



The West Fargo City Commission met on Monday, June 4, 2012, at 5:30 P.M. Those present were Rich Mattern, Mark Simmons, Mike Thorstad and Duane Hanson. Absent was Lou Bennett. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Order of Agenda. No opposition. Motion carried.

Commissioner Simmons moved and Commissioner Hanson seconded to approve the Minutes of May 21, 2012. No opposition. Motion carried.

The Commission reviewed Building Permits #302 - 341, the Building Department Activity Report dated June 4, 2012 and the Building Department Monthly Comparison Report for May 2011/May 2012.

There were no Commissioner Committee Reports.

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

Bills

Request from VFW for special permits for the West Fargo Cruise Nights June 21st, July 19th, August 16th and September 13th

Games of Chance: Blessed Sacrament Catholic Church for Bingo/Raffle/Calendar Raffle 7/1/12 to 6/30/13

13th Avenue Street Lighting and Fiber Interconnect ECL

Street Improvement District No. 2222 (The Yards): Create Assessment District, authorize City Engineer to prepare Engineer's Report, approve Engineer's Report and authorize City Engineer to prepare Plans and Specifications

Sewer, Water, Storm & Street Improvement District No. 1243 (Shadow Creek 3rd Addition): Create Assessment District and authorize City Engineer to prepare Engineer's Report

No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on West Fargo 2nd Addition. Wally Tintes also appeared before the Commission. Planning Director Larry Weil advised that the Final Plat will be approved at the Second Reading of Ordinance No. 921 relating to the annexation of West Fargo 2nd Addition. Commissioner Simmons moved and Commissioner Hanson seconded to place on Second Reading Ordinance No. 920 relating to the rezoning of West Fargo 2nd Addition from Agricultural to Heavy Industrial. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on a request from Northern Metal Recycling for a Conditional Use Permit for a metal recycling (salvage) facility on Lot 1, Block 1 of West Fargo 2nd Addition. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to approve the Conditional Use Permit subject to the recommendations in the Staff Report. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Annexation of West Fargo 2nd Addition and advised that no protests had been received by the City. Commissioner Hanson moved and Commissioner Thorstad seconded to place Ordinance No. 921 regarding the annexation on Second Reading and to approve the Final Plat of West Fargo 2nd Addition. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 922 relating to penalty for Driving without Liability Insurance. Commissioner Hanson moved and Commissioner Thorstad seconded to place Ordinance No. 922 on Second Reading. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on Charleswood 28th Addition, a replat, and advised that the Planning & Zoning Commission recommended approval of the Final Plat with the four conditions listed in the Staff Report. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the Final Plat of Charleswood 28th Addition subject to the four recommendations of Staff. No opposition. Motion carried.

City Administrator Jim Brownlee reported on the following:

Staff is currently working on the budget.

A Public Meeting will be held on Veterans Boulevard from 32nd to 40th Avenue to explain the project and assessment process. The Commission agreed that the City could pay a portion of the project from the Highway Distribution of Funds for Road Repair.

Early voting is taking place all week from 10AM – 7PM at the Lodoen Center

Economic Development Committee Meeting will be held Wednesday, June 6th at 7:30 AM

Senior Planner Steven Zimmer appeared before the Commission on Oak Ridge 2nd Addition rezoning from Agricultural to Light Commercial. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Hanson moved and Commissioner Thorstad seconded to place on First Reading the rezoning of Oak Ridge 2nd Addition from Agricultural to Light Commercial subject to the eight recommendations of Staff. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission regarding a signal light at 23rd Avenue and Veterans Boulevard with the cost to be shared equally by Fargo and West Fargo. Commissioner Simmons moved and Commissioner Hanson seconded to approve the Plans and Specifications for the signal light and to authorize Advertisement for bids with bid opening on June 28, 2012. No opposition. Motion carried.

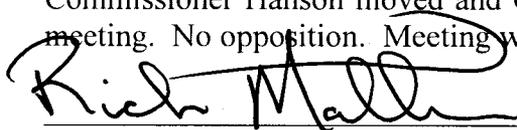
Wally Tintes appeared before the Commission to ask that the City look into the condition of the Public Works Building on 8th Street West. Commissioner Mattern assured Mr. Tintes that Staff is working on options for the repair.

There was no correspondence.

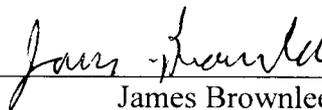
Commissioner Mattern advised that the next item on the Agenda is Executive Session. The item, Executive Session with City Attorney on proposed mediation, may be discussed in an Executive Session. The legal authority for closing this portion of the meeting is North Dakota Century Code 44-04-19.2. The purpose of this Execution Session is to discuss possible mediation on Region Storm Lift Station projects 4040, 4047 and 4044. The City Commission may return after the session to take a formal vote of the issue.

The City Commission returned from Executive Session. City Attorney Brian Neugebauer stated that the Executive Session met to discuss the claim from Jones Construction that they receive \$50,000 early payment from each of the three projects and the Commission recommended to authorize a total of \$130,000 to be paid toward the three early incentive payments since the lift stations were operational six days after the deadline and the company had been instructed by the City to do some additional work on the projects. Commissioner Simmons moved and Commissioner Hanson seconded to authorize a total of \$130,000 to be paid toward the three early incentive payments and direct the City Auditor to make the contract payment. No opposition. Motion carried.

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