



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

- A. Pledge of Allegiance
- B. Approve Order of Agenda
- C. Approval of Minutes – October 15, 2018, October 29, 2018 and October 8, 2018 **(Pg 2-5, 10, 11-14)**
- D. Building Permits

Consent Agenda – Approve the Following:

- a. Games of Chance for Shiloh Lodge #1. Games to be conducted: Raffle from 11/5/18 to 5/4/19 at the West Fargo VFW, 444 Sheyenne St. **(Pg 6)**
- b. Gaming Site Authorization for Prairie Public Broadcasting, Inc. Games to be conducted: raffles, pull tab jar, pull tab dispensing device, prize board, twenty-one, and poker on 11/5/18 to 11/30/18 at the DoubleTree by Hilton, 825 East Beaton Drive. **(Pg 7-9)**

Regular Agenda

- 1. Review Sheyenne Street Phase 2 Change Order for Crash Attenuator – **Chris Brungardt (Pg 15-17)**
- 2. Review Preliminary Engineering Task Order for Sheyenne Street Urban Grant – **Chris Brungardt (Pg 18-26)**
- 3. Discussion of property at 3710 26 St NW, Harwood – **Cody Shoman, Tim Solberg (Pg 27)**
- 4. Review proposal for Special Assessment Community Forums – **Melissa Richard (Pg 28)**
- 5. Review Reimbursement Agreement for Utility Infrastructure – **Tina Fisk (Pg 29-34)**
- 6. Compensation Study Review and Recommendation of Approval – **Tina Fisk, Jenna Wilm**
- 7. City Administrator's Report
- 8. Correspondence
- 9. Non-Agenda
- 10. Adjourn



**West Fargo City Commission Meeting
Monday, October 15, 2018
Commission Chambers 5:30 PM**

The West Fargo City Commission met on Monday, October 15, 2018, at 5:30 pm. Those present were Bernie Dardis, Eric Gjerdevig, Brad Olson, Mark Simmons, and Mike Thorstad. Commission President Bernie Dardis called the meeting to order.

The Pledge of Allegiance was recited.

Commissioner Simmons moved and Commissioner Olson seconded to approve the order of agenda, with the one change of moving Regular Agenda Item #5 to Item #1. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Olson seconded to approve the minutes of October 1, 2018. No opposition. Motion carried.

The Commission reviewed the Building Department Activity Report dated October 1, 2018 and Building Permits #790-824.

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

- a. Appointment of Megan Huffman to the West Fargo Planning & Zoning Commission

No opposition. Motion carried.

Communications Director Melissa Richard appeared before the Commission to publicly thank all West Fest staff, volunteers, sponsors, vendors, and community partners. No action was required of the Commission.

City Attorney John Shockley and City Administrator Tina Fisk appeared before the Commission for a 5:30pm Public Hearing for Confirmation of Assessment Lists for the following districts:

- Water, Storm and Street Improvement District No. 1279
 - City Attorney John Shockley and City Engineer Dustin Scott appeared before the Commission to provide a project overview
 - The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed. After discussion, Commissioner Simmons moved and Commissioner Olson seconded to approve the Special Assessment List as presented. No opposition. Motion carried.

- Storm Improvement District No. 4058

- City Attorney John Shockley and City Engineer Dustin Scott appeared before the Commission to provide a project overview
- The Public Hearing was opened. The following resident appeared before the Commission for Public Comment:
 - Austin Grueble, 3773 14 St W
- There was no other Public Comment. The Public Hearing was closed. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to approve the Special Assessment List as presented. No opposition. Motion carried.
- Storm Improvement District No. 4060
 - Commission President Dardis recused himself for District No. 4060
 - City Attorney John Shockley and City Engineer Dustin Scott appeared before the Commission to provide a project overview
 - The Public Hearing was opened.
 - The following residents had previously provided public protests to the City Commission, but were not present at the meeting:
 - Dennis Bollinger, 4700 McMahan Estates Ct
 - Ed Eisenbeiz, 106 50 Ave W
 - Tony & Dorene Hamilton, 116 48 Ave E
 - Paul & Jane Holland, 140 48 Ave E
 - Patrick & Sherry McFarren, 4703 McMahan Estates Ct
 - Glen Mitzel, 166 50 Ave E
 - Gregory Mund, 135 50 Ave E
 - Keith & Connie Rinas, 4711 McMahan Estates Ct
 - Steven & Heather Sand, 139 48 Ave E
 - James Schmidt, 129 50 Ave E
 - Brooke Silbernagel, 146 48 Ave E
 - The following residents appeared before the Commission to provide Public Comment:
 - Alan & Judy Dudgeon, 110 48 Ave E
 - Richard & Carol Lewis, 103 48 Ave E
 - Curtis Olien, 4708 McMahan Estates Court
 - Christine & James Schreier, 127 48 Ave E
 - Lute & Paula Simley, 118 50 Ave E
 - Darrell Vanyo, 112 50 Ave E
 - Jason Benson, 4505 South River Estates Way
 - Bob Jenson, 4406 South River Estates Way
 - Elton Tufte, 4200 Carmel Place
 - Sonja Swangler, 4402 South River Estates Way

- Robert Klinger, 4418 South River Estates Way
- There was no other Public Comment. The Public Hearing was closed.
- After discussion, Storm Improvement District No. 4060 was tabled until 10/29/18 for further discussion.

Public Works Director Chris Brungardt appeared before the Commission to Review Change Order No. 2 for Sewer Improvement Project No. 1308. After discussion, Commissioner Olson moved and Commissioner Simmons seconded to approve Change Order No. 2 for Sewer Improvement Project No. 1308. No opposition. Motion carried.

Director of Planning & Zoning Tim Solberg appeared before the Commission to review a Conditional Use Permit for a Home Occupation Hair Salon. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the Conditional Use Permit with the three recommendations listed in the staff report as presented. Commissioner Dardis voted nay. The majority having voted aye, the motion carried.

Joe Tintes appeared before the Commission on behalf of Wally Tintes for a discussion of the property at 100 Sheyenne Street. The item had been tabled from a previous meeting. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to approve the project proposal as submitted. No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission to provide a recommendation for the City Engineer position. Ms. Fisk reviewed the interview process and recommended Dustin Scott as the next City Engineer for the City of West Fargo, with a start date of Monday, October 29. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to unappoint Moore Engineering as the current City Engineer and appoint Dustin Scott as the City Engineer, effective Monday, October 29, 2018. No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission to present the following items for the City Administrator's Report:

- There will be a special City Commission Meeting on Monday, October 29 at 5:30pm to consider the special assessments.
 - Commissioner Simmons moved and Commissioner Thorstad seconded to approve holding a special meeting on October 29, with the conditions that the agenda will only contain special assessments. No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission to share a letter from the Greater Fargo Moorhead EDAC as correspondence.

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

Bernie Dardis
Commission President

Tina Fisk
City Auditor



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

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

Full, Legal Name of Gaming Organization **Prairie Public Broadcasting, Inc**

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

Name of Location DoubleTree			
Street 825 E Beaton Drive	City West Fargo	ZIP Code 58078	County Clay
Beginning Date(s) Authorized 11/5/18	Ending Date(s) Authorized 11/30/18	Number of twenty-one tables if zero, enter "0": 3	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Entire facility, excluding restrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known Nov. 23, 24, & 25, 2018			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
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ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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

*CK # 113627
 #100 -
 pd 10-31-18*



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

License Number (Office Use Only)

Site Owner (Lessor) KAJ Hospitality LLC		Site Name Doubletree		Site Phone Number (701) 551-0120
Site Address 825 E Beaton Drive	City West Fargo	State ND	Zip Code 58078	County Cass
Organization (Lessee) Prairie Public Braodcasting, Inc		Rental Period 11/1/2018 to 11/30/2018		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>3</u> X Rent per Table \$ <u>300.00</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ \$ 900.00
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar and/or a dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar Only <input type="checkbox"/> Dispensing Device Only <input type="checkbox"/> Jar Bar and Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 100.00
Total Monthly Rent				\$ 1,000.00
5. Is Electronic Pull Tabs involving an Electronic Pull Tab Device conducted at this site? No additional rent can be paid for electronic pull tabs. Rent must be based on standard dispensing device requirements per NDCC 53-06.1-11(5)(a)(b)		<input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Yes If "Yes", number of devices _____		
6. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.		<input type="checkbox"/>		

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab or prize boards involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

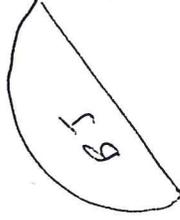
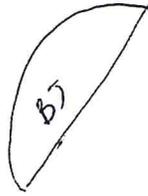
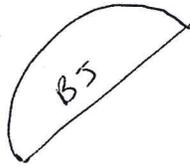
The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title DOS	Date 4-7-18
Signature of Lessee 	Title President & CEO	Date 10/16/18

(over)



Double Tree 825 E Beaton Dr. West Fargo



West Fargo City Commission
Special Meeting
Monday, October 8, 2018
5:30pm

The West Fargo City Commission met on Monday, October 8, 2018 at 5:30pm. Those present were Bernie Dardis, Eric Gjerdevig, Brad Olson, and Mike Thorstad. Mark Simmons was absent. Commission President Bernie Dardis called the meeting to order at 5:30pm.

The Pledge of Allegiance was recited.

City Attorney John Shockley appeared before the Commission to give a presentation on the Special Assessment Policy & Procedure. No action was requested of the Commission.

City Engineer Dustin Scott appeared before the Commission to give a presentation on the Engineer's Report and how project costs are calculated. No action was requested of the Commission.

Commissioner Olson moved and Commissioner Gjerdevig seconded to adjourn the meeting. Meeting adjourned.

Bernie Dardis
Commission President

Tina Fisk
City Auditor



West Fargo City Commission Special Meeting
Monday, October 29, 2018
Commission Chambers 5:30 PM

The West Fargo City Commission met on Monday, October 29, 2018 at 5:30pm. Those present were Bernie Dardis, Eric Gjerdevig, Mark Simmons, and Mike Thorstad. Brad Olson was absent. Commission President Bernie Dardis called the meeting to order at 5:30pm.

The Pledge of Allegiance was recited.

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

City Attorney John Shockley and City Administrator Tina Fisk appeared before the Commission for a 5:30pm Public Hearing for the Confirmation of Assessment Lists for Sewer Water, Storm and Street Improvement Districts No. 1292, 1295, 1300, 1303, and 1304, Infrastructure Replacement District No. 3001, and Storm Improvement District No. 4061.

- Sewer, Water, Storm and Street Improvement District No. 1292
 - The total assessed cost is \$955,000. There were no objections at the Special Assessment Committee meeting, and no written protests were received.
 - The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed
 - Commissioner Gjerdevig moved and Commissioner Thorstad seconded to approve the assessments. No opposition. Motion carried.

- Sewer, Water, Storm and Street Improvement District No. 1295
 - The total assessed cost is \$4,650,000. There were no objections at the Special Assessment Committee meeting, and no written protests were received.
 - The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.
 - Commissioner Thorstad moved and Commissioner Gjerdevig seconded to approve the assessments. No opposition. Motion carried.



West Fargo City Commission Special Meeting
Monday, October 29, 2018
Commission Chambers 5:30 PM

- Sewer, Water, Storm and Street Improvement District No. 1300
 - The total assessed cost is \$2,370,000. There were no objections at the Special Assessment Committee meeting, and no written protests were received.
 - The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.
 - Commissioner Gjerdevig moved and Commissioner Thorstad seconded to approve the assessments. No opposition. Motion carried.

- Sewer, Water, Storm and Street Improvement District No. 1301
 - The total assessed costs are \$4,320,000. There were no objections at the Special Assessment Committee meeting and no written protests were received.
 - The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.
 - Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the assessments. No opposition. Motion carried.

- Sewer, Water, Storm and Street Improvement District No. 1303
 - The total assessed costs are \$1,210,000. There were no objections at the Special Assessment Committee meeting and no written protests were received.
 - The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.
 - Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the assessments. No opposition. Motion carried.

- Sewer, Water, Storm and Street Improvement District No. 1304
 - The total assessed costs were \$290,000. There were no objections at the Special Assessment Committee meeting and no written protests were received.



West Fargo City Commission Special Meeting
Monday, October 29, 2018
Commission Chambers 5:30 PM

- The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.
- Commissioner Thorstad moved and Commissioner Gjerdevig seconded to approve the assessments. No opposition. Motion carried.
- Storm Improvement District No. 4061
 - The total assessed costs are \$1,620,000. There were no objections at the Special Assessment Committee Meeting and no written protests were received.
 - The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.
 - Commissioner Gjerdevig moved and Commissioner Simmons seconded to approve the assessments. No opposition. Motion carried.
- Infrastructure Replacement District No. 3001
 - The total assessed costs are \$3,40,000. There were no formal objections at the Special Assessment Committee meeting, just one question, and no written protests were received.
 - The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.
 - Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the assessments. No opposition. Motion carried.

City Attorney John Shockley and City Administrator Tina Fisk appeared before the Commission for a discussion of Special Assessments for Sewer Improvement District No. 4060. Commissioner Dardis recused himself. After discussion, Commissioner Gjerdevig moved and Commissioner Simmons seconded to approve the regional assessment as defined and approve the local assessment with a change from charging 10 cents/square foot to 9 cents/square foot, and use the remaining amount of 10% of the overall local benefit cost and take the rest out of sales tax, including the \$30,000 from the realignment of equivalent units. No opposition. Motion carried.



West Fargo City Commission Special Meeting
Monday, October 29, 2018
Commission Chambers 5:30 PM

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

Bernie Dardis
Commission President

Tina Fisk
City Auditor



Department of Public Works

Chris Brungardt ~ Public Works Director ~ Cell: 701.306.8484 ~ Email: Chris.Brungardt@westfargond.gov

Ryan James ~ Operations Manager ~ Cell: 701.200.9099 ~ Email: Ryan.James@westfargond.gov

Eric Hanson ~ Fleet & Facilities Manager ~ Cell: 701.306.7057 ~ Email: Eric.Hanson@westfargond.gov

Thomas Clark ~ Sanitation Manager ~ Cell: 701.306.8922 ~ Email: Thomas.Clark@westfargond.gov

Chad Zander ~ Program Coordinator ~ Cell: 701.306.2646 ~ Email: Chad.Zander@westfargond.gov

To: City Commission
From: Chris Brungardt *CB*
Date: 11/1/2018

RE: Change order for NDDOT requirement for Sheyenne St signal light Crash Attenuators

The NDDOT through continuing review of our joint project on Sheyenne Street Phase II has required the City to add 5 crash attenuators at 3 signalized locations. These locations are: Christianson Dr., 26th Ave., and 29th Ave. The purpose of the crash attenuators are designed first to protect vehicle occupants from catastrophic injuries and second to protect infrastructure from damage.

Some redesign was completed to signal standard locations out of the "danger zone" to minimize the total number of attenuators needed. The total of the change order requested is **\$117,759.20**.

North Dakota Department of Transportation

Change Order

Change Order No: 7

Project: SU-8-992(039)040

PCN: 21568

SubProject: 1 GRADING, AGGREGATE BASE, PCC CONCRETE PAVI County: Cass

For: GRADING, AGGREGATE BASE, PCC CONCRETE PAVEMENT, STOR

Contractor: NORTHERN IMPROVEMENT COMPANY
PO BOX 2846
FARGO, ND 58108-2846

Original Contract Amount:
\$21,757,664.78

Date Created: 09/24/2018

Date Approved:

Spec No	Code No	Item of Work	Unit	Original Quantity	+ or - Quantity	Unit Price	Increase Amount	Decrease Amount	
ADDED CONTRACT ITEM									
PARTICIPATING (FEDERAL FUNDS)									
748	100	CURB & GUTTER	LF	0.00	471.00	23.270	10,960.17		
764	9010	ATTENUATING CRASH CUSHION TL-2	EA	0.00	5.00	17,327.060	86,635.30		
DECREASE TO BID ITEM									
PARTICIPATING (FEDERAL FUNDS)									
748	190	CURB & GUTTER-TYPE I 30IN	LF	25,691.00	-471.00	21.000		-9,891.00	
770	3	LIGHTING SYSTEM A	EA	1.00	-1.00	596,900.000		-596,900.00	
772	9200	IT SYSTEM	EA	1.00	-1.00	260,100.000		-260,100.00	
772	9811	TRAFFIC SIGNAL SYSTEM - SITE 1	EA	1.00	-1.00	361,700.000		-361,700.00	
INCREASE TO BID ITEM									
PARTICIPATING (FEDERAL FUNDS)									
702	1	Additional Mobilization	L SUM	0.00	0.78	2,788.330	2,174.90		
714	315	PIPE CONC REINF 18IN CL III-STORM DRAIN	LF	1,202.00	12.00	54.100	649.20		
750	30	PIGMENTED IMPRINTED CONCRETE	SY	3,444.00	201.00	69.350	13,939.35		
770	3	LIGHTING SYSTEM A	EA	1.00	1.00	598,893.920*	598,893.92		
772	9200	IT SYSTEM	EA	1.00	1.00	266,172.100*	266,172.10		
772	9811	TRAFFIC SIGNAL SYSTEM - SITE 1	EA	1.00	1.00	366,925.260*	366,925.26		
Net Increase or Decrease to Date				199,688.03	Part				
						Non-Part	TOTALS	1,346,350.20	-1,228,591.00
							NON-PARTICIPATING		
							PARTICIPATING	1,346,350.20	-1,228,591.00

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

Classification

Administrative Change

EXPLANATION OF CHANGE IN PLAN RECOMMENDED

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

See attached summary of changes along with NDDOT letter.

11,759.2

North Dakota Department of Transportation

Change Order

Change Order No: 7

Project: SU-8-992(039)040

PCN: 21568

SubProject: 1 GRADING, AGGREGATE BASE, PCC CONCRETE PAVI County: Cass

For: GRADING, AGGREGATE BASE, PCC CONCRETE PAVEMENT, STOR

Contractor: NORTHERN IMPROVEMENT COMPANY
PO BOX 2846
FARGO, ND 58108-2846

Original Contract Amount:
\$21,757,664.78

Date Created: 09/24/2018

Date Approved:



CONTRACTOR DATE 10-26-18

CITY/COUNTY/OTHER OFFICIAL DATE

REPRESENTING DATE

() Approval Recommended () Approved
PROJECT ENGINEER DATE

() Approval Recommended () Approved
DISTRICT ENGINEER DATE

() Approval Recommended () Approved
OFFICE OF OPERATIONS DATE

This is Task Order No. 4
consisting of 4 pages.

Task Order 4

In accordance with Paragraph 8 of the Master Agreement for Professional Services, dated May 1, 2018 ("Agreement"), the City of West Fargo ("City") and Moore Engineering, Inc. ("Engineer" or "MEI") agree as follows:

1. Background Data

- a. Effective Date of Task Order: November 1, 2018
- b. City: City of West Fargo
- c. Engineer: Moore Engineering, Inc. ("MEI")
- d. Specific Project (title): Street Improvement District No. 2252
- e. Specific Project (description): Sheyenne Street Road Diet Improvements – Main Avenue to 7th Avenue

2. Services of Engineer

The specific services to be provided or furnished by Engineer under this Task Order are as follows:

- A. See attached Exhibit A – Scope of Work

3. City's Responsibilities

City shall have those responsibilities as follows:

- A. City shall make decisions and carry out its other responsibilities in a timely manner and shall bear all costs incident thereto so as not to unreasonably delay or interfere with the services of MEI
- B. City shall be responsible for, and MEI may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by City to MEI pursuant to this Agreement. MEI may use such requirements, reports, data, and information in performing or furnishing services under this Agreement. Nothing in this paragraph shall be construed to require MEI to affirmatively determine the accuracy of information that is prepared for City by other licensed professionals (including, but not limited to, land surveyors, geotechnical engineers, accountants, insurance and surety professionals, and attorneys) who are not engaged directly by MEI.
- C. City shall provide for MEI's right to enter the property owned by City and/or others in order for MEI to fulfill its services.

4. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule:

- A. The anticipated start date for these services is upon execution of this Task Order.
- B. The anticipated completion for these services is March 2019 with the intent of Final Design to follow. This schedule is derived in anticipation of NDDOT bid letting date of November 8, 2019.

5. Payments to Engineer

A. City shall pay Engineer for services rendered under this Task Order as follows:

- 1. Compensation for services defined in the Scope of Work shall be on a Time and Material basis in accordance with the Standard Hourly Rates shown in Exhibit B of the Agreement.
- 2. Estimates for the Compensation are as follows:
 - i. Preliminary Survey and Reports: \$ 27,460
 - ii. Alternative Investigation: \$ 16,620
 - iii. Private Utility Investigation & Coordination: \$ 4,820
 - iv. Public Involvement: \$ 7,890
 - v. Environmental Document: \$ 15,140
 - vi. TOTAL ESTIMATE: \$ 71,930
- 3. Maximum Amount to be charged for Task Order: \$ 72,000

B. The terms of payment are set forth in Article 4 of the Agreement.

6. Consultants retained as of the Effective Date of the Task Order:

A. Sub-Consultants as mentioned in Exhibit A

7. Other Modifications to Agreement and Exhibits: None

8. Attachments:

A. Exhibit A – Scope of Work

9. Other Documents Incorporated by Reference: None

10. Terms and Conditions

Execution of this Task Order by City and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is November 1, 2018.

CITY:

ENGINEER:

By:

By:



Print Name: Tina Fisk

Print Name: Lee Beauvais

Title: City Administrator

Title: Chief Operations Officer

Engineer License or Firm's Certificate No. (if required): 011C
State of: North Dakota

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Tina Fisk

Name: Matt Welle, PE

Title: City Administrator

Title: Project Manager

Address: 800 4th Ave E. Suite #1 West Fargo, ND 58078

Address: 925 10th Avenue East, West Fargo, ND

E-Mail Address: Tina.Fisk@westfargond.gov

E-Mail Address: mwelle@mooreengineeringinc.com

Phone: (701) 433-5301

Phone: (701) 282-4692



925 10th Avenue East
West Fargo, ND 58078

P: 701.282.4692
F: 701.282.4530



Exhibit A: Scope of Work
Engineering Consultant Services
Sheyenne Street Road Diet - Main Avenue to 7th Avenue
November 1, 2018

1. Project Limits

- a. Sheyenne Street right-of-way from Main Avenue to approximately 300 feet south of 7th Avenue
- b. 7th Avenue right-of-way from Morrison Street to Sukut Street
- c. Additional easement areas determined as a result of this Scope of Work.

2. Preliminary Survey and Reports

- a. Boundary Survey
 - MEI will prepare a preliminary boundary survey of the Project Limits meeting NDDOT requirements
- b. Sign Inventory
 - MEI will review existing signs and provide summary of existing signs within the Project Limits
- c. Wetland Delineation (Sub-Consultant)
 - MEI will hire a sub-consultant to provide an office wetland delineation to identify preliminary wetland impact issues.
- d. T&E Habitat (Sub-Consultant)
 - A review of potential Threatened and Endangered (T&E) Habitat will be completed to ensure the project is reviewed for potential habitats.
- e. Cultural Resource Management (Sub-Consultant)
 - Class I File Search
 1. A Class I Literature Review of the North Dakota State Historic Preservation Office (NDSHPO) site and manuscript files will be prepared prior to the start of any fieldwork.
 2. Data collected from this review will provide an overview of previously conducted cultural resource work within the Project Limits, including all previously recorded site locations.
 - Report
 1. MEI will submit two (2) hardcopies and one electronic copy of the Report of Findings to the NDDOT, one (1) hardcopy for the SHPO and one (1) hardcopy for the City.
 2. This report will be completed in accordance with the established guidelines of the NDDOT and NDSHPO.
- f. Tree Inventory
 - A tree inventory will be completed to ensure that the project is reviewed for potential tree impacts.
 1. If this project results in the removal or destruction of trees, those trees which meet certain criteria will be counted and mitigated.
 2. Tree types will be confirmed by the City of West Forester
- g. Prepare 4(f) Evaluation

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- Complete and review 4(f) evaluation.
- h. Traffic Operations Report (Sub-Consultant)
 - MEI will hire a subconsultant to provide a traffic operations analysis and report.

3. Alternative Investigation

- a. Prepare Layouts & Typical Sections for Design Alternatives
 - MEI will prepare layout for two (2) design alternatives
 - MEI will prepare preliminary intersection layouts to identify any right of way and utility impacts.
 - MEI will prepare up to four (4) typical section alternatives
 1. No parking section for choke points and intersections
 2. Diagonal parking on west & parallel parking on the east side
 3. Parallel parking on west & east sides
 4. Lane configuration section at Sheyenne St. & 7th Ave. intersection
- b. Incorporate Core Area Infrastructure Master Plan (CAIMP) Study results into layouts
 - MEI will review preliminary CAIMP Study and work to incorporate preliminary sanitary sewer, water and storm sewer upgrades into the preliminary design. These upgrades assume pipe upsizing and not realignment or additional mains.
 - Storm sewer retention is not part of this Scope and would need to be Scoped with the City in order to incorporate into the Preliminary Design.
- c. Preliminary Construction and Right-of-Way Limits
 - MEI will identify preliminary right-of-way limits and quantify the areas of any permanent or temporary easements needed for each of the build alternatives. Two (2) build alternatives are assumed:
 1. Utilize existing pavement for (2) lanes of traffic with diagonal street parking on the west and parallel street parking on the east
 2. No Build
 - MEI will estimate right-of-way and easement costs using the City of West Fargo assessed land values.
- d. Preliminary Construction Phasing/Traffic Control
 - MEI will prepare a traffic control phasing plan which will accommodate the necessary sequencing and staging of the work.
 - This will not account for an adjacent projects that may impact traffic control
- e. Preliminary Pedestrian/Bicycle Facilities
 - MEI will coordinate with the City to develop a shared use path and/or sidewalk system to connect to the West Fargo Pedestrian System.
 - This will include addressing current ADA requirements where existing paths and/or sidewalks are currently located along the roadway
- f. Preliminary Transit Bus Stop
 - Review options for transit bus stop location.
- g. Preliminary Construction Cost Estimates
 - MEI will prepare preliminary construction cost estimates in present dollars and add an allowance for inflation based on the construction year for each of the build alternatives.
 - A total preliminary cost estimate for right-of-way and utility relocations will be included in this section.

4. Private Utility Investigation & Coordination

- a. Preliminary Utility Coordination
 - Contact each utility within the corridor and obtain existing utility maps.
 - Initiate preliminary discussions with the utility companies regarding proposed improvements
 - Coordinate utility information into preliminary design concepts

5. Public Involvement as Required by the NDDOT

- a. Mailing List
 - MEI will identify and compile a mailing list of affected, potentially affected and interested parties, as well as governmental agencies, and elected and appointed officials who will be solicited for input regarding the project.
 - MEI will work with the City and the NDDOT to update the mailing list.
- b. Solicitation of Views (SOV) Letters
 - MEI will prepare and distribute, upon review and approval, a solicitation of views package to affected, potentially affected and interested parties, as well as governmental agencies with a possible interest in the project's planning at the beginning of the study process.
 - The letter will be used as a means of scoping issues pertinent to the study and to obtain information about permits, licenses or other agency requirements needed to construct the project.
- c. Direct Mail
 - MEI will prepare and distribute one (1) public meeting notice to affected or potentially affected landowners, businesses, organizations and local government officials.
 - Direct mailings will be sent to residents in adjacent subdivisions along the corridor.
 - The purpose of the notice is to announce the upcoming public meeting, keep interested parties apprised of developments in the Project Limits, identify key project milestones, provide an opportunity to comment and indicate who to contact with questions.
 - The notice will be sent out approximately 7 to 14 days prior to the meetings.
- d. Public Input Meeting
 - MEI will prepare for and conduct one (1) Public Input Meeting.
 - The purpose of the Public Input Meeting is to present the results of the study to date to the public and obtain comments on the alternatives.
 - The Public Input Meeting will be held after the analysis of alternatives has been completed.
 - The format for the meeting will be an open house format.
 - Preparation for the meeting will include any or all of the following: a PowerPoint presentation, visual displays, public handouts, exhibits, and plan drawings.
 - Input from the meeting will be incorporated into the project.
 - Collect, document, and respond to comments.

6. Environmental Document

- a. Purpose & Need



- MEI will develop a purpose and need statement for the project consistent with FHWA and NDDOT guidance.
 - The purpose and need statement will clearly and concisely articulate the reasons why the project is needed and what the project is intended to accomplish.
- b. Technical Discussion Items
- Roadway Geometry
 - Typical Sections
 - Drainage
 - Right-Of-Way
 - Traffic Operations
 - Utilities
 - Traffic Control
- c. Environmental Discussion Items
- Wetlands
 - Cultural Impacts
 - Tree Impacts
 - Endangered Species/Biological
 - Permitting
 - 4(f) compliance
- d. Alternatives Analysis
- Based on information provided in the Preliminary Engineering Phase, MEI will develop and evaluate project alternatives.
 - It is anticipated that one (1) build alternative will be evaluated for this project.
- e. Summary of Estimated Costs
- f. Review Potential Environmental Impacts
- MEI will identify reasonably foreseeable direct, indirect and cumulative environmental impacts expected to result from the proposed project alternatives.
 - Potential impacts will be discussed following the description of the affected environment.
- g. Avoidance/Minimization/Mitigation
- Measures to avoid or minimize environmental impacts will be developed and documented as part of this study.
 - Unavoidable impacts that require mitigation will also be identified. When appropriate, mitigation measures will be documented.
- h. Environmental Permitting
- The Documented CATEX will include a summary of any commitments that the NDDOT and FHWA have made to avoid, minimize or mitigate adverse environmental impacts.
- i. Draft Documented CATEX- Preparation, Distribution, Review
- MEI will prepare and distribute the Draft Documented CATEX for review to the City and NDDOT.
 - MEI will submit an electronic version in PDF format to the City and NDDOT Local Government Division.
 - The document will be a compilation and summary of the work completed in the preliminary engineering phase.

- Reports from the project meetings, environmental documentation, survey, roadway design, hydraulics, pavement design and pedestrian/bicycle facilities and cost estimation will be referenced in the document.
- j. Revisions to the Draft Report
 - MEI will compile a summary of all comments to the Draft Documented CATEX.
 - Each comment will be individually addressed.
 - Any revisions resulting from the comment will be summarized.
- k. Final Documented CATEX Preparation and Submittal
 - Input and comments from the review of the draft will be incorporated into the Final Documented CATEX.
 - MEI will submit one (1) original hard copy of the Documented CATEX to the City.
 - MEI will submit an electronic version of the Final Documented CATEX in PDF format to the City and NDDOT Local Government Division.

7. Deliverables Provided by MEI

- Preparation, assembly, distribution, presentation and review of the Decisions Document and Draft/Final Documented CATEX
- Direct mail notices, news releases, exhibits, materials and reports for Field Review and Public Meetings
- Office wetland delineation report
- Cultural resource survey report
- Traffic Operations report

8. City Provided Items

- Core Area Infrastructure Master Plan (CAIMP) Study results
- Downtown Zoning District requirements
- Geotechnical Information

9. Services Not Included in this Scope of Work

- Appraisals or appraisal review
- Land value and negotiations relating to Land Acquisitions
- Temporary Easement Acquisitions
- Geotechnical Work
- Water System Master Plan Report
- Sewer System Master Plan Report
- Cross Sections/Preliminary Earthwork Calculations
- Property Owner Correspondence and Coordination pertaining to right-of-way needs
- Property Owner Coordination and Meetings beyond DOT requirements
- Media relations, advertisements and press releases
- Storm Water Retention
- Final Design Services
- Construction Services

10. Services Not Included in this Scope of Work – Maybe required and will be determined by the NDDOT upon review of project

- Environmental Assessment and Environmental Impact Statement
- Field Wetland Review



- Class III Cultural Resource Inventory
- Noise Analysis



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: *

CODY SHOMAN

Phone Number: *

701-261-1712

Email Address:

cody.shoman@galvanizersinc.com

Date *

10/31/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

I would like a portion of the public right of way to be vacated so that I can add onto the North side of my home.

Site Address or Legal Description (if applicable)

3710 26TH ST NW
HARWOOD, ND 58042

Action Being Requested from City Commission *

Provide direction to City Attorney on vacating a portion of public right of way in the City's Extraterritorial Jurisdiction

Upload Additional Documentation (Optional):



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: *

Melissa Richard

Phone Number: *

7014335314

Email Address:

Melissa.Richard@westfargond.gov

Date *

11/1/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Review proposal to hold five community forums on special assessments.

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Approve proposal so city staff can execute plan

Upload Additional Documentation (Optional):



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

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

1. CONTACT PERSON: Tina Fisk, City Administrator

2. PHONE NUMBER: 433-5301

DATE: 10/20/2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST:

Review and approve agreement.

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

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Motion to approve agreement

**REIMBURSEMENT AGREEMENT FOR
UTILITY INFRASTRUCTURE**

This REIMBURSEMENT AGREEMENT FOR UTILITY INFRASTRUCTURE (the "Agreement") is entered into between CITY OF WEST FARGO, (the "City"), and CONSOLIDATED COMMUNICATIONS ENTERPRISE SERVICES, INC., a Delaware corporation ("Consolidated"), to be effective as of the last date executed below. The parties agree as follows:

1. Consolidated operates facility based telecommunications services and provides services to customers in the greater Fargo area. City now desires for Consolidated to relocate facilities to accommodate its plan for a project known as Sheyenne Street & 40th Ave W., Project known as Sheyenne Street Reconstruction – Segment 3 (40th Ave to 32nd Ave), SU-8-992(040)041. Pursuant to the request of City and in accordance with the terms of this Agreement, Consolidated agrees to perform certain work on the Site as described on the work order attached as Exhibit A (the "Project").
2. City represents and warrants to Consolidated that City has all necessary right, title, license, and authority from Owner and otherwise authorizing Consolidated to perform the Project on the Owner's property and to grant Consolidated access to the Site.
3. The City agrees to reimburse Consolidated's costs of the Project (the "Costs") as set forth on Exhibit A (the "Construction Crew").
4. The Costs for the Project will be invoiced by Consolidated upon completion and will be due within thirty (30) days following receipt by the City of the invoice. In the event the City fails to pay any amounts due under the terms of this Agreement, City agrees to pay interest on the amounts past due at the rate of 1½% per month.
5. Each party maintains, at a minimum, the insurance coverage set forth on attached Exhibit B.
6. Upon execution of this Agreement by the parties, Consolidated will commence and endeavor to complete the Project as soon as possible, subject to force majeure events, including without limitation, unavailability of materials, labor unrest, acts of God, acts of public enemies, or any law, order, regulation, ordinance or requirement of any government or legal body or any representative of any such government or legal body.
7. The following miscellaneous provisions shall additionally apply to this Agreement:
 - a. This Agreement comprises the complete and exclusive statement of the agreement of the parties concerning the subject matter hereof, and supersedes all previous statements, representations, and agreements between the parties. No subsequent agreement concerning modification to this Agreement shall be binding upon the parties unless it is made in writing by an authorized representative of each party.
 - b. Each party agrees to take such further or additional action and execute and deliver to the other party such further or additional instruments, agreements, or other documents as

shall be reasonably requested by the other party in order to complete, assure and/or evidence, or more fully complete, assure and/or evidence, the transactions contemplated or described herein.

- c. The relationship between City and Consolidated shall not be that of partners, agents, or joint venturers for one another, and nothing contained in this Agreement shall be deemed to constitute a partnership or agency agreement between them for any purposes.
- d. NEITHER PARTY SHALL BE LIABLE TO THE OTHER PARTY FOR ANY INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE OR CONSEQUENTIAL DAMAGES ARISING UNDER THIS AGREEMENT OR FROM ANY BREACH OR PARTIAL BREACH OF THE PROVISIONS OF THIS AGREEMENT OR ARISING OUT OF ANY ACT OR OMISSION OF THE PARTY OR ITS OR ITS AFFILIATES' DIRECTORS, OFFICERS, EMPLOYEES, SERVANTS, CITYS AND/OR AGENTS.
- e. This Agreement is for the sole benefit of the parties to this Agreement and their respective successors and assigns. Nothing in this Agreement shall give or be construed to give any person or entity, other than the parties to this Agreement and their respective successors and assigns, any legal or equitable rights under this Agreement.
- f. The parties agree that this Agreement shall be construed under the laws of the State of North Dakota without regard to choice of law principles and venue shall be in Cass County, North Dakota.
- g. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. Facsimile and pdf signatures to this Agreement shall be acceptable and binding.
- h. Notices delivered under this Agreement shall be delivered to a party at the address set forth on Exhibit A and must be either (i) delivered by hand delivery to the, with written acceptance of said delivery by the other party, and shall be deemed given on the date so accepted, (ii) mailed by certified or registered mail, postage prepaid, return receipt requested and shall be deemed given on the third (3rd) business day after the date of posting in a United States Post Office, or (iii) given by a nationally recognized overnight courier and shall be deemed given one day after delivery to the overnight courier.

[signature page(s) follow]

By executing below, each of the undersigned represents and warrants that the undersigned has authority to execute this Agreement and that the Agreement has been fully authorized by the applicable party.

EXECUTED to be effective as of the last date set forth below.

CITY OF WEST FARGO

By: _____
Print Name: _____
Title: _____
Date: _____

**CONSOLIDATED
COMMUNICATIONS ENTERPRISE
SERVICES, INC.**

By: _____
Print Name: _____
Title: _____
Date: _____

EXHIBIT A
Work Order for Project TBD

Date: October 11, 2018

Project Name: SU-8-992(040)041

City: West Fargo North Dakota

Address: City of West Fargo
800 Fourth Ave. E, Suite 1
West Fargo, ND 58078
Attn: Tina Fisk
City Administrator

Telephone: 701-433-5300

Consolidated:

Address: Consolidated Communications Enterprise Services, Inc.
121 South 17th St.
Mattoon, IL 61938
Attn: Ross Branstner

Telephone: 701-356-6004

Project Description:

Sheyenne Street Reconstruction – Segment 3 (40th Ave to 32nd Ave), SU-8-992(040)041.

Consolidated Communications is required to relocate several existing utilities as part of the City of West Fargo Sheyenne Street Reconstruction – Segment 3 (40th Ave to 32nd Ave), SU-8-992(040)041 located in West Fargo, ND. It has been determined that this work will be reimbursable as the utilities are located outside of the existing road right of way.

Construction is scheduled to begin on October 12th of 2018, pending the following:

- Weather Conditions (the quoted cold weather charges may apply)
- Route Approval from the City of West Fargo and/or Moore Engineering to ensure the route/location of our relocation work will not be in conflict with the upcoming road project
- Confirmation from the City of West Fargo and/or Moore Engineering that all of the new Easements or Right of Way where we will be relocating to have been obtain from the property owners. (Consolidated Communications Enterprise Services, Inc will not proceed with any relocation work if we are required to move into new Easements or Right of Way which haven't been fully acquired yet.)

Work Order Estimate: \$15,000.00

Cold Weather Charge: \$5,000.00 (if applicable)

EXHIBIT B
Insurance

Each party will maintain the following minimum insurance coverage:

- (a) Worker's compensation insurance covering all workers engaged in performance of the work for the Project in amounts not less than minimum coverage required by law, including employer's liability coverage of not less than \$500,000.00.
- (b) Comprehensive general liability insurance. This insurance provides limits of not less than \$1,000,000.00 per occurrence and \$2,000,000 in aggregate.
- (c) Comprehensive Automobile Liability Insurance covering all owned, non-owned and hired vehicles, with limits of not less than \$1,000,000.00.