



The West Fargo City Commission met on Monday, May 19, 2014, at 5:30 P.M. Those present were Mark Simmons, Mike Thorstad, Duane Hanson and Mark Wentz. Absent was Rich Mattern. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Thorstad moved and Commissioner Wentz seconded to approve the Order of Agenda. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Wentz seconded to approve the Minutes of May 5, 2014. No opposition. Motion carried.

The Commission reviewed Building Permits #216 - 276 along with the Building Department Activity Report dated May 19, 2014.

There were no Commissioner Committee Reports.

The Auditor's Reports for April 2014 were received by the Commission.

There were no Department Reports.

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

Bills

Gaming Site Authorization: Team Makers Club, Inc. at Hooligans

Gaming Site Authorization: Arthur W. Jones Post 7564 at West Fargo VFW Club

Gaming Site Authorization: Prairie Public Broadcasting Inc. at Three Lyons Public House

Gaming Site Authorization: West Fargo Fire Department, Inc. at Border Town Pub & Grille

Games of Chance: West Fargo Sheyenne Dance Team for Calendar Raffle 6/3/14 to 12/31/14

Resolution Approving Contract and Contractor's Bond in Sewer, Water, Storm and Street Improvement District No. 1269

Amended Resolution Accepting Bid for Sewer, Water, Storm and Street Improvement District No. 1269

Maintenance Agreement relating to River's Bend at the Preserve First Addition

No opposition. Motion carried.

Joe Tintes of Adventure RV at 1220 West Main Avenue, West Fargo, ND, appeared before the Commission on the Main Avenue Project to request that the Commission ask the North Dakota Department of Transportation for a left turn lane on the eastbound side of Main Avenue to gain access to Adventure RV and Caterpillar businesses. City Engineer Kevin Bucholz appeared before the Commission to review the Environmental Document Alternatives and advised that if the Department of Transportation opens up the Environmental Document, the project will be delayed and it could affect the funding package. After discussion, Commissioner Simmons moved and Commissioner Wentz seconded to deny the request for a left turn lane. No opposition. Motion carried.

Bill Christian, Senior Transportation Planner for Fargo-Moorhead Metropolitan Council of Governments, appeared before the Commission to review the 2014 Long Range Transportation Plan Metro 2040. Public Works Director Chris Brungardt also appeared before the Commission. After discussion, Commissioner Thorstad moved and Commissioner Wentz seconded to approve the Resolution to adopt the Fargo Moorhead Area Long Range Transportation Plan, Metro 2040 and agree to use it as a tool to implement metropolitan transportation goals and objectives which will complement overall development of the metropolitan transportation system. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission on Ordinance No. 1002 relating to Aggressive Panhandling and advised that no changes had been made since First Reading. Commissioner Simmons moved and Commissioner Wentz seconded to place Ordinance No. 1002 on Second Reading. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission on Ordinance No. 1005 relating to License or Permit and Registration Required for Dogs and Cats and advised that no changes had been made since First Reading. Commissioner Thorstad moved and Commissioner Simmons seconded to place Ordinance No. 1005 on Second Reading. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Kost Materials for a Conditional Use Permit for a temporary concrete batch plant for construction projects on proposed Lot 3, Block 2 of West Fargo 3rd Addition, City of West Fargo, ND. Jeff Eberhardt of Kost Materials also appeared before the Commission and stated this site would likely become a permanent site. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Thorstad moved and Commissioner Wentz seconded to conditionally approve the proposed temporary cement manufacturing operation and stockpile of materials for a term of 48 months as a conditional use for the property as it is consistent with City plans and ordinances subject to the condition that the site for the aboveground fuel tank be approved by the Fire Department. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on Goldenwood 5th Addition rezoning from Limited Multiple Dwellings to One and Two Family Dwellings (Lots 1-41 of Block 1, Lots 1-28 of Block 2, Lots 1-8 and 10-17 of Block 3, Lots 1-20 of Block 4, Lots 1-9 of Block 5 and Lots 1-30 of Block 6 of Goldenwood 5th Addition and from Limited Multiple Dwellings to Public Facilities (Lot 9, Block 3 of Goldenwood 5th Addition). After discussion, Commissioner Wentz moved and Commissioner Thorstad seconded to place on Second Reading Ordinance No. 1003 for the rezoning of Goldenwood 5th Addition. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on the request from Fargo Harley Davidson for a Planned Unit Development Amendment for a motorcycle sales and service facility on Lot 1, Block 1 of Christianson 2nd Addition. Jim Entenman of Fargo Harley Davidson also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Wentz seconded to approve the Planned Unit Development subject to the five conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Andrea Sandbeck for a Conditional Use Permit for Child Care Facility within a home at 626 20th Street East, West Fargo, ND and advised that the Planning & Zoning Commission recommended approval subject to the conditions listed in the Staff Report and the additional condition that the use continue subordinate to its use for residential purposes by its occupants per Provisions of Home Occupations found in Section 4-448. City Attorney John Shockley also appeared before the Commission. The applicant was not present at the meeting. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to table action on this request for a Conditional Use Permit. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Amanda Weise for a Conditional Use Permit for a Child Care Facility within a home at 3549 Eagle Run Lane, West Fargo, ND and advised that the Planning & Zoning Commission recommended approval subject to the conditions listed in the Staff Report. Senior Planner Tim Solberg also advised that there was a concern that the neighboring property owner was a smoker. City Attorney John Shockley also appeared before the Commission. A discussion was held on the fact that the child care facility for eighteen children would be in a twin home and if there was adequate parking for a large vehicle to transport the children. The applicant was not present at the meeting. Planning and Community Development Director Larry Weil also appeared before the Commission. Planning & Zoning Staff was asked to research City of Fargo policy regarding child care facilities. After discussion, Commissioner Simmons moved and Commissioner Wentz seconded to deny the Conditional Use Permit. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Reed Township for a Conditional Use Permit to replace a storage building located at 1851 County Road 17 North, West Fargo, ND, 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 Wentz seconded to approve the Conditional Use Permit subject to the two conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Minnkota Windows for a Conditional Use Permit to allow for a window manufacturing facility located at 2324 West Main Avenue, West Fargo, ND, and advised that the Planning & Zoning Commission recommended approval on the basis that it is consistent with City Plans and Ordinances with the condition that all buildings meet applicable standards of the CO-I, CO-R and PUD districts including landscaping, parking, setback, screening requirements and building construction standards of a maximum of 70% of the wall which fronts on the public street to be constructed of metal or fiberglass if it is coordinated into the architectural design. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to approve the Conditional Use Permit as recommended by Staff. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Danny Schatz for a Conditional Use Permit to allow for aboveground fuel storage on proposed Lot 2, Block 2 of West Fargo 3rd Addition and advised that the Planning & Zoning Commission recommended to conditionally approve the proposed aboveground fuel storage facility use for the property as it is consistent with City plans and ordinances with the condition that due consideration of Fire Department concerns be given and that the Fire Department be given the ability to recommend further review of the Conditional Use Permit in the event there are concerns of fuel type or site design. Assistant Fire Chief Dell Sprecher also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Wentz seconded to approve the Conditional Use Permit subject to the recommendations of the Planning & Zoning Commission. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the Final Building and Site Review for the Element Hotel, a Planned Unit Development within the Interstate Corridor Overlay District at 925 19th Avenue East, West Fargo, ND, and advised that the Planning & Zoning Commission recommended approval. Commissioner Thorstad moved and Commissioner Wentz seconded to approve the Final Building and Site Review for the Element Hotel. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Storm and Street Improvement District No. 1276 (Christianson 2nd Addition) and recommended to award the contract for District No. 1276 to KPH, Inc. for their bid amount of \$147,154.75. Commissioner Simmons moved and Commissioner Wentz seconded to award the contract to KPH, Inc. in the amount of \$147,154.75 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. 1275 (Goldenwood 5th Addition – Phase II) and recommended to award the contract for District No. 1275 to Duininck Inc. for their bid of \$2,942,039.59. Commissioner Wentz moved and Commissioner Thorstad seconded to award the contract to Duininck Inc. in the amount of \$2,942,039.59 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Auditor Jim Brownlee appeared before the Commission on a purchase agreement for property located at 509-5011 West Main Avenue (Riverside Apartments) for the realignment of 6th Street and advised that Staff recommends approval of the purchase agreement. City Engineer Kevin Bucholz also appeared before the Commission and agreed to negotiate with the owners to get on the property to do some boring. After discussion, Commissioner Simmons moved and Commissioner Wentz seconded to approve the Purchase Agreement with JT Properties, LLC, as outlined by City Auditor Jim Brownlee for the purchase price of \$220,000.00. No opposition. Motion carried.

A discussion was held on the June 30, 2014 City Commission Meeting. Commissioner Wentz moved and Commissioner Simmons seconded that no meeting will be held on June 30, 2014. No opposition. Motion carried.

There were no Non-Agenda items.

City Auditor James Brownlee gave the following report:

City offices will be closed on Monday, May 26, 2014 for Memorial Day observance

Vanguard is progressing with the assessing data and conversion should be done by the end of the summer

2015 Budget work is being done and preliminary budget should be ready in July and budget meetings will be scheduled

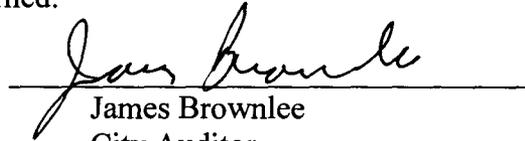
Legacy School groundbreaking at 9:30 AM on June 5, 2014

There was no correspondence.

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



Duane Hanson
Vice President of the Board



James Brownlee
City Auditor