



The West Fargo City Commission met on Tuesday, September 4, 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 Resolution to Increase the Existing Emergency Services Communications (9-1-1) Fee should be placed on the Consent Agenda. Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Order of Agenda with the addition as noted. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Hanson seconded to approve the Minutes of August 20, 2012. No opposition. Motion carried.

The Commission reviewed Building Permits #585 - 620, the Building Department Activity Report dated September 4, 2012 and the Building Department Monthly Comparison Report for August 2011/August 2012.

At the request of Mayor Mattern, City Engineer Kevin Bucholz gave an update on the Main Avenue project.

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

Bills

Resolution Approving Contract and Contractor's Bond in Street Improvement District No. 2221

Resolution Approving Contract and Contractor's Bond in Street Improvement District No. 2215

Games of Chance: West Fargo Amvets Post #8 for Raffle 9/1/12 to 6/30/13

Games of Chance: Fargo/Moorhead Friends of the NRA for Raffle to be held September 11, 2012

Sewer, Water, Storm & Street Improvement District No. 1244 (Westview 1<sup>st</sup> Addition): Approve Plans and Specifications and authorize Advertisement for Bids with bid opening on September 27, 2012

Resolution to Increase the Existing Emergency Services Communications (9-1-1) Fee

No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the Conditional Use Permit for a Group Child Care Facility at 426 4<sup>th</sup> Avenue East which was continued from the August 20, 2012 City Commission Meeting. Correspondence from neighbors Clarence and Marie Pulkrabek and Pat Kennelly was provided to the Commissioners. Alisha Eveland appeared before the Commission. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to approve the request for a Conditional Use Permit for a Group Child Care Facility at 426 4<sup>th</sup> Avenue East subject to the conditions in the Staff Report including the requirement of a six foot solid board fence and the parking expansion requirement. No opposition. Motion carried.

Mayor Rich Mattern reviewed the process for appointing a City Commissioner and advised that when the resumes have been graded, Mayor Mattern will work with Human Resource Director Carmen Schroeder to set up interviews.

Planning Director Larry Weil appeared before the Commission on the Zoning Ordinance Amendment to Section 4-574 (Penalties for Violation). Assistant City Attorney John Shockley also appeared before the Commission. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Hanson moved and Commissioner Thorstad seconded to place Ordinance No. 928 relating to the Zoning Penalty Provision on Second Reading. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission to review the Building and Site Plan for compliance with City Codes and Standards within the Interstate Corridor Overlay District and advised that Staff recommends approval of the plans. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to approve the Building and Site Plan for compliance with City Codes and Standards within the Interstate Corridor Overlay District. No opposition. Motion carried.

Assistant City Attorney John Shockley appeared before the Commission on Ordinance No. 930 annexing Westview First Addition to the City of West Fargo. Commissioner Simmons moved and Commissioner Hanson seconded to place Ordinance No. 930 on Second Reading. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Westview 1<sup>st</sup> Addition. After discussion, Commissioner Hanson moved and Commissioner Thorstad seconded to place Ordinance No. 929 relating to the rezoning of Westview 1<sup>st</sup> Addition from Agricultural to Mixed One & Two Family Dwelling District on Second Reading and to approve the Final Plat. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Shadow Creek 3<sup>rd</sup> Addition and indicated that a walking path would be located on Lot 19. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to place Ordinance No. 926 relating to the rezoning of Shadow Creek 3<sup>rd</sup> Addition from Agricultural to Single Family Dwellings on Second Reading and to approve the Final Plat. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the six month review of the Conditional Use Permit for Salvage Material Stockpiling on Lot 11, Block 1 of Midway Subdivision, West Fargo, ND. Planning Director Larry Weil advised there were no complaints during the last six months and the permit will extend to December 31, 2012.

City Engineer Kevin Bucholz appeared before the Commission on Street Improvement District No. 2222 (The Yards). Commissioner Simmons moved and Commissioner Hanson seconded to award the contract for Street Improvement District No. 2222 to Excavating Inc. for their bid amount of \$156,663.02 as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Street Improvement District No. 2224 (Tintes Area Street Overlay). Commissioner Simmons moved and Commissioner Thorstad seconded to award the contract for Street Improvement District No. 2224 to Northern Improvement Company for their bid amount of \$566,474.10. No opposition. Motion carried.

City Engineer Kevin Bucholz advised that he had been contacted by residents in the Tintes Area Street Overlay project wondering if work on their property which is not included in the project could be requested from Northern Improvement Company and their portion special assessed. After discussion, the Commission agreed that residents could request work directly with the contractor to pay on their own and no personal projects would be special assessed.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Water, Storm and Street Improvement District No. 1243 (Shadow Creek 3<sup>rd</sup> Addition). Commissioner Hanson moved and Commissioner Thorstad seconded to award the contract for Street Improvement District No. 1243 to Ryan Contracting Company for their bid amount of \$2,455,831.65. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the 2013 Preliminary Budget. Commissioner Simmons moved and Commissioner Hanson seconded to approve the 2013 Preliminary Budget of \$38,028,215.00 and to set the Public Hearing to adopt the 2013 Budget for October 1, 2012 at 6:00 PM. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the 2013 Contract with the West Fargo Fire Department. Commissioner Hanson moved and Commissioner Thorstad seconded to approve the 2013 Contract in the amount of \$650,000.00. No opposition. Motion carried.

Commissioner Simmons requested an update on the completion of the Master Construction projects. City Engineer Kevin Bucholz and Assistant Public Works Director Chris Brungardt appeared before the Commission to provide the update.

City Engineer Kevin Bucholz gave an update on Glass Advantage, advising that complaints have increased and there is a significant amount of stockpiling of glass. Assistant City Attorney John Shockley advised that the city should continue action against Glass Advantage and the City Commission agreed that legal action should continue. Senior Planner Steven Zimmer also appeared before the Commission and the Commission agreed that a zoning violation should be pursued against Glass Advantage.

City Administrator Jim Brownlee reported on the following:

Pro Pallet code violation was dismissed without prejudice in West Fargo Municipal Court and will be refiled in District Court as a civil complaint

The 911 Fees may be on the next election ballot for a single county wide levy of the 911 Fees

Planning & Zoning Commission has received an application for a hotel conference center and the matter will be forwarded to the City Commission in October

Economic Development Advisory Committee will be meeting on September 5, 2012 at 7:30 AM to review the first application for a Store Front Improvement

League of Cities will be held September 21 and September 22<sup>nd</sup>. If interested, contact the Auditor's office for registration.

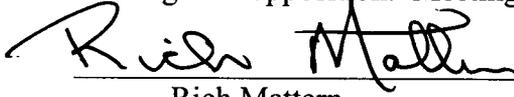
On September 12, 2012, Police Chief Arland Rasmussen and City Auditor James Brownlee will meet with an architect regarding cost/designs for a new building

City Auditor James Brownlee will be on vacation September 14 to September 20<sup>th</sup>.

A decision needs to be made at the next City Commission meeting whether or not to hold a City Commission Meeting on October 29, 2012 (third Monday of the month)

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