



Meeting Items

- A. Call to Order
- B. Pledge of Allegiance
- C. Approve Order of Agenda
- D. Approval of Minutes – May 16, 2022 (Pages 3-5)
- E. Building Permits (Pages 6-11)

Consent Agenda - Approve the Following:

- a. Bills (Pages 12-23)
- b. Games of Chance for Veterans Warrior Foundation 5013c Charity on August 18, 2022 at West Fargo VFW at 444 Sheyenne St Suite 101 (Page 24)
- c. Games of Chance for Roses for Ella Ride from June 7, 2022 to June 25, 2022 at Traditions Restaurant & Bar at 3330 Sheyenne St, Suite 116 (Page 25)
- d. Gaming Site Authorization for West Fargo Hockey Association from July 1, 2022 to June 30, 2023 at Hooligans at 509 32nd Ave W (Pages 26-27)
- e. Gaming Site Authorization for West Fargo Hockey Association from July 1, 2022 to June 30, 2023 at M&J Saloon at 817 Main Ave W (Pages 28-29)
- f. Gaming Site Authorization for West Fargo Hockey Association from July 1, 2022 to June 30, 2023 at Traditions Restaurant & Bar at 333 Sheyenne St #116 (Pages 30-31)
- g. Gaming Site Authorization for West Fargo Hockey Association from July 1, 2022 to June 30, 2023 at Rookies Sports Bar at 715 13th Ave E (Pages 32-33)
- h. Gaming Site Authorization for West Fargo Hockey Association from July 1, 2022 to June 30, 2023 at Pubwest at 3140 Bluestem Dr (Pages 34-35)
- i. Gaming Site Authorization for West Fargo Hockey Association from July 1, 2022 to June 30, 2023 at Blarney Stone Pub at 1910 9th St E (Pages 36-37)
- j. Improvement District 1337 – Wilds 21st Addition (Pages 38-41)
 - Adopt Resolution Approving Contract and Contractor's Bond
- k. Application for Appropriation from Civil Asset Forfeiture Fund (Page 42)
- l. Resolution to Approve Addition of Antennas for Commercial Wireless Telecommunication on Existing Tower at 4331 81 St S, Mapleton, ND (Pages 43-53)
- m. Appointment of Aleya Leibfried to the Planning & Zoning Commission (Page 54)
- n. Reappointment of Melissa Richard, Communication Director to the Fargo-Moorhead Convention & Visitors Bureau
- o. Resolutions terminating Butler and Sterling TIF Districts - Jim Larson, Finance Director (Pages 55-65)

Regular Agenda

1. Recommendation to appoint Dan Hanson as West Fargo City Engineer, Effective June 20, 2022, contingent upon successful results of his Pre-Employment Screenings (Page 66)
2. Screening on South Side of City Hall Parking Lot - Duane Hanson
3. Expansion of the Campground Facilities at the Red River Valley Fairgrounds - Cody Cashman (Pages 67-68)
4. Public Hearing, Second Reading and Final Plat approval – Proposed Grant Addition Rezoning from A: Agricultural to R-2: Limited Multiple Dwellings at 7802 52nd Avenue West - Aaron Nelson, Planning and Zoning Director (Pages 69-102)
5. Conditional Use Permit to allow for illuminated signs facing residential districts as per section 4-460.7.14 of the General Sign Provisions within the Westview 4th Addition - Lisa Sankey, City Planner (Pages 103-129)
6. Eagle Run Plaza 13th Addition, Final Plat Approval and Conditional Use Permit to allow for Multiple Dwellings in a C: Light Commercial Zoning District at 3255 6th St W & 661 32nd Ave W - Lisa Sankey, City Planner (Pages 130-151)
7. Second Reading & Final Plat Approval – Proposed North Pond at the Preserve 15th Addition Rezoning from C-OP: Commercial Office Park to C: Light Commercial at 350 23rd Avenue East (Lot 1, Block 1 of North Pond at the Preserve 2nd Addition) - Lisa Sankey, City Planner (Pages 152-160)
8. Poplar River 1st Addition, a replat and Planned Unit Development Amendment for a proposed office building at 105 13th Ave E - Malachi Petersen, City Planner (Pages 161-173)
9. Presentation on NDDOT Funding Proposal - Cindy Gray, Executive Director of Fargo-Moorhead Metro COG (Pages 174-182)
10. Resolution Directing Assessments to be Levied - John Shockley, City Attorney (Pages 183-191)
 - Adopt Resolutions for Improvement District 1315.2, 1331, 1332, and 1334
11. Revised Special Assessment Policy - John Shockley, City Attorney (Pages 192-208)
12. Update to Ordinance 1212 - Liquor Control Board Established - John Shockley, City Attorney (Page 209)
13. Review draft ballot language and draft ordinance regarding half-cent sales tax increase for the Police and Fire Department - John Shockley, City Attorney (Pages 210-213)
14. City Administrator's Report - Tina Fisk, City Administrator
15. Correspondence
16. Non-Agenda Items
17. Adjourn



West Fargo City Commission Meeting
Monday, May 16, 2022
Commission Chambers 5:30 PM

The West Fargo City Commission met on Monday, May 16, 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 with the change that agenda item number one be moved to the beginning of the meeting. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner George seconded to approve the minutes of May 2, 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 George moved and Commissioner Olson seconded to approve the following items from the Consent Agenda:

- a. Bills (Pages 9-16)
- b. Gaming Site Authorization for Companions for Children. Games to be conducted: Electronic Pull Tab Device from July 1, 2022 to June 30, 2023 at Buffalo Wings and Rings at 695 32nd Ave E (Pages 17-18)
- c. Gaming Site Authorization for Team Makers Club, Inc. Games to be conducted: Raffles, Pull Tab Jar, Pull Tab Dispensing Device, Electronic Pull Tab Device, Twenty-One, Poker, and Paddlewheel Table from July 1, 2022 to June 30, 2023 at Town Hall at 103 Main Ave West (Pages 19-21)
- d. Gaming Site Authorization for The Arc. Games to be conducted: Bingo, Raffles, Pull Tab Dispensing Device, Electronic Pull Tab Device, and Poker from July 1, 2022 to June 30, 2023 at The Piggy BBQ at 816 24th Ave #118 (Pages 22-23)
- e. Gaming Site Authorization for Metro Sports Foundation. Games to be conducted: Pull Tab Jar, Electronic Pull Tab Device, Twenty-One, and Paddlewheel from July 1, 2022 to June 30, 2023 at Brewtus Brickhouse at 635 32nd Ave (Pages 24-25)
- f. Financial Dashboard as of April 30, 2022 (Pages 26-27)
- g. Approve the attached Parkland Dedication Agreement for The Wilds 21st Addition (Pages 28-39)
- h. Reappointment of Jim Brownlee (term until 2025), Eddie Sheeley (term until 2027), and Elliot Steinbrock (filling the vacated term until April 2023) to the Special Assessment Committee
- i. Renewal of Assessing Software Service Contract for Five Years (Pages 40-46)
- j. Amendment to the Sheyenne Street Mowing Contract (Pages 47-53)

No opposition. Motion carried.

John Wilson appeared before the Commission to request a revision to the Truck Route Ordinance. Following discussion, Commissioners recommended the next step would be to have staff address the request internally. No action was taken.



West Fargo City Commission Meeting
Monday, May 16, 2022
Commission Chambers 5:30 PM

Denis Otterness, Police Chief appeared before the Commission for the request to move forward with the Body Worn Camera Program grant application. Following discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve moving forward with the Body Worn Camera Program grant application. No opposition. Motion carried.

Jim Larson, Finance Director appeared before the Commission for the request of the Clerk of Court relocation. Following discussion, Commissioner Gjerdevig moved and Commissioner Olson seconded to approve moving forward with the Clerk of Court relocation. Commissioner George and Simmons opposed. Motion carried.

Jim Larson, Finance Director appeared before the Commission for the request of the Project financing for Improvement District No. 3003. Following discussion, Commissioner Olson moved and Commissioner Gjerdevig seconded to approve the Project financing for Improvement District No. 3003. No opposition. Motion carried.

Dustin Scott, Assistant City Administrator/City Engineer appeared before the Commission for approval of Improvement District No. 1337 – Wilds 21st Addition-Phase 2, accept Bid and Award Contract. Following discussion, Commissioner Olson moved and Commissioner Gjerdevig seconded to approve Improvement District No. 1337 – Wilds 21st Addition-Phase 2, accept Bid and Award Contract. Commissioner Dardis and George opposed. Motion carried.

Dustin Scott, Assistant City Administrator/City Engineer appeared before the Commission for approval of Improvement District No. 1340 – Sanitary Sewer System Rehabilitation, Replacement and Incidentals. Approve Plans and Specifications and direct AD for bid. Following discussion, Commissioner Gjerdevig moved and Commissioner George seconded to approve Improvement District No. 1340 – Sanitary Sewer System Rehabilitation, Replacement and Incidentals). Approve Plans and Specifications and direct AD for bid. No opposition. Motion carried.

Dustin Scott, Assistant City Administrator/City Engineer appeared before the Commission for approval of Project No. 2264 – Traffic Signal at Veterans and 37th Ave E. Concur with City of Fargo to Accept Bid and Award Contract. Following discussion, Commissioner George moved and Commissioner Olson seconded to approve Project No. 2264 – Traffic Signal at Veterans and 37th Ave E. Concur with City of Fargo to Accept Bid and Award Contract. No opposition. Motion carried.

Dustin Scott, City Engineer appeared before the Commission to request approval to move forward and adopt the Capital Improvement Plan. Following discussion, Commissioner Olson moved and Commissioner Dardis seconded to approve moving forward and adopt the Capital Improvement Plan. Commissioner Gjerdevig opposed. Motion carried.



West Fargo City Commission Meeting
Monday, May 16, 2022
Commission Chambers 5:30 PM

John Shockley, City Attorney appeared before the Commission for the Second Reading of Ordinance 1206 (Massage Ordinance). Following discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the Second Reading of Ordinance 1206 (Massage Ordinance). No opposition. Motion carried.

Tina Fisk, City Administrator appeared before the Commission to bring forth the discussion of Cost of Living Adjustment for 2023. Following discussion, Commissioners agreed to put in a 2% Cost of Living into the 2023 Preliminary Budget.

Tina Fisk, City Administrator appeared before the Commission to bring forth the discussion of rescheduling or canceling the Monday, July 4, 2022 Commission meeting. Following discussion, Commissioners agreed to bring it back for discussion at the June 20th meeting.

Tina Fisk, City Administrator City Administrator Report:

- a. Reminder open records requests are to be sent through Administration

There were no correspondence.

In regards to non-agenda items, Denis Otterness, Police Chief wanted to let staff know the Police Academy starts at City Hall so there will be extra people from the class at City Hall. Commission President Dardis discussed the Arbor Day event that was at Sandy's Donuts in West Fargo.

Commissioner Simmons moved and Commissioner Olson seconded to adjourn the meeting. No opposition. Meeting adjourned at 7:33 PM.

Bernie Dardis, Commission President

Tina Fisk, City Administrator

**WEST FARGO CITY COMMISSION MEETING
BUILDING DEPARTMENT ACTIVITY REPORT
06/06/22**

	AS OF 5/31/2022			YEAR TO DATE		
	# PERMITS	# UNITS	VALUATION	# PERMITS	# UNITS	VALUATION
<u>BUILDING NEW</u>						
COMMERCIAL				4		\$ 2,542,790.00
RESIDENTIAL DWELLING	19	19	\$ 8,176,929.00	65	65	\$ 29,395,857.00
RESIDENTIAL TWINHOME						
RESIDENTIAL TOWNHOME						
RESIDENTIAL MULTIPLE						
PUBLIC	1		\$ 17,557,265.00	2		\$ 17,717,265.00
CHURCH						
ACCESSORY	34		\$ 1,160,101.00	62		\$ 2,140,570.00
FOUNDATION ONLY						
<u>BUILDING REMODEL</u>						
COMMERCIAL	4		\$ 368,312.00	31		\$ 12,114,307.00
RESIDENTIAL	8		\$ 214,000.00	52		\$ 1,801,147.00
PUBLIC	1		\$ 3,270,330.00	1		\$ 3,270,330.00
CHURCH						
ACCESSORY						
<u>BUILDING OTHER</u>						
DEMOLITION				2		\$ 164,000.00
MOVE						
PERMIT CANCELLATION						
TOTALS	67	19	\$ 30,746,937.00	219	65	\$ 69,146,266.00

WEST FARGO CITY COMMISSION MEETING

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Building Department Report - Summary

NO.	CONTRACTOR	ADDRESS	OWNER	VALUATION	PERMIT FOR
220423	Chris Anderson	1203 27th Avenue West	Chris Anderson	\$ 6,200.00	Accessory - Deck
220427	Aaron Dunn	1221 31st Avenue West	Aaron Dunn	\$ 1,050.00	Accessory - Deck
220431	Brent Sjulstad	439 South Sedona Drive	Brent Sjulstad	\$ 51,500.00	Accessory -Detached Garage
220380	Kraus-Anderson Construction	1201 10th Avenue East	City of West Fargo	\$ 17,557,265.00	Public - West Fargo Fire Station Headquarters
220429	Comstock Construction	250 7th Avenue Northeast	Cargill Inc.	\$ 200,000.00	Remodel - Commercial - remodel existing locker room areas
220413	Thorsteinson and Sons Construction	244 12th Street NW	Crary Industries, Inc.	\$ 26,312.00	Remodel - Commercial - remodel existing office space and restroom
220422	Thomsen Homes	6061 Martin Lane West	Thomsen Homes, LLC	\$ 301,509.00	Residential Dwelling
220425	Deck Builders	4417 12th Street West	Randy & Amanda Johnson	\$ 15,800.00	Accessory - Deck
220269	Accelerated Green Work, Inc.	225 40th Avenue West	Greenworks Properties, LLC	\$ 75,000.00	Accessory - Greenhouse
220432	Paradise Pools/The Curb Guys	2815 Rivers Bend Drive Easat	Seth & Sarah Daggett	\$ 160,000.00	Accessory - Pool
220435	Heartland Masonry	1184 39 1/2 Avenue West	James & Audra Bolluyt	\$ 8,000.00	Accessory - Shed
220439	Samson Construction	113 Main Avenue West	Karvonen Properties LLC	\$ 112,000.00	Remodel - Commercial - Remodel existing building for motorcycle sales/service
220411	R.V. Construction Co. of N.D.	1916 7th Street East	Ryan & Kathryn Hale	\$ 60,000.00	Remodel - Residential - Lower Level Finish
220437	Heartland Masonry	1184 39 1/2 Avenue West	James & Audra Bolluyt	\$ 3,000.00	Remodel - Residential - siding repair
220430	Cornerstone Specialties	1014 51th Avenue West	Cornerstone Specialties	\$ 450,000.00	Residential Dwelling
220443	Signature Homes	519 Wellington Court	Kevin & Amy Kelly	\$ 70,000.00	Accessory - Pool
220449	Mike & Danette Brown	916 41st Avenue Wet	Mike & Danette Brown	\$ 15,000.00	Remodel - Residential - Lower Level Finsh
220441	Jordahl Custom Homes	821 60th Avenue West	Westport Investments LLC	\$ 225,000.00	Residential Dwelling
220456	PCCND	601 Pheasant Run	Thomas & Agnes Zimney	\$ 5,000.00	Remodel - Residential - Egress Window
220454	Olson Pools and Spas	4750 6th Street West	Jeffery Sjoquist	\$ 98,350.00	Accessory - Pool
220461	Dah's Industrial Tool Co.	1106 1st Street	Kyle Conant	\$ 4,000.00	Remodel - Residential - Egress Window

WEST FARGO CITY COMMISSION MEETING

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Building Department Report - Summary

NO.	CONTRACTOR	ADDRESS	OWNER	VALUATION	PERMIT FOR
220448	Eric Wicklund	911 Mulberry Lane	Eric Wicklund	\$ 6,500.00	Accessory - Deck
220457	Carla Mosser	1207 27th Avenue West	Carla Mosser	\$ 8,000.00	Accessory - Deck
220465	Dabbert Custom Homes	5327 8th Street West	Sara & Kendall Peterson Jr	\$ 8,000.00	Accessory - Deck
220463	Dennis Cass	605 19th Street East	Dennis Cass	\$ 10,000.00	Accessory - Deck
220453	Olson Pools and Spas	2607 1st Street East	Lee & Katie Nieland	\$ 85,000.00	Accessory - Pool
220459	Olson Pools and Spas	455 38th Avenue West	Bjorn & Brittne Berg	\$ 89,400.00	Accessory - Pool
220462	Olson Pools and Spas	445 31st Avenue East	Eric & Kristine Martens	\$ 112,395.00	Accessory - Pool
220473	Fiske Construction	135 25th Avenue East	Kirk & Michelle Wyatt, TOD	\$ 80,000.00	Remodel - Residential -Lower Level Finish
220428	Jordahl Custom Homes	886 60th Avenue West	Jordahl Custom Homes	\$ 212,000.00	Residential Dwelling
220450	Roers Construction Company	500 13th Avenue West	West Fargo Park District	\$ 3,270,330.00	Remodel - Public - Demo existing structures and baseball fields.
220417	Thomsen Homes	6122 Martin Lane West	Thomsen Homes, LLC	\$ 237,475.00	Residential Dwelling
220474	Deck Builders	2616 7th Street West	Zachary Warweg	\$ 11,730.00	Accessory - Deck
220475	Christopher Kenyon	1019 2nd Street West	Christopher Kenyon	\$ 13,831.00	Accessory - Detached Garage
220452	Olson Pools and Spas	3634 Houkom Drive East	Ross Nilson	\$ 84,352.00	Accessory - Pool
220464	Dabbert Custom Homes	1214 26th Avenue West	Dabbert Custom Homes	\$ 316,900.00	Residential Dwelling
220466	Dabbert Custom Homes	1215 26th Avenue West	Dabbert Custom Homes	\$ 374,900.00	Residential Dwelling
220469	Heritage Homes	5157 Mira Way West	Active55, LLC	\$ 640,000.00	Residential Dwelling
220471	Heritage Homes	5182 Mira Way West	Active55, LLC	\$ 388,000.00	Residential Dwelling
220451	Jonathan Ydstie	4704 5th Street West	Jonathan Ydstie	\$ 50,000.00	Accessory - Detached Garage
220436	Anna Thomson-Guzman	2259 10th Court West	Anna & Kelah Thomson-Guzman	\$ 7,000.00	Accessory - Shed
220472	Thomsen Homes	6065 Martin Lane West	Thomsen Homes, LLC	\$ 293,000.00	Residential Dwelling

WEST FARGO CITY COMMISSION MEETING

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Building Department Report - Summary

NO.	CONTRACTOR	ADDRESS	OWNER	VALUATION	PERMIT FOR
220476	Vahid Duranovic	5261 8th Court West	Vahid Duranovic ETAL	\$ 3,800.00	Accessory - Deck
220485	Whitney Streifel	5428 8th Court West	David Gustafson	\$ 10,000.00	Accessory - Detached Garage
220433	Platinum Homes	1066 Larkin Lane West	Westport Investments LLC	\$ 280,000.00	Residential Dwelling
220481	Plecity Kowalski Construction	3665 Houkom Drive East	Titan Homes	\$ 700,000.00	Residential Dwelling
220482	Plecity Kowalski Construction	2308 Mcleod Drive East	Plecity Properties, LLC	\$ 525,000.00	Residential Dwelling
220483	Paradise Pools/The Curb Guys	2702 Rivers Bend Drive East	Plecity Properties, LLC	\$ 50,000.00	Accessory - Pool
220484	Krueger Construction	1112 Wildflower Place West	Krueger Construction	\$ 755,000.00	Residential Dwelling
220494	Premium Decks	1701 4th Avenue East	Jesse Bohara	\$ 8,000.00	Accessory - Deck
220496	Eid-Co	421 Westview Lane East	Eid-Co	\$ 338,145.00	Residential Dwelling
220504	Alex Widmer	1219 27th Avenue West	Alex Widmer	\$ 7,000.00	Accessory - Deck
220512	Aaron Greer	664 13th Avenue East	Aaron Greer	\$ 3,293.00	Accessory - Deck
220514	Epic Homes	1089 Larkin Lane West	Taylor Belk	\$ 35,000.00	Remodel - Residential - Lower Level Finish
220507	Dalton Dryburgh	909 32nd Avenue Northwest	Dalton Dryburgh	\$ 12,000.00	Remodel - Residential - Lower Level Finish, egress windows
220515	Res Com	126 6th Street West	Kevin Reski	\$ 30,000.00	Remodel - Commercial - Construct demising wall to separate building
220516	Deck Builders	917 31st Avenue West	Matthew Moen	\$ 13,100.00	Accessory - Deck
220518	Andrew Monson	709 27th Avenue West	Andrew Monson	\$ 12,000.00	Accessory - Deck
220517	Andrew Monson	709 27th Avenue West	Adrew Monson	\$ 11,000.00	Accessory - Shed
220508	Thomsen Homes	6045 Martin Lane West	Thomsen Homes, LLC	\$ 260,000.00	Residential Dwelling
220523	Dabbert Custom Homes	1037 Ashley Drive West	Dabbert Custom Homes	\$ 6,000.00	Accessory - Deck
220426	Michael & Kaye Meyer	79 31st Avenue East	Michael & Kaye Meyer	\$ 1,800.00	Accessory - Gazebo
220510	Matt Rautenberg	2523 7th Court West	Matt Rautenberg	\$ 2,000.00	Accessory - Deck

Building Department Report - Summary

NO.	CONTRACTOR	ADDRESS	OWNER	VALUATION	PERMIT FOR
220506	Platinum Homes	1074 Larkin Lane West	Platinum Homes	\$ 310,000.00	Residential Dwelling
220486	Radiant Creative Homes	2421 Rivers Bend Drive East	Jackson & Lindsey Strom	\$ 1,350,000.00	Residential Dwelling
220520	All Finish Concrete	901 Christianson Drive West	Hebron Companies Inc.	\$ 60,000.00	Accessory - Lean to
220497	Designer Homes	943 50th Avenue West	Designer Homes	\$ 220,000.00	Residential Dwelling

WEST FARGO CITY COMMISSION MEETING
BUILDING DEPARTMENT MONTHLY COMPARISON REPORT
06/06/22

	MAY 2021			May 2022		
	# PERMITS	# UNITS	VALUATION	# PERMITS	# UNITS	VALUATION
<u>BUILDING NEW</u>						
COMMERCIAL	28		\$ 6,250,000.00	4		\$ 2,542,790.00
RESIDENTIAL DWELLING	119	119	\$ 38,448,410.00	65	65	\$ 29,395,857.00
RESIDENTIAL TWINHOME	4	4	\$ 837,500.00			
RESIDENTIAL TOWNHOME	5	38	\$ 7,883,537.00			
RESIDENTIAL MULTIPLE						
PUBLIC	1		\$ 3,150,550.00	2		\$ 17,717,265.00
CHURCH						
ACCESSORY	69		\$ 530,923.00	62		\$ 2,140,570.00
FOUNDATION ONLY	1		\$ 675,000.00			
<u>BUILDING REMODEL</u>						
COMMERCIAL	25		\$ 1,990,380.00	31		\$ 12,114,307.00
RESIDENTIAL	82		\$ 2,656,497.00	52		\$ 1,801,147.00
PUBLIC	3		\$ 3,041,400.00	1		\$ 3,270,330.00
CHURCH						
ACCESSORY						
<u>BUILDING OTHER</u>						
DEMOLITION	2		\$ 20,000.00	2		\$ 164,000.00
MOVE						
PERMIT CANCELLATION	1		\$ 81,640.00			
TOTALS	339	161	\$ 65,565,837.00	219	65	\$ 69,146,266.00

06/02/22
08:28:15

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 5/22

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Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
102608	S	999999 STEVEN OLSON	2813.42	05/12/22		CL 103564	2813.42
102609	S	999999 AMY VO	771.80	05/13/22		CL 103632	771.80
102610	S	289 ACME TOOLS	4265.83	05/17/22		CL 103394	898.74
						CL 103587	1461.52
						CL 103588	179.00
						CL 103625	1726.57
102611	S	3766 ALERT-ALL CORP	225.00	05/17/22		CL 103583	225.00
102612	S	3869 ALISHA REIS	22.40	05/17/22		CL 103484	22.40
102613	S	3490 AMAZON CAPITAL SERVICES	2658.73	05/17/22		CL 103388	159.92
						CL 103389	61.92
						CL 103403	96.00
						CL 103450	23.94
						CL 103459	60.63
						CL 103475	2068.11
						CL 103478	63.09
						CL 103578	125.12
102614	S	317 AMERICAN WELDING & GAS, INC.	196.34	05/17/22		CL 103392	196.34
102615	S	2931 AUTO VALUE PARTS STORES	1758.12	05/17/22		CL 103395	291.33
						CL 103493	695.67
						CL 103539	154.13
						CL 103555	616.99
102616	S	1695 BAKER & TAYLOR	39.94	05/17/22		CL 103479	39.94
102617	S	3149 BEE SEEN GEAR	145.90	05/17/22		CL 103579	145.90
102618	S	36 BERT'S TRUCK EQUIPMENT	160.01	05/17/22		CL 103407	160.01
102619	S	1127 BIRSCHBACH EQUIPMENT & SUPPLY	991.95	05/17/22		CL 103410	826.00
						CL 103429	165.95
102620	S	3489 BOLTON & MENK, INC	21267.50	05/17/22		CL 103637	21267.50
102621	S	3512 BOUND TREE MEDICAL, LLC	224.65	05/17/22		CL 103582	224.65
102622	S	652 BRENCO CORPORATION	392.56	05/17/22		CL 103398	373.96
						CL 103436	18.60
102623	S	4096 BRENT YOUNG	80.00	05/17/22		CL 103618	80.00

06/02/22
08:28:15

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 5/22

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Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
102624	S	351 BUSINESS ESSENTIALS	1239.81	05/17/22		CL 103447	36.30
						CL 103481	341.82
						CL 103523	262.97
						CL 103580	316.18
						CL 103661	282.54
102625	S	39 BUTLER MACHINERY	755.00	05/17/22		CL 103404	567.14
						CL 103418	67.86
						CL 103496	120.00
102626	S	1403 CAPITAL ONE TRADE CREDIT	299.88	05/17/22		CL 103409	299.88
102627	S	51 CASS COUNTY ELECTRIC COOP	51360.52	05/17/22		CL 103518	357.99
						CL 103584	1431.43
						CL 103652	26467.00
						CL 103653	18760.00
						CL 103654	2783.10
						CL 103655	1191.35
						CL 103656	369.65
102628	S	4108 CED	3566.47	05/17/22		CL 103431	686.47
						CL 103449	2880.00
102629	S	1623 CENGAGE GALE	22.39	05/17/22		CL 103486	22.39
102630	S	1074 CENTER UPHOLSTERY & CANVAS REPAIR	15.00	05/17/22		CL 103494	15.00
102631	S	56 CENTRE, INC.	495.00	05/17/22		CL 103454	495.00
102632	S	1777 CENTURY LINK	230.18	05/17/22		CL 103526	230.18
102633	S	4398 CHAD RICE	80.00	05/17/22		CL 103612	80.00
102634	S	111 CITY OF FARGO	25267.24	05/17/22		CL 103423	25155.24
						CL 103446	112.00
102635	S	2880 CITY OF FARGO	432136.30	05/17/22		CL 103560	267871.50
						CL 103562	20.80
						CL 103563	164244.00
102636	S	1338 CLARK'S EXCAVATING & SEPTIC PUMPING	250.00	05/17/22		CL 103517	250.00
102637	S	72 CLASSIC FLORAL	61.99	05/17/22		CL 103595	61.99
102638	S	1904 CODE 4 SERVICES, INC	744.80	05/17/22		CL 103581	744.80
102639	S	2482 CODY BEILKE	309.05	05/17/22		CL 103380	309.05

06/02/22
08:28:15

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 5/22

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Claim Checks

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102640	S	999999 COMPASS DELIVERY	17.50	05/17/22			
102641	S	3530 CONNECTWISE	9151.96	05/17/22		CL 103368	17.50
102642	S	229 CONSOLIDATED COMMUNICATIONS	2911.95	05/17/22		CL 103387	9151.96
102643	S	4360 CONSOLIDATED ELECTRICAL DISTRIBUTORS	136.37	05/17/22		CL 103458	2762.92
102644	S	3245 CORE & MAIN	80712.00	05/17/22		CL 103585	149.03
102645	S	47 CORWIN CHRYSLER	358.00	05/17/22		CL 103640	136.37
102646	S	1633 CROWN TROPHY	92.00	05/17/22		CL 103386	60192.00
102647	S	1398 CULTURAL DIVERSITY RESOURCES	5040.00	05/17/22		CL 103456	20520.00
102648	S	4021 CYCLE SIREN INC.	828.00	05/17/22		CL 103492	358.00
102649	S	4059 DAKOTA FENCE - ACCT REC	450.00	05/17/22		CL 103541	92.00
102650	S	1675 DAKOTA FLUID POWER, INC	173.78	05/17/22		CL 103477	5040.00
102651	S	87 DAKOTA TIRE	151.30	05/17/22		CL 103377	828.00
102652	S	2782 DANE PRANKE	209.00	05/17/22		CL 103428	450.00
102653	S	2377 DAVID SAPP	656.77	05/17/22		CL 103506	173.78
102654	S	2948 DELTA 54 AVIATION LLC	3342.78	05/17/22		CL 103589	151.30
102655	S	4402 DELTA FIRE & SAFETY TX	369.77	05/17/22		CL 103511	209.00
102656	S	2100 EAGLE RUN CROSSING LLC	409.22	05/17/22		CL 103643	656.77
102657	S	3207 ELLEN ROSSOW	16.80	05/17/22		CL 103413	3342.78
102658	S	3410 ENGRAPHIX	15.00	05/17/22		CL 103629	369.77
102659	S	1851 F/S MANUFACTURING INC	3.04	05/17/22		CL 103597	409.22
102660	S	660 FARGO FREIGHTLINER	12.73	05/17/22		CL 103485	16.80
102661	S	4367 FARGO PUBLIC LIBRARY	312.50	05/17/22		CL 103485	16.80
102662	S	139 FRS WORKS	66.40	05/17/22		CL 103384	15.00
						CL 103542	3.04
						CL 103502	12.73
						CL 103497	312.50
						CL 103374	33.20
						CL 103525	33.20

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102663	S	999999 FTC TRANSPORT	844.00	05/17/22		CL 103453	844.00
102664	S	155 GALLS, LLC	5183.17	05/17/22		CL 103372	308.59
						CL 103522	3489.63
						CL 103591	1384.95
102665	S	1579 GLENN'S BODY REPAIR INC	983.00	05/17/22		CL 103599	983.00
102666	S	3534 GRAND FORKS FIRE EQUIPMENT LLC	656.13	05/17/22		CL 103594	656.13
102667	S	939 GRAYBAR	3654.37	05/17/22		CL 103593	3654.37
102668	S	4400 GROUNDWORKS MINNESOTA, LLC	8520.48	05/17/22		CL 103622	8520.48
102669	S	1601 GTL MANAGEMENT LLC, SPITFIRE BAR & GRILL	354.48	05/17/22		CL 103383	354.48
102670	S	2713 HAMPTON INN & SUITES	86.40	05/17/22		CL 103577	86.40
102671	S	135 HAWKINS WTR TREATMENT	12530.79	05/17/22		CL 103448	6385.96
						CL 103498	6144.83
102672	S	4026 HEIMAN INC	563.85	05/17/22		CL 103600	563.85
102673	S	4405 HONEYWELL ANALYTICS INC	950.00	05/17/22		CL 103642	950.00
102674	S	3285 HOUSTON ENGINEERING INC.	20351.00	05/17/22		CL 103552	20351.00
102675	S	1226 HP INC.	4578.39	05/17/22		CL 103382	326.00
						CL 103460	2226.02
						CL 103515	2026.37
102676	S	358 HUBERT OYE-SONS CONST.	259.55	05/17/22		CL 103519	259.55
102677	S	1245 INDIGO SIGNWORKS, INC	798.66	05/17/22		CL 103476	798.66
102678	S	687 INFORMATION TECHNOLOGY DEPT	678.90	05/17/22		CL 103534	678.90
102679	S	4365 INNOVATIVE HIGH PERFORMANCE COATINGS	41775.00	05/17/22		CL 103430	41775.00
102680	S	211 INTERSTATE BATTERIES	1170.00	05/17/22		CL 103592	1170.00
102681	S	1012 INTERSTATE POWER SYSTEMS, INC	131440.00	05/17/22		CL 103610	131440.00
102682	S	233 J & L SPORTS	100.00	05/17/22		CL 103451	100.00
102683	S	999999 JOHN LARSON	825.81	05/17/22		CL 103657	825.81

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102684	S	1522 JOHNSONS PEST CONTROL	125.00	05/17/22		CL 103501	125.00
102685	S	3298 KIMBERLY BREDESON	209.00	05/17/22		CL 103512	209.00
102686	S	2752 KOST MATERIALS, LLC	426.00	05/17/22		CL 103438	426.00
102687	S	4385 KRISTIN KANE	494.74	05/17/22		CL 103554	494.74
102688	S	2325 KUSTOM KONCEPTS	165.16	05/17/22		CL 103508	165.16
102689	S	2085 LANGUAGE LINE SERVICES	29.25	05/17/22		CL 103379	29.25
102690	S	705 LAWSON PRODUCTS	188.16	05/17/22		CL 103419	188.16
102691	S	4123 LEAGUE OF MINNESOTA CITIES	253.00	05/17/22		CL 103452	253.00
102692	S	1741 LIBERTY BUSINESS SYSTEMS, INC	973.66	05/17/22		CL 103470	973.66
102693	S	3109 LIBRARY IDEAS, INC	683.20	05/17/22		CL 103483	683.20
102694	S	3418 LOFFLER	2082.05	05/17/22		CL 103370	78.38
						CL 103482	200.00
						CL 103489	609.06
						CL 103568	1194.61
102695	S	270 LOWE'S	569.05	05/17/22		CL 103491	569.05
102696	S	675 LYNN PEAVEY CO.	942.15	05/17/22		CL 103376	942.15
102697	S	3304 MAC'S - FARGO	184.76	05/17/22		CL 103405	184.76
102698	S	3536 MACQUEEN EMERGENCY	364.99	05/17/22		CL 103602	364.99
102699	S	2191 MARK SIMMONS	42.43	05/17/22		CL 103658	42.43
102700	S	4368 MATT WOODLEY	145.00	05/17/22		CL 103529	145.00
102701	S	308 MATTHEW BENDER & CO., INC	171.66	05/17/22		CL 103553	93.85
						CL 103664	77.81
102702	S	999999 MATTHEW ROSENFELDT	190.00	05/17/22		CL 103367	190.00
102703	S	4399 MEGAN LARSON	80.00	05/17/22		CL 103615	80.00
102704	S	299 MENARDS	2051.76	05/17/22		CL 103396	172.42
						CL 103416	607.53
						CL 103437	45.94
						CL 103495	86.90
						CL 103520	44.98
						CL 103532	29.98
						CL 103537	362.44

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						CL 103586	83.70
						CL 103596	177.00
						CL 103606	163.30
						CL 103645	34.99
						CL 103663	242.58
102705	S	2489 MENARDS-MOORHEAD	445.74	05/17/22	_____	CL 103397	445.74
102706	S	2766 MIDCONTINENT COMMUNICATIONS	305.84	05/17/22	_____	CL 103530	305.84
102707	S	3797 MIDLAND DOOR SOLUTIONS	209650.00	05/17/22	_____	CL 103609	209650.00
102708	S	1854 MIDWEST TAPE	1960.82	05/17/22	_____	CL 103480	100.52
						CL 103488	1860.30
102709	S	305 MOORE ENGINEERING INC	1792.50	05/17/22	_____	CL 103421	1792.50
102710	S	688 MOTOROLA SOLUTIONS, INC	5020.00	05/17/22	_____	CL 103521	5020.00
102711	S	298 MVTL LABORATORIES	1964.00	05/17/22	_____	CL 103507	1964.00
102712	S	728 NAPA CENTRAL	134.19	05/17/22	_____	CL 103538	134.19
102713	S	695 NASRO	495.00	05/17/22	_____	CL 103533	495.00
102714	S	335 ND DEPT OF TRANSPORTATION	2162.86	05/17/22	_____	CL 103666	2162.86
102715	S	3083 NDLTAP/UGPTI	250.00	05/17/22	_____	CL 103426	250.00
102716	S	364 NELSON INTERNATIONAL	2869.98	05/17/22	_____	CL 103500	56.00
						CL 103607	2813.98
102717	S	271 NETCENTER TECHNOLOGIES	60897.17	05/17/22	_____	CL 103455	60897.17
102718	S	2035 NORTH CENTRAL RENTAL & LEASING, LLC	223687.71	05/17/22	_____	CL 103604	223687.71
102719	S	3789 NORTH DAKOTA FIREFIGHTER'S ASSOCIATION	314.56	05/17/22	_____	CL 103611	314.56
102720	S	331 NORTHERN STATES SUPPLY	13.21	05/17/22	_____	CL 103425	13.21
102721	S	999999 NORTHERN STONE	3249.00	05/17/22	_____	CL 103662	3249.00
102722	S	1715 NORTHWEST TIRE INC	19.26	05/17/22	_____	CL 103402	19.26
102723	S	1774 O'REILLY AUTOMOTIVE STORES, INC	499.47	05/17/22	_____	CL 103408	117.06
						CL 103435	78.89
						CL 103439	199.86
						CL 103545	33.14
						CL 103621	70.52

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102724	S	4413 OCCUPATIONAL HEALTH CENTERS OF MICHIGAN	81.00	05/17/22		CL 103665	81.00
102725	S	3416 OCLC, INC.	195.34	05/17/22		CL 103487	195.34
102726	S	353 OHNSTAD TWICHELL	45892.25	05/17/22		CL 103462	26799.95
						CL 103463	4414.06
						CL 103471	14678.24
102727	S	352 OK TIRE STORE - COM CTR	92.50	05/17/22		CL 103417	92.50
102728	S	631 ONE CALL CONCEPT INC	313.30	05/17/22		CL 103441	313.30
102729	S	276 OSTROMS ACE HARDWARE	214.17	05/17/22		CL 103393	33.54
						CL 103400	4.78
						CL 103444	40.97
						CL 103528	4.98
						CL 103608	129.90
102730	S	1092 OTTO'S WELDING & MACHINE SHOP, INC	568.64	05/17/22		CL 103399	568.64
102731	S	563 PETRO SERVE USA	2744.91	05/17/22		CL 103373	69.16
						CL 103414	185.77
						CL 103603	794.20
						CL 103624	1695.78
102732	S	4034 PETRO SERVE USA #63	5498.27	05/17/22		CL 103598	5498.27
102733	S	1310 PETTYS CONSULTING, LLC	174.00	05/17/22		CL 103601	174.00
102734	S	3921 PITNEY BOWES INC	80.74	05/17/22		CL 103550	80.74
102735	S	3276 PREMIUM WATERS INC	99.63	05/17/22		CL 103558	99.63
102736	S	1166 PRODUCTIVITY PLUS ACCOUNT	809.75	05/17/22		CL 103432	770.00
						CL 103504	39.75
102737	S	999999 Q3 CONTRACTING	713.00	05/17/22		CL 103412	713.00
102738	S	1128 R & R PETROLEUM EQUIPMENT	2282.15	05/17/22		CL 103623	2282.15
102739	S	4348 R L ENGBRETSON ARCHITECTS FARGO LLC	5657.50	05/17/22		CL 103514	5657.50
102740	S	3183 RDO EXCH 80-5800/6130	9725.00	05/17/22		CL 103626	9725.00
102741	S	3893 RDO TRUCK CENTERS	75.16	05/17/22		CL 103505	75.16
102742	S	4244 RED CARPET/SUPERPUMPER	90.00	05/17/22		CL 103616	90.00

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102743	S	1016 RED WING BUSINESS ADVANTAGE	220.99	05/17/22		CL 103544	220.99
102744	S	3522 RJ'S TESORO	2111.01	05/17/22		CL 103641	2111.01
102745	S	437 SANDY'S DONUTS & COFFEE SHOP	102.80	05/17/22		CL 103378	72.35
						CL 103531	30.45
102746	S	2632 SARAHANNE SUPLER	80.00	05/17/22		CL 103620	80.00
102747	S	4401 SCHWAB VOLLHABER LUBRATT SERVICE CORP	2359.74	05/17/22		CL 103627	2359.74
102748	S	459 SHERWIN WILLIAMS	260.93	05/17/22		CL 103411	84.34
						CL 103434	123.38
						CL 103543	53.21
102749	S	1702 SHEYENNE RIVER KENNELS	157.05	05/17/22		CL 103527	157.05
102750	S	2885 SHORTPRINTER	79.85	05/17/22		CL 103427	47.40
						CL 103551	32.45
102751	S	3642 SIGN PRO	237.50	05/17/22		CL 103547	237.50
102752	S	91 SIGN SOLUTIONS USA	30.09	05/17/22		CL 103433	30.09
102753	S	3150 SKYHAWK TELEMATICS	120.00	05/17/22		CL 103406	120.00
102754	S	4350 SLIMS TREE CARE LLC	2881.60	05/17/22		CL 103549	2881.60
102755	S	3528 SNACKS PLUS VENDING	133.85	05/17/22		CL 103445	133.85
102756	S	440 SRF CONSULTING GROUP, INC	411.33	05/17/22		CL 103636	411.33
102757	S	176 SUMMIT FIRE PROTECTION	850.00	05/17/22		CL 103443	850.00
102758	S	733 SWANSTON EQUIPMENT CORP.	14636.78	05/17/22		CL 103510	14600.00
						CL 103536	36.78
102759	S	2858 TAKEFORM	675.80	05/17/22		CL 103535	675.80
102760	S	2491 TEAM LABORATORY CHEMICAL, LLC	2850.00	05/17/22		CL 103509	2850.00
102761	S	1156 TESSMAN	1450.00	05/17/22		CL 103401	1240.00
						CL 103546	210.00
102762	S	3411 THE UPS STORE #6740	74.65	05/17/22		CL 103590	74.65
102763	S	1495 TRAVIS JOHNSON	80.00	05/17/22		CL 103619	80.00

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102764	S	665 TWIN CITY GARAGE DOOR	129.00	05/17/22			
102765	S	2951 TYLER TECHNOLOGIES, INC	420.91	05/17/22		CL 103442	129.00
102766	S	2478 VALLI	7353.32	05/17/22		CL 103461	420.91
						CL 103659	5346.58
						CL 103660	2006.74
102767	S	3668 VERIZON WIRELESS	251.42	05/17/22			
102768	S	3212 VISA ADMINISTRATION	1143.50	05/17/22		CL 103524	251.42
102769	S	2437 VISA ASSESSING	31.98	05/17/22		CL 103570	1143.50
102770	S	3706 VISA COMMUNICATIONS	1793.79	05/17/22		CL 103573	31.98
102771	S	4396 VISA COURT	190.08	05/17/22		CL 103499	1793.79
102772	S	3693 VISA ENGINEERING	574.50	05/17/22		CL 103635	190.08
102773	S	2436 VISA FINANCE	169.72	05/17/22		CL 103572	574.50
102774	S	3569 VISA FIRE DEPT 1	204.95	05/17/22		CL 103574	169.72
102775	S	3568 VISA FIRE DEPT 2	1999.57	05/17/22		CL 103630	204.95
102776	S	4351 VISA FIRE DEPT 3	3611.49	05/17/22		CL 103633	1999.57
102777	S	4335 VISA HUMAN RESOURCES	4898.08	05/17/22		CL 103631	3611.49
102778	S	2439 VISA IT	1029.95	05/17/22		CL 103516	4898.08
102779	S	3161 VISA LIBRARY #1	2125.06	05/17/22		CL 103644	1029.95
102780	S	2435 VISA POLICE #1	1871.56	05/17/22		CL 103490	2125.06
102781	S	3234 VISA POLICE #3	287.85	05/17/22		CL 103559	1871.56
102782	S	3244 VISA POLICE #4	1142.34	05/17/22		CL 103561	287.85
102783	S	4300 VISA POLICE #5	931.08	05/17/22		CL 103565	1142.34
102784	S	4301 VISA POLICE #6	702.82	05/17/22		CL 103569	931.08
102785	S	2423 VISA PUBLIC WORKS #1	7611.38	05/17/22		CL 103576	702.82
102786	S	4256 VISA PUBLIC WORKS #2	7605.20	05/17/22		CL 103646	7611.38
						CL 103647	7605.20

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102787	S	1346 VISTO'S TRAILER SALES	3852.04	05/17/22			
102788	S	999999 WADE SPOONER	190.00	05/17/22		CL 103617	3852.04
102789	S	4169 WALKER CONSULTANTS	2550.00	05/17/22		CL 103366	190.00
102790	S	544 WALLWORK TRUCK CENTER	3075.79	05/17/22		CL 103513	2550.00
						CL 103440	1006.33
						CL 103503	885.45
						CL 103613	1184.01
102791	S	576 WALMART COMMUNITY CARD	57.66	05/17/22		CL 103375	57.66
102792	S	2945 WEST FARGO AREA COMMUNITY PROGRAM	6608.28	05/17/22		CL 103566	6608.28
102793	S	648 WEST FARGO AUTO BODY/GLASS	3116.60	05/17/22		CL 103614	3116.60
102794	S	3306 WEST FARGO EVENTS, INC	33336.58	05/17/22		CL 103369	33336.58
102795	S	1040 WEST FARGO EXCHANGE CLUB	100.00	05/17/22		CL 103605	100.00
102796	S	2184 WEST SIDE STEEL	752.04	05/17/22		CL 103422	752.04
102797	S	807 WEX HEALTH, INC	589.35	05/17/22		CL 103391	589.35
102798	S	569 WF ANIMAL HOSPITAL	3338.68	05/17/22		CL 103540	3338.68
102799	S	549 WF PUB SCHOOLS DIST #6	9740.00	05/17/22		CL 103557	9740.00
102800	S	4003 WM CORPORATE SERVICES INC	91653.19	05/17/22		CL 103548	91653.19
102801	S	338 XCEL ENERGY	39578.84	05/17/22		CL 103464	10523.97
						CL 103465	75.35
						CL 103466	233.38
						CL 103467	308.51
						CL 103468	17.83
						CL 103469	1756.00
						CL 103472	271.29
						CL 103628	2103.46
						CL 103638	23670.71
						CL 103639	356.55
						CL 103648	43.31
						CL 103649	46.60
						CL 103650	103.08
						CL 103651	68.80
102802	S	582 ZEP MANUFACTURING	1047.62	05/17/22		CL 103424	866.02
						CL 103556	181.60

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102803	S	4414 MUSCATELL AUTOMOTIVE	7886.50	05/17/22			
102804	S	3668 VERIZON WIRELESS	10832.27	05/17/22		CL 103667	7886.50
102805	S	111 CITY OF FARGO	37289.14	05/17/22		CL 103668	10832.27
102806	S	3549 WEX	2768.80	05/19/22		CL 103669	37289.14
102809	C S	3540 COLONIAL INSURANCE BCN #E8967887	0.00	05/24/22		CL 103699	2768.80
102810	C S	3547 EQUITABLE UNIT ANNUITY COLLECTIONS	0.00	05/24/22		CL 103756	
102811	C S	3542 MAINSTAY FUNDS	0.00	05/24/22		CL 103755	
102812	C S	3630 MATRIX TRUST COMPANY	0.00	05/24/22		CL 103750	
102813	C S	3546 NATIONWIDE INVESTMENT ADVISORS LLC	0.00	05/24/22		CL 103751	
102814	C S	3541 ND FRATERNAL ORDER OF POLICE	0.00	05/24/22		CL 103749	
102815	C S	3543 NEW YORK LIFE INSURANCE & ANNUITY CORP	0.00	05/24/22		CL 103752	
102816	C S	3548 PERSHING	0.00	05/24/22		CL 103758	
102817	C S	1464 RED RIVER VALLEY FOP LODGE #1	0.00	05/24/22		CL 103757	
102818	C S	3544 VICKI PETERS TEAMSTERS LOCAL NO 120	0.00	05/24/22		CL 103753	
102819	C S	3827 WF IAFF	0.00	05/24/22		CL 103748	
102821	* S	3540 COLONIAL INSURANCE BCN #E8967887	2398.08	05/24/22		CL 103754	
102822	S	3547 EQUITABLE UNIT ANNUITY COLLECTIONS	200.00	05/24/22		CL 103756	2398.08
102823	S	3542 MAINSTAY FUNDS	860.00	05/24/22		CL 103755	200.00
102824	S	3630 MATRIX TRUST COMPANY	4331.00	05/24/22		CL 103750	860.00
102825	S	3546 NATIONWIDE INVESTMENT ADVISORS LLC	7947.22	05/24/22		CL 103751	4331.00
102826	S	3541 ND FRATERNAL ORDER OF POLICE	1487.50	05/24/22		CL 103749	7947.22
102827	S	3543 NEW YORK LIFE INSURANCE & ANNUITY CORP	8602.04	05/24/22		CL 103752	1487.50
102828	S	3548 PERSHING	700.00	05/24/22		CL 103758	8602.04
102829	S	1464 RED RIVER VALLEY FOP LODGE #1	660.00	05/24/22		CL 103757	700.00
						CL 103753	660.00

06/02/22
08:28:15

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 5/22

Page: 12 of 12
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
102830	S	3544 VICKI PETERS TEAMSTERS LOCAL NO 120	25.00	05/24/22			
102831	S	3827 WF IAFF	600.00	05/24/22		CL 103748	25.00
102832	S	571 ND WORKFORCE SAFETY & INSURANCE	1123.52	05/24/22		CL 103754	600.00
102833	S	2499 FM CONVENTION & VISITORS BUREAU	8415.76	05/25/22		CL 103774	1123.52
102834	S	2499 FM CONVENTION & VISITORS BUREAU	16831.48	05/25/22		CL 103775	8415.76
102835	S	1777 CENTURY LINK	204.27	05/25/22		CL 103776	16831.48
102836	S	338 XCEL ENERGY	8309.57	05/25/22		CL 103778	204.27
						CL 103789	130.44
						CL 103790	633.80
						CL 103791	7545.33
102837	S	3552 BLUE CROSS BLUE SHIELD	235337.70	05/26/22		CL 103805	235337.70
Total for Claim Checks			2128278.31				
Count for Claim Checks			227				

* denotes missing check number(s)

of Checks: 227 Total: 2128278.31



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9338 (09-2021)

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

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

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS.

Name of Organization or Group of People permit is issued to <u>Veterans Warrior Foundation 5013c Charity</u>	Dates of Activity <u>8-18-22</u>	If raffle, provide drawing date <u>8-18-22</u>	
Organization or Group Contact Person <u>Hunter Seifert</u>	Title or Position <u>Operations</u>	Telephone Number <u>(701) 941-0968</u>	
Business Address <u>415 Main Ave E #1</u>	City <u>West Fargo</u>	State <u>ND</u>	ZIP Code <u>58078</u>
Mailing Address (if different)	City	State	ZIP Code
Site Name (where gaming will be conducted) <u>West Fargo VFW</u>			
Site Address <u>444 Sheyenne St Suite 101</u>	City <u>West Fargo</u>	ZIP Code <u>ND</u>	County <u>Cass</u>

Description and Retail Value of Prizes to be Awarded

Game Type	Description of Prize	Retail Value of Prize
<u>Raffle</u>	<u>Firearm raffle / FFL providing changeover</u>	<u>\$3,850.00</u>
<u>Add Row</u>	<u>Delete Row</u>	<u>Jahner Family Enterprises</u>
Total (limit \$40,000 per year)		

Intended Uses of Gaming Proceeds <u>Support Veterans & the community. Provide assistance to veterans suffering from PTSD</u>	
Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)	
☐ Yes ☒ No	
Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? (If yes, the organization or group does not qualify for a local permit or restricted event permit)	
☐ Yes ☒ No	
Has the organization or group received a local permit from any city or county for the fiscal year July 1-June 30? (If yes, indicate the total retail value of all prizes previously awarded)	
☒ No ☐ Yes - Total Retail Value: (This amount is part of the total prize limit of \$40,000 per year)	
Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be used for political purposes.)	
☐ Yes ☒ No	

Organization or Group Contact Person

Name <u>Hunter Seifert</u>	Title <u>Operations</u>	Telephone Number <u>(701) 941-0968</u>	E-mail Address <u>hunter hunter.seifert@vwfnd.org</u>
Signature of Organization or Group's Top Official <u>[Signature]</u>		Title <u>Operations</u>	Date <u>8-12-22</u>



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

LICENSING SECTION

SFN 9338 (09-2021)

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

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

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS.

Name of Organization or Group of People permit is issued to	Dates of Activity	If raffle, provide drawing date	
Roses for Ella Ride	10/17-10/25/2022	10/25/2022	
Organization or Group Contact Person	Title or Position	Telephone Number	
Teri Kujawa	founder	(701) 200-8879	
Business Address	City	State	ZIP Code
580 22nd St E	West Fargo	ND	58078
Mailing Address (if different)	City	State	ZIP Code
Site Name (where gaming will be conducted)			
Traditions Restaurant + Bar			
Site Address	City	ZIP Code	County
3330 Shyenenne St Ste 116	West Fargo	58078	Cass

Description and Retail Value of Prizes to be Awarded

Game Type	Description of Prize	Retail Value of Prize
raffle	Date night package	\$/500
Add Row	Delete Row	
Total (limit \$40,000 per year)		1500

Intended Uses of Gaming Proceeds
All proceeds benefit Cystic Fibrosis Association
Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
☐ Yes ☒ No
Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? (If yes, the organization or group does not qualify for a local permit or restricted event permit)
☐ Yes ☒ No
Has the organization or group received a local permit from any city or county for the fiscal year July 1-June 30? (If yes, indicate the total retail value of all prizes previously awarded)
☒ No ☒ Yes - Total Retail Value: (This amount is part of the total prize limit of \$40,000 per year)
Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be used for political purposes.)
☐ Yes ☒ No

Organization or Group Contact Person

Name	Title	Telephone Number	E-mail Address
Teri Kujawa	founder	(701) 200-8879	teri718@gmail.com
Signature of Organization or Group's Top Official	Title	Date	
Teri Kujawa	founder	5/16/2022	

\$10⁰⁰ cash

5-24-2022



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 **West Fargo Hockey Association**

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 Hooligans			
Street 509 32nd Ave W	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized 7/1/22	Ending Date(s) Authorized 6/30/23		Number of twenty-one tables if zero, enter "0": 1
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Midsection of the main bar / entire bar excluding the bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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

check #16311
\$600.00
\$1.00/each



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

License Number (Office Use Only)

G-740(710) Q

Site Owner (Lessor) <u>Robert Klinger</u>		Site Name <u>Hooligan 5</u>		Site Phone Number <u>701-373-0770</u>	
Site Address <u>509 32nd Ave W</u>		City <u>West Fargo</u>	State <u>ND</u>	Zip Code <u>58078</u>	County <u>Cass</u>
Organization (Lessee) <u>West Fargo Hockey</u>		Rental Period <u>7-1-21</u> to <u>6-30-24</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.				\$	
2. Is Twenty-One conducted at this site?				☐ No ☒ Yes	
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				\$	
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>				\$ <u>300</u>	
3. Is Paddlewheels conducted at this site?				☒ No ☐ Yes	
Number of Tables _____ X Rent per Table \$ _____				\$	
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>175</u>	
☒ Electronic Dispensing Device Number of Electronic Devices <u>6</u>				\$ <u>550</u>	
Total Monthly Rent				\$ <u>1025</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.

RECEIVED
ATTY. GENERAL'S LICENSING DEPT.

JUN 17 2021

Check
Draft
Cash
M.O.

Signature of Lessor <u>[Signature]</u>	Title <u>General Manager</u>	Date <u>7/22/2021</u>
Signature of Lessee <u>[Signature]</u>	Title <u>Gaming Manager</u>	Date <u>7/22/21</u>



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 **West Fargo Hockey Association**

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 M&J Saloon			
Street 817 Main Ave W	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized 7/1/22	Ending Date(s) Authorized 6/30/23	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) North East corner of the bar / entire establishment excluding the bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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

check #16311
\$600.00
\$100/each



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

License Number (Office Use Only)

Site Owner (Lessor) Dee Dirks		Site Name M&j Saloon		Site Phone Number 701-282-3059
Site Address 817 Main Ave W	City West Fargo	State ND	Zip Code 58078	County Cass
Organization (Lessee) West Fargo Hockey Association		Rental Period 7/1/2022 to 6/30/2023		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☐ No ☒ Yes ☐ No ☒ Yes \$ 2,135.00
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>0.00</u>				☐ No ☒ Yes \$ _____ \$ 0.00
3. Is Paddlewheels conducted at this site? Number of Tables <u>1</u> X Rent per Table \$ <u>0.00</u>				☐ No ☒ Yes \$ 0.00
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: ☐ Jar Bar ☐ Standard Dispensing Device				☐ No ☒ Yes \$ 0.00
☐ Electronic Dispensing Device Number of Electronic Devices _____				\$ 0.00
Total Monthly Rent				\$ 2,135.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. ☒				
TERMS OF RENTAL AGREEMENT: This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance. The LESSOR agrees that no game will be directly operated as part of the lessor's business. The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization. The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed. If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site. The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds. The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee. The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name. At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.				
Signature of Lessor <i>Dee Dirks</i>		Title owner		Date 5/26/2022
Signature of Lessee <i>[Signature]</i>		Title Gaming Manager		Date 5/26/22



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 **West Fargo Hockey Association**

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 Traditions Restaurant & Bar			
Street 333 Sheyenne St #116	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized 7/1/22	Ending Date(s) Authorized 6/30/23	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted and played at the site (required) Northwest corner of the main bar / entire bar excluding the bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)		
Days of week of gaming operations (if restricted)		Hours of gaming (if restricted)
ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)		
☒ Bingo	☐ Club Special	☒ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☒ Twenty-One
☒ Raffles	☒ Seal Board	☒ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☒ Pull Tab Jar	☒ Prize Board	☒ Paddlewheels with Tickets
☒ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☒ Paddlewheel Table
☒ ELECTRONIC Pull Tab Device		

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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

check #16311
\$600⁰⁰
\$100/each



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

License Number (Office Use Only)

Site Owner (Lessor) Brian Day		Site Name Traditions		Site Phone Number
Site Address 333 Sheyenne St #116	City West Fargo	State ND	Zip Code 58078	County Cass
Organization (Lessee) West Fargo Hockey Association		Rental Period 7/1/2022 to 6/30/2025		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☐ No ☒ Yes ☒ No ☐ Yes \$ 0.00
2. Is Twenty-One conducted at this site?		X Rent per Table \$		☐ No ☒ Yes \$
Number of Tables with wagers up to \$5		1 X Rent per Table \$ 300.00		\$ 300.00
3. Is Paddlewheels conducted at this site?		X Rent per Table \$		☒ No ☐ Yes \$ 0.00
Number of Tables				
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?				☐ No ☒ Yes \$ 275.00
Please check: ☒ Jar Bar ☒ Standard Dispensing Device				
☒ Electronic Dispensing Device Number of Electronic Devices 8				\$ 650.00
Total Monthly Rent				\$ 1,225.00

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. ☐

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

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

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

Signature of Lessor 	Title Owner	Date 5/25/22
Signature of Lessee 	Title Gaming Manager	Date 5/26/22



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 **West Fargo Hockey Association**

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 Rookies Sports Bar			
Street 715 13th Ave E	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized 7/1/22	Ending Date(s) Authorized 6/30/23	Number of twenty-one tables if zero, enter "0": 2	
Specific location where games of chance will be conducted and played at the site (required) Mid section of the main bar / entire establishment excluding the bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)		
Days of week of gaming operations (if restricted)		Hours of gaming (if restricted)
ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)		
☒ Bingo	☐ Club Special	☒ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☒ Twenty-One
☒ Raffles	☒ Seal Board	☒ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☒ Pull Tab Jar	☒ Prize Board	☒ Paddlewheels with Tickets
☒ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☒ Paddlewheel Table
☒ ELECTRONIC Pull Tab Device		

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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

check #16311
\$1600.00
\$100/each



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

License Number (Office Use Only)

G-740 (710) J

Site Owner (Lessor) Rawc Inc		Site Name Rookies Sports Bar		Site Phone Number
Site Address 715 13th Ave E	City West Fargo	State ND	Zip Code 58078	County Cass
Organization (Lessee) West Fargo Hockey Association		Rental Period 7/1/2021 to 6/30/2024		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☒ No ☐ Yes ☐ No ☐ Yes \$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>2</u> X Rent per Table \$ <u>200.00</u>				☐ No ☒ Yes \$ \$ 400.00
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____				☒ No ☐ Yes \$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: ☒ Jar Bar ☐ Standard Dispensing Device				☐ No ☒ Yes \$ 175.00
☒ Electronic Dispensing Device Number of Electronic Devices <u>8</u>				\$ 650.00
Total Monthly Rent				\$ 1,225.00

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. ☐

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of 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 or more than fourteen days or revoked.

RECEIVED

ATTY GENERAL'S LICENSING DEPT

JUN 17 2021

Cheek
Draft
Cash

Signature of Lessor 	Title Treasurer	Date 5-26-21
Signature of Lessee 	Title Gaming Manager	Date 5/24/21



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 **West Fargo Hockey Association**

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 Pubwest			
Street 3140 Bluestem Dr	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized 7/1/22	Ending Date(s) Authorized 6/30/23		Number of twenty-one tables if zero, enter "0": 2
Specific location where games of chance will be conducted <u>and</u> played at the site (required) North East corner of the bar / entire establishment excluding the bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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

check #16311
\$100⁰⁰
\$100/each



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

License Number (Office Use Only)

6-740(710)N

Site Owner (Lessor) Bob Kietzer		Site Name Pubwest		Site Phone Number
Site Address 3140 Bluestem Dr	City West Fargo	State ND	Zip Code 58078	County Cass
Organization (Lessee) West Fargo Hockey Association		Rental Period 10/1/2020 to 6/30/2023		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☐ No ☒ Yes ☒ No ☐ Yes \$ 0.00
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>2</u> X Rent per Table \$ <u>300.00</u>				☐ No ☒ Yes \$ _____ \$ 600.00
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____				☒ No ☐ Yes \$ _____
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: ☒ Jar Bar ☐ Standard Dispensing Device				☐ No ☒ Yes \$ 175.00
☒ Electronic Dispensing Device Number of Electronic Devices <u>6</u>				\$ 550.00
Total Monthly Rent				\$ 1,325.00

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. ☐

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of 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.

RECEIVED

ATTORNEY GENERAL LICENSING DEPT.

JUN 17 2021

Check
Draft
Cash

Signature of Lessor 	Title President	Date 10-7-20
Signature of Lessee 	Title Gaming Manager	Date 10/2/20



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 **West Fargo Hockey Association**

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 Blarney Stone Pub			
Street 1910 9th St E	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized 7/1/22	Ending Date(s) Authorized 6/30/23		Number of twenty-one tables if zero, enter "0": 0
Specific location where games of chance will be conducted and played at the site (required) Mid room between the main bar and patio bar/entire bar excluding the bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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

check #16311
\$600.00
\$100/each



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

License Number (Office Use Only)

Site Owner (Lessor) Blarney Stone Pub Llc		Site Name Blarney Stone		Site Phone Number
Site Address 1910 9th St E	City West Fargo	State ND	Zip Code 58078	County Cass
Organization (Lessee) West Fargo Hockey Association		Rental Period 7/1/2022 to 6/30/2025		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☒ No ☐ Yes ☐ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ ☒ Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ ☒ Rent per Table \$ _____		☒ No ☐ Yes		\$ \$
3. Is Paddlewheels conducted at this site? Number of Tables _____ ☒ Rent per Table \$ _____		☒ No ☐ Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: ☐ Jar Bar ☒ Standard Dispensing Device		☐ No ☒ Yes		\$ 200.00
☒ Electronic Dispensing Device Number of Electronic Devices <u>4</u>				\$ 400.00
Total Monthly Rent				\$ 600.00

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. ☐

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

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

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

Signature of Lessor	Title General Manager	Date 5-19-22
Signature of Lessee	Title Gaming Director	Date 5/20/22



"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

Assist. City Administrator

Dustin T. Scott

To: West Fargo City Commission

From: Dustin T. Scott, Assistant City Administrator/City Engineer

Date: June 6, 2022, 2022

Subject: District No. 1337; Wilds 21st Addition – Phase 2

Action: Adopt Resolution Approving Contract and Contractor's Bond and
authorize Notice to Proceed.

New Information and Recommendation:

During the regular meeting held on May 16, 2022 the City Commission reviewed the only bid proposal that was received from Dakota Underground. With a 3 to 2 vote City Commission voted to award contract to Dakota Underground. The contract documents were prepared and delivered to the City Attorney's office for review. After their compliance review, the attached Resolution was prepared for the City Commission's review and approval.

The following documents are attached for review/consideration:

- Notice to Proceed
- Resolution Approving Contract and Contractor's Bond
- Certificate of the City Auditor

Staff Recommendation: Adopt Resolution Approving Contract and Contractor's Bond AND Authorize Notice to Proceed.

Previously Presented Information and Commission Actions:

May 16, 2022-

- **Staff Recommendation:** Staff would like to note that the cost of improvements in this phase is significantly higher than in previous years, but is still under the threshold of N.D.C.C. rejection requirements. The Developer has been made aware of increased costs and has requested to move forward with the project. The Engineering Department would recommend Approving the Resolution Accepting Bids and Award of the Contract to Dakota Underground for their base bid only for the amount of \$ 5,985,127.52
- **City Commission Action:** Commissioner Olson moved and Commissioner Gjerdevig seconded to approve. Commissioner George and Dardis Opposed. Motion carried.

April 18, 2022-

- **Staff Recommendation:** Approve Plans and Specs, and Authorize Bid Advertisement.
- **City Commission Action:** Commissioner Gjerdevig moved and Commissioner Simmons seconded to approve. No opposition. Motion carried.

March 21, 2022 -

- **Staff Recommendation:** Approve the Amended Engineer's Report, Approve Task Order 50-1, and Authorize Engineer to prepare Plans and Specifications.
- **City Commission Action:** Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve. No opposition. Motion carried.

February 7, 2022 -

- **Staff Recommendation:** Accept the "Petition for Improvements" and direct engineering to prepare an amendment to the Engineer's Report.
- **City Commission Action:** Commissioner Olson moved and Commissioner Gjerdevig seconded to approve. Commissioner Simmons was absent and not voting. No opposition, motion carried.

February 22, 2022-

- **Staff Recommendation:** Accept Resolution Declaring Petition for Improvements Received.
- **City Commission Action:** Commissioner Olson moved, and Commissioner George seconded to approve. Commissioner Gjerdevig was absent and not voting. No opposition, motion carried.

NOTICE TO PROCEED

Owner:	City of West Fargo	Owner's Contract No.:	1337
Contractor:	Dakota Underground Company	Contractor's Project No.:	
Engineer:	Moore Engineering, Inc.	Engineer's Project No.:	21728B
Project:	The Wilds 21st Addition – Phase 2	Contract Name:	Improvement District No. 1337
		Effective Date of Contract:	May 16, 2022

TO CONTRACTOR:

Owner hereby notifies Contractor that the Contract Times under the above Contract will commence to run on May 16, 2022.

On that date, Contractor shall start performing its obligations under the Contract Documents. No Work shall be done at the Site prior to such date. In accordance with the Agreement, the date of Substantial Completion is October 14, 2022, and the date of readiness for final payment is November 4, 2022.

Before starting any Work at the Site, Contractor must comply with the following:

[Note any access limitations, security procedures, or other restrictions]

[Submit any required Storm Water Permits or Plans.]

Owner: City of West Fargo

Authorized Signature

By: Bernie L. Dardis

Title: President of the Board of City Commissioners

Date Issued: _____

Copy: Engineer

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND IN
IMPROVEMENT DISTRICT NO. 1337- PHASE 2
NEW WATER SUPPLY, SEWERAGE, STREET SYSTEMS; AND INCIDENTALS

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

Dated: June 6, 2022.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

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

CERTIFICATE OF CITY AUDITOR
RELATING TO
IMPROVEMENT DISTRICT NO. 1337 – PHASE 2

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

Tina Fisk, the duly appointed, qualified and acting City Auditor of the City of West Fargo, Cass County, North Dakota, hereby certifies as follows:

That the report of the engineer as to the general nature, purpose, and feasibility of the above-named improvement, the estimate of the probable cost of the work, and the plans and specifications relating thereto were placed on file in the office of the undersigned City Auditor on April 18, 2022, remain on file in that office, and are subject to inspection by anyone interested therein.

That all contracts entered into for all work relating to the above-named improvement have been placed on file in the office of the undersigned City Auditor and remain on file in that office.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of June, 2021.

City Auditor



West Fargo Police Department

800 4th Ave E, Suite 2 West Fargo, ND 58078 | 701-433-5500 | westfargopolice.com

Application for Appropriation from Civil Asset Forfeiture Fund

Applicant

Denis Otterness, Chief of Police

West Fargo Police Department, 800 4 Avenue East, Suite 2, West Fargo ND, 58078

Denis.Otterness@westfargond.gov

701-515-5500

May 31, 2022

Appropriation Requested:

40 patrol rifle suppressors. Each suppressor is \$420.00, totaling \$16,800 plus \$200 shipping. Total program cost of \$17,000.00

Explanation and confirmation how the requested appropriation will further the public purpose of reducing criminal activity and aiding the efforts of criminal justice in support and furtherance of the West Fargo Police Department's mission:

The department is requesting to utilize \$17,000.00 from our Civil Asset Forfeiture Fund to purchase 40 additional suppressors for our patrol rifle program. The average decibel reading from a fired AR-15 patrol rifle is 152 dB, well above OSHA's safety limit of 140 dB. Equipping our remaining patrol rifles with suppressors will lower the average reading to 134 dB. This will greatly reduce the likelihood of hearing loss or damage for officers and civilians alike.

I, Denis Otterness, am in support of the above-stated request for appropriation from the Civil Asset Forfeiture Fund. City of West Fargo procurement policies will be followed for all expenditures. Written confirmation will be provided to the City of West Fargo Finance Office when the funds are expended.

Denis Otterness, Chief of Police

5-31-22

Date

*** Consent Agenda ***

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Malachi Petersen
2. PHONE NUMBER: 515-5377 DATE: May 25, 2022
3. AGENDA TITLE:
Resolution to approve addition of antennas for commercial wireless telecommunication on existing tower at 4331 81 St S, Mapleton, ND
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Allow additional antennas and equipment to existing telecommunications tower pursuant to requirements of Section 4-449.13 of City Ordinances.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Located at 4331 81 St S, Mapleton, ND 58078 (36-139-5- NE ¼ A 160.00, Cass County, North Dakota)
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Resolution to Approve Additional Antennas and associated equipment on existing tower and ground equipment at 4331 81 St S, Mapleton, ND 58078 (36-139-5- NE ¼ A 160.00, Cass County, North Dakota pursuant to Section 4-449.13 of City Ordinances.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Verizon Wireless has requested approval to co-locate communications equipment on an existing tower pursuant to Section 4-449(13) of the Municipal Ordinances of the City of West Fargo; and

WHEREAS, the City staff has reviewed the application and has determined that it is appropriate for the City to grant the request.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of West Fargo that Verizon Wireless be authorized to co-locate communications equipment on an existing tower at 4331 - 81st Street South, Mapleton, North Dakota, which is in the extraterritorial zoning jurisdiction of the City of West Fargo.

Dated this 6th day of June, 2022.

APPROVED:

President of the Board of City Commissioners

ATTEST:

City Auditor

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



SITE NAME:	FAR SHYENNE LAND
SITE ADDRESS:	40TH AVE W WEST FARGO, ND 58078
COUNTY:	CASS
LATITUDE:	N 46° 49' 6.951"
LONGITUDE:	W 96° 55' 40.948"
DRAWING BASED ON	
SITE DATA FORM DATED:	06-29-21
CONSTRUCTION TYPE:	IIB
SITE AREA:	12' x 30' = 360 S.F.

JOB TITLE	NAME	DATE
RF ENGINEER	SHADY HANNA	12-23-21
OPERATIONS MANAGER	N/A	-
CONSTRUCTION ENGINEER	PETER SHANNON	12-21-21

SIGNATURE	PRINTED NAME	DATE

LESSOR / LICENSOR: PLEASE CHECK THE APPROPRIATE BOX BELOW

☐ NO CHANGES. ☐ CHANGES NEEDED. SEE COMMENTS.

LESSOR / LICENSOR: SBA
5900 BROKEN SOUND PKWY NW
BOCA RATON, FL 33487

LESSEE: VERIZON WIRELESS
10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438
CONSTRUCTION DEPT (952) 946-4700

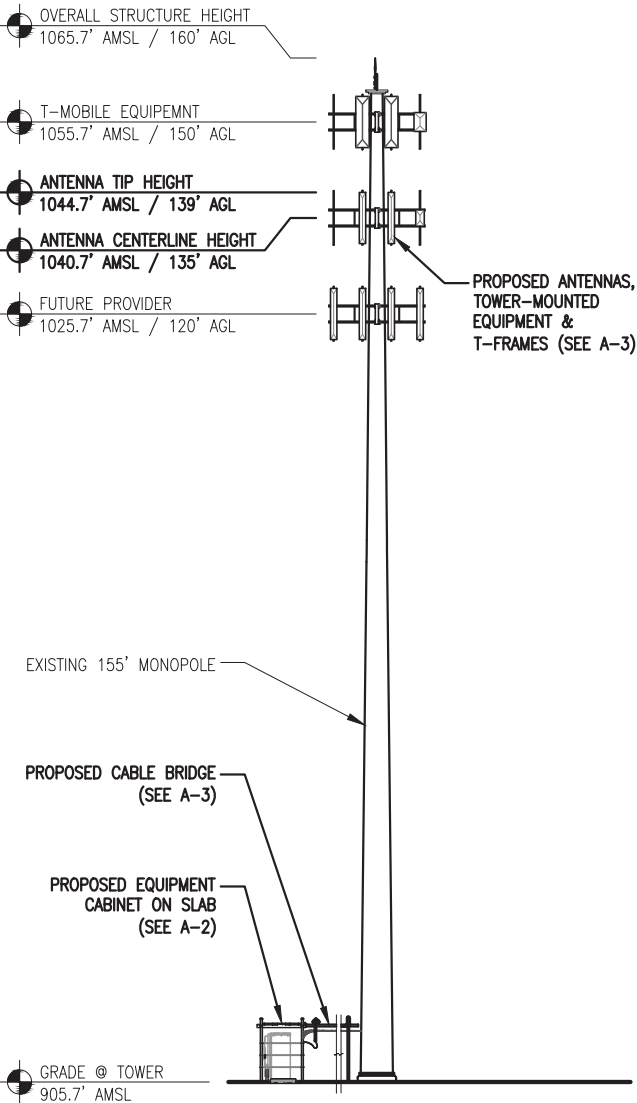
POWER UTILITY CASS COUNTY ELECTRIC COOP
COMPANY CONTACT: 4100 32ND AVE SW
FARGO, ND 58104
BLAKE HOOVER (701) 356-4467

TELCO COMPANY TELCO
CONTACT: T.B.D.

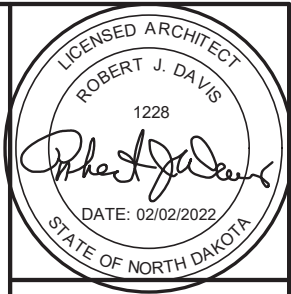
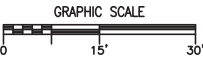
ARCHITECT:	DESIGN 1 ARCHITECTS LLC 9973 VALLEY VIEW ROAD EDEN PRAIRIE, MN 55344 (952) 903-9299
SURVEYOR:	WIDSETH 610 FILLMORE STREET - PO BOX 1028 ALEXANDRIA, MN 56308-1028 320-762-8149
STRUCTURAL ENGINEER:	SABRE INDUSTRIES, INC. 7101 SOUTHBRIDGE DROVE SIOUX CITY, IA 51111 ROBERT E. BEACOM, PE (712) 258-6690
GEOTECHNICAL ENGINEER:	T.B.D

NOTE: THESE DRAWINGS DO NOT CONSTITUTE A STRUCTURAL ANALYSIS, BUT WERE PREPARED BASED ON INFORMATION SUPPLIED, AND THEREFORE ARE AS ACCURATE AS THE SUPPLIED DATA. THE STRUCTURAL ANALYSIS WAS PERFORMED BY OTHERS AND IS REFERENCED HERE. THESE DRAWINGS CONSIDER THAT THE STRUCTURAL ANALYSIS HAS BEEN PROPERLY PREPARED AND DOCUMENTED. PLEASE COORDINATE ANY STRUCTURAL CONCERNS/MATTERS OR ANY LOADING MODIFICATIONS TO THE CONSULTANT WHO AUTHORED THE ANALYSIS AND NOTIFY DESIGN 1 IMMEDIATELY OF THE ISSUE.

NOTE: PROPOSED ANTENNAS,
T-FRAMES/PLATFORM, & FEED LINES
TO BE INSTALLED IN ACCORDANCE
WITH STRUCTURAL LETTER DATED
01/28/22 BY SABRE INDUSTRIES, INC.



SCALE: 1" = 30'-0"



I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly Licensed Architect under the laws of the state of NORTH DAKOTA.
ROBERT J. DAVIS, Reg. No. 1228

Signed: Phyllis J. Lewis

Signed:

02/02/2022

Date:

9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM

10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438
(952) 946-4700

PROJECT
20212268927
LOC. CODE: 663978

FAR
SHYENNE LAND
FULL RELO

40TH AVE W
WEST FARGO, ND 58078

SHEET CONTENTS:

CONTACTS
ISSUE SUMMARY
SHEET INDEX
DEPARTMENTAL APPROVALS
LESSOR APPROVAL
PROJECT INFORMATION
AREA & VICINITY MAPS
GENERAL NOTES

DRAWN BY:	JP
DATE:	10-08-21
CHECKED BY:	TRB
REV. A	12-20-21
REV. B	02-02-22

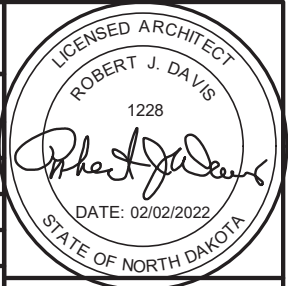
T-1

GENERATOR TYPE:
DIESEL

FROST DEPTH
DESIGN = 5'-0"

DETAIL INDEX

DETAIL	DETAIL DESCRIPTION
SLAB	SLAB WITH 3 CABINETS
GEN 1.4	30REOZK: DIESEL GENERATOR W/ ICE SHIELD
3.1	CABLE BRIDGE SECTION
4.3	CABLE BRIDGE ELEVATION
7.1	GPS MOUNTING DETAIL (DETAIL 2)
8.1	TELCO ENTRY DETAIL
9.1	CMPH DETAIL
10.8	ONE-LINE ELECTRICAL DIAGRAM



I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly Licensed Architect under the laws of the state of NORTH DAKOTA. ROBERT J. DAVIS, Reg. No. 1228

Signed: *Robert J. Davis*
02/02/2022
Date:

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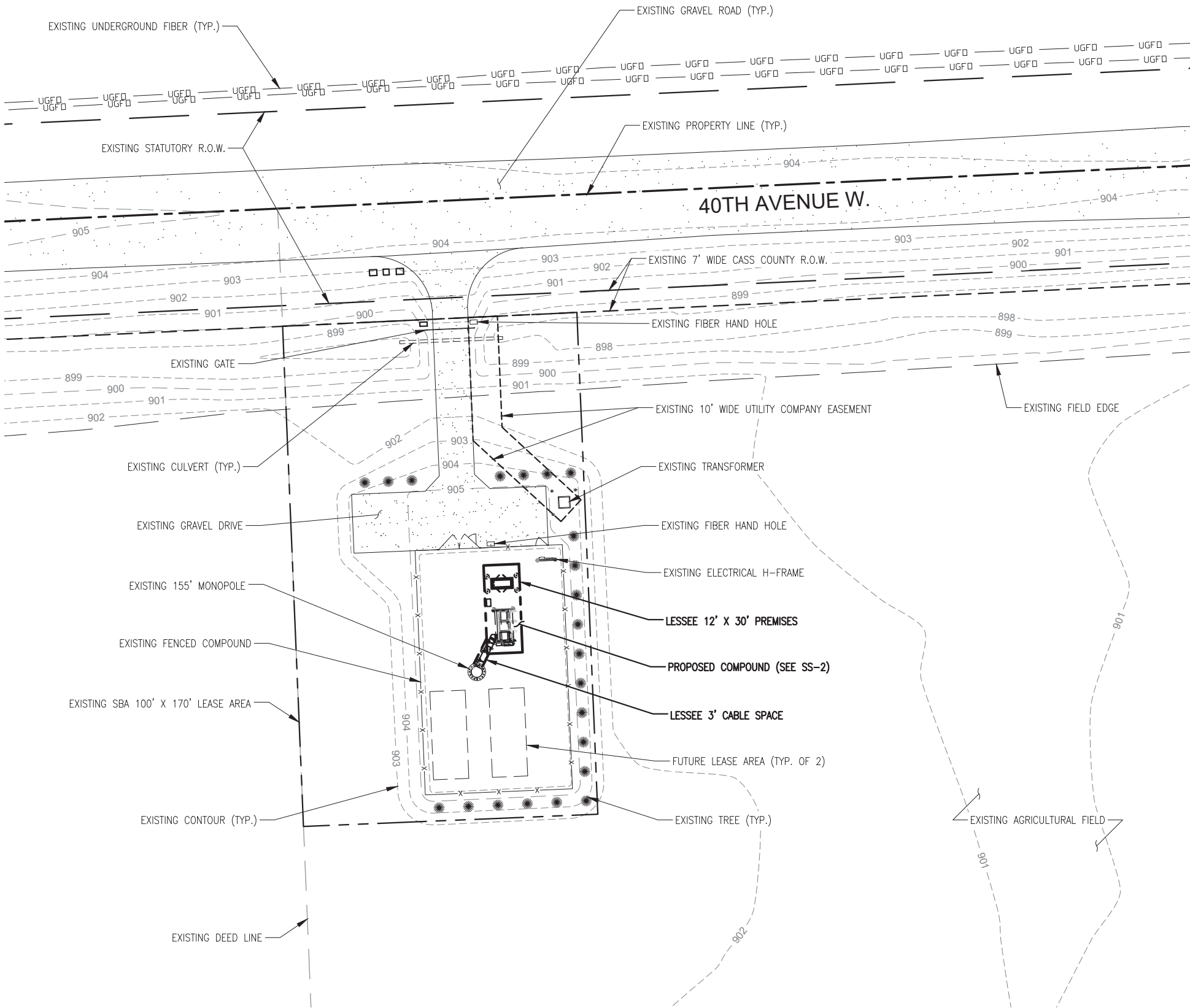
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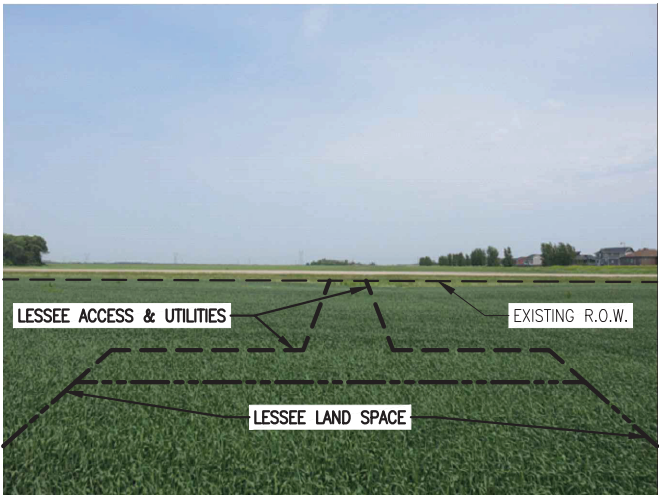
SHEET CONTENTS:
SITE PLAN
DETAIL INDEX

DRAWN BY: JP
DATE: 10-08-21
CHECKED BY: TRB
REV. A 12-20-21
REV. B 02-02-22

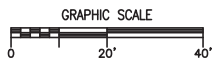
A-1



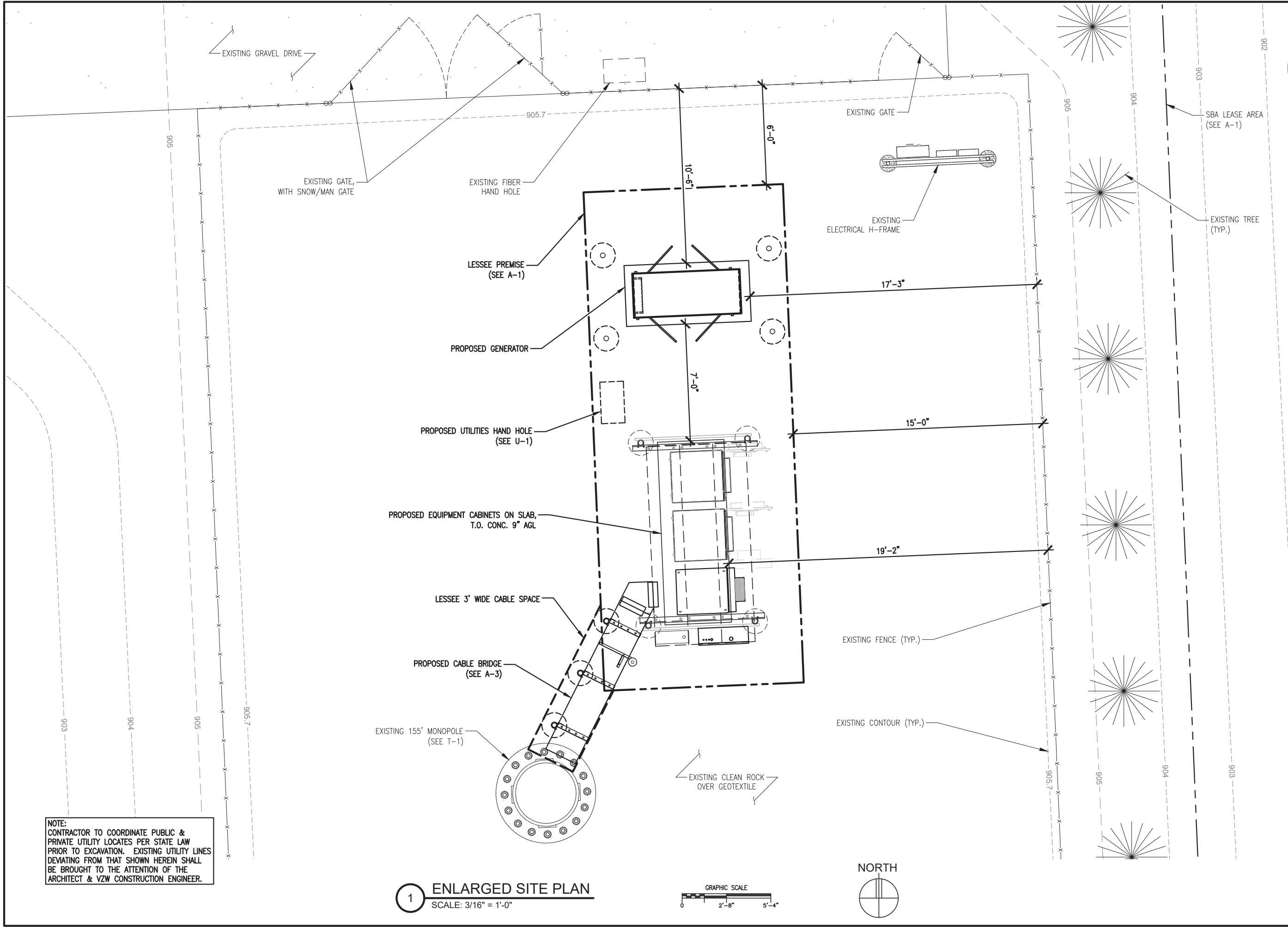
NOTE: THESE DRAWINGS WERE PREPARED PRIOR TO THE TOWER BEING ERRECTED OR THE COMPOUND CONSTRUCTED. CONTRACTOR TO REPORT ANY DISCREPANCIES TO THE VZW CE AND THE ARCHITECT IMMEDIATELY.



1 SITE PLAN
SCALE: 1" = 40'-0"



2 SITE PHOTO
VIEW: LOOKING NORTH



LICENSED ARCHITECT
ROBERT J. DAVIS
1228
DATE: 02/02/2022
STATE OF NORTH DAKOTA

I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly Licensed Architect under the laws of the state of NORTH DAKOTA. ROBERT J. DAVIS, Reg. No. 1228

Signed: *Robert J. Davis*
02/02/2022
Date:

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EDEN PRAIRIE, MN 55344
(952) 903-9299
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BLOOMINGTON, MN 55438
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WEST FARGO, ND 58078

SHEET CONTENTS:
ENLARGED SITE PLAN

DRAWN BY:	JP
DATE:	10-08-21
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REV. A	12-20-21
REV. B	02-02-22

A-2

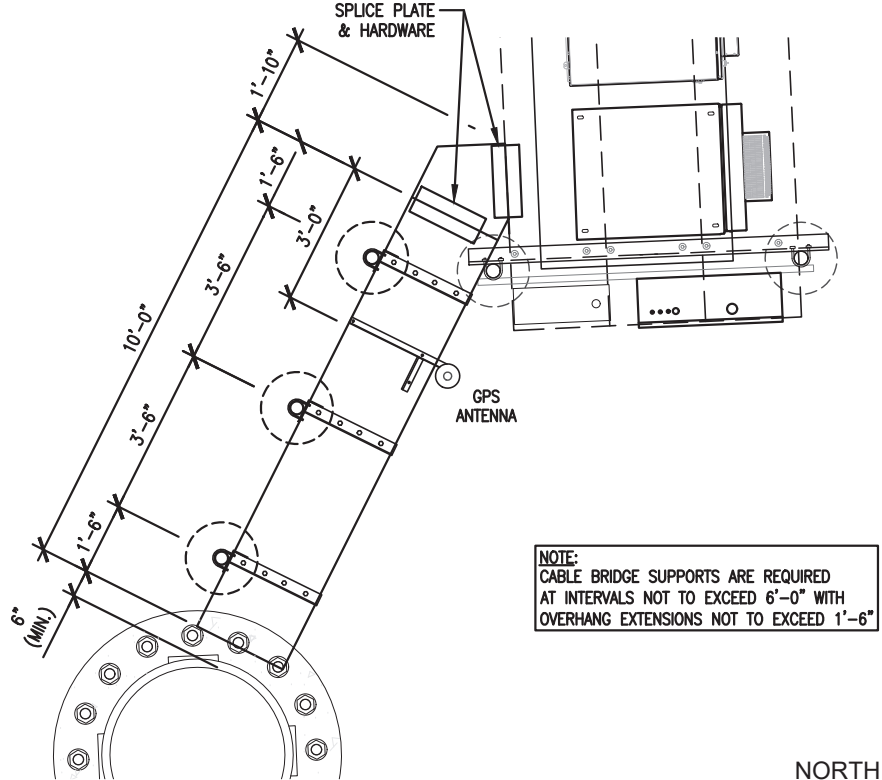
ANTENNA KEY													EQUIPMENT KEY			
	AZIMUTH	POSITION	FUNCTION	QTY	MANUFACTURER	MODEL	MOD TYPE	ANTENNA LENGTH	ANTENNA TIP	ANTENNA CENTER	ELEC DOWNTILT	MECH DOWNTILT	QTY	MANUFACTURER	MODEL	RRU PORT
"X" SECTOR	50°	1.1	TX/RX1	1	ERICSSON	AIR 6449	L-SUB6	30.6"	136.3'	135'	6°	0°	(1) COMMSCOPE HYBRID JUMPER HFT410-3SBJ1-15 (DIST. BOX TO ANTENNA)			
	-	1.2	TX/RX2	-	-	2ND PORT	L-SUB6	-	-	-	-	-	1	ERICSSON	4449	1
	50°	2.1	TX/RX1	1	COMMSCOPE	NHH-65C-R2B	700/850	96"	139'	135'	2°	0°	-	-	-	2
	-	2.2	TX/RX2	-	-	2ND PORT	700/850	-	-	-	-	-	1	ERICSSON	8843	1
	-	2.3	TX/RX1	-	-	3RD PORT	AWS/AWS3	-	-	-	2°	-	-	-	-	2
	-	2.4	TX/RX2	-	-	4TH PORT	AWS/AWS3	-	-	-	-	-	-	-	-	3
	-	2.5	TX/RX3	-	-	5TH PORT	AWS/AWS3	-	-	-	2°	-	-	-	-	4
	-	2.6	TX/RX4	-	-	6TH PORT	AWS/AWS3	-	-	-	-	-	-	-	-	3
	50°	3.1	TX/RX3	1	COMMSCOPE	NHH-65C-R2B	700/850	96"	139'	135'	2°	0°	-	-	4449	4
	-	3.2	TX/RX4	-	-	2ND PORT	700/850	-	-	-	-	-	-	-	-	5
	-	3.3	TX/RX1	-	-	3RD PORT	PCS	-	-	-	2°	-	-	-	8843	6
	-	3.4	TX/RX2	-	-	4TH PORT	PCS	-	-	-	-	-	-	-	-	7
	-	3.5	TX/RX3	-	-	5TH PORT	PCS	-	-	-	2°	-	-	-	8843	8
	-	3.6	TX/RX4	-	-	6TH PORT	PCS	-	-	-	-	-	-	-	-	-
"Y" SECTOR	-	4	FUTURE	-	FUTURE	FUTURE	-	-	-	-	-	-	-	-	-	-
	170°	1.1	TX/RX1	1	ERICSSON	AIR 6449	L-SUB6	30.6"	136.3'	135'	6°	0°	(1) COMMSCOPE HYBRID JUMPER HFT410-3SBJ1-15 (DIST. BOX TO ANTENNA)			
	-	1.2	TX/RX2	-	-	2ND PORT	L-SUB6	-	-	-	-	-	1	ERICSSON	4449	1
	170°	2.1	TX/RX1	1	COMMSCOPE	NHH-65C-R2B	700/850	96"	139'	135'	2°	0°	-	-	-	2
	-	2.2	TX/RX2	-	-	2ND PORT	700/850	-	-	-	-	-	1	ERICSSON	8843	1
	-	2.3	TX/RX1	-	-	3RD PORT	AWS/AWS3	-	-	-	2°	-	-	-	-	2
	-	2.4	TX/RX2	-	-	4TH PORT	AWS/AWS3	-	-	-	-	-	-	-	-	3
	-	2.5	TX/RX3	-	-	5TH PORT	AWS/AWS3	-	-	-	2°	-	-	-	-	4
	-	2.6	TX/RX4	-	-	6TH PORT	AWS/AWS3	-	-	-	-	-	-	-	-	3
	170°	3.1	TX/RX3	1	COMMSCOPE	NHH-65C-R2B	700/850	96"	139'	135'	2°	0°	-	-	4449	4
	-	3.2	TX/RX4	-	-	2ND PORT	700/850	-	-	-	-	-	-	-	-	5
	-	3.3	TX/RX1	-	-	3RD PORT	PCS	-	-	-	2°	-	-	-	8843	6
	-	3.4	TX/RX2	-	-	4TH PORT	PCS	-	-	-	-	-	-	-	-	7
	-	3.5	TX/RX3	-	-	5TH PORT	PCS	-	-	-	2°	-	-	-	8843	8
	-	3.6	TX/RX4	-	-	6TH PORT	PCS	-	-	-	-	-	-	-	-	-
"Z" SECTOR	-	4	FUTURE	-	FUTURE	FUTURE	-	-	-	-	-	-	-	-	-	-
	290°	1.1	TX/RX1	1	ERICSSON	AIR 6449	L-SUB6	30.6"	136.3'	135'	6°	0°	(1) COMMSCOPE HYBRID JUMPER HFT410-3SBJ1-15 (DIST. BOX TO ANTENNA)			
	-	1.2	TX/RX2	-	-	2ND PORT	L-SUB6	-	-	-	-	-	1	ERICSSON	4449	1
	290°	2.1	TX/RX1	1	COMMSCOPE	NHH-65C-R2B	700/850	96"	139'	135'	2°	0°	-	-	-	2
	-	2.2	TX/RX2	-	-	2ND PORT	700/850	-	-	-	-	-	1	ERICSSON	8843	1
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	-	2.6	TX/RX4	-	-	6TH PORT	AWS/AWS3	-	-	-	-	-	-	-	-	3
	290°	3.1	TX/RX3	1	COMMSCOPE	NHH-65C-R2B	700/850	96"	139'	135'	2°	0°	-	-	4449	4
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	-	3.5	TX/RX3	-	-	5TH PORT	PCS	-	-	-	2°	-	-	-	8843	8
	-	3.6	TX/RX4	-	-	6TH PORT	PCS	-	-	-	-	-	-	-	-	-

- ADDITIONAL:
- (1) DISTRIBUTION BOX, MODEL RVZDC-6600-PF-48 (ON TOWER)
 - (1) DISTRIBUTION BOX, MODEL RVZDC-4520-RM-48 (IN CABINET)
 - (2) COMMSCOPE HYBRID CABLES, MODEL HFT1206-24S49-170 (DIST BOX IN CABINET TO DIST BOX ON TOWER)
 - (3) COMMSCOPE HYBRID JUMPER, MODEL HFT410-3SBJ1-15 (DIST. BOX TO ANTENNA)
 - (6) COMMSCOPE HYBRID JUMPER, MODEL HFT410-4SVHY-15 (DIST. BOX TO RRU)
 - (36) ANDREW COAX JUMPER, MODEL LDF4-50A, 1/2"ø FOAM DIELECTRIC, 10' EACH (RRU TO ANTENNA)
 - (1) DC-DC UP-CONVERTER
 - (5) UP-CONVERTER MODULES

CABLE BRIDGE = 12'
RAD CENTER = 135'
CANOPY = 14'
TOTAL = 161'

3 COAX KEY

4 ANTENNA KEY

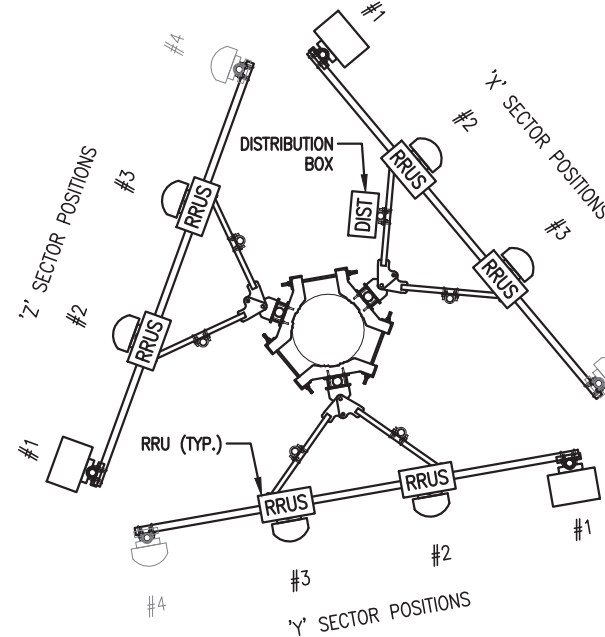


2 CABLE BRIDGE PLAN

SCALE: 1/4" = 1'-0"

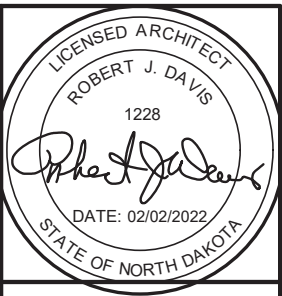
- NOTE:
- ANTENNA FRAME MAKE AND MODEL:
 - (3) SITE PRO 1 SECTOR FRAMES (VFA12-HD)
 - (1) SITE PRO 1 MONOPOLE SECTOR FRAME ATTACHMENT ASSEMBLY (MSFAA)
 - CONTRACTOR TO SUPPLY:
 - (12) 2.5"ø x 8.5' LONG SCHEDULE
 - 40 GALVANIZED MOUNTING PIPES

- NOTE:
- TIE BACKS NOT SHOWN FOR CLARITY



1 ANTENNA MOUNTING DETAIL

SCALE: 3/16" = 1'-0"



Signed: *Robert J. Davis*
Date: 02/02/2022

DESIGN 1
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WWW.DESIGN1EP.COM

verizon
10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438
(952) 946-4700

PROJECT
20212268927
LOC. CODE: 663978

FAR
SHYENNE LAND
FULL RELO

40TH AVE W
WEST FARGO, ND 58078

SHEET CONTENTS:
COAX & ANTENNA KEY
CABLE BRIDGE PLAN
ANTENNA MOUNTING DETAIL

DRAWN BY: JP
DATE: 10-08-21
CHECKED BY: TRB
REV. A 12-20-21
REV. B 02-02-22

A-3

GENERAL CONDITIONS

00 0001 PERMITS

Construction Permit shall be acquired by, or in the name of, Verizon Wireless, to be hereinafter referred to as the OWNER. Other permits shall be acquired by the Contractor.

00 0002 SURVEY FEES

Survey shall be furnished by the Architect. Layout Staking shall be coordinated with the Surveyor per "Request For Quote", (RFQ).

01 0010 INSURANCE & BONDS

Contractor is to furnish Insurance certificates for themselves and subcontractors. Contractor will provide any required Bonding. Contractor agrees to warranty the project for (1) one year after completion.

01 0400 SUPERVISION & COORDINATION

Contractor shall provide supervision throughout the Project, coordinating the work of the Subcontractors, and delivery & installation of Owner–furnished items. Contractor's responsibilities include arranging & conducting of Underground Utilities Locates. Contractor shall comply with municipal, county, state and/or federal codes, including OSHA.

01 0600 TESTING

Contractor is responsible for providing Agencies with sufficient notice to arrange for Test Samples (i.e.: Concrete Cylinders), and for Special Inspections.

01 2000 MEETINGS

Contractor shall make themselves aware of, and attend, meetings with the Owner and/or Architect. Contractor is to attend a Pre–Construction Meeting of all parties involved, prior to the start of construction.

01 5100 TEMPORARY UTILITIES

Contractor shall maintain the job site in a clean and orderly fashion, providing temporary sanitary facilities, waste disposal, and security (fence area or trailer module).

01 5300 EQUIPMENT RENTAL

Contractor shall furnish equipment necessary to expedite work.

01 5900 FIELD OFFICES & SHEDS

Contractor shall provide security (fence area or trailer module) for tools and materials that remain overnight on site.

01 7000 CLEAN UP & CLOSE OUT

Contractor shall clean up the Site to the satisfaction of Owner. Contractor shall complete the items listed on the Owner's Punch List, and shall sign and return the List to the Owner. Contractor shall maintain a set of drawings during the job, on which changes shall be noted in red ink. A full set of redlined drawings (As–Built) are to be given to the Architect at Job completion and submit "construction work complete memo" to Construction Engineer.

01 8000 TRUCKS & MILEAGE

Contractor shall provide transportation for their own personnel.

01 8300 TRAVEL TIME & PER DIEM

Contractor shall provide room and board for their own personnel, and reasonable time for traveling to & from job site.

01 9200 TAXES

Contractor shall pay sales and/or use tax on materials and taxable services.

SITEWORK

02 1000 SITE PREPARATION

Contractor is to mobilize within 7 calendar days of the Owner issuing a 'START' document. Contractor will immediately report to Architect if any environmental considerations arise. Site shall be scraped to a depth of 3" minimum to remove vegetative matter, and scrapings shall be stockpiled on site. Excess material to be disposed of in accordance with RFQ.

02 1100 ROAD IMPROVEMENT & CONSTRUCTION

N/A

02 2000 EARTHWORK & EXCAVATION

Excavation material shall be used for surface grading as necessary; excess to be stockpiled on site. Excess material to be disposed of in accordance with RFQ. For dewatering excavated areas, contractor shall utilize sock or sediment filter for filtering of water discharge.

02 5000 PAVING & SURFACING

N/A

02 7800 POWER TO SITE

Contractor shall coordinate the electrical service to the building with the Utility Provider. Conduits shall include pull strings. Underground conduits shall be 2–1/2" Schedule 40 PVC. (schedule 80 PVC under roads and drives) Cable to be 3/0 THWN CU. Trenches shall be backfilled in a timely fashion, using a compactor, and including two (2) detectable ribbons; one each at 3" and 15" above conduit. Service shall be 200 amp, single phase, 120/240 volt. Service type shall be "General Time–Of–Day" if available, and meter base shall be approved by utility provider. Contractor to provide and install expansion joint sleeve connections to prevent differential movement at utility connections.

02 7900 TELCO TO SITE

Contractor shall provide 2" SDR–11 HDPE conduit for fiber conduit as noted on Drawings when directional boring is utilized. Contractor shall provide 2" schedule 40 PVC conduit and 2" schedule 80 PVC conduit under roadways with large–sweep elbows for fiber conduit as noted on Drawings when hand trenched. Trenches shall be as in 02 7800.

Contractor to provide and install handholes as noted in the Drawings. Additional handholes shall be provided and installed a maximum of 500 feet on center; at 90° bends if directional boring; and every third bend if hand trenched. Handholes size per Drawings and traffic–rated in roadways.

Contractor to provide and install Carlon expansion joint connections at cabinets/shelter location per manufacturer's specifications and recommendations.

02 8000 SITE IMPROVEMENTS

Areas bounded by fence and adjacent to Cabinet Slab shall receive polyethylene geotextile, 200 mesh woven, topped with 3" deep 3/4" to 1 1/2" clean rock (no fines), raked smooth.

02 8001 FENCING

Contractor shall protect existing fencing elements that are not in the Scope of Work. Damage resulting from disregard of this Article shall be compensated by the Responsible Party and at a cost to be determined by the Property Owner, Architect & Owner.

02 8500 IRRIGATION SYSTEMS

N/A

02 9000 LANDSCAPING

N/A

CONCRETE

03 1000 CONCRETE FORMWORK

Concrete forms shall be dimensional lumber, modular, or steel.

03 8001 CATHODIC PROTECTION

N/A

03 9000 EQUIPMENT CABINETS/GENERATOR FOUNDATION

Contractor shall furnish & install materials for Equipment Cabinets/Generator foundation. Concrete shall be 6% ±1% air entrained, and 4,000 psi at 28 days.

All reinforcing steel is to be Grade 60 (ASTM 615). Anchor bolts are furnished by Contractor. Contractor shall comply with the Owner's Standard CONSTRUCTION SPECIFICATIONS MINIMUM CONCRETE STANDARDS.

MASONRY

N/A

METALS

05 0000 METALS

Contractor will furnish and install steel shapes and fabricated steel items not specifically furnished by Owner, and install Owner–furnished materials. Fabrication and erection of steel items per AISC standards. Welding shall conform to AWS standards. Fabrications shall be shop welded and galvanized before delivery to site unless noted otherwise.

Steel shapes shall meet ASTM A36 and steel pipe ASTM A53 Grade B. Steel shapes and fabrications shall be hot–dip galvanized per ASTM A123 with minimum coating thickness Grade 55 (2.2 mil). Bolts shall meet ASTM F3125 and U–bolts SAE J429 Grade 5 minimum. Bolts and hardware to be hot–dip galvanized per ASTM A153. Field repair of galvanized coatings shall be per ASTM A780.

WOOD & PLASTICS

N/A

THERMAL & MOISTURE

N/A

DOORS AND HARDWARE

N/A

FINISHES

09 9000 PAINTING

Contractor shall provide materials and labor for all painting indicated in the architectural documents and shall touch–up construction related scrapes & scratches with appropriate paint.

13 3423 TRANSPORT AND SET EQUIPMENT CABINETS/GENERATOR

Contractor shall provide crane(s) and/or truck for transporting, setting and erecting Equipment Cabinets/Generator per RFQ. Contractor shall install items shipped loose with the Equipment Cabinets/Generator.

13 3613 TRANSPORT AND ERECT TOWER/ANTENNA MOUNTS

Contractor shall schedule delivery of Owner–furnished Tower, and provide cranes for unloading and erecting. Contractor to Install antenna mounts. Contractor shall ensure the existence of a 3/8" cable safety climb (DBI/Sala or equal) on the Tower.

MECHANICAL

15 4000 PLUMBING

N/A

15 5000 HVAC

N/A

ELECTRIC

16 5000 LIGHTING AND ELECTRICAL

Contractor shall provide labor and materials as necessary to complete the work shown on Drawings including items shipped loose with the Equipment Cabinets/Generator assembly. "E–Stop" to be provided and installed by Generator supplier.

16 6000 GROUNDING

Contractor shall make themselves familiar with and follow the current GROUNDING STANDARDS of VERIZON WIRELESS. Contractor shall perform work as shown on Grounding Plans. Any site–specific grounding issues not covered by the GROUNDING STANDARD are to be addressed by the Contractor to the Owner.

OWNER–FURNISHED EQUIPMENT & FEES

GENERATOR

CABINETS

COAX AND/OR CABLES

ANTENNAS & DOWNTILT BRACKETS

GPS & GPS MOUNTING

BUILDING PERMIT FEES

MATERIALS TESTING FEES

SPECIAL INSPECTIONS FEES

CONTRACTOR–FURNISHED EQUIPMENT

POWER TO SITE

TELCO TO SITE

CABLE BRIDGE & ICE SHIELDS

GROUNDING MATERIALS

FENCING

CONNECTORS, BOOTS, & RELATED HARDWARE

SCOPE OF WORK:

CONTRACTOR SHALL PROVIDE MATERIALS, LABOR, TOOLS, TRANSPORTATION, SUPERVISION, ETC. TO FULLY EXECUTE WORK. WORK REQUIREMENTS ARE DETAILED ON THE DRAWINGS AND SPECIFICATIONS AND SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING ITEMS:

SITE PREPARATION

SITE WORK

CABINET SLAB & GENERATOR FOUNDATIONS

SET EQUIPMENT CABINETS & GENERATOR

ROUTING OF GROUND, POWER, FIBER & ALARM

SITE GROUNDING

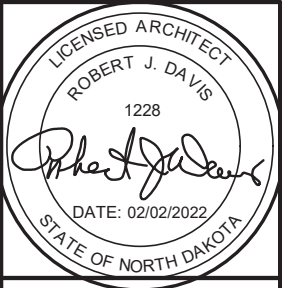
ELECTRICAL & TELEPHONE SERVICES

INSTALL ANTENNAS & CABLES

CABLE BRIDGE & ICE SHIELDS

ROCK SURFACING

Contractor to compare drawings against Owner's "Request for Quote", (RFQ). If discrepancies arise, Contractor shall verify with Owner that the RFQ supersedes the drawings.



I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly Licensed Architect under the laws of the state of NORTH DAKOTA. ROBERT J. DAVIS, Reg. No. 1228

Signed: 02/02/2022 Date:

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40TH AVE W WEST FARGO, ND 58078

SHEET CONTENTS: OUTLINE SPECIFICATIONS

DRAWN BY: JP DATE: 10-08-21 CHECKED BY: TRB REV. A 12-20-21 REV. B 02-02-22

A-4

GENERAL GROUNDING NOTES:

An external buried ground ring (Lead 1) shall be established around the equipment cabinets and tower foundations. Lead 1 shall be kept 24" from foundations; if foundations are less than 48" apart, keep Lead 1 centered between them. If the tower base is over 20'-0" from the equipment cabinets, a separate Lead 1 shall be established around each foundation, and the two Lead 1s shall be bonded with two parallel leads at least 6 feet apart horizontally. Connections between the two Lead 1s shall be bi-directional.

All subgrade connections shall be by exothermic weld, brazed weld, or gas-tight UL467-listed compression fittings pre-filled with anti-oxidant compound. Subgrade connections shall not be 'cold galvanize' coated.

Lead 1 shall be #2 solid bare tin-clad (SBTC) copper wire buried at local frost depth. Lead 1 bends shall be minimum 24" radius. 'Whip' lead bends may be of 12" radius.

Ground rods shall be galvanized steel, 5/8"Ø, spaced twenty feet apart, or as shown. Rods shall be kept min. 24 inches from foundations. Ground rods are required to be installed at their full specified length. Depth shall be as shown in Detail 11.1 in the Verizon Wireless Standard Detail Booklet.

SPECIAL CONSIDERATIONS FOR GROUND RODS:

When ground rods are not specified to be backfilled w/ Bentonite Slurry: If boulders, bedrock, or other obstructions prevent driving of ground rods, the Contractor will need to have drilling equipment bore a hole for ground rod placement. Hole to be backfilled w/ Bentonite Slurry.

When specified with slurried Bentonite encasement, drilling equipment will be need to be used to be bore a hole for ground rod placement. Slurry shall be made from pelletized material ("Grounding Gravel"); powdered Bentonite is not allowed. If boulders, bedrock, or other obstructions are found, Contractor shall drill to the specified depth and provide Bentonite encasements.

Above-grade connections shall be by lugs w/ two-hole tongues unless noted otherwise, joined to solid leads by welding (*T&B 54856BE "BROWN"*), self-threading (*RECOGNIZED, EM 2522DH.75.312*), or 10,000psi crimping (*BURNDY YA3C 2TC 14E2*). Surfaces that are galvanized or coated shall have coating(s) removed prior to bolting. Bolts shall be stainless steel with flat washers on each side of the connection and a lock washer beneath the fastening nut. Star-tooth washers shall be used between lug & dissimilar metal (copper-to-steel, etc) but are not required between tin-clad CU lugs & tin-clad CU bus bars. Lug tongues shall be coated with anti-oxidant compound, and excess compound wiped clean after bolting. The connection shall then be coated with cold-galvanizing compound, or with color-matching paint.

Ground bars exposed to weather shall be tin-clad copper, and shall be clean of any oxidation prior to lug bolting.

Galvanized items shall have zinc removed within 1" of weld area, and below lug surface contact area. After welding or bolting, the joint shall be coated with cold galvanizing compound.

Ground Bar leads

Ground bars are isolated electrically from tower bottoms and equipment cabinets by their standoff mounts. Leads from each ground bar to the ground ring shall be a pair of #2 SBTC, each connected to Lead 1 bi-directionally with #2 SBTC 'jumpers'. Pairs of #2 SBTC may be required between ground bars. Leads shall be routed to ground bars as follows:

- * The Main Ground Bar (MGB), typically mounted adjacent to the ILC (location varies).
- * The Port Ground Bars (PGB), mounted inside and outside on the equipment shelter walls beneath the transmission line port. Note: Transmission line grounds also attach to the PGBs.
- * The Tower Ground Bar (TGB) mounted at the base of the tower. Note: Transmission line grounds also attach to the TGBs.

NOTE: Contractor shall confirm that TGBs exist at 75-foot vertical intervals on any guyed or self-support tower, and that transmission lines are grounded to each TGB. Only the bottom-most TGB is isolated from the tower steel frame; upper TGBs may use the tower steel frame as common ground, requiring no copper leads between TGBs.

#2 SBTC Whip leads

"Whip" leads shall connect the buried external ground ring to the following items:

Monopole Towers:

- * Three whips to flanges on the monopole base, at least 90° apart. If none are provided, attach to the baseplate or consult tower manufacturer.

Self-Support Towers:

- * Two whips to flange(s) on each tower leg base. If none are provided, attach to the baseplate or consult tower manufacturer.

Guyed Towers:

- * Two whips to flange(s) on the tower base. If none are provided, attach to the baseplate or consult tower manufacturer.
- * Establish a Lead 1 within the fence enclosure of each guy anchor, at least 40 foot perimeter and having 4 ground rods.
- * #2 SBTC leads shall extend up, and be clamped (bronze clamshell or equal), to any two guy wires. NEVER weld leads to the guy wires. The lead to the guy anchor 'hand' plate may be welded.

Fences:

- Metallic fence within 25 feet of tower Lead 1, or within 6 feet of shelter lead 1, shall have whip leads as follows:
 - * Each corner post.
 - * Each pair of gate posts.
 - * Any line post over 20'-0" from a grounded post.
 - * Each gate leaf to its respective gatepost using braided strap (3/4", tin-clad copper w/ lug ends).
 - * Fences around guy anchors shall be grounded in similar fashion.

Fuel tanks:

NEVER WELD to any fuel enclosure. NEVER penetrate the fuel containment. Metal tanks shall have one whip lead attached. Use an approved clamp or two-hole lug on an available flange.

Equipment Shelter/Platform and Other General Requirements

(including but not limited to):

- Extend new Lead 21B up to shelter halo, remaking two-way connections as needed. Generator-equipped shelters have 6 such connections. Connections within the shelter shall be by compression; NEVER weld inside the shelter.
- Each vertical support pipe of the exterior cable bridge. Bridge end shall be kept at least 6" from the tower structure. The cable bridge shall be jumpered to the vertical support pipes with #2 SBTC at each vertical support pipe.
- Opposite corners of the steel equipment platform.
- Opposite corners of the roof shield over the equipment shelter.
- Each HVAC unit shield, if separate (may be 'jumpered' to main roof shield).
- Each HVAC package unit.
- Commercial electric meter box.
- Generator receptacle, if present.
- Steel building skid, if shelter is metal frame.
- Each air intake or exhaust fan vent louver.
- Each generator vent hood or louver.
- Generator exhaust stack, external.
- Opposite corners of generator support frame, if separate from shelter.
- Generator fuel tank, if separate from generator unit.
- Host building rain gutter, downspouts, and roof flashings within 25 feet.
- Telco MPOP (Main Point of Presence), if external to equipment shelter.
- Within cable vaults, one each to the ladder and to the manhole rim.

Note: The door frame is connected to the interior ground halo, and need no separate connection to the external ground ring.

Inspection & Testing

Test lead #1 and ground rods after installation but before backfilling or connecting to any other grounding, using the 3-point fall of potential method. Contractor to notify Verizon Wireless senior construction engineer at least 48 hours prior to testing. Document installation and test results with photographs.

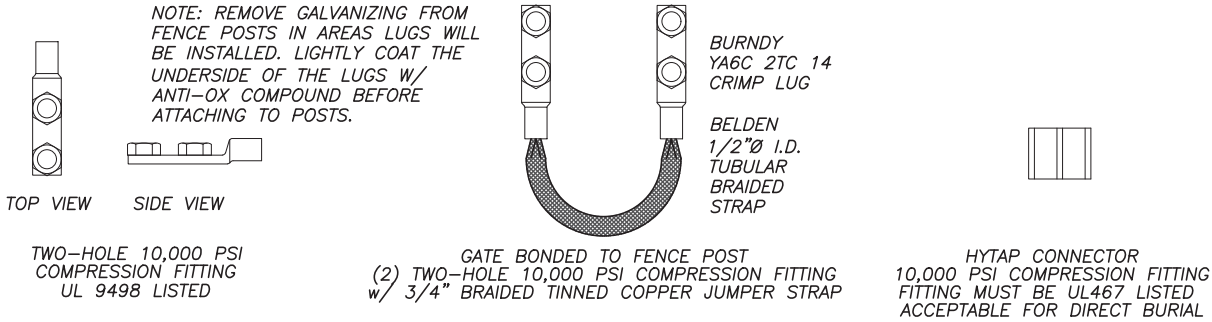
SYMBOL AND NOTE LEGEND

- ① #2 SBTC AROUND CABINET SLAB, TOWER, OR GUY ANCHOR
- 5/8" X 10'-0" GALVANIZED STEEL GROUND ROD
- ⊙ TEST WELL PREFERRED LOCATION
- #2 SBTC 'WHIP' LEAD
- ⑤ (2) #2 SBTC FROM MGB, PGB, OR TGB TO LEAD 1

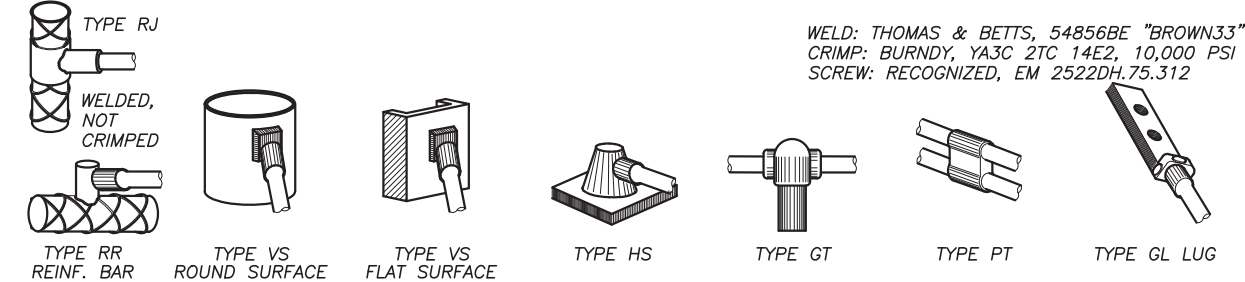
- ⑥ AC HVAC UNIT
- ②1B BC BUILDING CORNER
- ⑥ BO BOLLARD
- ⑥ CBS CABLE BRIDGE SUPPORT POST
- ④ EL ELECTRICAL SERVICE GROUND
- ⑥ EM COMMERCIAL ELECTRICAL METER
- ⑥ FAN GUY ANCHOR PLATE
- ⑥ FP FENCE POST
- ⑨0 GEN GENERATOR
- ⌒ GP GATE POST, 3/4" BRAID STRAP TO LEAF
- ⑥ GPS GPS UNIT
- ⑥ GUY GUY WIRE, MECH. CLAMP ONLY – NO WELDS
- ⑥ HL HOOD OR LOUVER
- ⑥ HB OUTSIDE OF HOFFMAN BOX
- ⑥ ILC INTEGRATED LOAD CENTER
- ⑤ MGB MAIN GROUND BAR
- ⑥ MU GENERATOR MUFFLER
- ⑤ PGB PORT GROUND BAR
- ⑥ RBR FOUNDATION REINFORCING
- ⑥ RS ROOF SHIELD
- ⑥ SB STEEL BEAM
- ⑥ SP STEEL POST
- ⑥ STP STEEL PLATFORM
- ⑥ TEL HOFFMAN BOX
- ⑤ TGB TOWER GROUND BAR
- ⑥ TWR TOWER BASE
- ⑥ VP DIESEL FUEL VENT PIPE

Note:

Contractor to provide #2 solid bare tin-clad (SBTC) copper wire lead from #1 ground ring to air conditioner & ice shield if provided by VZW.



2 COMPRESSION CONNECTOR DETAILS
SCALE: NTS

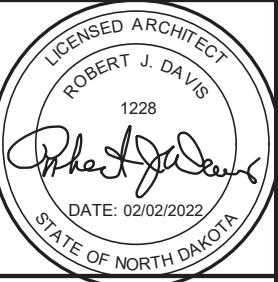


1 EXOTHERMIC WELD DETAILS
SCALE: NTS

LEAD IDENTIFICATION & DESCRIPTION:

- 1 RING, EXTERNAL BURIED w/ RODS #2 SBTC
- 1A RING, CONCRETE ENCASED #2 SBTC
- 2 DEEP ANODE (TO IMPROVE OHMS) ROD OR PIPE
- 3 RING TO BLDG STL FRAME #2 SBTC
- 4 MAIN AC PANEL NEUTRAL BUS TO (2) GROUND
- RODS, ISOLATED FROM LEAD #1 NEC 250.66
- 5 RING TO GROUND BAR (2) #2 SBTC
- 6 RING TO EXT MTL OBJECT #2 SBTC
- 7 DEEP ANODE TO MGB NSTD33-9
- 8 AC PANEL TO WATER METER NEC 250.66
- 9 EXT WATER TO INT WATER PIPES NSTD33-9
- 10 INT WATER PIPE TO MGB NSTD33-9
- 11-12 NOT USED
- 13 AC PANEL TO MGB NSTD33-9
- 14 MGB/FGb TO BLDG STL FRAME #2/0 I-STR
- 14C MGB/FGb TO ROOF/WALL MTL PNL #1/0 I-STR
- 15 MGB/FGb TO FGB-HE SAME FLOOR #2/0 I-STR
- 16 NOT USED
- 16A ECPGB TO CABLE ENTRY RACK #1/0 I-STR
- 17 MGB TO CABLE SHIELDING #6 I-STR
- 17A ECPGB TO CABLE SHIELDING #6 I-STR
- 17B MGB/FGb TO F-0 SPLICE SHELF #1 I-STR
- 18 LOWEST MGB/FGb TO HIGHEST FGB #2/0 I-STR
- 19 LEAD 18 TO OTHER FGBs, <6' #2/0 I-STR
- 20 MGB/FGb TO BRANCH AC PNL #6 I-STR
- 20A NEAREST GRND TO DISCONNECT PNL NEC 250.66
- 20B GWB TO AC DISTR PNL #6 I-STR
- 21 MGB/FGb TO INT HALO #2 I-STR
- 21A INTERIOR 'GREEN' HALO #2 I-STR
- 21B INT HALO TO EXT RING #2 SBTC
- 21C INT HALO TO EQUIPMENT MTL #6 I-STR
- 22 ROOF TOWER RING TO ROOF GRND NFPA 780
- 23 MGB/FGb TO ECPGB, SAME FLOOR #1 I-STR
- 23A MGB/FGb TO CXR-HF LINR PROT #6 I-STR
- 24 ECPGB TO EACH PROTECTOR ASSEMBLY #6 I-STR
- 24A LOWER PROT ASSY TO UPPER #6 I-STR

- 25 RING TO NEAREST LIGHTNING ROD #2 SBTC
- 26 LGHTNG ROD SYS TO NEARBY MTL NFPA 780
- 27 RING TO TOWER RING (2) #2 SBTC
- 28 RING TO SHELTER RING (2) #2 SBTC
- 29 BRANCH AC PNL TO BITY CHG FRM NSTD33-11
- 30 BRANCH AC PNL TO OUTLETS NSTD33-11
- 31 MGB/FGb TO PWR, BITY FRAMES #2/0 I-STR
- 32 #31 TO BATTERY CHARGER FRAME #6 I-STR
- 33 #31 TO BATTERY RACK FRAME #6 I-STR
- 34 #31 TO PCU FRAME #6 I-STR
- 35 #31 TO DSU FRAME #6 I-STR
- 36 #31 TO PDU FRAME #6 I-STR
- 37 MGB/FGb TO BITY RETURN NSTD33-14.5
- 37A MGB/FGb TO RTN TERM CARR SUPP #6 I-STR
- 38 FGB TO PDU GB #750MCM I-STR
- 38A FGB TO PDU GB CARRIER SUPPLY #2/0 I-STR
- 39 DC BUS DUCT TO NEXT SECTION #6 I-STR
- 40 DC BUS DUCT TO MGB/FGb #6 I-STR
- 41A MGB/FGb TO #58 #2/0 I-STR
- 42-44 NOT USED
- 45 MAIN AC PNL TO BRANCH AC PNL NSTD33-11
- 46 BRANCH AC PNL TO DED OUTLET NSTD33-11
- 47 FGB TO INTEG FRM #2 I-STR
- 48 LEAD #31 TO INTEG FRM #6 I-STR
- 49 INTEG FRM TO EQUIP SHELF BY FASTENERS
- 50 PDU BITY RET TO #51 #2/0 I-STR
- 51 #50 TO TRANS FRM ISO DC PWR #6 I-STR
- 52 TRANS FRM FUSE TO FRM OR BAR #8 I-STR
- 53A MGB/FGb TO PDF/BDFB NSTD33-22
- 54 MGB/FGb TO STATIC DEVICES #6 I-STR
- 55 MGB/FGb TO CABLE AT ENTRY #6 I-STR
- 56 MGB/FGb TO AC PWR RADIO XMTR #6 I-STR
- 57A MGB/FGb TO CBL GRID/RUNWAY #2/0 I-STR
- 58A #41A TO AISLE FRAME #2 I-STR
- 59A #58A TO EACH SGL FRAME GRND #6 I-STR
- 60-89 NOT USED
- 90 GENERATOR FRAME TO EXT RING #2 SBTC



I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly Licensed Architect under the laws of the state of NORTH DAKOTA. ROBERT J. DAVIS, Reg. No. 1228

Signed: *Robert J. Davis*
02/02/2022
Date:

DESIGN 1
9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM

verizon
10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438
(952) 946-4700

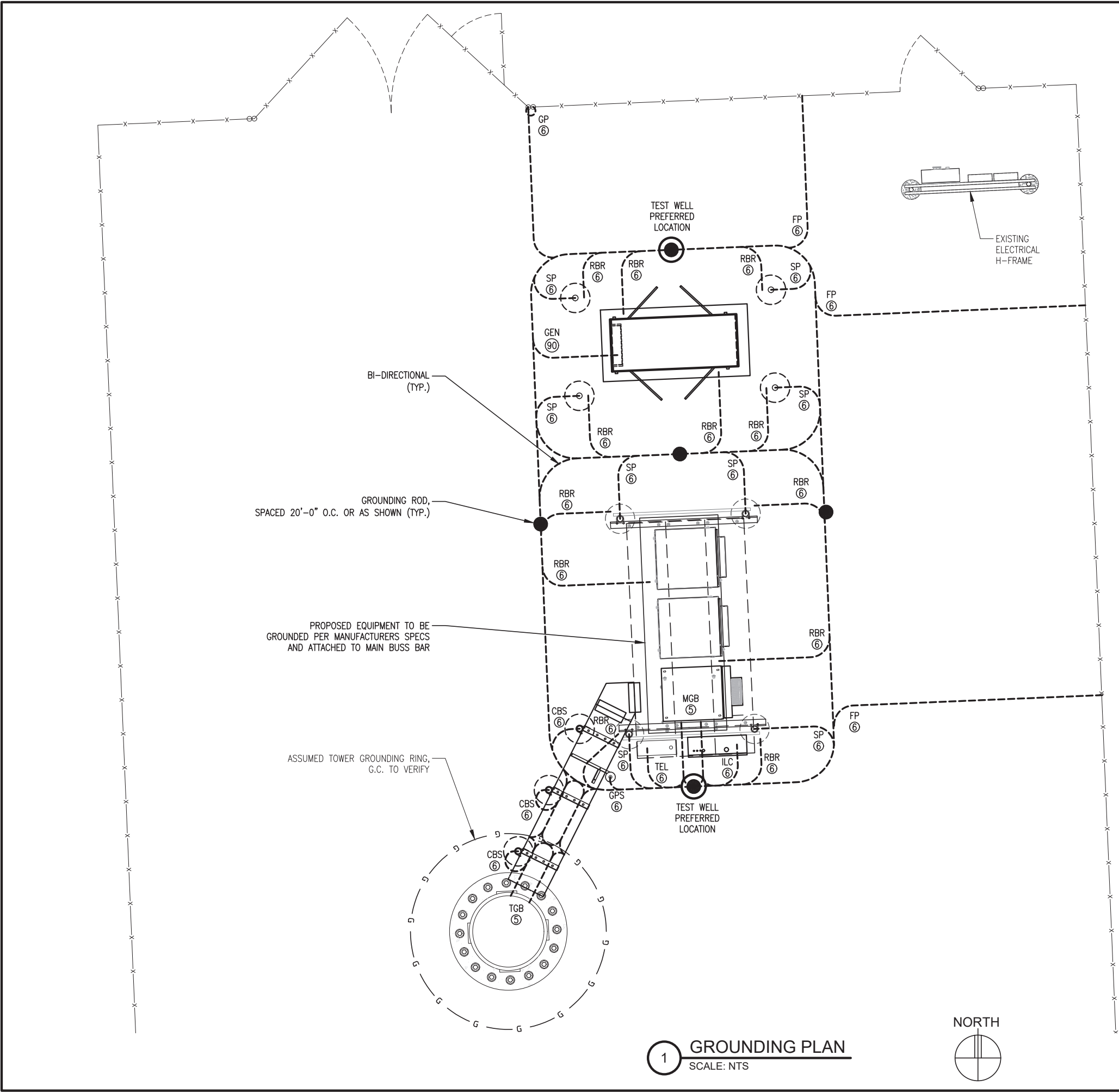
PROJECT
20212268927
LOC. CODE: 663978

FAR
SHYENNE LAND
FULL RELO

40TH AVE W
WEST FARGO, ND 58078

SHEET CONTENTS:
GROUNDING NOTES

DRAWN BY:	JP
DATE:	10-08-21
CHECKED BY:	TRB
REV. A	12-20-21
REV. B	02-02-22



GROUNDING DETAIL INDEX	
DETAIL	DETAIL DESCRIPTION
SLAB	SLAB ON GRADE GROUNDING
11.1	TEST WELL DETAIL, GROUND RING & ROD DETAIL
11.3	REBAR GROUNDING DETAIL
11.4	CONDUIT DETAIL
11.5	TYPICAL GROUNDING CABLE BRIDGE DETAIL

LICENSED ARCHITECT
ROBERT J. DAVIS
1228
DATE: 02/02/2022
STATE OF NORTH DAKOTA

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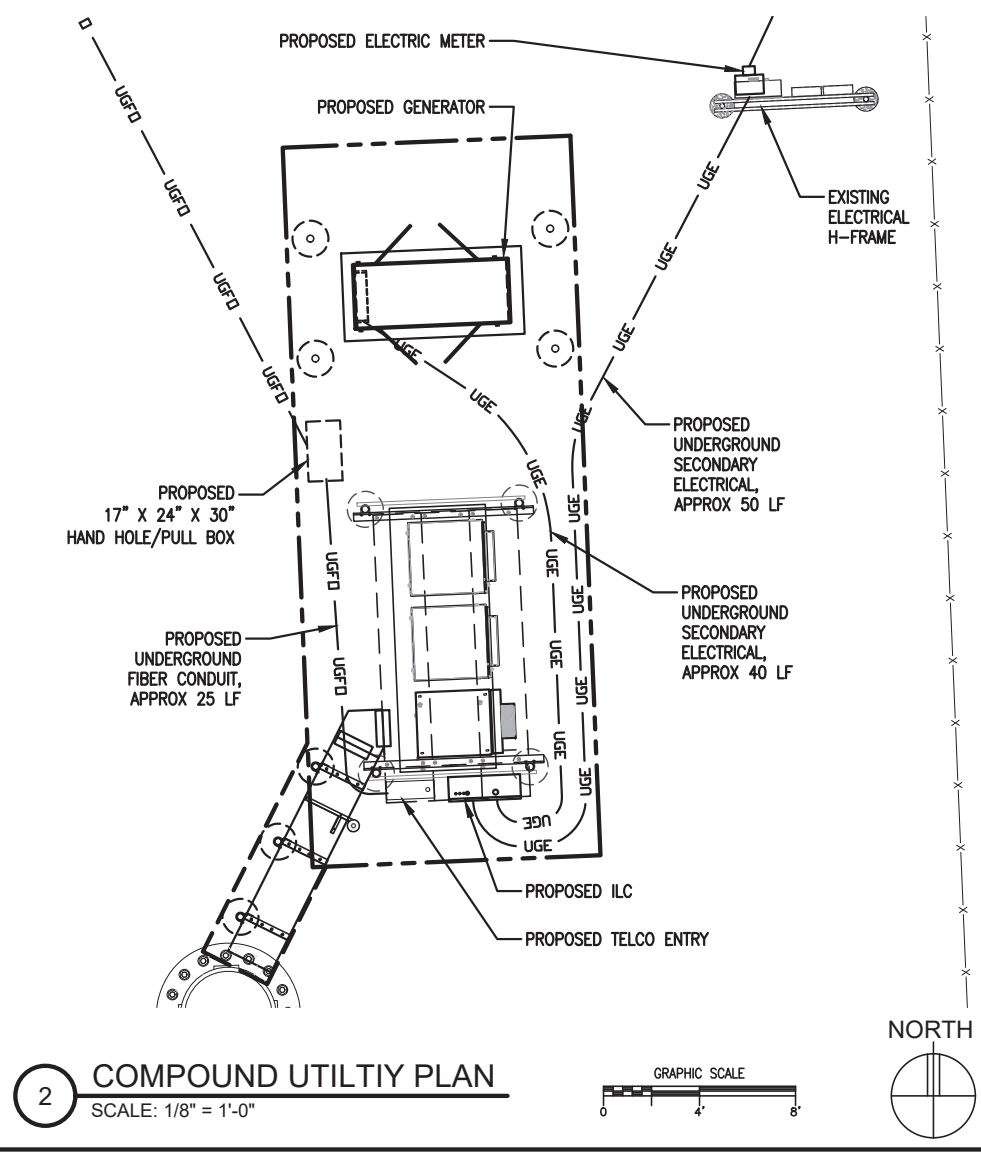
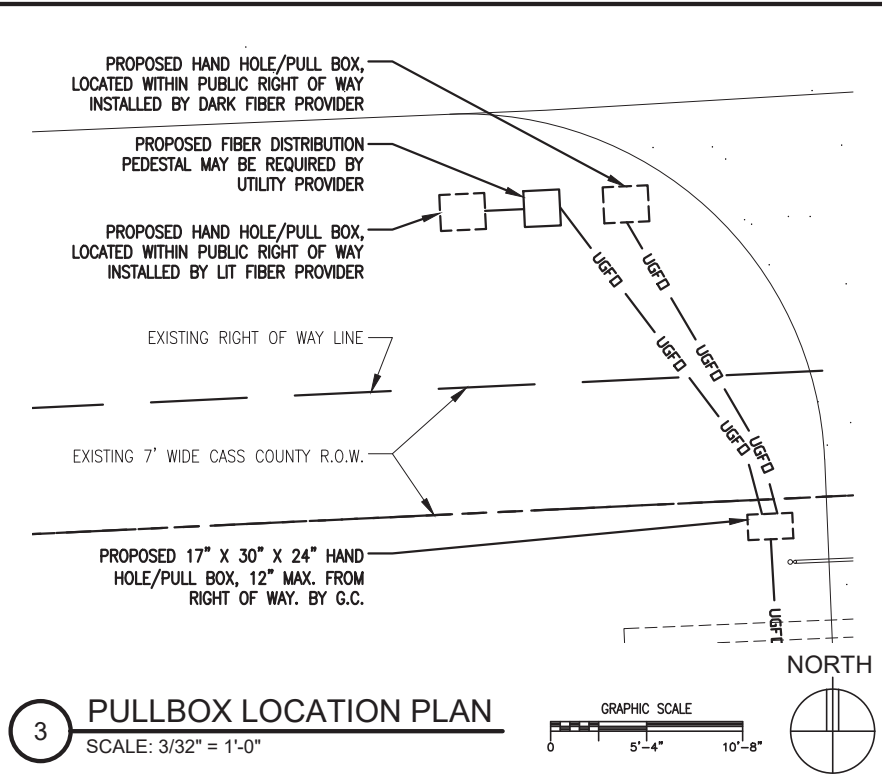
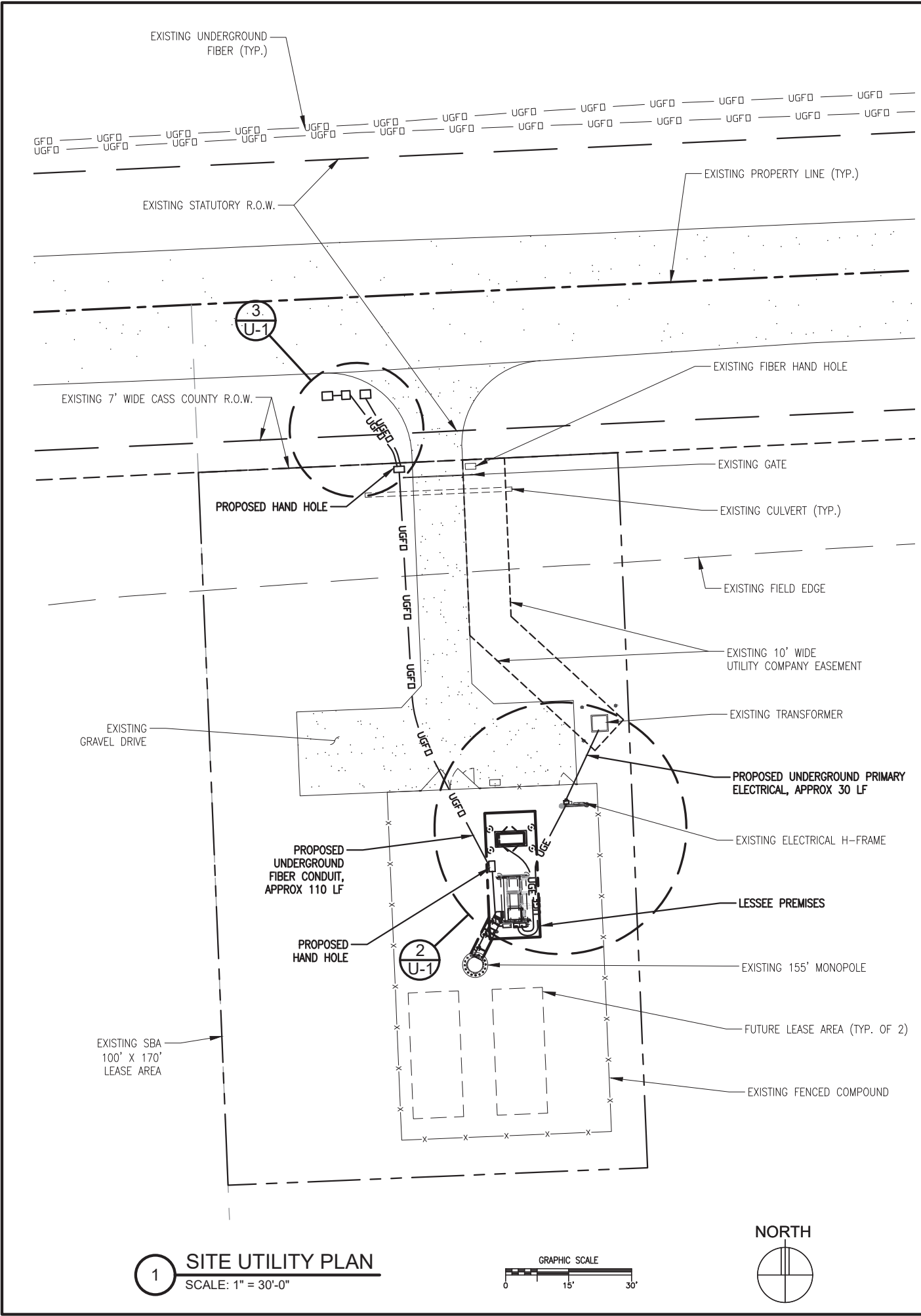
SHEET CONTENTS:
GROUNDING PLAN
GROUNDING DETAIL INDEX

DRAWN BY: JP
DATE: 10-08-21
CHECKED BY: TRB
REV. A 12-20-21
REV. B 02-02-22

G-2

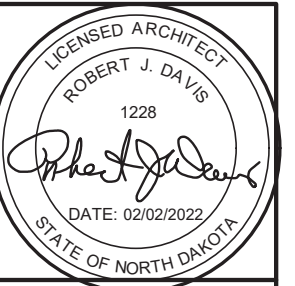
NOTE:
CONTRACTOR TO COORDINATE PUBLIC & PRIVATE UTILITY LOCATES PER STATE LAW PRIOR TO EXCAVATION. EXISTING UTILITY LINES DEVIATING FROM THAT SHOWN HEREIN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT & VZW CONSTRUCTION ENGINEER.

NOTE:
CONTRACTOR SHALL ENSURE THAT EACH WHIP IS ROUTED TO LEAD 1 BY THE SHORTEST PATH, AND BENDS SHALL NOT BE LESS THAN 12" RADIUS



POWER TYPE:
120/240V, SINGLE
PHASE, 200 AMPS

- GENERAL NOTES:
- 1) CONTRACTOR TO COORDINATE PUBLIC & PRIVATE UTILITY LOCATES PER STATE LAW PRIOR TO EXCAVATION. EXISTING UTILITY LINES DEVIATING FROM THAT SHOWN HEREIN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT & VZW CONSTRUCTION ENGINEER.
 - 2) PRIMARY ELECTRICAL - DEPTH AND SPECIFICATION BY POWER UTILITY COMPANY.
 - 3) SECONDARY ELECTRICAL - INSTALL CONDUIT 32" BELOW GRADE WITH TWO (2) DETECTABLE RIBBONS.
 - 4) FIBER OPTIC - INSTALL CONDUIT 42" BELOW GRADE WITH PULL STRING, TRACEABLE WIRE AND TWO (2) DETECTABLE RIBBONS.



I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly Licensed Architect under the laws of the state of NORTH DAKOTA. ROBERT J. DAVIS, Reg. No. 1228

Signed: *Robert J. Davis*
02/02/2022
Date:

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PROJECT
20212268927
LOC. CODE: 663978

FAR
SHYENNE LAND
FULL RELO

40TH AVE W
WEST FARGO, ND 58078

SHEET CONTENTS:
SITE UTILITY PLAN
PULLBOX LOCATION PLAN

DRAWN BY: JP
DATE: 10-08-21
CHECKED BY: TRB
REV. A 12-20-21
REV. B 02-02-22

U-1

SITE SURVEY

LEGEND

- | | | | |
|---|----------------------|---|--------------------|
|  | SIGN SINGLE POST |  | CULVERT |
|  | TREE CONIFER |  | EDGE OF FIELD |
|  | SANITARY MANHOLE |  | UNDERGROUND FIBER |
|  | WATER VALVE |  | BOUNDARY LINE |
|  | WATER HYDRANT |  | SECTION LINE |
|  | ELEC METER |  | QUARTER LINE |
|  | ELEC TRANSFORMER BOX |  | RIGHT OF WAY LINE |
|  | GAS VALVE |  | EASEMENT LINE |
|  | TELE HANDHOLE |  | DEED / PARCEL LINE |
|  | TELE PEDESTAL |  | GRAVEL SURFACE |
| | |  | |
| | |  | CONCRETE SURFACE |

S E C. 25

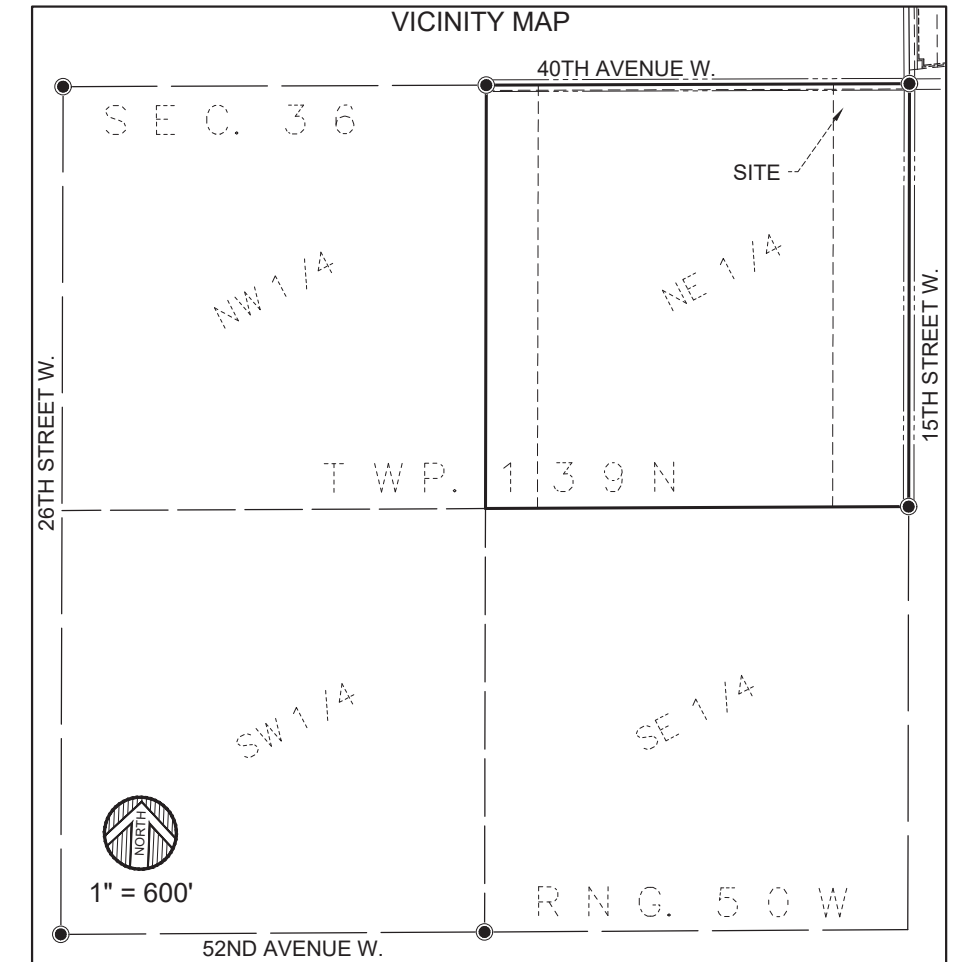
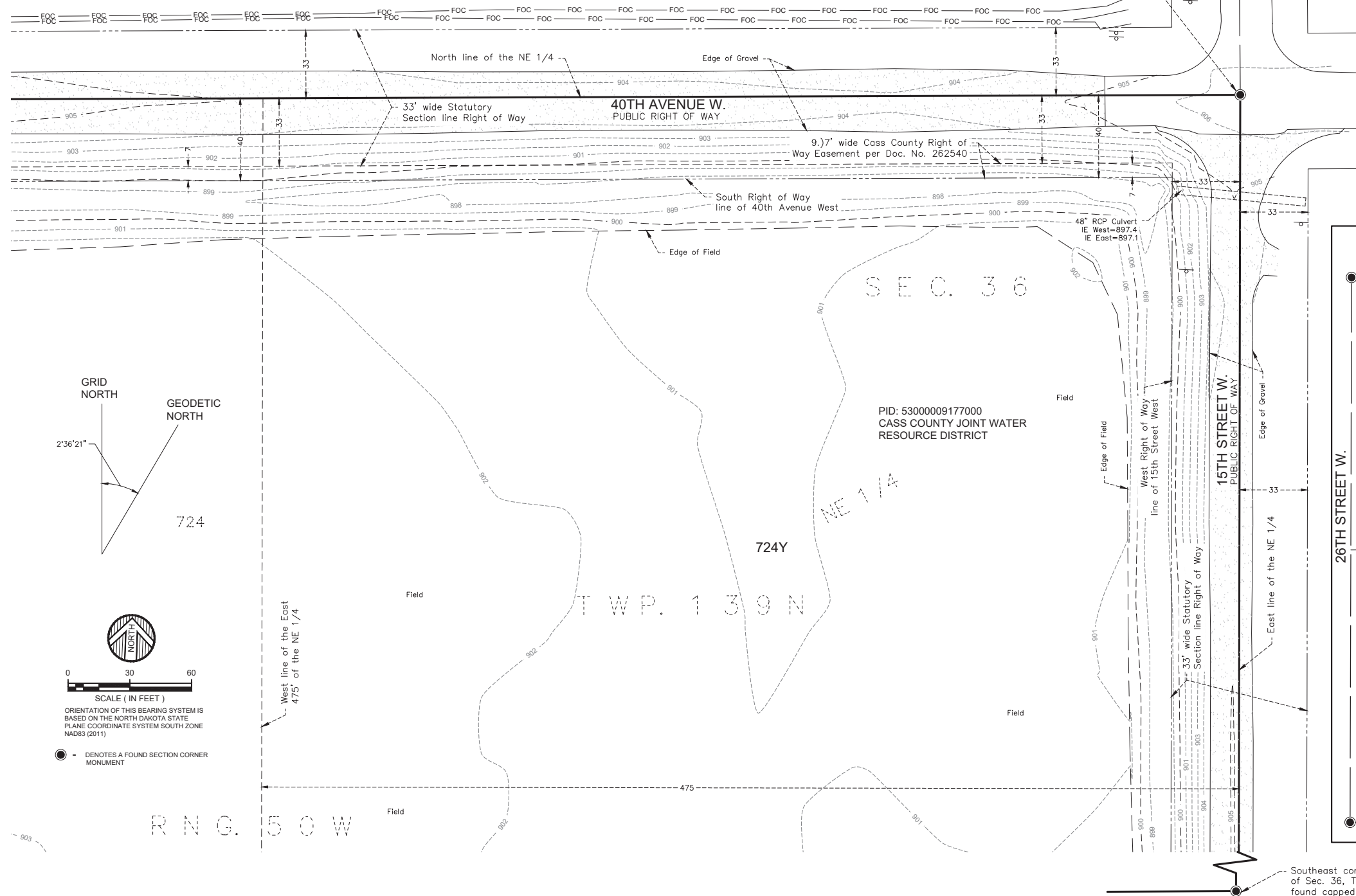
SE 14

Northeast corner of the NE 1/4
of Sec. 36, Twp. 139 N, Rng. 50 W
found 1/2" open pipe
Point of Commencement

PID: 02300001180000
SE CASS WATER RESOURCE DIST

SURVEYOR NOTES:

- 1.) Utilities are per observed evidence and markings from NORTH DAKOTA ONE CALL Ticket No. 21072803, dated June 28, 2021.
- 2.) This drawing has been scaled from North Dakota State Plane Coordinate System South Zone grid distance to ground distance by a scale factor of 1.0001031527. The unit of distance is the International Foot.



SHEET 2 OF 2 SHEETS

© 2021 WIDSETH

DESIGN 1

SITE NAME:
FAR SHYENNE LAND FULL RELO

Cass County, ND

No.	Date							By	CHK	APP
FIELD WORK:	N/A		CHECKED BY:	BTB		DRAWN BY:		JMB		

I HEREBY CERTIFY THAT THIS DOCUMENT WAS
PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY LICENSED LAND SURVEYOR OF
UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

AND THAT I AM A DULY LICENSED LAND SURVEYOR
UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

PRELIMINARY

SIGNATURE: _____

DATE: 12/20/21 LICENSE # 4897

FULL SCALE ON 22"x34"
HALF SCALE ON 11"x17"

2021-12164



WIDSETH
ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS



To: West Fargo City Commission
From: Planning Director Aaron Nelson
Date: June 6, 2022

Subject: Confirmation of appointment to Planning & Zoning Commission
Action: Confirm appointment of Aleyna Leibfried to the Planning & Zoning Commission

Commission President

Bernie Dardis

Primary Portfolio:

Administration/Finance

Secondary Portfolio:

Street, Water and Sewer

Commission

Vice President

Brad Olson

Primary Portfolio:

Street, Water and Sewer

Secondary Portfolio:

Sanitation

Commissioner

Eric Gjerdevig

Primary Portfolio:

Planning, Zoning and Engineering

Secondary Portfolio:

Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

Administration

Tina Fisk, Administrator

Dustin Scott, Assistant Administrator

Summary:

The Planning & Zoning Commission consists of eight members—five appointed by the City and three appointed by the County. Appointees serve five-year terms. For the City's five appointees, municipal code stipulates that the President of the Board of City Commissioners shall make such appointments, subject to confirmation by the Board of City Commissioners.

The West Fargo Planning & Zoning Commission currently has a vacancy for one City-appointed member. The City received five applications upon a recent public solicitation for applications. With consultation from staff, President Dardis has opted to appoint Aleyna Leibfried to a five-year term on the Planning & Zoning Commission. Ms. Leibfried's application is attached for reference.

Recommended Action:

The requested action of the City Commission is to confirm the appointment of Aleyna Leibfried to the West Fargo Planning & Zoning Commission.



To: West Fargo City Commission

From: Finance Director, Jim Larson

Date: June 6, 2022

Subject: Resolutions terminating Butler and Sterling TIF districts

Action: Approval of resolutions terminating Butler and Sterling TIF districts

Commission President

Bernie Dardis

Primary Portfolio:
Administration/Finance

Secondary Portfolio:
Street, Water and Sewer

Commission Vice President

Brad Olson

Primary Portfolio:
Street, Water and Sewer

Secondary Portfolio:
Sanitation

Commissioner

Eric Gjerdevig

Primary Portfolio:
Planning, Zoning and
Engineering

Secondary Portfolio:
Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:
Police and Fire

Secondary Portfolio:
Planning, Zoning and
Engineering

Commissioner

Mandy George

Primary Portfolio:
Sanitation

Secondary Portfolio:
Police and Fire

Administration

Tina Fisk, Administrator

Summary and Recommendation:

In 2004/2005 the Sterling Industrial Park Tax Increment and West Fargo Industrial Park Tax Increment Districts were created. These TIF districts were created to enhance development of the two industrial areas. Both of the districts have been successful in accelerating infrastructure development in the industrial parks. The obligations of the two districts have been met and the City of West Fargo can terminate the two tax increment districts.

The City Attorney has drafted resolutions to terminate both of the districts. Staff is requesting the City Commission approve the two resolutions presented.

Policy Analysis:

The City of West Fargo has the authority to create tax increment financing districts. Once the obligations of the district are met the district is to be terminated. The districts will be terminated as of August 1, 2022.

Financial Analysis:

The obligations of the districts have been met so no further TIF revenues need to be collected.

Process/Timeline:

Resolutions terminating the tax increment finance districts effective as of August 1, 2022 will be presented for approval on June 6, 2022. Cass County of the State of North Dakota will be notified of the termination via letter after the approval of the resolution by City Commission.

Commissioner _____ introduced the following resolution and moved for its adoption.

**RESOLUTION APPROVING THE TERMINATION OF WEST FARGO INDUSTRIAL
PARK TAX INCREMENT DISTRICT OF THE CITY OF WEST FARGO, NORTH
DAKOTA**

WHEREAS, in 2005, the City of West Fargo, North Dakota (the “City”), Butler Properties, Inc., (the “Developer”), and Con-Way Transportation Services entered into a Developer’s Agreement, relating to the installation and financing of improvements in Sewer and Water Improvement District No. 1180 and Street Light Improvement District No. 7070, and the creation of the West Fargo Industrial Park Tax Increment District (the “Tax Increment District”); and

WHEREAS, N.D.C.C. § 40-58-20, subd. 10, requires the City to report to the county auditor, when the costs of development or renewal have been fully paid and all bonds, notes, or other obligations issued by the City have been retired; and

WHEREAS, any remaining balance on hand must be distributed to the State of North Dakota and all political subdivisions having power to tax property in the area, in amounts proportionate to the amounts of the tax losses previously reimbursed to them; and

WHEREAS, the City has determined costs of development or renewal relating to the installation and financing of improvements in the Tax Increment District have been paid and all other obligations issued by the City have been retired; and

WHEREAS, Tax Increment District revenues in the amount of \$2,899,504.08 remain on hand and must be distributed in accordance with N.D.C.C. § 40-58-20, subd. 10; and

WHEREAS, the City desires by this resolution to terminate the Tax Increment District on August 1, 2022, after which all property taxes generated by property within the Tax Increment District will be distributed in the same manner as all other property taxes; and

WHEREAS, the City Commission acknowledges such action will be taken by the City Assessor and City Administrator to report to the Cass County Auditor to no longer remit tax increment from the Tax Increment District to the City beginning August 1, 2022; and

WHEREAS, the City Commission acknowledges that such action will be taken by the City Assessor and City Administrator to report to the Cass County Auditor to distribute Tax Increment District revenue remaining in the amount of \$2,899,504.08 to the State of North Dakota and applicable political subdivisions in accordance with N.D.C.C. § 40-58-20, subd. 10.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of West Fargo, North Dakota:

1. The Tax Increment District, which includes the parcels described in **Exhibit A** attached hereto, is hereby terminated on August 1, 2022, and the Cass County Auditor shall no longer remit tax increment from the Tax Increment District to the City.
2. The City Assessor, in conjunction with the City Administrator, is hereby authorized and directed to provide the Cass County Auditor with documents related to termination of the Tax Increment District, and to take any other steps required for termination of the Tax Increment District.
2. The City Assessor, in conjunction with the City Administrator, is hereby authorized and directed to determine the amount of excess Tax Increment District revenue and to distribute the remaining amount to the State of North Dakota and applicable political subdivisions in accordance with N.D.C.C. § 40-58-20, subd. 10.

Dated: _____, 2022.

APPROVED:

President of the Board of City
Commissioners

ATTEST:

Tina Fisk, City Administrator

Exhibit A

Parcel No.	Property Owner	Address
02-0032-00030-000	LEPETOMANE PROPERTIES	2028 2 AVE NW
02-0032-00040-000	DWM PROPERTIES LLC	311 21 ST NW
02-0032-00050-000	MASTEC PROPERTY HOLDINGS LLC	1916 2 AVE NW
02-0032-00060-000	CON-WAY CENTRAL EXPRESS	1756 2 AVE NW
02-0032-00070-000	DOHMEN GROUP, LLC	1624 2 AVE NW
02-0032-00080-000	MJA-WUEBKER LLC	230 15 ST NW
02-0032-00090-000	1520 PARTNERS LLP	1520 2 AVE NW
02-0033-00060-000	JON & SUSSAN GOPLEN	1928 4 AVE NW
02-0033-00070-000	SJOTHUN PROPERTIES INC	1914 4 AVE NW
02-0033-00080-000	J & S DEVELOPMENT	1830 4 AVE NW
02-0033-00090-000	J & S DEVELOPMENT LLP	1816 4 AVE NW
02-0033-00100-000	J & S DEVELOPMENT LLP	1746 4 AVE NW
02-0033-00110-000	SHOPPES ON 4TH, LLP	1718 4 AVE NW
02-0033-00140-000	SHOPPES ON 4TH, LLP	1522 4 AVE NW
02-0033-00150-000	PIPPA HOLDINGS, LLC	1508 4 AVE NW
02-0033-00171-000	HIGHLAND INVESTMENT GROUP LLC	1935 4 AVE NW
02-0033-00185-000	HIGHLAND INVESTMENT GROUP LLC	1921 4 AVE NW
02-0033-00230-000	VIESSMAN BROTHERS PROPERTIES	1711 4 AVE NW
02-0033-00245-000	DOHMEN GROUP, LLC	314 15 ST NW
02-0034-00025-000	DJV PROPERTIES LLC	220 21 ST NW
02-0085-00010-000	NETREIT WEST FARGO	1740 MAIN AVE W
02-0730-00010-000	DFP PROPERTIES	2210 MAIN AVE W
02-0730-00020-000	J & S DEVELOPMENT LLLP	140 21 ST NW
02-0731-00020-000	JASON SJOSTROM	135 21 ST NW
02-0731-00030-000	KEVIN JOHNSON	165 21 ST NW
02-0732-00010-000	HPB PROPERTIES LLC	2050 MAIN AVE W
02-0732-00020-000	JASON SJOSTROM	2032 MAIN AVE W
02-0800-00030-000	CATERPILLAR REMANUFACTURING DRIVETRAIN LLC	225 15 ST NW
02-0800-00040-000	CATERPILLAR REMANUFACTURING DRIVETRAIN LLC	231 15 ST NW
02-0800-00050-000	CATERPILLAR REMANUFACTURING DRIVETRAIN LLC	237 15 ST NW
02-0800-00060-000	CATERPILLAR REMANUFACTURING DRIVETRAIN LLC	243 15 ST NW
02-0800-00230-000	MINNKOTA POWER COOPERATIVE INC	329 15 ST NW
02-0800-00240-000	MINNKOTA POWER COOPERATIVE INC	335 15 ST NW
02-0800-00250-000	MINNKOTA POWER COOPERATIVE INC	341 15 ST NW
02-0800-00260-000	MINNKOTA POWER COOPERATIVE INC	347 15 ST NW
02-0803-00010-000	IA PROPERTIES LLC	323 15 ST NW
02-0803-00020-000	VOGEL PROPERTIES LLC	311 15 ST NW
02-0859-00020-000	FARMERS UNION OIL COMPANY OF MOORHEAD, MINNESOTA	1767 2 AVE NW
02-0950-00015-000	BRN ENTERPRISES LLC	2536 MAIN AVE W
02-0950-00060-000	VECTOR CONSTRUCTION	2504 MAIN AVE W
02-0950-00070-000	ROMMESMO FAMILY LIMITED PARTNERSHIP	2438 MAIN AVE W
02-0950-00080-000	ROMMESMO FAMILY LIMITED PARTNERSHIP	2426 MAIN AVE W
02-0950-00115-000	ROMMESMO FAMILY LIMITED PARTNERSHIP	2324 MAIN AVE W
02-0950-00140-000	ROMMESMO FAMILY LIMITED PARTNERSHIP	2316 MAIN AVE W
02-0950-00155-000	NPD PROPERTIES, LLC	2308 MAIN AVE W

02-0950-00180-000	DFP PROPERTIES	2218 MAIN AVE W
02-0952-00010-000	BAJA PARTNERS	2520 MAIN AVE W
02-0952-00020-000	AXEL PROPERTIES	2512 MAIN AVE W
02-0952-00030-000	BAJA PARTNERS	2528 MAIN AVE W
02-3055-00010-000	MASTEC PROPERTY HOLDINGS LLC	1910 MAIN AVE W
02-3900-00010-000	TRAIL KING INDUSTRIES	2130 3 AVE NW
02-3901-00020-000	CATERPILLAR REMANUFACTURING DRIVETRAIN LLC	219 15 ST NW
02-3902-00020-000	TRAIL KING INDUSTRIES	2130 3 AVE NW
02-3902-00030-000	KW FARGO LLC	2500 3 AVE NW
02-3902-00120-000	ROMMESMO FAMILY LTD PARTNERSHIP	2427 3 AVE NW
02-3902-00130-000	ROMMESMO FAMILY LTD PARTNERSHIP	2439 3 AVE NW
02-3903-00010-000	DAKOTA UPREIT LIMITED PARTNERSHIP	1907 4 AVE NW
02-3904-00010-000	STERLING OFFICE AND INDUSTRIAL PROPERTIES, LLP	2521 3 AVE NW
02-3905-00010-000	WEST FARGO WAREHOUSE	2227 3 AVE NW
02-3906-00010-000	SPANCO LLC	1620 4 AVE NW
02-3906-00020-000	FLUTO PROPERTIES	1606 4 AVE NW
02-3950-00010-000	FARMERS UNION OIL COMPANY OF MOORHEAD	1772 MAIN AVE W
02-3950-00020-000	FARMERS UNION OIL OF MOORHEAD	1812 MAIN AVE W
02-3950-00030-000	FARMERS UNION OIL OF MOORHEAD MINNESOTA	1822 MAIN AVE W
02-3950-00040-000	FARMERS UNION OIL OF MOORHEAD MINNESOTA	N/A
02-3950-00050-000	FARMERS UNION OIL OF MOORHEAD MINNESOTA	N/A
02-3950-00060-000	FARMERS UNION OIL OF MOORHEAD MINNESOTA	N/A

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

Commissioner _____ introduced the following resolution and moved for its adoption.

**RESOLUTION APPROVING THE TERMINATION OF STERLING INDUSTRIAL
PARK TAX INCREMENT DISTRICT OF THE CITY OF WEST FARGO, NORTH
DAKOTA**

WHEREAS, in 2004, the City of West Fargo, North Dakota (the “City”), and Sterling Companies, Inc. (the “Developer”), entered into a Developer’s Agreement, relating to the installation and financing of improvements to extend the water and sewer trunk lines along 7th Avenue in West Fargo, North Dakota, and the creation of the Sterling Industrial Park Tax Increment District (the “Tax Increment District”); and

WHEREAS, N.D.C.C. § 40-58-20, subd. 10, requires the City to report to the county auditor, when the costs of development or renewal have been fully paid and all bonds, notes, or other obligations issued by the City have been retired; and

WHEREAS, any remaining balance on hand must be distributed to the State of North Dakota and all political subdivisions having power to tax property in the area, in amounts proportionate to the amounts of the tax losses previously reimbursed to them; and

WHEREAS, the City has determined costs of development or renewal relating to the installation and financing of improvements in the Tax Increment District have been paid and all other obligations issued by the City have been retired; and

WHEREAS, the City has determined that no Tax Increment District revenues remain on hand that must be distributed in accordance with N.D.C.C. § 40-58-20, subd. 10; and

WHEREAS, the City desires by this resolution to terminate the Tax Increment District on August 1, 2022, after which all property taxes generated by property within the Tax Increment District will be distributed in the same manner as all other property taxes; and

WHEREAS, the City Commission acknowledges such action will be taken by the City Assessor and City Administrator to report to the Cass County Auditor to no longer remit tax increment from the Tax Increment District to the City beginning August 1, 2022; and

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of West Fargo, North Dakota:

1. The Tax Increment District, which includes the parcels described in **Exhibit A** attached hereto, is hereby terminated on August 1, 2022, after which the Cass County Auditor shall no longer remit tax increment from the Tax Increment District to the City.

2. The City Assessor, in conjunction with the City Administrator, is hereby authorized and directed to provide the Cass County Auditor with documents related to termination of the Tax Increment District, and to take any other steps required for termination of the Tax Increment District.

Dated: _____, 2022.

APPROVED:

President of the Board of City
Commissioners

ATTEST:

Tina Fisk, City Administrator

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

Exhibit A

Parcel No.	Property Owner	Address
02-2053-00010-000	NETREIT WEST FARGO, LLC	474 10 ST NE
02-2053-00030-000	MAC REAL ESTATE LLC	614 10 ST NE
02-2053-00040-000	GREENWORKS PROPERTIES LLC	636 10 ST NE
02-2053-00080-000	RIVERSIDE INVESTMENTS LLC	632 13 ST NE
02-2053-00110-000	RED RIVER REGIONAL MARKSMANSHIP CENTER INC	640 16 ST NE
02-2054-00020-000	HOIBERG PROPERTIES LLC	1120 5 AVE NE
02-2054-00040-000	HOIBERG PROPERTIES LLC	1212 5 AVE NE
02-2054-00050-000	RIVERSIDE INVESTMENTS LLC	PRIVATE DRIVE
02-2054-00060-000	BRADLEY & REBECCA KING	612 13 ST NE
02-2054-00070-000	HAUGEN & HOIBERG INVESTMENTS LLC	528 13 ST NE
02-2054-00080-000	NETREIT WEST FARGO	617 13 ST NE
02-2054-00091-000	ENCLAVE COMPANIES LLC	529 13 ST NE
02-2054-00092-000	SCENIC SIGN PROPERTIES	1320 5 AVE NE
02-2054-00130-000	NETREIT WEST FARGO, LLC	526 10 ST NE
02-2056-00020-000	BUSSINGER PROPERTIES	633 13 ST NE
02-2056-00030-000	NETREIT WEST FARGO, LLC	625 13 ST NE
02-2057-00010-000	PFAU RENTAL PROPERTIES LLC	1418 5 AVE NE
02-2057-00020-000	PFAU RENTAL PROPERTIES LLC	1502 5 AVE NE
02-2057-00035-000	BSJ PROPERTIES LLC	528 16 ST NE
02-2057-00050-000	WAYNE WELLE	1021 5 AVE NE
02-2057-00060-000	HOIBERG PROPERTIES LLC	1049 5 AVE NE
02-2057-00070-000	NICHELSON OIL INC	1133 5 AVE NE
02-2057-00080-000	NERLAND CRARY PROPERTIES LLC	1217 5 AVE NE
02-2057-00100-000	JBH PROPERTIES	1413 5 AVE NE
02-2057-00120-000	GEORGE & PATTI VOIGT	1609 5 AVE NE
02-2057-00130-000	FISCHER HOLDINGS	513 16 ST NE
02-2057-00140-000	MJM INVESTMENTS LLC	541 16 ST NE
02-2057-00150-000	PFAU RENTAL PROPERTIES	625 16 ST NE
02-2057-00160-001	CNW HOLDINGS LLC	639 16 ST NE UNIT 1
02-2057-00160-002	M1 PROPERTIES, LLC	639 16 ST NE UNIT 2
02-2057-00160-003	MI PROPERTIES	639 16 ST NE UNIT 3
02-2057-00160-004	CNW HOLDINGS LLC	639 16 ST NE UNIT 4
02-2057-00160-005	CNW HOLDINGS LLC	639 16 ST NE UNIT 5
02-2057-00160-006	CNW HOLDINGS LLC	639 16 ST NE UNIT 6
02-2057-00160-007	CNW HOLDINGS LLC	639 16 ST NE UNIT 7
02-2058-00010-000	GREENWORKS PROPERTIES LLC	603 10 ST NE
02-2058-00020-000	HAUGEN & HOIBERG INVESTMENTS LLC	1016 5 AVE NE
02-2059-00010-000	STAN & BONNIE STORAGE LLC	1511 5 AVE NE
02-2059-00020-000	CR STORAGE LLC	1523 5 AVE NE
02-2080-00010-000	BRODEUR PROPERTIES	635 10 ST NE
02-2080-00020-000	BRODEUR PROPERTIES, LLP	619 10 ST NE



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: *

Tina Fisk

Phone Number: *

701-515-5050

Email Address:

tina.fisk@westfargond.gov

Date *

6/6/2022

Topic for Consent or Regular Agenda?

Please select one option:

- ☐ Consent Agenda
☒ Regular Agenda

Please Briefly Describe Your Request *

Recommendation to appoint City Engineer

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Recommend to appoint Dan Hanson as West Fargo City Engineer, effective June 20, 2022, contingent upon successful results of his pre-employment screenings.

Upload Additional Documentation (Optional):



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: *

Cody Cashman

Phone Number: *

701-282-2200

Email Address:

cody@redrivalleyfair.com

Date *

5/17/2022

Topic for Consent or Regular Agenda?

Please select one option:

- ☐ Consent Agenda
☒ Regular Agenda

Please Briefly Describe Your Request *

It is the RRVF Association's desire to expand the campground facilities at the fairgrounds. We are requesting that the West Fargo City Commission have City staff work with us on an ordinance amendment that will accomodate an option for an expanded stand-alone campground.

Site Address or Legal Description (if applicable)

1805 Main Avenue West
West Fargo, ND 58078

Action Being Requested from City Commission *

It is our intent to see where the City Commission stands on our request before setting out on an effort to draft and bring forward a zoning amendment through the Planning & Zoning Commission for their consideration.

Upload Additional Documentation (Optional):

21-276 RRVF Campground Imprv. 10-19-21.pdf

6.6MB



**RED RIVER VALLEY
FAIR ASSOCIATION**
**CAMPGROUND
IMPROVEMENTS**
WEST FARGO, ND

MBN JOB #: 21-276 DATE: 10-20-21

CO

EXISTING SITE PLAN / PROPOSED PLAN

EXISTING CAMP SITES:	71
PROPOSED CAMP SITES:	130
TOTAL CAMP SITES:	201

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Aaron Nelson, AICP
2. PHONE NUMBER: 515-5370 DATE: May 27, 2022
3. AGENDA TITLE:
Final Plat approval, Public Hearing and Second Reading – Proposed Grant
Addition Rezoning from A: Agricultural to R-2: Limited Multiple Dwellings at 7802
52nd Avenue West.
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Hold 2nd Reading and Public Hearing on the Rezoning and Final Plat Approval.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Property located in the NW¼ of Section 6, T138N, R49W (7802 52nd Avenue
West), City of West Fargo, North Dakota (Proposed Grant Addition)
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Hold Second Reading and Public Hearing on the Rezoning and Final Plat
Approval.

STAFF REPORT

A22-7 SUBDIVISION/REZONING	
Grant Addition	
7802 52 nd Ave W	
Part of the NW¼ of Section 6, T138N, R49W (7802 52nd Avenue West), City of West Fargo, North Dakota	
Applicant: Joel Fremstad Owner: Kathleen Grant	Staff Contact: Aaron Nelson, AICP
Planning & Zoning Commission Public Hearing:	02-08-2022 – Approval
1 st Reading:	05-02-2022 – Approval with condition
Public Hearing, 2 nd Reading & Final Plat Approval	6-06-2022

PURPOSE:

Plat and rezone land for future medium-density residential development.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban – Growth Sector
Existing Land Use:	Non-Farm Single Family
Current Zoning District(s):	A: Agricultural
Zoning Overlay District(s):	N/A
Proposed Zoning District(s):	R-2: Limited Multiple Dwelling
Proposed Lot size(s) or range:	286,634 square feet
Total area size:	6.58 Acres
Adjacent Zoning Districts:	North – R-1SM: Mixed One & Two Family Dwellings; R-2: Limited Multiple Dwellings South– R-1SM: Mixed One & Two Family Dwellings West – A: Agricultural (Horace/Sheyenne Diversion) East - R-1: One and Two Family Dwellings
Adjacent/Proposed street(s):	Rachel Dr W (Local); existing access easement to 11 th St W; proposed access easement
Adjacent Bike/Pedestrian Facilities:	Sidewalks along 11 ^h St W
Available Parks/Trail Facilities:	Park within the Wilds development within a 1/10 of a mile accessible by multi-use path and sidewalks
Land Dedication Requirements:	Dedication required

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted applications for subdivision and rezone in order to plat the property into one lot and rezone the property from A (Agricultural) to R-2 (Limited Multiple Dwelling).
- There is an existing homestead on the property.
- There is no specific development or site plan proposed at this time. The owner states they are pursuing platting and zoning in order to sell the land for future development by the purchaser.
- The property is currently accessed via gravel drive from 52nd Ave W, along the Sheyenne Diversion on property owned by SE Cass Water Resource District.

STAFF REPORT

- Access and City services to the property are available via:
 - City-owned access lot (Lot 57, Block 1, The Wilds 11th Addition), which provides connection to 11th St W.
 - The abutting public right-of-way for Rachel Dr W, located on the south end of the subject property. (Although this street has not yet been constructed.)
- The proposed subdivision would link these two access points (noted above) via public access easement. The access easement is to be established in conjunction with the design of the future residential development, so as to align with the location of future private drives within the development. The access easement will be subject to City review and approval and is required prior to the issuance of building permits, as outlined within the proposed subdivision agreement.
- The City's subdivision standards typically require a cul-de-sac turnaround for dead-ends to public streets. However, the Planning Commission may grant a subdivision variance to waive this requirement, in accordance with §4-0403.2 of the City's subdivision ordinance. With the approval of the preliminary plat on February 8, 2022, the Planning & Zoning Commission approved a subdivision variance in order to require a public access easement in lieu of the required cul-de-sac turnaround.
- The proposed R-2 zoning district requires a minimum lot area of 1,800 square feet for each dwelling unit plus 200 square feet for each bedroom (including efficiency units). With a total land area of 6.58 acres, the proposed subdivision would allow for a maximum of 143 one-bedroom/efficiency units. That number would decrease as you add one- and two-bedroom units. Additionally, individual buildings are restricted to a maximum of 8 units, including townhouse structures and condominiums.
- Minimum landscaping standards are required for new multi-unit development. Additionally, depending upon the type of development, landscape buffering may be required adjacent to single-dwelling residential zoning districts.
- The Park District has requested fee-in-lieu of parkland dedication for the subdivision. The fee will help to fund existing Park facilities within the Wilds neighborhood.
- A development agreement will be needed to specify details relating to such things as access, utility servicing, and timing of construction.
- The Engineering Department noted that since the surrounding property is platted and since there is no specific development proposed at this time, a drainage plan is not required for the subdivision. However, a drainage easement is needed along the property line abutting the Sheyenne Diversion.

CRITERIA FOR GRANTING SUBDIVISION VARIANCE:

With reference to the criteria for granting a subdivision variance, the following is noted:

1. The conditions upon which the variance is based are unique to the property and are not applicable generally to other property in the same district.
 - The property is uniquely situated due to its nature of being a "remainder" property, completely bounded by existing platted property and the Sheyenne Diversion.
2. Because of the particular physical surrounding of the property, a particular hardship to the owner would result, as opposed to mere inconvenience, if the strict letter of these regulations were carried out.
 - The need for the cul-de-sac results from the fact that there is only one public right-of-way connection to the subject property. This situation does not result from the owner's actions.

STAFF REPORT

3. The granting of the variance would not harm the surrounding neighborhood in any way and would be beneficial to public health, safety, and welfare.
 - Staff is generally opposed to the creation of new cul-de-sacs due, primarily, to the added public cost to maintain them without the benefit of increased transportation connectivity. The proposed access easement would provide connectivity for the development while eliminating the need for public expense in maintenance.
4. The variance is consistent with the proper development of the area.
 - Cul-de-sacs can be useful in providing access to multiple properties in certain situations where connectivity is infeasible. However, in this case there is only one lot being proposed, which would have direct access to the public right-of-way for Rachel Dr W.

NOTICES:

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

Comments Received:

- Staff has received three inquiries from the public, mainly requesting additional information. Two of these individuals expressed some concern with the potential for loss of existing trees on the subject property and some apprehension regarding the potential for multi-dwelling. These comments are attached.

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

- The mix of housing types and increased densities will increase the diversity of the neighborhood housing stock consistent with goals of the Comprehensive Plan. Specifically, the plan's Big Idea to "Strengthen Neighborhoods and Expand Housing Choice."
- The West Fargo 2.0 plan also includes a conceptual plan for the Wilds neighborhood, which illustrates how diverse housing types, such as townhomes, duplexes, smaller apartment buildings, and condo buildings can be integrated alongside single-dwelling houses within the same neighborhood.

RECOMMENDATIONS TO PLANNING AND ZONING COMMISSION:

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

1. That the applicant continues to work with staff as to the details of the access and utility easement, including any necessary agreements.
2. A signed subdivision agreement is received, if deemed necessary.
3. A signed public land dedication/fee-in-lieu agreement is received and approved.
4. Final Plat is received with any necessary easements & conditions satisfied.
5. A certificate is received showing taxes are current.

PLANNING AND ZONING RECOMMENDATION:

At their February 8, 2022 meeting, the Planning & Zoning Commission recommended approval of the proposed Subdivision Plat, Subdivision Variance, and Rezoning, subject to the conditions listed above.

STAFF REPORT

RECOMMENDATION:

It is recommended that the City Commission approve the proposed application on the basis that it is consistent with City plans and ordinances.

UPDATE (5/27/2022):

At the City Commission meeting of May 2, 2022, the Commission approved the first reading of the rezone with the condition that the developer come back to the City Commission for final approval of the layout of the internal driveways.

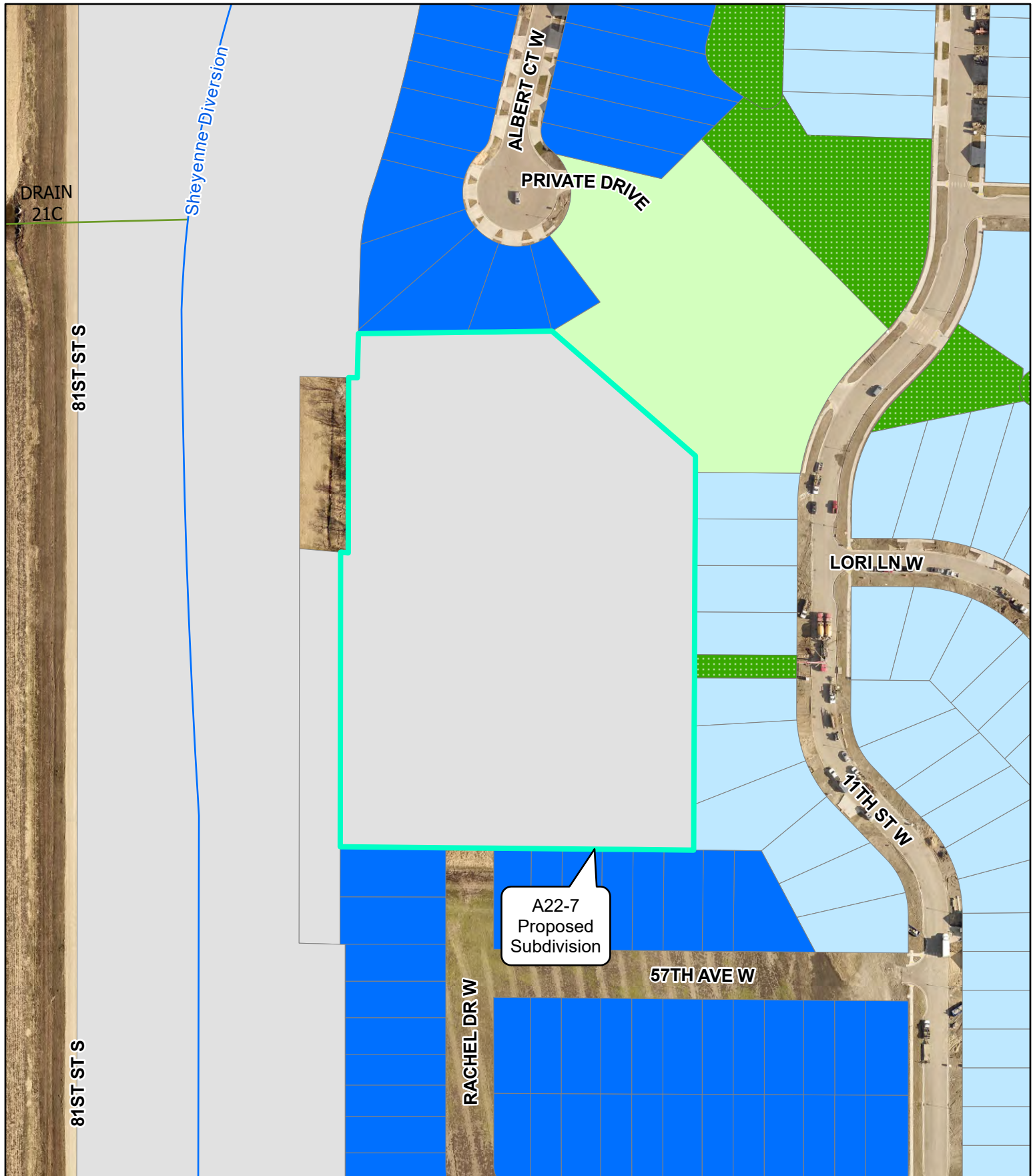
The applicant has expressed concern with this condition due to the unpredictability such a requirement presents in relation to securing the necessary development entitlements to move forward with development. The applicant is requesting the City Commission approve the proposed zone change and subdivision plat, without any such conditions or extra requirements for additional Commission approval.

To address the Commission's desire for additional information regarding the layout of future private drives within the development, the developer has submitted a conceptual driveway plan (see attached) which illustrates the two connection points to public right-of-way and the additional connection to their abutting townhome development to the northeast.

As of the writing of this staff report, it is staff's understanding that the applicant is requesting the City Commission vote to approve or deny the request as presented.

Staff would note that, regardless of any conditions, future development is required to meet all applicable building, fire, and zoning code standards, in addition to the terms of the attached subdivision agreement (if approved). City staff reviews all development and building plans for conformance with City codes at the time of building permitting.





West Fargo Zoning

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

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

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



Plot Date & Time: 27 April 2022 2:07 PM
S:\SURVEY\01_P\Projects\2021\521-592 Grant Addition Plat.dwg
S:\SURVEY\01_P\Projects\2021\521-592 Grant Addition Plat - West Fargo\Drawings\521-592 Grant Addition Plat.dwg

GRANT ADDITION

TO THE CITY OF WEST FARGO, A PLAT OF PARTS OF AUDITOR'S LOT 1 AND AUDITOR'S LOT 3 AND PART OF GOVERNMENT LOT 4 AND GOVERNMENT LOT 5 OF THE NORTHWEST QUARTER SECTION 6, TOWNSHIP 138 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

Joshua J. Nelson, being duly sworn, deposes and says that he is the Registered Land Surveyor who prepared and made the attached plat of "GRANT ADDITION" to the City of West Fargo, a plat of parts of Auditor's Lot 1 and Auditor's Lot 3 and part of Government Lot 4 and Government Lot 5 of the Northwest Quarter Section 6, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota; that said plat is a true and correct representation of the boundary survey; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys and that said addition is described as follows, to wit:

That part of Auditor's Lot 1 and Auditor's Lot 3 and part of Government Lot 4 and Government Lot 5 of the Northwest Quarter Section 6, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota described as follows:

Beginning at the northwest corner of Lot 1, Block 1 of THE WILDS TWENTY FIRST ADDITION, according to the recorded plat thereof on file and of record in the office of the County Recorder, Cass County, North Dakota; thence North 02 degrees 31 minutes 15 seconds West on the east line of the Sheyenne Diversion a distance of 379.75 feet; thence South 87 degrees 31 minutes 15 seconds East a distance of 10.04 feet; thence North 02 degrees 31 minutes 15 seconds West on the east line of the Sheyenne Diversion a distance of 226.05 feet; thence North 88 degrees 48 minutes 45 seconds East a distance of 11.28 feet; thence North 01 degree 11 minutes 15 seconds West on the east line of the Sheyenne Diversion a distance of 56.89 feet to the southeast corner of THE WILDS EIGHTEENTH ADDITION, according to the recorded plat thereof on file and of record in the office of the County Recorder, Cass County, North Dakota; thence North 86 degrees 39 minutes 40 seconds East on the south line of said addition a distance of 250.42 feet; thence South 51 degrees 43 minutes 54 seconds East on the southwesterly line of said addition a distance of 245.47 feet; thence South 02 degrees 20 minutes 20 seconds East on the west line of THE WILDS ELEVENTH ADDITION, according to the recorded plat thereof on file and of record in the office of the County Recorder, Cass County, North Dakota a distance of 508.20 to a point of intersection with the north line of THE WILDS TWENTY FIRST ADDITION, according to the recorded plat thereof on file and of record in the office of the County Recorder, Cass County, North Dakota; thence South 87 degrees 54 minutes 40 seconds West on said north line a distance of 457.24 feet to the point of beginning.

Said tract contains 6.58 acres, more or less, and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record.

Joshua J. Nelson, PLS
Professional Land Surveyor
Registration No. LS-27292

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public: _____

DEDICATION

I, the undersigned, do hereby certify that I am the owner of the land described in the plat of "GRANT ADDITION" to the City of West Fargo, a plat of parts of Auditor's Lot 1 and Auditor's Lot 3 and part of Government Lot 4 and Government Lot 5 of the Northwest Quarter Section 6, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota; that i have caused it to be platted into lots and blocks as shown by said plat and certificate of Joshua J. Nelson, Registered Land Surveyor, and that the description as shown in the certificate of the Registered Land Surveyor is correct. We hereby dedicate the utility and drainage easements shown on said plat to the use of the public.

Owner: Kathleen Grant

Kathleen Grant

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Kathleen Grant, a single person, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public: _____

WEST FARGO PLANNING COMMISSION APPROVAL

Approved by the City of West Fargo Planning Commission this ____ day of _____, 20____.

Joseph F. Kolb
Planning Commission Chair

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Joseph F. Kolb, Planning Commission Chair, known to me to be the person described in and who executed the same as West Fargo Planning Commission.

Notary Public: _____

WEST FARGO CITY ENGINEER APPROVAL

This plat in the City of West Fargo is hereby approved this ____ day of _____, 20____.

Dustin T. Scott.
City Engineer

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Dustin T. Scott, City Engineer, known to me to be the person described in and who executed the same as the City Engineer.

Notary Public: _____

WEST FARGO CITY ATTORNEY APPROVAL

I hereby certify that proper evidence of title has been examined by me and I approve this plat as to form and execution this ____ day of _____, 20____.

John T. Shockley
City Attorney

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared John T. Shockley, City Attorney, known to me to be the person described in and who executed the same as the City Attorney.

Notary Public: _____

WEST FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 20____.

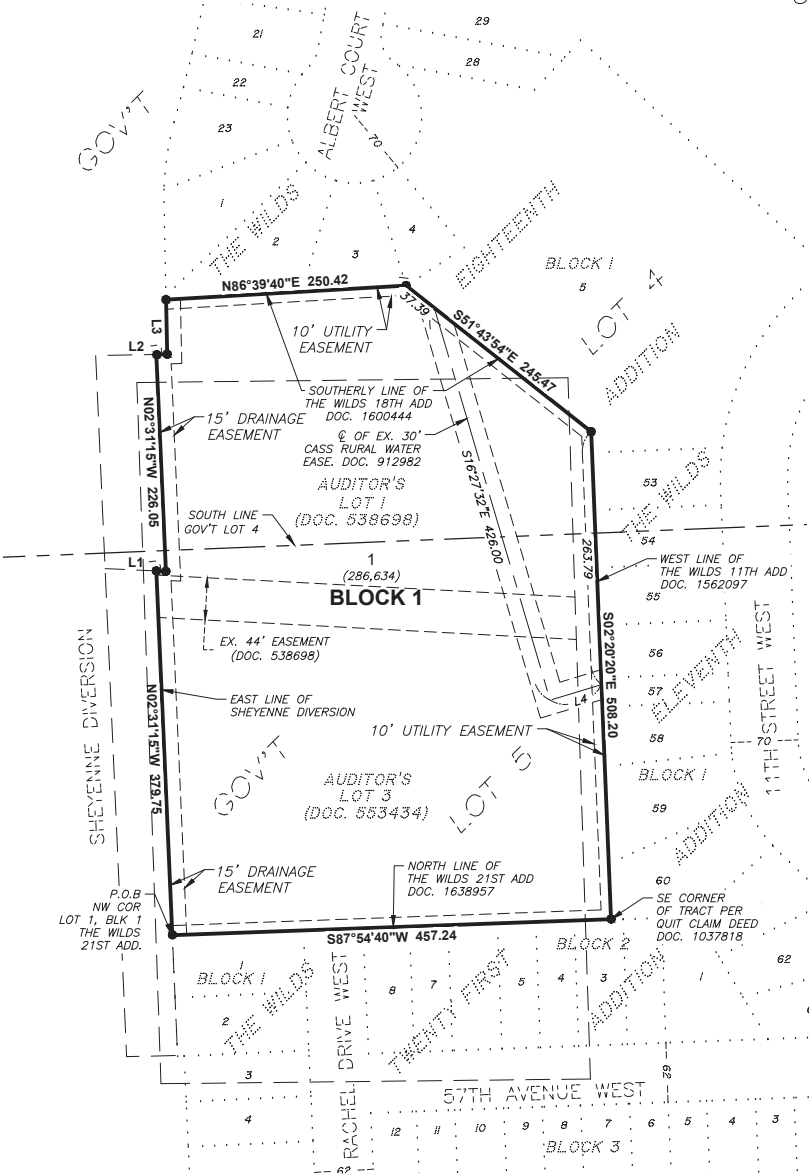
Bernie L. Dardis
President of the West Fargo City Commission

Tina Fisk
City Auditor

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Bernie L. Dardis, President, and Tina Fisk, City Auditor of the City of West Fargo, known to me to be the persons described in and who executed the same on behalf of the City of West Fargo.

Notary Public: _____

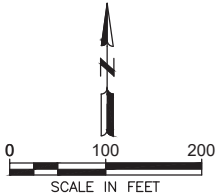


NOTES

1. ORIENTATION OF BEARING IS THE WILDS 11TH ADDITION PLAT TO THE CITY OF WEST FARGO, ACCORDING TO THE RECORDED PLAT THEREOF
2. GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
3. UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
4. THE 15' DRAINAGE EASEMENT IS FOR SURFACE GRADING.

LEGEND

- SET MONUMENT 5/8" REBAR W/CAP LS-27292
- FOUND MONUMENT
- (5,000) PLAT LOT AREAS (SQUARE FEET)
- PLAT OVERALL BOUNDARY
- PLAT BLOCK LINES
- EXISTING PROPERTY LINE
- EXISTING PLATTED LINE
- EXISTING EASEMENT LINE
- PLAT NEW EASEMENT



LINE TABLE		
#	DISTANCE	BEARING
L1	10.04	S87°31'15"E
L2	11.28	N88°48'45"E
L3	56.89	N01°11'15"W
L4	55.81	N73°14'04"E

KPH, INC.
SURVEY
9530 39TH ST. S.
FARGO, ND 58104
701-499-7979

Grant Property

Preliminary Road Layout



EAGLERIDGE
DEVELOPMENT

eagleridgedevelopment.com



Wild Ridge Phase 2

An EagleRidge Community



EAGLERIDGE
DEVELOPMENT

eagleridgedevelopment.com



An EagleRidge Community



eagleridgedevelopment.com





SUBDIVISION AGREEMENT

THIS AGREEMENT, entered into this ____ day of _____, 2022, (the “Effective Date”) by and between the City of West Fargo, North Dakota (the “City”) and Kathleen Grant (the “Developer”).

WHEREAS, the Developer is the current owner of the following described property (the “Property”): proposed plat of Grant Addition to the City of West Fargo, Cass County, North Dakota; and

WHEREAS, the City is considering for approval the plat of Grant Addition; and

WHEREAS, the Developer intends to sell and convey the Property to Eagle Ridge Development, LLC (the “Professional Developer”) ; and

WHEREAS, at the closing of the sale of the Property to the Professional Developer, Developer will transfer and assign the obligations, rights and conditions under this Agreement to the new Professional Developer as a condition to said sale; and

WHEREAS, the Developer and the City desire to set out in writing certain conditions of plat and development approval and responsibilities of the parties to this Agreement; and

NOW THEREFORE, it is agreed between the parties as follows:

I. PARTIES

1. The City, a North Dakota Home Rule Charter City, is vested with the authority to control access to its streets and municipal infrastructure. The City has authority to approve or

disapprove of all subdivision plats within its territorial jurisdiction. The City has the express authority to withhold building permit approval for any structure on the Property for a failure by the Developer to comply with the terms and conditions of this Agreement.

2. The Developer is the legal and equitable owner of the Property. The individual signing this Agreement is expressly authorized to execute this Agreement on behalf of the Developer.

II. JURISDICTION

1. The Developer agrees to submit to the authority of the City of West Fargo. The Developer agrees and acknowledge that they and/or their successors and assigns, as applicable, must receive approval from the City of West Fargo for any proposed other or further platting and zoning, and for any building permits and any other permit required by the City with respect to the Property other than the Entitlements.

2. Developer agrees and acknowledges that it and/or their successors and assigns, as applicable, must comply with all Federal, State and County statutes, rules and regulations regarding the development of the Property.

3. Developer and/or its successors and assigns, as applicable, are the “responsible parties” for compliance with all Federal and State environmental statutes, rules and regulations including storm water runoff regulations.

4. This Agreement only covers the plat of Grant Addition. The Developer acknowledge that if it wishes to plat the Property differently, or if Developer wishes to replat the Property, it shall enter into a signed Subdivision Agreement with the City in conjunction therewith and in all events prior to commencing construction of any so-affected areas.

5. Developer has submitted a final plat of Grant Addition, which will be considered by the City Commission on _____, 2022. Developer agrees to comply with all provisions of City zoning and subdivision ordinances.

III. IMPROVEMENTS

1. The Developer has requested a subdivision variance in order to waive the subdivision requirement for cul-de-sac turnaround at the termination of a public street. In lieu of platting and dedicating public right-of-way for the termination of Rachel Dr W, the Developer has agreed to establish public turnaround and access via public access easement prior to issuance of building permits for the property. Prior to recording the public access easement, the Developer shall provide a draft of the public access easement to the City for review and comment. The Developer shall include the City's comments in the public access easement and provide the City a final draft of the public access easement prior to recording. In accordance with this subdivision variance, the Developer agrees to the following:

- a. Public access easement shall be established via recorded document.
- b. Public access easement shall connect to Rachel Dr W and Lot 57, Block 1, The Wilds 11th Addition.
- c. Public access easement shall incorporate ability for public vehicular turnaround within 300 feet of Rachel Dr W. The public turnaround must meet the minimum standards of the West Fargo Fire Code for firetruck turnaround.
- d. Area of access easement shall be paved with concrete paving at the time of development.
- e. Access easement paving shall be maintained in good repair.

f. In the event that the City determines the Access easement paving is in need of repair, the City will give notice to the Developer of such defects and the Developer within one-hundred and twenty (120) days shall commence to repair, rebuild or replace the access easement paving in accordance with the notice given by the City.

2. The Developer shall pay all costs relating to installation and maintenance of paving within said public access easement, including but not limited to construction costs, pothole repair, snow removal, drainage, spot repair, reconstruction, permit fees, taxes, and any other fees associated with construction and maintenance of the paving of the public access easement.

3. The Developer agrees that the public access easement shall provide that should the Developer, its successors or assigns fail to maintain the paving within the public access easement, the City has the right to take necessary action to maintain said paving, and to charge the Developer for the costs and fees incurred by the City in taking such action. Such costs and fees shall be assessed to the Property's property taxes.

4. The subdivision hook-up fees associated with the West Fargo main sewer lift station south of I-94 shall be in the amount of \$20,530.25, and such amount shall be special assessed to the Property as part of Improvement District No. 1337.

5. The Developer agrees to comply with the City's storm water regulations. It is intended that this subdivision's stormwater runoff will be collected into gravity mains that will convey runoff to the regional retention pond. All components of the subdivision storm water system shall be designed in accordance with City standards and as approved by the City Engineer.

6. Sewer and water services within the Property are to be privately installed and maintained by the Developer. The private infrastructure will be able to connect to public water and

sewer utility services located within the public right-of-way for Rachel Dr W and within Lot 57, Block 1, The Wilds 11th Addition.

7. The Developer shall pay all costs relating to installation and maintenance of the private utilities, including but not limited to construction costs, repair, reconstruction, permit fees, taxes, and any other fees associated with construction and maintenance of the private utilities.

8. The City owns Lot 57, Block 1, The Wilds 11th Addition and has installed public infrastructure within the lot, including a paved driveway, water line, storm sewer line, and sanitary sewer line. The City shall allow public ingress & egress, across this lot, to/from 11th St W for the benefit of the Property. The Developer shall maintain the public infrastructure within this lot, including but not limited to snow removal, drainage, spot repair, reconstruction, and any other costs associated with and maintenance repair of the driveway and underground utility lines within Lot 57, Block 1, The Wilds 11th Addition.

9. A 15-foot-wide stormwater drainage easement shall be established along the western boundary of the Property on the Grant Addition subdivision plat. This easement will be granted to the public for the purpose of allowing grading to accommodate effective stormwater runoff. Such grading and drainage improvements may take place as part of future public improvement projects, including Improvement District No. 1337.

IV. GENERAL MATTERS

1. The Developer is responsible for filing any restrictive covenants for the development.

2. This Agreement is to run with the land and shall be binding upon the Developer, its successors and assigns; and all parties claiming by, through or under it shall be taken to hold, agree

and covenant with the Developer, its successors and assigns, to conform to and observe the terms and conditions of this Agreement and agree and consent to the construction of the Public Improvements upon the Property.

3. In addition to releasing and holding the City, its officers and employees harmless from any and all claims, liability, loss, costs, damages, expenses, actions, or judgments arising out of or related to the construction and installation of Improvements, the Developers agree to indemnify and defend the City, its officers and employees from any and all claims, liability, loss, costs, damages, expenses, actions, or judgments brought against the City relating to or arising out of the Developers or their employees and agents construction and installation of the Improvements. Said indemnification shall include, *inter alia*, attorney's fees, damages, whether punitive, economic or compensatory, and costs and disbursements. However, this paragraph shall not apply to suits against the City arising out of its negligence or intentional acts, or those of its employees, agents or designees. The Developer specifically agrees and acknowledges that this indemnification provision shall survive until six (6) years after the sale of the final lot.

4. Upon the occurrence of any non-performance of the Developer's obligations under this Agreement, which has not been cured within thirty (30) days after notice to the Developers, the City may take any one or more of the following remedial steps: (a) terminate this Agreement; (b) suspend the City's performance under this Agreement until it receives assurances from the Developers satisfactory to the City that the Developers will cure such Event of Default and perform its obligations under this Agreement; (c) take any other action deemed necessary or desirable by the City including any legal or administrative proceedings for the collection of any amounts due hereunder or the enforcement of any covenant, Agreement or obligation on the Developers

including, inter alia, withholding approval of any plats or building permits for structures or buildings on the Property.

5. The failure of the City to enforce at any time any of the provisions of this Agreement, or to exercise any option which is herein provided, or to require at any time performance by the Developers of any of the provisions hereof, shall no way be construed a waiver of such provisions, nor in any way to affect the validity of this Agreement or any part thereof, or the right of the City to thereafter enforce each and every such provision.

6. This Agreement terminates upon the Developers fulfilling all terms of the Agreement as deemed by the City and the City's issuance of a written "Completion Certificate", for the Property and Improvements.

7. For all notices required to be given to the Developers pursuant to this Agreement, the City Auditor shall mail the notice by ordinary mail to the City and the Developers at the following addresses:

If to the Developers:

Eagle Ridge Development, LLC
3280 Veterans Blvd Ste 300
Fargo, ND 58104

Kathleen Grant
7802 52nd Ave S
West Fargo, ND 58078

If to the City:

City of West Fargo Attn: City Administrator
800 4th Avenue East, Suite 1
West Fargo, ND 58078

8. This Agreement constitutes the entire agreement by and between the parties, and any other prior representations or agreements are deemed merged herein, and those not specified herein do not represent any agreements or promises or covenants or representations on the part of either party hereto.

9. No amendment, modification, or waiver of any condition, provision or term shall be valid or of any effect unless made in writing signed by the party or parties to be bound, or a duly authorized representative, and specifying with particularity the extent and nature of such amendment, modification or waiver. Any waiver by any party of any default of another party shall not affect or impair any right arising from any subsequent default. Except as expressly and specifically stated otherwise, nothing herein shall limit the remedies and rights of the parties thereto under and pursuant to this Agreement.

10. Whenever the singular number is used herein, the same shall include the plural where appropriate, and the words of any gender shall include any other genders where appropriate.

11. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this agreement.

12. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, successors and assigns, and no party under this Agreement can assign their interest in the Agreement to any other person or entity without the written consent of all other parties.

13. This Agreement shall be recorded.

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

15. This Agreement may be executed in counterparts with the City and the Developer having a fully-executed counterpart.

16. This Agreement will be assigned to the Professional Developer at the time of the closing of the Property sale between the Developer and the Professional Developer. Upon assignment, the Professional Developer shall assume the terms and conditions of this Agreement, including all liabilities and obligations, the Professional Developer shall indemnify Developer from any claims arising hereunder, including reasonable attorney fees and costs, and the City of West Fargo shall release Developer from any liabilities or obligations arising hereunder. The Professional Developer has reviewed the terms and conditions of this Agreement and agrees to be bound by the same.

Dated this _____ day of _____, 2022.

CITY OF WEST FARGO

BY: _____
Its: Mayor

BY: _____
Its: Auditor

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

On this ____ day of _____, 2022, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Bernie Dardis and Tina Fisk, known to me to be the persons who are described in and who executed the above and foregoing document and acknowledged to me that they executed the same.

[SEAL]

Notary Public

DEVELOPER:

Kathleen Grant

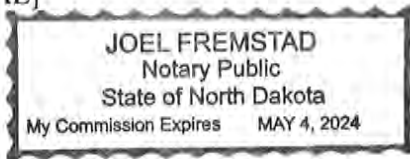
Kathleen Grant

STATE OF NORTH DAKOTA)

COUNTY OF CASS)

On this 13th day of April, 2022, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Kathleen Grant, known to me to be the person who is described in and who executed the above and foregoing document and acknowledged to me that they executed the same.

[SEAL]



[Signature]

Notary Public

PROFESSIONAL DEVELOPER:

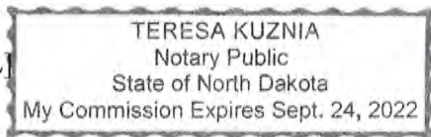
Eagle Ridge Development, LLC

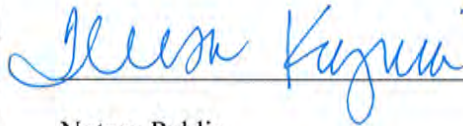

By: JONATHAN YOUNESS
Its: VICE PRESIDENT

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

On this 12th day of APRIL, 2022, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Jonathan Youness, known to me to be the Vice President of Eagle Ridge Development, the person who is described in and who executed the above and foregoing document and acknowledged to me that they executed the same on behalf of Eagle Ridge Development, LLC.

[SEAL]




Notary Public

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2022, by and between Kathleen Grant (the "Developer") and the City of West Fargo, a North Dakota Municipal corporation (the "City").

WHEREAS, the Developer desires to plat and develop a piece of property in the City of West Fargo to be known as Grant Addition (the "Property"); and

WHEREAS, the ordinances of the City of West Fargo require at the time of platting that certain public property be dedicated to the City or a cash payment to be made in lieu thereof; and

WHEREAS, the parties agree that there should be credit given toward land dedication for this particular plat; and

WHEREAS, the parties agree that such dedication shall be made as herein provided.

NOW, THEREFORE, be it agreed between the parties as follows:

1. The Developer hereby agrees that it will pay a total sum of \$85,990.20 in lieu of public dedication, which entire sum shall be paid within ninety (90) days of final plat approval of the proposed Grant Addition subdivision.
2. The City agrees that it will review the plat of Grant Addition, and following regular procedures will approve a plat of Grant Addition with payment in lieu of public land dedication in the amount set forth in paragraph 1 of this Agreement. Nothing in this agreement shall be construed as exempting the plat of Grant Addition from complying with the City of West Fargo's subdivision ordinances as amended from time to time.
3. The City agrees that it will use the cash payment in lieu of public dedication for the

purpose of providing public uses and facilities which will benefit the general neighborhood of Grant Addition under the provisions of the subdivision regulations found under Title IV of the ordinances of the City of West Fargo, North Dakota.

4. The parties to this Agreement understand that Developer intends to convey the property interest in Grant Addition to Eagle Ridge Development, LLC, (the "Professional Developer") and/or some other entity or person, and that Professional Developer or any other entities or persons shall be bound by the terms of this Agreement. Furthermore, any other successor, heir, assign or assignee of real estate in Grant Addition will be bound by the terms of this Agreement, and no entity shall be entitled to a building permit in Grant Addition unless and until the dedications herein described have been made. Upon assignment to Professional Developer, the Professional Developer shall assume the terms and conditions of this Agreement, including all liabilities and obligations, the Professional Developer shall indemnify Developer from any claims arising hereunder, including reasonable attorney fees and costs, and the City of shall release Developer from any liabilities or obligations arising hereunder. The Professional Developer has reviewed the terms and conditions of this Agreement and agrees to be bound by the same.

5. Any and all claims that arise or may arise against Developer, its agents, servants, or employees while engaged in the use of the Property, shall in no way be the obligation of the City of West Fargo. Furthermore, Developer, its agents, servants, employees, or assigns shall indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorney's fees, which the City, its officers or employees may hereafter sustain, incur, or be required to pay, in

any way connected with the use of the Property. However, this paragraph shall not apply to suits against the City arising out of its negligence or intentional acts, or those of its employees, agents or designees.

6. This Agreement may not be altered or amended except in writing executed by all parties.

7. This Agreement shall be recorded. Additionally, it shall be the affirmative duty of the Developer to provide a copy of this Agreement to any successor, heir or assign.

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

9. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.

DEVELOPER: Kathleen Grant

BY: Kathleen Grant

PROFESSIONAL DEVELOPER:
Eagle Ridge Development, LLC

By: Jonathan Younes

Its: Vice-President

CITY OF WEST FARGO

BY: _____
Board President

ATTEST: _____
City Auditor

Aaron M. Nelson

From: Alec Worwa <aworwa@legendarycap.com>
Sent: Wednesday, January 26, 2022 8:46 AM
To: Aaron M. Nelson
Subject: RE: Proposed Grant Addition Rezoning

Thank you for the additional information – it's greatly appreciated.

Thank you,

Alec Worwa

Portfolio Manager
Legendary Capital

 [701-541-6198](tel:701-541-6198)
 aworwa@legendarycap.com
 www.LegendaryAcquisitions.com
 1635 43rd St S., Suite 205, Fargo, ND 58103



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From: Aaron M. Nelson <Aaron.Nelson@westfargond.gov>
Sent: Tuesday, January 25, 2022 6:40 PM
To: Alec Worwa <aworwa@legendarycap.com>
Subject: RE: Proposed Grant Addition Rezoning

Good day,

Thank you for your questions. I will try to answer them as best I can:

1. The application was submitted by the current property owner, with the assistance of her attorney. Once platted and rezoned, their stated intent is to sell the property to a developer or builder. As such, there are no definitive site plans for the property. However, they are using the existing adjacent R-2 townhome development as an example of the type of development they are platting and zoning for.
2. "Lot 4" and "Lot 5" as shown on the plat are a reference to an existing survey of the property. The property is unplatted and the result of the proposed subdivision plat would be the creation of one single lot, as currently proposed.
3. Landscaping, including trees, is required for new multi-unit development. Additionally, the City encourages the preservation of existing health trees. It is typically in the owner's interest to preserve healthy vegetation, since this landscaping will count towards required landscaping. Additionally, depending upon the type of development, landscape buffering may be required adjacent to single-dwelling residential zoning districts. Regardless, development would not be allowed to impact any existing tree line in your backyard (on your property).

4. The R-2 zoning district requires a minimum lot area of 1,800 sq ft for each dwelling unit plus 200 sq ft for each bedroom (including efficiency units). With a total land area of 6.58 acres, the proposed subdivision would allow for a maximum of 143 one-bedroom/efficiency units. That number would decrease as you add one- and two-bedroom units. Additionally, individual buildings are restricted to a maximum of 8 units, including townhouse structures and condominiums.
5. The application is currently scheduled to be heard by the Planning & Zoning Commission on Tuesday, February 8. Once it receives a recommendation from the Planning & Zoning Commission, the application will be schedule for a public hearing and first reading of the rezone ordinance by the City Commission. After this City Commission meeting, the application will be schedule for a second City Commission meeting for final approval of the subdivision plat, and second reading and final adoption of the rezone ordinance.

If you have any additional questions, please don't hesitate to let me know.

Thank you,

Aaron M. Nelson, AICP

Planning Director, City of West Fargo

(701) 515-5373

Visit our website at:

westfargond.gov

From: Alec Worwa <aworwa@legendarycap.com>

Sent: Monday, January 24, 2022 2:49 PM

To: Aaron M. Nelson <Aaron.Nelson@westfargond.gov>

Subject: Proposed Grant Addition Rezoning

Hello Mr. Nelson,

I received a memorandum in the mail that outlines a proposed rezoning of a parcel of land in my neighborhood, the Wilds. Specifically, it's a request to rezone this multi-acre lot from A to R-2, or agriculture to limited multiple dwellings. This can potentially impact my property located at 1198 Albert Ct W as our backyard faces the tree line on lot 4.

I have a couple questions about this and was hoping you could help!

1. Do you know what the developer, who I assume is Christianson, is planning to develop here? Will it be similar to the townhomes developed on Private Drive nearby?
2. Looks like this is broken out into two lots, lot 4 and lot 5. Do his plans include developing property on Lot 4?
3. Do his plans include tearing down trees on Lot 4? If so, do you know how many? Will the majority of the tree's on lot 4 remain in place? Will my property no longer have a tree line in the backyard because of this planned development?
4. How many buildings, and about how many units per building, are in the plans for this development?
5. What is the approval process that the city will take for this rezoning request? How long does it take? What is considered in the decision? Has the developer submitted any backup plans in case this rezoning is denied?

Thank you,

Alec Worwa

Portfolio Manager

Legendary Capital

- ☐ [701-541-6198](tel:701-541-6198)
- ☐ aworwa@legendarycap.com
- ☐ www.LegendaryAcquisitions.com
- ☐ 1635 43rd St S., Suite 205, Fargo, ND 58103



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Aaron M. Nelson

From: Mike Little <mikelittlemail@gmail.com>
Sent: Wednesday, January 26, 2022 10:43 AM
To: Aaron M. Nelson
Cc: Louise Little
Subject: Re: Question: West Fargo Zoning Issue - NW 1/4 Section 6, T138N, R49W

Hi Aaron,

One more thing, it's fascinating to note that my initial assumptions/attitudes were in fact opposite of what I've just discovered the literature actually shows, "*Working communities with multifamily dwellings **actually have higher property values** than other types of working communities. In other words, the average value of owner-occupied houses was highest in working communities with the most multifamily units.*" as referenced in this Harvard article: https://www.jchs.harvard.edu/sites/default/files/rr07-14_obrinsky_stein.pdf

Best regards,

Mike Little
701.610.0571

On Wed, Jan 26, 2022 at 10:37 AM Mike Little <mikelittlemail@gmail.com> wrote:

Hi Aaron,

Thank you for your quick response. I really appreciate your time and attention on this matter. It's good to know about the landscaping buffer and the city's policy to preserve existing healthy trees. We enjoy living in West Fargo and are proponents of its growth.

Best regards,

Mike Little
701.610.0571

On Tue, Jan 25, 2022 at 7:19 PM Aaron M. Nelson <Aaron.Nelson@westfargond.gov> wrote:

Good day,

The application was submitted by the current property owner, Kathleen Grant, with the assistance of her attorney. Once platted and rezoned, their stated intent is to sell the property to a developer or builder. As such, there are no definitive site plans for the property. However, they are using the existing adjacent R-2 townhome development as an example of the type of development they are platting and zoning for.

Landscaping, including trees, is required for new multi-unit development. Additionally, the City encourages the preservation of existing health trees. It is typically in the owner's interest to preserve healthy vegetation, since this landscaping will count towards required landscaping. Additionally, depending upon the type of development, landscape buffering may be required adjacent to single-dwelling residential zoning districts. I'm not sure if the trees to

which you are referring are in your backyard or are on Kathleen's property (or both), but regardless, development would not be allowed to impact any existing trees in your backyard (on your property).

If you have any additional questions, please do not hesitate to let me know.

Thank you,

Aaron M. Nelson, AICP

Planning Director, City of West Fargo

(701) 515-5373

Visit our website at:

westfargond.gov

From: Mike Little <mikelittlemail@gmail.com>

Sent: Tuesday, January 25, 2022 4:22 PM

To: Aaron M. Nelson <Aaron.Nelson@westfargond.gov>

Cc: Louise Little <little0619@hotmail.com>

Subject: Question: West Fargo Zoning Issue - NW 1/4 Section 6, T138N, R49W

Hi Aaron,

My wife Louise and I live at 1197 Albert Ct. W., West Fargo, ND 58078. We just received your letter about changes which would impact our backyard which abuts the A22-7 proposed subdivision change to limited multiple dwellings.

We chose this neighborhood for 2 reasons:

1. New construction was almost complete (When we moved in in March 2021, construction had not started on the other multifamily complexes. It surprised our neighbors and us to see multifamily units placed into a single family community. From a planning/zoning perspective, why would you do this? To my knowledge, nowhere else in the Wilds are there multifamily units. Is there a long-range plan we're not aware of to create apartments/condos in the country? It's weird and I assume it will devalue property values in this neighborhood, not to mention drive up traffic on what was supposed to be a quiet cul de sac.

2. There are established trees in our backyard which are on the farmstead property. We want these trees to stay. Established trees are hard to find in West Fargo especially in the Wilds neighborhoods. I would imagine that they would be a selling point to families looking to move into this area.

Are you able to share who the developer is who is looking to create more multifamily units in our neighborhood? Also, do you know if their plans include keeping the established trees behind our house?

Thank you,

Mike Little

701.610.0571

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ORDINANCE NO. 1209

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WEST FARGO, NORTH DAKOTA, AS ADOPTED IN SECTION 4-301 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO.

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

SECTION 1. Amendment. The Official Zoning Map of the City of West Fargo, North Dakota, as adopted in Section 4-301 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended as follows:

The district as shown upon the following described area shall be and the same is hereby rezoned from A (Agricultural District) to R-2 (Limited Multiple Dwellings District):

Part of Auditor's Lot 1 and Auditor's Lot 3, and Part of Government Lot 4 and Government Lot 5 of the Northwest Quarter (NW¼) of Section 6, Township 138 North, Range 49 West in the City of West Fargo, Cass County, North Dakota (also known as the Plat of Grant Addition).

SECTION 2. Amendment of Zoning Map. The proper City Officials are hereby authorized to amend and change the City Zoning Map to correspond thereto.

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

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

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Lisa Sankey

2. PHONE NUMBER: 515-5376 DATE: May 27, 2022

3. AGENDA TITLE:

Conditional Use Permit to allow for illuminated signs facing residential districts as per section 4-460.7.14 of the General Sign Provisions within the Westview 4th Addition

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

The applicant proposed illuminated signs as a conditional use facing residential property along 4th Street East and 40th Avenue East. Planning and Zoning Commission recommended denial of the application at their May 10th meeting. The applicant has requested review by the City Commission of the application.

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

Located at 3901, 3921, 3941, 3961, 3981, 3985, 3989, 3993, 3997 4th Street East (Lots 1, 9-10, 17-22, Block 1 of Westview 4th Addition), City of West Fargo, North Dakota.

6. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approve or deny the application for Conditional Use Permit. The Planning and Zoning Commission recommended denial of the Conditional Use Permit at their May 10, 2022 meeting.

STAFF REPORT

A22-10		CONDITIONAL USE PERMIT	
Westview 4 th Addition			
3901, 3921, 3941, 3961, 3981, 3985, 3989, 3993, 3997 4 th Street East (Lots 1, 9-10, 17-22, Block 1 of Westview 4 th Addition), City of West Fargo, North Dakota			
Owners: APR Holdings, Oak Ridge Condos LLC, Knight Reedstrom Companies, Prairiewood, The Circle & Juice Box Applicant: 40 th Avenue Association		Staff Contact: Lisa Sankey	
Planning & Zoning Commission Public Hearing:		05-10-2022 - Denied	
City Commission:			

PURPOSE:

Allow for illuminated signs facing residential districts for commercial office park development as provided for as a conditional use in 4-460.7.14 of City Ordinances.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban - Growth Sector
Existing Land Use:	Commercial Office Condos
Current Zoning District(s):	PUD: Planned Unit Development
Zoning Overlay District(s):	CO: Corridor Overlay District
Lot size(s) or range:	5,664 ft ² – 12,320 ft ²
Adjacent Zoning Districts:	North – PUD: Planned Unit Development (Residential) South – City of Fargo East – R-1SM: Mixed One & Two Family Dwellings West - R-1A: Single Family Dwellings
Adjacent street(s):	4 th Street East (Collector); 40 th Avenue East (Arterial)
Adjacent Bike/Pedestrian Facilities:	Shadow Wood Park within ½ mile accessible by multi-use path
Available Parks/Trail Facilities:	Adjacent sidewalks and multi-use path along 4 th Street East & 40 th Avenue East
Public Dedication Requirements:	n/a

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application requesting a conditional use permit for illuminated signs.
- Under Section 4-460.7.14 of the General Sign Provisions, signs in residential districts and signs facing residential districts shall not be illuminated unless approved as a conditional use.
- A similar application was approved for an 85.5 ft² monument sign for the Townhouses of Charleswood Development sign along 19th Avenue East, facing the Huntington Woods Development to the north. Signage was designed so LED lighting was directed down toward the letters and should not cause adverse effects such as glare or traffic safety problems.

STAFF REPORT

- Other signs conditionally permitted previously included Electronic Message Centers (EMC) for Lutheran Church of the Cross, Meadow Ridge Bible Chapel and Triumph West Church as well as Hulbert arena with the conditions that included limiting the hours of operation of the electronic message center to 6 am to 10 pm.
- Within the C-OP District, wall signage for each lot is limited to 80 square feet in size and signs may be illuminated by external flood lights, or internally. No flashing, blinking, or motion lighting of any kind is permissible.
- Also under the sign regulations, Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver. Nor shall such signs interfere with or obscure an official traffic sign or signal.
- Less than half a mile east there is a strip mall in the City of Fargo with no conditions relating to lighted signage facing the residential area to the south. There is also an EMC (Electronic Message Center) with off-premise signage for Sheyenne High School which was permitted as a conditional use permit in 2013.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

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

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - No concerns noted.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - Illuminated signage is regulated by the sign code as summarized above in the discussion section. As with sign examples listed above, conditions for new signage could include hours of operation, time of day illumination to ensure the intensity of the lighting is reduced during dark, foot candles not to exceed a certain standard, lighting reflect industry standards for LED lighting, etc.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.

STAFF REPORT

9. General compatibility with adjacent properties and other property in the district.
- No concerns noted.

NOTICES:

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

Comments Received:

- Emails were received from a couple property owners along the south side of 40th Avenue East, who were opposed to illuminated signage. One indicated if approved asked for limits regarding hours of operation.
- Emails were received west of 4th Street East, in the Reserve at Osgood Development with concerns regarding lights, light pollution, signage distracting drivers along 40th & 4th Street and opposed to any illuminated signage.
- At the public hearing on May 10th, a couple along the south side of 40th Avenue spoke against the application.
- Representatives of the subject property spoke in favor of the request and indicated a willingness to restrict the hours of lighting.
- Emails have since been submitted by members of the Westview Association asking for consideration and support of illuminated signage during early evening, with compromises in terms of limiting the time the signs are illuminated.

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

- The signs are accessory to the surrounding buildings and appears to be appropriately sized for the area.

RECOMMENDATIONS:

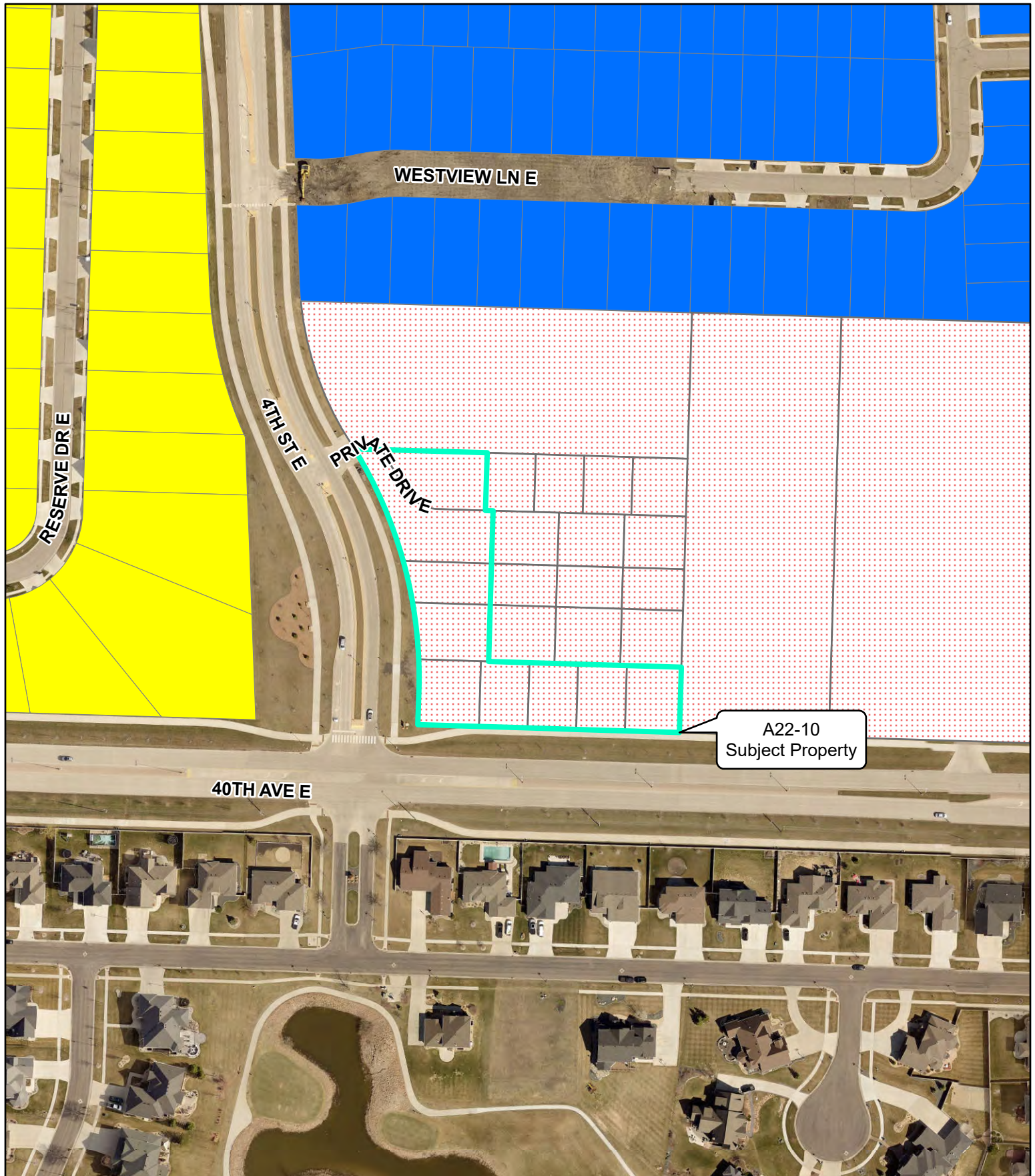
If it is found through deliberation by the Commission that the proposal will not generate a nuisance to adjacent properties and the general public, it is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Consideration be given to any public comments that may be received.
2. Signage follow C-OP: Commercial Office Park Standards.
3. A Signed Conditional Use Permit Agreement which outlines these details or any additional conditions by Planning and Zoning Commission is received.

PLANNING AND ZONING RECOMMENDATION:

At their May 10, 2022, meeting, the Planning and Zoning Commission recommended denying the Conditional Use Permit application.





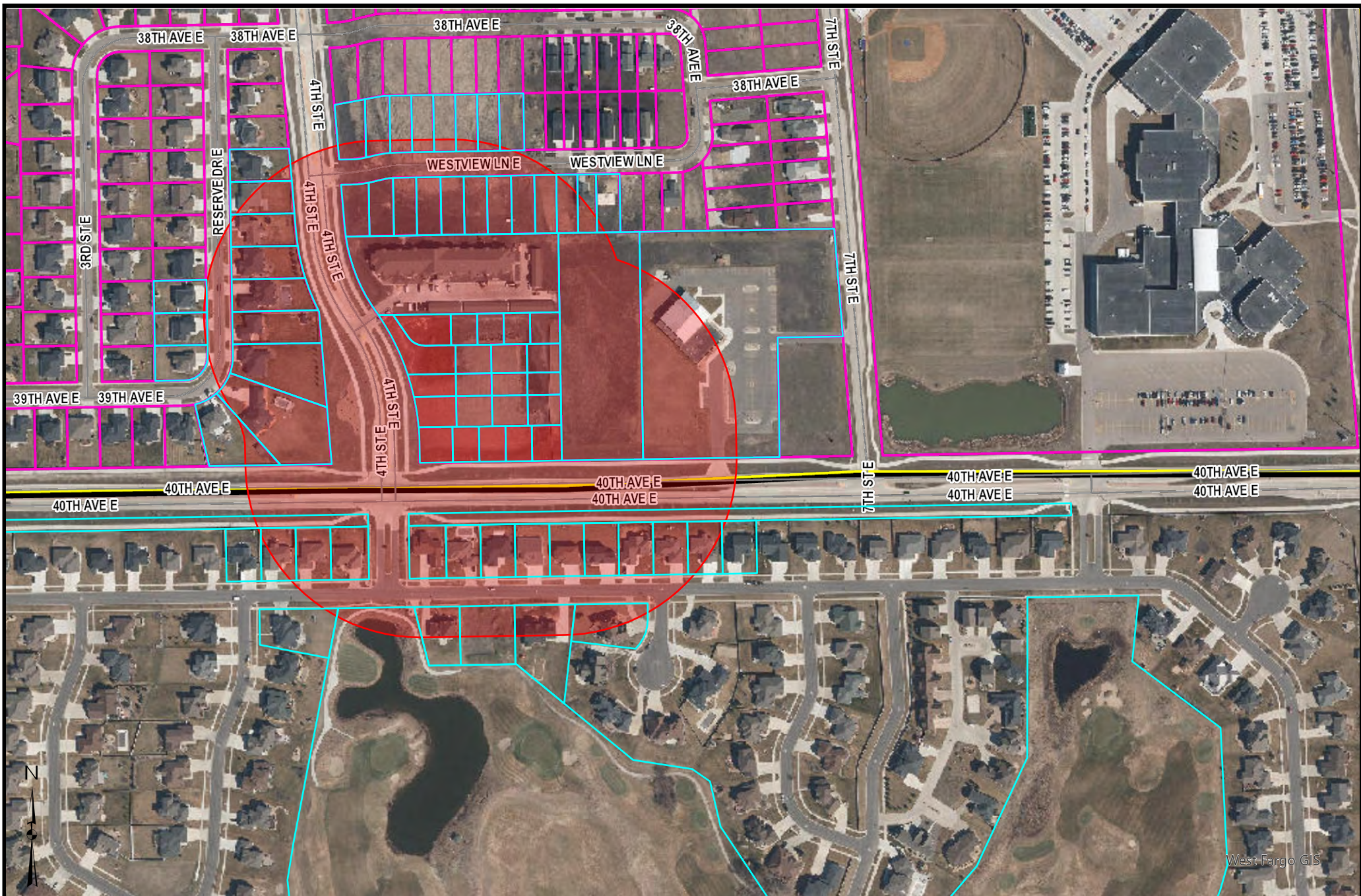
West Fargo Zoning

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

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

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





These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Westview 4th Notification Area	
Date: 4/19/2022	
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.	

From: [Sarah West](#)
To: [Lisa A. Sankey](#)
Cc: [Chanda M. Erickson](#)
Subject: 40th Ave Association Letters of support & supplemental doc
Date: Thursday, May 26, 2022 12:05:09 PM
Attachments: [image001.png](#)
[Signage Letter.docx](#)
[Signage Letter of Support.msg](#)
[Points to Make for Conditional Use Permit.docx](#)

Hi Lisa,

Attached are two letters of support for the packet. We'll likely get more in the coming week that we'll share with Chanda.

Also, attached is some research we did that could be included in the staff report if you desire.

Have a great time off next week!

Thank you!



SARAH WEST

Owner

sarah@lightconsulting.co | 701.318.9518

3308 Oak Ridge Pond Way E, West Fargo, ND | lightconsulting.co

Light CONSULTING & COACHING

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Points to Make for Conditional Use Permit.

We originally went before the planning and zoning committee with our conditional use permit request. Issues:

- Planning and zoning asked whether the illuminated Juice Box sign was legally permitted. Staff did not know the answer, and planning and zoning assumed that it was not. In reality, the Juice Box sign is legally permitted including the illumination. The City of West Fargo approved the lighted sign as part of the building permit.
- Planning and zoning asked questions about what was originally discussed when the development was approved. Staff did not have the meeting minutes in front of them; so that question was unanswered. The meeting minutes specifically state that the signage is to follow Commercial Office Park Standards which allow for an 80 Sq Ft lighted sign.
 - The meeting minutes reference the sign code which has a provision for obtaining a conditional use permit if the sign faces a residential area. However the primary recommendation regarding signage from the planning and zoning committee was that signage should follow the Commercial Office Park Standards. Below is a screenshot from the staff report for the September 3, 2020 city commission meeting where the development was approved:

RECOMMENDATIONS:

Staff is recommending that the City approve the proposed application on the basis that it is consistent with City plans and ordinances. Recommended conditions of approval are as follows:

1. District standards include provisions to require but not limit to 4-440 Supplementary District Regulations, Section 4-449-A Landscaping Standards, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
2. A signed PUD and Subdivision Improvement Agreement is received prior to recording the signed plat.
3. Consideration of any comments from Engineering and Public Works regarding servicing the property.
4. An updated drainage and utility plan is approved by the City Engineer.
5. An Attorney Title Opinion to the City of West Fargo is received.
6. Signed Final Plat is received with any necessary easements.
7. A certificate is received showing taxes are current.

PLANNING AND ZONING RECOMMENDATION:

At their May 12, 2020 meeting, the Planning and Zoning Commission recommended approval of the Replat and Planned Unit Development Amendment, subject to the seven conditions listed above, as well as the following additional conditions:

8. Lighting maximums be provided
9. Signage follow C-OP: Commercial Office Park Standards

- The planning and zoning committee is made up of 8 members. Only 4 were present and one recused himself since he had worked on the Juicebox sign within our development. Accordingly only 3 people voted (1 for and 2 against).

Primary Concerns of Residents on 40th Ave

- Light pollution and distracting signage at night.

- o 40th Ave is a very well lit street; so there is considerable street lighting apart from any signage. Our signage would not elevate the lighting level in the area.
- o There are thousands of headlights and taillights that go by every evening and also increase the lighting level of the area.
- o Residential homes on the south side of 40th Ave also have lighting. One even had floodlights all winter for what appeared to be a hockey rink their back yard.



- o
- There was a comment about adding restrictions on how late the signs could stay on if they are approved which shows the primary concern is having them on past normal traffic hours.

Primary Concerns of Residents on 4th St

- Light pollution and visual effects of lighting.
 - o There are already street lights, head lights, and tail lights along 4th St. We would not be requesting signage that would increase the level of lighting in the area.

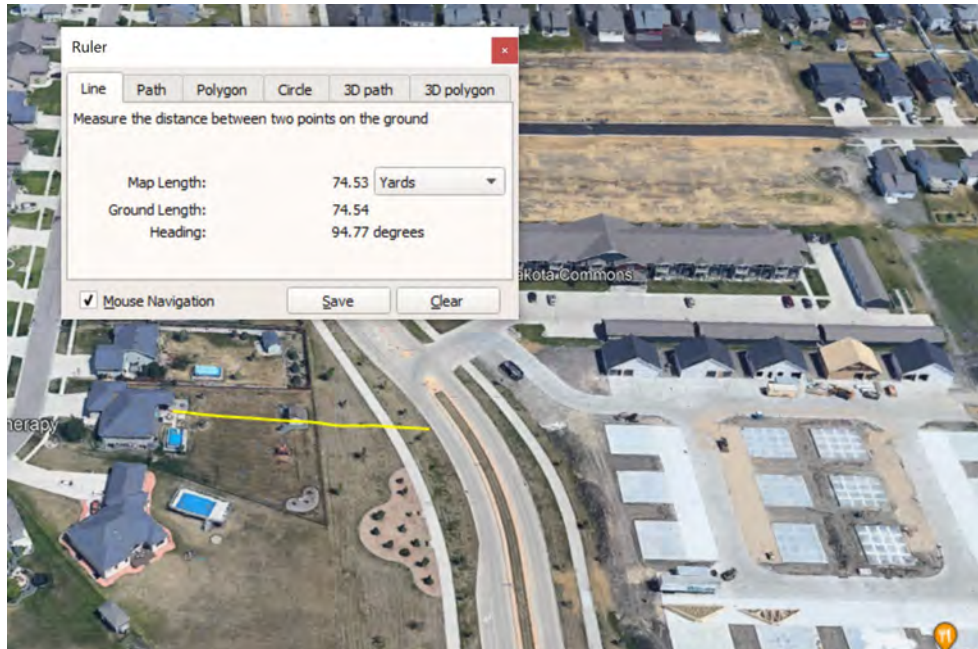
- o The homes along 4th street are set back significantly, the closest home to condo in our development is approximately 125 yards.



- Concerns about signage being bright enough to make it difficult to sleep at night. Some referenced their master bedroom facing the condo association.
 - o We would be more than happy to put our signs on a timer that would shut off at 10pm. In the summer it is light until 10pm anyway; so there would be no light impact past the time it normally gets dark in the summer.
- Concern about using their backyard and having lighted signs right across from them.
 - o If we put our signs on a timer and turn them off by 10pm, the primary impact would be in December, January and February when days are shortest. Very few people would be using their back yards at that time.
- Concerns about safety for their children if people are speeding and using 4th St as a short cut for Veterans.
 - o First, I don't think the signs will increase or decrease the use of 4th St as a short cut for Veterans.
 - o Having illuminated signage from 4:30pm-10pm will not impact the commercial feel of 4th St and result in people speeding because the signage is limited to the intersection of 4th St and 40th Ave.
 - o Second, every home along 4th street (except for the one that is right on 40th which still has a partial fence) has a fenced in back yard. Their children are not playing near the road and exposed to distracted drivers.



- o Third, as mentioned before, the homes are set back significantly from our condos, and for the homes directly across from our condos, they are even significantly set back from the road. Approximately 70 yards.



- o
- There was one homeowner who was concerned about the loss of property value if the lighted signs are distracting.
 - o That goes both ways. We are concerned about the loss of our property value as well, and we have \$40k of specials that we have to be able to repay from our businesses as a result of purchasing our condo. Loss of customers results in loss of value for our building and our businesses.

From: [Steven Nelson](#)
To: [Sarah West](#)
Subject: Signage Letter of Support
Date: Wednesday, May 25, 2022 3:17:56 PM

My name is Steven Nelson and I am the founder and one of the owners of Prairiewood Wealth Management. Prairiewood is an independent Registered Investment Advisory firm that was founded in 2009. We recently moved the business from a rental office building in Fargo to an Office Condo in West Fargo in order to have the space to hire additional employees and to be able to serve additional clients. Being a locally-owned, small business, it is important to have viability of our business to the public. Exposure to a main street was one of the key factors in determining where our office location should be. When purchasing the office condo, we were told that the City of West Fargo had approved lighted signage and we were able to put an illuminated sign on our building, provided it wasn't more than 80 square feet in size, was not flashing, and did not include high intensity lighting. We even decided to purchase the corner office condo, with exposure to both 40th Avenue and 4th Street, despite the additional cost of \$25,000.

Our expectation for lighted signage was further confirmed when the Juice Box received the City's approval to install an illuminated sign within our development facing 40th Ave.

From letters that have been received by the City, it sounds like some of the residents in the surrounding neighborhoods would prefer that there is no lighted signage. We want to be good neighbors, and feel like there is some middle ground that can be reached. There is already significant lighting along 40th Avenue and 4th Street since they are well travelled roads with significant street lighting; so any signs added would not increase the level of lighting in the area. Further the homeowners along 4th street are well set back from our development (approximately 120 yards). Accordingly any lighted signage would have minimal impact on the surrounding residential areas (similar to the lighted signage in the commercial area between 4th St E and Veterans on 32nd Ave which also faces residential housing).

I am in support of allowing illuminated signs on the Office Condo buildings in West Fargo.

Steve

*** Please notice our new address listed below – WE HAVE MOVED! ***

Steven M. Nelson, CFA, CPA | Prairiewood Wealth Management

3981 4th St E | West Fargo, ND 58078

Tel: 701-234-0521 | Fax: 701-205-4510

steve@pw-wm.com

www.pw-wm.com

Disclaimer: While we provide general tax & legal information, we do not provide specific tax or legal advice. You should consult with your tax professional and attorney about your specific situation.

To Whom It May Concern:

Landon's Light Foundation is strongly in favor of supporting illuminated signage on the posterior side of buildings facing 4th Street and 40th Avenue for a multitude of reasons. Our Foundation's future growth, development and success relies heavily on community awareness. One of the main reasons we chose this location as the Foundation's permanent home was because we recognized community awareness could be achieved through exposure of our building from 4th Street and 40th Avenue. Several business developments throughout our community have illuminated signage within close proximity to residential neighborhoods. We feel it is appropriate we be afforded the same opportunity.

The mission at our Foundation is to support children battling a critical medical illness to provide hope and joy during their difficult medical journey. The Foundation also inspires all children to grow in their academics, faith and physical well-being, so they may live as the best versions of themselves. To date, we have served over 150 critically ill children and their families in our community going through a difficult medical battle. This was achieved in less than two years. We continue to dream big at the Foundation and purchased this office space with hopes that the number of children we positively impact only increases in the years to come.

We have enjoyed welcoming families of critically ill children to our location to present them with their Miracle Moment, which is just one of three of our pillar programs to support critically ill children. However, most of the families we have brought to the office have had a difficult time locating our unit. They not only struggle to locate the entrance to the office complex, but they have had to drive throughout the entire complex to locate our specific unit. Posterior signage would eliminate this problem and reduce overall traffic throughout the complex.

This location was meaningful to our Foundation given its proximity to the West Fargo Public Schools where Landon attended or would have continued to attend school. We have many students that volunteer their time at the Foundation, and we would like signage available to make it an easy landmark for them to find. The Foundation has over 100 volunteers located throughout our community and surrounding rural areas, and we would prefer it be easy and convenient for them to come to our location to volunteer their time. Another relevant component is that most of our volunteers work outside of business hours as they generously give their time and talents during the evening/weekend hours. We need illuminated signage in the early evening after the sun has set (between 4-8 pm), especially in the winter months, so they are able to find our location. We would be more than happy to have the illuminated sign on a timer, so it shuts off at an appropriate time in the evening.

We strongly believe in creating positive community partnerships and know we are better when we work together. We carry this partnership out by collaborating with many other non-profits, healthcare facilities, schools and businesses to make a positive impact for children in our community. The purchase of this building was a BIG and exciting step for our Foundation (as it was for all new/small business owners in the complex), and we feel we should be provided the same opportunity as all local business as signage is key to building brand awareness and achieving optimal community reach.

Thank you for your time and attention to this matter,

Travis and Andrea Solberg
Landon's Light Foundation
Founders and Board Members

From: [Nathan Anderson](#)
To: [Lisa A. Sankey](#)
Subject: Westview Office Park Signage
Date: Wednesday, May 25, 2022 12:23:37 PM

Hi Lisa,

I am writing in support of the conditional use permit for lighted signage for the Westview Office Complex. Our business is Prairiewood Wealth Management and our office is located in the complex at 3981 4th St E, West Fargo, 58078.

We recently purchased our office building in the complex and moved in this past January. We previously were located in Fargo; so we are a new business to West Fargo. When choosing our new office location, we looked at multiple location in both Fargo and West Fargo ultimately settling on our new office because of the great location and easy access. We are a growing business and exposure to 40th Ave was an important selling point for us. When we were sold the office building, we were told that lighted signage was allowed facing 40th Ave. This is one of the reasons we were willing to pay more for a lot on 40th Ave.

One of our main concerns is the importance of evening traffic to our firm. During the winter months, it gets dark around 4:30. Without illuminated signage, it is more difficult for clients to find our office and eliminates our ability to gain exposure to the significant amounts of evening traffic. It is also important to us that our business complex looks inviting during the early evening rather than dark or abandoned.

Our goal is to grow our business and bring in new employees; however we can only hire if we can also grow. Providing jobs for individuals requires a healthy growing business. Accordingly, we were very disappointed when the planning and zoning commission recommended denying the conditional use permit. We were especially disappointed with a few key misunderstandings during the planning and zoning commission meeting:

- Planning and zoning was under the impression that the Juice Box sign in our community which is illuminated and facing 40th Ave was not properly permitted. After the meeting, City of West Fargo staff reviewed the issue and determined that the Juice Box sign received approval from the City and is allowed to remain.
- Planning and zoning was unsure of what was initially discussed regarding signage for this community. Reviewing the staff notes from the City Commission meeting for September 3, 2020, the recommendation to the City Commission from planning and zoning was that signage follow the Commercial Office Park standards which allows for lighted signage (accordingly we were told we could have lighted signage when we purchased the building).
- Only 4 of 8 Planning and Zoning members were present at the meeting with one recusing himself because he had worked on the Juice Box signage. Accordingly, only 3 members voted with 2 voting against the permit and 1 voting for the permit.

The challenges we have run into with the City of West Fargo regarding signage is not the way that we were hoping to start our relationship with the City. Considering the City approved this development for offices and specified that signage would follow the Commercial Office Park standard, it seems reasonable to assume the City was aware that the businesses would need to have

signage than can be seen during normal hours of the evening. Historically the City has approved illuminated signage facing residential areas with certain timing restrictions if necessary.

We are aware that there have been neighbors that have sent in letters requesting the denial of the permit. As a business that relies on relationships, maintaining our relationships with the community around us is important to our long-term success. We do not want to disturb anyone in the neighborhood, and believe that a reasonable compromise is possible.

Fourth Street East and 40th Ave are well lit streets with significant traffic in the early evenings. So there is already significant lighting in the area from headlights, tail lights, and street lights. We do not want flashing signage or videoboards. All we would like to have is an illuminated sign that can be seen during prime traffic hours in the evening. We are willing to compromise and put the sign on a timer where it would turn off after 10pm if necessary. Our goal is to be a good neighbor to the homes around us while still giving our business the best chance of thriving here in West Fargo.

We appreciate your consideration and ask that you provide this letter to the Commissioners prior to the upcoming meeting on June 6th.

Please let me know if you have any questions.

Thank you,

*** Please notice our new address listed below – WE HAVE MOVED! ***

Nathan M. Anderson, CPA | Prairiewood Wealth Management

3981 4th St E | West Fargo, ND 58078

Tel: 701-234-0521 | Fax: 701-205-4510

nathan@pw-wm.com

www.pw-wm.com

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From: [Joshua Herberg](#)
To: [Lisa A. Sankey](#)
Subject: Proposed Conditional Use Permit for Illuminated Signs
Date: Tuesday, May 3, 2022 7:35:42 PM

Hello Lisa,

We are writing in response to the letter we received dated April 21 for the Proposed Conditional Use Permit for Illuminated Signs along 40th Ave South. We are asking that the city deny the requested use permit. As a resident who lives along 40th Ave south close to the office park, the illuminated signs are distracting and un-needed, given the concentration of single and multi-family homes surrounding it. There is no buffer between us and the office park.

At the Osgood HOA meeting in February 2022, the existing illuminated Juice Box sign was brought up and the majority of homeowners in attendance were disappointed that the sign was allowed to be installed.

Before this office park went in, we could look to the west and see the sunset over the trees. Now we look west and see cookie-cutter office buildings with one large illuminated sign. Furthermore, as a graphic design who has worked on signage, given the uniformity of the office buildings, there should be consistency in how the signage is designed and installed to create a more professional office complex. For example, all the signs should be one color, unlit and positioned within the same area of each building given specific dimensions to work with. This would help the office complex attempt to blend in with the neighborhood.

We are asking the city of West Fargo to commit to the neighboring residents and original zoning that was approved prior to this request. **Please deny the requested use permit.**

We look forward to hearing from you as we will be unable to attend the Commission meeting on May 10.

Thank you
Josh and Carrie Herberg
6077 Osgood Pkwy S

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From: [Connie Kirchoffner](#)
To: [Lisa A. Sankey](#)
Subject: Fwd: Proposed Conditional Use Permit for Illuminated Signs
Date: Tuesday, May 3, 2022 8:48:56 PM

Sent from my iPhone

Begin forwarded message:

From: Connie Kirchoffner <ckirch12@me.com>
Date: May 3, 2022 at 7:36:23 PM CDT
To: lisa.sankey@westfargond.gov
Subject: Proposed Conditional Use Permit for Illuminated Signs

Dear Ms Sankey,

I am writing in response to your letter of request for a Conditional Use Permit that has been submitted to the City of West Fargo for 3901,3921, 3941, 3961, 3981, 3985, 3989, 3993, 3997 4th Street East, City of West Fargo, ND.

We are against allowing any installation of illuminated signs facing residential districts.

Currently there is an illuminated sign that is a glaring nuisance within this business district. The business "Juice Box Fargo" is an illuminated sign that is a glaring nuisance across from our established residential neighborhood. The business has put up a very large neon "Orange" which glares into the privacy of our home! The business is an organic juice shop which displays an inorganic sign. The sign displays "Juice Box Fargo" for a business in West Fargo. The sign is illuminated all night along and glares into our home!

As retired residents with medical conditions, we find looking across and seeing the signs illuminated and non illuminated on the office condos a nuisance and a stress on our health.

Please do not allow any signs illuminated or non illuminated on these businesses that face residential homes. The businesses could place signs in there office condo that face other businesses and not private residential homes. This would certainly solve the problem of these signs being nuisances to the surrounding residential homes.

In a previous meeting residents were told this development was "supposed to be a business area that looked like a residential area". By adding illuminated and non illuminated signage to each office condo it defeats the purpose of this business district looking like a residential area. That also means residents could have 5 or more business signs glaring into their homes.

Please acknowledge that this area is in a residential area and should be treated as such, and we ask that City of West Fargo look to avoid further nuisances and by not allowing illuminated and non illuminated signage that face residential homes.

Thank you,
Constance Kirchoffner

Sent from my iPhone

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From: [Adam Hansen](#)
To: [Lisa A. Sankey](#)
Subject: Conditional Use Permit 4th St / 40th Ave
Date: Tuesday, May 10, 2022 11:34:30 AM

Good morning Lisa,

My name is Adam Hansen. My wife and 2 young boys live with me at 3831 Reserve Dr E in West Fargo, ND.

I am emailing in opposition to the Conditional Use Permit for Illuminated Signage on 4th St. Our master bedroom backs to 4th St and our backyard living area is in direct view of this office park. We see this permit as allowing a visual nuisance into our neighborhood and more importantly a safety concern. Illuminated signage will only make 4th street less safe, when we need steps to make it more safe. I have emailed in the past requesting stop signs to be added with no positive feedback. Traffic on 4th St as a shortcut from 32nd Ave to 40th Ave, with the only thing currently slowing traffic a roundabout, is usually at dangerous speeds around corners. The more "commercial look" that this signage will give to 4th St will only give drivers more freedom to speed in this area where our children play and set up lemonade stands.

I have been in communication with my neighbors on Reserve Dr and there is unanimous opposition to this permit.

Can I count on this email being read at the meeting or will I need to be there in person for this?

Thanks,

Adam Hansen
p# 701-893-4250
f# 701-282-7344

DIRECT TRANSPORT COMPANIES

<http://www.directtrans.com/>



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From: [Josh Brottlund](#)
To: [Lisa A. Sankey](#)
Subject: Conditional Use Permit 4th St/40th Ave
Date: Monday, May 9, 2022 11:06:29 PM

Lisa,

Following are our comments about the proposed illuminated signs.

1. We have two kids bedrooms and a window to our master suite that face toward that location. The lights and light pollution from illuminated signs would be an unneeded addition to the neighborhood.
2. 4th Street is already commonly used as a high speed "shortcut" to avoid the stoplights on Veterans Blvd. Adding illuminated signs will make it feel more commercial and those drivers will adjust their speed accordingly. 40th Avenue already has this problem as has been talked about recently in City of Fargo meetings about high speed traffic on those types of roads. This is a neighborhood with a lot of kids and we would like to make 4th street as safe as possible.
3. Illuminated signs in the dark often wash out your headlights or other roadway lighting. This is another safety concern with the children in the neighborhood. We do not want drivers distracted by signs, or anything else, when there are so many children around.
4. As a taxpayer we are concerned about our property losing value with signs like that so close by.
5. The allowed sign size per lot, on 9 lots, seems excessive, proportionally to the commercial buildings on those lots. The letter also did not mention what the height restriction would be, but that could be an additional concern.

We want our commercial neighbors to be successful and they are a welcome addition to the neighborhood. We hope that they, and City Planning, can recognize that the homes in this neighborhood were here first and that lower key, non illuminated signage, will work just fine in this location. Thank you for hearing our comments.

-The Brottlund Family on Reserve Drive

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From: [Cowman, Michael](#)
To: [Lisa A. Sankey](#)
Subject: Conditional Use Permit 4th St/40th Ave
Date: Tuesday, May 10, 2022 12:14:09 PM

Lisa

Following are a few comments about the proposed illuminated signs-

1. Most of the homes on Reserve Dr. E as well as 2nd and 3rd E were built with the buyer understanding that the open land to the east of the development was going to be residential as well. I know that my wife and I as well as most of our neighbors on the east side of Reserve Dr. all did their homework and found this to be true. Since then, many things have changed. I understand that change happens and what has been developed to the east of us has been ok. The senior living complex was built with the understanding of only being two stories and must run east and west. Then came the office park. The office park was built quite nice and when the landscaping is complete it will look even better. However, with that being said, having illuminating signs lighting up the night sky in our neighborhood cannot be allowed. I'm all for the owners of the businesses in the office park to do well, but there are many different ways to advertise their business. Low key, non-illuminating signs would work just fine and be a better alternative than lighting up the night sky in family neighborhoods.
2. On Reserve Dr. alone there are 20+ children under the age of 11 and the lights and light pollution from illuminated signs added to the lights from 4th street would be an unneeded addition to the neighborhood.
3. As taxpayers, all of us on Reserve Dr. E are concerned that our property will be losing value with signs of this nature being put up in essentially our back yards. Most of us on the east side of Reserve Dr. have very well maintained and landscaped backyards. All of use our backyards daily in the spring through fall. The last thing a homeowner or potential homebuyer wants to look at when you are grilling with the family on the patio, playing with the kids on the swing set, in your hot tub, or in your pool with the kids, is an illuminated sign.
4. 4th street is already become an issue in the neighborhood. It has become the shortcut to 32nd to avoid the stoplights on Sheyenne and Veterans with speeds being quite excessive. Adding signs of this nature could make it feel more commercial than family neighborhood to some drivers and the speeds may increase. Signs of this nature in the dark wash out vehicle headlights and with the before mentioned children in the neighborhood playing when it starts to get dark will raise another safety concern. As a family neighborhood, we want to make 4th street as safe as possible and this addition would counter that.

Lisa, this neighborhood is one that has many wonderful parents and children. When we built here we all were promised that the land east was to be residential. The city has already taken that away from us. Please put yourself in this neighborhood and ask yourself if this is something that you would want for your family and family of neighbors?

I ask that you think of this neighborhood and do not allow this proposal to happen.

Thank you for your time in reading this, it is truly appreciated.

Cowman Family, Reserve Dr. E.

Michael Cowman

Mathematics Teacher

Sheyenne High School

800 40th Ave E | West Fargo, ND 58078

P: (701) 356-2160

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From: [jessica Reis](#)
To: [Lisa A. Sankey](#)
Subject: Nuisance lights on 40th
Date: Tuesday, May 10, 2022 4:34:43 PM

Lisa,

This is Jessica Reis at 6233 Osgood Parkway S., Fargo across from the orange Juice Box lights.

These lights should not be approved because this orange light alone is bright enough, let alone possibly adding up to nine more businesses of lights. They should consider putting the light up signs in front of their business facing North. It's plenty bright with all other street lights already.

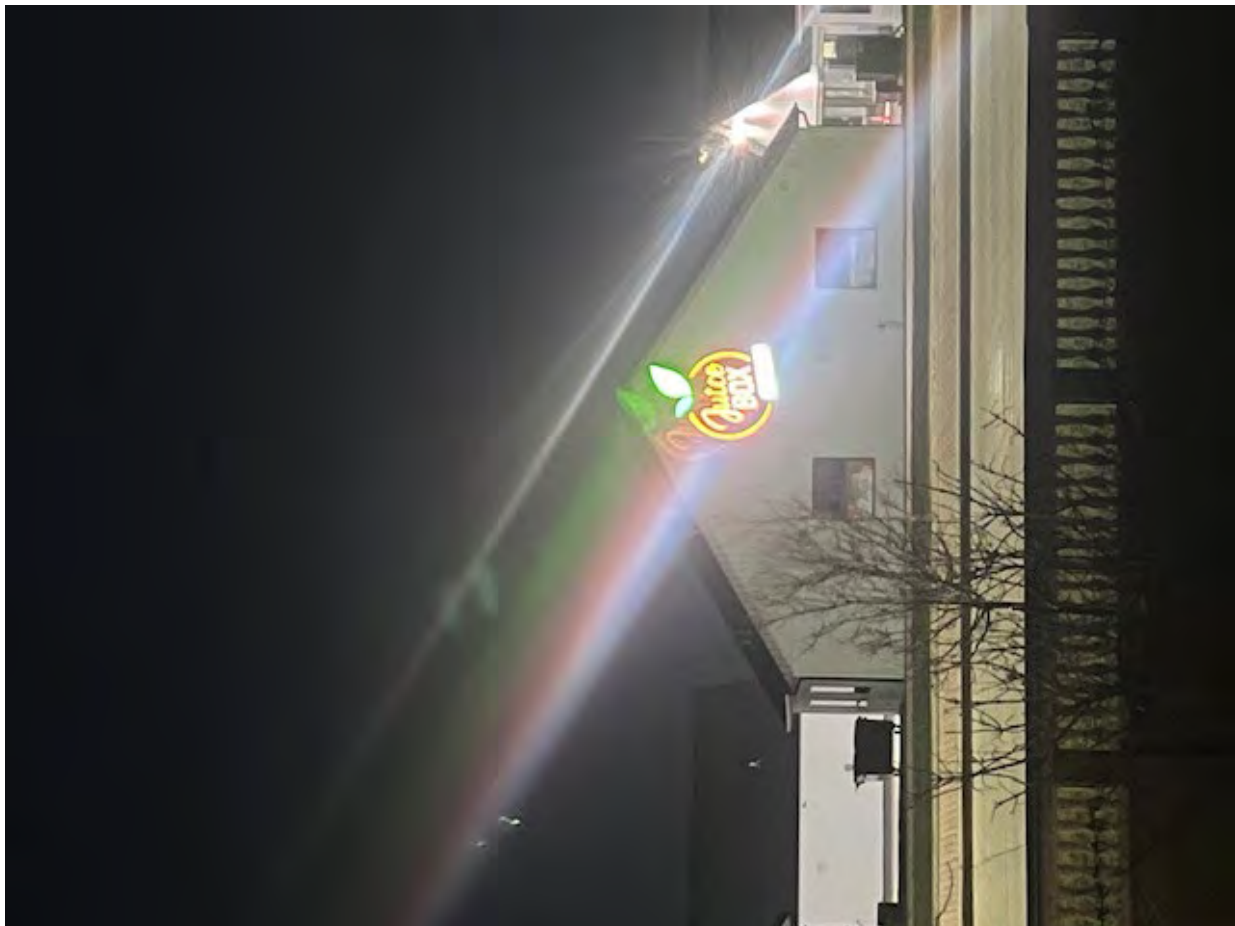
If nothing else there should be some regulation as how late they can stay on and possibly off at dusk.

I have enough night lights in my house.

They also need to enclose their garbage cans with a surround for the eyesore and loose garbage.

Thank you,
Jessica Reis

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From: [Chad Volk](#)
To: [Lisa A. Sankey](#)
Subject: proposed conditional use permit for illuminated signs
Date: Tuesday, May 10, 2022 11:23:29 AM

Hello Lisa, I am writing to you today in regards to the proposed conditional use permit for illuminated signs requested by the business park at the intersection of 40th Ave S and 4th in West Fargo. I did not receive the letter as my property was not considered in the affected area but having just now learned of this proposal I must say that my property is in direct view of said possible signage. Having spoke with my neighbors listed below, that we are 100% against any possible lit signage that could be considered a nuisance to our way of life. All of our homes along Reserve Dr E have our backyards facing the intended direction and all of our homes have our master suites along with multiple other bedrooms on the back side of our homes.

The neighbors listed below are all in agreement that our concerns be addressed when considering this installation.

Chad & Jessica Volk - 3815 Reserve Dr E
Matt & Katie Kern – 3807 Reserve Dr E
Dereck & Lisa Richter – 3823 Reserve Dr E
Adam & Ashton Hansen – 3831 Reserve Dr E
Mike Cowman & Zena Holman – 3855 Reserve Dr E
Brent & Jessica Torgerson – 3871 Reserve Dr E
Matt & Casey Howell – 3871 Reserve Dr E
Donald & Raleigh Kern – 335 39th Ave E

I'd also like to say that I agree with everything that Mr. Josh Brottlund wrote in his letter to you. Please take into consideration our neighborhood when you as a committee of our peers decide what's best for us tonight. Thank you, Chad Volk

Chad Volk - LTL Manager

Direct Transport Inc - 460 7th Ave NE West Fargo, ND 58078
800-561-3954 ext 246 - direct line 701-893-4246 fax 701-282-7344 - cell 701-371-7310



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AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Lisa Sankey
2. PHONE NUMBER: 515-5376 DATE: May 18, 2022
3. AGENDA TITLE:
Eagle Run Plaza 13th Addition, Retracement Plat and Conditional Use Permit to allow for Multiple Dwellings in a C: Light Commercial Zoning District at 3255 6th St W & 661 32nd Ave W.
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Combine two existing platted lots into one for sale and development and Conditional Use Permit for construction of mixed use development containing residential units in a C: Light Commercial district.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Located at 3255 6th St W & 661 32nd Ave W (Lots 6 & 7, Block 1 of Eagle Run Plaza 9th Addition), City of West Fargo, North Dakota.
5. ACTION BEING REQUESTED FROM CITY COMMISSION:
Final Plat Approval and Approval of the Conditional Use Permit – February 8, 2022, meeting, the Planning and Zoning Commission recommended approval of the Retracement (combination) Plat and Conditional Use Permit subject to the Conditions Listed in the Staff Report

STAFF REPORT

A22-4		CONDITIONAL USE PERMIT	
Eagle Run Plaza 13 th Addition			
3255 6th St W & 661 32nd Ave W			
Lots 6 & 7, Block 1 of Eagle Run Plaza 9 th Addition			
Applicant: Jonathan Youness Owner: Four Horsemen LLC		Staff Contact: Lisa Sankey	
Planning & Zoning Commission Public Hearing:			
City Commission Final Plat Approval:		02-08-2022 - Approval	
		06-06-2022	

PURPOSE:

Combination of two existing platted lots into one for sale and development for mixed use development and Conditional Use Permit for development of mixed use development containing residential units in a C: Light Commercial district.

STATEMENTS OF FACT:

Land Use Classification:	G-4A Core Retrofit Growth Area
Existing Land Use:	Vacant
Current Zoning District(s):	C: Light Commercial
Zoning Overlay District(s):	CO: Corridor Overlay District
Proposed Lot size(s) or range:	86,710 ft ²
Total area size:	1.99 Acres
Adjacent Zoning Districts:	North – EMU: Entertainment Mixed Use; West – C: Light Commercial; South & East – PUD: Planned Unit Development
Adjacent street(s):	33 rd Avenue West (local); 6 th Street W (local)
Adjacent Bike/Pedestrian Facilities:	Sidewalks along 6 th & 9 th Street West and 33 rd Avenue West; Multi-Use Path along 32 nd Avenue West & 9 th Street West
Available Parks/Trail Facilities:	Rendezvous Park Facility accessible within ½ mile by sidewalks and path
Park Dedication Requirements:	Provided with previous subdivision

DISCUSSION AND OBSERVATIONS (RETRACEMENT PLAT):

- The applicant is proposing to combine two previously subdivided lots.
- Property owners wishing to combine properties which have been previously platted for the purpose of building across lot lines and/or increasing lot area to address district requirements may submit a retracement plat provided the following conditions are met:
 1. No additional right-of-way is required or being established.
 2. There is no proposed or perceived need of public improvements as a result of the combining of platted lots.
 3. Lots to be combined are contiguous and under common ownership.

STAFF REPORT

- The proposed retracement plat will not affect the property or use. The retracement plat will be given a subdivision name with a lot and block number, which will be of benefit to the City and Cass County for administration purposes.
- With retracement plats there are no street right-of-way dedication or park dedication requirements.
- Access is proposed to 33rd Avenue West, as well as the existing cross access easements to 32nd Avenue West, 6th and 9th Streets West from the original Eagle Run Plaza 9th Addition plat.
- Sidewalk or multi-use path connectivity within the subdivision shall be provided with the development of each property.
- A public hearing is not required for retracement plat, though the applicant must plat the property according to platting standards and the plat must be reviewed by the Planning and Zoning and City Commissions.

DISCUSSION AND OBSERVATIONS FOR CONDITIONAL USE PERMIT:

- The applicant intends to construct a five-story mixed use building with commercial space along the east side of the building, tuck under garages on the main floor and 52 apartments on upper levels, which does require a public hearing for a conditional use permit.
- According to the Zoning Ordinance 4-427.3 multiple dwellings are allowed as a conditional use in the C: Light Commercial District subject to the following yard requirements:
 - Multiple Residential Uses: Shall conform to the area and yard requirements of the R-3 District. Lot coverage shall not exceed 50% of the lot.
- Under Section 4-431.5.2, there is a higher construction standard for areas in the CO: Corridor Overlay District, which would require the applicant to submit site, elevation and building plans to the Planning & Zoning and City Commissions at a later date for approval prior to issuance of a building permit.
- It should be noted that the development will be required to meet but will not be limited to 4-440 Supplementary District Regulations, Section 4-449-A Landscaping Standards, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

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

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - A pedestrian circulation plan should be included in the proposed development prior to Corridor Overlay review of the site plan in order to provide connectivity with the surrounding area.
 - The property is within the “Core Retrofit Growth Area” which encourages more walkable, bikeable corridors and a better connected village core
 - Elements for walkable mixed-use ingress and egress include:
 - Building entrances fronting public streets/sidewalks
 - Clear and separated pedestrian circulation between entrances and public sidewalks
 - Parking located interior to and/or behind buildings
 - Minimum number of driveways

STAFF REPORT

2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - Consideration should be given to building placement and moving the building further to the south. The Comprehensive plan encourages parking to be hidden behind buildings in the internal parts of a block.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - Adequate waste collection (dumpster) enclosure and locations be provided as per Sanitation Department.
 - Refuse collection areas shall be permitted in rear yards and visually screened from adjoining properties and streets as per the Corridor Overlay District Requirements.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - A buffer yard with screening shall be provided on any side or rear yard with the higher intensity as per the landscaping ordinance.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - The proposed development is located between commercial zoning on the north and west, commercial development on the east, and residential apartment buildings on the south.

NOTICES:

Sent to: Property Owners within 350' and applicable agencies and departments.

Comments Received:

- The Sanitation Superintendent commented on specifications for dumpster enclosure location and sizing.
- Engineering stated concern with the number of access locations into the development from the street and private access easement.

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

The plan envisions that most mixed-use development would occur in the G-4A Core-Retrofit Growth Sectors which this proposed development is located in. The requirements to review development within this area of the CO: Corridor Overlay district could provide oversight by the City Commission for development which is consistent with West Fargo 2.0.

STAFF REPORT

There are a number of items within the Principles of Good Planning and Design section of the Plan that relate to design, including walkability, scale, connectivity, and parking. The Plan notes the following specifics and recommendations of these items:

- **Walkability and Scale:** An interesting streetscape, pedestrian safety and comfort are critical for a walkable environment. It's important to design walkable places to create a sense of enclosure and human-scale by locating buildings closer to the street and minimizing large expanses of pavement.
- **Connectivity:** Encourage the improvement of existing roadway networks during infill development, specifically calling on the city to continue to implement bicycle and pedestrian connections to enhance walkability and strengthen neighborhoods.
- **Parking:** Parking should be hidden behind buildings in the internal parts of a block or be wrapped with buildings to screen the parking and activate the street or civic spaces, as visible parking lots in front of, and beside buildings, has a detrimental effect on people's willingness to walk.

Two items in the Strengthen Neighborhoods and Expand Housing Choice section of the Plan that relate to mixed use development include:

- **Increase Mix of Uses** of commercial, residential, recreation and civic, incorporating both vertical and horizontal mixed-use within the neighborhood, the block, and the building. An ideal mix would allow residents to meet all of their daily needs within a short walking distance. When this occurs, the number of automobile trips is reduced. Mixed use that has commercial with residential above promote active streets.
- **Concentrate Housing Within Mixed-Use Areas**, including new housing developments. Additionally, to better meet current and emerging trends, future development should focus on including high-quality, multi-family residences as opposed to development comprised only of single-family homes.

Due to the nature of a CUP, the City Commission has the authority to impose such conditions it deems necessary to fulfill the purpose and intent of this CUP ordinance and place it in greater alignment with the goals outlined by the Comprehensive Plan.

RECOMMENDATIONS:

It is recommended that the City approve the retracement plat and conditional use permit on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. An updated drainage plan is received and approved by the City Engineer, if necessary.
2. An updated utility plan is received and approved by the City Engineer, if necessary.
3. A signed Final Plat is received with any necessary easements.
4. An Attorney Title Opinion is received.
5. A certificate is received showing taxes are current.
6. A signed Conditional Use Permit Agreement is received.
7. A pedestrian circulation plan be submitted
8. Development will be required to meet but will not be limited to 4-431 "CO" Corridor Overlay District, 4-440 Supplementary District Regulations, Section 4-449-A Landscaping Standards, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
9. Residential use is permitted only in conjunction with ground floor commercial.

STAFF REPORT

PLANNING AND ZONING RECOMMENDATION:

At their February 8, 2022 meeting, the Planning and Zoning Commission recommended approval of the proposed Retracement Plat and Conditional Use Permit, subject to the nine conditions listed above.



32ND AVE W

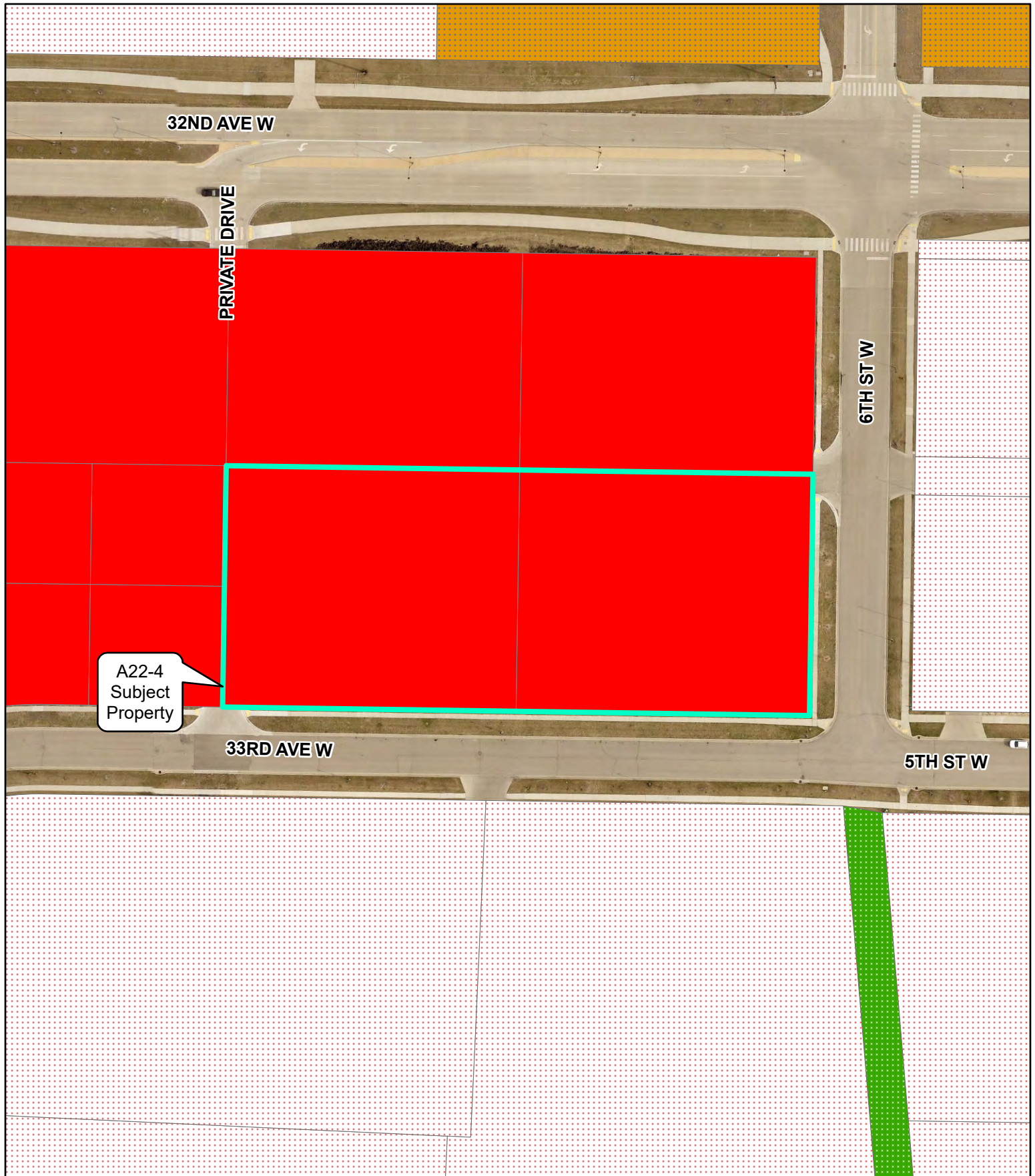
6TH ST W

A22-4
Subject
Property

PRIVATE DRIVE

33RD AVE W

5TH ST W



West Fargo Zoning

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

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

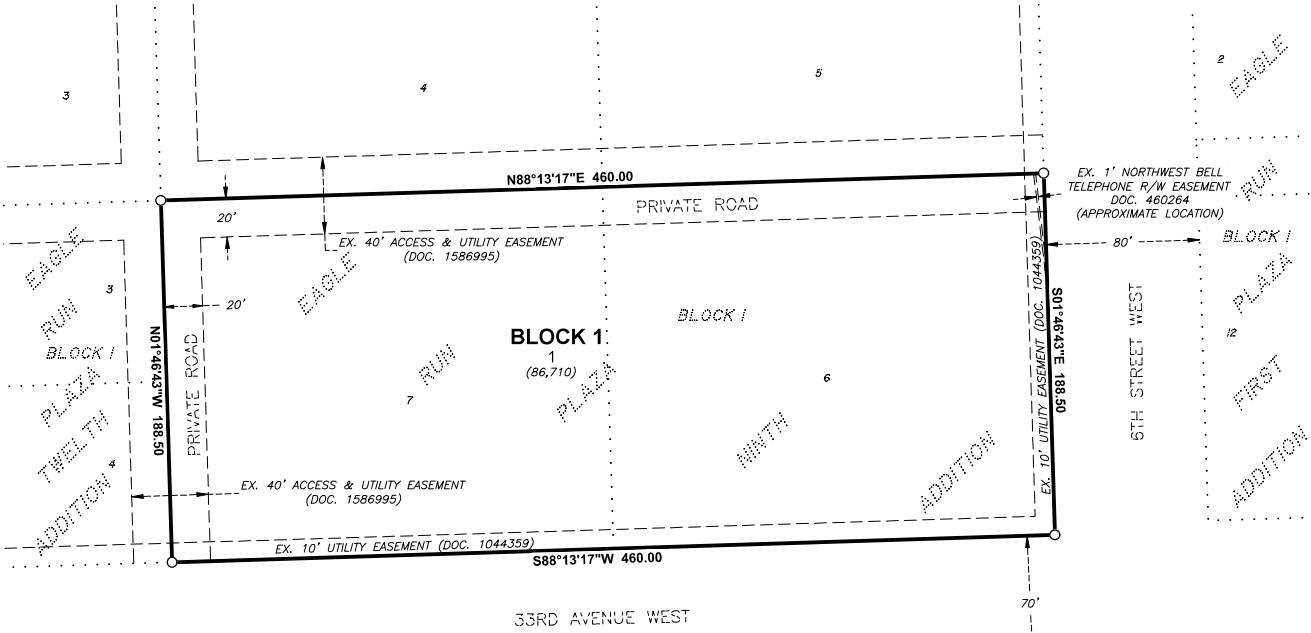
- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential



S:\SURVEY\01_Projects\2022\516 Eagle Run Plaza 13th Addition Plat - West Fargo\Drawings\Eagle Run Plaza 13th Add - West Fargo.dwg
Plot Date & Time: 6 May 2022 8:02 PM

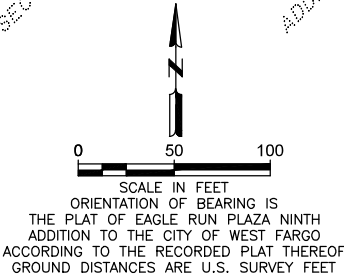
EAGLE RUN PLAZA THIRTEENTH ADDITION

TO THE CITY OF WEST FARGO,
A REPLAT OF LOTS 6 AND 7, BLOCK 1 OF EAGLE RUN PLAZA NINTH ADDITION TO THE CITY OF WEST FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND

- | | |
|--|-------------------------------|
| | SET 5/8" REBAR W/CAP LS-27292 |
| | FOUND MONUMENT |
| | PLAT LOT AREAS (SQUARE FEET) |
| | PLAT OVERALL BOUNDARY |
| | EXISTING PROPERTY LINE |
| | EXISTING EASEMENT LINE |



SURVEYOR'S CERTIFICATE

Joshua J. Nelson, being duly sworn, deposes and says that he is the Registered Land Surveyor who prepared and made the attached plat of "EAGLE RUN PLAZA THIRTEENTH ADDITION" to the City of West Fargo, a replat of Lots 6 and 7, Block 1 of Eagle Run Plaza Ninth Addition to the City of West Fargo, Cass County, North Dakota; that said plat is a true and correct representation of the boundary survey; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys and that said addition is described as follows, to wit:

All of Lots 6 and 7, Block 1 of Eagle Run Plaza Ninth Addition to the City of West Fargo, according to the recorded plat thereof on file and of record in the office of the recorder, Cass County, North Dakota.

Said tract contains 1.99 acres, more or less, and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record, if any.

Joshua J. Nelson, PLS
Professional Land Surveyor
Registration No. LS-27292

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public: _____

KPH, INC.
SURVEY
9530 39TH ST. S.
FARGO, ND 58104
701-499-7979

OWNER'S DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "EAGLE RUN PLAZA THIRTEENTH ADDITION" to the City of West Fargo, a replat of Lots 6 and 7, Block 1 of Eagle Run Plaza Ninth Addition to the City of West Fargo, Cass County, North Dakota; that we have caused it to be platted into lots and blocks as shown by said plat and certificate of Joshua J. Nelson, Registered Land Surveyor, and that the description as shown in the certificate of the Registered Land Surveyor is correct. We hereby dedicate the access and utility easements shown on said plat to the use of the public.

Owner: Four Horsemen LLC
By: Travis Olson
Its: Managing Member

Travis Olson
State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Travis Olson, known to me to be the Managing Member of Four Horsemen LLC described in and who executed the same on behalf of said company.

Notary Public: _____

WEST FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 20____.

Bernie L. Dardis
President of the West Fargo City Commission

Attest: Tina Fisk
City Auditor

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Bernie L. Dardis, President, and Tina Fisk, City Auditor, known to me to be the persons described in and who executed the same on behalf of the City of West Fargo.

Notary Public: _____

WEST FARGO PLANNING COMMISSION APPROVAL

Approved by the City of West Fargo Planning Commission this ____ day of _____, 20____.

Joseph F. Kolb
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Joseph F. Kolb, Planning Commission Chair, known to me to be the person described in and who executed the same as Planning Commission Chair.

Notary Public: _____

WEST FARGO CITY ENGINEER APPROVAL

This plat in the City of West Fargo is hereby approved this ____ day of _____, 20____.

Dustin T. Scott
City Engineer

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Dustin T. Scott, City Engineer, known to me to be the person described in and who executed the same as the City Engineer.

Notary Public: _____

WEST FARGO CITY ATTORNEY APPROVAL

I hereby certify that proper evidence of title has been examined by me and I approve this plat as to form and execution this ____ day of _____, 20____.

John T. Shockley
City Attorney

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared John T. Shockley, City Attorney, known to me to be the person described in and who executed the same as the City Attorney.

Notary Public: _____





THE STANDARD ON 32ND

EAGLERIDGE DEVELOPMENT

WEST FARGO, NORTH DAKOTA

KEYNOTES



MBN
ENGINEERING

MECHANICAL * ELECTRICAL * CIVIL

503 7TH ST. N., SUITE 200
FARGO, ND 58102
PHONE: 701.478.6336
FAX: 701.478.6340



YHP
PARTNERS
ARCHITECTURE | PLANNING
420 Main Avenue
Moorhead, Minnesota 56560
Telephone: (218)233-4422

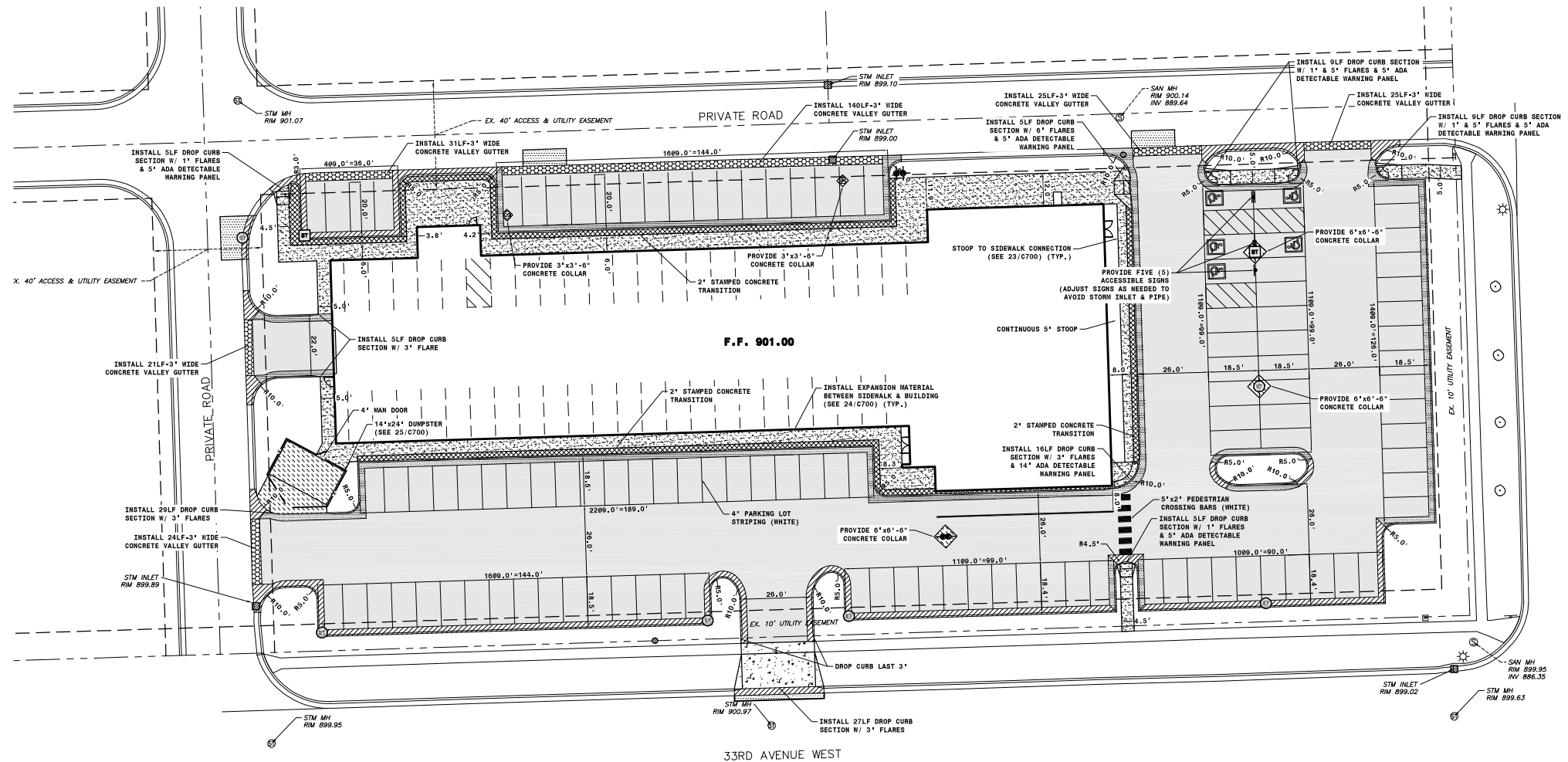
PROJECT NUMBER: 1011-17

NO DET - 04/08/22

PAVING PLAN

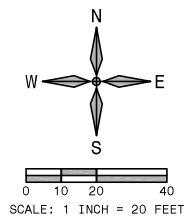
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C500



SYMBOL LEGEND:

	EXISTING PROPERTY LINE
	EXISTING EASEMENT LINE
	EXISTING STORM INLET
	EXISTING SANITARY MANHOLE
	EXISTING SANITARY CLEAN OUT
	EXISTING LIGHT POLE
	EXISTING COMMUNICATIONS PEDESTAL
	EXISTING SIGN
	EXISTING TREE
	NEW SIGN
	NEW/SALVAGED GATE VALVE
	SALVAGED FIRE HYDRANT
	NEW STORM INLET
	NEW STORM MANHOLE
	NEW SANITARY CLEANOUT
	NEW FENCE
	NEW 4' REINFORCED CONCRETE SIDEWALK
	NEW 4' STAMPED CONCRETE SIDEWALK
	NEW 6' REINFORCED CONCRETE PAVEMENT
	NEW 7' REINFORCED CONCRETE PAVEMENT
	NEW 3' WIDE CONCRETE VALLEY GUTTER
	NEW 6' ASPHALT PAVEMENT
	MATCH EXISTING PAVEMENT SECTION (FIELD VERIFY)
	NEW TYPE 1 STANDARD CONCRETE CURB & GUTTER
	NEW TYPE 2 STANDARD CONCRETE CURB & GUTTER



PLAN NOTES:

- PROJECT ADDRESS: 661 32TH AVE W, LOT 7, BLOCK 1 EAGLE RUN PLAZA 9TH, WEST FARGO, ND, 3255 6TH ST W, LOT 6, BLOCK 1 EAGLE RUN PLAZA 9TH, WEST FARGO, ND.
- ALL WORK SHALL COMPLY WITH THE MOST RECENT CITY OF WEST FARGO STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC UTILITIES.
- CONTRACTOR SHALL NOTIFY UTILITY COMPANIES FOR UNDERGROUND LOCATIONS 48 HOURS PRIOR TO BEGINNING CONSTRUCTION, NORTH DAKOTA ONE CALL PHONE NUMBER: 1-800-705-0555
- CONTRACTOR SHALL PROTECT ALL PROPERTY PINS, PROPERTY PINS DESTROYED OR DISTURBED SHALL BE REPLACED AT CONTRACTORS EXPENSE.
- IF THE LAND BOUNDARY DENOTED ON THE PLANS ENCOMPASSES MORE THAN ONE (1) ACRE OR IS LESS THAN ONE (1) ACRE, BUT IS PART OF A LARGER DEVELOPMENT PLAN, A NOTICE OF INTENT TO OBTAIN A STORM WATER POLLUTION PERMIT SHALL BE ACQUIRED BY THE CONTRACTOR AND OWNER FROM THE NORTH DAKOTA STATE HEALTH DEPARTMENT SEVEN (7) DAYS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL MAINTAIN TEMPORARY EROSION CONTROL UNTIL PERMANENT EROSION CONTROL IS ESTABLISHED.
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- ALL WORK WITHIN THE CITY RIGHT-OF-WAY OR EASEMENTS SHALL REQUIRE AN EXCAVATION PERMIT AVAILABLE THROUGH CITY OF WEST FARGO WEBSITE (ENGINEERING).
- THE CITY'S STORM WATER MANAGEMENT PERMIT MUST BE SUBMITTED WITH THE SWPPP.

BENCHMARKS:

BM-2: TOP NUT OF HYDRANT LOCATED NEAR THE NE CORNER OF LOT 9, BLOCK 1 OF EAGLE RUN PLAZA NINTH ADDITION, SOUTH SIDE OF THE PRIVATE ROAD.
ELEV = 903.12 (NAVD29)

PARKING NOTES:

PARKING REQUIREMENTS:
EFFICIENCY: 8 UNITS x 1 PER UNIT = 8 SPACES
1-BEDROOM: 18 UNITS x 2 PER UNIT = 32 SPACES
2-BEDROOM: 23,800 SF / 440 SF = 54.1 SPACES
3-BEDROOM: 11,840 SF / 440 SF = 26.9 SPACES

COMMERCIAL: 6,600 SF / 200 SF = 33.0 SPACES
TOTAL SPACES REQUIRED = 154 SPACES

PARKING PROVIDED:
UNDERGROUND = 44 SPACES
OUTDOOR = 112 SPACES (107 STANDARD / 5 ACCESSIBLE)
TOTAL SPACES PROVIDED = 156 SPACES (151 STANDARD / 5 ACCESSIBLE)

THE STANDARD ON 32ND

EAGLERIDGE DEVELOPMENT

WEST FARGO, NORTH DAKOTA

KEYNOTES



MBN
ENGINEERING

MECHANICAL * ELECTRICAL * CIVIL

503 7TH ST. N., SUITE 200
FARGO, ND 58102
PHONE: 701.478.6336
FAX: 701.478.6340



VJR
PARTNERS
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420 Main Avenue
Moorhead, Minnesota 56560
Telephone: (218)233-4422

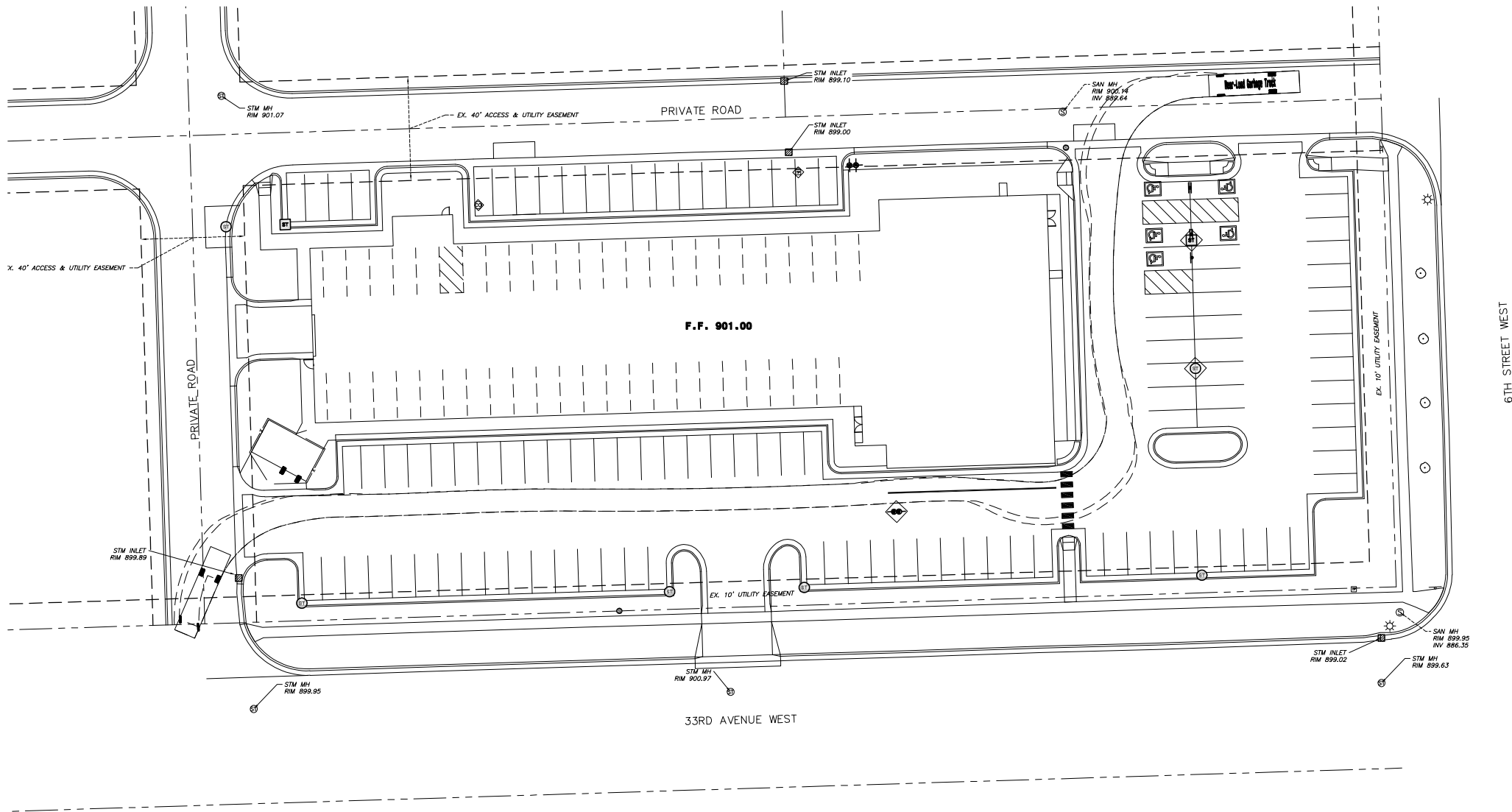
PROJECT NUMBER: 1011-17

ND DOT - 0408022

VEHICLE CIRCULATION PLAN

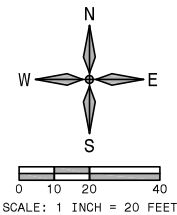
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C600



SYMBOL LEGEND:

	EXISTING PROPERTY LINE
	EXISTING EASEMENT LINE
	EXISTING STORM INLET
	EXISTING STORM MANHOLE
	EXISTING SANITARY MANHOLE
	EXISTING SANITARY CLEAN OUT
	EXISTING LIGHT POLE
	EXISTING COMMUNICATIONS PEDESTAL
	EXISTING SIGN
	EXISTING TREE
	NEW SIGN
	NEW/SALVAGED GATE VALVE
	SALVAGED FIRE HYDRANT
	NEW STORM INLET
	NEW STORM MANHOLE
	NEW SANITARY CLEANOUT
	NEW FENCE



PLAN NOTES:

1. PROJECT ADDRESS: 661 32TH AVE W, LOT 7, BLOCK 1 EAGLE RUN PLAZA 9TH, WEST FARGO, ND, 3255 6TH ST W, LOT 6, BLOCK 1 EAGLE RUN PLAZA 9TH, WEST FARGO, ND.
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3. CONTRACTOR SHALL NOTIFY UTILITY COMPANIES FOR UNDERGROUND LOCATIONS 48 HOURS PRIOR TO BEGINNING CONSTRUCTION, NORTH DAKOTA ONE CALL PHONE NUMBER: 1-800-705-0555
4. CONTRACTOR SHALL PROTECT ALL PROPERTY PINS. PROPERTY PINS DESTROYED OR DISTURBED SHALL BE REPLACED AT CONTRACTORS EXPENSE.
5. IF THE LAND BOUNDARY DENOTED ON THE PLANS ENCOMPASSES MORE THAN ONE (1) ACRE OR IS LESS THAN ONE (1) ACRE, BUT IS PART OF A LARGER DEVELOPMENT PLAN, A NOTICE OF INTENT TO OBTAIN A STORM WATER POLLUTION PERMIT SHALL BE ACQUIRED BY THE CONTRACTOR AND OWNER FROM THE NORTH DAKOTA STATE HEALTH DEPARTMENT SEVEN (7) DAYS PRIOR TO CONSTRUCTION.
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12. ALL WORK WITHIN THE CITY RIGHT-OF-WAY OR EASEMENTS SHALL REQUIRE AN EXCAVATION PERMIT AVAILABLE THROUGH CITY OF WEST FARGO WEBSITE (ENGINEERING).
13. THE CITY'S STORM WATER MANAGEMENT PERMIT MUST BE SUBMITTED WITH THE SWPPP.

BENCHMARKS:

- BM-2: TOP NUT OF HYDRANT LOCATED NEAR THE NE CORNER OF LOT 9, BLOCK 1 OF EAGLE RUN PLAZA NINTH ADDITION, SOUTH SIDE OF THE PRIVATE ROAD.
ELEV = 903.12 (NAVD29)

KEYNOTES



MBN
ENGINEERING

MECHANICAL • ELECTRICAL • CIVIL

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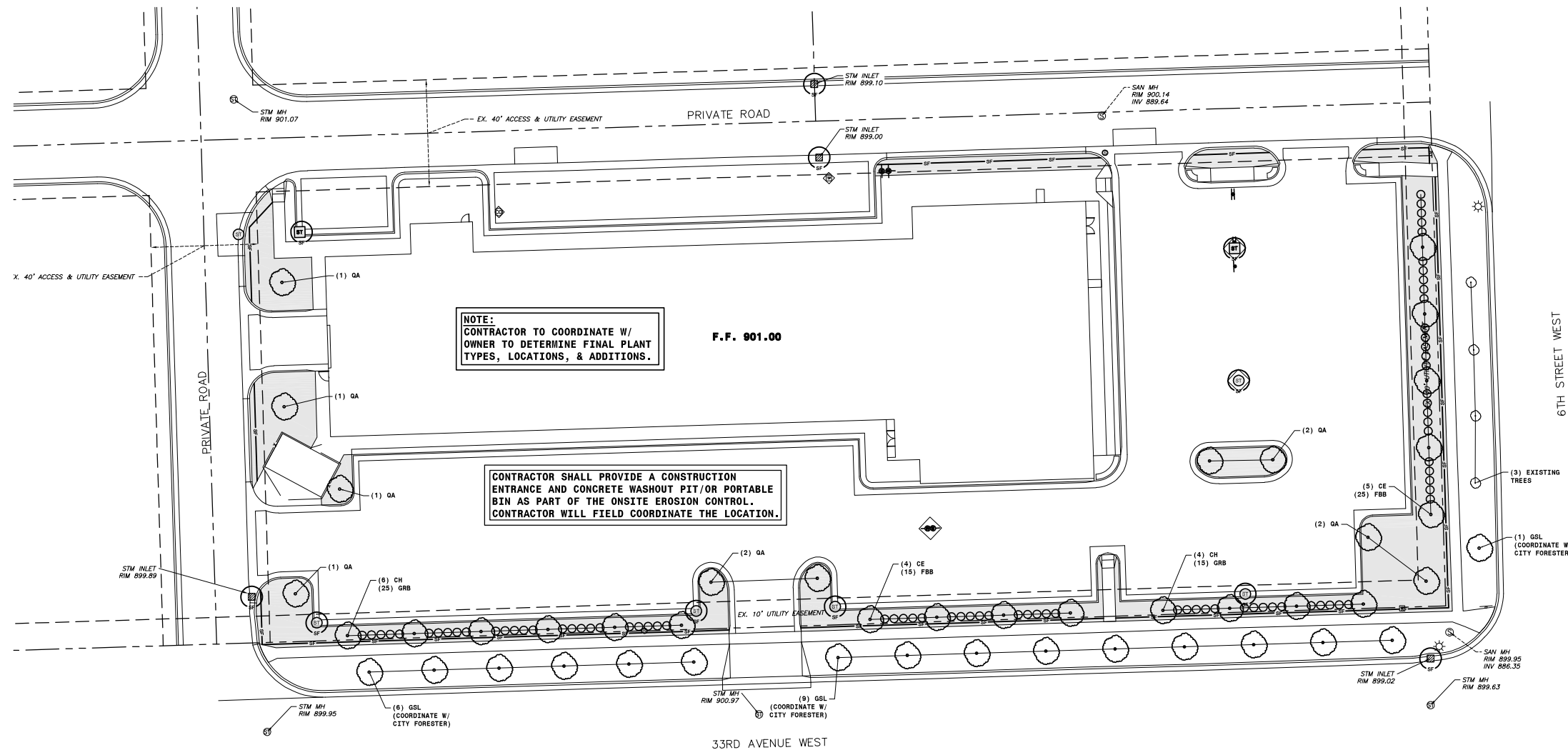
YHR
PARTNERS
ARCHITECTURE | PLANNING
420 Main Avenue
Moorhead, Minnesota 56560
Telephone: (218)233-4422

PROJECT NUMBER: 1811-17

BID SET - 04/08/23

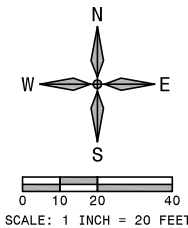
EROSION CONTROL /
LANDSCAPING PLAN

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SYMBOL LEGEND:

---	EXISTING PROPERTY LINE
---	EXISTING EASEMENT LINE
⊙	EXISTING STORM INLET
⊙	EXISTING STORM MANHOLE
⊙	EXISTING SANITARY MANHOLE
⊙	EXISTING SANITARY CLEAN OUT
⊙	EXISTING LIGHT POLE
⊙	EXISTING COMMUNICATIONS PEDESTAL
⊙	EXISTING SIGN
⊙	EXISTING TREE
⊙	NEW SIGN
⊙	NEW/SALVAGED GATE VALVE
⊙	SALVAGED FIRE HYDRANT
⊙	NEW STORM INLET
⊙	NEW STORM MANHOLE
⊙	NEW SANITARY CLEANOUT
⊙	NEW FENCE
⊙	NEW INLET PROTECTION
⊙	NEW SILT FENCE
⊙	NEW HYDRO-MULCH W/ SEED
⊙	NEW TREE



PLAN NOTES:

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BENCHMARKS:

BM-2: TOP NUT OF HYDRANT LOCATED NEAR THE NE CORNER OF LOT 9, BLOCK 1 OF EAGLE RUN PLAZA NINTH ADDITION, SOUTH SIDE OF THE PRIVATE ROAD, ELEV = 903.12 (NAVD29)

LANDSCAPING REQUIREMENTS:

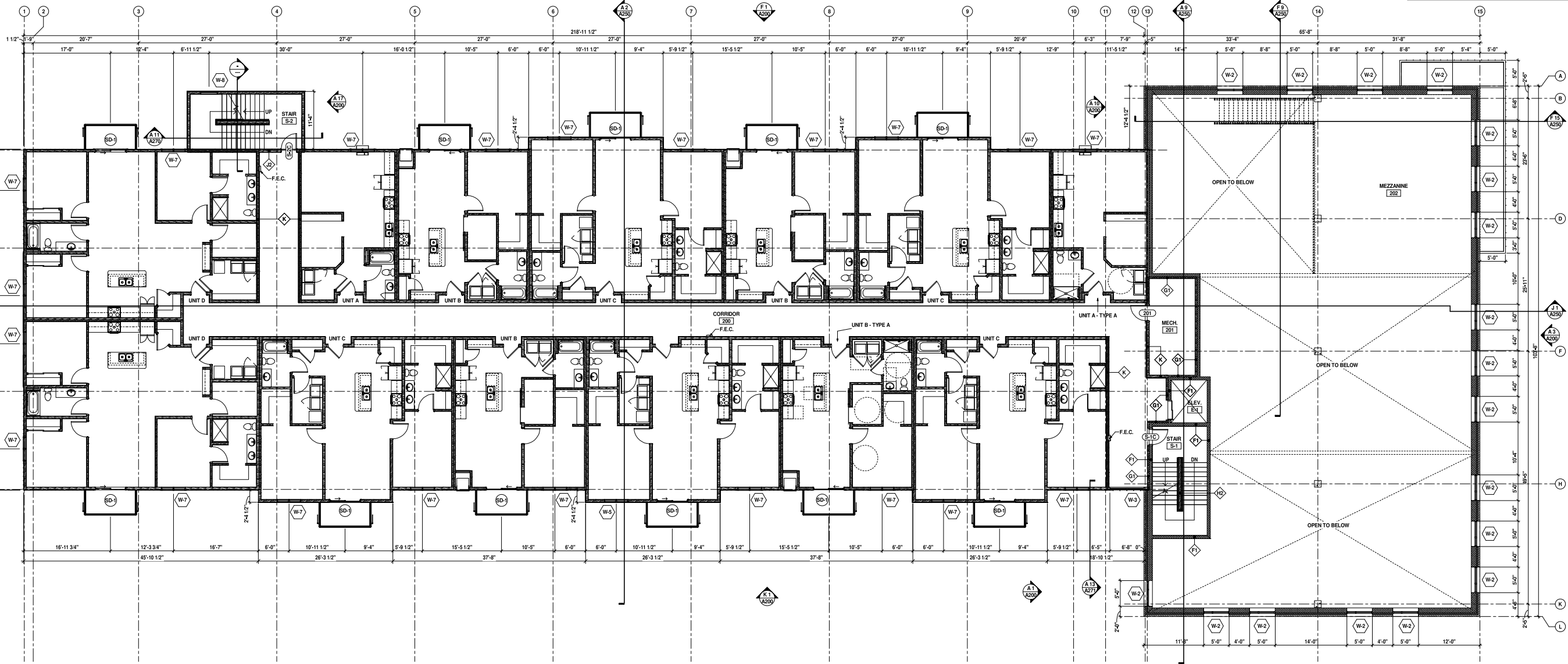
BOULEVARD STREET TREES
REQUIRED ONE (1) STREET TREE / 30LF

LOT PLANT UNITS
4 PLANT UNITS / 1,000 SF OF LOT AREA
TOTAL LOT AREA = 86,710 SF
REQUIRED PLANT UNITS = 347 UNITS

LANDSCAPING SCHEDULE:

CODE	PLANT TYPE	QUANTITY	UNITS
	LARGE DECIDUOUS TREE (10 UNITS EA), MIN 1.5" CALIPER, MIN 30' MATURE HEIGHT		
CE	CATHEDRAL ELM	9	90
CH	COMMON HACKBERRY	10	100
QA	QUAKING ASPEN	10	100
	TREE TOTAL	29	290
	MATURE SHRUB (5 UNIT EA), 2 GAL		
FBB	FIREBALL BURNING BUSH	40	200
GRB	GOLDEN ROCKET BARBERRY	40	200
	SHRUB TOTAL	80	400
	COMPLETE UNIT TOTAL		690

LOCAL STREET TREE UNITS		
CODE	PLANT TYPE	QUANTITY
	LARGE DECIDUOUS TREE, MIN 1½" CALIPER	
	EXISTING TREES	4
GSL	GREENSPIRE LINDEN	16
	TOTAL	20



SECOND FLOOR PLAN
1/8" = 1'-0"

GENERAL NOTES

NOTE 1 - SEE ENLARGED UNIT PLANS FOR DIMENSIONS AND OPENING TAGS.

I hereby certify that this drawing, specification or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the State of North Dakota.

Dated: APRIL 2022 Regt. No. 2754

Signed: _____

YHR PARTNERS
ARCHITECTURE | PLANNING
420 Main Avenue
Moorhead, Minnesota 56560
Telephone: (218)233-4422

PROJECT NUMBER: 1811-17

BID SET - 04/08/22

SECOND FLOOR PLAN

A122

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I hereby certify that this drawing, specification or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the State of North Dakota.

Regt. No. 2754

Signed:



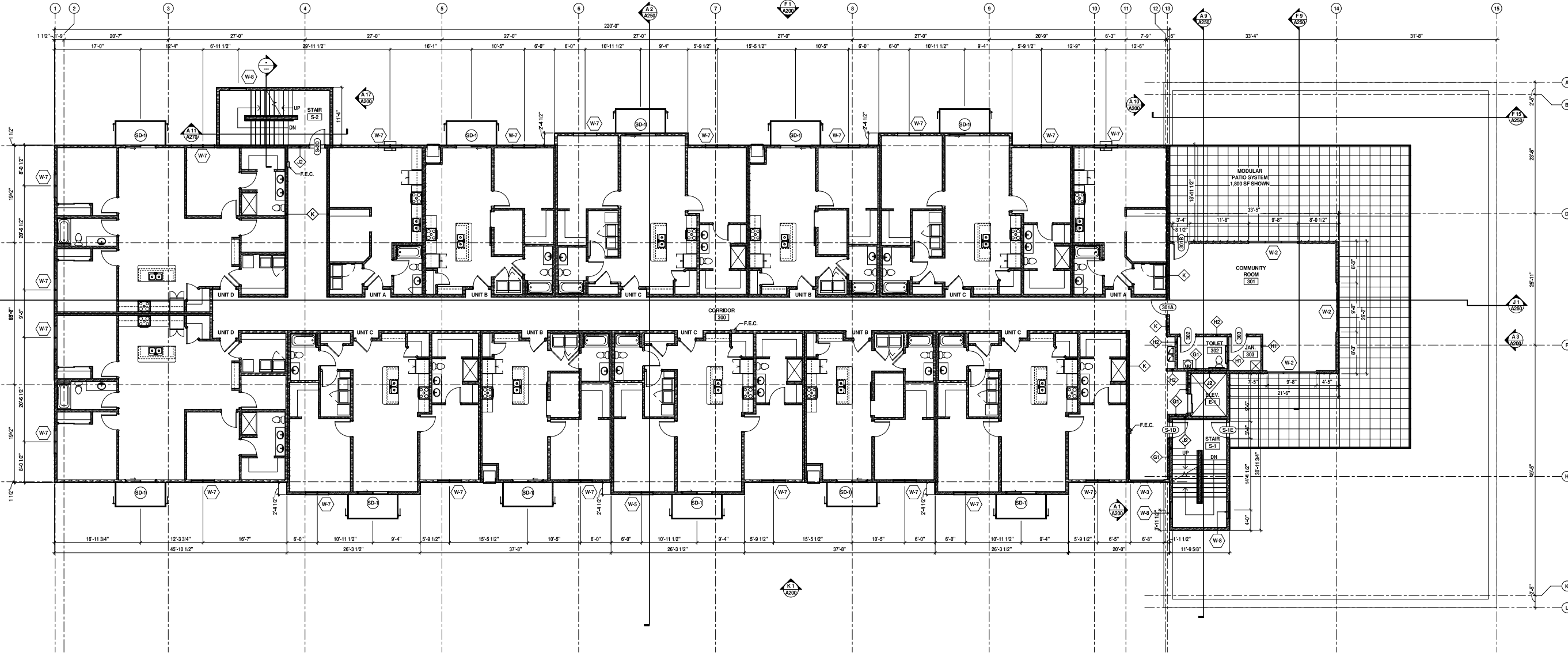
PROJECT NUMBER: 1811-17

BID SET - 04/08/22

FIRST FLOOR PLAN

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A120



THIRD FLOOR PLAN
1/8" = 1'-0"

GENERAL NOTES
NOTE 1 - SEE ENLARGED UNIT PLANS FOR DIMENSIONS AND OPENING TAGS.

I hereby certify that this drawing, specification or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the State of North Dakota.

Dated: APRIL 2022 Regt. No. 2754

Signed:

YHR
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420 Main Avenue
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PROJECT NUMBER: 1811-17

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THIRD FLOOR PLAN

A123
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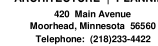


NOTE 1 - SEE ENLARGED UNIT PLANS FOR DIMENSIONS AND OPENING TAGS.

I hereby certify that this drawing, specification or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the State of North Dakota.

Dated: APRIL 2022 Regt. No. 275

Signed:



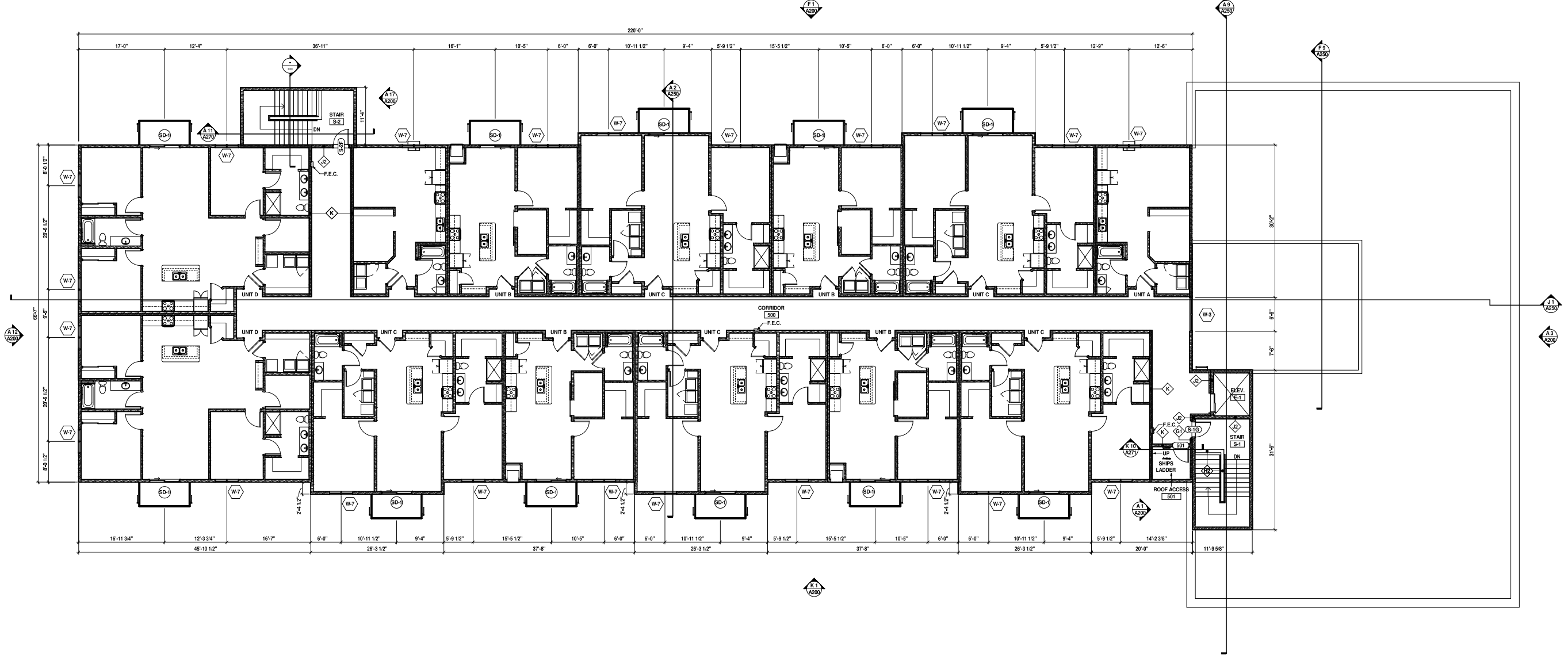
PROJECT NUMBER: 1811-17

BID SET - 04/08/22

FOURTH FLOOR PLAN

© 2022 YHR PARTNERS, LTD.

A124



FIFTH FLOOR PLAN
1/8" = 1'-0"

GENERAL NOTES
NOTE 1 - SEE ENLARGED UNIT PLANS FOR DIMENSIONS AND OPENING TAGS.

I hereby certify that this drawing, specification or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the State of North Dakota.

Dated: APRIL 2022 Regt. No. 2754
Signed: _____

YHR PARTNERS
ARCHITECTURE | PLANNING
420 Main Avenue
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Telephone: (218)233-4422

PROJECT NUMBER: 1811-17
BID SET - 04/08/22

FIFTH FLOOR PLAN
A125
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Conditional Use Permit

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

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

WHEREAS, the **Applicant** is the legal owner of property located at 3255 6th Street West and 661 32nd Avenue West, West Fargo, ND 58078, legally described as (hereinafter referred to as the “Property”):

Lots 6 & 7, Block 1 of Eagle Run Plaza 9th Addition

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

Allow for mixed use development containing residential units in a C: Light Commercial district.

on the above-described Property with the following conditions:

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

Bernie L. Dardis, President of the Board

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

Notary Public

Dated this _____ day of _____, 20____.

Aaron Nelson AICP, Director of Planning and Zoning

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

Notary Public

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Lisa Sankey
2. PHONE NUMBER: 515-5370 DATE: May 18, 2022
3. AGENDA TITLE:
Second Reading & Final Plat Approval – Proposed North Pond at the Preserve
15th Addition Rezoning from C-OP: Commercial Office Park to C: Light Commercial
at 350 23rd Avenue East (Lot 1, Block 1 of North Pond at the Preserve 2nd Addition).
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Hold Second Reading on the Rezoning and Final Plat Approval.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Lot 1, Block 1 of North Pond at the Preserve 2nd Addition (350 23rd Avenue East),
City of West Fargo, North Dakota (Proposed North Pond at the Preserve 15th
Addition).
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Hold Second Reading on the Rezoning and Final Plat Approval subject to the
conditions listed in the staff report.

STAFF REPORT

A21-31 REPLAT AND REZONING	
North Pond at the Preserve 15 th Addition	
Lot 1, Block 1 of North Pond at the Preserve 2 nd Addition – 350 23 rd Avenue East	
Owner: Oporo, LLC Applicant: Enclave	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	09-14-2021 - Approval
City Commission Public Hearing:	10-04-2021 - Continue
Continued Public Hearing & 1 st Reading:	01-03-2022 - Approved
2 nd Reading and Final Plat Approval:	06-06-2022

PURPOSE:

Rezone from C-OP: Commercial Office Park to C: Light Commercial and plat for medical office park development.

STATEMENTS OF FACT:

Land Use Classification:	G-2 Sub-Urban – Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	C-OP: Commercial Office Park
Zoning Overlay District(s):	CO-I: Interstate Corridor Overlay
Proposed Zoning District(s):	C: Light Commercial
Proposed Lot size(s) or range:	1.69 to 3.45 Acres
Total area size:	12.2 Acres
Adjacent Zoning Districts:	North – A: Agricultural (Sheyenne Diversion Tieback Levee) South – R-1A: Single Family Dwelling District East – C: Light Commercial West – C-OP: Commercial Office Park
Adjacent street(s):	23 rd Avenue East (Collector Street); proposed private access easements
Adjacent Bike/Pedestrian Facilities:	Path along south side of 23 rd Ave E
Available Parks/Trail Facilities:	River's Bend at the Preserve Park and North Pond Trail and Pond lookout within ½ mile
Land Dedication Requirements:	n/a

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for a replat and rezoning for a C: Light Commercial development.
- In May of 2021, the Planning and Zoning and City Commissions reviewed and approved site plans for a three-story medical complex under the CO-I: Interstate Corridor Overlay District Regulations, with plans to go through additional site plan review for a similar building to the east, which would be connected.
- The applicant has since determined they would need to have separate parcels for each structure. Under the C-OP: Commercial Office Park District Regulations, they would not meet setback

STAFF REPORT

requirements due to the connection between the two proposed structures.

- The applicant is proposing to rezone the property to C: Light Commercial in order to meet setback requirements, as well as replat to provide for four separate parcels with private access easements throughout the development.
- Preliminary site plans show the Specialty Surgery Facility which was approved in May on Lot 1, connecting to a future building on Lot 2. Lot 3 shows a future structure to the east, while Lot 4 and 5 to the south are currently undetermined.
- The Interstate Corridor Overlay District building and site requirements would remain in place on the property, meaning any development/subsequent building permits shall be subject to site and building plan review and approval by the Planning & Zoning and City Commissions.

NOTICES:

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

Comments Received:

- An additional comment was received from engineering that with all the other properties along the river through this section of town, a 30 to 50 foot levee and access easement has been obtained in the event the city has to pursue future flood control measures.

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

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

RECOMMENDATIONS REGARDING PRELIMINARY PLAT FOR PLANNING & ZONING COMMISSION:

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

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

PLANNING AND ZONING RECOMMENDATION:

At their September 14, 2021 meeting the Planning and Zoning Commission recommended approval of the replat and rezoning with the four conditions noted above as well as the following additional conditions:

5. A 10' water main easement is included on the west edge of the plat
6. River setback delineation is included on the plat
7. Access spacing is provided through a negative access easement on the plat for the eastern 200 feet for full access on 23rd Avenue South, or provide a traffic study to be reviewed by the City Engineer to give a recommendation to the City Commission

STAFF REPORT

Update:

At the October 4, 2021 meeting, the applicant asked this item be continued as they were trying to determine the proposed access location and whether they will need a traffic study.

Engineering has reviewed updated plat information and indicated that the proposed access easement has since been moved to an acceptable distance, so a traffic study is no longer necessary.

A revised plat was submitted for review during the January 3, 2022 Continued Public Hearing and 1st Reading, addressing the additional conditions listed above. A levee easement has since been added to the northwest corner of the plat, along with some modifications.

RECOMMENDATIONS:

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

1. Drainage is reviewed and approved by the engineering department during review/permitting process for remaining undeveloped lots.
2. As per the CO-I: Interstate Corridor District regulations, any development/subsequent building permits shall be subject to site and building plan review and approval by the Planning & Zoning and City Commissions.

E BEATON DR

194

194

A21-31
Proposed
Subdivision

Steyenne River

23RD AVE E

RIVERS BEND DR E

25TH AVE E

MCLEOD DR E

4TH ST E

NORTH POND DR E

E BEATON DR

194

194

A21-31
Proposed
Subdivision

Sheyenne River

23RD AVE E

RIVERS BEND DR E

25TH AVE E

MCLEOD DR E

4TH ST E

NORTH POND DR E



City of
**WEST
FARGO**

A: Agricultural

DMU: Downtown Mixed Use

EMU: Entertainment Mixed Use

C: Light Commercial

C-OP: Commercial Office Park

HC: Heavy Commercial

LI: Light Industrial

M: Heavy Industrial

P: Public

PUD: Planned Unit Development

R-R: Rural Residential

R-1E: Rural Estate

R-L1A: Large Lot Single Family

R-1A: Single Family

R-1: One and Two Family

R-1S: Special One and Two Family

R-1SM: Mixed One and Two Family

R-2: Limited Multiple Dwelling

R-3: Multiple Dwelling

R-4: Mobile Home

R-5: Manufactured Home



PLAT OF
NORTH POND AT THE PRESERVE FIFTEENTH ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF NORTH POND AT THE PRESERVE SECOND ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

OWNER
OPORO LLC
2829 UNIVERSITY DR. SOUTH, SUITE 103
FARGO, ND 58103
PH: 701.356.4770

ENGINEER / SURVEYOR

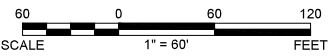
KLJ ENGINEERING LLC
300 23RD AVENUE E, SUITE 100
WEST FARGO, ND 58078
PH: 701.232.5353
www.kljeng.com

LEGEND

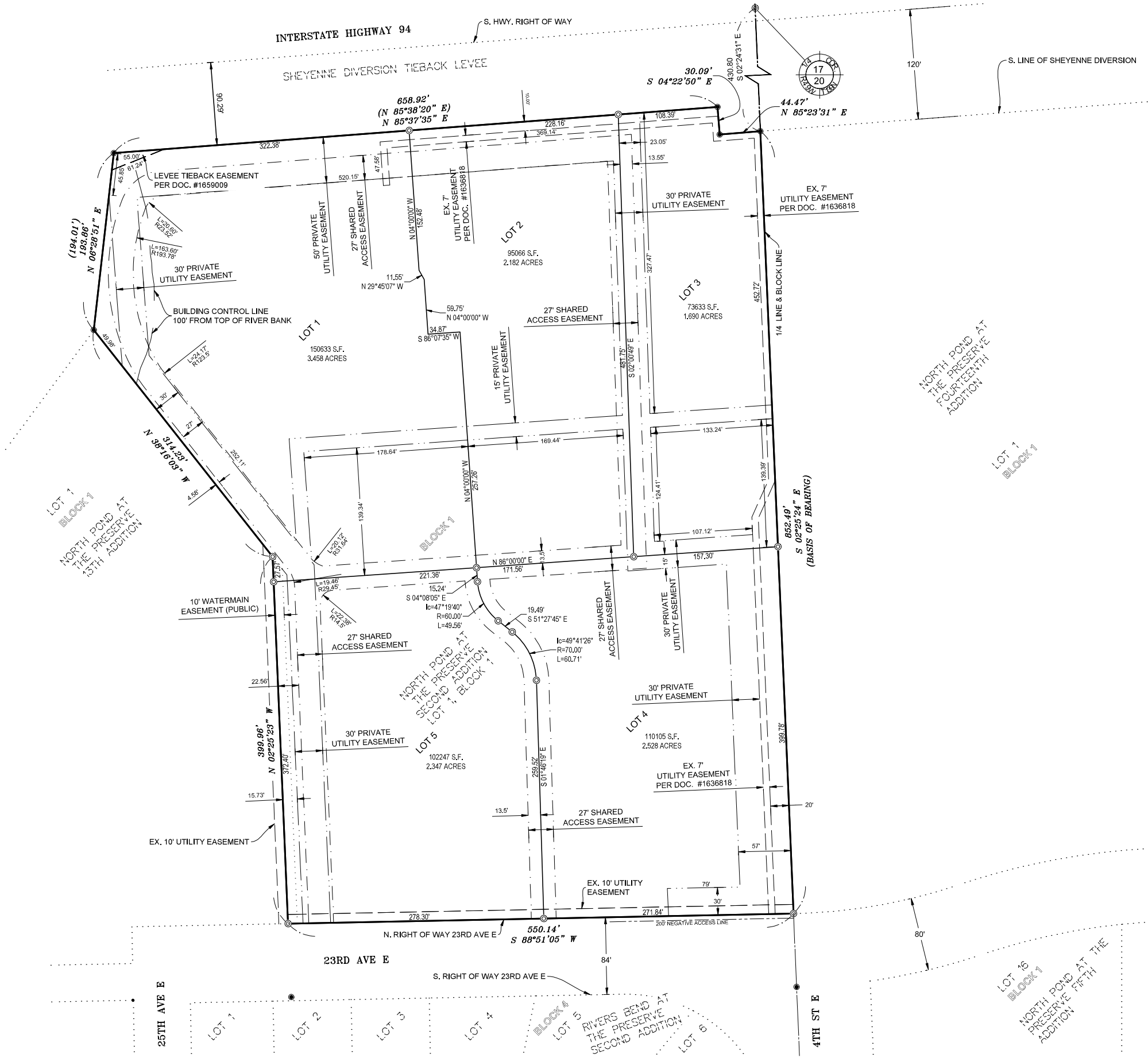
●	REBAR AND CAP FOUND
●	REBAR FOUND
●	5/8" REBAR AND LS 4687 CAP SET
---	NEW SHARED ACCESS EASEMENT LINE
---	NEW PRIVATE UTILITY EASEMENT LINE
---	NEW PUBLIC UTILITY EASEMENT LINE
---	EXISTING EASEMENT LINE
---	ADJACENT LOT LINE
---	PROPERTY BOUNDARY
---	LOT LINE
---	1/4 LINE
---	NEGATIVE ACCESS LINE
---	BUILDING CONTROL LINE

(60)	RECORD DISTANCE
300.40'	MEASURED DISTANCE
(N 87°02'05" E)	RECORD BEARING
N 87°02'05" E	MEASURED BEARING

BASIS OF BEARING:
SURVEY IS BASED ON FARGO GIS HORIZONTAL DATUM, US
SURVEY FEET. DISTANCES SHOWN ARE GROUND DISTANCES.



SHEET 1 OF 2 4/25/2022



PLAT OF
NORTH POND AT THE PRESERVE FIFTEENTH ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF NORTH POND AT THE PRESERVE SECOND ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

OWNER'S DESCRIPTION, ACCEPTANCE AND DEDICATION:

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "NORTH POND AT THE PRESERVE FIFTEENTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF:

LOT 1, BLOCK 1 OF NORTH POND AT THE PRESERVE SECOND ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN ON SAID PLAT, WE HEREBY DEDICATE UTILITY EASEMENTS, WATERMAIN EASEMENTS AND SHARED ACCESS EASEMENTS TO THE USE OF THE PUBLIC AS SHOWN ON SAID PLAT. PRIVATE UTILITY EASEMENTS ARE DEDICATED TO THE BENEFIT OF THE PROPERTIES AS SHOWN ON SAID PLAT.

SAID PLAT CONTAINS 12.206 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

OWNER: OPORO LLC

JED LoPLANTE, ADMINISTRATOR

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20_____,
BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE,
PERSONALLY APPEARED JED LoPLANTE, TO ME KNOWN TO BE THE
ADMINISTRATOR OF OPORO LLC THAT IS DESCRIBED IN AND WHO
EXECUTED THE SAME ON BEHALF OF OPORO LLC.

NOTARY PUBLIC

MORTGAGE HOLDER: FIRST INTERNATIONAL BANK AND TRUST

(NAME, TITLE)

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20_____,
BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE,

PERSONALLY APPEARED _____, TO ME KNOWN TO
BE THE _____ OF FIRST INTERNATIONAL BANK
AND TRUST THAT IS DESCRIBED IN AND WHO EXECUTED THE SAME ON
BEHALF OF FIRST INTERNATIONAL BANK AND TRUST.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, CARL P. OLSON, PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA DO HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY OF SAID PLAT AND ALL DISTANCES SHOWN ON SAID PLAT ARE CORRECT; AND THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN CORRECTLY PLACED IN THE GROUND AS SHOWN.

CARL P. OLSON, PROFESSIONAL LAND SURVEYOR
NORTH DAKOTA LICENSE # LS-4687

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____,
20_____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED CARL P. OLSON, TO
ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

CITY OF WEST FARGO ENGINEERING DEPARTMENT APPROVAL

APPROVED BY THE CITY ENGINEER THIS _____ DAY OF
_____, 20_____.

DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____,
20_____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED DUSTIN T. SCOTT,
TO ME KNOWN TO BE THE CITY ENGINEER FOR THE CITY OF
WEST FARGO THAT IS DESCRIBED IN AND WHO EXECUTED THE
SAME AS ALLOWED BY HIS TITLE.

NOTARY PUBLIC

CITY OF WEST FARGO ATTORNEY APPROVAL

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____, 20_____.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____,
20_____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY,
CITY ATTORNEY, KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE SAME AS ALLOWED BY HIS TITLE.

NOTARY PUBLIC

CITY OF WEST FARGO PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF WEST FARGO PLANNING COMMISSION
THIS _____ DAY OF _____, 20_____.

JOSEPH F. KOLB, CHAIR

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____,
20_____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOLB,
WEST FARGO PLANNING COMMISSION CHAIR, TO ME KNOWN TO BE
THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS
ALLOWED BY HIS TITLE.

NOTARY PUBLIC

CITY OF WEST FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED
FILED THIS _____ DAY OF _____, 20_____.

BERNIE L. DARDIS, President of the Board of City Commissioners

ATTEST:

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____,
20_____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS,
PRESIDENT OF THE BOARD OF CITY COMMISSIONERS, CITY OF WEST
FARGO, AND TINA FISK, CITY AUDITOR, CITY OF WEST FARGO, TO ME
KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE
SAME AS ALLOWED BY THEIR TITLES.

NOTARY PUBLIC

ORDINANCE NO. 1204

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WEST FARGO, NORTH DAKOTA, AS ADOPTED IN SECTION 4-301 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO.

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

SECTION 1. Amendment. The Official Zoning Map of the City of West Fargo, North Dakota, as adopted in Section 4-301 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended as follows:

The district as shown upon the following described area shall be and the same is hereby rezoned from C-OP (Commercial Office Park District) to C (Light Commercial District):

Lot 1, Block 1, North Pond at The Preserve Second Addition to the City of West Fargo, North Dakota.

SECTION 2. Amendment of Zoning Map. The proper City Officials are hereby authorized to amend and change the City Zoning Map to correspond thereto.

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

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

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Malachi Petersen
2. PHONE NUMBER: 515-5377 DATE: May 23, 2022
3. AGENDA TITLE:
Poplar River 1st Addition, a replat and Planned Unit Development Amendment for a proposed office building at 105 13th Ave E.
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Applicant has submitted a request to replat his property to split the lot for tax purposes. Applicant has also submitted a PUD amendment request to allow for development of a professional office building. According to the 2005 PUD that allowed for development of the north lot, a PUD amendment is required prior to the development of the south side of the property. At their May 10th meeting, the Planning & Zoning Commission recommended approval of both the replat and PUD amendment with conditions of approval as noted in the staff report.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Located at 105 13th Ave E (Lot 1, Block 2 of Oakhaven Addition), City of West Fargo, North Dakota.
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Approval of the Replat and PUD amendment with conditions of approval as noted in the staff report and recommended by the Planning & Zoning Commission at their May 10, 2022 meeting.

STAFF REPORT

A22-11 REPLAT & PLANNED UNIT DEVELOPMENT AMENDMENT	
Poplar River 1 st Addition	
105 13 th Avenue East (Lot 1, Block 2 of Oakhaven Addition), City of West Fargo, North Dakota	
Owner/Applicant: Patrick Capp/Lost River Properties LLC	Staff Contact: Malachi Petersen
Planning & Zoning Commission Public Hearing:	05/10/2022
City Commission Final Approval:	06/06/2022

PURPOSE:

Replat to split lot and to allow for development of a professional office building in an approved Planned Unit Development.

STATEMENTS OF FACT:

Land Use Classification:	G-2 Sub-Urban Growth Sector
Existing Land Use:	Dental Office
Current Zoning District(s):	PUD: Planned Unit Development
Zoning Overlay District(s):	CO: Corridor Overlay
Proposed Zoning District(s):	PUD: Planned Unit Development
Proposed Lot size(s) or range:	Lot 1 26,980 ft ² ; Lot 2 40,320 ft ²
Total area size:	1.55 Acres
Adjacent Zoning Districts:	North – R-3: Multiple Dwelling South – PUD: Planned Unit Development East and West - PUD: Planned Unit Development
Adjacent street(s):	13 th Ave E (arterial); 1 st St (collector); 14 th Ave E (local)
Adjacent Bike/Pedestrian Facilities:	Bikeway along 13 th Ave & Existing Sidewalks
Available Parks/Trail Facilities:	Charleswood & Elmwood Parks within ¼ mile
Park Dedication Requirements:	Provided with previous subdivision.

DISCUSSION AND OBSERVATIONS:

- In 2005 a PUD Amendment for this property was approved by the West Fargo Planning & Zoning Commission as well as by the West Fargo City Commission. This PUD amendment allowed for a deviation from multiple family residential on the site and for the north side of the property to develop with a dental office space with the understanding that the south side of the lot would be developed later on with professional office space. According to the 2005 PUD, a PUD amendment would be needed at the time that the south side of the property was developed.
- The applicant has submitted a preliminary plat and site plan for a 10,300 ft² professional office building which would house a medical office and additional office tenant space on the south side of the property. For tax purposes the applicant is also wanting to replat the property into two lots, with one lot containing the existing development and the second lot containing the proposed development.
- The proposed site appears to meet parking requirements with 1 space per 200 ft² of medical office / clinic space and 1 space per 300 ft² of office tenant space.

STAFF REPORT

- The proposed site would have shared access with the preexisting development as well as a new access via 14th Ave E.
- A detailed landscaping plan has been submitted showing an extension of the existing 24" tall landscape berm along 1st St. The landscaping plan also shows the addition of shrubs and trees to the new site. The site appears to meet landscaping standards for the Corridor Overlay District.
- The 2005 PUD amendment called for parking lot lighting to be "low intensity lighting and directed away from residential areas."
- The 2005 PUD amendment called for business signage to include "wall and monument types of signs only and follow the Corridor Overlay District regulations."

NOTICES:

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

Comments Received:

- None to date.

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

- The underlying land use classification of this property is G-2 Sub-Urban Growth Sector. The Sub-Urban Growth Sector includes existing residential neighborhoods and developed commercial areas that are not likely to see much change in the next decades. There may be a few undeveloped tracts of land still available for development.
- Maintaining compatibility with surrounding uses will provide consistency with City Plans and Ordinances. Increasing employment opportunities within this district is consistent with the Comprehensive Plan.

RECOMMENDATIONS:

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

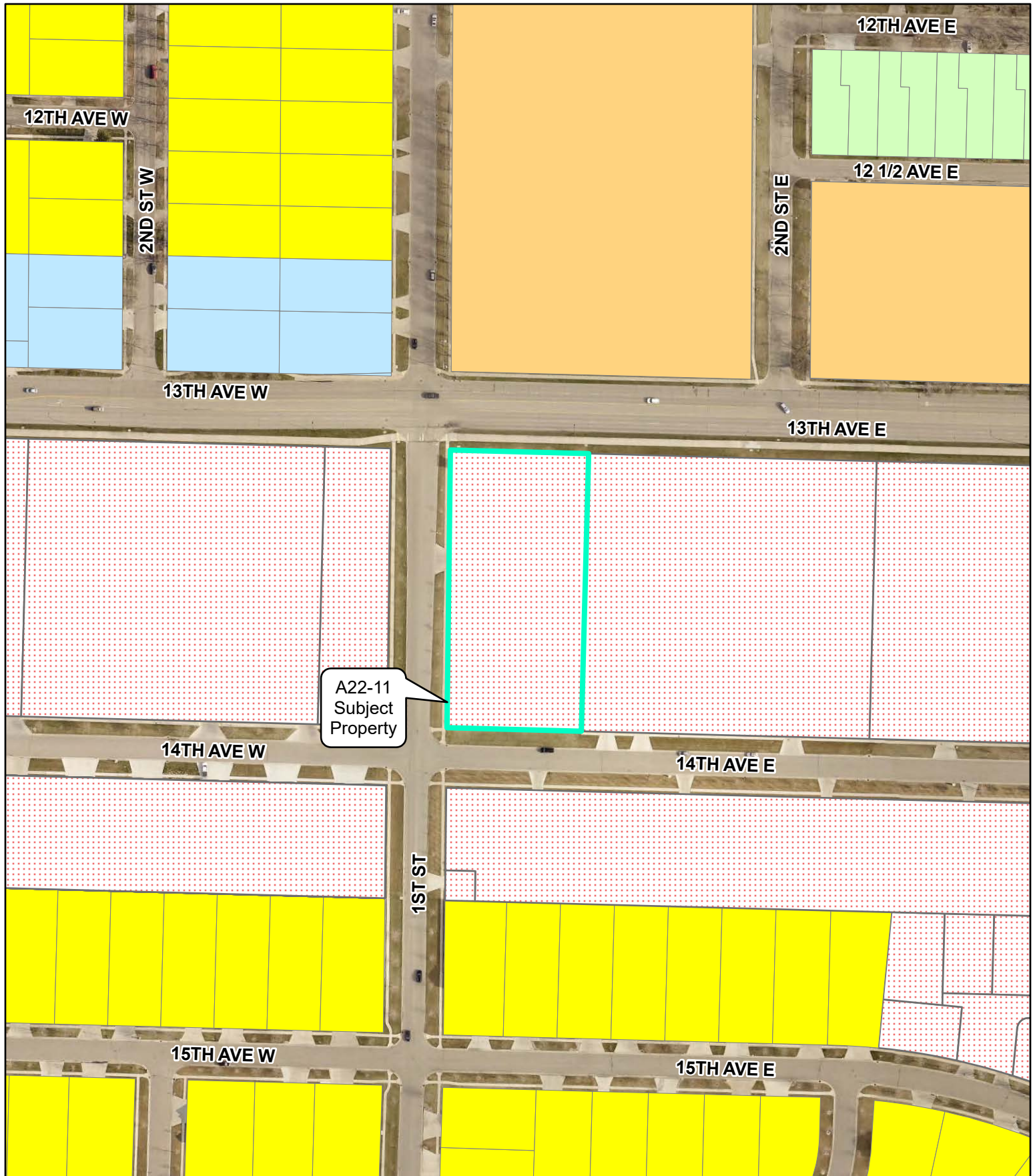
1. Development of Lot 2, Block 1 will be subject, but not limited to CO: Corridor Overlay, 4-440 Supplementary District Regulations, 4-449-A. Landscaping Standard, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
2. In addition to following 4-460 Sign Regulations, any signage should be either wall or monument type signs.
3. Any additional lighting proposed for the parking should be low intensity lighting and directed away from residential areas.
4. A signed PUD Agreement is received.
5. An Attorney Title Opinion is received.
6. An updated drainage plan is received and approved by the City Engineer.
7. A signed Final Plat is received with any necessary easements.
8. A certificate is received showing taxes are current.

STAFF REPORT

PLANNING AND ZONING RECOMMENDATION:

At their May 10, 2022 meeting, the Planning and Zoning Commission recommended approval of the replat and Planned Unit Development Amendment with the eight conditions of approval as noted in the staff report.





West Fargo Zoning

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

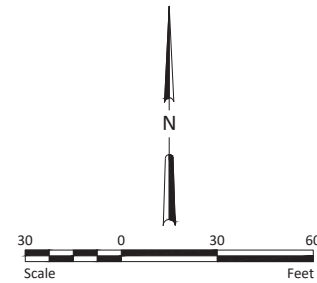
- LI: Light Industrial
- M: Heavy Industrial
- P: Public
- PUD: Planned Unit Development
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

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



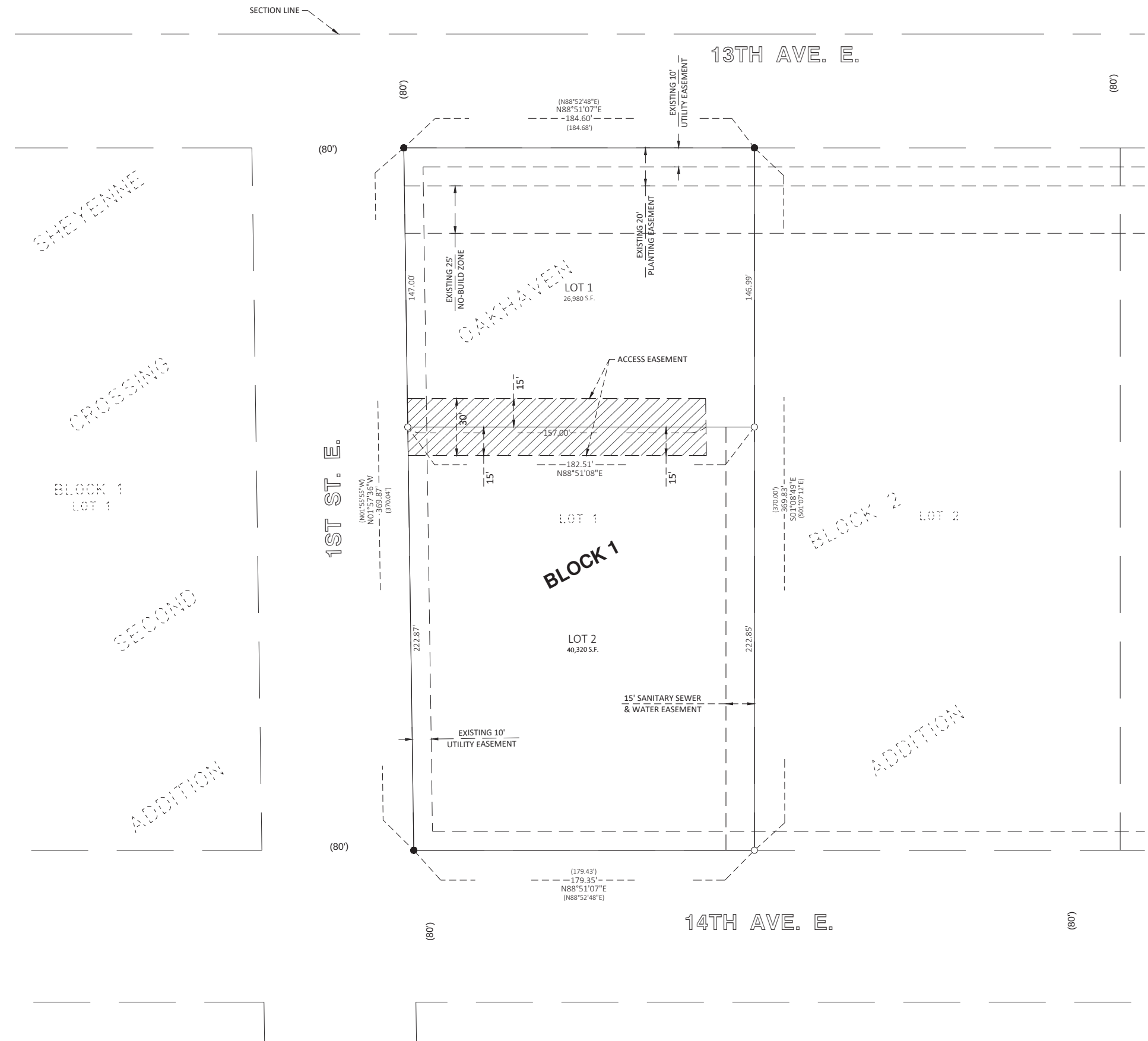
POPLAR RIVER FIRST ADDITION

BEING A REPLAT OF LOT 1, BLOCK 2,
OAKHAVEN ADDITION
TO THE CITY OF WEST FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—
EXISTING LOT LINE	---
NEW EASEMENT	- - - -
EXISTING EASEMENT	- - - -
BEARINGS SHOWN ARE BASED ON THE WEST FARGO COORDINATE SYSTEM.	



Sheet 1 of 2
Project No. 11114-0001

POPLAR RIVER FIRST ADDITION

BEING A REPLAT OF LOT 1, BLOCK 2,
OAKHAVEN ADDITION
TO THE CITY OF WEST FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Lost River Properties, LLC, a North Dakota Limited Liability Company is the owner and proprietor of Lot 1, Block 2, Oakhaven Addition, City of West Fargo, Cass County, North Dakota.

Said tract contains 1.545 acres, more or less.

And that said party has caused the same to be surveyed and platted as **POPLAR RIVER FIRST ADDITION** to the City of West Fargo, Cass County, North Dakota, does hereby dedicate and convey to the public, for public use, the sanitary sewer and water easement depicted on this plat, and does hereby dedicate and convey to the present and future owners of Lot 1 and Lot 2 the Access Easement depicted on this plat.

OWNER:
Lost River Properties, LLC

Patrick J. Capp, President

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Patrick J. Capp, President of Lost River Properties, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:
I, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this _____ day of _____, 20_____.

Curtis A. Skarphol, Professional Land Surveyor No. 4723

CITY ENGINEER'S APPROVAL:
Approved by the West Fargo City Engineer this _____ day of _____, 20_____.

Dustin T. Scott, City Engineer

WEST FARGO PLANNING COMMISSION APPROVAL:
Approved by the City of West Fargo Planning Commission this _____ day of _____, 20_____.

Joseph F. Kolb, Chairman
West Fargo Planning Commission

WEST FARGO CITY ATTORNEY APPROVAL:
I hereby certify that proper evidence of title has been examined by me and I approve the Plat as to form and execution this _____ day of _____, 20_____.

John T. Shockley, City Attorney

WEST FARGO CITY COMMISSION APPROVAL:
Approved by the West Fargo City Commission this _____ day of _____, 20_____.

Bernie L. Dardis
President of the West Fargo City Commission

Tina Fisk
City Auditor

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Bernie L. Dardis, President of the West Fargo City Commission; and Tina Fisk, City Auditor, City of West Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of West Fargo.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Curtis A. Skarphol, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Dustin T. Scott, West Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Joseph F. Kolb, Chairman, West Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the West Fargo Planning Commission.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared John T. Shockley, City Attorney, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as City Attorney.

Notary Public: _____





PLANNED UNIT DEVELOPMENT AGREEMENT

THIS PLANNED UNIT DEVELOPMENT AGREEMENT, entered into this ____ day of _____, 2022, by and between the City of West Fargo, North Dakota (the “City”) and Lost River Properties LLC, (the “Developers”).

WHEREAS, the Developers are the owners of the following described property: Lot 2, Block 1, Poplar River 1st Addition, to the City of West Fargo, Cass County, North Dakota; and

WHEREAS, the City approved a Planned Unit Development Amendment of Lot 2, Block 1 of Poplar River 1st Addition to the City (the “Property”); and

WHEREAS, the Developers and the City desire to set out in writing certain conditions of approval and responsibilities of the parties to this Agreement; and

NOW THEREFORE, it is agreed between the parties as follows:

I. PARTIES

1. The City, a North Dakota Home Rule Charter City, is vested with the authority to control access to its streets and municipal infrastructure. The City has authority to approve or disapprove of all subdivision plats within its territorial jurisdiction. The City has the express authority to withhold building permit approval for any structure on the Property for a failure by the Developers to comply with the terms and conditions of this Agreement.

2. The Developer is the legal and equitable owner of the Property and is duly authorized to sign this agreement.

II. JURISDICTION

1. The Developers agree to submit to the authority of the City of West Fargo. The Developers agree and acknowledge that they must receive approval from the City of West Fargo

for any proposed platting, zoning, flood plain permits, building permits and any other permit required by the City.

2. The Developers agree and acknowledge that they must comply with all Federal, State and County statutes, rules and regulations regarding the development of the Property.

3. The Developers are the “responsible party” for compliance with all Federal and State environmental statutes, rules and regulations including storm water runoff regulations.

4. This Agreement only covers Lot 2, Block 1, Poplar River 1st Addition. In the event that the Developers construct future phases of development they shall have a signed Subdivision Agreement with the City prior to commencing construction of future phases.

5. The Developers have submitted an application for a Planned Unit Development (PUD) Amendment which was approved by the City Commission on June 6, 2022. Development shall be consistent with the approved detailed development standards as stated in the application and staff report titled A22-11 as approved by the City Commission.

III. CONDITIONS OF APPROVAL

1. Development will be subject to, but not limited to, CO: Corridor Overlay District Standards, 4-440 Supplementary District Regulations, Section 4-449-A Landscaping Standards, 4-450 Off-Street Parking and Loading Requirements, 4-460 Sign Regulations, and 4-427-A C-OP: Commercial Office Park District Standards.

2. In addition to following 4-460 Sign Regulations, any signage should be either wall mounted or monument type signs.

3. Any additional lighting proposed for the parking lot should be low intensity lighting and directed away from residential areas.

IV. GENERAL MATTERS

1. In addition to releasing and holding the City, its officers and employees harmless from any and all claims, liability, loss, costs, damages, expenses, actions, or judgments arising out of or related to Developers compliance with the Approval Conditions , the Developers agree to indemnify and defend the City, its officers and employees from any and all claims, liability, loss, costs, damages, expenses, actions, or judgments brought against the City relating to or arising out of the Developers or their employees and agents Developers compliance with the Approval Conditions. Said indemnification shall include, *inter alia*, attorney's fees, damages, whether punitive, economic or compensatory, and costs and disbursements. However, this paragraph shall not apply to suits against the City arising out of its negligence or intentional acts, or those of its employees, agents or designees. The Developers specifically agree and acknowledge that this indemnification provision shall survive until six (6) years after the sale of the final lot.

2. Upon the occurrence of any non-performance of the Developers' obligations under this Agreement, which has not been cured within thirty (30) days after notice to the Developers, the City may take any one or more of the following remedial steps: (a) terminate this Agreement; (b) suspend the City's performance under this Agreement until it receives assurances from the Developers satisfactory to the City that the Developers will cure such Event of Default and perform its obligations under this Agreement; (c) take any other action deemed necessary or desirable by the City including any legal or administrative proceedings for the collection of any amounts due hereunder or the enforcement of any covenant, Agreement or obligation on the Developers including, *inter alia*, withholding approval of any plats or building permits for structures or buildings on the Property.

3. This Agreement constitutes the entire agreement by and between the parties, and any other prior representations or agreements are deemed merged herein, and those not specified

herein do not represent any agreements or promises or covenants or representations on the part of either party hereto.

4. No amendment, modification, or waiver of any condition, provision or term shall be valid or of any effect unless made in writing signed by the party or parties to be bound, or a duly authorized representative, and specifying with particularity the extent and nature of such amendment, modification or waiver. Any waiver by any party of any default of another party shall not affect or impair any right arising from any subsequent default. Except as expressly and specifically stated otherwise, nothing herein shall limit the remedies and rights of the parties thereto under and pursuant to this Agreement.

5. Whenever the singular number is used herein, the same shall include the plural where appropriate, and the words of any gender shall include any other genders where appropriate.

6. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this agreement.

7. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, successors and assigns.

8. This Agreement shall be recorded.

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

10. This Agreement may be executed in counterparts with both the City and the Developers having a fully-executed counterpart.

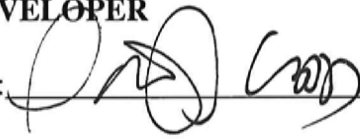
Dated this ____ day of _____, 2022.

CITY OF WEST FARGO

BY: _____
Its: Commission President

BY: _____
Its: Auditor

DEVELOPER

BY:  _____

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

On this ____ day of _____, 2022, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Bernie L. Dardis and Tina Fisk, known to me to be the persons who are described in and who executed the above and foregoing document and acknowledged to me that they executed the same.

[SEAL]

Notary Public

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

On this ____ day of _____, 2022, before me, the undersigned, a Notary Public in and for said county and state, personally appeared _____, known to me to be the person who is described in and who executed the above and foregoing document and acknowledged to me that he executed the same.

[SEAL]

Notary Public



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: *

Cindy Gray

Phone Number: *

701-532-5103

Email Address:

gray@fmmetrocog.org

Date *

5/16/2022

Topic for Consent or Regular Agenda?

Please select one option:

- ☐ Consent Agenda
☒ Regular Agenda

Please Briefly Describe Your Request *

I was asked by the Metro COG Policy Board to speak to each local jurisdiction about federal transportation funding as a transportation management area and NDDOT's proposed approach to funding in our urban area.

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Support Metro COG in working with NDDOT leadership to ensure the use of National Highway Preservation Program funds on the roadways within our urban area that are on the National Highway System.

Upload Additional Documentation (Optional):

West Fargo City Commission TMA Funding.pdf

580.84KB

To: West Fargo City Commission
From: Cindy Gray, Executive Director
Date: May 3, 2022
Re: **Federal Funding as Transportation Management Area**

On April 21st, I explained the Transportation Management Area (TMA) funding scenario being proposed by NDDOT to Metro COG's Policy Board (see attached letter from NDDOT). The proposal raised some concerns among Policy Board members, and I was asked to bring the matter to the full boards and commissions of Fargo, Horace, West Fargo and Cass County for further discussion.

The questions that Metro COG wishes to explore further with NDDOT are explained in the attached response to the NDDOT Local Government Division. Much of the discussion revolves around the future use of National Highway Preservation Program funds on the National Highway System roadways within our metropolitan area.

I will explain this at your next City Commission meeting, and ask for support from City and County leadership in pursuing this matter further with NDDOT leadership.

March 25, 2022

Ms. Cindy Gray
Executive Director
Fargo-Moorhead Metro COG
Case Plaza Suite 232
One 2nd Street North
Fargo, ND 58102

**FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS (FMCOG)
TMA PROJECT PROGRAMMING PRIORITIES 2023-2025**

The North Dakota Department of Transportation (NDDOT) and FMCOG have been working together to identify upcoming process changes as FMCOG transitions to TMA status in fiscal year 2023. As a TMA, FMCOG will have responsibilities for selecting projects and programming funds. NDDOT, with assistance from FHWA-ND, prepared an estimate of funds for suballocation to the TMA. This estimate, shown below, is provided for planning purposes and is subject to change as final information is made available at the federal level.

Apportionment/OA ratio at 90%				
	2023	2024	2025	2026
STBG	\$8,716,724	\$8,891,058	\$9,068,879	\$9,250,257
TA	\$725,159	\$742,285	\$759,753	\$777,571
Carbon Reduction	\$1,023,139	\$1,043,602	\$1,064,474	\$1,085,763
NHPP (share proportional at % of NHS System)	\$1,857,890	\$1,895,047	\$1,932,948	\$1,971,607

To date, FMCOG and NDDOT have worked together to identify Urban and TA project priorities for the TIP/STIP for the fiscal years 2023-2025. Below is a list of the programmed projects and the recently submitted TA applications for 2025:

Urban Roads/Regional Programmed Projects
2022P Fargo 52nd Ave S (63rd St to Sheyenne)
2022P Fargo Transit Capital Bus Purchase
2023 Fargo 42nd St/I-94 Separation Structure Rehabilitation
2023P Fargo Main Ave (University to 25th St)
2023P Fargo Transit Capital Bus Purchase

2024 West Fargo Main Ave near Sheyenne River Slide Repair
2024P Fargo 32nd Ave S (25th St to University)
2025 West Fargo 9th St E (Main Ave to 12th Ave N)
2025P Fargo 12th Ave N & BNRR Bridge – Structure Items, Structural Steel Zone Painting
2025P Fargo 36th St S at Rose Coulee – Deck overlay, rail retrofit, reset approach guardrail

TA Programmed Projects

2023 Fargo Bison Village/10th St N
2023 Horace County Rd 17 Shared Use Path
2023 Horace Center Ave Improvements
2024 West Fargo Eaglewood – The Lights Bike Path

TA Applications Received

2025 Fargo Milwaukee Trail to Drain 53 Shared Use Path
2025 West Fargo Soccer Complex – Elmwood Park Bike Path
2025 Horace County Road 17 Shared Use Path Phase 4

As you know, the project development process takes time, and as such, it is crucial to ensure that all jurisdictions are working on projects intended to be funded through the TMA. FMCOG should review the estimate of funds and the list of projects to determine adjustments that may be needed, such as adding projects or adjusting funding years. It is through this letter that NDDOT is asking FMCOG to confirm that the projects listed above continue to be the urban and TA programming priorities for the TMA. Please sign and return this letter to confirm the priorities. If you have any questions regarding this request, please contact me at 328-2217 or Stacey Hanson at 328-4469.



PAUL M. BENNING, P.E., LOCAL GOVERNMENT ENGINEER

38/smh

I confirm that the listed projects continue to be the Urban and TA programming priorities.

Cindy Gray, Executive Director

Date

April 26, 2022

Mr. Paul Benning, P.E.
Local Government Engineer
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Subject: Fargo-Moorhead Metropolitan Council of Governments (Metro COG) TMA Project
Programming Priorities 2023-2025 and Funding Information Provided by NDDOT

Dear Paul:

Thank you for the time and conversation with Local Government staff in recent months as Metro COG prepares to transition into a Transportation Management Area (TMA). We understand that this MPO designation is new to NDDOT, just as it is new to our organization. We appreciate the thought and time that has been put into preparing for the designation.

Your letter of March 25, 2022 provided an estimate of funds that will be directly sub-allocated to the TMA, as well as information about NDDOT's intentions with respect to NHPP funds. In that letter, you requested that we review the estimate of funds and the projects currently programmed in the Transportation Improvement Program and confirm that the projects included continue to be the urban road and transportation alternative program (TAP) priorities for the TMA.

In April, we brought the information in your letter forward to our Transportation Technical Committee and our Policy Board. We provided the funding information shared in your letter of March 25, 2022 along with the estimated costs of the programmed projects. Generally speaking, the TTC and Policy Board confirmed that the projects included in the TIP continue to be priorities for the Cities of Fargo, Horace, and West Fargo. However, the review and discussion of the information raised several questions that we have been asked to pursue with NDDOT, and until we have answers to those questions, I am not fully able to say that this is the complete list of priority projects. Policy Board members also asked that this information be presented to the Cass County Board of Commissioners, Fargo City Commission, Horace City Council and West Fargo City Commission.

Transportation Funding Information

The following is a breakdown of the information you shared with us in your letter regarding funding:

North Dakota STBG Apportionment with Obligation Authority Ratio Estimated at 90 Percent				
Year	2023	2024	2025	2026
Surface Transportation Block Grant (STBG)	\$8,716,724	\$8,891,058	\$9,068,879	\$9,250,257
National Highway Preservation Program (NHPP) - share proportional at % of National Highway System (NHS)*	\$1,857,890	\$1,895,047	\$1,932,948	\$1,971,607
Yearly Estimated Total	\$10,574,614	\$10,786,105	\$11,001,827	\$11,221,864

*NDDOT has indicated NHPP funds can be used as STBG.

North Dakota TA Apportionment with Obligation Authority Ratio Estimated at 90 Percent				
Year	2023	2024	2025	2026
Transportation Alternatives (TA)	\$725,159	\$742,285	\$759,753	\$777,571

North Dakota Carbon Reduction Apportionment with Obligation Authority Ratio Estimated at 90 Percent				
Year	2023	2024	2025	2026
Carbon Reduction	\$1,023,139	\$1,043,602	\$1,064,474	\$1,085,763

During follow-up conversations, NDDOT staff indicated that the proposed NHPP funds could be used as STBG funds, and not limited to NHS roadways.

Attachment 1 to this letter shows the total of 2022-2025 funding based on information provided by NDDOT in comparison to the programmed projects. The first year shown is the current year of 2022, which is pre-TMA, since our designation will not occur until October 1, 2023. As you can see from the tables for 2023 and 2024, NDDOT has two projects programmed in our TIP – one in 2023 and another in 2024 – on Main Avenue (US Highway 10). These two projects are programmed to use NHPP funds totaling approximately \$12.4 million. This raises a few questions, some of which are specific to these projects, and some which are more relevant to the overall proposed TMA funding scenario:

1. Is it NDDOT's intent to use NHPP funds for these two state projects as currently programmed in the TIP and STIP?

These projects were programmed when it was clear that Metro COG would be transitioning to a TMA. The mock certification review was completed, and an estimate of Metro COG's STBG funding was underway for use in the MTP. Since Main Avenue is on the US Highway System and under jurisdictional control of NDDOT, we believe these NDDOT projects should continue to use programmed NHPP funds. Metro COG believes that NDDOT should maintain those roadways under their jurisdictional control, continuing the cooperation with the Cities of Fargo and West Fargo. Metro COG and our local partners are open to participating in those projects on a case-by-case basis, and would ask NDDOT to engage us during the annual solicitation process to determine financial participation.

If the funding programmed for these projects remains the same, Metro COG needs to begin working with our local jurisdictions immediately to program additional projects to use the remaining STBG direct sub-allocation, since projects selected during the solicitation process do not use up the expected direct sub-allocation.

2. If it is NDDOT's intent to use NHPP funds for these two projects, would the proposed sharing of NHPP funds in 2023 and 2024 (\$1,857,890 and \$1,895,047 respectively) be in addition to the NHPP dollars designated for these projects or included in the amounts designated.

It is important that we understand this so we can work with our local jurisdictions to ensure programming of the correct amount of funds.

3. If it is not NDDOT's intent to use NHPP funds on NHS roadways within the urbanized area on a case-by-case basis, would we also be required to fund projects on State jurisdiction roadways with STBG funds in perpetuity without access to additional NHS funding?
4. Moving forward to future years, Metro COG and our local jurisdictions believe it would be more fitting for the continued use of NHPP funds in our metro area on a project-by-project basis on the non-interstate portions of designated highways within our urbanized area, as opposed to accepting an annual amount equivalent to approximately one percent of the state's NHPP allocation.

Our urbanized area has heavily traveled roads such as US Highway 81 (19th Avenue N, University Drive and 10th Street), Highway 294 (12th Avenue N), and Highway 10 (Main Avenue). Roadways such as 19th Avenue N already need reconstruction, and should be reconstructed with the use of NHPP funds.

Discussions with other TMAs and State Departments of Transportation in Minnesota, Iowa, Wisconsin and Kansas have informed us that those states use NHPP funds on non-interstate roadways within their TMA urbanized areas. We do not understand why NDDOT would not continue to use those funds on the NHS-designated non-interstate roadways for which the state is responsible.

5. In 2021, NDDOT programmed a 2025 bridge project on 12th Avenue N at the BNRR Bridge using STBG funds. This project did not go through our MPO prioritization process, yet the programming of the project shows the use of STBG funds.

This is an example of a project that would be appropriate for the use of NHPP funds, since the roadway is designated as Highway 294.

6. Has NDDOT considered sharing the Congestion Management Air Quality (CMAQ) funds specifically with the urbanized areas that have the highest levels of traffic congestion and the highest traffic volumes?

Since North Dakota and the MPO urbanized areas are all currently attainment areas, we are fortunate that we don't need to specifically designate the use of those funds on congestion management types of projects. However, in other states, such as Kansas, for example, which is also an air quality attainment state, the state's allocation of Congestion Management Air Quality funds is shared with the TMAs within the state. The TMAs are then able to apply the use of the funds toward projects that reduce congestion, staying true to the intent of the funds.

As you can see, the questions posed above primarily focus on NHPP, CMAQ and STBG funds. We do not have as many questions pertaining to TAP funds, and have seen that the Federal guidance was recently released with respect to the Carbon Reduction Program. There are many more questions which are likely to come up in the next couple of years as Metro COG makes this transition, and we are thankful that your division is working with us to answer those questions. The questions cited here start to frame up some of the concerns expressed by our city and county officials and elected leaders, and it is

important that we have clear answers to these questions moving forward. I look forward to hearing from you regarding answers to these questions.

Sincerely,

Cindy Gray, AICP
Executive Director

Table 2: ND Portion of UZA Programmed STBG-U Projects, 2022-2025

2022 - PRE-TMA	Total	STBG-U	CRRSAA	State	Local
Fargo					
32nd Ave S (32nd St to 25th St)	\$16,000,000	\$7,130,000	\$808,620	\$0	\$8,061,380
52nd Ave S (63rd St to Sheyenne) - Pending	\$7,000,000	\$5,000,000	\$0	\$0	\$2,000,000
Transit Capital Bus Purchase - Pending	\$1,250,000	\$1,000,000	\$0	\$0	\$250,000
West Fargo					
9th St E (13th Ave E to Main Ave)	\$584,000	\$0	\$386,710	\$0	\$197,290
Total of Federally Funded STBG-U Projects	\$24,834,000	\$13,130,000	\$1,195,330	\$0	\$10,508,670

2023 - TMA	Total	STBG-U	NHS-U	State	Local
Fargo					
42nd St/I-94 Separation Structure Rehab	\$275,680	\$223,108	\$0	\$0	\$52,572
Transit Capital Bus Purchase - Pending	\$1,250,000	\$1,000,000	\$0	\$0	\$250,000
NDDOT					
Main Ave (Univ. to 25th St) - Pending	\$15,412,522	\$0	\$8,369,948	\$1,226,416	\$5,816,158
Total of Federally Funded STBG-U & NHS-U Projects	\$16,938,202	\$1,223,108	\$8,369,948	\$1,226,416	\$6,118,730
Total of STBG-U + NHS-U		\$9,593,056		\$1,226,416	\$6,118,730
Estimated STBG Apportionment		\$10,574,614			
Surplus or shortfall of funding info provided:		\$981,558			

2024 - TMA	Total	STBG-U	NHS-U	State	Local
Fargo					
32nd Ave S (25th St to Univ) - Pending	\$11,080,000	\$7,680,000	\$0	\$0	\$3,400,000
NDDOT					
Main Ave Slide Repair (US 10 at Sheyenne River)	\$5,001,000	\$0	\$4,047,000	\$454,000	\$500,000
Total of Federally Funded STBG-U & NHS-U Projects	\$16,081,000	\$7,680,000	\$4,047,000	\$454,000	\$3,900,000
Total of STBG-U + NHS-U		\$11,727,000			
Estimated STBG Apportionment		\$10,786,105			
Surplus or shortfall of funding info provided:		-\$940,895			

2025 - TMA	Total	STBG-U	NHS-U	State	Local
Fargo					
36th St S at Rose Coulee - Pending	\$380,000	\$307,534	\$0	\$0	\$72,466
West Fargo					
9th St E (Main Ave to 12th Ave N) - Pending	\$9,400,000	\$7,520,000	\$0	\$0	\$1,880,000
NDDOT					
12th Ave N at BNRR Bridge - Pending	\$644,606	\$521,680	\$0	\$58,465	\$64,461
Total of Federally Funded STBG-U Projects	\$10,424,606	\$8,349,214	\$0	\$58,465	\$2,016,927
Estimated STBG Apportionment		\$11,001,827			
Surplus or shortfall of funding info provided:		\$2,652,613			

2026 - TMA - Projects to be Selected Locally, as previously prioritized	Total	STBG-U	Other (Clay Co, Moorhead)	State	Local
Fargo					
1. Broadway Bridge Reconstruction	\$7,500,000	\$4,200,000	\$2,250,000	\$0	\$1,050,000
2. 40th Ave S Bike Ped Bridge at Bluestem	\$4,000,000	\$1,760,000	\$1,800,000	\$0	\$440,000
3. Drain 27 and River Dr S Shared Use Paths	\$2,400,000	\$1,920,000	\$0	\$0	\$480,000
Total of Prioritized Projects	\$13,900,000	\$7,880,000	\$4,050,000	\$0	\$1,970,000
Estimated STBG Apportionment		\$11,221,864			
Surplus or shortfall of funding info provided		\$3,341,864			

Additional Project Submittals for 2026	Total	STBG-U	Other	State	Local
Fargo					
4. Transit Capital Bus Purchase	\$1,250,000	\$1,000,000	\$0	\$0	\$250,000
West Fargo					
5. Sheyenne St Reconstruction (40th to 52nd Ave E)	\$18,000,000	\$14,400,000	\$0	\$0	\$3,600,000
Fargo					
6. 45th Street Rehab (16th Ave N to I-94 Ramp)	\$10,800,000	\$8,640,000	\$0	\$0	\$2,160,000
NDDOT Bridge Projects					
No Submittals Thus Far	\$0	\$0	\$0	\$0	\$0
Total of Additional Project Submittals	\$30,050,000	\$24,040,000	\$0	\$0	\$6,010,000



To: Special Assessment Commission
From: Dustin T. Scott, Assistant City Administrator/City Engineer
Date: June 6, 2022
Subject: Resolution Directing Assessments to be Levied
Action: Adopt Resolutions to Direct Assessments to be Levied

SPECIAL ASSESSMENT COMMISSION

Chairman:

Jim Brownlee

Commissioner:

Eddie Sheeley

Commissioner:

Elliot Steinbrock

BOARD OF CITY COMMISSIONERS

President:

Bernie Dardis

Commissioner:

Brad Olson

Commissioner:

Eric Gjerdevig

Commissioner:

Mark Simmons

Commissioner:

Mandy George

City Administrator:

Tina Fisk

Assist. City Administrator:

Dustin T. Scott

ENGINEERING DEPARTMENT

City Engineer:

Open

Asst. City Engineer:

Andrew Wrucke

Asst. City Engineer:

Jerry Wallace

Eng. Office Manager:

Kayla Volness

Summary and Recommendation:

The City of West Fargo has created the following assessment Districts:

1. Sewer, Water, Storm and Street Improvement District No. 1315.2
2. Sewer, Water, Storm and Street Improvement District No. 1331
3. Sewer, Water, Storm and Street Improvement District No. 1332
4. Sewer, Water, Storm and Street Improvement District No. 1334

Collectively the "Districts". The construction work within these District has been completed. Completion includes the creation of the assessment district, develop and approve plans/specifications, bid and award bids, complete construction and issuing of bonds to finance the projects. As a result, the Projects are complete and the projects costs are ready to be submitted to the Special Assessment Commission to determine the amount of special assessments for each parcel within each District.

The next procedural step in the process is for the City Commission to approve resolutions to direct the assessments to be levied. This approval will move the assessment process to the Special Assessment Commission to complete their responsibilities in the assessment process. The approval of the resolution directing assessments to be levied is the first step in the process and does not mean that the special assessments have been finalized.

The project costs less external funding was identified through the bonding process. The resolution for each project provides a schedule of the costs included for the project, project funds used to reduce the assessed amounts with the final amount to be assessed. The amount to be assessed has been bonded.

Staff recommendation: Adopt the Resolutions directing assessments to be levied.

Policy Analysis:

Pursuant to chapter 40-23 of the North Dakota Century Code the City of West Fargo, North Dakota (the "City"), has the legal authority to levy special assessment and to direct the Special Assessment to meet and begin the process of levying and apportioning special assessments within each of the Districts, in conformance with North Dakota law

Financial Analysis:

The projects have been completed with bonds issued to fund the projects. Assessments are required to be levied for the repayment of the bonds issued and comply with the bond agreements, covenants and resolutions.

Process/Timeline :

June 6, 2022– Adopt resolutions directing assessments to be levied

TBD– Special Assessment Commission meet to finalize assessed valued by parcel.

TBD– City Commission approve final assessments

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Sewer, Water, Storm and Street Improvement District No. 1315.2 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 357,238.18
Engineering	61,086.09
Construction Interest	10,235.30
Bond Discount	4,650.00
Testing and Consulting	5,869.50
Legal	3,585.38
Advertising	170.67
Administration	10,717.15
Engineering Administrative	3,572.38
Bond Counsel	2,091.00
Rating Agency Fee	1,743.00
Underwriting Fee	1,394.00
Special Assessment Commission	240.00
Contingencies	2,167.35
Service Charge	<u>240.00</u>
TOTAL:	\$ 465,000.00

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

Dated: June 6, 2022

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

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

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

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Sewer, Water, Storm and Street Improvement District No. 1331 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 3,559,680.95
Engineering	446,930.74
Construction Interest	139,963.56
Bond Discount	45,150.00
Testing and Consulting	39,904.85
Legal	4,959.70
Advertising	151.06
Sewer Hookup Fee	83,986.98
Administration	106,790.43
Engineering Administrative	35,596.81
Bond Counsel	20,307.00
Rating Agency Fee	16,923.00
Underwriting Fee	13,538.00
Special Assessment Commission	240.00
Contingencies	636.92
Service Charge	<u>240.00</u>

TOTAL: \$ 4,515,000.00

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

Dated: June 6, 2022

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

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

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

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Sewer, Water, Storm and Street Improvement District No. 1332 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 588,954.05
Engineering	84,673.70
Construction Interest	23,538.33
Bond Discount	7,500.00
Testing and Consulting	8,938.50
Legal	1,293.80
Advertising	144.42
Administration	17,668.62
Engineering Administrative	5,889.54
Bond Counsel	3,373.00
Rating Agency Fee	2,811.00
Underwriting Fee	2,249.00
Special Assessment Commission	240.00
Contingencies	2,486.04
Service Charge	<u>240.00</u>
TOTAL:	\$ 750,000.00

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

Dated: June 6, 2022

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

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

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

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

Be it resolved by the Board of City Commissioners of the City of West Fargo that the City Commission has estimated the cost in Sewer, Water, Storm and Street Improvement District No. 1334 and does hereby direct assessments to be levied for the payment of such cost as follows:

Total Construction	\$ 750,004.68
Engineering	99,179.32
Construction Interest	26,245.44
Bond Discount	9,400.00
Testing and Consulting	9,592.00
Legal	809.05
Advertising	149.40
Administration	22,500.14
Engineering Administrative	7,500.05
Bond Counsel	4,228.00
Rating Agency Fee	3,523.00
Underwriting Fee	2,819.00
Special Assessment Commission	240.00
Contingencies	3,569.92
Service Charge	<u>240.00</u>
TOTAL:	\$ 940,000.00

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

Dated: June 6, 2022

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

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

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



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

To: West Fargo City Commission
From: John T. Shockley – City Attorney
Date: June 6, 2022
Subject: Special Assessment Policy Update
Action: Adopt Amendment No. 2 of the Special Assessment Policy

Commission President

Bernie Dardis

Primary Portfolio:

Administration/Finance

Secondary Portfolio:

Street, Water and
Sewer

Commission Vice President

Brad Olson

Primary Portfolio:

Street, Water and
Sewer

Secondary Portfolio:

Sanitation

Commissioner

Eric Gjerdevig

Primary Portfolio:

Planning, Zoning and
Engineering

Secondary Portfolio:

Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and
Engineering

Commissioner

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

City Administrator

Tina Fisk

Asst. City Administrator

Dustin T. Scott

Summary and Recommendation:

Last year it became apparent, especially south of Interstate 94, large improvement districts with a variety of different property uses are in need of policy clarification to ensure the equitable allocation of special assessments. The City's increase in mixed-use properties also requires policy clarification for how to levy special assessments.

Therefore, the West Fargo City Commission approved a review of the Special Assessment Policy on Monday, Sept. 7, 2021, to address these issues. The proposed amendments to the Special Assessment Policy address the impact of the City's growth. This generates a need to create policies that specifically address different property uses, from small apartment buildings to larger platted and unplatted residential properties with existing homes.

The amendments put forth primarily focus on the use of equivalent units for regional street improvements in the following property categories and sub-categories:

1. Single-Family Residential or Agricultural
 - a. Platted within an established neighborhood
 - b. Platted and not within an established neighborhood
 - c. Unplatted with a single-family residence for which a building permit was issued
 - d. Unplatted without residence
2. Multi-Family Residential
3. Commercial/Industrial
4. Mixed-Use

The following documents are attached for review/consideration:

- Proposed Amendment No. 2 of Special Assessment Policy

This is part of the City's ongoing efforts to allocate assessments equitably and reduce the use of special assessments through strategic financing, planning and policy development. For example, in November 2021, the West Fargo City Commission adopted Guiding Principles for Financial Policy on City Infrastructure and Buildings. The principles assure policy and financial decisions are consistent with:

1. Reducing the use of special assessments as a funding source for City infrastructure.
2. Seeking the lowest cost capital through the issuance of loans, bonds and other debt instruments when available.
3. Utilizing the Capital Improvement Sales Tax proceeds responsibly to fund projects, as set forth in the West Fargo City Commission approved Capital Improvement Plan.

Other recent accomplishments include the approval of the City's 5-year capital improvement plan and Moody's Investors Service upgrading the City's credit rating to an Aa3. The improved credit rating recognizes the City's proactive management and improved reserves over the past several years through implementing additional revenue streams and budgeting conservatively.

Staff Recommendation: Adopt Amendment No. 2 of the Special Assessment Policy



Special Assessment Policy

CITY OF WEST FARGO, NORTH DAKOTA

Adopted	September 19, 2016
Amendment No. 1	June 7, 2021
Amendment No. 2	(Proposed) June 6, 2022

Contents

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I. PURPOSE

Chapter 40 of the North Dakota Century Code authorizes cities in North Dakota to use special assessments as a method to fund public improvements, such as water supply systems, sewerage systems, streets, flood protection, sidewalks, trees, and storm sewers. Special assessments allocate the cost of a project to the properties that benefit as a result of these improvements. According to N.D.C.C. § 40-22-01.2, cities with a population exceeding 10,000 shall adopt written policies which will be applied for cost allocation among properties benefited by a special assessment project.

This Special Assessment Policy is intended to provide guidance to the City of West Fargo staff, Special Assessment Commission, and City Commission. In accordance with the North Dakota Century Code, the City of West Fargo will levy and apportion special assessments in a reasonable, equitable manner consistent with the procedural processes and substantive case law governing the levy and apportionment of the special assessments as determined by the North Dakota Supreme Court.

The City recognizes that each and every special assessment district and the properties therein can have unique facts and circumstances and the methodology set forth herein is intended to provide guidance to the City of West Fargo staff, Special Assessment Commission, and City Commission. As a result, the City of West Fargo staff, Special Assessment Commission, and City Commission may deviate from this Special Assessment Policy if the facts and/or circumstances warrant such departure.

II. GENERAL PROCEDURE FOR SPECIAL ASSESSMENTS

1. The Mayor (Commission President) of the City appoints three residents of the City to serve as members of a Special Assessment Commission. The City Commission then confirms these appointments. The Special Assessment Commission is responsible for making and returning the special assessments to the City Commission in accordance with this Policy and N.D.C.C. Chapter 40-23.
2. The City Commission then approves the public improvement project, bids the project, and then accepts the lowest, responsible bidder for each improvement project. Once a bid is accepted, the project proceeds to construction. These projects may appear on the City's Capital Improvement Plan.
3. The Special Assessment Commission may meet with the City Engineer after bids are approved to review and estimate the pending special assessments on each individual project. This allows the review of properties within the improvement district to identify anomalies that may affect individual assessments. The estimated special assessments per parcel in the improvement district will then be posted on the City's property information digital database.

4. At any time after the contract and bond have been executed and approved by the City Commission and the total cost of such work is estimated as nearly as practicable, the City Commission may direct assessments to be levied for the payment of all or any part of such cost. The City Commission will pass a resolution to direct the Special Assessment Commission to allocate the special assessments in the improvement district.
5. The City Auditor notifies the chair of the Special Assessment Commission and certifies the total cost to be levied as special assessments by the Special Assessment Commission.
6. Once the Special Assessment Commission receives the total cost of each improvement district, it meets to determine final benefits for all properties in each respective improvement district. The Special Assessment Commission, with the assistance of City staff and officers, then calculates the just proportion of the total cost of the work for each parcel/lot in the improvement district. This cost is the value of the special assessment, which is applied to each parcel/lot. A special assessment for each parcel/lot may not exceed the amount of benefit received by that particular parcel/lot.

III. SPECIAL ASSESSMENT COMMUNICATION AND MEETINGS

1. Engineer's Report Presentation at West Fargo City Commission Meeting

- a. After the West Fargo City Commission approves the City Engineer's report for an improvement district project, a letter is mailed to all property owners within the proposed improvement district boundaries. The letter will notify them of the improvement district project and provide an estimated special assessment amount and improvement district boundary map. This happens for all projects regardless of improvement type.

2. Preliminary Pre-Construction Special Assessment Commission Public Meeting

The Special Assessment Commission will meet after bids are approved to review and estimate the pending special assessments on each improvement district project. This allows the review of properties within the improvement district for any anomalies that may affect individual assessments.

Public meeting? Yes

Public hearing? No

Before the meeting:

- a. Agenda is posted to SAC agenda category, with supporting materials including, but not limited to, list of projects, description of projects, project totals, pending special assessments, and improvement district boundary maps.
- b. News release is provided to media.
- c. News release is posted to website:
 - i. West Fargo News; and
 - ii. SAC alert.

- d. News release is posted to social media:
 - i. Facebook;
 - ii. Twitter; and/or
 - iii. Nextdoor.
- e. Meeting is added to website calendar:
 - i. Special assessment calendar; and
 - ii. West Fargo calendar.

After the meeting:

- a. Post recording to YouTube;
- b. Add recording to SAC agenda center; and
- c. Send preliminary letter to residents within the improvement district boundaries to communicate project is moving forward and provide directions for checking pending special assessments in the City's property information digital database.

3. Post-Construction Special Assessment Commission Public Meeting

Meeting of SAC to review projects and associated benefits to properties in the improvement district to determine special assessment allocation.

Public meeting? Yes

Public hearing? No

Before the meeting:

- a. Agenda is posted to SAC agenda category, with supporting materials including, but not limited to, list of projects, descriptions of projects, project totals, pending special assessments, and improvement district boundary maps.
- b. News release is provided to media.
- c. News release is posted to website:
 - i. West Fargo News; and
 - ii. SAC alert.
- d. News release is posted to social media:
 - i. Facebook;
 - ii. Twitter; and/or
 - iii. Nextdoor.
- e. Meeting is added to website calendar:
 - i. Special assessment calendar; and
 - ii. West Fargo calendar.
- f. Meeting notice is added to PEG access channel.

During the meeting:

- a. Prepare draft special assessment list and apportionment to determine allocation of special assessments.
- b. Schedule SAC public hearing date to hear objections from property owners.

- c. Direct City Attorney to publish proposed special assessment list and notice in official newspaper of the public's opportunity to appear before the SAC to object to their proposed special assessment.
- d. Send letter through BSI (City's special assessment software) to property owners in the improvement district notifying them of the upcoming SAC public hearing.

After the meeting:

- a. Post recording to YouTube.
- b. Add recording to SAC agenda center.
- c. Share recording on social media with information regarding opportunity to object to SAC:
 - i. Facebook;
 - ii. Twitter; and/or
 - iii. Nextdoor.
- d. Play recording on PEG channel for second, fourth, and sixth day after the meeting.
- e. Add opportunity to object to SAC information on City's website:
 - i. Calendar event is the deadline.
 - ii. Add to special assessment website area.
 - iii. City Attorney to publish proposed special assessment list and notice in official newspaper of the public's opportunity to appear before the SAC to object to their proposed special assessment.

4. Special Assessment Commission Public Hearing on Objections

Special Assessment Commission holds a public hearing on the proposed special assessments and hears any objections from interested parties or their agents. After the hearing, the Special Assessment Commission confirms the list of special assessments and files the list with the City Auditor's office.

Public Meeting? Yes

Public Hearing? Yes

Actions:

- a. Hear objections during public hearing.
- b. Adjust, if needed, the special assessment allocation and approve final list.
- c. Confirm the list and attach a certificate certifying that the list is correct as confirmed by the Special Assessment Commission.
- d. File the confirmed special assessment list with the City Auditor.

Before the meeting:

- a. Agenda is posted to SAC agenda category, with supporting materials attached.
- b. News release is provided to media.
- c. News release is posted to website:
 - i. West Fargo News; and
 - ii. SAC alert.

- d. News release is posted to social media:
 - i. Facebook;
 - ii. Twitter; and/or
 - iii. Nextdoor.
- e. Meeting added to website calendar:
 - i. Special assessment calendar; and
 - ii. West Fargo calendar.
- f. Meeting notice added to PEG access channel.

After the meeting:

- a. Post recording to YouTube.
- b. Add recording to SAC agenda center.
- c. Share recording on social media with information regarding opportunity to appeal to City Commission:
 - i. Facebook;
 - ii. Twitter; and/or
 - iii. Nextdoor.
- d. Play recording on PEG channel for second, fourth, and sixth day after the meeting.
- e. Add information on opportunity to object to special assessments and appeal the Special Assessment Commission's decision to the City Commission on the City's website:
 - i. Special assessment calendar; and
 - ii. West Fargo calendar.
- f. The City Auditor publishes a notice in the newspaper stating that the Special Assessment Commission has approved a list of special assessments and the list has been filed with the City Auditor and is open for public inspection. The notice will inform property owners that they must file written objections/appeals of the SAC decision. The notice will also include the time and place where the City Commission will act upon the list with the opportunity for property owners to object and appeal the Special Assessment Commission's decision.

5. City Commission Public Hearing on Objections and Appeals

Before the City Commission meeting, any aggrieved person may file a written appeal from the action of the Special Assessment Commission. The City Commission will hear this appeal and any other objections to the list of special assessments during their meeting. The City Commission will not hear objections or appeals that were not provided in writing prior to the hearing.

The City Commission may increase or diminish any special assessments as it may deem just. The City Commission cannot reduce the total assessment of the improvement district as a whole. The City Commission then confirms the list of special assessments and files it with the City Auditor's office.

Public Meeting: Yes

Public Hearing: Yes

Actions:

- a. Hear appeals from property owners, or their agents, who submitted a written objection/appeal to the City Commission.
- b. May adjust special assessment allocation.
- c. Confirm special assessment list.

Before the meeting:

- a. News release is provided to media.
- b. News release is posted to website:
 - i. West Fargo news; and
 - ii. SAC alert.
- c. News release is posted to social media:
 - i. Facebook;
 - ii. Twitter; and
 - iii. Nextdoor.
- d. Meeting is added to website calendar:
 - i. Special assessment calendar; and
 - ii. West Fargo calendar.
- e. City Commission agenda is posted to SAC agenda category, with supporting materials attached.

After the meeting:

- a. Add recording to SAC agenda center.

6. City Commission Certifies Special Assessments

All special assessments levied may be paid without interest within 10 days after they have been approved and certified by the City Commission.

Public meeting? No

Public hearing? No

Action:

- a. Special assessments approved by the City Commission become certified and are payable.

After action:

- a. News release is provided to media.
- b. News release is posted to website:
 - i. West Fargo News; and
 - ii. SAC alert.
- c. News release posted to social media:
 - i. Facebook;
 - ii. Twitter; and/or
 - iii. Nextdoor.
- d. Added to calendar:
 - i. SAC calendar; and
 - ii. West Fargo calendar.
- e. Information is added to special assessment site.

IV. SPECIAL ASSESSMENT ALLOCATION GUIDELINES

1. DEFINITIONS

Abutting Property: A property directly adjacent to public improvements.

Access Easement: Allows owners of property who do not have direct access to a public street to pass through the adjoining land to access their property.

Adjustment: A change to the area or front footage of a benefited property to more accurately represent the true benefit that property receives from an improvement in comparison to other properties in the assessment area. When applied to front footage and square footage, the term is referred to as front footage adjustment (FFA) and square footage adjustment (SFA).

Arterial Street: A main roadway or thoroughfare, which gathers traffic from collector and local streets in commercial and residential areas.

Assessment Boundary: Defined area for potentially benefitting properties.

Collector Street: A street that gathers local traffic and funnels it to arterial streets.

Established Neighborhood: A grouping of multiple residential properties with existing housing units that are interconnected to and mutually depend on local streets, sewerage, and/or water supply systems.

Front Footage (FF): The number of lineal feet a property occupies on the street (measured along the front of a property).

Improvements: Everything required to construct items that are assessed. Includes products and construction cost, city administration cost, engineering cost, legal cost, etc.

Improvement of Boulevards and Other Public Places: Includes those items listed in N.D.C.C. § 40-22-01(3).

Local Street: A street other than an arterial or collector street.

Municipal Street System: Includes those items listed in N.D.C.C. § 40-22-01(2).

Public Hearing: An agenda item during a public meeting for receiving testimony from the public at large on a local issue, or proposed government action.

Public Meeting: Any gathering of a quorum of the members of a governing body of a public entity regarding public business, includes committees and subcommittees, informal gatherings or work sessions, and discussions where a quorum of members are participating by phone or any other electronic communication (either at the same time or in a series of individual contacts).

Private Drive: A roadway, whether named or not, that leads from a public street to more than one private property and is owned and maintained by private individuals or organizations rather than the City.

Reduction Factor (RF): Reducing the square footage or square footage adjustment by 25% to account for future land dedications associated with platting/subdividing.

Square Footage (SF): The area in which the property consumes.

Water Supply System or Sewage System: Includes those items listed in N.D.C.C. § 40- 22-01(1).

Unit or Equivalent Unit (EU): A measurement or figure determined by the Special Assessment Commission as a means to divide a special improvement district. For example, a specific project may consider all parcels less than 10,000 square feet one unit or 40,000 square feet may be 4 units.

2. SPECIAL ASSESSMENT ALLOCATION BASED ON ZONING DISTRICT

Residential: Special assessments may be allocated based upon front footage, square footage, or a per unit basis as determined by the Special Assessment Commission.

Commercial/Industrial: Special assessments may be allocated based upon front footage, square footage, or a per unit basis as determined by the Special Assessment Commission.

Agricultural:

- a. Special assessments may be allocated based upon front footage, square footage, or a per unit basis as determined by the Special Assessment Commission.
- b. If the Special Assessment Commission selects square footage or units as the allocation method, the total square footage of each parcel/lot may be reduced to account for future right-of-way.

3. SPECIAL ASSESSMENT ALLOCATION BASED ON IMPROVEMENT TYPE

a. Water Supply Systems or Sewage Systems

- i. Local Systems
 - 1) New water and sewage systems: Depending on the shape of the lot(s) or plat, cost allocation is typically based on lot front footage.

- ii. Regional Systems
 - 1) New water and sewage systems: Cost allocation is typically based on a unit basis.
- b. **Storm Water**

Cost allocation is based on lot square footage and/or unit basis depending on the nature of the project.
- c. **Repairs to Sidewalks, Driveways, etc.**

Total cost is assessed directly to individual benefitting lots.
- d. **Regional Amenities: Parks**

Cost allocation is typically based on a unit basis.
- e. **Municipal Street System**
 - i. Local Street Improvements
 - 1) New pavement/reconstruction: Depending on the shape of the lot(s), cost allocation is typically based on lot front footage.
 - 2) Resurfacing cost allocation is based on a unit basis.
 - ii. Collector (Regional) Street Improvements
 - 1) New pavement/reconstruction/resurfacing: Cost allocation is based on an equivalent unit basis (*refer to Section f. "Regional Street Improvements"*)
 - 2) Lots fronting a collector street (i.e., approved access) may be assessed for both the collector street and the local street costs.
 - iii. Arterial (Regional) Street Improvements.
 - 1) New pavement/reconstruction/resurfacing: Cost allocation is based on an equivalent unit basis. (*refer to Section f. "Regional Street Improvements"*)
 - 2) Lots fronting an arterial street (i.e., approved access) may be assessed for both the arterial street and the local street costs.

f. Regional Street Improvements

For regional street improvements using the "Equivalent Unit (EU)" method, categorize each property into one of the conditions listed below and apply the corresponding calculation (round to the nearest tenth).

i. Single-Family Residential or Agricultural

1) Platted within an Established Neighborhood:

- 1 EU will be allocated for the first 2.0 acres of SF or SFA;
- An additional 0.10 EUs is allocated for every 0.10 acres over the first 2.0 acres.

The following table provides an example:

SF or SFA (acres)	# of allocated EUs
0.7	1
1.9	1
2.7	1.7
4.2	3.2
6.5	5.5

$0 < \text{SFA} < 2\text{ac} @ 1\text{EU} \text{ PLUS } \text{Area} > 2\text{ac} @ 0.1\text{EU per } 0.1\text{ac}$

2) Platted and not within an Established Neighborhood:

- 1 EU will be allocated for the first 2.0 acres of SF or SFA;
- An additional 0.10 EUs will be allocated for every 0.10 acres over the first 2.0 acres continuing up to 4.0 acres;
- Remaining SFA after 4.0 acres is allocated 1 EU per 10,000 square feet after applying the Reduction Factor.

The following table provides an example:

SF or SFA (acres)	# of allocated EUs
0.7	1
1.9	1
2.7	1.7
4.2	3.7
6.5	11.2

$0 < \text{SFA} < 2\text{ac} @ 1\text{EU} \text{ PLUS } 2 < \text{SFA} < 4 @ 0.1\text{EU} \text{ PLUS } [\text{SFA} > 4\text{ac}] * 0.75\text{RF} @ 1\text{EU per } 10,000\text{sf}$

- 3) Un-platted with a Single-Family Residence for which a Building Permit was Issued
- 1 EU will be allocated for the first 2.0 acres of SF or SFA;
 - Remaining SFA is allocated 1 EU per 10,000 square feet after applying Reduction Factor.

The following table provides an example:

SF or SFA (acres)	# of allocated EUs
0.7	1
1.9	1
2.7	3.3
4.2	8.2
6.5	15.7

$0 < \text{SFA} < 2\text{ac} @ 1\text{EU} \text{ PLUS } [\text{SFA} > 2\text{ac}] * 0.75\text{RF} @ 1\text{EU per } 10,000\text{sf}$

- 4) Un-platted without Residence
- Allocate 1 EU per 10,000 square feet after applying Reduction Factor.

The following table provides an example:

SF or SFA (acres)	# of allocated EUs
0.7	2.3
1.9	6.2
2.7	8.8
4.2	13.7
6.5	21.2

$\text{SFA} * 0.75\text{RF} @ 1\text{EU per } 10,000\text{sf}$

- ii. Multi-Family Residential:
- Allocate 0.6 EUs to every housing unit.

The following table provides an example:

Total Housing Units	# of allocated EUs
12	7.2
48	28.8
144	86.4

$(\text{Housing Units per Bldg} * \# \text{ of Bldgs}) * 0.6 \text{ EUs}$

- iii. Commercial/Industrial/Other:
 - Allocate 1 EU per 10,000 square feet of SF or SFA.

The following table provides an example:

SF or SFA (acres)	# of allocated EUs
2.7	11.8
6.5	28.3
16	69.7

SFA @ 1EU per 10,000sf

- iv. Mixed-Use: Use combination of above methods and/or unique method as deemed appropriate.

V. ADJUSTMENTS

1. Adjustments to footage are made by the Special Assessment Commission where warranted and may include the following:
 - a. Adjustments may be made to front footages where the footages are disproportionately larger or smaller than standard lots.
 - b. Adjustments may be made for larger or odd-shaped lots.
 - c. Adjustments to lot square footage may be warranted based on the characteristics of the lot in relation to the project.

VI. REGIONAL COMPONENT THAT INCLUDES ESTABLISHED AREAS

1. At the beginning of the process, after the City Engineer's report is approved, letters are mailed to property owners. This letter is consistent with the timing for protesting the resolution declaring work necessary for street projects.
2. The letter notifies property owners that they are within an improvement district that has been created and provides an estimated project cost, anticipated project schedule, and preliminary estimate of assessment allocation.
3. City staff or the City Commission determines if new development with regional improvement, or one that causes a regional improvement, requires a public meeting to be organized by the developer (e.g., The Wilds 11th Addition).
4. A minimum notice of 10 days is provided to attendees:
 - a. Possible electronic notice in the future.
 - b. Intent of the meeting is to discuss improvements needed, and to estimate future regional improvements that will happen every time an addition is included in the overall development.

VII. DEVELOPER PETITIONED IMPROVEMENTS

Policy on Infrastructure Allowed within a Special Assessment District

1. The City has an official Special Assessment Policy (adopted September 19, 2016, and amended 1 June 7, 2021) and follows state law as outlined in Chapter 40 of the North Dakota Century Code for funding improvements using special assessments.
2. N.D.C.C. § 40-22-01 identifies types of improvements which a municipality can construct and expense with special assessment funds. This policy is

- written specifically for new development projects that are requested (petitioned) by a developer.
3. City infrastructure shall be located within rights-of-way and/or easements dedicated to the City.
 4. Improvements shall be limited to critical infrastructure necessary for the City to provide and maintain services for the proposed development.
 5. Critical infrastructure includes the following:
 - a. Wastewater system
 - i. Local sanitary sewer mains and service lines.
 - ii. Regional gravity trunk lines.
 - iii. Lift stations and associated force mains.
 - iv. Related appurtenances, structures, etc.
 - b. Water distribution
 - i. Local water mains and service lines.
 - ii. Regional transmission lines.
 - iii. Fire hydrants.
 - iv. Meter stations (as needed for large service area).
 - v. Related appurtenances, structures, etc.
 - c. Storm water
 - i. Drainage collection/conveyance systems.
 - ii. Retention/detention basins:
 - 1) Only City standard items for functionality.
 - 2) Excludes aesthetic features and amenities.
 - iii. Pumping stations and associated force mains.
 - iv. Related appurtenances, structures, etc.
 - d. Transportation
 - i. Regional/local roadways and associated systems, excludes private streets/driveways.
 - ii. Multi-use paths, sidewalks, and publicly owned trails, excludes private uses and those required for property frontage.
 - iii. Boulevard establishment.
 - iv. Related appurtenances, structures, etc.
 - e. Miscellaneous
 - i. Fill materials deemed necessary by the City Engineer to establish minimum elevations and functionality, excludes fill for aesthetic purposes or private lot marketability.
 6. Developers will be afforded the opportunity to present their request for non-critical items to be included with a City improvement to the City Commission. The City Commission will decide whether the item(s) will be:
 - a. Included with the improvement project, but financed privately, in which case an agreement will be required with terms and conditions for construction, financing, etc. prior to inclusion;
 - b. Included with the improvement project and financed with special assessments; or
 - c. Excluded from improvement project, in which case the developer may consider private construction and financing following standard City protocols.

ORDINANCE NO. 1212

AN ORDINANCE TO AMEND AND REENACT SECTION 10-0103 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO LIQUOR CONTROL BOARD ESTABLISHED.

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

SECTION 1. Section 10-0103 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

10-0103. LIQUOR CONTROL BOARD ESTABLISHED. There is hereby established a five (5) member Liquor Control Board comprised of the City Administrator, ~~Chief of Police~~ Assistant City Administrator, ~~Code Enforcement Official~~ City Planner, and two (2) City Commission members appointed by the City Commission. The Liquor Control Board shall be vested with the authority and jurisdiction to review, approve, or deny applications for liquor licenses as provided in this chapter. The Liquor Control Board shall also be vested with the authority to impose fines for liquor license violations and to revoke or suspend any liquor licenses. The City Commission may also appoint up to two (2) non-voting advisors to the Liquor Control Board, who must be residents of the City.

Any decision by the Liquor Control Board may be appealed to the City Commission by filing a Notice of Appeal with the Liquor Control Board within fourteen (14) days of its decision. The Notice of Appeal must state the factual and legal basis for an appeal of the Liquor Control Board's decision.

SECTION 2. Effective Date. This ordinance shall be in full force and effect from and after its second reading and final passage.

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

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading
and Final Passage:



To: West Fargo City Commission

From: John Shockley, City Attorney

Date: Monday, June 6, 2022

Subject: Review Public Safety Sales Tax Ballot and Draft Ordinance

Action: Approve Public Safety Sales Tax Ballot and Draft Ordinance

Commission President

Bernie Dardis

Primary Portfolio:
Administration/Finance

Secondary Portfolio:
Street, Water and Sewer

Commission Vice President

Brad Olson

Primary Portfolio:
Street, Water and Sewer

Secondary Portfolio:
Sanitation

Commissioner

Eric Gjerdevig

Primary Portfolio:
Planning, Zoning and Engineering

Secondary Portfolio:
Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:
Police and Fire

Secondary Portfolio:
Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:
Sanitation

Secondary Portfolio:
Police and Fire

Administration

Tina Fisk, Administrator

Summary and Recommendation:

The City of West Fargo is proposing a one-half cent sales tax increase to provide funding for the police and fire departments. These departments are seeing a rise in financial need that outpaces the current property tax levels. This need comes as a result of West Fargo's increasing population, growing school district, expanding visitor appeal, and rise in mental and behavioral health issues in North Dakota that are causing an increase in the departments' calls for service. For example, the fire department has seen a 300% increase in calls for service since 2017, and a 54% increase in fire loss in 2021 alone.

Funding Needs:

To address deficiencies in operations that are risking their ability to maintain a minimum standard of service, both departments must make serious investments in the next five years. The police department's current \$9.7 million budget needs to increase by \$2.9 million, to a total budget of \$12.6 million, by 2026 to invest in the needed personnel and equipment. This includes sworn officers, vehicles, equipment, support staff, body-worn cameras and an incident command vehicle. The fire department's current \$3.35 million budget needs to increase by \$3.45 million, to a total budget of \$6.8 million, by 2026 to invest in the needed personnel and equipment. This includes firefighters, a ladder truck, an engine truck, and a headquarters that includes the first station located north of Interstate 94 staffed round the clock.

Financial Solution:

Currently, police and fire department expenses come from the general fund through property taxes. Using sales tax to support police and fire services is a viable solution because everyone who could potentially use these services, not just property owners, contributes to it. When you consider that only 37% of the arrests made from January 2020 through April 2022 were West Fargo residents, it is important that the departments' funding includes revenue that comes from more than just property owners.

A sales tax funding mechanism also helps to relieve financial pressure in multiple areas. First, it helps decrease the share of the general fund that the police and fire departments need. On average, the public safety departments combined account for about 80% of the general fund budget, leaving just 20% for the remaining 11 department funds.

Second, a police and fire sales tax will help the City keep the capital infrastructure sales tax fund more targeted. Currently, capital improvements from every department are covered in this budget. This includes items such as buildings, fire trucks, specialty gear and squad cars. For example, funding for the new \$18.5 million fire department 24/7 staffed station and headquarters will come from this fund. However, this fund also covers financial support for street, water and sewer construction projects that offset the use of special assessments. By shifting police and fire capital improvements to the police and fire sales tax, more funds will be available in the capital infrastructure sales tax fund to lessen property owner's special assessments and local share of cost for upcoming construction projects.

Policy Analysis: The City Commission previously determined to place a proposed half-cent increase to fund public safety on the November 2022 general election. The proposed ballot language is based upon the requirements of the West Fargo Home Rule Charter, which requires approval of two questions in order to increase the sales and use tax. The first question is whether to amend the Home Rule Charter to provide authority for the City impose up to a two and one-half percent sales tax. The second question is a whether to approve the proposed amendments to the sales tax ordinance to increase the sales by one half of a percent. In order to approve the sales tax, a "yes" vote is required on both questions. The draft sales tax ordinance amendment is a simple amendment increasing the sales and use tax by one-half of a percent. The ordinance provides that one-half cent¹ of the updated sales and use tax (now 20%)² can be utilized for police and fire services, equipment and building.

Financial Analysis:

The impact of relying on property taxes could potentially add 15.02 mills of property tax funding for police and fire departments over the next four years. Using 2022 numbers, property taxes would increase by \$270 for police and fire alone on a \$400,000 house between 2022 and 2026. This also does not offer an alternate source of funding for police and fire capital

¹ North Dakota counties and cities which impose and levy a sales and use tax must enter into an agreement with the State of North Dakota, whereby the North Dakota Office of State Tax Commissioner collects locally imposed sales and use taxes and remits the revenue each and every month to the local jurisdiction, after deducting an administrative fee based upon the number of sales tax permits in the jurisdiction imposing the sales and use tax.

² Because the proposed sales and use tax ordinance increases the sales tax to two and one-half cents, 20% of the sales and use tax revenue generated by the City would be equal to 20% of the total.

improvements and will continue to force these improvements to compete for dollars with other infrastructure projects.

The impact of a one-half cent sales tax adds \$3,675,000 in revenue in the first full year to help decrease requests for property tax funding from police and fire departments. By 2026, the revenue increases to \$4,254,272, helping to further decrease the police and fire departments' reliance on property taxes as a source of funding. This also offers an alternate source of funding for police and fire capital improvements to help decrease competition for capital improvement sales tax dollars that are earmarked for infrastructure and improvements.

This increase will have a minimal impact to purchases within the City of West Fargo. A Costco bill with \$150 of taxable items would see City sales tax revenue increases from \$2.50 to \$3.13, an increase of 63 cents. A trailer purchased for \$7,500 would see an increase of City sales tax from \$150.00 to \$187.50, an increase of \$37.50.

Process/Timeline:

If the voters authorize the sales and use tax increase, the City Commission must then have a first and second reading of the ordinance. Following approval of the ordinance it must be published, and the first collections of the additional one-half cent sales tax begins on the first quarter following the effective date of the ordinance. ³

Process	Action
City Commission Approval of Ballot	Approve form of Ballot and draft sales and use tax ordinance
General Election	November 8, 2022
First Reading	November 21, 2022
Second Reading	December 5, 2022
Publication date	December 14, 2022
Effective date	January 15, 2023
First date of collections	April 1, 2023

OFFICIAL BALLOT

VOTE ON CITY SALES AND USE TAX ORDINANCE

GENERAL ELECTION, NOVEMBER 8, 2022

PROPOSED CITY CHARTER AMENDMENT

Shall Article III, Section 16, Subdivision "a" of the West Fargo Home Rule Charter be amended to authorize the City of West Fargo to enact an ordinance providing for a two and one-half percent (2.5%) sales and use tax as set forth below and published in *The Forum* on October 19, 2022.

The amount of the sales and use tax shall not exceed two and one-half percent (2.5%) of the gross receipt.

YES

☐

NO

☐

PROPOSED ORDINANCE IMPLEMENTING CHARTER AMENDMENT

Shall the City Commission of the City of West Fargo implement the above-described Charter amendment by adopting a City Sales and Use Tax by Ordinance as published in *The Forum* on October 19 and 26, 2022, which provides for the two and one-half percent (2.5%) sales and use tax as set forth above?

YES

☐

NO

☐

INSTRUCTIONS TO VOTERS: Voters desiring to vote in favor of said propositions should mark a cross (x) in the square opposite the word "YES". Voters desiring to vote against such proposition should mark a cross (x) in the square opposite the word "NO".