



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

The West Fargo City Commission met on Monday, August 31, 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 "Sale of Police Car" will be discussed under Non-Agenda and under Regular Agenda Item No. 11, the date of the Public Hearing should be September 21, 2009. Commissioner Schulz moved and Commissioner Bennett seconded to approve the Order of Agenda with the changes as noted. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Simmons seconded to approve the Minutes of August 17, 2009 and the Budget Meeting Minutes of August 17, 2009. No opposition. Motion carried.

The Commission reviewed Building Permits #298 - 321 along with the Building Department Activity Report dated August 31, 2009.

There were no Commissioner Committee Reports.

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

Bills

Request to increase mileage rate to 55 cents per mile and lodging rate to \$63.00 plus tax

Games of Chance: North Dakota Muzzleloaders for Raffle February 21, 2010 at Speedway Event Center

Games of Chance: Lake Agassiz Habitat for Humanity for Raffle to be held November 2009 at Western Bank

Resolution of Support for US DOT TIGER Grant Application (Multi-jurisdictional grant to improve traffic system operations)

Sidewalk District No. 6048: Resolution Declaring Work Necessary and Resolution Directing Preparation of Plans and Specifications

Special Opening September 18, 2009 – Divas & Rockstars

Special Opening September 18, 2009 – Maxwells

No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Sale of Water and Sewer Revenue Bonds, Series 2009. Mike Manstrom of Dougherty & Company LLC appeared before the Commission to review the bid information. Commissioner Schulz moved and Commissioner Bennett seconded to adopt the Resolution Authorizing the Issuance of \$7,870,000 Water and Sewer Revenue Bonds, Series 2009 (Build America Bonds) of the City of West Fargo, North Dakota, and to authorize the City Auditor to sign the Continuing Disclosure Certificate. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the request from Advanced Business Methods for a reduction in required parking spaces to 43 parking spaces. After discussion, Commissioner Bennett moved and Commissioner Schulz seconded to approve the reduction in required parking spaces. No opposition. Motion carried.

Trent Ochsner appeared before the Commission to request authorization to apply for a residential building permit on a lot that is in the process of being platted in Selberg's 4th Addition (Lot 8, Block 2). After discussion, Commissioner Bennett moved and Commissioner Simmons seconded to allow Mr. Ochsner to proceed with the building permit at his own risk. No opposition. Motion carried.

At this time the City Commission was adjourned and convened as the Board of Adjustments. Planning Director Larry Weil appeared before the Commission on the request from Dave's Tire for a variance to reduce front yard setback for the parking lot at 1225 East Main Avenue and advised that the Planning & Zoning Commission recommended denial. A public hearing was held. David Paulson appeared before the Commission. The hearing was closed. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to approve the variance request at 1225 East Main Avenue. No opposition. Motion carried.

The Board of Adjustments was adjourned and the City Commission reconvened.

Senior Planner Steven Zimmer appeared before the Commission on the rezoning of Shadow Wood 3rd Addition from Agricultural to Multiple Dwellings. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Schulz moved and Commissioner Thorstad seconded to place the rezoning of Shadow Wood 3rd Addition from Agricultural to Multiple Dwellings on First Reading subject to all conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the rezoning of Charleswood 27th Addition from Agricultural to Planned Unit Development. 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 Charleswood 27th Addition from Agricultural to Planned Unit Development on First Reading subject to all conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the request from Curtis Vanaudestrade to allow USA Specialty Marketing to hold a 30 day tent sale at 1500 13th Avenue East, West Fargo, to sell reproduction art, custom frames and high-end area rugs. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to approve this request. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on a request from the developer for a PUD Minor Modification to reduce side yard setback in twin home development in Westport Beach 4th Addition. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to approve the request subject to conditions of Staff. Commissioners Mattern, Bennett, Schulz and Simmons voting aye. Commissioner Thorstad voting no. Motion carried.

Planning Director Larry Weil appeared before the Commission on the request from Paulson Enterprises for a vacation of easement to allow for new construction at 1225 East Main Avenue, Dave's Tire. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to approve the vacation of easement. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission to review the State Audit Report for the City of West Fargo as of December 31, 2008, along with the two recommendations. Commissioner Schulz moved and Commissioner Bennett seconded to accept the State Audit Report as of December 31, 2008. No opposition. Motion carried.

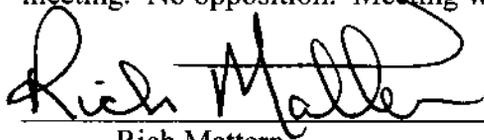
City Auditor James Brownlee appeared before the Commission on the 2010 Preliminary Budget. After discussion, Commissioner Simmons moved and Commissioner Schulz seconded to approve the 2010 Preliminary Budget of \$31,812,975 with a mill levy increase of 2.99 and to set the Public Hearing to adopt the 2010 Budget for September 21, 2009 at 5:45 PM. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the sale of a used police car, advised that four bids had been received and recommended to accept the \$3,055.00 bid from Bismarck Auto, Inc. Commissioner Schulz moved and Commissioner Bennett seconded to accept the bid from Bismarck Auto, Inc. in the amount of \$3,055.00. No opposition. Motion carried.
There was no correspondence.

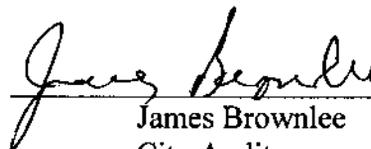
Commissioner Mattern advised that an Executive Session will now be held to discuss the 32nd Avenue South Bridge and possible land condemnations of temporary easements and come back for further action of the Board.

The Commission returned from Executive Session. Commissioner Simmons moved and Commissioner Bennett seconded to purchase a temporary construction easement for the 32nd Avenue South Bridge project. No opposition. Motion carried.

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