



Jim Brownlee, CPA, City Administrator  
Sharon Schacher, City Finance Director  
Dorinda Anderson, Business Development Director

The West Fargo City Commission met on Monday, March 19, 2007, at 5:30 P.M. Those present were Rich Mattern, Brenda Warren, Bryan Schulz, Lou Bennett and Mark Simmons. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Mattern advised that Item e, "Sewer and Water Improvement District No. 1185", is to be removed from the Consent Agenda and placed under Non-Agenda and "Condemnation of Right-of-Way" is to be added to Non-Agenda. Commissioner Schulz moved and Commissioner Warren seconded to approve the Order of Agenda with the changes as noted. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Warren seconded to approve the Minutes of March 5, 2007. No opposition. Motion carried.

The Commission reviewed 2007 Building Permits #44 – 67 along with the Building Department Activity Report dated March 19, 2007.

There were no Commissioner Committee Reports.

The Auditor's Reports for February 2007 were received by the Commission.

The Sanitation Department Report for February 2007 was received by the Commission.

Commissioner Mattern asked about the land on the old Camelot Cleaners site. City Auditor Jim Brownlee and City Attorney Brian Neugebauer appeared before the Commission. City Attorney Brian Neugebauer advised he would check to see if EPA has a lien on this land. Commissioner Warren advised she would contact Joyce Ackerman of EPA on this land and report back to the Commission.

Commissioner Schulz moved and Commissioner Warren seconded to approve the following items on the Consent Agenda:

Bills

Resolution Approving Contract and Contractor's Bond in Street Improvement District No. 2191

Appointment of Gordy Ferkul to the West Fargo Visitors Committee for a fill term to February 2010

Games of Chance for West Fargo Packer Backers for bingo, raffle and calendar raffle from March 19, 2007 to June 30, 2007

Games of Chance for West Fargo Babe Ruth 12 year old Baseball Travel Team for raffle to be held May 31, 2007, at Uno's Chicago Grill

Assessment District for Street Improvement District No. 2193 (32<sup>nd</sup> Avenue East – Sheyenne Street to 9<sup>th</sup> Street East) and Engineer's Report and authorize City Engineer to prepare Plans and Specifications

Annual Report for West Fargo's Storm Water Pollution Prevention Program

Bid for 12 foot reversible snow plow to Berts Truck Equipment in the amount of \$10,600.00

Recommendation to sell solar powered mixers to Pump Systems Inc. for a total of \$8,000.00

No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 796 relating to Fees Assessed for False Alarms. Police Chief Arland Rasmussen also appeared before the Commission. Commissioner Simmons moved and Commissioner Bennett seconded to place Ordinance No. 796 on Second Reading. No opposition. Motion carried.

Tim Scott of 302 Rue Avenue and Jason Gustafson of 211 Rue Avenue appeared before the Commission to request that the mail receptacles on the corner of Rue Avenue and Sheyenne Street be relocated due to safety and nuisance concerns. City Attorney Brian Neugebauer and Engineering Assistant Chris Brungardt also appeared before the Commission. It was the consensus of the Commission that a letter be prepared encouraging the Post Office and City Staff to work together to find alternatives for the placement of the mail receptacles. After further discussion, Commissioner Simmons moved and Commissioner Bennett seconded that a letter be prepared and that Engineering Assistant Chris Brungardt relate this information on the Commission's concerns to the new Postmaster. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on Charleswood 24<sup>th</sup> Addition rezoning from Single Family Dwellings to Planned Unit Development. City Engineer Kevin Bucholz, Public Works Director Barry Johnson, City Attorney Brian Neugebauer and Developer Ron Morlock appeared before the Commission. A public hearing was held. A discussion was held on the placement of the fence on City property. City Attorney Brian Neugebauer advised that the Condominium Documents could include the fact that the Association will maintain the grassy area and fence and also clearly state that the fence is on City's property and the city has the right to remove the fence if necessary. City Auditor Jim Brownlee and Police Chief Arland Rasmussen also appeared before the Commission. The hearing was closed. Commissioner Schulz moved and Commissioner Bennett seconded to place the rezoning of Charleswood 24<sup>th</sup> Addition on First Reading subject to conditions listed in the Staff Report and that the developer provides all proposed plan details to the City offices. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the request from Alltell Communications for co-location onto existing communications tower at 1201 West Main Avenue. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to approve the co-location onto existing communications tower. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the request from J/O Real Estate LLC for access to 13<sup>th</sup> Avenue East on property located between 6<sup>th</sup> Street East and Prairie Parkway (Kass 3<sup>rd</sup> Addition). Commissioner Bennett moved and Commissioner Warren seconded to approve the request subject to the four conditions listed in the Staff Report and to include a change that Kass 3<sup>rd</sup> will be responsible for all reasonable costs. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on the request from Bill Cody for a Conditional Use Permit to allow for an attached garage onto Single Family Dwelling in an Agricultural District at 3834 Willow Road, West Fargo, ND. Commissioner Schulz moved and Commissioner Simmons seconded to approve the Conditional Use Permit subject to conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on Bogey 5<sup>th</sup> Addition. Commissioner Warren moved and Commissioner Bennett seconded to approve the Final Plat of Bogey 5<sup>th</sup> Addition subject to Planning & Zoning recommendations. No opposition. Motion carried.

Senior Planner Steve Zimmer appeared before the Commission on the request from Ottetail Corporation for a Conditional Use Permit for a trucking company on Lots 5 and 7, Block 2 of Butler's 3<sup>rd</sup> Addition. Business Development Director Dorinda Anderson appeared before the Commission. Commissioner Schulz moved and Commissioner Bennett seconded to approve the Conditional Use Permit subject to conditions listed in the Staff Report. No opposition. Motion carried.

Finance Director Sharon Schacher appeared before the Commission on the re-written Job Descriptions for the City of West Fargo and advised that once the Job Descriptions are approved, the Department Heads and Supervisors will be trained on the evaluation process. Commissioner Bennett moved and Commissioner Warren seconded to approve the Job Descriptions as presented. No opposition. Motion carried.

City Auditor Jim Brownlee appeared before the Commission on the Mosquito Spraying Agreement with Airborne Custom Spraying, Inc. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to approve the Mosquito Spraying Agreement and authorize the Mayor to sign the agreement, application and Authorization Agreement. No opposition. Motion carried.

City Auditor Jim Brownlee appeared before the Commission for approval of the letter to the North Dakota Department of Transportation for the Main Avenue Project. After discussion, Commissioner Simmons moved and Commissioner Schulz seconded to approve the letter. No opposition. Motion carried.

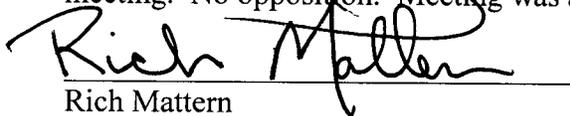
City Auditor Jim Brownlee appeared before the Commission on the Agreement for use of Fargo's Landfill and provided a comparison of garbage rates between Fargo and Gwinner landfill use. Commissioner Schulz moved and Commissioner Bennett seconded to approve the agreement with the City of Fargo on use of their landfill and authorize City Auditor Jim Brownlee and Public Works Director Barry Johnson to provide an effective date. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on the Condemnation of Right-of-Way for the Interchange. After discussion, Commissioner Warren moved and Commissioner Bennett seconded to approve the necessary Resolutions of Necessity and Resolutions of Offer to Purchase as prepared by City Attorney Brian Neugebauer. No opposition. Motion carried.

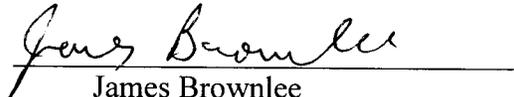
City Engineer Kevin Bucholz appeared before the Commission on Sewer and Water Improvement District No. 1185 (West Regional Sanitary Lift). The financing for this project was reviewed by City Engineer Kevin Bucholz and City Auditor Jim Brownlee. City Engineer Kevin Bucholz recommended awarding the bid to Molstad Excavating, Inc. for their bid amount of \$7,015,033.50. After discussion, Commissioner Bennett moved and Commissioner Warren seconded to award the bid to Molstad Excavating as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

There was no Correspondence.

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



Rich Mattern  
President of the Board



James Brownlee  
City Auditor