



The West Fargo City Commission met on Monday, October 31, 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 Hanson moved and Commissioner Simmons seconded to approve the Order of Agenda. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Simmons seconded to approve the Minutes of October 17, 2011. No opposition. Motion carried.

The Commission reviewed Building Permits #432 – 512 along with the Building Department Activity Reports dated October 17 and October 31, 2011.

There were no Commissioner Committee Reports.

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

Bills

Games of Chance: VFW Department of North Dakota for Raffle to be held 12/5/11 to 3/30/12 at VFW Post 7564

Bid Results and Recommendations for Street Equipment 2012

Sewer and Water Improvement District No. 1226 (935 Main Avenue - 5th Street East to 45th Street): Approve Engineer's Report, authorize City Engineer to prepare Plans and Specifications, approve Plans and Specifications and authorize NDDOT to Advertise for Bids

No opposition. Motion carried.

Wade Kline, Executive Director of Fargo-Moorhead Metropolitan Council of Governments, appeared before the Commission to provide a project update and ask for support of the Metropolitan Planning Program for the FM Metropolitan area. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to adopt the Resolution in Support of the Metropolitan Planning Program for the FM Metropolitan Area. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 906 and advised there was a change to update the Municipal Ordinance on Careless Driving to match the State language statute. Commissioner Bennett moved and Commissioner Hanson seconded to place Ordinance No. 906 on Second Reading. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Midland 3rd Addition, a subdivision. Commissioner Simmons moved and Commissioner Thorstad seconded to approve the Final Plat of Midland 3rd Addition subject to the six conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on North Pond at the Preserve 2nd Addition and advised that the Planning & Zoning Commission recommended approval with the seven conditions listed in the Staff Report. A public hearing was held on the rezoning from Agricultural to Commercial Office Park. Attorney Dan Bueide, representing the owners of the property, appeared before the Commission. The hearing was closed. Commissioner Simmons moved and Commissioner Hanson seconded to place the rezoning of North Pond at the Preserve 2nd Addition from Agricultural to Commercial Office Park on First Reading subject to the seven conditions in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the rezoning of Lot 11, Block 1 of Midway Subdivision from Heavy Commercial/Light Industrial to Heavy Industrial and advised that the Planning & Zoning Commission recommended approval subject to the three conditions listed in the Staff Report as well as an additional condition that a six month trial period be put in place to review how the operation is working. A public hearing was held. Dirk Lenthe appeared before the Commission. The hearing was closed. Commissioner Simmons moved and Commissioner Bennett seconded to place the rezoning on First Reading subject to the three conditions listed in the Staff Report along with the condition there be a six month trial period to review the operation and the fencing issue. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the rezoning of Lot 5, Block 1 of Eagle Run 8th Addition and Lot 1, Block 1 of Eagle Run 11th Addition from Limited Multiple Dwellings to Planned Unit Development and advised that the Planning & Zoning Commission recommended approval subject to the conditions in the Staff Report and condition to submit a revised site plan and landscaping plan. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Hanson moved and Commissioner Bennett seconded to place the rezoning on First Reading subject to all recommendations of Staff. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Resolution of Annexation to annex the north strip of the plat 25' in width which would become part of the Henning First Addition. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Thorstad seconded to adopt the Resolution of Annexation as presented and described by City Attorney Brian Neugebauer. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Henning First Addition rezoning from Agricultural to Rural Estate District. After discussion, Commissioner Bennett moved and Commissioner Thorstad seconded to place on Second Reading Ordinance No. 905 on the rezoning of Henning First Addition from Agricultural to Rural Estate District and to approve the Final Plat subject to the remaining conditions in the Staff Report (Certificate of Taxes and Drainage Plan). No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on NDDOT-NHU-8-010(031)935 which includes Sewer and Water Improvement District No. 1226. After discussion, Commissioner Hanson moved and Commissioner Thorstad seconded to concur with the North Dakota Department of Transportation to award the contract for Main Avenue (5th Street East to 45th Street) to Northern Improvement at their bid price of \$14,621,789.41 (City's share \$4,578,879.13). No opposition. Motion carried. City Engineer Kevin Bucholz advised their office will be sending out a letter to property owners regarding the project.

City Auditor James Brownlee appeared before the Commission to review the Job Description for a Community Services Director and asked for any suggestions from the Commission regarding the position before it is brought back to the Commission for approval.

Commissioner Thorstad advised that at the last Diversion Authority Meeting a request was made for direction from the City as to what recreational features West Fargo would like to see if the diversion is put in place. City Auditor James Brownlee and City Attorney Brian Neugebauer also appeared before the Commission. It was agreed that the City should pursue this matter with the Technical Committee since there is 50% Federal funding.

City Engineer Kevin Bucholz stated that Larry Wacha of 152 32nd Avenue East contacted him regarding City water service and the transplanting of lilac bushes onto his property. City Engineer Kevin Bucholz advised that Mr. Wacha had declined City water service after Moore Engineering reviewed cost estimates with him. After discussion, Commissioner Bennett moved and Commissioner Simmons seconded to deny the request for the City to transplant lilac bushes onto Mr. Wacha's property. No opposition. Motion carried.

City Administrator James Brownlee gave the following report to the Commissioners:

North Dakota Downtown Conference will be held November 8-9, 2011

County Sheriff Sale November 15, 2011 (some property from West Fargo is on the sale)

Corridor Study – November 22, 2011

FM Metropolitan Council of Governments will be having a brown bag luncheon November 30, 2011 to draft a development plan

Economic Development Advisory Committee membership (request to submit any names for one person in manufacturing and one person at large)

1100 of the waters bills sent out included a late fee (the City will work with residents this month if a call is received on the late fee)

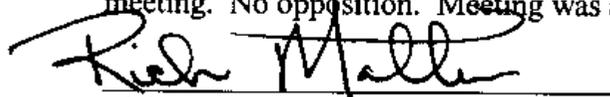
The City is reviewing space needs at City Hall and will probably have to start looking at expansion in the near future

Commissioner Thorstad advised that he had been contacted by Cass County Commissioner Pawluk regarding the 12th Avenue North project.

City Engineer Kevin Bucholz provided a West Fargo City Projects Status Report.

There was no correspondence.

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



Rich Mattern
President of the Board



James Brownlee
City Auditor