



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

The West Fargo City Commission met on Monday, September 20, 2010 at 5:30 P.M. Those present were Rich Mattern, Mark Simmons, Mike Thorstad and Duane Hanson. 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 Item h of the Consent Agenda is to be moved to the Regular Agenda and Senior Planner Steven Zimmer has asked that two Minor PUD modifications be added to Non-Agenda. Commissioner Simmons moved and Commissioner Hanson seconded to approve the Order of Agenda with the changes as noted. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Hanson seconded to approve the Minutes of August 30, 2010. No opposition. Motion carried.

The Commission reviewed Building Permits #456 - 477 and 478 - 496 along with the Building Department Activity Report dated September 20, 2010 and the Building Department Monthly Comparison Report for August 2009/August 2010.

Commissioner Mattern advised that a letter had been received from the Department of Transportation granting the request to lower Main Avenue speeds from approximately 6th Street East to 45th Street East from 50 to 40 mph as of September 15, 2010.

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

There were no Department Reports.

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

Bills

Return of Assessment for Sidewalk District No. 6048

Games of Chance: West Fargo Packer Backers for Bingo/Raffle/Calendar Raffle 9/13/10 to 6/30/11

Public Hearing October 4, 2010 at 5:45 PM for rezoning of The Links at Westport First Addition from Agricultural to Single Family Dwellings

Public Hearing October 4, 2010 at 5:45 PM for rezoning of The Preserve 1st Addition from Agricultural to Mixed One and Two-Family Dwellings, One and Two Family Dwellings, Single Family Dwellings and Public Facilities

Sewer and Water Improvement District No. 1223 (The Links at Westport 1st Addition – Phase I): Create Assessment District, authorize Engineer to prepare Engineer's Report, approve Engineer's Report and authorize preparation of Plans and Specifications

Sewer and Water Improvement District No. 1224 (Private Prairie Heights Community Church): Create Assessment District and authorize City Engineer to prepare Engineer's Report

No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on Street Improvement District No. 2210 (Aurora/Rendezvous Park) providing maps and advising that Staff recommends to buy the street from the Park District and make it a City street which would be open all the way to 32nd Avenue. Land will be swapped with Park District, school and the City and costs will be assessed to the Assessment District as project costs. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to Create Assessment District and authorize the City Engineer to prepare Engineer's Report with the stipulation that the west parking lot stays open all year. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the Renaissance zone lease application for FL Research LLC at 705 E. Main Avenue, West Fargo, ND. Commissioner Hanson moved and Commissioner Simmons seconded to approve the Renaissance Zone lease application. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Assessments for Sidewalks 2010 – Sidewalk District No. 6045. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Hanson moved and Commissioner Simmons seconded to approve the special assessment list for Sidewalk District No. 6045. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the Liquor License application for JL Beers at 810 13th Avenue East, West Fargo, ND and advised that Staff recommends approval to include the liability insurance. A background check was provided to each Commissioner. A public hearing was held. The following appeared before the Commission: Betty Selders of 781 14th Avenue East, Ronald Braaten of 650 13th Avenue East, Randy Thorson – President of JL Beers, Edie Braaten of 650 13th Avenue East and Mike Marcil – Owner/Operator of Maxwells. Ronald Braaten provided a list of signatures requesting that the city proceed cautiously with common sense on new bar permits for the reasons of safety, policing and less speed and noise on 13th Avenue East from 9th Street to 6th Street. The public hearing was closed. Police Chief Arland Rasmussen appeared before the Commission regarding the Noise Ordinance and Traffic Noise and stated the Police Department will look into stepping up enforcement on 13th Avenue. City Attorney Brian Neugebauer advised that he would meet with Police Chief Rasmussen to review ordinances that may be more workable as far as enforcement. Commissioner Thorstad asked that Staff take a look at the policies of other cities in regard to placement of bars and number of establishments allowed within the city. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the Liquor License application for JL Beers. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the Liquor License application for Bar Nine at 1405 Prairie Parkway, Suite 301, West Fargo, ND, and advised that Staff recommends approval of the license. A background check was provided to each Commissioner. A public hearing was held. The following appeared before the Commission: Betty Selders of 781 14th Avenue East, Mike Marcil – Co-developer of the Technology Park, Planning Director Larry Weil, Assistant Public Works Director Chris Brungardt, Cliff Tornell – Owner/Operator of Bar Nine, and City Attorney Brian Neugebauer appeared before the Commission. Commissioner Simmons indicated that he would like to see a fence placed along the back. Planning Director Larry Weil stated that the current landscape plan is to include berm with landscaping rather than fences. Mike Marcil indicated that he would be willing to work with the community on fencing the entire Pioneer Center

on the one side. The public hearing was closed. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to table for two weeks the request for a Liquor License for Bar Nine in order to get together with the owners to discuss a fence. Commissioners Mattern, Simmons and Hanson voting aye. Commissioner Thorstad abstained from voting. Commissioner Bennett absent and not voting. Motion carried.

City Auditor James Brownlee appeared before the Commission on the 2011 Budget for the City of West Fargo showing no mill levy increase with a total of 91.47 mills. A public hearing regarding the 2011 Budget was held. There was no public comment and the hearing was closed. Commissioner Thorstad moved and Commissioner Hanson seconded to adopt the 2011 Budget with expenditures of \$32,373,224 and to set the annual levy for 2010 at \$6,770,096. No opposition. Motion carried.

General Fund	\$ 7,949,970
Sanitation Fund	2,076,997
Sewer Water Funds	4,228,417
Library	690,847
Airport	141,950
Debt Service	14,722,043
Capital Improvements	500,000
Special Revenue Funds	<u>2,063,000</u>
 Total 2011 Budget	 \$32,373,224

City Auditor James Brownlee appeared before the Commission on the 2011 Contract between the West Fargo Fire Department and the City of West Fargo. Commissioner Hanson moved and Commissioner Simmons seconded to approve the contract in the amount of \$612,000.00 for fiscal year commencing January 1, 2011. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Stockyard's Corner 5th Addition, a replat. City Engineer Kevin Bucholz also appeared before the Commission. Commissioner Simmons moved and Commissioner Hanson seconded to approve the Final Plat of Stockyard's Corner 5th Addition with all conditions and recommendations listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on a request from Jordahl Custom Homes for a Simple Lot Split of Lot 50, Block 1 of Westport Beach 4th Addition. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the Simple Lot Split subject to all conditions in the Staff Report. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on a request from Prairie Heights Community Church for a Conditional Use Permit for religious institution (church facility) within an Agricultural Zoning District (located on a parcel in the NW ¼ of Section 29, T139N, R49W, City of West Fargo, ND). Commissioner Simmons moved and Commissioner Thorstad seconded to approve the Conditional Use Permit subject to all conditions in the Staff Report. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on a request from Dawn Herford for a Conditional Use Permit for a childcare facility for 18 children within a home at 1729 13th Street East, West Fargo, ND and advised that no comments have been received from notified property owners and the Planning and Zoning Commission recommended approval with recommendations of Staff. Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Conditional Use Permit subject to all conditions in the Staff Report. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on Christianson's 1st Addition. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to approve the Final Plat of Christianson's 1st Addition and to approve the Planned Unit Development Amendment subject to all conditions listed in the Staff Report. No opposition. Motion carried.

Assistant Public Works Director Chris Brungardt appeared before the Commission to review minor changes to the road class map: Armour Street, 8th Avenue NW and CR 19/Stockman's Road load restriction from Class 3 to Class 1. Commissioner Simmons moved and Commissioner Hanson seconded to approve the changes to the road class map as outlined by Assistant Public Works Director Chris Brungardt. No opposition. Motion carried.

Mayor Mattern reviewed his Washington D.C. meeting with Senator Dorgan, Senator Conrad, Representative Pomeroy, other Mayors and other area Commissioners to discuss the downstream impact of the proposed Devils Lake outlet. Mayor Mattern advised that the Final Report will be provided to each Commissioner when available.

Mayor Mattern thanked the Chamber of Commerce for their years of organizing West Fest for the community and asked if the City wants to continue this tradition after the Chamber merges with Fargo as of October 1, 2010. After discussion and agreement that West Fest should continue, it was the consensus of the Commission that Staff discuss this within the next month or six weeks and come back with some ideas and proposals. Mayor Mattern also advised that any public input is welcomed.

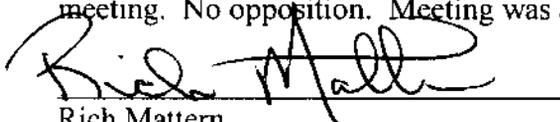
Senior Planner Steven Zimmer appeared before the Commission on the request from Curt McDonald for a Minor PUD modification for Lots 9 and 10, Block 1 of Burlington 3rd Addition. After discussion, Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Minor PUD modification to allow a change in the floor plan of the twinhome building to allow the garage of the building proposed for the lot to be changed from the inside of the lot to the outside of the lot. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the request from Jason Gustofson for a Minor PUD modification for Lot 1, Block 1 of Gustofson Addition to increase the size of the building and advised that Staff recommends approval. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the Minor PUD modification. No opposition. Motion carried.

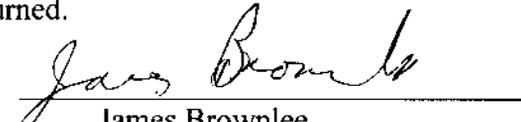
The updated West Fargo City Projects report was provided to each Commissioner.

There was no Correspondence.

Commissioner Hanson moved and Commissioner Simmons seconded to adjourn the meeting. No opposition. Meeting was adjourned.



Rich Mattern
President of the Board



James Brownlee
City Auditor