



Jim Brownlee, CPA, City Administrator
Sharon Schacher, City Finance Director
Dorinda Anderson, Business Development Director

The West Fargo City Commission met on Monday, July 17, 2006, at 5:30 P.M. Those present were Rich Mattern, Brenda Warren, Bryan Schultz, Lou Bennett and Mark Simmons. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Mattern advised that "item l" should be removed from the Consent Agenda, "item e" should include Resolution Amending District, "item m" should include Create Revised Assessment District and authorize City Engineer to prepare Engineer's Report, and "item h" should be removed from the Consent Agenda and discussed under the Regular Agenda. Commissioner Schulz moved and Commissioner Bennett seconded to approve the Order of Agenda with the changes as noted. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Warren seconded to approve the Minutes of June 19, 2006 and the Reorganization Meeting Minutes of June 27, 2006. No opposition. Motion carried.

The Commission reviewed Building Permits #479 – 554 along with the Building Department Activity Report dated July 17, 2006 and the Building Department Monthly Comparison Report for June 2005/ June 2006.

There were no Commissioner Committee Reports.

The Auditor's Reports for June 2006 were received by the Commission.

There were no Department Reports.

Commissioner Schulz moved and Commissioner Bennett seconded to approve the following items on the Consent Agenda:

Bills

Land transfer with Rock Bottom LLC for 2.74 acres of land

Appointments of Chris Barton of West Fargo Chamber of Commerce and John Pitz of Red River Valley Fairgrounds to the West Fargo Visitors Committee (fill terms to February 2010)

Job Description for Property Appraiser I Position

Street Improvement District No. 2183: Resolution Creating Street Improvement District No. 2183, Resolution Directing Engineer to Prepare Report, Resolution Approving Engineer's Report, Resolution Directing Engineer to Prepare Plans and Specifications, Resolution Approving Plans and Specifications, Resolution Declaring Work Necessary, Resolution Directing Auditor to Advertise for Bid, Resolution Amending District

Pledging of Assets

Appointment of Lou Bennett as the Alternate on the FM Metro Council of Governments Policy Board

New Gaming Site Authorization – West Fargo Hockey Association Inc at The Work Zone (701 East Main Avenue, Suite A, West Fargo, ND)

Joint Powers Agreement with Barnes Township

Street Improvement District No. 2190 (Sheyenne Street and 6th Avenue West): Engineer's Report, authorize City Engineer to prepare Plans & Specifications, approve Plans & Specifications, and authorize Advertisement for Bids with bid opening on August 27, 2006

Street Improvement District No. 2189 (9th Street East – 32nd Avenue to 40th Avenue): create revised Assessment District, authorize Engineer to prepare Engineer's Report, approve Engineer's Report, authorize City Engineer to prepare Plans & Specifications, approve Plans & Specifications, authorize Advertisement for Bids with bid opening on August 10, 2006

Water Improvement District No. 1170 – Phase III (North Water Loop): approve Plans and Specifications, authorize Advertisement for Bid with bid opening on July 27, 2006

Sewer & Water Improvement District No. 1191 (West River Addition/ Borderud's Subdivision/Windsor Green Subdivision): Create Assessment District, approve Plans and Specifications, authorize Advertisement for Bids with bid opening on August 3, 2006

Street Improvement District No. 2182 (Sheyenne Street Interim Improvements 19th Avenue West to 52nd Avenue): create Assessment District

No opposition. Motion carried.

Public Works Director Barry Johnson appeared before the City Commission to propose amending the current water restrictions to 10:00 PM to 6:00 AM watering time. Commissioner Schulz moved and Commissioner Bennett seconded to approve the time change from 10:00 PM to 6:00 AM. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Sale of Bonds. Mike Manstrom of Dougherty & Company LLC reviewed the bid information. Commissioner Bennett moved and Commissioner Warren seconded to approve the Resolution Authorizing the Issuance of Improvement Warrants and Exchanging them for \$9,775,000 Refunding Improvement Bonds of 2006, Series A, and authorized the sale to Morgan Keegan at a price of \$9,628,961.50 with a net effective rate of 4.186081%. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Sale of Sidewalk Warrants. Mike Manstrom of Dougherty & Company LLC reviewed the bid information. Commissioner Schulz moved and Commissioner Simmons seconded to adopt the Resolution Creating Sidewalk District 6042 Special Fund and Directing Issuance of Warrants Thereon and accept the bid from Northland Securities to purchase the warrants at a price of \$223,393.50 with a net effective rate of 4.3419%. No opposition. Motion carried.

Jerry Weippert appeared before the Commission regarding maintenance responsibilities in the Charleswood area such as mowing of vacant lots, parking across sidewalks, and noise from construction projects. City Attorney Brian Neugebauer and Captain Michael Reitan of the Police Department appeared before the Commission.

Planning Director Larry Weil appeared before the Commission on Kass 3rd Addition and advised that the Planning & Zoning Commission recommends Alternative B, twin home development with R:2 Limited Multiple Dwelling zoning and proposed office/retail development with Planned Unit Development zoning. A public hearing was held on the rezoning of Kass 3rd Addition from Agricultural to Limited Multiple Dwelling and Planned Unit Development. Lonnie Nelson of 654 13th Avenue East, Myron Gerdon of 678 13th Avenue East and Attorney Daniel Bueide of the Vogel Law Firm appeared before the Commission. The hearing was closed. City Attorney Brian Neugebauer advised that First Reading could be held at this meeting with Second Reading held in two weeks after Staff has given another notice to the public if the Planned Unit Development rezoning was changed to Light Commercial. Commissioner Bennett moved and Commissioner Warren seconded to place the rezoning on First Reading as recommended by the Planning & Zoning Commission and subject to the conditions in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission West River Addition. A public hearing was held on the rezoning of West River Addition from Agricultural to Large Lot Single Family Dwellings, Single Family Dwellings and One & Two Family Dwellings. Tom McDougall of 3513 Hidden Circle, Ross Holzmer of 3507 Hidden Circle and Captain Michael Reitan appeared before the Commission. The hearing was closed. Commissioner Schulz moved and Commissioner Bennett seconded to place the rezoning on First Reading subject to conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on Doll's 3rd Addition rezoning and Conditional Use Permit for a golf cart sales and service business. A public hearing was held on the rezoning of Doll's 3rd Addition from Agricultural to Light Commercial. There was no public comment and the hearing was closed. Allen Pritchard appeared before the Commission to advise there would be repair work done and golf cart sales. Commissioner Schulz moved and Commissioner Warren seconded to place the rezoning on First Reading subject to conditions listed in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the Zoning Ordinance Amendment regarding Child Care Facilities. A public hearing was held and there was no public comment. Commissioner Bennett moved and Commissioner Warren seconded to place the Zoning Ordinance Amendment on First Reading. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on Westport Beach 2nd Addition and advised that the Planning & Zoning Commission recommended approval subject to conditions listed in the Staff Report and approved detailed development plans. A public hearing was held on the rezoning of Westport Beach 2nd Addition from Multiple Dwellings to Planned Unit Development. Attorney Dan Bueide of the Vogel Law Firm, representing Westport Beach Townhomes, LLC, appeared before the Commission. There was no other public comment and the hearing was closed. Commissioner Warren moved and Commissioner Bennett seconded to place the rezoning on First Reading. No opposition. Motion carried.

City Attorney Daniel Twichell appeared before the Commission on the assessments for Sidewalk District No. 6042. City Engineer Kevin Bucholz also appeared before the Commission. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Schulz moved and Commissioner Simmons seconded to approve the Assessments for Sidewalks in Sidewalk District No. 6042. No opposition. Motion carried.

City Attorney Daniel Twichell appeared before the Commission on the Limited Cable Franchise with Midcontinent Communications. A public hearing was held. Scott Geston of Cable One, Clay Stevens of Midcontinent Communications, Richard Roberts of 1610 15th Avenue East, and Planning Director Larry Weil appeared before the Commission. The hearing was closed. Commissioner Schulz moved and Commissioner Simmons seconded to place Ordinance No. 777 relating to the granting of a Limited Cable Franchise on First Reading. No opposition. Motion carried.

The City Commission was adjourned for a five minute break.

The City Commission was reconvened.

Commissioner Mattern advised that in connection with the rezoning of Doll's 3rd Addition, Allen Pritchard is requesting approval of a building permit to start building at his own risk prior to Final Approval of the rezoning. Commissioner Schulz moved and Commissioner Simmons seconded to approve a building permit for Mr. Pritchard to proceed at his own risk. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Strata 2nd Addition. Commissioner Schulz moved and Commissioner Simmons seconded to reapprove the Final Plat of Strata 2nd Addition. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on a request from Landmark Investments for a Conditional Use Permit for aboveground fuel tanks at 210 12th Avenue NW. Commissioner Simmons moved and Commissioner Schulz seconded to approve the Conditional Use Permit subject to the condition listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on a request from Bruce Gader for a Conditional Use Permit for an oversized accessory building (pole barn) at 602 42nd Avenue West. Commissioner Warren moved and Commissioner Bennett seconded to approve the Conditional Use Permit subject to any conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on a request from Doug and Kathy Kesler for a Conditional Use Permit for an oversized accessory building (garage) at 4200 Carmell Place. Commissioner Bennett moved and Commissioner Schulz seconded to approve the Conditional Use Permit subject to all conditions listed in the Staff Report. No opposition. Motion carried.

At this time the City Commission was adjourned and convened as the Board of Adjustments.

Senior Planner Steve Zimmer appeared before the Board of Adjustments on a request from the West Fargo Park District for a variance to increase sign height from eight feet to 15 feet for a sign located at 1201 7th Avenue East. Zimmer advised that the Planning & Zoning Commission denied the request for a variance. Director of Parks & Recreation Barb Erbstoesser, Stacy Nice of Indigo Signs, Tom Clark of 615 10th Street East, Planning Director Larry Weil and City Attorney Daniel Twichell appeared before the Commission. After discussion, Commissioner Bennett moved and Commissioner Schulz seconded to approve the variance. No opposition. Motion carried.

The Board of Adjustments was adjourned and the City Commission was reconvened at this time.

Captain Michael Reitan appeared before the Commission concerning specific training relating to the National Incident Management System and advised when the courses need to be completed.

Business Development Director Dorinda Anderson appeared before the Commission on a Renaissance Zone Application from Norm Diede and Roy Kautz for a 4200 square foot expansion of a multi-tenant building located at 805 Main Avenue East and advised that the Economic Development Advisory Committee recommended approval. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to approve the Renaissance Zone application for Norm Diede and Ray Kautz. No opposition. Motion carried.

Business Development Director Dorinda Anderson appeared before the Commission on a Renaissance Zone Application from Herding Cats LLC, Payroll Express Inc and Overland Payroll, Inc. for a remodeling project at 301 Sheyenne Street. After discussion, Commissioner Bennett moved and Commissioner Warren seconded to approve a five year property tax exemption and state income tax exemption for Herding Cats LLC and to approve lease applications for Payroll Express Inc. and Overland Payroll, Inc. No opposition. Motion carried.

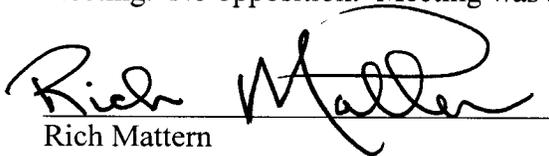
City Engineer Kevin Bucholz appeared before the Commission on Sewer & Water Improvement District No. 1194 (Westport Beach 2nd Addition). Commissioner Schulz moved and Commissioner Bennett seconded to award the contract for Sewer & Water Improvement District No. 1194 to Rising Sun Construction, Inc. for their bid amount of \$367,540.40. No opposition. Motion carried.

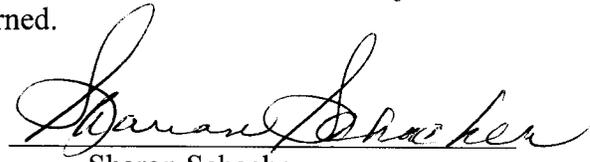
City Engineer Kevin Bucholz appeared before the Commission on Sewer & Water Improvement District No. 1195 (Kass 3rd Addition). Commissioner Bennett moved and Commissioner Schulz seconded to award the contract for Sewer & Water Improvement District No. 1195 to Border States Paving, Inc. for their bid amount of \$465,917.70. No opposition. Motion carried.

There were no Non-Agenda items.

There was no correspondence.

Commissioner Schulz moved and Commissioner Warren seconded to adjourn the meeting. No opposition. Meeting was adjourned.


Rich Mattern
President of the Board


Sharon Schacher
Finance Director