



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

The West Fargo City Commission met on Monday, June 21, 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 advised that The Arts Partnership and a Presentation on the June 17, 2010 Rainfall Event are to be added to the Regular Agenda. Commissioner Simmons moved and Commissioner Schulz seconded to approve the Order of Agenda with the additions as noted. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Schulz seconded to approve the Minutes of June 7, 2010. No opposition. Motion carried.

The Commission reviewed Building Permits #278 - 310 along with the Building Department Activity Report dated June 21, 2010.

There were no Commissioner Committee Reports.

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

The Sanitation Department Report for May 2010 was received by the Commission.

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

**Bills**

2010-2011 Liquor and Beer License Renewals

Gaming Site Authorization: Rocky Mountain Elk Foundation Minn-Dak Chapter Inc –Fargo/Moorhead Chapter at VFW

Public Hearing 5:45 PM July 6, 2010 to consider a Zoning Ordinance Amendment to establish a new residential district which provides for single family detached and attached structures with front loaded garages on lots less than fifty feet in width

Public Hearing 5:45 PM July 6, 2010 for rezoning of Eaglewood 2<sup>nd</sup> Addition from Agricultural to Mixed One and Two Family Dwelling District

Sidewalk Improvement District No. 6048 (2010 Walks) – Approve Plans and Specifications and Authorize Advertisement forbids with bid opening on July 15, 2010

Sewer and Water Improvement District No. 1222 (Maple Ridge 1<sup>st</sup> Addition – Phase I) – Create Assessment District, authorize City Engineer to prepare Engineer's Report, approve Engineer's Report and authorize City Engineer to prepared Plans and Specifications

Commissioner Thorstad asked about updates on the Liquor and Beer License Renewals and City Auditor James Brownlee advised that updates would be provided to the Commissioners.

No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the 13 ½ Avenue East entrance and exit and advised that only one resident of that area and one representative from Dakota Boys Ranch were present for the meeting held June 17, 2010 at 11:00 AM. Florentina Bradforde of 609 13 ½ Avenue East appeared before the Commission to request another meeting that would be held in the evening in order for residents to be able to attend. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to table any discussion until a future date after Staff has met with the residents. No opposition. Motion carried.

Assistant Police Chief Michael Reitan appeared before the Commission to review the program for the West Fargo Senior Citizens Center and to request funds of \$9,000 for 2010 and to add a budget line item for West Fargo Senior Citizen's Center to the 2011 City of West Fargo Budget in the amount of \$25,000. Commissioner Mattern asked that an evaluation be added to the plan which would outline usage/grants, etc. and also advised that John Riewer of Eventide could be contacted since he helped establish the Moorhead group and would be willing to work with the West Fargo committee. City Auditor James Brownlee also appeared before the Commission on the funding matter. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to approve \$9,000 for 2010 and to include the request of \$25,000 when working on the budget for 2011. No opposition. Motion carried.

Martha Olson of The Arts Partnership appeared before the Commission to review their program and to ask for the continued support and increase in support from the City of West Fargo.

Senior Planner Steven Zimmer appeared before the Commission on the Cass County Highway Subdivision and rezoning from Heavy Commercial/Light Industrial to Planned Unit Development and advised that the Planning & Zoning Commission recommended approval subject to the five conditions listed in the Staff Report with a change to Condition #5 "Emergency temporary storage is defined as a 1 ½ year period". A public hearing was held. County Planner Tim Solberg appeared before the Commission to advise this request is for "Emergency only". The hearing was closed. Commissioner Schulz moved and Commissioner Bennett seconded to place the rezoning on First Reading subject to the five conditions as outlined by Senior Planner Steven Zimmer. No opposition. Motion carried.

Assistant City Attorney John Shockley advised that no changes had been made to Ordinance No. 862 regarding Alcoholic Beverages since First Reading. After discussion, Commissioner Bennett moved and Commissioner Thorstad seconded to place Ordinance No. 862 on Second Reading. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the request from Rush Waite for a Conditional Use Permit for an oversized accessory building at 2919 5<sup>th</sup> Street NW and advised that the Planning & Zoning Commission recommended approval on condition that the applicant complies with the City flood plain standards. Commissioner Simmons moved and Commissioner Bennett seconded to approve the Conditional Use Permit subject to the recommendation listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the request from Stylemark Builders for a Conditional Use Permit for an oversized accessory building at 756 45<sup>th</sup> Avenue West and advised that the Planning & Zoning Commission recommended approval subject to the conditions listed in the Staff Report. Commissioner Bennett moved and Commissioner Schulz seconded to approve the Conditional Use Permit subject to the conditions listed in the Staff Report. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission and gave a presentation on the Proposed Design Concepts regarding Rezoning from Single Family to Planned Unit Development and Land Use Plan Amendment from Low Density Residential to High Density Residential for Lot 17, Block 3 of Lepird's Subdivision and Lot 9, Block 1 of Lepird's 2<sup>nd</sup> Addition. Commissioner Thorstad suggested that a few more guest parking spaces be included. After discussion, it was the consensus of the Commission that this is a great plan.

Senior Planner Steven Zimmer appeared before the Commission on a minor modification to the Planned Unit Development for Westport Beach 4<sup>th</sup> Addition to allow six cottage style (detached twinhome) Single Family structures on Lots 15-20, Block 1 of Westport Beach 4<sup>th</sup> Addition. Commissioner Bennett moved and Commissioner Schulz seconded to approve the minor modification to the Planned Unit Development for Westport Beach 4<sup>th</sup> Addition. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on a Minor Planned Unit Development Modification for fenced play area for child care facility at 1420 9<sup>th</sup> Street East. The owner of the Early Years Learning Center appeared before the Commission. Commissioner Simmons moved and Commissioner Thorstad seconded to approve this Minor PUD modification. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the request from Garrison Diversion Conservancy District to fund special assessment and advised there is still no Record of Decision. After discussion, Commissioner Schulz moved and Commissioner Simmons seconded to deny this request. No opposition. Motion carried.

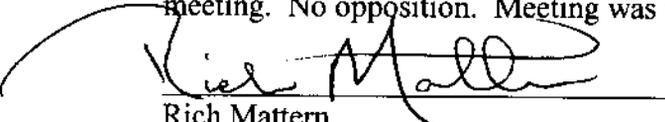
Public Works Director Barry Johnson and City Engineer Kevin Bucholz gave a presentation on the Rainfall Event of June 17, 2010. Assistant Police Chief Michael Reitan, Planning & Zoning Chairman Frank Lenzmeier and City Auditor James Brownlee also appeared before the Commission. Public Works Director Barry Johnson advised the presentation will be included on the website along with education on what to do during a huge rainfall.

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

Commissioner Mattern advised that possible litigation will now be discussed in Executive Session.

The Commission returned from Executive Session. Commissioner Simmons moved and Commissioner Bennett seconded to agree upon a settlement of \$175,000 with Riley Brothers on the 32<sup>nd</sup> Avenue Bridge project. No opposition. Motion carried.

Commissioner Schulz moved and Commissioner Bennett 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