



The West Fargo City Commission met on Monday, October 21, 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 Item No. 6 of the Regular Agenda, "Conditional Use Permit for storage building for salvage yard at 811 9<sup>th</sup> Street NE", is to be removed from the Agenda and City Engineer Kevin Bucholz has provided an updated letter of October 21, 2013 for Item No. 10 regarding the bid for Sewer, Water, Storm and Street Improvement District No. 1265 (Goldenwood 5<sup>th</sup> Addition – Phase I) Commissioner Thorstad moved and Commissioner Simmons 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 October 7, 2013. No opposition. Motion carried.

The Commission reviewed Building Permits #738 – 778 and the Building Department Activity Report dated October 21, 2013.

There were no Commissioner Committee Reports.

The Auditor's Reports for September 2013 were received by the Commission.

There were no Department Reports.

Commissioner Hanson moved and Commissioner Wentz 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. 1262

Resolution Approving Contract and Contractor's Bond in Sewer, Water, Storm and Street Improvement District No. 1263

Resolution Approving Contract and Contractor's Bond in Sewer, Water, Storm and Street Improvement District No. 1259

Resolution Approving Contract and Contractor's Bond for Area Wide Fiber Optic Plan

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

Appointment of Greg Mastrud to the Greater Fargo Moorhead EDC Growth Initiative Fund Board

ATB Tree Grant application to the ND Forest Service

Sewer, Water, Storm and Street Improvement District No. 1261 (Butler's 8<sup>th</sup> Addition): Create Assessment District and authorize City Engineer to prepare Engineer's Report

Sewer, Water, Storm and Street Improvement District No. 1262-2 (West Creek 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 November 14, 2013

Sewer, Water, Storm and Street Improvement District No. 1267 (5<sup>th</sup> Street Northeast – 9<sup>th</sup> Avenue Northeast to 11<sup>th</sup> Avenue Northeast): Create Assessment District, authorize City 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. 2229 (Charleswood Area Street Overlay):  
Create Assessment District, authorize City 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. 2230 (Arbor Glen Area Street Overlay):  
Create Assessment District, authorize City Engineer to prepare Engineer's Report, approve Engineer's Report, authorize preparation of Plans and Specifications and authorize Resolution of Necessity

No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on Ordinance No. 977, a Zoning Ordinance Amendment for nursing homes, retirement homes, convalescent homes, assisted living facilities and the like as conditionally permitted uses in the Commercial Office Park District. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to place Ordinance No. 977 on Second Reading. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on Oak Ridge 5<sup>th</sup> Addition rezoning from Agricultural to Planned Unit Development and Light Commercial, Final Plat approval of Oak Ridge 5<sup>th</sup> Addition, and approval of the Land Use Plan Amendment from Low Density Residential to Office Park and recommended to continue this matter since the Developer's Agreement and Park Dedication Agreement have not been received. Nate Vollmuth of Paces Lodging appeared before the Commission to ask that the plat be approved. Todd Novaczyk of New Perspective Senior Living also appeared before the Commission to advise that the project will not be started until next spring. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to continue this request for two weeks. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on the rezoning of Goldenwood 5<sup>th</sup> Addition from One and Two Family Dwellings to Limited Multiple Dwellings. Commissioner Thorstad moved and Commissioner Wentz seconded to approve the Second Reading on the rezoning and to approve the Final Plat of Goldenwood 5<sup>th</sup> Addition. Commissioners Mattern, Thorstad, Hanson and Wentz voting aye. Commissioner Simmons voting no. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Steve Stoner for a Conditional Use Permit for Development Signage on Lot 1, Block 7 of River's Bend at the Preserve 1<sup>st</sup> Addition and advised that the Planning & Zoning Commission recommended approval of the Conditional Use Permit. City Engineer Kevin Bucholz also appeared before the Commission to state that the Homeowners Association will be responsible for the maintenance. Interim Public Works Director Chris Brungardt also appeared before the Commission. After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to approve the Conditional Use Permit subject to the conditions listed in the Staff Report. Commissioners Mattern, Hanson, Wentz and Simmons voting aye. Commissioner Thorstad abstained from voting. Motion carried.

City Auditor James Brownlee appeared before the Commission on the application from Todd Berning for a Retail Liquor/Beer License at 745 31<sup>st</sup> Ave E, Suite 101, West Fargo, ND (Spicy Pie West Fargo, LLC). A public hearing was held. There was no public comment and the hearing was closed. Commissioner Thorstad moved and Commissioner Simmons seconded to approve the liquor license at 745 31<sup>st</sup> Ave E, Suite 101, West Fargo, ND. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Daniel Stocker for a Conditional Use Permit for oversized accessory building in a Rural Estate District at 4909 3<sup>rd</sup> Street East, West Fargo, ND and advised that the Planning & Zoning Commission recommended approval of the Conditional Use Permit. Commissioner Wentz moved and Commissioner Hanson seconded to approve the Conditional Use Permit on the basis that it is consistent with City plans and ordinances. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from West Lake Apartments for a Planned Unit Development Amendment for an apartment building on Lot 2, Block 1 of West Lake 3<sup>rd</sup> Addition and advised that the Planning & Zoning Commission recommended conditional approval. Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Planned Unit Development Amendment subject to the conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from the City of West Fargo for access onto 9<sup>th</sup> Street East and advised that it does not meet the 330 feet spacing. Interim Public Works Director Chris Brungardt and Police Chief Arland Rasmussen also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Wentz seconded to approve the access subject to the conditions listed in the Staff Report. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Water, Storm and Street Improvement District No. 1265 (Goldenwood 5<sup>th</sup> Addition – Phase I) and provided their letter of October 21, 2013 recommending award of the contract to Dakota Underground Company for their Base Bid plus Alternates A and B in the amount of \$1,762,132.25. After discussion, Commissioner Simmons moved to award the contract for Sewer, Water, Storm and Street Improvement District No. 1265 to Dakota Underground Company for their bid amount of \$1,762,132.25 (Base Bid plus Alternates A and B), as recommended by the City Engineer. Commissioner Hanson seconded the motion and stated that if the project is completed yet this fall, the City Engineer needs to make sure there is good compaction and that all parties will be held accountable for their work on the project. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Storm Improvement District No. 4050 (North Section 19 Regional Storm Lift). Commissioner Simmons moved and Commissioner Thorstad seconded to award the contract for Storm Improvement District No. 4050 to Swanberg Construction, Inc. for their bid amount of \$3,496,486.00 as recommended by the City Engineer. No opposition. Motion carried.

There were no Non Agenda items.

City Auditor James Brownlee gave the following report:

Meet and Greet will be held by FM Convention & Visitors Bureau on October 22, 2013, from 4-6 PM at the Silver Dollar

Letters have been mailed to Charleswood and Arbor Glen residents regarding overlay projects

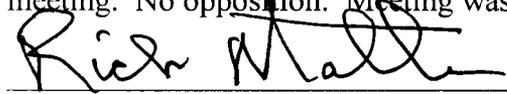
Last week Department Heads toured the City as far as new projects and districts and suggested that the Commissioners also take the tour. Commissioners are to let City Auditor James Brownlee know when it is a good time to schedule the tour and the press will also be invited

Met with Business Manager of West Fargo Public Schools Mark Lemer and Business Manager of the West Fargo Park District Justin Germundson regarding bonding of the Aquatics Center. Since the City's Sales Tax would not cover the costs, the school and park would have to contribute to the debt service every year

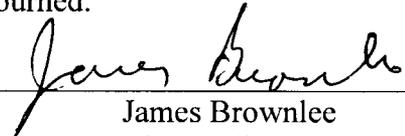
Staff has put \$85,000,000 of projects on list for funding

There was no correspondence.

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



Rich Mattern  
President of the Board



James Brownlee  
City Auditor