



- A. Pledge of Allegiance
- B. Approve Order of Agenda
- C. Approval of Minutes – October 5, 2020 **(Pages 2-5)**
- D. Building Permits

Consent Agenda – Approve the Following:

- a. Bills **(Pages 6-13)**
- b. Financial Dashboard as of September 30, 2020 **(Pages 14-15)**
- c. Request for Public Hearing for The Wilds North Pond First Addition Rezoning at 5:30 pm on November 2, 2020 **(Pages 16-17)**
- d. Request for Public Hearing for The Wilds 21st Rezoning at 5:30 pm on November 2, 2020 **(Pages 18-19)**
- e. Gaming Site Authorization for Prairie Public Broadcasting, Inc. to be conducted: Bingo, Raffles, Pull Tab Jar, Pull Tab Dispensing Device, Electronic Pull Tabs, and Prize Board at Three Lyons LLC at 675 13th Avenue East **(Page 20)**
- f. Resolution Approving Contract and Contractor's Bond for Sewer, Water, Storm and Street Improvement District No. 1331 **(Pages 21-22)**
- g. Resolution Approving Contract and Contractor's Bond for Sewer, Water, Storm and Street Improvement District No. 1334 **(Pages 23-24)**

Regular Agenda

- 1. Conditional Use Permit for an oversized accessory building in a R-1E: Rural Estate district at 4801 2nd Street East – **Tim Solberg, Planning Director (Pages 25-37)**
- 2. Conditional Use Permit for Home occupation (dog grooming) that has customers coming to the site at 815 12 ½ Ave W – **Tim Solberg, Planning Director (Pages 38-49)**
- 3. Planned Unit Development Amendment on Lot 3, Block 1 of South Pond at the Preserve 6th Addition – **Tim Solberg, Planning Director (Pages 50-58)**
- 4. Interstate Corridor Overlay Plan Review and Approval and Special Approval of screening of loading dock facing street within Redevelopment Corridor Overlay District – **Tim Solberg, Planning Director (Pages 59-66)**
- 5. Second Reading of the Sump Pump Ordinance 1160 Option A – **Matt Andvik, Public Works Director (Pages 67-69)**
- 6. Annexation Plat – **John Shockley, City Attorney (Pages 70-71)**
- 7. Continue Hearing of any written appeals for assessment list confirmed by the Special Assessment Commission for Street Improvement District No. 2241 – **Dustin Scott, City Engineer (Pages 72-75)**
- 8. Construction Report – **Dustin Scott, City Engineer**
- 9. City Administrator's Report – **Tina Fisk, City Administrator**
- 10. Correspondence
- 11. Non-Agenda Items
- 12. Adjourn

Due to the orange, high-risk level of Cass County, this meeting will not be held in the Commission Chambers. For information on how to view or participate in the meeting, visit

<https://www.westfargond.gov/Calendar.aspx?EID=1094>.



West Fargo City Commission Meeting
Monday, October 5, 2020
Commission Chambers 5:30 PM

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

The Pledge of Allegiance was recited.

Commission Gjerdevig moved and Commissioner Simmons seconded to approve the order of the agenda as distributed. No opposition. Motion carried.

Commissioner George moved and Commissioner Simmons seconded to approve the minutes of September 21, 2020 as presented. No opposition. Motion carried.

The Commission reviewed the Building Department Activity Report dated October 5, 2020 and Building Permits #639-734. Commissioner Olson moved and Commissioner George seconded to approve the Building Permits as presented. No opposition. Motion carried.

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

- a. Bills
- b. Financial Dashboard as of August 31, 2020

No opposition. Motion carried.

John Shockley, City Attorney and Dustin Scott, City Engineer appeared before the Commission to hold a 5:30 pm Hearing of any written appeals regarding assessment list confirmed by the Special Assessment Commission for Sewer, Water, Storm and Street Improvement District No. 1305. There were no written appeals. Following discussion, Commissioner Olson moved and Commissioner Simmons seconded to approve the assessment that is listed for District No. 1305. No opposition. Motion carried.

John Shockley, City Attorney and Dustin Scott, City Engineer appeared before the Commission to hold a 5:30 pm Hearing of any written appeals regarding assessment list confirmed by the Special Assessment Commission for Sanitary Sewer, Water and Storm Sewer Improvement District No. 1315. There were no written appeals. Following discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the assessment that is listed for District No. 1315. No opposition. Motion carried.

John Shockley, City Attorney and Dustin Scott, City Engineer appeared before the Commission to hold a 5:30 pm Hearing of any written appeals regarding assessment list confirmed by the Special Assessment Commission for Infrastructure Replacement District No. 1319. There were no written appeals. Following discussion, Commissioner Gjerdevig moved and Commissioner Simmons seconded to approve the assessment that is listed for District No. 1319. No opposition. Motion carried.



West Fargo City Commission Meeting
Monday, October 5, 2020
Commission Chambers 5:30 PM

John Shockley, City Attorney and Dustin Scott, City Engineer appeared before the Commission to hold a 5:30 pm Hearing of any written appeals regarding assessment list confirmed by the Special Assessment Commission for Street Improvement District No. 2241. There was one written appeal from Jim Bullis. Mr. Bullis from 2118 Sterling Rose Lane Fargo, ND came forward to discuss his concern for the parcel on page 71 of the agenda. Following discussion, Commissioner Simmons moved and Commissioner George seconded to defer the assessment that is listed for District No. 2241 until the next Commission meeting. No opposition. Motion carried.

John Shockley, City Attorney and Dustin Scott, City Engineer appeared before the Commission to hold a 5:30 pm Hearing of any written appeals regarding assessment list confirmed by the Special Assessment Commission for Street Improvement District No. 2243. There were no written appeals. Steve Marquart from 725 15th Ave E, West Fargo, Maurel Mattson from 738 15th Ave E, West Fargo and Dale Olson from a Heatherwood Court Condo came forward to discuss their concerns on the Street Improvement District 2243. Following discussion, Commissioner Simmons moved and Commissioner Olson seconded to approve the assessment that is listed for District No. 2243. Commissioner George and Commissioner Gjerdevig opposed. Motion carried.

John Shockley, City Attorney and Dustin Scott, City Engineer appeared before the Commission to hold a 5:30 pm Hearing of any written appeals regarding assessment list confirmed by the Special Assessment Commission for Street Improvement District No. 2244. There were no written appeals. Steve Marquart from 725 15th Ave E, West Fargo came forward to discuss his concerns on the Street Improvement District 2244. Following discussion, Commissioner Olson moved and Commissioner Simmons seconded to approve the assessment that is listed for District No. 2244. Commissioner George and Commissioner Gjerdevig opposed. Motion carried.

John Shockley, City Attorney and Dustin Scott, City Engineer appeared before the Commission to hold a 5:30 pm Hearing of any written appeals regarding assessment list confirmed by the Special Assessment Commission for Street Improvement District No. 2251. There were no written appeals. Following discussion, Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the assessment that is listed for District No. 2251. Commissioner George opposed. Motion carried.

John Shockley, City Attorney and Dustin Scott, City Engineer appeared before the Commission to hold a 5:30 pm Hearing of any written appeals regarding assessment list confirmed by the Special Assessment Commission for Street Improvement District No. 2253. There were no written appeals. Following discussion, Commissioner Simmons moved and Commissioner Olson seconded to approve the assessment that is listed for District No. 2253. No opposition. Motion carried.



West Fargo City Commission Meeting
Monday, October 5, 2020
Commission Chambers 5:30 PM

Dustin Scott, City Engineer appeared before the Commission to Review Bids and Award Contract for Project No. 1316 - Ph. 1(Northside Sanitary Sewer Rehab). Following discussion, Commissioner George moved and Commissioner Gjerdevig seconded to approve and award the contract for Project No. 1316 to Key Contracting. No opposition. Motion carried.

Dustin Scott, City Engineer appeared before the Commission to Review Bids and Award Contract for the Sewer, Water, Storm and Street Improvement District No. 1332 (Westview 4th Addition). Following discussion, Commissioner Olson moved and Commissioner Simmons seconded to approve and award the contract for Project No. 1332 to Dirt Dynamics. No opposition. Motion carried.

Dustin Scott, City Engineer appeared before the Commission to Review Bids and Award Contract for the Sewer, Water, Storm and Street Improvement District No. 1334 (9th Ave NE/5th to 7th Street) Following discussion, Commissioner George moved and Commissioner Gjerdevig seconded to approve and award the contract for Project No. 1334 to Paras Contracting. No opposition. Motion carried

McKenzy Olson of Epic Management appeared before the Commission to request approval to donate a flag pole and flag to the City of West Fargo. Following discussion, Commissioner Simmons moved and Commissioner George seconded the approval to donate a flag pole and flag to the City of West Fargo while having clearance of any structure. No opposition. Motion carried

Chief Dan Fuller, Fire Chief appeared before the Commission to request approval and purchase of Apparatus. Following discussion, Commissioner Simmons moved and Commissioner George seconded the approval to the request to purchase the Apparatus. No opposition. Motion carried

Jim Larson, Finance Director appeared before the Commission to give an update on Lights Plaza Ice Rink and Grant. Mike Amundson, Executive Director of West Fargo Events came forward for discussion and to answer any questions. Following discussion, Commissioner Simmons moved and Commissioner George seconded to accept the grant from Convention and Visitors Bureau. No opposition. Motion carried

Commissioner George requested a 5-minute break.

Commissioner Dardis reconvened the October 5th City Commission Meeting.



West Fargo City Commission Meeting
Monday, October 5, 2020
Commission Chambers 5:30 PM

Tina Fisk, City Administrator appeared before the Commission to ask them to consider changing the Special Assessment Committee Compensation from \$40 per Assessment District to \$100 per Assessment District. Following discussion, Commissioner Olson moves and Commissioner Gjerdevig seconded to approve the change of Special Assessment Committee Compensation from \$40 per Assessment District to \$100 per Assessment District. Commissioner Dardis, Commissioner Simmons and Commissioner George opposed. Motion failed. Following further discussion, Commissioner Simmons moved and Commissioner George seconded to approve the change of Special Assessment Committee Compensation from \$40 per Assessment District to \$80 per Assessment District. No opposition. Motion carried

Matt Andvik, Public Works Director appeared before the Commission to request approval for one of the options for the Sump Pump Ordinance 1160. Following discussion, Commissioner George moved and Commissioner Gjerdevig seconded to direct the City Attorney to develop an ordinance for Option A as written with a \$100 fine the first time and a \$500 fine instead of a \$1000 fine the second time to anyone violates the ordinance. No opposition. Motion carried.

Dustin Scott, City Engineer appeared before the Commission to discuss the Engineer's Report. No action was required.

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

1. Reminder that the First Review Process for Improvements and Contracts Session is from 3 – 5 PM on Wednesday, October 7th

There were a few items of correspondence, two emails in relation to the Airport and one from FMCT thanking the City for the event that took place at The Lights.

There were no non-agenda items.

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

Bernie Dardis, Commission President

Tina Fisk, City Administrator

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
88642	S	274 STEVE MOTTINGER	4750.00	10/01/20			
88643	S	3604 USDA-RURAL DEVELOPMENT	7080.00	10/01/20		CL 93148	4750.00
88644	S	3726 SHEPHERD VALLEY EVANGELICAL LUTHERAN CHU	1000.00	08/25/20		CL 93149	7080.00
88645	S	566 WEST FARGO PARK DISTRICT	49984.16	10/02/20		CL 92452	1000.00
88646	S	111 CITY OF FARGO	28254.69	10/02/20		CL 93157	49984.16
88647	C S	3167 City of West Fargo	0.00	10/06/20		CL 93181	28254.69
88648	* S	489 3-D SPECIALITIES	4532.10	10/06/20		CL 93196	
88649	S	808 A & L LANDSCAPING	275.00	10/06/20		CL 93027	4532.10
88650	S	3770 ACK TECHNICAL RESCUE TRAINING	7500.00	10/06/20		CL 93090	275.00
88651	S	289 ACME TOOLS	2029.85	10/06/20		CL 93133	7500.00
88652	S	3551 ALL SEASON'S LAWCARE	2325.00	10/06/20		CL 93045	475.85
88653	S	2947 ALLSTATE PETERBILT OF FARGO	203.63	10/06/20		CL 93077	319.00
88654	S	3490 AMAZON CAPITAL SERVICES	266.74	10/06/20		CL 93081	1235.00
88655	S	2742 AMBASSADOR INC	9198.59	10/06/20		CL 92962	2325.00
88656	S	317 AMERICAN WELDING & GAS, INC.	259.75	10/06/20		CL 93096	203.63
88657	S	3511 ASPEN MILLS	2104.70	10/06/20		CL 93004	221.30
88658	S	999999 AUDREY BJORNSON	300.00	10/06/20		CL 93118	45.44
88659	S	1695 BAKER & TAYLOR	1726.41	10/06/20		CL 92970	500.00
88660	S	1069 BAKER GARDEN & GIFT	630.56	10/06/20		CL 93158	1400.00
88661	S	37 BARNES & NOBLE	86.22	10/06/20		CL 93159	7298.59
						CL 93044	80.27
						CL 93169	179.48
						CL 93102	909.70
						CL 93126	1195.00
						CL 93060	300.00
						CL 92983	1468.26
						CL 93145	258.15
						CL 93040	630.56
						CL 93143	86.22

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
88662	S	3149 BEE SEEN GEAR	645.41	10/06/20			
88663	S	1127 BIERSCHBACH EQUIPMENT & SUPPLY	255.00	10/06/20		CL 93184	645.41
88664	S	3489 BOLTON & MENK, INC	5560.00	10/06/20		CL 93132	255.00
88665	S	26 BORDER STATES INDUSTRIES INC	332.98	10/06/20		CL 93012	5560.00
88666	S	73 BRAUN INTERTEC	2442.50	10/06/20		CL 93187	332.98
88667	S	999999 BRENT JOHNSON	300.00	10/06/20		CL 93014	2442.50
88668	S	999999 BRIAN ALLRICH	190.00	10/06/20		CL 93057	300.00
88669	S	999999 BRIAN KING	300.00	10/06/20		CL 93054	190.00
88670	S	3415 BRITTANY ALDAYEL	5.22	10/06/20		CL 93055	300.00
88671	S	16 BROKERAGE PRINTING	175.20	10/06/20		CL 93174	5.22
88672	S	351 BUSINESS ESSENTIALS	1463.48	10/06/20		CL 93139	175.20
						CL 92958	340.47
						CL 92976	742.48
						CL 92978	42.80
						CL 93006	9.44
						CL 93046	319.29
						CL 93070	9.00
88673	S	39 BUTLER MACHINERY	680.23	10/06/20		CL 93089	680.23
88674	S	61 CASS COUNTY FINANCE	9615.85	10/06/20		CL 93011	1880.85
						CL 93019	7735.00
88675	S	46 CASS RURAL WATER USERS	32.13	10/06/20		CL 93151	32.13
88676	S	1512 CDW GOVERNMENT, INC	264.40	10/06/20		CL 92965	197.82
						CL 92974	66.58
88677	S	1074 CENTER UPHOLSTERY & CANVAS REPAIR	160.00	10/06/20		CL 93109	160.00
88678	S	2875 CENTRAL LANDSCAPE	1643.50	10/06/20		CL 93161	1643.50
88679	S	999999 CHARLIE SCHMITZ	300.00	10/06/20		CL 93063	300.00
88680	S	3216 CINTAS	89.33	10/06/20		CL 93110	89.33
88681	S	111 CITY OF FARGO	46819.93	10/06/20		CL 93001	24533.38
						CL 93042	1383.20
						CL 93079	560.00
						CL 93183	20343.35

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88682	S	3167 City of West Fargo	202.25	10/06/20			
88683	S	1904 CODE 4 SERVICES, INC	225.28	10/06/20		CL 93188	202.25
88684	S	999999 COLE CHRISTENSON	300.00	10/06/20		CL 92975 CL 93076	131.78 93.50
88685	S	999999 COLE SEIBEL	300.00	10/06/20		CL 93062	300.00
88686	S	3245 CORE & MAIN	5273.75	10/06/20		CL 93056	300.00
88687	S	60 CROSSCOUNTRY FREIGHT SOLUTIONS	89.91	10/06/20		CL 93033 CL 93074 CL 93082 CL 93162	883.05 192.40 3273.90 924.40
88688	S	1675 DAKOTA FLUID POWER, INC	1510.05	10/06/20		CL 93032	89.91
88689	S	87 DAKOTA TIRE	24.00	10/06/20		CL 93073 CL 93104 CL 93163	5.31 307.00 1197.74
88690	S	999999 DANNIE KANWISCHER	300.00	10/06/20		CL 93111	24.00
88691	S	856 DAVE'S WEST FARGO TIRE	244.41	10/06/20		CL 93068	300.00
88692	S	77 DEMCO	405.69	10/06/20		CL 92977	244.41
88693	S	3772 DIAMOND HOME SPECIALTIES	200.00	10/06/20		CL 93144	405.69
88694	S	2100 EAGLE RUN CROSSING LLC	23.88	10/06/20		CL 93150	200.00
88695	S	3268 EDEN K9 CONSULTING & TRAINING CORP	522.00	10/06/20		CL 93165	23.88
88696	S	1502 EIDE BAILLY	24900.00	10/06/20		CL 93186	522.00
88697	S	545 ELECTRIC PUMP, INC	19303.08	10/06/20		CL 93191	24900.00
88698	S	3410 ENGRAPHIX	53.75	10/06/20		CL 93029 CL 93078	7500.00 11803.08
88699	S	140 F-M AMBULANCE SERVICE	380.00	10/06/20		CL 92969	53.75
88700	S	979 FARGO LINE-X	446.00	10/06/20		CL 93119	380.00
88701	S	1979 FARGO MHD WEST FARGO CHAMBER OF COMMERCE	17.00	10/06/20		CL 93094 CL 93107	50.00 396.00
						CL 93195	17.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
88702	S	131 FARGO TRACTOR	7202.17	10/06/20			
88703	S	3771 FARM AND HOME PUBLISHERS	115.00	10/06/20		CL 93002	7202.17
88704	S	1648 FARSTAD OIL, INC	415.95	10/06/20		CL 93146	115.00
88705	S	151 FEDERAL EXPRESS	10.64	10/06/20		CL 93092	415.95
88706	S	329 FERGUSON WATERWORKS #2516	13649.31	10/06/20		CL 93025	10.64
						CL 93041	4289.93
						CL 93095	21.05
						CL 93179	9338.33
88707	S	55 FLEETPRIDE	14.50	10/06/20		CL 93087	14.50
88708	S	104 FORUM COMMUNICATIONS	335.32	10/06/20			
88709	S	155 GALLS, LLC	542.78	10/06/20		CL 93010	335.32
88710	S	2558 GOODYEAR COMMERCIAL TIRE	3724.48	10/06/20		CL 93030	542.78
88711	S	556 GRAINGER, INC.	113.22	10/06/20		CL 93164	3724.48
88712	S	3534 GRAND FORKS FIRE EQUIPMENT LLC	7419.98	10/06/20		CL 93088	113.22
88713	S	939 GRAYBAR	1710.22	10/06/20		CL 93105	7419.98
88714	S	2877 GREATAMERICA FINANCIAL SERVICES	619.52	10/06/20		CL 93080	1710.22
						CL 92960	442.89
						CL 92968	176.63
88715	S	3017 GREY HOUSE PUBLISHING	396.00	10/06/20		CL 93142	396.00
88716	S	3249 HB SOUND & LIGHT, INC	1401.31	10/06/20		CL 92957	1401.31
88717	S	3281 HEARTLAND PAPER COMPANY	199.60	10/06/20		CL 93093	199.60
88718	S	3593 HOLIDAY COMPANIES	195.00	10/06/20		CL 93071	195.00
88719	S	1226 HP INC.	163.00	10/06/20		CL 92963	163.00
88720	S	3087 IBM CORPORATION	290.00	10/06/20		CL 93099	290.00
88721	S	999999 ICEWIND BREWING	55.00	10/06/20		CL 93013	55.00
88722	S	2500 INLAND TRUCK PARTS & SERVICE	878.80	10/06/20		CL 93097	878.80
88723	S	3769 INTERNATIONAL CODE COUNCIL, INC	145.00	10/06/20		CL 93131	145.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
88724	S	1012 INTERSTATE POWER SYSTEMS, INC	410.76	10/06/20	_____	CL 93106 CL 93125	242.01 168.75
88725	S	1076 IPMA - HR	283.05	10/06/20	_____	CL 93122	283.05
88726	S	999999 JENNIFER RASMUSSEN	300.00	10/06/20	_____	CL 93066	300.00
88727	S	999999 JOSH RAMBERG	300.00	10/06/20	_____	CL 93064	300.00
88728	S	999999 KAY ZIRNHELT	300.00	10/06/20	_____	CL 93058	300.00
88729	S	3560 KEN MILLER	150.49	10/06/20	_____	CL 93120	150.49
88730	S	2735 KLJ ENGINEERING LLC	44984.00	10/06/20	_____	CL 93015 CL 93016 CL 93017	190.00 34938.50 9855.50
88731	S	2325 KUSTOM KONCEPTS	48.42	10/06/20	_____	CL 92971	48.42
88732	S	3768 LANDMARK COMPANIES	505.00	10/06/20	_____	CL 93075	505.00
88733	S	260 LAR'S BODY SHOP	132.16	10/06/20	_____	CL 93021	132.16
88734	S	3418 LOFFLER	291.49	10/06/20	_____	CL 93140 CL 93193	41.49 250.00
88735	S	3491 LOFFLER COMPANIES INC	185.44	10/06/20	_____	CL 92973	185.44
88736	S	711 LUTHER FAMILY FORD	141.41	10/06/20	_____	CL 93085	141.41
88737	S	3502 M&T FIRE AND SAFETY	342.74	10/06/20	_____	CL 93108	342.74
88738	S	3304 MAC'S - FARGO	314.00	10/06/20	_____	CL 93034 CL 93113	7.66 306.34
88739	S	299 MENARDS	812.88	10/06/20	_____	CL 93049 CL 93168 CL 93172	17.97 774.95 19.96
88740	S	999999 MICHAEL WITTROCK	190.00	10/06/20	_____	CL 93053	190.00
88741	S	999999 MICHELLE THURN	300.00	10/06/20	_____	CL 93067	300.00
88742	S	2766 MIDCONTINENT COMMUNICATIONS	325.00	10/06/20	_____	CL 93020	325.00
88743	S	102 MIDSTATES WIRELESS	300.00	10/06/20	_____	CL 93116	300.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
88744	S	1854 MIDWEST TAPE	1075.61	10/06/20	_____	CL 92961 CL 93009 CL 93160	26.90 9.99 1038.72
88745	S	2121 MOEN PORTABLE TOILETS	3460.00	10/06/20	_____	CL 92979 CL 92980	2020.00 1440.00
88746	S	673 MOORHEAD ELECTRIC	5550.00	10/06/20	_____	CL 93036	5550.00
88747	S	3040 MR MANHOLE	5825.95	10/06/20	_____	CL 93084 CL 93137	2906.21 2919.74
88748	S	298 MVTL LABORATORIES	1458.00	10/06/20	_____	CL 93083 CL 93176	1105.50 352.50
88749	S	271 NETCENTER TECHNOLOGIES	798.00	10/06/20	_____	CL 93008	798.00
88750	S	2261 NETWORK CENTER INCORPORATED	945.00	10/06/20	_____	CL 92964	945.00
88751	S	2523 NEXUS INNOVATIONS, INC	3637.50	10/06/20	_____	CL 93194	3637.50
88752	S	141 NORTH STAR SAFETY, INC	5830.54	10/06/20	_____	CL 92959 CL 93072	5618.00 212.54
88753	S	3096 NORTHLAND BUSINESS SYSTEMS	3118.30	10/06/20	_____	CL 93185	3118.30
88754	S	1715 NORTHWEST TIRE INC	3332.85	10/06/20	_____	CL 93136 CL 93170	3313.74 19.11
88755	S	1774 O'REILLY AUTOMOTIVE STORES, INC	1090.65	10/06/20	_____	CL 93129 CL 93173	7.98 1082.67
88756	S	3416 OCLC, INC.	191.51	10/06/20	_____	CL 93190	191.51
88757	S	832 ODIN	1000.00	10/06/20	_____	CL 92985	1000.00
88758	S	3505 OFFICE SIGN COMPANY	40.90	10/06/20	_____	CL 92981	40.90
88759	S	352 OK TIRE	273.29	10/06/20	_____	CL 93091	273.29
88760	S	399 OLYMPIC SALES	294.03	10/06/20	_____	CL 93171	294.03
88761	S	631 ONE CALL CONCEPT	1249.30	10/06/20	_____	CL 93180	1249.30
88762	S	276 OSTROMS ACE HARDWARE	622.57	10/06/20	_____	CL 93121 CL 93130	544.68 77.89

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Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
88763	S	563 PETRO SERVE USA	2676.88	10/06/20			
88764	S	1987 PETSMAST	79.99	10/06/20		CL 93167	2676.88
88765	S	764 POLYGRAPH SERVICES - ROLLIE RUST	875.00	10/06/20		CL 93026	79.99
88766	S	411 POWER PLAN OIB	912.37	10/06/20		CL 93023	875.00
88767	S	916 PRAIRIE SUPPLY INC	134.25	10/06/20		CL 93115	912.37
88768	S	1295 PRO-WEST & ASSOCIATES, INC	190.80	10/06/20		CL 93117	134.25
88769	S	1166 PRODUCTIVITY PLUS ACCOUNT	2767.19	10/06/20		CL 93189	190.80
88770	S	441 S & S LANDSCAPING	54.97	10/06/20		CL 93114	874.07
88771	S	3761 SAFE KIDS WORLDWIDE	205.00	10/06/20		CL 93138	1893.12
88772	S	3353 SAM'S CLUB MC/SYNCE	159.12	10/06/20		CL 93035	54.97
88773	S	1881 SAM'S CLUB/SYNCHRONY BANK	554.89	10/06/20		CL 93134	205.00
88774	S	999999 SARAVANA RANGASWAMY	300.00	10/06/20		CL 92986	159.12
88775	S	2512 SCOTT DIAMOND	693.75	10/06/20		CL 93128	554.89
88776	S	459 SHERWIN WILLIAMS	58.36	10/06/20		CL 93061	300.00
88777	S	2256 SIGN A RAMA	160.00	10/06/20		CL 93192	693.75
88778	S	2655 SIMPLIFILE	25.00	10/06/20		CL 93103	58.36
88779	S	1626 SIRCHIE ACQUISITION COMPANY LLC	324.19	10/06/20		CL 92982	160.00
88780	S	3150 SKYHAWK TELEMATICS	300.50	10/06/20		CL 93098	25.00
88781	S	3528 SNACKS PLUS VENDING	123.00	10/06/20		CL 93022	324.19
88782	S	3516 STEIN'S INC	176.16	10/06/20		CL 93177	300.50
88783	S	38 STRATA CORPORATION	4842.15	10/06/20		CL 93052	123.00
88784	S	31 STURDEVANT'S AUTO PARTS	79.14	10/06/20		CL 93127	176.16
88785	S	733 SWANSTON EQUIPMENT CORP.	400.00	10/06/20		CL 93127	176.16
						CL 93038	4842.15
						CL 93039	20.24
						CL 93112	58.90
						CL 93182	400.00

Claim Checks

Check #	Type	Vendor #/Name	Check Amount	Date Issued	Period Redeemed	Claim #	Claim Amount
88786	S	634 SWEENEY CONTROLS COMPANY	240.00	10/06/20			
						CL 93166	240.00
88787	S	3043 THE FORUM	270.80	10/06/20			
						CL 93141	270.80
88788	S	1907 THE SHOOTING PARK OF HORACE	400.00	10/06/20			
						CL 93024	400.00
88789	S	1900 THE UPS STORE #5998	99.80	10/06/20			
						CL 93037	99.80
88790	S	3658 TLC CLEANING LLC	2900.00	10/06/20			
						CL 93069	2900.00
88791	S	999999 TONY BRETH	300.00	10/06/20			
						CL 93059	300.00
88792	S	3230 VESSCO, INC	917.16	10/06/20			
						CL 93031	917.16
88793	S	544 WALLWORK TRUCK CENTER	359.48	10/06/20			
						CL 93086	359.48
88794	S	576 WALMART COMMUNITY	36.68	10/06/20			
						CL 93028	36.68
88795	S	686 WDAY	6379.00	10/06/20			
						CL 93051	99.00
						CL 93100	1780.00
						CL 93101	4500.00
88796	S	3306 WEST FARGO EVENTS, INC	8600.00	10/06/20			
						CL 93147	8600.00
88797	S	2625 WEST FARGO POLICE EXPLORER POST	1500.00	10/06/20			
						CL 93135	1500.00
88798	S	2184 WEST SIDE STEEL	95.95	10/06/20			
						CL 93043	95.95
88799	S	549 WF PUB SCHOOLS DIST #6	9740.00	10/06/20			
						CL 93005	9740.00
88800	S	999999 WILL REUL	300.00	10/06/20			
						CL 93065	300.00
88801	S	338 XCEL ENERGY	2336.02	10/06/20			
						CL 93007	40.91
						CL 93047	71.34
						CL 93048	69.72
						CL 93153	45.66
						CL 93154	46.73
						CL 93155	123.15
						CL 93178	1938.51
88802	S	3279 ACCELERATED GREEN WORKS INC	14501.00	10/07/20			
						CL 93216	14501.00
88803	S	3549 DISCOVERY BENEFITS	3569.43	10/07/20			
						CL 93224	3569.43
88804	S	66 CITY OF WEST FARGO-PETTY CASH	180.00	10/06/20			
						CL 93196	180.00

Total for Claim Checks 447329.28
Count for Claim Checks 163

* denotes missing check number(s)

of Checks: 163 Total: 447329.28



Year To Date As of September 30, 2020

Preliminary

Prepared by: Jim Larson

Budgeted Funds		Revenue/Transfers			Expenditure/Transfers			Net			Cash
		Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	
1000	General Fund	\$ 15,644,798	\$ 20,187,903	\$ (4,543,105)	\$ 14,896,629	\$ 19,918,512	\$ 5,021,883	\$ 748,170	\$ 269,391	\$ 478,779	\$ 26,197,752
2030	Share of Specials	183,843	188,907	(5,064)	171,302	188,907	17,605	12,541	-	12,541	(35,249)
2060	Fire Dept	2,540,964	2,686,196	(145,232)	2,465,884	2,744,223	278,339	75,080	(58,027)	133,107	(141,425)
7000	Library	1,062,519	1,105,316	(42,797)	957,834	1,440,688	482,854	104,685	(335,372)	440,057	651,357
7050	Airport	188,127	176,472	11,655	88,900	176,150	87,250	99,227	322	98,905	567,127
Total Government		\$ 19,620,251	\$ 24,344,794	\$ (4,724,543)	\$ 18,580,549	\$ 24,468,480	\$ 5,887,931	\$ 1,039,703	\$ (123,686)	\$ 1,163,389	\$ 27,239,562
2000	Sales Tax	\$ 8,898,184	\$ 10,322,400	\$ (1,424,216)	\$ 8,864,392	\$ 10,287,400	\$ 1,423,008	\$ 33,792	\$ 35,000	\$ (1,208)	\$ 2,737,572
2970	Capital Improvements	6,794,297	7,960,550	(1,166,253)	1,434,896	7,960,550	6,525,654	5,359,401	-	5,359,401	21,837,653
2960	Economic Development	2,216,098	2,586,850	(370,752)	234,686	2,459,053	2,224,367	1,981,412	127,797	1,853,615	5,356,840
2130	Municipal Highway	1,120,781	1,731,428	(610,647)	1,298,574	1,731,428	432,854	(177,793)	-	(177,793)	250,520
2110	Gaming	3,200	12,000	(8,800)	-	12,000	12,000	3,200	-	3,200	69,720
2XXX	Tourism & Events	28,320	64,175	(35,855)	41,489	73,250	31,761	(13,169)	(9,075)	(4,094)	66,672
2200	Vector Control	73,810	100,000	(26,190)	96,572	100,000	3,428	(22,762)	-	(22,762)	(25,700)
2210	Forestry	84,738	302,500	(217,762)	179,150	368,067	188,917	(94,412)	(65,567)	(28,845)	(358,495)
2230	City Utility	98,595	136,000	(37,405)	47,730	130,000	82,270	50,865	6,000	44,865	285,955
25XX	Police Special Funds	25,708	5,200	20,508	12,757	5,200	(7,557)	12,951	-	12,951	69,715
2950	Assets Forfeitures	21,598	30,000	(8,402)	20,334	30,000	9,666	1,264	-	1,264	7,348
2980	South Facility Hookup	-	66,300	(66,300)	-	50,000	50,000	-	16,300	(16,300)	3,170,688
Total Special Funds		\$ 19,365,329	\$ 23,317,403	\$ (3,952,074)	\$ 12,230,580	\$ 23,206,948	\$ 10,976,368	\$ 7,134,749	\$ 110,455	\$ 7,024,294	\$ 33,468,488
3000	Total Debt Service	\$ 60,497,863	\$ 25,905,605	\$ 34,592,258	\$ 51,699,314	\$ 26,513,531	\$ (25,185,783)	\$ 8,798,548	\$ (607,926)	\$ 9,406,474	\$ 72,820,473
6010	Sanitation	\$ 3,700,471	\$ 4,656,210	\$ (955,739)	\$ 2,974,914	\$ 4,052,278	\$ 1,077,364	\$ 725,557	\$ 603,932	\$ 121,625	\$ 3,138,150
6020	Water	6,356,538	8,442,000	(2,085,462)	5,372,925	7,858,291	2,485,366	983,613	583,709	399,904	6,961,360
6025	Sewer	2,068,033	3,200,000	(1,131,967)	1,717,595	3,388,903	1,671,308	350,438	(188,903)	539,341	1,274,092
6050	Sewage Surcharge	6,449	-	6,449	-	-	-	6,449	-	6,449	326,685
Total Enterprise		12,131,491	16,298,210	(4,166,719)	10,065,434	15,299,472	5,234,038	2,066,057	998,738	1,067,319	\$ 11,700,287
5000	Tree Fund	89,400	-	89,400	222,830	200,000	(22,830)	(133,430)	(200,000)	66,570	484,815
2050	Park Funds/State Aid	\$ 588,552	\$ 804,980	(216,428)	588,552	804,980	216,428	-	-	-	-
8600	Park District Special Assessment	\$ 799,831	\$ 371,100	428,731	785,355	371,100	(414,255)	14,476	-	14,476	15,807
2141	FM CVB	-	210,000	(210,000)	135,310	210,000	74,690	(135,310)	-	(135,310)	-
Total Agency		\$ 1,477,783	\$ 1,386,080	\$ 91,703	\$ 1,732,047	\$ 1,586,080	\$ (145,967)	\$ (254,264)	\$ (200,000)	\$ (54,264)	\$ 500,622
Total All Budgeted Funds		\$ 113,092,717	\$ 91,252,092	\$ 21,840,625	\$ 94,307,924	\$ 91,074,511	\$ (3,233,413)	\$ 18,784,793	\$ 177,581	\$ 18,607,212	\$ 145,729,432



Non-Budgeted Funds	Revenue/Transfers			Expenditure/Transfers			Net			Cash Balances
	Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	Actual	Annual Budget	Variance	
4000 Construction	\$ 220,000	\$ -	\$ 220,000	\$ 21,944,928	\$ -	\$ (21,944,928)	\$ (21,724,928)	\$ -	\$ (21,724,928)	\$ (25,206,955)
2170 Clerk of Court Bond Fund	-	-	-	-	-	-	-	-	-	671,857
2600 Future Building	-	-	-	3,400	-	(3,400)	(3,400)	-	(3,400)	(32,028)
2XXX Misc. Special Funds	2,555,318	-	2,555,318	701,479	-	(701,479)	1,853,839	-	1,853,839	2,510,922
7XXX Agency Funds	77,040	-	77,040	64,990	-	(64,990)	12,050	-	12,050	386,881
Total Non-Budgeted Funds	\$ 2,852,358	\$ -	\$ 2,852,358	\$ 22,714,797	\$ -	\$ (22,714,797)	\$ (19,862,439)	\$ -	\$ (19,862,439)	\$ (21,669,323)
All Funds Combined	\$ 115,945,075	\$ 91,252,092	\$ 24,692,983	\$ 117,022,721	\$ 91,074,511	\$ (25,948,210)	\$ (1,077,646)	\$ 177,581	\$ (1,255,227)	\$ 124,060,109

Notes to the Financials

1	This report is a preliminary 2020 financial statement. There are yearend transfers and accruals that have not been entered. The transfers will provide funding from special funds to budgeted funds.
2	The above represents the financial position of the City of West Fargo at the end of August 2020. Overall the City is on budget. The higher than normal snow fall in 1st quarter impacted our snow plow operations overtime, chemical to treat the roads (brine) and gas/oil are higher than normal and budgeted. The largest increase was in contracted services. City paid approximately \$240,000 for contract services. This was necessary to properly handle snow clearing within the city.
3	Property Taxes - 97% of budgeted property taxes has been received. The uncollected property taxes represents the uncollected and 5% discount available.
4	State Aid is about the same as last year. This is better than originally based on the COVID impact.
5	Sales Tax remains strong in spite of the COVID impact.
6	State Municipal Highway tax is down and projected to be about \$300,000 less than last year. This is due to the COVID impact on the state overall.
7	Debt service revenues and expenses are higher than projected based on payment of bonds refinanced in 2019 but paid in 2020. Debt service has higher than normal cash as the school district refinanced their special assessments with the city in the amount of approximately \$10 million. The debt service fund is holding additional cash from a bond sale to pay costs associated with the 2017-1 TIF project. The additional amount of TIF bond funds currently held is \$9.75 million. This should be expended before the end of the year.
8	Utility revenues are on budget and will exceed some of the budgets due to the rate increase in July. A more detial review of the utility financials show they in line with the projections that were developed as part of the rate study.
9	Overall the city continues to be financially strong at this time. The impact of COVID can still occur but we project more impact in the 2021 year than the remainder of this year. The city did receive \$2.37 million from the state as part of the Cares Act Funding. Those funds were received in September so this financial report does not reflect the Cares Act Funding.

*** Consent Agenda ***

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: October 14, 2020

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

The Wilds North Pond 1st Addition, a Subdivision, Replat and Rezoning from P: Public Facilities to Agricultural and R-1A: Single Family Dwellings.

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

Lot 1, Block 1 of Tevye Addition, Lot 1, Block 1 Schatz Ranch 1st Addition, Lot 19, Block 2 of The Wilds 4th Addition; parcel located in the SE¼ of Section 31, T139N, R49W, 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 November 2, 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 2nd Day of November 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:

Lot 1, Block 1 of Tevye Addition, Lot 1, Block 1 Schatz Ranch 1st Addition, Lot 19, Block 2 of The Wilds 4th Addition; subdivision in the SE $\frac{1}{4}$ of Section 31, T139N, R49W, City of West Fargo, North Dakota (Proposed The Wilds North Ponds 1st Addition)

The ordinance is for the purpose of rezoning from a P: Public Facilities District to an A: Agricultural District

A portion of proposed Lot 3, Block 1 of The Wilds North Pond 1st Addition, City of West Fargo North Dakota

The ordinance is for the purpose of rezoning from a P: Public Facilities District to an R-1A: Single Family Dwelling District.

A portion of proposed Lot 2, Block 1 of The Wilds North Pond 1st Addition, City of West Fargo, North Dakota

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 October 21 and 28, 2020)

*** Consent Agenda ***

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: October 14, 2020

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

The Wilds 21st Addition, a subdivision and rezoning from A: Agricultural to R-1: One & Two Family Dwellings, R-2: Limited Multiple Dwellings and P: Public Facilities.

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

All of Block 1 of The Wilds 10th Addition & part of Government Lots 3-5 in Section 6, T139N, R49W, 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 November 2, 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 2nd Day of November 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:

All of Block 1 of The Wilds 10th Addition & part of Government Lots 3-5 in Section 6, T139N, R49W, City of West Fargo, North Dakota (Proposed The Wilds 21st Addition)

The ordinance is for the purpose of rezoning from an A: Agricultural District to P: Public Facilities District, R-1: One & Two Family Dwelling District and R-2: Limited Multiple 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 October 21 and 28, 2020)



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9338 (04-2020)

Consent Agenda e

001 - 6

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 Tech Team Wrestling Club	Dates of Activity	If raffle, provide drawing date 12-22-2020	
Organization or Group Contact Person Dean Shearer	Title or Position Treasurer	Telephone Number 701-371-2738	
Business Address 524 7th Avenue NE	City West Fargo	State ND	ZIP Code 58078
Mailing Address (if different) 2515 76th Avenue North	City Fargo	State ND	ZIP Code 58102
Site Name (where gaming will be conducted) Tech Team Wrestling Room			
Site Address 524 7th Avenue NE	City West Fargo	ZIP Code ND	County 58078

Description and Retail Value of Prizes to be Awarded

Game Type	Description of Prize	Retail Value of Prize
Raffle	Ruger American 30/06 Rifle Package	\$550.00
Raffle	Savage Axis II XP .243 Rifle	\$400.00
Raffle	(5) Ruger 10/22 .22 Rifle black synthetic stock	\$1,000.00
Raffle	(20) \$50 Scheels Gift cards	\$1,000.00
<input type="button" value="Add Row"/>	<input type="button" value="Delete Row"/>	
Total (limit \$40,000 per year)		\$2,950.00

Intended Uses of Gaming Proceeds

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: (This amount is part of the total prize limit of \$40,000 per year)

Organization or Group Contact Person

Name Dean Shearer	Title Treasurer	Telephone Number 701-371-2738	E-mail Address shearerringneckhunter@hotmail.com
Signature of Organization or Group's Top Official <i>Dean A Shearer</i>		Title Treasurer	Date 10-5-2020

CK# 4158 #10 10/5/20
10/10/20



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

To: West Fargo City Commission
 From: Dustin T. Scott, City Engineer
 Date: October 19th 2020
 Subject: Resolution Approving Contract and Contractor's Bond for Sewer, Water, Storm and Street Improvement District No. 1331
 Action: Adopt Resolution

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:

Petitioned by the developer, Jim Bullis of Westport Investments, this project consists of Local and Regional infrastructure to service the Wilds 20th Addition and surrounding neighborhood.

During the regular meeting held on September 8, 2020, the City Commission reviewed bids and awarded the contract to Dakota Underground. The contract documents were prepared and delivered to the City Attorney's office for review. The City Attorney's office has prepared the attached resolution for review and approval.

Staff recommendation is to adopt the resolution approving contract and contractor's bond.

Policy Analysis:

N/A

Financial Analysis:

N/A

Process/Timeline:

If approved, start construction this fall with completion in summer 2021.

Prior City Commission Actions:

- May 4, 2020 – Accepted Developer's Petition for Improvements.
- May 18, 2020 - Approve creation of Sewer, Water, Storm and Street Improvement District 1332 and Direct Engineer to prepare report.
- June 1, 2020 - Approve Engineer's Report (total Project cost of \$885,000) and Direct Engineer to prepare Plans and Specifications.
- July 20, 2020 – Approve Plans and Specifications and Authorize Bid Advertisement for construction.
- September 8, 2020 – Award contract to Dakota Underground for their bid of \$3,534,738.75

Commissioner _____ introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND
IN SEWER, WATER, STORM AND STREET IMPROVEMENT DISTRICT NO. 1331**

BE IT RESOLVED by the City Commission of the City of West Fargo, North Dakota, that it is hereby found, determined and declared that the contract heretofore entered into by and between the City of West Fargo and Dakota Underground Company is in full conformity with the law, including Section 40-22-36 of the North Dakota Century Code; that the contractor's bond of Dakota Underground Company heretofore received and filed with the City Auditor is in full conformity with the law including Section 48-02-06.2 of the North Dakota Century Code; and that the contract and contractor's bond are hereby approved.

Dated: October 19, 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: none. The following commissioners were absent and not voting: _____.

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



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

To: West Fargo City Commission
 From: Dustin T. Scott, City Engineer
 Date: October 19th 2020
 Subject: Resolution Approving Contract and Contractor's Bond for Sewer, Water, Storm and Street Improvement District No. 1334
 Action: Adopt Resolution

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:

Petitioned by the developer, Nordick Group (Doug Geeslin), this project will service the commercial development within Midland 3rd Addition. The improvements consist of sanitary sewer, water mains, storm sewer, and other associated infrastructure necessary to service the benefitting properties.

During the regular meeting held on October 5, 2020, the City Commission reviewed bids and awarded the contract to Paras Contracting. The contract documents were prepared and delivered to the City Attorney's office for review. The City Attorney's office has prepared the attached resolution for review and approval.

Staff recommendation is to adopt the resolution approving contract and contractor's bond.

Policy Analysis:
N/A

Financial Analysis:
N/A

Process/Timeline:
If approved, start construction this fall with completion in summer 2021.

Prior City Commission Actions:

- August 17, 2020 – Accepted Developer's Petition for Improvements.
- September 8, 2020 - Approve creation of Sewer, Water, Storm and Street Improvement District 1332 and Direct Engineer to prepare report.
- September 8, 2020 - Approve Engineer's Report (total Project cost of \$885,000) and Direct Engineer to prepare Plans and Specifications.
- September 8, 2020 – Approve Plans and Specifications and Authorize Bid Advertisement for construction.
- October 5, 2020 – Award contract to Paras Contracting for their bid of \$700,271.54

Commissioner _____ introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND
IN SEWER, WATER, STORM AND STREET IMPROVEMENT DISTRICT NO. 1334**

BE IT RESOLVED by the City Commission of the City of West Fargo, North Dakota, that it is hereby found, determined and declared that the contract heretofore entered into by and between the City of West Fargo and Paras Contracting is in full conformity with the law, including Section 40-22-36 of the North Dakota Century Code; that the contractor's bond of Paras Contracting heretofore received and filed with the City Auditor is in full conformity with the law including Section 48-02-06.2 of the North Dakota Century Code; and that the contract and contractor's bond are hereby approved.

Dated: October 19, 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: none. The following commissioners were absent and not voting: _____.
The majority having voted aye, the motion carried and the resolution was duly adopted.

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: October 15, 2020

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

Conditional Use Permit for accessory building greater than 1,000 square feet in a residential district.

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

Located at 4801 2nd St. E (Lot 5, Block 1 of McMahon Estates 2nd Addition), City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approval subject to conditions listed in the staff report.

STAFF REPORT

A20-28		CONDITIONAL USE PERMIT	
4801 2 nd Street East			
Lot 5, Block 1 of McMahan Estates 2 nd Addition, City of West Fargo, North Dakota			
Applicant/Owner: John and Keri Wiest		Staff Contact: Lisa Sankey	
Planning & Zoning Commission Introduction:		10/13/2020	
Public Hearing:		10/13/2020 – Approval	
City Commission:		10/19/2020	

PURPOSE:

Construct a 30' x 50' (1,500 square foot) addition onto an existing (24' x 28') accessory building 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:	1.13 Acres
Adjacent Zoning Districts:	R-1E: Rural Estate District
Adjacent street(s):	2 nd Street East (Local); 49 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 setbacks of 25'. The total square footage for the proposed structure would be 2,172 square feet. Recently a 2,000 square foot structure was approved to the east. Other structures approved in the past have been 1,600 to 2,100 square feet.
- The applicant has indicated the structure would be built with seamless siding and brickwork which match the exterior of the existing house on the property. They also propose architectural shingles. 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:

STAFF REPORT

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:

- None to date.

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.

STAFF REPORT

PLANNING AND ZONING RECOMMENDATION:

At their October 13, 2020, meeting, the Planning and Zoning Commission recommended approval of the Conditional Use Permit, subject to the two conditions listed above.





A20-29
Subject Property

Sheyenne River



City of
WEST FARGO

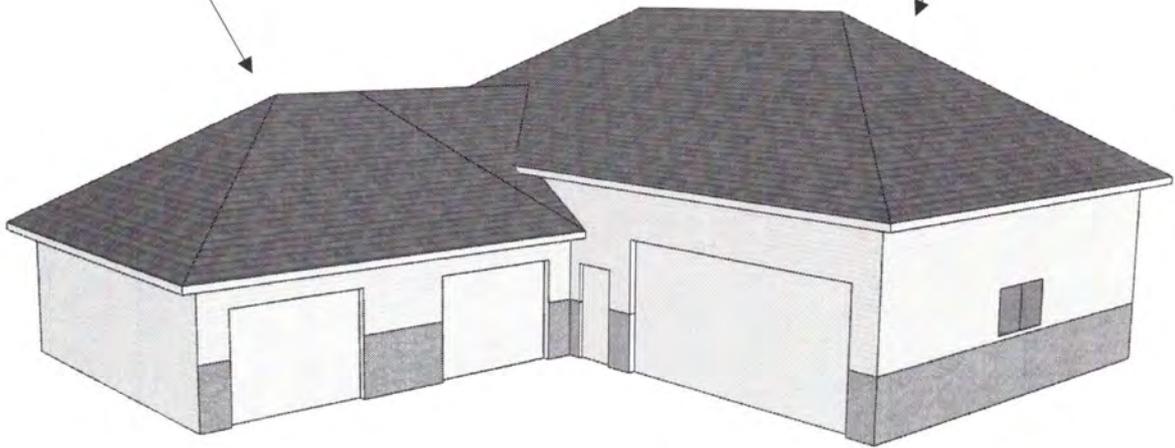
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| <ul style="list-style-type: none"> ■ A: Agricultural ■ C: Light Commercial ■ C-OP: Commercial Office Park ■ HC: Heavy Commercial | <ul style="list-style-type: none"> ■ LI: Light Industrial ■ M: Heavy Industrial ■ P: Public ■ R-1: One and Two Family | <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 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|





Existing 24'X28' Garage

New 30'X50' Garage



Front



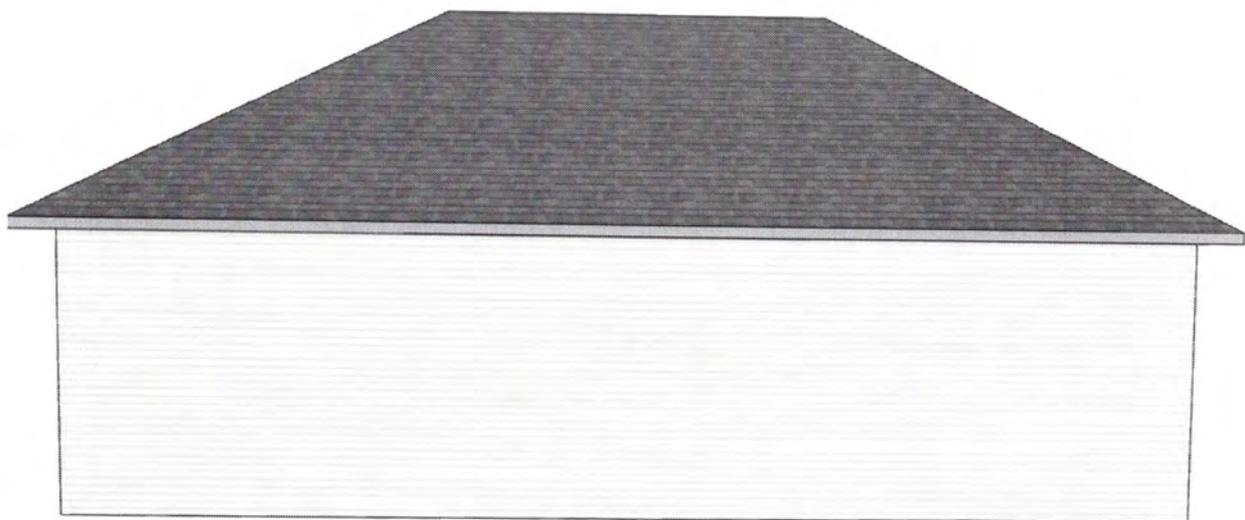
Side



Side



Back



Conditional Use Permit

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

WHEREAS, Keri L. Wiest (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 4801 2nd Street East, West Fargo, ND 58078, legally described as (hereinafter referred to as the “Property”):

Lot 5, Block 1 of McMahon Estates 2nd 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 2,172 square foot accessory building (30’ x 50’ [1,500 square foot] addition onto an existing 24’ x 28’ [672 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,

**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

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: Malachi Petersen, Planner

2. PHONE NUMBER: 433-5324 DATE: October 15, 2020

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

An applicant has submitted a request for a conditional use permit allowing for a home occupation (dog grooming) which will have customers coming to the residence.

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

815 12 ½ Ave W (Lot 3, Block 2 of Lenzmeier 4th Addition), City of West Fargo, North Dakota

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approve a conditional use permit with recommended conditions allowing for a home occupation (dog grooming) which will have customers coming to the residence.

STAFF REPORT

A20-29		CONDITIONAL USE PERMIT	
815 12 ½ Ave W			
Lot 3, Block 2 of Lenzmeier 4 th Addition			
Owner/Applicant: Jessica Johnson		Staff Contact: Malachi Petersen	
Planning & Zoning Commission Introduction:		10-13-2020 - Approved	
Public Hearing:		10-13-2020	
City Commission:		10-19-2020	

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-2: Limited Multiple Dwelling
Zoning Overlay District(s):	None
Total area size:	5,227 square feet
Adjacent Zoning Districts:	R-1A: Single Family Dwelling, R-1: One and Two Family Dwelling. P: Public
Adjacent street(s):	12 ½ Ave W (local) and 8 th St SW (local)
Adjacent Bike/Pedestrian Facilities:	Adjacent sidewalks
Available Parks/Trail Facilities:	North and South Elmwood Parks are located within .25 miles The RRVF Soccer Complex is also located within .25 miles.

DISCUSSION AND OBSERVATIONS:

- The applicant is seeking to operate an existing dog grooming business out of her home. The dog grooming business will be by appointment only and overlap of appointments will be minimal as to ensure adequate off-street parking.
- The dog grooming business will be operated out of the applicant’s garage.
- 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 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 three (3) vehicle on-site/off-street parking spaces including one (1) 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.

STAFF REPORT

- 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 12 ½ Avenue West, 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 spaces in the driveway and 1 space 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:

- Chad DeJong, whose parents live at 855 ½ Ave W, emailed his concerns that the business might increase traffic on the street. He also said there are multiple cars which park on the north side of the street already and that the business might exacerbate the issue. Additionally, he is concerned about where water used to bathe the dogs will be disposed of. His email is attached.

STAFF REPORT

- Jim Larsen who lives at 851 12 ½ avenue called the Planning & Zoning Department to voice his concerns relating to the potential for increased traffic / parking in the area, as well as the possibility of increased noise on the street from dogs barking.
- A caller who didn't provide his name or address called the Planning & Zoning Department to voice his concerns relating to the potential for increased traffic / parking on the street.

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.

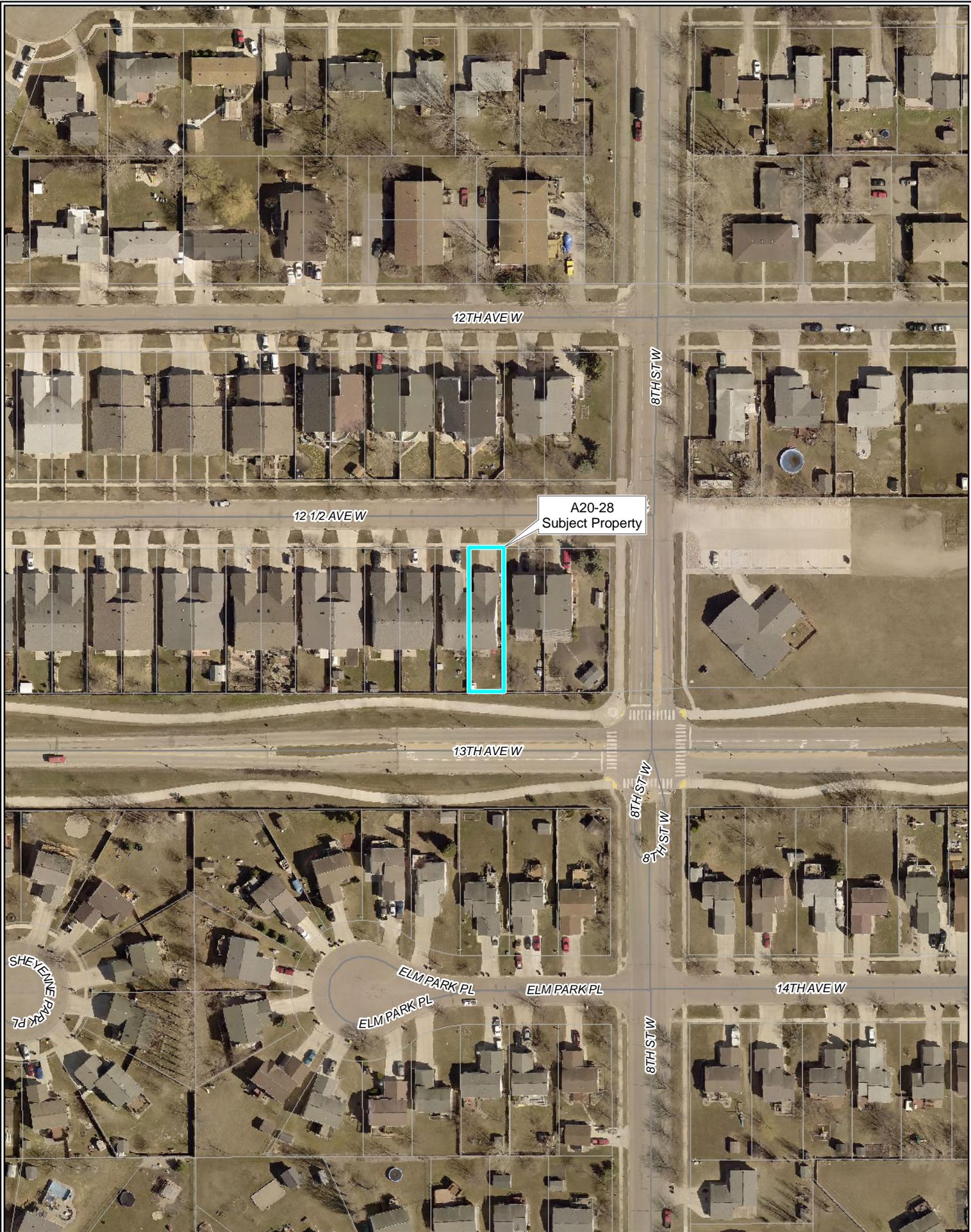
PLANNING AND ZONING RECOMMENDATION:

- At their October 13, 2020 meeting, the Planning and Zoning Commission recommended approval of the conditional use permit with staff recommendations as well as the following additional conditions:
 1. The conditional use permit is tied to the owner and will sunset if and when the owner moves out of the residence.
 2. Prior to obtaining the conditional use permit, the City's pre-treatment coordinator is consulted to address wastewater disposal concerns.
- Staff has copied sunset language from previous agreements and added it to the Conditional Use Permit Agreement. The language is as follows: "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."
- Staff has reached out to the City's Industrial Pretreatment Coordinator and she has indicated that it is unlikely that any issues will occur due to the applicant bathing dogs in a bathtub within the residence.

RECOMMENDATIONS:

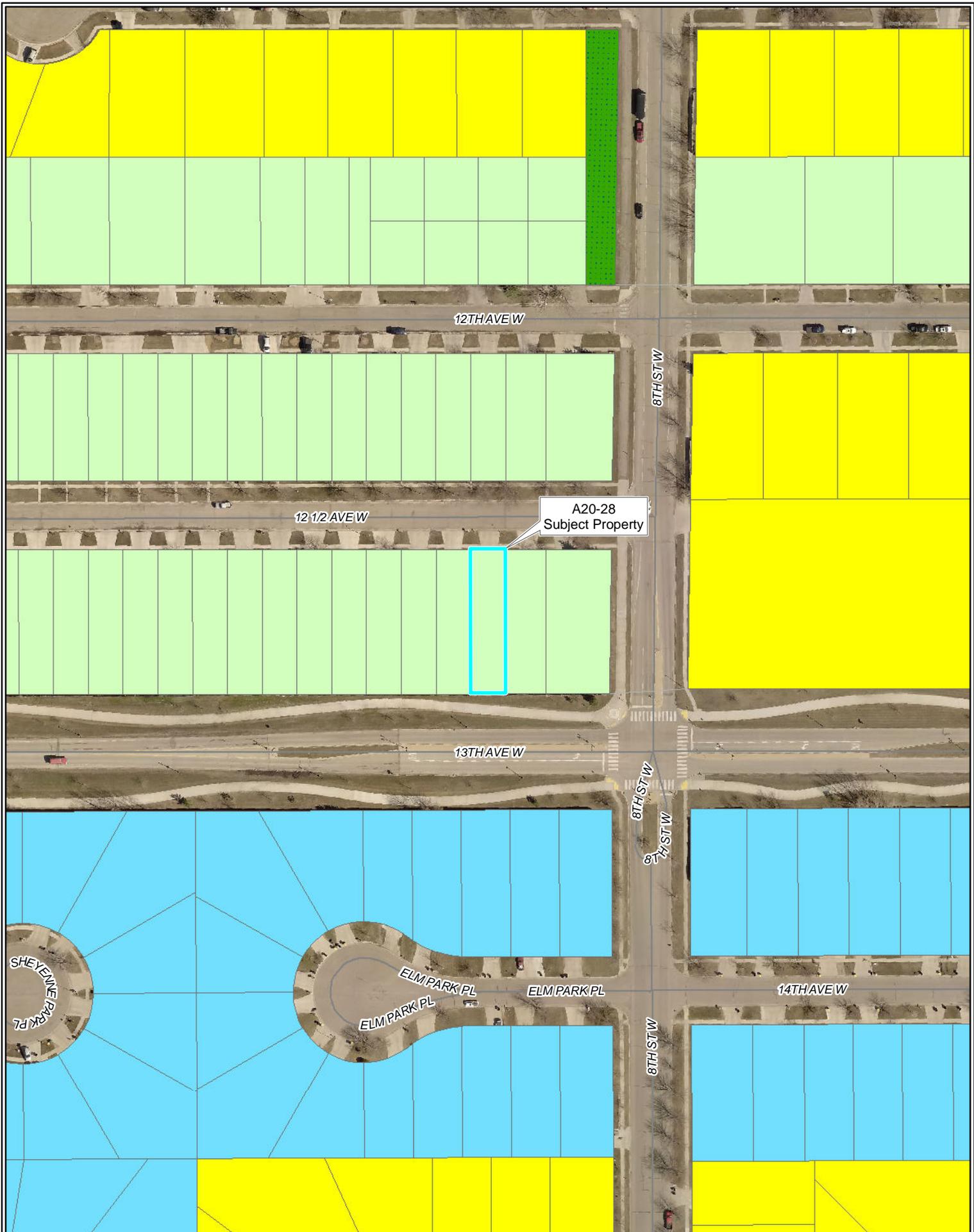
It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

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 with a sunset clause is received.



A20-28
Subject Property





A20-28
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 ■ 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
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From: [Chad DeJong](#)
To: [Malachi D. Petersen](#)
Cc: [Brad DeJong](#); jiverson@famhealthcare.org
Subject: Conditional Use permit 815 12 1/2 Ave. W
Date: Wednesday, September 30, 2020 9:47:16 PM

Mr. Petersen,

My name is Chad DeJong, my siblings and I recently purchased 855 12 ½ Ave for my parents, who previously lived in a small town in Central ND. One of the draws to this neighborhood was its location and what we believed to be a low traffic street. In the two weeks that my parents have been in the house, I have visited them on several occasions, only to be somewhat disappointed in the high number of auto's parked on the street and in several of the driveways of the twin homes on the eastern end of the street. Obviously these homes are being inhabited by a greater number of residents than what was probably intended, thus the high number of cars parked outside in the driveways and on the street. The picture that I took was on a Sunday afternoon, and is an accurate reflection of the parking on any given day of the week. The cars typically extend down the street well beyond half way. Given the location of 815 ½ ave in relation to the high number of cars on the street and in the driveways, I do not see how it could be feasible to allow someone to operate a business from one of these locations. The traffic that will be brought to this street will only add to the parking issues, and will result in continual use and invasion of each owners private driveways to facilitate turning around and or an increase in traffic in the entire loop.

Along with the traffic, I would question the sanitary impact of this business, as most dog's will require and receive a bath prior to the trim. Where will this water etc be disposed of – there are no drains in the garages.

Allowing this business will not be a positive for this neighborhood. Most of those living in this neighborhood have chosen it for it's quite nature and intent. Increasing traffic flow into a high density neighborhood is not what they are looking for nor expected when they purchased a home here.

I ask that you and the commission give great consideration to denying this conditional use Permit. This is a housing development, not a small business park.

Thank you for time and consideration.

Best Regards,
Chad DeJong
701.71.8607

Chad DeJong, CPA
Chief Financial Officer
701-551-0577 | F: 701-241-8541
LibertyBusiness.com | cdejong@libertybusiness.com
3431 4th Ave. S. Ste E | Fargo, ND 58103



Do the Right Thing • Work Hard • Can-Do Attitude
• Team Player • Customer Focused

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.



Conditional Use Permit

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

WHEREAS, **Jessica Johnson** (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 815 12 ½ Ave W, West Fargo, ND 58078, legally described as (hereinafter referred to as the “**Property**”):

Lot 3, Block 2 of Lenzmeier 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 (dog grooming 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

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: October 14, 2020

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

Planned Unit Development Amendment for the purpose of developing both mixed use and multiple dwelling buildings with associated common space and garage structures.

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

Lot 3, Block 1 of South Pond at the Preserve 6th Addition, City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

Approve Planned Unit Development Amendment subject to the conditions listed in the staff report.

STAFF REPORT

A20-33		PLANNED UNIT DEVELOPMENT AMENDMENT	
South Pond at the Preserve 6 th Addition			
3156 Bluestem Drive (Lot 3, Block 1, South Pond at the Preserve 6 th Addition), City of West Fargo, North Dakota			
Applicant: Brian Kounovsky Owner: Boulevard Square III		Staff Contact: Tim Solberg, AICP	
Planning & Zoning Commission Public Hearing:		10/13/2020 – Approval	
City Commission:		10/19/2020	

PURPOSE:

Allow for developing both mixed use and multiple dwelling buildings with associated common space and garage structures approved Planned Unit Development.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban – Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	PUD: Planned Unit Development
Zoning Overlay District(s):	CO: Corridor Overlay
Total area size:	2.24 Acres
Adjacent Zoning Districts:	North – PUD: Planned Unit Development South – C: Light Commercial & R-2 Limited Multiple East – C: Light Commercial West – R-1: One & Two Family Dwellings
Adjacent street(s):	Bluestem Drive (Local); 7 th Street East (Local)
Adjacent Bike/Pedestrian Facilities:	Existing Sidewalk on Bluestem Drive (6')
Available Parks/Trail Facilities:	Maple Ridge Park within ½ mile, various other parks and trails within 1 mile
Park Dedication Requirements:	Provided with previous subdivision

DISCUSSION AND OBSERVATIONS:

- Applicant proposes reconfiguring the layout of the previously approved development within a Planned Unit Development, to construct two smaller buildings with underground parking and more greenspace, instead of one larger structure.
- The Detailed Development Plans submitted originally in 2012 for this lot included a 12,664 square foot mixed use building with commercial space on the ground floor and 30 apartment units on the upper floors with 30 garage stalls and 119 parking stalls (149 total). According to a parking review submitted by the architect at the time, parking was to be calculated at that time with two spaces per residential unit and a ratio of one space per 150 square feet of floor area for the commercial.
- Site plans and building plans have now been submitted showing a 5-story, 11,048 square foot residential building with 24 underground parking spaces and 54 units. A second, 4-story, 10,000 square foot mixed use structures is also proposed with 33 residential units and 24 underground parking spaces.

STAFF REPORT

- Staff believes the property is sufficiently protected by the yard requirements of the C: Light Commercial District and CO: Corridor Overlay. The C District standards require area and yard requirements found within the R-3 Multiple Dwelling District standards where multiple residential uses are permitted. These will provide adequate setbacks between the buildings and the residential uses to the west. Landscaping standards also provide adequate buffering between uses.
- The applicant also proposes constructing additional garages and greenspace. An additional 78 parking spaces are shown on the site plan as well as a 16-unit garage building on the west side of the lot. Eight garages are proposed on the lot to the north, which was not included in the application or hearing notice.
- The parking provided on Boulevard Square as a whole is 454 parking spaces, whereas staff has calculated the entire property with 153 residential apartments (13 of which are studio apartments) and 37,748 ft² of commercial space to have a requirement of 443 parking spaces under the City's Off Street Parking regulations. The applicant has also provided a calculation using the Urban Land Institute's manual on "Shared Parking" to determine a maximum weekend parking demand of 456 cars. There is available on-street parking to handle possible overflow if this is realized.
- The City completed the Fargo-West Fargo Parking & Access Requirement Study in 2018. At that time it was found that parking was underutilized in the Community even completing a survey at this location of the community to find that on average only 51% of the spaces were filled. The study went on to recommend that the City should look toward using parking minimums and maximums to discourage inefficient land use. The recommendation was to use a minimum of 1 space per 1,000 ft² and a maximum of 2.5 spaces per 1,000 ft². With that recommendation, the minimum amount of required spaces for the properties would be 215 and the maximum allowed would be 537 spaces.
- Staff believes through reviewing three different methods of calculating parking demand that the proposed project is providing more than adequate parking.

NOTICES:

Sent to: Property owners within 150' and applicable agencies and departments

Comments Received:

- Owner of a commercial property to the south expressed issues with parking to the east of his property and concerns the proposed buildings may have insufficient parking.

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

- The proposed PUD Amendment is consistent with the pattern of development adjacent to the property and provides shared spaces for the neighborhood of mixed uses within Boulevard Square.
- The parking provided is consistent with the recommended minimum and maximum parking recommendations of the Fargo-West Fargo Parking & Access Requirement Study.

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:

STAFF REPORT

1. Development will be subject, but not limited to 4-427 C: Light Commercial District Standards, 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
2. A signed PUD Agreement is received.

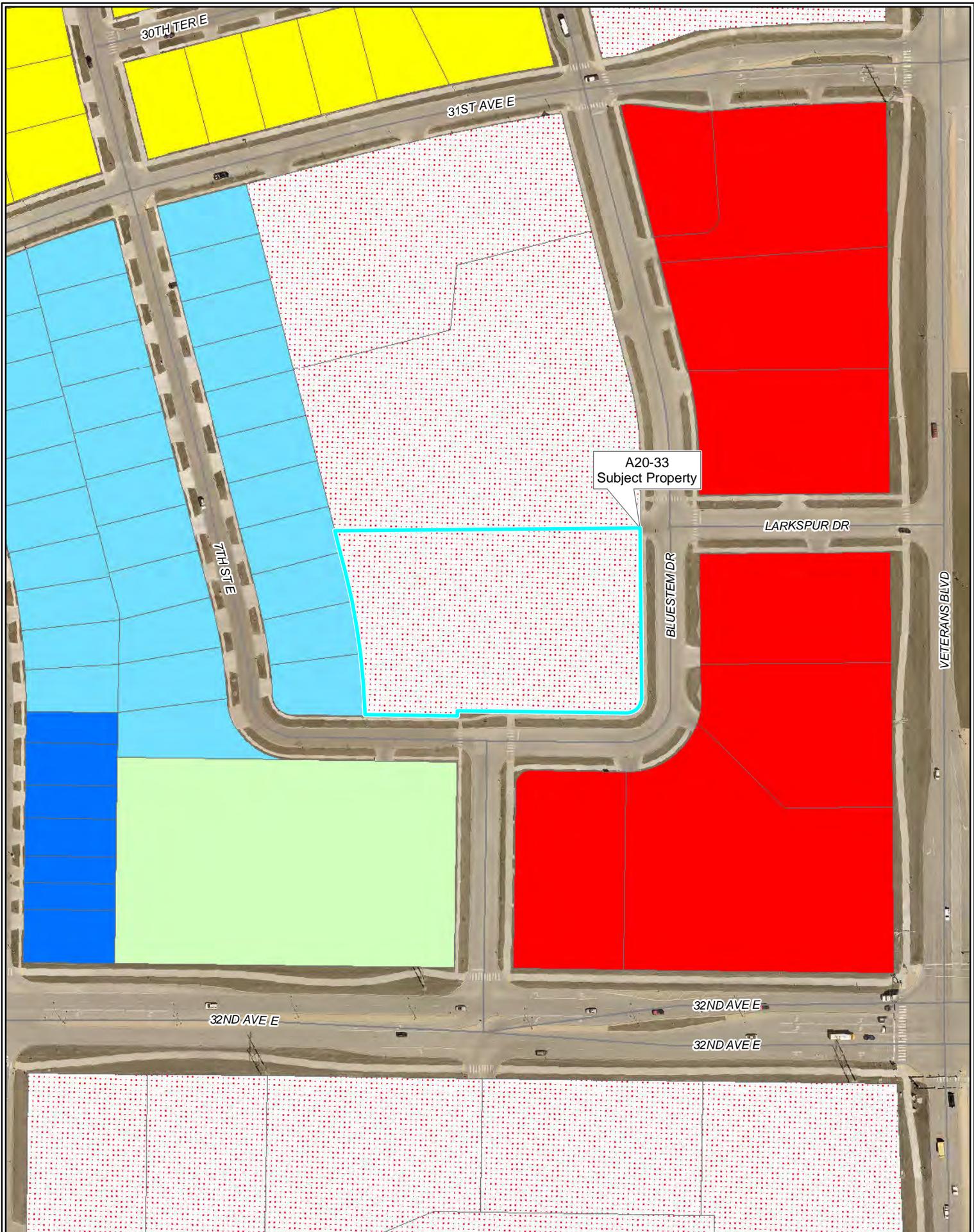
PLANNING AND ZONING RECOMMENDATION:

At their October 13, 2020, meeting, the Planning and Zoning Commission recommended approval of the Planned Unit Development Amendment, subject to the two conditions listed above.



A20-33
Subject Property

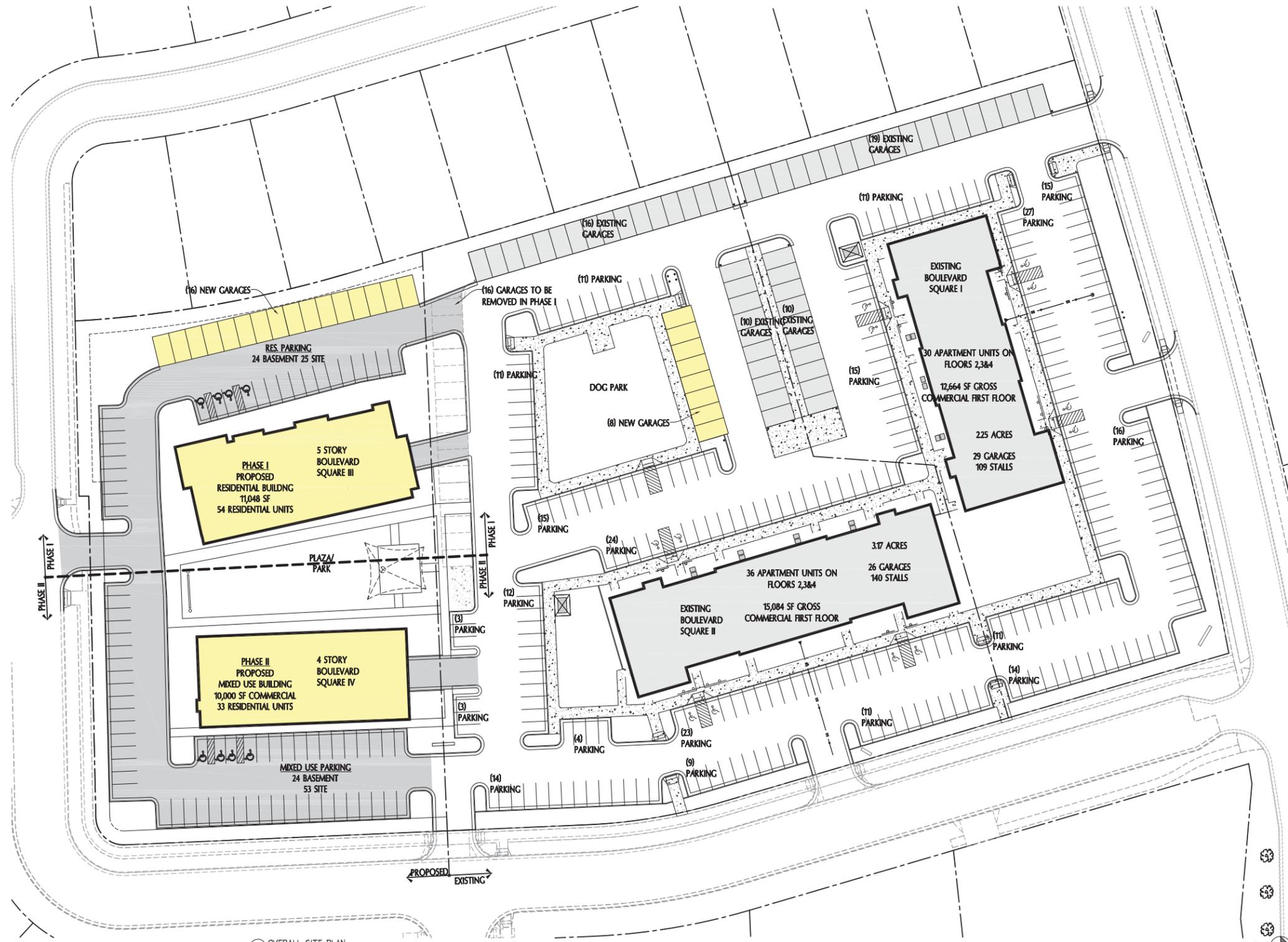




A20-33
Subject Property

City of
WEST FARGO

<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
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1 OVERALL SITE PLAN
SCALE: 1" = 30'-0"

From: [Tim P. Solberg](#)
To: [Chanda M. Erickson](#); [Lisa A. Sankey](#); [Malachi D. Petersen](#)
Subject: FW: planned development Preserve 6th addition
Date: Thursday, October 1, 2020 11:44:43 AM

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: <https://map.westfargond.gov/TaxParcels/>

From: pat schmidt owner <patricklschmidt@centurylink.net>
Sent: Thursday, October 1, 2020 10:05 AM
To: Tim P. Solberg <Tim.Solberg@westfargond.gov>
Subject: planned development Preserve 6th addition

Tim, I'm writing you with my concerns about the proposed planned development at Lot 3, Block 1 of s Pond , Preserve 6th Addition. I own the property directly south of the project and want to make sure the Planning and Zoning Comm considers the consequences of insufficient parking and how it effects surrounding neighbors . I've been dealing with parking issues due to the permits issued east of my property ever since it was built. If tenants do not have ample parking(also in the right spots where needed) there going to park where it's most convenient . Just having a certain number of parking spaces , but not where there needed will create a nightmare for surrounding neighbors. I have a commercial bldg and the tenants simply will not renew their lease and move rather than deal with this. I ask you to PLEASE consider this when granting bldg permits.

Thank-you for your attention to this matter!
Pat Schmidt

Tim, could please acknowledge you received this.

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.

Lisa A. Sankey

Subject: FW: parking at proposed project

From: pat schmidt owner <patricklschmidt@centurylink.net>

Sent: Monday, October 12, 2020 10:44 AM

To: Tim P. Solberg <Tim.Solberg@westfargond.gov>

Subject: parking at proposed project

Hi Tim, I just wanted to add one more observation about the parking situation at the multi-use apartment bldg. being discussed at tomorrow's meeting. I've driven by there several times since you and I spoke on the phone, both during the day and in the evening. You mentioned that you consider shared parking spots also with adjoining property to the north and I can tell you there are only a few (6 OR 7) during the day and almost none at night. As you know Pub West is right north and can easily chew up spots when busy. Please consider the outcome of your decisions on the surrounding neighbors.

Thank You, Pat Schmidt

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.

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: 433-5323 DATE: October 14, 2020

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

Interstate Corridor Overlay Plan Review and Approval and Special Approval of screening of loading dock facing street within Redevelopment Corridor Overlay District. Prior to issuance of a building permit, plans must be approved by the City Commission.

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

2308 Main Ave W (Lots 15-17, Block 1 of Knutson’s 1st Addition), City of West Fargo, North Dakota.

5. ACTION BEING REQUESTED FROM CITY COMMISSION:

At their October 13, 2020 meeting, the Planning and Zoning Commission recommended approval on the basis the proposed development on the site is consistent with the intent of the Interstate Corridor Overlay District and Special Approval of screening of loading dock facing street within Redevelopment Corridor Overlay District.

FACT SHEET

WEST FARGO PLANNING AND ZONING COMMISSION

October 13, 2020

BACKGROUND:

PURPOSE: Interstate Corridor Overlay Plan Review and Approval and Special Approval of screening of loading dock facing street within Redevelopment Corridor Overlay District for 2308 Main Ave W.

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Northern Plains Distributing - Warehouse/Logistics

EXISTING ZONING: LI: Light Industrial; CO-I: Interstate Corridor Overlay; CO-R: Redevelopment Corridor Overlay

PARCEL SIZE: ± 3 Acres

This property is located within the CO-I: Interstate Corridor Overlay District which requires that all development shall be subject to site and building plan review and approval by the Planning and Zoning Commission and City Commission.

Both the CO-I and the CO-R: Redevelopment Corridor Overlay require 30% non-metal type materials to be used on any elevation facing the interstate and Main Avenue. Submitted drawings of the 40,000 square foot building show that it will be constructed with 52.4% non-metal materials facing the roadways which would exceed our standard.

Both overlay districts also require truck loading areas on the side or rear of the building so they do not face a public street. Where this is not possible, special approval is required by the Planning and Zoning and City Commission and screening of the truck loading dock shall be considered. The applicant is proposing to add a cover over the loading area and have overhead doors for trucks to come in and out of. There are many instances of overhead doors along Main Avenue as they are not restricted.

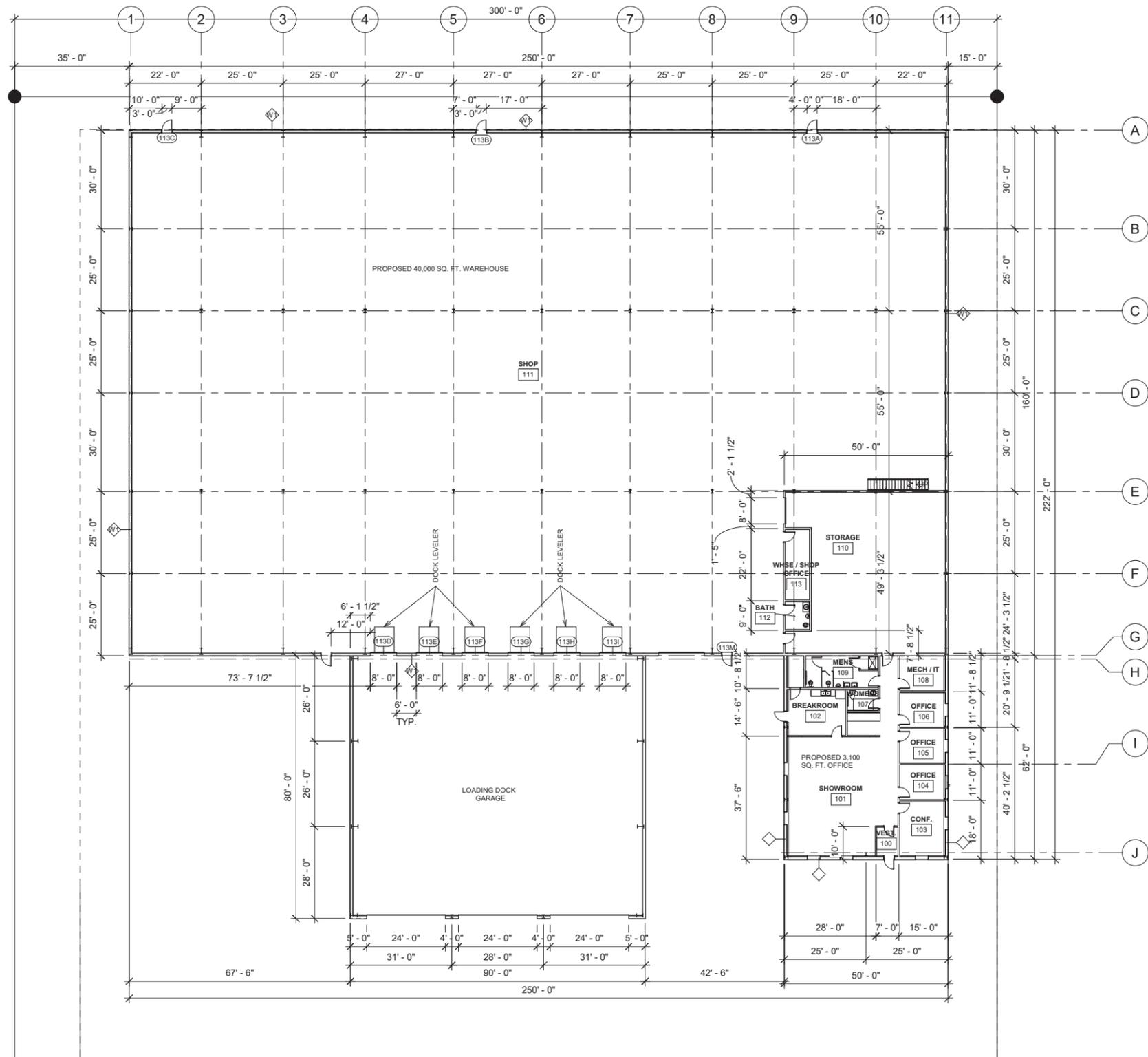
Setbacks for the buildings are shown as 180' from the front property line, 30' from the rear and side yard setbacks are 14.9' (east) and 34.9' (west), which appear more than adequate for both the CO-I and CO-R Districts. Landscaping standards will need to be submitted with landscaping completed prior to issuance of a certificate of occupancy.

The information that has been submitted shows that City plans and development requirements can be met. Staff's recommendation is to approve the site and elevation plans for submittal to the City Commission with the condition that all provisions of West Fargo City Ordinances are met to ensure sufficient review is provided for building inspections and other City departments.



Subject Property





① MAIN LEVEL FLOOR PLAN
1/16" = 1'-0"

REVISION	BY

Commercial / Rural
Design Build
Retrofit



2139 W. Main Ave
West Fargo, North Dakota
(701) 293-7202

PROJECT: WAREHOUSE/OFFICE

ADDRESS: _____

OWNER: _____

TELEPHONE NO.: _____

DRAWN BY: TSA

CHECKED BY: _____

APPROVED BY: _____

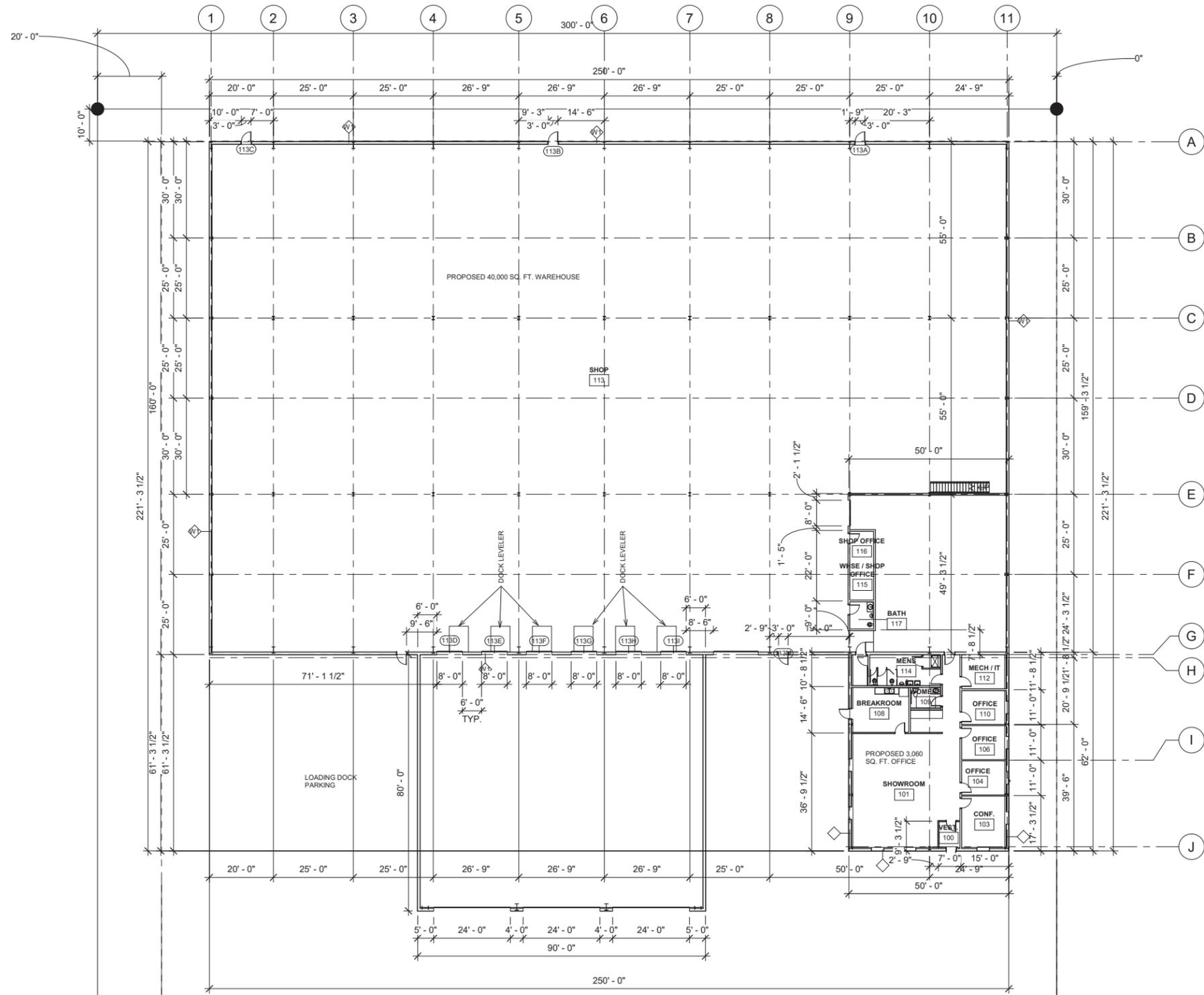
DATE: 10-09-2020

JOB NO.: _____

SHEET: **A-02**

FLOOR PLAN

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① MAIN LEVEL FLOOR PLAN
1/16" = 1'-0"

REVISION	BY

Commercial / Rural
Design Build
Retrofit



2139 W. Main Ave
West Fargo, North Dakota
(701) 293-7202

PROJECT: 43,060 SQ FT WAREHOUSE/OFFICE
ADDRESS:
OWNER:
TELEPHONE NO.:

DRAWN BY: TSA
CHECKED BY:
APPROVED BY:
DATE: 9/9/2020
JOB NO.:
SHEET: **A-02**

FLOOR PLAN

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REVISION	BY

Commercial / Rural
Design Build
Retrofit



2139 W. Main Ave
West Fargo, North Dakota
(701) 293-7202

PROJECT: WAREHOUSE/OFFICE
ADDRESS:
OWNER:
TELEPHONE NO.:

DRAWN BY: TSA

CHECKED BY:

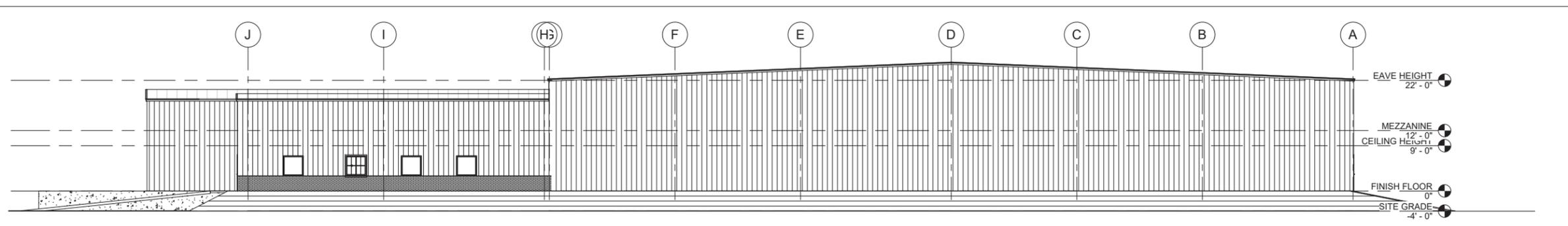
APPROVED BY:

DATE: 10-09-2020

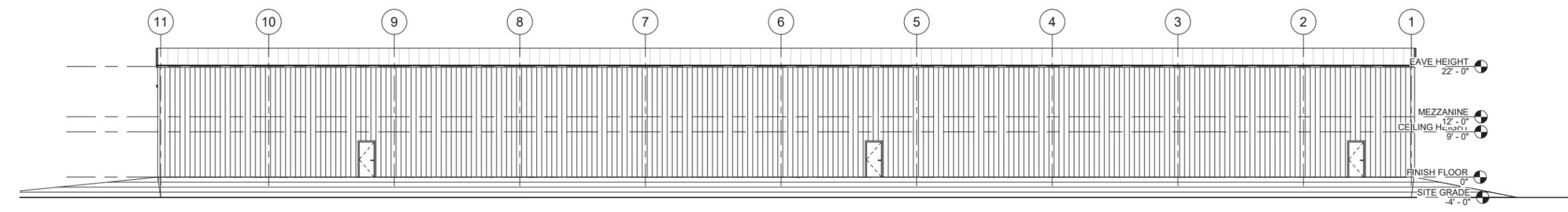
JOB NO.:

SHEET: **A-08**

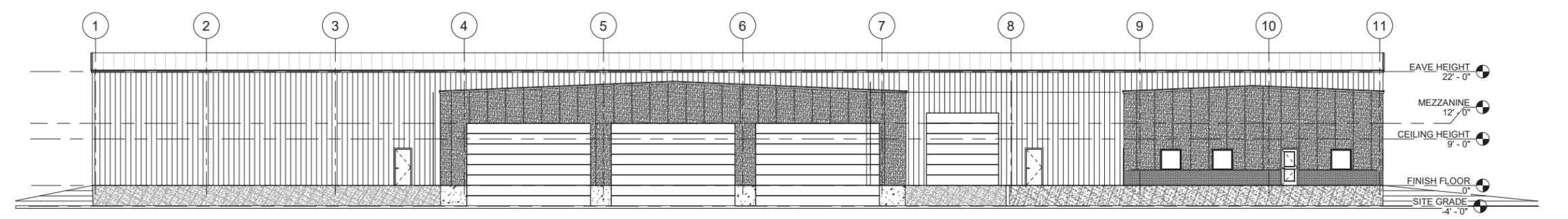
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① EAST ELEVATION
1" = 10'-0"

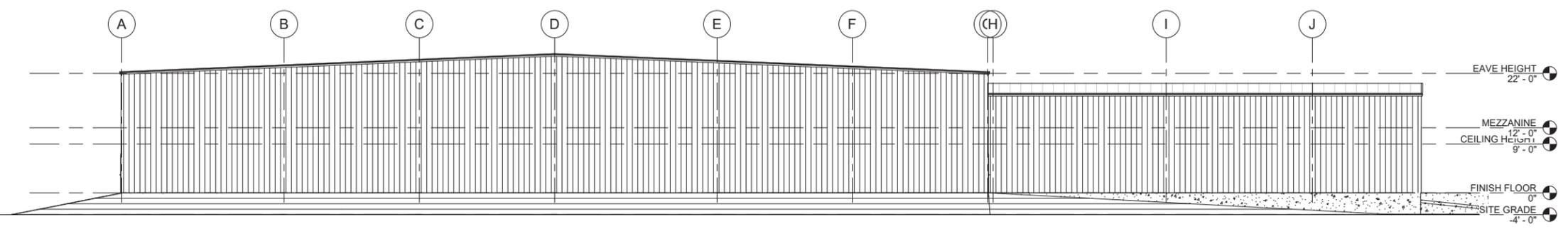


② NORTH ELEVATION
1" = 10'-0"



③ SOUTH ELEVATION
1" = 10'-0"

Brick 141 SF 2.4%	Butler Texturewall Panel - Stucco 1554 SF 26.4% Coverage	O.H. Door, Door & Windows 1315 SF 22.4% Coverage
Concrete 72 SF 1.2%	Butler II - Metal Panel 2786 SF 47.6% Coverage	Total Elevation: 5868 SF Area Covered by Non-Metal: 52.4%



④ WEST ELEVATION
1" = 10'-0"

ELEVATIONS



TEXTUREWALL™ PANEL WALL SYSTEM

Add a classic stucco appearance with lasting durability and enhanced efficiency.

The classic beauty of stucco. The enhanced performance of a Butler® building system. You can add this attractive combination of benefits with the TextureWall™ panel wall system. The textured look of this system makes it particularly ideal in instances where local building ordinances require a masonry or stucco exterior.

Choose the TextureWall system to add the beauty of stucco in applications such as retail centers, churches, recreational and community facilities, and more.

CREATE CLASSIC BEAUTY

The exterior face of the TextureWall system features the Texture-Cote™ finish system—a hard aggregate-fiber-reinforced polymer finish that creates its characteristic stucco appearance. The metal interior face is finished in an attractive, virtually flat finish with a polyester white color that is USDA approved. This can act as a finished interior wall or can be used for the application of other wall materials.



Aspen White II



Adobe II



White II



Gray II

Note: Colors shown may vary from actual samples due to variations in the printing process. Colors and color availability subject to change without notice.



ASSURE LASTING DURABILITY

The TextureWall system's durable surface resists the effects of impact, abrasion, and harsh weather. And unlike field-applied finishes that are vulnerable to damp or cold weather during installation, TextureWall panels can be erected in virtually any weather condition.

core insulation and thermal break joint design deliver excellent energy efficiency, with an R-value from 16 to 32 depending on panel thickness. The factory-applied joint sealant provides a complete wall system weather barrier. Panels are offered in 2- to 4-inch thicknesses.

FAST INSTALLATION

Installation of the Texture-Cote system can be performed from the exterior of the building, which saves time and money.

COMPARE OUR WARRANTY

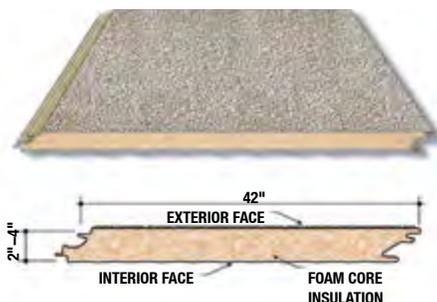
While many field-applied systems offer a prorated 5-year warranty on the coating material only, Butler stands behind the Texture-Cote finish system with a full 10-year warranty on material and application.

CUSTOMIZE THE LOOK

The rich textured surface of the Texture-Cote finish system is available in four attractive color options. Each is designed to complement other building materials, including Butler wall and roof systems. And with its 42-inch panel width, the TextureWall system creates a stunning monolithic stucco appearance.

BUILT-IN ENERGY EFFICIENCY

The TextureWall system's factory-installed foam



TEXTUREWALL™ PANEL WALL SYSTEM

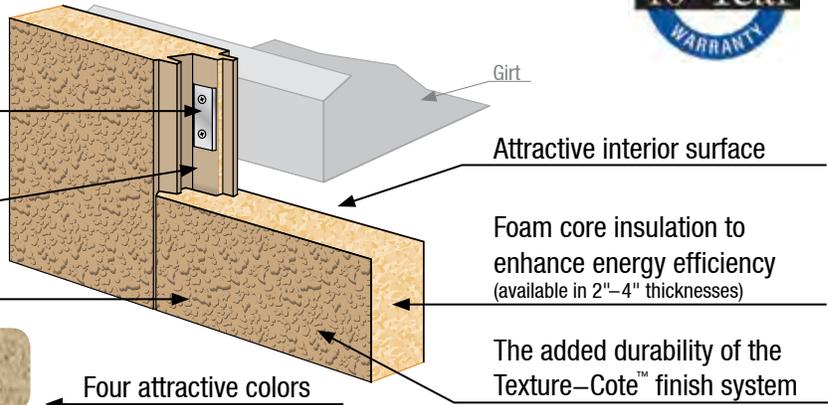


PANEL-TO-STRUCTURE ATTACHMENT

Concealed clip provides easy exterior installation and clean look

Thermal break joint to enhance energy efficiency

The classic textured look of stucco, with a 10-year finish warranty



Four attractive colors

KEY BENEFITS

- ✓ The classic textured look of stucco satisfies many local building codes requiring masonry or stucco exteriors
- ✓ 10-year finish warranty
- ✓ Can be erected in virtually all weather conditions
- ✓ Foam core insulation and thermal break joint enhance energy efficiency (Up to R-32)
- ✓ Attractive interior metal panel provides finished look without the need for additional materials
- ✓ The added durability of the Texture-Cote™ finish system
- ✓ Four attractive colors
- ✓ Wide 42" panels create a monolithic appearance



BUTLER OFFERS YOU MORE

Butler Builders provide complete construction services with single-source responsibility

- Reputable professionals with extensive knowledge of local building codes

Maximize your building's performance with a complete Butler® system solution

- Innovative structural, wall, and roof systems
- Precision engineered for seamless integration



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Kansas City, MO
816-968-3000

Butler Buildings Canada
Burlington, ON, Canada
905-332-7786

www.butlermfg.com



Butler® building products are constantly being improved; therefore, the information contained herein is subject to change without notice. Before finalizing project details, contact your nearest Butler Builder® or Butler Manufacturing for the latest information.

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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: *

Matthew Andvik

Phone Number: *

701433-5402

Email Address:

matthew.andvik@westfargond.gov

Date *

10/15/2020

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request *

Second Reading of Ordinance 1160 Option A

Site Address or Legal Description (if applicable)

Action Being Requested from City Commission *

Approve the Second Reading of Ordinance 1160

Upload Additional Documentation (Optional):

Commissioner Memo Second Reading.docx

56.31KB



To: West Fargo City Commission
From: Public Works Director, Matthew Andvik
Date: October 19, 2020
Subject: Sump Pump Ordinance 1160
Action: Approve Second Reading of Ordinance 1160, Option A

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:

At the October 5th Commission Meeting, Option A was selected out of the four options I presented. Option A was amended by the Commission and was approved. The draft was sent to our Attorney review and format the final draft. Below is brief description of Option A.

Option A

- All waivers granted after adoption of this ordinance will automatically renew annually. The resident will no longer have to sign up every year. They will be able to opt out of the program by signing a waiver showing they no longer have a connection.
- The fee will be an annual fee that will be billed out monthly to the residents. The fee is set by a resolution from the commission. **Staff is recommending a \$60 annual fee, that would be billed out at \$5.00 per month.**
- All new houses built after adoption of this ordinance would automatically be enrolled in the program, unless the homeowner or builder signs a waiver stating there is no connection to the sewer.
- There would be a \$100.00 fine for the first offense and a \$500.00 fine for the second time anyone caught violating this ordinance.
- We thought about automatically renewing those who have had waivers in the last year. We decided against that because that is not what they had signed up for and we thought it better to just start fresh. We have a great communications team, so any ordinance that is passed we will push an information campaign. This will let the residents know that they need to sign up for this program if they have a connection.
- With this program residents would be able to discharge into the sanitary sewer from October 15th to April 15th.

Policy Analysis:

Option A will simplify the process of signing up residents for the program. With more residents following the program, it will cut down on the I and I in our sewer system. Our current ordinance

does not have a penalty listed for noncompliance and lists tasks for city staff to complete that we are unable to perform due to lack of resources.

Financial Analysis:

I was recommending that the annual fee be set by the commission at \$60 per year. This will be charged out monthly on the resident's utility bill. This is a \$10 per year increase from the current rate. This increase is to cover any additional costs for the sewer water that is not being sent to the Fargo Wastewater Treatment plant.

Process/Timeline:

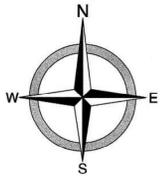
I am asking for approval of the second reading of Ordinance 1160 Option A.

October 5, 2020	Commission Approved Option A First reading

CITY OF WEST FARGO, NORTH DAKOTA

ANNEXATION PLAT

PART OF THE SOUTHWEST QUARTER AND THE NORTHWEST QUARTER OF SECTION 29, PART OF THE SOUTHEAST QUARTER AND NORTHWEST QUARTER OF SECTION 19 AND PART OF THE SOUTHWEST QUARTER OF SECTION 20, ALL IN TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA.



0 500
Scale in Feet

LEGEND

- IRON MONUMENT FOUND
- EXISTING LOT LINE
- ▨ AREA TO BE ANNEXED

NOTE:

PARCELS B, C, D AND E REFER TO THOSE EXCEPTED AREAS SHOWN ON WEST FARGO ANNEXATION PLAT DATED JANUARY 26, 2006 AND RECORDED AS DOCUMENT NO. 1162245. THE SOUTHERLY 28.30 FEET OF PARCEL D AND THE AREA LYING EASTERLY OF THE SHEYENNE RIVER HAVE BEEN ANNEXED INTO THE CITY ACCORDING TO RIVER'S BEND AT THE PRESERVE FOURTH ADDITION AND HENNING FIRST ADDITION.



**CITY OF WEST FARGO, NORTH DAKOTA
ANNEXATION PLAT**

**PART OF THE SOUTHWEST QUARTER AND THE NORTHWEST QUARTER OF SECTION 29, PART OF THE
SOUTHEAST QUARTER AND NORTHEAST QUARTER OF SECTION 19 AND PART OF THE SOUTHWEST QUARTER OF
SECTION 20, ALL IN TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
CASS COUNTY, NORTH DAKOTA.**

CERTIFICATE

SHAWN M. THOMASSON, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED PROFESSIONAL LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF LAND ANNEXED TO THE CITY OF WEST FARGO ON THE _____ DAY OF _____, 2020; THAT THE PROPERTY REPRESENTED IN THIS PLAT IS A PART OF THE SOUTHWEST QUARTER AND NORTHWEST QUARTER OF SECTION 29, PART OF THE SOUTHEAST QUARTER AND NORTHEAST QUARTER OF SECTION 19 AND PART OF THE SOUTHWEST QUARTER OF SECTION 20, ALL IN TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; AND THAT SAID ATTACHED PLAT IS A CORRECT REPRESENTATION OF SAID LAND ANNEXED TO THE CITY OF WEST FARGO AND DESCRIBED AS FOLLOWS, TO-WIT:

ANNEXATION DESCRIPTION:

PARCEL B:
THAT PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N. 1/2 S.W. 1/4) OF SECTION TWENTY NINE (29), TOWNSHIP ONE HUNDRED THIRTY NINE (139) NORTH, RANGE FORTY NINE (49) WEST, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF HOUKUM FIRST SUBDIVISION OF SAID SECTION TWENTY NINE (29), SAID CORNER LYING ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N. 1/2 S.W. 1/4) OF SAID SECTION TWENTY NINE (29); THENCE N 90°00'00" W ALONG THE SOUTH LINE OF SAID HOUKUM FIRST SUBDIVISION FOR A DISTANCE OF FIVE HUNDRED THIRTY TWO (532) FEET, MORE OR LESS, TO A POINT ON THE CENTERLINE OF THE SHEYENNE RIVER; THENCE NORTHERLY ALONG THE CENTERLINE OF SAID SHEYENNE RIVER TO THE NORTHWEST CORNER OF SAID HOUKUM FIRST SUBDIVISION; THENCE S 89°55'33"E ALONG THE NORTH LINE OF SAID HOUKUM FIRST SUBDIVISION FOR A DISTANCE OF ONE HUNDRED SEVENTY SEVEN (177) FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID HOUKUM FIRST SUBDIVISION; THENCE CONTINUE S 89°53'33" E PARALLEL TO THE NORTH LINE OF THE NORTH HALF OF SAID SOUTHWEST QUARTER (N. 1/2 S.W. 1/4) FOR A DISTANCE OF TWO HUNDRED SEVENTY SIX AND THIRTY ONE HUNDREDTHS (276.31) FEET; THENCE S 01°23'16" E PARALLEL TO THE EAST LINE OF SAID HOUKUM FIRST SUBDIVISION FOR A DISTANCE OF ONE THOUSAND EIGHTY ONE (1,081) FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHWEST QUARTER (N. 1/2 S.W. 1/4); THENCE N 90°00'00" W ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHWEST QUARTER (N. 1/2 S.W. 1/4) FOR A DISTANCE OF TWO HUNDRED FORTY ONE (241) FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID HOUKUM FIRST SUBDIVISION, THE POINT OF BEGINNING.

SAID TRACT CONTAINS 15.3 ACRES, MORE OR LESS.

PARCEL C:

THAT PART OF THE NORTHWEST QUARTER (N.W. 1/4) OF SECTION TWENTY NINE (29), TOWNSHIP ONE HUNDRED THIRTY NINE (139) NORTH, RANGE FORTY NINE (49) WEST, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (N.W. 1/4) OF SAID SECTION TWENTY NINE (29); THENCE N 86°53'27"E (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID SECTION TWENTY NINE (29) FOR A DISTANCE OF ONE THOUSAND THREE HUNDRED FIFTY TWO AND NINETY FIVE HUNDREDTHS (1,352.95) FEET TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF THE ROAD TO THE SOUTH; THENCE S 00°43'57"E ALONG THE CENTERLINE OF SAID ROAD FOR A DISTANCE OF ONE THOUSAND SIX HUNDRED THIRTY SEVEN AND SEVENTY THREE HUNDREDTHS (1,637.73) FEET TO THE POINT OF BEGINNING; THENCE N 86°44'04" W PARALLEL TO THE SOUTH LINE OF SAID NORTHWEST QUARTER (N.W. 1/4) FOR A DISTANCE OF SIX HUNDRED NINETY FIVE AND EIGHTY THREE HUNDREDTHS (695.83) FEET; THENCE S 00°39'09"E FOR A DISTANCE OF TWO HUNDRED THIRTY SEVEN (237) FEET, MORE OR LESS, TO A POINT ON THE CENTERLINE OF THE SHEYENNE RIVER; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF SAID SHEYENNE RIVER TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER (N.W. 1/4); THENCE S 86°44'04"E ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (N.W. 1/4) FOR A DISTANCE OF THREE HUNDRED SIXTY SIX (366) FEET, MORE OR LESS, TO A POINT LYING ONE HUNDRED FIFTY (150.00) EAST OF THE CENTERLINE OF THE AFORESAID ROAD; THENCE NORTHERLY ALONG A LINE LYING ONE HUNDRED FIFTY (150.00) FEET EAST OF AND PARALLEL TO SAID ROAD CENTERLINE TO A POINT ON A LINE BEARING S 86°44'04" E FROM THE POINT OF BEGINNING; THENCE N 86°44'04" W ALONG SAID LINE FOR A DISTANCE OF ONE HUNDRED FIFTY (150) FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 13.2 ACRES, MORE OR LESS.

PARCEL D:

THAT PART OF THE NORTHEAST QUARTER (N.E. 1/4) OF SECTION NINETEEN (19), TOWNSHIP ONE HUNDRED THIRTY NINE (139) NORTH, RANGE FORTY NINE (49) WEST, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF SAID NORTHEAST QUARTER (N.E. 1/4) OF SECTION NINETEEN (19) AND THE EASTERLY RIGHT-OF-WAY LINE OF CASS COUNTY HIGHWAY #17; THENCE NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CASS COUNTY HIGHWAY #17 TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SHEYENNE DIVERSION; THENCE EASTERLY, NORTHEASTERLY AND NORTHWESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SHEYENNE DIVERSION TO A POINT ON THE CENTERLINE OF THE SHEYENNE RIVER; THENCE NORTHWESTERLY, NORTHEASTERLY AND EASTERLY ALONG THE CENTERLINE OF SAID SHEYENNE RIVER TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER (N.E. 1/4); THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (N.E. 1/4) TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER (N.E. 1/4); THENCE WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER (N.E. 1/4) TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF CASS COUNTY HIGHWAY #17, THE POINT OF BEGINNING, EXCEPTING THEREFROM, THAT PART OF THE NORTHEAST QUARTER OF SAID SECTION 19, LYING EASTERLY OF THE WESTERLY LINE OF BLOCK 3, RIVER'S BEND AT THE PRESERVE FOURTH ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SAID CASS COUNTY, AND ALSO EXCEPTING THEREFROM, THAT PART OF THE NORTHEAST QUARTER OF SAID SECTION 19 LYING SOUTH OF THE NORTH LINE OF HENNING FIRST ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER.

SAID TRACT CONTAINS 8.02 ACRES, MORE OR LESS.

PARCEL E:

THAT PART OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION NINETEEN (19) AND THAT PART THE SOUTHWEST QUARTER (S.W. 1/4) OF SECTION TWENTY (20), TOWNSHIP ONE HUNDRED THIRTY NINE (139) NORTH, RANGE FORTY NINE (49) WEST, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION NINETEEN (19); THENCE WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER (S.E. 1/4) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CASS COUNTY HIGHWAY #17; THENCE NORTHERLY ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CASS COUNTY HIGHWAY #17 TO A POINT ON A LINE LYING THREE HUNDRED (300.00) FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST QUARTER (S.E. 1/4); THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST QUARTER (S.E. 1/4) TO A POINT ON THE CENTERLINE OF THE SHEYENNE RIVER; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE CENTERLINE OF SAID SHEYENNE RIVER TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (N.W. 1/4 S.W. 1/4) OF SAID SECTION TWENTY (20); THENCE WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (N.W. 1/4 S.W. 1/4) OF SAID SECTION TWENTY (20) TO A POINT ON THE EAST LINE OF SAID SECTION NINETEEN (19); THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION NINETEEN (19) TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION NINETEEN (19), THE POINT OF BEGINNING.

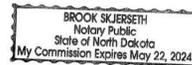
SAID TRACT CONTAINS 23.4 ACRES, MORE OR LESS.

Shawn M. Thomasson
SHAWN M. THOMASSON
REGISTERED LAND SURVEYOR
REG. NO. LS-5900

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS 8 DAY OF October, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

Brook Skjerseth
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



CERTIFICATE BY EXECUTIVE OFFICE OF CITY

I, BERNIE L. DARDIS, DO HEREBY CERTIFY THAT I AM NOW, AND AT ALL TIMES DURING THE ANNEXATION OF THE PROPERTY DESCRIBED HAVE BEEN PRESIDENT OF THE WEST FARGO BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, AND I FURTHER CERTIFY THAT ON THE _____ DAY OF _____, 2020, THE CITY COMMISSIONERS OF THE CITY OF WEST FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, DID ANNEX THE PROPERTY DESCRIBED IN THE CERTIFICATE SHOWN ON THE ANNEXATION PLAT BY SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR; THAT THE DESCRIPTION, DISTANCES AND LIMITS SHOWN ON SAID PLAT ARE CORRECT; AND THAT SAID PLAT SHOWS THE CORPORATE LIMITS OF THE CITY CONTIGUOUS TO THE ANNEXED PROPERTY AND THE CHANGE MADE THEREIN BY SAID ANNEXATION.

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2020.

BERNIE L. DARDIS, PRESIDENT OF
THE WEST FARGO BOARD OF CITY COMMISSIONERS

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

BERNIE L. DARDIS, PRESIDENT OF THE WEST FARGO BOARD OF CITY COMMISSIONERS, AND TINA FISK, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME ON BEHALF OF THE CITY OF WEST FARGO.

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2020.



DUSTIN T. SCOTT, CITY ENGINEER
STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DUSTIN T. SCOTT, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS CITY ENGINEER.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



To: West Fargo City Commission
 From: Dustin T. Scott, City Engineer
 Date: October 19th, 2020
 Subject: Continue Hearing of any written appeals for assessment list confirmed by the Special Assessment Commission for Street Improvement Dist. No. 2241
 Action: Confirm Assessment List for Street Improvement District No. 2241

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:

During the hearing held on October 5, 2020, the City Commission deferred final action and directed staff to meet with the developer regarding their filed protest. Tina and I met with the developers on October 12th where they explained their protest regarding the "sewer/water" cost allocation. After the meeting, and further review of project details, we determined this project's utilities primarily benefit the undeveloped properties within the district since the developer's property already had (and paid for) sewer and water mains/services. Tina and I consulted with John Shockley (City Attorney) regarding options for revising the assessment allocation. Our consensus was that all "sewer/water" costs should be allocated to the undeveloped properties, which are owned by the City of West Fargo. This reduces the developer's assessment by \$73,362.13, which will be distributed over the (2) City parcels on a square foot basis. Attached is the proposed revision to the list and corresponding map for reference.

Staff recommendation is to Confirm the revised Assessment List

Below is the Agenda Summary reviewed at October 5, 2020 meeting

Summary and Recommendation:

Requested by developers, the improvements primarily consisted of extending 5th St W over an existing pond to connect to Sheyenne St. This provided additional connectivity for the adjacent multi-family development and commercial properties.

Additional project information is available on the city's website:
<https://www.westfargond.gov/1021/Special-Assessment-Projects>

Staff recommendation is to Confirm the Assessment List

Financial Analysis:

Total Project Cost:	\$ 570,000
Assessments	\$ 570,000
City Share	\$ 0
Other Funds	\$ 0

Process/Timeline:

Construction started in 2018 and was complete in 2018

January 20, 2020 - Resolution Directing Assessments be Levied

June 25, 2020 – Special Assessment Commission (public meeting) to review benefits and levied assessments.

July/Aug, 2020 – City advertised Assessment list and sent letters to all properties.

August 31, 2020 – Special Assessment Commission meeting to hear objections

Aug/Sept, 2020 – Notice of Confirmation of assessment list published and hearing scheduled for October 5th, 2020

Policy Analysis:

This improvement district was administrated in accordance with North Dakota Century Code and City of West Fargo policies and ordinances. The city's "Special Assessment Policy" was adopted September 19, 2016 and is available on the city's website.

STREET IMPROVEMENT DISTRICT NO. 2241
City of West Fargo, North Dakota

Revised SPECIAL ASSESSMENT LIST

<u>LOT</u>	<u>BLOCK</u>	<u>AMOUNT ASSESSED</u>
<u>EAGLEWOOD 6TH ADDITION</u>		
24	1	\$ 441,442.27 → \$368,080.14
26	1	46,535.49 → \$71,335.32
1	2	82,022.24 → \$130,584.54

ASSESSMENT LIST CONFIRMED BY SPECIAL ASSESSMENT COMMISSION (August 31, 2020)

Owner	Division	Block	Lot	Area (acre)	S & W	Street	Lighting	Local Storm	Indiv Lot	Pond	Total
Developer	Eaglewood 6th	1	24	8.26	\$ 73,362	\$ 238,569	\$ 18,309	\$ 35,006	\$ 4,648	\$ 71,547	\$ 441,442
City	Eaglewood 6th	1	26	0.79	\$ 7,035	\$ 22,878	\$ 1,756	\$ 3,357	\$ 4,648	\$ 6,861	\$ 46,535
City	Eaglewood 6th	2	1	1.55	\$ 13,776	\$ 44,799	\$ 3,438	\$ 6,574		\$ 13,435	\$ 82,022
				10.60	\$ 94,173	\$ 306,246	\$ 23,502	\$ 44,937	\$ 9,297	\$ 91,844	\$ 570,000

STAFF REVISION PROPOSED TO CITY COMMISSION (October 19, 2020)

Owner	Division	Block	Lot	Area (acre)	S & W	Street	Lighting	Local Storm	Indiv Lot	Pond	Total	Change
Developer	Eaglewood 6th	1	24	8.26	\$ -	\$ 238,569	\$ 18,309	\$ 35,006	\$ 4,648	\$ 71,547	\$ 368,080	\$ (73,362)
City	Eaglewood 6th	1	26	0.79	\$ 31,835	\$ 22,878	\$ 1,756	\$ 3,357	\$ 4,648	\$ 6,861	\$ 71,335	\$ 24,800
City	Eaglewood 6th	2	1	1.55	\$ 62,338	\$ 44,799	\$ 3,438	\$ 6,574		\$ 13,435	\$ 130,585	\$ 48,562
				10.60	\$ 94,173	\$ 306,246	\$ 23,502	\$ 44,937	\$ 9,297	\$ 91,844	\$ 570,000	\$0

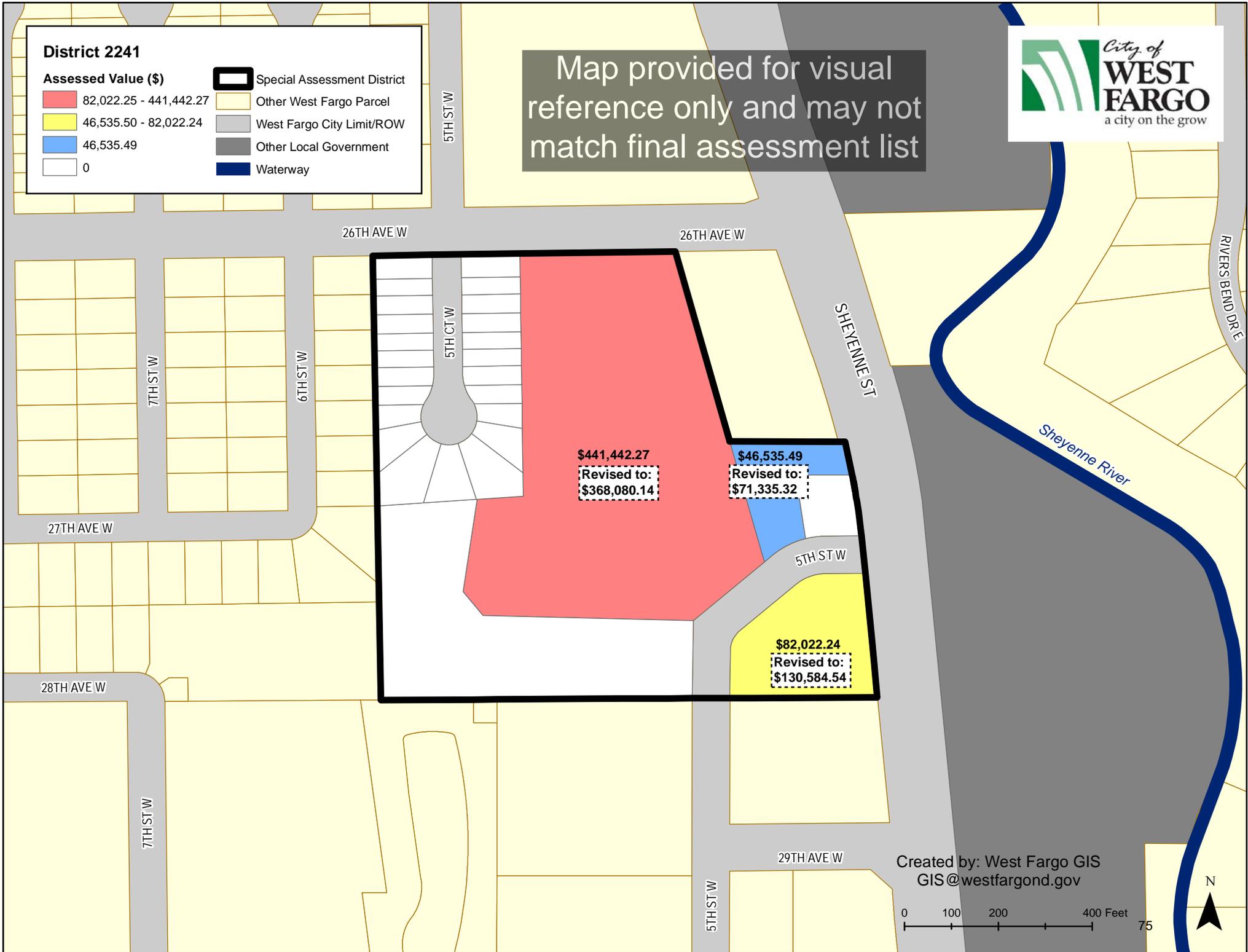
	Original	Proposed
Sewer & Water Cost per SF	\$0.204	\$0.923
Street Cost per SF	\$0.663	\$0.663
Lighting Cost per SF	\$0.051	\$0.051
Storm Cost per SF	\$0.097	\$0.097
Cost per SF	\$0.199	\$0.199

Map provided for visual reference only and may not match final assessment list



District 2241

Assessed Value (\$)	Legend
82,022.25 - 441,442.27	Special Assessment District
46,535.50 - 82,022.24	Other West Fargo Parcel
46,535.49	West Fargo City Limit/ROW
0	Other Local Government
	Waterway



Created by: West Fargo GIS
GIS@westfargond.gov

