



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

The West Fargo City Commission met on Monday, August 4, 2008, at 5:30 P.M. Those present were Rich Mattern, Bryan Schulz, Mark Simmons and Mike Thorstad. Absent was Lou Bennett. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Mattern advised that the Job Description for Assistant Chief of Police should be added to Item f of the Consent Agenda. Commissioner Schulz moved and Commissioner Simmons seconded to approve the Order of Agenda with the addition as noted. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Schulz seconded to approve the Minutes of July 21, 2008. No opposition. Motion carried.

The Commission reviewed Building Permits #352 - 380 along with the Building Department Activity Report dated August 4, 2008 and the Building Department Monthly Comparison Report for July 2007/July 2008.

There were no Commissioner Committee Reports.

The Sanitation Department Report for June 2008 was received by the Commission.

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

Bills

Games of Chance for Marine Corps League Roughrider Detachment 435 for raffle to be held at the VFW on November 10, 2008

Games of Chance for Dakota East Central Chapter of Pheasants Forever for raffle to be held at the Speedway Event Center on September 11, 2008

Special Permit for The Work Zone on August 16, 2008

Resolution Approving Contract and Contractor's Bond in Water and Sewer Improvement District No. 1201

Resolution Approving Contract and Contractor's Bond in Street Improvement District No. 2200

Reclassified job descriptions and new job descriptions

Advertising for RFQ for Municipal Water Treatment Service providers

Sewer and Water Improvement District No. 1210 (Twin Meadows/Hersch Subdivisions): approve Revised Engineer's Report, approve Plans and Specifications and authorize Advertisement for Bids with bid opening on August 28, 2008

Sewer and Water Improvement District No. 1209 (Charleswood 25th Addition): create Revised Assessment District

Sewer and Water Improvement District No. 1205 – Rebid (Dakota Territory 11th Addition – Rebid): approve Revised Engineer's Report, approve Plans and Specifications and authorize Advertisement for Bids with bid opening on August 28, 2008

No opposition. Motion carried.

Commissioner Mattern advised that the City Commission will be adjourned and moved to Executive Session at this time.

The City Commission reconvened.

Corey Quinton, Attorney for North Dakota Insurance Reserve Fund to represent the City of West Fargo, appeared before the Commission to advise that the purpose of the Executive Session was the denied Conditional Use Permit on April 21, 2008 for Key Contracting for stockpiling and concrete crushing and the denied Conditional Use Permit on May 5, 2008, for a Conditional Use Permit for only the stockpiling. Attorney Quinton recommended that the City file a Consent Decree and Order to the Court. If the Court agrees that it should be granted, the City must grant the Conditional Use Permit without the concrete crushing. If not, the parties would continue to litigate. Attorney Quinton advised that the Court will consider and should expect a decision in next 2-3 weeks.

Planning Director Larry Weil appeared before the Commission on Industrial Builders 1st Subdivision and rezoning from Agricultural to Heavy Industrial. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Schulz moved and Commissioner Simmons seconded to approve First Reading on the rezoning subject to conditions listed in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Charleswood 25th Addition and rezoning from Agricultural to Commercial Office Park. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Schulz seconded to approve First Reading on the rezoning subject to conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on the rezoning of Lot 1, Block 1 of Houkom 1st Subdivision (3718 2nd Street East, West Fargo, ND) and parcel in the SW 1/4 of Section 29, T139N, R49W, (3804 2nd Street East, West Fargo, ND) from Agricultural to Rural Estate District. A public hearing was held. Planning Director Larry Weil appeared before the Commission to advise that the applicant has requested that the City Commission approve the formal issuance of the permit at this time on the applicant's own risk until the final reading of the rezoning is approved. The hearing was closed. Commissioner Schulz moved and Commissioner Thorstad seconded to approve First Reading on the rezoning subject to conditions listed in the Staff Report and to allow the applicant to proceed at his own risk. No opposition. Motion carried.

City Auditor Jim Brownlee and Public Works Director Barry Johnson appeared before the City Commission on the sale of City owned land to North Dakota Department of Transportation for the Main Avenue Project. After discussion, Commissioner Schulz moved and Commissioner Simmons seconded to approve the sale of City owned land (Part of Lot 1, Block 7 of Stockyard's Corner Addition, known as Department of Transportation Parcel 2-1) to the ND Department of Transportation for the Main Avenue Project. No opposition. Motion carried.

City Auditor Jim Brownlee appeared before the Commission on the Decision Document with ND Department of Transportation on Main Avenue for the Commission's decisions on the following with the State having the final say on the project:

- Concern from Thomas E. Kenville – J. T. Properties: would like to make Francis and Morrison Streets full access intersections instead of the ¾ access as shown in the FONSI. Tom Kenville, Dennis Rheault and Assistant City Engineer Brock Storrusten appeared before the Commission.

Commissioner Mattern asked for a vote in favor of the full access on Francis Street: All in favor. No opposition

Commissioner Mattern asked for a vote in favor of the full access on Morrison Street. All in favor. No opposition.

- Concern from Frontier Bar to provide additional parking off Main Avenue in the lot behind Charlos and southwest of Frontier Bar. Craig Hakanson of Brokerage Printing appeared before the Commission.

Commissioner Mattern asked for a vote in favor of pursuing a public parking lot at this location as shown in Appendix D (page 1): None in favor of pursuing the parking lot.

- Concern from Craig Hakanson of Brokerage Printing, Don's Barber Shop and Frontier Bar to combine the shared use paths and sidewalks to provide room for at least a one-way drop off lane in front of these businesses that would exit onto 1st Street. Assistant City Engineer Brock Storrusten appeared before the Commission. Craig Hakanson asked that the City try to get a couple more parking spots in front of the businesses.

Commissioner Mattern asked for a vote in favor of adding a turnout and sliding it further down and trying to get 1-2 more parking spaces. All in favor. No opposition.

Commissioner Mattern asked for a vote in favor of shifting the exit from the turnout closer to 1st Street. All in favor. No opposition.

- Concern from Business Essentials to look into how 53 foot delivery truck can get to and from the warehouse along 2nd Street. Access limited due to the parking turnouts.

Commissioner Mattern asked if changes should be made to the radiuses at 2nd Street East and provide trailer riding concrete pads in the parking turnouts incorporated as shown in Appendix E. All in favor. No opposition.

Commissioner Mattern asked if 2nd Street East should be opened up to Main Avenue as shown in Appendix E. None in favor.

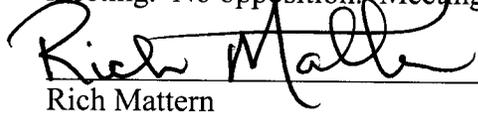
- Concern from Hildebrant's FM Farmers Market to build a parking lot west of property where the house is going to be removed.

Commissioner Mattern asked if adding a public parking lot should be pursued. None in favor.

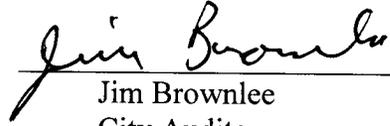
There were no Non-Agenda items.

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



Jim Brownlee
City Auditor