



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

The West Fargo City Commission met on Monday, March 15, 2010, 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 "approval of Resolution of Necessity" is to be added to Item j of the Consent Agenda and "Report from City Staff on the diversion/spring melt" will be added to the Regular Agenda. Commissioner Schulz moved and Commissioner Simmons seconded to approve the Order of Agenda with the additions as noted. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Schulz seconded to approve the Minutes of March 1, 2010. Motion carried.

The Commission reviewed Building Permits #42 - 52 along with the Building Department Activity Report for March 15, 2010.

Commissioner Schulz advised that he had been given an award for his support of the North Dakota Guard and Reserve and on behalf of the Guard and Reserve presented a plaque to Mayor Mattern.

The Auditor's Reports for February 2010 were received by the Commission.

The Sanitation Department Report for February 2010 was received by the Commission.

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

Bills

Gaming Site Authorization: Ducks Unlimited, Inc. at Speedway Events Center

Gaming Site Authorization: ND Chapters of Delta Waterfowl at Speedway Event Center

Games of Chance: West Fargo Baseball for Raffle to be held July 31, 2010 at Western State Bank

Approval of Change Orders: No. 11 and 12 - NDDOT, No. 1 - Street Improvement District No. 2195, No. 3 - Street Improvement District No. 2195 – Phase II, No. 1 - Sewer and Water Improvement District No. 1214 and No. 5 - Storm Sewer Improvement District No. 4041

Public Hearing March 29, 2010 at 5:45 PM for rezoning of Shadow Wood 4th Addition from Special Single Family Dwellings to Planned Unit Development

Create Assessment District for Storm Sewer Improvement District No. 4044 (Section 19 Storm Lift Station) and authorize City Engineer to prepare Engineer's Report

Review and Approve 2009 NPDES Stormwater Phase II Annual Report

Sewer and Water Improvement District No. 1218 (Eagle Wood 1st Addition): Create Assessment District, authorize City Engineer to prepare Engineer's Report, Approve Engineer's Report and authorize City Engineer to prepare Plans and Specifications

Sewer and Water Improvement District No. 1219 (4th Street East from 36th Avenue to 32nd Avenue): Approve Engineer's Report, authorize City Engineer to prepare Plans and Specifications and approve the Resolution of Necessity

No opposition. Motion carried.

City Engineer Kevin Bucholz gave a report on the 2010 spring melt work and provided the Commissioners with an estimated cost summary as of March 15, 2010.

Tom Kenville of J.T. Properties appeared before the Commission to request that the City of West Fargo purchase the Riverside Apartments from JT Properties for a West Fargo Beautification Project. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to deny the request at this time and look at this request again in the future. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Master Easement Agreement between Monsanto Ag Products LLC and the City of West Fargo relating to vacating and getting new easements for sewer and water around the new construction to take place on Monsanto's site. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to approve the Master Easement Agreement. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the request to transfer the existing liquor license for Liquor Lodge at 3330 Sheyenne Street, Suite 110 to LakeMode Liquors for Retail Off Premises Liquor and Retail Off Premises Beer and Sunday Liquor and Beer Opening and advised that Staff recommended to approve the transfer. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to approve the license transfer to LakeMode Liquors. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the request from Speedway for a name change to Legends Grill & Bar Inc. City Auditor James Brownlee also advised there are plans to change the corridor in the building to separate minors in the establishment. Commissioner Bennett moved and Commissioner Schulz seconded to approve the name change to Legends Grill & Bar Inc. contingent upon the construction work being done and approved by administration. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the request from NAC Enterprises LLC for a new location for an alcohol establishment (Westend Bar) at 1410 9th Street East. Kathleen Collins of 1415 Heatherwood Court, Dale Metz of 1444 Heatherwood Court and Denise Morrison of 1414 Heatherwood Court appeared before the Commission to ask that the Commission deny the request. City Attorney Brian Neugebauer also appeared before the Commission. After discussion Commissioner Thorstad moved and Commissioner Bennett seconded to deny the site location on the basis of the site backing up to the residents adjoining it. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on Ordinance No. 858, a Zoning Ordinance Amendment to provide for Veterinary Clinics with Indoor Overnight Facilities as Conditionally Permitted Uses in the Light Commercial Zoning District. Commissioner Bennett moved and Commissioner Schulz seconded to place Ordinance No. 858 on Second Reading. No opposition. Motion carried.

City Assessor Wanda Wilcox appeared before the Commission on the Exemptions/PILOTS for West Fargo businesses. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to allow the following businesses to continue their exemption at 100% for 2010: Bobcat Company, Integrity Windows Infinity Windows and Sheyenne Crossings (Eventide). No opposition. Motion carried. City Assessor Wanda Wilcox also advised of the correction for DMI Industries to year 8 of 10 Year PILOT.

Planning Director Larry Weil appeared before the Commission on Sterling Industrial Park 6th Addition, a replat. Commissioner Simmons moved and Commissioner Bennett seconded to approve the Final Plat of Sterling Industrial Park 6th Addition with conditions based on request's consistency with City Plans and Ordinance. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Dakota Territory 12th Addition, a replat. Commissioner Simmons moved and Commissioner Bennett seconded to approve the Final Plat of Dakota Territory 12th Addition with conditions based on request's consistency with City Plans and Ordinance. No opposition. Motion carried.

Mayor Mattern advised that census information will be mailed within a few days and encouraged all residents to return the information in order to be counted.

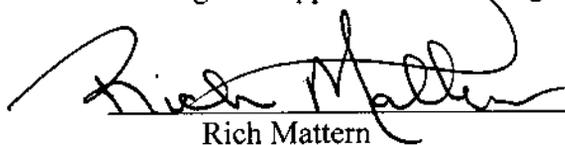
City Auditor James Brownlee appeared before the Commission to ask that the Commission deed the property owned for the new Fire Department to the Fire Department since they are applying for a loan. After discussion, Commissioner Simmons moved and Commissioner Schulz seconded to adopt a Resolution authorizing the present Board of City Commissioners and City Auditor to deed the property to the Fire Department. No opposition. Motion carried.

There was no Correspondence.

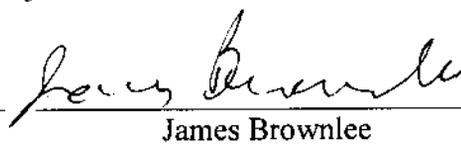
At this time the City Commission went to Executive Session. City Attorney Brian Neugebauer advised that the Executive Session will discuss two items: Sidewalk contract with Specialized Contracting and update on Riley Brothers dispute on the 32nd Avenue Bridge culvert.

The City Commission returned from Executive Session. Commissioner Simmons moved and Commissioner Schulz seconded to accept the offer of \$22,500 for Special Contracting. No opposition. Motion carried.

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