



West Fargo City Commission Meeting
Monday August 6, 2018
Commission Chambers 5:30 PM

- A. Pledge of Allegiance
- B. Approve Order of Agenda
- C. Approval of Minutes – July 16, 2018
- D. Building Permits

Consent Agenda – Approve the Following:

- a. July Checks **(Pg 7-15)**
- b. 11 proposed Resolutions Directing Assessments to be Levied for the following districts:
 - a. Infrastructure Replacement District No. 3001 **(Pg 16)**
 - b. Sewer, Water, Storm and Street Improvement District No. 1279 **(Pg 17-18)**
 - c. Sewer, Water, Storm and Street Improvement District No. 1292 **(Pg 19)**
 - d. Sewer, Water, Storm and Street Improvement District No. 1295 **(Pg 20)**
 - e. Sewer, Water, Storm and Street Improvement District No. 1300 **(Pg 21)**
 - f. Sewer, Water, Storm and Street Improvement District No. 1301 **(Pg 22)**
 - g. Sewer, Water, Storm and Street Improvement District No. 1303 **(Pg 23)**
 - h. Sewer, Water, Storm and Street Improvement District No. 1304 **(Pg 24)**
 - i. Storm Improvement District No. 4058 **(Pg 25)**
 - j. Storm Improvement District No. 4060 **(Pg 26)**
 - k. Storm Improvement District No. 4061 **(Pg 27)**
- c. Resolution Approving Contract and Contractor's Bond in Sanitary Sewer Improvement District No. 1319 **(Pg 28)**
- d. Approval of Sara Forness as Educational Liaison on the Urban Forestry Committee **(Pg 29-30)**
- e. Games of Chance for Holy Cross Catholic Church. Games to be conducted: raffle on October 21, 2018 at Holy Cross Catholic Church, 2711 7 St E. **(Pg 31)**
- f. Games of Chance for the West Fargo Lions Club. Games to be conducted: Meat Raffle on 8/24/18 – 2/24/2019 at Silver Dollar Bar, 221 Sheyenne St. **(Pg 32)**
- g. Games of Chance for the Fargo Motor Patrol, Inc. Games to be conducted: Raffle on 11/3/18 at Silver Dollar Bar & Flying Pig Grill, 221 Sheyenne St. **(Pg 33-34)**

Regular Agenda

- 1. 5:30pm Public Hearing District No. 2249 and Resolution Determining Not Sufficient Protests Received – **John Shockley (Pg 35-36)**
- 2. 5:30pm Public Hearing and First Reading of Zoning Ordinance Amendment to Section 4-421 – **Tim Solberg (Pg 37-52)**
- 3. 5:30pm Public Hearing and First Reading on the rezoning of Halverson's Industrial Park 3rd Addition – **Tim Solberg (Pg 53-60)**
- 4. 5:30pm Public Hearing on the rezoning of Wilds 11th Addition – **Tim Solberg (Pg 61-71)**
- 5. Review Resolution Authorizing the Issuance of Improvement Warrants and Exchanging Them for \$30, 260,000 Refunding Improvement Bonds of 2018, Series B. – **John Shockley (Pg 72-93)**
- 6. Review potential landscape improvement concepts for 13th Ave E - **Chris Brungardt (Pg 94-95)**
- 7. Review and Accept the 2020 Urban Grant for Sheyenne St – **Chris Brungardt (Pg 96-111)**
- 8. Review constructed site vs. approved plans and the CO-S Overlay District for Bernie's Liquors site – **Wally Tintes (Pg 112-118)**
- 9. Final Plat Approval of Eagle Run 22nd Addition – **Tim Solberg (Pg 119-124)**
- 10. Approval of Street Name Change Resolution – **Tim Solberg (Pg 125-127)**
- 11. Review Easement at 825 19 Ave NW – **Alan Ray (Pg 128)**
- 12. Concerns regarding Sewer Improvement Project No. 1308 – **Mark McAllister (Pg 129)**
- 13. Radio Upgrade Cost & Revenue – **Robert Wilson, Cass County Administrator**
- 14. Review Liquor License Application for Wurst Beer Hall – **Tina Fisk (Pg 130-136)**
- 15. Preliminary Budget Hearing – **Aaron Mitchell, Tina Fisk**



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16. Review Bid Tab for Street Improvement District No. 2239 – **Dustin Scott (Pg 137-141)**
17. City Administrator's Report
18. Correspondence
19. Adjourn



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

The West Fargo City Commission met on Monday, July 16, 2018, at 5:30 pm. Those present were Bernie Dardis, Eric Gjerdevig, Brad Olson, Mark Simmons, and Mike Thorstad. Commission President Dardis called the meeting to order.

The Pledge of Allegiance was recited.

Commissioner Dardis advised of the following changes to the agenda:

- 1) Item “f,” June Statement of Revenues, Expenditures and Fund Balances has been added to the Consent Agenda
- 2) Regular Agenda Item #6 will be removed from the agenda
- 3) Items 12, 13, 14, 15, and 16 have been moved from the Consent Agenda to the Regular Agenda
- 4) The West Fargo Events Contract has been removed from the Regular Agenda
- 5) Item #10, Review of West Fargo Fire Department Budget has been added to the Regular Agenda
- 6) Item #11, a 15 minute bond presentation has been added to the Regular Agenda

Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the agenda with the changes. No opposition. motion carried.

Commissioner Olson moved and Commissioner Simmons seconded to approve the minutes of the July 2, 2018 meeting. No opposition. motion carried.

The Commission reviewed the Building Department Activity Report dated July 16, 2018 and Building Permits #446-501.

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

- a. June 30, 2018 pledging of collateral
- b. Schedule a 5:30pm Public Hearing for The Wilds 11th Addition, Subdivision and Rezoning for August 6, 2018
- c. Schedule a 5:30pm Public Hearing for Halverson’s Industrial Park 3rd Addition, a replat and rezoning from LI: Light Industrial to P: Public Facilities of Proposed Lot 2, Block 1 for August 6, 2018
- d. Schedule a 5:30pm Public Hearing for Zoning Ordinance Amendment to Section 4-421 of the A: Agricultural Zoning District Regulations for August 6, 2018
- e. Create Assessment District for Infrastructure Replacement District No. 3002, Authorize Engineer to prepare Engineer’s Report, Approve Engineer’s Report for Infrastructure Replacement District NO. 3002, Authorize preparation for Plans & Specs, Approve Plans & Specs for Infrastructure Replacement District No. 3002, and Authorize Ad for Bids for Infrastructure Replacement District No. 3002
- f. June Statement of Revenues, Expenditures and Fund Balances

No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission for a 5:30pm Public Hearing for the Petition for a Partial Vacation of a buffer easement in Goldenwood 1st and 4th Additions. The Public Hearing was opened. There was no public comment. The Public Hearing was closed. There was no other discussion. Commissioner Simmons moved and Commissioner Olson seconded to approve the Petition for Partial Vacation of a buffer easement in Goldenwood 1st and 4th Additions. No opposition. Motion carried.

Economic Development Director Matt Marshall appeared before the Commission for a 5:30pm Public Hearing of a Property Tax Exemption application for the Cargill expansion project. The Public Hearing was opened. Jaysen Schock and Stephanie Nelson appeared as reps from Cargill to answer any questions. There no other Public Comment. The Public Hearing was closed. After discussion, Commissioner Simmons moved and Commissioner Olson seconded to accept the Property Tax Exemption for the Cargill expansion project.

Planning & Zoning Director Tim Solberg appeared before the Commission for the Second Reading and Final Plat Approval of the Teveye Addition & Rezoning from A; Agricultural to R-1A: Single Family Dwellings. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded the Second Reading and Final Plat Approval of the Teveye Addition. No opposition. Motion carried.

Planning & Zoning Director Tim Solberg appeared before the Commission for the Second Reading of the Zoning Ordinance Amendments to sections 4-01 Planning and Zoning Commission, 4-02 Comprehensive Plan and 4-03 Replacement of Official Zoning Map. After discussion, Commissioner Gjerdevig moved and Commissioner Olson seconded to put on Second Reading. No opposition. Motion carried.

City Engineer Dustin Scott appeared before the Commission to review the bid tab for Sanitary Sewer Improvement District No. 1319. Commissioner Olson moved and Commissioner Simmons seconded to approve awarding the bid tab to CC Steel, LLC. No opposition. Motion carried.

John Youness appeared before the Commission to Accept the Petition for adding improvements to Sewer, Water, Storm and Street Improvement District No. 1305 via Change Order to the General Contract, Authorize Engineer to prepare Final Change Order documents, Authorize City Staff to review and approve Final Change Order for Sewer, Water, Storm and Street Improvement District No. 1305. After discussion Commission Simmons moved and Commissioner Thorstad seconded to table the Public Hearing/First Reading until the August 6, 2018 meeting. No opposition. Motion carried.

Ritchell Aboah, owner of Awake LLC appeared before the Commission to address noise concerns relating to the Awake Lounge. After discussion, no action was requested of the Commission.

Fire Chief Dan Fuller appeared before the Commission to present the Fire Department Budget report. After discussion no action was requested of the Commission; the proposed budget will be brought forward with the full 2019 budget at a later date.

Representatives from Dougherty & Company appeared before the Commission to give a 15 minute presentation on Bid Bonds. After discussion, no action was requested of the Commission.

Planning & Zoning Director Tim Solberg appeared before the Commission for the Final Plat Approval of Oak Ridge 16th Addition, a replat. Commissioner Olson moved and Commissioner Thorstad seconded to approve the Final Plat. No opposition. Motion carried.

Planning & Zoning Director Tim Solberg appeared before the Commission for the Final Plat Approval of The Wilds 10th Addition, Subdivision and Replat. Commission Thorstad moved and Commissioner Gjerdevig seconded to approve the Final Plat. No opposition. Motion carried.

Planning & Zoning Director Tim Solberg appeared before the Commission for the Approval subject to conditions listed in staff report for a Conditional Use Permit for an accessory building greater than 1,000 square feet within the R-1E: Rural Estate Zoning District. Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the Conditional Use Permit with the recommendations listed in the staff report. No opposition. Motion carried.

Planning & Zoning Director Tim Solberg appeared before the Commission for the Approval subject to conditions listed in the staff report of a Conditional Use Permit for accessory building greater than 1,600 square feet within the R-R: Rural Residential Zoning District. Commissioner Gjerdevig moved and Commissioner Olson seconded to approve the Conditional Use Permit with the recommendations listed in the staff report. No opposition. Motion carried.

Planning & Zoning Director Tim Solberg appeared before the Commission for the Approval of a Conditional Use Permit for a Home Occupation Chiropractic Office. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the Conditional Use Permit with the recommendations listed in the staff report. No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission and discussed the following items in relation to the City Administrator Report:

- Update on Comp Study:
 - i. Jenna has reviewed all job descriptions
 - ii. All jobs have been rated
 - 1. Set on scale/step
 - iii. Waiting on final numbers
 - iv. Next step: meet w/ all department heads to review jobs
 - 1. Will come up with implementation plan
 - a. Plan to be finished middle to end of August
 - v. Benefits have been sent to analysis team and will compare and will come together at the end
 - vi. Department heads revised all descriptions, Jenna organized in a fashion that the company was very impressed, made job descriptions easy to score
- Beaton Drive to 19th pouring at 7am – won't affect street closure
- Budget:
 - i. Will meet with all Commissioners to discuss budget review
 - ii. Will have preliminary budget discussion at 8/6/18 meeting

There was no correspondence.

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

Bernie L. Dardis
Commission President

Tina Fisk
City Auditor

Consent Agenda Item: a

Check #	Vendor Name	Check Amount	Date Issued
78627	SCOTT DIAMOND	\$575.00	06/26/18
78630	ACME TOOLS	914.73	07/02/18
78631	AGASSIZ SEED COMPANY	114.00	07/02/18
78632	ALLEN JOHNSON	70.00	07/02/18
78633	AMANDA HOMMERDING	300.00	07/02/18
78634	ARLENE BUCKLEY	190.00	07/02/18
78635	ARVIG MEDIA	40.00	07/02/18
78636	AUTO VALUE PARTS STORES	141.99	07/02/18
78637	BAILEY NURSERIES, INC	5,100.75	07/02/18
78638	BASIC MIRZA	190.00	07/02/18
78639	BERT'S TRUCK EQUIPMENT	660.00	07/02/18
78640	BIG TREE NURSERY	2,275.00	07/02/18
78641	BLAKE RISTVEDT	300.00	07/02/18
78642	BNSF RAILWAY COMPANY	2,162.93	07/02/18
78643	BORDER STATES PAVING	188,605.11	07/02/18
78644	BRAUN INTERTEC	57,260.50	07/02/18
78645	BROKERAGE PRINTING	550.98	07/02/18
78646	BUSINESS ESSENTIALS	807.18	07/02/18
78647	CALLIE ROTH	39.69	07/02/18
78648	CANDACE MILLER	190.00	07/02/18
78649	CANDLEPARK	122.00	07/02/18
78650	CASS COUNTY ELECTRIC COOP	2,950.00	07/02/18
78651	CASS COUNTY TREASURER	15,453.17	07/02/18
78652	CASS RURAL WATER USERS	32.51	07/02/18
78653	CC STEEL LLC	143,923.03	07/02/18
78654	CDW GOVERNMENT, INC	45.02	07/02/18
78655	CHIEF SUPPLY COMPANY	378.21	07/02/18
78656	CHRIS SPELLMON	190.00	07/02/18
78657	CHUCK'S SANDJACKING	1,260.00	07/02/18
78658	CINTAS	53.52	07/02/18
78659	CITY OF FARGO	43,905.65	07/02/18
78660	CIVICPLUS	180.24	07/02/18
78661	CODY BEILKE	126.00	07/02/18
78662	CORPORATE TECHNOLOGIES LLC	2,393.00	07/02/18
78663	DAKOTA FLUID POWER, INC	253.72	07/02/18
78664	DAKOTA SUPPLY GROUP	241.02	07/02/18
78665	DAKOTA UNDERGROUND	444,879.74	07/02/18
78666	DAKOTA WHOLESALE TIRE	486.30	07/02/18
78667	DANIEL FULLER	190.00	07/02/18
78668	DARL MORKASSEL JR	190.00	07/02/18
78669	DAVID WOOD	190.00	07/02/18
78670	DAWSON INSURANCE	33.00	07/02/18
78671	DELTA 54 AVIATION LLC	3,469.81	07/02/18
78672	DERRCIK RYGG	300.00	07/02/18
78673	DIRT DYNAMICS	7,476.75	07/02/18
78674	DONALD NELSON	300.00	07/02/18

78675 DTN, LLC	358.75	07/02/18
78676 DYLAN BROWN	190.00	07/02/18
78677 EAGLE RUN CROSSING LLC	588.37	07/02/18
78678 ERIN MAURIELLO	190.00	07/02/18
78679 EVIDENT, INC.	186.00	07/02/18
78680 F-M AMBULANCE SERVICE	1,240.00	07/02/18
78681 F/S MANUFACTURING INC	6.78	07/02/18
78682 FARMERS BROTHERS COFFEE	335.05	07/02/18
78683 FARSTAD OIL, INC	555.90	07/02/18
78684 FERGUSON WATERWORKS #2516	1,534.60	07/02/18
78685 FLEETPRIDE	56.83	07/02/18
78686 FORUM COMMUNICATIONS	1,480.46	07/02/18
78687 FRONTLINE PLUS FIRE & RESCUE	4,000.00	07/02/18
78688 FRS INDUSTRIES, INC.	32.20	07/02/18
78689 GALLS, LLC	71.93	07/02/18
78690 GATEWAY CHEVROLET	77.30	07/02/18
78691 GOODYEAR COMMERCIAL TIRE	18.45	07/02/18
78692 GRANT'S MECHANICAL	85,118.79	07/02/18
78693 GRAYBAR	32.20	07/02/18
78694 GREATAMERICA FINANCIAL SERVICES	176.63	07/02/18
78695 HABERDASHERY	207.80	07/02/18
78696 HAWKINS WTR TREATMENT	10,356.80	07/02/18
78697 HOT ROD SHOP	107.50	07/02/18
78698 HP INC.	1,973.00	07/02/18
78699 IBM CORPORATION	65.00	07/02/18
78700 IDENTITY AUTOMATION	2,030.00	07/02/18
78701 INTERSTATE BATTERIES	85.95	07/02/18
78702 INTOXIMETERS	399.85	07/02/18
78703 JAFE ALORA	300.00	07/02/18
78704 JIM GIERSZEWSKI	190.00	07/02/18
78705 JOEL HEIDEN	300.00	07/02/18
78706 JOEL SCHOCK	190.00	07/02/18
78707 JOHN E. REID & ASSOCIATES INC.	795.00	07/02/18
78708 JOSH ISSERTELL	190.00	07/02/18
78709 JUSTIN BUMANN	300.00	07/02/18
78710 KEY CONTRACTING	148,290.67	07/02/18
78711 KIESLER'S POLICE SUPPLY, INC.	843.00	07/02/18
78712 KOST MATERIALS, LLC	1,168.00	07/02/18
78713 KUSTOM KONCEPTS	2,059.51	07/02/18
78714 LARKIN HOFFMAN	360.00	07/02/18
78715 LARSONS WELDING/MACHINE	109.20	07/02/18
78716 LAWSON PRODUCTS	411.21	07/02/18
78717 LUTHER FAMILY FORD	299.19	07/02/18
78718 LUTHERAN SOCIAL SERVICES	200.00	07/02/18
78719 MATT MARSHALL	338.90	07/02/18
78720 MATT RETKA	50.00	07/02/18
78721 MATTHEW KRUSEN	190.00	07/02/18

78722 MELISSA RICHARD	32.58	07/02/18
78723 MENARDS	297.62	07/02/18
78724 MIDCONTINENT COMMUNICATIONS	85.00	07/02/18
78725 MIDSTATES WIRELESS	599.08	07/02/18
78726 MINNKOTA	49.98	07/02/18
78727 MOEN PORTABLE TOILETS	275.00	07/02/18
78728 MOODY'S INVEST. SERV.	6,250.00	07/02/18
78729 MOORE ENGINEERING	402,457.20	07/02/18
78730 MOTION INDUSTRIES, INC	9.20	07/02/18
78731 MTW TOWING	65.00	07/02/18
78732 MVTL LABORATORIES	1,654.00	07/02/18
78733 NASRO	345.00	07/02/18
78734 NATHAN ALBAUGH	300.00	07/02/18
78735 NATHAN BRANDENBURGER	190.00	07/02/18
78737 ND DEPT OF TRANSPORTATION	705,028.50	07/02/18
78738 ND EMA	90.00	07/02/18
78739 NETWORK CENTER COMMUNICATIONS	321.45	07/02/18
78740 NETWORK SERVICES COMPANY	745.62	07/02/18
78741 NICHOLAS CAMPBELL	190.00	07/02/18
78742 NOEL EROVICK	300.00	07/02/18
78743 NORIDIAN MUTUAL INSURANCE CO	61.20	07/02/18
78744 NORTH STAR SAFETY, INC	332.52	07/02/18
78745 NORTHERN IMPROVEMENT CO	368,153.28	07/02/18
78746 NORTHERN STATES SUPPLY	13.87	07/02/18
78747 NORTHWESTERN EQUIP INC.	40.56	07/02/18
78748 NOVA FIRE PROTECTION	110.00	07/02/18
78749 O'REILLY AUTOMOTIVE STORES, INC	196.15	07/02/18
78750 OHNSTAD TWICHELL	75,847.29	07/02/18
78751 OLYMPIC SALES	3,743.49	07/02/18
78752 OSTROMS ACE HARDWARE	1,378.89	07/02/18
78753 PARAS CONTRACTING	0.00	07/02/18
78754 PETRO SERVE USA	3,773.04	07/02/18
78755 PETSMAST	75.98	07/02/18
78756 PHOENIX FABRICATORS AND ERECTORS	158,085.00	07/02/18
78757 POLYGRAPH SERVICES - ROLLIE RUST	875.00	07/02/18
78758 POWER PLAN OIB	261.07	07/02/18
78759 PRAIRIE SUPPLY INC	478.00	07/02/18
78760 PRODUCTIVITY PLUS ACCOUNT	12.60	07/02/18
78761 ROD BACHMEIER	190.00	07/02/18
78762 SAM'S CLUB	259.53	07/02/18
78763 SANITATION PRODUCTS	159.16	07/02/18
78764 SCHREIER	300.00	07/02/18
78765 SCOTT OLSON	190.00	07/02/18
78766 SHERWIN WILLIAMS	79.30	07/02/18
78767 SIMPLIFILE	285.00	07/02/18
78768 SKILLPATH SEMINARS	199.00	07/02/18
78769 SONJA AMUNDSON	762.00	07/02/18

78770 STEPHANIE STENSHOEL	190.00	07/02/18
78771 STEVE MOTTINGER	4,250.00	07/02/18
78772 STRATA CORPORATION	832.60	07/02/18
78773 SWANSTON EQUIPMENT CORP.	133.69	07/02/18
78774 TACTICAL PRODUCTS & SERVICES INC.	646.00	07/02/18
78775 TCC MATERIALS	115.50	07/02/18
78776 TCI INSURANCE	1,996.00	07/02/18
78777 THE SHOOTING PARK OF HORACE	400.00	07/02/18
78778 TINA FISK	51.93	07/02/18
78779 TOM'S BACKHOE SERVICE, INC	71,337.00	07/02/18
78780 TYLER WILLIAMS	7.00	07/02/18
78781 TYLER ZIMA	190.00	07/02/18
78782 UNITED POWER EQUIPMENT	399.00	07/02/18
78783 VESSCO, INC	587.20	07/02/18
78784 VISA POLICE #1	6,960.36	07/02/18
78785 VISA POLICE #2	6,902.03	07/02/18
78786 VISA POLICE #3	812.94	07/02/18
78787 WALLWORK TRUCK CENTER	56.18	07/02/18
78788 WAYNE TROPHIES	218.00	07/02/18
78789 WDAY	1,042.00	07/02/18
78790 WELK'S LAWN CARE LLC	300.00	07/02/18
78791 WEST FARGO AUTO BODY/GLASS	2,740.50	07/02/18
78792 WEST FARGO POSTMASTER	245.00	07/02/18
78793 WEST SIDE STEEL	1,358.32	07/02/18
78794 WF PUB SCHOOLS DIST #6	11,990.00	07/02/18
78795 WILLIAM SCHAFFER	600.00	07/02/18
78796 XCEL ENERGY	121.38	07/02/18
78797 ZEP MANUFACTURING	453.05	07/02/18
78798 FASTENAL	18.20	07/02/18
78799 13th Avenue Investments, LLC	20,385.00	07/02/18
78800 CASS OIL, LLC	1,204.00	07/02/18
78801 ND DEPARTMENT OF HEALTH	135.00	07/02/18
78802 JASON GUSTOFSON	402,585.88	07/03/18
78803 DEP CARE PRETAX DISCOVERY BENEFITS	2,341.81	07/03/18
78804 CASS COUNTY CLERK OF DISTRICT COURT	2,500.00	07/03/18
78805 JESUS VERALEON	350.00	07/03/18
78806 JOHN USREY	350.00	07/03/18
78809 PARAS CONTRACTING	560,433.20	07/02/18
78810 CASS COUNTY CLERK OF DISTRICT COURT	3,050.00	07/16/18
78811 DAKOTA CHASE	200.00	07/16/18
78812 ERIC NELSON	330.00	07/16/18
78813 JEREMIAH YOKLEY	350.00	07/16/18
78814 KIRK GOLLIET	350.00	07/16/18
78815 MELVIN CARANDA	350.00	07/16/18
78816 WALEED KHALEEL	350.00	07/16/18
78817 ABM	723.01	07/16/18
78818 ARVIG MEDIA	348.00	07/16/18

78819 BAKER & TAYLOR	8,493.17	07/16/18
78820 BARBARA KEYES	8.72	07/16/18
78821 BARNES & NOBLE	850.28	07/16/18
78822 BETH ROGNESS	51.17	07/16/18
78823 BOOK PAGE	324.00	07/16/18
78824 BUSINESS ESSENTIALS	171.15	07/16/18
78825 CDW GOVERNMENT, INC	86.75	07/16/18
78826 CENTER POINT LARGE PRINT	212.98	07/16/18
78827 CENTURY LINK	169.37	07/16/18
78828 CENTURYLINK BUSINESS SERVICES	19.69	07/16/18
78829 CONSTANT CONTACT, INC	600.00	07/16/18
78830 DEMCO	210.44	07/16/18
78831 FIRST INTERNATIONAL BANK & TRUST #1	1,124.99	07/16/18
78832 FIRST INTERNATIONAL BANK & TRUST #2	205.95	07/16/18
78833 FORUM COMMUNICATIONS	556.14	07/16/18
78834 INFORMATION TECHNOLOGY DEPT	60.00	07/16/18
78835 INSPIRE INNOVATION LAB	500.00	07/16/18
78836 JACK AND KITTY	300.00	07/16/18
78837 JOBS HQ	333.00	07/16/18
78838 KATHY VANDER VORST	15.05	07/16/18
78839 MATTHEW BENDER & CO., INC	119.01	07/16/18
78840 MIDWEST TAPE	2,370.12	07/16/18
78841 ND INSURANCE DEPT.	729.26	07/16/18
78842 PITNEY BOWES RESERVE ACCOUNT	500.00	07/16/18
78843 SAM'S CLUB/GECRB	86.40	07/16/18
78844 SCOTT'S SIGNS	288.00	07/16/18
78845 THE FORUM	225.00	07/16/18
78846 THE PENWORTHY COMPANY LLC	573.41	07/16/18
78847 VANGUARD ID SYSTEMS	1,393.33	07/16/18
78848 VERIZON WIRELESS	80.02	07/16/18
78849 3-D SPECIALITIES	379.60	07/17/18
78850 ACME TOOLS	121.85	07/17/18
78851 ADVANCED ENGINEERING & ENVIRONMENTAL SER	4,432.50	07/17/18
78852 ALEX JAHNER	300.00	07/17/18
78853 ALPHA TRAINING & TACTICS LLC & SALES	3,826.56	07/17/18
78854 AMBASSADOR INC	7,218.59	07/17/18
78855 AMERICAN WELDING & GAS, INC.	114.05	07/17/18
78856 APRIL WALKER	150.00	07/17/18
78857 ASPLIN EXCAVATING	2,164.23	07/17/18
78858 BLUE OCEANS SATELLITE SYSTEMS INC.	100.00	07/17/18
78859 BNSF RAILWAY COMPANY	56,438.30	07/17/18
78860 BROKERAGE PRINTING	236.54	07/17/18
78861 BUSINESS ESSENTIALS	533.59	07/17/18
78862 CASS COUNTY ELECTRIC COOP	36,027.72	07/17/18
78863 CDW GOVERNMENT, INC	1,015.92	07/17/18
78864 CENTRE, INC.	282.00	07/17/18
78865 CENTURY LINK	224.54	07/17/18

78866 CHUCK'S SANDJACKING	3,660.00	07/17/18
78867 CINTAS	81.19	07/17/18
78868 CITY OF FARGO	71,186.00	07/17/18
78869 CITY OF FARGO	8.80	07/17/18
78870 CIVICPLUS	180.24	07/17/18
78871 CONSOLIDATED COMMUNICATIONS	1,370.26	07/17/18
78872 DAKOTA 50/50 SALE	1,000.00	07/17/18
78873 DAKOTA FLUID POWER, INC	118.10	07/17/18
78874 DAKOTA MAILING & SHIPPING EQUIPMENT, INC	158.66	07/17/18
78875 DAKOTA SUPPLY GROUP	576.98	07/17/18
78876 DATA MANAGEMENT, INC	4,500.00	07/17/18
78877 DAVID GUST	90.00	07/17/18
78878 DISCOVERY BENEFITS, INC.	474.75	07/17/18
78879 EAGLE RUN CROSSING LLC	116.11	07/17/18
78880 EIDE BAILLY	261.50	07/17/18
78881 EILEEN SWEETEN	10.00	07/17/18
78882 ELLEN ROSSOW	242.05	07/17/18
78883 ERIC DODDS	60.00	07/17/18
78884 ERIC ZIETZ	190.00	07/17/18
78885 F/S MANUFACTURING INC	49.67	07/17/18
78886 FAITH LUTHERAN CHURCH	1,260.00	07/17/18
78887 FARGO FREIGHTLINER	1,747.12	07/17/18
78888 FARGO GLASS AND PAINT CO.	211.05	07/17/18
78889 FERGUSON WATERWORKS #2516	3,815.26	07/17/18
78890 FORUM COMMUNICATIONS	295.07	07/17/18
78891 GALLS, LLC	618.49	07/17/18
78892 GOODYEAR COMMERCIAL TIRE	830.45	07/17/18
78893 GRAINGER, INC.	81.25	07/17/18
78894 HAWKINS WTR TREATMENT	3,913.80	07/17/18
78895 IBM CORPORATION	65.00	07/17/18
78896 INTERSTATE POWER SYSTEMS, INC	377.16	07/17/18
78897 J & L SPORTS	122.40	07/17/18
78898 JANA REINKE	120.00	07/17/18
78899 JARRETT GALBREATH	190.00	07/17/18
78900 JASON BALVIK	1,203.50	07/17/18
78901 JOBS HQ	666.00	07/17/18
78902 JOE KOLB	180.00	07/17/18
78903 JOHNSON CONTROLS	10,154.61	07/17/18
78904 JON DIEHL	190.00	07/17/18
78905 KADRMAS, LEE & JACKSON, INC	230,000.00	07/17/18
78906 KOST MATERIALS, LLC	1,230.00	07/17/18
78907 KYLE KRANDA	190.00	07/17/18
78908 LARSONS WELDING/MACHINE	225.00	07/17/18
78909 LASER SYSTEMS	2,166.84	07/17/18
78910 LUTHER FAMILY FORD	157.93	07/17/18
78911 MACS INC	14.97	07/17/18
78912 MEDORA CORPORATION	15,375.00	07/17/18

78913 MENARDS	1,859.50	07/17/18
78914 MICHAEL BROOKS	20.00	07/17/18
78915 MOORE ENGINEERING	55,163.15	07/17/18
78916 MOORHEAD ELECTRIC	1,755.18	07/17/18
78917 MRA-THE MANAGEMENT ASSOCIATION, INC	3,368.75	07/17/18
78918 MVTL LABORATORIES	205.00	07/17/18
78919 NAPWDA	45.00	07/17/18
78920 ND DEPARTMENT OF HEALTH	25.00	07/17/18
78921 ND DEPT OF HEALTH	894.52	07/17/18
78922 ND INSURANCE DEPT.	20,184.87	07/17/18
78923 ND WORKFORCE SAFETY & INSURANCE C/O BANK	17.36	07/17/18
78924 NDACO RESOURCES GROUP	507.00	07/17/18
78925 NELCO FIRST AID	186.75	07/17/18
78926 NELSON AUTO CENTER FLEET DEPT	29,490.37	07/17/18
78927 NELSON INTERNATIONAL	221.94	07/17/18
78928 NETWORK CENTER INCORPORATED	171.20	07/17/18
78929 O'REILLY AUTOMOTIVE STORES, INC	843.14	07/17/18
78930 OK TIRE	685.32	07/17/18
78931 ONE CALL CONCEPT	1,070.50	07/17/18
78932 OSTROMS ACE HARDWARE	4.99	07/17/18
78933 PETRO SERVE USA	30,225.03	07/17/18
78934 PIERRE FREEMAN	1,153.14	07/17/18
78935 POWER PLAN OIB	197.57	07/17/18
78936 PRAIRIE SUPPLY INC	99.60	07/17/18
78937 PRO-WEST & ASSOCIATES, INC	735.76	07/17/18
78938 RAILROAD MANAGEMENT CO III, LLC	1,070.05	07/17/18
78939 RECORD KEEPERS	16.00	07/17/18
78940 S & M INGINUITIES	2,000.00	07/17/18
78941 SANDY'S DONUTS	35.90	07/17/18
78942 SANITATION PRODUCTS	2,206.92	07/17/18
78943 SCHEELS	415.87	07/17/18
78944 SCOTT DIAMOND	417.50	07/17/18
78945 SHANE LEBAHN	150.00	07/17/18
78946 SHERWIN WILLIAMS	192.82	07/17/18
78947 STURDEVANT'S AUTO PARTS	247.41	07/17/18
78948 SWEENEY CONTROLS COMPANY	849.28	07/17/18
78949 TCC MATERIALS	165.00	07/17/18
78950 THE UPS STORE #5998	67.97	07/17/18
78951 TIM BERG	300.00	07/17/18
78952 TITAN MACHINERY-SHAKOPEE	832.89	07/17/18
78953 TODD PEARSON	384.00	07/17/18
78954 TOM MCDUGALL	150.00	07/17/18
78955 TRENT STANTON	384.00	07/17/18
78956 UNITED POWER EQUIPMENT	387.96	07/17/18
78957 VALLI	5,750.13	07/17/18
78958 VISA ADMINISTRATION	3,807.45	07/17/18
78959 VISA ASSESSING	409.95	07/17/18

78960 VISA FINANCE	417.05	07/17/18
78961 VISA IT	4,544.23	07/17/18
78962 VISA PLANNING	187.85	07/17/18
78963 VISA PW	3,338.84	07/17/18
78964 WASTE MANAGEMENT OF WI-MN	66,263.75	07/17/18
78965 WEST FARGO AREA COMMUNITY PROGRAM	2,489.06	07/17/18
78966 WEST FARGO AUTO BODY/GLASS	1,313.10	07/17/18
78967 WEST FARGO FIRE DEPT.	240,000.00	07/17/18
78968 WSUNG WON HYUN	21.50	07/17/18
78969 XCEL ENERGY	28,569.47	07/17/18
78970 CASS COUNTY ELECTRIC COOP	225.72	07/18/18
78971 CENTURY LINK	57.00	07/18/18
78972 WASTE MANAGEMENT OF WI-MN	91.13	07/18/18
78973 ALERUS FIN/DEF ALERUS FINANCIAL SECURIT	2,873.92	07/18/18
78974 BCBS PRETAX-DEN BLUE CROSS BLUE SHIELD	133,739.70	07/18/18
78975 COLONIAL POST T COLONIAL INSURANCE - BCN	312.84	07/18/18
78976 DEP CARE PRETAX DISCOVERY BENEFITS	2,341.81	07/18/18
78977 EQ DEF COMP AXA EQUITABLE UNIT ANNUI	2,038.60	07/18/18
78978 FOP DUES RED RIVER VALLEY FOP LOD	594.00	07/18/18
78979 FOP LEGAL FEES ND FRATERNAL ORDER OF PO	1,188.00	07/18/18
78980 FTJ DEF COMP TD AMERITRADE TRUST COMP	3,411.60	07/18/18
78981 MAIN STAY - IRA MAIN STAY FUNDS	1,801.66	07/18/18
78982 NATIONWIDE NATIONWIDE INVESTMENT AD	1,615.36	07/18/18
78983 NY LF DEF COMP NEW YORK LIFE INSURANCE	11,887.00	07/18/18
78984 UNION DUES VICKIE PETERS - TEAMSTER	50.00	07/18/18
78985 UNITED WAY OF CASS CLAY	40.00	07/18/18
78986 AARON KANGBO	350.00	07/19/18
78987 ABDIRAHMAN JAMA	350.00	07/19/18
78988 ADAM GEIST	350.00	07/19/18
78989 BELAL MOHAMMED	350.00	07/19/18
78990 CASS COUNTY CLERK OF DISTRICT COURT	500.00	07/19/18
78991 EUGENE TROTTIER	330.00	07/19/18
78992 LEE GULLICKSON	350.00	07/19/18
78993 NICHOLAS GIBNEY	180.00	07/19/18
78994 RUBY GRINDER	350.00	07/19/18
78995 SIADU CONTEH	350.00	07/19/18
78996 TITUS DUNCAN	350.00	07/19/18
78997 TORY CHRISTIANSON	350.00	07/19/18
78998 WAYNE STACK	330.00	07/19/18
78999 JARRED CALLOWAY	350.00	07/19/18
79000 BNSF RAILWAY COMPANY	3,817.50	07/24/18
79001 BNSF RAILWAY COMPANY	3,700.00	07/24/18
79002 STEELE ROSS, LLC	29,700.00	07/25/18
79003 SCHOENBERG FARMS LLP	1,500.00	07/25/18
79004 BRIAN CARLSRUD	350.00	07/27/18
79005 EASTER SIMBE	350.00	07/27/18
79006 KELLY WOOLDRIDGE	350.00	07/27/18

79007 NICHOLAS SCHAEFERS	350.00	07/27/18
79008 SIDI PATRICK	350.00	07/27/18
79009 TANNER KRAFT	350.00	07/27/18
79010 BOTTOM LINE EXCAVATING LLC	1,980.00	07/27/18
79011 CASS RURAL WATER USERS	32.02	07/27/18
79012 CLARK'S EXCAVATING & SEPTIC PUMPING	175.00	07/27/18
79013 DELTA 54 AVIATION LLC	4,549.72	07/27/18
79014 MATT RETKA	50.00	07/27/18
79015 ND INSURANCE DEPT.	830.58	07/27/18
79016 PETRO SERVE USA	154.44	07/27/18
79017 TCI INSURANCE	501.00	07/27/18
Total July Checks	<u>\$5,270,682.10</u>	

Consent Agenda Item: b

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Infrastructure Replacement District No. 3001 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 2,519,492.61
Engineering	310,038.85
Construction Interest	3,258.20
Bond Discount	34,210.00
Testing	27,716.25
Legal advertising, assessment commission, attorney fees, fiscal and rating agency fees	22,144.87
Land/Easements	18,913.90
Administrative expense	80,404.21
Rounding Amount	(35.27)
Contingencies	<u>23,856.38</u>
TOTAL:	\$ 3,040,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____ . The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: b

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Sewer, Water, Storm and Street Improvement District No. 1279 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$16,067,038.74
Engineering	3,248,852.63
Construction Interest	31,101.61
Capitalized Interest	55,400.00
Bond Discount	101,420.00
Testing	54,628.30
Administration	483,753.43
Legal advertising, assessment commission, attorney fees, fiscal and rating agency fees	95,142.68
Land/Easements	554,195.75
Rounding Amount	535.00
Contingency	<u>304,648.03</u>
TOTAL:	\$20,996,716.17
LESS CONTRIBUTION:	<u>6,831,716.17</u>
AMOUNT ASSESSED:	\$14,165,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____ . The following commissioners were absent and not voting: _____. The following

commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: b

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Sewer, Water, Storm and Street Improvement District No. 1292 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 801,162.31
Engineering	88,127.85
Construction Interest	1,493.71
Bond Discount	10,505.00
Testing	12,998.00
Legal advertising, assessment commission, attorney fees, fiscal and rating agency fees	6,414.04
Administrative expense	24,034.87
Rounding Amount	(791.85)
Contingencies	<u>11,056.07</u>
TOTAL:	\$ 955,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____ . The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: b

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Sewer, Water, Storm and Street Improvement District No. 1295 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 3,818,479.31
Engineering	407,732.72
Construction Interest	4,187.59
Bond Discount	49,720.00
Testing	26,111.00
Legal advertising, assessment commission, attorney fees, fiscal and rating agency fees	16,623.74
Utility	99,484.20
Land/Easements	97,833.00
Administrative expense	110,654.38
Rounding Amount	1,634.62
Contingencies	<u>19,539.44</u>
TOTAL:	\$ 4,650,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____ . The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: b

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Sewer, Water, Storm and Street Improvement District No. 1300 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 1,860,351.34
Engineering	208,213.65
Construction Interest	3,338.90
Bond Discount	25,455.00
Testing	29,978.75
Legal advertising, assessment commission, attorney fees, fiscal and rating agency fees	11,718.03
Administrative expense	56,785.54
Rounding Amount	573.35
Contingencies	<u>3,109.94</u>
TOTAL:	\$ 2,370,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____ . The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: b

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Sewer, Water, Storm and Street Improvement District No. 1301 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 3,404,972.47
Engineering	429,865.97
Construction Interest	5,495.09
Bond Discount	47,630.00
Testing	32,492.00
Legal advertising, assessment commission, attorney fees, fiscal and rating agency fees	25,921.16
Land/Easements	266,033.59
Administrative expense	102,149.17
Rounding Amount	1,806.73
Contingencies	<u>13,633.82</u>
TOTAL:	\$ 4,330,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____ . The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: b

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Sewer, Water, Storm and Street Improvement District No. 1303 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 1,027,396.54
Engineering	113,013.62
Construction Interest	1,675.90
Bond Discount	13,310.00
Testing	12,372.00
Legal advertising, assessment commission, attorney fees, fiscal and rating agency fees	6,594.00
Administrative expense	30,821.90
Rounding Amount	(542.80)
Contingencies	<u>5,358.84</u>
TOTAL:	\$ 1,210,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____ . The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: b

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Sewer, Water, Storm and Street Improvement District No. 1304 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 242,155.71
Engineering	26,637.13
Construction Interest	411.05
Bond Discount	3,190.00
Testing	6,964.00
Legal advertising, assessment commission, attorney fees, fiscal and rating agency fees	3,749.41
Administrative expense	7,264.67
Rounding	(1,384.29)
Contingencies	<u>1,012.32</u>
TOTAL:	\$ 290,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____ . The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: b

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Storm Improvement District No. 4058 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 105,236.60
Engineering	41,583.36
Construction Interest	281.10
Bond Discount	1,815.00
Testing	504.00
Legal advertising, assessment commission, attorney fees, fiscal and rating agency fees	3,485.06
Administrative expense	3,157.10
Rounding	3,357.28
Contingencies	<u>5,580.50</u>
TOTAL:	\$ 165,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____ . The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: b

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Storm Improvement District No. 4060 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$2,022,594.86
Engineering	236,036.23
Construction Interest	2,098.05
Bond Discount	26,785.00
Testing	32,150.50
Administration	60,677.85
Legal advertising, assessment commission, attorney fees, fiscal and rating agency fees	18,416.32
Land/Easements	13,500.00
Rounding Amount	(1,665.20)
Contingency	<u>24,406.39</u>
TOTAL:	\$2,435,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____ . The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: b

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Storm Improvement District No. 4061 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$1,358,915.05
Engineering	156,925.66
Construction Interest	2,053.98
Bond Discount	17,820.00
Testing	10,262.00
Administration	40,767.45
Legal advertising, assessment commission, attorney fees, fiscal and rating agency fees	7,585.49
Rounding Amount	856.49
Contingency	<u>24,813.88</u>
TOTAL:	\$1,620,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____ . The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Consent Agenda Item: c

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND
IN SANITARY SEWER IMPROVEMENT DISTRICT NO. 1319

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

Dated: August 6, 2018

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

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

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



**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: Chad Zander - Public Works

2. PHONE NUMBER: 701-433-5400 DATE: 8/1/18

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST:

Approval of Sara Forness as educational liaison on Urban Forestry Committee

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

West Fargo

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval of Sara Forness as educational liaison on Urban Forestry Committee, Urban Forestry Committee has approved

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



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

PLEASE ATTACH A COPY OF YOUR RESUME

Board of Commission for which you are applying: Forestry committee

YOUR NAME (Last, First, Middle) Sara Forness County: Cass

Mailing Address: 1606 32nd Ave NW City: West Fargo State: ND Zip: 58078

Business Phone Number: _____ Home Phone Number: 701-282-2335

Employer Name: West Fargo Public Schools Your Job Title: Science Teacher

Employer Address: 801 9th St. East City: West Fargo State: ND Zip: 58078

EDUCATION AND GENERAL QUALIFICATIONS:

LEVEL	NAME OF SCHOOL	LOCATION	# YEARS ATTENDING	DID YOU GRADUATE	MAJOR-COURSE OF STUDY
HIGH SCHOOL	MHS	Moorhead	4	yes	
COLLEGE	NDSU	Fargo	6	yes- MS	BS in Biological Sci MS in Sci Ed
TRADE/BUSINESS/ CORRESPONDENCE					

MEMBERSHIPS IN ORGANIZATIONS AND OFFICES HELD (INDICATE DATES HELD)	Sierra Club, Audubon, WFEA, NEA
VOLUNTEER ACTIVITIES (INDICATE IF PAST OR PRESENT)	Volunteer for 4H and Churchs United
YOUR SPECIALS SKILLS AND QUALIFICATIONS	Teach Env.Science, including a unit on Forestry

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

NAME	ADDRESS	PHONE NUMBER	YEARS ACQUAINTED
Candida Braun	3310 14th St NW, West Fargo, ND 58078	793-9496	5
Patrick Beauzay	319 Walster Hall, NDSU, Fargo	231-7064	5
Joan Baltezare	801 9th St. E, West Fargo, ND	866-5610	24

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

PLEASE RETURN COMPLETED FORM, RESUME AND COVER LETTER TO:

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

SIGNATURE: Sara Forness

DATE: 8-1-2018

Consent Agenda Item: e

JUL 31 2018



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 Holy Cross Catholic Church		Date(s) of Activity October 21 to 10/21/18	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Penne Soucy		Title 2018	Business Phone Number
Business Address 2711 7th St E		City West Fargo	State ND
Mailing Address (if different) Holy Cross Catholic Church		City 2711 7th St E	Zip Code 58078
Name of Site Where Game(s) will be Conducted West Fargo		Site Address ND 58078	County Cass
Check the Game(s) to be Conducted: *Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit. <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Raffle	\$1,000	\$1,000	Raffle	Home Furniture gift card	\$500
Raffle	\$1,000	\$1,000	Raffle	50" TV	\$300
Raffle	\$500	\$500	Raffle	Kitchen Aid Mixer	\$200
Raffle	\$500	\$500	Raffle	Dewalt Drill	\$100
Raffle	\$250	\$250	Raffle	Amazon Echo Show	\$100
Raffle	\$250	\$250	Raffle	meat	\$100
Raffle	\$100	\$100	Raffle	meat	\$100
Raffle	\$100	\$100	Raffle	meat	\$100
(Limit \$12,000 per year)					Total: \$ 5,200

Intended uses of gaming proceeds: Building campaign for new church

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 Penne Soucy	Date 7/31/2018	Title Business Manager	Business Phone Number 7012827217
--	--------------------------	----------------------------------	--

CK #9641
pd 7-31-18
\$10.00

John Oxner

Fargo Motor Patrol Raffle

SCHEELS Banquet/Raffle price quote sheet

	Manufacturer/Model of Firearm	Caliber	Cost	LogID
1	Stoeger P3000	12 ga.	210	
2	Savage 64	.22 lr	120	
3	Savage 93R17	12 hmr	220	
4	Henry H001T	.22 lr	375	
5	Ruger LCP	.380	210	
6	Mossberg Patriot Package	.308	320	
7				
8			\$ 1455	
9	..		\$ 1564 w/TAX	
10			\$1564	
11	Estimated Retail	Value	\$ 1900	
12				
13				
14				
15				
16				
17				
18				
19				
20				
ALL prices and guns are subject to CHANGE based on availability. Guns can only be held for 30 days.				
If banquet is paid more than 30 days in advance, GCs will be paid and guns ordered closer to banquet date.				

November 3
 Silver Dollar Bar
 3:00 PM

Regular Agenda Item #1

The City Auditor presented an affidavit showing publication in the official newspaper of the City of the Resolution of Necessity heretofore adopted to the improvement proposed to be made in Street Improvement District No. 2249 as directed by the provisions of said Resolution which affidavit was examined, found to be satisfactory and ordered to be placed on file.

The City Auditor reported that no less than thirty days having expired since the first publication of said Resolution, there were not sufficient property owners liable to be specially assessed for said improvement who filed protests against the making thereof in the office of said City Auditor within the said thirty day period as provided by law.

Commissioner _____ introduced the following Resolution and moved its adoption:

RESOLUTION DETERMINING THAT NOT SUFFICIENT PROTESTS WERE FILED ON IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 2249

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, North Dakota, that said Board of City Commissioners has heretofore by Resolution determined and declared it necessary to construct an improvement in Street Improvement District No. 2249 of the City of West Fargo, consisting of upgrading water main and storm sewer, concrete pavement, curb and gutter, street lights, sidewalks, multi-use paths, traffic signals, signing and striping, landscaping, decorative gateway sign, bus shelter, other miscellaneous items, and all other appurtenances, contrivances and structures used or useful in connection with the above specified improvements and that said Resolution has been duly published as required by law, and that not less than thirty days have expired since the first publication thereof, and the opportunity having been afforded as provided by law for the property owners liable to be specially assessed for said improvement to file protests against the making thereof, and this Board having duly met to consider all protests so filed, and being fully advised in the premises, it is hereby determined that not sufficient protests were filed within the time and manner provided by law against the making of said improvement; therefore, the Board of City Commissioners and this City are authorized to proceed with the construction of the same and to pay the cost thereof by the levy of special assessments.

Dated: August 6, 2018.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

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

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # 2

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

1. CONTACT PERSON: Tim Solberg

2. PHONE NUMBER: 433-5321 DATE: July 31, 2018

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

Zoning Ordinance Amendment to Section 4-421 of the A: Agricultural Zoning District Regulations.

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

N/A.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Hold First Reading and Public Hearing on the Zoning Ordinance Amendment at 5:30 pm on August 6, 2018.

STAFF REPORT

A18-31	ZONING ORDINANCE AMENDMENTS
Zoning Ordinance Amendment to Section 4-421 of the A: Agricultural Zoning District Regulations	
City of West Fargo	Staff Contact: Tim Solberg, AICP
Planning & Zoning Commission Introduction:	07-10-2018
Public Hearing:	07-10-2018 – Approval
City Commission Introduction:	07-16-2018
Public Hearing & & 1 st Reading:	08-06-2018
2 nd Reading	

PURPOSE:

Amendment to Section 4-421 of the A: Agricultural Zoning District Regulations.

DISCUSSION AND OBSERVATIONS:

- The current ordinance provides for non-farm single family dwellings on newly created lots of 40 acres or more as a conditional use.
- At the discussion and recommendation of the Planning Commission made at their June 12, 2018 meeting, staff has prepared proposed changes.
- A proposed amendment would offer a change to allow for lot sizes to as little as 2.5 acres with conditions that the property is platted in accordance with the subdivision regulations of the City of West Fargo; that the property is developed at a minimum of two and one half (2.5) acres in area with a larger plot size required by the City if necessary for the safe operation of individual wells; and that for any lot less than forty (40) acres in size, the property must deed restrict the surrounding quarter, quarter section of land or legal lot of record. A deed restriction will be in a form as approved by the City Planner, City Attorney, and President of the Board of City Commissioners with release to occur only at the time of rezoning accompanied by an area plan or release of the property from the zoning authority of the City of West Fargo.
- Staff believes that the proposed amendment would reduce the requests by those seeking non-farm single family dwellings in land which is currently zoned A: Agricultural to seek rezoning to zoning districts such as R-R: Rural Residential or R-1E: Rural Estate and therefore help to prevent premature development which is not within a serviceable area of the City.

NOTICES:

Sent to: Notice in the newspaper and City Departments

Comments Received:

- None to date.

RECOMMENDATIONS:

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

PLANNING AND ZONING RECOMMENDATION:

STAFF REPORT

At their July 10, 2018 meeting, the Planning and Zoning Commission recommended approval of the ordinance amendments

ORDINANCE NO. 1126

AN ORDINANCE TO AMEND AND REENACT SECTION 4-421.3 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO CONDITIONALLY PERMITTED USES IN THE "A" DISTRICT OR AGRICULTURAL DISTRICT.

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

SECTION 1. Section 4-421.3 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

4-421.3. Conditionally Permitted Uses. Any conditional use located in this district shall be sited on a separately platted parcel in accordance with the subdivision regulations of the City of West Fargo, and the use shall not be one to which the noise, odor, dust, or chemical residues of commercial agriculture or horticulture might result in creation or establishment of a nuisance or trespass. The following conditional uses maybe located in the A District subject to the provisions and requirements hereinafter imposed for each use and subject further to review and approval by the City as required by Section 4-550 of this Ordinance:

1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry, or horticultural services on a fee or contract basis including, but not limited to hay-baling and threshing; horticultural services; crop dusting; grain cleaning and drying; harvesting and plowing; milling and storage or grain; veterinary services; boarding and training of horses; and roadside stands for the sale of agricultural produce grown on the site.
 - a. An agricultural service establishment shall be incidental and necessary to the conduct of agriculture within the district.
 - b. All agricultural service establishments shall be located at least 100 feet from any driveway affecting access to a farm dwelling or field and at least 500 feet from any single-family dwelling.
 - c. All agricultural service establishments shall be screened on the perimeter of the establishment by a

solid fence, wall, or natural vegetation not less than six feet in height.

2. Churches, religious institutions and places of worship, cemeteries, airports, fairgrounds, archery ranges, gun clubs, schools, local government buildings and facilities, and government-owned facilities for the maintenance of roads and highways when necessary to serve the immediate vicinity.
3. Non-farm single-family residential dwellings may be permitted on lots or parcels of land for which a deed has been recorded in the office of the Cass County Register of Deeds upon or prior to ~~the effective date of this Ordinance~~ [INSERT DATE], or a lot or parcel of land that would have been a lot of record if the document conveying the lot had been recorded on the date of its execution, provided they meet all applicable standards and requirements of this Ordinance and all other applicable city, township, and county regulations and ordinances, subject to the following:
 - a. The property shall be platted in accordance with the subdivision regulations of the City of West Fargo.
 - b. Each lot developed shall contain no more than one (1) single-family home.
 - c. Each lot developed shall be a minimum of one acre in area. A larger plot size may be required by the City if necessary for the safe operation of individual wells and septic systems.
 - d. The driveway serving the property shall meet City access standards.
 - e. All non-farm residential buildings shall be set back a minimum of 300 feet from the nearest farm building.
4. Above ground petroleum storage tanks. Such above ground petroleum storage tanks are prohibited in all other districts other than the A and M Districts.
5. Non-farm Single-family residential dwellings and accessory structures on newly created lots created or platted after _____, 2018, under the following conditions: ~~of forty (40) or more acres provided that the~~

~~property is platted in accordance with the subdivision regulations of the City of West Fargo.~~

- a. The property is platted in accordance with the subdivision regulations of the City of West Fargo.
 - b. The property is developed at a minimum of one (1) acre in area with a larger plot size required by the City if necessary for the safe operation of individual wells and septic systems.
 - c. The property is less than forty (40) acres in size, the property has a deed restriction recorded against it and the surrounding quarter-quarter section of land or legal lot of record to prohibit further development of non-farm single family residential dwellings. The deed restriction shall be in a form as approved by the City Planner, City Attorney, and President of the Board of City Commissioners and will terminate/release only at the time of rezoning, or accompanied by an area plan, annexation by the City of West Fargo, or release of the property from the zoning authority of the City of West Fargo.
6. Landscaping businesses, greenhouses, and plant nurseries.
 7. Temporary or permanent industrial wood burners, including air curtain destructors, subject to the following conditions:
 - a. For a permanent site, the site is fenced with a sight obscuring fence and screened if necessary to keep materials out of sight.
 - b. The site is located a minimum of 2,640 feet from any residential or neighboring business structure.
 - c. The waste wood products may not be stored on the site for more than two (2) months. For a permanent site, all waste wood products on site must be disposed of within a two (2) month period. At the time the site is completely cleared, another two-month cycle of storage may begin. An extension to the two-month period may be granted by the Fire Chief during the high fire risk times when burning is not allowed.
 - d. The use has received State Health Department and local Fire Department approval.

- e. A permit for a temporary site may not exceed sixty (60) days, and only two (2) temporary permits may be granted for the same site in any year. The 60-day period may be extended by the Fire Chief if during that period burning is not allowed because of high risk conditions.
- f. Other conditions as deemed necessary.

8. Animal kennels and shelters.

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

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

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

DEVELOPMENT DEED RESTRICTION

THIS AGREEMENT (the “Agreement”) is entered into on _____, 20____ (the “Effective Date”) by and between the City of West Fargo, a North Dakota political subdivision, whose principal address is 800 4th Avenue East, Suite 1, West Fargo, North Dakota 58078 (the “City”), and _____, whose principal address is _____ (the “Owner”).

RECITALS

WHEREAS, the City desires to encourage orderly and economically feasible growth and prevent new developments from creating economic strains on rural residents; and

WHEREAS, the City desires to promote development that will more easily convert to an urban environment and implement the goals and objectives established by the City’s Comprehensive Plan; and

WHEREAS, in order to promote these objectives, the City desires to restrict the uses of certain properties in the City’s extraterritorial zone pursuant to N.D.C.C. Chapters 40-47 and 40-48; and

WHEREAS, Section 4-421.3 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota (the “Revised Ordinances”) restricts the use of property in the Agricultural District through enforcement of conditionally permitted uses, including non-farm, single family residential dwellings; and

WHEREAS, to obtain approval of a conditionally permitted use in the Agricultural District, the non-farm, single family residential dwelling property must comply with certain conditions, including acknowledgement of a deed restriction recorded against the property and the surrounding quarter-quarter section of land or legal lot of record prohibiting further development of non-farm, single family residential dwellings.

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

AGREEMENT

1. **Purpose.** The purpose of this Agreement is to promote small, truly rural development that will mesh more easily with existing agricultural land and activities, and will encourage larger urban style subdivisions to develop in the urban fringe and other areas with supporting infrastructure, ensuring developments that will more easily transition into an urban development upon annexation without extensive and costly infrastructure upgrades.
2. **Property.** The restricted parcel covered by this Agreement, located in the County of Cass, State of North Dakota, is further described as follows:

[Insert legal description]

(the “Restricted Parcel”).

3. **Deed Restriction.** The deed restriction provided under this Agreement applies to the Restricted Parcel because it is a non-farm, single family residential dwelling less than forty (40) acres in size in the Agricultural District. The deed restriction prohibits the Restricted Parcel from further development of non-farm single family residential dwellings. The Owner understands and acknowledges that this Agreement limits any further divisions or new residences, divisions, or nonagricultural development on the Restricted Parcel, except as permitted by Section 4-421 of the Revised Ordinances and any amendment thereto. The deed restriction may terminate or be released upon any of the following conditions:
 - (a) At such time the Restricted Parcel is rezoned or accompanied by an area plan;
 - (b) At such time the Restricted Parcel is released from the zoning authority of the City;
 - (c) At any time the City desires to release or terminate; or
 - (d) Any further subdivision of the Restricted Parcel will conform to full urban design standards, including but not limited to, paved streets with curb and gutters, paved access streets, municipal sewer system, public water supply system with functioning fire hydrants, storm water facilities, street lights, boulevard trees, street signs, sidewalks, multiuse paths, and municipal or park land dedication.
4. **Release – Satisfaction.** In the event any of the conditions in Section 3 are satisfied, the Owner shall give notice to the City and the City and Owner may execute a Release of Deed Restriction or Satisfaction of Deed Restriction releasing the Restricted Parcel from the conditions of this Agreement. An example Release of Deed Restriction is attached

hereto as **Exhibit A**. The Release of Deed Restriction or Satisfaction of Deed Restriction will then be recorded in the Cass County Recorder's Office.

5. **Runs with the Land.** This Agreement runs with the land in perpetuity and is binding on all owners, successors, heirs, assigns, lessees, users, or parties having or acquiring any right, title, or interest in the Restricted Parcel or any part thereof or until such time as the deed restrictions are terminated or released.
6. **Compliance.** The Restricted Parcel complies with the criteria established under Section 4-421.3(5) of the Revised Ordinances, as amended from time to time.
7. **Termination.** In the event this Agreement is terminated, the parties agree to record a written Release of Deed Restriction or Satisfaction of Deed Restriction, signed by both parties, indicating the parties' intent to terminate or release this Agreement.
8. **Violation.** In the event of a violation of this Agreement, the penalties and remedies provided under Section 1-0211 of the Revised Ordinances and North Dakota law apply.
9. **Waiver.** The failure of the City to enforce any of the provisions of this Agreement, or to exercise any option which is herein provided, or to require performance by the Owner of any of the provisions hereof, will in no way be construed as a waiver of such provisions, nor in any way affect the validity of this Agreement, or any part thereof, or the right of the City to thereafter enforce each and every such provision.
10. **Modification of Agreement.** This Agreement cannot be altered, modified, cancelled, or amended without the written consent of all parties to this Agreement.
11. **Severability.** In the event that any term, part, or provision of this Agreement is held to be invalid or unenforceable, all other terms, parts, or provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable term, part, or provision severed from the remainder of this Agreement.
12. **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the State of North Dakota.
13. **Recording.** This Agreement and any subsequent Release of Deed Restriction or Satisfaction of Deed Restriction will be recorded in the Cass County Recorder's Office.
14. **Counterparts.** This Agreement may be executed in counterparts, meaning that the Agreement is valid if signed by all parties even if the signatures of the parties appear on separate copies of the same Agreement rather than on a single document.

IN WITNESS WHEREOF the parties have duly affixed their signatures under hand and seal on the Effective Date first written above.

[Signatures appear on the following pages.]

The Legal Description contained herein was prepared by:

This Agreement was prepared by:

OHNSTAD TWICHELL, P.C.
John T. Shockley, City Attorney
444 Sheyenne Street, Suite 102
West Fargo, ND 58078
(701) 282-3249

CITY:

City of West Fargo, North Dakota

Bernie L. Dardis, President of the
Board of City Commissioners

ATTEST:

Tina Fisk, City Auditor

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

This record was acknowledged before me on _____, 20_____,
by Bernie L. Dardis and Tina Fisk, the President of the Board of City Commissioners and City
Auditor, respectively, of the City of West Fargo, a political subdivision of the State of North
Dakota.

Notary Public

(SEAL)

EXHIBIT A

EXAMPLE RELEASE OF DEED RESTRICTION

RELEASE OF DEED RESTRICTION

THIS INDENTURE is made this _____ day of _____, 20____, (the “Effective Date”), by and between *[insert company/name]* (the “Owner”), whose principal address is _____; and the City of West Fargo, a North Dakota political subdivision, whose principal address is 800 4th Ave. E, Suite 1, West Fargo, North Dakota 58078 (the “City”).

WHEREAS, the parties entered into a Deed Restriction Agreement in order for the City to restrict the uses of certain properties in the City’s extraterritorial zone; and

WHEREAS, there is a Deed Restriction dated _____, which was recorded in the office of the Cass County Recorder on _____, as Document Number _____, against the following described parcel of land located in Cass County, North Dakota, described as follows:

[insert legal description of Restricted Parcel]

(the “Restricted Parcel”); and

WHEREAS, at least one of the conditions contained in the Deed Restriction has been satisfied; and

WHEREAS, City approves the release and termination of the Deed Restriction described herein.

NOW THEREFORE, City, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby Release and Terminate the above-described Deed Restriction, as hereinbefore granted over the above described Restricted Parcel, as well as any other rights or privileges under the above described Deed Restriction.

Owner, for itself and its successors in interest, hereby agrees to release the City, and its successors in interest, from any liability related to the Deed Restriction described above. This release includes releasing the City from any duties set forth in the Deed Restriction subject to the Deed Restriction that is now being terminated.

The Deed Restriction described above, dated _____, and recorded in the office of the Cass County Recorder on _____, as Document Number _____, is released, cancelled, and terminated.

IN WITNESS WHEREOF, the parties have signed this Release of Deed Restriction on the day and year first written above.

CITY:

City of West Fargo, North Dakota

Bernie L. Dardis, President of the
Board of City Commissioners

ATTEST:

Tina Fisk, City Auditor

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

This record was acknowledged before me on _____, 20_____, by Bernie L. Dardis and Tina Fisk, the President of the Board of City Commissioners and City Auditor, respectively, of the City of West Fargo, a political subdivision of the State of North Dakota.

Notary Public

(SEAL)

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # 3

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

1. CONTACT PERSON: Tim Solberg

2. PHONE NUMBER: 433-5321 DATE: July 31, 2018

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

Halverson's Industrial Park 3rd Addition, a replat and rezoning from LI: Light Industrial to P: Public Facilities of Proposed Lot 2, Block 1.

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

Lots 8-14, Block 2; Lots 7-14, Block 3, Halverson's Industrial Park Addition; Lot 2, Block 1, Halverson's Industrial Park 2nd Addition, And Auditor's Lot 4 In SW $\frac{1}{4}$ of Section 6, T139N, R49W, City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Hold First Reading and Public Hearing on the rezoning at 5:30 pm on August 6, 2018.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A18-33		REPLAT/REZONING
Halverson's Industrial Park 3 rd Addition		
Lots 8-14, Block 2; Lots 7-14, Block 3, Halverson's Industrial Park Addition; Lot 2, Block 1, Halverson's Industrial Park 2 nd Addition, And Auditor's Lot 4 In SW¼ of Section 6, T139N, R49W, City of West Fargo, North Dakota		
Applicant: City of West Fargo Owner(s): Haskett Properties, Inc., Joseph F. Cray and Charles F. Cray, Busch Agricultural Resources, Inc and City of West Fargo	Staff Contact: Tim Solberg, AICP	
Planning & Zoning Commission Introduction:	07-10-2018	
Public Hearing:	07-10-2018 – Approval	
City Commission Introduction:	07-16-2018	
Public Hearing & 1 st Reading:	08-06-2018	
2 nd Reading and Final Plat Approval:		

PURPOSE:

Combine lots and replat for City storm water retention pond.

STATEMENTS OF FACT:

Land Use Classification:	G-3: Employment Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	LI: Light Industrial
Zoning Overlay District(s):	None
Proposed Zoning District(s):	Lot 2, Block 1: P: Public Facilities Lots 1, 3, and 4, Block 1: Unchanged
Proposed Lot size(s) or range:	62,166 – 446,661 ft ²
Total area size:	24.33 Acres
Adjacent Zoning Districts:	LI: Light Industrial
Adjacent street(s):	3 rd Avenue NW (local); 12 th Street NW (Local)

DISCUSSION AND OBSERVATIONS:

- The applicant is proposing to combine several vacant lots into four.
- Lot 2 is intended to be used as a regional storm water retention pond which the City is currently developing.
- The proposed lot sizes will adequately meet yard requirements for development in the LI: Light Industrial zoning district.

NOTICES:

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

Comments Received:

- None to date.

STAFF REPORT

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

- The proposed application is consistent with the City plans and ordinances.

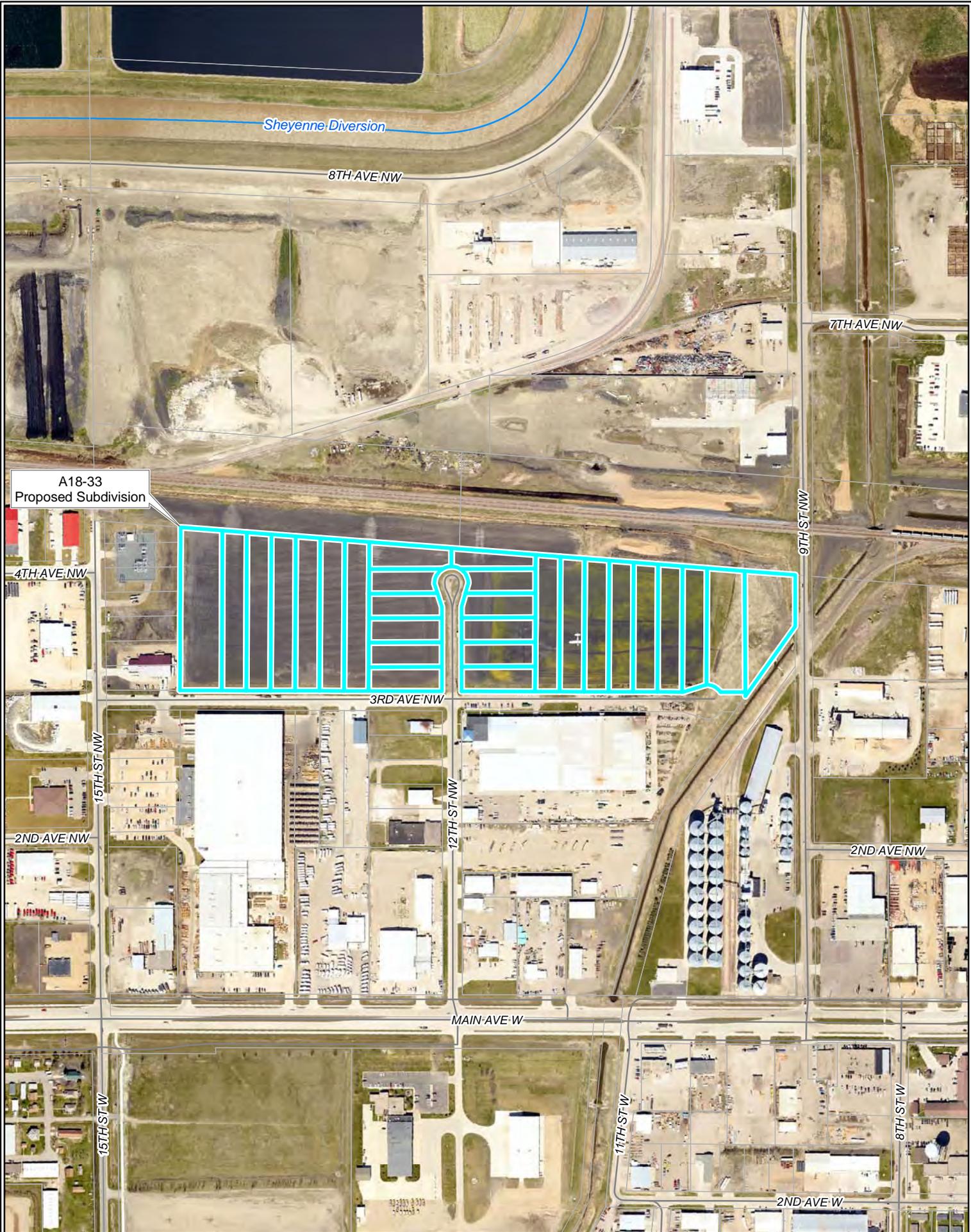
RECOMMENDATIONS:

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

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

PLANNING AND ZONING RECOMMENDATION:

At their July 10, 2018 meeting, the Planning and Zoning Commission approved the replat and rezoning, subject to the four conditions listed above.



Sheyenne Diversion

8TH AVE NW

7TH AVE NW

9TH ST NW

A18-33
Proposed Subdivision

4TH AVE NW

3RD AVE NW

2ND AVE NW

15TH ST NW

12TH ST NW

2ND AVE NW

MAIN AVE W

15TH ST W

11TH ST W

8TH ST W

2ND AVE W



Sheyenne Diversion

8TH AVE NW

7TH AVE NW

A18-33
Proposed Subdivision

4TH AVE NW

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15TH ST NW

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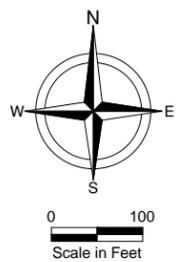


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|----------------------------------|---------------------------------|---|--|------------------------------------|
| A: Agricultural | HC: Heavy Commercial | P-PUD: PUD in Public | R-1SM: Mixed One and Two Family Dwelling | R-5: Manufactured Home Subdivision |
| 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 HALVERSON'S INDUSTRIAL PARK THIRD ADDITION

TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 8 THROUGH 14 INCLUSIVE, BLOCK 2 AND LOTS 7 THROUGH 14 INCLUSIVE, BLOCK 3, HALVERSON'S INDUSTRIAL PARK ADDITION AND A REPLAT OF LOT 2, BLOCK 1, HALVERSON'S INDUSTRIAL PARK SECOND ADDITION TO THE CITY OF WEST FARGO AND AUDITOR'S LOT 4 IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA



- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
 - (680.00') RECORD PLAT DISTANCE
 - (33,154) LOT AREAS IN SQ. FT.

BASIS OF BEARINGS:
THE SOUTH LINE OF LOT 20, BLOCK 2, HALVERSON'S INDUSTRIAL PARK ADDITION HAS AN ASSUMED BEARING OF N88°15'01"E.

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



PLAT OF
HALVERSON'S INDUSTRIAL PARK THIRD ADDITION
TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 8 THROUGH 14 INCLUSIVE, BLOCK 2 AND LOTS 7 THROUGH 14 INCLUSIVE, BLOCK 3, HALVERSON'S INDUSTRIAL PARK ADDITION
AND A REPLAT OF LOT 2, BLOCK 1, HALVERSON'S INDUSTRIAL PARK SECOND ADDITION TO THE CITY OF WEST FARGO AND AUDITOR'S LOT 4 IN THE SOUTHWEST QUARTER OF
SECTION 6, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "HALVERSON'S INDUSTRIAL PARK THIRD ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 8 THROUGH 14 INCLUSIVE, BLOCK 2 AND LOTS 7 THROUGH 14 INCLUSIVE, BLOCK 3, HALVERSON'S INDUSTRIAL PARK ADDITION AND A REPLAT OF LOT 2, BLOCK 1, HALVERSON'S INDUSTRIAL PARK SECOND ADDITION TO THE CITY OF WEST FARGO AND AUDITOR'S LOT 4 IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

ALL OF LOTS 8 THROUGH 14 INCLUSIVE, BLOCK 2 AND LOTS 7 THROUGH 14 INCLUSIVE, BLOCK 3, HALVERSON'S INDUSTRIAL PARK ADDITION AND LOT 2, BLOCK 1, HALVERSON'S INDUSTRIAL PARK SECOND ADDITION TO THE CITY OF WEST FARGO, ACCORDING TO THE RECORDED PLATS THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

AND

ALL OF AUDITOR'S LOT 4 IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 14, BLOCK 1, HALVERSON'S INDUSTRIAL PARK ADDITION THENCE SOUTH 02 DEGREES 19 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1 AND THE SOUTHERLY EXTENSION THEREOF FOR A DISTANCE OF 515.63 FEET TO THE WESTERLY RIGHT OF WAY OF CASS COUNTY DRAIN NO. 21; THENCE NORTH 33 DEGREES 56 MINUTES 51 SECONDS ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 338.09; THENCE NORTH 02 DEGREES 19 MINUTES 13 SECONDS PARALLEL WITH THE EAST LINE OF SAID LOT 14 FOR A DISTANCE OF 226.45 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF THE BURLINGTON NORTHERN SANTA FEE RAILROAD; THENCE NORTH 87 DEGREES 34 MINUTES 37 SECONDS ALONG SAID SOUTH RIGHT OF WAY FOR A DISTANCE OF 200.69 FEET, THE POINT OF BEGINNING.

SAID TRACT CONTAINS 24.33 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

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

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

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

DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "HALVERSON'S INDUSTRIAL PARK THIRD ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 8 THROUGH 14 INCLUSIVE, BLOCK 2 AND LOTS 7 THROUGH 14 INCLUSIVE, BLOCK 3, HALVERSON'S INDUSTRIAL PARK ADDITION AND A REPLAT OF LOT 2, BLOCK 1, HALVERSON'S INDUSTRIAL PARK SECOND ADDITION TO THE CITY OF WEST FARGO AND AUDITOR'S LOT 4 IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY, CROSS ACCESS, SEWER AND WATER MAIN EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: LOT 1, BLOCK 1

HASKETT PROPERTIES, INC.

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

RECIPIENT: LOT 2, BLOCK 1: CITY OF WEST FARGO

RICH MATTERN, PRESIDENT OF
THE WEST FARGO CITY COMMISSION

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

OWNER: LOT 3, BLOCK 1

JOSEPH F. CRARY
JOSEPH F. CRARY AND CHARLES F. CRARY, LLP

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

OWNER: LOT 4, BLOCK 1

BUSCH AGRICULTURAL RESOURCES, INC.

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL

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

TOM MCDUGALL, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM MCDUGALL, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL

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

RICH MATTERN, PRESIDENT OF
THE WEST FARGO CITY COMMISSION

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL

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

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

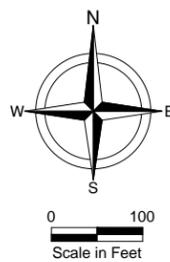
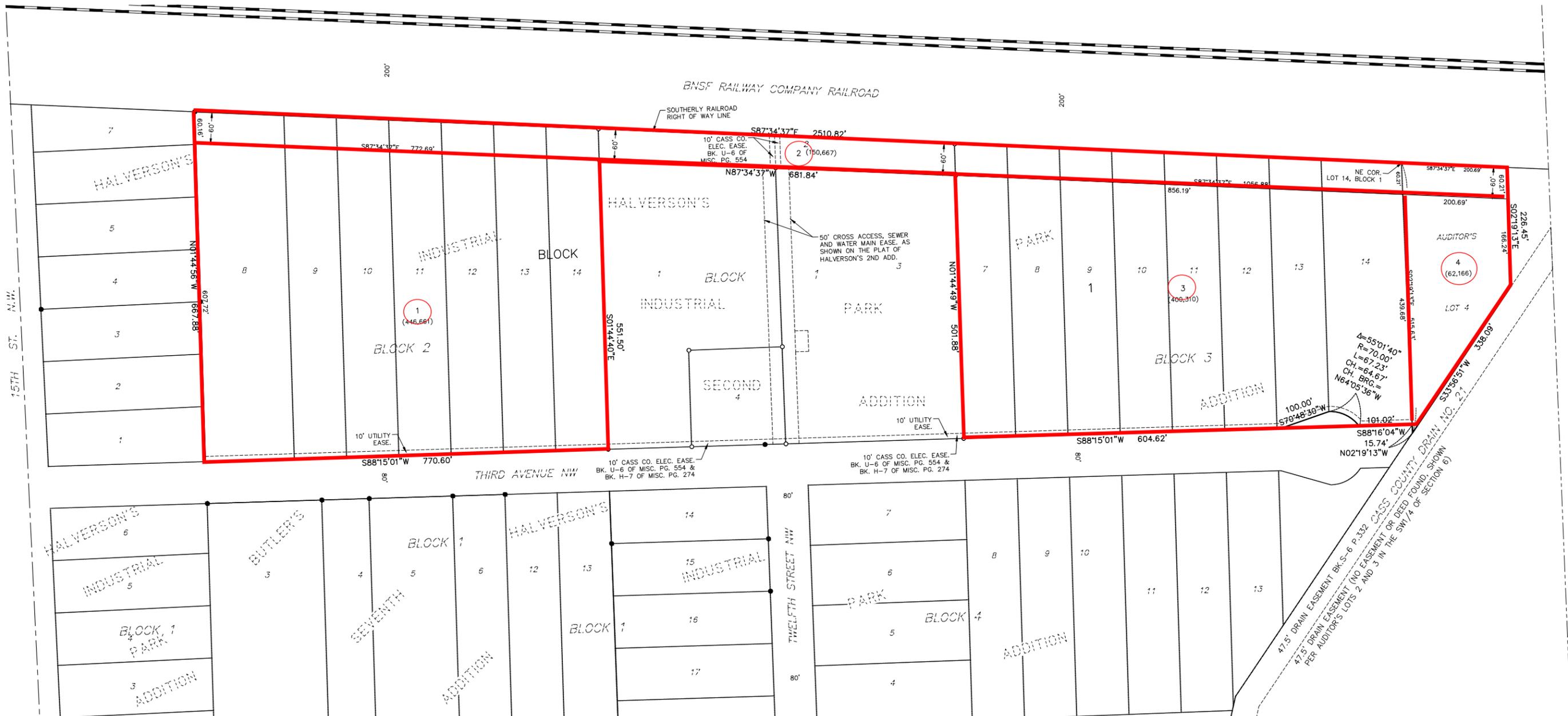
ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, CITY ATTORNEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



PLAT OF HALVERSON'S INDUSTRIAL PARK THIRD ADDITION

TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 8 THROUGH 14 INCLUSIVE, BLOCK 2 AND LOTS 7 THROUGH 14 INCLUSIVE, BLOCK 3, HALVERSON'S INDUSTRIAL PARK ADDITION AND A REPLAT OF LOT 2, BLOCK 1, HALVERSON'S INDUSTRIAL PARK SECOND ADDITION TO THE CITY OF WEST FARGO AND AUDITOR'S LOT 4 IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA



- LEGEND**
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 - (680.00') RECORD PLAT DISTANCE
 - (33,154) LOT AREAS IN SQ. FT.

BASIS OF BEARINGS:
THE SOUTH LINE OF LOT 20, BLOCK 2, HALVERSON'S INDUSTRIAL PARK ADDITION HAS AN ASSUMED BEARING OF N88°15'01"E.

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



AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # 4

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

1. CONTACT PERSON: Tim Solberg

2. PHONE NUMBER: 433-5320 DATE: July 31, 2018

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

The Wilds 11th Addition, Subdivision and Rezoning from A: Agricultural to R-1:
One & Two Family Dwellings, R-2: Limited Multiple Dwellings and P: Public
Facilities.

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

Property located in part of Government Lots 3-5 in the NW¼ of Section 6,
T138N, R49W, City of West Fargo, North Dakota, City of West Fargo, North
Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Hold Public Hearing on the rezoning at 5:30 pm on August 6, 2018.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A18-34	SUBDIVISION/REZONING
The Wilds 11 th Addition	
Part of Government Lots 3-5 in the NW¼ of Section 6, T138N, R49W, City of West Fargo, North Dakota,	
Applicant: Eagle Ridge Development LLC, Jonathan Youness	Staff Contact: Tim Solberg, AICP
Owner: Westport Investments, LLC	
Planning & Zoning Commission Introduction:	07-10-2018
Public Hearing:	07-10-2018 – Approval
City Commission Introduction:	07-16-2018
Public Hearing	08-06-2018
1 st Reading:	
2 nd Reading & Final Plat Approval	

PURPOSE:

Plat and zone land for residential development.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban – Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	A: Agricultural
Zoning Overlay District(s):	CO: Corridor Overlay District
Proposed Zoning District(s):	R-1: One & Two Family Dwellings; R-2: Limited Multiple Dwellings; P: Public Facilities
Proposed Lot size(s) or range:	125 R-1 Lots, 48 R-2 Lots, 2 Public lots for retention
Total area size:	50.02 Acres
Adjacent Zoning Districts:	North – R-1A: Single Family Dwellings South & West– A: Agricultural East – R-1: One & Two Family Dwellings & P: Public Facilities
Adjacent street(s):	52 nd Ave W (Arterial); 9 th Street W (Collector); 10 th St W (Local); 11 th St W (Local); Cathy Dr (Local); Ashley Ln W (Local); Unnamed Local Streets
Adjacent Bike/Pedestrian Facilities:	Bike path adjacent to 9 th Street West; Proposed Bike path along 52 nd Ave W and through development.
Available Parks/Trail Facilities:	Legacy Elementary and adjacent park property as well as trail connections to parks within ¼ mile.
Land Dedication Requirements:	Park plan has been approved by West Fargo Park District and will be required to be updated with the proposed development.

STAFF REPORT

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application, preliminary plat and area plan. The area plan is proposing the majority of the area to develop as single-family residential with some R-2 residential (medium density).
- When the Wilds 8th Addition was considered in September 2016, the developer and Park District came to agreement with regards to park plans north of 52nd Avenue West, as well as south of 52nd Avenue West.
- The applicant is proposing single-family and twin home lot residential development with R-1: One and Two Family Dwellings and R-2: Limited Multiple Dwellings. The developer is also proposing one larger lot to be zoned R-2: Limited Multiple Dwelling.
- Right-of-way widths for local streets on the preliminary plat are provided and should be to 62' unless the applicant is able to provide an amenities plan that can demonstrate how the wider streets will benefit the development.
- There is no means of east-west connection to arterial roadways in this area; therefore staff believes the connections to 64th Avenue South on the south side of the previous plat (The Wilds 9th) are important to provide access to more than just one arterial roadway. Road right of way exists in Horace to make a connection; however, this right of way is not improved and needs to be considered. The agreements for The Wilds 8th Addition and The Wilds 9th Addition provided that the developer would work with the City of Horace to establish a schedule for constructing the streets which will be coordinated with the development of the Wilds development. In the event that the City of Horace fails to make improvements to 78th Street South and 79th Street South, the developer may be responsible for the costs of developing roadways to ensure access to 64th Avenue South. 9th Street West will be an important major collector for this area.
- As of the date of application, the City currently has 1,211 residential serviced lots which are vacant. Of those lots, 747 are zoned for smaller single family housing (R-1, R-1SM, and PUD). This inventory would service the City under its current rates of absorption for approximately 3-5 years. There are peaks and valleys to the City's building permit rates, however Staff feels it is important to note the amount of inventory of homes in relation to the consideration of the proposed development.
 - To illustrate the rate of absorption, the City permitted the following number of single family homes in corresponding five year time periods below:
 - 276 in 2017; 402 in 2016; 392 in 2015; 428 in 2014; 437 in 2013
 - 409 in 2012; 163 in 2011; 166 in 2010; 158 in 2009; 117 in 2008
 - 184 in 2007; 244 in 2006; 421 in 2005; 626 in 2004; 501 in 2003
- The City does not currently have serviced multiple family lots available and the vacancy reports provided show a slight decline indicating that the proposed multiple family dwellings would be absorbed in a reasonable time.

NOTICES:

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

Comments Received:

- None to date.

STAFF REPORT

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

- The mix of housing types and increased densities of the R-2 lots will increase the diversity of the neighborhood housing stock consistent with goals of the Comprehensive Plan's Action Plan Big Idea to "Strengthen Neighborhoods and Expand Housing Choice"

RECOMMENDATIONS:

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

1. Consideration be given by City Commission on inventory of serviced residential lots and the current rate of absorption in the City of West Fargo and within the metropolitan area.
2. A signed subdivision agreement is received.
3. A signed and updated park dedication agreement is received.
4. A drainage plan is received and approved by the City Engineer.
5. Final Plat is received with any necessary easements.
6. A certificate is received showing taxes are current.

PLANNING AND ZONING RECOMMENDATION:

At their July 10, 2018 meeting, the Planning and Zoning Commission approved the subdivision and rezoning, subject to the six conditions listed above.

UPDATE:

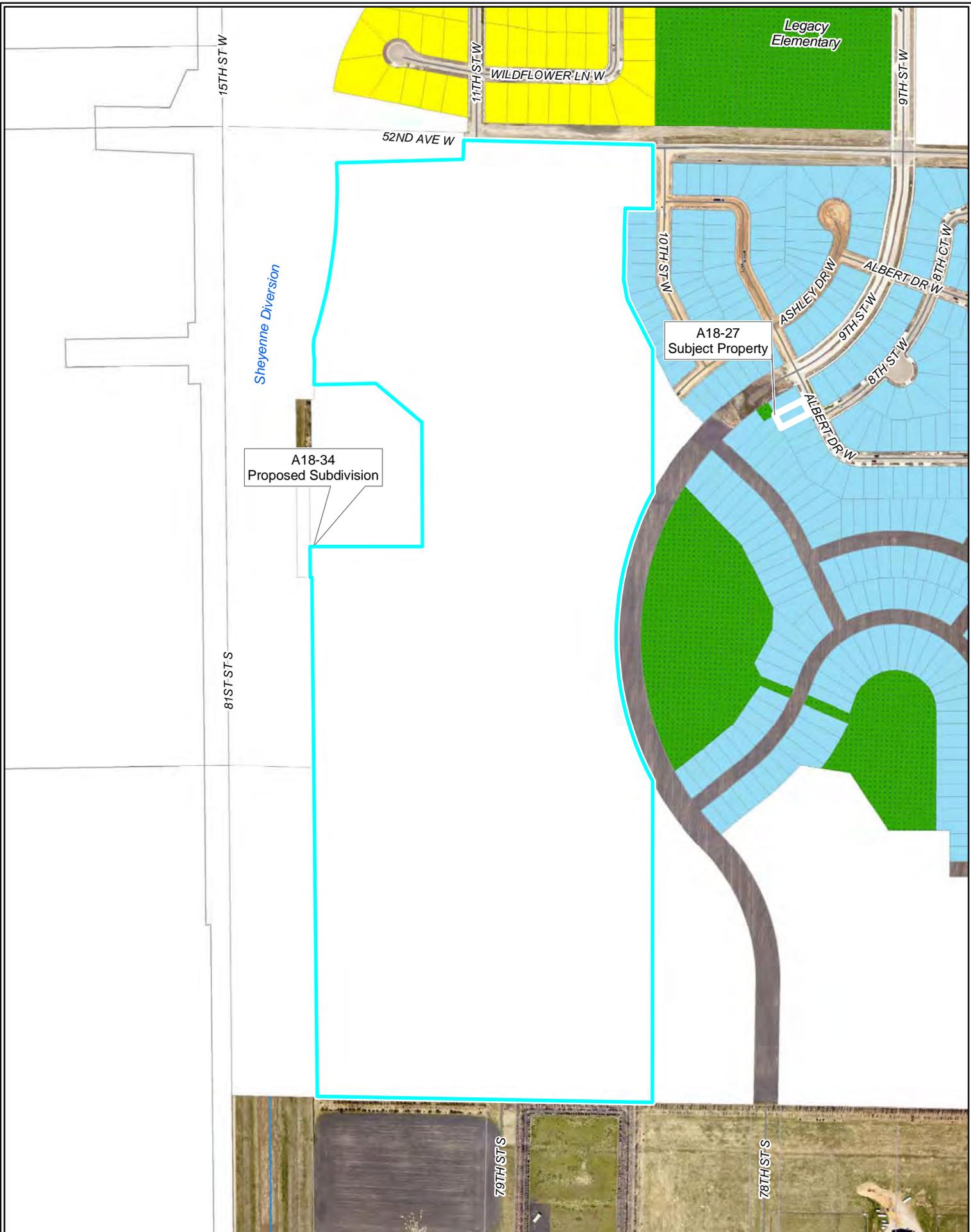
The developer is requesting a change in the advertised zoning for a portion of the proposed R-2 lots to be changed to R-1SM to accommodate some variation of lot sizes for the previously proposed twin-home lots within the R-2 cul-de-sac. It is advised that a first reading be deferred to allow the Planning Commission to review the change and submit a revised recommendation.



A18-34
Proposed Subdivision

A18-27
Subject Property





A18-34
Proposed Subdivision

A18-27
Subject Property

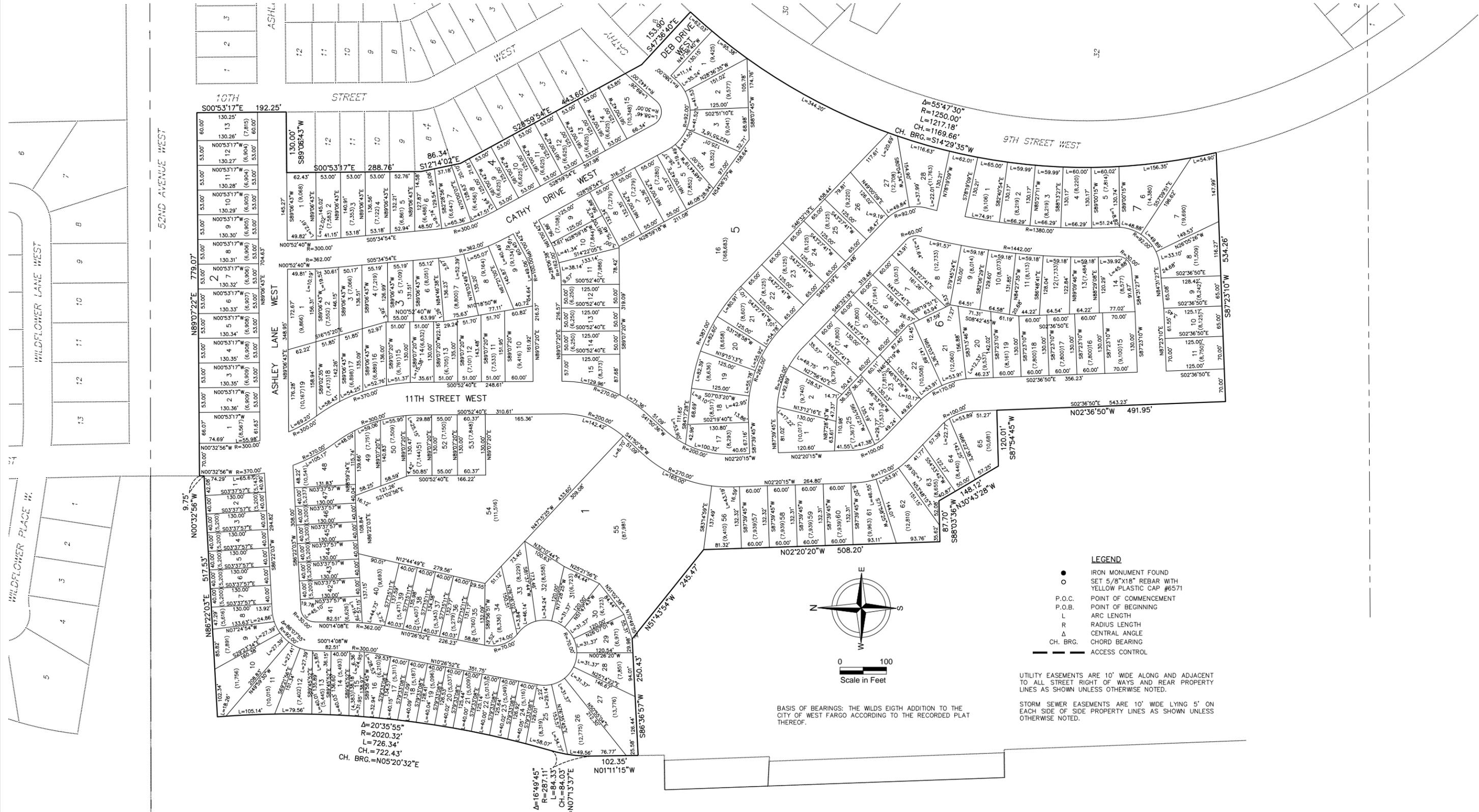
Legacy
Elementary



- | | | | | |
|----------------------------------|---------------------------------|---|--|------------------------------------|
| A: Agricultural | HC: Heavy Commercial | P-PUD: PUD in Public | R-15M: 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
THE WILDS ELEVENTH ADDITION**
TO THE CITY OF WEST FARGO, A PLAT OF PART OF GOVERNMENT LOT 3,
A PART OF GOVERNMENT LOT 4 AND PART OF GOVERNMENT LOT 5,
ALL IN SECTION 6, TOWNSHIP 138 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA



- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #6571
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - ARC LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE
 - CH. BRG. CHORD BEARING
 - ACCESS CONTROL

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

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

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

**PLAT OF
THE WILDS ELEVENTH ADDITION
TO THE CITY OF WEST FARGO, A PLAT OF PART OF GOVERNMENT LOT 3,
A PART OF GOVERNMENT LOT 4 AND PART OF GOVERNMENT LOT 5,
ALL IN SECTION 6, TOWNSHIP 138 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA**

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "THE WILDS ELEVENTH ADDITION" TO THE CITY OF WEST FARGO, A PLAT OF PART OF GOVERNMENT LOT 3, A PART OF GOVERNMENT LOT 4 AND A PART OF GOVERNMENT LOT 5, 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:

THAT PART OF GOVERNMENT LOT 3, A PART OF GOVERNMENT LOT 4 AND A PART OF GOVERNMENT LOT 5, ALL IN SECTION 6, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

SAID TRACT CONTAINS 50.02 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

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

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "THE WILDS EIGHTH ADDITION" TO THE CITY OF WEST FARGO, A PLAT OF PART OF GOVERNMENT LOT 3, A PART OF GOVERNMENT LOT 4 AND A PART OF GOVERNMENT LOT 5, 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 CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS, LANES, DRIVES, UTILITY EASEMENTS AND FENCE EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC AND ALL STORM SEWER EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE CITY OF WEST FARGO.

OWNER: WESTPORT INVESTMENTS, LLC

MORTGAGEE: STARION FINANCIAL

JIM BULLIS, SECRETARY

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED JIM BULLIS, SECRETARY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF WESTPORT INVESTMENTS, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED DAN STALLER, SENIOR VICE-PRESIDENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF STARION FINANCIAL.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL

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

TOM MCDUGALL, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM MCDUGALL, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL

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

BERNIE DARDIS, PRESIDENT OF
THE WEST FARGO CITY COMMISSION

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL

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

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, CITY ATTORNEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

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

DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

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

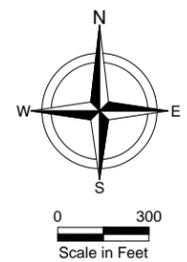
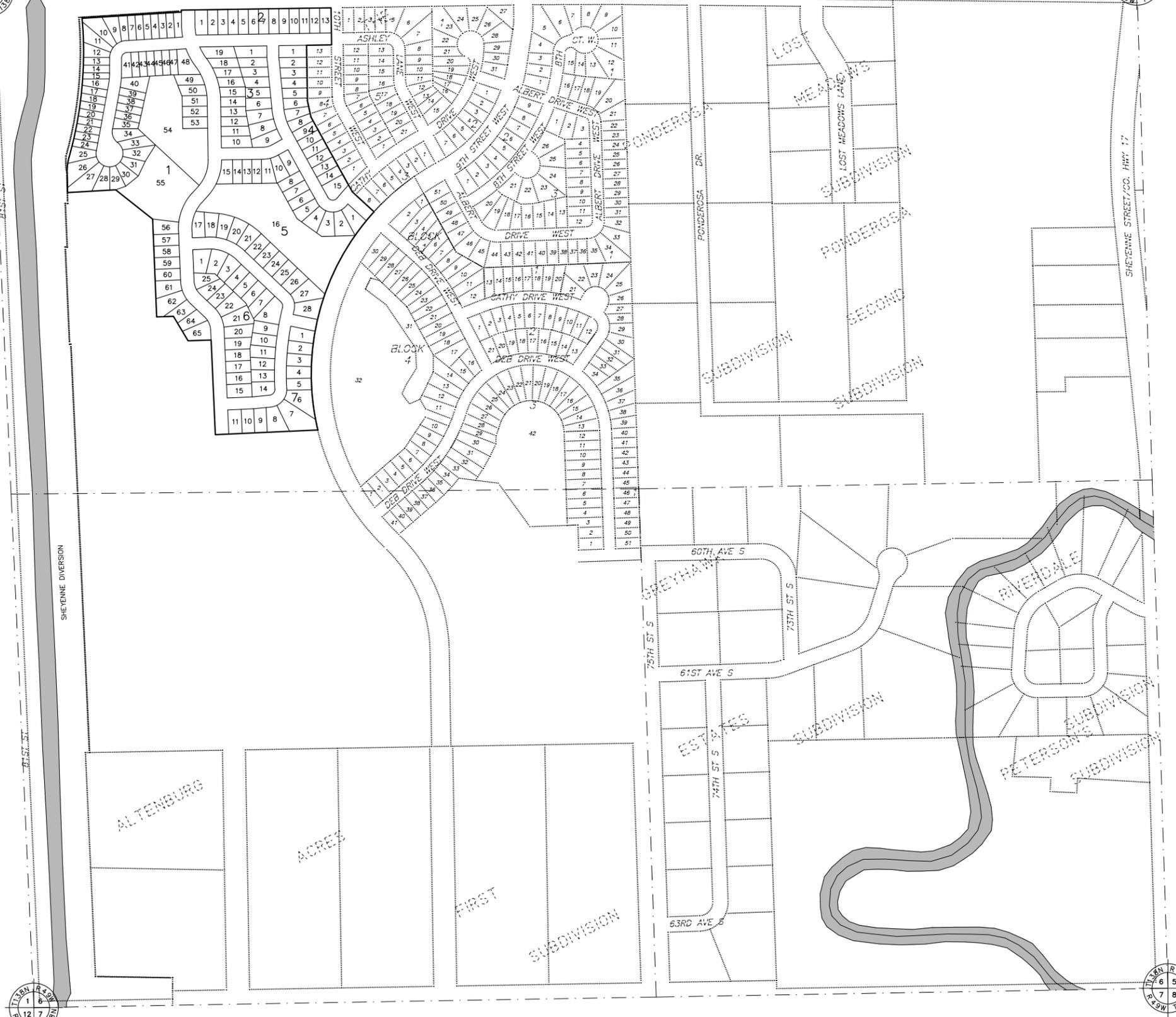
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

D

C

B

A



AREA SKETCH PLAN
THE WILDS ELEVENTH ADDITION
WEST FARGO, NORTH DAKOTA

PROJECT No.	20343
DATE:	06.11.18
REVISED:	
DRAWN BY:	MPL
CHECKED BY:	###



GOVT LOT

53RD AVENUE WEST

ALBERT DRIVE WEST

10TH STREET WEST

11TH STREET WEST

8TH STREET WEST

9TH STREET WEST

2.0 AC MR LOT

LEGEND

-  40' (R-2)
-  50' (R-1)
-  60' (R-1)
-  2.2 Acres (R-2)
-  Pond
-  Park

WILDS 11TH



Regular Agenda Item #5

RESOLUTION AUTHORIZING THE ISSUANCE OF
IMPROVEMENT WARRANTS AND EXCHANGING THEM FOR
\$30,260,000 REFUNDING IMPROVEMENT BONDS OF 2018, SERIES B

CITY OF WEST FARGO

Adopted: August 6, 2018

This instrument was drafted by:

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

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE ISSUANCE OF IMPROVEMENT WARRANTS
AND EXCHANGING THEM FOR \$30,260,000
REFUNDING IMPROVEMENT BONDS OF 2018, SERIES B

WHEREAS, the City of West Fargo, North Dakota (the "Issuer") has previously created one or more improvement districts as set out in this resolution for the purpose of constructing municipal improvements (the "Improvements"); and

WHEREAS, to finance such Improvements, the Issuer will issue one or more improvement warrants and has levied or will levy assessments on the property in the improvement district(s) benefitted thereby to pay for the warrants; and

WHEREAS, pursuant to Chapter 40-27 of the North Dakota Century Code, the Issuer will immediately exchange the warrant(s) for its \$30,260,000 Refunding Improvement Bonds of 2018, Series B (the "Bonds").

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Issuer as follows:

Section 1. Authorization and Sale.

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

Section 2. Special Assessments.

2.01. The Issuer covenants and agrees with all holders of each warrant and Bonds that it will do and perform as soon as may be possible, in accordance with law, all acts and things necessary for the final and valid levy of special assessments against properties within each district benefitted by the improvements as set out in

Section 3, in an aggregate amount equal to the total cost of the improvement to the Issuer, except any portion, not exceeding one-fifth of the cost of the improvement and not exceeding any applicable constitutional or statutory debt limit, as the Issuer may determine to pay by the levy of ad valorem taxes upon all taxable property within its corporate limits. In the event that the assessment should at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the Issuer or by the governing body or by any officers or employees, either in the making of the assessment or in the performance of any condition precedent thereto, the Issuer covenants and agrees that it will forthwith do all such further acts and take all such further proceedings as may be required by law to make such assessment a valid and binding lien upon such lot or tract. The installments of special assessments from time to time remaining unpaid shall bear interest at the rate of _____% per annum and the special assessments shall be levied in equal annual installments of principal as set out in Section 3.

Section 3. The Warrants.

3.01. Each warrant shall bear interest from the date of issue until paid at the rate of _____% per annum, payable semi-annually on each May 1 and November 1, commencing May 1, 2019. Each warrant shall be exchanged for the Bonds at closing. The principal of and interest on each warrant shall be payable at the office of the City Auditor. Each warrant shall be in the principal amounts set forth below, and shall be payable on May 1 in the respective years and amounts as follows:

<u>District Designation</u>	<u>Principal Amount</u>	<u>Years Levied</u>	<u>Amounts and Years of Principal Payment</u>
Sewer, Water, Storm and Street Improvement District No. 1279	\$9,220,000	2018-2042	\$368,800 in each of the years 2019 through 2043
Sewer, Water, Storm and Street Improvement District No. 1292	\$ 955,000	2018-2042	\$ 38,200 in each of the years 2019 through 2043
Sewer, Water, Storm and Street Improvement District No. 1295	\$4,520,000	2018-2042	\$180,800 in each of the years 2019 through 2043
Sewer, Water, Storm and Street Improvement District No. 1300	\$2,405,000	2018-2042	\$ 96,200 in each of the years 2019 through 2043

Sewer, Water, Storm and Street Improvement District No. 1301	\$4,330,000	2018-2042	\$173,200 in each of the years 2019 through 2043
Sewer, Water, Storm and Street Improvement District No. 1303	\$1,210,000	2018-2042	\$ 48,400 in each of the years 2019 through 2043
Sewer, Water, Storm and Street Improvement District No. 1304	\$ 290,000	2018-2042	\$ 11,600 in each of the years 2019 through 2043
Infrastructure Replacement District No. 3001	\$3,110,000	2018-2042	\$124,400 in each of the years 2019 through 2043
Storm Improvement District No. 4058	\$ 165,000	2018-2042	\$ 6,600 in each of the years 2019 through 2043
Storm Improvement District No. 4060	\$2,435,000	2018-2042	\$ 97,400 in each of the years 2019 through 2043
Storm Improvement District No. 4061	\$1,620,000	2018-2042	\$ 64,800 in each of the years 2019 through 2043

3.02. Each improvement warrant shall be typewritten and photocopied in substantially the form attached hereto as Attachment 3.

Section 4. Terms of Bonds.

4.01. The Bonds shall initially be dated September ____, 2018. Bonds issued upon exchange or transfer after May 1, 2019, shall be dated as of the interest payment date next preceding their issuance, or if the date of such issuance shall be on an interest payment date as of the date of such issue; provided, however, that if interest on the Bonds shall be in default, the Bonds shall be dated as of the date to which interest has been paid in full on the Bonds being transferred. The Bonds shall be issued in fully registered form in denominations of \$5,000 or any multiple thereof, of single maturities. The Bonds shall be numbered in consecutive numerical order from R-1 upwards as issued and shall mature on May 1 in the years and in the amounts and shall bear interest at the rates set forth in the Schedule of Maturities and Interest Rates attached hereto as Attachment 1.

4.02. Interest on the Bonds and, upon presentation and surrender thereof, the principal thereof shall be payable in lawful money of the United States of America by check or draft by the Starion Bond Services as Paying Agent, or its successor. Interest shall be payable on May 1 and November 1 in each year, commencing May 1, 2019, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month. Interest on the Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the holder thereof shall present the same for payment and payment is refused.

Section 5. Redemption.

5.01. The Bonds maturing in the year 2030 and thereafter, may be redeemed prior to their respective maturity dates, at the option of the Issuer, on May 1, 2029, and on any date thereafter, at a price equal to the principal amount plus accrued interest. Redemption may be in whole or in part, and if in part, at the option of the Issuer and in such manner as the Issuer shall determine and within a maturity by lot as selected by the registrar. Not less than thirty (30) days prior to the date specified for redemption and prepayment of any of the Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent and registered owner of the Bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar.

Section 6. Execution.

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

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

Section 7. Construction Fund.

7.01. The Issuer shall establish a Construction Fund which shall be established and maintained as a separate fund and used only to pay or reimburse costs and expenses which under accepted accounting practices constitute capital costs necessarily incurred to construct the Improvements, including but not limited to land,

easements, buildings, structures, machinery and equipment and the cost of all architectural, engineering, legal and other professional services, printing and publication and other costs reasonable, necessary and incidental thereto. To this fund shall be credited all proceeds of the Bonds, except accrued interest which will be deposited into the Bond Fund. Only costs and expenses of the Improvements shall be paid from time to time as incurred from the Construction Fund, and the monies in the Construction fund should be used for no other purposes. If upon the completion of the Improvements there shall remain any unexpended balance in the Construction Fund, such balance shall be transferred to the Bond Fund.

Section 8. Bond Fund.

8.01. There shall be and is hereby established a special fund to be maintained by the City Auditor separate and apart from all other funds of the Issuer, to be designated as the Refunding Improvement Bonds of 2018, Series B Bond Fund (the "Bond Fund"). To the Bond Fund shall be credited each improvement warrant issued by this resolution when received by the City Auditor, which warrant(s) shall thereupon become and shall thereafter be held as an asset of the Bond Fund, and the proceeds of all assessments for each improvement warrant so acquired shall be held by the Issuer in trust for the use and benefit of the holders from time to time of the Bonds herein authorized. The assessments levied for each warrant shall be continued and payments shall be made therefrom on each improvement warrant drawn thereon in the same manner as though each improvement warrant had not been exchanged. All payments of principal and interest made on each improvement warrant shall be credited to the Bond Fund and shall be used and applied in payment of the principal of and interest on the Bonds as such principal and interest become due.

8.02. In the event the moneys in the Bond Fund should at any time be insufficient to meet all payments of principal and interest then due on the Bonds, said moneys shall be first used to pay the interest accrued on all outstanding Bonds issued pursuant to this resolution, and the balance shall be applied in payment of the principal of said Bonds in order of their maturity dates, earliest Bonds first, Bonds bearing the same maturity dates being paid pro rata. The Issuer reserves the right and privilege of refunding any of such matured Bonds for the payment of which moneys are not at the time available by issuing new refunding improvement bonds payable from said fund, which refunding improvement bonds shall be on a parity with those theretofore issued as to interest charges thereon, but the maturity thereof shall be subsequent to the maturity of all Bonds payable from said fund and then outstanding, provided that no holder of Bonds herein authorized to be issued shall be obligated to

accept any such refunding improvement bond in exchange for any of such matured Bond.

Section 9. Covenants of Issuer.

9.01. The Issuer will use due diligence to collect said improvement warrants and to levy and collect the special assessments appropriated for their payment.

9.02. The Issuer will preserve and enforce for the benefit of the holders from time to time of the Bonds all of the rights, powers and privileges reserved to the holders of each improvement warrant.

9.03. At the time and in the manner prescribed by Section 40-26-08, North Dakota Century Code, as amended, this governing body will levy general taxes on all taxable property in the corporate limits of the Issuer and/or appropriate sums from all other legally available funds for the payment of any deficiency in any of said improvement district funds and will cause the proceeds thereof to be applied in payment of the principal of and interest on the then unpaid improvement warrants drawn on said funds; provided that the Issuer reserves the right to levy taxes in the manner and to the extent permitted by law and/or to appropriate sums from any other legally available funds for payment and discharge of any deficiency in said improvement district funds prior to the date upon which it may become obligatory to levy such deficiency taxes, and the amounts thereof shall be credited against the levies which the Issuer might otherwise have been obligated to make.

Section 10. Negative Covenants.

10.01. The Issuer shall not (i) consent or agree to or permit any rescission of or amendment to the Warrants set forth in Section 3 which would reduce the amount of the Warrant or which would in any manner materially impair or materially adversely affect the rights of, or the validity, perfection or priority of the security interest of the Bondholders in and to, the Warrants, and (ii) amend, modify or supplement, nor agree to any amendment or modification of, or supplement to, any of the Related Documents or consent to, or permit or suffer to occur any action, course of dealing or omission which results in, or is equivalent to, an amendment, supplementation, termination or modification of any of the Related Documents, without the prior written consent of the Bondholders and any such amendment, supplementation, termination or modification made or entered into in violation of this subsection shall be deemed a nullity and of no force and effect.

10.02. The Issuer shall not directly or indirectly liquidate, wind up, terminate, reorganize, dissolve, merge or consolidate (or suffer any liquidation, winding up, termination, reorganization or

dissolution), except as consented to in writing by the Bondholder in its sole discretion.

10.03. The Issuer will not adopt, permit or consent to any change in accounting practices other than as required by GAAP and will not adopt, permit or consent to any change in its Fiscal Year or take (or permit to be taken) any action that results in (a) a change to its entity classification for Federal or State income tax purposes, or (b) a change to the method of accounting applicable to the Warrants, or the times of commencement or termination of Fiscal Years or other accounting periods relating to Warrants without first disclosing in writing such change to the Bondholders.

10.04. To the extent that ERISA may become applicable to the Issuer, the Issuer will not violate ERISA in any way that could reasonably be expected to have a Material Adverse Effect.

10.05. The Issuer shall not take any action or omit to take any action that, if taken or omitted, would adversely affect the excludability of interest on the Bond from the gross income of the holders thereof for purposes of Federal income taxation under the Code and State income taxation.

Section 11. Arbitrage.

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

Section 12. Parity Warrants and Bonds.

12.01. The Issuer hereby reserves the right to issue additional improvement warrants and refunding improvement bonds, payable on a parity with the Bonds issued hereunder and the warrants to be exchanged for the Bonds issued hereunder, to the extent required to complete the Improvements, provided that the total amount of special assessments and taxes appropriated for payment of the cost of the Improvements shall not be less than the total amount of warrants issued with respect thereto.

Section 13. Discharge.

13.01. When all of the Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution shall cease. The Issuer may discharge its

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

Section 14. Designation of Bond Registrar and Paying Agent.

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

Section 15. Certificate of Proceedings.

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

Section 16. Book Entry System.

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

hereunder (the "Depository") will act as securities depository for the Bonds.

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

16.03. With respect to the Bonds, neither the Issuer nor the Bond Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Bonds as securities depository (the "Participant") or the person for which a Participant holds an interest in the Bonds shown on the books and records of the Participant (the "Beneficial Owner"). Without limiting the immediately preceding sentence, neither the Issuer, nor the Bond Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any ownership interest in the Bonds, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or (C) the payment to any Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Bonds (the "Holder"). For purposes of securing the vote or consent of any Holder under this Resolution, the Issuer may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

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

16.05. Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to

substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in Section 19 (with respect to registration, transfer, exchange) hereof, references to the Nominee hereunder shall refer to such new Nominee.

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

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

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

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

16.10. In the case of a partial prepayment of a Bond, the Holder may, in lieu of surrendering the Bonds for a Bond of a lesser denomination as provided in Section 19 hereof, make a notation of the reduction in principal amount on the panel provided on the Bond stating the amount so redeemed.

Section 17. Termination of Book-Entry Only System.

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

17.02. Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the Issuer, is willing and able to assume such functions upon reasonable or customary terms, or if the Issuer determines that it is in the best interests of the Issuer or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Bonds, the Bonds shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Bonds shall designate at that time, in accordance with Section 19 hereof. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with Section 19 (with respect to registration, transfer, exchange) hereof, the Bonds will be delivered to the Beneficial Owners.

17.03. Nothing in this section shall limit or restrict the provisions of Section 19 (with respect to registration, transfer, exchange) hereof.

Section 18. Letter of Representations.

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

Section 19. Transfer.

19.01. Except as provided above, the Bonds are transferable upon the books of the Issuer at the principal office of the Bond Registrar, Bismarck, North Dakota, by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other

authorized denominations. Upon such transfer or exchange the Issuer will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. No transfer of Bonds shall be required to be made during the 15 days next preceding an interest payment date, nor during the 45 days next preceding the date fixed for redemption of such Bonds.

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

Section 20. Repealer.

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

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

Section 21. Bond Insurance.

21.01. *Reserved for future use.*

Section 22. Bonds Not Subject to Acceleration.

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

Section 23. Amendment of Resolution.

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

- (a) To add to the covenants and agreements of the Issuer in this Resolution and any other covenants and agreements thereafter to be observed by the Issuer, or to surrender

any right or power herein reserved to or conferred upon the Issuer.

- (b) To cure any ambiguity or formal defect contained in this Resolution, that cure does not, in the judgment of the Issuer, adversely affects the interests of the Bondholders.

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

- (a) Extends the maturity of any Bond, reduces the rate of interest upon any Bond, extends the time of payment of interest on the Bond, reduces the amount of principal payable on any Bond, or reduces any premium payable on any Bond, without the consent of the affected Bondholder; or
- (b) Reduces the percent of Bondholders required to approve the mandatory resolutions.

Section 24. No Credit Enhancement.

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

Section 25. Headings.

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

Section 26. North Dakota Law Applies.

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

Section 27. Not Qualified Tax Exempt Under Section 265.

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

Section 28. Official Statement.

28.01. The Official Statement relating to the Bonds, substantially in the form presented at this meeting, is hereby

approved. The officers of the Issuer are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

Section 29. Continuing Disclosure.

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

President of the Board of City
Commissioners

Attest:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon roll call vote, the following voted in favor thereof: _____
_____. The following were absent and not voting: _____, and the following voted against the same: _____, whereupon the resolution was declared duly passed and adopted.

CITY OF WEST FARGO
 STATE OF NORTH DAKOTA

\$30,260,000

REFUNDING IMPROVEMENT BONDS OF 2018, SERIES B

SCHEDULE OF MATURITIES AND INTEREST

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2019	\$ 440,000		2032	\$1,205,000	
2020	875,000		2033	1,245,000	
2021	895,000		2034	1,290,000	
2022	915,000		2035	1,335,000	
2023	940,000		2036	1,385,000	
2024	950,000		2037	1,445,000	
2025	980,000		2038	1,495,000	
2026	1,005,000		2039	1,550,000	
2027	1,030,000		2040	1,610,000	
2028	1,065,000		2041	1,670,000	
2029	1,100,000		2042	1,745,000	
2030	1,125,000		2043	1,800,000	
2031	1,165,000				

Principal due May 1 in each year

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA

CITY OF WEST FARGO

REFUNDING IMPROVEMENT BONDS OF 2018, SERIES B

Registered
Number

Registered
Dollars

<u>INTEREST RATE</u>	<u>MATURITY</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
		September ____, 2018	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

KNOW ALL MEN BY THESE PRESENTS that the City of West Fargo, North Dakota, (the "Issuer") acknowledges itself to be specially indebted and for value received promises to pay to the registered owner specified above or registered assigns, the principal amount specified above, but only from its Refunding Improvement Bonds of 2018, Series B Bond Fund (the "Bond Fund") on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable on May 1 and November 1 in each year, commencing May 1, 2019, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by Starion Bond Services as Paying Agent, or its successor.

This Bond is one of an issue in the aggregate principal amount of \$30,260,000 all of like date and tenor except as to serial number, maturity date, interest rate and redemption privilege, issued, pursuant to the Resolution adopted by the governing body of the Issuer for the purpose of refunding a like principal amount of valid outstanding special improvement warrants drawn on the funds of improvement districts heretofore duly created by the Issuer for the

financing of the cost of local improvements in anticipation of the levy and collection of special assessments with respect to the improvements, all pursuant to and in full conformity with the Constitution and laws of the State of North Dakota.

Bonds of this issue maturing in the year 2030 and thereafter are each subject to redemption and prepayment at the option of the Issuer in inverse order of maturity and by lot within any maturity on May 1, 2029, and on any date thereafter, at a price equal to the principal amount plus accrued interest. Not less than thirty days prior to the date specified for redemption and prepayment of any of the Bonds the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent and registered owner of the Bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar.

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

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

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the Issuer has duly created the Bond Fund as a separate and special fund and has appropriated thereto the improvement warrants refunded by the Bonds

of this series, on which improvement warrant payments are required by law to be made as though none of such warrants had been refunded, and will use due diligence to collect said improvement warrants and the special assessments and any taxes appropriated for their payment; the Issuer has reserved the right and privilege of issuing additional improvement warrants on the funds of said improvement districts, if and to the extent necessary to complete payment of the cost of the Improvements, and the right and privilege of refunding such warrants by the issuance of additional series of Refunding Improvement Bonds, payable on a parity with the Bonds of this series from the Bond Fund, provided that the total amount of special assessments and taxes appropriated for payment of the cost of the improvements shall be not less than the total amount of warrants issued with respect thereto; that the governing body is required by law to levy a tax upon all the taxable property in the corporate limits of the Issuer, without limitation as to rate or amount, to meet any deficiency in any of said improvement district funds for the payment of all warrants drawn thereon, with interest; and that all collections of special assessments and taxes appropriated for the payment of said improvement warrants are required by law to be credited to the Bond Fund and applied in payment of the principal of and interest on the Bonds of this series and any other series issued pursuant to the authority hereinbefore reserved; all as more fully stated in the Resolution; and that the issuance of this Bond has not caused the indebtedness of the Issuer to exceed any constitutional or statutory limitation of indebtedness.

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

Dated:

CERTIFICATE OF AUTHENTICATION

CITY OF WEST FARGO

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

President of the Board of City
Commissioners

STARION BOND SERVICES
333 North Fourth Street
Bismarck, ND 58501

BY: _____
Authorized Representative

City Auditor

CERTIFICATE AS TO LEGAL OPINION

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

City Auditor

President of the Board of City Commissioners

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

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

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

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

under Uniform Transfer to Minors Act _____
(State)

Additional abbreviations may also be used.

SPECIMEN
ASSIGNMENT

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

DATED: _____

Please insert social security or other identifying number of Assignee:

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

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

UNITED STATES OF AMERICA

STATE OF NORTH DAKOTA

CITY OF WEST FARGO

IMPROVEMENT WARRANT

Registered
Number

DATE OF ORIGINAL
ISSUE

INTEREST RATE

September ____, 2018

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

KNOW ALL MEN BY THESE PRESENTS that the City of West Fargo, North Dakota (the "Issuer") acknowledges itself to be specially indebted and for value received promises to pay to the registered owner specified above or registered assigns, the principal amount of \$ _____ on May 1 in each of the years _____ through _____, but only from its _____ Fund, with interest thereon from the date hereof at the annual rate specified above, such interest payable on May 1 and November 1 in each year, commencing May 1, 2019, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month. The interest and principal are payable in lawful money of the United States of America by check or draft by the City Auditor.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed preliminary to and in the valid issuance of this warrant have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that this warrant is duly issued to pay costs incurred and to be incurred in the making of a necessary improvement of special benefit to the above-named Improvement District, in anticipation of the collection of special assessments to be duly levied upon properties within said district, and of taxes to the extent determined by the governing

body, which are irrevocably appropriated to the fund of the district in amounts sufficient to pay when due the principal of and interest on all warrants drawn thereon; that if the fund should at any time be insufficient to pay principal or interest due, the Issuer is also required by law to levy a tax upon all of the taxable property within its corporate limits for the payment of such deficiency, without limitation of rate or amount; and that the issuance of this warrant did not cause the special or general indebtedness of the Issuer to exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF the City of West Fargo, North Dakota, by its governing body has caused this warrant to be executed in its behalf by the signature of the President of the Board of City Commissioners and countersigned by the City Auditor.

President of the Board of City
Commissioners

Countersigned:

City Auditor

SPECIMEN



City Commission Agenda Item Request

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

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

Chris Brungardt

Phone Number: *

701.306.8484

Email Address:

chris.brungardt@westfargond.gov

Date *

8/1/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Review potential landscape improvements concepts for 13th Ave E

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

None

Upload Additional Documentation (Optional):

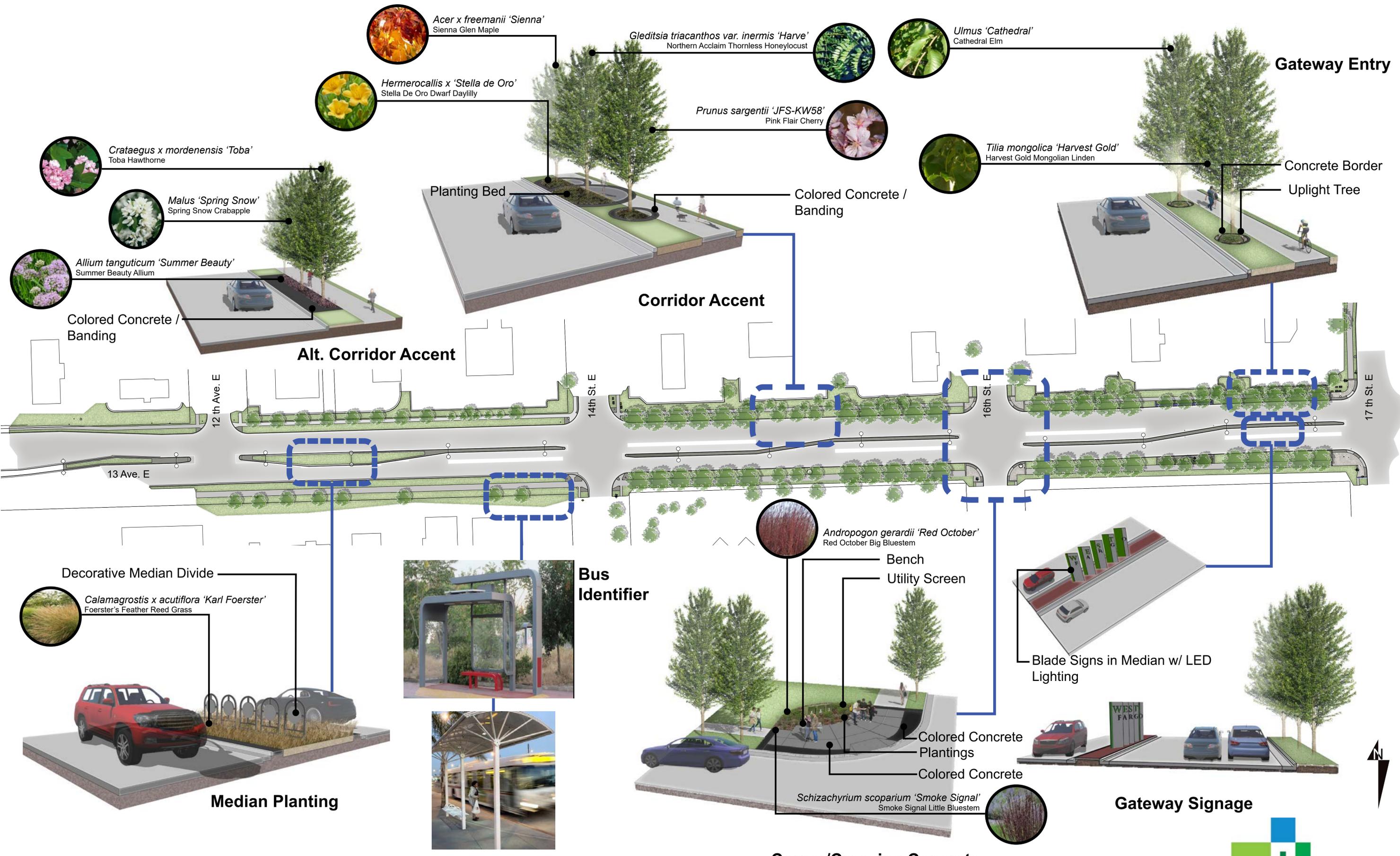
13th Ave Presentation Board.pdf

3.22MB

13 TH AVE AMENITIES

SCHEMATIC DESIGN WEST FARGO, ND

07/11/2018



Gateway Entry

Concrete Border
Uplight Tree

Corridor Accent

Alt. Corridor Accent

Bus Identifier

Bench
Utility Screen

Blade Signs in Median w/ LED Lighting

Gateway Signage

Corner/Crossing Concrete

Median Planting

Decorative Median Divide

Calamagrostis x acutiflora 'Karl Foerster'
Foerster's Feather Reed Grass

Allium tanguticum 'Summer Beauty'
Summer Beauty Allium

Malus 'Spring Snow'
Spring Snow Crabapple

Crataegus x mordenensis 'Toba'
Toba Hawthorne

Hermerocallis x 'Stella de Oro'
Stella De Oro Dwarf Daylily

Acer x freemanii 'Sienna'
Sienna Glen Maple

Gleditsia triacanthos var. *inermis* 'Harve'
Northern Acclaim Thornless Honeylocust

Ulmus 'Cathedral'
Cathedral Elm

Prunus sargentii 'JFS-KW58'
Pink Flair Cherry

Tilia mongolica 'Harvest Gold'
Harvest Gold Mongolian Linden

Andropogon gerardii 'Red October'
Red October Big Bluestem

Schizachyrium scoparium 'Smoke Signal'
Smoke Signal Little Bluestem





City Commission Agenda Item Request

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

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

Chris Brungardt

Phone Number: *

701.306.8484

Email Address:

chris.brungardt@aol.com

Date *

8/1/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Review and Accept 2020 Urban Grant for Sheyenne Street

Site Address or Legal Description (if applicable)

Sheyenne Street Main Ave. to 7th Ave.

Action Being Requested from City Commission *

Accept 2020 Urban Grant for Sheyenne Street

Upload Additional Documentation (Optional):

City of West Fargo - Urban Grant Application 2-23-2018.pdf

3.98MB

UGP award 2020_West Fargo.pdf

73.86KB



North Dakota Department of Transportation



Thomas K. Sorel
Director

Doug Burgum
Governor

July 10, 2018

The Honorable Bernie Dardis
Mayor of West Fargo
800 4th Avenue E, Suite 1
West Fargo, ND 58078

URBAN GRANT PROGRAM PROJECT SELECTION

I am pleased to announce that your project in West Fargo has been selected for funding from the fiscal year 2020 Urban Grant Program (UGP).

The North Dakota Department of Transportation (NDDOT) will be the lead review agency on the project, which consists of a road diet, bulb-outs, sidewalk, access revisions, parking, streetscape, street furniture, lighting, and bus stop work on Sheyenne Street (Main Avenue to 7th Avenue).

The construction and engineering costs of this project will be funded with 80.93 percent federal funds, up to a maximum amount of \$2,377,446 for eligible items. The city of West Fargo will be responsible for the remaining 19.07 percent of the project match and all remaining costs to complete the project.

Congratulations on being the recipient of this grant for your project!

Please notify Stacey Hanson, NDDOT Assistant Local Government Engineer, by August 15, 2018, at 701-328-4469 or smhanson@nd.gov whether the city of West Fargo would like to accept these funds.

THOMAS K. SOREL, DIRECTOR

38/smh/sas

Urban Grant Program Application

Coversheet

LPA

City of West Fargo

Contact Person

Chris Brungardt

Title

Public Works Director

Address

810 12th Ave NW, West Fargo, ND 58078

Telephone

701-433-5400

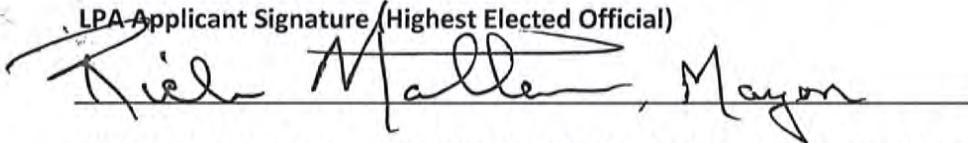
Email

chris.brungardt@westfargond.gov

Project Name

Downtown West Fargo - Sheyenne Street Road Diet Improvements

LPA Applicant Signature (Highest Elected Official)



NDDOT District Engineer Signature if project is located on/impacts a State Highway

Date Submitted

2/23/2018

Application Attachment Checklist (check all that have been attached)

- Relevant excerpts from adopted plans Map(s) depicting project location Cross Section of Roadway/facility
- Pictures, Graphics, and/or other visual aids Relevant supporting data
- Other Attachments Exhibits A-E. Also links to applicable studies are included on Question #3 under Competitive Criteria

Information in this Box is for NDDOT to Complete

Date Received _____

Is this Project Title 23 Code of Federal Regulation Eligible including location on a federal aid route?

Yes No

General Project Information

Project Description (including location and scope of work for which funding is requested)

The road diet for Sheyenne Street extends from Main Avenue to 7th Avenue and would narrow the existing roadway width, increase side path width, slow traffic, reduce access locations, reduce crossing distance at intersections, mitigate safety concerns, and improve lighting to achieve goals of City's Downtown Framework Study, Comprehensive Plan, while using guidance provided in Downtown Sheyenne Street Corridor Study.

Total Project Cost

\$3,600,000

Amount of Grant Funds Requested (cannot exceed 80% of total project cost)

\$2,377,446.26

Competitive Criteria

1. **Community Need for Project:** Explain why the project is needed including appropriate detail. Include any 100% locally funded components of the project that are part of the overall project or other planned projects that may compliment this project. Documentation of information to support the need such as relevant data, existing and if appropriate projected conditions, and any related analysis through studies or reports would be appropriate to identify in this section. Attachments such as but not limited to: maps, pictures, other graphics; and supporting data demonstrating the need for the project is encouraged.

The project provides for recommended improvements as part of the City's study of Sheyenne Street, which is part of a federally funded corridor study of the entire roadway from Main Avenue to 52nd Avenue. The specifics of downtown have been derived from the City's Comprehensive Plan as well as a Downtown Framework Study completed in 2011. The City has provided approximately \$5 Million in reinvestment into its downtown through a façade grant program, private public partnerships, and renaissance zone. Furthermore, the intersection improvements at Sheyenne Street and 7th Avenue, one of the 'gateways' to the downtown area, is currently in the design phase with construction planned for 2018 (see Exhibit A for location), which is 100% locally funded. This intersection improvement project will kick-off the roadway improvements and greatly compliment the road diet improvements extending north. Lastly, within the road diet project, 100% locally funded components include watermain improvements, land acquisitions for additional rights-of-way for stormwater retention, among other miscellaneous expenses.

2. **Community Impact of Project:** Describe how the project will offer significant long term value to the community specifically in addressing the following program objectives (a-f):
 - a) **Preserve existing transportation assets**

By utilizing the existing roadway we intend to preserve the City's core downtown thoroughfare. The transportation network will continue to serve the public and will now benefit from multi-modal enhancements that increase safety to all users of the roadway.
 - b) **Ensure safety of all users of the transportation system**

The side path will increase in width increasing safety of pedestrians. The road diet will provide an environment that will reduce the speeds by including traffic calming measures. The project will also

include wayfinding signage directing commuter bicyclists to an identified commuter bike lane at 1st Street one block east of the corridor.

c) Improve multi-modal transportation options such as walking, bicycling, and public transportation
As stated previously, the project will provide additional side path width for pedestrians. The project will also include prominent signage to direct bicyclists to utilize shared on-road facilities on Sheyenne Street, to dismount on the side path, or to be directed to an on-road facility at 1st Street. Bus stop improvements on 7th Avenue will increase safety, functionality and aesthetics by providing a speed table cross walk, moving the location closer to a school and away from the functional area of the intersection, and providing a shelter (see Exhibit B).

d) Enhance the economic vitality of the area by providing transportation assets that support: revitalization efforts; development of vacant or underutilized parcels within existing urban areas; and/or redevelopment of established portions of communities
The current road diet plan provides a welcoming environment for more modes of transportation such as walking, biking, and public transit. The current development pattern supports only automotive transportation that has limited development interest. The current vision for downtown is an area that is a full 18 hour city which has a mix of living, retail, entertainment, commercial office, and eating establishments. To achieve this vision, the city must have a road that supports a diversity of transportation options and businesses. It is highly unlikely that a restaurant will set up an outdoor seating space with vehicles moving at a high rate of speed and small sidewalks to move about the area. Outdoor seating area opportunities or 'parklets' are available with the road diet improvements (see Exhibit B).

e) Support economically sustainable growth, lessening the need for outward expansion of community transportation infrastructure and associated services
The project increases the safety and mobility for all users of the roadway and is part of a greater plan to increase the desirability and function of Sheyenne Street as the cultural center of the City. Projects that have taken off that are part of reimagining the City's Downtown have increased the housing density, brought in office users that would otherwise seek vacant land in the fringes of the community and are beginning to attract some increased investments in retail and service industries. The infrastructure and service costs are greatly reduced in comparison to the outward expansion of the community.

3. **Consistency with an LPA Associated Plan:** Document linkage between the proposed project and a publicly accepted/adopted plan(s) and/or public involvement process. Clear linkage should be demonstrated between the proposed project and the associated public acceptance/support which would include documenting the reference(s) in the plan and/or public involvement process. Relevant excerpts from such documents are encouraged to attach with the application. Examples of publicly accepted/adopted plans might include but are not limited to: Community Comprehensive Plan; Downtown Master Plan; Neighborhood/Subarea/Corridor Plan; Bicycle/Pedestrian Plan; Housing Plan; Long Range Transportation Plan; Transit Development Plan; and/or Renaissance Zone Plan. A stand-alone public involvement process which demonstrates community support for the specific project is also acceptable and should be documented in the application.

West Fargo 2.0: Project website: <https://www.wf2point0.com/>

Specific to downtown: <https://www.wf2point0.com/1462/documents/1426>

Sheyenne Street Corridor Study Phase II: <http://www.fmmetrocog.org/new/index.php?id=678>

Downtown Framework Study: <http://www.westfargond.gov/DocumentCenter/Home/View/232>

4. **Project Support of Urban Core/Central Business District:** Projects which directly support the urban core/central business district (CBD) will be given preferential consideration. Identify the project location and how it will

support the urban core/CBD. (Attach 8.5" x 11" or 11" x 17" color map depicting project location in relation to urban core/CBD if applicable to the project type)

This area has been identified in the City's Comprehensive Plan and in the Downtown Framework Study as the City's Downtown. Efforts have been undertaken to establish the area as a core of the City and Central Business District. The area currently houses two banks, The VFW, a large established law firm, and offices for a long standing engineering firm. The area is also home to various retail and services with many recent investments that are anticipating the improvements of this project. See Exhibit A for the extents and location of the project.

- 5. Projects that Maximize the Return on Investment from Public Funds:** Projects which can demonstrate a positive private return on investment of public funds will be given preferential consideration. Examples of this may include but not be limited to increased retail sales, new jobs, and/or new dwelling units anticipated as a direct result of the proposed project.

The Sheyenne Street road diet will allow for further redevelopment of downtown into a space that is attractive and economically sound. State and local efforts have created development interest in downtown, however the existing road layout limits the type of businesses that can thrive. When Sheyenne Street was reconstructed in the early 1990s, the emphasis was to move traffic through the corridor as fast as possible. The street became wider, limited on street parking, and provided minimal pedestrian accommodations. As a result the rate of speed at which automobiles travel has increased significantly and the businesses have suffered. What was once a vibrant city core has become underutilized blighted buildings and development interest has moved to the outer rings of the community where the return on investment is the lowest. Recently the city has made large investments in the downtown area and have attracted some private investment dollars. The vision is a downtown that attracts unique spaces and businesses to drive pedestrian traffic. This will increase retail sales, help attract new talent to the area for local businesses, increase density by providing new apartment units, and be an attractive place for new businesses to locate. In addition, the single family homes surrounding the area that have struggled along with the downtown, will likely become more attractive to prospective buyers due to the walkability and proximity to the downtown. Although the city has lead an effort to revitalize the area and make it pedestrian friendly, the only way the full vision will be realized will be with the proposed road diet project.

Existing Conditions

(information requested in this section may not be appropriate for all project types)

Functional Classification of Roadway

Minor Arterial

Current AADT (including source)

8,060 – Current (Sheyenne St Corridor Study)

Forecasted AADT (including source)

10,920 – Future (Sheyenne St Corridor Study)

Posted or Statutory Speed Limit

25 mph

Cross Section of Roadway (attach graphics depicting current dimensions and key roadway elements)

Existing cross section is attached as exhibit B.

Pavement rating or condition

Fair condition

Year of Last Federal Investment at this Location

1992

When was the current section built?

1992

Year last surfaced or received maintenance?

2016

Lighting

Yes, however the lighting standard is not compatible with the proposed design and is planned to be reduced to a pedestrian level design appropriate for the road diet improvements.

Crash Rate or Number of Crashes?

16 crashes per year (2012-2015) 3 crashes per year resulting in injury.

Other Known Safety Concerns?

Yes, 80% are intersection or access related.

Intersections (how many, type, control, etc.)

10, traffic is controlled by a traffic signal at Main Avenue. All other intersections are controlled by Stop Signs.

Is parking allowed and what type?

Parking is allowed by parallel or diagonal on the west side of the roadway.

Are there any bridges, box culverts, etc. within the project corridor?

No.

What is the condition of the existing sanitary sewer, storm sewer, and water lines?

The storm sewer is currently undersized. Water is adequate, sanitary is provided in side streets and alleyways.

Are there any Access points to adjoining property that present a special concern?

Yes, there are currently 52 access points. This project seeks to reduce these points as much as possible through elimination or combination. Current plans remove 20-25% of these access points. See Exhibit C demonstrating access control.

Bicycle/Pedestrian, and Public Transportation Accommodations (Sidewalk, shared use paths, bicycle lanes)?

Bicycle accommodations are provided by allowing on-street travel, dismounting on the widened and improved side path, and direction to a designated commuter bicycle travel lane on 1st Street (one block east of the project limits and connecting to existing routes on Main and 7th Avenue).

Is there an existing transit or other public transportation facility located within the project limits?

A transit stop is currently provided on 7th Avenue at the southern project limits. This project will include enhanced facilities and safety provisions for transit by providing a speed table crosswalk and shelter in coordination with a City project to improve the intersection of 7th Avenue and Sheyenne Street. See Exhibit B for location and detail.

Do any school buses, transit buses, other multi-modal vehicles, etc. use this route?

Yes, the route is used for school buses twice daily and miscellaneous trips to the Cass County Housing Authority project at the southernmost project limits.

Does a RRX or RR facility exist within the project limits?

No

Other existing conditions that are not listed identified above?

Improvements at the intersection at Sheyenne Street & 7th Avenue West are currently in the design process with

construction expected to begin in 2018 and all costs funded locally. The improvements will address similar concerns throughout this corridor along from Main Avenue to 7th Avenue. The intersection project will improve traffic control, safety, and aesthetics, among other improvements. A pronounced aesthetic component at this intersection will also compliment this intersection and provide a gateway to the downtown area.

Proposed Improvements

(information requested in this section may not be appropriate for all project types)

What are the proposed Improvements (specific scope of work)?

The current plan is to improve safety, the aesthetics and corridor functionality to better accommodate the on-going developments. The development changes have necessitated a transition of the roadway from a high functioning minor arterial focused on moving traffic through the area as a thoroughfare to a multi-modal walkable destination for multi-use developments such as residential and commerce. The improvements include narrowing the overall roadway width while allowing parking on both sides of the road and providing opportunity areas for streetscape, street furniture and amenities. Intersections will reduce the crosswalk gaps to increase pedestrian safety as well as calming vehicular traffic movements at these locations. Drastic lighting and landscaping improvements will be made under consultation from a landscape architect to add to the safety and aesthetic goals of the urban corridor.

Proposed Length

2,500 feet

Proposed Cross Section (attach graphics depicting current dimensions and key roadway elements)

Proposed cross sections and the existing cross section is shown on Exhibit D.

Proposed Surfacing Type

Concrete pavement, both standard and decorative.

Proposed Lighting, if applicable

Pedestrian level LED lighting.

Proposed Traffic Control changes

Physical improvements by narrowing crosswalks and travel lanes with curb extensions and bump-outs. See Exhibit B for example intersection with bump-outs or curb extensions to provide parklet opportunities.

Proposed Safety Improvements

Reduced lanes widths, crossing gap widths, and access locations. Increased pedestrian facilities and accommodations for other modes of travel. Exhibit B displays the shortened gap widths at cross walks and choke points for vehicles at intersections to calm traffic.

Proposed Intersection Improvements

Physical improvements by narrowing crosswalks and travel lanes with curb extensions and bump-outs. Exhibit B displays the shortened gap widths at cross walks and choke points for vehicles at intersections to calm traffic.

Proposed Traffic Calming Measures

Physical improvements by narrowing crosswalks and travel lanes with curb extensions and bump-outs. Exhibit B displays the shortened gap widths at cross walks and choke points for vehicles at intersections to calm traffic.

Will parking be allowed and type?

Parallel parking on both sides with the opportunity to provide diagonal parking to meet development demands. See Exhibit A for the proposed parking layout as well as Exhibit D showing opportunities to achieve additional diagonal parking as the adjacent properties

develop.

Will any bridges, box culverts, etc. be built/replaced within the project corridor and how will they be modified?

No

Will any private utilities, water lines, sanitary sewer, and/or storm sewer lines need to be replaced or worked on with this project or potentially in the recent future (identify year)? Have private utilities been coordinated with?

Yes, some of the storm mains in the area will need to be replaced and upsized. Hydrants impacted by the project will be replaced. Private utility companies have been informed of the upcoming project and coordination has begun.

Are there any access points along the project corridor that need to be addressed for mobility or safety concerns?

Yes, all access points will meet ADA standards by regrading and new pavement among other improvements.

Will a Sidewalk or shared use path be installed or replaced?

Yes, nearly all of the sidewalks within the project limits will be replaced to meet the goals of the project and ADA accessibility.

What ADA improvements will need to be made on this project?

Yes, all pedestrian facilities will meet ADA standards achieving adequate slopes, impairment requirements, removing trip hazards and providing new pavement.

Do any special accommodations need to be made for school buses, public transportation, other multi-modal vehicles, etc. on this route?

Yes, the roadway improvements will accommodate all current bus routes within and adjacent to the project.

Proposed Railroad Crossing Work

No

Other Proposed Improvements

Space and accommodations for "parklets" will be provided at bump-out locations. See Exhibit B.

Environmental/Cultural Issues on the proposed Projects

Identify *Yes*, *No*, or *Unknown* for each environmental/cultural issue. If *Yes*, provide a brief description of the issue in the *Comments* box.

Agricultural, Archeological sites, and/or Historical sites

No

Lakes, waterways, floodplains Wetland

No

Stormwater management

Yes, per MS4

Hazardous materials sites

Unknown

Hazardous materials on existing structure

Unknown

Upland habitat

No

Endangered/threatened/migratory species

No

Section 4(f) (Refers to the use of publicly owned park and recreational lands, wildlife and waterfowl refuges, and significant historical or archeological sites in transportation project development.)

No

Section 6(f) (Refers to Land and Water Conservation Fund (LWCF) Act - the conversion to other use of lands or facilities acquired with LWCF Act funds and requires replacement of used land with lands of equal value and use.)

No

Through/adjacent to tribal land

No

Additional comments on Environmental/Cultural Issues section

No, however an environmental study will be done with PCR

Miscellaneous Issues of Proposed Improvements

Construction Restrictions (*migratory bird, local events, etc.*)

All local events are able to be accommodated during construction and enhanced after construction.

Right-of-Way Required (parcels, owners, relocations, etc.) (NOTE: It is recommended that local funds be used to acquire right-of-way on the LPA system.)

City will obtain all necessary right-of-way

Proposed Traffic Control during Construction

Traffic Control will follow MUTCD Standards and maintain access when feasible

Ineligible Project Items

Summarized in attached itemized project cost estimate.

Additional comments on Miscellaneous Issues section

None

Cost Estimate

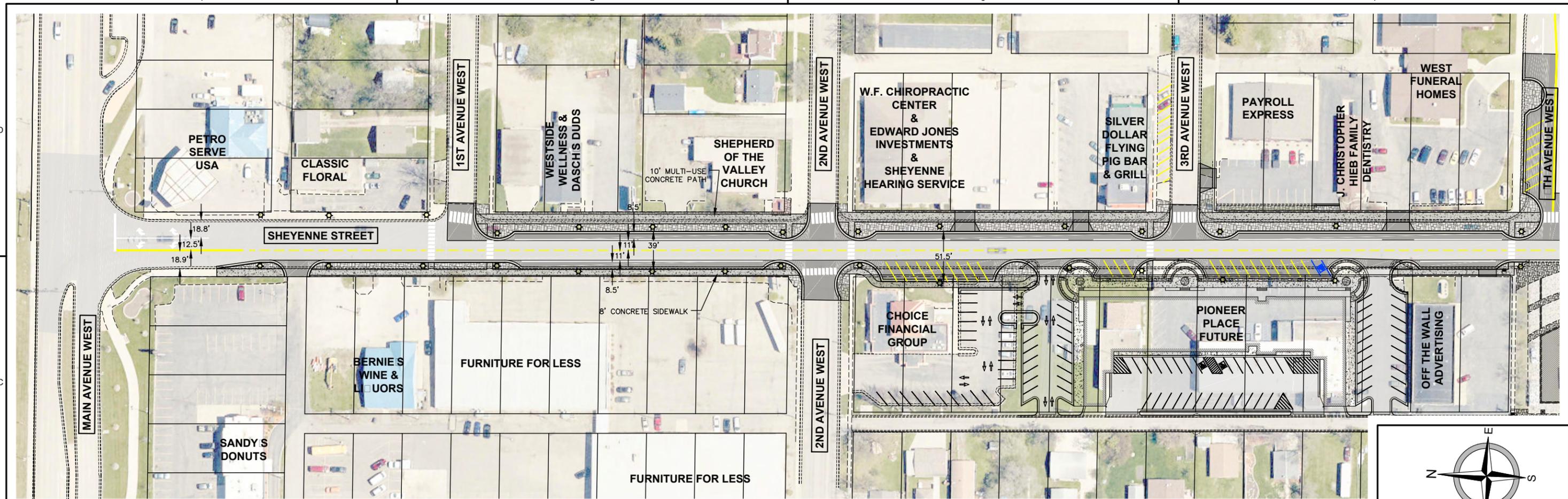
Itemized Project Cost Estimate (For roadway projects this might include things like preliminary engineering, right-of-way, utilities, construction, construction engineering, bridges, and miscellaneous. For other types of projects include relevant items. Rows can be added as to the following table as necessary).

Detailed Engineers Opinion of Cost with Federal/State/Local breakdown is included as Exhibit E.

What is the source of the local funds?

The City of West Fargo has allocated 1.5 % of sales tax to be used toward infrastructure improvements and 0.5% toward economic development. Though we do not have enough sales tax funds to fund the entire project the City intends to use the infrastructure sales tax funds for our portion of the project cost as it is a community improvement.

FILE LOCATION: R:\Civil\3D Projects\19924\DRAWINGS\PRESENTATION\19924-E\IBIT-S\e\StDet.dwg



0 100
Scale in Feet

- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- SIDEWALK
- STREETScape & AMENITY OPPORTUNITY AREA
- PROPOSED LIGHT

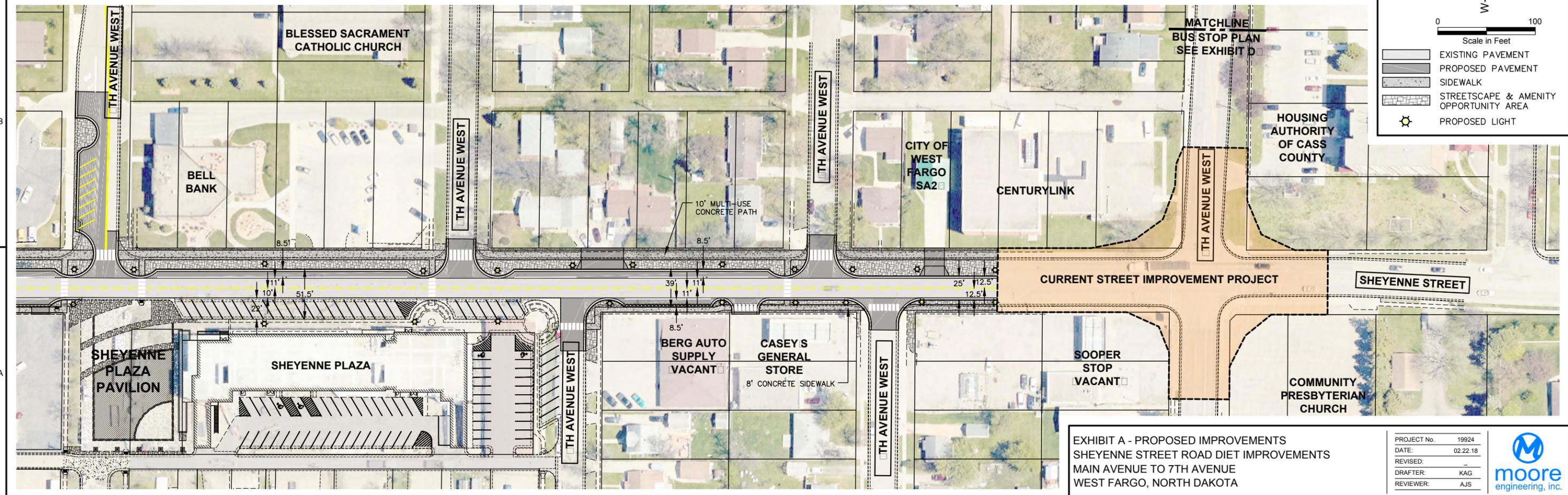
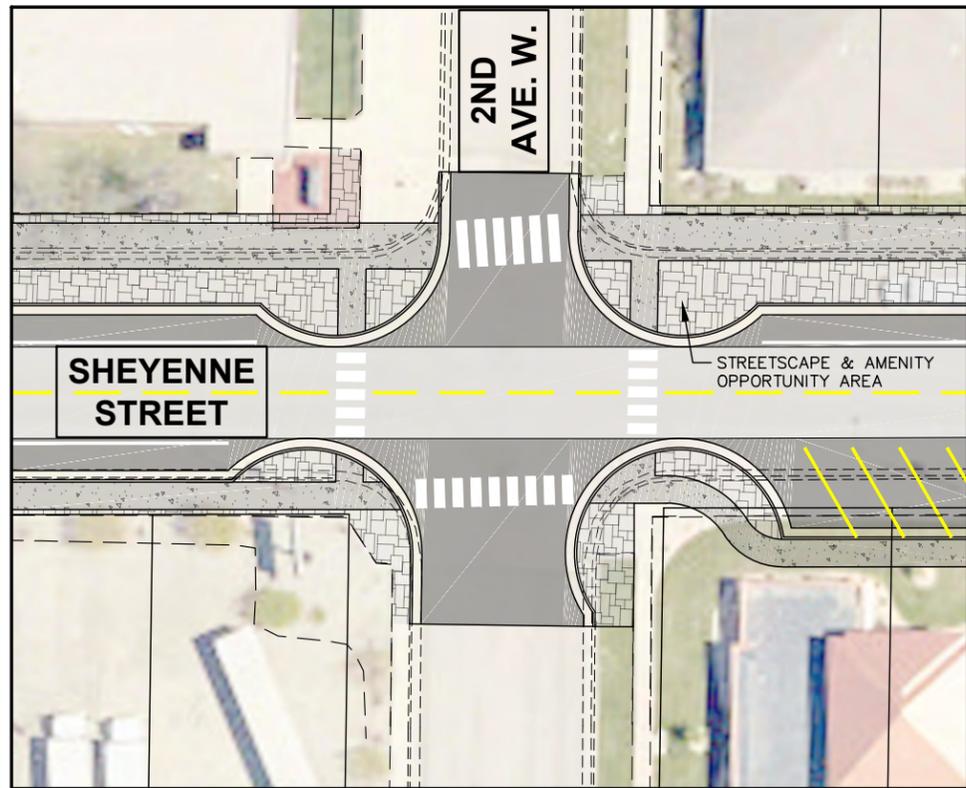


EXHIBIT A - PROPOSED IMPROVEMENTS
SHEYENNE STREET ROAD DIET IMPROVEMENTS
MAIN AVENUE TO 7TH AVENUE
WEST FARGO, NORTH DAKOTA

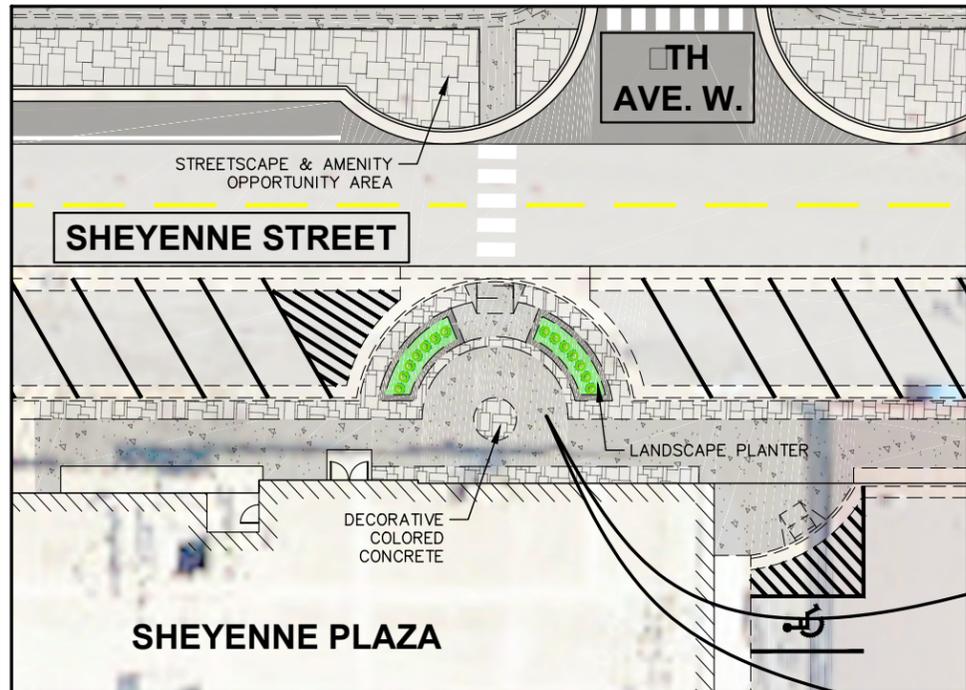
PROJECT No.	19924
DATE:	02.22.18
REVISED:	
DRAFTER:	KAG
REVIEWER:	AJS

moore
engineering, inc.



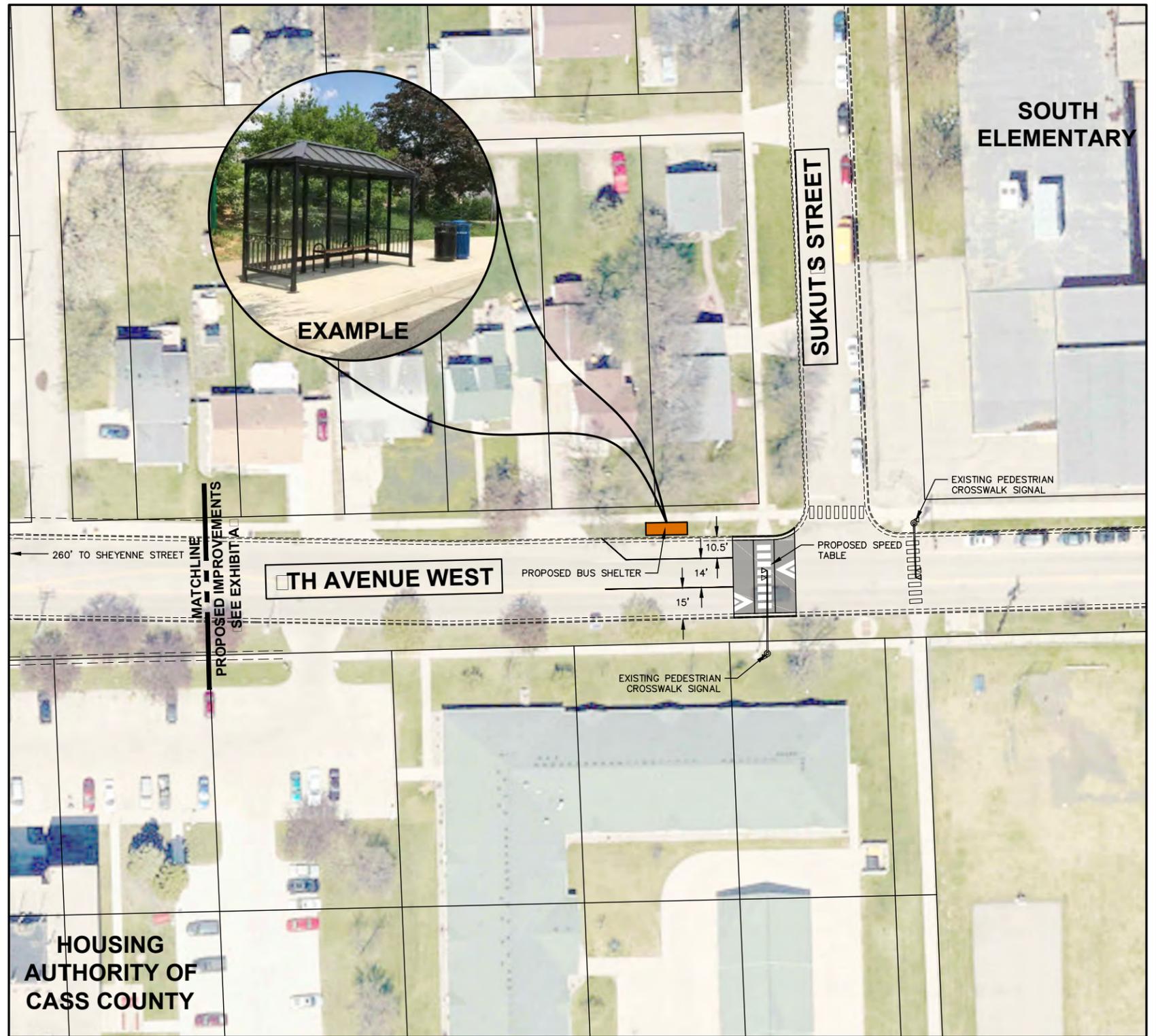
INTERSECTION BUMP-OUTS

SCALE: 1" = 40'



PARKLET PLAN

SCALE: 1" = 30'



BUS STOP PLAN

SCALE: 1" = 60'

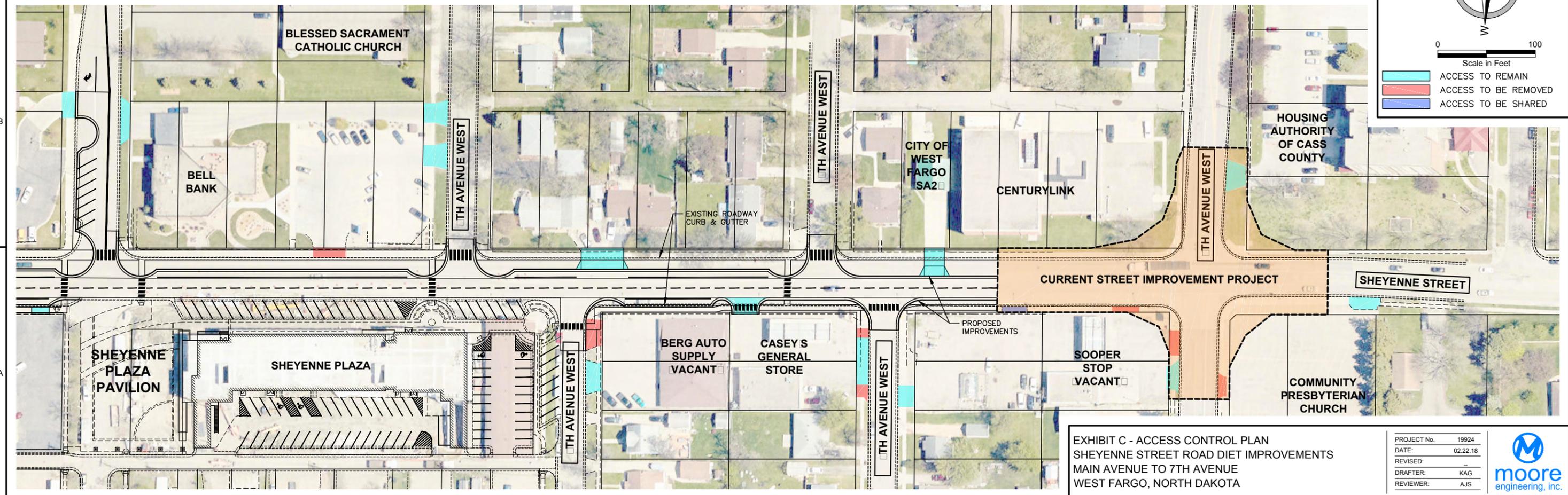
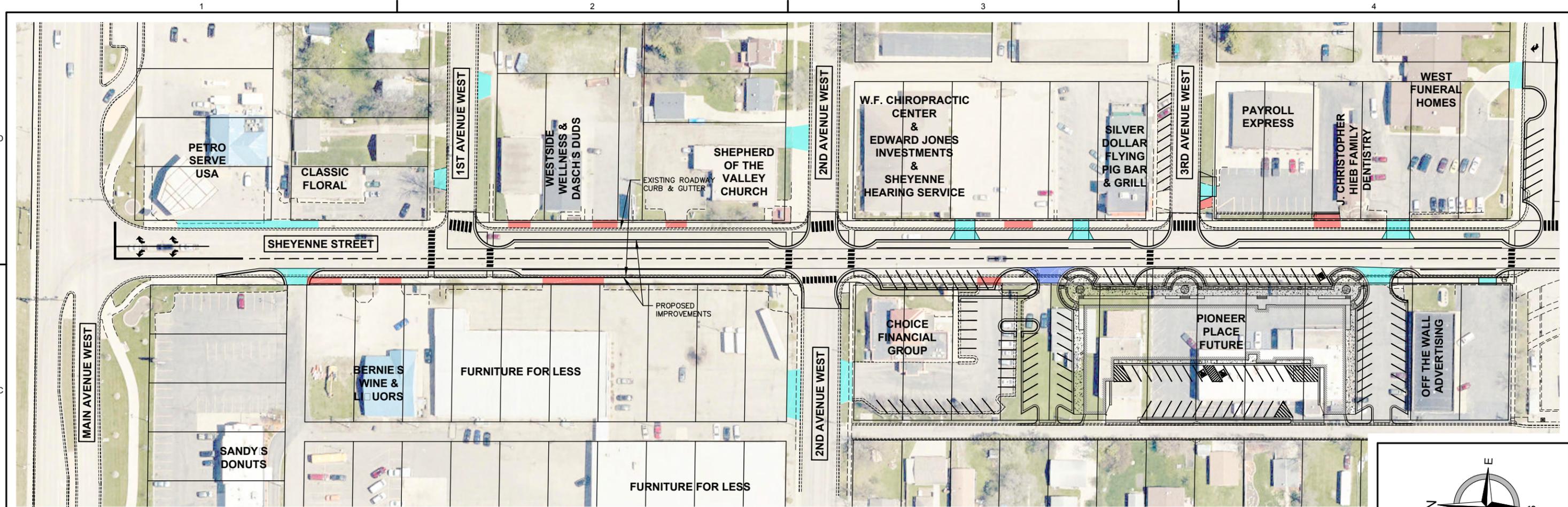


EXAMPLE

EXHIBIT B - AMENITIES PLAN
 SHEYENNE STREET ROAD DIET IMPROVEMENTS
 MAIN AVENUE TO 7TH AVENUE
 WEST FARGO, NORTH DAKOTA

PROJECT No.	19924
DATE:	02.22.18
REVISED:	
DRAFTER:	KAG
REVIEWER:	AJS





Scale in Feet
0 100

- ACCESS TO REMAIN
- ACCESS TO BE REMOVED
- ACCESS TO BE SHARED

EXHIBIT C - ACCESS CONTROL PLAN
SHEYENNE STREET ROAD DIET IMPROVEMENTS
MAIN AVENUE TO 7TH AVENUE
WEST FARGO, NORTH DAKOTA

PROJECT No.	19924
DATE:	02.22.18
REVISED:	
DRAFTER:	KAG
REVIEWER:	AJS



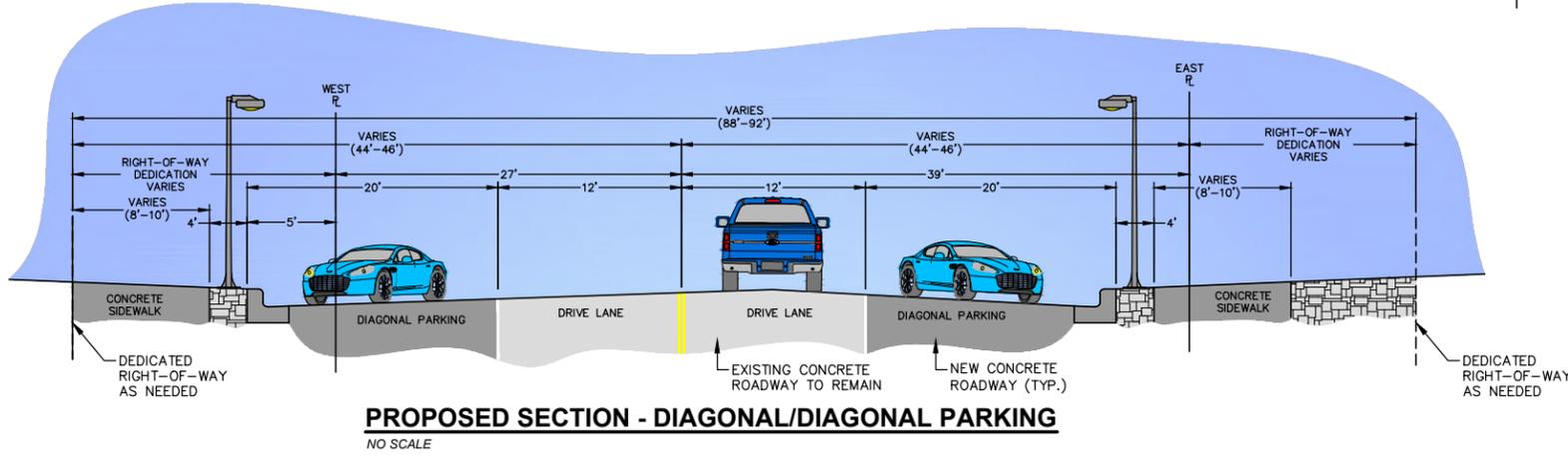
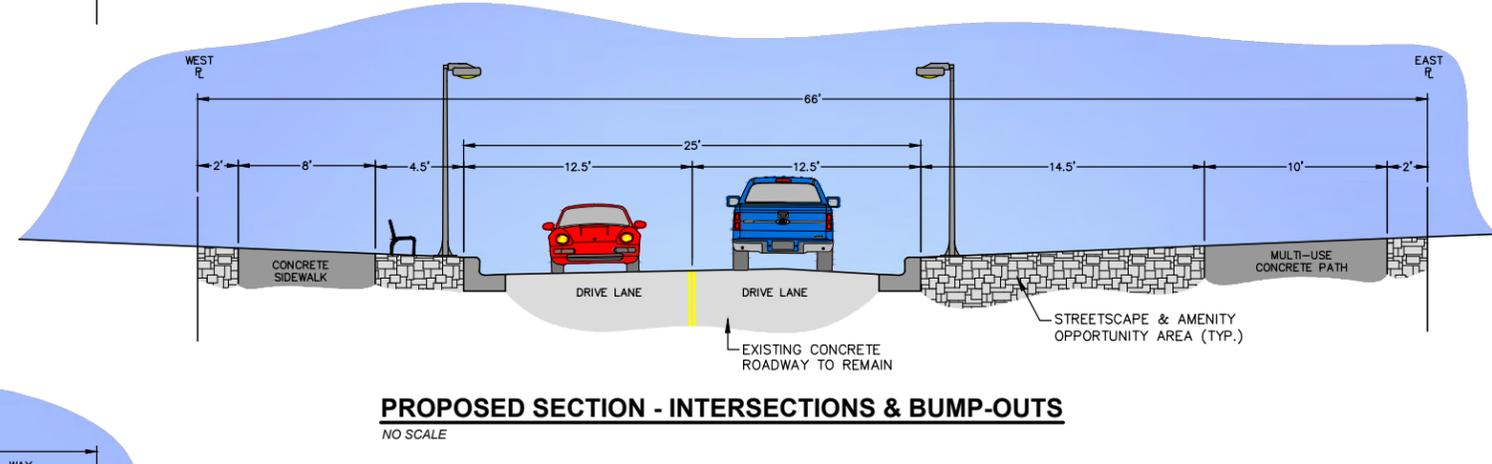
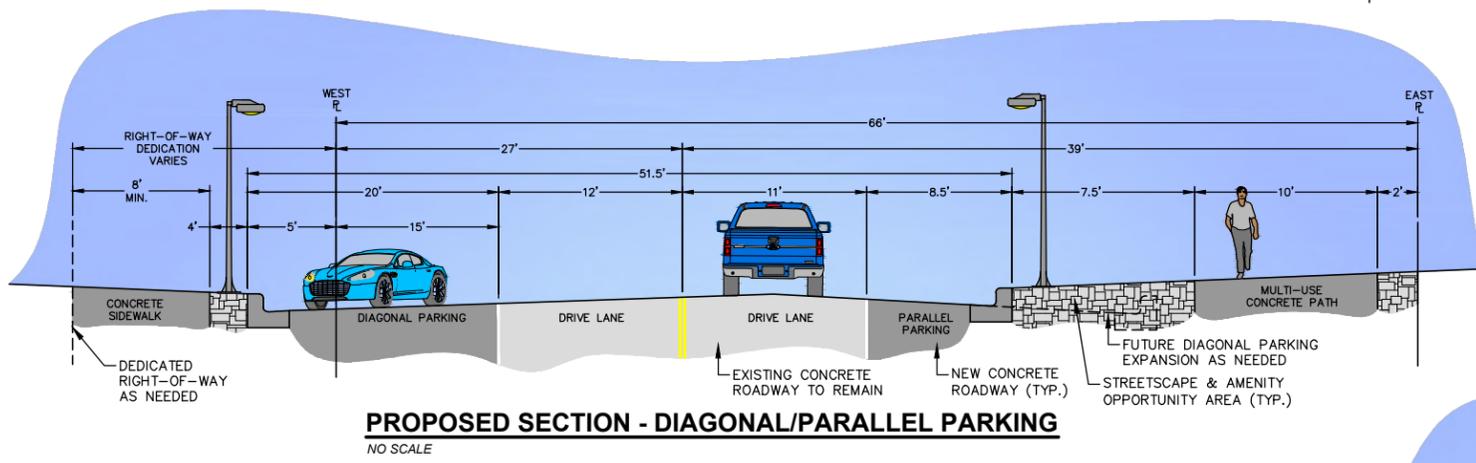
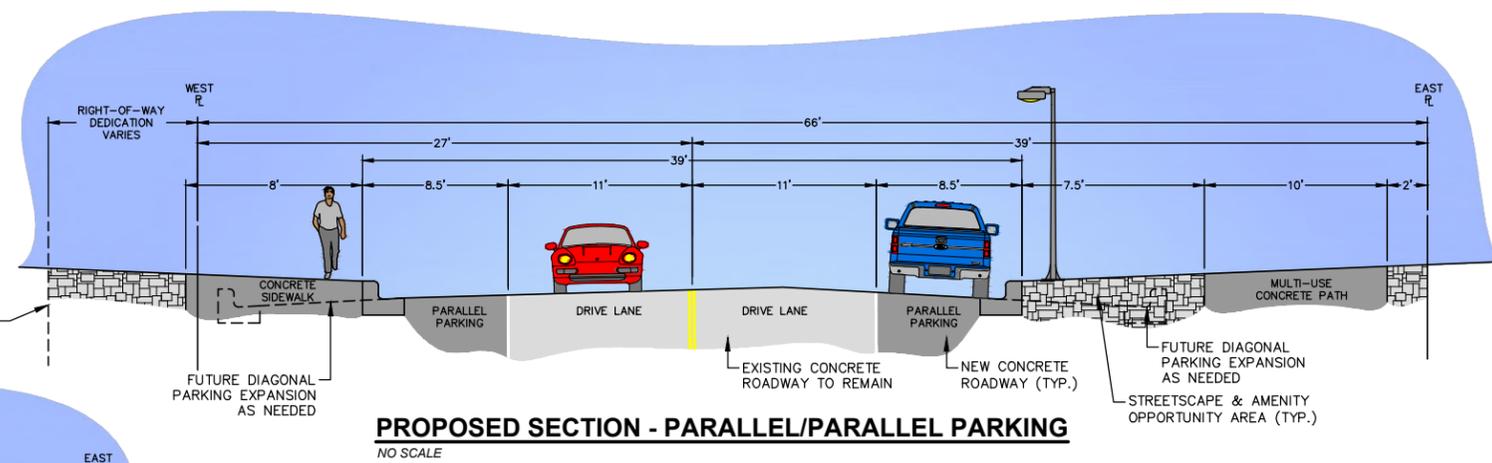
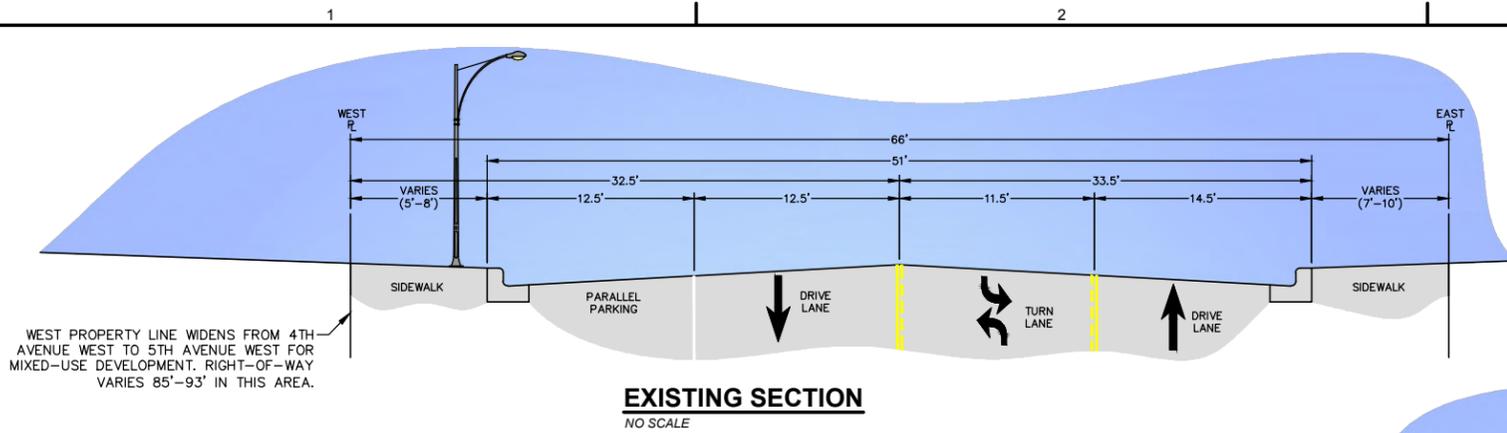


EXHIBIT D - TYPICAL SECTIONS
SHEYENNE STREET ROAD DIET IMPROVEMENTS
MAIN AVENUE TO 7TH AVENUE
WEST FARGO, NORTH DAKOTA

PROJECT No.	19924
DATE:	02.22.18
REVISED:	
DRAFTER:	KAG
REVIEWER:	AJS



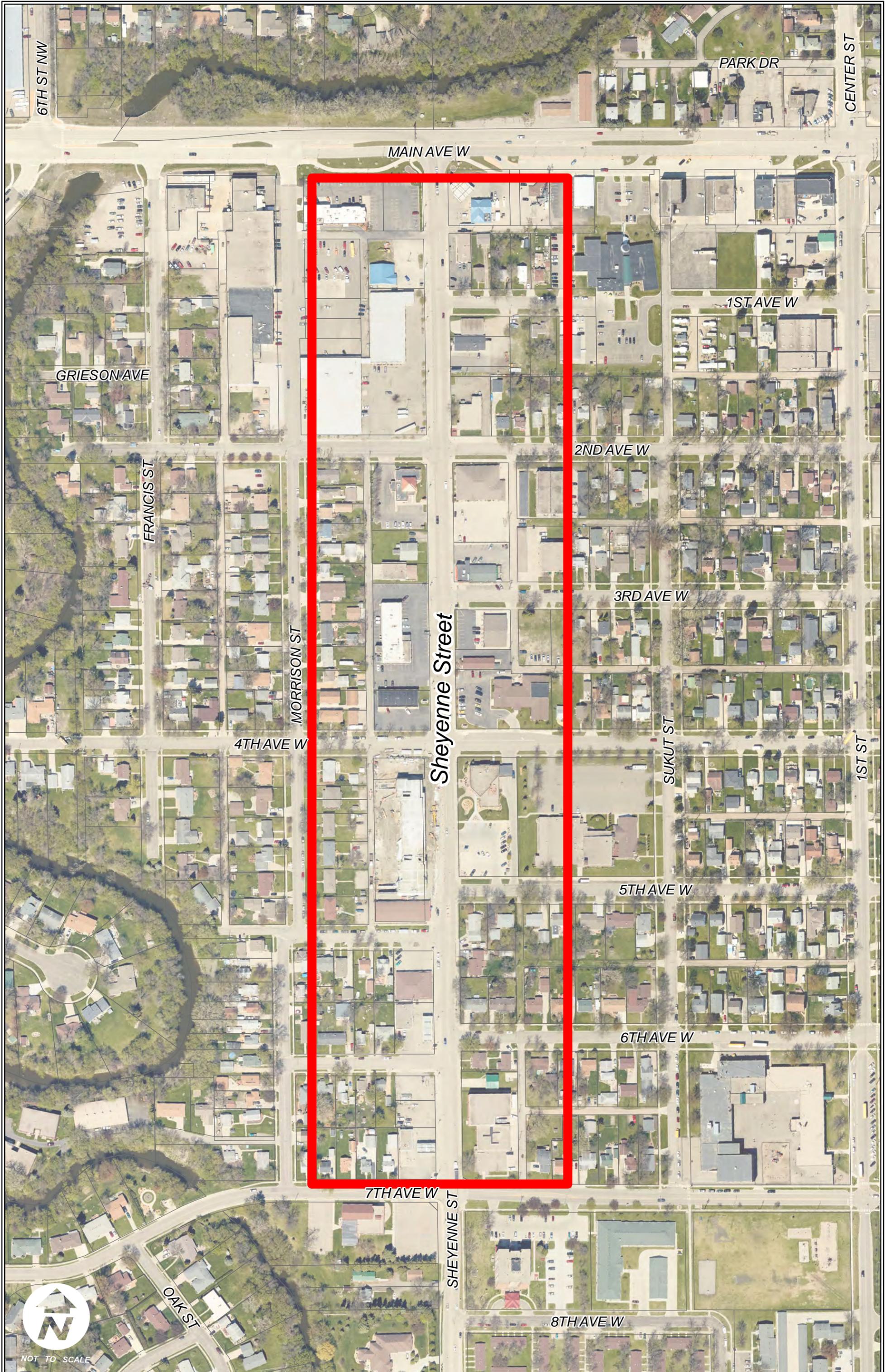
EXHIBIT E
STREET IMPROVEMENT DIST. NO. 2252
SHEYENNE STREET ROAD DIET IMPROVEMENTS - MAIN AVE TO 7TH AVE
WEST FARGO ND

Engineer's Opinion of Probable Cost

ITEM	UNIT	QTY	UNIT PRICE	TOTAL	FEDERAL	STATE	LOCAL
Water Main Items							
1. Hydrant - Remove	Each	5	\$ 500.00	\$ 2,500.00	\$ -	\$ -	\$ 2,500.00
2. Hydrant	Each	5	\$ 5,500.00	\$ 27,500.00	\$ -	\$ -	\$ 27,500.00
3. Gate Valve & Box - 6"	Each	5	\$ 1,250.00	\$ 6,250.00	\$ -	\$ -	\$ 6,250.00
Storm Sewer Items							
1. Storm Sewer - Remove	LF	2,250	\$ 20.00	\$ 45,000.00	\$ 45,000.00	\$ -	\$ -
2. Storm Sewer - 4" PVC	LF	4,000	\$ 5.00	\$ 20,000.00	\$ 20,000.00	\$ -	\$ -
3. Storm Sewer - 15" RCP	LF	500	\$ 35.00	\$ 17,500.00	\$ 17,500.00	\$ -	\$ -
4. Storm Sewer - 48" RCP	LF	2,000	\$ 135.00	\$ 270,000.00	\$ 270,000.00	\$ -	\$ -
5. Storm Sewer - 60" RCP	LF	500	\$ 200.00	\$ 100,000.00	\$ 100,000.00	\$ -	\$ -
6. Storm Sewer Manhole - Remove	Each	35	\$ 250.00	\$ 8,750.00	\$ 8,750.00	\$ -	\$ -
7. Storm Sewer Manhole	Each	10	\$ 4,000.00	\$ 40,000.00	\$ 40,000.00	\$ -	\$ -
8. Storm Sewer Catch Basin - 2' x 3'	Each	25	\$ 1,750.00	\$ 43,750.00	\$ 43,750.00	\$ -	\$ -
9. External Manhole Chimney Seal	Each	35	\$ 250.00	\$ 8,750.00	\$ 8,750.00	\$ -	\$ -
10. Storm Water Retention	LSum	1	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ -	\$ -
Roadway Items							
1. Excavation & Embankment	LSum	1	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ -	\$ -
2. Subgrade Preparation	SY	4,750	\$ 2.00	\$ 9,500.00	\$ 9,500.00	\$ -	\$ -
3. Reinforcement Fabric	SY	4,750	\$ 2.00	\$ 9,500.00	\$ 9,500.00	\$ -	\$ -
4. Gravel - NDDOT Class 5	CY	1,250	\$ 30.00	\$ 37,500.00	\$ 37,500.00	\$ -	\$ -
5. Curb & Gutter - Remove	LF	4,500	\$ 5.00	\$ 22,500.00	\$ 22,500.00	\$ -	\$ -
6. Curb & Gutter	LF	4,000	\$ 20.00	\$ 80,000.00	\$ 80,000.00	\$ -	\$ -
7. Concrete Pavement - Remove	SY	7,000	\$ 5.00	\$ 35,000.00	\$ 35,000.00	\$ -	\$ -
8. Concrete Pavement - 10" Non-Reinforced	SY	4,750	\$ 65.00	\$ 308,750.00	\$ 308,750.00	\$ -	\$ -
9. Sidewalk - Remove	SY	2,750	\$ 5.00	\$ 13,750.00	\$ 13,750.00	\$ -	\$ -
10. Sidewalk / Multi-Use Path	SY	3,000	\$ 45.00	\$ 135,000.00	\$ 135,000.00	\$ -	\$ -
11. Detectable Warning Panel	SF	200	\$ 40.00	\$ 8,000.00	\$ 8,000.00	\$ -	\$ -
12. Decorative Colored Concrete	SY	500	\$ 115.00	\$ 57,500.00	\$ 57,500.00	\$ -	\$ -
13. Signing & Striping - Sheyenne Street	LSum	1	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ -	\$ -
14. Signing & Striping - 1st Avenue	LSum	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ -	\$ -
General Items							
1. Cleaning	LSum	1	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ -	\$ -
2. Storm Water Management	LSum	1	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ -	\$ -
3. Traffic Control	LSum	1	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ -	\$ -
4. Landscaping	LSum	1	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ -	\$ -
5. Bus Stop	LSum	1	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ -	\$ -
Electrical Items							
1. Conductor - #6 USE/Cu.	LF	13,500	\$ 1.20	\$ 16,200.00	\$ 16,200.00	\$ -	\$ -
2. Tracer Wire - #12	LF	4,500	\$ 0.35	\$ 1,575.00	\$ 1,575.00	\$ -	\$ -
3. Innerduct - 2" PVC	LF	4,500	\$ 2.70	\$ 12,150.00	\$ 12,150.00	\$ -	\$ -
4. Concrete Base - 5'	Each	50	\$ 400.00	\$ 20,000.00	\$ 20,000.00	\$ -	\$ -
5. Light Standard - LED	Each	50	\$ 4,000.00	\$ 200,000.00	\$ 200,000.00	\$ -	\$ -
6. Feedpoint	Each	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ -	\$ -
7. Light Standard - Remove	Each	13	\$ 500.00	\$ 6,500.00	\$ 6,500.00	\$ -	\$ -
Construction Subtotal				\$ 2,188,425.00	\$ 2,152,175.00	\$ -	\$ 36,250.00
Contingencies				\$ 441,575.00	\$ 434,260.56	\$ -	\$ 7,314.44
Total Construction				\$ 2,630,000.00	\$ 2,586,435.56	\$ -	\$ 43,564.44
Conceptual Design & Planning				\$ 20,000.00	\$ -	\$ -	\$ 20,000.00
Preliminary Engineering & Environmental Study				\$ 75,000.00	\$ 75,000.00	\$ -	\$ -
Engineering - Design & Construction				\$ 315,600.00	\$ 310,372.27	\$ -	\$ 5,227.73
Legal & Administration				\$ 263,000.00	\$ -	\$ -	\$ 263,000.00
Bond Discount				\$ 96,400.00	\$ -	\$ -	\$ 96,400.00
Land Acquisition				\$ 200,000.00	\$ -	\$ -	\$ 200,000.00
TOTAL PROJECT				\$ 3,600,000.00	\$ 2,971,807.83	\$ -	\$ 628,192.17

ESTIMATED FUNDING BREAKDOWN

Eligible Construction Costs	\$ 2,586,435.56
Total Eligible Costs	\$ 2,971,807.83
Federal Funding (80% of Eligible Costs)	\$ 2,377,446.26
Local Share (34% of Total Project Costs)	\$ 1,222,553.74
Total	\$ 3,600,000.00



6TH ST NW

PARK DR

CENTER ST

MAIN AVE W

1ST AVE W

GRIESON AVE

2ND AVE W

FRANCIS ST

3RD AVE W

Sheyenne Street

MORRISON ST

SUKUT ST

4TH AVE W

1ST ST

5TH AVE W

6TH AVE W

7TH AVE W

SHEYENNE ST

8TH AVE W

OAK ST



NOT TO SCALE

Regular Agenda Item #8



City Commission Agenda Item Request

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

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

Wally Tintes/Tim Solberg

Phone Number: *

Wally: 701-361-0826

Email Address:

tim.solberg@westfargond.gov

Date *

7/30/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

100 Sheyenne Street site was not constructed in conformance with what was agreed to at the April 17, 2017 City Commission meeting. Staff is unable to issue Mr. Tintes with a certificate of occupancy because he did not construct the site to the approved plans. Tim has spoken with Wally and he would like a chance to speak to the Commission.

Site Address or Legal Description (if applicable)

100 Sheyenne Street - addition to Bernie's Liquor

Action Being Requested from City Commission *

Review constructed site vs. approved plans and the CO-S Overlay District Standards and advise developer on his options for obtaining a Certificate of Occupancy.

Upload Additional Documentation (Optional):

Tintes - Addition to Bernie's Liquor building - approved site plan.pdf

834.84KB

CO-S District Standards.pdf

42.73KB

4-431-D. "CO-S" DISTRICT or SHEYENNE STREET CORRIDOR OVERLAY DISTRICT Source: Ord. 976, Sec. 1 (2013)

4-431-D.1. Statement of Intent. The provisions of the "CO-S" District are intended to ensure that future development of land conforms to the design and intent of the Sheyenne Street and Main Avenue Framework Study. These standards will help guarantee the development occurring within this district are sited and built to standards that will support the vision of the study. The vision for the Sheyenne Street Corridor is to create a unique destination in the historic core of West Fargo that will improve the image of the area, create public and private investment opportunities, and improve economic performance of underperforming properties that will create a vibrant 'heart' to the City of West Fargo. The CO-S District shall extend along the length of Sheyenne Street between 7th Avenue West and Main Avenue West and include only the properties with frontage on Sheyenne Street.

4-431-D.2. Area Definition. The "CO-S" District shall include the blocks along Sheyenne Street between 7th Avenue West and Main Avenue West and include only properties with frontage on Sheyenne Street.

4-431-D.3. Permitted Uses.

1. Retail businesses, such as general merchandise, food, liquor, hardware, furniture, and apparel stores; eating and drinking establishments; and drugstores.
2. Business services, such as banks, and other financial institutions, and professional offices.
3. Personal services, such as barber and beauty shops, photographic studios, laundromats and dry cleaning establishments.
4. Entertainment, social or recreational businesses, such as bowling alleys, health clubs, theaters (excluding drive-ins), night clubs, private clubs and lodges.
5. Medical and dental facilities.
6. Veterinary clinics without overnight facilities.
7. Hotels and motels.
8. Gas station and convenience store.
9. Grocery Store.
10. Essential services.

11. Other: Uses not listed but similar to the permitted uses above and consistent with the stated purpose of this district.

4-431-D.4. Conditionally Permitted Uses. The following use may be permitted in the C District subject to the conditions hereinafter imposed and subject further to review and approval by the City Commission as required by Section 4-550 of this Ordinance:

1. Apartments above commercial establishments; subject to the following conditions:
 - a. Any apartment shall be provided with off-street parking the same as for multiple dwellings.
 - b. Any apartment shall be provided with private access.
2. Multiple dwellings, including condominiums, excluding the ground floor.
3. Repair services, such as radio shops, appliance shops, upholstery shops and shoe repair shops.
4. Churches and schools.
5. Public/semi-public facilities, such as armories, parks, police and fire stations; telephone exchange buildings, and civic centers.
6. Child Care Facility, Child Care Center and Family Child Care Home in an existing residential building or in a non-residential building.

4-431.D.5. Site Design Standards. Site design standards govern all of the major site elements from the face of the building to the back of the curb and shall include the building orientation and entrances, building location and setbacks, parking areas, and landscaping and open space requirements.

1. Building Orientation and Entrances. For all properties located along Sheyenne Street, the front façade of buildings shall be oriented towards Sheyenne Street with the main entrance on this front façade. On corner properties, a secondary entrance along the side street is encouraged but not required. When buildings are located on corners, the entrance may be located on the corner with an appropriate building articulation, such as chamfered corner, turret, canopy, or other similar architectural feature to distinguish the entry.

2. Building Location and Setbacks.
 - a. Front Yard Setback. All buildings fronting Sheyenne Street shall incorporate a required zero setback build-to line established at the front property line. Deviation from the zero setback requirement may be allowed for buildings that wish to add additional usable space, i.e. dining areas; driving isles, as approved by the Design Review Committee.
 - b. Side Yard Setback. New construction on properties that share an internal property line shall have a required zero setback. Corner lots shall have a zero setback for the external lot line. Deviation from the zero setback requirement may be allowed for the external lot line on corner lots for buildings that wish to add addition usable space, i.e. dining areas; driving isles, as approved by the Design Review Committee. Existing buildings are encouraged to conform to the zero setback when making addition(s) to the building. It shall be required to conform to the zero setback when the value of the cumulative addition(s) after the adoption of this ordinance are equal or greater than 25 percent of the assessed value of the property.
 - c. Rear Yard Setback. New construction on properties within the "CO-S" district is required to facilitate parking in the rear yard. When this is the case, the minimum setback will be determined by the total required parking spaces and the minimum parking standards, as spelled out in Chapter 4-450: Off-Street Parking and Loading Requirements, and approved by the City Planner. Properties with existing buildings shall maintain the same rear yard as required in the underlying zoning district.
3. Parking Areas. Parking in the "CO-S" district shall adequately serve the users without detracting from the compact, pedestrian friendly design that is spelled out in the Sheyenne Street and Main Avenue Framework Study.
 - a. All parking areas for new construction shall be located in the rear of buildings.
 - b. All parking areas shall be paved to provide a durable and dust free surface.
 - c. Light poles located within parking area perimeters shall be surrounded by curbed islands with a minimum distance of 4 feet from the center line of

the light pole to the curb and shall be planted with four season vegetation.

- d. Shared parking areas are recommended.
- e. Parking requirements for retail commercial uses in the CO-S district will be calculated at 2 spaces per 1000 square feet floor area.
- f. Parking requirements for service commercial uses will be calculated at 3 spaces per 1000 square feet of floor area.
- g. Existing buildings that have met the Sheyenne Corridor Overlay District Building and Construction Standards that have existing parking areas that cannot meet the CO-S setbacks may submit a parking plan showing reduced setback to the Review Committee to assure maximum parking and compliance with Sheyenne Street and Main Avenue Framework Study.

4. Landscape and open space requirements.

- a. A minimum 5 foot decorative and/or vegetative buffer shall separate parking areas from front and side property lines.
- b. A minimum 5 foot landscaped space shall separate parking areas from buildings.
- c. Additional corridor landscaping shall be done in accordance with the City of West Fargo Landscape Standards, as approved by City Commission.

5. Building Construction. A higher construction standard is required in the Sheyenne Street Corridor Overlay District.

- a. A minimum of 70 percent of the length of the ground floor front façade shall consist of windows, glass doors, or other transparent materials. The remaining area of the ground floor façade shall be constructed of durable non-metal materials as spelled out in the Sheyenne Street Corridor Development Guidelines.
- b. A minimum of 30 percent of all remaining floors shall consist of windows, glass doors, or other transparent materials. The remaining areas shall be constructed of durable non-metal materials as spelled out in the Sheyenne Street Corridor Development Guidelines.

- c. New construction on corner lots shall have a minimum of 30 percent of the ground floor side façade shall consist of windows, glass doors, or other transparent materials. The remaining areas shall be constructed of durable non-metal materials as spelled out in the Sheyenne Street Corridor Development Guidelines.
 - d. New construction shall be a minimum of two floors in height. A third floor may be considered upon review of soils showing it can be supported.
 - e. Additions of more than 25% of the assessed value of the property cumulative after the adoption of this ordinance will require compliance with building construction standards.
6. Refuse Collection Areas and Outdoor Storage Areas.
- a. All refuse collect and outdoor storage areas shall only be permitted in rear yards and shall be visually screened from adjoining properties or streets.

Source: Ord. 916, Sec. 66 (2012); Ord. 976, Sec. 1 (2013)

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # 9

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

1. CONTACT PERSON: Tim Solberg

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

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

Eagle Run 22nd Addition, Replat and Planned Unit Development Amendment to allow for a multiple dwelling structure for senior living.

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

Part of Lot 2 and all of Lot 3, Block 3 of Eagle Run 8th Addition, City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Final Plat Approval subject to conditions listed in the staff report.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A18-25		REPLAT
Eagle Run 22 nd Addition		
Part of Lot 2 and all of Lot 3, Block 3 of Eagle Run 8 th Addition, City of West Fargo, North Dakota		
Applicant: City of West Fargo	Staff Contact: Tim Solberg, AICP	
Owner: Jason Gustofson and City of West Fargo		
Planning & Zoning Commission Introduction:	06-12-2018	
Public Hearing:	06-12-2018 - Approval	
City Commission:	08-06-2018	

PURPOSE:

Replat to reconfigure lots affected by Sheyenne Street right-of-way needs.

STATEMENTS OF FACT:

Existing Land Use:	Office/Training Facility and Vacant
Current Zoning District(s):	PUD: Planned Unit Development and R-2: Limited Multiple Dwellings
Zoning Overlay District(s):	CO: Corridor Overlay District
Proposed Zoning District(s):	Unchanged
Proposed Lot size(s) or range:	Lot 1: 85,180 Square Feet; Lot 2: 95,941 Square Feet
Total area size:	5 Acres
Adjacent Zoning Districts:	North – PUD: Planned Unit Development South – R-2: Limited Multiple Dwellings & R-1A: Single Family Dwellings East – R-1E: Rural Estate District West – R-3: Multiple Dwellings
Adjacent street(s):	34 th Avenue W (local); 36 th Avenue W (Local); Sheyenne Street (Arterial)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None
Park Dedication Requirements:	Provided with previous subdivision.

DISCUSSION AND OBSERVATIONS:

- The City is proposing to split a previously subdivided lot into two lots, as well as combine an existing City owned lot into the subdivision in order to accommodate design of the reconstruction of Sheyenne Street.
- There is an existing office building on proposed Lot 1.
- Proposed Lot 2, includes vacant land south of the office building, which is zoned PUD and a residentially zoned City owned lot.
- Access to proposed Lot 1 is an existing approach onto 34th Avenue West; access to Lot 2 would be via 36th Avenue West.

STAFF REPORT

NOTICES:

Sent to: Applicable agencies and departments

Comments Received:

- None to date.

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

- The proposed application is consistent with the City plans and ordinances with the exception of proposed Lot 2 having two separate zoning designations.

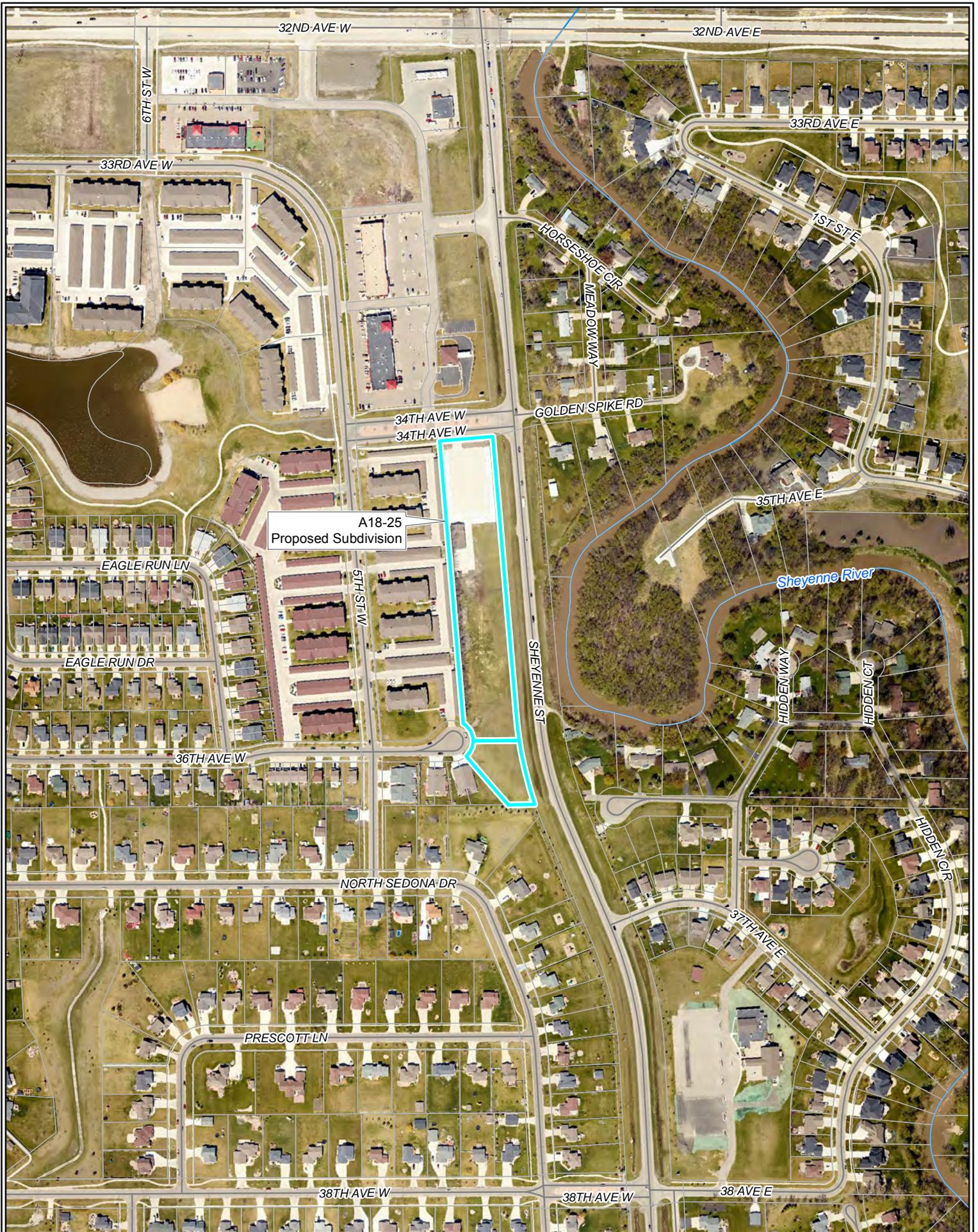
RECOMMENDATIONS:

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. Proposed Lot 2 be rezoned, or split into two lots to avoid one lot with two zoning districts.
2. A revised drainage plan is received and approved by the City Engineer.
3. An Attorney Title Opinion to the City of West Fargo is received.
4. Signed Final Plat is received with any necessary easements.
5. A certificate is received showing taxes are current.

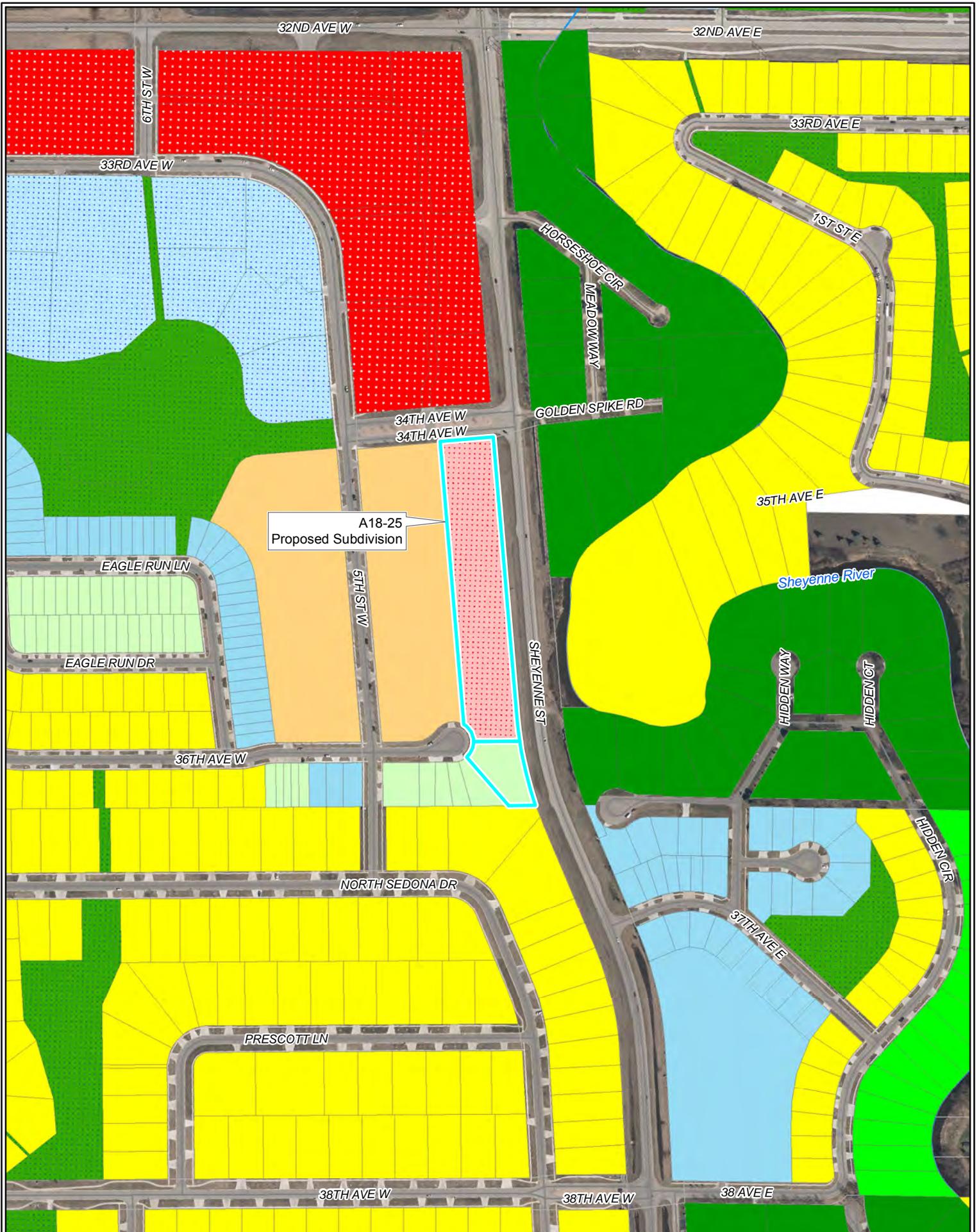
PLANNING AND ZONING RECOMMENDATION:

At their June 12, 2018 meeting, the Planning and Zoning Commission approved the replat, subject to the five conditions listed above.



A18-25
Proposed Subdivision





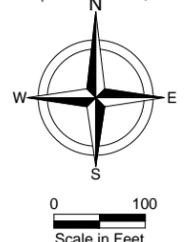
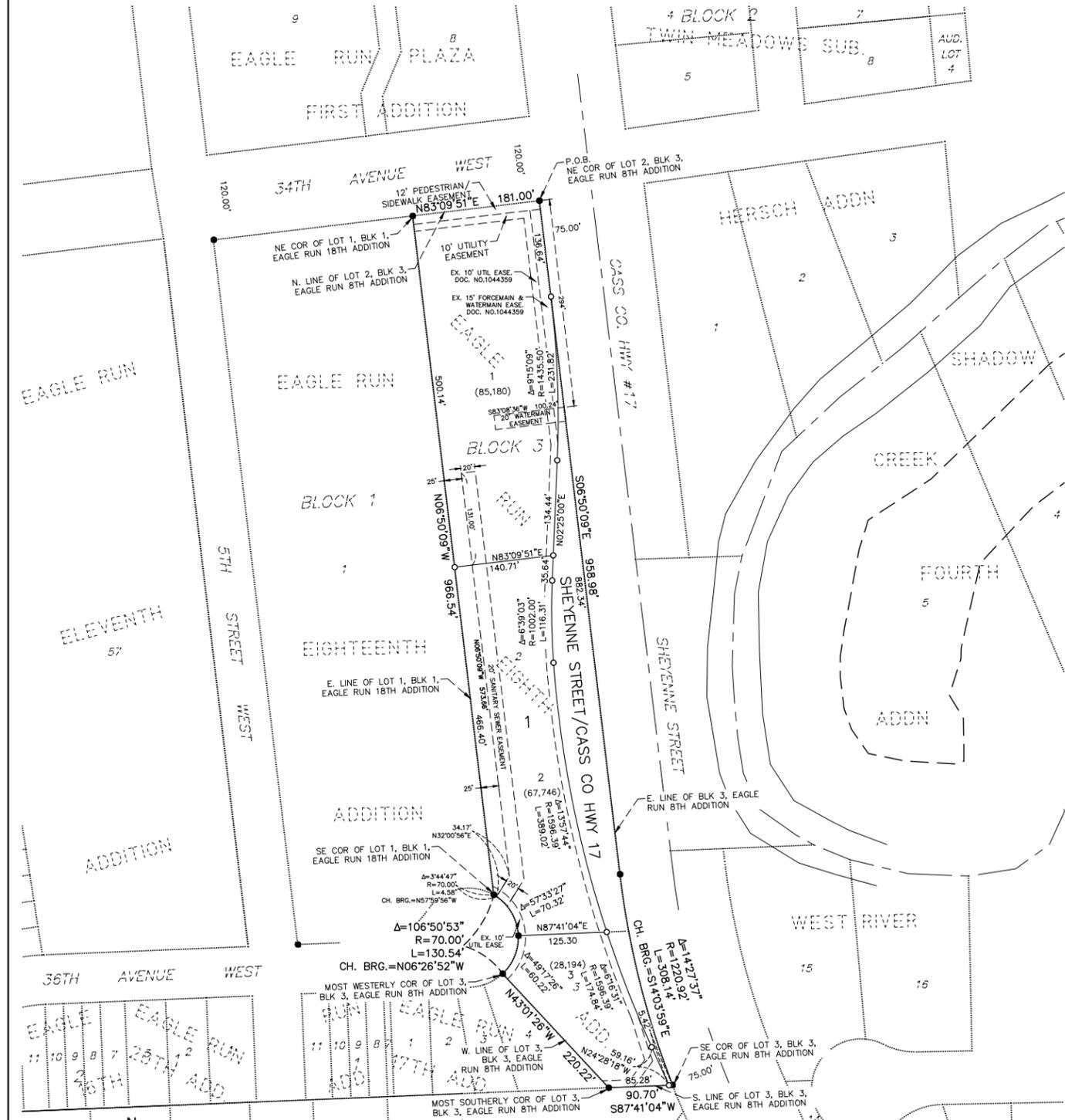
A18-25
Proposed Subdivision



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
EAGLE RUN TWENTY SECOND ADDITION
TO THE CITY OF WEST FARGO, A REPLAT OF PART OF LOT 2 AND ALL OF LOT 3, BLOCK 3,
EAGLE RUN EIGHTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA.



LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #5900
- P.O.B. POINT OF BEGINNING
- L ARC LENGTH
- R RADIUS LENGTH
- Δ CENTRAL ANGLE
- CH. BRG. CHORD BEARING

AREA OF DEDICATED SHEYENNE STREET/CO HWY 17 = 36,691 SQUARE FEET.

BASIS OF BEARINGS: EAGLE RUN EIGHTH ADDITION ACCORDING TO THE RECORDED PLAT THEREOF.

CERTIFICATE

SHAWN M. THOMASSON, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "EAGLE RUN TWENTY SECOND ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF PART OF LOT 2 AND ALL OF LOT 3, BLOCK 3, EAGLE RUN EIGHTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

ALL OF LOT 3 AND THAT PART OF LOT 2, BLOCK 3, EAGLE RUN EIGHTH 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, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 06 DEGREES 50 MINUTES 09 SECONDS EAST, ALONG THE EAST LINE OF SAID BLOCK 3, FOR A DISTANCE OF 958.98 FEET; THENCE SOUTHERLY ALONG A TANGENTIAL CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1220.92 FEET AND A CENTRAL ANGLE OF 14 DEGREES 27 MINUTES 37 SECONDS, FOR AN ARC DISTANCE OF 308.14 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 3; THENCE SOUTH 87 DEGREES 41 MINUTES 04 SECONDS WEST, ALONG THE SOUTH LINE OF SAID BLOCK 3, FOR A DISTANCE OF 90.70 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 3; THENCE NORTH 43 DEGREES 01 MINUTES 26 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 3, FOR A DISTANCE OF 220.22 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 3; THENCE NORTHERLY ALONG A NON-TANGENTIAL CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 70.00 FEET, A CENTRAL ANGLE OF 106 DEGREES 50 MINUTES 53 SECONDS AND A CHORD BEARING OF NORTH 06 DEGREES 26 MINUTES 52 SECONDS WEST, FOR AN ARC DISTANCE OF 130.54 FEET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, EAGLE RUN EIGHTEENTH ADDITION, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SAID CASS COUNTY; THENCE NORTH 06 DEGREES 50 MINUTES 09 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, FOR A DISTANCE OF 966.54 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 83 DEGREES 09 MINUTES 51 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 2, FOR A DISTANCE OF 181.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 5.00 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



SHAWN M. THOMASSON
 REGISTERED LAND SURVEYOR
 REG. NO. LS-5900

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "EAGLE RUN TWENTY SECOND ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF PART OF LOT 2 AND ALL OF LOT 3, BLOCK 3, EAGLE RUN EIGHTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE SHEYENNE STREET/CASS COUNTY HIGHWAY 17, THE 10.00' WIDE UTILITY EASEMENTS, THE 20.00 FOOT WIDE SANITARY SEWER EASEMENT, THE 20.00 FOOT WIDE WATERMAIN EASEMENT AND THE 12.00 FOOT WIDE PEDESTRIAN/SIDEWALK EASEMENT SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: LOT 1, BLOCK 1:

JASON GUSTOFSON

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

OWNER: LOTS 2 AND 3, BLOCK 1: CITY OF WEST FARGO

BERNIE L. DARDIS, PRESIDENT OF THE WEST FARGO CITY COMMISSION

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

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



DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL

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

TOM MCDUGALL, CHAIRMAN

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM MCDUGALL, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL

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

BERNIE L. DARDIS, PRESIDENT OF THE WEST FARGO CITY COMMISSION

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL

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

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, CITY ATTORNEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



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: July 30, 2018

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

Industrial Builders 1st Subdivision Street Name Change. Streets currently identified as 13th Avenue NE, 14th Avenue NE, and 2nd Street NE be changed to Industrial Drive NE.

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

Industrial Builders 1st Subdivision, City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval of Street Name Change Resolution.

Commissioner _____ introduced and moved the adoption of the following resolution:

RESOLUTION

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

WHEREAS, the City Commission of the City of West Fargo, North Dakota, at the request of the developer desires to change the below described names of streets in the plat of Industrial Builders First Subdivision; and

NOW THEREFORE, BE IT RESOLVED, by the Board of City Commissioners of the City of West Fargo, North Dakota, that in the plat of Industrial Builders First Subdivision, the streets currently identified as 13th Avenue NE, 14th Avenue NE, and 2nd Street NE, be changed to Industrial Drive NE, and that the City Auditor file a certified copy of this Resolution with the County Auditor, and record a certified copy of this Resolution with the office of the Cass County Recorder.

Dated this ____ day of August, 2018.

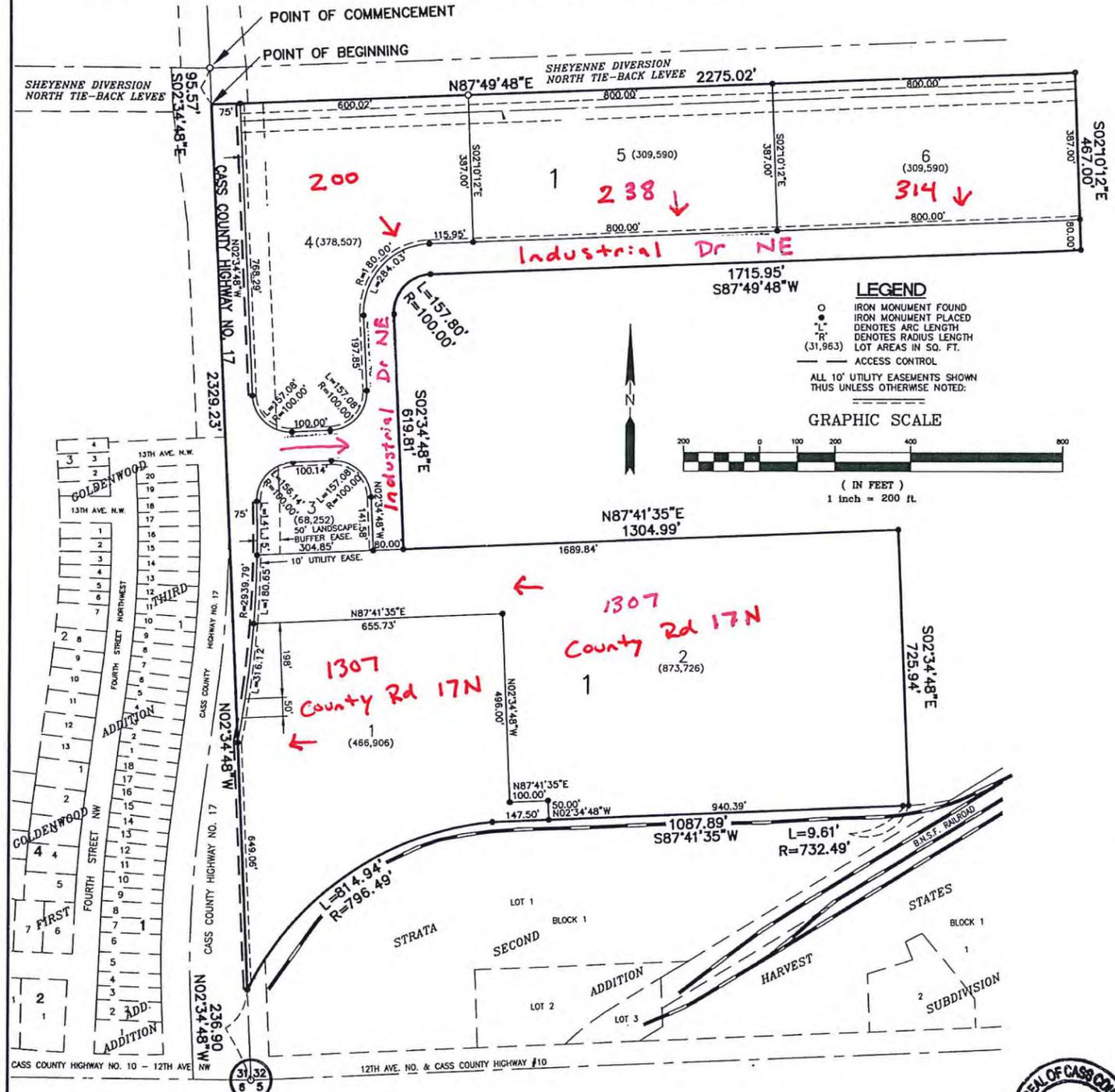
President of the Board of City Commissioners

ATTEST:

City Auditor

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

PLAT OF INDUSTRIAL BUILDERS FIRST SUBDIVISION IN THE EXTRATERRITORIAL LIMITS OF THE CITY OF WEST FARGO, A PART OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SECTION 32, TOWNSHIP 140 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA.



DEDICATION

GREG MUND, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED PROFESSIONAL LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "INDUSTRIAL BUILDERS FIRST SUBDIVISION" IN THE EXTRATERRITORIAL LIMITS OF THE CITY OF WEST FARGO, A PART OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SECTION THIRTY TWO (32), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FORTY NINE (49) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SECTION THIRTY TWO (32), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FORTY NINE (49) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (S.W. 1/4);

THENCE S 02°34'48" E ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (S.W. 1/4) FOR A DISTANCE OF NINETY FIVE AND FIFTY SEVEN HUNDREDTHS (95.57) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE SHEYENNE DIVERSION NORTH TIE-BACK LEVEE, THE POINT OF BEGINNING;

THENCE N 87°49'48" E ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID SHEYENNE DIVERSION NORTH TIE-BACK LEVEE FOR A DISTANCE OF TWO THOUSAND TWO HUNDRED SEVENTY FIVE AND TWO HUNDREDTHS (2,275.02) FEET;

THENCE S 02°10'12" E FOR A DISTANCE OF FOUR HUNDRED SIXTY SEVEN (467.00) FEET;

THENCE S 87°49'48" W FOR A DISTANCE OF ONE THOUSAND SEVEN HUNDRED FIFTEEN AND NINETY FIVE HUNDREDTHS (1,715.95) FEET;

THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT (R = 100.00', Δ = 90°24'36") FOR AN ARC DISTANCE OF ONE HUNDRED FIFTY SEVEN AND EIGHTY HUNDREDTHS (157.80) FEET;

THENCE S 02°34'48" E FOR A DISTANCE OF SIX HUNDRED NINETEEN AND EIGHTY ONE HUNDREDTHS (619.81) FEET;

THENCE N 87°41'35" E FOR A DISTANCE OF ONE THOUSAND THREE HUNDRED FOUR AND NINETY NINE HUNDREDTHS (1,304.99) FEET;

THENCE S 02°34'48" E FOR A DISTANCE OF SEVEN HUNDRED THIRTY FIVE AND NINETY FOUR HUNDREDTHS (725.94) FEET TO A POINT ON THE NORTH LINE OF STRATA SECOND ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA;

THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF SAID STRATA SECOND ADDITION ALONG A CURVE TO THE RIGHT (R = 732.49', Δ = 00°45'06", CHORD BEARING = S 87°19'02" W) FOR AN ARC DISTANCE OF NINE AND SIXTY ONE HUNDREDTHS (9.61) FEET;

THENCE S 87°41'35" W ALONG THE NORTH LINE OF SAID STRATA SECOND ADDITION FOR A DISTANCE OF ONE THOUSAND EIGHTY SEVEN AND EIGHTY NINE HUNDREDTHS (1,087.89) FEET;

THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF SAID STRATA SECOND ADDITION ALONG A CURVE TO THE LEFT (R = 796.49', Δ = 58°37'24", CHORD BEARING = S 55°34'40" W) FOR AN ARC DISTANCE OF EIGHT HUNDRED FOURTEEN AND NINETY FOUR HUNDREDTHS (814.94) FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER (S.W. 1/4);

THENCE N 02°34'48" W ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (S.W. 1/4) FOR A DISTANCE OF TWO THOUSAND THREE HUNDRED TWENTY NINE AND TWENTY THREE HUNDREDTHS (2,329.23) FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 63.21 ACRES, MORE OR LESS.

GREG MUND
REGISTERED PROFESSIONAL LAND SURVEYOR
REG. NO. 2727

Greg Mund
GREG MUND
REGISTERED PROFESSIONAL LAND SURVEYOR
REG. NO. 2727

J. MICHAEL SELLS
Notary Public
State of North Dakota
My Commission Expires Oct. 1, 2012

J. Michael Sells
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: Oct 1, 2012

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 10th DAY OF JULY, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED GREG MUND, REGISTERED PROFESSIONAL LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "INDUSTRIAL BUILDERS FIRST SUBDIVISION" IN THE EXTRATERRITORIAL LIMITS OF THE CITY OF WEST FARGO, A PART OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SECTION THIRTY TWO (32), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FORTY NINE (49) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF GREG MUND, REGISTERED PROFESSIONAL LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED PROFESSIONAL LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS, AVENUES, CASS COUNTY HIGHWAY #17, LANDSCAPE BUFFER EASEMENTS AND UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: LOT 1, BLOCK 1: INDUSTRIAL BUILDERS, INC. OWNER: LOT 2, BLOCK 1: MILL POND PARTNERS, A PARTNERSHIP. OWNER: LOTS 3, 4, 5, & 6, BLOCK 1: EAGLE ROCK PARTNERS.

Paul W. Diederich *Paul W. Diederich* *Paul W. Diederich*
PAUL W. DIEDERICH, PRESIDENT PAUL W. DIEDERICH, A PARTNER PAUL W. DIEDERICH, A PARTNER

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 3rd DAY OF SEPT, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED PAUL W. DIEDERICH, PRESIDENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF INDUSTRIAL BUILDERS, INC.

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 3rd DAY OF SEPT, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED PAUL W. DIEDERICH, A PARTNER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF MILL POND PARTNERS, A PARTNERSHIP.

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 3rd DAY OF SEPT, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED PAUL W. DIEDERICH, A PARTNER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF EAGLE ROCK PARTNERS.

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 3rd DAY OF SEPT, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED PAUL W. DIEDERICH, A PARTNER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF EAGLE ROCK PARTNERS.

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 3rd DAY OF SEPT, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED PAUL W. DIEDERICH, A PARTNER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF EAGLE ROCK PARTNERS.

WEST FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO WAS APPROVED THE 18th DAY OF MAY, 2009.

Rich Mattern *James Brownlee*
RICH MATTERN, PRESIDENT OF THE WEST FARGO CITY COMMISSION JAMES BROWNLEE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 3rd DAY OF SEPT, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICH MATTERN, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND JAMES BROWNLEE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 3rd DAY OF SEPT, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICH MATTERN, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND JAMES BROWNLEE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO WAS APPROVED THE 11th DAY OF JUNE, 2009.

Kevin J. Bucholz
KEVIN J. BUCHOLZ, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 11th DAY OF JUNE, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KEVIN J. BUCHOLZ, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

STATE OF NORTH DAKOTA)
COUNTY OF CASS

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COUNTY AUDITOR'S TAX RECORD

I HEREBY CERTIFY THAT ALL DELINQUENT TAXES AND SPECIAL ASSESSMENTS ON THE ABOVE PLAT ARE PAID AND TRANSFERS ENTERED.

Michael Montplaisir
MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS 14th DAY OF JULY, 2009.

Frank R. Lenzmeier
FRANK R. LENZMEIER, CHAIRMAN
STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 7th DAY OF JULY, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED FRANK R. LENZMEIER, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

1275792
Page: 1 of 1
9/5/2009 4:00 PM
PLAT \$10.50



J. MICHAEL SELLS
Notary Public
State of North Dakota
My Commission Expires Oct. 1, 2012

J. Michael Sells
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: Oct. 1, 2012

moore engineering, inc. PROJ. NO. 12704

DOCUMENT NO. 1275792
STATE OF NORTH DAKOTA \$10.50 Chg.
COUNTY OF CASS

I HEREBY CERTIFY THAT THE ABOVE INSTRUMENT WAS FILED IN THIS OFFICE FOR RECORD ON THIS 9th DAY OF SEPT. A.D. 2009 AT 4:00 O'CLOCK P.M. AND WAS RECORDED IN BOOK X-1 OF PLATS PAGE 56.

Jewel A. Spils COUNTY RECORDER
BY *Tamm A. Kirby* DEPUTY



City Commission Agenda Item Request

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

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

Alan Ray

Phone Number: *

701-232-0858

Email Address:

Date *

8/6/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Property Easement Concerns

Site Address or Legal Description (if applicable)

825 19 Ave NW

Action Being Requested from City Commission *

Review Easement at site location

Upload Additional Documentation (Optional):

Regular Agenda Item #12



City Commission Agenda Item Request

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

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

Mark McAllister

Phone Number: *

701-306-3400

Email Address:

markm@far.midco.net

Date *

8/6/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

1308 sewer project talk of the house values and how we need to proceed for residence properties
Also about township permits for the road that have not been requested.

Site Address or Legal Description (if applicable)

617 19th Ave NW West Fargo

Action Being Requested from City Commission *

Setup better discussion with the residents

Upload Additional Documentation (Optional):

JUL 30 2018



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

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

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

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

For period beginning 9-15-2018 and ending June 30, 2019
 Business Name: SAUSAGE KING LLC
 DBA/Name: WURST BEER HALL West
 Business Address: 3179 Bluestem Drive, West Fargo, ND 58078
 Phone #: 701-306-7602 Cell Phone: 701-306-7602 Email: bertrambot@gmail.com

I. TYPE OF LICENSE(S) APPROVED:

(CIRCLE THE APPROPRIATE LICENSES AND CALCULATE TOTAL FEES)

Application Review Fees

Retail On and Off Premises Liquor	\$375
Retail On and Off Premises Beer/Wine	\$100
Retail On Premises Liquor	\$275
Retail On Premises Beer/Wine	\$150
Retail Off Premises Liquor	\$275
Retail Off Premises Beer/Wine	\$150
Retail Club/Lodge On Sale Liquor	\$250
Retail Club/Lodge On Sale Beer/Wine	\$38
Wholesale	\$250
Total Due	950.00 475.00

* 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? yes If yes, do you anticipate that the sale of food will exceed the sale of alcoholic beverages? yes

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

CK # 1008
 per 7/30/18
 \$475.00

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

Your Full Name: (First, Middle, Last): BERTRAM FREDRICK MEYERS

Applicant Legal Address: 71 6th AVE. N. FARGO, ND 58102

Date of Birth: 7-6-1969 Social Security [REDACTED] Y or N

Applicant Email Address: bertrambot@gmail.com

Applicant Phone #: 701-366-7602 How long have you been a resident of ND? 29 yrs. Have you ever been convicted of any violation, or any law, other than a traffic offense in the U.S.? no If yes, what crime?

What Court? _____

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: _____

Have you ever had a liquor license revoked or rejected by any municipality or state? no

If yes, provide details: _____

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

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

1. KEVIN FITZ (Tecu), 5181 38th ST. S, FARGO, ND 58104, 701-356-1810
2. Culinary (Dan Christians) 1802 1st Ave. S, FARGO, ND 58103 / 701-232-4428
3. Reinheart Food Service (Cathy Olson), 13400 Commerce Blvd. PO Box 58 Rogers, MN 55374, 763-428-6501

III. RESIDENT MANAGER INFORMATION:

Name: Andrea Williams Date of Birth: 1-1-1988

Address: 20 2nd ST. N, SABIN, MN 56580 Phone #: _____

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

- D-S BEVERAGES 2015 - currently
- DREKOR 2015-2016
- WURST Bier Hall - 2013-2015

IV. BUSINESS DATA:

Name of Business (DBA): WURST BIER HALL ~~WEST~~ WEST
Mailing Address of Licensed Establishment: 3179 BLUESTEM DRIVE, WEST FARGO, ND 58078
Establishment Phone #: 701-306-7602
Business Type: (Sole Proprietorship, Partnership, Corporation) Partnership LLC

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):

Bertram Meyers, 71 6th AVE. N. FARGO, ND 58102 / 7-6-1969

Lisa Meyers, 71 6th AVE. N. FARGO, ND 58102 / 3-30-1976

Klaus Meyers, 1012 4th ST. N., FARGO 58102 / 7-6-1969

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? Yes

If yes give names and addresses of the establishments: Dempsey's Public House, 226 Broadway, Fargo, ND 58102
Wurst Bier Hall 630 1st Ave N, Fargo, ND 58102

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:

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.

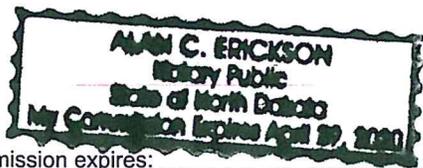
List owner(s) names (In case of a Corporation only President and Secretary are required):

Name: Bertram Meyers
Title: Owner
Signature: [Signature]
Date: 7/25/2018
Name: Lisa Meyers
Title: Owner
Signature: [Signature]
Date: 7/25/2018

Name: Klaus Meyers
Title: Owner
Signature: [Signature]
Date: 7/25/2018
Name: _____
Title: _____
Signature: _____
Date: _____

Before me personally appeared: (list names from above) Bertram Meyers, Lisa Meyers and Klaus Meyers.

Subscribed and sworn before me on this 25th day of July, 2018



[Signature]
(Signature of Notary Public)

My Commission expires: _____

Notary Public for Cass County, N.D.

VIII. BACKGROUND CHECK AUTHORIZATION

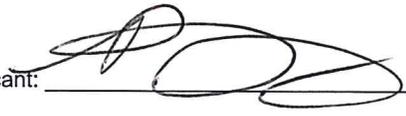
To: _____

(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: BERTRAM MYERS

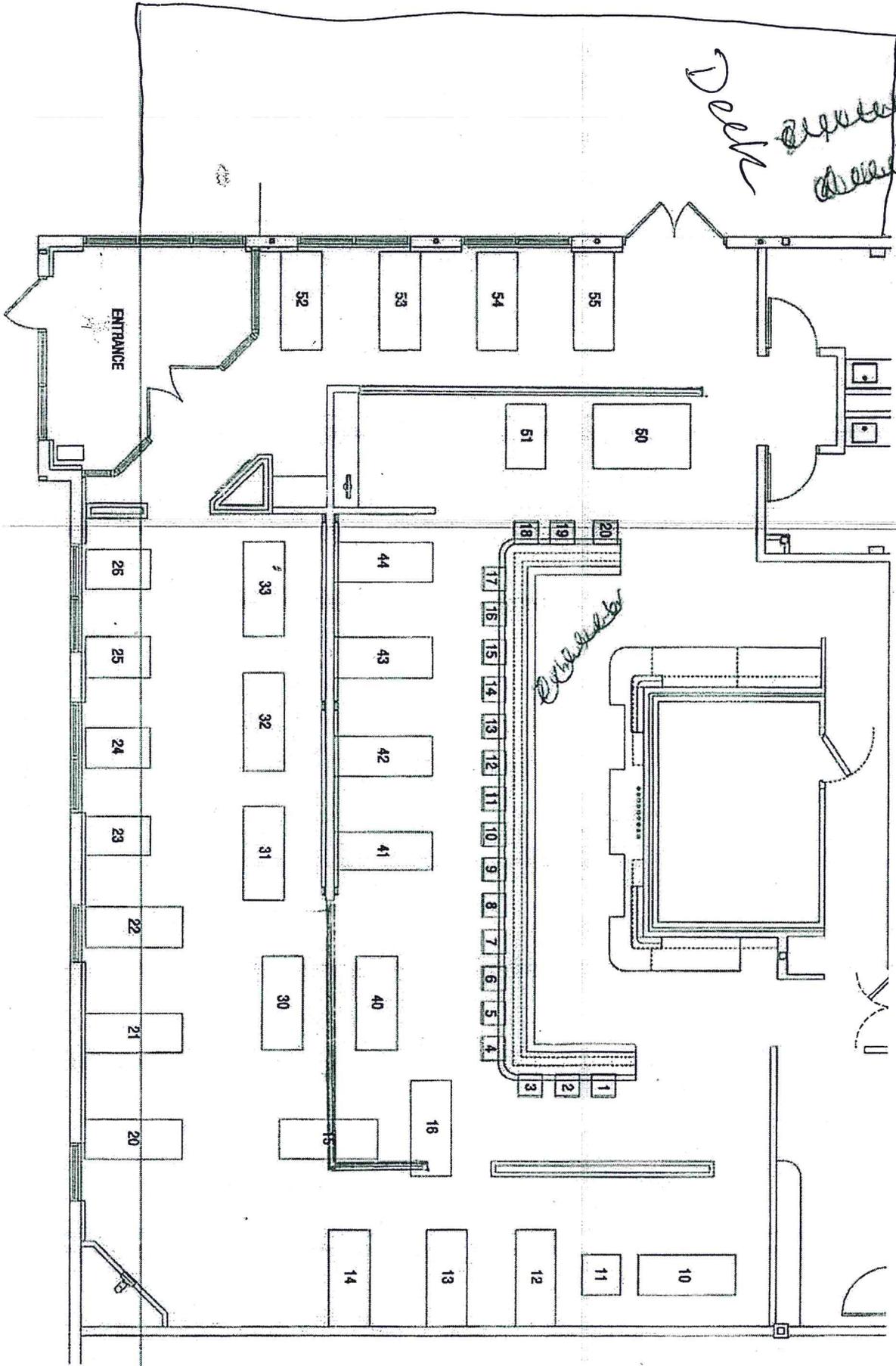
By releasing this information to the West Fargo Police Department, I understand that my information may be subject to North Dakota open record laws.

Signature of Applicant:  Date: 7-25-18

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

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

Dick
Armed
White





SAUSKIN-01

DBRUNSVOLD

CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YYYY)
07/27/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER HUB International Mountain States Limited 520 Main Avenue, Suite 800 Fargo, ND 58103	CONTACT NAME: Deb Brunsvold PHONE (A/C, No, Ext): (701) 271-6628 FAX (A/C, No): E-MAIL ADDRESS: deb.brunsvold@hubinternational.com													
	<table border="1"> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: White Pine Insurance Company</td> <td>11932</td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: White Pine Insurance Company	11932	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:
INSURER(S) AFFORDING COVERAGE	NAIC #													
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INSURER B:														
INSURER C:														
INSURER D:														
INSURER E:														
INSURER F:														
INSURED Sausage King, LLC. DBA Wurst Bier Hall 3179 Blue Stem Dr Fargo, ND 58104														

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			MCCP010900	07/13/2018	07/13/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N	N/A			PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Commercial Property			MCCP010900	07/13/2018	07/13/2019	BPP-RC-Special Form 200,000
A	Commercial Property			MCCP010900	07/13/2018	07/13/2019	BPP Deductible 1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Certificate holder included as loss payee

CERTIFICATE HOLDER**CANCELLATION**

Town & Country Credit Union
 PO Box 924648
 Fort Worth, TX 76124

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Rene LeVern

Agenda # 16
Agenda Code Regular
Project # 20091

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: August 6, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: _____
Review bid tab for Street Improvement Dist. No. 2239

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Diversion Guardrails – 21st Ave W, 32nd Ave W & 40th Ave W

5. ACTION BEING REQUESTED FROM CITY COMMISSION: _____
Award contract for Street Improvement Dist. No. 2239
to Earthwork Services, Inc.



925 10th Avenue East
West Fargo, ND 58078

P: 701.282.4692
F: 701.282.4530



August 6, 2018

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

Re: Street Improvement Dist. No. 2239
Diversion Guardrails – 21st Ave W, 32nd Ave W & 40th Ave W
West Fargo, ND

Dear Commissioners:

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

I hereby recommend award of contract to Earthwork Services, Inc. for their Base Bid of \$262,318.49 received on August 2, 2018.

Our Engineer's Opinion of Probable Cost with the Engineer's Report was \$197,000.00. Our final engineer's estimate was \$212,000.000 including Alternate A.

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

Sincerely,

Brandon Oye, PE
Project Manager

Street Improvement District No. 2239
 Diversion Guardrails – 21st Ave W, 32nd Ave W & 40th Ave W
 West Fargo ND
 Project No. 20091
 Bid Date: August 2, 2018

Earthwork Services, Inc.
 345 12th Ave NE
 West Fargo, ND 58078

Border States Paving, Inc.
 PO Box 2586
 Fargo, ND 58108-2586

Central Specialites, Inc.
 6325 Co Rd 87 SW
 Alexandria, MN 56308

[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
BASE BID								
Roadway Items								
1. Excavation - Unclassified	CY	560	\$10.00	\$5,600.00	\$20.00	\$11,200.00	\$20.00	\$11,200.00
2. Excavation - Unclassified Export	CY	560	\$18.00	\$10,080.00	\$35.00	\$19,600.00	\$25.00	\$14,000.00
3. Subgrade Preparation	SY	857	\$5.17	\$4,430.69	\$4.00	\$3,428.00	\$2.50	\$2,142.50
4. Reinforcement Fabric	SY	857	\$5.17	\$4,430.69	\$3.95	\$3,385.15	\$5.00	\$4,285.00
5. Gravel - 4" NDDOT Class 5	CY	173	\$45.80	\$7,923.40	\$57.00	\$9,861.00	\$50.00	\$8,650.00
6. Gravel - 6" NDDOT Class 5	CY	135	\$47.40	\$6,399.00	\$57.00	\$7,695.00	\$50.00	\$6,750.00
7. Gravel - 9" NDDOT Class 5	CY	53	\$58.87	\$3,120.11	\$57.00	\$3,021.00	\$50.00	\$2,650.00
8. Asphalt Pavement - Saw Full Depth	LF	56	\$10.00	\$560.00	\$20.00	\$1,120.00	\$10.00	\$560.00
9. Asphalt Pavement - Remove	SY	123	\$18.00	\$2,214.00	\$25.00	\$3,075.00	\$20.00	\$2,460.00
10. Asphalt Base Course - 2"	SY	540	\$13.80	\$7,452.00	\$15.00	\$8,100.00	\$25.00	\$13,500.00
11. Asphalt Base Course - 4"	SY	2,730	\$24.00	\$65,520.00	\$25.00	\$68,250.00	\$50.00	\$136,500.00
12. Tack Coat	Gal	86	\$4.00	\$344.00	\$2.00	\$172.00	\$5.00	\$430.00
13. Asphalt Wear Course - 2"	SY	857	\$13.80	\$11,826.60	\$15.00	\$12,855.00	\$25.00	\$21,425.00
14. Sign & Sign Post - Remove & Reset	Each	38	\$105.00	\$3,990.00	\$84.00	\$3,192.00	\$80.00	\$3,040.00
15. Striping - 4" White Grooved Plastic	LF	812	\$7.00	\$5,684.00	\$6.50	\$5,278.00	\$6.20	\$5,034.40
16. Striping - 4" Yellow Grooved Plastic	LF	928	\$7.00	\$6,496.00	\$6.50	\$6,032.00	\$6.20	\$5,753.60
17. Striping - 12" Yellow Grooved Plastic	LF	10	\$20.00	\$200.00	\$18.00	\$180.00	\$17.00	\$170.00
18. Guardrail - W-Beam	LF	1,200	\$47.80	\$57,360.00	\$44.00	\$52,800.00	\$60.00	\$72,000.00
19. Guardrail - W-Beam - End Section	Each	12	\$1,323.00	\$15,876.00	\$1,210.00	\$14,520.00	\$1,150.00	\$13,800.00
General Items								
1. Cleaning	LSum	1	\$5,000.00	\$5,000.00	\$5,570.00	\$5,570.00	\$1,500.00	\$1,500.00
2. Storm Water Management	LSum	1	\$7,000.00	\$7,000.00	\$4,000.00	\$4,000.00	\$2,000.00	\$2,000.00
3. Traffic Control	LSum	1	\$7,850.00	\$7,850.00	\$7,160.00	\$7,160.00	\$8,000.00	\$8,000.00
4. Mowing	Acre	0.4	\$1,000.00	\$400.00	\$315.00	\$126.00	\$300.00	\$120.00
5. Watering	Each	6	\$250.00	\$1,500.00	\$158.00	\$948.00	\$150.00	\$900.00
6. Excavation - 4" Topsoil Stripping	CY	330	\$10.00	\$3,300.00	\$31.00	\$10,230.00	\$10.00	\$3,300.00
7. Excavation - Topsoil Export	CY	135	\$10.00	\$1,350.00	\$39.00	\$5,265.00	\$25.00	\$3,375.00
8. Topsoil Replacement - 4"	CY	195	\$5.00	\$975.00	\$31.00	\$6,045.00	\$20.00	\$3,900.00
9. Inlet Protection Device	Each	4	\$150.00	\$600.00	\$130.00	\$520.00	\$125.00	\$500.00
10. Sedimentation Control Wattle - 9"	LF	1,221	\$4.00	\$4,884.00	\$2.65	\$3,235.65	\$2.50	\$3,052.50
11. Seeding - Type II	Acre	0.4	\$5,500.00	\$2,200.00	\$3,150.00	\$1,260.00	\$3,000.00	\$1,200.00
12. Mulch - Type A - Temporary Straw	Acre	2.0	\$800.00	\$1,600.00	\$210.00	\$420.00	\$200.00	\$400.00
13. Erosion Control Blanket - Straw	SY	1,758	\$3.50	\$6,153.00	\$2.65	\$4,658.70	\$2.50	\$4,395.00
ALTERNATE A - BEATON DRIVE EAST GUARDRAIL								
Roadway Items								
1. Guardrail - W-Beam	LF	154	\$38.52	\$5,932.08	\$33.00	\$5,082.00	\$35.00	\$5,390.00
2. Guardrail - W-Beam - End Section	Each	4	\$150.00	\$600.00	\$105.00	\$420.00	\$100.00	\$400.00
3. Excavation - Unclassified Export	CY	10	\$100.00	\$1,000.00	\$40.00	\$400.00	\$50.00	\$500.00
4. Concrete - Shoulder	SY	62	\$202.00	\$12,524.00	\$250.00	\$15,500.00	\$260.00	\$16,120.00

Street Improvement District No. 2239
 Diversion Guardrails – 21st Ave W, 32nd Ave W & 40th Ave W
 West Fargo ND
 Project No. 20091
 Bid Date: August 2, 2018

Earthwork Services, Inc.
 345 12th Ave NE
 West Fargo, ND 58078

Border States Paving, Inc.
 PO Box 2586
 Fargo, ND 58108-2586

Central Specialites, Inc.
 6325 Co Rd 87 SW
 Alexandria, MN 56308

[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
General Items								
1. Cleaning	LSum	1	\$1,800.00	\$1,800.00	\$3,500.00	\$3,500.00	\$500.00	\$500.00
2. Storm Water Management	LSum	1	\$2,000.00	\$2,000.00	\$4,000.00	\$4,000.00	\$1,000.00	\$1,000.00
3. Traffic Control	LSum	1	\$1,100.00	\$1,100.00	\$400.00	\$400.00	\$440.00	\$440.00
4. Inlet Protection Device	Each	4	\$150.00	\$600.00	\$130.00	\$520.00	\$125.00	\$500.00
BASE BID SUBTOTAL				\$262,318.49		\$283,202.50		\$356,993.00
ALTERNATE A SUBTOTAL				\$25,556.08		\$29,822.00 [C]		\$24,850.00
TOTAL BASE BID + ALTERNATE A				\$287,874.57		\$313,024.50		\$381,843.00

NOTICE OF AWARD

Date of Issuance: August 6, 2018

Owner: City of West Fargo

Owner's Contract No.:

Engineer: Moore Engineering, Inc.

Engineer's Project No.: 20091

Project: Diversion Guardrails – 21st Ave W, 32nd Ave W
& 40th Ave W

Contract Name: Street Improvement District No. 2239

Bidder: Earthwork Services, Inc.

Bidder's Address: 345 12th Ave NE, West Fargo, ND 58078

TO BIDDER:

You are notified that Owner has accepted your Bid dated August 2, 2018 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for: Street Improvement District No. 2239, Diversion Guardrails – 21st Ave W, 32nd Ave W & 40th Ave W.

The Contract Price of the awarded Contract is: \$262,318.49

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: Bernie L. Dardis

Title: President of the Board of City Commissioners

Copy: Engineer