



The West Fargo City Commission met on Monday, June 16, 2014, 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 following should be added to the Regular Agenda: Public Hearing will be held on Assessments for Districts No. 1248, 1249, 1251, 2220, 2226 and 2228

Discussion on Building Permit for Shadow Bay Apartments

and the following should be added to the Consent Agenda:

Resolution of Necessity, Resolution of Offer to Purchase and a Written Statement and Summary and Just Compensation for Street Improvement District No. 2233

Commissioner Simmons moved and Commissioner Hanson seconded to approve the Order of Agenda with the additions to the Regular Agenda and the addition to the Consent Agenda. No opposition. Motion carried.

Commissioner Hanson moved and Commissioner Wentz seconded to approve the Minutes of June 2, 2014. No opposition. Motion carried.

The Commission reviewed Building Permits #328 - 380 along with the Building Department Activity Report dated June 16, 2014, the revised June 2, 2014 Building Department Activity Report and the revised Building Department Monthly Comparison Report for June 2, 2014.

There were no Commissioner Committee Reports.

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

There were no Department Reports.

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

Bills

Pledging of Assets

Games of Chance: Blessed Sacrament Catholic Church for Bingo/Raffle/Calendar Raffle 7/1/14 to 6/30/15

Games of Chance: Ronnie Berndt Benefit for Raffle to be held July 12, 2014 at West Fargo V FW

Games of Chance: Low Rise Community Center for Bingo 7/1/14 to 6/30/15

Amended Resolution Directing Auditor to Advertise for Bids in District 1278

Release and Discharge of Promissory Notes - Rusty Goose Development

Public Hearing July 7, 2014 at 5:45 PM for rezoning of Lot 2, Block 1 of Shadow Wood 6<sup>th</sup> Addition from Multiple Dwellings to Planned Unit Development

Sale of Surplus Items (Public Works)

Street Improvement District No. 2234 (33<sup>rd</sup> Avenue East – 4<sup>th</sup> St E to Prairie Heights Drive): Approve Engineer's Report and authorize preparation of Plans and Specifications

Resolution Approving Contract and Contractor's Bond in Sewer, Water, Storm and Street Improvement District No. 1275 – Goldenwood 5<sup>th</sup> Addition – Phase II

Resolution of Necessity, Resolution of Offer to Purchase and a Written Statement and Summary and Just Compensation for Street Improvement District No. 2233

No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall appeared before the Commission on the application from BAJ Properties LLC for a Renaissance Zone Project at 333 11<sup>th</sup> Street West, West Fargo, ND for new construction of commercial rental bays and advised that the Economic Development Advisory Committee denied the project because they felt the building was geared toward general storage, not business, and bathrooms were not roughed in to each suite. Bob Askew of BAJ Properties also appeared before the Commission and stated there will be two ADA compliant bathrooms for the 13 rental bays which will have one year lease agreements and there will be no outside storage. Building Administrator Mark Housh also appeared before the Commission. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to approve the Renaissance Zone application with upgraded landscaping plans as requested by the Economic Development Advisory Committee. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall was instructed to review the guidelines of the Economic Development Advisory Committee for approval by the City Commission.

City Attorney John Shockley appeared before the Commission on Ordinance No. 992 relating to Sales and Use Tax Imposed which will increase the City's sales tax from one percent (1%) to two percent (2%). Mayor Mattern thanked City Staff for their work on the brochure and meetings with organizations, etc., prior to the election. After discussion, Commissioner Thorstad moved and Commissioner Hanson seconded to place Ordinance No. 992 on First Reading. No opposition. Motion carried.

Building Administrator Mark Housh appeared before the Commission on the following:

- Ordinance No. 1006 relating to the International Building Code
- Ordinance No. 1007 relating to the International Fuel Gas Code
- Ordinance No. 1008 relating to the International Existing Building Code
- Ordinance No. 1009 relating to the International Mechanical Code
- Ordinance No. 1010 relating to the International Property Maintenance Code
- Ordinance No. 1011 relating to the International Residential Code

Assistant Fire Chief Dell Sprecher appeared before the Commission on the following:  
Ordinance No. 1012 relating to the International Fire Code

After discussion, Commissioner Simmons moved and Commissioner Wentz seconded to place Ordinance No. 1006, 1007, 1008, 1009, 1010, 1011 and 1012 on First Reading. No opposition. Motion carried.

Finance Director Tina Gustafson appeared before the Commission on the 2014-2015 Liquor License Renewals advising that Fire Inspections have not been completed, and that Staff is updating the Business Liquor License application and the renewal application which will help the Police Department on background checks and server training information. Assistant Police Chief Michael Reitan appeared before the Commission and a discussion was held on the importance of server training. City Attorney John Shockley was asked to consider an ordinance that could help enforce the compliance of liquor establishments. After discussion, Commissioner Hanson moved and Commissioner Thorstad seconded to approve the 2014-2015 Beer and Liquor License Renewals as presented. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on a request from Perry Center for a Planned Unit Development Amendment to allow for conversion of a residential unit to office space and the expansion of a daycare facility located at 2360 7<sup>th</sup> Avenue East. After discussion, Commissioner Thorstad moved and Commissioner Wentz seconded to approve the Planned Unit Development Amendment subject to the conditions listed in the Staff Report. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall appeared before the Commission to request approval for addition of a Renaissance Zone Block for The Yards. A public hearing was held. There was no public comment and the hearing was closed. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the addition to The Yards Renaissance Zone Block. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on a request from Tom Isern for a Conditional Use Permit for Residential Addition in an Ag Zoning District at 3803 Willow Road. Commissioner Thorstad moved and Commissioner Wentz seconded to approve the Conditional Use Permit subject to the condition that the applicant is to meet all Federal, State and local requirements for improvements to the site and structure relating to flood plain management. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on North Pond at the Preserve 5<sup>th</sup> Addition. Commissioner Hanson moved and Commissioner Thorstad seconded to place on Second Reading Ordinance No. 995 relating to the rezoning of North Pond at the Preserve 5<sup>th</sup> Addition from Agricultural to Single Family Dwellings and to approve the Final Plat as recommended by Staff. No opposition. Motion carried.

Public Works Director Chris Brungardt was asked to prepare a map of all bike paths and walking paths and compare it to what was in place ten years ago.

Senior Planner Tim Solberg appeared before the Commission on a request from Mike Pagan of 807 11<sup>th</sup> Avenue West for an encroachment agreement between City and property owner for a fence on city property. The agreement was considered and approved at the June 20, 2011 City Commission meeting, however was not completed, and Staff is asking the Commission to consider and determine extent of agreement to better direct Staff and City Attorney. City Attorney John Shockley suggested that a basic agreement be prepared to connect with the property and would terminate if the City decides the property is needed. Mike Pagan also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to grant the encroachment agreement and have the agreement recorded with the property. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall and Senior Planner Tim Solberg appeared before the Commission on the formation of a Downtown Design Review Committee to guide vision for downtown and to ask for approval of the structure and makeup of the Committee which would bring candidates for approval by the City Commission. After discussion, Commissioner Wentz moved and Commissioner Simmons seconded to approve the formation and structure of the Downtown Design Review Committee as recommended. No opposition. Motion carried.

Director of Economic Development and Community Services Matt Marshall was asked that he or someone from the organization be present at the next City Commission meeting to give an update of the Downtown Business group.

City Attorney John Shockley appeared before the Commission on Sewer, Water, Storm and Street Improvement Districts No. 1248, 1249, 1251 and Street Improvement District No. 2220, 2226 and 2228. A Public Hearing was held for these Assessment Districts. There was no public comment and the hearing was closed.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1248 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Simmons and seconded by Commissioner Hanson that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1248 of the City of West Fargo, as confirmed by the Special Assessment Committee of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1249 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Simmons and seconded by Commissioner Hanson that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1249 of the City of West Fargo, as confirmed by the Special Assessment Committee of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1251 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Simmons and seconded by Commissioner Hanson that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1251 of the City of West Fargo, as confirmed by the Special Assessment Committee of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Street Improvement District No. 2220 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Simmons and seconded by Commissioner Hanson that the assessment list Street Improvement District No. 2220 of the City of West Fargo, as confirmed by the Special Assessment Committee of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Street Improvement District No. 2226 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Simmons and seconded by Commissioner Hanson that the assessment list Street Improvement District No. 2226 of the City of West Fargo, as confirmed by the Special Assessment Committee of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Street Improvement District No. 2228 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Simmons and seconded by Commissioner Hanson that the assessment list Street Improvement District No. 2228 of the City of West Fargo, as confirmed by the Special Assessment Committee of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

Planning and Community Development Director Larry Weil appeared before the Commission on the Shadow Bay Apartments project. After discussion, it was the general consensus of the City Commission for approval of a building permit to proceed at the developer's own risk.

City Auditor James Brownlee gave the following report:

Police Chief Arland Rasmussen's retirement party 5:30 PM June 19, 2014 at the Cambria Suites

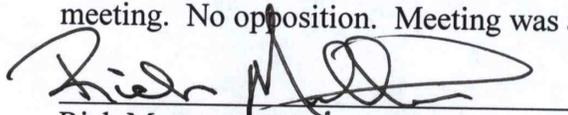
He will be on vacation the next two weeks

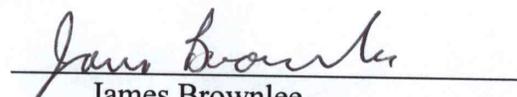
Budget Meetings will begin in July

Discussion on river level within the city and to have SE Cass look at what they could do to adjust the water level. City Engineer Kevin Bucholz appeared before the Commission to advise that the City could apply to the Water Commission to get funding for construction and maintenance and would like to know if the City Commission is on board to try to solve the problem of odor, nuisance, freshness, etc. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the concept and encourage Staff to go forward with Southeast Cass and make application. No opposition. Motion carried.

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