



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

The West Fargo City Commission met on Monday, July 30, 2007, at 5:30 P.M. Those present were Rich Mattern, Brenda Warren, Lou Bennett, Bryan Schulz 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 he would like to proceed directly to Item No. 1 "Amendment to Smoking Ordinance". Commissioner Simmons moved and Commissioner Schulz seconded to approve the Order of Agenda as noted. No opposition. Motion carried.

City Attorney Brian Neugebauer reviewed Ordinance No. 803 relating to the Prohibition of Smoking in Public Indoor Workplaces. The following appeared before the Commission:

Jay Taylor	Durbin, ND (Respiratory Therapist)
Barry Burchill	1601 Ash Place, West Fargo, ND
Nicki Weissman	Executive Director of the ND Hospitality Association
Martin Fredricks	426 17 th Street East, West Fargo, ND
Dwight Wrangham	District 8 representative in the ND State Legislature
Todd Fuchs	948 Homestead Court, West Fargo, ND
Kimberly Krueger	3386 River Drive, Fargo, ND (former Miss ND)
Michelle Donarski	Fargo Cass Public Hearth Board of Health 535 Wellington Court, West Fargo, ND
Diane Kleven	1043 2 nd Street West, West Fargo, ND
Annette Thompson	1030 Sheyenne Park Place, West Fargo, ND
Kurtis Balster	8178 15 Ave West, West Fargo, ND
Thomas Bird	4568 3 rd Ave East, West Fargo, ND
Linda Coles	Chair, Safe Coalition (represented Brandon Carmichael of 303 6 th St NW)
Mark Lester	1852 Charleswood Estates Drive West Fargo Hockey Association
Richard Benson	Manager, VFW, West Fargo, ND
Janet Quinn	1025 Sheyenne Park Place, West Fargo, ND

Al Bultman	215 51 st Avenue East, West Fargo, ND
Chelsey Plummer	713 16 th Ave Court West, West Fargo, ND
Bette Deede	792 Villa Park Way, West Fargo, ND
Larry Lepird	West Fargo businessman, former City Commissioner
Bryce Harms	529 38 th Ave West, West Fargo, ND
Steve Madsen	West Fargo Hockey Association & M & J Saloon
June Herman	American Heart Association
Deanna Dirks	M & J Saloon
Valerie	American Lung Association
John Gustafson	Fargo, ND
Mary Ann Huus	1616 4 th Avenue East, West Fargo, ND
Lori Zastoupil	employee of The Work Zone
Kurt Lepird	1703 Huntington Drive, West Fargo, ND
Gerald Huus	1616 4 th Ave. East, West Fargo, ND
Raquel Heley	employee of The Work Zone bar
Greg Peterson	owner of Town Hall Bar

Commissioner Simmons asked Assistant City Attorney John Shockley about options for this matter and was advised that the City Commission can question to the voters, refer an entire ordinance to an advisory vote of the people which comes back to the City Commission to enact the ordinance, or the City Commission can pass the ordinance or vote against it.

Commissioner Warren moved to place Ordinance No. 803 on First Reading with the stipulation that Fargo does the same. Commissioner Bennett seconded the motion. Commissioner Schulz moved to amend the motion that no Second Reading would be done until Fargo has approved First Reading with an identical ordinance. Commissioner Warren seconded the amendment.

Commissioner Simmons then made a motion within a motion to send it to the people for a vote. Motion died for lack of a second.

A vote was taken on Commissioner Warren's original motion with amendment. Commissioners Warren and Bennett voting aye. Commissioners Simmons, Schulz and Mattern voting no. Motion did not carry.

Commissioner Simmons then moved to send to the people to vote for 100% smoking ban yes or no at whatever election comes first and to direct the City Attorney to prepare question and bring back to the City Commission for approval. Commissioners Simmons, Bennett, Schulz and Mattern voting aye. Commissioner Warren voting no. Motion carried.

Commissioner Warren left the meeting at this time.

Commissioner Bennett moved and Commissioner Schulz seconded to approve the Minutes of July 16, 2007. No opposition. Motion carried.

2007 Building Permits #450 – 485, along with the Building Department Activity Report dated July 30, 2007, was provided to each Commissioner.

There were no Commissioner Committee Reports.

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

Bills

Games of Chance for Holy Cross Catholic Church and Lutheran Church of the Cross for raffle to be held at Holy Cross Catholic Church and Lutheran Church of the Cross on September 23, 2007

Games of Chance for NDSU Ducks Unlimited for raffle to be held at Speedway on August 30, 2007

Games of Chance for First Link Hotline for raffle to be held at 631 5th Street E #102, West Fargo, ND on September 9, 2007

Appointment of Larry Schwartz to the Board of Directors of the West Fargo Public Library for a term to July 2010

Emergency Declaration for Flood Event beginning June 4, 2007

Sewer & Water Improvement District No. 1193 – Shadowood 1st Addition: Approve Engineer's Report, Authorize Plans and Specifications, Approve Plans and Specifications and Authorize Advertisement for Bids with bid opening on August 23, 2007

No opposition. Motion carried.

A public hearing was held on the Application for Retail Liquor/Beer License from Peter Michael Iverson for Pistol Petes located at 1632 West Main, West Fargo, ND. Peter Iverson appeared before the Commission. The public hearing was held. There was no public comment and the hearing was closed. The Commissioners reviewed the background check provided by the West Fargo Police Department. Commissioner Bennett moved and Commissioner Simmons seconded to approve the Application for Retail Liquor/Beer License for Pistol Petes at 1632 West Main, West Fargo, ND. No opposition. Motion carried. Commissioner Schulz advised Mr. Iverson of the potential that it could end up as a non-smoking establishment.

Senior Planner Steve Zimmer appeared before the Commission on a Subdivision Ordinance Amendment to provide for a minimum of 62 foot right-of-ways for local residential streets and Zoning Ordinance Amendment to establish a new residential district (R-1B) providing for low density residential with reduced front yard setbacks and higher design standards to accentuate the residential appeal and de-accentuate attached garages. Senior Planner Steve Zimmer advised that the Department Heads had unanimously agreed on the 62 foot right-of-ways. Developer Don Dabbert appeared before the Commission. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Bennett seconded to place the Subdivision Ordinance Amendment on First Reading. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on the request for rezoning of Blazing Star Addition from Agricultural to proposed R-1B: Single Family Dwelling District. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Bennett moved and Commissioner Schulz seconded to place the rezoning of Blazing Star Addition from Agricultural to Single Family Dwelling District on First Reading subject to conditions listed in the Staff Report and approval of the rezoning ordinance, and to approve the Preliminary Plat. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on the request for rezoning Francis 3rd Addition to Light Commercial. Dennis Rheault 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 place on First Reading the rezoning of Francis 3rd Addition to Light Commercial subject to conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on Amendments to the Subdivision and Zoning Ordinances providing for alley right-of-ways in subdivisions, providing for changes in street standards, and creating a new residential zoning district (R-1S) which will provide for single family detached and attached dwellings with shorter front yards than typical residential districts allow, detached garages in rear yards only and greater lot coverage than typical residential districts allow. Dan Passolt of Homeland Developers appeared before the Commission. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Bennett seconded to place the amendments on First Reading. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on rezoning of Industrial Builders 1st Subdivision from Agricultural to Heavy Industrial and Conditional Use Permit for concrete/asphalt crushing facility and stockpiling of crushed concrete/asphalt. A public hearing was held. Paul Diedrick of Industrial Builders appeared before the Commission. The public hearing was closed. Commissioner Bennett moved and Commissioner Simmons seconded to place the rezoning on First Reading subject to all conditions listed in the Staff Report and to approve the Conditional Use Permit for concrete/asphalt crushing facility and stockpiling of crushed concrete/asphalt. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on the rezoning of West Fargo Soccer Subdivision from Agricultural to Public Facilities and Conditional Use Permit for an off-site (off-premise) sign. A public hearing was held on the rezoning. Annette Thompson of 1030 Sheyenne Park Place appeared before the Commission. The public hearing was closed. Commissioner Schulz moved and Commissioner Bennett seconded to place the rezoning on First Reading and to approve the Conditional Use Permit subject to conditions listed in the Staff Report. No opposition. Motion carried.

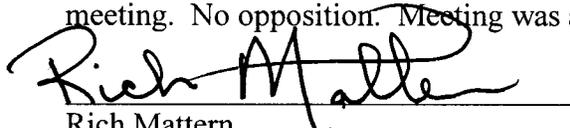
Senior Planner Steve Zimmer appeared before the Commission on Detailed Development Plans for a Planned Unit Development on Lots 1-3, Block 1 of Kass 3rd Addition. After discussion, Commissioner Bennett moved and Commissioner Schulz seconded to allow the building permit at the owner's risk prior to final approval of the Detailed Development Plan. No opposition. Motion carried.

City Auditor Jim Brownlee appeared before the Commission for the approval to sell City owned land behind the City's salt/sand storage building to Great Plains Towers at a price of \$2.50 to \$3.00 per square foot. City Auditor Jim Brownlee advised that Public Works Director Barry Johnson had also agreed to this sale. Commissioner Bennett moved and Commissioner Schulz seconded to approve the sale of the land to Great Plains Towers. No opposition. Motion carried.

There were no Non-Agenda items.

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