



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

The West Fargo City Commission met on Monday, October 20, 2008, at 5:30 P.M. Those present were Rich Mattern, Bryan Schulz and Mike Thorstad. Absent were 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 Police Chief Arland Rasmussen has requested Item No. 3, "Conditional Use Permit to replace existing Police Department Tower", be removed from the Regular Agenda. Commissioner Schulz moved and Commissioner Thorstad seconded to approve the Order of Agenda with the change as noted. No opposition. Motion carried.

Commissioner Thorstad moved and Commissioner Schulz seconded to approve the Minutes of October 6, 2008. No opposition. Motion carried.

The Commission reviewed Building Permits #510 - 529 along with the Building Department Activity Report dated October 20, 2008.

There were no Commissioner Committee Reports.

The Auditor's Reports for September 2008 were received by the Commission.

The Sanitation Department Report for August and September 2008 was received by the Commission.

Commissioner Schulz moved to approve the following items on the Consent Agenda. Commissioner Thorstad asked Public Works Director Barry Johnson about the cost for Hawkins Chemical and Public Works Director Barry Johnson advised that the cost was in the Budget for 2009. Commissioner Thorstad seconded the motion.

#### Bills

Public Hearing November 3, 2008 at 5:45 PM on the rezoning of Lot 5, Block 1 of Dakota Machine 1<sup>st</sup> Addition from Agricultural to Heavy Commercial/Light Industrial

Resolution Approving Contract and Contractor's Bond in Water and Sewer Improvement District No. 1209

Hawkins Chemical for Water System Chemical Services for 2009

Public Hearing November 3, 2008 at 5:45 PM on the rezoning of North Forty at Osgood 1<sup>st</sup> Addition from Agricultural to Light Commercial

No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Smoke-Free Ordinance Guidelines. Bette Deede of Fargo Cass Public Health, Gary Martin representing Brian and Dee Dirks of M & J Saloon and Kurt Lepird of Silver Dollar Bar also appeared before the Commission. After discussion, it was agreed that City Attorney Brian Neugebauer should draft proposals for the next meeting for City Commission review.

City Attorney Brian Neugebauer appeared before the Commission on a Resolution Regarding Nuisance located at 2146 4<sup>th</sup> Avenue East which would allow the property owner 30 days to remove or repair the nuisance. If not abated within 30 days, the City would abate the nuisance and assess the cost against the property owner. Building Administrator Mark Housh provided pictures of the nuisance. After discussion, Commissioner Schulz moved and Commissioner Thorstad seconded to adopt the Resolution Regarding Nuisance. No opposition. Motion carried.

Chris D'Angelo appeared before the Commission for approval of an Encroachment Agreement to allow for a fence on City right-of-way at 479 3 ½ Avenue East, West Fargo, ND. Building Administrator Mark Housh and City Attorney Brian Neugebauer also appeared before the Commission. Commissioner Thorstad moved and Commissioner Schulz seconded to authorize City Attorney Brian Neugebauer to draft an Encroachment Agreement to allow an easement individually provided he has met the proper guidelines to include the removal of the fence at Mr. D'Angelo's expense if the city needs any right of way. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the request from Joe Louwagie for a Conditional Use Permit for an Accessory Building at 2208 Ann Street, West Fargo, ND. Planning Director Larry Weil indicated a correction to the Staff Report to a 36 X 60 building. Commissioner Schulz moved and Commissioner Thorstad seconded to approve the Conditional Use Permit subject to conditions listed in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Butler's 7<sup>th</sup> Addition. Commissioner Schulz moved and Commissioner Thorstad seconded to conditionally approve the Final Plat on the basis that the request is consistent with City plans and ordinances. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the request from the Do It Right Committee to move 6<sup>th</sup> Street West Access to West Main Avenue. Planning Director Larry Weil advised that the Planning & Zoning Commission recommended realignment without regard to the cost. Del Hofer, Tom Kenville, City Engineer Kevin Bucholz and Assistant Public Works Director Chris Brungardt also appeared before the Commission. Assistant Public Works Director Chris Brungardt stated that this option is to realign 6<sup>th</sup> Street on both sides of the street. City Engineer Kevin Bucholz stated that the Department of Transportation does not have this option as their preferred alternative, but the City can list it as a preferred alternative at the City's cost. After discussion, it was agreed that City Engineer Kevin Bucholz should provide cost estimates for the Commission's review prior to making any decision.

Planning Director Larry Weil appeared before the Commission on the West Fargo General Plan for Urban Renewal and Urban Development and advised that the Planning & Zoning Commission recommended approval. City Attorney Brian Neugebauer also appeared before the Commission. After discussion, Commissioner Schulz moved to adopt a resolution approving this plan. Motion died for lack of a second.

Commissioner Schulz then moved to table the West Fargo General Plan for Urban Renewal and Urban Development until the next meeting when all Commissioners are present. Commissioner Thorstad seconded the motion. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the Renaissance Zone Application from JT Properties LLC. Commissioner Schulz moved and Commissioner Thorstad seconded to approve the Renaissance Zone Application. No opposition. Motion carried.

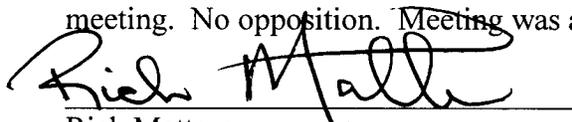
Planning Director Larry Weil appeared before the Commission on the Renaissance Zone Application from Dakota Fluid Power. Commissioner Schulz moved and Commissioner Thorstad seconded to approve the Renaissance Zone Application. No opposition. Motion carried.

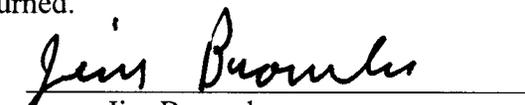
City Auditor Jim Brownlee appeared before the Commission on the Video Recording System for the Commission Room to advise that the Park Board and Chamber indicated there are no funds in their budgets to help with the expense of the Video Recording System. The City Commissioners agreed with City Auditor Jim Brownlee's suggestion that this system be worked into next year's budget and then re-bid again next year.

There were no Non-Agenda items.

There was no correspondence.

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

  
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Rich Mattern  
President of the Board

  
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Jim Brownlee  
City Auditor