



The West Fargo City Commission met on Monday, January 20, 2014, 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 Item No. 1 of the Regular Agenda (North Pond at the Preserve 4th Addition) needs to be discussed after Item No. 3 (Public Hearing – Evolution) and Award contract for Well Improvements – New Well #14 needs to be added to the Regular Agenda. Commissioner Simmons moved and Commissioner Wentz seconded to approve the Order of Agenda with the changes as noted. No opposition. Motion carried.

Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Minutes of January 6, 2014. No opposition. Motion carried.

The Commission reviewed Building Permits #3 -11 and the Building Department Activity Report dated January 20, 2014.

There were no Commissioner Committee Reports.

There were no Department Reports.

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

Bills

Resolution Approving Contract and Contractor's Bond in Water and Street Improvement District No. 1266

Reappointment of Gordy Ferkul and Kathy Lewin to the Visitors Committee for four year terms to February 2018

Public Hearing February 3, 2014 at 5:45 PM for Liquor License – Bottle Barn Liquors and forward to Police Department for a background check

Games of Chance: West Fargo Exchange Club for Raffle to be held April 11, 2014 at Speedway Event Center

Games of Chance: Knights of Columbus Council 9642 for Raffle to be held June 9, 2014 at Holy Cross Catholic Church

Games of Chance: Lexi Jam Benefit Fund for Raffle to be held 1/21/14 to 3/29/14 at Spitfire

Designation of Depositories: Alerus Financial Bank, First International Bank and Trust, Gate City Bank, Bell State Bank, Choice Financial Bank, Wells Fargo Bank, Western State Bank, Union State Bank and Starion Bank

Change of Ownership: Liquor License Application for O'Leary's Irish Pub at 715 13th Avenue East, West Fargo, ND

No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission on Ordinance No. 990 relating to Trespassing in Schools and stated that the ordinance has been changed so the wording is uniform for all area schools. Assistant Chief Michael Reitan also appeared before the Commission. After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to place Ordinance No. 990 on First Reading as amended by City Attorney John Shockley. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from West Fargo Animal Hospital at 816 Meyer Drive for a Conditional Use Permit for a veterinary clinic with overnight facilities and advised that the Planning & Zoning Commission recommended approval on the basis that it is consistent with City plans and ordinances. After discussion, Commissioner Thorstad moved and Commissioner Hanson seconded to approve the Conditional Use Permit as recommended by Staff and on the condition that overnight operations do not cause a nuisance to adjacent properties. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Andrea Sandbeck for a Conditional Use Permit for a childcare facility for 18 children within a home located at 1717 13th Street East, West Fargo, ND and advised that the Planning & Zoning Commission recommended approval on the basis that it is consistent with City plans and ordinances and on the conditions that adequate off-street parking spaces are provided to meet City code requirements and that the children are dropped off in the driveway only. Senior Planner Tim Solberg also stated that the area would be monitored for traffic problems during high activity periods. After discussion, Commissioner Wentz moved and Commissioner Hanson seconded to approve the Conditional Use Permit subject to the conditions listed in the Staff Report. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall appeared before the Commission on Evolution 1, a software company looking to relocate its corporate headquarters to the City of West Fargo and advised that the Economic Development Advisory Committee recommended approval of the 10 year PILOT (Payment in Lieu of Taxes). A public hearing was held. There was no public comment and the hearing was closed. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the PILOT contingent on Evolution 1 occupying the space leased by Cityscapes Development. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on North Pond at the Preserve 4th Addition. After discussion, Commissioner Thorstad moved and Commissioner Wentz seconded to place on Second Reading Ordinance No. 985 for the rezoning of North Pond at the Preserve 4th Addition from Agricultural to Light Commercial and Commercial Office Park, approve the Land Use Plan Amendment from Low Density Residential to Office Park and to approve the Final Plat. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission on the Annexation of South Half (S ½) of Section 32, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, ND, LESS the plat of Strata Second Addition, Cass County, ND, as recorded in Document No. 1179706, and LESS the plat of Integrity First Addition, Cass County, ND, as recorded in Document No. 1174018. City Auditor Jim Brownlee stated there were two protests received from landowners which were insufficient to stop the annexation. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Wentz moved and Commissioner Thorstad seconded to adopt the Resolution that not Sufficient Protests were Filed and to approve the annexation. No opposition. Motion carried.

Finance Director/Assistant Auditor Tina Gustafson appeared before the Commission on a new retail on-premise liquor license at 825 East Beaton Drive (Cambria Suites). A background check had been provided to the Commissioners. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Hanson seconded to approve the new retail liquor license for Cambria Suites. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on The Wilds 6th Addition rezoning from Agricultural to Single Family Dwellings and a request for a Public Hearing on the Land Use Plan Amendment from Medium Density Residential to Low Density Residential. Solberg stated that the Planning & Zoning Commission recommended approval subject to the conditions in the Staff and the condition that the developer signs a promissory note or some other legal instrument to get the additional 10% park dedication. A public hearing was held on the rezoning. There was no public comment and the hearing was closed. Commissioner Hanson moved and Commissioner Thorstad seconded to place on First Reading the rezoning from Agricultural to Single Family Dwellings subject to the conditions listed in the Staff Report and to schedule a public hearing February 3, 2014, at 5:45 PM for the Land Use Plan Amendment from Medium Density Residential to Low Density Residential. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Wally Tintes for a Conditional Use Permit to construct an addition onto a warehouse/storage facility located at 316 11th Street West, West Fargo, ND, and stated that the Planning & Zoning Commission recommended approval on the basis that it is consistent with City plans and ordinances. After discussion, Commissioner Wentz moved and Commissioner Hanson seconded to approve the Conditional Use Permit as recommended by Staff. No opposition. Motion carried.

City Auditor Jim Brownlee appeared before the Commission to review the Decision Document for the Main Avenue Reconstruction Phase III – Interstate 94 to Sheyenne River and stated that Staff recommends the realignment of 8th Street and to work with property owners for a decision on 6th Street. City Engineer Kevin Bucholz appeared before the Commission and agreed to forward the request to the DOT that individual property owners receive letters from the Department of Transportation regarding the project. Assistant Police Chief Michael Reitan also appeared before the Commission. After discussion, Commissioner Hanson moved and Commissioner Thorstad seconded to concur with the responses of the ND Department of Transportation to written questions in the Decision Document and to concur with Staff recommendations on 8th Street and 6th Street realignments. Commissioners Simmons, Thorstad, Hanson and Wentz voting aye. Commissioner Mattern voting no. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Street Improvement District No. 2229 (Charleswood Area Street Overlay) and recommended to award the bid to Northern Improvement Company. Commissioner Simmons moved and Commissioner Hanson seconded to award the contract for Street Improvement District No. 2229 to Northern Improvement Company for their bid amount of \$2,047,548.91 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Street Improvement District No. 2230 (Arbor Glen Area Street Overlay) and recommended to award the bid to Northern Improvement Company. Commissioner Hanson moved and Commissioner Wentz seconded to award the contract for Street Improvement District No. 2230 to Northern Improvement Company for their bid amount of \$423,587.95 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

Commissioner Rich Mattern advised that an appointment to the Metro Area Transit (MAT) Coordinating Board needs to be made. Commissioner Thorstad moved and Commissioner Wentz seconded to reappoint Commission Simmons as the 2014 MAT Board Member. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Well Improvements – New Well #14 and recommended to award the bid to Northern Plains Contracting, Inc. with the contingency that the permit is received in the mail. Commissioner Simmons moved and Commissioner Hanson seconded to award the bid to Northern Plains Contracting, Inc. for their bid amount of \$842,863.00 with the contingency that the permit is received by the City. No opposition. Motion carried.

City Auditor James Brownlee gave the following report:

ND Department of Transportation/Main Avenue Public Meeting will be held
February 11, 2014 at 5:00 PM at the Public Works Building

Wednesday, January 22, 2014, the State Director of Federal Highways is
meeting with City Staff at 1:30 PM at the Public Works Building

Homebuilders Association scheduled for January 28, 2014 at the Radisson

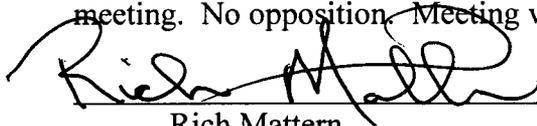
FM Convention & Visitors Bureau Meeting 11:30 AM to 1:00 PM on March
5, 2014 at Bonanzaville

A Simple Majority is needed for the Sales Tax Vote

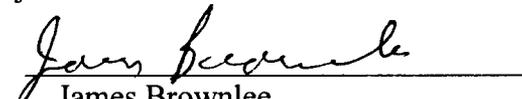
January 27, 2014 is a pre-construction meeting on the new Police Department
building

There was no correspondence.

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



Rich Mattern
President of the Board



James Brownlee
City Auditor