



The West Fargo City Commission met on Monday, July 6, 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 Mattern advised that “Resolution Appointing Members of Board of Adjustment” is to be added to the Consent Agenda, August 3, 2015 is the Public Hearing date for Item h (Liquor License for Creatively Uncorked Inc.) of the Consent Agenda and Item i of the Consent Agenda (First Reading: Ordinance No. 1037 relating to Alcoholic Beverages) is to be moved to the Regular Agenda. Commissioner Thorstad 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 Wentz seconded to approve the Minutes of June 15, 2015. No opposition. Motion carried.

The Commission reviewed Building Permits #436 - 530, the Building Department Activity Report dated July 6, 2015 and the Building Department Monthly Comparison Report for June 2014/June 2015.

There were no Commissioner Committee Reports.

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

Bills

Games of Chance: Benefit for Susan Johnson for Raffle June 18, 2015 to July 31, 2015 at St. Andrews Church

Games of Chance: Low Rise Community Center for Bingo July 1, 2015 to June 30, 2016

Resolution to Discontinue Street Improvement District No. 2235 (9th Street NW (CR 19) Realignment)

Resolution to Discontinue Street Improvement District No. 2235 (1st Street Overlay, 8th Street East Overlay, Sheyenne Street Multi-Use Path)

Resolution Declaring Work Necessary in Sewer, Water, Storm and Street Improvement District No. 1279

Resolution Approving Contract and Contractor's Bond in Sewer, Water, Storm and Street Improvement District No. 1288

Public Hearing August 3, 2015, at 5:45 PM for Liquor License for Creatively Uncorked Inc. at 1122 Prairie Parkway and authorize a background check

Storm Improvement District No. 4056 (Meadow Ridge Storm Pond Repairs and Lift Station Replacement (SM 29): Create Assessment District, authorize Engineer to prepare Engineer's Report, approve Engineer's Report, authorize preparation of Plans and Specifications, approve Plans and Specs, authorize Advertisement for Bids with bid opening on July 30, 2015

Sewer, Water, Storm & Street Improvement District No. 1289 – Phase 1 (8th Avenue NW & 26th Street NW): Approve Amended Engineer's Report, approve Amended Plans and Specifications, authorize Amended Advertisement for bids with bid opening on July 30, 2015

Resolution Appointing Members of Board of Adjustment

No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission on Ordinance No. 1037 Relating to Alcoholic Beverages and advised this ordinance will update the language with the Century Code. Police Chief Michael Reitan and Director of Economic Development and Community Services Matt Marshall also appeared before the Commission. After a discussion on existing establishments, City Attorney John Shockley indicated that at Second Reading of the ordinance, existing establishments could be grandfathered with respect to patios, etc. but if plans change, they would have to comply with the ordinance. After further discussion, Commissioner Simmons moved and Commissioner Hanson seconded to table First Reading of Ordinance No. 1037. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission on Ordinance No. 1027 regarding Opioid Treatment Programs and Facilities and advised this would give local officials ability to monitor the facility. Police Chief Michael Reitan also appeared before the Commission. Commissioner Thorstad asked for clarification on 4i and 4g. After discussion, Commissioner Simmons moved and Commissioner Wentz seconded to place Ordinance No. 1027 on First Reading. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall appeared before the Commission on a PILOT Application (Payment in Lieu of Taxes) for Dakota Commons Limited Partnership for building of affordable Senior Rental Housing at 3865 4th Street East, West Fargo, ND and provided additional information on the Estimated Payment in Lieu of Property Tax Payment Schedule. Developer Jim Twomey also appeared before the Commission. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to approve the PILOT Application for Dakota Commons Limited Partnership with their new location North of 40th Avenue. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall appeared before the Commission on the reapplication for a WestGo Square Façade Grant at 405 West Main Avenue, West Fargo, ND and advised that the Economic Development Advisory Committee recommended approval. After discussion, Commissioner Wentz moved and Commissioner Hanson seconded to approve the Façade Grant application for Westgo Square. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission on the Cable Franchise with Cable One, Inc. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Thorstad moved and Commissioner Simmons seconded to place on Second Reading Ordinance No. 1038 relating to Cable Communications and to approve the Franchise Agreement with Cable One, Inc. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on Lot 1, Block 1 of North Pond at the Preserve 6th Addition rezoning from Commercial Office Park to Light Commercial and advised that the Planning & Zoning Commission recommended approval. A public hearing was held. Attorney Dan Bueide of the Bueide Law Firm appeared before the Commission. There was no other comment and the hearing was closed. Commissioner Simmons moved and Commissioner Wentz seconded to place on First Reading the rezoning of Lot 1, Block 1 of North Pond at the Preserve 6th Addition from Commercial Office Park to Light Commercial concurring that the incompatibility of light commercial uses in proximity of low density residential uses is mitigated by the presence of a pond, park, and installed path and to approve the application on the basis that with an approved land use plan, the request will be consistent with City plans and ordinances. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on Westview 2nd Addition rezoning from Agricultural to Planned Unit Development and advised that the Planning & Zoning Commission recommended approval subject to the nine conditions listed in the Staff Report. A public hearing was held. Developer Jim Twomey appeared before the Commission. There was no other public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Hanson seconded to place on First Reading the rezoning of Westview 2nd Addition from Agricultural to Planned Unit Development subject to the nine conditions listed in the Staff Report. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission on the Petition for Vacation of Butler's Eighth Addition which would vacate existing easements. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Thorstad moved and Commissioner Wentz seconded to approve the Resolution for the Vacation of the utility easement as shown on the plat of Butler's Eighth Addition. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission on the Petition for Vacation of The Yards Second Addition. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Hanson moved and Commissioner Simmons seconded to approve the Resolution for the Vacation of the Xcel Energy easement as shown on the plat of The Yards Second Addition. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on Wild's 7th Addition (previously proposed as Westport Beach South Addition). After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to place on Second Reading Ordinance No. 1032 on the rezoning of Wild's 7th Addition from Agricultural to One and Two Family Dwellings, to approve the Land Use Plan Amendment to designate land use to Low Density Residential and to approve the Final Plat. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Storm Improvement District No. 4055 (Christianson 3rd Addition Storm Lift Station (SM68)). Commissioner Hanson moved and Commissioner Thorstad seconded to award the contract for Storm Improvement District No. 4055 to Sellin Brothers, Inc. for their bid amount of \$538,905.90 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

Commissioner Hanson advised that Public Works Director Chris Brungardt would be appearing before the Commission to review the Water Service Agreement with the City of Fargo. Public Works Director Chris Brungardt reviewed the Water Service Agreement with the City of Fargo and gave a time frame of late spring/early summer of 2016. City Engineer Kevin Bucholz also appeared before the Commission. Commissioner Mattern stated it is a generous contract with the City of Fargo and thanked City Staff and Fargo City Staff for their work on the contract but was disappointed with the Governor's, Legislature's and Water Commission's lack of support for a Water Treatment Plant in the City of West Fargo. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to approve the Water Service Agreement with the City of Fargo. No opposition. Motion carried.

There were no Non-Agenda items.

City Administrator James Brownlee gave the following report:

League of Cities will present a legislative wrap-up on July 8, 2015 at the Element Hotel starting at 5:00 – 5:30 PM Social and wrap-up after.

North Dakota League of Cities will be holding their Annual Conference September 25-26, 2015 in Fargo, ND

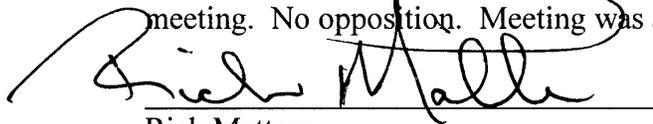
Budget Meetings will begin after the July 20, 2015 City Commission Meeting

Press Release July 6, 2015 advising that 32nd Avenue will be out on July 7, 2015 and Cash Wise has been notified

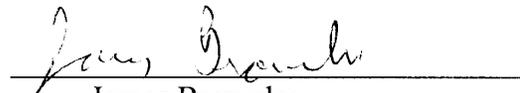
New Building Update

There was no Correspondence.

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



Rich Mattern
President of the Board



James Brownlee
City Auditor