FARGO CITY COMMISSION AGENDA
Monday, January 25, 2010 - 5:00 P.M.

CITY COMMISSION MEETINGS ARE BROADCAST LIVE ON TV FARGO 12 (Channel 12). They are rebroadcast each Monday at 5:00 p.m., Thursday at 7:00 p.m. and Saturday at 8:00 a.m.; 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, January 11, 2010).

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

a. 2nd reading, waive reading and final adoption of an Ordinance Relating to Secondhand Goods Dealers; 1st reading, 1/11/10.

b. Waive requirement to receive and file an Ordinance one week prior to first reading and first reading of an Ordinance Relating to Taxicabs, Owners and Drivers, Limousines and Handicapped Vans.

c. Small Claims Court Claim Affidavit filed by Meghan Raechelle vs. the City of Fargo Street Department.

d. Employee Policy No. 400-008B, Drug & Alcohol Policy – Federal Transit Administration.

e. Extension of the Job Access Reverse Commute (JARC) grant for Fargo Senior Services until all of the remaining funds are expended.

f. Memorandum of Understanding with the F-M Metropolitan Council of Governments, the States of North Dakota and Minnesota and the City of Moorhead for transit planning.

g. Social media policy for City of Fargo employees and volunteers.

h. Applications for property tax exemptions for improvements made to buildings:
   (1) Rachel Jordan, 3022 8th Street North (5 year).
   (2) Margaret Jermyn, 1320 10th Street North (5 year).
   (3) John Mrozla, 1506 10th Street North (5 year).
   (4) Jeff and Mindy Western, 1418 3rd Avenue North (5 year).
   (5) Shawn Oleson, 1609 9th Avenue South (5 year).
   (6) Marjorie Morris, 305 20th Avenue North (5 year).
   (7) Terry and Shirley Nerby, 2515 2nd Street North (5 year).
   (8) Audrey Schock, 2006 8th Street North (5 year).
   (9) James and Sandra Traeger, 1318 16th Street South (5 year).
   (10) Kevin and Jean Powers, 3413 Peterson Parkway (3 year).
   (11) Richard and Alice Newsam, 3007 9 1/2 Street North (3 year).
   (12) Robert and Patricia Walton, 2610 Lilac Lane North (3 year).
   (13) Karen Naastad, 1023 12th Street North (5 year).

i. Pledged securities as of December 31, 2009.

j. Six month extension of the Fargo American Legion alcoholic beverage license.

k. Receive and file Ordinance Relating to Issuance and Transfer of Licenses (requiring that Class "E" Alcoholic Beverage Permit applications be received 7 days prior to event).

l. Purchase of one Hook Lift Roll-Off from Olympic Sales, Inc. for $41,000.00.

m. Request of U Motors, Inc. for an extension of the noise ordinance until 11:00 p.m. on 7/24/10 for their 3rd Annual Backyard BBQ and Bike Bash.

n. Three year renewal of contract with Parking Service for operation of parking facilities (corrected agreement).

o. Resolution Approving Prairie Grove Second Addition Plat.

p. Applications for Games of Chance:
   (1) Mike Walters Benefit for a raffle on 1/30/10; Public Spirited Resolution.
   (2) North Central Turf Grass Association for a raffle on 2/25/10; Public Spirited Resolution.
   (3) Clara Barton Hawthorne PTA for a raffle on 3/6/10.
   (4) Fargo Catholic Schools Network for a raffle on 4/24/10.

q. Relinquishment of Easement concerning property owned by Elm Terrace Condo Association for Oak Grove Mickelson Field Permanent Dike for flood control (District No. 5902).

r. Resolution Authorizing the submittal of a formal loan application to the North Dakota Department of Health for clarifier improvements under the Clean Water State Revolving Fund and American Recovery and Reinvestment Act of 2009.

s. Engineering Services Contract Amendment in the amount of $123,900 for Project No. 5701.

t. 50/50 Cost Share with USGS for web camera installation and maintenance at the Red River near Main Avenue.

u. Local match funding estimated at $270,000 for 2009 flood arterial street repairs.

v. Request for Proposals for engineering services for Project Nos. 5908-03, 5681-02 and 5925-01.

w. Bills.

x. Change Order No. 1 for an increase of $22,316.00 for Improvement District No. 5525.

y. Create Improvement District Nos. 5640 and 5907.

* * * Regular Agenda * * *

1. Receive and file Ordinances:
   a. Relating to Dogs and Cats.
   b. Relating to Ordinance Violations (potentially dangerous and dangerous dogs).

2. Receive and file Ordinance Relating to Noise Control and Radio Interference ("jake brakes").

3. Public Hearings - 5:15 p.m.:

   a. Application filed by FSB Associates, LLC d/b/a Rivals Sports Bar for a Class "Z" Alcoholic Beverage License at 4265 45th Street South, Suite 161.

4. Communication from City Attorney recommending changes in the City's state of emergency Ordinance.

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 48 hours before the meeting to give our staff adequate time to make arrangements.

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

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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-3512 OF
ARTICLE 25-35 OF CHAPTER 25
OF THE FARGO MUNICIPAL CODE RELATING TO
SECONDHAND GOODS DEALERS

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

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

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

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance:

NOW, THEREFORE,

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

Section 1. Amendment.

25-3512. Holding period.--Any item purchased by a licensee and defined in §25-3501 ~~(E)~~ (5) must not be sold or otherwise transferred for fourteen (14) days from the date of the transaction.

Section 2. Effective Date.

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

_____
Dennis R. Walaker, Mayor

(SEAL)

Attest:

First Reading:
Second Reading:
Final Passage:

_____
Steven Sprague, City Auditor

(b)

CITY OF Fargo

Office of the City Attorney

City Attorney
Erik R. Johnson
Assistant City Attorney
Robert L. "Butch" McConn, Jr.

City Prosecutors
Scott O. Diamond
Jodi A. Bass

January 19, 2010

City Commission
City Hall
200 North Third Street
Fargo, ND 58102

Dear Commissioners:

At your meeting of January 11, 2010, you directed me to prepare an ordinance amending certain sections of Chapter 25 of the Fargo Municipal Code relating to taxicabs. I have prepared such an ordinance and it is enclosed.

SUGGESTED MOTION: I move to waive the receipt and filing of the enclosed ordinance one week prior to first reading and that this be the first reading, by title, of An Ordinance Amending Sections 25-0401, 25-0406, 25-0411, 25-0413, 25-0414, 25-0416, 25-0417, 25-0419, 25-0421, 25-0422, 25-0423, 25-0424, 25-0428, 25-0430 and 25-0433 of Article 25-04 of Chapter 25 of the Fargo Municipal Code Relating to Taxicabs, Owners and Drivers, Limousines and Handicapped Vans.

Sincerely,

Robert L. "Butch" McConn, Jr.

RLM/jmf
Enclosure

505 Broadway Street North - Suite 206 - Fargo, ND 58102
Phone: (701) 280-1901 - Fax: (701) 280-1902

OFFICE OF THE CITY ATTORNEY
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ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 25-0401, 25-0406, 25-0411, 25-0413, 25-0414, 25-0416, 25-0417, 25-0419, 25-0421, 25-0422, 25-0423, 25-0424, 25-0428, 25-0430 AND 25-0433 OF ARTICLE 25-04 OF CHAPTER 25 OF THE FARGO MUNICIPAL CODE RELATING TO TAXICABS, OWNERS AND DRIVERS, LIMOUSINES AND HANDICAPPED VANS

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

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

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

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

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

Section 1. Amendment.

Article 25-04 of Chapter 25 of the Fargo Municipal Code is hereby amended to read as follows:

ARTICLE 25-04

TAXICABS, OWNERS AND DRIVERS, LIMOUSINES AND HANDICAPPED VANS

Section	
25-0401	Definitions.
25-0402	Licenses.
25-0403	Application for licenses.
25-0404	License fees.
25-0405	Insurance.
25-0406	Issuance of taxicab licenses and license plates.
25-0407	Transfer of licenses.

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25-0408	Renewal.
25-0409	Existing licenses continued.
25-0410	Suspension and revocation.
25-0411	~~Leasing and u~~Unauthorized use prohibited.
25-0412	Condition of vehicles.
25-0413	Safety inspection.
25-0414	Record of calls.
25-0415	Taxicabs to be marked and rates posted.
25-0416	Taxicab meters required.
25-0417	Schedule of fares--Approval.
25-0418	Unlawful to charge fares in excess of schedule.
25-0419	Change in schedule.
25-0420	No franchise granted.
25-0421	Taxi driver's license.
25-0422	Revocation or suspension of a taxi driver's license.
25-0423	Transfer of drivers.
25-0424	~~Duty to carry passengers~~Repealed.
25-0425	Direct route.
25-0426	Individual service.
25-0427	Hours of operation.
25-0428	Taxicab stands.
25-0429	Smoking prohibited.
25-0430	~~Conduct of drivers~~Repealed.
25-0431	Riders prohibited.
25-0432	Limit on passengers.
25-0433	~~Drivers to report accidents~~Repealed.

25-0401. Definitions.--

1. Handicapped Van: A motor vehicle equipped with a wheelchair lift, which is used for the sole purpose of transporting handicapped persons.

2. Limousine: A motor vehicle used for transporting passengers for remuneration based on an hourly rate which do not publicly solicit business, except through media advertising.

3. Taxicab: A motor vehicle used for transporting passengers for remuneration, including any financial gain or exchange of services, for which patronage is solicited publicly, but shall not include motor buses operating on fixed or established routes.

4. Passenger: Any individual person engaging a taxicab under the terms and provisions of this ordinance.

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25-0406. Issuance of taxicab licenses~~ and license plates~~.--

A. After passage of the resolution of convenience and necessity as provided in § 25-0403, and upon filing with the city auditor a receipt ~~of the city treasurer~~ showing payment of the required license fees, and the filing and approval of the policy of insurance as hereinbefore provided, the city auditor shall issue to the applicant a taxicab license. Each license granted shall be numbered and shall show the owner's name and place of business and the number of vehicles which may be operated thereunder.

~~B. The city auditor shall issue to each licensee a license plate for each vehicle licensed. The license plates shall be of such size, form, and material as the city auditor may deem proper and shall have printed or stamped thereon the words "Fargo Taxicab License" to be followed by the appropriate serial number of said license and the period for which issued. No vehicle shall operate as a taxicab unless such plate is securely fastened in a conspicuous place on the front of the vehicle.~~

~~C. If a taxicab license plate is lost, the licensee shall secure a duplicate thereof by applying to the city auditor and paying the sum of $1.~~

~~D~~B. The city auditor shall issue handicapped van licenses and limousine licenses~~ but shall not issue license plates to such vehicles~~.

25-0411. ~~Leasing and u~~Unauthorized use prohibited.--No license shall be granted to any person, firm, association or corporation to operate handicapped vans, limousines, or taxicabs unless the applicant is the owner or long-term lessee of such vehicle or vehicles to be licensed, and it shall be unlawful ~~for such licensee to lease or rent out such vehicle for the purpose of transporting passengers for hire, or~~ to permit the use of any vehicle not owned or leased by such licensee for the transportation of passengers for hire under said license. A licensee may lease or rent out vehicles for the purpose of transporting passengers to a person holding a valid city of Fargo taxi drivers license. It shall be unlawful for any person other than a duly licensed taxicab driver or a mechanic engaged in servicing the vehicle to drive a vehicle licensed hereunder and a licensee, as well as any unauthorized driver shall be held responsible for a violation of this provision.

25-0413. Safety inspection.--The brakes, horn, speedometer, lights, tires, steering gear, and windshield wiper of each vehicle licensed under this ordinance shall be examined and tested as to sufficiency prior to the granting of the original license~~, and at least once every 90 days~~ and annually thereafter. The inspection shall be made by any garage in the city of Fargo ~~approved by the chief of police~~ and shall be evidenced by a certificate of

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examination and sufficiency which shall be filed with the chief of police, and a copy thereof shall be posted in the car so examined, showing the date of inspection.

25-0414. Record of calls.--All taxicabs shall keep a daily record of all calls made and passengers transported, showing the time and place when and where the passenger was secured, and the place where the passenger was taken, and the number ~~and sex~~ of passengers, which record shall be kept by the licensee at the place of business stated in such license for 60 days, and shall be open to inspection by any police officer at all times.

25-0416. Taxicab meters required.--From and after the 1st day of April, 1971, every taxicab operated under authority granted by the city of Fargo shall be equipped with taximeter of a make, construction and operation satisfactory to the chief of police, and shall have a lighted dial in plain view to passengers, whereon shall be registered the fare for each trip in accordance with the rates established in this chapter ~~and all such meters, before being used for the charging of fares, shall be inspected by the chief of police as to its accuracy, and sealed by him before it shall be used.~~

~~Any taximeter which is the subject of a complaint shall be reinspected by the chief of police and shall be placed out of service if such inspection establishes that such taximeter is not accurate, and such taximeter shall not be placed out of service if such inspection establishes that such taximeter is not accurate, and such taximeter shall not be re-approved for use by the chief of police until its accuracy is redetermined~~. No person~~, except in the inspection described above or in the repair thereof,~~ shall tamper with, break or mutilate any taximeter ~~or the seal thereof with the purpose of causing such taximeter to register any fare incorrectly, or for any other purpose whatsoever. No taxicab shall be operated in the city of Fargo upon which the seal of said taximeter has been broken until such taximeter is reinspected by the chief of police and resealed. No person shall operate any taxicab without a sealed operating taximeter in compliance with this chapter~~.

~~A. Definitions.~~

~~1. Passenger--Any individual person engaging a taxicab under the terms and provisions of this ordinance.~~

~~2. Group--Two or more passengers boarding and departing from a taxicab at the same origin and destination.~~

~~B~~A. Schedule of fares.

Every person, firm or corporation holding operating authority under this chapter for the operation of taxicabs, before charging or collecting any fares for or with respect to the transportation of passengers, shall first file with the city auditor a schedule of fares to be uniformly charged in the operation of all taxicabs used in the taxicab business of such

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licensee. The schedule of fares shall show separately the charge for the transportation of passengers, whether a flat rate or by mileage, and shall include a rate for the carriage of more than one passenger with different destinations.

~~C~~B. Uniformity of rates.

1. Taxicab fares shall be uniform throughout the city and shall not vary between license holders under this article.
2. A statement or schedule pertaining to multiple loading charges, flat rate charges for certain specified routes and any other information necessary to clarify rates to be charged shall be submitted to and approved by the board of city commissioners prior to the commencement of the operation of taxicabs with taximeters installed therein. Said statement or schedule shall be filed with the city auditor and shall have the concurrence of all licensed taxicab operators in the city of Fargo. Such concurrence shall be indicated by signature of all licensed operators on the statement or schedule referred to therein.
3. Any subsequent changes in the filed statement or schedule pertaining to rates shall have the approval of the board of city commissioners and the concurrence of all licensed taxicab operators in the same manner as required for the original schedule or statement.

25-0417. Schedule of fares--Approval.--The schedule of fares for ~~handicapped vans, limousines and~~ taxicabs shall be filed with the city auditor. ~~The schedule of fares for handicapped vans and limousines shall become effective upon filing with the city auditor.~~ The schedule of fares for taxicabs shall not become effective until approved by the board of city commissioners and shall remain in force until changed as hereinafter provided.

25-0419. Change in schedule.--Any schedule of fares filed with the city auditor in accordance with § 25-0416 shall be binding upon the licensee and all operators and drivers of vehicles under the license from the date ~~such schedule for handicapped vans and limousines is filed with the city auditor and~~ such schedule for taxicabs is approved by the board of city commissioners ~~or until such schedule is superseded by the filing of a new schedule by the licensee, and~~until such new schedule for taxicabs has been approved by the board, provided, however, that no such schedule shall be superseded or revoked within 30 days after the filing of the same without approval of said board.

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25-0421. Taxi driver's license.--

A. No person shall operate a handicapped van, limousine or taxicab unless he shall possess a taxi driver's license. The fee for such license and the renewal thereof shall be as established by resolution of the board of city commissioners.

B. Each applicant shall submit in writing to the chief of police on forms furnished by the police department a statement of the applicant's full name, his present address, ~~his residence for three years past, his age, color~~date of birth, height, weight, color of eyes and hair, citizenship, ~~place of last previous employment, marital status,~~ state driver's license number, whether he has ever been convicted of a felony or misdemeanor, whether he has ever been previously licensed as a taxi ~~driver~~ or ~~chauffeur~~limousine driver, and if so, when, and by what authority, whether his license has ever been revoked or suspended, and if so, for what cause, and the name of his prospective employer. A clear and complete set of fingerprints of each applicant for a taxi driver's license shall be made on said application or attached thereto. All applications shall be retained in ~~police department records~~the city auditor's office.

~~C. Each applicant for a taxi driver's license shall be examined as to his knowledge of the provisions of this article and of the traffic regulations and his driving ability. The examination shall be conducted by a person designated by the chief of police. If the chief of police shall find that the applicant is not qualified, the license shall be refused.~~

~~D. The applicant shall produce, on forms to be provided by the chief of police, affidavits of his good character from two reputable citizens of the city of Fargo who have known him personally and observed his conduct during at least one year next preceding the date of his application.~~

~~E~~C. No license shall be granted to any person:

1. Who is under 21 years of age.
2. Who does not possess a valid driver's license.
3. Who has been convicted of a felony within 5 years, or who has been convicted of driving a vehicle upon the highway while under the influence of intoxicating liquor or narcotics within 2 years, or whose drivers license has been revoked or suspended in any jurisdiction within 1 year~~, unless two years have elapsed since the date of his conviction or discharge~~

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~~from a penal institution, whichever is later~~ from the date the application is submitted.

4. ~~Who is not of sound physique or is without good eyesight and good hearing or is subject to epilepsy, vertigo, heart trouble, or other infirmity of body or mind which might render him unfit for the safe operation of a taxicab. The applicant shall furnish a health certificate issued by a reputable licensed physician or surgeon.~~Who is required by law to register as an offender in any state.

~~F~~D. A taxi driver's license shall expire one year following the date of its issuance unless sooner suspended or revoked as herein provided. It may be renewed upon application to the ~~chief of police~~auditor's office on a form furnished by ~~him~~them entitled "Application for Renewal of Taxi Driver's License", which shall allow the full name and address of the applicant and the date upon which his original license was granted and the number thereof.

~~G~~E. Upon ~~presentation of the city treasurer's receipt for~~ payment of the license fee, the ~~chief of police~~auditor shall deliver to each licensed taxi driver a license ~~of such form and style as the chief of police may prescribe, with the license number thereon,~~ which must, under penalty of revocation of the license, be constantly and conspicuously displayed on the taxicab when he is engaged in his employment. Each licensee shall affix to the face of the license in a space provided therefor, a photograph of himself, not less than one and one-half inches square which shall provide an accurate likeness of his face. No driver may loan his license or permit another person to use it, subject to revocation of his license.

~~H~~F. The ~~chief of police~~auditor shall maintain a complete record of each license issued to a driver and of all renewals, suspensions, and revocations thereof, which shall be filed with the original application.

~~I. Upon the issuance of such license there shall be delivered to the licensee a metal badge with the license number thereon, which badge must be continuously and conspicuously displayed on the outside of the licensee's cap when he is engaged in his employment as a handicapped van, limousine or taxi driver.~~

25-0422. Revocation or suspension of a taxi driver's license.--

A. The chief of police ~~shall~~may revoke a taxi driver's license if the licensee has, since the granting of the same:

1. Been convicted of a felony.

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2. Had his state driver's license revoked or suspended.
3. Been convicted of driving while under the influence of intoxicating liquor or narcotics.
~~4. Been convicted of two or more violations of the traffic ordinances of the city of Fargo or of any of the offenses set forth in chapters 39-09 and 39-10 of the North Dakota Century Code during any continuous six-month period.~~
~~5~~4. Made any false statement of his application for a license.
~~6~~5. When for the preservation of public safety, welfare, morals, or good order, been found by the chief of police to be unfit to drive a taxicab.

B. Written notice of such revocation or refusal to renew shall be given the licensee. Any person whose license shall have been revoked or renewal thereof refused by the chief of police may within 10 days thereafter appeal to the board of city commissioners for a hearing thereon; and the board of city commissioners may, after the hearing, affirm or reverse the action of the chief of police. If no appeal is taken within 10 days, the action of the chief of police shall be final.

C. Instead of revoking such license, the chief of police, for a violation of any of the provisions of subsection (A) above or for such other cause as to him may make such course necessary or advisable, may suspend such license for a period of not to exceed 60 days.

D. Each license which is revoked shall be repossessed by the chief of police, or his designee, and turned over to the city auditor.

25-0423. Transfer of drivers.--A driver may not transfer from one licensee to another licensee until such transfer has been recorded in writing with the ~~chief of police~~city auditor.

25-0424. Repealed.~~Duty to carry passengers.--No taxi driver shall refuse to carry passengers, with reasonable promptness, to or from any part of the city.~~

25-0428. Taxicab stands.--Duly licensed taxicabs may stand while waiting for employment at such places within the city as may from time to time be designated by the ~~chief of police~~board of city commissioners. A taxi driver shall not stand or park his taxicab upon any street within the fire limits of the city at any place other than a taxicab stand, except that this provision shall not prevent any taxi driver from temporarily stopping in accordance with other stopping and parking regulations at any place for the purpose of and while actively engaged in loading or unloading passengers.

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25-0430. Repealed. ~~Conduct of drivers. It shall be unlawful for any driver or person in charge of a vehicle licensed under this article to conduct himself in other than a gentlemanly manner while driving a taxicab or while in charge of such vehicle.~~

25-0433. Repealed. ~~Drivers to report accidents. It shall be the duty of every driver of vehicles licensed under this article to report to the police department, within four hours after its occurrence, any accident resulting in any injury to persons or damage to property wherein a vehicle driven by him was involved.~~

Section 2. Effective Date.

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

_____
Dennis R. Walaker, Mayor

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

C

CLAIM AFFIDAVIT

(See Instructions on Reverse Side)

Form 2

Cass County, North Dakota

09-2009-SC-1041

Case No.

Full Name of Person(s) Filing Claim (PLAINTIFF(S))			
Meghan Raechelle			
Street Address: 1612 E. Gateway Cir	City: Fargo	State: ND	Zip Code: 58103
Occupation: Server		Telephone Number: 701-730-1536	

Full Name of Person(s) You are Suing (DEFENDANT(S))			
City of Fargo Street Department			
Street Address: 402 23rd St N	City: Fargo	State: ND	Zip Code: 58102
Occupation:		Telephone Number: 701-241-1453	

PLAINTIFF(S) claims the following from the DEFENDANT(S): (Give a SHORT statement of the claim, reasons for the claims, and the amount you are suing for. TOTAL AMOUNT CLAIMED $ 61300 PLUS COURT COSTS:

I (Meghan Lewis) was driving down 32nd head West past 45th where they recently had done road construction. The road was paved half way and there were no signs stating gravel ahead. Since I didn't know there was gravel a head I was not expecting it and end rolling my 2006 pontiac G6. My insurance did not cover my whole car. So I would to sue for the amount left over.

(Attach additional sheet if necessary.)

Subscribed and sworn to before me this 18th day of November 2009

Meghan Lewis
Plaintiff's Signature

[signature]
Clerk or Notary Public

County, North Dakota

If notary, my commission expires:

COUNTY OF CASS DISTRICT COURT SEAL STATE OF NORTH DAKOTA

FILED: CLERK OF DISTRICT COURT
NOV 18 2009
CASS COUNTY, ND

****

NOTICE TO DEFENDANT: REQUEST FOR HEARING/ REMOVAL TO DISTRICT COURT

If you, the Defendant, intend to contest this claim and request a hearing in small claims court, or request removal of this case to District Court, you must file your REQUEST FOR HEARING/REMOVAL TO DISTRICT COURT (**Form 3**) with the Clerk of District Court **within 20 days of receipt of this Claim Affidavit.**

WHITE - COURT'S COPY CANARY - PLAINTIFF'S COPY PINK - DEFENDANT'S COPY

Revised 07/2005

CITY OF Fargo

Metropolitan Area Transit
650 23rd Street N
Fargo, ND 58102
Phone: 701-241-8140
Fax: 701-241-8558

d

January 20, 2010

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

Dear Commissioners:

As a result of the recent triennial review, changes to our Drug and Alcohol Policy are required to maintain compliance with Federal Transit Administration regulations. The attached policy updates the City of Fargo Employee Policy No. 400-008B, Drug & Alcohol Policy – Federal Transit Administration.

The changes to the policy are outlined below:

1. Removal of the Transit Administrator and the Office Associate Transit from the safety sensitive pool. In addition, the title of *Fleet Services Manager* replaces the old title of *Garage Superintendent.*

2. In the referenced policy, page 4, "*III. Qualifications for Employment, Prohibited Conduct, Alcohol (655.31)*", the wording has been changed to reflect: "Any covered employee whose test result is *0.04 or greater* will be disqualified from performing a safety-sensitive function, will be subject to company discipline, and referred to the SAP". The previous wording stated "*greater than 0.04*".

3. In the referenced policy, page 13, "*IV. Testing Circumstances (49 CFR Part 655), Refusal to Submit [655.49]*", there are three additional actions that constitute a refusal:

   a. For an observed collection, fail to follow the observers' instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
   b. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
   c. Admit to the collector or MRO that you adulterated or substituted the specimen.

The proposed changes were approved by the City of Fargo Human Resources Cabinet on Monday, January 18, 2010.

The requested motion is to approve the attached Drug and Alcohol policy.

Sincerely,

Julie Bommelman

Julie Bommelman
Transit Administrator
City of Fargo

/attachment

CITY OF FARGO EMPLOYEE POLICY NO. 400-008 B

DRUG AND ALCOHOL TESTING
Federal Transit Administration (FTA)

Date Approved: 6-14-99 Date Issued: 6-14-99 Date Revised: 11/09

I. STATEMENT OF POLICY [655]

Please note: Items appearing in ITALICS are City of Fargo Policies and are not FTA mandated items.

A. Purposes and Goals [655.1]

The City of Fargo, the Federal Transit Administration and the U.S. Congress have determined that alcohol abuse and illegal drug use pose specific dangers to the safety and welfare of the Nation. In fact, the Federal Transit Administration has specifically noted that the use of alcohol and illegal drugs has been demonstrated to significantly affect the performance of individuals involved in the mass transportation industry. It is therefore the policy of the City of Fargo and the Federal Transit Administration that safety-sensitive employees in the mass transportation industry be free from the influence of drugs and alcohol. Participation in the City of Fargo Substance Abuse Policy is a requirement of each safety-sensitive employee and therefore is a condition of employment.

In order to achieve this goal and to comply with the requirements of the Omnibus Transportation Employee Testing Act of 1991 and Federal Transit Administration Regulations, 49 CFR Part 655 and US DOT Regulation 49 CFR Part 40, as amended, the City of Fargo has developed and is implementing a drug and alcohol testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol and prohibited drugs by employees who perform safety-sensitive functions in the mass transportation industry, and to deter and detect the use of prohibited drugs by covered employees. While it is difficult to estimate the precise cost to society from alcohol misuse, there is no doubt that the cost is enormous. The potential effects of alcohol misuse are substantial in absenteeism, increased health care costs, and environmental damage. Implementation of this program will also help discourage substance abuse, reduce absenteeism, accidents, health care costs and other drug-related problems, and operate as a deterrent to those individuals who might be tempted to try drugs for the first time or who currently use drugs. Finally, we believe that this program will enhance the safety of our employees and the users of mass transportation by fostering the early identification and referral for treatment of workers with drug or alcohol abuse problems.

The City of Fargo's drug and alcohol testing program is designed to create a drug and alcohol-free mass transportation system and to provide help to those employees who may be suffering from problems with chemical dependency. The program has therefore been developed in compliance with federal regulations in a manner which ensures accurate and reliable test results thereby eliminating the possibility of any 'false positives." It also contains procedures designed to recognize and respect the dignity and privacy of all of our employees. We have also established an appropriate referral, evaluation and treatment program designed to help those individuals desirous of treating problems with alcohol and drug abuse.

B. Dissemination of this Policy [655.16]

Each covered employee and representatives of employee organizations shall have a written copy of the City of Fargo policy.

C. Authority of Testing [655.17]

Before performing a drug or alcohol test under this policy, each covered employee shall receive written notification under whose authority the test is being given (Appendix 1).

II. SCOPE

A. Individuals Subject to Testing [655.3]

The drug and alcohol testing required under this policy will apply to any person, including applicants or transferees, who performs a safety-sensitive function as defined herein. Volunteers are also covered, but only if they operate a vehicle designed to transport sixteen or more passengers, including the driver.

For purposes of this policy a "safety-sensitive function" includes:

1. Operating a revenue service vehicle, including when not in revenue service;

2. Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;

3. Controlling dispatch of movement of a revenue service vehicle;

4. Maintaining a revenue service vehicle or equipment use in revenue service;

5. Carrying a firearm for security purposes;

6. The Assistant Planner Transit; all Paratransit and Fixed Route Dispatchers; all Contractor's staff including the Project Manager, the Road Supervisor, the Lead Driver, all Paratransit and Fixed Route Drivers of vehicles as defined below; all Central Garage personnel including the Fleet Services Manager, all Mechanics working on transit vehicles, and transit vehicle washers. Should the need for additional Transit personnel arise in the future, these personnel will also become part of the pool of individuals subject to testing if it is determined these personnel are in a safety-sensitive function.

An individual can be tested for drugs any time while on duty, and for alcohol JUST before, during, or immediately after safety-sensitive duty.

"Vehicles" subject to this policy include buses, electric buses, vans, and automobiles. "Mass transit vehicles" are vehicles used for mass transportation or ancillary services.

In light of the above, the requirements of this policy will specifically apply, as a matter of policy and federal law, to individuals who work in the following positions:

- Dispatchers
- Vehicle maintenance workers of Transit vehicles

B. Contractors

Under FTA regulations, the requirements of this policy apply to recipients of FTA assistance as defined in 49 CFR Part 655, as well as other entities that provide mass transportation services or perform safety-sensitive functions for such recipients or entities, including sub-recipients, operators and contractors.

"Contractors" subject to the requirements of the regulations include persons or organizations that provide services for the above-described "employer" consistent with a specific understanding or arrangement, which can be evidenced by a written agreement or an informal arrangement that reflects an ongoing relationship between the parties. As a result, the City of Fargo will ensure that any contractors who perform safety-sensitive functions within the scope of this policy and the regulations certify their compliance with the requirements of 49 CFR Part 655.

C. Alcohol

For purposes of this policy, *"alcohol"* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. *"Alcohol use"* means the consumption of any beverage, mixture, or preparation, including any medication, which contains alcohol. *"Alcohol concentration'* (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

D. Prohibited Drugs

Although this policy prohibits the use of any controlled substances not lawfully prescribed by a physician, any drug test required under this policy will analyze an individual's urine to test for the presence of marijuana, cocaine, opiates, amphetamines and phencyclidine. Cut off levels are listed at the end of this policy.

E. Prescribed Medication

An individual will be allowed to list on the back of the donor copy of the Urine Custody and Control Form, any prescribed medication that he/she may be taking or may have recently taken. *The individual will have the opportunity to discuss the use of the medication with the physician prescribing the medication and to authorize the City of Fargo's medical review officer to communicate with that physician about the medication, its possible side effects, the condition requiring the taking of the medication and their relationship to the individual's ability to safely perform his/her job.*

In the event it is determined by the MRO that an employee is taking or is under the influence of a prescribed medication that will pose a direct threat of harm to the safety and health of the employee, his/her co-workers and/or the general public, the employee may be placed on a medical leave of absence until that threat is acceptably reduced or eliminated.

III. QUALIFICATIONS FOR EMPLOYMENT

A. PROHIBITED CONDUCT

1. Prohibited Drugs [655.21]

It is the City of Fargo's policy to have an alcohol and drug free work place. Therefore, covered employees are prohibited from manufacturing, using, selling, possessing or distributing prohibited drugs at any time, and from refusing to submit to or receiving a verified positive test result in any drug test required by this policy.

2. Alcohol [655.31]

City of Fargo policy and Federal Transit Administration Regulations prohibit the following conduct as it relates to the use of alcohol:

a. Alcohol concentration - reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. [655.34]
b. On-duty use - using alcohol while performing safety-sensitive functions. [655.32]
c. Pre-duty use – using alcohol within four hours prior to performing a safety-sensitive function. [655.33]
c. Use following an accident - using alcohol for eight hours following an accident, unless the employee has first undergone a post-accident alcohol test. [655.34]
d. Refusal to submit - refusing to submit to any alcohol test required under this policy. [655.49]
e. Other alcohol related conduct – any covered employee requested to submit to an alcohol test required under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04 will be disqualified from performing or continuing to perform a safety-sensitive function until the employee's alcohol concentration measures less than 0.02 in a retest or the start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following administration of the test. Any covered employee whose test result is 0.04 or greater will be disqualified from performing a safety-sensitive function, will be subject to company discipline, and referred to the SAP.

On-call employees are prohibited from using alcohol during their specified on-call hours. However, any on-call employee who has used alcohol during his/her on-call hours will be given an opportunity to acknowledge such use and/or his/her inability to perform a safety-sensitive function at the time he/she is called to report to duty. If an on-call employee acknowledges the use of alcohol, but claims to be able to perform his/her safety-sensitive function, he/she will be required to submit to an alcohol test. No discipline will be taken against any on-call employee who acknowledges his/her

violation of this prohibition, unless such conduct has the effect of making that employee repeatedly unavailable for duty.

ALCOHOL FACTS AND INFORMATION

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

[NOTE: Except for the odor, these are general signs and symptoms of any depressant substance].

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces] and whiskey [1 ounce glass] over time may result in the following health hazards:

- Dependency (up to 10% of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Decreased sexual functioning
- Kidney disease
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54% of all birth defects are alcohol related).

Workplace Issues

- It takes one hour for the average person (=150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgement can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is six times more likely to have an accident than a sober person.

3. Knowledge of prohibited conduct

If the City of Fargo has actual knowledge that an individual has engaged in any conduct prohibited above, it will not permit that individual to perform or continue to perform safety-sensitive functions.

B. REMOVAL FROM SERVICE

1. Prohibited drugs
As soon as the City of Fargo has received notice from a medical review officer that an employee has a verified positive test result, or upon notice that an employee has refused to submit to a required test, it shall immediately remove the employee from the performance of safety-sensitive functions.

2. Alcohol
Any employee who has engaged in alcohol-related conduct prohibited by this policy will be immediately removed from the performance of safety-sensitive functions and may also be subject to any discipline required under this policy.

Any covered employee requested to submit to an alcohol test required under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will be disqualified from performing or continuing to perform a safety-sensitive function until the employee's alcohol concentration measures less than .02 in a retest prior to the start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.

3. Return to Duty
No employee who has engaged in conduct prohibited by this policy will be allowed to resume performing safety-sensitive functions unless and until he/she has satisfied the return-to-duty obligations outlined in Section IV, F & G of this policy.

IV. TESTING CIRCUMSTANCES [49 CFR Part 655]

A. Notice of Testing Circumstances

Before performing any alcohol or drug test required by this policy, the City of Fargo will notify the test subject that the test is being required pursuant to this policy and/or Federal Transit Administration Regulations (49 CFR Part 655). The City of Fargo will not represent that any requested test is required by federal regulations if, in fact, the individual to be tested is not subject to those regulations.

An employee will be required to submit to a drug test any time while on duty. An employee will be required to submit to an alcohol test just before, during, or immediately after safety-sensitive duty.

B. Pre-Employment - Drugs [655.41]

1. No individual (covered employee or applicant) will be allowed to perform a safety-sensitive function for the first time unless he/she takes a drug test with a verified negative result.

2. If an individual (covered employee or applicant) has previously failed or refused a pre-employment drug test under this part, the individual must provide the City of Fargo proof of having successfully completed a referral, evaluation, and treatment plan as described in Section 655.62.
3. An employee may not transfer from a non-safety sensitive position to a safety-sensitive position until the employee takes a pre-employment drug test with a verified negative result.
4. If for some reason the pre-employment test is cancelled, the individual (applicant or employee) will be required to submit to another test.
5. If otherwise qualified, an individual with permanent or long-term disabilities that directly render them unable to provide an adequate urine sample will be able to perform safety-sensitive duties despite their inability to provide urine during a pre-employment test. The MRO will determine long-term inability to provide urine by medical examination and consultation with the employee's physician.
6. Leave of Absence
   a. In instances where an individual employment status has changed, (example temporary layoff, leave of absence, lost time worker compensation claim, etc.) <u>and the employee has been taken out of the random pool for 90 consecutive days</u>, then a DOT-pre-employment drug test with a verified negative result is required prior to performing a safety-sensitive task.
   b. In instances where a person is on temporary leave, less than 30 days, (example vacation, time off for sickness, jury duty, etc.) and the employee has not been taken out of the random pool, than a pre-employment test is not required prior to returning to a safety-sensitive position. If the temporary leave extends beyond 30 days, the employee must have a non-DOT pre-employment test.

No individual will be hired to perform a safety-sensitive function, and no employee will be transferred from a non-safety-sensitive function to a safety-sensitive function, unless he/she takes a drug test with a verified negative test result. If for some reason a pre-employment drug test is canceled, the applicant/employee will be required to submit to another test.

C. Post-Accident [655.44]

Any covered employee operating a mass transit vehicle at the time of an accident will be required to submit to tests for alcohol and prohibited drugs as soon as practicable following the accident, if the accident:

1. Involved the loss of human life.

2. Did not involve the loss of human life, but the mass transit vehicle involved was a bus, electrical bus, van, automobile, rail car, trolley car, trolley bus, or vessel. This requirement will not apply if the City of Fargo determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident and that the employee's performance could not have contributed to the accident.

The City of Fargo will also test any other covered employee whose performance could have contributed to the accident, as determined by the City of Fargo using the best information available at the time of the decision.

Decision Maker – Appendix 4

The decision to administer or not administer a drug & alcohol post-accident test under this section shall be based upon the City of Fargo's determination, using the best information at the time of the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision to test or not to test. At the City of Fargo we will use the post-accident substance abuse testing decision maker, found in Appendix 4 to make our decision to test or not to test and to document the file.

For purposes of this policy, an "accident" is defined as an occurrence associated with the operation of a vehicle, if as a result:

1. An individual dies;
2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident;
3. With respect to an occurrence in which the mass transit vehicle involved in a bus, electric bus, van, or automobile, one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle; or

'Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. *'Disabling damage"* does not include:

1. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
2. Tire disablement without other damage even if no spare tire is available.
3. Headlamp or taillight damage.
4. Damage to turn signals, horn, or windshield wipers, which makes them inoperative.

Covered employees are prohibited from using alcohol for eight hours following any accident or until the required post-accident alcohol test is administered, whichever occurs first. Every effort will be made to conduct post-accident drug and alcohol tests within two hours following an accident. Covered employees involved in accidents must therefore remain readily available for testing, including notifying the City of Fargo of their location if they leave the scene of the accident before testing, and will be considered to have refused to submit to testing if they fail to do so. This requirement will not, however, require the delay of necessary medical attention for injured people following an accident or prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

In the event an alcohol test is not administered within two hours following an accident, the City of Fargo will prepare and maintain a record stating the reasons why the test was not promptly administered. If an alcohol test is not administered within eight hours following an accident, the City of Fargo will make no further effort to administer an alcohol test and document the reasons why the test was not administered within eight hours. In the event a drug test is not

administered within 32 hours following an accident, the City of Fargo will cease its attempts to administer any further testing.

D. Random Testing [655.45]

Both the City of Fargo and Federal Transit Administration believe that random drug and alcohol testing is an essential part of any program seeking to ensure a drug and alcohol-free mass transportation system. All covered employees subject to this policy will therefore be required to submit to random drug and alcohol testing.

The City of Fargo will conduct random drug and alcohol tests at a minimum annual percentage rate of covered employees as required by the FTA. The minimum annual percentage rates are located in Appendix 2 of this policy.

1. The random selection process will be completely objective and anonymous and will utilize a scientifically valid method such as a random number table or a computer based random number generator matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. The tests will be unannounced and the dates for test will be reasonably spread throughout the course of the year and occur throughout the work shift. All covered employees will have an equal chance of being testing each time selections are made, regardless of the number of his/her previous selections, if any.

2. Any covered employee notified of his/her selection for random testing will be required to proceed to the test site immediately. If a covered employee is performing a safety-sensitive function at the time of his/her notification of a random test requirement, he/she will be required to cease performing the safety-sensitive function and proceed to the testing site as soon as possible. Covered employees are required to submit to drug tests anytime while on duty. However, covered employees will only be required to submit to random alcohol tests if they are performing a safety-sensitive function, about to perform a safety-sensitive function, or have just ceased performing a safety-sensitive function.

E. Reasonable Suspicion [655.43]

Whenever the City of Fargo has reasonable suspicion to believe that a covered employee has used a prohibited drug or has violated any alcohol prohibition contained in this policy, it will require him/her to submit to a drug and/or alcohol test. However, any such suspicion must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee. These observations will only be made by one supervisor who has received appropriate training in detecting the signs and symptoms of drug and alcohol use and will be documented by that individual in a Supervisor's Report of Reasonable Suspicion. Any supervisor who makes a determination that reasonable suspicion exists to require a covered employee to submit to an alcohol or drug test will not be permitted to conduct the breath alcohol test on that individual or serve as the drug collection site person for his/her drug test.

A reasonable suspicion alcohol test will only be required if the reasonable suspicion observations are made just before, during or after the period of the work day that the covered

employee is required to be in compliance with this policy. The City of Fargo will therefore only direct a covered employee to undergo reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, is just about to perform safety-sensitive functions, or has just ceased performing safety-sensitive functions.

If any reasonable suspicion alcohol test is not administered within two hours following the reasonable suspicion determination, the City of Fargo will document the reasons why the test was not promptly administered. If the test is not administered within eight hours following the reasonable suspicion determination, the City of Fargo will no longer attempt to administer an alcohol test and will document the reasons for its inability to do so.

If any reasonable suspicion testing circumstance, a City of Fargo representative will transport the individual to an appropriate collection facility and await the completion of the collection procedure. The City of Fargo representative will then transport the individual back to the City of Fargo's premises, where a spouse, family member or other individual will be contacted to transport the individual home. In the event no such individual is available, the City of Fargo will contact a taxi to transport the employee home. If the reasonable suspicion test result is negative, the City of Fargo will reimburse the employee for the cost of the taxi. If the employee refuses to comply with any of these procedures and attempts to operate his/her own vehicle, the City of Fargo will take appropriate efforts to discourage him from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with any of the above procedures will be subject to discipline, up to and including discharge.

Notwithstanding the above testing requirements, a covered employee may not report for duty or remain on duty requiring the performance of a safety-sensitive function if that employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. Any such covered employee will not be allowed to perform or continue to perform a safety-sensitive function until the employee undergoes an alcohol test yielding an alcohol concentration level of less than 0.02; or the start of the employee's next regularly scheduled duty period, but not less than eight hours following the reasonable suspicion determination.

The City of Fargo will not take any disciplinary action against a covered employee based solely upon observations of the employee's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test, unless the employee has refused to submit to a requested test.

An employee who is required to submit to a controlled substance and / or alcohol test of this policy shall not be assigned to operate any City of Fargo vehicle and / or perform safety sensitive functions pending the outcome of such test. The City of Fargo may, at its option, assign such employee to available non-safety sensitive duties or place him / her on temporary suspension.

An employee whose controlled substance and /or alcohol test produces a negative result shall be promptly returned to his or her former work. Under no circumstances will an employee be made whole for any lost wages on a negative result if he or she is suspended for any additional purposes concurrently with the waiting of the outcome of his or her results. However, an employee not suspended for additional purposes shall be made whole for any lost wages on a negative result.

An employee whose alcohol or controlled substance confirmatory test produces a positive result shall not be made whole for any wages lost while assigned as provided in Section XI of the policy.

F. Return-to-Duty [655.46]

Before a covered employee who has engaged in any conduct prohibited by this policy will be allowed to return to duty requiring the performance of a safety-sensitive function, he/she will be required to undergo return-to-duty alcohol testing with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, and/or a return-to-duty drug test with a verified negative result, if the conduct involved prohibited drugs. Before returning to duty, the employee must first undergo evaluation by a SAP to determine if the employee followed the recommendations for action by the SAP, including rehab. Please review Section XI, Part C for additional SAP information. If the test is canceled, he/she will be required to take another return-to-duty drug test.

1. The Substance Abuse Professional may recommend that both a drug and alcohol return to duty test be conducted on employees returning to safety-sensitive duties following engaging in conduct prohibited by this policy. If the test is cancelled, he/she will be required to take another return to duty test.
2. The City of Fargo will decide, at its discretion, after reviewing SAP recommendation and employee treatment history, whether or not to return the employee to safety-sensitive work assignments. The SAP reports must be kept on file for five (5) years.

G. Follow-Up Testing [655.47]

Any covered employee determined by a substance abuse professional to be in need of assistance in resolving problems associated with alcohol misuse and/or prohibited drug use will be subject to additional, unannounced follow-up testing for alcohol and/or controlled substances as directed by the SAP (minimum of six follow-up tests in the first year after return to safety-sensitive duties). However, follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions. The employee must also follow the treatment plan as prescribed by the SAP. Random or other types of tests will not be counted as follow-up tests. Any cancelled tests must be repeated.

H. Re-Test Alcohol Concentration .02 < .04 [655.48]

If an employee is administered an alcohol test that produces an alcohol concentration of the following:

1. 0.02 – 0.039: The employee will be removed temporarily from performing safety sensitive duties for a minimum of eight (8) hours from the time of the test unless the individual is retested and has a test result of less than 0.02.
2. >0.04 or greater: The employee will be immediately removed from safety-sensitive duties and subject to the consequences and discipline outlined in Section XI.

I. Refusal to Submit [655.49]

Any covered employee who refuses to submit to an alcohol or drug test will be prohibited from performing or continuing to perform a safety-sensitive function and be subject to discipline as outlined in Section XI of this policy. "Refusal to submit" to an alcohol or drug test constitutes a violation of policy and includes the following conduct:

1. Alcohol:
   Per DOT Regulation 49 CFR 40.261, as an employee, you are considered to have refused to take an alcohol test if you:

   a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City of Fargo, consistent with applicable DOT agency regulations, after being directed to do so by the City of Fargo ;
   b. Fail to remain at the testing site until the testing process is complete; an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
   c. Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations; an employee who does not provide an adequate amount of breath or saliva because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
   d. Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
   e. Fail to undergo a medical examination or evaluation, as directed by the City of Fargo as part of the insufficient breath procedures;
   f. Fail to sign the certification at step 2 of the ATF; or
   g. Fail to cooperate with any part of the testing process.
      i. As an employee, if you refuse to take an alcohol test, you incur the same consequences specified under DOT agency regulations for a violation of those DOT agency regulations.
      ii. As a BAT or an STT, or as the physician evaluating a ``shy lung" situation, when an employee refuses to test as provided in this section, you must terminate the portion of the testing process in which you are involved, document the refusal on the ATF (or in a separate document which you cause to be attached to the form), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures the refusal notification is immediately received.
      iii. As an employee, when you refuse to take a non-DOT test or to sign a non-DOT form, you have not refused to take a DOT test. There are no consequences under DOT agency regulations for such a refusal.

2. Drugs:
   Per DOT Regulation 49 CFR 40.191, as an employee, you have refused to take a drug test if you:

   a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City of Fargo, consistent with applicable DOT agency regulations, after being directed to do so by the City of Fargo;

b. Fail to remain at the testing site until the testing process is complete; an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
c. Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations; an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
d. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen;
e. Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
f. Fail or decline to take a second test the City of Fargo or collector has directed you to take;
g. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment; or
h. Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
    i. As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
    ii. As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations.
    iii. As a collector or an MRO, when an employee refuses to participate in the part of the testing process in which you are involved, you must terminate the portion of the testing process in which you are involved, document the refusal on the CCF (including, in the case of the collector, printing the employee's name on Copy 2 of the CCF), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures that the refusal notification is immediately received. As a referral physician (e.g., physician evaluating a ``shy bladder'' condition or a claim of a legitimate medical explanation in a validity testing situation), you must notify the MRO, who in turn will notify the DER.
    iv. As an employee, when you refuse to take a non-DOT test or to sign a non-DOT form, you have not refused to take a DOT test. There are no consequences under DOT agency regulations for such a refusal.
i. For an observed collection, fail to follow the observers' instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
j. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
k. Admit to the collector or MRO that you adulterated or substituted the specimen.
    i. As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

ii. As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations.

iii. As a collector or an MRO, when an employee refuses to participate in the part of the testing process in which you are involved, you must terminate the portion of the testing process in which you are involved, document the refusal on the CCF (including, in the case of the collector, printing the employee's name on Copy 2 of the CCF), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures that the refusal notification is immediately received. As a referral physician (e.g., physician evaluating a "shy bladder" condition or a claim of a legitimate medical explanation in a validity testing situation), you must notify the MRO, who in turn will notify the DER; as the collector, you must note the refusal in the "Remarks" line (Step 2), and sign and date the CCF; as the MRO, you must note the refusal by checking the "refused to test because" box (Step 6) on Copy 2 of the CCF, and add the reason on the "Remarks" line. You must then sign and date the CCF.

iv. As an employee, when you refuse to take a non-DOT test or to sign a non-DOT form, you have not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.

3. Failing to remain readably available for testing, including notifying the City of Fargo of his/her location if he/she leaves the scene of the accident, when an individual is involved in an accident as defined in this policy.

4. Other testing

If an employee has a verified positive result, adulterated or substituted sample, the employee is to be immediately removed from safety-sensitive duties.

a. Negative Dilute Specimen

- The City of Fargo will require the employee to provide another specimen immediately.
- The City of Fargo will accept the second negative dilute result.
- The collection cannot be witnessed, unless there is another basis for use of direct observation.
- If the result is cancelled/invalid, (with no medical explanation) the employee will need to undergo an immediate witnessed collection.

J. Cancelled Tests

If the test is cancelled, immediate recollections are required for pre-employment, return to duty, or follow-up tests. Only the MRO can cancel a test.

V. DRUG AND ALCOHOL TESTING – All testing will be done in accordance with 49 CFR Part 40

VI. CONFIDENTIALITY AND RECORDKEEPING

A. Access to Facilities and Records [Part 40.37]

Upon written request by any covered employee, the City of Fargo will promptly provide copies of any records pertaining to the employee's use of alcohol or drugs, including any records pertaining to his or her alcohol or drug tests. Access to a covered employee's records will not be contingent upon payment for records other than those specifically requested.

VII. EMPLOYEE ASSISTANCE PROGRAM / SUBSTANCE ABUSE PROFESSIONAL

A. Employee Education

The City of Fargo will provide employees subject to this policy with education materials explaining the requirements of the Federal Transit Administration drug and alcohol regulations and the City of Fargo policies and procedures for meeting them. In addition, employees will be provided with information concerning the effects of drug use and alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem (the employee's or a co-worker's); and available methods of intervening when an alcohol or drug problem (the employee's or a co-worker's); and available methods of intervening when an alcohol or drug problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management. This information will include the following:

1. Display and distribution of informational material

2 Display and distribution of a community service hot-line telephone number for employee assistance.

Covered employees will receive at least 60 minutes of training of the effects and consequences of prohibited drug use on personal health, safety and the work environment and on the signs and symptoms which may indicate prohibited drug use.

Copies of the above materials and this policy will be distributed to each covered employee prior to the start of alcohol and drug testing required herein and to each employee subsequently hired or transferred into a position requiring the performance of a safety-sensitive function covered by this policy. Each employee who receives a copy of these materials will be required to sign a statement certifying that he or she has received a copy of the same. The City of Fargo will retain the original of the signed certificate and will provide a copy to the employee, if requested. The City of Fargo will also provide written notice to representatives of employee organizations as to the availability of this information, if applicable.

Any questions about the requirements of this policy should be directed to the program contact individual listed.

B. Supervisory Training

Any individual designated to determine whether reasonable suspicion exists to require a covered employee to undergo a drug or alcohol test under this policy will be required to receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. This training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and prohibited drug use.

C. Referral, Evaluation and Treatment

Procedures for referral of covered employees, including applicants, with a positive test result or an alcohol concentration of 0.04 or greater [49 CFR Part 40] & [655.62].

1. Available Resources

Any employee who engages in conduct prohibited by this policy will be provided with information about the resources available for evaluating and resolving problems associated with the misuse of alcohol or prohibited drug use, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

2. Substance Abuse Evaluation

Although an employee's employment with the City of Fargo may be terminated for a violation of this policy, employees will be advised to undergo an evaluation by an appropriate substance abuse professional, who will determine what, if any, assistance the employee may need in resolving problems associated with alcohol misuse and , /or prohibited drug use. *This requirement will apply regardless of whether such conduct is discovered as a result of a positive drug or alcohol test, independent employer knowledge or a voluntary admission by the employee.* The referral, evaluation and rehabilitation requirements outlined above do no apply to applicants who refuse to submit to or test positive in a pre-employment drug test.

3. Follow Up Testing [655.47]

The SAP shall determine the frequency and duration of follow up testing for a covered employee. Such employees shall be required to take a minimum of six follow up drug tests or six follow up breath alcohol tests, with verified negative results during the first 12 months after returning to duty. After that period of time, the SAP may recommend to the employer the frequency and duration of testing, provided that the testing ends in 60 months for the return to duty.

a. The SAP will conduct the initial evaluation and any follow-up evaluations required.
b. It is the duty of the SAP to determine if the employee has cooperated with any recommendations.
c. The SAP will determine if further treatment or aftercare is needed.
d. The SAP will provide the City of Fargo with a follow-up testing plan.

4. Substance Abuse Professional (SAP) [655.52]

For purposes of this policy, a substance abuse professional (SAP) is defined as a licensed physician (M.D. or D.O.), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by NAADAC or ICRC who has knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. The SAP's role is to evaluate the employee's need

for assistance in resolving problems related to alcohol or drug abuse, determine if the employee has complied with any recommended treatment or rehabilitation, and to determine a program of follow-up testing as appropriate.

All SAP's must comply with Part 40.281-Part 40.283 for qualifications. All SAP's must complete training course with an accredited organization and pass an examination on course content. Every three years SAP's must complete 12 (ceu) hours of continuing education relevant to SAP functions. All SAP's (local and national) must provide certification to the City of Fargo.

D. Voluntary Rehabilitation

An employee who voluntarily (not in response to a City of Fargo request to take a controlled substance abuse / alcohol test or the positive result of a controlled substance abuse alcohol test) admits to management that he or she has a controlled substance abuse alcohol problem, and who wishes to submit to a Rehabilitation Program, must sign a release and agreement of rehabilitation, and will be subject to the following:

1. The employee shall be placed on unpaid medical leave until:

a. He or she presents evidence of having enrolled in and successfully completed at his or her own expense, a rehabilitation program approved by the City of Fargo, and:
b. He or she submits to a return to duty controlled substance and alcohol test at his or her own expense which produces a negative result, and;
c. He or she signs the City of Fargo's Post - Rehabilitation Return to Work agreement

2. An employee placed on rehabilitation leave as provided in paragraph (D) of this section must satisfy the provisions of sub-paragraphs a, b, c of that paragraph not later than (12) weeks from the commencement of this personal leave. An employee failing to do so shall be deemed to have abandoned his or her job. Any employee who is returned to work as provided in this section of the policy and who fails to comply with any of the terms of the Rehabilitation Agreement will be discharged.

In addition to the removal from safety-sensitive functions required by Federal Transit Administration Regulations, the City of Fargo will follow the City's disciplinary guide which calls for unpaid suspension and referral to EAP a second offense is discharge.

E. Applicants

An individual pre-employment test for a prohibited drug will not be hired for a covered function who tests positive on a pre-employment test

F. Employees

Any employee who tests positive for a prohibited drug or for alcohol with a saturation level of 0.04 or greater on a second will be discharged from employment with the City of Fargo.

Any employee who engages in any conduct that constitutes a refusal to submit to a drug or alcohol test required under this policy will be discharged from employment with the City of Fargo.

Any employee whose alcohol test result is 0.02-0.03 concentration will be removed from duty for at least 24 hours or until his/her next regularly scheduled shift, whichever is longer. All time suspended will be without pay. Any employee who tests 0.02-0.039 alcohol concentration on more than one occasion will be discharged from employment with the City.

VIII. OTHER CONSEQUENCES

The following consequences (any other consequences described in this policy that differ from the minimum requirements of FMCSA rules and regulations) are imposed by the City of Fargo under independent authority and are not required by FMCSA regulations.

A. Termination of Employment

1. *City of Fargo will not guarantee reinstatement of an employee who has been removed from safety-sensitive functions after engaging in prohibited conduct, even when that employee is involved and cooperating in DOT's return-to-duty process. City of Fargo reserves the right to withhold a final decision regarding reinstatement until after results of a Return-to-Duty test have been received.*

2. *An employee who engages in prohibited conduct a second time will be terminated from employment.*

3. *An employee who tests positive for controlled substance or whose test indicates alcohol concentration of 0.04 or greater following a fatal accident will, under FMCSA rules, be immediately removed from service, and, under the City's independent authority, will be terminated from employment.*

4. *An employee who is convicted of driving under the influence of controlled substances and/or alcohol while on duty will be immediately terminated from employment.*

5. *An employee who refuses to submit to required testing for alcohol and/or controlled substances will be considered to have voluntarily resigned.*

6. *The services of any non-employee (a contract driver, or independent owner-operator) who engages in prohibited conduct will be immediately discontinued.*

7. *An employee who provides two alcohol test results that are greater than 0.02 but below 0.04, and whose employment is not terminated as provided herein, will be terminated from employment if he/she refuses to be assessed by our EAP, or refuses to sign a release of information for the City to receive assessment results, or refuses to participate in or complete a program of rehabilitation or treatment recommended by the EAP Counselor.*

8. *When an employee has not reported to a scheduled SAP appointment within three (3) working days after receiving the SAP's name and phone number, the City will no longer continue to hold the employee's position open and will consider the employee to have voluntarily resigned.*

9. *If a SAP reports that an employee is not cooperating, or has dropped out of the program, the City will consider that the employee has voluntarily resigned, and will take steps to replace the employee.*

10. *When it is discovered that an employee provided false information regarding previous test results on pre-employment tests, or when other information on the application has been falsified, the employee will be immediately terminated.*

B. *Suspended Status*

1. *When an employee's alcohol test result is above 0.02 but less than 0.04, FMCSA regulations require that the employee be removed from safety-sensitive functions for twenty-four (24) hours. Under independent authority, the City considers this to be unpaid suspension.*

2. *When an employee is using a prescription medication and provides no written notice or authorization from a licensed medical practitioner advising that the employee may continue to safely operate a Commercial Motor Vehicle while using the medication, City of Fargo reserves the right to place the employee on unpaid suspension until such information is received by the City's Safety Coordinator or Director of Human Resources, or until the medication is no longer required.*

3. *An employee who is charged by any governmental authority with driving under the influence of controlled substances and/or alcohol while on duty will be placed on unpaid suspension, pending resolution of the charge.*

C. *Employee Costs for Testing*

1. *When the cost of a follow-up test, or a retest, as specified in this policy, is to be borne by the employee, that employee may elect to sign an authorization form that permits the City of Fargo to deduct those costs from the employee's subsequent paycheck. Such arrangements will be made through the City's Human Resources Department.*

D. *Additional Testing for Drugs and Alcohol*

1. *An employee will be required to submit to a non-DOT test for reasonable suspicion in those circumstances when the employee is suspected of drug or alcohol use, or has violated a work rule as stated elsewhere in City's policies, or is involved in or may have contributed to the cause of an accident, or causes injury to him/herself or to another person, when the circumstances related to that incident do not meet the requirements of a DOT test.*

City of Fargo may change, alter, or eliminate any or all portions of this policy as it deems appropriate, or as mandated or permitted by applicable laws, and may interpret it in response to any particular circumstances. An up-to-date copy of the policy is kept in the Office of the Director of Human

Resources. Employees may request to see the policy at any time during normal business hours. An up-to-date copy will also be stored on the City's Intranet, at the Human Resources site.

City of Fargo Contact, Lab, Collection site and MRO Information
(note: Contractor for Transit Services may have different information; this will be outlined in their Drug& Alcohol Program)

Employee Contact: Willard Yellow Bird
Safety Coordinator
701-241-1509
701-730-8878

Collection site: Innovis Health
1702 South University Dr.
Fargo ND 58102
701-364-5710

Laboratory: MedTox Laboratories
402 W County Road D
St. Paul, MN 55112
(800) 832-3244

Secondary Laboratory LabOne
10101 Renner Blvd
Lenexa, KS 66219
(800) 728-4064

MRO: Dr. Robert Starks
1702 South University Dr.
Fargo ND 58102
701-364-3435

(Dr. Vora is alternate MRO)

SAP: Robert E. Howe, Ltd.
1445 1st Ave N
Fargo, ND 58102
701-271-8066

Drug and Alcohol Abuse Help Lines

VRI: City of Fargo EAP provider 1-800-627-8220

Alcoholics Anonymous 701-235-7335

Narcotics Anonymous 701-234-9330

Post Rehabilitation Return to Work Agreement

1. I understand that my previous job performance warrants close supervision for an extended period of time upon my return to work and I will accept such supervision as a constructive part of my recovery.
2. I understand that upon my return to work, I must meet all established standards of conduct and job performance and that I will be subject to the City's disciplinary schedule for any failure to meet those standards.
3. I understand that I will be subject to random controlled substance testing as set by my Substance Abuse professional. The City will not pay the cost of such follow-up testing.
4. I agree that I shall cooperate fully with all request concerning controlled substance and alcohol testing. Failure to do so will result in disciplinary action.

I understand and agree that my leave of absence, reinstatement, and continued employment are contingent upon my satisfying all of the above rules and conditions of employment and that my failure to do so subjects me to discipline, up to and including termination

Signature _____ Date _____

Supervisor _____

DAPM _____

APPENDIX 1

NOTIFICATION OF TESTING

This testing is required by federal transit administration regulations (49 CFR part 655 & US DOT Regulation 49 CFR part 40). A verified positive result in and/or the failure or refusal to submit to this test will disqualify you from the performance of safety-sensitive functions for the City of Fargo and may subject you to such other action as outlined by the City of Fargo policy.

APPENDIX 2

Minimum Annual Percentages for Random Drug and Alcohol Testing

The annual random testing rates for drugs and alcohol are determined separately based on the industry wide positive rate for the preceding two-consecutive year period, based on annual MIS reports submitted by covered employers and in accordance with 49 CFR Part 655. Rates for future years will be announced each year with the rates dependent on industry-wide experience rates. If changes occur, they will be noted in this section.

Drugs

In accordance with 49 CFR Part 655.45(b), the employees will be tested at the FTA annual minimum random testing rates. Currently, the annual percentage of covered employees that need to be tested on an annual basis is 25%.

Alcohol

The annual percentage of covered employees that need to be tested on an annual basis is 10%.

(The 10% annual percentage of covered employees that need to be tested is a change and a reduction from 25%. The change occurred on 1/6/1998, Federal Register Vol. 63, No. 3, page 418 & 419.)

APPENDIX 3

CUTOFF LEVELS

Initial Testing
The initial test shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs:

Types	Initial Test Cutoff Levels (ng/ml)
Marijuana Metabolites	50
Cocaine Metabolites	300
Opiate Metabolites	2000*
Phencyclidine	25
Amphetamines	1000

*-25 ng/ml if immunoassay specific for free morphone.

These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

Confirmatory Test
All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff levels listed in this paragraph for each drug. All confirmations shall be by quantitative analysis. Concentrations that exceed the linear region of the standard crve shall be documented in the laboratory record as "greater than highest standard curve value".

Types	Confirmation Test Cutoff Levels (ng/ml)
Marijuana Metabolites	15*
Cocaine Metabolites	150**
Opiates Morphine	2000
Codine	2000
Acetylmorphone	10
Phencyclidine	25
Amphetamines	500
Methamphetamine	500***

*Delta –9- Tatrahydrocannabinol –9- Acid
** Benzoylecgonine
***Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml.

Morphine or codeine with a level of 15,000 ng/ml or above must be reported.

These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

APPENDIX 4

DAPM – 1

City of Fargo

Post-Accident Substance Abuse Testing Decision Maker

Any safety sensitive employee operating a transit vehicle at the time of the accident will be required to submit to testing for alcohol and prohibited drugs as soon as practicable following the accident. The City will also test any other employee whose performance could have contributed to the accident, as determined by the City using the best information available at the time of decision.

Accident Information

Date of Accident _____ Time of Accident_____ am/pm

Operators Name _____

Decision Questions

Was there a fatality? Yes ____ No ____ If yes, post-accident testing required.

If the accident was non-fatal and involved a transit vehicle (bus or para-transit van) ask the following questions:

1. Has any individual suffered a bodily injury and immediately received medical treatment away from the scene of the accident? Yes ____ No ____

2. Was there disabling damage to the transit vehicle as a result of the occurrence and is it transported away from the scene by a tow truck or other vehicle? Yes ____ No ____

If yes is checked for questions 1 or 2, a post-accident test is required unless you determine, using the best information available at the time of decision, that the employee's performance can be completely discounted as a contributing factor for the accident. Must note on reverse side reason for not testing.

In the event an alcohol test is not administered within 2 hours following an accident, prepare and maintain a record on the reverse side of this form stating the reasons why the test was not promptly administered. If an alcohol test is not administered within 8 hours following an accident, the City will make no further effort to administer an alcohol test and document the reason why the test was not administered within 8 hours. In the event a drug test is not administered within 32 hours following an accident, do no continue to administer the drug test.

If an employee is required to submit to a substance abuse test, they shall not be assigned to operate any City vehicles or perform any safety sensitive functions pending the outcome of the test.

On-Scene Decision Maker Signature _____ Date_____
Reason Test Was Not Completed

_____

On-Scene Decision Maker Signature_____ Date _____

CITY OF Fargo

Metropolitan Area Transit
650 23rd Street N
Fargo, ND 58102
Phone: 701-241-8140
Fax: 701-241-8558

C

January 21, 2010

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

Dear Commissioners:

The City of Fargo Transit Division has an agreement with Fargo Senior Services for a Job Access Reverse Commute (JARC) grant. The grant was awarded by the Federal Transit Administration (FTA) to the City of Fargo Transit Department – the Transit Department administers the grant to Fargo Senior Services. These funds contribute to a pilot project that increases job opportunities by providing transportation to TANF eligible parents who must make childcare stops on the way to work or training. The project partners include Cass County Social Services, Job Service North Dakota, South East Community Action Agency, Fargo Senior Services, MetroCOG and Metro Area Transit.

The grant originally allocated $12,000 to Fargo Senior Services through the City of Fargo – Fargo does not contribute monetarily to this grant. The agreement was for one year (February 1, 2009 – January 31, 2010). There is approximately $9,300 left in the fund. The Transit Department would like to continue the agreement through an amendment until all of the remaining funds are expended which will be no later than January 31, 2011.

The requested motion is to approve the extension of the grant until all of the remaining funds are expended.

Sincerely,

Julie Bommelman

Julie Bommelman
Transit Administrator
City of Fargo

ADDENDUM TO
AGREEMENT BETWEEN THE CITY OF FARGO
AND FARGO SENIOR SERVICES
FOR JOBS ACCESS AND REVERSE COMMUTE FUNDS

This is an Addendum to an agreement that was made and entered into the 1st day of February, 2009, by and between the City of Fargo ("City") and Fargo Senior Services ("Grantee").

WHEREAS, the City and Grantee entered into an agreement February 1, 2009 which, by its terms, was to expire January 31, 2010; and

WHEREAS, there are remaining funds of approximately $9,300 left to be expended under the program which is contemplated by the said agreement; and

WHEREAS, the parties wish to extend the terms of the aforesaid agreement for so long as necessary to allow for the proper expenditure of the remaining said funds;

NOW, THEREFORE, the parties agree:

1. The agreement between the City of Fargo and Fargo Senior Services for Jobs Access and Reverse Commute Funds dated February 1, 2009, is hereby extended until such time as the program funds, in the current amount of approximately $9,300, are fully expended in the manner as contemplated by said agreement; said extension of time not to extend beyond January 31, 2011, unless further extension is otherwise agreed between the parties in writing.

2. The effective date of this Addenda is February 1, 2010.

3. In all other respects the original agreement shall remain in full force and effect.

GRANTEE: Fargo Senior Services

Date 1-20-10

By: _____
Brian Arett

Its: ~~President~~ EXECUTIVE DIRECTOR

City of Fargo

Date_____ By:_____
Dennis R. Walaker, Mayor

Approved as to form:

Date_____ _____
Steve Sprague, City of Fargo Auditor

ADDENDUM TO
AGREEMENT BETWEEN THE CITY OF FARGO
AND FARGO SENIOR SERVICES
FOR JOBS ACCESS AND REVERSE COMMUTE FUNDS

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2. The effective date of this Addenda is February 1, 2010.

3. In all other respects the original agreement shall remain in full force and effect.

GRANTEE: Fargo Senior Services

Date 1-20-10

By: _____
Brian Arett

Its: ~~President~~ EXECUTIVE DIRECTOR

City of Fargo

Date_____ By:_____
Dennis R. Walaker, Mayor

Approved as to form:

Date_____ _____
Steve Sprague, City of Fargo Auditor

CITY OF Fargo

Metropolitan Area Transit
650 23rd Street N
Fargo, ND 58102
Phone: 701-241-8140
Fax: 701-241-8558

January 20, 2010

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

Dear Commissioners:

Attached is a Memorandum of Understanding with the F-M Metropolitan Council of Governments, the States of North Dakota and Minnesota, and the City of Moorhead, for Transit Planning.

The Memorandum of Understanding (MOU) is required per Federal law to demonstrate coordination in the planning and programming process between City, State and metropolitan planning organizations when activities are funded through the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA). The MOU is being updated on request of FHWA to account for recent changes in Federal law.

The requested motion is to approve the attached Memorandum of Understanding.

Sincerely,

Julie Bommelman
Transit Administrator
City of Fargo

/attachment

Memorandum of Understanding

This Memorandum of Understanding (MOU) is between North Dakota, acting by and through its Director of Transportation, hereinafter "NDDOT," whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and Minnesota, acting by and through its Commissioner of Transportation, hereinafter "Mn/DOT," whose address is 395 John Ireland Boulevard, Saint Paul, Minnesota 55155, and the Fargo-Moorhead Metropolitan Council of Governments, hereinafter "MPO," whose address is One 2nd Street North, Ste. 232, Fargo, ND 58102-4807 and The Fargo City Commission and the Moorhead City Council, hereinafter "Public Transportation Operator," whose addresses are respectively 200 North 3rd Street, Fargo, ND 58102 and 500 Center Avenue, Moorhead, MN 56560.

WHEREAS, joint responsibilities for establishing and maintaining a continuing, cooperative, and comprehensive (3-C) metropolitan transportation planning and programming process is defined and required by the United States Department of Transportation (USDOT) in regulations at *23CFR 450 Subpart A –Transportation Planning and Programming Definitions* and *23 CFR 450 Subpart C – Metropolitan Transportation Planning and Programming*; and

WHEREAS, The regulations at *23 CFR 450.314 – Metropolitan Planning Agreements* direct that the metropolitan planning organization (MPO), the States, and Public Transportation Operators shall cooperatively determine their mutual responsibilities for carrying out the 3-C process and clearly identify them in a written agreement; and

WHEREAS, the Public Transportation Operator is the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under title 49 U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by Amtrak; and

WHEREAS, NDDOT and Mn/DOT have signed a separate Memorandum of Understanding designating NDDOT as the Lead Agency in the administration of the Federal Highway Administration and Federal Transit Administration planning funds and the overall management of the planning programs of the MPO; and

WHEREAS, nothing in this MOU shall be construed to limit or affect the legal authorities of the parties or require the parties to perform beyond their respective authority,

NOW, THEREFORE, NDDOT, Mn/DOT, the MPO, and the Public Transportation Operator agree to cooperatively undertake a continuing and comprehensive transportation planning and programming process for the defined metropolitan planning area. The process will be completed in accordance with state and local goals for urban planning, the provisions of 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304, and 23 C.F.R. 450, as amended, and the provisions of this Memorandum of Understanding, in which it is mutually agreed that each agency has the following responsibilities:

I. Statewide Transportation Plan and Modal Plans

A. NDDOT and Mn/DOT

- Solicit input from the MPO and Public Transportation Operator early in the development of the Statewide Transportation and Modal Plans.
- Provide an opportunity for the MPO and Public Transportation Operator to review and comment on the draft and final Statewide Transportation and Modal Plans.
- Periodically update the Statewide Transportation and Modal Plans after soliciting input from the MPO and Public Transportation Operator and providing an opportunity for the MPO and Public Transportation Operator to review and comment on such updates.
- Conduct periodic regional meetings on the Statewide Transportation Plan seeking assistance from the MPO and Public Transportation Operator in accordance with NDDOT and Mn/DOT Public Participation Procedures.
- Coordinate all public meetings with NDDOT and Mn/DOT Public Participation Procedures and the MPO Public Participation Plan.
- Coordinate the Statewide Transportation and Modal Plans with the MPO's Metropolitan Transportation Plan.

B. Metropolitan Planning Organization (MPO) and Public Transportation Operator

- Provide input into the development of the Statewide Transportation and Modal Plans and any subsequent updates.
- Review and comment on the draft and final Statewide Transportation and Modal Plans and subsequent updates.
- Assist and participate in periodic regional meetings.
- Coordinate with NDDOT and Mn/DOT in all public meetings in accordance with NDDOT and Mn/DOT Public Participation Procedures and the MPO's Public Participation Plan.

- Review coordination of the Statewide Transportation and Modal Plans with the Metropolitan Transportation Plan.

II. MNDOT District Transportation Plan

A. Mn/DOT

- Solicit input from the MPO and Public Transportation Operator in the development of the District Transportation Plan.
- Provide an opportunity for the MPO and Public Transportation Operator to review and comment on the District Transportation Plan.
- Periodically update the District Transportation Plan after soliciting input from the MPO and Public Transportation Operator and providing an opportunity for the MPO and Public Transportation Operator to review and comment on such updates.
- Coordinate all public meetings with Mn/DOT's Public Participation Procedures and the MPO's Public Participation Plan.
- Coordinate the Plan with the MPO's Metropolitan Transportation Plan.

B. Metropolitan Planning Organization and Public Transportation Operator

- Provide input into the development of the District Transportation Plan and any subsequent updates to that plan.
- Review and comment on the draft and final District Transportation Plan and any subsequent updates to that plan.
- Assist and participate in all public meetings regarding the District Transportation Plan.
- Review coordination of the District Transportation Plan with the Metropolitan Transportation Plan.

III. Metropolitan Transportation Plan

A. NDDOT and Mn/DOT

- Provide input into the development of MPO's Metropolitan Transportation Plan (MTP).
- Review and comment on MPO's draft MTP.
- Provide assistance and necessary data for MPO's Metro Profile Monitoring Report; review findings and provide comment.
- Provide input into the periodic update of the MPO's MTP.

- Assist and participate in obtaining public input in the development of the MPO's MTP in accordance with the MPO's Public Participation Plan.

B. Metropolitan Planning Organization

- Develop and adopt a Metropolitan Transportation Plan (MTP) in accordance with federal regulations after soliciting input from NDDOT and Mn/DOT and the Public Transportation Operator.
- Provide NDDOT and Mn/DOT and the Public Transportation Operator the opportunity to review and comment on the draft MTP.
- Annually monitor development and transportation system trends; prepare report of significant findings.
- Provide opportunity for NDDOT and Mn/DOT and the Public Transportation Operator to review the findings report.
- Update the MTP every five years after soliciting input from NDDOT and Mn/DOT and the Public Transportation Operator.
- Provide an opportunity for NDDOT and Mn/DOT and the Public Transportation Operator to review and comment on the updated MTP.
- Solicit, with the help of NDDOT and Mn/DOT and the Public Transportation Operator, public input in accordance with the MPO's Public Participation Plan.

C. Public Transportation Operator

- Provide input into the development of the MPO's Metropolitan Transportation Plan (MTP).
- Review and comment on the MPO's draft MTP.
- Provide assistance and data for the MPO's annual profile report; review findings and provide comment.
- Provide input into the periodic update of the MPO's MTP.
- Assist and participate in obtaining public input in the development of the MPO's Metropolitan Transportation Plan in accordance with the MPO's Public Participation Plan.

IV. Planning Work Programs / Grant Applications

A. NDDOT and Mn/DOT

- Provide opportunity for the MPO and Public Transportation Operator to review and comment on the annual State Planning and Research (SPR) Work Program and SPR Annual Accomplishment & Financial Report.
- Provide input into the MPO's Unified Planning Work Program (UPWP).
- Review and comment on the MPO's draft UPWP.
- Approve the MPO's final UPWP and submit to Federal Highway Administration requesting authorization and obligation of funds.
- Prepare state application to FTA for the MPO's UPWP; notify MPO and the Public Transportation Operator when application has been approved (NDDOT).
- Prepare and execute agreement with MPO for distribution of Federal Highway Administration and Federal Transit Administration planning funds. (NDDOT)
- Review MPO semi-annual progress reports.

B. Metropolitan Planning Organization

- Prepare an annual Unified Planning Work Program (UPWP) after soliciting input from NDDOT and Mn/NDOT and the Public Transportation Operator.
- Provide an opportunity to NDDOT and Mn/DOT and Public Transportation Operator for review and comment on the draft UPWP.
- Submit final UPWP to NDDOT and Mn/DOT for approval and submittal to Federal Highway Administration and Federal Transit Administration.
- Review and sign agreement with NDDOT for distribution of Federal Highway Administration and Federal Transit Administration planning funds.
- Prepare semi-annual progress reports and submit to NDDOT, Mn/DOT, and Public Transportation Operator.
- Review and comment on Public Transportation Operator's Urbanized Area Program of Projects (POP) and all requests for funding through the Bus and Bus Related Facilities Program.

C. Public Transportation Operator

- Review MPO semi-annual progress reports.

- Prepare Urbanized Area Formula Program and/or Bus and Bus Related Facilities Program to Federal Transit Administration for approval; notify NDDOT, Mn/DOT, and MPO when Grant has been approved.

V. Technical Studies

This section applies to all technical activities such as corridor studies, sub-area planning studies, environmental studies (EAs, EIS), and project concept reports (PCRs).

A. NDDOT and Mn/DOT

- Prepare scope-of-work for review and comment by MPO and Public Transportation Operator.
- Review and comment on scope-of-work prepared by MPO and Public Transportation Operator.
- Review and comment on draft study reports prepared by MPO and Public Transportation Operator.

B. Metropolitan Planning Organization

- Prepare scope-of-work for review and comment by NDDOT, Mn/DOT, and Public Transportation Operator.
- Review and comment of scope-of-work prepared by NDDOT, Mn/DOT and Public Transportation Operator.
- Review and comment on draft study reports prepared by NDDOT, Mn/DOT and Public Transportation Operator.

C. Public Transportation Operator

- Prepare scope-of-work for review and comment by NDDOT, Mn/DOT, and MPO.
- Review and comment on scope-of-work prepared by NDDOT, Mn/DOT, and MPO.
- Review and comment on draft study reports prepared by NDDOT, Mn/DOT, and MPO.

VI. NDDOT and MPO Transportation Improvement Programs

A. NDDOT

- Provide an opportunity for the MPO and Public Transportation Operator to review and comment on the Development Guidance and draft State Transportation Improvement Program (STIP).

- Review and comment on MPO list of prioritized projects.
- Review and comment on draft MPO Transportation Improvement Program (TIP).
- Approve final TIP. Incorporate MPO TIP into STIP and submit to Federal Highway Administration and Federal Transit Administration.
- Obtain early public participation on the STIP development with the assistance of the MPO and the Public Transportation Operator.
- Coordinate all public meetings on the STIP in the metropolitan area with the MPO's Public Participation Plan.
- Submit to MPO a list of all projects (state and/or federally funded) which are consistent with the MPO's Metropolitan Transportation Plan.

B. Metropolitan Planning Organization

- Solicit from all implementing agencies projects which are consistent with the MPO's Metropolitan Transportation Plan.
- Review and comment on the draft STIP.
- Coordinate with NDDOT for all public meetings on the STIP in metropolitan area in accordance with the MPO's Public Participation Plan.
- Develop TIP utilizing input from NDDOT and the Public Transportation Operator.
- Obtain public input on the TIP in accordance with the MPO's Public Participation Plan.
- Submit TIP to NDDOT for approval.

C. Public Transportation Operator

- Submit to MPO candidate projects which are consistent with the MPO's Metropolitan Transportation Plan.
- Review and comment on MPO list of Prioritized projects.
- Participant in the early public participation process.
- Review and comment on draft STIP.
- Review and comment on draft and final MPO TIP.

VII. MNDOT and MPO Transportation Improvement Programs

A. Mn/DOT

- Provide State Transportation Improvement Program (STIP) Development Guidelines to MPO and Public Transportation Operator through Area Transportation Partnership (ATP), with opportunity to provide comment on guidelines.

- Obtain early public participation on the STIP development with the assistance of the MPO and the Public Transportation Operator.
- Submit to MPO a list of all projects (state and/or federally funded) which are consistent with the MPO's Metropolitan Transportation Plan.
- Review and comment on MPO list of prioritized projects.
- Review and comment on draft MPO TIP.
- Develop draft STIP from ATP's prioritized project lists in accordance with the STIP Development Guidance.
- Coordinate all public meetings on the STIP in the metropolitan area with the MPO's Public Participation Plan.
- Provide through the ATP an opportunity for the MPO and Public Transportation Operator to review and comment on the draft STIP.
- Approve final TIP. Incorporate MPO TIP into STIP and submit to Federal Highway Administration and Federal Transit Administration.

B. Metropolitan Planning Organization

- Solicit from all implementing agencies projects which are consistent with the MPO's Metropolitan Transportation Plan.
- Prioritize projects and submit the list to the ATP.
- Participate in the development of the ATP's Area TIP, including early public participation.
- Review and comment on the Development Guidance and draft STIP.
- Coordinate with MNDOT for all public meetings on the STIP in metropolitan area in accordance with MPO's Public Participation Plan.
- Develop TIP utilizing input from the ATP, MNDOT, and the Public Transportation Operator.
- Obtain public input on the TIP in accordance with the MPO's Public Participation Plan.
- Submit TIP to MNDOT for approval.

C. Public Transportation Operator

- Submit to MPO candidate projects which are consistent with the MPO's Metropolitan Transportation Plan.
- Review and comment on MPO list of prioritized projects.
- Participate in the development of the ATP's Area TIP, including early public participation.

- Review and comment on Development Guidance and draft STIP.
- Review and comment on draft and final MPO TIP.

VIII. Committees

A. NDDOT and Mn/DOT

- Attend and Participate in MPO Transportation (Technical) Advisory Committee meetings as a voting member.
- Establish study committees / sub-committees as needed and include MPO and Public Transportation Operator representatives as appropriate.
- Participate in MPO and Public Transportation Operator study committees and sub-committees as appropriate.

B. Metropolitan Planning Organization

- Establish Transportation (Technical) Advisory Committee which includes NDDOT, Mn/DOT, and Public Transportation Operator as a voting member.
- Establish study committees / sub-committees as needed and include NDDOT, Mn/DOT, and Public Transportation Operator as appropriate.
- Participate in NDDOT, Mn/DOT, and Public Transportation Operator study committees / sub-committees as appropriate.
- Participate as voting member on the Mn/DOT ATP and its subcommittees.

C. Public Transportation Operator

- Attend and participate in all MPO Transportation (Technical) Advisory Committee meetings as a voting member.
- Establish study committees / sub-committees as needed and include MPO and Public Transportation Operator representatives as appropriate.
- Participate in MPO and Public Transportation Operator study committees and sub-committees as appropriate.

IX. MPO Certification

A. NDDOT and Mn/DOT

- Monitor federal and state legislation and inform the MPO and Public Transportation Operator of new or changed requirements.
- Conduct mid-year program review with MPO and Public Transportation Operator.

- Review MPO's self-certification documentation, make a concurrence determination, and submit to Federal Highway Administration and Federal Transit Administration as part of the TIP submittal.

B. Metropolitan Planning Organization

- Prepare and include in annual TIP an adopted self-certification statement with supporting documentation of compliance with required federal regulations.
- Participate in mid-year program review with NDDOT, Mn/DOT, and Public Transportation Operator.

C. Public Transportation Operator

- Review MPO's self-certification documentation.
- Participate in mid-year program review with NDDOT and Mn/DOT and MPO.

X. Period of Agreement

1. This Memorandum of Understanding shall be effective upon execution by NDDOT, Mn/DOT, the MPO, and the Public Transportation Operator and may be terminated by any one of the parties by giving 90 days written notice to each of the other parties.
2. Any amendments to this Memorandum of Understanding must be mutually agreed to in writing.

These parties hereto execute this Memorandum of Understanding through their authorized representatives:

STATE OF NORTH DAKOTA
Department of Transportation

By _____ _____
Director Date

STATE OF MINNESOTA
Department of Transportation

By _____ _____
Deputy Commissioner Date

METROPOLITAN PLANNING ORGANIZATION

By _____ _____
Chair of Fargo-Moorhead Metropolitan Council of Governments Date

PUBLIC TRANSPORTATION OPERATOR

By _____ _____
Mayor of Fargo, ND Date

PUBLIC TRANSPORTATION OPERATOR

By _____ _____
Mayor of Moorhead, MN Date

By _____ _____
City Manager of Moorhead, MN Date

City of Fargo

9

Memo

To: Board of City Commissioners

From: Karena Carlson, Communications Manager

Date: January 11, 2010

Re: Social Media Policy

The purpose of the attached social media policy is to give direction to City of Fargo employees and volunteers who represent the City through the use of social media sites. The policy includes guidelines on establishing sites which represent the City of Fargo and appropriate use.

This policy was drafted in response to the increasing public demand for information through Web based mediums such as Facebook, Twitter and Flickr, etc. Currently the City of Fargo, the Fire Department and Fargo Cass Public Health maintain social media sites.

RECOMMENDED MOTION: To approve the social media policy as submitted.

City of Fargo
Social Media Policy

2010

Purpose

This policy gives direction to City of Fargo employees and volunteers who represent the City through the use of social media sites.

Definitions

Social Media

Social media is any web based network used to share information between users. These sites are less formal than traditional media, such as print, television and radio and allow for immediate, unfiltered and spontaneous communication opportunities. Social media sites include, but are not limited to: Twitter, FaceBook, MySpace, YouTube, Flickr, Google and Yahoo sites, and Wikipedia.

Social Network

In this document, *social network* or *social networking* refers to any interaction between a City of Fargo employee or volunteer and any social media site via e-mail, text or online interaction.

Official

In this policy, "official" refers to any social media account established by a City employee or volunteer which is used to communicate sanctioned City information or to engage in discussion about City information, services or processes.

Establishment of Social Media

- All social media sites created as a public display of City of Fargo information must be authorized by the City Communications Manager and/or City Administrator. This will help ensure that material posted for public view meets all communications standards and is consistent with the goals and branding of the City of Fargo. Once approval of the site, design and main content is granted, the updating of files and minor content changes will not require such clearance.

- All official social media sites shall be branded with a City of Fargo logo and/or department logo.

*This policy does not discuss employee use of e-mail, internet or personal use of social media sites during business hours on City provided equipment. Please contact Human Resources for more information on these topics.

CITY OF Fargo

ASSESSMENT DEPARTMENT

h 1

December 31, 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 Rachel Jordan. 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, 2013, 2014. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $380 with the City of Fargo's share being $50.

Sincerely,

Ben Hushka

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 RACHEL JORDAN Phone No. 701-388-1529
2. Address of Property 3022 8 ST N
   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed
   KNOLLBROOK LOT 3 BLK 3
4. Parcel Number 01-1660-00300-000
5. Mailing Address of Property Owner 3022 8 ST N
   City FARGO State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). REMODEL BASEMENT / 2 EGRESS WINDOWS ADDED / FINISHED BASEMENT
7. Building Permit No. BL2009 0031 8. Year built if residential property 1960
9. Date of commencement of making the improvement 10/14/09
10. Estimated market value of property before improvement $ 143,600
11. Cost of making the improvement (all labor, material and overhead) $ 22,000
12. Estimated market value of property after improvement $ 165,600 BH

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 RJordan Date 12-29-09

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☐ has not ☐ met the qualifications for exemption for the following reason(s): 5 YEARS
    Assessor's Signature [signature] Date 1/4/10

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

24840 (Rev. 10-95)

CITY OF Fargo

ASSESSMENT DEPARTMENT

(h2)

January 5, 2010

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 Margaret Jermyn. 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, 2013, 2014. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $860 with the City of Fargo's share being $115.

Sincerely,

Ben Hushka

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Margaret E. Jermyn Phone No. 701-388-0420
2. Address of Property 1320 10th Street North
   City Fargo State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed Ohmers N 50' of E 140' L 54
4. Parcel Number 01-2220-03190-000
5. Mailing Address of Property Owner 5218 RIVER DRIVE N.
   City FARGO State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Demo to studs, Remodel entire home, 2nd floor Addition, New front porch foundation
   STILL TO COMPLETE: EXTERIOR SIDING, GAS FIREPLACE INSTALLATION
7. Building Permit No. 81844 8. Year built if residential property 1924 (+/-)
9. Date of commencement of making the improvement 4/26/2009
10. Estimated market value of property before improvement $ 67,000
11. Cost of making the improvement (all labor, material and overhead) $ 50,000
12. Estimated market value of property after improvement $ 129,900

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 Margaret E. Jermyn Date 12/26/2009

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☐ has not ☐ met the qualifications for exemption for the following reason(s): 5 YEARS
    Assessor's Signature [signature] Date 1/8/10

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

24840 (Rev. 10-95)

CITY OF Fargo

ASSESSMENT DEPARTMENT

h 3

January 5, 2010

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 John Mrozla. 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, 2013, 2014. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $685 with the City of Fargo's share being $90.

Sincerely,

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 John Mrozla Phone No. 476-6709
2. Address of Property 1506 10th St N.
   City Fargo State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed Chandlers Broadway Lot 2 Blk 5
4. Parcel Number 01-0380-00960-000
5. Mailing Address of Property Owner 5610 57½ Av N.
   City Harwood State ND Zip Code 58042

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). Repair of Foundation walls, Replace plumbing, electrical, heating, roofing, windows, doors, siding, remodel interior, refinish floors
7. Building Permit No. BL2007 2097 BL2007 0437
8. Year built if residential property 1940
9. Date of commencement of making the improvement 04-12-07
10. Estimated market value of property before improvement $ $17,000.00
11. Cost of making the improvement (all labor, material and overhead) $ 40,000.00
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 J Mrozla Date 12-31-09

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 Huskko Date 1/8/10

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 _____

24840 (Rev. 10-95)

CITY OF Fargo

ASSESSMENT DEPARTMENT

January 6, 2010

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 Jeff & Mindy Western. 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, 2013, 2014. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $1,115 with the City of Fargo's share being $145.

Sincerely,

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Jeff & Mindy Westero Phone No. 701-280-7013
2. Address of Property 1418 3rd Ave N
   City Fargo State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed Reeves Addition
   W 10ft of 5 and E 30ft of 6
4. Parcel Number 01-2340-01900-000
5. Mailing Address of Property Owner 1418 3rd Ave N
   City Fargo State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Replaced basement, walls and floors, update water & sewer lines, finished basement
7. Building Permit No. ? 8. Year built if residential property 1917
9. Date of commencement of making the improvement August 2008
10. Estimated market value of property before improvement $ 110,000
11. Cost of making the improvement (all labor, material and overhead) $ 65,000
12. Estimated market value of property after improvement $ 130,000

Applicant's Certification and Signature

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

Applicant's Signature Jeff Wester Date 01/02/10

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 [illegible] Date 1/8/10

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 _____

24840 (Rev. 10-95)

CITY OF Fargo

ASSESSMENT DEPARTMENT

h5

January 6, 2010

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 Shawn Oleson. 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, 2013, 2014. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $35 with the City of Fargo's share being $5.

Sincerely,

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Shawn Olesen (Patty) Phone No. 701 281-0118
2. Address of Property 1609 9th ave S.

   City Fargo State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed PT LTS 4-6 BLK 6 DARLINGS 2ND
4. Parcel Number 01-0560-01260-000
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). Remodel Lower level
7. Building Permit No. 82364
8. Year built if residential property 1952
9. Date of commencement of making the improvement _____
10. Estimated market value of property before improvement $ 115 000
11. Cost of making the improvement (all labor, material and overhead) $ 2000
12. Estimated market value of property after improvement $ 117,000

Applicant's Certification and Signature

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

    Applicant's Signature Patty Olesen Date 12-20-09

Assessor's Determination

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

    Assessor's Signature [signature] Date 1/8/10

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 _____

24840 (Rev. 10-95)

CITY OF Fargo

ASSESSMENT DEPARTMENT

January 6, 2010

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 Marjorie Morris. 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, 2013, 2014. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $430 with the City of Fargo's share being $55.

Sincerely,

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Marjorie Morris Phone No. 701-232-6408
2. Address of Property 305 20th ave N.
   City Fargo State N D. Zip Code 58102
3. Legal description of the property for which the exemption is being claimed Kitchen remodle
4. Parcel Number 01-1100-00530-000
5. Mailing Address of Property Owner 305 20th ave N.
   City Fargo. State N.D Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). remodeld of Kitchen
7. Building Permit No. 82449
8. Year built if residential property 1952
9. Date of commencement of making the improvement 2009
10. Estimated market value of property before improvement $ 25,000
11. Cost of making the improvement (all labor, material and overhead) $ 25,000
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 Marjorie Morris Date 12-22-09

Assessor's Determination

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

Assessor's Signature Ben Dusdka Date 1/8/10

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 _____

24840 (Rev. 10-95)

CITY OF Fargo

ASSESSMENT DEPARTMENT

A7

January 7, 2010

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 Terry & Shirley Nerby. 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, 2013, 2014. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $260 with the City of Fargo's share being $35.

Sincerely,

Ben Hushka

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Terry & Shirley Nerby Phone No. 701-237-0138
2. Address of Property 2515 - 2 St. N.
   City Fargo State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed North Park Addition Block 5 Lot 13
4. Parcel Number 01-2120-01060-000
5. Mailing Address of Property Owner 2515 - 2 St. N
   City Fargo State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). New windows & doors new siding, new insulation
7. Building Permit No. 81958
8. Year built if residential property 1916
9. Date of commencement of making the improvement 6-2008
10. Estimated market value of property before improvement $ 128,500
11. Cost of making the improvement (all labor, material and overhead) $ 15,000
12. Estimated market value of property after improvement $ 135,000

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
    Applicant's Signature [signature] Date 1-1-10

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☑ has not ☐ met the qualifications for exemption for the following reason(s): 5 YEARS
    Assessor's Signature [signature] Date 1/8/10

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

24840 (Rev. 10-95)

ASSESSMENT DEPARTMENT

January 7, 2010

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 Audrey Schock. 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, 2013, 2014. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $175 with the City of Fargo's share being $25.

Sincerely,

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Audrey Schock Phone No. 701 235-6193
2. Address of Property 2006 8th St. North
   City Fargo State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed Peter Sway Lot 9 Blk 3
4. Parcel Number 01-3020-06650-000
5. Mailing Address of Property Owner 2006 - 8th St. N
   City Fargo State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). upstairs bathroom - handicap Toilet - higher sink bars for new tub - Jason Work was here to look at work done floor walls
7. Building Permit No. 90063
8. Year built if residential property 1950's
9. Date of commencement of making the improvement 01-09 Jan. 2009
10. Estimated market value of property before improvement $ $127,000.00
11. Cost of making the improvement (all labor, material and overhead) $ $10,000.00
12. Estimated market value of property after improvement $ 139,000.00

Applicant's Certification and Signature

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

Applicant's Signature Audrey Schock Date 1-2-10

Assessor's Determination

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

Assessor's Signature [signature] Date 1/8/10

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 _____

24840 (Rev. 10-95)

CITY OF Fargo

ASSESSMENT DEPARTMENT

January 13, 2010

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 James & Sandra Traeger. 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, 2013, 2014. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $430 with the City of Fargo's share being $55.

Sincerely,

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 JAMES & SANDRA TRAEGER Phone No. BRAD-SON (701) 730-5634
2. Address of Property 1318 16 ST S
   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed LT 22 BLK 5 MORTON & DOTY'S
4. Parcel Number 01-2040-01240-000
5. Mailing Address of Property Owner 20218 SAINT ANA DR
   City AVON State MN Zip Code 56310

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). TOTAL INTERIOR RMDL; CONST ADDN FOR A DINING ROOM & MASTER BEDROOM
7. Building Permit No. 90174
8. Year built if residential property 1940
9. Date of commencement of making the improvement 03-01-09
10. Estimated market value of property before improvement $ 44,700
11. Cost of making the improvement (all labor, material and overhead) $ 25,000
12. Estimated market value of property after improvement $ 120,000

Applicant's Certification and Signature

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

Applicant's Signature [signature] Date 01-04-10

Assessor's Determination

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

Assessor's Signature [signature] Date 1/13/10

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 _____

24840 (Rev. 10-95)

CITY OF Fargo

ASSESSMENT DEPARTMENT

h10

January 5, 2010

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 Kevin & Jean Powers. 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 $615 with the City of Fargo's share being $80.

Sincerely,

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 KEVIN & JEAN POWERS Phone No. 701-293-9065
2. Address of Property 3413 PETERSON PKWY
   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed
   LOT 15, BLOCK 4A GOLF COURSE 5th
4. Parcel Number 01-1005-00680-000
5. Mailing Address of Property Owner 3413 PETERSON PKY
   City FARGO State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). REMODEL 3 BATHROOMS
7. Building Permit No. 91233
8. Year built if residential property 1978
9. Date of commencement of making the improvement AUGUST 2009
10. Estimated market value of property before improvement $ 224,600
11. Cost of making the improvement (all labor, material and overhead) $ $35,745
12. Estimated market value of property after improvement $ 260,345

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 12-28-09

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 1/8/10

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

24840 (Rev. 10-95)

ASSESSMENT DEPARTMENT

January 5, 2010

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 Richard & Alice Newsam. 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 $145 with the City of Fargo's share being $20.

Sincerely,

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Newsam, Richard D + Alice P Phone No. 701 364 9158
2. Address of Property 3007 9 1/2 St. N
   City Fargo State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed
   Lot 6 BLK 1 Addn # 0370 (Cedarholm)
4. Parcel Number 01-0370-00060-000
5. Mailing Address of Property Owner 3007 9 1/2 St. N
   City Fargo State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remove and replace sheetrock in the lower level to make repairs. Update electrical.
7. Building Permit No. BL20091164
8. Year built if residential property 1972
9. Date of commencement of making the improvement 7-21-09
10. Estimated market value of property before improvement $ 145,000
11. Cost of making the improvement (all labor, material and overhead) $ 8,500
12. Estimated market value of property after improvement $ 153,500

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 Alice Newsam Date 12-28-09

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 [illegible] Date 1/8/10

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

24840 (Rev. 10-95)

ASSESSMENT DEPARTMENT

January 19, 2010

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 Robert & Patricia Walton. 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 $315 with the City of Fargo's share being $40.

Sincerely,

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Robert and Patricia Walton Phone No. (701) 298-9479
2. Address of Property 2610 Lilac Lane N
   City Fargo State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed Lot 9 BLK 19 Woodcrest Park
4. Parcel Number 01-4080-00170-000
5. Mailing Address of Property Owner 2610 Lilac Lane N
   City Fargo State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remodel unfinished 21'x16' area as a TV room and storage room
7. Building Permit No. 90567
8. Year built if residential property 1976
9. Date of commencement of making the improvement 7/6/09
10. Estimated market value of property before improvement $ 183,000
11. Cost of making the improvement (all labor, material and overhead) $ 18,245.89
12. Estimated market value of property after improvement $ 201,250

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 1/2/10

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 1/8/10

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

24840 (Rev. 10-95)

CITY OF Fargo

ASSESSMENT DEPARTMENT

h13

January 18, 2010

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 Karen Naastad. 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, 2013, 2014. The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $140 with the City of Fargo's share being $20.

Sincerely,

Ben Hushka
City Assessor

tla

attachment

404 - 4th Avenue N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Karen Naastad Phone No. 701 513 3954
2. Address of Property 1023 13th St N
   City Fargo State ND Zip Code ~~58~~ 58103
3. Legal description of the property for which the exemption is being claimed
   Lt 7 BLK 11 Chapins
4. Parcel Number 01-0440-02090-000
5. Mailing Address of Property Owner 1785 119th Ave NE
   City Halton State ND Zip Code 58210

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). Bathroom in basement
7. Building Permit No. 91848
8. Year built if residential property 1918
9. Date of commencement of making the improvement May 2009
10. Estimated market value of property before improvement $ 128400 -
11. Cost of making the improvement (all labor, material and overhead) $ 8000 -
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 Karen Naastad Date 1-11-10

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 [illegible] Date 1/20/10

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

24840 (Rev. 10-95)

CITY OF Fargo

Finance Office
P.O. Box 2083
200 3rd Street North
Fargo, North Dakota 58107-2083
Phone: 701-241-1333
Fax: 701-241-1526

MEMORANDUM

TO: **Board of City Commissioners**

FROM: **Steven Sprague, City Auditor**

SUBJECT: **Approval of Pledged Securities**

DATE: **January 14, 2010**

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:

American Federal Bank	$ -0-
Bank of the West	$ 54,195,284
Cornerstone Bank	$ -0-
First International Bank & Trust (Letter of Credit)	$ 5,000,000
First International Bank & Trust	$ 8,575,999
US Bank	$ 3,890,652
Wells Fargo	$ 17,658,601
Bremer Bank (Letter of Credit)	$ 7,000,000
Bremer Bank	$ 324
Total Pledged Collateral	$ 96,320,860

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 December 31, 2009.

BANK OF THE WEST
Money Desk Department

Collateralized Deposits Report

CITY OF FARGO
200 3rd STREET N

FARGO, ND 581072083

Attn: Steve Sprague

Agency Name: CITY OF FARGO

ACCOUNT NO.	ACCOUNT NAME	TYPE OF DEPOSIT	MONTH-END BALANCE
The following accounts are fully collateralized for the month ending:			December 31 , 2009
0926014820	CITY OF FARGO	DD	$0.00
0926082736	CITY OF FARGO	DD	$48,121,215.71
		Total Deposits:	$48,121,215.71
		Less FDIC/State Insurance:	$250,000.00
		% Required:	110%
		Total Collateral Required:	$52,658,337.28

The Federal Deposit Insurance Corporation insures your account balances up to $250,000. The collateral held for your accounts and its value is reported on the attached schedule.

If you anticipate large changes in your account balances, please call (925) 942-8771 to let the Public Funds Analyst know. This will ensure that your accounts remain adequately collateralized.

AUTHORIZED SIGNATURE: Sandra Pang

PREPARER'S NAME: Sandra Pang

TELEPHONE NUMBER: (925) 942-8775

Pledges to Pledgee By FAS 115 Intent

As of:

BANK OF THE WEST

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
38374KDQ3	GNMA	GNR 2004-104 FJ	0.533130	09/20/2033	12/16/2009	$1,500,000	$1,500,000	$1,481,490
31346AF83	FHLMC	FH #420191 (44)	4.319000	06/01/2030	05/07/2008	$1,200,000	$18,472	$18,504
3128H3V24	FHLMC	FH #E96033 (14)	4.500000	05/01/2018	02/12/2009	$750,000	$234,730	$245,597
31403G5B4	FNMA	FN 748842	5.500000	06/01/2022	12/03/2009	$625,000	$289,137	$307,654
36225CK21	GNMA	G2 #80312 (19)	3.625000	08/20/2029	01/10/2008	$500,000	$10,251	$10,553
3128Q2H22	FHLMC	FH 1L0249	5.187000	11/01/2035	11/04/2009	$450,000	$226,776	$238,984
36225CTB2	GNMA	G2 #80545 (19)	3.875000	10/20/2031	04/10/2008	$1,650,000	$82,086	$83,731
31282R7F5	FHLMC	FG M80894	4.500000	01/01/2011	06/29/2007	$205,000	$50,537	$51,556
31371LH85	FNMA	FN 255055	4.500000	12/01/2010	06/09/2008	$3,997,000	$780,589	$797,644
31389L6Q7	FNMA	FN #629179 (24)	2.875000	08/01/2032	01/10/2008	$400,000	$3,965	$4,055
31348STB0	FHLMC	FH #785946 (44)	3.136000	09/01/2027	05/07/2008	$3,000,000	$56,950	$58,732
31396EFY7	FHLMC	FHR 3071 TF	0.533130	04/15/2035	11/05/2009	$52,000,000	$35,824,247	$35,530,811
31294JRS9	FHLMC	FG #E00497 (14)	7.000000	07/01/2012	09/10/2009	$15,150,000	$133,499	$140,822
31397JXB5	FHLMC	FHR 3344 FT	0.583130	07/15/2034	11/16/2009	$14,000,000	$10,397,756	$10,227,539
31346AF83	FHLMC	FH #420191 (44)	4.319000	06/01/2030	01/18/2008	$7,800,000	$120,069	$120,274
31293FMT1	FHLMC	FG #C19370 (14)	6.000000	12/01/2028	01/14/2009	$6,475,000	$523,801	$564,046
31404EJW7	FNMA	FN #766277 (24)	5.000000	02/01/2019	12/03/2009	$5,181,000	$1,374,909	$1,453,726
36202KQ99	GNMA	G2 #8580 (19)	4.375000	01/20/2025	05/07/2008	$2,800,000	$43,406	$44,820
31282R3N2	FHLMC	FG M80805	4.000000	02/01/2010	07/16/2009	$1,077,000	$145,806	$148,225
3133XTJ64	FHLB	FHLB 1 3/8 05/16/11	1.375000	05/16/2011	11/06/2009	$1,900,000	$1,900,000	$1,917,219
31282R6J8	FHLMC	FG M80873	4.500000	12/01/2010	05/06/2008	$2,148,646	$440,689	$457,042
31281AP30	FHLMC	FG #N30442 (14)	6.000000	01/01/2018	05/07/2008	$2,050,000	$6,946	$7,238
31346ABW4	FHLMC	FH #420053 (44)	2.575000	05/01/2018	05/07/2008	$2,000,000	$59,862	$59,451

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

Pledges to Pledgee By FAS 115 Intent

As of: December 31, 2009

BANK OF THE WEST

Cusip	Security Description		Coupon	Maturity	PledgedDate	Original PV	Current PV	Market Value
31348UBU2	FHLMC	FH #865451 (44)	6.189000	06/01/2035	05/07/2008	$2,000,000	$21,105	$21,705
313421MJ5	FHLMC	FH #350048 (44)	2.875000	04/01/2017	05/07/2008	$2,000,000	$16,162	$16,354
31295MPX2	FHLMC	FH #788538 (44)	3.195000	08/01/2031	05/07/2008	$2,000,000	$5,306	$5,456
31295MVS6	FHLMC	FH #788725 (44)	3.250000	10/01/2031	05/07/2008	$4,100,000	$63,712	$65,576
31293PEQ4	FHLMC	FG #C25543 (14)	6.500000	04/01/2029	10/13/2009	$1,214,000	$107,103	$116,482
28 Total Pledged	**To: WFMN 3502**	**0702 CITY OF FARGO**				*$138,172,646*	*$54,437,868*	*$54,195,284*

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

Printed 01/05/2010 12:43:20 PM

BANK OF NORTH DAKOTA
1200 MEMORIAL HIGHWAY
BISMARCK, ND 58506-5509

Date: November 23, 2009

Irrevocable Standby Letter of Credit No. 3782

Expiration date: September 23, 2010

City of Fargo
Steve Sprague
PO Box 2083
Fargo, ND 58107-2083

Dear Mr. Sprague:

We hereby establish our irrevocable standby credit in your favor on the behalf of our Customer First International Bank & Trust, Watford City (Customer), for the account indicated above, for a sum or sums not exceeding in all 5,000,000 DOLLARS UNITED STATES CURRENCY (the "Stated Amount") and authorize you to draw on the Bank of North Dakota (the "Bank"), for account of First International Bank & Trust, (the "Customer"), available by your presentation made at our office located at 1200 Memorial Highway, Bismarck, North Dakota 58506-5509 of:

(1) A written certificate, appropriately completed, signed by you in the form of Exhibit "A" attached hereto; and
(2) All certificates of deposit, savings account passbooks or other documents evidencing deposits of public funds by you with our Customer, including the amounts and account numbers.

We hereby agree that all drawings under and in compliance with the terms of this Letter of Credit will be duly honored by us upon compliance with the terms as specified above, if presented at our 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, in the form provided for above and 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 and information referred to above within three business days of sending such writing. 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 North Dakota are authorized or required by law to close.

Drawings in respect to payments hereunder honored by us shall not, in the aggregate, exceed the stated amount. It is a condition that the amount of the credit available with respect to this Letter of Credit relating to any deposit of public funds with the Customer will be automatically reduced by the amount of any withdrawals made by you from the deposit.

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 certificate drawn hereunder, we shall be fully discharged on our obligation under this Letter of Credit with respect to such certificates and we shall not thereafter be obligated to make any further payments under this Letter of Credit in respect of such certificates to you or any other person.

This Letter of Credit shall automatically terminate and be delivered to the Bank for cancellation upon the earlier of (i) the making by you of a drawing which reduces the available balance of the public funds deposited with the Customer to $0, or (ii) the expiration date of this Letter of Credit.

This Letter of Credit, except as otherwise expressly stated herein, is subject to Uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce, Publication No. 500 (the "Uniform Customs"). This Letter of Credit shall be governed by North Dakota law, including, but not limited to the North Dakota Uniform Commercial Code. Communications with respect to this Letter of Credit shall be in writing and shall be addressed to us at 1200 Memorial Highway, Bismarck, North Dakota 58506-5509, Attention: Investment Department, specifically referring thereon to Irrevocable Letter of Credit No. 3782.

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 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.

Sincerely,
BANK OF NORTH DAKOTA

By: Edward B. Tate
Title: Senior Vice President

By: Allen F. Weisbeck
Title: Investment Department Manager

Exhibit A to Irrevocable Standby Letter of Credit No. 3782

CERTIFICATE AND SIGHT DRAFT

TO: Bank of North Dakota
1200 Memorial Highway
Bismarck, North Dakota 58506-5509
Attention:

At sight pay to the order of _____ the amount of _____ Dollars ($_____). This draft is drawn under Irrevocable Standby Letter of Credit No. _____ dated _____ _____ issued by Bank of North Dakota.

The undersigned, a duly authorized officer of _____, _____ _____, (the "Payee"), hereby certifies to The Bank of North Dakota (the "Bank"), with reference to Irrevocable Standby Letter of Credit No. _____(the "Letter of Credit"); (any capitalized term used herein and not defined shall have its respective meaning as set forth in the Letter of Credit) issued by the Bank in favor of the Payee, that:

(1) The Payee is making a drawing with respect to the payment of amounts due it from _____ (Customer).

(2) The Payee has contacted the Customer and requested return of the public funds deposited with the Customer and that five business days have passed from the date of Payee's request and the Customer has refused to return the public funds as requested.

(3) The following listing identifies the amount of the public funds and the accounts in which those public funds are deposited:

(4) The Payee has included with this Certificate all documents required by the Customer to claim title to the public funds deposited with Customer including all certificates of deposit, savings account passbooks or other documents required by the Customer.

(5) The amount of the request to draw on this Certificate, namely $ _____, together with the amounts of all previous drafts, does not exceed the Stated Amount of $ _____.

IN WITNESS WHEREOF, the undersigned has executed and delivered this Certificate and sight draft as of the _____ day of _____, 20____.

By: _____

Title: _____

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	207,261.15
384587EK3	0511215079	GRAHAM CNTY ARIZ UNI SCH DIST	BND	S	7/1/2011	CTFG	70,000.00	70,000.00	70,910.80	74,450.60
384587EN7	0511215081	GRAHAM CNTY ARIZ UNI SCH DIST	BND	S	7/1/2011	CTFG	605,000.00	605,000.00	612,871.90	635,933.65
408172CV4	0310095020	HAMILTON WIS SCH DIST PROM NTS	BND	S	4/1/2012	CTFG	375,000.00	375,000.00	375,846.41	396,573.75
403684BT9	0403035040	GWINNER N D TAX INCR REV	BND	S	5/1/2012	CTFG	270,000.00	270,000.00	270,000.00	272,516.40
105314JT6	0311075045	BRANDON VY S D SCH DIST NO 49-	BND	S	7/1/2012	CTFG	345,000.00	345,000.00	348,998.61	364,872.00
368190A95	0404195102	GAYLORD MINN	BND	S	12/15/2012	CTFG	285,000.00	285,000.00	285,000.00	297,320.55
60436PCW0	0511165059	MINOT N D HWY SER A	BND	H	10/1/2013	CTFG	255,000.00	255,000.00	255,000.00	273,071.85
604399LM5	0611165013	MINOT N D WTR & SWR UTIL RESV	BND	H	10/1/2013	CTFG	325,000.00	325,000.00	327,512.65	348,283.00
092293DC0	0812105035	BLACKDUCK MINN INDPT SCH DIST	BND	H	1/1/2014	CTFG	460,000.00	460,000.00	472,841.85	507,715.80
933526KR5	0604035018	WALWORTH CNTY WIS PROM NTS	BND	H	4/1/2015	CTFG	585,000.00	585,000.00	585,000.00	616,853.25
938701DS5	0604075027	WASHINGTON CNTY UTAH	BND	H	12/1/2015	CTFG	700,000.00	700,000.00	708,470.76	751,289.00
98480TAK5	0605055003	YANKTON CNTY S D LAW ENFORCEME	BND	H	12/1/2016	CTFG	420,000.00	420,000.00	423,044.07	436,531.20
288245EB5	0905065014	ELLENDALE N D	BND	H	5/1/2017	CTFG	420,000.00	420,000.00	420,000.00	415,115.40
3128MBLJ4	0711125005	FHLMC GOLD POOL G12829	BND	S	10/1/2017	CTFG	1,520,000.00	686,774.20	692,207.04	736,028.79
12138VAL5	0611035011	BURLEIGH CNTY N D MUN INDL DEV	BND	H	11/1/2017	CTFG	320,000.00	320,000.00	320,000.00	278,374.40
49412PAB9	0808075009	KILLDEER N D OIL & GAS TAX REV	BND	H	5/1/2018	CTFG	190,000.00	190,000.00	190,000.00	194,704.40
38547PCH5	0908125071	GRAND FORKS N D NURSING FAC RE	BND	S	11/1/2018	CTFG	210,000.00	210,000.00	210,000.00	215,489.40
952718JV7	0905065016	WEST FARGO N D	BND	H	11/1/2019	CTFG	500,000.00	500,000.00	498,917.83	489,590.00
31395PCT7	0510125010	FHLMC 2944-WC	BND	S	6/15/2024	CTFG	1,500,000.00	52,203.71	52,203.71	52,191.32
31409TRU4	0911175044		BND	S	4/1/2036	CTFG	1,600,000.00	949,799.01	1,016,995.49	1,011,832.76
Totals:							11,160,000.00	8,228,776.92	8,340,821.12	8,575,998.67

COLLATERAL HOTLINE
1-866-603-1571

U.S. Bank National Association
Pledged Collateral Statement
12/31/2009

Pledgee N02 CITY OF FARGO

Description	CUSIP	Maturity Date	Original Face	Current Par	Market Price	Market Value [1]
FNMA FNARM 773246	31404NBP0	02/01/2035	10,975,220.00	3,393,901.74	1.03	3,506,556.88
FNMA FNARM 773248	31404NBR6	02/01/2035	1,000,000.00	367,771.08	1.04	384,095.37
Total Pledged			$11,975,220.00	$3,761,672.82		$3,890,652.25
Uninsured Deposits: [2]						
Collateral %: [3]						0.00%

[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 he 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.

WELLS FARGO PLEDGE REPORT

COLLATERAL FOR: 0T6 FARGO, CITY OF

DATE: DECEMBER 31, 2009 DEPOSITORY INSTITUTION: WF CALIF

SK	SECURITY	SEQ. NO.	ORIGINAL FACE	CURRENT FACE	DESCRIPTION	RATE	MATURITY	MOODY	S AND P *FITCH	MARKET VALUE
WFS/WFBNW										
01	3128MJH94	005228	12,365,000.00	9,493,289.34	FGLMC G08255	5.00	03/01/38		AAA	9,745,415.25
01	31415PWF1	013919	8,675,000.00	7,551,349.89	FNCL 985446	5.50	07/01/38		AAA	7,913,185.81
*TOTAL XPL_CODE 0T6			21,040,000.00	17,044,639.23						17,658,601.06

Bremer

FHLB
DES MOINES

March 02, 2009

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

Attention: Steve Sprague

Enclosed please find the original Irrevocable Standby Letter of Credit No. 4043-8 issued to you on behalf of Bremer Bank, National Association, Fargo, ND. If you have any questions concerning your receipt of this Letter of Credit, please contact Bremer Bank, National Association, Fargo, ND. With regard to the attachments (Exhibit A and B) accompanying this Letter of Credit, their execution by you are only required in the event you choose to draw upon this Letter of Credit. If you have any questions regarding this process, please feel free to contact me at 800.544.3452, ext. 1074.

Sincerely,

David J. Waldron
Vice President/Director, Money Desk

Enclosures

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: _____

Title: VICE PRESIDENT

EXHIBIT A

CERTIFICATE

The undersigned, a duly authorized officer of City of Fargo (the "Payee"), hereby certifies to the Federal Home Loan Bank of Des Moines (the "Bank"), with reference to Irrevocable Standby Letter of Credit No. 4043-8 (the "Letter of Credit"; any capitalized term used herein and not defined shall have its respective meaning as set forth in the Letter of Credit) issued by the Bank in favor of the Payee, that:

(1) The Payee is making a drawing under the Letter of Credit with respect to the payment of amounts due it from Bremer Bank, National Association, Fargo, ND.

(2) The amount of the sight draft(s) accompanying this Certificate, namely $_____, together with the amounts of all previous drafts, does not exceed $7,000,000.00.

IN WITNESS WHEREOF, the undersigned has executed and delivered this Certificate as of the _____ day of_____, 20___.

CITY OF FARGO

By_____

Title:_____

EXHIBIT B

SIGHT DRAFT
FOR
IRREVOCABLE LETTER OF CREDIT
NO. 4043-8

Date: _____, _____

Letter of Credit No. 4043-8

At sight, pay to the order of the City of Fargo ("the Payee") the amount of _____ Dollars ($ _____). This draft is drawn under Irrevocable Letter of Credit No. 4043-8 dated as of March 02, 2009, issued by Federal Home Loan Bank of Des Moines.

CITY OF FARGO

By_____

Title:_____

TO: Federal Home Loan Bank of Des Moines
801 Walnut Street, Suite 200
Des Moines, IA 50309
Attention: Money Desk

Bremer Bank of Fargo
Attn: Treasury Management
P O Box 1000
Lake Elmo, MN 55042

Phone: 1-800-537-0091, Option 1
Email: BFSBusinessClientSer@bremer.com
Fax: 651-734-4201

City of Fargo
Attn: Steven Sprague
200 N 3rd Street
Fargo ND 58102

Repurchase Transaction (Public) - Collateral Confirmation
Thursday, December 31, 2009

Account Number: XXXXXX3442 **Balance:** $294.59 **Rate:** 0.1700 % **Interest:** $0.01

Collateral Description		CUSIP	Coupon	Maturity	Par	Market
FHLMC 1368 F FLTR	ND	312911ZR4	0.75 %	8/15/2022	$326.59	$324.05
	Market/Balance:	**110.00 %**		**Total:**	**$326.59**	**$324.05**

Summary

Account Number	Balance	Rate
XXXXXX3442	$294.59	0.1700 %
Tot	**$294.59**	

1) The Repurchase Agreement represented by this Confirmation is not a deposit and is not insured by the FDIC.
2) The above-named client's ownership in the Purchased Securities will remain in effect through the end of the business day following the date on this Confirmation during which time Bremer Bank may not elect to substitute securities.
3) Bremer Bank is acting as Agent and serves as Custodian of the securities listed on this Confirmation for the above-named customer.

CITY OF Fargo

Finance Office
P.O. Box 2083
200 3rd Street North
Fargo, North Dakota 58107-2083
Phone: 701-241-1333
Fax: 701-241-1526

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Fargo American Legion Liquor License

DATE: January 13, 2010

The Fargo American Legion has ceased operations at 505 3rd Ave N and they are attempting to sell the building. They are requesting an extension of the requirement to sell alcohol until June 30, 2010.

Fargo Municipal Code section 25-1512 A 2 describes situations in which business has deemed to have ceased and the liquor license would be forfeited, the Fargo American Legion are requesting an extension of that time period. The Liquor Control Board voted in favor of extending the license at their January 20th meeting.

Recommended Motion:

Approve a six month extension of the Fargo American Legion liquor license.

Fargo-Moorhead All-America City 2000

Printed on Recycled paper.

GILBERT C. GRAFTON POST NO.2

505 3rd Avenue North
Fargo, North Dakota 58102
(701) 293-3930

January 11, 2010

City Commission Fargo ND
% City Auditor of Fargo
200 3rd Street N
Fargo ND 58102

RE: AMERICAN LEGION GILBERT C. GRAFTON POST 2 LIQUOR LICENSE

Dear City Commission;

As of November 12, 2009 we closed our operation on gaming and liquor sales and listed the building for sale. As of December 15, 2009 we had removed all liquor and beer from the building and will return all open and empty kegs in the next week.

Our intention are to relocate as the Gilbert C. Grafton Post 2, American Legion once the building is sold and at that time we will determine if we will open with a bar and gaming.

We have reduced our insurance coverage being we are no longer in operation and as of today have requested that our Liquor Legal Liability policy be cancelled.

Our current Liquor License with the city of Fargo is paid up until June 2010 and we ask that it be continued until a new location for our operation is found. We recently paid our State Liquor License in December 2009.

If you have any questions please contact me at 701-238-9630 Past Commander or Bob Jacobson, Commander at 701-261-0910.

Sincerely

Dave Johnston, Past Commander

CITY OF Fargo

Finance Office
P.O. Box 2083
200 3rd Street North
Fargo, North Dakota 58107-2083
Phone: 701-241-1333
Fax: 701-241-1526

K

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Proposed Liquor Ordinance Changes

DATE: January 21, 2010

At its January 20th meeting the Liquor Control Board discussed amending the Class E permit application process to require that applications for a Class E permit be received seven (7) days prior to the event. Fargo Police Department and City Auditor's staff have had numerous occasions where the application for the Class E permit are being received hours before the event, this does not allow adequate time to notify the police department and review the event location to assure public safety concerns are met. The ordinance has been written to allow the requirement be waived if good cause is shown.

A Class E permit is required if the license holder wishes to serve alcohol off of their designated licensed premise. It is often referred to as a special serving permit.

The Liquor Control Board approved these changes and forwarded to the City Commission for its consideration.

Recommended Motion:
Approve the liquor license ordinance revisions relating to the Class E permit requiring applications be received seven (7) days prior to the event.

Fargo-Moorhead
All-America City
2000

Printed on Recycled paper.

OFFICE OF THE CITY ATTORNEY

October 7, 2009

Steve Sprague
City Auditor
P.O. Box 2083
Fargo ND 58107-2083

Re: Liquor Control Committee
Ordinance Amending 25-1508 (A)

Dear Steve:

Enclosed find an ordinance amending Section 25-1508 (A). Please see that this is placed on the Liquor Control Committee Agenda for discussion at our meeting next week.

Very truly yours,

OFFICE OF THE CITY ATTORNEY

Garylle B. Stewart
Assistant City Attorney

GBS/amc
Enclosure
F:\US\GBS\CITY\Liquor Control (152.001)\ltr to steve sprague re ord 25-1508a.doc

P.O. Box 1897 • Fargo, ND 58107-1897 • Phone (701) 237-3166 • Fax (701) 237-4627

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-1508 OF ARTICLE 25-15
OF CHAPTER 25 OF THE FARGO MUNICIPAL CODE
RELATING TO ISSUANCE AND TRANSFER OF LICENSES

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

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

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

NOW, THEREFORE,

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

Section 1. Amendment.

Section 25-1508 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby amended to read as follows:

25-1508. Issuance and transfer of licenses--Restrictions--Hearing required.—

A. No license, other than a Class "E" license, shall be issued or transferred without approval of the commission. A Class "E" license may be issued by the city auditor, without notice or hearing, provided, however that, application must be made seven (7) days before the planned event unless such requirement is waived for good cause shown.

* * *

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1
2 Section 2. Effective Date.
3 This ordinance shall be in full force and effect from and after its passage and approval.
4
5 _____
Dennis R. Walaker, Mayor
Attest:
6
7 _____
Steven Sprague, City Auditor
8 First Reading:
Second Reading:
9 Final Reading:
10
11
12 G:\ORDINANCES\Amendments - Ordinance book - current\alcohol - amend 25-1508(a).doc
13
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CITY OF Fargo

PUBLIC WORKS/OPERATIONS

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1453
FAX: (701) 241-8100

January 21, 2010

The Honorable Board of City commissioners
City of Fargo
200 North Third Street
Fargo, ND 58102

Commissioners:

On December 22, 2009 request for proposals were received for one (1) or more Hook Lift Roll-Off System and Tarping System. One proposal was submitted by Olympic Sales Inc.

The results are as follows:

Firm	Total per unit
Olympic Sales Inc.	$41,000.00

We are exercising our option to purchase off of the original RFP. Our recommendation is to award to the lowest proposal from Olympic Sales. Funding for this project is included in the 2010 Solid Waste Budget.

SUGGESTED MOTION:

Approve the recommendation to purchase one Hook Lift Roll-Off from Olympic Sales for the total amount of $41,000.00

Respectfully Submitted,

Allan Erickson
Fleet Management Specialist

m.

Jill Springer
U Motors, Inc.
3525 38th St. SW
Fargo, ND 58104

January 14, 2010

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

To Whom It May Concern:

I am writing on behalf of U Motors, Inc. to request a noise ordinance extension. The requested extension is for the evening of July 24th, 2010 until 11pm.

The requested extension is for our '3rd Annual Backyard BBQ and Bike Bash.' We have had much success in the past in raising money for our selected charities and hope to do so again, with your help.

I look forward to a response regarding this request. Please let me know if any further action is needed.

Thank you for your support.

Sincerely,

Jill M. Springer
Jill@umotorsinc.com
(701) 232-5000

n.

CITY OF Fargo

Memorandum

Date: 19 January 2010

To: Board of Commissioners, City of Fargo

From: Robert C. Stein

Re: Three-Year Renewal of Contract with Parking Service for Operations of Parking Facilities (Corrected Agreement)

At its January 11, 2010 meeting, the City Commission approved a tree-year contract extension with Parking Service for operation of the City's 11 parking facilities. Unfortunately, there was an error in the contract. Please find attached the corrected contract. The only change is to the amount of the contract. The error occurred in the base amount of the contract, and since the new contract was increased by the CPI, the incorrect base led to a shortage in the overall contract amount.

Please refer to the following page for an explanation of the contract. The "suggested action" is also on the following page. Contact me if you have any questions or concerns.

Memorandum

Date: 19 January 2010

To: City Commission

From: Robert C. Stein

Re: Three-Year Renewal of Contract with Parking Service for Operations of Parking Facilities

---

The operating contract with Parking Service is due to expire on February 1, 2010. The City has a long and positive history with Parking Service. Parking Service has agreed to extend the contract for an additional three years with the only adjustment being the annual CPI adjustment. Staff recommends that the contract be extended. At the completion of the three 1-year extensions, the contract should be re-evaluated.

The Bureau of Labor Statistics (BLS) strongly recommends use of the US City Average CPI for use in escalator clauses. The change in the CPI for the period November 2008 to November 2009 was 1.8%. This is the amount of the CPI adjustment that will be made to the contract between the City of Fargo and Parking Service should the extension be approved.

The only other significant change was due to the demolition of the US Bank Ramp. The cost of operating the US Bank Ramp (150 spaces) was $31,124 annually. The ramp was demolished and replaced with a 40-space surface lot, and the annual costs for operating that facility are significantly lower, $8,741. Therefore the total amount of the contract will decrease from $348,006 to $344,922.11.

Please find attached the proposed contract for the period February 2010 – January 2013, with the aforementioned changes. The value of the contract is $344,922.11 which will be paid in monthly installments of $28,743.51. This contract will be effective February 1, 2010.

Suggested Action: to approve the 3-year contract extension with Parking Service for operations of the City's parking facilities subject to annual CPI adjustments.

PARKING FACILITY MANAGEMENT CONTRACT

THIS CONTRACT, intended to be effective 1 February, 2010, by and between the City of Fargo, hereinafter referred to as "Owner, and Parking Services, hereinafter referred to as "Contractor".

WHEREAS, the Owner owns the following parking facilities:

2nd Avenue South Lot located at 625 2nd Avenue North

2nd Avenue North Lot located at 624 2nd Avenue North

Civic Center Lot located at 200 3rd Street North

GTC Garage located at 502 NP Avenue North

Radisson Ramp located at 411 2nd Avenue North

3rd Avenue Lot located at 222 5th Street North

Island Park Ramp located at 515 1st Avenue South

3rd Street Lot located at 320 Machinery Row North

4th Street Lot located at 20 4th Street North

Main Avenue Lot located at 501 Main Avenue

NP Avenue Lot located at 602 NP Avenue North

NOW THEREFORE, it is hereby agreed as follows:

1. The Owner hereby employs and the Contractor hereby agrees to act as the operator of the Owner's parking facilities.

2. The term of this Management Contract shall be three years, commencing on 1 February, 2010, and continuing until 31 January 2013. It is further agreed, however, that either party may terminate this Contract at any time upon giving the other party not less than 90 days' written notice of such termination. After the initial term of this Contract, the contract may be renewed, however, in the interim the Management Contract shall run on a month-to-month basis and shall be terminable by either party by giving the other party not less than 30 days' written notice of such termination.

3. The Owner will furnish the necessary equipment for said parking facility, including attendant's booths, entrance and exit gates, ticket spitters and tickets for the machine,

ground detector loops, and cashier's clock. The Owner shall also pay for elevator maintenance, building improvements, building repairs, and light bulbs. The Owner shall also be responsible for all utilities including electricity, heat, water, and any other utilities.

4. The Contractor will provide service and repairs for all parking and revenue control equipment to include: ticket spitters, gates, and clocks, with any parts to be paid by the Owner. The Contractor will install light bulbs.

5. The Contractor will be responsible for the snow removal and hauling (to be hauled out within 48 hours), striping once each year, and sweeping according to the schedule in Section 14, or at a frequency sufficient to maintain the facility in a manner acceptable to the Owner. The Contractor will also have available, at all times during the winter months, a loader and operator. The Owner will furnish a location for dumping snow removed from the parking facilities. The loader must be adapted for use on concrete structures by the installation of a rubber-edged blade or some equivalent adaptation that eliminates direct contact between the snow plow and the deck. The Contractor will also pay for all sand and salt to provide safe driving conditions in the winter months. The Contractor will wash floors at least twice a year. In areas where salt is used to melt snow and ice, one of the washings should occur in the early spring. Elevator lobbies and cabs, stairs, and windows will be cleaned by the Contractor. The Contractor will be responsible daily for picking up all trash in the parking facility and in adjoining landscaped areas and for emptying trashcans.

6. The Contractor and the Owner will annually conduct a joint inspection of the entire facility to identify structural issues, maintenance issues, and equipment needs. This inspection should include: parking surfaces (asphalt, aggregate, or concrete), the top and bottom surfaces of all parking floors, columns, beams, guard rails and handrails, stairways, elevators, walls, and wheel stops. The Contractor should monitor daily the operations of the following: lights, signs, mechanically operated doors, security equipment, floor and roof drainage systems, ventilating equipment, carbon monoxide monitors, sump pumps, and floor drains. Upon detection, the Contractor will report to

the Owner graffiti or vandalism that requires investigation by police and/or removal or mitigation.

7. The Contractor will provide general liability insurance for the operation of the parking facilities in such amounts as may be acceptable to the Owner, but in any event, no less than Five Hundred Thousand Dollars ($500,000.00) per facility. The Contractor shall furnish copies of such policy or policies to the Owner on request. The Contractor agrees to further hold the Owner harmless against and from any and all expenses, suits, damages, claims or losses of any kind that may be sustained by the Owner by reason of the Contractor's operation of the parking facility. The Contractor shall be responsible for wages, workmen's compensation, and unemployment compensation as required by the law.

8. The Contractor will provide all offices supplies, printing, furniture, and telephone. The Contractor will establish a separate accounting system for each parking facility. The accounting system adopted shall be acceptable to the Owner.

9. The Contractor will provide well-trained, courteous, and neatly dressed employees. Employees will be on duty as prescribed in Section 14 and shall further be open for special activities or upon request of the Owner.

10. The Contractor shall maintain, in a proper manner, all grass and shrubbery (define specific locations), including, but not limited to, watering, fertilizing, cutting grass, and trimming in an appropriate manner all shrubbery.

11. As compensation for the service of the Contractor, the Owner agrees that the Contractor shall receive $344,922.11 per year. Said compensation shall be paid in 12 equal month installments of $28,743.51 at the end of each month during the term of this Contract. The Contractor shall collect all revenues from the operation of the facilities and all revenues from the operation of the facilities shall be turned over to the Owner on or before the 15th day of the month following the month in which said revenues are received. Compensation for attendant services in addition to those described in Section 14 will be paid by the Owner at the rate of $10 per attendant hour.

12. Any and all monies received as a deposit by long-term users shall be accounted for and returned to the depositor or turned over to the City at the expiration of this Contract.

13. It is specifically understood and agreed between the parties that the Contractor is acting as an independent contractor and there shall not be deemed to be any employment relationship between the parties except that of independent contractor.

14. Following are specific duties associated with each facility.

2nd Avenue North and South Lots	
Snow Removal	As Needed
Striping	Annually
Sweeping	Every Six Weeks and as Requested by Owner
Wash	Not Applicable
Clean Elevator Cabs	Not Applicable
Clean Elevator Lobby	Not Applicable
Clean Stairs	Not Applicable
Clean Windows	Not Applicable
Attendant on Duty	10am-5:30pm M-F and as Requested
Clean Attendant Booth	As Needed
Maintain Grass & Shrubbery	Grass on Boulevard and Shrubs in SW Corner
Pick up Trash/Empty Receptacles	Daily
Inspection	Annually
CONTRACT AMOUNT	$50,302.43

Civic Center Lot	
Snow Removal	As Needed
Striping	Annually
Sweeping	Every Six Weeks and as Requested by Owner
Wash	Not Applicable
Clean Elevator Cabs	Not Applicable
Clean Elevator Lobby	Not Applicable
Clean Stairs	Not Applicable
Clean Windows	Not Applicable
Attendant on Duty	9am-6pm M-F and as Requested
Clean Attendant Booth	As Needed
Maintain Grass, Shrubbery & Trees	Water Trees as Recommended by City Forester
Pick up Trash/Empty Receptacles	Daily
Inspection	Annually
CONTRACT AMOUNT	$49,070.65

GTC Garage	
Snow Removal	As Needed
Striping	Annually
Sweeping	Every Six Weeks and as Requested by Owner
Wash Ramp and Floor	Twice Yearly
Clean Elevator Cabs	Not Applicable
Clean Elevator Lobby	Not Applicable
Clean Stairs	Not Applicable
Clean Windows	Not Applicable
Attendant on Duty	12pm-6pm M-F & as requested
Clean Attendant Booth	As Needed
Maintain Grass & Shrubbery	Not Applicable
Pick up Trash/Empty Receptacles	Daily
Inspection	Annually
CONTRACT AMOUNT	$29,613.62

Radisson Ramp	
Snow Removal	As Needed
Striping	Annually
Sweeping	Weekly and as Requested by Owner
Wash	Twice Yearly
Clean Elevator Cabs	Not Applicable
Clean Elevator Lobby	Not Applicable
Clean Stairs	Not Applicable
Clean Windows	Not Applicable
Attendant on Duty	7am-8pm M-F, 9am-8pm Sat. and as Requested
Clean Attendant Booth	As Needed
Maintain Grass, Shrubbery & Trees	Flower pots, trees, and shrubs (south and east)
Pick up Trash/Empty Receptacles	Daily
Inspection	Annually
CONTRACT AMOUNT	$63,717.64

3rd Avenue Lot	
Snow Removal	As Needed
Striping	Annually
Sweeping	Weekly and as Requested by Owner
Maintain Grass & Shrubbery	As Needed to Maintain Neat Appearance
Pick up Trash/Empty Receptacles	Daily
Inspection	Monthly
CONTRACT AMOUNT	$8,741.00

Island Park Ramp	
Snow Removal	As Needed
Striping	Annually
Sweeping	Weekly and as Requested by Owner
Wash	Twice Yearly
Clean Elevator Cabs	Daily
Clean Elevator Lobby	Daily
Clean Stairs	Daily
Clean Windows	Twice Yearly
Attendant on Duty	As Requested
Clean Attendant Booth	As Needed
Maintain Grass, Shrubbery & Trees	As Needed to Maintain Neat Appearance. Water Trees as Recommended by City Forester
Pick up Trash/Empty Receptacles	Daily
Inspection	Annually
CONTRACT AMOUNT	$30,832.17

3rd Street Lot	
Snow Removal	As Needed
Striping	Annually
Sweeping	Every Six Weeks and as Requested by Owner
Wash	Not Applicable
Clean Elevator Cabs	Not Applicable
Clean Elevator Lobby	Not Applicable
Clean Stairs	Not Applicable
Clean Windows	Not Applicable
Attendant on Duty	As Requested
Clean Attendant Booth	As Needed
Maintain Grass, Trees, & Shrubbery	As Needed to Maintain Neat Appearance
Pick up Trash/Empty Receptacles	Daily
Inspection	Annually
CONTRACT AMOUNT	$19,976

4th Street Lot	
Snow Removal	As Needed
Striping	Annually
Sweeping	Every Six Weeks and as Requested by Owner
Wash	Not Applicable
Clean Elevator Cabs	Not Applicable
Clean Elevator Lobby	Not Applicable
Clean Stairs	Not Applicable
Clean Windows	Not Applicable
Attendant on Duty	As Requested
Clean Attendant Booth	As Needed
Maintain Grass, Trees & Shrubbery	As Needed to Maintain Neat Appearance
Pick up Trash/Empty Receptacles	Daily
Inspection	Annually
CONTRACT AMOUNT	$24,024.80

Main Avenue Lot	
Snow Removal	As Needed
Striping	Annually
Sweeping	Every Six Weeks and as Requested by Owner
Wash	Not Applicable
Clean Elevator Cabs	Not Applicable
Clean Elevator Lobby	Not Applicable
Clean Stairs	Not Applicable
Clean Windows	Not Applicable
Attendant on Duty	As Requested
Clean Attendant Booth	As Needed
Maintain Grass & Shrubbery	As Needed to Maintain Neat Appearance
Pick up Trash/Empty Receptacles	Daily
Inspection	Annually
CONTRACT AMOUNT	$16,057.93

NP Avenue Lot	
Snow Removal	As Needed
Striping	Annually
Sweeping	Every Six Weeks and as Requested by Owner
Wash	Not Applicable
Clean Elevator Cabs	Not Applicable
Clean Elevator Lobby	Not Applicable
Clean Stairs	Not Applicable
Clean Windows	Not Applicable
Attendant on Duty	9am-6pm M-F and as Requested
Clean Attendant Booth	As Needed
Maintain Grass & Shrubbery	As Needed to Maintain Neat Appearance
Pick up Trash/Empty Receptacles	Daily
Inspection	Annually
CONTRACT AMOUNT	$52,585.66

John Rogne, Contractor

CITY OF FARGO

By: _____

Its: _____

City of Fargo Staff Report			
Title:	Prairie Grove Second Addition	**Date:**	11/13/09 **Update: 1/21/10**
Location:	925 10 Ave E	**Staff Contact:**	Mark Williams
Owner(s)/Applicant:	Brock Storrusten	**Engineer:**	Moore Engineering
Reason for Request:	Minor Subdivision		
Status:	City Commission Public Hearing 1/25/10		

Existing		Proposed
Land Use: Vacant		**Land Use** Retail Sales and Service
Zoning: LC – Limited Commercial with Conditional Overlay		**Zoning:** LC – Limited Commercial with Conditional Overlay
Uses Allowed: LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service. **With a conditional overlay pertaining to signage and landscaping.**		**Uses Allowed:** LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service. **With a conditional overlay pertaining to signage and landscaping.**
Maximum Density Allowed:55% building coverage		**Maximum Density Allowed:** 55% building coverage

Area Plans:

The *Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo* recommends commercial land uses for the subject property. The property was rezoned to LC – Limited Commercial April 2006.

Schools and Parks:

N/A

Staff Analysis:

The petitioner is seeking approval of a Minor plat to replat Lot 1, Block 2 of the Prairie Grove Addition. As proposed the replat would create four lots. The subject property is bounded to the south by 53rd Avenue South, to the east by 25th Street South, to the north by 52nd Avenue South. Currently, the property is vacant. A convenience store/carwash is planned for the proposed Lot 3, Block 1.

Subdivision

The LDC stipulates that the following criteria is met before a minor plat can be approved:

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

   The proposed replat is consistent with the Area Plan as identified within the *Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo.* The plan supports commercial development in this area. No changes to the existing zoning district (LC w/ CO) are proposed at this time. Article 20-06 specifically addresses subdivision design and improvements. The article also appears to be a blanket

provision to ensure that local, state and other governmental regulations are being adhered to and met prior to the approval of development. No deficiencies are noted in terms of availability of services, utilities, or access, staff therefore finds that the proposal is in compliance the standards of Article 20-06. Staff further finds that the proposal complies with the adopted Area Plans, with the applicable zoning districts standards and all other applicable requirement of the Land Development Code. **(Criteria Satisfied)**

2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

   While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principals. **(Criteria Satisfied)**

Planning Commission Recommendation:

1/13/10: In a unanimous decision the Planning Commission recommended approval to the City Commission of the Prairie Grove Second Addition on the basis that it satisfactorily complies with the Comprehensive Plan, Area Plan, Standards of Article 20-06 and all other applicable requirements of the LDC."

Staff Recommendation:

Suggested Motion: "To accept the findings of the Planning Commission and hereby approve the proposed Prairie Grove Second Addition on the basis that it satisfactorily complies with the Comprehensive Plan, Standards of Article 20-06 and all other applicable requirements of the LDC."

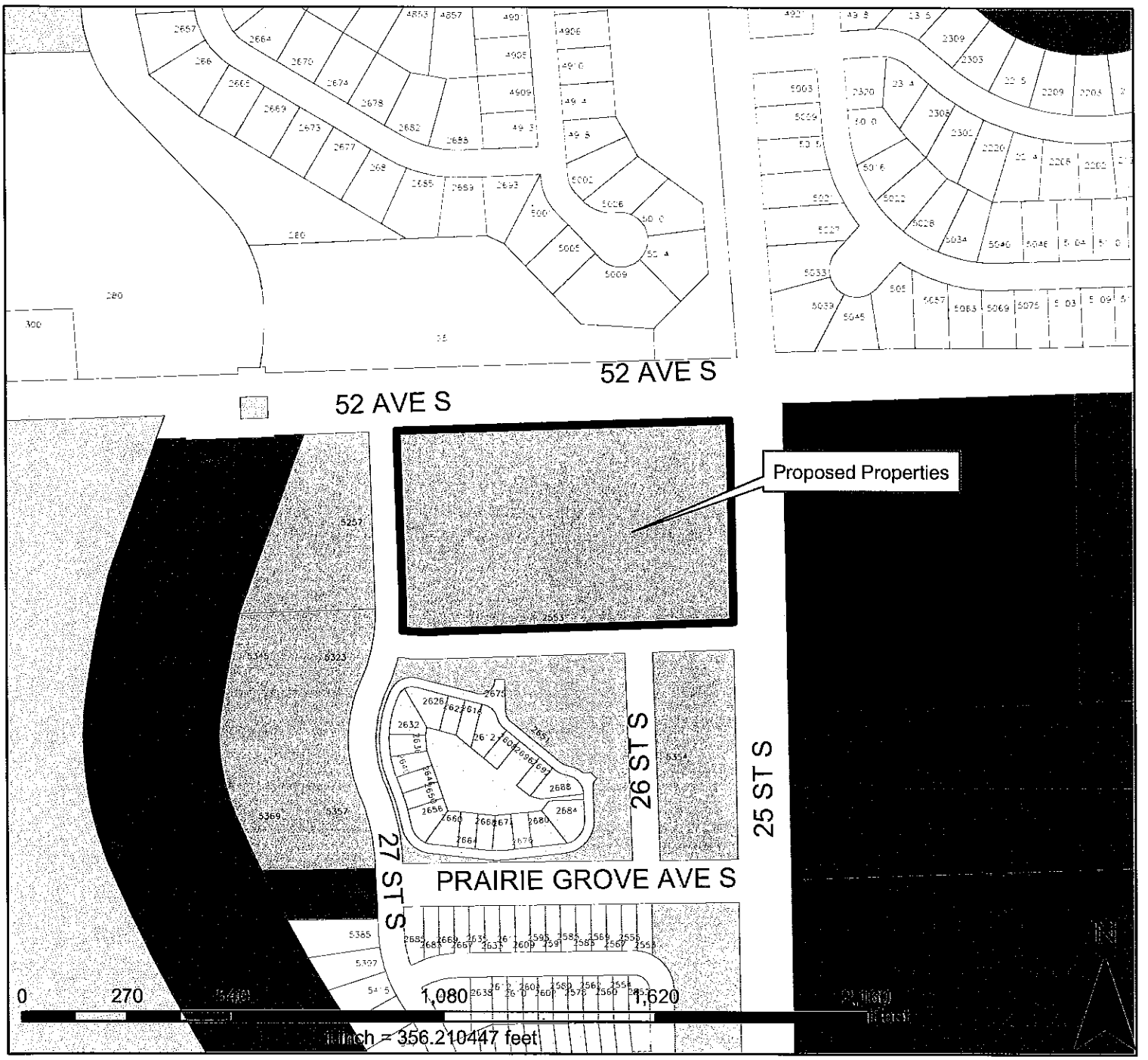
City Commission:

1/25/10

Plat (Minor Subdivision)

Prairie Grove Addition

2553 53 Ave S



Legend

AG	MR-2	LI	SR-3
DMU	MR-3	MHP	SR-4
GC	NC	MR-1	SR-5
GI	NO	City Limits	
GO	P/I	Proposed Property	
LC	SR-2		

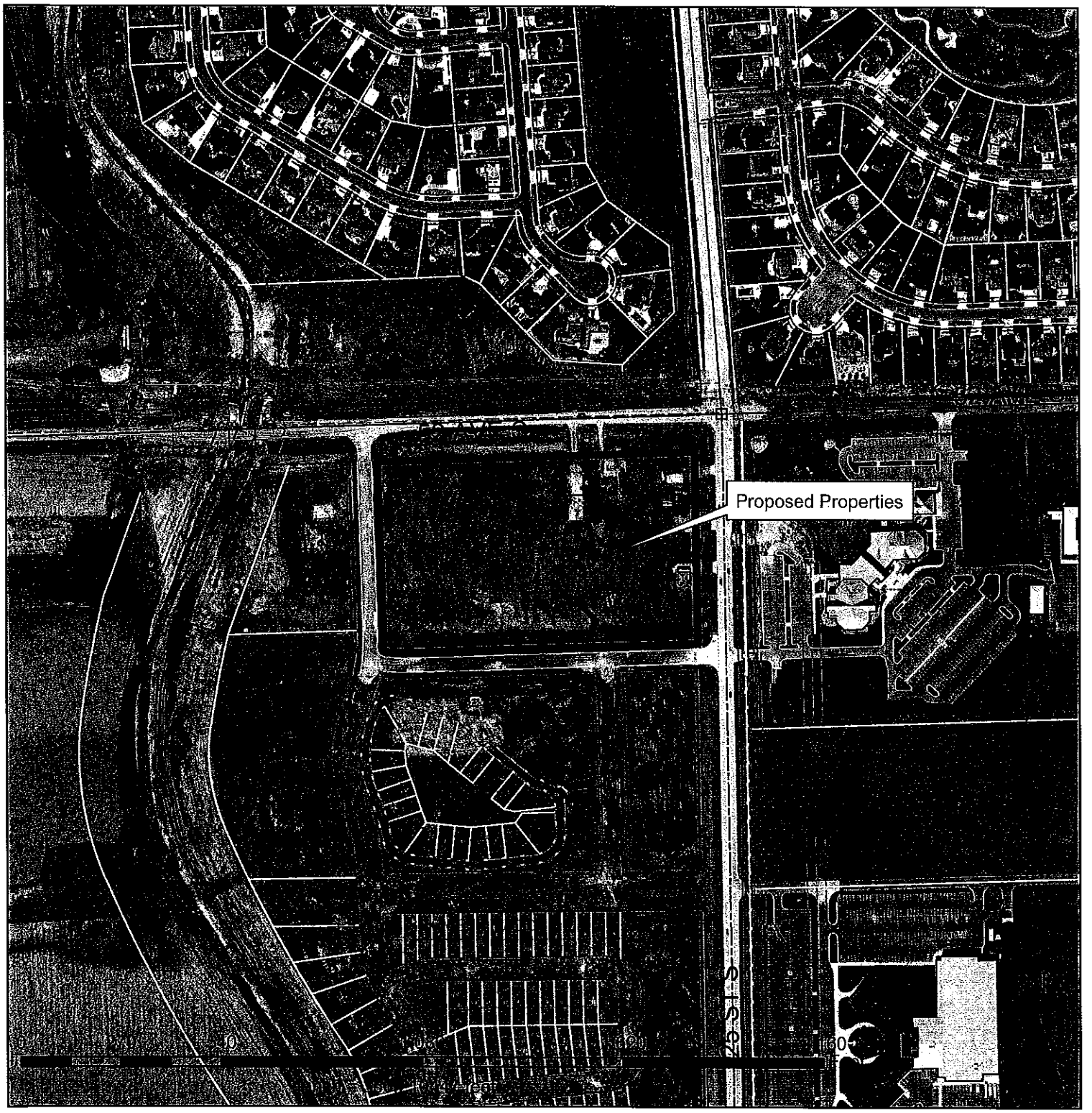
CITY OF Fargo

Fargo Planning Commission
December 9, 2009

Plat (Minor Subdivision)

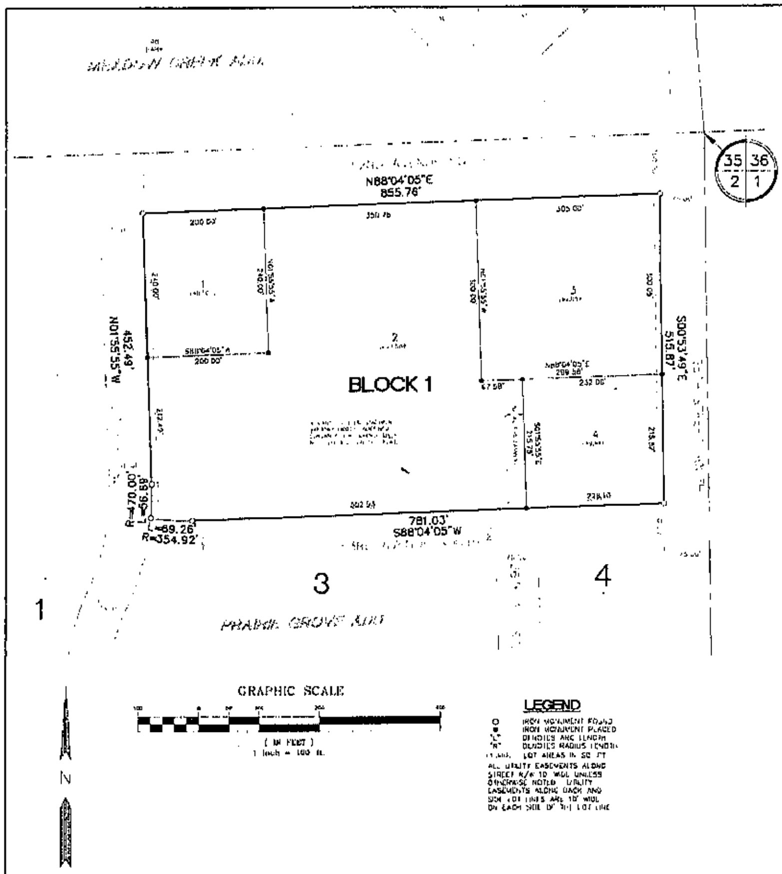
Prairie Grove Addition

2553 53 Ave S



CITY OF Fargo

Fargo Planning Commission
December 9, 2009



A MINOR SUBDIVISION PLAT OF PRAIRIE GROVE SECOND ADDITION TO THE CITY OF FARGO, A REPLAT OF LOT 1, BLOCK 2, PRAIRIE GROVE ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

CERTIFICATE

GREG MUND, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED PROFESSIONAL LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "PRAIRIE GROVE SECOND ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT ONE (1) BLOCK TWO (2), PRAIRIE GROVE ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT, THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

ALL OF LOT ONE (1), BLOCK TWO (2), PRAIRIE GROVE ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
SAID TRACT CONTAINS 10.08 ACRES, MORE OR LESS
SAID TRACT SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY RECORDED AND UNRECORDED

GREG MUND
REGISTERED PROFESSIONAL LAND SURVEYOR
REG NO 2727

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _______ 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED GREG MUND, REGISTERED PROFESSIONAL LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "PRAIRIE GROVE SECOND ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT ONE (1), BLOCK TWO (2), PRAIRIE GROVE ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA. THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF GREG MUND, REGISTERED PROFESSIONAL LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED PROFESSIONAL LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE LOT 1, BLOCK 1 TO THE SOUTHEAST CASS WATER RESOURCE DISTRICT AND ALL STREETS, AVENUES, AND UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC

OWNERS: PRAIRIE GROVE, LLC MORTGAGEE: STARION FINANCIAL

BRENT C. OLSON, SECRETARY-TREASURER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _______ DAY OF _________, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENT C. OLSON, SECRETARY-TREASURER OF PRAIRIE GROVE, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF PRAIRIE GROVE, LLC

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _______ DAY OF _________, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF STARION FINANCIAL

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _________, 2009

JOHN O. PAULSEN, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _______ DAY OF ________, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED JOHN O. PAULSEN, CHAIRMAN OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES:

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO WAS APPROVED THE ____ DAY OF ________, 2009

MARK BITTNER, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _______ DAY OF _________, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK BITTNER, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _________

COUNTY AUDITOR'S TAX RECORD

I HEREBY CERTIFY THAT ALL DELINQUENT TAXES AND SPECIAL ASSESSMENTS ON THE ABOVE PLAT ARE PAID AND TRANSFERS ENTERED

MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO WAS APPROVED THE ____ DAY OF ________, 2009

DENNIS R. WALAKER, MAYOR STEVE SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _______, 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DENNIS R. WALAKER, MAYOR, AND STEVE SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

moore engineering, inc. PROJ NO 14980

SHEET 3 OF 3

DOCUMENT NO
STATE OF NORTH DAKOTA
COUNTY OF CASS

I HEREBY CERTIFY THAT THE ABOVE INSTRUMENT WAS FILED IN THIS OFFICE FOR RECORD ON THIS ___ DAY OF ___ A.D. 2010 AT ___ O'CLOCK ___ M AND WAS RECORDED IN BOOK ___ OF PAGE ___

COUNTY RECORDER

BY DEPUTY

APPLICATION FOR A LOCAL PERMIT

City of Fargo
Rev. 12-09

(p 1)
Pd 1-19-10
25.00

Name of Non-profit Organization: Mike Walters Benefit		Date(s) of Activity: 1-30-10 to 1-30-10	
Person Responsible for the Gaming Operation: Kris Troland - Terry Hagan		Title	Business Phone Number
Business Address: 3501 12th Ave No	City: Fargo	State: ND	Zip Code: 58102
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted: Teamsters	Site Address: 21 18th St. So		
City: Fargo	State: ND	Zip Code: 58103	County: CASS

Check the Game(s) to be Conducted: ☐ Bingo ☒ Raffle ☐ Calendar Raffle ☐ Sports Pool

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
	Turkey	$ 15.48
	Turkey	16.10
	Ham	7.26
	Ham	8.44
	Ham	8.29
	Bacon	14.00
	Bacon	14.00
	Bacon	14.00
	Bacon	14.00

Game Type	Description of Prize	Retail Value of Prize
	Bacon	$ 14.00
	Bacon	14.00
	Brats	14.00
	Brats	14.00
	Brats	14.00
	Chicken	10.00
	Chicken	10.00
	Chicken	10.00
	Steaks	27.00
	Total:	(Limit $12,000 per year) $ 238.57

Intended uses of gaming proceeds: to offset medical expenses

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

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

PRIZE RESTRICTIONS:

A single cash prize cannot exceed $4,000 and the total cash prizes for a raffle cannot exceed $4,000 in one day.
The retail value of a merchandise prize cannot exceed $6,000.
The total of all cash prizes and retail value of all merchandise prizes for all games cannot exceed $12,000 per year.
If the value of the planned cash and merchandise prizes exceeds $12,000, the organization must reduce the prizes to this limit or apply for a state license with the Office of Attorney General

Signature of Organization's Top Executive Official	Date	Title	Day time Phone Number
Kris Troland	1/19/10	H.R. Assistant	701 293 2133

Rd 1-20-10
CR# 1338
25.00

APPLICATION FOR A LOCAL PERMIT

City of Fargo
Rev. 06-09

Name of Non-profit Organization: North Central Turf Grass Association		Date(s) of Activity: Feb 25, 2010 to Feb 25, 2010	
Person Responsible for the Gaming Operation: René A. Smith		Title: Exec Director	Business Phone Number: 701-552-1940
Business Address: P.O. Box 10823	City: Fargo	State: ND	Zip Code: 58106-0823
Mailing Address (if different): Same as above	City: Fargo	State: ND	Zip Code: 58106-0823
Name of Site Where Game(s) will be Conducted: Ramada Plaza Suites	Site Address: 1635 42nd St SW		
City: Fargo	State: ND	Zip Code: 58103	County: Cass

Check the Game(s) to be Conducted: ☐ Bingo ☑ Raffle ☐ Calendar Raffle ☐ Sports Pool

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
Raffle	Cash	$ 500.00

Game Type	Description of Prize	Retail Value of Prize
		$

Total: (Limit $12,000 per year) $ 500.00

Intended uses of gaming proceeds: Scholarships / Education

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

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

PRIZE RESTRICTIONS:

A single cash prize cannot exceed $2,500 and the total cash prizes for a raffle cannot exceed $4,000 in one day.
The retail value of a merchandise prize cannot exceed $6,000.

The total of all cash prizes and retail value of all merchandise prizes for all games cannot exceed $12,000 per year.

If the value of the planned cash and merchandise prizes exceeds $12,000, the organization must reduce the prizes to this limit or apply for a state license with the Office of Attorney General

Signature of Organization's Top Executive Official	Date	Title	Day time Phone Number
René A. Smith	1-15-2010	Exec Director	701-552-1940

Paid 25.00 1-21-10
V# 5498

3

APPLICATION FOR A LOCAL PERMIT

City of Fargo
Rev. 12-09

Name of Non-profit Organization: Clara Barton Hawthorne PTA		Date(s) of Activity: March 6, 10 to March 6, 10	
Person Responsible for the Gaming Operation: Bob McArthur		Title: Raffle Coordinator	Business Phone Number: 446-4400
Business Address: 1417 6th St S	City: Fargo	State: ND	Zip Code: 58103
Mailing Address (if different):	City:	State:	Zip Code:
Name of Site Where Game(s) will be Conducted: Clara Barton School	Site Address: 1417 6th St S		
City: Fargo	State: ND	Zip Code: 58103	County: Cass

Check the Game(s) to be Conducted: ☐ Bingo ☒ Raffle ☐ Calendar Raffle ☐ Sports Pool

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
Raffle	2x$100 Gift Cert. Hornbachers	$ 200
Raffle	Pool Party Holiday Inn	100
Raffle	$100 West Acres Gift Cert.	100
Raffle	Island Park Bikes Raleigh Talus 2.0 Bike	320
Raffle	Auto Systems Astro Start	$350
Raffle	Scheels $100 Gift Cert	$100
Raffle	20" girls bike	$70
Raffle	20" boys bike	$70

Game Type	Description of Prize	Retail Value of Prize
		$

Total: (Limit $12,000 per year) $ 1310.00

Intended uses of gaming proceeds: Help Fund School Activities

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

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

PRIZE RESTRICTIONS:

A single cash prize cannot exceed $4,000 and the total cash prizes for a raffle cannot exceed $4,000 in one day.
The retail value of a merchandise prize cannot exceed $6,000.
The total of all cash prizes and retail value of all merchandise prizes for all games cannot exceed $12,000 per year.
If the value of the planned cash and merchandise prizes exceeds $12,000, the organization must reduce the prizes to this limit or apply for a state license with the Office of Attorney General

Signature of Organization's Top Executive Official	Date	Title	Day time Phone Number
[signature]	1/19/10	Raffle Coordinator	701-388-0245

(p4)

APPLICATION FOR A LOCAL PERMIT

City of Fargo
Rev. 06-09

Name of Non-profit Organization: FARGO CATHOLIC SCHOOLS NETWORK		Date(s) of Activity: 4-24-2010 to 04-24-2010	
Person Responsible for the Gaming Operation: SARAH RIES, AUCTION DIRECTOR		Title:	Business Phone Number: 701-893-3270
Business Address: 5600 25th St S	City: FARGO	State: ND	Zip Code: 58104
Mailing Address (if different):	City:	State:	Zip Code:
Name of Site Where Game(s) will be Conducted: FARGO HOLIDAY INN	Site Address: 13th Ave S		
City: FARGO	State: ND	Zip Code: 58103	County: CASS

Check the Game(s) to be Conducted: ☐ Bingo ☒ Raffle ☐ Calendar Raffle ☐ Sports Pool

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
Raffle	$1,000 cash	$ $ 1,000
Raffle	500 cash	500
Raffle	500 cash	500
Raffle	tuition	2,500

Game Type	Description of Prize	Retail Value of Prize
		$

Total: (Limit $12,000 per year) $ 4,500

Intended uses of gaming proceeds: FCSN General Fund

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

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

PRIZE RESTRICTIONS:

A single cash prize cannot exceed ~~$2,500~~ $4,000 and the total cash prizes for a raffle cannot exceed $4,000 in one day.
The retail value of a merchandise prize cannot exceed $6,000.

The total of all cash prizes and retail value of all merchandise prizes for all games cannot exceed $12,000 per year.
If the value of the planned cash and merchandise prizes exceeds $12,000, the organization must reduce the prizes to this limit or apply for a state license with the Office of Attorney General

Signature of Organization's Top Executive Official	Date	Title	Day time Phone Number
Sarah Ries	1-21-10	Auction Director	893-3270

CITY OF Fargo

(9)

OFFICE OF THE CITY ATTORNEY

January 20, 2010

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

Re: Oak Grove Mickelson Field Permanent Dike for Flood Control – SID #5902

Dear Commissioners:

Enclosed please find a Relinquishment of Easement concerning property owned by Elm Terrace Condo Association located between Lindsay Addition and Mickelson Fields Addition in North Fargo. There was an error in the legal description to the permanent easement originally given. A corrective easement has been forwarded to the Elm Terrace Condo Association for execution. This relinquishment will be recorded once a corrective easement is signed and recorded.

RECOMMENDED MOTION: I/we hereby move to approve the relinquishment of easement and that the Mayor and City Auditor be instructed to execute the same on behalf of the City of Fargo.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY

Garylle B. Stewart
Assistant City Attorney

GBS/amc
Enclosure
cc: Shawn Bullinger
F:\US\GBS\CITY\Engineer (112)\Mickelson-Oak Grove Field Dike (SID #5902) - 498\ltr to commission w relinq of ease (5902-4B).doc

P.O. Box 1897 • Fargo, ND 58107-1897 • Phone (701) 237-3166 • Fax (701) 237-4627

RELINQUISHMENT OF EASEMENT

WHEREAS, THE CITY OF FARGO, NORTH DAKOTA, a municipal corporation, was granted an easement by document dated November 10, 2009, (Document No. 1284752 recorded on December 22, 2009 at 8:00 a.m.) which included the hereinafter described property; and,

WHEREAS, THE CITY OF FARGO, NORTH DAKOTA, wishes to discharge the said easement of record and release the property to the present owner,

NOW, THEREFORE, THE CITY OF FARGO, NORTH DAKOTA, does hereby release, terminate and relinquish the easement in the following described property:

That part of Lot Two (2), Block One (1), Mickelson Fields Addition to the City of Fargo, Cass County, North Dakota, described as follows: Beginning at the Southwest corner of said Lot Two (2); thence N 87°30'57" E, along the Southerly line of said Lot Two (2), for a distance of Three Hundred Thirty-one and Fifty Hundredths Feet (331.50') to an angle point on the Southerly line of said Lot Two (2); thence S 02°56'37" E, along the Southerly line of said Lot Two (2), for a distance of One Hundred Seven and Fifty Hundredths Feet (107.50') to an angle point on the Southerly line of said Lot Two (2); thence N 87°03'21" E, along the Southerly line of said Lot Two (2), for a distance of Forty Feet (40.00') to an angle point on the Southerly line of said Lot Two (2); thence S 02°56'42" E, along the Southerly line of said Lot Two (2), for a distance of Twenty-one and Sixty-four Hundredths Feet (21.64') to an angle point on the Southerly line of said Lot Two (2); thence N 71°50'40" E, along the Southerly line of said Lot Two (2), for a distance of One Hundred Sixty-six and Sixty-nine Hundredths Feet (166.69') to a point of tangential curve to the left, radius One Hundred Feet (100.00'); thence Northeasterly, along the Southerly line of said Lot Two (2) and along said curve to the left, for a distance of Ninety-five and Sixteen Hundredths Feet (95.16'), central angle 54°31'10" to an angle point on the Southerly line of said Lot Two (2); thence S 69°42'15" E, along the Southerly line of said Lot Two (2), for a distance of Two Hundred Eighteen and Eighty Hundredths Feet (218.80') to an angle point on the Southerly line of said Lot Two (2); thence N 88°43'23" E, along the Southerly line of said Lot Two (2), for a distance of Twenty-four and Ten Hundredths Feet (24.10') to an angle point on the Southerly line of said Lot Two (2); thence N 86°43'24" E, along the Southerly line of said Lot Two (2), for a distance of Twenty Feet (20.00'); thence N 01°58'07" W for a distance of Ninety-six and Twenty Hundredths Feet (96.20'); thence N 63°03'10" W for a distance of Two Hundred Fifteen and Seven Hundredths Feet (215.07'); thence S 71°23'04" W for a distance of Two Hundred Fifty-five and Twenty-seven Hundredths Feet (255.27'); thence N 32°23'09" W for a distance of Eighty and Forty-eight Hundredths Feet (80.48'); thence S 87°02'59" W for a distance of Fifty-eight and Forty-one Hundredths Feet (58.41'); thence N 02°57'01" W for a distance of Thirteen and Ten Hundredths feet (13.10'); thence S 87°02'59" W for a distance of One Hundred

Sixty-eight and Forty-nine Hundredths Feet (168.49'); thence N 45°58'12" W for a distance of One Hundred Eighteen and Forty-eight Hundredths Feet (118.48'); thence N 88°22'43" W for a distance of Sixty-eight and Fifty-nine Hundredths Feet (68.59') to a point of intersection with the Westerly line of said Lot Two (2); thence S 03°01'17" E, along the Westerly line of said Lot Two (2), for a distance of One Hundred Sixty Feet (160.00') to an angle point on the Westerly line of said Lot Two (2); thence N 87°31'10" E, along the Westerly line of said Lot Two (2), for a distance of One and Nineteen Hundredths Feet (1.19') to an angle point on the Westerly line of said Lot Two (2); thence S 02°40'13" E, along the Westerly line of said Lot Two (2), for a distance of Thirty-six and Fifty Hundredths Feet (36.50') to the point of beginning. Said tract of land contains 2.685 acres, more or less.

It is the expressed intention of THE CITY OF FARGO, NORTH DAKOTA, to relinquish and release any and all right it has in the above-described property as shown on the plat of the above-described property as shown in that certain permanent easement recorded as Document #1284752 on December 22, 2009 at 8:00 a.m.

IN WITNESS WHEREOF, THE CITY OF FARGO, NORTH DAKOTA, has signed this release and relinquishment of easement the _____ day of _____, 2010.

CITY OF FARGO, NORTH DAKOTA
a municipal corporation

By_____
Dennis R. Walaker, Mayor

ATTEST:

_____
Steven Sprague, City Auditor

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

On this ____ day of _____, 2010, before me, a notary public in and for said county and state, personally appeared DENNIS R. WALAKER and STEVEN SPRAGUE, to me known to be the Mayor and City Auditor, respectively, of THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, a municipal corporation, described in and that executed the within and foregoing instrument, and acknowledged that said municipal corporation executed the same.

_____
Notary Public

The legal description was obtained from a previously recorded instrument.

This document prepared by:
Garylle B. Stewart (ND #02869)
Solberg Stewart Miller & Tjon, Ltd.
P.O. Box 1897
Fargo, ND 58107-1897
(701) 237-3166

F:\US\GBS\CITY\Engineer (112)\Mickelson-Oak Grove Field Dike (SID #5902) - 498\Relinquishment - elm terrace condo assn - storm sewer (Lindsay Addn 5902-4B).doc

CITY OF Fargo

CITY OF FARGO PUBLIC WORKS
WASTEWATER TREATMENT PLANT
3400 North Broadway
Fargo, North Dakota 58102
Phone: (701) 241-1454
Fax: (701) 241-8159
Web Site: www.cityoffargo.com

(r)

January 14, 2010

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

Re: American Recovery and Reinvestment Act (ARRA) of 2009
CWSRF Loan Application – WWTP Clarifier Improvements

Dear Commissioners:

As you may recall, the City submitted a list of water and wastewater projects to the North Dakota Department of Health (NDDH) for funding under the federal ARRA of 2009. The ARRA of 2009 provided federal funds to States for distribution under their Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs. The only project approved for ARRA of 2009 funding was a CWSRF project for clarifier improvements at the Wastewater Treatment Plant (WWTP). The project funding terms included a 1% SRF loan to finance the improvement costs. The loan is scheduled to be repaid through infrastructure sales tax and wastewater rates.

A requirement of the CWSRF program is submittal of a formal loan application. Therefore, please find attached a Resolution authorizing the filing of an application with the NDDH for a loan for clarifier improvements under the CWSRF program and ARRA of 2009.

Your consideration in this matter is greatly appreciated.

SUGGESTED MOTION:
Approve the attached Resolution authorizing submittal of a formal loan application to the NDDH for a loan for clarifier improvements under the CWSRF program and ARRA of 2009.

Sincerely

Bruce P. Grubb

Bruce P. Grubb
Enterprise Director

CC: Pat Zavoral, City Administrator
James Hausauer, Wastewater Utility Manager
Pete Bilstad, Wastewater Plant Superintendent
Tom Welle, Ulteig Engineers

Fargo-Moorhead All-America City 2000

Printed on Recycled paper.

RESOLUTION OF GOVERNING BODY OF APPLICANT
(Suggested Format)

RESOLUTION NO._____

Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

WHEREAS, under the terms of the Clean Water Act, the United States of America has authorized the making of Loans to authorized applicants to aid in the construction of specific public projects:
Now, Therefore, Be It Resolved _____Fargo City Commission_____
(Governing Body of Applicant)

1. That ____Steve Sprague_____be and is hereby authorized to execute
(Designate Official)
and file an application on behalf of __City of Fargo, ND_____with the North
(Legal Name of Applicant)
Dakota Department of Health for a Loan to aid in the construction of ____WWTF_____Clarifier Improvements
_____
_____
(Brief Project Description)

2. That____Steve Sprague_____,_____City Auditor_____,be and is
(Name of Authorized Representative) *(Title)*
hereby authorized and directed to furnish such information as the North Dakota Department of Health may reasonably request in connection with the application which is herein authorized to be filed, to sign all necessary documents, and, on behalf of city, to accept Loan offer and receive payment of Loan funds.

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting ____City Auditor_____of the
(Title of Officer)
_____City of Fargo, ND_____does hereby certify:
(Legal Name of Applicant)
That the attached resolution is a true and correct copy of the resolution, authorizing the filing of application with the North Dakota Department of Health, as regularly adopted at a legally convened meeting of the _Fargo City Commission_____duly held on the day of
(Name of Governing Body of Applicant)
_____, 20_____; and further that such resolution has been fully recorded in the journal of proceedings and records in my office.

In Witness Whereof, I have hereunto set my hand this _____day of_____, 20___.

(SEAL)
If applicant has an official seal, impress here.

_____
(Signature of Recording Officer)

_____
(Title of Recording Officer)

(5)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. 5701

Type: Engineering Services Contract Amendment

Location: Bridge Replacement
38th Street South at Drain 27

Date of Hearing: 1/18/10

Routing	Date
City Commission	1/25/10
PWPEC File	X
Project File	Jeremy Gorden
Petitioners	
David W. Johnson	

The Committee reviewed the supplementary Engineering Services Contract Amendment for construction, staking, inspection and administration for the bridge replacement.

On a motion by Mark Bittner, seconded by Bruce Grubb, the Committee voted to recommend approval.

RECOMMENDED MOTION
Approve Engineering Services Contract Amendment in the amount of $123,900 for Project No. 5701.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Street Sales Tax

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous
				X
Pat Zavoral, City Administrator	X	X		
Jim Gilmour, Planning Director	X	X		
Bruce Hoover, Fire Chief				
Mark Bittner, City Engineer	X	X		
Bruce Grubb, Enterprise Director	X	X		
Al Weigel, Director of Operations				
Steve Sprague, City Auditor	X	X		

ATTEST:

Mark H. Bittner
Mark H. Bittner
City Engineer

C: Bev Martinson

Kadrmas
Lee &
Jackson
Engineers Surveyors
Planners

January 15, 2010

Mr. Jeremy Gorden, PE
City of Fargo Engineering Department
200 North 3rd Street
Fargo, ND 58102

Re: Supplementary Agreement – Construction Engineering
Project No. 5701 – 38th Street Bridge over Drain 27

Dear Mr. Gorden:

Enclosed please find the supplementary agreement for the construction engineering phase of the referenced project. Upon approval, please send a copy of the executed agreement to me.

If you have any questions or require additional information, please call me at (218)287-0300.

Sincerely,

Kadrmas, Lee & Jackson, Inc.

Wade Frank, PE
Project Manager

50409101

Enclosure Supplementary Agreement and Attachments A and B

218 287 0300
1505 S 30th Avenue
PO Box 96
Moorhead, MN 56561-0096
Fax 218 287 6313
www.kljeng.com
Kadrmas, Lee & Jackson, Inc.
A KLJ Solutions Company

ATTACHMENT B

KADRMAS, LEE & JACKSON
SCOPE OF WORK & COST PROPOSAL
CONSTRUCTION ENGINEERING

38th Street Bridge Over Drain 27 – Fargo Project No. 5701
STM-SU-8-984(113)116

I Purpose

The purpose of this exhibit is to describe the scope of work and responsibilities required in connection with the construction engineering services for the 38th Street Bridge over Drain 27. The prime consultant for the construction engineering services is Kadrmas, Lee & Jackson, Inc. (KL&J).

II Objective

The objective of this phase of the project is to provide construction engineering services to verify that the contractor's work is performed in general conformance with the governing specifications, plans, and special provisions. The following documents will be used in the administration of the project:

- NDDOT Standard Specifications for Road & Bridge Construction (2008)
- Materials Sampling and Testing Manual
- Field Office Procedures Manual
- Construction Manual

KL&J will facilitate the pre-construction conference for the project to address any questions regarding the bridge construction. KL&J will perform the necessary construction engineering work such as staking, cross sectioning, on-site construction observation, sampling and testing of materials, quantity measurements, and computation of final pay quantities. Contract administration including documentation, record keeping, and filing will also be provided by KL&J.

The work tasks outlined in this exhibit are estimated and may vary depending upon the contractor's actual schedule. The scope of work, manpower requirements, and schedule may require adjustments. Additional work not detailed in this exhibit shall be added by supplementary agreement, based upon a mutually agreeable scope of work and fee.

III Exclusions

KL&J and its sub-consultants are not responsible for the contractor's safety procedures or operations. This scope of work does not include any safety inspections of the contractor's equipment, procedures, or operations. Also, KL&J is not responsible for the safety of City personnel, site visitors, contractor's personnel, subcontractor's personnel, or any other personnel. KL&J and sub-consultants will not proceed with their duties in areas or situations that are deemed unsafe or hazardous, to that person, due to the contractor's non-conformance with OSHA or other agency safety regulations.

KL&J and its sub-consultants will not assume the duties and responsibilities of the City, Contractor, or Subcontractors. Also, the contractor is under control of its construction procedures, techniques, means and methods, and KL&J will not assume these responsibilities.

KADRMAS, LEE & JACKSON
SCOPE OF WORK & COST PROPOSAL
CONSTRUCTION ENGINEERING

38th Street Bridge Over Drain 27 – Fargo Project No. 5701
STM-SU-8-984(113)116

IV KL&J Services

Based on conversations with the bridge contractor, this scope of work and corresponding fee estimate is based on a project duration of 24 weeks, with the contractor working approximately 10 hours per day, 5 days per week.

BG 3A – BRIDGE CONSTRUCTION ENGINEERING

100 CONSTRUCTION ADMINISTRATION

Project Initiation & Shop Drawings

This task involves time for the construction staff who were not involved with the design to review plans and setup the record keeping system. Also included is the estimated time required for design and construction staff to review the shop drawings.

Pre-Construction Conference

KL&J will facilitate the pre-construction conference for the project to answer questions regarding the bridge construction.

Weekly Records

Contract administration and project documentation will be according to established NDDOT construction procedures, as outlined in the Field Office Procedures Manual. Major tasks will include review of contractor payrolls, weekly progress reports, progressive payment for work complete (1-2 week intervals), pay reports, haul sheets, and general change orders. Major change orders that are beyond the scope of the contract will be added by supplemental agreement.

200 CONSTRUCTION STAKING & INSPECTION

KL&J will provide construction engineers and technicians, as necessary, to verify that the contractor's work is in conformance with the contract documents. The major items for each work task are summarized below.

Preliminary Survey

KL&J survey crews will use established ground control provided by the City to stake the bridges for construction.

Removals

- Existing Bridge
- Existing driveway and pavement

KADRMAS, LEE & JACKSON
SCOPE OF WORK & COST PROPOSAL
CONSTRUCTION ENGINEERING

38th Street Bridge Over Drain 27 – Fargo Project No. 5701
STM-SU-8-984(113)116

Structural Excavation
- Observation
  + Class 1 & 2 Bridge Excavation
  + Channel Excavation

Foundation Preparation
- Observation
  + Abutment #1 & #4
  + Pier #2 & #3

Foundations – Steel Piling
- Observation
- Horizontal & Vertical Control
- Bearing Determination
- Piling Reports

Piers, Abutments
- Observation
- Forming Dimensions & Bracing
- Rebar Size, Spacing & Clearances
- Quantity Measurements & Documentation
- Concrete Placement & Testing
- Horizontal & Vertical Control

Deck, Railing
- Observation
- Rebar Size, Spacing & Clearances
- Quantity Measurements & Documentation
- Concrete Placement, Testing & Surface Finish
- Horizontal & Vertical Control

Concrete Bridge Approach Slab
- Observation
- Rebar Size, Spacing & Clearances
- Quantity Measurements & Documentation
- Concrete Placement, Testing & Surface Finish
- Horizontal & Vertical Control

Guardrail

Riprap & Erosion Control

Approach Paving and Driveway

KADRMAS, LEE & JACKSON
SCOPE OF WORK & COST PROPOSAL
CONSTRUCTION ENGINEERING

38th Street Bridge Over Drain 27 – Fargo Project No. 5701
STM-SU-8-984(113)116

300 QUALITY CONTROL TESTING

KL&J will collect the samples for quality control testing, and the City of Fargo will conduct the tests under their separate contract with a testing firm.

400 PROJECT CLOSEOUT

KL&J will prepare final construction records in accordance with NDDOT guidelines, will assist the City with conducting a final project inspection, and will submit project records to the NDDOT.

V COST PROPOSAL FORM

Cost Proposal for this phase is based on hourly billing according to standard rates.

TASK	PROPOSED FEE
BG 3 – Bridge Construction Engineering	
Construction Administration	$ 12,400
Construction Staking & Inspection	$ 98,900
Project Closeout	$ 12,600
Sub-Total BG 3	**$ 123,900**

SUPPLEMENTARY AGREEMENT

FOR PROFESSIONAL ENGINEERING SERVICES

Project: Project No. 5701 - 38th Street Bridge over Drain 27 – STM-SU-8-984(113)116

Location: City of Fargo, North Dakota

Type of Work: Construction Administration for the replacement of the 38th Street Bridge.

This Supplementary Agreement is entered into by and between the City of Fargo (Owner), whose address is 200 N 3rd Street; Fargo, ND and Kadrmas, Lee & Jackson, Inc., (Engineer), whose address is PO Box 96; Moorhead, Minnesota 56560.

Whereas there is an expanded scope of work associated with the original Agreement approved by the Owner on January 26, 2009, this Supplemental Agreement is being entered into in order to complete the activities identified in the Original Agreement and the attached expanded scope of work.

The Owner and the Engineer also agree that the total amount payable under the terms of the original agreement will be increased from $106,900.00 to $230,800.00.

This Supplementary Agreement is effective from the effective date of the original Agreement dated January 26, 2009.

ENGINEER:

Kadrmas, Lee & Jackson, Inc.

Witness

01-15-10

Date

OWNER:

City of Fargo, Mayor
Dennis Walaker

Witness

Date

KL&J Project Number: 50409101

Project No. 50409101

AGREEMENT

FOR PROFESSIONAL ENGINEERING SERVICES

This is an Agreement which shall become effective on January 26, 2009, between City of Fargo (Owner), whose address is 200 North 3rd Street, City of Fargo, North Dakota 58102, and Kadrmas, Lee & Jackson, Inc., (Engineer), whose address is 1505 30th Avenue South, Moorhead, Minnesota 56561, who hereby agrees to provide professional engineering services for Structure Replacement Project 38th Street Bridge – City of Fargo Project – 5701 consisting of:

PRELIMINARY ENGINEERING PHASE

- Review of present or existing facilities as they pertain to project (Preliminary Survey)
- Perform soil borings (Subcontractor)
- Justify replacement of structure vs. rehabilitation
- Prepare Project Concept Report that includes hydraulic report and a maximum of two structure alternatives
- Develop a maximum of two alternatives for location of business access north of bridge
- Prepare a maximum of one alignment alternative (35 mph)
- Prepare a set of preliminary, general plan(s)
- Written, preliminary opinion of project cost
- Furnish five copies of all prepared, written documentation to Owner

DESIGN ENGINEERING PHASE

- Hold an on site Type, Size & Location meeting
- Design 3-span, pre-stressed concrete box girder bridge in accordance with AASHTO LRFD Specifications
- Prepare detailed project plans and specifications for bidding purposes including approach roadway design calculations and plan preparation (AutodCAD)
- Prepare Right-of-Way Plats and construction easements (1 Parcel anticipated)
- Right-of-Way acquisition and negotiation (1 Parcel anticipated)
- Evaluate wetland impacts and prepare required permits (Section 404 Permit, floodplain development permit)
- Advise Owner of any adjustments to the preliminary opinion of costs
- Hold a final plan review; Plan, Specification & Estimate meeting
- Provide engineers opinion of project cost
- Prepare and assist Owner with bidding documents
- Provide interpretive assistance to bidders (during bidding process)
- Attend bid opening and assist Owner in analysis of bids received
- Provide Owner with recommendations on contract award

ITEMS NOT INCLUDED

- Public Meetings/Public Hearing
- Construction Administration (to be provided under a separate contract)
- Property appraisal

The fee as compensation for "Preliminary" and "Design" services as shown above is to be a lump sum of *$106,900.00,* consisting of the following subtotals:

Project Concept Report	$ 22,500
Design and Plan Preparation	$ 69,100
Project Management & Coordination	$ 9,200
Subconsultant (Braun Intertec)	$ 6,100
Total	$106,900

The total fee for Preliminary and Design Engineering shall not be exceeded unless so approved by the Owner. The lump sum fee includes all normal expenses and is based upon receiving Owner's approval of the scope of the work, and proceeding from that point with no substantial changes in scope.

A supplemental agreement shall be required to cover costs for additional work not included in this contract.

Services available but not compensated for in the lump sum fees above, include: property, boundary, or right-of-way surveys; permitting, zoning, platting, and annexation fees; aerial photography; shop, field or laboratory tests or review of material or equipment; appearances before courts or boards on matters of litigation related to the project; assistance in the spreading of Special Assessments; and preparation of record drawings. These services will be billed according to standard hourly rates.

Payment shall be made upon receipt of billings statement. Any portion of payment not received within 30 days of billings date shall be subject to a 12% per year late payment charge.

The Engineer shall furnish to the Owner, upon request, up to five copies of all reports, maps, plans and specifications pertaining to the project. Original documents, survey notes, drawings and maps prepared by the Engineer shall remain the sole property of the Engineer. The Engineer shall be held harmless by Owner or any other person for use of any plans or drawings not signed by Engineer, or for use of plans or drawings on any project other than the one set forth in this Agreement. The Engineer shall not be held responsible for any changes made in plans or specifications by the Owner or other person.

Any opinion of the construction cost prepared by the Engineer represents his judgment as a design professional and is supplied for the general guidance of the client. Since the Engineer has no control over the cost of labor and material or over competitive bidding or market conditions, the Engineer does not guarantee the accuracy of such cost opinion as compared to contractor bids or actual cost to the Owner.

The Engineer shall be held harmless from delays caused by strikes, lockouts, accidents, acts of God, labor shortages, failure of Owner to furnish information or approve or disapprove the Engineer's work, faulty performance by the Owner or his agents, other contractors or governmental agencies. In the case of such delays, the time for completion of the engineering work shall be extended accordingly.

Engineer's liability to the Owner for injury or damage to persons or property arising out of work performed for the Owner and for which legal liability may be found to rest upon Engineer, other than professional errors and omissions, will be limited to Engineer's general liability insurance coverage which Engineer maintains in limits of at least $1,000,000. For any damage on account of any error or omission or other professional negligence, Engineer's liability will be limited to a sum not to exceed $50,000 or the Engineer's total fee on this project, whichever is greater.

Owner further agrees to indemnify and hold the Engineer harmless from any and all costs, liability, real or alleged, in connection with the performance of work on this project, excepting liability proximately arising from the sole negligence of the Engineer.

Owner's acceptance of this proposal as indicated by signature below will constitute an Agreement between Owner and Engineer and be Engineer's authority to proceed with the work. Owner agrees that there are no understandings or agreements except as herein expressly stated.

ENGINEER:

KADRMAS, LEE & JACKSON, INC.

Witness

Date: 2-6-09

OWNER:

CITY OF FARGO
Dennis R. Walaker, Mayor

Witness

Date: 1-26-09

(t)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. Type: Red River Web Camera Cost Participation

Location: Red River Near Main Avenue Date of Hearing: 01/18/10

Routing	Date
City Commission	01/25/10
PWPEC File	X
Project File	April Walker
Petitioners	
David W. Johnson	

The Committee reviewed the accompanying request from Steven M. Robinson, US Geological Survey (USGS), for City cost share for a web camera installation on the Red River to observe flow conditions via the internet.

On a motion by Pat Zavoral, seconded by Jim Gilmour, the Committee voted to recommend approval of the requested cost share.

RECOMMENDED MOTION
Approve 50/50 Cost Share with USGS for web camera installation and maintenance.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Storm Sewer Utility $4500 install plus $1000 annual

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous
				X
Pat Zavoral, City Administrator	X	X		
Jim Gilmour, Planning Director	X	X		
Bruce Hoover, Fire Chief				
Mark Bittner, City Engineer	X	X		
Bruce Grubb, Enterprise Director	X	X		
Al Weigel, Director of Operations				
Steve Sprague, City Auditor	X	X		

ATTEST: Mark H. Bittner

Mark H. Bittner
City Engineer

Mark Bittner

From: Steven M Robinson [smrobins@usgs.gov]
Sent: Thursday, January 14, 2010 1:04 PM
To: Mark Bittner
Cc: Gregg J Wiche
Subject: USGS Web cam installation
Attachments: TrailCamDamView.JPG; TrailCamInstall.jpg; TrailCamLocation.bmp

Mark,

We currently have a trail cam mounted on a light pole on 2nd St S. 350 feet due north of the control structure(low head dam) downstream of the USGS streamgage (05054000). I have attached some location pictures and an example of it's image output. We obtained authorization from Jeremy Gordon with the Traffic Engineering Department to install the trail cam on the light pole. Images from the trail cam have to be manually retrieved from this camera, every 4 - 8 weeks.

The trail cam was in place before this past Spring - a time series can be seen at the following url;

http://nd.water.usgs.gov/floodtracking/charts/05054000_09020104.html

For web based real-time or near real-time photos, there are two web camera options depending on the availability of 120v AC power..

IP Camera (120AC power available)

The IP camera can display near live images and video at a higher quality than the still camera shown below. The images from this camera would be updated every few minutes. The camera could be mounted on the same light pole as the trail cam, or a new post could be installed to mount the camera. The IP camera does require a heated enclosure to warm the camera during cold conditions.The heating system for the camera enclosure requires AC power when temps drop below 45 degrees F. The equipment will need a maximum of 60 watts of power.

Still Camera (120AC power not available)

The still camera displays images at a lower quality than the IP camera The still camera takes .JPG snap shots at some predetermined interval, perhaps daytime on the hour or 3 shots per day at 0900, 1200, 1500. The images would be displayed around an hour after they were taken (similar to those at the following url; http://nd.water.usgs.gov/cgi-bin/GFwebcam/lst.pl) . The still camera could be mounted on the same light pole as the trail cam, or a new post could be installed to mount the camera. No AC power is required as the camera itself is rated to -40 C and uses 12v battery power.

Both systems would transfer image data over digital cellular network modems to the USGS office in Bismarck. The images would be displayed on the USGS North Dakota WSC web page, http://nd.water.usgs.gov/. The IP camera would be the preferred method for the collection/display of river condition images, since the near real time images would be more useful and relevant to anyone using the image to monitor flooding conditions.

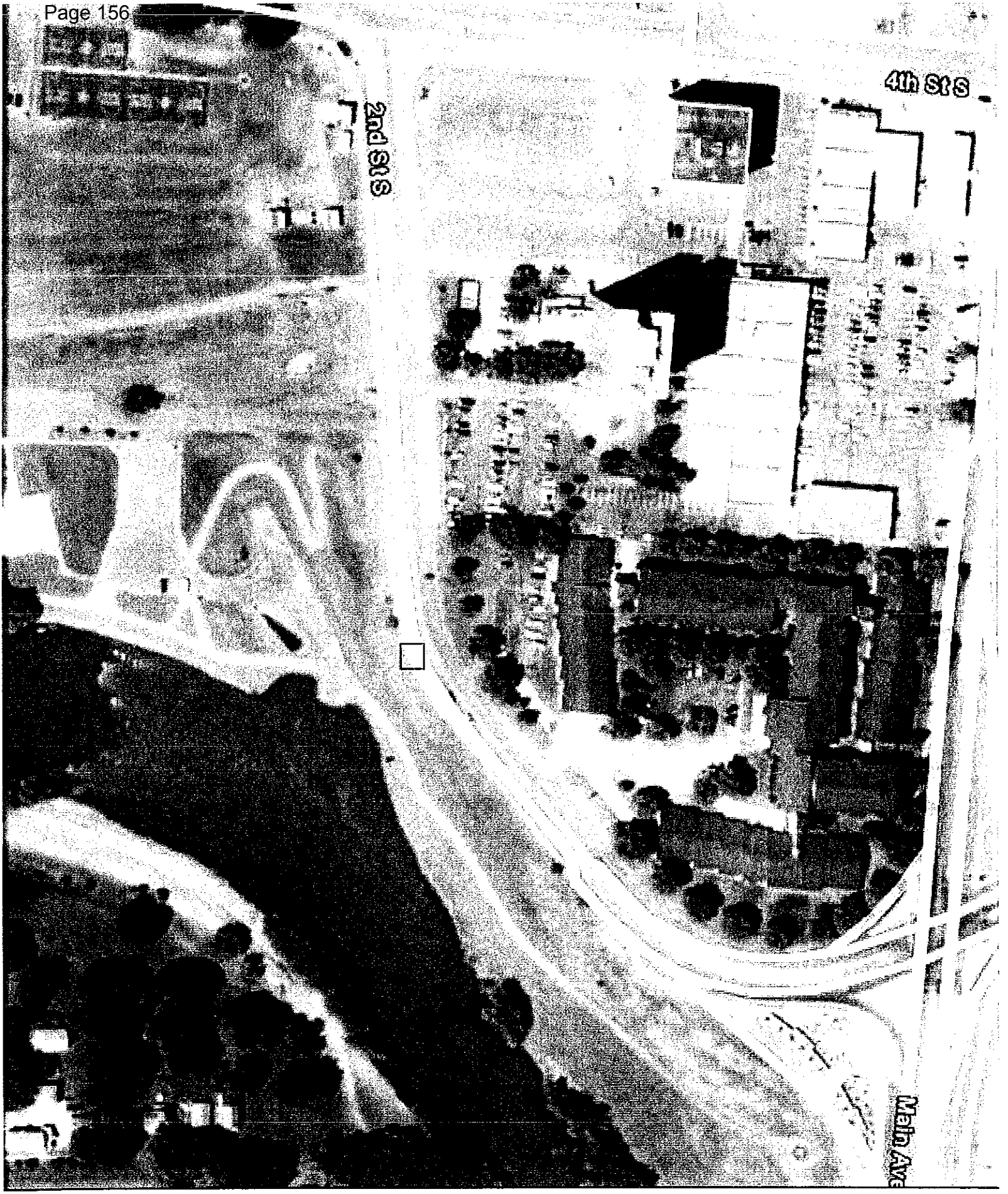
The total cost of equipment, installation and O&M for the remainder of FY2010 would be $9,000 for either of the camera installations. I would be able to use funds from the Cooperative Water Program on a 50/50 basis, making the City of Fargo's cost $4,500.

Total O&M costs for future years would be $2,000 plus adjustment for inflation. I would be able to apply matching funds as stated above so the total annual O&M costs to the City of Fargo would be $1,000 plus the inflation adjustments.

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

Steve

****
Steven M. Robinson
Chief, Hydrologic Records and Information Section
North Dakota Water Science Center
U. S. Geological Survey
office 701-250-7404
cell 701-220-6309
****


4th St S
2nd St S
Main Ave

NO
PARKING
THIS SIDE
OF STREET
SPACESAVER
02/18/2009 18:18

29.35 inHg
62°F
09/21/09 12:00 PM
05054000

(U)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. 5900-01

Type: 2009 Flood Street Repairs – Emergency Relief (ER)

Location: Various Arterial & Collector Streets

Date of Hearing: 01/18/10

Routing	Date
City Commission	01/25/10
PWPEC File	X
Project File	Nathan Boerboom
Petitioners	
David W. Johnson	

The Committee reviewed the accompanying list of street repair needs associated with damages incurred during the 2009 spring flood. These repairs are for functionally classified streets (collector & arterial).

On a motion by Mark Bittner, seconded by Bruce Grubb, the Committee voted to recommend approval of the street repairs.

RECOMMENDED MOTION
Approve local match funding estimated at $270,000 for 2009 flood arterial street repairs.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: City Sales Tax

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous
				X
Pat Zavoral, City Administrator	X	X		
Jim Gilmour, Planning Director	X	X		
Bruce Hoover, Fire Chief				
Mark Bittner, City Engineer	X	X		
Bruce Grubb, Enterprise Director	X	X		
Al Weigel, Director of Operations				
Steve Sprague, City Auditor	X	X		

ATTEST:

Mark H. Bittner
Mark H. Bittner
City Engineer

Cc: Bev Martinson

Memorandum

To: PWPEC

Cc: April Walker

From: Nathan Boerboom, Storm Sewer Utility Engineer

Date: 1/15/2010

Re: Project No. 5900-1 – Flood Repairs & Incidentals

This project will complete repairs to the City's streets that were damaged during the 2009 flood. Only the streets that are functionally classified under Federal Highway Administration (FHWA) are included in this project. The type of repairs to be completed under this project depends on the extent of the damage experienced on the roadway. The repairs consist of mill and overlays, an asphalt overlay, or seal coats. The damages were caused by either the construction or removal of the temporary levees.

The streets included in this project and their respective repairs are:

- University Drive (32nd Avenue North to Cass County 20) – 4-inch Mill and Overlay
- Broadway (37th Avenue North to Kandi Lane) – Seal Coat
- Elm Street (19th Avenue North to Woodland Drive) – Seal Coat
- Elm Street (12th Avenue North to 11th Avenue North) – Seal Coat
- 12th Avenue North (Elm Street to River) – Seal Coat
- Oak Street (11th Avenue North to 7th Avenue North) – Seal Coat
- 2nd Street (6th Avenue North to 1st Avenue North) – Seal Coat
- 2nd Street (Main Avenue to 4th Street South) – 2-inch Asphalt Overlay
- 24th Avenue South (University Drive to 9th Street) – 2-inch Mill and Overlay
- 32nd Street (40th Avenue South to 46th Avenue South) – 2-inch Mill and Overlay
- 36th Street (38th Avenue South to Drain 27) – 2-inch Mill and Overlay
- 40th Avenue South (25th Street to Drain 27) – 2-inch Mill and Overlay
- 52nd Avenue South (Rocking Horse Road to 45th Street) – Seal Coat

It should be noted that these are not all the roads damaged from this past spring's flood, the remaining road repairs will be included in other projects. This is due to a different funding source (Federal Public Assistance), which has differing policies to be followed than what has to be followed for the FHWA funding.

200 North 3rd Street
Fargo, ND 58102

Phone: (701) 241-1545
FAX: (701) 241-8101

Total project estimated costs are:

Construction: $1,061,000.00

Plus 27% Engineering/Admin: $286,470.00

Total Estimated Project Cost: $1,347,470.00

**Funding Source:

ER Repairs (80% of Construction and Engineering/Admin Costs) – $1,077,976.00

City Flood Funds (Remaining Project Balance) – $269,494.00

(V)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No.	Location	Estimated Cost
5908-03	7th Avenue N/I-29 to 45th St	$150,000
5681-02	25th St S/17th to 23rd Ave S	300,000
5925-01	52nd Ave S at Drain 27	150,000
		$600,000

Type: Request for Proposals (RFP) for Engineering Services

Date of Hearing: 1/18/10

Routing	Date
City Commission	1/25/10
PWPEC File	X
Project File	Jeremy Gorden
Petitioners	
David W. Johnson	

Jeremy Gorden submitted a recommendation to solicit proposals for engineering services on five projects. Completing the preliminary engineering and environmental documentation to NDDOT and FHWA standards allows individual projects to be eligible for federal funding whether through regular NDDOT federal funds allocations or special funding opportunities such as 2009 Stimulus Funds or proposed 2010 Jobs. Jeremy stated that the current 2010 Jobs Program could provide extra federal road/street funds in amounts similar to the 2009 ARRA Stimulus Program. Jeremy recommended that 1st Avenue North (University to 25th Street) reconstruction and 7th Avenue North (I-29 to 45th Street) concrete paving be listed as the project priorities for the 2010 Jobs Program. The 1st Avenue North project is complete and ready to bid should federal funds become available.

The Committee rated the projects in the following priority for project development:

Initial RFP submittal:

5908-03	7th Avenue North concrete paving/I-29 to 45th Street
5925-01	Bridge Replacement at 52nd Avenue South and Drain 27
5681-02	25th Street South widening/17th to 24th Avenue South

Future RFP submittal:

5670-02	13th Avenue South reconstruction/38th to 52nd Street
5926-01	Bridge construction at 64th Avenue South and Drain 53

On a motion by Pat Zavoral, seconded by Jim Gilmour, the Committee voted to solicit proposals on the three projects.

RECOMMENDED MOTION

Approve Request for Proposals for engineering services for the three projects:

Project No.	Location	Estimated Cost
5908-03	7th Avenue N/I-29 to 45th St	$150,000
5681-02	25th St S/17th to 23rd Ave S	300,000
5925-01	52nd Ave S at Drain 27	150,000
		$600,000

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Street Sales Tax

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous
				X
Pat Zavoral, City Administrator	X	X		
Jim Gilmour, Planning Director	X	X		
Bruce Hoover, Fire Chief				
Mark Bittner, City Engineer	X	X		
Bruce Grubb, Enterprise Director	X	X		
Al Weigel, Director of Operations				
Steve Sprague, City Auditor	X	X		

ATTEST:

Mark H. Bittner

Mark H. Bittner
City Engineer

CITY OF FARGO
ENGINEERING DEPARTMENT

REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES

Project 5681-02
25th Street South/ 17th to 24th Avenue

Project 5908-03
7th Avenue North/I-29 to 45th Street

Project 5925-01
52nd Avenue South Bridge over County Drain 27

January, 2010

Approved:

_____
Mark H. Bittner
City Engineer

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Appendix A	Project Location Maps
Appendix B	Cost Proposal Forms
Appendix C	Federal Certifications

REQUEST FOR PROPOSALS

for

ENGINEERING SERVICES

I. PURPOSE OF REQUEST

The City of Fargo requests proposals from qualified consultants for the following projects:

Project 5681-02 25th Street South/17th to 24th Avenue

- Project Concept Report
- Final Design
- Plans and Specification Preparation
- Right-of-Way Acquisition
- Bid Support and Tabulation

Project 5908-03 7th Avenue North/I-29 to 45th Street

- Project Concept Report
- Final Design
- Plans and Specification Preparation
- Bid Support and Tabulation

Project 5925-01 52nd Avenue S Bridge over County Drain 27

- Project Concept Report
- Final Design
- Plans and Specification Preparation
- Bid Support and Tabulation

The City intends to utilize one consultant to complete all phases of each project. The City reserves the right to reject any or all submittals.

II. GENERAL INSTRUCTIONS

A. Any questions or comments regarding the proposal should be submitted to:

CITY OF FARGO ENGINEERING DEPARTMENT
200 NORTH 3RD STREET
FARGO ND 58102

Mark Bittner or Jeremy Gorden
Phone: 701/241-1545
Fax: 701/241-8101
Email: mbittner@cityoffargo.com
jgorden@cityoffargo.com

B. Proposals shall be submitted to:

OFFICE OF THE CITY AUDITOR
C/O FARGO CITY HALL
200 NORTH THIRD STREET
FARGO ND 58102

C. All proposals must be clearly identified and marked for all of the projects that proposals are being submitted on:

Proposal For:
Engineering Services

Project Numbers

5681-02
5908-03
5925-01

(list only those projects proposals are being submitted on)

All proposals must be received by 11:30 AM, Wednesday, February 17, 2010, at which time the technical proposals will be opened for review. Three (3) copies of the technical proposal must be presented.

The City is soliciting proposals concurrently on a number of projects. Firms wishing to submit proposals on multiple projects shall do so with a single proposal. The proposal format shall consist of a general section of the firms' background, experience and personnel and specific sections pertinent to each specific project that is covered in the proposal. The consultant's submittal shall clearly indicate which projects are included in the proposal.

D. Selection Committee

The technical proposals will be reviewed by the Selection Committee. The Selection Committee will include the following representatives:

City Engineer
Deputy City Engineer
Senior Engineer - Transportation

E. Respondent Qualifications

Respondents must submit evidence that they have relevant past experience and have previously delivered services similar to the ones required. Each respondent may also be required to show that he has satisfactorily performed similar work in the past and that no claims of any kind are pending against such work. No proposal will be accepted from a respondent who is engaged in any work that would impair his ability to perform or finance this work.

No proposal will be accepted from, nor will a subcontract be awarded to, any respondent who is in arrears to the City, upon any debt or contact; who is in default, as surety or otherwise, upon any obligation to the City; or who is deemed to be irresponsible or unreliable by the City.

F. Disadvantaged Business Enterprise

In the performance of this agreement, the contractor shall cooperate with the City in meeting its goals with regard to the maximum utilization of

disadvantaged business enterprises, and will use its best efforts to insure that such business enterprises shall have the maximum practical opportunities to compete for subcontract work under this agreement.

1. Policy

It is the policy of the Department of Transportation that disadvantaged business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in while or in part with federal funds under this Agreement. Consequently the DBE requirements of 49 CFR Part 23 apply to this Agreement.

2. DBE Obligation

The City and contractor agree to ensure that disadvantaged business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under or pursuant to this Agreement. In this regard the City or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts. The City and contractor shall not discriminate on the basis of race, creed, color, national origin, age, or sex in the award and performance of DOT-assisted contracts.

G. Equal Employment Opportunity

In connection with this proposal and any subsequent contract, the consultant shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, disability, sex, or status regarding public assistance. The consultant will take action to insure that its employees are fairly treated during employment without regard to their race, color, creed, religion, national origin, disability, sex, or status regarding public assistance. Such actions shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rate of pay or other forms of compensation; and selection for training, including internship and/or apprenticeship. The consultant further

agrees to insert a similar provision in all subcontracts, except subcontract for standard commercial supplies or raw materials. The consultant will furnish all necessary information and reports and will permit access to its books, records, and accounts by the City and/or its representatives including state and federal agencies, for purposes of investigation to ascertain compliance with non-discrimination provisions of any resultant contract.

H. Ownership, Publication, Reproduction, and Use of Materials

All work products of the contractor which result from this contract are the exclusive property of City, and its federal/state grantor agencies.

No material produced in whole or part under this agreement shall, during the life of this agreement, be subject to copyright in the United States or in any other country. Permission and approval must be obtained from the City before any report, handbook, cassettes, manual, interim data, or results are published. Draft copies of all deliverables must be prepared by the consultant and reviewed and approved by the City before publication. The consultant, subject to the approval by the City, shall have the authority to publish, disclose, distribute, and otherwise use in whole and part, any reports, data, or other materials prepared under this agreement.

I. Records, Access, and Audits

Records
The contractor shall maintain accounting and project records as the City may require. Such records shall be made available to the City and the state/federal government for inspection and audit during the agreement term and for three years after the date of final payment, unless any litigation, claim, or audit is started before the expiration of the three years, then the records shall be retained until such action is satisfied.

Audits
The contractor, in accordance with the Single Audit Act of 1984, shall include this contract and its funds within its schedule of federal programs to be audited during the contractor's fiscal year audit. Copies of this audit shall be provided to the City for review and presentation to cognizant state and federal agencies. The responsibility to resolve any exceptions or questioned costs shall be the contractor's, and if such arise a plan of

resolution shall be forwarded to the City with the audit. The costs of the audit to be conducted in accordance with provisions of the Single Audit Act of 1984, and any ancillary costs shall be borne by the contractor.

J. Conflicts of Interest

No official or employee of the City, state, or any other governmental instrumentality who is authorized in his official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract. No engineer, attorney, appraiser, inspector, or other person performing services for the City, state, or a governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or other personal interest other than his employment or retention by the City, state, or other governmental instrumentality, in any contract or subcontract in connection with such project. No officer or employee of such person retained by the City, state, or other governmental instrumentality shall have, directly or indirectly, any financial or other personal interest in any real property acquired for a project unless such interest is openly disclosed upon the public records of the City, the ND DOT, or such other governmental instrumentality, and such officer, employee, or person has not participated in such acquisition for and in behalf of the state.

K. Eligibility of Proposer, Non-procurement, Debarment and Suspension Certification; and Restrictions on Lobbying

The consultant is advised that his or her signature on this contract certifies that the company/agency will comply with all provisions of this agreement as well as applicable federal and state laws, regulations, and procedures. Moreover the consultant affirms its compliance with the federal Debarment and Suspension Certification (Attachment A and the Federal Restrictions on Lobbying - Attachment B).

L. Subcontracting

The contractor, may with prior approval from the City, subcontract as necessary to accomplish the contract objectives. Subcontracts shall

contain all applicable provisions of this agreement, and copies of the subcontract must be filed with the City.

M. Assignments

The contractor shall not assign or transfer the contractor's interest in this agreement without the express written consent of the City.

N. Procurement-Property Management

The contractor shall adhere to 49 CFR 18.36 when procuring services, supplies, or equipment, and to the applicable provisions of 49 CFR 18.32 and FHWA Safety Grant Management Manual, Transmittal 14, October 5, 1995 property management standards, which are incorporated into this agreement by reference, and are available from the North Dakota Department of Transportation.

O. Termination

The right is reserved by either party to terminate this agreement with or without cause at any time if the recipient does not comply with the provisions of this agreement or its attachments.

If the City terminates this agreement, it reserves the right to take such action as it deems necessary and appropriate to protect the interests of the City and its state/federal grantor agencies. Such action may include refusing to make any additional reimbursement of funds and requiring the return of all or part of any funds that have already been disbursed.

P. Amendments

The terms of this agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by the parties.

Q. Civil Rights

The contractor will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (78 STAT. 252), the regulations of the

Federal Department of Transportation, 49 CFT, Part 21, and Executive Order 11246.

The contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, handicap, or national origin. The contractor shall take affirmative action to insure that applicants are employed and that employees are treated during their employment without regard to their race, religion, color, sex, age, handicap, or national origin. Such actions shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or advertising, layoff or termination, rates of pay, or other forms of compensation, and selection for training, including apprenticeship. Furthermore, the contractor agrees to insert a similar provision in all subcontracts, except subcontracts for standard commercial supplies or raw materials.

R. Civil Rights - Noncompliance

If the contractor fails to comply with the federal or state civil rights requirements of this contract, sanctions may be imposed by the FHWA or the ND DOT as may be appropriate, including, but not limited to:

1. Withholding of payments to the contractor under the contract until the contractor complies, or

2. Cancellation, termination, or suspension of the contract, in whole or in part.

S. Energy Efficiency

The contractor shall comply with the standards and policies relating to energy efficiency which are contained in the North Dakota Energy Conservation Plan issues in compliance with the Energy Policy & Conservation Act, Public Law 94-163, and Executive Order 11912.

T. Handicapped

The contractor shall ensure that no qualified handicapped individual, as defined in 29 USE 706(7) and 49 CFR Part 27 shall, solely by reason of this handicap, be excluded from participation in, be denied the benefits of,

or otherwise be subjected to discrimination under any program or activity that receives or benefits from the assistance under this agreement.

U. EPA Clean Air and Clean Water Acts

The contractor shall comply with the Clean Air Act, 42 U.S.C. 1857; the Clean Water Act, 33 U.S.C. 1251; EPA regulations under 40 CFR Part 15, which prohibits the use of nonexempt federal contracts, grants, or loans of facilities included on the EPA List of Violating Facilities, and Executive Order 11738.

V. Successors in Interest

The provisions of this agreement shall be binding upon and shall insure to the benefit of the parties hereby, and their respective successors and assigns.

W. Waivers

The failure of the City or its state/federal grantors to enforce any provisions of this contract shall not constitute a waiver by the City or its state/federal grantors of that or any other provision.

X. Notice

All notices, certificates, or other communications shall be sufficiently given when delivered or mailed, postage prepaid, to the parties at their respective places of business as set forth below or at a place designated hereafter in writing by the parties.

Y. Hold Harmless

The contractor shall save and hold harmless the City, its officer, agents, employees, and members, and the State of North Dakota and ND DOT, its officers, agents, employees, and members from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of the contractor or its subcontractors, agents, or employees under this agreement.

It is hereby understood and agreed that any and all employees of the contractor and all other persons employed by the contractor in the performance of any of the services required or provided for under this agreement shall not be considered employees of the City or the ND DOT and that any and all claims that may arise under the Worker's Compensation Act on behalf of said employees while so engaged and any and all claims by any third parties as a consequence of any act or omission on the part of said contractor's employees while so engaged in any of the services to be rendered under this agreement by the contractor shall in no way be the obligation or responsibility of the City.

Z. Compliance with Federal Regulations

The contractor is advised that his or her signature on this contract certifies that its jurisdiction will comply with all provisions of this agreement as well as applicable federal and state laws, regulations, and procedures. Moreover, the contractor affirms its compliance with the federal Debarment and Suspension Certification and the federal Restrictions on Lobbying.

III. PRELIMINARY PROJECT SCHEDULE

A. Consultant Selection

PWPEC Review of RFP	January 18, 2010
Commission Approval of RFP	January 25, 2010
Advertise for Consultant Proposals	February 1 & 8, 2010
Receive Proposals	11:30 AM, February 17, 2010
Selection Committee	
Review Proposals	February 18-19, 2010
Select Finalists	February 18-19, 2010
Interviews (for 7th Ave N project)	February 22-26, 2010
Final Selection/Cost Negotiation	March 2, 2010
City Commission Approval of Consultant Selection & Contract	March 8, 2010
Notice to Proceed	March 9, 2010

B. Project Schedules

25th Street

Draft PCR	August 1, 2010
Final PCR/Decision Document	August 1, 2011
Plans Complete	September 7, 2012
Bid Opening	TBD
Construction Completion	TBD

7th Avenue N

Draft PCR	May 31, 2010
Final PCR/Decision Document	July 12, 2010
Plans Complete	Nov 20, 2010
Bid Opening	ND DOT - Jan 2011
Construction Completion	October 15, 2011

52nd Ave S Bridge over CD 27

Draft PCR	August 1, 2010
Final PCR/Decision Document	February 1, 2011
Plans Complete	September 7, 2011
Bid Opening	November 16, 2011
Construction Completion	October 15, 2012

IV. EVALUATION CRITERIA

For all projects except the 7th Avenue North Project. The 7th Avenue North Project consultant procurement will follow the ND DOT standard for consultant selection, but all work associated with consultant procurement will be done by the City of Fargo Engineering Department and City of Fargo Board of Commissioners.

A. Criteria

The Selection Committee will evaluate and validate all qualifying proposals. The proposal evaluation process will permit the Selection Committee to identify the proposal that best meets the needs of the City. Selection will rely on the Committee's assessment of the proposal's compliance with the requirements and intent of this Request for Proposals. The assessment will be based on the following criteria:

	Points
1. Past performance and related experience.	35
2. Expertise of the technical and professional staff assigned to the project.	25
3. Involvement of DBE/MBE	5
4. Cost **(not for 7th Ave N project)**	35

The number of points awarded for DBE/MBE involvement will equal the percentage of DBE/MBE participation shown in the Cost Estimate, up to a maximum of 5 points.

B. Each proposal will be evaluated on the above criteria by the Evaluation Committee. After RFP review, the Committee may elect to schedule oral interviews. The Committee will determine which firm would best provide services requested by the RFP. The qualifying firm chosen by the Selection Committee will be recommended for contract and fee negotiation based on cost proposal.

C. The City of Fargo is an Equal Opportunity Employer.

V. TERMS & CONDITIONS

A. The City reserves the right to reject any or all proposals or to award the contract to the next most qualified firm if the successful firm does not execute a contract within forty-five (45) days after the award of the proposal.

B. The City reserves the right to request clarification of information submitted and to request additional information of one or more applicants.

C. Any proposal may be withdrawn up until the date and time set above the opening of the proposals. Any proposals not so withdrawn shall constitute an irrevocable offer, for a period of 90 days, to provide to the City the services set forth in the attached specifications, or until one or more of the proposals have been approved by the City Commission.

D. If, through any cause, the firm shall fail to fulfill in timely and proper manner the obligations agreed to, the City shall have the right to terminate its contract by specifying the date of termination in a written notice to the

firm at least ninety (90) working days before the termination date. In this event, the firm shall be entitled to just and equitable compensation for any satisfactory work completed.

E. Any agreement or contract resulting from the acceptance of a proposal shall be on forms either supplied by or approved by the City and shall contain, as a minimum, applicable provisions of the Request for Proposal. The City reserves the right to reject any agreement that does not conform to the Request for Proposal and any City requirements for agreements and contracts.

F. The firm shall not assign any interest in the contract and shall not transfer any interest in the same without prior written consent of the City.

VI. PROPOSAL FORMAT AND CONTENT

Proposals shall be as concise as possible and limited to 25 pages plus resumes. Proposals shall include the following sections at a minimum:

1. Introduction
2. Response to Administrative Questions (Section VI-B)
3. Summary of Technical Process
4. Description of Similar Projects
5. Project Staff
6. References
7. DBE/MBE Participation
8. Proof of Insurance
9. Cost Proposal for Each Project **(Do not include this for 7th Ave N Project)**

Detailed requirements and directions for preparation of each section are outlined below:

A. Introduction

Provide the following information relative to your firm:

1. Firm name and business address, including telephone number and FAX number if available.

2. Year established (include former firm names and year established, if applicable)

3. Type of ownership and parent company, if any.

4. Project manager's name, mailing address, and telephone number, if different from Item 1. Project manager's experience.

B. Administrative Questions

In your response to each of the following questions, please cite the question before each answer.

1. Who will serve as the respondent's authorized negotiator?

   Give name, title, address, and telephone number of the respondent's authorized negotiator. The person cited shall be empowered to make binding commitments for the respondent firm.

2. Provide workload and manpower summary to define respondent=s ability to meet project timeline.

C. Summary of Technical Process

Discuss and clearly explain the methodology that your firm proposes to use to satisfactorily achieve the required services on this project. Include all aspects of technical analysis, projections, advanced technology and software, and public participation processes. Address any unique situations that may affect timely, satisfactorily completion of this project.

D. Project Staff

Provide a complete project staff description in the form of a graphic organization chart, a staff summary that addresses individual roles and responsibilities, and one-page resumes for all project participants. It is critical that contractors commit to particular levels of individual staff members' time to be applied to work on this project. Variance from these commitments must be requested in writing from the City and reviewed/approved in terms of project schedule impact.

The completion of the scope of work in this agreement by the contractor must be done without any adverse effect in any way on other contracts that the contractor currently has in place with the City.

E. Similar Project Experience

Description of similar types of studies/construction projects completed or currently under contract.

F. References

References of three clients for whom similar work has been completed, not including any City of Fargo employees.

G. DBE/MBE Participation

The consultant shall make an effort to involve DBE/MBE businesses in this project. If the consultant is a DBE/MBE, a statement indicating that the business is a certified DBE/MBE shall be included in the proposal. If the consultant intends to utilize a DBE/MBE to complete a portion of this work, a statement of the subcontractor's certification shall be included. The percent of the total proposed cost to be completed by the DBE/MBE shall be shown. The City of Fargo's DBE/MBE goal is 7%.

H. Proof of Insurance

The respondent is required to provide certificate of insurance with the City being listed as a named insured.

I. Selection Process

1. The City's Selection Committee will review each consultant's technical submittal and rank each firm's qualifications based on the evaluation criteria. The review process and ranking may include interviews with the top three firms, based on review of the submittals.

The City will enter into a contract with the top ranked firm based on the cost proposal for each project. The City reserves the right to reject any, or all, submittals.

2. Categories for Submitting Cost Proposals

Cost Proposals shall be based on lump sum amount. See Appendix B for the cost proposal form. **There will be no cost proposal submitted for the 7th Avenue N project.**

VII. DESCRIPTION OF PROJECT

A. Introduction

7th Avenue N Reconstruction Project

The City of Fargo would like to take advantage of the federal Jobs Bill that is pending in Congress and has selected 7th Avenue N as the #2 priority for those funds, behind the reconstruction of 1st Avenue North. The City is looking for a design firm to take the lead on the Project Concept Report and final Design for 7th Ave N, in anticipation of a January 2011 bid opening in Bismarck.

25th Street Reconstruction Project

The City of Fargo completed a Corridor Study in 2009 on 25th Street from 13th Ave S to 23rd Ave S. In that study, the consultant recommended that in order to keep up with the traffic demands by the year 2030, the roadway will need to be widened to a 6-lane section with a median throughout this entire stretch. They also recommended widening the bridge over I-94 and adding side street capacity at the south ramp/18th Street intersection.

The 52nd Avenue S Bridge Replacement Project

This roadway is currently a 2 lane facility over County Drain 27 and the roadway is scheduled to be reconstructed in the next 5-8 years. This project will happen in advance of any road reconstruction project taking place.

B. Basic Services

	25th 5681-02	7th 5908-03	52nd 5925-01
Project Administration	X	X	X
Project Concept Report	X	X	X
Right-of-Way Acquisition	X		
Preliminary Survey	X		X
Geotechnical Investigation	X		X
Hydraulic Analysis			X
Design Services	X	X	X

At this point in the process, it is anticipated that a PCR and categorical exclusion will satisfy the environmental requirements for all of the projects listed.

VIII. SCOPE OF WORK

A. Project Administration

The consultant shall provide a qualified project manager. The project manager will be responsible for coordinating all project activities and responsible for keeping the project on schedule. The project manager will coordinate all project activities between the City of Fargo, NDDOT and FHWA.

The project manager will be responsible for setting up a Project Review Committee consisting of representatives from the City, NDDOT, FM COG and FHWA. The project manager will organize committee meetings at key points in the process, arrange for a meeting location, conduct the meetings and prepare detailed minutes.

The project manager will provide the City's representative with progress reports twice a month. As a minimum, the progress reports will recap activities completed to date, identify any problems that may delay the project, list data or decisions necessary to keep the project on time and identify any problem budget concerns.

B. Project Concept Report

The Project Concept Report shall be completed as outlined in the current edition of the ND DOT Design Manual, Section II-05.04. An outline of the PCR can be found in Appendix II-05 C in the Design Manual.

C. Public Participation Plan

The consultant will be responsible to complete a Public Participation Plan that fulfills the requirements for Environmental Documentation. The City will assist the consultant with the development of an initial mailing list of property owners in the study area. The consultant will provide a contact person for the public to give input. The contact person shall be made available by phone, mail and e-mail. The consultant shall log and record all comments received by any method and include them in the final report or an appropriate report appendix.

1) Following are the minimum requirements for the Public Participation Plan for the 25th Street project:

a) Public Meeting Notice and Project Description
The consultant will develop a maximum two page project description explaining the need for the project, outline the study area, give project contact information, initial project schedule, review of alternatives, and an invitation to a public input meeting.

b) Public Input Meeting/Review of Alternatives
The consultant shall conduct a public meeting to present project alternatives and collect public input prior to development of the Draft PCR.

c) Public Hearing Notice and Project Update
The consultant shall develop a maximum of a four page project update explaining the current status of the project, outlining the alternatives being considered with a listing of the associated advantages and disadvantages, and an invitation to the public hearing.

d) Public Hearing
The consultant shall conduct a public hearing on the Draft PCR and collect detailed public comments. The consultant shall provide a court reporter or other competent person to transcribe all oral comments and responses.

e) Public Hearing Summary
The summary shall describe the process that lead up to the meeting, outline the information that was presented at the meeting and how the meeting was conducted. All oral comments that were received along with any response given at the meeting shall be transcribed. All comment cards received at the meeting or following the meeting shall be included in the document. The consultant shall summarize the comments received and note any significant impacts, or issues that need to be resolved as a result of the comments received. The Draft PCR shall be amended to include the results of the Public Hearing and any changes necessary to address issues raised at the hearing.

2. Abbreviated public participation process
The 7th Ave N project and the 52nd Ave S project shall have an abbreviated public participation plan to consist of one public input meeting for review of alternatives.

D. Final Document

The consultant shall prepare the Final PCR document for presentation to the Fargo City Commission, NDDOT and FHWA. The consultant will coordinate any final changes requested by NDDOT or FHWA and develop the Decision Required section for review and signatures by the appropriate agencies.

The consultant shall present the final document to the Fargo City Commission for approval and coordinate submittal to the NDDOT and FHWA.

E. Design Services

The engineer shall prepare plans and specifications in accordance with the current editions of the AASHTO Policy on Geometric Design of Highways and Streets, the North Dakota Department of Transportation Standard Specifications for Road and Bridge Construction and revisions thereof, and the City of Fargo Standard Specifications for both projects.

1. Project Management

Establish and implement ongoing project management strategies.

- Coordinate with the City Project Manager to discuss work products and project schedule.
- Meet with City of Fargo staff to discuss project status as deemed necessary by the Project Manager.
- Coordinate the work to be completed, time schedule, cost allowance and deliverables.
- Refine the Scope of Work as required by changing project conditions.
- Give technical direction to and coordinate the various disciplines and specialists required on the project.
- Coordinate the input-output between the various disciplines through periodic technical review of project activities with project staff.
- Assure the project work program is completed on time through the monitoring of task performance as compared to planned performance, within budget, through strict monitoring of total project expenditures against time phase budget.
- Establish overall drawing format.
- Review the products developed in each work task and recommend appropriate additions and corrections.
- Coordinate right-of-way and easement acquisition tasks.

2. Preliminary Engineering and Layout

- Collect all available data including digital basemapping, right-of-way and property lines, utility data, drainage data, etc.

- Review basemap data and update as required to reflect any changes since original mapping. Add underground utilities, etc. and annotate as needed.
- Develop geometrics for proposed improvements and alternatives as required.
- Develop profiles for proposed improvements and alternatives as required.
- Determine potential utility impacts and reconstruction.
- Perform preliminary lighting design.
- Prepare preliminary layout and profiles.
- Present alternative layout and profiles to City staff for review and comments. Make revisions as necessary.

3. Final Design
   - Compute final horizontal and vertical alignment, typical sections, and final roadway geometrics.
   - Perform all work required to prepare cross-sections and compute earthwork volumes.
   - Perform hydraulic design.
   - Perform final lighting design.
   - Perform final utility relocation design.
   - Develop construction staging strategy and perform design of all traffic control for each construction stage.
   - Assist the City with the preparation of all permit applications as needed.
   - Prepare right-of-way and easement acquisition drawings. Provide engineering support during appraisal and negotiations.

4. Detail Construction Plans
   - Prepare title sheet and general layout plans.
   - Prepare typical roadway sections for all roadways including pavement sections, shoulders, inslopes, back slopes and ditches.
   - Complete cross-sections and prepare final contours as may be required.
   - Prepare construction staging plans.
   - Prepare plans for construction details and construction/soils notes including standard plates, and others as required.

- Provide standard and special erosion control plans for construction as required.
- Prepare alignment data for plan/profile sheets.
- Prepare construction plan/profile sheets including inplace topography, plan features, roadway profiles and drainage features. Plans to be prepared at 11" x 17" format.
- Prepare traffic control plans.
- Prepare paving detail plans as required.
- Prepare earthwork estimate and summary tabulation.
- Develop contract pay items and funding breakdowns.
- Compute and check contract pay item quantities. These calculations will be submitted on 8-1/2" x 11" sheets as far as practicable and bound in a neat and orderly manner. Prepare engineer's estimate of cost.
- Prepare tabulation plan sheets of all significant pay items.
- Compile and prepare data for special provisions for special pay items and other construction as required.

F. Construction Administration

The engineer agrees to perform the following construction engineering work:

The engineer shall perform the needed construction engineering work such as, but not limited to, staking, cross sectioning, inspection, sampling and testing of materials, and measuring and computing pay quantities. He shall prepare the required engineering and administrative documents and records as required by the City. It is the engineer's responsibility to perform construction inspections to verify the contractor's work is performed according to the governing specifications, plans and special provisions.

1. Contract Administration
   - Shop drawing reviews and approvals.
   - Coordination with utility companies.
   - Construction signing review and approval.
   - Project administration.
   - Program estimates, progress reports, payrolls, etc.
   - Review payrolls for contractor for necessary compliance.
   - Clerical correspondence.

- Record drawings.
- Final project per City requirements.

2. Inspection and Construction Staking
   - Construction staking and layout.
   - Onsite inspection.
   - Plant inspection.
   - Quality control testing and assurance.
   - Measurement - record drawing.

IX. AVAILABLE INFORMATION

A. General Information

The following resource data/information is available for all project areas:

1. TIFF format digital imagery 0.5', 1.0', 2.0', 4.0' & 8.0' pixel resolution. Hard copy output available in 1" - 100' scale. 2008 photography available.
2. Digital plat and parcel basemaps.
3. 2009 Metropolitan Highway Plan.
4. 2006 Metropolitan Bikeway Plan.
5. Fargo Land Development Code.
6. Zoning and Land Use Maps.
7. Municipal infrastructure information - paving, underground utilities (sewer, water, storm) street lights, etc.
8. Traffic projections, to be provided by F-M Metro Council of Governments.
9. Digital Terrain Model (DTM) to 1" = 100' National Map Accuracy Standards (Lidar compiled) May, 2002 photography. 2005 captured DTM available April, 2006.

B. Project Specific Information

1. 7th Ave N Corridor Study – University Drive to 45th St – Completed 2000 by HWS Consulting.
2. 25th Street Corridor Study – 13th Ave S to 23rd Ave S – Completed 2008 by HWS Consulting.
3. 52nd Ave S Corridor Study from Univ Dr to Co Rd 17 completed by FM Metro COG.

APPENDIX A

PRELIMINARY PROJECT MAPS

N

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

25th Street Project Area

1:11,560	01-19-2010

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

CITY OF Fargo

N

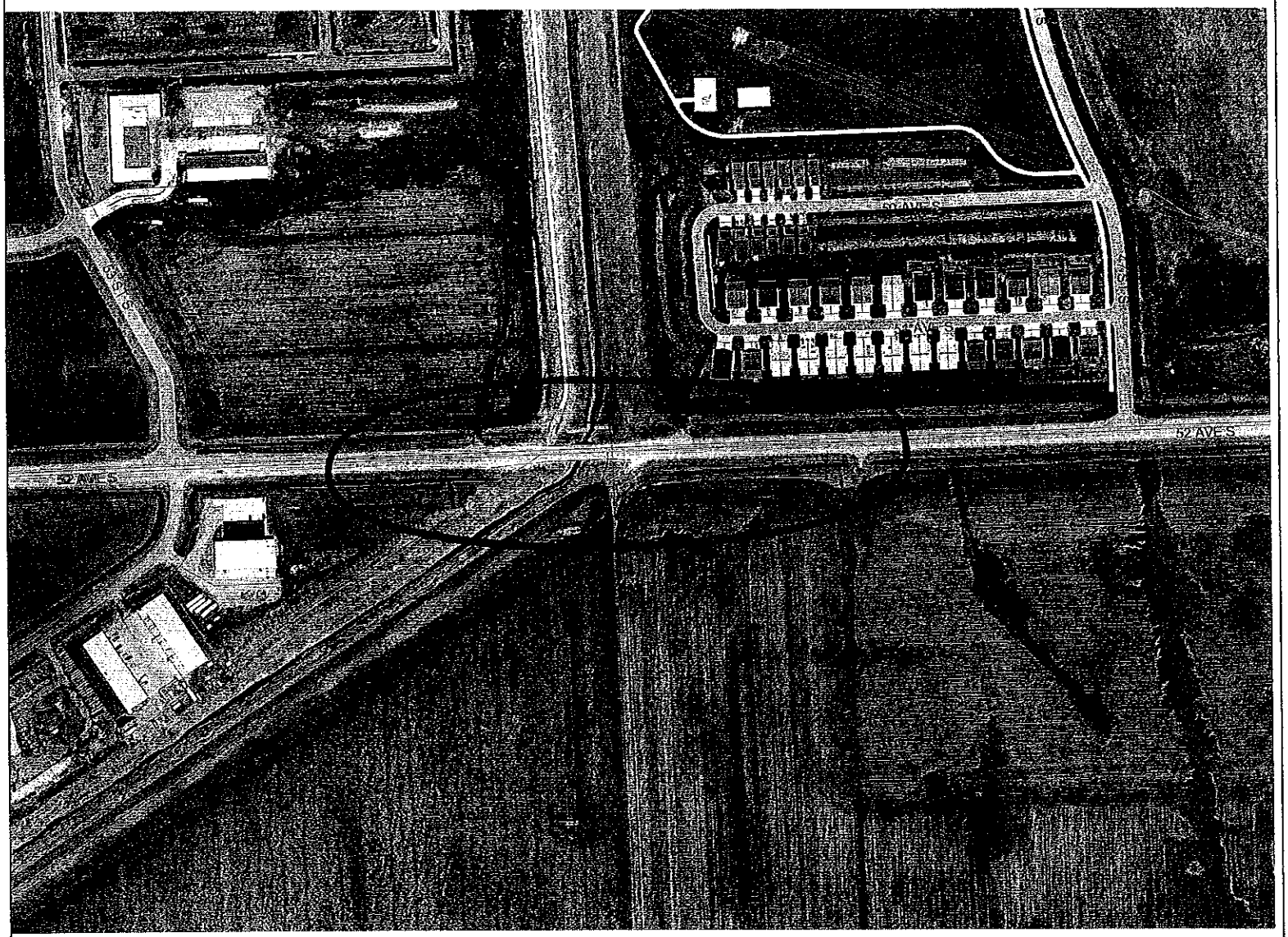
These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

7th Avenue North Project Area

1:8,387	01-19-2010

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

CITY OF Fargo



N

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

52nd Avenue S Bridge Replacement

Project Area

1:4,715	01-19-2010

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

CITY OF Fargo

APPENDIX B

COST PROPOSAL FORMS

COST PROPOSAL FORM

Project: 5681-02
Type: Project Concept Report, Design, Admin & Incidentals
Location: 25th Street South – 17th to 24th Avenue South

Cost Proposals shall be based on fixed fee lump sum amount unless otherwise noted. Attach basic fee structure.

Project Concept Report	_____
Preliminary Survey	_____
Right-of-Way Acquisition	_____
Geotechnical investigation	_____
Design and Plan Preparation	_____
TOTAL	_____

COST PROPOSAL FORM

Project: 5908-03
Type: Project Concept Report
Location: 7th Avenue North – I-29 to 45th Street

Cost Proposals shall be based on fixed fee lump sum amount unless otherwise noted. Attach basic fee structure.

Project Concept Report _____

Design and Plan Preparation _____

TOTAL _____

COST PROPOSAL FORM

Project: 5925-01
Type: Project Concept Report, Design, Admin & Incidentals
Location: 52nd Avenue S Bridge Replacement over CD 27

Cost Proposals shall be based on fixed fee lump sum amount unless otherwise noted. Attach basic fee structure.

Project Concept Report	_____
Preliminary Survey	_____
Geotechnical investigation	_____
Design and Plan Preparation	_____
TOTAL	_____

APPENDIX C

FEDERAL CERTIFICATIONS

(X)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

District No. 5525 Type: Change Order No.1

Location: Drain 10 at 1st Avenue North Date of Hearing: 01/18/10

Routing	Date
City Commission	01/25/10
PWPEC File	X
Project File	Rob Hasey
Petitioners	
David W. Johnson	

The Committee reviewed change order No. 1 for extra work associated with Drain 10 near 1st Avenue North.

On a motion by Pat Zavoral, seconded by Bruce Grubb, the Committee voted to recommend change order approval.

RECOMMENDED MOTION
Approve Change Order No. 1 in the amount of $22,316 for District 5525.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: HMGP & Special Assessments

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
50% escrow deposit required	N/A	

COMMITTEE	Present	Yes	No	Unanimous
				X
Pat Zavoral, City Administrator	X	X		
Jim Gilmour, Planning Director	X	X		
Bruce Hoover, Fire Chief				
Mark Bittner, City Engineer	X	X		
Bruce Grubb, Enterprise Director	X	X		
Al Weigel, Director of Operations				
Steve Sprague, City Auditor	X	X		

ATTEST:

Mark H. Bittner
Mark H. Bittner
City Engineer

Cc: Bev Martinson

CITY OF FARGO ENGINEERING DEPARTMENT

Impr Dist No: 5525
Date Entered: 01/13/2010
Date Printed: 01/13/2010

Chg Ord No: 1
For: Master Construction Co. Inc.

This change is made under the terms of or is supplemental to your present contract and, if and when approved, you are ordered to perform the work in accordance with the additions, changes, or alterations hereinafter described.

EXPLANATION OF CHANGE IN PLAN RECOMMENDED

Additional items & quantities added due to varying field conditions

Sec	Item	Item Description	Unit	Orig Cont Qty	Prev C/O Qty	Prev Cont Qty	Curr C/O Qty	Tot Cont Qty	Unit Price	C/O Ext Price
3	11409	Extra Item (Rock Check Dams)	EA		0.00	0.00	2.00	2.00	350.00	700.00
3	11470	Extra Item (15" Flap Gate)	EA		0.00	0.00	1.00	1.00	1,026.00	1,026.00
3	11475	Extra Item (Remove & replace concrete headwal	LS		0.00	0.00	1.00	1.00	15,070.00	15,070.00
3	11532	Extra Item (Rock behind headwall)	LS		0.00	0.00	1.00	1.00	1,370.00	1,370.00
3	11533	Extra Item (Compacting clay over headwall)	LS		0.00	0.00	1.00	1.00	1,850.00	1,850.00
3	11534	Extra Item (Plug 48" RCP with concrete)	LS		0.00	0.00	1.00	1.00	2,300.00	2,300.00
Storm Sewer Sub Total										**22,316.00**
									Total:	**22,316.00**

Source of Funding: Special Assessments
Net Amount Change Order 1: $22,316.00
Previous Change Orders: $0.00
Original Contract Amount: $442,678.25
Total Contract Amount: $464,994.25

I hereby accept this order both as to work to be performed and prices on which payment shall be based.

APPROVED:

For Contractor

Project Manager

Title

APPROVED:

Mark H. Buttre

City of Fargo Engineer

Mayor

Attest

YI

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 Improvement District as it will appear in the Contract:

Asphalt Wearing Course, Mill & Overlay & Incidentals

Improvement District No. 5640

Call For Bids	January 25	, 2010
Bid Opening Date	March 3	, 2010
Substantial Completion Date	September 4	, 2010
Final Completion Date	October 4	, 2010

N/A PWPEC Report (Attach Copy) **(Part of 2010 Capital Improvement Plan)**

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

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

X Notice to Property Owners (Dan Eberhardt)

Project Engineer Cody Eilertson

Phone No. 241-1545

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:

X Create District (Attach Copy of Legal Description)

X Order Plans & Specifications

X Approve Plans & Specifications

X Adopt Resolution of Necessity

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

X Assessment Map (Attach Copy for Auditor's Office Only)

ENGINEER'S REPORT

ASPHALT WEAR COURSE, MILL & OVERLAY
& INCIDENTALS

IMPROVEMENT DISTRICT NO. 5640

Nature & Scope

Under this project, the City will mill and overlay the following streets and avenues:

Section 1: On 42nd Street South from Main Avenue to 13th Avenue South.

Section 2: On 43½ Street South from 10th Avenue South to 13th Avenue South.
On 44th Street South from 9th Avenue South to 13th Avenue South.
On 9th Avenue South from 42nd Street South to 45th Street South.
On 9th Avenue Circle South from 9th Avenue South to 9th Avenue South.
On 10th Avenue South from 42nd Street South to 44th Street South.

Section 3: On 13th Avenue South from 38th Street South to 42nd Street South.

Also under this project, the City will be installing the final wearing course on the following streets and avenues:

Section 4: On 43½ Street from Main Avenue to 2nd Avenue South.
On 2nd Avenue South from 42nd Street South to a point located approximately 300' east of the centerline of 45th Street South.

Purpose

Sections 1, 2, and 3: The mill and overlay will provide a new wearing surface as well as correcting deficiencies which have appeared over time. Rehabilitation at this time is a cost effective means of extending the useful life of the streets.

Section 4: The wearing course was not installed on these streets under the original paving contract, allowing for the correction of deficiencies in the street after the majority of the building construction is complete, thus improving the final overall quality of the street. The installation of these wearing courses, at this time, will improve the drainage and ride quality, along with extending the life of these streets.

Feasibility

The construction cost is estimated to be $1,303,000. It will be paid for by special assessments and street sales tax funds. The cost breakdown is as follows:

Section 1:

Estimated Construction Cost:	$	580,000
Plus 25% Engineering & Administration Fees:		145,000
Total Section Cost:	$	725,000
Estimated Cost of Future Seal Coat:	$	50,000
Plus 25% Engineering & Administration Fees:		12,500
Total Seal Coat Cost:	$	62,500
Street Sales Tax Funds - 50% of Section:	$	362,500
Less 50% of Future Seal Coat:		31,250
Net Amount of Street Sales Tax Funds (46%):	$	331,250
Amount of Special Assessments (54%):	$	393,750

Section 2:

Estimated Construction Cost:	$	425,000
Plus 25% Engineering & Administration Fees:		106,250
Total Section Cost:	$	531,250
Estimated Cost of Future Seal Coat:	$	56,000
Plus 25% Engineering & Administration Fees:		14,000
Total Seal Coat Cost:	$	70,000
Street Sales Tax Funds - 50% of Section:	$	265,625
Less 50% of Future Seal Coat:		35,000
Net Amount of Street Sales Tax Funds (43%):	$	230,625
Amount of Special Assessments (57%):	$	300,625

Section 3:

Estimated Construction Cost:	$	200,000
Plus 25% Engineering & Administration Fees:		50,000
Total Section Cost:	$	250,000
Estimated Cost of Future Seal Coat:	$	24,000
Plus 25% Engineering & Administration Fees:		6,000
Total Seal Coat Cost:	$	30,000
Street Sales Tax Funds - 50% of Section:	$	125,000
Less 50% of Future Seal Coat:		15,000
Net Amount of Street Sales Tax Funds (44%):	$	110,000
Amount of Special Assessments (56%):	$	140,000

Section 4:

Estimated Construction Cost:	$	98,000
Plus 32% Engineering & Administration Fees:		31,360
Total Section Cost (Special Assessments):	$	129,360

Total:

Total Project Cost:	$	1,635,610
Street Sales Tax Funds:	$	671,875
Special Assessments:	$	963,735

We believe this project to be cost effective.

MARK H. BITTNER
REGISTERED
PROFESSIONAL
1958
ENGINEER
NORTH DAKOTA

Mark H. Bittner
Mark H. Bittner
City Engineer

January 2010

CITY OF FARGO
ENGINEERING DEPARTMENT

LOCATION & COMPRISING

ASPHALT WEAR COURSE, MILL AND OVERLAY
& INCIDENTALS

IMPROVEMENT DISTRICT NO. 5640

LOCATION:

On 42nd Street South from Main Avenue to 13th Avenue South.
On 43½ Street South from Main Avenue to 2nd Avenue South.
On 43½ Street South from 10th Avenue South to 13th Avenue South.
On 44th Street South from 9th Avenue South to 13th Avenue South.
On 2nd Avenue South from 42nd Street South to a point located approximately 300' east of the centerline of 45th Street South.
On 9th Avenue South from 42nd Street South to 45th Street South.
On 9th Avenue Circle South from 9th Avenue South to 9th Avenue South.
On 10th Avenue South from 42nd Street South to 44th Street South.
On 13th Avenue South from 38th Street South to 42nd Street South.

COMPRISING:

The following described land located in Township 139 N, Range 49 W, City of Fargo, Cass County, North Dakota:

Lots 9 through 15, inclusive, Poritt's Subdivision.

Lot 1, Block 1, Buena Vista Courts Addition.

Lots 1 and 2, Block 1, 45th Street Park 4th Addition.

Lot 2, Block 1, 45th Street Park 3rd Addition.

The east half of Section 10.

The southwest quarter of Section 10, except Lot 2, Block 1, Builders Square 1st Addition, and also except Lots 1, 2, and 3, Block 1, Tower Park Plaza 1st Addition.

The east half of Section 15.

All of the foregoing located in Township 139 N, Range 49 W, City of Fargo, Cass County, North Dakota.

(Y2)

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 Improvement District as it will appear in the Contract:

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & Incidentals

Improvement District No. 5907

Call For Bids	January 25	, 2010
Advertise	February 1 and 8	, 2010
Bid Opening Date	March 3	, 2010
Completion Date	July 31	, 2010

X PWPEC Report (Attach Copy)

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

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

X Notice to Property Owners (Dan Eberhardt)

Project Engineer Kristy Schmidt

Phone No. 241-1571

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:

X Create District (Attach Copy of Legal Description)

X Order Plans & Specifications

X Approve Plans & Specifications

X Adopt Resolution of Necessity

X Approve Escrow Agreement (Attach Copy for Commission Office Only)

X Assessment Map (Attach Copy for Auditor's Office Only)

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

District No. 5907

Type: Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights

Location: Autumn Fields Addition

Date of Hearing: 11/10/09

Routing	Date
City Commission	1/25/10
PWPEC File	X
Project File	Kristy Schmidt
Petitioners	Rob Lyngstad
David W. Johnson	X

The Committee reviewed the accompanying request from Rob Lyngstad, Matrix Properties Corp., for municipal improvements in Autumn Fields Addition.

On a motion by Bruce Grubb, seconded by Bruce Hoover, the Committee voted to recommend approval of the requested improvements.

RECOMMENDED MOTION

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: 100% Special Assess

	Yes	No
Developer meets City policy for payment of delinquent specials	X	
Agreement for payment of specials required of developer	X	
50% escrow deposit required	X	

COMMITTEE	Present	Yes	No	Unanimous
				X
Pat Zavoral, City Administrator				
Jim Gilmour, Planning Director	X	X		
Bruce Hoover, Fire Chief	X	X		
Mark Bittner, City Engineer	X	X		
Bruce Grubb, Enterprise Director	X	X		
Al Weigel, Director of Operations	X	X		
Steve Sprague, City Auditor	X	X		

ATTEST:

Mark H. Bittner

Mark H. Bittner
City Engineer

ENGINEER'S REPORT

SANITARY SEWER, WATER MAIN, STORM SEWER,
PAVING, STREET LIGHTS & INCIDENTALS

IMPROVEMENT DISTRICT NO. 5907

Nature & Scope

This project is for the installation of underground utilities, new asphalt streets, sidewalks and street lights at the location described as follows:

On Umber Court South.
On 28th Avenue South from Umber Court to Saffron Drive South.

Purpose

This project is for the development of Autumn Fields Addition as requested by the developers.

Feasibility

The estimated costs associated with this project are as follows:

Estimated Construction Cost:	$ 680,000
Plus 32% Engineering & Administration Fees:	$ 217,600
Total Estimated Assessed Cost:	$ 897,600

We believe this project to be cost effective.

MARK H. BITTNER
REGISTERED
PROFESSIONAL
1958
ENGINEER
NORTH DAKOTA

Mark H. Bittner
Mark H. Bittner
City Engineer

January 2010

CITY OF FARGO
ENGINEERING DEPARTMENT

LOCATION & COMPRISING

SANITARY SEWER, WATER MAIN, STORM SEWER,
PAVING, STREET LIGHTS & INCIDENTALS

IMPROVEMENT DISTRICT NO. 5907

LOCATION:

On Umber Court South
On 28th Avenue from Umber Court to Saffron Drive South
On Saffron Drive South from Umber Court to 28th Avenue South

COMPRISING:

Lots 1 through 23, inclusive, Block 1.
Lots 1 through 10, inclusive, Block 2.
Lots 1 through 10, inclusive, Block 3.
All in Autumn Fields Addition.

Lots 6 through 8, inclusive, Block 1.
All in Calico Prairie Addition.

All of the foregoing located in Cass County, North Dakota.