



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

The West Fargo City Commission met on Monday, December 15, 2008, at 5:30 P.M. Those present were Rich Mattern, Lou Bennett, Mark Simmons and Mike Thorstad. Absent was Bryan Schulz. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

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

Commissioner Bennett moved and Commissioner Thorstad seconded to approve the Minutes of December 1, 2008. No opposition. Motion carried.

The Commission reviewed Building Permits #592 - 600 along with the Building Department Activity Report dated December 15, 2008.

Commissioner Mattern commended the West Fargo Street Department on their street cleaning work after the storm.

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

The Sanitation Department Report for October and November 2008 was received by the Commission.

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

Bills

Pledging of Assets

Games of Chance for West Fargo Shakers for Raffle to be held December 31, 2008, at Speedway Event Center

Games of Chance for Roamers 4 Wheel Drive Club for Raffle to be held April 1, 2008, at Speedway Restaurant

Reapproval of Final Plat for Christianson 1st Addition

No opposition. Motion carried.

Mike Manstrom of Dougherty & Company LLC was unable to attend the meeting. City Attorney Brian Neugebauer appeared before the Commission on the Sale of Bonds. After review of the bid information, Commissioner Bennett moved and Commissioner Simmons seconded to adopt the Resolution Authorizing the Issuance of Improvement Warrants and Exchanging Them for \$7,080,000 Refunding Improvement Bonds of 2008, Series C, and accept the bid from Wells Fargo Brokerage Services to purchase the warrants at a price of \$7,092,785.40 with a net effective rate of 4.233071%. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Golf Course Contribution Agreement between the City of West Fargo and Westport Beach, LLC. City Auditor Jim Brownlee, Marvin Leidal, Jack Fuller, Robert Olson and Senior Planner Steve Zimmer also appeared before the Commission. After a lengthy discussion, Commissioner Simmons moved and Commissioner Bennett seconded to approve the Golf Course Contribution Agreement. Commissioners Mattern, Bennett, and Simmons voting aye. Commissioner Thorstad voting no. Commissioner Schulz absent and not voting. Motion carried.

City Attorney Brian Neugebauer and City Auditor Jim Brownlee appeared before the Commission on the contract with Tom Lehman Design Group for the golf course. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to approve the contract with Tom Lehman Design Group. Commissioners Mattern, Bennett, and Simmons voting aye. Commissioner Thorstad voting no. Commissioner Schulz absent and not voting. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the agreement with Fargo on the revised extraterritorial and annexation area. Commissioner Bennett moved and Commissioner Thorstad seconded to approve the Agreement and authorize the Mayor and City Auditor to sign the agreement. 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. Commissioner Bennett moved and Commissioner Thorstad seconded to place Ordinance No. 838 on Second Reading. No opposition. Motion carried.

Police Chief Arland Rasmussen appeared before the Commission on the Joint Powers Agreement and the CAD/RMS Software Use Agreement for the Joint Dispatch Center. City Attorney Brian Neugebauer also appeared before the Commission. Commissioner Simmons moved and Commissioner Thorstad seconded to approve the agreements as presented by Police Chief Arland Rasmussen. No opposition. Motion carried.

City Auditor Jim Brownlee appeared before the Commission on the Cost Participation Agreement with the ND Department of Transportation for cameras on 9th Street Overpass Signals. The City will pay zero percent for this cost. After discussion, Commissioner Bennett moved and Commissioner Thorstad seconded to approve the Cost Participation Agreement. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on the Proposal for Stability Analysis for the 6th Street West option on the reconstruction of Main Avenue. City Engineer Kevin Bucholz advised that Braun Intertec would charge an hourly rate not to exceed \$8,000. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to table this matter until City Engineer Kevin Bucholz has an opportunity to visit with property owners to see if they would be willing to pay for this analysis. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Street Improvement District No. 2195 – Phase 1 (9th Street East from Interstate 94 to 32nd Avenue East). Commissioner Bennett moved and Commissioner Simmons seconded to award the contract for Street Improvement District No. 2195 – Phase 1 to Dakota Underground Company for their bid amount of \$7,237,178.85. City Auditor Jim Brownlee appeared before the Commission to advise that West Fargo is not responsible for the full \$7,237,178.85. No opposition. Motion carried.

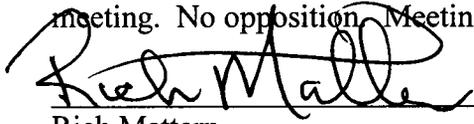
Senior Planner Steve Zimmer appeared before the Commission on the request from Wanzek Family Limited Partnership for a Conditional Use Permit to allow for outdoor storage of construction equipment and materials at 1916 2nd Avenue NW, West Fargo, ND. After discussion, Commissioner Bennett moved and Commissioner Simmons seconded to approve the Conditional Use Permit subject to conditions listed in the Staff Report. No opposition. Motion carried.

Commissioner Mattern presented the request from Fargo-Moorhead Metropolitan Council of Governments for 2009 Policy Board Membership. The current members are Commissioner Mark Simmons and Commissioner Lou Bennett as alternate. Commissioner Bennett moved and Commissioner Thorstad seconded to appoint Commissioner Simmons to the 2009 Policy Board Membership with Commissioner Bennett remaining as the alternate. No opposition. Motion carried.

There were no Non-Agenda items.

There was no correspondence.

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



Rich Mattern
President of the Board



Jim Brownlee
City Auditor