
Applicant Legal Address: 2514 8th Street Court West West Fargo ND 58078  
Date of Birth: [REDACTED] Social Security #: [REDACTED]  Y or N  
Applicant Email Address: sluogon@yahoo.com  
Applicant Phone #: 701-799-2458 How long have you been a resident of ND? 8 years Have you ever been convicted of any violation, or any law, other than a traffic offense in the U.S.? No If yes, what crime?

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

Please list any current or previous liquor licenses held: None

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

Will you be engaged in any other form of business besides the sale of liquor under the applied license? Yes If yes provide details: Will rent the hall for wedding, birthday and Community Party. Also be used for Community meeting.

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

- CB 2nd Sons, 1028 Center Avenue Moorhead MN 56560  
Phone 218-233-4775. I rent a business space from the family.
- Westco Square, 405 West Main Avenue Suite 1C West Fargo ND 58078  
701-238-1900. I lease a business space from the Company
- Gale City Bank 4151 45th Street South Fargo ND 58104  
701-293-2525. My wife and I have both business and personal checking accounts with them.

III. RESIDENT MANAGER INFORMATION:

Name: Stephen Luogon Date of Birth: [REDACTED]  
Address: 2514 8th Street CT W West Fargo ND 58078 Phone #: 701-799-2458

List resident manager's previous employment for past five years:  
John Deere, 1441 44th Street NW Fargo ND 58102  
Since 9/11/2011 - Present, 888-749-4685

IV. BUSINESS DATA:

Name of Business (DBA): African Rainforest  
Mailing Address of Licensed Establishment: 405 Main Avenue unit 3C West Fargo ND 58078  
Establishment Phone #: 701-799-2458  
Business Type: (Sole Proprietorship, Partnership, Corporation) Partnership

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):

Stephen Luogon, 2514 8<sup>th</sup> Street Court West, West Fargo ND 58078  
Mercy Karbakon, 2514 8<sup>th</sup> Street Court West, West Fargo ND 58078  
DOB → [REDACTED]  
Stephen Luogon 100%

If Incorporated: Date of Charter: \_\_\_\_\_ State of Charter: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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](http://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.

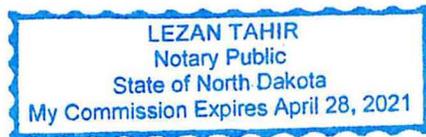
List owner(s) names (In case of a Corporation only President and Secretary are required):

Name : Stephen Luogon  
Title: owner  
Signature: Stephen Luogon  
Date: \_\_\_\_\_  
Name : \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Name : \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Name : \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Before me personally appeared: (list names from above) Stephen Luogon

Subscribed and sworn before me on this 7<sup>th</sup> day of March, 2017



[Signature]  
(Signature of Notary Public)

My Commission expires: 4-28-17

Notary Public for Cass, ND 4

VIII. BACKGROUND CHECK AUTHORIZATION

To: \_\_\_\_\_

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

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

PRINTED NAME OF APPLICANT: Stephen Luogon

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: Stephen Luogon Date: 03/03/17

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

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



# WEST FARGO FIRE DEPARTMENT INSPECTION REPORT



106 1st Street West • West Fargo, ND 58078  
Phone: 701-433-5380 • Fax: 701-433-5381

Date 2/28 20 17 Inspected by Joey Porter, Fire Inspector  
 Building known as African Rainforest Address 405 Main ave west unit 5C  
 Occupant Steven Luogon. 701.799.2458 How Occupied Reception/ meeting room  
 Owner \_\_\_\_\_ Address \_\_\_\_\_

- |   |   |   |
|---|---|---|
| 1. ELECTRICAL _____<br>(a) Extension Cords _____<br>(b) Appliance Cords _____<br>(c) Fuse Boxes _____ | 7. FIRE ESCAPES _____<br>8 HEATING _____<br>9 STORAGE _____<br>(a) Height _____<br>(b) Aisles _____ | 14. HOUSEKEEPING _____<br>15. RUBBISH _____<br>16. FLAMMABLE LIQUIDS _____<br>17. PAINTING _____<br>18. WELDING & CUTTING _____<br>19. HAZARDOUS DUSTS _____<br>20. OUTSIDE APPEARANCE _____<br>21. OTHER _____ |
| 2. COOKING _____<br>(a) Ventilation _____<br>(b) Auto. Ext. _____                                     | 10. EXITS _____<br>(a) Signs <u>X</u>   |   |
| 3. SPRINKLERS _____   | 11. FIRE DOORS _____  |   |
| 4. STANDPIPES _____   | 12 HALLWAYS _____   |   |
| 5. FIRE ALARM _____   | 13 EMERGENCY LIGHTS <u>X</u>  |   |
| 6. EXTINGUISHERS _____  |   |   |

A Fire Prevention Inspection has been made of your business; as a result of this inspection, the conditions listed above are in violation of current fire codes. Corrections shall take place immediately or legal action may be taken unless otherwise noted.

**RECOMMENDATIONS AND COMMENTS ON ABOVE:**

Exit sign shall be lite at all times ✓ done  
 Emergency light shall be made operational. ✓ done

As of this date everything looks good



Copy of this report reviewed and received by: \_\_\_\_\_



March 15, 2017

City of West Fargo

RE: African Rainforest

To Whom It May Concern:

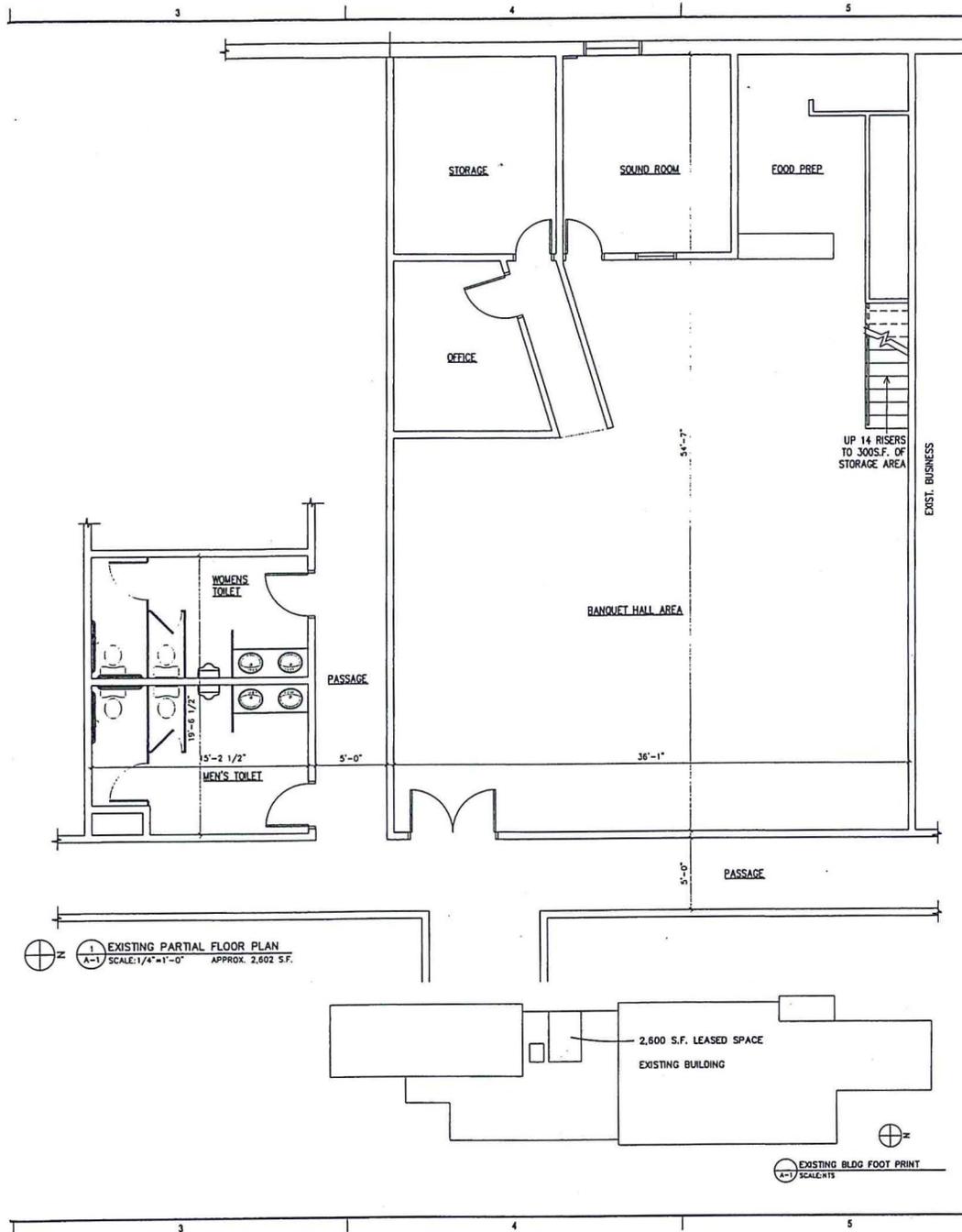
Stephen Luogan and African Rainforest applied for Liquor Liability insurance effective 3/15/2017 through our office. It is being underwritten for approval.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Greg Johnson', written over a faint, illegible stamp or background.

Greg Johnson





PROJECT:  
**AFRICAN  
 RAINFOREST**  
 405 Main Avenue W.  
 WEST FARGO, ND 58078

OWNER:  
**Stephen Logon**  
 Phone: (701) 799-2458  
 Email: slugon@yahoo.com

MARK	DESCRIPTION	DATE
		9/24/2017

PROJECT NO:	1701
DRAWN BY:	TMS
CHECKED BY:	TMS
DRAWING TITLE:	FLOOR PLAN

**A-1**

⊕ z  
 ⊕ A-1  
 EXISTING PARTIAL FLOOR PLAN  
 SCALE: 1/4" = 1'-0" APPROX. 2,602 S.F.

⊕ z  
 ⊕ A-1  
 EXISTING BLDG FOOT PRINT  
 SCALE: 1/4" = 1'-0"

**CITY'S SATISFACTION UNDER  
DEVELOPER'S INCENTIVE AGREEMENT**

**THIS AGREEMENT** is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2017, (the "Effective Date") by and between the City of West Fargo, a political subdivision of the State of North Dakota, whose principal address is 800 Fourth Avenue East, West Fargo, North Dakota 58078 (the "City"), and Rusty Goose Development LLLP, a North Dakota limited liability limited partnership, whose principal office address is 1 Second Street N, Suite 100, Fargo, North Dakota 58102-4807 (the "Developer").

**RECITALS**

**WHEREAS**, in an effort to establish commercial development and to increase City sales tax revenue, the City and the Developer entered into a Developer's Incentive Agreement (the "Incentive Agreement") to attract a large retail business into North Pond at the Preserve First Addition; and

**WHEREAS**, Costco Wholesale Corporation ("Costco") agreed to purchase and develop a large retail store in the commercial development; and

**WHEREAS**, to induce Costco to locate in the City, the City offered the Developer certain incentives in the form of an incentive agreement pursuant to N.D.C.C. § 54-60.1-03; and

**WHEREAS**, the City and the Developer agreed to utilize the sales and use tax from businesses located in Lot 1, Block 1 of North Pond at The Preserve First Addition (the "Property") to pay for all of the incentives covered by the Incentive Agreement, attached hereto as Exhibit A; and

**WHEREAS**, on June 30, 2017 (the "Payoff Date"), the City desires to pay off the principal balance owed to the Developer in an effort to satisfy all of its obligations under the Incentive Agreement; and

**WHEREAS**, the Developer agrees to accept the sum owed to it by the City and further agrees to that this payment satisfies the City's obligations to Developer under Paragraph 8 of the Incentive Agreement; and

**WHEREAS**, the Developer agrees to sign the Receipt of Developer's Incentive Agreement Payment (the "Receipt"), attached hereto as Exhibit B; and

**NOW THEREFORE, BE IT AGREED** by and between the parties as follows:

**AGREEMENT**

1. **Improvement Districts**. The City agreed to pay all of the special assessments from Street Improvement District Nos. 2182, 2193, 2195, and 2211; Water and Sewer District Nos. 1202 and 1222; Storm Sewer District No. 4047, Phase 2; Costco Construction District No. 1234A; Storm Pond District No. 1271; and Traffic Signal District No. 2220.

Pursuant to the Incentive Agreement, the City acknowledges it has paid or will continue to pay special assessments for the above mentioned improvement districts.

2. **Installation of Improvements.** Pursuant to the Incentive Agreement, the City agreed to construct and did construct sewer, water, storm sewer, street lights, and sidewalks to serve the Property. The City acknowledges it has paid all of the special assessments for the installation of stop lights at the intersection of Veteran's Boulevard and 23<sup>rd</sup> Avenue South before those special assessments were levied on the Property.
3. **Storm Water Pond.** As pertains to the Property, the City acknowledges it has paid for the storm water pond which is currently handling storm water runoff from the Property and other surrounding areas.
4. **Payoff Amount.** Under Paragraph 8 of the Incentive Agreement, the City agreed to pay the Developer an amount not to exceed Nine Hundred Eighty-Five Thousand Five Hundred Forty-Five Dollars (\$985,545.00) as an additional incentive to attract Costco to the area. The City has been making payments to the Developer in an effort to pay off this amount. As of the Payoff Date, the City owes the Developer Four Hundred Sixty-Five Thousand Four Hundred Sixty-Eight Dollars and Twenty-Six Cents (\$465,468.26), representing Four Hundred Sixty-Two Thousand Three Dollars and Twenty-Four Cents (\$462,003.24) of principal and Three Thousand Four Hundred Sixty-Five Dollars and Two Cents (\$3,465.02) interest. the amount in which the City desires to pay to the Developer.
5. **Receipt.** The Developer agrees to accept payment of Four Hundred Sixty-Five Thousand Four Hundred Sixty-Eight Dollars and Twenty-Six Cents (\$465,468.26) from the City on or before the Payoff Date as satisfaction of the City's obligations under Paragraph 8 of the Incentive Agreement. This payment shall be evidenced in the Receipt, attached hereto as **Exhibit B.** The Developer agrees to execute and deliver this Receipt to the City on or before the Payoff Date, and in any event prior to or simultaneous with receiving such payment, as evidence of the City's satisfaction of its obligations under the Incentive Agreement.
6. **Merger Clause.** This Agreement constitutes the entire agreement by and between the parties, and any other prior representations or agreements are deemed merged herein, and those not specified herein do not represent any agreements, promises, covenants, or representations on the part of either party hereto.
7. **Written Amendment Required.** No amendment, modification, or waiver of any condition, provision, or term shall be valid or of any effect unless made in writing signed by the party or parties to be bound, or a duly authorized representative, and specifying with particularity the extent and nature of such amendment, modification, or waiver. Any waiver by any party of any default of another party shall not affect or impair any right arising from any subsequent default. Except as expressly and specifically stated otherwise, nothing herein shall limit the remedies and rights of the parties thereto under and pursuant to this Agreement.

8. **Grammatical Construction.** Whenever the singular number is used herein, the same shall include the plural where appropriate, and the words of any gender shall include any other genders where appropriate.
9. **Severability Clause.** Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.
10. **Headings.** Headings in this Agreement are for convenience only and will not be used to interpret or construe its provisions.
11. **North Dakota Law Applies.** This Agreement shall be controlled by the laws of the State of North Dakota, and any action brought as a result of any claim, demand, or cause of action arising under the terms of this Agreement shall be brought in an appropriate venue in the State of North Dakota.
12. **Rules of Construction.** The parties acknowledge that they have had the opportunity to review this Agreement, and that they have an equal bargaining position in this transaction. No rule of construction that would cause any ambiguity in any provision to be construed against the drafter of this document will be operative against any party to this Agreement.
13. **Representation.** The parties, having been represented by counsel or having waived the right to counsel, have carefully read and understand the contents of this Agreement, and agree they have not been influenced by any representations or statements made by any other parties.
14. **Execution in Counterparts.** This Agreement may be executed simultaneously or in two or more counterparts, each of which shall be deemed an original, and all of which, when taken together, constitute one and the same document. The signature of any party to any counterpart shall be deemed a signature to, and may be appended to, any other counterpart.

**IN WITNESS WHEREOF,** the parties have executed this Agreement on the Effective Date first written above.

*[Signatures provided on the following pages.]*

**CITY:**

**CITY OF WEST FARGO**

By: \_\_\_\_\_  
Rich Mattern, President of the Board of  
City Commissioners

By: \_\_\_\_\_  
Tina Fisk, City Administrator

**DEVELOPER:**

RUSTY GOOSE DEVELOPMENT, LLLP

By: Wai Bartle

Its: General Partner

Exhibit "A"

DEVELOPER'S INCENTIVE AGREEMENT

THIS AGREEMENT, entered into this 30<sup>th</sup> day of January, 2012, by and between the City of West Fargo, Cass County, North Dakota, hereinafter referred to as the "City", and Rusty Goose Development, LLLP, a North Dakota Limited Liability Partnership (the "Developer").

WHEREAS, the Developer and City desired to attract a large retail business into North Pond at The Preserve First Addition in order to kick start commercial development in that area and increase the sales tax revenue of the City; and

WHEREAS, to induce Costco to locate into the City, the City offered the Developer incentives; and

WHEREAS, the intent of the City and the Developer is that all or a portion the sales and use tax proceeds to the City (the "Sales Tax Proceeds") from the business located on Lot 1, Block 1 of North Pond at The Preserve First Addition (the "Property") would be used to pay for all of the incentives covered by this Agreement, and that the City may issue sales tax bonds to pay for all or part of the incentives; and

WHEREAS, the Developer and City desire to set out in this Agreement the actual incentives being offered by the City to Developer for bringing a large retail business into the City.

NOW, THEREFORE, BE IT AGREED between the parties as follows:

1. As a condition to Developer's receipt of the incentives contemplated in this Agreement, Developer must sell the Property to Costco, and Costco must build a large retail store on the Property which would open late in 2012 or early 2013.

2. The City of West Fargo agrees that it will pay on or before November 1, 2012, all of the special assessments that normally would be allocated to the Property from Street Improvement Districts 2182, 2193 2195, and 2211; Water and Sewer Districts 1202 and 1222; and Storm Sewer District 4047, Phase 2. In addition, the City agrees to pay off the hook-up fee that normally would be allocated to the Property at time of platting. Provided, City agrees to pay off any of the above special assessments that have actually been levied on the Property prior to final closing on the Property between Developer and Costco. The City agrees not to seek collection or payment, from Costco, of any special assessments allocated to the Property in connection with the improvements contemplated in this section.

3. The City agrees that, prior to any assessments being levied on the Property, it will pay on or before November 1, 2012, all of the special assessments that normally would be allocated to the Property for the Improvement District to be created in the future to pave the streets abutting the Property, as well as to put in sewer, water, storm sewer, street lights and sidewalks to serve that Property. The City also agrees, prior to any assessments being levied on the Property, to pay all of the special assessments that normally would be allocated to the Property from the installation of stop lights at the intersection of Veteran's Boulevard and 23 Avenue South before those assessments would be levied on the Property. The City agrees not to seek collection, or payment from Costco, of any special assessments allocated to the

Property in connection with the improvements contemplated in this section.

4. The parties agree that a future storm water pond will need to be constructed to handle storm water runoff from the Property and other property in the area. The City agrees to pay all of the special assessments that normally would be allocated to the Property from the installation of that storm water pond prior to the assessments being levied on the Property. The City agrees not to seek collection or payment, from Costco, of any special assessments allocated to the Property in connection with the improvements contemplated in this section. The improvements described in paragraphs 2, 3 and 4 represent all of the improvements for which the Property would be assessed related to the initial development of the Property (the "initial Improvements"). In the event other improvements in addition to those specified in paragraphs 2, 3 and 4 above become necessary in conjunction with the initial development of the Property, City agrees to pay all of the special assessments related to same prior to any assessments being levied on the Property.

5. Other than the projects set out above, the City will be able to specially assess the Property for other future improvements that benefit that property following normal City special assessment policies.

6. As a condition to Developer's receipt of the incentives contemplated herein, Developer agrees that it will get Costco to provide the City and Developer access to the State's sales tax

records from that Property so the City can trace the amount of sales tax generated from that business during the period of this Agreement. The City shall give Costco prompt notice of any request to the City that is made under Chapter 44-04 NDCC to disclose such sales tax information generated by Costco and of any suit filed under chapter 44-04 NDCC seeking the disclosure of such information. The City shall not disclose such information pursuant to the provisions of 44-0 4 NDCC or similar statute without Costco's prior written permission, unless required to by a court of competent jurisdiction of an Attorney General Opinion.

7. The Parties understand the City will issue one or more sales tax revenue bonds to come up with the money to pay for the special assessments and hook-up fees that the City has agreed to pick up as set out above in paragraphs 2, 3 and 4. The Sales Tax Proceeds from the Property that will be available to pay incentives is the existing 1% West Fargo Sales Tax Proceeds) generated in the first ten full calendar years of operation from the business located on the Property as well as any partial initial year of operation (the "Sales Tax Proceeds" . In addition to the incentives, the Sales Tax Proceeds will be used to pay principal and interest, and issuance costs on any sales tax revenue bonds issued by the City to pay for any of the incentives.

8. The City agrees that as an additional incentive it will pay the Developer an amount not to exceed \$985,545. The Developer will only be paid for this item from Excess Sales Tax Proceeds, and then only to the extent those Excess Sales Tax Proceeds exist. The

first date upon which Developer may receive a payment toward this incentive is February 1 following the first full calendar year the business operates on the Property so that the City will have a minimum of one year's history of Sales Tax Proceeds. After the receipt by the City of the first full calendar year Sales Tax Proceeds, the City will calculate the average annual debt service needs to pay for the Sales Tax Bonds issued by the City to pay for all of the incentives other than the land purchase incentive, and compare that amount to the actual amount of Sales Tax Proceeds received in the first full calendar year of Costco being open. ~~(Provided, that if not all of the improvements to be paid by the sales tax as set out above are constructed as of the date of the calculation, the City will adjust the calculation to include the estimated costs of financing the undone improvements by sales tax bonds over the final years of the debt service schedule.)~~ If the actual Sales Tax Proceeds received in the first full calendar year exceeds by more than 10% the projected average annual debt service on the Sales Tax Bonds, the City will transfer to Developer an amount equal to the amount of actual Sales Tax proceeds received in excess of 110% of the average annual debt service in the first full calendar year, as well as the same excess in any partial initial year collections.

Each February 1 thereafter, ending the February 1 after the tenth full calendar year of Sales Tax Proceeds, the City will make the same calculation and pay the Developer on the same formula until Developer has been paid the entire amount set forth above.

Provided, that the City agrees that at the time of the first calculation of a payment to Developer, that City will also determine if the City could issue another sales tax bond to pay all or a part of the balance of developer's incentive set forth in this paragraph. The City will compare the debt service required to pay all other obligations of the City under this agreement and compare that to the actual sales tax receipts of the first twelve months to see if the City could bond additional money for the Developer incentive set out in this paragraph. The City is not required to issue another bonds for this purpose unless there would be at least 110% coverage. If an additional sales tax bond is issued for such purpose Developer will be paid the additional amount bonded for within five days of the closing on the Bond issue. If the Developer receives less than the \$985,545 through the first payment and the Bond issue, the remaining balance will be paid off on an annual basis on the formula set forth above. The Developer will not be entitled to interest until after the first calculation date of a payment to the Developer set out above. If the Developer is not paid in full as a result of the second bond issue, the parties at that time will negotiate in good faith an interest rate to be paid on the remaining balance. If at the end of the Sales Tax Proceeds Collection Period (10 full calendar years plus any partial initial year of collection), Developer has not been paid in full, City will pay Developer up to the full amount set forth above, minus amounts already paid, from all Sales Tax Proceeds collected during the Sales Tax Collection Period over and above debt service payments on the Bonds. If the total sum paid Developer does not reach the

amount set out in the first sentence of paragraph 8 within the Sales Tax Proceeds Collection Period, with interest as set forth above, the amount actually paid will be deemed full payment and City will have no further obligation to make any payments to the Developer.

9. The City will not be required to keep the 10% coverage requirement in any fund, but may spend it just like any other sales tax proceeds received by the City. It will maintain a record of the amount each year so that at the end of the Sales Tax Proceeds Collection Period that amount is known to determine the calculation at the end of paragraph 8. City also agrees that it will to the extent possible it will attempt to have a level debt service on all sale tax bonds which will be issued for the same duration as the Sales Tax Proceeds Collection Period.

10. This agreement is a business incentive agreement under chapter 54-60.1 NDCC. The public purpose of this incentive is to bring a large retail business into West Fargo on the property described in this Agreement, and to increase employment in the City. The goal for the incentive is to build the retail business as described in this agreement and by July 1, 2013 to have at least five full time equivalent employees working in the retail business with an average salary of at least \$25,000 a year with the normal average fringe benefits offered by Costco elsewhere in the country. Developer agrees to use diligent efforts to encourage the retail business to operate on the Property covered by this Agreement for five years after the Sales Tax Proceeds Collection Period commences. Developer agrees that Developer will not receive the incentive

described in paragraph 8 if the Retail Business is not established on the property by July 1, 2013 and if the employment goal set out above is not met by that date. If the business is established and the jobs goal initially met, any unpaid part of the incentive set out in paragraph 8 only will be forfeited if the job employment level set out above ever falls below the requirement set out above for a period of time exceeding 6 months.

11. If at any time during the duration of this Agreement, the State of ND changes the procedures for how it reports and pays the local sales tax to the City, the February 1 dates referred to throughout the Agreement shall be adjusted so that the calculation to determine the incentive payment to the Developer capture the Sales Tax Proceeds received for a full calendar year.

12. This Agreement cannot be altered, modified, cancelled or amended without the written consent of all parties to this Agreement. This Agreement contains the entire agreement of the parties as it relates to incentives for the development of the Property and supercedes any other writing or oral representation made by any party or representative of any party.

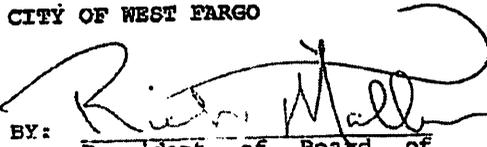
13. The terms of this Agreement are hereby made binding upon all parties hereto, their successors and assigns, and no party under this Agreement can assign their interest in the Agreement to any other person or entity without the written consent of all other parties.

14. Notwithstanding anything to the contrary contained herein, the parties agree that nothing contained in this Agreement shall be deemed or construed to impose any duty or obligation upon Costco to

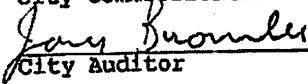
purchase or acquire the Property or to develop, use, operate or construct a Costco Wholesale Club Store on the Property or to hire or retain any individual for new employment purposes; it being expressly understood that Costco is not a party to this Agreement, that Costco is not and shall not be considered a third party beneficiary of this Agreement, except for the express purpose to enforce (i) the obligation of the City not to assess the Property pursuant to paragraphs 2, 3 and 4 of this Agreement and (ii) City's obligation to keep the Costco sales tax information confidential in accordance with paragraph 6 of this Agreement. The provisions hereof which purport to relate to Costco shall be deemed to be solely conditions to Developer's receipt of the incentives set forth herein.

CITY OF WEST FARGO

BY:

  
President of Board of  
City Commissioners

BY:

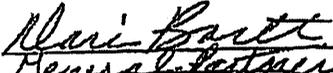
  
City Auditor

DEVELOPER

RUSTY GOOSE DEVELOPMENT, LLLP

BY:

Its:


**SATISFACTION OF DEVELOPER'S INCENTIVE AGREEMENT RECEIPT**

**THIS INSTRUMENT** is made and entered into as of the 30<sup>th</sup> day of June, 2017, (the "Effective Date") by and between the City of West Fargo, a political subdivision of the State of North Dakota, whose principal address is 800 Fourth Avenue East, West Fargo, North Dakota 58078 (the "City"), and Rusty Goose Development LLLP, a North Dakota Limited Liability Limited Partnership, whose principal office address is c/o Bueide Law Firm, 1 Second Street North, Suite 100, Fargo, North Dakota 58102-4807 (the "Developer").

Pursuant to Paragraph 8 of the Developer's Incentive Agreement (the "Incentive Agreement"), entered into by and between the Developer and the City, the City agreed to pay the Developer an amount not to exceed Nine Hundred Eighty-Five Thousand Five Hundred Forty-Five Dollars (\$985,545.00). The City has been making payments to the Developer in an effort to pay off this amount. To date, the City owes the Developer *Four Hundred Sixty-Five Thousand Four Hundred Sixty-Eight Dollars and Twenty-Six Cents (\$465,468.26)*, the amount in which the City desires to pay to the Developer. The Developer agrees to accept *Four Hundred Sixty-Five Thousand Four Hundred Sixty-Eight Dollars and Twenty-Six Cents (\$465,468.26)* as satisfaction of the City's obligations under Paragraph 8 of the Incentive Agreement.

Acceptance of this payment shall be evidenced by this Satisfaction of Developer's Incentive Agreement Receipt (the "Receipt"). Upon signing this Receipt, the Developer agrees that the City has satisfied its obligations under Paragraph 8 of the Incentive Agreement.

**IN WITNESS WHEREOF**, the Developer has signed and executed this Receipt on the Effective Date first written above.

**DEVELOPER:**

RUSTY GOOSE DEVELOPMENT, LLLP

By: \_\_\_\_\_

Its: \_\_\_\_\_



## City Commission Agenda Item Request

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

Office Use:

**Regular Agenda Item #:**

6.

**Consent Agenda Item #:**

Agenda Item Information:

**Contact Name: \***

Mark Housh

**Phone Number: \***

281-0597

**Email Address:**

mhoush@mooreengineeringinc.com

**Date \***

6/14/2017

**Topic for Consent or Regular Agenda?**

Please select one option:

Consent Agenda

Regular Agenda

**Please Briefly Describe Your Request \***

Review of proposed Code ordinances.

**Site Address or Legal Description (if applicable)**

N/A

**Action Being Requested from City Commission \***

If approved, place on first reading.

**Upload Additional Documentation (Optional):**

R5 Code Ordinances.pdf

1.09MB

Mayor Mattern and Commission Members,

Attached are the 2015 International Code amendments that the Inspections Department would like to propose for adoption to revise the current chapters of ordinance as applicable.

These proposed amendments are very similar to the amendment adopted at the ND State level and more so as to the amendments adopted by the City of Fargo.

Most of the deleted items list in the amendments are for flood related items and are deleted so to not conflict with our current and FEMA approved flood damage prevention ordinance. Most of the amendments are an effort to maintain our current construction practices currently being used today. A few noted changes would be the adoption of the 2015 International Energy Code where previously we have been enforcing the 2009 IECC, we did not adopt the 2012 IECC due to enforcement and constructability issues. The 2015 IECC took care of some these issues and adopting the 2015 IECC helps the State work towards reach 100% compliance in statewide energy code enforcement as require by a federal mandate several years ago. Another amendment made was the 2015 International Building Code removed the existing structures section from the code and moved to rely on the International Existing Building Code, we chose to retain the 2012 IBC existing structure code section as a simplified alternative for designers to use rather than being forced to use the 2015 IEBC.

These are good code amendments in my opinion and have been through public hearings at the State level and through the City of Fargo's code hearing process.

Respectfully Submitted,



Mark Housh, Code Administrator

ORDINANCE NO. 1081

AN ORDINANCE TO AMEND SECTION 5-01 AND TO REPEAL AND REENACT SECTION 5-0102 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO THE INTERNATIONAL BUILDING CODE.

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

SECTION 1. Section 5-0101 of the Revised Ordinances of 1990 of the City of West Fargo is hereby amended and reenacted to read as follows:

5-0101. Adoption of International Building Code. The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of West Fargo, North Dakota, shall meet with the provisions of the rules and regulations of the ~~2012~~ 2015 edition of the International Building Code, of the International Code Council as the same are now established in said code, a copy of which is on file in the office of the building inspector for the City of West Fargo, with the exception of the sections hereinafter set forth affecting local conditions in the City of West Fargo, which sections shall be substituted for and in lieu of like sections or paragraphs in said International Building Code; and the Board of City Commissioners of said City of West Fargo, by this section hereby approves and adopts such rules and regulations, as so modified, for use and application in the City of West Fargo, North Dakota, as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the ~~2012~~ 2015 edition of the International Building Code may be adopted by the City by resolution.

SECTION 2. Section 5-0102 of the Revised Ordinances of 1990 of the City of West Fargo is hereby repealed and reenacted to read as follows:

5-0102. Modification of International Building Code. The International Building Code as adopted in Section 5-0101 is hereby changed and amended as follows:

**SECTION 101.1 is hereby amended to read as follows:**

[A] **101.1 Title.** These regulations shall be known as the *Building Code* of ~~(NAME OF JURISDICTION)~~ the City of West Fargo hereinafter referred to as "this code."

**SECTION 101.4.3 is hereby amended to read as follows:**

[A] **101.4.3 Plumbing.** The provisions of the ~~International Plumbing Code~~ North Dakota State

Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the ~~International Private Sewage Disposal Code North Dakota State Plumbing Code~~ shall apply to private sewage disposal systems.

**SECTION 101.4.7 is hereby amended to read as follows:**

**[A] 101.4.7 Existing buildings.** The provisions of the *International Existing Building Code* shall apply to matters governing the *repair, alteration*, change of occupancy, *addition* to and relocation of existing buildings.

**Exception:** Existing buildings may use Chapter 34 of the IBC 2012 as an alternative to using the IEBC 2015.

**SECTION 101.4.8 is hereby added to read as follows:**

**Section 101.4.8.** Where this code refers to flood requirements, the local jurisdiction flood plain management ordinance shall apply.

**SECTION 104.2.1 is hereby deleted in its entirety.**

**SECTION 104.8 is hereby amended to read as follows:**

**[A] 104.8 Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code. While acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be ~~civilly or criminally~~ rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any

action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

**SECTION 104.8.1 is hereby deleted in its entirety.**

**SECTION 104.10.1 is hereby deleted in its entirety.**

**SECTION 105.2 is hereby amended to read as follows:**

**105.2 Work exempt from permit. Exemptions . . .**

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar used, provided the floor area is not greater than 120 square feet (11 m<sup>2</sup>).
2. Fences not over ~~7~~ 8.5 feet (~~2134~~ 2591 mm) high.
3. Oil derricks. . . .
  
6. Sidewalks and driveways ~~not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route. . . .~~
  
11. Swings and other playground equipment ~~accessory to detached one- and two-family dwellings.~~
12. Window awnings in Group R-3 and U occupancies ~~supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.~~
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Reroofing.

**SECTION 107.2.5.1 is hereby deleted in its entirety.**

**SECTION 107.3.1 is hereby amended to read as follows:**

**[A] 107.3.1. Approval of construction documents.** When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as

"Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. ~~The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.~~

**SECTION 109.2 is hereby amended to read as follows:**

**[A] 109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit and plan* review shall be paid as required, in accordance with the schedule as established by the ~~applicable governing authority~~ Board of City Commissioners. The plan review fees specified in this subsection are separate from, and in addition to, permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2, an additional plan review fee shall be charged in an amount not to exceed 50% of the building permit fee established in Section 108.2.

**SECTION 110.3.3 is hereby deleted in its entirety and subsequent sections renumbered accordingly.**

**SECTION 110.3.10.1 is hereby deleted in its entirety.**

**SECTION 113 is hereby deleted in its entirety.**

**SECTION 201.3 is hereby amended to read as follows:**

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in ~~the *International Energy Conservation Code, International Fuel Gas Code, International Fire Code, International Mechanical Code or International Plumbing Code*~~ other referenced codes as adopted by the jurisdiction, such terms shall have the meanings ascribed to them as in those coded.

**SECTION 305.2 is hereby amended to read as follows:**

**305.2. Group E, day care facilities.** This group includes buildings and structures or portions thereof occupied by more than ~~five~~ twelve children older than 2 1/2 years of age who receive educational, supervision or *personal care services* for fewer than 24 hours per day.

**SECTION 305.2.2 is hereby amended to read as follows:**

**305.2.2 ~~Five~~ Twelve or fewer children.** A facility having ~~five~~ twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.

**SECTION 305.2.3 is hereby amended to read as follows:**

**305.2.3 ~~Five~~ Twelve or fewer children in a dwelling unit.** A facility such as the above within a *dwelling unit* and having ~~five~~ twelve or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

**SECTION 308.6 is hereby amended to read as follows:**

**308.6 Institutional Group I-4, day care facilities.** Institutional Group I-4 occupancy shall include buildings and structures occupied by more than ~~five~~ twelve persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care  
Child day care

**SECTION 308.6.1 is hereby amended to read as follows:**

**308.6.1 Classification as Group E.** A child day care facility that provides care for more than ~~five~~ twelve but no more than 100 children 2 1/2 years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit door* directly to the exterior, shall be classified as Group E.

**SECTION 308.6.3 is hereby amended to read as follows:**

**308.6.3 ~~Five~~ Twelve or fewer persons receiving care.** A facility having ~~five~~ twelve or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy.

**SECTION 308.6.4 is hereby amended to read as follows:**

**308.6.4 ~~Five~~ Twelve or fewer persons receiving care in a dwelling unit.** A facility such as the above within a *dwelling unit* and having ~~five~~ twelve or fewer persons receiving *custodial care* shall be classified as a Group

R-3 occupancy or shall comply with the *International Residential Code*.

**SECTION 406.3.4.1 is hereby amended to read as follows:**

**406.3.4.1 Dwelling unit separation.** The private garage shall be separated from the *dwelling unit* and its *attic* area by means of gypsum board, not less than 1/2 inch (12.7 mm) in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch (15.9 mm) Type X gypsum board or equivalent and 1/2-inch (12.7 mm) gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the *dwelling unit* shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) in thickness, or doors in compliance with Section 716.5.3 with a fire protection rating of not less than 20 minutes. ~~Doors shall be self-closing and self-latching.~~

**SECTION 706.6 is hereby amended to read as follows:**

**706.6 Vertical continuity.** *Fire walls* shall extend from the foundation to a termination point not less than 30 inches (762 mm) above both adjacent roofs.

**Exceptions:**

1. Stepped buildings in accordance with Section 706.6.1.
2. Two-hour . . .
  
6. Buildings with sloped roofs in accordance with Section 706.6.2.
7. Fire walls installed within detached structures of Group U or Group S-2 occupancies may terminate at the underside of the roof sheathing provided such walls are not required to be fire-resistive construction due to proximity to property lines.

**SECTION 801.5 is hereby deleted in its entirety:**

**SECTION 903.3.1.1 is hereby amended to read as follows:**

**[F] 903.3.1.1 NFPA 13 sprinkler systems.** Where the provisions of this code require that a building or portion thereof be equipped throughout with an *automatic sprinkler system* in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Sections 903.3.1.1.1 and 903.3.1.1.2. Sprinkler heads in unoccupied mall

tenant spaces may be installed at ceiling height if allowed by the code official. Permission will be granted on an individual basis. Combustible storage shall not be allowed in these unoccupied tenant spaces if sprinkler heads are installed at ceiling height. Signage shall be provided where required.

**SECTION 905.1 is hereby amended to read as follows:**

**[F] Section 905.1. General.** Standpipe systems shall be provided in new buildings and structures in accordance with Sections 905.2 through 905.10. In buildings used for high-piled combustible storage, fire protection shall be in accordance with the *International Fire Code*.

**Exception:** The installation of fire hose on standpipes may be omitted when approved by the fire code official. Approved standpipe hose valves and connection shall be provided where required.

**SECTION 907.2.3 is hereby amended to read as follows:**

**[F] 907.2.3 Group E.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Where approved by the fire code official, a building's emergency communication system interfaced with the fire alarm system in accordance with NFPA 72 is acceptable.

**SECTION 907.2.11.1 is hereby amended to read as follows:**

**[F] 907.2.11.1 Group R-1.** Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the *sleeping unit*.
3. In each *story* within the *sleeping unit*, including basements. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. In dwelling units where the ceiling height of a room open to the hallway serving the sleeping rooms exceeds that of the hallway by 24 inches (610 mm)

or more, smoke detectors shall be installed in the hallway and in the adjacent room.

**SECTION 907.2.11.2 is hereby amended to read as follows:**

**[F] 907.2.11.2 Groups R-2, R-3, R-4 and I-1.** Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant load* at all of the following locations.

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each *story* within a *dwelling unit*, including basements but not including crawl spaces and uninhabitable *attics*. In *dwelling*s or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full *story* below the upper level.

4. In dwelling units where the ceiling height of a room open to the hallway serving the sleeping rooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

**SECTION 1011.1 is hereby amended to read as follows:**

**1011.1 General.** *Stairways* serving occupied portions of a building shall comply with the requirements of Sections 1011.2 through 1011.13. *Alternating tread devices* shall comply with Section 1011.14. *Ships ladders* shall comply with Section 1011.15. *Ladders* shall comply with Section 1011.16.

**Exceptions:**

1. Within rooms or spaces used for assembly purposes, stepped aisles shall comply with Section 1029.

2. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public.

**SECTION 1011.2 is hereby amended to read as follows:**

**1011.2 Width and capacity.** The required capacity of *stairways* shall be determined as specified in Section 1005.1, but the minimum width shall be not less

than 44 inches (1118 mm). See Section 1009.3 for accessible means of egress stairways.

**Exceptions:**

1. Stairways serving an occupant load of less than 50 shall have a width of not less than 36 inches (914 mm).
2. Spiral stairways as provided for in Section 1011.10.
3. Where an incline platform lift or stairway chairlift is installed on stairways serving occupancies in Group R-3, or within dwelling units in occupancies in Group R-2, a clear passage width not less than 20 inches (508 mm) shall be provided. Where the seat and platform can be folded when not in use, the distance shall be measured from the folded position.
4. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public.

**SECTION 1011.5.2** is hereby amended to read as follows:

**1011.5.2 Riser height and tread depth.** Stair riser ...  
... treads at the intersections with the walk line and a minimum tread depth of 10 inches (254 mm) within the clear width of the stair.

**Exceptions:**

1. Spiral stairways ...
5. In Group I-3 facilities, stairways providing access to guard towers, observation stations and control rooms, not more than 250 square feet (23 m<sup>2</sup>) in area, shall be permitted to have a maximum riser height of 8 inches (203 mm) and a minimum tread depth of 9 inches (229 mm).
6. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public are permitted to have a maximum 8 inch riser height and minimum 9 inch tread depth.

**SECTION 1011.11** is hereby amended to read as follows:

**1011.11 Handrails.** Stairways shall have handrails on each side and shall comply with Section 1014. Where glass is used to provide the handrail, the handrail shall comply with Section 2407.

**Exceptions:**

1. Stairways within ...

4. Changes in room elevations of three or fewer risers within dwelling units and sleeping units in Group R-2 and R-3 do not require *handrails*.

5. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public.

6. Vehicle service pit stairways are exempt from the rules for stairway railings and guards if they would prevent a vehicle from moving into a position over the pit.

**SECTION 1015.2** is hereby amended to read as follows:

**1015.2 Where required.** *Guards* shall be located along open-sided walking surfaces, including *mezzanines, equipment platforms, aisles, stairs, ramps* and landings that are located more than 30 inches (762 mm) ~~measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side~~ above the floor or grade below or if within 36 inches (914 mm) horizontally to the edge of the open side ~~the vertical measurement to the floor or grade below is greater than 48 inches.~~ *Guards* shall be adequate in strength and attachment in accordance with Section 1607.8.

**SECTION 1104.4** is hereby amended to read as follows:

**1104.4 Multilevel buildings and facilities.** At least one *accessible route* shall connect each *accessible story* and *mezzanine* in multilevel buildings and *facilities*.

**Exceptions:**

1. An *accessible route* is not required to *stories, basements* and *mezzanines* that have an ~~aggregate~~ area of not more than 3,000 square feet (278.7 m<sub>2</sub>) and are located above ~~and~~ or below *accessible levels* and are below the third story. This exception shall not apply to:

1.1. Multiple tenant facilities of Group M occupancies...

**SECTION 1203.1 is hereby amended to read as follows:**

**1203.1 General.** Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *International Mechanical Code*.

~~Where the air infiltration rate in a dwelling unit is less than 5 air changes per hour when tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section R402.4.1.2 of the *International Energy Conservation Code Residential Provisions*, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403 of the *International Mechanical Code*. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407 of the *International Mechanical Code*.~~

**SECTION 1207 is hereby deleted in its entirety.**

**SECTION 1403.6 is hereby deleted in its entirety.**

**SECTION 1403.7 is hereby deleted in its entirety.**

**SECTION 1507.2.6 is hereby amended to read as follows:**

**1507.2.6 Fasteners.** Fasteners for asphalt shingles shall be galvanized, stainless steel, aluminum, or copper roofing nails, minimum 12 gage [0.105 inch (2.67 mm)] shank with a minimum 3/8-inch-diameter (9.5 mm) head, of a length to penetrate through the roofing materials and a minimum of 3/4 inch (19.1 mm) into the roof sheathing or other fasteners as approved by the building official and shingle manufacturer. Where the roof sheathing is less than 3/4 inch (19.1 mm) thick, the nails shall penetrate through the sheathing. Fasteners shall comply with ASTM F1667.

**SECTION 1511 is hereby deleted and relocated as Appendix N.**

**SECTION 1601.1 is hereby amended to read as follows:**

**1601.1 Scope.** The provisions of this chapter shall govern the structural design of buildings, structures and portions thereof regulated by this code.

It shall not be the responsibility of the building official to determine engineering requirements of this code. Exclusive of the conventional light-framing wood construction provisions referenced in Section 2308, the method to resist loads as referenced in this chapter is

the responsibility of a structural engineer or other qualified design professional.

**SECTION 1603.1 is hereby amended to read as follows:**

**1603.1 General.** *Construction documents* shall show the size, section and relative locations of structural members with floor levels, column centers and offsets dimensioned. The design loads and other information pertinent to the structural design required by Sections 1603.1.1 through 1603.1.8 shall be indicated on the *construction documents*.

**Exception:** *Construction documents* for buildings constructed in accordance with the *conventional light-frame construction* provisions of Section 2308 shall indicate the following structural design information:

1. Floor and roof live loads.
2. Ground snow load, *P<sub>g</sub>* ...

- ~~5. Flood design data, if located in flood hazard areas established in Section 1612.3.~~
6. Design load-bearing values of soils.

**SECTION 1603.1.7 is hereby deleted in its entirety.**

**SECTION 1610.1 exception is hereby amended to read as follows:**

**1610.1 General.** Foundation walls and retaining walls .  
..

**Exception:** Foundation walls extending not more than ~~8~~ 9 feet (2438 mm) below grade and laterally supported at the top by flexible diaphragms shall be permitted to be designed for active pressure.

**SECTION 1612 is hereby deleted in its entirety.**

**SECTION 1804.4 is hereby amended to read as follows:**

**1804.4 Site grading.** ~~The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048 mm) of horizontal distance, a 5-percent slope shall be provided to an approved alternative method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 2 percent where located within 10 feet (3048 mm) of the building~~

~~foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection. Lots shall be graded to drain surface water away from foundation walls.~~

~~**Exception:** Where climatic or soil conditions warrant, the slope of the ground away from the building foundation shall be permitted to be reduced to not less than one unit vertical in 48 units horizontal (2-percent slope).~~

The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of the backfill.

**SECTION 1804.5 is hereby deleted in its entirety.**

**SECTION 1805.1.2.1 is hereby deleted in its entirety.**

**SECTION 1809.5 is hereby amended to read as follows:**

**1809.5. Frost protection.** Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of the locality.
2. Constructing in accordance with ASCE 32.
3. Erecting on solid rock.

**Exception:** Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to *Risk Category I*.
2. Area of 600 square feet (56 m<sup>2</sup>) or less for light-frame construction or 400 square feet (37 m<sup>2</sup>) or less for other than light-frame construction.
3. Eave height of 10 feet (3048 mm) or less.
4. Free-standing buildings used as Group U occupancies for the storage of private or pleasure-type vehicles constructed in accordance with Sections 406.3.1

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

**SECTION 2901.1 is hereby amended to read as follows:**

**[P] 2901.1 Scope.** The provisions of this chapter and the ~~International Plumbing Code~~ North Dakota State Plumbing Code shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the ~~International Plumbing Code~~ North Dakota State Plumbing Code. Private sewage disposal systems shall conform to the ~~International Private Sewage Disposal Code~~ North Dakota State Plumbing Code.

**SECTION 3102.7 is hereby amended to read as follows:**

**3102.7. Engineering Design.** The structure shall be designed and constructed to sustain dead loads, loads due to tension or inflation, live loads including wind, snow ~~or flood~~ and seismic loads and in accordance with Chapter 16.

**SECTION 3109 is hereby deleted and relocated as Appendix O.**

**SECTION 3313 is hereby deleted in its entirety.**

The following amendments are applicable to Chapter 34 of the 2012 International Building Code:

**SECTION 3403.2 is hereby deleted in its entirety.**

**SECTION 3404.2 is hereby deleted in its entirety.**

**SECTION 3405.5 is hereby deleted in its entirety.**

**SECTION 3409.2 is hereby deleted in its entirety.**

**SECTION 3410.1 is hereby amended to read as follows:**

**3410.1 Conformance.** Structures moved into ~~or within~~ the jurisdiction shall comply with the provisions of this code for new structures.

**SECTION 3412.2 is hereby amended to read as follows:**

**3412.2 Applicability.** Structures existing prior to 1952 ~~{DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION}~~, in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of

Section 3403 through 3409. The provisions in Section 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Group A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

**SECTION 3412.2.4.1 is hereby deleted in its entirety.**

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

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

ATTEST:

\_\_\_\_\_  
City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

ORDINANCE NO. 1082

AN ORDINANCE TO AMEND AND REENACT SECTION 5-0801 AND TO REPEAL AND REENACT SECTION 5-0802 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO THE INTERNATIONAL EXISTING BUILDING CODE.

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

SECTION 1. Section 5-0801 of the Revised Ordinances of 1990 of the City of West Fargo is hereby amended and reenacted to read as follows:

5-0801. ADOPTION OF INTERNATIONAL EXISTING BUILDING CODE. There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing standards, relative to housing in the City of West Fargo, that certain code known as the International Existing Building Code, recommended and compiled by the International Code Council, being particularly the ~~2012~~ 2015 edition thereof, as the same are now established in said code, a copy of which is on file in the office of the Building Administrator for the City of West Fargo, with the exception of the sections hereinafter set forth affecting local conditions of the City of West Fargo, which sections shall be substituted for and in lieu of like sections or paragraphs in said International Existing Building Code; the Board of City Commissioners of said City of West Fargo, by this section hereby approves and adopts such rules and regulations, so modified, for the use and application within the city limits of West Fargo, North Dakota, as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the ~~2012~~ 2015 edition of the Code may be adopted by the City by resolution.

SECTION 2. Section 5-0802 of the Revised Ordinances of 1990 of the City of West Fargo is hereby repealed and reenacted to read as follows:

5-0802. AMENDMENT TO INTERNATIONAL EXISTING BUILDING CODE. The International Existing Building Code, as adopted in Section 5-0801 is hereby changed and amended as follows:

**SECTION 101.1 is hereby amended to read as follows:**

**101.1 Title.** These regulations shall be known as the Existing Building Code of ~~(NAME OF JURISDICTION)~~ the City of West Fargo hereinafter referred to as “this code.”

**SECTION 101.2 is hereby amended to read as follows:**

**101.2 Scope.** The provisions of the *International Existing Building Code* shall apply to the *repair, alteration, change of occupancy, addition* to and relocation of *existing buildings*.

**Exception:** Existing buildings may use Chapter 34 of the 2012 International Building Code as an alternative to this code.

**SECTION 104.2.1.1 is hereby amended to read as follows:**

**104.2.1.1 Building evaluation.** The *code official* is authorized to require an *existing building* to be investigated and evaluated at the owner's expense by a registered

design professional based on the circumstances agreed upon at the preliminary meeting. The design professional shall notify the *code official* if any potential nonconformance with the provisions of this code is identified.

**SECTION 104.8 is hereby amended to add a new final paragraph to read as follows:**

**[A] 104.8 Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code. While acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be ~~civily or criminally~~ rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for the cost in any action, suit or proceeding that is instituted in pursuant of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

**SECTION 104.8.1 is hereby deleted in its entirety.**

**SECTION 104.10.1 is hereby deleted in its entirety.**

**SECTION 105.2 is hereby amended to read as follows:**

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. Sidewalks, retaining walls, and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and that are not part of an accessible route.
2. Painting, papering, tiling ... ..
6. Movable cases, counters and partitions not over 96 inches (1753 mm) in height.
7. Reroofing.

**SECTION 106.3.1 is hereby amended to read as follows:**

**106.3.1. Approval of construction documents.** When the *code official*... One set of construction documents so reviewed shall be retained by the *code official*. ~~The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or by a duly authorized representative.~~

**SECTION 109.3.3 is hereby deleted in its entirety and subsequent sections renumbered accordingly.**

**SECTION 112 is hereby deleted in its entirety.**

**SECTION 201.3 is hereby amended to add the following:**

**201.3 Terms defined in other codes.** Where terms are not defined in the other *International Codes*, such terms shall have the meanings ascribed to them in those codes.

Wherever the term “International Plumbing Code” and/or the “International Private Sewage Disposal Code” is used in this Code, it shall mean the North Dakota State Plumbing Code. Wherever the term “ICC Electrical Code” is used in this Code, it shall mean the National Electric Code together with the North Dakota State Wiring Standards. Wherever the term “Flood Hazard Area” is used, it shall mean the West Fargo Flood Plain Management ordinance together with the Flood Proofing Code of the City of West Fargo, North Dakota.

**SECTION 402.2 is hereby deleted in its entirety.**

**SECTION 403.2 is hereby deleted in its entirety.**

**SECTION 404.5 is hereby deleted in its entirety.**

**SECTION 408.2 is hereby deleted in its entirety.**

**SECTION 601.3 is hereby deleted in its entirety.**

**SECTION 606.2.4 is hereby deleted in its entirety.**

**SECTION 701.3 is hereby deleted in its entirety.**

**SECTION 1103.5 is hereby deleted in its entirety.**

**SECTION 1201.4 is hereby deleted in its entirety.**

**SECTION 1301.2 is hereby amended by adding a new second paragraph to read as follows:**

**1301.2 Conformance.** ~~The building shall be safe for human occupancy as determined by the *International Fire Code* and the *International Property Maintenance Code*. Any repair, alteration, or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field fabricated elements shall comply~~

~~with the requirements of the *International Building Code* or the *International Residential Code* as applicable. Buildings to be moved within this jurisdiction shall comply with provisions of this Chapter. Buildings to be moved into this jurisdiction shall comply with the provisions of the International Codes for new buildings and shall be certified as to that compliance by an agency approved by the code official.~~

**SECTION 1302.6 is hereby deleted in its entirety.**

**SECTION 1401.2 is hereby amended to read as follows:**

**1401.2 Applicability.** Structures existing prior to ~~[DATE TO BE INSERTED BY THE JURISDICTION]~~ 1952 in which there is work involving *additions, alterations, or changes of occupancy* shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Section 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I-1, I-3 or I-4.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

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

ATTEST:

\_\_\_\_\_  
City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

ORDINANCE NO. 1083

AN ORDINANCE TO AMEND AND REENACT SECTION 5-0901 AND TO REPEAL AND REENACT SECTION 5-0902 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO THE INTERNATIONAL ENERGY CONSERVATION CODE.

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

SECTION 1. Section 5-0901 of the Revised Ordinances of 1990 of the City of West Fargo is hereby amended and reenacted to read as follows:

5-0901. ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE. There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing standards, relative to housing in the City of West Fargo, that certain code known as the International Energy Conservation Code, recommended and compiled by the International Code Council, being particularly the ~~2009~~ 2015 edition thereof, as the same are now established in said code, a copy of which is on file in the office of the Building Administrator for the City of West Fargo, with the exception of the sections hereinafter set forth affecting local conditions of the City of West Fargo, which sections shall be substituted for and in lieu of like sections or paragraphs in said International Energy Conservation Code; the Board of City Commissioners of said City of West Fargo, by this section hereby approves and adopts such rules and regulations, so modified, for the use and application within the city limits of West Fargo, North Dakota, as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the ~~2009~~ 2015 edition of the Code may be adopted by the City by resolution.

SECTION 2. Section 5-0902 of the Revised Ordinances of 1990 of the City of West Fargo is hereby repealed and reenacted to read as follows:

5-0902. AMENDMENT TO INTERNATIONAL ENERGY CONSERVATION CODE. The International Energy Conservation Code, as adopted in Section 5-0901 is hereby changed and amended as follows:

**SECTION C101.1 is hereby amended to read as follows:**

C101.1 Title. This code shall be known as the *International Energy Conservation Code* of ~~[NAME OF JURISDICTION]~~ City of West Fargo, and shall be cited as such. It is referred to herein as “this code.”

**SECTION C109 is hereby deleted in its entirety.**

**TABLE R402.1.2 is hereby amended to read as follows:**

TABLE R402.1.2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT <sup>s</sup>										
CLIMATE ZONE	FENESTRATION U-FACTOR <sup>a</sup>	SKYLIGHT <sup>b</sup> U-FACTOR <sup>b</sup>	GLAZED FENESTRATION SHGC <sup>b, c</sup>	CEILING R-VALUE	WOOD FRAMED WALL R-VALUE	MASS WALL R-VALUE <sup>d</sup>	FLOOR R-VALUE	BASEMENT <sup>e</sup> WALL R-VALUE	SLAB <sup>a</sup> R-VALUE AND DEPTH	CRAWL SPACE <sup>e</sup> WALL R-VALUE
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13 + 5 <sup>h</sup>	7/13	19	5/13 <sup>f</sup>	0	5/13
4 except Marine	0.35	0.55	0.40	49	20 or 13 + 5 <sup>h</sup>	8/13	19	10/13	10, 2 ft.	10/13
5 and Marine 4	0.32	0.55	NR	49	20 or 13 + 5 <sup>h</sup>	13/17	30 <sup>f</sup>	15/19	10, 2 ft.	15/19
6	0.32	0.55	NR	19	<del>20 + 5 or 13 + 10<sup>h</sup></del> 20 or 13 + 5 <sup>h i</sup>	15/20	30 <sup>g</sup>	<del>15/19</del> <u>10/13</u>	10, 4 ft.	15/19
7 and 8	0.32	0.55	NR	49	<del>20 + 5 or 13 + 10<sup>h</sup></del> 20 or 13 + 5 <sup>h i</sup>	19/21	38 <sup>g</sup>	<del>15/19</del> <u>10/13</u>	10, 4 ft.	15/19

**TABLE R402.1.4 is hereby amended to read as follows:**

TABLE R402.1.4 EQUIVALENT U-FACTORS <sup>a</sup>								
CLIMATE ZONE	FENESTRATION U-FACTOR <sup>b</sup>	SKYLIGHT <sup>b</sup> U-FACTOR <sup>b</sup>	CEILING U-FACTOR	WOOD FRAMED WALL U-FACTOR	MASS WALL U-FACTOR <sup>b</sup>	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR
1	0.50	0.75	0.035	0.084	0.197	0.064	0.360	0.477
2	0.40	0.65	0.030	0.084	0.165	0.064	0.360	0.477

3	0.35	0.55	0.030	0.060	0.098	0.047	.091 <sup>c</sup>	0.136
4 except Marine	0.35	0.55	0.026	0.060	0.098	0.047	0.059	0.065
5 and Marine 4	0.32	0.55	0.026	0.060	0.082	0.033	0.050	0.055
6	0.32	0.55	0.026	<del>0.045</del> <u>0.057</u>	0.060	0.033	<del>0.05</del> <u>0.059</u>	0.055
7 and 8	0.32	0.55	0.026	<del>0.045</del> <u>0.057</u>	0.057	0.028	<del>0.05</del> <u>0.059</u>	0.055

**SECTION R402.4 is hereby amended to read as follows:**

**R402.4 Air leakage (Mandatory).** The *building thermal envelope* shall be constructed to limit air leakage in accordance with the requirements of Sections R402.4.1 through R402.4.4. Dwelling units of R-2 Occupancies and multiple single family dwellings shall be permitted to comply with IECC C402.5.

**SECTION R402.4.1.2 is hereby amended to read as follows:**

**R402.4.1.2 Testing.** The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding five air changes per hour in Climate Zones 1 and 2, and ~~three air changes per hour in Climate Zones 3~~ through 8. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and ...

**SECTION R402.4.1.3 is hereby added to read as follows:**

**R402.4.1.3 Visual inspection option.** Building envelope tightness and insulation shall be considered acceptable when installed in accordance with Table R402.4.1.1 – “Air Barrier and Insulation” and has been field verified.

**SECTION R403.3.2 is hereby amended to read as follows:**

**R403.3.2 Sealing (Mandatory).** Ducts, air handlers and filter boxes shall be sealed. Joints and seams shall comply with either the *International Mechanical Code* or Section M1601.4.1 of this code, as applicable.

**Exceptions:**

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams, and locking-type joints and seams ~~of other than the snap-lock and button-lock types.~~

**SECTION R403.3.5 is hereby amended to read as follows:**

**R403.3.5 Building cavities (Mandatory).** Building framing cavities shall not be used as supply ducts or plenums.

**SECTION R403.6 is hereby amended to read as follows:**

**R403.6 Mechanical Ventilation (Mandatory).** The building shall be provided with ventilation that meets the requirements of Section M1507 of this code or the *International Mechanical Code*, as applicable, or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

**TABLE R405.5.2 (1) is hereby amended to read as follows:**

<b>TABLE R405.5.2(1)</b>		
<b>SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS</b>		
<b>BUILDING COMPONENT</b>	<b>STANDARD REFERENCE DESIGN</b>	<b>PROPOSED DESIGN</b>
...	...	...
Air exchange rate	<p>Air leakage rate of 5 air changes per hour in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8 at a pressure of 0.2 inches w.g changes per hour in Climate Zones 3 through 8 at a pressure of 0.2 inches w.g (50 Pa). The mechanical ventilation rate shall be in addition to the air leakage rate and the same as in the proposed design, but no greater than <math>0.01 \times \text{CFA} + 7.5 \times (\text{Nbr} + 1)</math></p> <p>where:            CFA = conditioned floor area            Nbr = number of bedrooms            Energy recovery shall not be assumed for mechanical ventilation.</p>	<p>For residences that are not tested, the same air leakage rate as the standard reference design.</p> <p>For tested residences, the measured air exchange rate<sup>a</sup>.</p> <p>The mechanical ventilation rate<sup>b</sup> shall be in addition to the air leakage rate and shall be as proposed.</p>
...	...	...

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

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

ATTEST:

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City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

ORDINANCE NO. 1084

AN ORDINANCE TO AMEND AND REENACT SECTIONS 6-0101 AND 6-0104, AND TO REPEAL AND REENACT SECTION 6-0103 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO THE INTERNATIONAL FIRE CODE.

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

SECTION 1. Section 6-0101 of the Revised Ordinances of 1990 of the City of West Fargo is hereby amended and reenacted to read as follows:

6-0101. ADOPTION OF INTERNATIONAL FIRE CODE. There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the provisions of the Code known as the International Fire Code, being particularly the ~~2012~~ 2015 edition thereof, as the same are now established in said Code, save and except such portions as are hereinafter deleted, modified, or amended by ordinance, or in accordance with other provisions of this title. A copy of said Code is on file in the office of the Chief of the volunteer fire department of the City of West Fargo, and the same is hereby adopted and incorporated as fully as if set out in length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the ~~2012~~ 2015 edition of the International Fire Code may be adopted by the City by resolution. The International Fire Code is also adopted as part of the International Building Code of the City of West Fargo.

SECTION 2. Section 6-0104 of the Revised Ordinances of 1990 of the City of West Fargo is hereby amended and reenacted to read as follows:

6-0104. STORAGE OF FLAMMABLE LIQUIDS. The limits referred to in the International Fire Code, in which storage of flammable or combustible liquids in outside above-ground tanks is prohibited, are hereby established as follows: "The corporate limits of the City of West Fargo, North Dakota, except for property zoned ~~A-Agricultural~~ LI-Light Industrial and M-Heavy Industrial as permitted, or property in the ~~-Agriculture,~~ C-Light Commercial HC-Heavy Commercial and ~~CM-Heavy Commercial~~ LI-Light Industrial for which a conditional use permit has been granted.

The limits referred to in the International Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: "The corporate limits of the City of West Fargo, North Dakota."

SECTION 3. Section 6-0103 of the Revised Ordinances of 1990 of the City of West Fargo is hereby repealed and reenacted to read as follows:

6-0103. MODIFICATIONS OF INTERNATIONAL FIRE CODE. The International Fire Code is hereby changed and amended as follows:

**SECTION 101.1 is hereby amended to read as follows:**

**101.1 Title.** These regulations shall be known as the *Fire Code* of ~~[NAME OF JURISDICTION]~~ the City of West Fargo, hereinafter referred to as "this code."

**SECTION 102.1 is hereby amended to read as follows:**

**102.1 Construction and design provisions.** The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. ~~Existing structures, facilities and conditions when required in Chapter 46.~~
43. Existing structures, facilities and conditions which, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

**SECTION 102.6 is hereby amended to read as follows:**

**102.6 Historic buildings.** The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an *approved* fire protection plan ~~as required in Section 1103.1.1.~~

**SECTION 105.6 is hereby amended to delete Sections 105.6.1 through 105.6.31, Section 105.6.33, Sections 105.6.35 through 105.6.44 and Sections 105.6.46 through 105.6.48 and to read as follows:**

**105.6 Require operational permits.** The fire code official is authorized to issue operational permits for the operations set forth in Section 105.6.1 through 105.6.3.

**105.6.321 Open Burning.** An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

**Exception:** Recreational fires

**105.6.342 Open flames and candles.** An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments. For purposes of this provision, churches shall not be deemed to be assembly areas and shall not be required to obtain a permit to utilize candles in religious ceremonies.

**105.6.453 Temporary membrane structures and tents.** An operational permit is required to operate an air-supported temporary membrane structure or tent having an area in excess of 400 square feet (37m<sup>2</sup>).

**Exceptions:**

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides, which comply with all the following:
  - 3.1. Individual tents having a maximum size of 700 square feet (65 m<sup>2</sup>).
  - 3.2. The aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet (3658 mm) shall not exceed 700 square feet (65 m<sup>2</sup>).
  - 3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

**SECTION 105.7 is hereby amended to delete Sections 105.7.1 through 105.7.2, Sections 105.7.5 through 105.7.7, Sections 105.7.9 through 105.7.11 and Sections 105.7.13 through 105.7.18 and to read as follows:**

**105.7 Require construction permits.** The fire code official is authorized to issue construction permits for the operations set forth in Section 105.7.1 through 105.6.164.

**105.7.31 Compressed gases.** When the compressed gases in use or storage exceed the amounts listed in Table ~~105.6.9~~ 105.7.1, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or substantially modify a compressed gas system.

**Exception:**

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of the commencement of work.

**Table 105.7.1  
PERMIT AMOUNTS FOR COMPRESSED GASES**

<b>TYPE OF GAS</b>	<b>AMOUNT</b> <small>(cubic feet at NTP)</small>
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount

**105.7.42 Cryogenic fluids.** A construction permit is required for installation of or alteration to outdoor stationary *cryogenic fluid* storage systems where the system capacity exceeds the amounts listed in Table 105.6.11. Maintenance performed in

accordance with this code is not considered to be an *alteration* and does not require a construction permit.

**105.783 Flammable and combustible liquids.** A construction permit is required:

1. To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
3. To install, alter, remove, abandon, or otherwise dispose of a flammable or combustible liquid tank.

**105.7.424 LP-gas.** A construction permit is required for installation of or modification to an LP-gas system with a single container in excess of 2000 gallons water capacity or the aggregate capacity of containers is more than 4000 gallons in water capacity.

**SECTION 108 is hereby deleted in its entirety.**

**SECTION 109.4 is hereby amended to read as follows:**

**109.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be ~~guilty of an [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars, or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment~~ subject to penalties prescribed by law. ~~Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

**SECTION 111.4 is hereby amended to read as follows:**

**111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not ~~less than [AMOUNT] dollars or more than [AMOUNT] five hundred~~ dollars.

**SECTION 201.3 is hereby amended to read as follows:**

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* or *International Plumbing Code*, such terms shall have the meanings ascribed to them as in those codes.

Throughout this code, wherever reference is made to the International Plumbing Code it shall mean the North Dakota State Plumbing Code.

**SECTION 202 is hereby amended to read as follows:**

**OCCUPANCY CLASSIFICATION.** For the purposes of this code, certain occupancies are defined as follows: ...

**Educational Group E.** Educational Group E occupancy includes, among others, the use of a building or structure . . .

**Group E, day care facilities.** This group includes buildings or structures, or portions thereof occupied by more than ~~five~~ twelve children older than 2½ years of age who receive educational, supervision or personal care services for less than 24 hours per day.

**Within places of worship.** Rooms and spaces within places of worship providing such daycare during religious functions shall be classified as part of the primary occupancy.

**~~Five~~ Twelve or fewer children.** A facility having ~~five~~ twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.

**~~Five~~ Twelve or fewer children in a dwelling unit.** A facility such as the above within a *dwelling unit* and having ~~five~~ twelve or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

**Institutional Group I.** Institutional Group I occupancy includes, among others, the use ...

**Group I-4, day care facilities.** This group shall include buildings and structures occupied . . .

**Classification as Group E.** A child day care facility that provides care for more than ~~five~~ twelve but no more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit* door directly to the exterior, shall be classified as Group E.

**SECTION 308.1.4 is hereby amended to read as follows:**

**308.1.4 Open-flame cooking devices.** Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or decks or within 10 feet (3048 mm) of combustible construction.

**Exceptions:**

1. One- and two-family *dwelling*s.
2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.

3. LP-gas cooking devices having LP-gas containers with a water capacity not greater than ~~2½ pounds [nominal 1 pound (0.454 kg)]~~ 47.8 pounds [nominal 20 pounds (9 kg)] LP-gas capacity].

**SECTION 308.3 is hereby amended to read as follows:**

**308.3 Group A occupancies.** Open flame devices shall not be used in a Group A occupancy.

**Exceptions**

1. Open flame devices are allowed ...
  - 1.1 Where necessary for ceremonial ...
  - 1.4 Open flame devices for food warming.
2. Heat-producing equipment....

**SECTION 315.3.1 is hereby amended to read as follows:**

**315.3.1 Ceiling clearance.** Storage shall be maintained 2 feet (610 mm) or more below the ceiling in non-sprinklered areas of buildings or a minimum of 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings.

**Exception:** This requirement does not apply to storage adjacent to and within 30 inches of the wall area.

**SECTION 403.10.1.3 is hereby amended to read as follows:**

**403.10.1.3 Fire safety and evacuation instructions.** Information shall be provided in the fire safety and evacuation plan when required by Section 404 to allow guests to decide whether to evacuate to the outside, evacuate to an *area of refuge*, remain in place, or any combination of the three.

**SECTIONS 403.10.2.2, 403.10.2.2.1, 403.10.2.2.2, 403.10.2.2.3 and 403.10.2.3 are hereby deleted in their entirety.**

**SECTION 404.1 is hereby amended to read as follows:**

**404.1 General.** Where required by Section 403, fire safety, evacuation and lockdown plans shall comply with Sections 404.2 through 404.4.1 when required by the code official.

**SECTION 405.1 is hereby amended to read as follows:**

**405.1 General.** Emergency evacuation drills ~~complying shall comply~~ with Sections 405.2 through 405.9 ~~shall be conducted not less than annually where fire safety and evacuation plans are required by Section 403 or where required by the fire code official.~~ Drills shall be designed in cooperation with the local authorities.

**SECTION 510.1 is hereby amended to read as follows:**

**510.1 Emergency responder radio coverage in new buildings.** When required by the fire code official, all new buildings, existing buildings to which additions or alterations are made, and buildings which occupancy is changed shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems of the jurisdiction at the exterior of the building. This section shall . . .

**SECTION 806.1.1 is hereby amended to read as follows:**

**806.1.1 Restricted occupancies.** Natural cut trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.

**Exceptions:**

1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2.
2. Trees shall be allowed within dwelling units in Group R-2 occupancies.
3. For purposes of this provision, churches shall not be deemed public buildings and may utilize natural or resin bearing cut trees in the altar area of the church. No electric lighting is allowed on the tree.

**SECTION 903.3.1 is hereby amended to read as follows:**

**903.3.1 Standards.** Sprinkler systems shall be designed with a 5 psi safety margin and installed in accordance with Section 903.3.1.1, unless otherwise permitted by Sections 903.3.1.2 or 903.3.1.3 and other chapters of this code, as applicable.

**SECTION 903.3.1.1 is hereby amended to read as follows:**

**903.3.1.1 NFPA 13 sprinkler systems.** Where the provisions of this code require that a building or portion thereof be equipped throughout with an *automatic sprinkler system* in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1 and 903.3.1.1.2.

Sprinkler heads in unoccupied mall tenant spaces may be installed at ceiling height if allowed by the code official. Permission will be granted on an individual basis. Combustible storage shall not be allowed in these unoccupied tenant spaces if sprinkler heads are installed at ceiling height. Signage shall be provided outlining the storage restrictions.

**SECTION 905.1 is hereby amended to add the following:**

**905.1.1 Stand pipe hose.** The installation of fire hose on standpipes may be omitted when approved by the fire code official. Approved standpipe hose valves and connections shall be provided where required.

**SECTION 906.1 is hereby amended to add the following:**

**906.1 Where required.** Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

**Exception:** in Group R-2 occupancies, portable fire extinguishers shall be required only in common areas and in locations specified in Items 2 through 6 ~~where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.~~

**SECTION 907.8.3 is hereby deleted in its entirety.**

**SECTION 1011.5.2, Exception 3 is hereby amended to and Exception 6 is hereby added to read as follows:**

**1011.5.2 Riser height and tread depth.** Stair riser heights shall ...

**Exceptions:**

1. *Spiral stairways . . .*
3. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be ~~7¾ inches (197 mm)~~ 8 inches; the minimum tread depth shall be ~~10 inches (254 mm)~~ 9 inches; ...
6. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public are permitted to have a maximum 8-inch riser height and minimum 9-inch tread depth.

**CHAPTER 11 is hereby deleted in its entirety.**

**SECTION 2303.1 is hereby amended to read as follows:**

**2303.1 Location of dispensing devices.** Dispensing devices shall . . .

1. Ten feet (3048 mm) or ...
6. On new installations, dispensing devices used to fill portable containers with home heating fuels shall not be located on the same island where Class I liquids are dispensed.

**SECTION 5704.2.9.6.1 is hereby amended to read as follows:**

**5704.2.9.6.1 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings shall be installed only in areas allowed per Section 6-0104 of the City of West Fargo Ordinances ~~is prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Legislation for Adoption of the *International Fire Code* on page xxi).~~

**SECTION 5074.2.13.1.4 is hereby amended to read as follows:**

**5704.2.13.1.4 Tanks abandoned in place.** Tanks abandoned in place shall be as follows:

1. Flammable and combustible liquids ...
7. Site assessment is required to determine if there are any spills, leaks, or discharge from the tank system. Records of site assessment shall be kept on the site of tank location.

**SECTION 5705.3.7.5.1 is hereby to read as follows:**

**5705.3.7.5.1 Ventilation.** Continuous mechanical ventilation shall . . .

**Exception:**

1. Where natural ventilation can be shown to be effective for the materials used, dispensed or mixed.
2. When approved by the chief, continuous ventilation may be provided for one complete air change per hour, if supplemented with mechanical ventilation designed to provide for a complete air change six times per hour. The non-continuous ventilation equipment and any lighting fixtures shall be operated by the same switch located outside of the door.

**SECTION 5806.2 is hereby amended to read as follows:**

**5806.2 Limitations.** Storage of flammable *cryogenic fluids* in stationary containers outside of buildings shall be installed only in areas allowed per Section 6-0104 of the City of West Fargo Ordinances ~~is prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Legislation for Adoption of the *International Fire Code* on page xxi).~~

**SECTION 6103.2.1.6 is hereby amended to read as follows:**

**6103.2.1.6 Use with self-contained torch assemblies.** Portable LP-gas containers are allowed to be used to supply *approved* self-contained torch assemblies or similar appliances. Such containers shall not exceed a water capacity of ~~2½ pounds (1 kg)~~ 12 pounds.

**APPENDIX B “Fire-Flow Requirements for Buildings” is adopted and enacted in its entirety.**

**APPENDIX C “Fire Hydrant Locations and Distribution” is adopted and enacted in its entirety.**

**APPENDIX D "Fire Apparatus Access Roads" is adopted and enacted in its entirety.**

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

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

ATTEST:

\_\_\_\_\_  
City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

ORDINANCE NO. 1085

AN ORDINANCE TO AMEND AND REENACT SECTION 7-0201 AND TO REPEAL AND REENACT SECTION 7-0202 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO THE INTERNATIONAL FUEL GAS CODE.

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

SECTION 1. Section 7-0201 of the Revised Ordinances of 1990 of the City of West Fargo is hereby amended and reenacted to read as follows:

7-0201. ADOPTION OF INTERNATIONAL FUEL GAS CODE. There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing standards, relative to housing in the City of West Fargo, that certain code known as the International Fuel Gas Code, recommended and compiled by the International Conference of Building Officials, being particularly the ~~2012~~ 2015 edition thereof, as the same are now established in said code, a copy of which is on file in the office of the Auditor for the City of West Fargo, with the exception of the sections hereinafter set forth affecting local conditions of the City of West Fargo, which sections shall be substituted for and in lieu of like sections or paragraphs in said International Fuel Gas Code; the Board of City Commissioners of said City of West Fargo, by this section hereby approves and adopts such rules and regulations, so modified, for the use and application within the city limits of West Fargo, North Dakota, as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the ~~2012~~ 2015 edition of the Code may be adopted by the City by resolution.

SECTION 2. Section 7-0202 of the Revised Ordinances of 1990 of the City of West Fargo is hereby repealed and reenacted to read as follows:

7-0202. AMENDMENT TO INTERNATIONAL FUEL GAS CODE. The International Fuel Gas Code, as adopted in Section 7-0201 is hereby changed and amended as follows:

**SECTION 101.1 is hereby amended to read as follows:**

**101.1 Title.** These regulations shall be known as the *International Fuel Gas Code* of ~~[NAME OF JURISDICTION]~~ the City of West Fargo, hereinafter referred to as “this code.”

**SECTION 103.4 is hereby amended to read as follows:**

**103.4 Liability.** The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered ~~civilly or criminally~~ liable personally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

**SECTION 103.4.1 is hereby deleted in its entirety.**

**SECTION 106.5.8 is hereby deleted in its entirety.**

**SECTION 106.6.2 is hereby amended as follows:**

**106.6.2 Fee schedule.** The fees for mechanical work shall be as indicated in the ~~following~~ schedule as established by the West Fargo Board of City Commissioners.

**SECTION 106.6.3 is hereby amended as follows:**

**106.6.3 Fee refunds.** The code official ~~shall~~ is authorized to order the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than ~~[SPECIFY PERCENTAGE]~~ eighty [80] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than ~~[SPECIFY PERCENTAGE]~~ eighty [80] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

**SECTION 108.4 is hereby amended as follows:**

**[A] 108.4 Violation penalties.** Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be ~~guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment~~ subjected to penalties as prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**SECTION 109 is hereby deleted in their entirety.**

**SECTION 201.3 is hereby amended to read as follows:**

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code, International Fire Code, International Fuel Gas Code, National Electrical Code and the North Dakota State Wiring Standards* or the *International North Dakota State Plumbing Code*, such terms shall have meanings ascribed to them as in those codes.

**SECTION 303.3 is hereby amended to read as follows:**

**303.3 Prohibited locations.** Appliances shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

1. The *appliance* is a direct-vent *appliance* installed in accordance with the conditions of the listing and the manufacturer's instructions.
2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section 304.5.
- ~~3. A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in Section 621.6 and has an input rating not greater than 6,000 Btu/h (1.76 kW). The bathroom shall meet the required volume criteria of Section 304.5.~~
- ~~4. A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section 621.6 and has an input rating not greater than 10,000 Btu/h (2.93 kW). The bedroom shall meet the required volume criteria of Section 304.5.~~
- 5.3. The *appliance* is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an *approved* self-closing device. All *combustion air* shall be taken directly from the outdoors in accordance with Section 304.6.

**SECTION 304.6.1 is hereby amended to read as follows:**

**304.6.1 Two-permanent-openings method.** Two permanent openings, one commencing within . . .

Where directly communicating with the outdoors, or where communicating with the outdoors through vertical ducts, each opening shall have a minimum

free area of 1 square inch per 4,000 Btu/h (550 mm<sup>2</sup>/kW) of total input rating of all appliances in the enclosure. [see Figures 304.6.1(1) and 304.6.1(2)].

Where communicating . . .

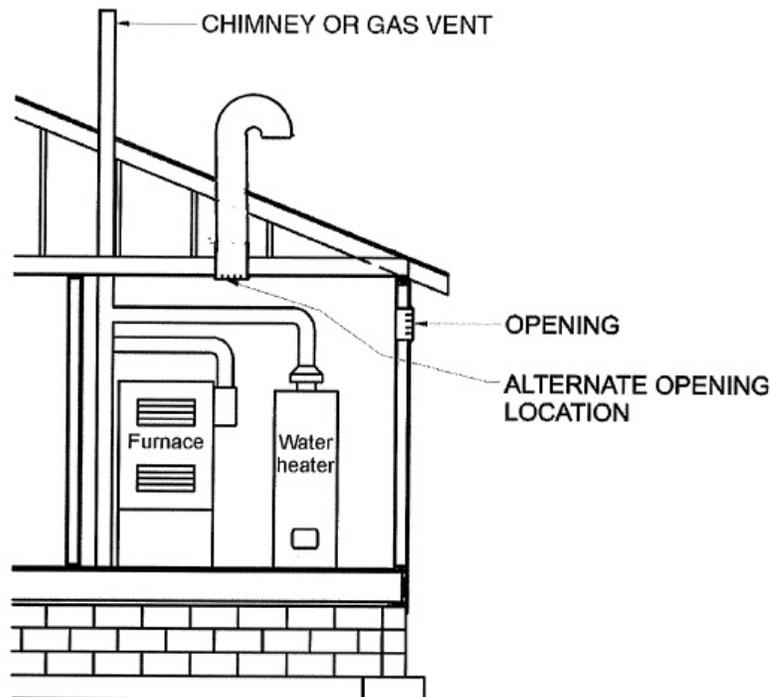
**FIGURE 304.6.1 (1) is hereby deleted in its entirety.**

**FIGURE 304.6.1 (2) is hereby deleted in its entirety.**

**SECTION 304.6.2 is hereby amended to read as follows:**

**304.6.2 One-permanent-opening method.** One permanent opening, commencing within 12 inches (305 mm) of the top of the enclosure, shall be provided. The *appliance* shall have clearances of at least 1 inch (25 mm) from the sides and back and 6 inches (152 mm) from the front of the *appliance*. The opening shall directly communicate with the outdoors or through a vertical or horizontal duct to the outdoors, ~~or spaces that freely communicate with the outdoors~~ (see Figure 304.6.2) and shall have a minimum free area of 1 square inch per 3,000 Btu/h (734mm<sup>2</sup>/kW) of the total input rating of all appliances located in the enclosure and not less than the sum of the areas of all vent connectors in the space.

**FIGURE 304.6.2 is hereby amended to reference an alternate opening location as shown.**



**SECTION 304.11 hereby amended as follows:**

**304.11 Combustion air ducts.** *Combustion air* ducts shall . . .

1. Ducts shall . . .
5. Ducts shall not ~~be screened where terminating~~ terminate in an attic space.
6. Horizontal upper . . .

**SECTION 403.3 is hereby amended to read as follows:**

**403.3 Other materials.** Material not covered by the standards specifications listed herein shall be investigated and tested to determine that it is safe and suitable for the proposed service, and, in addition, shall be recommended for that service by the manufacturer and shall be *approved* by the code official. Listed LPG hose may be used with natural gas when used for temporary heating at a maximum length of 50 feet.

**SECTION 403.10.1.1 is hereby added to read as follows:**

**403.10.1.1** Gas Supply systems with pressures 5 psig or greater and gas pipe joints 2½ inches or larger, regardless of pressure, shall be welded.

**SECTION 403.10.4 to hereby amended to read as follows:**

**403.10.4 Metallic fittings.** Metallic fittings shall . . .

1. Threaded fittings in sizes ~~larger than 4 inches (102mm)~~ 2½ inches or larger shall not be used except where *approved*.
2. Fittings used . . .

**SECTION 406.4 is hereby amended to read as follows:**

**406.4 Test pressure measurement.** Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. ~~Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure. Dial gauges used to measure test pressures shall be performed with gauges of 2 psi~~ incrimination or less and have a range not exceeding 100 psi unless otherwise approved.

**SECTION 406.4.1 is hereby amended to read as follows:**

**406.4.1 Test pressure.** The test pressure to be used shall be no less than 1 1/2 times the proposed maximum working pressure, but not less than ~~3 psig (20 kPa gauge)~~ 25 psig, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress

in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

**SECTION 408.2 is hereby amended to read as follows:**

**408.2 Drips.** Where wet gas exists, a drip shall be provided at any point in the line of pipe where condensate could collect. ~~A drip shall also be provided at the outlet of the meter and shall be installed so as to constitute a trap wherein an accumulation of condensate will shut off the flow of gas before the condensate will run back into the meter.~~

**SECTION 411.2 is hereby amended to read as follows:**

**411.2 Manufactured home connections.** Manufactured homes shall be connected to the distribution *piping* system by ~~one of the following materials:~~

- ~~1. Metallic pipe in accordance with Section 403.4.~~
- ~~2. Metallic tubing in accordance with Section 403.5.~~
3. Listed and labeled connectors in compliance with ANSI Z21.75/CSA 6.27 and installed in accordance with the manufacturer's installation instructions.

**SECTION 415.1 is hereby amended to add the following:**

**415.1 Interval of support.** *Piping* shall be supported at intervals not exceeding the spacing specified in Table 415.1. Spacing of supports for CSST shall be in accordance with the CSST manufacturer's instructions. In addition to the requirements of Table 415.1, piping and tubing shall be supported within 2 feet of every bend or angle.

**SECTION 501.8 is hereby amended by deleting item 8 and renumbering as follows:**

**501.8 Appliances not to be vented.** The following appliances . . .

1. Ranges. . . .
- ~~8. Room heaters *listed* for unvented use.~~
- ~~9.~~ 8. Direct-fired makeup air heaters.
- ~~10.~~ 9. Other appliances *listed* for unvented use and not provided with flue collars.
- ~~11.~~ 10. Specialized equipment of limited input such as laboratory burners and gas lights.

**SECTION 501.12 is hereby amended to read as follows:**

**501.12 Residential and low-heat appliances flue lining systems.** Flue lining systems for use with residential-type and low-heat appliances shall be limited to the following:

1. Clay flue lining complying with the requirements of ASTM C 315 or equivalent when each appliance connected into the masonry chimney has a minimum input rating greater than 400,000 Btu/h. Clay flue lining shall be installed in accordance with the *International Building Code*.
2. *Listed* chimney lining systems complying with UL1777.
3. Other *approved* materials that will resist, without cracking, softening or corrosion, flue gases and condensate at temperatures up to 1,800°F (982°C).
  - a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches thick to 8 inches diameter.
  - b. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge (0.018 inches thick) to 8 inches diameter or not less than 24 gauge (0.024 inches thick) 8 inches diameter and larger.

When a metal liner is used other than a listed chimney liner a condensation drip tee shall be installed and supported in an approved manner.

**SECTION 503.5.3 is hereby amended to read as follows:**

**503.5.3 Masonry chimneys.** Masonry chimneys shall be built and installed in accordance with NFPA 211 and shall be lined ~~with *approved* clay flue lining, a *listed* chimney lining system or other *approved* material that will resist corrosion, erosion, softening or cracking from vent gases at temperatures up to 1,800°F (982°C).~~ as per sec. 501.12.

**SECTION 503.5.6.1 is hereby amended to read as follows:**

**503.5.6.1 Chimney lining.** Chimneys shall be lined in accordance with NFPA 211 and Section 501.12.

**Exception:** Where an existing chimney complies with Sections 503.5.6 through 503.5.6.3 and its sizing is in accordance with Section 503.5.5, its continued use shall be allowed ~~where the *appliance* vented by such chimney is replaced by an *appliance* of similar type, input rating and efficiency.~~ when, in more than one appliance venting system the secondary appliance, such as a water heater, is replaced and the primary heating appliance remains.

**SECTION 621 is hereby deleted in its entirety.**

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

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

ATTEST:

\_\_\_\_\_  
City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

ORDINANCE NO. 1086

AN ORDINANCE TO AMEND REENACT SECTION 7-0106 AND TO REPEAL AND REENACT SECTION 7-0107 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO THE INTERNATIONAL MECHANICAL CODE.

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

SECTION 1. Section 7-0106 of the Revised Ordinances of 1990 of the City of West Fargo is hereby amended reenacted to read as follows:

7-0106. STANDARDS ADOPTED. The following standards are hereby adopted for all heating, air conditioning and other gas, oil, or coal consuming appliances within the City limits of West Fargo, as well as for any area within the extraterritorial zoning jurisdiction of the City.

1. All heating, air conditioning, or other gas, oil, or coal consuming appliances for either domestic or commercial use installed in the City of West Fargo shall bear a seal of approval from the American Gas Association, American Standards Association, Underwriters Laboratories, or other nationally recognized testing laboratory.
2. The provisions of the International Mechanical Code, sponsored by the International Code Council, ~~2012~~ 2015 edition, is hereby adopted as the mechanical code. Any amendments to the ~~2012~~ 2015 edition of the International Mechanical Code may be adopted by the City by resolution.

7-0107. MODIFICATIONS OF INTERNATIONAL MECHANICAL CODE. The International Mechanical Code as adopted in Section 7-0106(2) is hereby changed and amended to read as follows:

**SECTION 101.1 is hereby amended to read as follows:**

**101.1 Title.** These regulations shall be known as the *Mechanical Code* of ~~[NAME OF JURISDICTION]~~ the City of West Fargo, hereinafter referred to as "this code."

**SECTION 103.4 is hereby amended to read as follows:**

**103.4 Liability.** The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered ~~civily or criminally~~ liable personally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to

persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

**SECTION 103.4.1 is hereby deleted in its entirety.**

**SECTION 106.4.8 is hereby deleted in its entirety.**

**SECTION 106.5.2 is hereby amended as follows:**

**106.5.2 Fee schedule.** The fees for mechanical work shall be as indicated in the following schedule as established by the West Fargo Board of City Commissioners.

**SECTION 106.5.3 is hereby amended as follows:**

**106.5.3 Fee refunds.** The code official ~~shall~~ is authorized to order the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than ~~[SPECIFY PERCENTAGE]~~ eighty [80] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than ~~[SPECIFY PERCENTAGE]~~ eighty [80] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

**SECTION 108.4 is hereby amended as follows:**

~~[A] 108.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment subject to penalties as prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

**SECTION 109 is hereby deleted in its entirety.**

**SECTION 201.3 is hereby amended to read as follows:**

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code, International Fire Code, International Fuel Gas Code, National Electrical Code and the North Dakota State*

Wiring Standards or the ~~International~~ North Dakota State Plumbing Code, such terms shall have meanings ascribed to them as in those codes.

**SECTION 305.4 is hereby amended to read as follows:**

**305.4 Interval of support.** Piping shall be supported at distances not exceeding the spacing specified in Table 305.4, or in accordance with MSS SP-69. In addition to the requirements of Table 305.4, piping and tubing shall be supported within 2 feet (610 mm) of every bend or angle.

**SECTION 307.2.2 is hereby amended to read as follows:**

**307.2.2 Drain pipe materials and sizes.** Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polybutylene, polyethylene, ABS, CPVC or PVC pipe or tubing. All components shall be selected for the pressure and temperature rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of ~~Chapter 7 of the International~~ the North Dakota State Plumbing Code relative to the material type. Condensate waste and drain line shall be not less than 3/4-inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 307.2.2.

**SECTION 401.2 is hereby amended as follows:**

**401.2 Ventilation required.** Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical ventilation in accordance with Section 403. ~~Where the air infiltration rate in a dwelling unit is less than 5 air changes per hour when tested with a blower door at a pressure of 0.2 inch water column (50 Pa) in accordance with Section 402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403:~~

**SECTION 403.1 is hereby amended as follows:**

**403.1 Ventilation system.** Mechanical ventilation shall be provided by a method of supply air and return or *exhaust air* ~~except that mechanical ventilation air requirements for Group R-2, R-3 and R-4 occupancies three stories and less in height above grade plane shall be provided by an exhaust system, supply system or combination thereof.~~ The amount of supply air shall be approximately equal to the amount of return and exhaust air. The system shall not be prohibited from producing negative or positive pressure. The system to convey ventilation air shall be designed and installed in accordance with Chapter 6.

**SECTION 504.8.2 is hereby amended as follows:**

**504.8.2 Duct installation.** Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws ~~or similar fasteners that protrude more than 1/8 inch (3.2 mm) into the inside of the duct.~~

**SECTION 505.2 is hereby amended as follows:**

**505.2 Makeup air required.** Exhaust hood systems capable of exhausting in excess of 400 cfm (0.19 m<sup>3</sup>/s) shall be provided with *makeup air* at a rate in excess of 400 cfm ~~approximately equal to the exhaust air rate~~. Such *makeup air* systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

**SECTION 508.2 is hereby amended to read as follows:**

**Section 508.2. Compensating hoods.** Manufacturers of compensating hoods shall provide a label indicating minimum exhaust flow and/or maximum makeup airflow that provides capture and containment of the exhaust effluent. Short circuit compensating hoods are prohibited.

**SECTION 508.2.1 is hereby added to read as follows:**

**508.2.1 Compensating Hood Make-up Air.** Compensating hoods shall extract at least 40% of the required exhaust air flow from the kitchen area.

**SECTION 701.2 is hereby added to read as follows:**

**701.2 Attic space.** Attic space shall not be used for combustion air.

**SECTION 908.5 is hereby amended as follows:**

**908.5 Water supply.** Cooling towers, evaporative coolers and fluid coolers shall be provided with an approved water supply, sized for peak demand. The quality of water shall be provided in accordance with the equipment manufacturer's recommendations. The piping system and protection of the potable water supply system shall be installed as required by the ~~International~~ North Dakota State Plumbing Code

**SECTION 1007.2 is hereby deleted in its entirety.**

**SECTION 1104.2 is hereby amended to add the following new third exception:**

**1104.2 Machinery room. ...**

**Exceptions: ...**

3. If an existing refrigerating system is replaced or if an existing refrigeration plant is increased by not more than 50% of its original capacity, but not more than 100 tons per system using a nonflammable class A1 or B1 refrigerant and the refrigeration machinery room was not provided in the original installation prior to 1994, a refrigeration machinery room shall not be required. If the existing refrigeration is not located in a general machinery room separated from occupied spaces, a refrigeration machinery room shall be provided. The space containing the refrigeration machinery shall meet the requirements of Section 1104.3.4, protection from refrigerant decomposition, and Section 1105.3, requiring refrigerant

detection. If the requirements of 1104.3.4 and 1105.3 cannot be met, a refrigeration machinery room shall be provided.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

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

ATTEST:

\_\_\_\_\_  
City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

ORDINANCE NO. 1087

AN ORDINANCE TO AMEND AND REENACT SECTION 5-0501 AND TO REPEAL AND REENACT SECTION 5-0502 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

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

SECTION 1. Section 5-0501 of the Revised Ordinances of 1990 of the City of West Fargo is hereby amended and reenacted to read as follows:

5-0501. ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE. There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing standards, relative to housing in the City of West Fargo, that certain code known as the International Property Maintenance Code, recommended and compiled by the International Code Council, being particularly the ~~2012~~ 2015 edition thereof, as the same are now established in said code, a copy of which is on file in the office of the Building Administrator for the City of West Fargo, with the exception of the sections hereinafter set forth affecting local conditions of the City of West Fargo, which sections shall be substituted for and in lieu of like sections or paragraphs in said International Property Maintenance Code; the Board of City Commissioners of said City of West Fargo, by this section hereby approves and adopts such rules and regulations, so modified, for the use and application within the city limits of West Fargo, North Dakota. Provided, that any amendments of the ~~2012~~ 2015 edition of the Code may be adopted by the City by resolution.

SECTION 2. Section 5-0502 of the Revised Ordinances of 1990 of the City of West Fargo is hereby repealed and reenacted to read as follows:

5-0502. AMENDMENT TO INTERNATIONAL PROPERTY MAINTENANCE CODE. The International Property Maintenance Code, as adopted in Section 5-0501 is hereby changed and amended as follows:

**SECTION 101.1 is hereby amended to read as follows:**

**101.1 Title.** These regulations shall be known as the *Property Maintenance Code* of ~~[NAME OF JURISDICTION]~~ the City of West Fargo, hereinafter to as "this code."

**SECTION 102.3 is hereby amended to read as follows:**

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of ~~the International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and the NFPA 70~~ all applicable ordinances adopted by the City of West Fargo. ~~Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.~~

**SECTION 103.4 is hereby amended to read as follows:**

**R103.4 Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be ~~civily or criminally~~ rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

**SECTION 103.4.1 is hereby deleted in its entirety.**

**SECTION 103.5 is added to read as follows:**

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule:

- A. Initial Inspection - No charge
- B. First Re-inspection - No charge
- C. Second Re-inspection - As to the second re-inspection, a fee of \$100
- D. Third Re-inspection - as to the third re-inspection, a fee of \$100
- E. Fourth and continuing Re-inspection - as to the fourth and any subsequent re-inspection, a fee of \$100

**SECTION 111 is hereby deleted in its entirety.**

**SECTION 112.4 is hereby amended to read as follows:**

**112.4 Failure to comply.** Any person who shall continue any work after been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars~~ subject to penalties prescribed by law.

**SECTION 201.3 is hereby amended to add the following:**

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, ~~International Zoning Code~~ or NFPA 70, such terms shall have meanings ascribed to them as in those codes.

Throughout this code, wherever reference is made to the International Plumbing Code it shall mean the North Dakota State Plumbing Code. Throughout this code, wherever reference is made to the ICC Electrical Code it shall mean the National Electrical Code together with the North Dakota State Wiring Standards.

**SECTION 302.4 is hereby amended to read as follows:**

**302.4 Weeds.** All *premises* and *exterior property* shall be maintained free from weeds or plant growth ~~in excess of (jurisdiction to insert height in inches)~~ as per the City of West Fargo Ordinances. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

**SECTION 304.14 is hereby amended to read as follows:**

**304.14 Insect screens.** During the period from ~~[DATE]~~ April 1<sup>st</sup> to ~~[DATE]~~ October 31<sup>st</sup>, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**SECTION 602.2 is hereby amended to read as follows:**

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms ~~based on the winter outdoor design temperature for the~~

~~locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.~~

~~**Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~

**SECTION 602.3 is hereby amended to read as follows:**

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from ~~[DATE]~~ September 15<sup>th</sup> to ~~[DATE]~~ June 1<sup>st</sup> to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity: ~~The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.~~
2. ~~In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.~~

**SECTION 602.4 is hereby amended to read as follows:**

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from ~~[DATE]~~ September 15<sup>th</sup> to ~~[DATE]~~ June 1<sup>st</sup> to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**SECTION 603.2 is hereby amended to read as follows:**

**603.2 Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

~~**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.~~

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

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

ATTEST:

\_\_\_\_\_  
City Auditor

Date of First Reading:            June 16, 2014

Date of Second Reading:        July 7, 2014

Date of Publication:            July 16, 2014

ORDINANCE NO. 1088

AN ORDINANCE TO AMEND AND REENACT SECTION 5-0701 AND TO REPEAL AND REENACT SECTION 5-0702 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO THE INTERNATIONAL RESIDENTIAL CODE.

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

SECTION 1. Section 5-0701 of the Revised Ordinances of 1990 of the City of West Fargo is hereby amended and reenacted to read as follows:

5-0701. ADOPTION OF INTERNATIONAL RESIDENTIAL CODE. There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing standards, relative to housing in the City of West Fargo, that certain code known as the International Residential Code, recommended and compiled by the International Code Council, being particularly the ~~2012~~ 2015 edition thereof, as the same are now established in said code, a copy of which is on file in the office of the Building Administrator for the City of West Fargo, with the exception of the sections hereinafter set forth affecting local conditions of the City of West Fargo, which sections shall be substituted for and in lieu of like sections or paragraphs in said International Residential Code; the Board of City Commissioners of said City of West Fargo, by this section hereby approves and adopts such rules and regulations, so modified, for the use and application within the city limits of West Fargo, North Dakota, as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the ~~2012~~ 2015 edition of the Code may be adopted by the City by resolution.

SECTION 2. Section 5-0702 of the Revised Ordinances of 1990 of the City of West Fargo is hereby repealed and reenacted to read as follows:

5-0702. AMENDMENT TO INTERNATIONAL RESIDENTIAL CODE. The International Residential Code, as adopted in Section 5-0701 is hereby changed and amended as follows:

**SECTION R101.1 is hereby amended to read as follows:**

**R101.1 Title.** These provisions shall be known as the *Building Code* of ~~[NAME OF JURISDICTION]~~ the City of West Fargo, and shall be cited as such and will be referred to herein as “this code.”

**SECTION R104.8 is hereby amended to read as follows:**

**R104.1 General.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code. While acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be ~~civily or criminally~~ rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the

discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

**SECTION R104.8.1 is hereby deleted in its entirety.**

**SECTION R104.10.1 is hereby deleted in its entirety.**

**SECTION R105.2 is hereby amended to read as follows:**

**R105.2 Work exempt from permit.** Exemptions . . .

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area is not greater than 120 square feet (11 m<sub>2</sub>).
2. Fences not over ~~7 8.5~~ feet (~~2134~~ 2591 mm) high.
3. Retaining walls that are not . . .
7. ~~Prefabricated~~ Swimming pools that are less than 24 inches (610 mm) deep. . . .
10. Decks not exceeding ~~200~~ 120 square feet (~~18.58~~ m<sup>2</sup>) in area, that are not more than ~~30~~ 7 inches (~~762 mm~~) above *grade* at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

**SECTION R105.3.1 is hereby deleted in its entirety.**

**SECTION R106.1.4 is hereby deleted in its entirety.**

**SECTION R108.3 is hereby amended to read as follows:**

**R108.3 Building permit valuations.** Building *permit* valuation shall include total value of the work for which a *permit* is being issued, such as electrical, gas, mechanical, plumbing *equipment* and other permanent systems, including materials and labor. If, in the opinion of the building official, the valuation is underestimated

on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

**SECTION R201.3 is hereby amended to read as follows:**

**Section R201.3 Terms defined in other codes.** Where terms are not defined in this code such terms shall have meanings ascribed to them as in other code publications of the International Code Council. Wherever the term “International Plumbing Code” and/or “International Private Sewage Disposal Code” is used in the International Residential Code, it shall mean the North Dakota State Plumbing Code. Wherever the term ‘ICC Electrical Code’ is used in the International Residential Code, it shall mean the National Electrical Code together with the North Dakota State Wiring Standards. Wherever reference is made to flood plain requirements, it shall mean the West Fargo Flood Damage Prevention Ordinance together with the West Fargo Flood Proofing Code.

**TABLE R301.2.1 is hereby amended to read as follows:**

GROUND SNOW LOAD	WIND SPEED				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM		
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>	Special wing region <sup>l</sup>	Wind- borne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>
50 psf	115	no	no	no	Zone A	Severe	4.5 feet	none

WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT REQUIRED	Flood HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>h</sup>	MEAN ANNUAL TEMP <sup>j</sup>
-18	YES	1978	4000	41.5

**SECTION R301.2.4 is hereby deleted in its entirety.**

**(Remainder of page intentionally left blank)**

**TABLE R302.1(1) is hereby amended to read as follows:**

**TABLE 302.1(1)  
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls <sup>c</sup>	Fire-resistance rated	1 hour - tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< <del>5</del> <u>3</u> feet
	Not fire-resistance rated	0 hours	≥ <del>5</del> <u>3</u> feet
Projections	Not allowed	N/A	< 2 feet
	Fire-resistance rated	1 hour on the underside <sup>a b</sup>	≥ 2 feet to < <del>5</del> <u>3</u> feet
	Not fire-resistance rated	0 hours	<del>5</del> <u>3</u> feet
Openings	Not allowed	N/A	< 3 feet
	25% Maximum of Wall Area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section 304.2	< 3 feet
		None Required	3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable.

a. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave if fireblocking is provided from the all top plate to the underside of the roof sheathing.

b. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided that gable vent openings are not installed.

c. A common 2-hour fire-resistance-rated wall assembly is permitted for two or more family dwellings where the common wall is on a property line provided such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with national Electrical Code together with the North Dakota State Wiring Standards. Penetrations of electrical outlet boxes shall be in accordance with Section 302.4

**SECTION R302.2 is hereby amended to read as follows:**

**R302.2 Townhouses.** Common walls separating *townhouses* . . .

1. . . .

2. Where a fire sprinkler system in accordance with Section P2904 is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly or two 1-hour-fire-resistance wall assemblies tested in accordance with ASTM E 119 or UL 263

**SECTION R302.5.1 is hereby amended to read as follows:**

**R302.5.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb- core steel doors not less than 13/8 inches (35 mm) thick, ~~or 20-minute fire-rated doors, equipped with a self-closing device.~~

**SECTION R303.4 is hereby deleted in its entirety.**

**SECTION R307.1 is hereby amended to read as follows:**

**Section R307.1 Space required.** Fixtures shall be spaced in accordance with ~~Figure R307.1, and in accordance with the requirements of Section P2705.1~~ the North Dakota State Plumbing code and per Figure R30701, with the exception of the clearance in front of water closets and bidets which shall be 24 inches.

**SECTION R309.3 is hereby deleted in its entirety.**

**SECTION R310.2.2 is hereby amended to read as follows:**

**R310.2.2 Window sill height.** Where a window is provided as the emergency escape and rescue opening, it shall have a sill height of not more than 44 inches (1118 mm) above the floor; where the sill height is below grade, it shall be provided with a window well in accordance with Section R310.2.3. Sill height shall be measured from the finished floor to the bottom of the clear opening.

**Exception:** Below grade emergency escape and rescue windows may have a maximum sill height of 48 inches.

**SECTION R310.2.3.1 is hereby amended to read as follows:**

**R310.2.3.1 Ladder and steps.** Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position, or shall be equipped with a permanently-attached platform at least 30 inches by 16 inches. The maximum distance between the top of the window well and a platform shall be 42 inches and shall not impede the operation of the window. Ladders or steps required by this section shall not be required to comply with Sections R311.7 and R311.8. Ladders or rungs shall have an inside width of not less than 12 inches (305 mm), shall project not less than 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

**Exception:** Terraced window wells with a maximum of 24 inches per vertical rise and minimum 12 inches per horizontal projection on each level shall also be allowed.

**SECTION R311.3 is hereby amended to read as follows:**

**R311.3 Floors and landings at exterior doors.** There shall be a landing or floor on each side of each exterior door. The width of each landing shall be not less than the door served. Every landing shall have a dimension of not less than 36 inches (914 mm) measured in the direction of travel. The slope at exterior landings shall not exceed 1/4 unit vertical in 12 units horizontal (2 percent).

**Exceptions:**

1. Exterior balconies less than 60 square feet (5.6 m<sup>2</sup>) and only accessible from a door are permitted to have a landing less than 36 inches (914 mm) measured in the direction of travel.
2. A landing is not required on the outside of exterior doors other than the required egress door, where a stairway with a total rise of less than 30 inches (762 mm) is located on the exterior side of the door, provided the door does not swing over the stairway.

**SECTION R311.3.1 is hereby amended to read as follows:**

**R311.3.1 Floor elevations at the required egress doors.** Landings or finished floors at the required egress door shall not be more than 1 1/2 inches (38 mm) lower than the top of the threshold.

**Exception:** The landing or floor on the exterior side shall not be more than ~~7 3/4~~ 8 inches (~~196 mm~~) below the top of the threshold provided the door does not swing over the landing or floor.

Where exterior landings or floors serving the required egress door are not at *grade*, they shall be provided with access to *grade* by means of a ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.

**SECTION R311.3.2 is hereby amended to read as follows:**

**R311.3.2 Floor elevations for other exterior doors.** Doors other than the required egress door shall be provided with landings or floors not more than ~~7 3/4~~ 8 inches (~~196 mm~~) below the top of the threshold.

**Exception:** A ~~top~~ landing is not required where a stairway ~~of not more than two risers~~ with a total rise of not less than 30 inches (762 mm) is located on the exterior side of the door, provided that the door does not swing over the stairway.

**SECTION R311.7.5.1 is hereby amended to read as follows:**

**Section R311.7.5.1 Risers.** The riser height shall be not more than ~~7 3/4~~ 8 inches (~~196 mm~~). The riser shall . . .

**SECTION R311.7.5.2 is hereby amended to read as follows:**

**Section R311.7.5.2 Treads.** The tread depth shall be not less than ~~±0 8~~ inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**Exception:** Where a landing is not provided or required by Section R311.3, R311.3.2 or R311.7.6, the top tread of a stair serving exterior doors other than the required exit door, and in-swinging doors opening into an attached garage, shall be permitted to exceed the smallest tread by more than 3/8 inch (9.5 mm). Such a tread shall be at least 18 inches (457 mm) measured in the direction of travel.

**SECTION R311.7.5.2.1 is hereby amended to read as follows:**

**R311.7.5.2.1 Winder treads.** Winder treads shall have a minimum tread depth of ~~±0 9~~ inches (254 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a read depth of . . .

**SECTION R311.7.6 is hereby amended to read as follows:**

**Section R311.7.6 Landings for stairways.** There shall be a floor or landing at the top and bottom of each stairway. The width perpendicular to the direction of travel shall be not less than the width of the flight served. Landings of shapes other than square or rectangular shall be permitted provided that the depth at the walk line and the total area is not less than that of a quarter circle with a radius equal to the required landing width. Where the stairway has a straight run, the depth in the direction of travel shall be not less than 36 inches (914 mm).

**Exception:**

1. A floor or landing is not required at the top of an interior flight of stairs, including stairs in an enclosed garage, provided a door does not swing over the stairs.
2. A landing is not required at the top of an exterior flight of stairs with a total rise of less than 30 inches, provided the door does not swing over the stairway.

**SECTION R312.1.1 is hereby amended to read as follows:**

**R312.1.1 Where Required.** *Guards* shall be located along open-sided walking surfaces, ~~including~~ stairs, ramps and landings that are located more than 30 inches (762 mm) measured vertically to the floor or *grade* below. ~~at any point within 36 inches (914 mm) horizontally to the edge of the open side.~~ Insect screening shall not be considered as a *guard*.

**SECTION R313.1 is hereby amended to read as follows:**

**R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in townhouses where the townhouses are located on a private street or private fire department access road that is required to greater than 150 feet in length as required by Section 503 of the International Fire Code.

**SECTION R313.1.1 is hereby amended to read as follows:**

**R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with ~~Section P2904 or NFPA 13D, NFPA 13R or NFPA 13.~~

**SECTION R313.2 is hereby deleted in its entirety.**

**SECTION R313.2.1 is hereby deleted in its entirety.**

**SECTION R314.3 is hereby amended to read as follows:**

**R314.3 Location.** Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
5. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke alarms shall be installed in the hallway and the adjacent room.

**SECTION R322 is hereby deleted in its entirety.**

**SECTION R326 is hereby deleted in its entirety.**

**SECTION R401.1 is hereby amended to read as follows:**

**R401.1 Application.** The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in flood hazard areas ~~as established by Table R301.2(1)~~ shall meet the provisions of Section R322 the West Fargo Flood Proofing Code (Section 5-04) and any other applicable requirements of the City of West Fargo. Wood foundations shall be designed and installed in accordance with AWC PWF.

**Exception:** The provisions of this chapter shall be permitted . . .

**SECTION R401.3 is hereby amended to read as follows:**

**R401.3 Drainage.** Surface drainage shall be diverted to a storm sewer conveyance or other *approved* point of collection that does not create a hazard. *Lots* shall be graded to drain surface water away from foundation walls. ~~The grade shall fall a minimum of 6 inches (152mm) within the first 10 feet (3048mm).~~

~~Exception: Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152mm) of fall within 10 feet (3048mm), drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.~~

**SECTION R403.1.4.1 is hereby amended to read as follows:**

**Section R403.1.4.1 Frost protection.** Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line . . .

**Exceptions:**

1. Protection of freestanding *accessory structures* ~~with an area of 600 square feet (56 m<sup>2</sup>) or less of light framed construction and an eave height of 10 feet (3048 mm) or less~~ shall not be required.
2. Protection of freestanding *accessory structures* with an area of 400 square feet (37 m<sup>2</sup>) or less, of other than light-framed construction, ~~with an eave height of 10 feet (3048 mm) or less~~ shall not be required.
3. Decks ~~not supported by a dwelling~~ need not be provided with footings that extend below the frost line.

Footings shall not bear on frozen soil unless the frozen condition is permanent.

**SECTION R404.1.3.2 is hereby amended to read as follows:**

**R404.1.3.2 Reinforcement for foundation walls.** Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with Table R404.1.2(1). Vertical reinforcement shall be provided in accordance with Table R404.1.2(2), R404.1.2(3), R404.1.2(4), R404.1.2(5), R404.1.2(6), R404.1.2(7), ~~or R404.1.2(8), or Table R404.1.2(10) and Figure R404.1.2(1) or Table R404.1.2(11) and Figure R404.1.2(2).~~ Vertical reinforcement for flat *basement* walls retaining 4 feet (1219 mm) or more of unbalanced backfill is permitted to be determined in accordance with Table R404.1.2(9). For *basement* walls supporting above grade concrete walls, vertical reinforcement shall be the greater of that required by Tables R404.1.2(2) through R404.1.2(8) or by Section R608.6 for the above-grade wall. In buildings assigned to Seismic Design Category D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>, concrete foundation walls shall also comply with Section R404.1.4.2.

**Table R404.1.2(10) is hereby adopted as follows:**

Table R404.1.2(10)

Foundation Wall Reinforcing

Active Pressure = 45pcf

<b>Minimum Reinforcement for Concrete</b>		
<b>Foundation Walls</b>		
Wall Height (h) feet	Wall Thickness (t) inches	Vertical Reinforcing
8	8	#4 @ 24" o.c. #5 @ 40" o.c.
	10	#4 @ 30" o.c. #5 @ 50" o.c.
9	8	#4 @ 18" o.c. #5 @ 28" o.c.
	10	#4 @ 24" o.c. #5 @ 36" o.c.
10	10	#4 @ 16" o.c. #5 @ 26" o.c.

Notes:

1. Chart is based on an active soil pressure of 45 pounds per cubic foot (pcf).
2. Reinforcing steel shall be ASTM A615 Fy – 60,000 pounds per square inch (psi).
3. The vertical reinforcing bars are to be located on the inside face.
4. Minimum concrete strength  $F_c^1 = 3,000$  pounds per square inch (psi).
5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

**(Remainder of page intentionally left blank.)**

**TABLE R404.1.2(11) is added as follows:**

Table R404.1.2(11)

Foundation Wall Reinforcing

Active Pressure = 65 pcf

<b>Minimum Reinforcement for Concrete</b>		
<b>Foundation Walls</b>		
<b>Wall Height (h) Feet</b>	<b>Wall Thickness (t) inches</b>	<b>Vertical Reinforcing</b>
8	8	#4 @ 18" o.c. #5 @ 26" o.c. #6 @ 40" o.c.
	10	#4 @ 24" o.c. #5 @ 36" o.c. #6 @ 52" o.c.
9	8	#4 @ 12" o.c. #5 @ 18" o.c. #6 @ 26" o.c.
	10	#4 @ 16" o.c. #5 @ 24" o.c. #6 @ 36" o.c.
10	10	#4 @ 12" o.c. #5 @ 18" o.c. #6 @ 24" o.c.

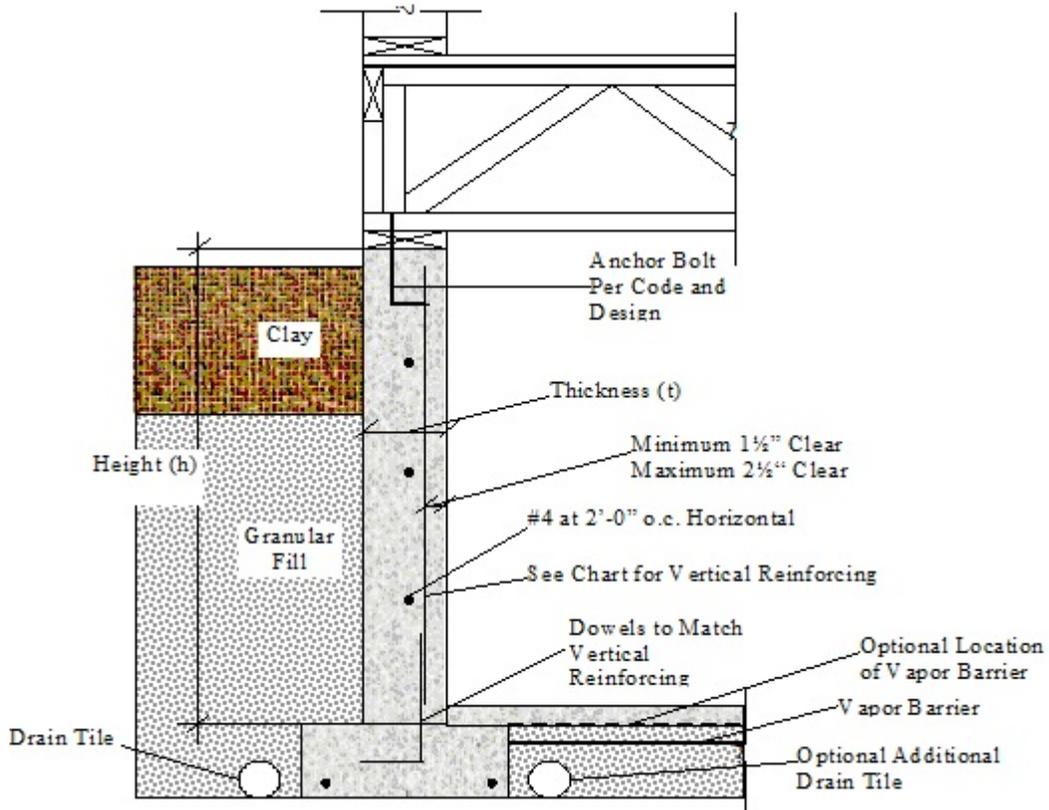
Notes:

1. Chart is based on an active soil pressure of 65 pounds per cubic foot (pcf).
2. Reinforcing steel shall be ASTM A615 Fy – 60,000 pounds per square inch (psi).
3. The vertical reinforcing bars are to be located on the inside face.
4. Minimum concrete strength  $F_c^1 = 3,000$  pounds per square inch (psi).

5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

Figures R404.1.2(1) is hereby adopted as follows:

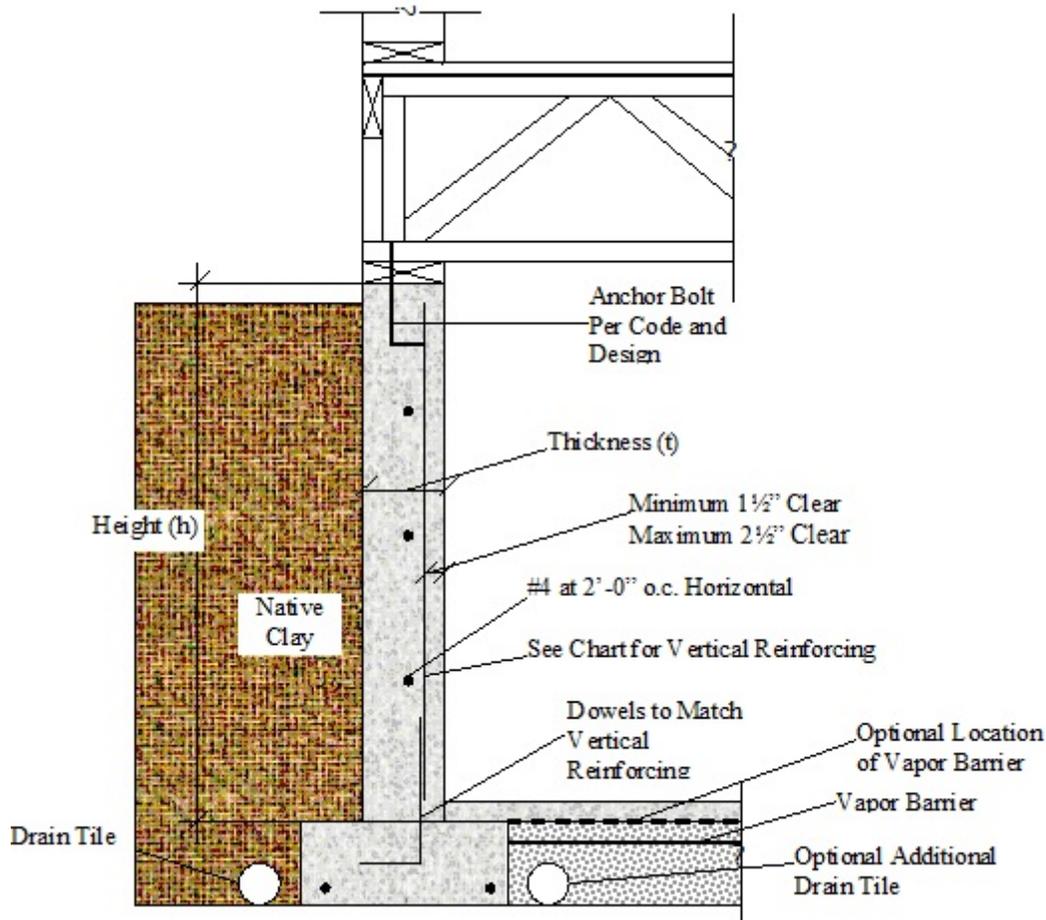
FIGURE R404.1.2(1)



(Remainder of page intentionally left blank)

FIGURE 404.1.2(2) is hereby adopted as follows:

FIGURE R404.1.2(2)



SECTION R405.2.3 is hereby amended to read as follows:

**Section R405.2.3 Drainage system.** In other than Group I soils, a sump shall be provided to drain the porous layer and footings. The sump shall be not less than ~~24~~ 18 inches (~~610 mm~~) in diameter or ~~20~~ 16 inches square (~~0.0129m<sup>2</sup>~~), shall extend not less than 24 inches (610 mm) below the bottom of the *basement* floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge into an *approved* sewer system or to daylight.

SECTION R507.8.1 is hereby deleted in its entirety.

**SECTION R602.7.2 is hereby amended to read as follows:**

**R602.7.2 Rim board headers.** Rim board header size, material and span shall be in accordance with Table R602.7(1). Rim board headers shall be constructed in accordance with Figure R602.7.2 and shall be supported at each end by full-height studs. ~~The number of full-height studs at each end shall be not less than the number of studs displaced by half of the header span based on the maximum stud spacing in accordance with Table R602.3(5).~~ Rim board headers supporting concentrated loads shall be designed in accordance with accepted engineering practice.

**SECTION R602.7.5 is hereby amended to read as follows:**

**R602.7.5 Supports for headers.** Headers shall be supported on each end with one or more jack studs or with approved framing anchors in accordance with Table R602.7(1) or R602.7(2). The full-height stud adjacent to each end of the header shall be end nailed to each end of the header with four-16d nails (3.5 inches × 0.135 inches). ~~The minimum number of full-height studs at each end of a header shall be in accordance with Table R602.7.5.~~

**TABLE R602.7.5 is hereby deleted in its entirety.**

**SECTION R602.10 is hereby amended to read as follows:**

**R602.10 Braced wall lines.** For the purpose of determining the amount and location of bracing required in each story level of a building, *braced wall lines* shall be designated as straight lines in the building plan placed in accordance with this section.

**Exception:** The wall bracing requirements of Section R602.10 of the 2006 International Residential Code may be used as an alternative to this section.

**SECTION R703.7.2 is hereby amended to read as follows:**

**Section R703.7.2 Plaster.** Plastering with portland cement plaster shall be not less than three coats where applied over metal lath or wire lath and shall be not less than two coats where applied over masonry, concrete, pressure-preservative treated wood or decay-resistant wood as specified in Section R317.1 or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table 702.1(1). Approved decorative coatings applied to a concrete or masonry surface shall be installed in accordance with the manufacturer's installation instructions.

**SECTION R806.1 is hereby amended to read as follows:**

**R806.1 Ventilation required.** Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters shall have cross ventilation for each separate space by ventilating openings protected against the entrance of rain or snow. Ventilation openings shall have a least dimension of 1/16 inch (1.6 mm) minimum and 1/4 inch (6.4 mm) maximum. Ventilation openings having a least dimension larger than 1/4 inch (6.4 mm) shall be provided with

corrosion-resistant wire cloth screening, hardware cloth or similar material with openings having a least dimension of 1/16 inch (1.6 mm) minimum and 1/4 inch (6.4 mm) maximum. Openings in roof framing members shall conform to the requirements of Section R802.7. Required ventilation openings shall open directly to the outside air.

**Exception:** Attic ventilation shall not be required when determined to not be necessary by the building official due to atmospheric or climatic conditions.

**SECTION R905.2.5 is hereby amended to read as follows:**

**R905.2.5 Fasteners.** Fasteners for asphalt shingles shall be galvanized steel, stainless steel, aluminum or copper roofing nails, minimum 12 gage [0.105 inch (3 mm)] shank with a minimum 3/8 inch diameter (9.5 mm) head, complying with ASTM F 1667, of a length to penetrate through the roofing materials and not less than 3/4 inch (19.1 mm) into the roof sheathing or other fasteners as approved by the building official and shingle manufacturer. Where the roof sheathing is less than 3/4 inch (19.1 mm) thick, the fasteners shall penetrate through the sheathing.

**SECTION R908 is hereby deleted in its entirety and relocated to the Appendices as Appendix R.**

**TABLE N1102.1.2 (R402.1.2) is hereby amended to read as follows:**

TABLE N1102.1.2 (R402.1.2) INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT <sup>a</sup>										
CLIMATE ZONE	FENESTRATION U-FACTOR <sup>b</sup>	SKYLIGHT <sup>b</sup> U-FACTOR <sup>b</sup>	GLAZED FENESTRATION SHGC <sup>b,c</sup>	CEILING R-VALUE	WOOD FRAMED WALL R-VALUE	MASS WALL R-VALUE <sup>i</sup>	FLOOR R-VALUE	BASEMENT <sup>f</sup> WALL R-VALUE	SLAB <sup>d</sup> R-VALUE AND DEPTH	CRAWL SPACE <sup>e</sup> WALL R-VALUE
1	NR	0.75	0.25 <sup>j</sup>	30	13	3/4	13	0	0	0
2	0.40	0.65	0.35	38	13	4/6	13	0	0	0
3	0.35	0.55	0.35	38	20 or 13 + 5 <sup>h</sup>	7/13	19	5/13 <sup>f</sup>	0	5/13
4 except Marine	0.35	0.55	0.40	49	20 or 13 + 5 <sup>h</sup>	8/13	19	10/13	10, 2 ft.	10/13
5 and Marine 4	0.32	0.55	NR	39	20 or 13 + 5 <sup>h</sup>	13/17	30 <sup>f</sup>	15/19	10, 2 ft.	15/19
6	0.32	0.55	NR	19	<del>20 + 5 or 13 + 10<sup>h</sup></del> 20 or 13 + 5 <sup>h,i</sup>	15/20	30 <sup>g</sup>	<del>15/19</del> 10/13	10, 4 ft.	15/19
7 and 8	0.32	0.55	NR	49	<del>20 + 5 or 13 + 10<sup>h</sup></del> 20 or 13 + 5 <sup>h,i</sup>	19/21	38 <sup>g</sup>	<del>15/19</del> 10/13	10, 4ft	15/19

**TABLE N1102.1.4 (R402.1.4) is hereby amended to read as follows:**

TABLE N1102.1.4 (R402.1.4) EQUIVALENT U-FACTORS <sup>a</sup>								
CLIMATE ZONE	FENESTRATION U-FACTOR <sup>b</sup>	SKYLIGHT <sup>b</sup> U-FACTOR <sup>b</sup>	CEILING U-FACTOR	WOOD FRAMED WALL U-FACTOR	MASS WALL U-FACTOR <sup>b</sup>	FLOOR U-FACTOR	BASEMENT <sup>c</sup> WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR
1	0.50	0.75	0.035	0.084	0.197	0.064	0.360	0.477
2	0.40	0.65	0.030	0.084	0.165	0.064	0.360	0.477
3	0.35	0.55	0.030	0.060	0.098	0.047	0.91 <sup>c</sup>	0.136
4 except Marine	0.35	0.55	0.026	0.060	0.098	0.047	0.059	0.065
5 and Marine 4	0.32	0.55	0.026	0.060	0.082	0.033	0.050	0.055
6	0.32	0.55	0.026	<del>0.045</del> <u>0.057<sub>i</sub></u>	0.060	0.033	<del>0.05</del> <u>0.059</u>	0.055
7 and 8	0.32	0.55	0.026	<del>0.045</del> <u>0.057</u>	0.057	0.028	<del>0.05</del> <u>0.059</u>	0.055

**SECTION N1102.1 (R402.4) is hereby amended to read as follows:**

**N1102.4 (R402.4) Air leakage (Mandatory).** *The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Sections N1102.4.1 through N1102.4.5. Dwelling units of R-2 Occupancies and multiple single family dwellings shall be permitted to comply with IECC C402.5.*

**SECTION N1102.4.4.2 (R402.4.1.2) is hereby amended to read as follows:**

**N1102.4.1.2 (R402.4.1.2) Testing.** The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding five air changes per hour in Climate Zones 1 and 2, and ~~three air changes per hour in Climate Zones 3 through 8.~~ Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and ...

**SECTION N1102.4.1.3 (R402.4.1.3) is hereby added to read as follows:**

**N1102.4.1.3 (R402.4.1.3) Visual inspection option.** Building envelope tightness and insulation shall be considered acceptable when installed in accordance with Table N1102.4.1.1 (R402.4.1.1) – “Air Barrier and Insulation” and has been field verified.

**SECTION N1103.3.2 (R403.3.2) is hereby amended to read as follows:**

**N1103.3.2 (R403.3.2) Sealing (Mandatory).** Ducts, air handlers and filter boxes shall be sealed. Joints and seams shall comply with either the *International Mechanical Code* or Section M1601.4.1 of this code, as applicable.

**Exceptions:**

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams, and locking-type joints and seams ~~of other than the snap-lock and button-lock types.~~

**SECTION N1103.3.5 (R403.3.5) is hereby amended to read as follows:**

**N1103.3.5 (R403.3.5) Building cavities (Mandatory).** Building framing cavities shall not be used as supply ducts ~~or plenums.~~

**SECTION N1103.6 (R403.6) is hereby amended to read as follows:**

**N1103.6 (R403.6) Mechanical Ventilation (Mandatory).** The building shall be provided with ventilation that meets the requirements of Section M1507 of this code or the *International Mechanical Code*, as applicable, or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

**TABLE N1105.5.2 (1) [R405.5.2 (1)] is hereby amended to read as follows:**

TABLE N1105.5.2(1) [R405.5.2(1)] SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS		
BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
...	...	...
Air exchange rate	Air leakage rate of 5 air changes per hour in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8 at a pressure of 0.2 inches w.g changes per hour in Climate Zones 3 through 8 at a pressure of 0.2 inches w.g (50 Pa). The mechanical ventilation rate shall be in addition to the air leakage rate and the same as in the proposed design, but no greater than $0.01 \times CFA + 7.5 \times (Nbr + 1)$ where: CFA = conditioned floor area Nbr = number of bedrooms Energy recovery shall not be assumed for mechanical ventilation.	For residences that are not tested, the same air leakage rate as the standard reference design. For tested residences, the measured air exchange rate <sup>a</sup> . The mechanical ventilation rate <sup>b</sup> shall be in addition to the air leakage rate and shall be as proposed.
...	...	...

**SECTION M1301.1.1 is hereby deleted in its entirety.**

**SECTION M1401.5 is hereby deleted in its entirety.**

**SECTION M1502.4.2 is hereby amended to read as follows:**

**M1502.4.2 Duct installation.** Exhaust ducts shall be supported at intervals not to exceed 12 feet (3658 mm) and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints ~~shall be sealed in accordance with Section M1601.4.1 and shall may~~ be mechanically fastened. Ducts shall not be joined with screws ~~or similar fasteners that protrude more than 1/8 inch (3.2 mm) into the inside of the duct.~~

**SECTION M1503.4 is hereby amended to read as follows:**

**M1503.4 Makeup air required.** Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m<sup>3</sup>/s) shall be mechanically or naturally provided with makeup air at a rate approximately equal to the exhaust air rate in excess of 400 cfm. Such makeup air systems shall be equipped with not less than one damper. Each damper shall be a gravity damper or an electrically operated damper that automatically opens when the exhaust system operates. Dampers shall be accessible for inspection, service, repair and replacement without removing permanent construction or any other ducts not connected to the damper being inspected, serviced, repaired or replaced

**SECTION M1506.3 is hereby amended read as follows:**

**M1506.2 Exhaust openings.** Air exhaust openings shall terminate not less than 3 feet (914 mm) from property lines; 3 feet (914 mm) from operable ~~and non-operable~~ openings into the building and 10 feet (3048 mm) from mechanical air intakes except where the opening is located 3 feet (914 mm) above the air intake. Openings shall comply with Sections R303.5.2 and R303.6.

**SECTION M1601.4.1 is hereby amended to read as follows:**

**M1601.4.1 Joints, seams and connections.** Longitudinal and transverse joints, seams and connections in metallic and nonmetallic ducts shall be constructed ...

**Exceptions:**

1. Spray polyurethane foam shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams and

locking-type joints and seams ~~of other than the snap-lock and button-lock types.~~

**SECTION M1601.4.10 is hereby deleted in its entirety.**

**SECTION M1701.2 is hereby deleted in its entirety.**

**SECTION M1801.1 is hereby amended to read as follows:**

**M1801.1 Venting required.** Fuel-burning *appliances* shall be vented to the outdoors in accordance with their *listing* and *label* and manufacturer's installation instructions ~~except *appliances* listed and labeled for unvented use.~~ Venting systems shall consist of *approved* chimneys or vents, or venting assemblies that are integral parts of *labeled appliances*. Gas fired *appliances* shall be vented in accordance with Chapter 24.

**SECTION M2001.4 is hereby deleted in its entirety.**

**SECTION M2005.1 is hereby amended to read as follows:**

**M2005.1 General.** Water heaters shall be installed in accordance with ~~Chapter 28~~ the North Dakota State Plumbing Code, the manufacturer's instructions and the requirements of this code. Water heaters installed in an attic shall comply with the requirements of Section M1305.1.3. Gas-fired water heaters shall comply with the requirements in Chapter 24. Domestic electric water heaters shall comply with UL 174. Oiled-fired water heaters shall comply with UL 732. Thermal solar water heaters shall comply with Chapter 23 and UL 174. Solid fuel-fired water heaters shall comply with UL 2523

**SECTION M2101.3 is hereby amended to read as follows:**

**M2101.3 Protection of potable water.** The potable water system shall be protected from backflow in accordance with the provisions listed in ~~Section P2902~~ the North Dakota State Plumbing Code.

**SECTION M2101.10 is hereby amended to read as follows:**

**M2101.10 Tests.** ~~New H~~Hydronic piping shall be isolated and tested hydrostatically at a pressure of ~~one and one-half times the maximum system design pressure, but not~~ less than 100 pounds per square inch (689 kPa). The duration of each test shall be not less than 15 minutes and not more than 20 minutes.

**SECTION M2103.3 is hereby amended to read as follows:**

**M2103.3 Piping joints.** Copper and copper alloy systems shall be soldered in accordance with ASTM B 828. Fluxes for soldering shall be in accordance with ASTM B 813. Brazing fluxes shall be in accordance with AWS A5.31. Piping joints that are embedded shall be installed in accordance with the following requirements:

1. Steel pipe joints shall be welded.

2. Copper tubing shall be joined by brazing complying with ~~Section P3003.6.1~~ the North Dakota State Plumbing Code.
3. Polybutylene pipe and tubing joints ...

**SECTION M2201.6 is hereby deleted in its entirety.**

**SECTION G2404.7 (301.11) is hereby deleted in its entirety.**

**SECTION G2406.2 (303.3) is hereby amended to read as follows:**

**G2406.2 (303.3) Prohibited locations.** *Appliances* shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

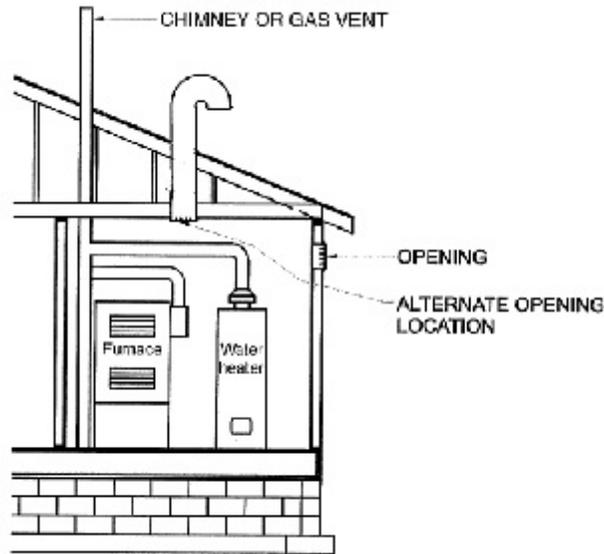
1. The *appliance* is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.
2. *Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances* for installation in vented solid fuel-burning *fireplaces* are installed in rooms that meet the required volume criteria of Section G2407.5.
3. ~~A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in Section G2445.6 and has an input rating not greater than 6,000 Btu/h (1.76 kW). The bathroom shall meet the required volume criteria of Section G2407.5.~~
4. ~~A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section G2445.6 and has an input rating not greater than 10,000 Btu/h (2.93 kW). The bedroom shall meet the required volume criteria of Section G2407.5.~~
5. The *appliance* is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an *approved* self-closing device. All *combustion air* shall be taken directly from the outdoors in accordance with Section G2407.6.

**Figure G2407.6.1(1) [304.6.1(1)] is hereby deleted in its entirety.**

**Figure G2407.6.1(2) [304.6.1(2)] is hereby deleted in its entirety.**

**(Remainder of page intentionally left blank)**

Figure G2407.6.2 (304.6.2) is hereby amended to read as follows:



SECTION G2407.11 (304.11) is hereby amended to read as follows:

**G2407.11 (304.11) Combustion air ducts.** Combustion air ducts shall comply with all the following:

1. Ducts shall be constructed of galvanized steel complying with Chapter 16 or of a material having equivalent corrosion . . .
5. Ducts shall not be screened where terminating terminate in an attic space.
6. Horizontal upper *combustion air* ducts shall not slope downward . . .

SECTION G2413.5 (402.5) is hereby amended to read as follows:

**Section G2413.5 (402.5) Allowable pressure drop.** The design pressure loss in any *pipng system* under maximum probable flow conditions, from the *point of delivery* to the inlet connection of the *appliance*, shall be such that the supply pressure at the *appliance* is greater than or equal to the minimum pressure required by the *appliance* but such pressure loss shall not be greater than 0.5 inch water column for gas pipe systems operating at less than 2 psi.

SECTION G2417.4.1 (406.4.1) is hereby amended to read as follows:

**Section G2417.4.1 (406.4.1) Test pressure.** The test pressure to be used shall be not less than 1½ times the proposed maximum working pressure, but not less than ~~3~~ 25 psig (20 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that

produces a hoop stress in the *pipng* greater than 50 percent of the specified minimum yield strength of the pipe.

**SECTION G2425.8 (501.8) is hereby amended to read as follows:**

**G2425.8 (501.8) Appliances not required to be vented.** The following *appliances* shall not be required to be vented:

1. Ranges.
2. Built-in domestic cooking units *listed* and marked for optional venting.
3. Hot plates and laundry stoves.
4. *Type 1 clothes dryers* (*Type 1 clothes dryers* shall be exhausted in accordance with the requirements of Section G2439).
5. Refrigerators.
6. Counter *appliances*.
7. ~~Room heaters *listed* for unvented use.~~

Where the *appliances* listed in Items 5 ~~through 7~~ and 6 above are installed so that the aggregate input rating exceeds 20 *Btu* per hour per cubic foot (207 W/m<sup>3</sup>) of volume of the room or space in which such *appliances* are installed, one or more shall be provided with venting *systems* or other *approved* means for conveying the *vent gases* to the outdoor atmosphere so that the aggregate input rating of the remaining *unvented appliances* does not exceed 20 *Btu* per hour cubic foot (207 W/m<sup>3</sup>). Where the room or space in which the *appliance* is installed is directly connected to another room or space by a doorway, archway or other opening of comparable size that cannot be closed, the volume of such adjacent room or space shall be permitted to be included in the calculations.

**SECTION G2425.12 (501.12) is hereby amended to read as follows:**

**G2425.12 (501.12) Residential and low-heat appliances flue lining systems.** *Flue lining* systems for use with residential-type and low-heat *appliances* shall be limited to the following:

1. Clay *flue lining* complying with the requirements of ASTM C 315 or equivalent when each appliance connected into the masonry chimney has a minimum input rating of greater than 400,000 Btu/h. Clay *flue lining* shall be installed in accordance with Chapter 10.
2. *Listed* chimney lining systems complying with UL 1777.
3. Other *approved* materials that will resist, without cracking, softening or corrosion, *flue gases* and *condensate* at temperatures up to 1,800°F (982°C).
  - a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches thick up to 8 inches in diameter.
  - b. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge (0.018 inches thick) to 8 inches in diameter or not less than 24 gauge (0.024 inches thick) 8 inches in diameter and larger.

When a metal liner is used other than a listed chimney liner a condensation drip tee shall be installed and supported in an approved manner.

**SECTION G2427.5.2 (503.5.3) is hereby amended to read as follows:**

**G2427.5.2 (503.5.3) Masonry chimneys.** Masonry *chimneys* shall be built and installed in accordance with NFPA 211 and shall be lined ~~with approved clay flue lining, a listed chimney lining system, or other approved material that will resist corrosion, erosion, softening or cracking from vent gases at temperatures up to 1,800° F (982° C) as per G2425.12.~~

**Exception:** Masonry *chimney* flues serving *listed* gas . . .

**SECTION G2439.7.2 (614.8.2) is hereby amended to read as follows:**

**G2439.7.2 (614.8.2) Duct installation.** Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners that protrude more than 1/8 inch (3.2 mm) into the inside of the duct.

**SECTION G2442.5 (618.5) is hereby amended to read as follows:**

**G2442.5 (618.5) Screen.** Required outdoor air inlets shall be covered with a screen having ¼ inch (6.4 mm) openings. Required outdoor air inlets serving a nonresidential portion of a building shall be covered with screen having openings larger than ¼ inch but not larger than ½ inch.

**SECTION G2445 is hereby deleted in its entirety.**

**CHAPTERS 25 THROUGH 43 are hereby deleted in their entirety.**

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

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

ATTEST:

\_\_\_\_\_  
City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

AGENDA ITEM DESCRIPTION  
CITY COMMISSION  
WEST FARGO, NORTH DAKOTA

Agenda # 7.

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

1. CONTACT PERSON: Larry M. Weil

2. PHONE NUMBER: 433-5320 DATE: June 14, 2017

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

Amendment to the West Fargo General Plan for Urban Renewal and Urban Development by expanding the Urban Development Areas.

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

N/A

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval by Resolution.

STAFF REPORT

A17-25	AMENDMENT TO URBAN RENEWAL PLAN
Amendment to West Fargo General Plan for Urban Renewal and Urban Development	
City of West Fargo	Staff Contact: Larry Weil
Planning & Zoning Commission Introduction:	06-12-2017
Public Hearing:	06-12-2017 – Approval
City Commission:	06-19-2017

**PURPOSE:**

Amendment to the West Fargo General Plan for Urban Renewal and Urban Development by expanding the Urban Development Areas

**DISCUSSION AND OBSERVATIONS:**

- The General Plan for Urban Renewal and Urban Development was approved by the City in May of 1993 and was amended in November of 2004, October of 2008, and August 2015.
- The City recently received a request from developers to consider adding the area around Sheyenne Street and 32<sup>nd</sup> Avenue as an additional urban development area.
- The General Plan for Urban Renewal and Urban Development designates urban development areas and urban renewal areas as provided under the North Dakota Century Code. The urban development and urban renewal areas identified and discussed in the Plan are where commercial and industrial uses are intended under City zoning; however, some of the areas are plagued by the lack of proper lot layout, inadequate or lack of streets, deteriorated and dilapidated structures, inadequate sewer and water services, inadequate drainage facilities, and some incompatible uses. Though many problems are evident, the areas are well suited for targeted development. A mix of platted lots and large unplatted tracts of land are generally found in these areas. Major street and railroad networks are in place within or near some areas. With public involvement, it is believed that private investment would be spurred effectuating positive change and increasing the City’s tax base. Development, rehabilitation or redevelopment activities within these areas should be in accordance to the City’s Comprehensive Plan, Zoning Ordinance, Subdivision Regulations, and Housing and Building Codes.
- The proposed urban development areas for consideration in the amendment to the General Plan for Urban Renewal and Urban Development consist of several properties that have been platted and zoned for commercial development since 2003 and 2004. Due to the lack of public infrastructure, and possibly due to location being farther from more centrally located commercial areas in the metropolitan area, the area remains only partially developed. A few businesses in strip centers have been established, however several have struggled and some failed. Developers have submitted applications to change the designated land use of the Land Use Plan of the City Comprehensive Plan on some properties to medium density residential, because the difficulty of finding suitable commercial uses, though these applications have not been supported by the City.
- The City may consider incentives to promote a more favorable upscale commercial or mixed use development that would generate a significant tax base. The Urban Development Area designation would enable the City to approve a Tax Increment Financing District as part of an urban development plan for the area.
- In the past the City has used the tool of Tax Increment Financing as an economic development incentive to help businesses grow or locate into one of the urban development areas where

STAFF REPORT

otherwise the growth or relocation would not have taken place, or certainly not to the significance that was desired. The City has the ability to purchase land, install infrastructure, and address drainage problems. These costs would be paid off through the incremental increase in property taxes over a period of time. The incentive provides necessary financial resources and/or infrastructure to encourage additional development which increases the City's tax base.

**NOTICES:**

Sent to: City Departments and Public Notice

Comments Received: None

**RECOMMENDATIONS:**

Following the public hearing and obtaining public comments, consider recommending approval of the amendment of the General Plan for Urban Renewal and Urban Development to the City Commission. The basis for the approval would be to promote commercial or mixed use development of areas that are undeveloped and/or not performing adequately.

**PLANNING AND ZONING RECOMMENDATION:**

At their June 12, 2017 meeting, the Planning and Zoning Commission approved the amendment.



**Proposed**

**GENERAL PLAN  
FOR URBAN RENEWAL  
AND URBAN DEVELOPMENT**

**Draft June 2017**

The West Fargo General Plan for Urban Renewal and Urban Development was adopted by the West Fargo Planning and Zoning Commission on \_\_\_\_\_2017.

**WEST FARGO PLANNING AND ZONING COMMISSION**

Tom McDougall - Chairman  
Joe Kolb - Vice Chairman

James Brownlee  
Scott Diamond  
David Gust  
LeRoy Johnson  
Shane Lebahn  
Jana Reinke

The West Fargo General Plan for Urban Renewal and Urban Development was adopted by the West Fargo City Commission on \_\_\_\_\_2017.

**WEST FARGO CITY COMMISSION**

Rich Mattern, President  
Duane Hanson  
Mark Simmons  
Mike Thorstad  
Mark Wentz

**WEST FARGO PLANNING DEPARTMENT STAFF**

Larry M. Weil - Planning Director  
Tim Solberg- Senior Planner  
Lisa Sankey - Assistant Planner

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

RESOLUTION APPROVING WEST FARGO GENERAL PLAN FOR  
URBAN RENEWAL AND URBAN DEVELOPMENT

WHEREAS, the City of West Fargo is in the process of amending its West Fargo General Plan for Urban Renewal and Urban Development, which was adopted on May 17, 1993 and amended on November 29, 2004, October 13, 2008, and August 3, 2015; and

WHEREAS, the City has studied properties throughout the City and identified blighted areas which are potential redevelopment areas, as well as commercial and industrial areas which are intended for development; and

WHEREAS, development, rehabilitation, conservation, or redevelopment, or a combination thereof, of the area or properties is necessary in the interest of the public economy, health, safety, morals, or welfare of the residents of the municipality;

WHEREAS, the City held a public hearing on June 12, 2017, concerning the approval of an updated West Fargo General Plan for Urban Renewal and Urban Development; and

WHEREAS, after reviewing the Plan, the City Commissioners of the City of West Fargo believe it is in the best interest of the City to adopt and approve the attached West Fargo General Plan for Urban Renewal and Urban Development.

NOW, THEREFORE, be it resolved by the City Commission of the City of West Fargo, North Dakota, that the attached West Fargo General Plan for Urban Renewal and Urban Development is hereby approved and adopted and that such plan supersedes all prior General Plans which have been adopted by the City in the past.

APPROVED:

BY: \_\_\_\_\_  
President of the Board of City  
Commissioners

ATTEST:

\_\_\_\_\_  
Tina Fisk, City Administrator

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: none. The majority having voted aye, the motion carried and the resolution was duly adopted.

# WEST FARGO GENERAL PLAN FOR URBAN RENEWAL AND URBAN DEVELOPMENT

## INTRODUCTION

Recognizing the dangers of slums and blight as well as the need to create economic growth and development, the City of West Fargo has initiated a long-range program to foster positive change pursuant to the North Dakota Century Code Urban Renewal Law.

Consistent with the sound needs of the municipality as a whole, the primary objective of this plan is to stimulate, through the public actions and commitments specified herein, private investment in the development, rehabilitation or redevelopment of the renewal or development area by private enterprise.

It is the intent of the City's program to effectuate the following:

1. Elimination of slums and blighted areas as defined under the North Dakota Century Code Urban Renewal Law; and/or
2. Implementation of an economic development program including tax increment financing to facilitate projects that create economic growth and development.

## STATEMENT OF OBJECTIVES

The following objectives are to be achieved through the development, rehabilitation or redevelopment of the renewal or development areas identified within the General Plan:

1. To preserve and create an environment within the renewal or development areas which will protect the health, safety, and general welfare of the City and to preserve existing values of properties within and adjacent to the renewal or development areas.
2. To remove environmental deficiencies that deter development and inhibit rehabilitation or redevelopment of the renewal or development areas.
3. To eliminate substandard and obsolete buildings, blighting influences, and environmental deficiencies which presently detract from the functional unity, aesthetic appearance, and economic well-being of the identified areas of the City, and to establish conditions which will prevent the recurrence of blight and blighting conditions.
4. To strengthen the economic well-being of the development and renewal areas and the City by increasing industrial and retail activity, taxable values, and job opportunities.
5. To eliminate blighting influences such as incompatible land use relationship.

6. To provide for parcels of sufficient size to permit and attract economic and sound new development.
7. To provide efficient use of underutilized land.
8. To assure development of high standards in site planning, use compatibility, buildings, and creation of an environment that will promote new development in areas.
9. To attract and retain businesses that pay favorable wages to the benefit of our citizens and to prevent overburdening to public social service agencies.
10. To attract and retain businesses that do not damage the physical environment for this is a social and economic burden to all.
11. To address the development imbalance between residential and nonresidential uses which exists in West Fargo by expanding and diversifying the tax base.
12. To spend public economic development dollars and resources wisely.
13. To provide for adequate public infrastructure improvements such as sewer, water, storm sewer, pedestrian facilities and streets conforming to good design and coordinated to facilitate development or redevelopment.
14. To provide for adequate project site improvements such as grading, drainage, landscaping, infrastructure, and other necessary site improvements.
15. To provide underground public and private utility services where practicable.
16. To provide for safe, efficient and attractive vehicular access to and circulation within the renewal and development areas.
17. To promote development or redevelopment which will be consistent with the City's Comprehensive Plan and ordinances.

## DESCRIPTION OF URBAN RENEWAL AND URBAN DEVELOPMENT AREAS

### A. Urban Renewal Area

Many of the areas in the City of West Fargo which have been identified as redevelopment areas for urban renewal were previously studied as part of the General Urban Renewal Plan of 1988 (Please refer to Figure 1) and were incorporated in the General Plan for Urban Renewal and Urban Development which was approved in May 1993. The Plan was amended and approved most recently in August 2015, though the parcels identified as potential redevelopment

properties have not been evaluated for changes in conditions since 1993. These areas contained slums or blighting conditions which have had negative effects on the City. Some of these areas which are in commercial and industrial areas would also be eligible as Urban Development areas. A number of different types of uses are present ranging from residential to commercial to industrial. Some redevelopment has already occurred naturally, though development has not necessarily realized full development potential. Redevelopment of these areas should be studied closely promoting only those uses which are consistent with the City's Comprehensive Plan, Zoning Ordinance, Subdivision Regulations and Housing and Building Codes. The City should include within its work program a complete study of properties in the core area of the community to determine if structures are in good or standard condition, are deteriorating in condition and need structural improvements, or are in dilapidated condition and should be removed and the property redeveloped. The City should update the map of Potential Redevelopment Properties and develop strategies within a development/redevelopment plan to foster community support to address deteriorating conditions or redevelopment of the properties.

B. Urban Development Area

The areas which have been identified as West Fargo's urban development areas are shown in Figure 2. The areas along West Main Avenue, as well as the northwest and northeast part of the City are primarily intended for industrial uses; however, some of the areas are plagued by the lack of proper lot layout, inadequate or lack of streets, deteriorated and dilapidated structures, inadequate sewer and water services, inadequate drainage facilities, and some incompatible uses. Though many problems are evident, the areas are well suited for targeted industrial development. Platted lots and large unplatted tracts of land are available. Also, major street and railroad networks are in place.

The area along Interstate 94 and west of 9<sup>th</sup> Street East is intended for commercial and office uses. Most of the area has been platted and serviced since 2008 with little area remaining to be developed. With public involvement it is believed that private investment would be spurred effectuating positive change and increasing the City's tax base.

The proposed area at Sheyenne Street and 32<sup>nd</sup> Avenue is a commercial node for the City. The area has been slow to develop following platting a number of years ago. A few businesses in strip centers have been established, however several have struggled. Several applications have been received to change the City Comprehensive Plan's designated commercial land use on some properties to medium density residential. There has been some interest in providing a significant mixed use development north of 32<sup>nd</sup> Avenue which would complement an adjacent school hockey facility under construction and to spur additional development activity. The residents in surrounding residential

developments would like to see additional commercial services offered in this area.

Development, rehabilitation or redevelopment activities within these areas should be in accordance to the City's Comprehensive Plan, Zoning Ordinance, Subdivision Regulations, Housing and Building Codes.

### LAND USE PLAN

The City's 2008 Land Use Plan with amendments through April 2017 is depicted on Figure 3. Land uses are categorized into Agricultural Preservation/Urban Reserve, Institutional/Community/School, Parks & Recreation, Rural Residential, Low Density Residential, Medium Density Residential, High Density Residential, Office Park, General Commercial, Light Industrial, General Industrial, and Utility/Transportation classifications. When establishing a development plan for a specific project, the City's Future Land Use Plan should be reviewed to insure development consistency with the Plan.

### WORKABLE PROGRAM

The City of West Fargo hereby establishes the following workable program to carry out the statement of objectives as described in this General Plan:

1. The development of industrial or commercial properties;
2. The prevention of the spread of blight into areas of the City of West Fargo, which are free from blight through diligent enforcement of building, housing, zoning, and occupancy controls and standards;
3. The rehabilitation or conservation of slum and blighted areas or portions of those areas by replanning, removing congestion, providing parks, playgrounds, and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and
4. The clearance and redevelopment of slum areas or portions of those areas.

The workable program will utilize appropriate private and public resources, including those provided for in the North Dakota Century Code Urban Renewal Law.

### URBAN RENEWAL AND URBAN DEVELOPMENT TECHNIQUES

Several techniques are proposed to accomplish the workable program for urban renewal and urban development areas. The identified techniques are as follows:

1. Land Acquisition

Property may be acquired in the urban renewal or urban development areas for private development and needed public facilities. Portions of some of the properties in these areas may be dedicated for street right-of-way.

2. Public Construction

Public construction is allowed to provide needed sewer, water, storm drainage and storm sewer, streets, and other essential public facilities and services.

3. Clearance

Removal of dilapidated or obsolete structures is allowed.

4. Site Preparation

Preparation of sites within the project area for private construction is allowed.

5. Tax Increment Financing

Tax Increment Financing will be used to provide funds for land acquisition, public construction, clearance, and site preparation over and above normal development costs. All or a portion of the Public Construction costs normally assessed to private development may be allowed under Tax Increment Financing. Those costs not provided for under Tax Increment Financing shall be paid through special assessments to the private development.

## PREPARATION AND APPROVAL OF RENEWAL OR DEVLEOPMENT PLANS

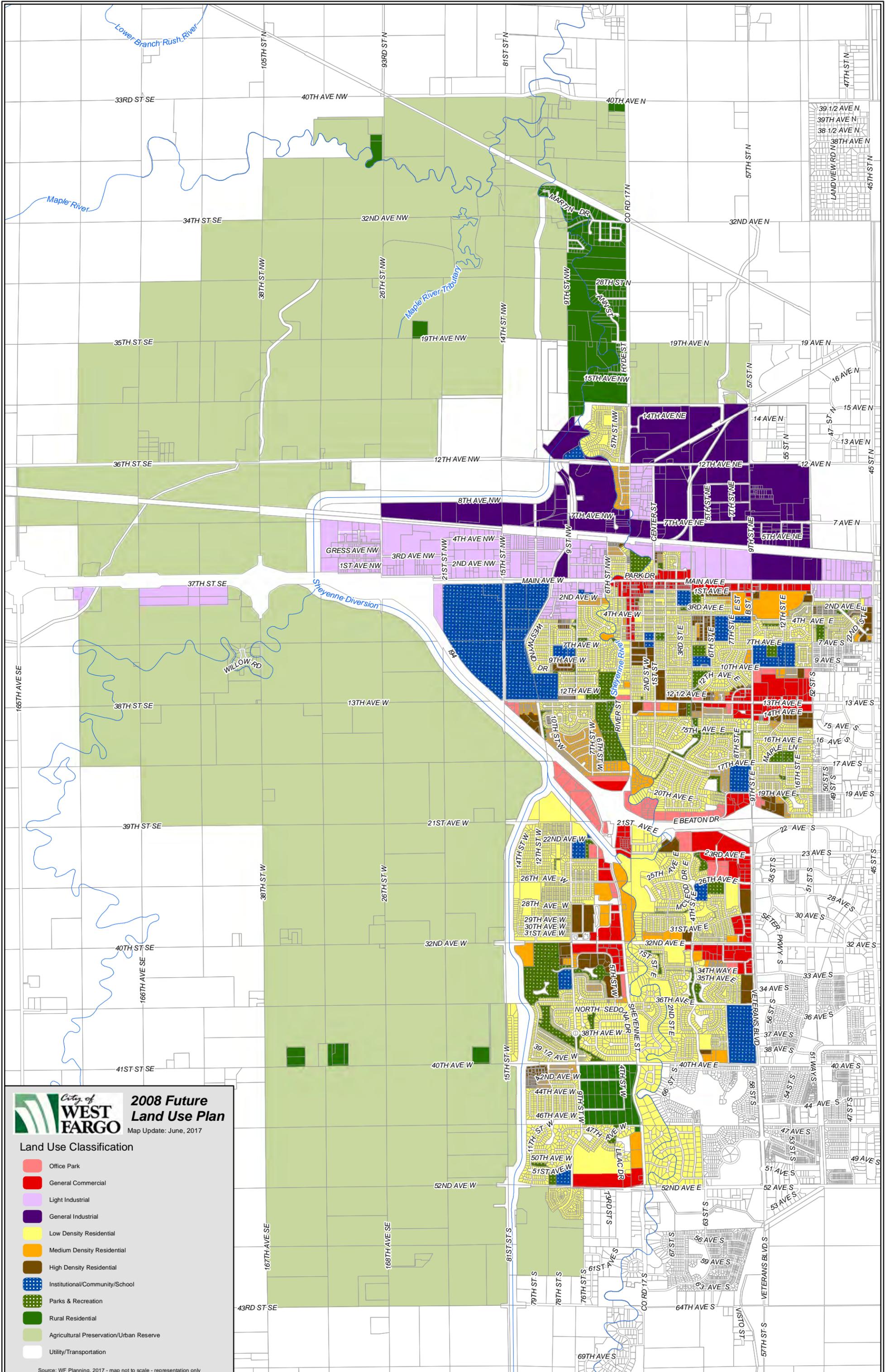
Prior to undertaking any renewal or development activity the City must first prepare a specific project plan utilizing the following guidelines:

1. Renewal or Development Plans may only be approved for areas which have been identified within the General Plan. These areas have been determined by resolution to be slum or blighted areas or consist of industrial or commercial properties, or a combination of these. The General Plan may be amended by resolutions to include additional slum or blighted areas or industrial or commercial properties where appropriate. The City may not acquire real property for renewal or development project unless the City Commission approves the renewal or development plan in accordance with subsection 4.
2. The City may prepare or cause to be prepared a renewal or development plan, or any person or agency, public or private may submit a renewal or development plan to a City. Prior to its approval of a renewal or development plan, the City

Commission shall submit the plan to the City Planning and Zoning Commission for review and recommendations as to its conformity with the General Plan for Urban Renewal and Urban Development, as well as the Comprehensive Plan for the development of the City of West Fargo as a whole; however, if the renewal or development plan relates only to the proposed development of industrial or commercial property, the City Commission is not required to submit the plan to the Planning and Zoning Commission unless the proposed development is not consistent with the City's Comprehensive Plan. The Planning and Zoning Commission shall submit its written recommendations with respect to the proposed renewal or development plan to the City Commission within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the Planning and Zoning Commission, or if no recommendations are received within the thirty-day period, the City Commission may proceed with the hearing on the proposed renewal or development plan prescribed by subsection 3.

3. The City Commission shall hold a public hearing on a renewal or development plan or substantial modification of an approved plan, after public notice of the hearing is provided by publication in the official newspaper for the City. The notice must describe the time, date, place and purpose of the hearing, generally outline the renewal or development area covered by the Plan, and outline the general scope of the renewal or development project under consideration.
4. Following the hearing, the City Commission may approve a renewal or development plan if it finds that:
  - a. A feasible method exists for the location of families who will be displaced from the renewal or development area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to those families;
  - b. The renewal or development plan conforms to the General Plan for Urban Renewal and Urban Development and Comprehensive Plan of the City of West Fargo as a whole; and
  - c. The renewal or development plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development, rehabilitation, or redevelopment of the renewal or development areas by private enterprise.
5. A renewal or development plan may be modified at any time; provided, that if modified after the lease or sale by the City of real property in the renewal or development project area, the modification is subject to the rights at law or in equity as a lessee or purchaser, or the lessee's or purchaser's successor or successors in interest, is entitled to assert. Any proposed modification which will substantially change the renewal or development plan as previously approved by the City Commission is subject to the requirements of this section, including the requirement of a public hearing, before it may be approved.

6. Upon the approval of a renewal or development plan by the City, the provisions of the plan governing the future use and building requirements applicable to the property by the plan control the future use of and building on the property.

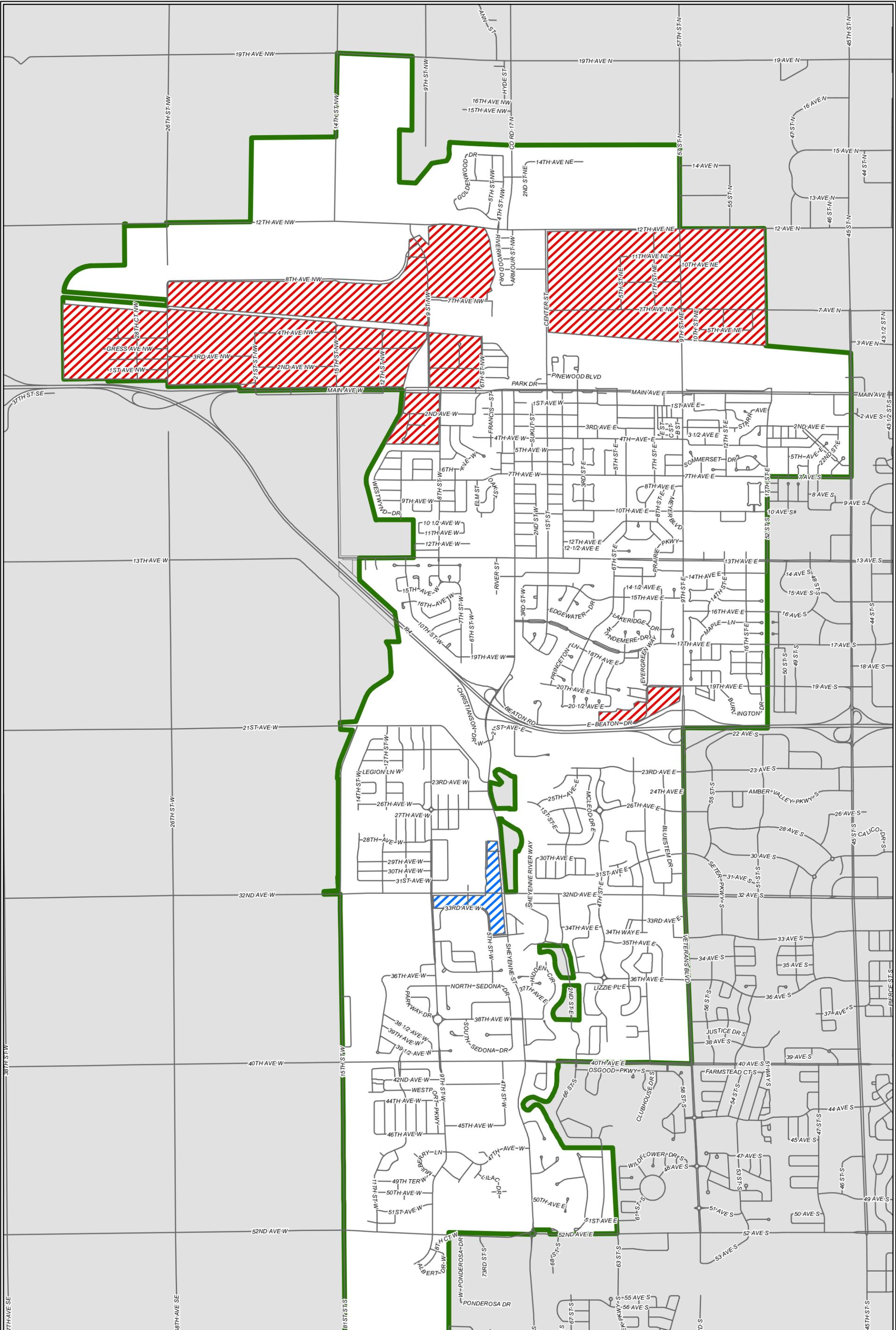


**2008 Future Land Use Plan**  
Map Update: June, 2017

**Land Use Classification**

- Office Park
- General Commercial
- Light Industrial
- General Industrial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional/Community/School
- Parks & Recreation
- Rural Residential
- Agricultural Preservation/Urban Reserve
- Utility/Transportation

Source: WF Planning, 2017 - map not to scale - representation only



**Urban Development Areas**



-  Adopted
-  Proposed



not to scale



## City Commission Agenda Item Request

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

Office Use:

**Regular Agenda Item #:**

8.

**Consent Agenda Item #:**

Agenda Item Information:

**Contact Name: \***

Chris Brungardt

**Phone Number: \***

701.306.8484

**Email Address:**

chris.brungardt@westfargond.gov

**Date \***

6/15/2017

**Topic for Consent or Regular Agenda?**

Please select one option:

Consent Agenda

Regular Agenda

**Please Briefly Describe Your Request \***

Present Sheyenne Street Construction Alternatives

**Site Address or Legal Description (if applicable)**

Sheyenne Street 13th Ave to 40th Ave.

**Action Being Requested from City Commission \***

None

**Upload Additional Documentation (Optional):**

AGENDA ITEM DESCRIPTION  
CITY COMMISSION  
WEST FARGO, NORTH DAKOTA

Agenda # 9.

1. CONTACT PERSON: Tim Solberg

2. PHONE NUMBER: 433-5320 DATE: June 15, 2017

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

Conditional Use Permit for concrete batch plant

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

Lot 10, Block 2, West Fargo 3rd Addition (1151 8th Ave NW).

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval subject to the condition listed in the staff report.

---

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A17-16		CONDITIONAL USE PERMIT	
1151 8 <sup>th</sup> Avenue NW			
Lot 10, Block 2 of West Fargo 3 <sup>rd</sup> Addition			
Owner/Applicant: Kost Materials		Staff Contact: Tim Solberg	
Planning & Zoning Commission Introduction:		06-12-2017	
Public Hearing:		06-12-2017 – Approval	
City Commission:		06-19-2017	

**PURPOSE:**

Allow for concrete batch plant operation and stockpiling of materials for supply and delivery of cement to local projects.

**STATEMENTS OF FACT:**

Land Use Classification:	Heavy Industrial
Existing Land Use:	Temporary Concrete Batch Plant Operation
Current Zoning District(s):	M: Heavy Industrial Zoning District
Zoning Overlay District(s):	None
Total area size:	4.09 Acres
Adjacent Zoning Districts:	North –A: Agricultural (Sheyenne Diversion) South - M: Heavy Industrial East - M: Heavy Industrial West - M: Heavy Industrial
Adjacent street(s):	8 <sup>th</sup> Avenue NW (Collector)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None

**DISCUSSION AND OBSERVATIONS:**

- The property is currently developed with a portable batch plant, three material stockpiles with an approximate height of 20’ and radius of 50’, and a small aboveground fuel tank, which was approved by the City in May of 2014 for 48 months at a different location to the east.
- The applicant is requesting this become the permanent site for the batch plant.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

**CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:**

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - The property has adequate access and the improvements will not affect the current access.
2. Off-street parking and loading areas where required, with particular attention to the items in (1)

STAFF REPORT

above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.

- No concerns noted.
- 3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
  - No concerns noted.
- 4. Utilities, with reference of locations, availability, and compatibility.
  - No concerns noted.
- 5. Screening and buffering with reference to type, dimensions, and character.
  - The property is developed with heavy industrial uses to the south, west, and east with the Sheyenne Diversion to the north. Screening and buffering requirements would be subject to City requirements, however to not appear to be an issue with the proposed development.
- 6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
  - No concerns noted.
- 7. Required yards and other open space.
  - No concerns noted.
- 8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
  - No concerns noted.
- 9. General compatibility with adjacent properties and other property in the district.
  - No concerns noted.

**NOTICES:**

Sent to: Property owners within 350' and applicable agencies and departments.

Comments Received:

- None

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

- The application may be considered consistent with the Comprehensive Plan and the intent of the M: Heavy Industrial District.

**RECOMMENDATIONS:**

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

1. A Signed Conditional Use Permit Agreement is received.

**PLANNING AND ZONING RECOMMENDATION:**

At their June 12, 2017 meeting, the Planning and Zoning Commission approved the request subject to the condition listed above.



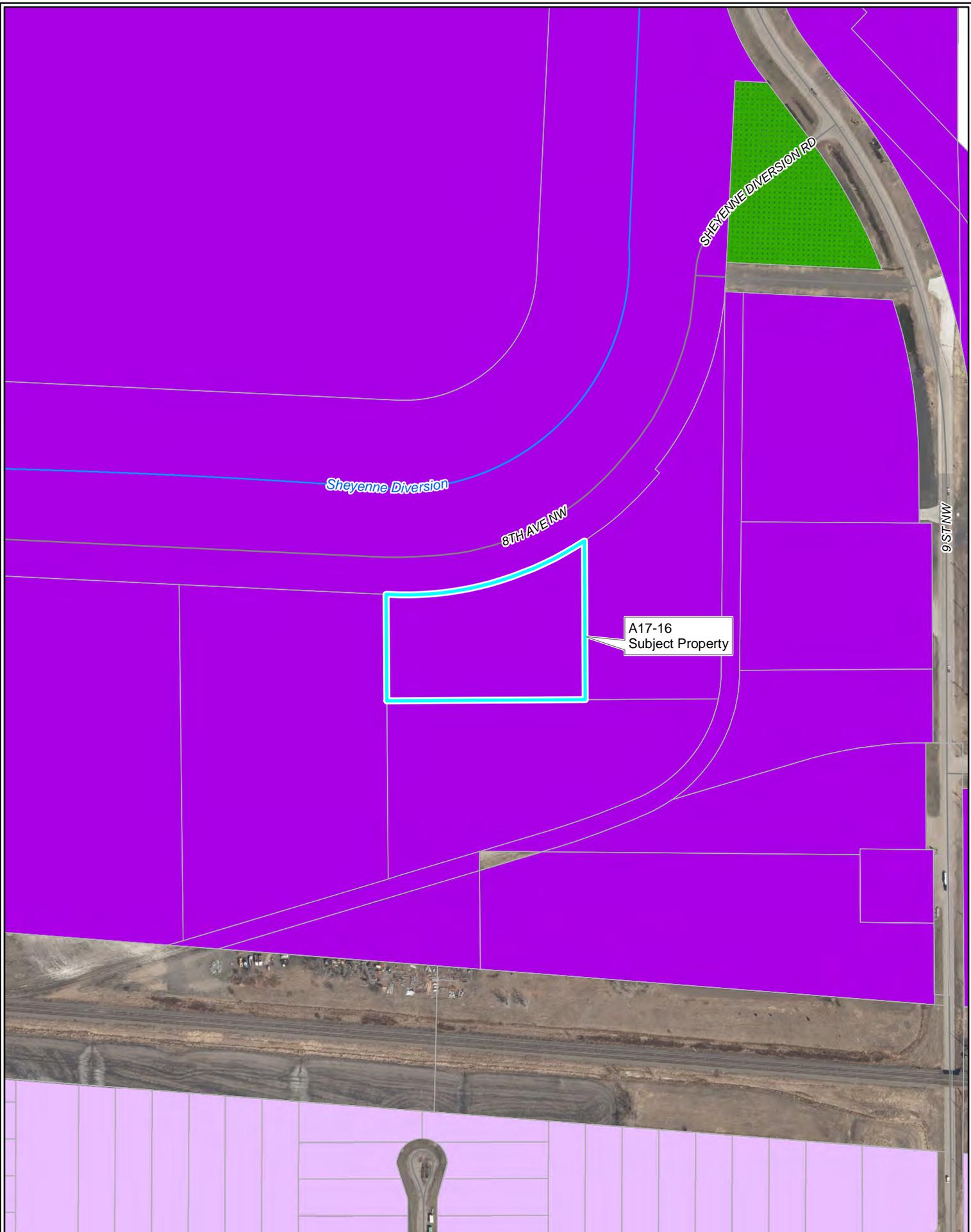
Sheyenne Diversion

8TH AVE NW

SHEYENNE DIVERSION RD

9TH ST NW

A17-16  
Subject Property

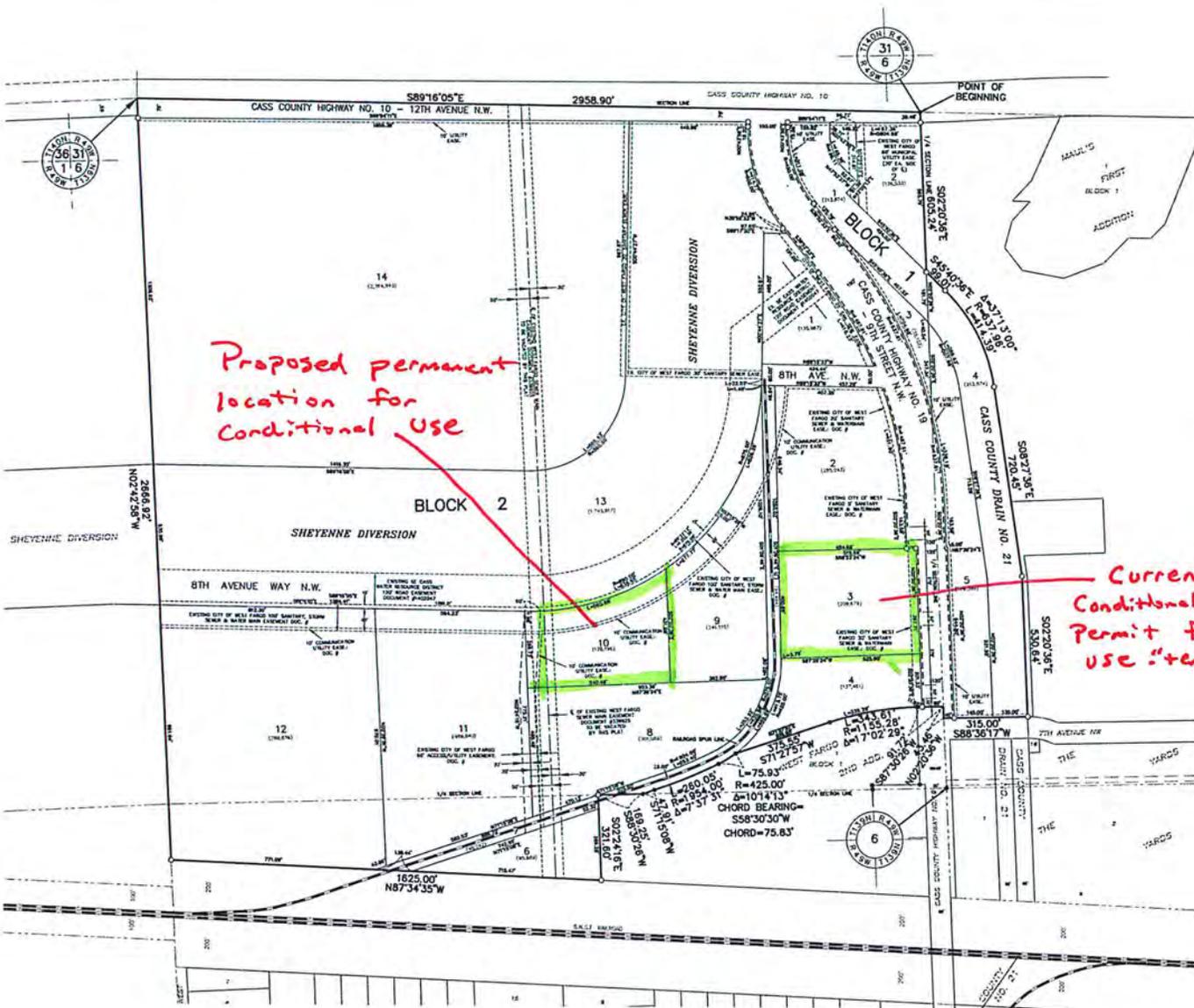


A17-16  
Subject Property



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





PLAT OF  
**WEST FARGO THIRD ADDITION**  
 TO THE CITY OF WEST FARGO, A PART OF SECTION 6, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; PART OF SAID PLAT LYING WITHIN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF WEST FARGO.

**LEGEND**

- IRON MONUMENT FOUND
- IRON MONUMENT PLACED
- NOTES ARC LENGTH
- NOTES RADIAL LENGTH
- NOTES CENTRAL ANGLE
- NOTES LOT AREAS IN SQ. FT.
- ACCESS CONTROL ACCESS LOCATIONS TO BE APPROVED BY THE CITY OF WEST FARGO AT THE TIME OF SITE REVIEW

**GRAPHIC SCALE**

( IN FEET )  
 1 Inch = 200 Ft.

SURVEYORS CERTIFICATE  
 DOCUMENT #1451368



1423624  
 Page 1 of 2  
 Created: Tuesday, P.C. Date: 2-1-2019 10:00 AM  
 PLAT 1423624



AGENDA ITEM DESCRIPTION  
CITY COMMISSION  
WEST FARGO, NORTH DAKOTA

Agenda # 10.

\*\*\*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: June 15, 2017

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

Planned Unit Development Amendment for General Commercial Development.

---

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

Lot 1, Block 1 of Oak Ridge 11<sup>th</sup> Addition, City of West Fargo, North Dakota

---

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval subject to conditions listed in the staff report.

---

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A17-20		Planned Unit Development Amendment
Oakridge 11 <sup>th</sup> Addition		
Lot 1, Block 1 Oak Ridge 11 <sup>th</sup> Addition		
Applicant/Owner: Mike Graham	Staff Contact: Tim Solberg	
Planning & Zoning Commission Introduction:	06-12-2017	
Public Hearing:	06-12-2017 – Approval	
City Commission:	06-19-2017	

**PURPOSE:**

Planned Unit Development Amendment to reduce rear yard setback within CO: Corridor Overlay district

**STATEMENTS OF FACT:**

Land Use Classification:	General Commercial
Existing Land Use:	Vacant
Current Zoning District(s):	PUD: Planned Unit Development
Zoning Overlay District(s):	CO: Corridor Overlay
Total area size:	94,294 ft <sup>2</sup>
Adjacent Zoning Districts:	North – R-1SM: Mixed One and Two Family South – PUD: Planned Unit Development (Commercial) East – C: Light Commercial West – C: Light Commercial
Adjacent street(s):	32 <sup>nd</sup> Avenue East (Minor Arterial)
Adjacent Bike/Pedestrian Facilities:	Multi-Use path along 32 <sup>nd</sup> Ave E
Available Parks/Trail Facilities:	Shadow Wood and Maple Ridge Parks accessible within ½ mile by sidewalks and path

**DISCUSSION AND OBSERVATIONS:**

- Applicant intends to construct two office buildings on a vacant property.
- The applicant is proposing to construct office buildings on the site with adequate parking to meet the City parking requirements. The site also contains a large easement on the front yard to accommodate a power transmission line. The applicant is able to meet all district requirements and proposes uses consistent with the C: Light Commercial district, however is finding a rear yard setback of 20 feet which is required under the CO: Corridor Overlay district to be difficult to meet given the site design they are proposing.
- The intent of the Planned Unit Development is to promote conservation and more efficient use of land, higher standards of site and building design and the preservation and enhancement of desirable site characteristics such as natural topography, scenic features and open spaces.
- The City is limited in commercial land. Utilizing efficiency in site design to maximize the land available may be considered to justify the reduction to the rear yard setback. Further, the adjacent properties to which the reduction would affect appear to have minimal impact.

STAFF REPORT

**NOTICES:**

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

Comments Received:

- None

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

- The proposed PUD Amendment is not consistent with the yard requirements of the CO: Corridor Overlay district. The applicant is seeking a consideration of a reduction of the rear yard setback on the basis that the adjacent two lots are a retention pond, and a larger lot owned by the developer to which he is able to provide adequate separation which would meet the intent of the CO: Corridor Overlay district. A basis for consideration could be given under the intent of the Planned Unit Development statement of intent.

**RECOMMENDATIONS:**

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

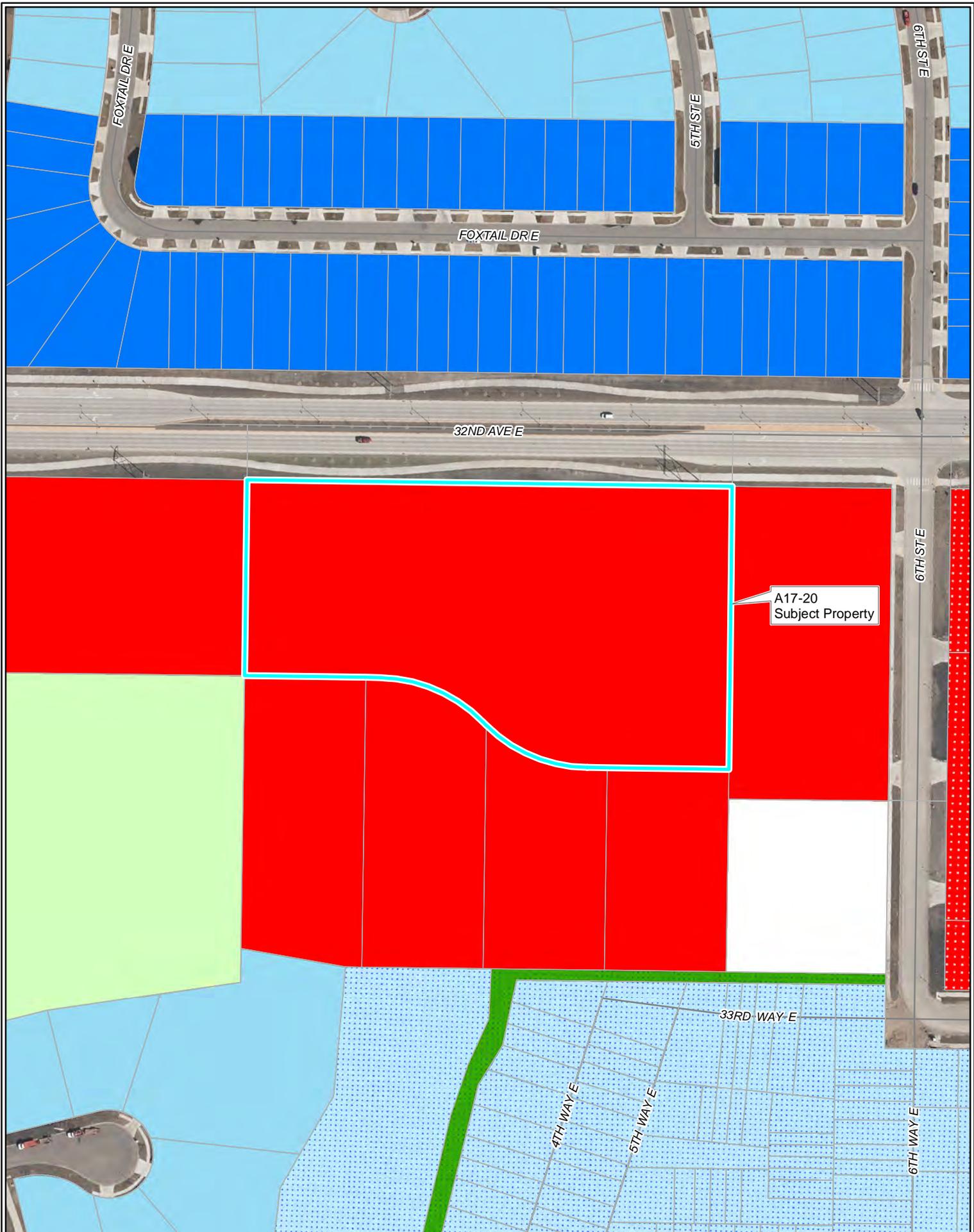
1. Commission consider the reduction in the rear yard setback for Lot 1, Block 1, of Oak Ridge 11<sup>th</sup> Addition and concur that the proposed site plan would meet the intent of the CO: Corridor Overlay district and Planned Unit Development district standards.
2. District standards should include provisions to require but not limit to CO: Corridor Overlay District (with the exception of rear yard setback which is reduced to 10 feet), 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
3. A signed PUD Agreement is received.

**PLANNING AND ZONING RECOMMENDATION:**

At their June 12, 2017 meeting, the Planning and Zoning Commission approved the request subject to the three conditions listed above. The Planning and Zoning Commission also requested that staff ensure that the PUD of Oak Ridge 11<sup>th</sup> Addition has included rear or side yard setbacks, most specifically Lots 3, 4, 5, and 6. The PUD district standards for these lots is for a minimum 10' rear and 10' side yard which would provide at minimum a 20' separation between them and the proposed buildings on Lot 1.



A17-20  
Subject Property



A17-20  
Subject Property



- |  |   |  |
|--|---|--|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; background-color: white;"></span> A: Agricultural</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: red;"></span> C: Light Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightgreen;"></span> C-PUD: PUD in General Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: pink;"></span> C-OP: Commercial Office Park</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> C-OP-PUD: PUD in Office Park</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: darkred;"></span> HC: Heavy Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: purple;"></span> LI: Light Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: magenta;"></span> CM-PUD: PUD in Light Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: green;"></span> M: Heavy Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: darkgreen;"></span> P: Public</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> P-PUD: PUD in Public Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: yellow;"></span> R-L1A: Large Lot Single Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> R-1A: Single Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> R-1: One and Two Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> R-1SM: Mixed One and Two Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> R-2: Limited Multiple Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> R-3: Multiple Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> R-4: Mobile Home</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> R-5: Manufactured Home Subdivision</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> R-1E: Rural Estate</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> R-R: Rural Residential</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> R-PUD: PUD in Residential</li> </ul> |
|--|---|--|



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of North Dakota.

Signature: \_\_\_\_\_  
Date: 6/5/2017 REG. NO.: 1811

**NOT FOR CONSTRUCTION**

PROJECT:  
**OAK RIDGE OFFICE**  
26th AVE. SE  
WEST FARGO, ND

OWNER:  
**TRAVIS OLSON**  
PHONE: (701) 361-5715  
EMAIL: t\_olson07@hotmail.com

**SITE REQUIREMENTS**

LAND USE PLAN:	= C - LIGHT COMMERCIAL
ZONING	= PUD CO - CORRIDOR OVERLAY
TOTAL SITE AREA	= 257,220 SF (5.90 ACRES)
MAX HEIGHT	= NONE
50% MAX BUILDING COVERAGE	= 128,610 SF
15% MIN. PERVIOUS SURFACE	= 38,583 SF
10% LANDSCAPING	= 25,722 SF

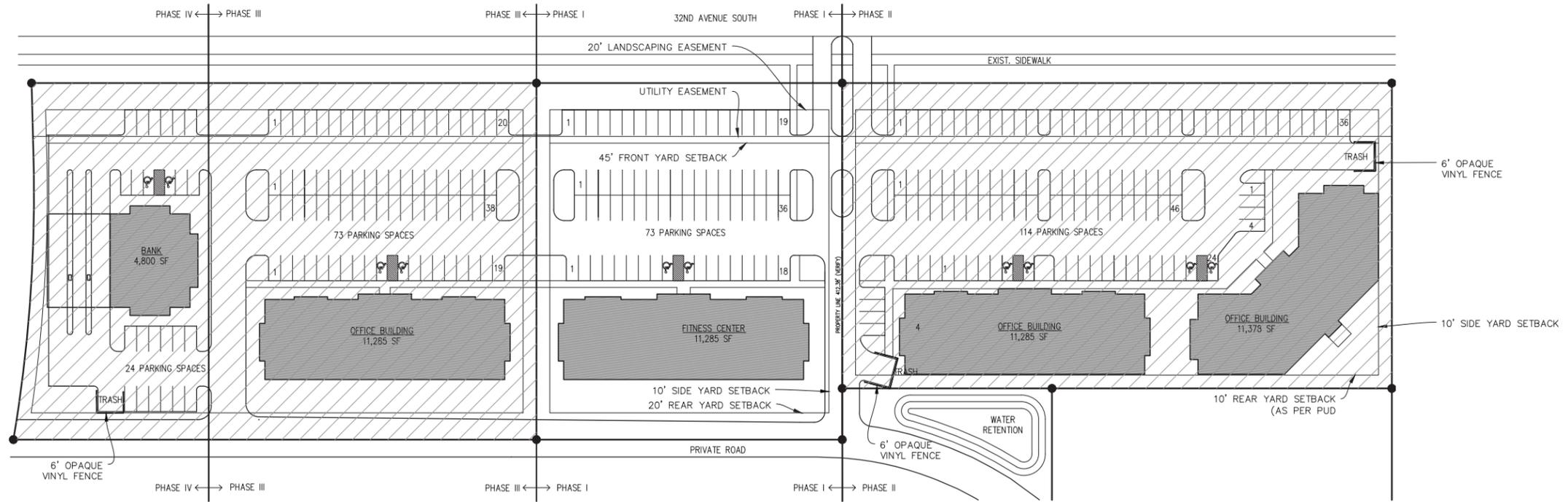
**SETBACK CRITERIA**

SETBACKS

- 45' FRONT YARD
- 10' SIDE STREET
- 10' REAR YARD
- 20' REAR YARD (AS PER PUD)
- 15' FRONT YARD PARKING
- 5' SIDE YARD PARKING

**PARKING SUMMARY**

USE	PARKING CRITERIA	REQUIRED
OFFICE	= 1 SPACE / 200 SF	x 11,378 SF = 57 SPACES x 11,285 SF = 57 SPACES x 11,285 SF = 57 SPACES
FITNESS	= 1 SPACE / 250 SF	x 11,285 SF = 46 SPACES
BANK	= 1 SPACE / 200 SF	x 4,800 SF = 24 SPACES
<b>TOTAL PARKING REQUIRED</b>		<b>= 241 SPACES</b>
<b>TOTAL PARKING PROVIDED</b>		<b>= 284 SPACES</b>



N  
1 SITE PLAN  
A001 SCALE: 1" = 50'-0"

CD	CONSTRUCTION DOCUMENTS	6/5/2017
MARK	DESCRIPTION	DATE

**COPYRIGHT:**  
All plans, specifications, computer files, field data, notes and other documents and instruments prepared by RHET ARCHITECTURE, as instruments of service shall remain the property of RHET ARCHITECTURE. RHET ARCHITECTURE shall retain all common law, statutory and other reserved rights, including the copyright therein.

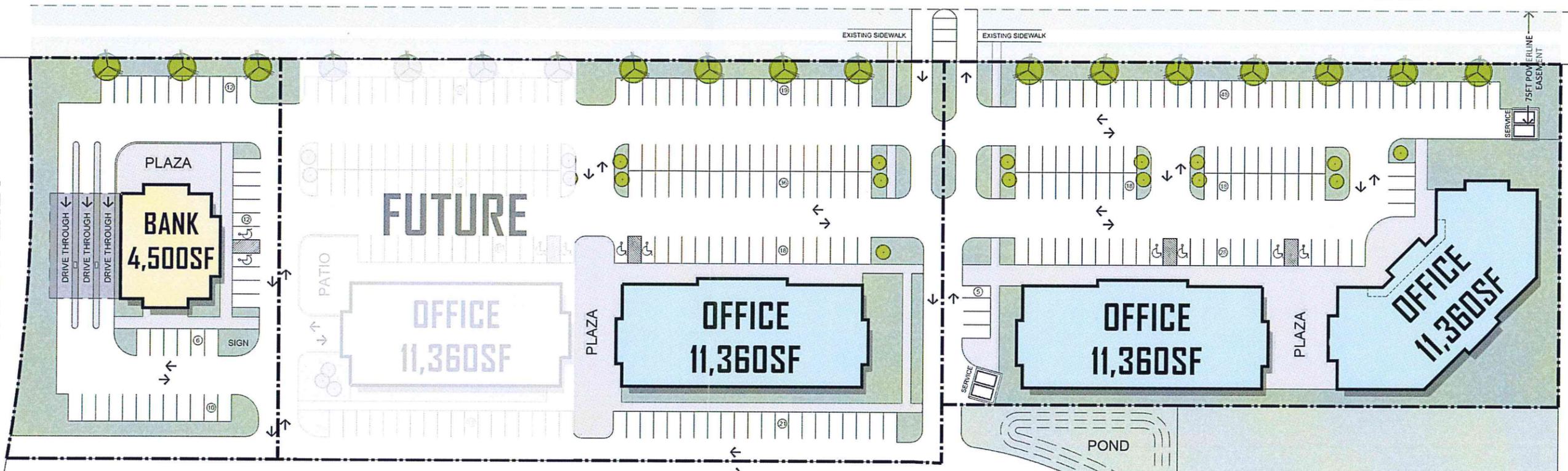
PROJECT NO:	17-106701
DRAWN BY:	TMS
CHECKED BY:	RF
DRAWING TITLE:	SITE PLAN

**A001**



4TH ST. EAST

32ND AVE. EAST



AGENDA ITEM DESCRIPTION  
CITY COMMISSION  
WEST FARGO, NORTH DAKOTA

Agenda # 11.

\*\*\*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: June 15, 2017

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

Eaglewood 6<sup>th</sup> Addition, a Replat, Rezoning from R-2: Limited Multiple Dwellings to R-1SM: Mixed One & Two Family Dwellings & Land Use Plan Amendment from Medium Density to Low Density Residential

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

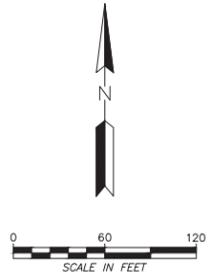
A portion of Lot 4, Block 1 of Eaglewood 2<sup>nd</sup> Addition, City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

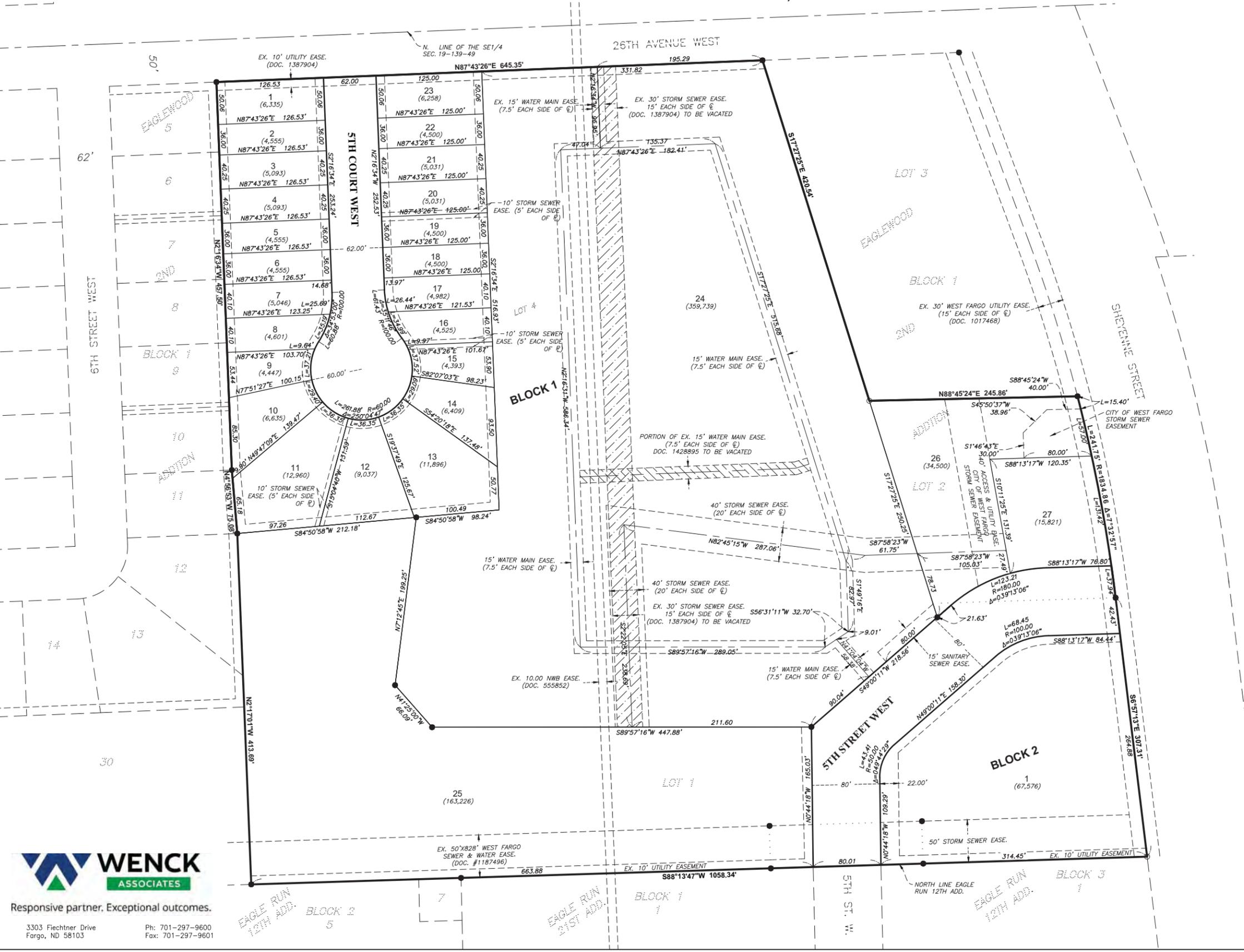
Second Reading on the rezoning, Land Use Plan Amendment and Final Plat Approval subject to conditions listed in the staff report.

# EAGLEWOOD SIXTH ADDITION

TO THE CITY OF WEST FARGO  
 BEING A VACATION PLAT AND REPLAT OF LOT 1, LOT 2 AND LOT 4, BLOCK 1 OF EAGLEWOOD SECOND ADDITION  
 CASS COUNTY, NORTH DAKOTA



Plot Date & Time: 1 June 2017 11:04 AM  
 U:\Survey\Projects\5510-0001 Eagle Ridge Partners, LLC\0008 - Eaglewood Sixth Addition - West Fargo ND\Drawings\5510-0008-EAGLEWOOD PLAT.dwg



**LEGEND**

- SET 5/8"x18" REBAR W/ YELLOW PLASTIC CAP #6498
- FOUND IRON MONUMENT
- PLAT BOUNDARY
- LOT LINE
- BLOCK LINE
- - - - NEW EASEMENT LINE
- - - - (4,500) LOT AREAS IN SQ. FT.
- - - - EXISTING LOT LINE
- - - - EXISTING EASEMENT
- ▨ VACATE STORM SEWER EASEMENT (DOC. 1387904)
- ▨ VACATE WATER MAIN EASEMENT (DOC. 1428895)

**NOTES:**  
 BEARINGS ARE BASED ON THE PLAT OF EAGLEWOOD 2ND ADD.  
 GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.  
 ALL UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO STREET. RIGHT-OF-WAYS AND REAR LOT LINES AS SHOWN UNLESS OTHERWISE NOTED.



3303 Fiechtner Drive  
 Fargo, ND 58103  
 Ph: 701-297-9600  
 Fax: 701-297-9601

# EAGLEWOOD SIXTH ADDITION

## TO THE CITY OF WEST FARGO BEING A VACATION PLAT AND REPLAT OF LOT 1, LOT 2 AND LOT 4, BLOCK 1 OF EAGLEWOOD SECOND ADDITION CASS COUNTY, NORTH DAKOTA

### DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "EAGLEWOOD SIXTH ADDITION" to the City of West Fargo, a replat of Lot 1, Lot 2, and Lot 4, Block 1, and 5TH Street West all in EAGLEWOOD SECOND ADDITION To The City Of West Fargo, Cass County, that we have caused it to be platted into lots and blocks as shown by said plat and certification of Kevin G. Nelson, Registered Land Surveyor, and that the description as shown in the certificate of the Registered Land Surveyor is correct. We do hereby vacate the existing storm easement (Doc. #1387904) and part of the existing water main easement (Doc. #1428895) as shown on the plat and do hereby dedicate to the City of West Fargo the water main easement and storm sewer easement as shown on the plat. We hereby dedicate all Streets and Utility Easements shown on said plat to the use of the Public.

Owner: Lot 1 - 24, Block 1  
Sheyenne Villas, LLC

\_\_\_\_\_  
James R. Bullis, Secretary

State of North Dakota )  
                                  ) SS  
County of Cass         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, James R. Bullis known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of Sheyenne Villas, LLC.

\_\_\_\_\_  
Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

Owner: Lot 1 - 24, Block 1  
Western State Bank

\_\_\_\_\_  
Brad Jacobson, President

State of North Dakota )  
                                  ) SS  
County of Cass         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, James R. Bullis known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of Western State Bank.

\_\_\_\_\_  
Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

Owner: Lot 25-27, Block 1, and Lot 1, Block 2  
City of West Fargo

\_\_\_\_\_  
Rich Mattern, President of the  
West Fargo City Commission

\_\_\_\_\_  
Tina Fisk, City Auditor

State of North Dakota )  
                                  ) SS  
County of Cass         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, Rich Mattern, President of the West Fargo City Commission, and Tina Fisk, City Auditor, known to me to be the persons whose names are subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of Westport Investments, LLC.

\_\_\_\_\_  
Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

### CERTIFICATE

Kevin G. Nelson, being duly sworn, deposes and says that he is the Registered Land Surveyor who prepared and made the attached plat of "EAGLEWOOD SIXTH ADDITION" to the City of West Fargo, a replat of Lot 1, Lot 2, and Lot 4, Block 1, and 5TH Street West all in EAGLEWOOD SECOND ADDITION To The City Of West Fargo, Cass County, North Dakota; that said plat is a true and correct representation of the boundary survey; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys and that said addition is described as follows, to wit:

Lot 1, Lot 2, and Lot 4, Block 1, and 5TH Street West all in EAGLEWOOD SECOND ADDITION To The City Of West Fargo, according to the recorded plat thereof on file and of record in the office of the Recorder, Cass County, North Dakota.

Said tract contains 19.45 acres, more or less.

Subject to Easements, Restrictions, Reservations and Rights of Way of Record.

\_\_\_\_\_  
Kevin G. Nelson  
Professional Land Surveyor  
N.D. Registration No. LS-3638

State of North Dakota )  
                                  ) SS  
County of Burleigh    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, Kevin G. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

\_\_\_\_\_  
Notary Public, Burleigh County, North Dakota

My commission expires: \_\_\_\_\_

THIS DOCUMENT WAS ORIGINALLY  
ISSUED AND SEALED BY  
KEVIN G. NELSON  
REGISTRATION NUMBER  
LS-3638  
ON 6/1/2017 AND THE ORIGINAL  
DOCUMENT IS STORED AT THE  
CASS COUNTY RECORDER'S OFFICE  
FARGO, ND

### WEST FARGO PLANNING COMMISSION APPROVAL

This plat in the City of West Fargo is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Tom McDougall, Chairman  
West Fargo Planning Commission

State of North Dakota )  
                                  ) SS  
County of Cass         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, Tom McDougall, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of the West Fargo Planning Commission.

\_\_\_\_\_  
Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

### WEST FARGO CITY COMMISSION APPROVAL

This plat in the City of West Fargo is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Rich Mattern, President  
West Fargo City Commission

\_\_\_\_\_  
Tina Fisk  
City Auditor

State of North Dakota )  
                                  ) SS  
County of Cass         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, Rich Mattern, President of the West Fargo City Commission, and Tina Fisk, City Auditor, known to me to be the persons whose names are subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of the West Fargo City Commission.

\_\_\_\_\_  
Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

### WEST FARGO CITY ATTORNEY APPROVAL

This plat in the City of West Fargo is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
John T. Shockley, City Attorney

State of North Dakota )  
                                  ) SS  
County of Cass         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, John T. Shockley, known to me to be the persons whose names are subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of the West Fargo City Attorney.

\_\_\_\_\_  
Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

### CITY ENGINEER'S APPROVAL

This plat in the City of West Fargo is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Dustin T. Scott, PE  
City Engineer

State of North Dakota )  
                                  ) SS  
County of Cass         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, Dustin T. Scott, City Engineer, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

\_\_\_\_\_  
Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_



Responsive partner. Exceptional outcomes.

3303 Fiechtner Drive      Ph: 701-297-9600  
Fargo, ND 58103         Fax: 701-297-9601

AGENDA ITEM DESCRIPTION  
CITY COMMISSION  
WEST FARGO, NORTH DAKOTA

Agenda # 12.

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

1. CONTACT PERSON: Larry Weil

2. PHONE NUMBER: 433-5320 DATE: June 15, 2017

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

The Wilds 9<sup>th</sup> Addition, Subdivision, Rezoning from Agricultural to R-1: One & Two Family Dwellings and P: Public Facilities & Land Use Plan Amendment to establish the area to be designated for low density residential development.

---

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

Located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and Part of Government Lot 3, 5 & 6 in Section 6 T138N, R49W, City of West Fargo, North Dakota

---

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

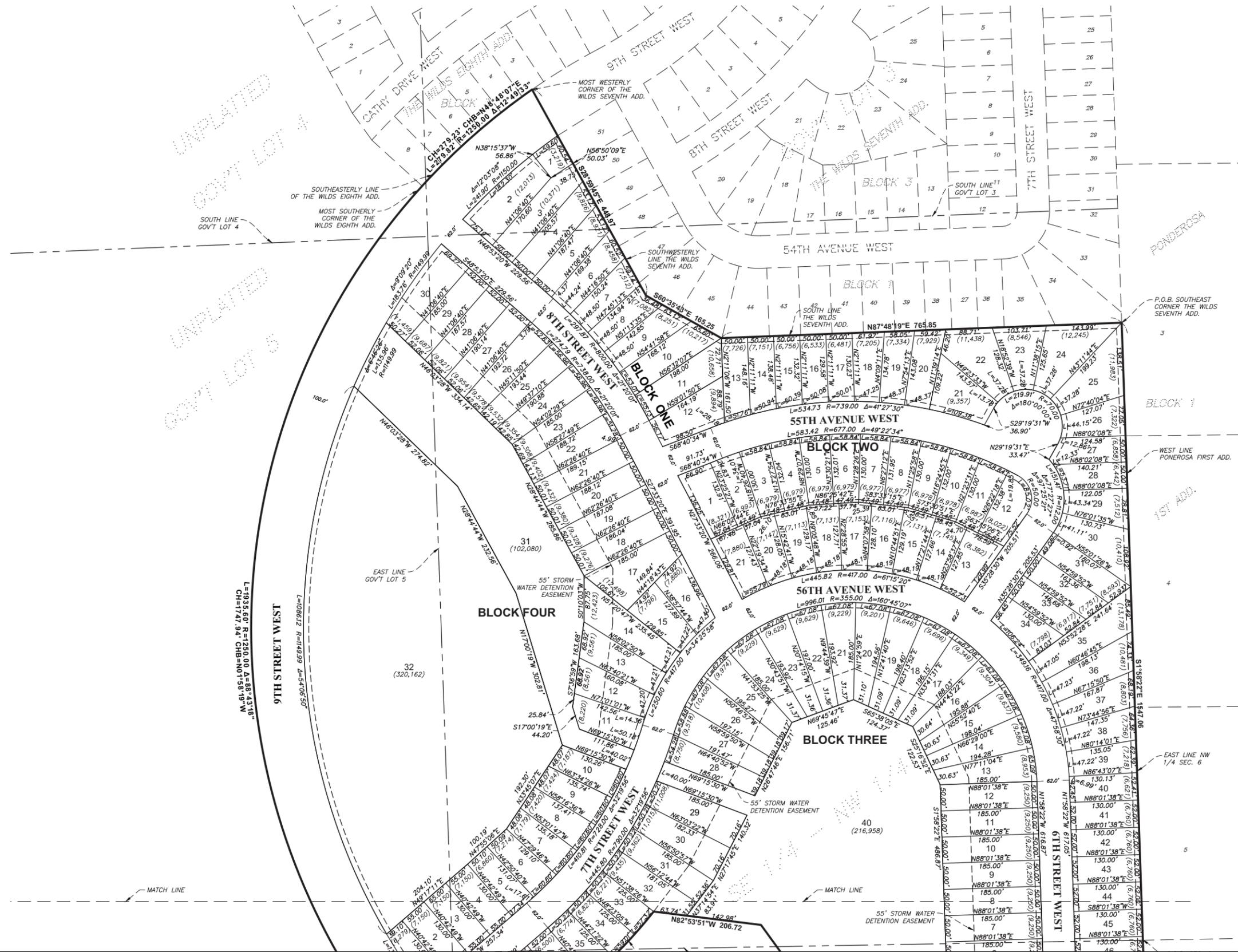
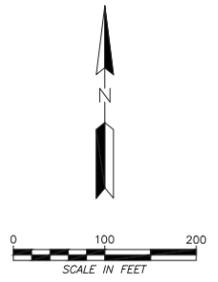
Second Reading on the Rezoning, Land Use Plan Amendment and Final Plat approval subject to conditions listed in the staff report.

---

# THE WILDS NINTH ADDITION

TO THE CITY OF WEST FARGO

A PLAT OF THOSE PARTS OF GOVERNMENT LOT 3, GOVERNMENT LOT 4, GOVERNMENT LOT 5, GOVERNMENT LOT 6, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 6, TOWNSHIP 138 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA



### LEGEND

- SET 5/8"x18" REBAR W/  
YELLOW PLASTIC CAP #3638
- FOUND IRON MONUMENT
- PLAT BOUNDARY
- LOT LINE
- NEW EASEMENT LINE
- EXISTING LOT LINE
- EXISTING EASEMENT
- RIGHT-OF-WAY LINE
- CONTROLLED ACCESS LINE
- SECTION LINE
- QUARTER LINE
- LOT AREAS IN SQ. FT.

NOTES:  
BEARINGS ARE BASED ON THE PLAT OF THE WILDS SEVENTH ADDITION  
GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.  
UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.



Responsive partner. Exceptional outcomes.

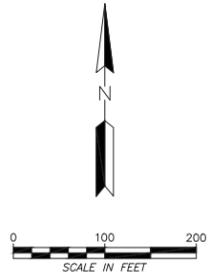
3303 Fiechter Drive  
Fargo, ND 58103  
Ph: 701-297-9600  
Fax: 701-297-9601

U:\Survey\Projects\1510-0001\_Edge Ridge Partners, LLC\2007 - Westport Investments - Wilds 9th Plat\Drawings\1510-0007-PLAT.dwg  
 Plot Date & Time: 1 June 2017 4:56 PM

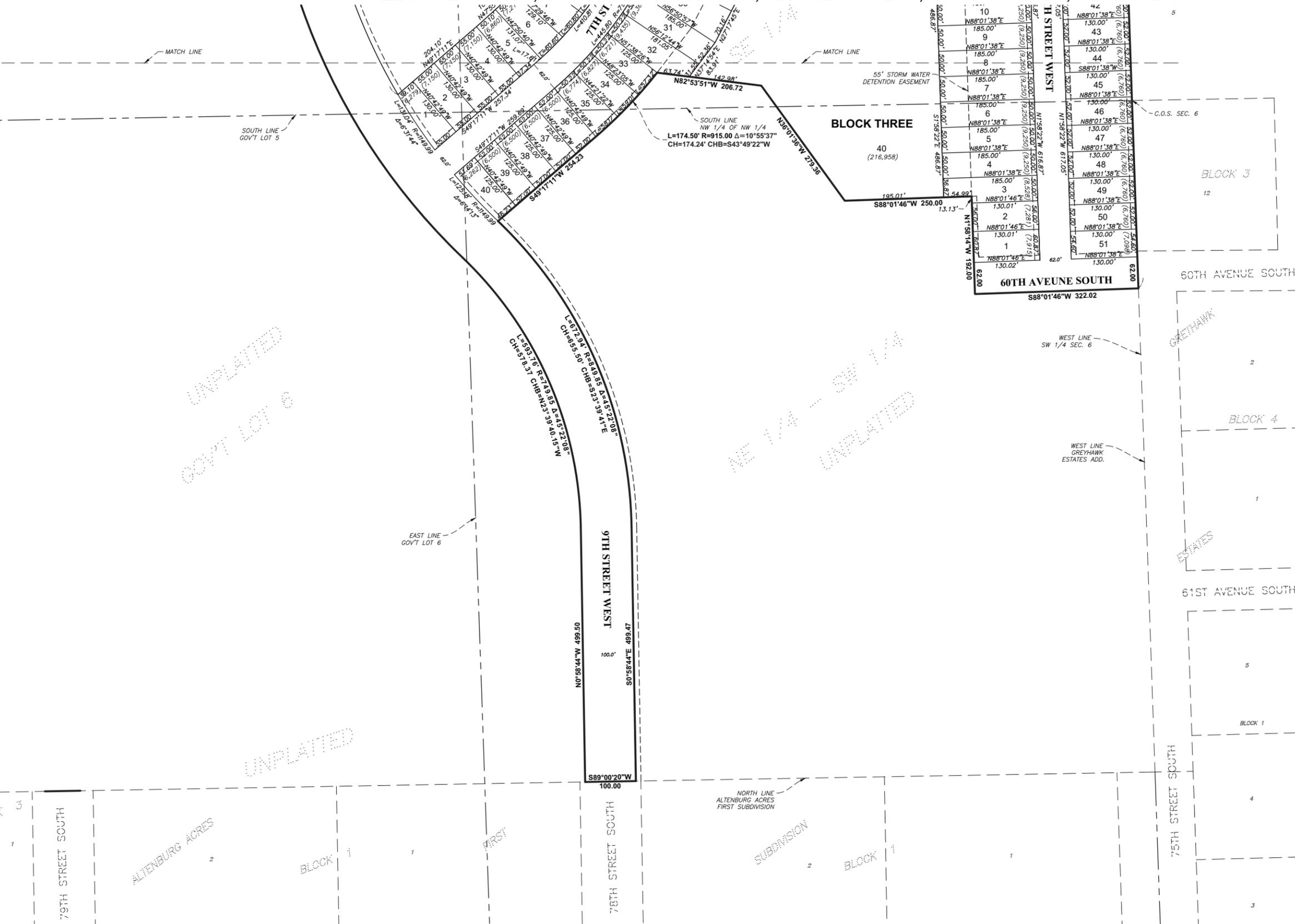
# THE WILDS NINTH ADDITION

TO THE CITY OF WEST FARGO

A PLAT OF THOSE PARTS OF GOVERNMENT LOT 3, GOVERNMENT LOT 4, GOVERNMENT LOT 5, GOVERNMENT LOT 6, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 6, TOWNSHIP 138 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA



Plot Date & Time: 1 June 2017 4:26 PM  
 U:\Survey\Projects\1510-0001\_Edge Ridge Partners, LLC\0007 - Westport Investments - West 9th Plat\Drawings\1510-0007-PLAT.dwg



**LEGEND**

- SET 5/8"x18" REBAR W/  
YELLOW PLASTIC CAP #3638
- FOUND IRON MONUMENT
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- LOT LINE
- NEW EASEMENT LINE
- EXISTING LOT LINE
- EXISTING EASEMENT
- RIGHT-OF-WAY LINE
- CONTROLLED ACCESS LINE
- SECTION LINE
- QUARTER LINE
- LOT AREAS IN SQ. FT.

(6,500)

**NOTES:**  
 BEARINGS ARE BASED ON THE PLAT OF THE WILDS SEVENTH ADDITION  
 GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.  
 UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.

**WENCK ASSOCIATES**  
 Responsive partner. Exceptional outcomes.  
 3303 Fiechtner Drive  
 Fargo, ND 58103  
 Ph: 701-297-9600  
 Fax: 701-297-9601

# THE WILDS NINTH ADDITION

## TO THE CITY OF WEST FARGO

A PLAT OF THOSE PARTS OF GOVERNMENT LOT 3, GOVERNMENT LOT 4, GOVERNMENT LOT 5, GOVERNMENT LOT 6, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 6, TOWNSHIP 138 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA

### CERTIFICATE

Kevin G. Nelson, being duly sworn, deposes and says that he is the Registered Land Surveyor who prepared and made the attached plat of "THE WILDS NINTH ADDITION" to the City of West Fargo, a plat of those parts of Government Lot 3, Government Lot 4, Government Lot 5, Government Lot 6, the Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter, all in Section 6, Township 138 North, Range 49 West, Cass County, North Dakota; that said plat is a true and correct representation of the boundary survey; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys and that said addition is described as follows, to wit:

Those parts of Government Lot 3, Government Lot 4, Government Lot 5, Government Lot 6, the Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter, all in Section 6, Township 138 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a point on the east line of the Northwest Quarter of said Section 6, at the southeast corner of THE WILDS SEVENTH ADDITION, according to the record plat thereof, said County; thence on an assumed bearing of South 01 degree 58 minutes 22 seconds East along said east line of said Northwest Quarter and the east line of the Southwest Quarter of said Section, a distance of 1547.06 feet; thence South 88 degrees 01 minutes 46 seconds West 322.02 feet; thence North 01 degrees 58 minutes 14 seconds West 192.00 feet; thence South 88 degrees 01 minutes 46 seconds West 250.00 feet; thence North 36 degrees 01 minutes 36 seconds West 279.36 feet; thence North 82 degrees 53 minutes 51 seconds West 206.72 feet; thence southwesterly 174.50 feet along a non-tangential curve concave to the northwest, having a radius of 915.00 feet, a central angle of 10 degrees 55 minutes 37 seconds, and the chord of said curve is 174.24 feet in length and bears South 43 degrees 49 minutes 22 seconds West; thence South 49 degrees 17 minutes 11 seconds West 254.23 feet; thence southeasterly 672.94 feet along a non-tangential curve concave to the southwest, having a radius of 849.85 feet, a central angle of 45 degrees 22 minutes 08 seconds, and the chord of said curve is 655.50 feet in length and bears South 23 degrees 39 minutes 41 seconds East; thence South 00 degrees 58 minutes 44 seconds East tangent to the last described curve 499.47 feet to the north line of ALTENBURG ACRES FIRST SUBDIVISION, according to the recorded plat thereof, said County; thence South 89 degrees 00 minutes 20 seconds West along said north line 100.00 feet; thence North 00 degrees 58 minutes 44 seconds West 499.50 feet; thence northwesterly 593.76 feet along a tangential curve concave to the southwest, having a radius of 749.85 feet and a central angle of 45 degrees 22 minutes 08 seconds and the chord of said curve is 578.37 feet in length and bears North 23 degrees 39 minutes 40 seconds West; thence northerly 1935.60 feet along a reverse curve concave to the east, having a radius of 1250.00 feet and a central angle of 88 degrees 43 minutes 18 seconds and the chord of said curve is 1747.94 feet in length and bears North 01 degree 58 minutes 19 seconds West to the most southerly corner of THE WILDS EIGHTH ADDITION, according to the record plat thereof, said County; thence continuing northeasterly 279.82 feet along said 1250.00 foot radius curve and easterly line of said last described plat for a central angle of 12 degrees 49 minutes 33 seconds and the chord of said curve is 279.23 feet in length and bears North 48 degrees 48 minutes 07 seconds East to the most westerly corner of said THE WILDS SEVENTH ADDITION; thence South 28 degrees 59 minutes 45 seconds East along the southwesterly line of said last described plat 448.97 feet to an angle point thereon; thence South 60 degrees 35 minutes 43 seconds East along the southwesterly line of said last described plat 165.25 feet to an angle point thereon; thence North 87 degrees 48 minutes 19 seconds East along the south line of said last described plat 765.85 feet to the point of beginning.

Said tract contains 56.22 acres, more or less.

Subject to Easements, Restrictions, Reservations and Rights of Way of Record.

Kevin G. Nelson  
Professional Land Surveyor  
N.D. Registration No. LS-3638

State of North Dakota )  
 ) SS  
County of Burleigh )

On this \_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, Kevin G. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public, Burleigh County, North Dakota

My commission expires: \_\_\_\_\_

### DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "THE WILDS NINTH ADDITION" to the City of West Fargo, a plat of those parts of Government Lot 3, Government Lot 4, Government Lot 5, Government Lot 6, the Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter, all in Section 6, Township 138 North, Range 49 West, Cass County, North Dakota; that we have caused it to be platted into lots and blocks as shown by said plat and certification of Kevin G. Nelson, Registered Land Surveyor, and that the description as shown in the certificate of the Registered Land Surveyor is correct. We hereby dedicate all Streets, Lanes, Drives, Utility Easements shown on said plat to the use of the Public.

Owner: Westport Investments, LLC

James R. Bullis, Secretary

State of North Dakota )  
 ) SS  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, James R. Bullis known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of Westport Investments, LLC.

Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

### WEST FARGO PLANNING COMMISSION APPROVAL

This plat in the City of West Fargo is hereby approved this \_\_\_\_ day of \_\_\_\_\_, 2017.

Tom McDougall, Chairman  
West Fargo Planning Commission

State of North Dakota )  
 ) SS  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, Tom McDougall, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of the West Fargo Planning Commission.

Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

### WEST FARGO CITY COMMISSION APPROVAL

This plat in the City of West Fargo is hereby approved this \_\_\_\_ day of \_\_\_\_\_, 2017.

Rich Mattern, President  
West Fargo City Commission

Tina Fisk  
City Auditor

State of North Dakota )  
 ) SS  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, Rich Mattern, President of the West Fargo City Commission, and Tina Fisk, City Auditor, known to me to be the persons whose names are subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of the West Fargo City Commission.

Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

### WEST FARGO CITY ATTORNEY APPROVAL

This plat in the City of West Fargo is hereby approved this \_\_\_\_ day of \_\_\_\_\_, 2017.

John T. Shockley, City Attorney

State of North Dakota )  
 ) SS  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, John T. Shockley, known to me to be the persons whose names are subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of the West Fargo City Attorney.

Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

### CITY ENGINEER'S APPROVAL

This plat in the City of West Fargo is hereby approved this \_\_\_\_ day of \_\_\_\_\_, 2017.

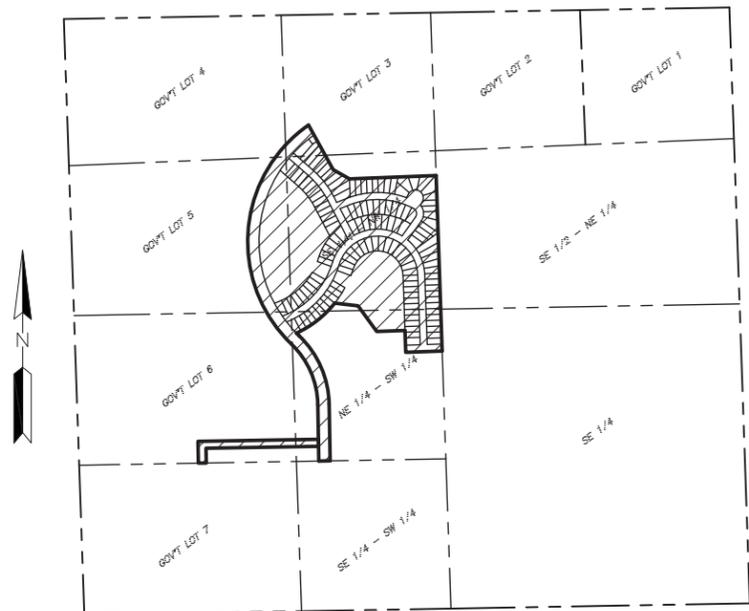
Dustin T. Scott, PE  
City Engineer

State of North Dakota )  
 ) SS  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me, Dustin T. Scott, City Engineer, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_



VICINITY MAP  
SECTION 6, T.139N. R.48W.  
(NO SCALE)



Responsive partner. Exceptional outcomes.

3303 Fiechtner Drive Fargo, ND 58103 Ph: 701-297-9600 Fax: 701-297-9601

AGENDA ITEM DESCRIPTION  
CITY COMMISSION  
WEST FARGO, NORTH DAKOTA

Agenda # 13.

1. CONTACT PERSON: Tim Solberg

2. PHONE NUMBER: 433-5320 DATE: June 15, 2017

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

Fargo Hot Spring is preparing to paint murals on the side of their building and came in to make sure that they could do so. Staff and City Attorney are requesting the Commission to make an interpretation to ensure they will not be challenged with the mural to be considered a "sign" and therefore not permitted under City Sign Regulations. Staff is offering two options to the Commission for interpretation. The City Sign Regulations 4-460 are attached with the applicable provisions highlighted. The applicant is proposing two different options at this time which are also attached hereto.

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

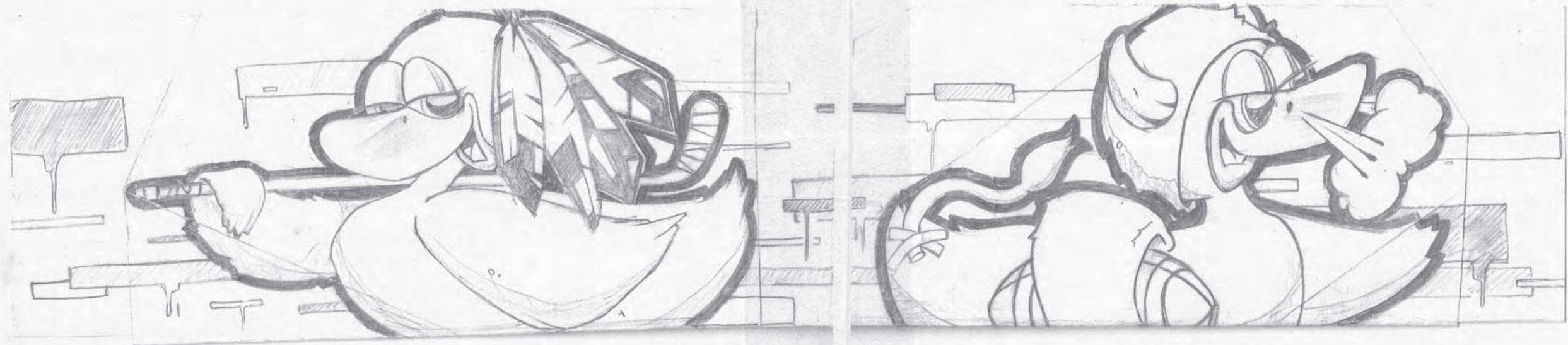
Lot 4, Block 1, Dakota Territory 6th Addition (1620 13<sup>th</sup> Ave E).

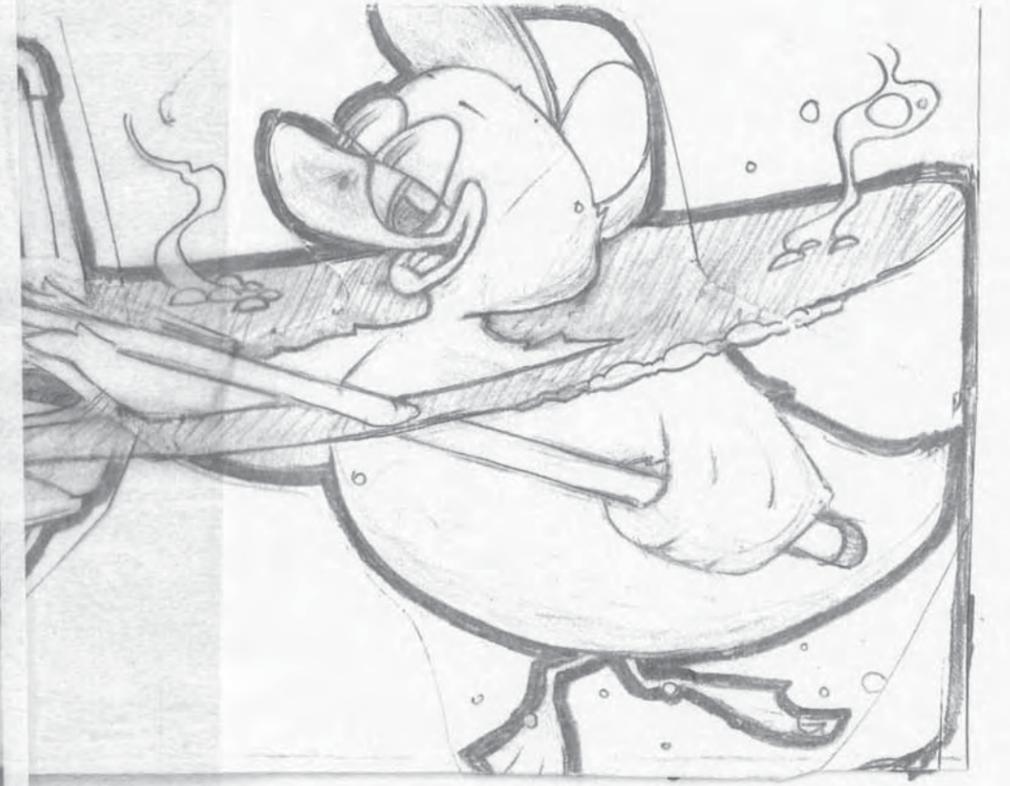
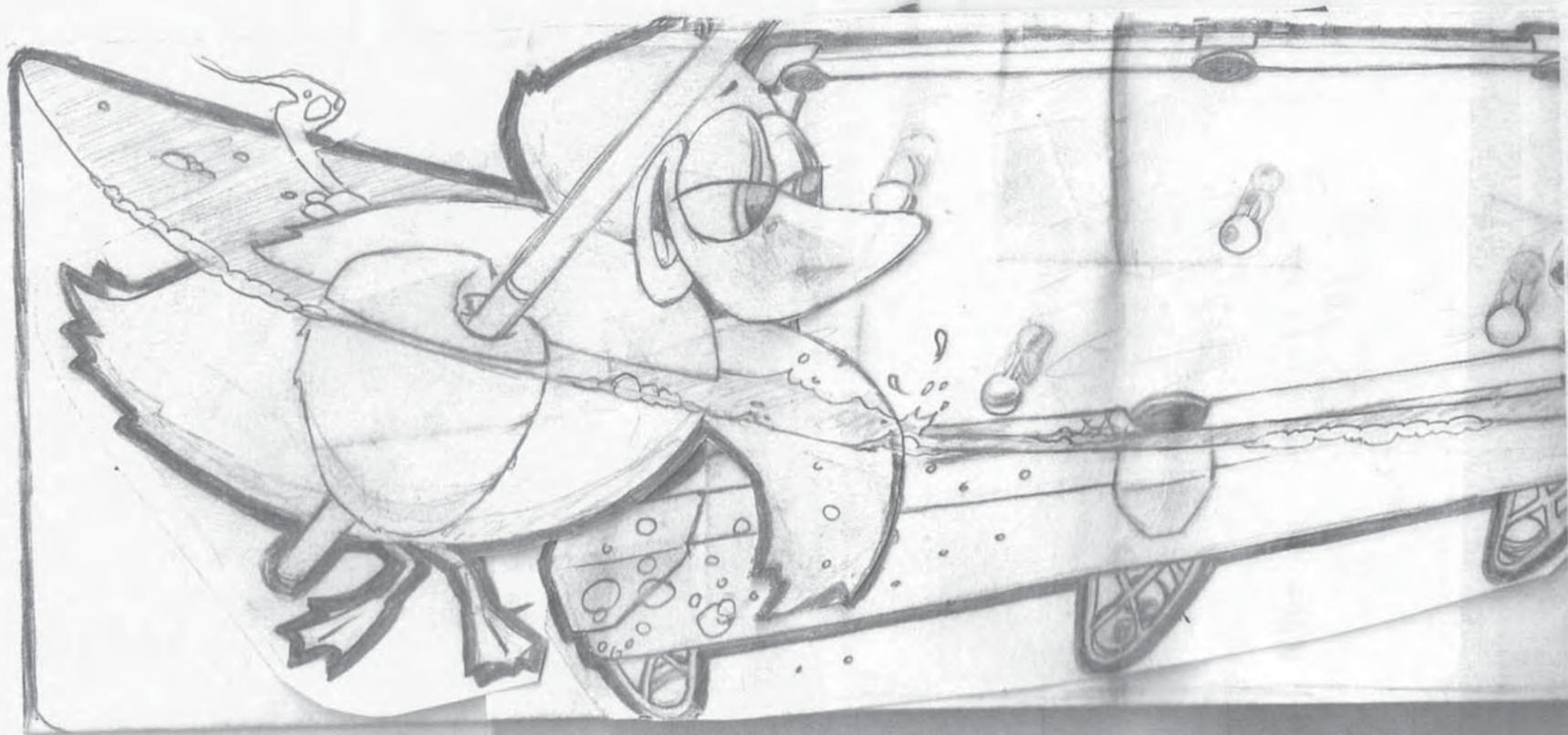
5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Interpret the proposed murals to not be considered a "Sign" under the definitions of 4-460 and therefore permitted without need for formal permit from the City.

OR

Consider the proposed murals to be considered a "Sign" under the definitions of 4-460 and thus determined to be "wall graphics" which are prohibited under Section 4-460.8.2.f.





4-460. SIGN REGULATIONS. (Source: Ord. 677, Sec. 1 [2003])

Subdivisions:

- 4-460.1 Objectives.
- 4-460.2 Conflict with Zoning Chapter.
- 4-460.3 Definitions.
- 4-460.4 Existing Signs and Nonconforming Signs.
- 4-460.5 Nonconforming Sign Maintenance and Repair
- 4-460.6 Nonconforming Uses.
- 4-460.7 General Sign Provisions.
- 4-460.8 Signs Not Requiring Permit and Prohibited Signs.
- 4-460.9 General District Regulations.
- 4-460.10 Special District Regulations.
- 4-460.11 Inspection.
- 4-460.12 Permit, Application, Variance and Commission Approval.
- 4-460.13 Enforcement.
- 4-460.14 Violation a Misdemeanor.

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4-460.1. OBJECTIVES.

1. To establish standards which permit businesses a reasonable and equitable opportunity to advertise.
2. To preserve and promote civic beauty and prohibit signs which would detract from this objective because of size, shape, height, location, condition, cluttering or illumination.
3. To insure that signs to not create safety hazards.
4. To preserve and protect property values.

4-460.2. CONFLICT WITH ZONING CHAPTER. If there is a conflict between this chapter and the Zoning chapter, the Zoning chapter shall prevail.

4-460.3. DEFINITIONS. The following terms, as used in this chapter, shall have the meanings stated:

ADVERTISING SIGNS. A sign used to advertise products, goods or services not exclusively related to the premise on which the sign is located.

ADDRESS SIGN. A sign communicating only a street address.

ALTERATION. Any major alteration to a sign excluding routine maintenance, painting or change of copy.

AREA IDENTIFICATION SIGN. A freestanding sign identifying the name of a single or two-family residential subdivision

consisting of twenty (20) or more lots; a residential planned unit development; a multiple residential complex consisting of three (3) or more independent operations; a single business consisting of three (3) or more separate structures; a manufactured home court; or any integrated combination of the above. The sign shall only identify the area, complex or development and shall not, unless approved by the Commission, contain the name of individual owners or tenants. The sign may not contain advertising.

AWNING. A hood or cover projecting from the wall of a building, and which may be retracted, folded or collapsed against the face of a supporting building.

BANNER SIGN (PERMANENT). A sign constructed of canvass or other durable fabric that is enclosed within a cabinet or frame and is permanently mounted to the wall of a building.

Source: Ord. 704, Sec. 1 (2004)

BANNERS. Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.

BEACON. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also any light with one or more beams that rotate or move.

BENCH SIGNS. A sign affixed to a bench such as at a bus stop.

BILLBOARD. An advertising sign.

BUILDING FACADE. That portion of the exterior elevation of a building extending from grade to the top of a parapet wall or eaves and the entire width of the building elevation.

BUSINESS SIGN. Sign identifying a business or group of businesses, either retail or wholesale, or any sign identifying a profession or used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premises where the sign is located.

CAMPAIGN SIGN. A temporary sign promoting the candidacy of a person running for governmental office, or promoting an issue to be voted on at a governmental election.

CANOPY SIGN. Message or identification affixed to a canopy or marquee that provides a shelter or cover over the approach to any building entrance.

CONSTRUCTION SIGN. A sign at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.

DIRECTIONAL SIGNS. A sign erected with the address and/or name of a business, institution, church or other use or activity plus directional arrows or information on location.

DIRECTORY SIGN. An exterior informational wall sign identifying the names of businesses served by a common public entrance in a shopping center or office buildings.

FLASHING SIGN. An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color when the sign is illuminated.

FREESTANDING SIGN. Self-supported sign not affixed to another structure.

HIGH IMPACT SIGN. Any high profile sign such as mobile electronic message centers or reader boards, automatically changing sign faces, vehicles and equipment with sound equipment and/or significant signage, and other high impact business and/or events promotion schemes.

Source: Ord. 702, Sec. 1 (2004)

IDENTIFICATION SIGN. A sign which identifies the business, owner, manager, resident or address of the premises where the sign is located and which contains no other material.

ILLUMINATED SIGN. Sign illuminated by an artificial light source either directed upon it or illuminated from an interior source.

INFORMATIONAL SIGN. Any sign, including gas price and menu board signs, giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.

INSTITUTIONAL SIGN. A sign identifying the name and other characteristics of a public or quasi-public institution on the premises where the sign is located.

INTEGRAL SIGN. A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.

LOGO. One or more letters, symbols or signs used to represent a name or trademark of a business or other entity. A logo sign is also considered an identification sign.

MARQUEE. A canopy.

MENU BOARD. Any sign containing a food price list for restaurant customers, but containing no advertising or identification.

MONUMENT SIGN. A sign where the extent of the sign structure is attached to the ground or a foundation in the ground; and where there are no poles, braces, or other visible means of support other than attachment to the ground.

MOTION SIGN. A sign which revolves, rotates, has moving parts or gives the illusion of motion.

MULTIPLE TENANT SITE. Any property or business site that contains more than one (1) business, and each business has a separate lease.

Source: Ord. 702, Sec. 1 (2004)

NONPROFIT ORGANIZATION. A corporation formed under North Dakota Statutes, a church or community or civic group.

PARAPET. A low wall which is located on a roof of a building.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

PORTABLE SIGN. Portable signs shall include, but not be limited to: Signs constructed so as to be movable, either by skids, wheels, truck, or other conveyance; any sign which does not have a permanent foundation or is other wise permanently fastened to the ground, excluding those signs defined under "High Impact Signs". When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, nor does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors.

Source: Ord. 702, Sec. 1 (2004)

PROJECTING SIGN. A sign, other than a wall sign, which is affixed to a building and perpendicular from the building wall.

PUBLIC ENTRANCE. Passage or opening which affords entry and access to the general public.

PUBLIC ENTRANCE, COMMON. A public entrance providing access for the use and benefit of two (2) or more tenants or building occupants.

READER BOARD. A sign with an electronic changing message and/or animation to create a special effect or scene. Electronically controlled time and temperature signs are included.

REAL ESTATE SIGN. A business sign placed upon property advertising that particular property for sale or rent.

ROOF LINE. The top of the coping or when the building has a pitched roof, the intersection of the outside wall with the roof.

ROOF SIGN. Sign erected, constructed or attached wholly or in part upon or over the roof of a building.

SIGN. Use of words, numerals, figures, devices or trademarks by which anything is made known such as individuals, firms, professionals, businesses, services or products and which is visible to the general public.

SIGN AREA. The area within the marginal lines of the surface of a sign, which bear the advertisement, or in the case of message, figures or symbols attached directly to a building or sign structure, that area which is included in the smallest rectangle or series of geometric figures used to circumscribe the message, figure or symbol displayed thereon.

SIGN, MAXIMUM HEIGHT OF. The vertical distance from the grade to the top of the sign.

SIGN STRUCTURE. The supports, uprights, bracing and framework for a sign, including the sign area.

STREET FRONTAGE. The proximity of a parcel of land to the streets. A corner lot has two (2) or more frontages, but may use only one side for the purpose of calculating allowable sign area. It may be the longest side.

TEMPORARY SIGN. Unless otherwise defined as a "Portable Sign" or "High Impact Sign", any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, and wood or metal signs less than twelve (12) square feet in area, which does not have a permanent foundation or is otherwise permanently fastened to the ground, and which is erected or displayed for a limited period of time shall be considered a temporary sign.

Source: Ord. 702, Sec. 1 (2004)

WALL SIGN. A sign affixed to the exterior wall of a building, and which is parallel to the building wall. A wall sign does not project more than twelve (12) inches from the surface to which it is attached, nor extend beyond the top of a parapet wall.

**WALL GRAPHICS.** A sign painted directly on an exterior wall.

WINDOW SIGN. A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.

4-460.4 EXISTING SIGNS AND NONCONFORMING SIGNS.

1. Except for signs determined to create a public safety hazard due to content or due to disrepair and condition, or illegally established signs, all legally established signs existing upon the effective date of this Chapter shall not be enlarged or reconstructed, but may be continued at the size and in the manner or operation existing upon such date.
2. A nonconforming sign:
  - a. May not be structurally altered except to bring it into compliance with the provisions of this chapter.
  - b. May not be enlarged.
  - c. May not be reestablished after its removal or discontinuance.
  - d. May not be repaired or otherwise restored, unless the damage is to less than fifty (50) percent of sign structure.
  - e. May not be replaced, unless the sign is within an existing sign cabinet.
  - f. Shall be removed if there is a change in use or business license for the property.
  - g. May not be continued for more than six (6) months following the adoption of this ordinance if the sign is temporary in nature and/or not permanently mounted.

4-460.5. NONCONFORMING SIGN MAINTENANCE AND REPAIR. Nothing in this chapter shall be construed as relieving the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way, which makes it more nonconforming or the sign shall lose its legal nonconforming status.

4-460.6. NONCONFORMING USES. When the principal use of land is legally nonconforming under the Zoning Chapter, all existing or proposed signs in conjunction with that land, shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

4-460.7. GENERAL SIGN PROVISIONS.

1. The design and construction standards as set forth in the City's adopted building code, as may be amended, are hereby adopted.
2. The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to such sign shall be underground.
3. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
4. Signs shall not create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "stop," "caution," "warning," unless the sign is intended to direct traffic on the premises. No sign may cause a nuisance because of lighting glare, focus, animation or flashing. No sign may be placed in a manner as to materially impede vision between a height of two and one-half (2½) feet and ten (10) feet above the center grades of the intersecting streets within thirty (30) feet to the point of curvature of the intersecting street curbs.
5. Signs and sign structures shall be properly maintained and kept in a safe condition. Sign or sign structures which are rotted, unsafe, deteriorated or defaced shall be repainted, repaired or replaced by the licensee, owner or agent of the building upon which the sign stands.
6. No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the Building Official.
7. No signs, guys, stays or attachments shall be erected, placed or maintained on rocks, fences or trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
8. The use of temporary signs such as banners, inflatable signs, tethered balloons and similar devices may be erected on the premises of an establishment for special events, provided that such signs may not be displayed for

more than thirty (30) calendar days within any four (4) month period. Violations for temporary signs must be corrected within seven (7) days of written notification. Banners may be considered permanent signs provided they are constructed of canvass or other durable fabric enclosed within a cabinet or frame which is permanently and entirely mounted on the wall of a building and comply with the sign regulations set forth herein.

Source: Ord. 704, Sec. 2 (2004)

9. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver. Nor shall such signs interfere with or obscure an official traffic sign or signal. This includes indoor signs which are visible from public streets.
10. Portable and High Impact signs shall be governed by the following provisions:
  - A. Portable Signs - Prior to the placement of a portable sign, a portable sign permit must be obtained from the City of West Fargo Planning Office. A portable sign permit may be granted for a period not to exceed fourteen (14) days at a time, except for municipal construction zones which impact customer access to a business or use, whereupon the Planning Director may authorize extended display periods. Upon removal of the portable sign, it must be at least fourteen (14) days before another permit may be issued at that location for the same business or use, provided that portable signage on the site does not exceed 56 days within one calendar year for the same business or use. Portable sign permits shall be issued provided the following:
    - 1) The portable sign is located in a Commercial (C, CM, or PUD), Industrial (CM, M, or PUD), or Public Facilities (P) Zoning District.
    - 2) The portable sign is located upon the same parcel which the advertisement/notice is intended, unless advertising a community-wide event, as determined the Planning Director.
    - 3) No portable sign may exceed sixty (60) square feet in area, with the sign face not to exceed six (6) feet in height or ten feet in width, and may not exceed eight feet (8) feet in overall height.

- 4) No portable sign may be placed upon the public right-of-way without approval of the City Commission. Portable signs shall meet the setback requirements for freestanding signs for Corridor Overlay Districts and underlying zoning districts.
- 5) No portable sign placed within one hundred (100) feet of an area zoned for residential use may have blinking, flashing or fluttering lights or other illuminating devices that have a changing intensity, brightness or color.
- 6) No part of a portable sign may be located within the thirty (30) foot sight triangle measured from the point of curvature of the intersecting street curbs.
- 7) Notwithstanding any other provision of this Ordinance, no sign may be placed in a manner as to impede vision within a twenty-four (24) foot sight triangle of the intersecting curb line of a driveway, entrance, or exit. This triangle may be increased by the Planning Director when deemed necessary for traffic safety.
- 8) Only one portable sign may be placed upon a property or development complex site at any given time, except in the case of multiple tenant sites consisting of six (6) or more businesses/uses, where two (2) portable signs will be allowed on the parcel at any given time.
- 9) All portable signs must be kept in good repair and in proper state of maintenance, including, but not limited to replacing lamps, replacing or repairing the sign face, replacing trim, etc. If the Planning Director finds that a sign is not in a proper state of repair, the City may after thirty (30) days of written notification, not issue a permit for the specific sign for any location.
- 10) In installing or removing the portable signs, access can not be across a boulevard, sidewalk or bikepath, unless an established driveway is present and used.

B. High Impact Signs - Prior to the placement of a high impact sign, a high impact sign permit must be obtained from the City of West Fargo Planning Office. A high impact sign permit may be granted for a period not to exceed five (5) consecutive days at a given site for a business use and no more

than twenty-one (21) total days within one calendar year. High impact sign permits shall be issued providing the following:

- 1) The high impact sign is located in a Commercial (C, CM, or PUD), Industrial (CM, M, or PUD), or Public Facilities (P) Zoning District.
- 2) The high impact sign is located upon the same parcel which the advertisement/notice is intended, unless advertising a community-wide event, as determined the Planning Director.
- 3) No high impact sign may be placed upon the public right-of-way without approval of the City Commission. Portable signs shall meet the setback requirements for freestanding signs for Corridor Overlay Districts and underlying zoning districts.
- 4) No high impact sign placed within one hundred (100) feet of an area zoned for residential use may have blinking, flashing or fluttering lights or other illuminating devices that have a changing intensity, brightness or color.
- 5) No part of a high impact sign may be located within the thirty (30) foot sight triangle measured from the point of curvature of the intersecting street curbs.
- 6) Notwithstanding any other provision of this Ordinance, no sign may be placed in a manner as to impede vision within a twenty-four (24) foot sight triangle of the intersecting curb line of a driveway, entrance, or exit. This triangle may be increased by the Planning Director when deemed necessary for traffic safety.
- 7) Only one high impact or portable sign may be on a property or business site during any given period, except that multiple tenant sites may have up to two (2) portable signs or high impact signs, or a combination thereof, during any given period, provided the content of the sign changes for each business per the regulations outlined in this section.
- 8) In installing or removing the high impact signs, access can not be across a boulevard, sidewalk or bikepath, unless an established driveway is present and used.

11. No sign or sign structure shall be closer to any side lot line than a distance equal to one-half (1/2) the minimum required yard setback. Nor shall any sign project onto any public street or alley or approved private street. No sign shall be placed within any drainage or utility easement.
12. No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
13. A freestanding sign or sign structure constructed so that the faces are not back to back, shall not have an angle separating the faces exceeding twenty (20) degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.
14. Signs in residential districts and signs facing residential districts shall not be illuminated unless approved as a conditional use.
15. Except for farm buildings, at least one (1) address sign identifying the correct property number as assigned by the City shall be required on each principal building in all districts. The number shall be at least three (3) inches in height.
16. Illegal signs which are located anywhere within any portion of any public right-of-way may be confiscated without notice by any City Official or agent. These signs may be recovered by the owner upon payment of a fine as imposed by the City Commission.
17. Reader boards, off-premise, and other signs, whether electronic, digital or other, shall be reviewed by various City departments to determine if such sign may create a nuisance or traffic hazard because of lighting glare, focus, animation or flashing. Visual nuisance or traffic hazard effects may be minimized through the use of static images or message (no flashing or scrolling messages), time sequencing of images or messages, i.e., 8 second standard changes and reduced intensity in lighting. In the event that such sign is determined to potentially constitute a nuisance or traffic hazard, the sign shall be reviewed as a conditional use.

Source: Ord. 916, Sec. 50 (2012); Ord. 1049, Sec. 40 (2015)

#### **4-460.8. SIGNS NOT REQUIRING PERMIT AND PROHIBITED SIGNS.**

1. Permitted Signs. The following signs are allowed without a permit; however are included within the allowable sign area, unless otherwise indicated.

- a. Public Signs. Signs of a public, noncommercial nature, including safety signs, directional signs to public facilities, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when erected by or on behalf of a public official or employee in the performance of official duty.
- b. Identification Signs. Identification signs not exceeding one (1) square foot for single and two-family structures and sixteen (16) square feet for multiple family structures.
- c. Informational Signs. Informational Signs not exceeding twenty-four (24) square feet. One informational sign shall be allowed for each business and is not included within the allowable sign area, provided it does not exceed twenty-four (24) square feet and is fastened to an existing sign structure or building, or is a menu board for a restaurant.
- d. Directional Signs.
  - (1) On-Premise Signs. Shall not be larger than four (4) square feet. The number of signs shall not exceed four (4) unless approved by the Planning and Zoning Commission, and shall not be included within the allowable signage.

Source: Ord. 704, Sec. 3 (2004)

- (2) Off-Premise Signs. Shall be limited to situations where access is confusing and traffic safety could be jeopardized or traffic could be inappropriately routed through residential streets. The size of the sign shall be approved by the City Commission and shall contain no advertising.
- e. Integral Signs. Integral signs shall not be included within the allowable sign area.
- f. Campaign Signs. Campaign signs not exceeding thirty-two (32) square feet for any one sign, or for all signs on any lot. The sign must contain the name and address of the person responsible for such sign, and that person is responsible for its removal.
- g. Flags and Insignia. Flags and insignia of any government except when displayed in connection with commercial promotion.

- h. Holiday Signs. Signs or displays which contain or depict a message pertaining to a religious, national, state or local holiday and no other matter, and which are displayed for a period not to exceed forty-five (45) days in any calendar year.
- i. Construction/Development Signs. A non-illuminated construction or development sign confined to the site of the construction, alteration, repair or development. Such sign must be removed within two (2) years of the date of issuance of the first building permit on the site or when the particular project is completed, whichever is sooner, unless said sign is intended to be a permanent identification sign for the development and is approved as a conditional use. One sign shall be permitted for each street the project abuts. No sign may exceed thirty-two (32) square feet in the R-1E, R-1A, R-1, R-4 and R-5 Districts, or sixty-four (64) square feet in the A, R-2, R-3, C, CM and M districts unless otherwise approved as a conditional use.
- j. Roadside Market Signs. Signs advertising produce grown and sold on the premises on which they are located, provided such signs shall not exceed thirty-two (32) square feet in area or be displayed for a period exceeding six (6) months of any calendar year.
- k. "For Sale" and "To Rent" Signs. "For Sale" and "To Rent" signs shall be permitted subject to the following regulations:
  - (1) Six (6) or Less Residential Dwelling Units. The following applies to the for sale or for rent of a single family residence or where six (6) or less dwelling units (or lots for residential development) are for sale or rent: No more than one such sign per lot, except on a corner lot (2) signs, one facing each street, shall be permitted. No such signs shall exceed sixteen (16) square feet in area, or be illuminated. Each such sign must be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of the property. Each sign must be placed only upon the property offered for sale or rent.
  - (2) Seven (7) or More Residential Dwelling Units. Where more than six (6) dwelling units (or lots for residential development purposes) are offered for sale or rental by the same party,

signs advertising such sale or rental may be constructed therefore in any district. There shall be permitted one sign facing each public street providing access to the property being offered. Each such sign shall not exceed twenty-four (24) square feet in area; shall be located at least one hundred (100) feet from any preexisting home; and shall be removed within one year from the date of building permit issuance, or when less than six (6) units remain for sale or rent, whichever is less. Said sign shall fully comply with the setback requirement for the zoning district in which the property is located.

- (3) Industrial or Commercial Property. In the event of an industrial or commercial sale or rental of real property, there shall be permitted one sign facing each public street providing access to the property being offered. Each sign shall not exceed thirty-two (32) square feet in area for signs located within fifty (50) feet of the front property line, or sixty-four (64) square feet in area if located fifty (50) or more feet from the front property line and must be devoted solely to the sale and rental of the property being offered and must be removed immediately upon the sale or rental of the last property offered at that location. Said sign may not be located closer to the property line than fifty (50) percent of the setback required within the particular zoning district in which the property is located.
1. Rummage (Garage) Sale Signs. Rummage sale signs shall not be posted until one day before the date of the sale and shall be removed within one (1) day after the end of the sale and shall not exceed six (6) square feet. Rummage sale signs shall not be located in any public right-of-way, or on utility poles or equipment.
- m. Signs relating to official local, state or federal government agencies and City entrance signs.
- n. Window Signs. Window signs shall not exceed fifty (50) percent of the total glass area of the face of the building on which the window in which they are displayed and shall not be included within the allowable sign area.

- o. Small Signs. Small signs which do not exceed one (1) square foot in area shall not be counted as part of the allowable sign area, provided the signs are not part of a larger sign scheme for the building or property.
- p. Pennants. Pennants may be erected on the premises of an establishment in commercial and industrial zoning districts which are not in the "Corridor Overlay District. Pennant displays must be properly maintained as to not create a safety hazard, nor shall they detract from the character of adjacent properties and other property in the district. The rope, wire or string used to display the pennants must be fastened securely and remain taut.

Source: Ord. 704, Sec. 5 (2004)

**2. Prohibited Signs. The following signs are prohibited:**

- a. Off-Premise Advertising Signs with the following exceptions:
    - (1) Approved signs within a commercial or industrial planned unit development, advertising businesses within the PUD.
    - (2) Signs as provided for in the district provisions.
  - b. Advertising or business signs on or attached to equipment such as semi-truck trailers or motor vehicles where signing is a principal use of the equipment on either a temporary or permanent basis. Such signs may be used for special events on site and may not be displayed for more than fourteen (14) calendar days within any four (4) month period.
- Source: Ord. 702, Sec. 3 (2004)
- c. Beacon, motion and flashing signs, except reader boards, time and temperature signs and barber poles.
  - d. Roof Signs. Except that a business sign may be placed on the fascia or marquee of a building, provided it does not extend above the highest elevation of the building, excluding chimneys.
  - e. Business signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises

is seeking a new tenant, such signs may remain in place for not more than thirty (30) days from the date of vacancy.

**f. Wall Graphics.**

- g. Portable signs, banners, inflatable signs, tethered balloons and similar devices except as provided in this chapter.
- h. Signs which are tacked on bridges, fire hydrants, official public signs, trees, fences, utility poles or in any portion of a public right-of-way; temporary signs fastened to sign structures, parking lot light poles or other structures; and temporary signs secured by wires, stakes or weights.
- i. Bench signs except by special permit of the City Commission.
- j. Home occupation signs except as part of an identification sign for the residence, which does not exceed one (1) square foot in area and is mounted flush against the buildings.
- k. Pennants within the "Corridor Overlay District."

Source: Ord. 704, Sec. 4 (2004)

4-460.9 GENERAL DISTRICT REGULATIONS.

1. Agricultural and Residential Districts.

- a. Institutional Identification. Except as provided for as a conditional use, only one (1) sign per street frontage for the principal use, and the sign area may not exceed thirty-two (32) square feet with a maximum height of eight (8) feet for freestanding signs. There shall be fifteen (15) feet for the front yard setback and ten (10) feet for the side yard setback on a corner lot.
- b. Residential Area Identification. One (1) sign for each exclusive entrance to the development not exceeding thirty-two (32) square feet, or two signs not exceeding sixteen (16) square feet each. Signs are limited to a maximum height of eight (8) feet for freestanding signs.
- c. Conditional Use Identification. Only one (1) sign for a conditionally permitted use, which is the primary use of the property, unless otherwise approved as part of a public review for a

conditional use. The sign area may not exceed thirty-two (32) square feet with a maximum height of eight (8) feet for freestanding signs. Uses with more than one street frontage may be allowed an additional sign of same size and height, provided it is approved as part of the conditional use application.

- d. Increase in signage. Additional signage may be considered by the City as a conditional use, subject to following the conditional use procedures established by the City.

2. "C," "HC," "LI" and "M" Districts.

Source: Ord. 1045, Sec. 5 (2015); Ord. 1049, Sec. 41 (2015))

- a. Sign Allocation Plan. A sign allocation plan shall be established by the developer or property owner for multi-tenant buildings to provide for the desired allocation of signage. When buildings are expanded and/or tenants added, a revised plan shall be established. Sign allocation plans shall take into consideration the total buildable area of the property and provide for an equitable distribution of signage to tenants based on the percentage of leasable floor area for each tenant. Anchor tenants may be assigned up to ten (10) percent more signage than the distribution formula would provide for with smaller tenants receiving proportionally less. Plans shall be submitted to the City for administrative review and approval.
- b. Single or Multiple Occupancy Business Signs. The total sign area for the subject property may not exceed two (2) square feet for every one (1) foot of lot frontage on a public or approved private street. On corner lots the longest frontage may be used. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
  - (1) Freestanding. Not more than one (1) sign per 50,000 square feet of floor area; however, on corner lots two (2) freestanding signs are allowable, one (1) per frontage. Total individual business sign area may not exceed one hundred (100) square feet nor exceed a maximum height of thirty-five (35) feet. The sign area may be increased to one hundred fifty (150) square feet provided the sign is set back a minimum of twenty (20) feet from the street right-of-way in front. Multiple tenant signs on a freestanding sign structure may not exceed one hundred fifty (150) square feet, except that if a setback of twenty (20) feet from the street right-of-way in front is

provided, the total signage may be increased to two hundred (200) square feet.

- (2) Wall, Canopy or Marquee. Not more than one sign for each ten (10) feet of lot frontage. Sign area may not exceed fifteen percent (15%) of the building facade up to a maximum of one hundred (100) square feet per sign for buildings with a setback of less than one hundred (100) feet and up to a maximum of two hundred (200) square feet per sign for buildings with a setback of one hundred (100) feet or more.
  - c. Modified Sign Development Plan. Parcels which are unusual in dimensions (large parcels with limited frontage) may have a modified sign development plan considered as a conditional use, particularly if the property is intended to be developed with multi-tenant building(s) and the allowable signage is very limited.
  - d. Off-premise signs are allowed in "HC": Heavy Commercial, "LI": Light Industrial, and "M": Heavy Industrial Districts. No off-site sign shall exceed seven hundred fifty (750) square feet in area. No two off-site signs may be placed less than two hundred fifty (250) feet apart, unless said signs are separated by buildings or other obstructions in such a manner that only one sign is visible from the roadway at any time.
3. "P" Public Facilities District.
- a. For such facilities occupying an area of five (5) acres or more, an identification sign not larger than ninety-six (96) square feet, or two (2) signs not to exceed forty-eight (48) square feet may be permitted. Signs shall be of a wall, canopy, marquee or freestanding variety. Freestanding signs are limited to a maximum height of eight (8) feet, except that the height of a sign may be increased one (1) foot up to (10) additional feet for each two (2) feet of front yard setback provided beyond the minimum and for each four (4) feet of side yard setback provided beyond the minimum.
  - b. As a conditionally permitted use, off-premise signs may be allowed. The City may impose height and other size requirements, as well as other requirements deemed necessary by the City to have such signs fit into the area in which they are proposed to be established.

4. "PUD" Districts. In "Planned Unit Development" Districts, sign restrictions shall be based upon the individual uses and structures contained in the development. Signs shall be in compliance with the restrictions applied in the most restrictive zoning district in which the use is allowed. Signs considered to be off-premise signs must meet the requirements set forth above for on-premise signs for the most restrictive zoning district in which the use is allowed, must be limited to advertising businesses located within the same PUD District, and the off-premise signs must be a permissive use in the PUD District.
5. "CO" District. In addition to the sign restrictions stated above, the following restrictions shall apply:
  - a. In underlying Agricultural and Residential Districts, no sign shall be permitted except as may be allowed as a conditional use, in which case signage shall conform to whatever restrictions may be imposed by the City Commission in authorizing the conditional use permit; however, in no case shall the requirements be less restrictive than those set forth in the subsection below.
  - b. In underlying Commercial Districts: On-Premise Signs shall be permitted according to the following provisions:
    - (1) Number: In structures with multiple occupancy and individual outside entrances (retail centers), each tenant can have its own wall signs; however, a common monument or freestanding sign is intended to serve the needs of all the tenants in the structures.
    - (2) Height: Freestanding signs shall conform to the following formula:
$$\text{Max. Height (ft)} = \frac{\text{Frontage on designated street}}{10} + \frac{\text{Sign Setback}}{2}$$
with no freestanding sign exceeding twenty-five (25) feet in height, except that the height of a sign may be increased one (1) foot, up to ten (10) additional feet, for each two (2) feet of setback provided beyond the minimum.
    - (3) Minimum Setback: There shall be fifteen (15) feet front yard sign setback for all

those properties abutting the designated streets. For those properties abutting other roadways, yard sign setbacks along the roadways shall be five (5) feet.

- (4) For premises without frontage on the designated streets, the height and area of signs shall be determined by the amount of frontage on other public or approved private streets.
  - c. In underlying PUD District, on-premise signs shall be permitted according to the provisions of the underlying district and the provisions of this section, the most restrictive provisions prevailing. Off-premise signs in the underlying PUD District must meet the requirements set forth above for on-premise signs, must be limited to advertising businesses located within the same PUD District, and the off-premise signs must be a permissive use in the PUD District.
6. "CO-I" District. In addition to the sign restrictions stated above for underlying districts, identification or institutional wall signs may be increased in area as a conditional use to a maximum of 300 square feet in area, provided the following criteria are met:
- a. The structure on which the wall sign is mounted shall be set back a minimum of 400 feet from public street or Interstate 94 right-of-way lines.
  - b. The structure is at least 100,000 square feet in area.
  - c. No freestanding signs are utilized on the property.
  - d. Only two wall signs are allowed, one for each of two sides.

Source: Ord. 910, Sec. 1 (2011)

#### 4-460.10 SPECIAL DISTRICT REGULATIONS

1. Motor Fuel Stations. Signs for motor fuel stations shall be regulated by the business structure sign provisions for the zoning district in which the station is located. In addition, motor fuel stations may also display signs which identify current fuel prices and car wash facilities. Such signs shall be limited to a maximum size of twenty-four (24) square feet and a maximum height of ten (10) feet each. One fuel price sign and one car wash sign for any motor fuel station shall not be included within the allowable signage provided the size and height restrictions are met. Customer information

and advertising provided on fuel dispensing units shall not be regarded as signage.

2. Additional Signage in Lieu of Freestanding Pylon Signs in the Commercial and Industrial Zoning Districts. When a commercial or industrial building elects to construct a monument style sign in lieu of a pylon sign, or where no freestanding sign is used, the maximum property sign percentage limitation for sign area may be increased five (5) percent. Monument style signs shall be a maximum of one hundred (100) square feet in area for other commercial and industrial districts, and shall be located in such a manner as to avoid conflicts with traffic visibility.

4-460.11. INSPECTION. All signs for which a permit is required shall be subject to inspection by the Zoning Administrator and Building Administrator. The Zoning Administrator or Building Administrator may order the removal of any sign that is not maintained in accordance with the maintenance provisions of this Chapter.

4-460.12. PERMIT, APPLICATION, VARIANCE AND COMMISSION APPROVAL.

1. Except as provided in Section 4-460.8 of this chapter, it is unlawful for any person to erect, construct, alter, rebuild or relocate any sign or structure until a permit has first been issued by the City.
2. Sign Application. The following information for a sign permit shall be supplied by the applicant if requested by the City.
  - a. Name, address and telephone number of person making application.
  - b. Name, address and telephone number of person owning sign.
  - c. A site plan to scale showing the location of lot lines, building structures, parking area, existing and proposed signs and any other physical features. All signs on the property shall be shown.
  - d. Plans, location and specifications and method of construction and attachment to the buildings or placement method in the ground.
  - e. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and City Code provisions.
  - f. Written consent of the owner or lessee of any site on which the sign is to be erected.



Director that the licensee's license is subject to a fine and license suspension if a subsequent violations occur within a period of twelve (12) months from the date of violation of the first offense.

- 2) Second Violation. Fine. Upon a finding by the Planning Director of a second violation of the West Fargo Sign Ordinance within 12 months from the first violation, a written notice shall be given to the licensee by the Planning Director and an administrative fine of \$200.00 imposed. The licensee shall have a period of thirty days to make payment from the date of the notice.
- 3) Third Violation. License Suspension. Upon a finding by the Planning Director of a third violation of the West Fargo Sign Ordinance within 12 months from the first violation, a written notice shall be given to the licensee by the Planning Director establishing a date, time and place for a hearing before the City Commission. The purpose of the hearing is for the licensee to show cause why licensee's license shall not be suspended for a period of sixty days from the date of the Commission's order finding a third violation within 12 months of the first violation.
- 4) Fourth Violation - Suspension. Upon a finding by the Planning Director of a fourth violation of the West Fargo Sign Ordinance within 12 months from the first violation, a written notice shall be given to the licensee by the Planning Director establishing a date, time and place for a hearing before the City Commission. The purpose of the hearing is for the licensee to show cause why licensee's license shall not be suspended for a period of one year from the date of the Commission's order finding a fourth violation within 12 months of the first violation.
- 5) Once revoked, a licensee may not renew his/her license for a period of twelve months from the date of revocation.
- 6) Nothing in this section shall limit the authority of the City Commission to impose a fine or penalty or to revoke or to cause a forfeiture of a license.

Source: Ord. 702, Sec. 4 (2004)

4-460.13. ENFORCEMENT. This chapter shall be administered and enforced by the Zoning Administrator and Building

Administrator. The Zoning Administrator and Building Administrator may institute in the name of the City appropriate actions or proceedings against a violator.

4-460.14. VIOLATION MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this chapter when that person performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provision hereof.

Agenda # 14.  
Agenda Code Regular  
Project # 19280

**AGENDA ITEM DESCRIPTION**  
**CITY COMMISSION**  
**WEST FARGO, NORTH DAKOTA**

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

1. CONTACT PERSON: Dustin Scott
  
2. PHONE NO. 282-4692 DATE: June 19, 2017
  
3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: \_\_\_\_\_  
Review bid tab for Storm Improvement District No. 4060  
\_\_\_\_\_  
\_\_\_\_\_
  
4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):  
Storm Sewer Lift Station (SM 72) – 4200L Sheyenne Street  
\_\_\_\_\_
  
5. ACTION BEING REQUESTED FROM CITY COMMISSION: \_\_\_\_\_  
Award contract for Storm Improvement District No. 4060 to CC Steel, LLC for their  
General Construction bid of \$1,474,806.55 and John's Refrigeration & Electric, Inc.  
for their Electrical Construction bid of \$348,400.00  
\_\_\_\_\_



925 10th Avenue East  
West Fargo, ND 58078

P: 701.282.4692  
F: 701.282.4530



June 19, 2017

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

Re: Storm Improvement District No. 4060  
Storm Sewer Lift Station (SM 72) – 4200L Sheyenne Street  
West Fargo, ND

Dear Commissioners:

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

We hereby recommend award of contract to CC Steel, LLC for their General Construction bid of \$1,474,806.55 and John's Refrigeration & Electric, Inc. for their Electrical Construction bid of \$348,400.00, which were received on June 8, 2017. Award of two separate contracts for general and electrical totaling \$1,823,206.55 is recommended because it is lower than any single prime contract bid received.

It should be noted there were two other electrical bids received that were considered non-responsive due to the "no-bid" responses.

Our Engineer's Opinion of Probable Cost with the Engineer's Report was \$1,420,000.00. Our final engineer's estimate was \$1,550,000.00.

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

Sincerely,

M. Tyrel Clark, PE  
Project Engineer

Storm Improvement District No. 4060  
 Storm Sewer Lift Station (SM 72) – 4200L Sheyenne Street  
 West Fargo ND  
 Project No. 19280  
 Bid Date: June 8, 2017

CC Steel, LLC  
 5303 Creekview Green  
 Maple Plain, MN 55359

ICS, Inc.  
 PO Box 13158  
 Grand Forks, ND 58208-3158

Key Contracting, Inc.  
 245 7th Ave NE  
 West Fargo, ND 58078

[C] = Corrected Amount

BID ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
<b>Contract 1 - General Construction</b>								
<b>Water Main Items</b>								
1. Water Main - Remove	LF	54	\$61.05	\$3,296.70	\$10.00	\$540.00	\$10.00	\$540.00
2. Water Main - Connect To Existing	Each	4	\$810.68	\$3,242.72 [C]	\$1,600.00	\$6,400.00	\$2,200.00	\$8,800.00
3. Water Main - 6" PVC C900	LF	26	\$68.75	\$1,787.50	\$75.00	\$1,950.00	\$60.00	\$1,560.00
4. Water Main - 16" PVC C905	LF	28	\$99.42	\$2,783.76 [C]	\$130.00	\$3,640.00	\$96.00	\$2,688.00
5. Specials	Lbs	1,068	\$9.27	\$9,900.36 [C]	\$8.00	\$8,544.00	\$5.50	\$5,874.00
<b>Storm Sewer Items</b>								
6. Storm Sewer Forcemain - 48" PVC DR 41	LF	300	\$344.65	\$103,395.00 [C]	\$380.00	\$114,000.00	\$400.00	\$120,000.00
7. Storm Sewer Forcemain - 48" DIP	LF	10	\$1,058.46	\$10,584.60	\$1,300.00	\$13,000.00	\$800.00	\$8,000.00
8. Storm Sewer - 60" x 72" RCB	LF	162	\$600.00	\$97,200.00	\$600.00	\$97,200.00	\$700.00	\$113,400.00
9. Storm Sewer - 72" x 72" RCB	LF	129	\$615.00	\$79,335.00	\$650.00	\$83,850.00	\$880.00	\$113,520.00
10. Storm Sewer Outfall Structure	Each	1	\$17,500.00	\$17,500.00	\$15,000.00	\$15,000.00	\$21,500.00	\$21,500.00
11. Temporary Pumping	LSum	1	\$12,000.00	\$12,000.00	\$20,000.00	\$20,000.00	\$4,500.00	\$4,500.00
12. Temporary Cofferdam	LSum	1	\$15,000.00	\$15,000.00	\$30,000.00	\$30,000.00	\$2,750.00	\$2,750.00
13. Culvert - 24" CMP	LF	135	\$33.00	\$4,455.00	\$60.00	\$8,100.00	\$33.00	\$4,455.00
14. End Section - 24" CMP Flared	Each	4	\$600.00	\$2,400.00	\$650.00	\$2,600.00	\$250.00	\$1,000.00
15. End Section - 48" Check Valve	Each	1	\$32,300.00	\$32,300.00	\$38,000.00	\$38,000.00	\$32,780.00	\$32,780.00
16. End Section - 60" x 72" RCB Flared	Each	1	\$8,500.00	\$8,500.00	\$7,500.00	\$7,500.00	\$8,250.00	\$8,250.00
17. End Section - 72" x 72" RCB Flared	Each	1	\$9,500.00	\$9,500.00	\$8,000.00	\$8,000.00	\$8,800.00	\$8,800.00
18. Riprap & Fabric - 18" Class III	CY	30	\$95.00	\$2,850.00	\$50.00	\$1,500.00	\$95.00	\$2,850.00
19. Pond - Refill	LSum	1	\$10,000.00	\$10,000.00	\$7,000.00	\$7,000.00	\$1,100.00	\$1,100.00
<b>Roadway Items</b>								
20. Excavation - Unclassified	CY	2	\$9.00	\$18.00	\$8.00	\$16.00	\$100.00	\$200.00
21. Embankment	CY	2	\$9.00	\$18.00	\$9.00	\$18.00	\$100.00	\$200.00
22. Clay Borrow - Provided	CY	1,437	\$4.00	\$5,748.00	\$5.00	\$7,185.00	\$12.00	\$17,244.00
23. Subgrade Preparation	SY	139	\$2.00	\$278.00	\$2.25	\$312.75	\$6.00	\$834.00
24. Reinforcement Fabric	SY	139	\$1.75	\$243.25	\$2.00	\$278.00	\$3.00	\$417.00
25. Gravel - 9" NDDOT Class 5	CY	35	\$55.00	\$1,925.00	\$50.00	\$1,750.00	\$80.00	\$2,800.00
26. Asphalt Pavement - Saw Full Depth	LF	73	\$5.00	\$365.00	\$8.00	\$584.00	\$7.00	\$511.00
27. Asphalt Pavement - Remove	SY	134	\$5.60	\$750.40	\$13.00	\$1,742.00	\$6.60	\$884.40
28. Asphalt Base Course - 3"	SY	134	\$21.00	\$2,814.00	\$37.00	\$4,958.00	\$35.00	\$4,690.00



Storm Improvement District No. 4060  
 Storm Sewer Lift Station (SM 72) – 4200L Sheyenne Street  
 West Fargo ND  
 Project No. 19280  
 Bid Date: June 8, 2017

CC Steel, LLC  
 5303 Creekview Green  
 Maple Plain, MN 55359

ICS, Inc.  
 PO Box 13158  
 Grand Forks, ND 58208-3158

Key Contracting, Inc.  
 245 7th Ave NE  
 West Fargo, ND 58078

**[C] = Corrected Amount**

BID ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
29. Tack Coat	Gal	7	\$1.00	\$7.00	\$4.00	\$28.00	\$3.00	\$21.00
30. Asphalt Base Course - 3"	SY	134	\$21.00	\$2,814.00	\$37.00	\$4,958.00	\$35.00	\$4,690.00
31. Tack Coat	Gal	7	\$1.00	\$7.00	\$4.00	\$28.00	\$3.00	\$21.00
32. Asphalt Wear Course - 2"	SY	134	\$14.80	\$1,983.20	\$25.00	\$3,350.00	\$26.00	\$3,484.00
33. Driveway - 8" Concrete	SY	1,044	\$73.80	\$77,047.20	\$80.00	\$83,520.00	\$54.00	\$56,376.00
34. Striping - 4" White Grooved Plastic	LF	66	\$7.00	\$462.00	\$13.00	\$858.00	\$15.00	\$990.00
35. Striping - 4" Yellow Grooved Plastic	LF	66	\$7.00	\$462.00	\$13.00	\$858.00	\$15.00	\$990.00
<b>General Items</b>								
36. Cleaning	LSum	1	\$1,500.00	\$1,500.00	\$6,000.00	\$6,000.00	\$3,000.00	\$3,000.00
37. Storm Water Management	LSum	1	\$3,500.00	\$3,500.00	\$5,000.00	\$5,000.00	\$3,500.00	\$3,500.00
38. Traffic Control	LSum	1	\$4,482.50	\$4,482.50	\$4,500.00	\$4,500.00	\$5,000.00	\$5,000.00
39. Mowing	Acre	1	\$82.50	\$82.50	\$87.00	\$87.00	\$100.00	\$100.00
40. Watering	Each	6	\$95.00	\$570.00	\$120.00	\$720.00	\$100.00	\$600.00
41. Excavation - 6" Topsoil Stripping	CY	994	\$2.00	\$1,988.00	\$4.00	\$3,976.00	\$1.65	\$1,640.10
42. Excavation - Topsoil Export	CY	432	\$5.00	\$2,160.00	\$10.00	\$4,320.00	\$9.90	\$4,276.80
43. Topsoil Replacement - 4"	CY	500	\$2.00	\$1,000.00	\$5.00	\$2,500.00	\$4.00	\$2,000.00
44. Rock Check	Each	2	\$700.00	\$1,400.00	\$3,000.00	\$6,000.00	\$1,350.00	\$2,700.00
45. Sedimentation Control Wattle - 9"	LF	308	\$2.20	\$677.60	\$3.00	\$924.00	\$2.20	\$677.60
46. Sedimentation Control Fence	LF	1,147	\$1.93	\$2,213.71 [C]	\$2.00	\$2,294.00	\$2.00	\$2,294.00
47. Sedimentation Control Fence - Floating	LF	135	\$11.00	\$1,485.00	\$15.00	\$2,025.00	\$11.00	\$1,485.00
48. Stabilized Construction Entrance	Each	2	\$2,500.00	\$5,000.00	\$4,000.00	\$8,000.00	\$1,100.00	\$2,200.00
49. Seeding - Type II	Acre	1	\$1,155.00	\$1,155.00	\$2,000.00	\$2,000.00	\$1,155.00	\$1,155.00
50. Mulch - Type B - Hydromulch	Acre	1	\$1,650.00	\$1,650.00	\$2,000.00	\$2,000.00	\$1,650.00	\$1,650.00
51. Mulch - Type A - Temporary Straw	Acre	1	\$385.00	\$539.00	\$500.00	\$700.00	\$400.00	\$560.00
52. Erosion Control Blanket - Straw	SY	559	\$1.27	\$709.93 [C]	\$2.00	\$1,118.00	\$1.40	\$782.60
53. Temporary Access	Each	2	\$825.00	\$1,650.00	\$3,500.00	\$7,000.00	\$1,000.00	\$2,000.00
54. Clearing & Grubbing	LSum	1	\$1,650.00	\$1,650.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
55. Tree - Remove	Each	33	\$110.00	\$3,630.00	\$200.00	\$6,600.00	\$200.00	\$6,600.00
56. Tree - Small Deciduous	Each	17	\$357.50	\$6,077.50	\$450.00	\$7,650.00	\$360.00	\$6,120.00
57. Tree - Large Deciduous	Each	21	\$434.50	\$9,124.50	\$500.00	\$10,500.00	\$440.00	\$9,240.00
59. Sprinkler Modification	LSum	1	\$5,000.00	\$5,000.00	\$6,000.00	\$6,000.00	\$2,000.00	\$2,000.00

Storm Improvement District No. 4060  
 Storm Sewer Lift Station (SM 72) – 4200L Sheyenne Street  
 West Fargo ND  
 Project No. 19280  
 Bid Date: June 8, 2017

CC Steel, LLC  
 5303 Creekview Green  
 Maple Plain, MN 55359

ICS, Inc.  
 PO Box 13158  
 Grand Forks, ND 58208-3158

Key Contracting, Inc.  
 245 7th Ave NE  
 West Fargo, ND 58078

**[C] = Corrected Amount**

BID ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
<u>Lift Station Item</u>								
60. Lift Station - General (without Electrical)	LSum	1	\$896,588.62	\$896,588.62	\$1,007,200.00	\$1,007,200.00	\$1,300,000.00	\$1,300,000.00
<b>TOTAL OF CONTRACT 1 - GENERAL CONSTRUCTION BID PRICES (ITEMS 1 - 60)</b>				\$1,474,806.55	<b>[C]</b>	\$1,677,381.75		\$1,919,300.50

**Contract 2 - Electrical Construction**

<u>Electrical Items</u>								
61. Lift Station - Electrical	LSum	1						
(Prices shall include \$165,000 Owner Allowance per Section 012000)	0	0						
62. Spare Lamp - LED 45W	Each	30						
63. Spare Lamp - LED 36W	Each	30						
64. Spare Light Standard - Single LED and 14' Post	Each	4						
<b>TOTAL OF CONTRACT 2 - ELECTRICAL CONSTRUCTION BID PRICES (ITEMS 61 - 64)</b>				NO BID		NO BID		NO BID

**Combined Contract (one Contract for the entire Work)**

<u>Lift Station (Replaces Lift Station item from Section 1)</u>								
60. R. Lift Station - General (without Electrical)	LSum	1			\$1,007,200.00	\$1,007,200.00		
<u>Electrical (Replaces Electrical Items from Section 2)</u>								
61. R. Lift Station - Electrical	LSum	1			\$350,000.00	\$350,000.00		
(Prices shall include \$165,000 Owner Allowance per Section 012000)								
62. R. Spare Lamp - LED 45W	Each	30			\$440.00	\$13,200.00		
63. R. Spare Lamp - LED 36W	Each	30			\$220.00	\$6,600.00		
64. R. Spare Light Standard - Single LED and 14' Post	Each	4			\$2,000.00	\$8,000.00		
<b>TOTAL OF COMBINED CONTRACT BID PRICES</b>				NO BID		\$2,055,181.75		NO BID
<b>(INCLUDE ITEMS 1-59 EXCLUDE ITEMS 60-64 INCLUDE REPLACEMENT ITEMS 60.R - 64.R)</b>								

Storm Improvement District No. 4060  
 Storm Sewer Lift Station (SM 72) – 4200L Sheyenne Street  
 West Fargo ND  
 Project No. 19280  
 Bid Date: June 8, 2017

JDP Electric, Inc.  
 803 28th St S  
 Fargo, ND 58103

Rickard Electric  
 1220 41st St N  
 Fargo, ND 58102

John's Refrigeration & Electric, Inc.  
 PO Box 251  
 Valley City, ND 58072

[C] = Corrected Amount

BID ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
<b>Contract 1 - General Construction</b>								
<b><u>Water Main Items</u></b>								
1. Water Main - Remove	LF	54						
2. Water Main - Connect To Existing	Each	4						
3. Water Main - 6" PVC C900	LF	26						
4. Water Main - 16" PVC C905	LF	28						
5. Specials	Lbs	1,068						
<b><u>Storm Sewer Items</u></b>								
6. Storm Sewer Forcemain - 48" PVC DR 41	LF	300						
7. Storm Sewer Forcemain - 48" DIP	LF	10						
8. Storm Sewer - 60" x 72" RCB	LF	162						
9. Storm Sewer - 72" x 72" RCB	LF	129						
10. Storm Sewer Outfall Structure	Each	1						
11. Temporary Pumping	LSum	1						
12. Temporary Cofferdam	LSum	1						
13. Culvert - 24" CMP	LF	135						
14. End Section - 24" CMP Flared	Each	4						
15. End Section - 48" Check Valve	Each	1						
16. End Section - 60" x 72" RCB Flared	Each	1						
17. End Section - 72" x 72" RCB Flared	Each	1						
18. Riprap & Fabric - 18" Class III	CY	30						
19. Pond - Refill	LSum	1						
<b><u>Roadway Items</u></b>								
20. Excavation - Unclassified	CY	2						
21. Embankment	CY	2						
22. Clay Borrow - Provided	CY	1,437						
23. Subgrade Preparation	SY	139						
24. Reinforcement Fabric	SY	139						
25. Gravel - 9" NDDOT Class 5	CY	35						
26. Asphalt Pavement - Saw Full Depth	LF	73						
27. Asphalt Pavement - Remove	SY	134						
28. Asphalt Base Course - 3"	SY	134						

Storm Improvement District No. 4060  
 Storm Sewer Lift Station (SM 72) – 4200L Sheyenne Street  
 West Fargo ND

JDP Electric, Inc.  
 803 28th St S  
 Fargo, ND 58103

Rickard Electric  
 1220 41st St N  
 Fargo, ND 58102

John's Refrigeration & Electric, Inc.  
 PO Box 251  
 Valley City, ND 58072

Project No. 19280

Bid Date: June 8, 2017

**[C] = Corrected Amount**

BID ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
29. Tack Coat	Gal	7						
30. Asphalt Base Course - 3"	SY	134						
31. Tack Coat	Gal	7						
32. Asphalt Wear Course - 2"	SY	134						
33. Driveway - 8" Concrete	SY	1,044						
34. Striping - 4" White Grooved Plastic	LF	66						
35. Striping - 4" Yellow Grooved Plastic	LF	66						
<b>General Items</b>								
36. Cleaning	LSum	1						
37. Storm Water Management	LSum	1						
38. Traffic Control	LSum	1						
39. Mowing	Acre	1						
40. Watering	Each	6						
41. Excavation - 6" Topsoil Stripping	CY	994						
42. Excavation - Topsoil Export	CY	432						
43. Topsoil Replacement - 4"	CY	500						
44. Rock Check	Each	2						
45. Sedimentation Control Wattle - 9"	LF	308						
46. Sedimentation Control Fence	LF	1,147						
47. Sedimentation Control Fence - Floating	LF	135						
48. Stabilized Construction Entrance	Each	2						
49. Seeding - Type II	Acre	1						
50. Mulch - Type B - Hydromulch	Acre	1						
51. Mulch - Type A - Temporary Straw	Acre	1						
52. Erosion Control Blanket - Straw	SY	559						
53. Temporary Access	Each	2						
54. Clearing & Grubbing	LSum	1						
55. Tree - Remove	Each	33						
56. Tree - Small Deciduous	Each	17						
57. Tree - Large Deciduous	Each	21						
59. Sprinkler Modification	LSum	1						

Storm Improvement District No. 4060  
 Storm Sewer Lift Station (SM 72) – 4200L Sheyenne Street  
 West Fargo ND  
 Project No. 19280  
 Bid Date: June 8, 2017

JDP Electric, Inc.  
 803 28th St S  
 Fargo, ND 58103

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 1220 41st St N  
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John's Refrigeration & Electric, Inc.  
 PO Box 251  
 Valley City, ND 58072

[C] = Corrected Amount

BID ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
<b><u>Lift Station Item</u></b>								
60. Lift Station - General (without Electrical)	LSum	1						
<b>TOTAL OF CONTRACT 1 - GENERAL CONSTRUCTION BID PRICES (ITEMS 1 - 60)</b>				NO BID		NO BID		NO BID

**Contract 2 - Electrical Construction**

<b><u>Electrical Items</u></b>								
61. Lift Station - Electrical	LSum	1	\$314,979.00	\$314,979.00	\$328,000.00	\$328,000.00	\$330,000.00	\$330,000.00
(Prices shall include \$165,000 Owner Allowance per Section 012000)	0	0						
62. Spare Lamp - LED 45W	Each	30		NO BID		NO BID	\$140.00	\$4,200.00
63. Spare Lamp - LED 36W	Each	30		NO BID		NO BID	\$140.00	\$4,200.00
64. Spare Light Standard - Single LED and 14' Post	Each	4		NO BID		NO BID	\$2,500.00	\$10,000.00
<b>TOTAL OF CONTRACT 2 - ELECTRICAL CONSTRUCTION BID PRICES (ITEMS 61 - 64)</b>				\$314,979.00		\$328,000.00		\$348,400.00

**Combined Contract (one Contract for the entire Work)**

<b><u>Lift Station (Replaces Lift Station item from Section 1)</u></b>								
60. R. Lift Station - General (without Electrical)	LSum	1						
<b><u>Electrical (Replaces Electrical Items from Section 2)</u></b>								
61. R. Lift Station - Electrical	LSum	1						
(Prices shall include \$165,000 Owner Allowance per Section 012000)								
62. R. Spare Lamp - LED 45W	Each	30						
63. R. Spare Lamp - LED 36W	Each	30						
64. R. Spare Light Standard - Single LED and 14' Post	Each	4						
<b>TOTAL OF COMBINED CONTRACT BID PRICES</b>				NO BID		NO BID		NO BID
<b>(INCLUDE ITEMS 1-59 EXCLUDE ITEMS 60-64 INCLUDE REPLACEMENT ITEMS 60.R - 64.R)</b>								

## NOTICE OF AWARD

---

Date of Issuance: June 19, 2017

Owner: City of West Fargo

Owner's Contract No.:

Engineer: Moore Engineering, Inc.

Engineer's Project No.: 19280

Project: Storm Sewer Lift Station (SM 72) – 4200L  
Sheyenne Street

Contract Name: Storm Improvement District No. 4060

Bidder: CC Steel, LLC

Bidder's Address: 5303 Creekview Green  
Maple Plain, MN 55359

### TO BIDDER:

You are notified that Owner has accepted your Bid dated June 8, 2017 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for: Storm Improvement District No. 4060 – Contract 1-General Construction.

The Contract Price of the awarded Contract is: \$1,474,806.55

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

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

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

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

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

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

---

Owner: City of West Fargo

\_\_\_\_\_  
Authorized Signature

By: Richard Mattern

Title: President of the Board of City Commissioners

---

Copy: Engineer

## NOTICE OF AWARD

---

Date of Issuance: June 19, 2017

Owner: City of West Fargo

Owner's Contract No.:

Engineer: Moore Engineering, Inc.

Engineer's Project No.: 19280

Project: Storm Sewer Lift Station (SM 72) – 4200L  
Sheyenne Street

Contract Name: Storm Improvement District No. 4060

Bidder: John's Refrigeration & Electric, Inc.

Bidder's Address: PO Box 251

Valley City, ND 58072

### TO BIDDER:

You are notified that Owner has accepted your Bid dated June 8, 2017 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for: Storm Improvement District No. 4060 – Contract 2-Electrical Construction.

The Contract Price of the awarded Contract is: \$348,400.00

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

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

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

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

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

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

---

Owner: City of West Fargo

\_\_\_\_\_  
Authorized Signature

By: Richard Mattern

Title: President of the Board of City Commissioners

---

Copy: Engineer