



The West Fargo City Commission met on Monday, July 29, 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 stated that “Approve Change Order No. 2 with LTP Enterprises, Inc. and authorize pursuing construction contract for Well #9 with 2nd low bidder – Traut Wells” is to be added to Non-Agenda and Item b of the Consent Agenda, “Purchase of land from John Hoganson as part of Lagoon Expansion Project”, is to be removed from the Consent Agenda and placed on the Regular Agenda. Commissioner Thorstad moved and Commissioner Wentz seconded to approve the Order of Agenda as amended. No opposition. Motion carried.

Commissioner Wentz moved and Commissioner Hanson seconded to approve the Minutes of July 15, 2013 and the Budget Meeting Minutes of July 15, 2013. No opposition. Motion carried.

The Commission reviewed Building Permits #441 - 495 and the Building Department Activity Report dated July 29, 2013.

There were no Commissioner Committee Reports.

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

Bills

Watering Restrictions as recommended by Public Works Director Barry Johnson

New Well #14: Approve Plans and Specifications and authorize Advertisement for Bids with bid opening on August 22, 2013

Storm Improvement District No. 4050 (North Section 19 Regional Storm Lift): Approve Revised Assessment District, approve Revised Engineer's Report and approve Revised Plans and Specifications

Sewer, Water, Storm and Street Improvement District No. 1257 (Oak Ridge 4th Addition): Approve "Revised Plans and Specifications"

No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the purchase of land from John Hoganson as part of the Lagoon Expansion Project. He stated there was an offer from Mr. Hoganson of \$10,000 per acre; however, an email was received from John Hoganson on July 26, 2013 asking for \$11,000 per acre to offset some of the tax loss from capital gains resulting from the sale of the property. A discussion was held. Commissioner Simmons then moved and Commissioner Hanson seconded to offer \$10,000 per acre for the land. Commissioners Mattern, Wentz, Hanson and Simmons voting aye. Commissioner Thorstad abstained from voting. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 970 relating to Firearms or Dangerous Weapons. This ordinance would match wording with State Law. Commissioner Thorstad moved and Commissioner Wentz seconded to place Ordinance No. 970 on Second Reading. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Revised Second Reading for Ordinance No. 956 relating to City Lodging Tax in order to clean up language in reference to State Tax Commissioner. Commissioner Wentz moved and Commissioner Thorstad seconded to place Ordinance No. 956 on Revised Second Reading. No opposition. Motion carried.

Director of Economic Development and Community Services Matthew Marshall appeared before the Commission for approval to add a ½ block on Main Avenue into the Renaissance Zone program (S ½, S ½, SE 1/4, Section 1, T139N, R50W) and advised that the Economic Development Advisory Committee recommended approval to add the ½ block. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to add the ½ block to the Renaissance Zone program. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on Cambria Suites and West Fargo Conference Center. After discussion, Commissioner Simmons moved and Commissioner Wentz seconded final approval of site and building plans for Cambria Suites and West Fargo Conference Center. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Street Improvement District No. 2219. A public hearing was held. Howard Johnson of 1805 E Main Avenue appeared to protest the project and also was requesting a left hand turn signal at 17th Street and Main Avenue. City Engineer Kevin Bucholz also appeared before the Commission to advise that a study would have to be done regarding the request for a turn signal and the ND Department of Transportation would need to sign off on the signal. There was no other public comment and the hearing was closed. Commissioner Hanson moved and Commissioner Wentz seconded to adopt the Resolution Determining That Not Sufficient Protests Were Filed on Improvement in Street Improvement District No. 2219. No opposition. Motion carried. Assistant Public Works Director Chris Brungardt was asked to check into a left hand turn signal at 17th Street/Main Avenue.

Senior Planner Tim Solberg appeared before the Commission on The Wilds 3rd Addition. A public hearing was held on the rezoning of The Wilds 3rd Addition from Agricultural to Single Family Dwellings. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Thorstad seconded to place on First Reading the rezoning of The Wilds 3rd Addition subject to the ten conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on The Wilds 4th Addition. A public hearing was held on the rezoning of The Wilds 4th Addition from Agricultural to Single Family Dwellings. Nate Volmuth, representing the developer, appeared before the Commission to state there has been no feedback from the parks. There was no further public comment and the hearing was closed. Commissioner Thorstad moved and Commissioner Hanson seconded to place on First Reading the rezoning of The Wilds 4th Addition subject to the recommendations of Staff and Planning & Zoning Commission. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on Butler's 8th Addition. A public hearing was held on the rezoning of Butler's 8th Addition from Agricultural to Heavy Commercial/Light Industrial. Matt Durbin, representing the developer, appeared before the Commission. There was no further public comment and the hearing was closed. Commissioner Hanson moved and Commissioner Wentz seconded to place on First Reading the rezoning of Butler's 8th Addition 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. 1257 (Oak Ridge 4th Addition) and recommended to award the contract to Dakota Underground Company for their bid amount of \$1,334,509.54 with the utilities routed through an easement in Lot 1, Block 1 of Oak Ridge 1st Addition. PACES Lodging was not able to secure this easement and has requested an alternate route which would necessitate a change order to be executed prior to construction commencing and is estimated to add approximately \$175,000.00 to the bid amount. Nate Volmuth of PACES Lodging appeared before the Commission to advise that he is going to continue working with the Village for the easement. City Attorney Brian Neugebauer also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to award the contract to Dakota Underground Company for their bid amount of \$1,334,509.54 and if unable to secure the easement then renegotiate the contract. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Water, Storm and Street Improvement District No. 1258 (Brooks Harbor 2nd Addition) and recommended to award the contract to R & R Excavating, Inc. for their bid amount of \$3,302,857.21. After discussion, Commissioner Simmons moved and Commissioner Wentz seconded to award the contract to R & R Excavating, Inc. for their bid amount of \$3,302,857.21 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Well #9 and asked for approval of Change Order No. 2 with LTP Enterprises, Inc. which eliminates all work to be done on Well #9 since they cannot complete the well (LTP would not be paid anything on this well) and to authorize pursuing the construction contract for Well #9 with the 2nd low bidder, Traut Wells, in the amount of \$255,379.00. After discussion, Commissioner Hanson moved and Commissioner Wentz seconded to approve Change Order No. 2 with LTP Enterprises, Inc. and to authorize pursuing construction contract for Well #9 with 2nd low bidder – Traut Wells. No opposition. Motion carried.

City Auditor James Brownlee gave the following report:

Lawsuit was started against Glass Advantage regarding the nuisance. City Engineer Kevin Bucholz and City Attorney Brian Neugebauer are recommending that the City drop the lawsuit since they have done a lot of work to abate the nuisance. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded that the City drop the lawsuit against Glass Advantage. No opposition. Motion carried.

Final Aquatics Center Feasibility Study to be presented on August 20, 2013 from 5-7 PM at the Public Works Building. Park District will release report on August 14th.

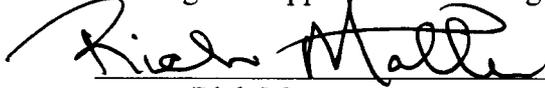
Night to Unite is scheduled for August 6, 2013

For the August 5th City Commission Meeting, Agenda Items need to be submitted by Noon on Wednesday, July 31, 2013

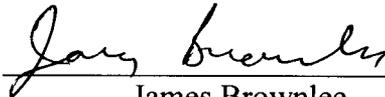
Commissioner Simmons asked Public Works Director Barry Johnson about public notification of water restrictions. Public Works Director Barry Johnson advised that notice will be put in the paper, Facebook, News Media and Website.

There was no correspondence.

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



Rich Mattern
President of the Board



James Brownlee
City Auditor