



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

The West Fargo City Commission met on Monday, June 6, 2011, at 5:30 P.M. Those present were Rich Mattern, Lou Bennett, Mark Simmons, Mike Thorstad and Duane Hanson. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Mattern stated that Item g of the Consent Agenda "Re-approval of Revised Final Plat of Christianson's 1st Addition" is to be removed from the Consent Agenda and placed on the Regular Agenda. Commissioner Hanson moved and Commissioner Simmons seconded to approve the Order of Agenda with the change as noted. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Hanson seconded to approve the Minutes of May 16, 2011. No opposition. Motion carried.

The Commission reviewed Building Permits #140 – 187 along with the Building Department Activity Report dated June 6, 2011 and the Building Department Monthly Comparison Report for May 2010/May 2011.

Commissioner Mattern commended the Police Department, Fire Department and City crews for all their efforts due to the recent storm.

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

Bills

Resolution Approving Contract and Contractor's Bond in Sidewalk District No. 6049

Resolution Approving Contract and Contractor's Bond in Phase II of Water and Sewer Improvement District No. 1219

Temporary Construction Easement with NDDOT for Main Avenue

Dispensing to and consuming of alcohol by spectators attending the Toppers Cruise Nights on June 16, July 21, August 18 and September 15

West Fargo Hockey Association Gaming Site Authorizations: Speedway, Speedway Event Center, Work Zone, M & J, and Border Town

Games of Chance: West Fargo Amvets Post #8 for Raffle to be held July 1, 2011 to June 30, 2012 at the VFW Club

Sewer, Water, Street & Storm Improvement District No. 1229 (Shadow Creek 1st Addition): Approve Engineer's Report, authorize City Engineer to prepare Plans and Specifications

Sewer, Water, Street & Storm Improvement District No. 1231 (7th Street East – 31st to 32nd Avenue): Create Assessment District, authorize City Engineer to prepare Engineer's Report, approve Engineer's Report, authorize City Engineer to prepare Plans and Specifications

Commissioner Thorstad stated that he did not like the wording of Item e. Commissioners Mattern, Bennett, Simmons and Hanson voting aye. Commissioner Thorstad voting nay. Motion carried.

Kevin McKinnon, President of the Greater Fargo Moorhead Economic Development Corporation, appeared before the Commission to review the Growth Initiative Fund, Inc., amended Bylaws of Growth Initiative Fund and the Memorandum of Understanding. Scott Handy, Chairman of the Board, also appeared before the Commission. After discussion, Commissioner Bennett moved and Commissioner Thorstad seconded to accept the repurposing of the portion of funds for Cass County, approve the amendment to the Bylaws and authorize the Mayor to enter into the Memorandum of Understanding. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 894 relating to separate entrances for liquor stores. Commissioner Bennett moved and Commissioner Hanson seconded to place Ordinance No. 894 on Second Reading. No opposition. Motion carried.

Garett Smith appeared before the Commission to request a review of the site plan showing a drive isle and parking inside the 100' river set back for a proposed office project on Lot 15, Block 1, Oakwood Bend 1st Addition. City Engineer Kevin Bucholz stated that soil borings were done by Northern Technologies and a report was reviewed. Planning Director Larry Weil appeared before the Commission to request that if the City Commission is supportive of the plan, he would recommend this matter be sent back to the Planning & Zoning Commission and the developer would be responsible to submit a detailed plan. Chris Kiedrowski, contractor for the project, and City Attorney Brian Neugebauer also appeared before the Commission. The Commission agreed that the owner would have to be willing to sign off on the risk of building on the river bank. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to send this matter back to the Planning & Zoning Commission. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on Westport Beach 7th Addition. A Public Hearing was held on the rezoning of Westport Beach 7th Addition from Limited Multiple Dwellings to Mixed One & Two-Family Dwellings. There was no public comment and the hearing was closed. After discussion, Commissioner Bennett moved and Commissioner Simmons seconded to place on First Reading the rezoning of Westport Beach 7th Addition from Limited Multiple Dwellings to Mixed One & Two-Family Dwellings subject to all conditions listed in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Maple Ridge at the Preserve 2nd Addition and advised that the Planning & Zoning Commission recommended approval subject to the nine conditions in the Staff Report as well as the additional condition that the access way would be a minimum of 22' in width. A Public Hearing was held on the rezoning of Maple Ridge at the Preserve 2nd Addition from Agricultural to Single Family Dwellings. There was no public comment and the hearing was closed. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to place on First Reading the rezoning of Maple Ridge at the Preserve 2nd Addition from Agricultural to Single Family Dwellings subject to all conditions listed in the Staff Report and the condition that the access way be a minimum of 22' in width. No opposition. Motion carried.

The City Commission meeting was adjourned at this time and convened as the Board of Adjustments.

Building Administrator Mark Housh appeared on the appeal from Peter and Wanda Hettwer on the notice of violation regarding their fence at 1610 Maple Place. City Attorney Brian Neugebauer advised that the ordinance now states that three commissioners would be needed to overrule the order of the Building Administrator. Peter Hettwer appeared before the Board of Adjustments. After discussion, Commissioner Hanson moved and Commissioner Bennett seconded that Peter Hettwer is to pressure wash the fence, Building Administrator Mark Housh is to advise the neighbors that is all that is required to be done to the fence, and this matter is not to be brought back to the Commission. No opposition. Motion carried.

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

Assistant Chief Michael Reitan appeared before the Commission on the Cass and Clay County Law Enforcement Mutual Aid Agreement and the Cass and Clay MOU Policy. Reitan advised that the Agreements had been reviewed by City Attorney Brian Neugebauer. Commissioner Bennett moved and Commissioner Thorstad seconded to approve both documents and authorize the Mayor and City Auditor to enter into the agreement. No opposition. Motion carried.

Assistant Chief Michael Reitan appeared before the Commission on the West Fargo Senior Citizen's Senior Center Program to ask that the City Commission consider allocating \$25,000 in the 2012 City of West Fargo Annual Budget to subsidize the program. The Commission asked that a Budget be provided for their review.

Commissioner Mattern introduced the Planning Intern, Zerek Kroll.

City Auditor James Brownlee appeared before the Commission to recommend that Eddie Sheeley be appointed to a Six Year Term on the Special Assessment Committee to replace Milt Moen. After discussion, Commissioner Bennett moved and Commissioner Thorstad seconded to appoint Eddie Sheeley to the Special Assessment Committee for a Six Year Term to 2017. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the Amended Contract with NRG and a new IT Director Position, advising that NRG would maintain the servers and the City would hire their own IT Director as of July 1 or July 15, 2011. Commissioner Simmons moved and Commissioner Bennett seconded to approve the Amended Contract and the IT Director position as outlined by City Auditor James Brownlee. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission to recommend the write off of the CDBG loan to SnoBear. Frank Lenzmeier and City Attorney Brian Neugebauer also appeared before the Commission. Commissioner Bennett moved and Commissioner Hanson seconded to approve the write off of the CDBG loan to SnoBear as recommended by City Auditor James Brownlee. No opposition. Motion carried.

Commissioner Mattern reviewed the Finance Director Position since Finance Director Sharon Schacher is retiring as of September 30, 2011, and recommended that a committee of five and not more than seven members be formed consisting of Mayor Mattern, City Auditor James Brownlee, and one or two private sector members. Commissioner Simmons offered to be on the Committee. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to move forward with this process. No opposition. Motion carried. Commissioner Mattern asked City Auditor James Brownlee to forward a Job Description to each of the Commission members.

Commissioner Mattern then stated that the City should consider a Human Resources Position and asked that the City Commission members start thinking about it. City Auditor James Brownlee was asked to put together a Job Description and benefits of having such a position.

Assistant City Engineer Dustin Scott appeared before the Commission on Street Improvement District No. 2212 (Christianson's First Addition). Commissioner Thorstad suggested that Item g of the Consent Agenda, "Re-approval of Revised Final Plat of Christianson's 1st Addition", be discussed prior to this item. The Commission members agreed to discuss the re-approval of the Final Plat.

Planning Director Larry Weil appeared before the Commission on the Re-approval of the Revised Final Plat of Christianson's 1st Addition and advised that Staff recommended re-approval of the subdivision plat subject to all conditions in the Staff Report. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to re-approve the Revised Final Plat of Christianson's 1st Addition subject to the conditions in the Staff Report. No opposition. Motion carried.

The awarding of the contract for Street Improvement District No. 2212 (Christianson's First Addition) was then addressed. Assistant City Engineer Dustin Scott recommended awarding the bid to Excavating Inc. for their bid amount of \$507,579.91. Commissioner Hanson moved and Commissioner Bennett seconded to award the contract for Street Improvement District No. 2212 to Excavating, Inc. for their bid amount of \$507,579.91. No opposition. Motion carried.

Assistant City Engineer Dustin Scott appeared before the Commission on Sewer, Water, Street & Storm Improvement District No. 1227 (Shadow Wood 5th Addition). City Attorney Brian Neugebauer appeared before the Commission to ask that the City Commission give the City Attorney authorization to condemn the property for necessary right-of-way if the need arises. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to award the contract for Sewer, Water, Street & Storm Improvement District No. 1227 to Dakota Underground Company for their bid amount of \$1,667,323.39 contingent on an agreement being reached and authorizing the City Attorney to condemn the property if an agreement is not reached. No opposition. Motion carried.

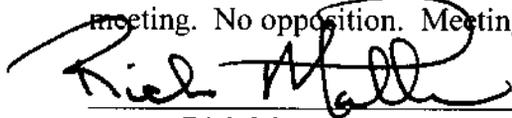
Assistant City Engineer Dustin Scott appeared before the Commission on Street Improvement District No. 2211 (4th Street and 26th Avenue East). Commissioner Simmons moved and Commissioner Bennett seconded to award the contract for Street Improvement District No. 2211 to Dakota Underground Company for their bid amount of \$3,749,878.85. No opposition. Motion carried.

City Assessor Wanda Wilcox appeared before the Commission on a request from the Rommesmo Family Limited Partnership for a five year remodeling exemption on the total renovation of their office building at 702 13th Avenue East which would result in a tax savings of \$5,875.00 each year. After discussion, Commissioner Bennett moved and Commissioner Thorstad seconded to grant the five year remodeling exemption on this project. No opposition. Motion carried.

There were no Non-Agenda items.

There was no correspondence.

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



Rich Mattern
President of the Board



James Brownlee
City Auditor