



The West Fargo City Commission met on Monday, August 6, 2012, 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 advised that that the following items should be added to Consent Agenda:

- Resolution Approving Contract and Contractor's Bond in Sewer, Water, Storm and Street Improvement District No. 1240
- Background check for Applebee's Neighborhood Grill and Bar Liquor application
- Games of Chance for Arthritis Foundation Upper Midwest Region for Raffle to be held August 25, 2012
- Games of Chance for Red River Regional Marksmanship for Raffle to be held August 6, 2012 to June 30, 2012

and that the following items should be added to the Regular Agenda:

- Site and Elevation plans for approval of building and site layout in Interstate Overlay District
- Easement Agreement with Wallace and Violet Beaton

Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Order of Agenda with the additions as noted. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Simmons seconded to approve the Minutes of July 16, 2012 and the Budget Meeting Minutes of July 16, 2012. No opposition. Motion carried.

The Commission reviewed Building Permits #467 - 538, the Building Department Activity Report dated August 6, 2012 and the Building Department Monthly Comparison Report for July 2011/July 2012.

There were no Commissioner Committee Reports.

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

Bills

Resolution Approving Contract and Contractor's Bond in Street Improvement District No. 2220

Resolution Declaring Work Necessary and Resolution Approving Engineer's Report Street Improvement District No. 2216 (Veterans Boulevard – 32nd Avenue to 40th Avenue

Appointment of Dan Plambeck as secondary Alternate Municipal Judge for the City of West Fargo

Resolution Directing Assessments to Be Levied in:

Water and Sewer Improvement District No. 1225, No. 1229 and No. 1231

Sewer, Water, Storm and Street Improvement District No. 1233, No. 1234, No. 1236

Street Improvement District No. 2211, No. 2213, No. 2214, No. 2217 and No. 2218

Storm Sewer Improvement District No. 4044, No. 4046 and No. 4047

State Small Business Credit Initiative: Authorize Mayor to sign SSBCI agreement with consortium members, the Joint Powers Agreement and Administrative Contract

Change Order forms #4 and #7 (John T. Jones contract) and Change Order #1 (JDP Electric contract)

Sewer, Water, Storm and Street Improvement District No. 1243 (Shadow Creek 3rd Addition): Approve Engineer's Report, authorize City Engineer to prepare Plans and Specifications, approve Plans and Specifications and authorize Advertisement for Bids with bid opening on August 30, 2012

Tintes Area Street Overlay: Approve Plans and Specifications and authorize Advertisement for Bids with big opening on September 6, 2012

The Yards: Approve Plans and Specifications and authorize Advertisement for Bids with bid opening on August 23, 2012

Resolution Approving Contract and Contractor's Bond in Sewer, Water, Storm and Street Improvement District No. 1240

Liquor License application for Applebee's Neighborhood Bar & Grill to be forwarded to the Police Department for a background check

Games of Chance: Arthritis Foundation Upper Midwest Region for Raffle to be held August 25, 2012 at Camy Couture, West Fargo, ND

Games of Chance: Red River Regional Marksmanship for Raffle to be held August 6, 2012 to June 30, 2012 at 640 16th Street NE, West Fargo, ND

No opposition. Motion carried.

Devin Hoffie, President of the Fargo Herpetological Society 2012, appeared before the Commission regarding an alternative solution to an outright ban on snakes within the City of West Fargo and presented the City Commission with a Proposed Snake Permit System. After discussion, Commissioner Hanson moved and Commissioner Bennett seconded to authorize City Attorney Brian Neugebauer to review Fargo and Moorhead's ordinance relating to snakes and put together an ordinance for West Fargo to be reviewed by the City Commission. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on Westview 1st Addition. A public hearing was held on the rezoning of Westview 1st Addition from Agricultural to Mixed One & Two Family Dwelling District. There was no public comment and the hearing was closed. Commissioner Bennett moved and Commissioner Thorstad seconded to place the rezoning of Westview 1st Addition on First Reading subject to all conditions listed in the Staff Report. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the request from Costco Wholesale Corporation for a new retail off-premise beer and liquor license at 740 23rd Avenue East in the City of West Fargo. Sarah Herman of Dorsey & Whitney and Costco General Manager Angela Bauer appeared before the Commission. A public hearing was held. There was no public comment and the hearing was closed. After discussion, Commissioner Bennett moved and Commissioner Simmons seconded to approve the Retail Off-Premise Beer and Liquor License and Sunday Off Sale Liquor/Beer for Costco Wholesale Corporation. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Street Improvement District No. 2215 (7th Street East – 36th to 40th Avenue East). A public hearing was held. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Hanson seconded to adopt the Resolution Determining that no Protests were filed on Improvement District No. 2215. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Street Improvement District No. 2222. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Hanson seconded to adopt the Resolution Determining that no Protests were filed on Improvement District No. 2222. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on Lake Crest 1st Addition. Commissioner Bennett moved and Commissioner Thorstad seconded to approve the Final Plat for Lake Crest 1st Addition, place Ordinance No. 902 on the rezoning of Lake Crest 1st Addition from Public Facilities to Planned Unit Development on Second Reading and approve the Land Use Plan Amendment from Utility/Transportation to High Density Residential subject to conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on South Pond at the Preserve 5th Addition. Jade Rosenfeldt of the Vogel Law Firm was also present. Commissioner Hanson moved and Commissioner Thorstad seconded to place on Second Reading Ordinance No. 927 relating to the rezoning of South Pond at the Preserve 5th Addition from Agricultural to Light Commercial and to approve the Final Plat subject to the conditions listed in the Staff Report. No opposition. Motion carried.

A discussion was held on the Labor Day Meeting (September 3, 2012). After discussion, Commissioner Simmons moved and Commissioner Hanson seconded that the meeting will be held on Tuesday, September 4, 2012. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Street Improvement District No. 2215 (7th Street East: 36th – 40th Avenue) and recommended to award the contract to Dakota Underground Company with the Concrete Paving Alternate #2 for their total bid amount of \$1,484,666.17. Commissioner Simmons moved and Commissioner Bennett seconded to approve the Revised Assessment District as outlined by City Engineer Kevin Bucholz and to award the contract for Street Improvement District No. 2215 to Dakota Underground Company for their bid amount of \$1,484,666.17 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Street Improvement District No. 2221 (Shiloh and Doll's Subdivisions). Commissioner Bennett moved and Commissioner Hanson seconded to award the contract for Street Improvement District No. 2221 to Northern Improvement Company for their bid amount of \$296,755.37 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Administrator Jim Brownlee reported on the following:

Cat Reman Grand Re-opening on September 6, 2012 from 2 – 4 PM

Aquatics Group is proceeding with Feasibility Study

Staff is reviewing Bills from the Interim Tax Committee

Director of Economic Development and Community Services Mark Vaux received a \$25,000 Marketing Grant

Staff has discussed office space needs for City Hall employees and need guidance from the City Commission

Senior Planner Steven Zimmer appeared before the Commission on the Site and Elevation plans for approval of the building and site layout in Interstate Overlay District at 447 Christianson Drive West. After discussion, Commissioner Hanson moved and Commissioner Thorstad seconded to approve the building and site layout in the Interstate Overlay District as recommended by Staff. No opposition. Motion carried.

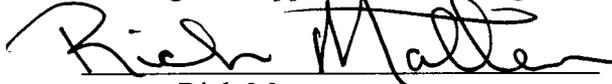
City Attorney Brian Neugebauer appeared before the Commission on the Easement Agreement with Exhibit A Legal Description of the Beaton Parcel between the City of West Fargo and Wallace A. Beaton and Violet F. Beaton. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the Easement Agreement. No opposition. Motion carried.

Commissioner Lou Bennett submitted his resignation as West Fargo City Commissioner effective after the Budget Meeting on August 6, 2012 since he no longer meets the residency requirement to hold the office of City Commissioner. Mayor Mattern thanked Commissioner Bennett for his years of service to the City of West Fargo and presented a plaque to Commissioner Bennett. Commissioner Simmons moved and Commissioner Hanson seconded to accept Commissioner Bennett's resignation. No opposition. Motion carried.

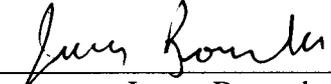
Police Chief Arland Rasmussen invited everyone to Night to Unite which will be held Tuesday, August 7, 2012 from 5-9PM at Elmwood Park.

There was no correspondence.

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



Rich Mattern
President of the Board



James Brownlee
City Auditor