



West Fargo City Commission Meeting
Monday, October 15, 2018
Commission Chambers 5:30 PM

- A. Pledge of Allegiance
- B. Approve Order of Agenda
- C. Approval of Minutes – October 1, 2018
- D. Building Permits

Consent Agenda – Approve the Following:

- a. Appointment of Megan Huffman to the West Fargo Planning & Zoning Commission

Regular Agenda

1. 5:30pm Public Hearing for Confirmation of Assessment Lists – **John Shockley, Tina Fisk**
 - Water, Storm and Street Improvement District No. 1279
 - Storm Improvement District No. 4060 and 4-61
 - Storm Improvement District No. 4058
 - Sewer, Water, Storm and Street Improvement Districts No. 1292, 1295, 1300, 1301, 1303, and 1304
 - Infrastructure Replacement District No. 3001
2. Review Change Order No. 2 for Sewer Improvement Project No. 1308 – **Chris Brungardt**
3. Review Conditional Use Permit for Home Occupation Hair Salon – **Tim Solberg**
4. Discussion of 100 Sheyenne Street – **Wally Tintes**
5. West Fest Recognition – **Melissa Richard**
6. Recommendation of City Engineer – **Tina Fisk**
7. City Administrator's Report
8. Correspondence
9. Adjourn



**West Fargo City Commission Meeting
Monday, October 1, 2018
Commission Chambers 5:30 PM**

The West Fargo City Commission met on Monday, October 1, 2018, at 5:30 pm. Those present were Bernie Dardis, Eric Gjerdevig, Brad Olson, Mark Simmons, and Mike Thorstad. Commission President Bernie Dardis called the meeting to order.

The Pledge of Allegiance was recited.

Commissioner Olson moved and Commissioner Gjerdevig seconded to approve the order of agenda. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Olson seconded to approve the minutes of September 17, 2018. No opposition. Motion carried.

The Commission reviewed the Building Department Activity Report dated October 1, 2018 and Building Permits #742-789.

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

- a. Gaming Site Authorization for West Fargo Fire Department Incorporated. Games to be conducted: Pull Tab Dispensing Device from 9/14/18 to 6/30/19 at Boston's Pizza, 1640 13th Ave E.
- b. Games of Chance for Legacy Elementary School. Games to be conducted: Bingo from 10/2/18 to 5/1/19 at Legacy Elementary School, 5150 9th St W.
- c. Games of Chance for Faith Journey Church. Games to be conducted: Raffle from 10/1/18 to 11/14/18 at Faith Journey Church, 127 2nd Ave E.
- d. Resolution Approving Contract and Contractor's Bond in Infrastructure Replacement District No. 3002
- e. Final Plat Approval of Steffes 8th Addition, a replat
- f. Games of Chance for Pink it Forward. Games to be conducted: Bingo from 10/30/18 to 1/21/19 at DoubleTree by Hilton, 825 E. Beaton Drive.

No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission for 6:00pm Public Hearing and Final Budget Approval. The Public Hearing was opened. West Fargo resident Peter Hettwer, 1610 Maple Place, appeared before the Commission to voice concerns of tax increases. City Administrator Tina Fisk appeared before the Commission in regards to Mr. Hettwer's statements. There was no other Public Comment. The Public Hearing was closed. Commissioner Simmons moved and Commissioner Olson seconded to approve the Final Budget for 2019. No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission for a Sanitation Rate Discussion and Approval which was tabled at the Monday, September 17th Commission meeting. After discussion, Commissioner Thorstad moved and Commissioner Simmons seconded to approve the Sanitation Rate changes. No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission to discuss the North Dakota Reserve Fund Rotation. After discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the City Administrator to publish a notice advertising for a Reserve Fund Agent. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission for the First Reading of Ordinance No. 1132. After discussion, Commissioner Olson moved and Commissioner Thorstad seconded to put on First Reading. No opposition. Motion carried.

Director of Planning & Zoning Tim Solberg appeared before the Commission for the Second Reading and Final Plat Approval of Southdale 2nd Addition, Replat and Rezoning from R-2: Multiple Dwellings to PUD: Planned Unit Development. After discussion, Commissioner Thorstad moved and Commissioner Olson seconded to approve the Second Reading and Final Plat. No opposition. Motion carried.

West Fargo Police Chief Heith Janke appeared before the Commission to present the West Fargo Police Department Security Plan. After discussion, no motion was requested of the Commission; Commissioner Thorstad moved and Commissioner Simmons seconded to a motion of support. No opposition. Motion carried.

Commission President Bernie Dardis read the Suicide Prevention Month Proclamation as presented to the Commission on September 27, 2018. No action was required of the Commission.

City Administrator Tina Fisk appeared before the Commission to present the following items for the City Administrator's Report:

- Special Assessment Approval on 10/15 during regular Commission meeting

- Special Commission Meeting 9/8 @5:30pm to discuss policy and procedure for Special Assessments
- October 9 – Joint meeting w/ schools, city and parks
 - i. 4-5:30pm meeting
 - ii. 5:30-6:30pm social reception
- Applications closed for Finance Director/City Engineer
 - i. 10/8 – City Engineer interviews
- Dental / Vision Insurance
 - i. Less than 5% increase total
- Emergency Radio Update
 - i. Tuesday, October 2 @ 9:30am
 - ii. Cass County Courthouse

There was no correspondence.

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

Bernie Dardis
Commission President

Tina Fisk
City Auditor

Megan Huffman

(E) megan.werk@gmail.com

April 6, 2018

City of West Fargo
800 4th Ave. E. Ste 1
West Fargo, ND 58078

RE: Planning and Zoning Board Member

Dear City of West Fargo Board of Planning and Zoning,

I read with interest your posting for a member on the Planning and Zoning Board. I believe I possess the necessary skills you are seeking and would make a valuable addition to the board.

Privately, I am the vice president of a corporation that does business in land management and insurance. Also, as my resume indicates, I possess more than six years of progressive experience in our local government. My professional history includes positions as a Deputy Clerk I and II at the Cass County District Courthouse as well as recently becoming elected to the Personnel Policy Board, representing all court employees for the State of North Dakota.

I have an interest in my local government and feel this would be a great opportunity for me to serve my community while learning something new and advancing my professional development. My attached references will attest to my strong work ethic, organization, communication skills, and ability to work well with others.

I have attached my resume for your review and I excited to speak with you further regarding your available position.

Sincerely,



Megan Huffman

Megan Huffman

Objective –To become a member of the Planning and Zoning Board for the City of West Fargo

Work Experience –

March 2012 - Present

Cass County Courthouse

Fargo, ND

Deputy Clerk of District Court II

- File new cases and subsequent documents into the Odyssey court system in accordance with court laws and rules, clerk court and jury trials, receipt for fines and bonds, process court orders and reports, prepare record searches, answer and route incoming phone calls, maintain court records in an accurate and timely manner, schedule hearings, assist customers that come to the clerk's office, prepare the jail list for court and send to necessary personnel, balance the till.

August 2011 - March 2012

Cass County Courthouse

Fargo, ND

Deputy Clerk of District Court I

- File new cases and subsequent documents into the Odyssey court system in accordance with court laws and rules, receipt for fines and bonds, process court orders and reports, answer and route incoming phone calls, maintain court records in an accurate and timely manner, schedule hearings, assist customers that come to the clerk's office.

September 2010 - May 2011

Clay County Courthouse

Fargo, ND

Temporary Court Clerk

- File court documents and court files, print daily judges calendars and post one on the state website, pull files for court clerks, enter traffic citations, prepare and deliver mail, use fax and copy machine, handle confidential documents, accurate data entry, court running, customer service.

March 2010 - September 2010

Vanity

Fargo, ND

Merchandise Coordinator

- Assist the buyer for fashion basics and outerwear and the buyer and assistant buyer for screens and fleece – Keep the sample room area organized, communicate with vendors, write, enter and maintain purchase orders, run and print reports pertaining to each buyer, help with line review and meeting preparation, research competitors and future styles, and create trend alerts to help stores understand new products.

September 2009 - March 2011

Wedding Elegance

Fargo, ND

Bridal Consultant

- Provide service to customers by helping them with possible wedding dresses, work with purchase orders, and check in freight.

- Customer Service – Help customers try on wedding gowns, bridesmaid dresses, mother’s dresses, flower girl dresses, and tuxedos to ensure customer satisfaction, answered questions, opened and closed the store alone.

March 2008 - September 2009 Gap Fargo, ND

Associate

- Cashier - provide customer service and quickly and effectively process transactions
- Customer Service – help customers put outfits together and answer questions

Peer Advisor July 2008- September 2009

- Train new team members – help new team members learn to use the cash register, make returns, assist customers, and have a complete understanding of store processes
- Lead new team members – give other associates an overview of the day’s budgets and sale goals, and show them the current promotions and expectations for the day

Denim Advisor July 2009 – September 2009

- Trains team members on how to sell, back-stock, and display denim
- Leads team members by giving information and examples, offering advice, and personally demonstrating how to sell denim to customers

Education –

North Dakota State University Fargo, ND

Bachelor of Science – Apparel And Textiles

Minor – Business Administration

Professional Association –

Member of the Personnel Policy Board from January 2018 to Present

Skills-

- Microsoft Office Suite and Outlook
- Customer service
- Organization
- Multi-tasking
- Communication
- Accurate data entry
- Multi-line phone system
- Fax and copy machine experience



**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

YOUR NAME (Last, First, Middle) Huffman, Megan, Kathleen County: Cass

Mailing Address: 4505 Sunrise Dr. City: West Fargo State: ND Zip: 58078

Business Phone Number: _____ Home Phone Number: 320-808-5455

Employer Name: State of North Dakota Your Job Title: Deputy Clerk II

Employer Address: 211 9th St. S. City: Fargo State: ND Zip: 58103

EDUCATION AND GENERAL QUALIFICATIONS:

LEVEL	NAME OF SCHOOL	LOCATION	# YEARS ATTENDING	DID YOU GRADUATE	MAJOR-COURSE OF STUDY
HIGH SCHOOL	Herman-Norcross	Herman, MN	4	Yes	N/A
COLLEGE	NDSU	Fargo, ND	3	Yes	Apparel and Textiles
TRADE/BUSINESS/ CORRESPONDENCE					

MEMBERSHIPS IN ORGANIZATIONS AND OFFICES HELD (INDICATE DATES HELD)	Personnel Policy Board Member (January 2018 - Present)
VOLUNTEER ACTIVITIES (INDICATE IF PAST OR PRESENT)	N/A
YOUR SPECIALS SKILLS AND QUALIFICATIONS	Interest in serving my community and Career in local government

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

NAME	ADDRESS	PHONE NUMBER	YEARS ACQUAINTED
Kathryn Ouren	35628 180th Ave. Erhard, MN 56534	218-998-8436	7
Kathy Larson	1110 16th Ave. S. Fargo, ND 58103	701-280-0579	7
Vicky Matthys	1525 Sommerset Dr. West Fargo, ND 58078	701-212-3328	7

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: Megan Huffman

DATE: 4-10-18

Agenda # 2
Agenda Code Regular
Project # 19228

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

***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: Chris Brungardt & Jim Hausauer

2. PHONE NO. 433-5400 DATE: October 15, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: _____
Review attached agreement with City of Fargo and Change Order No. 2 for
Connection to Fargo Wastewater System – Sewer Improvement Project No. 1308.

*Specifications and Plans for Change Order No. 2 available upon request.

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):
19th Avenue N & 9th Street NE

5. ACTION BEING REQUESTED FROM CITY COMMISSION: _____
Approve agreement with City of Fargo and Change Order No. 2 in the amount of
\$822,770.00 with a Substantial Completion Date of May 1, 2019 and Final
Completion of September 1, 2019, contingent upon approval of the Agreement by the
City of Fargo.

AGREEMENT

Meter Vault Installation

THIS AGREEMENT (this “Agreement”) is made and entered into this ____ day of _____, 2018 (the “Effective Date”), by and between the City of Fargo, a North Dakota municipal corporation (“Fargo”), and the City of West Fargo, a North Dakota municipal corporation (“West Fargo”).

WHEREAS, Fargo and West Fargo entered into a Sewer Agreement effective July 1, 2017, by which the parties agreed to arrangements for installation of sewer infrastructure that would permit the transportation of sewage from West Fargo to Fargo, among other things; and

WHEREAS, West Fargo has solicited bids for construction and installation of a sewer force main to a point of connection at or near 19th Avenue North and 57th Street (the “Point of Connection”) and West Fargo has entered into a contract for such construction and installation with Dakota Underground Company (the “Construction Contract”); and

WHEREAS, Fargo has requested that West Fargo undertake a change order to the Construction Contract by which Dakota Underground Company will install a meter vault and associated appurtenances, said meter vault and associated appurtenances to be located on the east side of the Point of Connection with Fargo taking full responsibility for all costs associated with said change order, and West Fargo is willing to honor said request; and

WHEREAS, the parties desire to memorialize the terms and conditions stated herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, it is hereby agreed by and between the parties as follows:

1. At Fargo’s request, and subject to the terms and conditions hereof and to the consent by Dakota Underground Company, West Fargo will enter into an amendment to the Construction Contract by way of approving Change Order No. 2 to said Construction Contract. A copy of Change Order No. 2 is attached as **Exhibit A**, the terms of which are incorporated herein by reference, with Change Order No. 2 calling for the installation of a meter vault and associated appurtenances.
2. Fargo grants to West Fargo and its agents, representatives, employees, and contractor, Dakota Underground Company, the right in, on, over, under, across, and through such land and lands at the construction site of the meter vault and associated appurtenances, a depiction of said lands is attached as **Exhibit B**, for the following purposes: constructing and installing the meter vault and associated appurtenances, and other related improvements; excavating, piling, storing, depositing, spoiling, spreading, and removing excavated dirt, soil, clay, silt, and other materials; storing and removing equipment, materials, and supplies; removing obstructions and any other vegetation, structures, or obstacles from the land described in **Exhibit B**; and the right to perform any other work

necessary and incident to the construction and installation of the meter vault and associated appurtenances.

3. Fargo is responsible for all costs associated with Change Order No. 2, including direct and indirect construction costs paid to Dakota Underground Company, and reasonably allocated engineering or other consulting fees and or legal expenses incurred by West Fargo that are generated in order to undertake Change Order No. 2 for construction and installation of the meter vault and associated appurtenances. West Fargo will separate and deliver invoices related to Change Order No. 2 to Fargo. Fargo is then responsible for paying the invoices as provided under the Sewer Agreement, dated July 1, 2017. In the event additional change orders are required to complete construction and installation of the meter vault and associated appurtenances, West Fargo agrees to communicate and cooperate with Fargo regarding the need for the change order and the respective costs associated with the change order.
4. Dakota Underground Company has executed this Agreement solely for the purpose of indicating its consent to this Agreement between the Cities of Fargo and West Fargo and to the assignment by West Fargo to Fargo of any and all warranties associated with the construction and installation of the said meter vault and associated appurtenances pursuant to Change Order No. 2.
5. With respect to Change Order No. 2, West Fargo will obtain from Dakota Underground Company assurance that upon completion of construction and installation of the meter vault and associated appurtenances, Dakota Underground Company will accept and consent to the assignment of any warranties or other commitments from West Fargo to Fargo.
6. Upon completion of the construction and installation under Change Order No. 2, Fargo will assume ownership, operation, maintenance, improvement, reconstruction, and removal of the meter vault and associated appurtenances, at its sole cost and expense. West Fargo will not have any responsibility for ownership, operation, maintenance, improvement, reconstruction, or removal of the meter vault or associated appurtenances upon completion of the construction and installation under Change Order No. 2.
7. The parties are individually responsible for maintaining insurance as required by the Sewer Agreement, dated July 1, 2017.
8. This Agreement is not to be construed as a joint powers agreement. The parties will be individually liable as provided under N.D.C.C. Chapter 32-12.1. The parties' liability will not exceed an amount that is more than the limitations upon liability imposed by N.D.C.C. Chapter 32-12.1. Under no circumstances will either Fargo or West Fargo, regardless of whether it may have waived the limit on liability set forth in Chapter 32-12.1 of the N.D.C.C., be required to pay on behalf of itself or the other party, any amounts in excess of the limits on liability established in N.D.C.C. Chapter 32-12.1 applicable to any one (1) party. The limits of liability for Fargo and West Fargo may not be added together to determine the maximum amount of liability for each party.

9. No amendment, modification, or waiver of any condition, provision, or term shall be valid or of any effect unless made in writing signed by the party or parties to be bound, or a duly authorized representative, and specifying with particularity the extent and nature of such amendment, modification, or waiver. Any waiver by any party of any default of the other party shall not affect or impair any right arising from any subsequent default.
10. Fargo and West Fargo hereby indemnify and hold the other harmless from any and all claims arising out of the construction and installation of the meter vault and associated appurtenances. Said indemnification will include, *inter alia*, attorney's fees, damages, whether punitive, economic, or compensatory, and costs and disbursements. However, this paragraph will not apply to suits against either Fargo or West Fargo arising out of its own negligence or intentional acts, or those of its officers, employees, agents, or representatives. The purpose of creating this duty to defend and indemnify is to simplify the defense of claims by eliminating conflicts among defendants, and to permit liability claims against multiple defendants from a single occurrence to be defended by a single attorney.
11. Both Fargo and West Fargo will be responsible for damages to or loss of its own equipment. Both parties waive the right to sue the other party for any damages to or loss of its equipment, even if the damages or losses were caused wholly or partially by the negligence of the other party or its officers, employees, agents, or representatives.
12. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause phrase, and word hereof is held by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.
13. This Agreement will terminate upon completion of construction and installation of the meter vault and associated appurtenances or upon a date that is one (1) year from the Effective Date first written above, whichever occurs first. Either party may terminate this Agreement upon sixty (60) days' written notice to the other party of the intent to terminate.
14. This Agreement may be executed in counterparts, each of which shall be deemed to be an original but all of which taken together shall constitute one and the same agreement, and shall become effective when one or more counterparts have been signed by each of the parties and delivered to the other party.

IN WITNESS WHEREOF, the parties have hereunto set their signatures the day and year first above written.

[Signatures contained on the following pages.]

FARGO:

CITY OF FARGO, NORTH DAKOTA,
a North Dakota municipal corporation

By: _____
Timothy J. Mahoney, Mayor

ATTEST:

Steven Sprague, City Auditor

[Signatures continue on the following pages.]

WEST FARGO:

CITY OF WEST FARGO, NORTH
DAKOTA, a North Dakota municipal
corporation

By: _____
Bernie L. Dardis, President of the
Board of City Commissioners

ATTEST:

Tina Fisk, City Auditor

[Signatures continue on the following page.]

THIS AGREEMENT ACKNOWLEDGED
AND CONSENTED TO BY:

DAKOTA UNDERGROUND COMPANY,
a North Dakota Corporation

By: _____

Its: _____

EXHIBIT A
CHANGE ORDER No. 2

Date of Issuance: 10/10/2018 Effective Date: 10/22/2018
 Owner: City of West Fargo Owner's Contract No.: District No. 1308
 Contractor: Dakota Underground Company Contractor's Project No.: _____
 Engineer: Moore Engineering, Inc. Engineer's Project No.: 19228
 Project: Connection to Fargo Wastewater System Contract Name: Sewer Improvement Project No. 1308

The contract is modified as follows upon execution of this Change Order:
 Description: Addition of meter vault and incidentals required to connect the West Fargo force main to the City of Fargo wastewater system.

Attachments: Exhibit A, Exhibit B, Dakota Underground "Change Order Proposal for West Fargo Wastewater Meter Connection", Plans and Specifications Titled "West Fargo Wastewater Meter Connection" dated October 5, 2018.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price \$ <u>4,664,455.00</u>	Original Contract Times: Substantial Completion: <u>November 1, 2018</u> Ready for Final Payment: <u>November 15, 2018</u>
Increase from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : \$ <u>3,251.00</u>	Increase from previously approved Change: Orders No. <u>1</u> to No. <u>1</u> : Substantial Completion: <u>59 Days</u> Ready for Final Payment: <u>59 Days</u>
Contract Price prior to this Change Order: \$ <u>4,667,706.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>December 30, 2018</u> Ready for Final Payment: <u>January 13, 2019</u>
Increase of this Change Order: \$ <u>822,770.00</u>	Increase of this Change Order: Substantial Completion: <u>May 1, 2019</u> Ready for Final Payment: <u>May 15, 2019</u>
Contract Price incorporating this Change Order: \$ <u>5,490,476.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>May 1, 2019</u> Ready for Final Payment: <u>September 1, 2019</u> days or dates

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: _____	By: _____	By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)			
Title: _____	Title: _____	Title: _____	Title: _____	Title: _____	Title: _____
Date: _____	Date: _____	Date: _____	Date: _____	Date: _____	Date: _____

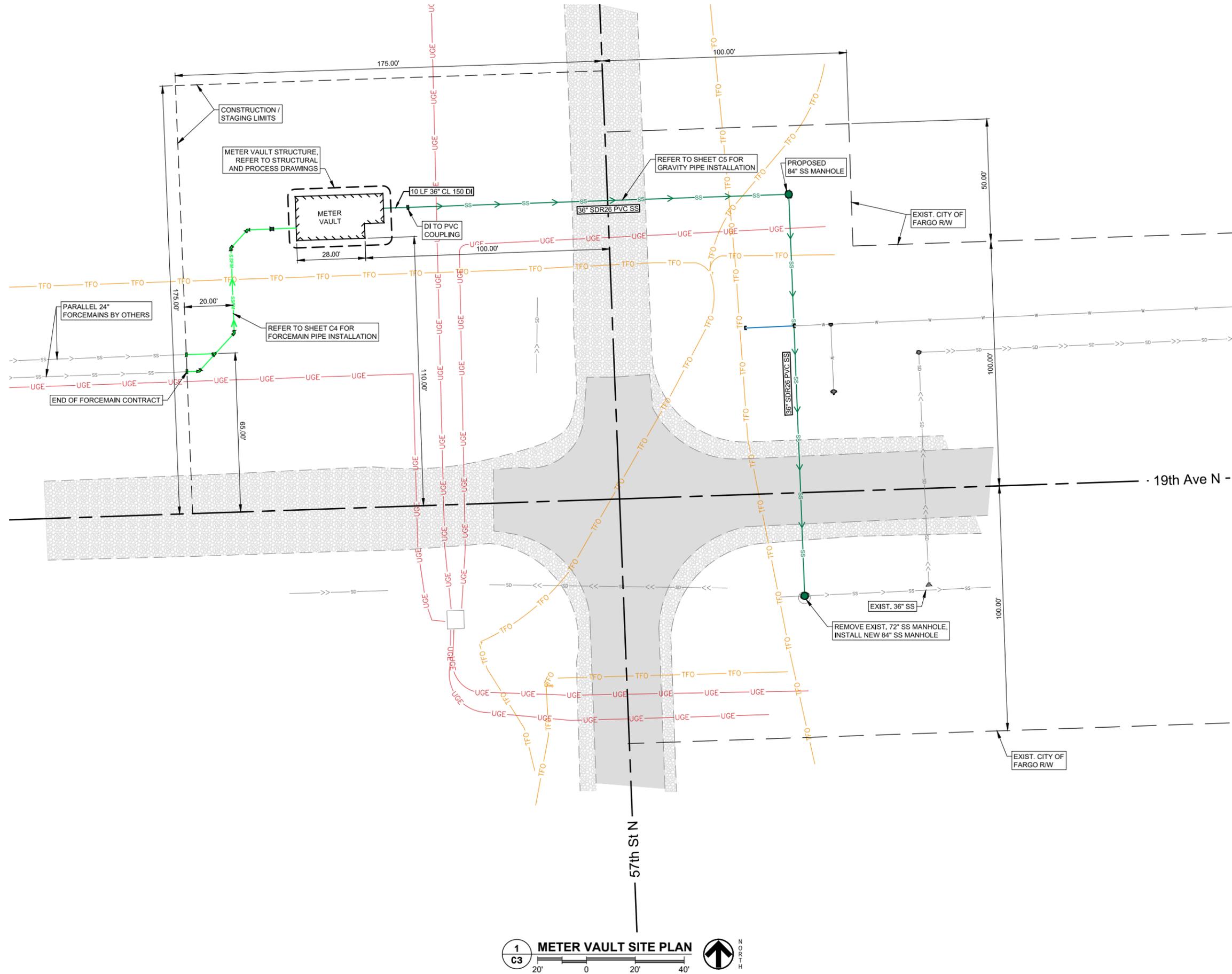
EXHIBIT B
CHANGE ORDER NO. 2

SPECIAL CONDITIONS

1. Substantial completion date for Change Order No. 2 work is May 1, 2019. All work for Change Order No. 2 will be ready for final payment by September 1, 2019. All work outside of Change Order No. 2 to be substantially completed by December 30, 2018 in accordance with the conditions in Change Order No. 1.

2. All work in this Change Order No. 2 to be in accordance with the Technical Specifications and Plans prepared by Advanced Engineering and Environmental Services dated October 5, 2018.

EXHIBIT B
MAP OF THE CONSTRUCTION SITE



1
 C3 METER VAULT SITE PLAN



This document was originally issued and sealed by
 Ryan Grubb, PE,
 Registration Number PE-10393
 on
 10/05/2018
 and the original documents are stored at the office of Advanced Engineering & Environmental Services, Inc.

SYM	DATE	DESCRIPTION	APPR



WEST FARGO WASTEWATER METER CONNECTION
 CITY OF FARGO
 FARGO, NORTH DAKOTA
 METER VAULT SITE PLAN

DRAWING TYPE	CONSTRUCTION
PREPARED BY	KWF
CHECKED / APPROVED	HAG / RDG
DATE	OCTOBER 2018
PROJECT NUMBER	P00803-2017-007
SHEET	3 of 7
DRAWING	C3

AGENDA ITEM DESCRIPTION
CITY COMMISSION
WEST FARGO, NORTH DAKOTA

Agenda # 3

***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: Lisa Sankey

2. PHONE NUMBER: 433-5320 DATE: October 10, 2018

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

Conditional Use Permit for Home Occupation (Hair Salon).

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

Located at 1618 8th Street East (Lot 6, Block 2 of Charleswood 4th Addition), City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval of the Conditional Use Permit subject to recommended conditions listed in the staff report.

STAFF REPORT

A18-40		CONDITIONAL USE PERMIT	
1618 8 th Street East			
Lot 6, Block 2 of Charleswood 4 th Addition			
Owner/Applicant: Cassandra Jackson		Staff Contact: Lisa Sankey	
Planning & Zoning Commission Introduction:		10-09-2018	
Public Hearing:		10-09-2018 – Approved	
City Commission:		10-15-2018	

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:	7,800 square feet
Adjacent Zoning Districts:	R-1A: Single Family Dwelling
Adjacent street(s):	8 th Street East (Local)
Adjacent Bike/Pedestrian Facilities:	Adjacent sidewalks
Available Parks/Trail Facilities:	Charleswood Park within ¼ mile accessible by sidewalks

DISCUSSION AND OBSERVATIONS:

- The applicant is seeking to operate an existing hair salon business out of her home with appointment only service to customers.
- The applicant has provided a site plan of her house showing that the use would be operated in a 200 square foot addition on back of the house. A copy of the plan is attached for reference.
- Section 4-448 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 insure 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.
- Currently it appears that the property can accommodate 4 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.

STAFF REPORT

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 8th Street East, 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 2 available spaces and a garage that they 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.
 - The use does not appear to bring a great deal of traffic to the site. It is stated in the application that the use will be by appointment only.

NOTICES:

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

- A call was received from a resident regarding concerns with a commercial property being approved in a residential setting. Emails indicate the property owner is against a hair salon in an existing residential neighborhood on what he views as being a high traffic street. The email is attached hereto for reference.

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.

STAFF REPORT

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 October 9, 2018 meeting, the Planning and Zoning Commission recommended approval of the conditional use permit subject to the three conditions listed above.

Conditional Use Permit

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

WHEREAS, **Cassandra Jackson** (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 1618 8th Street East, West Fargo, ND 58078, legally described as (hereinafter referred to as the “Property”):

Lot 6, Block 2 of Charleswood 4th 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 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:**

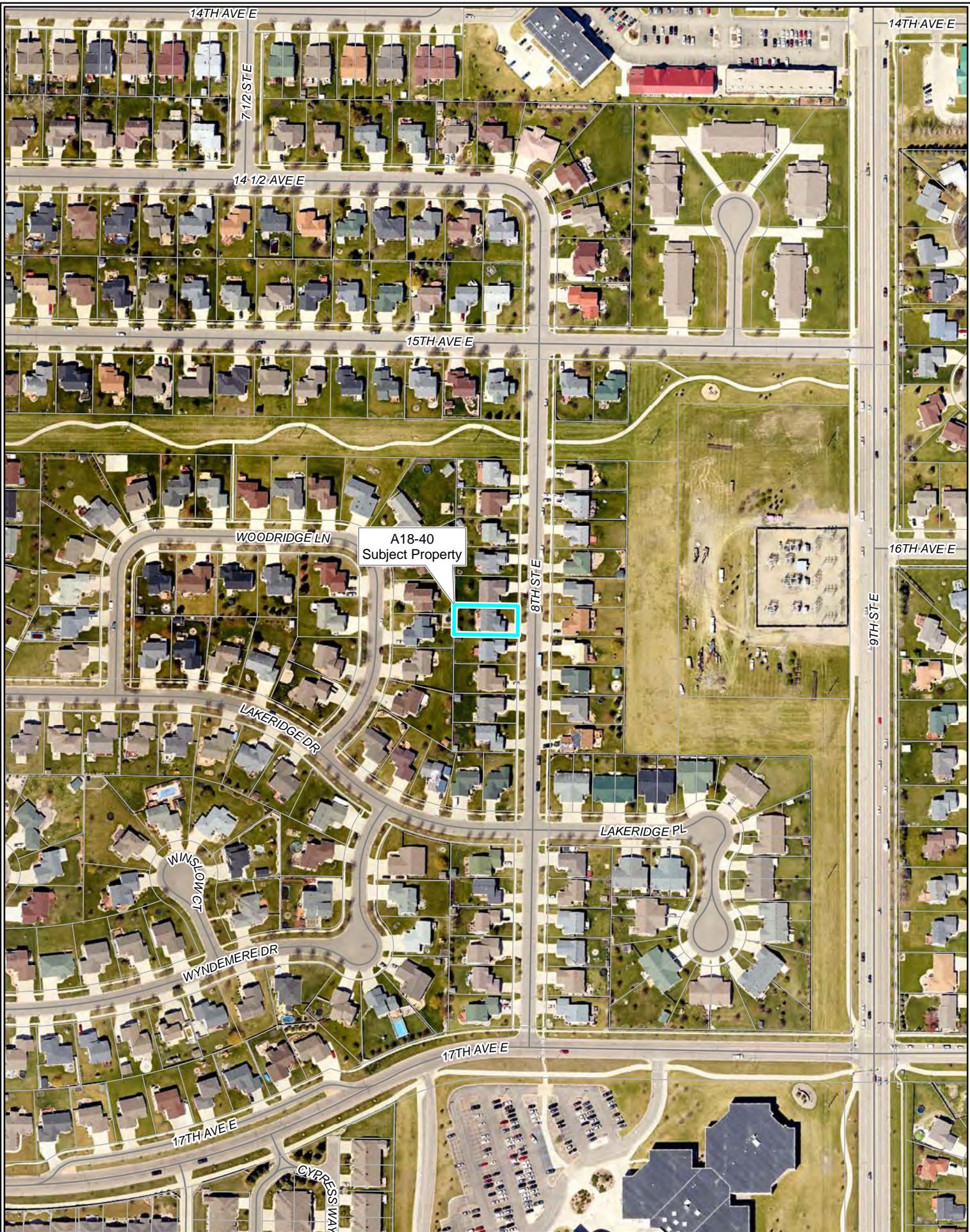
Tim Solberg, Planning and Zoning Director

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.

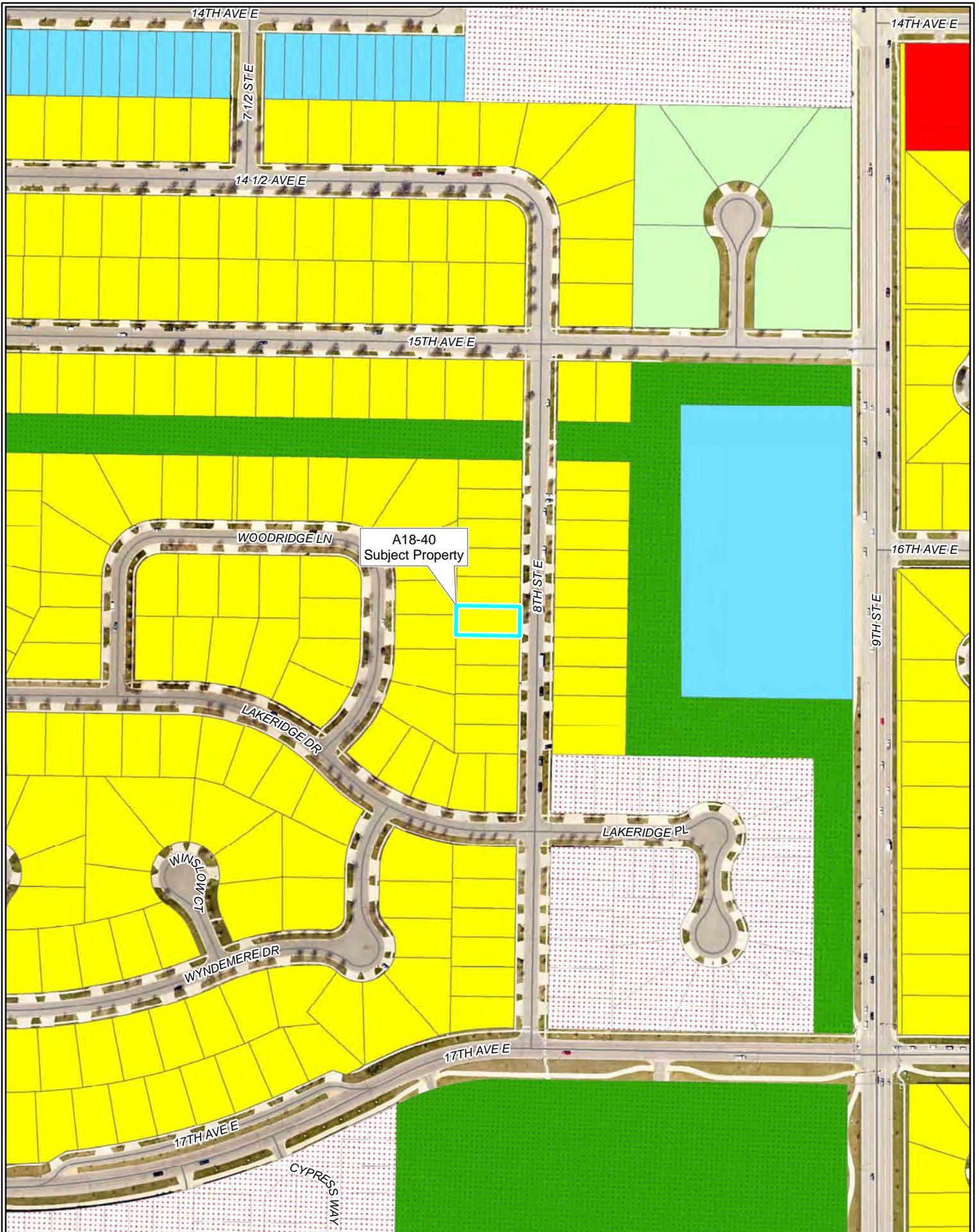
[SEAL]

Notary Public



A18-40
Subject Property





A18-40
Subject Property



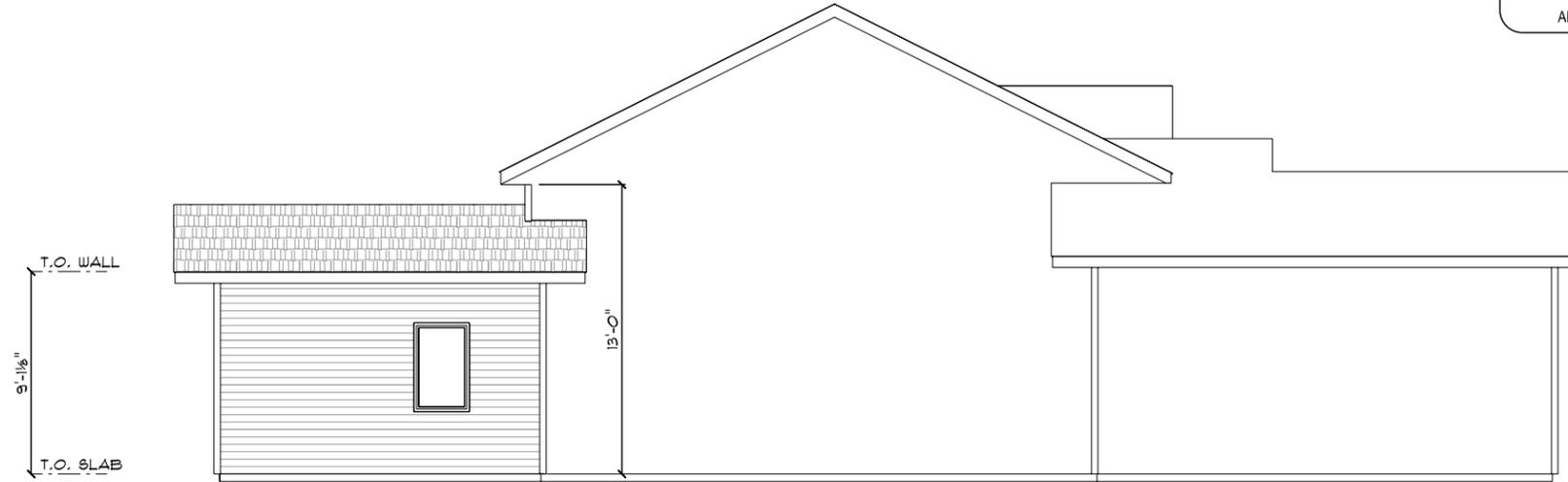
<ul style="list-style-type: none"> A: Agricultural C: Light Commercial C-OP: Commercial Office Park HC: Heavy Commercial 	<ul style="list-style-type: none"> LI: Light Industrial M: Heavy Industrial P: Public PUD: Planned Unit Development 	<ul style="list-style-type: none"> R-1: One and Two Family R-1A: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

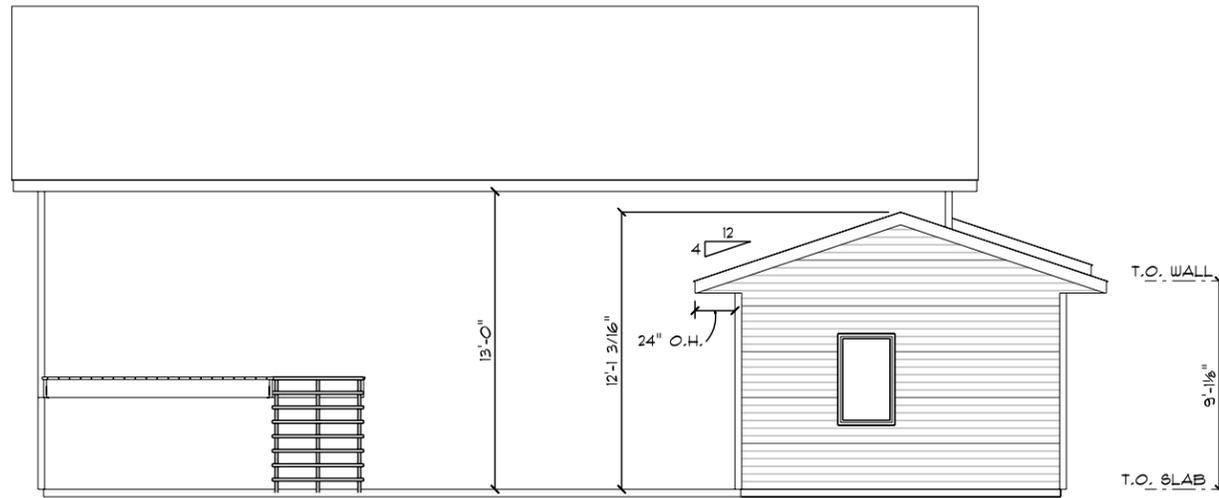
DATE: 8/15/2018

ANY CONSTRUCTION DOCUMENTS PRINTED BEFORE STAMPED DATE ARE VOID. LAMPERT LUMBER IS NOT RESPONSIBLE FOR ANY DISCREPANCIES IN CONSTRUCTION BASED ON PREVIOUS PLANS.



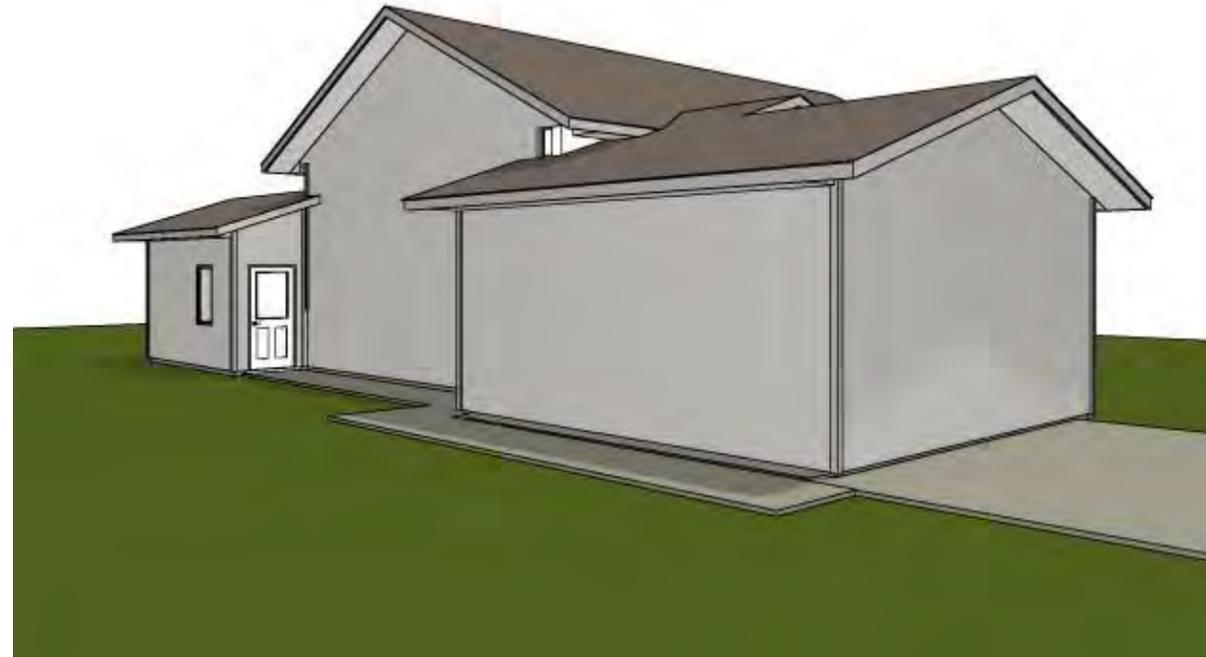
LEFT ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"



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PRELIMINARY DRAWINGS
 UNLESS SIGNED BY CONTRACTOR OR OWNER
 I ACCEPT THIS PLAN AS DRAWN
 Name _____
 Date _____



(Bus): 701-492-0292
 (Fax): 701-492-0591
 www.lampertlumber.com
 4115 32nd Ave S.W.
 Fargo, ND 58103

REVISIONS	

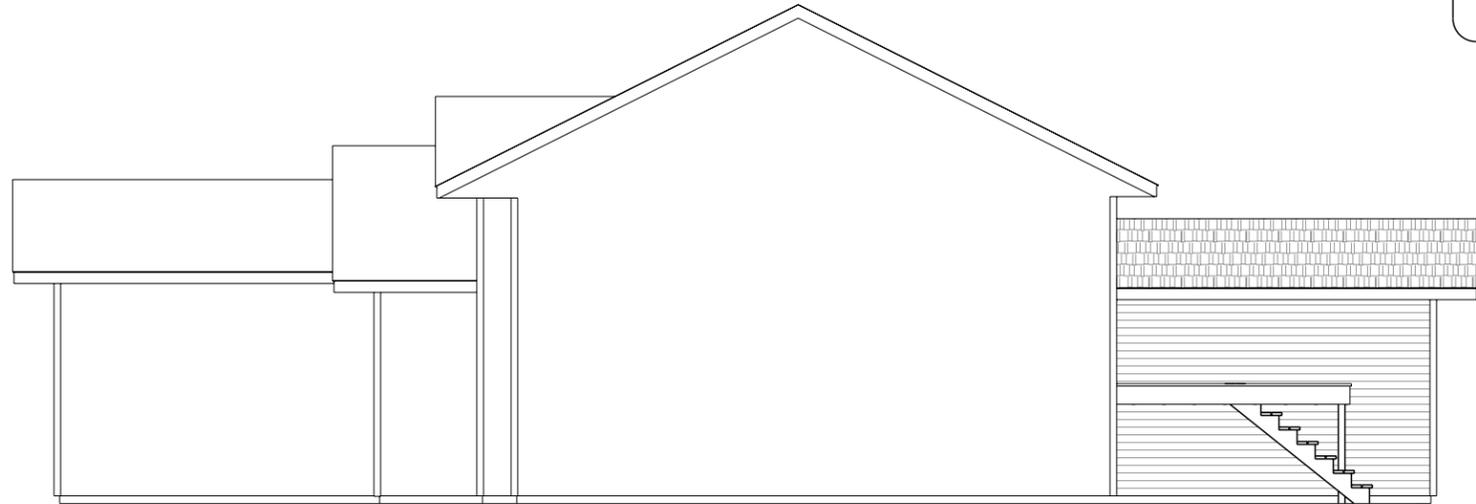
Sandy Jackson Salon
 1618 8th St E
 West Fargo, ND

Sheet **1**
 Date **08.15.18**
 Job **116-18**
 Salesperson **Steve M.**

CONSTRUCTION DRAWINGS

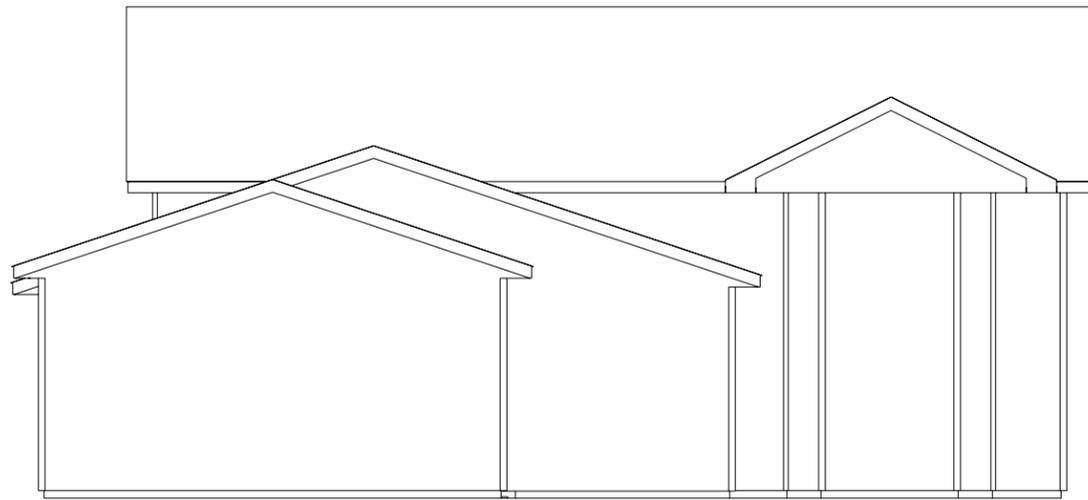
DATE: 8/15/2018

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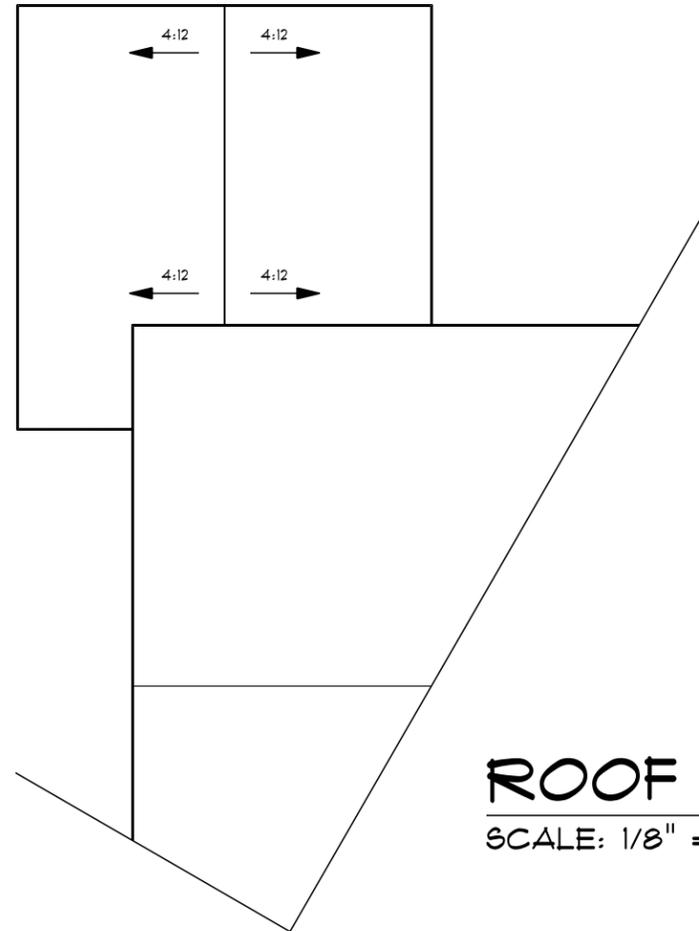
RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



FRONT ELEVATION

SCALE: 1/8" = 1'-0"



ROOF PLAN

SCALE: 1/8" = 1'-0"

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 Name _____
 Date _____

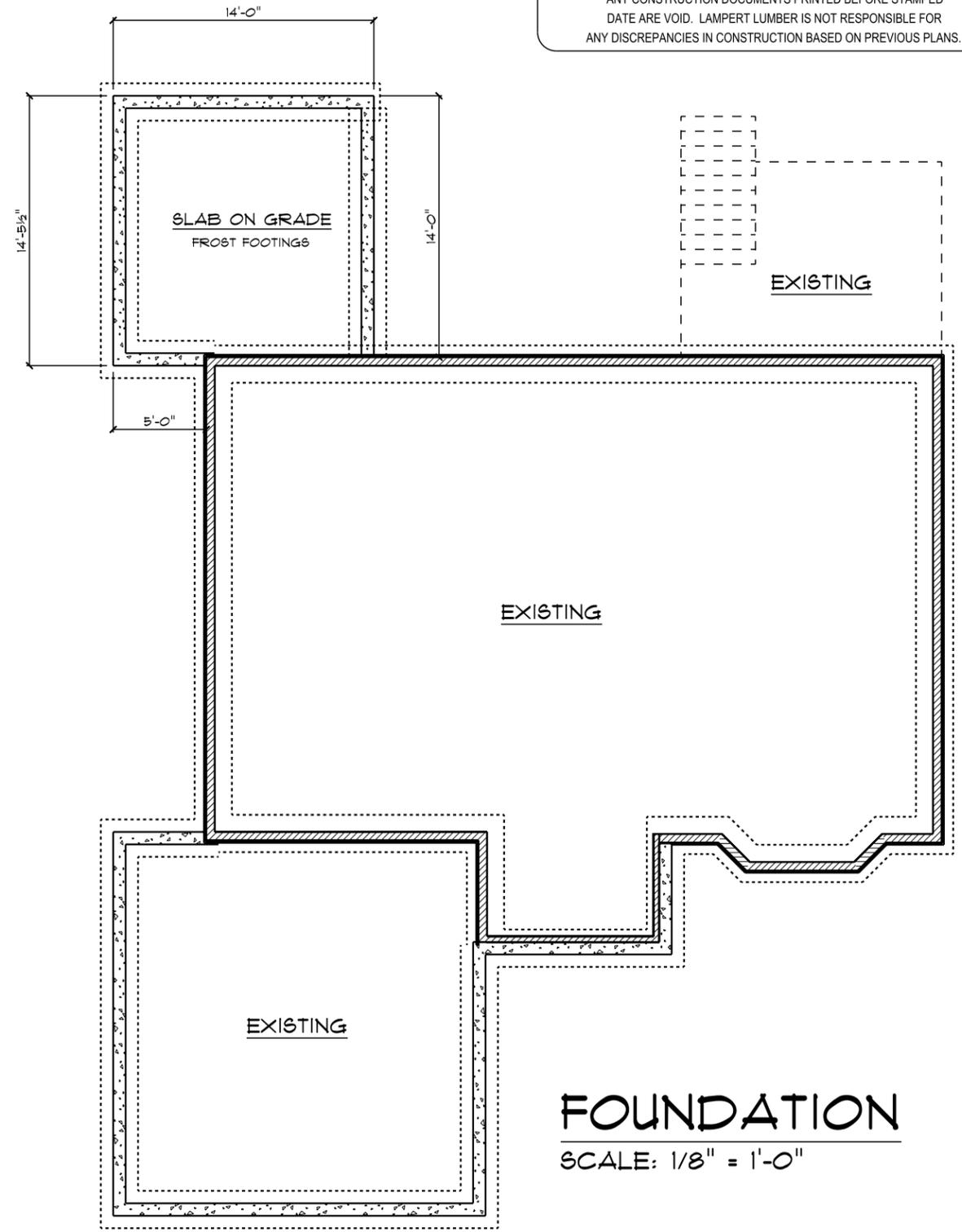
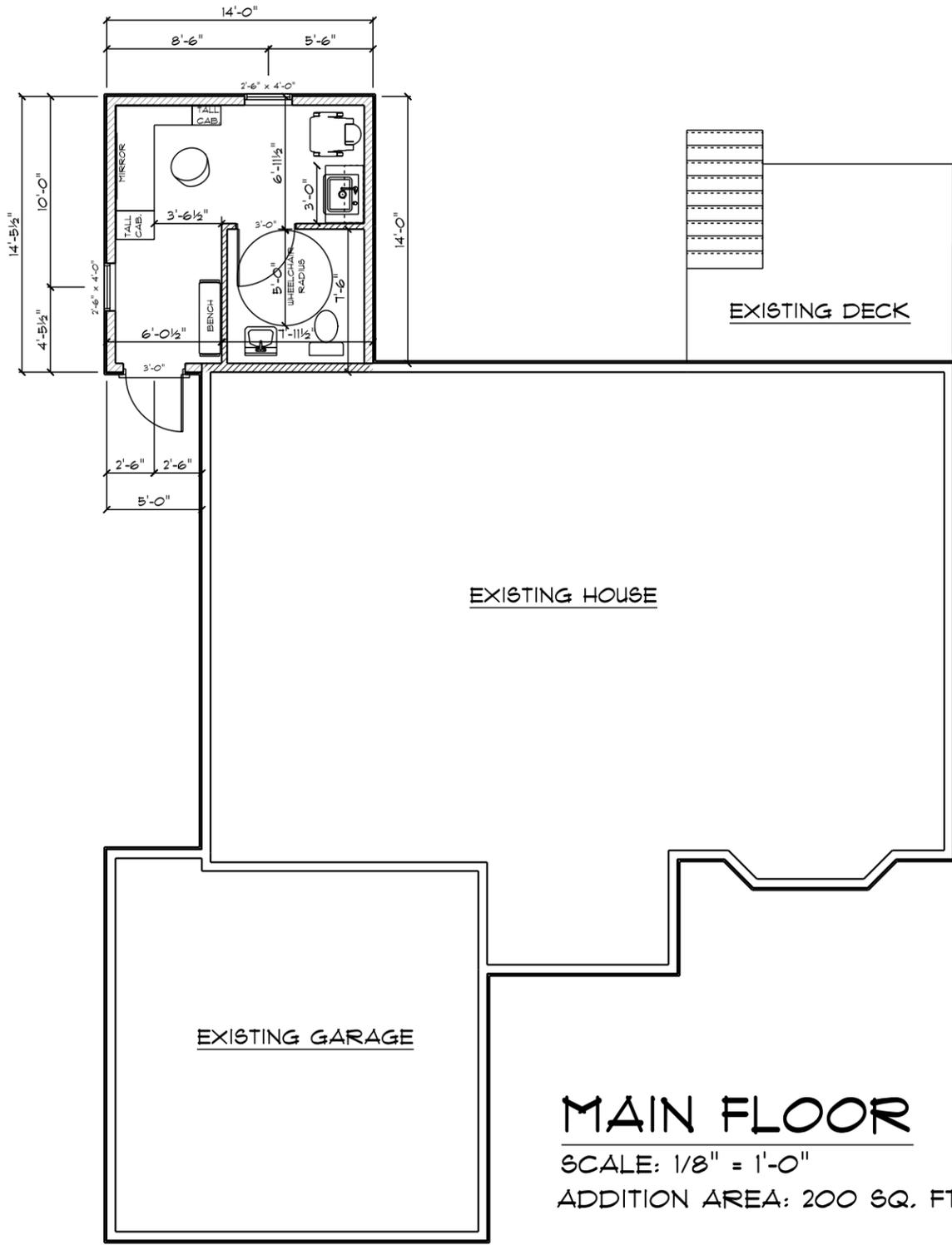


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 (Fax): 701-492-0591
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REVISIONS	

Sandy Jackson Salon
 1618 8th St E
 West Fargo, ND

Sheet **2**
 Date 08.15.18
 Job 116-18
 Salesperson Steve M.



CONSTRUCTION DRAWINGS

DATE: 8/15/2018

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 UNLESS SIGNED BY CONTRACTOR OR OWNER
 I ACCEPT THIS PLAN AS DRAWN
 Name _____
 Date _____



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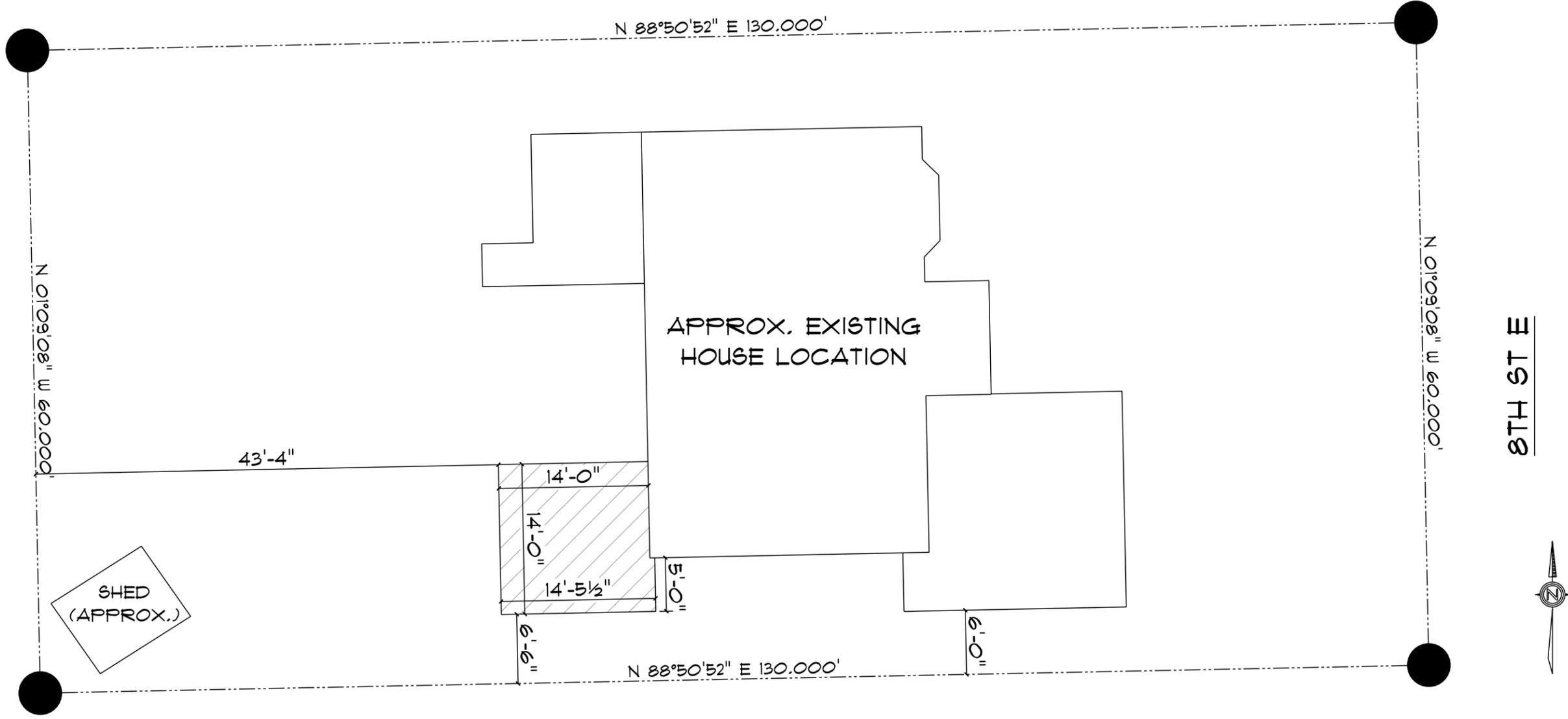
Sandy Jackson Salon
 1618 8th St E
 West Fargo, ND

Sheet 3
 Date 08.15.18
 Job 116-18
 Salesperson Steve M.

CONSTRUCTION DRAWINGS

DATE: 8/15/2018

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8TH ST E



Sandy Jackson Salon
1618 8th St E
West Fargo, ND

Sheet
4

Date 08.15.18
Job 116-18
Salesperson Steve M.

REVISIONS	



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(Fax): 701-492-0591
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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

Lisa A. Sankey

From: Tom Seymour <seymour@srt.com>
Sent: Tuesday, September 25, 2018 7:54 PM
To: Tim P. Solberg
Cc: Eric Gjerdevig; Dianne Hyndman; Bernie L. Dardis; dan; kkoppelman@nd.gov; Kylie Oversen; Lisa A. Sankey; Tina M. Fisk
Subject: Re: Formal Protest in Regards to a Conditional Use Permit (Hair Salon) for 1618 8th Street East

Tim, my hair stylist rents a booth at the Urban Edge and I am sure there are other places that one can rent hair space at a lower cost. Why break the intent of a good city housing code that honors a solid residential environment when rental space for this type of business is readily available?

As I mentioned in our phone conversation that this is a high traffic street with parents waiting at the end of the street for their children at Cheney Middle School and the adjacent street to the mini round about very business also as it enters 8th street.

Thanks for your consideration.

Tom Seymour

----- Original Message -----

From: "Tim P. Solberg" <Tim.Solberg@westfargond.gov>
To: "Tom Seymour" <seymour@srt.com>
Cc: "Eric Gjerdevig" <eric@gjerdevig.com>, "Dianne Hyndman" <dohyndman@icloud.com>, "Bernie L. Dardis" <Bernie.Dardis@westfargond.gov>, "dan" <dan.seymour@gmail.com>, kkoppelman@nd.gov, "Kylie Oversen" <kylie.oversen@gmail.com>, "Lisa A. Sankey" <Lisa.Sankey@westfargond.gov>, "Tina M. Fisk" <Tina.Fisk@westfargond.gov>
Sent: Tuesday, September 25, 2018 4:28:37 PM GMT -06:00 US/Canada Central
Subject: RE: Formal Protest in Regards to a Conditional Use Permit (Hair Salon) for 1618 8th Street East

Tom,

Thank you for your concern. I am attaching the ordinance that pertains to home occupations in the City of West Fargo as well as the plans for your neighbors addition. Generally speaking, the City has been supportive of home occupations as it allows our residents the ability to contribute to society with their occupations, but avoid finding commercial space that can sometime be cost prohibitive, space prohibitive, or simply less convenient. We do however do our part to protect our residential neighborhoods, which is why you've been notified that a neighbor of yours is seeking the City's approval for a conditional use permit to remodel a part of her house to add space for an appointment only hair salon, and why we will go through a process of consideration and either approval or denial of a conditional use permit and include the requirements of our Ordinance with any potential approval that may be made.

I would be happy to speak further with you about the provisions I have attached. I would also state with very high confidence that myself and my staff will present the facts in a very clear manner for which our Planning Commissioners will fairly deliberate. A Public Hearing will be held, and you will be given an opportunity to be heard, and myself or my staff will be happy to present any items or letters of protest that you wish us to provide.

I would politely ask that you do not contact our Planning Commission, as they are considered a recommending body to the City Commission and should deliberate the facts relevant to each application. I am tasked to protect their ability to do this without being influenced by applicant or affected parties in an individual manner. It is also their legal obligation to disclose any outside communication such as this at the Public Hearing. It is typically more appropriate for the Planning Commission process to take place without outside influence and for the public to contact a City Commissioner with concerns on the outcome of the Planning Commission deliberations. Personally, I am also trying to protect them from outside influence and their normal lives as they all are volunteering their good time and knowledge to this process. I do however recognize and respect your right to obtain the information you are requesting and will provide it to you in a separate email.

Again, I want to thank you for your interest and participation in the process. I appreciated your phone call and our conversation and am available for any additional questions or concerns you may have.

Tim Solberg, AICP
Director of Planning and Zoning - City of West Fargo
800 4th Ave E - West Fargo, ND 58078
701-433-5321 (direct) - 701-388-4925 (mobile)

Have you seen our new interactive GIS App?
Check it out here: <http://map.westfargond.gov/TaxParcels/>

-----Original Message-----

From: Tom Seymour [mailto:seymour@srt.com]
Sent: Tuesday, September 25, 2018 2:29 PM
To: Tim P. Solberg <Tim.Solberg@westfargond.gov>
Cc: Eric Gjerdevig <eric@gjerdevig.com>; seymour <seymour@srt.com>; Dianne Hyndman <dohyndman@icloud.com>; Bernie L. Dardis <Bernie.Dardis@westfargond.gov>; dan <dan.seymour@gmail.com>; kkoppelman@nd.gov; Kylie Oversen <kylie.oversen@gmail.com>
Subject: Formal Protest in Regards to a Conditional Use Permit (Hair Salon) for 1618 8th Street East

Tim Solberg, in 2018 in a residential neighborhood at 1618 8th Street East next to Charles Wood; it does meet planning code or make sense to start a business in this particular zoning area.

I and my neighbors protest the idea of having a hair salon in this long established residential neighborhood.

Please send me a list of telephone numbers and email addresses for your West Fargo City Planning Commission members.

Members:

Tom McDougall, Chair (Term Expires July 2023) Joe Kolb, Vice Chair (Term Expires April 2020) David Gust (Term Expires July 2020) April Walker (Term Expires July 2022) Shane Lebahn (Term Expires April 2022) Jana Reinke (Term Expires April 2021) Eric Dodds (Term Expires April 2019) Scott Diamond (Term Expires April 2023)

Personally, I was on the Minot City Planning Commission for ten years and on the Minot City Council from 2010-2016 and having a Hair Salon in the middle of a residential area does pass the smell test. Please give me the name of the party making this request.

Thanks for your consideration.

Tom

--

Tom Seymour, PhD - CCD
Director, Cass County Electric Cooperative
1566 Woodridge Lane
West Fargo, ND 58078

<http://www.minot.com/tom/>
Cell Phone - 701-509-9378

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--

Tom Seymour, PhD - CCD
Director, Cass County Electric Cooperative
1566 Woodridge Lane
West Fargo, ND 58078

<http://www.minot.com/tom/>
Cell Phone - 701-509-9378

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City Commission Agenda Item Request

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: *

Wally Tintes/Tim Solberg

Phone Number: *

Wally: 701-361-0826

Email Address:

tim.solberg@westfargond.gov

Date *

7/30/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

100 Sheyenne Street site was not constructed in conformance with what was agreed to at the April 17, 2017 City Commission meeting. Staff is unable to issue Mr. Tintes with a certificate of occupancy because he did not construct the site to the approved plans. Tim has spoken with Wally and he would like a chance to speak to the Commission.

Site Address or Legal Description (if applicable)

100 Sheyenne Street - addition to Bernie's Liquor

Action Being Requested from City Commission *

Review constructed site vs. approved plans and the CO-S Overlay District Standards and advise developer on his options for obtaining a Certificate of Occupancy.

Upload Additional Documentation (Optional):

Tintes - Addition to Bernie's Liquor building - approved site plan.pdf

834.84KB

CO-S District Standards.pdf

42.73KB

4-431-D. "CO-S" DISTRICT or SHEYENNE STREET CORRIDOR OVERLAY DISTRICT Source: Ord. 976, Sec. 1 (2013)

4-431-D.1. Statement of Intent. The provisions of the "CO-S" District are intended to ensure that future development of land conforms to the design and intent of the Sheyenne Street and Main Avenue Framework Study. These standards will help guarantee the development occurring within this district are sited and built to standards that will support the vision of the study. The vision for the Sheyenne Street Corridor is to create a unique destination in the historic core of West Fargo that will improve the image of the area, create public and private investment opportunities, and improve economic performance of underperforming properties that will create a vibrant 'heart' to the City of West Fargo. The CO-S District shall extend along the length of Sheyenne Street between 7th Avenue West and Main Avenue West and include only the properties with frontage on Sheyenne Street.

4-431-D.2. Area Definition. The "CO-S" District shall include the blocks along Sheyenne Street between 7th Avenue West and Main Avenue West and include only properties with frontage on Sheyenne Street.

4-431-D.3. Permitted Uses.

1. Retail businesses, such as general merchandise, food, liquor, hardware, furniture, and apparel stores; eating and drinking establishments; and drugstores.
2. Business services, such as banks, and other financial institutions, and professional offices.
3. Personal services, such as barber and beauty shops, photographic studios, laundromats and dry cleaning establishments.
4. Entertainment, social or recreational businesses, such as bowling alleys, health clubs, theaters (excluding drive-ins), night clubs, private clubs and lodges.
5. Medical and dental facilities.
6. Veterinary clinics without overnight facilities.
7. Hotels and motels.
8. Gas station and convenience store.
9. Grocery Store.
10. Essential services.

11. Other: Uses not listed but similar to the permitted uses above and consistent with the stated purpose of this district.

4-431-D.4. Conditionally Permitted Uses. The following use may be permitted in the C District subject to the conditions hereinafter imposed and subject further to review and approval by the City Commission as required by Section 4-550 of this Ordinance:

1. Apartments above commercial establishments; subject to the following conditions:
 - a. Any apartment shall be provided with off-street parking the same as for multiple dwellings.
 - b. Any apartment shall be provided with private access.
2. Multiple dwellings, including condominiums, excluding the ground floor.
3. Repair services, such as radio shops, appliance shops, upholstery shops and shoe repair shops.
4. Churches and schools.
5. Public/semi-public facilities, such as armories, parks, police and fire stations; telephone exchange buildings, and civic centers.
6. Child Care Facility, Child Care Center and Family Child Care Home in an existing residential building or in a non-residential building.

4-431.D.5. Site Design Standards. Site design standards govern all of the major site elements from the face of the building to the back of the curb and shall include the building orientation and entrances, building location and setbacks, parking areas, and landscaping and open space requirements.

1. Building Orientation and Entrances. For all properties located along Sheyenne Street, the front façade of buildings shall be oriented towards Sheyenne Street with the main entrance on this front façade. On corner properties, a secondary entrance along the side street is encouraged but not required. When buildings are located on corners, the entrance may be located on the corner with an appropriate building articulation, such as chamfered corner, turret, canopy, or other similar architectural feature to distinguish the entry.

2. Building Location and Setbacks.
 - a. Front Yard Setback. All buildings fronting Sheyenne Street shall incorporate a required zero setback build-to line established at the front property line. Deviation from the zero setback requirement may be allowed for buildings that wish to add additional usable space, i.e. dining areas; driving isles, as approved by the Design Review Committee.
 - b. Side Yard Setback. New construction on properties that share an internal property line shall have a required zero setback. Corner lots shall have a zero setback for the external lot line. Deviation from the zero setback requirement may be allowed for the external lot line on corner lots for buildings that wish to add addition usable space, i.e. dining areas; driving isles, as approved by the Design Review Committee. Existing buildings are encouraged to conform to the zero setback when making addition(s) to the building. It shall be required to conform to the zero setback when the value of the cumulative addition(s) after the adoption of this ordinance are equal or greater than 25 percent of the assessed value of the property.
 - c. Rear Yard Setback. New construction on properties within the "CO-S" district is required to facilitate parking in the rear yard. When this is the case, the minimum setback will be determined by the total required parking spaces and the minimum parking standards, as spelled out in Chapter 4-450: Off-Street Parking and Loading Requirements, and approved by the City Planner. Properties with existing buildings shall maintain the same rear yard as required in the underlying zoning district.
3. Parking Areas. Parking in the "CO-S" district shall adequately serve the users without detracting from the compact, pedestrian friendly design that is spelled out in the Sheyenne Street and Main Avenue Framework Study.
 - a. All parking areas for new construction shall be located in the rear of buildings.
 - b. All parking areas shall be paved to provide a durable and dust free surface.
 - c. Light poles located within parking area perimeters shall be surrounded by curbed islands with a minimum distance of 4 feet from the center line of

the light pole to the curb and shall be planted with four season vegetation.

- d. Shared parking areas are recommended.
- e. Parking requirements for retail commercial uses in the CO-S district will be calculated at 2 spaces per 1000 square feet floor area.
- f. Parking requirements for service commercial uses will be calculated at 3 spaces per 1000 square feet of floor area.
- g. Existing buildings that have met the Sheyenne Corridor Overlay District Building and Construction Standards that have existing parking areas that cannot meet the CO-S setbacks may submit a parking plan showing reduced setback to the Review Committee to assure maximum parking and compliance with Sheyenne Street and Main Avenue Framework Study.

4. Landscape and open space requirements.

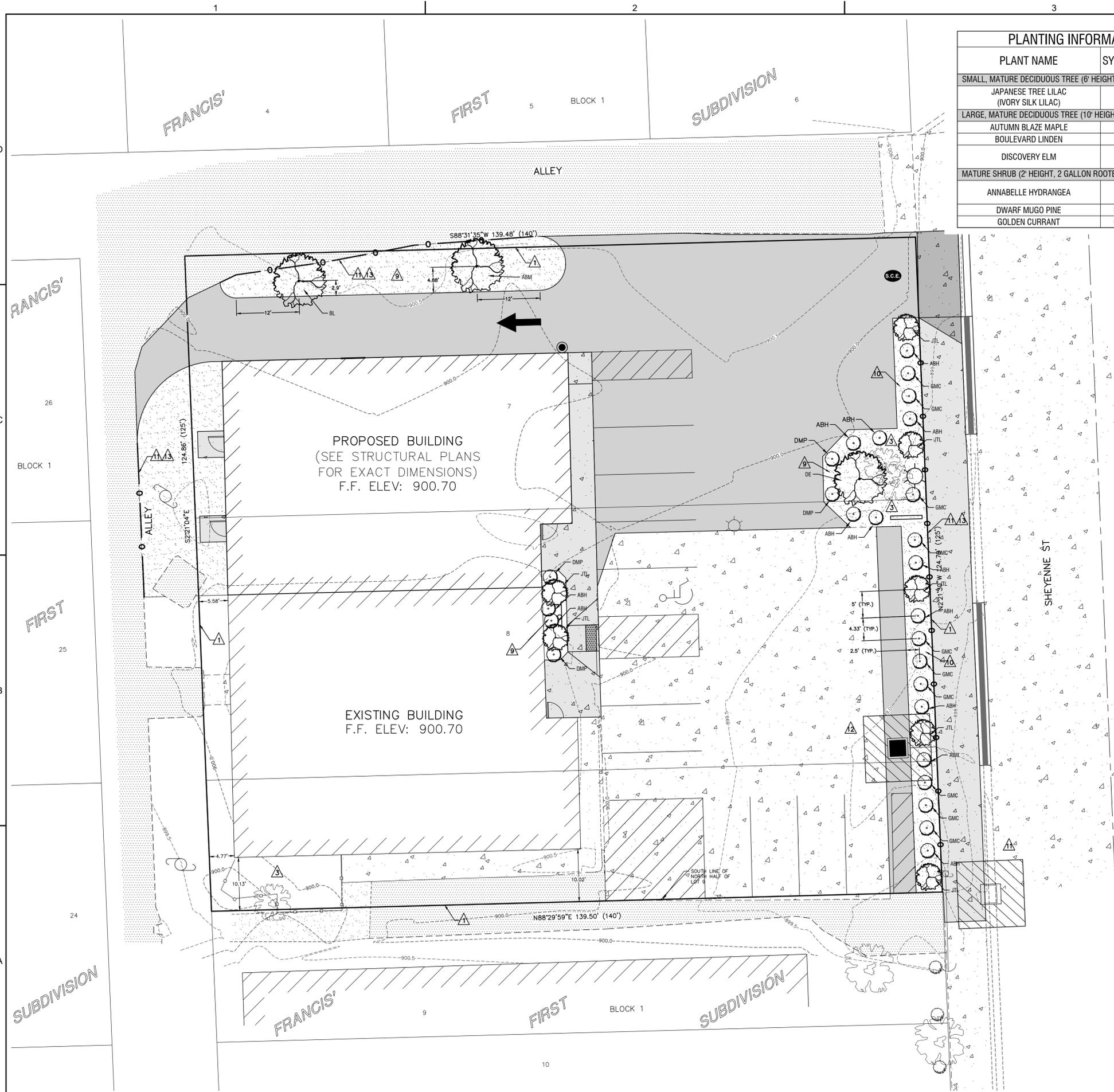
- a. A minimum 5 foot decorative and/or vegetative buffer shall separate parking areas from front and side property lines.
- b. A minimum 5 foot landscaped space shall separate parking areas from buildings.
- c. Additional corridor landscaping shall be done in accordance with the City of West Fargo Landscape Standards, as approved by City Commission.

5. Building Construction. A higher construction standard is required in the Sheyenne Street Corridor Overlay District.

- a. A minimum of 70 percent of the length of the ground floor front façade shall consist of windows, glass doors, or other transparent materials. The remaining area of the ground floor façade shall be constructed of durable non-metal materials as spelled out in the Sheyenne Street Corridor Development Guidelines.
- b. A minimum of 30 percent of all remaining floors shall consist of windows, glass doors, or other transparent materials. The remaining areas shall be constructed of durable non-metal materials as spelled out in the Sheyenne Street Corridor Development Guidelines.

- c. New construction on corner lots shall have a minimum of 30 percent of the ground floor side façade shall consist of windows, glass doors, or other transparent materials. The remaining areas shall be constructed of durable non-metal materials as spelled out in the Sheyenne Street Corridor Development Guidelines.
 - d. New construction shall be a minimum of two floors in height. A third floor may be considered upon review of soils showing it can be supported.
 - e. Additions of more than 25% of the assessed value of the property cumulative after the adoption of this ordinance will require compliance with building construction standards.
6. Refuse Collection Areas and Outdoor Storage Areas.
- a. All refuse collect and outdoor storage areas shall only be permitted in rear yards and shall be visually screened from adjoining properties or streets.

Source: Ord. 916, Sec. 66 (2012); Ord. 976, Sec. 1 (2013)

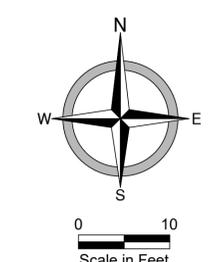


PLANTING INFORMATION - CITY OF WEST FARGO			
PLANT NAME	SYMBOL	SCIENTIFIC NAME	QUANTITY
SMALL, MATURE DECIDUOUS TREE (6' HEIGHT, 2.25" CALIPER)			
JAPANESE TREE LILAC (IVORY SILK LILAC)	JTL	SYRINGA RETICULATA	7
LARGE, MATURE DECIDUOUS TREE (10' HEIGHT, 2.5" CALIPER)			
AUTUMN BLAZE MAPLE	ABM	ACER X FREEMANII 'JEFFERSRED'	1
BOULEVARD LINDEN	BL	TILIA AMERICANA 'BOULEVARD'	1
DISCOVERY ELM	DE	ULMUS DAVIDIANA VAR. JAPONICA 'DISCOVERY'	1
MATURE SHRUB (2' HEIGHT, 2 GALLON ROOTBALL)			
ANNABELLE HYDRANGEA	ABH	HYDRANGEA ARBORESCENS 'ANNABELLE'	13
DWARF MUGO PINE	DMP	PINUS MUGO VAR. PUMILIO	4
GOLDEN CURRANT	GMC	RISES AUREUM	10

LEGEND

- EXISTING GAS LINE MARKER
- EXISTING GAS GATE VALVE
- EXISTING POWER POLE
- EXISTING 60V WIRE
- EXISTING UTILITY PEDESTAL
- EXISTING UTILITY MANHOLE
- C = COMMUNICATION
- E = ELECTRICAL
- F = FIBER OPTIC
- T = TELEPHONE
- TV = TELEVISION
- TR = TRANSFORMER
- U = UTILITY (UNKNOWN UTILITY)
- EXISTING UNDERGROUND COMMUNICATIONS
- EXISTING UNDERGROUND TELEPHONE
- EXISTING UNDERGROUND TELEVISION
- EXISTING UNDERGROUND FIBER
- EXISTING UNDERGROUND GAS
- EXISTING UNDERGROUND ELECTRIC
- EXISTING ONE-CONDUCTOR POWER
- EXISTING SANITARY SEWER
- NEW SANITARY SEWER
- EXISTING SANITARY SEWER MANHOLE
- NEW SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER CLEANOUT
- NEW SANITARY SEWER CLEANOUT
- EXISTING SANITARY SEWER SERVICE
- NEW SANITARY SEWER SERVICE
- EXISTING SANITARY SEWER FORCEMAIN
- NEW SANITARY SEWER FORCEMAIN
- EXISTING WATER MAIN
- NEW WATER MAIN
- EXISTING HYDRANT W/GATE VALVE
- NEW HYDRANT W/GATE VALVE
- EXISTING GATE VALVE
- NEW GATE VALVE
- EXISTING FITTINGS
- NEW FITTINGS
- EXISTING WATER SERVICE W/CURB STOP
- NEW WATER SERVICE W/CURB STOP
- EXISTING CURB STOP
- NEW CURB STOP
- INSULATION PER DETAIL
- EXISTING STORM SEWER
- NEW STORM SEWER
- EXISTING STORM SEWER FORCEMAIN
- NEW STORM SEWER FORCEMAIN
- EXISTING STORM SEWER CATCH BASIN/MANHOLE
- NEW STORM SEWER CATCH BASIN/MANHOLE
- EXISTING PLUG
- NEW PLUG
- EXISTING CULVERT W/FLARED END SECTION (F.E.S.)
- NEW CULVERT W/FLARED END SECTION (F.E.S.)
- EXISTING FLARED END SECTION (F.E.S.)
- NEW FLARED END SECTION (F.E.S.)
- EXISTING RIPRAP
- NEW RIPRAP
- BENCHMARK
- IRON MONUMENT FOUND
- EXISTING TRAFFIC SIGNAL ARM
- EXISTING CLUSTER BOX UNIT (CBU)
- EXISTING MET GRASS
- EXISTING SURFACE WATER
- NEW SURFACE WATER
- EXISTING CURB AND GUTTER
- NEW INFLOW CURB AND GUTTER (MOUNTABLE/KNOCKED DOWN)
- NEW OUTFLOW CURB AND GUTTER (MOUNTABLE/KNOCKED DOWN)
- NEW INFLOW CURB AND GUTTER (HIGHBACK)
- NEW OUTFLOW CURB AND GUTTER (HIGHBACK)
- CURB AND GUTTER REMOVAL & REPLACEMENT
- EXISTING ASPHALT SURFACE
- NEW ASPHALT SURFACE
- EXISTING CONCRETE SURFACE
- NEW CONCRETE SURFACE
- EXISTING GRANULAR SURFACE
- NEW GRANULAR SURFACE
- REMOVE EXISTING SURFACE
- NEW CONCRETE APPROACH/DRIVEWAY
- EXISTING DECORATIVE COLORED CONCRETE
- NEW DECORATIVE COLORED CONCRETE
- NEW CONCRETE SIDEWALK/MULTI-USE PATH
- NEW DETECTABLE WARNING PANEL
- EXISTING SIGN
- NEW SIGN
- EXISTING BARBED WIRE FENCE
- EXISTING CHAIN LINK/STEEL FENCE
- NEW CHAIN LINK/STEEL FENCE
- EXISTING PVC/WOOD FENCE
- NEW PVC/WOOD FENCE
- EXISTING LIGHT POLE
- NEW LIGHT POLE
- EXISTING LIGHT POLE W/SIGN
- NEW LIGHT POLE W/SIGN
- TRAFFIC CONTROL - SINGLE POST SIGN
- TRAFFIC CONTROL - DOUBLE POST SIGN
- TRAFFIC CONTROL - TYPE 3 BARRICADE
- TRAFFIC CONTROL - DRAW
- TRAFFIC CONTROL - TUBULAR MARKER
- EXISTING LANDSCAPING
- NEW LANDSCAPING
- EXISTING TREE/TREE CLUSTER
- NEW DECIDUOUS TREE
- NEW EVERGREEN TREE
- EXISTING SHRUB
- NEW SHRUB
- DRAINAGE BREAK LINE
- EXISTING DRAINAGE DIRECTION
- FINISHED DRAINAGE DIRECTION & SLOPE
- FINISHED GRADE
- EXISTING CONTOUR ELEVATION
- FINISHED CONTOUR ELEVATION
- SPOT ELEVATIONS
- BOC = BACK OF CURB
- BO = BACK OF WALK
- CBW = STORM SEWER CATCH BASIN
- CO = CENTERLINE
- COV = SANITARY SEWER CLEANOUT
- CS = CONTROL STRUCTURE
- DIA = DIAMETER
- EOC = EDGE OF CONCRETE
- EG = EXISTING GRADE
- EO = EDGE OF PAVEMENT
- TOP = TOP OF PAVEMENT
- LOW = LOW
- EG = EXISTING GRADE
- EX = EXISTING
- FG = FINISHED GRADE
- FL = FLOWLINE
- HP = HIGH POINT
- IPV = INVERT
- LP = LOW POINT
- MATCH = MATCH
- MIF = STORM SEWER MANHOLE
- MVF = STORM SEWER TEE MANHOLE
- MMA = MULTI-MANHOLE
- MSP = MIDPOINT OF CURVE
- PC = POINT OF CURVATURE
- PI = POINT OF INTERSECTION
- PT = POINT OF TANGENCY
- RM = RIM OF STRUCTURE
- SJ = SANITARY SEWER MANHOLE
- TOP = TOP OF CONCRETE
- TOP = TOP OF PAVEMENT
- TOP = TOP OF PIPE
- TOW = TOP OF WALK
- TRF = SANITARY TELEVISION RISER
- SEDIMENTATION CONTROL WATTLE
- SEDIMENTATION CONTROL FENCE
- ROCK CHECK
- GRASS BUFFER
- PERMANENT STABILIZATION AREA
- EROSION CONTROL BLANKET
- STABILIZED CONSTRUCTION ENTRANCE
- CONCRETE WASHOUT
- INLET PROTECTION

- GENERAL NOTATIONS**
- PROPERTY LINE.
- LANDSCAPE NOTATIONS**
- EXISTING TREE TO REMAIN.
 - EXISTING OPEN SPACE PLANTING.
 - BUFFER PLANTING.
- EROSION CONTROL NOTATIONS**
- INSTALL PRIOR TO UPSTREAM DISTURBANCES.
 - INSTALL WHEN STRUCTURE INSTALLED.
 - REMOVE TEMPORARILY TO FINISH GRADE, SEED, AND MULCH. RESET IMMEDIATELY AFTER MULCH INSTALLED.



BENCHMARK LIST
ALL ELEVATIONS SHOWN ARE NGVD

NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT		
2	TOP NUT ON HYDRANT		
3	TOP NUT ON HYDRANT		

This document was originally issued and sealed by **JEREMY DEWALD**, Registration No. PE-8769, on 06/02/17, and the original document is stored at **Moore Engineering, Inc.**, West Fargo, N.D.



LANDSCAPE AND EROSION CONTROL PLAN
BERNIE'S LIQUOR ADDITION
24 SHEYENNE STREET
WEST FARGO, NORTH DAKOTA
LANDSCAPE AND EROSION CONTROL PLAN

DATE:	06.02.17
REVISED:	---
RECORD:	---
PROJECT No.	19776
MANAGER:	SWI
DESIGNER:	JJD
DRAFTER:	LAZ
REVIEWER:	KJMc

C-403

SHEET 5 OF 7



City Commission Agenda Item Request

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@westfargond.gov

Date *

10/15/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Thank you to West Fest staff, sponsors, volunteers and coordinators.

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

No action

Upload Additional Documentation (Optional):