



The West Fargo City Commission met on Monday, July 2, 2012, at 5:30 P.M. Those present were Rich Mattern, Lou Bennett, Mike Thorstad and Duane Hanson. Absent was Mark Simmons. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Mattern reviewed the following changes to the Agenda:

Item h of the Consent Agenda (Street Improvement District No. 2224) is to be moved to the Regular Agenda

Games of Chance for Holy Cross Catholic Church for Raffle to be held July 3, 2012 to September 14, 2012 is to be added to the Consent Agenda

Item #9 (Lake Crest 1<sup>st</sup> Addition) is to be removed from the Regular Agenda

5:45 PM Public Hearing for Resolution of Necessity for Street Improvement District No. 2221 is to be added to the Regular Agenda

Net Work Center request for a reduction in parking spaces is to be discussed under Non-Agenda.

Commissioner Hanson 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 Thorstad seconded to approve the Minutes of June 18, 2012 and the Minutes of the Reorganization Meeting of June 26, 2012. No opposition. Motion carried.

The Commission reviewed Building Permits #391 - 432, the Building Department Activity Report dated July 2, 2012 and the Building Department Monthly Comparison Report for June 2011/June 2012.

There were no Commissioner Committee Reports.

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

Bills

Pledging of Assets

Resolution Declaring Work Necessary for an Improvement in Street Improvement District No. 2222 (The Yards)

Games of Chance: Low Rise Community Center for Bingo

Cabaret License Application for Divas & Rockstars Karaoke Bar for July 1, 2012 to June 30, 2013

First Reading: Ordinance No. 928 relating to the Zoning Penalty Provision

Appointments to Library Board: Joseph McNelis and Kevin Teigen for three year terms July 2012

Street Improvement District No. 2215 - 7<sup>th</sup> Street East (36<sup>th</sup> to 40<sup>th</sup> Avenue East): Approve Plans and Specifications and Authorize Advertisement for Bids with bid opening on July 26, 2012

Games of Chance for Holy Cross Catholic Church for Raffle to be held July 3, 2012 to September 14, 2012

Commissioner Thorstad stated that three more good applications for the Library Board were received after the June 26, 2012 closing date to accept applications. These applications will be kept on file for future openings on the Board.

No opposition to the motion to approve the Consent Agenda. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Street Improvement District No. 2224 (Tintes Area Street Overlays) and presented a Revised Assessment District Boundary. City Auditor James Brownlee also appeared before the Commission. After discussion, Commissioner Hanson moved and Commissioner Bennett seconded to approve the Revised Assessment District Boundary for Street Improvement District No. 2224, approve Engineer's report, authorize City Engineer to prepare Plans and Specifications and approve the Resolution of Necessity. No opposition. Motion carried.

Property Appraiser Paul Fracassi appeared before the Commission on a request from Donald and Dyan Clemens for a Five Year Remodeling Exemption starting in 2013 on their property at 722 12<sup>th</sup> Avenue East, West Fargo, ND, which would result in a tax savings of \$450.00 for each of the years 2013-2017. After discussion, Commissioner Hanson moved and Commissioner Bennett seconded to grant the Five Year Remodeling Exemption. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Shadow Creek 2<sup>nd</sup> Addition. Commissioner Hanson moved and Commissioner Thorstad seconded to reapprove the Final Plat of Shadow Creek 2<sup>nd</sup> Addition with the condition that the Developer install and maintain a solid fence along 32<sup>nd</sup> Avenue East. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 924 relating to Planning Commission: Members Appointed and Term of Office and advised that the Ordinance would allow eight members instead of seven with an added member from the extraterritorial area due to the recent increase in population of the city. Commissioner Bennett moved and Commissioner Thorstad seconded to place Ordinance No. 924 on Second Reading. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the request from Beverly Hertzelle for a variance for her property at 507 Garden Avenue NW, West Fargo, ND, and stated that Paragraph 2 of the agreement should be amended from 8 by 11 inch concrete blocks to 12 by 12 inch concrete blocks. After discussion, Commissioner Thorstad moved and Commissioner Bennett seconded to approve the Encroachment and Variance Agreement with the amendment for this property as outlined by City Attorney Brian Neugebauer. No opposition. Motion carried.

Director of Economic Development and Community Services Mark Vaux appeared before the Commission on the request from West Fargo Car Clinic for a property tax exemption on the new building located on Lot 1, Block 1 of Christianson's 1<sup>st</sup> Addition, and advised that the Economic Development Advisory Committee, after further review, recommended approval based on the merits of the project to move forward to the City Commission for a Public Hearing with a conditional recommendation that competition exists and to give full consideration to that fact. A public hearing was held. Chris Schmidt and Peter Karl appeared before the Commission. The hearing was closed. After discussion, Commissioner Bennett moved to approve the Property Tax Exemption request. Motion died for lack of a second. City Attorney Brian Neugebauer stated that after the Economic Development Advisory Committee reviews their current policy and develops a plan, the applicant would have the ability to come back to the Commission for a property tax exemption request.

City Attorney Brian Neugebauer appeared before the Commission on Street Improvement District No. 2221 (Shiloh church). A public hearing was held. There was no public comment and the hearing was closed. Commissioner Bennett moved and Commissioner Hanson seconded to approve the Resolution Determining that not Sufficient Protests were Filed on Improvement in Street Improvement District No. 2221. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on Montgomery Homestead 1<sup>st</sup> Addition rezoning from Limited Multiple Dwellings to Planned Unit Development. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Hanson moved and Commissioner Thorstad seconded to place on First Reading the rezoning of Montgomery Homestead 1<sup>st</sup> Addition from Limited Multiple Dwellings to Planned Unit Development subject to the conditions listed in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Shadow Creek 3<sup>rd</sup> Addition rezoning from Agricultural to Single Family Dwellings. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Thorstad stated that he would like to see a sidewalk down the center of the area to facilitate pedestrian flow to 7<sup>th</sup> Street. Senior Planner Steven Zimmer, City Engineer Kevin Bucholz and City Attorney Brian Neugebauer also appeared before the Commission. Commissioner Hanson moved and Commissioner Thorstad seconded to place on First Reading the rezoning of Shadow Creek 3<sup>rd</sup> Addition from Agricultural to Single Family Dwellings subject to the conditions listed in the Staff Report but would like more input on sidewalk options and traffic flow on streets. No opposition. Motion carried

Planning Director Larry Weil appeared before the Commission on South Pond at the Preserve 5<sup>th</sup> Addition rezoning from Agricultural to Light Commercial. A public hearing was held. Attorney Dan Bueide of the Vogel Law Firm appeared before the Commission. There was no other public comment and the hearing was closed. Commissioner Hanson moved and Commissioner Bennett seconded to place on First Reading the rezoning of South Pond at the Preserve 5<sup>th</sup> Addition from Agricultural to Light Commercial subject to the conditions listed in the Staff Report. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Street Improvement District No. 2220 (Veterans Boulevard and 23<sup>rd</sup> Avenue East Traffic Signal). City Attorney Brian Neugebauer appeared before the Commission requesting an amendment to the district to narrow it to basically the same district for the Street Improvement District. Commissioner Bennett moved and Commissioner Hanson seconded to award the contract for Street Improvement District No. 2220 to Strata Corporation for their bid amount of \$256,666.80 as recommended by City Engineer Kevin Bucholz and to amend the district as recommended by City Attorney Brian Neugebauer. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Water & Storm Improvement District No. 1241 (Montgomery Homestead First Addition). Commissioner Hanson moved and Commissioner Thorstad seconded to award the contract for Sewer, Water & Storm Improvement District No. 1241 to Geo E Haggart, Inc. for their bid amount of \$255,957.50 as recommended by City Engineer Kevin Bucholz contingent upon the Developers Agreement and Letter of Credit. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the request from Network Center Communications, Inc. for a reduction in parking spaces for their new building on Knutson First Subdivision Lot 1 and 2. After discussion, Commissioner Bennett moved and Commissioner Hanson seconded to approve the request for a reduction in parking spaces with the condition that if parking becomes an issue in the future, they would need to expand their parking. No opposition. Motion carried.

City Administrator Jim Brownlee reported on the following:

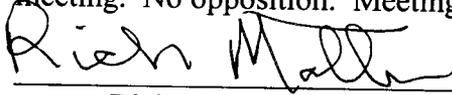
Requesting permission to deed the City owned lot across the street from the Fire Hall to the West Fargo Fire Department since Fire Chief Roy Schatschneider is interested in this lot to expand their parking. After discussion, Commissioner Hanson moved and Commissioner Bennett seconded to deed the lot to the Fire Department. No opposition. Motion carried.

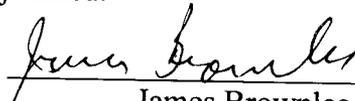
Public Works Director Barry Johnson appeared before the Commission to advise that he will be using the media to advise the residents on watering restrictions due to the hot weather and the fact that the City is still one well down.

City of West Fargo Proposed Budget for 2013 was provided to each Commissioner reflecting no mill increase. The first Budget Meeting will be held after the next City Commission Meeting on July 16, 2012. In order to finalize the budget, a meeting will need to be held the week of Labor Day.

There was no correspondence.

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

  
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Rich Mattern  
President of the Board

  
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James Brownlee  
City Auditor