



The West Fargo City Commission met on Monday, September 16, 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 Aquifer and Production Well Study for Potable Water Supply will be discussed under Non-Agenda. Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Order of Agenda with the addition as noted. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Wentz seconded to approve the Minutes of August 19, 2013. No opposition. Motion carried.

The Commission reviewed Building Permits #572 - 660 along with the Building Department Activity Report dated September 16, 2013 and the Building Department Monthly Comparison Report for August 2012/August 2013.

There were no Commissioner Committee Reports.

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

Mayor Mattern stated that the City of West Fargo was named 2013 City of the Year by the ND League of Cities and thanked the Staff and Commissioners for all their hard work. Commissioner Simmons then thanked the Mayor for his vision and all he has done for the City of West Fargo.

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

Bills

Resolution Approving Contract and Contractor's Bond in Sewer, Water, Storm and Street Improvement District No. 1257

Resolution Approving Contract and Contractor's Bond in Water Supply System Improvements – Well #9

2<sup>nd</sup> Amended Resolution Directing Auditor to Advertise for Bids in Sewer Improvement District No. 1253

Amended Resolution Directing Auditor to Advertise for Bids in Sewer, Water, Storm and Street Improvement District No. 1259

Amended Resolution Directing Auditor to Advertise for Bids in Sewer, Water, Storm and Street Improvement District No. 1262

2<sup>nd</sup> Amended Resolution Directing Auditor to Advertise for Bids in Storm Improvement District No. 4050

Games of Chance: Red River Regional Marksmanship for Raffle 9/9/13 to 9/9/14 at Camy Couture

Games of Chance: Southdale Senior Citizens Club for Raffle and Bingo 9/11/13 to 6/30/14 at High Rise (Cass County Housing Authority)

Games of Chance: West Fargo Packer Backer Association for Calendar Raffle August 2013 to June 2014

West Fargo Fire Department Contract for 2014

Public Hearing September 30, 2013 at 5:45 PM on Zoning Ordinance Amendments to the Sheyenne Street Corridor Overlay District, Main Avenue Overlay District, Landscaping Standards and Parking Regulations

Public Hearing September 30, 2013 at 5:45 PM on Zoning Ordinance Amendment for nursing homes, retirement homes, convalescent homes, assisted living facilities and the like as permitted uses in Commercial Office Park District

Public Hearing September 30, 2013 at 5:45 PM for Rezoning from One and Two Family Dwellings to Limited Multiple Dwellings in the SE ¼ of Section 31, Township 140N, R49W, City of West Fargo, ND

Public Hearing October 7, 2013 at 5:45 PM for rezoning of Oak Ridge 5<sup>th</sup> Addition, Subdivision, from Agricultural to Planned Unit Development and Light Commercial

Authorize Police Chief Rasmussen to vote in favor of the resolution authorizing the purchase of property in accordance with the governance of the Joint Powers Agreement

Final Plat Approval: Maple Ridge at the Preserve 3<sup>rd</sup> Addition, a replat

Sewer, Water, Storm and Street Improvement District No. 1265 (Brentwood 1<sup>st</sup> Addition): Approve Engineer's Report, authorize City Engineer to prepare Plans and Specifications, approve Plans and Specifications and authorize Advertisement for Bids with bid opening on October 17, 2013

Water and Street Improvement District No. 1266 (33<sup>rd</sup> Avenue East and 6<sup>th</sup> Street East): Create Assessment District, authorize City Engineer to prepare Engineer's Report, approve Engineer's Report and authorize City Engineer to prepare Plans and Specifications

No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on Petro Serve 1<sup>st</sup> Addition, a subdivision advising that the Planning & Zoning Commission recommended Final Plat approval subject to receipt of a drainage plan. After discussion, Commissioner Wentz moved and Commissioner Thorstad seconded to approve the Final Plat with conditions based on request's consistency with City Plans and Ordinances and subject to the recommendations in the Staff Report. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall appeared before the Commission on the Renaissance Zone application for Farmers Union Oil Company of Moorhead, DBA: Petro Serve USA requesting to build on the vacant Smokey's Restaurant Site at 1772 West Main Avenue, West Fargo, ND, and advised that the Economic Development Advisory Committee and City Staff recommend approval of the application. CEO/General Manager Kent Satrang and Dennis Rheault of Petro Serve also appeared before the Commission to review the building plans with a goal of April 1, 2014 to move into the building. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the Renaissance Zone application. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall appeared before the Commission on the Façade (Storefront) Application for Payroll Express Inc. at 301 Sheyenne Street, West Fargo, ND and advised that the Economic Development Advisory Committee recommended approval of the Façade Application. Owner Todd Fuchs appeared before the Commission regarding his request to replace vinyl siding with brick on the existing building. After discussion, Commissioner Thorstad moved and Commissioner Wentz seconded to approve the Façade/Storefront Application request as presented. No opposition. Motion carried.

Public Works Director Barry Johnson appeared before the Commission on the Wastewater Report on odor control methods and issues with the lagoon cells and advised that future configuration is four primary cells and six secondary cells. Public Works Director Barry Johnson recommended starting a chemical and equipment process at an initial cost of \$20,000. There was no formal action by the Commission.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 974 relating to Driving while License Suspended or Revoked. Commissioner Thorstad moved and Commissioner Wentz seconded to place Ordinance No. 974 on Second Reading. No opposition. Motion carried.

City Assessor Wanda Wilcox appeared before the Commission on the request from Jake Lauritsen of West Fargo Advisor's group for a remodeling exemption on their office building for improvements recently made at 1241 Prairie Parkway, and advised that the Assessment Department is recommending that the application be denied since the increase in valuation from the improvements did not increase the valuation of the building to the minimum of \$50,000 necessary to qualify for the exemption. Jake Lauritsen of West Fargo Advisor's group appeared before the Commission. City Attorney Brian Neugebauer also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to lower the minimum qualification from \$50,000 to \$45,000 and grant the exemption. No opposition. Motion carried.

Planning & Community Development Director Larry Weil appeared before the Commission on Brooks Harbor 3<sup>rd</sup> Addition, a replat, and rezoning from Agricultural to Limited Multiple Dwellings. A public hearing was held on the rezoning. There was no public comment and the hearing was closed. Commissioner Thorstad moved and Commissioner Wentz seconded to place the rezoning of Brooks Harbor 3<sup>rd</sup> Addition on First Reading. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Maple Ridge Estates LLC for a Conditional Use Permit for 12-unit townhouse style apartments. A public hearing was held. Developer Jim Bullis appeared before the Commission. There was no further public comment and the hearing was closed. Commissioner Hanson moved and Commissioner Simmons seconded to approve the Conditional Use Permit subject to all conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from John and Amanda Thomas for a Conditional Use Permit for an oversized accessory building (2800 square feet) located at 523 42<sup>nd</sup> Avenue West, West Fargo, ND, and advised that the Planning & Zoning Commission recommended approval of the Conditional Use Permit. After discussion, Commissioner Wentz moved and Commissioner Thorstad seconded to approve the Conditional Use Permit with conditions based on request's consistency with City Plans and Ordinances and subject to all recommendations in the Staff Report. No opposition. Motion carried.

Planning & Community Development Director Larry Weil appeared before the Commission on the request from Casey's Retail Company for a Planned Unit Development Amendment and Land Use Plan Amendment from Office Park to General Commercial on Lot 1, Block 1 of KASS 1<sup>st</sup> Addition and advised that at their September 9, 2013, the Planning Commission recommended to deny the request for Land Use Plan Amendment and access to 13<sup>th</sup> Avenue East. Planning & Community Development Director Larry Weil also advised that the applicant has removed the 13<sup>th</sup> Avenue East access and is asking if the City Commission views the proposed use as appropriate for the property prior to preparing detailed development plans for final consideration by Planning & Zoning and City Commission. Director of Economic Development and Community Services Matt Marshall, Brian Dupree of Casey's General Stores, Assistant Public Works Director Chris Brungardt and City Attorney Brian Neugebauer also appeared before the Commission. After discussion, Commissioner Simmons advised that he would abstain from any action due to a conflict of interest. Commissioners Thorstad, Wentz and Hanson stated they do not look favorably on this location, but encourage Staff to work with Casey's General Stores on another location in the City.

City Engineer Kevin Bucholz appeared before the Commission on Sewer Improvement District No. 1253 – Phase 1 (Lagoon Cell Repairs). Commissioner Hanson moved and Commissioner Simmons seconded to award the contract for Sewer Improvement District No. 1253 – Phase 1 to Riley Brothers Construction, Inc. for their bid amount of \$1,132,840.00 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Water, Storm and Street Improvement District No. 1259 (Shadow Creek 5<sup>th</sup> Addition). Commissioner Wentz moved and Commissioner Thorstad seconded to award the contract for Sewer, Water, Storm and Street Improvement District No. 1259 to RL Larson Excavating, Inc. for their bid amount of \$2,796,537.82 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Water, Storm and Street Improvement District No. 1262 (West Creek 1<sup>st</sup> Addition). Commissioner Hanson moved and Commissioner Wentz seconded to award the contract for Sewer, Water, Storm and Street Improvement District No. 1262 to Ryan Development, Inc., for their bid amount of \$1,070,169.00 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Water, Storm and Street Improvement District No. 1263 (The Wilds 3rd and 4<sup>th</sup> Additions). Commissioner Simmons moved and Commissioner Thorstad seconded to award the contract for Sewer, Water, Storm and Street Improvement District No. 1263 to Dakota Underground Company for their bid amount of \$2,687,829.90 subject to receipt of a signed plat, as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on the City of West Fargo – Area Wide Fiber Optic Plan. Commissioner Simmons moved and Commissioner Hanson seconded to award the contract for the City of West Fargo – Area Wide Fiber Optic Plan to Avenia, Inc. for their bid amount of \$369,784.70 as recommended by City Engineer Kevin Bucholz and that the city will provide and install Server Hardware in the amount of \$35,677.47 and Centracs ATS software in the amount of \$93,750.00 to facilitate the Intelligent Transportation System installation, with a total cost of this contract award at \$499,212.17. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on the Preliminary Water Report. Jim de Lambert of Liesch Associates reviewed the City of West Fargo Summary Report of the Aquifer and Production Well Study for Potable Water Supply. After detailed discussion, Commissioner Hanson recommended to the Mayor that a committee be formed (possibly consisting of Commissioner Hanson, City Administrative Jim Brownlee, Public Works Director Barry Johnson and City Engineers) to come back with more information to the Commission regarding a well rehabilitation plan, new well plans, water treatment plan, other aquifers, etc. Jim de Lambert of Liesch Associates agreed they would get feedback from the regulatory authorities and provide final detail.

City Auditor James Brownlee gave the following report:

City Commission Meeting will be held on September 30, 2013 (fifth Monday)

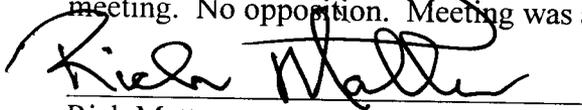
E. W. Wylie will be celebrating their 75<sup>th</sup> Anniversary on September 19, 2013 from 3:00 – 7:00 PM at their site

Staff is working on detailed finishes for the new Police Department building. Parking lot will be bid this fall.

Provided West Fargo Park Board concerns for the West Fargo Community and Aquatic Center. Mayor Mattern asked that this information be discussed at Department Head Meetings and recommendations provided to the City Commission

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