



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

The West Fargo City Commission met on Monday, October 16, 2006, at 5:30 P.M. Those present were Rich Mattern, Brenda Warren, Bryan Schulz, 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 the VFW withdrew their request for a Special Sunday Opening, Resolution Approving Contract and Contractor's Bond for Sewer and Water Improvement District No. 1199 is to be added to the Consent Agenda and Sewer & Water Improvement District No. 1196 (Eagle Run 12th Addition – Phase II) is to be added to Non-Agenda. Commissioner Schulz moved and Commissioner Warren seconded to approve the Order of Agenda with the changes as noted. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Bennett seconded to approve the Minutes of October 2, 2006. No opposition. Motion carried.

The Commission reviewed Building Permits #783 – 815 along with the Building Department Activity Report dated October 16, 2006.

Commissioner Warren reported that EPA is reviewing the costs for repair to the street for the Camelot Cleaners cleanup site and she will keep the Commission posted on any discussions.

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

There were no Department Reports.

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

Bills

Reapproval of the plat of Mid-America First Addition

Resolution Approving Contract and Contractor's Bond for Sewer & Water Improvement District No. 1199

No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission to review a new Ordinance relating to the Prohibition of Smoking in Public Indoor Workplaces which adopts the current State Law. Chairperson of Safe Coalition Linda Coles (205 8th Street SE, Barnesville, MN), Jack Fuller (1510 Sommerset Drive), Moorhead City Council and Safe Coalition member Nancy Otto (1913 6th Ave. N., Moorhead, MN), VFW Manager Richard Benson (836 51st St. S., Fargo, ND) June Herman of the American Heart Association (Jamestown, ND), Ray Harkema (644 4th Avenue East), Melissa Perala (809 15th Avenue West), Don Faith (1876 Charleswood Estates Drive), and Manager of Work Zone Barb Mickelson appeared before the Commission. After discussion, Commissioner Warren moved to table First Reading of the Ordinance. There was no second to this motion and City Attorney Brian Neugebauer advised that a second to this motion was not needed. Commissioner Warren voting aye. Commissioners Mattern, Bennett, Schulz and Simmons voting no. Motion did not carry.

Commissioner Simmons then moved and Commissioner Bennett seconded to place this Ordinance relating to the Prohibition of Smoking in Public Indoor Workplaces on First Reading. Commissioners Mattern, Bennett, Schulz and Simmons voting aye. Commissioner Warren voting no. Motion carried.

Commissioners Schulz and Bennett suggested that a meeting be arranged to discuss a uniform ban and work with Fargo, Moorhead, and perhaps Dilworth on this matter.

Senior Planner Steve Zimmer appeared before the Commission on the request for Vacation of Pedestrian Access Easement located between 3506 and 3514 8th Street West. John Cole of 3506 8th Street West, Mike Swancy of 3514 8th Street West, Brenda Erickson of 3514 8th Street West, Planning Director Larry Weil, and City Engineer Kevin Bucholz appeared before the Commission. City Attorney Daniel Twichell advised that a petition signed by interested property owners would need to be presented to the City Commission in order to consider a vacation of this easement. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to table this request to allow property owners to submit a petition. No opposition. Motion carried.

A public hearing was held on the Retail Liquor/Beer License for Grips Sports Bar and Grill at 1410 9th Street East, Suite 501, West Fargo, ND. There was no public comment and the hearing was closed. After review of the background check completed by the Police Department, Commissioner Bennett moved and Commissioner Schulz seconded to approve the Retail Liquor/Beer License for Grips Sports Bar and Grill. No opposition. Motion carried.

Joe Hoffman of 517 2nd Avenue NW appeared before the Commission to request an investigation to make the railroad through West Fargo a Quiet Zone. Planning Director Larry Weil also appeared before the Commission. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to authorize Planning Director Larry Weil to contact Burlington Northern and FM Metropolitan Council of Governments to see what can be done and to see if West Fargo can work with Dilworth to get a Quiet Zone enacted in West Fargo. No opposition. Motion carried.

The City Commission recessed at this time.

The City Commission was reconvened at 7:05 PM.

City Attorney Daniel Twichell appeared before the Commission on Ordinance No. 791, an Amendment to the International Residential Code relating to Frost Protection for Foundations. Commissioner Schulz moved and Commissioner Bennett seconded to place Ordinance No. 791 on Second Reading. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the rezoning of Goldenwood 3rd Addition from Agricultural to Single Family Dwelling and One and Two Family Dwellings and advised that an agreement had been reached between the Developer and the Park District for 9 ½ acres of park land dedication. Diane Lehmann of 1217 Goldenwood, Rory Jorgensen of 1323 5th Street NW, Dave Forester of 1326 5th Street NW, Terry Maul of 1329 5th Street NW and Developer Nick Bergquist appeared before the Commission. After a lengthy discussion, Commissioner Schulz moved and Commissioner Bennett seconded to approve First Reading of the rezoning subject to conditions listed in the Staff Report and subject to the condition that Developer Nick Bergquist meets with property owners in Goldenwood to work out issues and removes the sign located in the development. Commissioners Mattern, Bennett, Warren and Schulz voting aye. Commissioner Simmons voting no. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on Butler's 6th Addition rezoning from Agricultural to Heavy Commercial/Light Industrial. Commissioner Schulz moved and Commissioner Bennett seconded to place Ordinance No. 790 relating to the rezoning of Butler's 6th Addition from Agricultural to Heavy Commercial/Light Industrial on Second Reading. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on Burlington 4th Addition to request Final Plat approval and approval of the Planned Unit Development Amendment to replat six single family lots to eight twin home lots. Commissioner Bennett moved and Commissioner Simmons seconded to approve the Final Plat of Burlington 4th Addition and to approve the Planned Unit Development Amendment subject to conditions listed in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the request from Malory and Deb Olson for access onto Sheyenne Street at 1526 Sheyenne Street. After discussion, Commissioner Schulz moved and Commissioner Warren seconded to approve the request subject to recommendations listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on the request from Eric Binstock for a Conditional Use Permit for expansion of a landscaping and nursery use on Lots 1-4, Block 1 of Selberg's 3rd Subdivision (Reed Township) and advised that Planning & Zoning Commission had recommended denial of the Conditional Use Permit based on the fact that the use was not compatible. However, after a lot of public comment, the P & Z recommends to approve the request subject to conditions listed in the Staff Report with two additional recommendations that the dirt screening plant be moved out of the area and that trees be planted in the gap between the residential and the landscaping business. Rod Schober of 617 Martin Drive and Eric Binstock appeared before the Commission. After discussion, Commissioner Warren moved and Commissioner Bennett seconded to approve the Conditional Use Permit subject to all conditions listed in the Staff Report and the additional two conditions outlined by Senior Planner Steve Zimmer. No opposition. Motion carried.

Public Works Director Barry Johnson appeared before the Commission on Water Improvement District No. 1198 (Doll's/Shiloh Subdivision). Commissioner Schulz moved and Commissioner Bennett seconded to award the contract for Water Improvement District No. 1198 to Rising Sun Construction for their bid amount of \$129,394.00. No opposition. Motion carried.

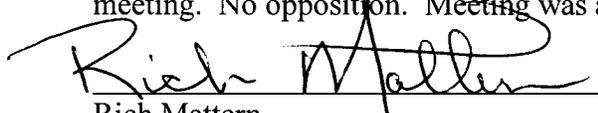
City Auditor Jim Brownlee appeared before the Commission for approval to sell City owned land and bid on County owned lots in Meadowbrook Park. After discussion, Commissioner Simmons moved and Commissioner Schulz seconded to approve the sale of city owned parcel #02-3050-04366-014 (25.86 acres) through a realtor and to bid up to \$75,000 on County owned lots in Meadowbrook Park at the tax forfeited property auction. No opposition. Motion carried.

Public Works Director Barry Johnson appeared before the Commission on Sewer and Water Improvement District No. 1196 (Eagle Run 12th Addition – Phase II). Commissioner Warren moved and Commissioner Schulz seconded to award the contract for Sewer and Water Improvement District No. 1196 to Master Construction Co., Inc. for their bid amount of \$390,522.10, and to approve the Resolution Approving Contract and Contractor's Bond for Sewer and Water Improvement District No. 1196. No opposition. Motion carried.

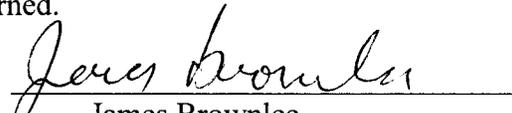
City Auditor Jim Brownlee reminded the City Commission that the Department of Transportation has been holding public input meetings on Main Avenue and a hearing will be held at 4:30 PM on October 17, 2006.

There was no Correspondence.

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



Rich Mattern
President of the Board



James Brownlee
City Auditor