



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

The West Fargo City Commission met on Monday, November 3, 2008, at 5:30 P.M. Those present were Rich Mattern, Bryan Schulz, Lou Bennett, Mark Simmons and Mike Thorstad. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Mattern advised that a request to schedule a Public Hearing December 1, 2008 at 5:45 PM on the Issuance of Revenue Bonds to Finance a Health Care Facilities Project (Sheyenne Crossings) will be added to Non-Agenda. Commissioner Schulz moved and Commissioner Simmons seconded to approve the Order of Agenda with the addition as noted. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Schulz seconded to approve the Minutes of October 20, 2008. No opposition. Motion carried.

The Commission reviewed Building Permits #530 - 560 along with the Building Department Activity Report dated November 3, 2008 and the Building Department Monthly Comparison Report for October 2007/October 2008.

There were no Commissioner Committee Reports.

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

Bills

Games of Chance for Adopt-A-Pet raffle to be held December 20, 2008, at West Fargo VFW

Games of Chance for West Fargo Exchange Club raffle to be held April 17, 2009 at Speedway Event Center

Request from Police Chief Arland Rasmussen to allow \$725 in Juvenile Accountability Block Grant funds to be combined with Fargo and Cass County block grant funds to aid Lutheran Social Services in funding Youth Court

Final Plat Reapproval: Reserve at Osgood 1st Addition

Change Orders: Sewer & Water Improvement Districts No. 1185, 1201 and 1205, Sidewalk Improvement District #6045, Street Improvement District No. 2199

Storm Sewer Improvement District No. 4041 (32nd Avenue Bridge Replacement – Sheyenne River): Approve Revised Engineer's Report, authorize City Engineer to prepare Plans and Specifications, approve Plans and Specifications and authorize Advertisement for Bids with bid opening on November 20, 2008

No opposition. Motion carried.

Rob Hendrickson submitted a request for signage due to a parking situation. Mr. Hendrickson was not present at the meeting. Assistant Public Works Director Chris Brungardt recommended ordinance enforcement rather than extra signage. Commissioner Mark Simmons agreed to work with Assistant Public Works Director Chris Brungardt on an individual basis to resolve the parking problems.

Ron Lacoé appeared before the Commission regarding improper marking of handicap parking spaces within the City. Planning Director Larry Weil, City Attorney Brian Neugebauer, Assistant Chief Michael Reitan and Police Chief Arland Rasmussen also appeared before the Commission. After discussion, it was agreed that an educational process should be started to try to correct the problem.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 834 relating to an additional surcharge on water bills for a special forestry fund. Commissioner Bennett moved and Commissioner Simmons seconded to place Ordinance No. 834 on First Reading. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on an ordinance amendment to the smoking ordinance found in Section 15-0501 relating to smoking shelters and provided two options for Commission review. The first option is using the restriction adopted by Fargo. The second option is similar but would allow one side of the shelter to be a wall of the business and 25% open surface area for the other three walls and if the shelter has a roof, a power ventilator must be installed in the shelter at its highest point and used whenever smoking is occurring in the shelter. Betty Deede of Fargo Cass Public Health, Gary Martin representing M & J Saloon, Eric Score of Work Zone, Police Chief Arland Rasmussen, Deanna Dirks of M & J Saloon and Joseph Manning also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to place on First Reading second option C including the ventilator provision and the provision there is no service of alcohol in the shelter and also adopting paragraph D for the penalty provision. No opposition. Motion carried.

City Attorney Brian Neugebauer will be providing wording on fencing space for the shelter prior to Second Reading.

City Attorney Brian Neugebauer appeared before the Commission on Street Improvement District No. 2195 (9th Street East from Interstate to 32nd Avenue East). A public hearing was held. There was no public comment and the hearing was closed. Commissioner Bennett moved and Commissioner Schulz seconded to adopt the Resolution of Necessity and the Resolution Determining that no Protests were Filed. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on the rezoning of Lot 5, Block 1 of Dakota Machine 1st Addition from Agricultural to Heavy Commercial/Light Industrial. A public hearing was held. Tammy Marquardt of 110 Evergreen Circle 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 including the condition that no wind tower sections be stored on the property. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the rezoning of North Forty at Osgood 1st Addition from Agricultural to Light Commercial. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Schulz 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 West Fargo General Plan for Urban Renewal and Urban Development which was continued from the October 20, 2008 City Commission Meeting. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to approve the West Fargo General Plan for Urban Renewal and Urban Development. Commissioners Mattern, Bennett, Schulz and Simmons voting aye. Commissioner Thorstad voting no. Motion carried.

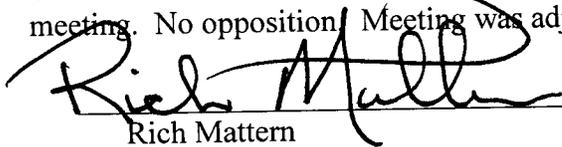
City Engineer Kevin Bucholz appeared before the Commission on Sewer and Water Improvement District No. 1202 (32nd Avenue East – Sheyenne Street to 9th Street East). Commissioner Bennett moved and Commissioner Schulz seconded to award the contract for Sewer and Water Improvement District No. 1202 to Master Construction Co., Inc. for their bid amount of \$361,769.50. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Street Improvement District No. 2195 – Phase II (9th Street East Widening 13th Avenue to 19th Avenue). Commissioner Bennett moved and Commissioner Thorstad seconded to award the contract for Street Improvement District No. 2195 – Phase II to Border States Paving, Inc. for their bid amount of \$1,134,554.75. No opposition. Motion carried.

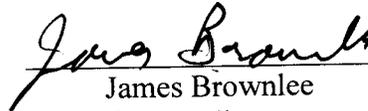
City Attorney Brian Neugebauer appeared before the Commission on the Resolution calling for a Public Hearing on a Proposal for Financing Health Care Facilities with Tax Exempt Bonds and Authorizing the Publication of a Notice of the Hearing (Sheyenne Crossings Project). Commissioner Simmons moved and Commissioner Bennett seconded to adopt the Resolution and set the public hearing for December 1, 2008 at 5:45 PM. No opposition. Motion carried.

There was no correspondence.

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



Rich Mattern
President of the Board



James Brownlee
City Auditor