



The West Fargo City Commission met on Monday, April 20, 2015, 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 Hanson moved and Commissioner Wentz seconded to approve the Order of Agenda. No opposition. Motion carried.

Commissioner Thorstad moved and Commissioner Simmons seconded to approve the Minutes of April 6, 2015 and the Board of Equalization Minutes of April 14, 2015. No opposition. Motion carried.

The Commission reviewed Building Permits #138 - 171 and the Building Department Activity Report dated April 20, 2015.

There were no Commissioner Committee Reports.

The Auditor's Reports for March 2015 were received by the Commission.

There were no Department Reports.

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

Bills

Budget Amendment for Sanitation Equipment Repair: Increase of \$40,000 for additional repairs to the dozer

Appointment of Joe Kolb to the Planning and Zoning Commission to replace Commissioner Potter whose term ends this month (first term through 2020)

Sewer, Water, Storm and Street Improvement District No. 1288 (The Wilds 7<sup>th</sup> Addition): Approve Engineer's Report, authorize preparation of Plans and Specifications, approve Plans and Specifications and authorize Advertisement for Bids with bid opening on May 14, 2015

No opposition. Motion carried.

Janet Rogne of 873 12<sup>th</sup> Avenue West, West Fargo, ND, appeared before the Commission to request access of seven feet of the City of West Fargo's property for installing a maintenance free fence on the west side of the property. Commissioner Mattern stated that an agreement needs to be prepared by the City Attorney and presented to the City Commission for approval.

City Attorney John Shockley appeared before the Commission on the Resolution of Annexation to annex three tracts of land located in the Northwest part of the City of West Fargo, ND and advised that the Planning & Zoning Commission recommended to move forward with annexation. Planning and Community Development Director Larry Weil advised that the Inert Landfill would be a grandfathered use. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to adopt the Resolution of Annexation as recommended by City Attorney John Shockley. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on the request from Rescom for a Planned Unit Development Amendment to provide for changes to the existing office building and site at 3420 Sheyenne Street West, West Fargo, ND, and advised that the Planning & Zoning Commission recommended approval with conditions listed in the Staff Report as well as the condition the garage doors meet the Sheyenne Corridor Construction Standards. Jason Gustofson and City Engineer Kevin Bucholz appeared before the Commission. After discussion, it was agreed that the City Attorney draft an agreement on an option further south to be presented at the next City Commission meeting.

City Attorney John Shockley appeared before the Commission on Special Assessments in Sewer, Water, Storm and Street Improvement Districts No. 1257, 1258, 1261, 1262, 1262-Phase II, 1263 and 1265, Sewer and Water Improvement District No. 1264 and Street Improvement Districts No. 2229, 2230 and 2231 and advised there were no protests at the Special Assessment Commission public hearing and no written protests have been filed with the City. A public hearing was held. There was no public comment and the hearing was closed.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1257 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Thorstad and seconded by Commissioner Wentz that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1257 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1258 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Thorstad and seconded by Commissioner Wentz that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1258 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1261 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Thorstad and seconded by Commissioner Wentz that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1261 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1262 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Thorstad and seconded by Commissioner Wentz that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1262 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1262-Phase II as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Thorstad and seconded by Commissioner Wentz that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1262-Phase II of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1263 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Thorstad and seconded by Commissioner Wentz that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1263 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1265 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Thorstad and seconded by Commissioner Wentz that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1265 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Sewer and Water Improvement District No. 1264 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Thorstad and seconded by Commissioner Wentz that the assessment list for Sewer and Water Improvement District No. 1264 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Street Improvement District No. 2229 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Thorstad and seconded by Commissioner Wentz that the assessment list for Street Improvement District No. 2220 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Street Improvement District No. 2230 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Thorstad and seconded by Commissioner Wentz that the assessment list for Street Improvement District No. 2230 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Street Improvement District No. 2231 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Thorstad and seconded by Commissioner Wentz that the assessment list for Street Improvement District No. 2231 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on Oak Ridge 6<sup>th</sup> Addition rezoning from Light Commercial to Planned Unit Development and advised that the Planning & Zoning Commission approved the Concept Development Plan based on the seven conditions listed in the Staff Report and that the application is consistent with City plans and ordinances. A public hearing was held. There was no public comment and the hearing was closed. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to place on First Reading the rezoning of Oak Ridge 6<sup>th</sup> Addition from Light Commercial to Planned Unit Development. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on the request from Aaron and Stacy Birch for a Conditional Use Permit for Child Care Facility within a home at 763 14<sup>th</sup> Avenue West, West Fargo, ND, and advised that the Planning & Zoning Commission recommended approval based on the conditions listed in the Staff Report with a change in the condition that children also be picked up in the driveway. After discussion, Commissioner Thorstad moved and Commissioner Wentz seconded to approve the Conditional Use Permit subject to the conditions recommended by Staff and signing the Conditional Use Permit agreement. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on the request from Anna Matcha of Time2Play for a Conditional Use Permit to allow a fence in the required front yard within the Corridor Overlay District for a daycare center at 730 13<sup>th</sup> Avenue East, West Fargo, ND, and advised that the Planning & Zoning Commission had received concerns regarding parking, safety, noise and snow, but had recommended approval based on the conditions listed in the Staff Report with a change to condition #4 to exclude large playground equipment. There was no public comment. Commissioner Simmons expressed concern that the fence would take away from the look of the corridor and moved to deny the Conditional Use Permit on the basis it would detract from the intent of the corridor overlay district. Commissioner Hanson seconded the motion. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on Eagle Run 22<sup>nd</sup> Addition, a replat, and the Planned Unit Development Amendment to allow for a multiple dwelling structure for senior living and approval of the Final Plat. Weil stated that Staff gave two recommendations (approval or denial) to the Planning & Zoning Commission and advised that the Planning & Zoning Commission recommended approval subject to the seven conditions listed in the Staff Report. City Engineer Kevin Bucholz also appeared before the Commission. After a lengthy discussion regarding the concern for the available amount of commercial space, Commissioner Simmons moved and Commissioner Hanson seconded to deny the Planned Unit Development Amendment and the Final Plat approval. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on the request from Aaron Greterman for a Conditional Use Permit to allow multiple-dwelling structures within a Light Commercial District for senior assisting living located on part of Lot 1, Block 1 of Oak Ridge 1st Addition and part of the NE ¼ of Section 29, T139N, R49W, City of West Fargo, ND, and advised that the Planning & Zoning Commission had recommended approval subject to condition A.1 in the Staff Report and the second condition that the property be licensed as an “assisted living facility” by the State. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to deny the Conditional Use Permit. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on a Site Plan Review in the Interstate Corridor Overlay District for an auto repair facility at 415 Christianson Drive West, West Fargo, ND, because prior to issuance of a building permit, plans must be approved by the City Commission. Weil advised that the Planning & Zoning Commission recommended approval on the basis that the proposed development on the site is consistent with the intent of the Interstate Corridor Overlay District. Chris Schmidt appeared before the Commission. After discussion, Commissioner Wentz moved and Commissioner Thorstad seconded to approve the Site Plan. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Street Improvement District No. 2238 (Rendezvous Park Street Overlay – which will include other park areas). Director of Parks and Recreation Barb Erbstoesser also appeared before the Commission. Commissioner Hanson moved and Commissioner Wentz seconded to award the contract for Street Improvement District No. 2238 to Aggregate Industries NCR for their Base Bid and Alternate A of \$1,765,133.32 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

The City Commission meeting was closed at this time for a short recess.

The City Commission meeting was reopened at 7:00 PM.

City Auditor Jim Brownlee appeared before the Commission on the vote for the FM Diversion Assessment against city property and indirect assessment and advised there were three options: approval, vote against, or no vote at all. A lengthy discussion was held by the Commissioners on the Memo of Understanding, funding, special assessments, etc. City Attorney John Shockley appeared before the Commission to explain the Memorandum of Understanding with Fargo, Cass County and the Watershed District. Leroy Richard of Leonard, ND and Barry Miller of 637 12 ½ Ave E, West Fargo, ND also appeared to encourage the Commission to vote no. After discussion, Commissioner Simmons moved that the City of West Fargo not send in the votes. Motion died for lack of a second.

Commissioner Hanson then moved and Commissioner Wentz seconded to vote no. Commissioners Wentz, Simmons, Hanson and Mattern voting aye. Commissioner Thorstad voting nay. Motion carried.

There were no Non-Agenda items.

City Administrator James Brownlee gave the following report:

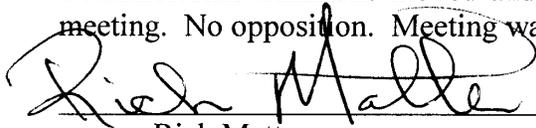
Would like to set up a 5:30 PM meeting sometime Mid-May with the City of Horace officials and the City of West Fargo officials to discuss issues. City Auditor Jim Brownlee will be contacting everyone for dates for the meeting

Work on 32<sup>nd</sup> Avenue has started

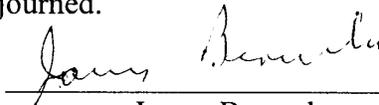
Meeting held on new building. Work will begin on the parking lot on north side of building. Options for the laptops in the new Commission Room would be a flip open option in the desk or a drawer under the desk. Commissioners agreed with the flip open option and inter-active screen.

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