



The West Fargo City Commission met on Monday, July 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 Mattern advised that the correct Advertisement for Bids date for Item h of the Consent Agenda is September 3, 2015 and that Item No. 8 of the Regular Agenda should include Final Plat Approval. Commissioner Thorstad moved and Commissioner Simmons 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 July 6, 2015. No opposition. Motion carried.

The Commission reviewed Building Permits #531 – 598 and the Building Department Activity Report dated July 20, 2015.

There were no Commissioner Committee Reports.

The Auditor's Reports for June 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

Resolutions Directing Assessments to be Levied for Improvement Districts: Sewer, Water, storm and Street Improvement Districts No. 1259, 1268, 1269, 1275 – Goldenwood 5<sup>th</sup> Addition – Phase II, and Storm Improvement Districts No. 4050 and 4051

Memorandum of Understanding with City of Fargo (Street Lights)

Resolution Finding That Petition for Vacation in in Proper Form and Contains the Required Signatures and set Public Hearing September 8, 2015 at 5:45 PM

Resolution to allow additional antenna to existing tower at 227 West Main Avenue

Resolution to allow Wireless Roof Mounted Antennas at 745 31<sup>st</sup> Avenue East

Sewer, Water, Storm and Street Improvement District No. 1279 – Phase II (9<sup>th</sup> Street Northwest Realignment): Approve Plans and Specifications and authorize Advertisement for Bids with bid opening on August 13, 2015

Storm Improvement District No. 4054 (9<sup>th</sup> Street NE/12<sup>th</sup> Avenue NE Regional Storm Life Station (SM 70)): Approve Amended Plans and Specifications and authorize Amended Advertisement for Bids with bid opening on September 3, 2015

No opposition. Motion carried.

Jerry Weippert of 1820 6<sup>th</sup> Street West, West Fargo, ND, appeared before the Commission to ask that the Commission review the fireworks ordinance and consider a total ban on fireworks and stated that parking across sidewalks is a problem in his area. Police Chief Michael Reitan will be advised of the parking problem and a notice could also be placed on the website.

The City Commission meeting was adjourned at this time and convened as the Board of Adjustments to hear an Appeal by Aaron Greterman on the City Commission's denial of a Conditional Use Permit to allow multiple dwelling structures within a Light Commercial District on Part of Lot 1, Block 1 of Oak Ridge 1<sup>st</sup> Addition and part of the NE ¼ of Section 29, T139N, R49W, City of West Fargo, ND.

City Attorney John Shockley reviewed the appeal and advised that the Board of Adjustments would need to direct the City Attorney to prepare findings to be consistent with the decision and address the matter at the next City Commission Meeting. Attorney Ann Miller of the Anderson & Bottrell law firm appeared before the Board of Adjustments on behalf of Aaron Greterman. Aaron Greterman and Senior Planner Tim Solberg also appeared before the Board of Adjustments. City Attorney John Shockley advised that the Board of Adjustments is under no obligation to grant the Conditional Use Permit and a vote of four out of the five members is needed to override the decision.

Commissioner Simmons moved and Commissioner Hanson seconded to deny the appeal and direct the City Attorney to prepare findings consistent with the decision of the Board of Adjustments and bring back to the Board of Adjustments for approval at the next City Commission Meeting. No opposition. Motion carried.

The Board of Adjustments was adjourned and the City Commission Meeting was reconvened.

Attorney Ann Miller of the Anderson & Bottrell law firm appeared before the Commission on an alternative plan for Aaron Greterman to purchase the bordering five acres of property which would be designated as retail commercial property along 32<sup>nd</sup> Avenue (Oak Ridge Retail Center). Aaron Greterman and Planning and Community Development Director Larry Weil also appeared before the Commission. City Attorney John Shockley recommended that the City Commission refer this matter back to the Planning & Zoning Commission for a recommendation. After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to refer this matter back to the Planning & Zoning Commission for a recommendation to the City Commission. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission on Ordinance No. 1027 regarding Opioid Treatment Programs and Facilities. Commissioner Hanson moved and Commissioner Wentz seconded to place Ordinance No. 1027 on Second Reading. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall appeared before the Commission on the request from Clark Equipment dba Bobcat for a 10 year PILOT/Property Tax Exemption on the new portion of the building only at 250 East Beaton Drive, West Fargo, ND and advised that the Economic Development Advisory Committee recommended approval. 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 PILOT/Property Tax Exemption for Bobcat as recommended by the Economic Development Advisory Committee. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall appeared before the Commission on the request from Clark Equipment dba Bobcat for a Remodeling Tax Exemption for improvements to a Commercial Building at 250 East Beaton Drive. After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to approve the Remodeling Tax Exemption as recommended by Staff. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Bobcat for a Planned Unit Development Amendment to allow for expansion of corporate office building located at 250 Beaton Drive East, West Fargo, ND. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the Planned Unit Development Amendment subject to conditions listed in the Staff Report and to adopt a Resolution to Approve Reduction of Parking Spaces. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall appeared before the Commission on proposed changes to the Façade Grant Program and advised that the handout provided to the Commissioners indicates green is existing wording and the yellow is the suggested new wording. Director of Economic Development and Community Services Matt Marshall also advised that the Economic Development Advisory Committee recommended approval of the changes to the Façade Grant Program. After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to approve the new Façade Improvement Program as recommended by Staff. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on Lot 1, Block 1 of North Pond at the Preserve 6<sup>th</sup> Addition, City of West Fargo, ND rezoning from Commercial Office Park to Light Commercial and a Land Use Plan Amendment from Office Park to General Commercial. Commissioner Wentz moved and Commissioner Thorstad seconded to place on Second Reading Ordinance No. 1039 on the rezoning from Commercial Office Park to Light Commercial and to approve the Land Use Plan Amendment from Office Park to General Commercial subject to the conditions listed in the Staff Report. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on Westview 2<sup>nd</sup> Addition and advised that the Planning & Zoning Commission recommended approval subject to the conditions listed in the Staff Report. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to place on Second Reading Ordinance No. 1040 on the rezoning of Westview 2<sup>nd</sup> Addition from Agricultural to Planned Unit Development, to approve the Land Use Plan Amendment from Medium Density Residential to High Density Residential (proposed Lot 2, Block 1 of Westview 2<sup>nd</sup> Addition), to approve the Final Plat and to approve the Detailed Development Plans for a Senior Housing Project 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 Moore Engineering for a Planned Unit Development Amendment for Commercial Office Space and Land Use Plan Amendment from Medium Density Residential to Office Park at 1201 10<sup>th</sup> Avenue East, West Fargo, ND and advised that the Planning & Zoning Commission recommended approval subject to the conditions listed in the Staff Report. Planning and Community Development Director Larry Weil also appeared before the Commission. After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to approve the Planned Unit Development Amendment for Commercial Office Space, to approve the Land Use Plan Amendment from Medium Density Residential to Office Park subject to the conditions listed in the Staff Report and to receipt of the signed Planned Unit Development Agreement and to adopt a Resolution to Approve Reduction of Parking Spaces. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Shadow Bay Apartments for a Conditional Use Permit for residential apartment sign within the Corridor Overlay District at 855 34<sup>th</sup> Avenue 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 subject to the conditions listed in the Staff Report. The City Commission was advised that the sign is currently in place without approval. Clay Dietrich of Dietrich Construction appeared before the Commission. City Attorney John Shockley also appeared before the Commission advising that if denied, the applicant would need to reapply for the Conditional Use Permit. Commissioner Simmons moved and Commissioner Hanson seconded to deny the Conditional Use Permit. Commissioner Simmons and Hanson voting aye. Commissioners Mattern and Wentz voting no. Commissioner Thorstad abstained from voting. Motion failed.

After further discussion, Commissioner Simmons moved and Commissioner Hanson seconded that the sign be removed until August 1, 2015. Commissioners Mattern, Wentz, Simmons and Hanson voting aye. Commissioner Thorstad abstained from voting. Motion carried.

Public Works Director Chris Brungardt appeared before the Commission on the need for a storage building for Public Works equipment and requested approval of the need and location for a storage building and approval to issue Request for Proposals. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to move forward with Request for Proposals for two buildings since there is a need for a storage building in the south part of the city. No opposition. Motion carried.

A discussion was held on the August 31, 2015 City Commission Meeting. Commissioner Wentz moved and Commissioner Simmons seconded that no meeting be held on August 31, 2015 and that the first meeting in September be held on Tuesday, September 8, 2015 due to the Labor Day Holiday. No opposition. Motion carried.

There were no Non-Agenda items.

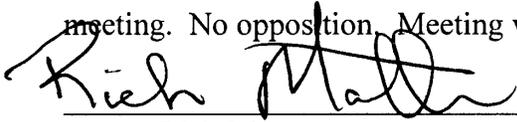
City Administrator James Brownlee gave the following report:

City Staff met with Fargo City Staff to proceed with the water plan.

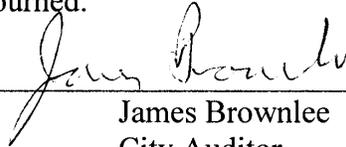
Finance Director Tina Fisk gave an update on the progress of the new building construction. It was suggested that Julie Rokke of YHR and a representative of Gast Construction be present at the next meeting.

There was no correspondence.

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



Rich Mattern  
President of the Board



James Brownlee  
City Auditor