

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 following the meeting 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, February 11, 2008).

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

- a. 2nd reading, waive reading and final adoption of the following rezoning ordinances; 1st reading, 2/11/08:
 - (1) Certain Parcels of Land Lying in Original Townsite Addition.
 - (2) Certain Parcels of Land Lying in Roberts 2nd Addition.
 - (3) Certain Parcels of Land Lying in Village West Addition.
- b. Receive GFOA Certificate of Achievement of Excellence in Financial Reporting Award for the 2006 reporting year.
- c. Change in letter of credit policy to a flat 30% of the engineer's estimate of project cost to be effective January 1, 2008.
- d. Acquisition of a bus for Handi-Wheels.
- e. Applications for tax exemptions for improvements made to buildings:
 - (1) Anita Cruz, 306 15th Street North (5 year).
 - (2) Michael Reich, 2824 Edgewood Drive North (5 year).
 - (3) Ronald and Esther Baker, 3102 2nd Street North (3 year).
- f. Applications for Games of Chance:
 - (1) American Academy of Family Physicians - ND Chapter for a raffle on 4/4/08.
 - (2) North American Game Warden Museum for a raffle on 8/23/08.
 - (3) James Madison Elementary PTA for a raffle on 3/28/08.
 - (4) Saddle & Sirloin Club of NDSU for a raffle on 3/27/08.
 - (5) Fargo North Girls Fastpitch Softball for a calendar raffle from 3/1/08 to 6/3/08.
 - (6) PATH ND, Inc. for a raffle on 6/17/08.
- g. Revision of Policy No. 500-007 Military Leave.
- h. Receive and file Ordinance Relating to Pensions for City Employees Other Than Those in the Police and Fire Pension Systems.
- i. Bid award for supplying liquid oxygen to the Water Treatment Plant to Praxair; rescind previous bid award to Aspen Air.
- j. Purchase and Occupancy Agreements for property at 4414 University Drive South as part of a flood control project.

- k. 2008 revisions to the Infrastructure Funding Policy.
- l. NDDOT Memorandum of Understanding for I-94 at 57th Street (Improvement District No. 5530).
- m. Western Area Power Administration License Agreement at 45th Street and 52nd Avenue South.
- n. Cost Participation with Cass County for asphalt overlay on 12th Avenue North.
- o. Scope of Work and Cost Proposal with URS Corporation for environmental assessment for the South Side Flood Control Project.
- p. Bid award for Project No. 5786.
- q. Bills.
- r. Create Improvement District Nos. 5779, 5785 and 5792.

*** Regular Agenda ***

- 1. Recommendation to proceed with a Request for Proposals for an architectural firm to design a fire station in the area of 45th Street and 40th Avenue South.
- 2. Recommendation for a licensing process for companies involved in re-roofing of residential buildings.
- 3. Public Hearings - 5:15 p.m.:
 - a. Application to transfer the Class "FA" Alcoholic Beverage License held by Grandma's, Inc. d/b/a Grandma's Saloon & Grill to FTS Fargo, Inc. d/b/a Hooters, 1649 38th Street South.
(1) Continue to 3/24/08.
 - b. Hearing on an application filed by Metro Sports Foundation, Inc. for MIDA bond financing in the amount of \$15,000,000 to finance construction and equipping a 5,000 spectator ice arena.
(1) Continue to 3/10/08.
- 4. Recommendation to appoint Peggy Palmes to the Planning Commission.
- 5. Recommendation to appoint Ron Robson and Doug Scrapper to the Renaissance Zone Authority.

AFTER ADJOURNMENT: The Board will meet in Executive Session to review litigation items.

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

al

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN ORIGINAL TOWNSITE ADDITION TO THE CITY OF FARGO

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of certain parcels of land lying in Original Townsite Addition, Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on January 9, 2008; and,

WHEREAS, the rezoning changes were approved by the City Commission on February 11, 2008,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot Nine (9), Block Sixteen (16), Original Townsite Addition to the City of Fargo, County of Cass and State of North Dakota,

is hereby rezoned from "MR-3", Multi-Dwelling, District to "DMU", Downtown Mixed-Use, District.

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

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

Dennis R. Walaker, Mayor

(SEAL)
Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

92

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN ROBERTS 2ND ADDITION TO THE CITY OF FARGO

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of certain parcels of land lying in Roberts 2nd Addition, Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on January 9, 2008; and,

WHEREAS, the rezoning changes were approved by the City Commission on February 11, 2008,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots Ten (10), Eleven (11) and Twelve (12), less the East 7.5 feet of Lot Twelve (12), Block Thirty (30); and

Part of Lot Nine (9), beginning at the Southeast corner, thence West 140 feet to the Southwest corner then North 49 feet, then Southeasterly to a point in the East line of Lot Nine (9) a distance of 35 feet North of the Southeast corner, thence South 35 feet to the point of beginning, also East 10 feet adjacent of vacated alley and less the East 7 ½ feet for street, Block Thirty (30); and

Lots One (1), Two (2), Three (3) and 20 feet of the vacated alley adjacent thereto and Lot Four (4) and the Southerly 25 feet of Lot Five (5) and 10 feet of the vacated alley adjacent to said Lots Four (4) and Five (5), all in Block Thirty (30); and

Lots Seven (7) through Eleven (11), Block Thirty-five (35); and

The East 97 feet of Lot Twelve (12), Block Thirty-five (35); and

The West 43 feet of Lot Twelve (12), Block Thirty-five (35), all in Roberts 2nd Addition to the City of Fargo, County of Cass and State of North Dakota,

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

is hereby rezoned from "GC", General Commercial, District to "DMU", Downtown Mixed Use, District.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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

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

Dennis R. Walaker, Mayor

(SEAL)
Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

93

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
2 LYING IN VILLAGE WEST ADDITION 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 Village West Addition, Fargo, Cass County, North Dakota; and,

6 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
7 request on January 9, 2008; and,

8 WHEREAS, the rezoning changes were approved by the City Commission on February 11,
9 2008,

10 NOW, THEREFORE,

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

12 Section 1. The following described property:

13 Lot Six (6), less the West 376.75 feet, Block One (1), Village West Addition to the
14 City of Fargo, County of Cass and State of North Dakota,

15 is hereby rezoned from "GC", General Commercial, District to "LC", Limited Commercial, District.

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

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

20 _____
Dennis R. Walaker, Mayor

(SEAL)

21 Attest:

22 _____
Steven Sprague, City Auditor

23 First Reading:
Second Reading:
Final Passage:

TO: BOARD OF CITY COMMISSIONERS

FROM: KENT COSTIN, DIRECTOR OF FINANCE *KAC*

**RE: GFOA CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE
IN FINANCIAL REPORTING AWARD**

DATE: FEBRUARY 20, 2008

I am very pleased to announce that the City of Fargo has received the Governmental Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting for our Comprehensive Annual Financial Report (CAFR) for the fiscal year ending December 31, 2006.

This award requires a group effort of many employees; however, Carol Haukebo, Jason Galonski, Jamie Meidinger, and Ben Dow are primarily responsible for the completion of this comprehensive report. The City has been granted this award in each of the past ten years and intends to continue this quality control review process in the future.

Attached is the press release and the 2006 results narrative from the Government Finance Officers Association relating to the award.

Suggestion Motion:

Receive the GFOA Certificate of Achievement of Excellence in Financial Reporting Award for the 2006 reporting year.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

01/31/2008

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **City of Fargo** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Carol Haukebo, Accountant, Senior

Jamie Meidinger, Accountant

Jason Galonski, Accountant

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 16,000 government finance professionals with offices in Chicago, IL, and Washington, D.C.

Certificate of Achievement for Excellence in Financial Reporting

Presented to

City of Fargo
North Dakota

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended
December 31, 2006

A Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.



Oliver S. Cox

President

Jeffrey R. Egan

Executive Director



MEMORANDUM

TO: Board of City Commissioners
FROM: Steven Sprague, City Auditor
SUBJECT: Letter of Credit Policy Change
DATE: February 13, 2008

For many years the City of Fargo required a letter of credit to provide security for unpaid special assessments in areas of new development. Originally, the letter of credit was capped at \$250,000. In April of 2006, the Finance Committee adopted a policy of providing for a letter of credit equal to 30% of the first \$1,000,000 and 15% of the costs in excess of \$1,000,000 on a development by development basis.

The Finance Committee at its February 13, 2008 meeting approved changing the policy to a flat 30% of the engineer's estimate of the cost of the project. This change is recommended due to the cost of the infrastructure, the size of the developments and the change in market conditions, it is believed that the City's exposure to risk of loss has increased in the last year and a half and that this change will provide the City with additional levels of security.

Recommended Motion:

Approve the change in the letter of credit policy to a flat 30% of the engineers estimate of project cost effective January 1, 2008.



d

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: PLANNING DIRECTOR JIM GILMOUR *JG*

DATE: FEBRUARY 20, 2008

SUBJECT: ACQUISITION OF A BUS FOR HANDI-WHEELS

Handi-Wheels is a non-profit organization that provides public transportation in Fargo for people with disabilities. They operate out of New Horizons, a public housing building in north Fargo. The public transportation service provided by Handi-Wheels is important, and reduces the need for the paratransit service that is provided by the City of Fargo.

Vehicles operated by Handi-Wheels are old and should be replaced. Handi-Wheels has requested that Fargo use FTA Capital (5309 Program) grant funds to provide them with a vehicle similar to the way Fargo assists the Fargo Senior Commission. The vehicle would be acquired and owned by Fargo, and leased to Handi-Wheels. The estimated cost is \$55,000, with FTA providing 83% (\$45,650) of the capital cost and Handi Wheels providing the 17% (\$9,350) local share.

The City has sufficient FTA funds available for this request. The Finance Committee has reviewed this request and recommends approval.

RECOMMENDED MOTION: Direct staff to designate funds in a FTA grant for a bus for Handi-Wheels, request a revision in transportation plans to include this project, prepare a lease agreement, and acquire a bus to be leased to Handi-Wheels.

e1



ASSESSMENT DEPARTMENT

February 5, 2008

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 Anita Cruz. 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 2008, 2009, 2010, 2011, 2012. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$370 with the City of Fargo's share being \$50.

Sincerely,

A handwritten signature in cursive script 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 ANITA CRUZ Phone No. 237-5237

2. Address of Property 306 15 ST N
City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed, PT LT 21, LT 22 REEVES

4. Parcel Number 01-2340-01120-000 Residential Commercial Central Business District

5. Mailing Address of Property Owner SAME
City _____ State _____ Zip Code _____

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 WINDOWS & BACK DOOR, RE-ROOFED HOUSE & GARAGE

7. Building Permit No. 71731 8. Year Built 1926

9. Date of Commencement of making the improvement 1/25/08

10. Estimated market value of property before improvement \$ 66,800

11. Cost of making the improvement (all labor, material and overhead) \$ 17,800

12. Estimated market value of property after improvement \$ 84,600

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 Anita Cruz Date 1-29-08

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 Don Quasha Date 2/14/08

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 _____

e2



ASSESSMENT DEPARTMENT

February 7, 2008

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 Reich. 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 2008, 2009, 2010, 2011, 2012. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$525 with the City of Fargo's share being \$70.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Hushka", written over a large, stylized flourish.

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 REICH Phone No. 541-4146
235-7730

2. Address of Property 2824 EDGEWOOD DR N
City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed, LT 8, BLK 9,
EDGEWOOD 1ST

4. Parcel Number 01-0720-01760000 Residential Commercial Central Business District

5. Mailing Address of Property Owner SAME
City _____ State _____ Zip Code _____

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). 70931: Remove siding + buffalo board, replace with OSB, insulation, Tyvek + vinyl siding (cont.)

7. Building Permit No. 71337 8. Year Built 1960

→ 9. Date of Commencement of making the improvement 5/07

10. Estimated market value of property before improvement \$ 141,300

→ 11. Cost of making the improvement (all labor, material and overhead) \$ 25,000

→ 12. Estimated market value of property after improvement \$ 150,000

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 Michael Reich Date 1/22/08

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 Dan Huska Date 2/14/08

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 _____

'12931 (cont): replaced ext. windows and doors. Replaced soffits & Fascia.
'71337: Replaced walls, floor & ext. insulation. Installed new tub surround cabinets, and sinks.

e3



ASSESSMENT DEPARTMENT

February 13, 2008

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 Ronald & Esther Baker. 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 2008, 2009, 2010.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$210 with the City of Fargo's share being \$30.

Sincerely,

A handwritten signature in cursive script, 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 RONALD & ESTHER BAKER Phone No. 732-4629

2. Address of Property 3102 2 ST N
 City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed, LT 37 BLK 6
EDGEWOOD 2ND

4. Parcel Number 01-0730-00690-000 Residential Commercial Central Business District

5. Mailing Address of Property Owner SAME
 City _____ State _____ Zip Code _____

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). CONSTRUCT 3 SEASONS
ADDN

7. Building Permit No. 60856 8. Year Built 1973

9. Date of Commencement of making the improvement 8/07

10. Estimated market value of property before improvement \$ 159,600

11. Cost of making the improvement (all labor, material and overhead) \$ 10,000

12. Estimated market value of property after improvement \$ 169,600

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 Ronald J Baker Date 2-5-08

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 reasons: 13 YEARS
 Assessor's Signature Don Neuberger Date 2/14/08

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 _____

Page 19
APPLICATION FOR A LOCAL PERMIT

City of Fargo
 Rev. 10-07

Ed 2-12-08
CR# 5276
25.00

| | | | |
|--|----------------------------|--|--|
| Name of Non-profit Organization <i>American Academy of Family Physicians - ND Chapter</i> | | Date(s) of Activity <i>April 4, 2008 to April 4, 2008</i> | |
| Person Responsible for the Gaming Operation <i>Brandy Jo K. Frei</i> | | Title <i>Exec. Director</i> | Business Phone Number <i>701-772-1730</i> |
| Business Address <i>501 N Columbia Rd #5517</i> | City <i>Grand Forks</i> | State <i>ND</i> | Zip Code <i>58203</i> |
| Mailing Address (if different) | City | State | Zip Code |
| Name of Site Where Game(s) will be Conducted <i>Ramada Plaza Suites</i> | | Site Address <i>1635 42nd St SW</i> | |
| City <i>Fargo</i> | State <i>ND</i> | Zip Code <i>58103</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</i> | <i>2 Nights lodging 2 days skiing</i> | <i>\$ 800.00</i> | | | <i>\$</i> |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Total: | | | | | <i>(Limit \$12,000 per year)</i> <i>\$ 800.00</i> |

Intended uses of gaming proceeds: *Activities for medical students and family medicine residents in ND*

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>Brandy Jo K. Frei</i> | Date <i>2-11-08</i> | Title <i>Executive Director</i> | Daytime Phone Number <i>701-772-1730</i> |
|---|------------------------|------------------------------------|---|

NDSU STUDENT ORGANIZATION APPLICATION FOR A LOCAL PERMIT TO CONDUCT GAMING

City of Fargo
Auditors Office - Gaming
200 N 3rd Street
Fargo, ND 58102
Phone: 701-241-1304

Pd 2500 2-20-08
Check # 1052

24

| | | | |
|---|--------------------|--|-----------------------|
| Name of Student Organization Saddle & Sirlain Club of NDSU | | Date(s) of Activity March 27, 08 to March 29, 08 | |
| Name of Contact Person Jamie May | | Time of Event 10:00 <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m. | |
| Street Address of Student Organization 1301 Albrecht Ave | | City Fargo | State ND |
| | | Zip Code 58105 | |
| Name of Site Where Game(s) will be Conducted Shepperd arena, NDSU | | Street Address Albrecht Ave | |
| City Fargo | State ND | Zip Code 58105 | County Cass |
| Describe the Intended Use of the Net Income from the Gaming Activity: Saddle & Sirlain club events & activities & designated charity | | | |
| Check the Game Types 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 | |
|---------------|----------------------|-----------------------|-----------|
| Raffle | Cash | \$ 1,000 | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Total: | | | \$ |

(Limit \$12,000 per year)

Intended uses of gaming proceeds: Money will go to winner, to support designated charity, and to help pay for \$455 yearly club activities & events.

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.

ACKNOWLEDGEMENT BY NDSU - Must be signed by the Associate Director of Memorial Union or Coordinator of Greek Life and Student Organizations located in the Student Activities Office - Room 360 in Memorial Union.

I acknowledge that the Saddle & Sirlain Club student organization is registered by the Administration of North Dakota State University.

| | | | |
|------------------------------|--|------------------------|---|
| Signature <i>Amy Hoff</i> | Title <i>Associate Dir. Student Act</i> | Date <i>2/21/08</i> | Business Phone Number <i>2/21/08</i> |
|------------------------------|--|------------------------|---|

The policy of North Dakota State University requires that a student organization obtain a signed acknowledgment by its administration that the applicant is a registered student organization of NDSU.

| | | | |
|-----------------------------|-------|------|-----------------------|
| Signature of Contact Person | Title | Date | Business Phone Number |
|-----------------------------|-------|------|-----------------------|



OFFICE OF HUMAN RESOURCES

200 3RD STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: 701-241-1321
FAX: 701-476-6707

9

TO: BOARD OF CITY COMMISSIONERS

FROM: JILL MINETTE JM
DIRECTOR OF HUMAN RESOURCES

RE: Revision of Policy No. 500-007 Military Leave

DATE: February 21, 2008

The changes to Policy No. 500-007 Military Leave have been reviewed by the Cabinet, Erik Johnson, and posted in the departments for comment. The Civil Service Commission has also been informed of the revision.

The change allows employees who are receiving military leave pay (either through our regular payroll as W-2 wages or through 1099 income) to accrue annual and sick leave. Previously, employees on paid military leave only accrued annual or sick leave when being paid W-2 wages through regular payroll.

RECOMMENDED MOTION:

To approve the revision of Policy No. 500-007 Military Leave as recommended.



CITY OF FARGO EMPLOYMENT POLICY NO. 500-007

DRAFT

MILITARY LEAVE

Date approved: 11/92 Date Issued: 11/92 Date Revised: 5/96, 10/01, 11/06, 1/08

The City of Fargo is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City of Fargo policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States providing the military service is under honorable conditions.

An employee who is either enlisted or an officer in the National Guard or Armed Forces Reserves shall be granted military leave annually in accordance with Sections 37-01-25 (Retain Status) and 37-01-25.1 (Reinstatement) of the North Dakota Century Code which substantially provides:

Military leave with pay shall be granted to all City employees up to a maximum of twenty (20) working days/160 hours per calendar year based on 2080 hours per year, for those employees who have been employed continuously for a period of ninety (90) calendar days or more. Fire Suppression employees receive 224 hours per calendar year based on 2912 hours per year.

NON-ACTIVE DUTY ASSIGNMENTS: This includes training periods which are defined as non-active duty periods only. Employees may request to use annual leave to pay for this time; may request leave without pay; or may request a schedule change. (Regular guard weekend drills and training)

ACTIVE DUTY ASSIGNMENTS: NDCC requires up to twenty (20) days/160 hours paid leave (Fire Suppression 224 hours). This includes training periods which are defined as active duty periods only. Written confirmation of assignment to active duty will be necessary to establish the employee basic eligibility for protection under Uniformed Services Employment and Reemployment Rights Act (USERRA).

Any leave of absence necessitated by a full or partial mobilization of the reserve and National Guard forces of the United States of America, or emergency state of active duty, must be without loss of pay for:

- The first thirty (30) days in the first year (240 hours) (Fire Suppression 336 hours) less any other paid military leave of absence which may have been granted during the calendar year.
- The first twenty (20) days in year two and successive years (160 hours) (Fire Suppression 224 hours) less any other paid military leave of absence which may have been granted during the calendar year. (NDCC 37-01-25)

(Continued)

Page 2 Military Leave

Pay received while on Military Leave for accrued annual leave will be treated as regular payment of wages.

DIFFERENTIAL PAY: After all military leave with pay is depleted and only in the case of a full or partial mobilization of the reserve and national guard forces, an employee may choose to receive pay equal to the difference between military pay and City of Fargo pay for up to six months. All accrued annual leave and comp time must be used first. A military pay stub must be presented to Human Resource before any payment will be processed and a waiver must be signed. Differential pay will be 1099 income as required by IRS guidelines.

ENLISTMENT/INDUCTION: An employee who enlists or is inducted into the Armed Forces is entitled to a leave of absence without pay for the duration of her/his initial period of service and three (3) months thereafter. Such employee, upon return from active military duty, shall be given the position formerly held or one of like seniority, status and pay, provided application is made within the appropriate time allowed and the military service was under honorable conditions.

Contact Human Resources prior to the beginning of any military service for benefits information and information about your rights under USERRA (Uniformed Services Employment and Reemployment Rights Act).

W2 Wages and 1099 Wages

If the active duty orders are for 30 days or less, all pay will be reported as W2 wages.

If the active duty orders are for more than 30 days, all pay will be reported as 1099 income.

Accrual of Annual and Sick Leave: Employees who are on active duty assignments will continue to accrue annual and sick leave while they are receiving military leave pay (both W-2 and 1099 military leave pay).

Employees will only continue to accrue annual and sick leave while being paid military leave pay. Employees will not accrue annual or sick leave during periods of unpaid leave or periods of receiving differential pay.



TO: BOARD OF CITY COMMISSIONERS

FROM: CITY EMPLOYEE PENSION BOARD 

**RE: ORDINANCE AMENDMENTS TO ARTICLE 6-02 FOR CITY
EMPLOYEES PENSION PLAN RELATING TO NORTH DAKOTA
PUBLIC EMPLOYEE RETIREMENT (NDPERS)**

DATE: FEBRUARY 21, 2008

The following ordinance changes are recommended for approval by the City Employees Pension Board. These amendments are needed to clarify our recent integration with the NDPERS as of 1/1/08.

Specific changes communicate clearly that the City offered employees the opportunity to join NDPERS. It also clarifies that employees will vest in their prior service with the City while they were a member of the City Employees Pension Plan.

These changes will be retroactive to 1/1/08 due to the timing of the NDPERS enrollment.

Suggested Motion:

Receive ordinance amendments to Article 6-02 City Employees Pension Plan changes relating to NDPERS enrollment options and call for the first reading of the ordinance.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING SECTIONS 6-0211, 6-0214, 6-0216, 6-0217 and 6-0218
2 OF ARTICLE 6-02 OF CHAPTER 6 OF THE FARGO MUNICIPAL CODE
3 RELATING TO PENSIONS FOR CITY EMPLOYEES OTHER
4 THAN THOSE IN THE POLICE AND FIRE PENSION SYSTEMS

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

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

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

12 WHEREAS, the board of trustees of the city pension plan for city employees
13 other than those in the police and fire pension systems elected and decided that as of
14 January 1, 2008, existing city employees who participated in said city pension plan could
15 join the North Dakota Public Employees Retirement System pension plan and that
16 individuals who became employed with the city on or after January 1, 2008 would no
17 longer be eligible to join said city pension plan, but would be required to participate in
18 the ND PERS pension plan; said decision being approved by the Board of City
19 Commissioners at their meeting of October 8, 2007, and,

20 WHEREAS, the Board of City Commissioners deems it necessary and
21 appropriate to implement the revisions to said city employees' pension plan by the
22 adoption of this ordinance;

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

Section 1. Amendment.

Section 6-0211 of Article 6-02 of Chapter 6 of the Fargo Municipal Code is hereby
amended to read as follows:

6-0211. Persons included in the system--Exception.--Except as hereinafter provided, all
persons in the permanent employ of the city of Fargo, except the director of finance, the

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 director of public works and all employees in the police and fire pension systems, shall be
2 members of the plan. Persons in the permanent employ of the city means those persons
3 classified by the city as employed in a full-time regular position. Membership in the
4 employees' pension plan shall be optional for any person employed by the city prior to
5 November 1, 1986; provided, that any employee who is a member of the plan and has not
6 withdrawn prior to November 1, 1986, shall remain a member for the duration of his or her
7 employment. Any employee who shall have terminated his or her membership between
8 November 1, 1985, and November 1, 1986, may re-enter the plan by reimbursing any refund
9 of contributions which was received by that employee upon his or her termination, and by
10 paying to the plan, the amount of the employee contribution which would have been made if
11 he or she had not withdrawn from the plan. Employees re-entering the plan as hereinabove
12 provided shall be reinstated and given credit for longevity in the same manner as if said
13 employee had never withdrawn from the plan. Any employee who was not a member of the
14 plan on November 1, 1985, or did not re-enter the plan prior to November 1, 1986, as
15 hereinabove provided, may enter the plan at any time and years of service for that employee
16 for purposes of determining pension benefits shall be determined as of the date of entry into
17 the plan. The board of trustees for the city employees' pension fund, with the consent of the
18 board of city commissioners, have elected to permit existing city employees to choose
19 whether to remain as a member of the city employees' pension plan, as governed by this
20 article, or whether to join the North Dakota Public Employees Retirement System pension
21 program, and to make contributions thereto. Further, individuals who become employed by
22 the city on or after January 1, 2008, will be allowed only to join the North Dakota Public
23 Employees Retirement System pension program. As to those city employees who have
joined the North Dakota Public Employees Retirement System pension program, all benefits
accruing as a result of contributions from and after an employee's entry in the North Dakota
Public Employees Retirement System shall be subject to the bylaws, rules and regulations
thereof.

Section 2. Amendment.

Section 6-0214 of Article 6-02 of Chapter 6 of the Fargo Municipal Code is hereby amended to read as follows:

6-0214. Accumulation accounts--Refund upon termination of employment or membership.--There is hereby established for each member of the plan a city accumulation account which shall be comprised of an amount equal to 2.75% of the member's annual salary since January 1, 1990, plus interest thereon at the rate of 5.0% per annum

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 compounded annually at the end of each calendar year. In addition to the city accumulation
2 account, there is also established for each member an employee accumulation account
3 which shall consist of the total of the member's contributions to the plan during the
4 member's period of city service. Interest on the employee accumulation account shall
5 accrue at the rate of 5% per annum from and after January 1, 1986, compounded annually
6 from the end of each calendar year. Upon termination of employment or membership, a
7 member shall be entitled to payment as follows:

8 A. ~~If the terminating member has less than five years of service with the~~
9 ~~city, such member shall be entitled to receive his employee~~
10 ~~accumulation account, with interest credited to distribution date.~~

11 ~~B. If the terminating member has a minimum of five years of service~~
12 ~~and has not yet reached the age of 55 years, the member may, at his~~
13 ~~or her option, elect to receive:~~

- 14 1. The combined total of the member's city
15 accumulation account and employee accumulation
16 account, with interest credited to the distribution date;
17 or
- 18 2. A single payment in an amount equal to the "actuarial
19 equivalent" value of his or her deferred annuity
20 benefit; or
- 21 3. A deferred retirement annuity.

22 Notwithstanding the foregoing, any member who is displaced through privatization
23 activities, and who is not eligible for early retirement, shall receive 80% of the city's
pension contribution, together with interest compounded annually at 6% per annum. The
city's pension contribution as aforesaid shall be combined with the member's contribution
to the pension, together with interest at 6% per annum as aforesaid and shall be distributed
to the member in one lump sum.

Section 3. Amendment.

Section 6-0216 of Article 6-02 of Chapter 6 of the Fargo Municipal Code is hereby
amended to read as follows:

6-0216. Re-entering system plan.--Any member subject to the provisions of this
article who, after discontinuance of city service or membership in the plan, re-enters such
service as an employee in the permanent employ of the city, subject to the provisions of this
article, may redeposit into the pension fund an amount equal to that which he or she
withdrew therefrom at the preceding termination of his or her membership, plus interest

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 thereon at the rate of 1% higher than the average annual earnings of the pension fund for the
2 10-year period preceding the date of re-employment, or 1% higher than the current actuarial
3 rate, whichever is higher, and thereupon shall acquire credit for the years of service prior to
4 his or her leaving the employment of the city. If a member upon re-entering the employ of
5 the city after a termination of his or her employment or membership in the plan, shall not
6 make such re-deposit within 60 days of his or her reemployment in the permanent employ of
7 the city, he or she shall re-enter as a new member without credit for any prior service. Any
8 employee who was terminated as a city employee and thereafter re-entered such service as
9 an employee prior to January 1, 1993, and who makes written request on or before January
10 1, 1994, for credit for such prior service shall have 30 days from and after determination of
11 the amount to be paid, to re-deposit the amount withdrawn, plus accrued interest as
12 hereinabove provided, and shall thereupon acquire credit for his or her years of service prior
13 to discontinuance of city service. A member and city employee who has elected to
14 participate in the North Dakota Public Employees Retirement System effective on or after
15 January 1, 2008, shall not be eligible, thereafter, to re-enter the city employee pension plan.

9 Section 4. Amendment.

10 Section 6-0217 of Article 6-02 of Chapter 6 of the Fargo Municipal Code is hereby
11 amended to read as follows:

12 6-0217. Retirement--Application for benefits.--Any member who has reached the
13 age of 55 years or older and has been a member of the plan for a minimum of ten years (for
14 termination of employment or membership prior to July 1, 1994) and five years (for
15 termination of employment or membership on or after July 1, 1994), may draw benefits
16 from the pension plan at any time after termination of his employment with the city or
17 membership in the plan and become a retiree. From and after January 1, 2008, any member
18 who has reached the age of 55 years or older may draw benefits from the pension plan at
19 any time after termination of his employment with the city in the plan and become a retiree.
20 After January 1, 2000, any member may also terminate his employment with the city and
21 draw benefits from the pension plan as a retiree at such time as he or she attains at least 90
22 points while employed by the city in a regular full-time position. Any member attaining 90
23 points will be eligible to become a retiree with 100% benefits and not be affected by the
factor for age as shown in 6-0218(C) of this chapter. Points will be assigned as follows:
one point will be assigned for each year of the members age and one point will be assigned
for each year of the members service based, however, on the hire date as a full-time
employee. Years of service and age will be calculated to the nearest six months (i.e. six
months or more will constitute a completion of that year of service or that year of the

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 member's age). Actual benefits for those members attaining 90 points will be based on the
2 number of years paid into the pension plan. Written application for benefits shall be made
3 by the member and submitted to the board of trustees.

4 Section 5. Amendment.

5 Section 6-0218 of Article 6-02 of Chapter 6 of the Fargo Municipal Code is hereby
6 amended to read as follows:

7 6-0218. Determination of monthly benefit.--The monthly benefit payable to a retiree
8 who terminates his employment with the city or his membership in the plan on or before
9 October 22, 1990, shall be determined at the time he or she makes application for benefits
10 and shall be based upon the retiree's age, years of service with the city, subject to the
11 application of section 6-0211, and highest average monthly salary and shall be determined
12 as follows:

- 13 A. Determine the highest average monthly salary received by the
14 member during any consecutive 60-month period during his
15 employment with the city. For purposes of this section, salary shall
16 include base pay plus longevity but shall not include overtime,
17 bonuses or cash payments for sick or annual leave.
- 18 B. Multiply the highest average monthly salary by the member's total
19 years of service, subject to the application of section 6-0211,
20 expressed to the nearest month.
- 21 C. Except as provided in section 6-0217 concerning attaining 90 points,
22 (with respect to a member who terminates his employment with the
23 city or his membership in the plan on or after January 1, 2000),
multiply the total amount determined in accordance with (B) above
by the appropriate age factor (applicable to a member who becomes
a retiree on or after October 22, 1990), as listed below:

OFFICE OF THE CITY ATTORNEY
 FARGO, NORTH DAKOTA

ORDINANCE NO. _____

| | <u>AGE</u> | | <u>FACTOR</u> | <u>AGE</u> | | <u>FACTOR</u> |
|----|--------------|---------------|---------------|--------------|---------------|---------------|
| | <u>YEARS</u> | <u>MONTHS</u> | | <u>YEARS</u> | <u>MONTHS</u> | |
| 1 | 55 | 0 | .00700 | 59 | 0 | .00833 |
| 2 | | 1 | .00703 | | 1 | .00836 |
| 3 | | 3 | .00708 | | 2 | .00839 |
| 4 | | 4 | .00711 | | 3 | .00842 |
| 5 | | 5 | .00714 | | 4 | .00844 |
| 6 | | 6 | .00717 | | 5 | .00847 |
| 7 | | 7 | .00719 | | 6 | .00850 |
| 8 | | 8 | .00722 | | 7 | .00853 |
| 9 | | 9 | .00725 | | 8 | .00856 |
| 10 | | 10 | .00728 | | 9 | .00858 |
| 11 | | 11 | .00731 | | 10 | .00861 |
| 12 | 56 | 0 | .00733 | 60 | 11 | .00864 |
| 13 | | 1 | .00736 | | 0 | .00867 |
| 14 | | 2 | .00739 | | 1 | .00872 |
| 15 | | 3 | .00742 | | 2 | .00878 |
| 16 | | 4 | .00744 | | 3 | .00883 |
| 17 | | 5 | .00747 | | 4 | .00889 |
| 18 | | 6 | .00750 | | 5 | .00894 |
| 19 | | 7 | .00753 | | 6 | .00900 |
| 20 | | 8 | .00756 | | 7 | .00906 |
| 21 | | 9 | .00758 | | 8 | .00911 |
| 22 | | 10 | .00761 | | 9 | .00917 |
| 23 | 11 | .00764 | 10 | .00922 | | |
| 24 | 57 | 0 | .00767 | 61 | 11 | .00928 |
| 25 | | 1 | .00769 | | 0 | .00933 |
| 26 | | 2 | .00772 | | 1 | .00939 |
| 27 | | 3 | .00775 | | 2 | .00944 |
| 28 | | 4 | .00778 | | 3 | .00950 |
| 29 | | 5 | .00781 | | 4 | .00956 |
| 30 | | 6 | .00783 | | 5 | .00961 |
| 31 | | 7 | .00786 | | 6 | .00967 |
| 32 | | 8 | .00789 | | 7 | .00972 |
| 33 | | 9 | .00792 | | 8 | .00978 |
| 34 | | 10 | .00794 | | 9 | .00983 |
| 35 | 11 | .00797 | 10 | .00989 | | |

OFFICE OF THE CITY ATTORNEY
 FARGO, NORTH DAKOTA

ORDINANCE NO. _____

| | | | | | | | |
|----|----|----|--------|-------------|---|----|--------|
| | 58 | 0 | .00800 | | | 11 | .00994 |
| 1 | | 1 | .00803 | 62 and Over | 0 | | .01000 |
| 2 | | 2 | .00806 | | | | |
| 3 | | 3 | .00808 | | | | |
| 4 | | 4 | .00811 | | | | |
| 5 | | 5 | .00814 | | | | |
| 6 | | 6 | .00817 | | | | |
| 7 | | 7 | .00819 | | | | |
| 8 | | 8 | .00822 | | | | |
| 9 | | 9 | .00825 | | | | |
| 10 | | 10 | .00828 | | | | |
| 11 | | 11 | .00831 | | | | |

D. Multiply the total amount determined in accordance with (C) above for members who terminated their employment with the city or their membership in the plan on or after October 22, 1990, and who have not attained 90 points as provided in section 6-0217:

1. by 1.10 for members who terminated their employment with the city or their membership in the plan before August 1, 1991,
2. by 1.20 for members who terminated their employment with the city or their membership in the plan on or after August 1, 1991, and before January 1, 1998,
3. by 1.30 for members who terminated their employment with the city or their membership in the plan on or after January 1, 1998, and before January 1, 2000, and
4. by 1.40 for members who terminated their employment with the city or their membership in the plan on or after January 1, 2000 and who have not attained 90 points as provided in section 6-0217, to determine the normal monthly retirement benefit.

E. With respect to a member who terminates his employment with the city or their membership in the plan on or after January 1, 2000 and has attained 90 points as provided in section 6-0217, multiply the total amount determined in accordance with (B) above by .014.

F. In addition to the retirement benefit determined as hereinabove

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

provided, a retiree whose combined age and years of plan participation equal or exceed 87, shall be entitled to an additional benefit of \$200 per month, payable for a maximum of three years, or until the retiree is eligible for Medicare benefits, whichever occurs first, provided that upon the death of said retiree, the balance of said additional benefit then remaining unpaid shall be paid in a lump sum to the retiree's beneficiary, spouse, or estate, as the case may be.

G. As of January 1, 2008, with some city employees having elected to join and contribute to the North Dakota Public Employees Retirement System pension plan, those benefits for city employees who are, or have been, contributing members of the city employee pension plan set forth in this article shall not be based upon an employee's years of service with the city while the employee was a contributing member of North Dakota Public Employees Retirement System. An employee's years of service prior to January 1, 2008, will remain eligible for benefits under the terms and conditions of this article.

The normal benefit form for retiring city members shall be a life only annuity with monthly benefit to be determined as hereinabove provided. The monthly benefit shall be payable for the life of the retiree and shall terminate upon such retiree's death; provided, that the retiree may elect to provide for spousal survivor benefits as hereinafter provided.

Section 6. Effective Date.

Upon its passage and approval, this ordinance shall retroactive in its application and shall be effective as of January 1, 2008.

Dennis R. Walaker, Mayor

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Reading:




Fargo Water Treatment Plant
 435 14th Avenue South
 Fargo, North Dakota 58103
 Phone (701) 241-1469
 FAX (701) 241-8110

February 19, 2008

Honorable Board of City Commissioners
 City of Fargo
 200 3rd Street North
 Fargo, ND 58102

Re: 2008 Water Treatment Chemical Bids

Dear Commissioners:

At the December 17, 2007 Commission meeting, bids were awarded to vendors for supplying chemicals to the Water Treatment Plant for calendar year 2008. The bid award for "liquid oxygen" was made to Aspen Air based on the following bid results:

| <u>Vendor</u> | <u>Unit Price (per ton)</u> |
|---------------|---------------------------------|
| Aspen Air | \$143.00 |
| Air Liquide | \$166.70 |
| Airgas | \$169.00 |
| Praxair | \$169.20 |

Subsequent to the bid award, we were contacted by Aspen Air requesting a withdrawal of their original bid and acceptance of a revised bid of \$195 per ton. The request was related to an error in their original bid calculations. In addition, Aspen Air informed us that they would be unable to complete a required oxygen quality verification until mid-March, 2008

As a result, we contacted the second and third bidders and informed them of our plans to rescind the bid from Aspen Air for supplying liquid oxygen. Unfortunately, both bidders indicated they would be unable to supply a sufficient quantity of liquid oxygen to meet the City's needs during peak water demand periods. Thus, they submitted formal requests to withdraw their bids (attached).

Therefore, we contacted Praxair (fourth bidder) and informed them of our plans to accept their bid due to the inability of the other bidders to perform. Praxair supplied liquid oxygen to the Water Treatment Plant in 2007 and agreed to extend the contract for 2008.

Based upon a review of this information with the City Attorney, it is our recommendation that the bid award to Aspen Air be rescinded and the bid award for supplying liquid oxygen be made to Praxair.

Your consideration in this matter is greatly appreciated.

SUGGESTED MOTION:

Rescind the bid award to Aspen Air and award bid to Praxair for supplying liquid oxygen to the Water Treatment Plant in 2008.

Sincerely,



Bruce P. Grubb
Enterprise Director



Ron Hendricksen
Water Plant Superintendent

cc: Pat Zavoral, City Administrator
Erik Johnson, City Attorney
Don Clark, Aspen Air
Robert Love, Air Liquide
Brad Bosch, Airgas



January 11, 2008

City of Fargo
200 – 3rd Street North
Fargo, ND 58102

Reference: 2008 Chemical Bid, Water Treatment Plant

Attn: Mr. Ron Henderickson, Plant Superintendent

Dear Mr. Henderickson,

I want to thank you for considering our appeal to resubmit our bid to provide liquid oxygen to the Water Treatment Plant for the City of Fargo during the 2008 calendar year.

Two significant issues have precipitated this action. Firstly, our new plant is waiting for medical grade validation of our oxygen. Although we have been producing better than medical grade oxygen since commissioning our plant, we estimate the third party validation process to be complete in mid March. Secondly, our salesperson who submitted the quote for the 2008 bid made a gross error. Even though our product cost is very competitive, his quote only included 1 delivery per monthly verses the average number of deliveries of 3.6 loads per month. We are able to break-even at \$195/Ton.

As I mentioned in our conversation today, Aspen Air will honor the contract. We apologize for the inconvenience this has caused the City of Fargo. However, Aspen Air would greatly appreciate if the City of Fargo would accept our appeal to resubmit our bid price at \$195/Ton.

Sincerely,

Don Clark
VP Business Development

February 6, 2008

City of Fargo
City Hall
Attention: Ron Hendricksen
200 3rd Street North
Fargo,ND 58102

Reference: Liquid Oxygen Services from Air Liquide

Air Liquide appreciates the opportunity to service the City of Fargo with Liquid Oxygen needs for 2008, however, Air Liquide is asking the City of Fargo to rescind our bid dated 11/27/2007. There are several factors which lead to the decision:

- 1) Liquid Oxygen product availability in the summer due to long trucking distances from Air Separation Plant
- 2) The need to outsource trucking in the summer months
- 3) A remote monitoring unit (telemetry) on each liquid oxygen vessel to ensure vessel operates continuously

Please do not hesitate to contact me at 972-897-0374 with any questions or additional information required in connection with this bid. I can also be reached by email at the following address: robert.love@airliquide.com

Regards,

Robert Love III
Account Manager
Air Liquide Industrial U.S. LP

Air Liquide Industrial U.S. LP
801 W. North Carrier Parkway, Grand Prairie, TX 75050
Phone: (972) 660-0500 Fax: (972) 660-0528

Page 41

Ron Hendricksen

From: Brad Bosch [Brad.Bosch@Airgas.com]
Sent: Thursday, February 07, 2008 3:26 PM
To: Ron Hendricksen
Subject: Airgas LOX bid

Ron,

Due to allocated product, Airgas would like to recant the bid of Liquid Oxygen at \$169.00 per ton for the City of Fargo.

I look forward to bidding on gases with the city of Fargo in the future.

Regards,

Brad Bosch
Account Manager

Airgas

North Central
1106 38th St NW Suite A
Fargo, ND 58102
Office: 701-277-8061
Cell: 701-261-0121



Handwritten initials "ji" enclosed in a hand-drawn circle.

OFFICE OF THE CITY ATTORNEY

February 21, 2008

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

Re: 4414 University Drive South – Flood Control Project

Dear Commissioners:

Enclosed please find an original Purchase Agreement and related Occupancy Agreement signed by Joanne Tucker. The Engineer's office wishes to acquire this property for a flood control project. I request that the original Purchase Agreement and related Occupancy Agreement be placed on the consent agenda for signature by the Mayor and Auditor.

RECOMMENDED MOTION: I/we hereby move to approve and authorize execution of a Purchase Agreement and related Occupancy Agreement for the purchase of property located at 4414 University Drive South as part of flood control project and that the Mayor and City Auditor be instructed to execute the same on behalf of the City of Fargo.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY

A handwritten signature in black ink, appearing to read "Garylle B. Stewart".

Garylle B. Stewart
Assistant City Attorney

GBS/alf

Enclosures

cc: April Walker
Joanne Tucker

FAUS\GBS\CITY\Engineer (112)\Tucker, Joanne (flood buyout) - 161.006\ltr to commission re purchase agt.doc



OCCUPANCY AGREEMENT
Joanne Tucker to City of Fargo

THIS AGREEMENT, Made and entered into this 8 day of February, 2008, by and between **JOANNE TUCKER** hereinafter "Seller" as seller of that certain property located at 4414 South University Drive, Fargo, North Dakota, and **THE CITY OF FARGO, NORTH DAKOTA**, hereinafter "City", as the buyer of said property,

WITNESSETH:

WHEREAS, parties have agreed on a sale of the subject property based on an appraisal and review appraisal according to federal guidelines;

WHEREAS, the parties will be closing the real estate transaction and entering into this occupancy agreement for the time extending from the date of closing until March 31, 2008; and,

WHEREAS, the parties wish to commit their agreement to writing.

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

1. City agrees to permit Seller to occupy the premises being sold to the City from the date of closing until March 31, 2008, at the rental rate set forth in paragraph 2 below.
2. There will be no rental charged on the property. Seller shall be responsible for and pay all costs including but not limited to heat and utilities until March 31, 2008.
3. Seller agree to remove all personal property no later than February 29, 2008, unless this agreement shall be extended by mutual agreement to extend beyond said date.
4. Seller shall furnish a tenant's policy of insurance insuring against liability in at least the principal sum of \$250,000 per person and \$500,000 per occurrence. City shall be named as an additional insured on said policy. In addition, Seller agrees to indemnify and hold City harmless from any and all claims, demands or causes of action that may be asserted as regards tenant's

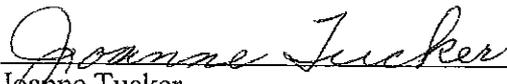
occupancy of the subject premises.

5. Seller is occupying the premises "as is". Accordingly, City shall not be responsible for any repairs of any kind and if the property should become uninhabitable (e.g. sewer collapse, etc.), Seller's sole remedy is to remove themselves from the subject premises.

6. Seller shall immediately notify Buyer when vacation of the premises has been accomplished if said vacation date is prior to February 29, 2008.

DATED the day and year first above written.

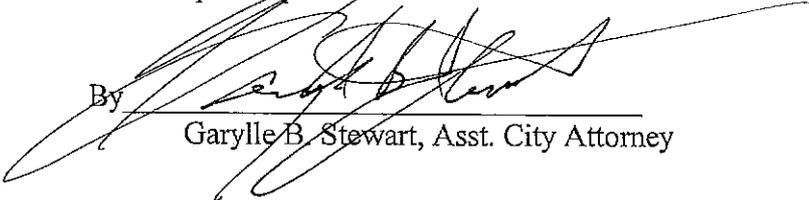
SELLER:



Joanne Tucker

BUYERS:

THE CITY OF FARGO, NORTH DAKOTA
a municipal corporation

By 

Garryle B. Stewart, Asst. City Attorney

PURCHASE AGREEMENT

THIS AGREEMENT, made and entered into this 8 day of February, 2008, by and between, **JOANNE TUCKER**, a single person, hereinafter "Seller" and **THE CITY OF FARGO, NORTH DAKOTA**, a municipal corporation, hereinafter "Buyer".

WITNESSETH:

WHEREAS, Seller is the owner of real estate situated in the County of Cass and State of North Dakota, described as follows:

Lot Five (5), Burritt's First Subdivision, in the City of Fargo, County of Cass, and State of North Dakota, according to the certified plat thereof on file and of record in the Office of the Recorder in and for said county and state.

WHEREAS, Buyer desires to purchase the property and pay Seller under the terms and conditions hereinafter stated.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements of the parties, it is hereby agreed as follows:

1. Subject Matter. The subject matter of this agreement is the subject real estate hereinbefore described, together with any and all buildings on the same.

2. Purchase Price. The purchase price will be Two Hundred Thirty-five Thousand Dollars (\$235,000.00).

3. Payment of Purchase Price. The entire purchase price shall be payable in cash at closing, subject to the contingency set forth hereinafter. It is further agreed that this sale is contingent upon formal approval by the Board of City Commission.

4. Abstract. Within fifteen days of approval by the Board of City Commissioners, Seller shall furnish Buyer with an updated abstract of title to the subject property evidencing marketable title in Seller.

5. Taxes and Special Assessments. Taxes and installments of special assessments, if any, for the year 2008, payable in 2009, shall be prorated to the date of closing. All prior years' taxes shall be paid by Seller. The balance of special assessments, if any, shall be paid by Seller as part of this transaction.

6. Closing Date and Transfer of Possession. Closing of this transaction shall take place as soon as possible. Possession of the property shall be on or about the date of closing provided, however, that Sellers will be occupying said premises under a separate Occupancy Agreement.

7. Liens and Encumbrances. The property shall be conveyed to Buyer free and clear of all liens and encumbrances, and subject, however, to all easements or covenants of record, if any.

8. Title. Buyer wishes to take title as follows:

The City of Fargo, North Dakota
a municipal corporation

Conveyance of the subject property shall be by warranty deed in the usual form used in North Dakota. The Buyer will arrange preparation of the warranty deed, and pay the cost of the same.

9. Closing Costs. It is understood and agreed that as part of this purchase, each of the parties shall pay its own attorneys fees and all other closing costs (except those listed in this agreement).

10. Property Purchased "AS IS". The Buyer represents to the Sellers that the property has been inspected by Buyer and that Buyer has been assured by means independent of the Sellers or any agent of the Sellers of the truth of all facts material to this contract and that the property as it is described in this contract is and has been purchased by the Buyer as a result of such inspection or investigation and not by or through any representations made by the Sellers or by an agent of the Sellers. The Buyer hereby expressly waives any and all claims for damages or for rescission or cancellation of this contract because of any representations by the Sellers or any agent of the Seller other than such representation as may be contained in this contract. The Buyer further agrees that the Sellers and any and all agents of the Sellers shall not be liable for or on account of any inducements, promises, representations, or agreements not contained in this contract and no agent or employee of the Sellers is or has been authorized by the Sellers to make any representations with respect to the property and that if any such representations have been made, they are wholly unauthorized and not binding on the Sellers.

11. Personal Property. The parties agree that Sellers may remove or cause to be removed all items listed on Exhibit A from the subject property at his own expense as late as the date established in the separate Occupancy Agreement.

12. Eminent Domain/Involuntary Conversion. The parties acknowledge that Buyer is acquiring the subject property under threat of condemnation and Buyer intends to use the subject premises for public purposes. If Seller had not entered into this Purchase Agreement, Buyer would have acquired the subject premises through its power of eminent domain.

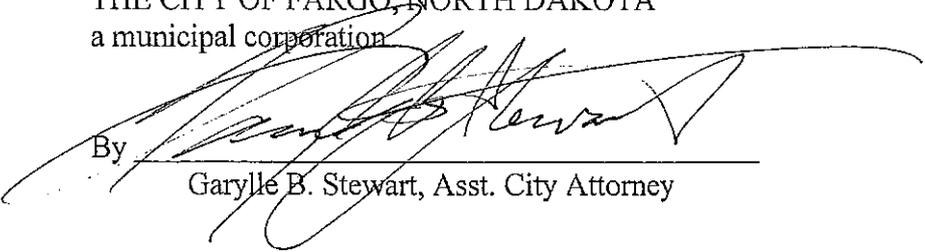
DATED the day and year as set forth above.

SELLER:


Joanne Tucker

BUYERS:

THE CITY OF FARGO, NORTH DAKOTA
a municipal corporation

By 

Garryle B. Stewart, Asst. City Attorney

Exhibit "A"

List of items that Joanne Tucker can remove from property.

- All kitchen appliances
- Three light fixtures
- Three air conditioners
- Accordion-style room dividers
- Dog grooming tub and fan
- Outdoor plants

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. Type: Fargo Infrastructure Funding Policy

Location: City Wide Date of Hearing: 02/19/08

| <u>Routing</u> | <u>Date</u> |
|------------------|-----------------------------|
| City Commission | <u>02/25/08</u> |
| PWPEC File | <u>X</u> |
| Project File | <u> </u> |
| Petitioners | <u> </u> |
| David W. Johnson | <u>X</u> |

Annually, PWPEC reviews infrastructure funding policies. Mark Bittner and Dan Eberhardt presented the following proposed revisions for 2008:

| <u>Section</u> | <u>Category</u> | <u>Current</u> | <u>2008 Revision</u> |
|----------------|----------------------------|----------------|----------------------|
| I.B.2 | Sanitary Sewer Replacement | \$28/FF | \$35/FF |
| II.B.1 | Water Main Replacement | \$28/FF | \$35/FF |

- The current policy calls for unit assessed costs for sanitary and water main replacement costs to mirror assessment areas of new development. Dan Eberhardt indicated that new development costs for sanitary sewer and water main now range from \$40 to \$44 per front foot (FF)

| | | | |
|---------|------------------------|-----------|-----------|
| III.B.1 | Relief Storm Sewer | \$0.07/SF | \$0.10/SF |
| III.B.2 | Dikes | \$0.20/SF | \$0.50/SF |
| | Direct | \$0.05/SF | \$0.10/SF |
| III.B.3 | Secondary Lift Station | \$0.05/SF | \$0.10/SF |

- IV.A.2 Add category for Limited Commercial (LC) and General Commercial (GC) zoning classes.
- LC/GC 66' concrete street or actual cost if less than maximum.

IV.A.3 Arterial Streets – New Construction

| Zoning Class | <u>Direct Frontage</u> | | <u>Secondary Benefit</u> | |
|----------------------------|------------------------|-------------|--------------------------|----------------------|
| | <u>Current</u> | <u>2008</u> | <u>Current</u> | <u>2008 Revision</u> |
| Single Family Zones | \$140/FF | \$150 | \$15 | \$20 |
| Multi Family Zones | \$170/FF | \$200 | \$20 | \$25 |
| Limited/General/Commercial | \$220/FF | \$300 | \$25 | \$40 |
| All other Zones | \$220/FF | \$250 | \$25 | \$30 |

IV.B.1 Local & Collector Street Reconstruction

| Zoning Class | <u>Current</u> | <u>Direct</u> | <u>2008 Revision</u> |
|----------------------------|-----------------|---------------|----------------------|
| | <u>Frontage</u> | | |
| Single Family Local | \$50/FF | | \$60 |
| Single Family Collector | \$25/FF | | \$40 |
| Multi Family | \$75/FF | | \$100 |
| Limited/General Commercial | \$100/FF | | \$200 |
| All other Zones | \$100/FF | | \$150 |

VI.A.1,2,3 Clarify Current Policy

IV.B.2 Arterial Street Reconstruction

| Zoning Class | <u>Direct Frontage</u> | | <u>Secondary Benefit</u> | |
|----------------------------|------------------------|----------------------|--------------------------|----------------------|
| | <u>Current</u> | <u>2008 Revision</u> | <u>Current</u> | <u>2008 Revision</u> |
| Single Family | \$25/FF | \$40 | \$5/FF | \$10 |
| Multi Family | \$75/FF | \$100 | \$7.50/FF | \$15 |
| Limited/General Commercial | \$100/FF | \$200 | \$10/FF | \$40 |
| All other Zones | \$100/FF | \$150 | \$10/FF | \$20 |

VI.B.2 Sidewalk Reconstruction

| | <u>Current</u> | <u>2008 Revision</u> |
|---------------------|----------------|----------------------|
| Side Yard Sidewalks | 100% Assessed | 100% CSSI* |

*City Share of Special Improvements (CSSI)

On a motion by Bruce Hoover, seconded by Steve Sprague, the Committee voted to recommend approval of the 2008 Revisions to Infrastructure Funding Policy.

RECOMMENDED MOTION

Approve 2008 Revisions to Infrastructure Funding Policy.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: As Shown

Developer meets City policy for payment of delinquent specials
 Agreement for payment of specials required of developer
 30% escrow deposit required

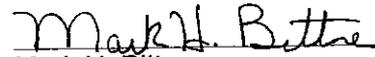
| <u>Yes</u> | <u>No</u> |
|------------|------------|
| | <u>N/A</u> |
| | <u>N/A</u> |
| | <u>N/A</u> |

COMMITTEE

Pat Zavoral, City Administrator
Jim Gilmour, Planning Director
Bruce Hoover, Fire Chief
Mark Bittner, City Engineer
Bruce Grubb, Enterprise Director
Al Weigel, Public Works Operations Manager
Steve Sprague, City Auditor

| <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|----------------|------------|-----------|------------------|
| | | | <u>X</u> |
| <u>X</u> | <u>X</u> | | |

ATTEST:



Mark H. Bittner
City Engineer

| I. SANITARY SEWER | Amount Special Assessed | City & Federal Funds |
|--|---|--|
| A. New Development | | |
| 1. Sewer Mains • Lift Stations | 100% Special Assessed 50% Special Assessed | N/A 50% Sewer Utility |
| 2. Trunk Mains ≤ 24" Diameter > 24" Diameter • Lift Stations | 100% Special Assessed Assess equivalent 24" 100% City Funds | N/A Oversize Sewer Utility 100% Sewer Utility |
| B. Replacement/Rehabilitation | | |
| 1. Sewer Mains Applies to local & trunk sewers | Capped at equivalent for new development \$35/FF Only direct frontage assessments No side benefit assessments | Balance - Sewer Utility |
| 2. Lift Stations | 100% City Funds | 100% Sewer Utility |
| 3. Sewer Services • Service replacement only • With sewer main replacement/rehab • Wye connection only with sewer main replacement/rehab • Private sewer repair Applies only to SR uses | Capped at \$2,000 Capped at \$1,000 plus \$35/FF Capped at \$500 plus \$35/FF 50/50 (Private/City) for first \$4,000 75/25 for increment over \$4,000 Owner can Petition cost to be special assessed | Balance - Sewer Utility Balance - Sewer Utility Balance - Sewer Utility Balance - Sewer Utility |

| II. WATER MAIN | Amount Special Assessed | City & Federal Funds |
|---|---|---------------------------------------|
| A. New Development | | |
| 1. Local Mains | 100% Special Assessed | N/A |
| 2. Trunk mains 16" on Section lines (1 mile spacing) 12" on Quarter lines (1/2 mile spacing) >16" on Section lines | 100% Special Assessed 100% Special Assessed Assess equivalent 16" | N/A N/A Balance - Water Utility |
| 3. Feeder mains (no local connections) | 100% City Funds | 100% Water Utility |
| 4. Fire flow benefit (no domestic service) | 60% Special Assessed | 40% Water Utility |
| 5. Mains on jurisdictional boundaries | 50% Special Assessed | 50% Water Utility |
| 6. Towers | 100% City Funds | 100% Water Utility |
| B. Replacement | | |
| 1. Water mains Applies to local & trunk mains | capped at equivalent for new development \$35/FF | Balance - Water Utility |
| 2. Water Services • Lead service replacement With main replacement | City funded from main to stop box Private funded from stop box to building | 100% Water Utility N/A |

| II. WATER MAIN cont'd | Amount Special Assessed | City & Federal Funds |
|---------------------------------------|---|------------------------------------|
| 3. • Private lead service replacement | Capped at \$35/FF from main to stop box Private funded from stop box to building Assessed cost to be credited against special assessments for future main replacements. Credit of 90% on first year and 10% on 10th year. | Balance - Water Utility N/A |
| C. System Expansion | | |
| Towers, treatment, intake structures | 100% City funds | 100% Water Utility |
| III. STORM SEWER | | |
| A. New Development | | |
| 1. Mains | 100% Special Assessed | N/A |
| 2. Outfalls | 100% Special Assessed | N/A |
| 3. Detention/Retention basins | 100% Special Assessed | N/A |
| 4. Lift stations | 100% Special Assessed | N/A |
| B. Capacity Expansion | | |
| 1. Relief sewers | Assessments capped at \$0.10/SF | Balance - Storm Sewer Utility |
| Detention/Retention basins | | |
| Lift stations | | |

| III. STORM SEWER cont'd | Amount Special Assessed | City & Federal Funds |
|-------------------------|--|--|
| 1. Dikes | Direct benefit \$0.50/SF Secondary benefit \$0.10/SF | Balance - Storm Sewer Utility |
| 2. Lift stations | Assessments capped at \$0.10/SF | Balance - Storm Sewer Utility |
| IV. PAVING | | |
| A. New Development | | |
| 1. Local streets | 100% Special Assessed | N/A |
| 2. Collector streets | Assessments capped per typical local street <ul style="list-style-type: none"> • Single family equivalent 30'-32' asphalt • Multi family equivalent 40' asphalt • Limited/General Commercial (LC/GC) 66' concrete street • All other zones equivalent 66' asphalt | Balance - Sales Tax |
| 3. Arterial streets | Arterial street assessment bands Direct frontage benefit Assessments capped per typical local street cost <ul style="list-style-type: none"> • Single family equivalent 30'-32' asphalt • Multi family equivalent 40' asphalt • Limited & General Commercial (LC & GC) 66' concrete • All other zones equivalent 66' asphalt Secondary benefit Assessments capped by zoning class <ul style="list-style-type: none"> • Single family \$20/FF • Multi family \$25/FF • LC/GC \$40/FF • All other zones \$30/FF | Balance - Federal & Sales Tax 2008 Cap \$150/FF \$200/FF \$300/FF \$250/FF Costs include final paving, seal coat, sidewalks, and street lights Balance - Federal & Sales Tax |

| IV. PAVING cont'd | Amount Special Assessed | City & Federal Funds |
|---|---|-------------------------------|
| B. Reconstruction | | |
| 1. Local & collector streets | Assessments capped per zoning class • Single family Local - \$60/FF Collector - \$40/FF • Multi family \$100/FF • Limited/General Commercial \$200/FF • All other zones \$150/FF | Balance - Street Rehab |
| 2. Arterial streets | Arterial Street Assessment bands Direct frontage benefit Assessments capped by zoning class • Single family \$40/FF • Multi family \$100/FF • LC/GC \$200/FF • All other zones \$150/FF Secondary benefit Assessments capped by zoning class • Single family \$10/FF • Multi family \$15/FF • LC/GC \$40/FF • All other zones \$20/FF | Balance - Federal & Sales Tax |
| C. Street Rehabilitation | | |
| 1. Mill & overlay w/seal coat | 50% Special Assessed | 50% Sales Tax/Street Rehab |
| 2. Trench patching for water main replacement | 30% Special Assessed | 70% Sales Tax/Street Rehab |
| 3. Seal coat only | 100% City Funds | 100% Sales Tax/Street Rehab |

| IV. PAVING cont'd | Amount Special Assessed | City & Federal Funds |
|---|---|---|
| D. Structures Interchanges Bridges Overpasses Underpasses | } 100% City/Federal funds with specific exceptions related to traffic generator impact | Federal Sales Tax |
| V. STREET LIGHTS | | |
| A. New Development | 100% Special Assessed | N/A |
| B. Replacement | Included with reconstruction projects (100% City Funds) | Sales Tax/Street Rehab |
| 1. With street reconstruction | 50% Special Assessed | 50% Street Rehab/CSSI \$100,000 per year |
| VI. Sidewalks | | |
| A. New Development | 100% Special Assessed Private Installation 100% Assessed with paving | 1. Arterial/Collector 2. Local streets front yard 3. Local streets side/rear yard |

| VI. Sidewalks cont'd | Amount Special Assessed | City & Federal Funds |
|----------------------------------|--|---------------------------------|
| B. Reconstruction | | |
| 1. Front yards | 100% Special Assessed | |
| 2. Rear yard and side yard | 100% City Funds | CSSI |
| 3. Curb approach walks | 100% City Funds | CSSI |
| VII. Bike Trails | | |
| A. New Development | | |
| 1. Arterial and collector routes | Assess equivalent 4.5' sidewalk | Sales Tax/Street Rehab/Federal |
| 2. Special trails | Funding set up on a project specific basis | CSSI & Federal |
| B. Reconstruction | | |
| | 100% City Funds | Street Rehab/CSSI |
| VIII. Traffic Signals | | |
| A. Independent Project | | |
| | 70% Special Assessed | 30% Sales Tax/CSSI/Street Rehab |

| VIII. Traffic Signals cont'd | Amount Special Assessed | City & Federal Funds |
|--|--------------------------------|----------------------|
| B. As Part of Street Construction & Reconstruction | 100% City Funds | Federal & Sales Tax |
| IX. Tree Planting | | |
| A. Local/Collector Streets | Privately installed & financed | N/A |
| B. Collector - Parkway Streets | 100% City Funds | 100% Sales Tax |
| C. Arterial Streets | 100% City Funds | 100% Sales Tax |

t:\engineering\admin\special assessments\infrastructure funding policy revised 2-25-08.xls

**West Fargo 9th Street (57th Street Fargo) and I-94 Interchange
Memorandum of Understanding
City of West Fargo, City of Fargo, and North Dakota Department of Transportation**

This 'Memorandum of Understanding' (MOU) is not legally binding upon the parties but represents an agreement in principle. It establishes the relationship between the state of North Dakota, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, ND 58505-0700, the city of West Fargo, North Dakota, and the city of Fargo, North Dakota, who agree that:

To better identify project funding for the repairs needed to the approach embankments and construction of the ramps for the 9th Street and I-94 Interchange, we are proposing the following:

I. Repairs To The Embankment Failures at West Fargo 9th Street (57th Street Fargo) and I-94 Overhead

The NDDOT will:

- a. Develop a set of plans to correct the embankment failures for both the north and south 9th Street (57th Street Fargo) East overhead approach embankments. The embankment failure repairs will be completed in 2008 with an estimated cost of \$3.0 million.
- b. Provide Federal Funds (90%) needed for the embankment failure repairs.

The City of West Fargo will:

- a. Provide 7.5% of the total costs needed for the embankment failures repairs at both the north and south 9th Street (57th Street Fargo) East overhead approach embankments. These local funds (\$225,000) will be 100% city funds.

The City of Fargo will:

- a. Provide 2.5% of the total costs cost needed for the embankment failures repairs at both the north and south 9th Street (57th Street Fargo) East overhead approach embankments. These local funds (\$75,000) will be 100% city funds.

II. I-94 Interchange Ramps

The NDDOT will:

- a. Advance Construct (AC) the ramps in 2009. The estimated cost of the ramps will be approximately \$5.0 million. *Note: Both the ramps and overpass will be built in 2009.*

- b. Reimburse the city of Fargo for all eligible Federal and State shares of the ramp project in 2012 Federal Fiscal Year. The cost participation will be 90% Federal (\$4,500,000) and 10% State (\$500,000).

The City of Fargo will:

- a. Make contractor payments as the work progresses in 2009 for the construction of the ramps. *Note: The cities of Fargo and West Fargo will split the carrying costs (or interest) 50%/50% respectively.*

The City of West Fargo will:

- a. Make contractor payments as the work progresses in 2009 for the construction of the overpass.

III. I-94 Interchange Connections

The Cities of Fargo and West Fargo will:

- a. Jointly construct the 57th Street and 9th Street connections to the I-94 interchange in 2009 with 100% local funds.

Note: See attachment for estimated costs on 1) Repairs to Soil Failures, 2) Ramp Construction Costs, 3) Overpass Construction Costs, and 4) Total Federal, State, West Fargo, and Fargo cost participations.

Memorandum of Understanding
Page 3
February 20, 2008

ATTESTED:

CITY OF WEST FARGO

NAME (TYPE or PRINT)

MAYOR (TYPE OR PRINT NAME)

SIGNATURE

SIGNATURE

DATE

ATTESTED:

CITY OF FARGO

NAME (TYPE or PRINT)

Dennis R. Walaker

MAYOR (TYPE OR PRINT NAME)

SIGNATURE

SIGNATURE

2/25/08

DATE

Memorandum of Understanding
Page 4
February 20, 2008

WITNESS:

NORTH DAKOTA DEPARTMENT OF
TRANSPORTATION

NAME (TYPE or PRINT)

DIRECTOR (TYPE OR PRINT NAME)

SIGNATURE

SIGNATURE

DATE

DATE

APPROVED as to substance by:

DIVISION DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

**West Fargo 9th Street (57th Street Fargo) and I-94 Overhead and Ramps
Estimate of Costs**

REPAIRS TO EMBANKMENT FAILURES (2008)

| | |
|---------------------|-------------------------------|
| <u>Construction</u> | \$3,000,000 (Estimate) |
| Federal - 90% | \$2,700,000 |
| West Fargo - 7.5% | \$ 225,000 (100 % City Funds) |
| Fargo - 2.5% | \$ 75,000 (100% City Funds) |

RAMP CONSTRUCTION (2009)

| | |
|---------------------|------------------------|
| <u>Construction</u> | \$5,000,000 (Estimate) |
| Federal - 90% | \$4,500,000 |
| State - 10% | \$ 500,000 |

Note: the cities of Fargo, West Fargo, and NDDOT have agreed to construct ramps in 2009. The city of Fargo will make contractor payments as work progresses for the construction of the ramps in 2009. NDDOT will reimburse the city of Fargo for all eligible federal and state shares of the project in the 2012 Federal fiscal year.

OVERPASS CONSTRUCTION (2009) - IM-SU-8-094(052)347

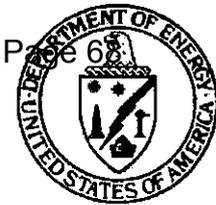
| | |
|-------------------------------|-----------------|
| <u>Construction</u> | \$5,420,648 |
| West Fargo - 75% | \$4,065,486 |
| *Fargo - 25% | \$1,355,162 |
| <u>Right-of-Way</u> | \$2,859,094 |
| SE Quadrant | \$ 823,429 |
| Federal - 50% | \$411,714 |
| Fargo - 50% | \$411,715 |
| NW Quadrant | \$ 430,475 |
| SW Quadrant | \$ 320,488 |
| NE Quadrant | \$1,284,701 |
| Federal - 50% | \$1,017,832 |
| West Fargo - 50% | \$1,017,832 |
| <u>Utility Relocation</u> | \$1,108,200 |
| Federal - 50% | \$554,100 |
| West Fargo - 37.5% | \$415,575 |
| Fargo - 12.5% | \$138,525 |

Note: The city of West Fargo will make contractor payments as work progresses for the construction of the overpass in 2009.

TOTALS (Overhead and Ramps)

| | |
|--------------|---------------------|
| Federal | \$ 9,183,646 |
| State | \$ 500,000 |
| West Fargo | \$ 5,723,893 |
| <u>Fargo</u> | <u>\$ 1,980,402</u> |
| Total Cost | \$17,387,941 |

Note: The costs shown are estimates.



Department of Energy
Western Area Power Administration
North Dakota Maintenance Office
P.O. Box 1173
Bismarck, ND 58502-1173

FEB - 1 2008

City of Fargo
ATTN: Engineering Department – Cody Eilertson
200 Third Street North
Fargo, ND 58102

Dear Mr. Eilertson:

In response to our earlier email and telephone conversations, enclosed please find duplicate copies of our License for the installation of two waterlines on our easement area.

Please have one copy signed by an authorized representative of the City of Fargo and return it to me at the address shown above.

If you have additional questions or need information, please contact me at 701-221-4531.

Sincerely,

A handwritten signature in black ink that reads "Gerald T. Paulson". The signature is written in a cursive style with a large initial "G".

Gerald T. Paulson, Director
Transmission Line Division

2 Enclosures

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

Fargo - Morris 230kV Transmission Line
Section 33,
Township 139 North, Range 49 West,
Cass County, North Dakota
Vicinity of Structures 4/1 and 4/2

LICENSE AGREEMENT

THIS LICENSE AGREEMENT, made this 22nd day of January 2008, between City of Fargo, 200 3rd Street North, Fargo, ND 58102 (LICENSEE), whether one or more, and the UNITED STATES OF AMERICA, Department of Energy, Western Area Power Administration, (Western), represented by the officer executing this agreement, pursuant to the Reclamation Act, Act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof and supplementary thereto, and the Department of Energy Organization Act, Act of August 4, 1977, 91 Stat. 565.

WITNESSETH:

Western concurs that the two water pipelines (one 36" and one 30") (FACILITY) proposed by the LICENSEE will not interfere with the operation and maintenance of Western's Fargo - Morris 230-kV transmission line, if constructed in the manner and at the locations shown on Drawing/Exhibit(s), attached hereto and made a part hereof.

In consideration of Western's concurrence, the LICENSEE agrees to the following:

- (a) This license does not grant any right, privilege, or interest in the land. The LICENSEE is responsible for obtaining any necessary land rights from the underlying landowner.
- (b) This license is only valid provided the FACILITY is constructed, operated and maintained in conformance with the attached drawings and/or exhibits. Any relocations, changes, or upgrades require additional concurrence by Western. LICENSEE agrees to alter or relocate its FACILITY, at no cost to Western, to accommodate future modifications of Western's facilities, including but not limited to, upgrades of the transmission line.
- (c) LICENSEE shall notify Western at least 10 days prior to commencing installation of the FACILITY to permit inspection by WESTERN; Contact Mr. Jerry Paulson at (701)-221-4531.
- (d) To abide by and comply with all applicable Federal, State, and local laws and building and safety codes.
- (e) LICENSEE agrees to indemnify and hold harmless Western, its employees, or agents, from any loss or damage and from any liability on account of personal injury, death, or property damage arising out of Licensee's, its agents, contractors, or subcontractors use of the land covered by this License Agreement.
- (f) This agreement shall be binding on the successors or assigns of LICENSEE and Western; however, it shall not be assigned by LICENSEE without prior written consent of Western.

(g) The Licensee agrees to comply with all provisions and rules of the latest edition of the National Electric Safety Code applicable to the design and construction of the aforesaid FACILITY crossing.

(h) The Licensee agrees to maintain at least 11 feet of clearance (based on maximum sag) from any of Westerns transmission line conductor(s) and at least a 10 foot clearance from any of Westerns transmission line structure(s), including placement of the FACILITY. In the event the Licensee's FACILITY restricts access along Western Area Power Administration's transmission line, the Licensee, its successor and/or assigns, shall (at their own expense) grant the Western Area Power Administration or its successor and/or assigns rights of ingress and egress over and across any property owned by the Licensee or its successor for access to the transmission line easement.

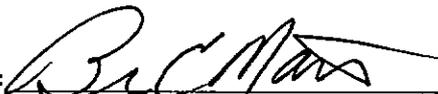
(i) Before allowing people or construction equipment capable of contacting or approaching transmission line conductors within less than **Thirteen (13) feet**, the Licensee or his authorized representative agrees to obtain from the Western Area Power Administration a "Special Work Permit" and to work under the limits and conditions of the safe working area defined therein.

(j) That all or any part of this License may be terminated by the Montana Maintenance manager for failure to comply with any or all of the terms or conditions of this license, or for abandonment. A rebuttable presumption of abandonment is raised by deliberate failure to the Licensee to use for any continuous 2-year period from the date of the license for the purpose for which it was granted or renewed. In the event of noncompliance or abandonment, the Montana Maintenance Manager will notify the Licensee in writing of his intention to suspend or terminate such grant 60 days from the date of the notice, stating the reasons therefore, unless prior to that time the Licensee completes such corrective actions as are specified in the notice.

LICENSEE
City of Fargo, ND

THE UNITED STATES OF AMERICA
Western Area Power Administration

By: _____

By: 
BRIAN C. MORRIS
North Dakota Maintenance Manager
P.O. Box 1173
Bismarck, ND 58502-1173



PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. 5815 Type: Asphalt Overlay

Location: 12th Avenue North – 45th to 57th Street Date of Hearing: 02/19/08

| <u>Routing</u> | <u>Date</u> |
|------------------|-----------------------------|
| City Commission | <u>02/25/08</u> |
| PWPEC File | <u>X</u> |
| Project File | <u> </u> |
| Petitioners | <u> </u> |
| David W. Johnson | <u>X</u> |

Cass County will be installing an asphalt overlay on 12th Avenue North from Mapleton through West Fargo in 2008. Tom Soucy asked if the City of Fargo wished to include with the County project an overlay between 45th and 57th Street.

On a motion by Mark Bittner, seconded by Bruce Grubb, the Committee voted to recommend Fargo Cost Participation similar to West Fargo Cost Participation.

RECOMMENDED MOTION

Approve Fargo Cost Participation with Cass County for asphalt overlay on 12th Avenue North.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Street Sales Tax

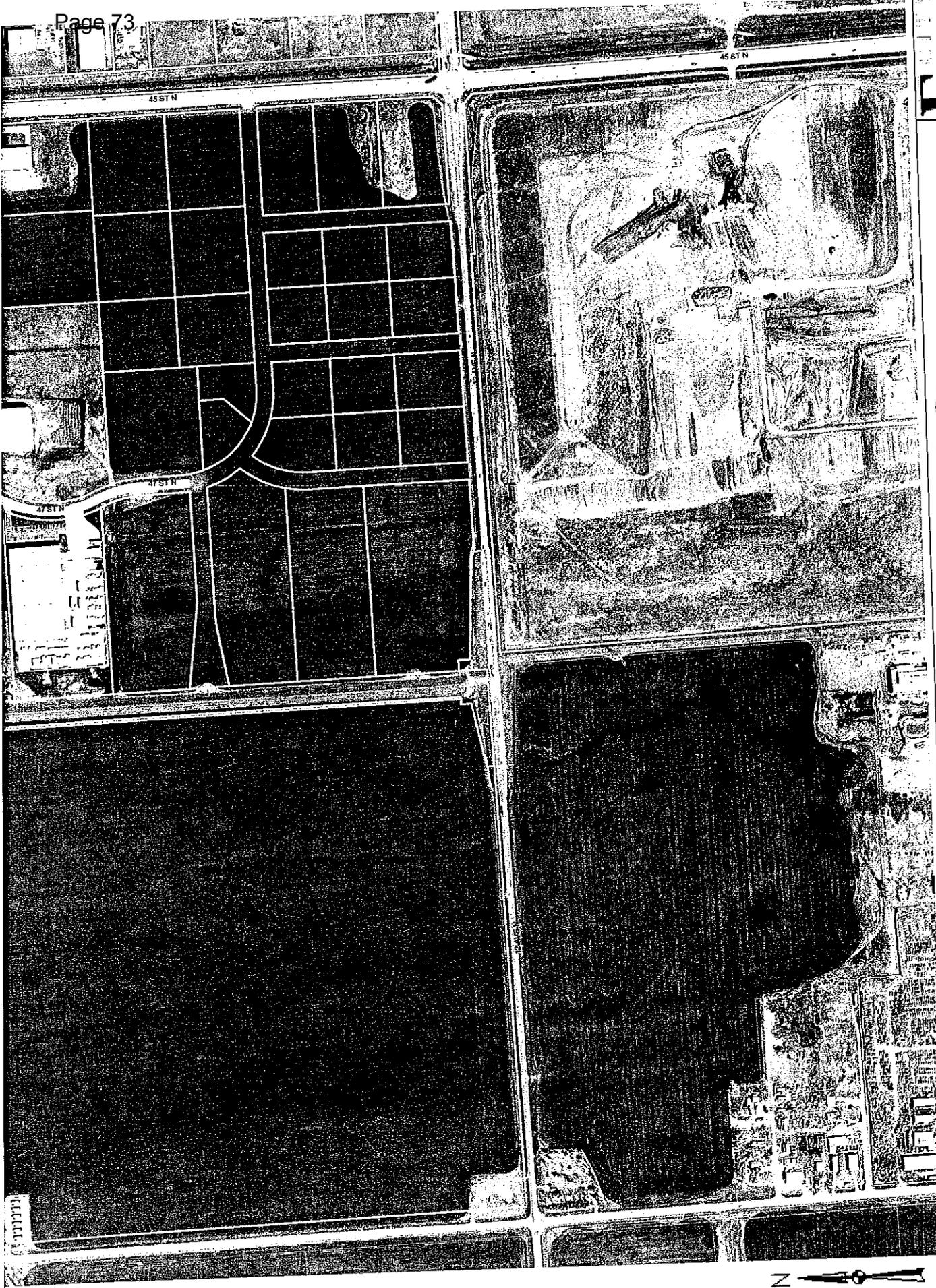
| | <u>Yes</u> | <u>No</u> |
|--|------------|-----------------------------|
| Developer meets City policy for payment of delinquent specials | <u>N/A</u> | <u> </u> |
| Agreement for payment of specials required of developer | <u>N/A</u> | <u> </u> |
| 30% escrow deposit required | <u>N/A</u> | <u> </u> |

COMMITTEE

| | <u>Present</u> | <u>Yes</u> | <u>No</u> | <u>Unanimous</u> |
|--|----------------|------------|-----------|------------------|
| Pat Zavoral, City Administrator | | | | <u>X</u> |
| Jim Gilmour, Planning Director | <u>X</u> | <u>X</u> | | |
| Bruce Hoover, Fire Chief | <u>X</u> | <u>X</u> | | |
| Mark Bittner, City Engineer | <u>X</u> | <u>X</u> | | |
| Bruce Grubb, Enterprise Director | <u>X</u> | <u>X</u> | | |
| Al Weigel, Public Works Operations Manager | <u>X</u> | <u>X</u> | | |
| Steve Sprague, City Auditor | <u>X</u> | <u>X</u> | | |

ATTEST:

Mark H. Bittner
 Mark H. Bittner
 City Engineer



12th Av N - 45th to 57th St

02-20-2008

1:7,195

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.



| SECTION NO. | 103 | 107 | | 762 | 762 | 762 | 762 | 762 |
|--|---------------|---|---------------------|--|-------------------------------------|---|---|--|
| CODE NO. | 0100 | 0100 | | 0410 | 1104 | 1305 | 1309 | 1325 |
| | CONTRACT BOND | RAILWAY PROTECTION INSURANCE ONE LOCATION | T IN LINE - E OR RK | SHORT TERM 4 IN NPZ - PNT TAPE, OR RSD MRK (2) | PVMT. MARKING PAINTED 4 IN LINE (3) | PREFORM PATTERN PVMT. MARKING 4 IN LINE GROOVED | PREFORM PATTERN PVMT. MARKING 8 IN LINE GROOVED | PREFORM PATTERN PVMT. MARKING 24 IN LINE GROOVED |
| Cass County and West Fargo | L SUM | L SUM | | LF | LF | LF | LF | LF |
| STA 370+45.00 to STA 449+07.00 | 0.74 | 1 | | 6195 | 23593 | 0 | 0 | 0 |
| SECTION LINE APPROACHES (8) | | | | | | | | |
| FIELD APPROACHES (3) | | | | | | | | |
| PRIVATE DRIVE APPROACHES (14) | | | | | | | | |
| 5.0% ADDED TO HBP CL 27 AND PG 58-28 | | | | | | | | |
| TOTAL: STA 370+45.00 to STA 449+07.00 | 0.74 | 1 | | 6,195 | 23,593 | 0 | 0 | 0 |
| Fargo | | | | | | | | |
| STA 449+07.00 to STA 476+15.00 | 0.26 | 0 | | 2,506 | 6,796 | 1,296 | 225 | 42 |
| SECTION LINE APPROACHES (0) | | | | | | | | |
| FIELD APPROACHES (3) | | | | | | | | |
| PRIVATE DRIVE APPROACHES (0) | | | | | | | | |
| 5.0% ADDED TO HBP CL 27 AND PG 58-28 | | | | | | | | |
| TOTAL: STA 449+07.00 to STA 476+15.00 | 0.26 | 0 | | 2,506 | 6,796 | 1,296 | 225 | 42 |
| PROJECT TOTAL | 1.00 | 1 | | 8,701 | 30,389 | 1,296 | 225 | 42 |
| NOTE: QUANTITY TOTALS ROUNDED TO THE NEAREST WHOLE UNIT FOR BIDDING PURPOSES ONLY. | | | | E EDGE LINE = 21,140 LF | | | | |

| | | | | | | | |
|----------------------|------------|--------|------------|------------|------------|------------|---------------------|
| \$5,000.00 | \$5,000.00 | \$0.12 | \$0.12 | \$0.10 | \$3.00 | \$6.00 | \$22.00 |
| \$5,000.00 | \$5,000.00 | 21.28 | \$1,044.12 | \$3,038.90 | \$3,888.00 | \$1,350.00 | \$924.00 |
| PROJECT TOTAL | | | | | | | \$588,465.10 |

| | | | | | | | |
|-------------------------------------|------------|--------|----------|------------|--------|--------|---------------------|
| \$5,000.00 | \$5,000.00 | \$0.12 | \$0.12 | \$0.10 | \$3.00 | \$6.00 | \$22.00 |
| \$3,720.00 | \$5,000.00 | 00.88 | \$743.40 | \$2,359.30 | \$0.00 | \$0.00 | \$0.00 |
| SS CO & WEST FARGO TOTAL | | | | | | | \$434,172.66 |
| CASS CO TOTAL | | | | | | | \$217,086.33 |
| WEST FARGO TOTAL | | | | | | | \$217,086.33 |

| | | | | | | | |
|--------------------|------------|--------|----------|----------|------------|------------|---------------------|
| \$5,000.00 | \$5,000.00 | \$0.12 | \$0.12 | \$0.10 | \$3.00 | \$6.00 | \$22.00 |
| \$1,280.00 | \$0.00 | 20.40 | \$300.72 | \$679.60 | \$3,888.00 | \$1,350.00 | \$924.00 |
| FARGO TOTAL | | | | | | | \$154,292.44 |

February 11, 2008

Mark Bittner
City Engineer
200 3rd Street North
Fargo, ND 58102

RE: Proposal to Prepare Environmental Assessment for the Fargo Southside Flood Control Project

Dear Mr. Bittner:

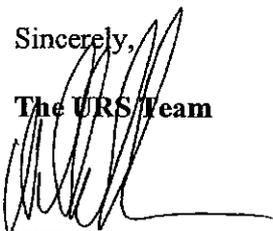
URS Corporation is pleased to submit our proposal for completing an Environmental Assessment (EA) for the Southside Flood Control Project for the City of Fargo. The experienced team assembled by URS for this project will provide you with the technical expertise and real-world experience needed to perform the environmental resource analysis required under the National Environmental Policy Act of 1969 (NEPA).

We feel our work previous work for the Federal Emergency Management Agency (FEMA) that involved this project as well as the Cass County Diversion Ditch Project, allow us to bring an experienced team of professionals to this project. In addition, our previous FEMA project experience also provides us with a good understanding of what FEMA requires in an EA. This should facilitate a smooth review process and approval by FEMA Region VIII.

URS has not had any direct involvement with the project during the last 12 months. We fully understand that many project details may have changed during that period. Therefore, the Scope of Work may need to be changed slightly. In addition, the need for a public meeting/hearing cannot be answered at this time and the extent of any required wetland and/or cultural resource surveys are not known. We have included each of these three items as separate tasks and if it is determined that any of these three items are not needed, they can be easily removed from the Scope of Work and cost estimate.

On behalf of the URS team members, we thank you for the opportunity to submit this proposal and look forward to your positive response and the opportunity to serve the city and the community on this important project. If you have questions, regarding the attached Scope of Work and associated cost estimate, please call Quentin Bliss at (402) 952-2528.

Sincerely,


The URS Team

William Troe
Vice President



Quentin Bliss
Senior Environmental Planner

Scope of Work

For

Fargo Southside Flood Control Project – North Dakota

Prepared for

City of Fargo

February 11, 2008

by:

URS Corporation, Inc.
12120 Shamrock Plaza, Suite 300
Omaha, NE 68154
(402) 334-8181

Fargo Southside Flood Control Project Scope of Work

Introduction

As per the request of Mr. Mark Bittner, City Engineer, for the City of Fargo, North Dakota, URS has prepared the following Scope of Work (SOW) for preparing an Environmental Assessment (EA) for the Southside Flood Control Project in Fargo, North Dakota. We have prepared this SOW based on information we had obtained from previous involvement with the project via the Federal Emergency Management Agency (FEMA). We are fully aware that many project details may have changed since our previous involvement, which has been in excess of a year. These changes may require a change in the SOW as well as the attached cost estimate. However, we believe that any needed changes can be made during the proposed Kick-off Meeting, which we have scheduled to occur within 15 days after the Notice to Proceed has been received.

URS will prepare an Environmental Assessment (EA) in accordance with the requirements of the National Environmental Policy Act (NEPA), Federal Emergency Management Agency's (FEMA's) implementing regulations at 44 CFR Part 9 and 10, and Executive Orders 11988, 11990, and 12898 for a federal project funded by FEMA. We will evaluate up to four alternatives in the EA. The No Action Alternative as required by NEPA will be one of the alternatives evaluated.

The project has been subdivided into the following tasks.

Task 1: Project Management

This task will include the following activities:

- Completion of the required standard contractual documentation.
- Management of project team members.
- Preparation of monthly progress reports.
- Weekly telephone updates between URS's Project Manager and Fargo's Project Manager.

Task 2: Field Visit/Site Reconnaissance

Upon receiving Notice to Proceed, URS will schedule a Kick-off Meeting with Fargo's Project Manager. We have assumed that this Kick-off meeting will occur within 15 days after receiving the Notice to Proceed. A field reconnaissance of the project area will also occur following the Kick-off Meeting. The Kick-off Meeting will be attended by URS's Project Manager and a senior environmental planner.

Task 3: Preparation of the Environmental Assessment

During the preparation of the EA, URS's project team will assess potential impacts on the environment that would be expected to be associated with each of the alternatives.

Assessment of impacts will include surveys, studies, or site analysis that is needed to complete the evaluation. URS in consultation with Fargo's Project Manager will identify appropriate mitigation measures for any environmental issue that has the potential to be a significant adverse impact upon the environment. Upon the City of Fargo's approval of an identified mitigation measure, it will be incorporated into the evaluation for the EA.

Environmental resources of special interest include:

- Floodplains and downstream flows
- Wetlands
- Threatened and Endangered Species
- Historic and archaeological resources
- Prime Farmland
- Socioeconomics

Information and/or procedures that will be used to identify potential environmental impacts of each of the alternatives are discussed in the following subsections.

Floodplains and Downstream Flows

Since the proposed project is located in a 100-year floodplain, the effect of each of the alternatives on the elevation of the 100-year flood event is extremely important in evaluating the different alternatives. The potential impacts of each alternative will be determined by using Fargo's detailed hydrology and hydraulic (H&H) analysis and modeling for the entire area that are based on revised floodplain maps. We have assumed that Fargo's Project Manager will provide URS with a copy of the H&H analysis.

Threatened and Endangered Species

URS will obtain a list of federally listed threatened and endangered (T&E) species that have the potential to occur in Cass County, North Dakota. Based on the habitat requirements of each of the T&E species that occur in Cass County, URS will make a preliminary determination of the potential of any of the identified T&E species being affected by any of the identified alternatives. If it is determined that none of the alternatives have the potential to be affected, URS will prepare and submit to the City of Fargo a letter that summarizes the findings, which can be used to request concurrence from U.S. Fish and Wildlife Service (USFWS). During our conversation with the USFWS, we will determine if the concurrence letter has to be sent by FEMA or if the City of Fargo can request the concurrence. If it is determined that listed T&E species have the potential to be adversely affected, URS will work with Fargo's Project Manager/FEMA's coordinate with USFWS regarding the Endangered Species Act and determine if formal Section 7 coordination is warranted. If any of the alternatives has the potential to adversely affect a T&E species or their critical habitat, URS will be available to assist the City of

Fargo/FEMA in the preparation of a Biological Assessment (BA). URS has not included the preparation of a BA in our cost estimate.

Prime Farmland

Farmland will be converted with all three action alternatives and URS will coordinate with the Natural Resources Conservation Service (NRCS) regarding compliance with the Federal Farmland Protection Act. URS will complete NRCS Form AD-1006. If the resulting value on the form is greater than 160, URS will work with Fargo's Project Manager to determine if there are measures that could be implemented to reduce impacts on prime farmland.

Socioeconomics

URS will perform a general review of the project area using the best available data from the latest census reports to determine if any of the proposed alternatives would have a disproportional adverse impact on any minority or low-income populations. If an alternative is found to have a disproportional adverse effect on minority or low-income populations, URS will identify what measures could be implemented to mitigate the identified adverse effect as required by Executive Order 12898, Environmental Justice.

EA Drafts

The URS team will prepare an internal draft, preliminary draft, public review draft, and final EA that includes an evaluation of up to four alternatives. The internal draft will only be submitted to the City of Fargo. To facilitate the EA process and if satisfactory to the City of Fargo, the internal draft may be submitted prior to receiving concurrence letters from the North Dakota State Historic Preservation Office (SHPO) and the U.S. Army Corps of Engineers (USACE). Once concurrence letters are received from the two agencies, the information will be provided to the City of Fargo, which will allow your initial review to be completed. Upon receiving review comments from the City of Fargo, the preliminary draft will be prepared and submitted. We have assumed that the City of Fargo will submit the preliminary draft of the EA to FEMA for their initial review. Upon receiving comments from FEMA and the City of Fargo, the draft EA will be prepared and submitted. The City of Fargo would need to make copies of the document available for review by the public. In addition, a public notice of its availability will need to be published in Fargo's newspaper. We would expect to prepare the public notice, which will need to be provided to FEMA for their approval. The public review period for FEMA's projects is normally 30 days. If a public meeting is needed, it would need to occur during this 30 day period. URS assumes the City of Fargo will be responsible for publishing the public notice of availability. After the close of the public review, any comments received on the draft EA will be addressed and the final EA will be prepared and submitted. A Finding of No Significant Impacts (FONSI) will also need to be prepared and provided to FEMA.

Task 4: Public Meetings

URS has assumed that a public meetings/hearing will be needed and include a public meeting in our cost estimate. Concerns expressed during such a meeting will be

summarized and provided to both the City of Fargo and FEMA. The City of Fargo/FEMA will need to determine what action(s) if any are warranted.

Task 5: Cultural Resources Survey

URS will work with Fargo's Project Manager, who will need to coordinate with the SHPO to determine potential impacts to cultural resources. URS assumes a Phase I archaeological survey would be required, and the cost estimate reflects a one-person survey of the area, along with all appropriate documentation and coordination required to fulfill Section 106 compliance.

Task 6: Wetlands Survey

URS will determine if wetlands are located within the proposed project areas and if present URS will evaluate potential impacts on the identified wetland areas. URS will use FEMA's guidelines under Executive Order 11990. As per the guidelines impacts to wetlands are to be avoided if a practicable alternative exists. For the cost estimate, URS has assumed that field delineation of wetlands would be required, and a two-person team would complete an onsite delineation of all wetlands within the project area. If an USACE Section 404 Permit is required, we have assumed it will be prepared and submitted by the City of Fargo and did not include the cost for preparation of an USACE Section 404 Permit or for the preparation of a wetlands mitigation plan, if required.

MILESTONES

- **Kickoff Meeting/Site Visit** – Within 15 days after receiving Notice to Proceed.
- **Cultural Resources Survey/Wetland Survey** – Within 15 days after ground is free from snow and the City of Fargo has obtained needed access.
- **Internal Review Draft EA** – 60 to 90 days from Notice to Proceed provided the document can be submitted without concurrence from SHPO, USACE, and possibly the USFWS.
- **Preliminary Draft EA** – 30 days from concurrence from USACE (wetlands), SHPO (cultural resources), and possibly USFWS (T&E species) and receiving comments from the City of Fargo on the internal draft of EA.
- **Public Review Draft EA** – 30 days from receipt of comments from City of Fargo and FEMA.
- **Final EA and FONSI** – 15 days from end of public comment period.

| URS GROUP INC. | | SUMMARY SHEET | | |
|--------------------------------------|------------------|----------------------|--------------------|--------------------|
| DIRECT LABOR | | HOURS | DOLLARS | |
| URS | | 512.0 | \$48,782.88 | |
| TOTAL LABOR HOURS AND DOLLARS | | 512.0 | \$48,782.88 | |
| OTHER DIRECT COSTS | G&A % | ODCs | G&A \$ | TOTAL |
| URS | 6.93% | \$5,104.57 | \$353.75 | \$5,458.32 |
| TOTAL ODC COSTS | | | | \$5,458.32 |
| TOTAL COSTS | | | | \$54,241.20 |
| URS Fee | 8.00% | | | \$4,339.30 |
| TOTAL COST PLUS FIXED FEE | | | | \$58,580.49 |

Fargo Southside Flood Mitigation Project

Fargo Cost Estimate

URS

| LABOR | LABOR CATEGORY | LABOR RATE | TASK 1 | | TASK 2 | | TASK 3 | | TASK 4 | | TASK 5 | | TASK 6 | | TOTAL COSTS | | |
|-----------------------|----------------|------------|---------------|---------------------|----------------------|-----------------|--------------------|-----------------|------------|--------|------------|--------|------------|------|-------------|------|-------|
| | | | Project Admin | Field Recon/Meeting | Prepare PDEA,DEA,FEA | Public Meetings | Cultural Resources | Wetlands Survey | Hours | Cost | Hours | Cost | Hours | Cost | Hours | Cost | Hours |
| Archaeologist | Master | 107.97 | | | | | | | | | | | | | | | |
| | Senior | 93.72 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$2,159.40 | \$0.00 | \$0.00 | 20 | \$2,159.40 | | |
| Biologist | First | 51.04 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$5,623.20 | \$0.00 | \$3,748.80 | 40 | \$9,372.00 | | |
| | Mid | 63.03 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$3,062.40 | 60 | \$3,062.40 | | |
| Draftsman | Mid | 63.03 | \$0.00 | \$0.00 | \$1,008.48 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 16 | \$1,008.48 | | |
| Environmental Planner | Master | 134.64 | \$5,385.60 | \$2,692.80 | \$2,692.80 | \$2,692.80 | \$2,692.80 | \$2,692.80 | \$1,995.80 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 100 | \$13,464.00 | | |
| | Senior | 99.79 | \$0.00 | \$1,995.80 | \$5,987.40 | \$1,995.80 | \$1,995.80 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 100 | \$9,979.00 | | |
| Environmental Planner | Mid | 72.70 | \$0.00 | \$0.00 | \$8,724.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 120 | \$8,724.00 | | |
| Word Processor | Senior | 63.35 | \$0.00 | \$0.00 | \$760.20 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$126.70 | \$0.00 | \$126.70 | 2 | \$1,013.60 | | |
| | | | \$5,385.60 | \$4,688.60 | \$19,172.88 | \$4,688.60 | \$4,688.60 | \$0.00 | \$0.00 | \$0.00 | \$7,909.30 | \$0.00 | \$6,937.90 | 532 | \$48,782.88 | | |

OTHER DIRECT COSTS (ODCs)

| ITEM | COST | UNIT | ESTIMATED COSTS BY SUBTASK | | | | | | | | | | | | TOTAL COSTS | |
|--------------------|----------|------------|----------------------------|----------|-----|------------|-----|----------|-----|------------|-----|------------|-----|------------|-------------|------------|
| | | | Qty | Cost | Qty | Cost | Qty | Cost | Qty | Cost | Qty | Cost | Qty | Cost | Qty | Cost |
| Airfare (Regular) | \$590.00 | RT. Flight | | \$0.00 | | \$0.00 | | \$0.00 | | \$0.00 | | \$590.00 | | \$0.00 | | \$590.00 |
| Per Diem Rates | \$109.00 | Day | | \$0.00 | 4 | \$436.00 | | \$0.00 | 4 | \$436.00 | | \$436.00 | 4 | \$436.00 | 8 | \$872.00 |
| Rental Car | \$60.36 | Day | | \$0.00 | 2 | \$120.72 | | \$0.00 | 2 | \$120.72 | | \$120.72 | 4 | \$241.44 | 4 | \$724.32 |
| Gasoline | \$2.95 | Gal | | \$0.00 | 50 | \$147.50 | | \$0.00 | 50 | \$147.50 | | \$59.00 | 70 | \$206.50 | 190 | \$560.50 |
| Federal Express | \$13.15 | Letter | | \$0.00 | | \$0.00 | | \$26.30 | 2 | \$26.30 | | \$13.15 | 1 | \$13.15 | 5 | \$65.75 |
| Federal Express | \$32.00 | Box - 10lb | | \$0.00 | | \$0.00 | | \$128.00 | 4 | \$128.00 | | \$0.00 | | \$0.00 | 4 | \$128.00 |
| EDR Search | \$280.00 | search | | \$0.00 | | \$0.00 | | \$840.00 | 3 | \$840.00 | | \$0.00 | | \$0.00 | 3 | \$840.00 |
| Topographical Maps | \$2.00 | each | | \$0.00 | | \$0.00 | | \$16.00 | 8 | \$16.00 | | \$0.00 | | \$0.00 | 8 | \$16.00 |
| Subtotal URS ODCs | | | \$0.00 | \$704.22 | | \$1,010.30 | | \$717.37 | | \$1,339.59 | | \$1,333.09 | | \$1,333.09 | | \$5,104.57 |
| URS G&A | | | \$0.00 | \$48.80 | | \$70.01 | | \$49.71 | | \$92.83 | | \$92.83 | | \$92.83 | | \$353.75 |
| Total URS ODCs | 6.93% | | \$0.00 | \$753.02 | | \$1,080.31 | | \$767.08 | | \$1,432.42 | | \$1,425.47 | | \$1,425.47 | | \$5,458.32 |



ENGINEERING DEPARTMENT

200 3rd Street North
Fargo, North Dakota 58102
Phone: (701) 241-1545
Fax: (701) 241-8101
E-Mail: feng@ci.fargo.nd.us

February 20, 2008

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Project No. 5786

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, February 20, 2008, for Water Main Replacement and Incidentals, Project No. 5786, located at vacated 7th & 8th Avenue South, Cass Co Drain 3 to 23rd Street South.

The bids were as follows:

| | |
|----------------------------------|--------------|
| Shermans LLC | \$ 68,574.10 |
| Kindred Plumbing & Heating, Inc. | \$ 77,866.00 |
| Rising Sun Construction, Inc. | \$ 80,925.00 |
| George E. Haggart, Inc. | \$ 89,955.00 |
| United Crane & Excavation, Inc. | \$ 93,883.00 |
| Master Construction Co., Inc. | \$ 99,999.10 |
| Dakota Underground | \$109,300.00 |
| Robert Gibb & Sons, Inc. | \$139,739.00 |
| Engineer's Estimate | \$ 77,760.00 |

The special assessment escrow is not required.

This office recommends award of the contract to Shermans LLC, in the amount of \$68,574.10 as the lowest and best bid.

Sincerely,

Mark H. Bittner
City Engineer

MHB/jmg

Street Lighting
Sidewalks

Design & Construction
Traffic Engineering

Truck Regulatory
Flood Plain Mgmt.

Mapping & GIS
Utility Locations



rl

ENGINEER'S REPORT
ASPHALT WEARING COURSE & INCIDENTALS
IMPROVEMENT DISTRICT NO. 5779

Nature & Scope

Under this project, the City will be installing the final wearing course on the streets and avenues in the City as follows:

- Section 1: On 21st Avenue North from University Drive North to 16th Street North.
On 20th Avenue North from 16th Street North to a point located 554' east of 16th Street North.
On 16th Street North from 19th Avenue North to 23rd Avenue North.
- Section 2: On 4th Avenue South from Fiechtner Drive South to 36th Street South.
On 34th Street South from Main Avenue to a point located 879' south of 4th Avenue South.
- Section 3: On Amber Valley Parkway South from 4th Street to a point located 144' west of the west leg of Amber Valley Court South.
On 46th Street South from 23rd Avenue South to Amber Valley Parkway South.
On Amber Valley Court South.
- Section 4: On 44th Avenue South from 43rd Street South to 45th Street South.
On 45th Avenue South from Woodhaven Drive South to 44th Street South.
On 46th Avenue South from Woodhaven Drive South to 44th Street South.
On Woodhaven Drive South from 44th Avenue South to a point located 248' south of 46th Avenue South.
On 44th Street South from Woodhaven Drive South to 46th Avenue South.
- Section 5: On 14th Street South from 58th Avenue South to 62nd Avenue South.
On Marten's Way South from 61st Avenue South to 16th Street South.
On 16th Street South from 61st Avenue South to 62nd Avenue South.
On 61st Avenue South from 14th Street South to 16th Street South.
On 62nd Avenue South from University Drive South to 152' west of 16th Street South.

Purpose

The wearing course was not installed on these streets under the original paving contract. This allows for the correction of deficiencies in the street after the majority of the building construction is complete, thus improving the final overall quality of the street. The installation of these wearing courses, as this time, will improve the drainage and ride, along with extending the life of these streets.

Feasibility

The total construction cost is estimated to be \$907,550. It will be paid for by special assessments. The cost breakdown is as follows:

| | | |
|------------|---|-------------------|
| Section 1: | Estimated Construction Cost: | \$107,400.00 |
| | Plus 32% Engineering & Administration Fees: | <u>34,368.00</u> |
| | Total Assessed Cost: | \$141,768.00 |
| Section 2: | Estimated Construction Cost: | \$220,250.00 |
| | Plus 32% Engineering & Administration Fees: | <u>70,480.00</u> |
| | Total Assessed Cost: | \$290,730.00 |
| Section 3: | Estimated Construction Cost: | \$193,000.00 |
| | Plus 32% Engineering & Administration Fees: | <u>61,760.00</u> |
| | Total Assessed Cost: | \$254,760.00 |
| Section 4: | Estimated Construction Cost: | \$191,200.00 |
| | Plus 32% Engineering & Administration Fees: | <u>61,184.00</u> |
| | Total Assessed Cost: | \$252,384.00 |
| Section 5: | Estimated Construction Cost: | \$195,700.00 |
| | Plus 32% Engineering & Administration Fees: | <u>62,624.00</u> |
| | Total Assessed Cost: | \$258,324.00 |
| Total: | Estimated Construction Cost: | \$907,550.00 |
| | Plus 32% Engineering & Administration Fees: | <u>290,416.00</u> |
| | Total Estimated Assessed Cost: | \$1,197,966.00 |

We believe this project to be cost effective.




Mark H. Bittner
City Engineer

February 2008

r2

ENGINEER'S REPORT
WATER MAIN REPLACEMENT
& INCIDENTALS
IMPROVEMENT DISTRICT NO. 5785

Nature & Scope

This project is for the replacement of water mains and installation of storm sewer on: 8th Street from 1st Avenue North to 2nd Avenue North.

This project was approved by the Fargo City Commission under the 2008 Capital Improvements Program (CIP) which includes water main replacements and street reconstruction.

Purpose

The existing water mains are cast iron, which were installed approximately 96 years ago and have a record of various breaks. Replacement of the water main with DR-18 PVC pipe will correct the situation.

The project provides for the installation of storm sewer to provide drainage to the Village Apartments at 120 8th Street North and to remove a drain in the Sons of Norway parking lot from the sanitary system.

The street section was replaced as part of the downtown sewer separation project and is in fairly good shape. The street will be cut and patched to provide for the water main and storm sewer installation.

Feasibility

The estimated cost of construction is approximately \$80,000. The cost breakdown is as follows:

| | |
|--|-----------|
| <u>Water Main</u> | |
| Water Main Replacement | \$ 60,000 |
| Plus 25% Engineering & Administration fees | \$ 15,000 |
| Total Estimated Water Main Replacement | \$ 75,000 |
| Special Assessments 630/FF x \$35 = | \$ 22,050 |
| Water Main Funds | \$ 52,950 |

| | |
|--|--------------------|
| <u>Storm Sewer</u> | |
| Storm Sewer | \$20,000.00 |
| Plus 25% Engineering & Administration fees | <u>\$ 5,000.00</u> |
| Total Estimated Storm Sewer | \$25,000.00 |
| Total Estimated Special Assessments | |
| 38,581/SF x 0.10/SF = | \$ 3,858.10 |
| Storm Sewer Utility Funds | <u>\$21,141.90</u> |
| | \$25,000.00 |

The cost to the property owners will be limited to \$35/foot for water main replacement, and \$0.10/foot for storm sewer installation.

We believe this project to be cost effective.




Mark H. Bittner
City Engineer

February 2008

13

ENGINEER'S REPORT

SANITARY SEWER, WATER MAIN,
STORM SEWER & INCIDENTALS

IMPROVEMENT DISTRICT NO. 5792

Nature & Scope

This project is for the installation of underground utilities at the location described as follows:

On 44th Street from 15th Avenue to 17th Avenue South

Purpose

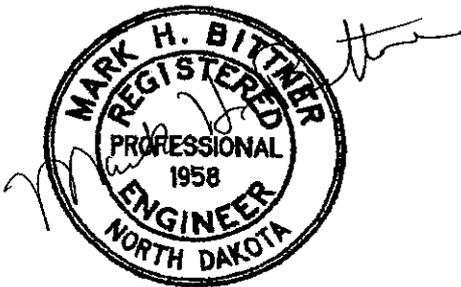
This project is for the development of Concierge Southwest Addition as requested by the developer.

Feasibility

The entire cost of the project will be assessed as follows:

| | |
|---|---------------|
| Estimated Construction Cost: | \$160,000 |
| Plus 32% Engineering & Administration Fees: | <u>51,200</u> |
| Total Estimated Assessed Cost: | \$211,200 |

We believe this project to be cost effective.



Mark H. Bittner

 Mark H. Bittner
 City Engineer

February 2008