

FARGO CITY COMMISSION AGENDA
Monday, July 13, 2009 - 5:00 P.M.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, June 29, 2009; Adjourned Regular Meeting, July 6, 2009).

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

- a. Receive and file 2009 Second Quarter Financial Status Report.
- b. Receive and file Year to Date – Budget to Actual report for June 2009.
- c. Pledged securities as of June 30, 2009.
- d. Appointment of Greg Stone as a special police officer for NDSU.
- e. Noise Ordinance Extension requests:
 - (1) July 16th until 11:00 p.m. for a street dance on the OB parking lot.
 - (2) August 14th until midnight for the Hotel Donaldson 2nd Annual Dalefest.
 - (3) August 6th until 11:00 p.m. for an outdoor event at Borrowed Bucks Roadhouse.
- f. Acceptance of the Neighborhood Stabilization Program grant allocation in the amount of \$5.01 million.
- g. Applications for tax exemptions for improvements made to the following buildings:
 - (1) Steven Stremick, 1155 13th Avenue South (3 years).
 - (2) Gary and Amie Haugo, 808 8th Street South (5 years).
 - (3) Neil and Mary Jo Horsager, 1315 6th Street South (5 years).
- h. Change Order M-6 for an increase of \$4,015.00 for the Main Library.
- i. PEC recommendation to set the annual salary for the Municipal Court Judge at \$75,000 and increase the FTE to .75 effective July 1, 2009.
- j. Traffic Safety Contract Amendment from the NDDOT for the Safe Communities Program (Contract # E09-521-1008).
- k. Grant Awards from the North Dakota Department of Health:
 - (1) State Aid to Local Public Health Units (Contract # 09-081).
 - (2) \$3,000 to support a Balancing Intake and Expenditure (BITE) project for physical activity and nutrition (Contract # 09-047).
 - (3) Title X Family Planning program for pharmaceuticals (Contract # 08-700B).
 - (4) Title X Family Planning program (Contract # 09-054).
 - (5) Title V Maternal and Child Health Block Grant activities (Contract # 09-008).

- Page 2 Agreement with the Fargo Park District/Fargo Senior Services for the purchase of new vans for the Metro Senior Ride Service.
- m. Bid award to Industrial Builders, Inc. for deck repair work at the Ground Transportation Center.
 - n. Authorize Request for Proposals to obtain management, driver and fixed route dispatch services.
 - o. Temporary Agreement with the City of Grand Forks for temporary use of Fargo's landfill.
 - p. Applications for Games of Chance:
 - (1) Knights of Columbus 4th Degree Assembly 788 for a calendar raffle from 1/1/10 to 1/31/10.
 - (2) Freedom Resource Center for a raffle on 9/24/09.
 - q. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Rezoning Certain Parcels of Land Lying in the North Half of Section 1, T139N, R49W.
 - r. Purchase Agreement with Long Field Woods SPE, LLC for a permanent sanitary sewer easement and a temporary construction easement (Improvement District No. 5729).
 - s. Purchase Agreement with Jon Treitline for a permanent sanitary sewer easement and a temporary construction easement (Improvement District No. 5656).
 - t. Bid awards for Project Nos. 5897 and 5899.
 - u. Bid advertisements for Project Nos. 5871 and 5873.
 - v. Bills.
 - w. Contract and bond for Improvement District No. 5817.

* * * Regular Agenda * * *

- 1. Appoint two Commissioners to represent Fargo on a Flood Management Work Group.
- 2. Discuss status of undeveloped river lots within the City as well as Fargo's ET area.
- 3. Public Hearings - 5:15 p.m.:
 - a. Petition requesting a modification of an existing Conditional Overlay on the south 51' of Lots 1, 2, 3, 4 and 5; the south 51' of the south 101' of the west 8.4' of Lot 6; the southern 70' of the east 16.6' of Lot 6; all of Lot 7 and the west 8.4' of Lot 8, Block SS of Erskine's Addition (1117 and 1155 13th Ave. S.).
 - (1) Approval of a portion of the proposed modification recommended by the Planning Commission on 6/10/09.
 - (2) 1st reading of Ordinance.

- b. Dakota Boys and Girls Ranch Addition; denial recommended by the Planning Commission on 6/10/09 (2038 76th Ave. S.):
 - (1) Petition requesting a zoning change from AG, Agricultural to the following: MR-3, Multi-Dwelling on Lots 1 and 2, Block 1 and Lot 2, Block 2; SR-4, Single-Dwelling on Lot 3, Block 2; and P/I, Public and Institutional on Lot 1, Block 2.
 - (2) 1st reading of rezoning Ordinance.
 - (3) Plat.
 - c. Renaissance Zone Project for Kennelly & O'Keeffe, Ltd. at 313 NP Avenue.
 - d. Renaissance Zone Project for Arthur Ventures, LLC at 102 Broadway, Suite 203.
4. Communication from the City Attorney and Ordinance Prohibiting Commissioners from Appearing at Regular Meetings by Telephone or Other Electronic Media.
5. Recommendations for appointments and reappointments to Boards and Commissions:
- a. Parking Commission.
 - b. Board of Appeals.
 - c. Board of Adjustment.
 - d. Special Assessment Commission.

** The Board will meet in Executive Session to discuss pending litigation items as authorized by NDCC, Section 44-04-19.2.

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

TO: BOARD OF CITY COMMISSIONERS

FROM: KENT COSTIN, DIRECTOR OF FINANCE 

**RE: SECOND QUARTER FINANCIAL STATUS REPORT
FOR MAJOR OPERATING FUNDS**

DATE: JULY 6, 2009

The financial status report covering our major operating funds for the second quarter of 2009 is attached for your review.

This has been prepared in accordance with the Finance Committee's policy of formal quarterly financial updates as a supplement to the monthly financial report provided each month for the General Fund. Variance explanations are provided in the footnote section where applicable or considered necessary.

Suggested Motion:

Approve the second quarter financial status report.

**CITY OF FARGO, NORTH DAKOTA
2009 SECOND QUARTER FINANCIAL STATUS REPORT
REVENUES - BUDGET TO ACTUAL**

	Budget	Actual	Variance	Variance Percentage	Footnotes
General Fund	\$ 38,081,153	\$ 38,828,576	\$ 747,423	2.0%	
Enterprise Funds:					
Water	8,587,459	8,762,910	175,451	2.0%	
Sewer	5,662,488	5,226,573	(435,915)	-7.7%	
Storm Sewer	734,998	744,394	9,396	1.3%	
Vector Control	303,000	304,335	1,335	0.4%	
Solid Waste	5,453,143	4,627,388	(825,755)	-15.1%	(1)
Forestry	743,988	740,095	(3,893)	-0.5%	
Total Enterprise Funds	21,485,076	20,405,695	(1,079,381)	-5.0%	
Internal Service Funds:					
Liability Self Insurance	250,244	258,229	7,985	3.2%	
Health Self Insurance	2,898,830	3,058,064	159,234	5.5%	
Total Self Insurance Funds	3,149,074	3,316,293	167,219	5.3%	
Total Operating Funds	\$ 62,715,303	\$ 62,550,564	\$ (164,739)	-0.3%	

Reporting Basis: System budget

(1) Landfill revenues are not seasonally adjusted.

**CITY OF FARGO, NORTH DAKOTA
2009 SECOND QUARTER FINANCIAL STATUS REPORT
EXPENDITURES - BUDGET TO ACTUAL**

	Budget	Actual	Variance	Variance Percentage	Footnote
General Fund	\$ 33,908,869	\$ 30,184,378	\$ 3,724,491	11.0%	
Enterprise Funds:					
Water	9,232,210	7,252,560	1,979,650	21.4%	
Sewer	4,360,448	4,065,940	294,508	6.8%	
Storm Sewer	735,294	2,609,150	(1,873,856)	-254.8%	(1)
Vector Control	191,639	94,429	97,210	50.7%	
Solid Waste	6,164,999	4,984,589	1,180,410	19.1%	
Forestry	736,798	685,529	51,269	7.0%	
Total Enterprise Funds	21,421,388	19,692,197	1,729,191	8.1%	
Internal Service Funds:					
Self Insurance	460,738	316,003	144,735	31.4%	
Health Self Insurance	2,894,976	2,598,585	296,391	10.2%	
Total Self Insurance Funds	3,355,714	2,914,588	441,126	13.1%	
Total Operating Funds	\$ 58,685,971	\$ 52,791,163	\$ 5,894,808	10.0%	

Reporting Basis: Approved Budget

Footnotes:

(1) Flood related costs paid here will be reclassified to other funds

b

CITY OF FARGO
YEAR TO DATE - BUDGET TO ACTUAL
FOR THE MONTH OF JUNE 2009
(PRELIMINARY DRAFT UNAUDITED)

	2009 BUDGET	2009 ACTUAL	VARIANCE
REVENUES:			
310 Taxes	\$ 16,900,519	\$ 16,696,160	\$ (204,359)
320 Licenses & Permits	1,180,484	1,214,691	34,207
350 Fines & Traffic Tickets	1,160,484	1,101,622	(58,862)
330 Intergovernmental Revenue	5,887,358	9,162,874	3,275,516
340 Charges for Services	6,765,504	4,271,319	(2,494,185)
360 Interest	949,998	1,054,538	104,540
361/5 Miscellaneous Revenue	109,272	174,822	65,550
370 Police RRRDC	-	-	-
390 Other Financing Sources	5,127,534	5,152,551	25,017
TOTAL REVENUES:	\$ 38,081,153	\$ 38,828,577	\$ 747,424
EXPENDITURES:			
0500 City Administrator	2,267,880	\$ 1,798,492	\$ 469,388
1000 Finance	3,257,522	2,910,903	346,619
2000 Planning & Development	3,841,685	3,101,868	739,817
3000 Public Works	5,968,148	5,565,090	403,058
4000 Fire Department	4,207,267	3,694,019	513,248
5000 Police	6,397,632	6,286,997	110,635
6000 Health	3,662,541	3,264,216	398,325
7000 Library	1,464,179	1,213,982	250,197
8001 Commission	267,087	263,788	3,299
8005 Civic Center	257,582	227,823	29,759
8540 Social Services	301,000	298,685	2,315
8541 Homeless Shelter / Detox	195,826	237,750	(41,924)
8550 Capital Outlay	1,314,150	645,084	669,066
8570 Contingency	-	(680)	680
9001 Transfers	506,370	676,362	(169,992)
TOTAL OF EXPENDITURES	\$ 33,908,869	\$ 30,184,379	\$ 3,724,490
EXCESS REV OVER (UNDER) EXPENDITURES	\$ 4,172,284	\$ 8,644,198	\$ 4,471,914



MEMORANDUM

TO: Board of City Commissioners
FROM: Steven Sprague, City Auditor
SUBJECT: Approval of Pledged Securities
DATE: July 7, 2009

North Dakota Century Code section 21-04-11 requires the approval of securities pledged as collateral for City funds deposited in various financial institutions if the deposited funds exceed the FDIC insurance limit of \$100,000. NDCC calls for re-approval on a semi-annual basis.

At this time I would request City Commission approval of securities pledged as collateral. Amounts are summarized by financial institution as follows:

Alerus Financial	\$ -0-
American Federal Bank	\$ 186,958
Bank of the West	\$ 3,231,969
Cornerstone Bank	\$ -0-
First International Bank & Trust	\$ 8,082,257
US Bank	\$ 4,345,757
Wells Fargo	\$ 70,085,908
Bremer Bank	\$ 7,510,135
Total Pledged Collateral	\$ <u>93,442,984</u>

Detailed pledge security reports are attached for your review.

If you have any questions, please call me at 241-1301

Recommended Motion:

Approve the listing of pledged securities as of June 30, 2009.

STATEMENT OF ACCOUNT WITH:

BANK OF NORTH DAKOTA
 ATTN: INVESTMENT DEPARTMENT
 1200 MEMORIAL HIGHWAY
 P O BOX 5509
 BISMARCK, ND 58506-5509

Stmt As Of Page
 06/30/09* 1

FARGO-AMERICAN FED BANK
 DEAN MCCLEARY
 215 N FIFTH STREET
 PO BOX 2946
 FARGO, ND 58108-2946

..... Custody Holdings for Currency USD				
Acquired	Par/Shares	Description		
Cusip	Pd down Value	Rate, Maturity		Receipt
04/26/04 36225C6F8		GNMA II 80869		
	296,851.86	Variable, 04/20/20		166000689
Pledged	94,983.10	CITY OF FARGO		as of 10/31/08
Face	800,000.00			
12/01/04 36225DJA3		GNMA II 81156 (FEB)		
	472,324.42	Variable, 11/20/20		166000745
Pledged	55,498.12	CITY OF FARGO		as of 10/31/08
Face	235,000.00			
08/23/05 36225DTD6		GNMA II 81447		
	729,533.68	Variable, 08/20/20		166000752
Pledged	36,476.68	CITY OF FARGO		as of 10/31/08
Face	100,000.00			
Pldg USD Par		186,957.90		
Pldg USD Orig Face		1,135,000.00		

Pledges to Pledgee By FAS I15 Intent

As of: June 30, 2009

Agency Name: CITY OF FARGO

Pledged To: WFMN 3502 0702 CITY OF FARGO

Cusip	Security Description	Coupon	Maturity	PledgedDate	Original PV	Current PV	Market Value
31281AP30	FHLMC FG #N30442 (14)	6.000000	01/01/2018	05/07/2008	\$2,050,000	\$15,460	\$15,868
31282R6J8	FHLMC FG M80873	4.500000	12/01/2010	05/06/2008	\$2,148,646	\$595,069	\$621,942
31282R7F5	FHLMC FG M80894	4.500000	01/01/2011	06/29/2007	\$205,000	\$62,602	\$64,815
3128H3V24	FHLMC FH #E96033 (14)	4.500000	05/01/2018	02/12/2009	\$750,000	\$282,459	\$290,121
31293FMT1	FHLMC FG #C19370 (14)	6.000000	12/01/2028	01/14/2009	\$6,475,000	\$564,716	\$595,345
31295MPX2	FHLMC FH #788538 (44)	5.195000	08/01/2031	05/07/2008	\$2,000,000	\$5,378	\$5,463
31295MVS6	FHLMC FH #788725 (44)	5.250000	10/01/2031	05/07/2008	\$4,100,000	\$64,608	\$64,548
313421MJ5	FHLMC FH #350048 (44)	2.875000	04/01/2017	05/07/2008	\$2,000,000	\$17,170	\$17,176
31346ABW4	FHLMC FH #420053 (44)	2.919000	05/01/2018	05/07/2008	\$2,000,000	\$64,048	\$63,793
31346AF83	FHLMC FH #420191 (44)	4.351000	06/01/2030	01/18/2008	\$7,800,000	\$129,011	\$129,311
31346AF83	FHLMC FH #420191 (44)	4.351000	06/01/2030	05/07/2008	\$1,200,000	\$19,848	\$19,894
31348STB0	FHLMC FH #785946 (44)	5.136000	09/01/2027	05/07/2008	\$3,000,000	\$63,380	\$64,409
31348UBJ2	FHLMC FH #865451 (44)	6.184000	06/01/2035	05/07/2008	\$2,000,000	\$21,644	\$21,958
31371LH85	FNMA FN 255055	4.500000	12/01/2010	06/09/2008	\$3,997,000	\$1,070,937	\$1,105,198
31389L6Q7	FNMA FN #629179 (24)	4.875000	08/01/2032	01/10/2008	\$400,000	\$4,019	\$4,071
36202KQ99	GNMA G2 #8580 (19)	4.375000	01/20/2025	05/07/2008	\$2,800,000	\$46,846	\$47,972
36225CK21	GNMA G2 #80312 (19)	4.625000	08/20/2029	01/10/2008	\$500,000	\$11,564	\$11,757
36225CTB2	GNMA G2 #80545 (19)	3.875000	10/20/2031	04/10/2008	\$1,650,000	\$87,571	\$88,326
18 Total Pledged	To: WFMN 3502 0702 CITY OF FARGO				\$45,075,646	\$3,126,332	\$3,231,969

The information contained herein, while believed to be reliable, is not guaranteed.

Printed 07/01/2009 9:29:46 AM

Pledge Code: CTFG - 65 CITY OF FARGO (CTFG)

CUSIP	Ref	Description	SK Code	Intent	Maturity	PL Code	PL Face	PL Par	PL Book	PL Mkt
837257AF1	0411095027	SOUTH CENTRAL REGL WTR DIST N	BND	S	10/1/2010	CTFG	205,000.00	205,000.00	205,000.00	207,958.15
091608KP3	0504185065	BISMARCK N D PUB SCH DIST NO 1	BND	S	5/1/2011	CTFG	550,000.00	550,000.00	550,000.00	569,486.50
384587EK3	0511215079	GRAHAM CNTY ARIZ UNI SCH DIST	BND	S	7/1/2011	CTFG	70,000.00	70,000.00	71,203.15	75,195.40
384587EN7	0511215081	GRAHAM CNTY ARIZ UNI SCH DIST	BND	S	7/1/2011	CTFG	605,000.00	605,000.00	615,398.64	637,276.75
962727KD4	0306125083	WHEATON ILL	BND	S	12/1/2011	CTFG	475,000.00	475,000.00	478,849.63	495,415.50
408172CV4	0310095020	HAMILTON WIS SCH DIST PROM NTS	BND	S	4/1/2012	CTFG	375,000.00	375,000.00	376,025.80	393,332.50
403684BT9	0403035040	GWINNER N D TAX INCR REV	BND	S	5/1/2012	CTFG	270,000.00	270,000.00	270,000.00	271,323.00
105314JT6	0311075045	BRANDON VY S D SCH DIST NO 49.	BND	S	7/1/2012	CTFG	345,000.00	345,000.00	350,285.89	367,873.50
368190A95	0404195102	GAYLORD MINN	BND	S	12/15/2012	CTFG	285,000.00	285,000.00	285,000.00	292,903.05
60436PCW0	0511165059	MINOT N D HWY SER A	BND	S	10/1/2013	CTFG	255,000.00	255,000.00	255,000.00	266,962.05
604399LM5	0611165013	MINOT N D WTR & SWR UTIL RESV	BND	H	10/1/2013	CTFG	325,000.00	325,000.00	327,943.07	343,463.25
092293DC0	0812105035	BLACKDUCK MINN INDPT SCH DIST	BND	H	1/1/2014	CTFG	460,000.00	460,000.00	474,333.75	492,692.20
933526KRS	0604035018	WALWORTH CNTY WIS PROM NTS	BND	H	4/1/2015	CTFG	585,000.00	585,000.00	585,000.00	605,047.95
938701DSS	0604075027	WASHINGTON CNTY UTAH	BND	H	12/1/2015	CTFG	700,000.00	700,000.00	709,243.98	736,127.00
98480TAK5	0605055003	YANKTON CNTY S D LAW ENFORCEME	BND	H	12/1/2016	CTFG	420,000.00	420,000.00	423,234.36	426,211.80
3128MBLJ4	0711125005	FHLMC GOLD POOL G12829	BND	S	10/1/2017	CTFG	1,520,000.00	807,558.26	814,183.88	848,819.44
31395PCT7	0510125010	FHLMC 2944-WC	BND	S	6/15/2024	CTFG	1,500,000.00	662,926.13	663,001.65	665,374.05
38547PB12	0901135016	GRAND FORKS N D NURSING FAC RE	BND	H	11/1/2029	CTFG	500,000.00	500,000.00	359,921.70	386,775.00

Totals:

9,445,000.00 7,895,484.39 7,813,625.50 8,082,257.09

COLLATERAL HOTLINE
1-866-603-1571

**U.S. Bank National Association
Pledged Collateral Statement**
06/30/2009

Pledgee N02 CITY OF FARGO

Description	CUSIP	Maturity Date	Original Face	Current Par	Market Price	Market Value ¹
FHMA FHANN 773246	314048BP0	02/01/2035	10,975,220.00	4,212,970.67	1.03	4,345,757.18

Total Pledged \$10,975,220.00 \$4,212,970.67 \$4,345,757.18

Uninsured Deposits: ² \$3,750,000.00

Collateral %: ³ 115.88%

¹ Market Value -- this amount represents the market value of the securities listed in your Collateral Statement for which the various quotation services were able to obtain appraisals based on the closing prices and/or the mean bid and ask within the last 3 days of the statement period. Because of the nature of the data provided by the quotation services, the accuracy of such prices cannot be guaranteed.

² Uninsured Deposits - The total deposits in all qualifying accounts minus FDIC coverage as reported at month end. These may not include recent changes or adjustments.

³ Collateral % - This represents your collateral coverage percentage, calculated as market value of securities to deposit levels less FDIC insurance. Page 1 of 1

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WELLS FARGO PLEDGE REPORT

COLLATERAL FOR: 016 FARGO, CITY OF
 DATE: JUNE 30, 2009 DEPOSITORY INSTITUTION: WF CALIF

SK	SECURITY	SEQ. NO.	ORIGINAL FACE	CURRENT FACE	DESCRIPTION	RATE	MATURITY	MOODY	S AND P	*FITCH	MARKET VALUE
WFBS/WFSNW											
01	31410BA18	007645	16,930,000.00	11,840,189.18	FNCL 883921	6.00	05/01/36				12,402,829.05
01	31410MX54	007846	22,520,000.00	14,619,914.64	FNCL 891789	6.00	06/01/36				15,314,645.67
01	31412SYC3	001344	21,470,000.00	18,130,681.16	FNCL 933707	5.00	04/01/38				18,488,733.10
01	31414B625	016737	7,000,000.00	5,615,315.09	FNCL 961769	6.00	02/01/38		AAA		5,875,694.44
01	31414DEXC	003142	10,580,000.00	9,316,590.46	FNCL 962850	5.00	05/01/38				9,500,578.22
01	31415WR39	016509	10,004,179.00	8,126,601.69	FNCL 991696	6.00	11/01/38		AAA		8,503,428.15

*TOTAL XFL_CODE 016

88,504,179.00 67,649,292.22

70,085,908.63

10
 RUN DATE: 06/30/09
 PROCESSED THRU: 06/30/09

BOND ACCOUNTING SYSTEM
 PLEDGED-ACCOUNTS

06/30/09 21:30
 PLEDGED TO: 1025 CITY OF FARGO

ACCOUNT	CUSIP NUMBER	CL	MATURITY	PAR VALUE	COUPON	BOOK VALUE	MARKET VALUE	UNREALIZED GAIN/LOSS	DATE	DESCRIPTION	AMOUNT
11561	483465BY4	33	02/01/2017	405,000.00	4.3000	405,000.00	407,847.15	2,847.15	05/05/09	02/01/17	405,000.00
							407,847.15				11023
											SAFEKEEPING RECEIPT:
											SAFEKEEPING
											9 WELLS FARGO
11989	83302FP9	33	12/01/2018	370,000.00	4.5000	375,886.82	378,465.60	2,578.78	05/05/09	12/01/18	100,000.00
							102,287.99				11022
											SAFEKEEPING RECEIPT:
											SAFEKEEPING
											9 WELLS FARGO
** TOTALS **			2	775,000.00	4.3955W	780,886.82	786,312.75	5,465.97			505,000.00
							510,135.14				



Effective Date: March 02, 2009
LETTER OF CREDIT NO. 4043-8

City of Fargo
200 3rd St. North
Fargo, ND 58107

Attention: Steve Sprague

You are hereby irrevocably authorized to draw on the Federal Home Loan Bank of Des Moines (the "Bank"), Irrevocable Standby Letter of Credit No. 4043-8 for account of Bremer Bank, National Association, Fargo, ND (the "Member"), available by your drafts at sight upon the terms and conditions hereinafter set forth, an aggregate amount not exceeding \$7,000,000.00 ("Stated Amount").

Funds under this Letter of Credit are available to you against your sight drafts(s) in the form of Exhibit "B" drawn on us, stating on their face: "Drawn under Federal Home Loan Bank of Des Moines Irrevocable Standby Letter of Credit No. 4043-8" accompanied by your written certificate signed by you in the form of Exhibit "A" attached hereto appropriately completed. Presentation of such draft(s) and certificate(s) shall be made at our office located at 801 Walnut Street, Suite 200, Des Moines, Iowa 50309. We hereby agree that all drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored by us upon delivery of the certificate(s), as specified, if presented at such office on or before the expiration date hereof. A drawing under this Letter of Credit may also be made in the form of a writing transmitted by any telecommunication facility sent by you and received by us at our office indicated above, provided that you undertake in such writing to send us the appropriate certificate(s) referred to above within three business days of sending such writing. If a drawing in respect of payment is made by you hereunder at or prior to 10:00 A.M., Des Moines, Iowa time, on a business day, and provided that such drawing and the documents presented in connection therewith conform to the terms and conditions hereof, payment shall be made to you or to your designee, of the amount specified, in immediately available funds, not later than 3:00 P.M., Des Moines, Iowa time, on the same business day. If a drawing in respect of payment is made by you hereunder after 10:00 A.M., Des Moines, Iowa time, on a business day and provided that such drawing and the documents presented in connection therewith conform to the terms and conditions hereof, payment shall be made to you, or to your designee, of the amount specified, in immediately available funds, not later than 3:00 P.M., Des Moines, Iowa time on the succeeding business day. If requested by you, payment under this Letter of Credit may be made by deposit of immediately available funds into a designated account that you maintain with us. If a drawing made by you hereunder does not, in any instance, conform to the terms and conditions of this Letter of Credit, we will give you prompt notice stating the reasons therefore and that we are holding any documents presented to us at your disposal or are returning the same to you, at our discretion. Upon being notified that the drawing was not in accordance with the Letter of Credit, you may attempt to correct any such drawing if, and to the extent that, you are entitled (without regard to the

provision of this sentence) and able to do so. As used herein "business day" shall mean any day other than a Saturday, Sunday or a day on which financial institutions in the State of Iowa are authorized or required by law to close.

Drawings in respect of payments hereunder honored by us shall not, in the aggregate, exceed the Stated Amount.

Only you may make a drawing under this Letter of Credit. Upon the payment to you, to your designee or to your account of the amount specified in a sight draft(s) drawn hereunder, we shall be fully discharged on our obligation under this Letter of Credit with respect to such sight draft(s) and we shall not thereafter be obligated to make any further payments under this Letter of Credit in respect of such sight draft(s) to you or any other person.

This Letter of Credit shall automatically terminate upon the earlier of (i) the making by you of a drawing which reduces the available balance hereunder, to \$0, or (ii) May 03, 2010.

This Letter of Credit, except as otherwise expressly stated herein, is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce, Publication No. 500 (the "Uniform Customs"). This Letter of Credit shall be governed by Iowa law, including, but not limited to, the Iowa Uniform Commercial Code. Communications with respect to this Letter of Credit shall be in writing and shall be addressed to us at 801 Walnut Street, Suite 200, Des Moines, Iowa 50309, specifically referring thereon to "Irrevocable Letter of Credit No. 4043-8."

This Letter of Credit sets forth in full our undertaking, and such undertaking shall not in any way be modified, amended, amplified or limited by reference to any document, instrument or agreement referred to herein except only the certificate(s) and the sight draft(s) referred to herein; and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement except for such certificate(s) and such sight draft(s).

FEDERAL HOME LOAN BANK OF DES MOINES

By: *Dan W. ...*

Title: VICE PRESIDENT



d

Office of the Chief of Police

July 9, 2009

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

RE: Appointment of NDSU Police Officer in Accordance with
Municipal Ordinance #5-0104

Dear Commissioners:

At the request of Mr. Ray Boyer, Director of NDSU Police & Safety Office, and in accordance with the Fargo Municipal Ordinance #5-0104, I am submitting the name of one individual for appointment as "special police officers" for NDSU, he is:

Greg Stone

Recommendation:

Approve the appointment of Greg Stone as special police officer for NDSU.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith A. Ternes".

Keith A. Ternes
Chief of Police

e1



June 29, 2009

Fargo City Commission
Fargo City Hall
Fargo ND

Dear Mayor and Commissioners,

The Old Broadway has arranged to hold a street dance in conjunction with the 2009 Downtown Street Fair. The dance will be on the OB's parking lot, just off NP Avenue between the OB and NDSU's Renaissance Hall on the evening of July 16. There need not be any street closures nor traffic alterations for this location.

We would like to extend the playing of music until 11 pm on that evening, one hour past the established noise ordinance limitation of 10 pm.

With this letter we respectfully ask the Commission's extension of the time for this event.

Thank you for your consideration.

Sincerely,

Dave Anderson,
Downtown Community Partnership



July 7, 2009

Fargo City Commission
200 3rd St N
Fargo, ND 58102

Commissioners,

I am writing on behalf of the Hotel Donaldson to ask that the Commission place upon its agenda and vote on a temporary extension of the city's 10 p.m. noise ordinance to midnight for the night of Friday, August 14th, 2009. We are holding our 2nd annual Dalefest, a block party for downtown Fargo. Last year's event was successful in part because of the later time we were allowed and we feel the same would apply this year.

As we did last year, we will inform our neighboring downtown businesses and residents of the event so that they are prepared for the noise and traffic caused and we will address any concerns that are presented at that time. We are also willing to hear any concerns the Commission or the Fargo Police Department may have in regard to the execution of this event.

Please call 701.478.1000 (business) or 701.799.2277 (mobile) with any questions; I can also be reached via email at josh.tandberg@hoteldonaldson.com.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Josh Tandberg".

Josh Tandberg
Operations Manager
The Hotel Donaldson

e3

BFG, INC.
dba Borrowed Bucks Roadhouse
P.O. BOX 2043
FARGO, ND 58107-2043
Phone (701) 237-5151

July 7, 2009

Fargo City Commission
200 3rd Street North
Fargo, ND 58102

RE: Extension of Closing Time

Dear Commissioners:

Per Article 10-0701 of the Fargo City Ordinances, I am writing this letter to request a special permit to extend the closing time of a planned outdoor event on Thursday, August 6, 2009.

An outdoor event is planned for August 6th, in which live entertainment will be provided. We are requesting that the outdoor closing time for this evening be extended to 11:00 p.m.

I have spoken with personnel at the Fargo Police Department, and it is our intention to fully cooperate with the Police Department in the event they find validity in any complaints that might be made regarding our outdoor event.

Please accept this extension request in order that the closing time for the live, outdoor entertainment at Borrowed Bucks Roadhouse be set at 11:00 p.m. on August 6, 2009.

I look forward to hearing from you. If you have any questions or need additional information, please feel free to contact me at (701) 237-5151, extension 11. Thank you for your consideration.

Sincerely,

BFG, INC.



Randy Thorson
PRESIDENT

RT:vlb



PLANNING AND DEVELOPMENT

200 Third Street North
Fargo, North Dakota 58102

Phone: (701) 241-1474

Fax: (701) 241-1526

E-Mail: planning@cityoffargo.com

www.cityoffargo.com

DATE: July 9, 2009
TO: City Commission
FROM: Dan Mahli, Senior Planner, Community Development
RE: Accept Neighborhood Stabilization Program (NSP) grant allocation

A handwritten signature in black ink, enclosed within a hand-drawn oval. The signature appears to be the initials "DM" or similar.

The City of Fargo applied for and was approved to receive \$5.01M in Neighborhood Stabilization Program (NSP) grant funds from the 2008 Housing and Economic Recovery Act. The NSP allocation is being passed through the State of ND Department of Commerce. The funding identified in the City's NSP plan includes targeting the Federal assistance toward the acquisition and redevelopment of foreclosed, vacant and abandoned properties in Fargo. The goal is to help stabilize neighborhoods and preserve Fargo's older, affordable housing stock. The funding must be obligated within 18 months of the grant award and spent within 4 years. If you would like to see a copy of the City's Neighborhood Stabilization Program plan, it is available in the Department of Planning and Community Development.

Recommendation Action

Accept the Neighborhood Stabilization Program allocation to the City of Fargo from the State of ND Department of Commerce to support the redevelopment and rehabilitation of foreclosed, abandoned and vacant property in Fargo.



91

ASSESSMENT DEPARTMENT

June 30, 2009

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements as submitted Steven Stremick. 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 2010, 2011, 2012.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$820 with the City of Fargo's share being \$110.

Sincerely,

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

Ben Hushka
City Assessor

tla

attachment

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

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner STEVEN STREMICK Phone No. 701-491-2583

2. Address of Property 1155 13 AVE S
 City FARGO State ND Zip Code 58103

3. Legal description of the property for which the exemption is being claimed PT OF LTS 1-6, BLK SS, ERSKINES

4. Parcel Number 01-0780-01680-000

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 siding, adding restroom, enclose porch, New wiring & internet cable, New carpet, New sheet rock, painting, Lighting

7. Building Permit No. 71622 & 90809 8. Year built if residential property 1909 New window

9. Date of commencement of making the improvement 11/07

10. Estimated market value of property before improvement \$ 70,400 (2008)

11. Cost of making the improvement (all labor, material and overhead) \$ 40,000

12. Estimated market value of property after improvement \$ 116,000 (2009)

Applicant's Certification and Signature

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

Applicant's Signature [Signature] Date 6/26/09

Assessor's Determination

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

Assessor's Signature [Signature] Date 7/1/09

Action of Governing Body

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

Approval subject to the following conditions: _____

Chairman of Governing Body _____ Date _____



92

ASSESSMENT DEPARTMENT

July 2, 2009

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

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

It is my opinion that the value of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2009, 2010, 2011, 2012, 2013. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$2,050 with the City of Fargo's share being \$270.

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 Gary & Arnie Hauvo Phone No. 701-261-5172

2. Address of Property 808 8th ST. 50.

City Fargo State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed 5 10FT OF 17 & ALL OF 18, 19, 20 & N 15' OF 21

4. Parcel Number 01.2400.01550.000

5. Mailing Address of Property Owner Same as property

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 Addition, Kitchen remodel & upgrade throughout

7. Building Permit No. 82204 8. Year built if residential property 1915

9. Date of commencement of making the improvement 10/23/2008

10. Estimated market value of property before improvement \$ 322,100

11. Cost of making the improvement (all labor, material and overhead) \$ 100,000

12. Estimated market value of property after improvement \$ 434,200

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 Arnie Hauvo Date 7-1-09

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): 5 YEARS

Assessor's Signature Ben Huster Date 7/6/09

Action of Governing Body

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

Approval subject to the following conditions: _____

Chairman of Governing Body _____ Date _____



93

ASSESSMENT DEPARTMENT

July 1, 2009

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements as submitted Neil & Mary Jo Horsager. 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 \$780 with the City of Fargo's share being \$225.

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 NEIL & MARY JO HORSAGER Phone No. 701-361-9610
2. Address of Property 1315 6th ST. S. City FARGO State ND Zip Code 58103-4207
3. Legal description of the property for which the exemption is being claimed LOT 4 BLOCK 2 BENEDICTS
4. Parcel Number 01-0140-00190-000 Residential [X] Commercial [] Central Business District []
5. Mailing Address of Property Owner PO Box 9334 City FARGO State ND Zip Code 58106-9334

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). REPLACE WINDOWS WITH DOUBLE PANE ENERGY EFFICIENT WINDOWS; REPLACE WOOD SIDING WITH PERMANENT SEAMLESS SIDING STEEL
7. Building Permit No. BL 20090125 8. Year Built 1931
9. Date of Commencement of making the improvement 11-1-2008
10. Estimated market value of property before improvement \$ 134,900
11. Cost of making the improvement (all labor, material and overhead) \$ 38,000
12. Estimated market value of property after improvement \$

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 Neil Horsager Date 6-27-09

Assessor's Determination

14. The local assessor finds that the improvements in this application has [X] has not [] met the qualifications for exemption for the following reason(s): 5 YEARS Assessor's Signature Dan Neuhoff Date 7/6/09

Action of Governing Body

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



Change Order

PROJECT: (Name and address) Fargo Public Library Main Library Fargo, North Dakota	CHANGE ORDER NUMBER: M-6	OWNER <input type="checkbox"/>
	DATE: February 23, 2009	ARCHITECT <input type="checkbox"/>
	ARCHITECT'S PROJECT NUMBER: 0505.04	CONTRACTOR <input type="checkbox"/>
TO CONTRACTOR: (Name and address) Robert Gibb & Sons, Inc. 205 40th Street SW Fargo, ND 58102	CONTRACT DATE: July 20, 2007	FIELD <input type="checkbox"/>
	CONTRACT FOR: Mechanical Construction	OTHER <input type="checkbox"/>

The Contract is changed as follows:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

1. Furnish and install sprinklers above ceiling at Rooms 222, 223, 225 and 226.	ADD	\$3,093.00
2. Furnish and install ADA water cooler aprons.	ADD	\$922.00
	TOTAL ADD	\$4,015.00

The original (Contract Sum) ~~XXXXXXXXXXXXXXXXXXXX~~ was \$ 1,468,00.00
The net change by previously authorized Change Orders \$ 14,970.20
The (Contract Sum) ~~XXXXXXXXXXXXXXXXXXXX~~ prior to this Change Order was \$ 1,483,270.20
The (Contract Sum) ~~XXXXXXXXXXXXXXXXXXXX~~ will be (increased) ~~(XXXXXXXXXXXXXXXXXXXX)~~
by this Change Order in the amount of \$ 4,015.00
The new (Contract Sum) ~~(XXXXXXXXXXXXXXXXXXXX)~~ including this Change Order will be \$ 1,487,285.20
The Contract Time will be ~~(XXXXXXXXXXXXXXXXXXXX)~~ (unchanged) by zero (0) days
The date of Substantial Completion as of the date of this Change Order therefore is unchanged

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

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

<u>Meyer, Scherer & Rockcastle</u> ARCHITECT (Firm name) 710 South 2nd Street, 7th Minneapolis, MN 55401 ADDRESS	<u>Robert Gibb & Sons, Inc.</u> CONTRACTOR (Firm name) 205 40th Street SW Fargo, ND 58103 ADDRESS	<u>City of Fargo</u> OWNER (Firm name) 200 North Third Street Fargo, ND 58102 ADDRESS
 BY (Signature)	 BY (Signature)	
<u>Jeffrey K. Mantyck</u> (Typed name)	<u>Scott Frodet</u> (Typed name)	
<u>02MARD09</u> DATE	<u>2/24/09</u> DATE	

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.



OFFICE OF HUMAN RESOURCES

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



To: Board of City Commissioners

From: Jill Minette 
Director of Human Resources

Re: Consent Agenda Item
PEC Recommendation

Date: July 9, 2009

The Position Evaluation Committee recommends the annual salary for the Municipal Court Judge be set at \$75,000 based on a regional market comparison. The judge would be eligible to receive cost-of-living adjustments (COLAs). The PEC also recommends the Full Time Equivalency (FTE) be increased from .55 to .75. The effective date of these changes would be July 1, 2009. (see attached memo)

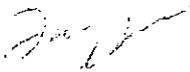
Suggested Motion:

Approve the recommendation of the PEC to include setting the annual salary for the Municipal Court Judge at \$75,000 and increasing the FTE to .75 effective July 1, 2009.



MEMORANDUM

TO: MUNICIPAL JUDGE THOMAS DAVIES

FROM: MAYOR DENNIS WALAKER 

DATE: JUNE 18, 2009

SUBJECT: MUNICIPAL COURT JUDGE COMPENSATION AND FULL TIME EQUIVALENCY (FTE)

You recently inquired about your compensation with the City of Fargo as well as the Full Time Equivalency (FTE) for your elected position as the Municipal Court Judge.

In January 2004, it was established that you would receive 55% of the annual salary of E91, Step 11 based on your Full Time Equivalency of .55. Since that time, you have received annual increases based on the City's pay plan. In January 2009, there was an oversight and your salary was not adjusted to 55% of the E91, Step 11. This will be corrected during the next regular payroll cycle. Your rate of pay will be adjusted from \$65,766.62 to \$74,310.50 and you will receive the pay retroactively to January 1, 2009.

You have indicated that you would like to increase your Full Time Equivalency from .55 to .75. It is my understanding that you believe the case load at municipal court warrants this increase in hours. In conjunction with this request and as a part of this year's annual compensation review, salary information for judges in North Dakota, South Dakota and Minnesota was gathered (see attached).

Based on this market information, I will be forwarding a recommendation to the Position Evaluation Committee that effective July 1, 2009 your annual salary be set at \$75,000 and your Full Time Equivalency (FTE) be set at .75. As the Municipal Court Judge, an elected position, I believe it is appropriate that your salary be determined by market comparison within our region rather than tied to the City of Fargo's pay plan for employees. Accordingly, any future requests for salary adjustments should be presented to the Position Evaluation Committee and ultimately would need to be approved by the City Commission.

Please contact me if you have any questions.

wwdavies

2009 Market Analysis
 Municipal Court Judge
 (Annual salaries as of April 2009)

Municipal Court Judge

Location	2009 Actual Annual Salary	Full / Part Time
City of Fargo	\$65,767	part
City of Grand Forks	\$45,718	part
City of Minot	\$41,273	full
City of Bismarck	\$69,347	part
ND District Judges	\$113,648	full
ND Presiding District Judges	\$116,930	full

effective July 09
effective July 09

South Dakota City of Sioux Falls (magistrate through SD Judicial System)	\$86,562	full
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Minnesota District Court Judge	\$130,000	full
Referees	\$108,160	full

Regional Average
 (excludes COF) \$88,955

Regional Average
 (excludes COF, GF & Minot) \$104,108



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

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

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: RUTH BACHMEIER
DIRECTOR OF PUBLIC HEALTH

DATE: JUNE 30, 2009

RE: CONTRACT AMENDMENT WITH THE NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION
AMENDMENT TO CONTRACT NO. E09-521-1008
PROJECT NO. PHSP 4020909-02-04

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

No budget adjustment is required for this contract.

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

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

RB/la
Enclosure

North Dakota Department of Transportation
AMENDMENT TO CONTRACT NO. E09-521-1008
Project No. PHSP 4020909-02-04

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

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

WHEREAS, both parties agree that the Contractor will assume the Safe Communities outreach program in Traill and Steele Counties beginning July 1, 2009, due to the resignation of the prior coordinator. The activities are agreed upon according to the proposal; and

NOW THEREFORE, the Contractor and NDDOT agree that the Contractor and NDDOT agree that the contract will be increased by \$1,265 to fund the additional counties. The total of the contract is increased to \$69,265.

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

EXECUTED the date last below signed.

WITNESS:

NAME (TYPE OR PRINT)

SIGNATURE

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

WITNESS:

NAME (TYPE OR PRINT)

SIGNATURE

CONTRACTOR:

City of Fargo
Fargo Cass Public Health

COMPANY NAME

Dennis R. Walaker

OFFICER'S NAME (TYPE OR PRINT)

SIGNATURE

Mayor, City of Fargo

TITLE

DATE

NORTH DAKOTA DEPARTMENT
OF TRANSPORTATION

DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

APPROVED as to substance by:

Glenn E. Jackson

DIVISION DIRECTOR (TYPE OR PRINT)

SIGNATURE

6/19/09

DATE

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



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

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

RI

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: RUTH BACHMEIER
DIRECTOR OF PUBLIC HEALTH

DATE: JUNE 30, 2009

RE: NOTICE OF GRANT AWARD FOR STATE AID TO LOCAL PUBLIC
HEALTH UNITS
NORTH DAKOTA DEPARTMENT OF HEALTH
CONTRACT NO. 09-081

The attached Notice of Grant Award with the North Dakota Department of Health is for the State Aid to Local Public Health Units contract to provide Public Health services.

If you have any questions please contact me at 241-1380.

Suggested Motion: Move to approve the State Aid to Local Public Health Units grant award with the North Dakota Department of Health.

RB/LA
Enclosures

Contract No. 09-081 CFDA No. NA
 Page 36

North Dakota Department of Health
 600 East Boulevard Ave-Dept. 301
 Bismarck, ND 58505-0200
Type: NOTICE OF GRANT AWARD (SFN53771)

Contract Period
 From: July 1, 2009 Through: June 30, 2011

This contract is not effective and expenditures related to this contract should not be incurred until all parties have signed this document.

Title of Project/Program: State Aid to Local Public Health Units Health Dept. Grant Code: 1244

Contractor Name and Address:
 Fargo Cass Public Health
 401 3rd Avenue North
 Fargo, ND 58102-4839
 Contact Name: Ruth Bachmeier, Director of Public Health
 Telephone: 701.241.1360

North Dakota Department of Health Program Director:
 Kelly J. Nagel, Local Public Health Liaison
 600 E Boulevard Ave – Dept 301
 Bismarck, ND 58505-0200
 Telephone: 701.252.8130

Financial Information	Dept of Health Cost Share	Contractor Cost Share	Total Project/Program Costs
Amount of Financial Assistance	\$422,873	\$0	\$422,873
Previous Funds Awarded	\$0	\$0	\$0
Total Funds Awarded to Date	\$422,873	\$0	\$422,873

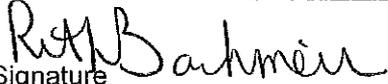
Scope of Service:
 Provide Public Health services in accordance with North Dakota Century Code Chapter 23-35. Funding is also included for an environmental health practitioner to provide general environmental health services to the region including but not limited to environmental inspections of properties, sewer systems, water systems and working with local authorities in the development of needed environmental services.

Reporting Requirements:
 Contractor will provide required quarterly reports within 45 days after the end of each quarter to the Local Public Health Liaison.

Special Conditions:
 State Aid \$372,873
 Environmental Health Services \$ 50,000
 Senate Bill 2004 (2009 Legislature) appropriated funding to the Department to provide state aid to local health units. Quarterly payments will be processed to the Contractor during the budget period. The Contract amount may be increased or decreased by amendment to this Contract dependent upon availability of funds provided to the Department.

This contract is subject to the terms and conditions incorporated either directly or by reference in the following:
 (1) Requirements for Contracts issued by ND Dept. of Health as signed by Contractor for the period July 1, 2009 to June 30, 2011 [Accounting Use Only Requirements Received] (2) applicable Federal and State regulations.

Evidence of Contractor's Acceptance Evidence of Departmental Acceptance

 Signature	6-29-09 Date	 Signature	 Date
---	-----------------	---------------	----------

Typed Name and Title of Authorized Representative Ruth Bachmeier, Director of Public Health Fargo Cass Public Health	Typed Name and Title of Authorized Representative Arvy Smith, Deputy State Health Officer
---	--

 Signature	 Date	 Signature	 Date
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Typed Name and Title of Authorized Representative Dennis R. Walaker Mayor, City of Fargo	Typed Name and Title of Authorized Representative Kelly Nagel, Local Public Health Liaison
---	---

Contractor: Attachments if referenced in the scope of service must be returned with the signed contract. If you did not receive attachments as indicated in the scope of service, please contact the Program Director identified above.



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K 2

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: RUTH BACHMEIER
DIRECTOR OF PUBLIC HEALTH

DATE: JULY 2, 2009

RE: NOTICE OF GRANT AWARD WITH NORTH DAKOTA DEPARTMENT
OF HEALTH
CONTRACT NO. 09-047

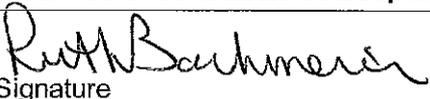
The attached grant agreement with the North Dakota Department of Health for \$3,000 is to support a Balancing Intake and Expenditure (BITE) project for physical activity and nutrition.

No budget adjustment is required.

If you have any questions, please call me at 241-1380.

Suggested Motion: Move to approve the grant agreement with the North Dakota Department of Health to support the Balancing Intake and Expenditure (BITE) project.

RB/LA
Enclosure

Contract No. 09-047		CFDA No. NA		North Dakota Department of Health 600 East Boulevard Ave-Dept. 301 Bismarck, ND 58505-0200	
Contract Period From: 7/1/09		Through: 7/31/10		Type: NOTICE OF GRANT AWARD (SFN53771)	
This contract is not effective and expenditures related to this contract should not be incurred until all parties have signed this document.					
Title of Project/Program: Balancing Intake and Expenditure (BITE) Project Health Dept. Grant Code: HL1230-03					
Contractor Name and Address: Fargo Cass Public Health 401 3 rd Avenue North Fargo, ND 58102-4839 Contact Name: Kim Lipetzky Telephone: 701-241-8195			North Dakota Department of Health Program Director: Deanna Askew Division of Nutrition and Physical Activity 600 E. Boulevard Ave – Dept 301 Bismarck, ND 58505-0200 Telephone: 701.328.4568 Fax: 701.328.1412		
Financial Information	Dept of Health Cost Share	Contractor Cost Share	Total Project/Program Costs		
Amount of Financial Assistance	\$3,000	\$0	\$3,000		
Previous Funds Awarded	\$0	\$0	\$0		
Total Funds Awarded to Date	\$3,000	\$0	\$3,000		
Scope of Service: Contractor agrees to use grant funds solely for costs associated with planning, implementing, and reporting activity on a community-based physical activity and nutrition (PAN) project, as per the attached budget. Contractor agrees to use funds to work with their coalition partners to develop and implement a community-level plan and report on activities that they are implementing to increase opportunities for physical activity and improved nutrition. Activities chosen are expected to be evidenced-based or promising approaches. Contractor agrees to participate in a research project to test the effectiveness of online project management software designed specifically for community PAN programs. If selected to be in the intervention or online software study group, contractor agrees to use project planning and management software developed by Klein Buendel (KB). If selected to be in the comparison group, contractor agrees to use a planning and project management system of their choosing. Contractor agrees to plan, implement and report progress on a PAN project, regardless of which group (intervention or comparison) they are placed. Contractor agrees to assist KB and/or the National Association of Chronic Disease Directors (NACDD) with the collection of qualitative and quantitative data from their community partners the program reporting requirements set by KB and/or NACDD.					
Reporting Requirements: Contractor agrees to submit a written report of completed activities/projects by July 31, 2010. Final expenditure report for the period ending June 30, 2010 must be received by July 15, 2010. Final expenditure report for the period ending July 31, 2010 must be received by August 15, 2010. Reimbursement will be processed after Department approval of expenditure report and activities/projects report.					
Special Conditions: This contract is subject to the terms and conditions incorporated either directly or by reference in the following: (1) Requirements for Contracts issued by ND Dept. of Health as signed by Contractor for the period July 1, 2009 to June 30, 2011 [Accounting Use Only <input type="checkbox"/> Requirements Received] (2) applicable Federal and State regulations.					
Evidence of Contractor's Acceptance			Evidence of Departmental Acceptance		
		July 2, 2009 Date	Signature		Date
Typed Name and Title of Authorized Representative Ruth Bachmeier Director of Public Health – Fargo Cass Public Health			Typed Name and Title of Authorized Representative Arvy Smith, Deputy State Health Officer		
Signature		Date	Signature		Date
Typed Name and Title of Authorized Representative Dennis R. Walaker Mayor, City of Fargo			Typed Name and Title of Authorized Representative Colleen Pearce, Director Division of Nutrition and Physical Activity		

Contractor: Attachments if referenced in the scope of service must be returned with the signed contract. If you did not receive attachments as indicated in the scope of service, please contact the Program Director identified above.



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K 3

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: RUTH BACHMEIER
DIRECTOR OF PUBLIC HEALTH

DATE: JUNE 30, 2009

RE: NOTICE OF GRANT AWARD FROM NORTH DAKOTA
DEPARTMENT OF HEALTH
CONTRACT NO. 08-700B CFDA NO. FP 93.217; STD 93.116

The following Notice of Grant Award Amendment with the North Dakota Department of Health is for the Title X Family Planning program for pharmaceuticals.

Suggested Motion: Move to approve the contract with North Dakota Department of Health for the Title X Family Planning program.

RB/LA
Enclosure

This contract is not effective and expenditures related to this contract should not be incurred until all parties have signed this document.

Title of Project/Program: Title X Family Planning Program **Health Dept. Grant Code:** H011, H034

Contractor Name and Address: Fargo Cass Public Health 401 Third Avenue North Fargo, North Dakota 58102-4811 Contact Name: Ruth Bachmeier Telephone: 701.241.1360	North Dakota Department of Health Program Director: Charlene Rohrich-Reiswig, RN North Dakota Family Planning Program North Dakota Department of Health 600 East Boulevard Ave., Dept 301 Bismarck, North Dakota 58505-0200 Telephone: 701.328.4535
--	--

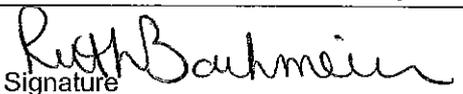
Financial Information	Dept of Health Cost Share	Contractor Cost Share	Total Project/Program Costs
Amount of Financial Assistance	\$9,251	\$0	\$9,251
Previous Funds Awarded	\$139,754	\$0	\$139,754
Total Funds Awarded to Date	\$149,005	\$0	\$149,005

Scope of Service:
This amendment is providing additional funding of \$9,251 for contraceptives.

Reporting Requirements:
All other terms and conditions of original contract remain the same. Submit a list of pharmaceuticals purchased to the state office; the list to state method name, amount purchased, and purchase price. The final expenditure report for the period ending June 30, 2009 must be received by July 15, 2009.

Special Conditions:
All other terms and conditions of original contract remain the same. Program to follow the North Dakota Family Planning Program's Policy and Procedures manual and Protocols as provided.

This contract is subject to the terms and conditions incorporated either directly or by reference in the following:
 (1) Requirements for Contracts issued by ND Dept. of Health as signed by Contractor for the period July 1, 2008 to June 30, 2009 [Accounting Use Only Requirements Received] (2) applicable Federal and State regulations.

Evidence of Contractor's Acceptance		Evidence of Departmental Acceptance	
 Signature	June 30, 2009 Date	 Signature	 Date
Typed Name and Title of Authorized Representative Ruth Bachmeier Director of Public Health		Typed Name and Title of Authorized Representative Arvy Smith, Deputy State Health Officer	
 Signature	 Date	 Signature	 Date
Typed Name and Title of Authorized Representative Dennis R. Walaker Mayor, City of Fargo		Typed Name and Title of Authorized Representative Kim Senn Director, Division of Family Health	

Contractor: All attachments if referenced in the scope of service must be returned with the signed contract. If you did not receive attachments as indicated in the scope of service, please contact the Program Director identified above.



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KP

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: RUTH BACHMEIER
DIRECTOR OF PUBLIC HEALTH

DATE: JUNE 30, 2009

RE: NOTICE OF GRANT AWARD FROM NORTH DAKOTA
DEPARTMENT OF HEALTH
CONTRACT NO. 09-054 CFDA NO. FP 93.217; STD 93.116

The following Notice of Grant Award Amendment with the North Dakota Department of Health is for the Title X Family Planning program.

Suggested Motion: Move to approve the contract with North Dakota Department of Health for the Title X Family Planning program.

RB/LA
Enclosure

Contract No. 09-054 CFDA No. FP 93.217; STD 93.116

North Dakota Department of Health
600 East Boulevard Ave-Dept. 301
Bismarck, ND 58505-0200

Contract Period
From: July 1, 2009

Through: June 30, 2010

Type: Notice of Grant Award (SFN53771)
RESTRICTED FUNDING (See special conditions)

This contract is not effective and expenditures related to this contract should not be incurred until all parties have signed this document.

Title of Project/Program: Title X Family Planning Program Health Dept. Grant Code: H011, H034

Contractor Name and Address:

Fargo Cass Public Health
401 Third Avenue North
Fargo, North Dakota 58102-4811

Contact Name: Ruth Bachmeier
Telephone: 701.241.1360

North Dakota Department of Health Program Director:

Charlene Rohrich-Reiswig, RN
North Dakota Family Planning Program
North Dakota Department of Health
600 East Boulevard Ave., Dept 301
Bismarck, North Dakota 58505-0200

Telephone: 701.328.4535

Financial Information	Dept of Health Cost Share	Contractor Cost Share	Total Project/Program Costs
Amount of Financial Assistance	\$142,762	\$0	\$142,762
Previous Funds Awarded	\$0	\$0	\$0
Total Funds Awarded to Date	\$142,762	\$0	\$142,762

Scope of Service:

To provide Title X Family Planning voluntary comprehensive education, medical and counseling services to enable low-income individuals to freely determine the number and spacing of their children. \$3,513 is for the purchase of condoms and medications for the treatment of Chlamydia. Project to follow the North Dakota Family Planning Program's Policy and Procedures manual and Protocols as provided.

Reporting Requirements:

A revised FY'09 budget must be submitted to the State office of Family Planning by 08/15/09. Agency is required to function within approved FY'09 budget. Monthly, quarterly, semi-annual and annual reports are to be submitted to the state office as outlined by the North Dakota Family Planning Program Policies and Procedures. Reimbursement will be processed upon Department approval of progress reports and expenditure reports. The final expenditure report for the period ending June 30, 2010 must be received by July 15, 2010. Submit the agency's current Superbill and formulary.

Special Conditions:

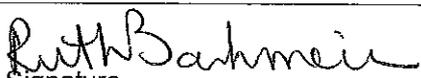
Funding for this contract is restricted to \$35,691 until such time as the Federal Award is received and processed by the Health Department. During this restriction, contractor expenditures will be limited to salaries and fringe, routine in-state travel, standard utilities and rent. The Health Department will send notice to the contractor when the restriction has been lifted.

This contract is subject to the terms and conditions incorporated either directly or by reference in the following:

(1) Requirements for Contracts issued by ND Dept. of Health as signed by Contractor for the period July 1, 2009 to June 30, 2010 [Accounting Use Only Requirements Received] (2) applicable Federal and State regulations.

Evidence of Contractor's Acceptance

Evidence of Departmental Acceptance


Signature June 30, 2009
Date

Signature Date

Typed Name and Title of Authorized Representative
Ruth Bachmeier
Director of Public Health

Typed Name and Title of Authorized Representative
Arvy Smith,
Deputy State Health Officer

Signature Date

Signature Date

Typed Name and Title of Authorized Representative
Dennis R. Walaker
Mayor, City of Fargo

Typed Name and Title of Authorized Representative
Kim Senn
Director, Division of Family Health

Health Department Use Only: Restriction Lifted: Date Initials

Contractor: All attachments if referenced in the scope of service must be returned with the signed contract. If you did not receive attachments as indicated in the scope of service, please contact the Program Director identified above.



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K5

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: RUTH BACHMEIER
DIRECTOR OF PUBLIC HEALTH

DATE: JUNE 18, 2009

RE: CONTRACT WITH NORTH DAKOTA DEPARTMENT OF
HEALTH FOR TITLE V MATERNAL AND CHILD HEALTH
BLOCK GRANT
CONTRACT NO. 09-008 CFDA NO. 93.994

The attached contract with the North Dakota Department of Health is for Title V Maternal and Child Health Block Grant activities. There is no budget adjustment for this grant award.

Suggested Motion: Move to approve the North Dakota Department of Health contract for the Title V Maternal and Child Health Block Grant program.

RB/la
Enclosure

Budget Period
 Page 44
 From: July 1, 2009 Through: June 30, 2010

This contract is not effective and expenditures related to this contract should not be incurred until all parties have signed this document.

Title of Project/Program: Title V Maternal and Child Health Block Grant Health Dept. Grant Code: H013

Contractor Name and Address: Fargo Cass Public Health
 401 - 3rd Avenue North
 Fargo, ND 58102-4839
 Vendor No.: 780-1099
 Contact Name: Ruth Bachmeier, Director
 Telephone: 701.241.1360

North Dakota Department of Health Program Director:
 Kim Senn, R.N., B.N.Sc.
 Director, Division of Family Health
 Telephone: 701.328.2493

Financial Information	Dept of Health Cost Share	Contractor Cost Share	Total Project/Program Costs
Amount of Financial Assistance	\$104,601	\$98,154	\$202,755
Previous Funds Awarded	\$0	\$0	\$0
Total Funds Awarded to Date	\$104,601	\$98,154	\$202,755

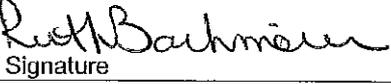
Scope of Service:
 The Contractor agrees to carry out a Maternal and Child Health Program during the period July 1, 2009 through June 30, 2010. Such a program shall be in accordance with the goals and objectives stated in the grant applications submitted by the Contractor and dated 5/2009.

Reporting Requirements:
 The final expenditure report for the period ending June 30, 2010 must be received by July 15, 2010. Reimbursement will be processed upon Department approval of progress reports and expenditure reports. Contractor will submit written semi-annual progress and data reports on forms provided by the Department. The initial reports covering the period July 1, 2009 through December 31, 2009 will be due February 1, 2010. The final reports for the period January 1, 2010 through June 30, 2010 will be due July 15, 2010.

Special Conditions:
 Maternal and Child Health funds will be used only for the purpose of assuring that mothers and children (and in particular those with low income or with limited availability of health services) within the service area have appropriate access to quality maternal and child health services and specifically to help reduce infant mortality and the incidence of preventable diseases and handicapping conditions among children. The Maternal and Child Health funds will be used primarily for preventive services such as those related to the identified state priorities.
 Any charges imposed upon individuals receiving services through projects funded by Maternal and Child Health funds will be made on the basis of a sliding fee scale reflecting family size, income, and resources of the family to whom the services are being provided; will be made pursuant to a public schedule of charge; and, will not be imposed upon low-income mothers or children.

Remarks:
 NDDoH Share: MCH A \$60,141 MCH B \$44,460
 Local Match: MCH A \$46,332 MCH B \$51,822

This contract is subject to the terms and conditions incorporated either directly or by reference in the following:
 (1) Requirements for Contracts issued by ND Dept. of Health as signed by Contractor for the period July 1, 2009 to June 30, 2011 [Accounting Use Only Requirements Received]; (2) applicable Federal and State regulations.

Evidence of Contractor's Acceptance		Evidence of Departmental Acceptance	
	June 18, 2009 Date		
Typed Name and Title of Authorized Representative Ruth Bachmeier Director of Public Health		Typed Name and Title of Authorized Representative Arvy Smith Deputy State Health Officer	
Signature	Date	Signature	Date
Typed Name and Title of Authorized Representative Dennis R. Walaker Mayor, City of Fargo		Typed Name and Title of Authorized Representative Kim Senn, R.N., B.N.Sc. Director, Division of Family Health	

Contractor: Attachments if referenced in the scope of service must be returned with the signed contract. If you did not receive attachments as indicated in the scope of service, please contact the Program Director identified above.



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: PLANNING DIRECTOR JIM GILMOUR 

DATE: JULY 9, 2009

SUBJECT: SENIOR COMMISSION MINI-VAN AGREEMENT

The City of Fargo has acquired two mini-van vehicles for the Metro Senior Ride Service program. The Federal Transit Administration has provided 80% of the funding, and Fargo Parks/Senior Ride Program will provide the remaining 20%.

This agreement provides that Fargo Parks/Senior Ride Program will provide 20% of the purchase price and that when the vans are no longer used for this program the City of Fargo will consider the contribution from the Fargo Park District when determining the financing of the replacement vans, and the next use of these vehicles.

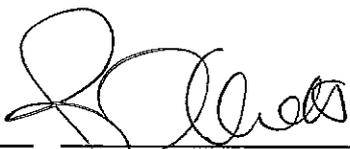
A copy of the agreement is attached for your consideration.

RECOMMENDED MOTION: Approve an Agreement between the City of Fargo and the Fargo Park District/Fargo Senior Services for the purchase of new vans for the Metro Senior Ride Service.

Agreement between the City of Fargo and Fargo Park District/Fargo Senior Services for purchase of new vans for Metro Senior Ride Service

Both parties in this agreement, the City of Fargo and Fargo Park District/Fargo Senior Services, agree to the following provisions:

- This agreement is applicable only to the 2009 current purchase of two mini vans for the Senior Ride Program. The vehicles are both 2009 Dodge Grand Caravans. Vehicle ID numbers are 2D8HN44E89R649342 and 2D8HN44E8XR649343.
- Fargo Park District/Fargo Senior Services will be responsible to provide to the City of Fargo the 20% local share of the purchase price of the two mini vans.
- The City of Fargo will lease the vans at no cost to Fargo Park District/Fargo Senior Services for the Senior Ride Program.
- When the vans are not longer used for the Senior Ride program, the City of Fargo will consider the contribution of the Fargo Park District/Fargo Senior Services when determining the financing of the replacement vans, and the next use of the vehicles.

<hr/>	<hr/>	 <hr/>	<hr/>
City of Fargo	Date	Fargo Park District/ Fargo Senior Services	6-30-09 Date



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: PLANNING DIRECTOR JIM GILMOUR 

DATE: JULY 9, 2009

SUBJECT: GTC DECK REPAIR

The City received one bid on a project to repair the deck at the Ground Transportation Center. The project is to repair a metal exhaust grate and make pavement repairs to the area over the underground parking.

The Architect's recommendation to award the contract to Industrial Builders, Inc. is attached.

RECOMMENDED MOTION: Award a \$365,890 contract to Industrial Builders, Inc. for the deck repair work at the Ground Transportation Center.



July 8, 2009

City of Fargo
200 Third Street North
Fargo, ND 58102

SUBJ: Recommendation of Contract Award

RE--: GTC Ground Transportation Center
Exhaust Grating & Pavement Repairs

ATTN: Jim Gilmour

EAPC Project: 20056430

Dear Jim:

Wednesday, July 1, 2009, a bid proposal from one general contractor was opened and publicly read aloud at City Hall. No other bids were submitted.

We recommend the Board of Commissioners award a general contract of \$365,890.00 to Industrial Builders, Inc., Fargo, ND. They offered the only proposal, and were just over the base bid estimate compiled by EAPC. Please include this recommendation on the agenda of the Board of Commissioner's next regular meeting.

If you have any questions or need additional information, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicholas A. Naujokas'.

Nicholas A. Naujokas
EAPC Architects Engineers

BID TABULATION FORM

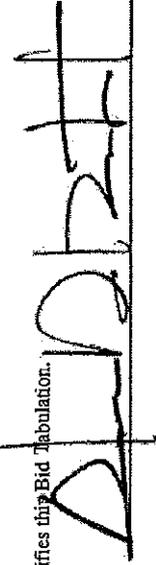
EAPC ARCHITECTS ENGINEERS
 112 North Roberts Street, Suite 300
 Fargo, North Dakota 58102

PROJECT NAME: GTC Exhaust Grating & Pavement Repairs
LOCATION: Fargo, ND
BID DATE: July 01, 2009 @ 11:30 a.m.

GENERAL WORK	Bid Security Envelope			Certification Regarding:		Base Bid	ADD Alt. No 1 Slab sealing product substitute	ADD Alt. No. 1A Column/bollard covered base	Unit Cost A: Removal & replacement of sealants @ routed deck joints	Unit Cost B: Removal & replacement of slab- on-grade	Comments
	License Renewal	Add #1	Add #2	Add #3	"Buy American"						
Industrial Builders, Inc.	5%	214 A	X	X	X	\$ 289,690.00	\$ 68,000.00	\$ 8,200.00	\$ 5.00	\$ 25.00	90 Calendar Days
Key Contracting, Inc.	NO BID										
SPS Infrastructure, Inc.	NO BID										

The undersigned certifies this Bid Tabulation.

Signed:



N

July 8, 2009

Board of City Commissioners
City Hall - 200 N 3rd Street
Fargo, ND 58102

Dear Commissioners:

The Transit Department is requesting proposals for procurement of management, driver and fixed route dispatch services. Services will be for the period of January 1, 2010 through December 31, 2011, with an option to renew for two additional one-year periods at a rate not to exceed the Consumer Price Index. A full copy of the RFP is available in the City Commission Office for review.

At the June 19, 2009 meeting, the MAT Coordinating Board recommended issuing an RFP for management, driver, and fixed route dispatch services that included changes in training, safety, and insurance. RFP's were reviewed July 7, 2009 by the RFP Evaluation Committee – this Committee will receive, review, and rank proposals. The Committee members include Fargo City Commissioner Mike Williams, Fargo City Commissioner Dave Piepkorn, Moorhead City Councilman John Rowell, MAT Coordinating Board Chairman Kevin Hanson, MAT Coordinating Board Member Paul Wraalstad, Harold Pedersen, Jim Gilmour, Julie Bommelman, and Lori Van Beek.

The City's existing contract with First Transit, Inc. for transit management, drivers, and dispatch of the transit system expires December 31, 2009. There are two one-year extension options available on the existing contract, however, there was a decision by the MAT Coordinating Board to explore alternatives at this time while leaving the extension options open.

In 2004, the Cities of Moorhead and Fargo entered into a joint powers agreement for the purpose of coordinating all aspects of transit services of the two cities and future joint transit system operations and administration.

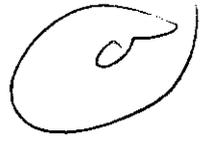
This procurement will result in two separate contracts, one between the contractor and Fargo and one between the contractor and Moorhead. Any contract resulting from this procurement will be brought forward to the Fargo City Commission for consideration at a future meeting.

The requested motion is to authorize the Request for Proposal to obtain management, driver, and fixed route dispatch services for the specified period contingent upon the Moorhead City Council's approval.

Sincerely,


Julie Bommelman
Transit Administrator
City of Fargo

For Schedule Information: 701-232-7500



REPORT OF ACTION
UTILITY COMMITTEE

Project No. NA Type: Grand forks Request for Short-Term Temporary Landfill Agreement

Location: Fargo Landfill

Date of Hearing: 5/06/09

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/13/09</u>
Project File	_____

Bruce Grubb, Enterprise Director, presented the attached memorandum related to a request from the City of Grand Forks for a short-term temporary landfill agreement. Grand Forks recently received approval from the State Health Department to site a new city landfill. The new landfill is expected to be ready to accept garbage on October 1, 2009. However, the current Grand Forks landfill must cease accepting garbage upon completion of a new runway at the Grand Forks airport. The new runway is expected to be complete on July 1, 2009.

Thus, a request for a short-term, temporary landfill agreement was made by Todd Feland, Grand Forks Public Works Director. The request was for the period of July 1, 2009 through October 1, 2009 to accept baled MSW (200 tons per day) from the Grand Forks landfill at a disposal fee of \$27 per ton.

Solid waste staff have reviewed the request and determined that a 3-month landfill agreement to accept pre-baled MSW from Grand Forks would present no operational difficulties. At this time, the projected life expectancy of the Fargo Landfill is 14 years. The agreement would represent about 78 days of operation or 15,600 tons of MSW which translates to approximately 2 1/2 weeks of landfill life expectancy. Economically, the agreement represents approximately \$425,000 in new revenue.

It was noted that the City of Grand Forks donated the use of its "spider" sandbagging machine and operating staff to the City of Fargo during the recent 2009 flood fight. Therefore, it was recommended that Solid Waste staff be authorized to work with the City Attorney and Grand Forks officials to draft a short-term, temporary landfill agreement.

On a motion by Pat Zavoral, seconded by Al Weigel, the Utility Committee voted to authorize Solid Waste staff and the City Attorney to work with Grand Forks officials to draft a short-term, temporary landfill agreement.

<u>COMMITTEE:</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
				<u>X</u>
				<u>Proxy</u>
Dennis Walaker, Mayor				
Mike Williams, City Commissioner	X			
Pat Zavoral, City Administrator	X			
Mark Bittner, City Engineer	X			
Kent Costin, Director of Finance	X			
Ron Hendricksen, Water Plant Supt.	X			
Peter Bilstad, Wastewater Plant Supt.	X			
Bruce Grubb, Enterprise Director	X			
Scott Liudahl, City Forester				
Terry Ludlum, Solid Waste Utility Manager	X			
James Hausauer, Wastewater Util. Manager	X			
Al Weigel, Public Works Operations Manger	X			

ATTEST:

Bruce P. Grubb

Bruce P. Grubb
Enterprise Director

C: Commissioner Mahoney
Commissioner Wimmer
Commissioner Piepkorn



Item 9

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

May 4, 2009

MEMORANDUM

To: Utility Committee
From: Bruce P. Grubb, Enterprise Director *BPG*
Re: Grand Forks Request for Temporary Landfill Agreement

Attached, please find a copy of the August 13, 2007, City Commission minutes related to a request from the City of Grand Forks for a landfill agreement. Based on a staff evaluation of the request, the Commission voted to approve negotiating a three-year landfilling agreement (with two one-year extension options) to accept baled MSW from the City of Grand Forks only, with the terms to include a \$27 per ton disposal fee, with an escalator provision for the optional one-year extensions. Subsequent to the Commission action, the City of Grand Forks received a landfill operating extension to allow them to operate until completion of a new runway at the Grand Forks International Airport.

Recently, the City of Grand Forks received State Health Department approval to site a new MSW landfill in Turtle River Township. The City anticipates that the new landfill will be ready to accept MSW by October 1, 2009. However, the new runway is expected to be complete and operational by July 1, 2009. Thus, I received a phone call from Todd Feland, Grand Forks Public Works Director, inquiring about the possibility of a short-term, temporary landfill agreement with the City of Fargo. The anticipated time frame would be July 1 – October 1, 2009, and would include only baled MSW from the Grand Forks landfill at a rate of approximately 200 tons per day and a tipping fee of \$27 per ton.

Operationally, it is the opinion of Solid Waste staff that a short-term landfill agreement would be manageable at the Fargo landfill. From an economic perspective, the short-term agreement would represent 78 days of operation and generate approximately \$425,000.

Please note that the City of Grand Forks donated it's "spider" sandbagging machine and several staff to the City of Fargo during the recent 2009 flood fight. Therefore, it is the recommendation of this office that Solid Waste staff be authorized to work with the City Attorney and Grand Forks officials to draft a short-term, temporary landfill agreement.

SUGGESTED MOTION:

Authorize Solid Waste staff and the City Attorney to work with Grand Forks officials to draft a short-term, temporary landfill agreement.

Your consideration in this matter is greatly appreciated.

TEMPORARY AGREEMENT
(Use of Fargo Landfill)

THIS AGREEMENT, made and entered into this ____ day of _____, 2009, between the **CITY OF FARGO, NORTH DAKOTA**, a municipal corporation (hereinafter "Fargo"); and **THE CITY OF GRAND FORKS, NORTH DAKOTA**, a municipal corporation, (hereinafter "Grand Forks");

WHEREAS, Fargo owns and operates a sanitary landfill located on the west side of the corporate limits of the City of Fargo; and,

WHEREAS, Grand Forks desires a temporary, interim disposal facility for disposition of solid waste until the new City of Grand Forks landfill is constructed and ready for disposition of solid waste;

WHEREAS, Fargo has a substantial investment in said sanitary landfill and related equipment; and,

WHEREAS, the parties have mutually agreed upon terms and conditions for the temporary use of the Fargo Landfill by Grand Forks for the purposes and other terms hereinafter set state.

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

1. Grand Forks is hereby authorized to utilize the Fargo Landfill for disposal of certain municipal solid wastes which are produced by the Grand Forks landfill baling facility; provided that such municipal solid wastes shall not include yard waste (grass, leaves, and similar vegetative material). Said material shall further be limited to baled solid waste material as will be acceptable to the North Dakota Department of Health or other relevant governmental agencies. Said disposal shall be under the terms and conditions hereinafter stated.
2. Grand Forks agrees to pay to Fargo the sum of \$27 per ton for the aforementioned material which is deposited in the Fargo Landfill.
3. Disposition of aforementioned material in the Fargo Landfill by Grand Forks shall be in accordance with all of the ordinances of the City of Fargo relating to types of waste and method of disposition.
4. In the event that toxic or hazardous wastes are deposited in the Fargo Landfill by Grand Forks (whether by negligence, inadvertence or whatever), Grand Forks hereby agrees to pay all costs of removal of the said materials and further agrees to indemnify and hold Fargo harmless from any and all costs, including legal

expenses, for such removal, clean-up and penalties which may be assessed as a result of such toxic or hazardous wastes.

5. In the event that toxic or hazardous wastes are deposited in the Fargo Landfill and the source of the hazardous or toxic waste is unknown, it is agreed by and between the parties hereto that Fargo and Grand Forks shall share in the cost of clean-up and removal on a prorated basis. The percentage to be paid by Grand Forks shall be the percentage equal to the tonnage placed in the landfill annually by Grand Forks divided by the combined tonnage deposited in the landfill annually. Grand Forks agrees to indemnify and hold Fargo harmless from any and all costs, including legal expenses of removal, clean-up and any penalties which may be assessed, up to a maximum of its prorated share as hereinabove provided.

6. Grand Forks agrees to haul the aforementioned material referred to in section 1, to the Fargo landfill for the term of this agreement which shall be effective for a period of three (3) months from the date of July 1, 2009, through October 1, 2009, with monthly renewals thereafter to be by mutual agreement.

7. In addition to the provisions of paragraph (6) hereof, this agreement may be terminated by either party by the giving of thirty (30) days' written notice thereof (or the balance of time remaining on the term if such balance is less than one month), said written notice to be delivered to City Hall in Fargo or City Hall in Grand Forks, as the case may be.

Dated the day and year first above written.

THE CITY OF FARGO, NORTH DAKOTA
a municipal corporation

By _____
Dennis R. Walaker, Mayor

ATTEST:

By _____
Steven Sprague, City Auditor

CITY OF GRAND FORKS, NORTH DAKOTA
a municipal corporation

By _____
Michael R. Brown, Mayor

ATTEST:

By _____
City Auditor

Q

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
2 LYING IN THE NORTH HALF OF SECTION 1,
3 TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
5 City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of
6 certain parcels of land lying in the North Half of Section 1, Township 139 North, Range 49 West of
7 the Fifth Principal Meridian, Cass County, North Dakota; and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
9 request on May 13, 2009; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on June 1, 2009,

11 NOW, THEREFORE,

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

13 Section 1. The following described property:

14 Lots Six (6) through Fourteen (14), Block Two (2); Lots Five (5) through Nine
15 (9), Ten (10) and Eleven (11), except the west 60 feet of Lots Ten (10) and Eleven
16 (11), Twelve (12) through Sixteen (16) and Lots Eighteen (18) through Twenty-
17 one (21), Block Three (3); Lots Two (2) through Nine (9) and Eleven (11), Block
18 Four (4); Lots One (1) through Four (4), Six (6), Seven (7), the East Half of Lots
19 Twenty-three (23) and Twenty-four (24), and the East 70 feet of the North 25 feet
20 of Lot Twenty-two (22), Block Eighteen (18); Lots One (1) through Nine (9),
21 Block Nineteen (19); and Lots Six (6) through Eight (8), Ten (10) and Eleven
22 (11), Block Twenty (20), all in Beardsleys Addition to the City of Fargo, Cass
23 County, North Dakota,

is hereby rezoned from "SR-3", Single-Dwelling, District to "UMU", University Mixed Use,
District;

and,

Lots One (1) through Eight (8), Ten (10) and Eleven (11), Block Four (4); and
Lots Seven (7) through Sixteen (16), Block Six (6), all in the Wm. G. Johnson
Addition to the City of Fargo, Cass County North Dakota,

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 is hereby rezoned from "MR-2", Multi-Dwelling, District to "UMU", University Mixed Use,
District;

2 and,

3 Lots Seven (7) through Eighteen (18) and Lots Thirty-five (35) through Fifty-six
4 (56), Great Northern 2nd Addition to the City of Fargo, Cass County, North
5 Dakota,

6 and

7 Lots Three (3), Four (4), Five (5), Fifteen (15) and Sixteen (16), Block Two (2);
8 Lots Twelve (12), Thirteen (13) and Fifteen (15) through Twenty-two (22), Block
9 Four (4); Lots Two (2) through Eleven (11), Block Five (5); Lots One (1) through
10 Seven (7) and Lots Twenty-one (21) through Twenty-four (24), Block Seventeen
11 (17); Lots Eight (8) through Twelve (12), Fourteen (14) through Twenty-one (21)
12 and the South 25 feet of Lot Twenty-two (22), Block Eighteen (18); Lots Ten (10)
13 through Twelve (12), and the North Half of vacated Tenth Avenue, Lots Thirteen
14 (13), Fifteen (15) through Twenty-four (24), Block Nineteen (19); Lots One (1)
through Five (5), Block Twenty (20); Lots One (1) through Seven (7), Block
Twenty-one (21); and Lots One (1) through Four (4) and the abutting South Half
of vacated Tenth Avenue North, and Lots Twenty-seven (27) and Twenty-eight
(28) and all vacated avenue, Block Twenty-two (22), all in Beardsleys Addition to
the City of Fargo, Cass County, North Dakota,

15 and

16 Lots Three (3) through Five (5), Block One (1), Kaupans Addition to the City of
17 Fargo, Cass County, North Dakota,

18 and

19 Lots One (1) through Seven (7), Block Three (3); Lots One (1) through Six (6),
20 Block Six (6); and Lots Three (3) through Five (5), Block Seven (7), all in the
21 Wm. G. Johnson Addition to the City of Fargo, Cass County, North Dakota,

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

is hereby rezoned from "MR-3", Multi-Dwelling, District to "UMU", University Mixed Use, District;

and,

Lots Two (2) through Four (4), Block Three (3), Beardsleys Addition to the City of Fargo, Cass County, North Dakota,

and

Unplatted portions of the Northeast Quarter (NE1/4) of Section One (1), Township One Hundred Thirty-nine (139) North, Range Forty-nine (49) West, beginning at the Northeast corner of Lot Fifty-six (56), Great Northern 2nd Addition, then Southwest along the East line of said Lot Fifty-six (56), 200 feet to the Southeast corner of said Lot Fifty-six (56), then Southeasterly along the North line of Burlington Northern Railroad right-of-way 316 feet, then Northeast 200 feet along the South line of Dakota Drive, then Northwesterly along said right-of-way,

and

Unplatted portions of the Northeast Quarter (NE1/4) of Section One (1), Township One Hundred Thirty-nine (139) North, Range Forty-nine (49) West, beginning at a point 316 feet East of the Northeast corner of Lot Fifty-six (56), Great Northern 2nd Addition, then Southwest parallel to the East line of said Lot Fifty-six (56) for 200 feet to the North line of the Burlington Northern Railroad right-of-way, then Southeasterly along said right-of-way to a point 24.27 feet Northwest of the East line of the Southwest Quarter (SW1/4) of said Northeast Quarter (NE1/4),

is hereby rezoned from "LC", Limited Commercial, District to "UMU", University Mixed Use, District;

and,

Lots Nineteen (19) through Twenty-four (24), Great Northern 2nd Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "LI", Limited Industrial, District to "UMU", University Mixed Use, District.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

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

5 _____
6 Dennis R. Walaker, Mayor

7 (SEAL)
8 Attest:

9 _____
10 Steven Sprague, City Auditor

11 First Reading:
12 Second Reading:
13 Final Passage:

July 9, 2009



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

**Re: Long Field Woods SPE LLC
Purchase Agreement – Permanent Sanitary Sewer Easement &
Temporary Construction Easement
Improvement District #5729**

Dear Commissioners:

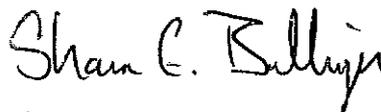
Enclosed and delivered to the Commission office are three original Purchase Agreement documents for the acquisition of a permanent sanitary sewer easement and a temporary construction easement from Long Field Woods SPE LLC in association with Improvement District #5729. Final purchase prices for the aforesaid easements have been reached and at this time we are requesting authorization from the Commission to proceed with the purchase. All land acquisition procedures have been followed and the City Engineer's office recommends purchase.

RECOMMENDED MOTION

I/we hereby move to approve and authorize purchase of a permanent sanitary sewer easement and a temporary construction easement from Long Field Woods SPE LLC in association with Improvement District #5729 and to execute a Purchase Agreement relating to the same and that the Mayor and City Auditor be instructed to execute the same on behalf of the City of Fargo.

Please return the signed originals.

Respectfully submitted,



Shawn G. Bullinger
Engineering Specialist

Enclosures

C: Gary Stewart
Mark Bittner

PURCHASE AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2009, by and between, **LONG FIELD WOODS SPE LLC**, a Delaware Limited Liability Company, hereinafter "Seller" and **THE CITY OF FARGO, NORTH DAKOTA**, a municipal corporation, hereinafter "City".

WITNESSETH:

WHEREAS, Seller is the owner of real estate situated in the County of Cass and State of North Dakota, hereinafter "Property," described as indicated on the attached Exhibit "A"; and

WHEREAS, City desires to acquire a permanent sanitary sewer easement and temporary construction easement on 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 Property hereinbefore described, the same being undeveloped bare land.
2. Purchase Price. The purchase price for the easements will be Seven Thousand Seven Hundred Seventy-four and no/100 Dollars (\$7,774.00).
3. Payment and Purchase Price. The entire purchase price shall be payable in cash at closing.
4. Abstract and Title Assurance. City shall assure itself as to title and Seller need not provide an abstract of title.
5. 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.
6. Liens and Encumbrances. The easement on the Property shall be conveyed to City free and clear of all liens and encumbrances except special assessments, and subject, however, to all other easements or covenants of record, if any.

7. Title. City wishes to take title as follows:

The City of Fargo, North Dakota
a municipal corporation

The City shall prepare the necessary permanent sanitary sewer easement and temporary construction easement to transfer said property interests to the City of Fargo, North Dakota, a municipal corporation. Conveyance of the subject property shall be by said easement(s) in the usual form used in North Dakota. The City will arrange preparation of said easement(s), and pay the cost of recording the same.

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

9. Property Purchased "AS IS". The City represents to Seller that the Property has been inspected by City and that City has been assured by means independent of Seller or any agent of the Seller 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 City as a result of such inspection or investigation and not by or through any representations made by Seller or by an agent of Seller. The City hereby expressly waives any and all claims for damages or for rescission or cancellation of this contract because of any representations by Seller or any agent of Seller other than such representation as may be contained in this contract. The City further agrees that Seller and any and all agents of Seller 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 Seller is or has been authorized by Seller 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 Seller.

DATED the day and year as set forth above.

SELLER:

CITY:

LONG FIELD WOODS SPE LLC, a Delaware
Limited Liability Company

THE CITY OF FARGO, NORTH DAKOTA,
a municipal corporation

By: _____
Gregory O'Berry, President

By: _____
Dennis R. Walaker, Mayor

ATTEST:

Steven Sprague, City Auditor

EXHIBIT "A"
LEGAL DESCRIPTIONS

5729-04-Temp

That part of Lot One (1), Block One (1), Buena Vista Courts Addition to the City of Fargo, Cass County, North Dakota, being a strip of land Seventy Feet (70.00') wide lying Thirty-five Feet (35.00') on each side of the following described line:

Commencing at the Southwest corner of Lot Three (3), Block One (1), Demaio Addition to the City of Fargo; thence N 88°07'39" E (assumed bearing) along the South line of said Lot Three (3) for a distance of Three Hundred Seventy-two and Fifty-seven Hundredths Feet (372.57'); thence N 47°17'14" E a distance of Twelve and Sixty-nine Hundredths Feet (12.69') to a point on the East line of said Lot Three (3) (said point lying on the West line of Lot One (1), Block One (1), of said Buena Vista Courts Addition), the point of beginning; thence continue N 47°17'14" E for a distance of Forty-eight and Three Hundredths Feet (48.03'); thence N 01°54'22" W for a distance of Six Hundred Sixty-five and Thirty-four Hundredths Feet (665.34') to a point on the North line of said Lot One (1), there terminating. Less permanent forecmain easement of record. Said tract contains 27,785 square feet (0.64 acres) more or less.

5729-04-Sanitary Sewer

That part of Lot One (1), Block One (1), Buena Vista Courts Addition to the City of Fargo, Cass County, North Dakota being a strip of land Thirty Feet (30.00') wide lying Fifteen Feet (15.00') on each side of the following described line:

Commencing at the Southwest corner of Lot Three (3), Block One (1), Demaio Addition to the City of Fargo; thence N 88°07'39" E (assumed bearing) along the South line of said Lot Three (3) for a distance of Three Hundred Seventy-two and Fifty-seven Hundredths Feet (372.57'); thence N 47°17'14" E for a distance of Twelve and Sixty-nine Hundredths Feet (12.69') to a point on the East line of said Lot Three (3) (said point lying on the West line of Lot One (1), Block One (1), of said Buena Vista Courts Addition), the point of beginning; thence continue N 47°17'14" E for a distance of Forty-eight and Three Hundredths Feet (48.03'); thence N 01°54'22" W for a distance of Six Hundred Sixty-five and Thirty-four Hundredths Feet (665.34') to a point on the North line of said Lot One (1), there terminating. Said tract contains 21,326 square feet (0.49 acres), more or less.

June 29, 2009

5

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

**Re: Jon Treitline
Purchase Agreement –Permanent Sanitary Sewer Easement &
Temporary Construction Easement
Improvement District #5656**

Dear Commissioners:

Enclosed and delivered to the Commission office is the original Purchase Agreement document for the acquisition of a permanent sanitary sewer easement and a temporary construction easement from Jon Treitline in association with improvement district #5656. Final purchase prices for the aforesaid easements have been reached and at this time we are requesting authorization from the Commission to proceed with the purchase. All land acquisition procedures have been followed and the City Engineer's office recommends purchase.

RECOMMENDED MOTION: I/we hereby move to approve and authorize purchase of a permanent sanitary sewer easement and a temporary construction easement from Jon Treitline in association with improvement district #5656 and to execute a Purchase Agreement relating to the same and that the Mayor and City Auditor be instructed to execute the same on behalf of the City of Fargo.

Please return the signed original.

Respectfully submitted,

Shawn G. Bullinger

Shawn G. Bullinger
Engineering Specialist

C: Gary Stewart
Mark Bittner

Street Lighting
Sidewalks

Design & Construction
Traffic Engineering

Truck Regulatory
Flood Plain Mgmt.

Mapping & GIS
Utility Locations



7. Title. City wishes to take title as follows:

The City of Fargo, North Dakota
a municipal corporation

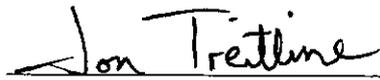
The City shall prepare the necessary permanent sanitary sewer easement and temporary construction easement to transfer said property interests to the City of Fargo, North Dakota, a municipal corporation. Conveyance of the subject property shall be by said easement(s) in the usual form used in North Dakota. The City will arrange preparation of said easement(s), and pay the cost of recording the same.

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

9. Property Purchased "AS IS". The City represents to Seller that the Property has been inspected by City and that City has been assured by means independent of Seller or any agent of the Seller 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 City as a result of such inspection or investigation and not by or through any representations made by Seller or by an agent of Seller. The City hereby expressly waives any and all claims for damages or for rescission or cancellation of this contract because of any representations by Seller or any agent of Seller other than such representation as may be contained in this contract. The City further agrees that Seller and any and all agents of Seller 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 Seller is or has been authorized by Seller 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 Seller.

DATED the day and year as set forth above.

SELLER:



Jon Treitline

CITY:

THE CITY OF FARGO, NORTH DAKOTA,
a municipal corporation

By: _____
Dennis R. Walaker, Mayor

ATTEST:

Steven Sprague, City Auditor

EXHIBIT "A"
LEGAL DESCRIPTIONS

5656-D-Temp

That part of the Southeast Quarter (SE¼) of Section Fifteen (15), Township One Hundred Forty (140) North, Range Forty-nine (49) West of the Fifth Principal Meridian, Cass County, North Dakota, being the West Twenty-two Feet (22.00') of the East Fifty-five Feet (55.00') of a tract of land described in Document No. 1023731, filed at the Cass County Recorder's Office. Said tract of land contains 0.226 acres, more or less.

5656-D-Sanitary Sewer

That part of the Southeast Quarter (SE¼) of Section Fifteen (15), Township One Hundred Forty (140) North, Range Forty-nine (49) West of the Fifth Principal Meridian, Cass County, North Dakota, being the West Twenty-two Feet (22.00') of the East Fifty-five Feet (55.00') of a tract of land described in Document No. 1023731, filed at the Cass County Recorder's Office. Said tract of land contains 0.226 acres, more or less.



ENGINEERING DEPARTMENT

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

July 8, 2009

71

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Project No. 5897

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, July 8, 2009, for Flood Repairs & Incidentals, Project No. 5897, located at various locations in the City.

The bids were as follows:

Key Contracting	\$47,777.50
Opp Construction Company	\$91,285.00
Specialized Contracting	\$96,430.30
Engineer's Estimate	\$45,000.00

The special assessment escrow is not required.

This office recommends award of the contract to Key Contracting, in the amount of \$47,777.50 as the lowest and best bid.

Sincerely,

Mark H. Bittner
City Engineer

MHB/jmg



ENGINEERING DEPARTMENT

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

July 8, 2009

Handwritten initials "J2" enclosed in a hand-drawn circle.

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Project No. 5899

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, July 8, 2009, for Flood Repairs & Incidentals, Project No. 5899, located at Main Avenue to South City Limits.

The bids were as follows:

Master Construction Co., Inc.	\$681,559.00
Dakota Underground	\$731,525.00
Specialized Contracting	\$761,629.65
Opp Construction Company	\$840,533.00
Engineer's Estimate	\$860,000.00

The special assessment escrow is not required.

This office recommends award of the contract to Master Construction Co., Inc., in the amount of \$681,559.00 as the lowest and best bid.

Sincerely,

Handwritten signature of Mark H. Bittner.

Mark H. Bittner
City Engineer

MHB/pan

Street Lighting
Sidewalks

Design & Construction
Traffic Engineering

Truck Regulatory
Flood Plain Mgmt.

Mapping & GIS
Utility Locations

46

COVER SHEET
CITY OF FARGO PROJECTS

This sheet must be completed and turned in with all City of Fargo projects. NO items will be accepted by either the City Commission Office or the City Auditor's Office without this cover sheet attached and properly filled out.

Exact, full name of Project as it will appear in the Contract:

Traffic Signal Improvements

Project No. 5871

Call For Bids July 13, 2009

Bid Opening Date August 5, 2009

Completion Date October 30, 2009

N/A PWPEC Report (Attach Copy) **Part of 2009 CIP**

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

X Bid Quantities (Attach Copy for Auditor's Office Only)

N/A Notice to Property Owners (Dan Eberhardt)

Project Engineer Allen Schumacher

Phone No. 297-7780

The items listed above are for use on all City projects. The additional items listed below are to be checked only when all or part of a project is to be special assessed:

N/A Create District (Attach Copy of Legal Description)

N/A Order Plans & Specifications

N/A Approve Plans & Specifications

N/A Adopt Resolution of Necessity

N/A Approve Escrow Agreement (Attach Copy for Commission Office Only)

N/A Assessment Map (Attach Copy for Auditor's Office Only)

ENGINEER'S REPORT
TRAFFIC SIGNAL IMPROVEMENTS
PROJECT NO. 5871

Nature & Scope

This project calls for installation of a pedestrian HAWK signal system at 28th Street and 40th Avenue South.

Purpose

This project will consist of adding a HAWK pedestrian traffic signal at the intersection of 40th Avenue South and 28th Street. The sole purpose of this type of traffic signal is to allow for safe and efficient movement of pedestrians and bicyclists in the area to cross 40th Avenue South. The HAWK signal is a new type of signal and it will be formally adopted into the Federal Highway Administration's Manual on Uniform Traffic Control Devices later this year. HAWK is an acronym for High Intensity Activated Crosswalk. The HAWK uses traditional traffic and pedestrian signal heads but in a different configuration. It includes a sign instructing motorists to "stop on red" and a "pedestrians" overhead sign. There is also a sign informing pedestrians on how to cross the street safely.

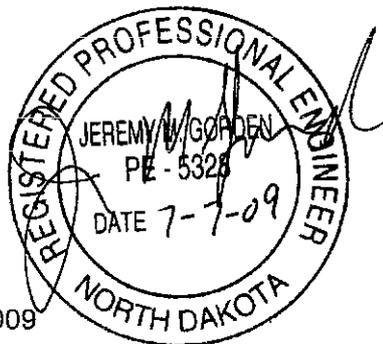
When not activated, the signal is blanked out. The HAWK signal is activated by a pedestrian push button. The overhead signal begins flashing yellow and then solid yellow, advising drivers to prepare to stop. The signal then displays a solid red and shows the pedestrian a "Walk" indication. Finally, an alternating flashing red signal indicated that motorists may proceed when safe, after coming to a full stop. The pedestrian is shown a flashing "Don't Walk" with a countdown indicating the time left to cross.

Feasibility

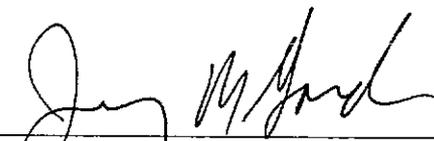
The estimated construction cost of the project is \$38,925.00. The project is to be funded by CSSI.

Estimated Construction Cost:	\$38,925.00
Plus 20% Engineering & Administration fees:	<u>7,785.00</u>
Total Project Cost:	\$46,710.00

We believe this project to be cost effective.



July 2009



Jeremy M. Gordon, P.E.
Senior Engineer – Transportation

U2

COVER SHEET
CITY OF FARGO PROJECTS

This sheet must be completed and turned in with all City of Fargo projects. NO items will be accepted by either the City Commission Office or the City Auditor's Office without this cover sheet attached and properly filled out.

Exact, full name of Project as it will appear in the Contract:

Traffic Signal Improvements

Project No. 5873

Call For Bids July 13, 2009

Bid Opening Date August 5, 2009

Completion Date June 1, 2010

N/A PWPEC Report (Attach Copy) **Part of 2009 CIP**

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

X Bid Quantities (Attach Copy for Auditor's Office Only)

N/A Notice to Property Owners (Dan Eberhardt)

Project Engineer Allen Schumacher

Phone No. 297-7780

The items listed above are for use on all City projects. The additional items listed below are to be checked only when all or part of a project is to be special assessed:

N/A Create District (Attach Copy of Legal Description)

N/A Order Plans & Specifications

N/A Approve Plans & Specifications

N/A Adopt Resolution of Necessity

N/A Approve Escrow Agreement (Attach Copy for Commission Office Only)

N/A Assessment Map (Attach Copy for Auditor's Office Only)

ENGINEER'S REPORT
TRAFFIC SIGNAL IMPROVEMENTS
PROJECT #5873

Nature & Scope

This project calls for the installation and termination of fiber optic cable and equipment throughout various areas of the City and a new fiber termination system at the main fiber hub at the sign and signal shop.

Purpose

The project will add fiber optic cable on 12th Avenue North from 38th Street to 39th Street to fully connect all of the traffic signals on 12th Avenue North. It will add a fiber optic cable down 25th Street from 32nd Avenue South to 40th Avenue South to fully connect the traffic signals on 25th Street. It will add a fiber optic cable on 19th Avenue North that will link the traffic signals at both 18th Street and Dakota Drive with communication and video monitoring capabilities that will be mainly used during large dome events. The project will also add a fiber optic cable that will be a backbone for the north side. It will link up the 12th Avenue North and University Drive fiber optic cables and enable communication with the 12th Avenue North corridor traffic signals, enable the IT Department to have future communications with NDSU, various Fargo Public Schools, the north side Fire Station, the Fargo Dome, the Hector International Airport and various radio transmitters that will be installed in the future on existing water towers. Lastly, this project will also organize and upgrade the main fiber optic hub at the Sign and Signal shop where most IT and all Traffic Engineering fiber optic cables are terminated.

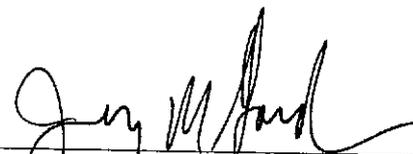
Feasibility

The estimated construction cost of the project is \$219,101.60. The project is to be funded by City sales tax.

Estimated Construction Cost:	\$219,101.60
Plus 20% Engineering & Administration Fees:	<u>43,820.32</u>
Total Estimated Cost:	\$262,921.92

We believe this project to be cost effective.





Jeremy M. Gorden, P.E.
Senior Engineer – Transportation

July 2009