



The West Fargo City Commission met on Monday, October 20, 2014, at 5:30 P.M. Those present were Rich Mattern, Mark Simmons, Mike Thorstad and Duane Hanson. Absent was 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 Item #5 of the Regular Agenda, Board of Adjustments, will be placed first on the Regular Agenda. Commissioner Simmons moved and Commissioner Hanson seconded to approve the Order of Agenda with the change as noted. No opposition. Motion carried.

Commissioner Thorstad moved and Commissioner Hanson seconded to approve the Minutes of October 6, 2014. No opposition. Motion carried.

The Commission reviewed Building Permits #788 – 849 and the Building Department Activity Report dated October 20, 2014.

There were no Commissioner Committee Reports.

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

There were no Department Reports.

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

Bills

Second Reading: Ordinance No. 1019 relating to Opioid Treatment Programs

Games of Chance: VFW, Department of ND for Raffle to be held December 1, 2014 to March 27, 2015

Games of Chance for Shiloh Lodge No. 1 for Raffle to be held November 2, 2014 to May 2, 2015 at the VFW

Resolution Approving Contract and Contractor's Bond in Sewer, Water, Storm and Street Improvement District No. 1281

Increase in Health Inspection Fees to reflect the same fees for all inspections done by Fargo Cass Public Health in the Metro Area

Change to Conditional Use Permit for Auto Sales on Lot 2, Block 1 of Eagle Run Plaza 1<sup>st</sup> Addition (berm in front is being modified to a row of shrubs)

No opposition. Motion carried.

At this time the City Commission Meeting was adjourned and the Board of Adjustments convened. City Attorney John Shockley appeared before the Commission and advised that an appeal of a decision by City Staff regarding a zoning issue needs four Commission member votes to overturn the decision. Planning and Community Development Director Larry Weil appeared before the Commission on the appeal of Staff determination of a model home office within a single-family home being an allowed temporary use within a new residential development and determination of associated signage as an either "For Sale" or Construction/Development Sign at 3605 Bell Boulevard, West Fargo, ND. David Ripplinger of 3627 6<sup>th</sup> Street East, West Fargo, ND, appeared before the Commission and stated that the home is used as a business with regular hours and the use goes against the neighborhood, the sign is a business sign and parking is an issue so the neighbors are asking that the City require that the use of 3605 Bell Boulevard be that of a model home and not a business and that the sign be removed immediately. Senior Planner Tim Solberg also appeared before the Commission. Commissioner Thorstad asked if there are any parameters as far as a timeline for this type of situation and Senior Planner Tim Solberg advised there are no parameters in the ordinance. Commissioner Hanson asked about the parking issue and Senior Planner

Tim Solberg stated that he had driven by the area during the week and did not see a problem with parking. Planning and Community Development Director Larry Weil reviewed information regarding signs. David Ripplinger then submitted a petition with eight signatures and asked that the business sign be removed and that the City do something about the traffic and parking. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to agree with the Staff's recommendation on this matter and direct City Attorney John Shockley and City Staff to prepare written findings. No opposition. Motion carried.

Commissioner Thorstad suggested that Staff look into developing parameters for this ordinance.

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

City Attorney John Shockley appeared before the Commission on Ordinance No. 1017 relating to Areas of Special Flood Hazard and Flood Hazard Reduction. Commissioner Thorstad moved and Commissioner Hanson seconded to place Ordinance No. 1017 on Second Reading. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Magellan at 920 East Main Avenue for access onto the Main Avenue East Frontage Road. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to recommend approval of the access to the North Dakota Department of Transportation as recommended by Staff. No opposition. Motion carried.

Finance Director Tina Gustafson appeared before the Commission on the Liquor License for Pub West at 3140 Bluestem Drive, West Fargo, ND, reviewed the background check and advised that Staff recommends approval of the Liquor License for On Sale Beer and Liquor including Sundays. 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 Liquor License for Pub West as recommended by Staff. No opposition. Motion carried.

Finance Director Tina Gustafson appeared before the Commission on the Liquor License for Ole & Lena's Pizzeria at 3330 Sheyenne Street, West Fargo, ND, reviewed the background check and advised that Staff recommends approval of the Liquor License for On Sale Beer and Liquor including Sundays. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Hanson seconded to approve the Liquor License for Ole & Lena's Pizzeria as recommended by Staff. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on Final Plat Approval of South Pond at the Preserve 8<sup>th</sup> Addition and advised that the Planning & Zoning Commission recommended approval on the basis that it is consistent with City Plans and Ordinances and advised that all the conditions in the Staff Report have been met. After discussion, Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Final Plat of South pond at the Preserve 8<sup>th</sup> Addition as recommended by Staff. No opposition. Motion carried.

Senior Planner Tim Solberg appeared before the Commission on the request from Steve and Debra Johnson for a Conditional Use Permit to allow a new home on an Agriculturally zoned parcel located at 3405 19<sup>th</sup> Avenue NW, West Fargo, ND and reviewed the Staff recommendations and additional provisions contained within the district regulations for Ag preservation. Senior Planner Tim Solberg advised that the Planning & Zoning Commission recommended approval with the conditions as listed in the Staff Report. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the Conditional Use Permit subject to the three conditions listed in the Staff Report. No opposition. Motion carried.

There were no Non-Agenda items.

City Administrator James Brownlee gave the following report:

Monday, October 27, 2014, Staff will be going to Bismarck to meet with the State Engineer for discussion on water plant, wells, financing, etc.

Early voting October 27-31, 2014 at the Cambria Suites

Commissioners could get calls from residents in Eagle Run since the City will begin a test area for Sanitation Can Kickers. Public Works Director Chris Brungardt advised that the test period will run to June, 2015 and includes 183 homes. Commissioner Simmons would like to see communication with the residents so they understand the program. Police Chief Michael Reitan suggested that a Code Red could be used for the selected area.

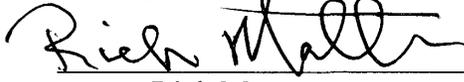
Largest sales tax collections were received this month

Interviews will be held this Thursday for RFQ's for Water Treatment Plant

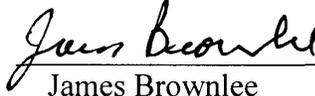
Finance Director Tina Gustafson gave a construction update on the new building

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