



Meeting Items

- A. Call to Order
- B. Pledge of Allegiance
- C. Approve Order of Agenda
- D. Approval of Minutes – March 21, 2022 (Pages 3-5)
- E. Building Permits (Pages 6-7)

Consent Agenda - Approve the Following:

- a. Bills (Pages 8-16)
- b. Gaming Site Authorization for Horse Race North Dakota. Games to be conducted: Raffles and Poker from 4/15/2022 to 4/17/2022 at DoubleTree by Hilton at 825 S Beaton Dr (Pages 17-18)
- c. 2021 Right-of-Way Permits Deemed Open and Awaiting Restoration (Pages 19-30)
 - Approve draft contractor letter with attached location list to be sent to permittees with open permits

Regular Agenda

- 1. Annual Review and Reapproval of Neighborhood Revitalization Program - Aaron Nelson, Planning and Zoning Director (Pages 31-35)
- 2. 5-Year PILOT Incentive for Paisley & Dash LLC - Aaron Nelson, Planning and Zoning Director (Pages 36-43)
- 3. City of West Fargo Fire Department 2021 Annual Report - Dan Fuller, Fire Chief (Pages 44-78)
- 4. Traffic Signal Upgrades (Citywide) - Dustin Scott, City Engineer (Pages 79-81)
 - Approve purchase of Equipment
- 5. Resolution Authorizing the Issuance of Public Safety Annual Appropriation Bonds (Fire Department Headquarters), Series 2022 (Parameters Resolution) - John Shockley, City Attorney (Pages 82-108)
- 6. Forestry Ordinance Revision Request - Tina Fisk, City Administrator (Pages 109-133)
- 7. Contracts for Fire Headquarters Building - Tina Fisk, City Administrator (Pages 134-135)
- 8. City Administrator's Report - Tina Fisk, City Administrator
 - a. Board of Equalization - Tuesday, April 12 at 5:30 PM in the West Fargo Commission Chambers
- 9. Correspondence
- 10. Non-Agenda Items
- 11. Adjourn

Please turn OFF your phones before entering the Commission Chambers.

If you are wanting to speak on an item that is not on the current agenda, please submit your request online to speak at a future meeting. <https://www.westfargond.gov/365/City-Commission>



**West Fargo City Commission Meeting
Monday, March 21, 2022
Commission Chambers 5:30 PM**

The West Fargo City Commission met on Monday, March 21, 2022, at 5:30 pm. Those present were Commissioners Bernie Dardis, Eric Gjerdevig, Brad Olson Mark Simmons, and Mandy George. President of the Board Bernie Dardis called the meeting to order at 5:30 PM.

The Pledge of Allegiance was recited.

Commissioner Olson moved and Commissioner Gjerdevig seconded to approve the order of the agenda as distributed. No opposition. Motion carried.

Commissioner Gjerdevig moved and Commissioner Olson seconded to approve the minutes of March 7, 2022 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 Olson moved and Commissioner Gjerdevig seconded to approve the following items from the Consent Agenda:

- a. Bills (Pages 7-13)
- b. Gaming Site Authorization for Mule Deer Foundation. Games to be conducted: Raffles on 4/21/2022 at Speedway Event Center at 680 Main Ave (Pages 14-15)
- c. Resolution to Authorize the President of the Commission and City Administrator to cast a vote in Sheyenne 32 East (the "Lights") Condo Association (Page 16)

No opposition. Motion carried.

Dan Fuller, Fire Chief appeared before the Commission to request approval of awarding contracts to Certified Bidders for the Fire Station Project. Following discussion, Commissioner Simmons moved and Commissioner George seconded to approve (1) Authorize the Finance Director to move the listed funds to the construction account for the project; (2) authorize the awards of Certified Bids as listed on the Certified Bid Tab sheet; (3) authorize the City Administrator, Finance Director, and Fire Chief to negotiate change orders to reduce the overall cost of the project. No opposition. Motion carried.

Matt Andvik, Public Works Director appeared before the Commission for approval of a Sanitation Utility Rate and Operations Study. Following discussion, Commissioner George moved and Commissioner Olson seconded to approve a Sanitation Utility Rate and Operations Study. Commissioner Simmons, Gjerdevig and Dardis opposed. Motion failed on a 2:3 vote.

Matt Andvik, Public Works Director appeared before the Commission for approval of the Main Avenue Tree Planting. Following discussion, Commissioner Olson moved and Commissioner Gjerdevig seconded to approve the Main Avenue Tree Planting. No opposition. Motion carried.



**West Fargo City Commission Meeting
Monday, March 21, 2022
Commission Chambers 5:30 PM**

Dustin Scott, City Engineer appeared before the Commission for approval of District No. 1337 – Wilds 21st Addition • Approve Amended Engineer's Report, Approve Task Order 50-1, and Authorize Engineer to prepare Plans and Specs. Following discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve District No. 1337 – Wilds 21st Addition • Approve Amended Engineer's Report, Approve Task Order 50-1, and Authorize Engineer to prepare Plans and Specs. No opposition. Motion carried.

Dustin Scott, City Engineer appeared before the Commission for approval of District No. 1339 – Stockyard's 1st Addition • Approve Amended Engineer's Report, Approve Task Order 49-2, and Authorize Engineer to prepare Plans and Specs. Following discussion, Commissioner Olson moved and Commissioner Simmons seconded to approve District No. 1339 – Stockyard's 1st Addition • Approve Amended Engineer's Report, Approve Task Order 49-2, and Authorize Engineer to prepare Plans and Specs. Commissioner Dardis and George opposed. Motion carried on a 3:2 vote.

Dustin Scott, City Engineer appeared before the Commission for approval of Veterans Blvd and 37th Avenue E Signal Light • Create Improvement District No. 2264, Approve Engineer's Report, Approve Plans and Specs; and Authorize Bid Advertisement. Following discussion, Commissioner Gjerdevig moved and Commissioner Olson seconded to approve Veterans Blvd and 37th Avenue E Signal Light • Create Improvement District No. 2264, Approve Engineer's Report, Approve Plans and Specs; and Authorize Bid Advertisement. No opposition. Motion carried.

Tina Fisk, City Administrator appeared before the Commission for approval of the Capital Improvement Plan • Adopt the proposed 5-year Capital Improvement Plan (CIP). Following discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to implement a Public input meeting in regards to the Capital Improvement Plan. No opposition. Motion carried.

Tina Fisk, City Administrator appeared before the Commission to give an update on the relocation of Clerk of Court Offices to the West Fargo Room. Following discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to direct staff to go out and get an updated bid for the relocation of the Clerk of Court. No opposition. Motion carried.

Tina Fisk, City Administrator City Administrator Report:

- a. Out of the Office the 28th-30th for the North Dakota League of Cities
- b. Assistant City Administrator interviews are the first week in April
- c. Road restrictions are in effect as of March 22, 2022

There were no correspondence.



West Fargo City Commission Meeting
Monday, March 21, 2022
Commission Chambers 5:30 PM

In regards to non-agenda items, Dan Fuller, Fire Chief appeared before the Commission to request a sale of hydraulic cutting equipment to the Horace Fire Department. Following discussion, Commissioner Olson moved and Commissioner George seconded the sale of hydraulic cutting equipment in the amount of \$7,000. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Olson seconded to adjourn the meeting. No opposition. Meeting adjourned at 7:25 PM.

Bernie Dardis, Commission President

Tina Fisk, City Administrator

**WEST FARGO CITY COMMISSION MEETING
BUILDING DEPARTMENT ACTIVITY REPORT
04/04/2022**

	AS OF 3/25/2022			YEAR TO DATE		
	# PERMITS	# UNITS	VALUATION	# PERMITS	# UNITS	VALUATION
<u>BUILDING NEW</u>						
COMMERCIAL	1		\$ 800,000.00	3		\$ 2,051,290.00
RESIDENTIAL DWELLING	2	2	\$ 1,142,000.00	10	10	\$ 4,745,000.00
RESIDENTIAL TWINHOME						
RESIDENTIAL TOWNHOME						
RESIDENTIAL MULTIPLE						
PUBLIC				1		\$ 160,000.00
CHURCH						
ACCESSORY	1		\$ 4,000.00	3		\$ 272,500.00
FOUNDATION ONLY						
<u>BUILDING REMODEL</u>						
COMMERCIAL	2		\$ 2,307,000.00	19		\$ 7,871,595.00
RESIDENTIAL	6		\$ 259,500.00	32		\$ 1,250,421.00
PUBLIC						
CHURCH						
ACCESSORY						
<u>BUILDING OTHER</u>						
DEMOLITION				2		\$ 164,000.00
MOVE						
PERMIT CANCELLATION						
TOTALS	12	2	\$ 4,512,500.00	70	10	\$ 16,514,806.00

Building Department Report - Summary

NO.	CONTRACTOR	ADDRESS	OWNER	VALUATION	PERMIT FOR
220222	Plecity Kowalski Construction	2817 Mcleod Drive East	Plecity Properties, LLC	\$ 750,000.00	Residential Dwelling
220229	Jason Stadum	5543 Lori Lane West	Michelle Kuske	\$ 1,500.00	Remodel - Residential - insulation & sheetrock garage
220232	Evolution Construction LLC	5126 11th Street West	Daren & Kala Larson	\$ 52,000.00	Remodel - Residential - Lower Level Finish
220234	Gateway Building Systems	1351 8th Avenue NW	Kost Materials, LLC	\$ 800,000.00	Commercial - Construct storage facility for concrete mixing materials
211545	Pinak, LLC	731 Main Avenue West	Pinak, LLC	\$ 7,000.00	Remodel - Commercial - Enclose Exterior Stairway
220225	Terry & Cheryl Johnson	2040 Ruxton Court	Terry & Cheryl Johnson	\$ 22,000.00	Remodel - Residential - Enclose existing patio
220241	Ryezon Construction	5789 Deb Drive West	Jess & Keely Fuhrman	\$ 34,000.00	Remodel - Residential - Lower Level Finish
220242	Allied Build & Remodel	1220 29th Avenue West	Richard & Annie Schultz	\$ 75,000.00	Remodel - Residential - Lower Level Finish
220227	Zak Driscoll	533 18th Avenue East	Zak Driscoll	\$ 4,000.00	Accessory - Shed
220244	Heritage Homes	5129 Mira Way West	Active55, LLC	\$ 392,000.00	Residential Dwelling
220198	Gehrtz Construction	3150 Sheyenne Sreet	Sheyenne 32 East LLC	\$ 2,300,000.00	Remodel - Commercial - Fitup tenant space for clinic
220253	Nathan Drege	2438 North Pond Drive East	Amanda Skiftun	\$ 75,000.00	Remodel - Residential - Lower Level Finish

03/28/22
09:15:32

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 3/22

Page: 1 of 9
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
101928	S	51 CASS COUNTY ELECTRIC COOP	5162.67	03/15/22		CL 102484	3416.59
						CL 102485	1353.14
						CL 102486	392.94
101929	S	3212 VISA ADMINISTRATION	125.88	03/15/22		CL 102487	125.88
101930	S	3693 VISA ENGINEERING	284.06	03/15/22		CL 102488	284.06
101931	S	2438 VISA PLANNING	632.16	03/15/22		CL 102489	632.16
101932	S	2437 VISA ASSESSING	144.36	03/15/22		CL 102490	144.36
101933	S	2436 VISA FINANCE	82.06	03/15/22		CL 102491	82.06
101934	S	4265 CHRISTY GOULET	150.00	03/16/22		CL 102525	150.00
101935	S	3161 VISA LIBRARY #1	961.34	03/17/22		CL 102551	961.34
101936	S	3162 VISA LIBRARY #2	60.00	03/17/22		CL 102550	60.00
101937	S	3569 VISA FIRE DEPT 1	1736.94	03/17/22		CL 102558	1736.94
101938	S	3568 VISA FIRE DEPT 2	1219.69	03/17/22		CL 102557	1219.69
101939	S	2423 VISA PUBLIC WORKS #1	126.06	03/17/22		CL 102437	126.06
101940	S	4256 VISA PUBLIC WORKS #2	3612.99	03/17/22		CL 102438	3612.99
101941	S	51 CASS COUNTY ELECTRIC COOP	1756.23	03/18/22		CL 102577	1756.23
101942	S	229 CONSOLIDATED COMMUNICATIONS	149.49	03/18/22		CL 102578	149.49
101943	S	3801 JAMES ELLEFSON	144.00	02/22/22		CL 102094	144.00
101944	S	3706 VISA COMMUNICATIONS	543.97	03/21/22		CL 102614	543.97
101945	S	289 ACME TOOLS	1663.60	03/22/22		CL 102440	675.02
						CL 102465	812.28
						CL 102508	176.30
101946	S	887 AIRBORNE CUSTOM SPRAYING, INC	16125.00	03/22/22		CL 102416	16125.00
101947	S	3514 AIRE SERV	1051.89	03/22/22		CL 102567	1051.89
101948	S	3888 ALL SEASONS MECHANICAL, INC.	232.00	03/22/22		CL 102554	232.00
101949	S	2947 ALLSTATE PETERBILT OF FARGO	372.18	03/22/22		CL 102459	38.38
						CL 102517	333.80

03/28/22
09:15:32

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 3/22

Page: 2 of 9
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
101950	S	3490 AMAZON CAPITAL SERVICES	2432.61	03/22/22		CL 102389	224.02
						CL 102478	133.24
						CL 102492	102.21
						CL 102530	1569.33
						CL 102568	403.81
101951	S	317 AMERICAN WELDING & GAS, INC.	16.26	03/22/22		CL 102417	16.26
101952	S	3973 ANTHONY CORONATO	157.75	03/22/22		CL 102571	157.75
101953	S	1139 APWA MEMBERSHIP RENEWAL	740.00	03/22/22		CL 102473	740.00
101954	S	2931 AUTO VALUE PARTS STORES	1097.01	03/22/22		CL 102407	715.80
						CL 102456	109.34
						CL 102458	203.98
						CL 102516	67.89
101955	S	1695 BAKER & TAYLOR	384.45	03/22/22		CL 102531	384.45
101956	S	4268 BEN HERBST	549.94	03/22/22		CL 102559	549.94
101957	S	3273 BERNIE DARDIS	87.49	03/22/22		CL 102434	87.49
101958	S	36 BERT'S TRUCK EQUIPMENT	118.80	03/22/22		CL 102474	118.80
101959	S	3512 BOUND TREE MEDICAL, LLC	95.50	03/22/22		CL 102570	95.50
101960	S	2866 BRADY HANSON	122.50	03/22/22		CL 102414	122.50
101961	S	4290 BRANDON BAHR	360.20	03/22/22		CL 102425	360.20
101962	S	73 BRAUN INTERTEC	276.75	03/22/22		CL 102536	276.75
101963	S	652 BRENCO CORPORATION	883.24	03/22/22		CL 102420	650.00
						CL 102518	233.24
101964	S	4296 BRYCE KNUTSON	84.00	03/22/22		CL 102573	84.00
101965	S	3892 BURGGRAF'S ACE FARGO WEST	253.17	03/22/22		CL 102575	253.17
101966	S	351 BUSINESS ESSENTIALS	557.70	03/22/22		CL 102512	238.96
						CL 102546	53.95
						CL 102549	264.79
101967	S	39 BUTLER MACHINERY	934.31	03/22/22		CL 102457	909.68
						CL 102463	24.63

03/28/22
09:15:32

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 3/22

Page: 3 of 9
Report ID: AP300

Claim Checks

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101968	S	51 CASS COUNTY ELECTRIC COOP	41484.00	03/22/22		CL 102513	21348.00
						CL 102514	20136.00
101969	S	61 CASS COUNTY FINANCE	124.97	03/22/22		CL 102430	124.97
101970	S	1623 CENGAGE GALE	6483.15	03/22/22		CL 102527	6483.15
101971	S	1074 CENTER UPHOLSTERY & CANVAS REPAIR	60.00	03/22/22		CL 102515	60.00
101972	S	2429 CERTIFIED LABORATORIES	1287.09	03/22/22		CL 102539	406.09
						CL 102552	881.00
101973	S	3417 CHELSEA SIMDORN	11.40	03/22/22		CL 102528	11.40
101974	S	3492 CHEMISTRY LAB	754.74	03/22/22		CL 102467	754.74
101975	S	3440 CHRIS WEBB	7140.00	03/22/22		CL 102435	7140.00
101976	S	3216 CINTAS	140.01	03/22/22		CL 102475	140.01
101977	S	111 CITY OF FARGO	71325.03	03/22/22		CL 102400	35761.84
						CL 102415	35563.19
101978	S	2880 CITY OF FARGO	405924.80	03/22/22		CL 102498	253786.00
						CL 102499	20.80
						CL 102500	152118.00
101979	S	1904 CODE 4 SERVICES, INC	1820.40	03/22/22		CL 102576	1820.40
101980	S	133 COLE PAPER	1504.35	03/22/22		CL 102504	1504.35
101981	S	229 CONSOLIDATED COMMUNICATIONS	2753.65	03/22/22		CL 102390	2753.65
101982	S	3245 CORE & MAIN	4510.41	03/22/22		CL 102471	3945.16
						CL 102521	565.25
101983	S	4294 CORWIN COLLISION CENTER	1430.66	03/22/22		CL 102556	1430.66
101984	S	2818 CRAIG COSTELLO	122.50	03/22/22		CL 102409	122.50
101985	S	60 CROSSCOUNTRY FREIGHT SOLUTIONS	109.50	03/22/22		CL 102421	109.50
101986	S	87 DAKOTA TIRE	115.86	03/22/22		CL 102579	115.86
101987	S	3567 DAN FULLER	404.66	03/22/22		CL 102580	404.66
101988	S	4297 DANKO EMERGENCY EQUIPMENT	489.44	03/22/22		CL 102583	489.44

03/28/22
09:15:32

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 3/22

Page: 4 of 9
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
101989	S	2377 DAVID SAPP	857.20	03/22/22		CL 102581	857.20
101990	S	2948 DELTA 54 AVIATION LLC	3300.00	03/22/22		CL 102505	3300.00
101991	S	3762 DREAMSEATS LLC	700.74	03/22/22		CL 102584	700.74
101992	S	2100 EAGLE RUN CROSSING LLC	336.80	03/22/22		CL 102509	336.80
101993	S	1502 EIDE BAILLY	125.00	03/22/22		CL 102585	125.00
101994	S	545 ELECTRIC PUMP, INC	42127.14	03/22/22		CL 102537	42127.14
101995	S	3722 ENVIROTECH	4187.04	03/22/22		CL 102464	4187.04
101996	S	2862 ESSENTIA HEALTH	1168.00	03/22/22		CL 102538	1168.00
101997	S	140 F-M AMBULANCE SERVICE	305.50	03/22/22		CL 102604	175.50
						CL 102605	130.00
101998	S	979 FARGO LINE-X	700.00	03/22/22		CL 102445	700.00
101999	S	2387 FERGUSON ENTERPRISES #3093	339.00	03/22/22		CL 102501	339.00
102000	S	4299 FIREHOUSE GRANTS LLC	1000.00	03/22/22		CL 102608	1000.00
102001	S	3063 FRONTLINE PLUS FIRE & RESCUE	4460.00	03/22/22		CL 102477	4460.00
102002	S	155 GALLS, LLC	884.75	03/22/22		CL 102586	884.75
102003	S	93 GATEWAY CHEVROLET	323.41	03/22/22		CL 102454	323.41
102004	S	2864 GOODIN COMPANY	504.81	03/22/22		CL 102443	504.81
102005	S	2558 GOODYEAR COMMERCIAL TIRE	1126.82	03/22/22		CL 102544	1126.82
102006	S	556 GRAINGER, INC.	475.14	03/22/22		CL 102441	9.98
						CL 102542	465.16
102007	S	3534 GRAND FORKS FIRE EQUIPMENT LLC	3747.50	03/22/22		CL 102587	1121.00
						CL 102588	2626.50
102008	S	939 GRAYBAR	1383.55	03/22/22		CL 102470	1383.55
102009	S	3535 GREAT PLAINS FIRE	34355.00	03/22/22		CL 102589	34355.00
102010	C S	1226 HP INC.	0.00	03/22/22		CL 102398	

03/28/22
09:15:32

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 3/22

Page: 5 of 9
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
102011	*	S 358 HUBERT OYE-SONS CONST.	707.60	03/22/22		CL 102419	392.95
						CL 102507	314.65
102012	S	2500 INLAND TRUCK PARTS & SERVICE	9481.28	03/22/22		CL 102545	9481.28
102013	S	3466 JERRY WALLACE	73.53	03/22/22		CL 102493	73.53
102014	S	3526 JOHN NEEB	65.45	03/22/22		CL 102561	65.45
102015	S	2798 JOHNSON CONTROLS	438.70	03/22/22		CL 102480	438.70
102016	S	4112 JOSEPH JOHNSON	193.45	03/22/22		CL 102592	193.45
102017	S	3560 KEN MILLER	404.66	03/22/22		CL 102593	404.66
102018	S	693 KPH, INC	95018.40	03/22/22		CL 102385	95018.40
102019	S	4298 KRIS KARLS	84.00	03/22/22		CL 102594	84.00
102020	S	705 LAWSON PRODUCTS	188.17	03/22/22		CL 102479	188.17
102021	S	3418 LOFFLER	873.99	03/22/22		CL 102411	200.00
						CL 102526	673.99
102022	S	711 LUTHER FAMILY FORD	372.83	03/22/22		CL 102450	66.15
						CL 102595	306.68
102023	S	3304 MAC'S - FARGO	29.44	03/22/22		CL 102466	29.44
102024	S	3536 MACQUEEN EMERGENCY	107.50	03/22/22		CL 102553	107.50
102025	S	3488 MARK HOUSH	41.33	03/22/22		CL 102565	41.33
102026	S	656 MASTER CONSTRUCTION	90865.04	03/22/22		CL 102384	90865.04
102027	S	2903 MATT OLDHAM	1460.00	03/22/22		CL 102610	1460.00
102028	S	3119 MATT RETKA	50.00	03/22/22		CL 102506	50.00
102029	S	299 MENARDS	714.11	03/22/22		CL 102422	122.77
						CL 102439	169.06
						CL 102503	136.89
						CL 102522	49.98
						CL 102596	235.41
102030	S	1854 MIDWEST TAPE	309.61	03/22/22		CL 102532	309.61

03/28/22
09:15:32

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 3/22

Page: 6 of 9
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
102031	S	305 MOORE ENGINEERING INC	24700.33	03/22/22			
102032	S	335 ND DEPT OF TRANSPORTATION	291956.79	03/22/22		CL 102386	24700.33
102033	S	826 ND RURAL WATER SYSTEMS	180.00	03/22/22		CL 102426	291956.79
102034	S	3531 NDBOA	280.00	03/22/22		CL 102424	180.00
102035	S	364 NELSON INTERNATIONAL	292.19	03/22/22		CL 102613	280.00
102036	S	271 NETCENTER TECHNOLOGIES	39495.45	03/22/22		CL 102483	292.19
						CL 102391	25404.79
						CL 102413	13323.16
						CL 102566	767.50
102037	S	3558 NICK WAVRA	433.00	03/22/22		CL 102560	433.00
102038	S	3789 NORTH DAKOTA FIREFIGHTER'S ASSOCIATION	258.18	03/22/22		CL 102598	258.18
102039	S	328 NORTHERN ENGINE & SUPPL	15.96	03/22/22		CL 102461	15.96
102040	S	331 NORTHERN STATES SUPPLY	4.21	03/22/22		CL 102472	4.21
102041	S	1028 NORTHERN TRUCK EQUIPMENT CORP.	2432.80	03/22/22		CL 102455	2432.80
102042	S	330 NORTHWESTERN EQUIP INC.	112.36	03/22/22		CL 102446	112.36
102043	S	322 NOVA FIRE PROTECTION	47.00	03/22/22		CL 102597	47.00
102044	S	1774 O'REILLY AUTOMOTIVE STORES, INC	717.01	03/22/22		CL 102452	204.24
						CL 102476	424.81
						CL 102599	87.96
102045	S	352 OK TIRE STORE - COM CTR	1891.02	03/22/22		CL 102423	1891.02
102046	S	276 OSTROMS ACE HARDWARE	312.86	03/22/22		CL 102468	163.31
						CL 102502	99.58
						CL 102520	14.99
						CL 102600	34.98
102047	S	563 PETRO SERVE USA	49844.71	03/22/22		CL 102383	134.35
						CL 102495	48298.16
						CL 102602	1412.20
102048	S	4034 PETRO SERVE USA #63	4422.14	03/22/22		CL 102510	4422.14
102049	S	1987 PETSMART	59.99	03/22/22		CL 102601	59.99

03/28/22
09:15:32

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 3/22

Page: 7 of 9
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
102050	S	1310 PETTYS CONSULTING, LLC	180.00	03/22/22			
102051	S	3519 PREMIERE SHORTLINE USA LLC	448.96	03/22/22		CL 102591	180.00
102052	S	3276 PREMIUM WATERS INC	79.93	03/22/22		CL 102460	448.96
102053	S	1295 PRO-WEST & ASSOCIATES, INC	240.00	03/22/22		CL 102523	79.93
102054	S	1166 PRODUCTIVITY PLUS ACCOUNT	1709.32	03/22/22		CL 102533	240.00
102055	S	4295 RACHEL QUALLEY	84.00	03/22/22		CL 102418	1709.32
102056	S	2982 RDO EQUIPMENT CO	180.83	03/22/22		CL 102563	84.00
102057	S	3010 RICHARD BRUNS	330.46	03/22/22		CL 102451	180.83
102058	S	3210 RIVISTAS SUBSCRIPTIONS SERVICES	190.00	03/22/22		CL 102494	330.46
102059	S	3522 RJ'S TESORO	1529.58	03/22/22		CL 102529	190.00
102060	S	2526 RYAN BIRNEY	413.00	03/22/22		CL 102603	1529.58
102061	S	454 SANITATION PRODUCTS	3522.31	03/22/22		CL 102611	413.00
102062	S	459 SHERWIN WILLIAMS	352.23	03/22/22		CL 102469	2146.68
102063	S	3528 SNACKS PLUS VENDING	164.00	03/22/22		CL 102543	1375.63
102064	S	4048 SNS AUTO SUPPLY	889.00	03/22/22		CL 102541	352.23
102065	S	440 SRF CONSULTING GROUP, INC	428.86	03/22/22		CL 102412	164.00
102066	S	3516 STEIN'S INC	232.31	03/22/22		CL 102481	889.00
102067	S	733 SWANSTON EQUIPMENT CORP.	457.03	03/22/22		CL 102387	428.86
102068	S	1419 THE ARTS PARTNERSHIP	10000.00	03/22/22		CL 102606	232.31
102069	S	4293 THE GREAT COURSES	300.00	03/22/22		CL 102453	457.03
102070	S	3411 THE UPS STORE #6740	14.22	03/22/22		CL 102381	10000.00
102071	S	1734 TOM CLARK	922.65	03/22/22		CL 102547	300.00
102072	S	999999 TYLER HINGER	5.00	03/22/22		CL 102519	14.22
						CL 102564	922.65
						CL 102388	5.00

03/28/22
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CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 3/22

Page: 8 of 9
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
102073	S	2951 TYLER TECHNOLOGIES, INC	418.35	03/22/22		CL 102431	418.35
102074	S	4111 US DIGITAL DESIGNS	93851.75	03/22/22		CL 102433	93851.75
102075	S	2478 VALLI	6465.43	03/22/22		CL 102496	5309.65
						CL 102497	1155.78
102076	S	3668 VERIZON WIRELESS	10574.48	03/22/22		CL 102590	10574.48
102077	S	525 VILLAGE FAMILY SERVICE	8400.00	03/22/22		CL 102534	8400.00
102078	S	378 WEST FARGO POSTMASTER	265.00	03/22/22		CL 102436	265.00
102079	S	2184 WEST SIDE STEEL	209.87	03/22/22		CL 102462	190.01
						CL 102540	19.86
102080	S	807 WEX HEALTH, INC	620.75	03/22/22		CL 102408	620.75
102081	S	549 WF PUB SCHOOLS DIST #6	9740.00	03/22/22		CL 102548	9740.00
102082	S	4003 WM CORPORATE SERVICES INC	80078.66	03/22/22		CL 102511	80078.66
102083	S	338 XCEL ENERGY	62507.39	03/22/22		CL 102401	50.77
						CL 102402	134.10
						CL 102403	45.42
						CL 102404	13235.87
						CL 102406	2196.59
						CL 102410	26.12
						CL 102442	679.49
						CL 102444	8101.04
						CL 102447	1305.66
						CL 102448	573.22
						CL 102449	400.46
						CL 102607	3837.37
						CL 102609	31921.28
102084	S	1226 HP INC.	1429.91	03/22/22		CL 102398	1429.91
102085	S	2435 VISA POLICE #1	1462.32	03/22/22		CL 102615	1462.32
102086	S	3233 VISA POLICE #2	2374.14	03/22/22		CL 102616	2374.14
102087	S	3234 VISA POLICE #3	332.71	03/22/22		CL 102617	332.71
102088	S	3244 VISA POLICE #4	1543.60	03/22/22		CL 102618	1543.60
102089	S	4300 VISA POLICE #5	13.50	03/22/22		CL 102619	13.50

03/28/22
09:15:32

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 3/22

Page: 9 of 9
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
102090	S	4312 OMNI GROUP INTERNATIONAL	1872.00	03/22/22		CL 102620	1872.00
102091	S	4313 SWENSON'S CABINETS LLC	2550.00	03/23/22		CL 102625	2550.00
102092	S	4314 MATTHEW DAHLSON	4.00	03/23/22		CL 102627	4.00
102093	S	4315 NATHAN SKALSKY	149.00	03/23/22		CL 102626	149.00
102094	S	3418 LOFFLER	2225.46	03/23/22		CL 102628	2225.46
102095	S	104 FORUM COMMUNICATIONS	653.10	03/23/22		CL 102629	653.10
102096	S	3109 LIBRARY IDEAS, INC	540.06	03/24/22		CL 102633	540.06
102097	S	3549 WEX	2768.80	03/25/22		CL 102687	2768.80
102098	S	3540 COLONIAL INSURANCE BCN #E8967887	2398.08	03/25/22		CL 102703	2398.08
102099	S	3547 EQUITABLE UNIT ANNUITY COLLECTIONS	900.00	03/25/22		CL 102704	900.00
102100	S	3542 MAINSTAY FUNDS	860.00	03/25/22		CL 102708	860.00
102101	S	3630 MATRIX TRUST COMPANY	4131.00	03/25/22		CL 102700	4131.00
102102	S	3546 NATIONWIDE INVESTMENT ADVISORS LLC	7682.22	03/25/22		CL 102710	7682.22
102103	S	3541 ND FRATERNAL ORDER OF POLICE	1425.00	03/25/22		CL 102707	1425.00
102104	S	3543 NEW YORK LIFE INSURANCE & ANNUITY CORP	8502.04	03/25/22		CL 102701	8502.04
102105	S	3548 PERSHING	700.00	03/25/22		CL 102702	700.00
102106	S	1464 RED RIVER VALLEY FOP LODGE #1	627.00	03/25/22		CL 102706	627.00
102107	S	3544 VICKI PETERS TEAMSTERS LOCAL NO 120	25.00	03/25/22		CL 102709	25.00
102108	S	3827 WF IAFF	580.00	03/25/22		CL 102705	580.00
Total for Claim Checks			1656381.67				
Count for Claim Checks			181				

* denotes missing check number(s)

of Checks: 181 Total: 1656381.67

MAR 28 2022



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

Horse Race North Dakota

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 <u>Doubletree</u>			
Street <u>825 S Beaton Dr</u>	City <u>West Fargo</u>	ZIP Code <u>58078</u>	County <u>Cass</u>
Beginning Date(s) Authorized <u>4/15/22</u>	Ending Date(s) Authorized <u>4/17/22</u>	Number of twenty-one tables if zero, enter "0":	
Specific location where games of chance will be conducted and played at the site (required) <u>entire facility, excluding restrooms & guest rooms</u>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known <u>Poker & Raffle 4-15-22 thru 4-17-22</u>			

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 # 004616
\$100.00
4-28-22



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

License Number (Office Use Only)

Site Owner (Lessor) <u>Dumbletree</u>		Site Name <u>Dumbletree</u>		Site Phone Number <u>701-551-0120</u>	
Site Address <u>825 S Beaton Dr</u>		City <u>West Fargo</u>	State <u>ND</u>	Zip Code <u>58078</u>	County <u>Cass</u>
Organization (Lessee) <u>Horse Race North Dakota</u>		Rental Period <u>4/15/22</u> to <u>4/17/22</u>		Monthly Rent Amount	
1. Is Bingo going to be conducted at this site?				☒ No	☐ Yes
1a. If "Yes" to number 1 above, is Bingo the primary game conducted?				☒ No	☐ Yes
If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				\$ <u>0</u>	
2. Is Twenty-One conducted at this site?				☒ No	☐ Yes
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				\$ <u>0</u>	
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$ <u>0</u>	
3. Is Paddlewheels conducted at this site?				☒ No	☐ Yes
Number of Tables _____ X Rent per Table \$ _____				\$ <u>0</u>	
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?				☒ No	☐ Yes
Please check: ☐ Jar Bar ☐ Standard Dispensing Device				\$ <u>0</u>	
☐ Electronic Dispensing Device Number of Electronic Devices <u>0</u>				\$ <u>0</u>	
Total Monthly Rent				\$ <u>0</u>	

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 <u>[Signature]</u>	Title <u>Front Desk Representative</u>	Date <u>3/21/22</u>
Signature of Lessee <u>[Signature]</u>	Title <u>Gaming Mgr.</u>	Date <u>3/22/22</u>

(over)



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

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

To: West Fargo City Commission

From: Kayla Volness, Engineering Office Manager

Date: April 4, 2022

Subject: 2021 Right-of-Way Permits deemed open and awaiting restorations.

Action: Approve draft contractor letter with attached location list to be sent to permittees with open 2021 permits.

New Information and Recommendation:

During the December 6, 2021 Commission meeting authorization was given to Engineering to initiate a season shutdown to take effect on December 14, 2021. During the season shut down Engineering staff compiled information for a number of permits that were still open due to unfinished site restorations.

Engineering allows contractors to continue to work in the Right-of-Way until the season shut down goes into effect or the frost depth compromises the integrity of the City's infrastructure. Due to the nature of the frost and the time of year not all work sites are able to be restored back to pre-excavated conditions therefor permits remain open until the following construction season. Permits that are considered open no longer accrue fees once the season shutdown takes effect. In the spring when the shutdown period is lifted open permits will at that time continue accruing fees again until the restorations have been completed and the permit is closed. Engineering will not accept or issue any new permits to any permittees that have open permits from the previous year until all open permit are completed. Engineering will make exceptions for any work deemed a necessary emergency.

The following documents are attached for review/consideration:

- Draft Contractor Letter
- Attached List of open permits still needing site restorations

Staff Recommendation: Approve draft contractor letter with attached location list to be sent to permittees with open 2021 permits

Background and Summary:

Restorations consist of grade correction, extra soil placement, and grass seed applied to the excavation sites prior to permit competition.

Previously Presented Information and Commission Actions:

December 6, 2021- City Commission approved Engineering to Authorize a season shut down to go into effect for all non-emergency Right-of-Way work.



Dustin T. Scott – City Engineer
Jerry Wallace – Civil Engineer
Andrew Wrucke – Transportation Engineer
Kayla Volness – Engineering Office Manager

Engineering Department

800 4th Ave E
West Fargo, ND 58078
701-433-5330
www.westfargond.gov

To: Utility Provider/Contractor

From: City of West Fargo Engineering Department

RE: 2021 Right-of-Way Permits Deemed Open and Awaiting Restoration

This letter is pertaining to permits issued to your company in 2021 for working within the City's Right-of-Way. According to our records, there are still open permits for sites where restoration was not completed. In accordance with the City of West Fargo Excavation Policy, all excavation sites must be fully restored back to their pre-excavated conditions. Grade correction, extra soil placement, and grass seed application would be necessary to complete the restoration process.

Attached to this letter is a list of permits that are still considered open. During the season shutdown, all open permits were exempted from any accrual fees. Following the end of the shutdown season, open permits will once again start accruing fees until all sites have been fully restored and deemed complete. Further, the City of West Fargo Engineering Department will not issue any new permits until all of the 2021 open permits are completed, with the exception of emergency work.

Please contact Kayla Volness, Engineering Office Manager at 701-515-5102 with any questions.

Your Organization's 2021 unfished Right-of-Way work will need to be restored before any 2022 Excavation Permits and or work will be approved by the City of West Fargo. Below lists previous 2021 jobs that are considered open and will start to accrue a cost once the season shutdown is lifted until completed with restoration.

Permit #: 21-00005

Location: 17th Ave to I-94 (Road Repair and Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Xcel Energy

Permit #: 21-00008

Location: Main Ave. to 7th Ave (Sidewalk at Main Ave)

Applicant: Xcel Energy

Organization Performing Work: Xcel Energy

Permit #: 21-00085

Location: 756 11th Ave W (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00194

Location: 106 5th St NW (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Ernst Trenching

Permit #: 21-00196

Location: 413 Main Ave W (Left Ruts and mess in ROW on 6th St)

Applicant: Xcel Energy

Organization Performing Work: Xcel Energy

Permit #: 21-00197

Location: 1012 14th Ave W (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00199

Location: 806 Sheyenne St. (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00203

Location: 1410 11th St. W (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00205

Location: 4117 Carmell Pl. (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00206

Location: 1104 Commander Dr. (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00215

Location: 3456 Bluestem Dr (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00217

Location: 511 3rd Ave NW (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00220

Location: 1055 32nd Ave E (Bike Path and Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00230

Location: 32^{en} Ave and 5th St W (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: MP Technologies

Permit #: 21-00232

Location: 2716 1st St E (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00234

Location: 820 8th St E (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00241

Location: 5030 11th St W (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Q3 Contracting

Permit #: 21-00242

Location: 405 11th Ave NW (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work: Ernst Trenching

Permit #: 21-00244

Location: 625 7th Ave E (Soft Surface)

Applicant: Xcel Energy

Organization Performing Work:

Permit #: 22-00001 (*Emergency work*)

Location: 1036 50th Ave W

Applicant: Xcel Energy

Organization Performing Work: MP Technologies

Your Organization's 2021 unfished Right-of-Way work will need to be restored before any 2022 Excavation Permits and or work will be approved by the City of West Fargo. Below lists previous 2021 jobs that are considered open and will start to accrue a cost once the season shutdown is lifted until completed with restoration.

Permit #: 21-00146

Location: 3156 Bluestem Dr (Sidewalk and Soft Surface)

Applicant: Gehrtz Construction

Organization Performing Work: Spain Excavating

Your Organization's 2021 unfished Right-of-Way work will need to be restored before any 2022 Excavation Permits and or work will be approved by the City of West Fargo. Below lists previous 2021 jobs that are considered open and will start to accrue a cost once the season shutdown is lifted until completed with restoration.

Permit #: 21-00191

Location: 100 9th St NE (Soft Surface)

Applicant: Consolidated Communications

Organization Performing Work: MVM Contracting

Permit #: 21-00219

Location: 601 11th Ave NE (Soft Surface)

Applicant: Consolidated Communications

Organization Performing Work: MVM Contracting

Your Organization's 2021 unfished Right-of-Way work will need to be restored before any 2022 Excavation Permits and or work will be approved by the City of West Fargo. Below lists previous 2021 jobs that are considered open and will start to accrue a cost once the season shutdown is lifted until completed with restoration.

Permit #: 21-00201

Location: 9th St W (Soft Surface)

Applicant: Read iTech

Organization Performing Work: MP Nexlevel, LLC

Your Organization's 2021 unfinished Right-of-Way work will need to be restored before any 2022 Excavation Permits and or work will be approved by the City of West Fargo. Below lists previous 2021 jobs that are considered open and will start to accrue a cost one the season shutdown is lifted until completed with restoration.

Permit #: 21-00216

Location: 401 7th Ave E (Soft surface, Sidewalk repour, buried curb stop in sidewalk)

Applicant: Master Construction

Organization Performing Work: Master Construction

Your Organization's 2021 unfished Right-of-Way work will need to be restored before any 2022 Excavation Permits and or work will be approved by the City of West Fargo. Below lists previous 2021 jobs that are considered open and will start to accrue a cost once season shutdown is lifted until completed with restoration.

Permit #: 21-00239

Location: 220 21st St NW (Soft Surface)

Applicant: Midco

Organization Performing Work: Stellar Trenching

Your Organization's 2021 unfished Right-of-Way work will need to be restored before any 2022 Excavation Permits and or work will be approved by the City of West Fargo. Below lists previous 2021 jobs that are considered open and will start to accrue a cost one the season shutdown is lifted until completed with restoration.

Permit #: 21-00237

Location: 361 Cherry Ct (Soft surface, Concrete removal/Replace with asphalt)

Applicant: Laney's

Organization Performing Work: Laney's

Permit #: 22-00002 (*Emergency Work*)

Location: 340 Cherry Ct (Soft surface, Concrete removal/Replace with asphalt)

Applicant: Laney's

Organization Performing Work: Laney's

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Malachi Petersen
2. PHONE NUMBER: 515-5377 DATE: March 16, 2022
3. AGENDA TITLE:
Annual Review and Reapproval of Neighborhood Revitalization Program
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
In 2019 the City of West Fargo partnered with Gate City Bank to create a program that offers low-interest loans and technical assistance for home improvement projects to residents who live north of I-94. This program / partnership requires annual review and reapproval.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
N/A
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Reapprove the West Fargo Neighborhood Revitalization Program / Direct staff to continue to partner with Gate City Bank as per staff recommendation.



To: West Fargo City Commission

From: Malachi Petersen, Planner

Date: Wednesday, March 16, 2022

Subject: Annual Review of Neighborhood Revitalization Program

Action: Direct Staff to Continue to Partner with Gate City Bank

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

Summary & Recommendation:

In 2019 the City of West Fargo partnered with Gate City Bank to create a program that offers low-interest loans and technical assistance for home improvement projects to residents who live north of I-94. Eligible project costs include energy improvements, health and safety code deficiency corrections, structural improvements, and general property improvements. This year Gate City Bank is once again setting aside \$2 million for West Fargo Projects.

To be eligible for the program project costs must be between \$10,000 - \$75,000, projects must be associated with owner-occupied, single-family residences located within the City of West Fargo municipal boundaries and north of I-94. In previous years the City has required homeowners to be current on city utility fees but staff is proposing the removal of these requirements to better facilitate the processing of applications from those who might not have the financial assets to meet this obligation but who have homes which require immediate structural repair / assistance.

It is recommended that the City Commission reapprove the program with staff's suggested changes and direct staff to continue to work with Gate City Bank to promote and administer the program.

Policy Analysis:

This program focuses on reinvesting in West Fargo's older, aging neighborhoods – a key goal of West Fargo 2.0. Since the beginning of the program in 2019 there have been 13 projects totaling more than \$280,000.

Financial Analysis:

Aside from staff time spent reviewing applications and doing construction-related inspections there is no financial costs to the City of West Fargo.

2022 West Fargo Neighborhood Revitalization Program

Gate City Bank and the City of West Fargo are working together to keep West Fargo's neighborhoods strong and to help local homeowners reinvest in their homes by providing low interest loans and technical assistance to homeowners for major home improvement projects for existing homes.

Loan Terms

- Interest rate – 10 Year – 2.25%; 15 Year – 3%
- Repayable over 10 years or 15 years
- Minimum loan value: \$10,000
- Maximum loan value: \$75,000
- Maximum loan to value: 90% (based on evaluation / appraisal of the property)

Eligible Improvement Costs

The West Fargo Neighborhood Revitalization Program funds may be used to address code and structural corrections, energy improvements and general property improvements (generally anything that will stay in the home if it is sold later on). Loans are available to finance new improvements not yet under construction as well as code corrections for violations identified during the inspection.

The project must include at least one of the following:

- Foundation work (drain tile, bracing, new foundation)
- Major exterior improvements (siding, roofing, windows)
- Addition of a bedroom or new living space
- Major interior remodeling or replacement of major mechanical systems (furnace, electrical etc.)
- Conversion of a rental unit to an owner-occupied home
- Sewer / Water connection replacements from the dwelling unit to City infrastructure

Please note: Appliances are not eligible improvement costs.

How Do I Qualify?

Applicants:

- Applicant must be the owner / occupant of the home and meet Gate City Bank's credit standards for repayment of the improvement loan

Home / Property

- Home must be located within City of West Fargo municipal boundaries and north of I-94
- Home value must be assessed under \$250,000
- The house must be an owner-occupied unit
- Home must be zoned properly

Applications are reviewed on a first-come, first-served basis and as funds are available. Applications are due prior to October 31, 2022.

Program Administration Responsibilities

City of West Fargo

- Upon submission the City of West Fargo will review the application for completeness
- Once the loan has been approved by Gate City Bank the City of West Fargo will conduct construction inspections (initial and final). All City of West Fargo permit fees and inspection fees are waived.
- The City of West Fargo will provide technical assistance to the applicant and Gate City Bank as needed.

Gate City Bank

- Once the application is reviewed by the City of West Fargo for completeness it will be forwarded to Gate City Bank to determine borrower eligibility
- Gate City Bank will become the applicant's primary point of contact, working to order applicable items such as appraisals, title work, etc.
- Gate City Bank will conduct the loan closing
- Gate City Bank will process disbursements upon receipt of approved payment request from the applicant.

Project / Loan Workflow

Homeowner

- Complete loan application with the City of West Fargo
- Submit scope of work to the City of West Fargo for approval
- Obtain bid(s) from licensed contractors for work required under building code regulations or itemized list of materials with cost estimates if work is to be completed by homeowner
- Application and bids / cost estimates are forwarded by City of West Fargo to Gate City Bank for loan review and approval
- Homeowner will provide the City of West Fargo with copies of contractor licenses (if applicable) and liability insurance policy
- Project will be completed within six (6) months of project start date unless an extension is granted by Gate City Bank

Contractor

- Provide homeowner with bids / cost estimates
- Provide homeowner and the City of West Fargo with a copy of ND Contractor's License and liability insurance policy
- Complete the improvement projects within six (6) months of the project start date
- Obtain approval from homeowner and Gate City Bank for payment requests
- Provide lien waivers to homeowner upon completion of work



Neighborhood Revitalization Program

- Rates as low as 2.26% APR*
- 10-year or 15-year options
- \$10,000-\$75,000

Qualified Home Improvement Projects:

- Health and safety code deficiency correction
- Accessibility modifications for persons with disabilities or frail elderly heads of households
- Structural improvements
- Weatherization and energy efficiency
- General home improvements

Eligibility:

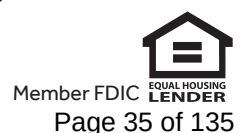
- Available to homeowners of owner-occupied single-family residences located within the City of West Fargo municipal boundaries and north of Interstate 94
- Requires automatic payment from Gate City Bank checking account
- Application must be received on or before October 31, 2022
- Subject to credit qualification and home evaluation

Contact City of West Fargo Planning & Community Development Department at 701-515-5377 for more information!



43 locations in 22 communities across
North Dakota and central Minnesota

*Terms and conditions may apply. A \$25,000 home equity loan at 2.25% interest rate for 120 monthly payments of \$232.84 will have a 2.26% annual percentage rate.



AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Malachi Petersen
2. PHONE NUMBER: 515-5377 DATE: March 7, 2022
3. AGENDA TITLE:
Approval of a 5-Year PILOT Incentive for Paisley & Dash LLC
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Paisley & Dash LLC is a state-certified primary sector business involved in the manufacture and sale of ready-to-eat cupcake jars. The application has applied for a Payment in Lieu of Taxes (PILOT) incentive totaling \$34,776. At their Thursday, March 3rd meeting the Economic Development Advisory Committee recommended approval of the full 5-Year \$34,776 PILOT incentive for Paisley & Dash LLC.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
3319 Oak Ridge Pond Way E (Lot 29, Block 1 Oak Ridge 18th)
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Approve a 5-Year Payment in Lieu of Taxes (PILOT) incentive in the amount of \$34,776 for Paisley & Dash LLC as recommended by the West Fargo Economic Development Advisory Committee.



To: West Fargo City Commission

From: Malachi Petersen, City Planner

Date: Monday, March 7, 2022

Subject: 5-year PILOT Request for Paisley & Dash LLC

Action: Hold Public Hearing and Approve or Deny Incentive

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

Summary:

Paisley & Dash LLC has applied for a 5-year Payment in Lieu of Taxes (PILOT) incentive totaling \$34,776. The applicant is a state-certified primary sector business involved in the manufacture and sale of ready-to-eat cupcake jars. These cupcake jars are filled with multiple layers of cupcake and frosting and then either sold locally or shipped to customers. The applicant is currently located in the Square One commercial kitchen in Fargo and is looking to buy a commercial office park condo that is under construction at 3319 Oak Ridge Pond Way E. Sara Mehrer, the owner of Paisley & Dash LLC, has indicated that the cost savings provided by the potential property tax exemption is a defining factor in her decision whether or not to relocate her e-commerce business to West Fargo.

Policy Analysis:

Under North Dakota Century Code Chapter 40-57.1, municipalities are allowed to grant or revoke property tax exemptions for new and expanding primary sector businesses. These property tax exemptions can be up to 100% of the total value of additional value on a piece of property. The City of West Fargo's PILOT Program is an incentive that uses abatement of taxes to attract private investment that meets the development goals of the City. Recipients of a PILOT pay \$100 per year for five years "in lieu of" their full property tax on new improvements. The recipient must continue paying taxes on land and buildings constructed before receipt of the incentive. To qualify for this incentive, a business is required to provide job creation goals through their application and report job numbers and salaries produced annually. In 2021, the City awarded a PILOT incentive to another business that was located within this same commercial office park area.

Financial Analysis:

The value addition from the construction of this project is estimated to be \$450,000 and the business occupying the building would bring three full-time and seven part-time jobs to West Fargo with an annual payroll of \$170,000 by Year 5 of the incentive. The estimated annual tax amount for the property is estimated at about \$6,955.20 with the exemption totaling about \$34,776 by the end of Year 5.

Process:

The West Fargo Economic Development Advisory Committee voted to recommend approval of the tax incentive at their March 3, 2022 meeting. A public hearing for this incentive to notify potential competitors is required by state statute.

Application For Property Tax Incentives For New or Expanding Businesses

N.D.C.C. Chapter 40-57.1

Project Operator's Application To West Fargo, ND

City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1. Name of project operator of new or expanding business Paisley & Dash, LLC
2. Address of project 3319 Oak Ridge Pond Way E
City West Fargo County Cass
3. Mailing address of project operator 801 24th Ave S
City Fargo State ND Zip 58103
4. Type of ownership of project
☐ Partnership ☐ Subchapter S corporation ☐ Individual proprietorship
☐ Corporation ☐ Cooperative ☒ Limited liability company
5. Federal Identification No. or Social Security No. 84-2940081
6. North Dakota Sales and Use Tax Permit No. n/a
7. If a corporation, specify the state and date of incorporation n/a
8. Name and title of individual to contact Sara Lien, Sole Member
Mailing address 801 24th Ave S
City, State, Zip Fargo, ND 58103 Phone No. 701-866-1901

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.
☒ **Property Tax Exemption** ☐ **Payments In Lieu of Taxes**
5 Number of years Beginning year Ending year
100 Percent of exemption Amount of annual payments (attach schedule if payments will vary)
10. Which of the following would better describe the project for which this application is being made:
☒ New business project ☐ Expansion of a existing business project

Description of Project Property

11. Legal description of project real property

Lot 22 Oakridge Phase 2. Legal: LOT 29 BLK 1 Oakridge 18th Addition

12. Will the project property be owned or leased by the project operator? ☒ Owned ☐ Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?

☐ Yes ☐ No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? ☒ New construction ☐ Existing facility

If existing facility, when was it constructed? _____

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application April 15, 2022

b. Description of project to be constructed including size, type and quality of construction
Commercial operating kitchen, packaging and shipping facility, retail storefront. 40x40, 1600 total square feet. 70% will be operating kitchen and packaging/shipping area, 20 % retail storefront, 10% office. Dietrich Construction will be completing project.

c. Projected number of construction employees during the project construction 82

14. Approximate date of commencement of this project's operations April 15, 2022

15. Estimated market value of the property used for this project:

a. Land..... \$ 92,100

b. Existing buildings and structures for which an exemption is claimed..... \$ 0

c. Newly constructed buildings and structures when completed \$ 450,000

d. Total \$ 542,100

e. Machinery and equipment \$ 20,000

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:

a. Land (not eligible) 

b. Eligible existing buildings and structures..... \$ 0

c. Newly constructed buildings and structures when completed..... \$ 450,000

d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ 22,500

e. Enter the consolidated mill rate for the appropriate taxing district 309.12

f. Annual amount of the tax exemption (Line d multiplied by line e) \$ 6,955.20

Description of Project Business

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in: ☐ Ag processing ☒ Manufacturing ☒ Retailing
☐ Wholesaling ☐ Warehousing ☐ Services
18. 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 (attach additional sheets if necessary).
Production of raw materials within this commercial kitchen, to produce baked goods, specifically cupcakes in a glass mason jar, to be shipped throughout the US, and sold via retail storefront. Facility will store all ingredients, packaging, and shipping materials, and ship directly on site through our shipping partner, FedEx. Though primarily an e-commerce bake shope, about 144 square feet of this project will serve as the retail storefront for local patrons.
19. Indicate the type of machinery and equipment that will be installed
Vulcan Commercial Convection Ovens, several commerical freezers and refridgerators, stainless steel tables throughout the facility, commercial mixers ranging in size from 7 quart to 30 quart, automated depositor systems for dispersing buttercream.
20. For the project only, indicate the projected annual revenue, expense, and net income (before tax) from either the new business or the expansion itself for each year of the requested exemption.

Year (12 mo. periods)	New/Expansion Project only Year 1	New/Expansion Project only Year 2	New/Expansion Project only Year 3	New/Expansion Project only Year 4	New/Expansion Project only Year 5
Annual revenue	<u>259,320</u>	<u>324,150</u>	<u>400,000</u>	<u>480,000</u>	<u>600,000</u>
Annual expense	<u>204,866</u>	<u>236,480</u>	<u>299,000</u>	<u>342,000</u>	<u>357000</u>
Net income	<u>54,454</u>	<u>87,670</u>	<u>101,000</u>	<u>138,000</u>	<u>243,000</u>

21. Projected number and salary of persons to be employed by the project for the first five years:

Current positions & positions added the initial year of project

# Current Positions	New Positions Under \$13.00	New Positions \$13.01-\$15.00	New Positions \$15.01-\$20.00	New Positions \$20.01-\$28.00	New Positions \$28.01-\$35.00	New Positions Over \$35.00
<u>1</u>			<u>2</u>			

Year	(Before project)	Year 1	Year 2	Year 3	Year 4	Year 5
No. of Employees	(1) <u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>3</u>
	(2) <u>0</u>	<u>2</u>	<u>3</u>	<u>5</u>	<u>5</u>	<u>7</u>
Estimated payroll	(1) <u>24,000</u>	<u>24000</u>	<u>36000</u>	<u>72000</u>	<u>100000</u>	<u>110000</u>
	(2) <u>0</u>	<u>22320</u>	<u>33480</u>	<u>50000</u>	<u>55000</u>	<u>60000</u>

(1) - full time
(2) - part time

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? ☐ Yes ☒ No
23. Has the project operator conducted this business at this or any other location either in or outside of the state?
☒ Yes ☐ No
24. Has the project operator or any officers of the project received any prior property tax incentives? ☐ Yes ☒ No
- If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).
- _____
- _____

Business Competition

25. 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
- _____
- _____
- Percentage of Gross Revenue Received Where Underlying Business Has ANY Local Competition %

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it? ☐ Yes ☒ No
27. 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 the answer to 26 or 27 is Yes, list and explain
- _____
- _____

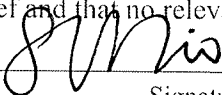
Use Only When Reapplying

28. 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. § 40-57.1-04.1)

Notice to Competitors of Hearing

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, Sara Lien, 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

Sole member, President

Title

1/31/22

Date

PRIVACY ACT NOTIFICATION

In compliance with the Privacy Act of 1974, disclosure of a social security number or Federal Employer Identification Number (FEIN) on this form is required under N.D.C.C. §§ 40-57.1-03, 40-57.1-07, and 57-01-15, and will be used for tax reporting, identification, and administration of North Dakota tax laws. Disclosure is mandatory. Failure to provide the social security number or FEIN may delay or prevent the processing of this form.

Certification of Governing Body (To be completed by the Auditor of the City or County)

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the _____ day of _____, 20____, granted the following:

☐ **Property Tax Exemption**

_____ Number of years

_____ Percent of exemption

☐ **Payments in lieu of taxes**

_____ Beginning year _____ Ending year

_____ Amount of annual payments (Attach schedule if payments will vary)

Auditor

Notice To Competitors Of Hearing On Application For Property Tax Incentives

Notice is hereby given that the _____
(City or county governing body)

of _____, North Dakota, will meet at _____
(City or county) (Time)

on _____ at _____ to consider the application of
(Date) (Location)

(Project operator name and address)

for property tax relief on the project which the applicant will use in the operation of

(Type of business)

at _____
(Address)

(Legal description)

Any competitor of that applicant may appear and be heard by the _____
(City or county governing body)

at the time and place designated herein. A competitor may provide written comments to the governing
body before the scheduled hearing.

This notice is given by the above-named applicant pursuant to the provisions of North Dakota Century
Code § 40-57.1-03

WEST FARGO FIRE DEPARTMENT ANNUAL REPORT



2021

TABLE OF CONTENTS

03	INTRODUCTION BY CHIEF DAN FULLER
04	MISSION STATEMENT AND CORE VALUES
05	YEAR IN REVIEW
06	DIVISIONS
07	COMMAND STAFF
08	STRATEGIC PLAN INITIATIVES
09	PERSONNEL
10	CHIEF'S INTENT
12	AWARD RECIPIENTS
13	OPERATIONS OVERVIEW
14	NEW HEADQUARTERS
15	INCIDENT STATISTICS
17	EMERGENCY MEDICAL SERVICES
18	FIRE AND FIRE LOSS
19	COMMUNITY OUTREACH
20	CITIZENS FIRE ACADEMY
21	COMUNITY RISK REDUCTION
22	K9 TEAM
23	CODE COMPLIANCE INSPECTIONS
24	JOINT RECRUIT ACADEMY
25	TRAINING
26	STATISTICS
27	PLANNING ZONES
35	THANK YOU

INTRODUCTION BY CHIEF FULLER

Commission President Dardis,

It gives me great pleasure to submit to you the 2021 Annual Report for the West Fargo Fire Department. This past year has been challenging to provide professional fire and emergency services to our community in the midst of an ongoing pandemic. We've had to adapt, make changes on the fly and adopt new policies and best practices to keep our workforce and our community safe.



Every year, the department sees our call volumes increase past previous benchmarks, and 2021 was no different. The department responded to 2,539 calls for service. To compare, five years ago we responded to only 369 calls for service. I fully expect our call volumes to continue to rise over the next five years to be more in line with the other cities in the metro area in terms of calls per capita: close to 105 calls per 10,000 residents or over 4,000 calls annually.

In 2021, we've made great strides towards seeing the new Fire Headquarters Project come to realization. The completion of the project will reduce response times in critical areas near the core part of West Fargo, and improve reliability citywide. Through a collaborative process involving meetings with the department staff, city administration and the City Commission, a design has been completed and bids have been prepared. A funding source has been identified and budgeted.

Throughout 2021, we accomplished several important objectives and benchmarks:

- Designed and ordered two replacement fire apparatus and we were awarded an \$840k grant to pay for half of each apparatus.
- No recorded fire deaths in the city.
- Completed 52 arson investigations in West Fargo, the FM Metro and surrounding areas.
- Proactively reduced call volume and addressed the most vulnerable in our community through the use of risk reduction home visits to frequent callers to the 911 system.
- Added a new heart screening to our annual department medical exam to identify and treat underlying cardiovascular issues in firefighters before an on-duty incident.
- Standardized the fire ground rehab policy to include our occupational health practitioners, our city safety team and the Fargo and Moorhead Fire Departments.

It has been my privilege to lead the department through this past year, and I am hopeful for the future as we continue to improve and meet the needs and expectations of our community. With the dedication of all our staff, from our firefighter/EMTs to our risk reduction staff, emergency management staff, equipment services and command staff, I am confident the department is well prepared to continue our tradition of service throughout the coming years.

MISSION AND VALUES

In a spirit of excellence, integrity and dedication, the West Fargo Fire Department is committed to serving the community, protecting lives and property through the provision of professional fire and emergency services, 24 hours a day.

COMMITMENT

Commitment is the focusing of efforts, the dedication of service, towards an objective or ideal. For the department, it means commitment to the people we serve in the community and to each other.

INTEGRITY

Doing what is morally and ethically right, always, even when no one is looking. The public holds a great deal of trust in this department. They depend on us to be having our best day when they are having their worst.

COMMUNITY SERVICE

The focus of the department is to serve the community. We, as a department, make the pledge to respond when a member or visitor of our great city is in trouble, no matter what.

PROFESSIONALISM

In maintaining a high level of professionalism, we are able to provide an excellent service to the community in the safest manner possible while maintaining fiscal stewardship of the taxpayer's resources.

YEAR IN REVIEW

2,539

CALLS FOR SERVICE

239

TOTAL CALLBACKS

266

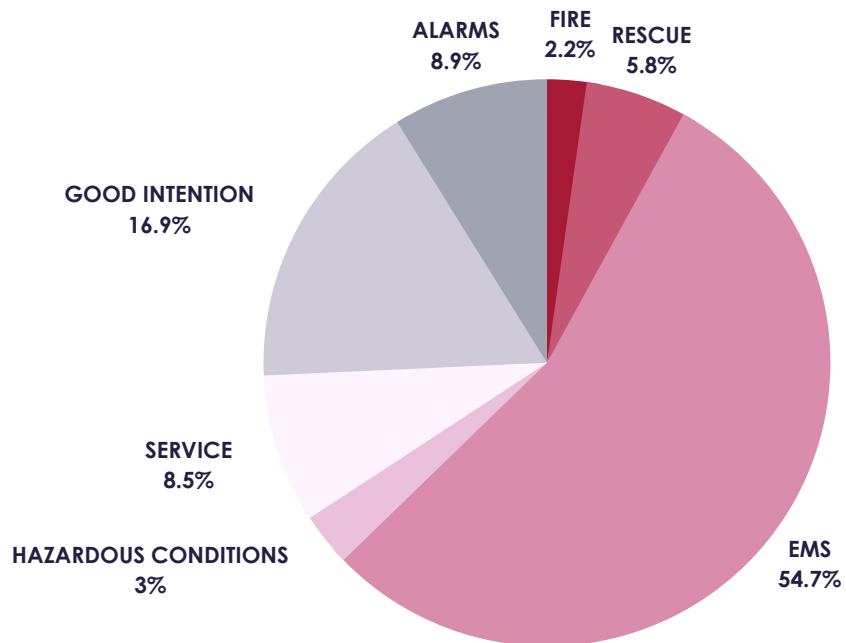
INSTANCES OF TWO OR
MORE CALLS AT ONCE

3,640

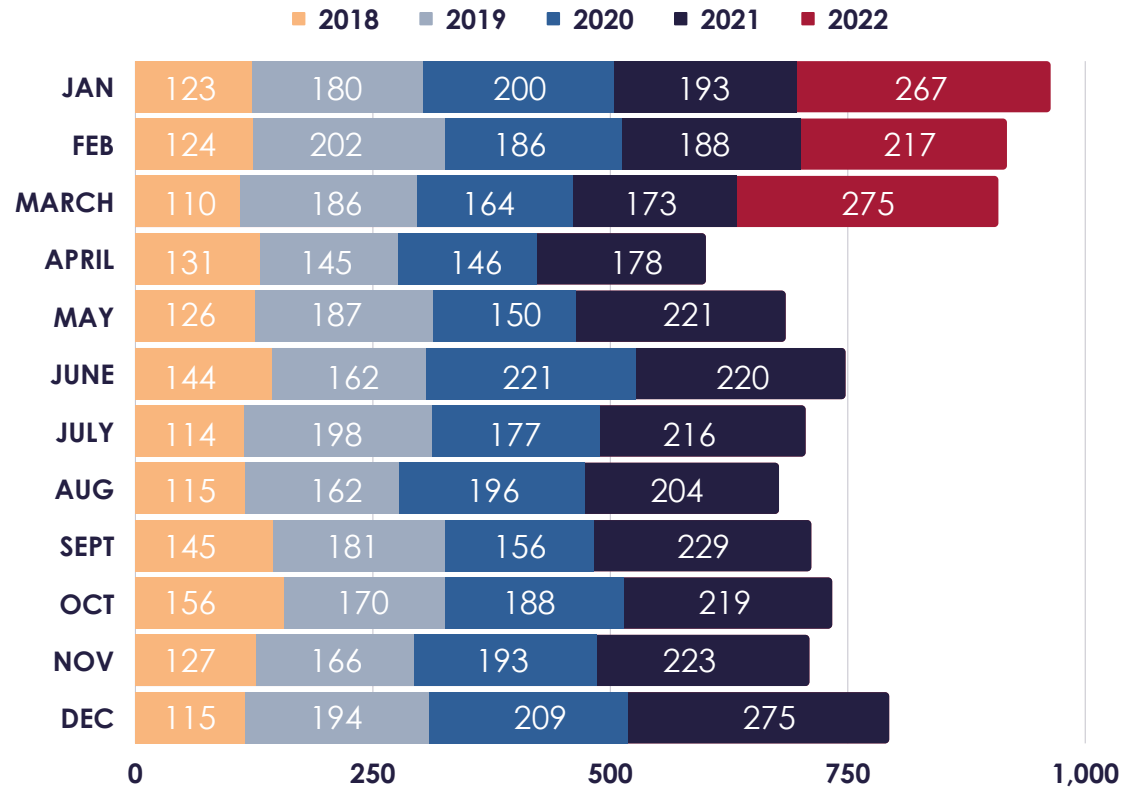
TOTAL UNIT RESPONSES

61.9

CALLS PER 10,000 RESIDENTS



CALLS BY MONTH 2018-2021



DIVISIONS

There are five divisions in the West Fargo Fire Department, each with their own specific duties. This helps the department manage the vast responsibility of responding to emergencies, reducing community risk, preventing emergencies, and making sure the community is resilient in the face of disasters.



ADMINISTRATION

This division maintains administrative tasks including finance, policy, standard operating guidelines and mutual aid/auto aid agreements.

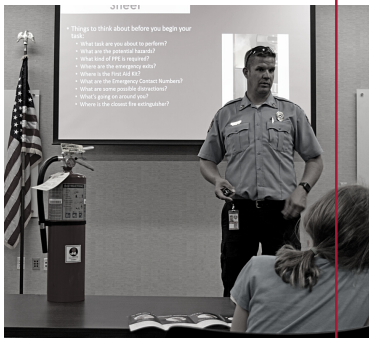
- Chief Dan Fuller
- Office Manager Tina Wagner



OPERATIONS

This division maintains all operational response programs including fire suppression, emergency medical services and technical rescue.

- Deputy Chief Kendel Frost



COMMUNITY RISK REDUCTION

This division maintains community risk reduction programs, which are designed to reduce overall risk from hazards within West Fargo.

- Fire Marshall Dell Sprecher
- Fire Inspector Travis Olson
- Fire Inspector/K9 Handler John Neeb



EMERGENCY MANAGEMENT

This division maintains emergency management plans and programs, with the goal of building community readiness and resiliency.

- Emergency Preparedness Coordinator Pierre Freeman

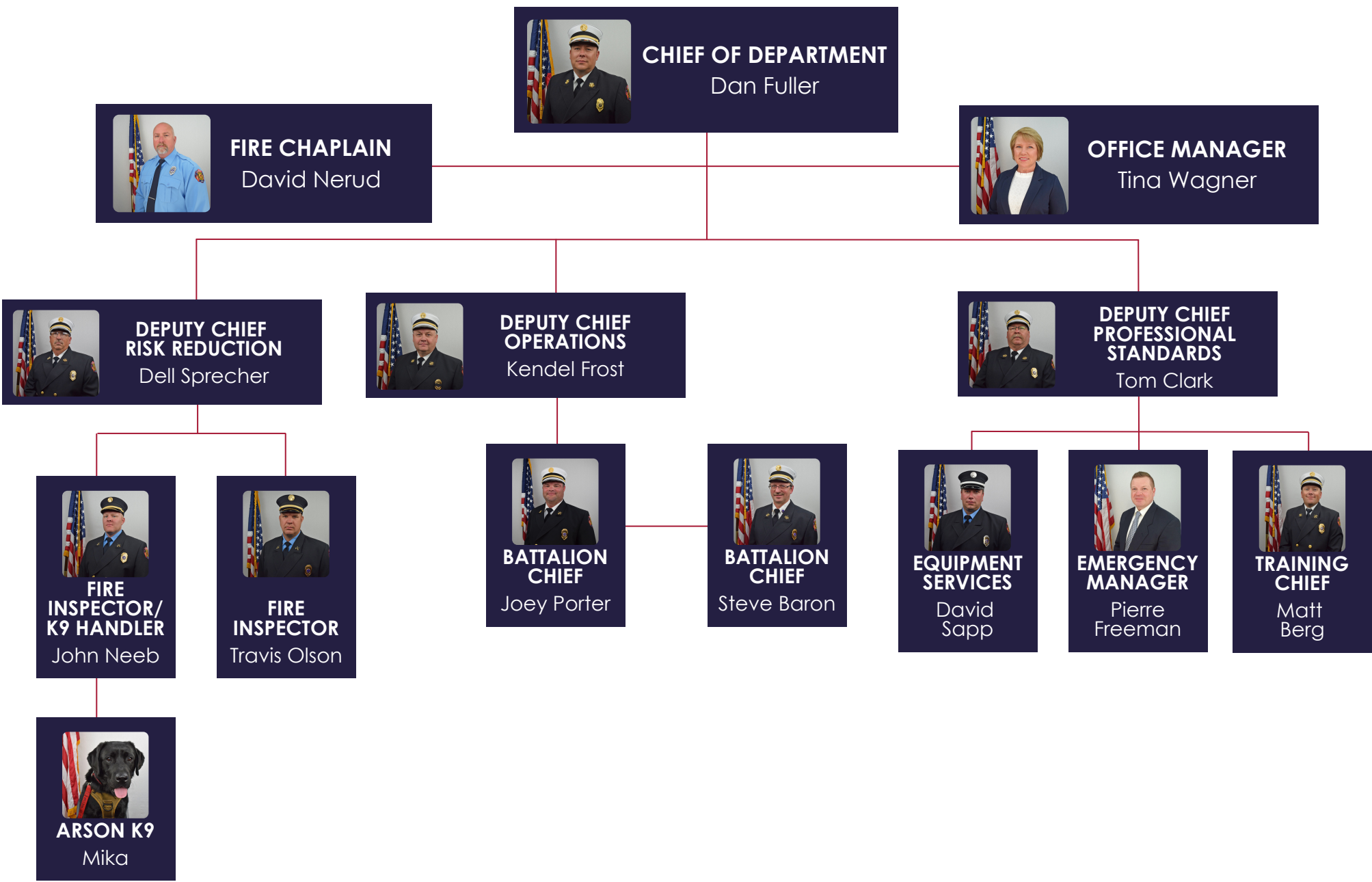


PROFESSIONAL STANDARDS

This division maintains support services including training, fleet, maintenance, and research and development.

- Deputy Chief Tom Clark
- Training Chief Matt Berg
- Equipment Services Dave Sapp

2021 COMMAND STAFF



YEAR IN REVIEW

NEW FIREFIGHTERS



Arika Morgan



Rachel Qualley



Nicholas Dosch



Bryce Knutson



Cory Hodgson



Elizabeth Wedde



Brittany Holt

68

TOTAL EMPLOYEES

STRATEGIC PLAN INITIATIVES

Increase opportunity for community involvement, beyond response and traditional community risk reduction activities.

Establish staffing needs over the next five years, for both paid on-call and full-time employees, in the form of a Staffing Master Plan.

Continue to recruit, engage, and retain quality personnel among all ranks utilizing best practices from the International Association of Fire Chief's Volunteer and Combination Officers Section.

Engage in efforts to reduce call volume in West Fargo, specifically addressing low acuity medical calls, false alarms, and "super users" of the system.

SOUTHSIDE FIRE STATION

BATTALION CHIEF JOEY PORTER

CAPTAIN BRANDON GAUGLER

Kellen Jorgenson
Dan Lipson
Rob Dirk
Brittany Holt

CAPTAIN JASON CARRIVEAU

Ben Herbst
Joe Johnson
Nick Wavra
Martin O'Bryant
Cory Hodgson

CAPTAIN LEVI NESVOLD

Ken Miller
Garret Rix
David Babb
Charlie McCann

CAPTAIN SCOTT JOHNSON

Jamie Morlan
Nicholas Withnell
Chase Cvancara
Elizabeth Wedde
Nick Dosch

Will Krumwiede
Latasha Keller
Kaleb Tronnes
Bryce Knutson

CAPTAIN KRISITN STANGER

Mike Obach
Corey Markel
Alyssa White
Jao Da Cunha

Matt Brieland
Morgan Ventin
Dylan Dominguez
Andrea Wageman

CAPTAIN CODY ZAVADIL

Darin Underhill
Matt Dahlsom

Susith Dunkura
Kris karls

CAPTAIN BRYCE ALLICKSON

Spencer Roth
David Nerud
Arika Morgan

Ben Temp
Anthony Coronato
Rachel Qualley





CONTINUE TO DEVELOP AN ALL HAZARDS MINDSET

Over the years, the department has adopted an all hazards method of operations, meaning we plan, train, and respond to all incident types. From routine fire and medical calls, to natural disasters, pandemics, and terrorist incidents, the fire department is the front line of response for the community. We need to be ready for the high-hazard, low-frequency events just as much as the low-hazard, high-frequency events.



RESPOND WITH THE RIGHT PEOPLE, THE RIGHT EQUIPMENT, AND THE RIGHT SPEED

Running a fire department is a constant ebb and flow of adjustment to ensure when the call comes in, the right resources are responding. Maintaining a highly skilled, determined, and capable workforce is the first task to overcome. We accomplish this through rigorous entry testing and maintaining a high-level performance measurement system. High moral and ethical standards also keep the right people in the job for the right reasons. Working to purchase, maintain, and update equipment with the involvement of the staff and within a budget are critical pieces of the puzzle. Lastly, ensuring a fire company is in the station and available for the next call keeps response times within standards, which positively effects the time from emergency to intervention. This, in turn keeps preventable damage, injury, and loss of life low. Turnout times are of the utmost importance. You cannot make that time up on the road.



EMBRACE COMMUNITY RISK REDUCTION AS A CORE TENANT OF SERVICES

Expanding our risk reduction activities from traditional fire prevention strategies to a more comprehensive, whole community and whole risk approach assists the community and the department. First, the community is helped when the quality of life of the citizen is improved. This may be as simple as addressing unsafe environmental factors, to complex issues such as addiction, behavioral health, or managing a loss of mobility. Secondly, the department is benefited by stopping calls before they begin which keeps the call volume down in an already stressed emergency system. It keeps citizens out of the emergency room, keeps insurance claims for fire or health insurance down, and reduces out of pocket costs for property loss.



KEEP THE PROMISE TO THE COMMUNITY WE SERVE

When our firefighters are hired, they take on oath to do everything we can for the people we serve. That means something. It is a promise. Keeping the promise means something different to everyone in our organization, depending on their position. To me, as the Chief of the Department, it means that we should be ready, willing and able to provide the best services to our community. For a new captain, it may be to keep his or her crew safe and maintain readiness. For the firefighter, it may be being a skilled practitioner of their craft. For a risk reduction officer, it could be helping vulnerable populations in the community be safe and maintain a high quality of life. Regardless, every one of our employees work diligently in their specialty to keep the promise.

AWARD RECIPIENTS

YEARS OF SERVICE AWARD



Kendel Frost,
25 Years of Service



Jason Carriveau,
10 Years of Service



Levi Nesvold,
5 Years of Service



Brandon Gaugler,
5 Years of Service



Will Krumwiede,
5 Years of Service



Travis Olson,
5 Years of Service

LIFESAVING AWARD



Ken Miller,
Firefighter



David Babb,
Firefighter



Jason Carriveau,
Captain



Garrett Rix,
Firefighter



Brandon Gaugler,
Captain



Mike Obach,
Captain



Pierre Freeman,
Emergency Manager

COMMENDATION AWARD

STORK AWARD



Dan Fuller,
Chief



Kellen Jorgenson,
Firefighter

CHIEF'S COIN RECIPIENTS



Terry Styf,
Police Sergeant

MERITORIOUS SERVICE AWARD



Tucker Bucholz,
Firefighter



Joey Porter,
Battalion Chief

EMPLOYEE OF THE YEAR AWARD



Bryce Allickson,
Firefighter

OPERATIONS OVERVIEW



COMBINATION FIRE DEPARTMENT

The West Fargo Fire Department is a combination fire department, utilizing both full-time and part-time firefighters. Authorized for 60 full time exempt employees, there are 26 full-time equivalent employees and 42 part-time employees.



BATTALION 70

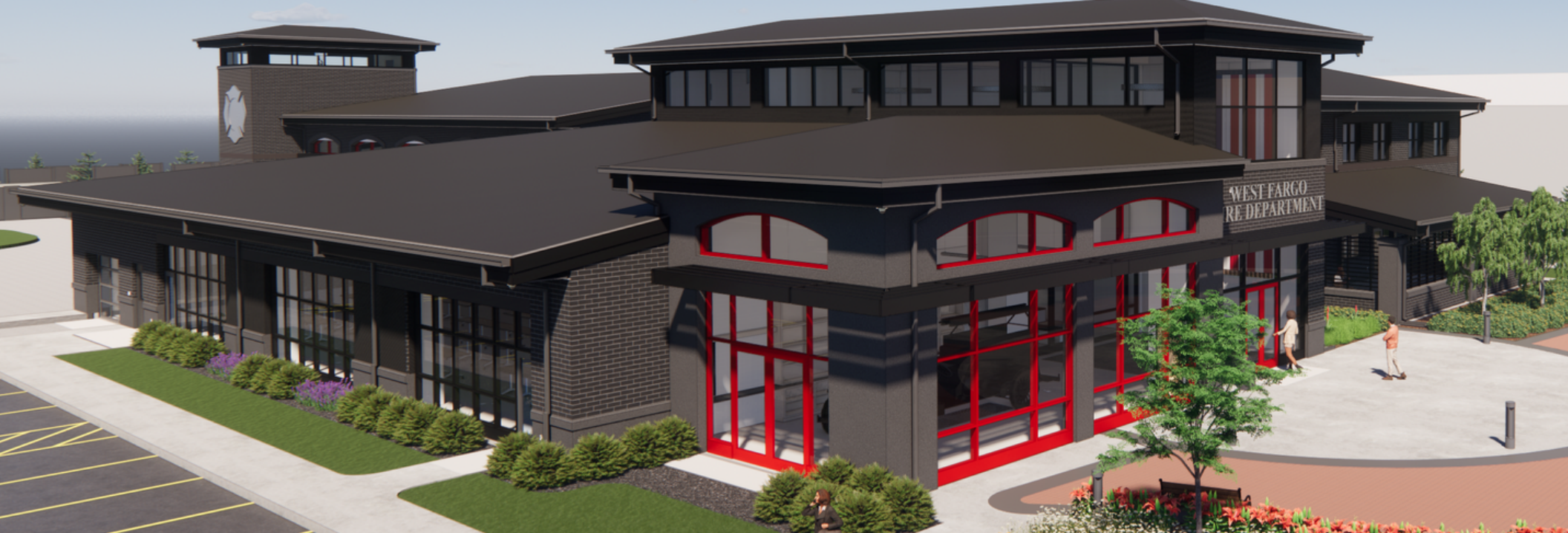
A full-time employee is assigned to the Battalion 70 (Batt-70) truck at all times as the City wide supervisor. The supervisor sets up command during any emergency calls. After 5 p.m., the Batt-70 truck is staffed with a chief officer who takes the vehicle home with them and responds to calls.



ALL-HAZARDS DEPARTMENT

The West Fargo Fire Department is an all-hazards department, responding to every emergency regardless of call type. The department responds to a variety of calls which can include:

- Fire suppression
- Medical emergencies
- Technical rescues
- Hazardous material calls
- Water and ice rescues



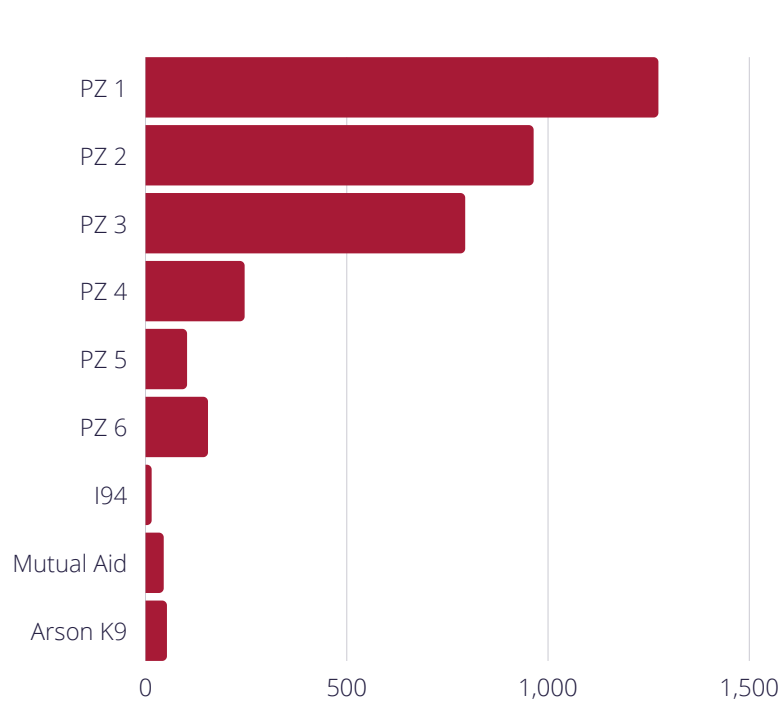
The new West Fargo Fire Department headquarters is set to be complete in 2023. The total cost of the project is \$18 million and will be funded through capital improvement sales tax, cash reserves, and a \$10 million bond. The new, modern fire station will allow the department to add additional staff and fire apparatus to respond to the over 300% increase in calls for service since 2017. It will further the City of West Fargo's goals of reaching an Insurance Services Office rating of class one, which helps reduce the cost of property insurance for residents and businesses.

The new station will feature a public component with a training room, lobby and education center. This will serve as both administrative space and increase capacity for community risk reduction programs, outreach and engagement.

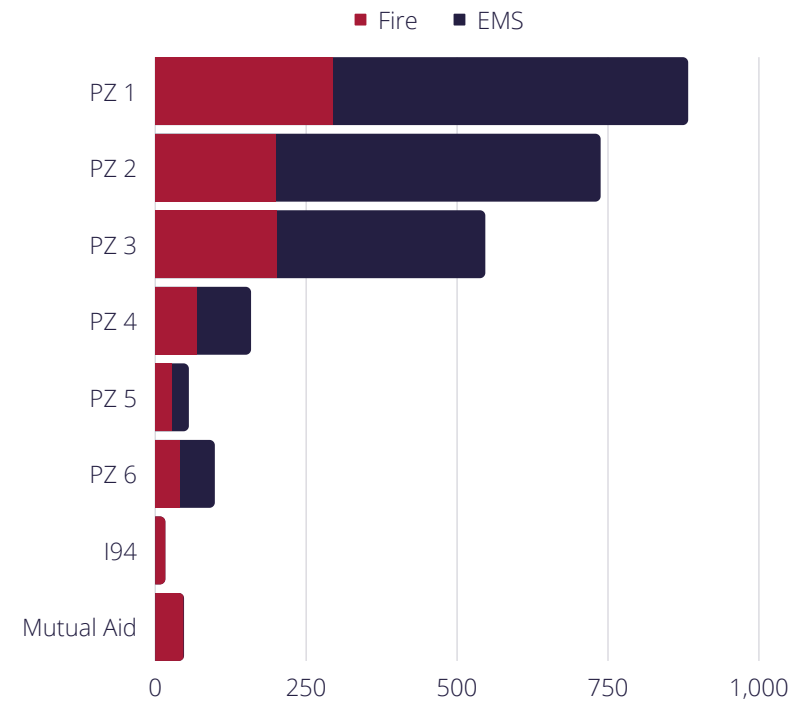
The addition of a hose-drying tower and training tower will allow crews to practice life-saving skills such as rappelling, ladder training, hose advancement drills and more. As the fire station is near a residential area, a segmented fence will provide a buffer from the lights and equipment in use.

NEW HEADQUARTERS

INCIDENT STATISTICS



TOTAL UNIT RESPONSE BY PLANNING ZONE



FIRE VS. EMS BY PLANNING ZONE

266

TWO OR MORE
CALLS AT ONCE

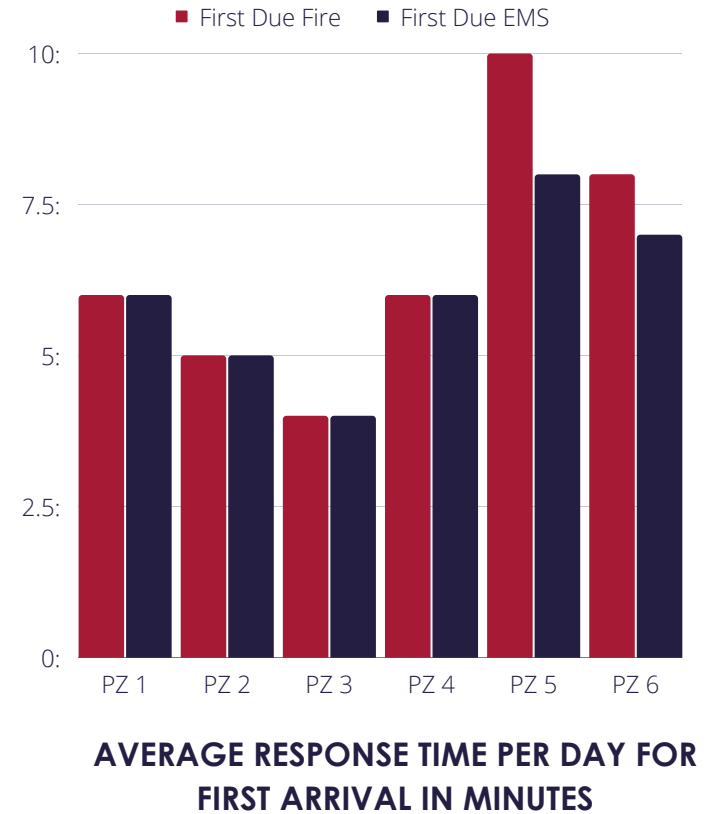
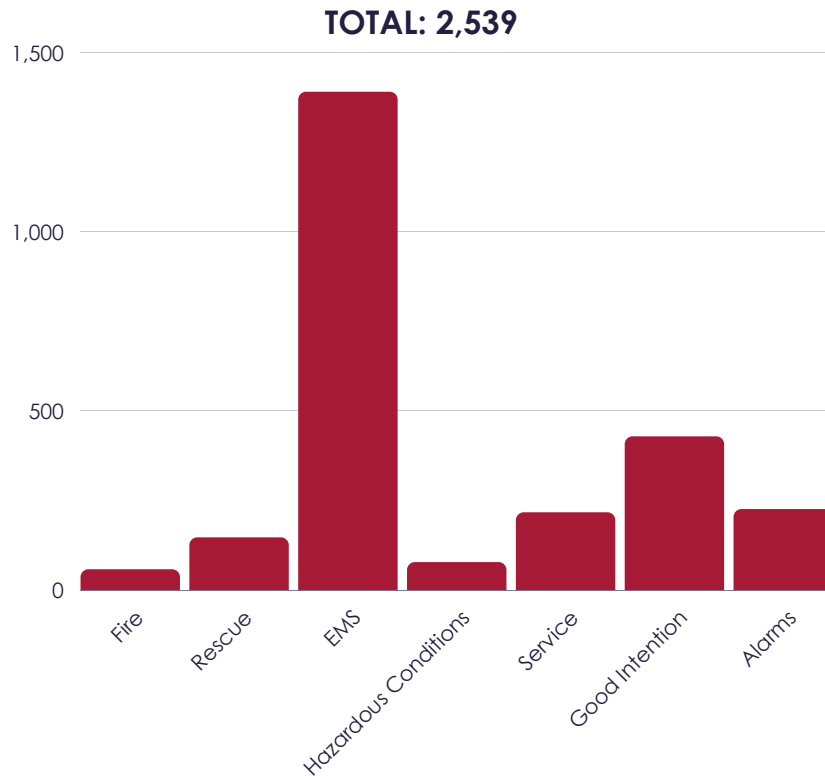
61.9

TOTAL CALLS PER
10,000 RESIDENTS

2,539

TOTAL CALLS FOR
SERVICE

INCIDENT STATISTICS



3

ON-DUTY
FIREFIGHTER INJURIES

1

CIVILIAN FIRE
INJURY

0

FIRE DEATHS

EMERGENCY MEDICAL SERVICES

2081

TOTAL PATIENT TREATMENTS

24

SUPRAGLOTTIC AIRWAYS
PLACED

35

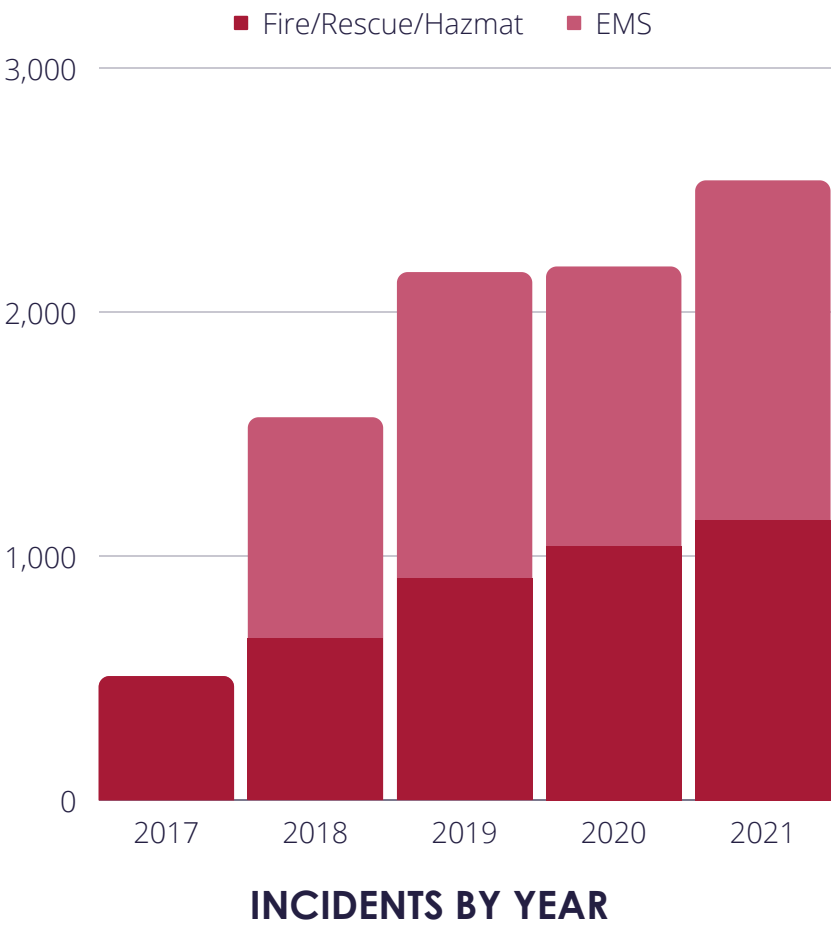
PATIENTS RECEIVED CPR

13

AED DEFIBRILLATIONS

15

DOSES OF NARCAN
ADMINISTERED



FIRES & FIRE LOSS

In 2021, 48 fires were reported in the City of West Fargo. Of those fires, 11 were building fires, which are considered the most dangerous to the community.



48

TOTAL FIRES

COMMUNITY OUTREACH

The West Fargo Fire Department participates in many events throughout the city. These events include trainings conducted at businesses, senior living centers, schools, health careers, and fairs. The Community Risk Reduction Officers are also a part of events including:

- Citizen's Fire Academy
- Taste of West Fargo
- Cruise Night
- West Fargo Street Fair
- Battle of the Badges Blood Drive
- Fire Extinguisher Trainings
- West Fargo Park District Senior Luncheon
- Cardiac Ready Community Programming
- Car Seat Checks
- West Fargo Park District Youth Safety Programming



CITIZENS FIRE ACADEMY

In 2021, the department launched the first Citizens Fire Academy. The academy is a 6-week program designed to give citizens the opportunity to experience the daily work of the West Fargo Fire Department. Participants have the opportunity to participate in activities including classroom training, ride-a-longs and real life scenarios.

Participants gain a better understanding of the West Fargo Fire Department's operations, capabilities and responsibilities.



COMMUNITY RISK REDUCTION

The Community Risk Reduction division is responsible for reviewing new building plans for fire safety systems, conducting compliance inspections on current commercial, industrial and public assemblies, fire investigations and fire safety education.

In 2021, community risk reduction focused on three core areas:

- enforcement
- engineering
- education

The Community Risk Reduction division works to address the evolving needs of the West Fargo community including trainings on carbon monoxide detectors, addressing vulnerable adult populations, the Adopt-a-Hydrant program and distributing safety messaging through social media, local media and the website.

6,016

CITIZENS CONTACTED
FOR PUBLIC EVENTS

24

CAR SEAT INSTALLATION
AND SAFETY CHECKS

78

CPR PUBLIC EVENTS



K9 TEAM

JOHN NEEB & MIKA

Through a State Farm Insurance Company sponsorship, K9 Mika and K9 Handler John Neeb became the first K9 arson team in the region in 2020. Mika and Neeb cover parts of western Minnesota and the eastern half of North Dakota. Of the 52 calls for service, 7 were in Minnesota and 45 were in North Dakota.

K9 Mika's calls for service included:

- 32 structure fires calls
- 9 vegetation fires calls
- 2 miscellaneous calls

Neeb and Mika are required to go to at least 50 fire scenes to recertify each year, in addition to a re-certification test.

Mika is also utilized for community outreach by visiting schools and attending special events.

52

TOTAL K9 DEPLOYMENTS

332

TOTAL TRAINING HOURS

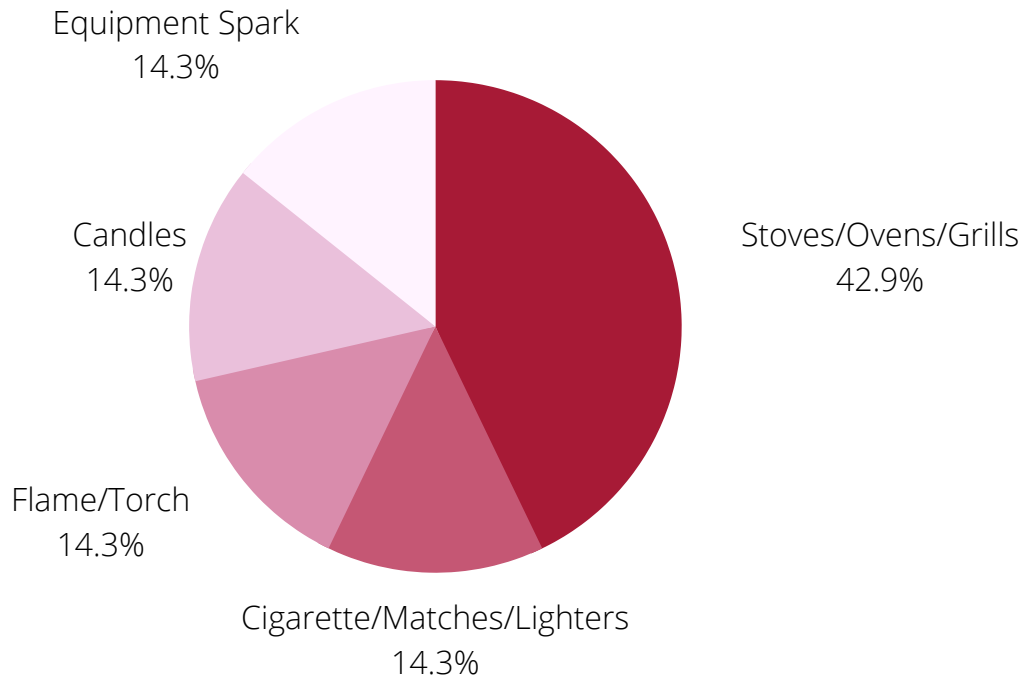


CODE COMPLAINT INSPECTIONS

Our team of Fire Inspectors is assigned code compliance inspections based on either the geographical area or the type of building to be inspected.

In West Fargo, all commercial, industrial, public assembly, government and multi-family apartments are inspected twice a year.

The department utilizes a paperless inspections system, which reduces cost while tracking data and improving accuracy. For occupancies with a fire suppression system, a third-party compliance engine tracks the records and inspections. This increases the department's overall rates of compliance with annual inspections.



TOP CODE VIOLATIONS

- 1 STORAGE**
STORING ITEMS IN
NON-PERMITTED AREAS
- 2 EXTENSION CORDS**
INPROPER USE OF EXTENSION
CORDS AND OUTLET ADAPTORS
- 3 EXITS**
MEANS OF EGRESS AND
ENSURING ACCESS IS UNBLOCKED
- 4 EXIT LIGHTS**
LACK OF EMEGENCY LIGHTS
AND SIGNAGE
- 5 FIRE EXTINGUISHERS**
MEETING REQUIRED ANNUAL
MAINTENANC STANDARDS

JOINT RECRUIT ACADEMY

The West Fargo Fire Department and Fargo Fire Department team up to hold 10-week training academies for both departments' recently recruited firefighters. The academies consist of classroom work, drills, ride-a-longs, live burn scenarios and a graduation ceremony. Trainers from both departments will provide instruction to recruits. The training is held semi-annually in collaboration with the Fargo Fire Department.

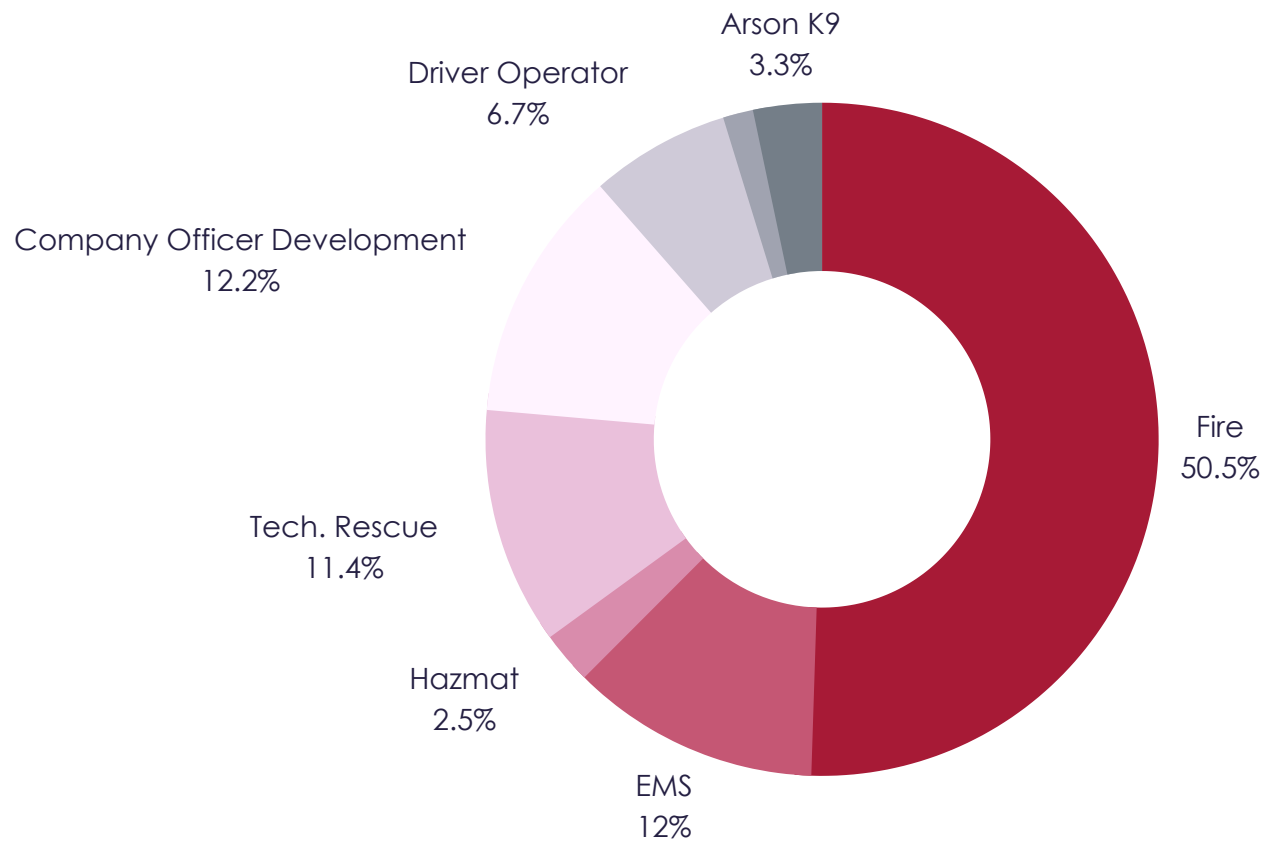
4

WEST FARGO JOINT RECRUIT ACADEMY GRADUATES



10,068.82

TOTAL TRAINING HOURS



STATISTICS



1,232

CODE ENFORCEMENT
INSPECTIONS



6

COOKING FIRES
IN BUILDINGS



3

TRASH FIRES
IN BUILDINGS



11

BUILDING FIRES



18

OUTSIDE FIRES

\$1,109,880

TOTAL FIRE LOSS



10

CAR FIRES

PLANNING ZONE 1

Planning Zone 1 is located north of I-94, south of Main Avenue E., east of 1st Street to the city border with Fargo.

Within the planning zone are several developments that have housing stock ranging from the earliest days of the city to those built within the last decade.

PLANNING ZONE 1 CHALLENGES:

- 13th Avenue E. commercial corridor, including several 'big box' commercial stores, restaurants and other commercial buildings
- West Fargo City Hall and Police Department
- West Fargo Public Library
- 44 large, multifamily apartments
- 124 small, multifamily apartments
- 77 commercial occupancies
- West Fargo High School, the largest high school in the state
- Cheney Middle School, the largest middle school in the state



UNIT RESPONSE

FIRE
293



6:45

Average response time for arrival of first engine to a fire incident.



6:42

Average response time for arrival of first unit to an EMS incident.

EMS
589

PLANNING ZONE 2

Planning Zone 2 is located north of I-94, south of Main Avenue W., west of 1st Street to the city limits. In this older section of the city, the housing stock is mainly single or bi-level homes built in the late '90s.

PLANNING ZONE 2 CHALLENGES:

- Main Avenue W. corridor, with light industrial zones
- New commercial development along Sheyenne Street at the I-94 interchange
- The Downtown Yards on Sheyenne, commercial and residential development along Sheyenne Street from Main Avenue W. to 7th Avenue W.
- Nine-story high-rise, public housing
- 37 large, multifamily apartments
- 59 small, multifamily apartments



UNIT RESPONSE

FIRE
199

EMS
538



5:55

Average response time for arrival of first engine to a fire incident.



5:17

Average response time for arrival of first unit to an EMS incident.

PLANNING ZONE 3

Planning Zone 3 is located south of I-94, north of 36th Avenue, to the Fargo city line and west to the city limits. This section of the city was developed in the early 2000's and homes were built with lightweight, wood truss construction.

Planning Zone 3 is also home to several commercial areas.

PLANNING ZONE 3 CHALLENGES:

- Veterans Boulevard corridor
- Several large, retail and commercial buildings such as Costco, WEX Health and Cash Wise Foods
- Latitude 46, the largest multifamily building in the state
- New Perspective Senior Living, a large senior living complex
- West Fargo Sports Arena, a two-sheet hockey arena
- The Lights on Sheyenne entertainment district, the largest entertainment and commercial complex in the city that includes the Essentia Health Plaza
- 105 commercial occupancies
- 61 small, multifamily apartments
- 71 large, multifamily apartments
- Liberty Middle School, the second largest middle school in the state



UNIT RESPONSE

FIRE
201



4:52

Average response time for arrival of first engine to a fire incident.



4:38

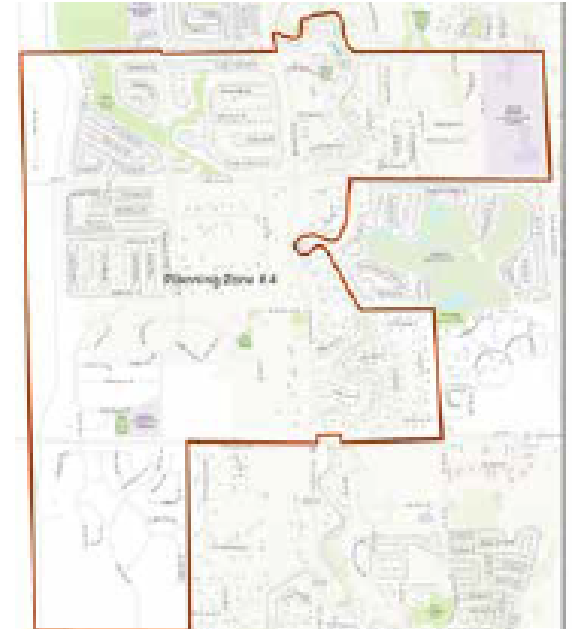
Average response time for arrival of first unit to an EMS incident.

PLANNING ZONE 4

Planning Zone 4 is located south of 36th Avenue, to the Fargo city line and south and west to the city limits. This section of the city is all residential and was last to be developed, although several hundred houses have been built in the last two years. An additional 300-500 are planned to be built over the next two years.

PLANNING ZONE 5 CHALLENGES:

- Sheyenne High School, the second largest high school in the state
- Legacy Elementary School



UNIT RESPONSE

FIRE

69



6:58

EMS

89



6:02

Average response time for arrival of first engine to a fire incident.

Average response time for arrival of first unit to an EMS incident.

PLANNING ZONE 5

Planning Zone 5 is located north of Main Avenue E., west of the Sheyenne River, north to city limits and west to the West Fargo city line. Most of this area is zoned industrial, except for small developments along the river.

PLANNING ZONE 5 CHALLENGES:

- West Fargo Public Works compound
- Busch Agricultural Resources
- Agassiz Seeds
- West Fargo Stockyards
- West Fargo Public Schools transportation building
- Fed-Ex
- U.S. Postal Service sorting facility



UNIT RESPONSE

FIRE
27



10:38

Average response time for arrival of first engine to a fire incident.



8:51

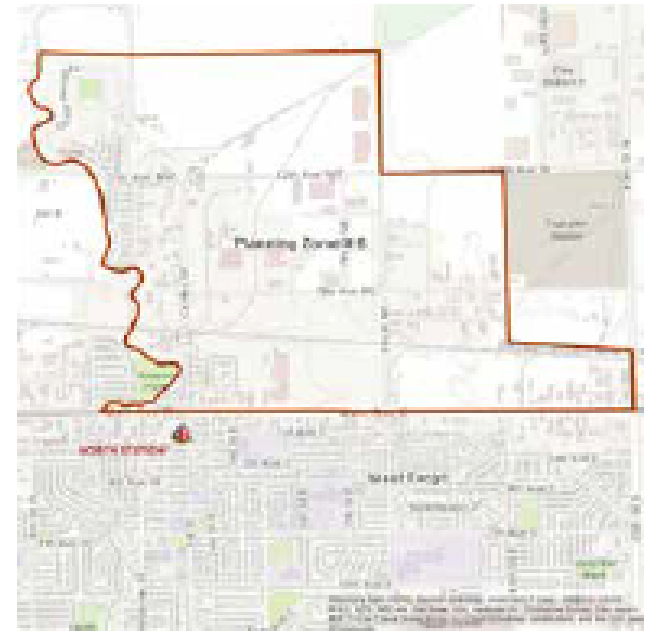
Average response time for arrival of first unit to an EMS incident.

PLANNING ZONE 6

Planning Zone 6 is located north of Main Avenue E., east of the Sheyenne River and northwest to city limits. Most of this area is zoned industrial, except for a small development along Center Street.

PLANNING ZONE 6 CHALLENGES:

- Cargill Inc.
- Magellan Pipeline Co.
- Flint Hills Resources
- Bayer Seed Plant
- Integrity Windows
- Midland Garage Door
- Hazer's Auto and Truck Parts



UNIT RESPONSE

FIRE

41



8:46

Average response time for arrival of first engine to a fire incident.

EMS

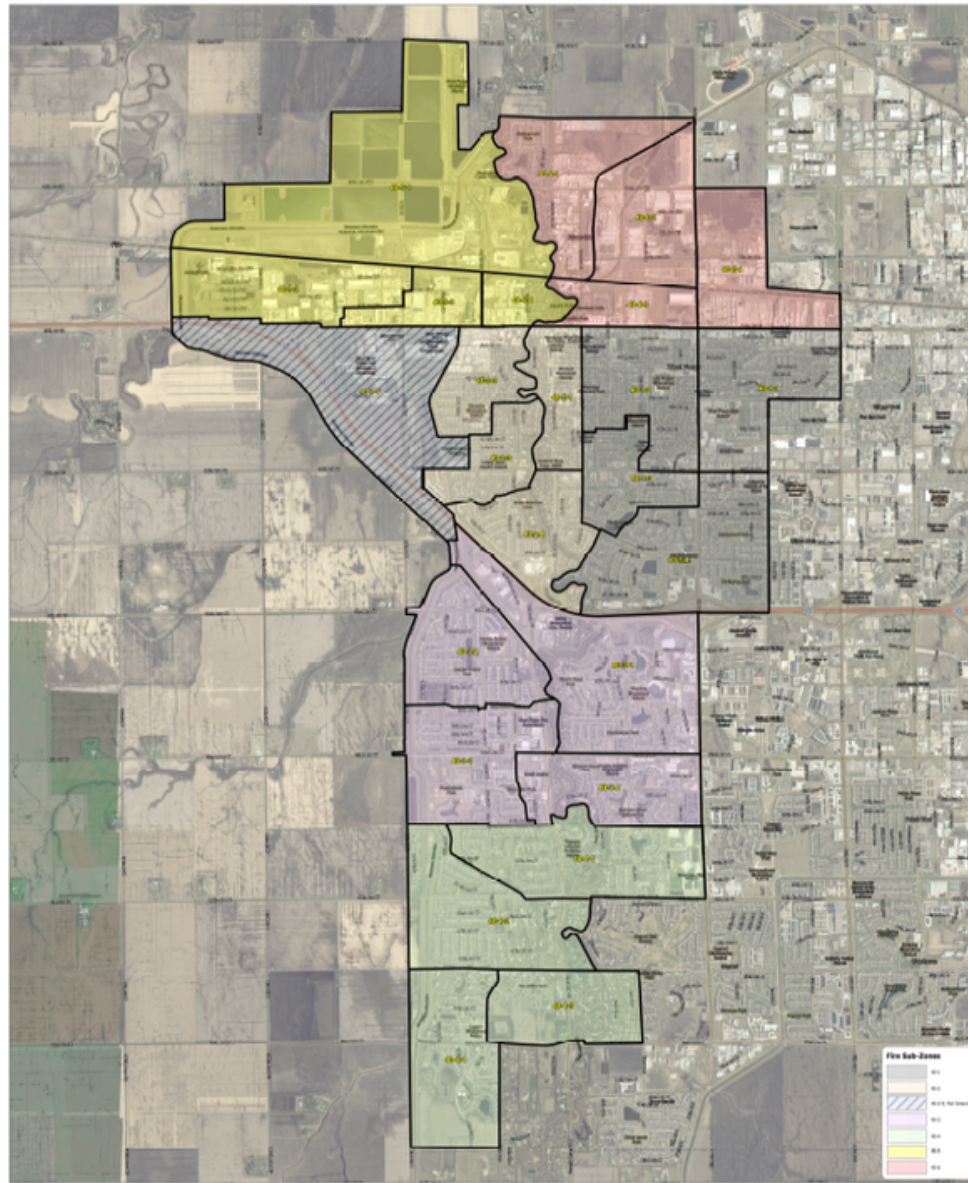
57



7:59

Average response time for arrival of first unit to an EMS incident.

PLANNING ZONES





THANK YOU!

THANK YOU FOR TAKING THE TIME TO REVIEW OUR
2021 HIGHLIGHTS.

WE LOOK FORWARD TO MANY GREAT YEARS SERVING
THE WEST FARGO COMMUNITY.

STAY INFORMED AND CONNECT WITH US ONLINE AT
WWW.WESTFARGOFIRE.ORG



@WESTFARGOFIRE





"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

To: West Fargo City Commission

From: Dustin T. Scott, City Engineer

Date: April 4, 2022

Subject: Traffic Signal Upgrades (Citywide)

Action: Approve purchase of equipment

New Information and Recommendation:

The draft 2022 CIP includes a traffic signal rehabilitation project. The traffic signal rehabilitation project includes updating traffic detection cameras at 10 intersections citywide, mostly on the Main Ave and Veterans Boulevard corridors.

The following documents are attached for review/consideration:

- Quote from Traffic Control Corporation for signal upgrades

Staff Recommendation: Approve purchase of equipment.

Background and Project Summary:

The City traffic signal system is aging and needs routine upgrading and maintenance. There are currently three types of cameras used across the city, requiring additional maintenance resources for the older versions of cameras. Project will upgrade all existing older cameras to the modern cameras, improving signal performance and maintenance. Camera systems will be purchased from the vendor and installed by Public Works at 10 intersections city wide. The vendor will send technicians to help final activation on two separate trips.

Policy Analysis:

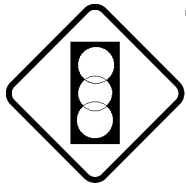
The vendor used is our sole source for traffic equipment, and has given us their best price. This is the only vendor selling Econolite in the area, and is used by both City of Fargo and City of Moorhead for that manufacturer.

Financial Analysis:

This project will be financed using Capital Improvement Sales Tax. The project was outlined in the 2022 CIP on March 10, 2022. The draft CIP had a cost estimate of \$250,000, which is below the quoted cost of \$271,450. Cost savings will be realized by using city forces to install the equipment, and having the vendor on site only for final activation of the new equipment.

Previously Presented Information and Commission Actions:

None.

**TRAFFIC CONTROL
CORPORATION**5651 MEMORIAL AVENUE
OAK PARK HEIGHTS, MN 55082
PHONE: 651-439-1737**QUOTATION**

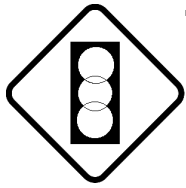
Number 643932

Page: 1 of 2

To: 11084WEST FARGO, CITY OF
800 4TH AVENUE E
WEST FARGO ND 58078 USA**Attn:****Email:****Phone:** 701-433-5410 **Fax:** 701-282-9319**Quote Date:** 1/31/2022**Expires:** 5/18/2022**Terms:** NET 30 BASED ON APPROVED CREDIT**FOB:****Salesperson:** ALLEN EISINGER**Email:** AEisinger@TCC1.com**Phone:** 651-439-1737**Letting Date:****Location:** WEST FARGO**Book / Call / Item:****Description:** AUTOSCOPE VISION**Contract No:**

Part Number / Description	Unit Price	Qty/UM	Net Price
SHEYENNE & MAIN 3 AUTOSCOPE VISION 1 VISION COMM MANAGER	21,550.00	1.00 EA	21,550.00
CENTER & MAIN 4 AUTOSCOPE VISION 1 COMM MANAGER	27,500.00	1.00 EA	27,500.00
9TH ST E & MAIN 4 AUTOSCOPE VISION 1 COMM MANAGER	27,500.00	1.00 EA	27,500.00
17TH ST. E & MAIN 4 AUTOSCOPE VISION 1 COMM MANAGER	27,500.00	1.00 EA	27,500.00
VETERANS/9TH & 32ND AVE E 4 AUTOSCOPE VISION 1 COMM MANAGER	27,500.00	1.00 EA	27,500.00
TURN ON ASSITANCE ONE TRIP TO TURN ON THE 5 ABOVE AUTOSCOPE SYSTEMS	1,200.00	1.00 EA	1,200.00
4TH ST E & 32ND AVE W 4 AUTOSCOPE VISION 1 COMM MANAGER	27,500.00	1.00 EA	27,500.00
VETERANS/9TH & 36TH AVE E. 4 AUTOSCOPE VISION 1 COMM MANAGER	27,500.00	1.00 EA	27,500.00
VETERANS/9TH & 26TH AVE 4 AUTOSCOPE VISION 1 COMM MANAGER	27,500.00	1.00 EA	27,500.00

Pricing does not include applicable sales taxes. If order is to be exempt sales tax, documentation must be provided at time of order.
Additional terms may apply. Review our full Terms & Conditions of Sale at www.trafficcontrolcorp.com.

**TRAFFIC CONTROL
CORPORATION**

5651 MEMORIAL AVENUE
OAK PARK HEIGHTS, MN 55082
PHONE: 651-439-1737

QUOTATION

Number 643932

Page: 2 of 2

Part Number / Description	Unit Price	Qty/UM	Net Price
VETERANS/9TH & 23RD AVE E 4 AUTOCOPE VISION 1 COMM MANAGER	27,500.00	1.00 EA	27,500.00
VETERANS/9TH & 19TH AVE E 4 AUTOCOPE VISION 1 COMM MANAGER	27,500.00	1.00 EA	27,500.00
TURN ON ASSITANCE ONE TRIP TO TURN ON THE 5 ABOVE AUTOSCOPE SYSTEMS	1,200.00	1.00 EA	1,200.00

Item Total:	271,450.00
Misc Charges and Adjustments:	0.00

Quote Total:	271,450.00
---------------------	-------------------

**RESOLUTION AUTHORIZING THE ISSUANCE OF
PUBLIC SAFETY ANNUAL APPROPRIATION BONDS
(FIRE DEPARTMENT HEADQUARTERS), SERIES 2022**

(PARAMETERS RESOLUTION)

of the

CITY OF WEST FARGO, NORTH DAKOTA

Adopted: April 4, 2022

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

Commissioner _____ introduced the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE ISSUANCE OF
PUBLIC SAFETY ANNUAL APPROPRIATION BONDS
(FIRE DEPARTMENT HEADQUARTERS), SERIES 2022
(PARAMETERS RESOLUTION)**

WHEREAS, pursuant to N.D.C.C. §§ 40-05-01(2) and 40-05.1-06(2) and Article III(2) of its Home Rule Charter, the City of West Fargo, North Dakota (the “City”), is authorized to borrow money and issue debt to finance various public facilities; and

WHEREAS, the West Fargo Fire Department, a department of the City, is in need of a new headquarters and related essential purpose facilities (the “Project”); and

WHEREAS, on September 8, 2020, the City authorized the purchase of real property within the City, located at 1201 10th Avenue East, as the intended location for the Project; and

WHEREAS, on May 17, 2021, the City selected an architect for the Project and thereafter issued a request for qualifications for construction management services; and

WHEREAS, the City selected a construction manager for the Project on November 9, 2021, opened bids for the Project on March 3, 2022, and accepted the bids for the Project on March 21, 2022; and

WHEREAS, based upon the bids, the City has determined that the total cost of the Project to be approximately \$17,500,000; and

WHEREAS, Ordinance No. 1205 authorizes the City to issue debt, backed by annual appropriations, to pay the costs of the acquisition, construction, improvement, betterment, extension, and equipping of a public facility or undertaking as determined by the Board of City Commissioners (the “Governing Body”); and

WHEREAS, the City intends to partially finance the construction and equipping of the Project by using Existing Project Funds and to finance the remaining amount of the Project, as authorized by Ordinance No. 1205, through the issuance of the Public Safety Annual Appropriation Bonds (Fire Department Headquarters), Series 2022 (the “Bonds”); and

WHEREAS, repayment of the Bonds will be subject to the appropriation annually by the City of amounts sufficient to pay debt service on the Bonds for the following fiscal year of the City; and

WHEREAS, the Bonds will not constitute a general obligation of the City under any constitutional or statutory provision of the State of North Dakota, and upon a failure to appropriate monies sufficient to pay debt service, the Bonds will be cancelled and the City will have no further obligation for payment of any amounts relating to the Bonds; and

WHEREAS, the Bonds shall be payable solely from legally available funds of the City appropriated annually and shall not be payable from, or secured by any pledge of, any other funds, revenues, assets, or taxing power of the City; and

WHEREAS, the City anticipates revenue may be available from the City's Capital Improvement Sales Tax to fund debt service on the Bonds, but the City is not obligated to utilized such revenues for debt service; and

WHEREAS, additionally, the City will put the Proposed Public Safety Sales Tax to a vote in November 2022, which if approved, could provide an additional source of revenues for debt service but, again, is not pledged for debt service on the Bonds; and

WHEREAS, it is in the best interests of the City that the Bonds be issued pursuant to and in conformance with terms and conditions of this Resolution; and

WHEREAS, the Governing Body does hereby create a Pricing Committee comprised of the President of the Board of City Commissioners and the City Auditor and grants them the authority to evaluate and accept bids on the Bonds; and

WHEREAS, the Pricing Committee is hereby authorized to accept a bid at a later date for the Bonds, provided the maximum par amount of the Bonds does not exceed \$10,500,000 and the maximum net interest costs on the Bonds do not exceed 4.00%.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City as follows:

Section 1. Definitions.

"Additional Bonds" means bonds payable from Pledged Revenue issued by the City in compliance with Article 11 of this Resolution.

"Applicable Law" means, collectively, the Constitutions of the United States and of the State, of common law and principles of equity, and all federal, state, and local laws, including, without limitation, all environmental laws, statutes, treaties, codes, acts, rules, regulations, guidelines, ordinances, resolutions, orders, judgments, decrees, injunctions, and administrative or judicial precedents or authorities, including the interpretation or administration thereof by any governmental authority charged with the enforcement, interpretation, or administration thereof, all governmental approvals, and all administrative orders, awards, directed duties, requests, licenses, certificates, authorizations and permits of, and agreements with, any governmental authority, and, with respect to any Person, the articles of incorporation, bylaws, or other organizational or governing documents of such person, in each case whether or not having the force of law, that are applicable now or are applicable at any time hereafter to (a) the City or (b) the Project.

"Bond Fund" means the fund created by Section 8.02 hereof.

“Bond Purchase Agreement” means the Bond Purchase Agreement by and between the City of West Fargo, North Dakota, as issuer, and Colliers Securities LLC, as underwriter, relating to the Bonds.

“Bond Registrar” means Starion Bond Services, located in Bismarck, North Dakota, or any successor thereto.

“Bonds” means the City of West Fargo’s Public Safety Annual Appropriation Bonds (Fire Department Headquarters), Series 2022.

“Business Day” means any day other than (a) a Saturday, Sunday, or other day on which banks located in the city in which the principal (or designated) office of the City is required or authorized by law to close, (b) a day on which the New York Stock Exchange is closed, or (c) a day on which the payment system of the Federal Reserve System is not operational.

“Capital Improvement Sales Tax” means the capital improvement portion of the City’s two percent (2%) Citywide Capital Improvements Sales Tax, which is equivalent to seventy-five percent (75%) of the two percent (2%) Citywide Capital Improvements Sales Tax or one and one-half percent (1.5%).

“Certificate of Pricing Committee” means the certificate of the Pricing Committee authorizing the sale of the Bonds.

“City” means the City of West Fargo, North Dakota.

“City Auditor” means the duly appointed City Auditor of the City of West Fargo, North Dakota, or her designee.

“Closing Date” means the date established and approved by the City as the date for the issuance and delivery of the Bonds in exchange for payment of the purchase price for the Bonds.

“Code” means the Internal Revenue Code of 1986, and any regulations, amended regulations, and proposed regulations issued thereunder, as now or as hereinafter amended or proposed and in effect at the time of such action.

“County” means Cass County, North Dakota.

“Existing Project Funds” means \$1,000,000 held by the City on the date of this Resolution in its General Fund Reserves and \$8,000,000 in its Capital Improvements Sales Tax Reserves that it will apply toward constructing and equipping the Project.

“Event of Non-Appropriation” shall have the meaning set forth in Section 9.03 hereof.

“Interest Payment Date” shall have the meaning set forth in Section 5.02 hereof.

“Fiscal Year” means the fiscal year of the City ending on December 31 of each calendar year.

“Governing Body” means the West Fargo Board of City Commissioners or any successor thereto.

“Paying Agent” means Starion Bond Services, located in Bismarck, North Dakota, or any successor thereto.

“Payment Date” means either an Interest Payment Date or a Principal Payment Date, as applicable.

“Person” means an individual, a general or limited partnership, a joint venture, a corporation, a limited liability company, a trust, an unincorporated organization, or a governmental authority.

“Pledged Revenue” means the pledge of appropriations of the City as set forth in Section 9.01 hereof.

“President of the Board of City Commissioners” means the duly elected and acting President of the Board of City Commissioners of West Fargo, North Dakota.

“Pricing Committee” shall have the meaning set forth in the recitals.

“Principal Payment Date” shall have the meaning set forth in Section 5.01 hereof.

“Project” means the constructing and equipping of the West Fargo Fire Department Headquarters, located at 1201 10th Avenue East in the City.

“Project Fund” means the fund created by Section 8.01 hereof.

“Proposed Public Safety Sales Tax” means an additional one-half (1/2) cent City sales tax that would be dedicated to public safety purposes in approved by the public in November 2022.

“Purchaser” means a purchase of a services of the Bonds, with the original Purchaser being Colliers Securities LLC.

“Redemption Date” means the date on which the City will redeem a Bond.

“Reserve Fund” means the account created by Section 8.03 hereof.

“Reserve Requirement” means, for the Bonds, the least of: (i) ten percent (10%) of the stated principal amount of the Bonds; (ii) the maximum annual debt service on the Bonds (excluding the final year of maturity); or (iii) one hundred twenty five percent (125%) of the average annual debt service on the Bonds.

“Resolution” means this Resolution dated April 4, 2022, authorizing the issuance of the Bonds approved by the Governing Body on the Resolution Date.

“Resolution Date” means April 4, 2022.

“State” means the State of North Dakota.

Section 2. Legal Authorization.

2.01. The Bonds will be issued by the City pursuant to this Resolution, the Home Rule Charter of the City, and City Ordinance No. 1205.

Section 3. Not to Exceed.

3.01. The Pricing Committee is hereby authorized to complete the sale of the Bonds, provided the maximum par amount of the Bonds does not exceed \$10,500,000 and the maximum net interest costs on the Bonds do not exceed 4.00%.

Section 4. Authorization and Sale.

4.01. There is hereby authorized to be issued a series of bonds designated the City’s Public Safety Annual Appropriation Bonds (Fire Department Headquarters), Series 2022. The Pricing Committee shall have the authority to negotiate the terms of the Bonds with Colliers Securities LLC, in accordance with Section 3 hereof, to determine the final par amount and amortization schedule for the Bonds *without further action of the Governing Body* and to complete the Certificate of Pricing Committee.

4.02. The Bond Purchase Agreement, substantially in the form presented at this meeting, is hereby approved. The Bond Purchase Agreement is authorized to be executed in the name of the City by the President of the Board of City Commissioners and the City Auditor, at such time, if any, as they deem appropriate, or executed to or attested to by other officers of the City, in substantially the form on file, but with all such changes therein including those relating to the terms of the Bonds, not inconsistent with Applicable Law and this Resolution, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by execution thereof.

Section 5. Term of Bonds.

5.01. The Bonds shall initially be dated the Closing Date. The Bonds issued upon exchange or transfer after December 1, 2022, shall be dated as of the interest payment date next preceding their issuance, or if the date of such issuance shall be on an interest payment date as of the date of such issue; provided, however, that if interest on the Bonds shall be in default, the Bonds shall be dated as of the date to which interest has been paid in full on the Bonds being transferred. The Bonds shall be issued in fully registered form in denominations of \$5,000, or any multiple thereof, of single maturities. The Bonds shall be numbered in consecutive numerical order from R-1 upwards as issued and shall mature on December 1 (the “Principal Payment Date”) in the years and in the amounts and shall bear interest at the rates set forth in the Certificate of Pricing Committee.

5.02. Interest on the Bonds and, upon presentation and surrender thereof, the principal thereof, shall be payable in lawful money of the United States of America by check, draft, or electronic transfer by the Paying Agent or its successor. Interest shall be payable on June 1 and December 1 in each year, commencing December 1, 2022, to the holder of record on the close of the 15th day (whether or not a Business Day) of the immediately preceding month (the “Interest Payment Date”). Interest on the Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the holder thereof shall present the same for payment and payment is refused.

Section 6. Redemption.

6.01. As set forth in the Certificate of Pricing Committee, the Bonds maturing on December 1 in a certain year and thereafter may be redeemed prior to their respective maturity dates, at the option of the City, at a price equal to the principal amount plus accrued interest. Redemption may be in whole or in part, and if in part, at the option of the City and in such manner as the City shall determine and within a maturity by lot as selected by the Bond Registrar. Not less than twenty (20) nor more than forty-five (45) calendar days prior to the date specified for redemption and prepayment of any of the Bonds, the City will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent, and registered owner of the Bond to be redeemed in whole or in part at the address shown on the registration books of the Bond Registrar.

6.02. The Pricing Committee shall designate any Bonds which are term bonds in the Certificate of Pricing Committee. If there are term bonds, the Bond Registrar will proceed to select for redemption (by lot in such manner as the Bond Registrar may determine) from all outstanding term bonds a principal amount of such term bonds equal to the aggregate principal amount of such term bonds redeemable on the Redemption Date and will call such term bonds or portions thereof (\$5,000 in principal amount of any integral multiple thereof) for redemption on such Redemption Date and give notice to such call pursuant to the redemption provisions contained herein.

6.03. If and when the City shall call any of the Bonds for redemption and prepayment prior to the stated maturity thereof, the Bond Registrar shall give written notice in the name of the City of its intention to redeem and pay such Bonds at the office of the Bond Registrar. Notice of redemption shall be mailed not less than twenty (20) nor more than forty-five (45) calendar days prior to the Redemption Date, to each registered owner of Bonds to be redeemed, at the address appearing in the bond register. All notices of optional redemption shall state: (i) the Redemption Date; (ii) the redemption price; (iii) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed; (iv) that on the optional Redemption Date, the redemption price will become due and payable upon each such Bond, and that interest thereon shall cease to accrue from and after said date, provided that if redemption is conditioned on funds being deposited in the Bond Fund in an amount sufficient to effect such redemption, this condition shall be stated in the notice and if sufficient funds are not so deposited in the Bond Fund, the Bonds to be redeemed shall not be due and payable on the Redemption Date and interest shall continue to accrue thereon; and (v) the place where such Bonds are to be surrendered for payment of the redemption price (which shall be at the office of the Bond Registrar).

Section 7. Execution and Delivery.

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

7.02. The Bonds shall be printed in substantially the form set forth in Attachment 1 to this Resolution.

Section 8. Funds.

8.01. Project Fund. There shall be a Project Fund which shall be established and maintained as a separate and special bookkeeping fund on the official books and records of the City. The Project Fund shall be used only to pay costs and expenses which under accepted accounting practices constitute capital costs necessarily incurred for the Project and costs necessarily incurred for the issuance of the Bonds, including but not limited to land, easements, and infrastructure, and the cost of all architectural, engineering, legal, and other professional services, printing, and publication and other costs reasonable, necessary, and incidental thereof. To the Project Fund shall be credited all proceeds of the Bonds except the funds needed to pay capitalized and accrued interest, if any, and the Existing Project Funds. Only costs and expenses of the Project and the costs of issuance of the Bonds shall be paid from time to time as incurred and allowed under the Project Fund, and the monies in the Project Fund shall be used for no other purposes. If upon the completion of the Project there shall remain any unexpended balance in the Project Fund, such balance shall be transferred to the Bond Fund.

8.02. Bond Fund. As long as any of the Bonds are outstanding, the City shall maintain a Public Safety Annual Appropriation Bonds (Fire Department Headquarters), Series 2022, Bond Fund (the “Bond Fund”) as a separate and special bookkeeping fund on the official books and records of the City. The Bond Fund shall be used for no other purpose than the payment of capitalized interest, if any, and the principal of and interest on the Bonds and any Additional Bonds issued pursuant to Section 11 of this Resolution and payable from the Bond Fund. The City will deposit appropriated funds into the Bond Fund as set forth in Section 8.04 hereof.

8.03. Reserve Fund. There shall be established a Public Safety Annual Appropriation Bonds (Fire Department Headquarters), Series 2022, Reserve Fund (the “Reserve Fund”) into which, on the date of issuance of the Bonds, funds of the City will be deposited so that the total balance in the Reserve Account shall equal the lesser of (i) ten percent (10%) of the stated principal amount of the Bonds; (ii) the maximum annual debt service on the Bonds (excluding the final year of maturity of the Bonds); or (iii) one hundred twenty five percent (125%) of the average annual debt service on the Bonds, such amount to be called the “Reserve Requirement.” If the City issues additional appropriation bonds in the future, then the City will fund any reserve account, if any, for such additional annual appropriation bonds into a separate reserve account. The Reserve Account will only secure the Bonds and will not secure any future annual appropriation bonds.

The money in the Reserve Fund shall be used to pay principal and interest on the Bonds whenever the amount on hand in the Bond Fund is insufficient to meet a payment of principal of and/or interest on the Bonds. The Reserve Fund will be maintained as long as any Bonds are outstanding. If funds of the Reserve Fund are ever transferred to the Bond Fund, or if on any Payment Date the balance in the Reserve Fund is less than the Reserve Requirement, the Reserve Fund shall be restored to a level of the Reserve Requirement within twelve (12) months of the date of such draw on the Reserve Fund as set forth herein. Any interest earned in the Reserve Fund shall be deposited into the Reserve Fund to the extent the amount in the Reserve Fund is less than the Reserve Requirement and otherwise transferred to the Bond Fund.

8.04. Flow of Pledged Revenue. Subject to the right of the City to have an Event of Non-Appropriation, the City will make the following monthly deposits to the Bond Fund and the Reserve Fund as required and City funds will be allocated and used only in the manner and order of priority specified below:

(a) First, the City will not later than five (5) Business Days prior to the end of a month transfer and deposit into the Bond Fund funds which shall be sufficient, when added to the existing balance in the Bond Fund to pay the regularly scheduled principal of and interest on the Bonds promptly for the next two (2) Payment Dates; and

(b) Second, subject to making the foregoing required payments and deposits, in the event the funds deposited in the Reserve Fund are less than the Reserve Requirement, the City will deposit to the Reserve Fund, 1/12 of the amount of such deficiency in the Reserve Fund until such amount on deposit in the Reserve Fund is equal to the Reserve Requirement.

In the event that the City elects to have an Event of Non-Appropriation, the City will utilize amounts then on deposit in the Bond Fund and the Reserve Fund to pay debt service on the Bonds.

Section 9. Pledged Revenue; Non-Appropriation; Limited Obligation.

9.01. The Bonds shall be payable solely from the general resources of the City and any other legally available funds of the City appropriated annually (the "Pledged Revenue") and shall not be payable from, or be secured by any pledge of, any other funds, revenues, assets, or taxing power of the City. The Bonds shall be a valid claim of the respective owners thereof only against the funds established by this Resolution for the benefit of the holders of the Bonds. Upon a failure by the City to appropriate monies sufficient to pay debt service on the Bonds, the Bonds will be cancelled, and the City will have no further obligation for the payment of, and interest on, the Bonds.

9.02. In the event the City adopts a budget for the following Fiscal Year with a specific line item designated for the payment of, and in the amount of, the principal of, and interest on, the Bonds due and payable in the following Fiscal Year, funds in such amount are deemed appropriated for the payment of debt service on the Bonds. The City hereby covenants that, if such appropriation is made by approval of the City's budget, it will not repeal, reduce, or abate such appropriation or otherwise prohibit the use of such appropriated funds for the payment of debt service on the Bonds in the following Fiscal Year. The City further covenants that in order to be an effective non-appropriation, the Governing Body must in accordance with Section 9.03 of

this Resolution, make an affirmative determination by separate resolution that no funds are to be appropriated for the for the payment of the principal of, and interest on, the Bonds due in the following Fiscal Year.

9.03. In the event the City adopts a resolution by August 1 of a calendar year (the “Budget Deadline”) specifically stating that no funds are being appropriated for the payment of the principal of, and interest on, the Bonds due in the following Fiscal Year, the City will have caused an Event of Non-Appropriation to occur and the Bonds shall be cancelled on the December 31 following the Budget Deadline, with the only liability of the City thereon being the payment of the principal of, and interest on, the Bonds to which the City has appropriated funds in a prior budget. It is the intention of the City that any decision to have an Event of Non-Appropriation is to be made solely by the Governing Body and not by any other official of the City.

9.04. Upon cancellation of the Bonds, the Bonds shall no longer be outstanding, the City shall not be liable for the payment of any unpaid principal of, or interest, on the Bonds, and the City shall not be liable for any claims for damages or losses, direct or consequential, in connection with the cancellation of the Bonds.

9.05. The Bonds do not constitute a debt or liability of the State or of the City or a pledge of the faith and credit of the State or the City. The issuance of the Bonds does not, directly, indirectly, or contingently, obligate the State or the City to levy any form of taxation for the payment thereof or to make any appropriation for their payment, and such Bonds and interest payable thereon do not now and shall never constitute a debt of the State or the City within the meaning of the Constitution or the statutes of the State and do not now and shall never constitute a charge against the credit or taxing power of the State or the City. Neither the State nor the City shall in any event be liable for the payment of the principal of or interest on the Bonds or for the performance of any pledge, obligation, or agreement of any kind whatsoever which may be undertaken by the City. No breach by the City of any such pledge, obligation, or agreement may impose any liability, pecuniary, or otherwise, upon the State or the City. No covenant or agreement in the Bonds and no obligation imposed upon the City and no breach thereof shall constitute or give rise to or impose upon the City a general liability or a charge upon its general credit or property other than the Pledged Revenue.

Section 10. Covenants.

10.01. The City hereby covenants and agrees with the holders from time to time of the Bonds issued pursuant hereto as follows:

(a) Payment of Principal and Interest. Subject to the limited source of payment hereinafter described and the City’s right to cancel its obligation to pay the Bonds in the event the City does not appropriate monies for the payment thereof, the City covenants that it will promptly pay the principal of, premium, if any, and interest on every Bond issued under this Resolution at the place, on the dates, and in the manner provided herein and in said Bonds according to the true intent and meaning thereof. The principal of, premium, if any, and interest on the Bonds are payable solely from payments or prepayments by the City and nothing in the Bonds or in this Resolution shall be considered as assigning or

pledging any funds or assets of the City except expressly appropriated for the payment of principal of, and interest on, the Bonds.

(b) Budget, Appropriation, and Non-Appropriation. The City covenants and directs the City Administrator and the City Finance Officer (or any other officer at any time charged with the responsibility of formulating budget proposals) to cause the proposed annual budget for the following Fiscal Year to be submitted for consideration by the Governing Body every year in which the Bonds are outstanding to include a specific line item and standing appropriation for an amount equal to the debt service on the Bonds; provided, however, the inclusion of such line item or standing appropriation does not obligate the Governing Body to appropriate such funds. In the event such funds are not appropriated, the Bonds are subject to cancellation pursuant to Section 10 hereof.

(c) Capital Improvements Sales Tax. The City covenants to (i) continue to impose the Capital Improvements Sales Tax in a rate at least equal to the same as the time of issuance of the Bonds, (ii) not reduce the rate of the Capital Improvements Sales Tax below what is imposed as of the Resolution Date, (iii) not take any action to sunset or repeal the Capital Improvements Sales Tax while the Bonds are outstanding, and maintain the use of the Project as a fire department headquarters until the Bonds are paid in full or defeased.

Section 11. Additional Bonds.

11.01. The City hereby reserves the right to issue additional public safety annual appropriation bonds, payable on parity with the Bonds issued hereunder.

11.02. The City hereby additionally reserves the right to issue bonds incurred by or on behalf of the City and secured by a pledge of and valid first lien on the Capital Improvements Sales Tax senior to any possible use of the Capital Improvements Sales Tax by the City for paying debt service on the Bonds.

Section 12. Defeasance.

12.01. When all of the Bonds have been discharged as provided in this paragraph, all pledges, covenants, and other rights granted by this Resolution shall cease as to the holders of such Bonds. Any and all Bonds due on any date may be discharged by depositing with the Paying Agent, on or before the date, a sum sufficient for the payment thereof, with interest, in full; and if any Bond shall not be paid when due, the same may nevertheless be discharged by depositing with the Paying Agent a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The Issuer may discharge any or all of the Bonds at any time, when authorized by law, by irrevocably depositing in escrow with a suitable banking institution, for the purpose paying all principal and interest due on such Bonds at maturity, a sum of cash sufficient for this purpose, or securities in such aggregate face amount bearing interest at such rates and maturing or callable at the option of the holder on such dates as such shall be required, with any additional cash deposited, to provide funds sufficient for this purpose. The securities to be so deposited shall be limited to cash or direct obligations of (including obligations issued or held in book entry form on the books of the Department of the Treasury) the United States or obligations

the principal of and interest on which are unconditionally guaranteed by the United State of America.

Section 13. Paying Agent and Registrar.

13.01. The City hereby designates Starion Bond Services as Paying Agent and as Bond Registrar for the Bonds. The City may name a successor Paying Agent after the Bonds are issued, provided that such Paying Agent is qualified under North Dakota law.

Section 14. Certificate of Proceedings.

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

Section 15. Book-Entry System.

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

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

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

Depository assigns its consenting or voting rights to certain Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

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

15.05. Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in Section 18 (with respect to registration, transfer, exchange) hereof, references to the Nominee hereunder shall refer to such new Nominee.

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

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

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

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

15.10. In the case of a partial prepayment of a Bond, the Holder may, in lieu of surrendering the Bonds for a Bond of a lesser denomination as provided in Section 18 hereof, make a notation of the reduction in principal amount on the panel provided on the Bond stating the amount so redeemed.

Section 16. Termination of Book-Entry Only System.

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

16.02. Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the City, is willing and able to assume such functions upon reasonable or customary terms, or if the City determines that it is in the best interests of the City or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Bonds, the Bonds shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Bonds shall designate at that time, in accordance with Section 18 hereof. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with Section 18 (with respect to registration, transfer, exchange) hereof, the Bonds will be delivered to the Beneficial Owners.

16.03. Nothing in this section shall limit or restrict the provisions of Section 18 (with respect to registration, transfer, exchange) hereof.

Section 17. Letter of Representations.

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

Section 18. Transfer.

18.01. Except as provided above, the Bonds are transferable upon the books of the City at the principal office of the Bond Registrar, Bismarck, North Dakota, by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. No

transfer of Bonds shall be required to be made during the fifteen (15) days next preceding an interest payment date, nor during the forty-five (45) days next preceding the date fixed for redemption of such Bonds.

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

Section 19. Repealer.

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

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

Section 20. Bonds Not Subject to Acceleration.

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

Section 21. General Covenants.

21.01. The City hereby covenants and agrees with the holders of all outstanding Bonds as follows:

(a) That it will, to the extent the Pledged Revenue is sufficient, promptly cause the principal of and interest on the Bonds to be paid as they become due.

(b) That it will complete books and records relating to the Project Fund, Bond Fund, and Reserve Fund in accordance with generally accepted accounting principles and will cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared and made available for inspection of the Bond owners.

(c) That it will promptly deposit into the Bond Fund all sums required to be so deposited.

Section 22. Amendment of Resolution.

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

- (a) To add to the covenants and agreements of the City in this Resolution and any other covenants and agreements thereafter to be observed by the City, or to surrender any right or power herein reserved to or conferred upon the City.
- (b) To cure any ambiguity or formal defect contained in this Resolution, that cure does not, in the judgment of the City, adversely affects the interests of the Bondholders.

22.02. This Resolution may be amended for any other purpose only upon the consent of not less than fifty percent (50%) of an aggregate principal amount of the Bonds outstanding, provided, however, that no amendment shall be valid without the consent of eighty percent (80%) of the Holders of the Series 2022 Bonds which:

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

Section 23. No Credit Enhancement.

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

Section 24. Headings.

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

Section 25. North Dakota Law Applies.

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

Section 26. Official Statement.

26.01. The Official Statement relating to the Bonds, substantially in the form presented at this meeting, is hereby approved. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

Section 27. Continuing Disclosure.

27.01. The City Auditor is hereby authorized to execute, on behalf of the City, the Continuing Disclosure Certificate attached as Attachment 1 to this Resolution.

Section 28. Effective Date.

28.01. This Resolution shall be effective immediately upon adoption.

Dated: April 4, 2022.

APPROVED:

President of the Board of City
Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was seconded by Commissioner _____, and upon vote being taken thereon, the following members voted in favor thereof: _____. The following voted against the same: none. The following were absent and not voting: _____, whereupon said resolution was declared duly passed and adopted.

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA

CITY OF WEST FARGO

PUBLIC SAFETY ANNUAL APPROPRIATION BONDS
(FIRE DEPARTMENT HEADQUARTERS), SERIES 2022

Registered
Number

Registered
Dollars

INTEREST
RATE

MATURITY
DATE

DATE OF
ORIGINAL ISSUE

CUSIP

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

KNOW ALL MEN BY THESE PRESENTS that the City of West Fargo, a North Dakota (the "Issuer"), acknowledges itself to be specially indebted and for value received promises to pay to the registered owner specified above or registered assigns, the principal amount specified above but only from its Public Safety Annual Appropriation Bonds (Fire Department Headquarters), Series 2022, Bond Fund (the "Bond Fund") on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable on June 1 and December 1 in each year, commencing December 1, 2022, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon, and upon presentation and surrender, the principal hereof are payable in lawful money of the United States by check or draft by Starion Bond Services, as Paying Agent, or its successor.

This Bond is one of an issue of Bonds in the aggregate principal amount of \$_____, all of the like date and tenor except as to serial number, maturity date, and interest rate, issued pursuant to the Resolution adopted April 4, 2022, by the governing body of the Issuer (the "Resolution") for the purpose of providing funds to finance the construction and equipping of a new municipal fire department headquarters (the "Project"). This Bond is issued under N.D.C.C. § 40-05-01(2), Article III(2) of the Issuer's Home Rule Charter, and City Ordinance 1-1001, and in conformity with the provisions, restrictions, and limitations thereof. This Bond does not constitute an indebtedness of the Issuer, the County of Cass (the "County"), the State of North Dakota (the

“State”), or any other political subdivision within the meaning of any state constitutional provision or statutory limitation, nor does this Bond give rise to a charge against the general credit or properties or taxing power of the Issuer, the County, the State, or other political subdivision and does not grant to the registered owner of this Bond any right to have the Issuer, the County, the State, or other political subdivision levy any taxes or appropriate any funds for the payment of the principal hereof or interest hereon, nor is this Bond a general obligation of the Issuer, the County, the State, or other political subdivision or the individual officers or agents thereof to which the full faith and credit of any of such entities is pledged.

The Bonds of this issue, including interest thereon, are payable solely from the Bond Fund as set out in the Resolution adopted by the Issuer. The Bond Fund is funded solely from legally available funds annually appropriated by the Issuer for the payment of principal of, and interest on, the Bonds. In the event the Governing Body fails to appropriate such amounts for any fiscal year of the Issuer by August 1 of the preceding fiscal year, the Bonds are cancelled immediately following December 31 without liability of the Issuer for any further payments of debt service on the Bonds and are of no further force and effect. The failure to appropriate funds and the cancellation of the Bonds is not a default or event of default, and the Bondholders shall have no recourse against any of the funds, revenues, or assets, including the Project, of the Issuer.

The Bonds of this issue maturing in the year ____ and thereafter are each subject to redemption and prepayment at the option of the Issuer, in inverse order of maturity and by lot within any maturity, on _____ 1, 20__, and any date thereafter, at a price equal to the principal amount plus accrued interest. Not less than thirty (30) calendar days prior to the date specified for prepayment and redemption of any of the Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent, and registered owner of the Bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar.

Bonds maturing in the year ____ shall be known as Term Bonds. The Term Bonds are subject to mandatory sinking fund redemption in part by lot, or other method of random selection, at a Redemption Price equal to 100% of the principal amount thereof, together with accrued interest to the Redemption Date on December 1 of the following years and in the following principal amounts:

Redemption Date	Principal Amount
--------------------	---------------------

*Final Maturity

In the event this Bond is called for prior redemption, not less than thirty (30) calendar days prior to the date specified for redemption and prepayment of any of the Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent and registered owner of the bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar. The Bonds to be redeemed shall be selected by the Bond Registrar in the manner prescribed in the Bond Resolution.

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

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

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions, and things required by the Constitution and laws of the State of North Dakota, the Issuer's Home Rule Charter, and ordinances of the Issuer, to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond have been done, do exist, have happened, and have been performed in regular and due form, time, and manner as so required; that the Issuer has duly established the Public Safety Annual Appropriation Bonds (Fire Department Headquarters), Series 2022, Bond Fund (the "Bond Fund") as a separate fund of the Issuer; that the Issuer will deposit any funds appropriated for debt service on the Bonds into the Bond Fund for the payment of principal of and interest on the Bonds, provided, however, that the Issuer is not obligated to appropriate funds for said debt service and this Bond will be cancelled in accordance with the terms of the Resolution if no such appropriation is made; that the Issuer will not issue any additional obligations payable on parity with the Bonds from the Bond Fund except upon the conditions stated in the Resolution; and that the Issuer, in and by the Resolution, makes further covenants and agreements with the holders from time to time of the Bonds, which covenants and agreements will be fully and properly complied with by the Issuer and each and all of its officers and agents. The issuance of this Bond does not cause the indebtedness of the Issuer to exceed any constitutional or statutory limitation of indebtedness.

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

Dated: _____.

CERTIFICATE OF AUTHENTICATION

CITY OF WEST FARGO

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

STARION BOND SERVICES
333 North Fourth Street
Bismarck, ND 58501

President of the Board of City
Commissioners

BY: _____
Authorized Representative

City Auditor

SPECIMEN

CERTIFICATE AS TO LEGAL OPINION

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

City Auditor

President of the Board of City
Commissioners

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

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

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

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

under Uniform Transfer to Minors Act _____
(State)

Additional abbreviations may also be used.

ASSIGNMENT

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

Dated: _____

Please insert social security
or other identifying number
of Assignee:

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

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

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by the City of West Fargo, North Dakota (the “Issuer”), in connection with the Issuer’s \$ _____ Public Safety Annual Appropriation Bonds (Fire Department Headquarters), Series 2022 (the “Bonds”). The Bonds are being issued pursuant to a Bond Resolution of the Board of City Commissioners of the City of West Fargo, North Dakota, adopted on April 4, 2022 (the “Resolution”), and delivered to the Purchaser on the date hereof. The Issuer hereby covenants and agrees as follows:

Section 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Owners of the Bonds in order to assist the Participating Underwriters within the meaning of SEC Rule 15c2-12(b)(5) (the “Rule”) in complying with the Rule. This Disclosure Certificate constitutes the written undertaking required by the Rule.

Section 2. Definitions. In addition to the defined terms set forth in the Resolution, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

“Annual Report” means any annual report provided by the Issuer pursuant to, and as described in Sections 3 and 4 of this Disclosure Certificate.

“EMMA” means the Electronic Municipal Market Access (EMMA®) system operated by the Municipal Securities Rulemaking board (“MSRB”) as the primary portal for complying with the continuing disclosure requirements of the Rule.

“Final Official Statement” means the deemed final official statement dated _____, 2022, delivered in connection with the Bonds, which is available from the MSRB.

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of (a) or (b) in this definition; provided, however, the term Financial Obligation shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

“Financial Statements” means audited or, if unavailable, unaudited general purpose financial statements of the Issuer prepared in accordance with generally accepted accounting principles, as in effect from time to time or as required to be modified as a matter of law. If unaudited financial statements are provided, audited financial statements will be provided when and if available.

“Fiscal Year” means the fiscal year of the Issuer.

“Issuer” means City of West Fargo, North Dakota, which is the obligated person with respect to the Bonds.

“Material Event” means any of the events listed in Section 5(a) of this Disclosure Certificate.

“MSRB” means the Municipal Securities Rulemaking Board located at 1300 I Street NW, Suite 1000, Washington, D.C.

“Owner” means the person in whose name Bond is registered or a beneficial owner of such a Bond.

“Participating Underwriter” means any of the original underwriter(s) of the Bonds (including the Purchaser) required to comply with the Rule in connection with the offering of the Bonds.

“Repository” means EMMA®.

“Rule” means SEC Rule 15c2-12(b)(5) promulgated by the SEC under the Securities Exchange Act of 1934, as the same may be amended from time to time, and including written interpretations thereof by the SEC.

“SEC” means Securities and Exchange Commission.

Section 3. Provision of Annual Financial Information and Financial Statements.

- (a) The Issuer shall, not later than twelve (12) months after the end of the Fiscal Year (currently December 31), commencing with the fiscal year ending December 31, 2022 (which is due no later than December 31, 2023), provide the Repository with an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the Financial Statements of the Issuer may be submitted separately from the balance of the Annual Report.
- (b) If the Issuer is unable or fails to provide to the Repository an Annual Report by the date required in subsection (a), the Issuer shall send a notice of that fact to the Repository, and the MSRB.
- (c) The Issuer shall determine each year prior to the date for providing the Annual Report whether there has occurred a change in the MSRB’s address or e-mail address or the filing procedures and requirements for the Repository.

Section 4. Content of Annual Reports. The Issuer’s Annual Report shall contain or incorporate by reference the annual Financial Statements and the following sections of the Final Official Statement and Appendix A thereto:

1. Larger Employers in the Area.
2. Population.
3. Unemployment Figures.
4. Building Permits.
5. Bonded Debt.
6. Overlapping General Obligation Bond Indebtedness.
7. Valuations.
8. Trend in Valuations.
9. Largest Property Taxpayers.
10. Tax Levies and Collections.
11. Taxable Sales and Purchases.

In the event that the Issuer has not completed an audit of its annual financial statements by the date required in Section 3, subsection (a), of this Disclosure Certificate, then the Issuer will provide *unaudited* financial statements to the Repository. The Issuer will provide to the Repository its audited Financial Statements as soon as practicable after they are completed. The failure by the Issuer to provide an audited annual financial statement by the date required in Section 3, subsection (a) of this Disclosure Certificate shall not be deemed a violation of the reporting obligations under this Disclosure Certificate.

Section 5. Reporting of Material Events.

- (a) This Section 5 shall govern the giving of notice of the occurrence of any of the following events ("Material Events") with respect to the Bonds:
 1. Principal and interest payment delinquencies;
 2. Non-payment related defaults, if material;
 3. Unscheduled draws on debt service reserves reflecting financial difficulties;
 4. Unscheduled draws on credit enhancements reflecting financial difficulties;
 5. Substitution of credit or liquidity providers, or their failure to perform;
 6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
 7. Modification to rights of security holders, if material;
 8. Bond Calls, if material, and tender offers;
 9. Defeasances;
 10. Release, substitution, or sale of property securing repayment of the securities, if material;
 11. Rating changes.
 12. Bankruptcy, insolvency, receivership or similar event of the obligated person;
 13. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry

into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. Incurrence of a Financial Obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the obligated person, any of which affect security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the obligated person, any of which reflect financial difficulties.

- (b) The Issuer shall file a notice of such occurrence with the Repository or with the MSRB within ten (10) business days of the occurrence of the Material Event.
- (c) Unless otherwise required by law and subject to technical and economic feasibility, the Issuer shall employ such methods of information transmission as shall be requested or recommended by the designated recipients of the Issuer's information.

Section 6. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption, or payment in full of all the Bonds.

Section 7. Agent. The Issuer may, from time to time, appoint or engage a dissemination agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such agent, with or without appointing a successor dissemination agent.

Section 8. Amendment: Waiver. Notwithstanding any other provision of this Disclosure Certificate, the Issuer may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of nationally recognized bond counsel to the effect that such amendment or waiver would not, in and of itself, cause the undertakings to violate the Rule. This Disclosure Certificate, or any provision hereof, shall be null and void in the event that the Issuer delivers to the Repository an opinion of nationally recognized bond counsel to the effect that those portions of the Rule which require this Disclosure Certificate are invalid, have been repealed retroactively or otherwise do not apply to the Bonds. The provisions of this Disclosure Certificate may be amended without the consent of the Owners of the Bonds, but only upon the delivery by the Issuer to the Repository of the proposed amendment and an opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will not adversely affect the compliance of this Disclosure Certificate and by the Issuer with the Rule.

Section 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Requested Report or notice of occurrence of a Material Event, in addition to

that which is required by this Disclosure Certificate. If the Issuer chooses to include any information in any Requested Report or notice of occurrence of a Material Event in addition to that which is specifically required by this Disclosure Certificate, the Issuer shall have no obligation under this Disclosure Certificate to update such information or include it in any future Requested Report or notice of occurrence of a Material Event.

Section 10. Default. In the event of a failure of the Issuer to comply with any provision of this Disclosure Certificate, any Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default with respect to the Bonds and the sole remedy under this Disclosure Certificate in the event of any failure of the Issuer to comply with this Disclosure Certificate shall be an action to compel performance.

Section 11. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Issuer, the Participating Underwriters and Owners from time to time of the Bonds and shall create no rights in any other person or entity.

Section 12. Counterparts. This Disclosure Certificate may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 13. Choice of Law. This Disclosure Certificate shall be governed by and construed in accordance with the laws of the State of North Dakota, provided that to the extent this Disclosure Certificate addresses matters of federal securities laws, including the Rule, then this Disclosure Certificate shall be construed in accordance with such federal securities laws and official interpretations thereof.

Section 14. Severability. If any portion of this Disclosure Certificate shall be held invalid or inoperative, then, so far as is reasonable and possible (i) the remainder of this Disclosure Certificate shall be considered valid and operative, and (ii) effect shall be given to the intent manifested by the portion held invalid or inoperative.

Section 15. Captions, Titles, and Headings. The captions, titles, and headings used in this Disclosure Certificate are for convenience only and shall not be construed in interpreting this Disclosure Certificate.

IN WITNESS WHEREOF, I have executed this Disclosure Certificate in my official capacity effective _____, 2022.

CITY OF WEST FARGO

Tina Fisk
City Auditor



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: *

Collin Stangeland

Phone Number: *

7015320686

Email Address:

indianrider@bis.midco.net

Date *

2/7/2022

Topic for Consent or Regular Agenda?

Please select one option:

- ☐ Consent Agenda
☒ Regular Agenda

Please Briefly Describe Your Request *

Address the necessity to adjust the "Nuisances" clause to include all trees within the city, whether they are healthy or diseased. Whether they are along the river or throughout the city. If they qualify as a "Nuisance", they should be removed.

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Revise the "Nuisances" clause.

Upload Additional Documentation (Optional):

3-0204 001.jpg	971KB
3-0205 001.jpg	1021.3KB
9-0408 44a 001.jpg	935.52KB
9-0406 A Definitions 001.jpg	963.42KB
9-0406 B Violations 001.jpg	974.11KB
15-0312.jpg	1.15MB
WF Ordinance rewrite (1).doc	26KB

- (2) A report from a qualified professional engineer with demonstrates the tower's compliance with the aforementioned structural and electrical standards.

Source: Ord. 530, Sec. 7 (1997).

4-449-A. LANDSCAPING STANDARD.

1. Purpose: The preservation of existing trees and vegetation, as well as the planting of new trees and vegetation, can significantly add to the quality of the physical environment of the community. The regulations outlined herein are designed to provide for the health, safety and welfare of the residents of the City of West Fargo. Landscaping Plan can provide the following benefits to the community:
 - a. Help reduce the cities impact on the environment.
 - b. Enhances green space within the city.
 - c. Helps provide shade and wind breaks to reduce extreme weather.
 - d. Reduces the hazards of flooding and aid in the control of erosion and storm water runoff. Trees can help in the stabilization of soil and replenish groundwater supplies.
 - e. Provides buffers and screens against noise, air pollution, and unsightly and incompatible land uses.
 - f. Absorb carbon dioxide and supply oxygen in our atmosphere, which is an essential ecological function in the preservation of human and animal life. Trees can provide a haven for birds which, in turn, assist in the control of insects.
 - g. Help aid in energy conservation.
2. Definitions: The following definitions are intended to provide a common interpretation of terms in order to avoid confusion and insure that the Standards are utilized in a uniform manner.

AESTHETICALLY PLEASING: in a pleasing manner or beautiful, indicated when someone does not necessarily have an interest or bias towards something but can still accept that it is still acceptable to look at.

APPROVED PLANT LIST: A list of plants that is approved by the City Forester and the City of West Fargo to plant within the city limits.

BACKFILL: Soil that is returned to a planting hole after a plant's roots have been positioned.

BERMS: Graded mounds of earth used to create a screen, buffer or a landscape design element.

BIOSWALE: Are landscape elements designed to remove silt and pollution from surface runoff water. They consist of a swale drainage course with gently sloped sides (less than six percent) and filled with vegetation, compost and/or riprap. Water flows through this path, along with the wide and shallow ditch, while doing so the bioswale is designed to maximize the time water spends in the swale, which aids the trapping and filtering of pollutants and silt.

BUFFER YARD: Landscaping that is used to obstruct the view of an adjacent property.

BOULEVARD: An area located in front of a property facing a city street or public right of way.

CALIPER: A way of measurement for trees around the trunk of the tree, in other words by, measuring the outer circumference or perimeter of a tree trunk.

CITY FORESTER: Forester an employee of the city and is responsible for the promotion of the health and sustainability of the urban forest within the municipal limits of the City of West Fargo and providing public education as to the benefits and best use of the urban forest and the maintenance of such forest.

DECIDUOUS SHADE TREE: A tree that sheds all its leaves every year at a certain season.

DECORATIVE BLOCK: Generally refers to non-standard, masonry, building block. The face of the block is typically textured and contains a non-standard finish or shape.

DRIPLINE: is the area directly located under the outer circumference of the tree's branches.

DROUGHT-TOLERANT PLANT: A plant that can survive with minimum supplemental water.

EVERGREEN TREE: A tree, either broad leaf or conifer, which maintains at least a portion of its leaves or needles throughout the year.

FIFTEEN (15) GALLON TREE: Tree measuring a minimum of six (6) feet in height, four (4) feet in spread and one and one-quarter (1 1/4) inch trunk caliper measured at six (6) inches above the soil line.

FINISHED ELEVATION: The elevation/grade which re-establishes the finished grade after all site improvements are completed.

GARDEN PLANTS: The practice of growing plants. Ornamental plants are normally grown for their overall appearance such as flowers, or plants that are grown for consumption (such as but not limited to: vegetables, fruits, herbs, and leaf vegetables) or for medicinal use, which eventually die after one growing season.

GROUND COVER: Plants grown for their low spreading capabilities for the protection of soils, to prevent growth of weeds and for aesthetic purposes.

HATRACKING: is a type of pruning where most of the canopy is removed from a tree, leaving mostly branch stubs. Hatracking initiates decay in the trunk and main branches and attracts wood boring insects. Never top a tree or allow anyone to top one of your trees. Hatracking is equivalent to butchering a tree.

HARDSCAPE: Elements of the landscape constructed from non-living materials such as concrete, boulders, brick, blacktop and lumber.

IRRIGATION SYSTEM: The combination of elements such as automatic controllers, meter, pressure vacuum breakers, pipes, valves, emitters, bubblers, spray heads, tubing and other materials designed for the purpose of transporting water to landscaping.

LANDSCAPING: The combination of elements such as trees, shrubs, ground covers, vines, and other organic material that are for the express purpose of creating an attractive and pleasing environment. Plazas, patios, art, and decorative courtyards may also be considered landscape elements.

MEANDERING SIDEWALK: A sidewalk with windings or turns in a circuitous pattern.

NATIVE PLANTS: Plants that are naturally meant to be in this area.

NON-POROUS MATERIALS: A material that does not allow the movement of water and air to pass through it.

OVERHEAD SPRAY HEADS: An irrigation method that delivers water to the landscape in a spray or stream-like manner from above-ground spray heads (including pop-ups, impulse sprinklers, rotors, micro-misters, etc., but does not include bubblers).

PERENNIAL: A non-woody plant that lasts for more than two growing seasons.

POROUS/PERMEABLE MATERIAL: A material that does allow the movement of water and air to pass through it.

PUBLIC RIGHT OF WAY (ROW): The strip of land over which facilities such as highways, railroads, or power lines are built. The customary or legal right of a person, vessel, or vehicle to pass in front of another.

RIP-RAP: Hardscape materials that provide erosion protection along a drainage way (i.e. large boulders).

ROCK MULCH: A non-soluble protective covering which includes rock, gravel, decomposed granite, or crushed rock applied to the soil surface to reduce weed growth, reduce evaporation of moisture from the soil surface, maintain even temperature around plant roots, and slow erosion.

RUNOFF: Irrigation water that is not absorbed by the soil to which it is applied and which flows onto other areas. Runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or where a severe slope exists.

SOIL: All unconsolidated mineral and organic material of whatever origin that overlies bedrock and can be readily excavated.

SOIL AMENDMENTS: Organic and inorganic material added to soils to improve texture, nutrients, moisture holding capacity, and infiltration rates.

STEM WALL: A wall usually less than two (2) feet in height, used to divert or direct storm water flows within an area specified by the Department of Public Works.

SWALES: A depression in grade to control and direct the flow of surface water.

TOPSOIL: The top layer of native soil that is usually better for plant growth than what is beneath it. The term is also used to describe good soil imported for landscaping.

TURF: Any grassy area maintained by frequent mowing, fertilization and watering used for lawn and playing fields.

TWENTY-FOUR (24) INCH BOX TREES: Trees measuring a minimum of eight (8) feet in height, and six (6) feet in spread with a two (2) inch trunk caliper measured at six (6) inches above the soil line.

XERISCAPING: Xeriscaping is a creative method of landscaping that emphasizes water conservation. This is accomplished by following sound horticultural and landscaping practices, such as planning and design, soil improvements, limited turf areas, use of mulches, use of low water demand plants, efficient irrigation, and appropriate maintenance. When combined, these practices will produce an attractive, efficient, sustainable landscaping arrangement for residential, commercial and industrial situations.

3. General Goals and Objectives for Landscape Standards:

a. Clearly define spaces, articulate use areas, and unify site elements through use of landscape materials:

- (1) Create a distinction of natural planting areas and implemented landscaping.
- (2) Use consistent site features such as signs and benches.

b. Provide clear wayfinding as appropriate for facilities and properties:

- (1) Create a strong entry.
- (2) Provide clear direction to primary building entries.
- (3) Enhance circulation corridors with trees and plant materials.

- c. Support a safe and clear circulation system(s):
 - (1) Provide appropriate sidewalk and roadway width as described in the Site Design Standards.
 - (2) Improve visibility, safety, and aesthetics as appropriate for facilities.
- d. Use sustainable landscaping practices:
 - (1) Limit and control erosion throughout site.
 - (2) Minimize use of non-sustainable fertilizers, herbicides, and pesticides
 - (3) Use plant material to reduce adverse climatic conditions such as heat, wind, and precipitation.
 - (4) Guide future development toward sustainable and environmentally sound design through use of native and locally available plant material, reclaimed water irrigation, and other practices.
 - (5) Feature native plant material.
 - (6) Reinforce a natural context of the site by simulation a natural type of planting.
 - (7) Consider xeriscaping approaches where natural, low maintenance plant material would be desired (i.e. exterior fringes of plant site).

- 4. Applicability: The requirements of this division apply to all development within the City. All street boulevards are required to have boulevard trees unless the City Forester deems otherwise. Single family, twin home and two family residential and industrial properties are not required to meet proposed plant units for each lot, though they are encouraged to do so; however, all multiple family properties, commercial properties and properties within any overlay district are required to adhere to the plant unit chart standards. All properties which require green areas (grassed) or landscaped open space, shall have the appropriate landscaping completed prior to the issuance of a certificate of occupancy. A temporary certificate of occupancy may be issued when weather and/or seasonal conditions do not allow the installation of landscaping with a schedule for completion as may be approved by the City Planner.

5. Plant Standards:

A. General Standards:

- (1) Acceptable trees include, but are not limited to; those identified as suitable for the intended use in the "Approved Plant List." Acceptable vegetative ground cover consists of shrubs and ground cover including grass and native prairie grass.
- (2) Species of trees shall not be planted if the roots cause damage to public works, the branches are subject to a high incidence of breakage, and the fruit is considered a nuisance or high maintenance, as determined by the City Forester.
- (3) All trees shall be planted in good condition. All plant materials to be installed shall be nursery grown and root pruned stock free of insects, disease, and defects.
- (4) The developer shall plant, or install, as appropriate grass, tree grates, porous pavers, or similar pervious surfaces, which shall extend to twice the initial drip line of the newly planted tree. Minimum tree grate size shall be five square feet.

- B. Approved Plant List: The City shall maintain a Plant List identifying plants compatible with local soils and climatic conditions including salt tolerance, sun and heat exposure, and mean low temperature. All required landscape plants must be selected from the Plant List. Plant material shall be selected that is best suited to withstand the soil and physical growing conditions on the project site. Plant species that are freeze and drought tolerant are preferred. Protection and preservation of native species and natural areas is encouraged.

6. Landscaping Material:

- A. Where landscaping and associated landscape plans are required, the landscaping materials shall consist of the following:

- (1) Walls and Fences: Walls shall be constructed of natural stone, brick or other appropriate aesthetically pleasing decorative materials. Chain link fencing will be permitted only if covered with plant material or otherwise screened.
 - a. Retaining: Retaining walls exceeding four (4) feet in height, including stage walls which cumulatively exceed four (4) feet in height, must be constructed in accordance with plans prepared by a registered engineer or landscape architect of brick, concrete or natural stone. Artificial material may be approved if appropriate. A building permit is required.

Source: Ord. 1049, Sec. 32 (2015)

- (2) Earth Berms: Earth berms shall be physical barriers, which block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound, and shall not be considered as fulfilling any screening requirement.
- (3) Plants: All plant materials shall be living plants; artificial plants are prohibited. Plants to be selected from the approved plants list, following this division or as approved by City Forester. Plant materials shall meet the following requirements:
 - (a) Deciduous Trees: Shall be species having an average crown spread of greater than fifteen (15) feet and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where an eight-foot clear wood requirement will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen-foot crown spread. A minimum of ten (10) feet overall height or

minimum caliper (trunk diameter, measured six (6) inches above ground for trees up to four (4) inches caliper) of at least two and one-half (2 ½) inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be placed closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

- (b) **Evergreen Trees:** Evergreen trees shall be a minimum of six (6) feet high with a minimum caliper of one and one-half (1 ½) inches when planted.
- (c) **Shrubs and Hedges:** Deciduous shrubs shall be at least two (2) feet in average height when planted, and shall conform to the opacity and other requirements within four (4) years after planting. Evergreen shrubs shall be at least two (2) feet in average height and two (2) feet in diameter.
- (d) **Vines:** Vines shall be at least twelve (12) inches high at planting, and are generally used in conjunction with walls or fences.
- (e) **Grass or Ground Cover:** Grass shall be planted in species normally grown as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and seventy-five (75) percent

of complete coverage after two (2) complete growing seasons, with a minimum of fifteen (15) inches on center. In certain cases, ground cover also may consist of rocks, pebbles, sand and similar materials if approved by the city.

7. Material Specifications:

- A. Minimum Number of Trees Required: A property owner should have a variety of trees on their property. This will allow the trees to be less prone to disease and have a healthy life. It is suggested that as many different tree species be placed on the site as possible but a minimum number of a variety of tree species shall be provided in accordance with the following table:

Number of Trees	Number of Species
1 - 3	1
4 - 6	2
7 - 9	3
10 - 12	4
13 - 15	5
16 - 18	6
19 - 21	7
22 - 24	8
25 +	9

- B. Plant Units: Residential and industrial districts are encouraged to follow the number of plant units for each lot as described below. All multiple family residential, commercial and overlay Zoning districts must have a minimum number of plant units on each lot. These standard plant units are (4) units for every thousand (1,000) square feet of a lot. Only the plants on the owner's property will be counted towards required total plant units. Garden plants will not count toward the plant units. Below, is the equation of the plant units per square footage and the plant units chart:

(See Chart on Following Page)

$$\frac{\text{(Square Footage of Lot)}}{1000} \times 4 = \text{Plant Units}$$

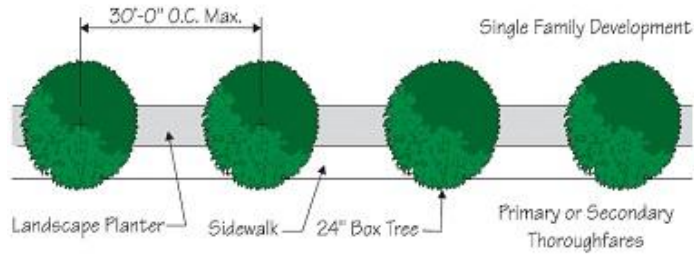
PLANT UNITS CHART		
Large, Mature Deciduous Tree	1.5 to 3-inch - > 30 foot mature height	10
Large, Mature Evergreen Tree	5 to 6 foot height - > 30 foot mature height	10
Small, Mature Deciduous Tree (Max. of 20% of plant units)	1.5 to 3-inch caliper - 12 to 30 foot mature height	7
Small, Mature Evergreen Tree (Max. of 20% of plant units)	3 to 4 foot height - 12 to 30 foot mature height	7
Mature Shrub	2 gallon	5
Perennial Plants	2 gallon	3

C. Onsite Retention: If an area where a wetland, bioswale, rain garden, or native prairie grass is designated for onsite retention, the square footage of that area will be excluded from the total lot area prior to calculation of plant units.

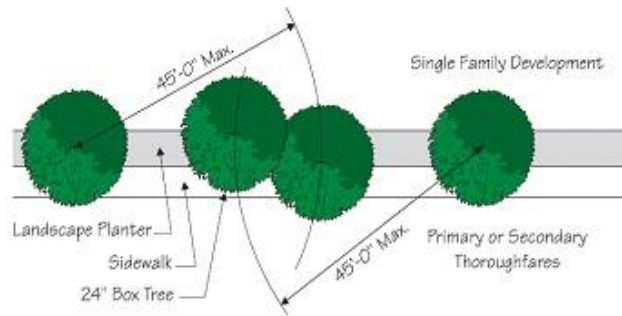
8. Boulevard and Street Vegetation:

A. Tree Layouts: Tree layouts (plans) shall be coordinated with existing corridor planting plans, subdivision street landscape plans, and other established landscape plans to provide the desired effect as determined by this standard and the City Forester. It is required by the City to have at least one (1) tree on all street boulevards every thirty (30) feet, unless the City Forester determines otherwise. Trees shall be planted twelve (12) feet from driveways and alleyways. The spacing shall be at least twenty-five (25) feet from existing trees. On corner lots, the trees shall be planted forty (40) feet from the point of intersection of the curbs. The City Forester or City Planner shall have final approval of the location of the tree and have the right to approve variances from the above requirements where conditions necessitate. Recommended tree layouts are as follows:

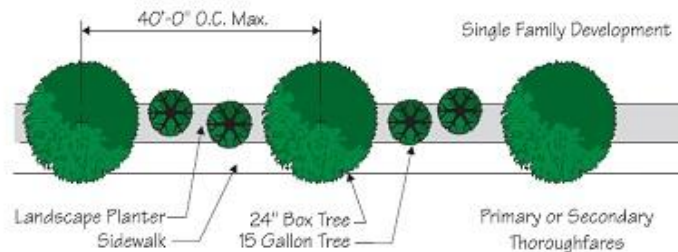
- (1) Alternative 1: Spacing of trees shall not exceed thirty (30) feet on center.



- (2) Alternative 2: Clustering of trees is allowed if: the total number of trees exceeds the minimum number of trees required by at least one (1) tree; the spacing between any two (2) trees does not exceed forty-five (45) feet; and at least three (3) trees are located within a forty five (45) feet radius.



- (3) Alternative 3: The minimum number of trees required is one (1) 24 inch box deciduous or evergreen tree for every forty (40) linear feet of planter plus one (1) extra 24 inch box tree. In addition, two (2) 15 gallon deciduous or evergreen trees shall be required for every forty (40) linear feet of planter, and will be located between the 24 inch box trees. The spacing of the 24 inch box trees shall not exceed forty (40) feet on center. The 15 gallon trees can be either regularly spaced or grouped in between the 24 inch trees.



- B. Size Requirements: No tree measuring less than 1 1/4" in diameter of trunk one foot above ground may be planted on the City Boulevard. The lowest branch shall not be over 9 ½ feet from the ground. The Tree must be a single stem trunk and have a straight vertical line.

9. Buffer Yards:

- A. Purpose: The purpose of buffer yards is to limit the view and reduce the noise between abutting incompatible uses, and to ease the transition from one zoning district to another. Buffer yards are intended to provide a physical integration of uses, which promote the public health, welfare and safety by:

- (1) Preventing visual pollution;
- (2) Preventing the overcrowding of land;
- (3) Preventing the undue congregation of people and vehicles; and
- (4) Promoting the peaceful enjoyment of property within the City of West Fargo.

- B. When Required:

- (1) A buffer yard shall be required of any lot in any zoning district when the lot in that district abuts a zoning district of lower intensity.
- (2) When a public right-of-way separates zones of different intensities, the following criteria shall apply, regardless of whether the zoning line is on one side or the other or the center of the public right-of-way:
 - (a) If the public right-of-way is an alley, a buffer yard with screening shall be provided.
 - (b) If the public right-of-way is a local or collector street, a buffer yard with screening shall be provided on any side or rear of the higher intensity use which abuts the right-of-way as per the table below, or according to approved subdivision landscaping plans or corridor

overlay district plans; however the buffer yard shall not be required on the front of the higher intensity use where the front abuts the public right-of-way.

- (c) If the public right-of-way is an arterial street or highway, no buffer yard or screening shall be required for the portion of the higher intensity use abutting the public right-of-way.
- (3) When single and two-family uses are located on Arterial streets and Interstate 94.
- (4) When a site plan is submitted to modify or expand an existing building or site improvements, or accommodate a change in land use, buffer yard and screening requirements shall only be applied to those portions of the site that are directly affected by the proposed improvements, or change in land use, as determined by the City Planner.

C. General Standards:

- (1) Buffer yards shall contain vegetative and/or architectural screening that achieves the purpose of the buffer yard, and which meets the requirements for screening, Buffer Yards Screening and Zoning Standards Table, below.
- (2) The maximum slope of any buffer yard shall be 2H: 1V where H is the horizontal distance and V is the vertical distance. Additional width shall be added to any portion of any buffer yard which exceeds this slope such that the minimum buffer yard width is met by land less steep than 2H: 1V.
- (3) The buffer yard shall be located entirely within the higher intensity zoning district and abutting the zoning district line or adjacent right-of-way if such right-of-way separates the lot from the zoning district line. However, the buffer yard may be placed in the lower intensity zoning district or partially within both zoning districts if both sides of the zoning district line and entire buffer yard width are within common ownership and a permanent easement is provided over any

portion of the buffer yard not within the higher intensity zoning district.

- (4) A driveway required to serve the principal structure on the site may exist in the buffer yard. This driveway shall run substantially perpendicular to the buffer yard.
- (5) Buffer yards shall be maintained in a natural condition free of structures, loading or storage areas, parking, roads, or driveways except as provided for in (4) above.
- (6) Buffer yards required by this standard shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by the City Planner, if the City Planner finds any of the following circumstances exist on the proposed building site, or surrounding properties:
 - (a) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this section.
 - (b) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.
 - (c) The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and or the location of the improvements on the site.
 - (d) The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity.
- (7) When the acreage of a site is significantly larger than the area proposed for physical improvements or active usage, buffer yards shall be reserved as required by this section. However, to achieve the intent of this section, the City Planner may require an alternative location and design for required screening and plantings.

- (8) When property lines abut an adjacent jurisdiction, the City Planner shall determine the specific screening and buffering requirements along that property line after consideration of the zoning designation and or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated/zoned property within the City.
- (9) Dimensions: Buffer yard dimensions and screening requirements shall be provided as detailed in the table below:

Buffer Yards, Screening, and Zoning Standards Table

BUFFER YARDS	ARCHITECTURAL	VEGETATIVE
A	4' Screen 10' Buffer Yard Small Evergreen Trees Alternated with Deciduous Trees	20' Buffer Yard Small Evergreen Trees, Alternated with Deciduous Trees, and One Row Evergreen or Other Shrubs
B	6' Screen 15' Buffer Yard Small Evergreen Trees Alternated with Deciduous Trees	30' Buffer Yard Small Evergreen Trees, Alternated with Deciduous Trees, and One Row of Evergreen or Other Shrubs
C	6' Screen 25' Buffer Yard Large and Small Evergreens Alternated with Deciduous Trees	50' Buffer Yard Large Evergreen Trees, Alternated with Deciduous Trees, Small Evergreen Trees, and One Row of Evergreen or Other Shrubs
D	8' Screen 30' Buffer Yard Large Deciduous Trees Alternated with Large Evergreen Trees	60' Buffer Yard Large Evergreen Trees, Alternated with Deciduous Trees, Small Evergreen Trees, and One Row of Evergreen or other Shrubs

Abutted Existing District					
Developers or Selected District	R1, R-1A, R-1B, R-1E, R-L1A, R-R	R-2, R-3, R-4, R-5	A	C, C-OP, CM, P	M
R1, R-1A, R-1B, R-1E, R-L1A, R-R	N/A	A	B	C	D
R-2, R-3, R-4, R-5	A	N/A	A	B	C
A	B	A	N/A	A	B
C, C-OP, CM, P	C	B	A	N/A	A
M	D	C	B	A	N/A

Source: Ord. 1049, Sec. 33 (2015)

10. Screening:

A. When Required:

- (1) Screening shall be provided within a buffer yard to ease the transition of one land use or activity to another, to achieve the purposes of the buffer yard. Screening may be accomplished through architectural or vegetative materials.
- (2) Screening shall be provided, in addition to the requirements listed below, for:
 - (a) All articles or materials being stored, maintained, repaired, processed, erected, fabricated, dismantled, or salvaged, such that the activity is not visible from surrounding properties or roads.
 - (b) Refuse storage and loading areas such that these activities are not visible from surrounding properties or roads.
 - (c) Rooftop and ground level mechanical equipment such that it is not visible from surrounding properties or roads.

- (d) All trash dumpsters or containers used for recycling shall be screened on three sides with architectural screening supplemented by plantings. Screening shall be based upon the standards below and subject to the approval of the City Planner:
- 1) Four-foot tall architectural screening is acceptable when household style trash containers are used in place of dumpsters;
 - 2) The requirement for supplemental plantings may be waived by the City Planner in cases where dumpsters or containers are added to an existing development. In determining whether to grant a waiver, the City Planner shall be guided by these standards: proximity of the facility to residential structures; efficacy of screening to mitigate any adverse effect of the use; and benefit of the screening relative to its cost.
 - 3) When a site plan is submitted to modify or expand an existing building or site improvements, or accommodate a change in land use, screening requirements shall only be applied to those portions of the site that are directly affected by the proposed improvements, or change in land use, as determined by the City Planner.
 - 4) Screening for single family and two-family uses along Arterial streets shall follow type "B" buffer yards. Screening for single family and two-family uses along Interstate 94 shall follow type "D" buffer yards. Screening for multiple family uses along Interstate 94 shall follow type "B" buffer yards.

B. General Standards:

- (1) Screening shall be continuous and in place at the time of occupancy. If vehicular or pedestrian access through the screen is necessary, the screening function shall be preserved, and approved by the City Planner.
- (2) Requirements: Screening may be architectural or vegetative, per the requirements below:

- (a) Visual Impact: Required screening for any visual impact may be achieved with fences, walls, earth berms, hedges or other landscape materials. All walls and fences shall be architecturally harmonious with the principal building. The use of chain link fences equipped with slats is prohibited. Earth berms shall not exceed a slope of 3:1 unless provided with landscaping designed to minimize maintenance. The screen shall be designed to provide effective visual barrier during all seasons.

Source: Ord. 1049, Sec. 34 (2015)

- (b) Hight: Architectural screening shall be at least four feet in height, and shall be supplemented with plantings.
 - (c) Health: Vegetative material shall be alive and in good health.
 - (d) Small Coniferous Trees: shall be at least 4 feet in height at planting and allowed to grow to at least 6 feet in height. Large evergreen trees shall be at least 6 feet in height at planting and allowed to grow at least 10 feet in height. All required evergreen vegetation shall be maintained in good condition.
 - (e) Deciduous Trees: shall be at least 1" caliper 10" to 12" in height. They shall be supplemental and not deemed to be adequate screening in themselves.
 - (f) Plants: Acceptable vegetative plantings include any tree listing in the "Approved Plant List" for screening purposes.

- C. Screening design and development shall be compatible with the existing and proposed land use and the development character of the surrounding land and structures.
- D. Screening shall be of sufficient density and diversity to achieve the intent of this section. However, at the time of planting, the spacing of trees shall not exceed twelve (12) feet on center, and the planting pattern shall be staggered. Shrubbery shall be more closely spaced. Specific exceptions to this requirement may be granted by the City Planner to encourage quality and creativity of design where the intent of this section is met.
- E. Existing vegetation within buffer yards shall be considered as a substitute for otherwise required landscaping or screening, if in the opinion of the City Planner, the type, size, and density of the existing vegetation complies with the standards and intent of this section.
- F. When a proposed buffer yard has a variation in elevation of greater than 10 vertical feet at any point, the required screening or landscaping within the yard shall be placed to maximize the effectiveness of the screening or landscaping, as determined by the City Planner.
- G. Trees planted to meet any of the screening requirements may also be used to meet any other landscaping requirement within this standard.
- H. Screening required by this Section shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by the City Planner if the City Planner finds any of the following circumstances exist on the proposed building site, or surrounding properties:
 - (1) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this section.
 - (2) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.

- (3) The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and or the location of the improvements on the site.
- (4) The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity.

11. River Buffer: A healthy and properly watershed buffer zone shall stabilize the shoreline or stream bank, provide erosion control benefits, provide a source of organic matter for aquatic organisms, capture nutrients, reduce flood peak flows, and provide water temperature controls.

A. River District is hereby created to celebrate, conserve, promote, and manage those areas on such as the Sheyenne River within the corporate limits of the City of West Fargo. These watershed buffer standards will ensure that new development is compatible with and enhances the unique river resources. It is the intent of these standards to promote economic revitalization throughout the river valleys while providing for an opportunity for enjoyment of the river by a maximum number of citizens, neighbors, and guests. The goals of the River District are to:

- (1) Promote the protection and improvement of the Sheyenne River as water resources;
- (2) Promote responsible development that will result minimal stormwater runoff, soil erosion, river bank destabilization, grading, and flood damage;
- (3) Promote the preservation of a vegetative river resource corridor between the top of the river bank and new development to protect property from flooding and to enhance water quality;
- (4) Encourage the planting of specific riparian landscaping that will aid in controlling erosion, improving water quality, reducing stormwater runoff, enhancing fish and wildlife habitats, and protecting visual quality;

- (5) Promote the protection of existing natural areas, wetlands, and habitats, especially bluffs along the rivers;
 - (6) Encourage the establishment of vegetative buffer yards between incompatible land uses to lessen negative impacts;
 - (7) Encourage the conservation, protection, and promotion of the district's natural, cultural, and historic resources to enhance its value as a significant amenity to West Fargo's citizens, neighbors, and tourists;
 - (8) Promote improvements to existing infrastructure and the coordination of all new utility improvements;
- B. Conditional Uses: Any use that's not natural to the Sheyenne River and is manmade, is subject to a conditional use permit and the use in the River District must be approved by the City Planner.
- C. General Standards: The following standards shall be required for uses in the River District.
- (1) River District: The River District is any area that is a one hundred (100) feet from the Sheyenne River bank.
 - (2) Landscaping/Buffering Standards: Landscaping and/or buffering shall be provided as required. Tree species suitable for a river environment shall be specified in the "Approved Tree List" for required landscaping and buffering in the River District. In areas experiencing natural stream bank erosion, planting of riparian vegetation shall be the required stabilization measure.
 - (3) Parking Standards: Parking lots shall be allowed if approved by a conditional use permit if the parking lot doesn't harm the river but not recommended in the River District. No parking shall be permitted in any setback more than fifty (50) feet or less from the river. Uses in the River District shall be permitted a 20 percent reduction in required parking. Shared parking arrangements and common parking areas are encouraged.

- (4) Design Standards: The Design of the River District is to be a natural look. It shall include native plantings and native trees to this area. The speculative grading of land within the River District is prohibited. Natural slopes in excess of 45 degrees shall not be graded, and the existing vegetation shall not be removed. Buffers or shorelines shall have bands or strips with permanent vegetation that run adjacent to the river. The purpose of a buffer is to provide a protective barrier or cushion between activities occurring on the upland side of the buffer and the river.
- (5) Construction: All new or expanded operations/ construction located within or near the River District must take all precautions not to harm the river by polluting, increasing erosion, or littering.
- (6) Storage: Outdoor storage of materials is prohibited in the river district.
- (7) Walking Trail: The development of a pedestrian trail/greenway along the rivers is encouraged within the River District. Land owners are encouraged to dedicate/grant a dry land right-of-way or easement within the river resource yard.

12. Open Space Landscaping:

- A. Undeveloped Areas: All undeveloped areas of the site, excluding protected wetlands, river districts, and tree preservation areas, shall be seeded or sodded. Seeding includes native prairie grass. In addition, an appropriate mix of trees and other plant material shall be provided to create an aesthetically pleasing site. Native plantings and xeriscaping is recommended but not limited to.
- B. Undeveloped Areas Next to Public ROW: Where undeveloped or open areas of a site are located adjacent to public right-of-way, the plan shall provide for over-story boulevard trees. A minimum of one (1) tree for every thirty (30) feet of frontage is required. The City Planner may approve alternatives if it meets the intent of the ordinance.

MEMO IN PROGRESS

	BIDS	BOND	TOTAL	CONTRACTOR
01 A - Testing & Inspections	\$45,618.00	\$684.00	\$46,302.00	Braun Intertec
03 A - Concrete	\$1,362,465.00	\$27,249.30	\$1,389,714.30	All Finish Concrete
03 B - Structural Precast	\$209,144.00	Inc in Base Bid	\$209,144.00	Taracon Precast
03 D - Polished Concrete	\$30,550.00	\$470.00	\$31,020.00	Quality Coatings
05 A - Structural Steel Material	\$1,082,310.00	\$6,900.00	\$1,089,210.00	Ben's Structural Fab
05 B - Structure Steel Erection	\$272,385.00	\$5,130.00	\$277,515.00	Ledgestone
05 C - Cold Formed Metal Framing	\$850,000.00	Inc in 09A	\$850,000.00	RTL Construction
05 D - Miscellaneous Metals	\$481,690.00	Inc in 05A	\$481,690.00	Ben's Structural Fab
06 A - Carpentry Package	\$456,800.00	\$15,000.00	\$471,800.00	Grafstrom Construction
06 D - Architectural Millwork	\$141,759.00	Inc in Base Bid	\$141,759.00	Woodside Industries
07 F - Metal Panel/Roof	\$214,238.00	\$5,800.00	\$220,038.00	Minnkota Arch Products
07 H - Roofing	\$1,181,900.00	\$11,819.00	\$1,193,719.00	Herzog Roofing
07 K - Joint Sealant	\$126,000.00	\$1,890.00	\$127,890.00	Ellenson Caulking
08 A - Door/Frame/Hardware Package	\$197,317.00	Inc in Base Bid	\$197,317.00	House of Glass
08 E - Traffic Doors/Overhead/Folding/Coiling	\$329,085.00	\$16,455.00	\$345,540.00	PS Garage Doors
08 F - Entrances/Storefront/Curtainwall	\$358,750.00	\$3,049.00	\$361,799.00	Rusco
09 A - Drywall	\$539,969.00	\$24,000.00	\$563,969.00	RTL Construction
09 B - Tile	\$32,000.00	\$1,900.00	\$33,900.00	I'll Tile & Stone
09 D - Flooring	\$79,795.00	\$2,750.00	\$82,545.00	All States Flooring
09 K - Painting & Wall Covering	\$187,745.00	\$500.00	\$188,245.00	Morris Painting
10 E - Accordion & Folding Partitions	\$53,718.00	\$1,800.00	\$55,518.00	Tri State Specialties
14 B - Elevators	\$93,999.00	Inc in Base Bid	\$93,999.00	Otis Elevator
21 A - Fire Protection	\$106,163.00	\$1,062.00	\$107,225.00	NOVA
23 B - Combined Mechanical (Plumb/HVAC)	\$2,591,000.00	\$13,200.00	\$2,604,200.00	Manning Mechanical
26 A - Electrical	\$1,469,000.00	Inc in Base Bid	\$1,469,000.00	Dakota Electrical Const.
31 A - Site Clearing & Earthwork	\$425,000.00	Inc in Base Bid	\$425,000.00	KPH, Inc
32 A - Asphalt Paving	\$168,718.00	Inc in Base Bid	\$168,718.00	Border States Paving
32 B - Concrete Paving	\$382,244.00	\$7,644.88	\$389,888.88	All Finish Concrete
32 D - Fence Package	\$49,804.00	Inc in Base Bid	\$49,804.00	Dakota Fence
32 F - Landscape & Irrigation	\$222,300.00	\$3,200.00	\$225,500.00	S&S Landscaping
33 A - Site Utilities Package	\$250,000.00	Inc in Base Bid	\$250,000.00	KPH, Inc
TOTAL			\$15,864,824.18	