

FARGO CITY COMMISSION AGENDA
Monday, April 6, 2009 - 5:00 P.M.

CITY COMMISSION MEETINGS ARE BROADCAST LIVE ON TV FARGO (Channel 99). They are rebroadcast at 7 p.m. each Thursday and again at 8:00 a.m. each Saturday and are also included in our video archive at www.cityoffargo.com/commission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, March 23, 2009).

*** Consent Agenda - Approve the Following ***

- a. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 3/23/09:
 - (1) Relating to Breaches of Peace and Order.
 - (2) Relating to Imposition of a Sales, Use and Gross Receipts Tax (Infrastructure Capital Improvements).
- b. Resolution extending the Mayor's emergency proclamation for additional two-week periods through May 1, 2009.
- c. Fire Department budget adjustment in the amount of \$16,959.31 for F-M Haz Mat training.
- d. Traffic Safety Contract Amendment with the NDDOT for the Safe Communities Program (CFDA No. 20.600).
- e. Receive and file report on a zone change granted on 4/21/08 for 922 40th Street North.
- f. Request from the National Day of Prayer Committee to hang banners in the skyway from April 28 to May 7, 2009.
- g. Bid award for custodial services at the Main Library to McFarland Hanson in the amount of \$161,640.00 for 3 years.
- h. Change Order Number 002 from Function Furniture for an increase of \$1,560.52.
- i. Applications for Games of Chance:
 - (1) Fargo South High School for a raffle on 4/18/09.
 - (2) Krogen, Anderson, Draeger Benefit for a raffle on 8/22/09; Public Spirited Resolution.
 - (3) Raffle date change for the Evan Krogen Benefit Fund to 4/25/09.
- j. Site Authorization for Delta Waterfowl at the Best Western Doublewood Inn on 4/29/09.
- k. Applications for tax exemptions for improvements made to buildings:
 - (1) Nick and Rachel Kjonaas, 3720 Fairway Road NE (3-year).
 - (2) Martin and Barbara Berlinger, 1661 American Way (3-year).
 - (3) Michael and Gail Schutz, 1610 7th Avenue South (5-year).

- Page 2
- l. Yearly quote from Butler Machinery Company in the amount of \$55,877 for rental of a 230 HP crawler tractor at the Landfill.
 - m. Yearly quote from Butler Machinery Company in the amount of \$49,332 for rental of a 200 HP crawler tractor at the Landfill.
 - n. Bills.
 - o. Contracts and bonds for Improvement District Nos. 5855 and 5864.

* * * Regular Agenda * * *

1. Resolution Providing for the Issuance of \$13,665,000 City of Fargo Refunding Improvement Refunding Bonds, Series 2009A.
2. Recommendation to allow the issuance of permits for flood-related repairs and equipment replacement without charging permit fees.
3. Public Hearings - 5:15 p.m.:
 - a. CONTINUE TO 4/20/09 - This was the time and date set for a hearing on a petition requesting a zoning change from MR-3, Multi-Dwelling to LC, Limited Commercial on Lots 10 and 11, Block 14 of Kirkham's 2nd Addition; however, the Planning Commission continued its hearing to 4/8/09 and the Commission will need to continue its hearing to 4/20/09 (1404 12th Ave. N.).
 - b. CONTINUE TO 4/20/09 - This was the time and date set for a hearing on a petition requesting a zoning change from LI, Limited Industrial to UMU, University Mixed Use on Lots 25 through 34 of Great Northern 2nd Addition; however, the Planning Commission continued its hearing to 4/8/09 and the Commission will need to continue its hearing to 4/20/09 (1812, 1820, 1828 and 1840 Dakota Dr. N.).
 - c. Application filed by Cooper House, LP and the Fargo Housing and Redevelopment Authority for a property tax exemption or payment in lieu of tax (PILOT) for property at 414 11th Street North where the applicant will construct a low income housing project.
4. Appeal of the February 11, 2009 Planning Commission decision to deny the appeal of a staff decision to approve the FM City Development project on 12th Avenue North.
5. Recommendation to urge establishment of a Red River Valley Authority.
6. Flood update.
7. Legislative update.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 241-1310 or TDD 241-8258. Please contact us at least three business days in advance of public meetings to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at www.cityoffargo.com/commission

9 1

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 10-0318
OF ARTICLE 10-03 OF CHAPTER 10 OF THE FARGO MUNICIPAL CODE
RELATING TO BREACHES OF PEACE AND ORDER

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WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and,

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and,

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and,

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement revisions to the City of Fargo ordinances by the adoption of this ordinance;

NOW, THEREFORE, Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Amendment.

Section 10-0318 of Article 10-03 of Chapter 10 of the Fargo Municipal Code is amended to read as follows:

10-0318. State of emergency--[Declaration and duration].--

A. The president of the city commission or commissioner acting for the president, is authorized, if he finds that the city or any part thereof is suffering or is in imminent danger of suffering civil disturbance, disorder, riot or other occurrence, including danger of flooding of the city, or any part of the city, which will seriously and substantially endanger the health, safety and property of the citizens, to declare a STATE OF EMERGENCY and take the following specified measures throughout the city or any part thereof; the declaration shall be made in a proclamation which shall be delivered to the chief of police, who shall then see that said proclamation is delivered to the news media within the city and who shall use public address systems throughout the city, electronic notification systems or other means

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 deemed appropriate by the chief of police and immediately notify the
2 public of said proclamation and warn the public that any violation
3 shall be deemed a misdemeanor and violators will be arrested.

- 4 1. Require evacuation of all or any portion of the city.
5 The chief of police shall have the authority to order
6 the evacuation of residential or commercial buildings
7 or other structures whenever, in the opinion of the
8 chief of police, it is necessary in order to maintain the
9 peace or to protect the health, safety or property of
10 the city or its citizens from the danger for which the
11 state of emergency was declared.
- 12 2. Prohibit or limit the number of persons who wmay
13 gather or congregate upon the public highways or
14 public sidewalks, or in any outdoor place, except
15 persons who are awaiting transportation, engaging in
16 recreational activities at a usual and customary place,
17 or peaceably entering or leaving buildings.
- 18 3. Halt access or exit upon public highways to or from
19 the city or any part thereof.
- 20 4. Suspend operations at municipal airport.
- 21 5. Halt the movement of trains, or other vehicles into,
22 within, or from the city.
- 23 6. Establish a curfew limiting the hours when persons
may go upon or travel the public streets, sidewalks or
other public rights of way.
7. Require the closing of taprooms and bars and prohibit
the sale or service of alcoholic beverages in any hotel,
restaurant, club or other establishment.
8. Prohibit the sale of gasoline or other flammable
liquids.
9. Prohibit the sale, carrying or possession on the public
sidewalks or public streets, or in any public park, of
weapons including, but not limited to, firearms, bows
and arrows, air rifles, slingshots, knives, razors, or
missiles of any kind.
10. The city engineer shall have the authority to go upon
the property of another to establish a temporary flood
control dike of earthen or other material whenever, in
the opinion of the city engineer, it is necessary in
order to maintain or protect the health, safety or

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property of the city or citizens from flooding or the effects of flooding. In forming such opinion, the city engineer may consider the effect that floodwaters would have upon the city's system of storm or sanitary sewers, or upon other of the city's infrastructure system.

101. The chief of police shall have the authority to close any and all streets, alleys and other public ways in the city of Fargo to the public whenever, in the opinion of the chief of police, it is necessary in order to maintain the peace of the community.

142. Every person remaining present at the place of any riot or unlawful assembly after the same has been ordered to disperse by the police or any other lawful authority, except the public officers and persons assisting them in the dispersing of same, shall be guilty of a misdemeanor.

B. Duration. The STATE OF EMERGENCY declared by the president of the city commission shall exist for the period set forth in the proclamation but not in excess of two weeks. However, the STATE OF EMERGENCY may be extended for additional periods of two weeks.

Section 2. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval.

Dennis R. Walaker, Mayor

(SEAL)

Attest:

First Reading:
Second Reading:
Final Passage:

Steven Sprague, City Auditor

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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

ORDINANCE AMENDING ARTICLE 3-20
OF CHAPTER 3 OF THE FARGO MUNICIPAL CODE
RELATING TO IMPOSITION OF A SALES, USE AND GROSS RECEIPTS TAX
(INFRASTRUCTURE CAPITAL IMPROVEMENTS)

WHEREAS, North Dakota state law provides authority to impose a sales, use and gross receipts tax for infrastructure capital improvements; and,

WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and,

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and,

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and,

WHEREAS, the imposition of a sales, use and gross receipts tax for infrastructure capital improvements has been approved by a majority vote of the electorate; and

WHEREAS, the Board of City Commissioner's deems it necessary and appropriate to implement revisions to the sales, use and gross receipts tax for infrastructure capital improvements ordinance by adoption of this ordinance; and,

WHEREAS, the Board of City Commissioner's approved Ordinance Number 4682 which established the imposition of a sales, use and gross receipts tax for infrastructure capital improvements, but which ordinance did not establish an exemption from the use tax for tangible personal property purchased by contractors who had issued bids prior to the effective date or imposition of said tax, which effective date was January 1, 2009; and,

WHEREAS, the Board of City Commissioners wish to allow such an exemption from said use tax for bids given prior to January 1, 2009, and therefore wish to amend the ordinance to authorize such an exemption,

NOW, THEREFORE,

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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 Be It Ordained by the Board of City Commissioners of the City of Fargo:

2 Section 1. Amendment.

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4 Section 3-2003 of Article 3-20 of Chapter 3 of the Fargo Municipal Code is amended to read as follows:

5 3-2003. Use tax imposed.--Subject to the provisions of N.D.C.C. §40-05.1-
6 06 and except as otherwise provided in this article or the sales and
7 use tax laws of the State of North Dakota, an excise tax of one
8 percent (1%) is imposed on the storage, use, or consumption in the
9 city of Fargo of tangible personal property purchased at retail for
10 storage, use, or consumption in this city, at the rate of one percent
11 (1%) of the purchase price of the property. An excise tax is
12 imposed on the storage, use, or consumption within the corporate
13 limits of the city of Fargo, North Dakota of tangible personal
14 property not originally purchased for storage, use, or consumption
15 in this city at the rate of one percent (1%) of the fair market value
16 of the property at the time it was brought into this city. With
17 respect to the purchase price of tangible personal property used by a
18 contractor or subcontractor to fulfill a contract as defined in
19 §57-40.2-03.3, N.D.C.C., the tax imposed by this section applies
20 only to bids submitted on or after January 1, 2009.

21 Section 2. Prior Ordinance Otherwise in Full Force and Effect.

22 Except as amended herein, in all other respects this ordinance shall remain in full
23 force and effect.

Section 3. Effective Date.

This ordinance is retroactive in application. The effective date of the ordinance shall
be January 1, 2009.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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Dennis R. Walaker, Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

\\CITY\ORDINANCES\Amend 3-20 - Sales Tax public infrastructure draft

(b)

Commissioner _____ moved for the adoption of the following:

**RESOLUTION
OF THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF FARGO**

EMERGENCY DECLARATION - EXTENSION

WHEREAS, the city of Fargo and the surrounding area have experienced unprecedented flood levels causing a massive flood fighting effort; and,

WHEREAS, on March 6, 2009, the mayor of the city of Fargo proclaimed a state of emergency in the city of Fargo; and,

WHEREAS, the governor declared a statewide flood emergency as well;

WHEREAS, pursuant to Section 10-0318 of the Fargo Municipal Code, the mayor's proclamation extended for a period of two weeks and is subject to further extensions by approval of the Board of City Commissioners for additional two-week periods;

WHEREAS, although the river crested once on or about March 28th, 2009, it is expected to rise again and may crest one or more additional times thereafter;

NOW, THEREFORE, BE IT RESOLVED that the Board of City Commissioners of the City of Fargo do hereby extend the mayor's emergency proclamation for additional two-week periods through May 1, 2009, unless sooner withdrawn and removed by the board of city commissioners.

The motion was seconded by Commissioner _____ and
Commissioners _____ and
_____ being present and _____ being absent,
Commissioners _____ and
_____ voted in favor of the motion and Commissioner(s)

_____ voted against the motion, and the motion was therefore declared approved.



Fire Department

637 NP Avenue
Fargo, ND 58102
www.ci.fargo.nd.us/fire
Phone: 701-241-1540
Fax: 701-241-8125



March 19, 2009

Board of City Commissioners
City Hall
200 North Third Street
Fargo, ND 58102

Dear Commissioners,

The Fire Department receives overtime reimbursements from the F-M Haz Mat Team periodically for haz mat training hours. These funds are obtained through a grant to the F-M Haz Mat Team administered by the Moorhead Fire Department. We are requesting a budget increase to our overtime account in the amount of \$2,517.69 and to our other services account for \$14,441.62.

Suggested Motion:

Approve the following budget adjustment:

101-4010-412-11-00	\$2,517.69
101-4010-412-38-99	14,441.62

Sincerely,

A handwritten signature in cursive that reads "Bruce Hoover".

Bruce Hoover
Fire chief

Cc: Jenica Flanagan





Public Health
Prevent. Promote. Protect.
Fargo Cass Public Health

FARGO CASS PUBLIC HEALTH
401 Third Avenue North
Fargo, ND 58102
Phone 701-241-1360
Fax 701-241-8559
www.cityoffargo.com/health

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: RUTH BACHMEIER
DIRECTOR OF PUBLIC HEALTH

DATE: MARCH 27, 2009

RE: CONTRACT AMENDMENT WITH THE NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION
CFDA NO. 20.600 STATE AND COMMUNITY HIGHWAY SAFETY
09-521-1008

Enclosed is the Traffic Safety Contract Amendment from the North Dakota Department of Transportation for our Safe Communities Program.

No budget adjustment is required for this contract.

Please feel free to call extension 1380 if you have any questions.

Suggested Motion: Move to approve the traffic safety contract amendment with the North Dakota Department of Transportation.

RB/la
Enclosure

North Dakota Department of Transportation
AMENDMENT TO CONTRACT NO. 09-521-1008
Project No. PHSP4020909-02-04

THIS AMENDMENT to the above-referenced contract is entered into by and between the State of North Dakota, acting through its Director of Transportation, hereinafter known as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and Fargo Cass Public Health, hereinafter known as the Contractor, whose address is 401 Third Avenue North, Fargo, North Dakota 58102.

WHEREAS, the parties entered into a contract on October 1, 2008; and

WHEREAS, the National Highway Traffic Safety Administration (NHTSA) has received additional funds under the Continuing Resolution; and

WHEREAS, both parties agree that the Contractor will be given additional funds to complete the Scope of Work for the entire project through September 2009; and

NOW THEREFORE, the Contractor and NDDOT agree that the contract will be increased by \$33,680 to fund the entire program. The total of the contract is increased to \$68,000.

All other terms and conditions of the above-referenced contract are incorporated herein by reference and remain in full force and effect.

EXECUTED the date last below signed.

WITNESS:

NAME (TYPE OR PRINT)

SIGNATURE

To be signed by Owner; Partner; Corp. Pres., Vice Pres., or other authorized Corp. Officer. (If signed by other authorized Corp. Officer, please attach copy of Power of Attorney or other documentation showing authority to sign.)

WITNESS:

NAME (TYPE OR PRINT)

SIGNATURE

CONTRACTOR:

City of Fargo
Fargo Cass Public Health
COMPANY NAME

Dennis R. Walaker
OFFICER'S NAME (TYPE OR PRINT)

SIGNATURE

Mayor, City of Fargo
TITLE

DATE

NORTH DAKOTA DEPARTMENT
OF TRANSPORTATION

DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

APPROVED as to substance by:

Glenn E. Jackson
DIVISION DIRECTOR (TYPE OR PRINT)

SIGNATURE

2/25/09
DATE

DOT 52494 (Div. 06)
L.D. Approved 5-19-00; 5-03

MEMORANDUM



TO: FARGO CITY COMMISSION

FROM: Jim Hinderaker, Senior Planner



DATE: April 02, 2009

SUBJECT: Zone Change Review

Background

- On April 21, 2008 the Fargo City Commission approved a zone change petition from General Industrial to Limited Industrial with a Conditional Overlay for property located at 922 40th St N in the Arndts-Devener Subdivision. A copy of the zone change ordinance (Ordinance No. 4661) along with a location map is attached.
- Games Galore, a party rental company of large inflatable games, had sought to down zone the property in order to allow them to operate an indoor "family fun center" on site, especially during the winter months.
- Magnum Companies, a neighboring trucking company, protested the zone change due to safety concerns. Primarily they were concerned that "soccer mom" car traffic and the potential for kids walking and/or riding bike to the facility were not compatible with the high volume of truck traffic in the area.
- While the zone change was approved unanimously, due to the controversy surrounding the zone change, the City Commission stipulated that the matter was to be reviewed in one year.

Review

- To date, staff has never received any complaint regarding Games Galore operating at the above location.
- To date, Magnum Companies has not filed any complaints related to the operation.
- Dave Lerud, owner of Games Galore, stated to staff this morning that they have not had any issues or complaints regarding their operations from their neighbors.

Recommended Action:

The recommended action is to receive and file.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4661

done

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
2 LYING IN ARNDTS-DEVENER SUBDIVISION TO THE CITY OF FARGO

3 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
4 City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of
5 certain parcels of land lying in the Arndts-Devener Subdivision, Fargo, Cass County, North Dakota;
6 and,

7 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
8 request on March 12, 2008; subject, however, to the terms of a Conditional Overlay District as
9 described below; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on April 7,
11 2008,

12 NOW, THEREFORE,

13 Be It Ordained by the Board of City Commissioners of the City of Fargo:

14 Section 1. The following described property:

15 The South 180 feet of the North 364 feet of the East 410 feet of Lot Six (6), Arndts-
16 Devener Subdivision to the City of Fargo, County of Cass and State of North
17 Dakota,

18 is hereby rezoned from "GI", General Industrial, District to "LI", Limited Industrial, District,
19 subject to the terms of a "CO", Conditional Overlay, District, as follows:

- 20 1. To the extent the use of the property is one that is for retail sales and service
21 and for the providing of on-site entertainment for children, such use will be
22 limited to rental of the space within the property for private parties for such
23 children. Also, such child-entertainment use will be available for private
parties only, by reservation only and will not be open for walk-in customers.
2. To the extent the use of the property is one that is for retail sales and service
and for the providing of on-site entertainment for children, the parking lot
shall at all times contain striping that distinguishes the parking area for the
subject property from the parking area for the property to the north.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4661

1 The Conditional Overlay District shall terminate one year from the effective date hereof
2 unless extended by approval of the Board of City Commissioners.

3 Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his
4 office so as to conform with and carry out the provisions of this ordinance.

5 Section 3. This ordinance shall be in full force and effect from and after its passage and
6 approval.



Dennis R. Walaker, Mayor

7 (SEAL)

8 Attest:



9 Steven Sprague, City Auditor

First Reading: 04-21-2008

Second Reading: 05-05-2008

Final Passage: 05-05-2008



Arndts-Devener- Zone Change from GI, General Industrial to LI, Limited Industrial
S 180 ft of the N 364 ft of the east 410 ft of Lot 6 of the Arndts - Devener Subdivision. Located at 922 40th St N.
Property Planning Commission - March 12 , 2008



MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: National Day of Prayer Skyway use request

DATE: March 23, 2009

In April 2008 the Board of City Commissioners adopted the Skyway Use Policy. According to the policy, a request for skyway usage by outside parties must include the purpose of the request, the time and date of its proposed usage and a hold harmless pledge to the City from any accidents or destruction of property.

I have received the attached request from the National Day of Prayer Committee requesting use of the skyway to hang banners promoting the National Day of Prayer. The banners will be hung on the chains that run through the skyway and will be on display from April 28th until May 7th. The request meets all of the requirements listed in the Skyway Use Policy.

Please consider approving the request from the National Day of Prayer Committee to use the skyway to promote the National Day of Prayer, banners to hang in the skyway from April 28th until May 7th, 2009.

Recommended Motion:

Consider approving the request from the National Day of Prayer Committee to use the skyway to promote the National Day of Prayer, banners to hang in the skyway from April 28th until May 7th, 2009.



BUILDINGS & GROUNDS

200 3RD STREET NORTH
FARGO, NORTH DAKOTA 58102

9

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: SCOTT STENVOLD, PHYSICAL PLANT COORDINATOR 

DATE: MARCH 27TH, 2009

SUBJECT: BIDS FOR CUSTODIAL SERVICES, FARGO PUBLIC LIBRARY, 102 3RD ST. N.

Attached is the bid tab sheet for Custodial Services at the new downtown Public Library. Dollar amounts listed are for a 3 year contract.

I recommend that the City Commission approve the low bid from McFarland Hanson for the amount of \$161,640.00. Funding is available, and the bid came in below our anticipated costs.

Thank you for your consideration in this matter.

ATTACHMENT: BIDS TAB SHEET



BID TAB SHEET

CUSTODIAL SERVICES

FARGO PUBLIC LIBRARY

McFarland Hanson Incorporated	-----	\$161,640.00	(\$53,880/yr)
Automated Maintenance Systems	-----	\$177,480.00	(\$59,160/yr)
ISS Facility Services	-----	\$253,392.00	(\$84,464/yr)



March 23, 2009

To: City Commission

From: Tim Dirks, Director
Fargo Public Library

Change order 002 from Function Furniture represents the cost for one additional public service tables for our Internet registration.

Recommended motion: To approve Change order 002 from Function Furniture for a total of \$1,560.52.

Attachments:

Function Furniture Change Order Number 002

DRAFT AIA Document G701™ - 2001

Change Order

PROJECT (Name and address): Fargo Main Public Library 102 North 3rd Street Fargo, ND 58102	CHANGE ORDER NUMBER: 002 DATE: March 04, 2009	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Function Furniture 718 Washington Ave North, Suite 201 Minneapolis, MN 55401	ARCHITECT'S PROJECT NUMBER: 2005025 CONTRACT DATE: October 24, 2008 CONTRACT FOR: FF&E	

All References to Contractor shall refer to Vendor as stated in the Contract A151-2007

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)
Amending AIA Document A151 - 2007
Standard Form of Agreement between Owner and Vendor fo Furniture, Furnishings and Equipment

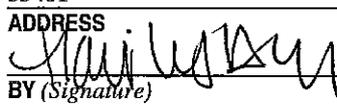
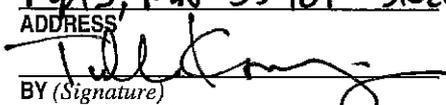
The original Contract Sum was	\$ 28,823.21
The net change by previously authorized Change Orders	\$ 2,850.78
The Contract Sum prior to this Change Order was	\$ 31,673.99
The Contract Sum will be increased by this Change Order in the amount of	\$ 1,560.52
The new Contract Sum including this Change Order will be	\$ 33,234.51

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is March 13, 2009

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price Sum which have been authorized by Construction Change Directive until the cost and time have has been agreed upon by both the Owner and Contractor, Vendor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Meyer, Scherer & Rockcastle, Ltd. ARCHITECT (Firm name) 701 South 2nd Street, Minneapolis, MN 55401 ADDRESS  BY (Signature) Traci Lesneski (Typed name) 3/4/2009 DATE	Function Furniture CONTRACTOR (Firm name) 718 WASHINGTON AVE N. Mpls, MN 55401 St201 ADDRESS  BY (Signature) Todd Konigson (Typed name) 3.4.09 DATE	City of Fargo (Dennis Walakar-Mayor) OWNER (Firm name) ADDRESS BY (Signature) (Typed name) DATE
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(i 2)

APPLICATION FOR A LOCAL PERMIT

City of Fargo
Rev. 10-07

Name of Non-profit Organization <i>Krogen, Anderson, Draeger Benefit</i>		Date(s) of Activity <i>22 Aug 09</i> to <i>22 Aug 09</i>	
Person Responsible for the Gaming Operation <i>Valerie Buchholz, Sec/Treas.</i>		Title "	Business Phone Number <i>701-451-2370</i>
Business Address <i>1400 32nd Ave N.</i>	City <i>Fargo</i>	State <i>ND</i>	Zip Code <i>58102</i>
Mailing Address (if different) <i>Same</i>	City	State	Zip Code
Name of Site Where Game(s) will be Conducted <i>Same</i>	Site Address		
City <i>Fargo</i>	State <i>ND</i>	Zip Code <i>58102</i>	County <i>Cass</i>
Check the Game(s) to be Conducted: <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool			

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
<i>Raffle ticket</i>	<i>Kilker Bike</i>	<i>\$ 2,410.⁰⁰</i>			\$
Total:					(Limit \$12,000 per year) <i>\$ 2,410.⁰⁰</i>

Intended uses of gaming proceeds: *Donation Split equally between 3 ANG members with serious illness. Krogen, Anderson, Draeger*

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

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.

PRIZE RESTRICTIONS:
 A single cash prize cannot exceed \$2,500 and total cash prizes for a raffle cannot exceed \$4,000 in one day.
 The retail value of a merchandise prize cannot exceed \$2,500.
 The total of all cash prizes and retail value of all merchandise prizes for all games cannot exceed \$12,000 per year.
 If the value of the planned cash and merchandise prizes exceeds \$12,000, the organization must reduce the prizes to this limit or apply for a state license with the Office of Attorney General.

Signature of Top Executive Official <i>V. Buchholz</i>	Date <i>1 Apr 09</i>	Title <i>Sec/Treas Augustin</i>	Daytime Phone Number <i>701-451-2370</i>
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13

Amended

Name of Organization Evan Krogen Benefit Fund		Date(s) Authorized (Read instruction 2) 04/25/09 to 04/25/09		Permit Number R0017-09
Contact Person Melanie Jean Loeb	Business Phone Number 218-359-0002	Beginning		Ending
Mailing Address 2110 14th St S	City Moorhead	State Mn	Zip Code 56560	
Site Name Hope Lutheran Church North Campus	Site Address 2900 N Broadway			
City Fargo	State ND	Zip Code 58102	County Cass	
Check the Game(s) Authorized: <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool				
Restriction(s): N/A				
Date 03-09-2009	Signature of City Auditor <i>Steven Sprague</i>	Printed Name of City Auditor Steven Sprague	Auditor Telephone Number 701-241-1301	

For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" on the backside of this form.

 cut along this line

BINGO EXCISE TAX

North Dakota Century Code §53-06.1-12(2) requires that organizations who conduct bingo pay an excise tax of three percent on the gross proceeds from the sale at retail of bingo cards to final users.

If the organization conducts bingo under a Local Permit the organization must complete the "Bingo Excise Tax Return for Local Permit or Charity Local Permit" SFN 58649, and submit this form with payment of the Bingo Excise Tax to the Office of Attorney General within 30 days from the authorized ending date.

Please complete the form below and send with payment to:
Gaming Division
Office of Attorney General
600 E Boulevard Ave. - Dept. 125
Bismarck ND 58505-0040

 <p>BINGO EXCISE TAX RETURN FOR LOCAL PERMIT OR CHARITY LOCAL PERMIT OFFICE OF ATTORNEY GENERAL SFN 58649 (08-2007)</p>	Permit Number
	List the Permit Number assigned on the Local Permit or Charity Local Permit
\$ _____ X .0291 = Bingo Excise Tax Due	
* Report the total gross proceeds from the sale of bingo cards during the date(s) authorized on the Permit.	
Name of Organization	Signature of Preparer



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (9-2008)

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

Delta Waterfowl
(Full, Legal Name of Gaming 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: Bot Western Doublewood Inn the address of which is:

3333 13th Ave S Fargo ND 58103 Cass
(Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 4-29-09 Ending 4-29-09

Specific location where games of chance will be conducted and played at the site (required):
Woodland Complex

Number of twenty-one tables (required)(if zero, enter "0"): 0

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)

1. Days of week of gaming operations _____
2. Hours of gaming _____
3. List each specific game type prohibited Bingo, Pull Tabs, Club Specials, Tip Boards, Seal Boards, Prize Boards, Punch Boards, Sports Pools, Twenty-One, Poker, Calcutta, Paddlewheels

Attorney General Date Signature of City/County Auditor
Steven Sprague, City Auditor
PRINT Name / Official Position of person signing above

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



KI

ASSESSMENT DEPARTMENT

March 18, 2009

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements as submitted Nick & Rachel Kjonaas. A description of the property involved, type of improvements to be made and assessment information is indicated on the application.

It is my opinion that the value of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2009, 2010, 2011.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$410 with the City of Fargo's share being \$55.

Sincerely,

A handwritten signature in black ink that reads "Ben Hushka".

Ben Hushka
City Assessor

tla

attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Nick + Rachel Kjonaas Phone No. 701-200-1757
701-806-1366

2. Address of Property 3720 Fairway Rd NE
City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed, Lot 14 Block 1
Golf course 3rd

4. Parcel Number 01-1003-00140⁻⁰⁰⁰ Residential Commercial Central Business District

5. Mailing Address of Property Owner 3720 Fairway Rd NE
City Fargo State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). new flooring, Add fire place, paint walls

7. Building Permit No. 80125 8. Year Built 1977

9. Date of Commencement of making the improvement 5-15-09

10. Estimated market value of property before improvement \$ ~~200,000.00~~ 241,700.00

11. Cost of making the improvement (all labor, material and overhead) \$ ~~200,000.00~~ 120,000

12. Estimated market value of property after improvement \$ 256,000.00

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature [Signature] Date 3-12-09

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 3 YEARS
Assessor's Signature [Signature] Date 3/18/09

Approval of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved
Approval subject to the following conditions: _____
Chairman of Governing Body _____ Date _____



K2

ASSESSMENT DEPARTMENT

March 20, 2009

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements as submitted Martin & Barbara Berlinger. A description of the property involved, type of improvements to be made and assessment information is indicated on the application.

It is my opinion that the value of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2009, 2010, 2011.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$4,500 with the City of Fargo's share being \$590.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Hushka".

Ben Hushka
City Assessor

tla

attachment

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Martin & Barbara Berlinger Phone No. 701-235-3798

2. Address of Property 1661 American Way
 City FARGO State ND Zip Code 58103

3. Legal description of the property for which the exemption is being claimed, LOT 44, BIK 4 Arrowhead Addition

4. Parcel Number 01-0065-00740-000 Residential Commercial Central Business District

5. Mailing Address of Property Owner 1661 American Way
 City Fargo State ND Zip Code 58103

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). see attached

7. Building Permit No. 20081224 8. Year Built 1974

9. Date of Commencement of making the improvement 6-27-08

10. Estimated market value of property before improvement \$ 160,000

11. Cost of making the improvement (all labor, material and overhead) \$ 220,000

12. Estimated market value of property after improvement \$ 265,000⁰⁰

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature [Signature] Date 3-16-09

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 3 YEARS

Assessor's Signature [Signature] Date _____

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved

Approval subject to the following conditions: _____

Chairman of Governing Body _____ Date _____

Type or Remodeling done on 1661 American Way, Lot 44, Block 4 Arrowhead Addition:

Added 1028 square feet to the upper portion of the home, which included a master bedroom suite with walk in closet and full bathroom, remodeled and enlarged the kitchen/dining room and added on a family room off the kitchen. In addition a bedroom upstairs was remodeled into a den and living room and hall were updated with new carpet, tile and paint. Added 600 square feet of finished area to the basement which included finishing the laundry room, adding a music room, and lower bedroom. Storage area was added but not finished under master bedroom area. New furnace, water heater, air conditioner, driveway, sidewalk and front steps, along with replacing the panes of 2 of the front bay window was also included in the remodel.

The main floor is now 2216 square feet and the basement is 1710 square feet of finished area.



K3

ASSESSMENT DEPARTMENT

March 30, 2009

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements as submitted Michael & Gail Schutz. A description of the property involved, type of improvements to be made and assessment information is indicated on the application.

It is my opinion that the value of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2009, 2010, 2011, 2012, 2013. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$615 with the City of Fargo's share being \$80.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Hushka".

Ben Hushka
City Assessor

tla

attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Michael and Gail SCHWITZ Phone No. 701-293-5689

2. Address of Property 1610 7th AVE. So.
City FARGO State ND Zip Code 58103

3. Legal description of the property for which the exemption is being claimed, PT LTS 1-3, BLK 3, DARLINGS 2ND

4. Parcel Number 01-0560-00520-000 Residential Commercial Central Business District

5. Mailing Address of Property Owner 1610 7th AVE. So
City FARGO State N.D. Zip Code 58103

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Totally Remodeled basement after straightening north and west walls

7. Building Permit No. 70024 8. Year Built 1956

9. Date of Commencement of making the improvement 05-2006

10. Estimated market value of property before improvement \$ 100 - THOUSAND

11. Cost of making the improvement (all labor, material and overhead) \$ 30 - THOUSAND

12. Estimated market value of property after improvement \$ 120 - THOUSAND

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature M. J. Schwitz Date 03-22-09

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 5 YEARS
Assessor's Signature [Signature] Date 3/31/09

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied Approved
Approval subject to the following conditions: _____
Chairman of Governing Body _____ Date _____



April 1, 2009

Honorable Board of City Commissioners
City of Fargo
Fargo, ND 58102

RE: Request for Quotes (RFQ)
Landfill Crawler Tractor (230HP)

Dear Commissioners:

The 2009 Landfill equipment budget contains funding for the rental of a new 230 HP crawler tractor at the Fargo Landfill. As such, an RFQ was published and quotes were received from qualified firms on March 18, 2009.

Only one firm submitted a quote in response to the RFQ as follows:

Firm Butler Machinery Company

RENTAL RATES (Equal Payment)

First Year:	\$55,877
Second Year:	\$55,877
Third Year:	\$55,877
Fourth Year:	\$55,877
Fifth Year:	\$55,877
PM Rate	\$ 6.19 per hour

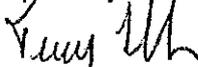
In consideration of the selection criteria referenced above, this office recommends acceptance of the five (5) year rental quote of \$55,877 per year (as shown in equal annual payments) from Butler Machinery Company and furthermore to **not** accept the proposed Preventative Maintenance (PM) Service Rate of \$6.19 per hour.

Your consideration in this matter is greatly appreciated.

SUGGESTED MOTION:

Accept the quote from Butler Machinery Company in the amount of \$55,877 (as yearly rental quote) and **not** accept the Preventative Maintenance Rate of \$6.19 per hour.

Respectfully Submitted,


Terry Ludlum
Solid Waste Utility Manager

Cc: Pat Zavoral, City Administrator
Bruce Grubb, Enterprise Director
Duane Haugen, Landfill Supervisor

PROPOSAL FORM

Landfill Crawler Tractor
City of Fargo – Division of Solid Waste

Company Name: Butler Machinery Company

Make Caterpillar Model D7R XR

Year 2009 Horse Power 240

RENTAL RATES (Equal Payments)

PURCHASE OPTION

First Year: \$ 55,877

First Year: \$ 326,879

Second Year: \$ 55,877

Second Year: \$ 283,196

Third Year: \$ 55,877

Third Year: \$ 237,548

Four Year: \$ 55,877

Four Year: \$ 189,847

Fifth Year: \$ 55,877

Fifth Year: \$ 140,000

TRADE-IN VALUES:

1990 627E Cat Scraper with Auger 105,000

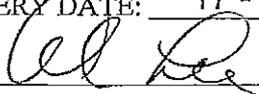
\$ 105,000

*TOTAL \$ 105,000

(*Total trade-in value to be deducted equitably from five year annual rental rates.)

Preventive Maintenance (PM) Service Rate \$ 6.19 /Hr.

ANTICIPATED DELIVERY DATE: 17 -18 weeks from order

Signature: 

Title: C.A.T.

Date: March 18,2009



Division of Solid Waste

2301 8th Avenue North
Fargo, North Dakota 58102
Phone: 701-241-1449
Fax: 701-241-8109

April 1, 2009

Honorable Board of City Commissioners
City of Fargo
Fargo, ND 58102

RE: Request for Quotes (RFQ)
Landfill Crawler Tractor (200HP)

Dear Commissioners:

The 2009 Landfill equipment budget contains funding for the rental of a new 200HP crawler tractor at the Fargo Landfill. As such, an RFQ was published and quotes were received from qualified firms on March 18, 2009.

Only one firm submitted a quote in response to the RFQ as follows:

Firm Butler Machinery Company

RENTAL RATES (Equal Payment)

First Year:	\$49,332
Second Year:	\$49,332
Third Year:	\$49,332
Fourth Year:	\$49,332
Fifth Year:	\$49,332
PM Rate	\$ 6.19 per hour

In consideration of the selection criteria referenced above, this office recommends acceptance of the five (5) year rental quote of \$49,332 per year (as shown in equal annual payments) from Butler Machinery Company and furthermore to *not* accept the proposed Preventative Maintenance (PM) Service Rate of \$6.19 per hour.

Your consideration in this matter is greatly appreciated.

SUGGESTED MOTION:

Accept the quote from Butler Machinery Company in the amount of \$49,332 (as yearly rental quote) and *not* accept the Preventative Maintenance Rate of \$6.19 per hour.

Respectfully Submitted,

Terry Ludlum
Solid Waste Utility Manager

Cc: Pat Zavoral, City Administrator
Bruce Grubb, Enterprise Director
Duane Haugen, Landfill Supervisor

Commercial/Residential Service
701-241-1449

Household Hazardous Waste
701-281-8915

Landfill
701-282-2489

Recycling
701-241-1449

Roll-off Service
701-241-1449



Web Site: www.cityoffargo.com/solidwaste

PROPOSAL FORM

Landfill Crawler Tractor
City of Fargo – Division of Solid Waste

Company Name: Butler Machinery Company

Make Caterpillar Model D6T XW

Year 2009 Horse Power 200

RENTAL RATES (Equal Payments)

PURCHASE OPTION

First Year: \$ 49,332

First Year: \$ 258,317

Second Year: \$ 49,332

Second Year: \$ 218,389

Third Year: \$ 49,332

Third Year: \$ 176,665

Four Year: \$ 49,332

Four Year: \$ 133,062

Fifth Year: \$ 49,332

Fifth Year: \$ 87,500

TRADE-IN VALUES:

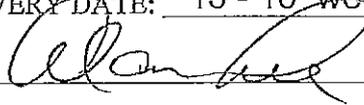
2001 Caterpillar D7R (With Ripper) \$ 45,000

*TOTAL \$ 45,000

(*Total trade-in value to be deducted equitably from five year annual rental rates.)

Preventive Maintenance (PM) Service Rate \$ 6.19 /Hr.

ANTICIPATED DELIVERY DATE: 15 - 16 weeks from order

Signature: 

Title: C.A.T.

Date: March 18, 2009