



Meeting Items

- A. Call to Order
- B. Pledge of Allegiance
- C. Approve Order of Agenda
- D. Approval of Minutes – June 20, 2022 (Pages 3-5)
- E. Building Permits (Pages 6-10)

Consent Agenda - Approve the Following:

- a. Bills (Pages 11-18)
- b. Site Plan Review in the CO-I: Interstate Corridor Overlay District located at 455 Christianson Drive West (Lot 6, Block 1 of Christianson 1st Addition) (Pages 19-26)
- c. Site Plan Review in the CO: Corridor Overlay Plan Review at 779 32nd Ave W (Lot 4, Block 1 of Eagle Run Plaza 12th Addition), City of West Fargo North Dakota (Pages 27-35)
- d. Informational West Fargo Planning Needs Assessment (Pages 36-37)
- e. Final Approval of Southdale 5th Addition (Pages 38-43)
- f. Financial Dashboard as of May 31, 2022 (Pages 44-45)
- g. Improvement District No. 1339 – Stockyards 1st Addition (Pages 46-52)
 - Approve Plans and Specifications, and Authorize Advertisement for Bid
- h. Project No. 2262 – Concrete Pavement Repair (Pages 53-60)
 - Approve Plans and Specifications, and Authorize Advertisement for Bid
- i. Project No. 2263 – Traffic Signal Installation (9th St E and 10th Ave E) (Pages 61-69)
 - Approve Plans and Specifications, and Authorize Advertisement for Bid
- j. Games of Chance for Nativity Knights of Columbus for Raffle on September 24, 2022 at Speedway Event Center at 680 Main Ave W (Pages 70-71)
- k. Gaming Site Authorization for Horse Race North Dakota for Raffles and Poker from July 20, 2022 to July 25, 2022 at DoubleTree by Hilton at 825 E Beaton Dr (Pages 72-73)
- l. Games of Chance for West Fargo Sheyenne High School Mustang Booster Club for Raffle on August 26, 2022, September 16, 2022, October 7, 2022, and October 20, 2022 at West Fargo Sheyenne High School at 800 40th Avenue East (Page 74)
- m. Games of Chance for the American Legion Department of North Dakota for Raffle on September 12, 2022 at The American Legion Department of North Dakota Headquarters at 405 West Main Avenue Suite 4A (Page 75)
- n. Games of Chance for STOMP for Raffle from August 15-19, 2022 and August 22-26, 2022 at Brewtus Brickhouse at 635 32nd Ave E #108 (Page 76)
- o. Games of Chance for Town Hall Bar at Town Hall Bar at 103 Main Avenue (Page 77)

- p. Oath of Office for Appointed Positions
- q. West Fargo Fire Department Supplemental Agreement (Pages 78-79)

Regular Agenda

1. Introduction of Comfort Canine Bella with SRO Pearson
2. Forensic Needs Assessment - RLE
3. Presentation of the City of West Fargo 2021 Financial Statements and Audit
– Jim Larson, Finance Director and John Hagen from EideBailly (Pages 80-180)
4. First Reading of Ordinance 1213 (Investments) - Jim Larson, Finance Director
(Pages 181-184)
5. Dickey Rural Services, Inc. (a.k.a. ReadTech) - Fiber Optic Data Franchise (Ordinance 1211)
(Pages 185-192)
6. Approve an agreement with Burian and Associates, to write and submit a BRIC grant for a
redundant lift station - Matt Andvik, Public Works Director (Pages 193-211)
7. Final Apporval of Conditional Use Permit for an accessory structure greater than 1,600
square feet Nelson Acres - Malachi Petersen, City Planner (Pages 212-221)
8. Final approval of 5-Year Renaissance Zone Project in the Restad Industrial Park
- Malachi Petersen, City Planner (Pages 222-240)
9. Request for an access easement at SheyWest Garden Center - Jodi Kallias (Pages 241-245)
10. Project No. 1316.2 – Northside Regional Sanitary Sewer Collector
- Dan Hanson, City Engineer (Pages 246-251)
 - Approve Change Order No. 1
11. Project No. 1340 – Sanitary Sewer System Rehabilitation, Replacement, and Incidentals
- Dan Hanson, City Engineer (Pages 251-261)
 - Accept Bid and Award Contract
12. Concrete Pavement Repair Project - 9th St E - Dan Hanson, City Engineer (Pages 262-270)
 - Create Project No. 2266, Approve Engineer's Report; and Direct Engineer to prepare
Plans and Specifications
13. Pavement Rehabilitation Project - 7th Ave NE (9th St to City Limits) and 9th St NW
(Main Avenue to Drain 21) - Dan Hanson, City Engineer (Pages 272-281)
 - Create Project No. 2267, Approve Engineer's Report; and Direct Engineer to prepare
Plans and Specifications
14. Second Reading of Ordinance 1212 - Liquor Control Board - John Shockley, City Attorney
(Page 282)
15. West Fargo Refunding Improvement Bond 2022A - John Shockley, City Attorney
(Pages 283-302)
16. City Administrator's Report - Tina Fisk, City Administrator
 - A. 2023 Budget Adjustment Discussion
 - B. Fencing by City Hall update
 - C. IT Proposals for Services
17. Correspondence
18. Non-Agenda Items
19. Adjourn



West Fargo City Commission Meeting
Monday, June 20, 2022
Commission Chambers 5:30 PM

The West Fargo City Commission met on Monday, June 20, 2022, at 5:30 pm. Those present were Commissioners Bernie Dardis, Brad Olson, Mark Simmons Mandy George and Eric Gjerdevig. President of the Board Bernie Dardis called the meeting to order at 5:30 PM.

The Pledge of Allegiance was recited.

Commissioner Gjerdevig moved and Commissioner Olson seconded to approve the order of the agenda as distributed with the amendment that regular agenda number 8 being removed from the agenda. No opposition. Motion carried.

Commissioner Olson moved and Commissioner George seconded to approve the minutes of June 6, 2022 as distributed. No opposition. Motion carried.

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

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

- a. Bills (Pages 10-21)
- b. Final Plat Approval of Boulevard Square Addition (Pages 22-28)
- c. CO: Corridor Overlay District Site and Building Plan Review for Mixed Use Building at 3255 6th Street West and 661 32nd Avenue West (Proposed 3252 6th Street West; Lot 1, Block 1 of Eagle Run Plaza 13th Addition), City of West Fargo North Dakota (Pages 29-43)
- d. Resolution Releasing Restrictive Covenants for Meadow Brook Park Subdivision (Pages 44-54)
- e. Gaming Site Authorization for West Fargo Events Inc from July 1, 2022 to June 30, 2023 at Spicy Pie at 745 31st Ave E #110 (Pages 55-56)
- f. Gaming Site Authorization for West Fargo Events Inc from July 1, 2022 to June 30, 2023 at Bar Down at 3150 Sheyenne St (Pages 57-58)
- g. Games of Chance for Blessed Sacrament Catholic Church from June 7, 2022 to June 25, 2022 at Blessed Sacrament Catholic Church at 3330 Sheyenne St, Suite 116 (Page 59)

No opposition. Motion carried.

John Shockley, City Attorney appeared before the Commission to request the City Commission to formally appoint Trent Barkus as the West Fargo Municipal Judge for a temporary term until his official term starts. Following discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve appointing Trent Barkus as the West Fargo Municipal Judge for a temporary term until his official term starts. No opposition. Motion carried.

John Shockley, City Attorney appeared before the Commission for approval of the language for the Public Safety Sales Tax Ballot and Ordinance that would be voted on by the voters. Paul Diedrich appeared before the Commission to speak on the item. Following discussion, there was no action taken on the item as it will come back to the Commission for review.



West Fargo City Commission Meeting
Monday, June 20, 2022
Commission Chambers 5:30 PM

John Shockley, City Attorney appeared before the Commission for a Public Hearing for the MIDCO Franchise Agreement. Brett Steele, Director of Field Operations was there to answer any questions. Following discussion, Commissioner Olson moved and Commissioner Gjerdevig seconded to approve MIDCO Franchise Agreement. No opposition. Motion carried.

Duane Hanson of 407 7th St E, West Fargo appeared before the Commission to discuss screening on the south side of the City Hall parking lot. Following discussion, the Commission agreed to come back once they are able to figure out where the money will come from and what the plan will be.

Denis Otterness, Chief of Police appeared before the Commission to request approval for grant approval for Conditional Use of firearms within the City of West Fargo. Following discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the grant approval for Conditional Use of Firearms within the City of West Fargo, this would be on an ongoing basis. Commissioner George opposed. Motion carried.

Aaron Nelson, Planning and Zoning Director appeared before the Commission for the final approval of Pansy Plants Enterprise Grant. Following discussion, Commissioner Gjerdevig moved and Commissioner George seconded to approve the final approval of Pansy Plants Enterprise Grant with the 20% contingency. Commission President Dardis opposed. Motion carried.

Aaron Nelson, Planning and Zoning Director appeared before the Commission for the final approval of Sisufab LLC Enterprise Grant. Following discussion, Commissioner GSimmons moved and Commissioner Olson seconded to approve the final approval of Sisufab LLC Enterprise Grant. No opposition. Motion carried.

~~Regular agenda item 8. Final Approval of Restad Properties LLC Renaissance Zone Incentive-- Aaron Nelson, Planning and Zoning Director (Pages 176-193), was removed from the agenda.~~

Andrew Wrucke, Assistant City Engineer appeared before the Commission to request approval of Project No. 2262 (Concrete Pavement Repair); create project, approve Engineer's Report, authorize purchase of equipment, and direct plans and specs. Following discussion, Commissioner Olson moved and Commissioner George seconded to approve Project No. 2262 (Concrete Pavement Repair); create project, approve Engineer's Report, authorize purchase of equipment, and direct plans and specs. Commissioner Simmons opposed. Motion carried.

Kirsten Henagin, Adult Services Manager appeared before the Commission to give a presentation of the West Fargo Public Library 2021 Annual Report and introduce Betty Adams, the new Library Director. No action was needed.

John Shockley, City Attorney appeared before the Commission to bring forth the Joint Powers agreement with West Fargo Public School District regarding P3 development. Following discussion, Commissioner Simmons moved and Commissioner George seconded to approve the Joint Powers Agreement regarding the P3 development with the West Fargo Public School District. Commissioners Olson and Gjerdevig opposed. Motion passed on a 3:2 vote.



West Fargo City Commission Meeting
Monday, June 20, 2022
Commission Chambers 5:30 PM

Commission President Dardis brought forth the item of rescheduling or canceling the Tuesday, July 5th West Fargo City Commission meeting. Following discussion, Commissioner Simmons moved and Commissioner Olson seconded to cancel the July 5th West Fargo City Commission meeting. Commissioner George opposed. Motion carried.

Tina Fisk, City Administrator City Administrator Report:

- a. June 21st the Red River Valley Fairgrounds was having a Public meeting in regards to the expansion of the campgrounds from 1 - 2 PM and 5 - 6 PM
- b. June 27th will be the first Special Assessment meeting at 5:30 PM
- c. June 28th will be the City Commission Budget meeting and swearing in of Commissioners and new Judge
- d. League of Cities is Wednesday, July 29 (Executive Board Meeting and then tour of the Lights area) and Thursday, July 30
- e. Matt Andvik, Public Works Director gave an update on the Sheyenne Diversion and lagoon decommissioning

There were no correspondence.

There were no non-agenda items.

Commissioners thanked Commissioner Gjerdevig for his time with the Commission.

Commissioner Gjerdevig moved and Commissioner Dardis seconded to adjourn the meeting. No opposition. Meeting adjourned at 7:30 PM.

Bernie Dardis, Commission President

Tina Fisk, City Administrator

**WEST FARGO CITY COMMISSION MEETING
BUILDING DEPARTMENT ACTIVITY REPORT
07/06/2021**

	AS OF 7/8/2022			YEAR TO DATE		
	# PERMITS	# UNITS	VALUATION	# PERMITS	# UNITS	VALUATION
<u>BUILDING NEW</u>						
COMMERCIAL				4		\$ 2,542,790.00
RESIDENTIAL DWELLING	13	13	\$ 5,699,000.00	85	85	\$ 37,388,757.00
RESIDENTIAL TWINHOME						
RESIDENTIAL TOWNHOME						
RESIDENTIAL MULTIPLE	1	52	\$ 14,000,000.00	1	52	\$ 14,000,000.00
PUBLIC	1		\$ 150,000.00	3		\$ 17,867,265.00
CHURCH						
ACCESSORY	31		\$ 801,500.00	104		\$ 3,079,851.00
FOUNDATION ONLY						
<u>BUILDING REMODEL</u>						
COMMERCIAL	2		\$ 952,500.00	34		\$ 13,091,807.00
RESIDENTIAL	11		\$ 413,065.00	66		\$ 2,279,479.00
PUBLIC	1		\$ 22,500.00	3		\$ 3,490,330.00
CHURCH						
ACCESSORY						
<u>BUILDING OTHER</u>						
DEMOLITION				2		\$ 164,000.00
MOVE						
PERMIT CANCELLATION				1		\$ (530,000.00)
TOTALS	60	65	\$ 22,038,565.00	301	137	\$ 93,374,279.00

WEST FARGO CITY COMMISSION MEETING

1 of 3

Building Department Report - Summary

NO.	CONTRACTOR	ADDRESS	OWNER	VALUATION	PERMIT FOR
220566	Craig Needham	1106 Albert Court West	Craig Needham	\$ 5,500.00	Accessory - Deck
220440	Adam Wendorf	2827 Pyle Lane East	Adam Wendorf	\$ 8,000.00	Accessory - Shed
220600	Jordahl Custom Homes	5525 11th Street West	Jordahl Custom Homes	\$ 225,000.00	Residential Dwelling
220607	Premium Decks	1405 14 1/2 Avenue East	Shane Miller	\$ 20,000.00	Accessory - Deck
220609	American Waterworks	650 4th Avenue East	James Uline	\$ 3,443.00	Remodel - Residential - Install 4 Power Braces
220599	Jordahl Custom Homes	842 60th Avenue West	Westport Investments LLC	\$ 225,000.00	Residential Dwelling
220559	Faul Building & Repair	612 North Sedona Drive	Kevin & Kristi Volk	\$ 44,850.00	Accessory - Detached Garage
220608	Brad & Sheila Olson	633 36th Avenue West	Brad & Sheila Olson	\$ 3,000.00	Accessory - Deck
220611	Dakota Finishing	302 1st Avenue East	Kent Janssen	\$ 800.00	Remodel - Residential - Replace windows and entry door
220270	Accelerated Green Work, Inc.	225 40 Avenue West	Greenworks Properties, LLC	\$ 40,000.00	Accessory - Garage
220621	Gehrtz Construction Services	800 4 Avenue East	City of West Fargo	\$ 22,500.00	Remodel - Public - Coutroom and Conference Rm and GIS Office
220620	American Waterworks	708 3rd Street East	Laurie Corliss	\$ 7,991.00	Remodel - Residential - Install 5 Power Braces
220604	Signature Homes	2604 Pyle Lane East	Jon Bechtold	\$ 10,000.00	Remodel - Residential - Close Existing Covered Porch
220622	ABC Seamless	529 South Sedona Drive	Elizabeth Roeber, ETAL	\$ 48,642.00	Remodel - Residential - Replace Siding
220615	Heritage Homes	854 Rania Way West	Active55, LLC	\$ 295,000.00	Residential Dwelling
220616	Platinum Homes	1340 Legion Lane West	Platinum Homes	\$ 250,000.00	Residential Dwelling
220580	Ryezon Construction	3032 Katherine Drive East	Malkit Singh, ETAL	\$ 10,000.00	Accessory - Detached Garage
220627	Priority Contractor	434 Freedom Terrace East	Ryan Gefroh	\$ 35,000.00	Remodel - Residential - Install 4 Power Braces
220596	Mari Franchuk	1139 38 1/2 Avenue West	Mari Franchuk	\$ 6,000.00	Accessory - Deck
220624	Daniel Hulbert	713 23rd Avenue West	Daniel Hulbert	\$ 4,300.00	Accessory - Gazebo
220623	Klein Custom Homes	65 35th Avenue East	Tyler & Jamie Anderson	\$ 1,000,000.00	Residential Dwelling

WEST FARGO CITY COMMISSION MEETING

2 of 3

Building Department Report - Summary

NO.	CONTRACTOR	ADDRESS	OWNER	VALUATION	PERMIT FOR
220573	Platinum Homes	1053 Legion Lane West	Adam Kubista	\$ 8,104.00	Accessory - Shed
220629	Dabbert Custom Homes	5515 Lori Lane West	Dabbert Custom Homes	\$ 6,000.00	Accessory - Deck
220630	Dabbert Custom Homes	1037 Ashley Drive West	Dabbert Custom Homes	\$ 6,000.00	Accessory - Deck
220631	Jordahl Custom Homes	1344 Goldenwood Drive	Jordahl Custom Homes	\$ 260,000.00	Residential Dwelling
220635	Plectity Kowalski	2426 Mcleod Drive East	Plectity Properties, LLC	\$ 1,000,000.00	Residential Dwelling
220640	Brian Ruud	2716 14th Street West	Brian Ruud	\$ 4,000.00	Accessory - Detached Garage
220619	Studio West Homes	3120 Sheyenne River Way	Simon & Whitney Irish	\$ 825,000.00	Residential Dwelling
220641	Heritage Homes	904 51st Avenue West	Westport Investments LLC	\$ 301,000.00	Residential Dwelling
220652	Jordahl Custom Homes	934 50th Avenue West	Jordahl Custom Homes	\$ 250,000.00	Residential Dwelling
220653	Brennan & Jeena Laudal	1305 31st Avenue West	Brennan & Jeena Laudal	\$ 50,000.00	Remodel - Residential - Lower Level Finish
220645	Premium Decks	1338 27th Avenue West	Scott & Claudine Schmidt	\$ 25,000.00	Accessory - Deck
220656	Chris VanderLinden	5290 10th Street West	Chris VanderLinden	\$ 3,000.00	Accessory - Pool
220660	Western Products	4918 3rd Street East	Alex Aughinbaugh	\$ 18,089.00	Remodel - Residential - Replace Siding
220583	Zachary Larson	110 36th Avenue Place East	Zachary Larson	\$ 125,000.00	Accessory - Detached Garage
220662	AMD Construction LLC	632 3rd Avenue West	Margo Kern	\$ 30,500.00	Remodel - Residential - Finish Garage & repair floor
220661	Krasley Services	3957 4th East	Oakridge Condos, LLC	\$ 2,500.00	Remodel - Commercial - Construct 24 ft of wall in office building
220664	FM Home & Patio	5335 8th Street West	Justin Schaff	\$ 19,356.00	Accessory - Deck
220674	CHR Construction Services	801 10 1/2 Avenue West	Lake Agassiz Habitat For Humanity	\$ 50,000.00	Accessory - Detached Garage
220672	Premium Decks	1711 Huntington Drive	Scott & Rachel Hanson	\$ 28,000.00	Accessory - Deck
220618	Century Builders	2797 Rivers Bend Drive East	Michael & Heidi Greenwood	\$ 349,000.00	Residential Dwelling
220613	Paradise Pools/The Curb Guys	5030 11th Street West	Daniel & Katie Hogfoss	\$ 50,000.00	Accessory - Pool

Building Department Report - Summary

NO.	CONTRACTOR	ADDRESS	OWNER	VALUATION	PERMIT FOR
220682	Signature Homes	2635 Pyle Lane East	Amy & Jess Gross	\$ 2,000.00	Accessory - Deck
220398	Premium Decks	118 50th Avenue East	Jill & Syverind Halvorson	\$ 45,000.00	Accessory- Deck
220691	Ziearth Construction LLC	237 12th Street Northwest	Joseph & Charles Crary LLP	\$ 950,000.00	Remodel - Commercial - Repair roof damage
220695	SafeBasements of Mn	819 7th Street West	Elliot & Pauline Johnson	\$ 8,600.00	Remodel - Residential - Install wall beams and anchors
220625	Stylemark Builders	3665 Hidden Circle	Shaun & Jessica Evanson	\$ 399,000.00	Residential Dwelling
220699	Jordahl Custom Homes	1118 Aspen Trail	Westport Investments LLC	\$ 320,000.00	Residential Dwelling
220564	Naseth Construction	1100 12 Avenue NW	City of West Fargo	\$ 150,000.00	Public - Salt and Brine Storage
220673	Olson Pools and Spas	1118 Aspen Trail	Westport Investments LLC	\$ 93,000.00	Accessory - Pool
220701	Round to it Carpentry Service Inc.	1136 39 1/2 Avenue West	Deanna Rolfson	\$ 12,500.00	Accessory - Deck
220675	Nathan Tiedeman	1105 Commander Drive West	Nathan Tiedeman	\$ 5,000.00	Accessory - Shed
220676	DD Decks and More	1010 42nd Avenue West	Kellen & Brooke Decker	\$ 5,000.00	Accessory - Deck
220709	Brandi Herauf	2118 10th Street West	Brandi & Blaine Herauf	\$ 15,000.00	Accessory - Deck
220492	Eagle Ridge Companies	3252 6 Street West	The Standard 32 LLC	\$ 14,000,000.00	Residential - Multiple - Mix Use Building
220710	Trevor Raymond	1164 Brooks Drive West	Catelin & Dennis Newell, JR	\$ 16,000.00	Accessory - Deck
220722	American Custom Decks	4735 6th Street West	Joel & Jaqueline Morris	\$ 95,390.00	Accessory - Pool
220729	Olson Pools and Spas	958 Albert Drive West	Linda Hove	\$ 200,000.00	Remodel - Residential - Addition
220732	Bradsteen Construction Inc.	82 Evergreen Circle	John & Monica Edgerly	\$ 42,000.00	Accessory - Detached Garage
220733	Cory Erbstoesser	2046 11th Street West	Cory Erbstoesser	\$ 4,500.00	Accessory - Deck

**WEST FARGO CITY COMMISSION MEETING
BUILDING DEPARTMENT MONTHLY COMPARISON REPORT
July 18, 2022**

	JUNE 2021			JUNE 2022		
	# PERMITS	# UNITS	VALUATION	# PERMITS	# UNITS	VALUATION
<u>BUILDING NEW</u>						
COMMERCIAL	31		\$ 11,165,000.00	4		\$ 2,542,790.00
RESIDENTIAL DWELLING	160	160	\$ 52,518,564.00	85	85	\$ 37,388,757.00
RESIDENTIAL TWINHOME	4	4	\$ 837,500.00			
RESIDENTIAL TOWNHOME	5	38	\$ 7,883,537.00			
RESIDENTIAL MULTIPLE						
PUBLIC	1		\$ 3,150,550.00	3		\$ 17,867,265.00
CHURCH						
ACCESSORY	97		\$ 848,708.00	95		\$ 2,791,461.00
FOUNDATION ONLY	5		\$ 4,153,500.00			
<u>BUILDING REMODEL</u>						
COMMERCIAL	35		\$ 3,970,105.00	34		\$ 13,091,807.00
RESIDENTIAL	97		\$ 3,093,207.00	65		\$ 2,079,479.00
PUBLIC	3		\$ 3,041,400.00	3		\$ 3,490,330.00
CHURCH	1		\$ 458,900.00			
ACCESSORY	1		\$ 2,000.00			
<u>BUILDING OTHER</u>						
DEMOLITION	2		\$ 20,000.00	2		\$ 164,000.00
MOVE						
PERMIT CANCELLATION	1		\$ 81,640.00	1		\$ (530,000.00)
TOTALS	441	202	\$ 91,224,611.00	290	85	\$ 78,885,889.00

07/13/22
09:39:22

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 7/22

Page: 1 of 8
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
103285	S	2499 FM CONVENTION & VISITORS BUREAU	10985.05	06/30/22			
103286	S	2499 FM CONVENTION & VISITORS BUREAU	21970.10	06/30/22		CL 104508	10985.05
103287	S	3549 WEX	2560.47	07/01/22		CL 104509	21970.10
103288	S	363 ND PERS	3574.47	07/01/22		CL 104570	2560.47
103289	S	338 XCEL ENERGY	140.00	07/05/22		CL 104572	3574.47
103290	S	289 ACME TOOLS	736.95	07/05/22		CL 104599	140.00
103291	S	779 AGASSIZ SEED COMPANY	190.00	07/05/22		CL 104387	557.95
103292	S	2544 AIRGAS USA, LLC	957.38	07/05/22		CL 104485	179.00
103293	S	3869 ALISHA REIS	11.20	07/05/22		CL 104401	190.00
103294	S	2947 ALLSTATE PETERBILT OF FARGO	2572.44	07/05/22		CL 104477	957.38
103295	S	4454 ALTEC INDUSTRIES, INC.	3600.42	07/05/22		CL 104477	957.38
103296	S	3490 AMAZON CAPITAL SERVICES	2192.99	07/05/22		CL 104528	11.20
103297	S	2844 AMERICAN MAIL HOUSE INC	4258.69	07/05/22		CL 104394	216.69
103298	S	317 AMERICAN WELDING & GAS, INC.	388.19	07/05/22		CL 104407	980.00
103299	S	4460 AMERICLEAN CARPET CLEANING	1179.60	07/05/22		CL 104413	79.11
103300	S	999999 ANNA ROZOVA	190.00	07/05/22		CL 104480	1296.64
103301	S	4031 ANNIE BREWER	98.50	07/05/22		CL 104406	80.97
103302	S	4461 APPLIED ENGINEERING TECHNOLOGY	4.63	07/05/22		CL 104437	3519.45
103303	S	3270 Aqua Lawn & Landscaping	6850.00	07/05/22		CL 104379	471.10
103304	S	2931 AUTO VALUE PARTS STORES	850.98	07/05/22		CL 104443	59.00
						CL 104538	1264.95
						CL 104552	397.94
						CL 104523	4258.69
						CL 104389	388.19
						CL 104553	1179.60
						CL 104505	190.00
						CL 104458	98.50
						CL 104554	4.63
						CL 104602	6850.00
						CL 104378	224.78
						CL 104412	12.20
						CL 104457	100.58
						CL 104482	242.94
						CL 104514	116.40

07/13/22
09:39:22

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 7/22

Page: 2 of 8
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
103305	S	1695 BAKER & TAYLOR	3336.17	07/05/22		CL 104567	154.08
103306	S	3149 BEE SEEN GEAR	46.00	07/05/22		CL 104530	3336.17
103307	S	1127 BIERSCHBACH EQUIPMENT & SUPPLY	954.24	07/05/22		CL 104555	46.00
103308	S	26 BORDER STATES INDUSTRIES INC	1167.95	07/05/22		CL 104403	954.24
103309	S	2866 BRADY HANSON	2111.89	07/05/22		CL 104515	1167.95
103310	S	999999 BRET LEITCH	46.75	07/05/22		CL 104444	2111.89
103311	S	3892 BURGGRAF'S ACE FARGO WEST	21.99	07/05/22		CL 104540	46.75
103312	S	351 BUSINESS ESSENTIALS	718.26	07/05/22		CL 104556	21.99
						CL 104399	350.00
						CL 104423	232.17
						CL 104496	136.09
103313	S	39 BUTLER MACHINERY	32.41	07/05/22		CL 104436	32.41
103314	S	1403 CAPITAL ONE TRADE CREDIT	709.28	07/05/22		CL 104446	85.48
						CL 104513	623.80
103315	S	2944 CASCADE ENGINEERING INC	27414.00	07/05/22		CL 104561	27414.00
103316	S	61 CASS COUNTY FINANCE	4420.00	07/05/22		CL 104551	4420.00
103317	S	46 CASS RURAL WATER USERS	29.17	07/05/22		CL 104580	29.17
103318	S	2909 CC STEEL LLC	59497.25	07/05/22		CL 104516	3150.00
						CL 104535	56347.25
103319	S	999999 CHELSEA LEVORSEN	190.00	07/05/22		CL 104503	190.00
103320	S	3417 CHELSEA SIMDORN	25.65	07/05/22		CL 104489	25.65
103321	S	3216 CINTAS	280.02	07/05/22		CL 104433	140.01
						CL 104565	140.01
103322	S	111 CITY OF FARGO	51182.34	07/05/22		CL 104380	26398.57
						CL 104484	88.00
						CL 104531	24695.77
103323	S	999999 CITY OF WEST FARGO	73.00	07/05/22		CL 104500	73.00
103324	S	4448 CLIFF NAYLOR	28.90	07/05/22		CL 104497	28.90

07/13/22
09:39:22

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 7/22

Page: 3 of 8
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
103325	S	1904 CODE 4 SERVICES, INC	131.40	07/05/22			
						CL 104475	131.40
103326	S	133 COLE PAPER	1130.98	07/05/22			
						CL 104384	1130.98
103327	S	3245 CORE & MAIN	17082.38	07/05/22			
						CL 104402	1296.00
						CL 104486	471.98
						CL 104511	15314.40
103328	S	60 CROSSCOUNTRY FREIGHT SOLUTIONS	144.27	07/05/22			
						CL 104483	144.27
103329	S	3500 CUMMINS SALES AND SERVICE	384.31	07/05/22			
						CL 104434	384.31
103330	S	65 CURT'S LOCK & KEY	103.95	07/05/22			
						CL 104583	103.95
103331	S	4457 CWD CASH-WA DISTRIBUTING	136.85	07/05/22			
						CL 104470	136.85
103332	S	2514 DAKOTA MAILING & SHIPPING EQUIPMENT, INC	186.77	07/05/22			
						CL 104502	186.77
103333	S	87 DAKOTA TIRE	50.98	07/05/22			
						CL 104557	50.98
103334	S	90 DAKOTA UNDERGROUND	193495.18	07/05/22			
						CL 104536	96304.96
						CL 104604	97190.22
103335	S	856 DAVE'S WEST FARGO TIRE	28.88	07/05/22			
						CL 104469	28.88
103336	S	2377 DAVID SAPP	623.92	07/05/22			
						CL 104579	507.37
						CL 104584	116.55
103337	S	3808 DAWSON ROGSTAD	619.00	07/05/22			
						CL 104472	619.00
103338	S	3767 DENIS OTTERNESS	71.78	07/05/22			
						CL 104468	71.78
103339	S	2070 DORA ROLL	98.50	07/05/22			
						CL 104455	98.50
103340	S	2225 DTN, LLC	421.70	07/05/22			
						CL 104452	421.70
103341	S	2100 EAGLE RUN CROSSING LLC	233.60	07/05/22			
						CL 104543	233.60
103342	S	4459 EICHOLTZ MASONRY, INC.	1235.00	07/05/22			
						CL 104524	1235.00
103343	S	1502 EIDE BAILLY	3500.00	07/05/22			
						CL 104607	3500.00
103344	S	3207 ELLEN ROSSOW	12.88	07/05/22			
						CL 104490	12.88
103345	S	1841 EMERGENCY AUTOMOTIVE TECHNOLOGIES, INC	1154.64	07/05/22			
						CL 104448	1154.64
103346	S	877 ENVIRONMENTAL TOXICITY CONTROL INC.	935.00	07/05/22			
						CL 104408	935.00

07/13/22
09:39:22

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 7/22

Page: 4 of 8
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
103347	S	963 EXCAVATING, INC.	10710.00	07/05/22			
103348	S	3344 FACTORY MOTOR PARTS	683.80	07/05/22		CL 104563	10710.00
103349	S	660 FARGO FREIGHTLINER	29.13	07/05/22		CL 104395	43.82
103350	S	979 FARGO LINE-X	40.00	07/05/22		CL 104428	639.98
103351	S	1648 FARSTAD OIL, INC	372.00	07/05/22		CL 104396	29.13
103352	S	151 FEDERAL EXPRESS	25.57	07/05/22		CL 104392	40.00
103353	S	139 FRS WORKS	114.60	07/05/22		CL 104427	372.00
103354	S	155 GALLS, LLC	5522.03	07/05/22		CL 104466	19.28
103355	S	93 GATEWAY CHEVROLET	296.12	07/05/22		CL 104476	6.29
103356	S	4449 GLOBAL SAFETY NETWORK INC	40.00	07/05/22		CL 104463	35.69
103357	S	2558 GOODYEAR COMMERCIAL TIRE	1616.90	07/05/22		CL 104492	36.71
103358	S	556 GRAINGER, INC.	34.62	07/05/22		CL 104549	42.20
103359	S	939 GRAYBAR	83.60	07/05/22		CL 104474	2152.77
103360	S	2877 GREATAMERICA FINANCIAL SERVICES	442.89	07/05/22		CL 104499	272.00
103361	S	135 HAWKINS WTR TREATMENT	7037.03	07/05/22		CL 104545	1366.21
103362	S	2850 HENRY SCHEIN, INC	42.93	07/05/22		CL 104596	1731.05
103363	S	358 HUBERT OYE-SONS CONST.	822.46	07/05/22		CL 104393	31.42
103364	S	2500 INLAND TRUCK PARTS & SERVICE	437.90	07/05/22		CL 104429	264.70
103365	S	211 INTERSTATE BATTERIES	1093.27	07/05/22		CL 104356	40.00
						CL 104405	18.95
						CL 104532	1597.95
						CL 104440	34.62
						CL 104447	83.60
						CL 104491	442.89
						CL 104519	7037.03
						CL 104559	42.93
						CL 104404	822.46
						CL 104391	420.00
						CL 104479	17.90
						CL 104441	973.70
						CL 104560	95.57
						CL 104574	24.00

07/13/22
09:39:22

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 7/22

Page: 5 of 8
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
103366	S	4462 ION HOLDINGS LLC	216.00	07/05/22			
103367	S	233 J & L SPORTS	52.00	07/05/22		CL 104578	216.00
103368	S	1095 JASON BALVIK	98.50	07/05/22		CL 104398	52.00
103369	S	999999 JEFFREY LEGGE	300.00	07/05/22		CL 104453	98.50
103370	S	3074 JOHN'S REFRIGERATION & ELECTRIC, INC.	185120.34	07/05/22		CL 104550	300.00
103371	S	2798 JOHNSON CONTROLS	6257.59	07/05/22		CL 104537	185120.34
103372	S	999999 KAYTLYN THORSON	286.74	07/05/22		CL 104562	6257.59
103373	S	4447 KEITH NORMAN BOOKS	51.50	07/05/22		CL 104539	286.74
103374	S	693 KPH, INC	1025611.13	07/05/22		CL 104498	51.50
103375	S	4456 LAW ENFORCEMENT ADMINISTRATIVE SUPPORT	298.00	07/05/22		CL 104501	1025611.13
103376	S	2570 LG EVERIST INC	1674.92	07/05/22		CL 104461	298.00
103377	S	3109 LIBRARY IDEAS, INC	32.39	07/05/22		CL 104521	1674.92
103378	S	711 LUTHER FAMILY FORD	240.32	07/05/22		CL 104529	32.39
103379	S	3304 MAC'S - FARGO	81.19	07/05/22		CL 104595	240.32
103380	S	3536 MACQUEEN EMERGENCY	4709.52	07/05/22		CL 104510	33.25
103381	S	3488 MARK HOUSH	215.25	07/05/22		CL 104575	47.94
103382	S	3384 MATHESON TRI-GAS INC	1039.24	07/05/22		CL 104585	4709.52
103383	S	299 MENARDS	467.35	07/05/22		CL 104418	215.25
103384	S	4420 MEYER GROUP ARCHITECTURE	9730.00	07/05/22		CL 104438	1039.24
103385	S	2766 MIDCONTINENT COMMUNICATIONS	670.24	07/05/22		CL 104377	200.63
103386	S	908 MILES ORTH	312.00	07/05/22		CL 104488	20.97
						CL 104564	187.07
						CL 104586	58.68
						CL 104451	9730.00
						CL 104462	305.84
						CL 104569	364.40
						CL 104473	312.00

07/13/22
09:39:22

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 7/22

Page: 6 of 8
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
103387	S	4458 MINNESOTA PUMP WORKS	5809.05	07/05/22		CL 104520	5809.05
103388	S	772 MINNKOTA	48.00	07/05/22		CL 104467	48.00
103389	S	305 MOORE ENGINEERING INC	159980.11	07/05/22		CL 104571	159980.11
103390	S	688 MOTOROLA SOLUTIONS, INC	71340.00	07/05/22		CL 104367	71340.00
103391	S	3085 MRA-THE MANAGEMENT ASSOCIATION, INC	555.00	07/05/22		CL 104546	555.00
103392	S	4463 MSA SAFETY SALES LLC	970.00	07/05/22		CL 104582	970.00
103393	S	728 NAPA CENTRAL	1563.54	07/05/22		CL 104415	163.54
						CL 104517	1400.00
103394	S	2882 NARDINI FIRE EQUIPMENT	66.00	07/05/22		CL 104587	66.00
103395	S	4322 ND DEPARTMENT OF ENVIRONMENTAL QUALITY	100.00	07/05/22		CL 104381	100.00
103396	S	3597 NORTH CENTRAL MITIGATION, LLC	14070.00	07/05/22		CL 104527	14070.00
103397	S	2035 NORTH CENTRAL RENTAL & LEASING, LLC	13900.00	07/05/22		CL 104533	13900.00
103398	S	3789 NORTH DAKOTA FIREFIGHTER'S ASSOCIATION	495.70	07/05/22		CL 104588	495.70
103399	S	1966 NORTH IOWA K-9	426.00	07/05/22		CL 104464	426.00
103400	S	1715 NORTHWEST TIRE INC	215.35	07/05/22		CL 104431	19.26
						CL 104566	196.09
103401	S	1774 O'REILLY AUTOMOTIVE STORES, INC	1139.00	07/05/22		CL 104409	75.84
						CL 104414	7.47
						CL 104430	19.68
						CL 104481	571.63
						CL 104568	424.40
						CL 104589	39.98
103402	S	399 OLYMPIC SALES	112.50	07/05/22		CL 104450	112.50
103403	S	276 OSTROMS ACE HARDWARE	275.36	07/05/22		CL 104388	24.96
						CL 104445	21.96
						CL 104558	228.44
103404	S	4455 OTIS ELEVATOR COMPANY	1050.00	07/05/22		CL 104449	1050.00
103405	S	673 PARSONS ELECTRIC	14366.29	07/05/22		CL 104603	14366.29

07/13/22
09:39:22

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 7/22

Page: 7 of 8
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
103406	S	563 PETRO SERVE USA	11594.30	07/05/22		CL 104542	344.60
						CL 104576	11249.70
103407	S	4034 PETRO SERVE USA #63	2337.48	07/05/22		CL 104544	2337.48
103408	S	1310 PETTYS CONSULTING, LLC	180.00	07/05/22		CL 104581	180.00
103409	S	360 PIONEER RIM/WHEEL	220.01	07/05/22		CL 104397	220.01
103410	S	1166 PRODUCTIVITY PLUS ACCOUNT	62.75	07/05/22		CL 104410	62.75
103411	S	1472 RAILROAD MANAGEMENT CO III, LLC	1566.70	07/05/22		CL 104601	1566.70
103412	S	2982 RDO EQUIPMENT CO	498.73	07/05/22		CL 104411	498.73
103413	S	4244 RED CARPET/SUPERPUMPER	90.00	07/05/22		CL 104590	90.00
103414	S	4064 ROYAL TIRE INC	2182.96	07/05/22		CL 104518	2182.96
103415	S	2772 RYAN FELTMAN	98.50	07/05/22		CL 104456	98.50
103416	S	3353 SAM'S CLUB MC/SYNCB	69.00	07/05/22		CL 104577	69.00
103417	S	1881 SAM'S CLUB/SYNCHRONY BANK	522.36	07/05/22		CL 104597	522.36
103418	S	454 SANITATION PRODUCTS	259.35	07/05/22		CL 104432	259.35
103419	S	3994 SHEYENNE GARDENS	312.50	07/05/22		CL 104573	312.50
103420	S	2885 SHORTPRINTER	1327.31	07/05/22		CL 104355	750.20
						CL 104365	35.94
						CL 104465	489.77
						CL 104495	51.40
103421	S	91 SIGN SOLUTIONS USA	2780.09	07/05/22		CL 104382	373.56
						CL 104454	2406.53
103422	S	2655 SIMPLIFILE	595.00	07/05/22		CL 104598	595.00
103423	S	4042 SIR SPEEDY	5555.83	07/05/22		CL 104390	204.90
						CL 104605	5350.93
103424	S	3528 SNACKS PLUS VENDING	133.85	07/05/22		CL 104425	133.85
103425	S	3516 STEIN'S INC	323.07	07/05/22		CL 104591	323.07
103426	S	38 STRATA CORPORATION	2539.58	07/05/22		CL 104487	1809.65
						CL 104512	729.93

07/13/22
09:39:22

CITY OF WEST FARGO, ND
Check Register
For the Accounting Period: 7/22

Page: 8 of 8
Report ID: AP300

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
103427	S	3252 SUBSURFACE SOLUTIONS	224.10	07/05/22			
103428	S	176 SUMMIT FIRE PROTECTION	1747.50	07/05/22		CL 104525	224.10
103429	S	733 SWANSTON EQUIPMENT CORP.	2085.28	07/05/22		CL 104383	1301.25
						CL 104592	446.25
103430	S	634 SWEENEY CONTROLS COMPANY	3192.80	07/05/22		CL 104385	675.00
103431	S	2485 SYLVIE SCHWEYEN	98.50	07/05/22		CL 104416	1410.28
103432	S	999999 TANYA HARLOW	300.00	07/05/22		CL 104439	3192.80
103433	S	890 TCC MATERIALS	1251.84	07/05/22		CL 104459	98.50
103434	S	700 TCI INSURANCE	5365.00	07/05/22		CL 104504	300.00
103435	S	3352 TITAN MACHINERY-FARGO CASE	475.70	07/05/22		CL 104522	1251.84
103436	S	1135 TODD PEARSON	98.50	07/05/22		CL 104606	5365.00
103437	S	1285 TRAFFIC CONTROL CORPORATION	942.00	07/05/22		CL 104417	475.70
103438	S	784 UNITED POWER EQUIPMENT	76.50	07/05/22		CL 104460	98.50
103439	S	3833 VALLEY GREEN	1785.00	07/05/22		CL 104478	942.00
103440	C S	2436 VISA FINANCE	0.00	07/05/22		CL 104593	76.50
103441	* S	3736 WEST FARGO RURAL FIRE DEPT	7500.00	07/05/22		CL 104386	1785.00
103442	S	1820 WINDSHIELD DOCTOR	50.00	07/05/22		CL 104237	
103443	S	338 XCEL ENERGY	94.34	07/05/22		CL 104594	7500.00
103444	S	582 ZEP MANUFACTURING	460.89	07/05/22		CL 104442	50.00
103445	S	2766 MIDCONTINENT COMMUNICATIONS	3560.84	07/06/22		CL 104506	94.34
103446	S	4432 LIBERTY BUSINESS SYSTEMS INC	120.00	07/07/22		CL 104424	460.89
103447	S	3491 LOFFLER COMPANIES INC	139.50	07/07/22		CL 104608	3560.84
						CL 104627	120.00
						CL 104626	139.50

Total for Claim Checks
Count for Claim Checks

2053587.93
163

* denotes missing check number(s)

of Checks: 163 Total: 2053587.93

*** Consent Agenda ***

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Lisa Sankey
2. PHONE NUMBER: 515-5376 DATE: July 12, 2022
3. AGENDA TITLE:
Interstate Corridor Overlay Site and Building Plan Review for Shop/Warehouse
space at 455 Christianson Drive West.
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
CO-I: Interstate Corridor Overlay Plan Review and Approval. Prior to issuance of
a building permit, plans must be approved by the City Commission
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Located at 455 Christianson Drive West (Lot 5, Block 1 of Christianson 1st
Addition), City of West Fargo, North Dakota.
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Approval - At their July 12, 2022 meeting, the Planning and Zoning Commission
recommended approval on the basis the proposed development on the site is
consistent with the intent of the Interstate Corridor Overlay District.

FACT SHEET

WEST FARGO CITY COMMISSION

July 18, 2022

BACKGROUND:

PURPOSE: Interstate Corridor Overlay Site and Building Plan Review at 455 Christianson Drive West – Lot 5, Block 1 of Christianson 1st Addition

EXISTING LAND USE: Vacant

EXISTING ZONING: PUD: Planned Unit Development

PARCEL SIZE: 1.09 Acres

This property is located within the CO-I: Interstate Corridor Overlay District which requires under section 4-431-A.4. that all development shall be subject to site and building plan review and approval by the Planning and Zoning Commission and City Commission. A higher construction standard is required in the CO-I: Interstate Corridor Overlay District. Any exposed metal or fiberglass on all buildings shall be limited to no more than thirty (30) percent of any wall which fronts on a public street, provided that it is coordinated into the architectural design.

Elevations of the building show that it will be constructed completely precast concrete, brick and glass which would exceed our standard. The submitted site plan shows a 14,400 square foot shop/warehouse with a mezzanine level for a break room and shop space. A minimum of 25 parking spaces is required for the site with the site plan showing 43 provided, including 11 parking spaces on the north side of the property with additional shared per a private agreement with the Magnum Electric site to the northwest.

Setbacks for the buildings are more than adequate for the CO-I District. The submitted landscaping plan exceeds the requirement of four plant units per 1,000 square feet of lot, as well as parking lot perimeter landscaping requirements and boulevard trees.

The submitted information shows that City plans and development requirements can be met. Staff's recommendation is to approve the site and elevation plans for submittal to the City Commission with the condition that all provisions of West Fargo City Ordinances are met to ensure sufficient review is provided for building inspections and other City departments.

At their July 12, 2022 meeting, the Planning and Zoning Commission recommended approval subject to the all provisions of West Fargo City Ordinances are met to ensure sufficient review is provided for building inspections and other City departments.



West Fargo GIS, City of West Fargo, Fargo

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.

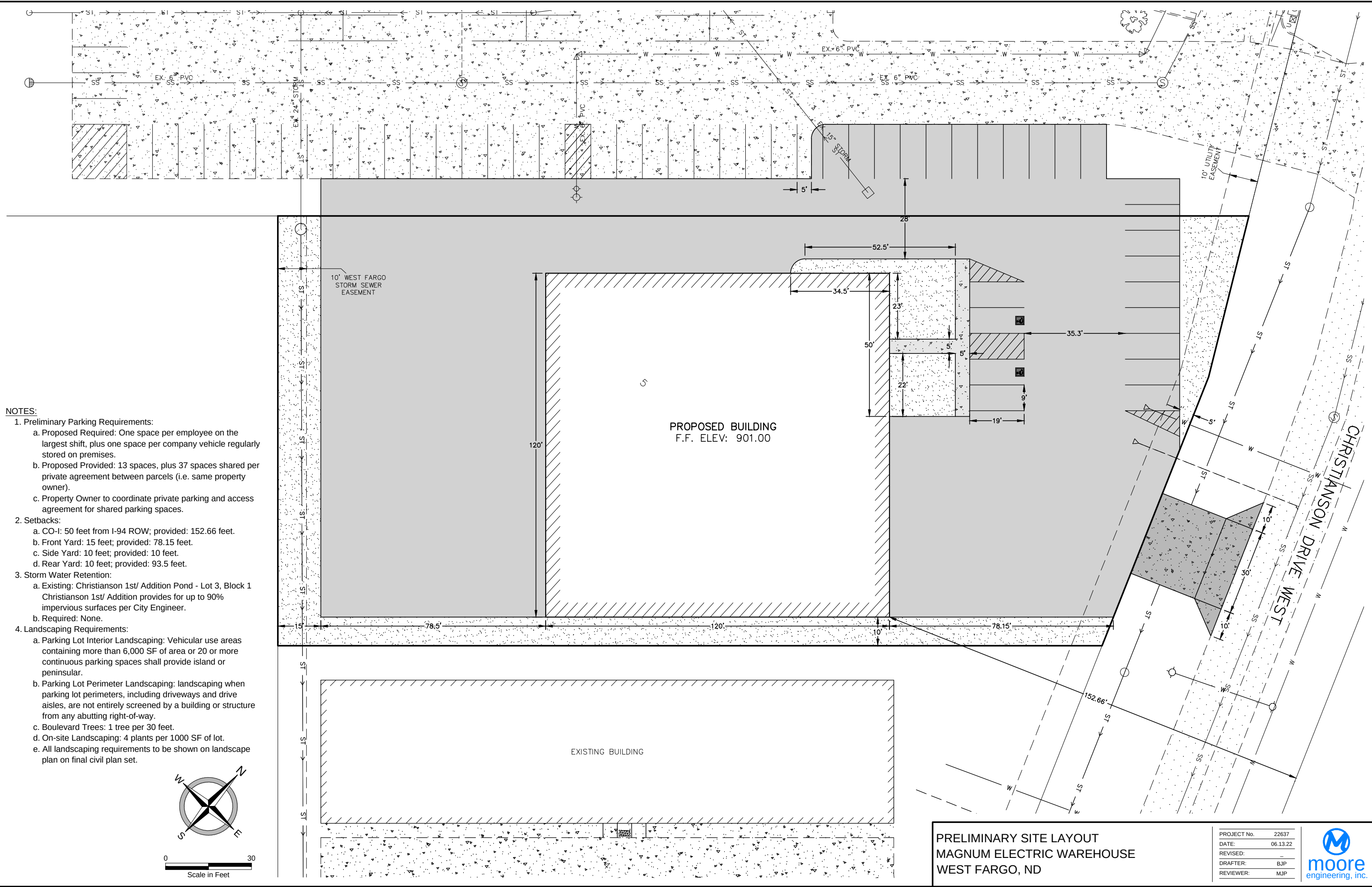
West Fargo

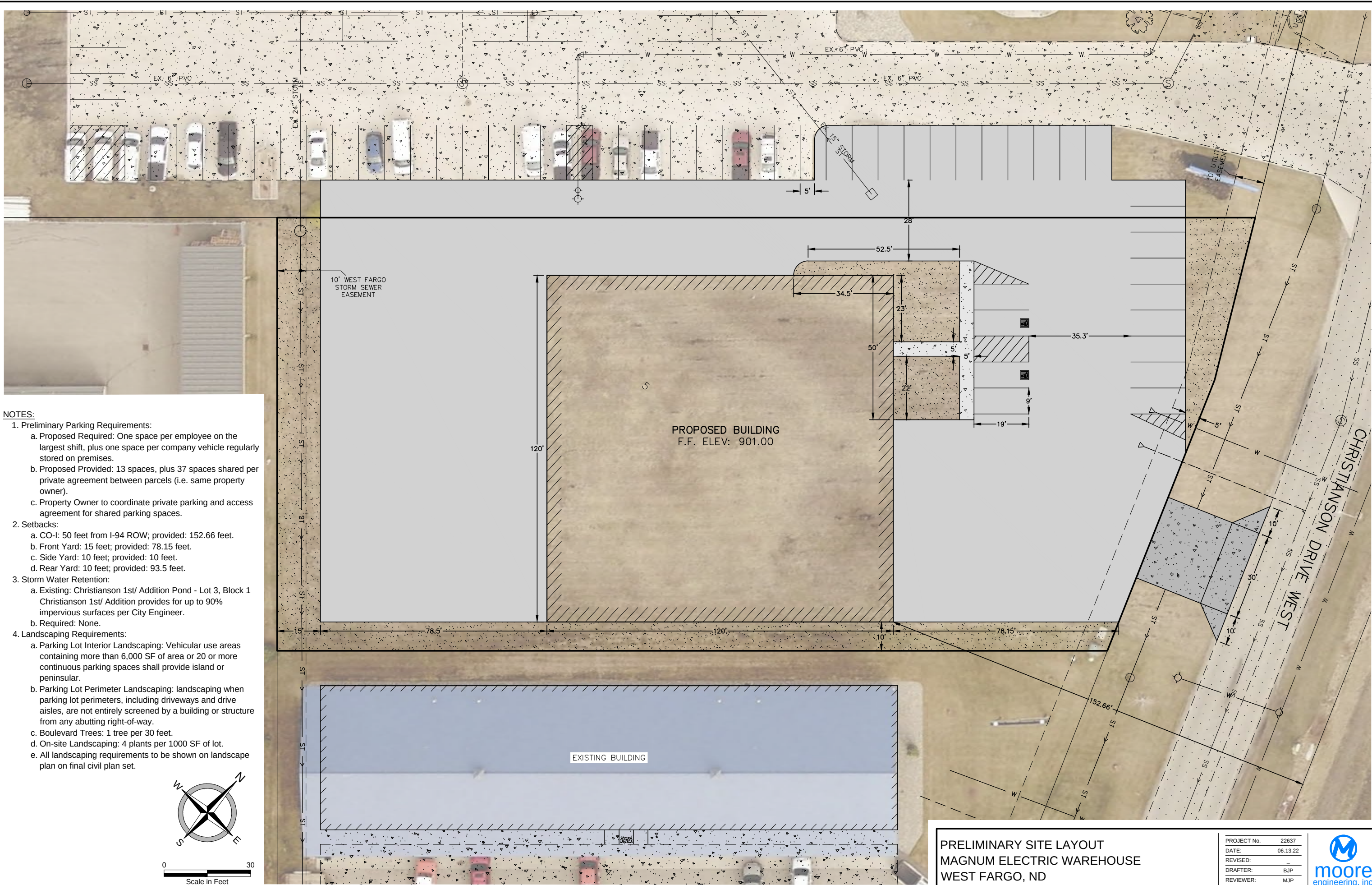
Date: 7/1/2022

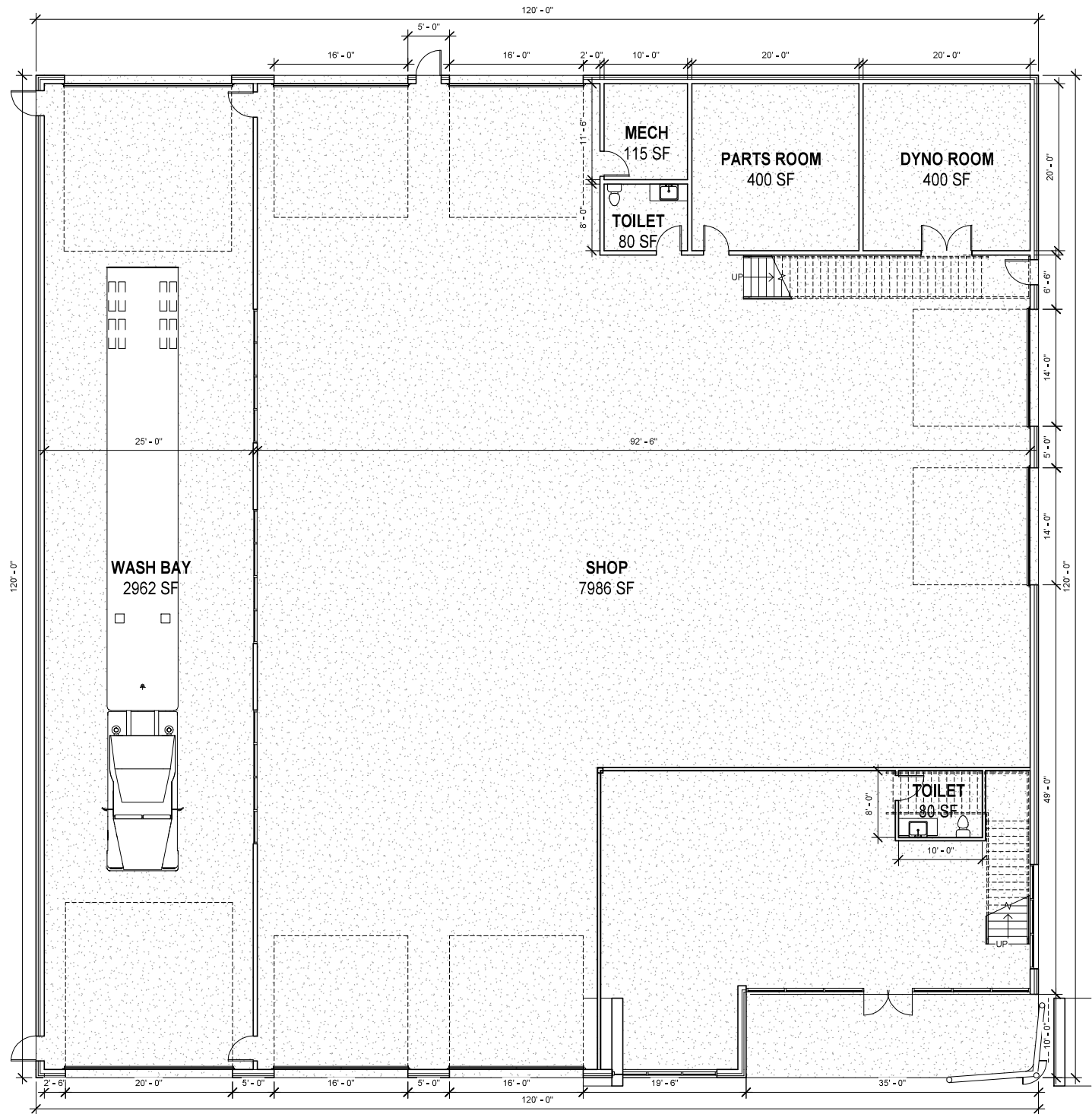
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



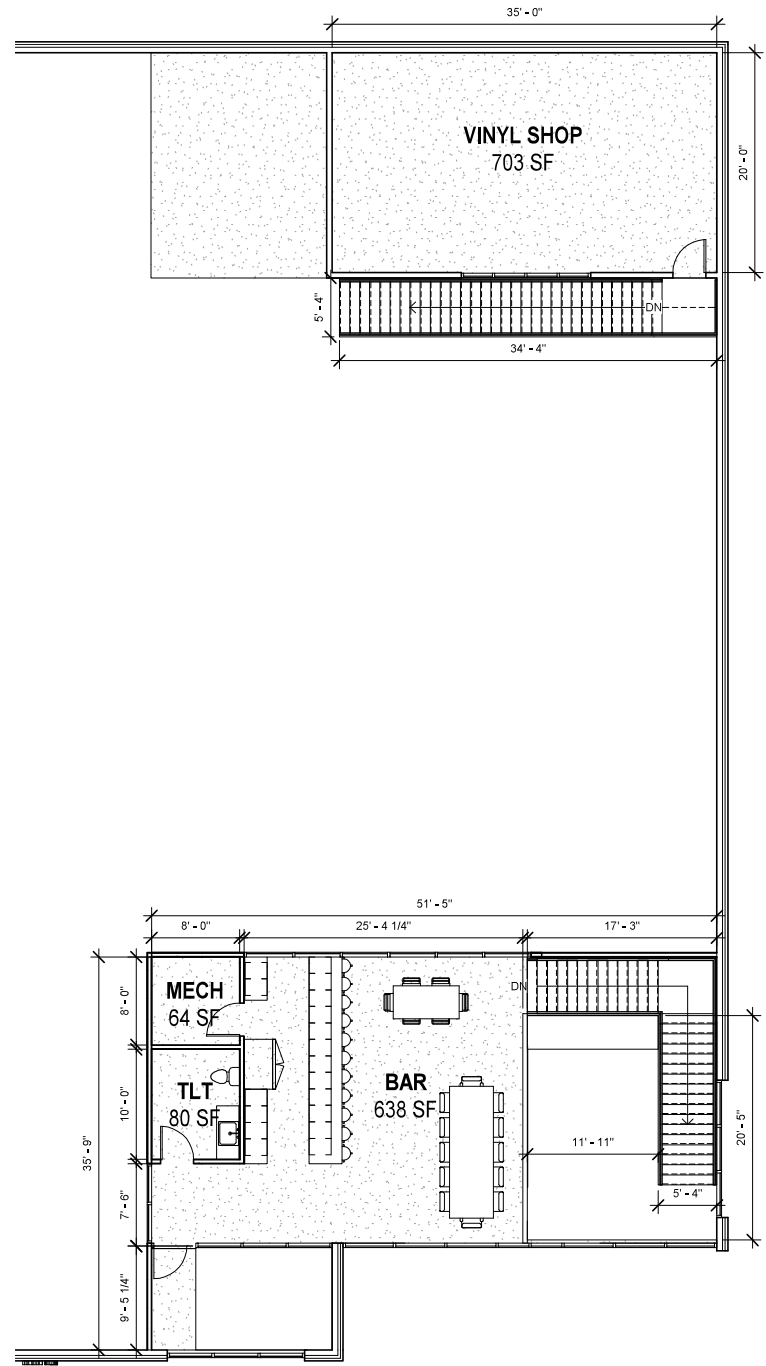








1 FIRST FLOOR
1/8" = 1'-0"



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

NOT FOR CONSTRUCTION

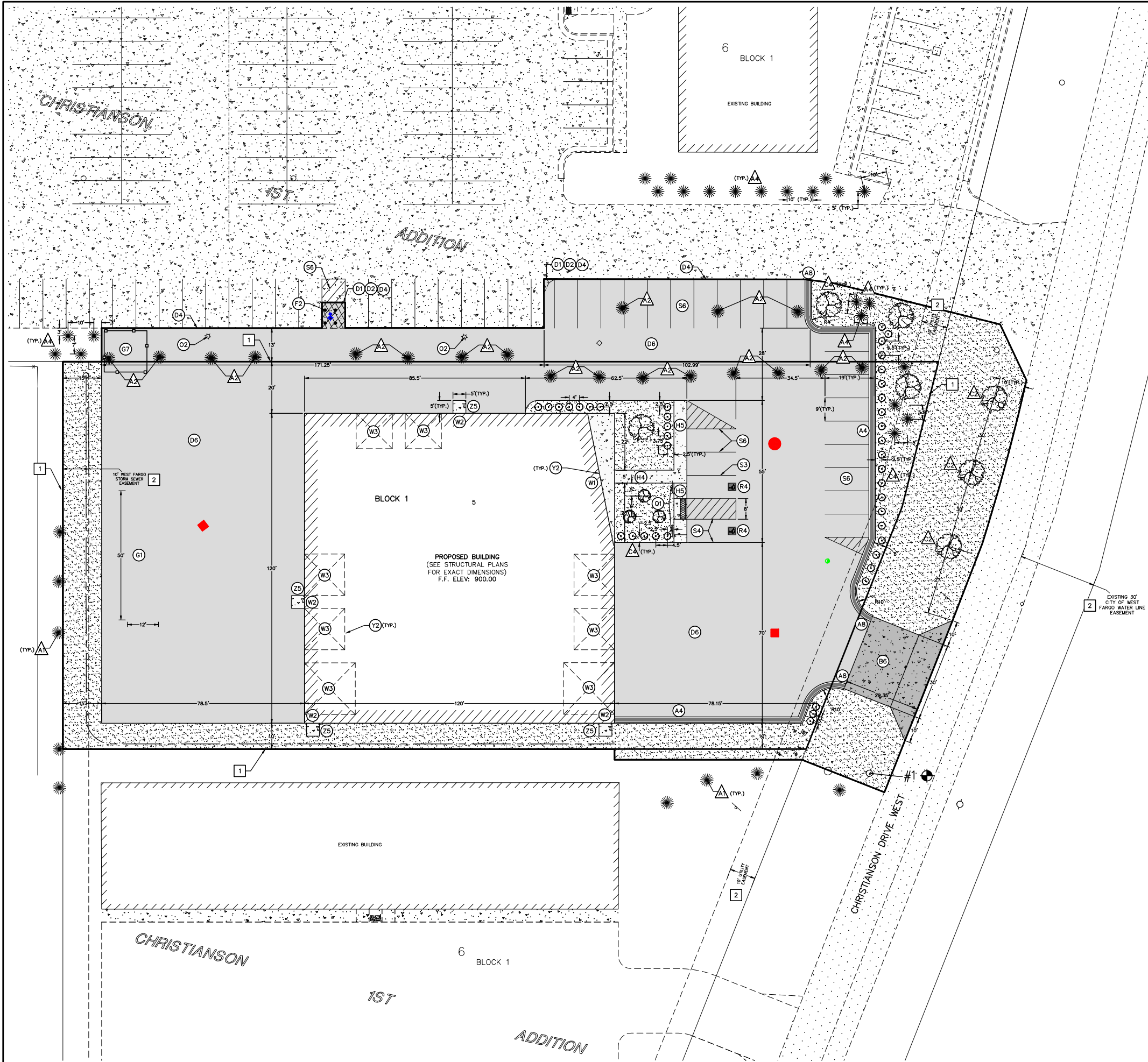
MAGNUM WAREHOUSE
455 CHRISTIANSON DRIVE WEST
WEST FARGO NORTH DAKOTA

PROJECT:

REVISIONS:		
No.	DATE	REMARK

PROJECT NO: 22-038
DATE: 06/08/22
DRAWN BY: MEM
CHECKED BY: NGV
DOCUMENT PHASE:
SCHEMATIC DESIGN

SHEET CONTENTS:
FIRST & SECOND
FLOOR PLAN



GENERAL NOTATIONS

- 1 PROPERTY LINE.
- 2 EXISTING EASEMENT.

SITE NOTATIONS - VEHICULAR AREAS

- A4 VA-4 CURB AND GUTTER - HIGHBACK.
- A8 VA-4 TAPER LAST 5' OF CURB AND GUTTER HEIGHT FROM FULL HEIGHT TO 0".
- B6 VA-13 CONCRETE DRIVEWAY - 7".
- D1 VA-30 SAWCUT EXISTING CONCRETE PAVEMENT FULL DEPTH.
- D2 VA-31 REMOVE EXISTING CONCRETE PAVEMENT, EXTENTS SHALL BE TO NEAREST EXISTING JOINT (I.E. FULL PANEL).
- D4 VA-32 CONNECT TO EXISTING CONCRETE PAVEMENT.
- D6 VA-33 CONCRETE PAVEMENT SECTION - HEAVY DUTY.
- F2 VA-51 BOLLARD POST.
- G1 OFF-STREET LOADING AREA.
- G7 VA-54 TRASH/RECYCLING ENCLOSURE/DUMPSTER AREA.

SITE NOTATIONS - PEDESTRIAN AREAS

- H4 PA-4 CONCRETE SIDEWALK.
- H5 PA-10 CONCRETE SIDEWALK CURB.

SITE NOTATIONS - MISCELLANEOUS

- O2 REMOVE EXISTING LIGHT STANDARD AND SAVE FOR RESETTING BY OTHERS.

SITE NOTATIONS - SIGNING

- Q1 S1-5 SIGN ASSEMBLY - VAN ACCESSIBLE PARKING.

SITE NOTATIONS - PAVEMENT MARKINGS

- R4 PM-3 MESSAGE - BLUE (INTERNATIONAL SYMBOL OF ACCESSIBILITY).
- S3 PM-2 STRIPE - 4" BLUE ADJACENT TO 4" YELLOW.
- S4 PM-2 STRIPE - 4" BLUE.
- S6 PM-2 STRIPE - 4" YELLOW.

SITE NOTATIONS - GENERAL

- W1 PEDESTRIAN ENTRANCE - MAIN.
- W2 PEDESTRIAN ENTRANCE - SECONDARY.
- W3 VEHICULAR ENTRANCE - OVERHEAD DOOR.
- Y2 SEE ARCHITECTURAL AND STRUCTURAL PLANS. EXACT DOOR LOCATIONS TO BE PROVIDED BY OTHERS.
- Z5 STOOP (SEE STRUCTURAL PLANS).

LANDSCAPE NOTATIONS

- A1 EXISTING TREE TO REMAIN.
- LA-1 REMOVE EXISTING TREE.
- LA-2 RESET TREE LOCATION.
- LA-21 WEST FARGO BOULEVARD TREE.
- LA-21 WEST FARGO ONSITE PLANTING.



0 20
Scale in Feet

BENCHMARK LIST			
VERTICAL DATUM: NGVD 29		HORIZONTAL DATUM: WEST FARGO HORIZONTAL CALIBRATION	
NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT	NE OF LOTS 4-5 CORNER, SOUTH OF CHRISTIANSON DRIVE WEST	902.14



SITE PLANS
MAGNUM WAREHOUSE
LOT 5 BLOCK 1 - CHRISTIANSON 1ST ADDITION
WEST FARGO, NORTH DAKOTA
SITE AND LANDSCAPE PLAN

DATE:	07.01.22
REV DATE:	---
REV NUM:	---
RECORD:	---
PROJECT No.	226837
MANAGER:	MWW
DESIGNER:	BJP
DRAFTER:	BJP/MSG
REVIEWER:	EAG

C-402

*** Consent Agenda ***

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Lisa Sankey
2. PHONE NUMBER: 515-5376 DATE: July 12, 2022
3. AGENDA TITLE:
Site Plan Review for proposed office building in the CO: Corridor Overlay District
at 779 32nd Ave W.
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
CO: Corridor Overlay District Plan Review and Approval. Prior to issuance of a
building permit, plans must be approved by the City Commission
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Located at 779 32nd Ave W (Lot 4, Block 1 of Eagle Run Plaza 12th Addition), City
of West Fargo North Dakota.
5. ACTION BEING REQUESTED FROM CITY COMMISSION:
Approval – July 12, 2022, meeting, the Planning and Zoning Commission
recommended approval of the Site and Building Plans, on the basis the proposed
development on the site is consistent with the intent of the Corridor Overlay District
and subject to the condition that all provisions of West Fargo City Ordinances are
met to ensure sufficient review is provided for building inspections and other City
departments.

FACT SHEET

WEST FARGO CITY COMMISSION

July 18, 2022

BACKGROUND:

PURPOSE: CO: Corridor Overlay Site Plan Review at 779 32nd Ave W (Lot 4, Block 1 of Eagle Run Plaza 12th Addition), City of West Fargo North Dakota

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Commercial Office/Retail Condo

EXISTING ZONING: CO: Corridor Overlay & C: Light Commercial

PARCEL SIZE: 9,896 square feet

The applicant has submitted site plans, including elevations showing a 1,500 square foot, single-story structure for use as office space.

Under Section 4-431.5.2.a, there is a higher construction standard for areas in the CO: Corridor Overlay District requiring the applicant receive approval of site and building plans by the Planning & Zoning and City Commissions prior to approval of a building permit for those areas along Sheyenne Street between Interstate 94 as well as 40th Avenue, 32nd Avenue west of Sheyenne Street and 13th Avenue East.

The Building Construction standards under 4-431.5. of the CO: Corridor Overlay District limits Light Commercial properties to no more than 30% metal or fiberglass on all walls fronting a public street provided it is coordinated into the architectural design. Seventy percent (70%) of any wall (facade area) which fronts on a public street shall be constructed of glass, brick, wood, stone, architectural concrete cast in place or precast concrete panels, or, as approved by the Commission(s), other integrated materials per the architectural design. The building does not front a public street; however, is faced with a combination of glass, LP siding (wood composite), brick, steel and metal, which would exceed the standard.

Setbacks for the building are more than adequate for the CO: Corridor Overlay District, as is the landscaping.

Under the original subdivision plat, a requirement for sidewalk or multi-use path connectivity within the subdivision was a condition of approval and addressed in a signed improvement agreement. The applicant previously submitted a plan showing connectivity to the 33rd Avenue West sidewalk.

Required parking for general office uses would be would be one space 300 square feet of gross floor area and the developer intends for share parking for the proposed four buildings/lots. Forty (40) parking spaces would be required, with the site plan showing 45 spaces.

Cross access easements within the plat provide access to 6th & 9th Streets West, as well as to 32nd and 33rd Avenues West. Direct driveway access to this lot is proposed to the north, along the east/west cross access easement.

The submitted information shows that City plans and development requirements can be met. Staff's recommendation is to approve the site and elevation plans for submittal to the City Commission with the condition that all provisions of West Fargo City Ordinances are met to ensure sufficient review is provided for building inspections and other City departments.

At their July 12, 2022 meeting, the Planning and Zoning Commission recommended approval subject to the all provisions of West Fargo City Ordinances are met to ensure sufficient review is provided for building inspections and other City departments.



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.

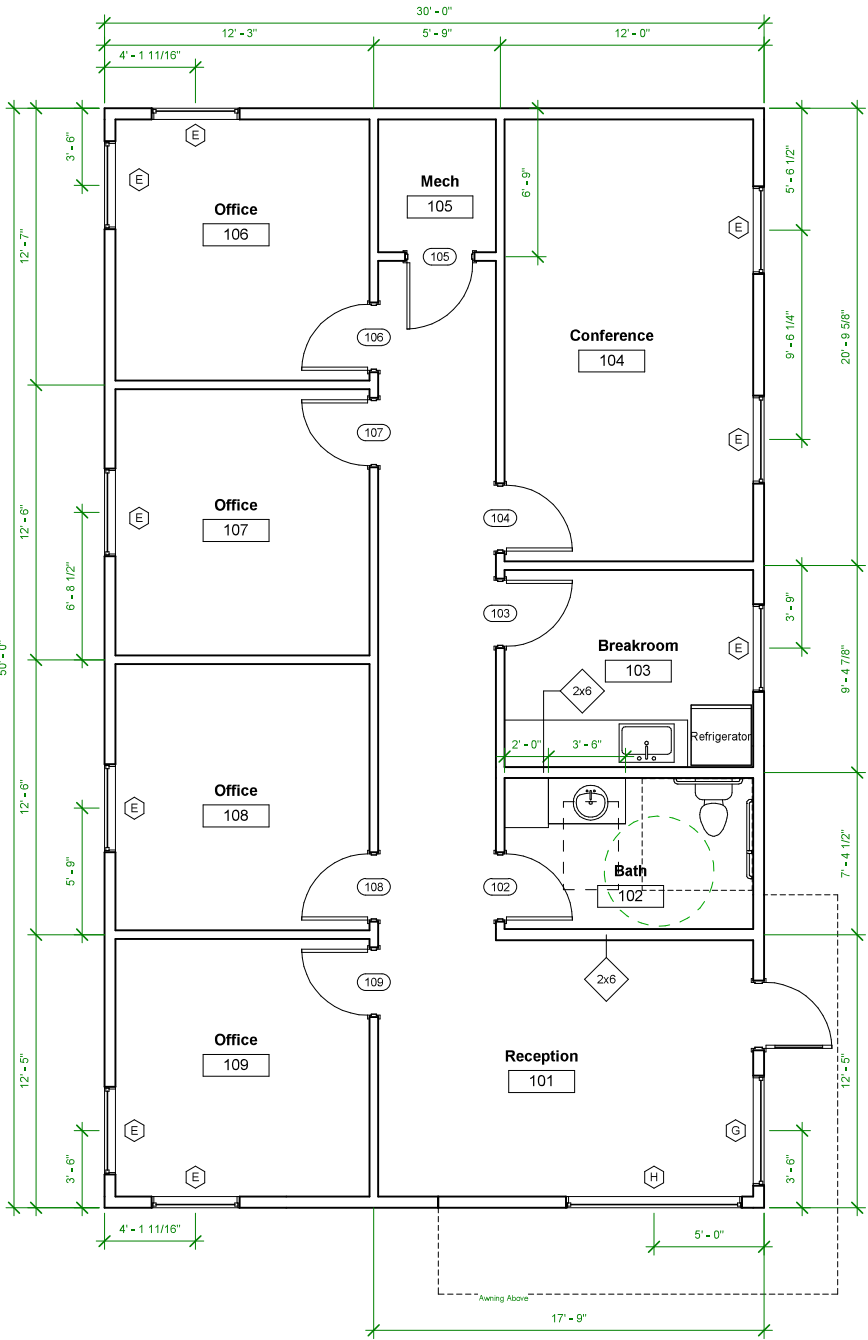
West Fargo

Date: 7/1/2022

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.





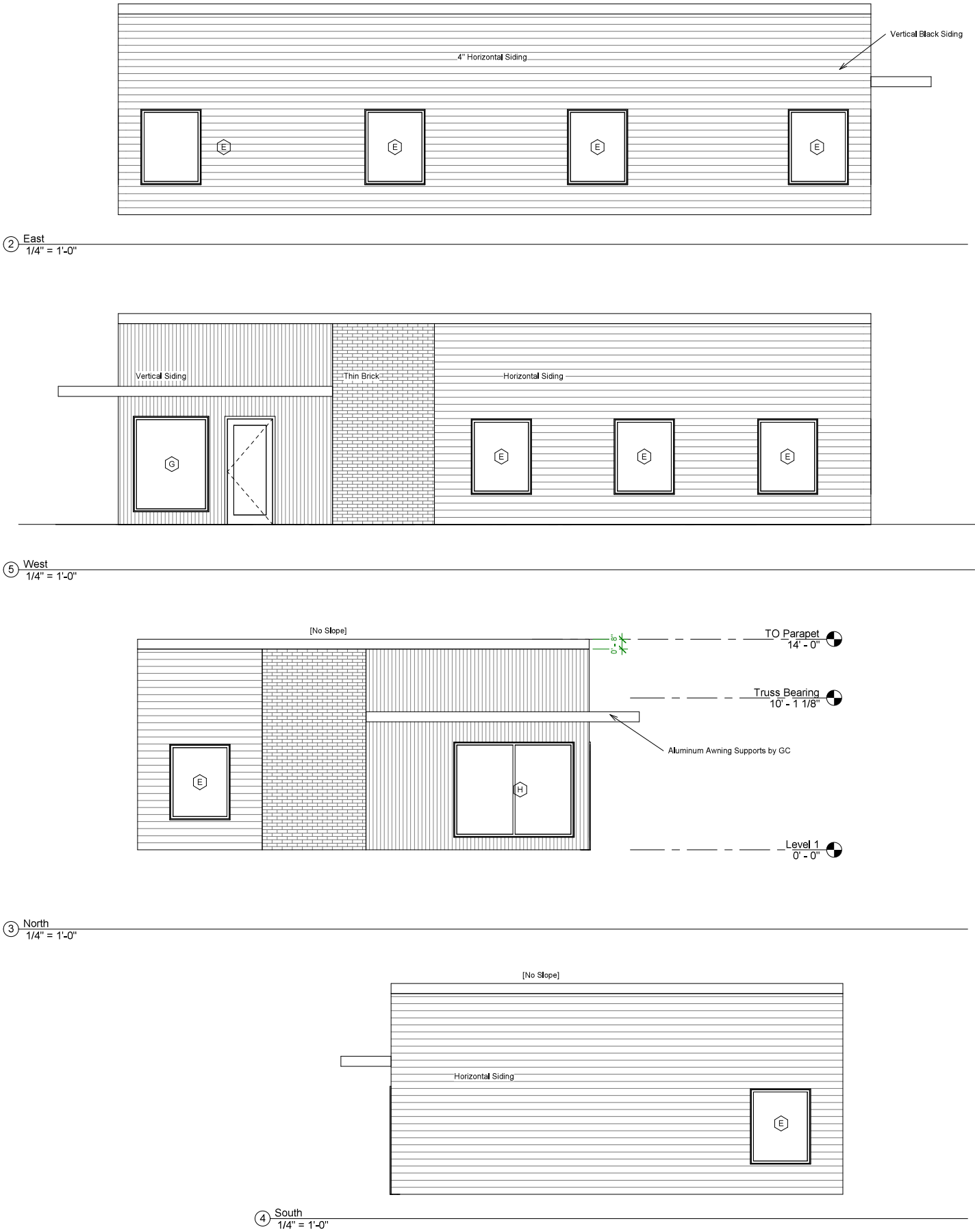


① Level 1
1/4" = 1'-0"

CONSTRUCTION NOTES
WALL HEIGHT = 10' - 1 1/8", TYP.
-16" OC STUD SPACING, TYP.
-VERIFY ROUGH OPENINGS WITH G.C.
-PROVIDE HANDRAIL BACKING

Window Schedule						
Type	Mark	Type	Width	Height	Rough Height	Rough Width
E		4050	4' - 0"	5' - 0"		
G		5064	5' - 0"	6' - 4"		
H		8064	8' - 0"	6' - 4"		
Grand total:			11			

Door Schedule		
Mark	Width	Height
102	3' - 0"	7' - 0"
103	3' - 0"	7' - 0"
104	3' - 0"	7' - 0"
105	3' - 0"	7' - 0"
106	3' - 0"	7' - 0"
107	3' - 0"	7' - 0"
108	3' - 0"	7' - 0"
109	3' - 0"	7' - 0"
116	3' - 0"	7' - 0"



③ North
1/4" = 1'-0"

④ South
1/4" = 1'-0"

Project Number	6/29/2022 4:30:36 PM
Author	

NAME: _____ DATE: _____

SUBMITTER ACCEPTS PLAN AS SHOWN.

Eagle Run Lot 4 - 779 32 AVE W, West Fargo

PAGE: **A101**

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PROJECT INFORMATION

PROJECT SUMMARY NOTES

LEGAL DESCRIPTION: LOTS 1-4, BLOCK 1 OF EAGLE RUN PLAZA 12TH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

AREA: LOT 1 - 10,105 S.F. (0.23 ACRES)
LOT 2 - 9,896 S.F. (0.227 ACRES)
LOT 3 - 9,896 S.F. (0.227 ACRES)
LOT 4 - 9,896 S.F. (0.227 ACRES)

ZONING: "C" DISTRICT - LIGHT COMMERCIAL DISTRICT AND "CO" DISTRICT - CORRIDOR OVERLAY DISTRICT

EXISTING USE OF PROPERTY: VACANT

PROPOSED USE OF PROPERTY: 1 OFFICE BUILDING AND PARKING LOT PER LOT

DEVELOPER: MIKE GRAHAM
FOUR HORSEMEN, LLC
3259 OAK RIDGE LOOP EAST
WEST FARGO, ND 58078
MIKE@MAGNUMELECTRIC.NET

ENGINEER: KYLE McCAMY, PE
MOORE ENGINEERING, INC.
925 10TH AVENUE EAST, SUITE 1
WEST FARGO, ND 58078
KYLE.McCAMY@MOOREENGINEERINGINC.COM
(701) 282-4692

BASE ZONING DISTRICT REQUIREMENTS

NONE REQUIRED

CORRIDOR OVERLAY DISTRICT REQUIREMENTS

FRONT YARD: MINIMUM: 15 FEET (NOT ABUTTING DESIGNATED STREET)
PROVIDED: 35.81 FEET - LOT 1 (SOUTH)
34.25 FEET - LOT 2 (NORTH)
34.25 FEET - LOT 3 (NORTH)
34.25 FEET - LOT 4 (SOUTH)

SIDE YARD: MINIMUM: 10 FEET
PROVIDED: 10 FEET - LOT 1 (NORTH)
10 FEET - LOT 2 (SOUTH)
10 FEET - LOT 3 (SOUTH)
10 FEET - LOT 4 (NORTH)

REAR YARD: MINIMUM: 10 FEET (NOT ABUTTING DESIGNATED STREET)
PROVIDED: 10.5 FEET - LOT 1 (WEST)
10.5 FEET - LOT 2 (WEST)
20.5 FEET - LOT 3 (EAST)
20.5 FEET - LOT 4 (EAST)

LOT COVERAGE BY BUILDINGS: MAXIMUM: 40% (4,042 S.F. - LOT 1, 3,958.40 S.F. - LOTS 2-4)
PROVIDED: 14.84% - LOT 1 (1,500 S.F.)
15.16% - LOT 2 (1,500 S.F.)
15.16% - LOT 3 (1,500 S.F.)
15.16% - LOT 4 (1,500 S.F.)

OPEN SPACE LANDSCAPING OF LOT AREA: MINIMUM: 10% (1,010.50 S.F. - LOT 1, 989.60 S.F. - LOTS 2-4)
PROVIDED: 23.82% - LOT 1 (2,406.65 S.F.)
20.66% - LOT 2 (2,044.93 S.F.)
14.28% - LOT 3 (1,412.96 S.F.)
16.94% - LOT 4 (1,676.40 S.F.)

LANDSCAPED OPEN SPACE TO SEPARATE PARKING AREAS OR ACCESS DRIVES AND FRONT LOT LINES:

MINIMUM: 5 FEET
PROVIDED: 5 FEET - LOT 1 (SOUTH)
25 FEET - LOT 2 (NORTH)
25 FEET - LOT 3 (NORTH)
5 FEET - LOT 4 (SOUTH)

LANDSCAPED OPEN SPACE TO SEPARATE PARKING AREAS AND BUILDING SETBACK LINES:

MINIMUM: 5 FEET
PROVIDED: 5 FEET - LOT 1 (EAST)
5 FEET - LOT 2 (EAST)
5 FEET - LOT 3 (WEST)
5 FEET - LOT 4 (WEST)

OFF-STREET PARKING AND LOADING REQUIREMENTS

OFF-STREET PARKING: MINIMUM: 45 SPACES
15 SPACES - LOT 1 (1 SPACE PER 200 S.F. OF GROSS FLOOR AREA: 1 SPACE / 200 S.F. X 3,000 S.F. = 15, SO 15 SPACES)
15 SPACES - LOT 2 (1 SPACE PER 200 S.F. OF GROSS FLOOR AREA: 1 SPACE / 200 S.F. X 3,000 S.F. = 15, SO 15 SPACES)
7 SPACES - LOT 3 (1 SPACE PER 200 S.F. OF GROSS FLOOR AREA: 1 SPACE / 200 S.F. X 1,500 S.F. = 7.5, SO 7 SPACES)
8 SPACES - LOT 4 (1 SPACE PER 200 S.F. OF GROSS FLOOR AREA: 1 SPACE / 200 S.F. X 1,500 S.F. = 7.5, SO 8 SPACES)
PROVIDED: 45 SPACES (CUMULATIVE GROSS FLOOR AREA = 9,000 S.F.; 1 SPACE / 200 S.F. X 9,000 S.F. = 45, SO 45 SPACES)
15 SPACES - LOT 1 (14 REGULAR SPACES AND 1 SPACE FOR PERSONS WITH DISABILITIES)
14 SPACES - LOT 2 (13 REGULAR SPACES AND 1 SPACE FOR PERSONS WITH DISABILITIES)
7 SPACES - LOT 3 (6 REGULAR SPACES AND 1 SPACE FOR PERSONS WITH DISABILITIES)
9 SPACES - LOT 4 (8 REGULAR SPACES AND 1 SPACE FOR PERSONS WITH DISABILITIES)

PARKING FOR PERSONS WITH DISABILITIES:

MINIMUM: 2 SPACES - LOT 1-4 (1 VAN ACCESSIBLE SPACE AND 1 ACCESSIBLE SPACE FOR LOT WITH 26-40 TOTAL SPACES*)
PROVIDED: 4 SPACES - LOT 1-4 (4 VAN ACCESSIBLE)
*DEVELOPER TO COORDINATE PREPARATION/EXECUTION OF SHARED PARKING AGREEMENT FOR ADA STALL USE.

OFF-STREET LOADING: N/A - EACH OFFICE OR RESEARCH BUILDING IS LESS THAN 20,000 S.F.

LANDSCAPING REQUIREMENTS

ONSITE LANDSCAPING: MINIMUM: 161 PLANT UNITS
41 PLANT UNITS - LOT 1 (4 PLANT UNITS FOR EVERY 1,000 S.F. OF LOT: 10,105 S.F. X 4 PLANT UNITS / 1,000 S.F. = 40.42, SO 41 PLANT UNITS)
40 PLANT UNITS - LOT 2 (4 PLANT UNITS FOR EVERY 1,000 S.F. OF LOT: 9,896 S.F. X 4 PLANT UNITS / 1,000 S.F. = 39.58, SO 40 PLANT UNITS)
40 PLANT UNITS - LOT 3 (4 PLANT UNITS FOR EVERY 1,000 S.F. OF LOT: 9,896 S.F. X 4 PLANT UNITS / 1,000 S.F. = 39.58, SO 40 PLANT UNITS)
40 PLANT UNITS - LOT 4 (4 PLANT UNITS FOR EVERY 1,000 S.F. OF LOT: 9,896 S.F. X 4 PLANT UNITS / 1,000 S.F. = 39.58, SO 40 PLANT UNITS)
PROVIDED: 375 PLANT UNITS
LOT 1 - 106 PLANT UNITS
7 PLANT UNITS IN 1 SMALL, MATURE DECIDUOUS TREES (6.60%)
10 PLANT UNITS IN 1 LARGE, MATURE DECIDUOUS TREES (9.43%)
14 PLANT UNITS IN 1 SMALL, MATURE EVERGREEN TREES (13.21%)
75 PLANT UNITS IN 15 MATURE SHRUBS (70.76%)
LOT 2 - 86 PLANT UNITS
14 PLANT UNITS IN 2 SMALL, MATURE DECIDUOUS TREES (16.28%)
10 PLANT UNITS IN 1 LARGE, MATURE DECIDUOUS TREES (11.63%)
7 PLANT UNITS IN 1 SMALL, MATURE EVERGREEN TREES (8.14%)
55 PLANT UNITS IN 11 MATURE SHRUBS (63.85%)
LOT 3 - 71 PLANT UNITS
7 PLANT UNITS IN 1 SMALL, MATURE DECIDUOUS TREES (9.86%)
10 PLANT UNITS IN 1 LARGE, MATURE DECIDUOUS TREES (14.00%)
14 PLANT UNITS IN 2 SMALL, MATURE EVERGREEN TREES (19.72%)
40 PLANT UNITS IN 8 MATURE SHRUBS (56.34%)
LOT 4 - 112 PLANT UNITS
21 PLANT UNITS IN 3 SMALL, MATURE DECIDUOUS TREES (18.75%)
10 PLANT UNITS IN 1 LARGE, MATURE DECIDUOUS TREES (8.93%)
21 PLANT UNITS IN 3 SMALL, MATURE EVERGREEN TREES (18.75%)
60 PLANT UNITS IN 12 MATURE SHRUBS (53.57%)

BOULEVARD TREES: MINIMUM: 7 TREES (1 TREE PER 30 FT OF LOT FRONTAGE: 210.79 FT X 1 TREE / 210.79 FT FRONTAGE = 7.226, SO 7 TREES)
PROVIDED: 5 TREES (ALONG 33RD AVENUE WEST) (EXISTING ACCESS ROADWAYS AND CITY STREET LIGHTS LESSENS BOULEVARD SPACE FOR ALL REQUIRED TREES)

BUFFER YARD PLANTINGS: N/A - DISTRICT IS NOT IN BUFFER YARDS, SCREENING, AND ZONING STANDARDS TABLE.

SCREENING: MINIMUM: TRASH DUMPSTERS OR CONTAINERS USED FOR RECYCLING SHALL BE SCREENED ON THREE SIDES WITH ARCHITECTURAL SCREENING
PROVIDED: SCREENED TRASH/DUMPSTER RECYCLING AREA PER CITY'S TYPICAL DETAIL.

PARKING LOT PERIMETER LANDSCAPING:

MINIMUM: LANDSCAPING WHEN PARKING LOT PERIMETERS, INCLUDING DRIVEWAYS AND DRIVE AISLES, ARE NOT ENTIRELY SCREENED BY A BUILDING OR STRUCTURE FROM ANY ABUTTING RIGHT-OF-WAY
PROVIDED: PLANTINGS ALONG NORTH AND SOUTH EDGES OF PARKING LOT

PARKING LOT INTERIOR LANDSCAPING:

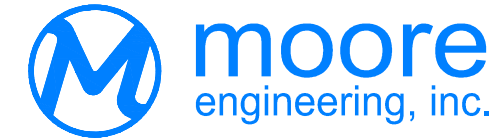
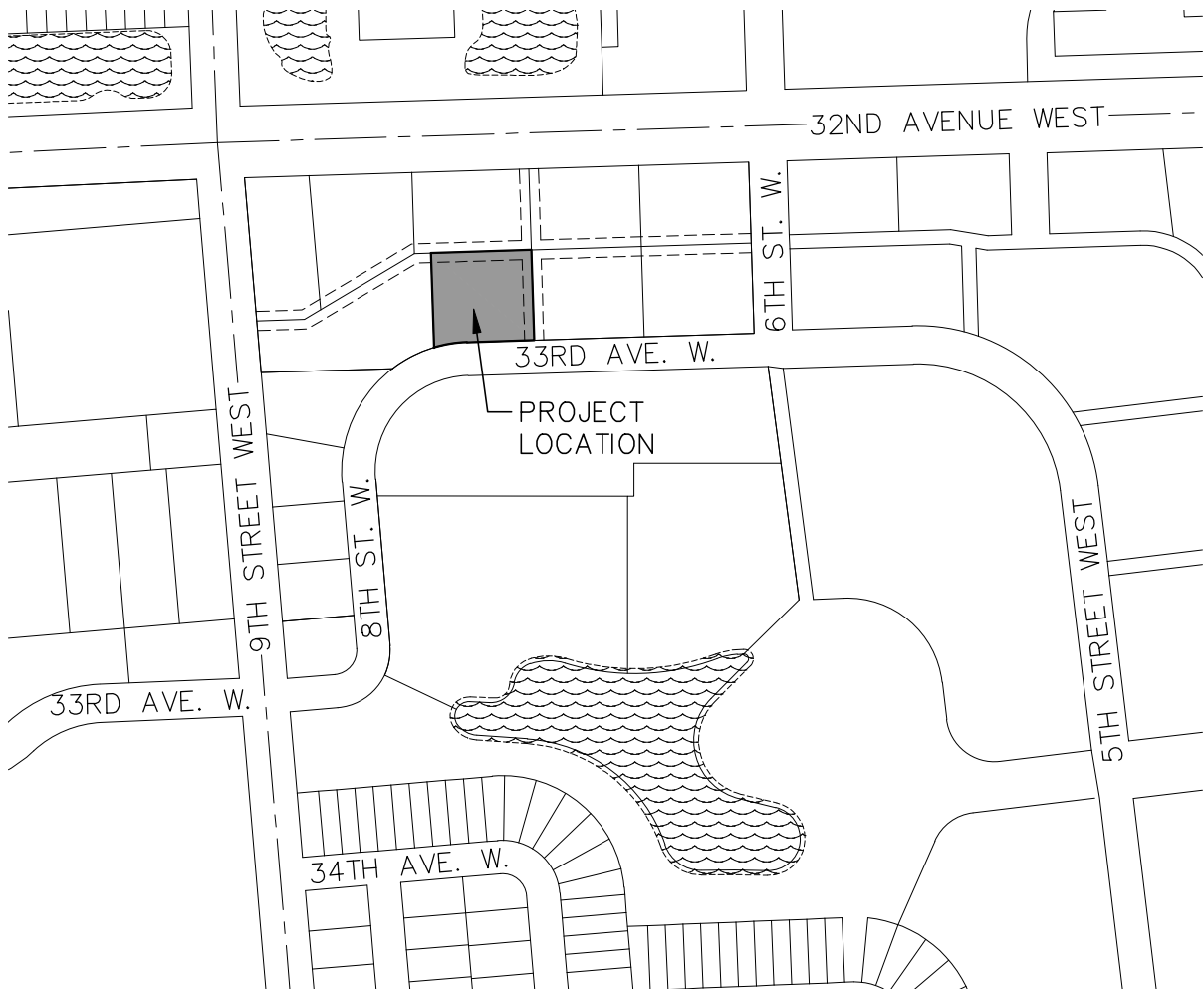
MINIMUM: VEHICULAR USE AREAS CONTAINING MORE THAN 6,000 SQUARE FEET OF AREA OR 20 OR MORE CONTINUOUS PARKING SPACES (40 BACK TO BACK) SHALL PROVIDE AN ISLAND OR PENINSULA
PROVIDED: 171 S.F. ISLAND

LOTS 1-4 OFFICE CONDOS

EAGLE RUN PLAZA 12TH ADDITION

WEST FARGO, NORTH DAKOTA

VICINITY MAP



Consulting Engineering • Land Surveying

925 10th Avenue East, Suite 1 • West Fargo, North Dakota

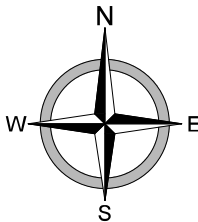
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TABLE OF CONTENTS

SHEET	1	OF	10	G-001	COVER SHEET
SHEET	2	OF	10	C-001	CIVIL NOTES
SHEET	3	OF	10	C-002	CIVIL NOTES AND LEGEND
SHEET	4	OF	10	C-401	UTILITY PLAN
SHEET	5	OF	10	C-402	SITE PLAN
SHEET	6	OF	10	C-403	GRADING PLAN
SHEET	7	OF	10	C-404	EROSION PREVENTION AND SEDIMENT CONTROL PLAN
SHEET	8	OF	10	C-405	LANDSCAPE PLAN
SHEET	9	OF	10	C-501	TYPICAL DETAILS
SHEET	10	OF	10	C-502	TYPICAL DETAILS

STORM WATER RETENTION REQUIREMENTS

STORM WATER RETENTION:		LOT SIZE:	39,795.11 S.F. (0.91357 ACRES)
		% IMPERVIOUS:	80% (31,836.09 S.F.) 66% (26,253.78 S.F.) BUILDINGS, VEHICULAR AREAS, PEDESTRIAN AREAS 14% (5,688.23 S.F.) EXISTING ACCESS ROADWAY
REQUIRED:		7,973 C.F. (0.91357 ACRES AT 80% IMPERVIOUS)	
EXISTING:		5,670 C.F. (EAGLE RUN EAST REGIONAL POND FOR UP TO 70% IMPERVIOUS)	
PROVIDED:		2,341 C.F.	1,293 C.F. IN 183" OF 36" STORM SEWER PIPES 353 C.F. IN 72" OF 30" STORM SEWER PIPES 124 C.F. IN 60" STORM SEWER MANHOLE M1* 231 C.F. IN 84" STORM SEWER MANHOLE M2* 229 C.F. IN 84" STORM SEWER MANHOLE M3* 111 C.F. IN 60" STORM SEWER MANHOLE M4*
TOTAL:		8,011 C.F.	* BELOW SITE'S "BREAK-EVEN" ELEVATION OF 900.00



This document was originally issued and sealed by **Kyle J. McCamy**, Registration No. PE-6396, on **07/19/21** and the original document is stored at **Moore Engineering, Inc., West Fargo, N.D.**



COVER SHEET
LOTS 1-4 OFFICE CONDOS
EAGLE RUN PLAZA 12TH ADDITION
WEST FARGO, NORTH DAKOTA
COVER SHEET

DATE:	06.09.21
REVISED:	07.19.21
REVISED:	----
REVISED:	----
REVISED:	----
RECORD:	----
PROJECT No.	21933
MANAGER:	CPB
DESIGNER:	MJP
DRAFTER:	KAG
REVIEWER:	CPB

G-001

SHEET 1 OF 10



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SITE PLAN
LOTS 1-4 OFFICE CONDOS
EAGLE RUN PLAZA 12TH ADDITION
WEST FARGO, NORTH DAKOTA
SITE PLAN

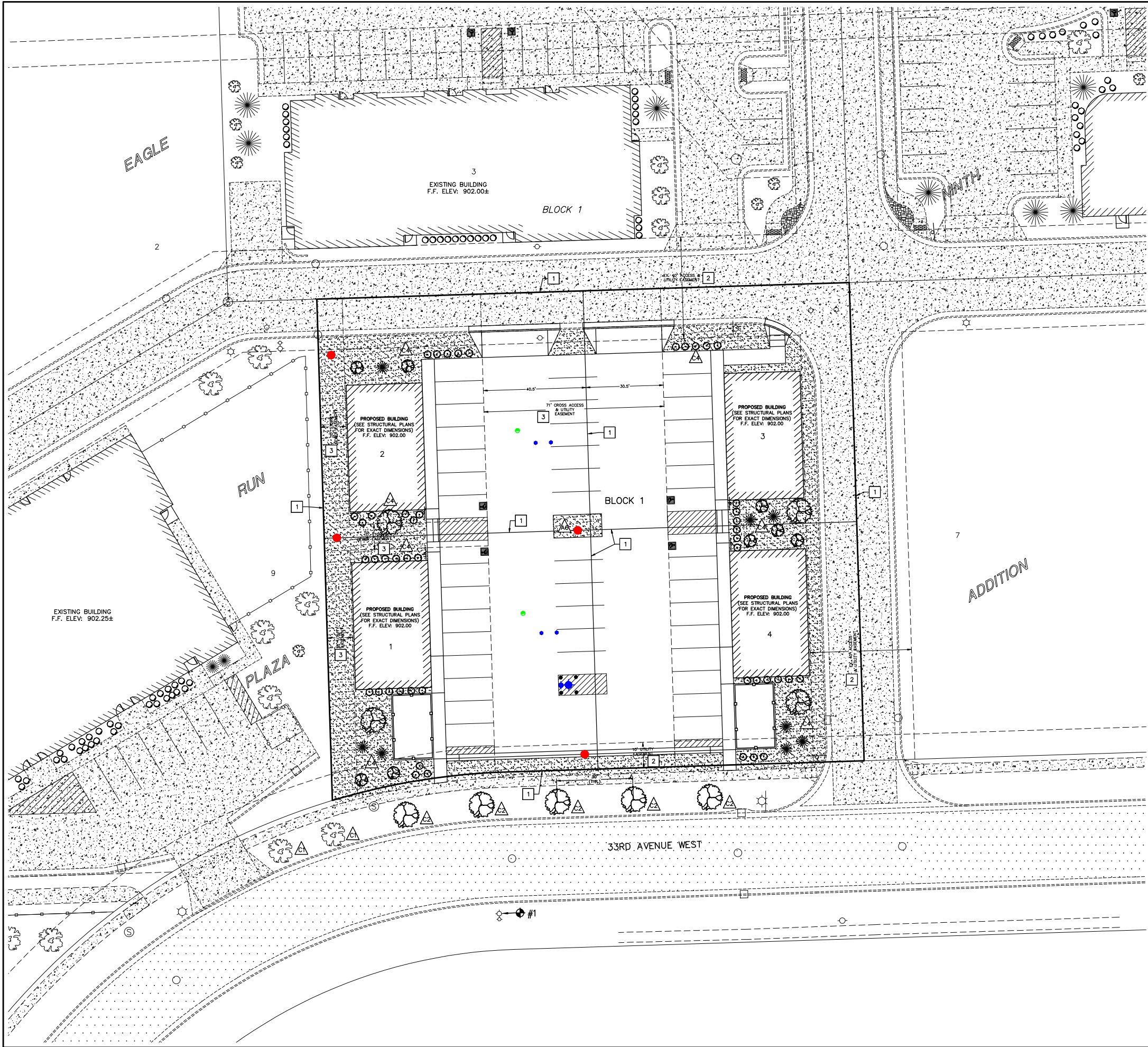
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PROJECT No.	21933
MANAGER:	CPB
DESIGNER:	MJP
DRAFTER:	KAG
REVIEWER:	CPB

C-402

SHEET 5 OF 10

FILE LOCATION: R:\Projects\21000121933\CIVIL\PRODUCTION\21933-SITE.dwg

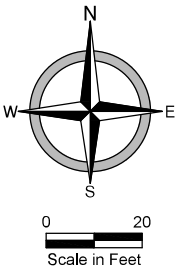


GENERAL NOTATIONS

- 1 PROPERTY LINE.
- 2 EXISTING EASEMENT.
- 3 PROPOSED EASEMENT.

LANDSCAPE NOTATIONS

- LA-7 PLANTING BED.
- EXISTING WEST FARGO BOULEVARD TREE.
- LA-21 WEST FARGO BOULEVARD TREE.
- LA-21 WEST FARGO ONSITE PLANTING.



BENCHMARK LIST			
VERTICAL DATUM: NGVD 29			
HORIZONTAL DATUM: WEST FARGO HORIZONTAL CALIBRATION			
NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT	SOUTH SIDE OF 33RD AVENUE WEST	903.60

LANDSCAPE PLAN
LOTS 1-4 OFFICE CONDOS
EAGLE RUN PLAZA 12TH ADDITION
WEST FARGO, NORTH DAKOTA
LANDSCAPE PLAN

DATE:	06.09.21
REVISED:	07.19.21
REVISED:	----
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RECORD:	----

PROJECT No.	21933
MANAGER:	CPB
DESIGNER:	MJP
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REVIEWER:	CPB

C-405

SHEET 8 OF 10

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MEMORANDUM

TO: West Fargo City Commission
FROM: Aaron Nelson, Planning Director
DATE: July 11, 2022
SUBJECT: City of West Fargo Planning Needs Assessment

The Planning Department has partnered with consultant PlaceMakers, LLC to conduct a citywide assessment of planning resources and need. The purpose of this assessment is to clarify the City's current planning/development-related issues, to prioritize the areas of greatest future need for the City, and to build consensus around associated action steps. The Planning Department intends to utilize the results of this effort to inform its work plan for 2023 and beyond, contingent upon corresponding resource allocation to support this work as applicable. This effort seeks to advance and build upon the recommendations of the City's Comprehensive Plan, West Fargo 2.0.

This needs assessment is just kicking-off and is scheduled for completion early this fall. The scope of work focuses primarily on City stakeholder input, discussion, and consensus building. To this end, the consultant has started gathering input from City staff and members of the City's Planning & Zoning Commission. To gather initial input and direction from the City Commission, the consultant will assemble an online questionnaire that will be distributed to Commissioners in the near future. Next, the consultant will work with City staff and the Planning & Zoning Commission to draft a needs assessment and associated action steps, which would then be presented for consideration and discussion with the City Commission, likely in September.

This information is being presented to the City Commission to provide some background context for an upcoming request for participation in an online questionnaire and future discussions relating to prioritization of the City's planning needs. Included below are a few project highlights. This is an informational item and there is no requested action other than to receive and file the information.

Project Highlights:

Primary Issue: In summary, there is a general lack of agreement on where the City (and specifically its Planning Department) should be focusing its planning and community development efforts within the next few years. There are many various issues that exceed the capacity and resources available to sufficiently study and to address. Many of these issues have been identified within the West Fargo 2.0 Comprehensive Plan, while others have come to light more recently. What's more, there is no clear consensus as to which of these issues should have priority.

Project Outcomes:

- A clear understanding of existing and potential planning & development-related issues the City may need to address within the next 10 years.
- General agreement on which planning & development-related issues the City should prioritize and focus resources (and, consequently, which issues should not be given attention)
- A clear understanding of the resources needed to address key planning & development-related issues.
- Defined and tangible implementation actions and recommendations

Anticipated Deliverables:

- A needs assessment document, which includes a summary of the process, identification of issues and needs, supporting rationale for identified needs, etc.
- An action plan document, which includes a strategy to implement recommendations, and including such things as timelines, roles & responsibilities, necessary resources, and anticipated funding sources.
- Presentation of findings and recommendations to the City

Policy Analysis:

The City's Comprehensive Plan, West Fargo 2.0, calls for "the City's Planning Department to coordinate with other city departments to request funds and schedule special studies consistent with the timeframes presented in the [plan implementation] matrix" (pg. 149). The Plan also notes that, "In order to implement many of the recommendations in this document, revisions need to be made to the local zoning regulations, as well as supporting policies and ordinances. Additional Plans and studies for specific sites will be needed to support their implementation" (pg. 149).

Financial Analysis:

This project was initiated via task order through the City's existing Master Service Agreement with PlaceMakers, LLC for on-call planning services, utilizing budgeted 2022 funds for professional services. No additional funding is being requested for this project.

Recommended Action:

This is an information item. Recommended action is to receive and file.

*** Consent Agenda ***

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Malachi Petersen
2. PHONE NUMBER: 515-5377 DATE: July 13, 2022
3. AGENDA TITLE:
Final Approval – Southdale 5th Addition, A Replat of Lot 1, Block 1 of Southdale 4th Addition to vacate public easements.
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
The applicant is proposing to replat the lot in order to vacate utility easements dedicated to the City of West Fargo as agreed upon between the City and Developer. At their June 14, 2022 meeting the Planning & Zoning Commission recommended approval of the replat.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Located at 250 9 ½ Avenue West (Lot 1, Block 1 of Southdale 4th Addition), City of West Fargo, North Dakota.
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Approve the replat of Lot 1, Block 1 of Southdale 5th Addition to vacate utility easements dedicated to the City of West Fargo as recommended by the Planning & Zoning Commission at their June 14, 2022 meeting.

STAFF REPORT

A22-13 REPLAT	
Southdale 5 th Addition	
All of Block 1 of Southdale 4 th Addition (250 9 ½ Ave W), City of West Fargo, North Dakota	
Applicant: Housing Authority of Cass County Owner: HACC Development LLC	Staff Contact: Malachi Petersen
Planning & Zoning Commission Public Hearing:	06-14-2022
City Commission Final Plat Approval:	07-18-2022

PURPOSE:

Replat to vacate utility easements dedicated to the City of West Fargo.

STATEMENTS OF FACT:

Land Use Classification:	G-4A Core Retrofit Growth Area
Existing Land Use:	Medium Density Multiple Dwelling units
Current Zoning District(s):	R-2: Limited Multiple Dwelling
Zoning Overlay District(s):	CO-R: Redevelopment Corridor Overlay
Proposed Lot size(s) or range:	187,001 ft ²
Total area size:	187,001 ft ²
Adjacent Zoning Districts:	North – PUD: Planned Unit Development; West – R-1A: Single Family Dwellings; South & East – R-2: Limited Multiple Dwellings
Adjacent street(s):	9 ½ Avenue West (Local); Sheyenne Street (Arterial), 8 th Ave W (Local); 2 nd St W (Local)
Adjacent Bike/Pedestrian Facilities:	Adjacent Sidewalks
Available Parks/Trail Facilities:	South Elementary, Herb Tintes Park, and Veteran's Memorial Pool within ¼ mile.
Park Dedication Requirements:	The area is developed.

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for a replat to vacate utility easements dedicated to the City of West Fargo to make water and sewer lines privately owned and operated.
- In 2020 a replat, vacation of a portion of 9th Ave W, as well as an application for conditional use permit for a multiple dwelling structure on the property was approved by the City. At that time plans were made for the utilities to be privately installed before being transferred to the City at a later date. Recently a mutual decision was made between the City and Developer to transfer ownership of all sewer, water and storm infrastructure within the property from the City to the Developer. As such, the public easements now need to be vacated.

NOTICES:

Sent to:	Hearing notice in the official newspaper and applicable agencies and departments
Comments Received:	

STAFF REPORT

- None received by staff to date.

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

- N/A

RECOMMENDATIONS:

It is recommended that the City approve the proposed application with recommended conditions of approval as follows:

1. An updated drainage plan is approved by the City Engineer, if necessary.

PLANNING AND ZONING RECOMMENDATION:

At their June 14, 2022 meeting the Planning and Zoning Commission recommended approval of the replat.



West Fargo GIS, City of West Fargo, Fugro

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.

Location

Date: 6/10/2022

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

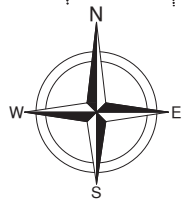
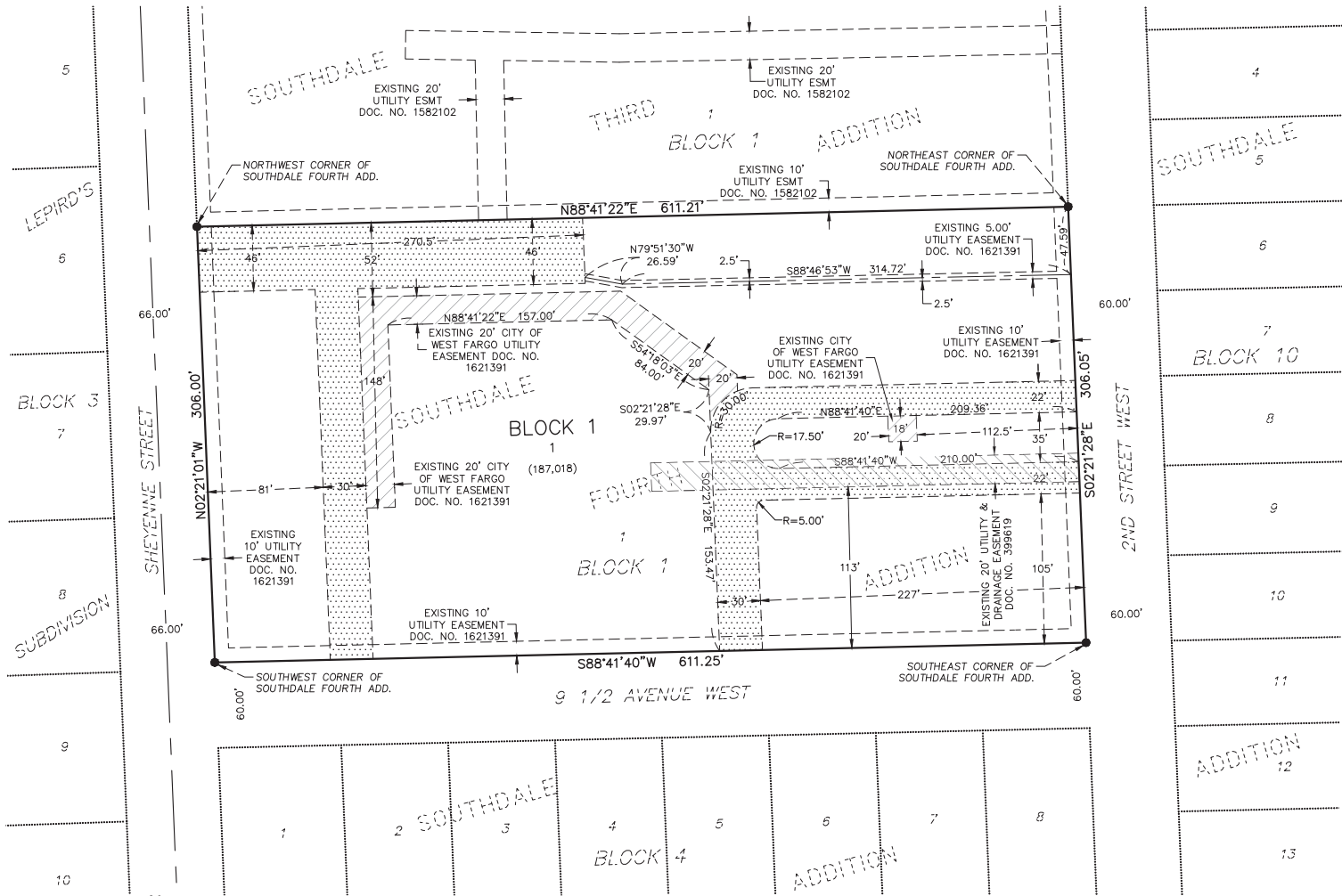




These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Zoning	
Date: 6/10/2022	
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.	

PLAT OF
SOUTHDALE FIFTH ADDITION
TO THE CITY OF WEST FARGO, A REPLAT OF SOUTHDALE FOURTH ADDITION
TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA.



0 60
Scale in Feet

BASIS OF BEARINGS: SOUTHDALE
FOURTH ADDITION ACCORDING TO
THE RECORDED PLAT THEREOF.

LEGEND

- IRON MONUMENT FOUND
(31,963)
- EXISTING CROSS ACCESS AND UTILITY
EASEMENT DOC. NO. 1621391
- INDICATES CITY OF WEST FARGO UTILITY
EASE- TO BE VACATED WITH THIS DOC.
- INDICATES UTILITY AND DRAINAGE EASE. DOC.
NO. 399619 TO BE VACATED WITH THIS DOC.

EASEMENT OF RECORD

- MEMORANDUM OF SERVICE AND EASEMENT
AGREEMENT TO MIDCONTINENT COMMUNICATIONS,
RECORDED AS DOCUMENT NO. 1213046.

NOTES

- THIS PLAT IS INTENDED TO VACATE THE CITY OF WEST
FARGO UTILITY EASEMENTS AS DEDICATED IN SOUTHDALE
FOURTH ADDITION AS INDICATED ON THIS PLAT.
- THE UTILITY AND DRAINAGE EASEMENT DOCUMENT NO.
399619, RECORDED JUNE 7, 1965 IN BOOK I-4 MISC.,
PAGE 62, DESCRIBED AS THE NORTH 20 FEET OF THE
SOUTH 133 FEET OF THE EAST 300 FEET OF BLOCK 3,
SOUTHDALE ADDITION IS TO BE VACATED WITH THIS PLAT

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 _____, 2022.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE,
PERSONALLY APPEARED JOHN T. SHOCKLEY, CITY ATTORNEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE
FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

JACOB R. DUCHSHERER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "SOUTHDALE FIFTH ADDITION"
TO THE CITY OF WEST FARGO; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT
MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

ALL OF SOUTHDALE FOURTH ADDITION TO THE CITY OF WEST FARGO, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF RECORDER, CASS COUNTY, NORTH
DAKOTA.

SAID TRACT CONTAINS 187,018 SQUARE FEET, MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

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

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JACOB R. DUCHSHERER REGISTERED LAND
SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND
DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "SOUTHDALE FIFTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF
SOUTHDALE FOURTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND
CERTIFICATE OF JACOB R. DUCHSHERER, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY
DEDICATE ALL "UTILITY AND CROSS ACCESS EASEMENTS" AND "UTILITY EASEMENTS" SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: HACC REDEVELOPMENT, LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY

BY: THE HOUSING AUTHORITY OF CASS COUNTY
ITS: MANAGER AND SOLE MEMBER

M. BLAKE STREHLOW, EXECUTIVE DIRECTOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED M. BLAKE STREHLOW, KNOWN TO ME TO BE
THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF HACC REDEVELOPMENT, LLC, A NORTH
DAKOTA LIMITED LIABILITY COMPANY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2022.

JOSEPH F. KOLB, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOLB, CHAIRMAN OF THE WEST
FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN
THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2022.

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

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS, PRESIDENT OF THE
WEST FARGO CITY COMMISSION, AND TINA FISK, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME
THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2022.

DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE,
PERSONALLY APPEARED DUSTIN T. SCOTT, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE
FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS CITY ENGINEER.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA





Year To Date As of May 31, 2022

Prepared by: Jim Larson

Budgeted Funds		Revenue/Transfers			Expenditure/Transfers			Net			Cash
Fund	Description	Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	
1000	General Fund	\$ 12,635,244	\$ 23,010,281	\$ (10,375,037)	\$ 8,988,766	\$ 23,426,917	\$ 14,438,151	\$ 3,646,478	\$ (416,636)	\$ 4,063,114	\$ 29,205,052
2030	Share of Specials	203,452	214,670	(11,218)	216,815	214,670	(2,145)	(13,363)	-	(13,363)	(45,459)
2060	Fire Dept	4,318,036	3,828,153	489,883	2,061,206	3,960,625	1,899,419	2,256,829	(132,472)	2,389,301	613,609
7000	Library	1,541,188	1,681,478	(140,290)	570,145	1,725,276	1,155,131	971,043	(43,798)	1,014,841	1,186,855
7050	Airport	163,572	175,895	(12,323)	37,696	176,150	138,454	125,876	(255)	126,131	763,301
Total Government		\$ 18,861,492	\$ 28,910,477	\$ (10,048,985)	\$ 11,874,628	\$ 29,503,638	\$ 17,629,010	\$ 6,986,863	\$ (593,161)	\$ 7,580,024	\$ 31,723,359
2000	Sales Tax	\$ 5,671,915	\$ 13,328,000	\$ (7,656,085)	\$ 5,636,978	\$ 13,441,000	\$ 7,804,022	\$ 34,937	\$ (113,000)	\$ 147,937	\$ 217,941
2970	Capital Improvements	4,298,761	10,094,888	(5,796,127)	382,778	10,194,888	9,812,110	3,915,983	(100,000)	4,015,983	30,450,762
2971	Prairie Dog Funds	-	-	-	-	-	-	-	-	-	1,500,000
2960	Economic Development	1,383,012	3,350,000	(1,966,988)	37,765	3,300,000	3,262,235	1,345,247	50,000	1,295,247	8,709,493
2130	Municipal Highway	735,104	1,547,000	(811,896)	-	1,447,000	1,447,000	735,104	100,000	635,104	875,701
2110	Gaming	6,414	12,000	(5,586)	-	12,000	12,000	6,414	-	6,414	94,664
2XXX	Tourism & Events	1,500	-	1,500	1,000	10,000	9,000	500	(10,000)	10,500	2,162
2200	Vector Control	87,244	132,000	(44,756)	13,125	132,000	118,875	74,119	-	74,119	176,677
2210	Forestry	174,409	300,500	(126,091)	86,278	295,074	208,796	88,131	5,426	82,705	(170,994)
2230	City Utility	31,438	126,000	(94,562)	12,961	126,000	113,039	18,477	-	18,477	270,068
25XX	Police Special Funds	208,657	5,200	203,457	19,690	5,200	(14,490)	188,967	-	188,967	509,438
2950	Assets Forfeitures	11,422	30,000	(18,578)	-	30,000	30,000	11,422	-	11,422	17,699
2980	South Facility Hookup	-	50,000	(50,000)	-	-	-	-	50,000	(50,000)	3,458,678
Total Special Funds		\$ 12,609,875	\$ 28,975,588	\$ (16,365,713)	\$ 6,190,574	\$ 28,993,162	\$ 22,802,588	\$ 6,419,300	\$ (17,574)	\$ 6,436,874	\$ 46,112,289
3000	Total Debt Service	\$ 24,299,956	\$ 24,536,002	\$ (236,046)	\$ 21,249,491	\$ 27,172,790	\$ 5,923,299	\$ 3,050,465	\$ (2,636,788)	\$ 5,687,253	\$ 58,052,964
6010	Sanitation	\$ 2,006,475	\$ 4,846,500	\$ (2,840,024.71)	\$ 1,661,477	\$ 5,319,149	\$ 3,657,672	\$ 344,998	\$ (472,649)	\$ 817,647	\$ 3,447,452
6020	Water	2,945,194	8,710,000	(5,764,806)	2,356,381	7,786,254	5,429,873	588,813	923,746	(334,933)	6,953,310
6025	Sewer	1,797,060	5,109,011	(3,311,951)	1,734,087	5,355,685	3,621,598	62,973	(246,674)	309,647	1,457,264
6050	Sewage Surcharge	-	-	-	-	-	-	-	-	-	338,597
Total Enterprise		6,748,730	18,665,511	(11,916,781)	5,751,946	18,461,088	12,709,142	996,784	204,423	792,361	\$ 12,196,622
5000	Tree Fund	14,666	112,000	(97,334)	1,280	112,000	110,720	13,386	-	13,386	537,553
2050	Park Funds/State Aid	\$ 316,194	\$ 784,000	(467,806)	257,881	784,000	526,119	58,314	-	58,314	58,314
8600	Park District Special Assessment	\$ 400,203	\$ 406,669	(6,466)	375,725	406,669	30,944	24,478	-	24,478	32,023
2141	FM CVB	126,441	182,700	(56,259)	126,441	182,700	56,259	-	-	-	4
Total Agency		\$ 857,505	\$ 1,485,369	\$ (627,864)	\$ 761,327	\$ 1,485,369	\$ 724,042	\$ 96,178	\$ -	\$ 96,178	\$ 627,894
Total All Budgeted Funds		\$ 63,377,558	\$ 102,572,947	\$ (39,195,389)	\$ 45,827,967	\$ 105,616,047	\$ 59,788,080	\$ 17,549,591	\$ (3,043,100)	\$ 20,592,691	\$ 148,713,128



Year To Date As of May 31, 2022

Prepared by: Jim Larson

Non-Budgeted Funds	Revenue/Transfers			Expenditure/Transfers			Net			Cash Balances
	Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	
4000 Construction	\$ 11,040,142	\$ -	\$ 11,040,142	\$ 2,207,741	\$ -	\$ (2,207,741)	\$ 8,832,402	\$ -	\$ 8,832,402	\$ (27,371,971)
2170 Clerk of Court Bond Fund	-	-	-	-	-	-	-	-	-	50,303
2600 Future Building	-	-	-	-	-	-	-	-	-	(32,028)
2XXX Misc. Special Funds	98,164	10,000	88,164	250,662	1,897,820	1,647,158	(152,499)	(1,887,820)	1,735,321	7,532,343
7XXX Agency Funds	-	-	-	300	-	(300)	(300)	-	(300)	393,981
Total Non-Budgeted Funds	\$ 11,138,306	\$ 10,000	\$ 11,128,306	\$ 2,458,703	\$ 1,897,820	\$ (560,883)	\$ 8,679,603	\$ (1,887,820)	\$ 10,567,423	\$ (19,427,371)
All Funds Combined	\$ 74,515,864	\$ 102,582,947	\$ (28,067,083)	\$ 48,286,670	\$ 107,513,867	\$ 59,227,197	\$ 26,229,194	\$ (4,930,920)	\$ 31,160,114	\$ 129,285,757

Notes to the Financials

1	At the end of May Year To Date 2022 we remain positive compared to budget and prior year.
2	Sales tax exceed prior year collections by \$244,400 or 4.5%.



"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

Roben Anderson

Primary Portfolio:

Planning, Zoning and Engineering

Secondary Portfolio:

Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

City Administrator

Tina Fisk

Assistant City Administrator

Dustin T. Scott

To: West Fargo City Commission

From: Dan Hanson, City Engineer

Date: July 18, 2022

Subject: District No. 1339 – Stockyards 1st Addition

Action: Approve Plans and Specifications, and Authorize Advertisement for Bid

New Information and Recommendation:

As directed by the City Commission on March 21, 2022, staff has been working with the developer, GS5, LLC and our consultant, Moore Engineering to complete plans and specifications to service the Stockyards 1st Addition.

The following documents are attached for review/consideration:

- Cover Sheet from Plans and Specifications
- Draft Bid Advertisement
- Resolution Approving Plans and Specifications
- Resolution Directing Bid Advertisement

Staff Recommendation: Approve Plans and Specs, and Authorize Bid Advertisement.

Previously Presented Information and Commission Actions:

March 21, 2022-

- Staff Recommendation: Approve the Amended Engineer's Report, approve Task Order 49-2, and authorize the Engineer to prepare Plans and Specifications.
- Commission Action: Commissioner Olson moved and Commissioner Simmons seconded to approve. Commissioners George and Dardis opposed, Majority having voted aye motion carried.

September 7, 2021-

- Staff Recommendation: Approve Task Order No. 49-1 in the amount of \$267,630 for Improvement District No. 1339
- Commission Action: Commissioner Gjerdevig moved and Commissioner Simmons seconded to approve. No opposition, motion carried.

August 16, 2021 -

- Staff Recommendation: Create Improvement District No. 1339; Direct Engineer to prepare report; Approve Engineer's Report (\$2,900,000); Approve Task Order No. 49 (\$60,500); AND Direct Engineer to prepare Plans and Specifications.
- Commission Action: Commissioner Simmons moved and Commissioner Olson seconded to approve. Commissioner George was absent and not voting. No opposition, motion carried.

June 21, 2021-

- Staff Recommendation: Create Improvement District No. 1339; Direct Engineer to prepare report; Approve Engineer's Report; Approve Task Order No. 49, AND Direct Engineer to prepare Plans and Specifications.
- Commission Action: Commissioner Olson moved, No second. Motion failed due to lack of a second. Commissioner Gjerdevig was absent and not voting.

May 17, 2021-

- Staff Recommendation: Accept "Petition for Improvements" and authorize preliminary engineering
- Commission Action: Commissioner Simmons moved and Commissioner Olson seconded to approve. No opposition, motion carried.



IMPROVEMENT DISTRICT NO. 1339
NEW WATER SUPPLY, SEWERAGE, & INCIDENTALS

STOCKYARDS 1ST ADDITION
WEST FARGO, NORTH DAKOTA

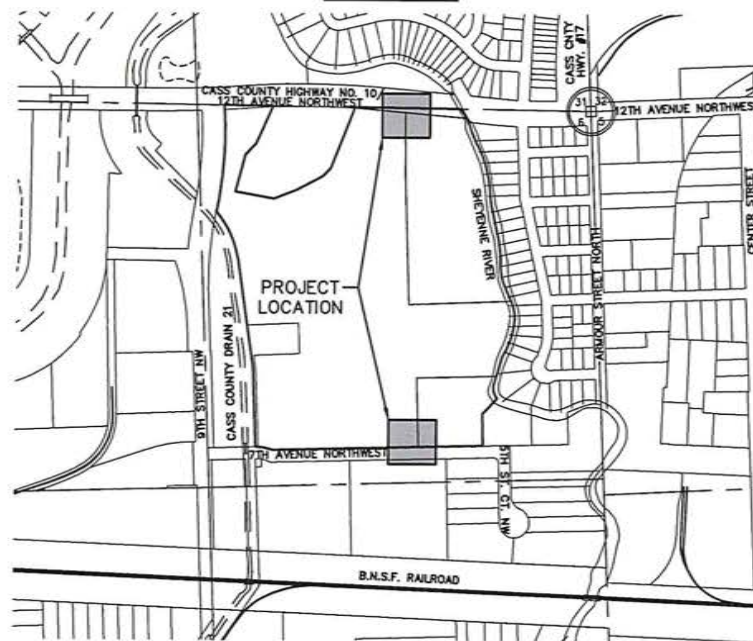
VICINITY MAP

TABLE OF CONTENTS

Sheet Number	Sheet Title
GENERAL	
G-001	COVER
CIVIL	
C-001	CIVIL LEGEND
C-002	NOTES
STORM WATER POLLUTION PREVENTION PLAN	
C-101	INITIAL DISTURBANCE PLAN
C-102	FINAL STABILIZATION PLAN
DETAILS	
C-201	SANITARY DROP STRUCTURE DETAIL
PLAN & PROFILE - UNDERGROUND	
C-401	PLAN & PROFILE UNDERGROUND-SOUTH PROJECT AREA
C-402	PLAN & PROFILE UNDERGROUND-NORTH PROJECT AREA



PROJECT No. 21797

PRELIMINARY

CITY OF WEST FARGO, NORTH DAKOTA
IMPROVEMENT DISTRICT NO. 1339
STOCKYARDS 1ST ADDITION

ADVERTISEMENT FOR BIDS

City of West Fargo is requesting Bids for the construction of the project listed above.

Bids for the construction of the Project will be received and accepted via electronic bid (vBid) through QuestCDN until August 11th, 2022 at 1:00 p.m. local time. Bids will be viewed and read via video/phone conference at 1:30 p.m. Mailed or hand delivered bids will not be opened or considered. Link for the video/phone conference is provided at www.mooreengineeringinc.com by clicking the Bid Information tab, or at www.questcdn.com.

The Project consists of constructing sanitary sewer mains, water mains, and other miscellaneous installations.

Bids will be received for a single prime Contract. Bids shall be on a unit price basis.

Digital project bidding documents will be available at www.mooreengineeringinc.com by clicking the Bid Information tab, or at www.questcdn.com. You may download the complete set of digital documents for a nonrefundable fee of \$40.00 by locating eBidDoc™ Number 8254445 on the website. Contact QuestCDN Customer Support at 952-233-1632 or info@questcdn.com for assistance in membership registration, downloading digital project information, and vBid online bid submittal questions.

Each bid must be accompanied by a bidder's bond in a sum equal to 5% of the full amount of the bid executed by the bidder as principal and by a surety, conditioned that if the principal's bid is accepted and a contract is awarded to the principal, the principal, within ten (10) days after the notice of the award, shall execute a contract in accordance with the terms of the bid and the bid bond, and any conditions of the City of West Fargo, as required by law. A countersignature of a bid bond is not required. If the City of West Fargo elects to award a contract to the lowest responsible bidder, and the lowest responsible bidder does not execute a contract within ten (10) days, the bidder's bond will be forfeited to the City of West Fargo, and the City of West Fargo may award the project to the next lowest responsible bidder.

Each bidder must possess a valid North Dakota contractor's license for the full amount of their bid, as required by N.D.C.C. § 43-07-7. Each bidder MUST enclose a copy of their Contractor's License or Certificate of Renewal, issued by the North Dakota Secretary of State, and each license must be valid and dated at least 10 days prior to the date set for bid opening, as required under N.D.C.C. § 43-07-12.

The City of West Fargo will not read or consider any bid that does not fully comply with the requirements above, or the requirements of N.D.C.C. § 48-01.2-05

Owner: City of West Fargo
By: Tina Fisk
Title: City Administrator
Date: July 18, 2022

Presented to the Board of City Commissioners the plans and specifications and estimates of cost for improvements in Improvement District No. 1339 of the City of West Fargo, North Dakota, as prepared by Daniel Hanson, the Engineer for the City.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
IMPROVEMENTS IN DISTRICT NO. 1339 - NEW WATER SUPPLY, SEWERAGE,
STREET SYSTEMS; AND INCIDENTALS OF THE CITY OF WEST FARGO

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, North Dakota, that the plans and specifications and estimates of cost for improvements in Improvement District No. 1339 - New Water Supply, Sewerage, Street Systems; and Incidentals of the City of West Fargo heretofore prepared by Daniel Hanson, Engineer for the City, be and the same hereby are approved, ratified and confirmed as the plans and specifications and estimates of cost in accordance with which said improvements shall be constructed and the City Auditor shall file the same in her office open to public inspection.

Dated: July 18, 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 _____. 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.

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

RESOLUTION DIRECTING AUDITOR TO
ADVERTISE FOR BIDS

WHEREAS, this Board has heretofore created Improvement District No. 1339 - New Water Supply, Sewerage, Street Systems; and Incidentals of the City of West Fargo; and

WHEREAS, plans and specifications and estimates of costs for said Improvement District No. 1339 have heretofore been directed to be prepared by the Engineer for the City of West Fargo; and

WHEREAS, said plans, specifications and estimates of cost have been prepared and have been approved by the Board of City Commissioners of the City of West Fargo; and

WHEREAS, it is necessary to advertise for bids for the work in said project.

NOW THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, Cass County, North Dakota, that the City Auditor be, and she is hereby authorized and directed to cause notice of Advertisement for Bids for the construction of the work heretofore directed to be made in Improvement District No. 1339- New Water Supply, Sewerage, Street Systems; and Incidentals to be published once each week for two consecutive weeks in *The Forum*, and that the City Auditor and Engineer will meet at the City Hall in the City of West Fargo, at a time and date to be determined by the City Auditor, for the purpose of opening sealed bids received prior to the time of such meeting in accordance with such published advertisement for bids for the purpose of taking such other and further action with reference thereto as shall then be deemed necessary and expedient. Such advertisements shall be published in form as provided in Section 48-01.2 of the North Dakota Century Code as amended.

Dated: July 18, 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 _____. 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.



"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

Roben Anderson

Primary Portfolio:

Planning, Zoning and Engineering

Secondary Portfolio:

Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

City Administrator

Tina Fisk

Assistant City Administrator

Dustin T. Scott

To: West Fargo City Commission

From: Dan Hanson, City Engineer

Date: July 18, 2022

Subject: Project 2262 – Concrete Pavement Repair

Action: Approve Plans and Specifications and Authorize Advertisement for Bid

New Information and Recommendation:

This project was created at the June 20, 2022 meeting and aims to improve pavement conditions and preserve the integrity of collector and arterial roadways.

Engineering staff has prepared the plans and specifications and will advertise for bid with a bid date of August 11. Advertisement will be through West Fargo bidding process.

The following documents are attached for review/consideration:

- Cover sheet, which represent the Plans and Specifications.
(Note: A full plan set is available at the Engineering Department)
- Revised cost estimate prepared by staff
- Draft Bid Advertisement – will be published for three weeks.
- Resolution Approving Plans and Specifications.
- Resolution Directing Bid Advertisement.

Staff Recommendation: APPROVE Plans and Specifications and Authorize Bid Advertisement for Project No. 2262 – "Concrete Pavement Repair"

Policy Analysis:

Concrete repair projects of a similar scope were completed in 2020 and 2021. As part of a proactive pavement management philosophy, we anticipate similar projects to continue annually. The Engineering Department will continue to collaborate pavement management projects with Public Works and strive to improve the quality and sustainability of our public streets. Public Works will use the equipment to complete work ahead of contracted services to lower future construction costs.

Financial Analysis:

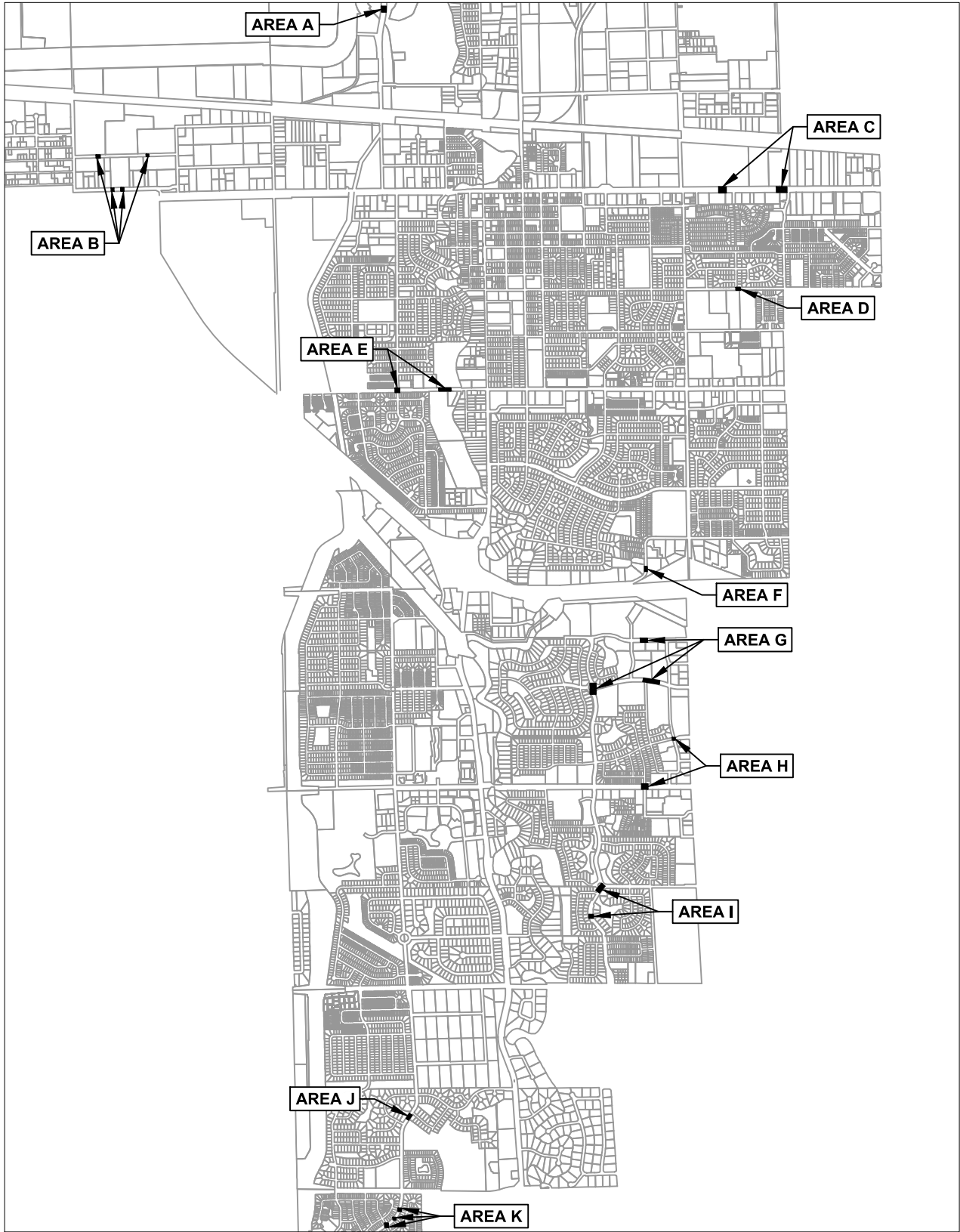
The Engineer's Report shows a total estimated cost of \$764,000 with \$654,000 for construction and \$110,000 for equipment and materials. The 2022 CIP had an estimated total cost of \$1,100,000 for both construction and the equipment/material purchase. Proposed funding is capital improvement sales tax.

Previously Presented Information and Commission Actions:

June 20, 2022-

- **Staff Recommendation:** Create Project No. 2262 and Direct Engineer to prepare report; Approve Engineer's Report and Direct Engineer to prepare Plans and Specifications. Authorize staff to purchase foam trailer equipment and materials.
- **Commission Action:** Commissioner Olson moved and Commissioner George seconded to approve. Commissioner Simmons opposed, motion carried on a 4 to 1 vote.

STREET PROJECT NO. 2262
CONCRETE PATCHING
VARIOUS LOCATIONS
WEST FARGO, NORTH DAKOTA



LOCATION MAP
NTS

Cost Estimate

Project No. 2262 – Concrete Pavement Repair

Spec	Code	Description	Units	Qty	Cost/Unit	Cost
202	114	REMOVAL OF CONCRETE PAVEMENT	SY	2108	\$20.00	\$42,160.00
202	119	SAW CUT - CONCRETE	LF	3776	\$7.50	\$28,320.00
202	130	REMOVAL OF CURB & GUTTER	LF	516	\$15.00	\$7,740.00
203	138	COMMON EXCAVATION - SUBCUT	CY	694	\$15.00	\$10,405.00
302	321	AGGREGATE SURFACE COURSE CL 5	CY	576	\$55.00	\$31,680.00
570		8IN CONCRETE PAVEMENT REPAIR-FULL DEPTH-DOWELED	SY	1662	\$125.00	\$207,750.00
570		10IN CONCRETE PAVEMENT REPAIR-FULL DEPTH-DOWELED	SY	446	\$150.00	\$66,900.00
		L				
702		MOBILIZATION	SUM	1	\$50,000.00	\$50,000.00
704	1000	TRAFFIC CONTROL	UNIT	5000	\$1.50	\$7,500.00
704	1052	TYPE III BARRICADES	EA	50	\$75.00	\$3,750.00
704	1054	SIDEWALK BARRICADE	EA	10	\$75.00	\$750.00
704	1060	DELINEATOR DRUMS	EA	300	\$30.00	\$9,000.00
704	1067	TUBULAR MARKERS	EA	300	\$10.00	\$3,000.00
704	1087	SEQUENCING ARROW PANEL-TYPE A	EA	2	\$500.00	\$1,000.00
709	401	GEOTEXTILE FABRIC-TYPE S1	SY	2108	\$3.75	\$7,905.00
722		FURNISH AND INSTALL MANHOLE - STORM	EA	8	\$3,500.00	\$28,000.00
722		FURNISH AND INSTALL MANHOLE - SANITARY	EA	3	\$3,500.00	\$10,500.00
722		FURNISH AND INSTALL MANHOLE SPACERS	EA	16	\$40.00	\$640.00
722		FURNISH AND INSTALL INLET	EA	5	\$3,000.00	\$15,000.00
722		SALVAGE AND REUSE MANHOLE	EA	8	\$2,500.00	\$20,000.00
722		SALVAGE AND REUSE INLET	EA	4	\$2,000.00	\$8,000.00
748	140	CURB & GUTTER	LF	516	\$80.00	\$41,280.00
		SUM				\$601,280.00
		10% Contingency				\$60,128.00
						\$661,408.00

CITY OF WEST FARGO, NORTH DAKOTA
STREET PROJECT NO. 2262
CONCRETE PAVEMENT REPAIR ADVERTISEMENT FOR BIDS

City of West Fargo is requesting Bids for the construction of the project listed above.

Bids for the construction of the Project will be received and accepted via electronic bid (vBid) through QuestCDN until August 11, 2022 at 10:00 a.m. local time. Bids will be viewed and read via video/phone conference at 10:30 a.m. the same day. Mailed or hand delivered bids will not be opened or considered. Link for the video/phone conference is provided at www.westfargond.gov/268/Engineer by clicking the Project Bid Information tab, or at www.questcdn.com.

The Project consists of full depth patch repairs of existing concrete pavement citywide.

Bids will be received for a single prime Contract. Bids shall be on a unit price basis as indicated in the Bid Form.

Digital project bidding documents will be available at <https://www.westfargond.gov/268/Engineer> by clicking the Project Bid Information tab, or at www.questcdn.com. You may download the complete set of digital documents for a nonrefundable fee of \$30.00 by locating eBidDoc™ Number 8254425 on the website. Please contact QuestCDN.com at 952-233-1632 or info@questcdn.com for assistance in membership registration, downloading and working with this digital project information, and online bid submittal.

Each bid must be accompanied by a bidder's bond in a sum equal to 5% of the full amount of the bid executed by the bidder as principal and by a surety, conditioned that if the principal's bid is accepted and a contract is awarded to the principal, the principal, within ten (10) days after the notice of the award, shall execute a contract in accordance with the terms of the bid and the bid bond, and any conditions of the City of West Fargo, as required by law. A countersignature of a bid bond is not required. If the City of West Fargo elects to award a contract to the lowest responsible bidder, and the lowest responsible bidder does not execute a contract within ten (10) days, the bidder's bond will be forfeited to the City of West Fargo, and the City of West Fargo may award the project to the next lowest responsible bidder.

Each bidder must possess a valid North Dakota contractor's license for the full amount of their bid, as required by N.D.C.C. § 43-07-7. Each bidder MUST enclose a copy of their Contractor's License or Certificate of Renewal, issued by the North Dakota Secretary of State, and each license must be valid and dated at least 10 days prior to the date set for bid opening, as required under N.D.C.C. § 43-07-12. The City of West Fargo will not read or consider any bid that does not fully comply with the requirements above, or the requirements of N.D.C.C. § 48-01.2-05

Owner: City of West Fargo
By: Tina Fisk
Title: City Administrator
Date: July 18, 2022

Publish Dates: July 20, 2022, July 27, 2022 and August 3, 2022

Presented to the Board of City Commissioners the plans and specifications and estimates of cost for improvements in Project No. 2262 – Concrete Pavement Repair of the City of West Fargo, North Dakota, as prepared by Daniel Hanson, the Engineer for the City.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
IMPROVEMENTS IN PROJECT NO. 2262 - CONCRETE PAVEMENT REPAIR OF
THE CITY OF WEST FARGO

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, North Dakota, that the plans and specifications and estimates of cost for improvements in Project No. 2262 – Concrete Pavement Repair of the City of West Fargo heretofore prepared by Daniel Hanson, Engineer for the City, be and the same hereby are approved, ratified and confirmed as the plans and specifications and estimates of cost in accordance with which said improvements shall be constructed and the City Auditor shall file the same in her office open to public inspection.

Dated: July 18, 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

_____. 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.

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

RESOLUTION DIRECTING AUDITOR TO
ADVERTISE FOR BIDS

WHEREAS, this Board has heretofore created Project No. 2262 – New Traffic Control System; and Incidentals of the City of West Fargo; and

WHEREAS, plans and specifications and estimates of costs for said Project No. 2262 have heretofore been directed to be prepared by the Engineer for the City of West Fargo; and

WHEREAS, said plans, specifications and estimates of cost have been prepared and have been approved by the Board of City Commissioners of the City of West Fargo; and

WHEREAS, it is necessary to advertise for bids for the work in said project.

NOW THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, Cass County, North Dakota, that the City Auditor be, and she is hereby authorized and directed to cause notice of Advertisement for Bids for the construction of the work heretofore directed to be made in Project No. 2262- New Traffic Control System; and Incidentals to be published once each week for three consecutive weeks in *The Forum*, and that the City Auditor and Engineer will meet at the City Hall in the City of West Fargo, at a time and date to be determined by the City Auditor, for the purpose of opening sealed bids received prior to the time of such meeting in accordance with such published advertisement for bids for the purpose of taking such other and further action with reference thereto as shall then be deemed necessary and expedient. Such advertisements shall be published in form as provided in Section 48-01.2 of the North Dakota Century Code as amended.

Dated: July 18, 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 _____. 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.



"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

Roben Anderson

Primary Portfolio:

Planning, Zoning and Engineering

Secondary Portfolio:

Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

City Administrator

Tina Fisk

Assistant City Administrator

Dustin T. Scott

To: West Fargo City Commission

From: Dan Hanson, City Engineer

Date: July 18, 2022

Subject: Project 2263 – Traffic Signal Installation at 9th Street E and 10th Ave E

Action: Approve Plans and Specifications; Authorize Advertisement for Bid

New Information and Recommendation:

The project was created and plans were authorized April 18, 2022. The consultant has completed the plans and specifications for the project, and Engineering staff has prepared the advertisement for bid with a bid date of August 11. Advertisement will be through West Fargo bidding process.

The following documents are attached for review/consideration:

- Cover sheet and details sheet, which represent the Plans and Specifications.
(Note: A full plan set is available at the Engineering Department)
- Cost estimate provided by consultant Bolton & Menk
- Draft Bid Advertisement – will be published for three weeks.
- Resolution Approving Plans and Specifications.
- Resolution Directing Bid Advertisement.

Staff Recommendation: APPROVE Plans and Specifications; AUTHORIZE Bid Advertisement for Project No. 2263 – Traffic Signal Installation at 9th St E and 10th Ave E.

Background and Project Summary:

With the construction of the fire station just east of 9th Street E and 10th Ave E, emergency vehicles will be passing through this intersections several times a day. A recent traffic study shows that 10th Ave has peak hour breakdowns in traffic flow that could increase response times. Removing the existing stop control, adding a traffic signal and preemption system will alleviate the congestion at these times.

Policy Analysis:

This project will improve the overall safety of the intersection and allow for emergency preemption from the adjacent fire station. It will be designed by a consultant and bid by West Fargo following local, state and federal regulations. Once complete, West Fargo will operate and maintain the signal. Based on current traffic parameters, the traffic signal doesn't meet federal warrants. This affects grant eligibility along this corridor for future projects, but will be reevaluated if/when such funding is pursued.

Financial Analysis:

The total project costs are estimated to be \$375,000 and will be covered by Capital Improvement Sales Tax funds. This project was included in the draft 2022 CIP with a total project cost estimate of \$500,000.

Previously Presented Information and Commission Actions:

April 18, 2022 –

- Staff Recommendation: Create Project 2263; Approve Engineer's Report; AND Direct Engineer to prepare Plans and Specifications
- Commission Action: Commissioner Olson moved and Commissioner Gjerdevig seconded to approve. Commissioner George was absent and not voting. No opposition, motion carried.

	STATE	PROJECT NO.	PCN	SECTION NO.	SHEET NO.
	ND	2263		1	1

CITY OF WEST FARGO

PROJECT NUMBER 2263
CASS COUNTY
WEST FARGO, NORTH DAKOTA
TRAFFIC SIGNAL AT 9TH ST E & 10TH AVE E

GOVERNING SPECIFICATIONS

Date Published and Adopted

NDDOT Standard Specifications

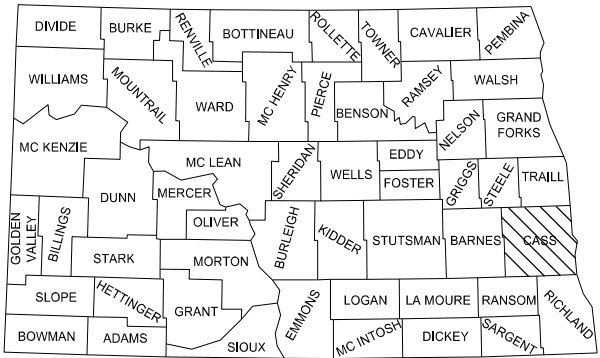
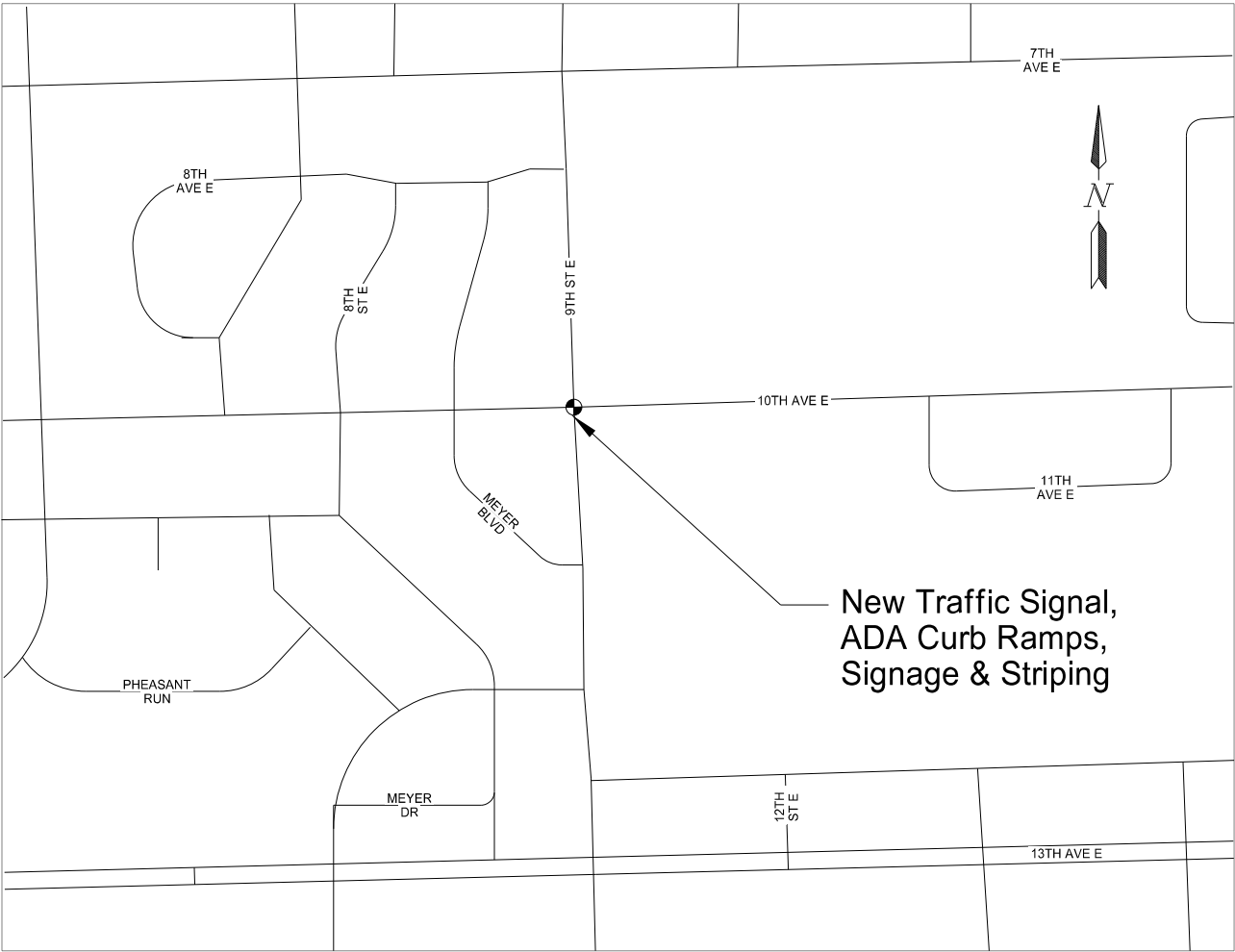
1/1/2022

City of West Fargo Engineering Specifications

5/9/2022

PROJECT NUMBER \ DESCRIPTION

2263 Traffic Signal at 9th St E and 10th Ave E



STATE COUNTY MAP

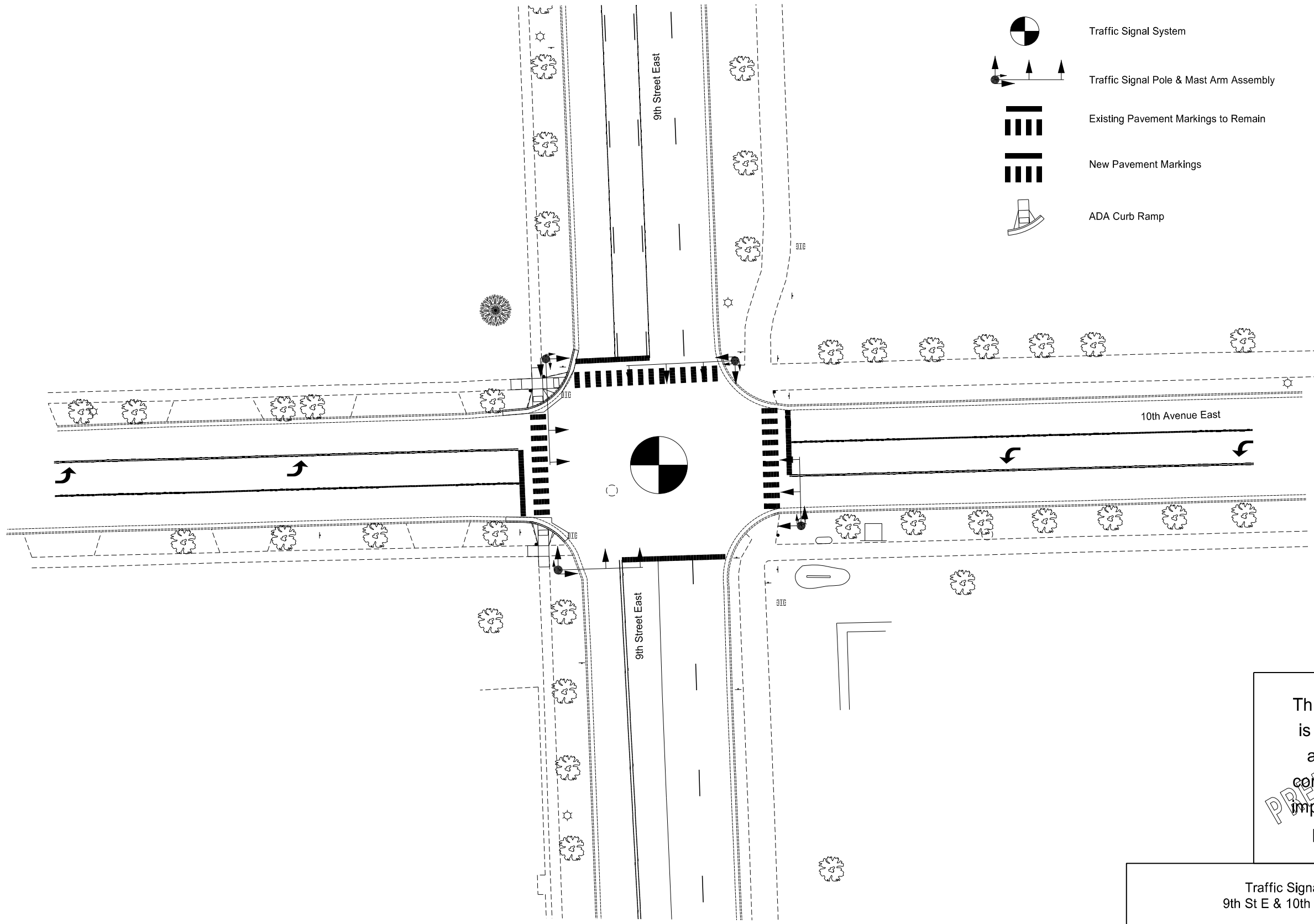
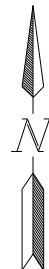
DESIGNER Traci Sletmoe
DESIGNER Chris Dahl
DESIGNER Alex Maki

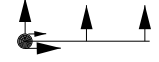
CITY OF WEST FARGO

Bolton & Menk

This document
is preliminary
and not for
construction or
implementation
purposes.

	STATE	PROJECT NO.	SECTION NO.	SHEET NO.
	ND	2263	4	1



-  Traffic Signal System
-  Traffic Signal Pole & Mast Arm Assembly
-  Existing Pavement Markings to Remain
-  New Pavement Markings
-  ADA Curb Ramp

This document
is preliminary
and not for
construction or
implementation
purposes.

Traffic Signal
9th St E & 10th Ave E
Scope of Work

Cost Estimate

Project Number:	2263	Bid Opening:	7/15/2022
PCN:	0	Estimate Scope:	FINAL
Length	0	Tied Project(s):	
City:	West Fargo		
County:	Cass	Prepared By:	<i>Traci.Sletmoe</i>
Work Description:	Traffic Signal		

Location: Enter RIMS project location

Spec	Code	Item Description	Unit	Quantity	Unit Cost	Total Cost
Traffic Signal						
103	0100	CONTRACT BOND	L SUM	1	\$3,000.00	\$3,000.00
202	0130	REMOVAL OF CURB & GUTTER	LF	65	\$12.00	\$780.00
202	0136	REMOVAL OF PAVEMENT	TON	14	\$15.00	\$210.00
251		TURF ESTABLISHMENT & PERMANENT EROSION CONTROL	L SUM	1	\$2,500.00	\$2,500.00
253	0200	HYDRAULIC MULCH	SY	150	\$2.00	\$300.00
261	0112	FIBER ROLLS 12IN	LF	130	\$2.50	\$325.00
261	0113	REMOVE FIBER ROLLS 12IN	LF	130	\$0.50	\$65.00
302	0121	AGGREGATE BASE COURSE CL 5	CY	5	\$100.00	\$500.00
702	0100	MOBILIZATION	L SUM	1	\$30,000.00	\$30,000.00
704		TEMPORARY TRAFFIC CONTROL	L SUM	1	\$2,500.00	\$2,500.00
708	1540	INLET PROTECTION-SPECIAL	EA	2	\$200.00	\$400.00
708	1541	REMOVE INLET PROTECTION-SPECIAL	EA	2	\$40.00	\$80.00
748	0140	CURB & GUTTER-TYPE I	LF	65	\$40.00	\$2,600.00
750	0115	SIDEWALK CONCRETE 4IN	SY	27	\$100.00	\$2,700.00
750	2115	DETECTABLE WARNING PANELS	SF	22	\$65.00	\$1,430.00
754		SALVAGE SIGN ASSEMBLY	EA	5	\$150.00	\$750.00
754	0110	FLAT SHEET FOR SIGNS-TYPE XI REFL SHEETING	SF	67	\$30.00	\$2,010.00
762	0110	EPOXY PVMT MK 4IN LINE-GROOVED	LF	350	\$2.50	\$875.00
762	0132	EPOXY PVMT MK 8IN LINE-GROOVED	LF	350	\$5.00	\$1,750.00
762	0135	EPOXY PVMT MK 24IN LINE-GROOVED	LF	152	\$40.00	\$6,080.00
762	0136	EPOXY PVMT MK MESSAGE-GROOVED	SF	64	\$30.00	\$1,920.00
772	9200	IT SYSTEM	EA	1	\$8,000.00	\$8,000.00
772	9811	TRAFFIC SIGNAL SYSTEM - SITE 1	EA	1	\$265,000.00	\$265,000.00

Traffic Signal Subtotal \$333,775.00

Estimate Summary and Totals

Engineering Percent: 0.00%

Subtotal:

\$333,775.00 + 0.00% Engineering = \$333,775.00

CITY OF WEST FARGO, NORTH DAKOTA
STREET PROJECT NO. 2263
TRAFFIC SIGNAL INSTALLATION ADVERTISEMENT FOR BIDS

City of West Fargo is requesting Bids for the construction of the project listed above.

Bids for the construction of the Project will be received and accepted via electronic bid (vBid) through QuestCDN until August 11, 2022 at 11:00 a.m. local time. Bids will be viewed and read via video/phone conference at 11:30 a.m. the same day. Mailed or hand delivered bids will not be opened or considered. Link for the video/phone conference is provided at www.westfargond.gov/268/Engineer by clicking the Project Bid Information tab, or at www.questcdn.com.

The Project consists of installation of a traffic signal at 9th Street E and 10th Ave E.

Bids will be received for a single prime Contract. Bids shall be on a unit price basis as indicated in the Bid Form.

Digital project bidding documents will be available at <https://www.westfargond.gov/268/Engineer> by clicking the Project Bid Information tab, or at www.questcdn.com. You may download the complete set of digital documents for a nonrefundable fee of \$30.00 by locating eBidDoc™ Number 8254426 on the website. Please contact QuestCDN.com at 952-233-1632 or info@questcdn.com for assistance in membership registration, downloading and working with this digital project information, and online bid submittal.

Each bid must be accompanied by a bidder's bond in a sum equal to 5% of the full amount of the bid executed by the bidder as principal and by a surety, conditioned that if the principal's bid is accepted and a contract is awarded to the principal, the principal, within ten (10) days after the notice of the award, shall execute a contract in accordance with the terms of the bid and the bid bond, and any conditions of the City of West Fargo, as required by law. A countersignature of a bid bond is not required. If the City of West Fargo elects to award a contract to the lowest responsible bidder, and the lowest responsible bidder does not execute a contract within ten (10) days, the bidder's bond will be forfeited to the City of West Fargo, and the City of West Fargo may award the project to the next lowest responsible bidder.

Each bidder must possess a valid North Dakota contractor's license for the full amount of their bid, as required by N.D.C.C. § 43-07-7. Each bidder MUST enclose a copy of their Contractor's License or Certificate of Renewal, issued by the North Dakota Secretary of State, and each license must be valid and dated at least 10 days prior to the date set for bid opening, as required under N.D.C.C. § 43-07-12. The City of West Fargo will not read or consider any bid that does not fully comply with the requirements above, or the requirements of N.D.C.C. § 48-01.2-05

Owner: City of West Fargo
By: Tina Fisk
Title: City Administrator
Date: July 18, 2022

Publish Dates: July 20, 2022, July 27, 2022 and August 3, 2022

Presented to the Board of City Commissioners the plans and specifications and estimates of cost for improvements in Project No. 2263 of the City of West Fargo, North Dakota, as prepared by Daniel Hanson, the Engineer for the City.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
IMPROVEMENTS IN PROJECT NO. 2263 -NEW TRAFFIC CONTROL SYSTEM;
AND INCIDENTALS OF THE CITY OF WEST FARGO

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, North Dakota, that the plans and specifications and estimates of cost for improvements in Project No. 2263 -New Traffic Control System; and Incidentals of the City of West Fargo heretofore prepared by Daniel Hanson, Engineer for the City, be and the same hereby are approved, ratified and confirmed as the plans and specifications and estimates of cost in accordance with which said improvements shall be constructed and the City Auditor shall file the same in her office open to public inspection.

Dated: July 18, 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

_____. 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.

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

RESOLUTION DIRECTING AUDITOR TO
ADVERTISE FOR BIDS

WHEREAS, this Board has heretofore created Project No. 2263 – Concrete Pavement Repair of the City of West Fargo; and

WHEREAS, plans and specifications and estimates of costs for said Project No. 2263 have heretofore been directed to be prepared by the Engineer for the City of West Fargo; and

WHEREAS, said plans, specifications and estimates of cost have been prepared and have been approved by the Board of City Commissioners of the City of West Fargo; and

WHEREAS, it is necessary to advertise for bids for the work in said project.

NOW THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, Cass County, North Dakota, that the City Auditor be, and she is hereby authorized and directed to cause notice of Advertisement for Bids for the construction of the work heretofore directed to be made in Project No. 2263 – Concrete Pavement Repair to be published once each week for three consecutive weeks in *The Forum*, and that the City Auditor and Engineer will meet at the City Hall in the City of West Fargo, at a time and date to be determined by the City Auditor, for the purpose of opening sealed bids received prior to the time of such meeting in accordance with such published advertisement for bids for the purpose of taking such other and further action with reference thereto as shall then be deemed necessary and expedient. Such advertisements shall be published in form as provided in Section 48-01.2 of the North Dakota Century Code as amended.

Dated: July 18, 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 _____. 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.



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
OFFICE OF ATTORNEY GENERAL
SFN 9338 (08/2016)

Application for: ☒ Local Permit * ☐ Charity Local Permit (one event per year)

Name of Non-profit Organization Nativity Knights Of Columbus	Date(s) of Activity 9/24/2022 to	For a raffle, provide drawing date(s): 9-24-22	
Person Responsible for the Gaming Operation and Disbursement of Net Income Mike Langseth	Title	Business Phone Number (701) 361-1548	
Business Address 1825 11th St S	City Fargo	State ND	Zip Code 58103
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Speedway event center	Site Address 680 Main Ave W		
City West Fargo	State ND	Zip Code 58078	County Cass
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit. ☐ Bingo ☒ Raffle ☒ Raffle Board ☐ Calendar Raffle ☐ Sports Pool ☐ Poker * ☐ Twenty-one * ☐ Paddlewheels *			

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
See attached					

check # 1312 \$10⁰⁰

Total: (Limit \$12,000 per year)
\$ 10,000.00

Intended uses of gaming proceeds: 50/50 split between Fargo VA for Suicide prevention and Lisbon VA for General needs

Does the organization presently have a state gaming license? ☒ No ☐ Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? ☒ No ☐ Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? ☒ No ☐ Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ _____. This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official 	Date 7/13/22	Title Trustee	Business Phone Number 701-361-1548
--	------------------------	-------------------------	--

Game type	Description of prize	Retail value	
Raffle	Gift Card	600	
Raffle	Gift Card	550	
Raffle	cash	250	
Raffle	cash	250	
Raffle	cash	200	
Raffle	cash	150	
Raffle	cash	150	
Raffle	cash	100	
Raffle	cash	100	
raffle board	Gift Card	850	
raffle	Gift Card	500	
raffle board	Gift Card	400	
raffle	Gift Card	700	
raffle	Gift Card	550	
raffle	Fishing items, décor, and hunting items	2250	Will have multiple items price range TBD but total prize of items will not exceed \$2250
raffle	Sweets baskets	300	Sweets baskets will have multiple baskets ranging in value from \$20-\$50 but the total of all prizes will not exceed \$300
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	50	
Raffle	Cash	250	
Raffle	Cash	250	
Raffle	Cash	250	
Raffle	Cash	250	
Raffle	cash	500	
	Total	10000	



JUL 13 2022

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

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

Full, Legal Name of Gaming Organization

Horse Race North Dakota

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

Name of Location Doubletree by Hilton			
Street 825 E Benton D	City West Fargo	ZIP Code 58078	County Cass
Beginning Date(s) Authorized July 20 th 2022	Ending Date(s) Authorized July 25 th 2022	Number of twenty-one tables if zero, enter "0":	
Specific location where games of chance will be conducted <u>and</u> played at the site (required)			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known July 22 - 24 th			

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.

Check #4710
\$100.00

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



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

License Number (Office Use Only)

Site Owner (Lessor) <u>Doubletree by Hilton</u>		Site Name <u>Doubletree by Hilton</u>		Site Phone Number <u>701 557 0120</u>	
Site Address <u>825 E Beaton Dr</u>		City <u>West Fargo</u>	State <u>ND</u>	Zip Code <u>58078</u>	County <u>Cass</u>
Organization (Lessee)		Rental Period <u>July 20 2022 to July 25 2022</u>			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 _____ X Rent per Table \$ _____					☒ No ☒ Yes ☐ No ☐ Yes
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____					☒ No ☒ Yes ☐ 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 ☐ No ☐ Yes
☐ Electronic Dispensing Device Number of Electronic Devices _____					\$
Total Monthly Rent					\$ <u>0</u>
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. ☐					

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

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

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

Signature of Lessor <u>[Signature]</u>	Title <u>GM</u>	Date <u>6/27/22</u>
Signature of Lessee <u>[Signature]</u>	Title <u>GM</u>	Date <u>7-5-22</u>



*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.

Description and Retail Value of Prizes to be Awarded



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	
The American Legion Department of ND		9/12/2022	
Organization or Group Contact Person	Title or Position	Telephone Number	
Ronald Matthews	Adjutant	701-293-3120	
Business Address	City	State	ZIP Code
405 West Main Ave Suite 4A	West Fargo	ND	58078
Mailing Address (if different)	City	State	ZIP Code
PO Box 5057	West Fargo	ND	58078
Site Name (where gaming will be conducted)			
The American Legion Department of ND Headquarters			
Site Address	City	ZIP Code	County
405 West Main Ave Suite 4A	West Fargo	58078	Cass

Description and Retail Value of Prizes to be Awarded

Game Type	Description of Prize	Retail Value of Prize
Raffle/Sweepstakes	1 st Place Cash - \$2000	\$2000.00
Raffle/Sweepstakes	2 nd Place Cash - \$1000	\$1000.00
Raffle/Sweepstakes	3 rd & 4 th Place Cash - \$200 each	\$200 x 2 = \$400
Raffle/Sweepstakes	5 th - 10 th Place Cash - \$100 each	\$100 x 6 = \$600
Total (limit \$40,000 per year)		\$4000

Intended Uses of Gaming Proceeds
Support the 4 pillars of the American Legion, assisting Veterans and other Legion Programs
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

Check # 36237 \$25.00

Organization or Group Contact Person

Name	Title	Telephone Number	E-mail Address
Signature of Organization or Group's Top Official		Title	Date
Ronald Matthews		Adjutant	6-16-22



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

STOMP

Dates of Activity

If raffle, provide drawing date

8/15-8/19 + 8/22-8/26

Organization or Group Contact Person

Angela Witte

Title or Position

President

Telephone Number

701.799.8641

Business Address

PO Box 257

City

West Fargo

State

ND

ZIP Code

58078

Mailing Address (if different)

City

State

ZIP Code

Site Name (where gaming will be conducted)

Brewtus Brickhouse

Site Address

635 32nd Ave E #108

City

West Fargo

ZIP Code

58078

County

Cass

Description and Retail Value of Prizes to be Awarded

Game Type	Description of Prize	Retail Value of Prize
Raffle	Cash	

Add Row

Delete Row

Total (limit \$40,000 per year)

800

Intended Uses of Gaming Proceeds

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ No ☒ Yes - Total Retail Value: 4,000.00 (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	STOMP	Title	President	Telephone Number	701.799.8641	E-mail Address	
Signature of Organization or Group's Top Official	Angela Witte	Title	President	Date	7/01/22		

41000 cash



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 <i>Town Hall Bar</i>	Dates of Activity <i>7-19-22 to 6-30-23</i>	If raffle, provide drawing date <i>Every Tuesday</i>	
Organization or Group Contact Person <i>Greg Peterson</i>	Title or Position <i>OWNER</i>	Telephone Number <i>701-282-3265</i>	
Business Address <i>103 Main Ave</i>	City <i>West Fargo</i>	State <i>ND</i>	ZIP Code <i>58078</i>
Mailing Address (if different)	City	State	ZIP Code
Site Name (where gaming will be conducted) <i>Town Hall Bar</i>			
Site Address <i>103 main Ave</i>	City <i>West Fargo</i>	ZIP Code <i>ND</i>	County <i>58078</i>

Description and Retail Value of Prizes to be Awarded

Game Type	Description of Prize	Retail Value of Prize
<i>Meat Raffle</i>	<i>Meat</i>	<i>\$15 each</i>
Add Row	Delete Row	
Total (limit \$40,000 per year)		<i>18000.00</i>

Intended Uses of Gaming Proceeds <i>Scholarship Fund and to be given away to Various Charities</i>
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 <i>Greg Peterson</i>	Title <i>President / Owner</i>	Telephone Number <i>701-282-3265</i>	E-mail Address <i>bgbeverages@Qwestoffice.net</i>
Signature of Organization or Group's Top Official <i>[Signature]</i>		Title <i>OWNER</i>	Date <i>7-14-22</i>

Cash \$10.00
Page 17 of 302

FIRST SUPPLEMENTAL AGREEMENT

THIS FIRST SUPPLEMENTAL AGREEMENT (hereinafter' referred to as the Supplemental Agreement"), is made and entered into on ____ day of ____, 2022, corresponding to the Agreement dated August 11th, 2021 by and between Kraus-Anderson Construction Company ("Consultant") at 1815 Schafer Street, Suite 200, Bismarck, ND 58501 and the City of West Fargo ("City") located at 106 1st Street, West Fargo, ND 58078, hereinafter referred to as "Parties"

RECITALS:

WHEREAS, the Parties entered into the Original Agreement on August 11th, 2021 for the West Fargo Fire Headquarters project;

WHEREAS, the Parties have agreed to amend the Original Agreement by entering into this Supplemental Agreement to increase the scope of the Fire Station Headquarters Project; and

WHEREAS, the Original Agreement, together with this Supplemental Agreement, shall, with effect on and from the date hereof, be read and construed as a single contractual agreement.

NOW, THEREFORE, in consideration of the mutual promises and agreements hereinafter set forth, the Parties hereby agree as follows:

1. Definitions.

In this Supplemental Agreement, the following words and expressions shall have the following meanings:

- 1.1 "Entire Agreement" means the Original Agreement as amended by this Supplemental Agreement;
- 1.2 "Original Agreement" means the Agreement that was entered into on August 11th, 2021 between the Parties;
- 1.3 "Parties" means the signatories to this Supplemental Agreement; and
- 1.4 "Supplemental Agreement" means this supplemental agreement.

2. Scope of Services.

2.1 The City wishes to increase the compensation total of the Original Agreement to include an increase in the scope of the project to include expanded construction management services related to the change from a facility designed to a \$10,000,000 total project budget to a larger facility designed to a \$18,700,000 total project budget, and from a ten month anticipated duration to a 14 month anticipated duration. This change requires additional services required to design, bid and administer the construction for the larger' facility.

3. Compensation.

The scope increase shall include an adjustment to the Compensation section of the original contract, page 20, as proposed by the Consultant in the document AIA C132 - 2009 as follows:

- Additional compensation in the amount of \$ 162,213

This increase will add to the Agreement, in accordance with the Agreement and specifications, the sum not to exceed two hundred thirteen thousand and foil six dollar's (\$162,213).

ORIGINAL CONTRACT AMOUNT	TOTAL ADDITIONS	TOTAL DEDUCTIONS	CONTRACT AMOUNT TO DATE
\$412,406	\$162,213	\$0	\$574,619.00

4. Time of Performance.

4.1 The date of commencement of construction shall be May 2nd 2022.

4.2 The date of substantial completion of the contract shall be July 7th 2023.

5. Miscellaneous

5.1 Binding Effect. The obligations of the Parties shall be binding upon and inure to the benefit of the City and Consultant and their successors or assigns.

Kraus-Anderson Construction Company

CITY OF WEST FARGO

Ross Wilmes
Vice President, Director of Operations

Bernie Dardis
President

Tina Fisk
City Administrator



CITY OF WEST FARGO, NORTH DAKOTA

Executive Summary – December 31, 2021





AUDIT RESULTS AND FINDINGS

SIGNIFICANT RISKS

- Management override of controls
- Revenue recognition
- Improper capitalization
- Misappropriation of assets



Governance Letter

AUDIT OPINION

- The City received a “clean” audit opinion
 - Unmodified opinion – financial statements are prepared using accounting principles generally accepted in the U.S. (GAAP)
 - Financial statements do not contain material misstatements and are fairly presented
- Opinion is merely the auditor’s professional opinion, based on audit work, on whether the financial statements were prepared in accordance with GAAP, free from material misstatement, and fairly presented



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AUDIT OF FEDERAL FUNDS

- All entities with federal award expenditures of \$750,000+ in a year are required to obtain an annual audit
- Single audit – considers compliance with rules and regulation of applicable federal awards
- The City received an unmodified opinion on compliance for the major federal awards programs report



During 2021, the City expended approximately \$2,421,000 in Federal awards.

FINDINGS

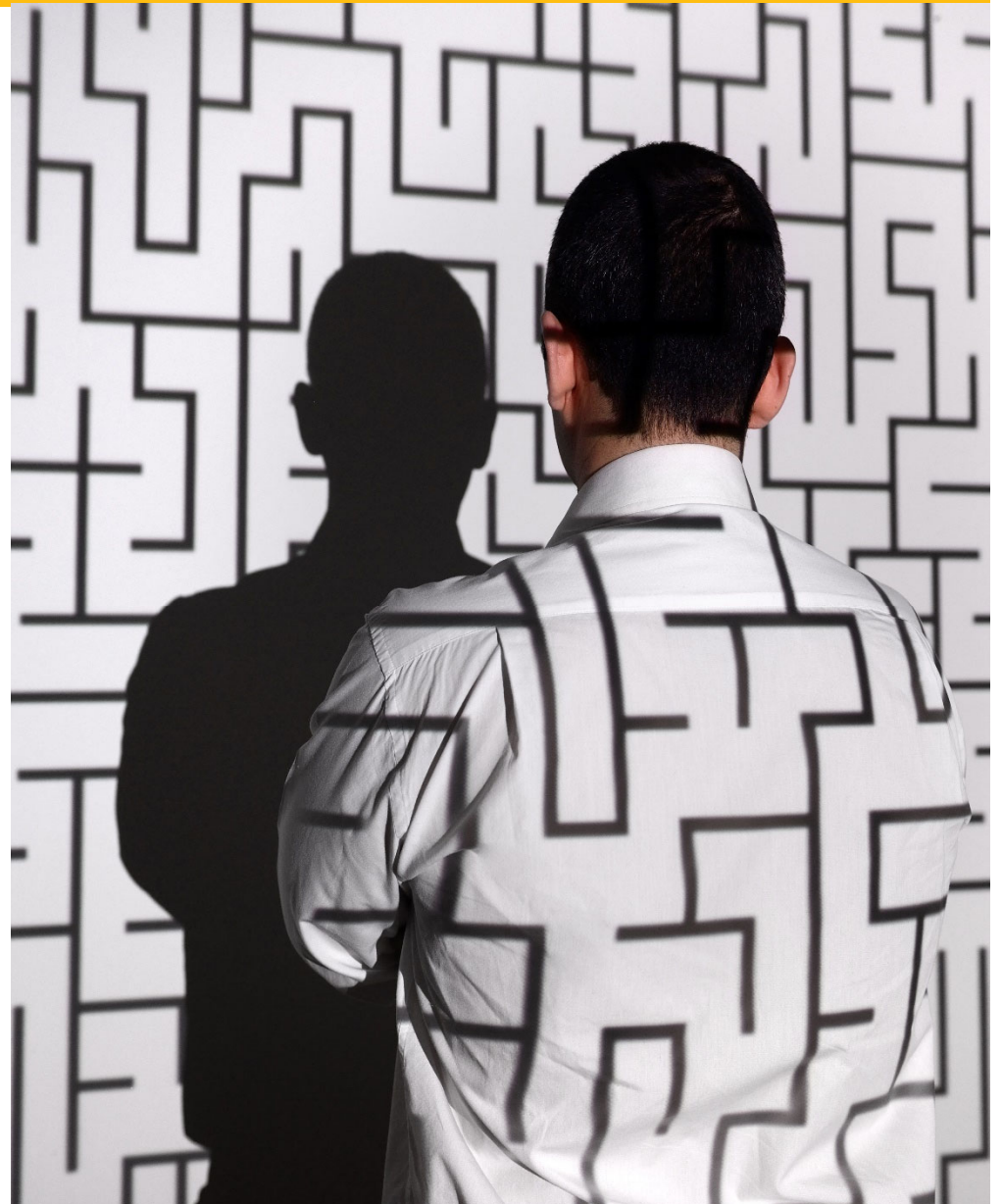
Financial Statements:

2021-001 Material Journal Entries

2021-002 Preparation of Financial
Statements

Federal Awards:

2021-003 Procurement, Suspension,
and Debarment

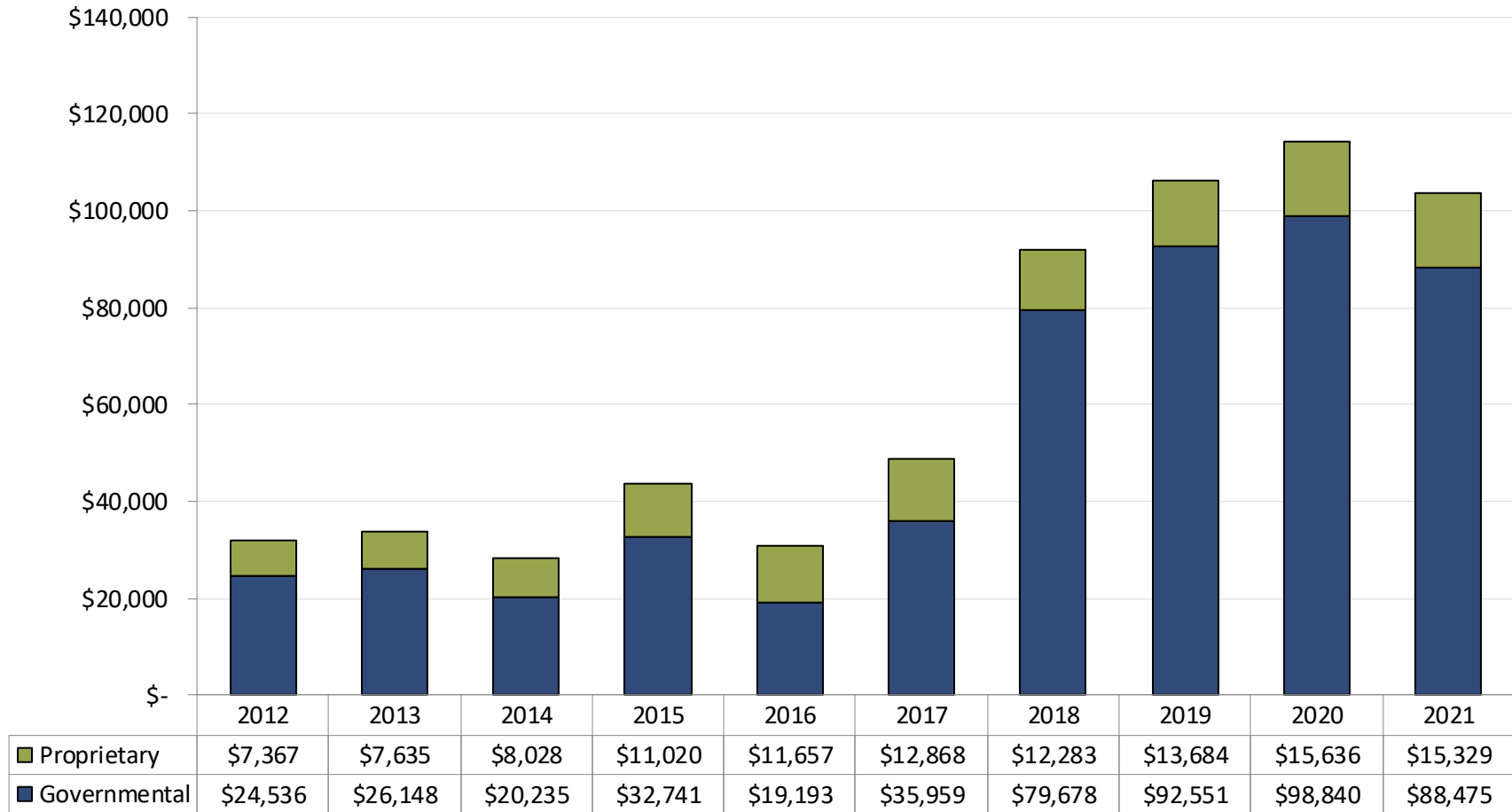




CASH

CASH

Balances of the City for the past 10 years (in thousands):

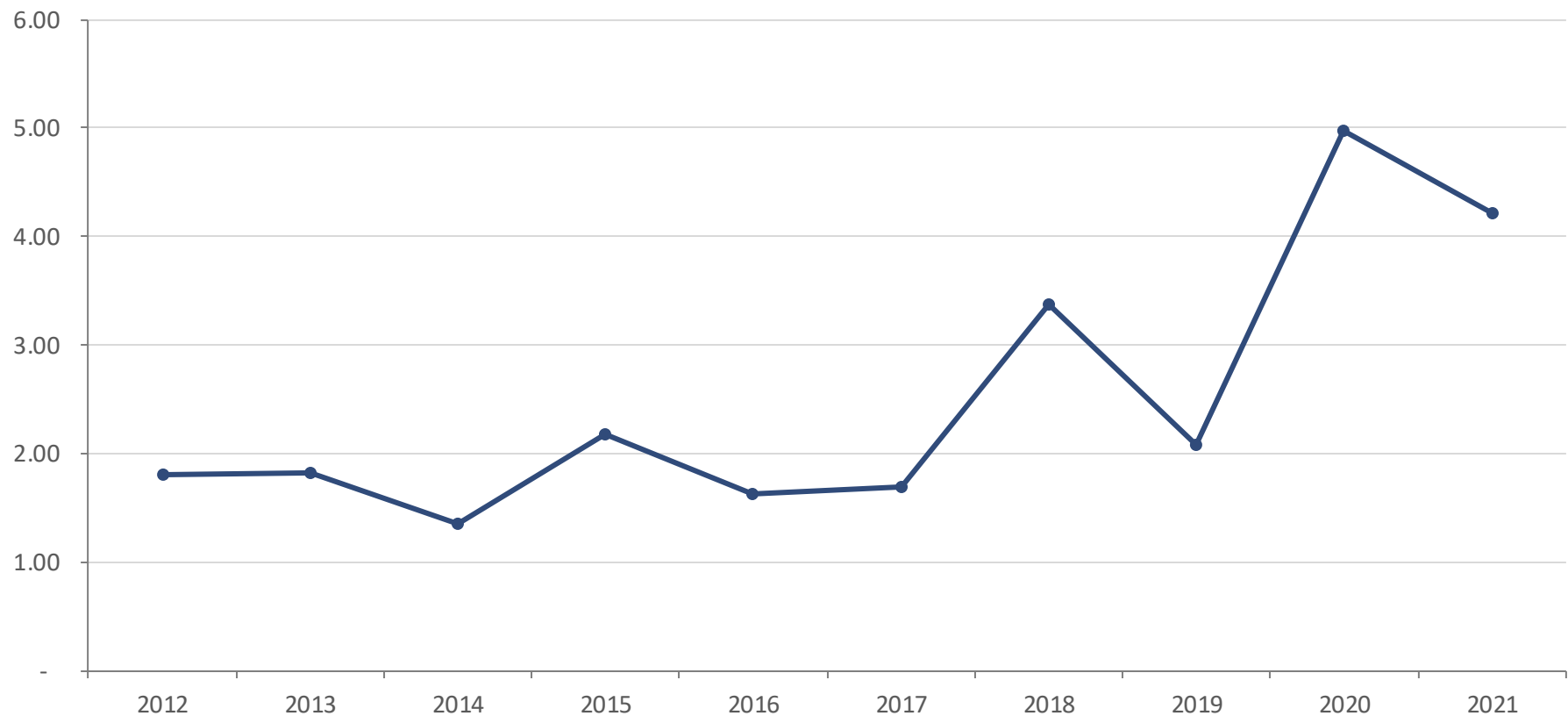


Proprietary is Water, Sewer, and Garbage

Governmental is General, Sales Tax, Capital Projects, Debt Service, and all other City funds

LIQUIDITY RATIO

The liquidity ratio is calculated by dividing cash by current liabilities, including the long-term debt principal due within one year. The liquidity ratio for the past 10 years:

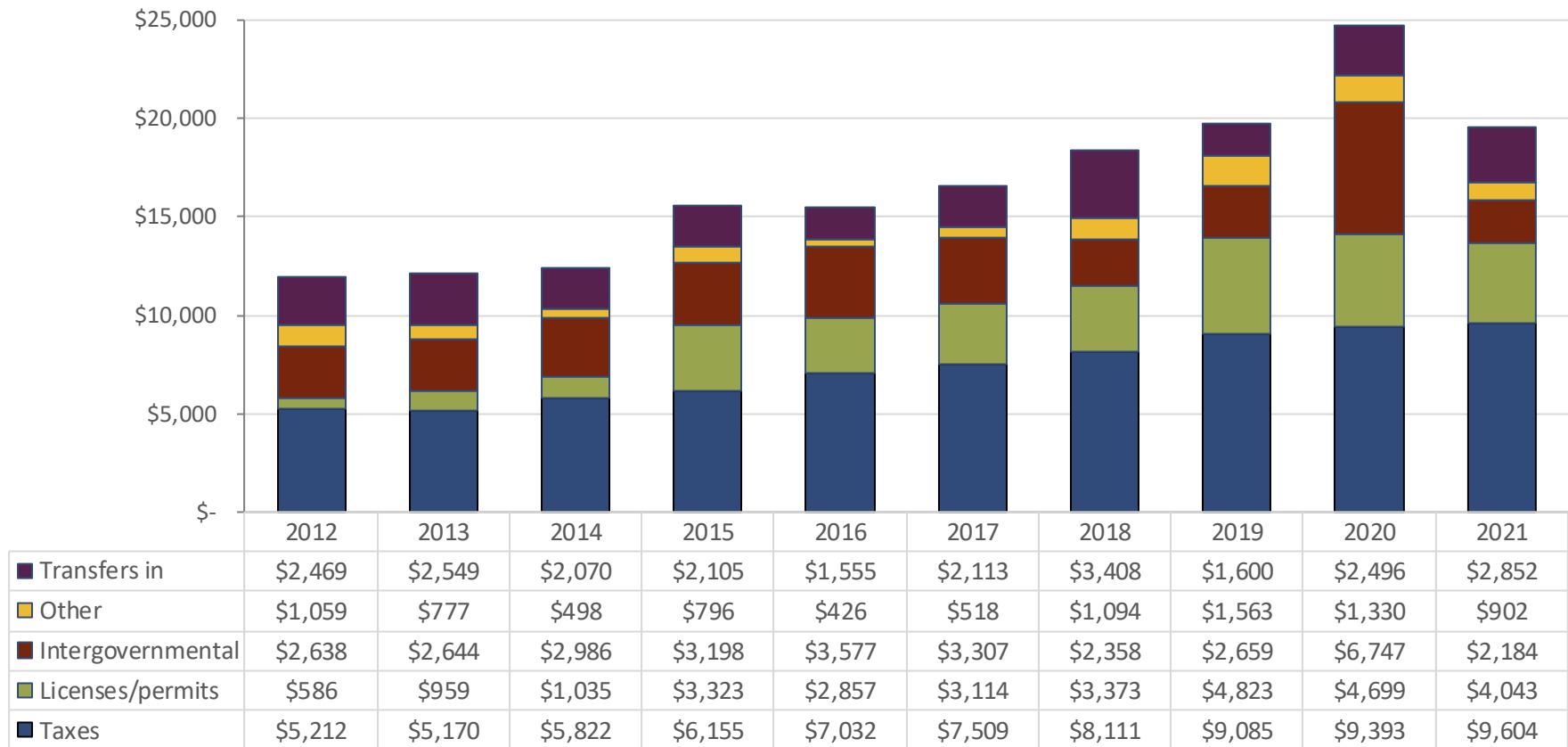




GENERAL FUND

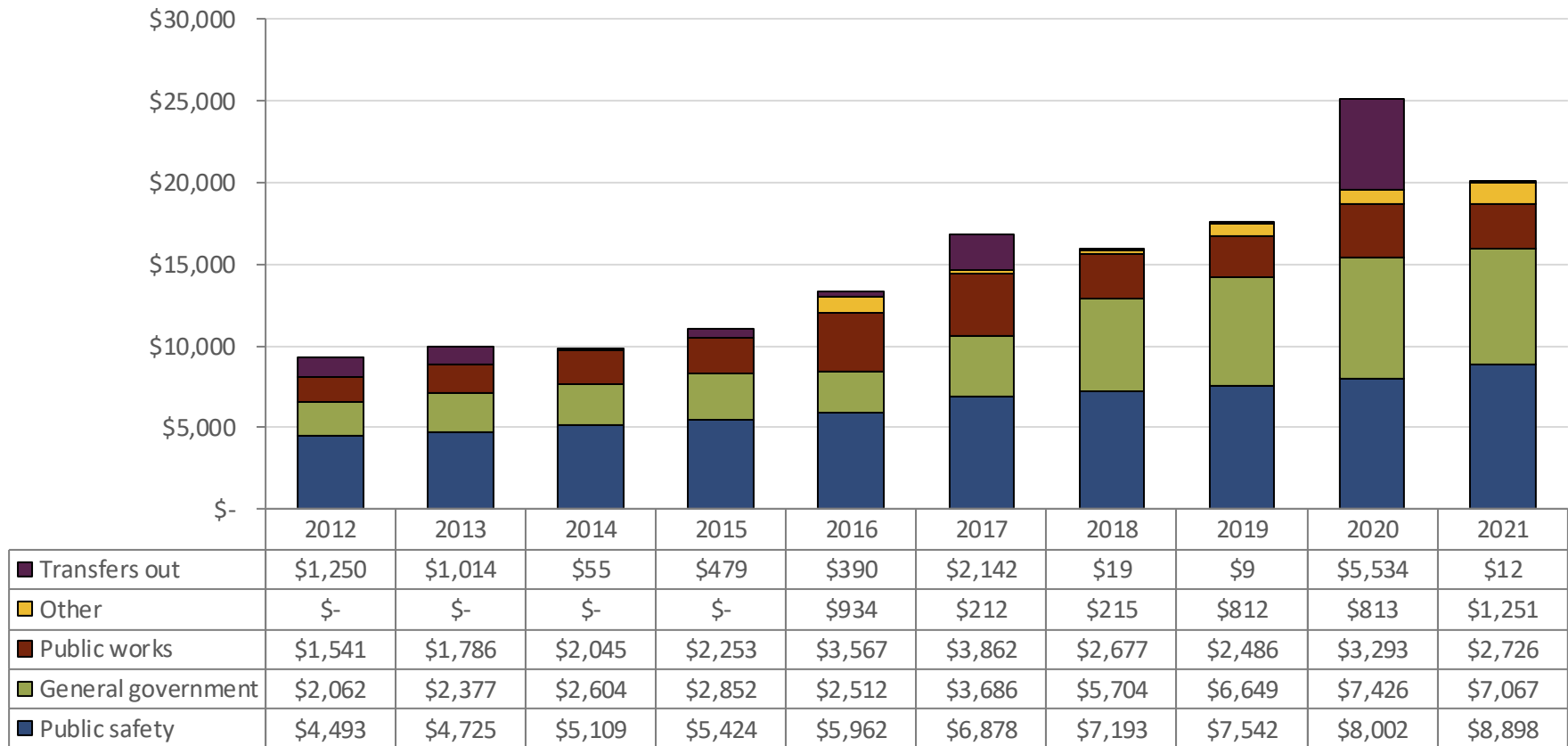
REVENUES AND TRANSFERS IN

General Fund revenues are primarily from property taxes, licenses and permits, intergovernmental, and other sources such as interest, special assessments, and miscellaneous. The General Fund also receives annual transfers in from other funds. Revenues and transfers in for the previous 10 years (in thousands):



EXPENDITURES AND TRANSFERS OUT

General Fund expenditures are in the areas of public safety, general government, public works, and other uses such as economic development, culture and recreation, and capital outlay. The General Fund also transfers out money to other funds annually. Expenditures and transfers out for the previous 10 years (in thousands):



A POSITIVE FUND BALANCE:

- 1** Contributes to a favorable bond rating
- 2** Produces investment income and provides a source of working capital to meet cash flow needs
- 3** Offers a cushion for unexpected expenditures or revenue shortfalls

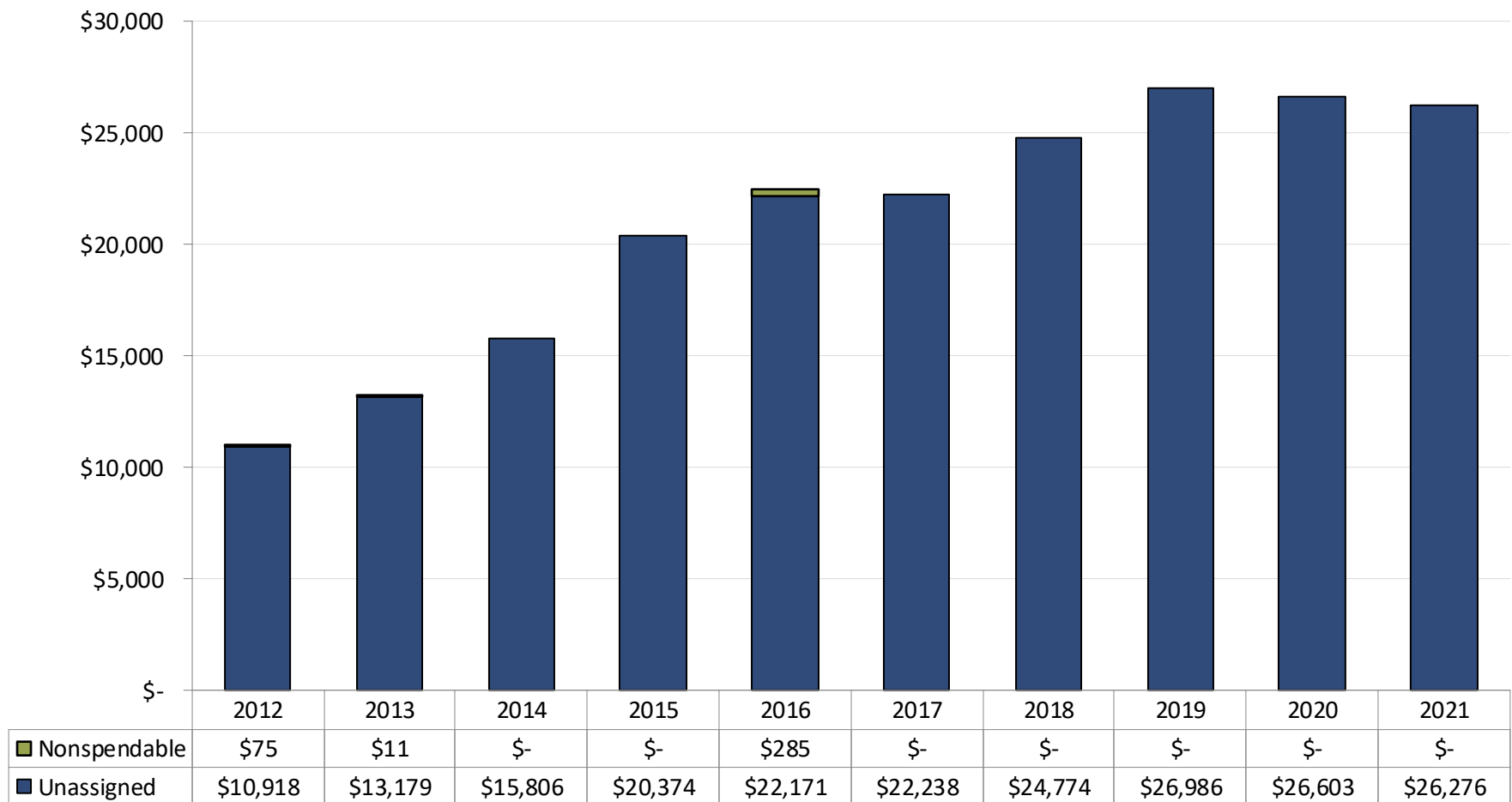


FUND BALANCE CATEGORIES

Nonspendable	Restricted	Committed	Assigned	Unassigned
Represents amounts that cannot be spent	Legally restricted by outside parties	Intended for a specific activity	Intended for a specific activity by the council or designated individuals	Reserves
Not in spendable form				
Inventory, prepaid expenses	Cannot be appropriated for other spending	Imposed by formal action of the council but is not legally restricted	Not legally restricted	"Rainy day" fund

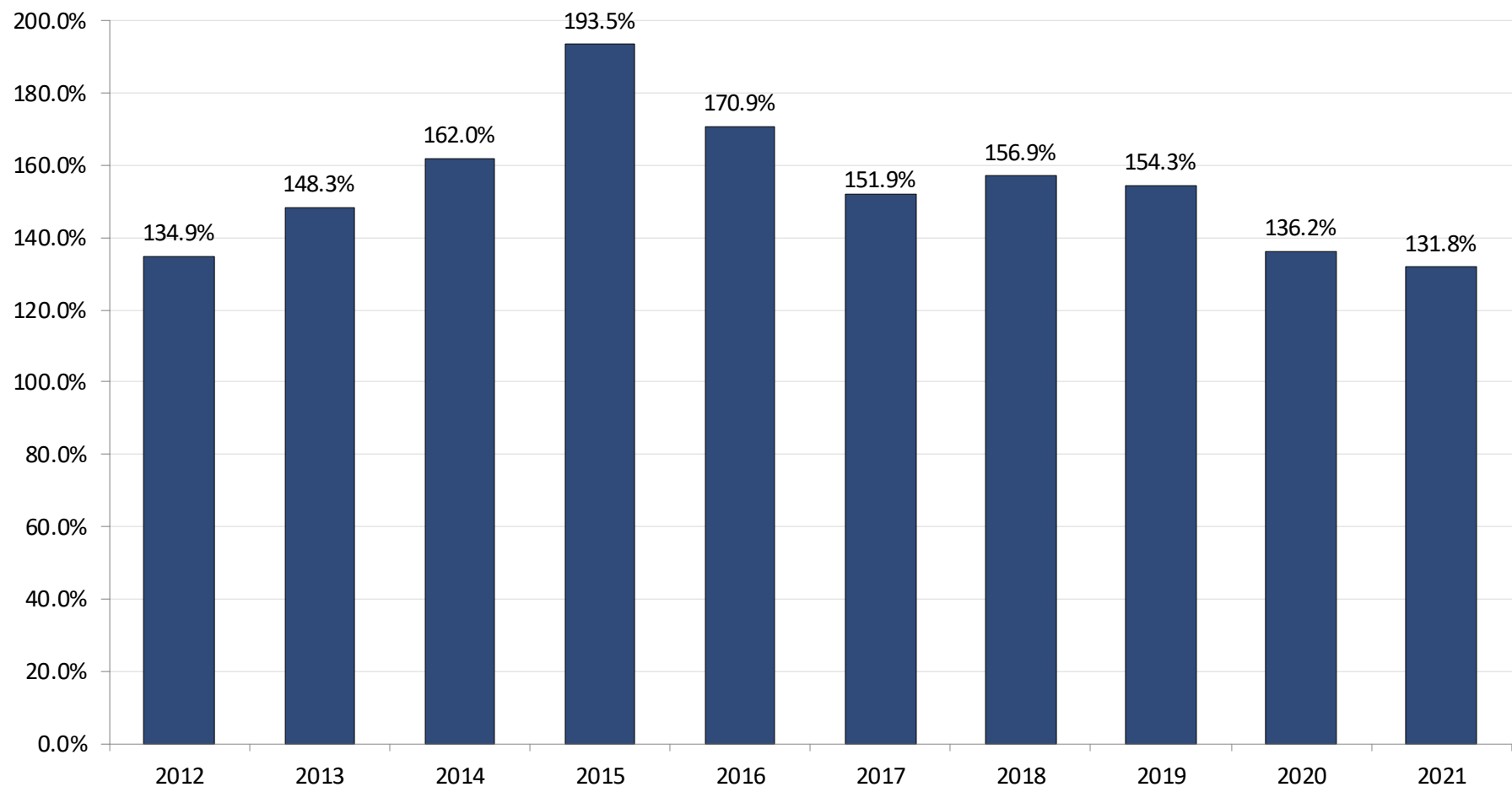
TOTAL FUND BALANCES

Total fund balances of the General Fund for the past 10 years (in thousands):



UNASSIGNED FUND BALANCE

The City's unassigned fund balance as a percentage of expenditures in the General Fund for the last 10 years:

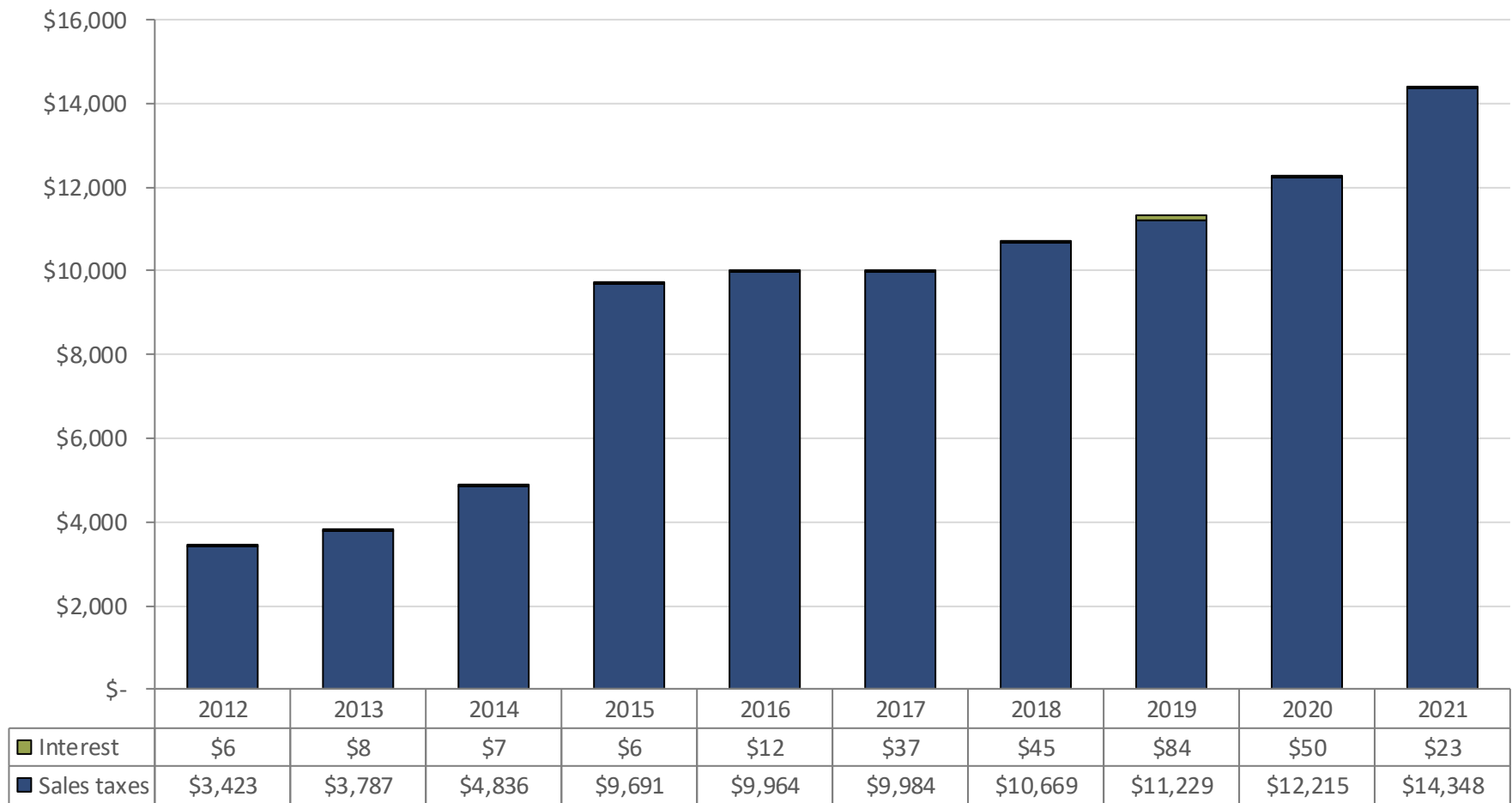




SALES TAX FUND

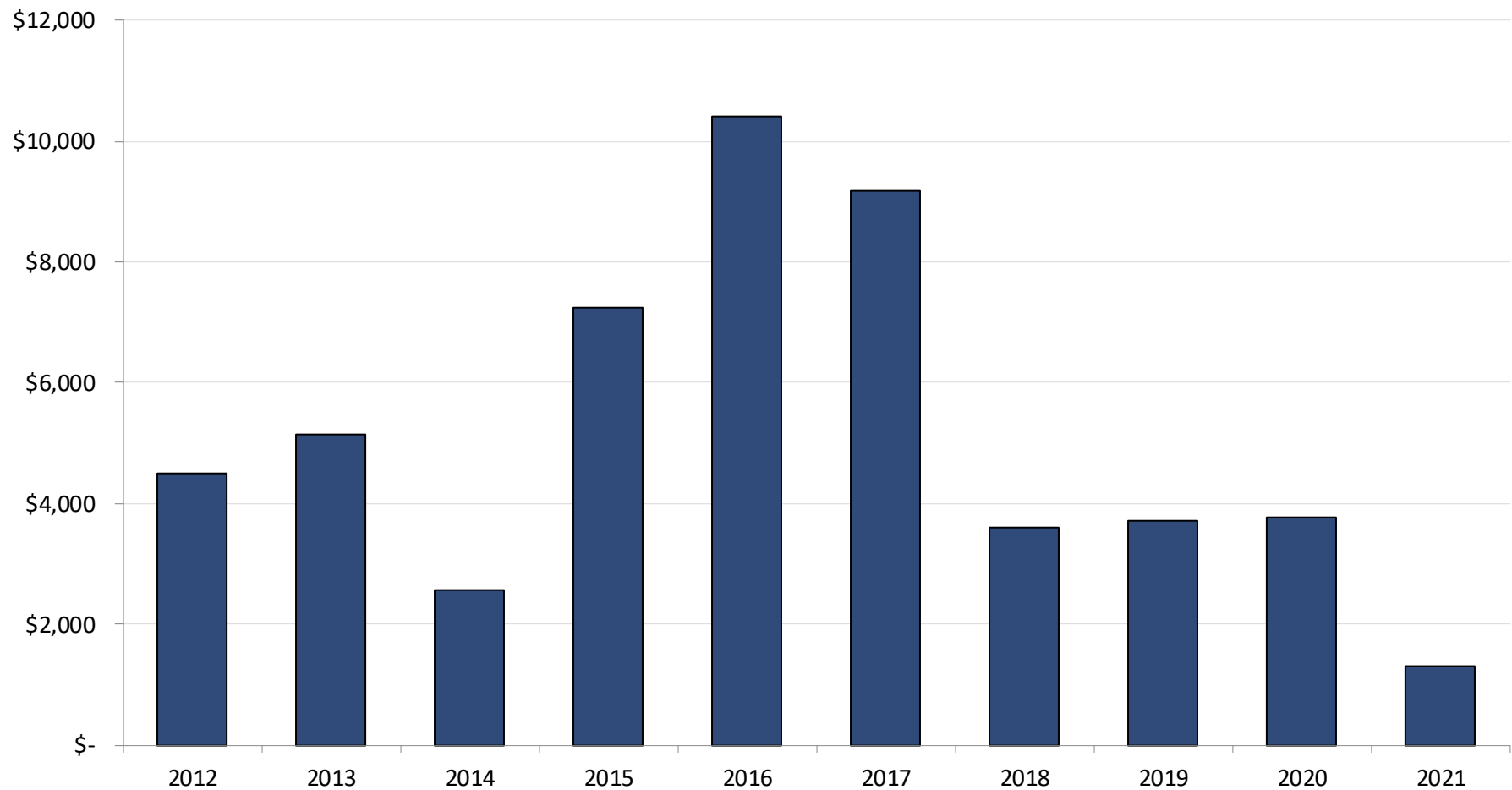
REVENUES

Sales tax collections and interest income for the Sales Tax Fund for the previous 10 years (in thousands):



FUND BALANCE

The fund balance of the Sales Tax Fund for the past 10 years (in thousands):

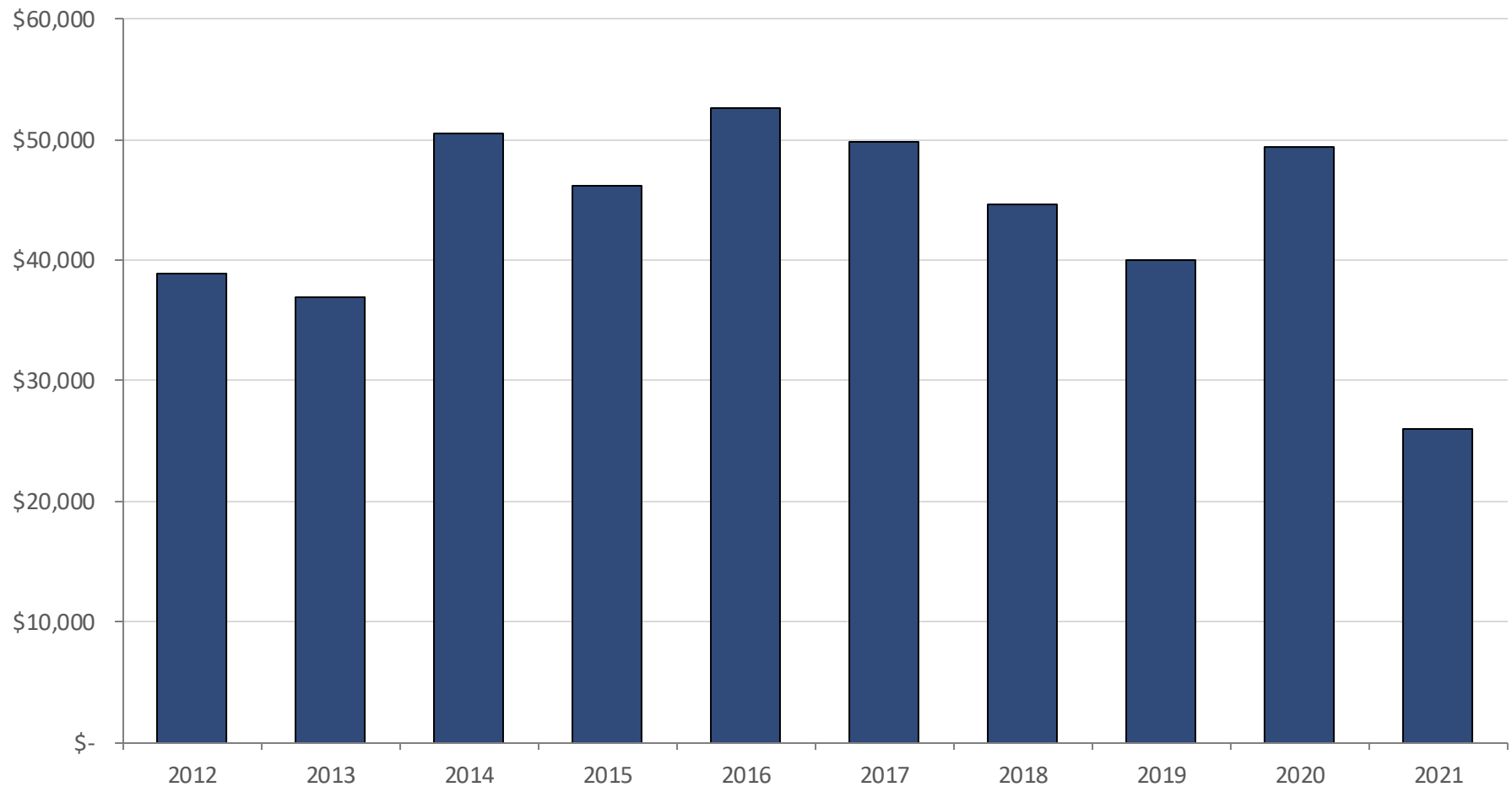




CAPITAL PROJECTS FUND

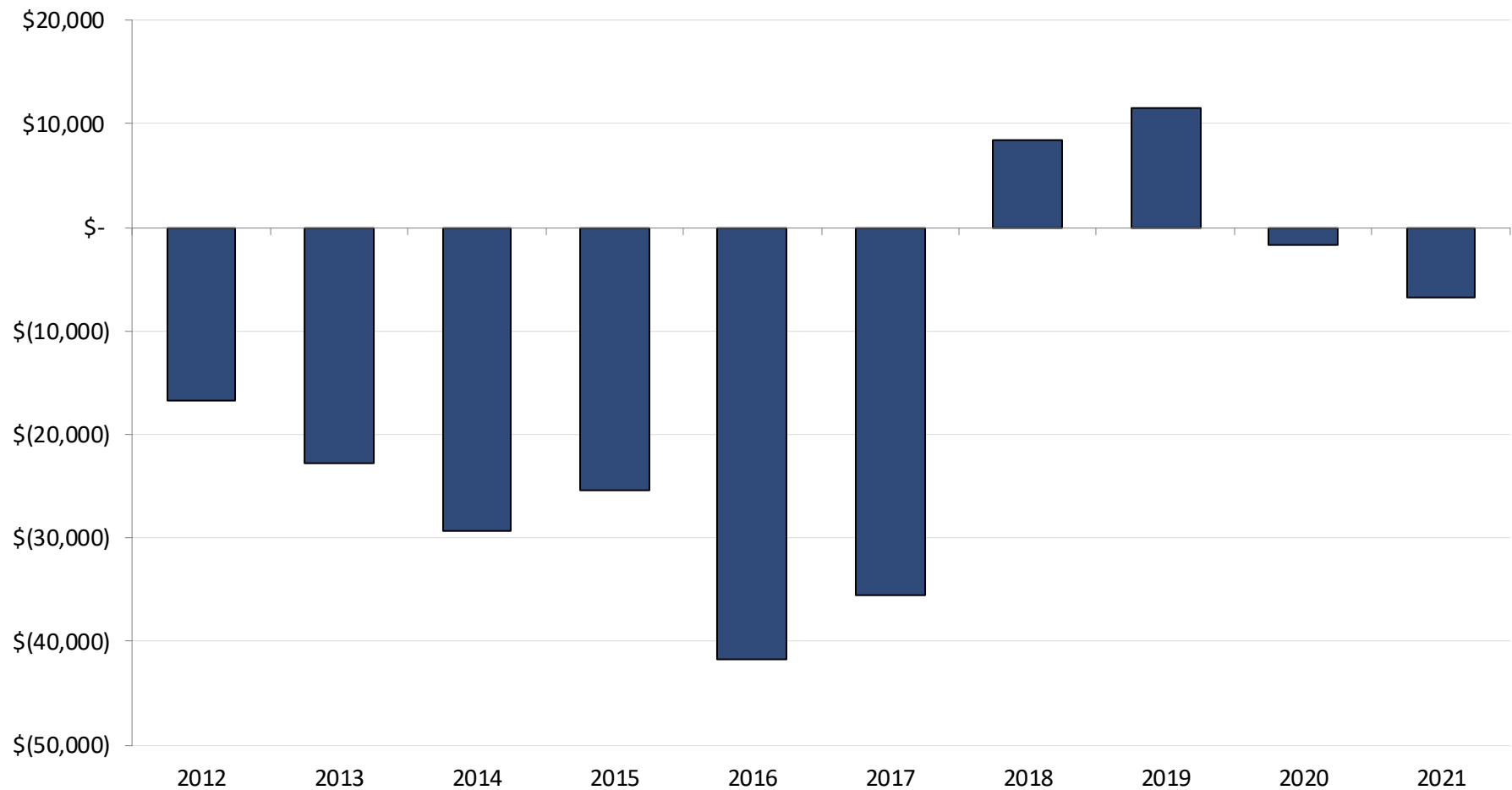
EXPENDITURES

Capital outlay in the Capital Projects Fund for the previous 10 years
(in thousands):



FUND BALANCE

The fund balance of the Capital Projects Fund for the past 10 years (in thousands):

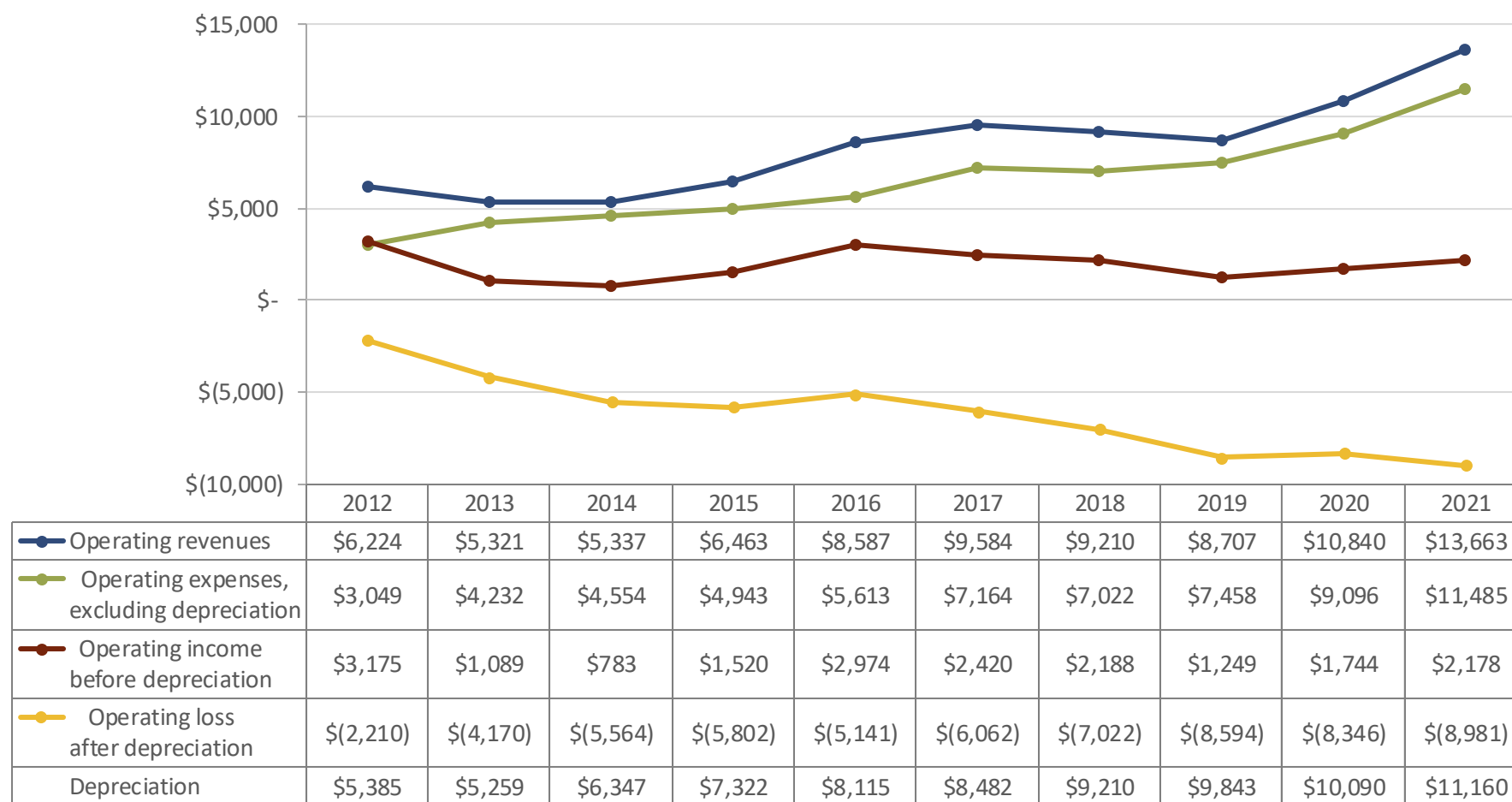




WATER & SEWER FUND

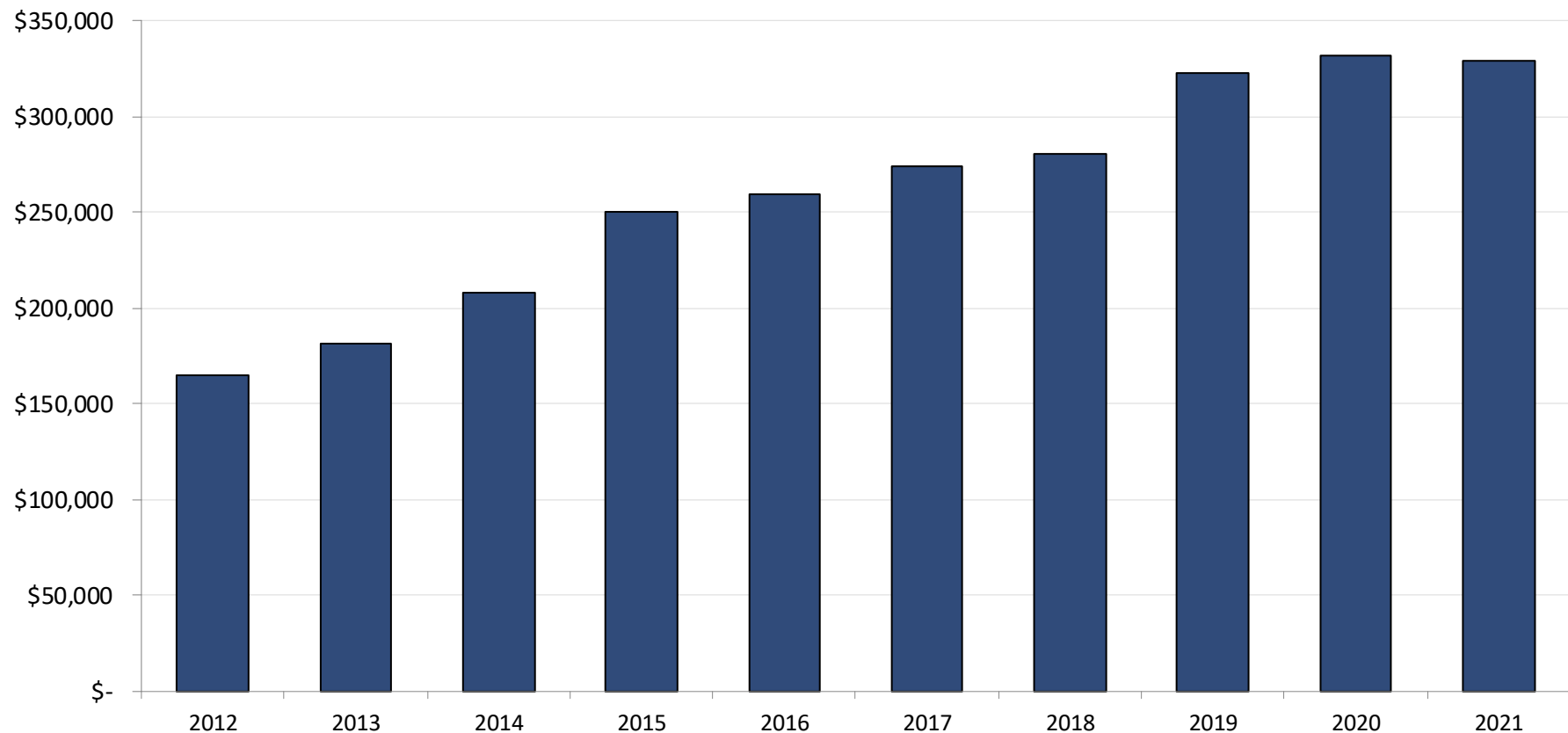
OPERATING STATEMENT (IN THOUSANDS)

Operating revenues are utility sales and service charges. Operating expenses are distributions, salaries and wages, and administration and general.



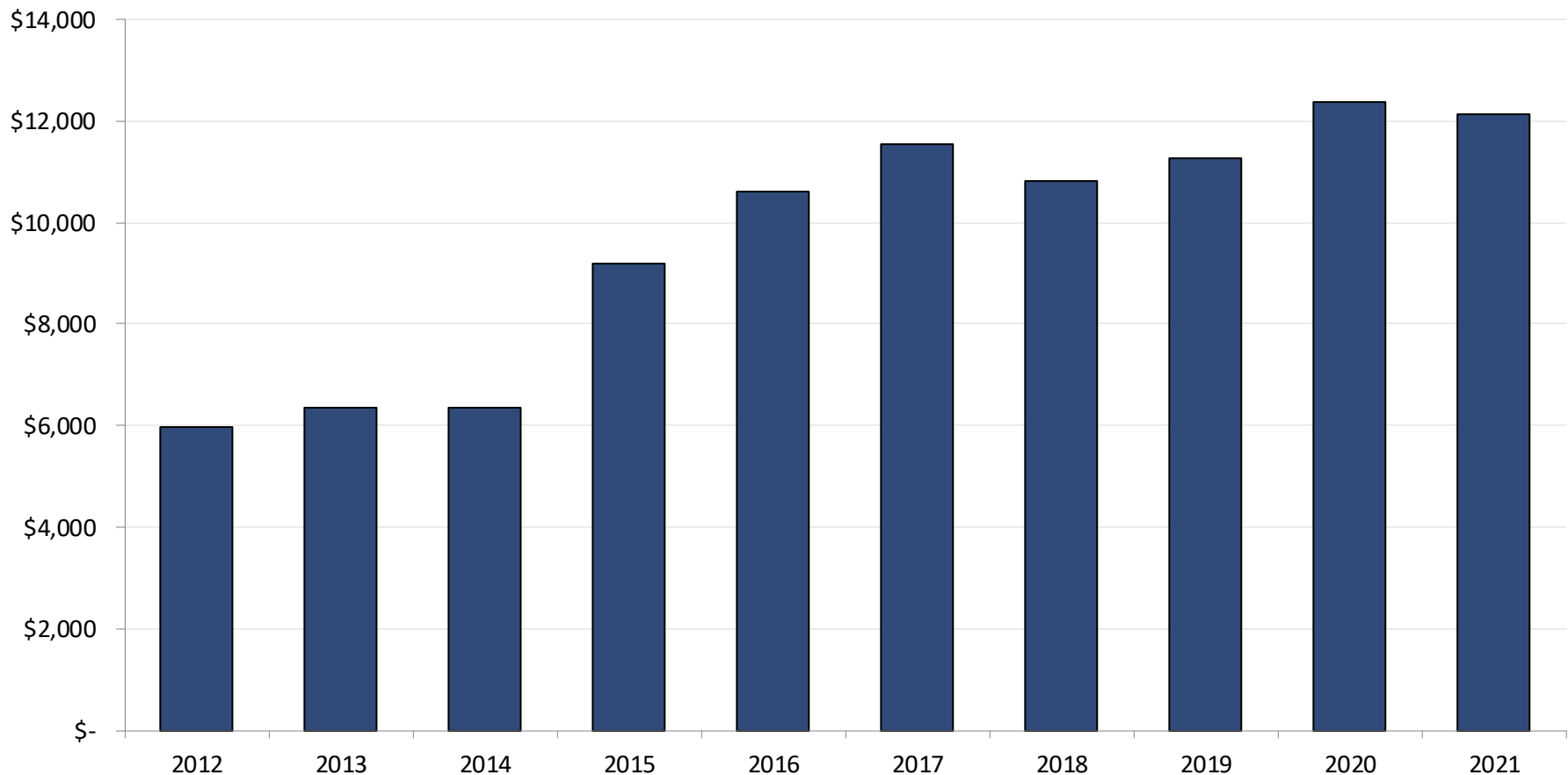
NET POSITION

Positive net position indicates that revenues from operating and nonoperating activities have been sufficient to meet the required debt service payments. Net position for the Water & Sewer Fund for the past 10 years (in thousands):



YEAR-END CASH

A healthy cash balance in the Water & Sewer Fund allows for continued payments towards debt and operations. Cash in the Water & Sewer Fund for the past 10 years (in thousands):

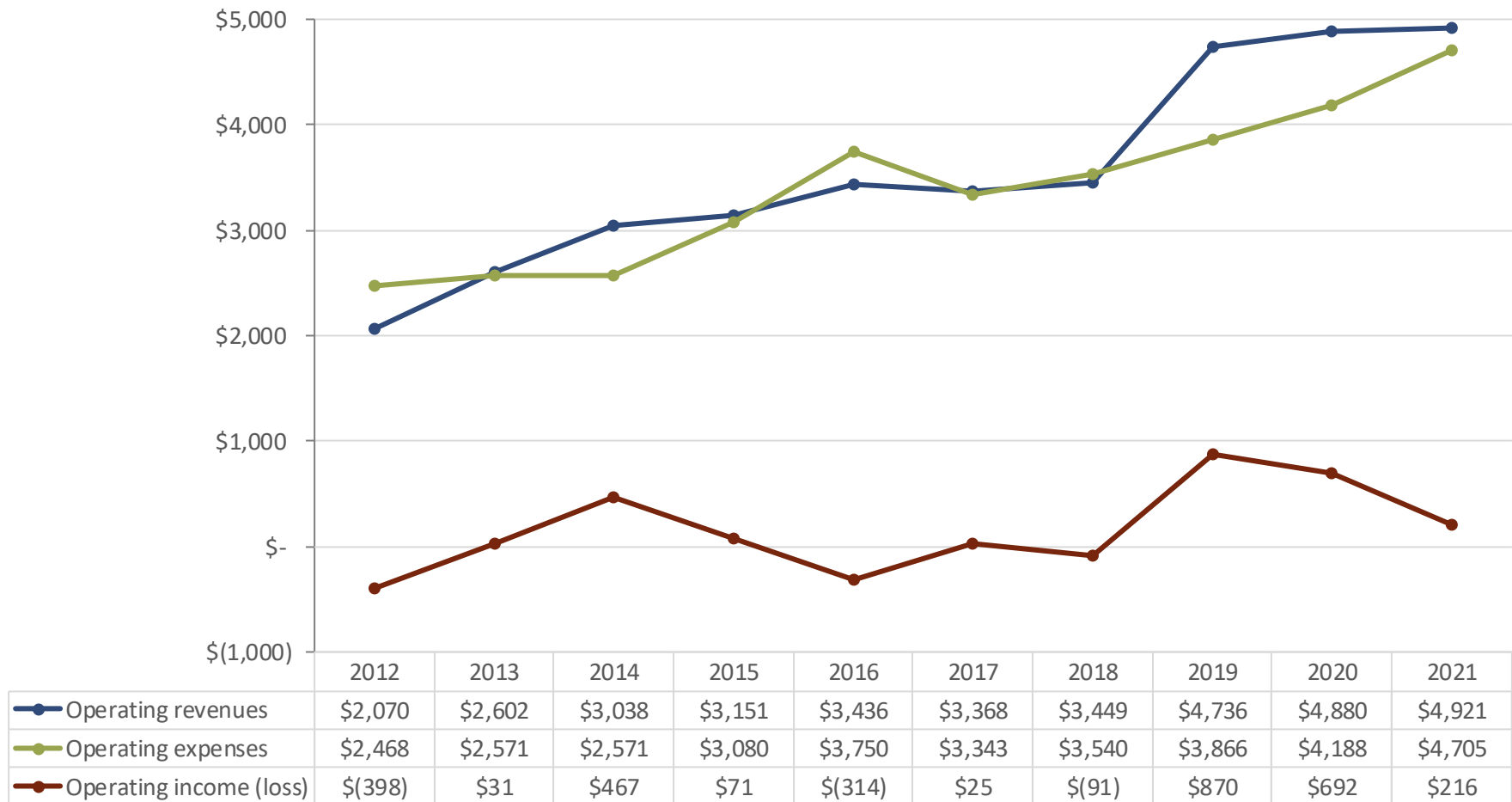




GARBAGE FUND

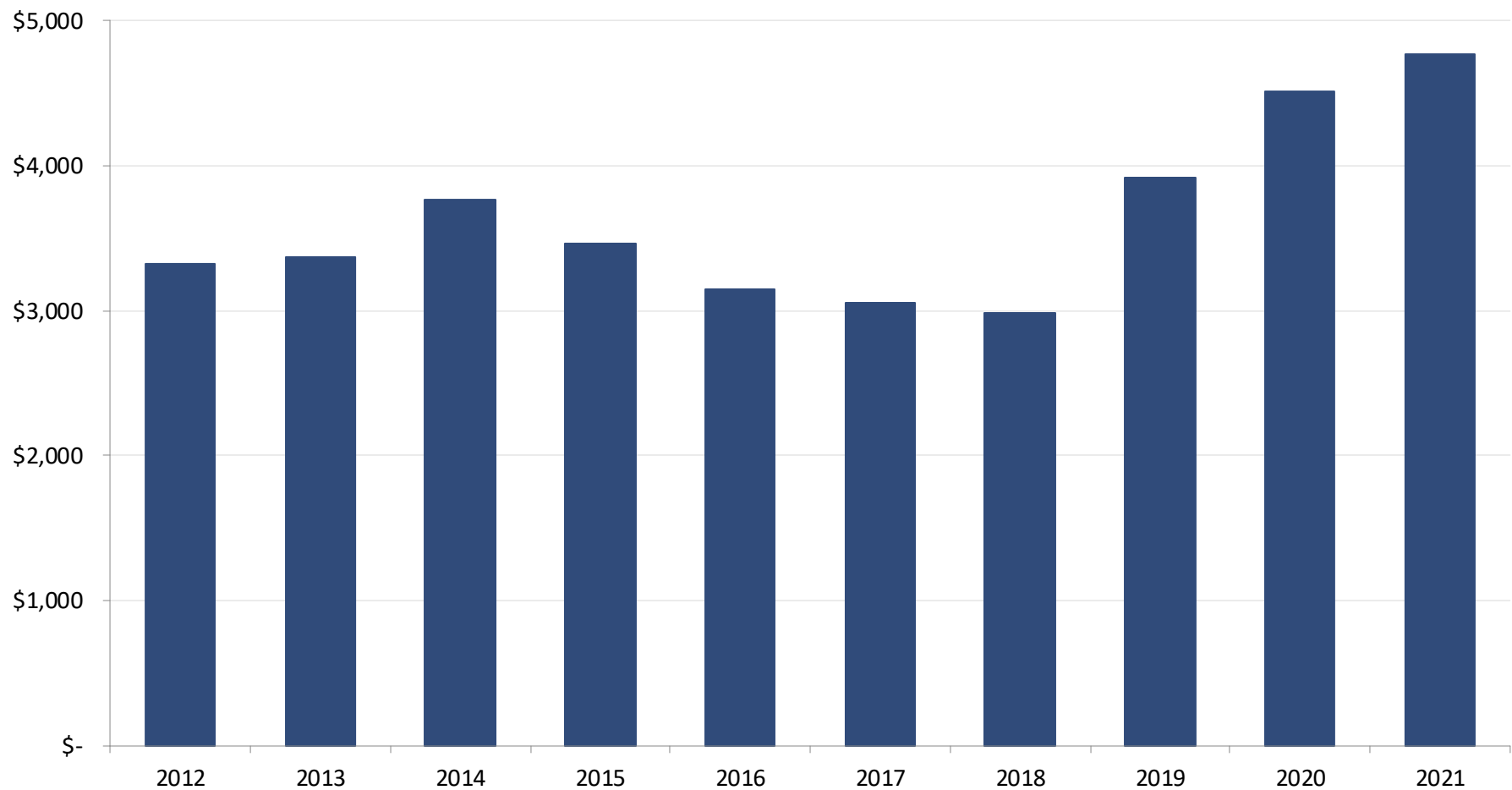
OPERATING STATEMENT (IN THOUSANDS)

Operating revenues are utility sales and service charges. Operating expenses are landfill and collections, salaries and wages, administration and general, and depreciation.



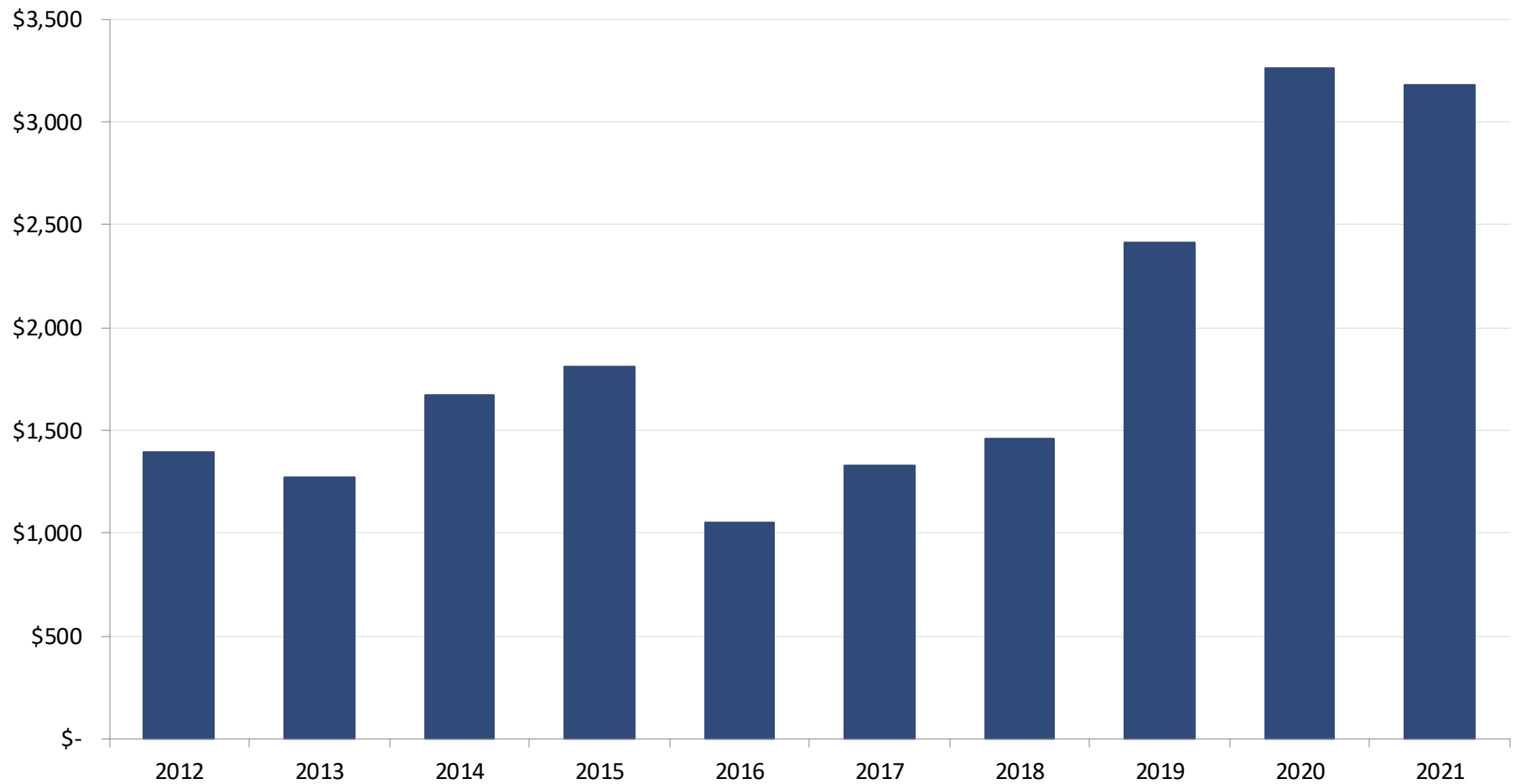
NET POSITION

Net position for the Garbage Fund for the past 10 years (in thousands):



YEAR-END CASH

Cash in the Garbage Fund for the past 10 years (in thousands):





QUESTIONS?

This presentation is presented with the understanding that the information contained does not constitute legal, accounting or other professional advice. It is not intended to be responsive to any individual situation or concerns, as the contents of this presentation are intended for general information purposes only. Viewers are urged not to act upon the information contained in this presentation without first consulting competent legal, accounting or other professional advice regarding implications of a particular factual situation. Questions and additional information can be submitted to your Eide Bailly representative, or to the presenter of this session.



THANK YOU

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Financial Statements
December 31, 2021

City of West Fargo, North Dakota

Elected and Appointed Officials.....	1
Independent Auditor's Report.....	2
Basic Financial Statements	
Government-Wide Financial Statements	
Statement of Net Position.....	6
Statement of Activities.....	7
Fund Financial Statements	
Governmental Funds	
Balance Sheet.....	8
Reconciliation of the Balance Sheet to the Statement of Net Position	9
Statement of Revenues, Expenditures, and Changes in Fund Balances	10
Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balance to the Statement of Activities.....	11
General Fund	
Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget to Actual	12
Sales Tax Fund	
Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget to Actual	13
Proprietary Funds	
Statement of Net Position.....	14
Statement of Revenues, Expenses, and Changes in Net Position	15
Statement of Cash Flows.....	16
Fiduciary Fund	
Statement of Fiduciary Net Position – Custodial Fund	18
Statement of Changes in Fiduciary Net Position – Custodial Fund	19
Notes to Financial Statements	20
Required Supplementary Information	
Schedule of Employer's Share of Net Pension Liability and Schedule of Employer's Contributions	
Schedule of Employer's Share of Net OPEB Liability and Schedule of Employer's Contributions.....	
Additional Reports	
Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	55
Independent Auditor's Report on Compliance for the Major Federal Program and Report on Internal Control Over Compliance Required by the Uniform Guidance	57
Schedule of Expenditures of Federal Awards	60
Notes to Schedule of Expenditures of Federal Awards	61
Schedule of Findings and Questioned Costs	62

City of West Fargo, North Dakota
Elected and Appointed Officials
December 31, 2021

<u>Elected</u>	<u>Position</u>	<u>Term Expires</u>
Bernie Dardis	Mayor/President of City Commission	6/30/2022
Eric Gjerdevig	City Commissioner	6/30/2022
Mark Simmons	City Commissioner	6/30/2024
Brad Olson	City Commissioner	6/30/2022
Mandy George	City Commissioner	6/30/2024
 <u>Administration</u>		
Tina Fisk	City Administrator	
Jim Larson	Finance Director	



Independent Auditor's Report

The Board of City Commissioners
City of West Fargo, North Dakota

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of West Fargo, North Dakota (the City), as of and for the year ended December 31, 2021, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of December 31, 2021, and the respective changes in financial position and, where applicable, cash flows thereof and the General Fund Budgetary Schedule and Sales Tax Fund Budgetary Schedule for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards* (*Government Auditing Standards*), issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the schedule of employer's share of net pension liability and schedule of employer's contributions and schedule of employer's share of net OPEB liability and related ratios as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquires of management about the methods or preparing the information and comparing the information for consistency with management's responses to our inquires, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Management has omitted the management's discussion and analysis that the accounting principles generally accepted in the United States of America requires to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by the missing information.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The schedule of expenditures of federal awards, as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the annual report. The other information comprises the listing of elected and appointed officials but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated June 27, 2022, on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

A handwritten signature in black ink that reads "Eide Bailly LLP". The signature is written in a cursive, flowing style.

Fargo, North Dakota
June 27, 2022

City of West Fargo, North Dakota

Statement of Net Position

December 31, 2021

	Governmental Activities	Business-type Activities	Total
Assets			
Cash and cash equivalents	\$ 86,654,787	\$ 14,290,937	\$ 100,945,724
Restricted cash	1,819,736	1,038,000	2,857,736
Receivables			
Accounts	411,174	1,415,762	1,826,936
Property taxes	229,270	-	229,270
Special assessments	234,881,379	-	234,881,379
Notes	1,459,750	-	1,459,750
Due from other governmental units	2,590,069	-	2,590,069
Interfund balances	801,384	(801,384)	-
Capital assets, not being depreciated	47,881,943	1,857,610	49,739,553
Capital assets, net of accumulated depreciation	172,310,230	329,553,442	501,863,672
Total assets	549,039,722	347,354,367	896,394,089
Deferred Outflows of Resources			
Related to pensions	12,065,535	2,118,900	14,184,435
Related to OPEB	430,480	75,599	506,079
Total deferred outflows of resources	12,496,015	2,194,499	14,690,514
Liabilities			
Accounts payable	1,991,622	196,855	2,188,477
Retainage payable	333,236	-	333,236
Due to other governments	67,076	-	67,076
Accrued interest payable	1,617,061	53,061	1,670,122
Other liabilities	614,638	55,074	669,712
Unearned revenues	2,909,209	-	2,909,209
Long-term liabilities			
Due within one year -			
other than pension and OPEB	18,185,991	805,022	18,991,013
Due in more than one year -			
other than pension and OPEB	311,722,776	9,925,202	321,647,978
Net pension liability	8,048,516	1,413,447	9,461,963
OPEB liability	532,317	93,484	625,801
Total liabilities	346,022,442	12,542,145	358,564,587
Deferred Inflows of Resources			
Related to pensions	15,937,776	2,798,927	18,736,703
Related to OPEB	210,664	36,995	247,659
Total deferred inflows of resources	16,148,440	2,835,922	18,984,362
Net Position			
Net investment in capital assets	201,675,521	321,006,931	522,682,452
Restricted	65,603,738	1,038,000	66,641,738
Unrestricted	(67,914,404)	12,125,868	(55,788,536)
Total net position	\$ 199,364,855	\$ 334,170,799	\$ 533,535,654

The Notes to Financial Statements are an integral part of this statement

City of West Fargo, North Dakota

Statement of Activities

Year Ended December 31, 2021

Functions/Programs	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Position		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-Type Activities	Total
Primary Government							
Governmental activities							
General government	\$ 14,679,939	\$ 3,789,425	\$ 420,867	\$ -	\$ (10,469,647)	\$ -	\$ (10,469,647)
Public safety	10,005,287	1,281,323	185,600	-	(8,538,364)	-	(8,538,364)
Public works	14,006,300	231,736	1,629,072	39,624,819	27,479,327	-	27,479,327
Culture and recreation	3,477,505	184,150	32,722	-	(3,260,633)	-	(3,260,633)
Economic development	905,896	23,545	3,802	-	(878,549)	-	(878,549)
Interest on long-term debt	10,570,939	-	-	-	(10,570,939)	-	(10,570,939)
Total governmental activities	53,645,866	5,510,179	2,272,063	39,624,819	(6,238,805)	-	(6,238,805)
Business-type activities							
Water & sewer	22,998,814	13,779,782	-	-	-	(9,219,032)	(9,219,032)
Garbage	4,719,336	4,920,620	-	-	-	201,284	201,284
Total business-type activities	27,718,150	18,700,402	-	-	-	(9,017,748)	(9,017,748)
Total Government	<u>\$ 81,364,016</u>	<u>\$ 24,210,581</u>	<u>\$ 2,272,063</u>	<u>\$ 39,624,819</u>	<u>(6,238,805)</u>	<u>(9,017,748)</u>	<u>(15,256,553)</u>
General revenues							
Sales and use tax					14,347,589	-	14,347,589
Property taxes					16,843,686	-	16,843,686
State aid					2,993,868	-	2,993,868
Unrestricted investment earnings					615,729	90,783	706,512
Miscellaneous					779,141	457,026	1,236,167
Transfers and capital asset contributions					(6,053,290)	6,053,289	(1)
Total general revenues and transfers and capital asset contributions					29,526,723	6,601,098	36,127,821
Change in net position					23,287,918	(2,416,650)	20,871,268
Net position - beginning					176,076,937	336,587,449	512,664,386
Net position - ending					<u>\$ 199,364,855</u>	<u>\$ 334,170,799</u>	<u>\$ 533,535,654</u>

The Notes to Financial Statements are an integral part of this statement

City of West Fargo, North Dakota
Governmental Funds
Balance Sheet
December 31, 2021

	General	Sales Tax	Capital Projects	Debt Service	Other Nonmajor Governmental Funds	Total Governmental Funds
Assets						
Cash and cash equivalents	\$ 19,173,694	\$ 182,974	\$ -	\$ 55,002,503	\$ 12,295,616	\$ 86,654,787
Restricted cash	22,424	-	1,754,586	-	42,726	1,819,736
Due from other funds	7,725,300	-	1,692,696	1,406,400	411,911	11,236,307
Receivables						
Accounts	308,810	-	14,807	-	87,557	411,174
Property taxes	101,142	-	-	79,344	48,784	229,270
Special assessments	-	-	194,846	234,686,533	-	234,881,379
Notes	-	-	-	-	1,459,750	1,459,750
Due from other governmental units	181,967	1,124,038	907,793	125,688	250,583	2,590,069
Total assets	\$ 27,513,337	\$ 1,307,012	\$ 4,564,728	\$ 291,300,468	\$ 14,596,927	\$ 339,282,472
Liabilities, Deferred Inflows of Resources, and Fund Balance (Deficit)						
Liabilities						
Accounts payable	\$ 346,938	\$ -	\$ 1,476,765	\$ -	\$ 167,919	\$ 1,991,622
Construction retainage payable	-	-	333,236	-	-	333,236
Accrued payroll	516,644	-	-	-	61,250	577,894
Due to other governments	-	-	-	-	67,076	67,076
Due to other funds	259,565	-	6,426,293	2,056,369	1,692,696	10,434,923
Other liabilities	24,216	-	-	-	12,528	36,744
Unearned revenue	-	-	2,909,209	-	-	2,909,209
Total liabilities	1,147,363	-	11,145,503	2,056,369	2,001,469	16,350,704
Deferred Inflows of Resources						
Unavailable revenue-property taxes and special assessments	90,408	-	194,846	234,628,581	39,467	234,953,302
Fund Balance (Deficit)						
Nonspendable						
Notes receivable	-	-	-	-	1,459,750	1,459,750
Restricted for						
Sales tax	-	1,307,012	-	-	-	1,307,012
Debt service	-	-	-	54,615,518	-	54,615,518
General government	-	-	-	-	555,596	555,596
Public Safety	-	-	-	-	221,734	221,734
Public works/streets	-	-	-	-	319,463	319,463
Economic Development	-	-	-	-	9,252,133	9,252,133
Other	-	-	-	-	639,294	639,294
Committed						
Public Safety	-	-	-	-	108,021	108,021
Unassigned	26,275,566	-	(6,775,621)	-	-	19,499,945
Total fund balance (deficit)	26,275,566	1,307,012	(6,775,621)	54,615,518	12,555,991	87,978,466
Total liabilities, deferred inflows of resources, and fund balance (deficit)	\$ 27,513,337	\$ 1,307,012	\$ 4,564,728	\$ 291,300,468	\$ 14,596,927	\$ 339,282,472

City of West Fargo, North Dakota
Governmental Funds
Reconciliation of the Balance Sheet to the Statement of Net Position
December 31, 2021

Total Fund Balances – Governmental Funds	\$ 87,978,466
Amounts reported for governmental activities in the statement of net position are different because:	
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.	220,192,173
Other assets are not available to pay for current-period expenditures and, therefore, are either not recognized as a receivable or are deferred in the funds.	234,953,302
Deferred outflows and inflows of resources related to pensions and OPEB are applicable to future periods and, therefore, are not reported in the funds	(3,652,425)
Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds. In the current period these amounts are:	
G.O. bonds	(2,640,000)
Special assessment bonds	(285,755,000)
Revenue bonds	(19,235,000)
BND drawdown	(12,919,165)
Bond premium	(8,896,624)
Bond discount	2,665,545
Capital leases	(1,475,072)
Compensated absences	(1,653,451)
Accrued interest	(1,617,061)
Net pension liability	(8,048,516)
OPEB liability	(532,317)
Total Net Position – Governmental Activities	<u>\$ 199,364,855</u>

City of West Fargo, North Dakota
Governmental Funds
Statement of Revenues, Expenditures, and Changes in Fund Balances
Year Ended December 31, 2021

	General	Sales Tax	Capital Projects	Debt Service	Other Nonmajor Governmental Funds	Total Governmental Funds
Revenues						
General property taxes	\$ 9,371,782	\$ -	\$ -	\$ 2,806,780	\$ 4,665,124	\$ 16,843,686
Special assessments	232,224	-	32,300	25,095,274	-	25,359,798
Charges for services	71,740	-	-	-	607,055	678,795
Licenses and permits	4,042,652	-	-	-	6,001	4,048,653
Intergovernmental	2,184,211	-	4,414,721	-	1,399,827	7,998,759
Fines and forfeitures	329,788	-	-	-	-	329,788
Sales tax	-	14,347,589	-	-	-	14,347,589
Other tax	73,658	-	-	-	1,922,129	1,995,787
Interest	264,805	23,003	-	188,798	77,048	553,654
Miscellaneous	162,038	-	143,262	18,458	656,507	980,265
Total revenues	16,732,898	14,370,592	4,590,283	28,109,310	9,333,691	73,136,774
Expenditures						
Current						
General government	7,067,374	-	-	1,011,663	7,401,616	15,480,653
Public safety	8,898,242	-	-	-	749,393	9,647,635
Public works	2,726,306	-	-	-	24,795	2,751,101
Culture and recreation	755,785	-	-	-	1,230,692	1,986,477
Miscellaneous	-	-	-	-	104,560	104,560
Capital outlay	357,189	-	26,016,915	-	2,968	26,377,072
Debt service						
Principal	128,955	-	-	16,230,629	139,925	16,499,509
Interest and fees	8,956	-	-	11,115,774	49,369	11,174,099
Total expenditures	19,942,807	-	26,016,915	28,358,066	9,703,318	84,021,106
Excess (Deficiency) of Revenues Over (Under) Expenditures	(3,209,909)	14,370,592	(21,426,632)	(248,756)	(369,627)	(10,884,332)
Other Financing Sources (Uses)						
Sale of assets	42,513	-	-	-	87,336	129,849
Bond proceeds	-	-	-	15,605,000	-	15,605,000
Bond refunding payments	-	-	-	(20,185,000)	-	(20,185,000)
Discount on bonds	-	-	-	(156,050)	-	(156,050)
Premium on bonds	-	-	-	311,697	-	311,697
Transfers in	2,851,795	-	21,193,832	4,771,534	3,787,610	32,604,771
Transfers out	(12,167)	(16,823,226)	(4,760,342)	(6,458,554)	(3,418,558)	(31,472,847)
Total other financing sources (uses)	2,882,141	(16,823,226)	16,433,490	(6,111,373)	456,388	(3,162,580)
Net Change in Fund Balance	(327,768)	(2,452,634)	(4,993,142)	(6,360,129)	86,761	(14,046,912)
Fund Balance (Deficit), Beginning	26,603,334	3,759,646	(1,782,479)	60,975,647	12,469,230	102,025,378
Fund Balance (Deficit), Ending	\$ 26,275,566	\$ 1,307,012	\$ (6,775,621)	\$ 54,615,518	\$ 12,555,991	\$ 87,978,466

City of West Fargo, North Dakota

Governmental Funds

Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balance to the Statement of Activities Year Ended December 31, 2021

Net Change in Fund Balances - Total Governmental Funds	\$ (14,046,912)
Amounts reported for governmental activities in the statement of activities are different because:	
Capital outlays are reported as expenditures in governmental funds. However, in the statement of activities the cost of capital assets is allocated over their estimated useful lives as depreciation expense. In the current period these amounts are:	
Capital outlay	25,875,198
Contribution of capital assets to proprietary fund	(7,185,213)
Depreciation expense	(10,982,020)
The net effect of the disposal of capital assets is to decrease net position.	(12,228)
Revenues in the statement of activities that do not provide current financial resources are deferred and not reported as revenues in the funds.	9,850,300
In the statement of activities compensated absences are measured by the amounts earned during the year. In the governmental funds, however, expenditures for these items are measured by the amount of financial resources used.	(45,057)
In the statement of activities the cost of pension benefits earned net of employee contributions is reported as pension expense. In the governmental funds, however, the contributions are reported as expense.	(1,600,172)
In the statement of activities OPEB obligations are measured by the amounts earned during the year. In the governmental funds, however, expenditures for these items are measured by the amount of financial resources used.	18,124
Interest payable is reported in the government wide statement of net position but is not recorded in the governmental funds.	50,368
The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position. In the current period these amounts are:	
Debt issued, net of related premiums and discounts	(15,760,647)
Capital lease retirement	268,880
Bond principal retirement	36,415,629
Amortization of bond discount and bond premium	441,668
Change in Net Position of Governmental Activities	<u>\$ 23,287,918</u>

City of West Fargo, North Dakota

General Fund

Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget to Actual
Year Ended December 31, 2021

	Original and Final Budget	Actual Amounts	Variance With Final Budget
Revenues			
General property taxes	\$ 9,359,174	\$ 9,371,782	\$ 12,608
Special assessments	230,000	232,224	2,224
Charges for services	4,000	71,740	67,740
Licenses and permits	3,950,400	4,042,652	92,252
Intergovernmental	2,413,988	2,184,211	(229,777)
Fines and forfeitures	515,000	329,788	(185,212)
Other tax	75,000	73,658	(1,342)
Interest	679,350	264,805	(414,545)
Miscellaneous	26,000	162,038	136,038
Total revenues	17,252,912	16,732,898	(520,014)
Expenditures			
Current			
General government	7,270,112	7,067,374	202,738
Public safety	9,064,984	8,898,242	166,742
Public works/streets	2,919,205	2,855,261	63,944
Culture and recreation	771,343	755,785	15,558
Capital outlay	433,050	357,189	75,861
Debt service			
Interest and fees	-	8,956	(8,956)
Total expenditures	20,458,694	19,942,807	515,887
Excess (Deficiency) of Revenues Over (Under) Expenditures	(3,205,782)	(3,209,909)	(4,127)
Other Financing Sources (Uses)			
Sale of assets	-	42,513	42,513
Transfers in	3,335,949	2,851,795	(484,154)
Transfers out	-	(12,167)	(12,167)
Total other financing sources and uses	3,335,949	2,882,141	(453,808)
Net Change in Fund Balance	\$ 130,167	(327,768)	\$ (457,935)
Fund Balance, Beginning		26,603,334	
Fund Balance, Ending		\$ 26,275,566	

City of West Fargo, North Dakota

Sales Tax Fund

Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget to Actual
Year Ended December 31, 2021

	Original and Final Budget	Actual Amounts	Variance With Final Budget
Revenues			
Sales tax	\$ 8,400,000	\$ 14,347,589	\$ 5,947,589
Interest	18,000	23,003	5,003
Total revenues	8,418,000	14,370,592	5,952,592
Other Financing Uses			
Transfers out	(8,400,000)	(16,823,226)	(8,423,226)
Net Change in Fund Balance	\$ 18,000	(2,452,634)	\$ (2,470,634)
Fund Balance, Beginning		3,759,646	
Fund Balance, Ending		\$ 1,307,012	

City of West Fargo, North Dakota

Proprietary Funds
Statement of Net Position
December 31, 2021

	Water & Sewer	Garbage	Total
Assets			
Current Assets			
Cash and cash equivalents	\$ 11,113,157	\$ 3,177,780	\$ 14,290,937
Accounts receivable	1,025,195	390,567	1,415,762
Total current assets	12,138,352	3,568,347	15,706,699
Capital assets			
Land	1,857,610	-	1,857,610
Buildings	2,660,603	1,174,031	3,834,634
Land improvements	3,751,796	-	3,751,796
Machinery and equipment	6,980,656	3,034,677	10,015,333
Infrastructure	432,679,230	-	432,679,230
Less accumulated depreciation	(119,243,853)	(1,483,698)	(120,727,551)
Net capital assets	328,686,042	2,725,010	331,411,052
Restricted cash	1,038,000	-	1,038,000
Total assets	341,862,394	6,293,357	348,155,751
Deferred Outflows of Resources			
Related to pensions	1,260,586	858,314	2,118,900
Related to OPEB	44,976	30,623	75,599
Total deferred outflows of resources	1,305,562	888,937	2,194,499
Liabilities			
Current liabilities			
Accounts payable	55,319	141,536	196,855
Accrued interest payable	53,061	-	53,061
Accrued payroll	34,414	20,660	55,074
Due to other funds	411,853	389,531	801,384
Current maturities of long-term debt	794,121	10,901	805,022
Total current liabilities	1,348,768	562,628	1,911,396
Long-term debt (net of current portion)			
Bonds payable	9,610,000	-	9,610,000
Net pension liabilities	840,894	572,553	1,413,447
OPEB	55,616	37,868	93,484
Compensated absences payable	217,096	98,106	315,202
Total long-term debt	10,723,606	708,527	11,432,133
Total liabilities	12,072,374	1,271,155	13,343,529
Deferred Inflows of Resources			
Related to pensions	1,665,150	1,133,777	2,798,927
Related to OPEB	22,009	14,986	36,995
Total deferred inflows of resources	1,687,159	1,148,763	2,835,922
Net Position			
Net investment in capital assets	318,281,921	2,725,010	321,006,931
Restricted	1,038,000	-	1,038,000
Unrestricted	10,088,502	2,037,366	12,125,868
Total net position	\$ 329,408,423	\$ 4,762,376	\$ 334,170,799

The Notes to Financial Statements are an integral part of this statement

14

City of West Fargo, North Dakota
Proprietary Funds
Statement of Revenues, Expenses, and Changes in Net Position
Year Ended December 31, 2021

	<u>Water & Sewer</u>	<u>Garbage</u>	<u>Total</u>
Operating Revenues			
Utility sales and service charges	\$ 13,663,391	\$ 4,920,620	\$ 18,584,011
Operating Expenses			
Distribution	8,231,934	-	8,231,934
Landfill and collections	-	2,480,394	2,480,394
Salaries and wages	1,865,454	1,464,644	3,330,098
Administration and general	1,387,774	490,704	1,878,478
Depreciation	11,159,669	269,196	11,428,865
Total operating expenses	<u>22,644,831</u>	<u>4,704,938</u>	<u>27,349,769</u>
Operating Income (Loss)	(8,981,440)	215,682	(8,765,758)
Nonoperating Revenues (Expenses)			
Interest income	59,450	31,333	90,783
Hook up fees	116,391	-	116,391
Miscellaneous	433,462	23,564	457,026
Interest expense	(353,983)	(14,398)	(368,381)
Total nonoperating revenues (expenses)	<u>255,320</u>	<u>40,499</u>	<u>295,819</u>
Income (Loss) before Capital Contributions and Transfers	(8,726,120)	256,181	(8,469,939)
Transfers out	(1,131,924)	-	(1,131,924)
Contribution of capital assets	<u>7,185,213</u>	<u>-</u>	<u>7,185,213</u>
Change in Net Position	(2,672,831)	256,181	(2,416,650)
Net Position, Beginning of Year	<u>332,081,254</u>	<u>4,506,195</u>	<u>336,587,449</u>
Net Position, End of Year	<u><u>\$ 329,408,423</u></u>	<u><u>\$ 4,762,376</u></u>	<u><u>\$ 334,170,799</u></u>

City of West Fargo, North Dakota

Proprietary Funds

Statement of Cash Flows

Year Ended December 31, 2021

	<u>Water & Sewer</u>	<u>Garbage</u>	<u>Total</u>
Operating Activities			
Receipts from customers and users	\$ 14,241,541	\$ 4,990,618	\$ 19,232,159
Payments for employee costs	(2,206,483)	(1,470,769)	(3,677,252)
Payments to other vendors	(9,938,463)	(2,985,107)	(12,923,570)
Net cash from operating activities	<u>2,096,595</u>	<u>534,742</u>	<u>2,631,337</u>
Non-Capital Financing Activities			
Transfers to other funds	(1,131,924)	-	(1,131,924)
Change in interfund balances	(61,817)	(90,397)	(152,214)
Net cash used for non-capital financing activities	<u>(1,193,741)</u>	<u>(90,397)</u>	<u>(1,284,138)</u>
Capital and Related Financing Activities			
Property and equipment additions	(85,253)	(542,040)	(627,293)
Payments on long-term debt			
Principal	(745,000)	-	(745,000)
Interest	(357,904)	(14,398)	(372,302)
Net cash used for capital and related financing activities	<u>(1,188,157)</u>	<u>(556,438)</u>	<u>(1,744,595)</u>
Investing Activity			
Interest from investments	<u>59,450</u>	<u>31,333</u>	<u>90,783</u>
Change in Cash and Cash Equivalents	(225,853)	(80,760)	(306,613)
Cash and Cash Equivalents - Beginning of Year	<u>12,377,010</u>	<u>3,258,540</u>	<u>15,635,550</u>
Cash and Cash Equivalents - End of Year	<u>\$ 12,151,157</u>	<u>\$ 3,177,780</u>	<u>\$ 15,328,937</u>
Reconciliation to the Statement of Net Position			
Cash and Cash Equivalents	\$ 11,113,157	\$ 3,177,780	\$ 14,290,937
Restricted Cash	<u>1,038,000</u>	<u>-</u>	<u>1,038,000</u>
Total Cash and Cash Equivalents	<u>\$ 12,151,157</u>	<u>\$ 3,177,780</u>	<u>\$ 15,328,937</u>

City of West Fargo, North Dakota

Proprietary Funds

Statement of Cash Flows

Year Ended December 31, 2021

	<u>Water & Sewer</u>	<u>Garbage</u>	<u>Total</u>
Reconciliation of Operating Income (Loss) to Net Cash from Operating Activities			
Operating income (loss)	\$ (8,981,440)	\$ 215,682	\$ (8,765,758)
Adjustments to reconcile operating income (loss) to net cash from operating activities			
Depreciation	11,159,669	269,196	11,428,865
Other income	549,853	23,564	573,417
Changes in assets and liabilities			
Accounts receivable	28,297	46,434	74,731
Deferred outflows	658,374	158,467	816,841
Accounts payable	(318,755)	(14,009)	(332,764)
Accrued payroll	(33,396)	(31,085)	(64,481)
Compensated absences payable	45,966	24,935	70,901
Net pension and OPEB liability	(2,171,612)	(1,025,867)	(3,197,479)
Deferred inflows	1,159,639	867,425	2,027,064
Net cash from operating activities	<u>\$ 2,096,595</u>	<u>\$ 534,742</u>	<u>\$ 2,631,337</u>
Supplemental Disclosure of Cash Flow Information			
Cash payments for interest	<u>\$ 361,825</u>	<u>\$ 14,398</u>	<u>\$ 376,223</u>
Supplemental Disclosure of Non-Cash Capital and Related Financing Activities			
Capital contributions	<u>\$ 7,185,213</u>	<u>\$ -</u>	<u>\$ 7,185,213</u>

City of West Fargo, North Dakota
Statement of Fiduciary Net Position – Custodial Fund
Year Ended December 31, 2021

Assets	
Cash and cash equivalents	\$ 1,275,874
Receivables	<u>944</u>
Total assets	<u>1,276,818</u>
Liabilities	
Payables	<u>55</u>
Net Position	<u><u>\$ 1,276,763</u></u>

City of West Fargo, North Dakota
Statement of Changes in Fiduciary Net Position – Custodial Fund
Year Ended December 31, 2021

Additions	
Property taxes, special assessments, and other receipts collected for other governments	\$ 603,269
Deductions	
Payments of property taxes, special assessments, and other receipts to other governments	<u>568,038</u>
Change in Fiduciary Net Position	35,231
Net Position, Beginning of Year	<u>1,241,532</u>
Net Position, End of Year	<u><u>\$ 1,276,763</u></u>

Note 1 - Summary of Significant Accounting Policies

The City of West Fargo, North Dakota ("City") operates under a Home Rule Charter and various applicable sections in Title 40 of the North Dakota Century Code. The financial statements of the City have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP) as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The more significant of the government's accounting policies are described below.

Reporting Entity

The City's financial statements include all funds for which the City is financially accountable.

The City is a primary government because it is a special-purpose government that has a separately elected governing body, is legally separate, and is fiscally independent of other state or local governments. Additionally, the City is not included in any other governmental reporting entity.

Component units are legally separate organizations for which elected officials of the primary government are financially accountable. The City is financially accountable if it appoints a voting majority of the organization's governing body and is either:

1. able to impose its will on that organization or
2. there is potential for the organization to provide specific financial benefits to or impose financial burdens on the City. The City may be financially accountable if an organization is fiscally dependent on the City.

There are no component units reported within these financial statements.

Government-Wide and Fund Financial Statements

The goal of government-wide financial statements is to present a broad overview of government's finances. The basic statements that form the government-wide financial statements are the statement of net position and the statement of activities. These two statements report information on all of the non-fiduciary activities of the government. For the most part, the effect of interfund activity has been removed from these statements. Exceptions to this rule are charges from the City's water and sewer utilities, and other functions of the City. Elimination of these charges would distort the direct costs and program revenues reported from the various functions concerned. Governmental activities, which are normally financed through taxes and intergovernmental revenues, are reported separately from business-type activities, which are normally financed through user fees and charges for goods or services.

The statement of activities reports gross direct expenses by function reduced by program revenues. This results in a measurement of net revenue or expense for each of the government's activities. Direct expenses are those that are clearly identifiable with a specific function. Program revenues are directly associated with the function or business-type activity and include 1) charges for services and 2) operating or capital grants and contributions that are restricted to a particular function. Tax and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are prepared for governmental funds, proprietary funds, and fiduciary funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

Measurement Focus, Basis of Accounting and Financial Statement Presentation

The government-wide and proprietary fund financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of the related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as eligibility requirements imposed by the provider have been met. Although custodial funds have no measurement focus, they also use the accrual basis of accounting to recognize receivables and payables.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Taxes, special assessments, intergovernmental revenue, permits, charges for services and investment income associated with the current fiscal period are the major revenues that are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period to the extent they are collected in 60 days. All other revenue items are considered to be measurable and available only when the City receives cash.

The City reports the following major governmental funds:

- *General Fund* – The general fund is the general operating fund of the City. All financial resources of the general government that are not required to be reported in another fund are accounted for in the general fund.
- *Sales Tax Fund* – This fund accounts for the resources accumulated and payments made for infrastructure improvements, economic development, job creation, and business retention, expansion, and recruitment through the City's sales taxes.
- *Capital Projects Fund* – This fund accounts for financial resources, including special assessments, to be used for the acquisition or construction of major capital facilities (other than those financed by proprietary funds).
- *Debt Service Fund* – This fund accounts for the resources accumulated and payments made for principal and interest on all general obligation and special assessment bonds of governmental funds. Revenue sources in this fund are restricted solely for debt retirement.

The City reports the following major proprietary funds:

- *Water & Sewer Fund* – This fund accounts for the provision of water utility service and the sanitary sewer service to the residents of the City.
- *Garbage Fund* – This fund accounts for the provision of garbage pickup and landfill services to the residents of the City.

Additionally, the City reports the following fund type:

- *Custodial Fund* – These funds account for assets by the City in a custodial capacity as an agent on behalf of others. The City's custodial funds are used to account for property taxes, special assessments, and other items collected on behalf of other governments.

Amounts reported as program revenues include the following: amounts received from those who purchase, use or directly benefit from a program; amounts received from parties outside the City that are restricted to one or more specific programs; and earnings on investments that are legally restricted for a specific program. Revenues that do not meet the previous criteria are reported as general revenues, including all taxes.

Proprietary funds report operating revenues and expenses separately from nonoperating items. Operating revenues and expenses generally result from providing services or producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the City's enterprise funds are charges to customers for sales and services. Operating expenses for enterprise funds include the costs of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

Under the terms of grant agreements, the City funds certain programs by a combination of specific cost-reimbursement grants and general revenues. Thus, when program expenses are incurred, there is both restricted and unrestricted net position available to finance the program. It is the City's policy to first apply cost-reimbursement grant resources to such programs, and then by general revenues.

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, and then unrestricted resources as they are needed.

Other Significant Accounting Policies

Budgets and Budgetary Accounting

The governing board adopts an annual budget on a basis consistent with GAAP, and state law as outlined in various sections of North Dakota Century Code (NDCC) Chapter 40-40 for the general fund, each special revenue fund and each debt service fund of the municipality. The City is required to present the adopted and final amended revenues and expenditures for each of these funds.

The following procedures are followed in establishing the budgetary data reflected in the financial statements:

- The governing body of each municipality, annually or before August 10th, shall make an itemized statement known as the preliminary budget statement showing the amounts of money which, in the opinion of the governing body, will be required for the proper maintenance, expansion, or improvement of the municipality during the year (NDCC 40-40-04).
- The preliminary budget must include a detailed breakdown of the estimated revenues and appropriations requested for the ensuing year for the general fund, each special revenue fund, and each debt service fund of the municipality. The revenue and expenditure items for the preceding year and estimates of the revenue and expenditures for the current year must be included for each fund to assist in determining the estimated revenues and appropriation requested for the ensuing year. The budget must also include any transfers in or out and the beginning and ending fund balance for each of the funds. The budget must be prepared on the same basis of accounting used by the municipality for its annual financial reports (NDCC 40-40-05).
- After the governing body has prepared the preliminary budget statement, the auditor of the municipality shall give notice that: the preliminary budget is on file in the office of the auditor and may be examined by anyone upon request; the governing body shall meet no later than October 7th at the time and place specified in the notice for the purpose of adopting the final budget and making the annual tax levy; and, the governing shall hold a public session at the time and place designated in the notice of the hearing at which any taxpayer may appear and discuss with the body any item of proposed expenditure or may object to any item or amount (NDCC 40-40-06).
- After the budget hearing, the final budget must be prepared on or before October 7th in accordance with provisions outlined in detail in NDCC 40-40-08.
- After completing the final budget on or before October 7th, the governing body shall proceed to make the annual tax levy in an amount sufficient to meet the expenses for the ensuing year as determined at the budget meeting (NDCC 40-40-09).
- Immediately after completion of the final budget and adoption of the annual tax levy by the governing body of a municipality in accordance with provisions, and in no case later than October 10th, the auditor of the municipality shall send to the county auditor a certified copy of the final budget (NDCC 40-40-10).
- No municipal expenditure may be made, nor liability incurred, and no bill may be paid for any purposes in excess of the appropriation made therefor in the final budget. Expenditures made liabilities incurred, or warrants issued in excess of the appropriations are a joint and several liability the members of the governing body (NDCC 40-40-15).
- At the end of the fiscal year, the balance to credit of each annual appropriation becomes a part of the general unappropriated balance in the municipal treasury, but no special appropriation lapses until the work for which it was made has been completed, the bills paid, and the accounts closed. Thee governing body of a city may elect, at the end of the fiscal year, to carry over the unencumbered cash balance in the general fund or other budgeted funds and designate the balances for subsequent years (NDCC 40-40-21).

All unexpended appropriations lapse at year-end.

Any changes in the total budget of each fund must be approved by a majority vote of the city commission.

Cash and Cash Equivalents, and Restricted Cash

Cash balances from all funds are combined and invested to the extent available in authorized investments. Earnings from such investments are allocated to the respective funds on the basis of applicable cash balance participation by each fund.

The City considers cash equivalents to be certificates of deposit, money market funds, and other highly liquid investments with original maturities of three months or less.

The City has restricted cash set aside for the repayment of the 2019B refunding bonds and for other bond reserve requirements.

Receivable and Credit Policy

Trade receivables are uncollateralized customer obligations due under normal trade terms requiring payment within 30 days from the invoice date. Utility receivables are charged a \$10 late fee, but other City receivables are not charged any late fees. There are no allowances for doubtful accounts recorded.

Capital Assets

Capital assets, which include property, plant, equipment, infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), mains and lines, and vehicles are reported in the applicable governmental or business-type activities column in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost of more than \$5,000. Such assets are recorded at historical cost or estimated historical cost. Donated capital assets are recorded at acquisition value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend lives are not capitalized.

Property, plant, and equipment of the primary government are depreciated using the straight-line method over the following estimated useful lives:

Buildings and improvements	30-50 years
Land Improvements	30 years
Machinery and equipment	5-20 years
Infrastructure	20-40 years

Compensated Absences

Vacation and Sick leave accruals are based on 26 pay periods. Employees not within the police department accrue vacation leave at a rate of 3.25 to 7.5 hours per pay period depending on years of service. Employees within the police department accrue vacation leave at a rate of 3.75 to 8.5 hours per pay period depending on years of service. Up to 240 hours of vacation leave may be carried over at each year-end. Upon termination vacation benefits that have accrued through the last day of work will be paid.

Sick leave is accrued at a rate of 3.75 to 5.75 hours per pay period for all employees. Up to 960 hours of sick leave may be carried over at each year-end. Upon termination employees with ten continuous years of service will be paid 50% of accumulated sick leave, not to exceed 480 hours. Employees hired prior to January 1, 2017 with 10 or more years of continuous service will receive an annual sick leave payout of 50% of any hours over 960 and 50% of sick leave paid out at time of termination unless the employee selected a full sick leave payout option.

A liability for vested or accumulated vacation and sick leave is reported in the statement of net position.

Long-Term Liabilities

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Pension

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the North Dakota Public Employees Retirement System (NDPERS) and additions to/deductions from NDPERS fiduciary net position have been determined on the same basis as they are reported by NDPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Other Post-Employment Benefits (OPEB)

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, OPEB expense, information about the fiduciary net position of the North Dakota Public Employees Retirement System (NDPERS), and additions to/deductions from NDPERS' fiduciary net position have been determined on the same basis as they are reported by NDPERS. For this purpose, benefit payments are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Deferred Outflows and Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will *not* be recognized as an outflow of resources (expense/ expenditure) until then. The City has four items that qualify for reporting in this category. They are the contributions made to pension plans and the other postemployment benefit plan after the measurement date and prior to the fiscal year-end, changes in the net pension liability not included in pension expense, and changes in the other post employment benefits liability not included in OPEB expense, reported in the district-wide statement of net position.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will *not* be recognized as an inflow of resources (revenue) until that time. The City has three types of items that qualify for reporting in this category. The District reports unavailable revenues from property taxes and special assessments on the governmental funds balance sheet. These amounts are deferred and recognized as an inflow of resources in the period that the amounts become available. The other items are changes in the net pension liability not included in pension expense and changes in the other post-employment benefits liability not included in OPEB expense reported in the district-wide statement of net position.

Fund Balance

The following classifications describe the relative strength of spending constraints:

- *Nonspendable Fund Balance* – represents amounts that cannot be spent due to form such as inventories, prepaids, long-term loans, and notes receivable, and property held for resale (unless the proceeds are restricted, committed or assigned).
- *Restricted Fund Balance* – represents amounts that exist when constraints are placed on the use of resources that are either externally imposed by creditors (such as debt covenants), grantors, contributors, or laws or regulations of other governments (or) restrictions imposed by law through constitutional provisions or enabling legislation (i.e., Emergency fund). Restricted fund balances are shown by primary function on the balance sheet.
- *Committed Fund Balance* – represents amounts that can only be used for specific purposes pursuant to the constraints imposed by formal action of the City Commission. These committed amounts cannot be used for any other purpose unless the government removes or changes the specified use by taking the same type of action it previously employed to commit those amounts. (Example would be legislation, resolution, or ordinance). (i.e., Sales tax ordinance, budget ordinance) Committed fund balances are shown by primary function on the balance sheet.
- *Unassigned Fund Balance* – represents the remaining residual balances that have not been restricted, committed, or assigned to specific purposes within the General Fund.

The City Commission establishes fund balance commitments by passage of an ordinance or resolution. This is typically done through adoption and amendment of the budget. A fund balance commitment is further indicated in the budget document as a designation or commitment of the fund.

When both restricted and unrestricted resources are available for use, it is the City's policy to use nonspendable resources first, restricted second, committed third, assigned fourth and unassigned last.

Net Position

Net position represents the difference between (a) assets and deferred outflows of resources and (b) liabilities and deferred inflows of resources in the City's financial statements. Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balance of any long-term debt used to build or acquire the capital assets. Restricted net position consists of restricted assets reduced by liabilities and deferred inflows of resources related to those assets. Unrestricted net position is the net amount of assets, deferred inflows of resources, liabilities, and deferred inflows of resources that are not included in the determination of net investment in capital assets or the restricted component of net position.

Risk Management

The City is exposed to various risks of loss relating to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters.

In 1986, state agencies and political subdivisions of the state of North Dakota joined together to form the North Dakota Insurance Reserve Fund (NDIRF), a public entity risk pool currently operating as a common risk management and insurance program for the state and over 2,000 political subdivisions. The City pays an annual premium to NDIRF for its general liability, automobile, and inland marine insurance coverage. The coverage by NDIRF is limited to losses of \$10,000,000 per occurrence for general liability and automobile, and up to \$10,244,330 for public assets (mobile equipment and portable property).

The City also participates in the North Dakota Fire and Tornado Fund and the State Bonding Fund. The City pays an annual premium to the Fire and Tornado Fund to cover property damage to buildings and personal property. Replacement cost coverage is provided by estimating replacement cost in consultation with the Fire and Tornado Fund. The Fire and Tornado Fund is reinsured by a third-party insurance carrier for losses in excess of \$1,000,000 per occurrence during a 12-month period. The State Bonding Fund currently provides the City with blanket fidelity bond coverage in the amount of \$2,000,000 for its employees. The State Bonding Fund does not currently charge any premium for this coverage.

The City has worker's compensation with the North Dakota Workforce Safety and Insurance.

Settled claims resulting from these risks have not exceeded insurance coverage in any of the past three years.

Note 2 - Compliance and Stewardship

Deficit Fund Balance

At December 31, 2021, the Capital Projects fund had a deficit fund balance of \$6,775,621. The deficit will be eliminated through a combination of future intergovernmental revenues, debt issuances, and transfers from other funds.

Note 3 - Deposits and Investments

Deposits

In accordance with the North Dakota Century Code, the City maintains deposits at depository banks covered by Federal Depository Insurance. Century Code requires that all City deposits be protected by insurance, collateral or surety bond. The market value of the collateral pledged must be equal to or greater than 110% of the deposits not covered by insurance or bonds. As of December 31, 2021, the City's deposits include savings accounts, money market funds, and certificates of deposit.

Authorized collateral includes bills, notes, or bonds issued by the United States government, its agencies or instrumentalities, all bonds and notes guaranteed by the United States government, federal land bank bonds, bonds, notes, warrants, certificates of indebtedness, insured certificates of deposit, shares of investment companies registered under the Investment Companies Act of 1940, and all other forms of securities issued by the state of North Dakota, its boards, agencies or instrumentalities or by any county, city, township, school district, park district, or other political subdivision of the state of North Dakota. Whether payable from special revenues or supported by the full faith and credit of the issuing body and bonds issued by another state of the United States or such other securities approved by the banking board.

At December 31, 2021, the City's carrying amount of deposits was \$105,079,334 and the bank balances were \$107,039,238. Of the bank balances, \$91,586,857 was covered by Federal Depository Insurance, while the remaining balances were collateralized with securities held by the pledging financial institution's agent in the government's name.

Custodial Credit Risk

Custodial credit risk is the risk that in the event of bank failure, the government's deposits may not be returned to it. Beyond what is stated in the Century Code, the City does not have a formal policy to further limit exposure to custodial credit risk. As of December 31, 2021, the City's deposits were either fully insured or properly collateralized, and have no custodial credit risk.

Interest Rate Risk – Investments

The City does not have a formal investment policy that limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates.

The following table presents the City's deposit and investment balances at December 31, 2021.

Type	Fair Value	Maturities (in Years)	
		N/A	< 1
Cash and cash equivalents			
Deposits	\$ 90,399,227	\$ 90,399,227	\$ -
Petty cash	400	400	-
Certificates of deposit	14,679,707	-	14,679,707
	<u>\$ 105,079,334</u>	<u>\$ 90,399,627</u>	<u>\$ 14,679,707</u>

Cash and investments are included on the basic financial statements as follows:

Cash and cash equivalents - Statement of Net Position	\$ 100,945,724
Restricted cash - Statement of Net Position	2,857,736
Cash and cash equivalents - Statement of Fiduciary Net Position	<u>1,275,874</u>
	<u>\$ 105,079,334</u>

Note 4 - Property Taxes and Special Assessments**Property Taxes**

Property taxes attach as an enforceable lien on property on January 1. The tax levy may be paid in two installments: the first installment includes one-half of the real estate taxes and all the special assessments; the second installment is the balance of the real estate taxes. The first installment is due by March 1 and the second installment is due by October 15. A 5% discount is allowed if all taxes are paid by February 15. After the due dates, the bill becomes delinquent, and penalties are assessed.

Taxes which remain unpaid at December 31 are classified as delinquent taxes receivable and the portion not available within 60 days is fully offset by unavailable revenue because it is not available to finance current expenditures. The delinquent taxes receivable represents the past five years of uncollected tax levies.

Special Assessments

Special assessments are levied against the benefited properties for the assessable costs of special assessment improvement projects in accordance with state statutes. The assessments are collectible over a term of years generally consistent with the term of years of the related bond issue. Collection of annual installments (including interest) is handled by the county and remitted to the City at the same time property tax settlements are made. Property owners are allowed to prepay total future installments plus accrued interest without prepayment penalties. Special assessments are generally collected by the county and remitted to the City at the same time the tax settlements are made.

Note 5 - Capital Assets

Capital asset activity for the year ended December 31, 2021 was as follows:

Governmental Activities	Beginning Balance	Increases and Transfers	Decreases and Transfers	Ending Balance
Capital assets, not being depreciated				
Land	\$ 19,783,400	\$ 319,275	\$ -	\$ 20,102,675
Construction in progress	55,763,223	24,124,713	52,108,668	27,779,268
Total capital assets not being depreciated	75,546,623	24,443,988	52,108,668	47,881,943
Capital assets, being depreciated				
Infrastructure	191,458,517	44,857,977	-	236,316,494
Buildings and improvements	26,189,910	15,293	-	26,205,203
Machinery and equipment	9,256,589	1,481,395	300,758	10,437,226
Total capital assets being depreciated	226,905,016	46,354,665	300,758	272,958,923
Less accumulated depreciation for				
Infrastructure	82,903,932	9,389,053	-	92,292,985
Buildings and improvements	3,001,956	726,623	-	3,728,579
Machinery and equipment	4,049,315	866,344	288,530	4,627,129
Total accumulated depreciation	89,955,203	10,982,020	288,530	100,648,693
Total capital assets being depreciated, net	136,949,813	35,372,645	12,228	172,310,230
Governmental activities capital assets, net	\$ 212,496,436	\$ 59,816,633	\$ 52,120,896	\$ 220,192,173

City of West Fargo, North Dakota

Notes to Financial Statements

December 31, 2021

Business-Type Activities	Beginning Balance	Increases and Transfers	Decreases and Transfers	Ending Balance
Capital assets, not being depreciated				
Land	\$ 1,857,610	\$ -	\$ -	\$ 1,857,610
Capital assets, being depreciated				
Buildings	3,834,634	-	-	3,834,634
Land improvements	3,751,796	-	-	3,751,796
Machinery and equipment	9,741,159	627,293	353,119	10,015,333
Infrastructure	425,494,017	7,185,213	-	432,679,230
Total capital assets being depreciated	442,821,606	7,812,506	353,119	450,280,993
Less accumulated depreciation for				
Buildings	743,930	78,246	-	822,176
Land improvements	3,751,796	-	-	3,751,796
Machinery and equipment	6,284,313	596,004	353,119	6,527,198
Infrastructure	98,871,766	10,754,615	-	109,626,381
Total accumulated depreciation	109,651,805	11,428,865	353,119	120,727,551
Total capital assets being depreciated, net	333,169,801	(3,616,359)	-	329,553,442
Business-type activities capital assets, net	\$ 335,027,411	\$ (3,616,359)	\$ -	\$ 331,411,052

Depreciation expense was charged to functions/programs of the government as follows:

Governmental Activities	
General government	\$ 10,378,775
Public safety	406,518
Public works	196,727
Total depreciation expense - governmental activities	\$ 10,982,020
Business-Type Activities	
Water & sewer	\$ 11,159,669
Garbage	269,196
Total depreciation expense - business-type activities	\$ 11,428,865

Note 6 - Long-Term Debt

The following is a summary of changes in long-term debt of the City for the year ended December 31, 2021:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Governmental activities					
G.O. bonds	\$ 3,450,000	\$ -	\$ 810,000	\$ 2,640,000	\$ 845,000
Special assessment bonds	305,200,000	15,605,000	35,050,000	285,755,000	15,565,000
Revenue bonds	19,290,000	-	55,000	19,235,000	450,000
BND drawdown	13,419,794	-	500,629	12,919,165	510,641
Bond premium	9,170,606	311,697	585,679	8,896,624	516,667
Bond discount	(2,653,506)	(156,050)	(144,011)	(2,665,545)	(144,012)
Capital leases	1,743,952	-	268,880	1,475,072	277,350
Compensated absences*	1,608,394	45,057	-	1,653,451	165,345
Governmental activity long-term debt	<u>\$ 351,229,240</u>	<u>\$ 15,805,704</u>	<u>\$ 37,126,177</u>	<u>\$ 329,908,767</u>	<u>\$ 18,185,991</u>
Business-type activities					
Revenue bonds	\$ 11,125,000	\$ -	\$ 745,000	\$ 10,380,000	\$ 770,000
Compensated absences*	279,323	70,901	-	350,224	35,022
Business-type activity long-term debt	<u>\$ 11,404,323</u>	<u>\$ 70,901</u>	<u>\$ 745,000</u>	<u>\$ 10,730,224</u>	<u>\$ 805,022</u>

*Change in compensated absences is presented as a net change.

General obligation bonds are recorded in the governmental activities in the government-wide statement and are backed by the full faith and credit of the City. These bonds are payable from the debt service funds primarily through property tax levies.

The City has issued numerous Refunding Improvement Bonds that were special assessment bonds. North Dakota state law requires that these be called refunding bonds because warrants are the first issuance that are refunded with the bond issuance. These bonds are repaid through special assessments levied against the benefiting properties.

The City has General obligation revenue bonds that are recorded as a liability in the business utilities fund and are payable from public utility revenues. The City has pledged future revenues, net of specified operating expenses, to repay these bonds. The debt and information related to the pledged revenues at December 31, 2021 are as follows:

	Pledged Revenue Source	2021		Approximate Amount of Revenue Pledged
		Principal and Interest Paid	Net Revenues	
Business-type activities				
2012 Refunding Improvement Bond	Water and Sewer Revenue	\$ 422,653	\$ 2,237,679	18.9%
2019 Refunding Improvement Bond	Water and Sewer Revenue	664,241	2,237,679	29.7%

City of West Fargo, North Dakota

Notes to Financial Statements

December 31, 2021

Bonds payable outstanding as of December 31, 2021, consist of the following:

	Interest Rate	Final Year of Maturity	Authorized and Issued	Outstanding
Governmental activities				
2009 General Obligation Arterial Street Bonds	2.50-4.35%	2024	\$ 10,000,000	\$ 2,640,000
2009 Municipal Improvement Bonds	2.00-5.50%	2039	530,000	400,000
2009 TIF District Bonds	2.75-4.50%	2025	570,000	190,000
2012 Sidewalk Warrants	1.00-2.25%	2022	170,000	20,000
2014A Refunding Improvement Bonds	2.00-3.625%	2038	17,750,000	11,685,000
2014B Refunding Improvement Bonds	2.00-5.00%	2039	20,460,000	14,730,000
2015A Refunding Improvement Bonds	2.00-5.00%	2040	28,180,000	19,975,000
2015B Refunding Improvement Bonds	2.00-5.00%	2040	24,470,000	19,445,000
2016A Refunding Improvement Bonds	1.50-4.50%	2041	27,140,000	21,100,000
2017A Refunding Improvement Bonds	3.00-5.00%	2042	36,860,000	32,670,000
2018A Refunding Improvement Bonds	4.50-5.00%	2023	9,275,000	1,775,000
2018B Refunding Improvement Bonds	3.50-5.00%	2043	30,230,000	28,010,000
2019A Refunding Improvement Bonds	2.00-4.00%	2024	7,905,000	5,440,000
2019B Refunding Improvement Bonds	2.625-4.00%	2036	55,105,000	51,465,000
2020A Refunding Improvement Bonds	2.00-4.00%	2041	66,430,000	64,430,000
2020 Taxable Gross Revenue Bonds	0.60-3.00%	2045	18,645,000	18,645,000
2021A Refunding Improvement Bonds	2.00%	2034	7,060,000	7,060,000
2021B Refunding Improvement Bonds	0.25-2.10%	2034	8,545,000	7,950,000
Total				<u>\$ 307,630,000</u>
Business-type activities				
2012 Refunding Improvement Bond	0.50-4.25%	2030	\$ 9,145,000	\$ 5,010,000
2019 Refunding Improvement Bond	2.00-3.00%	2034	5,905,000	5,370,000
Total				<u>\$ 10,380,000</u>

The annual requirements to amortize all bonded debt outstanding as of December 31, 2021, are as follows:

Years Ending December 31,	Governmental Activities		Business-type Activities	
	Principal	Interest	Principal	Interest
2022	\$ 16,860,000	\$ 9,387,373	\$ 770,000	\$ 318,368
2023	16,420,000	8,785,778	800,000	291,631
2024	15,820,000	8,220,078	835,000	263,881
2025	14,535,000	7,654,126	865,000	238,831
2026	14,460,000	7,112,859	895,000	210,180
2027-2031	72,270,000	28,616,007	4,355,000	626,814
2032-2036	72,295,000	17,812,455	1,860,000	110,906
2037-2041	57,945,000	8,155,039	-	-
2042-2045	27,025,000	1,529,397	-	-
Total	<u>\$ 307,630,000</u>	<u>\$ 97,273,112</u>	<u>\$ 10,380,000</u>	<u>\$ 2,060,611</u>

City of West Fargo, North Dakota

Notes to Financial Statements

December 31, 2021

During the year ended December 31, 2021, the City issued \$15,605,000 in refunding improvement bonds with interest rates ranging from 0.25% to 2.10%. The proceeds were used to refund \$15,895,000 of outstanding refunding improvement 2013 bonds which had interest rates ranging from 2.00% to 4.20%. The net bond proceeds were \$15,916,697 which included a net bond premium of \$311,697 and a bond discount of \$156,050. The refunding reduced the total debt service payments by \$6,980,251 and obtained an economic gain (difference between the present values of the debt service payments on the old and new debt) of \$1,873,702.

The City has entered into two drawdown agreements with the Bank of North Dakota to finance various improvement projects within the City. These loans are repaid through special assessments levied against the benefiting properties. Drawdown agreements payable outstanding as of December 31, 2021, consist of the following:

	Interest Rate	Final Year of Maturity	Authorized and Issued	Outstanding
Governmental activities				
Bank of North Dakota Drawdown	2.00%	2041	\$ 10,000,000	\$ 8,331,075
Bank of North Dakota Drawdown	2.00%	2043	5,000,000	4,588,090
				<u>\$ 12,919,165</u>

The annual requirements to amortize all Bank of North Dakota drawdowns outstanding as of December 31, 2021, are as follows:

<u>Years Ending December 31,</u>	<u>Drawdown Agreement</u>	
	<u>Principal</u>	<u>Interest</u>
2022	\$ 510,641	\$ 258,252
2023	520,854	248,039
2024	531,272	237,622
2025	541,897	226,997
2026	552,735	216,159
2027-2031	2,933,985	910,486
2032-2036	3,239,355	605,114
2037-2041	3,576,509	267,960
2042-2043	511,917	15,211
Total	<u>\$ 12,919,165</u>	<u>\$ 2,985,840</u>

The capital leases consists of various vehicles and equipment at a total cost of \$2,311,068, with total accumulated depreciation of \$482,071 as of December 31, 2021. The capital lease agreements include provisions that in the event of default, the equipment will be repossessed. Maturities of principal and interest payments are as follows:

<u>Years Ending December 31,</u>	<u>Capital leases</u>	
	<u>Principal</u>	<u>Interest</u>
2022	\$ 277,350	\$ 49,104
2023	217,510	40,363
2024	155,090	34,203
2025	160,502	28,791
2026	664,620	24,689
Total	<u>\$ 1,475,072</u>	<u>\$ 177,150</u>

Compensated Absences

Compensated absences for governmental funds are recorded as a liability in the governmental activities in the government-wide statement. This liability matures only upon qualified retirements or terminations and is paid out of the general fund.

Note 7 - Pension Plan

North Dakota Public Employees Retirement System (Main System)

The following brief description of NDPERS is provided for general information purposes only. Participants should refer to NDCC Chapter 54-52 for more complete information.

NDPERS is a cost-sharing multiple-employer defined benefit pension plan that covers substantially all employees of the State of North Dakota, its agencies and various participating political subdivisions. NDPERS provides for pension, death and disability benefits. The cost to administer the plan is financed through the contributions and investment earnings of the plan.

Responsibility for administration of the NDPERS defined benefit pension plan is assigned to a Board comprised of nine members. The Board consists of a Chairman, who is appointed by the Governor; one member appointed by the Attorney General; one member appointed by the State Health Officer; three members elected by the active membership of the NDPERS system, one member elected by the retired public employees and two members of the legislative assembly appointed by the chairman of the legislative management.

Pension Benefits

Benefits are set by statute. NDPERS has no provisions or policies with respect to automatic and ad hoc post-retirement benefit increases. Member of the Main System are entitled to unreduced monthly pension benefits beginning when the sum of age and years of credited service equal or exceed 85 (Rule of 85), or at normal retirement age (65). For members hired on or after January 1, 2016 the Rule of 85 was replaced with the Rule of 90 with a minimum age of 60. The monthly pension benefit is equal to 2.00% of their average monthly salary, using the highest 36 months out of the last 180 months of service, for each year of service. For members hired on or after January 1, 2020 the 2.00% multiplier was replaced with a 1.75% multiplier. The plan permits early retirement at ages 55-64 with three or more years of service.

Members may elect to receive the pension benefits in the form of a single life, joint and survivor, term-certain annuity, or partial lump sum with ongoing annuity. Members may elect to receive the value of their accumulated contributions, plus interest, as a lump sum distribution upon retirement or termination, or they may elect to receive their benefits in the form of an annuity. For each member electing an annuity, total payment will not be less than the members' accumulated contributions plus interest.

Death and Disability Benefits

Death and disability benefits are set by statute. If an active member dies with less than three years of service for the Main System, a death benefit equal to the value of the member's accumulated contributions, plus interest, is paid to the member's beneficiary. If the member has earned more than three years of credited service for the Main System, the surviving spouse will be entitled to a single payment refund, life-time monthly payments in an amount equal to 50% of the member's accrued normal retirement benefit, or monthly payments in an amount equal to the member's accrued 100% Joint and Survivor retirement benefit if the member had reached normal retirement age prior to date of death. If the surviving spouse dies before the member's accumulated pension benefits are paid, the balance will be payable to the surviving spouse's designated beneficiary.

Eligible members who become totally disabled after a minimum of 180 days of service, receive monthly disability benefits equal to 25% of their final average salary with a minimum benefit of \$100. To qualify under this section, the member has to become disabled during the period of eligible employment and apply for benefits within one year of termination. The definition for disabled is set by the NDPERS in the North Dakota Administrative Code.

Refunds of Member Account Balance

Upon termination, if a member of the Main System is not vested (is not 65 or does not have three years of service), they will receive the accumulated member contributions and vested employer contributions, plus interest, or may elect to receive this amount at a later date. If the member has vested, they have the option of applying for a refund or can remain as a terminated vested participant. If a member terminated and withdrew their accumulated member contribution and is subsequently reemployed, they have the option of repurchasing their previous service.

Member and Employer Contributions

Member and employer contributions paid to NDPERS are set by statute and are established as a percent of salaries and wages. Member contribution rates are 7% and employer contribution rates are 7.12% of covered compensation. For members hired on or after January 1, 2020 member contribution rates are 7% and employer contribution rates are 8.26% of covered compensation.

The member's account balance includes the vested employer contributions equal to the member's contributions to an eligible deferred compensation plan. The minimum member contribution is \$25, and the maximum may not exceed the following:

1 to 12 months of service	Greater of one percent of monthly salary or \$25
13 to 24 months of service	Greater of two percent of monthly salary or \$25
25 to 36 months of service	Greater of three percent of monthly salary or \$25
Longer than 36 months of service	Greater of four percent of monthly salary or \$25

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At December 31, 2021, the City reported a liability of \$9,461,963 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2021, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The City's proportion of the net pension liability was based on the City's share of covered payroll in the Main System pension plan relative to the covered payroll of all participating Main System employers. At June 30, 2021, the Employer's proportion was 0.907796 percent, which was an increase of 0.146159 percent from its proportion measured as of June 30, 2020.

For the year ended December 31, 2021, the City recognized pension expense of \$1,518,089. At December 31, 2021, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 163,358	\$ 965,723
Changes of assumptions	10,472,555	13,654,023
Net difference between projected and actual investment earnings on pension plan investments	-	3,509,293
Changes in proportion and differences between employer contributions and proportionate share of contributions	2,508,044	607,664
City contributions subsequent to the measurement date	1,040,478	-
	<u>\$ 14,184,435</u>	<u>\$ 18,736,703</u>

The \$1,040,478 reported as deferred outflows of resources related to pensions resulting from City contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended December 31, 2022.

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

2022	\$ (511,226)
2023	\$ (1,251,545)
2024	\$ (817,840)
2025	\$ (3,012,135)

Actuarial Assumptions

The total pension liability in the July 1, 2021 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.25%
Salary increases	3.5% to 17.75% including inflation
Investment rate of return	7.00%, net of investment expenses
Cost-of-living adjustments	None

For active members, inactive members and healthy retirees, mortality rates were based on the Sex-distinct Pub-2010 table for General Employees, with scaling based on actual experience. Respective corresponding tables were used for healthy retirees, disabled retirees, and active members. Mortality rates are projected from 2010 using the MP-2019 scale.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the Fund's target asset allocation are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Real Rate of Return
Domestic Equity	30%	6.00%
International Equity	21%	6.70%
Private Equity	7%	9.50%
Domestic Fixed Income	23%	0.73%
International Fixed Income	0%	0.00%
Global Real Assets	19%	4.77%
Cash Equivalents	0%	0.00%

Discount Rate

For PERS, GASB Statement No. 67 includes a specific requirement for the discount rate that is used for the purpose of the measurement of the Total Pension Liability. This rate considers the ability of the System to meet benefit obligations in the future. To make this determination, employer contributions, employee contributions, benefit payments, expenses and investment returns are projected into the future. The current employer and employee fixed rate contributions are assumed to be made in each future year. The Plan Net Position (assets) in future years can then be determined and compared to its obligation to make benefit payments in those years. In years where assets are not projected to be sufficient to meet benefit payments, which is the case for the PERS plan, the use of a municipal bond rate is required.

The Single Discount Rate (SDR) is equivalent to applying these two rates to the benefits that are projected to be paid during the different time periods. The SDR reflects (1) the long-term expected rate of return on pension plan investments (during the period in which the fiduciary net position is projected to be sufficient to pay benefits) and (2) a tax-exempt municipal bond rate based on an index of 20-year general obligation bonds with an average AA credit rating as of the measurement date (to the extent that the contributions for use with the long-term expected rate of return are not met).

For the purpose of this valuation, the expected rate of return on pension plan investments is 7.00%; the municipal bond rate is 1.92%; and the resulting Single Discount Rate is 7.00%.

Sensitivity of the City's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate

The following presents the City's proportionate share of the net pension liability calculated using the discount rate of 7.00 percent, as well as what the City's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.00 percent) or 1-percentage-point higher (8.00 percent) than the current rate:

	<u>1% Decrease (6.00%)</u>	<u>Current Discount Rate (7.00%)</u>	<u>1% Increase (8.00%)</u>
City's proportionate share of the net pension liability	\$ 15,047,701	\$ 9,461,963	\$ 4,810,958

Pension Plan Fiduciary Net Position

Detailed information about the pension plan's fiduciary net position is available in the separately issued NDPERS financial report.

Note 8 - Other Post-Employments Benefit Plan**North Dakota Public Employees Retirement System**

The following brief description of NDPERS is provided for general information purposes only. Participants should refer to NDAC Chapter 71-06 for more complete information.

NDPERS OPEB plan is a cost-sharing multiple-employer defined benefit OPEB plan that covers members receiving retirement benefits from the PERS, the HPRS, and Judges retired under Chapter 27-17 of the North Dakota Century Code a credit toward their monthly health insurance premium under the state health plan based upon the member's years of credited service. Effective July 1, 2015, the credit is also available to apply towards monthly premiums under the state dental, vision and long-term care plan and any other health insurance plan. Effective August 1, 2019 the benefit may be used for any eligible health, prescription drug plan, dental, vision, or long term care plan premium expense. The Retiree Health Insurance Credit Fund is advance-funded on an actuarially determined basis.

Responsibility for administration of the NDPERS defined benefit OPEB plan is assigned to a Board comprised of nine members. The Board consists of a Chairman, who is appointed by the Governor; one member appointed by the Attorney General; one member appointed by the State Health Officer; three members elected by the active membership of the NDPERS system, one member elected by the retired public employees and two members of the legislative assembly appointed by the chairman of the legislative management.

OPEB Benefits

The employer contribution for the PERS, the HPRS and the Defined Contribution Plan is set by statute at 1.14% of covered compensation. The employer contribution for employees of the state board of career and technical education is 2.99% of covered compensation for a period of eight years ending October 1, 2015. Employees participating in the retirement plan as part-time/temporary members are required to contribute 1.14% of their covered compensation to the Retiree Health Insurance Credit Fund. Employees purchasing previous service credit are also required to make an employee contribution to the Fund. The benefit amount applied each year is shown as "*prefunded credit applied*" on the Statement of Changes in Plan Net Position for the OPEB trust funds. Beginning January 1, 2020, members first enrolled in the NDPERS Main System and the Defined Contribution Plan on or after that date will not be eligible to participate in RHIC. Therefore, RHIC will become for the most part a closed plan. There were no other benefit changes during the year.

Retiree health insurance credit benefits and death and disability benefits are set by statute. There are no provisions or policies with respect to automatic and ad hoc post-retirement benefit increases. Employees who are receiving monthly retirement benefits from the PERS, the HPRS, the Defined Contribution Plan, the Chapter 27-17 judges or an employee receiving disability benefits, or the spouse of a deceased annuitant receiving a surviving spouse benefit or if the member selected a joint and survivor option are eligible to receive a credit toward their monthly health insurance premium under the state health plan.

Effective July 1, 2015, the credit is also available to apply towards monthly premiums under the state dental, vision and long-term care plan and any other health insurance plan. Effective August 1, 2019 the benefit may be used for any eligible health, prescription drug plan, dental, vision, or long term care plan premium expense. The benefits are equal to \$5.00 for each of the employee's, or deceased employee's years of credited service not to exceed the premium in effect for selected coverage. The retiree health insurance credit is also available for early retirement with reduced benefits.

OPEB Liabilities, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB

At December 31, 2021, the City reported a liability of \$625,801 for its proportionate share of the net OPEB liability. The net OPEB liability was measured as of June 30, 2021, and the total OPEB liability used to calculate the net OPEB liability was determined by an actuarial valuation as of that date. The City's proportion of the net OPEB liability was based on the City's share of covered payroll in the OPEB plan relative to the covered payroll of all participating OPEB employers. At June 30, 2021, the City's proportion was 1.125192 percent, which was an increase of 0.208912 percent from its proportion measured as of June 30, 2020.

For the year ended December 31, 2021, the City recognized OPEB expense of \$83,312. At December 31, 2021, the City reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 35,939	\$ 17,153
Changes of assumptions	96,912	-
Net difference between projected and actual investment earnings on pension plan investments	-	214,415
Changes in proportion and differences between employer contributions and proportionate share of contributions	206,635	16,091
City contributions subsequent to the measurement date	166,593	-
	<u>\$ 506,079</u>	<u>\$ 247,659</u>

The \$166,593 reported as deferred outflows of resources related to OPEB resulting from City contributions subsequent to the measurement date will be recognized as a reduction of the net OPEB liability in the year ended December 31, 2022.

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEBs will be recognized in OPEB expense as follows:

2022	\$	31,038
2023		29,494
2024		20,240
2025		(2,598)
2026		13,653
Thereafter		-

Actuarial Assumptions

The total OPEB liability in the July 1, 2021, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.25%
Salary increases	Not applicable
Investment rate of return	6.50%, net of investment expenses
Cost-of-living adjustments	None

For active members, inactive members and healthy retirees, mortality rates were based on the Mortality Pub-2010 Healthy Retiree Mortality table (for General Employees), sex-distinct, with rates multiplied by 103% for males and 101% for females. Pub-2010 Disabled Retiree Mortality table (for General Employees), sex-distinct, with rates multiplied by 117% for males and 112% for females. Pub-2010 Employee Mortality table (for General Employees), sex-distinct, with rates multiplied by 92% for both males and females. Mortality rates are projected from 2010 using the MP-2019 scale.

The long-term expected investment rate of return assumption for the RHIC fund was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of RHIC investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Estimates of arithmetic real rates of return, for each major asset class included in the RHIC's target asset allocation as of July 1, 2021, are summarized in the following table:

Asset Class	Target	Long-Term
Large Cap Domestic Equities	33%	5.85%
Small Cap Domestic Equities	6%	6.75%
Domestic Fixed Income	40%	0.50%
International Equities	21%	6.25%

Discount Rate

The discount rate used to measure the total OPEB liability was 6.50%. The projection of cash flows used to determine the discount rate assumed plan member and statutory/Board approved employer contributions will be made at rates equal to those based on the July 1, 2018, and July 1, 2017, HPRS actuarial valuation reports. For this purpose, only employer contributions that are intended to fund benefits of current RHIC members and their beneficiaries are included. Projected employer contributions that are intended to fund the service costs of future plan members and their beneficiaries are not included. Based on those assumptions, the RHIC fiduciary net position was projected to be sufficient to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on RHIC investments was applied to all periods of projected benefit payments to determine the total OPEB liability.

Sensitivity of the City's Proportionate Share of the Net OPEB Liability to Changes in the Discount Rate

The following presents the net OPEB liability of the Plans as of June 30, 2021, calculated using the discount rate of 6.50%, as well as what the RHIC net OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.50 percent) or 1-percentage-point higher (7.50 percent) than the current rate:

	1% Decrease (5.50%)	Current Discount Rate (6.50%)	1% Increase (7.50%)
City's proportionate share of the net pension liability	\$ 928,144	\$ 625,801	\$ 369,974

Note 9 - Interfund Receivables, Payables, Transfers, and Capital Contributions

Interfund receivables/payables are used to record accrued obligations between funds.

	Due from Other Funds	Due to Other Funds
General	\$ 7,725,300	\$ 259,565
Capital projects	1,692,696	6,426,293
Debt service	1,406,400	2,056,369
Other nonmajor governmental funds	411,911	1,692,696
Water & Sewer	-	411,853
Garbage	-	389,531
	<u>\$ 11,236,307</u>	<u>\$ 11,236,307</u>

City of West Fargo, North Dakota

Notes to Financial Statements

December 31, 2021

A summary of the City's interfund transfers is as follows:

	Transfer In	Transfer Out
Governmental Funds		
General	\$ 2,851,795	\$ 12,167
Sales Tax	-	16,823,226
Capital Projects	21,193,832	4,760,342
Debt Service	4,771,534	6,458,554
Non-major governmental	3,787,610	3,418,558
Total governmental funds	<u>\$ 32,604,771</u>	<u>\$ 31,472,847</u>
Proprietary Funds		
Water & Sewer	<u>\$ -</u>	<u>\$ 1,131,924</u>
Total transfers	<u>\$ 32,604,771</u>	<u>\$ 32,604,771</u>

Transfers are made for funding various projects, operational expenses, and meeting debt service requirements.

During the year ended December 31, 2021, the following capital contributions were made from the governmental activities to the proprietary funds:

	Transfer In	Transfer Out
Governmental Activities	<u>\$ -</u>	<u>\$ 7,185,213</u>
Water & Sewer Proprietary Fund	<u>\$ 7,185,213</u>	<u>\$ -</u>

Note 10 - Operating Leases

The City is obligated under certain leases accounted for as operating leases for various copier equipment and road graders. Operating leases do not give rise to property rights or lease obligations, and therefore, the results of the lease agreements are not reflected as a liability in the City's financial statements. Lease expense for all leases of the City for the current year was \$462,504.

The following is a summary of future operating lease payments:

Years Ending December 31,	Payment
2022	\$ 450,588
2023	450,588
2024	450,588
2025	450,588
	<u>\$ 1,802,352</u>

Note 11 - Commitments

Litigation and Potential Exposure – In the ordinary course of its business, the City is party to legal proceedings as a plaintiff or defendant. The financial impact of remaining actions is not determinable at December 31, 2021, but in the opinion of management and legal counsel the ultimate disposition of any or all of these proceedings will not have a material effect on the City's financial position.

Construction Commitments – As of December 31, 2021, the City has entered into contracts for various construction contracts for street improvements, sidewalks, the storm sewer system, and the water and sanitary systems. At December 31, 2021, construction in progress consisted of street improvements totaling \$18,902,240, with estimated costs to completion of \$4,410,000; storm sewer systems totaling \$1,763,739, with estimated costs to completion of \$9,200,000; fire hall totaling \$489,185, with estimated costs to completion of \$18,000,000; and water and sanitary systems of \$6,146,810, with estimated costs to completion of \$10,300,000. Estimated completion dates for these projects range from early 2022 through 2025.

Fire Department Debt Obligation – The Fire Department of the City previously operated as an independent nonprofit entity and has issued debt through various programs of the United States Department of Agriculture (USDA), which is not a legal debt obligation of the City and has not been reported as a long-term obligation within the City's financial statements. However, the City has committed to pay the annual debt service of these obligations as follows:

<u>Years Ending December 31,</u>	<u>Principal</u>	<u>Interest</u>
2022	\$ 55,657	\$ 29,303
2023	57,780	27,180
2024	59,912	25,048
2025	62,270	22,690
2026	64,646	20,314
2027-2031	362,109	62,691
2032-2033	144,438	5,054
	<u>\$ 806,812</u>	<u>\$ 192,281</u>

The City expended \$84,960 on behalf of the Fire Department during the year ended December 31, 2021.

Cass County Career Workforce Academy – The City has pledged \$600,000 towards the creation of the Cass County Career Workforce Academy, a partnership between the school districts of Fargo, West Fargo, Northern Cass and Central Cass and the North Dakota State College of Science. The Career Workforce Academy will provide education and job training opportunities for local students and community members. The City is committed to contribute \$120,000 annually for the years 2021 through 2025, with the money coming from revenues of the economic development sales tax levy. The City contributed \$120,000 during the year ended December 31, 2021.

Parking Garage Lease - In 2020, the City entered into a lease agreement to provide parking garage services to private entities. This lease agreement is for 10 years, commencing in 2020. Lease revenue of the City for the current year was \$175,000.

The following is a summary of future lease receipts:

<u>Years Ending December 31,</u>	<u>Receipts</u>
2022	\$ 200,000
2023	200,000
2024	200,000
2025	200,000
2026	200,000
Thereafter	600,000
	<u>\$ 1,600,000</u>

Note 12 - Tax Exemptions and Abatements

The City provides tax exemptions and abatements through various programs including: New Single-Family Homes, New Industry, Low Income Housing, Residential and Commercial Remodeling, and more. The amount of tax exemptions and abatements for the year ended December 31, 2021, was approximately \$700,649.

Note 13 - Joint Power Agreement with other Governmental Entities

Red River Regional Dispatch Center (RRRDC)

In 2008, the City entered into a joint powers agreement with the City of Fargo, North Dakota, City of Moorhead, Minnesota, Clay County of Minnesota, and Cass County of North Dakota, to establish a framework that allows for the joint operation of dispatch functions by the named entities. By combining the communications and dispatch of these agencies, duplication of equipment and staff time is reduced or eliminated. The goal was to reduce the financial burden to the respective governments' taxpayers through the sharing of one communication center, as well as to improve communications services.

Effective January 1, 2015 the joint powers agreement was amended as a result of the countywide vote in November 2014, which ended the City of West Fargo and City of Fargo collections of emergency communication system fees on an individual city-wide basis. Cass County emergency fee collection, which is collected per user by the county, is expected to be sufficient to cover the contribution for the City of Fargo, West Fargo and Cass County. Cass County has agreed to pay all valid billings from vendors of emergency service communication system funds for all users in Cass County.

Effective January 1, 2015, the cost share formula was amended as follows:

- City of Fargo – 0%
- City of Moorhead – 18.2%
- Cass County – 71.8%
- Clay County – 10%
- City of West Fargo – 0%

Members of the RRRDC may elect to withdraw from participation in the Agreement upon giving a six-month written notice. Additional financial information may be obtained by contacting: Attn: Director, Red River Regional Dispatch Center, 300 NP Avenue, Suite 206, Fargo, ND 58102.

Note 14 - Subsequent Events

Subsequent to year end, the City issued Public Safety Annual Appropriation Bonds in the amount of \$10,000,000 to finance the construction of a new fire department headquarters. The bonds bear an interest rate of 3.60 to 4.00% and call for semiannual payments of interest and annual payments of principal commencing December 2022. The bonds are a special, limited obligation of the City payable from a standing appropriation in the City's annual budget which is subject to the right of the City to non-appropriate funds to pay the bonds in any future fiscal year (an "event of non-appropriation") as provided in the bond resolution. Subject to an event of non-appropriation, under the terms of the bond resolution, the general resources and legally available funds of the City are pledged to the payment of the bonds. The City anticipates, but is not obligated to, make payments on the bonds in whole or in part from revenues received from its capital improvements portion of the City's two percent Citywide Capital Improvements Sales Tax. Additionally, the City will be asking the voters to approve an additional one-half cent sales tax in November 2022 that will be dedicated to public safety purposes. If the voters approve the proposed sales tax, it will provide for another source of funding to make payments on these bonds.



Required Supplementary Information
December 31, 2021

City of West Fargo, North Dakota

Schedule of Employer's Share of Net Pension Liability
Last 10 Fiscal Years*

Measurement Date	Employer's Proportionate Share (Percentage) of the Net Pension Liability (Asset)	Employer's Proportionate Share (Amount) of the Net Pension Liability (Asset)	Employer's Covered Payroll	Employer's Proportionate Share of the Net Pension Liability as a Percentage of its Employee Payroll	Plan Fiduciary Net Position as a Percentage of the Total Pension Liability
2021	0.907796%	\$ 9,461,963	\$ 10,279,796	92.04%	78.26%
2020	0.761637%	\$ 23,961,263	\$ 8,401,775	285.19%	48.91%
2019	0.739412%	\$ 8,666,444	\$ 7,691,139	112.68%	71.66%
2018	0.867830%	\$ 14,645,578	\$ 8,915,372	164.27%	62.80%
2017	0.748489%	\$ 12,030,675	\$ 7,640,904	157.45%	61.98%
2016	0.712207%	\$ 6,941,151	\$ 7,177,366	96.71%	70.46%
2015	0.665753%	\$ 4,527,007	\$ 5,931,052	76.33%	77.15%
2014	0.655469%	\$ 4,160,402	\$ 5,521,525	75.35%	77.15%

* GASB Statement No. 68 requires ten years of information to be presented in this table. However, until a full 10-year trend is compiled, the District will present information for those years for which information is available.

Schedule of Employer's Contributions
Last 10 Fiscal Years *

Fiscal Year Ending	Statutorily Required Contribution (a)	Contributions in Relation to the Statutorily Required Contribution (b)	Contribution Deficiency (Excess) (a-b)	Covered Payroll (d)	Contributions as a Percentage of Covered Payroll (b/d)
2021	\$ 758,090	\$ 724,144	\$ 33,946	\$ 10,279,796	7.04%
2020	\$ 594,919	\$ 587,156	\$ 7,763	\$ 8,401,775	6.99%
2019	\$ 559,959	\$ 643,072	\$ (83,113)	\$ 7,691,139	8.36%
2018	\$ 656,655	\$ 609,328	\$ 47,327	\$ 8,915,372	6.83%
2017	\$ 519,630	\$ 546,659	\$ (27,029)	\$ 7,177,366	7.62%
2016	\$ 450,511	\$ 451,207	\$ (696)	\$ 5,931,052	7.61%
2015	\$ 393,133	\$ 393,133	\$ -	\$ 5,521,525	7.12%
2014	\$ 328,555	\$ 328,555	\$ -	\$ 4,614,538	7.12%

* GASB Statement No. 68 requires ten years of information to be presented in this table. However, until a full 10-year trend is compiled, the District will present information for those years for which information is available.

Notes to the Schedule of Employer's Share of Net Pension Liability and Schedule of Employer's Contributions

2021

Changes of benefit terms

The interest rate earned on member contributions decreased from 7.00 percent to 6.50 percent effective January 1, 2021 (based on the adopted decrease in the investment return assumption). New Main System members who are hired on or after January 1, 2020 will have a benefit multiplier of 1.75 percent (compared to the current benefit multiplier of 2.00 percent). The fixed employer contribution for new members of the Main System increased from 7.12 percent to 8.26 percent. For members who terminate after December 31, 2019, final average salary is the higher of the final average salary calculated on December 31, 2019 or the average salary earned in the three highest periods of twelve consecutive months employed during the last 180 months of employment. There have been no other changes in plan provisions since the previous actuarial valuation as of July 1, 2020.

Changes of assumptions

All actuarial assumptions and the actuarial cost method are unchanged from the last actuarial valuation as of July 1, 2020.

2020

Changes of benefit terms

The interest rate earned on member contributions will decrease from 7.00 percent to 6.50 percent effective January 1, 2021 (based on the adopted decrease in the investment return assumption). New Main System members who are hired on or after January 1, 2020 will have a benefit multiplier of 1.75 percent (compared to the current benefit multiplier of 2.00 percent). The fixed employer contribution for new members of the Main System will increase from 7.12 percent to 8.26 percent. For members who terminate after December 31, 2019, final average salary is the higher of the final average salary calculated on December 31, 2019 or the average salary earned in the three highest periods of twelve consecutive months employed during the last 180 months of employment. There have been no other changes in plan provisions since the previous actuarial valuation as of July 1, 2019.

Changes of assumptions

The Board approved the following changes to the actuarial assumptions beginning with the July 1, 2019 valuation:

- The investment return assumption was lowered from 7.5% to 7.0%
- The assumed rate of price inflation was lowered from 2.5 to 2.25 percent for the July 1, 2020 valuation
- The assumed rate of total payroll growth was updated for the July 1, 2020 valuation
- Mortality table updates were made for the July 1, 2020 valuation

All other actuarial assumptions and the actuarial cost method are unchanged from the last actuarial valuation as of July 1, 2019.

2019

Changes of benefit terms

The interest rate earned on member contributions will decrease from 7.25 percent to 7.00 percent effective January 1, 2020 (based on the adopted decrease in the investment return assumption). New Main System members who are hired on or after January 1, 2020 will have a benefit multiplier of 1.75 percent (compared to the current benefit multiplier of 2.00 percent). The fixed employer contribution for new members of the Main System will increase from 7.12 percent to 8.26 percent. For members who terminate after December 31, 2019, final average salary is the higher of the final average salary calculated on December 31, 2019 or the average salary earned in the three highest periods of twelve consecutive months employed during the last 180 months of employment. There have been no other changes in plan provisions since the previous actuarial valuation as of July 1, 2018.

Changes of assumptions

The Board approved the following changes to the actuarial assumptions beginning with the July 1, 2019 valuation:

- The investment return assumption was lowered from 7.75% to 7.50%

All other actuarial assumptions and the actuarial cost method are unchanged from the last actuarial valuation as of July 1, 2018.

2018

Changes of benefit terms

None

Changes of assumptions

Amounts reported in 2019 reflect actuarial assumption changes effective July 1, 2018 based on the results of an actuarial experience study completed in 2015. This includes changes to the mortality tables, disability incidence rates, retirement rates, administrative expenses, salary scale, and percent married assumption.

2017

Changes of benefit terms

None

Changes of assumptions

Amounts reported in 2018 reflect actuarial assumption changes effective July 1, 2017 based on the results of an actuarial experience study completed in 2015. This includes changes to the mortality tables, disability incidence rates, retirement rates, administrative expenses, salary scale, and percent married assumption.

2016

Changes of benefit terms

None

Changes of assumptions

Amounts reported in 2017 reflect actuarial assumption changes effective July 1, 2016 based on the results of an actuarial experience study completed in 2015. This includes changes to the mortality tables, disability incidence rates, retirement rates, administrative expenses, salary scale, and percent married assumption.

2015

Changes of benefit terms

None

Changes of assumptions

Amounts reported in 2016 reflect actuarial assumption changes effective July 1, 2015 based on the results of an actuarial experience study completed in 2015. This includes changes to the mortality tables, disability incidence rates, retirement rates, administrative expenses, salary scale, and percent married assumption.

City of West Fargo, North Dakota
Schedule of Employer's Share of Net OPEB Liability and Schedule of Employer's Contributions
December 31, 2021

**Schedule of Employer's Share of Net OPEB Liability
Last 10 Fiscal Years***

Measurement Date	Employer's Proportionate Share (Percentage) of the Net OPEB Liability (Asset)	Employer's Proportionate Share (Amount) of the Net OPEB Liability (Asset)	Employer's Covered Payroll	Employer's Proportionate Share of the Net OPEB Liability as a Percentage of its Employee Payroll	Plan Fiduciary Net Position as a Percentage of the Total Pension Liability
2021	1.125192%	\$ 625,801	\$ 12,267,498	5.10%	76.63%
2020	0.916280%	\$ 770,773	\$ 10,445,327	7.38%	63.38%
2019	0.954142%	\$ 766,354	\$ 10,646,871	7.20%	71.66%
2018	0.814772%	\$ 641,668	\$ 8,915,372	7.20%	61.89%
2017	0.706287%	\$ 558,681	\$ 7,640,904	7.31%	59.78%

*GASB Statement No. 75 require ten years of information to be presented in this table. However, until a full 10-year trend is compiled, the District will present information for those years for which information is available.

**Schedule of Employer's Contributions
Last 10 Fiscal Years ***

Fiscal Year Ending	Statutorily Required Contribution	Contributions in Relation to the Statutorily Required Contribution	Contribution Deficiency (Excess)	Employer's Covered Payroll	Contributions as a Percentage of Covered Payroll
2021	\$ 147,520	\$ 144,106	\$ 3,414	\$ 12,267,498	1.17%
2020	\$ 122,711	\$ 126,102	\$ (3,391)	\$ 10,445,327	1.21%
2019	\$ 123,823	\$ 118,095	\$ 5,728	\$ 10,646,871	1.11%
2018	\$ 104,572	\$ 97,561	\$ 7,011	\$ 8,915,372	1.09%
2017	\$ 88,820	\$ 86,124	\$ 2,696	\$ 7,640,904	1.13%

*GASB Statement No. 75 require ten years of information to be presented in this table. However, until a full 10-year trend is compiled, the District will present information for those years for which information is available.

Notes to the Schedule of Employer's Share of Net Pension Liability and Schedule of Employer's Contributions

2021

Changes of benefit terms

Beginning January 1, 2020, members first enrolled in the NDPERS Main System and the Defined Contribution Plan on or after that date will not be eligible to participate in RHIC. Therefore, RHIC will become for the most part a closed plan. There have been no other changes in plan provisions since the previous actuarial valuation as of July 1, 2020.

Changes of assumptions

All actuarial assumptions and the actuarial cost method are unchanged from the last actuarial valuation as of July 1, 2020.

2020

Changes of benefit terms

Beginning January 1, 2020, members first enrolled in the NDPERS Main System and the Defined Contribution Plan on or after that date will not be eligible to participate in RHIC. Therefore, RHIC will become for the most part a closed plan. There have been no other changes in plan provisions since the previous actuarial valuation as of July 1, 2019.

Changes of assumptions

The Board approved the following changes to the actuarial assumptions beginning with the July 1, 2020 valuation:

- The investment return assumption was lowered from 7.25% to 6.50%

All other actuarial assumptions and the actuarial cost method are unchanged from the last actuarial valuation as of July 1, 2019.

2019

Changes of Benefit Terms

Beginning January 1, 2020, members first enrolled in the NDPERS Main System and the Defined Contribution Plan on or after that date will not be eligible to participate in RHIC. Therefore, RHIC will become for the most part a closed plan. There have been no other changes in plan provisions since the previous actuarial valuation as of July 1, 2018.

Changes of assumptions

The Board approved the following changes to the actuarial assumptions beginning with the July 1, 2019 valuation:

- The investment return assumption was lowered from 7.50% to 7.25%

All other actuarial assumptions and the actuarial cost method are unchanged from the last actuarial valuation as of July 1, 2018.

2018

Changes of Benefit Terms

None

Changes of assumptions

Amounts reported in 2018 reflect actuarial assumption changes effective July 1, 2018 based on the results of an actuarial experience study completed in 2015. This includes changes to the mortality tables, disability incidence rates, retirement rates, administrative expenses, salary scale, and percent married assumption.



Additional Reports
December 31, 2021

City of West Fargo, North Dakota



Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards

To the Honorable Mayor and City Council
City of West Fargo, North Dakota

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Governmental Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of West Fargo, North Dakota (the City), as of and for the year ended December 31, 2021, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated June 27, 2022.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. We did identify certain deficiencies in internal control, described in the accompanying schedule of findings and questioned costs as items 2021-001 and 2021-002, that we consider to be material weaknesses.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

City's Response to Findings

Government Auditing Standards requires the auditor to perform limited procedures on the City's response to the findings identified in our audit described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in black ink that reads "Eide Bailly LLP". The signature is written in a cursive, flowing style.

Fargo, North Dakota

June 27, 2022



Independent Auditor's Report on Compliance for the Major Federal Program and Report on Internal Control Over Compliance Required by the Uniform Guidance

To the Honorable Mayor and City Council
City of West Fargo, North Dakota

Report on Compliance for the Major Federal Program

Opinion on the Major Federal Program

We have audited the City of West Fargo, North Dakota's compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on the City's major federal program for the year ended December 31, 2021. The City's major federal program is identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on its major federal program for the year ended December 31, 2021.

Basis for Opinion on the Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*); and the audit requirements of Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of the City's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grant agreements applicable to the City's federal programs.

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material, if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the City's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control over Compliance

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, as discussed below, we did identify certain deficiencies in internal control over compliance that we consider to be significant deficiencies.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance. We consider the deficiency in internal control over compliance described in the accompanying schedule of findings and questioned costs as item 2021-003 to be a significant deficiency.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

Government Auditing Standards requires the auditor to perform limited procedures on the City's response to the internal control over compliance findings identified in our audit described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

A handwritten signature in black ink that reads "Eric Bailey LLP". The signature is written in a cursive, flowing style.

Fargo, North Dakota
June 27, 2022

City of West Fargo, North Dakota
Schedule of Expenditures of Federal Awards
Year Ended December 31, 2021

Federal Grantor/Pass-Through Grantor/Program or Cluster Title	Federal Financial Assistance Listing/Federal CFDA Number	Pass-Through Entity Identifying Number	Expenditures
Department of Agriculture Passed through North Dakota Forest Service			
Urban and Community Forestry Program	10.675	2021-ATBTP-008	\$ 9,020
Department of Transportation Passed through North Dakota Department of Transportation			
Highway Planning and Construction Cluster	20.205	38181296	2,377,446
Department of Homeland Security Passed through North Dakota Department of Emergency Management			
Disaster Grants - Public Assistance (FEMA)	97.036	4553DR-ND	<u>34,923</u>
Total Federal Financial Assistance			<u>\$ 2,421,389</u>

Note 1 - Basis of Presentation

The accompanying schedule of expenditures of federal awards includes the federal award activity of the City of West Fargo, North Dakota (the City) under programs of the federal government for the year ended December 31, 2021. The information is presented in accordance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Because the schedule presents only a selected portion of the operations of the City, it is not intended to and does not present the financial position, changes in net position or fund balance, or cash flows of the City.

Note 2 - Summary of Significant Accounting Policies

Expenditures reported in the schedule are reported on the modified accrual basis of accounting. When applicable, such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement. No federal financial assistance has been provided to a subrecipient.

Note 3 - Indirect Cost Rate

The City does not draw for indirect administrative expenses and has not elected to use the 10% de minimus cost rate.

Section I – Summary of Auditor’s Results

FINANCIAL STATEMENTS

Type of auditor's report issued	Unmodified
Internal control over financial reporting:	
Material weaknesses identified	Yes
Significant deficiencies identified not considered to be material weaknesses	No
Noncompliance material to financial statements noted?	No

FEDERAL AWARDS

Internal control over major program:	
Material weaknesses identified	No
Significant deficiencies identified not considered to be material weaknesses	Yes
Type of auditor's report issued on compliance for major programs:	Unmodified
Any audit findings disclosed that are required to be reported in accordance with Uniform Guidance 2 CFR 200.516:	Yes

Identification of major programs:

<u>Name of Federal Program</u>	<u>Federal Financial Assistance Listing/CFDA Number</u>
Highway Planning and Construction	20.205
Dollar threshold used to distinguish between type A and type B programs:	\$ 750,000
Auditee qualified as low-risk auditee?	No

Section II – Financial Statement Findings

**2021-001 Material Journal Entries
Material Weakness**

Criteria – A good system of internal control contemplates an adequate system for recording and processing entries material to the financial statements.

Condition – During the course of our engagement, we proposed numerous material audit adjustments which would not have been identified as a result of the City's existing internal controls, and therefore could have resulted in a material misstatement of the City's financial statements.

Cause – The City does not have an internal control system designed to identify all necessary adjustments.

Effect – This control deficiency could result in a material misstatement to the financial statements that would not be prevented or detected.

Recommendation – A thorough review and reconciliation of accounts in each fund should take place prior to the beginning of the audit. This review should be done at both the accounting staff and accounting supervisory levels.

View of Responsible Officials – Management of the City is in agreement with the finding.

2021-002 Preparation of Financial Statements
Material Weakness

Criteria – A good system of internal accounting control contemplates an adequate system for recording and processing entries material to the financial statements.

Condition – The City does not have an internal control system designed to provide for the preparation of the financial statements being audited. As auditors, we were requested to draft the financial statements and accompanying notes to the financial statements. This included formulating the proposal of necessary adjusting journal entries to convert the fund financial statements in accordance with GASB Statements No. 34, 68, and 75.

Cause – The City does not have an internal control system designed to provide for the preparation of the financial statements being audited.

Effect – This control deficiency could result in a misstatement to the financial statements that would not be prevented or detected.

Recommendation – It is the responsibility of management and those charged with governance to make the decision whether to accept the degree of risk associated with this condition because of cost or other considerations.

View of Responsible Officials – Due to cost constraints, the City will continue to have the auditor's draft the financial statements and accompanying notes to the financial statements.

Section III – Federal Award Findings and Questioned Costs

**2021-003 Department of Transportation, passed through State of North Dakota Department of Transportation
Federal Financial Assistance Listing/CFDA Number 20.205, Contract 38181296 Fiscal Year 2021
Highway Planning and Construction**

**Procurement, Suspension and Debarment
Significant Deficiency in Internal Control Over Compliance**

Criteria – Uniform Guidance and 2 CFR sections 200.318 through 200.326 set forth the procurement standards non-federal entities other than states must follow when operating federal programs and the procurement procedures required.

Condition – In our testing of procurement, suspension and debarment it was identified that the City did not have a written policy on procurement that satisfied the requirements of 2 CFR sections 200.318 through 200.326.

Cause – Lack of oversight, awareness, or understanding of all of the specific requirements under the Uniform Guidance and applicable CFR sections, and controls were not adequately designed to ensure compliance with all of these requirements.

Effect – A lack of compliant policies increases the overall risk of non-compliance.

Questioned Costs – None reported

Context/Sampling – Overall procurement policy.

Repeat Finding from Prior Years – No

Recommendation – We recommend that management establish a written policy that is in compliance with all of the procurement requirements for federal programs as identified in 2 CFR sections 200.318 through 200.326 and maintain adequate supporting documentation and records to document history and methods of procurement and the procedures performed to comply with these CFR sections.

Views of Responsible Officials – There is no disagreement with the audit finding.



To: West Fargo City Commission
From: Jim Larson, Finance Director
Date: July 18, 2022
Subject: First reading for Ordinance No, 1213
Action: Approve first reading of Ordinance No. 1213

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:
Administration/Finance

Commissioner

Roben Anderson

Primary Portfolio:
Planning, Zoning and Engineering

Secondary Portfolio:
Sanitation

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 City Administrator

Summary and Recommendation:

The economic environment for cash investment/deposit options for governmental entities has been marginal in the last years. Currently the City receives 0.35% on cash deposits.

We have reached out to see what options we can find to enhance the return on cash deposits while full meeting the North Dakota. We have identified an option that will allow the City to potentially increase the rate by 1.5% to 2.0%. One of the requirements is to commit the deposited funds for a longer time. The proposed ordinance would allow us to have a longer maturity date and enhance the return on cash deposits.

Policy Analysis:

Cash deposits are required to either be pledged or an obligation of the Federal Government. North Dakota Century code is very specific what can and can't be used for cash deposits.

Financial Analysis:

The impact is material for the City budget as we move forward in changing economic times. Staff recommends moving forward with the deposit option to lock in a guaranteed return that will support our budget in a material way.

Process/Timeline:

Once the ordinance has completed the second reading and published staff will coordinate with the financial institution to setup the account(s) and move cash deposits and provide an enhanced return on cash deposits.

Process	Action
First Reading	Approve July 18, 2022
Second Reading	August 1, 2022
Approval	

ORDINANCE NO. 1213

AN ORDINANCE TO CREATE AND ENACT CHAPTER 1-11 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO CITY FINANCES.

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

SECTION 1. Chapter 1-11 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby created and enacted to read as follows:

CHAPTER 1-11

CITY FINANCES

SECTIONS:

1-1101. Investment of Funds.

1-1101. INVESTMENT OF FUNDS. The City may invest monies in its general fund, or balances in any special or temporary fund, in types of investments as authorized by state law, including Section 21-06-07 of the North Dakota Century Code. In addition, the city may invest such monies or balances in the following:

- A. Direct obligations of the United States of America and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, provided, that the full faith and credit of the United States of America must be pledged to any such direct obligation or guarantee ("Direct Obligations").
- B. Debt securities issued by government sponsored enterprises ("GSE"), federal agencies, and federal financing banks.
- C. Direct obligations of the State of North Dakota or any subdivision or agency thereof those unsecured, and uninsured is rated, at the time of purchase, "A3" or better by Moody's Investors Services and "A-" or better by Standard & Poor's Corporation, or any obligation fully and unconditionally guaranteed by any state, subdivision or agency whose uninsured and unguaranteed general obligation debt is rated, at the time of purchase, "A3" or better by Moody's Investors Service and "A-" or better by Standard & Poor's Corporation.

- D. Commercial paper rated, at the time of purchase, "P-1" by Moody's Investor's Services and "A-1" or better by Standard & Poor's Corporation.
- E. Bankers' acceptances issued by a domestic bank or a branch office of a foreign bank which branch office is located in the United States.
- F. Negotiable certificates of deposit issued by a nationally-chartered or state-chartered bank or a savings association or federal association, a state or federal credit union, or by a state-licensed branch of a foreign bank.
- G. Certificates of deposit and time deposits issued or endorsed by a domestic bank, or a savings and loan association, organized and supervised under the laws of the United States and denominated in US dollars; provided, however, that deposits are fully insured or guaranteed by the Federal Deposit Insurance Corporation ("FDIC").
- H. Obligations or notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States that have a minimum long term debt ratings, at the time of purchase, of "A3" by Moody's and "A-" by Standard & Poor's Corporation.
- I. Investments in money-market funds rated "AAAm" by Standard & Poor's Corporation.
- J. Repurchase agreements that are collateralized only by direct obligations of the U.S. government, or of Government National Mortgage Association ("GNMA"), The Federal National Mortgage Association ("FNMA", "Fannie Mae"), The Federal Home Loan Mortgage Corporation ("FHLMC", "Freddie Mac"), Federal Farm Credit Bank ("FFCB"), or Federal Home Loan Banks ("FHLB").

SECTION 2. Effective Date. This ordinance shall be in full force and effect from and after the date of 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:

Date of Publication:

ORDINANCE NO. 1211

AN ORDINANCE TO CREATE AND ENACT CHAPTER 14-05 OF TITLE XIV OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO, NORTH DAKOTA, GRANTING TO DICKEY RURAL SERVICES, INC., A NORTH DAKOTA COOPERATIVE, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, INSTALL, OPERATE, REPAIR, AND MAINTAIN FIBER OPTIC DATA SYSTEMS, COMMUNICATION SYSTEMS, AND TELEPHONE FACILITIES IN THE CITY OF WEST FARGO, NORTH DAKOTA, INCLUDING THE NECESSARY TOLL AND TRUCK LINES, CONDUITS, CABLES, POLES, WIRES, FIBERS, VOICE RADIO CIRCUITS, EXCHANGES, SWITCHES, BOARDS, AND ALL FIXTURES AND APPURTENANCES NECESSARY OR DESIRABLE FOR SUPPLYING DATA AND COMMUNICATIONS AND TELEPHONE SERVICES FOR PUBLIC AND PRIVATE USE THEREIN AND FOR THE TRANSMISSION OF DATA AND COMMUNICATION AND TELEPHONE SERVICE THROUGH AND BEYOND THE CITY OF WEST FARGO, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF THE CITY OF WEST FARGO FOR SUCH PURPOSES.

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

SECTION 1. Chapter 14-05 of Title XIV of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby created and enacted to read as follows:

CHAPTER 14-05

DICKEY RURAL SERVICES, INC. - FIBER OPTIC DATA FRANCHISE

SECTIONS:

- | | |
|----------|--|
| 14-0501. | Grant of Authority. |
| 14-0502. | Installation of Facilities. |
| 14-0503. | Obstruction of Roadways to be Minimized. |
| 14-0504. | Underground Installation. |
| 14-0505. | Relocating. |
| 14-0506. | Property Restoration. |
| 14-0507. | Removal of Abandoned Equipment. |
| 14-0508. | Rights to Trim Trees. |
| 14-0509. | Cooperative Subject to Police Power Regulations. |
| 14-0510. | Eminent Domain Authority. |
| 14-0511. | General Provisions. |
| 14-0512. | Limitation of Liability. |
| 14-0513. | Indemnification. |
| 14-0514. | Effective Date. |
-

14-0501. GRANT OF AUTHORITY.

1. The City of West Fargo (the “City”) hereby grants to Dickey Rural Services, Inc., its successors and assigns, including without limitation Dickey Rural Services, Inc., a North Dakota cooperative, (the “Cooperative”), a non-exclusive franchise for a period of twenty (20) years from and after the passage and approval of this franchise ordinance, subject to the conditions and requirements hereinafter set forth, which authorizes the Cooperative to construct or acquire, either or both, and, thereafter, to operate and maintain fiber-optic data systems and communications systems and telephone facilities consisting of, without limitation, exchange, toll, and truck lines, conduits, cables, poles, wires, fibers, voice radio circuits, exchanges, switches, boards, and all fixtures and appurtenances necessary or desirable for the proper construction, operation and maintenance of said system within the limits of the City of West Fargo, State of North Dakota, for the purpose of supplying data and communications and telephone service for public and private use therein and for the transmission of data and telephone service through and beyond the City.
2. Effective Date; Written Acceptance. This franchise agreement shall be in force and effect from and after passage of this Ordinance, its acceptance by Cooperative, and its publication as required by law. The City by resolution may revoke this franchise agreement if Cooperative does not file a written acceptance with the City within 90 days after publication.
3. Service and Rates. The service to be provided and the rates to be charged by Cooperative for fiber optic service in City are subject to the jurisdiction of the Commission.
4. Publication Expense. The expense of publication of this Ordinance will be paid by City and reimbursed to City by Cooperative.
5. Dispute Resolution. If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in Cass County District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

14-0502. INSTALLATION OF FACILITIES.

1. Cooperative is authorized to construct, reconstruct, maintain, and operate the data and telephone systems and lines with all necessary appurtenances, including, without limitation, exchanges, switches, poles, wires, fibers, anchors, anchor rods, conduits, cables, and all fixtures and appurtenances necessary or advisable for the operation of

the data and telephone systems in, on, over, under, across, and through public streets, roads, alleys, or other public ways of the City. The data and telephone systems shall be constructed, operated, and maintained in a proper workmanlike manner so as to afford all reasonable safeguards to the public.

2. The Cooperative will not open or disturb any public way for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on the Cooperative must not be more burdensome than those imposed on other utilities for similar facilities or work. The Cooperative may, however, open and disturb any public way without permission from the City where an emergency exists requiring the immediate repair of the Cooperative's facilities. In such event the Cooperative will notify the City Auditor by telephone as soon as practicable. Not later than the second working day thereafter, the Cooperative will obtain any required permits and pay any required fees.
3. Whenever the Cooperative is erecting, constructing, or maintaining poles, wires, fibers, anchors, anchor rods, or other appurtenances and disturbs any pavement, sidewalk, crossing, or curb on any street, alley, bridge, or public way in the City or makes any excavations thereon, such disturbed area or excavations must be refilled and the pavement, sidewalk, crossing, or curb replaced under the direction of the City. Any excavation must be properly lighted at night during construction, and in case of the failure to do so on the part of the Cooperative, then the City may do the same at the expense of the Cooperative and the Cooperative agrees to pay the City for the reasonable cost or value of the work. The Cooperative is liable for all loss or damage caused by the negligence of the Cooperative, which may result to persons or property within the City, caused by it, or its agents, servants, employees, or subcontractors in erecting, operating, and maintaining the fiber-optic data systems, communications systems, and telephone facilities.

14-0503. **OBSTRUCTION OF ROADWAYS TO BE MINIMIZED.** All exchanges, switches, poles, wires, fibers, anchors, anchor rods, conduits, cables, and all fixtures and appurtenances installed by virtue of this franchise ordinance must be erected in such places and in such a manner as not to unnecessarily encroach upon streets, alleys, bridges, or public ways of the City, and so as not to unnecessarily obstruct the use thereof for the ordinary purpose of travel thereon, and the erection thereof is subject to the reasonable supervision and direction of the City. Whenever practicable, all poles shall be set in alleys. Poles now in position upon or along streets, whenever practicable, will be removed and the location of said poles shall be located in alleys or underground.

Poles set in alleys must be set at or near the boundary line of the property and where set in streets must be located at such distances as directed by the City from the property line of the abutting owner and placed so as not to interfere with the construction or placing of any water pipes, sewers, drains, or the flow of water therefrom which has been or may be placed by authority of the City. In the event that the Cooperative makes any unnecessary obstructions of streets, alleys, bridges, public ways, or places not designated by the City, the City may cause the removal of such obstructions and charge and collect from the Cooperative the actual cost of such removals.

14-0504. UNDERGROUND INSTALLATION.

1. All new wires, fibers, and new services, and any other equipment installed by the Cooperative must be buried underground in the following areas:
 - (a) Any new district zoned residential.
 - (b) Any new district zoned commercial.
2. In a district zoned residential and/or commercial, whenever the Cooperative undertakes any major replacement of any line, fiber, or other equipment, such replacement equipment will be buried underground. A major replacement is defined as five hundred feet (500') of line or fiber in an undeveloped property area or one (1) City block if in a developed property area.
3. Whenever the Cooperative relocates any of its existing equipment, such equipment capable of the same will be placed underground at the new location.
4. In districts zoned industrial, new lines and fiber do not have to be buried or placed underground.
5. The Cooperative may seek the permission of the City Auditor to waive the requirements contained in this section, or his/her designee who is granted the discretion to grant exceptions, upon good cause shown.

14-0505. RELOCATING.

1. Relocation of Fiber Optic Cables in Public Ways. If the City determines to vacate a Public Way for a City improvement project, or at City's cost to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Cooperative to relocate its fiber optic cables located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in paragraph 3 below, Cooperative shall relocate its fiber optic cables at its own expense. The City shall give Cooperative reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same fiber optic cables, which was made at Cooperative expense, the City shall reimburse Cooperative for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Cooperative may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Cooperative to relocate, remove, replace or reconstruct at its own expense its fiber optic cables where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.
2. Relocation of Fiber Optic Cables in Public Ground. City may require Cooperative at Cooperative's expense to relocate or remove its fiber optic cables from Public Ground

upon a finding by City that the fiber optic cables have become or will become a substantial impairment to the existing or proposed public use of the Public Ground.

3. **Projects with Federal Funding.** Relocation, removal, or rearrangement of any Cooperative fiber optic cables made necessary because of the extension into or through City of a federally-aided highway project shall be governed by the provisions of North Dakota Century Code, Chapter 24-01-41, as supplemented or amended. It is understood that the right herein granted to Cooperative is a valuable right. City shall not order Cooperative to remove or relocate its fiber optic cables when a Public Way is vacated, improved or realigned because of a renewal or a redevelopment plan which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation and the loss and expense resulting therefrom are first paid to Cooperative, but the City need not pay those portions of such for which reimbursement to it is not available.
4. **No Waiver.** The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Cooperative for installations within a Cooperative right-of-way acquired by easement or prescriptive right before the applicable Public Way or Public Ground was established, or Cooperative's rights under state or county permit.
5. **Failure to Relocate.** Upon Cooperative's receipt of notice from City to relocate its fiber optic cables, Cooperative must respond to City regarding said notice within sixty (60) days and work with City on said relocation. Failure by Cooperative to respond to the notice and work with City regarding relocation is punishable as an infraction. Each day following the sixty (60) day response requirement will constitute a separate violation.

14-0506. **PROPERTY RESTORATION.** After undertaking any work requiring the opening of any public way, the Cooperative must restore the same, including paving and its foundation, to as good a condition as formerly existed, and will maintain any paved surface in good condition for two (2) years thereafter. The work must be completed as promptly as weather permits, and if the Cooperative does not promptly perform and complete the work, remove all dirt, rubbish, equipment, and material, and put the public way in the same condition as existed before the work was completed, the City has, after demand to the Cooperative to cure and the passage of a reasonable period of time following the demand, but not to exceed five (5) days, the right to make the restoration at the expense of the Cooperative. The Cooperative must pay to the City the cost of such work done for or performed by the City. This remedy is in addition to any other remedy available to the City for noncompliance with this section, but the City hereby waives any requirement for the Cooperative to post a construction performance bond, certificate of insurance, letter of credit, or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace, or maintain facilities in a public way.

14-0507. **REMOVAL OF ABANDONED EQUIPMENT.** Whenever the Cooperative abandons any site or any equipment, including but not limited to its poles, wires, fibers, anchors, anchor rods, and other appurtenances; such equipment must be completely removed by the Cooperative and the site cleaned of any remaining or residual equipment or Cooperative property.

14-0508. **RIGHTS TO TRIM TREES.** There is granted to the Cooperative, its successors and assigns, during the term of this franchise ordinance, permission and authority to trim all trees in streets, alleys, bridges, and public ways of the City so as to remove all parts of the trees interfering with the proper erection, maintenance, and operation of poles, wires, fibers, anchors, anchor rods, and other appurtenances installed or to be installed pursuant to authority granted by this franchise ordinance.

14-0509. **COOPERATIVE SUBJECT TO POLICE POWER REGULATIONS.** The City reserves the right to make and adopt, and the rights and privileges hereby granted will at all times be and remain subject to such reasonable regulations of a police nature as it may deem necessary for the best interests of the City, but the City will not by any such regulations or by acts of its own or agents do anything to prevent or interfere with the Cooperative carrying on its business in accordance with the franchise hereby granted by this franchise ordinance.

14-0510. **EMINENT DOMAIN AUTHORITY.** The granting of the franchise will in no way be construed to limit or restrict the right of the City to exercise the powers of eminent domain as set forth in Chapter 32-15 of the North Dakota Century Code and any other applicable laws of the State of North Dakota.

14-0511. **GENERAL PROVISIONS.**

1. Severability. Every section, provision, or part of this franchise ordinance is declared separate from every other section, provision, or part; and if any section, provision, or part is held invalid, it will not affect any other section, provision, or part. Where a provision of any other City ordinance conflicts with the provisions of this franchise ordinance, the provisions of this franchise ordinance prevail.
2. Limitation on Applicability. This franchise ordinance constitutes a franchise between the City and the Cooperative as the only parties and no provision of this franchise ordinance will in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one (1) or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.
3. Force Majeure. The service rendered by the Cooperative shall be continuous except that the Cooperative shall not be held accountable for a failure of service which is caused by floods, Acts of God, strikes, weather, or other causes beyond the control of the Cooperative.
4. Amendments. The City or the Cooperative may at any time propose that this franchise ordinance be amended to address a subject of concern and the other party will consider whether it agrees that the amendment is mutually appropriate.
5. Publication Expense. The expense of publication of this franchise ordinance will be paid by the City and reimbursed to the City by the Cooperative.
6. Management Costs. Any management costs incurred by City related to this Franchise shall be paid by Cooperative, as allowed by N.D.C.C. § 49-21-26.

7. Change in Form of Government. Any change in the form of government of the City will not affect the validity of this franchise ordinance. Any governmental unit succeeding the City shall, without the consent of the Cooperative, succeed to all of the rights and obligations of the City provided in this franchise ordinance.

14-0512. **LIMITATION OF LIABILITY.** The Cooperative will use due diligence and care in supplying data and communications and telephone service as herein provided but will not be liable for any loss or damage which may arise from failure of the service, either partial or total, but this will not be construed to exempt the Cooperative from liability for negligence caused by it, or its agents, servants, employees, or subcontractors.

14-0513. **INDEMNIFICATION.** The Cooperative will indemnify, keep, and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, or operations of the Cooperative's data and communications and telephone service facilities located in, on, over, under, across, or through the public ways and public grounds of the City, unless such injury or damage results from the negligence of the City, its employees or agents. In the event a suit is brought against the City under circumstances where the above agreements to indemnify applies, the Cooperative at its sole cost and expense agrees to defend the City in such suit if written notice thereof is promptly given to the Cooperative within a period wherein the Cooperative is not prejudiced by lack of such notice. If such notice is not reasonably given as hereinbefore provided, the Cooperative will have no duty to either indemnify or defend. If the Cooperative is required to indemnify and defend, it will thereafter have complete control of such litigation, but the Cooperative may not settle such litigation without the consent of the City, which consent will not be unreasonably withheld, conditioned, or delayed. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the Cooperative; and every defense or immunity that the City could assert in its own behalf.

14-0514. **EFFECTIVE DATE.** This franchise ordinance takes effect and is in full force from and after its passage and approval by the Board of City Commissioners. The Cooperative must specify its acceptance of the franchise in writing, within ninety (90) days of Board approval of this franchise ordinance, to be filed with the City Auditor and in no event will this franchise ordinance be binding on the Cooperative until the filing of such acceptance.

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

APPROVED:

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:

COOPERATIVE:
Dickey Rural Services, Inc.

Date: _____, 2022

By: _____

Its: _____



To: West Fargo City Commission

From: Matthew Andvik, Public Works Director

Date: July 18, 2022

Subject: Apply for a BRIC Grant for Redundant Master Lift Station.

Action: Approve an Agreement with Burian & Associates LLC to perform the planning for a Redundant Master Lift Station

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

Roben Anderson

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 and Recommendation:

Today, all of West Fargo's wastewater is conveyed through the City's Master Lift Station (SA 40). Although there are multiple pumps in this lift station that offer pumping redundancies, the lift station doesn't have a permanent bypass in place in the event of a critical lift station failure. If a critical failure were to occur that obstructed pumping wastewater downstream, operations staff would have to react quickly to deploy a pump and bypass system to prevent sewer system backups from occurring, which would require pump procurement and setup and deep excavation and would take a few days to get set up. These delays would cause back up on basements and major stress on other lift stations trying to pump upstream.

If a failure of this magnitude were to happen today, wastewater could be temporarily bypassed to the City's lagoons. However, once the City's lagoons are decommissioned, we will no longer have the option to bypass the lift station if a failure was to occur.

Furthermore, the City of West Fargo is anticipated to continue to experience growth, especially north of the existing City limits once the FM Area Diversion Project is constructed. This future anticipated growth will result in additional wastewater flows generated, which will eventually exceed the capacity of the existing Master Lift Station.

We recommend approving the Letter Agreement with Burian & Associates LLC to perform the West Fargo Redundant Master Lift Station – Phase 1 (Concept Planning) project.

Policy Analysis:

The purpose of this project (Phase 1) is to develop a conceptual plan for a Redundant Master Lift Station and submit a FEMA BRIC Project Scoping grant application, which could cover up to 75% of project costs for Phase 1 and Phase 2. Although the future redundant Master Lift Station is focused on infrastructure

redundancy and resiliency, it will also offer a capacity increase and operations flexibility to West Fargo's wastewater system.

The information gathered, analyzed, and developed in Phase 1 is critical to ensure a comprehensive grant application to give the City the best chances at securing grant funding for this important project.

This project was identified as a need and was included in the 2022 CIP.

Financial Analysis:

FEMA's Building Resilient Infrastructure and Communities (BRIC) grant program provides a cost share split of 75% federal share / 25% local share for critical infrastructure projects. The local funding could come from a number of sources. We could add this cost to the Lagoon Decommissioning project, or use the Clean Water State Revolving Fund (CWSRF). The cost for Phase 1, is not to exceed \$49,650. If awarded the grant we would be able to apply the grant funds to this cost as well.

Process/Timeline:

Once approved, staff will work with Burian & Associates LLC to start the Project as soon as possible in order to meet the deadlines of the FEMA BRIC grant program. The overall timeline of the project is anticipated to take five months



WEST FARGO REDUNDANT MASTER LIFT STATION – PHASE 1

CITY COMMISSION | JULY 18, 2022

AGENDA

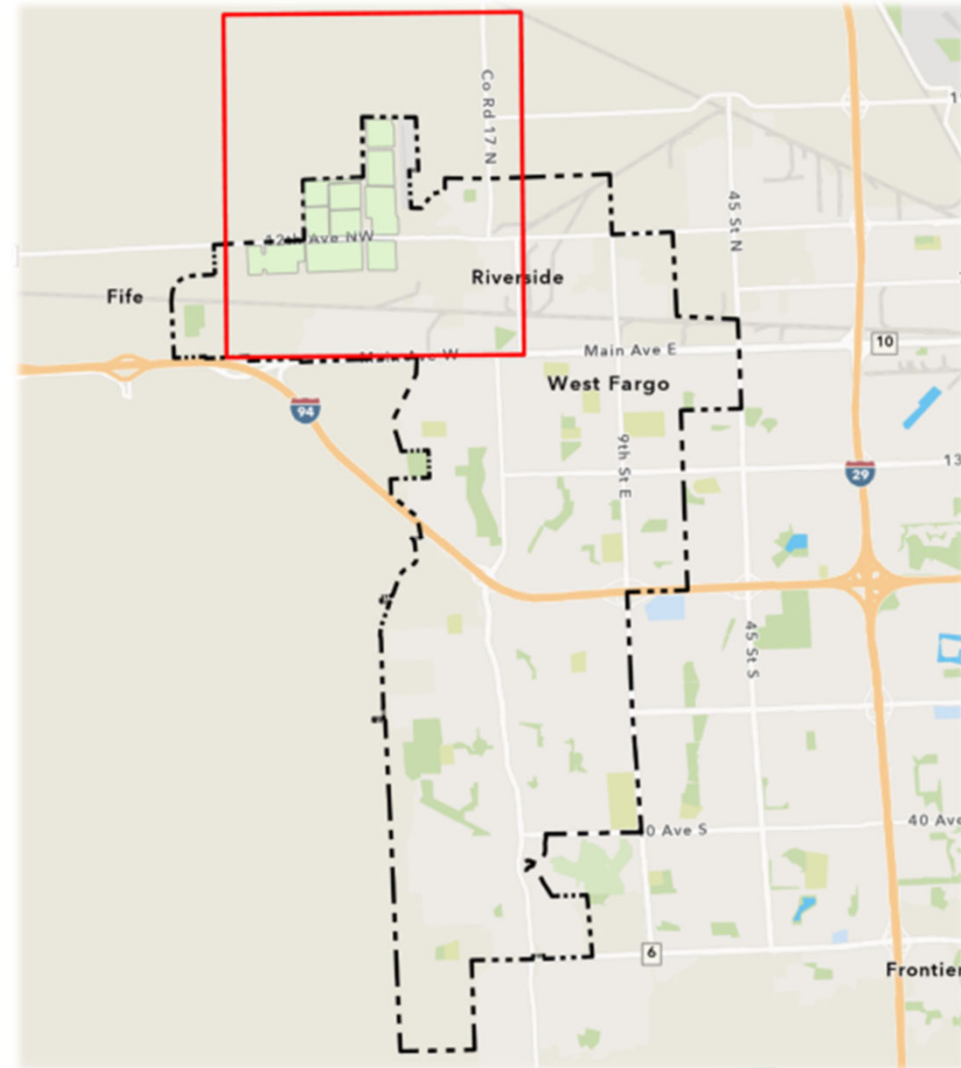
BRIC Overview

Project Drivers

Project (Phase 1) Overview

Proposed Project Phasing Plan

Staff Recommendation



BRIC OVERVIEW

FEMA's Building Resilient Infrastructure and Communities (BRIC) is a grant program that can be used to achieve hazard mitigation measures during “blue skies” that is not dependent on disasters striking your area.

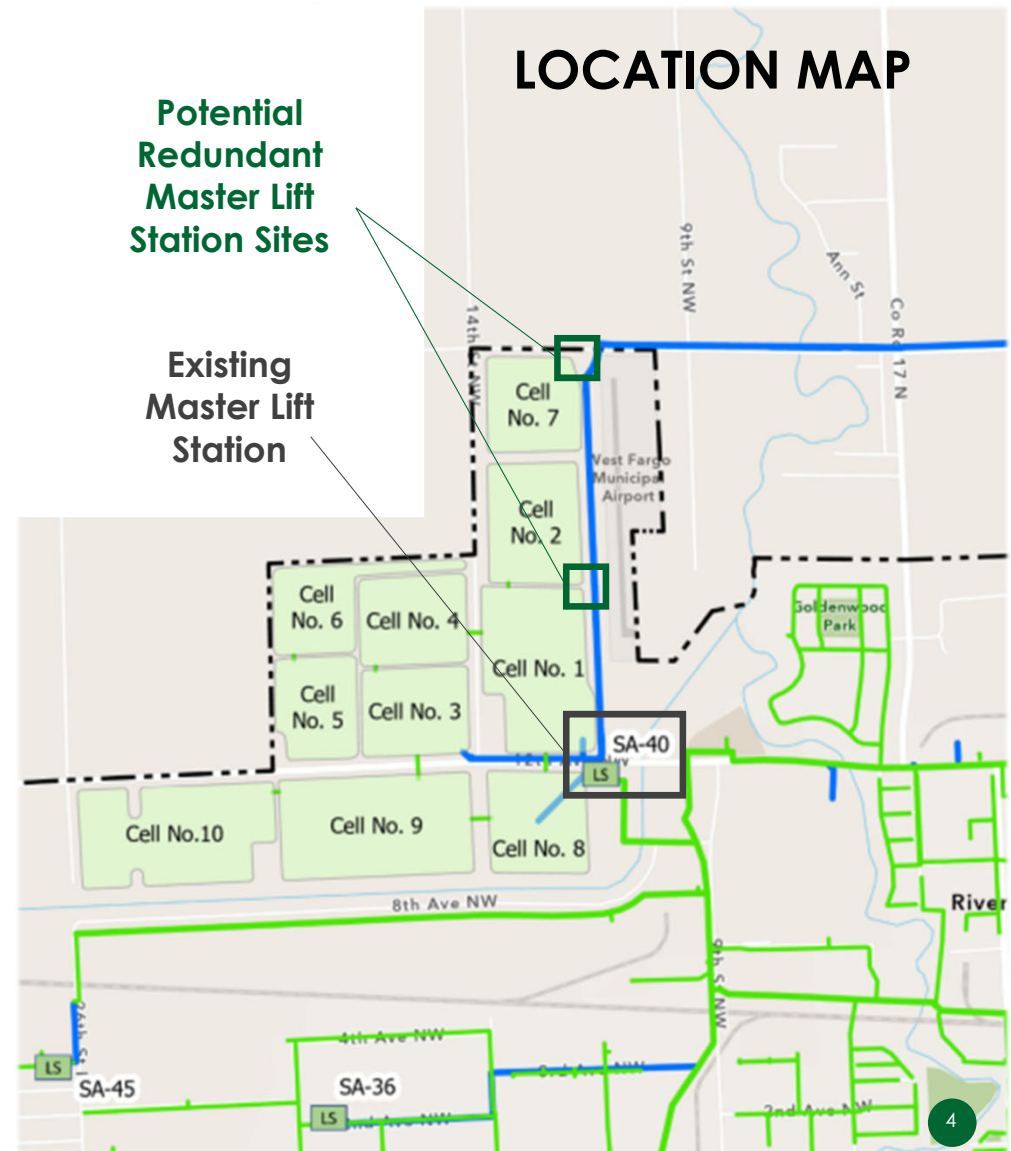
BRIC is intended to fund large, creative, and innovative mitigation projects by providing flexibility that is not possible through other grant programs.

Program Highlights:

- 75% Federal Cost Share / 25% Non-Federal Cost Share
- \$700M Available in FY2020 / \$1B+ Available in FY2021
- BRIC Funds Can Be Used For:
 - **Capability and Capacity Building Activities (Planning, Grant Development, Project Scoping)**
 - 80.7% of Projects Funded in FY2020
 - **Mitigation Projects (Physical Construction Projects)**
 - 19.3% of Projects Funding in FY2020
 - Management Costs

PROJECT DRIVERS

1. BRIC Funding Opportunity (75% Cost Share)
2. Lagoon Decommissioning Underway
3. Bypass and Redundancy Limitations
4. Future Growth in north West Fargo



PROJECT (PHASE 1) OVERVIEW

Task 1 – Information Request and Review

Reviewing the necessary information to conduct the study.
Hold project kickoff meeting.

Task 2 – Basis of Planning

Delineating the lift station service area, analyzing wastewater flow data, and developing wastewater flow projections.

Task 3 – Infrastructure Sizing and Site Planning

Preliminary sizing of the infrastructure, evaluating two potential sites, developing a site plan, and developing a cost estimate.

Task 4 – Documentation and Presentation of Findings

Documenting the findings in a Technical Report and presenting the findings to the City.

Task 5 – FEMA BRIC Project Scoping Grant Application

Submitting a grant application for Phase 1 and 2 of the Project.

**Phase 1
West Fargo
Redundant Master
Lift Station
(Concept Planning)**

PROPOSED PROJECT PHASING PLAN

Phase 1: Concept Planning

- Anticipated Schedule: July 2022 – January 2023
- Includes submission of a FEMA BRIC Project Scoping Grant
- Eligible for Pre-Award Costs (reimbursement if awarded): 75% Federal Cost Share / 25% Local Cost Share

Phase 2: Preliminary Engineering

- Anticipated Schedule: July 2023 – January 2024
- Includes submission of a FEMA BRIC Construction Grant
- Project Scoping Grant Cost Share: 75% Federal Cost Share / 25% Local Cost Share

Phase 3: Final Design, Bidding, Construction

- Anticipated Schedule: 2024 – 2026
- Construction Grant Cost Share: 75% Federal Cost Share / 25% Local Cost Share

STAFF RECOMMENDATION

Approve the Letter Agreement with Burian & Associates LLC to perform the West Fargo Redundant Master Lift Station – Phase 1 (Concept Planning) project in the amount of \$49,650.

If the grant is successfully awarded, up to 75% of Phase 1 project costs and future Phase 2 project costs could be covered under the FEMA BRIC program.



July 8, 2022

Matthew Andvik
Public Works Director
City of West Fargo
810 12th Avenue NW
West Fargo, ND 58078

**RE: Letter Agreement
West Fargo Redundant Master Lift Station – Phase 1 (Concept Planning)**

Dear Matthew:

Thank you for the opportunity to submit this Letter Agreement [Agreement]. Burian & Associates, LLC [Engineer] offers the following to conduct the West Fargo Redundant Master Lift Station – Phase 1 (Concept Planning) [Project] for the City of West Fargo [Owner].

Section 1: Background

West Fargo is in a unique position to submit grant applications for FEMA's Building Resilient Infrastructure and Communities (BRIC) grant program to help offset and minimize the local cost-share associated with improving the redundancy and resiliency of the City's wastewater Master Lift Station. The BRIC program provides 75% federal cost-share with 25% local cost-share for critical infrastructure projects.

The purpose of this project (Phase 1) is to develop a conceptual plan for a new redundant master lift station, determine future schedule, and estimate costs; this information will be utilized to apply for a FEMA BRIC grant later this fall when the grant application period opens. A portion of the costs (up to 75%) for this project are reimbursable under the FEMA BRIC program, if a grant is successfully awarded.

The following subsections explain the City's current situation and project drivers in greater detail.

1.1 West Fargo Wastewater Overview

Prior to regionalization with Fargo, West Fargo faced challenges associated with their wastewater lagoons. These challenges included capacity challenges as well as negative comments from residents attributed to odors. Recognizing these challenges, the City explored alternatives for the City's wastewater treatment system, which included construction of a new mechanical treatment facility in West Fargo and a regional wastewater solution with the City of Fargo. Through this evaluation of alternatives, regionalization with Fargo was deemed the best solution.

In 2017, the Cities of West Fargo and Fargo entered into a wastewater service agreement where West Fargo sends wastewater to Fargo to be treated at Fargo's Regional Water Reclamation Facility. This major infrastructure investment paved the way for West Fargo to begin the long-awaited process of decommissioning the City's wastewater lagoons.



Once the City's wastewater lagoons are decommissioned, the City will rely heavily on the connection to Fargo's wastewater system to get rid of wastewater generated in West Fargo (with the exception of potentially one existing cell reserved for emergencies).

Additionally, the City's Public Works operations staff is concerned with the current Master Lift Station (SA 40) configuration because there is no permanent bypass in place, meaning if a failure were to occur, operations staff would have to react quickly to prevent sewer system backups from occurring.

Lastly, the City of West Fargo is anticipated to continue to experience growth, especially north of the existing City limits once the FM Area Diversion Project is constructed. This future anticipated growth will result in additional wastewater flows generated, which will eventually result in capacity exceedance at the existing Master Lift Station. Although the future redundant Master Lift Station is focused on infrastructure redundancy, it will also offer a capacity increase to West Fargo's wastewater system.

1.2 About the BRIC Program

The FEMA BRIC program is a pre-disaster program that began in 2020, replacing the Pre-Disaster Mitigation Program (PDM). The FEMA BRIC program provides a cost share split of 75% federal share / 25% local share.

BRIC incentivizes projects that focus on mitigating risk to community lifelines and public infrastructure projects. BRIC funds fall into three uses, which include:

- **Capability and Capacity Building Activities**
 - o Also referred to as 'Project Scoping' use case.
- **Mitigation Projects**
 - o Also referred to as 'Construction' use case.
- **Management Costs**

The intent is to submit a grant application for the **Capability and Capacity Building Activities** (Project Scoping) use case under this Agreement (Phase 1), which would be awarded in FY 2023. If successfully awarded, this grant could cover up to 75% of Phase 1 and Phase 2 project costs.

In Phase 2, a grant will be submitted for the **Mitigation Projects** (Construction) use case, which would be awarded in FY 2024 and have a three-year working period. If successfully awarded, this grant could cover up to 75% of Phase 3 project costs (including construction costs).



1.3 Phased Project Approach

This project is Phase 1 of a planned multi-phased project; this phase and future phases are planned as follows:

Phase 1: West Fargo Redundant Master Lift Station – Concept Planning

- Planned for 2022
- Phase 1 includes development and submission of a FEMA BRIC Project Scoping Grant Application
- Potential Cost Share: 75% Federal (as reimbursement) / 25% Local

Phase 2: West Fargo Redundant Master Lift Station – Preliminary Design

- Planned for 2023
- Phase 2 includes development and submission of a FEMA BRIC Construction Grant Application
- Potential Cost Share: 75% Federal / 25% Local

Phase 3: West Fargo Redundant Master Lift Station – Final Design and Construction

- Planned for 2024 and 2025
- Potential Cost Share: 75% Federal / 25% Local

Section 2: Scope of Services

Engineer will provide the following services under this Agreement.

1. Task 1 – Information Request and Review

- a) Engineer will develop a Request for Information (RFI) and send to the Owner. The RFI is anticipated to include:
 - West Fargo's Current Geodatabase (GIS files)
 - Applicable As-Built Documents and Record Drawings
 - Future Growth Plans, if available
 - Future Population Projections, if available
 - Historical Wastewater Flow Records
 - Historical Wholesale Water Purchase Records
 - Customer Water Meter Records
 - Master Lift Station Capacity Information
- b) Engineer will review and analyze the received information in order to perform the other Tasks under this Agreement.
- c) Engineer will facilitate a 1-hour project kickoff meeting with representatives from the City.

2. Task 2 – Basis of Planning

- a) Engineer will determine the lift station service area. The lift station service area includes all existing and future land that will contribute wastewater to the Redundant Master Lift Station.



- b) Engineer will review and analyze historical population trends, land use and/or zoning information, customer water meter records, wholesale water purchase records, and wastewater flow information to develop wastewater flow factors for the City. The wastewater flow factors will be utilized to estimate future wastewater flows.
- c) If future population or land use projections are not available, Engineer will estimate future population and/or land use development within the lift station service area.
- d) Engineer will apply wastewater flow factors to future population and/or land use projections to determine future estimated wastewater flows.
- e) Engineer will consult and meet with the City and other Engineering firms (as directed by the City) during a 1-hour progress meeting to review future estimated population, land use projections, and wastewater flows.

3. Task 3 – Infrastructure Sizing and Site Planning

- a) Based on the future estimated wastewater flows determined in Task 2, Engineer will:
 - i. Recommend a conceptual lift station configuration and pumping capacity.
 - ii. Recommend a conceptual gravity sewer system piping layout and gravity sewer system sizes.
 - iii. Recommend a conceptual force main layout and force main sizes.

These concepts will be further reviewed and refined, as needed, in future preliminary design and final design phases.
- b) Engineer will evaluate two site options (locations provided by the City) for the future lift station.
- c) For both sites, Engineer will provide a conceptual layout for connecting the existing sanitary sewer system infrastructure with the proposed sanitary sewer system infrastructure.
- d) For both sites, Engineer will prepare a quantity takeoff and opinion of probable project costs of the proposed improvements.
- e) Engineer will evaluate the two site options based on the following considerations:
 - i. Environmental Impact
 - ii. Costs
 - iii. Constructability
- f) Based on a thorough review of the two site options, the Engineer will recommend a site for the future lift station.
- g) Engineer will prepare a conceptual site plan at the recommended site, including preliminary lift station location, access locations, underground infrastructure, etc.



- h) Engineer will facilitate a 1-hour coordination meeting to review the progress and findings of Task 2 and Task 3.

4. Task 4 – Documentation and Presentation of Findings

- a) Engineer will document Project findings and recommendations within a draft Technical Memorandum and submit to the Owner for review.
- b) Engineer will present the findings and recommendations of the Project to the City's project team.
- c) Once Owner comments on the Technical Memorandum are received by the Engineer, Engineer will finalize the Technical Memorandum and submit electronically to the Owner.

5. Task 5 – FEMA BRIC Project Scoping Grant Application

- a) Utilizing information gathered in the work tasks completed above, the Engineer will complete the FEMA BRIC Scoping Grant Application.
- b) Engineer will provide funding administration support once the grant application is submitted to answer questions, as needed (16 hours anticipated for funding administration support).

Section 3: Additional Services

Additional services are not anticipated as of the proposed Letter Agreement date. However, services resulting from significant changes in the general scope, extent, or character of the Agreement are not included as part of the general Scope of Services provided in Section 2.

If authorized in writing by the Owner, Engineer will provide services beyond the Basic Services of this Agreement on an hourly basis in accordance with the Engineer's current Standard Hourly Rate Schedule.

Section 4: Owner's Responsibilities

Owner shall do the following in a timely manner, not to delay the services of the Engineer:

- Designate a contact person to act as the Owner's representative with respect to the services to be provided under this Agreement.
- Provide information and data requested in the RFI.
- Attend project meetings, as needed, including kickoff and progress review meetings.
- Provide responses to Engineer's questions in a timely manner to not delay the project.
- Assist Engineer in scheduling meetings with appropriate engineering and consulting firms, as needed.
- Provide a review of the Technical Memorandum.
- Provide a review of the FEMA BRIC Scoping Grant Application.



Section 5: Fees

The Engineer proposes to complete this project on an hourly-not-to-exceed basis. The total compensation for this Project will not exceed \$49,650 without approved adjustments. The proposed compensation required to perform each task is provided below; however actual labor hours and cost to complete each task may vary, and the Engineer is only constrained by the total not-to-exceed maximum.

Task	Estimated Hours	Total Fee
Task 1 – Information Request and Review	16	\$2,410
Task 2 – Basis of Planning	96	\$12,325
Task 3 – Infrastructure Sizing and Site Planning	108	\$13,590
Task 4 – Documentation and Presentation of Findings	87	\$12,555
Task 5 – FEMA BRIC Project Scoping Grant Application	64	\$8,770
Total Project Costs	371	\$49,650

Anticipated Phase 1 Cost Share Distribution (if Grant is Successfully Awarded)	
Local Share (25%)	\$12,412.50
Federal Share (75%)	\$37,237.50
Total Project Costs	\$49,650

Monthly invoices will be prepared and sent to the Owner (as set forth in Exhibit A).

Section 6: Standard Terms and Conditions

Standard terms and conditions of this Agreement between the City of West Fargo and Burian & Associates, LLC are specified in Exhibit A.

Section 7: Subconsultants

No subconsultants are anticipated as part of this Project.

Section 8: Project Schedule

The grant application period is anticipated to open in October 2022 and close in January of 2023. Therefore, this project will follow the FEMA BRIC grant application schedule in order to adhere with the grant application requirements.



Section 9: Acceptance

If this Letter Agreement satisfactorily sets forth your understanding of the Project and you agree to the terms of this Agreement contained in the Letter Agreement and attached Exhibit, please sign, date, and return the fully executed copy to Burian & Associates, LLC.

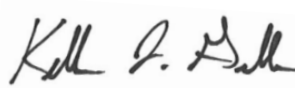
Burian & Associates, LLC will proceed with the Scope of Services provided in Section 2 upon receipt of this signed Letter Agreement.

Sincerely,

Engineer: Burian & Associates, LLC

By: 

Steve L. Burian, PE
President & CEO



Kellen J. Grubb, PE
Project Manager

Owner: City of West Fargo

Acceptance Date: _____

By: _____

Name

Title

Exhibit A - Standard Terms and Conditions

The Letter Agreement is supplemented to include the following agreement of the City of West Fargo (Owner) and Burian & Associates, LLC (Engineer):

1. Basic Agreement and Period of Service

a. Engineer shall provide or furnish the Services set forth in Section 2 of the Letter Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth in the proposed Letter Agreement in Section 3 ("Additional Services").

b. Engineer shall complete its Services within the schedule outlined in Section 8 of the Letter Agreement. If no specific time period is indicated, Engineer shall complete its Services within a reasonable period of time.

c. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's Services is impaired, or Engineer's Services are delayed or suspended, then the time for completion of Engineer's Services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably.

2. Payment Procedures

a. Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for Services, Additional Services, and expenses within 30 days after receipt of Engineer's invoice, then (1) the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day, and (2) in addition Engineer may, after giving seven days written notice to Owner, suspend Services under this Agreement until Engineer has been paid in full all amounts due for Services, Additional Services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension.

b. As compensation for Engineer providing or furnishing Services and Additional Services, Owner shall pay Engineer as set forth in Paragraph 2a. of Exhibit A and Section 5 of the Letter Agreement.

c. If Owner disputes an invoice, either as to amount or entitlement, then Owner shall promptly advise Engineer in writing of the specific basis for doing so, may withhold only

that portion so disputed, and must pay the undisputed portion.

d. For Additional Services, Owner shall pay Engineer an amount equal to the cumulative hours charged in providing the Additional Services by each class of Engineer's employees, times standard hourly rates for each applicable billing class; plus reimbursement of expenses incurred in connection with providing the Additional Services and Engineer's consultants' charges, if any.

3. Termination

a. The obligation to continue performance under this Agreement may be terminated by either party upon 30 days written notice to the other party.

b. In the event of any termination, Engineer will be entitled to invoice Owner and to receive full payment for all Services and Additional Services performed or furnished in accordance with this Agreement, plus reimbursement of expenses incurred through the effective date of termination in connection with providing the Services and Additional Services.

4. Successors, Assigns, and Beneficiaries

a. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

b. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, money that is due or may become due) in this Agreement without the written consent of the other party, except to the extent that any assignment, subletting, or transfer is mandated by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

c. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any Constructor, other third-party individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole

and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

5. General Considerations

a. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by Engineer. Subject to the foregoing standard of care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.

b. Engineer shall not at any time supervise, direct, control, or have authority over any Constructor's work, nor shall Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a Constructor to comply with laws and regulations applicable to such Constructor's furnishing and performing of its work. Engineer shall not be responsible for the acts or omissions of any Constructor.

c. Engineer neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish and perform its work.

d. Engineer's opinions (if any) of probable construction cost are to be made on the basis of Engineer's experience, qualifications, and general familiarity with the construction industry. However, because Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable construction cost prepared by Engineer. If Owner requires greater assurance as to probable construction cost, then Owner agrees to obtain an independent cost estimate.

e. Engineer shall not be responsible for any decision made regarding the construction contract requirements, or any application, interpretation, clarification, or modification of the construction contract documents other than those made by Engineer or its consultants.

f. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right

of reuse) in such documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment due and owing for all Services and Additional Services relating to preparation of the documents and subject to the following limitations:

1. Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer;

2. Any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants; and

3. Such limited license to Owner shall not create any rights in third parties.

g. Owner and Engineer may transmit, and shall accept, Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, in accordance with a mutually agreeable protocol.

h. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, members, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to this Agreement or the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$100,000 or the total amount of compensation received by Engineer, whichever is greater.

i. The parties acknowledge that Engineer's Services do not include any services related to unknown or undisclosed Constituents of Concern. If Engineer or any other party encounters, uncovers, or reveals an unknown or undisclosed Constituent of Concern, then Engineer may, at its option and without liability for consequential or any other damages, suspend performance of Services on the portion of the Project affected thereby until such portion of the Project is no longer affected, or terminate this Agreement for cause if it is not practical to continue providing Services.

j. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.

k. This Agreement is to be governed by the law of the state in which the Project is located.

l. Engineer's Services and Additional Services do not include: (1) serving as a "municipal advisor" for purposes of the registration requirements of Section 975 of the Dodd-

Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission; (2) advising Owner, or any municipal entity or other person or entity, regarding municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances; (3) providing surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements; or (4) providing legal advice or representation.

6. Total Agreement

a. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Malachi Petersen
2. PHONE NUMBER: 515-5377 DATE: July 13, 2022
3. AGENDA TITLE:
Final Approval – Conditional Use Permit for an Accessory Structure greater than 1,600 ft² in an R-R: Rural Residential District.
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
The applicant is proposing to build a 4,000 ft² accessory structure on his property.
The R-R zoning district allows for accessory structures greater than 1,600 ft² as a conditional use provided they are in character with the development pattern of the subdivision they are located in. At their July 12, 2022 meeting the Planning & Zoning Commission recommended approval of the CUP.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
522 45th Ave W (Lot 4, Block 3 of Nelson Acres)
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Approve the CUP to allow the applicant to build a 4,000 ft² building on his property.

STAFF REPORT

A22-14		CONDITIONAL USE PERMIT	
522 45 th Ave W			
Lot 4, Block 3 of Nelson Acres			
Applicant/Owner: Lyn Narum		Staff Contact: Malachi Petersen	
Planning & Zoning Commission Public Hearing:		7/12/22	
City Commission:		7/18/22	

PURPOSE:

Construct a 50' x 80' (4,000 ft²) accessory building for personal storage in an R-R: Rural Residential zoning district.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban – Growth Sector
Existing Land Use:	Single Family Dwelling
Current Zoning District(s):	R-R: Rural Residential District
Zoning Overlay District(s):	NA
Total area size:	4.58 Acres
Adjacent Zoning Districts:	R-R: Rural Residential
Adjacent street(s):	45 th Avenue West (Local), 9 th St W (Connector), 4 th St W (Local)
Adjacent Bike/Pedestrian Facilities:	Located within ¼ mile
Available Parks/Trail Facilities:	Multi-use paths along 9 th St W to the west of the development, north of 47 th Ave W to the south and along 40 th Ave W; Eagle Run Park on the north side of 40 th Ave W, The Wilds Park south of 47 th Ave W

DISCUSSION AND OBSERVATIONS:

- The applicant has provided a site plan which proposes a 50' x 80' (4,000 ft²) accessory structure to be built northwest of his home.
- The R-R zoning district allows for accessory structures greater than 1,600 ft² as a conditional use provided they are in character with the development pattern of the subdivision they are in.
- Oversized accessory buildings have been approved as a CUP within the Nelson Acres subdivisions. In 2004, the City received an application for a 9,600 square foot building which was scrutinized as not being in character with the development. The applicant revised the request to a 4,800 square foot structure which was approved. Other buildings have been held to the same standard. Staff believes that this size precedent should be considered in this instance as well.
- The accessory structure will be constructed with metal panel siding and a metal roof. The applicant has stated that there will be no issues adhering to the construction standards for accessory structures. 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.

STAFF REPORT

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.
 - The property has adequate access and the improvements will not affect the current access.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - The land adjacent to this area is R-R: Rural Residential District and similar style and sized accessory buildings have been previously approved within the subdivision. The proposed use is viewed as generally compatible with adjacent properties and other property in the district. The proposed accessory building would be in character with the purpose of the subdivision. Larger accessory buildings are allowed for rural residential equipment storage, barns for farm animals, etc.

NOTICES:

Sent to:	Property owners within 350'.
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Comments Received:

- None to date.

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

- The application is providing an accessory structure and use to an existing use, and therefore the application may be considered consistent with the Comprehensive Plan.

STAFF REPORT

RECOMMENDATIONS:

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

1. The maximum size of the accessory structure is 4,000 sqft as specified in the site plan received by staff.

PLANNING AND ZONING RECOMMENDATION:

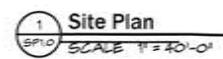
At their July 12, 2022 meeting the Planning & Zoning commission recommended approval of the CUP with staff recommendations as noted.





West Fargo Zoning 					
 A: Agricultural	 LI: Light Industrial	 R-1SM: Mixed One and Two Family Dwelling			
 C: Light Commercial	 M: Heavy Industrial	 R-2: Limited Multiple Dwelling			
 C-OP: Commercial Office Park	 P: Public	 R-3: Multiple Dwelling			
 DMU: Downtown Mixed Use	 PUD: Planned Unit Development	 R-4: Mobile Home			
 EMU: Entertainment Mixed Use	 R-L1A: Large Lot Single Family Dwelling	 R-5: Manufactured Home Subdivision			
 HC: Heavy Commercial	 R-1A: Single Family Dwelling	 R-1E: Rural Estate			
	 R-1: One and Two Family Dwelling	 R-R: Rural Residential			





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STAMPS

PRELIMINARY
DRAWING

DESIGN SUBJECT TO CHANGE
UPON REVIEW BY BUILDING
OFFICIALS

Signature below indicates my understanding and acceptance of all content of this drawing.

Name _____

Title _____

Signature _____

DATE: 6/1/22
DRAWN BY: LDN
FILE NAME: ---

[illegible]

NARUM RESIDENCE
Nelson Acres
Lyn Narum
522 45TH AVE W
WEST FARGO, ND 58078

SITE PLAN

SP1.0

Conditional Use Permit

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

WHEREAS, Lyn Narum (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 522 45th Ave W, West Fargo, ND 58078, legally described as (hereinafter referred to as the “Property”):

Lot 4, Block 3 of Nelson Acres

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

Construct an accessory building greater than 1,600 ft² in an R-R: Rural Residential zoning district.

on the above-described Property with the following conditions:

1. The 4,000 square foot accessory building (50’ x 80’) is constructed so that it is in the same character with the development patterns of the subdivision.
2. Use of the accessory building meet the requirements of the R-R: Rural Residential
3. The applicant must meet all Federal, State, and local requirements for improvements to the site and structure.
4. The City of West Fargo reserves the right to inspect the property for compliance with these conditions.
5. 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.
6. 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.

7. 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 structure 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.
8. This Conditional Use permit will not be in effect until such time as:
 - a) it is executed and recorded with Cass County; and
 - b) the City of West Fargo is provided with recording information.
9. The obligations herein shall run with the Property and shall bind the Applicant and the Owner and their successors and assigns.
10. 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.
11. The Applicant acknowledges receipt of this Conditional Use Permit and agrees to its terms and conditions.

Dated this ____ day of _____, 20__.

APPLICANT: _____

STATE OF NORTH DAKOTA)
)
 COUNTY OF CASS)

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

[SEAL]

 Notary Public

Dated this ____ day of _____, 20__.

**WEST FARGO BOARD OF CITY
COMMISSIONERS:**

Bernie L. Dardis, President of the Board

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

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

[SEAL]

Notary Public

Dated this _____ day of _____, 20____.

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

Aaron Nelson, AICP, Director of Planning and
Zoning

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

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

[SEAL]

Notary Public

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

1. CONTACT PERSON: Malachi Petersen
2. PHONE NUMBER: 515-5377 DATE: July 12, 2022
3. AGENDA TITLE:
Final Approval – Restad Properties LLC Renaissance Zone Incentive
4. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Restad Properties LLC is requesting a Renaissance Zone Property Tax Incentive in the amount of \$85,008 to assist with development of a \$1.1 million, 10000 ft² industrial space located at 1200 3rd Ave NW. At their July 7, 2022 meeting, the West Fargo Economic Development Advisory Committee voted to recommend approval of the requested incentive.
5. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
1200 3rd Ave NW
6. ACTION BEING REQUESTED FROM CITY COMMISSION:
Approve the 5-year, \$85,008 property tax incentive for Restad Properties LLC as recommended by the West Fargo Economic Development Advisory Committee.



To: West Fargo City Commission
From: Malachi Petersen, Planner
Date: July 12, 2022
Subject: Restad Properties LLC Renaissance Zone Incentive
Action: Approve 5-Year Property Tax Incentive for Restad Properties LLC

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

Roben Anderson

Primary Portfolio:
Planning, Zoning and Engineering

Secondary Portfolio:
Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:
Police and Fire

Secondary Portfolio:
Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:
Sanitation

Secondary Portfolio:
Police and Fire

City Administrator

Tina Fisk

Summary:

Restad Properties LLC is requesting a 5-year Renaissance Zone incentive worth \$85,008 to build a 10,000 square foot industrial space for lease. The property where the building is proposed to be constructed is currently vacant and zoned LI: Light Industrial and owned by Restad Industrial Park LLC, a sister company. The applicant estimates that the project will create two full time employees to oversee the space until it is rented out. The employees are expected to earn an hourly wage of \$17.50 with estimated hourly benefits at \$10. The location of the building would be within the Restad Industrial Park, a grouping of buildings which previously received Renaissance Zone incentives for both new construction and leasing of space to tenants in late 2019.

Policy Analysis:

The goal of the ND Renaissance Zone program is to revitalize communities in the state and encourage development through tax incentives. Qualifying activities for a Renaissance Zone project include the purchase, rehabilitation, new construction, or lease of a property located within an identified Renaissance Zone block.

Financial Analysis:

The applicant estimates the anticipated building value after the project will be \$1.1 million. Currently the true and full value of the property is \$116,000. The estimated state income tax benefit to the applicant if they receive this incentive would be \$1,750 for the 5-year period. The estimate property tax benefit to the applicant if they receive this incentive would be \$85,008 for the same 5-year period (estimate from City Assessor attached).

Economic Development Advisory Committee Recommendation:

At their July 7 meeting the Economic Development Advisory Committee unanimously voted to recommend approval of the 5-year incentive.



Assessor's Department

800 4th Ave. E, Suite 1
West Fargo, ND 58078
assessor@westfargond.gov

Telephone: 701-515-5300
Fax: 701-515-5001
assessments.westfargond.gov

Project Name: Restad Properties LLC
Situs Address: 1200 3 AVE NW
Exemption Type: Renaissance Zone

Current 2022 Valuation*

**subject to change in future years*

Parcel #	Land Value	Building Value	Total T&F
02-0801-00040-000	\$ 116,000		\$ 116,000

	Land Value	Original Bldg Value	Exemption	Total
True & Full	\$ 116,000	\$ -	\$ 1,100,000	\$ 1,216,000
Taxable	\$ 5,800	\$ -	\$ 55,000	\$ 60,800
Tax Estimate	\$ 1,793	\$ -	\$ 17,002	\$ 18,794

Tax Year	Tax Payable Estimate	Exemption Estimate	Cumulative Tax Paid	Cumulative Tax Savings
2023	\$ 1,793	\$ 17,002	\$ 1,793	\$ 17,002
2024	\$ 1,793	\$ 17,002	\$ 3,586	\$ 34,003
2025	\$ 1,793	\$ 17,002	\$ 5,379	\$ 51,005
2026	\$ 1,793	\$ 17,002	\$ 7,172	\$ 68,006
2027	\$ 1,793	\$ 17,002	\$ 8,964	\$ 85,008
2028	\$ 18,794			\$ 85,008

**Taxes Payable does NOT include any specials or drain/diversion payments*

**Tax estimate is provided using 2021 mill rate for all future years.*

Programs: None

Estimate of completed building value: **\$ 1,100,000**

**Estimate is based off of numbers provided by applicant*

Provided By: Nick R. Lee, City Assessor

6/22/2022



Economic Development
 800 4th Avenue East
 West Fargo, ND 58078
 701-515-5340
Economic.Development@WestFargoND.Gov
www.WestFargoND.Gov

Renaissance Zone Project Application

Type of Property: ☒ Commercial ☐ Residential ☐ Utility Infrastructure Project

Type of Project

☒ New construction ☐ Purchase with improvements
☐ Rehabilitation ☐ Leasehold improvements

☐ Lease: ☐ New ☐ Expansion ☐ Continuation of a lease

Leased Projects – Does it involve a relocation of a business from one location in the Renaissance Zone to another location in the Renaissance Zone? ___ Yes ___ No

Residential Projects – Will this property be your primary place of residence? ___ Yes ___ No

Is the entity subject to the financial institution tax (NDCC 57-35.3)? ___ Yes X No

Contact Information	
Name	Ryan Restad
Address	1206 3 rd Ave NW, West Fargo, ND 58078

Business Information (if applicable)	
Business Name	Restad Properties LLC
Address	1206 3 rd Ave NW, West Fargo, ND 58078
Type of Entity	☐ Partnership Corporation ☐ S Corporation ☐ Cooperative ☐ Corporation ☒ Sole Proprietorship ☒ LLC ☐ LLP

Property Owner (if different than Contact)	
Name	N/A
Address	N/A

Parcel Information	
Parcel Number	02-0801-00040-000
Address	1200 3 rd Ave NW, West Fargo, ND 58078
Legal Description	Lot 4, Blk 1 Halversons Industrial 2 nd Addition
RZ Block Number	#32
Sq. Footage of Lot	33,141.48

Building Information			
Current Use	Vacant		
Current Zoning	L1	Does it need to be changed? ___ Yes <u>X</u> No	
Date of Acquisition	2018		
Expected Use After Project	Speculative Building / Warehouse		
Current Sq. Footage per Floor	N/A	Anticipated Sq. Footage After Project per Floor	10,368
Current Building Value	N/A	Anticipated Building Value After Project	\$1,100,000

Project Information			
Estimated Project Start Date	August 15, 2022	Estimated Project End Date	January 3, 2023
Total Project Cost (Attach breakdown)			
Expected Date of Purchase (if applicable)	N/A	Expected Date of Occupancy (if applicable)	01/03/2023
Current # of Employees	0	Estimated # of Employees After Project	2
Estimated Property Tax Benefit	\$85,008	Estimated State Income Tax Benefit	\$1,750

Scope of Work

The property is a piece of vacant land and will be developed to provide a speculative building / warehouse for increasing business, goods, and services.

How does the project meet the City of West Fargo's goals and objectives to: increase housing units, improve overall appearances, create high-quality jobs, enhance entrances to the community, encourage new developments, change existing property to meeting zoning, increase business visibility, and comprehensive redevelopment?

Once the construction is completed a vacant lot will become a future vibrant projected business expansion. Right now there is no opportunity to employ people since there is no structure and by constructing the building employment will have a chance to grow from a conservative number of 2 with increasing once completed.

The structure of the building will complement the surrounding structures to allow a pleasant look.



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.

Restad RZ Project Location	
Date: 5/26/2022	
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.	



FILE LOCATION: P:\COM 3D Projects\2021-600\DRAWINGS\2021-600-COVER.dwg

D

C

B

A

<u>SITE PLAN NOTES - VEHICULAR AREAS:</u>	
VA-1	CURB AND GUTTER SAWCUTTING: Shall conform to Section 202 of the NDDOT Standard Specifications for Road and Bridge Construction.
VA-2	CURB AND GUTTER REMOVALS: Shall conform to Section 202 of the NDDOT Standard Specifications for Road and Bridge Construction.
VA-3	CONNECT TO EXISTING CURB AND GUTTER: With (3) #4 x 12" bars at ends of curb.
VA-4	CURB AND GUTTER: A. Section 748 of the NDDOT Standard Specifications for Road and Bridge Construction. B. Replacement of curb and gutter shall be done within five working days.
VA-13	CONCRETE DRIVEWAYS: Shall conform to Section 750 of the NDDOT Standard Specifications for Road and Bridge Construction.
VA-32	CONNECT TO EXISTING CONCRETE PAVEMENT: Shall conform to #5 x 18" bars at 48" spacing or #4 x 18" bars at 30" spacing at longitudinal joints.
VA-33	CONCRETE PAVEMENT: Shall conform to: A. Section 550 of the NDDOT Standard Specifications for Road and Bridge Construction. B. Concrete jointing design and expansion joints shall follow industry standards. Joint spacing shall be symmetric between sections.
VA-40	REMOVED AGGREGATE SURFACE MATERIALS: May be reused within the pavement section if it conforms to the project specifications.
VA-41	AGGREGATE SURFACING: Shall be crushed concrete free of deleterious material, large chunks, and have no more than 15% passing the No. 200 sieve, no less than 5% passing the No. 200 sieve, and have a maximum size of 2".
VA-63	SUBGRADE PREPARATION UNDER VEHICULAR AREAS: Shall conform to scarifying and recompacting subgrade areas under the pavement section as shown in the Typical Details. Proof roll all pavement subgrades prior to aggregate placement, along all travel lanes to verify the uniformity of the underlying subgrade throughout the roadway section and to check for the presence of localized soft or weak zones. Perform proof roll with a fully loaded, tandem axle dump truck with a weight of approximately 25 tons, or an approved equal. Proof roll at a vehicle speed of between 1 ½ and 3 miles per hour along the pavement subgrades such that unrolled areas between wheel paths are not wider than 1'. Typical yielding should be limited to less than 1 1/2" for pavement subgrades, provided the underlying subgrade does not display permanent deformation. Correct areas that display excessive yielding, pumping or rutting during the proof roll. Repeat proof roll procedures until acceptable.
VA-64	AGGREGATE BASE UNDER VEHICULAR AREAS: Shall conform to Class 5 of Section 816 of the NDDOT Standard Specifications for Road and Bridge Construction.
VA-65	REINFORCEMENT FABRIC UNDER VEHICULAR AREAS: Shall conform to these features: A. Grab tensile (ASTM D-4632): 300 lbs. min. B. Elongation (ASTM D-4632): 15% max C. Trapezoidal tear strength (ASTM D-4533): 115 lbs min. D. Puncture strength (ASTM D-4833): 120 lbs min. E. AOS sieve size (US Sieve) (ASTM D-4751) 40. F. Permittivity (ASTM D-4491): 0.02 Sec. ⁻¹ G. Mullen Burst Strength (ASTM D-3786): 600 psi min.
<u>SITE PLAN NOTES - PEDESTRIAN AREAS:</u>	
PA-10	CONCRETE SIDEWALK CURB: Shall conform to Sidewalk in Section 750 of the NDDOT Standard Specifications for Road and Bridge Construction.
PA-11	CONCRETE CURB RAMPS: Shall conform to Section 750 of the NDDOT Standard Specifications for Construction.
PA-40	AGGREGATE BASE COURSE UNDER PEDESTRIAN AREAS: Shall conform to Class 3 of Section 816 of the NDDOT Standard Specifications for Road and Bridge Construction.
<u>SITE PLAN NOTES - MISCELLANEOUS:</u>	
MI-20	TOPSOIL STRIPPING: A. Shall only be performed in areas where hard-surfaced areas will be placed, where grades need to be modified to match finished grades as shown on the plans, or where underground utilities will be installed. Stripped topsoil shall be stockpiled in area(s) as designated by the Owner or removed from site if no area(s) to stockpile. B. Shall be as deep as necessary to remove all organic material and salvaged to be used for replacement. C. Shall conform to Section 203 of the NDDOT Standard Specifications for Road and Bridge Construction.
<u>SITE PLAN NOTES - SIGNING:</u>	
SI-2	SIGNS AND SIGN POSTS: Shall conform to: A. Posts: Section 754 of the NDDOT Standard Specifications for Road and Bridge Construction. B. Signs: 3M Series 4000 Diamond Grade DG ³ .
<u>SITE PLAN NOTES - PAVEMENT MARKINGS:</u>	
PM-2	PAVEMENT MARKINGS: Shall conform to any of the following types: A. Epoxy Mark-55 by Poly-Carb, Inc. or LS60 by Epoxlec. Strictly adhere to the manufacturer's recommendations for preparation and installation requirements. B. Plastic Film: 3M Stamark High Performance Tape Series 380I ES pavement marking type. Strictly adhere to the manufacturer's recommendations for preparation and installation requirements. C. Paint: Latex Hotline Waterborne Traffic Paint by Sherwin Williams. Strictly adhere to the manufacturer's recommendations for preparation and installation requirements. Colors are Blue - TM2224, Yellow - TM2153, and White - TM2152. D. Owner approval of pavement marking layouts/outlines is required in field prior to any work being performed.
PM-3	THE INTERNATIONAL SYMBOL OF ACCESS: The symbol in the accessible parking space and the spacing between and angle of stripes in the access aisle shall be determined by the striping installer.
<u>GENERAL NOTES:</u>	
GE-1	DIMENSIONS: All utility dimensions are to property line, center of pipe, center of structure, or back of curb unless noted. All site dimensions are to property line, back of curb, edge of walk, back of walk, and centerline of stripe unless noted. Dimensions shown on buildings are to the outermost (major) walls of buildings. For door and stoop locations and exact floor plan see Structural plans.
GE-2	CURRENT EDITIONS: Any ASTM, ACI, CRSI, NDDOT, MINDOT, MUTCD, Plumbing Code, etc. standards, designations, specifications, etc. or the like shall reference the current editions of such.
GE-3	INVESTIGATE: All on-site conditions, such as surface grades, utility locations, typical service line locations, subsurface conditions, etc., and contact Owner if conditions are different than what is represented.
GE-4	PRECAUTIONS: Take the necessary precautions required to protect adjacent properties during the construction operations and be responsible to repair any damage within the right-of-way caused by development of the site.
GE-5	VERIFY: With Mechanical/Architect the final location, size, and invert of all building utilities (i.e. storm sewer, sanitary sewer services, and water services).
GE-6	REMOVALS: Unless specifically noted, all removed materials, any debris encountered, and items not needed to be reused to complete the project shall become property of the Contractor for removal and disposal off of the Owner's property. Coordinate with Owner for reuse of salvaged materials, if any.
GE-10	EXISTING UTILITY LOCATES: Prior to digging, call "North Dakota One Call" (1-800-795-0555).
GE-11	WORK WITHIN CITY RIGHT-OF-WAY AND EASEMENTS: A. The Contractor shall be responsible for any excavation within the right-of-way and maintaining the roadway until permanent repairs can be made (limited to one week for permanent repairs). B. Is subject to inspection by the City and shall require a City of West Fargo Excavation Permit. C. Any work on existing City-owned utilities shall require notification to the City of West Fargo Public Works Department 24 hours prior to commencing work.

GRADING PLAN NOTES:

- GP-1 GRADING DATA: Spot elevations shall supercede any slopes or finished ground contours.
- GP-2 FILL:
A. Onsite material shall be used for Fill whenever possible. Material shall be suitable for intended use and free of debris and organics.
B. Import material used for Fill, if required, shall be suitable for intended use and free of debris and organics.
C. Prior to placement of Fill, existing ground shall be scarified to a minimum depth of 12" and recompacted to a minimum of 95% of the Standard Proctor Density (ASTM D698).
D. Shall be compacted to 95% of the maximum dry density per ASTM D698 (Standard Proctor Density) with a moisture content of +/- 3% for areas beneath future pavement. Lifts shall be maximum of 8" thick compacted depth.
- GP-3 FINAL ELEVATIONS: The City of West Fargo Plat Drainage Plan for Halvorsen's Industrial Park 2nd Addition was referenced to determine match and finished ground elevations.

EROSION PREVENTION AND SEDIMENT CONTROL PLAN NOTES - REGULATORY RESPONSIBILITIES:

- RR-1 PRE-CONSTRUCTION PERMITTING:
A. Storm Water Management Permit from the City of West Fargo.
B. If the disturbed land on the site is anticipated to encompass more than 1 acre, an Application (Notice of Intent) to Obtain Coverage Under NDOPES General Permit for Stormwater Discharges Associated with Construction Activity shall be filed by the Contractor and Owner with the North Dakota Department of Environmental Quality 7 days prior to construction.
C. This Notice of Intent shall be provided with the City of West Fargo Building Permit Application.
- RR-2 INSPECTION: Of all BMP's shall conform to the General Permit of the North Dakota Department of Environmental Quality.

EROSION PREVENTION AND SEDIMENT CONTROL PLAN NOTES - SITE MANAGEMENT:

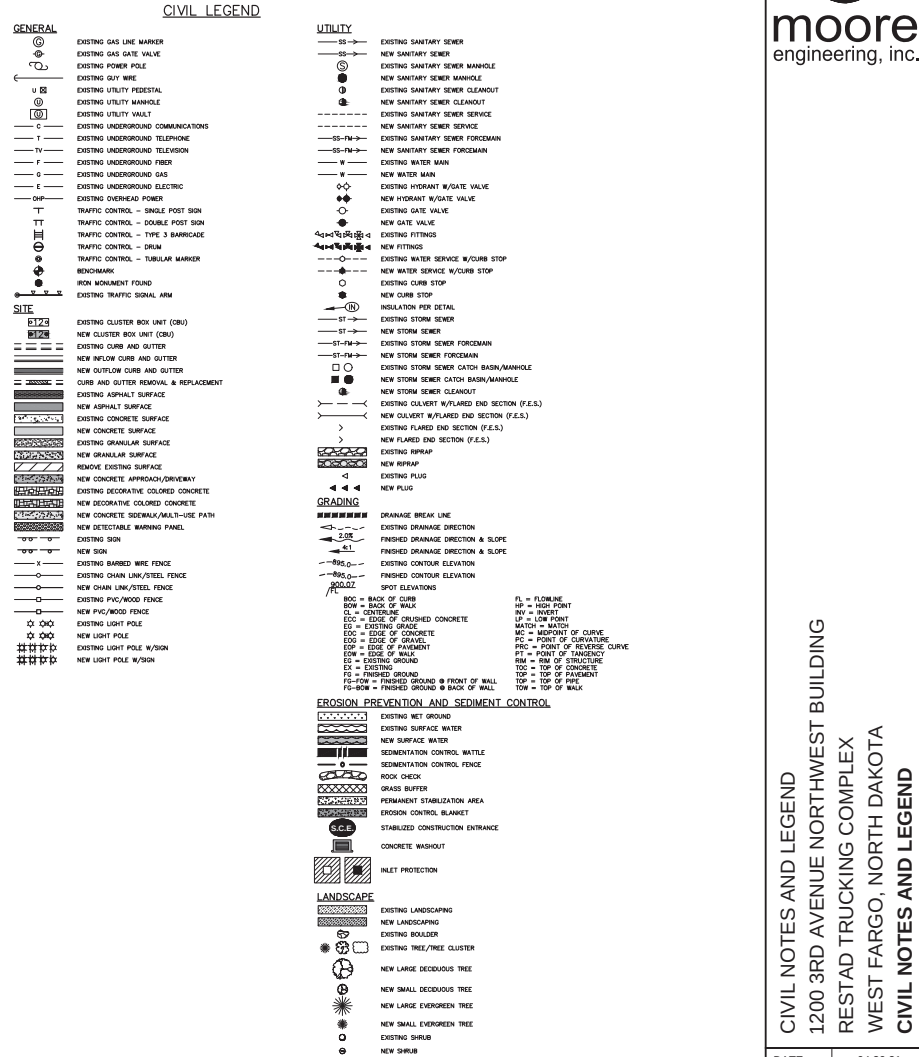
- SM-1 BEST MANAGEMENT PRACTICES (BMP'S): Shall be installed prior to any disturbances and become property of the Contractor after they are removed. In the instance that a BMP fails, it shall be repaired, replaced, or supplemented with a functional BMP.
- SM-2 ALL DISTURBED AREAS: Shall be stabilized no later than fourteen (14) calendar days after the construction activity in that portion of the site has temporarily or permanently ceased.
- SM-3 TRACKING OF SOIL, SEDIMENTS, AND DEBRIS: All equipment and vehicles leaving the site shall be cleaned of loose debris and soil. All soil and other debris tracked onto adjacent roadways (outside the project limits) is to be removed.
- SM-6 TEMPORARY MULCHING: Shall conform to be oat, barley, rye, or wheat straw that is dry and free from weeds and foreign matter detrimental to plant life. Hay or chopped cornstalks are not acceptable. 50% of the material shall be 10" long or more. Material shall be sufficiently moist to allow anchoring without breaking. Mulch shall be applied at a rate of 2 tons per acre.
- SM-8 GRASS BUFFER STRIPS: Shall be preserved and protected via signing, fencing, taping, painting, etc. their locations.
- SM-9 TURBID OR SEDIMENT-FILLED DISCHARGE: Shall be discharged to a temporary or permanent sedimentation basin or it must be treated by an appropriate BMP (grit chambers, sand filters, filter bag/sock, etc.) before site discharge. Discharge from sedimentation basins shall be in a manner that protects the site, downstream properties, and adjacent properties from erosion, scouring, sedimentation, and flooding by an acceptable energy dissipation method (e.g. rock, riprap, or sand bags).
- SM-12 WASTE RECEPTACLES: Shall be required for any solid waste generated during the construction process. These receptacles shall be emptied periodically and the trash disposed of properly.
- SM-14 PORTABLE RESTROOM FACILITIES: Shall require periodic cleaning and proper disposal of waste.
- SM-16 EXTERNAL WASHING OF TRUCKS AND OTHER CONSTRUCTION VEHICLES: Shall not occur on the project site.
- SM-17 FINAL STABILIZATION: Shall be achieved when the following guidelines are met:
A. Final permanent stabilization (turf establishment) has reached 70 percent vegetative growth in all areas.
B. All sediment collected from temporary erosion and sediment control BMP's is removed.
C. All sediment and other debris that has collected in the storm sewer system is removed.
D. All temporary erosion and sediment control BMP's are removed.

EROSION PREVENTION AND SEDIMENT CONTROL PLAN NOTES - INITIAL:

- IN-1 INLET PROTECTION: Shall conform to:
A. The Typical Details.
B. Inlet Protection Devices shall be:
a. Maintained and removed carefully so that the sediment trapped in the filter does not fall into the structure. Any material falling into the structure shall be removed immediately.
b. Left in place until construction activity is completed, the street has been swept, and any exposed soils are stabilized.
c. Removed after all disturbed areas are stabilized.
d. Removed in the fall of the year (November 1st or when construction activities end for the season) and reinstalled again in the spring (typically April 1st or when construction activities commence for the season, whichever occurs first).
- IN-4 SEDIMENTATION CONTROL WATTLES: Shall conform to the Typical Details.
- IN-5 CONSTRUCTION ENTRANCE:
A. One construction entrance will be allowed. Coordinate and/or confirm location with Owner & City. Install entrance before work begins.
B. May need to be removed and reset as improvements are installed.
C. Shall conform to the Typical Details.
- IN-6 CONCRETE WASHOUT: Shall be located on-site and conform to being within project construction limits and be signed/delineated continuously. Washout pit may be a mobile/portable/roll-off container or constructed on site per details. Dispose of material when concrete washouts reach 80% of their capacity. Backfill, seed, and mulch the area after it is no longer in use.

LANDSCAPE PLAN NOTES:

- LA-2 TREE REMOVALS AND RESETTINGS: Shall be performed by a tree spade and coordinated with the City of West Fargo Forester.
- LA-3 LANDSCAPE PLANTINGS INSTALLATION: Shall conform to the Typical Details.
- LA-5 ADJUST: Planting locations as needed to avoid underground utilities.



PRELIMINARY

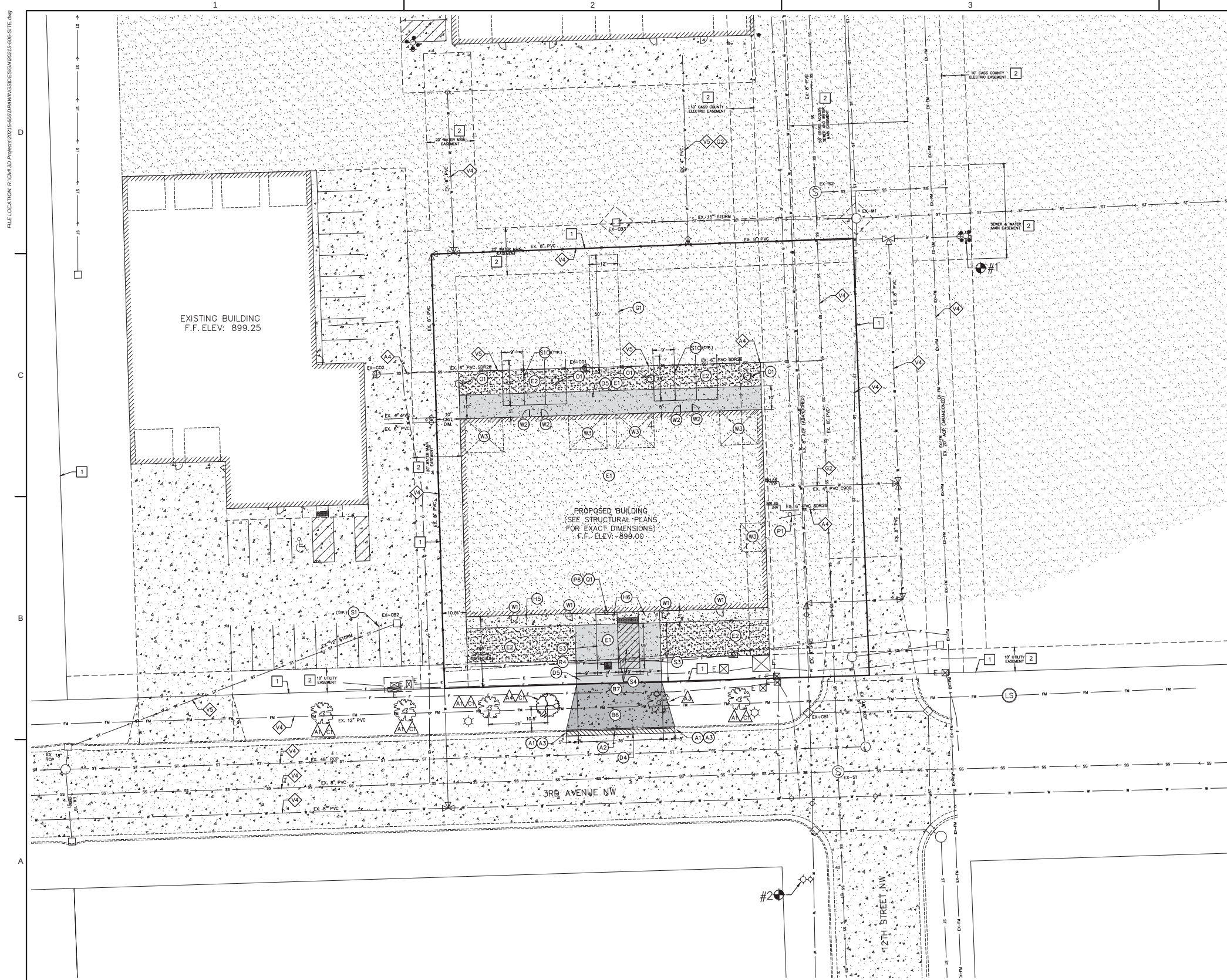


CIVIL NOTES AND LEGEND
1200 3RD AVENUE NORTHWEST BUILDING
RESTAURANT TRUCKING COMPLEX
WEST FARGO, NORTH DAKOTA
CIVIL NOTES AND LEGEND

DATE:	04.30.21
REVISED:	----
REVISED:	----
REVISED:	----
REVISED:	----
REVISED:	----
RECORD:	----
PROJECT No.	2021S-606
MANAGER:	TDE
DESIGNER:	MJP
DRAFTER:	KAG
REVIEWER:	KJMc

C-001
SHEET 2 OF 5

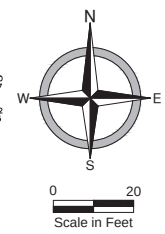
FILE LOCATION: R:\CW 3D Projects\20215-606\DRAWINGS\DESIGN\20215-606-SITE.dwg



- GENERAL NOTATIONS**
- 1 PROPERTY LINE.
 - 2 EXISTING EASEMENT.
- UTILITY NOTATIONS - SANITARY SEWER**
- AS EXISTING SANITARY SEWER SERVICE TO REMAIN.
- UTILITY NOTATIONS - WATER MAIN**
- CS EXISTING WATER SERVICE TO REMAIN.
- UTILITY NOTATIONS - GENERAL**
- VA PUBLIC UTILITY.
 - VS PRIVATE UTILITY.
- SITE NOTATIONS - VEHICULAR AREAS**
- A1 VA-1 SAWCUT EXISTING CURB AND GUTTER FULL DEPTH.
 - A2 VA-2 REMOVE EXISTING CURB AND GUTTER. REPLACE WITH MOUNTABLE CURB AND GUTTER.
 - A3 VA-3 CONNECT TO EXISTING CURB AND GUTTER.
 - BB VA-13 CONCRETE DRIVEWAY - 7".
 - B7 VA-14 PLACE EXPANSION JOINT WITH #4 X 12" SMOOTH DOWELS @ 24" SPACING MID-DEPTH THROUGH DRIVEWAY AT PROPERTY LINE.
 - D4 VA-32 CONNECT TO EXISTING CONCRETE PAVEMENT.
 - D5 VA-33 CONCRETE PAVEMENT SECTION - REGULAR.
 - E1 VA-40 REMOVE EXISTING AGGREGATE SURFACE.
 - E2 VA-41 AGGREGATE SURFACED SECTION.
 - G1 OFF-STREET LOADING AREA.
- SITE NOTATIONS - PEDESTRIAN AREAS**
- H5 PA-10 CONCRETE SIDEWALK CURB.
 - H6 PA-11 CONCRETE CURB RAMP.
- SITE NOTATIONS - MISCELLANEOUS**
- O1 REMOVE EXISTING LIGHT STANDARD (BY OTHERS).
- SITE NOTATIONS - SIGNING**
- P1 EXISTING SIGN AND POST TO REMAIN.
 - P6 SH-3 MOUNT SIGN ON BUILDING WALL.
 - Q1 SH-5 SIGN ASSEMBLY - VAN ACCESSIBLE PARKING.
- SITE NOTATIONS - PAVEMENT MARKINGS**
- PM-3 MESSAGE - BLUE (INTERNATIONAL SYMBOL OF ACCESSIBILITY).
 - S1 EXISTING STRIPE TO REMAIN.
 - S3 PM-2 STRIPE - 4" BLUE ADJACENT TO 4" YELLOW.
 - S4 PM-2 STRIPE - 4" BLUE.
 - S16 UNSTRIPED (I.E. ON UNPAVED SURFACE).
- SITE NOTATIONS - GENERAL**
- W1 PEDESTRIAN ENTRANCE - MAIN.
 - W2 PEDESTRIAN ENTRANCE - SECONDARY.
 - W3 VEHICULAR ENTRANCE - OVERHEAD DOOR.
- LANDSCAPE NOTATIONS**
- A1 EXISTING TREE TO REMAIN.
 - LA-2 REMOVE EXISTING TREE AND SAVE FOR RESETTING. TAKE CARE NOT TO DAMAGE TREE ROOTS.
 - AA LA-2 RESET TREE LOCATION.
 - CA EXISTING WEST FARGO BOULEVARD TREE.

EXISTING STRUCTURE SCHEDULE

EX-M1 RM: 896.16 N INV: 895.64 S INV: 897.30 E INV: 890.84 W INV: 891.21	EX-S1 RM: 895.17 N INV: 894.80 S INV: 894.80 E INV: 894.80 W INV: 894.80	EX-C01 RM: 898.50 N INV: 889.87 S INV: 898.02 E INV: 891.65
EX-CB1 RM: 894.66 F INV: 890.63 EX-CB2 RM: 897.72 SW INV: 893.40	EX-S2 RM: 896.63 F INV: 895.95 S INV: 895.95 E INV: 895.95	
EX-CB3 RM: 896.70 E INV: 892.91		



BENCHMARK LIST

NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT	275'± EAST OF EXISTING WEST BUILDING	899.41
2	TOP NUT ON HYDRANT	SW QUAD OF 3RD AVE. NW. & 12TH ST. NW.	898.30

PRELIMINARY

UTILITY, SITE, AND LANDSCAPE PLAN
1200 3RD AVENUE NORTHWEST BUILDING
RESTAD TRUCKING COMPLEX
WEST FARGO, NORTH DAKOTA
UTILITY, SITE, AND LANDSCAPE PLAN

DATE:	04.30.21
REVISED:	----
REVISED:	----
REVISED:	----
REVISED:	----
REVISED:	----
RECORD:	----

PROJECT No. 20215-606

MANAGER: TDE

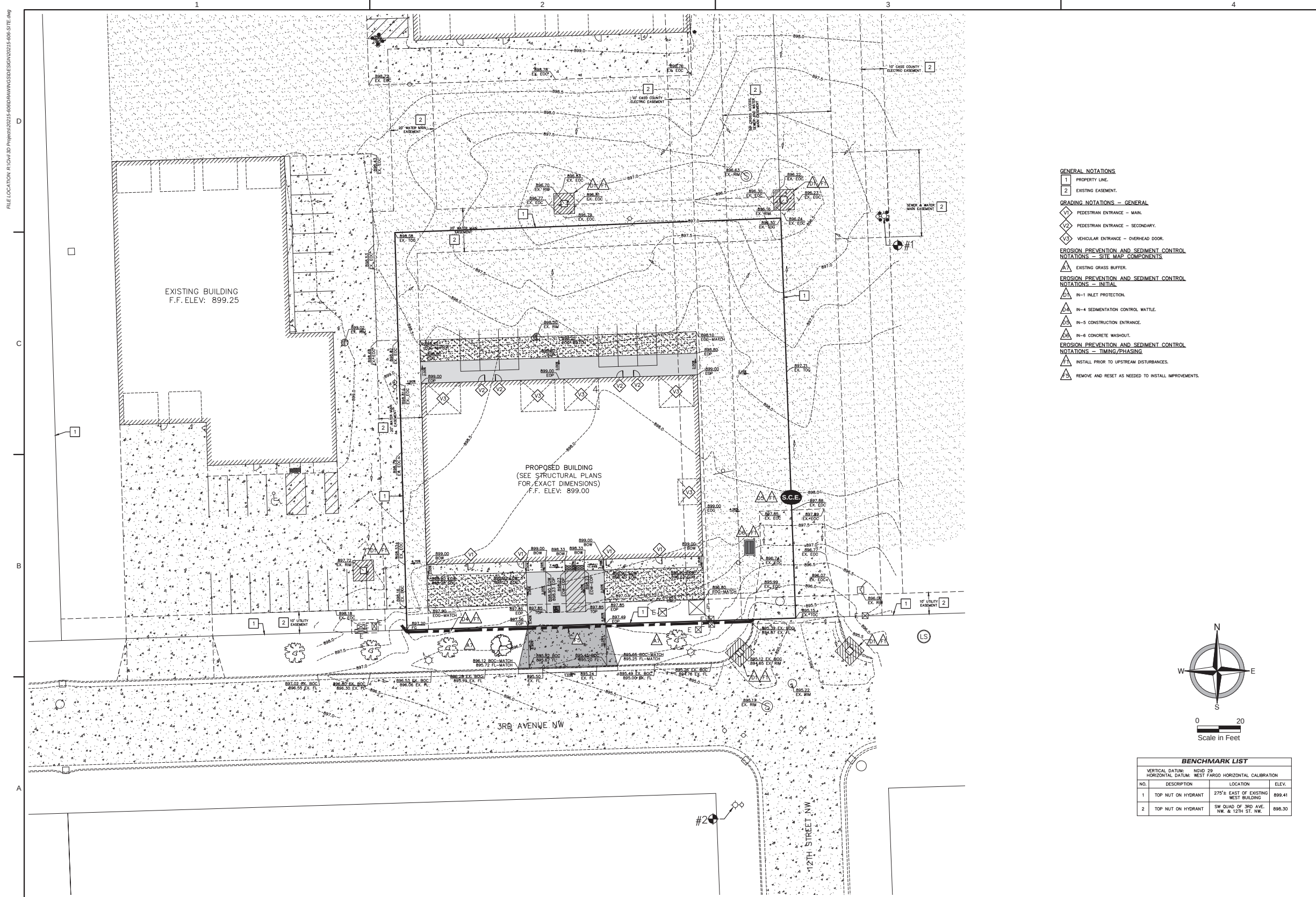
DESIGNER: MJP

DRAFTER: KAG

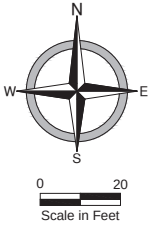
REVIEWER: KJMc

C-401

SHEET 3 OF 5



- GENERAL NOTATIONS**
- 1 PROPERTY LINE.
 - 2 EXISTING EASEMENT.
- GRADING NOTATIONS - GENERAL**
- 1 PEDESTRIAN ENTRANCE - MAIN.
 - 2 PEDESTRIAN ENTRANCE - SECONDARY.
 - 3 VEHICULAR ENTRANCE - OVERHEAD DOOR.
- EROSION PREVENTION AND SEDIMENT CONTROL NOTATIONS - SITE MAP COMPONENTS**
- 1 EXISTING GRASS BUFFER.
- EROSION PREVENTION AND SEDIMENT CONTROL NOTATIONS - INITIAL**
- 1 IN-1 INLET PROTECTION.
 - 2 IN-4 SEDIMENTATION CONTROL WATTLE.
 - 3 IN-5 CONSTRUCTION ENTRANCE.
 - 4 IN-6 CONCRETE WASHOUT.
- EROSION PREVENTION AND SEDIMENT CONTROL NOTATIONS - TIMING/PHASING**
- 1 INSTALL PRIOR TO UPSTREAM DISTURBANCES.
 - 2 REMOVE AND RESET AS NEEDED TO INSTALL IMPROVEMENTS.



BENCHMARK LIST			
VERTICAL DATUM: NAD 29			
HORIZONTAL DATUM: WEST FARGO HORIZONTAL CALIBRATION			
NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT	275'± EAST OF EXISTING WEST BUILDING	899.41
2	TOP NUT ON HYDRANT	SW QUAD OF 3RD AVE. NW. & 12TH ST. NW.	898.30

PRELIMINARY



GRADING AND EROSION PREVENTION AND SEDIMENT CONTROL PLAN
1200 3RD AVENUE NORTHWEST BUILDING
RESTAD TRUCKING COMPLEX
WEST FARGO, NORTH DAKOTA
GRADING AND EROSION PREVENTION AND SEDIMENT CONTROL PLAN

DATE:	04.30.21
REVISED:	----
REVISED:	----
REVISED:	----
REVISED:	----
REVISED:	----
RECORD:	----

PROJECT No.	20215-606
MANAGER:	TDE
DESIGNER:	MJP
DRAFTER:	KAG
REVIEWER:	KJMc

C-402

SHEET 4 OF 5

BUSINESS INCENTIVE AGREEMENT

NORTH DAKOTA DEPARTMENT OF COMMERCE

SFN 59686 (10/2018)

(For office use only) Agreement Number
Grantor Reference Number

The RECIPIENT specified below has been approved to receive a business incentive from the state of North Dakota. Therefore, in fulfillment of the requirements of North Dakota Century Code § 54-60.1-03, the grantor of the business incentive (**GRANTOR**) and the entity to receive the business incentive (**RECIPIENT**) must enter into a **Business Incentive Agreement**. This Business Incentive Agreement provides project data and specifies the goals the RECIPIENT has agreed to meet in order to receive the state business incentive.

Should the value of this incentive be less than \$25,000, and should the RECIPIENT receive no additional incentives to bring the total to \$25,000 or more within twelve months, the reporting requirements outlined in North Dakota Century Code § 54-60.1-05 and in this agreement, will not go into effect.

Grantor

Name of GRANTOR/GRANT ADMINISTRATOR Tina Fisk	On Behalf Of City of West Fargo		
Address 800 4th St E Ste.1	City West Fargo	State ND	ZIP Code 58078

Recipient

Name of RECIPIENT Business Restad Properties LLC	Also known as		
Mailing Address 1206 3rd Ave NW	City West Fargo	State ND	ZIP Code 58078
Street Address 1206 3rd Ave NW	City West Fargo	State ND	ZIP Code 58078
Location of Project (street address, city, county) 1200 3rd Ave NW, West Fargo, Cass County, ND 58078 (Lot 4, Blk 1, Halversons Industrial 2nd Addition)			
Business Classification of RECIPIENT (3 digit NAICS Code)			
Parent Company of RECIPIENT (if any) N/A			
Street Address N/A	City N/A	State N/A	ZIP Code N/A

Recipient Contact Information

Main Contact Person Nancy Peterson	Email Address live2sail47@yahoo.com
Title Project Manager	Telephone Number 701-238-1211

Location of Recipient PRIOR to receiving this business incentive (if relocating)

Street Address N/A	City N/A	State N/A	ZIP Code N/A
-----------------------	-------------	--------------	-----------------

Business Owners or Shareholders

List the names and addresses of all individuals or shareholders owning twenty percent (20%) or more of this business.

Owner or Shareholder	Mailing Address	City	State	ZIP Code
Ryan Restad	1206 3rd Ave NW #1	West Fargo	ND	58078

Project Information

Benefit Date 08/01/20		Incentive Value \$ 85,008.00
Project Description 10,000+ square foot speculative building with cold storage warehouse space located in developing industrial area. Anticipated building value after project is \$1.1 million		
Incentive Description 5-year property tax incentive via State of ND Renaissance Zone Program		
Is this incentive tax increment financing? ☐ Yes ☒ No	If yes, describe the type of district N/A	Business Investment Value \$ 1,100,000.00

Incentive Type (check one only)

- | | |
|---|--|
| ☐ Contribution of property or infrastructure | ☐ Preferential use of government facility |
| ☐ Direct cash transfer, loan, or equity investment | ☐ Guarantee of payment under loan, lease, or other obligation |
| ☒ Reduction or deferral of tax or fee | ☐ Interest buy-down |

Public Purpose (check one only)

- | | |
|---|---|
| ☐ Assisting community Development | ☐ Indirectly creating employment opportunities through increased economic activity |
| ☒ Increasing tax base | ☐ Job retention (only in cases where job loss is specific and demonstrable) |
| ☐ Directly creating employment opportunities | |

Current Employment, Wages, Benefits and Compensation

Is this a new business or a business with no full-time employees? ☒ Yes ☐ No			
If yes, please enter 0 for the current number of jobs, average hourly wage, and average hourly benefits below. If no, please enter the current number of jobs, average hourly wage, and average hourly benefits below.			
Current number of Full Time Equivalent Employees (FTE's) ¹ 0.0	Average Hourly Wage ² 0.00	Average Hourly Benefits ³ 0.00	Average Hourly Compensation (Wage plus Benefits) ⁴ 0.00
☐ Seasonal, explain:			

Goal Information

In exchange for the incentive provided by the GRANTOR, the RECIPIENT agrees to, within 2 years (check one only) ☒ Create Jobs ☐ Retain Jobs ☐ Neither create nor retain jobs ⁵			
Current number of Full Time Equivalent Employees (FTE's) ¹ 2.0	Average Hourly Wage ² 17.50	Average Hourly Benefits ³ 10.00	Average Hourly Compensation (Wage plus Benefits) ⁴ 27.50

¹ Full time equivalent employees (FTE's) work 32 hours per week or greater. The exception is when a single position is filled by two people. In this instance each person needs to work 20 hours per week or greater to be considered an FTE. Please round job numbers to the **nearest 0.5 FTE**.

² Wage includes wages, salary, bonuses and commissions.

³ Benefits include health, disability, life and retirement benefits or insurance premiums paid by the employer; an employee's share of payroll taxes paid by the employer; and other fringe benefits such as housing allowance and transportation expense.

⁴ Wage plus benefits.

⁵ If 'Neither create nor retain jobs' is checked, please enter '0' for number of jobs, wage and benefits goals. All RECIPIENTS must file recipient reports as described on page 3 of this document, including those with no job, wage or benefits goals.

In addition to meeting the goals outlined in this document, the RECIPIENT agrees to the following terms as specified by [N.D.C.C. §54-60.1](#):

1. The RECIPIENT shall continue operation in the jurisdiction in which the business incentive is used for five years or more after the benefit date.
2. RECIPIENT reports requesting current job, wage and benefit information will be mailed to the RECIPIENT by the GRANTOR. The RECIPIENT shall complete, sign and return this annual recipient report to the GRANTOR within 60 days of the annual anniversary of the benefit date for a period of two years or until the goals specified in the Business Incentive Agreement have been met, whichever is later.

If the recipient report is not received within those 60 days, the GRANTOR shall mail the RECIPIENT a warning letter. The RECIPIENT then has 14 days from the postmarked date of that warning letter to file a report. If the recipient report is still not received, the RECIPIENT may be charged one hundred dollars (\$100) from the GRANTOR for each subsequent day until the report is received. The maximum penalty under this section may not exceed one thousand dollars (\$1,000).

3. If, after 2 years, the job and compensation goals listed in the Business Incentive Agreement are not met, the RECIPIENT shall continue to provide recipient reports to the grantor until the incentive is repaid to the grantor. At a minimum, a recipient that fails to meet business incentive agreement goals shall pay back the value of the incentive to the GRANTOR prorated to reflect any partial fulfillment of the job and compensation goals. There is an exception to this financial obligation for any unmet goals that result from an act of God or terrorism.
4. The Business Incentive Agreement shall only be modified or extended by the GRANTOR pursuant to N.D.C.C. §54-60.1-04.
5. If the terms of the Business Incentive Agreement are not met, RECIPIENT, including all individuals or shareholders owning twenty percent (20%) or more of the business, will not be eligible to receive a business incentive from any GRANTOR for a period of five years from the date of failure or until RECIPIENT satisfies its repayment obligation.

By signing this document, RECIPIENT agrees to the terms noted herein, verifies that it has not failed to meet the terms of any business incentive agreement in the last five years and confirms that it has disclosed, in Attachment "A" of this agreement, all additional financial assistance received from state or political subdivision GRANTORS for this project.

GRANTOR

Title	Authorized Signature	Date
City Administrator		07/18/2022

RECIPIENT

Title	Authorized Signature	Date
Owner		07/18/2022

Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of the Agreement and the performance of such party's obligation hereunder have been duly authorized and that the Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

ATTACHMENT "A"

RECIPIENT verifies it has received additional financial assistance from state or political subdivision GRANTORS from the following entities for this project since its inception. A listing of incentives from past projects (i.e. past expansions) is not required.

GRANTOR N/A		On Behalf Of N/A
Benefit/Pending Benefit Date	Value of Assistance	Type of Incentive N/A
Description of Assistance N/A		

GRANTOR N/A		On Behalf Of N/A
Benefit/Pending Benefit Date	Value of Assistance	Type of Incentive N/A
Description of Assistance N/A		

GRANTOR N/A		On Behalf Of N/A
Benefit/Pending Benefit Date	Value of Assistance	Type of Incentive N/A
Description of Assistance N/A		

GRANTOR N/A		On Behalf Of N/A
Benefit/Pending Benefit Date	Value of Assistance	Type of Incentive N/A
Description of Assistance N/A		

GRANTOR N/A		On Behalf Of N/A
Benefit/Pending Benefit Date	Value of Assistance	Type of Incentive N/A
Description of Assistance N/A		

May 24, 2022

Malachi Petersen
City of West Fargo
800 Fourth Ave E, Suite 1
West Fargo, ND 58078

Dear Malachi,

The projected state income tax benefit of the Renaissance Zone income exemption for Restad Properties, LLC is \$350/year for a total of \$1,750 for five years.

Please let me know if additional information is desired.

Sincerely,



Aimee Schwartzwalter, CPA

RESTAD

INDUSTRIAL PARK

r.restad@olrtrans.com

PHONE: 701-367-9487

FAX: 701-277-5037

1206 3rd Ave NW #1 West Fargo, ND 58078

May 31, 2022

City of West Fargo
Economic Development
800 4th Ave. East
West Fargo, ND 58078

To Whom It May Concern:

RE: 1200 3rd Ave NW, West Fargo, North Dakota

Ryan Restad received approval for the Renaissance Zone in 2018 and built two of three buildings right away within the Halverson Industrial 2nd. The business has grown and shows a definite need for the proposed third building. Ryan Restad would like to complete his business goal with building the third building within the plat that the Renaissance Zone was created.

The goals of the Restad Industrial Park, LLC are to continue to hire employees that will grow with the business by paying competitive wages and benefits. Presently he has five full time employees and part time as needed with the first two buildings. The new building he projects starting with two full time employees and adding personnel as time goes on. The goal of hiring more employees will enhance the growth of the business for a positive revenue as well as increase the tax base growth for West Fargo.

Restad has a personal goal of growth with his business in West Fargo as his young family has become part of the community. Appreciate your consideration on the Renaissance Zone request.

Thank you,
Restad Properties



Ryan Restad,
President



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: *

Jodi Kallias

Phone Number: *

7015662757

Email Address:

jodi@sheywest.com

Date *

6/24/2022

Topic for Consent or Regular Agenda?

Please select one option:

- ☐ Consent Agenda
☒ Regular Agenda

Please Briefly Describe Your Request *

I would like to request an access easement (at our expense) to provide safe and efficient access to our retail location, SheyWest Garden Center. Customers are currently accessing our site by turning around in either the existing recycle center or making u-turns on 40th Ave. These actions are dangerous and I fear that someone could get seriously injured by incoming traffic.

The tree line is also chronically prone to garbage and debris and has poor drainage, which is killing the trees and shrubs. The dead limbs are blowing into our lot and creating problems after storms for clean-ups. The new concrete connection could include a culvert that would help divert some of the water issues and alleviate pressure on the trees and shrubs.

Site Address or Legal Description (if applicable)

225 40th Ave W
West Fargo, ND 58078

Action Being Requested from City Commission *

I would like the City Commission to approve of a 30' wide easement through the existing tree line. We would like permission to pour a concrete connection (at our expense) from the city recycle lot to our garden center. SheyWest will cover the costs associated with this project. We intend to complete this work as soon as possible.

Upload Additional Documentation (Optional):

IMG_8374.jpg	1.02MB
IMG_8375.jpg	1.3MB
IMG_8376.jpg	733.92KB
IMG_0425.HEIC	5.25MB
IMG_0426.HEIC	4.55MB
IMG_0427.HEIC	2.48MB
IMG_0428.HEIC	2.54MB
IMG_0429.HEIC	2.07MB









"Consent" or "Regular" Agenda Item?

[Regular]

Commission President

Bernie Dardis

Primary Portfolio:

Administration/Finance

Secondary Portfolio:

Street, Water and Sewer

Commission

Vice President

Brad Olson

Primary Portfolio:

Street, Water and Sewer

Secondary Portfolio:

Sanitation

Commissioner

Roben Anderson

Primary Portfolio:

Planning, Zoning and

Engineering

Secondary Portfolio:

Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and

Engineering

Commissioner

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

City Administrator

Tina Fisk

Assistant City Administrator

Dustin T. Scott

To: West Fargo City Commission

From: Dan Hanson, City Engineer

Date: July 18, 2022

Subject: Project 1316.2 – Northside Regional Sanitary Sewer Collector Rehabilitation

Action: Approve Change Order No. 1

New Information and Recommendation:

The work that is included in Change Order No. 1 consists of a sewer relocation from the Sheyenne Diversion right of way to City property as well as removing from the contract some work on separate SE Cass property. This work was originally included in the project scope, but was omitted due to the requirement of obtaining a 408 permit. It is estimated by the Consultant that bidding this work out separately would likely add approximately \$550,000 to the cost of the project and would delay this work until the 2023 construction season.

Approval of Change Order No. 1 necessitates the approval of Change Order No. 2 that is not complete at this time as there are design being completed. Change Order No. 2 consists of connecting the relocated sanitary sewer to SA40. Change Order No. 2 is anticipated to cost approximately \$550,000 according to the Consultant.

The following documents are attached for review/consideration:

- Change Order No. 1
- Change Order No. 1 – General Layout Exhibit

Staff Recommendation: Approve Change Order No. 1 for the amount of \$1,029,099.00. Approve future Change Order No. 2 in the estimated amount of \$550,000.

Policy Analysis:

This work will remove existing sanitary main from the Sheyenne Diversion right-of-way, which will allow West Fargo to maintain the system in the future without having to obtain a section 408 permit. This work was included in the Amended Engineer's Report approved by the Commission March 1, 2021.

Financial Analysis:

This Project was included in the Capital Improvement Plan adopted by the City Commission on July 15, 2020. The work included in both Change Orders 1 and 2 is identified on the current CUP as a 2023 project listed in the amount of \$1,725,000.

Previously Presented Information and Commission Actions for Phase 2:

August 16, 2021 – Phase 2

- Recommendation: Approve Contract and Contractors Bond
- Commission Action: Commissioner Gjerdevig moved and Commissioner Simmons seconded to approve. Commissioner George was absent and not voting. No opposition, motion carried.

July 19, 2021 – Phase 2

- Recommendation: Approve Resolution Accepting Bids and Award Contract
- Commission Action: Commissioner Olson moved and Commissioner Gjerdevig seconded to approve. No opposition, motion carried.

March 15, 2021 - Phase 2

- Recommendation: Approve Plans and Specifications; Authorize Bid Advertisement; and Approve Task Order No. 18-4
- Commission Action: Commissioner Olson moved and Commissioner Gjerdevig seconded. No opposition, motion carried.

March 1, 2021- Phase 2

- **Recommendation:** Approved Amended Engineer's Report, and Direct Engineer to prepare Plans and Specifications.
- **Commission Action:** Commissioner Gjerdevig moved and Commissioner Olson seconded to approve. No opposition, motion carried.

Previously Presented Information and Commission Actions for Phase 1:

November 2, 2020- Phase 1

- **Recommendation:** Approve Contract and Contractor's Bond
- **Commission Action:** Commissioner Olson moved and Commissioner Gjerdevig seconded to approve. No opposition, motion carried

October 5, 2020- Phase 1

- **Recommendation:** Award Contract to Key Contracting for their bid amount of \$416,350.00
- **Commission Action:** Commissioner George moved and Commissioner Gjerdevig seconded to approve. No opposition, motion carried.

August 17, 2020- Phase 1

- **Recommendation:** Approve Plans and Specifications; And Authorize Bid Advertisement for Construction.
- **Commission Action:** Commissioner Olson moved and Commissioner Gjerdevig seconded to approve. No opposition, motion carried.

August 3, 2020- Phase 1

- **Recommendation:** Approve Engineer's Report and Direct Engineer to prepare Plans and Specifications
- **Commission Action:** Commissioner Olson moved and Commissioner Gjerdevig seconded to approve. No opposition, motion carried.

June 15, 2020 –

- Project was included in the Capital Improvement Plan adopted by the City Commission.

CHANGE ORDER NO.: 1

Owner: City of West Fargo Owner's Project No.: 1316.2
 Engineer: Moore Engineering, Inc. Engineer's Project No.: 20230A
 Contractor: KPH, Inc. Contractor's Project No.: 0
 Project: Northside Regional Sanitary Sewer Collector Rehabilitation - Phase 2
 Contract Name: Project No. 1316 - Phase 2
 Date Issued: 7/13/2022 Effective Date of Change Order: 7/18/2022

The Contract is modified as follows upon execution of this Change Order:

Description: Change Order 1 work includes new pipe and manholes west of the Sheyenne Diversion to connect to SA-40, pipe and manhole revisions on existing SE Cass Property. To accommodate the additional work, Contract Times are to be changed as follows: All Base Bid work and Alternates 1 & 2 including Milestones 1-5 will become Milestone 6 with a completion date of September 30, 2022. All Work to be Substantially Complete by January 1, 2023 with the exception of Turf Establishment, with Final Completion of June 1, 2023.

Attachments: Exhibit A

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ 4,675,049.00	Original Contract Times: Substantial Completion: September 30, 2022 Ready for Final Payment: November 3, 2022
Increase from previously approved Change Orders No. 0 to No. 0 \$ 0.00	Increase from previously approved Change Orders No. 0 to No. 0 Substantial Completion: 0 days Ready for Final Payment: 0 days
Contract Price prior to this Change Order: \$ 4,675,049.00	Contract Times prior to this Change Order: Substantial Completion: September 30, 2022 Ready for Final Payment: November 3, 2022
Increase this Change Order: \$ 1,029,099.00	Increase this Change Order: Substantial Completion: 93 days Ready for Final Payment: 210 days
Contract Price incorporating this Change Order: \$ 5,704,148.00	Contract Times with all approved Change Orders: Milestone 6: September 30, 2022 Substantial Completion: January 1, 2023 Ready for Final Payment: June 1, 2023

Recommended by Engineer (If required)

By: 

Title: Project Engineer

Date: 07/15/2022

Authorized by Owner

By: _____

Title: _____

Date: _____

Accepted by Contractor

By: 

Title: Project Manager

Date: 07/18/2022

Approved by Funding Agency (if applicable)

By: _____

Title: _____

Date: _____

**EXHIBIT A
CHANGE ORDER NO.: 1**

<u>Item No. & Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Bid Unit Price</u>	<u>Decrease in Contract Price</u>	<u>Increase in Contract Price</u>
BASE BID					
3 261.0112 Fiber Rolls 12In	LF	1,200.00	\$ 5.00		\$ 6,000.00
6 202.0114 Removal of Concrete Pavement	SY	352.00	\$ 20.00		\$ 7,040.00
9 202.0210 Removal of Manholes	EA	1.00	\$ 1,000.00		\$ 1,000.00
13 330561 Replace Internal Drop	EA	1.00	\$ 2,000.00		\$ 2,000.00
16 330561 Sanitary Sewer Polymer Insert - 72"	EA	1.00	\$ 35,000.00		\$ 35,000.00
18 330561 Sanitary Sewer Polymer Manhole - 72" Specia	EA	(1.00)	\$ 55,000.00	\$ (55,000.00)	
19 333111 Sanitary Sewer - 24"	LF	(581.00)	\$ 300.00	\$ (174,300.00)	
20 333111 Sanitary Sewer Cleanout	EA	(1.00)	\$ 1,500.00	\$ (1,500.00)	
21 333111 Sanitary Sewer Service - 6"	LF	(58.00)	\$ 100.00	\$ (5,800.00)	
33 722.3291 Abandon Sanitary Sewer Manhole	EA	(2.00)	\$ 3,100.00	\$ (6,200.00)	
34 722.3510 Inlet-Type 2	EA	(1.00)	\$ 3,750.00	\$ (3,750.00)	
51 330130.12 Manhole Scanning	EA	1.00	\$ 315.00		\$ 315.00
58 722.3510 Adjust Inlet	EA	1.00	\$ 1,500.00		\$ 1,500.00
59 330561 Sanitary Sewer Polymer Manhole - 72"	EA	4.00	\$ 90,000.00		\$ 360,000.00
60 333111 Sanitary Sewer - 36" (Owner Provided)	LF	150.00	\$ 225.00		\$ 33,750.00
61 333111 Sanitary Sewer - 36"	LF	1,000.00	\$ 590.00		\$ 590,000.00
62 333111 Sanitary Sewer - 8"	LF	100.00	\$ 140.00		\$ 14,000.00
63 333111 Sanitary Sewer Cleanout	EA	1.00	\$ 2,000.00		\$ 2,000.00
65 930.8230 Shoring (SA-40 Site)	L SUM	1.00	\$ 60,000.00		\$ 60,000.00
66 722.3291 Abandon Sanitary Sewer Manhole (SA-40)	EA	2.00	\$ 3,800.00		\$ 7,600.00
67 24200 Abandon Sanitary Sewer	L SUM	1.00	\$ 62,000.00		\$ 62,000.00
35 230.00001 Subgrade Preparation-Type A-12In	SY	352.00	\$ 6.00		\$ 2,112.00
36 302.0121 Aggregate Base Course CI 5	CY	90.00	\$ 45.00		\$ 4,050.00
38 709.0151 Geosynthetic Material Type R1	SY	352.00	\$ 6.00		\$ 2,112.00
44 750.1021 Driveway Concrete 8In Reinforced	SY	352.00	\$ 135.00		\$ 47,520.00
50 251.0001 Turf Establishment	L SUM	1.00	\$ 40,000.00		\$ 40,000.00
51 330130.12 Manhole Scanning	EA	4.00	\$ 350.00		\$ 1,400.00
54 15000 Storm Water Management	L SUM	1.00	\$ 1,250.00		\$ 1,250.00

ALTERNATE 1

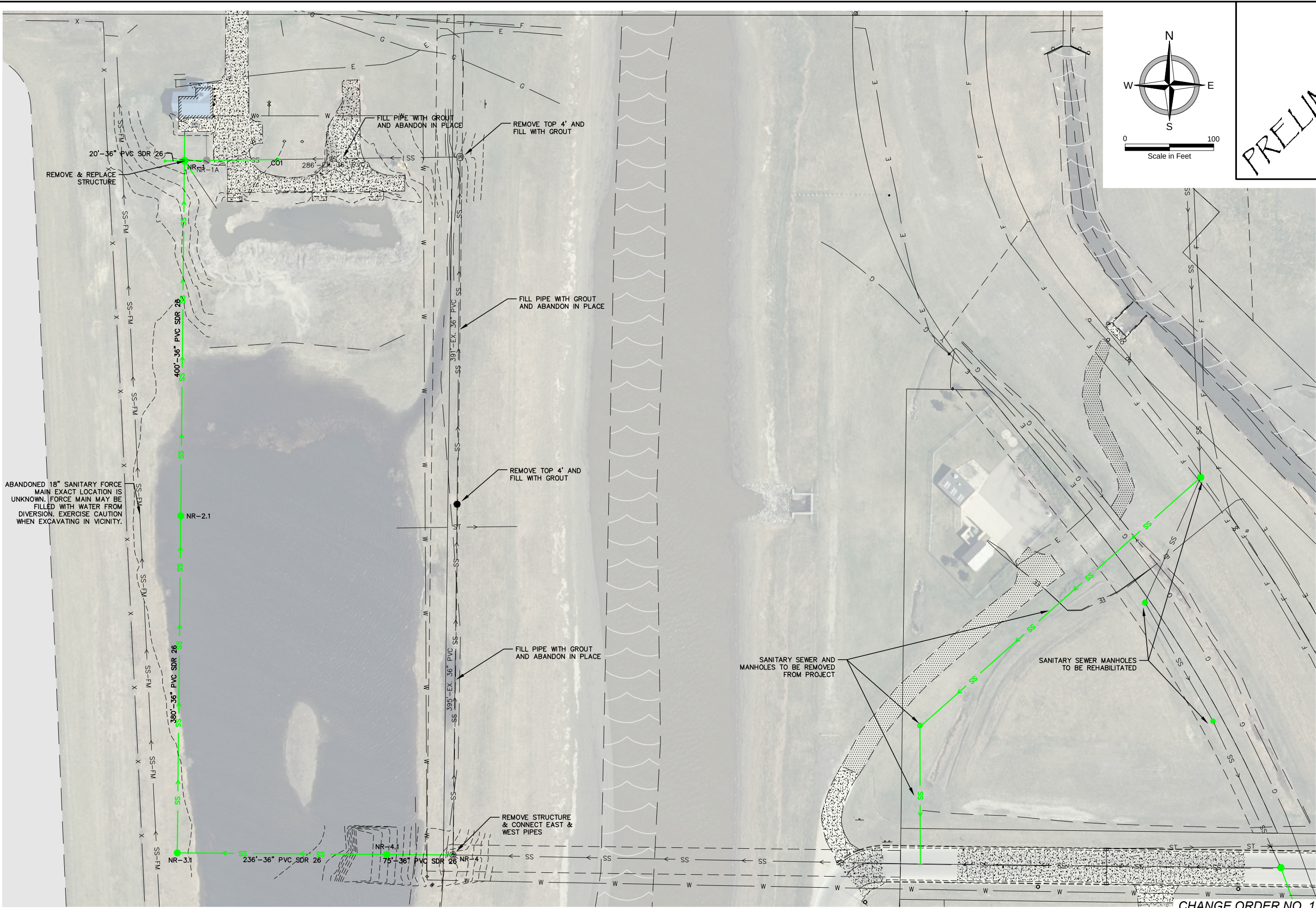
3.1. 330561.00 Sanitary Sewer Polymer Insert - 72"	EA	2.00	\$ 45,000.00		\$ 90,000.00
4.1. 330561.00 Sanitary Sewer Polymer Manhole - 72"	EA	(3.00)	\$ 71,000.00	\$ (213,000.00)	
8.1. 330561.00 Sanitary Sewer Polymer Insert - 60"	EA	1.00	\$ 45,000.00		\$ 45,000.00
9.1. 330561.00 Sanitary Sewer Polymer Insert - 48"	EA	1.00	\$ 38,000.00		\$ 38,000.00
10.1. 330561.00 Sanitary Sewer Polymer Insert - 72" Special	EA	1.00	\$ 35,000.00		\$ 35,000.00

TOTALS \$ (459,550.00) \$ 1,488,649.00

NET CHANGE IN CONTRACT PRICE \$1,029,099.00

JUSTIFICATION:

- This change order allows the use of the currently installed and operation bypass pumping system, which is a cost of \$800,000 and using competitively bid pricing from 2021. Adjusted bid prices for the change order are shown as bolded line items.
- Sewer on sheets C-201,C-202 was planned to accommodate future building on property. Building is no longer planned, so existing sewer will remain in service.
- A portion of this change order includes the realignment of the sanitary sewer system west of the Sheyenne Diversion. The realignment relocates the sewer and manholes onto adjacent city property and maximizes the usable area of the property.
- All Base Bid and Alternate work is converted to Milestone 6 to ensure that disturbances along City ROW and adjacent private property are restored prior to the onset of winter. Change Order 1 work is in green space and less affected by frozen conditions, allowing the Contractor to continue work later into the year.



PRELIMINARY



CHANGE ORDER NO. 1
PROJECT NO. 1316 - PH II
NORTHSIDE SANITARY SEWER COLLECTOR REHABILITATION - PHASE II
WEST FARGO, NORTH DAKOTA
GENERAL LAYOUT

DATE:	07.11.22
REVISED:	---
REVISED:	---
REVISED:	---
REVISED:	---
REVISED:	---
RECORD:	---
PROJECT No.	20230A
MANAGER:	MWW
DESIGNER:	DME/TJB
DRAFTER:	TJB
REVIEWER:	EAG

C-100



"Consent" or "Regular" Agenda
Item?

[Regular]

Commission President

Bernie Dardis

Primary Portfolio:

Administration/Finance

Secondary Portfolio:

Street, Water and Sewer

Commission

Vice President

Brad Olson

Primary Portfolio:

Street, Water and Sewer

Secondary Portfolio:

Sanitation

Commissioner

Roben Anderson

Primary Portfolio:

Planning, Zoning and
Engineering

Secondary Portfolio:

Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and
Engineering

Commissioner

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

City Administrator

Tina Fisk

Assistant City Administrator

Dustin T. Scott

To: West Fargo City Commission

From: Dan Hanson, City Engineer

Date: July 18, 2022

Subject: Project No. 1340 – Sanitary Sewer System Rehabilitation, Replacement,
and Incidentals

Action: Accept Bid and Award Contract

New Information and Recommendation:

A virtual bid opening was conducted on June 16, 2022 at 10:30 AM where one (1) proposal was received from CC Steel, LLC for their general and electrical bid amount of \$785,337.00 for Project No. 1340. Results are attached to this packet, including a recommendation letter prepared by Moore Engineering to award contract to CC Steel, LLC. Also attached for review is a signed "Engineer's Statement of Estimated Cost" prepared in accordance with N.D.C.C. 40-22-29 as well as preliminary funding documents.

The following documents are attached for review/consideration:

- Recommendation letter including the following: affidavit of Publication, Bid Tabulation, Draft Notice of Award, signed Engineer's Statement of Estimated Cost.
- Resolution Accepting Bid

Staff Recommendation: Approve the Resolution Accepting Bids and Award Contract to CC Steel, LLC.

Financial Analysis:

The 2022 CIP identified project funding to be sewer bonds.

Previously Presented Information and Commission Actions:

May 16, 2022 – As previously directed by the City Commission, staff has been working with our consultant Moore Engineering to complete plans and specifications for the next priority group of lift station rehabilitations. With ongoing supply chain issues, the Engineering Department also feels it prudent to move to procure pumps and control panels as soon as possible to minimize reduced risk of failure in 2022.

- **Staff Recommendation:** Approve Plans and Specs and Authorize Bid Advertisement. Approve the purchase orders of pumps and control panels at costs not to exceed \$350,000.
- **Commission Action:** Commissioner Gjerdevig moved and Commissioner George seconded to approve. No opposition, motion carried.

May 2, 2022 – Public Works identified five lift stations, SA5, SA14, SA23, SA24, and SA35 that are aging and are in urgent need of rehabilitation in 2022. These core area sanitary lift stations are reaching the end of their service life and have failing coatings, aging pumps, piping, valves and panels. It is vital to keep these lift stations in working condition to avoid sewer backups.

- **Staff Recommendation:** Create Project No. 1340, Approve Engineer's Report, Approve Task Order No. 54-1, AND Direct Engineer to prepare Plans and Specifications. Authorize staff to solicit for quotes on long lead time items and approve the purchase orders of such items at costs not to exceed \$50,000.
- **Commission Action:** Commissioner Olson moved and Commissioner Simmons seconded to approve. No opposition, motion carried.



925 10th Avenue East
Suite 1
West Fargo, ND 58078
P: 701.282.4692
F: 701.282.4530



June 27, 2022

Daniel Hanson, PE
City Engineer
City of West Fargo
800 4th Avenue East
West Fargo ND 58078

Re: Project No. 1340
Sanitary Sewer System Rehabilitation, Replacement & Incidentals
Sanitary Sewer Lift Stations SA 5, 14, 23, 24, & 35
West Fargo, ND

Dear Daniel:

Bids were opened online during a virtual meeting for the above referenced project on June 16, 2022 at 10:30 a.m. One bid was received, and the bid tabulation is enclosed for your review. CC Steel, LLC is the low bidder with a General + Electrical bid amount of \$785,337.00. Some of the equipment items including valves, control panels, and the pumps were purchased directly by the City to expedite the delivery of these items and will be installed under the contract. When the costs of the pre-purchased equipment items are combined with the bid, the estimated construction subtotal cost is estimated to be \$1,148,523 excluding contingencies.

Our Engineer's Opinion of Probable Cost with the Preliminary Engineering Report (November 2021) was \$1,250,000; and with contingencies, was \$1,500,000. Enclosed is our Engineer's Statement of Estimated Cost including the low bidder's construction prices for your review.

Construction and material costs have been increasingly inflationary for the past 12-18 months and considering the project costs are within the initial estimates, we recommend proceeding with the project and award of the contract to CC Steel, LLC.

Please review the enclosed information and provide comment, if any, at your earliest convenience. To meet the project's proposed schedule, the Contract is anticipated to be awarded by the West Fargo City Commission on July 18, 2022. If the Contract is awarded by the Commission, please sign, date, and return the enclosed Notice of Award so we can begin working on the Contracts.

Sincerely,

James Sepp, PE
Project Engineer

Enclosures:

Bid Tabulations
Engineer's Statement of Estimated Cost
Notice of Award

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA

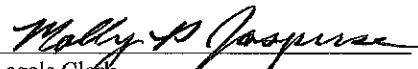
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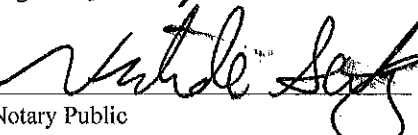
COUNTY OF CASS

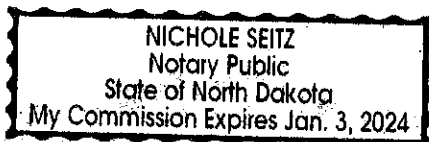
Molly Jasperse, The Forum of Fargo-Moorhead, being duly sworn, states as follows:

1. I am the designated agent of The Forum of Fargo-Moorhead, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspaper listed on the attached exhibit.
2. The newspaper listed on the exhibit published the advertisement of: *Legal Notice; (3) time: Wednesday May 25, 2022, Wednesday June 1, 2022, Wednesday June 8, 2022*, as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Dated this 29th day of June, 2022


Legals Clerk


Notary Public



**CITY OF WEST FARGO, NORTH DAKOTA
PROJECT NO. 1340
SANITARY SEWER SYSTEM REHABILITATION, REPLACEMENT & INCIDENTALS**

ADVERTISEMENT FOR BIDS

City of West Fargo is requesting Bids for the construction of the project listed above.

Bids for the construction of the Project will be received and accepted via electronic bid (vBid) through QuestCDN until June 16, 2022 at 10:00 a.m. local time. Bids will be viewed and read via video/phone conference at 10:30 a.m. Mailed or hand delivered bids will not be opened or considered. Link for the video/phone conference is provided at www.mooreengineeringinc.com by clicking the Bid Information tab, or at www.questcdn.com.

The Project consists of rehabilitation of wastewater lift stations including pump, piping, and valve replacement and new coatings, electrical control panel replacements, sanitary sewer force main replacement, curb & gutter, sidewalk, and street replacement. Separate Bids will be received for Contract No. 1 – General Construction and Contract No. 2 – Electrical Construction. Bids shall be on a unit price basis. Bids may be submitted for either single Contract or for all Work under a prime Contract.

Digital project bidding documents will be available at www.mooreengineeringinc.com by clicking the Bid Information tab, or at www.questcdn.com. You may download the complete set of digital documents for a nonrefundable fee of \$40.00 by locating eBidDoc™ Number 8201259 on the website. Contact QuestCDN Customer Support at 952-233-1632 or info@questcdn.com for assistance in membership registration, downloading digital project information, and vBid online bid submittal questions.

Each bid must be accompanied by a bidder's bond in a sum equal to 5% of the full amount of the bid executed by the bidder as principal and by a surety, conditioned that if the principal's bid is accepted and a contract is awarded to the principal, the principal, within ten (10) days after the notice of the award, shall execute a contract in accordance with the terms of the bid and the bid bond, and any conditions of the City of West Fargo, as required by law. A countersignature of a bid bond is not required. If the City of West Fargo elects to award a contract to the lowest responsible bidder, and the lowest responsible bidder does not execute a contract within ten (10) days, the bidder's bond will be forfeited to the City of West Fargo, and the City of West Fargo may award the project to the next lowest responsible bidder.

Each bidder must possess a valid North Dakota contractor's license for the full amount of their bid, as required by N.D.C.C. § 43-07-7. Each bidder MUST enclose a copy of their Contractor's License or Certificate of Renewal, issued by the North Dakota Secretary of State, and each license must be valid and dated at least 10 days prior to the date set for bid opening, as required under N.D.C.C. § 43-07-12.

The City of West Fargo will not read or consider any bid that does not fully comply with the requirements above, or the requirements of N.D.C.C. § 48-01.2-05.

Owner: City of West Fargo
By: Tina Fisk
Title: City Administrator
Date: May 16, 2022
(May 25; June 1 & 8, 2022) 66234

**BID TABULATION**

Project No. 1340

Sanitary Sewer System Rehabilitation, Replacement & Incidentals

West Fargo ND

Project No. 22109

Bid Date: June 16, 2022

CC Steel, LLC

5303 Creekview Green

Maple Plain, MN 55359

BID ITEM NO. & DESCRIPTION			UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE
Contract No. 1: General Construction with Alternate Bid Electrical						
1.	12000	Mobilization	L SUM	1	\$73,500.00	\$73,500.00
2.	15000	Traffic Control	L SUM	1	\$12,000.00	\$12,000.00
3.	PLAN	Temporary Bypass Sewer System	EA	5	\$21,500.00	\$107,500.00
4.	312500	Storm Water Management	L SUM	1	\$2,500.00	\$2,500.00
5.	312500	Inlet Protection-Special	EA	2	\$300.00	\$600.00
6.	24200	Removal of Asphalt/Concrete Pavements	SY	254	\$35.00	\$8,890.00
7.	24200	Removal of Curb & Gutter	LF	104	\$20.00	\$2,080.00
8.	24200	Removal of Concrete Sidewalks	SY	123	\$15.00	\$1,845.00
9.	24200	Removal of Pipe All Types And Sizes	LF	40	\$185.00	\$7,400.00
10.	PLAN	Abandon Valve Box	EA	1	\$450.00	\$450.00
11.	PLAN	Abandon/Cap Sanitary Sewer Force Main	EA	2	\$2,450.00	\$4,900.00
12.	PLAN	Adjust Sanitary Sewer Manhole	EA	1	\$750.00	\$750.00
13.	PLAN	Adjust Valve Box	EA	1	\$500.00	\$500.00
14.	333123	Sanitary Sewer Force Main - 8"	LF	12	\$475.00	\$5,700.00
15.	333123	Sanitary Sewer Force Main - 10"	LF	12	\$480.00	\$5,760.00
16.	333123	Sanitary Sewer Force Main - 16"	LF	80	\$530.00	\$42,400.00
17.	PLAN	Rehabilitate Lift Station - SA-5	L SUM	1	\$66,200.00	\$66,200.00
18.	PLAN	Rehabilitate Lift Station - SA-14	L SUM	1	\$55,500.00	\$55,500.00
19.	PLAN	Rehabilitate Lift Station - SA-23	L SUM	1	\$66,200.00	\$66,200.00
20.	PLAN	Rehabilitate Lift Station - SA-24	L SUM	1	\$55,500.00	\$55,500.00
21.	PLAN	Air Release Manhole #1 Modifications	L SUM	1	\$4,200.00	\$4,200.00
22.	331419	Gate Valve & Box - 12" and Reconnection	EA	1	\$12,500.00	\$12,500.00
23.	331419	Tapping Sleeve and Valve - 8"	EA	1	\$6,250.00	\$6,250.00
24.	331419	Tapping Sleeve and Valve - 10"	EA	1	\$7,250.00	\$7,250.00
25.	PLAN	Asphalt Paving	SY	139	\$205.00	\$28,495.00
26.	PLAN	Curb & Gutter-Type I	LF	104	\$88.00	\$9,152.00
27.	PLAN	Sidewalk Concrete 5In Reinf	SY	123	\$95.00	\$11,685.00
28.	PLAN	Driveway Concrete 7In Reinforced	SY	123	\$115.00	\$14,145.00
29.	323119	Decorative Metal Fencing	LF	391	\$185.00	\$72,335.00
30.	323119	Decorative Metal Double-Swing Gates	LF	44	\$225.00	\$9,900.00
31.	101400	Remove and Reset Sign	EA	1	\$500.00	\$500.00





BID TABULATION

Project No. 1340

Sanitary Sewer System Rehabilitation, Replacement & Incidentals

West Fargo ND

Project No. 22109

Bid Date: June 16, 2022

CC Steel, LLC

5303 Creekview Green

Maple Plain, MN 55359

BID ITEM NO. & DESCRIPTION			UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE
32.	PLAN	Turf Establishment	L SUM	1	\$13,250.00	\$13,250.00
33.	12000.0000	Testing Allowance (MUST ENTER \$5,000.00)	ALLOW	1	\$5,000.00	\$5,000.00
<u>Alternate Bid - Add Electrical Work to Contract No. 1</u>						
A1	PLAN	Electrical Work - Lift Station SA5	L SUM	1	\$13,500.00	\$13,500.00
A2	PLAN	Electrical Work - Lift Station SA14	L SUM	1	\$13,500.00	\$13,500.00
A3	PLAN	Electrical Work - Lift Station SA23	L SUM	1	\$13,500.00	\$13,500.00
A4	PLAN	Electrical Work - Lift Station SA24	L SUM	1	\$13,500.00	\$13,500.00
A5	PLAN	Electrical Work - Lift Station SA35	L SUM	1	\$16,500.00	\$16,500.00
TOTAL CONTRACT 1: GENERAL CONSTRUCTION + ELECTRICAL ALTERNATE						\$785,337.00

NOTICE OF AWARD

Date of Issuance: July 18, 2022

Owner: City of West Fargo

Owner's Contract No.:

Engineer: Moore Engineering, Inc.

Engineer's Project No.: 22109

Project: Sanitary Sewer System Rehabilitation,
Replacement & Incidentals

Contract Name: Project No. 1340

Bidder: CC Steel, LLC

Bidder's Address: 5303 Creekview Green, Maple Plain MN 55359

TO BIDDER:

You are notified that Owner has accepted your Bid dated June 16, 2022 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for: Contract 1: General Construction + Alternate A Electrical.

The Contract Price of the awarded Contract is: \$785,337.00

2 unexecuted counterparts of the Agreement accompany this Notice of Award, and two copies of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

☒ 3 sets of the Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 10 days of the date of receipt of this Notice of Award:

1. Deliver to Owner 2 counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security [*e.g., performance and payment bonds*] and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

Owner: City of West Fargo

Authorized Signature

By: Bernie L. Dardis

Title: President of the Board of City Commissioners

Copy: Engineer



ENGINEERING DEPARTMENT

800 4 Ave E, Suite 1
West Fargo, ND 58078
701.515.5100
www.westfargond.gov

July 18, 2022

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

Re: Project No. 1340
Sanitary Sewer System Rehabilitation, Replacement & Incidentals

WHEREAS, bids were opened and filed for Project No. 1340 for the City of West Fargo, North Dakota;
and

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

NOW THEREFORE, I, Daniel R. Hanson, do hereby certify as follows:

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

That the following (and/or attached hereto) is a detailed statement of the estimated cost for work
described as Project No. 1340 of the City of West Fargo, North Dakota.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 18 day of July, 2022.

DANIEL R. HANSON
ND REG. NO. 4962



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





Project No. 1340
Sanitary Sewer System Rehabilitation, Replacement & Incidentals
SA 5, 14, 23, 24 & 35
West Fargo ND
Project No. 22109
ENGINEER'S STATEMENT OF ESTIMATED COST

BID ITEM NO. & DESCRIPTION			UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE
Contract No. 1: General Construction with Alternate Bid Electrical						
1.	12000.00	Mobilization	L SUM	1	\$73,500.00	\$73,500.00
2.	15000.00	Traffic Control	L SUM	1	\$12,000.00	\$12,000.00
3.	PLAN	Temporary Bypass Sewer System	EA	5	\$21,500.00	\$107,500.00
4.	312500.00	Storm Water Management	L SUM	1	\$2,500.00	\$2,500.00
5.	312500.00	Inlet Protection-Special	EA	2	\$300.00	\$600.00
6.	24200.00	Removal of Asphalt/Concrete Pavements	SY	254	\$35.00	\$8,890.00
7.	24200.00	Removal of Curb & Gutter	LF	104	\$20.00	\$2,080.00
8.	24200.00	Removal of Concrete Sidewalks	SY	123	\$15.00	\$1,845.00
9.	24200.00	Removal of Pipe All Types And Sizes	LF	40	\$185.00	\$7,400.00
10.	PLAN	Abandon Valve Box	EA	1	\$450.00	\$450.00
11.	PLAN	Abandon/Cap Sanitary Sewer Force Main	EA	2	\$2,450.00	\$4,900.00
12.	PLAN	Adjust Sanitary Sewer Manhole	EA	1	\$750.00	\$750.00
13.	PLAN	Adjust Valve Box	EA	1	\$500.00	\$500.00
14.	333123.00	Sanitary Sewer Force Main - 8"	LF	12	\$475.00	\$5,700.00
15.	333123.00	Sanitary Sewer Force Main - 10"	LF	12	\$480.00	\$5,760.00
16.	333123.00	Sanitary Sewer Force Main - 16"	LF	80	\$530.00	\$42,400.00
17.	PLAN	Rehabilitate Lift Station - SA-5	L SUM	1	\$66,200.00	\$66,200.00
18.	PLAN	Rehabilitate Lift Station - SA-14	L SUM	1	\$55,500.00	\$55,500.00
19.	PLAN	Rehabilitate Lift Station - SA-23	L SUM	1	\$66,200.00	\$66,200.00
20.	PLAN	Rehabilitate Lift Station - SA-24	L SUM	1	\$55,500.00	\$55,500.00
21.	PLAN	Air Release Manhole #1 Modifications	L SUM	1	\$4,200.00	\$4,200.00
22.	331419.00	Gate Valve & Box - 12" and Reconnection	EA	1	\$12,500.00	\$12,500.00
23.	331419.00	Tapping Sleeve and Valve - 8"	EA	1	\$6,250.00	\$6,250.00
24.	331419.00	Tapping Sleeve and Valve - 10"	EA	1	\$7,250.00	\$7,250.00
25.	PLAN	Asphalt Paving	SY	139	\$205.00	\$28,495.00
26.	PLAN	Curb & Gutter-Type I	LF	104	\$88.00	\$9,152.00
27.	PLAN	Sidewalk Concrete 5In Reinf	SY	123	\$95.00	\$11,685.00
28.	PLAN	Driveway Concrete 7In Reinforced	SY	123	\$115.00	\$14,145.00
29.	323119.00	Decorative Metal Fencing	LF	391	\$185.00	\$72,335.00
30.	323119.00	Decorative Metal Double-Swing Gates	LF	44	\$225.00	\$9,900.00
31.	101400.00	Remove and Reset Sign	EA	1	\$500.00	\$500.00
32.	PLAN	Turf Establishment	L SUM	1	\$13,250.00	\$13,250.00
33.	12000.00	Testing Allowance (MUST ENTER \$5,000.00)	ALLOW	1	\$5,000.00	\$5,000.00
--	OWNER	Owner Purchase Valves (Core & Main)	CASH	1	\$28,039.23	\$28,039.23
--	OWNER	Owner Purchase Pumps (Electric Pump)	CASH	1	\$209,597.05	\$209,597.05

Alternate Bid - Add Electrical Work to Contract No. 1

A1	PLAN	Electrical Work - Lift Station SA5	L SUM	1	\$13,500.00	\$13,500.00
A2	PLAN	Electrical Work - Lift Station SA14	L SUM	1	\$13,500.00	\$13,500.00
A3	PLAN	Electrical Work - Lift Station SA23	L SUM	1	\$13,500.00	\$13,500.00
A4	PLAN	Electrical Work - Lift Station SA24	L SUM	1	\$13,500.00	\$13,500.00



Project No. 1340
Sanitary Sewer System Rehabilitation, Replacement & Incidentals
SA 5, 14, 23, 24 & 35
West Fargo ND
Project No. 22109
ENGINEER'S STATEMENT OF ESTIMATED COST

BID ITEM NO. & DESCRIPTION			UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE
A5	PLAN	Electrical Work - Lift Station SA35	L SUM	1	\$16,500.00	\$16,500.00
--	OWNER	Owner Purchase Control Panels (QC&I)	CASH	1	\$125,549.25	\$125,549.25
Construction Subtotal						\$1,148,522.53
Contingencies (≈10%)						\$114,477.47
Total Construction						\$1,263,000.00
Engineering						\$138,930.00
Additional Consulting Services						\$20,000.00
Legal & Administration						\$53,070.00
Bond Discount						\$30,000.00
TOTAL COST						\$1,475,000.00

Commissioner _____ introduced the following resolution and moved its adoption:

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

WHEREAS, bids have heretofore been received for the making of certain improvements in Project No. 1340 - Sanitary Sewer System Rehabilitations, Replacements; and Incidentals of the City of West Fargo, North Dakota; and

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

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

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

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the fact is and that the minutes show that the bid of CC Steel, LLC, in the amount of \$785,337.00, is the lowest bid received and that said company is the lowest responsible bidder; that said bid was accompanied by a bidder's bond in the sum of \$500.00, a certified or cashier's check in the amount of \$50.00 and copy of the contractor's license or certificate of renewal thereof and in conformity with the provisions of Chapter 40-29 of the North Dakota Century Code.

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

That the contract for the construction of said improvement for which advertisement for bids is made, be and the same is hereby awarded to the said CC Steel, LLC, in the amount of \$785,337.00, and that the President of the Board of City Commissioners and the City Auditor are hereby authorized and directed to enter into a contract with the said contractor for the making of the improvements for which advertisement for bids was heretofore made and for which they were the low bidder.

Dated: July 18, 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 _____. Upon roll call vote being taken thereon, the following commissioners voted in favor thereof: _____.

The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion was carried and the resolution was duly adopted.



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

Commission President

Bernie Dardis

Primary Portfolio:

Administration/Finance

Secondary Portfolio:

Street, Water and Sewer

**Commission
Vice President**

Brad Olson

Primary Portfolio:

Street, Water and Sewer

Secondary Portfolio:

Sanitation

Commissioner

Roben Anderson

Primary Portfolio:

Planning, Zoning and
Engineering

Secondary Portfolio:

Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and
Engineering

Commissioner

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

City Administrator

Tina Fisk

Assistant City Administrator

Dustin T. Scott

To: West Fargo City Commission

From: Dan Hanson, City Engineer

Date: July 18, 2022

Subject: Project 2266 – 9th Street E Concrete Pavement Repair

Action: Create Project 2266; Approve Engineer's Report and Direct Engineer to prepare Plans and Specifications.

New Information and Recommendation:

This project is included in the City's Capital Improvement Plan (CIP) and aims to improve pavement conditions and preserve the integrity of an arterial roadway. Public Works and Engineer have worked together to identify pavement failures along 9th Street E in need of full depth repairs.

The city was allocated \$386,710 in American Rescue Plan COVID infrastructure funding that must be used by 2024. This project was identified by staff to separate from the citywide concrete pavement repair project (2262) to utilize the funds to save CIP sales tax funds. There are no other planned federal projects the funds can be used for by 2024.

The following documents are attached for review/consideration:

- Engineer's Report
- Associated Resolutions

Staff Recommendation: *Create Project 2266 and Direct Engineer to prepare report; Approve Engineer's Report and Direct Engineer to prepare plans and specification.*

Policy Analysis:

As part of a proactive pavement management philosophy, we anticipate similar projects to continue annually using local funds. This project will leverage one time funding to preserve a major arterial, lowering the cost to the city. The Engineering Department will continue to collaborate pavement management projects with Public Works and strive to improve the quality and sustainability of our public streets.

Financial Analysis:

The Engineer's Report shows a total estimated cost of \$615,000 with an estimated cost of \$228,000 to the city. The remainder of the funds will be paid from one-time federal funds administered by the NDDOT. The CIP had a budget of \$575,000 with \$188,000 coming from city funds.

Previously Presented Information and Commission Actions:

None



Daniel Hanson, City Engineer
Jerry Wallace, Asst. City Engineer
Andrew Wrucke, Asst. City Engineer
Kayla Volness, Office Manager

Engineering Department
800 4th Ave E, West Fargo, ND
(701) 515-5100
westfargond.gov/Engineer

Engineer's Report

(Pursuant to N.D.C.C. 40-22-10)

Project No. 2266

9th Street East Concrete Pavement Repair – Main Ave to 13th Ave E

General Nature (Scope)

The project will complete full depth concrete patching on 9th Street E. Full depth patching is required on concrete roadways where the concrete panels have been damaged and must be replaced. Public Works has helped determine the panels in need of repair. Project will fix older panels that have failed along entire roadway through project.

Purpose

This project will fix existing broken concrete panels on this arterial route. This project is necessary because many concrete panels near castings are damaged or cracked. Project was removed from larger citywide project to leverage one time federal funding for COVID relief. Similar projects will continue to be completed in future years as new locations of pavement damage are identified by Public Works and Engineering.

Feasibility

This project has had preliminary engineering and design completed by West Fargo Engineering Department. Project will be designed by the Engineering Department and bid by the NDDOT. This project will be administered using existing Engineering Department resources.

Estimate of Probable Cost

Construction		\$ 615,000
Bid Proposal Items	\$ 559,207	
Contingency (~10%)	\$ 55,793	
Consultant (Design/Construction)		\$ 0
Legal		\$ 0
Administration		\$ 0
Land Acquisition		\$ 0
Utility Relocation		\$ 0
Bonding/Interest		\$ 0
Total Estimated Cost		\$ 615,000

Source of Funds

Special Assessments		\$ 0
City Funds		\$ 228,290
Capital Impr. Sales Tax	\$ 228,290	
Water/Sewer Revenue	\$ 0	
Water/Sewer Bond	\$ 0	
ARP COVID Infrastructure Funds		\$ 386,710
Total		\$ 615,000

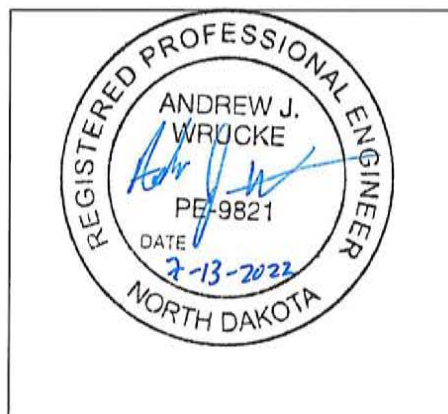
Supporting Documents (available upon request)

- A. Itemized Estimate of Probable Cost
- B. Maps, Drawings, Etc.

The proposed improvements are cost effective and will adhere to city policies as well as applicable state and/or federal regulations.



Andrew Wrucke, P.E.
ND Registration No. PE-9821



Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION CREATING PROJECT NO. 2266 - CONCRETE PAVEMENT REPAIR OF
THE CITY OF WEST FARGO, NORTH DAKOTA

WHEREAS, Daniel Hanson, a Registered Professional Engineer, is the Engineer for the City of West Fargo, and the Board of City Commissioners has consulted with him relating to the establishment, size and form and other matters with regard to Project No. 2266 – Concrete Pavement Repair of the City of West Fargo; and

WHEREAS, it is deemed necessary to establish a concrete pavement repair project within the City of West Fargo;

NOW THEREFORE, be it resolved as follows:

That there is hereby created Project No. 2266 – Concrete Pavement Repair of the City of West Fargo, North Dakota, the boundaries of which shall be as shown on the attached map.

Dated: July 18, 2022

APPROVED:

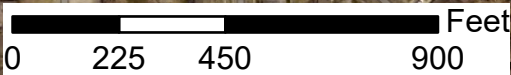
President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____. 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.

9TH STREET CONCRETE PAVEMENT REPAIR



Service Layer Credits: ESRI, HERE, DeLorme, Topo, City of West Fargo, ND GIS Hub

Esri Community Maps Contributors: City of Fargo, City of North Dakota, © OpenStreetMap, Micro
SafeGraph, GeoTechnologies, Inc; METI/NASA, USGS

Legend

9th Street E CPR Locations

This map is intended for reference purposes only. The City of West Fargo does not make claim that the features depicted represent true locations; therefore the City assumes no liability for any errors or omissions herein.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ENGINEER TO PREPARE REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, deeming it necessary to make certain improvements consisting of full depth concrete patching necessary to fix existing broken concrete panels, in connection with the above specified improvements, be constructed and made in Project No. 2266 – Concrete Pavement Repair of the City of West Fargo, the City hereby directs Daniel Hanson, the Engineer for the City of West Fargo and being a competent engineer, to prepare a report as to the general nature, purpose and feasibility of the proposed project and an estimate of the probable cost of the work.

Dated: July 18, 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 _____. 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.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION APPROVING ENGINEER'S REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, North Dakota, that the report of the Engineer for the City of West Fargo as to the general nature, purpose and feasibility along with an estimate of the probable cost of the work has been filed with this Board and that the same is hereby approved for Project No 2266 –Concrete Pavement Repair.

Dated: July 18, 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 _____. Upon roll call vote being taken thereon, the following commissioners voted in favor thereof: _____. The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion was carried and the resolution was duly adopted.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ENGINEER
TO PREPARE PLANS AND SPECIFICATIONS

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, deeming it necessary to make certain improvements consisting Full depth concrete patching necessary to fix existing broken concrete panels in connection with the abvoe specified improvements, be constructed and made in Project No. 2266 – Concrete Pavement Repair of the City of West Fargo, the City hereby directs Daniel Hanson, the Engineer for the City of West Fargo and being a competent engineer, to prepare plans and specifications for such work.

Dated: July 18, 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 _____. Upon roll call vote being taken thereon, the following commissioners voted in favor thereof: _____. The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion was carried and the resolution was duly adopted.



"Consent" or "Regular" Agenda
Item?

[Regular]

Commission President

Bernie Dardis

Primary Portfolio:

Administration/Finance

Secondary Portfolio:

Street, Water and Sewer

Commission

Vice President

Brad Olson

Primary Portfolio:

Street, Water and Sewer

Secondary Portfolio:

Sanitation

Commissioner

Roben Anderson

Primary Portfolio:

Planning, Zoning and
Engineering

Secondary Portfolio:

Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and
Engineering

Commissioner

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

City Administrator

Tina Fisk

Assistant City Administrator

Dustin T. Scott

To: West Fargo City Commission

From: Dan Hanson, City Engineer

Date: July 18, 2022

Subject: Project No. 2267 - Pavement Rehabilitation - 7th Ave NE (9th St E to City Limits), and 9th St NW (Main Ave – Drain 21)

Action: Create Project No. 2267, Approve Engineer's Report, and Direct Engineer to prepare Plans and Specifications.

New Information and Recommendation:

Public Works has identified 7th Ave NE from 9th St E to the City Limits and 9th St NW from Main Avenue to Drain 21 as roadways that are in critical need of rehabilitation prior to the upcoming winter.

The following documents are attached for review/consideration:

- Engineer's Report
- 7th Ave NE Project Location Exhibit
- Photo of 7th Ave
- 9th St NW Project Location Exhibit
- Photo of 9th St NW
- Associated Resolutions

Staff Recommendation: Approve the creation of Project No. 2267, Approve Engineer's Report, and Direct Engineer to prepare Plans and Specifications.

Policy Analysis:

By constructing a mill & overlay project for these two areas the City will be able to extend the useful life of the existing roadways. This work is planned to be constructed by Public Works who intends to rent a paving machine and install the asphalt, saving project costs.

Financial Analysis:

7th Ave NE Pavement Rehab – 9th St. E to City Limits was listed on the 2022 CIP as a \$500,000 project. This project is intended to be completed utilizing Engineering and Public Works staff. Preliminary estimates for this work is estimated to be \$200,000 including contingency. This will save the City an estimated \$300,000 as compared to the 2022 CIP listed project.

9th St NW from Main Avenue to 8th Avenue was listed on the 2022 CIP as a 2023 construction project labeled Improvement District No. 2257. The CIP project is listed as a complete reconstruct with an estimated cost of \$7,000,000. This proposed project is a mill and overlay from Main to where the roadway crosses Drain 21 and is also intended to be completed utilizing Engineering and Public Works staff. Preliminary estimates for this work are estimated to be \$100,000 including contingency.

Previously Presented Information and Commission Actions:

2022 CIP

- As noted in the Financial Analysis above, work on both of the roadways was adopted on the 2022 CIP to be completed in 2022 (7th Ave NE rehab) and 2023 (9th St NW from Main Avenue to 8th Avenue reconstruction)

Engineer's Report

(Pursuant to N.D.C.C. 40-22-10)

Project No. 2267

Pavement Rehabilitation

7th Ave NE (9th St E to City Limits) & 9th St NW (Main Avenue to Drain 21)

General Nature (Scope)

This project will mill and overlay 7th Avenue NE from 9th St E to the City Limits and 9th Street NW from Main Avenue north to where it crosses Drain 21. These two sections of roadways have been identified in the 2022 CIP to undergo improvements with 7th having been slated for 2022 Mill & Overlay project and 9th St NW slated for 2023 as a reconstruction project. Both roadways are in critical need of improvement to maintain a safe and navigable roadway surface.

Purpose

In the council packet there are example pictures of the roadway surface showing its deterioration. Public Works has indicated that if we do not proceed with the 9th Street NW portion of this project there is a likelihood that the roadway will need to be shut down this upcoming winter. 7th Avenue NE again was planned to have a mill & overlay in the 2022 CIP.

Feasibility

7th Ave NE Pavement Rehab – 9th St. E to City Limits was listed on the 2022 CIP as a \$500,000 project. This project is intended to be completed utilizing Engineering and Public Works staff. Preliminary estimates for this work is estimated to be \$200,000 including contingency. This will save the City an estimated \$300,000 as compared to the 2022 CIP listed project.

9th St NW from Main Avenue to 8th Avenue was listed on the 2022 CIP as a 2023 construction project labeled Improvement District No. 2257. The CIP project is listed as a complete reconstruct with an estimated cost of \$7,000,000. This proposed project is a mill and overlay from Main to where the roadway crosses Drain 21 and is also intended to be completed utilizing Engineering and Public Works staff. Preliminary estimates for this work are estimated to be \$100,000 including contingency. This work will delay the need to reconstruct the roadway.

Estimate of Probable Cost

Construction		\$300,000
Bid Proposal Items	\$273,000	
Contingency (~10%)	\$27,000	
Consultant (Design/Construction)		\$ 0
Legal		\$ 0
Administration		\$ 0
Land Acquisition		\$ 0
Utility Relocation		\$ 0
Bonding/Interest		\$ 0
Total Estimated Cost		\$300,000

Source of Funds

Special Assessments		\$ 0
City Funds		\$ 0
Capital Impr. Sales Tax	\$ 300,000	
Water/Sewer Revenue	\$ 0	
Water/Sewer Bond	\$ 0	
Total		\$300,000

Supporting Documents (available upon request)

- A. Itemized Estimate of Probable Cost
- B. Maps, Drawings, Etc.
- C. Photos

The proposed improvements are cost effective and will adhere to city policies as well as applicable state and/or federal regulations.

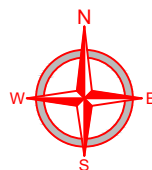


Daniel R. Hanson, P.E.
ND Registration No. PE-4962





Location Map
 7th Ave NE - 9th St. NE to City Limits
 West Fargo, North Dakota



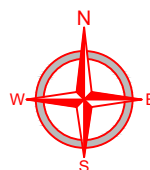
DISTRICT No.	
DATE:	07.11.2022
REVISED:	—
DRAWN BY:	TAO
CHECKED BY:	CV







Location Map
9th Street NW
West Fargo, North Dakota



DISTRICT No.	
DATE:	07.11.2022
REVISED:	-
DRAWN BY:	TAO
CHECKED BY:	CV





Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION CREATING PROJECT NO. 2267 – PAVEMENT REHABILITATION OF
THE CITY OF WEST FARGO, NORTH DAKOTA

WHEREAS, Daniel Hanson, a Registered Professional Engineer, is the Engineer for the City of West Fargo, and the Board of City Commissioners has consulted with him relating to the establishment, size and form and other matters with regard to Project No. 2267 – Pavement Rehabilitation of the City of West Fargo; and

WHEREAS, it is deemed necessary to establish a pavement rehabilitation project within the City of West Fargo;

NOW THEREFORE, be it resolved as follows:

That there is hereby created Project No. 2267 – Pavement Rehabilitation of the City of West Fargo, North Dakota, the boundaries of which shall be as shown on the attached map.

Dated: July 18, 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 _____. 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.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ENGINEER TO PREPARE REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, deeming it necessary to make certain improvements consisting of partial depth asphalt milling and placement of hot mix asphalt overlay necessary to improve and maintain current roadway and ride quality, in connection with the above specified improvements, be constructed and made in Project No. 2267 – Pavement Rehabilitation of the City of West Fargo, the City hereby directs Daniel Hanson, the Engineer for the City of West Fargo and being a competent engineer, to prepare a report as to the general nature, purpose and feasibility of the proposed project and an estimate of the probable cost of the work.

Dated: July 18, 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 _____. 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.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION APPROVING ENGINEER'S REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, North Dakota, that the report of the Engineer for the City of West Fargo as to the general nature, purpose and feasibility along with an estimate of the probable cost of the work has been filed with this Board and that the same is hereby approved for Project No 2267 – Pavement Rehabilitation.

Dated: July 18, 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 _____. Upon roll call vote being taken thereon, the following commissioners voted in favor thereof: _____. The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion was carried and the resolution was duly adopted.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ENGINEER
TO PREPARE PLANS AND SPECIFICATIONS

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, deeming it necessary to make certain improvements consisting partical depth asphalt milling and placement of hot mix asphalt overlay necessary to improve and maintain current roadway and ride quality in connection with the abvoe specified improvements, be constructed and made in Project No. 2267 – Pavement Rehabilitation of the City of West Fargo, the City hereby directs Daniel Hanson, the Engineer for the City of West Fargo and being a competent engineer, to prepare plans and specifications for such work.

Dated: July 18, 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 _____. Upon roll call vote being taken thereon, the following commissioners voted in favor thereof: _____. The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion was carried and the resolution was duly adopted.

ORDINANCE NO. 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, Assistant City Administrator, 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:

**RESOLUTION AUTHORIZING THE ISSUANCE OF
IMPROVEMENT WARRANTS AND EXCHANGING THEM FOR
\$6,070,000 REFUNDING IMPROVEMENT BONDS, SERIES 2022A**

CITY OF WEST FARGO

Adopted: July 18, 2022

This instrument was drafted by:

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

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE ISSUANCE OF IMPROVEMENT WARRANTS
AND EXCHANGING THEM FOR \$6,070,000
REFUNDING IMPROVEMENT BONDS, SERIES 2022A

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

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

WHEREAS, pursuant to Chapter 40-27 of the North Dakota Century Code, the Issuer will immediately exchange the warrant(s) for its \$6,070,000 Refunding Improvement Bonds, Series 2022A (the "Bonds").

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

Section 1. Authorization and Sale.

1.01. The Issuer has duly created Sewer, Water, Storm, and Street Improvement District No. 1315.2; Sewer, water, Storm and Street Improvement District No. 1331; Sewer, Water, Storm and Street Improvement District No. 1332; and Sewer, water, Storm and Street Improvement District No. 1334 (the "Districts"), and has duly ordered, received, and approved engineer's reports and the estimates of the costs of the Issuer's portion of the acquisition, construction, improvement, and development of the Improvements which will be of special benefit to the properties in the Districts. It is determined that the total benefits which will result from the improvement to properties within the Districts will not be less than the cost thereof to the Issuer. In anticipation of the collection of special assessments levied for the Improvements, the Issuer is authorized to issue the Bonds. All acts, conditions, and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen, and to be performed preliminary to the issuance and sale of the Bonds authorized herein have been done, do exist, have happened, and have been performed as so required.

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

necessary on the part of the Issuer for the sale of the warrant(s) and Bonds in accordance with this resolution.

Section 2. Special Assessments.

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

Section 3. The Warrants.

3.01. Each warrant shall bear interest from the date of issue until paid at the rate of _____% per annum, payable semi-annually on each May 1 and November 1, commencing May 1, 2023. Each warrant shall be exchanged for the Bonds at closing. The principal of and interest on each warrant shall be payable at the office of the City Auditor. Each warrant shall be in the principal amounts set forth below, and shall be payable on May 1 in the respective years and amounts as follows:

<u>District Designation</u>	<u>Principal Amount</u>	<u>Years Levied</u>	<u>Amounts and Years of Principal Payment</u>
Sewer, Water, Storm and Street Improvement District No. 1315.2	\$ 465,000	2022-2046	\$ 18,600.00 in each of the years 2023-2047
Sewer, Water, Storm and Street Improvement District No. 1331	\$3,920,000	2022-2046	\$256,800.00 in each of the years 2023-2047
Sewer, Water, Storm and Street Improvement District No. 1332	\$ 750,000	2022-2046	\$ 30,000.00 in each of the years 2023-2047

Sewer, Water, Storm and Street Improvement District No. 1334	\$ 935,000	2022-2046	\$ 37,400.00 in each of the years 2023-2047
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3.02. Each improvement warrant shall be typewritten and photocopied in substantially the form attached hereto as Attachment 3.

Section 4. Terms of Bonds.

4.01. The Bonds shall initially be dated August 3, 2022. Bonds issued upon exchange or transfer after May 1, 2023, shall be dated as of the interest payment date next preceding their issuance, or if the date of such issuance shall be on an interest payment date as of the date of such issue; provided, however, that if interest on the Bonds shall be in default, the Bonds shall be dated as of the date to which interest has been paid in full on the Bonds being transferred. The Bonds shall be issued in fully registered form in denominations of \$5,000 or any multiple thereof, of single maturities. The Bonds shall be numbered in consecutive numerical order from R-1 upwards as issued and shall mature on May 1 in the years and in the amounts and shall bear interest at the rates set forth in the Schedule of Maturities and Interest Rates attached hereto as Attachment 1.

4.02. Interest on the Bonds and, upon presentation and surrender thereof, the principal thereof shall be payable in lawful money of the United States of America by check or draft by the Starion Bond Services as Paying Agent, or its successor. Interest shall be payable on May 1 and November 1 in each year, commencing May 1, 2023, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month. Interest on the Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the holder thereof shall present the same for payment and payment is refused.

Section 5. Redemption.

5.01. The Bonds maturing in the year 20__ and thereafter, may be redeemed prior to their respective maturity dates, at the option of the Issuer, on May 1, 20__, and on any date thereafter, at a price equal to the principal amount plus accrued interest. Redemption may be in whole or in part, and if in part, at the option of the Issuer and in such manner as the Issuer shall determine and within a maturity by lot as selected by the registrar. Not less than thirty (30) days prior to the date specified for redemption and prepayment of any of the Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent and registered owner of the Bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar.

Section 6. Execution.

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

until the Certificate of Authentication thereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

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

Section 7. Construction Fund.

7.01. The Issuer shall establish a Construction Fund which shall be established and maintained as a separate fund and used only to pay or reimburse costs and expenses which under accepted accounting practices constitute capital costs necessarily incurred to construct the Improvements, including but not limited to land, easements, buildings, structures, machinery and equipment and the cost of all architectural, engineering, legal and other professional services, printing and publication and other costs reasonable, necessary and incidental thereto. To this fund shall be credited all proceeds of the Bonds, except accrued interest which will be deposited into the Bond Fund. Only costs and expenses of the Improvements shall be paid from time to time as incurred from the Construction Fund, and the monies in the Construction fund should be used for no other purposes. If upon the completion of the Improvements there shall remain any unexpended balance in the Construction Fund, such balance shall be transferred to the Bond Fund.

Section 8. Bond Fund.

8.01. There shall be and is hereby established a special fund to be maintained by the City Auditor separate and apart from all other funds of the Issuer, to be designated as the Refunding Improvement Bonds, Series 2022A Bond Fund (the "Bond Fund"). To the Bond Fund shall be credited each improvement warrant issued by this resolution when received by the City Auditor, which warrant(s) shall thereupon become and shall thereafter be held as an asset of the Bond Fund, and the proceeds of all assessments for each improvement warrant so acquired shall be held by the Issuer in trust for the use and benefit of the holders from time to time of the Bonds herein authorized. The assessments levied for each warrant shall be continued and payments shall be made therefrom on each improvement warrant drawn thereon in the same manner as though each improvement warrant had not been exchanged. All payments of principal and interest made on each improvement warrant shall be credited to the Bond Fund and shall be used and applied in payment of the principal of and interest on the Bonds as such principal and interest become due.

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

of Bonds herein authorized to be issued shall be obligated to accept any such refunding improvement bond in exchange for any of such matured Bond.

Section 9. Covenants of Issuer.

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

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

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

Section 10. Negative Covenants.

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

10.02. The Issuer shall not directly or indirectly liquidate, wind up, terminate, reorganize, dissolve, merge or consolidate (or suffer any liquidation, winding up, termination, reorganization or dissolution), except as consented to in writing by the Bondholder in its sole discretion.

10.03. The Issuer will not adopt, permit or consent to any change in accounting practices other than as required by GAAP and will not adopt, permit or consent to any change in its Fiscal Year or take (or permit to be taken) any action that results in (a) a change to its entity classification for Federal or State income tax purposes, or (b) a change to the method of

accounting applicable to the Warrants, or the times of commencement or termination of Fiscal Years or other accounting periods relating to Warrants without first disclosing in writing such change to the Bondholders.

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

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

Section 11. Arbitrage.

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

Section 12. Parity Warrants and Bonds.

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

Section 13. Discharge.

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

and at such rates and maturing on such dates as shall be required to pay all principal, interest and redemption premium to become due thereon to maturity or said redemption date.

Section 14. Designation of Bond Registrar and Paying Agent.

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

Section 15. Certificate of Proceedings.

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

Section 16. Book Entry System.

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

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

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

Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

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

16.05. Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in Section 19 (with respect to registration, transfer, exchange) hereof, references to the Nominee hereunder shall refer to such new Nominee.

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

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

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

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

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

Section 17. Termination of Book-Entry Only System.

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

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

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

Section 18. Letter of Representations.

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

Section 19. Transfer.

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

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

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

Section 20. Repealer.

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

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

Section 21. Bond Insurance.

21.01. *Reserved for future use.*

Section 22. Bonds Not Subject to Acceleration.

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

Section 23. Amendment of Resolution.

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

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

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

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

Section 24. No Credit Enhancement.

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

Section 25. Headings.

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

Section 26. North Dakota Law Applies.

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

Section 27. Not Qualified Tax Exempt Under Section 265.

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

Section 28. Official Statement.

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

Section 29. Continuing Disclosure.

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

President of the Board of City
Commissioners

Attest:

City Auditor

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

CITY OF WEST FARGO
STATE OF NORTH DAKOTA

\$6,070,000

REFUNDING IMPROVEMENT BONDS, SERIES 2022A

SCHEDULE OF MATURITIES AND INTEREST

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2023	\$ 200,000	%	2036	\$ 240,000	%
2024	135,000		2037	250,000	
2025	150,000		2038	260,000	
2026	155,000		2039	270,000	
2027	160,000		2040	285,000	
2028	170,000		2041	295,000	
2029	180,000		2042	310,000	
2030	190,000		2043	320,000	
2031	200,000		2044	330,000	
2032	205,000		2045	350,000	
2033	215,000		2046	365,000	
2034	225,000		2047	375,000	
2035	235,000				

Principal due May 1 in each year

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA

CITY OF WEST FARGO

REFUNDING IMPROVEMENT BONDS, SERIES 2022A

Registered
Number

Registered
Dollars

INTEREST RATE

MATURITY

DATE OF ORIGINAL
ISSUE

CUSIP

August 3, 2022

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

KNOW ALL MEN BY THESE PRESENTS that the City of West Fargo, North Dakota, (the "Issuer") acknowledges itself to be specially indebted and for value received promises to pay to the registered owner specified above or registered assigns, the principal amount specified above, but only from its Refunding Improvement Bonds, Series 2022A, Bond Fund (the "Bond Fund") on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable on May 1 and November 1 in each year, commencing May 1, 2023, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by Starion Bond Services as Paying Agent, or its successor.

This Bond is one of an issue in the aggregate principal amount of \$11,465,000 all of like date and tenor except as to serial number, maturity date, interest rate and redemption privilege, issued, pursuant to the Resolution adopted by the governing body of the Issuer for the purpose of refunding a like principal amount of valid outstanding special improvement warrants drawn on the funds of improvement districts heretofore duly created by the Issuer for the financing of the cost of local improvements in anticipation of the levy and collection of special assessments with

respect to the improvements, all pursuant to and in full conformity with the Constitution and laws of the State of North Dakota.

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

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

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

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the Issuer has duly created the Bond Fund as a separate and special fund and has appropriated thereto the improvement warrants refunded by the Bonds of this series, on which improvement warrant payments are required by law to be made as though none of such warrants had been refunded, and will use due diligence to collect said improvement warrants and the special assessments and any taxes appropriated for their payment; the Issuer has reserved the right and privilege of issuing additional improvement warrants on the funds of said improvement districts, if and to the extent necessary to complete payment of the cost of the Improvements, and the right and privilege of refunding such warrants by the issuance of additional series of Refunding Improvement Bonds, payable on a parity with the Bonds of this series from the Bond Fund, provided that the total amount of special assessments and taxes appropriated for payment of the cost of the improvements shall be not less than the total amount

of warrants issued with respect thereto; that the governing body is required by law to levy a tax upon all the taxable property in the corporate limits of the Issuer, without limitation as to rate or amount, to meet any deficiency in any of said improvement district funds for the payment of all warrants drawn thereon, with interest; and that all collections of special assessments and taxes appropriated for the payment of said improvement warrants are required by law to be credited to the Bond Fund and applied in payment of the principal of and interest on the Bonds of this series and any other series issued pursuant to the authority hereinbefore reserved; all as more fully stated in the Resolution; and that the issuance of this Bond has not caused the indebtedness of the Issuer to exceed any constitutional or statutory limitation of indebtedness.

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

Dated:

CERTIFICATE OF AUTHENTICATION

CITY OF WEST FARGO

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

President of the Board of City
Commissioners

STARION BOND SERVICES
333 North Fourth Street
Bismarck, ND 58501

BY: _____
Authorized Representative

City Auditor

CERTIFICATE AS T O LEGAL OPINION

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

City Auditor

President of the Board of City
Commissioners

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

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

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

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

under Uniform Transfer to Minors Act _____
(State)

Additional abbreviations may also be used.

—
ASSIGNMENT

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

DATED: _____

Please insert social security or other
identifying number of Assignee:

Signature Guaranteed: NOTICE:

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

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

ATTACHMENT 3

UNITED STATES OF AMERICA

STATE OF NORTH DAKOTA

CITY OF WEST FARGO

IMPROVEMENT WARRANT

Registered
Number

ORIGINAL
INTEREST RATE

DATE OF

ISSUE

August 3, 2022

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

KNOW ALL MEN BY THESE PRESENTS that the City of West Fargo, North Dakota (the "Issuer") acknowledges itself to be specially indebted and for value received promises to pay to the registered owner specified above or registered assigns, the principal amount of \$ _____ on May 1 in each of the years _____ through _____, but only from its _____ Fund, with interest thereon from the date hereof at the annual rate specified above, such interest payable on May 1 and November 1 in each year, commencing May 1, 2023, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month. The interest and principal are payable in lawful money of the United States of America by check or draft by the City Auditor.

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

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

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

—

President of the Board of City
Commissioners

Countersigned:

City Auditor