

- A. Pledge of Allegiance
- B. Approve Order of Agenda
- C. Approval of Minutes – August 3, 2020 **(Pages 3-5)**
- D. Building Permits

Consent Agenda – Approve the Following:

- a. Bills **(Pages 6-12)**
- b. Appoint Mike Thorstad to the Planning Commission to fulfill the term of Jana Reinke which will expire April 2021 **(Pages 13-16)**
- c. Rezoning from PUD: Planned Unit Development to R-1A: Single Family Dwelling District and R-1: One & Two Family Dwellings. Schedule a public hearing on the Rezoning at 5:30 pm on Tuesday, September 8, 2020. **(Pages 17-18)**
- d. Resolution Creating Sewer and Water Project No. 1327 and Resolution Directing Engineer to Prepare Report. **(Pages 19-20)**
- e. Resolution Creating Sewer Improvement Project No. 1316 and Resolution Directing Engineer to Prepare Report. **(Pages 21-22)**
- f. Amended Resolution Directing Assessments to be Levied - District No.1305 **(Pages 23-24)**
- g. Amended Resolution Directing Assessments to be Levied - District No. 2243 **(Pages 25-26)**
- h. Approve Plans and Specifications; AND Authorize Bid Advertisement for construction of *Project No. 1316*. **(Pages 27-31)**
- i. Resolution Authorizing Sale Of Lot – Portion of Lot 3, Block 1, Koppang Addition **(Pages 32-33)**
- j. Quarterly Pledge of Assets as of June 30, 2020 **(Pages 34-41)**
- k. Approval to purchase through asset forfeiture account for holsters **(Pages 42-43)**
- l. Games of Chance for the Veterans Dakota Southeast Chapter of Pheasants Forever. Games to be conducted: Raffle the first Tuesday of each month from 1/5/2021 to 12/7/2021 at Speedway located at 680 Main Ave West, West Fargo. **(Page 44)**
- m. Games of Chance for the Veterans Warrior Foundation Inc. Games to be conducted: Raffle on 10-25-2020 at the Holy Cross Catholic Church located at 2711 7th St East, West Fargo. **(Page 45)**

Regular Agenda

- 1. Hold Second Reading on the Zoning Ordinance Amendment to Sections 4-434 DMU: Downtown Mixed Use and 4-435 EMU: Entertainment Mixed Use District – **Tim Solberg (Pages 46-48)**

2. Approval of Conditional Use Permit Allowing for a Home Occupation (Hair Salon) With Customers Coming to the Site at 911 Mulberry Ln – **Tim Solberg (Pages 49-64)**
3. Approval of Conditional Permit Allowing for Accessory Building Greater than 1,000 ft² in a Residential District located at 4709 3rd Street East - **Tim Solberg (Pages 65-88)**
4. Consideration of Text Amendment to A District standards to include within the conditionally permitted uses of 4-421.3 for the “Seasonal sale of retail goods” and consider a conditional use permit for construction of a warehouse and seasonal sale of retail goods. – **Tim Solberg (Pages 89-103)**
5. Approval of a Petition for Improvement of 9th Ave NE between 5th St NE and 7th St NE. – **Doug Geeslin (Pages 104-117)**
6. Discussion about the Loberg/Hokoum area being developed – **Jeff Eberhardt (Page 118)**
7. Hold Second Reading on Ordinance No. 1153 – Modification of Fire Code and Organization and Regulations of Fire Department – **John Shockley (Pages 119-125)**
8. Hold Second Reading on Ordinance No. 1162 – Mobility Impaired Parking – **John Shockley (Pages 126-127)**
9. Review recommendation for Intercultural Development Inventory assessment of employees and formation of a community inclusion working group to develop a community inclusion plan. – **Melissa Richard (Page 128-133)**
10. Discussion on WF Airport Levy – **Tina Fisk**
11. Construction Report – **Dustin Scott**
12. City Administrator's Report – **Tina Fisk**
13. Correspondence
14. Non-Agenda Items
15. Adjourn

Please turn OFF your phone before entering the Commission Chambers.



**West Fargo City Commission Meeting
Monday, August 3, 2020
Commission Chambers 5:30 PM**

The West Fargo City Commission met on Monday, August 3, 2020, at 5:30 pm. Those present were Commissioners Bernie Dardis, Eric Gjerdevig, Brad Olson, Mark Simmons, and Mandy George. The President of the Board Bernie Dardis called the meeting to order.

The Pledge of Allegiance was recited.

There were a few changes to the order of the agenda. Agenda item number 2 had been pulled and moved to the August 17, 2020 City Commission Meeting. As well as consent agenda item b was revised to be Wilds 18th Addition instead of the Wilds 20th Addition. Commissioner Gjerdevig moved and Commissioner Olson seconded to approve the Order of Agenda as presented. No opposition. Motion carried.

Commissioner George moved and Commissioner Olson seconded to approve the minutes of July 20, 2020 as presented. No opposition. Motion carried.

The Commission reviewed the Building Department Activity and Monthly Comparison dated July 6, 2020 and Building Permits #442-500. Commissioner Olson moved and Commissioner George seconded to approve the Building Permits as presented. No opposition. Motion carried.

Commissioner Gjerdevig moved and Commissioner Olson seconded to approve the following items from the Consent Agenda:

- a. Bills
- b. Re-approval of Final Plat of The Wilds 18th Addition
- c. Appointment of Jessica Matson-Fluto, Lisa Dullum, Ashley Sitelow, Lauren Kensok, and JoDee Lynn Devaney to the West Fargo Public Art Advisory Committee as voting members. Appointment of Leah Kelm and Ashley Smalley to the West Fargo Public Art Advisory Committee as ex-officio / non-voting members.
- d. 3003 - Approve Resolution renaming project; Approve Plans and Specifications; AND Authorize Bid Advertisement for Improvement District No. 3003
- e. 6055 - Approve Plans and Specifications; Authorize Bid Advertisement for Project No. 6055 - Drain 45 Multi-Use Path (Phase One)
- f. Games of Chance for the Veterans Warrior Foundation Inc. Games to be conducted: Raffle on 9-5-2020 at the West Fargo VFW at 444 Sheyenne St.

No opposition. Motion carried.

Tim Solberg, Planning & Zoning Director, appeared before the Commission for agenda item number 1 which was a Public Hearing at 5:30 pm to discuss the Zoning Ordinance Amendment to Sections 4-434 DMU: Downtown Mixed Use and 4-435 EMU: Entertainment Mixed Use District. Commissioner Dardis moved out of the regular agenda and into the Public Hearing. No speakers came forward and the Public Hearing was closed by Commissioner Dardis. After discussion, Commissioner George



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moved to approve Zoning Ordinance Amendments and Commissioner Gjerdevig seconded. No opposition. Motion carried.

Agenda item number 2, discussion about the Loberg/Hokoum area being developed, was pulled from the agenda and moved to the August 17, 2020 Commission meeting.

Matt Andvik, West Fargo Public Works Director, appeared before the Commission for agenda item number 3 to give the Second Reading of Changes to Sump Pump Ordinance 1160. After discussion, Commissioner Simmons moved for Matt to come back with two or three options to choose from and to table the item and Commissioner George seconded. No opposition. Motion carried.

Melissa Richard, Communications Director, appeared before the Commission for agenda item number 4 to ask for approval of the recommendations for 2020 West Fest activities. After discussion, Commissioner Gjerdevig moved to approve Zoning Ordinance Amendments and Commissioner George seconded. No opposition. Motion carried.

Melissa Richard, Communications Director, appeared before the Commission for agenda item number 5 which was the approval of the final branding for the downtown mixed use district. Andrea Boe of AE2S came forward to present on the final branding of *The Yards* for the downtown district. After discussion, Commissioner Gjerdevig moved to approve Zoning Ordinance Amendments and Commissioner Olson seconded. No opposition. Motion carried.

Dustin Scott, City Engineer for the City of West Fargo, appeared before the Commission for agenda item number 6, to review draft documents for proposed Improvement District No. 2257. No action was required.

Dustin Scott, City Engineer for the City of West Fargo, appeared before the Commission for agenda item number 7 to ask for approval of the Engineer's Report; Authorize Engineer to prepare Plans and Specifications for Project No. 1316 – Phase One. After discussion, Commissioner Olson moved to approve Zoning Ordinance Amendments and Commissioner Gjerdevig seconded. No opposition. Motion carried.

Dustin Scott, City Engineer for the City of West Fargo, appeared before the Commission for agenda item number 8 to ask for approval of the Engineer's Report; Authorize Engineer to prepare Plans and Specifications for Project No. 1327. After discussion, Commissioner Olson moved to approve Zoning Ordinance Amendments and Commissioner George seconded. No opposition. Motion carried.

Dustin Scott, City Engineer for the City of West Fargo, appeared before the Commission for agenda item number 9 to ask for approval of the Engineer's Report; Authorize Notice of Order to Construct Sidewalks for Sidewalk Improvement District No. 6056. After



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discussion, Commissioner Gjerdevig moved and Commissioner Olson seconded. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission for agenda item number 10 for approval of the First Reading of Ordinance 1162 regarding the Mobility Impaired Parking. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the first reading. No opposition. Motion carried.

Tina Fisk, City Administrator and Jim Larson, Finance Director, appeared before the Commission for agenda item number 11 to present the Preliminary 2021 Budget. After discussion, Commissioner Olson moved and Commissioner George seconded to approve. No opposition. Motion carried.

Tina Fisk City Administrator appeared before the Commission for agenda item number 12 to Review and ask for approval of the naming rights agreement of the POW/MIA Plaza in the City of West Fargo. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the naming rights agreement. No opposition. Motion carried.

Dustin Scott, City Engineer, appeared before the Commission to provide construction updates. There were no updates. No action required.

City Administrator Tina Fisk appeared before the Commission and provided the following for the City Administrator Report:

- a. The West Fargo Street Fair was successful
- b. The League of Cities is a virtual meeting
- c. Denis Otterness is the newly appointed Chief of Police
- d. Special Assessment Public Hearing meetings will take place on Tuesday, August 18th and Monday, August 31st

Tina Fisk, City Administrator, came forward with a non-agenda item, which was to request to move the Monday, September 7th, 2020 meeting to Tuesday September 8th, 2020 due to Labor Day. After discussion, Commissioner Simmons moved and Commissioner Olson seconded to approve the change of date for the meeting. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Olson seconded to adjourn the meeting. No opposition. Meeting adjourned.

Bernie Dardis, Commission President

Tina Fisk, City Administrator

Consent Agenda a

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
87840	S	2499 FM CONVENTION & VISITORS BUREAU	7963.42	08/04/20			
						CL 91878	7963.42
87841	S	2499 FM CONVENTION & VISITORS BUREAU	3981.72	08/04/20			
						CL 91880	3981.72
87842	S	489 3-D SPECIALITIES	489.83	08/04/20			
						CL 91950	489.83
87843	S	289 ACME TOOLS	27.50	08/04/20			
						CL 92000	27.50
87844	S	3490 AMAZON CAPITAL SERVICES	713.28	08/04/20			
						CL 91887	550.90
						CL 92009	48.41
						CL 92049	113.97
87845	S	2742 AMBASSADOR INC	7298.59	08/04/20			
						CL 92038	7298.59
87846	S	2775 AMCS GROUP, INC.	1745.18	08/04/20			
						CL 91916	1745.18
87847	S	3511 ASPEN MILLS	146.43	08/04/20			
						CL 91995	146.43
87848	S	2914 AUSTIN BAGLEY	180.88	08/04/20			
						CL 91959	180.88
87849	S	1695 BAKER & TAYLOR	1289.24	08/04/20			
						CL 91875	804.33
						CL 91986	484.91
87850	S	36 BERT'S TRUCK EQUIPMENT	12350.02	08/04/20			
						CL 91947	12350.02
87851	S	1403 BLUE TARP FINANCIAL, INC	57.99	08/04/20			
						CL 91893	57.99
87852	S	26 BORDER STATES INDUSTRIES INC	24095.62	08/04/20			
						CL 91896	24065.32
						CL 91913	30.30
87853	S	3512 BOUND TREE MEDICAL, LLC	2609.76	08/04/20			
						CL 91997	2609.76
87854	S	3688 BRAD LANZ	302.55	08/04/20			
						CL 92023	302.55
87855	S	16 BROKERAGE PRINTING	50.00	08/04/20			
						CL 92034	50.00
87856	S	351 BUSINESS ESSENTIALS	894.08	08/04/20			
						CL 91892	189.99
						CL 91895	73.93
						CL 91920	56.06
						CL 91927	31.51
						CL 92001	36.66
						CL 92025	474.42
						CL 92050	31.51
87857	S	61 CASS COUNTY FINANCE	5.95	08/04/20			
						CL 91958	5.95
87858	S	3687 CASS COUNTY WEED CONTROL	81.28	08/04/20			
						CL 92020	81.28

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
87859	S	46 CASS RURAL WATER USERS	38.93	08/04/20			
87860	S	1512 CDW GOVERNMENT, INC	4198.12	08/04/20		CL 91883	38.93
87861	S	1074 CENTER UPHOLSTERY & CANVAS REPAIR	160.00	08/04/20		CL 91915 CL 91955	206.71 3991.41
87862	S	3216 CINTAS	89.33	08/04/20		CL 91904	160.00
87863	S	111 CITY OF FARGO	78678.35	08/04/20		CL 91885	89.33
87864	S	1904 CODE 4 SERVICES, INC	3253.64	08/04/20		CL 91871 CL 91912 CL 91930	68303.52 9710.83 664.00
87865	S	3245 CORE & MAIN	2154.16	08/04/20		CL 91984	3253.64
87866	S	60 CROSSCOUNTRY FREIGHT SOLUTIONS	89.91	08/04/20		CL 91919	2154.16
87867	S	91 DAKOTA FENCE CO.	203.38	08/04/20		CL 91903	89.91
87868	S	1675 DAKOTA FLUID POWER, INC	460.01	08/04/20		CL 92003	203.38
87869	S	87 DAKOTA TIRE	68.60	08/04/20		CL 91933	460.01
87870	S	90 DAKOTA UNDERGROUND	34684.51	08/04/20		CL 92008	68.60
87871	S	856 DAVE'S WEST FARGO TIRE	47.06	08/04/20		CL 91977	34684.51
87872	S	77 DEMCO	588.27	08/04/20		CL 91968 CL 91989	23.53 23.53
87873	S	3690 DIGITAL SURVEILLANCE CONCEPTS LLC	3900.00	08/04/20		CL 91874 CL 92044	377.86 210.41
87874	S	2100 EAGLE RUN CROSSING LLC	125.26	08/04/20		CL 92037	3900.00
87875	S	1502 EIDE BAILLY	75.00	08/04/20		CL 91949	125.26
87876	S	3410 ENGRAPHIX	187.00	08/04/20		CL 92040	75.00
87877	S	877 ENVIRONMENTAL TOXICITY CONTROL INC.	850.00	08/04/20		CL 91971	187.00
87878	S	897 FARGO GLASS AND PAINT CO.	180.00	08/04/20		CL 91926	850.00
87879	S	979 FARGO LINE-X	196.00	08/04/20		CL 92006	180.00
						CL 92007	196.00

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87880	S	144 FARMERS BROTHERS COFFEE	464.56	08/04/20			
87881	S	728 FARNAM'S GENUINE PARTS, INC	341.55	08/04/20		CL 91936	464.56
87882	S	1648 FARSTAD OIL, INC	253.50	08/04/20		CL 91925	341.55
87883	S	2098 FBI-LEEDA	695.00	08/04/20		CL 91923	253.50
87884	S	329 FERGUSON WATERWORKS #2516	8125.57	08/04/20		CL 91972	695.00
						CL 91901	8068.14
						CL 91934	57.43
87885	S	3075 FEVIG OIL COMPANY, INC	112.03	08/04/20		CL 91867	112.03
87886	S	104 FORUM COMMUNICATIONS	39.84	08/04/20		CL 92031	39.84
87887	S	155 GALLS, LLC	625.79	08/04/20		CL 91957	625.79
87888	S	556 GRAINGER, INC.	124.50	08/04/20		CL 91943	124.50
87889	S	939 GRAYBAR	2556.00	08/04/20		CL 91928	2556.00
87890	S	3535 GREAT PLAINS FIRE	31.19	08/04/20		CL 91994	31.19
87891	S	2877 GREATAMERICA FINANCIAL SERVICES	619.52	08/04/20		CL 91869	442.89
						CL 91910	176.63
87892	S	1060 GREATER NORTH DAKOTA CHAMBER OF COMMERCE	500.00	08/04/20		CL 92042	500.00
87893	S	1339 HANCOCK CONCRETE PRODUCTS CO, INC	1004.67	08/04/20		CL 91929	1004.67
87894	S	1226 HP INC.	1011.00	08/04/20		CL 91956	1011.00
87895	S	687 INFORMATION TECHNOLOGY DEPT	60.00	08/04/20		CL 92035	60.00
87896	S	2500 INLAND TRUCK PARTS & SERVICE	856.29	08/04/20		CL 91942	856.29
87897	S	2281 INTERNET VIDEO & IMAGING, INC.	715.00	08/04/20		CL 91973	715.00
87898	S	233 J & L SPORTS	380.95	08/04/20		CL 91902	42.00
						CL 91935	338.95
87899	S	999999 JENNAFER KAGAN	300.00	08/04/20		CL 91980	300.00
87900	S	3515 JOE JOHNSON	149.00	08/04/20		CL 91996	149.00
87901	S	2325 KUSTOM KONCEPTS	517.04	08/04/20		CL 91988	517.04

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87902	S	277 LARSONS WELDING/MACHINE	371.95	08/04/20			
87903	S	705 LAWSON PRODUCTS	50.80	08/04/20		CL 91889	371.95
87904	S	999999 LEAH MCGREGOR	190.00	08/04/20		CL 91886	50.80
87905	S	3418 LOFFLER	2580.97	08/04/20		CL 91979	190.00
87906	S	3491 LOFFLER COMPANIES INC	143.39	08/04/20		CL 91891	39.25
87907	S	270 LOWE'S	75.99	08/04/20		CL 92047	2541.72
87908	S	3502 M&T FIRE AND SAFETY	226.13	08/04/20		CL 91987	143.39
87909	S	3304 MAC'S - FARGO	25.90	08/04/20		CL 91870	75.99
87910	S	3536 MACQUEEN EMERGENCY	61.63	08/04/20		CL 91993	226.13
87911	S	3384 MATHESON TRI-GAS INC	3608.00	08/04/20		CL 91884	25.90
87912	S	308 MATTHEW BENDER & CO., INC	134.31	08/04/20		CL 92013	61.63
87913	S	3624 MATTIE HJELSETH	180.60	08/04/20		CL 91948	878.00
87914	S	299 MENARDS	910.03	08/04/20		CL 92002	2730.00
87915	S	999999 MERIDIAN	175.50	08/04/20		CL 91908	134.31
87916	S	2766 MIDCONTINENT COMMUNICATIONS	190.01	08/04/20		CL 91881	180.60
87917	S	927 MIDWEST MACHINE TOOL SUPPLY	3198.15	08/04/20		CL 91964	115.06
87918	S	1854 MIDWEST TAPE	1177.75	08/04/20		CL 92012	794.97
87919	S	2121 MOEN PORTABLE TOILETS	748.09	08/04/20		CL 91914	175.50
87920	S	673 MOORHEAD ELECTRIC	2197.70	08/04/20		CL 91976	190.01
87921	S	1958 MOTION PICTURE LICENSING CORP	188.06	08/04/20		CL 92021	3198.15
87922	S	3040 MR MANHOLE	515.12	08/04/20		CL 91992	43.47
87923	S	298 MVTL LABORATORIES	1362.50	08/04/20		CL 92048	1134.28
						CL 91975	748.09
						CL 91938	2197.70
						CL 92051	188.06
						CL 91917	515.12
						CL 92018	1362.50

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
87924	S	3689 NDFPA	225.00	08/04/20			
87925	S	325 NDPA	250.00	08/04/20		CL 92024	225.00
87926	S	911 NDPOA	80.00	08/04/20		CL 91872	250.00
87927	S	364 NELSON INTERNATIONAL	2520.30	08/04/20		CL 91969	80.00
87928	S	271 NETCENTER TECHNOLOGIES	711.70	08/04/20		CL 92011	2520.30
87929	S	141 NORTH STAR SAFETY, INC	155.40	08/04/20		CL 91985	614.20
87930	S	328 NORTHERN ENGINE & SUPPL	161.72	08/04/20		CL 92043	97.50
87931	S	1715 NORTHWEST TIRE INC	1507.98	08/04/20		CL 91900	155.40
87932	S	330 NORTHWESTERN EQUIP INC.	166.40	08/04/20		CL 91946	161.72
87933	S	322 NOVA FIRE PROTECTION	625.00	08/04/20		CL 91890	1507.98
87934	S	1774 O'REILLY AUTOMOTIVE STORES, INC	323.69	08/04/20		CL 91940	166.40
87935	S	3416 OCLC, INC.	191.51	08/04/20		CL 91940	166.40
87936	S	399 OLYMPIC SALES	879.50	08/04/20		CL 91937	625.00
87937	S	276 OSTROMS ACE HARDWARE	625.99	08/04/20		CL 91952	323.69
87938	S	563 PETRO SERVE USA	3495.36	08/04/20		CL 92041	191.51
87939	S	1987 PETSMAST	66.55	08/04/20		CL 91921	879.50
87940	S	1483 PITNEY BOWES RESERVE ACCOUNT	500.00	08/04/20		CL 91888	129.98
87941	S	411 POWER PLAN OIB	279.08	08/04/20		CL 91965	303.41
87942	S	916 PRAIRIE SUPPLY INC	260.00	08/04/20		CL 92022	192.60
87943	S	1166 PRODUCTIVITY PLUS ACCOUNT	1380.85	08/04/20		CL 91951	3495.36
87944	S	1128 R & R PETROLEUM EQUIPMENT	114.00	08/04/20		CL 91966	66.55
87945	S	999999 RENELLE ALLMARAS	300.00	08/04/20		CL 91873	500.00
						CL 91944	279.08
						CL 91932	170.00
						CL 92019	90.00
						CL 91899	1380.85
						CL 92005	114.00
						CL 91981	300.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
87946	S	663 ROAD EQUIPMENT PARTS CENTER	220.00	08/04/20			
						CL 91941	220.00
87947	S	2291 RYAN WUOLLET	221.99	08/04/20			
						CL 91991	221.99
87948	S	1881 SAM'S CLUB/SYNCHRONY BANK	198.63	08/04/20			
						CL 92016	198.63
87949	S	437 SANDY'S DONUTS & COFFEE SHOP	113.70	08/04/20			
						CL 91967	75.80
						CL 91974	37.90
87950	S	454 SANITATION PRODUCTS	3300.13	08/04/20			
						CL 91945	1053.73
						CL 92010	2246.40
87951	S	1634 SHANE ORN	112.44	08/04/20			
						CL 91960	112.44
87952	S	459 SHERWIN WILLIAMS	87.52	08/04/20			
						CL 91922	87.52
87953	S	1702 SHEYENNE RIVER KENNELS	106.98	08/04/20			
						CL 91970	106.98
87954	S	3625 SIGNATURE DESIGN HOME & REMODEL, LLC	5096.00	08/04/20			
						CL 92033	5096.00
87955	S	2655 SIMPLIFILE	200.00	08/04/20			
						CL 92039	200.00
87956	S	3528 SNACKS PLUS VENDING	123.00	08/04/20			
						CL 91909	123.00
87957	S	3103 SOUTHPOINTE SERVICE CENTER	477.30	08/04/20			
						CL 91998	477.30
87958	S	3516 STEIN'S INC	802.74	08/04/20			
						CL 92004	802.74
87959	S	274 STEVE MOTTINGER	4750.00	08/04/20			
						CL 91898	4750.00
87960	S	999999 STEVEN POTTER	300.00	08/04/20			
						CL 91983	300.00
87961	S	38 STRATA CORPORATION	3286.04	08/04/20			
						CL 91905	629.79
						CL 91931	1756.25
						CL 92017	900.00
87962	S	31 STURDEVANT'S AUTO PARTS	1202.34	08/04/20			
						CL 91939	1202.34
87963	S	176 SUMMIT COMPANIES	131.00	08/04/20			
						CL 92014	131.00
87964	S	733 SWANSTON EQUIPMENT CORP.	800.00	08/04/20			
						CL 91924	800.00
87965	S	3686 TACTICAL AUTO OUTFITTERS	624.00	08/04/20			
						CL 91954	624.00
87966	S	2491 TEAM LABORATORY CHEMICAL, LLC	4050.00	08/04/20			
						CL 91918	4050.00
87967	S	1156 TESSMAN	296.59	08/04/20			
						CL 91999	296.59

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
87968	S	1907 THE SHOOTING PARK OF HORACE	400.00	08/04/20	_____	CL 91961	400.00
87969	S	999999 TOM MILLER	300.00	08/04/20	_____	CL 91982	300.00
87970	S	665 TWIN CITY GARAGE DOOR	330.00	08/04/20	_____	CL 91894	330.00
87971	S	3685 UBUNTU	500.00	08/04/20	_____	CL 91866	500.00
87972	S	3604 USDA-RURAL DEVELOPMENT	7080.00	08/04/20	_____	CL 91897	7080.00
87973	S	3668 VERIZON WIRELESS	207.59	08/04/20	_____	CL 91963	207.59
87974	S	576 WALMART COMMUNITY	37.88	08/04/20	_____	CL 91978	37.88
87975	S	686 WDAY	2448.00	08/04/20	_____	CL 91962	48.00
						CL 92032	2400.00
87976	S	549 WF PUB SCHOOLS DIST #6	19975.00	08/04/20	_____	CL 91882	19480.00
						CL 91953	495.00
87977	S	338 XCEL ENERGY	12276.91	08/04/20	_____	CL 91877	76.59
						CL 91911	20.23
						CL 92026	70.15
						CL 92027	89.12
						CL 92028	95.15
						CL 92029	45.38
						CL 92030	45.61
						CL 92045	10351.22
						CL 92046	1483.46
87978	S	999999 LAWRENCE LESLIE JR	2964.00	08/05/20	_____	CL 92056	2964.00
87979	S	3691 TERI SOWKA	800.00	08/10/20	_____	CL 92078	800.00
87980	S	566 WEST FARGO PARK DISTRICT	440656.44	08/11/20	_____	CL 92125	440656.44
87981	S	566 WEST FARGO PARK DISTRICT	171285.02	08/11/20	_____	CL 92124	171285.02
Total for Claim Checks			932887.70				
Count for Claim Checks			142				

* denotes missing check number(s)

of Checks: 142 Total: 932887.70



City Commission Agenda Item Request

Consent Agenda b

Please Note: The following information must be completed and submitted before noon on the Thursday preceding the City Commission Meeting. Failure to comply may delay action being taken on your request.

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

Tim Solberg

Phone Number: *

701-433-5300

Email Address:

Date *

8/13/2020

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Appoint Mike Thorstad to the Planning Commission to fulfill the term of Jana Reinke which will expire April 2021

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Appoint Mike Thorstad to the Planning Commission to fulfill the term of Jana Reinke which will expire April 2021

Upload Additional Documentation (Optional):

August 4, 2020

City of West Fargo
Attention: Boards
800 4th Avenue East
West Fargo, ND 58078

Dear Sirs or Madams,

Enclosed please find my application for appointment to the City of West Fargo's Planning and Zoning Commission.

I have extensive experience in management in both the private and public sectors. I would welcome the opportunity to serve our community on this board.

If you have any questions or comments, please contact me at 701-388-4907 or e-mail thorpower@signprofargo.com.

Thank you for your consideration.

Respectfully,



Mike Thorstad
901 Dolores Drive
West Fargo, ND 58078



CITY OF WEST FARGO APPLICATION FOR BOARDS AND COMMISSIONS

PLEASE ATTACH A COPY OF YOUR RESUME

Board of Commission for which you are applying: Planning and Zoning Commission

YOUR NAME (Last, First, Middle) Thorstad, Michael Dean County: Cass

Mailing Address: 901 Dolores Drive City: West Fargo State: ND Zip: 58078

Business Phone Number: N/A Home Phone Number: (701) 388-4907

Employer Name: Sign Pro of Fargo Your Job Title: Vice President (Partner)

Employer Address: 2220 2nd Avenue East City: West Fargo State: ND Zip: 58078

EDUCATION AND GENERAL QUALIFICATIONS:

LEVEL	NAME OF SCHOOL	LOCATION	# YEARS ATTENDING	DID YOU GRADUATE	MAJOR-COURSE OF STUDY
HIGH SCHOOL	West Fargo High School	West Fargo, ND	4	Yes	General
COLLEGE	Moorhead State University	Moorhead, MN	2	No	Business Administration
TRADE/BUSINESS/ CORRESPONDENCE	Industry Education	Various	Several	Completed	Business Operations

MEMBERSHIPS IN ORGANIZATIONS AND OFFICES HELD (INDICATE DATES HELD)	<ul style="list-style-type: none"> • City Commissioner - City of West Fargo, ND (2008-2020) • Board Member - FM Diversion Authority, Fargo Cass Public Health, Cass-Clay Food Advisory Commission, WF Fire Dept., WF Library Board (2008-2020)
VOLUNTEER ACTIVITIES (INDICATE IF PAST OR PRESENT)	<ul style="list-style-type: none"> • Member - West Fargo Exchange Club (2010-Current) • Blessed Sacrament Church Finance Committee (1991-2016)
YOUR SPECIALS SKILLS AND QUALIFICATIONS	Experience in governance and management of private and public entities. Long time (53 year) resident of West Fargo. Partner in various business interests in the community.

REFERENCES (List three persons, not related to you, whom you have known for at least one year)

NAME	ADDRESS	PHONE NUMBER	YEARS ACQUAINTED
Todd Salter	General Manager - DSI Automotive Products 1271 Fayland Dr. N. - Fargo, ND 58102	(701) 282-8451	30
Todd Zabel	Branch President - Bell Bank 409 Sheyenne St. - West Fargo, ND 58078	(701) 282-4403	30+
Dennis and Kerry Finn	602 8th Avenue E. West Fargo, ND 58078	(701) 281-1492	29

I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize investigations of all statements contained herein and the references listed above to give you any and all information concerning my qualifications and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you.

PLEASE RETURN COMPLETED FORM, RESUME AND COVER LETTER TO:

City of West Fargo ATTN: Boards
800 4th Avenue East, Ste 1
West Fargo ND 58078

SIGNATURE: *Mike Thorstad*

DATE: 8-4-2020

Mike Thorstad
901 Dolores Drive
West Fargo, ND 58078

Phone: (701) 388-4907

E-Mail: thorpower@signprofargo.com



- Born in 1957 in Thief River Falls, MN, moved to Fargo in 1959. Resident of West Fargo since 1967.
- Married to my wife Mona for 42 years. We have three adult children and six grandchildren.
- Graduate of West Fargo High School 1975.
- Attended Moorhead State University (now Minnesota State University - Moorhead).
- Business owner with a career in corporate management. Was a partner and Chief Operating Officer for Zabel & Associates, Inc., the parent company of Tri-State Auto Auction, Sioux Falls Auto Auction and DSI Automotive Products for 32 years. The auctions were sold to ADESA Corporation in 2007. I continue to have ownership interest and am Vice President of DSI and its sister company Sharp Truck LLC. Mona and I own and operate Sign Pro, located in West Fargo. I also have ownership interest in five property partnerships and am a shareholder in Choice Financial.
- Served on the West Fargo City Commission for 12 years (three terms), retiring in June 2020. I also served on various local governing boards during my tenure including Fargo Cass Public Health, Cass Clay Food Advisory Commission, FM Area Diversion Authority, West Fargo Public Library and the West Fargo Fire Department.
- Member of Blessed Sacrament Church in West Fargo where I served on the parish's Finance Council for almost 25 years.
- Member of the West Fargo Exchange Club.

*** Consent Agenda ***

Consent Agenda c

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # _____

***Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Tim Solberg AICP
2. PHONE NUMBER: 433-5321 DATE: August 12, 2020
3. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:
Rezoning from PUD: Planned Unit Development to R-1A: Single Family Dwelling District and R-1: One & Two Family Dwellings.
4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
Lots 11-12, 19-20 & 22-31, Block 1; Lots 2-22, Block 2 and all of Block 3 of Burlington Addition And all of Burlington 4th Addition, City of West Fargo, North Dakota.
5. ACTION BEING REQUESTED FROM CITY COMMISSION:
Schedule a public hearing on the Rezoning at 5:30 pm on Tuesday, September 8, 2020.



www.westfargond.gov

Tim Solberg, Director of Planning and Zoning, AICP
Malachi Petersen, Planner
Lisa Sankey, Planner
Chanda Erickson, Office Manager

NOTICE OF PUBLIC HEARING

A public hearing will be held on the 8th Day of August 2020, at 5:30 P.M. at the City Hall of West Fargo, North Dakota, concerning the enactment of a proposed zoning ordinance. The proposed ordinance involves the following:

Lots 11-12, 19-20 & 22-31, Block 1; Lots 2-22, Block 2 and all of Block 3 of Burlington Addition

The ordinance is for the purpose of rezoning from a PUD: Planned Unit Development District to an R-1A: Single Family Dwelling District.

All of Burlington 4th Addition, City of West Fargo, North Dakota

The ordinance is for the purpose of rezoning from a PUD: Planned Unit Development District to an R-1: One & Two Family Dwelling District.

A copy of the proposed ordinance is available for public inspection and copying at the office of the City Auditor between the hours of 8:00 A.M.-5:00 P.M. all days except weekends and holidays.

BY ORDER OF THE CITY COMMISSION OF THE CITY OF WEST FARGO, NORTH DAKOTA

Bernie L. Dardis
President of the Board of City
Commissioners of the City of
West Fargo, North Dakota

(Please Publish August 26 and September 2, 2020)

The Board of City Commissioners next took under consideration the question of the establishment of a sewer and water project for the City of West Fargo.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION CREATING SEWER AND WATER PROJECT NO. 1327
OF THE CITY OF WEST FARGO, NORTH DAKOTA

WHEREAS, Dustin Scott, a Registered Professional Engineer, is the Engineer for the City of West Fargo, and the Board of City Commissioners has consulted with him relating to the establishment, size and form and other matters with regard to Sewer and Water Project No. 1327 of the City of West Fargo; and

WHEREAS, it is deemed necessary to establish a sewer and water project within the said City of West Fargo;

NOW THEREFORE, be it resolved as follows:

That there is hereby created Sewer and Water Project No. 1327 of the City of West Fargo, North Dakota, the boundaries of which shall be as follows:

SEE ATTACHED.

Dated: August 17, 2020.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____. On roll call vote the following commissioners voted aye: _____

_____. The following commissioners voted nay: _____.

The following commissioners were absent and not voting: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ENGINEER TO PREPARE REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, deeming it necessary to make certain improvements consisting of replacement of the existing water main on Ninth Street NW from Main Avenue West to Drain 21, as well as adding a connection to the existing water main on Third Avenue NW, which will also include a dedicated right turn lane at the intersection of Main Avenue and Ninth Street NW, and all other appurtenances, contrivances and structures used or useful in connection with the above specified improvements, be constructed and made in Sewer and Water Project No. 1327 of the City of West Fargo, the City hereby directs Dustin T. Scott, the Engineer for the City of West Fargo and being a competent engineer, to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the work.

Dated: August 17, 2020.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____. On roll call vote the following commissioners voted aye: _____
_____. The following commissioners voted nay: _____.
The following commissioners were absent and not voting: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

The Board of City Commissioners next took under consideration the question of the establishment of a sewer improvement project for the City of West Fargo.

Commissioner _____ introduced the following resolution and moved its adoption:

**RESOLUTION CREATING SEWER IMPROVEMENT PROJECT NO. 1316
OF THE CITY OF WEST FARGO, NORTH DAKOTA**

WHEREAS, Dustin Scott, a Registered Professional Engineer, is the Engineer for the City of West Fargo, and the Board of City Commissioners has consulted with him relating to the establishment, size and form and other matters with regard to Sewer Improvement Project No. 1316 of the City of West Fargo; and

WHEREAS, it is deemed necessary to establish a sewer improvement project within the said City of West Fargo;

NOW THEREFORE, be it resolved as follows:

That there is hereby created Sewer Improvement Project No. 1316 of the City of West Fargo, North Dakota, the boundaries of which shall be as follows:

SEE ATTACHED.

Dated: August 17, 2020.

APPROVED:

President of Board of City
Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____. On roll call vote the following commissioners voted aye: _____
_____. The following commissioners voted nay: _____.
The following commissioners were absent and not voting: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ENGINEER TO PREPARE REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo, deeming it necessary to make certain improvements in phases, with Phase 1 consisting of scanning manholes, developing a rehabilitation schedule and rehabilitating the eligible manholes, and Phase 2 consisting of the replacement of manholes and all other appurtenances, contrivances and structures used or useful in connection with the above specified improvements, be constructed and made in Sewer Improvement Project No. 1316 of the City of West Fargo, the City hereby directs Dustin T. Scott, the Engineer for the City of West Fargo and being a competent engineer, to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the work.

Dated: August 17, 2020.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____. On roll call vote the following commissioners voted aye: _____
_____. The following commissioners voted nay: _____.
The following commissioners were absent and not voting: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Commissioner _____ introduced the following resolution and moved its adoption:

AMENDED RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

WHEREAS, on January 20, 2020, the Board of City Commissioners of the City of West Fargo directed that assessments be levied in Sewer, Water, Storm and Street Improvement District No. 1305 in the amount of \$7,810,000; and

WHEREAS, it was determined that the amount assessed could be lowered with an increase to Other Contributions.

NOW, THEREFORE, be it resolved by the Board of City Commissioners of the City of West Fargo that assessments shall be levied in the amount of \$7,490,000, and the amended breakdown of costs shall be as follows:

Total Construction	\$ 6,592,937.86
Engineering	754,597.24
Construction Interest	242,729.72
Capitalized Interest	228,308.63
Underwriter's Discount	58,603.38
Testing	65,461.00
Legal	2,699.00
Advertising/Misc.	338.66
Land/Easements	408,423.00
Administration	197,788.00
Engineering Administration	65,929.00
Bond Counsel/Rating Fees	6,380.91
Fiscal Agent	2,126.97
Contingencies	<u>7,442.41</u>
 TOTAL:	 \$ 8,633,765.78
 LESS: Other Contributions	 825,368.78
 LESS: Bond Premium	 <u>318,897.00</u>
 TOTAL TO BE ASSESSED:	 \$ 7,490,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 17, 2020.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____
_____. The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.

Commissioner _____ introduced the following resolution and moved its adoption:

AMENDED RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED

WHEREAS, on January 20, 2020, the Board of City Commissioners of the City of West Fargo directed that assessments be levied in Street Improvement District No. 2243 in the amount of \$5,460,000; and

WHEREAS, it was determined that several items listed in the original breakdown of costs were incorrect, and that by amending those items, the total assessment amount would be reduced to \$4,315,000.

NOW, THEREFORE, be it resolved by the Board of City Commissioners of the City of West Fargo that assessments shall be levied in the amount of \$4,315,000, and the amended breakdown of costs shall be as follows:

Total Construction	\$ 3,628,626.75
Engineering	765,707.02
Construction Interest	170,892.63
Capitalized Interest	159,697.55
Underwriter's Discount	40,991.95
Testing	71,188.00
Legal	38,511.65
Advertising/Misc.	5,051.55
Land/Easements	233,838.36
Administration	108,859.00
Engineering Administration	36,286.00
Bond Counsel/Rating Fees	4,463.33
Fiscal Agent	1,487.78
Contingencies	<u>22,461.43</u>
 TOTAL:	 \$ 5,288,063.00
 LESS: Other Contributions	 750,000.00
 LESS: Bond Premium	 <u>223,063.00</u>
 TOTAL TO BE ASSESSED:	 \$ 4,315,000.00

and that the City Auditor be and she is hereby directed to notify the Chairman of the Special Assessment Commission and shall certify to the Chairman of the Special Assessment Commission the items of the total cost set forth herein.

Dated: August 17, 2020.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof: _____
_____. The following commissioners were absent and not voting: _____. The following commissioners voted nay: _____. The majority having voted aye, the motion carried and the resolution was duly adopted.



Dustin T. Scott - City Engineer
 Jerry Wallace – Civil Engineer
 Andrew Wrucke – Transportation Engineer
 Kayla Volness – Engineering Office Manager

Engineering Department
 800 4th Ave E
 West Fargo, ND 58078
 701-433-5330
www.westfargond.gov

GENDA ITEM REQUEST
 BOARD OF CITY COMMISSIONERS
 WEST FARGO, NORTH DAKOTA

OFFICE USE: AGENDA ITEM # _____

** "Consent" or "Regular" Agenda Item? **Consent** **

CONTACT(s): Dustin T. Scott, City Engineer

MEETING DATE: August 17, 2020

SUBJECT: Improvement Dist. No. 1316

Attached reference documents:

- Project design sheets/maps representing Plans and Specifications for Construction
- Draft Bid Advertisement

LOCATION: Trunk Sanitary Sewer North of Main Ave

ACTION REQUEST: Approve Plans and Specifications; AND Authorize Bid Advertisement for construction of Project No. 1316.

ADDITIONAL INFORMATION:

- The project was included in the Capital Improvement Plan adopted by the City Commission on June 15, 2020
- The City Commission approved the "Engineer's Report" on August 3, 2020.
- Project financing does NOT include special assessments.

CITY OF WEST FARGO
WEST FARGO, NORTH DAKOTA
SEWER, WATER, STORM, AND STREET IMPROVEMENT DISTRICT NO. 1316
NORTHSIDE SANITARY SEWER COLLECTOR REHABILITATION

ADVERTISEMENT FOR BIDS

City of West Fargo is requesting Bids for the construction of the project listed above.

Bids for the construction of the Project will be received and accepted via electronic bid (vBid) through QuestCDN until September 17, 2020 at 10:00 a.m. local time. Bids will be viewed and read via video/phone conference at 10:30 a.m. Mailed or hand delivered bids will not be opened or considered. Link for the video/phone conference is provided at www.mooreengineeringinc.com by clicking the Bid Information tab, or at www.questcdn.com.

The Project consists of cleaning, scanning, televising, and rehabilitating sanitary sewer manholes.

Bids will be received for a single prime Contract. Bids shall be on a unit price basis.

Digital project bidding documents will be available at www.mooreengineeringinc.com by clicking the Bid Information tab, or at www.questcdn.com. You may download the complete set of digital documents for a nonrefundable fee of \$40.00 by locating eBidDoc™ Number 7267479 on the website. Please contact QuestCDN.com at 952-233-1632 or info@questcdn.com for assistance in membership registration, downloading and working with this digital project information, and online bid submittal.

Each bid must be accompanied by a bidder's bond in a sum equal to 5% of the full amount of the bid executed by the bidder as principal and by a surety, conditioned that if the principal's bid is accepted and a contract is awarded to the principal, the principal, within ten (10) days after the notice of the award, shall execute a contract in accordance with the terms of the bid and the bid bond, and any conditions of the City of West Fargo, as required by law. A countersignature of a bid bond is not required. If the City of West Fargo elects to award a contract to the lowest responsible bidder, and the lowest responsible bidder does not execute a contract within ten (10) days, the bidder's bond will be forfeited to the City of West Fargo, and the City of West Fargo may award the project to the next lowest responsible bidder.

Each bidder must possess a valid North Dakota contractor's license for the full amount of their bid, as required by N.D.C.C. § 43-07-7. Each bidder MUST enclose a copy of their Contractor's License or Certificate of Renewal, issued by the North Dakota Secretary of State, and each license must be valid and dated at least 10 days prior to the date set for bid opening, as required under N.D.C.C. § 43-07-12.

The City of West Fargo will not read or consider any bid that does not fully comply with the requirements above, or the requirements of N.D.C.C. § 48-01.2-05

Owner: City of West Fargo
By: Tina Fisk
Title: City Administrator
Date: August 26, 2020

SEWER IMPROVEMENT DISTRICT NO. 1316 - PHASE 1



810 12TH AVENUE N.W., WEST FARGO, NORTH DAKOTA 58078

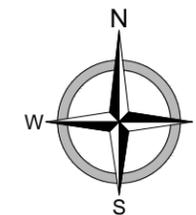
Northside Sanitary Sewer Collector Rehabilitation - Phase 1



Consulting Engineering • Land Surveying
925 10th Avenue East, Suite 1 • West Fargo, North Dakota
www.mooreengineeringinc.com

West Fargo, North Dakota

VICINITY MAP



PRELIMINARY

Legend
Project Location

WEST FARGO DIVERSION

DRAIN 21

DRAIN 21

DRAIN 45

12TH AVE NW

12TH AVE NE

7TH AVE NE

BNSF

CENTER ST

9 ST NW

SHEYENNE RIVER

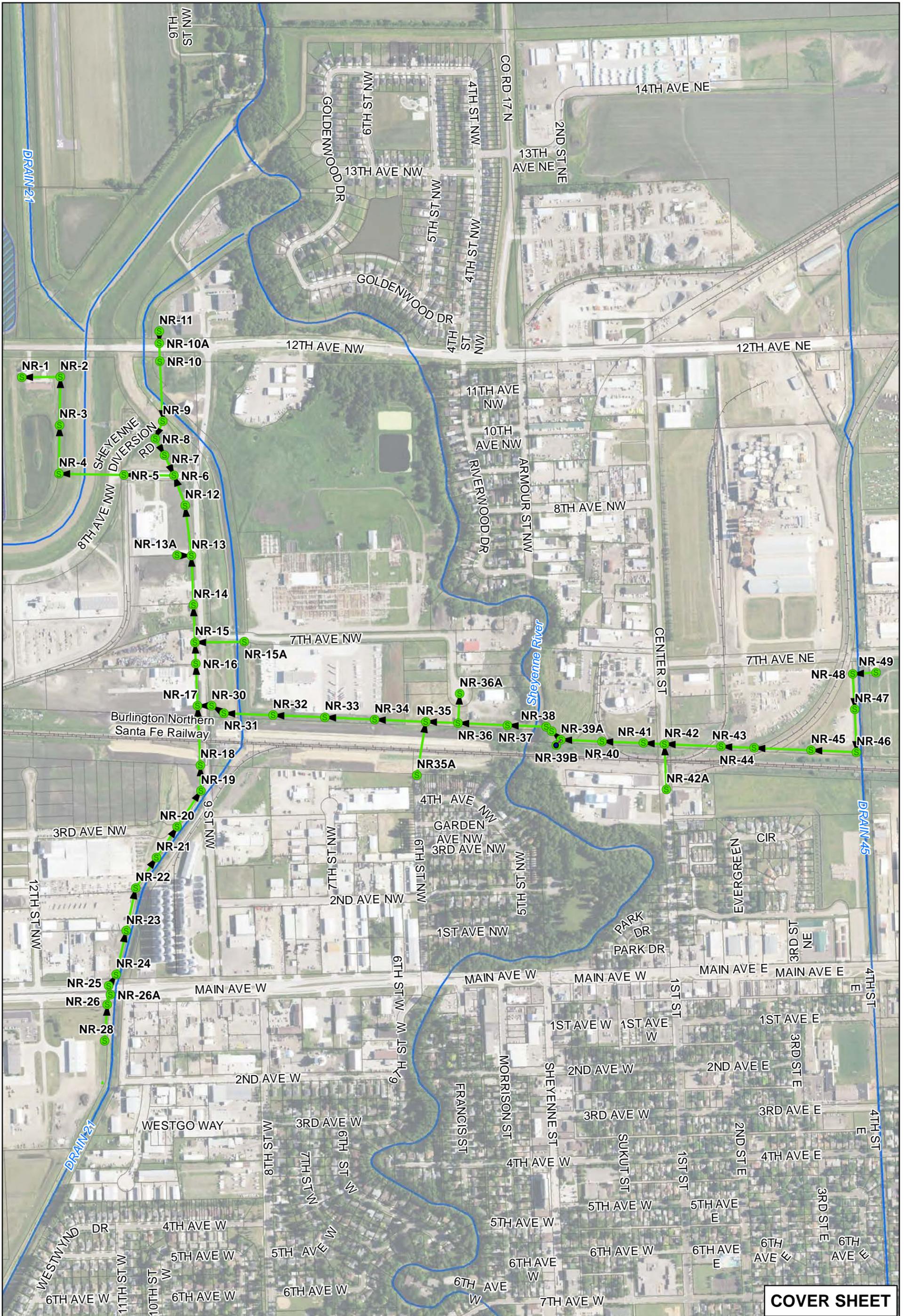
MAIN AVE W

MAIN AVE E



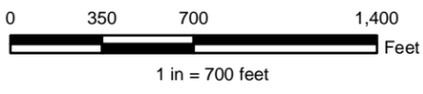
AS OF: 07/28/2020





COVER SHEET

**SANITARY SEWER
WEST FARGO, NORTH DAKOTA**



Created By: TJS Date Created: 05/21/18 Date Saved: 05/24/18 Date Plotted: NEVER Date Exported: 05/24/18
 Plotted By: ianner.schmidt Parcel Date: 05/21/18 Aerial Image: 2017 County NAIP SIDS Elevation Data: N/A
 Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
 T:\Projects\20200\20230\20230_Manhole_Survey_Portrait_mxd

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SALE OF LOT

WHEREAS, a request has been received by the City to purchase a portion of City-owned Lot 3, Block 1, Koppang Addition to the City of West Fargo (the "Property"); and

WHEREAS, the size of said parcel makes it unable to be developed; and

WHEREAS, the value of said property is estimated to be greater than \$2,500; and

WHEREAS, pursuant to Section 1-0702 of the Revised Ordinances of 1990 of the City of West Fargo, real property with a value of less than \$2,500 may be sold by public or private sale if the City engages a licensed real estate agent/broker; and

WHEREAS, the City desires to engage a licensed real estate agent to sell the Property by way of a nonexclusive listing agreement.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City hereby agrees to sell approximately .29 acres of Lot 3, Block 1, Koppang Addition (the exact size of which will be determined by a survey to be performed by the purchaser).
2. The City desires to engage Lucas Gunkelman, a licensed real estate agent, to negotiate a fair and proper purchase price for said portion of Lot 3, Block 1, Koppang Addition.
3. The City hereby authorizes the Mayor and City Auditor to execute a Quit Claim Deed without further action by the City Commission.

Dated this 17th day of August, 2020.

APPROVED:

President of Board of City Commissioners

ATTEST:

City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____.

On roll call vote the following commissioners voted aye: _____

_____.

The following commissioners voted nay: _____.

The following commissioners were absent and not voting: _____.

The majority having voted aye, the motion carried and the resolution was duly adopted.



Pledging of Securities Collateral
June 30, 2020

Bank Accounts	Account #	Bank Balance	FDIC Covered	Amount to be Covered		Bank Actual Pledged	Pledged %	Source
				by Pledging				
1st International Bank								
Money Market Checking				\$0.00	\$0.00	\$0.00	0%	FDIC
Escrow Account	3232	22,423.80	22,423.80	0.00	0.00	0.00	0%	FDIC
ICS Savings	057	69,636,249.40	69,636,249.40	0.00	0.00	0.00	0%	FDIC
ICS Savings	323	1,028,960.42	1,028,960.42	0.00	0.00	0.00	100%	FDIC
Water and Sewer Bonds	3323	0.00		0.00	0.00		0%	FDIC
Alerus Financial								
Money Market Checking		249,007.77	250,000.00	0.00	0.00	0.00	0%	
ICS Checking		0.00	0.00	0.00	0.00	0.00	0%	FDIC
ICS MMKT	005	18,200,965.54	18,200,965.54	0.00	0.00	0.00	0%	FDIC
Bell State Bank	0239	5,433,839.22	250,000.00	5,183,839.22	0.00	6,000,000.00	116%	BND Irrevocable LOC's 7118 & 7151
Choice Financial	4131	10,414,017.33	250,000.00	10,164,017.33	0.00	11,180,419.06	110%	BND Pledge Pool LOC 7154
Totals		\$104,985,463.48	\$89,638,599.16	\$15,347,856.55		\$117,180,419.06		

Prepared by: Tracy Johnson, Accountant



MEMORANDUM

To: Pledge Pool Participants

From: Raela E Kalis
Cashier
Choice Financial

Subject: Quarterly Pledge Information

Date: July 15, 2020

Enclosed is a copy of the Notification to Participants of the Choice Financial Pledge Pool. This Statement confirms the adequacy of Choice Financial pledges for public funds on deposit in the bank as of June 30, 2020. Please retain this information for use during financial audits of your organization.

Questions regarding pledge coverage should be directed to me at 701-549-3761. I will be happy to help you in any way I can.

Thank you.

A handwritten signature in black ink that reads "Raela E Kalis". The signature is written in a cursive style.

Raela E. Kalis
Senior Accounting Specialist

**NOTIFICATION TO PARTICIPANTS
OF
CHOICE FINANCIAL, GRAFTON, ND
PLEDGE POOL**

In accordance with NDCC'21-04-09, Choice Financial provided a security pledge schedule to Bank of North Dakota, as custodian, on June 30, 2020. This schedule reported uninsured public deposits of \$79,292,600.00 requiring a 110% pledge requirement for a total of \$87,221,860.00. Bank of North Dakota verifies the current par value of securities pledged to Choice Financial-Grafton/Pledge Pool ID PGRA, as of June 30, 2020, is \$119,000,000.00.

Dated July 9, 2020
The Bank of North Dakota, as Custodian

By Allen F. Weisbeck
Its Treasurer

GRAFTON-CHOICE FINANCIAL GROUP
 RAELA KALIS
 PO BOX 468
 WALHALLA, ND 58282-0468

Pledged Custody Holdings for Currency USD

Internal USE ONLY
 Client Code: PGRA
 Client Name: PLEDGE POOL - CHOICE FN GRAFTON
 Retention Date: 06/30/2020
 As of 06/30/2020
 Page 1

Security Receipt	Trade Date	Cost Basis	Current Face Pldg Original Face Pldg	Description Rate, Maturity
------------------	------------	------------	---	-------------------------------

Additional Collateral
 LOC 7154 \$119,000,000 exp 08/17/20

No pledged holdings in custody as of statement date

You are a valued customer of Bank of North Dakota.
 We sincerely appreciate your business!



ALERUS

July 9, 2020

Tina Gustafson
City of West Fargo
800 4th Street E., Ste 1
West Fargo, ND 58078

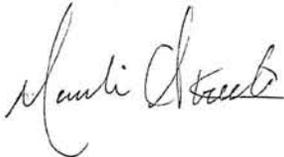
Dear Tina:

Enclosed is the quarterly certification of security collateral held in the Pledge Pool at the Bank of North Dakota. This can be used as the source document for your Board of Director's approval.

As a participant in the Pledge Pool, our records indicate you have \$859,412 of demand deposit or money market balances, along with \$0 of certificates of deposit secured as of 6/30/2020. Please contact us if these amounts do not agree with your records.

If you have any questions regarding the certification, please feel free to contact me at the number or e-mail address listed below.

Sincerely,



Mandi Streeter, CPA
Staff Accountant

Alerus
401 DeMers Avenue, Grand Forks, ND 58201
701.795.3276 | Office
701.330.2644 | Cell
alerus.com

BANKING :: MORTGAGE :: RETIREMENT :: WEALTH MANAGEMENT

**NOTIFICATION TO PARTICIPANTS
OF
ALERUS FINANCIAL, GRAND FORKS, ND
PLEDGE POOL**

In accordance with NDCC'21-04-09, Alerus Financial provided a security schedule to Bank of North Dakota, as custodian, on June 30, 2020. This schedule reported uninsured public deposits of \$94,951,903.00 requiring a 110% pledge requirement for a total of \$104,447,093.30. Bank of North Dakota verifies the current par value of securities pledged to Alerus Financial - Grand Forks /Pledge Pool ID PGRF, as of June 30, 2020, is \$105,638,372.95

Dated July 2, 2020
The Bank of North Dakota, as Custodian

By Allen F. Weisbeck
Its Treasurer

Irrevocable Standby Letter of Credit Number 7118	Issue Date 4/23/2020	Expiration Date 10/23/2020
Name and Address of Entity and Contact City of West Fargo Attn: Tina Gufstafson 800 4th Ave East West Fargo, ND 58078		

Bank of North Dakota Customer Bell Bank
--

We hereby establish our irrevocable standby credit in your favor on the behalf of our Customer ("Customer") , for the account indicated above, for a sum or sums not exceeding in all \$ 3,000,000.00 DOLLARS UNITED STATES CURRENCY (the "Stated Amount") and authorize you to draw on the Bank of North Dakota (the "Bank"), for account of "Customer"), available by your presentation made at our office located at 1200 Memorial Highway, Bismarck, North Dakota 58504-5509 of:

- (1) A written certificate, appropriately completed, signed by you in the form of Exhibit "A" attached hereto; and
- (2) All certificates of deposit, savings account passbooks or other documents evidencing deposits of public funds by you with our Customer, including the amounts and account numbers.

We hereby agree that all drawings under and in compliance with the terms of this Letter of Credit will be duly honored by us upon compliance with the terms as specified above, if presented at our office on or before the expiration date hereof. A drawing under this Letter of Credit may also be made in the form of a writing, in the form provided for above and transmitted by any telecommunication facility sent by you and received by us at our office indicated above, provided that you undertake in such writing to send us the appropriate certificate and information referred to above within three business days of sending such writing. If requested by you, payment under this Letter of Credit may be made by deposit of immediately available funds into a designated account that you maintain with us. If a drawing made by you hereunder does not, in any instance, conform to the terms and conditions of this Letter of Credit, we will give you prompt notice stating the reasons therefore and that we are holding any documents presented to us at your disposal or are returning the same to you, at our discretion. Upon being notified that the drawing was not in accordance with the Letter of Credit, you may attempt to correct any such drawing if, and to the extent that, you are entitled (without regard to the provision of this sentence) and able to do so. As used herein "business day" shall mean any day other than a Saturday, Sunday or a day on which financial institutions in the State of North Dakota are authorized or required by law to close.

Drawings in respect to payments hereunder honored by us shall not, in the aggregate, exceed the stated amount. It is a condition that the amount of the credit available with respect to this Letter of Credit relating to any deposit of public funds with the Customer will be automatically reduced by the amount of any withdrawals made by you from the deposit.

Only you may make a drawing under this Letter of Credit. Upon the payment to you, to your designee or to your account of the amount specified in a certificate drawn hereunder, we shall be fully discharged on our obligation under this Letter of Credit with respect to such certificates and we shall not thereafter be obligated to make any further payments under this Letter of Credit in respect of such certificates to you or any other person.

This Letter of Credit shall automatically terminate and be delivered to the Bank for cancellation upon the earlier of (i) the making by you of a drawing which reduces the available balance of the public funds deposited with the Customer to \$0, or (ii) the expiration date of this Letter of Credit.



IRREVOCABLE STANDBY LETTER OF CREDIT

BANK OF NORTH DAKOTA
INVESTMENTS
SFN 60360 (10-2013)

Irrevocable Standby Letter of Credit Number 7151	Issue Date 6/12/2020	Expiration Date 12/11/2020
Name and Address of Entity and Contact City of West Fargo Attn: Tina Gufstafson 800 4th Ave East West Fargo, ND 58078		

Bank of North Dakota Customer
Bell Bank

We hereby establish our irrevocable standby credit in your favor on the behalf of our Customer ("Customer") , for the account indicated above, for a sum or sums not exceeding in all \$ 3,000,000.00 DOLLARS UNITED STATES CURRENCY (the "Stated Amount") and authorize you to draw on the Bank of North Dakota (the "Bank"), for account of "Customer", available by your presentation made at our office located at 1200 Memorial Highway, Bismarck, North Dakota 58504-5509 of:

- (1) A written certificate, appropriately completed, signed by you in the form of Exhibit "A" attached hereto; and
- (2) All certificates of deposit, savings account passbooks or other documents evidencing deposits of public funds by you with our Customer, including the amounts and account numbers.

We hereby agree that all drawings under and in compliance with the terms of this Letter of Credit will be duly honored by us upon compliance with the terms as specified above, if presented at our office on or before the expiration date hereof. A drawing under this Letter of Credit may also be made in the form of a writing, in the form provided for above and transmitted by any telecommunication facility sent by you and received by us at our office indicated above, provided that you undertake in such writing to send us the appropriate certificate and information referred to above within three business days of sending such writing. If requested by you, payment under this Letter of Credit may be made by deposit of immediately available funds into a designated account that you maintain with us. If a drawing made by you hereunder does not, in any instance, conform to the terms and conditions of this Letter of Credit, we will give you prompt notice stating the reasons therefore and that we are holding any documents presented to us at your disposal or are returning the same to you, at our discretion. Upon being notified that the drawing was not in accordance with the Letter of Credit, you may attempt to correct any such drawing if, and to the extent that, you are entitled (without regard to the provision of this sentence) and able to do so. As used herein "business day" shall mean any day other than a Saturday, Sunday or a day on which financial institutions in the State of North Dakota are authorized or required by law to close.

Drawings in respect to payments hereunder honored by us shall not, in the aggregate, exceed the stated amount. It is a condition that the amount of the credit available with respect to this Letter of Credit relating to any deposit of public funds with the Customer will be automatically reduced by the amount of any withdrawals made by you from the deposit.

Only you may make a drawing under this Letter of Credit. Upon the payment to you, to your designee or to your account of the amount specified in a certificate drawn hereunder, we shall be fully discharged on our obligation under this Letter of Credit with respect to such certificates and we shall not thereafter be obligated to make any further payments under this Letter of Credit in respect of such certificates to you or any other person.

This Letter of Credit shall automatically terminate and be delivered to the Bank for cancellation upon the earlier of (i) the making by you of a drawing which reduces the available balance of the public funds deposited with the Customer to \$0, or (ii) the expiration date of this Letter of Credit.



Please Note: The following information must be completed and submitted before noon on the Thursday preceding the City Commission Meeting. Failure to comply may delay action being taken on your request.

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

Jerry Boyer

Phone Number: *

7014335520

Email Address:

gerald.boyer@westfargond.gov

Date *

8/13/2020

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Purchase through asset forfeiture account for holsters-please see attached

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Approval

Upload Additional Documentation (Optional):

MASTER application for utilize asset forfeiture funds 8-13-2020.docx

306.94KB

Application for Appropriation from Civil Asset Forfeiture Fund

Applicant

Jerry Boyer, Interim Chief of Police
West Fargo Police Department, 800 4 Avenue East, Suite 2, West Fargo ND, 58078
Jerry.Boyer@westfargond.gov
701-433-5520

August 13, 2020

Appropriation Requested:

\$679.00

Explanation and confirmation how the requested appropriation will further the public purpose of reducing criminal activity and aiding the efforts of criminal justice in support and furtherance of the West Fargo Police Department's mission:

The West Fargo Police Department has upgraded its holsters for all officers, part of this upgrade is yet to be completed with holsters for the officers on bike patrol. These officers provide added security at events, proactive community policing, and further enforcement for the community. The officers are required to use a different duty belt for this position and must have the extra equipment to have all the tools at their disposal. The new holsters will allow for the use of the flashlight attachment to stay on their sidearm while transitioning back and forth from their duty gear and different uniforms.

I, Interim Chief Jerry Boyer, am in support of the above-stated request for appropriation from the Civil Asset Forfeiture Fund. City of West Fargo procurement policies will be followed for all expenditures. Written confirmation will be provided to the City of West Fargo Finance Office when the funds are expended.

Jerry Boyer, Interim Chief of Police

Date



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (08/2019)

Consent Agenda I

Application for: Local Permit * Restricted Event Permit (one event per year)

Name of Nonprofit Organization or group of people permit is issued to Dakota Southeast Chapter Of Pheasants Forever		Date(s) of Activity 1/5/2021 to 12/7/2021		For a raffle, provide drawing date(s): First Tuesday each month	
Person Responsible for the Gaming Operation and Disbursement of Net Income Tim Richard		Title President		Business Phone Number (701) 793-1694	
Business Address 10 Roberts St.		City Fargo		State ND	Zip Code 58102-0000
Mailing Address (if different)		City		State	Zip Code
Name of Site Where Game(s) will be Conducted Speedway		Site Address 680 Main Ave. W			
City West Fargo		State ND	Zip Code 58078-0000	County Cass	
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Restricted Event Permit.					
<input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input checked="" type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *					

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Calendar raffle	Guns - 12	\$9,000.00			
	Gift Cards	\$ 1,000.00			
Total:					(Limit \$40,000 per year) \$ 10,000.00

Intended uses of gaming proceeds: Wildlife habitat projects and supporting youth hunting and shooting

Does the organization presently have a state gaming license? No Yes - If "Yes," the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? No Yes-If "Yes," the organization or group does not qualify for a local permit or restricted event permit.

Has the organization or group received a local permit from any city or county for the fiscal year July 1-June 30? No Yes-If "Yes," indicate the total value of all prizes previously awarded: \$ _____. This amount is part of the total prize limit of \$40,000 per year.

Signature of Organization or Group's Top Official 	Date 8-5-20	Title Pres	Business Phone Number 701-793-1694
---	----------------	---------------	---------------------------------------

#10.00/ per 8-7-20
CK# 1376



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9338 (04-2020)

Consent Agenda m

Applying for (check one)
 Local Permit Restricted Event Permit*

Games to be Conducted
 Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*
*Poker, Twenty-One, and Paddlewheels may be conducted **Only** with a Restricted Event Permit. Only one permit allowed per year.*

Name of Organization or Group of People permit is issued to <i>HOLY CROSS CATHOLIC CHURCH</i>		Dates of Activity <i>10-25-2020</i>	If raffle, provide drawing date <i>10-25-2020</i>	
Organization or Group Contact Person <i>Rev. Phil Ackerman</i>		Title or Position <i>PASTOR</i>	Telephone Number <i>701-282-7217</i>	
Business Address <i>2711 7th STREET EAST</i>		City <i>WEST FARGO</i>	State <i>ND</i>	ZIP Code <i>58078</i>
Mailing Address (if different)		City	State	ZIP Code

Site Name (where gaming will be conducted)
HOLY CROSS CATHOLIC CHURCH

Site Address <i>2711 7th STREET EAST</i>	City <i>WEST FARGO</i>	ZIP Code <i>58078</i>	County <i>CASS</i>
---	---------------------------	--------------------------	-----------------------

Description and Retail Value of Prizes to be Awarded

Game Type	Description of Prize	Retail Value of Prize
<i>RAFFIE</i>	<i>CASH</i>	<i>8000.00</i>
Add Row	Delete Row	
Total (limit \$40,000 per year)		<i>8000.00</i>

Intended Uses of Gaming Proceeds
to go to the church's building fund

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
 Yes No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? (If yes, the organization or group does not qualify for a local permit or restricted event permit)
 Yes No

Has the organization or group received a local permit from any city or county for the fiscal year July 1-June 30? (If yes, indicate the total retail value of all prizes previously awarded)
 No Yes - Total Retail Value *\$ 5925* (This amount is part of the total prize limit of \$40,000 per year)

Organization or Group Contact Person			
Name <i>Rev. Phil Ackerman</i>	Title <i>PASTOR</i>	Telephone Number <i>701-282-7217</i>	E-mail Address <i>phillip.ackerman@fargoepdiocese.org</i>
Signature of Organization or Group's Top Official <i>Margaret Keller</i>		Title <i>Pastoral Administrator</i>	Date <i>8-3-2020</i>

*\$10.00
 for cash
 8-3-20*

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # _____

***Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Tim Solberg, AICP

2. PHONE NUMBER: 433-5321 DATE: August 12, 2020

3. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:

Zoning Ordinance Amendment to Sections 4-434 DMU: Downtown Mixed Use and 4-435 EMU: Entertainment Mixed Use District.

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):

N/A.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Hold Second Reading on the Zoning Ordinance Amendments

ORDINANCE NO. 1161

AN ORDINANCE TO CREATE AND ENACT SUBSECTIONS 4-434.5 AND 4-435.5 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO APPLICABLE REGULATIONS IN THE DMU: DOWNTOWN MIXED USE AND EMU: ENTERTAINMENT MIXED USE DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, NORTH DAKOTA:

SECTION 1. Subsection 4-434.5 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby created and enacted to read as follows:

4-434.5. Other Applicable Regulations:

Section 4-440 Supplementary District Regulations

Section 4-450 Off-Street Parking and Loading Requirements

Section 4-460 Sign Regulations

SECTION 2. Subsection 4-435.5 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby created and enacted to read as follows:

4-435.5. Other Applicable Regulations:

Section 4-440 Supplementary District Regulations

Section 4-450 Off-Street Parking and Loading Requirements

Section 4-460 Sign Regulations

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

President of Board of City
Commissioners of the City of
West Fargo, North Dakota

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:



To: West Fargo City Commission
From: Malachi Petersen, Planner
Date: August 17, 2020
Subject: 911 Mulberry Ln Conditional Use Permit Allowing for a Home Occupation (Hair Salon) With Customers Coming to the Site
Action: Approval of Conditional Use Permit Allowing for a Home Occupation (Hair Salon) With Customers Coming to the Site at 911 Mulberry Ln

Commission President

Bernie Dardis

Primary Portfolio:

Administration/Finance

Secondary Portfolio:

Street, Water and Sewer

Commissioner

Brad Olson, Vice President

Primary Portfolio:

Street, Water and Sewer

Secondary Portfolio:

Police and Fire

Commissioner

Eric Gjerdevig

Primary Portfolio:

Planning, Zoning and Engineering

Secondary Portfolio:

Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

Summary and Recommendation:

Elizabeth Hardy has submitted an application requesting approval of a Conditional Use Permit (CUP) allowing for a home occupation (hair salon) which would have customers coming to the site. It is the recommendation of the Planning & Zoning Commission that the application for a CUP be approved with staff recommendations on the basis that it is consistent with City plans and ordinances which allow for home occupations with customers coming to the site.

Policy Analysis:

Section 4-448 of the City Ordinance does not include an intent statement but is likely meant to protect residential neighborhoods from incompatible uses (ordinance attached). Staff and the Planning & Zoning Commission believe that the application protects the integrity of the residential neighborhood.

Financial Analysis:

No impact noted.

Process/Timeline:

Process	Action
Planning & Zoning Commission	Recommended for approval by a unanimous vote at their Aug. 11, 2020 meeting.
Public Hearing	No public comments were received.
City Commission	This item is appearing on the Aug. 17, 2020 agenda.

A20-23		CONDITIONAL USE PERMIT	
911 Mulberry Lane			
Lot 2, Block 1 of Wilds 5 th Addition			
Owner/Applicant: Elizabeth Hardy		Staff Contact: Malachi Petersen	
Planning & Zoning Commission Introduction:		08-11-2020	
Public Hearing:		08-11-2020 – Approved	
City Commission:		08-17-2020	

PURPOSE:
 Allowing for a home occupation which will have customers coming to the residence.

STATEMENTS OF FACT:	
Land Use Classification:	G-2: Sub-Urban - Growth Sector
Existing Land Use:	Low Density Residential
Current Zoning District(s):	R-1A: Single Family Dwelling
Zoning Overlay District(s):	None
Total area size:	23,253 square feet
Adjacent Zoning Districts:	R-1A: Single Family Dwelling
Adjacent street(s):	Mulberry LN (Local) and 9 th St W (Collector)
Adjacent Bike/Pedestrian Facilities:	Adjacent sidewalks
Available Parks/Trail Facilities:	The Wilds Park accessible by sidewalks within .25 miles, Legacy Park accessible by sidewalks within .5 miles

DISCUSSION AND OBSERVATIONS:

- The applicant is seeking to operate an existing hair salon business out of her home. The salon business will be by appointment only and overlap of appointments will be minimal as to ensure adequate off-street parking.
- The applicant has provided a site plan of her house. The salon business will be operated out of a spare bedroom on the main floor of the home. A copy of the site plan is attached for reference.
- Section of the City Ordinances under supplementary district regulations lists provisions for home occupations for which the home based business would be subject to.
- Section 4-448.10 states that as a conditional use, the City may consider a home occupation use which has customers coming to the site. It further states that the City may place any conditions on the home occupation as deemed necessary to ensure that it will not be a detriment to the character and livability of the surrounding neighborhood.
- Home based businesses are required to provide off-street parking for customers in addition to the two required spaces for all single family residential units.
- According to the site plan, the property can accommodate up to 7 vehicle on-site/off-street parking spaces including space in the garage for the residential use.
- The applicant has been provided and has no concern meeting the full list of requirements to follow under the provisions for home occupations.
- A conditional use permit agreement for the use will be required to be signed by the applicant and

may include conditions deemed appropriate by the Commission.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property is adequately accessed from Mulberry Lane, a local public street.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - 4-448.6 requires all parking associated with the principal residential use and the home occupation to be accommodated on site while still maintaining the required lot coverage minimums. It appears with 4 spaces in the driveway and 3 spaces in the garage that the applicant will have adequate parking to accommodate the residential property and the proposed use.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - 4-448-3 would only allow one sign, not to exceed one square foot, non-illuminated, and mounted flat against the wall of the principal building.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - Due to the appointment-only nature of the business, it does not appear that this use will bring a great deal of traffic to the site.

NOTICES:

Sent to: Property owners within 350' and applicable agencies and departments

Comments Received:

- None

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The application may be considered consistent with the Comprehensive Plan if it is determined not be a detriment to the character and livability of the surrounding neighborhood.

RECOMMENDATIONS:

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Applicant meet all requirements set forth in the provisions for home occupations found in Section 4-448 of the City Ordinances.
2. Adequate parking for both the home occupation and the residence be maintained.
3. A Signed Conditional Use Permit Agreement is received.

PLANNING AND ZONING RECOMMENDATION:

At their August 11, 2020 meeting, the Planning and Zoning Commission recommended approval of the Conditional Use Permit, subject to the three conditions listed above.



A20-23
Subject Property

MULBERRY LN

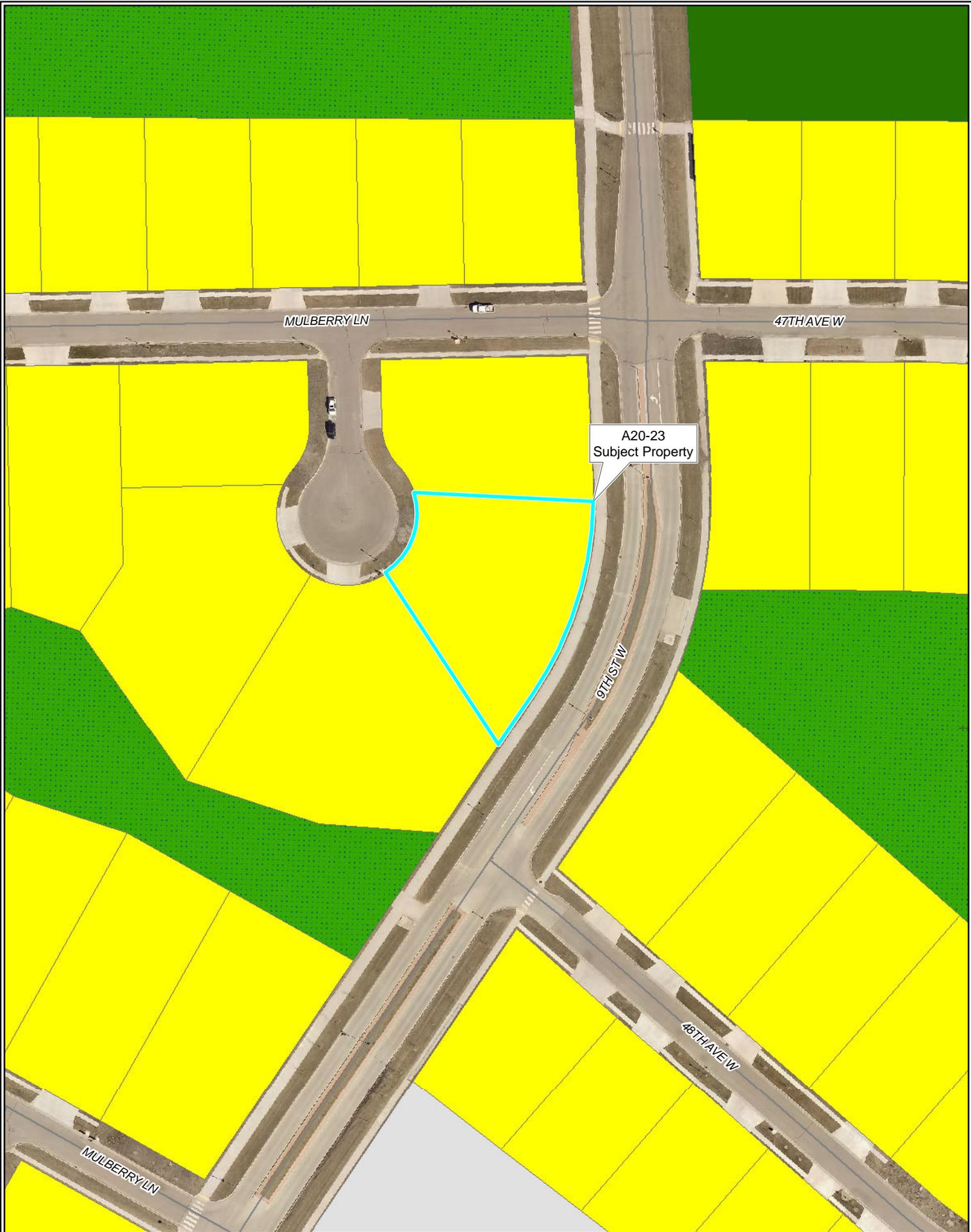
47TH AVE W

67TH ST W

48TH AVE W

MULBERRY LN





A20-23
Subject Property



JL MODERN

WWW.JLMODERNDISIGN.COM
P. 701.318.1403
E. JLMODERNDISIGN@GMAIL.COM

© J.L. MODERN 2019

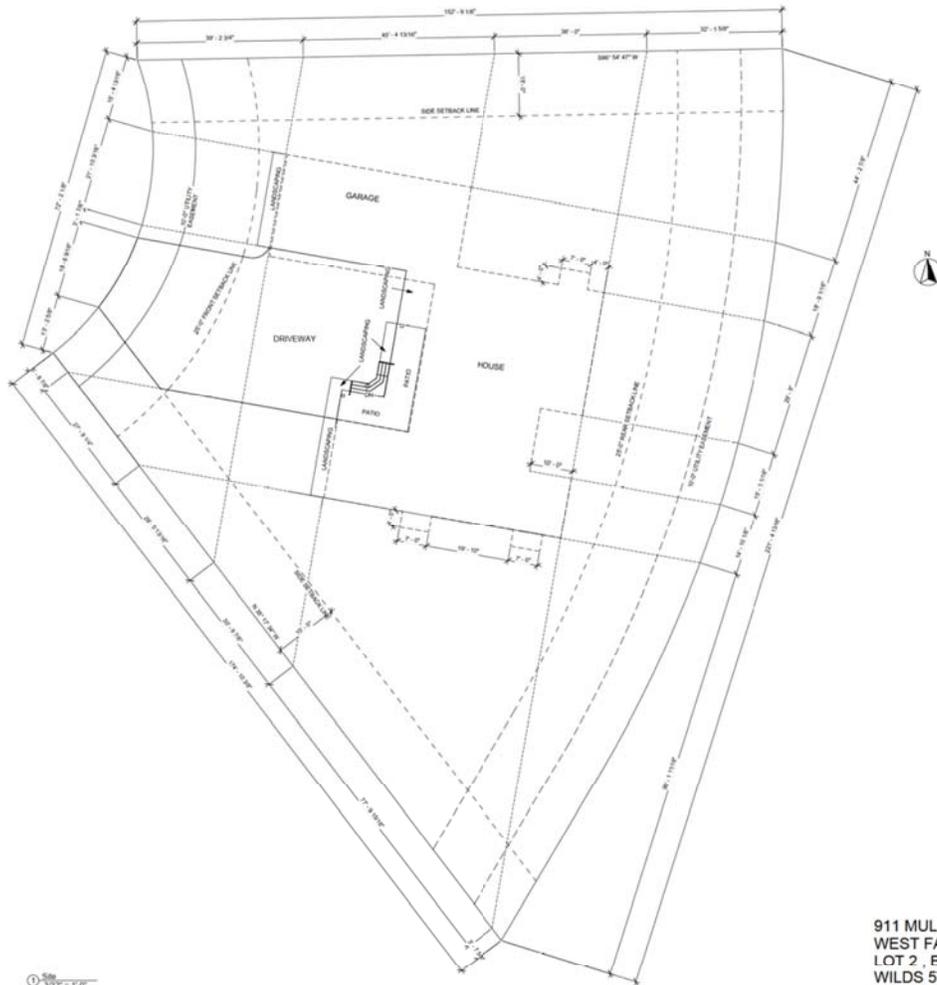
LIZ & ERIC PLAN
911 MULBERRY LANE
WEST FARGO, ND
LOT 2, BLOCK 4
WILDS 5TH ADDITION

No.	Description	Date

COVER

Date: 11.18.19
Drawn by: J.L.A.
A000
Scale:

© 2019 JL MODERN





JL MODERN

WWW.JLMODERNDDESIGN.COM
P. 701.318.1403
E. JLMODERNDDESIGN@GMAIL.COM

© J.L. MODERN 2019

LIZ & ERIC PLAN

911 MULBERRY LANE

WEST FARGO, ND

LOT 2, BLOCK 4

WILDS 5TH ADDITION

No.	Description	Date

SITE PLAN

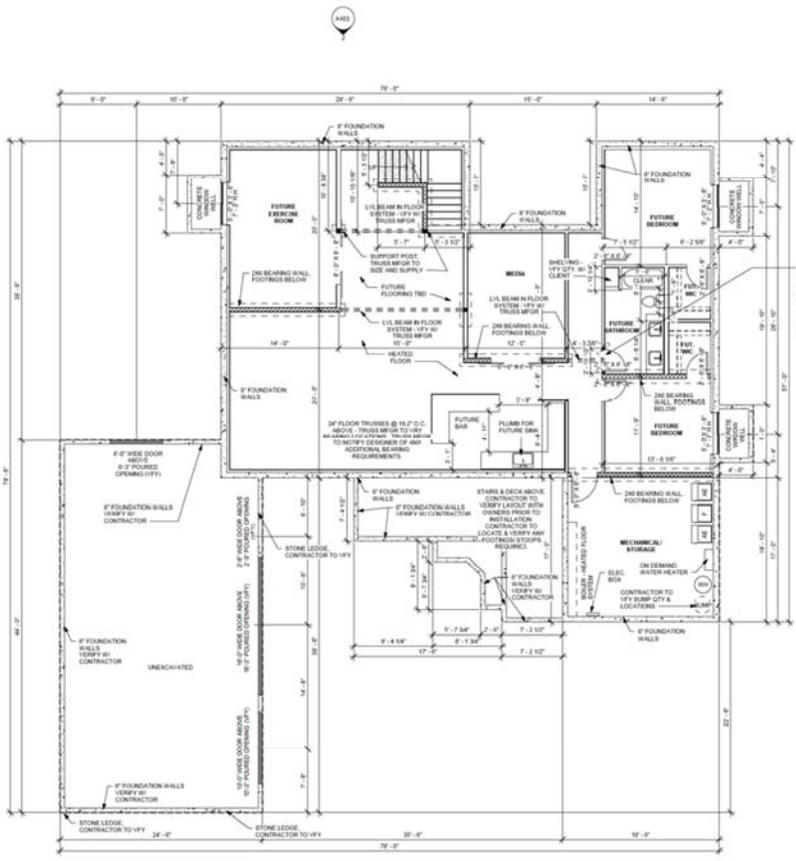
Date: 11.18.19
Drawn by: J.L.A.
A100
Scale: 3/32" = 1'-0"



WWW.JLMODERNDISIGN.COM
P. 701.318.1403
E. JLMODERNDISIGN@GMAIL.COM

© J.L. MODERN 2019

LIZ & ERIC PLAN
911 MULBERRY LANE
WEST FARGO, ND
LOT 2, BLOCK 4
WILDS 5TH ADDITION



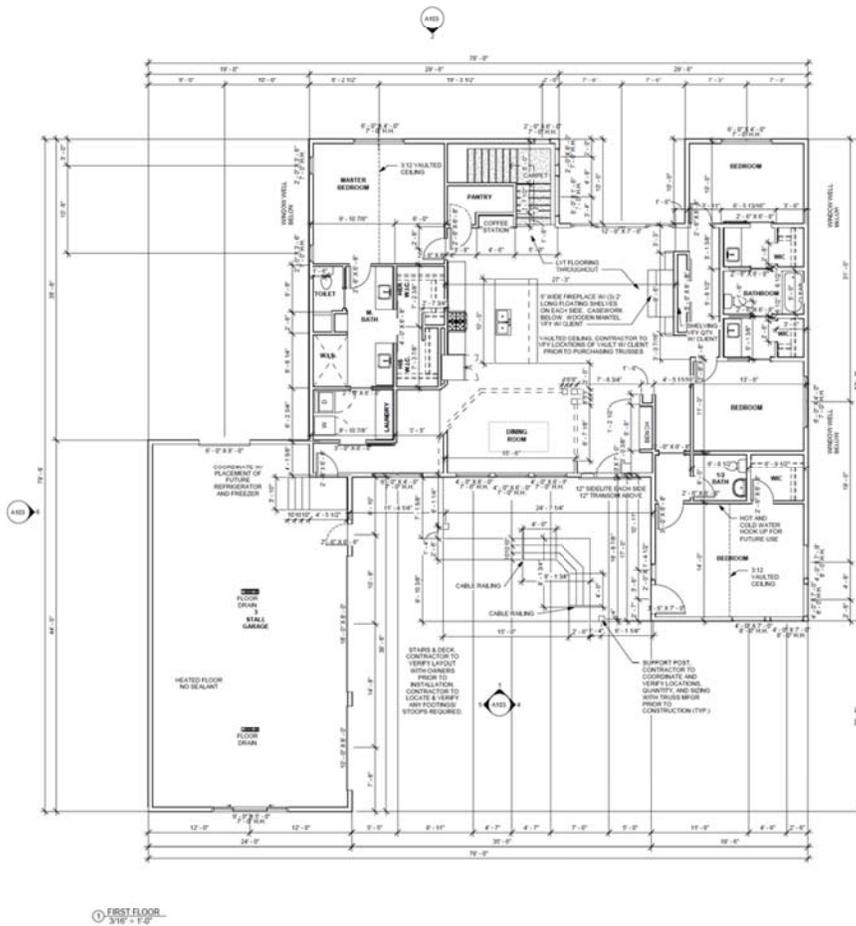
STRUCTURAL
HEADER TO BE
SUPPLIED AND
INSTALLED BY
CONTRACTOR
POINTS ON
BOTH SIDES OF
DOOR. TRUSS
MEAS TO SIDE
AND SUPPLY

LOWER FLOOR
3/16" = 1'-0"

No.	Description	Date

BASEMENT FLOOR PLAN

Date: 11.18.18
Drawn by: JLA
A101
Scale: 3/16" = 1'-0"



GENERAL NOTES:

1. UNDISTURBED EARTH UNDER ALL FOOTINGS
2. CONTRACTOR TO VERIFY ANY STONE OR BRICK LEDGES WITH CONCRETE CONTRACTOR PRIOR TO INSTALLATION
3. CONTRACTOR TO VERIFY SIZES, QUANTITIES, AND LOCATIONS OF GARAGE FLOOR DRAINS WITH CLIENTS PRIOR TO INSTALLATION
4. CONTRACTOR TO VERIFY SIZES, QUANTITIES, AND LOCATIONS OF GARAGE FLOOR DRAINS WITH CONCRETE CONTRACTOR PRIOR TO INSTALLATION

GENERAL FLOOR PLAN NOTES:

1. POURED BASEMENT WALL HEIGHT 9' 0" MAIN FLOOR PLATE HEIGHT TO BE 9' 1 1/2" UNLESS NOTED OTHERWISE (10 1/2" PRE-CUT STUDS)
2. CATHEDRAL CEILING (WHERE NOTED) TO BE 3/4" INSIDE PITCH
3. CONTRACTOR TO VERIFY ALL WINDOWS, DOORS, AND OPENING HEADER SIZES WITH TRUSS MANUFACTURER
4. CONTRACTOR TO VERIFY ALL KITCHEN, BATHROOM, LAUNDRY ROOM AND ANY OTHER BUILT IN CABINET LAYOUTS WITH CABINET DESIGNER
5. CONTRACTOR TO VERIFY ADDITIONAL HEIGHT ON FLOOR SYSTEM WITH TRUSS MANUFACTURER (E.G. GRANITE COUNTERTOPS, CERAMIC TILE, ETC.)
6. CONTRACTOR TO VERIFY BEAMS/HEADERS REQUIRED TO SUPPORT ROOF LOADS WITH TRUSS MANUFACTURER
7. CONTRACTOR TO VERIFY HEADERS/BEAMS REQUIRED IN FLOOR SYSTEM WITH TRUSS MANUFACTURER
8. CONTRACTOR TO VERIFY FLOOR TRUSS SIZE AND SPACING WITH TRUSS MANUFACTURER (CURRENTLY SHOWN AS 24" FLOOR TRUSSES @ 19.2" O.C. - MAIN & SECOND FLOOR)
9. TRUSS MANUFACTURER TO SIZE, LOCATE, AND SUPPLY ANY L.V. MATERIALS REQUIRED
10. ALL WINDOWS, DOORS, AND OPENINGS 4" & LARGER ARE TO HAVE (2) JACK STUDS UNDER EITHER SIDE OF HEADERS IN ACCORDANCE WITH IRC, IBC, AND CITY CODE REQUIREMENTS
11. SPRAY FOAM IN BETWEEN TRUSS SPACING CAVITIES AS PER IRC AND LOCAL CODE REQUIREMENTS
12. CONTRACTOR TO VERIFY LANDING FLOOR JOIST SIZE AND SPACING PRIOR TO INSTALLATION. CURRENTLY SHOWN AS 2 X 10 JOISTS @ 16" O.C. SPACING
13. CONTRACTOR TO VERIFY LOCATIONS OF KNEE WALLS, LEDGES, AND ADDITIONAL FULL HEIGHT WALLS (IF APPLICABLE)
14. CONTRACTOR TO VERIFY ENERGY HEEL HEIGHT FOR ROOF TRUSSES WITH TRUSS MANUFACTURER. (12" HEEL HEIGHT CURRENTLY SHOWN)

GENERAL GARAGE NOTES:

1. GARAGE WALLS (FRAMING ONLY) TO BE 2 X 4 X 10 1/2" PRE-CUT STUDS UNLESS NOTED OTHERWISE
2. CONTRACTOR TO VERIFY WITH CLIENT IF ENTIRE GARAGE IS TO BE INSULATED, SHEETROCKED, AND/OR HEATED
3. CONTRACTOR REQUESTS L.V. HEADERS TO SPAN ENTIRE LENGTH OF GARAGE. (GARAGE DOOR LOCATION)

GENERAL WINDOW NOTES:

1. WINDOW HEAD HEIGHTS TO BE 7'-0" UNLESS NOTED OTHERWISE (REFER TO PLANS AND ELEVATIONS)
2. LOWER LEVEL WINDOW HEAD HEIGHTS TO BE 7'-2" - FROM FINISHED FLOOR UNLESS NOTED OTHERWISE (REFER TO PLANS & ELEVATIONS)
3. CONTRACTOR TO VERIFY IF WINDOW GRILLES ARE TO BE USED WITH CLIENT PRIOR TO PURCHASING/INSTALLING

CONTRACTOR IS RESPONSIBLE FOR VERIFYING ANY AND ALL RESIDENTIAL CODES PRIOR TO CONSTRUCTION.



JL MODERN

WWW.JLMOEDERDESIGN.COM
P. 701.318.1403
E. JLMOEDERDESIGN@GMAIL.COM

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LIZ & ERIC PLAN

911 MULBERRY LANE

WEST FARGO, ND

LOT 2, BLOCK 4

WILDS 5TH ADDITION

No.	Description	Date

MAIN FLOOR PLAN

Date: 11.18.18
Drawn by: JLA
A102
Scale: 3/16" = 1'-0"



JL MODERN
 WWW.JLMODERNDISIGN.COM
 P. 701.318.1403
 E. JLMODERNDISIGN@GMAIL.COM

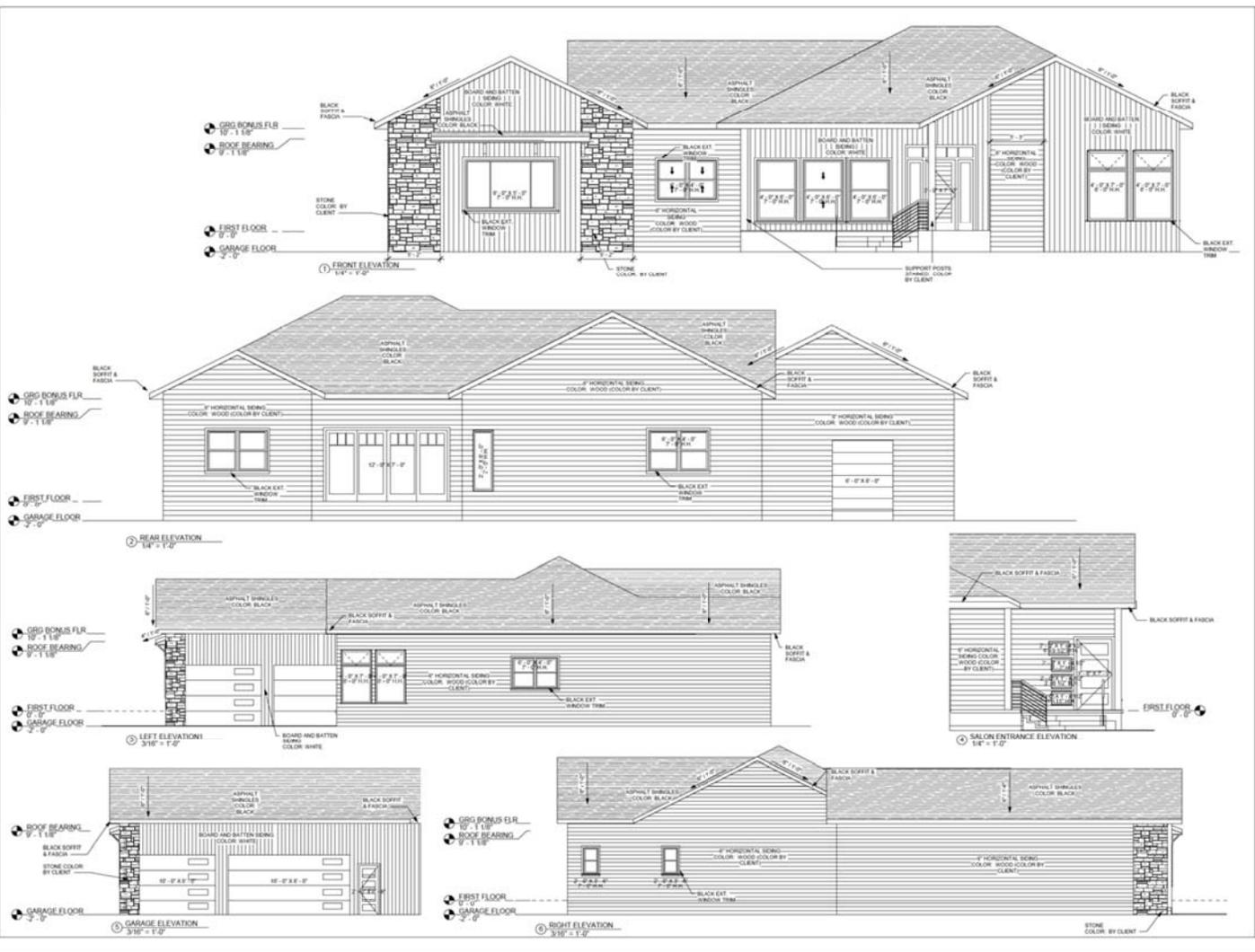
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LIZ & ERIC PLAN
 911 MULBERRY LANE
 WEST FARGO, ND
 LOT 2, BLOCK 4
 WILDS 5TH ADDITION

No.	Description	Date

ELEVATIONS

Date: 11.18.19
 Drawn by: JLA
A103
 Scale: As indicated



shall be brought into compliance within twelve (12) months of written notification by certified mail to the property owner.

Source: Ord. 748, Sec. 16 (2005); Ord. 1049, Sec. 29 (2015)

4-448. PROVISIONS OF HOME OCCUPATIONS. Home occupations, as defined by this Ordinance, shall be subject to the following standards:

1. No person other than members of the family residing on the premises shall be engaged in such occupations.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the main floor area of the dwelling unit shall be permanently set aside to be used in the conduct of the home occupation.
3. There shall be no change to the outside appearance of the premises that would reflect the presence of a home occupation other than one sign, not to exceed one square foot, non-illuminated, and mounted flat against the wall of the principal building.
4. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance detectable to the normal senses off the lot or in a neighboring dwelling unit. In the case of electrical interference, no equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
5. For uses within the dwelling unit, the entrance to the space devoted to such occupation shall be within the dwelling unit, or designed such that it is not noticeable from the public street.
6. All parking associated with the principal use and the home occupation shall be accommodated on site. Parking spaces exceeding the required spaces for the principal use shall be included within the lot coverage for the property. The lot coverage for the property cannot exceed that allowed by the district in which the use is located.
7. The home occupation must be conducted entirely within a building.
8. There shall be no exterior storage of equipment or materials used in the occupation.

9. Certain types of uses are not viewed as customary home occupations and are therefore prohibited within residential zoning districts. Such prohibited uses include the following:
 - a. Vehicle and large equipment repair, including any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chainsaws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts. Such uses may be considered as a conditional use in the Rural Residential District.
 - b. Dispatch centers where employees come to the site to be dispatched to other locations.
 - c. Mortuaries.
 - d. Animal care or boarding facilities including kennels, stables and all other types of animal boarding and care facilities. Such uses may be considered as a conditional use within the Rural Estate and Rural Residential District.
10. As a conditional use, the City may consider a home occupation use adding one nonresident employee, or may consider uses which have customers coming to the site. Any home occupation in existence prior to the adoption of this ordinance which would require a conditional use permit to operate, shall be required to obtain a conditional use permit once the City has received a complaint. The City may place any conditions on the home occupation as deemed necessary to insure that it will not be a detriment to the character and livability of the surrounding neighborhood.
11. Any home occupation in existence prior to the adoption of this ordinance which would not be allowed by this ordinance must either comply with the provisions of this ordinance or cease to operate on the premises within a period of twenty-four (24) months of written notification by certified mail.

Source: Ord. 748, Sec. 17 (2005)

4-449. WIRELESS TELECOMMUNICATIONS.

1. Purpose. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community,

Conditional Use Permit

State of North Dakota,
County of Cass,
City of West Fargo

WHEREAS, **Elizabeth Hardy** (hereinafter referred to as the “**Applicant**”) has paid the sum of two hundred dollars (\$200.00) to the City of West Fargo, as required by the City of West Fargo Zoning Ordinance, and has complied with all the requirements of said ordinance necessary for obtaining this permit; and

WHEREAS, the **Applicant** is the legal owner of property located at 911 Mulberry Lane, West Fargo, ND 58078, legally described as (hereinafter referred to as the “**Property**”):

Lot 2, Block 1 of The Wilds 5th Addition

NOW, THEREFORE, by order of the West Fargo City Commission, the said applicant is hereby issued a Conditional Use Permit to:

Operate a home occupation (hair salon by appointment only) which will have customers coming to the residence.

on the above-described Property with the following conditions:

1. Applicant meet all requirements set forth in the provisions for home occupations found in Section 4-448 of City Ordinances.
2. Adequate parking for both the home occupation and the business be maintained.
3. The conditional use permit may be brought for review or revocation if rights to the property are sold, conveyed, or otherwise transferred or if 4 or more complaints are received within 60 days.
4. The City of West Fargo reserves the right to inspect the property for compliance with these conditions.
5. Any and all claims that arise or may arise against Applicant, its agents, servants, or employees while engaged in the use of the Property, shall in no way be the obligation of the City of West Fargo. Furthermore, Applicant, its agents servants, employees, or assigns shall indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorneys’ fees which the City, its officers or employees may hereafter sustain, incur, or be required to pay, in any way connected with the use of the Property or City actions related to the granting of this Conditional Use Permit.
6. Any improvements made to the property in connection with this Conditional Use Permit shall be at the sole expense of the Owner and shall not be the obligation of the City.

**WEST FARGO BOARD OF CITY
COMMISSIONERS:**

Bernie Dardis, President of the Board

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Bernie Dardis, known to me to be the person who is described in and who executed the above and foregoing document and acknowledged to me that he executed the same.

[SEAL]

Notary Public

Dated this ____ day of _____, 20____.

**WEST FARGO PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT:**

Tim Solberg, Planning and Zoning Director

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Tim Solberg, known to me to be the person who is described in and who executed the above and foregoing document and acknowledged to me that he executed the same.

[SEAL]

Notary Public



To: West Fargo City Commission
From: Lisa Sankey, Planner
Date: August 17, 2020
Subject: Conditional Use Permit at 4709 3rd Street East
Action: Approve Conditional Permit Allowing for Accessory Building Greater than 1,000 ft² in a Residential District.

Commission President

Bernie Dardis

Primary Portfolio:
Administration/Finance

Secondary Portfolio:
Street, Water and Sewer

Commissioner

Brad Olson, Vice President

Primary Portfolio:
Street, Water and Sewer

Secondary Portfolio:
Police and Fire

Commissioner

Eric Gjerdevig

Primary Portfolio:
Planning, Zoning and Engineering

Secondary Portfolio:
Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:
Police and Fire

Secondary Portfolio:
Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:
Sanitation

Secondary Portfolio:
Police and Fire

City Administrator

Tina Fisk

Summary and Recommendation:

The applicant proposed a 2,400 ft² structure, constructed of materials similar in color and construction of the primary structure.

Section 4-421-B.4 Conditionally Permitted Uses in the R-1E District allow for larger structures as a conditional use provided it is in character with the development pattern of the subdivision. Previously other structures in the development were approved as conditionally permitted uses.

The applicant is appealing the Planning Commission's recommendation and provided elevations of the proposed structure, as well as photos of similar structures in the development. He is willing reduce the size of the structure to 2,000 ft².

Policy Analysis:

The application is providing an accessory to an existing use and therefore may be considered consistent with the Comprehensive Plan. The request is for approval subject to the conditions listed in the staff report.

Financial Analysis:

N/A

Process/Timeline:

A public hearing was held by the Planning and Zoning Commission.

Process	Action
Planning & Zoning Commission	August 11, 2020 denied based on public comments.
Public Hearing	Public comments were received at the August 11, 2020 Planning & Zoning Commission meeting.
City Commission	Review on Aug. 17 2020 agenda.

A20-22		CONDITIONAL USE PERMIT	
4709 3 rd Street East			
Lot 1, Block 3 of McMahon Estates 4 th Addition, City of West Fargo, North Dakota			
Applicant/Owner: Shane & Jennifer Rohweder		Staff Contact: Lisa Sankey	
Planning & Zoning Commission Introduction:		08-11-2020	
Public Hearing:		08-11-2020 - denied	
City Commission:		08-17-2020	

PURPOSE:

Construct a 40' x 60' (2,400 square foot) accessory building with steel siding and roofing, for personal storage in a rural estate zoned district.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban – Growth Sector
Existing Land Use:	Single Family Dwelling
Current Zoning District(s):	R-1E: Rural Estate District
Zoning Overlay District(s):	NA
Total area size:	1.14 Acres
Adjacent Zoning Districts:	R-1E: Rural Estate District
Adjacent street(s):	3 rd Street East (Local); 47 th Avenue East (Local)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None

DISCUSSION AND OBSERVATIONS:

- The R-1E: Rural Estate zoning district allows for accessory structures greater than 1,000 ft² as a conditional use provided they are in character with the development pattern of the subdivision they are in.
- The applicant has provided a site plan which shows the new accessory structure will be built in the rear yard with a side yard setback of 25' and rear yard setback of 30'.
- The applicant has indicated the structure would be built of steel siding which match the exterior of the existing house on the property. They also propose steel roofing for low maintenance. Elevations of the proposed structure have been provided.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property has adequate access and the improvements will not affect the current access.

2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - The land adjacent to this area is R-1E: Rural Estate District and similar style and sized accessory buildings have been previously approved within the subdivision.

NOTICES:

Sent to: Property owners within 350'.

Comments Received:

- An email was received regarding concerns with building and roofing materials; however, was not concerned with the size.
- An email was received with concerns regarding the size and type of structure, and opposing the structure based on the restrictive covenants.
- An email was received with no concerns as long as the restrictive covenants are followed regarding exterior finishes.
- A call and email was received by an individual concerned with the size of the structure and is more comfortable with a size closer to 1,600 square feet which is comparable to other structures constructed in the area as conditionally permitted uses.
- An email was received from a property owner concerned with the exterior building materials, as well as questions regarding the use of the structure, possibly being used for a plumbing business. The applicant, who indicated the structure was for personal storage, was sent a copy of the home occupations guidelines.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The application is providing an accessory to an existing use and therefore the application may be considered consistent with the Comprehensive Plan.

RECOMMENDATIONS:

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

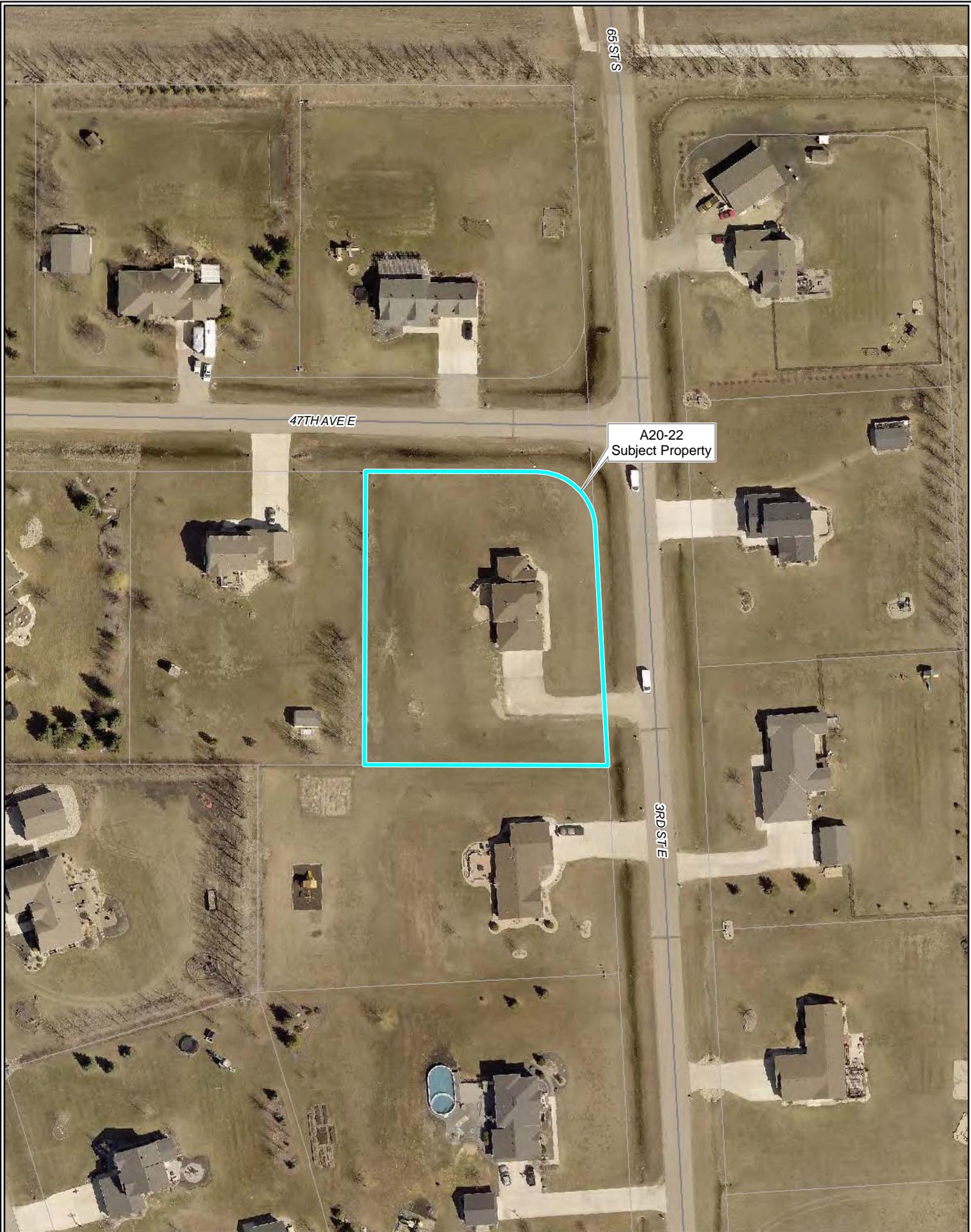
1. The accessory building is constructed of the same color and materials as the primary residential structure.
2. A Signed Conditional Use Permit Agreement is received.

PLANNING AND ZONING RECOMMENDATION:

At their August 11, 2020 meeting, the Planning and Zoning Commission denied the conditional use permit based on public comments.

UPDATE – APPEAL TO CITY COMMISSION REGARDING PLANNING COMMISSION RECOMMENDATION

The applicant is requesting the City Commission review the Conditional Use Permit and has provided photos of similar structures in the neighborhood. He is willing to compromise on the size of the structure (40' x 50') and has submitted elevations and photos of a similar structure.



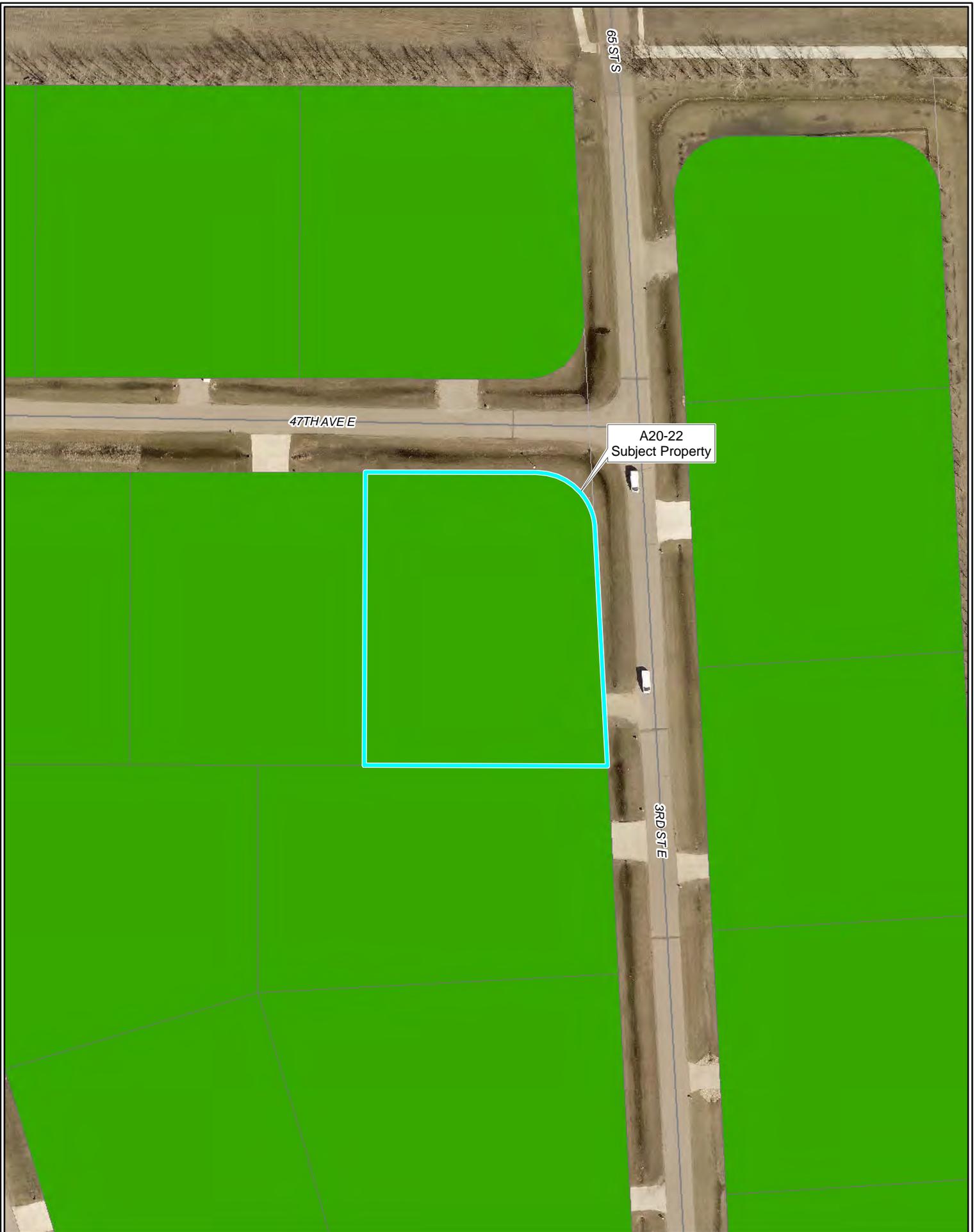
47TH AVE E

66 ST S

A20-22
Subject Property

3RD ST E





A20-22
Subject Property

47TH AVE E

66th ST S

3RD ST E

	<ul style="list-style-type: none"> ■ A: Agricultural ■ C: Light Commercial ■ C-OP: Commercial Office Park ■ HC: Heavy Commercial 	<ul style="list-style-type: none"> ■ LI: Light Industrial ■ M: Heavy Industrial ■ P: Public ■ R-1: One and Two Family 	<ul style="list-style-type: none"> ■ R-1A: Single Family ■ R-1E: Rural Estate ■ R-1S: Special One and Two Family ■ R-1SM: Mixed One and Two Family 	<ul style="list-style-type: none"> ■ R-2: Limited Multiple Dwelling ■ R-3: Multiple Dwelling ■ R-4: Mobile Home ■ R-5: Manufactured Home 	<ul style="list-style-type: none"> ■ R-L1A: Large Lot Single Family ■ R-R: Rural Residential ■ PUD: Planned Unit Development ■ DMU: Downtown Mixed Use 	
--	---	--	---	---	--	--

From: [Shane Rohweder](#)
To: [Lisa A. Sankey](#)
Subject: New proposal
Date: Wednesday, August 12, 2020 5:12:09 PM

Hi Lisa,

I wanted to let you know I am willing to do a 40'x50' (2000 square foot) garage with 15 foot sidewalls. The exterior siding will match my home. I will have brick on the front and shingles on the roof as pictured in new 3D drawings. I appreciate how helpful you have been. Please let me know if you need more information.

Thank you!

Shane Rohweder

Sent from my iPhone

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From: [\[redacted\]](#)
Date: August 11, 2020 at 1:26:58 PM CDT
To: [\[redacted\]](#)
Subject: garage

Thank you,
Eric Anderson
[\[redacted\]](#)



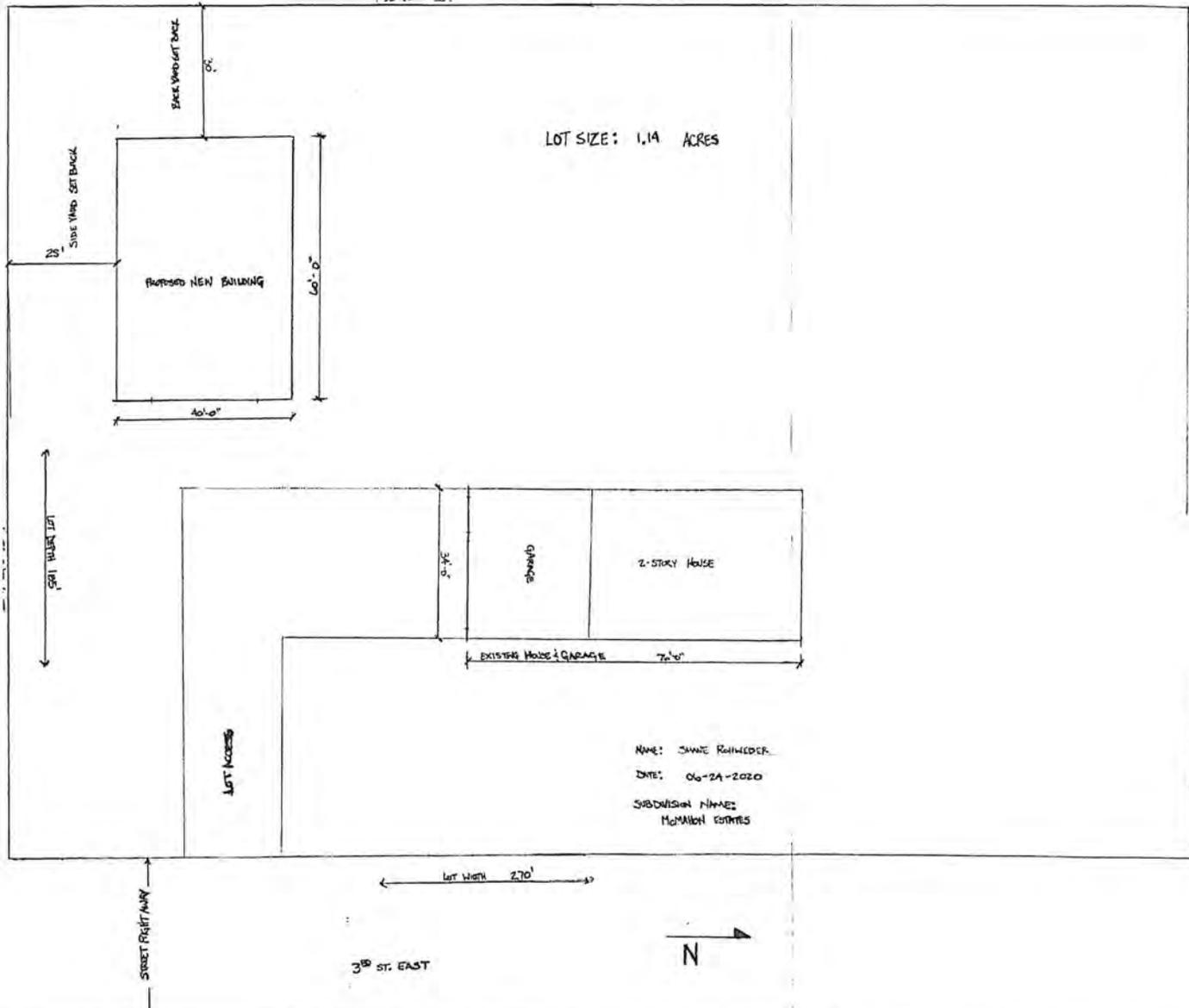


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This is done to the best of our knowledge.
© 2024 [redacted] All rights reserved.
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Photo by [redacted]



Name: [John Deere](#)
To: [John Deere](#)
Subject: [John Deere](#)
Date: [Monday, August 10, 2020 10:01 AM](#)
From: [John Deere](#)

This is our covered garage in my neighborhood here.
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



See this on Photo

From: [Chris Schmidt](#)
To: [Lisa A. Seiler](#)
Subject: Overhead Garage
Date: Wednesday, August 12, 2020 5:02:38 PM

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Sent from my iPhone

From: [Joshua Mickelson](#)
To: [Lisa A. Sankey](#)
Cc: [Amy Mickelson](#); [Joshua Mickelson](#)
Subject: Proposed Conditional Permit for 4709 3rd St East (Lot 1, Block 3 of MaMahon Estates 4th Addition).
Date: Friday, July 31, 2020 4:21:06 PM

Hi Lisa,

Hi Lisa,

I am emailing in regards to the Proposed Conditional Permit for 4709 3rd St East (Lot 1, Block 3 of MaMahon Estates 4th Addition). I have some comments and concerns that I believe should be taken into consideration when deciding approval and or modification of the Conditional Building Permit.

1. Building size of 40x60.
 - a. I do not have concern with the overall footprint size. (see point 2&3)
2. Building material of steel siding/roofing
 - a. **I have a concern** with type of building material on the exterior/ roof. All other buildings in the neighborhood are of similar and or same building material as the main domicile. For myself, At minimum road facing design & building material should match domicile.
 - b. Building materials on inside and or structure are of no concern to me. It could be pole barn style built with exterior finished with domicile material in this case, brick / siding.
3. Building Style
 - a. I understand the city may or may not address what the building ultimately looks like and determining what looks "good" is very subjective. However, this should be taken into consideration when neighbors have to look at this "pole building" every day.
 - b. Note some of the recent neighbors have built buildings with conditional permits where the 2nd building / structure aesthetically matches the main domicile both in materials and design look. Window style, trim and locations match, garage doors match, lighting match house etc.
 - i. 4803 3rd St E West Fargo
 - ii. 223 47th Ave E West Fargo
 - iii. 310 51st Ave E West Fargo (estimated 40 x 40, I can't recall)

Can there be a review of the overall design? Side wall height, building material, wanes coating? Door locations/style, window style, trim, & locations? During this review, can there be considerations for tree (size & placement)?

I want to be neighborly and allow them to build the size they want and be aesthetically pleasing to all that have to see if from their own yards.

If you could respond to this email and let me know you received it, that would be great. Feel free to call me with any questions.

Josh Mickelson
Cell: 701-671-0927

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From: [Joshua Mickelson](#)
To: [Lisa A. Sankey](#)
Subject: Re: Sketch of elevation for proposed conditional use permit at 4709 3rd Street East
Date: Monday, August 10, 2020 11:24:11 AM

Good Morning Lisa,

Thank you for the additional information. I reviewed the elevation document and it is missing some critical information. It does not indicate the sidewall height and or overall height of the building. I understand the city building code show 15' from grade to highest part of the roof. What is going to be used as reasonable judgement, as per his renderings show 6/12 pitch meeting up with a sidewall, Then the eaves side rendering shows a service door being less than half the sidewall height. By rough calculations this is 10' for truss height plus 14'-15' sidewalls, for an overall 25ft building? This elevation information should be presented clearly as per the cities "Guideline for Building Additions to Dwellings" so the neighbors can properly weigh in their opinions. As stated in my previous email I am not concerned with footprint size but it now appears that overall height could be a concern.

Also, you indicated vertical siding is being proposed, which clearly does not match the house. The agenda also shows on the agenda Steel siding and steel roofing, again this does not match. I understand the city may not enforce covenants but again this should be taken into consideration that what he is proposing does not match neighborhood covenants.

Josh Mickelson
701-671-0927

-

On Mon, Aug 10, 2020 at 9:08 AM Lisa A. Sankey <Lisa.Sankey@westfargond.gov> wrote:

Attached is a sketch the applicant sent showing the exterior of the proposed accessory building. I have also attached a copy of the agenda. The applicant has indicated he's proposing vertical steel siding to match the color of the house. Any comments received were forwarded on to the planning and zoning commission.

Lisa Sankey, West Fargo Planner

800 4th Avenue East, Suite 1

West Fargo, ND 58078

*Phone: (701) 433-5323

Fax: (701) 433-5319

**Please note my direct number has changed to 701-433-5323. The central # for the department is 701-433-5320.*

From: [Mark Bares](#)
To: [Lisa A. Sankey](#); [Stephanie Bares](#)
Subject: Feedback on proposed conditional use permit for 4709 3rd St E
Date: Wednesday, August 5, 2020 11:13:29 PM

Dear Lisa and Planning and Zoning Committee Members,

We received notice of request for a conditional use permit for 4709 3rd Street East in West Fargo, requesting permission to build an oversized 40' x 60' (2400 sq ft) building with steel siding and roof. Our request is that the size be limited to approximately 1600 sq ft and that the max height restriction is not exceeded, similar to other outbuildings allowed in the neighborhood. Also, the McMahan Estates restrictive covenants clearly state that "detached garages may be approved, provided they are constructed as part of the design style and are constructed with the same exterior materials as the house."

We feel that a building larger than 1650 sq ft, and one that doesn't match the house exterior materials and style would not be aesthetically appealing and potentially reduce surrounding property values in the neighborhood.

Respectfully,

Mark and Stephanie Bares
4704 3rd St E, West Fargo

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From: [Michael Nilson](#)
To: [Lisa A. Sankey](#)
Subject: Proposed building at 4709 3rd St E
Date: Wednesday, August 5, 2020 9:30:27 AM
Attachments: [McMahon Estates 2nd.pdf](#)

Dear Lisa

I am writing to you in regards to the proposed oversized building (40 x 60) at 4709 3rd St E.

My wife & I live a 4804 2nd St E, directly behind the proposed building. We built in 1999 and have lived here since and allowing this kind of building will dispute and erode the beauty and harmony of the development.

I have attached the restrictive covenants set forth by the developer that should be followed as have all others.

This building is a direct violation of the covenants as listed below.

McMahon 2nd - Pg. 5 Line 6 is detached garages/ shop need to match

Each lot will be restricted to construction of one single family detached residence with either a two or three car attached garage. Detached garages may be approved, provided they are constructed as part of the design style and are constructed with the same exterior materials as the house. No lean-to, carport, vehicle storage building detached from the residence will be permitted, without the written approval of the Developer.

The size as stated in the covenants not to exceed 500 sq. ft., this was amended or allowed by the city to not exceed 1000 sq. ft. after this area was annexed into the city.

This building appears to be style of a farm shop and if allowed would set precedence in the development.

We are opposed to this proposal building in our development.

However: We would not oppose a building that is 1000 sq. ft. or less and matches all the building materials of the house.

Regards

Michael & Susan Nilson
4804 2nd St E
West Fargo

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From: [Susan & Terry Cookman](#)
To: [Lisa A. Sankay](#)
Subject: Proposed Conditional Use Permit 4709 3rd St E
Date: Friday, August 7, 2020 9:46:05 PM

Lisa,

In regards to the memorandum for 4709 3r St E (Lot1 Block 3 of McMahon Estates 4th Addition) - I can not agree to the size of this building request. It seems like the building being proposed is of constructed metal materials and the request does not mention anything about matching to house materials - which the covenants state. The request is for an excessively sized building. What purpose would this serve? Since the owner is a plumber, I feel it would be built for a commercial business. That is not what this neighborhood is designed for. Everyone who has built an exterior building in this neighborhood has complied with the size and material requirements, which are designed to preserve the original intent of our development - to be residential. Several other residents have the same concerns that the owner wants to bring his commercial business into the development. I think more information is needed on the intent for this building and the requirements to keep it the size and materials in agreement with the covenants should be followed.

Thank you,

Terry Cookman

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From: [Zach Pflugrath](#)
To: [Lisa A. Sankey](#)
Subject: Conditional Permit 4709 3rd st East West Fargo
Date: Wednesday, August 5, 2020 5:47:02 PM
Attachments: [Covenants.png](#)
[Covenants.pdf](#)

Lisa,

After reviewing the plans to build a 40'x60' Shop/pole barn I have to thoughts:

1. I do not have issue with the size assuming covenant rules are followed, I have talked with Shane the owner and shared this with him.
2. The covenants in the neighborhood require any accessory structures to be built of the same architectural style of the house using the same exterior finishes. With all accessory structures built in the neighborhood currently built this way. I built an accessory building myself in 2019 and matched it to the house to follow the covenants. If this is followed I don't object to anything. However with all neighbors following this covenant currently I have objections if this is not followed.

I want to be neighborly here and have the building they are looking for erected as long as the neighborhood covenants are followed to the extent of exterior finishes.

Regards,
ZACH PFLUGRATH
P: 701-367-9548

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Each lot will be restricted to construction of one single family detached residence with either a two- or three-car attached garage. Detached garages may be approved, provided they are constructed as part of the design style and are constructed with the same exterior materials as the house. No lean-to, car-port, vehicle storage building detached from the residence will be permitted, without the written approval of the Owner.

Conditional Use Permit

State of North Dakota,
County of Cass,
City of West Fargo

WHEREAS, Shane Rohweder (hereinafter referred to as the “**Applicant**”) has paid the sum of two hundred dollars (\$200.00) to the City of West Fargo, as required by the City of West Fargo Zoning Ordinance, and has complied with all the requirements of said ordinance necessary for obtaining this permit; and

WHEREAS, the **Applicant** is the legal owner of property located at 4709 3rd Street East, West Fargo, ND 58078, legally described as (hereinafter referred to as the “Property”):

Lot 1, Block 3 of McMahon Estates 4th Addition

NOW, THEREFORE, by order of the West Fargo City Commission, the said applicant is hereby issued a Conditional Use Permit to:

Construct an accessory building greater than 1,000 ft² in an R-1E: Rural Estate zoning district.

on the above-described Property with the following conditions:

1. The 40’x50’ (2,000 square foot) accessory building is constructed of the same color and materials as the primary residential structure.
2. Use of the accessory building meet the requirements of the R-1E: Rural Estate District Standards.
3. The City of West Fargo reserves the right to inspect the property for compliance with these conditions.
4. Any and all claims that arise or may arise against Applicant, its agents, servants, or employees while engaged in the use of the Property, shall in no way be the obligation of the City of West Fargo. Furthermore, Applicant, its agents servants, employees, or assigns shall indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorneys’ fees which the City, its officers or employees may hereafter sustain, incur, or be required to pay, in any way connected with the use of the Property or City actions related to the granting of this Conditional Use Permit.
5. Any improvements made to the property in connection with this Conditional Use Permit shall be at the sole expense of the Owner and shall not be the obligation of the City.
6. If Applicant fails to observe the terms and conditions of this Conditional Use Permit, the City may revoke this Conditional Use Permit. In such an event, the City will give

**WEST FARGO BOARD OF CITY
COMMISSIONERS:**

Bernie L. Dardis, President of the Board

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Bernie L. Dardis, known to me to be the person who is described in and who executed the above and foregoing document and acknowledged to me that he executed the same.

[SEAL]

Notary Public

Dated this ____ day of _____, 20____.

**WEST FARGO PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT:**

Tim Solberg, AICP, Director of Planning and
Zoning

STATE OF NORTH DAKOTA)
)
COUNTY OF CASS)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Tim Solberg, known to me to be the person who is described in and who executed the above and foregoing document and acknowledged to me that he executed the same.

[SEAL]

Notary Public



To: West Fargo City Commission
From: Tim Solberg, AICP, Director of Planning and Zoning
Date: August 17, 2020
Subject: Text Amendment and Conditional Use Permit for Black Powder Fireworks in the City's Extraterritorial (ET) Jurisdiction - Section 10, T139N, R50W (Mapleton Township)
Action: Consideration of Text Amendment to A District standards to include within the conditionally permitted uses of 4-421.3 for the "Seasonal sale of retail goods" and consider a conditional use permit for construction of a warehouse and seasonal sale of retail goods. Staff recommends that if the Commission is in favor of one of the two proposed sites, that it be returned to Planning & Zoning Commission for fulfilling the recommendations of the staff report.

Commission President

Bernie Dardis

Primary Portfolio:
Administration/Finance

Secondary Portfolio:
Street, Water and Sewer

Commissioner

Brad Olson, Vice President

Primary Portfolio:
Street, Water and Sewer

Secondary Portfolio:
Police and Fire

Commissioner

Eric Gjerdevig

Primary Portfolio:
Planning, Zoning and Engineering

Secondary Portfolio:
Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:
Police and Fire

Secondary Portfolio:

Summary and Recommendation:

This application was received in order to accommodate for the move of an existing fireworks business in the City's ET jurisdiction. The property has been purchased by the Cass County Joint Water Resource District on behalf of the FM Diversion Authority for the construction of the FM Diversion. The building and use are currently in an LI: Light Industrial Zoning district and are permitted by right. The sale of fireworks is prohibited in City Limits, so properties for relocation are pretty limited. The owner has two potential properties he is looking at and inquired with staff on how to accomplish the move.

Policy Analysis:

The area is in the C-1 Deferred Development Sector (ETJ). There are no municipal services yet available in the area. West Fargo 2.0 recommends that development not take place in these areas until the diversion is operational and revised floodplain maps have been made available.

Financial Analysis:

Cost implications of approval of "A20-25" have the potential to be realized if and when the City expands west. Both properties have implications of cost of maintenance to increased traffic on Township roads.

Planning, Zoning and Engineering

Commissioner
Mandy George

Primary Portfolio:
Sanitation

Secondary Portfolio:
Police and Fire

City Administrator
Tina Fisk

Process/Timeline:

If approved staff recommends proceeding with a text amendment to the Agricultural Zoning District and for the applicant to proceed with platting procedures as recommended in the staff report.

Process	Action
Planning & Zoning Commission	August 11, 2020: Approved A20-24 by a 4-1 vote; Approved A20-25 by a 3-2 vote
City Commission Introduction	If approved – return to Planning & Zoning to fulfill recommendations. Future action TBD.

A20-24		TEXT AMENDMENT/CONDITIONAL USE PERMIT
An area in the NW¼ Section 10, T139N, R50W (Mapleton Township), Cass County, North Dakota		
Owner: Cass County Joint Water Resource District Applicant: Brad Schmitz	Staff Contact: Tim Solberg, AICP	
Planning & Zoning Commission Introduction:	8-11-2020	
Public Hearing:	8-11-2020 – Approval	
City Commission Introduction:	8-17-2020	
1 st Reading & Public Hearing:	9-8-2020	
2 nd Reading:		
City Commission:		

PURPOSE:

Text amendment to the A: Agricultural District standards and to consider a conditional use permit for construction of a warehouse and seasonal sale of retail goods (fireworks)

STATEMENTS OF FACT:

Land Use Classification:	C-1 Deferred Development Sector (ETJ)
Existing Land Use:	Vacant
Current Zoning District(s):	A: Agricultural
Zoning Overlay District(s):	NA
Total area size:	109 acres
Adjacent Zoning Districts:	A: Agricultural
Adjacent street(s):	166 th Ave SE – Section Line Township Road
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None

DISCUSSION AND OBSERVATIONS:

- The property is located in the City’s extraterritorial (ET) area about a mile west of West Fargo. The applicant proposes purchasing a portion of a parcel and is looking at two potential sites to choose from.
- The applicant operates a fireworks business whose current location has been purchased by the Cass County Joint Water Resource District for the FM Diversion project. The current location is zoned LI: Light Industrial and the proposed properties for relocation are zoned A: Agricultural.
- The proposal for the building on the site is to either move the existing building from its current location or build a new building of approximately 10,000 ft². Either option will require that the property be platted in accordance with City Ordinances.
- The A district standards do not provide for such use. Staff is recommending against a rezoning that could have negative results of premature development inconsistent with the basis for the Deferred Development sector of the City’s adopted Deferred Development and Growth Map. Staff would prefer to see an accommodation be made to allow for such a use as a conditionally permitted use

within the Agricultural district to prevent the possibility of premature development in our Deferred Development sectors.

- Proposed language to amend the A District standards is to include within the conditionally permitted uses of 4-421.3 for the “Seasonal sale of retail goods”. This may open the door for nurseries, farmers markets, fireworks sales and similar. Staff envisions the ability to review this as a conditional use which would allow the City to consider time frames and ownership, site conditions, building types and others within its review.
- The area is currently within a Special Flood Hazard Area (SFHA) Zone A and the preliminary Flood Insurance Rate Map (FIRM) shows the property will continue to be in an SFHA, with the updated map showing as Zone AE. The new building will be required to meet all applicable Federal, State, and Local regulations and staff would recommend further study on the development of the site within the preliminary FIRM and post diversion floodplain.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property has adequate access and the improvements will not affect this access.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - The land adjacent to this area is tilled farmland.

NOTICES:

Sent to:	Property owners within 350', Mapleton Township officials, Cass County Planning.
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Comments Received:

- Cass County Electric noted that this proposed location may require the customer to cover the cost of any easements to get to the property.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The area is in the C-1 Deferred Development Sector (ETJ). There are no municipal services yet available in the area. West Fargo 2.0 states that development not take place in these areas until the diversion is operational and revised floodplain maps have been made available. Given this property would be outside of the FM Diversion footprint, staff does not find it likely that infrastructure or growth would occur here for a very long time if at all.

RECOMMENDATIONS:

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Ordinance amendment be approved prior to consideration of Conditional Use Permit.
2. Further analysis and comment is gathered regarding development of the site under preliminary FIRM as well as post diversion floodplain.
3. The property be platted in accordance with City Ordinances.
4. Conditional Use Permit granted to the current owner for so long as the property is outside of City Limits. If the property ownership changes, the Conditional Use Permit would require renewal through a new application or would be nullified without further action.
5. Signed Conditional Use Permit Agreement is received.
6. The applicant is to meet all Federal, State and local requirements for improvements to the site and structures.

PLANNING AND ZONING RECOMMENDATION:

At their August 11, 2020 meeting, the Planning and Zoning Commission recommended approval of the Text Amendment and the Conditional Use Permit, subject to the six conditions listed above.

A20-25		TEXT AMENDMENT/CONDITIONAL USE PERMIT
An area within the NE¼ Section 10, T139N, R50W (Mapleton Township), Cass County, North Dakota		
Owner: Neil Thomson Applicant: Brad Schmitz	Staff Contact: Tim Solberg, AICP	
Planning & Zoning Commission Introduction:	8-11-2020	
Public Hearing:	8-11-2020	
City Commission Introduction:	8-17-2020	
1 st Reading & Public Hearing:	9-8-2020	
2 nd Reading:		
City Commission:		

PURPOSE:

Text amendment to the A: Agricultural District standards and to consider a conditional use permit for construction of a warehouse and seasonal sale of retail goods (fireworks)

STATEMENTS OF FACT:

Land Use Classification:	G-4B Future Mixed-Use Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	A: Agricultural
Zoning Overlay District(s):	NA
Total area size:	63 acres
Adjacent Zoning Districts:	A: Agricultural
Adjacent street(s):	38 th Street SE – Section Line Township Road
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None

DISCUSSION AND OBSERVATIONS:

- The property is located in the City's extraterritorial (ET) area about a mile west of West Fargo. The applicant proposes purchasing a portion of a parcel and is looking at two potential sites to choose from.
- The applicant operates a fireworks business whose current location has been purchased by the Cass County Joint Water Resource District for the FM Diversion project. The current location is zoned LI: Light Industrial and the proposed properties for relocation are zoned A: Agricultural.
- The proposal for the building on the site is to either move the existing building from its current location or build a new building of approximately 10,000 ft². Either option will require that the property be platted in accordance with City Ordinances.
- The A district standards do not provide for such use. Staff is recommending against a rezoning that could have negative results of premature development inconsistent with the basis for the Deferred Development sector of the City's adopted Deferred Development and Growth Map. Staff would prefer to see an accommodation be made to allow for such a use as a conditionally permitted use within the Agricultural district to prevent the possibility of premature development in our Deferred Development sectors.

- Proposed language to amend the A District standards is to include within the conditionally permitted uses of 4-421.3 for the “Seasonal sale of retail goods”. This may open the door for nurseries, farmers markets, fireworks sales and similar. Staff envisions the ability to review this as a conditional use which would allow the City to consider time frames and ownership, site conditions, building types and others within its review.
- The area is currently within a Special Flood Hazard Area (SFHA) Zone A and the preliminary Flood Insurance Rate Map (FIRM) shows the property will continue to be in an SFHA, with the updated map showing as Zone AE. The new building will be required to meet all applicable Federal, State, and Local regulations and staff would recommend further study on the development of the site within the preliminary FIRM and post diversion floodplain.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property has adequate access and the improvements will not affect this access.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - The land adjacent to this area is tilled farmland. South of the farmland is a Rural Estate Subdivision, which is a low density rural residential zoning district.

NOTICES:

Sent to: Property owners within 350’, Mapleton Township officials, Cass County Planning.

Comments Received:

- Staff has received two emails in opposition to the proposed relocation to this property to date from residents of the Willow Creek Subdivision.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The area is in the G-4B Future Mixed-Use Growth Sector. There are no municipal services yet available in the area; however, it is recognized as an important future commercial node in West Fargo 2.0 and increased development outside of that which is consistent with the Comprehensive Plan should be discouraged. The City does not expect to extend infrastructure to the area until a FM Diversion or alternative flood mitigation measures have been undertaken. At that time, master planning for the area would also be required. The minor additions to an existing use could be considered of such minimal impact that they may be considered acceptable given the uncertainty of timing for future development of this corridor. That being said, it is good to discuss and consider the future of the site and make known to the applicant how the improvements to the site may be impacted by future growth.
- The application is providing an accessory to an existing use within the area outside the Sheyenne Diversion and is not increasing development in a flood prone area, therefore the application may be considered consistent with the Comprehensive Plan.

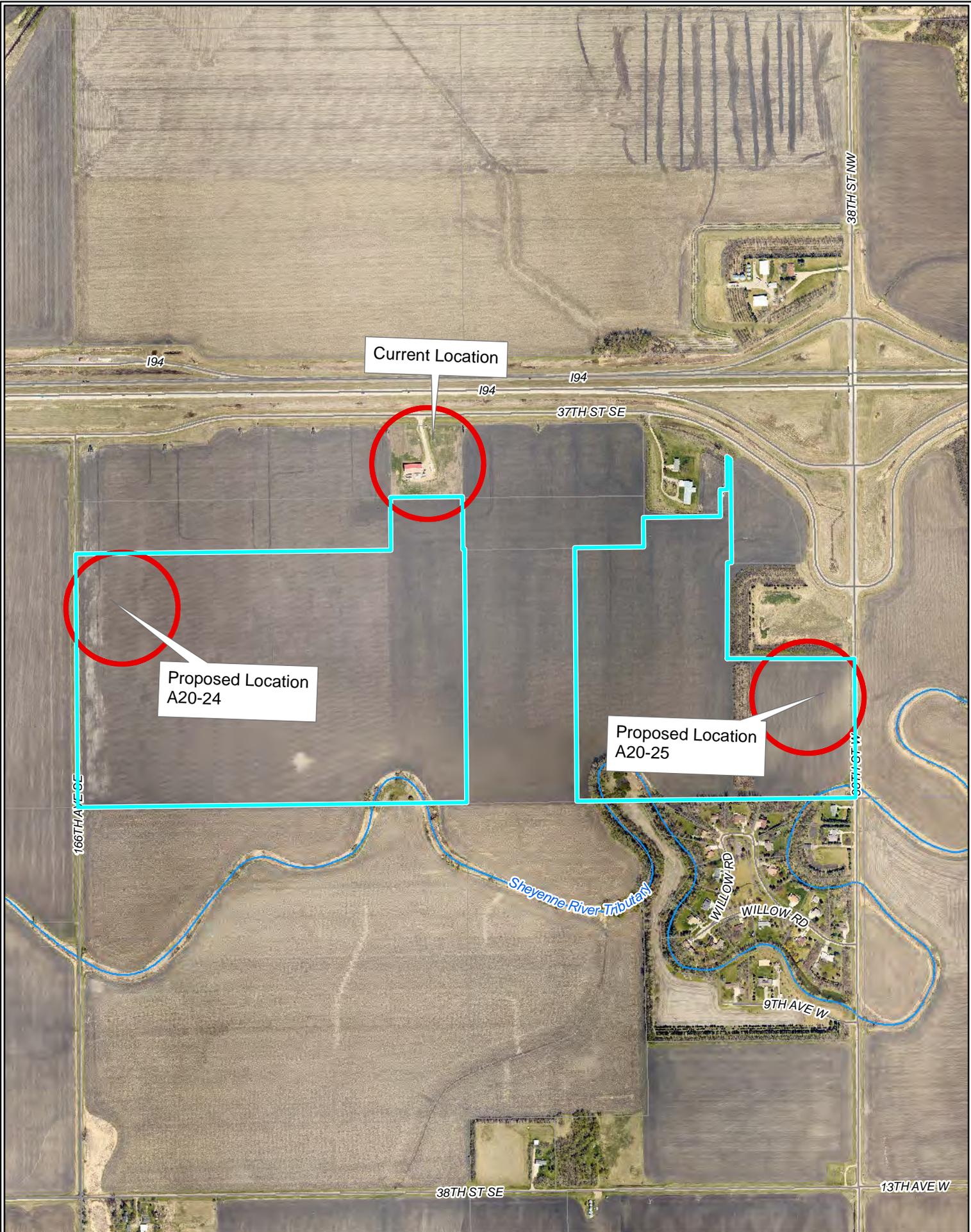
RECOMMENDATIONS:

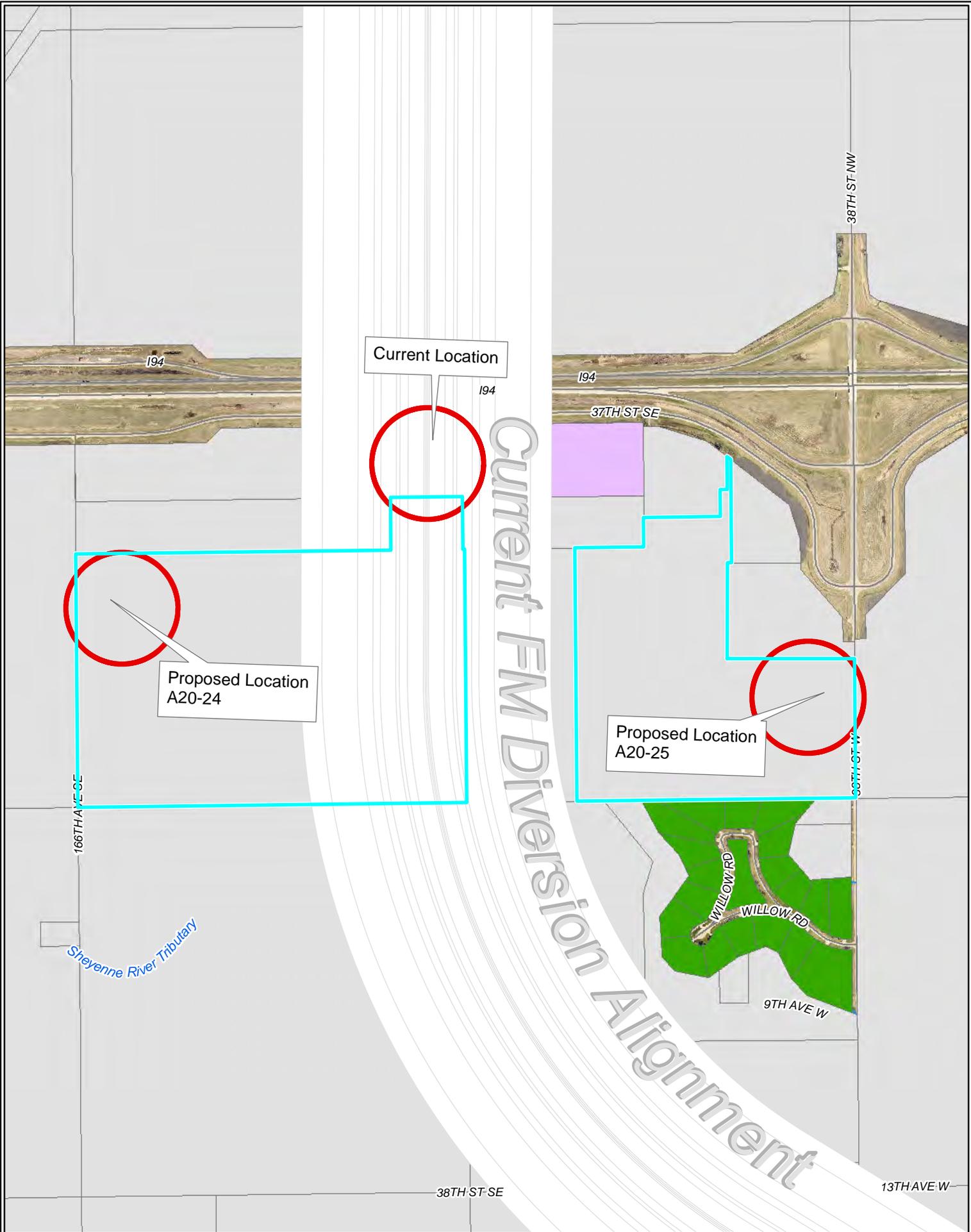
It is recommended that the City deny the proposed application on the basis that it is not consistent with City plans and ordinances.

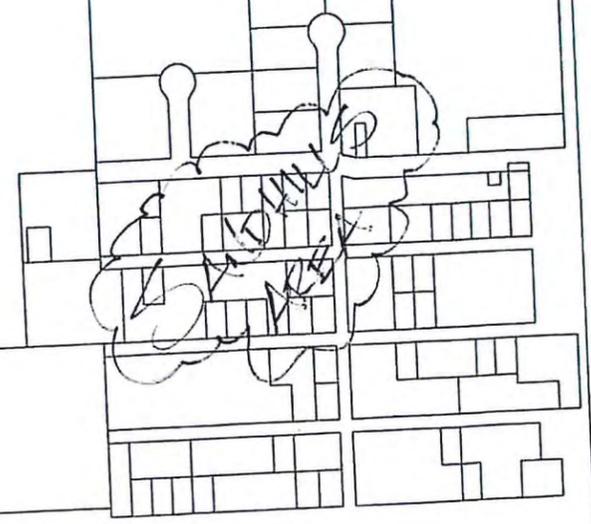
PLANNING AND ZONING RECOMMENDATION:

At their August 11, 2020 meeting, the Planning and Zoning Commission recommended approval of the Text Amendment and the Conditional Use Permit, subject to the following:

1. Ordinance amendment be approved prior to consideration of Conditional Use Permit.
2. Further analysis and comment is gathered regarding development of the site under preliminary FIRM as well as post diversion floodplain.
3. The property be platted in accordance with City Ordinances.
4. Conditional Use Permit granted to the current owner for so long as the property is outside of City Limits. If the property ownership changes, the Conditional Use Permit would require renewal through a new application or would be nullified without further action.
5. Signed Conditional Use Permit Agreement is received.
6. The applicant is to meet all Federal, State and local requirements for improvements to the site and structures.
7. A sunset clause be included with the conditional use permit ceasing to exist when the area becomes annexed into the City of West Fargo.







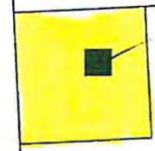
INTERSTATE 94

EXCHANGE

RAYMOND

CURRENT LOCATION

WEST FARCO/SHEYELINE DIVERSION



10,000 # STRUCTURE

OPTION A:

A PORTION OF P.I.D.
53.0000.09059.040

CURRENT OWNER:
CASS COUNTY JOINT
WATER RESOURCE DISTRICT

10,000 # STRUCTURE

ACCESS @ 21600'
SOUTH OF FRONTAGE
ROAD ACCESS

OPTION B:

A PORTION OF P.I.D.
53.0000.09056.080

CURRENT OWNER:
NEIL THOMPSON

"SITE PLAN"
EXHIBIT

BLACK POWDER FIREWORKS
RELOCATION C.L.P.

Note
1"=700'

From: [Eric Straus](#)
To: [Tim P. Solberg](#)
Subject: Fireworks stand
Date: Monday, August 10, 2020 12:00:39 PM

Good morning Tim. This is Eric Straus and I live out on willow road. I got the information on the conditional use permit for the fireworks stand that is north west of my place. Of the two proposed locations I feel there are several factors that make the a20-24 much better for us home owners. One of my biggest concerns is that the A20-25 puts them so close to our housing development literally in my backyard. This will cause lots of disruption of wild life mainly deer. But even more of an issue is they light of fireworks in the evening many times throughout the year. I would say 8-10 times in the last year, which is just fine they are far enough away that it is not very loud, if they move to the closer location this will not work. I can't imagine that having a fireworks stand right next to our housing development would benefit us in any way. If they go to a20-24 location they won't bother anybody and have visibility from traffic on the interstate. Any help would b greatly appreciated by my wife and I as well as our neighborhood. Thanks much Tim and If you have any questions or if you would like to talk more please just call or email me. 701 740-6486
Eric Straus

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [John Allen](#)
To: [Tim P. Solberg](#)
Subject: Proposed Permit
Date: Saturday, July 25, 2020 2:48:44 PM

I'm against the proposed location A20-25. If 1"=700 feet then the proposed location 600 feet south of the frontage road access is shown on the map in the wrong location.

John Stangeland
Willow Creek Resident

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Keith Hopp](#)
To: [Tim P. Solberg](#)
Subject: Use permit
Date: Monday, July 27, 2020 10:13:23 AM

We are totally against Black Powder moving to A20-25. We are not comfortable with that kind of business any closer to us. It is a nuisance now(noise for the duration of the season). If the business has to exist, it should be at A20-24. All of Willow Creek will oppose them moving any closer to us.

Keith and Ann Hopp

Sent from my iPad

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Stam-Meyer,Shaundra](#)
To: [Tim P. Solberg](#)
Subject: Fw: Proposed Conditional Use Permit
Date: Tuesday, August 11, 2020 3:51:28 PM

From: Stam-Meyer,Shaundra
Sent: Tuesday, August 11, 2020 3:37 PM
To: Tim.Solberg@westfagond.gov <Tim.Solberg@westfagond.gov>
Subject: Proposed Conditional Use Permit

Good Afternoon

My name is Shaundra Stam and I reside at 601 38th Street West in West Fargo. I received a letter in regards to a fireworks warehouse that is looking to relocate due to the diversion project. There are two proposed sites listed on the map that I received from you. The first site is listed as A20-25 which is essentially why I received this letter. This is basically in my back yard. Now ask yourself would you want to live within 350 FT from a 10,000 sq ft fireworks warehouse?? I am going to assume your response is no. What is this going to do to the value of my property and the other residents who live in Willow Creek and surrounding area? What about the increased traffic on a gravel road of which the county and township do very little to maintain as it is now? And in addition to that once proposed fireworks building is in place what then can we expect for additional infrastructure at this site?? I am going to have to say emphatically a HUGE NO to this site!!!! The other site is located off the Kindred exit just to the south. There are from what I can tell on the map provided by you no residential homes in this area and it just makes huge sense to put proposed warehouse in this location which according to the map is proposed location A20-24. This seems like a no brainer to me and everyone else I have spoken to regarding this matter.

I had also planned to attend the meeting tonight but thankfully visited your website and found attendance will be limited to 25 people? I am going to try to attend but could likely be turned away due to this which is unfortunate. I hope this email then reaches you and whoever else makes these decisions!!

Why is it the residents in Willow Creek didn't receive this letter?? I spoke with several of the residents and they feel the same as I and feel like their opinions do not matter?? Doesn't seem like your getting the feedback that is deserved in this matter!!

Thank You

Shaundra Stam



Please Note: The following information must be completed and submitted before noon on the Thursday preceding the City Commission Meeting. Failure to comply may delay action being taken on your request.

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

Doug Geeslin

Phone Number: *

701-200-1159

Email Address:

dougg@midlandgaragedoor.com

Date *

8/17/2020

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Gain approval of a Petition for Improvement of 9th Ave NE between 5th St NE and 7th St NE. The project includes a water main extension, a sanitary sewer line extension, concrete paving with curb and gutter, and appropriate service stub ins to the adjoining lots.

Site Address or Legal Description (if applicable)

Lot 1, Block 1, Midland Third Addition; Lot 1, Block 1, Glenn Addition and one other adjoining lot: Lot 2, Block 1, Bogey 3rd Addition

Action Being Requested from City Commission *

Approval of the attached Petition for Improvement

Upload Additional Documentation (Optional):

Petition for Improvements 8-13-20.pdf

6.52MB

PETITION FOR IMPROVEMENTS

The Nordick Group, Inc. is the legal and equitable owner of the following described property, to-wit:

Lot 1, Block 1, Midland Third Addition to the City of West Fargo, and

Lot 1, Block 1, Glenn Addition to the City of West Fargo.

(hereinafter the "**Property**")

We hereby petition the City Commission of the City of West Fargo, Cass County, North Dakota, to create an improvement district for the purpose of constructing 9th Avenue NE from 5th Street NE to 7th Street NE together with a water line, a sanitary line, and stub ins for water, sanitary sewer and storm sewer (hereinafter the "**Improvements**").

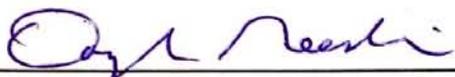
We hereby request that the City Commission of the City of West Fargo, Cass County, North Dakota, determine by resolution that a written petition for the **Improvements** signed by the owners of a majority of the area of the **Property** included within the district, has been received and that the resolution declaring work necessary shall not be required for said improvement district.

We hereby certify that we are the legal and equitable owner of the **Property** and have the authority to grant the City of West Fargo all necessary easements, rights of ways, fee simple, dedications and other interests in the **Property** that may be required to complete the construction of the **Improvements**.

We agree that pursuant to North Dakota Century Code Chapters 40-23 through 40-32 that the City shall assess the entire cost of the Improvements against our Property and hereby agree to pay the entire cost as levied and apportioned by the city.

Dated this 13th day of August 2020.

**OWNER:
The Nordick Group, Inc.**



Douglas Geeslin, President

This petition must be accompanied by evidence of ownership of the Property. Such evidence can include the following items: (a) title opinion; (b) O & E report; or (c) a copy of the vesting deed.



General Information

City/Township:	West Fargo City
Taxpayer Name:	THE NORDICK GROUP INC
Property Address:	830 7 ST NE
Section:	1
Subdivision:	Glenn Addition
Extra Territorial Area:	
Lot:	1
Legal Description:	GLENN'S FIRST ADD LOT 1 BLK 1 **4-26-99 SPL FR 02-3000-00662-012 & 02-3000-00627-012
Lot Area:	1881.58
Frontage Length:	
Depth Factor:	
Recorded Acres:	0

District Information

School District:	S006 (West Fargo Public School District #6)
Water District:	W060 (Southeast Water Resource District)
Fire District:	()



PARCEL INFORMATION

Parcel #: 02-0708-00010-000

Tax Year 2020

Date Printed: 08/13/2020

General Information:

Legal Owner: THE NORDICK GROUP, INC
 Mailing Address: 675 12 AVE N WEST FARGO, ND 58078-0000
 Property Address: 830 7 ST NE
 DBA:
 Legal Description: Addition: 0708: GLENNS
 Lot: 1 Block: 1
 Full Legal: LOT 1 BLK 1 GLENNS

Property Valuation:

	Land	Improvements	Total
Full Certified Value:	\$362,400.00	\$0.00	\$362,400.00
Exemptions:	Homestead Credit:	Vet Credit:	

Building Information:

Year Built: Building SF:
 Property Type: Commercial
 Story Height:
 Garage SF: # Apt Units: 0

Lot Size:

Front Width: Depth Side 1: GIS Land SF: 188,154
 Back Width: Depth Side 2:
 Zoning: M - Heavy Industrial District

City Information:

Garbage Date: Wednesday

Taxes:

Property Tax Amount: \$5,437.64

Specials:

PAGE: 1 of 2 WD 1584019
The Title Company-Commercial 2/26/2020 9:51 AM
Recorded Electronically \$20.00

RECORDER'S OFFICE, CASS COUNTY, ND 2/26/2020 9:51 AM
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.
DEBORAH A. MOELLER, COUNTY RECORDER

by Teresa A. Kirby, Dep. **1584019**
Recorded Electronically



240484

WARRANTY DEED

THIS INDENTURE, Made this 26 day of February, 2020, between Glenn's Investments, LLC, a North Dakota limited liability company, Grantor, and The Nordick Group, Inc., a North Dakota corporation, Grantee, whose post office address is 675 12th Ave. N, West Fargo, ND 58078.

WITNESSETH, For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration Grantor does hereby GRANT to the Grantee all of the following real property lying and being in the County of Cass, and State of North Dakota:

Lot One, Block One, of Glenn Addition to the City of West Fargo, Cass County, North Dakota.

The legal description was obtained from a previously recorded instrument.

And the Grantor, for itself, its successors and assigns, does covenant with the Grantee that it is well seized in fee of the land and premises aforesaid and has good right to sell and convey the same in manner and form aforesaid; that the same are free from all encumbrances, except installments of special assessments and assessments for special improvements which have not been certified to the County Treasurer for collection, easements and restrictions of record; and the above granted lands and premises in the quiet and peaceable possession of the Grantee, against all persons lawfully claiming or to claim the whole or any part thereof, the Grantor will warrant and defend.

I certify that the full consideration for this transaction is \$700,000.00.

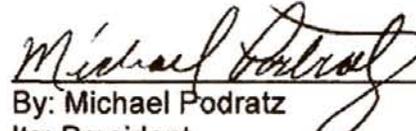
Date: 2/26/2020

[Signature]
Grantee or Grantee's Agent

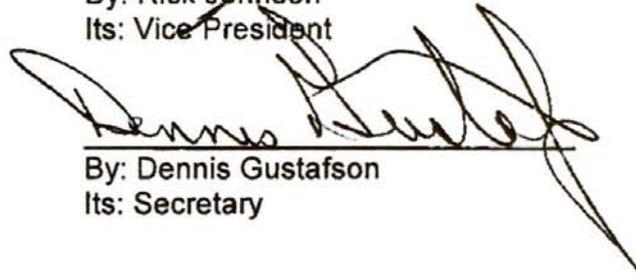
02-0708-00010-000

IN TESTIMONY WHEREOF, the Grantor has caused these presents to be executed in its name.

Glenn's Investments, LLC


By: Michael Podratz
Its: President


By: Rick Johnson
Its: Vice President


By: Dennis Gustafson
Its: Secretary

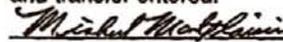
STATE OF NORTH DAKOTA
COUNTY OF CASS

On this 24 day of February, 2020, before me personally appeared Michael Podratz, Rick Johnson and Dennis Gustafson, known to me to be the President, Vice President and Secretary, respectively, of Glenn's Investments, LLC, who is described in and who executed the within and foregoing instrument and severally acknowledged that he executed the same on behalf of said limited liability company.

KATHY STALEMO
Notary Public
State of North Dakota
My Commission Expires Nov. 5, 2022


Notary Public
My Commission expires:

This document was prepared by:
Wheeler McCartney, P.C.
35 4th St N, Suite 102
Fargo, ND 58102

AUDITOR'S OFFICE
COUNTY OF CASS, NORTH DAKOTA
2/26/2020
Taxes and Special Assessments paid
and transfer entered.
 AUDITOR
DLJ DEPUTY



General Information

City/Township:	West Fargo City
Taxpayer Name:	NORDICK GROUP INC
Property Address:	601 11 AVE NE
Section:	1
Subdivision:	Midland 3rd Addition
Extra Territorial Area:	
Lot:	1
Legal Description:	MIDLAND 3RD LT 1 BLK 1
Lot Area:	0
Frontage Length:	
Depth Factor:	
Recorded Acres:	16.41678

District Information

School District:	S006 (West Fargo Public School District #6)
Water District:	W060 (Southeast Water Resource District)
Fire District:	()



PARCEL INFORMATION

Parcel #: 02-1467-00010-000

Tax Year 2020

Date Printed: 08/13/2020

General Information:

Legal Owner: NORDICK GROUP INC
 Mailing Address: 675 12 AVE N WEST FARGO, ND 58078-0000
 Property Address: 601 11 AVE NE
 DBA:
 Legal Description: Addition: 1467: MIDLAND 3RD
 Lot: 1 Block: 1
 Full Legal: LOT 1 BLK 1 MIDLAND 3RD

Property Valuation:

	Land	Improvements	Total
Full Certified Value:	\$742,000.00	\$1,440,000.00	\$2,182,000.00

Exemptions: Homestead Credit: Vet Credit:

Building Information:

Year Built: Building SF:
 Property Type: Commercial
 Story Height:
 Garage SF: # Apt Units: 0

Lot Size:

Front Width: Depth Side 1: GIS Land SF: 715,114
 Back Width: Depth Side 2:
 Zoning: M - Heavy Industrial District

City Information:

Garbage Date: Wednesday

Taxes:

Property Tax Amount: \$11,133.35

Specials:

Project Number	Description	Type	Amount	Annual Installment
09-1279	12th Ave North	Certified	\$158,939.48	\$14,110.37
Total			\$158,939.48	\$14,110.37



CONMY ♦ FESTE
Attorneys

October 17, 2011

The Nordick Group, Inc.
Attn: Doug Geeslin
675 12th Avenue North
West Fargo, ND 58078

The City of West Fargo
Attn: Larry Weil
800 4th Avenue East
West Fargo, ND 58078

CONMY FESTE LTD.

406 Main Avenue, Suite 200
P.O. Box 2686
Fargo, ND 58108-2686

Telephone
701-293-9911
Telefax
701-293-3133

writer's email:
jholmes@conmylaw.com

Re: See attached Exhibit A.

TITLE OPINION

We have examined two base abstracts of title and a partial abstract of title to the property described upon attached Exhibit A, consisting of 5-A Entries and last certified to on October 10, 2011 at 6:59 a.m. by Cass County Abstract Company.

We find record title to be in **The Nordick Group, Inc.**, subject to the following:

1. An easement for electric purposes in favor of Cass County Electric Cooperative, Inc., dated April 28, 1986, recorded April 9, 1987 as Document No. 667173. The exact location of this easement is not defined, but affects Auditor's Lot Two.
2. An easement for electric purposes in favor of Cass County Electric Cooperative, Inc., recorded April 9, 1987 as Document No. 667174. The exact location of this easement is not defined, but affects Auditor's Lot Two.
3. An easement for water and sewer mains in favor of the City of West Fargo, dated October 22, 1996, recorded December 20, 1996 as Document No. 867397. This easement appears to be located within proposed 7th Street Northeast.
4. A right-of-way easement in favor of Cass County Electric Cooperative, Inc., dated September 9, 1996, recorded December 6, 1996 as Document No. 866790. This easement affects the West 10 feet of Auditor's Lot Two.
5. Utility easements dedicated on the plats of Midland First Addition and Midland Second Addition.
6. The East 33 feet of the Northeast Quarter is subject to a statutory right-of-way for public road purposes along section lines. It appears that the East 33 feet comprises a portion of 9th Street Northeast.

Paul M. Hubbard †
Kim E. Brust ‡
Michael M. Thomas
Robert J. Schultz
Jeremy D. Holmes
Stephanie N. Stiel
Douglas W. Murch
Mara C. Brust
Charles A. Feste, Retired
E.T. Conmy, Jr. (1912-2006)

† Minnesota Real Property Specialist
‡ Certified Civil Trial Specialist -
National Board of Trial Advocacy

Established in 1879

STANDARD CONDITIONS

- * No determination has been made as to (1) location of buildings to determine that they are within the lot lines or (2) rights of access to the property.
- * Any restrictive covenants and applicable zoning ordinances should be consulted to determine if the intended use of the property will comply therewith.
- * This property is subject to (1) the rights of persons in possession if other than the record title owner and (2) easements, encroachments and similar matters which, although not of record, could be determined by inspection and survey.
- * If any repairs or construction work have been done on this property within 90 days, a construction lien might be filed therefor.
- * This property may be subject to unpaid installments for improvements which have not been certified for collection.
- * The regularity of court proceedings referred to in the abstract has been assumed without personal inspection of the files.
- * Unless otherwise noted, the examiner has made no objections or requirements respecting irregularities or defects, unless they actually impair the title or can reasonably be expected to expose the addressee to the hazard of adverse claims or litigation.

Sincerely,



Jeremy D. Holmes

\12381

EXHIBIT A

A tract of land in the Northeast Quarter of Section Five, in Township One Hundred Thirty-nine North of Range Forty-nine West of the Fifth Principal Meridian, situate in the County of Cass and the State of North Dakota, described as follows: Commencing at the Northeast corner of said Section Five, thence West along the North line of said Section Five for a distance of 1,232.4 feet; thence South parallel with the East line of said Section Five for a distance of 1,671.2 feet to a line parallel with and 860.4 feet North of the South line of said Northeast Quarter; thence East along said line parallel with the South line of said Northeast Quarter for a distance of 1,232.3 feet to the East line of said Section Five; thence North along the East line of said Section Five for a distance of 1,664.5 feet to the point of beginning, EXCEPTING THEREFROM all of Midland Second Addition to the City of West Fargo AND ALSO EXCEPTING THEREFROM all that portion of Midland First Addition to the City of West Fargo which lies within the above described tract;

AND

Auditor's Lot Two of the Northeast Quarter of Section Five, Five, in Township One Hundred Thirty-nine North of Range Forty-nine West of the Fifth Principal Meridian, situate in the County of Cass and the State of North Dakota EXCEPTING THEREFROM all that portion of Midland First Addition to the City of West Fargo which lies within said Auditor's Lot Two;

AND

All of Midland First Addition to the City of West Fargo, situate in the County of Cass and the State of North Dakota;

AND

All of Midland Second Addition to the City of West Fargo, situate in the County of Cass and the State of North Dakota.

WARRANTY DEED

THIS INDENTURE, made this 3rd day of JANUARY, 1996, between Elaine M. Johnson, a single person, grantor, whether one or more, and The Nordick Group, Inc., a corporation, grantee, whose post office address is 701 12th Avenue Northwest, West Fargo, North Dakota 58078.

WITNESSETH, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, grantor does hereby GRANT to the grantee, all of the following real property lying and being in the County of Cass and State of North Dakota, and described as follows, to-wit:

A tract of land in the Northeast Quarter of Section Five, in Township One Hundred Thirty-nine North, Range Forty-nine West of the Fifth Principal Meridian, in the County of Cass, and the State of North Dakota, described as follows:

Commencing at the Northeast corner of said Section Five; thence West along the North line of said Section Five for a distance of One Thousand Two Hundred Thirty-two and Four-tenths feet; thence South parallel with the East line of said Section Five for a distance of One Thousand Six Hundred Seventy-one and Two-tenths feet to a line parallel with and Eight Hundred Sixty and Four-tenths feet North of the South line of said Northeast Quarter; thence East along said line parallel with the South line of said Northeast Quarter for a distance of One Thousand Two Hundred Thirty-two and Three-tenths feet to the East line of said Section Five; thence North along the East line of said Section Five for a distance of One Thousand Six Hundred Sixty-four and Five-tenths feet to the point of beginning.

And the grantor for herself, her heirs, executors and administrators, does covenant with the grantee that she is well seized in fee of the land and premises aforesaid and has good right to sell and convey the same in manner and form aforesaid; that the same are free from all incumbrances, except installments of special assessments or assessments for special improvements which have not been certified to the County Auditor for collection, and subject to easements and restrictions, if any, of record, and the above granted lands and premises in the quiet and peaceable possession of said grantee, against all persons lawfully claiming or to claim the whole or any part thereof, the said grantor will warrant and defend.

WITNESS, The hand of the grantor:

THE SEAL OF CASS COUNTY
AUDITOR'S OFFICE
COUNTY OF CASS, NORTH DAKOTA
January 3 1996
Taxes and Special Assessments paid
and transfer entered.
Michael Montclair AUDITOR
Mokke DEPUTY

5-159-77



Please Note: The following information must be completed and submitted before noon on the Thursday preceding the City Commission Meeting. Failure to comply may delay action being taken on your request.

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

Jeff Eberhardt

Phone Number: *

7012386604

Email Address:

jeff@kostmaterials.com

Date *

7/28/2020

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

discussion about the Loberg/Hokoum area being developed

Site Address or Legal Description (if applicable)

2nd St E, West Fargo, ND

Action Being Requested from City Commission *

request for deferment of assessments for 24 months

Upload Additional Documentation (Optional):

ORDINANCE NO. 1153

AN ORDINANCE TO AMEND AND REENACT SECTIONS 6-0107 AND 6-0110 AND CHAPTER 6-02 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO MODIFICATION OF FIRE CODE AND PENALTY FOR VIOLATION, AND TO CREATE AND ENACT CHAPTER 6-03 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO ORGANIZATION AND REGULATIONS OF THE FIRE DEPARTMENT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, NORTH DAKOTA:

SECTION 1. Section 6-0107 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

6-0107. MODIFICATIONS BY CHIEF OF FIRE DEPARTMENT. The chief of the fire department of the City of West Fargo, North Dakota, shall have the power to modify any of the provisions of this chapter upon application in writing by the owner or lessee, or his duly authorized agent, when there are particular difficulties in the way of carrying out the strict letter of the provisions of this chapter, provided that the spirit of this chapter shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department of the City of West Fargo, North Dakota, thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

SECTION 2. Section 6-0110 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

6-0110. PENALTY. Unless otherwise specified, any person violating any provision of the fire code adopted by this title or any section of this title shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

SECTION 3. Chapter 6-02 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

CHAPTER 6-02

PUBLIC CONDUCT IN CASE OF FIRE

SECTIONS:

- 6-0201. Persons Allowed on Fire Fighting Vehicles.
- 6-0202. Persons Allowed to Assist in Fire Extinguishment.

6-0201. PERSONS ALLOWED ON FIRE FIGHTING VEHICLES. No person except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall ride on the fire truck or other vehicle containing fire apparatus.

6-0202. PERSONS ALLOWED TO ASSIST IN FIRE EXTINGUISHMENT. No persons except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall assist in the extinguishment of fires or preservation of property exposed to fire during the time the fire department is engaged in the extinguishment of a fire or preservation of property exposed to a fire, nor shall any person hinder or delay the fire department or any member thereof in performing his duty in the extinguishment of a fire or preservation of property exposed to a fire. Violation of this section is a class B misdemeanor.

SECTION 4. Chapter 6-03 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby created and enacted to read as follows:

CHAPTER 6-03

ORGANIZATION AND REGULATIONS OF THE FIRE DEPARTMENT

SECTIONS:

- 6-0301. Officers of the Fire Department.
- 6-0302. Oath of Office.
- 6-0303. Annual Report.
- 6-0304. Chief of the Fire Department May Prescribe Limits in Vicinity of Fire.
- 6-0305. Duties of Police in Aiding Fire Department.
- 6-0306. Fire Limits Defined.
- 6-0307. Fire Protection Outside City Limits.
- 6-0308. Piling Flammable Material in City Limits Prohibited.
- 6-0309. Fires on Pavement or in Sewers Prohibited.
- 6-0310. Deposit of Combustible Material - Distance From Buildings.

- 6-0311. Regulations of Rubbish Removal From Vacant Buildings.
 - 6-0312. Nuisance Declared.
 - 6-0313. Chief of Fire Department - Duty to Inspect and Report.
 - 6-0314. Chief of Fire Department to Give Order to Abate Fire Hazard.
 - 6-0315. Appeals.
 - 6-0316. Action to Abate.
 - 6-0317. Fires in Hotels, Rooming Houses, And Lodging Houses to be Reported.
 - 6-0318. Erection of Barricades Around Damaged Buildings.
-

6-0301. OFFICERS OF THE FIRE DEPARTMENT. The fire department will consist of a chief of the fire department, deputy fire chiefs, battalion or division chiefs, captains, firefighters, and such other officers and employees as may, from time to time, be deemed necessary. Divisions will be maintained within the fire department including, but not limited to, a risk reduction division, an operations division, emergency management division, and a professional standards division. Each division will be led by a deputy fire chief or equivalent non-sworn employee.

6-0302. OATH OF OFFICE. All fire department employees will be administered the oath of office by a chief officer. The fire chief will be administered the oath of office by the City Administrator.

6-0303. ANNUAL REPORT. The fire chief will make an annual report available to the West Fargo City Commission on the previous year's statistical data including, but not limited to: fire and emergency medical calls for service, fire loss, fire injury and deaths, response time, training, community risk reduction, the status of equipment, apparatus and buildings, status of personnel, and any lifesaving actions of department personnel in the previous year.

6-0304. CHIEF OF THE FIRE DEPARTMENT MAY PRESCRIBE LIMITS IN VICINITY OF FIRE. The chief of the fire department or the incident commander may prescribe limits in the vicinity of any fire within which no person shall be permitted to come except emergency personnel and those admitted by his/her order or by order of the members of the fire department.

6-0305. DUTIES OF POLICE IN AIDING FIRE DEPARTMENT. At all fire, rescue, or emergency medical scenes, the fire department will maintain command and control over on-scene operations. The chief of police and all police officers, at all fires, will preserve order and cooperate with, and render all possible assistance to, the chief or the acting chief of the fire department and see that his/her orders are promptly obeyed.

6-0306. FIRE LIMITS DEFINED. The boundary lines of the city as presently fixed, together with the boundary lines of all additions and annexations made or hereafter to be made to the city, will be and are hereby fixed and declared to be the limits and jurisdiction of the West Fargo Fire Department.

6-0307. FIRE PROTECTION OUTSIDE CITY LIMITS. Whenever the chief of the fire department, or his/her designee, determines that it is expedient and not contrary to public safety to answer a request, the equipment and personnel of the fire department may furnish such service or actively engage in the fighting of fires.

Whenever the chief of the fire department or his/her designee determines that it is expedient and not contrary to public safety to answer a request from other municipalities' or any organized fire department in the state of North Dakota or Minnesota, to furnish standby service to such communities or organized fire department, the equipment and personnel of the City of West Fargo Fire Department, may furnish such service or actively engage in the fighting of fires with such municipalities or organized fire departments.

6-0308. PILING FLAMMABLE MATERIAL IN CITY LIMITS PROHIBITED. No person, persons, firm, or corporation will pile empty boxes, barrels, papers, or other flammable materials within any building or make, establish, or maintain any pile or piles of empty boxes, barrels, or other flammable material upon any premises, streets, alleys, or other public places within the limits of the city.

6-0309. FIRES ON PAVEMENT OR IN SEWERS PROHIBITED. No person may build a fire upon any pavement or within any sewer or drain for any purpose whatsoever within the limits of the city.

6-0310. DEPOSIT OF COMBUSTIBLE MATERIAL - DISTANCE FROM BUILDINGS. No person, persons, firm, or corporation may deposit or stack any hay, straw, shavings, or other highly combustible material in any yard or lot in the open air at distance less than 75 feet from any dwelling house in this city.

6-0311. REGULATIONS OF RUBBISH REMOVAL FROM VACANT BUILDINGS. Whenever any building, structure, or dwelling within the city, or any rooms, portions, or parts thereof become vacant or unoccupied, the owner of such building, structure, or dwelling, or his/her agent, must, within 24 hours, remove or cause to be removed therefrom all rubbish, waste paper, boxes, or any other flammable material especially liable to fire which may have been accumulated therein.

If any buildings, structures, or dwellings referred to in this section, or any rooms, portion, or parts thereof which are separate occupied remain vacant or unoccupied for more than ten days, the owner, lessee, or occupant thereof must lock or securely close and

keep locked and securely closed, all doors, windows, entrances, and openings to the same.

6-0312. NUISANCE DECLARED. Any combustible or explosive matter, dangerous accumulation of rubbish, or unnecessary accumulation of waste paper, boxes, shavings, or any other highly flammable materials especially liable to fire, so situated or used as to endanger property, or obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire, or in violation of or nonconformity with any ordinance of the city affecting the fire hazard, are hereby declared public nuisances.

The installation, maintenance, and use of the following equipment or supplies, unless they conform to the latest and most current regulations and standards set forth by the National Board of Fire Underwriters on file in the office of the chief of the fire department of the city, are hereby declared fire hazards and public nuisances and may be abated as such: oil burning equipment, oil burning heating equipment, small heating and cooking appliances, class A ovens and furnaces, gas piping and gas appliances in buildings, combustible fibers, and spray finishing using flammable materials.

Violation of this section is a class B misdemeanor. Each day a violation exists constitutes a separate offense.

6-0313. CHIEF OF FIRE DEPARTMENT - DUTY TO INSPECT AND REPORT. It is hereby made the duty of the chief of the fire department, whenever it may be called to the attention of his/her department or any officer or employee thereof that any fire hazard exists as set forth in this chapter, to make a thorough inspection of the premises upon and with respect to which such condition is alleged to exist, and to make a full and complete report to the board of city commissioners.

6-0314. CHIEF OF FIRE DEPARTMENT TO GIVE ORDER TO ABATE FIRE HAZARD. If, in the opinion of the chief of the fire department, a fire hazard is found to exist as set forth in this chapter, it is the duty of the chief of the fire department immediately to order the owner or occupant of the premises upon which such condition exists to abate such nuisance and eliminate such condition. It shall be the further duty of the chief of the fire department to give or cause to be given notice in writing to the owner or occupant of such premises that such fire hazard exists and that the same must be abated and eliminated, within the time specified in the notice, said time so fixed to be not less than 10 days nor more than 30 days from the date of said notice.

6-0315. APPEALS. Appeals of an order of the chief of the fire department may be taken to the board of appeals, as set forth in Section 103.1.4 of the International Fire Code (adopted by

reference in Section 6-0101), by filing with the fire chief a written appeal within ten (10) days of such order.

6-0316. ACTION TO ABATE. In the event that such owner or occupant, within the time specified in the above-described notice, fails to remedy such condition as above provided the fire chief may, in his/her discretion, request the city attorney to commence an action to abate said nuisance.

6-0317. FIRES IN HOTELS, ROOMING HOUSES, AND LODGING HOUSES TO BE REPORTED. Every fire of any kind, and from whatever source, occurring in or about any hotel, rooming house, lodging house, or apartment hotel in the city, must be reported immediately to the fire department.

6-0318. ERECTION OF BARRICADES AROUND DAMAGED BUILDINGS. It is the duty of the fire department, with the assistance of the police department and other properly designated departments or agencies, to bring fires or other catastrophic situations under control and to establish a condition of stability in the hazard area.

Promptly and as soon as possible after the completion of the work of the fire department and other departments assigned to assist, the police department shall place temporary barricades, obtained from the streets and sewers division of the department of public works, around the hazard area so as to warn the public and keep unauthorized persons away from the hazard area.

If, within 24 hours after notice given as above provided, the owner has not replaced the temporary barricades with permanent barricades, the city, acting through the public works department, shall do so and the owner will be obligated and required to pay to the city the entire cost for materials and labor involved and said cost shall be collected by suit if necessary.

SECTION 5. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

President of Board of City
Commissioners of the City of
West Fargo, North Dakota

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

ORDINANCE NO. 1162

AN ORDINANCE TO REPEAL SECTION 13-1609 AND AMEND AND REENACT SUBSECTION 13-1623(10) OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO MOBILITY IMPAIRED PARKING.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, NORTH DAKOTA:

SECTION 1. Section 13-1609 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby repealed in its entirety.

SECTION 2. Subsection 13-1623(10) of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

10. A person may not stop, stand, or park any vehicle in any designated parking space that is reserved for the mobility impaired unless the vehicle displays a mobility-impaired identification certificate issued by the director to a mobility-impaired person. A mobility-impaired person may not permit the use of a certificate issued under this section by a person who is not mobility impaired when that use is not in connection with the transport of the mobility-impaired person. The registered owner of a vehicle may not allow that vehicle to be used in a manner that violates this subsection. Proof of intent is not required to prove a registered owner's violation of this subsection. The registered owner, however, may be excused from a violation if the owner provides the citing authority with the name and address of the person operating the vehicle at the time of the violation. A vehicle may temporarily use a space reserved for mobility-impaired persons without a mobility-impaired certificate for the purpose of loading and unloading mobility-impaired persons. A violation of this subsection is a nonmoving violation for which a fee of one hundred dollars must be imposed. Notwithstanding section 29-27-02.1, fifty percent of the fee imposed and collected under this subsection is appropriated on a continuing basis to the North Dakota State Rehabilitation Council for the development of competitive and integrated employment opportunities.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

President of Board of City
Commissioners of the City of
West Fargo, North Dakota

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:



Please Note: The following information must be completed and submitted before noon on the Thursday preceding the City Commission Meeting. Failure to comply may delay action being taken on your request.

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

Melissa Richard

Phone Number: *

7014335314

Email Address:

melissa.richard@westfagond.gov

Date *

8/13/2020

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Review recommendation for IDI assessment of employees and formation of a community inclusion working group to develop a community inclusion plan.

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Approve IDI assessment of employees and formation of a community inclusion working group

Upload Additional Documentation (Optional):



To: West Fargo City Commission
From: Communications Director Melissa Richard
Date: Monday, Aug. 17, 2020
Subject: Recommendations for IDI staff assessment and community inclusion action plan
Action: Approve IDI assessment inventory and formation of community inclusion working group

Commission President

Bernie Dardis

Primary Portfolio:
Administration/Finance

Secondary Portfolio:
Street, Water and Sewer

Commission Vice President

Brad Olson

Primary Portfolio:
Street, Water and Sewer

Secondary Portfolio:
Police and Fire

Commissioner

Eric Gjerdevig

Primary Portfolio:
Planning, Zoning and Engineering

Secondary Portfolio:
Administration/Finance

Commissioner

Mark Simmons

Primary Portfolio:
Police and Fire

Secondary Portfolio:
Planning, Zoning and Engineering

Commissioner

Mandy George

Primary Portfolio:
Sanitation

Secondary Portfolio:
Police and Fire

City Administrator

Tina Fisk

Summary and Recommendation:

In order to proactively work to create a community of inclusion and equity, I recommend an investment of \$20,690.00 from the City of West Fargo's General Fund Reserve contingency line item to conduct the IDI assessment tool and create a community inclusion working group.

Policy Analysis:

Completing the IDI assessment tool process is a proactive step in maintaining equal opportunities and a work environment free of harassment (full policy noted on Page 3), as well as improving the customer service experience provided by staff to the community.

Spearheading a community inclusion working group also aligns with West Fargo 2.0's guiding principles and definitions of an engaged, bold and proactive community (principles and definitions noted on Page 4).

Financial Analysis:

This project includes a request of \$17,490 in 2020 from the General Fund Reserve contingency line item for execution of the IDI assessment for 53 employees (directors, managers and supervisors). This cost includes administration of the assessment tool, assessment results and development plans.

The project also includes a request of \$3,200 in 2020 from the same fund to hire Laetitia Hellerud to facilitate a community inclusion working group. This cost includes meeting facilitation and pre- and post-meeting work for four meetings in 2020.

Process/Timeline:

Year 1: 2020

- IDI assessment of directors, managers and supervisors
 - Cost: \$17,490
- Community group development monthly meetings (September through December)
 - Cost: \$3,200
 - Meetings will focus on recruiting partners, developing scope and goals, and determine engagement strategies for the community plan

*Future requests and timelines***Year 2: 2021**

- Continue IDI employee assessments
- Continue community group meetings and plan development

Year 3: 2022

- Continue IDI employee assessments
- Finalize and launch plan

Year 4: 2023

- Continue IDI employee assessments

Ongoing:

- Annual IDI assessment of new employees

EMPLOYEE HANDBOOK

2.01 Equal Employment Opportunity

The City of West Fargo provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, ancestry, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identity, results of genetic testing, or service in the military. The City complies with applicable state and local laws governing nondiscrimination in employment in every location the City has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

3.05 Harassment and Offensive Behavior

Sexual and other unlawful harassment is a violation of the Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as many state laws. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identity, results of genetic testing, service in the military, or other characteristic protected by state or federal law, is prohibited.

It is the City of West Fargo's policy to provide a work environment free of sexual and other harassment. Harassment of City of West Fargo employees by leadership, supervisors, co-workers, or nonemployees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. The City of West Fargo will take all steps necessary to prevent and eliminate unlawful harassment.

Definition of Unlawful Harassment: "Unlawful harassment" is conduct that has the purpose or effect of creating an intimidating, hostile or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful harassment includes, but is not limited to epithets, slurs, jokes, pranks, innuendo, comments, written or graphic material, stereotyping or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

Definition of Sexual Harassment: While all forms of harassment are prohibited, special attention should be paid to sexual harassment. "Sexual harassment" is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or a basis for employment decision; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Other sexually orientated conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct. If unwelcome, these circumstances may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, comments about an individual's sexual activity, deficiencies or prowess;
- Displaying sexually suggestive objects, pictures or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one's sexual experiences; and • Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of sexual harassment complaint is unlawful and will not be tolerated at the City of West Fargo.

Complaint Procedure: Any employee who believes he or she has been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint. Employees may complain directly to their immediate supervisor or department head, the Human Resources Director, or any other member of leadership with whom that employee feels comfortable bringing such a complaint. Similarly, if employees observe acts of discrimination toward or harassment of another employee, they are requested and encouraged to report this to one of the individuals listed above.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

All complaints will be investigated promptly and, to the extent possible, with regard for confidentiality.

If the investigation confirms conduct contrary to this policy has occurred, the City of West Fargo will take immediate, appropriate, corrective action, including discipline, up to and including termination of employment.

West Fargo 2.0 | West Fargo's Vision

Engaged

With strong leadership that cultivates community, incorporates equity and sustainability in decision-making, fosters partnerships to further local and regional goals, and thrives through active citizen engagement.

Bold

Moves forward with initiatives and programs secure in the knowledge that we are worthy of the best, and staying one step ahead of peer cities in innovation, creativity, prosperity and quality of life.

Proactive

Plans for the future success rather than react to today's concerns.