



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

The West Fargo City Commission met on Monday, December 1, 2008, 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 welcomed Boy Scout Troop 215.

Commissioner Schulz moved and Commissioner Simmons seconded to approve the Order of Agenda. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Thorstad seconded to approve the Minutes of November 17, 2008. No opposition. Motion carried.

The Commission reviewed Building Permits #580 - 591 along with the Building Department Activity Report dated December 1, 2008 and the Building Department Monthly Comparison Report for November 2007/November 2008.

There were no Commissioner Committee Reports.

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

#### Bills

Games of Chance for The Fargo-Moorhead Kennel Club, Inc. for raffle to be held May 30, 2009 at Veterans Memorial Arena

Games of Chance for WFHS: Post Prom Post Grad Committee for Bingo to be held January 18, 2009 at Cross Way Center

Site Authorization for Fargo West Rotary at Fargo Harley Davidson, 600 West Main Avenue, West Fargo, ND for April 18, 2009

Resolution Approving Contract and Contractor's Bond in Water and Sewer Improvement District No. 1202

No opposition. Motion carried.

City Assessor Wanda Wilcox appeared before the Commission on the Two-Year Exemption for New Residential Structures for new homes constructed in 2009. Commissioner Thorstad stated that he is in favor of the exemption for 2009, but would like to see some statistics regarding usage of the program when the exemption request comes before the Commission for 2010 construction. After discussion, Commissioner Simmons moved and Commissioner Schulz seconded to adopt the Resolution Regarding Residential Tax Exemption for the two-year exemption for new residential construction for the 2009 building year. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 838 relating to Permitting Use of Vehicle to Violate Section 13-1016 Prohibited – Presumption of Permission – Defense – Dual Prosecution Prohibited. City Attorney Brian Neugebauer advised that the City Prosecutor asked that the amendment be brought to the City Commission. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to place Ordinance No. 838 on First Reading. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the West Fargo Office Park Development Plan for West Beaton Drive. A public hearing was held and there was no public comment. Commissioner Simmons moved and Commissioner Bennett seconded to approve the West Fargo Office Park Development Plan. Commissioners Mattern, Schulz, Bennett and Simmons voting aye. Commissioner Thorstad voting no. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Developer's Agreement between the City of West Fargo, ND and Charleswood, Inc. and Resolution Approving West Fargo Office Park Development Plan of 2008 and the Tax Increment District Included in the Plan and the Developer's Agreement with Charleswood, Inc. A public hearing was held and there was no public comment. Commissioner Thorstad asked about Exhibit A of the Developer's Agreement and City Attorney Brian Neugebauer advised that a corrected Exhibit A will be placed in the Agreement. After discussion, Commissioner Bennett moved and Commissioner Schulz seconded to approve the Developer's Agreement, adopt the Resolution and approve the Tax Increment District included in the Plan and the Developer's Agreement with Charleswood, Inc. Commissioners Mattern, Schulz, Bennett and Simmons voting aye. Commissioner Thorstad voting no. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Resolution Giving Approval to the Issuance of Health Care Facilities Revenue Bonds and Authorizing Execution of a Joint Powers Agreement Relating to Such Bonds (Eventide West Fargo Project). City Attorney Brian Neugebauer advised that West Fargo, as a local political entity, needs to approve the bond issue. The City of Moorhead has approved the agreement subject to West Fargo's approval. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Bennett moved and Commissioner Schulz seconded to approve the Joint Powers Agreement Providing for the Issuance of Tax Exempt Revenue Bonds to Finance Health Care Facilities (Eventide West Fargo Project) and adopt the Resolution Giving Approval to the Issuance of Health Care Facilities Revenue Bonds and Authorizing Execution of a Joint Powers Agreement Relating to Such Bonds (Eventide West Fargo Project). No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on a Land Use Plan Amendment from Office Park to Medium and High Density Residential on a parcel located in the NW ¼ of Section 18, T139N, R49W (Barnes Township), Cass County, ND. A public hearing was held. There was no public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Bennett seconded to approve the Land Use Plan Amendment as recommended by the Planning and Zoning Commission. No opposition. Motion carried.

A public hearing was held on the Community Development Block Grant of \$410,000 received by Integrity Windows. A public hearing was held. There was no public comment and the hearing was closed.

A public hearing was held on the Community Development Block Grant of \$410,000 received by Trail King Industries. A public hearing was held. There was no public comment and the hearing was closed.

Planning Director Larry Weil appeared before the Commission on the Planned Unit Development Amendment request from Jim Knutson of Valley Realty, Inc. for Retail and Office Space located on Lot 7, Block 1 of Pioneer Center 1<sup>st</sup> Addition. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to approve the Planned Unit Development Amendment on the basis that the request is consistent with City plans and ordinances and subject to all conditions listed in the Staff Report. No opposition. Motion carried.

City Auditor Jim Brownlee appeared before the Commission on the sale of City owned land (portion of Lot 1, Block 7 of Stockyard's Corner Addition) to the North Dakota Department of Transportation for additional right of way for Main Avenue. Commissioner Bennett moved and Commissioner Thorstad seconded to approve the sale of City owned land to NDDOT in the amount of \$14,461.20. No opposition. Motion carried.

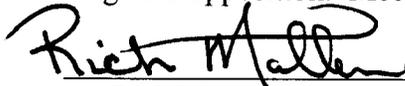
City Engineer Kevin Bucholz appeared before the Commission on Storm Sewer Improvement District No. 4041 (32<sup>nd</sup> Avenue Bridge Replacement). Commissioner Schulz moved and Commissioner Bennett seconded to award the contract for Storm Sewer Improvement District No. 4041 to Riley Bros. Construction Co., Inc. for their bid amount of \$1,653,961.50. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Schulz seconded to cancel the December 29, 2008 City Commission meeting. No opposition. Motion carried.

There were no Non-Agenda items.

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