



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

The West Fargo City Commission met on Monday, May 17, 2010 at 5:30 P.M. Those present were Rich Mattern, Bryan Schulz, Lou Bennett, Mark Simmons and Mike Thorstad. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Mattern stated that a request was made to remove Item No. 12, "Executive Session to Discuss Possible Litigation", from the Regular Agenda. Commissioner Schulz moved and Commissioner Simmons seconded to approve the Order of Agenda with the removal of Item No. 12. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Schulz seconded to approve the Minutes of May 3, 2010. No opposition. Motion carried.

The Commission reviewed Building Permits #187 -228 along with the Building Department Activity Report dated May 17, 2010.

There were no Commissioner Committee Reports.

The Auditor's Reports for April 2010 were received by the Commission.

There were no Department Reports.

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

**Bills**

Gaming Site Authorization Renewal: Team Makers Club, Inc. at Hooligans

Gaming Site Authorization Renewals: West Fargo Hockey Association at M & J, Work Zone, Border Town an Legends Grill & Bar

Gaming Site Authorization Renewal: Arthur W. Jones Post 7564 at West Fargo VFW Club

Gaming Site Authorization Renewal: Prairie Public Broadcasting, Inc. at Three Lyons Public House

Appointment of Kathy Lewin to the West Fargo Visitors Committee to replace Kent Campbell as the Chamber Representative

Games of Chance: ND Cable TV Association for Raffle to be held June 30, 2010 at Midcontinent Communications

Public Hearing 5:45 PM June 7, 2010 for Newbridge 1<sup>st</sup> Addition rezoning from Agricultural to Single Family Dwellings, Limited Multiple Dwellings and Multiple Dwellings

No opposition. Motion carried.

Assistant Public Works Director Chris Brungardt appeared before the Commission to review his analysis of the Dakota Boys Ranch access. Senior Planner Steven Zimmer advised that the Planning Department has not been able to meet with the developer of the middle lot to discuss an access road across the front of the lot, but will continue trying to contact the developer. City Attorney Brian Neugebauer, Assistant City Engineer Brock Storrusten, Marlyn McDonald, Barry Miller, Florentina Bradforde, Rachel Westlin, Jim Morken and Police Chief Arland Rasmussen also appeared before the Commission. After discussion, it was the consensus of the City Commission to instruct Staff to meet with the developer of the middle lot to discuss a temporary road across the front of the lot, and put this item on the Agenda at a future date with notification of the meeting to the property owners.

Planning Director Larry Weil appeared before the Commission on the amendments to Chapters 4 (Planning & Zoning) and 11 (Animals) of the City Ordinances providing for up to four (4) chicken hens within enclosures on residential properties. City Attorney Brian Neugebauer advised that the amendment will not be in the Planning & Zoning Chapter 4, but will be placed in the Animals Chapter 11, and a copy of 11-0106 was provided to each of the Commissioners. Goldenwood Development Jim Morken, Don Faith of 1248 Goldenwood Drive, Darlene Miller of 1256 Goldenwood Drive, Brian Tucker of 48 Evergreen Circle, Larae Storer of Horace, ND, David Wyum of 3522 Hidden Court, Kim Schaefer of the Goldenwood Development, Denis Marotzke of 1250 Goldenwood Drive, Ashley and Justin Morken of 1228 Goldenwood Drive and Tracy Johnson of 1205 Goldenwood Drive also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to deny this request. No opposition. Motion carried.

The City Commission was adjourned at this time and convened as the Board of Adjustments.

The Board of Adjustments met on the request from Rodney Draeger for a variance to reduce the side yard setback for an accessory building at 319 16<sup>th</sup> Avenue NW, West Fargo, ND. Senior Planner Steven Zimmer appeared before the Commission and advised that the Planning & Zoning Commission recommended that the variance request be denied on the basis that it cannot be justified under the criteria for granting a variance. Rodney Draeger appeared before the Commission. After discussion, Commissioner Bennett moved and Commissioner Simmons seconded to approve this request for a variance. No opposition. Motion carried.

The Board of Adjustments was adjourned and the City Commission was reconvened.

Planning Director Larry Weil appeared before the Commission on Eagle Run 17<sup>th</sup> Addition, a replat. Commissioner Bennett moved and Commissioner Schulz seconded to approve the Final Plat of Eagle Run 17<sup>th</sup> Addition subject to all conditions listed in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the Boulevard Courtesy Bench Franchise Bids and recommended awarding the five year bid to Indigo Signworks for a total of \$16,080.00. After discussion, Commissioner Schulz moved and Commissioner Simmons seconded to award the West Fargo Courtesy Bench Bid to Indigo Signworks. Commissioners Mattern, Bennett, Schulz and Simmons voting aye. Commissioner Thorstad abstained from voting. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the request from Darcy Anderson for a Childcare Facility for 18 children within a home located at 1746 Huntington Court and advised that the Planning & Zoning Commission recommended approval subject to all conditions in the Staff Report with a change to condition #1 to one off-street parking space rather than two. Darcy Anderson appeared before the Commission to ask that the additional parking space not be included in the conditions. After discussion, Commissioner Simmons moved and Commissioner Schulz seconded to approve this request for a childcare facility subject to the four conditions listed in the Staff Report with the change to condition #1 to one parking space rather than two. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the contract with NRG for IT support services. A discussion was held and City Auditor James Brownlee agreed to secure some additional bids. Commissioner Simmons moved and Commissioner Bennett seconded to table this request in order for City Auditor James Brownlee to make a couple phone calls for bids. No opposition. Motion carried.

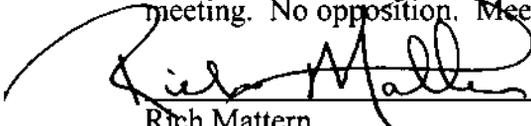
Assistant City Engineer Brock Storrusten appeared before the Commission on Sewer and Water Improvement District No. 1218 (Eaglewood 1<sup>st</sup> Addition). Commissioner Schulz moved and Commissioner Bennett seconded to award the contract for Sewer and Water Improvement District No. 1218 to Master Construction Co. Inc., for their bid amount of \$2,899,874.25. No opposition. Motion carried.

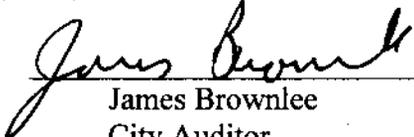
Assistant City Engineer Brock Storrusten appeared before the Commission on Sewer and Water Improvement District No. 1220 (Shadow Wood 2<sup>nd</sup> Addition – Phase II). City Attorney Brian Neugebauer advised that the developer needs to sign the Improvement Agreement and Promissory Note. Commissioner Schulz moved and Commissioner Bennett seconded to award the contract for Sewer and Water Improvement District No. 1220 to Dakota Underground Company for their bid of \$285,461.65 contingent upon the Promissory Note and Improvement Agreement being signed. No opposition. Motion carried.

There were no Non-Agenda items.

The Commission members were provided the West Fargo City Projects Administrative Project Status Report by Moore Engineering.

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

  
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Rich Mattern  
President of the Board

  
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James Brownlee  
City Auditor