



Meeting Items

- A. Call to Order
- B. Pledge of Allegiance
- C. Approve Order of the Agenda
- D. Approval of Minutes - December 6, 2021 (Pages 3-5)
- E. Building Permits (Pages 6-8)

Consent Agenda - Approve the Following:

- a. Bills (Pages 9-21)
- b. Request to approve carrying over 40 hours of vacation time for West Fargo employee (Page 22)
- c. Final Plat Approval of River's Bend at the Preserve 8th Addition (Pages 23-27)
- d. Games of Chance for TNT Kids Fitness and Gymnastics. Games to be conducted: Raffle from 1/28/2022 to 1/30/2022 at Rustad Center at 601 26th Ave E (Page 28)
- e. Games of Chance for Holy Cross Mens Group. Games to be conducted: Bingo and Raffle and on March 3/10/22 at Holy Cross Catholic Church at 2711 7th St E (Page 29)
- f. Gaming Site Authorization for Team Makers Club, Inc. Games to be conducted: Bingo, Raffles, Electronic 50/50 Raffle, Pull Tab Jar, Pull Tab Dispensing Device, Electronic Pull Tab Device, Twenty-One, and Poker from 1/1/2022 to 6/30/2022 at Barcode at 835 23rd Ave E #207 (Pages 30-32)
- g. Games of Chance for Pink It Forward. Games to be conducted: Bingo and on 1/4/2022 and 2/1/2022 at DoubleTree by Hilton West Fargo at 825 E Beaton Dr (Pages 33-34)
- h. Gaming Site Authorization for West Fargo Rural Fire Department Incorporated. Games to be conducted: Bingo, Raffles, Pull Tab Jar, Pull Tab Dispensing Device, Electronic Pull Tab Device, Twenty-One, and Poker from 12/20/2021 to 6/30/2022 at Bordertown at 807 Maine Ave E (Page 35)
- i. Financial Dashboard as of October 31, 2021 (Pages 36-37)
- j. Amendment to the Sale of Rip Rap from the Lagoons (Pages 38-63)

Regular Agenda

- 1. Second Reading for rezoning from an R-1: One & Two Family Dwelling District to a C: Light Commercial District at 120 1st Street and Conditional Use Permit to allow for an apartment above a commercial establishment - Lisa Sankey, City Planner (Pages 64-75)
- 2. Second Reading and Final Approval - Zoning Ordinance Amendments to Sections 4-200 Definitions, 4-440, Supplementary District Regulations, and 4- 442.6 Accessory Building and Use Provisions Regarding Swimming Pools - Malachi Peterson, City Planner (Pages 76-80)

3. PILOT request for Gateway Office Park LLC.
 - Tim Solberg, Assistant City Administrator (Pages 81-98)
4. Approve repair option and direct Public Works Director to repair Drain 21 slide
 - Matt Andvik, Public Works Director (Pages 99-103)
5. Approve discontinuing curbside collection for building materials
 - Matt Andvik, Public Works Director (Pages 104-111)
6. Public Safety \$0.005 Sales Tax - Tina Fisk, City Administrator (Pages 112-114)
7. Fire Station Headquarters (Pages 115-117)
 - a. Financing - Tina Fisk, City Administrator
 - b. Additional Traffic Signal - Dustin Scott, City Engineer
8. Project No 6057 - Drain 45 Multi UsePath Phase II (7th Ave E to Main Ave)
 - Dustin Scott, City Engineer (Pages 118-140)
 - Approve Resolution Accepting Bids and Award Contract
9. First Reading of Ordinance 1200 relating to Snow on Sidewalks
 - John Shockley, City Attorney (Pages 141-142)
10. Resolution Authorizing Participation in National Opioid Settlements
 - John Shockley, City Attorney (Pages 143-144)
11. City Administrator's Report
12. Correspondence
13. Non-Agenda Items
14. Adjourn



**West Fargo City Commission Meeting
Monday, December 6, 2021
Commission Chambers 5:30 PM**

The West Fargo City Commission met on Monday, December 6, 2021, at 5:30 pm. Those present were Commissioners Bernie Dardis, Eric Gjerdevig, Mark Simmons, Brad Olson and Mandy George. President of the Board Bernie Dardis called the meeting to order at 5:30 PM.

Denis Otterness, Chief of Police appeared before the Commission to have the Honor Guard post Colors. The Pledge of Allegiance was recited. Chief Otterness administered the Oath and swore in the most recent officer, Officer Thomas and Officer Nielsen for his promotion to Assistant Chief of Police. The two Officers were pinned by family members and came forward to introduce themselves. No action was needed.

Commissioner Olson moved and Commissioner Gjerdevig seconded to approve the order of the agenda as distributed with the amendment that Regular Agenda item one is moved up to the beginning of the agenda. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner George seconded to approve the minutes of November 15, 2021 as distributed. No opposition. Motion carried.

Commissioner Gjerdevig moved and Commissioner Olson seconded to approve the Building Permit Reports as distributed. No opposition. Motion carried.

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

- a. Bills (Pages 8-16)
- b. Right-Of-Way Season Shutdown (Page 17)
 - Authorize staff to initiate a Season Shutdown, AND Direct staff to prepare a notice to be sent to contractor's 1 week prior to shutdown taking effect
- c. Resolution to approve addition of antennas for commercial wireless telecommunication on existing tower at 316 11th Street West (Pages 18-77)
- d. Cass County Election Joint Powers Agreement (Pages 78-122)
- e. Reappointment of Commission President, Bernie Dardis to the 2022 Greater Fargo Moorhead EDC Board of Directors
- f. Access Agreement with Southeast Cass (Pages 123-131)

No opposition. Motion carried.

Lisa Sankey, City Planner appeared before the Commission for the First Reading and Public Hearing for rezoning from an R-1: One & Two Family Dwelling District to a C: Light Commercial District at 120 1st Street. Following discussion, Commissioner George moved and Commissioner Gjerdevig seconded to approve the First Reading and Public Hearing for rezoning from an R-1: One & Two Family Dwelling District to a C: Light Commercial District at 120 1st Street. No opposition. Motion carried.

Malachi Peterson, City Planner appeared before the Commission for the First Reading and Public Hearing - Zoning Ordinance Amendments to Sections 4-200 Definitions, 4-440, Supplementary District Regulations, and 4-442.6 Accessory Building and Use Provisions Regarding Swimming Pools. Following discussion, Commissioner Gjerdevig moved and Commissioner Olson seconded to approve the First Reading and Public Hearing - Zoning Ordinance Amendments to Sections 4-200 Definitions, 4-440, Supplementary District Regulations, and 4-442.6 Accessory Building and Use Provisions Regarding Swimming Pools. No opposition. Motion carried.

Malachi Peterson, City Planner appeared before the Commission for the appeal of Planning & Zoning Recommendation Regarding a Plat and Conditional Use Permit for a Non-Farm, Single-Family Dwelling in an Agriculturally Zoned District. Steve Selberg, the owner of the property came forward to give more information and to answer any questions. Following discussion, Commissioner George moved and Commissioner Simmons seconded to approve the appeal of Planning & Zoning Recommendation Regarding a Plat and Conditional Use Permit for a Non-Farm, Single-Family Dwelling in an Agriculturally Zoned District with the staff recommendations included in the packet. No opposition. Motion carried.

Malachi Peterson, City Planner appeared before the Commission for the final approval – Conditional Use Permit for a 160' Telecommunications Tower Located in an Agriculturally Zoned District. Following discussion, Commissioner Simmons moved and Commissioner Olson seconded the final approval of the Conditional Use Permit for a 160' Telecommunications Tower Located in an Agriculturally Zoned District. No opposition. Motion carried.

Nick Lee, City Assessor appeared before Commission with the application for abatement or refund of taxes for Charleswood Commercial Estates LLC for 2019 & 2020. The applicant came forward to give his testimony. Following discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to deny the application for abatement or refund of taxes for Charleswood Commercial Estates LLC for 2019 & 2020. No opposition. Motion carried.

Dustin Scott, City Engineer appeared before the Commission for Grant Acceptance - Accept Grant Applications and Authorize letter of support. Following discussion, Commissioner Olson moved and Commissioner George seconded to file the Grant applications and authorize letter of support. No opposition. Motion carried.

Dustin Scott, City Engineer appeared before the Commission for a Letter of Formal Request for the City of Fargo - Authorize Engineering to prepare and send a Letter of Formal Request to the City of Fargo for adding a traffic signal at the intersection of Veterans Blvd and 37th Ave E. Following discussion, Commissioner George moved and Commissioner Gjerdevig seconded to Letter of Formal Request for the City of Fargo - Authorize Engineering to prepare and send a Letter of Formal Request to the City of Fargo for adding a traffic signal at the intersection of Veterans Blvd and 37th Ave E. No opposition. Motion carried.

Maria Kramer, Deputy Director of the West Fargo Public Library appeared before the Commission to request COLA Transfer of Funds for the West Fargo Library. Following discussion, Commissioner Simmons moved and Commissioner Dardis seconded to deny the transfer but to support the COLA increase. Motion passed on a 3:2 vote with Commissioner George and Commissioner Gjerdevig opposed.

Tina Fisk, City Administrator appeared before the Commission for the City Administrator's Report:

- Update on snow removal from Public Works
- Introduction of Aaron Nelson, new Planning and Zoning Director
- Have been looking into safety and space issues – Remodeling of the West Fargo Room to turn it into Clerk of Court

Commissioner George requested to have a public meeting with the City Commission and Library Board. Commissioner Simmons requested to consult with the City on the HVAC system. All Commissioners were in favor.

There were no additional correspondence outside of the packet that was presented to the Commissioners.

There were no non-agenda items.

Commissioner Simmons moved and Commissioner Olson seconded to adjourn the meeting. No opposition. Meeting adjourned at 7:03 PM.

Bernie Dardis, Commission President

Tina Fisk, City Administrator

**WEST FARGO CITY COMMISSION MEETING
BUILDING DEPARTMENT MONTHLY COMPARISON REPORT
12/20/2021**

	November 2020			November 2021		
	# PERMITS	# UNITS	VALUATION	# PERMITS	# UNITS	VALUATION
<u>BUILDING NEW</u>						
COMMERCIAL	22		\$ 31,892,315.00	46		\$ 62,976,119.00
RESIDENTIAL DWELLING	347	347	\$ 97,413,016.00	275	275	\$ 91,196,019.00
RESIDENTIAL TWINHOME	22	22	\$ 5,992,940.00	4	4	\$ 837,500.00
RESIDENTIAL TOWNHOME				5	38	\$ 7,883,537.00
RESIDENTIAL MULTIPLE	5	35	\$ 4,725,000.00	1	54	\$ 6,500,000.00
PUBLIC				1		\$ 3,150,550.00
CHURCH						
ACCESSORY	242		\$ 2,026,405.00	169		\$ 1,627,274.00
FOUNDATION ONLY	7		\$ 2,336,120.00	25		\$ 6,705,500.00
<u>BUILDING REMODEL</u>						
COMMERCIAL	65		\$ 18,883,902.00	66		\$ 13,647,303.00
RESIDENTIAL	139		\$ 4,836,306.00	172		\$ 5,271,816.00
PUBLIC	5		\$ 2,738,142.00	4		\$ 4,950,400.00
CHURCH				1		\$ 458,900.00
ACCESSORY	12		\$ 109,100.00	2		\$ 22,000.00
<u>BUILDING OTHER</u>						
DEMOLITION	7		\$ 81,022.00	4		\$ 40,800.00
MOVE	1		\$ 1,000.00	1		\$ 20,000.00
PERMIT CANCELLATION	3			2		\$ 286,640.00
TOTALS	871	404	\$ 171,035,268.00	778	371	\$ 205,287,716.00

**WEST FARGO CITY COMMISSION MEETING
BUILDING DEPARTMENT ACTIVITY REPORT
12/21/2020**

	AS OF 12/18/2020			YEAR TO DATE		
	# PERMITS	# UNITS	VALUATION	# PERMITS	# UNITS	VALUATION
<u>BUILDING NEW</u>						
COMMERCIAL	2		\$ 2,640,000.00	24		\$ 34,532,315.00
RESIDENTIAL DWELLING	3	3	\$ 1,095,000.00	350	350	\$ 98,508,016.00
RESIDENTIAL TWINHOME				22	22	\$ 5,992,940.00
RESIDENTIAL TOWNHOME						
RESIDENTIAL MULTIPLE				5	35	\$ 4,725,000.00
PUBLIC						
CHURCH						
ACCESSORY	2		\$ 17,500.00	244		\$ 2,043,905.00
FOUNDATION ONLY				7		\$ 2,336,120.00
<u>BUILDING REMODEL</u>						
COMMERCIAL	1		\$ 22,045.00	66		\$ 18,905,947.00
RESIDENTIAL	7		\$ 118,000.00	147		\$ 4,964,306.00
PUBLIC				5		\$ 2,738,142.00
CHURCH						
ACCESSORY				12		\$ 109,100.00
<u>BUILDING OTHER</u>						
DEMOLITION	2		\$ 90,500.00	10		\$ 174,022.00
MOVE				1		\$ 1,000.00
PERMIT CANCELLATION				3		
TOTALS	17	3	\$ 3,983,045.00	896	407	\$ 175,030,813.00

Building Department Report - Summary

NO.	CONTRACTOR	ADDRESS	OWNER	VALUATION	PERMIT FOR
202072	Roers Construction	201 9th Avenue West	West Fargo Housing Authority	\$ 85,000.00	Demolish- 7 buildings for new construction project
202091	Premium Decks	3708 Houkom Drive	Kyle & Lisa Haugland	\$ 15,000.00	Accessory - Deck
202092	Brookstone Properties	1009 Highland Lane West	HS Investments, LLC	\$ 183,000.00	Residential Dwelling
202093	Titan Homes	2409 Mcleod Drive East	River Bend Development	\$ 575,000.00	Residential Dwelling
202094	Jordahl Custom Homes	1215 27th Avenue West	Jordahl Custom Homes	\$ 2,500.00	Accessory - Deck
202095	Andrew Klefstad	615 15th Avenue East	Andrew Klefstad	\$ 35,000.00	Remodel - Residential - Kitchen
202096	Red River Valley Fair	1805 Main Avenue West	Red River Valley Fair	\$ 22,045.00	Remodel - Commerical - Enclose Existing wall w/door and new panel
202097	Century Builders	444 28th Court NW	Adelman Investments LLC	\$ 240,000.00	Commerical - Construct mulit-tenant lease space building
202098	Accent Constracting	529 South Sedona Drive	Elizabeth Roeber, ETAL	\$ 15,000.00	Remodel - Residential - Bath Finish
202099	Andrew Lindmeier	1119 Legion Lane West	Andrew & Christina Lindmeier	\$ 12,000.00	Remodel - Residential - Lower Level
202107	Red River Valley Fair	1805 Main Avenue West	Red River Valley Fair	\$ 5,500.00	Demolish - portion of building connecting Schollander Arena and building to west
202108	Bachmeier Custom Homes	117 25th Avenue East	River Bend Development	\$ 10,000.00	Remodel - Residential - Sunroom Addition
202134	Midland Door Solutions	830 7 ST NE	The Nordick Group	\$ 2,400,000.00	Commercial - Construct truck leasing, service, and parking shop
202135	Faul Building & Repair	2848 14th Street West	Brandon & Amy Smith	\$ 38,000.00	Remodel - Residential lower level finish
202136	Designer Homes of FM	3706 4th Street East	Designer Homes of FM	\$ 337,000.00	Residential Dwelling
202137	Precision Concrete Cutters	207 10th Avenue West	Kristen Welter	\$ 4,000.00	Remodel - Residential - Egress Window
202138	Precision Concrete Cutters	401 6th Street West	Gregory Holder	\$ 4,000.00	Remodel - Residential - Egress Window

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Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
100599	S	4198 4 SUNS LLLP	2.68	12/01/21			
						CL 100610	2.68
100600	S	999999 9TH STREET PROPERTIES LLC	480.68	12/01/21			
						CL 100618	480.68
100601	S	999999 AXEL PROPERTIES	10397.89	12/01/21			
						CL 100650	10397.89
100602	S	999999 BAJA PARTNERS	7407.14	12/01/21			
						CL 100649	7407.14
100603	S	999999 BRN ENTERPRISES LLC	4646.18	12/01/21			
						CL 100640	4646.18
100604	S	999999 CATERPILLAR REMANUFACTURING	16174.88	12/01/21			
						CL 100653	16174.88
100605	S	999999 CHARLESWOOD COMMERCIAL ESTATES	73496.72	12/01/21			
						CL 100614	73496.72
100606	S	999999 CITADEL PROPERTIES LLC	5724.51	12/01/21			
						CL 100624	5724.51
100607	S	999999 CITY VISION PROPERTIES	895.63	12/01/21			
						CL 100620	895.63
100608	S	999999 CSL PROPERTIES OF ND LLC	1115.19	12/01/21			
						CL 100627	1115.19
100609	S	4199 DAKOTA FENCE COMPANY	41.51	12/01/21			
						CL 100611	41.51
100610	S	999999 DAKOTA UPREIT LIMITED PARTNERSHIP	136626.18	12/01/21			
						CL 100642	136626.18
100611	S	999999 DEALER SITES LLC	27530.79	12/01/21			
						CL 100612	27530.79
100612	S	999999 DFP PROPERTIES	7109.53	12/01/21			
						CL 100648	7109.53
100613	S	999999 DOHMEN GROUP LLC	2929.51	12/01/21			
						CL 100632	2929.51
100614	S	999999 FARMERS UNION OIL OF MOORHEAD MN	8951.82	12/01/21			
						CL 100646	8951.82
100615	S	3986 FARSTAD OIL, INC	79493.11	12/01/21			
						CL 100606	79493.11
100616	S	999999 FLUTO PROPERTIES	822.69	12/01/21			
						CL 100645	822.69
100617	S	999999 HIGHLAND INVESTMENT GROUP LLC	44108.97	12/01/21			
						CL 100631	44108.97
100618	S	999999 HOIBERG PROPERTIES LLC	3191.56	12/01/21			
						CL 100625	3191.56
100619	S	999999 HPN HOLDINGS LLC	39221.95	12/01/21			
						CL 100613	39221.95
100620	S	3985 J & S DEVELOPMENT GROUP, LLP	46591.79	12/01/21			
						CL 100629	46591.79
100621	S	999999 J & S DEVELOPMENT LLLP	7094.32	12/01/21			
						CL 100634	7094.32
100622	S	999999 JASON SJOSTROM	8065.71	12/01/21			
						CL 100636	8065.71

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
100623	S	999999 JOHN RUNGER	3055.03	12/01/21			
100624	S	2752 KOST MATERIALS, LLC	47833.49	12/01/21		CL 100622	3055.03
100625	S	999999 MASTEC PROPERTY HOLDINGS LLC	29305.36	12/01/21		CL 100607	47833.49
100626	S	999999 MINNKOTA POWER COOP INC	12661.41	12/01/21		CL 100628	29305.36
100627	S	999999 MKH PROPERTIES	19430.69	12/01/21		CL 100639	12661.41
100628	S	999999 NPD PROPERTIES LLC	19793.37	12/01/21		CL 100619	19430.69
100629	S	4196 PRAEDIUS (USA 1) LLC	4477.06	12/01/21		CL 100647	19793.37
100630	S	999999 ROMMESMO FAMILY LIMITED PARTNERSHIP	39765.31	12/01/21		CL 100605	4477.06
100631	S	4200 RONALD D STENSGARD	17211.45	12/01/21		CL 100641	39765.31
100632	S	999999 ROOTED 6 LLC	965.25	12/01/21		CL 100608	17211.45
100633	S	4197 SCHATZ PROPERTIES	22511.94	12/01/21		CL 100626	965.25
100634	S	999999 SHOPPES ON 4TH LLP	26171.52	12/01/21		CL 100609	22511.94
100635	S	999999 SLAINTE HOLDINGS LLP	336.59	12/01/21		CL 100630	26171.52
100636	S	999999 SLAINTE HOLDINGS LLP	321.89	12/01/21		CL 100615	336.59
100637	S	999999 SPANCO LLC	3641.01	12/01/21		CL 100617	321.89
100638	S	999999 STERLING OFFICE & INDUSTRIAL	81139.91	12/01/21		CL 100644	3641.01
100639	S	999999 TRAIL KING INDUSTRIES	78565.43	12/01/21		CL 100643	81139.91
100640	S	999999 TZ REAL ESTATE HOLDINGS LLC	473.91	12/01/21		CL 100651	78565.43
100641	S	999999 USI PROPERTIES	683.71	12/01/21		CL 100623	473.91
100642	S	999999 VOGEL PROPERTIES LLC	5617.37	12/01/21		CL 100621	683.71
100643	S	999999 WEST FARGO HOSPITALITY	1725.22	12/01/21		CL 100637	5617.37
100644	S	999999 WEST FARGO WAREHOUSE	38855.22	12/01/21		CL 100616	1725.22
100645	S	3549 WEX	3117.47	12/02/21		CL 100652	38855.22
100646	S	999999 BELL BANK	84.00	12/07/21		CL 100682	3117.47
						CL 100743	84.00

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Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
100647	S	4160 UNITED STATES TREASURY	2200.00	12/07/21		CL 100744	2200.00
100648	S	3299 1ST IMPRESSIONS	15.00	12/07/21		CL 100481	15.00
100649	S	2954 A-OX WELDING SUPPLY CO INC	247.13	12/07/21		CL 100403	214.73
						CL 100590	32.40
100650	S	2719 AARON OSTLUND	129.00	12/07/21		CL 100671	129.00
100651	S	4 ABM	166.57	12/07/21		CL 100759	166.57
100652	S	289 ACME TOOLS	249.81	12/07/21		CL 100544	4.39
						CL 100560	197.40
						CL 100704	48.02
100653	S	3441 AIRPORT ASSOCIATION OF ND	75.00	12/07/21		CL 100511	75.00
100654	S	3869 ALISHA REIS	36.40	12/07/21		CL 100567	36.40
100655	S	2828 ALLEN JOHNSON	216.00	12/07/21		CL 100482	216.00
100656	S	3490 AMAZON CAPITAL SERVICES	5576.70	12/07/21		CL 100456	2190.20
						CL 100475	1070.96
						CL 100506	199.92
						CL 100525	46.50
						CL 100679	2069.12
100657	S	3709 AMERICAN TEST CENTER	2332.50	12/07/21		CL 100760	2332.50
100658	S	317 AMERICAN WELDING & GAS, INC.	934.43	12/07/21		CL 100719	934.43
100659	S	2931 AUTO VALUE PARTS STORES	193.98	12/07/21		CL 100592	96.99
						CL 100711	96.99
100660	S	2206 AWE ACQUISITION, INC	675.00	12/07/21		CL 100569	675.00
100661	S	1695 BAKER & TAYLOR	3326.32	12/07/21		CL 100457	1955.74
						CL 100571	1370.58
100662	S	3469 BENCO EQUIPMENT - WEST FARGO	709.79	12/07/21		CL 100705	709.79
100663	S	2661 BENJAMIN ORR	243.00	12/07/21		CL 100426	243.00
100664	S	36 BERT'S TRUCK EQUIPMENT	365.00	12/07/21		CL 100598	365.00
100665	S	1127 BIRSCHBACH EQUIPMENT & SUPPLY	694.50	12/07/21		CL 100524	130.00
						CL 100593	247.50
						CL 100746	317.00

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Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
100666	S	3077 BLUE360 MEDIA LLC	1897.63	12/07/21		CL 100444	1819.88
						CL 100518	77.75
100667	S	26 BORDER STATES INDUSTRIES INC	10823.79	12/07/21		CL 100411	10500.00
						CL 100603	306.69
						CL 100686	17.10
100668	S	3512 BOUND TREE MEDICAL, LLC	210.91	12/07/21		CL 100761	210.91
100669	S	73 BRAUN INTERTEC	1916.75	12/07/21		CL 100489	1916.75
100670	S	652 BRENCO CORPORATION	392.00	12/07/21		CL 100762	392.00
100671	S	2811 BROCK ACKERMAN	243.00	12/07/21		CL 100427	243.00
100672	S	953 BROCK WHITE COMPANY LLC	108.48	12/07/21		CL 100447	108.48
100673	S	3460 BRUCE PERREAULT	549.95	12/07/21		CL 100738	549.95
100674	S	3892 BURGGRAF'S ACE FARGO WEST	36.60	12/07/21		CL 100787	36.60
100675	S	351 BUSINESS ESSENTIALS	1565.46	12/07/21		CL 100402	22.20
						CL 100441	70.45
						CL 100453	137.34
						CL 100503	172.22
						CL 100601	110.33
						CL 100673	289.12
						CL 100677	672.25
						CL 100795	91.55
100676	S	39 BUTLER MACHINERY	567.36	12/07/21		CL 100550	567.36
100677	S	61 CASS COUNTY FINANCE	1530.00	12/07/21		CL 100663	1530.00
100678	S	1512 CDW GOVERNMENT, INC	97.25	12/07/21		CL 100505	20.95
						CL 100586	76.30
100679	S	4108 CED	4615.00	12/07/21		CL 100474	4615.00
100680	S	1777 CENTURY LINK	230.18	12/07/21		CL 100432	230.18
100681	S	2392 CHOICE FINANCIAL	20025.16	12/07/21		CL 100420	20025.16
100682	S	928 CHRISTIANSON'S BUSINESS FURNITURE	299.00	12/07/21		CL 100401	299.00
100683	S	3216 CINTAS	280.02	12/07/21		CL 100523	280.02

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100684	S	111 CITY OF FARGO	82943.86	12/07/21		CL 100425 CL 100434 CL 100472 CL 100600	24242.67 12672.00 24524.57 21504.62
100685	S	3167 City of West Fargo	213.25	12/07/21		CL 100763	213.25
100686	S	1338 CLARK'S EXCAVATING & SEPTIC PUMPING	250.00	12/07/21		CL 100510	250.00
100687	S	1904 CODE 4 SERVICES, INC	213.57	12/07/21		CL 100438 CL 100764	104.50 109.07
100688	S	133 COLE PAPER	2187.08	12/07/21		CL 100526	2187.08
100689	S	3245 CORE & MAIN	34290.40	12/07/21		CL 100419 CL 100477 CL 100534 CL 100559	2401.33 3317.05 28416.00 156.02
100690	S	60 CROSSCOUNTRY FREIGHT SOLUTIONS	115.28	12/07/21		CL 100596	115.28
100691	S	3500 CUMMINS SALES AND SERVICE	471.63	12/07/21		CL 100728	471.63
100692	S	999999 DABBERT CUSTOM HOMES	9900.00	12/07/21		CL 100508	9900.00
100693	S	624 DAKOTA SUPPLY GROUP	170.82	12/07/21		CL 100533	170.82
100694	S	87 DAKOTA TIRE	73.16	12/07/21		CL 100768	73.16
100695	S	90 DAKOTA UNDERGROUND	626779.52	12/07/21		CL 100464 CL 100509 CL 100756	480137.56 125579.70 21062.26
100696	S	4194 DATA AXLE CITY DIRECTORIES	968.00	12/07/21		CL 100575	968.00
100697	S	856 DAVE'S WEST FARGO TIRE	209.51	12/07/21		CL 100662	209.51
100698	S	2531 DAVID ARNTSON	39.83	12/07/21		CL 100409	39.83
100699	S	77 DEMCO INC	107.60	12/07/21		CL 100570	107.60
100700	S	3767 DENIS OTTERNESS	654.23	12/07/21		CL 100431 CL 100659	88.50 565.73
100701	S	2706 DEREK WERNER	427.89	12/07/21		CL 100669	427.89
100702	S	2100 EAGLE RUN CROSSING LLC	622.64	12/07/21		CL 100732	622.64

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100703	S	4049 EAPC ARCHITECTS ENGINEERS	45562.50	12/07/21		CL 100767	45562.50
100704	S	1502 EIDE BAILLY	11200.00	12/07/21		CL 100745	6000.00
						CL 100765	5200.00
100705	S	545 ELECTRIC PUMP, INC	52084.00	12/07/21		CL 100755	52084.00
100706	S	3410 ENGRAPHIX	78.00	12/07/21		CL 100450	78.00
100707	S	877 ENVIRONMENTAL TOXICITY CONTROL INC.	910.00	12/07/21		CL 100597	910.00
100708	S	3722 ENVIROTECH	20400.54	12/07/21		CL 100478	9232.35
						CL 100530	11168.19
100709	S	1578 ESRI, INC	9982.00	12/07/21		CL 100684	9982.00
100710	S	2862 ESSENTIA HEALTH	372.00	12/07/21		CL 100562	372.00
100711	S	3443 ESSENTIA HEALTH	2156.00	12/07/21		CL 100467	2156.00
100712	S	728 FARNAM'S GENUINE PARTS, INC	29.26	12/07/21		CL 100541	23.64
						CL 100710	5.62
100713	S	151 FEDERAL EXPRESS	43.89	12/07/21		CL 100681	43.89
100714	S	3347 FIRST INTERNATIONAL INSURANCE	4764.00	12/07/21		CL 100748	4764.00
100715	S	55 FLEETPRIDE	78.89	12/07/21		CL 100551	78.89
100716 C	S	4030 FPN GAMING	0.00	12/07/21		CL 100700	
100717 *	S	1593 FRONTIER PRECISION, INC	895.50	12/07/21		CL 100754	895.50
100718	S	155 GALLS, LLC	4662.86	12/07/21		CL 100439	1389.15
						CL 100461	797.76
						CL 100469	265.00
						CL 100654	957.42
						CL 100675	614.72
						CL 100698	545.86
						CL 100769	92.95
100719	S	93 GATEWAY CHEVROLET	64.13	12/07/21		CL 100726	64.13
100720	S	4202 GENERAL PARTS GROUP	243.70	12/07/21		CL 100713	243.70
100721	S	2558 GOODYEAR COMMERCIAL TIRE	5279.40	12/07/21		CL 100540	5279.40

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100722	S	556 GRAINGER, INC.	7.52	12/07/21			
100723	S	3534 GRAND FORKS FIRE EQUIPMENT LLC	806.90	12/07/21		CL 100479	7.52
100724	S	939 GRAYBAR	432.49	12/07/21		CL 100770	806.90
100725	S	2877 GREATAMERICA FINANCIAL SERVICES	442.89	12/07/21		CL 100556	432.49
100726	S	550 GREG WARREN	450.00	12/07/21		CL 100573	442.89
100727	S	2318 HABERDASHERY	210.98	12/07/21		CL 100658	450.00
100728	S	135 HAWKINS WTR TREATMENT	9038.45	12/07/21		CL 100502	210.98
100729	S	3593 HOLIDAY COMPANIES	215.00	12/07/21		CL 100473	5855.47
100730	S	1226 HP INC.	6870.27	12/07/21		CL 100536	3182.98
100731	S	2500 INLAND TRUCK PARTS & SERVICE	2728.22	12/07/21		CL 100661	215.00
100732	S	4195 INSTRUMART	8527.20	12/07/21		CL 100512	6870.27
100733	S	211 INTERSTATE BATTERIES	681.85	12/07/21		CL 100422	2728.22
100734	S	233 J & L SPORTS	301.66	12/07/21		CL 100602	8527.20
100735	S	3651 JAMES MARTINEZ	556.81	12/07/21		CL 100789	681.85
100736	S	2798 JOHNSON CONTROLS	541.86	12/07/21		CL 100668	301.66
100737	S	1796 KEY WEST TECHNOLOGY	295.00	12/07/21		CL 100476	532.55
100738	S	4114 KRISTIN KRAMER	22.96	12/07/21		CL 100557	24.26
100739	S	705 LAWSON PRODUCTS	120.22	12/07/21		CL 100715	541.86
100740	S	3109 LIBRARY IDEAS, INC	8573.90	12/07/21		CL 100585	295.00
100741	S	3418 LOFFLER	788.50	12/07/21		CL 100451	22.96
100742	S	711 LUTHER FAMILY FORD	136.07	12/07/21		CL 100406	120.22
100743	S	3502 M&T FIRE AND SAFETY	836.20	12/07/21		CL 100574	8573.90
						CL 100436	775.00
						CL 100680	13.50
						CL 100552	72.17
						CL 100723	63.90
						CL 100771	836.20

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100744	S	3304 MAC'S - FARGO	583.48	12/07/21		CL 100547	8.92
						CL 100591	51.14
						CL 100709	523.42
100745	S	3536 MACQUEEN EMERGENCY	54.92	12/07/21		CL 100772	54.92
100746	S	3011 MARK SIBENALLER	319.00	12/07/21		CL 100739	319.00
100747	S	3384 MATHESON TRI-GAS INC	241.95	12/07/21		CL 100558	172.50
						CL 100561	69.45
100748	S	299 MENARDS	145.17	12/07/21		CL 100507	7.90
						CL 100554	82.37
						CL 100753	38.97
						CL 100773	15.93
100749	S	2766 MIDCONTINENT COMMUNICATIONS	300.00	12/07/21		CL 100665	300.00
100750	S	102 MIDSTATES WIRELESS	135.00	12/07/21		CL 100774	135.00
100751	S	2779 MIDWEST OVERHEAD CRANE	250.00	12/07/21		CL 100599	250.00
100752	S	1854 MIDWEST TAPE	1173.60	12/07/21		CL 100455	1173.60
100753	S	908 MILES ORTH	49.50	12/07/21		CL 100666	49.50
100754	S	772 MINNKOTA	39.00	12/07/21		CL 100672	39.00
100755	S	305 MOORE ENGINEERING INC	10500.00	12/07/21		CL 100775	10500.00
100756	S	1014 MOTION INDUSTRIES, INC	1637.53	12/07/21		CL 100735	1637.53
100757	S	298 MVTL LABORATORIES	787.50	12/07/21		CL 100414	406.75
						CL 100480	308.75
						CL 100707	72.00
100758	S	3917 MY-LOR, INC	20.52	12/07/21		CL 100776	20.52
100759	S	2882 NARDINI FIRE EQUIPMENT	563.25	12/07/21		CL 100777	563.25
100760	S	3229 ND DEPT OF ENVIRONMENTAL QUALITY	120.00	12/07/21		CL 100555	120.00
100761	S	333 ND MOTOR VEHICLE DEPT.	87.00	12/07/21		CL 100664	87.00
100762	S	4191 ND SHERIFF'S & DEPUTIES ASSOCIATION	100.00	12/07/21		CL 100443	100.00
100763	S	364 NELSON INTERNATIONAL	70.75	12/07/21		CL 100722	70.75

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100764	S	3558 NICK WAVRA	171.95	12/07/21			
100765	S	3789 NORTH DAKOTA FIREFIGHTER'S ASSOCIATION	846.52	12/07/21		CL 100778	171.95
100766	S	1966 NORTH IOWA K-9	14500.00	12/07/21		CL 100779	846.52
100767	S	328 NORTHERN ENGINE & SUPPL	323.97	12/07/21		CL 100694	14500.00
100768	S	331 NORTHERN STATES SUPPLY	28.68	12/07/21		CL 100549	234.57
100769	S	1028 NORTHERN TRUCK EQUIPMENT CORP.	2284.69	12/07/21		CL 100725	89.40
100770	S	1715 NORTHWEST TIRE INC	829.07	12/07/21		CL 100548	28.68
100771	S	1774 O'REILLY AUTOMOTIVE STORES, INC	546.55	12/07/21		CL 100734	2284.69
100772	S	353 OHNSTAD TWICHELL	37412.61	12/07/21		CL 100501	19.26
100773	S	352 OK TIRE	348.50	12/07/21		CL 100545	722.78
100774	S	399 OLYMPIC SALES	21470.00	12/07/21		CL 100733	87.03
100775	S	276 OSTROMS ACE HARDWARE	585.61	12/07/21		CL 100532	28.90
100776	S	3508 PAUL MONTPLAISIR	150.00	12/07/21		CL 100538	13.17
100777	S	903 PETE NIELSEN	243.00	12/07/21		CL 100729	457.60
100778	S	563 PETRO SERVE USA	6515.63	12/07/21		CL 100780	46.88
						CL 100695	27888.84
						CL 100696	9523.77
						CL 100727	348.50
						CL 100471	21470.00
						CL 100410	31.98
						CL 100470	61.90
						CL 100487	4.98
						CL 100543	65.05
						CL 100589	32.92
						CL 100657	14.97
						CL 100687	81.98
						CL 100697	73.98
						CL 100708	9.59
						CL 100714	73.98
						CL 100781	134.28
						CL 100703	150.00
						CL 100428	243.00
						CL 100730	6515.63

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100779	S	4034 PETRO SERVE USA #63	3394.95	12/07/21			
100780	S	66 PETTY CASH CITY OF WEST FARGO	300.00	12/07/21		CL 100731	3394.95
100781	S	384 PITNEY BOWES	243.09	12/07/21		CL 100563	300.00
100782	S	2921 POWDERCOAT SPECIALISTS	420.00	12/07/21		CL 100566	243.09
100783	S	1755 PRO SWEEP INC	24502.50	12/07/21		CL 100407	420.00
100784	S	3183 RDO EXCH 80-5800/6130	3650.00	12/07/21		CL 100483	675.00
100785	S	3204 RECORD KEEPERS	24.50	12/07/21		CL 100535	23827.50
100786	S	999999 RICHARD COSSETTE	36.75	12/07/21		CL 100702	3650.00
100787	S	999999 RIVER ROCK PROPERTIES	46.75	12/07/21		CL 100742	24.50
100788	S	3522 RJ'S TESORO	1123.43	12/07/21		CL 100577	36.75
100789	S	2772 RYAN FELTMAN	129.00	12/07/21		CL 100752	46.75
100790	S	1071 S & S PROMOTIONAL GROUP	3946.35	12/07/21		CL 100782	1123.43
100791	S	3353 SAM'S CLUB MC/SYNCB	43.84	12/07/21		CL 100670	129.00
100792	S	1881 SAM'S CLUB/SYNCHRONY BANK	549.28	12/07/21		CL 100454	3946.35
100793	S	800 SANDERS	420.00	12/07/21		CL 100655	43.84
100794	S	437 SANDY'S DONUTS & COFFEE SHOP	163.65	12/07/21		CL 100788	549.28
100795	S	454 SANITATION PRODUCTS	350.45	12/07/21		CL 100783	420.00
100796	S	450 SCHEELS	194.94	12/07/21		CL 100433	41.90
100797	S	2512 SCOTT DIAMOND	385.00	12/07/21		CL 100468	121.75
100798	S	639 SECRETARY OF STATE	5.00	12/07/21		CL 100405	350.45
100799	S	1201 SHANE MARCUSON	49.24	12/07/21		CL 100437	194.94
100800	S	4193 SIDELINE POWER LLC	2800.00	12/07/21		CL 100685	385.00
100801	S	91 SIGN SOLUTIONS USA	750.23	12/07/21		CL 100793	5.00
						CL 100465	49.24
						CL 100519	2800.00
						CL 100424	445.73
						CL 100706	304.50

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100802	S	2655 SIMPLIFILE	210.00	12/07/21		CL 100587	210.00
100803	S	3528 SNACKS PLUS VENDING	123.00	12/07/21		CL 100412	123.00
100804	S	999999 SPARTAN STORES	555.00	12/07/21		CL 100486	555.00
100805	S	2372 STATE HISTORICAL CENTER SOCIETY OF ND FO	40.00	12/07/21		CL 100572	40.00
100806	S	274 STEVE MOTTINGER	4750.00	12/07/21		CL 100416	4750.00
100807	S	38 STRATA CORPORATION	1199.85	12/07/21		CL 100421	1199.85
100808	S	31 STURDEVANT'S AUTO PARTS	237.20	12/07/21		CL 100712	60.84
						CL 100721	176.36
100809	S	733 SWANSTON EQUIPMENT CORP.	2219.79	12/07/21		CL 100423	1763.54
						CL 100553	456.25
100810	S	3829 TARGETSOLUTIONS LEARNING, LLC	6993.98	12/07/21		CL 100785	6993.98
100811	S	2491 TEAM LABORATORY CHEMICAL, LLC	7200.00	12/07/21		CL 100690	7200.00
100812	S	3411 THE UPS STORE #6740	447.62	12/07/21		CL 100484	246.04
						CL 100790	201.58
100813	S	812 TIM RUNCORN	438.53	12/07/21		CL 100667	438.53
100814	S	3352 TITAN MACHINERY-FARGO CASE	16932.75	12/07/21		CL 100720	432.75
						CL 100740	16500.00
100815	S	2253 TITAN MACHINERY-SHAKOPEE	368.63	12/07/21		CL 100404	368.63
100816	S	4190 TMC FURNITURE	5036.60	12/07/21		CL 100452	2518.30
						CL 100568	2518.30
100817	S	3093 TRACKER PRODUCTS LLC	6386.00	12/07/21		CL 100449	6386.00
100818	S	1285 TRAFFIC CONTROL CORPORATION	76178.00	12/07/21		CL 100689	76178.00
100819	S	665 TWIN CITY GARAGE DOOR	2150.00	12/07/21		CL 100528	1715.00
						CL 100716	35.00
						CL 100784	400.00
100820	S	3833 VALLEY GREEN	150.00	12/07/21		CL 100546	150.00
100821	S	2478 VALLI	6519.42	12/07/21		CL 100691	5325.79
						CL 100692	1193.63

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100822	S	2211 VANGUARD ID SYSTEMS	578.94	12/07/21			
100823	S	1553 VARITECH INDUSTRIES, INC	275.10	12/07/21		CL 100565	578.94
100824	S	3668 VERIZON WIRELESS	251.42	12/07/21		CL 100594	275.10
100825	S	1658 VERN BAARDSON	11.00	12/07/21		CL 100440	251.42
100826	S	4023 VERVE TRAINING CO	1650.00	12/07/21		CL 100660	11.00
100827	S	3569 VISA FIRE DEPT 1	135.48	12/07/21		CL 100442	1650.00
100828	S	3568 VISA FIRE DEPT 2	1313.90	12/07/21		CL 100791	135.48
100829	S	3161 VISA LIBRARY #1	1566.30	12/07/21		CL 100792	1313.90
100830	S	3162 VISA LIBRARY #2	298.00	12/07/21		CL 100459	1566.30
100831	S	999999 WADE THORNTON	600.00	12/07/21		CL 100458	298.00
100832	S	544 WALLWORK TRUCK CENTER	1856.59	12/07/21		CL 100458	600.00
						CL 100539	266.77
						CL 100688	546.60
						CL 100718	718.77
						CL 100724	324.45
100833	S	576 WALMART COMMUNITY CARD	62.41	12/07/21		CL 100460	23.51
						CL 100741	38.90
100834	S	2503 WES CHRISTIANSON	55.99	12/07/21		CL 100656	55.99
100835	S	2945 WEST FARGO AREA COMMUNITY PROGRAM	4823.28	12/07/21		CL 100448	4823.28
100836	S	3306 WEST FARGO EVENTS, INC	14000.00	12/07/21		CL 100747	14000.00
100837	S	2625 WEST FARGO POLICE EXPLORER POST	85.00	12/07/21		CL 100674	85.00
100838	S	378 WEST FARGO POSTMASTER	116.00	12/07/21		CL 100576	116.00
100839	S	2184 WEST SIDE STEEL	173.49	12/07/21		CL 100408	34.62
						CL 100537	36.56
						CL 100588	102.31
100840	S	807 WEX HEALTH, INC	589.75	12/07/21		CL 100794	589.75
100841	S	549 WF PUB SCHOOLS DIST #6	9740.00	12/07/21		CL 100678	9740.00
100842	S	338 XCEL ENERGY	3338.00	12/07/21		CL 100488	130.62
						CL 100580	46.95
						CL 100581	28.64
						CL 100582	23.73
						CL 100583	236.55

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						CL 100584	146.11
						CL 100693	1495.69
						CL 100749	30.04
						CL 100750	27.66
						CL 100751	114.15
						CL 100786	1057.86
100843	S	582 ZEP MANUFACTURING	498.68	12/07/21			
						CL 100527	119.49
						CL 100717	379.19
100844	S	807 WEX HEALTH, INC	590.65	12/08/21			
						CL 100806	590.65
100845	S	4030 FPN GAMING	2475.00	12/07/21			
						CL 100700	2475.00
100846	S	229 CONSOLIDATED COMMUNICATIONS	2724.44	12/08/21			
						CL 100815	2724.44
100847	S	4206 SANFORD HEALTH FOUNDATON	855.00	12/09/21			
						CL 100838	855.00
100848	S	723 ND POST BOARD	25.00	12/13/21			
						CL 100858	25.00
100849	S	563 PETRO SERVE USA	129.30	12/14/21			
						CL 100934	129.30
100850	S	3418 LOFFLER	1649.97	12/14/21			
						CL 100946	200.00
						CL 100947	1449.97
Total for Claim Checks			2351238.07				
Count for Claim Checks			252				

* denotes missing check number(s)

of Checks: 252 Total: 2351238.07

December 10, 2021

Commissioners:

Commission approval is required for any employee to rollover more than 240 vacation hours and/or any personal time hours into the following calendar year. As City Administrator, I am formally requesting the following hours be approved to rollover from 2021 to 2022:

Theresa Prudhomme – 40.00 vacation hours

- Inability to use vacation time due to AMI meter project

Thank you.

Sincerely,



Tina Fisk
City Administrator

*** Consent Agenda ***

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Lisa Sankey
2. PHONE NUMBER: 433-5376 DATE: December 8, 2021
3. AGENDA TITLE:
Consent Agenda - Final Plat Approval of River's Bend at the Preserve 8th Addition.

4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
River's Bend at the Preserve 8th Addition, a replat
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Lots 11-13, Block 1 of Rivers Bend at the Preserve 4th Addition, City of West
Fargo, North Dakota
5. ACTION BEING REQUESTED FROM CITY COMMISSION:
Final Plat Approval of River's Bend at the Preserve 8th Addition with conditions
listed in staff report.

STAFF REPORT

A21-39 REPLAT	
River's Bend at the Preserve 8 th Addition	
Lots 11-13, Block 1 of Rivers Bend at the Preserve 4 th Addition, City of West Fargo, North Dakota	
Owner/Applicant: Dale & Mary Klein	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing	11-09-2021 - Approval
City Commission Final Plat Approval:	12-20-2021

PURPOSE:

Replat to combine three lots into two for continued residential development

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban - Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	R-1A: Single Family Dwellings
Zoning Overlay District(s):	n/a
Proposed Lot size(s) or range:	14,210 to 28,461 ft ²
Adjacent Zoning Districts:	R-1A: Single Family Dwellings
Adjacent street(s):	River's Bend Drive East (Local)
Adjacent Bike/Pedestrian Facilities:	Sidewalks and Trail facility to west along the Sheyenne River
Available Parks/Trail Facilities:	River's Bend facilities within ¼ mile

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application and proposed plat.
- The replat is necessary for minor lot line adjustments to provide for continued development.
- The new lots will be required to meet the current zoning district requirements.
- The applicant is proposing combine two lots (proposed Lot 1) into one and allow for a minor lot line adjustment on proposed Lot 2.
- The proposed replat does not affect any public easements or rights of ways.

NOTICES:

Sent to: Applicable agencies and departments

Comments Received:

- City Engineer indicated that water and sewer services would need to be properly abandoned as has been required for previous plats which combined lots.

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

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

STAFF REPORT

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. Utilities are reviewed and any obsolete utilities for the combined lot be abandoned or removed in accordance with city standards, as directed by the Department of Public Works and the Engineering Department.
2. An updated drainage plan is 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 November 9, 2021 meeting the Planning and Zoning Commission recommended approval of the Replat, subject to the five conditions listed above.

PLAT OF
RIVER'S BEND AT THE PRESERVE EIGHTH ADDITION
TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 11 THROUGH 13, BLOCK 1, RIVER'S BEND AT
THE PRESERVE FOURTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

JACOB R. DUCHSHERER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "RIVER'S BEND AT THE PRESERVE EIGHTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 11 THROUGH 13, BLOCK 1, RIVER'S BEND AT THE PRESERVE FOURTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT THE EXTERIOR BOUNDARY LINES OF SAID ADDITION ARE DESCRIBED AS FOLLOWS, TO WIT:

LOTS 11 THROUGH 13, BLOCK 1, RIVER'S BEND AT THE PRESERVE FOURTH ADDITION TO THE CITY OF WEST FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 42,671 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

JACOB R. DUCHSHERER
REGISTERED LAND SURVEYOR
REG. NO. LS-28251



STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JACOB R. DUCHSHERER, 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 "RIVER'S BEND AT THE PRESERVE EIGHTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 11 THROUGH 13, BLOCK 1, RIVER'S BEND AT THE PRESERVE FOURTH 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 JACOB R. DUCHSHERER, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

OWNERS:

DALE KLEIN

MARY KLEIN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DALE KLEIN AND MARY KLEIN, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR 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 _____, 2021.

JOSEPH F. KOLB, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOLB, 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 _____, 2021.

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 _____, 2021, 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 _____, 2021.



DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DUSTIN T. SCOTT, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL

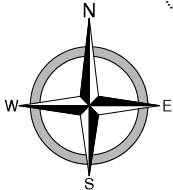
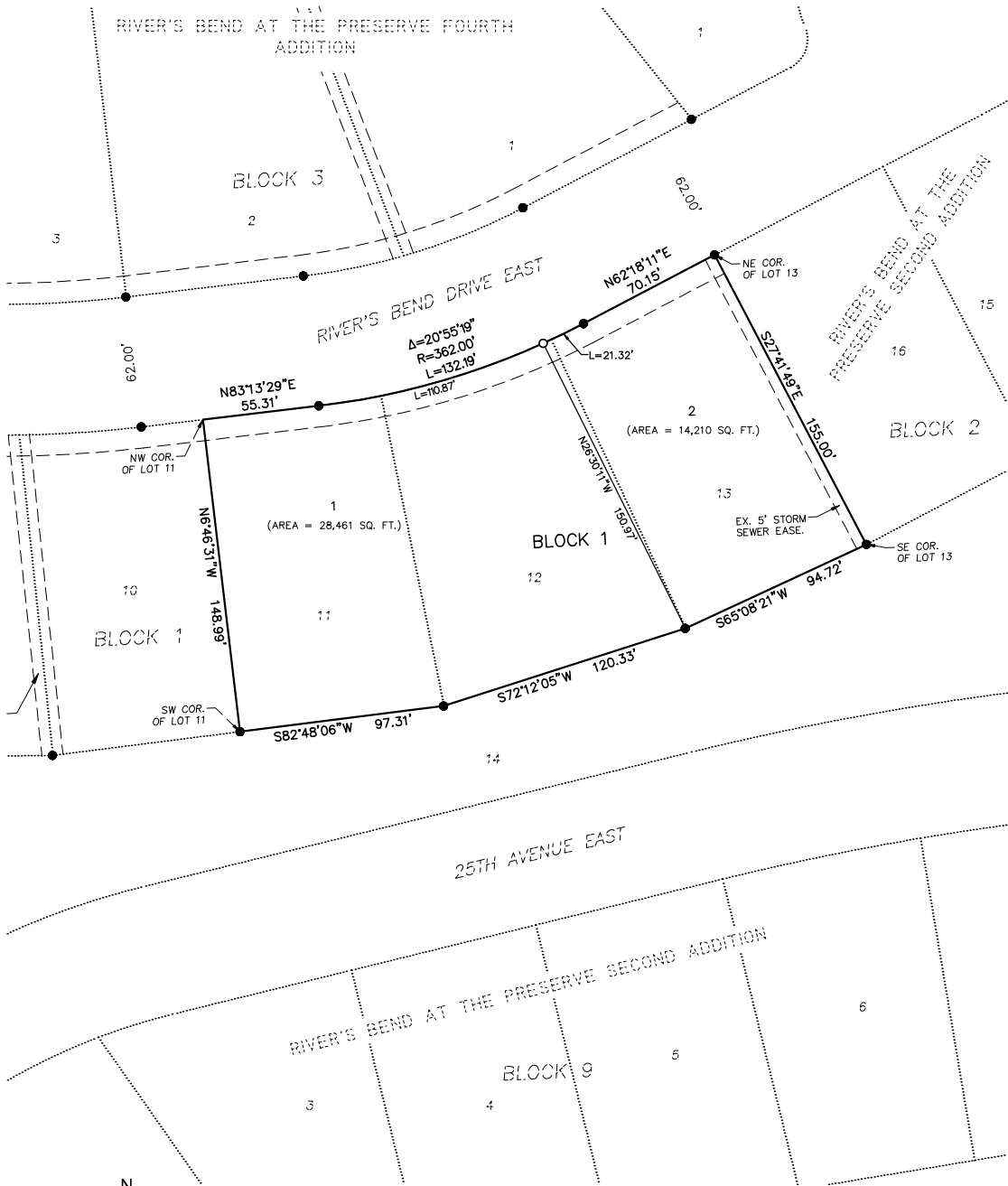
I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____, 2021.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, 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



0 50
Scale in Feet

BASIS OF BEARINGS:
RIVER'S BEND AT THE
PRESERVE FOURTH ADDITION
TO THE CITY OF WEST FARGO
ACCORDING TO THE RECORDED
PLAT THEREOF.

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH
YELLOW PLASTIC CAP #28251

From: [Dustin T. Scott](#)
To: [Lisa A. Sankey](#)
Cc: [Mark A. Housh](#); [Jerrold F. Wallace](#); [Timothy P. Solberg](#)
Subject: RE: Proposed River's Bend at the Preserve 8th Addition
Date: Thursday, October 21, 2021 11:38:35 AM

Lisa,

My first comment is that they will need to properly abandon water and sewer services just as we required for prior plats that combined lots.

Thanks!

Dustin T. Scott, PE

City Engineer, City of West Fargo
(701) 515-5103
Visit our website at:
westfargond.gov

From: Lisa A. Sankey <Lisa.Sankey@westfargond.gov>

Sent: Thursday, October 21, 2021 8:44 AM

To: Brendan.Christenson@CenturyLink.com; Wayne.Reynolds@CenturyLink.com; LewisC@casscountynd.gov; Denis E. Otterness <Denis.Otterness@westfargond.gov>; Matthew C. Andvik <Matthew.Andvik@westfargond.gov>; Dan R. Fuller <Dan.Fuller@westfargond.gov>; Nicholas R. Lee <Nick.Lee@westfargond.gov>; Mark A. Housh <Mark.Housh@westfargond.gov>; asizer@kwh.com; fargoconstruction@cableone.biz; ron_deutz@mmi.net; Matt Welle <MWelle@mooreengineeringinc.com>; barb erbstoesser (barb@wfparks.org) <barb@wfparks.org>; bhoffart@minnkota.com; tony_geffre@mmi.net; Pierre A. Freeman <Pierre.Freeman@westfargond.gov>; Tina M. Fisk <Tina.Fisk@westfargond.gov>; Dustin T. Scott <Dustin.Scott@westfargond.gov>; Delliven K. Sprecher <Dell.Sprecher@westfargond.gov>; LEMER@west-fargo.k12.nd.us; Thomas J. Clark <Thomas.Clark@westfargond.gov>; John Shockley <JShockley@OhnstadLaw.com>; Jeffrey.D.Miller@nd.nacdn.net; pwindjue@kwh.com; comes@kwh.com; wkronberg@kwh.com; Travis F. Genty <Travis.Genty@westfargond.gov>; Roberto.J.Ybarra@usps.gov; Charles.grummons@centurylink.com; Benson, Jason <BensonJ@casscountynd.gov>; Jerrold F. Wallace <Jerry.Wallace@westfargond.gov>; Chanda M. Erickson <Chanda.Erickson@westfargond.gov>; sara.m.brewster@xcelenergy.com; LBACHMEIER@west-fargo.k12.nd.us; Shane.W.Sager@usps.gov; Hans.B.Luft@usps.gov; Logan R. Jacobson <Logan.Jacobson@westfargond.gov>; Lauren M. Orchard <Lauren.Orchard@westfargond.gov>; puppeg@casscountynd.gov; Troy A. Opsahl <Troy.Opsahl@westfargond.gov>; 'justin@wfparks.org' <justin@wfparks.org>; josh@wfparks.org; Andrew J. Wrucke <Andrew.Wrucke@westfargond.gov>; MEdinger@rrrdc.com; Timothy P. Solberg <Tim.Solberg@westfargond.gov>

Subject: Proposed River's Bend at the Preserve 8th Addition

Attached please find information regarding River's Bend at the Preserve 8th Addition. This will be reviewed at the November 9th Planning Commission meeting.



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

LICENSING SECTION

SFN 9338 (04-2020)

DEC - 9, 2021

Applying for (check one)

☒ Local Permit ☐ Restricted Event Permit*

Games to be Conducted

☐ Bingo ☒ Raffle ☐ Raffle Board ☐ Calendar Raffle ☐ Sports Pool ☐ Poker* ☐ Twenty-One* ☐ Paddlewheels*

Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit allowed per year.

Name of Organization or Group of People permit is issued to TNT Kids Fitness and Gymnastics	Dates of Activity 01/28-01/30/2021	If raffle, provide drawing date Jan 28, 29 & 30/2021	
Organization or Group Contact Person Aaron Crone	Title or Position Meet Director	Telephone Number 701-866-6896	
Business Address 2800 Main Ave	City Fargo	State ND	ZIP Code 58103
Mailing Address (if different)	City	State	ZIP Code
Site Name (where gaming will be conducted) Rustad Center			
Site Address 601 26th Ave E	City West Fargo	ZIP Code ND	County 58078

Description and Retail Value of Prizes to be Awarded

Game Type	Description of Prize	Retail Value of Prize
50/50 Raffle	Winner of the raffle will win 50% of the dollar amount of tickets purchased	No retail value
Add Row	Delete Row	
Total (limit \$40,000 per year)		

Intended Uses of Gaming Proceeds Proceeds will be used at TNT Kids Fitness & Gymnastics for equipment, coaches training, and other program needs.

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)

☐ Yes ☒ No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? (If yes, the organization or group does not qualify for a local permit or restricted event permit)

☐ Yes ☒ No

Has the organization or group received a local permit from any city or county for the fiscal year July 1-June 30? (If yes, indicate the total retail value of all prizes previously awarded)

☐ No ☒ Yes - Total Retail Value: (This amount is part of the total prize limit of \$40,000 per year)

Organization or Group Contact Person

Name Aaron Crone	Title Meet Director	Telephone Number 701-866-6896	E-mail Address meetdirector@tntkidsfitness.org
Signature of Organization or Group's Top Official <i>AC</i>		Title Meet Director	Date 12/7/2021

OK #3746
10:00 PM 12-9-21



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

LICENSING SECTION

SFN 9338 (04-2020)

DEC 13 2021

Applying for (check one)	
☒ Local Permit	☒ Restricted Event Permit*

Games to be Conducted	
☒ Bingo	☒ Raffle
☐ Raffle Board	☒ Calendar Raffle
☐ Sports Pool	☐ Poker*
☐ Twenty-One*	☐ Paddlewheels*

Poker, Twenty-One, and Paddlewheels may be conducted **Only** with a Restricted Event Permit. Only one permit allowed per year.

Name of Organization or Group of People permit is issued to	Dates of Activity	If raffle, provide drawing date	
Holy Cross Mens Group	March 10 2022	March 10	
Organization or Group Contact Person	Title or Position	Telephone Number	
Willie Gartner	Organizer	701-799-0601	
Business Address	City	State	ZIP Code
2711 7th NE	West Fargo	ND	58078
Mailing Address (if different)	City	State	ZIP Code
same			
Site Name (where gaming will be conducted)			
Holy Cross Catholic Church			
Site Address	City	ZIP Code	County
2711 7th St. East	West Fargo ND	58078	Cass

Description and Retail Value of Prizes to be Awarded		
Game Type	Description of Prize	Retail Value of Prize
3 raffles	shotgun \$725 Raffle \$621 - Tupperware \$666 The rest are	2012
Add Row	Delete Row	
Cash prizes \$5050		
2 NFL jerseys Carson Wentz & Trey Lance will be auctioned off plus silent auction items		
Total (limit \$40,000 per year)		\$4300

Intended Uses of Gaming Proceeds
For Mission in Guatemala
Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
☐ Yes ☒ No
Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? (If yes, the organization or group does not qualify for a local permit or restricted event permit)
☐ Yes ☒ No
Has the organization or group received a local permit from any city or county for the fiscal year July 1-June 30? (If yes, indicate the total retail value of all prizes previously awarded)
☒ No ☒ Yes - Total Retail Value: (This amount is part of the total prize limit of \$40,000 per year)

Organization or Group Contact Person			
Name	Title	Telephone Number	E-mail Address
Willie Gartner	Chairman	701-799-0601	gartner.willie@gmail.com
Signature of Organization or Group's Top Official		Title	Date
Willie Gartner		Chairman	12-13-21

OK #8035
Pd 12-13-21
\$10.00



DEC 13 2021

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 **Team Makers Club, Inc.**

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

Name of Location		Bar Code	
Street	835 23rd Ave E #207	City	West Fargo
		ZIP Code	58078
		County	Cass
Beginning Date(s) Authorized	1/1/22	Ending Date(s) Authorized	6/30/22
		Number of twenty-one tables if zero, enter "0":	1
Specific location where games of chance will be conducted and played at the site (required) Entire lounge and patio area			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

☒ Bingo	☐ Club Special	☐ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☒ Twenty-One
☒ Raffles	☐ Seal Board	☒ Poker
☒ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☒ Pull Tab Jar	☐ Prize Board	☐ Paddlewheels with Tickets
☒ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☐ Paddlewheel Table
☒ 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 # 14296
pd 12-13-21
\$100.00



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (Rev. 08-2019)

AMENDED

License Number (Office Use Only)

Site Owner (Lessor) Md2, Inc.		Site Name Bar Code		Site Phone Number (701) 277-9271
Site Address 835 23rd Ave E	City West Fargo	State ND	Zip Code 58078	County Cass
Organization (Lessee) Team Makers Club, Inc.		Rental Period 1/1/2022 to 6/30/2022		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.		☒ No ☐ Yes ☐ No ☐ 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>1</u> X Rent per Table \$ <u>300.00</u>		☐ No ☒ Yes		\$ \$ 300.00
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: ☒ Jar Bar ☒ Standard Dispensing Device		☐ No ☒ Yes		\$ 325.00
☒ Electronic Dispensing Device Number of Electronic Devices <u>9</u>				\$ 700.00
Total Monthly Rent				\$ 1,325.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. ☐				

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, pay a prize board cash prize, and award a prize board merchandise prize 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.

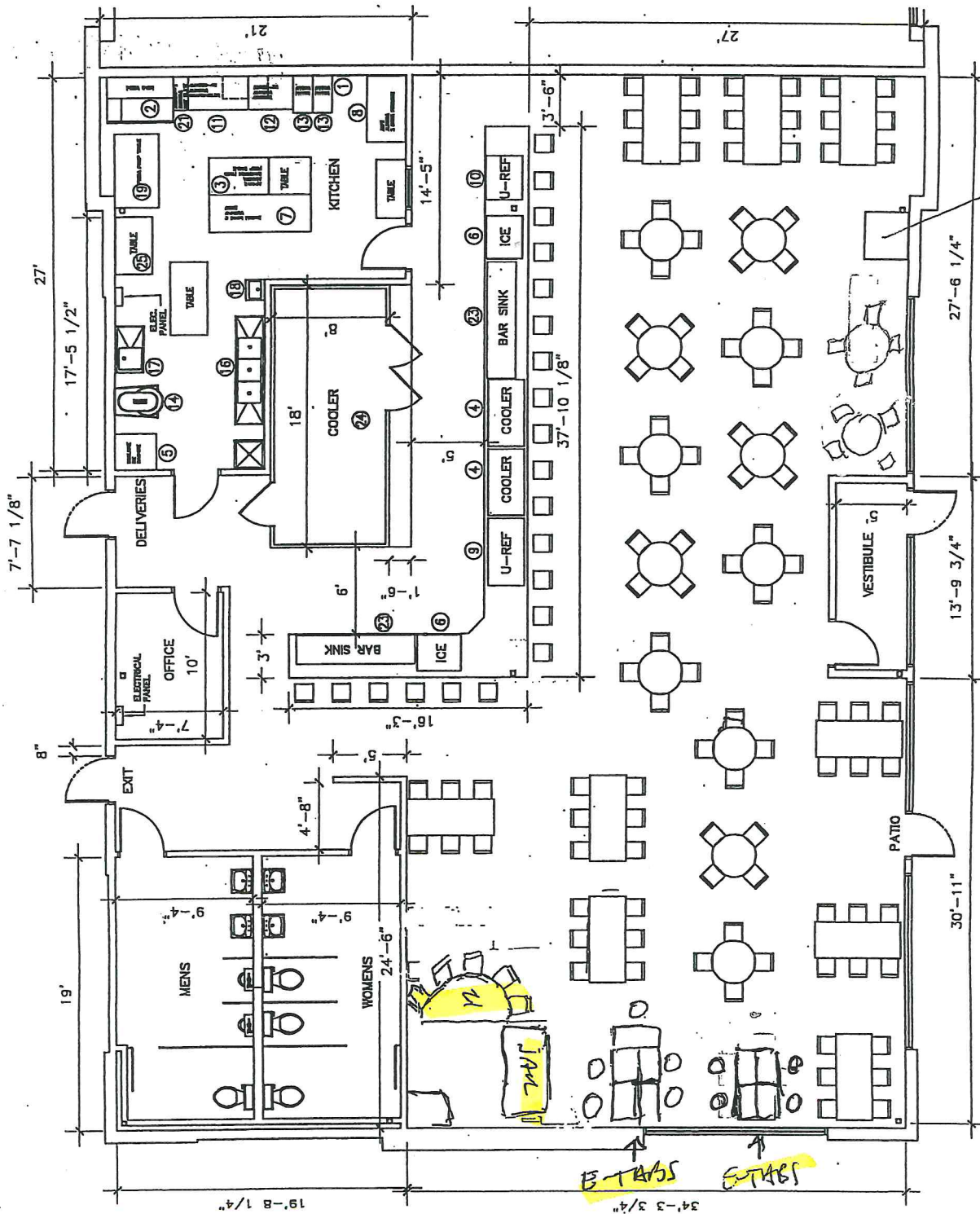
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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 Vice President	Date 12-13-21
Signature of Lessee 	Title TM Executive Director	Date 12-4-21

BAR CODES



Pulltab Dispensing Device

ETABS ETABS



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

LICENSING SECTION

SFN 9338 (04-2020)

DEC - 9 2021

Applying for (check one)	
☒ Local Permit	☐ Restricted Event Permit*
Games to be Conducted	
☒ Bingo	☐ Raffle
☐ Raffle Board	☐ Calendar Raffle
☐ Sports Pool	☐ Poker*
☐ Twenty-One*	☐ Paddlewheels*

Poker, Twenty-One, and Paddlewheels may be conducted **Only** with a Restricted Event Permit. Only one permit allowed per year.

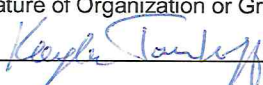
Name of Organization or Group of People permit is issued to Pink It Forward	Dates of Activity 1/4/22 & 2/1/22	If raffle, provide drawing date	
Organization or Group Contact Person Kayla Tanhoff	Title or Position Vice President	Telephone Number	
Business Address 5511 Falconer Drive	City Bismarck	State ND	ZIP Code 58504
Mailing Address (if different) 3502 Hidden Way	City West Fargo	State ND	ZIP Code 58078
Site Name (where gaming will be conducted) DoubleTree by Hilton West Fargo			
Site Address 825 E Beaton Dr	City West Fargo	ZIP Code 58078	County Cass

Description and Retail Value of Prizes to be Awarded

Game Type	Description of Prize	Retail Value of Prize
See Attached Spreadsheet for details		
Add Row	Delete Row	
Total (limit \$40,000 per year)		

Intended Uses of Gaming Proceeds
Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
☐ Yes ☒ No
Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? (If yes, the organization or group does not qualify for a local permit or restricted event permit)
☐ Yes ☒ No
Has the organization or group received a local permit from any city or county for the fiscal year July 1-June 30? (If yes, indicate the total retail value of all prizes previously awarded)
☐ No ☒ Yes - Total Retail Value: 13,690.74 (This amount is part of the total prize limit of \$40,000 per year)

Organization or Group Contact Person

Name Kayla Tanhoff	Title Vice President	Telephone Number 701-367-4466	E-mail Address pinkitforward@yahoo.com
Signature of Organization or Group's Top Official 		Title Vice President	Date 12/6/21

CR# 2416
ND 12-9-21
Page 33 of 144

Tuesday, January 4, 2022

Game Type	Description of Prize	Retail Value of Prize
Bingo	Designer Handbag	\$138.68
Bingo	Designer Handbag	\$358.00
Bingo	Designer Handbag	\$149.00
Bingo	Designer Handbag	\$138.24
Bingo	Designer Handbag	\$110.59
Bingo	Designer Handbag	\$119.00
Bingo	Designer Handbag	\$450.00
Bingo	Designer Handbag	\$378.00
		\$1,841.51 total

Tuesday, February 1, 2022

Game Type	Description of Prize	Retail Value of Prize
Bingo	Designer Handbag	\$149.00
Bingo	Designer Handbag	\$59.00
Bingo	Designer Handbag	\$95.68
Bingo	Designer Handbag	\$207.04
Bingo	Designer Handbag	\$398.00
Bingo	Designer Handbag	\$97.58
Bingo	Designer Handbag	\$148.15
Bingo	Designer Handbag	\$128.79
		\$1,283.24 total



GAMING SITE AUTHORIZATION

OFFICE OF ATTORNEY GENERAL

SFN 17996 (02/2018)

DEC - 8 2021

G - ()

Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization West Fargo Rural Fire Department Incorporated

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 Bordertown			
Street 807 Main Ave E.	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized 12/15/21	Ending Date(s) Authorized 6/30/22	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted and played at the site (required) Bar Area South and West Walls			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known Every week Meat Raffle			

RESTRICTIONS (City/County Use Only)

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

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

☒ Bingo	☐ Club Special	☐ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☒ Twenty-One
☒ Raffles	☐ Seal Board	☐ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☒ Pull Tab Jar	☐ Prize Board	☒ Paddlewheels with Tickets
☒ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☐ Paddlewheel Table
☒ 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 #1499
12-8-21
\$100.00



Year To Date As of October 31, 2021

Prepared by: Jim Larson

Budgeted Funds		Revenue/Transfers			Expenditure/Transfers			Net			Cash
Fund	Description	Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	
1000	General Fund	\$ 15,000,285	\$ 20,588,861	\$ (5,588,576)	\$ 16,070,324	\$ 20,458,694	\$ 4,388,370	\$ (1,070,039)	\$ 130,167	\$ (1,200,206)	\$ 24,341,389
2030	Share of Specials	200,812	202,947	(2,135)	206,056	202,947	(3,109)	(5,243)	-	(5,243)	(35,641)
2060	Fire Dept	3,594,706	3,098,188	496,518	3,684,987	3,099,161	(585,826)	(90,281)	(973)	(89,308)	(155,401)
7000	Library	1,372,344	1,392,904	(20,560)	1,165,232	1,533,006	367,774	207,112	(140,102)	347,214	534,512
7050	Airport	176,145	176,472	(327)	87,789	176,150	88,361	88,356	322	88,034	643,697
Total Government		\$ 20,344,293	\$ 25,459,372	\$ (5,115,079)	\$ 21,214,387	\$ 25,469,958	\$ 4,255,571	\$ (870,095)	\$ (10,586)	\$ (859,509)	\$ 25,328,556
2000	Sales Tax	\$ 11,837,944	\$ 8,418,000	\$ 3,419,944	\$ 11,818,559	\$ 8,400,000	\$ (3,418,559)	\$ 19,385	\$ 18,000	\$ 1,385	\$ 2,679,445
2970	Capital Improvements	9,007,091	6,495,000	2,512,091	2,041,374	6,435,000	4,393,626	6,965,717	60,000	6,905,717	22,661,347
2971	Prairie Dog Funds	-	-	-	1,000,000	-	(1,000,000)	(1,000,000)	-	(1,000,000)	1,500,000
2960	Economic Development	2,990,028	2,122,500	867,528	1,969,129	1,830,264	(138,865)	1,020,899	292,236	728,663	7,325,384
2130	Municipal Highway	1,289,406	1,385,142	(95,736)	-	1,685,142	1,685,142	1,289,406	(300,000)	1,589,406	1,494,020
2110	Gaming	7,213	12,000	(4,787)	-	-	-	7,213	12,000	(4,787)	80,065
2XXX	Tourism & Events	21,978	64,175	(42,197)	40,278	52,500	12,222	(18,300)	11,675	(29,975)	28,010
2200	Vector Control	168,390	100,000	68,390	51,721	100,000	48,279	116,669	-	116,669	85,003
2210	Forestry	336,280	300,500	35,780	207,722	284,086	76,364	128,558	16,414	112,144	(294,394)
2230	City Utility	136,699	133,000	3,699	15,969	133,000	117,031	120,730	-	120,730	322,197
25XX	Police Special Funds	154,800	5,200	149,600	401,994	5,000	(396,994)	(247,194)	200	(247,394)	302,307
2950	Assets Forfeitures	33,210	30,000	3,210	10,775	30,000	19,225	22,435	-	22,435	91,893
2980	South Facility Hookup	-	60,650	(60,650)	-	50,000	50,000	-	10,650	(10,650)	3,374,691
Total Special Funds		\$ 25,983,039	\$ 19,126,167	\$ 6,856,872	\$ 17,557,521	\$ 19,004,992	\$ 1,447,471	\$ 8,425,518	\$ 121,175	\$ 8,304,343	\$ 39,649,968
3000	Total Debt Service	\$ 43,391,009	\$ 30,034,105	\$ 13,356,904	\$ 47,255,238	\$ 25,718,116	\$ (21,537,122)	\$ (3,864,229)	\$ 4,315,989	\$ (8,180,218)	\$ 57,156,811
6010	Sanitation	\$ 4,143,579	\$ 4,702,500	\$ (558,920.70)	\$ 3,994,941	\$ 4,964,610	\$ 969,669	\$ 148,638	\$ (262,110)	\$ 410,748	\$ 3,265,223
6020	Water	8,248,567	8,315,000	(66,433)	7,087,994	7,518,555	430,561	1,160,573	796,445	364,128	7,692,290
6025	Sewer	3,999,821	4,510,000	(510,179)	3,471,549	4,629,903	1,158,354	528,272	(119,903)	648,175	1,767,995
6050	Sewage Surcharge	8,571	-	8,571	-	-	-	8,571	-	8,571	337,963
Total Enterprise		16,400,538		(1,126,962)	14,554,485	17,113,068	2,558,583	1,846,053	414,432	1,431,621	\$ 13,063,471
5000	Tree Fund	69,670	84,000	(14,330)	36,395	35,000	(1,395)	33,275	49,000	(15,725)	532,010
2050	Park Funds/State Aid	\$ 805,314	\$ 680,999	124,315	734,546	680,999	(53,547)	70,769	-	70,769	70,769
8600	Park District Special Assessment	\$ 435,381	\$ 371,100	64,281	432,672	371,100	(61,572)	2,709	-	2,709	5,436
2141	FM CVB	236,521	147,000	89,521	224,207	147,000	(77,207)	12,314	-	12,314	-
Total Agency		\$ 1,546,886	\$ 1,283,099	\$ 263,787	\$ 1,427,819	\$ 1,234,099	\$ (193,720)	\$ 119,066	\$ 49,000	\$ 70,066	\$ 608,215
Total All Budgeted Funds		\$ 107,665,765	\$ 75,902,743	\$ 14,235,522	\$ 102,009,451	\$ 88,540,233	\$ (13,469,218)	\$ 5,656,314	\$ 4,890,010	\$ 766,304	\$ 135,807,020



Year To Date As of October 31, 2021

Prepared by: Jim Larson

Non-Budgeted Funds	Revenue/Transfers			Expenditure/Transfers			Net			Cash Balances
	Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	
4000 Construction	\$ 7,543,028	\$ -	\$ 7,543,028	\$ 17,032,108	\$ -	\$ (17,032,108)	\$ (9,489,080)	\$ -	\$ (9,489,080)	\$ (31,172,877)
2170 Clerk of Court Bond Fund	-	-	-	-	-	-	-	-	-	61,105
2600 Future Building	-	-	-	-	-	-	-	-	-	(32,028)
2XXX Misc. Special Funds	3,124,482	-	3,124,482	689,823	-	(689,823)	2,434,659	-	2,434,659	7,447,127
7XXX Agency Funds	73,604	-	73,604	69,670	-	(69,670)	3,934	-	3,934	394,455
Total Non-Budgeted Funds	\$ 10,741,114	\$ -	\$ 10,741,114	\$ 17,791,601	\$ -	\$ (17,791,601)	\$ (7,050,487)	\$ -	\$ (7,050,487)	\$ (23,302,217)
All Funds Combined	\$ 118,406,879	\$ 75,902,743	\$ 24,976,636	\$ 119,801,052	\$ 88,540,233	\$ (31,260,819)	\$ (1,394,174)	\$ 4,890,010	\$ (6,284,184)	\$ 112,504,803

Notes to the Financials

1	Financial performance for the City general fund remains positive to budget and prior year.
2	The Enterprise/Utility funds are \$400,000 positive to prior year for net income fully consolidated. Both revenues and expenses are up from prior year. Revenues are up due to the fee increase in 2020 and high water usage due to the summer drought. Expenses are up from last year with high sewage flows to the City of Fargo and additional purchased water with the summer drought.
3	The City of West Fargo has received half the American Rescue Plan Act (ARPA) 2021 funds. The other half is due in 2022.

FIRST AMENDMENT TO SERVICES AGREEMENT

THIS AMENDMENT (the “Amendment”) is made and entered into on _____, 20__, by and between the City of West Fargo, North Dakota, a North Dakota municipal corporation, whose principal address is 800 4th Avenue East, Suite 1, West Fargo, North Dakota 58078 (the “City”), and Industrial Builders, Inc., a North Dakota corporation, whose principal address is 1307 County Road 17 N, West Fargo, North Dakota 58078 (the “Contractor”).

WHEREAS, the City and Contractor and Buyer entered into a Services Agreement dated as of September 7, 2021 (the “Agreement”), attached to this Amendment as Exhibit A, in which the City hired Contractor to provide professional rip rap removal services along portions of lagoon cell 10; and

WHEREAS, the parties desire to amend the Agreement to add lagoon cell 9 to the Services provided by the Contractor; and

WHEREAS, Section 18 of the Agreement requires that any amendment to the Agreement be made in writing, signed by both parties, and the document appended to and made a part of the Agreement.

NOW, THEREFORE, the parties do hereby agree as follows:

1. Section 1 of the Agreement is hereby amended as follows, with underlined language to be added:

PURPOSE. The purpose of this Agreement is for Contractor to provide rip rap removal services to the City along portions of lagoon cell 9 and lagoon cell 10 in West Fargo, North Dakota. In return, Contractor will pay the City Ten Dollars (\$10.00) per ton for stockpiles of rip rap after it is removed.

2. Section 2(A) of the Agreement is hereby amended as follows, with underlined language to be added:

Remove all rip rap along portions of lagoon cell 9 and lagoon cell 10 by January 1, 2022. Contractor may use its discretion to perform the Services as weather conditions permit. Contractor will stockpile all removed rip rap on City property west of lagoon cell 9 and lagoon cell 10. The City will specify where Contractor may stockpile removed rip rap. The rip rap may remain on City property until November 30, 2024. Contractor will not bill the City for any rip rap removal. Contractor will pay the City Ten Dollars (\$10.00) per ton for all rip rap hauled off the stockpile on City property.

3. The map attached to the Agreement as Exhibit A is hereby replaced with the map attached as Exhibit 1 to this Amendment.
4. Other Terms Remain in Effect. All other terms of the Agreement will remain in full force and effect, except as specifically modified by this Amendment, which Amendment is hereby incorporated by reference and made a part of the Agreement.

5. Counterparts; Electronic Signatures. This Amendment may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. An electronic signature shall have the same force and effect as an original signature.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be made and entered into the day and year first written.

CITY:

City of West Fargo, North Dakota

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

ATTEST:

Tina Fisk, City Administrator

[Signatures continued on the following page.]

CONTRACTOR:

Industrial Builders, Inc.

By: _____

Its: _____

EXHIBIT 1 – MAP



EXHIBIT A

SERVICES AGREEMENT

BY AND BETWEEN

CITY OF WEST FARGO, NORTH DAKOTA
as City

and

INDUSTRIAL BUILDERS, INC.
as Contractor

Approved by the West Fargo City Commission on September 7, 2021

This instrument was drafted by:
John T. Shockley
Ohnstad Twichell, P.C.
P.O. Box 458
West Fargo, ND 58078-0458

SERVICES AGREEMENT

THIS SERVICES AGREEMENT (the "Agreement") is made and entered into on this ____ day of September, 2021 (the "Effective Date") by and between the City of West Fargo, North Dakota, a North Dakota municipal corporation, whose principal address is 800 4th Avenue East, Suite 1, West Fargo, North Dakota 58078 (the "City"), and Industrial Builders, Inc., a North Dakota corporation, whose principal address is 1307 County Road 17 N, West Fargo, North Dakota 58078 (the "Contractor").

RECITALS

WHEREAS, the City desires to hire a contractor to provide professional rip rap removal services, specifically removing stockpiled rip rap and purchasing the removed rip rap, along portions of lagoon cell 10; and

WHEREAS, Contractor provides professional rip rap removal and desires to provide these services to the City; and

WHEREAS, the City deems Contractor to be capable of providing rip rap removal services and desires to hire Contractor to provide these services according to the terms and conditions in this Agreement.

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

AGREEMENT

1. **PURPOSE.** The purpose of this Agreement is for Contractor to provide rip rap removal services to the City along portions of lagoon cell 10 in West Fargo, North Dakota. In return, Contractor will pay the City Ten Dollars (\$10.00) per ton for stockpiles of rip rap after it is removed.
2. **SCOPE OF SERVICES.** Contractor hereby agrees to provide the City with the following described list of services (the "Services"):
 - A. Remove all rip rap along portions of lagoon cell 10 by January 1, 2022. Contractor may use its discretion to perform the Services as weather conditions permit. Contractor will stockpile all removed rip rap on City property west of lagoon cell 10. The City will specify where Contractor may stockpile removed rip rap. The rip rap may remain on City property until November 30, 2024. Contractor will not bill the City for any rip rap removal. Contractor will pay the City Ten Dollars (\$10.00) per ton for all rip rap hauled off the stockpile on City property.

The scope of Services described above will be completed on the property as shown in the map attached as **Exhibit A** to this Agreement.

3. PROPERTY DAMAGE. Contractor will be solely and wholly financially liable for any damaged property as a result of Contractor's, or its employees', agents', or representatives' Services provided under this Agreement. Contractor agrees to repair or replace any damaged real or personal property to its previous condition before the damage occurred. Failure of Contractor to repair or replace damaged real or personal property will result in the City repairing or replacing the damaged real or personal property and assessing the expenses to Contractor. Contractor shall indemnify, defend, and hold harmless City from any and all claims, losses, and expenses, including attorney's fees and costs resulting from the loss or destruction of or damage to any property of the City in accordance with Section 14 of this Agreement.
4. COMPENSATION AND METHOD OF PAYMENT. The Contractor will pay the City Ten Dollars (\$10.00) per ton for rip rap removed from the stockpile on City property as it is hauled off site. Contractor will be required to weigh trucks at the City Transfer Station or by an approved loader scale. The City will use the weight tickets to send invoices to Contractor by the 15th of the month. Contractor will give the City two (2) weeks' notice prior to the start of hauling the rip rap off site.
5. ADDITIONAL SERVICES. Any services not specifically provided for in the scope of Services will be considered additional services and require an addendum in compliance with Section 18 of this Agreement. An addendum must provide the specific scope of the additional services, the agreed upon payment for the additional services, and must be signed by the City before any work is initiated by Contractor.
6. CITY RESPONSIBILITIES. The City will oversee the execution of this Agreement and receive payment of funds. The City's Public Works Director has the authority to cancel or redirect the Contractor. Any cancellations will be based upon need and prevailing weather conditions.
7. INVOICES AND PAYMENT.
 - A. City must submit invoices to Contractor by the 15th of each month, for rip rap removed from the stockpile on City property. The City will review each invoice before it is sent to Contractor to determine its accuracy and fairness, and to ensure the invoice complies with the requirements in this Agreement.
 - B. City must submit each invoice to:

Industrial Builders, Inc.
Attn: Roger Haberman, VP Construction
1307 County Rd. 17 N
West Fargo, ND 58078
 - C. City invoices will be detailed and precise. City invoices must clearly indicate fees and expenses and include at least the following information:
 - (1) City name and address;
 - (2) City federal employer identification number;
 - (3) Name of the matter and number of the file;

- (4) Unique invoice number;
 - (5) Billing period;
 - (6) Description of activity performed;
 - (7) Total amount of fees and costs “billed to date,” including the preceding month; and
 - (8) Preferred remittance address, if different from the address on the invoice’s cover sheet.
- 8. TERM. The initial term of this contract shall commence on September 13, 2021, and shall expire on November 30, 2024.
- 9. EXTENSION OF TERM. The parties shall have the right to extend this Agreement for such additional period as determined by both parties. Any extension shall be in writing pursuant to the modification terms of this Agreement.
- 10. BREACH AND REMEDIES.
 - A. A breach exists under this Agreement if Contractor:
 - (1) Makes a material misrepresentation in writing; or
 - (2) Fails or is unable to meet or perform any material promise in this Agreement, and
 - (a) Is incapable of curing the failure, or
 - (b) Does not cure the failure within thirty (30) days following notice (or within a longer period if specified in the notice).
 - B. Contractor must give the City notice immediately if Contractor breaches, or if a third party claim or dispute is brought or threatened that alleges facts that would constitute a breach under this Agreement.
 - C. If a breach exists under this Agreement, the City may do any of the following:
 - (1) Require Contractor to enter into non-binding mediation;
 - (2) Terminate this Agreement, in whole or in part; and
 - (3) Seek any other available remedy at law or in equity.
 - D. All remedies provided for in this Agreement may be exercised individually or in combination with any other available remedy.
- 11. TERMINATION.
 - A. The City may terminate this Agreement, in whole or in part, for cause if Contractor is in breach.
 - B. The City may terminate this Agreement, in whole or in part, or modify or limit Contractor’s Services if the City determines that having Contractor provide Services has become infeasible due to changes in applicable laws or regulations.
 - C. Upon receipt of any termination notice from the City, Contractor must promptly discontinue all Services unless the notice specifies otherwise.

12. REPRESENTATIONS AND WARRANTIES. Contractor represents and warrants that the following statements are true:
- A. Contractor has not directly or indirectly offered or given any gratuities (in the form of entertainment, gifts, or otherwise) to any member of the City with a view toward securing this Agreement or securing favorable treatment with respect to any determinations concerning the performance of this Agreement.
 - B. Contractor has no past, ongoing, or potential involvement that could be deemed a conflict of interest under North Dakota law. Contractor will immediately notify the City of any and all potential violations of this paragraph upon becoming aware of the potential violation. Contractor will seek a waiver from the City prior to representing a party with interests potentially or actually adverse to the City's interests.
 - C. This Agreement does not constitute a conflict of interest or default under any of Contractor's other agreements.
 - D. No suit, action, arbitration, or legal, administrative, or other proceeding or governmental investigation is pending or threatened that may adversely affect Contractor's ability to perform under this Agreement.
 - E. Contractor is in compliance with all laws, rules, and regulations applicable to its business, including rules of professional conduct.
 - F. Contractor has obtained the necessary registrations and/or licenses to do business and perform Services in the State of North Dakota.
 - G. During the term of this Agreement, Contractor must not take any action, or omit to perform any act, that may result in a representation and warranty becoming untrue. Contractor must immediately notify the City if any representation and warranty becomes untrue.
13. ASSIGNABILITY. This Agreement will not be assigned or transferred by Contractor to another party without the prior written consent of the City.
14. INDEMNIFICATION. Contractor agrees to defend, hold harmless, and indemnify City harmless from any and all claims, losses, and expenses, including attorney's fees and costs, resulting from (a) a matter or event related to the Services under this Agreement; (b) a matter or event related to Contractor's acts or omissions related to the performance of this Agreement; and (c) Contractor's breach under this Agreement, except to the extent a claim or loss is due to the active negligence or willful misconduct of an indemnified party.
15. INSURANCE. Contractor will, at Contractor's sole cost and expense, provide and maintain during the term of this Agreement a blanket or general liability insurance policy against claims for personal injury, death, or property damage occurring in connection with the Scope of Services, said policy will have limits of no less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in aggregate.

16. REQUIREMENTS FOR INSURANCE. Insurance policies or riders required by this Agreement must: (i) be taken out by Contractor before Contractor provides any Services described under the scope of Services; (ii) be maintained with responsible insurance companies organized under the laws of the United States and qualified to do business in the State of North Dakota; (iii) contain a provision that the insurer will not cancel or revise coverage thereunder without giving written notice to Contractor as an insured party and to the City as an additional insured at least thirty (30) days before cancellation or revision becomes effective; (iv) name Contractor as an insured party and the City as an additional insured; (v) be in accordance with specifications approved by the insurance advisor for the City; and (vi) be evidenced by a Certificate of Insurance listing the City as an additional insured, which will be filed with the City.

17. NOTICE. Any notice or election required or permitted to be given or served by any party to this Agreement upon any other will be deemed given or served in accordance with the provisions of this Agreement if said notice or election is (i) delivered personally, or (ii) mailed by United States certified mail, return receipt requested, postage prepaid and in any case properly addressed as follows:

If to City: City of West Fargo, North Dakota
Attn: Tina Fisk, City Administrator
800 4th Ave. E, Suite 1
West Fargo, ND 58078

If to Contractor: Industrial Builders, Inc.
Attn: Roger Haberman, VP Construction
1307 County Rd. 17 N
West Fargo, ND 58078

Each such mailed notice or communication will be deemed to have been given on the date the same is deposited in the United States mail. Each such delivered notice or communication will be deemed to have been given upon the delivery. Any party may change its address for service of notice in the manner specified in this Agreement.

18. MODIFICATION. This Agreement contains the entire understanding of the parties. It may not be changed orally, but only upon an agreement in writing approved by the City. It may be modified as to terms and conditions from time to time upon the mutual consent of the parties; however, such modification shall be reduced to writing, signed by the parties and the document appended to and made part of this Agreement.

19. CONTRACTOR RECORDS. Contractor shall maintain accurate and updated records of all rip rap removed from the site under the terms of this Agreement. Such records shall conform to generally recognized accounting principles. The City, or its authorized representatives, shall have access to any records of Contractor pertinent to this Agreement.

20. MONITORING AND EVALUATING. The City may monitor and evaluate Contractor's progress and performance to assure that the terms of this Agreement are being satisfactorily met. Contractor shall cooperate with the City relating to such monitoring and evaluation.

21. RELATIONSHIP OF PARTIES. Contractor is an independent contractor under this Agreement, not the agent or employee of the City. Contractor is solely responsible for its acts and the acts of its employees, agents, or representatives.
22. SEVERABILITY. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, or word hereof is held by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity will not affect the legality or validity of the remainder of this Agreement.
23. GOVERNING LAW. This Agreement will be controlled by the laws of the State of North Dakota. Any action brought as a result of any claim, demand, or cause of action arising under the terms of this Agreement must be brought in an appropriate venue in the State of North Dakota.
24. ENTIRE AGREEMENT. The provisions as set forth herein, and any exhibits hereto, constitute the entire agreement between the parties.
25. COUNTERPARTS. This Agreement may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument.
26. ELECTRONIC SIGNATURES. The parties acknowledge and agree that this Agreement may be executed by electronic signature, which shall be considered an original signature for all purposes and shall have the same force and effect as an original signature.

(Remainder of page intentionally left blank.)

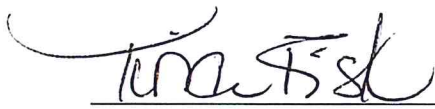
IN WITNESS WHEREOF, the parties executed this Agreement on the date written above.

CITY:

City of West Fargo, North Dakota


Bernie Dardis, Commission President

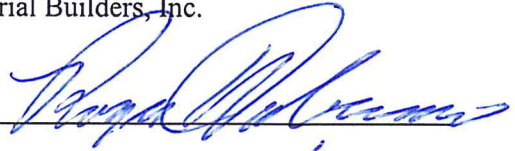
ATTEST:


Tina Fisk, City Administrator

CONTRACTOR:

Industrial Builders, Inc.

By: _____

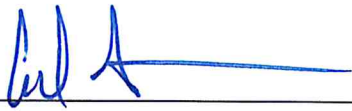


Its: _____



ATTEST:

By: _____



Its: _____

Contract Administrator

Exhibit A – Map of Property





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/20/2021

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 CSDZ, LLC 225 South Sixth Street, Suite 1900 Minneapolis MN 55402		CONTACT NAME: Laurie Dezenzo PHONE (A/C, No, Ext): 612-349-2465 FAX (A/C, No): E-MAIL ADDRESS: ldezenzo@csdz.com		
INSURED Industrial Builders Inc PO Box 406 Fargo ND 58107-0406		INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A : Zurich American Insurance Company		16535
		INSURER B : Navigators Insurance Company		42307
		INSURER C :		
		INSURER D :		
		INSURER E :		
		INSURER F :		

COVERAGES**CERTIFICATE NUMBER:** 596335193**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 SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Contr Liab Per ☒ Policy Form/XCU GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:		GLO370323906	4/1/2021	4/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY		BAP370324006	4/1/2021	4/1/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 0		CH21EXC119649IV	4/1/2021	4/1/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N N	N / A	WC370323806	4/1/2021	4/1/2022	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Stop Gap Employers' Liab Only		WC370323806	4/1/2021	4/1/2022	Applies in the States of: ND, OH, WA, WY

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Project Reference: 21110-046 - West Fargo - Lagoon Cell 10 - Cass County

All Work Performed.

Additional Insured only if required by written contract with respect to General Liability, Automobile Liability and Umbrella/Excess Liability applies on a primary basis and the Insurance of the Additional Insured shall be Non-Contributory: Certificate Holder, Project Owner and Others as required by written contract.

Waiver of Subrogation only if required by written contract with respect to General Liability, Automobile Liability, Workers Compensation and Umbrella/Excess Liability applies in favor of: Certificate Holder, Project Owner and Others as required by written contract.

See Attached...

CERTIFICATE HOLDER**CANCELLATION**City of West Fargo
800 4th Ave. E, Suite 1
West Fargo ND 58078
United States

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

Rob Dahlin

AGENCY CUSTOMER ID: INDBUIPC

LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

AGENCY CSDZ, LLC		NAMED INSURED Industrial Builders Inc PO Box 406 Fargo ND 58107-0406
POLICY NUMBER		
CARRIER	NAIC CODE	EFFECTIVE DATE:

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
 FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

The following supersedes the cancellation wording: Should any of the above described policies be cancelled before the expiration date, 30 Days written notice (10 Days for Non-Payment) will be delivered to the certificate holder.



North Dakota Workforce
Safety & Insurance

Bryan Klipfel
Director

Gregory Werlinger
Industrial Builders Inc
PO Box 406
Fargo ND 58107-0406

Account Information	Employer account number:	461889
	Issue date:	03/12/2021
	Expiration date:	03/16/2022

Certificate of Payment

Reason For Notice	Workforce Safety & Insurance (WSI) certifies Industrial Builders Inc has North Dakota workers' compensation coverage from 01/01/2021 to 12/31/2021. Employees of Industrial Builders Inc are entitled to apply for WSI benefits.
------------------------------	--

Required Action	Employers must post this Certificate of Payment in a conspicuous manner at the workplace. A penalty of \$250 may apply for failure to comply with this requirement. See North Dakota Century Code § 65-04-04.
------------------------	---

Additional Information	Coverage under this certificate extends to employers for their North Dakota exposure. Limited coverage may be extended for temporary and/or incidental exposure outside of North Dakota.
-----------------------------------	--

WSI may revoke the Certificate of Payment for failure to make required premium payments.

For More Information	Contact customer service at 800-777-5033 or 701-328-3800 with questions.
---------------------------------	--

Class	Classification Description
3630B	Contr Equip-Rpr-Winter Shop Only
5040A	Bridge Building - Steel
5040B	Structural Iron-Steel-Erection-Ptg
5110	Boiler&Elevator-Installation-Svc
5410F	Bldg Const-Inclu Concrete Work
5603	Consulting Engineers
5603X	Officer/Owner or Family Member Coverage
6042	Street & Hwy Const-Maintenance
8747	Professional/Business Reps
8747X	Officer/Owner or Family Member Coverage
8805	Clerical Office Employees

Sincerely,

Barry Schumacher

Barry Schumacher
Chief of Employer Services

PL5

Industrial Builders, Inc.

PAUL W. DIEDERICH, PRESIDENT
DONN O. DIEDERICH, EXECUTIVE VICE PRESIDENT



General Contractors

PHONE 701/282-4977 FAX 701/281-1409
P.O. BOX 406 FARGO, NORTH DAKOTA 58107-0406

January 1st, 2020

AFFIRMATIVE ACTION PROGRAM FOR EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

By policy and preference, Industrial Builders, Inc. reaffirms its continuing commitment to afford all individuals who have the necessary qualifications an Equal Opportunity to compete for employment and advancement with Industrial Builders, Inc. To assure equal employment opportunity there shall be no discrimination action and/or preferred treatment concerning any individual or group because of race, color, religion, age, sex, sexual orientation, gender identity, or national origin and give full consideration to the employment of disabled or handicapped persons on work they are qualified to do or status with regard to public assistance.

No segregated facilities are permitted at any of the corporate locations or those under its control.

This includes, but is not limited to, the following:

- Hiring, placement, upgrading, transfer, demotion or promotion, recruitment, advertising or solicitation for employment.
- Treatment during employment.
- Rates of pay or other forms of compensation.
- Formal and informal company training programs.
- Lay off, call back and termination.

It is the policy of Industrial Builders, Inc. to cooperate to the fullest extent with the applicable regulations of the Civil Rights Act and the Executive Orders on Equal Employment Opportunity.

Industrial Builders, Inc.

A handwritten signature in blue ink, which appears to read "Paul Diederich", is written over the printed name.

Paul Diederich

President/CEO

Industrial Builders, Inc.

PAUL W. DIEDERICH, PRESIDENT
DONN O. DIEDERICH, EXECUTIVE VICE PRESIDENT



General Contractors

PHONE 701/282-4977 FAX 701/281-1409
P.O. BOX 406 FARGO, NORTH DAKOTA 58107-0406

January 1st, 2021

Sara Galt is appointed the Equal Employment Opportunity (EEO) Officer for Industrial Builders, Inc. She will handle all complaints alleging discrimination on the basis of race, color, national origin, religion, sex, age, or physical or mental handicap, sexual orientation or gender identity which does not prevent satisfactory performance of work.

Industrial Builders, Inc. will abide by the provisions of the Civil Rights Act of 1964 and Executive Order 11246 as amended, relating to equal employment opportunity. Anyone who believes he/she has been discriminated against should report this fact promptly-to the assigned company EEO Officer.

Sara Galt can be reached by calling the company office in Fargo, ND at (701) 282-4977 or emailing her directly at sgalt@industrialbuilders.com.

Industrial Builders, Inc.

A handwritten signature in black ink, appearing to read "Paul Diederich", is written over a faint, larger version of the same signature.

Paul Diederich

President/CEO

Industrial Builders, Inc.

PAUL W. DIEDERICH, PRESIDENT
DONN O. DIEDERICH, EXECUTIVE VICE PRESIDENT



General Contractors

PHONE 701/282-4977 FAX 701/281-1409
P.O. BOX 406 FARGO, NORTH DAKOTA 58107-0406

January 1st, 2020

Kent M. Sand is appointed the Disadvantaged-Minority/Women's Business Enterprise (D-M-WBE) Officer for Industrial Builders, Inc.

This company will abide by the Disadvantaged Business Enterprise (Minority/Women's Business Enterprise) special provision contained in all federally aided highway construction contracts awarded by the state Department of Transportation.

Kent M Sand can be reached by calling the company office in Fargo, North Dakota, telephone number (701) 282-4977.

Industrial Builders, Inc.

A handwritten signature in blue ink that reads "Paul Diederich". The signature is fluid and cursive, with the first name "Paul" and last name "Diederich" clearly distinguishable.

Paul Diederich

President/CEO

DISCRIMINATION COMPLAINT PROCEDURE

It is the policy of Industrial Builders, Inc. that any employee of or applicant for employment with this company is eligible to file, without fear of future punishment or reprisal, a complaint of discrimination on the basis of race, color, national origin, religion, sex, age, or physical or mental handicap, sexual orientation or gender identity which does not prevent satisfactory performance of work. The purpose of this discrimination complaint procedure is to provide a complete and impartial system of investigation and corrective action concerning any and all alleged acts of discrimination. The following procedure will be made available to and discussed with all employees and will be posted in an area readily accessible to all applicants.

1. **STEP 1:** Any employee or applicant of Industrial Builders, Inc. that feels he/she has been discriminated against shall file a "Discrimination Claim Form" which can be obtained from the project manager, company policy-making officer, or EEO officer as listed below. This report must be completed and filed with the company EEO officer within 14 calendar days of the alleged incident. The company EEO officer's name and address is also posted on the project-site bulletin board.
2. **STEP 2:** Upon receiving the complete "Discrimination Claim Form," the company EEO officer will immediately notify the contracting agency's EEO department. A copy of the complaint will be **IMMEDIATELY** forwarded to that department.
3. **STEP 3:** Within seven calendar days of the receipt of the complaint, the company EEO officer will meet with the affected persons in order to try to resolve the complaint. A conciliation conference must be held. Attendees at this conference must include the complainant, the person(s) against whom the complaint was filed, and the company EEO officer.
4. **STEP 4:** If the complaint is resolved at the conciliation conference, a "Statement of Resolution" will be prepared and signed by the company EEO officer, the complainant, and the person(s) against whom the complaint was filed. The "Statement of Resolution" will be specific in detailing any mutual agreement made by the respective parties involved.
5. **STEP 5:** At the conclusion of the conciliation conference, the company EEO officer will prepare a "Report of Investigation" which will be specific in detailing each step of his/her investigation. This report must include, but not be limited to: (a) a list of all persons interviewed and the results of those interviews; (b) minutes and results of the conciliation conference and (c) if applicable, the signed "Statement of Resolution." This "Report of Investigation" will be forwarded to the appropriate Government Agency we are under contract with within 15 calendar days of the date of the conciliation conference.

POLICY MAKING OFFICER

PROJECT MANAGER:

EEO OFFICER:

Paul Diederich
Name

Name

Sara Galt
Name

President
Title

Title

EEO Officer
Title

NOTICE

TO: EMPLOYEES, APPLICANTS FOR EMPLOYMENT AND POTENTIAL EMPLOYEES

FROM: INDUSTRIAL BUILDERS, INC.

SUBJECT: EQUAL OPPORTUNITY POLICY OF THIS COMPANY

IT IS THE OPERATING POLICY OF THIS COMPANY TO AFFORD ALL PERSONS EQUAL EMPLOYMENT OPPORTUNITY WITHOUT REGARD TO THEIR RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, OR NATIONAL ORIGIN. THE FOLLOWING IS OUR COMPANY POLICY:

IT IS THE POLICY OF THIS COMPANY TO ASSURE THAT APPLICANTS ARE EMPLOYED, AND THAT EMPLOYEES ARE TREATED EQUALLY DURING EMPLOYMENT, WITHOUT REGARD TO THEIR RACE, COLOR, RELIGION, SEX, DISABILITY, SEXUAL ORIENTATION, GENDER IDENTITY, OR NATIONAL ORIGIN. SUCH ACTION SHALL INCLUDE: EMPLOYMENT, UPGRADING, DEMOTION OR TRANSFER; RECRUITMENT OR RECRUITMENT ADVERTISING; LAYOFF OR TERMINATION; RATES OF PAY OR OTHER FORMS OF COMPENSATION; AND SELECTION FOR TRAINING, INCLUDING APPRENTICESHIP, AND/OR ON-THE-JOB TRAINING.

WE ALSO ENCOURAGE THE USE OF AVAILABLE TRAINING PROGRAMS AND WILL BE HAPPY TO ADVISE UPON WHAT PROGRAMS ARE AVAILABLE, THE ENTRANCE REQUIREMENTS FOR EACH, AS WELL AS ASSISTING IN APPLYING FOR OR ENTERING SUCH PROGRAMS. ANY SUPERVISOR WILL BE HAPPY TO HAVE YOU CONTACT HIM.

ALL PRESENT EMPLOYEES ARE REQUESTED ALSO TO ENCOURAGE PERSONS OF MINORITY RACES AND WOMEN TO MAKE APPLICATION FOR EMPLOYMENT WITH THIS COMPANY OR TO APPLY FOR TRAINING UNDER AVAILABLE PROGRAMS.

Paul Diederich

(NAME) (SIGNATURE)

Box 406 Fargo, ND 58107-0406

(ADDRESS)

1307 County Rd 17 N; Wesy Fargo, ND 58078

(HOME ADDRESS)

President

(TITLE)

701-282-4977

(PHONE NUMBER)

(PHONE NUMBER)

ANY COMPLAINT OF ALLEGED DISCRIMINATION BY THIS COMPANY, ITS SUPERVISORS OR EMPLOYEES, OR ANY PERSON OR ORGANIZATION ACTING ON BEHALF OF THIS COMPANY SHOULD IMMEDIATELY BE CALLED TO THE ATTENTION OF:

Sara Galt

(NAME)

Box 406 Fargo, ND 58107-0406

(ADDRESS)

701-282-4977

(PHONE NUMBER)

Human Resources

(NAME)

1307 County Rd 17 N; West Fargo, ND 58078

(ADDRESS)

(PHONE NUMBER)

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 214

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **INDUSTRIAL BUILDERS, INC.** whose address is in FARGO, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2022, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

INDUSTRIAL BUILDERS, INC. is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: February 23, 2021

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

Alvin A. Jaeger
Secretary of State

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Industrial Builders, Inc.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)
5 Address (number, street, and apt. or suite no.) See instructions. PO Box 406	Requester's name and address (optional)
6 City, state, and ZIP code Fargo, ND 58107-0406	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
			-			-		
or								
Employer identification number								
4	5	-	0	2	3	5	8	7 2

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ► 1/1/2021

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
RYAN RAUSCHENBERGER, COMMISSIONER

October 30, 2020

RECEIVED

INDUSTRIAL BUILDERS INC
PO BOX 406
FARGO ND 58107-0406

Industrial Builders, Inc.
Fargo, N.D.

Ref: L1483894528
Acct: 0312486-CCT-005

(083) 

North Dakota Contractor's Tax Clearance – Expires December 31, 2021.

As of the date of this letter, the North Dakota Office of State Tax Commissioner's records show that the above-named taxpayer does not owe any North Dakota income, sales, use, or gross receipts taxes. This tax clearance does not release the taxpayer from paying any additional income, sales, use, or gross receipts tax that may become due as the result of an audit.

A copy of this Contractor's Tax Clearance may be required to be filed with the North Dakota Secretary of State for contractor licensing purposes. If you enter into a contract with a state or local governmental agency or board, a copy of this Tax Clearance must be provided to that entity.

This is the only copy of the North Dakota Tax Clearance that will be issued and should be retained in your files. It is recommended that you make multiple copies of this document.

Stephen Horgan
Supervisor, Tax Registration

Please Note: If You Are No Longer Doing Business In North Dakota, indicate in the space below the date you ceased operations in this state, sign and date, ***make a copy for your records***, and return this document to our office.

Date Operations Ceased
In North Dakota

Signature

Date

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Lisa Sankey
2. PHONE NUMBER: 515-5370 DATE: December 7, 2021
3. AGENDA TITLE:
Second Reading for rezoning from an R-1: One & Two Family Dwelling District
to a C: Light Commercial District at 120 1st Street and Conditional Use Permit to
allow for an apartment above a commercial establishment.
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Rezone an existing structure (former dental office) from R-1: One & Two Family
Dwellings to C: Light Commercial to allow for a body art studio and Conditional
Use Permit to allow for apartment above a commercial establishment.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
120 1st Street (Lot 9, Block 7 of Sukuts Estate's Subdivision), City of West
Fargo, North Dakota.
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Hold Second Reading on the Rezoning and Approve Conditional Use Permit
subject to conditions listed in the Staff Report.

STAFF REPORT

A21-40 REZONING & CONDITIONAL USE PERMIT	
120 1 st Street	
Lot 9, Block 7 of Sukuts Estates Subdivision, City of West Fargo, North Dakota	
Applicant: Nathan & Jenifer Mastrud Owner: Richard & Nancy Callender	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	11-09-2021 – Approval
City Commission Public Hearing & 1 st Reading:	12-06-2021
2 nd Reading and Conditional Use Permit Approval:	12-20-2021

PURPOSE:

Rezone from R-1: One & Two Family Dwellings to C: Light Commercial to allow for a body art studio and Conditional Use Permit to allow for apartment above a commercial establishment.

STATEMENTS OF FACT:

Land Use Classification:	G-4A Core-Retrofit Growth Area
Existing Land Use:	Former Dental Clinic with Living Quarters
Current Zoning District(s):	R-1: One & Two Family Dwellings
Zoning Overlay District(s):	n/a
Proposed Zoning District(s):	C: Light Commercial
Total area size:	7,000 square feet
Adjacent Zoning Districts:	North – C: Light Commercial South, East & West – R-1: One & Two Family Dwellings
Adjacent street(s):	1 st Street (Collector Street); 2 nd Ave W (Local); Alley
Adjacent Bike/Pedestrian Facilities:	Sidewalks
Available Parks/Trail Facilities:	Herb Tintes Park within .3 miles
Land Dedication Requirements:	n/a

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for rezoning an existing structure to C: Light Commercial and a conditional use permit to allow an apartment above a commercial establishment.
- In 2019 the dental clinic, which had been at this location since 1950 relocated to a different site. Medical and Dental Clinics are considered a conditionally permitted use in the R-1: One & Two Family Dwelling District
- The applicant is proposing to rezone the property to operate a body art studio with hours of operation of 10 am to 6 pm Monday through Saturday by appointment only with no more than 5 artists.
- The applicant is also proposing to continue to utilize the living quarters on the second floor. With the proposed zoning change, a conditional use permit would be required to allow an apartment above a commercial establishment.
- Parking for the business is required to be one space per 250 square feet of gross floor area, which would be six spaces and two for the residential use. Four parking spaces are provided within the

STAFF REPORT

garages, with additional off-street parking provided on a parking slab on the north side of the property and in front of the garages.

NOTICES:

Sent to: Property owners within 350' and applicable agencies and departments

Comments Received:

- A call was received asking for more information with no concerns.
- An email was received in support of the request.
- A property owner to the west asked if there was adequate parking for the proposed use.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - No concerns noted.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - The proposed development is located between commercial zoning on the north and was previously a dental clinic.

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

- The comprehensive plan encourages investing in older neighborhoods closer to the downtown area and an increased mix of uses through the rehabilitation of buildings and infrastructure being a priority.
- The Core - Retrofit Growth Sectors are areas that are mostly developed but still contain

STAFF REPORT

underutilized parcels. They were developed in a conventional, auto-oriented suburban pattern. New development, redevelopment, or the reuse of existing land and buildings should be encouraged to better meet the local goal of achieving more walkable and bikeable corridors and a better-connected village core. Additional growth and development within West Fargo is most desirable within these areas due to the presence of existing infrastructure and proximity of services. The plan envisions that most mixed-use development in the next decades will occur in this growth sector.

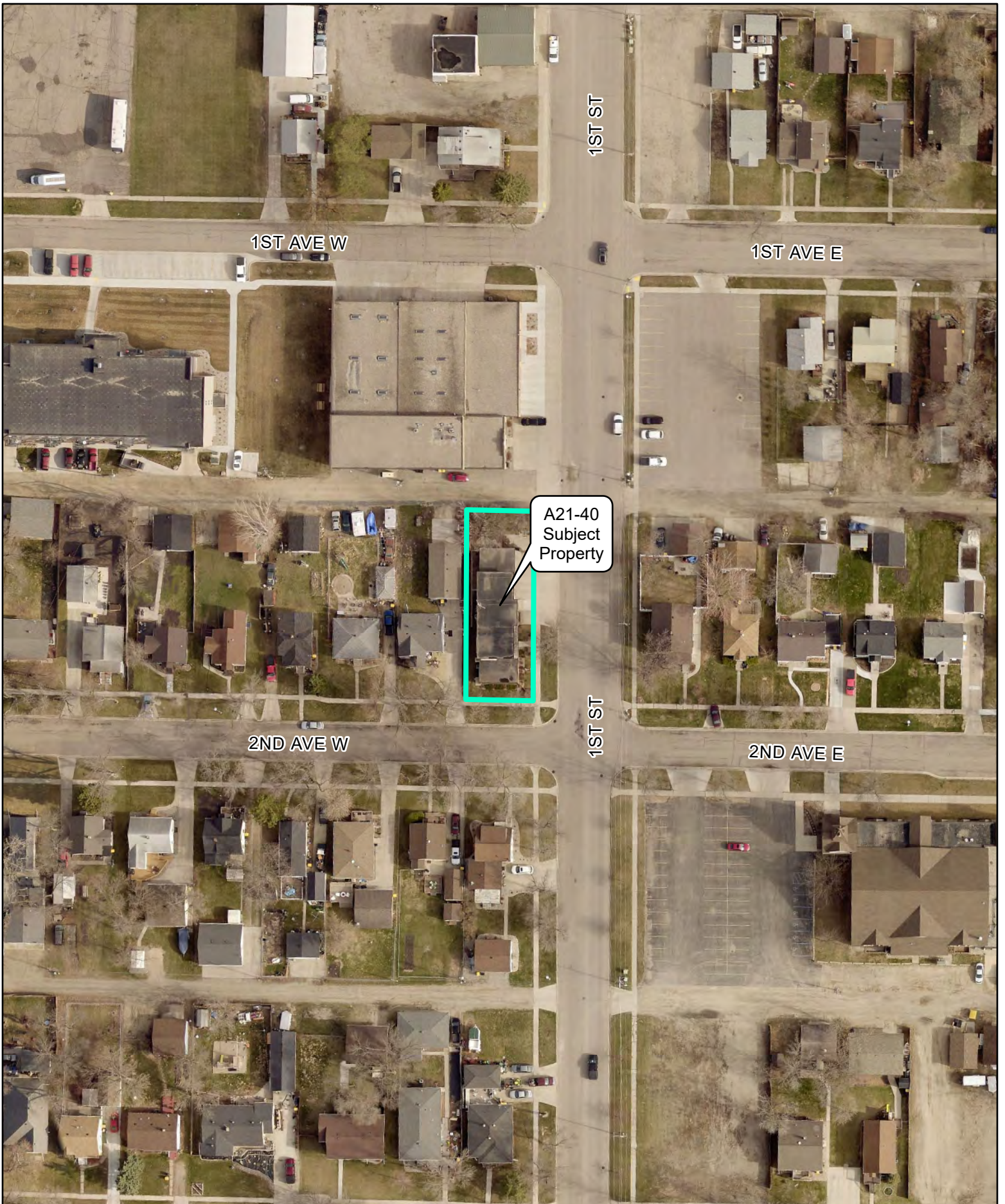
RECOMMENDATIONS:

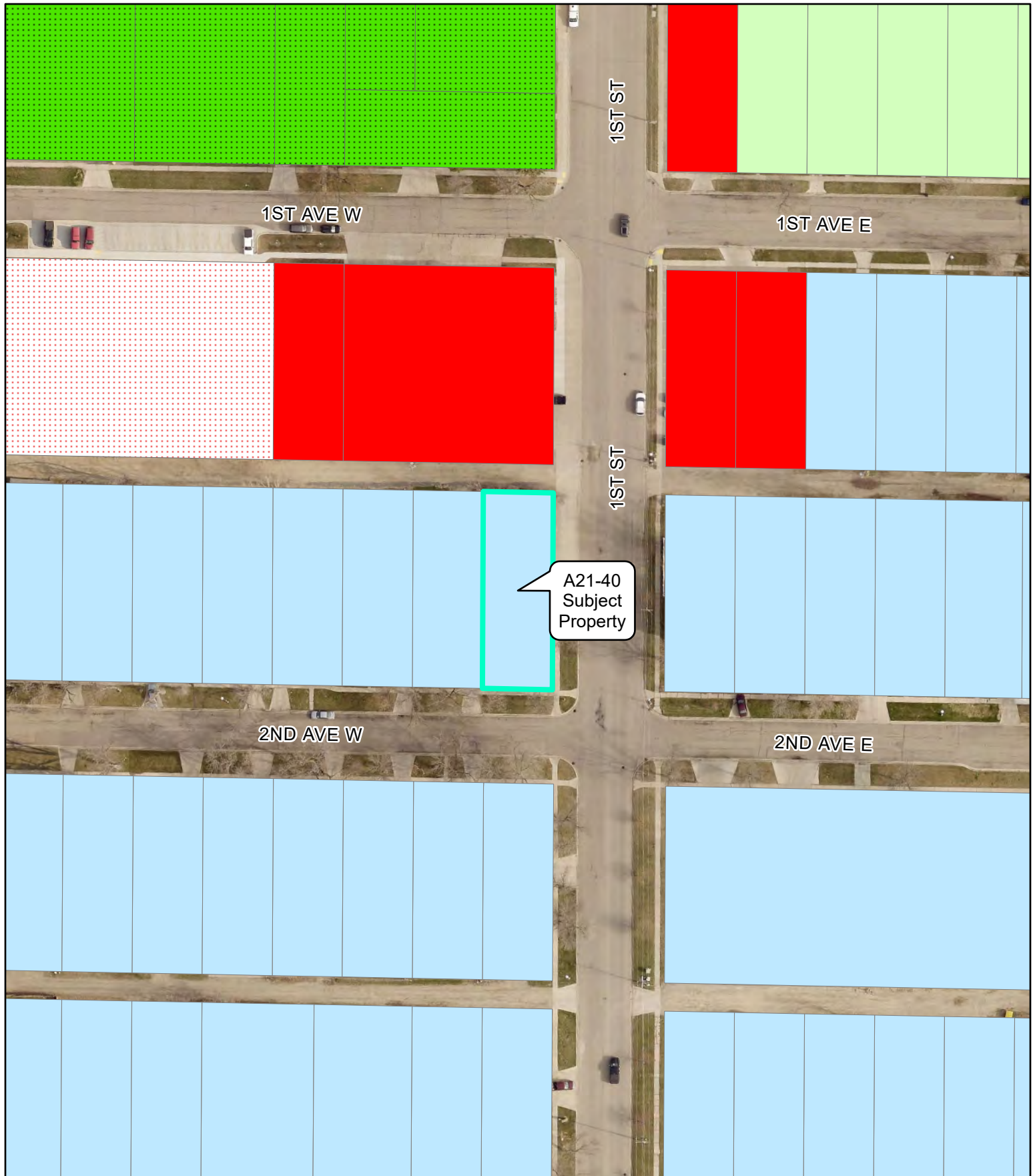
It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. A signed Conditional Use Permit Agreement is received.

PLANNING AND ZONING RECOMMENDATION:

At their November 9, 2021 meeting the Planning and Zoning Commission recommended approval of the Rezoning and Conditional Use Permit subject to the condition listed above.





West Fargo Zoning

- A: Agricultural
- C: Light Commercial
- C-OP: Commercial Office Park
- DMU: Downtown Mixed Use
- EMU: Entertainment Mixed Use
- HC: Heavy Commercial

- LI: Light Industrial
- M: Heavy Industrial
- P: Public
- PUD: Planned Unit Development
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential



Comments

07/15/1997

General Remodeling

BL19970133

41,000

IMPORTED HISTORICAL

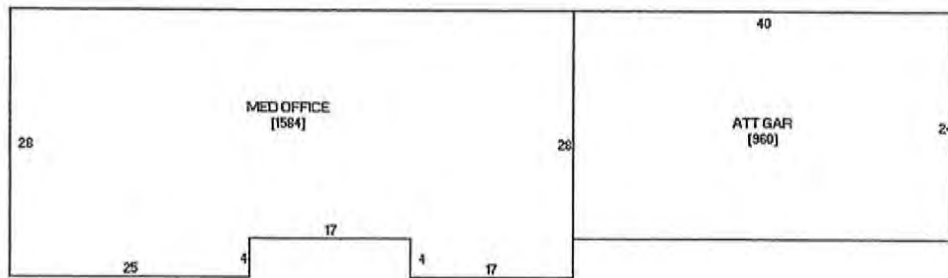
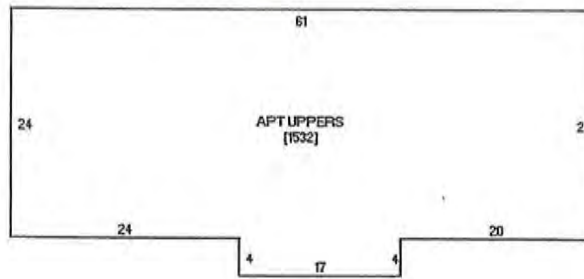
Building Permit Information is for assessment purposes only and may NOT represent valid permits or satisfactory completion of work. For more information please contact the West Fargo Building Department at 701-515-5380 or visit their [website](#).

5' (ft)

Click [here](#) for Abbreviation Key

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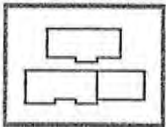
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Sketch of Pin 02-2100-01040-000

1 / 1



Full View

GIS Map Information

Note:

We will not be changing the foot print of the existing structure.

September 21st 2021

From: Richard and Nancy Callender

| Callender Nygard Dentistry | 120 1st Street | West Fargo | North Dakota | 58078

To: West Fargo Zoning and Planning Commission

| 800 Fourth Avenue East Suite 1 | West Fargo | North Dakota | 58078

Dear Members of the West Fargo Zoning and Planning Commission:

This letter is intended to serve, as notice, that we understand and support the potential buyers, Nathan and Jenifer Mastrud, of our property located at 120 1st Street West Fargo, in seeking the request to rezone Lot 9 Block 7 Sukut Estates.

The buyers are requesting a change from the current R-1 zoning of the Callender Professional Building to *Light Commercial* on the main floor, which served as a dental clinic for the last 25 plus years. They also request to maintain the *Conditional Use Permit* to allow residential living spaces on the 2nd floor of the address listed above.

If you should happen to have any questions for us, please reach out and we would be happy to answer any questions you may have.

Sincerely,

X Richard Callender

Richard Callender /Phone Number: (701) 866-9705

X Nancy Callender

Nancy Callender/Phone Number: (701) 861-8409

From: [Justin Loomis](#)
To: [{All-City Planning}](#)
Subject: RE: proposed rezoning and conditional use permit
Date: Friday, October 29, 2021 9:28:09 PM

We, at 126 2nd Ave E, West Fargo, ND 58078, support the rezoning from R-1: One & Two Family Dwellings to C: light commercial, etc for 120 1st Street.

Thank you,

Justin & Lori Loomis

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

Conditional Use Permit

State of North Dakota,
County of Cass,
City of West Fargo

WHEREAS, **Nathan and Jenifer Mastrud** (hereinafter referred to as the “**Applicant**”) has paid the sum of two hundred dollars (\$200.00) to the City of West Fargo, as required by the City of West Fargo Zoning Ordinance, and has complied with all the requirements of said ordinance necessary for obtaining this permit; and

WHEREAS, the **Applicant** is the legal owner of property located at 120 1st Street, West Fargo, ND 58078, legally described as (hereinafter referred to as the “Property”):

Lot 9, Block 7 of Sukut Estate’s Subdivision

NOW, THEREFORE, by order of the West Fargo City Commission, the said applicant is hereby issued a Conditional Use Permit to:

Allow for apartments above a commercial establishment in the LI: Light Commercial zoning district.

on the above-described Property with the following conditions:

1. The City of West Fargo reserves the right to inspect the property for compliance with these conditions.
2. Any and all claims that arise or may arise against Applicant, its agents, servants, or employees while engaged in the use of the Property, shall in no way be the obligation of the City of West Fargo. Furthermore, Applicant, its agents servants, employees, or assigns shall indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorneys’ fees which the City, its officers or employees may hereafter sustain, incur, or be required to pay, in any way connected with the use of the Property or City actions related to the granting of this Conditional Use Permit.
3. Any improvements made to the property in connection with this Conditional Use Permit shall be at the sole expense of the Owner and shall not be the obligation of the City.
4. If Applicant fails to observe the terms and conditions of this Conditional Use Permit, the City may revoke this Conditional Use Permit. In such an event, the City will give owner at least a ten (10) day notice of revocation of a revocation hearing for the Conditional Use Permit stating the time, place and purpose of such hearing. Upon such hearing, the City may revoke this Conditional Use Permit. If this Conditional Permit is revoked Owner shall remove the conditionally permitted use from the property by the date stated by the City Commission at the hearing. Applicant shall pay as reasonable attorney’s fees and court costs associated with the City’s

enforcement of the terms of this Conditional Use Permit.

5. This Conditional Use permit will not be in effect until such time as:
 - a) it is executed and recorded with Cass County; and
 - b) the City of West Fargo is provided with recording information.
6. The obligations herein shall run with the Property and shall bind the Applicant and the Owner and their successors and assigns.
7. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.
8. The Applicant acknowledges receipt of this Conditional Use Permit and agrees to its terms and conditions.

Dated this ____ day of _____, 20__.

APPLICANT:

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

On this ____ day of _____, 20__, before me, the undersigned, a Notary Public in and for said county and state, personally appeared _____, known to me to be the persons who is described in and who executed the above and foregoing document and acknowledged to me that they executed the same.

[SEAL]

Notary Public

Dated this ____ day of _____, 20__.

**WEST FARGO BOARD OF CITY
COMMISSIONERS:**

Bernie L. Dardis, President of the Board

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Bernie L. Dardis, known to me to be the person who is described in and who executed the above and foregoing document and acknowledged to me that he executed the same.

[SEAL]

Notary Public

Dated this _____ day of _____, 20____.

**WEST FARGO PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT:**

Aaron Nelson AICP, Director of Planning and
Zoning

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Aaron Nelson AICP, known to me to be the person who is described in and who executed the above and foregoing document and acknowledged to me that he executed the same.

[SEAL]

Notary Public

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Malachi Petersen
2. PHONE NUMBER: 515-5377 DATE: December 8, 2021
3. AGENDA TITLE:
Second Reading and Final Approval - Zoning Ordinance Amendments to
Sections 4-200 Definitions, 4-440, Supplementary District Regulations, and 4-
442.6 Accessory Building and Use Provisions Regarding Swimming Pools.
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Staff proposes Zoning Ordinance Amendments to various Chapter 4 ordinances
regarding swimming pool requirements for pool permitting and to add definitions
for permanent and temporary pools. The amendments define the types of
barriers that can be used for pools as well as clarify acceptable height for locking
mechanisms for gates and other barrier openings.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
N/A.
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Hold Second Reading and Final Approval on the Zoning Ordinance Amendment.

STAFF REPORT

A21-43**ZONING ORDINANCE AMENDMENTS**

Zoning Ordinance Amendment 4-442.6 Accessory Building and Use Provisions regarding Swimming Pools.

Applicant: City of West Fargo

Staff Contact: Malachi Petersen

Planning and Zoning Commission Public Hearing:

11/9/2021

City Commission Public Hearing & 1st Reading:

12/06/2021

2nd Reading:

12/20/2021

PURPOSE:

Amendments to Chapter 4 ordinances regarding swimming pools to clarify requirements for pool permitting and to add definitions for permanent and temporary pools.

DISCUSSION AND OBSERVATIONS:

- The proposed amendment adds definitions for temporary pools (containing less than 5,000 gallons or with a depth less than 2.5 feet) and permanent pools (containing more than 5,000 gallons or with a depth greater than 2.5 feet). This designation will allow homeowners to continue to own and operate small seasonal pools without the need for barriers while also clarifying the definition of a permanent pool for the purposes of regulation.
- The proposed amendment provides that a hard or soft cover for a pool does not constitute an adequate barrier.
- The proposed amendment clarifies what is considered an acceptable height for locking mechanisms for gates and other barrier openings.
- Any permanent pool built after January 1, 2022 will need to be permitted by the West Fargo Building Inspections Department and reviewed by the West Fargo Planning & Zoning Department. Appropriate informational messaging will be done prior to the ordinance going into effect.

NOTICES:

Sent to: Notice in the newspaper and to City Departments

Comments Received:

- Received multiple comments from Building Inspections, Code Enforcement, and Emergency Management concerning the proposed amendment. Planning staff worked with representatives of these departments to revise the ordinance to accommodate concerns.

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

- The proposed amendments do not make major substantive changes to the existing ordinances and are consistent with the Comprehensive Plan.

RECOMMENDATIONS:

Staff is recommending approval of the proposed amendment.

STAFF REPORT

PLANNING AND ZONING RECOMMENDATION:

At their November 9, 2021 meeting the Planning and Zoning Commission recommended approval of Zoning Ordinance Amendments.

CITY COMMISSION MEETING AND FIRST READING:

At their December 6, 2021 meeting the City Commission approved the first reading of the ordinance amendments.

ORDINANCE NO. 1202

AN ORDINANCE TO AMEND AND REENACT CHAPTER 4-200, SECTION 4-441.5, AND SECTION 4-442.6 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO SWIMMING POOLS.

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

SECTION 1. Chapter 4-200 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted by amending the definition of "Swimming Pool," and adding the definition of "Temporary Swimming Pool" to read as follows:

PERMANENT SWIMMING POOL: Any structure, basin, or tank, either above or below the ground, designed to be used for swimming or wading, which has a capacity of five thousand (5,000) gallons or more, or which has a depth of over twenty-four (24) inches.

TEMPORARY SWIMMING POOL: Any structure, basin, or tank, either above or below the ground, designed to be used for swimming or wading, which has a capacity of less than five thousand (5,000) gallons, or which has a depth of less than twenty-four (24) inches.

SECTION 2. Section 4-441.5 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

5. PRIVATE RECREATIONAL FENCES. Private recreational fences shall conform to the provisions attached to residential fences. Permanent swimming pool fences shall be six (6) feet in height.

SECTION 3. Section 4-442.6 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

6. All swimming pools as defined by this ordinance shall be regulated as follows:
 - a. All permanent swimming pools shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening or other enclosure, or any combination thereof (collectively "barrier") of sufficient density as to curtail access. Hard and soft pool covers are not considered to be adequate

barriers. All barriers must be at least six feet (6') in height. Fences shall be of a noncorrosive material and shall be constructed so as to be not easily climbable. All barrier openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to permanent swimming pools shall be equipped with self-closing and self-latching devices placed at a height of at least fifty-four (54) inches from finished grade so as to be inaccessible to all small children. All barrier supports shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection. The opening between the bottom of the barrier and the ground or other surfaces shall not be more than four inches (4"). A permit for permanent pools is required to be reviewed and approved by the West Fargo Building Inspections Department and West Fargo Planning and Zoning Department prior to construction.

- b. Permanent swimming pools with platforms and railings that are six (6) feet in height above the ground and temporary pools are not required to be enclosed as provided in paragraph (a) above; however, all ladders and stairways providing access to such swimming pools shall be removed from the swimming pool or shall be adequately fenced and fitted with gates, or folded up and locked to prevent entry when the swimming pool is not in use.

SECTION 4. 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:



To: West Fargo City Commission

From: Economic Development Advisory Committee

Date: Monday, December 20, 2021

Subject: Gateway West Office Park LLC PILOT Application

Action: Approve PILOT Request

Commission President

Bernie Dardis

Primary Portfolio:
Administration/Finance

Secondary Portfolio:
Street, Water and Sewer

Commission Vice President

Brad Olson

Primary Portfolio:
Street, Water and Sewer

Secondary Portfolio:
Sanitation

Commissioner

Eric Gjerdevig

Primary Portfolio:
Planning, Zoning and Engineering

Secondary Portfolio:
Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:
Police and Fire

Secondary Portfolio:
Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:
Sanitation

Secondary Portfolio:
Police and Fire

City Administrator

Tina Fisk

Assistant City Administrator

Tim Solberg

Summary & Recommendation:

The City of West Fargo's Payment-in-Lieu-of-Taxes (PILOT) program is a 36,000 development incentive that uses the abatement of taxes to attract private investment that meets the development goals of the City. A PILOT can be used anywhere in the community as long as the applicant adds property value through private investment and brings jobs with a livable wage into the community.

Gateway Office Park LLC has applied for a 5-year PILOT incentive for a square foot office building at the 2000 Block of 7th St. W., just north of I94, and west of Hornbachers on Sheyenne Street. The applicant has provided an appraisal for the office building, which values improvements at \$8,960,000. If granted, for the first five years the property would pay \$100 in annual property taxes on new improvements in lieu of \$138,486. The applicant has provided lease agreements that show the full value of the incentive being passed onto the three tenants, United Sugars, BC Contracting, and an undisclosed third tenant. Each of the three tenants have stated that the incentive would enable faster growth in the first 5 years if they received the incentive and have alternative locations in mind should the incentive not be granted.

Because the recruitment of these corporate offices will result in high-quality jobs and will improve the I94 commercial corridor, the PILOT request meets the economic goals set within West Fargo 2.0 and City of West Fargo PILOT guidelines. Therefore, the Economic Development Department recommends approval of this proposal. The building that would house these prospective tenants is under construction and the PUD amendment facilitating this development was approved by the City Commission on September 20, 2021.

Policy Analysis:

The proposed corporate offices would create over 95 jobs in West Fargo, with an average salary of \$48/hour by year 5. The average salary of these jobs constitutes a livable wage and will strengthen our local economy. The workers in this office park will also increase corollary commerce in the area, further promoting commercial growth along the I94 corridor. Additionally, the expansion of corporate offices/headquarters meets West Fargo's 2.0's goal to diversify the local economy through increased commercial development.

Financial Analysis:

Based on the attached incentive analysis, the developer would gain \$692,430 in tax savings over a 5-year term in return for a private investment of \$8,960,000, which would be directly applied to the Common Area Maintenance Costs (CAM) of the three tenants. Additionally, the City could expect to see an increase in sales tax revenue from the economic activity spurred by the development with 95 new high quality jobs with an average hourly salary just above \$48/hr.

Recommendation of Economic Development Advisory Committee

At their December 9, 2021 Meeting, the Economic Development Advisory Committee (EDAC) voted unanimously to recommend approval of the PILOT Application with the following conditions:

1. Signed PILOT Agreement with property owner that includes proper requirements of owner to pass through the incentive to its tenants in the form of reduced common area maintenance or other form of reduced lease rates.
2. Tenants agree to provide owner with annual reporting of job requirements for the term of the PILOT to be outlined in the PILOT Agreement to meet as is reported in the application.

Incentive Analysis

Requested Incentive: PILOT

Term: 5 years

Applicant: Gateway Office Park LLC

Project Address: 2000 Block of 7th St. W.

Legal Description: Lot: 4 Block: 1 Gateway West Addition

Proposed Property Value Increase: \$8,960,000 New Building

Estimated Value of Tax Savings to Applicant: \$691,930.00

Estimated Incentive Value Granted to Applicant to-date: \$148,690

Magnum Electric, which has shared ownership, received a PILOT between 2014 and 2019

Summary of Request: PILOT – 5 years

A payment in lieu of taxes (PILOT) allows the recipient to make a small payment of \$100 per year “in lieu of taxes” for five years on their improvements instead of their full tax amount. The recipient is still responsible for paying the current land taxes and special assessments throughout the term of the PILOT. The value of the unpaid property taxes can be used for any purpose to enable the proposed investment. To apply, a business must provide job creation goals through their application that are then reported annually to the City. If goals are unmet, the incentive is proportionally rescinded.

Gateway Office Park LLC. is in the process of constructing a 36,000 square foot building and is seeking a 5-year tax abatement through a PILOT on behalf of its prospective tenants. As noted in the West Fargo guidelines for PILOTs, qualifying applicants may receive a 100% abatement for the first five years. With Gateway West Office Park’s proposed improvement value of \$8.96 million, the following abatement drawdown would apply:

Tax Savings to Applicant			
Years	% of Abatement	PILOT	Est. Taxes Saved
1	100%	\$100	\$138,386.00
2	100%	\$100	\$138,386.00
3	100%	\$100	\$138,386.00
4	100%	\$100	\$138,386.00
5	100%	\$100	\$138,386.00
Total		\$500	\$691,930.00

Upon retirement of the abatement the applicant would pay an estimated additional \$138,486.00 in annual property taxes on the proposed improvements.

Continued Payments During Incentive			
Years	Est. Specials	Est. Property Tax	Est. Total
1	\$18,605.10	\$19,913.95	\$38,519.05
2	\$18,605.10	\$19,913.95	\$38,519.05
3	\$18,605.10	\$19,913.95	\$38,519.05
4	\$18,605.10	\$19,913.95	\$38,519.05
5	\$18,605.10	\$19,913.95	\$38,519.05
Total	\$93,025.50	\$99,569.75	\$192,595.25

In 2020, the owner of the property paid \$38,519.05 in property taxes on the land. Of that amount, \$18,605.10 was for specials. This amount would continue to be paid throughout the five-year PILOT.

Development Project

Gateway Office Park LLC has identified three potential tenants for their 36,000 square foot building under construction at the 2000 Block of 7th St. W., just north of I94 and west of Hornbacher's on Sheyenne Street. The three tenants include United Sugars, BC Contracting, and an undisclosed third tenant. Each of these three tenants would take up 1/3 of the building, which will be constructed with class A materials including glass, metal and specialty woods. The value of the incentive would be used to reduce the Common Area Maintenance (CAM) fees for each tenant to attract these corporate headquarters to the site.

United Sugars

United Sugars would use this location as their service center and corporate headquarters, second to their main campus in Minneapolis. United Sugar's service center processes orders and contracts, manages and plans inventory, plans packaging, manages rail and truck transportation, and provides the IT support for the United Sugars Corporation as a whole. The former site for this service center was Moorhead, however the former property has since been sold. In their new location, United Sugars would bring 39 existing jobs, expanding to 49 jobs by year 5, with an average hourly salary of \$43 per hour.

BC Contracting

BC Contracting (BC) is a general contractor construction company whose corporate office is needing to expand out of their current location in West Fargo. Their corporate office roles include executives, project managers, IT, HR, finance, administration and field support services. The company is hoping to expand its current operations, keeping 20 current workers in West Fargo and adding 10 over the next 5 years. The average salary for BC contracting employees that would be at this location would increase from \$50/hr in year 1 to \$58/hr in year 2.

Undisclosed 3rd Tenant

The third tenant has a LOI and is currently not to be disclosed. The space would serve as a corporate office for this executive team, sales forces, and financing arm of the company. Although this tenant is not yet public, they have committed to bring 25 jobs to West Fargo making \$40/hr, growing to 36 jobs averaging \$43/hr by year 5.

Community Benefits

To receive a tax incentive, recipients must provide benefit to the community:

The predominant public benefits expected from an applicant receiving a PILOT incentive would be to:

- Enhance property value through private investment to provide additional revenue to taxing entities
- Bring high-quality jobs that support a livable wage
- Enhance commercial growth to diversify the local economy
- Attract businesses that compliment revitalization of an area through employment, unique offerings, and complementary businesses that meet the goals of the West Fargo 2.0 Comprehensive Plan

Each of these goals are met through the proposed project, which would attract three corporate operations with high salaries to the I94 corridor.

“But for” test

In economic development, incentives are not awarded if the development would occur regardless of the City’s contribution. The applicant has begun construction on the \$8,960,000 building; however, the corporate tenants are not guaranteed to come with the building. While other tenants would still result in increased property value, other economic benefits from these corporate offices may not be seen. Furthermore, the prospective businesses have stated that a reduction in CAMs in their first 5 years will allow them to spend more on their operations and development, further stabilizing their business in West Fargo. Therefore, it can be considered that but for the incentive, the three prospective businesses would not be able to invest to the same degree as proposed in this PILOT application.

Previous and Current Incentives Experienced by Applicant

Magnum Electric, which has shared ownership with Gateway Office Park LLC, received a PILOT between 2014 and 2019 valued at \$148,690.

Previous and Current Incentives Experienced by Property

No incentives have been granted to the property to-date.

**Economic Development**800 4th Avenue East

West Fargo, ND 58078

701-515-5340

Economic.Development@WestFargoND.Govwww.WestFargoND.Gov

West Fargo PILOT Application

Business Information	
1. Legal Name of Business ("Project Operator")	Gateway West Office Park LLC
2. Legal Classification of Business	☒ Partnership ☐ Subchapter S Corporation ☐ Cooperative ☐ Individual Proprietorship ☐ Limited Liability Corporation ☐ Corporation – State: _____ Date: ____/____/____
3. Is the Project Operator succeeding someone else in this or a similar business?	☐ Yes ☒ No If yes: Name of Former Business: _____ Original Business Locations: _____ Date of Succession to Project Operation: ____/____/____
4. Has the Project Operator conducted this business at this or any other location either in or outside of the state?	☐ Yes ☒ No If yes: Operating Location(s): _ _____ Dates of Operation: _ _____
5. Has the project operator or any officers of the project ever received any property tax incentives?	☒ Yes ☐ No If yes: Name of Business(es): __Magnum Electric _____ Location(s): _West Fargo _____ Date(s) of Incentive(s) Received: _2014-2019 _____ Type(s) and Length(s) of Incentive(s) Received: __PILOT on New Construction starting in 2014 and expired in 2019 _____ Description of Project(s): _Magnum Electric moved it's corporate office from Moorhead to West Fargo with the PILOT Incentive. There is a common owner in this project and Magnum Electric
6. Does the Project Operator own real property in North Dakota which has delinquent property tax levied against it?	☐ Yes ☒ No If yes, please explain: _____ _____

7. Does the Project Operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property?	☐ Yes ☒ No If yes, please explain:
--	---

Reapplication	
8. Is this a reapplication?	☐ Yes ☒ No (if no, skip to Project Information section)
9. The project operator is reapplying for property tax incentives for the following reason(s):	☐ To present additional facts or circumstances which were not presented at the time of the original application ☐ To request continuation of the present property tax incentives because the project has: ☐ moved to a new location ☐ had a change in project operation or additional capital investment of more than twenty percent ☐ had a change in project operators ☐ To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C 40-57.1-03.1)

Project Information	
10. This Project is a:	☐ Demo & New Build.....original building constructed: ____/____/____ ☐ Remodel.....original building constructed: ____/____/____ ☐ Addition.....original building constructed: ____/____/____ ☒ New Construction
11. Type of business to be engaged in:	☐ Ag Processing ☐ Manufacturing ☐ Retailing ☐ Wholesaling ☐ Warehousing ☒ Services ☐ Other: _____
12. This Project is a (select all that apply):	☐ Expansion of existing operations ☐ New business venture ☒ Relocation of existing ventures
13. Describe in detail the activities to be engaged in by the Project Operator, including a description of any products to be manufactured, produced, assembled or stored:	United Sugars (tenant) is looking for a new home for our Service Center – second corporate headquarters which is currently located in Moorhead, MN. They recently sold our building and will be relocating. Their Service Center processes orders and contracts, manages and plans inventory including 3 rd party storage and bulk operations, plans packaging both within the co-op and for 3 rd parties, manages and plans rail and truck transportation, and provides the IT support for United Sugars Corporation as a whole.

	BC Contracting (BC) is a general contractor construction company who's corporate office is needing to expand out of their current location. Their corporate office roles include: executive team, project managers, IT, HR, finance, administration and field support services. The third tenant has a LOI and is currently not to be disclosed. The space would serve as a corporate office for this executive team, sales forces, and financing arm.
14. Description of Project to be constructed including size, type, and quality of construction. *Attach Rendering as Exhibit A *Attach Site Plan as Exhibit B	3 story 36,000 sq ft office building Class A 2 secured tenants are second Headquarters for United Sugars and corporate office for BC Contracting. LOI for third and final tenant for their corporate office, sales team and financing arm. The modern design of this Class A building will be a great first or last impression for travelers on the I-94 corridor. The glass, metal and specialty woods will be an attractive site for West Fargo to stand as a good home for corporate and professional offices.
15. Indicate the type of machinery and equipment that will be installed	Office furniture and equipment
16. Project Timeline	<u> Fall 2021 </u> Commencement of Construction <u> Fall 2022 </u> Construction Ends <u> Feb 2023 </u> PILOT Begins <u> Fall of 2022 </u> Commencement of Project Operations <u> </u> PILOT Expires

Property Information	
17. Project Address	Street: <u>2000 Block of 7th St W</u> City: <u>West Fargo</u> State: <u>ND</u> Zip: <u>58078</u>
18. Legal Description(s) https://map.westfargond.gov/TaxParcels/	Lot: 4 Block: 1 GATEWAY WEST ADDN LT 4 BLK 1 * *6-11-18 PLATTED FRM 02-3000-01865-000 PER PLAT DO C#1535505 FOR 2018
19. Parcel Number(s) https://map.westfargond.gov/TaxParcels/	02-4400-00040-000
20. Current Zoning https://map.westfargond.gov/TaxParcels/	PUD
21. Is the property owned by the Project Operator?	☒ Yes ☐ No (If "no", please mark the type of agreement between the Project Operator and Property Owner): ☒ Purchase ☐ Receivable Donation ☒ Lease

	___ Option ___ Other Date of Purchase: Fall ___/___/2021___ Lease State Date: _Fall___/___/2022___ Lease End Date: ___/___/2032___ Option to Renew Lease: _x_ Yes ___ No How are property tax exemptions passed from the property owner to the Project Operator through the lease agreement? <u>United Sugars, BC Contracting and third tenant will receive the exemption through reduced CAM (common area maintenance), as most landlord pass through property tax to the commercial tenants. Tenants will receive the full benefit as described in the "Additional Rent" section of the Lease Excerpt.</u> ___ Effective Date: ___/___/___ Date of Expiration: ___/___/___ Amount of Option: ___/___/___
If Purchase:	
If Lease:	
If Option:	
If Other:	

Please attach documentation showing intent to acquire or lease the subject property as **Exhibit C**.

Signature of current property owner (if different than business owner) certifying that the purchase, donation, lease, option, or other arrangement attached to this application is true and accurate to the best of their knowledge:

Signature: _____ Printed Name: __Vice President _____ Date: _____

Financial Information	
22. The Project Operator is requesting:	_____ (# of years)* _____ % Tax Exemption \$_____ Annual Payment in Lieu of Taxes _____ (initial) *If requesting beyond 5 years applicant understands that they are responsible for presenting their exemption request in front of the West Fargo Public School Board and the Cass County Commission to comply with North Dakota State Century Code. _____ (initial) *Applicant further understands that this will add approximately 6 weeks to the application process due to notification requirements required by the state.
23. Current property tax on Project property:	Visit: https://www.westfargond.gov/518/Property-Information and enter parcel number Land.....\$ 1,325,900___ Structures.....\$ _____ Total True and Full Value.....\$ 1,325,900___

	Special assessments paid on last tax statement.....\$ 18,605____ Total taxes on last tax statement (without specials).....\$ 19,883____ Are there any outstanding taxes on the property? ____ Yes __x__ No
24. What is the estimated cost of planned new construction?	\$ 8,960,000 new__see appraisal total project is \$12,350,000____
25. What is the estimated market value of :	A. Land: \$ 3,390,000_____ B. Existing buildings and structures (Is applicant seeking exemption for this value? ____ Yes __x__ No): \$_____ C. Newly constructed buildings and structures when completed: \$ 8,960,000_____ D. Total market value (add lines B and C) \$ 8,960,000_____ E. Consolidated mill rate <u>299.91</u> F. Annual amount of the tax exemption (line D x line E) \$ 138,486_____ G. Machinery and Equipment \$_____
26. New property tax collected during PILOT term	A. Will any portion of new construction continue to pay property tax during the term of the PILOT? ____ Yes ____ No (move to Employment Information section) B. If yes to 17 (a), please estimate the market value of this portion of the project: \$_____ C. If yes to 17 (a), estimate annual taxes that would be paid on new improvements during the term of the PILOT: \$_____
27. Will this project produce Sales Tax?	____ Yes __x__ No

If more than 5 years, please attached additional page for each year:

Employment Information – United Sugars						
28. Projected number of construction employees during the Project construction: _50+_____						
	Company-Wide (before project)	Year 1	Year 2	Year 3	Year 4	Year 5
29. Full Time Employees						
# of Employees	39	41	43	45	47	49
Earnings	\$2,823,600	\$2,968,400	\$3,113,200	\$3,258,000	\$3,402,800	\$3,547,600
Benefits	\$705,900	\$742,100	\$778,300	\$814,500	\$850,700	\$886,900
Total Compensation	\$3,529,500	\$3,710,500	\$3,891,500	\$4,072,500	\$4,253,500	\$4,434,500
Avg. Hourly Wage	\$_43.51/hr	\$_43.51/hr	\$_43.51/hr	\$_43.51/hr	\$_43.51/hr	\$_43.51/hr
30. Part-Time Employees						
# of Employees						
Earnings	\$	\$	\$	\$	\$	\$
Benefits	\$	\$	\$	\$	\$	\$
Total Compensation	\$	\$	\$	\$	\$	\$
Avg. Hourly Wage	\$___/hr	\$___/hr	\$___/hr	\$___/hr	\$___/hr	\$___/hr

Revenue, Expenses, and Net Income – Untied Sugars						
31.	Company-Wide (before project)	Year 1	Year 2	Year 3	Year 4	Year 5
Annual Revenue	375,461,908	400,000,000	425,000,000	450,000,000	475,000,000	500,000,000
Annual Expenses	373,771,547	398,250,000	423,100,000	447,900,000	472,750,000	497,750,000
Net Income	1,690,361	1,750,000	1,900,000	2,100,000	2,250,000	2,250,000

Employment Information – BC Contracting

28. Projected number of construction employees during the Project construction: __50 including subcontractors__

	Company-Wide (before project)	Year 1	Year 2	Year 3	Year 4	Year 5
29. Full Time Employees						
# of Employees	20	22	24	26	28	30
Earnings	\$1,678,396	\$1,901,600	\$2,136,800	\$2,384,000	\$2,644,800	\$2,918,400
Benefits	\$419,599	\$475,400	\$534,200	\$596,000	\$661,200	\$729,600
Total Compensation	\$2,097,995	\$2,377,000	\$2,671,000	\$2,980,000	\$3,306,000	\$3,648,000
Avg. Hourly Wage	\$_50.43/hr	\$_51.95/hr	\$ 53.50/hr	\$_55.11/hr	\$_56.76/hr	\$_58.47/hr
30. Part-Time Employees - none						
# of Employees						

Revenue, Expenses, and Net Income – BC Contracting

31.	Company-Wide (before project)	Year 1	Year 2	Year 3	Year 4	Year 5
Annual Revenue	\$160,000,000	\$180,000,000	\$200,000,000	\$210,000,000	\$220,000,000	\$240,000,000
Annual Expenses	\$157,000,000	\$176,400,000	\$196,000,000	\$205,800,000	\$215,600,000	\$235,200,000
Net Income	\$3,000,000	\$3,600,000	\$4,000,000	\$4,200,000	\$4,400,000	\$4,800,000

Employment Information – Undisclosed LOI - Estimated**28.** Projected number of construction employees during the Project construction: _____

	Company-Wide (before project)	Year 1	Year 2	Year 3	Year 4	Year 5
29. Full Time Employees						
# of Employees	25		30	32	34	36
Earnings	\$1,790,100		\$2,307,240	\$2,461,056	\$2,614,872	\$2,768,688
Benefits	\$315,900		\$407,160	\$434,304	\$461,448	\$488,592
Total Compensation	\$2,106,000		\$2,714,400	\$2,895,360	\$3,076,320	\$3,257,280
Avg. Hourly Wage	\$ 40.50/hr		\$ 43.50/hr	\$ 43.50/hr	\$ 43.50/hr	\$ 43.50/hr

30. Part-Time Employees

# of Employees						
Earnings	\$	\$	\$	\$	\$	\$
Benefits	\$	\$	\$	\$	\$	\$
Total Compensation	\$	\$	\$	\$	\$	\$
Avg. Hourly Wage	\$___/hr	\$___/hr	\$___/hr	\$___/hr	\$___/hr	\$___/hr

Revenue, Expenses, and Net Income – Undisclosed LOI

31.	Company-Wide (before project)	Year 1	Year 2	Year 3	Year 4	Year 5
Annual Revenue	5,000,000		5,550,000	5,850,000	6,150,000	6,450,000
Annual Expenses	4,500,000		5,000,000	5,250,000	5,500,000	5,750,000
Net Income	500,000		550,000	600,000	650,000	700,000

Speculative Development

32. Does the project create speculative space for unidentified tenants/owners?	___ Yes <u>x</u> No (skip to Competition section)
A. If yes, what is the intended tenant/owner type?	___ Retail ___ Office ___ Warehousing ___ Distribution ___ Manufacturing ___ Other: _____
B. Why does West Fargo need this type of speculative building space?	

Competition	
33. Is any similar business being conducted by other operators in the municipality?	☐ Yes ☒ No If yes, give name and location of competing business or businesses: _____ _____
34. Will this PILOT influence your decision to relocate or expand in West Fargo? Please explain.	☒ Yes ☐ No If yes, please explain: United Sugars would like to be where they are visible from interstate. There are two other MN locations they considered for this reason. Moorhead lots are zoned industrial and not conducive to office. The St. Cloud Opportunity Drive and Alexandria area are attractive but would mean we need to let go of our current workforce as they would not move or commute. The PILOT would reduce their annual CAM by \$4.5-5 per sq foot or approximately \$50,000 per year. BC Contracting is occupying 3,600 sq ft and wants to expand to 10,000+ with this new project. The PILOT will help keep their first 5 years in the new space as a manageable expense so they can create new jobs and grow into the expanded space and larger rent amount by year 5.
35. Have you received other incentive offers from similar communities for this project? If so, please attach their incentive proposal to this application as Exhibit D .	The City of Moorhead was willing to offer city owned land at a discounted price
36. Would receipt of this PILOT result in your relocation from another North Dakota community?	No, from MN

Community Benefit and Need	
37. Have you completed a market study showing the community need and market viability for this project?	☐ Yes ☒ No *If yes, please attach and provide a summary of relevant information to this application as Exhibit E.

38. What does the project provide to the West Fargo Community?	High paying jobs and bringing United Sugars' headquarters across the river. They have a focus on the communities in which their employees work and live. They give hundreds of scholarships annually and support K-12 STEM programs. BC Contracting has been a member of the community for the last 9 years but the executive team for a long time. They are involved in a number of non profits as volunteers and board members.
39. How does the project meet the West Fargo Economic 2.0 Plan? Be specific by referencing initiatives outlined in the Plan and referencing page numbers. Recommended sections include: Big Ideas - Economy Grow the Economy Section and Downtown)	https://www.westfargond.gov/252/Comprehensive-Plan One of the goals of WF Economic 2.0 Plan is to increase jobs as a % of population as many WF residents are leaving the city to work in other areas of the metro. This will provide high paying opportunities to an area of the city that people are more likely to live and work in as opposed to those locations on the east part of the city. This location also draws people west and into the Hornbacher's area where there is room for future development of restaurants and other retail businesses that will increase the sales tax revenue for the city. Besides Hornbacher's, many WF residents don't have a reason to enter this development. More working commuters to the area will encourage bar/restaurant and retailers to lease up space near this development. Having United Sugars visible from interstate is key to helping those passing through know that a large organization that controls 25% of the US sugar has made West Fargo its home.
40. How will you give back to the West Fargo community after receiving the PILOT?	This project will bring more jobs to the area to create more opportunities for restaurants and other small business to thrive, keeping dollars local to WF
41. What other sources of funding have you pursued to make this project a reality?	Applied for Primary Sector with state of ND. This opens door with Bank of North Dakota, Employment incentives, and others through our local Greater FM Economic Development Corp that we've started to explore
42. Establish why the PILOT is necessary to your project. How will PILOT funds facilitate your project or otherwise enhance your project?	The PILOT is necessary for this project to attract these high valued tenants because they can buy land in other communities for less per sq foot price. Being the first corporate offices outside of the construction industry along I-94 in West Fargo brings an added risk from moving from their more walkable current locations.

Longevity	
43. Do you plan to sell or lease the property to another party at any point <u>during</u> the PILOT?	☐ Yes ☒ No
44. Do you plan to sell or lease the property to another party <u>after</u> the PILOT term has ended?	☐ Yes ☒ No
45. Do you plan to expand in the future?	☒ Yes ☐ No
46. What is your plan to finance a future expansion?	Operations
47. When do you anticipate that this project will need to be updated/renovated?	10 years
48. What is your plan to finance a future renovation?	Operations or traditional bank financing

Project Operator Responsibilities (initial each)	
_____	<u>Development of Project</u> The Project Operator further commits to commence development of the Project either prior to or within 60 days after the PILOT Agreement is fully executed.
_____	<u>Time is of the Essence</u> The Project Operator recognizes that time is of the essence for this Project and shall make every reasonable effort to expedite the Project and acknowledges that the successful performance of the PILOT Agreement requires their continued cooperation.
_____	<u>Local Contractors, Suppliers and Vendors</u> Developer acknowledges the use of local incentives for this Project and recognizes the benefits of utilizing local contractors and suppliers. The Developer agrees that it will use commercially reasonable efforts to employ price competitive contractors, suppliers and vendors located within Cass County with respect to the construction of the Project, and will additionally use such efforts to purchase materials and supplies from price competitive suppliers and vendors located within Cass County. Upon request, Developer shall provide the Commission and/or City Representative an accounting of the Project as to the: i) contractors and suppliers used; and, ii) "commercially reasonable efforts" used by the Developer.

I, Darin Hersch, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

Signature: _____ Title: Vice President Date: / /

Attached Documents:

 Exhibit A – Project Rendering

 Exhibit B – Project Site Plan

 Exhibit C – Property Owner and Project Operator Agreement

 Exhibit D – Incentive Offer from Competitor Community

 Exhibit E – Market Study

Contact Information	
Project Operator (Business requesting PILOT)	Name: <u>Gateway West Office Park LLC - Sarah West</u> Title: <u>CFO</u> Phone Number: <u>701-318-9518</u> Email: <u>sarah@lightconsulting.co</u> Mailing Address: <u>3259 Oak Ridge Loop E</u> City: <u>West Fargo</u> State: <u>ND</u> Zip: <u>58078</u> Federal Identification No. or Social Security No. <u>87-2753064</u> North Dakota Sales and Use Tax Permit No. _____
Appropriate Address for Legal Documents	Name: <u>Same</u> Title: _____ Phone Number: _____ Email: _____ Mailing Address: _____ City: _____ State: _____ Zip: _____

Who will review and sign legal documents related to the PILOT?	Name: ___Darin Hersch_____ Title: ___Vice President_____ Phone Number: ___701-212-0011_____ Email: ___dhersch@bccontractingco.com_____ Mailing Address: ___225 Broadway_____ City: ___Fargo_____ State: ___ND_____ Zip: ___58102_____
Who will submit annual reports by January 15 th of each year of the term of the PILOT to the Economic Development Department?	Name: ___Sarah West_____ Title: _____ Phone Number: _____ Email: _____ Mailing Address: _____ City: _____ State: _____ Zip: _____
Current property owner (if other than business)	Name: ___Gateway West LLC_____ Title: ___land owner_____ Phone Number: ___701-318-9518_____ Email: ___sarah@lightconsulting.co_____ Mailing Address: ___3259 Oak Ridge Way E_____ City: ___West Fargo_____ State: ___ND_____ Zip: ___58078_____



City Commission Agenda Item Request

Please Note: The following information must be completed and submitted before noon on the Wednesday 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: *

Matthew Andvik

Phone Number: *

701-212-7867

Email Address:

Matthew.andvik@westfargond.gov

Date *

12/13/2021

Topic for Consent or Regular Agenda?

Please select one option:

- ☐ Consent Agenda
☒ Regular Agenda

Please Briefly Describe Your Request *

Repair of Drain 21 slide at Salt/sand Storage building

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Approve Repair Option and Direct Public Works Director

Upload Additional Documentation (Optional):

Drain 21 slide picture.png	2.06MB
Drain 21 Slide Repair Memo.docx	61.17KB
Option 4 building placement.png	1.14MB





To: West Fargo City Commission

From: Public Works Director, Mathew Andvik

Date: December 20, 2021

Subject: Repair of Drain 21 landslide at Salt/Sand Storage Building

Action: Approve Repair Option and Direct Public Works Director

Commission President

Bernie Dardis

Primary Portfolio:
Administration/Finance

Secondary Portfolio:
Street, Water and Sewer

Commission Vice President

Brad Olson

Primary Portfolio:
Street, Water and Sewer

Secondary Portfolio:
Sanitation

Commissioner

Eric Gjerdevig

Primary Portfolio:
Planning, Zoning and Engineering

Secondary Portfolio:
Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:
Police and Fire

Secondary Portfolio:
Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:
Sanitation

Secondary Portfolio:
Police and Fire

Administration

Tina Fisk, Administrator

Tim Solberg, Assistant Administrator

Summary and Recommendation:

At your November 16, 2020 Regular Meeting, we presented an issue occurring at the City's Salt/Sand Storage building adjacent to Drain 21 which has created a large landslide issue which is threatening the function of Drain 21. At that meeting, staff was directed to work with Southeast Cass Water Resource District and their engineer to analyze options for repair and investigate cost estimates. In addition, Braun Intertec was procured to assist in evaluating the soil conditions of the site.

Staff has completed this analysis with that coordinated effort and has provided the 4 following options for remediation for the Commission to review.

Option 1

Install a box culvert on Drain 21 following the plans from Moore Engineering. Enter into an agreement with SE Cass WRD for a 75/25% cost share for this project. Once complete the city would be deeded over the land around the drain minus an easement around the drain. Moore Engineering cost estimate prepared recently shows the total cost of the project at \$2,575,000. Based on this estimate the city's share of cost would be \$1,931,250.

Option 2

Install sheet piling to stabilize the landslide. Once the sheet pilings were in place we would regrade the slope of the drain. According to the Braun report, the sheet piling would need to cover an area 125 feet wide by 70 feet deep. An estimate from a local contractor was approximately \$900,000.

Option 3

Move the existing salt shed to a location to the east of Sanitary Lift Station No. 40 on 12th Ave NW. Once moved from the site, all hard surface material would be removed and the slope of the drain would be regraded. For this option we would request the purchase of a front enclosure for the shed along with a new tarp as the old one is 6 years old and showing wear. As a result of moving the salt shed we would also need to build a storage bin for brine salt in one of our current buildings at

Public Works, and would also need to construct a wall or curtain to contain the salt dust in our current building at public works. A rough cost estimate for this work is \$450,000.

Option 4

Build a new salt storage facility on the location just east of Sanitary Lift Station No. 40 on 12th Ave NW. The building would be 140' x 80'. It would have a contained brine room to hold our brine maker and tanks. The remaining area of the building would be open for salt, sand and granite storage throughout the year. Once the new building was complete, we would attempt to sell the existing salt/sand storage building and all hard surface material would be removed and the slope of the drain would be regraded. An estimate from a local contractor was approximately \$700,000, this does not include proceeds of a possible sale of the existing structure.

Upon review, staff has recommended **Option 4**. This option solves a number of issues. We would be able to repair the slide on Drain 21, possibly sell the existing structure to help with cost, build a permeant salt facility with the ability to expand on site as the city grows, removes the issue we have currently with salt dust covering our equipment in the winter due to brine making, free up much needed space in our current building for equipment storage, and clear up the land at the existing site for possibly future use.

These 4 options were presented to the Review Committee on November 8, 2021. At that meeting, the Committee voted unanimously in favor of the staff recommendation noted below and are forwarding this recommendation to the City Commission for consideration.

Process/Timeline:

If an option is approved, staff would begin engaging necessary procedures to begin construction in Spring/Summer 2022. Any procurement of services or buildings would be brought back to the City Commission for consideration.





City Commission Agenda Item Request

Please Note: The following information must be completed and submitted before noon on the Wednesday 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: *

Matthew Andvik

Phone Number: *

7012127867

Email Address:

matthew.andvik@westfargond.gov

Date *

12/13/2021

Topic for Consent or Regular Agenda?

Please select one option:

- ☐ Consent Agenda
☒ Regular Agenda

Please Briefly Describe Your Request *

Remove building materials from curbside collection

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Approve discontinuing curbside collection for building materials

Upload Additional Documentation (Optional):

Building Material Pics.docx	5.44MB
Building Materials Com Memo (MA1).docx	60.9KB













To: West Fargo City Commission

From: Matt Andvik, Public Works Director
Logan Jacobson, Sanitation Manager

Date: December 20, 2021

Subject: Remove Building Materials from Curbside Collection

Action: Approve remove building materials from curbside

Commission President

Bernie Dardis

Primary Portfolio:
Administration/Finance

Secondary Portfolio:
Street, Water and Sewer

Commission Vice President

Brad Olson

Primary Portfolio:
Street, Water and Sewer

Secondary Portfolio:
Sanitation

Commissioner

Eric Gjerdevig

Primary Portfolio:
Planning, Zoning and Engineering

Secondary Portfolio:
Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:
Police and Fire

Secondary Portfolio:
Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:
Sanitation

Secondary Portfolio:
Police and Fire

Administration

Tina Fisk, Administrator

Tim Solberg, Assistant Administrator

Summary and Recommendation:

The Sanitation Department collection handbook states the collection of bulky items not in bags or an approved container is limited to: Furniture, Mattresses, Box Springs, Appliances, and Tires. Previous guidance may have been given to collect all debris placed out on the curb. Collecting decking, large carpet remnants, debris from renovations and remodels, landscape timbers, pools, trampolines, and fencing places a large burden on staff and resources. Dumpster rentals are available for this material, as well as residents having access to the Transfer Station at no cost. Most of this material is of inert in nature and could be disposed of at the city inert landfill. At this time, it is loaded in the back of garbage trucks and we pay \$46/ton for disposal. This increases the cost burden to all of the residents in their rates due to those few who choose this method of disposal. Best management practices for reducing cost, keeping rates lower, and securing a longer future for the Fargo MSW landfill would be to separate and dispose of this material in the city's inert landfill by having residents rent a dumpster or haul to Transfer Station.

I am looking for approval for discontinuing curbside collection for building materials.

Policy Analysis:

This practice is already laid out in the City's Residential Garbage and Recycling Manual. By placing the burden of loading a dumpster or hauling to the Transfer Station onto the resident, the Sanitation Department can operate with a lower cost of disposal and reduced staff inputs to keep rates low for all residents.

Financial Analysis:

There is no cost to the City in this proposal. The action would result in increased revenue from dumpster rentals (\$60 for 6yd) and a

reduction in landfill spending. It will increase efficiency of the Sanitation Department and help keep rates low for all residents.

Process/Timeline:

If approved, we would start on January 1, 2022 with no longer picking up building materials curbside. We would work with the Communications Department to get the information on the change out to the residents during December 2021.



To: West Fargo City Commission
From: Tina Fisk, City Administrator
Date: December 20th, 2021
Subject: Public Safety Sales Tax
Action: Direct City Attorney to draft a ballot question to approve a ½ cent Public Safety Sales Tax for future consideration

Commission President

Bernie Dardis

Primary Portfolio:
Administration/Finance

Secondary Portfolio:
Street, Water and Sewer

Commission Vice President

Brad Olson

Primary Portfolio:
Street, Water and Sewer

Secondary Portfolio:
Sanitation

Commissioner

Eric Gjerdevig

Primary Portfolio:
Planning, Zoning and Engineering

Secondary Portfolio:
Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:
Police and Fire

Secondary Portfolio:
Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:
Sanitation

Secondary Portfolio:
Police and Fire

Administration

Tina Fisk, Administrator

Tim Solberg, Assistant Administrator

Summary and Recommendation:

Public safety is important to our community's quality of life. The West Fargo Police and Fire Departments offer a higher standard of service with less funding than similar departments in the region and state. Compared to Fargo and Moorhead, the other two core metro cities, West Fargo's rate of public safety funding is lower. This is both in dollars spent per resident, and percent of the total general fund budget.

On fire protection, West Fargo spends \$33.08 less than Fargo and \$28.84 less than Moorhead, per resident. In terms of the percent of the budget that is dedicated to police protection, West Fargo dedicates 15.87% to police protection, while Fargo is dedicating 23.56% of the budget and Moorhead is dedicating 33.80% of the budget. To be clear, there are no differences in the types of crime, seriousness of medical emergencies, or impact of fire damage between the three cities. The risk is no different and the negative effect on the quality of life is no different.

There are limited opportunities for state funding for the public safety departments in North Dakota. Federal grant opportunities are available, both through the Department of Justice and Federal Emergency Management Agency, however given the competitive nature of the grant process, neither department can use grant funding as a long-term or sustainable planning resource.

With the rising calls for service this cannot continue. Long-term strategic plans for both departments show tremendous investment over the next five years is required to continue maintaining the current level of public safety service in West Fargo. With the current funding tools available, this would come from the general fund through property taxes. If these funds are limited, the level of service will need to be adjusted to operate within the budget constraints.

An opportunity exists to reimagine how public safety is funded in West Fargo. The following proposal lays the framework for voters to approve the addition of a ½ cent public safety sales tax.

Policy Analysis:

A ½ cent sales tax to support the growth of the public safety departments is a remedy to balance the needs of the community and decrease the impact of public safety on the rate of property taxation.

A public safety sales tax would help West Fargo better manage its annual property tax budget. First, public safety growth plans show the need for mill rate increases through the year 2026. During this time, there will certainly be priorities in the budget from other City departments that will cause competition for dollars. With the addition of a public safety sales tax, public safety's general fund request will be reduced significantly and the available dollars can be used by the other departments who historically increase at a slower rate than public safety departments.

A public safety sales tax will help the City keep the capital infrastructure sales tax fund more targeted. Currently, capital improvements are covered in this budget and include items such as buildings, fire trucks, specialty gear and squad cars. This fund also includes street, water and sewer construction. By shifting public safety capital improvements to the public safety sales tax, more funds will be available in the capital infrastructure sales tax fund to lessen the local share of cost on upcoming projects.

In researching sales tax rates across the metro area, there are three sales taxes collected on goods and services, which make up each city's sales tax rate. In West Fargo, a 5% State sales tax, a 0.5% County sales tax, and a 2% City sales tax make up the 7.5% total sales tax rate in West Fargo. Under this proposal, West Fargo would be one of 13 cities that have a 2.5% City sales tax, joining Jamestown, Wahpeton and Valley City. For reference, there are five cities in North Dakota with a 3% City sales tax rate. Nine cities have a total sales rate higher than 7.5%.

Financial Analysis:

With the assistance of the City Finance Director, City Attorney, City Administrator and Assistant City Administrator, the public safety departments have researched the impact of doing nothing, adding a ¼ cent public safety sales tax, and a ½ cent public safety sales tax.

The impact of doing nothing will add 15.02 mills to the public safety departments over six years, and 11.02 mills alone would be needed in the 2023 budget. The budget deficit for public safety, comparative to stabilizing 2022 rates, would grow from \$2,197,619 in 2023 to \$3,468,146 in 2026. Total mills go from 81.14 in 2022 to 96.16 mills by 2026.

The impact of a ¼ cent sales tax adds \$1,837,500 in revenue to the 2023 budget, and decreases the impact to an increase of 1.81 mills. By 2026,

the revenue increases to \$2,127,136 and would still add 5.81 mills combined. Total mills go from 81.14 in 2022 to 86.95 by 2026.

The impact of a ½ cent sales tax adds \$3,675,000 in revenue to the 2023 budget, and creates a mill levy reduction of 7.41 mills. By 2026, the revenue increases to \$4,254,272 and could provide a total reduction of 3.40 mills combined. Total mills change from 81.14 in 2022 to 77.74 in 2026.

	2023 Sales Tax Revenue	2023 Mill Increase	2026 Sales Tax Revenue	2026 Mill Increase
No action		11.02		15.02
¼ cent sales tax	\$1,837,500	0	\$2,127,136	5.81
½ cent sales tax	\$3,675,000	0	\$4,254,272	(3.40)

To provide some context, a comparison of the current and future anticipated City sales tax rates was conducted. Grocery items worth \$125 would see City sales tax revenue increases from \$2.50 to \$3.13, an increase of 63 cents. A trailer worth \$7,500 would see an increase of city sales tax from \$150.00 to \$187.50, an increase of \$37.50.

Process/Timeline:

The recommendation is to direct the City Attorney to draft a ballot question to approve a ½ cent Public Safety Sales Tax. Further, staff would initiate a greater discussion with the Fargo Moorhead West Fargo Chamber of Commerce, the Greater Fargo Moorhead Economic Development Corporation, The Yards Business Association, Economic Development Advisory Committee, Homebuilders Association of Fargo-Moorhead, Fargo-Moorhead Convention & Visitors Bureau, West Fargo businesses and the residents of West Fargo. The City Attorney and staff would return to the City Commission with a report on the community research and a draft ballot question for approval.

Process/Timeline:

Process	Action
City Attorney drafts ordinance and submits to City Commission for consideration	Monday, Jan. 17
City Commission approves ballot question	Monday, Feb. 28
Place ½ cent sales tax on the 2022 ballot	April 2022



To: West Fargo City Commission

From: Daniel Fuller, Chief of the Department, West Fargo Fire

Date: December 20th, 2021

Subject: Approval of final project cost and funding mechanism

- Action:**
1. Approve the project to go to bid
 2. Approve the recommended finance package

Commission President

Bernie Dardis

Primary Portfolio:
Administration/Finance

Secondary Portfolio:
Street, Water and Sewer

Commissioner

Brad Olson, Vice President

Primary Portfolio:
Street, Water and Sewer

Secondary Portfolio:
Police and Fire

Commissioner

Eric Gjerdevig

Primary Portfolio:
Planning, Zoning and
Engineering

Secondary Portfolio:
Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:
Police and Fire

Secondary Portfolio:
Planning, Zoning and
Engineering

Commissioner

Mandy George

Primary Portfolio:
Sanitation

Secondary Portfolio:
Police and Fire

City Administrator

Tina Fisk

Summary and Recommendation:

Throughout the last seven months, the fire department has been working with EAPC Architecture and Kraus Anderson Construction to design the new fire headquarters to be constructed at 1201 10th Ave E. This process has involved our operations, administrative, risk reduction and professional standards staff in a collaborative manner to ensure the building is functional and safe for employees and is a good investment as a civic building lasting fifty years or more for the City of West Fargo. At this point in the process, the design is completed and construction documents are in the works. To put the project to bid and formalize the funding mechanism, approval of the commission is needed.

The building has a first floor of 30,384 square feet, a second floor of 9,461 square feet, and a basement of 7,579 square feet for a total of 47,424 square feet of space. When fully operational, the building will house nine twenty-four-hour operations employees, and fourteen administrative, risk reduction, training, and services employees. A training room that can accommodate up to 100 students and a four-story training/hose tower will further meet the needs of the city and the department well into the future.

The estimated cost is \$17,971,328 which includes all construction costs, design services, professional services, furniture, fixtures and equipment (FF&E) and a traffic signal project for 9th St and 10th Ave E. The hard construction costs are \$15,124,400 which equals a \$319.91 cost per square foot. Total costs are \$368.41 per square foot, minus FF&E and the associated traffic signal project cost.

The recommendations from the City Administrator, Asst City Administrator, Finance Director, and Fire Chief are listed below:

(1) The City move forward with the construction of the Project; (2) Direct the City Attorney to prepare the necessary documents to issue an annual appropriations bond in the amount of \$10,000,000 and (3) authorize the City Administrator and Finance Director to use \$7,971,328 of reserves for the Project Construction.

Policy Analysis:

With the construction and staffing of this building, several policy goals will be achieved, giving the City of West Fargo Fire Department the needed points to increase our Insurance Service Office Public Safety Classification Rating. The goal is to become an ISO Class 1 fire department, which will decrease fire insurance costs throughout the city. The staffing of three fire companies in this building will provide an additional eight firefighters and a battalion chief to be on duty each day, increasing the total on duty firefighting effective response force (ERF) to fourteen from five. Lastly, the addition of this building in Planning Zone 1 will reduce response times, not only in Planning Zone 1, but adjacent zones and mutual aid areas. The goal for the first due fire company is a sixty second turnout time and 240 second travel time to 90% of medical calls and a ninety second turnout time and 240 second travel time to 90% of fire/hazmat/rescue calls. Additionally, the added fire companies will place the entire ERF on duty and in the station, rather than having to call back for the ERF as we do today, which adds at least ten minutes to the turnout time, and ultimately the total response time. Lastly, the amount of simultaneous calls for service the department can handle will increase from two today, to six in the future. Over the course of 2021 year to date, there has been 162 times that two fire or medical calls were occurring at once, 28 times where three fire or medical calls were occurring at once, and six times where four fire or medical calls were occurring at once. For a total of 196 occurrences of multiple calls at once.

Financial Analysis:

The project had a placeholder of \$10,000,000 in the citywide Capital Improvements Project (CIP) which was established based on an estimate of costs on the known project size and scope in 2017. The final estimated cost of the project is \$17,971,328 which is based on two factors; increase in the cost of materials and trades, and the increase in the size of the building to accommodate increased staffing needs.

An ad-hoc group consisting of the City Administrator, Assistant City Administrator, Finance Director, City Attorney and Fire Chief worked on how to tackle the issue of financing the large project whilst also balancing competing needs throughout the city and trying to balance the increase in fire apparatus and staffing costs to make the station operational. Three financing options were explored using combinations of cash payments and an annual appropriation bond. The group has recommended using \$7,300,000 in reserve funds and a 20-year annual appropriation bond of \$10,000,000 to make the balance of the project.

This option materializes three benefits to our community.

First, the annual cost is \$634,374, which is \$453,571 lower than using a bond for the entire cost of the project. The budget impact is around two mills of property tax levy (2022 value).

Second, this option lowers the amount of cash taken out of the infrastructure sales tax to make those funds available for future projects as well as a funding mechanism to lower special assessment costs of future major projects.

Third, this debt amount still leaves bonding capacity for future projects that maybe bonded and still not effect the bond rating of the city. Furthermore, the use of these reserve funds will not negatively affect the city's bond rating.

Process/Timeline:

Process	Action
Land purchase	September 2020
Hire Architect	May 2021
Hire construction management	July 2021
Approve Project Cost and Finance	December 2021
Go to bid	Feb 2022



"Consent" or "Regular"
Agenda Item?

[Regular]

Commission President

Bernie Dardis

Primary Portfolio:

Administration/Finance

Secondary Portfolio:

Street, Water and
Sewer

Commission

Vice President

Brad Olson

Primary Portfolio:

Street, Water and
Sewer

Secondary Portfolio:

Sanitation

Commissioner

Eric Gjerdevig

Primary Portfolio:

Planning, Zoning and
Engineering

Secondary Portfolio:

Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and
Engineering

Commissioner

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

City Administrator

Tina Fisk

Asst. City Administrator

Tim Solberg

To: West Fargo City Commission

From: Dustin T. Scott, City Engineer

Date: December 20, 2021

Subject: Project No. 6057 (Drain 45 Multi-Use Path – Phase 2)

Action: Approve Resolution Accepting Bids and Award Contract

New Information and Recommendation:

The NDDOT conducted a bid opening on November 19, 2021 for phase 2 of the Drain 45 Multi-Use Path. Four (4) proposals were received including a "Base Bid" for the project and separate bids for two design options at 4th Avenue East. Both options effectively enhance safety for pedestrians crossing 4th Avenue with Option 1 being a "bump-out" and Option 2 a "speed table".

The NDDOT summarized the bid proposals in their "Abstract of Bids Received" which is attached to this agenda packet. Key Contracting is the low bidder with a "Based Bid" of \$562,776.60. Their bid for Option 1 is \$35,524.00 and Option 2 is \$69,647.00. As indicated in the attached letters prepared by Moore Engineering and NDDOT, the City needs to select either Option 1 or Option 2 to be included with the contract.

The following documents are attached for review/consideration:

- Recommendation letter prepared by Moore Engineering including NDDOT letter and their bid reports
- Engineer's Statement of Estimated Cost
- Location Map and plan sheets showing bid options
- Resolution Accepting Bid

Staff Recommendation: Approve Resolution Accepting Bids, AND award a contract to Key Contracting in amount of \$632,423.60 for their Base Bid plus Option 2.

NOTE: The city's Review Committee voted unanimously to forward a recommendation to the City Commission for selecting Option 2 -and awarding a contract to Key Contracting in the amount of \$632,423.60

Background and Project Summary:

Shortly after completing the enclosure of Drain 45, the city began planning a new multi-use path through the newly created green space. With limited pathways through the city's core area (north of 13th Ave), this project will enhance the pedestrian network by providing connectivity from Main Ave to 13th Ave. Efforts began in 2014 as the City applied for grant funding through the NDDOT Transportation Alternatives (TA) program. Due to program funding caps, the City separated the project into two (2) phases in hopes of maximizing potential grants. The city continued to submit applications every year for each phase, as well as a few other multi-use path projects. In 2019, the City received a \$232,000 grant for Phase One, which extends from 7th Ave to 13th Ave. The NDDOT also awarded a \$290,000 grant for Phase Two that the City accepted in July (2020), which extends from 7th Ave to Main Ave.

Policy Analysis:

The project was included on the city's CIP adopted June 15, 2020 and is being administrated in accordance with city policy as well as all applicable local, state and federal laws and regulations. The project has support from MetroCOG, WF Park District and WFPS. Successful completion will enhance pedestrian connectivity through the city's core area.

Financial Analysis:

Total estimated project cost is \$900,000 with \$290,000 funding from NDDOT and remaining \$610,000 tentatively scheduled to be financed with capital improvement sales tax (no special assessments).

Previously Presented Information and Commission Actions:

July 19, 2021- As directed by the City Commission on April 19, 2021, staff have been working with Moore Engineering to complete plans and specifications for constructing this project. A draft set of plans were approved by the city's Review Committee on June 22, 2021 with the condition that the City Engineer continue to evaluate pedestrian crossings and use discretion in selecting the best practical option. Since this project is partially funded by the NDDOT, they will administrate the bidding process. They scheduled the bid opening for November 19, 2021 so final plans must be submitted to them by August. If bids are approved, contracts will be executed over the winter and construction will begin next spring.

- Staff Recommendation: Approve Plans and Specifications, AND Authorize Bid Advertisement.
- Commission Action: Commissioner Olson moved and Commissioner George seconded to approve. No opposition, motion carried.

May 3, 2021 - No new information since the April 19, 2021 meeting which the City Commission Authorized a Draft Task Order to be created for "Basic Services". Attached to this packet is Task Order No. 37-1 for Project No. 6057 in the amount of \$128,100.00, which was prepared in accordance with the Master Service Agreement between Moore Engineering and the City of West Fargo.

- Staff Recommendation: Approve Task Order No. 37-1
- Commission Action: Commissioner Olson moved and Commissioner Gjerdevig seconded to approve. No opposition, Motion carried.

April 19, 2021- During the regular meeting on November 2, 2020, the city commission awarded bids for phase one construction and authorized engineering for phase two of the Drain 45 Multi-use path project. Engineering and Public Works have worked with Moore Engineering to develop preliminary designs and alternatives for phase two, which extends from 7th Ave to Main Ave. Preliminary efforts have also included NDDOT requirements and cost estimates based on preferred alternatives. Moore Engineering prepared a draft report summarizing the preliminary design options with corresponding cost estimates and presented it to the city's Review Committee on March 9, 2021. The Review Committee made a few comments and voted unanimously to recommend approval to the City Commission.

- Staff Recommendation: Approve Engineer's Report, Direct Engineer to prepare Plans and Specifications, AND Authorize Draft Task Order for "Basic Services".
- Commission Action: Commissioner Gjerdevig moved and Commissioner Olson seconded to approve. No opposition, Motion carried.

November 2, 2020- Shortly after completing the enclosure of Drain 45, the city began planning a new multi-use path through the newly created green space. With limited pathways through the city's core area (north of 13th Ave), this project will enhance the pedestrian network by providing connectivity from Main Ave to 13th Ave. Efforts began in 2014 as the City applied for grant funding through the NDDOT Transportation Alternatives (TA) program. Due to program funding caps, the City separated the project into two (2) phases in hopes of maximizing potential grants. The city continued to submit applications every year for each phase, as well as a few other multi-use path projects. In 2019, the City received a \$232,000 grant for Phase One, which extends from 7th Ave to 13th Ave. The NDDOT also awarded a \$290,000 grant for Phase Two that the City accepted in July (2020), which extends from 7th Ave to Main Ave. Work on Phase Two has been on hold pending City Commission action on bid results for Phase One, scheduled for their regular meeting on November 2, 2020.

- Staff Recommendation: Authorize Engineer to prepare Engineer's Report for Phase Two.
- Commission Action: Commissioner Olson moved and Commissioner Gjerdevig seconded to approve. Commissioner Simmons opposed, Motion carried.



925 10th Avenue East
Suite 1
West Fargo, ND 58078

P: 701.282.4692
F: 701.282.4530



December 9, 2021

Dustin T. Scott, PE
City Engineer
City of West Fargo
800 4th Avenue East
West Fargo ND 58078

Re: NDDOT-TAU-8-992(043)
Project No. 6057
Drain 45 Multi-Use Path – Phase II (Main Ave to 7th Ave)
West Fargo, ND

Dear Dustin:

Attached is the "Abstract of Bids Received" supplied by the NDDOT for your review of the above referenced project.

After reviewing the "Abstract of Bids Received," we recommend awarding the contract to Key Contracting, Inc. for the Base Bid construction amount of \$562,776.60. The City must choose to include with this award either Option 1 (Bid Amount = \$35,524.00) which is a curb bump out at 4th Avenue or Option 2 (Bid Amount = \$69,647.00) which is a speed table at the 4th Avenue crossing. The TAP grant funding amount is \$290,000.00.

Included in this packet are three plan sheets showing the two options to choose from.

The costs are summarized in the table below:

	<u>Construction Total</u>
Engineer's Report – <i>April 2021</i>	\$675,819.46 (Includes Contingency)
NDDOT Bid Results – <i>November 2021</i>	Base + Opt 1 - \$660,000.00 (Includes ~10% Contingency) Base + Opt 2 - \$700,000.00 (Includes ~10% Contingency)

Please review and provide comment at your earliest convenience. If you do not have any questions or comments, please present it to the West Fargo City Commission. To meet the project's proposed schedule, the City Commission is anticipated to recommend to the NDDOT that they award the project on December 20, 2021.

Sincerely,

Dan Hanson

Daniel Hanson, PE
Senior Project Manager

Enclosures:

Notice of Bids
Bid Tabulations
Engineer's Statement of Cost
Project Location Map
Plan Sheets Showing Options 1 & 2

November 23, 2021

Jim Larson
Finance Director
800 Fourth Ave. E., Ste. 1
West Fargo, ND 58078

PROJECT: TAU-8-992(043), PCN 22953– WEST FARGO; DRAIN 45, 7TH AVE E N TO MAIN AVE

Bids for the construction on the above noted project were taken at our bid opening of November 19, 2021. Copies of the Contract Detail Estimate and Abstract of Bids are enclosed.

The low bid for Multi- Use Path was submitted by Key Contracting Inc. of West Fargo, ND in the amount of \$598,300.60 (Base plus Option 1). According to the agreement with the City of West Fargo, the City's share is estimated to be \$308,300.60. Federal Funds obligated for this project shall not exceed 80.93 percent of the total eligible project cost up to a maximum of \$290,000.00. The balance of the project cost is the obligation of the City.

The City can choose to either use Option 1, Bump out, for \$35,524.00, or Option 2, Speed Table, for \$69,647.00. (See attached bid sheet) The City will be responsible for 100% of this cost.

The Department will review the low bidder's proposal to assure that the Disadvantaged Business Enterprise Program requirements have been met. Upon review of the contractor's Disadvantaged Business Enterprise Program, the Department will advise you via email whether this project may be awarded. The City must award the contract before the Department will concur in the award, therefore, the City must notify the Department in writing as soon as possible after the award is made. Contracts cannot be executed prior to the date of the Department's concurrence.

Questions should be addressed to the Construction Services Division at 701-328-2566.



PHILLIP MURDOFF, P.E. - CONSTRUCTION SERVICES ENGINEER

80/pm/jmt

Enclosure

11/19/2021

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

Page 1 of 4

North Dakota **FEDERAL AID**

Bid Opening Date: **11/19/2021**

Project Number: **TAU-8-992(043)**

PCN: **22953**

Job Number: **22953**

English/Metric: **ENGLISH**

Contract with **KEY CONTRACTING INC WEST FARGO, ND**

Signed Date:

County(s): **CASS**

Location: **DRAIN 45, 7TH AVE E N TO MAIN AVE - WEST FARGO**

North Dakota **FEDERAL AID**Bid Opening Date: **11/19/2021**Project Number: **TAU-8-992(043)**PCN: **22953**Job Number: **22953**English/Metric: **ENGLISH**Roadway: **URBAN**Type: **MULTI USE PATH**Participating: **Y**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
103	0100	CONTRACT BOND	1.000	L SUM	\$6,000.00	\$6,000.00
202	0114	REMOVAL OF CONCRETE PAVEMENT	494.000	SY	\$27.00	\$13,338.00
202	0130	REMOVAL OF CURB & GUTTER	264.000	LF	\$9.00	\$2,376.00
202	0132	REMOVAL OF BITUMINOUS SURFACING	71.000	SY	\$25.00	\$1,775.00
202	0174	REMOVAL OF PIPE ALL TYPES AND SIZES	6.000	LF	\$300.00	\$1,800.00
203	0109	TOPSOIL	1,238.000	CY	\$42.00	\$51,996.00
203	0119	TOPSOIL-IMPORTED	159.000	CY	\$60.00	\$9,540.00
216	0100	WATER	5.000	M GAL	\$1,000.00	\$5,000.00
251	0300	SEEDING CLASS III	2.160	ACRE	\$1,725.00	\$3,726.00
253	0201	HYDRAULIC MULCH	4.320	ACRE	\$3,400.00	\$14,688.00
260	0100	SILT FENCE UNSUPPORTED	1,130.000	LF	\$2.00	\$2,260.00
260	0101	REMOVE SILT FENCE UNSUPPORTED	1,130.000	LF	\$1.00	\$1,130.00
261	0112	FIBER ROLLS 12IN	615.000	LF	\$5.00	\$3,075.00
261	0113	REMOVE FIBER ROLLS 12IN	615.000	LF	\$2.00	\$1,230.00
265	0100	STABILIZED CONSTRUCTION ACCESS	1.000	EA	\$1,500.00	\$1,500.00
265	0101	REMOVE STABILIZED CONSTRUCTION ACCESS	1.000	EA	\$1,000.00	\$1,000.00
302	0121	AGGREGATE BASE COURSE CL 5	343.000	CY	\$64.00	\$21,952.00
430	0500	COMMERCIAL GRADE HOT MIX ASPHALT	9.000	TON	\$600.00	\$5,400.00
550	0113	8IN REINF CONCRETE PAVEMENT CL AE	175.000	SY	\$138.00	\$24,150.00
702	0100	MOBILIZATION	1.000	L SUM	\$40,000.00	\$40,000.00
704	1000	TRAFFIC CONTROL SIGNS	486.000	UNIT	\$2.00	\$972.00
704	1052	TYPE III BARRICADE	10.000	EA	\$100.00	\$1,000.00
704	1054	SIDEWALK BARRICADE	4.000	EA	\$70.00	\$280.00
704	1060	DELINEATOR DRUMS	49.000	EA	\$23.00	\$1,127.00
704	1067	TUBULAR MARKERS	19.000	EA	\$6.00	\$114.00
704	1085	SEQUENCING ARROW PANEL-TYPE A	1.000	EA	\$900.00	\$900.00
708	1540	INLET PROTECTION-SPECIAL	23.000	EA	\$220.00	\$5,060.00
708	1541	REMOVE INLET PROTECTION-SPECIAL	23.000	EA	\$25.00	\$575.00
714	5800	END SECT CORR STEEL .064IN 12IN	2.000	EA	\$400.00	\$800.00
714	9815	PIPE 15IN CORR PLASTIC	76.000	LF	\$80.00	\$6,080.00
722	0315	MANHOLE CASTING	1.000	EA	\$500.00	\$500.00
722	3455	CASTING INLET-TYPE 1	1.000	EA	\$1,500.00	\$1,500.00
722	3470	CASTING CATCH BASIN-TYPE A	1.000	EA	\$1,200.00	\$1,200.00
722	3500	INLET-TYPE 1	2.000	EA	\$3,700.00	\$7,400.00
722	3510	INLET-TYPE 2	1.000	EA	\$5,200.00	\$5,200.00
722	3600	INLET SADDLE BASE-TYPE 1	2.000	EA	\$3,500.00	\$7,000.00
722	6200	ADJUST MANHOLE	1.000	EA	\$500.00	\$500.00
724	0400	HYDRANT-INSTALL 6IN	1.000	EA	\$9,800.00	\$9,800.00
724	0430	REMOVE HYDRANT	1.000	EA	\$1,000.00	\$1,000.00
724	0810	WATERMAIN 6IN PVC	9.000	LF	\$200.00	\$1,800.00
748	0140	CURB & GUTTER-TYPE I	274.000	LF	\$60.00	\$16,440.00
750	0030	PIGMENTED IMPRINTED CONCRETE	12.000	SY	\$240.00	\$2,880.00
750	0115	SIDEWALK CONCRETE 4IN	109.000	SY	\$87.00	\$9,483.00
750	0120	SIDEWALK CONCRETE 5IN REINF	2,732.000	SY	\$67.00	\$183,044.00
750	2115	DETECTABLE WARNING PANELS	188.000	SF	\$49.00	\$9,212.00
752	2120	REMOVE VEHICLE GATE	1.000	EA	\$500.00	\$500.00
754	0110	FLAT SHEET FOR SIGNS-TYPE XI REFL SHEETING	187.200	SF	\$23.00	\$4,305.60

North Dakota **FEDERAL AID**Bid Opening Date: **11/19/2021**Project Number: **TAU-8-992(043)**PCN: **22953**Job Number: **22953**English/Metric: **ENGLISH**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
754	0206	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	101.000	LF	\$20.00	\$2,020.00
754	0592	RESET SIGN PANEL	5.000	EA	\$50.00	\$250.00
762	0122	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	40.000	SF	\$55.00	\$2,200.00
762	1325	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	301.000	LF	\$50.00	\$15,050.00
772	2110	FLASHING BEACON-POST MOUNTED	6.000	EA	\$6,400.00	\$38,400.00
910	0570	MODIFY MANHOLE	2.000	EA	\$2,900.00	\$5,800.00
970	0009	LANDSCAPE PREPARATION	4.320	ACRE	\$1,000.00	\$4,320.00
970	0095	HERBICIDE WEED CONTROL	4.320	ACRE	\$400.00	\$1,728.00
990	0220	GUARD POST-PERMANENT	12.000	EA	\$200.00	\$2,400.00
Subtotal						\$562,776.60

Type: **OPTION 1**Include in Preliminary Estimate: **YES****BUMPOUT**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
202	0130	REMOVAL OF CURB & GUTTER	108.000	LF	\$9.00	\$972.00
202	0132	REMOVAL OF BITUMINOUS SURFACING	55.000	SY	\$25.00	\$1,375.00
302	0121	AGGREGATE BASE COURSE CL 5	10.000	CY	\$64.00	\$640.00
430	0500	COMMERCIAL GRADE HOT MIX ASPHALT	10.000	TON	\$600.00	\$6,000.00
722	0315	MANHOLE CASTING	1.000	EA	\$700.00	\$700.00
748	0140	CURB & GUTTER-TYPE I	116.000	LF	\$52.00	\$6,032.00
750	0120	SIDEWALK CONCRETE 5IN REINF	35.000	SY	\$67.00	\$2,345.00
750	2115	DETECTABLE WARNING PANELS	40.000	SF	\$49.00	\$1,960.00
762	1325	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	60.000	LF	\$45.00	\$2,700.00
772	2110	FLASHING BEACON-POST MOUNTED	2.000	EA	\$6,400.00	\$12,800.00
Subtotal Option 1						\$35,524.00

Subtotal **\$598,300.60**Eng and Contg **\$0.00**Total **\$598,300.60**Length **0.5000 Miles**ConstructionEstimated Cost **\$598,300.60****TAU FEDERAL FUNDS LIMITED \$290,000.00****TAU WEST FARGO FUNDS 19.07% \$308,300.60**

North Dakota FEDERAL AID		Bid Opening Date: 11/19/2021	
Project Number: TAU-8-992(043)		PCN: 22953	
		Job Number: 22953	English/Metric: ENGLISH
Summary for Project			
Length	0.5000 Miles	CASS	0.5000 Miles
Estimated Total Construction Cost:			\$598,300.60
Estimated Total Eng and Contg:			\$0.00
		Construction	Total
Estimated Cost		\$598,300.60	\$598,300.60
TAU FEDERAL FUNDS		\$290,000.00	\$290,000.00
TAU WEST FARGO FUNDS		\$308,300.60	\$308,300.60
DOT TO MAKE CONTRACTOR PAYMENTS			
TA FEDERAL FUNDS LIMITED TO \$290,000			
NO CONSTRUCTION ENGINEERING REQUESTED			

ND DEPARTMENT OF TRANSPORTATION				SHEET NO. 1 OF 4		ABSTRACT OF BIDS RECEIVED					
PROJECT NO. TAU-8-992(043)				NO. 22953		BIDDER ENGINEERS ESTIMATE		BIDDER KEY CONTRACTING INC		BIDDER NORTHERN IMPROVEMENT COMPANY	
COUNTY & DATE CASS (017) NOV 19, 2021 09:30AM								WEST FARGO, ND		FARGO, ND	
LENGTH & TYPE 0.500 WEST FARGO - 7TH AVE EAST TO MAIN AVE											
COMPLETION TIME 07/30/22 MULTI -USE PATH						C.C. CHECK RANK 00		C.C. BOND RANK 01		C.C. BOND RANK 02	
SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT
103	CONTRACT BOND	L SUM	1.000	6500000	6500000	6000000	6000000	6000000	6000000	1560000	1560000
202	REMOVAL OF CONCRETE PAVEMENT	SY	494000	30000	1482000	27000	1333800	30000	1482000	30000	1482000
202	REMOVAL OF CURB & GUTTER	LF	264000	10000	2640000	9000	2376000	20000	2640000	20000	2640000
202	REMOVAL OF BITUMINOUS SURFACING	SY	71000	50000	3550000	25000	1775000	38500	2733500	38500	2733500
202	REMOVAL OF PIPE ALL TYPES AND SIZES	LF	6000	30000	180000	300000	1800000	21000	1260000	21000	1260000
203	TOPSOIL	CY	1238000	40000	49520000	42000	51996000	40500	50139000	40500	50139000
203	TOPSOIL-IMPORTED	CY	159000	60000	9540000	60000	9540000	55000	8745000	55000	8745000
216	WATER	M GAL	5000	100000	500000	1000000	5000000	75000	3750000	75000	3750000
251	SEEDING CLASS III	ACRE	2160	2000000	4320000	1725000	3726000	1945000	4201200	1945000	4201200
253	HYDRAULIC MULCH	ACRE	4320	4000000	17280000	3400000	14688000	2785000	12031200	2785000	12031200
260	SILT FENCE UNSUPPORTED	LF	1130000	2000	2260000	2000	2260000	3100	3503000	3100	3503000
260	REMOVE SILT FENCE UNSUPPORTED	LF	1130000	1000	1130000	1000	1130000	700	791000	700	791000
261	FIBER ROLLS 12IN	LF	615000	7500	4612500	5000	3075000	3150	1937250	3150	1937250
261	REMOVE FIBER ROLLS 12IN	LF	615000	2500	1537500	2000	1230000	800	492000	800	492000
265	STABILIZED CONSTRUCTION ACCESS	EA	1000	1000000	1000000	1500000	1500000	5200000	5200000	5200000	5200000
265	REMOVE STABILIZED CONSTRUCTION ACCESS	EA	1000	1000000	1000000	1000000	1000000	2450000	2450000	2450000	2450000
302	AGGREGATE BASE COURSE CL 5	CY	343000	60000	20580000	64000	21952000	125000	42875000	125000	42875000
430	COMMERCIAL GRADE HOT MIX ASPHALT	TON	9000	300000	2700000	600000	5400000	400000	3600000	400000	3600000
550	8IN REINF CONCRETE PAVEMENT CL AE	SY	175000	130000	22750000	138000	24150000	118000	20650000	118000	20650000
702	MOBILIZATION	L SUM	1.000	500000000	500000000	400000000	400000000	555000000	555000000	555000000	555000000
704	TRAFFIC CONTROL SIGNS	UNIT	486000	2000	9720000	2000	9720000	1600	7776000	1600	7776000
704	TYPE III BARRICADE	EA	10000	100000	1000000	100000	1000000	94500	9450000	94500	9450000
704	SIDEWALK BARRICADE	EA	4000	75000	300000	70000	280000	63000	252000	63000	252000
704	DELINEATOR DRUMS	EA	49000	50000	2450000	23000	1127000	21000	1029000	21000	1029000
704	TUBULAR MARKERS	EA	19000	35000	665000	6000	114000	5250	997500	5250	997500
704	SEQUENCING ARROW PANEL-TYPE A	EA	1000	2000000	2000000	900000	900000	945000	9450000	945000	9450000
708	INLET PROTECTION-SPECIAL	EA	23000	125000	2875000	220000	5060000	155000	3565000	155000	3565000
708	REMOVE INLET PROTECTION-SPECIAL	EA	23000	25000	575000	25000	575000	55000	1265000	55000	1265000
714	END SECT CORR STEEL .064IN 12IN	EA	2000	150000	300000	400000	800000	600000	1200000	600000	1200000
714	PIPE 15IN CORR PLASTIC	LF	76000	200000	15200000	80000	6080000	84000	6384000	84000	6384000
722	MANHOLE CASTING	EA	1000	250000	250000	500000	500000	440000	4400000	440000	4400000
722	CASTING INLET-TYPE 1	EA	1000	250000	250000	1500000	1500000	1000000	10000000	1000000	10000000
722	CASTING CATCH BASIN-TYPE A	EA	1000	250000	250000	1200000	1200000	830000	8300000	830000	8300000
722	INLET-TYPE 1	EA	2000	3000000	6000000	3700000	7400000	3885000	7770000	3885000	7770000
722	INLET-TYPE 2	EA	1000	3500000	3500000	5200000	5200000	4725000	47250000	4725000	47250000
722	INLET SADDLE BASE-TYPE 1	EA	2000	2500000	5000000	3500000	7000000	4515000	9030000	4515000	9030000
722	ADJUST MANHOLE	EA	1000	1000000	1000000	500000	500000	445000	4450000	445000	4450000
724	HYDRANT-INSTALL 6IN	EA	1000	4000000	4000000	9800000	9800000	8820000	88200000	8820000	88200000
724	REMOVE HYDRANT	EA	1000	1500000	1500000	1000000	1000000	1050000	10500000	1050000	10500000
724	WATERMAIN 6IN PVC	LF	9000	150000	1350000	200000	1800000	68250	6142500	68250	6142500
748	CURB & GUTTER-TYPE I	LF	274000	45000	12330000	60000	16440000	60000	16440000	60000	16440000
750	PIGMENTED IMPRINTED CONCRETE	SY	12000	85000	1020000	240000	2880000	220000	2640000	220000	2640000
750	SIDEWALK CONCRETE 4IN	SY	109000	80000	8720000	87000	9483000	100000	10900000	100000	10900000
750	SIDEWALK CONCRETE 5IN REINF	SY	2732000	60000	163920000	67000	183040000	67000	183040000	67000	183040000
750	DETECTABLE WARNING PANELS	SF	188000	45000	8460000	49000	9212000	38500	7238000	38500	7238000
752	REMOVE VEHICLE GATE	EA	1000	5000000	5000000	5000000	5000000	1600000	16000000	1600000	16000000
754	FLAT SHEET FOR SIGNS-TYPE XI REFL SHEETING	SF	187200	25000	4680000	23000	4305600	23000	4305600	23000	4305600
ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION Deputy Director For Engineering:				AWARD TO: KEY CONTRACTING INC				WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.			
61				DATE OF AWARD				DEPARTMENT OF TRANSPORTATION Deputy Director For Engineering			

ND DEPARTMENT OF TRANSPORTATION				SHEET NO. 2 OF 4		ABSTRACT OF BIDS RECEIVED					
PROJECT NO. TAU-8-992(043)				NO. 22953		BIDDER ENGINEERS ESTIMATE		BIDDER KEY CONTRACTING INC		BIDDER NORTHERN IMPROVEMENT COMPANY	
COUNTY & DATE CASS (017) NOV 19, 2021 09:30AM								WEST FARGO, ND		FARGO, ND	
LENGTH & TYPE 0.500 WEST FARGO - 7TH AVE EAST TO MAIN AVE								C.C. BOND RANK 01		C.C. BOND RANK 02	
COMPLETION TIME 07/30/22 MULTI -USE PATH											
SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT		
754	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	LF	101000	10000	1010000	20000	2020000	19000	1919000		
754	RESET SIGN PANEL	EA	5000	500000	2500000	50000	250000	52500	262500		
762	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	SF	40000	30000	1200000	55000	2200000	39500	1580000		
762	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	LF	301000	35000	10535000	50000	15050000	21800	6561800		
772	FLASHING BEACON-POST MOUNTED	EA	6000	6000000	36000000	6400000	38400000	7035000	42210000		
910	MODIFY MANHOLE	EA	2000	2000000	4000000	2900000	5800000	1575000	3150000		
970	LANDSCAPE PREPARATION	ACRE	4320	1000000	4320000	1000000	4320000	205000	885600		
970	HERBICIDE WEED CONTROL	ACRE	4320	500000	2160000	400000	1728000	315000	1360800		
990	GUARD POST-PERMANENT	EA	12000	500000	6000000	200000	2400000	210000	2520000		
SUBTOTAL					53771200		56277660		57481305		
OPTION 1											
202	REMOVAL OF CURB & GUTTER	LF	108000	10000	1080000	9000	972000	20000	2160000		
202	REMOVAL OF BITUMINOUS SURFACING	SY	55000	50000	2750000	25000	1375000	38500	2117500		
302	AGGREGATE BASE COURSE CL 5	CY	10000	60000	600000	64000	640000	125000	1250000		
430	COMMERCIAL GRADE HOT MIX ASPHALT	TON	10000	300000	3000000	600000	6000000	400000	4000000		
722	MANHOLE CASTING	EA	1000	250000	250000	700000	700000	610000	610000		
748	CURB & GUTTER-TYPE I	LF	116000	45000	5220000	52000	6032000	60000	6960000		
750	SIDEWALK CONCRETE 5IN REINF	SY	35000	60000	2100000	67000	2345000	67000	2345000		
750	DETECTABLE WARNING PANELS	SF	40000	45000	1800000	49000	1960000	38500	1540000		
762	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	LF	60000	35000	2100000	45000	2700000	21800	1308000		
772	FLASHING BEACON-POST MOUNTED	EA	2000	6000000	12000000	6400000	12800000	7035000	14070000		
SUBTOTAL					30900000		35524000		36360500		
OPTION 2											
202	REMOVAL OF CURB & GUTTER	LF	91000	10000	910000	9000	819000	20000	1820000		
202	REMOVAL OF BITUMINOUS SURFACING	SY	168000	50000	8400000	25000	4200000	38500	6468000		
302	AGGREGATE BASE COURSE CL 5	CY	24000	60000	1440000	64000	1536000	125000	3000000		
430	COMMERCIAL GRADE HOT MIX ASPHALT	TON	20000	300000	6000000	600000	12000000	400000	8000000		
550	8IN REINF CONCRETE PAVEMENT CL AE	SY	109000	130000	14170000	140000	15260000	118000	12862000		
708	INLET PROTECTION-SPECIAL	EA	1000	125000	125000	220000	220000	155000	155000		
708	REMOVE INLET PROTECTION-SPECIAL	EA	1000	25000	25000	25000	25000	55000	55000		
714	PIPE CONC REINF 15IN CL III-STORM DRAIN	LF	38000	100000	3800000	90000	3420000	86000	3268000		
722	INLET-TYPE 2	EA	1000	3500000	3500000	5200000	5200000	4725000	4725000		
748	CURB & GUTTER-TYPE I	LF	91000	45000	4095000	52000	4732000	60000	5460000		
750	SIDEWALK CONCRETE 5IN REINF	SY	25000	60000	1500000	67000	1675000	67000	1675000		
750	DETECTABLE WARNING PANELS	SF	40000	45000	1800000	49000	1960000	38500	1540000		
762	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	SF	40000	30000	1200000	55000	2200000	39500	1580000		
762	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	LF	80000	35000	2800000	45000	3600000	21800	1744000		
772	FLASHING BEACON-POST MOUNTED	EA	2000	6000000	12000000	6400000	12800000	7035000	14070000		
SUBTOTAL					61765000		69647000		66422000		
TOTAL					56861200		66794760		67759555		
ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION Deputy Director For Engineering:				AWARD TO: KEY CONTRACTING INC				WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.			
62				DATE OF AWARD				DEPARTMENT OF TRANSPORTATION Deputy Director For Engineering			

ND DEPARTMENT OF TRANSPORTATION				SHEET NO. 4 OF 4		ABSTRACT OF BIDS RECEIVED					
PROJECT NO. TAU-8-992(043)				NO. 22953		BIDDER TI-ZACK CONCRETE INC		BIDDER STRATA CORPORATION		BIDDER	
COUNTY & DATE CASS (017) NOV 19, 2021 09:30AM						LE CENTER, MN		GRAND FORKS, ND			
LENGTH & TYPE 0.500 WEST FARGO - 7TH AVE EAST TO MAIN AVE						C.C. BOND RANK 03		C.C. BOND RANK 04		C.C.	
COMPLETION TIME 07/30/22 MULTI -USE PATH											
SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT
103	CONTRACT BOND	L SUM	1.000	2750000	2750000	3000000	3000000				
202	REMOVAL OF CONCRETE PAVEMENT	SY	494000	30000	1482000	35000	1729000				
202	REMOVAL OF CURB & GUTTER	LF	264000	10000	2640000	25000	660000				
202	REMOVAL OF BITUMINOUS SURFACING	SY	71000	30000	2130000	38000	2698000				
202	REMOVAL OF PIPE ALL TYPES AND SIZES	LF	6000	165000	990000	100000	600000				
203	TOPSOIL	CY	1238000	45000	5571000	40000	4952000				
203	TOPSOIL-IMPORTED	CY	159000	65000	1033500	60000	954000				
216	WATER	M GAL	5000	1000000	5000000	50000	250000				
251	SEEDING CLASS III	ACRE	2160	2000000	4320000	1850000	3996000				
253	HYDRAULIC MULCH	ACRE	4320	3500000	15120000	2650000	11448000				
260	SILT FENCE UNSUPPORTED	LF	1130000	1950	2203500	2950	3333500				
260	REMOVE SILT FENCE UNSUPPORTED	LF	1130000	1000	1130000	650	734500				
261	FIBER ROLLS 12IN	LF	615000	5000	3075000	3000	1845000				
261	REMOVE FIBER ROLLS 12IN	LF	615000	1500	922500	750	461250				
265	STABILIZED CONSTRUCTION ACCESS	EA	1000	1600000	1600000	4800000	4800000				
265	REMOVE STABILIZED CONSTRUCTION ACCESS	EA	1000	1000000	1000000	1500000	1500000				
302	AGGREGATE BASE COURSE CL 5	CY	343000	70000	2401000	92000	3155600				
430	COMMERCIAL GRADE HOT MIX ASPHALT	TON	9000	300000	2700000	700000	6300000				
550	8IN REINF CONCRETE PAVEMENT CL AE	SY	175000	128000	2240000	172000	3010000				
702	MOBILIZATION	L SUM	1.000	48000000	48000000	117600000	117600000				
704	TRAFFIC CONTROL SIGNS	UNIT	486000	1650	801900	1500	729000				
704	TYPE III BARRICADE	EA	10000	100000	1000000	90000	900000				
704	SIDEWALK BARRICADE	EA	4000	65000	260000	60000	240000				
704	DELINEATOR DRUMS	EA	49000	22000	1078000	20000	980000				
704	TUBULAR MARKERS	EA	19000	5500	1045000	5000	950000				
704	SEQUENCING ARROW PANEL-TYPE A	EA	1000	1000000	1000000	900000	900000				
708	INLET PROTECTION-SPECIAL	EA	23000	245000	5635000	145000	3335000				
708	REMOVE INLET PROTECTION-SPECIAL	EA	23000	30000	690000	50000	1150000				
714	END SECT CORR STEEL .064IN 12IN	EA	2000	500000	1000000	1500000	3000000				
714	PIPE 15IN CORR PLASTIC	LF	76000	140000	10640000	100000	7600000				
722	MANHOLE CASTING	EA	1000	1000000	1000000	1500000	1500000				
722	CASTING INLET-TYPE 1	EA	1000	1400000	1400000	1500000	1500000				
722	CASTING CATCH BASIN-TYPE A	EA	1000	1100000	1100000	1500000	1500000				
722	INLET-TYPE 1	EA	2000	4400000	8800000	8000000	16000000				
722	INLET-TYPE 2	EA	1000	5000000	5000000	8000000	8000000				
722	INLET SADDLE BASE-TYPE 1	EA	2000	1650000	3300000	9000000	18000000				
722	ADJUST MANHOLE	EA	1000	550000	550000	2500000	2500000				
724	HYDRANT-INSTALL 6IN	EA	1000	16500000	16500000	8500000	8500000				
724	REMOVE HYDRANT	EA	1000	2200000	2200000	2500000	2500000				
724	WATERMAIN 6IN PVC	LF	9000	195000	1755000	500000	4500000				
748	CURB & GUTTER-TYPE I	LF	274000	33000	9042000	47000	12878000				
750	PIGMENTED IMPRINTED CONCRETE	SY	12000	95000	1140000	150000	1800000				
750	SIDEWALK CONCRETE 4IN	SY	109000	62000	6758000	50000	5450000				
750	SIDEWALK CONCRETE 5IN REINF	SY	2732000	78000	213096000	52100	14233720				
750	DETECTABLE WARNING PANELS	SF	188000	42000	7896000	46000	8648000				
752	REMOVE VEHICLE GATE	EA	1000	220000	220000	500000	500000				
754	FLAT SHEET FOR SIGNS-TYPE XI REFL SHEETING	SF	187200	24000	4492800	22000	4118400				
ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION Deputy Director For Engineering:				AWARD TO: KEY CONTRACTING INC				WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.			
64				DATE OF AWARD				DEPARTMENT OF TRANSPORTATION Deputy Director For Engineering			

ND DEPARTMENT OF TRANSPORTATION				SHEET NO. 5 OF 4		ABSTRACT OF BIDS RECEIVED					
PROJECT NO. TAU-8-992(043)				NO. 22953		BIDDER TI-ZACK CONCRETE INC		BIDDER STRATA CORPORATION		BIDDER	
COUNTY & DATE CASS (017) NOV 19, 2021 09:30AM						LE CENTER, MN		GRAND FORKS, ND			
LENGTH & TYPE 0.500 WEST FARGO - 7TH AVE EAST TO MAIN AVE						C.C. BOND RANK 03		C.C. BOND RANK 04		C.C.	
COMPLETION TIME 07/30/22 MULTI -USE PATH											
SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT
754	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	LF	101000	20000	2020000	18000	1818000				
754	RESET SIGN PANEL	EA	5000	55000	275000	50000	250000				
762	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	SF	40000	42000	1680000	37500	1500000				
762	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	LF	301000	22000	6622000	20750	6245750				
772	FLASHING BEACON-POST MOUNTED	EA	6000	6400000	38400000	5900000	35400000				
910	MODIFY MANHOLE	EA	2000	4500000	9000000	8500000	17000000				
970	LANDSCAPE PREPARATION	ACRE	4320	650000	2808000	195000	842400				
970	HERBICIDE WEED CONTROL	ACRE	4320	440000	1900800	300000	1296000				
990	GUARD POST-PERMANENT	EA	12000	220000	2640000	200000	2400000				
SUBTOTAL						59266100		62908500			
OPTION 1											
202	REMOVAL OF CURB & GUTTER	LF	108000	10010	1081080	35000	3780000				
202	REMOVAL OF BITUMINOUS SURFACING	SY	55000	30000	1650000	40000	2200000				
302	AGGREGATE BASE COURSE CL 5	CY	10000	70000	700000	100000	1000000				
430	COMMERCIAL GRADE HOT MIX ASPHALT	TON	10000	300000	3000000	700000	7000000				
722	MANHOLE CASTING	EA	1000	1100000	1100000	1500000	1500000				
748	CURB & GUTTER-TYPE I	LF	116000	35000	4060000	47000	5452000				
750	SIDEWALK CONCRETE 5IN REINF	SY	35000	80000	2800000	70000	2450000				
750	DETECTABLE WARNING PANELS	SF	40000	42000	1680000	46000	1840000				
762	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	LF	60000	22000	1320000	20750	1245000				
772	FLASHING BEACON-POST MOUNTED	EA	2000	6500000	13000000	5900000	11800000				
SUBTOTAL						30391080		38267000			
OPTION 2											
202	REMOVAL OF CURB & GUTTER	LF	91000	10000	910000	35000	3185000				
202	REMOVAL OF BITUMINOUS SURFACING	SY	168000	30000	5040000	40000	6720000				
302	AGGREGATE BASE COURSE CL 5	CY	24000	70000	1680000	100000	2400000				
430	COMMERCIAL GRADE HOT MIX ASPHALT	TON	20000	300000	6000000	300000	6000000				
550	8IN REINF CONCRETE PAVEMENT CL AE	SY	109000	125000	13625000	198000	21582000				
708	INLET PROTECTION-SPECIAL	EA	1000	245000	245000	145000	145000				
708	REMOVE INLET PROTECTION-SPECIAL	EA	1000	30000	30000	50000	50000				
714	PIPE CONC REINF 15IN CL III-STORM DRAIN	LF	38000	165000	6270000	280000	10640000				
722	INLET-TYPE 2	EA	1000	5000000	5000000	8500000	8500000				
748	CURB & GUTTER-TYPE I	LF	91000	35000	3185000	47000	4277000				
750	SIDEWALK CONCRETE 5IN REINF	SY	25000	8000	200000	70000	1750000				
750	DETECTABLE WARNING PANELS	SF	40000	50000	2000000	46000	1840000				
762	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	SF	40000	42000	1680000	37500	1500000				
762	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	LF	80000	22000	1760000	20750	1660000				
772	FLASHING BEACON-POST MOUNTED	EA	2000	6400000	12800000	5900000	11800000				
SUBTOTAL						60425000		82049000			
TOTAL						68347708		74940100			
ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION Deputy Director For Engineering:				AWARD TO: KEY CONTRACTING INC				WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.			
65				DATE OF AWARD				DEPARTMENT OF TRANSPORTATION Deputy Director For Engineering			

[illegible]



ENGINEERING DEPARTMENT

800 4 Ave E, Suite 1
West Fargo, ND 58078
701.433.5330
www.westfargond.gov

December 6, 2021

Board of City Commissioners
City of West Fargo
800 4th Avenue East
West Fargo, ND

Re: Project No. 6057
NDDOT-TAU-8-992(043)
Drain 45 Multi-Use Path – Phase II (Main Ave to 7th Ave)

WHEREAS, bids were opened and filed for Project No. 6057 for the City of West Fargo, North Dakota;
and

WHEREAS, the engineer for the City of West Fargo, North Dakota is required to make a careful and
detailed statement of the estimated cost of work (*pursuant to N.D.C.C. 40-22-29*);

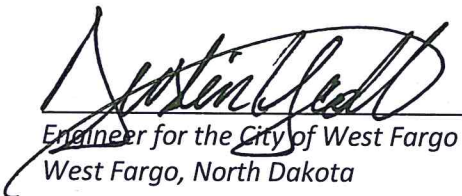
NOW THEREFORE, I, Dustin T. Scott, do hereby certify as follows:

That I am the City Engineer for the City of West Fargo, North Dakota;

That the following (and/or attached hereto) is a detailed statement of the estimated cost for work
described as Project No. 6057 of the City of West Fargo, North Dakota.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 7TH day of DECEMBER, 2021.

DUSTIN T. SCOTT
ND REG. NO. 6257


Engineer for the City of West Fargo
West Fargo, North Dakota



Project No. 6057
Drain 45 Multi-Use Path – Phase II (Main Ave to 7th Ave)
West Fargo, ND

Engineer's Statement of Cost

ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL
PHASE II - MAIN AVENUE TO 7TH AVENUE EAST				
BASE BID				
103 100 CONTRACT BOND	LSum	1	\$6,000.00	\$6,000.00
202 114 REMOVAL OF CONCRETE PAVEMENT	SY	494	\$27.00	\$13,338.00
202 130 REMOVAL OF CURB & GUTTER	LF	264	\$9.00	\$2,376.00
202 132 REMOVAL OF BITUMINOUS SURFACING	SY	71	\$25.00	\$1,775.00
202 174 REMOVAL OF PIPE ALL TYPES AND SIZES	LF	6	\$300.00	\$1,800.00
203 109 TOPSOIL	CY	1,238	\$42.00	\$51,996.00
203 119 TOPSOIL-IMPORTED	CY	159	\$60.00	\$9,540.00
216 100 WATER	MGAL	5	\$1,000.00	\$5,000.00
251 200 SEEDING CLASS III	ACRE	2.16	\$1,725.00	\$3,726.00
253 201 HYDRAULIC MULCH	ACRE	4.32	\$3,400.00	\$14,688.00
260 100 SILT FENCE UNSUPPORTED	LF	1,130	\$2.00	\$2,260.00
260 101 REMOVE SILT FENCE UNSUPPORTED	LF	1,130	\$1.00	\$1,130.00
261 112 FIBER ROLL 12IN	LF	615	\$5.00	\$3,075.00
261 113 REMOVE FIBER ROLL 12IN	LF	615	\$2.00	\$1,230.00
265 100 STABILIZED CONSTRUCTION ACCESS	EA	1	\$1,500.00	\$1,500.00
265 101 REMOVE STABILIZED CONSTRUCTION ACCESS	EA	1	\$1,000.00	\$1,000.00
302 120 AGGREGATE BASE COURSE CL 5	TON	343	\$64.00	\$21,952.00
430 500 COMMERCIAL GRADE HOT MIX ASPHALT	TON	9	\$600.00	\$5,400.00
550 113 8IN REINF CONCRETE PAVEMENT CL AE	SY	175	\$138.00	\$24,150.00
702 100 MOBILIZATION	LSum	1	\$40,000.00	\$40,000.00
704 100 TRAFFIC CONTROL SIGNS	UNIT	486	\$2.00	\$972.00
704 1052 TYPE III BARRICADE	EA	10	\$100.00	\$1,000.00
704 1054 SIDEWALK BARRICADE	EA	4	\$70.00	\$280.00
704 1060 DELINEATOR DRUMS	EA	49	\$23.00	\$1,127.00
704 1067 TUBULAR MARKERS	EA	19	\$6.00	\$114.00
704 1085 SEQUENCING ARROW PANEL-TYPE A	EA	1	\$900.00	\$900.00
708 1540 INLET PROTECTION - SPECIAL	EA	23	\$220.00	\$5,060.00
708 1541 REMOVE INLET PROTECTION - SPECIAL	EA	23	\$25.00	\$575.00
714 5800 END SECT CORR STEEL .064IN 12IN	LF	2	\$400.00	\$800.00
714 9815 PIPE 15 IN CORR PLASTIC	LF	76	\$80.00	\$6,080.00
722 315 MANHOLE CASTING	EA	1	\$500.00	\$500.00
722 3455 CASTING INLET-TYPE 1	EA	1	\$1,500.00	\$1,500.00
72 3470 CASTING CATCH BASIN-TYPE A	EA	1	\$1,200.00	\$1,200.00
722 3500 INLET - TYPE 1	EA	2	\$3,700.00	\$7,400.00
722 3510 INLET - TYPE 2	EA	1	\$5,200.00	\$5,200.00
722 3600 INLET SAFFLE BASE-TYPE 1	EA	2	\$3,500.00	\$7,000.00
722 6200 ADJUST MANHOLE	EA	1	\$500.00	\$500.00
724 400 HYDRANT-INSTALL 6IN	EA	1	\$9,800.00	\$9,800.00
724 430 REMOVE HYDRANT	EA	1	\$1,000.00	\$1,000.00
724 810 WATERMAIN 6IN PVC	LF	9	\$200.00	\$1,800.00
748 140 CURB & GUTTER-TYPE I	LF	274	\$60.00	\$16,440.00
750 30 PIGMENTED IMPRINTED CONCRETE	SY	12	\$240.00	\$2,880.00
750 115 SIDEWALK CONCRETE 4IN	SY	109	\$87.00	\$9,483.00
750 120 SIDEWALK CONCRETE 5IN REINF	SY	2,732	\$67.00	\$183,044.00
750 2115 DETECTABLE WARNING PANELS	SF	188	\$49.00	\$9,212.00
752 2120 REMOVE VEHICLE GATE	EA	1	\$500.00	\$500.00
754 110 FLAT SHEET FOR SIGNS - TYPE XI REFL SHEETING	SF	187.2	\$23.00	\$4,305.60
754 206 STEEL GALV POST - TELESCOPING PERFORATED TUBE	LF	101	\$20.00	\$2,020.00
754 592 RESET SIGN PANEL	EA	5	\$50.00	\$250.00
762 122 PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	SF	40	\$55.00	\$2,200.00
762 1325 PREFORMED PATTERNED PVMT MK 24IN LINE - GROOVED	LF	301	\$50.00	\$15,050.00
772 2110 FLASHING BEACON-POST MOUNTED	EA	6	\$6,400.00	\$38,400.00
910 570 MODIFY MANHOLE	EA	2	\$2,900.00	\$5,800.00
970 9 LANDSCAPE PREPARATION	ACRE	4.32	\$1,000.00	\$4,320.00
970 95 HERBICIDE WEED CONTROL	ACRE	4.32	\$400.00	\$1,728.00
990 220 GUARD POST-PERMANENT	EA	12	\$200.00	\$2,400.00
Base Bid Subtotal				\$562,776.60

OPTION 1

202	130	REMOVAL OF CURB & GUTTER	LF	108	\$9.00	\$972.00
202	132	REMOVAL OF BITMINOUS SURFACING	SY	55	\$25.00	\$1,375.00
302	120	AGGREGATE BASE COURSE CL 5	TON	10	\$64.00	\$640.00
430	500	COMMERICAL GRADE HOT MIX ASPHALT	TON	10	\$600.00	\$6,000.00
722	315	MANHOLE CASTING	EA	1	\$700.00	\$700.00
748	140	CURB & GUTTER-TYPE I	LF	116	\$52.00	\$6,032.00
750	120	SIDEWALK CONCRETE 5IN REINF	SY	35	\$67.00	\$2,345.00
750	2115	DETECTABLE WARNING PANELS	SF	40	\$49.00	\$1,960.00
762	1325	PREFORMED PATTERNED PVMT MK 24IN LINE - GROOVED	LF	60	\$45.00	\$2,700.00
772	2110	FLASHING BEACON-POST MOUNTED	EA	2	\$6,400.00	\$12,800.00
Option 1 Bid Subtotal						\$35,524.00

OPTION 2

202	130	REMOVAL OF CURB & GUTTER	LF	91	\$9.00	\$819.00
202	132	REMOVAL OF BITMINOUS SURFACING	SY	168	\$25.00	\$4,200.00
302	120	AGGREGATE BASE COURSE CL 5	TON	24	\$64.00	\$1,536.00
430	500	COMMERICAL GRADE HOT MIX ASPHALT	TON	20	\$600.00	\$12,000.00
550	113	8IN REINF CONCRETE PAVEMENT CL AE	SY	109	\$140.00	\$15,260.00
708	1540	INLET PROTECTION - SPECIAL	EA	1	\$220.00	\$220.00
708	1541	REMOVE INLET PROTECTION - SPECIAL	EA	1	\$25.00	\$25.00
714	210	PIPE CONC REINF 15IN CL III-STORM DRAIN	LF	38	\$90.00	\$3,420.00
722	3510	INLET-TYPE 2	EA	1	\$5,200.00	\$5,200.00
748	140	CURB & GUTTER-TYPE I	LF	91	\$52.00	\$4,732.00
750	120	SIDEWALK CONCRETE 5IN REINF	SY	25	\$67.00	\$1,675.00
750	2115	DETECTABLE WARNING PANELS	SF	40	\$49.00	\$1,960.00
762	122	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	SF	40	\$55.00	\$2,200.00
762	1325	PREFORMED PATTERNED PVMT MK 24IN LINE - GROOVED	LF	80	\$45.00	\$3,600.00
772	2110	FLASHING BEACON-POST MOUNTED	EA	2	\$6,400.00	\$12,800.00
Option 2 Bid Subtotal						\$69,647.00

Construction Subtotal (Base + Option 1)	\$598,300.60
Construction Contingencies (≈10%)	\$61,699.40
Total Construction Subtotal (Base + Option 1)	\$660,000.00

Construction Subtotal (Base + Option 2)	\$632,423.60
Construction Contingencies (≈10%)	\$67,576.40
Total Construction Subtotal (Base + Option 2)	\$700,000.00

Fixed Soft Costs

Engineer's Report	\$7,300.00
Scoping Phase	\$15,000.00
Boundary Survey	\$15,200.00
NDDOT Correspondence	\$3,000.00
Environmental Services	\$2,700.00
Additional Record Drawings	\$3,300.00
Geotechnical Engineering Services	\$33,500.00
Legal and Administration	\$15,000.00
TOTAL FIXED SOFT COST	\$95,000.00

Variable Soft Costs for Different Options

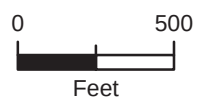
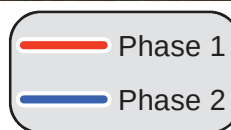
Engineering (12% of Base + Option 1)	\$80,000.00
Engineering (12% of Base + Option 2)	\$85,000.00

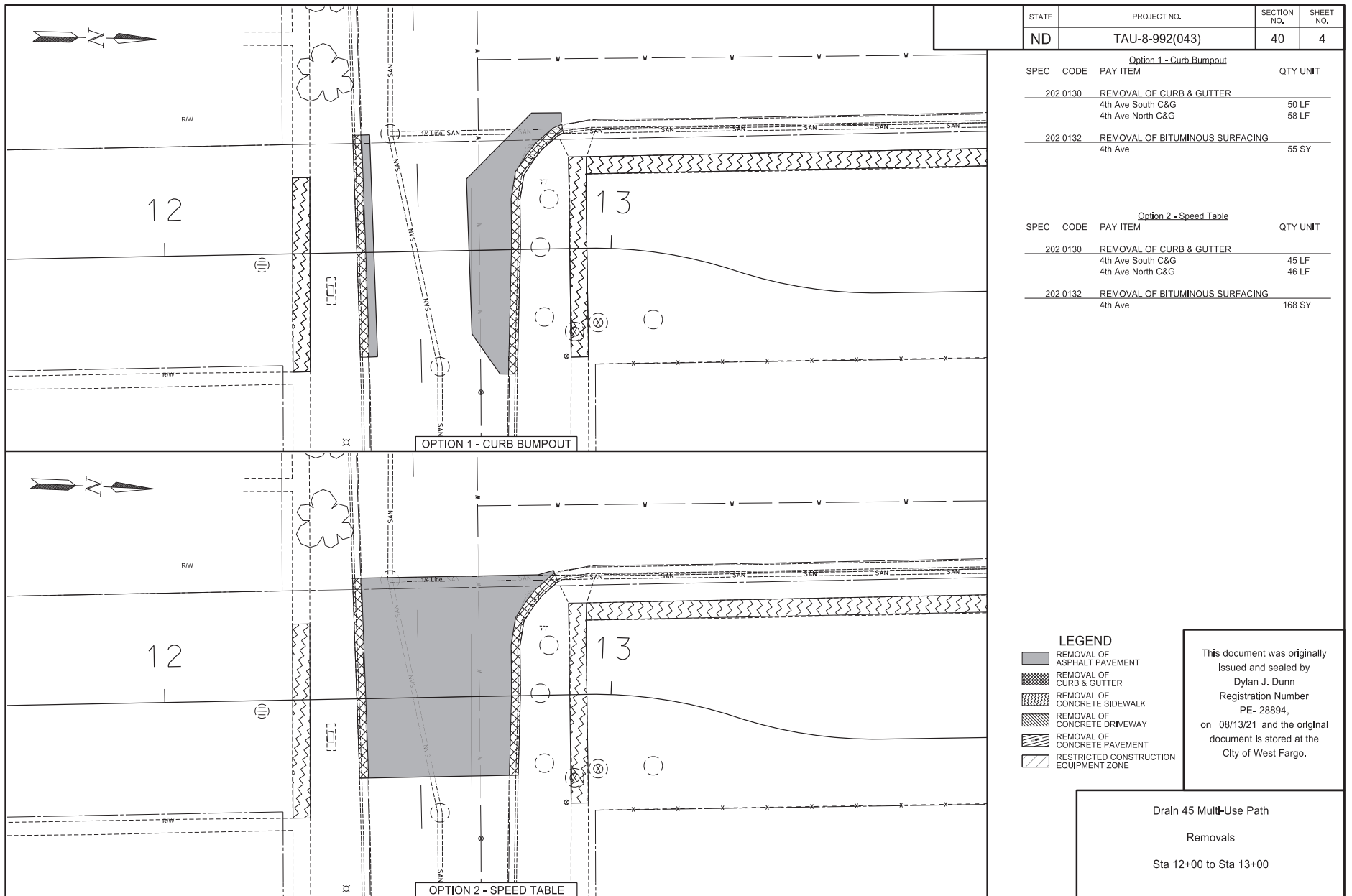
TOTAL PROJECT COST (BASE + OPTION 1)	\$835,000.00
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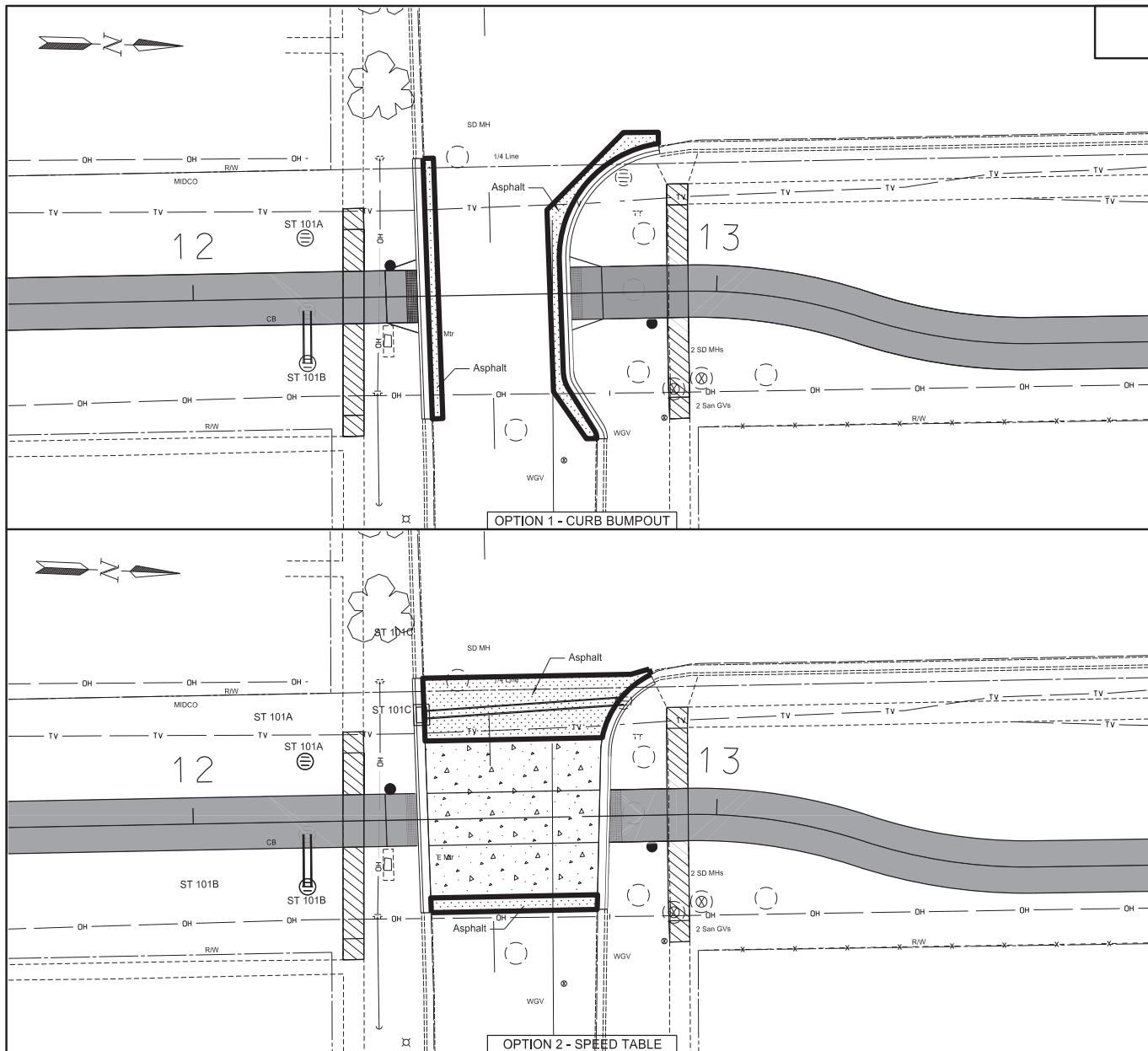
TOTAL PROJECT COST (BASE + OPTION 2)	\$880,000.00
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Proposed Drain 45 Multi-Use Path
Main Avenue to 13th Avenue Connection
 City of West Fargo Application for
 Transportation Alternatives Program







STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	TAU-8-992(043)	60	6

Option 1 - Curb Bumpout			
SPEC	CODE	PAY ITEM	QTY UNIT
302	0121	AGGREGATE BASE COURSE CL 5	
		4th Ave	10 CY
430	0500	COMMERICAL GRADE HOT MIX ASPHALT	
		4th Ave	10 TON
748	0140	CURB & GUTTER - TYPE I	
		4th Ave South C&G	50 LF
		4th Ave North C&G	66 LF
750	0120	SIDEWALK CONCRETE 5IN REINF	
		4th Ave South	13 SY
		4th Ave North	22 SY
750	2115	DETECTABLE WARNING PANELS	
		4th Ave South	20 SF
		4th Ave North	20 SF

Option 2 - Speed Table			
SPEC	CODE	PAY ITEM	QTY UNIT
302	0121	AGGREGATE BASE COURSE CL 5	
		4th Ave	24 CY
430	0500	COMMERICAL GRADE HOT MIX ASPHALT	
		4th Ave	20 TON
550	0113	8IN REINF CONCRETE PAVEMENT CL AE	
		4th Ave	109 SY
748	0140	CURB & GUTTER - TYPE I	
		4th Ave South C&G	45 LF
		4th Ave North C&G	46 LF
750	0120	SIDEWALK CONCRETE 5IN REINF	
		4th Ave South	13 SY
		4th Ave North	12 SY
750	2115	DETECTABLE WARNING PANELS	
		4th Ave South	20 SF
		4th Ave North	20 SF

LEGEND

- SIDEWALK CONCRETE 5IN REINF (MULTI-USE PATH)
- SIDEWALK CONCRETE 4IN
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- RESTRICTED CONSTRUCTION EQUIPMENT ZONE

This document was originally issued and sealed by
 Ryan M. Frolek
 Registration Number
 PE- 28337,
 on 08/13/21 and the original document is stored at the
 City of West Fargo.

Drain 45 Multi-Use Path

Plan & Profile

Sta 11+00 to Sta 22+00
 Option 1 & 2

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION ACCEPTING BID, SHOWING
RECEIPT OF ENGINEER'S STATEMENT OF ESTIMATED COST
AND DIRECTING EXECUTION OF CONTRACT

WHEREAS, bids have heretofore been received for the making of certain improvements in Project 6057- Phase 2 of Drain 45 Multi-Use Path (7th Avenue East to Main Avenue East) of the City of West Fargo, North Dakota; and

WHEREAS, said bids were opened and made public and are on file in the office of the City Auditor of the City of West Fargo; and

WHEREAS, the Engineer for the City of West Fargo has made and filed a careful and detailed statement of the estimated cost of said work; and

WHEREAS, it is necessary to accept the bid for the work to be completed;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the fact is and that the minutes show that the bid of Key Contracting, in the amount of \$632,423.60 is the lowest bid received and that said company is the lowest responsible bidder; that said bid was accompanied by a bidder's bond in the sum of \$500.00, a certified or cashier's check in the amount of \$50.00 and copy of the contractor's license or certificate of renewal thereof and in conformity with the provisions of Chapter 40-29 of the North Dakota Century Code.

That the Engineer for the City of West Fargo, has made and filed with the Board of City Commissioners of the City of West Fargo a careful and detailed statement of the estimated cost of said work in said improvement district;

That the contract for the construction of said improvement for which advertisement for bids is made, be and the same is hereby awarded to the said Key Contracting, in the amount of \$632,423.60 and that the President of the Board of City Commissioners and the City Auditor are hereby authorized and directed to enter into a contract with the said contractor for the making of the improvements for which advertisement for bids was heretofore made and for which they were the low bidder.

Dated: December 20, 2021.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

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

ORDINANCE NO. 1200

AN ORDINANCE TO AMEND AND REENACT SECTION 2-0121 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO SNOW, ICE, AND OTHER MATERIALS ON SIDEWALK REMOVED BY OWNER AND OCCUPANT OF PROPERTY

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

SECTION 1. Section 2-0121 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

2-0121. SNOW, ICE, AND OTHER MATERIALS ON SIDEWALK REMOVED BY OWNER AND OCCUPANT OF PROPERTY. No snow, ice, or other material that may result in slippery conditions, including, but not limited to, mold, slime, dirt or mud, may be allowed to stand or remain upon any public sidewalk within the City of West Fargo. If any person or corporation either neglects or refuses to remove the snow, ice, or other material from a public sidewalk abutting the person's or corporation's property, after forty-eight (48) hours notice by the Superintendent of Streets, or his designee, the person or corporation will be subject to the penalties set out in Section 1-0211. The Superintendent of Streets, or his designee may provide notice either by U.S. mail or by posting notice on the front door of the person's or corporation's property abutting the public sidewalk. The property owner shall have forty-eight (48) hours from the date and time of the notice to remove snow, ice, or other material from the abutting sidewalk. In addition, the Superintendent of Street, or his designee, may cause the snow, ice, or other material to be removed. The expense incurred in the removal will be charged and assessed against the abutting property by special assessment in a manner prescribed by law.

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:

Commissioner _____ introduced the following Resolution and moved for its adoption:

RESOLUTION AUTHORIZING PARTICIPATION IN NATIONAL OPIOID SETTLEMENTS

WHEREAS, the State of North Dakota, North Dakota counties and cities, and their people, have been harmed by misconduct committed by certain entities that engage in the manufacture, marketing, promotion, distribution, or dispensing of opioids; and

WHEREAS, the State of North Dakota and numerous North Dakota cities and counties joined with thousands of local governments across the country to file lawsuits against opioid manufacturer and pharmaceutical distribution companies and hold those companies accountable for their misconduct; and

WHEREAS, it is in the best interests of the State of North Dakota and the residents of the City of West Fargo, and the County of Cass, that the City participate in the national opioid litigation settlements.

NOW, THEREFORE, be it resolved by the City Commission of the City of West Fargo as follows:

1. Participation in the opioid litigation settlements promotes the public health, safety, and welfare of the residents of the City.
2. The City supports and opts-in to the national opioid litigation settlements with the Distributors McKesson, Cardinal Health, and Amerisource Bergen, and with the Manufacturer Johnson & Johnson.
3. City Staff is hereby authorized to take such measures as necessary to participate in the national opioid settlements, including executing the Settlement Agreements and any accompanying documents related to the opioid litigation settlements.

Dated: December 20, 2021

APPROVED:

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.