



The West Fargo City Commission met on Monday, August 20, 2012, at 5:30 P.M. Those present were Rich Mattern, 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 the following are to be added to the Consent Agenda: Approve Liquor License amendment that Costco Beverages, Inc., a wholly owned subsidiary of Costco Wholesale, will hold the license

Approve the Caterpillar Encroachment Agreement for 15<sup>th</sup> Street  
NW

and the following are to be added to the Regular Agenda under Non-Agenda:

Sewer, Water, Storm and Street Improvement District No. 1242  
(Christianson's 1<sup>st</sup> Addition Phase III: Award Contract

First Reading of Annexation Ordinance for Westview

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

Commissioner Hanson moved and Commissioner Simmons seconded to approve the Minutes of August 6, 2012 and the Budget Meeting Minutes of August 6, 2012. No opposition. Motion carried.

The Commission reviewed Building Permits #539 - 584 along with the Building Department Activity Report dated August 20, 2012.

There were no Commissioner Committee Reports.

The Auditor's Reports for July 2012 were received by the Commission.

There were no Department Reports.

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

Bills

Games of Chance: Packer Backers for Calendar Raffle 8/7/12 to 6/30/13

Games of Chance: Ducks Unlimited – Fargo/Raffle September 27, 2012

Games of Chance: Holy Cross Catholic Church/ Raffle September 29, 2012

Games of Chance: Dakota East Central Chapter of Pheasants Forever/Raffle 9/13/12

Crack Sealing bid of \$47,700 from Roadway Services for asphalt concrete roadway repair

Public Hearing 5:45 PM on September 4, 2012 for Zoning Ordinance Amendment to Section 4-574 (Penalties for Violation)

Street Improvement District No. 2216 (Veterans Boulevard – 32<sup>nd</sup> Avenue to 40<sup>th</sup> Avenue): Approve Plans and Specifications and Authorize Advertisement for Bids with bid opening on September 20, 2012

Sewer, Water, Storm & Street Improvement District No. 1244 (Westview 1<sup>st</sup> Addition): Create Assessment District, authorize Engineer to prepare Engineer's Report, approve Engineer's Report and authorize Plans and Specifications

Liquor License amendment that Costco Beverages, Inc., a wholly owned subsidiary of Costco Wholesale, will hold the license

Caterpillar Encroachment Agreement for 15<sup>th</sup> Street NW

No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Resolution Authorizing the Issuance of Improvement Warrants and Exchanging Them for \$37,600,000 Refunding Improvement Bonds of 2012, Series D. Mike Manstrom of Dougherty & Company LLC also appeared before the Commission to review the bid information and provide the Moody's Report reflecting an Aa3 rating. After review of the bid information, Commissioner Simmons moved and Commissioner Hanson seconded to adopt the Resolution Authorizing the Issuance of Improvement Warrants and Exchanging Them for \$37,600,000 Refunding Improvement Bonds of 2012, Series D, and accept the bid from Robert W. Baird to purchase the warrants at a price of \$37,282,379.25 with a net effective rate of 2.94876%. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Resolution Authorizing the Issuance of \$1,850,000 Sales Tax Revenue Bonds of 2012 of the City of West Fargo, North Dakota. Commissioner Simmons moved and Commissioner Hanson seconded to adopt the Resolution Authorizing the Issuance of \$1,850,000 Sales Tax Revenue Bonds of 2012 of the City of West Fargo, North Dakota and authorize the Mayor and City Administer to accept bids later this week. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the Liquor License for Applebee's Neighborhood Bar & Grill and advised that Staff recommends approval of the license. After review of the background check, Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Liquor License for Applebee's Neighborhood Bar & Grill at 1640 13<sup>th</sup> Avenue East, West Fargo, ND. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Street Improvement District No. 2224. A public hearing was held. Duane Egge of 1507 15<sup>th</sup> Avenue East appeared before the Commission. There was no further public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Hanson seconded to adopt the Resolution Determining that Insufficient Protests were filed on Improvement in Street Improvement District No. 2224. No opposition. Motion carried.

Human Resource Director Carmen Schroeder appeared before the Commission to ask for approval of the revisions to the City of West Fargo Employee Personnel Policy Manual which would be distributed to employees on September 1, 2012. Dave Wiederholt appeared before the Commission regarding the policy change to the funeral leave. City Attorney Brian Neugebauer advised that his office reviewed the changes. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to approve the revisions to the City of West Fargo Employee Personnel Policy Manual. No opposition. Motion carried.

Director of Economic Development and Community Services Mark Vaux appeared before the Commission on the Guidelines for Economic Development Advisory Committee for consideration for property tax incentives, and advised this is for informational purposes only and no action is being requested from the Commission. Commissioner Thorstad asked that the Commission be advised of the in favor of or against voting of the EDAC members.

Director of Economic Development and Community Services Mark Vaux appeared before the Commission on the Facade Improvement Program for the City of West Fargo which is designed to encourage beautification in the Sheyenne Street and Main Avenue overlay corridors. Wally Tintes of 405 W Main Avenue appeared before the Commission. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to approve implementation of this new program as recommended by Staff. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the request from Jeff Olsen for a Conditional Use Permit for an oversized (1,440 square foot) accessory building at 302 Ramona Avenue, West Fargo, North Dakota. Commissioner Thorstad moved and Commissioner Hanson seconded to approve this Conditional Use Permit subject to the two conditions in the Staff Report. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the request from Alisha Eveland for a Conditional Use Permit for Group Child Care Facility at 426 4<sup>th</sup> Avenue East, West Fargo, ND and requested approval based on the fact that this request does currently meet the requirements in the ordinance for day cares. A discussion was held on the correspondence received from the neighbors. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to table this request for the Conditional Use Permit to the next City Commission Meeting on September 4, 2012 and asked that Senior Planner Steven Zimmer advise Alisha Eveland and the neighbors of the meeting. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the request from Al Pritchard for a Conditional Use Permit for an accessory building in an agriculturally zoned district at 1808 38<sup>th</sup> Street West, West Fargo, ND, and advised that the Planning & Zoning Commission recommended approval subject to the one condition in the Staff Report. Commissioner Simmons moved and Commissioner Hanson seconded to approve the Conditional Use Permit subject to the recommendation in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the request for a Land Use Plan Amendment from Office Park to High Density Residential on Lots 1 & 2, Block 1 of Burlington 6<sup>th</sup> Addition and advised that Planning & Zoning recommended denying this request. Detailed development plans would then be provided to Planning & Zoning and the request would come back to the City Commission for consideration. After discussion, Commissioner Hanson moved and Commissioner Thorstad seconded to deny this Land Use Plan Amendment as recommended by Staff. No opposition. Motion carried.

Public Works Director Barry Johnson appeared before the Commission on the construction proposals for West Fargo Public Works Buildings and recommended awarding the bids for the building projects with a completion date of November 15, 2012. City Auditor James Brownlee also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to delay approval of the bids for the Public Works Sanitation Offices and the Public Works Equipment Storage Structure until Staff meet with Commissioners holding those portfolios. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the 911 Fees. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded that a \$.50 increase to 911 Fees be placed on the November ballot for a vote of the people. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission to review the 5 Year Capital Improvement Plan. City Auditor James Brownlee and Public Works Director Barry Johnson also appeared before the Commission. No action needed to be taken by the Commission.

City Auditor James Brownlee appeared before the Commission to discuss the location for a new police station. The options are to building at the current site with land owned by the City, build a City Hall downtown, or buy raw land and build a new City Hall/Police Department. Commissioners agreed that it makes economic sense to build at the current site and the residents are better served if City Hall and the Police Department do not separate. Police Chief Arland Rasmussen also appeared before the Commission with projected needs for the Police Department with a population of 46,000. After discussion, it was agreed that City Auditor James Brownlee should contact an architect to provide a quick estimate of costs and provide this information to the City Commission for review.

City Attorney Brian Neugebauer appeared before the Commission on the Annexation Ordinance for Westview. Commissioner Simmons moved and Commissioner Hanson seconded to place the Annexation Ordinance on First Reading. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Water, Storm and Street Improvement District No. 1242 (Christianson's 1<sup>st</sup> Addition Phase III) and recommended to award the contract to Dakota Underground for their bid of \$415,255.30 rather than to the low bidder Master Construction since the City has had problems in the past with completion of their projects. Fred Schlanser, Jr., President of Master Construction, appeared before the Commission. After discussion, Commissioner Hanson moved and Commissioner Thorstad seconded to award the bid to Master Construction for their bid amount of \$402,811.00. Commissioners Mattern, Thorstad and Hanson voting aye. Commissioner Simmons voting no. Motion carried.

City Administrator Jim Brownlee gave the following report to Commissioners:

Aquatics Group is working on a Feasibility Study which will be provided to the Commissioners within the next few months

Cat Reman grand opening has been cancelled and will be rescheduled in 2013

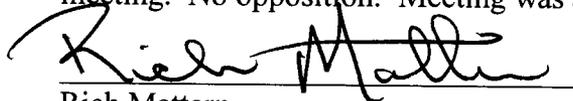
Kum & Go building on 9<sup>th</sup> Street has been demolished

Proposed Budget Amendment for GIS System. The IT Department is now reviewing.

Sales Tax figures for August were at an all time high. 36% ahead of 2011

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