



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

The West Fargo City Commission met on Monday, May 4, 2009, 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 Schulz 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 April 20, 2009. No opposition. Motion carried.

The Commission reviewed Building Permits #47 – 83 along with the Building Department Activity Report dated May 4, 2009 and the Building Department Monthly Comparison Report for April 2008/April 2009.

There were no Commissioner Committee Reports.

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

Bills

Designation of West Fargo Pioneer as the official newspaper for the City of West Fargo

Games of Chance: Lutheran Church of the Cross for raffle at Cross Way Center/LCC on May 16, 2009

Gaming Site Authorization: West Fargo Fire Department at Silver Dollar Bar July 1, 2009 to June 30, 2010

Sewer and Water Improvement District No. 1214 (Eagle Run 12th Addition – Phase II) – approve Plans and Specifications and authorize Advertisement for Bids with bid opening on May 28, 2009

Sewer and Water Improvement District No. 1215 (Westport Beach 2nd – Phase II) – approve Plans and Specifications and authorize Advertisement for Bids with bid opening on May 28, 2009

Cost Participation, Construction, and Maintenance Agreement/Urban Federal Aid Project – Transportation Enhancement (Shared use path)

Commissioner Thorstad asked about the placement of the bike path in regard to future projects and Assistant Public Works Director Chris Brungardt advised that it should be no problem for future projects. No opposition. Motion carried.

Mayor Mattern thanked Chris Barton of the West Fargo Chamber of Commerce for her years of service to the city and Commissioner Bryan Schulz presented a token of appreciation on behalf of the City.

City Attorney Brian Neugebauer appeared before the Commission on the Sale of Bonds, Capital Financing Program for Sewer and Water Improvement District No. 1210 (Twin Meadows/Hersch Subdivision). After discussion, Commissioner Bennett moved and Commissioner Schulz seconded to approve the Resolution Authorizing Sale of \$530,000 Capital Financing Bonds. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Street Agreement with the City of West Fargo, City of Fargo and Southeast Cass Water Resource District (Veterans Boulevard). Commissioner Schulz moved and Commissioner Simmons seconded to authorize the Mayor and City Auditor to enter into this agreement. No opposition. Motion carried.

City Attorney Brian Neugebauer reviewed Ordinance No. 845 relating to Liquor Licenses which would now require the entire liquor fee to be paid at time of the license along with other minor changes to the ordinance. City Attorney Brian Neugebauer also advised that a Resolution Setting Fees will need to be adopted by the City Commission. After discussion, Commissioner Bennett moved and Commissioner Schulz seconded to place Ordinance No. 845 on First Reading. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the new Golf Course Agreement between the City of West Fargo and Westport Beach, LLC. Commissioner Thorstad asked about the bike path and was advised that it will be 8' wide, was also advised that the Park District has had their concerns addressed, that the difference in the purchase of 55 acres rather than 30 acres in the first plan is in the depth of the retention ponds, the purchase price is \$5,300,000, the ponds will be built to the City's normal standards, water retention is for 540 acres, the City Engineer is to pre-approve the plans and work will be done to specifications, first assessments will be levied in 2011 (even if not completed in 2009). Commissioner Thorstad also asked that new phases not be approved if outstanding or past due taxes or specials and that mortgage agreements or other securities will be filed, and before advance of \$2,000,000 is done, a letter of credit or signed mortgage note is in the file and that the amount of obligation for the architect is stipulated in the agreement. City Engineer Kevin Bucholz, Jim Bullis, Eric Rogne and Frank Lenzmeier also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Schulz seconded to authorize the Mayor and City Auditor to enter into this agreement with the changes as noted. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on the Main Avenue Reconstruction – Segment 2 project (Sheyenne River to 5th Street East). Commissioner Schulz moved and Commissioner Bennett seconded to concur with the North Dakota Department of Transportation to award the contract for Main Avenue Reconstruction – Segment 2 to Dakota Underground Company for the construction amount of \$8,639,469.01 (\$2,449,054.85 City Share). No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer and Water Improvement District No. 1210 (Twin Meadows/Hersch Subdivision). Commissioner Bennett moved and Commissioner Schulz seconded to award the contract for Sewer and Water Improvement District No. 1210 to Tom's Backhoe Service, Inc., for their bid amount of \$339,706.50. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Agiron 1st Addition. Commissioner Thorstad was advised that the ND Department of Transportation concurred with location of access off Main Avenue until Main Avenue Improvements are done. After discussion, Commissioner Schulz moved and Commissioner Bennett seconded to place Ordinance No. 843 relating to the rezoning of Agiron 1st Addition from Agricultural to Light Industrial Planned Unit Development on Second Reading, to approve the Final Plat of Agiron 1st Addition and to approve the Land Use Plan Amendment from Agricultural Preservation to Light Industrial subject to conditions listed in the Staff Report. No opposition. Motion carried.

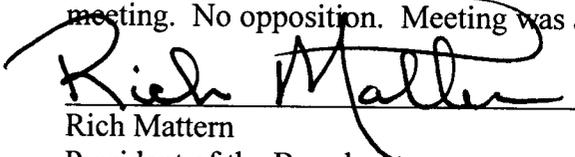
City Attorney Brian Neugebauer appeared before the Commission on the Greater Fargo Moorhead Economic Development Corporation Memorandum of Understanding and recommended that the City Commission not approve this Memorandum of Understanding as it is currently worded. City Auditor James Brownlee, Brian Walters (President of the Greater Fargo Moorhead Economic Development Corporation), Brad Schmidt (Chairman of West Fargo EDC), Scott Wagner (Cass County Commissioner), Darrell Vanyo (Cass County Commissioner), and Mary Batcheller of GFMEDC also appeared before the Commission. Commissioner Schulz expressed concern that the Staff would not be involved in the proposals. After discussion, Commissioner Bennett moved to approve the Memorandum of Understanding. Commissioner Thorstad seconded the motion. Commissioners Bennett, Thorstad and Schulz (with the stipulation that Staff be involved from day one) voting aye. Commissioners Simmons and Mattern voting no. Motion carried.

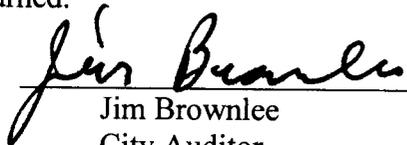
Mayor Mattern advised that an appointment needs to be made for the 2009-2010 West Fargo City Commission Board Membership as a designated voting ex-officio to the West Fargo Chamber Board of Directors. Commissioner Bennett moved and Commissioner Thorstad seconded to reappoint Commissioner Bryan Schulz. No opposition. Motion carried.

There were no Non-Agenda items.

There was no correspondence.

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


Rich Mattern
President of the Board


Jim Brownlee
City Auditor