



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

The West Fargo City Commission met on Monday, May 18, 2009, 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 Neighborhood Stabilization Grant, Cost Participation for Stimulus Dollars, Land Purchase for a Bike path and PILOT application for Northern Bag and Box will be discussed under Non-Agenda. Commissioner Schulz moved and Commissioner Thorstad seconded to approve the Order of Agenda with the additions to Non-Agenda. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Simmons seconded to approve the Minutes of May 4, 2009. No opposition. Motion carried.

The Commission reviewed Building Permits #84 - 114 along with the Building Department Activity Report dated May 18, 2009.

There were no Commissioner Committee Reports.

The Auditor's Reports for April 2009 were received by the City Commission. Commissioner Thorstad questioned the budget amounts for Workforce Safety Insurance, Liability Insurance, Snow-Removal and Lights/Repairs.

The Sanitation Department Report for April 2009 was received by the City Commission.

Commissioner Schulz moved and Commissioner Bennett seconded to approve the following items on the Consent Agenda. Commissioner Thorstad asked if the Assessment District for Street Improvement District No. 2207 included only the alleyways and City Engineer Kevin Bucholz advised that it will include alleyways and drainage issues.

#### Bills

Games of Chance: SW Optimist Club of Fargo for raffle to be held June 23, 2009 at West Fargo High School

Games of Chance: Association of Recovering Motorcyclists ARM #20 for raffle to be held October 24, 2009, at the West Fargo VFW #7564

Gaming Site Authorization: Prairie Public Broadcasting, Inc. at Stars and Strikes and Three Lyons Public House

Gaming Site Authorization: Arthur W. Jones Post 7564 at West Fargo VFW Club

Gaming Site Authorization: ShareHouse, Inc. at O'Leary's Pub

Re-approval of Final Plat for Industrial Builders 1<sup>st</sup> Subdivision

Public Hearing June 1, 2009 at 5:45 PM for Charleswood 26<sup>th</sup> Addition rezoning from Single Family Dwelling to Planned Unit Development

Assessment District for Street Improvement District No. 2207 (Lodoen Center Area) and authorize City Engineer to prepare Engineer's Report

No opposition. Motion carried.

Glenn Mitzel appeared before the Commission regarding his concerns in the operation status of the Diversion from Horace to I-94. City Attorney Brian Neugebauer, City Engineer Kevin Bucholz and Public Works Director Barry Johnson also appeared before the Commission.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 845 relating to Liquor Licenses and the Resolution setting fees regarding liquor permits. After discussion, Commissioner Schulz moved and Commissioner Simmons seconded to place Ordinance No. 845 on Second Reading and to adopt the Resolution. No opposition. Motion carried.

Property Appraiser Paul Fracassi appeared before the Commission on the request from Larry and Linda Childs for a three year remodeling exemption for their property at 244 11<sup>th</sup> Avenue West starting in 2009 which would result in a \$250 per year savings. After discussion, Commissioner Bennett moved and Commissioner Simmons seconded to approve the three year remodeling exemption for Larry and Linda Childs at 244 11<sup>th</sup> Avenue West. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Resolution of Necessity for Water and Sewer Improvement District No. 1207 (Main Avenue) and advised there were no written protests. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Bennett seconded to adopt the Resolution Determining that Insufficient Protests were filed on Sewer and Water Improvement District No. 1207. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Sheyenne Crossings 2<sup>nd</sup> Addition and advised the Planning & Zoning Commission recommended approval subject to conditions listed in the Staff Report. City Engineer Kevin Bucholz also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Schulz seconded to approve the Final Plat of Sheyenne Crossings 2<sup>nd</sup> Addition subject to the seven conditions listed in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the Planned Unit Development for multiple family development and Conditional Use Permit for alternative access design at 122 and 206 14<sup>th</sup> Avenue East, West Fargo, ND, and advised the Planning & Zoning Commission recommended approval subject to the conditions listed in the Staff Report. After discussion, Commissioner Bennett moved and Commissioner Schulz seconded to approve the Planned Unit Development and Conditional Use Permit subject to all conditions listed in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Westport Beach 3<sup>rd</sup> Addition. Commissioner Simmons moved and Commissioner Bennett seconded to approve the Final Plat of Westport Beach 3<sup>rd</sup> Addition subject to all conditions listed in the Staff Report and the condition that the Land Use Plan be amended from Medium Density Residential to Low Density Residential and rezoning from R-2 to R-1A. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on Westport Beach 4<sup>th</sup> Addition. A discussion was held. Glenn Mitzel asked if the developer could post no traffic signs on the diversion and Senior Planner Steve Zimmer advised that he would mention it to the developer. After discussion, Commissioner Simmons moved and Commissioner Schulz seconded to approve the Final Plat of Westport Beach 4<sup>th</sup> Addition and to approve the Planned Unit Development subject to all conditions listed in the Staff Report, the condition that a date of completion for the fencing and tree planting be November 1, 2009, the condition that No Parking signs be added and the condition that the private drives that connect to public right-of-way be renamed. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the request from Mike Staber for a Conditional Use Permit to allow concrete crushing facility and stockpiling of concrete and gravel on Lots 9 and 10, Block 1 of The Yards 2<sup>nd</sup> Addition. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to table action on this request until Senior Planner Steven Zimmer can discuss with Mike Staber a physical limit for stockpiling and change the hours of crushing from 7AM to 10PM. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the request from Brian Hagen for a Conditional Use Permit providing for two horses at 680 42<sup>nd</sup> Avenue West, West Fargo, ND. After discussion, Commissioner Bennett moved and Commissioner Schulz seconded to approve the Conditional Use Permit based on Staff recommendations. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission with information for City Board appointments. After discussion, it was agreed that any appointments should be listed on the website in order for the public to be able to apply.

Planning Director Larry Weil appeared before the Commission on the Neighborhood Stabilization Grant of \$700,000 which is part of the stimulus package through the ND Housing and Finance Agency. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to authorize the Mayor to sign the award letter and forward to the State. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Cost Participation for Stimulus Dollars for Street Improvement District No. 2207 (overlay project). Commissioner Schulz moved and Commissioner Bennett seconded to authorize the Mayor and City Auditor to execute the Cost Participation Agreement. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the land purchase for a bike path. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to authorize the Mayor and City Auditor to sign the agreement as recommended by City Attorney Brian Neugebauer. No opposition. Motion carried.

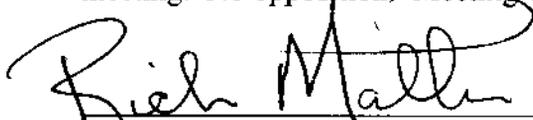
Planning Director Larry Weil appeared before the Commission on the PILOT (Payment in Lieu of Taxes) application for Northern Bag and Box at 1117 Center Street and advised that the Economic Development Advisory Committee recommended approval of the 5 year graduated PILOT. Commissioner Thorstad stated that they will be challenged to meet the PILOT requirements on their first project and moved to deny the request. Motion died for lack of a second.

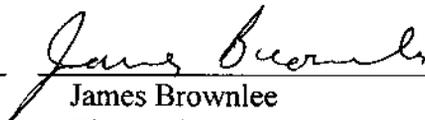
Commissioner Simmons then moved and Commissioner Bennett seconded to approve the PILOT for Northern Bag and Box. Commissioners Mattern, Bennett, Schulz and Simmons voting aye. Commissioner Thorstad voting no. Motion carried.

Commissioner Simmons asked if the City can do anything about the smell from the lagoons. City Engineer Kevin Bucholz advised that the aerators are working and there really isn't anything else that can be done.

There was no correspondence.

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

  
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Rich Mattern  
President of the Board

  
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James Brownlee  
City Auditor