



The West Fargo City Commission met on Monday, December 2, 2013, at 5:30 P.M. Those present were Rich Mattern, Mark Simmons, Mike Thorstad, Duane Hanson and Mark Wentz. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Mattern advised that the following items are to be added to the Consent Agenda: Resolution Approving Contract and Contractor's Bond in Sewer Improvement District No. 1253-Phase II and Façade Improvement Program Final Version and the following item is to be removed from the Consent Agenda: "e", Street Improvement District No. 2233. Commissioner Mattern also advised that the following checks were added to the Check Register: Titan \$882.05, Century \$133.74 and VISA – Police Department \$1,914.40. Commissioner Thorstad moved and Commissioner Hanson seconded to approve the Order of Agenda as amended. No opposition. Motion carried.

Commissioner Hanson moved and Commissioner Wentz seconded to approve the Minutes of November 18, 2013. No opposition. Motion carried.

The Commission reviewed Building Permits #846 - 862 along with the Building Department Activity Report dated December 2, 2013, a Revised Building Department Activity Report for November 18, 2013 and the Building Department Monthly Comparison Report for November 2012/November 2013.

There were no Commissioner Committee Reports.

The Auditor's Reports were received by the Commission.

Commissioner Simmons moved and Commissioner Thorstad seconded to approve the following items on the Consent Agenda:

Bills

Resolution Approving Contract and Contractor's Bond in Storm Improvement District No. 4050

Sidewalk Improvement District No. 6051 (2014 Walks): Approve Tracts of Land to be Assessed, authorize Engineer to prepare Engineer's Report, approve Engineer's Report, authorize preparation of Plans and Specifications and authorize Resolution of Necessity

Street Improvement District No. 2231 (Dakota Territory 5th, 11th and 13th Additions): Approve Plans and Specifications and authorize Advertisement for Bids with bid opening on December 19, 2013

Resolution Approving Contract and Contractor's Bond in Sewer Improvement District No. 1253, Phase II

Façade Improvement Program Final Version

No opposition. Motion carried.

Assistant City Attorney John Shockley appeared before the Commission on Ordinance No. 980 relating to Garbage Collection Fees. Commissioner Wentz moved and Commissioner Thorstad seconded to place Ordinance No. 980 on Second Reading. No opposition. Motion carried.

Assistant City Attorney John Shockley appeared before the Commission on Ordinance No. 982 relating to the licensing of Live Adult Entertainers and advised there will be some minor changes to the ordinance prior to Second Reading and their office will also be requesting an Attorney General opinion. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to place Ordinance No. 982 on First Reading with the minor changes as outlined by Assistant City Attorney John Shockley. No opposition. Motion carried.

Assistant City Attorney John Shockley appeared before the Commission on the Resolution of Annexation for the following and advised that a Public Hearing will be held on January 6, 2014:

The Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 29, Township 139 North, Range 49 West, Cass County, North Dakota, LESS part platted to Westview First Addition.

After discussion, Commissioner Thorstad moved and Commissioner Wentz seconded to adopt the Resolution of Annexation and set a Public Hearing for January 6, 2014. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Dakota Used Car Center for a Conditional Use Permit for Auto Sales and Service on Lots 2 and 12, Block 1 of Eagle Run Plaza 1st Addition, and advised that the Planning & Zoning Commission denied the request at their meeting on November 12, 2013. Planning and Community Development Director Larry Weil also appeared before the Commission. Ted Hall, owner and manager of Dakota Used Car Center, reviewed the use and advised there would be light maintenance and electronics work done at the site. Patrick Vesey, a partner in the West Lake Apartments, stated that he is opposed to this business at this site. Dave Glessner of the Eagle Run Plaza also appeared before the Commission. After a lengthy discussion, Commissioner Hanson moved and Commissioner Simmons seconded to approve the Conditional Use Permit with the recommendations in the Staff Report to include berming and the ability to revisit the Conditional Use Permit if issues arise at a later date. No opposition. Motion carried.

Assistant City Attorney John Shockley appeared before the Commission on Street Improvement District No. 2230 and advised no protests were received. A public hearing was held. City Engineer Kevin Bucholz advised this district includes Arbor Glen and Huntington Woods overlay work. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Wentz seconded to adopt the Resolution Determining that not Sufficient Protests were Filed on Improvement in Street Improvement District No. 2230. No opposition. Motion carried.

Assistant City Attorney John Shockley appeared before the Commission on Street Improvement District No. 2229. City Engineer Kevin Bucholz advised this district includes overlay in Charleswood. A public hearing was held. Mark Lester of 1852 Charleswood Estates Drive asked that the City consider repairing the curb and gutter starting from 1858 Charleswood Estates Drive and going a few houses to the south. City Engineer Kevin Bucholz and Interim Public Works Director Chris Brungardt also appeared before the Commission. Steve Marquart of 725 15th Avenue East and Reuben Tschritter of 1840 Charleswood Estates Drive also appeared before the Commission. Assistant City Attorney John Shockley stated that any concerns regarding assessments can be addressed at the Special Assessment Commission Meeting to be held at a later date. Commissioner Simmons moved and Commissioner Hanson seconded to adopt the Resolution Determining that not Sufficient Protests were Filed on Improvement in Street Improvement District No. 2229. No opposition. Motion carried.

Assistant City Attorney John Shockley appeared before the Commission on Sewer, Water, Storm and Street Improvement District No. 1267 and advised that sufficient protests were received on this district. No public hearing was held.

Senior Planner Tim Solberg appeared before the Commission on the rezoning of Lots 1-81, Block 3 of Brooks Harbor 1st Addition from One and Two Family Dwellings to Planned Unit Development and advised that the Planning & Zoning Commission recommended approval. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Thorstad moved and Commissioner Wentz seconded to place the rezoning on First Reading. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the rezoning of Lot 1, Block 1 of Prairie Heights 2nd Addition from Limited Multiple Dwellings to Light Commercial and advised that the Planning & Zoning Commission recommended approval. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Thorstad moved and Commissioner Hanson seconded to place the rezoning on First Reading. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the rezoning of North Pond at the Preserve 4th Addition (the replat of Lots 1 and 2, Block 1 of North Pond at the Preserve 3rd Addition, part of 7th Street East and subdivision of property in the NE ¼ of Section 20, T139N, R49W, City of West Fargo, ND) from Agricultural to Light Commercial and Commercial Office Park and advised that the Planning & Zoning Commission recommended approval. A public hearing was held. Attorney Dan Bueide of the Vogel Law Firm appeared on behalf of Rusty Goose Development. The hearing was closed. Commissioner Simmons moved and Commissioner Wentz seconded to place the rezoning on First Reading. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the rezoning of 4RB Subdivision (property located in the SW ¼ of Section 25, T140N, R50W, Raymond Township), Cass County, ND from Agricultural to Rural Estate District and advised that the Planning & Zoning Commission recommended approval. A public hearing was held. There was no public comment and the hearing was closed. Roger Larson, a partner in the farmstead, appeared before the Commission. Commissioner Hanson moved and Commissioner Wentz seconded to place the rezoning on First Reading. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on Charleswood 31st Addition, a replat. City Engineer Kevin Bucholz and Planning and Community Development Director Larry Weil also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the Final Plat of Charleswood 31st Addition and to approve the Planned Unit Development Amendment to Single Family Dwellings subject to the conditions listed in the Staff report and the condition that a geotechnical study be done for each lot. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer and Water Improvement District No. 1264 (Charleswood 31st Addition) and recommended to award the contract for Sewer and Water Improvement District No. 1264 to Kindred Plumbing and Heating, Inc. for their bid amount of \$347,582.00. Commissioner Hanson moved and Commissioner Wentz seconded to award the contract to Kindred Plumbing and Heating, Inc. as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on NDDOT-SU-8-992(035)036, Street Improvement District No. 2219 (7th Avenue East – 17th Street East to 45th Street South). After discussion, Commissioner Thorstad moved and Commissioner Simmons seconded to concur with the ND Department of Transportation to award the contract to Dakota Underground Company for the construction amount of \$1,490,142.85 with the local cost estimated to be \$404,472.002 (shared between the City of West Fargo and City of Fargo). No opposition. Motion carried.

There were no Non-Agenda items.

City Auditor James Brownlee gave the following report:

December 3, 2013 4:30 PM – Downtown Association meeting at VFW/Arthur's

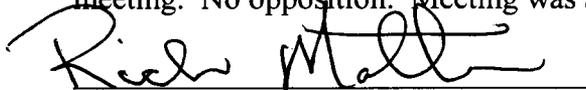
December 4, 2013 7:00 AM – Economic Development Advisory Committee Meeting

Plans for the Commission Chambers in the new building were provided to each Commissioner. IT Director James Anderson appeared before the Commission. Bid opening will be held December 19, 2013

Interim Public Works Director Chris Brungardt appeared before the Commission to review the snow removal process for the current and upcoming storm

There was no correspondence.

Commissioner Simmons moved and Commissioner Wentz seconded to adjourn the meeting. No opposition. Meeting was adjourned.



Rich Mattern
President of the Board



James Brownlee
City Auditor