CITY OF WATFORD CITY

CITY COUNCIL MEETING

NOVEMBER 5, 2012

Minutes of the regular City Council meeting held on November 5, 2012 at 6:00 p.m. at City Hall. Present were Mayor Brent Sanford and Council Members Justin Voll, Shane Homiston, Marty Mulder, Kris Pacheco, Doug Bolken and Randy Samuelson. Also present was City Planner Curt Moen, Peni Peterson and Attorney Wyatt Voll. Mayor Sanford called the meeting to order with the Pledge of Allegiance.

Council Member Voll moved to approve the minutes of the city council meetings held on October 1, October 16, and October 23, 2012 with a correction to the October 1st meeting that Warren Hovland was not present at the meeting, but a letter was received with Mr. Hovland’s request. Motion also included approving the agenda and the additions to the agenda. Motion seconded by Council Member Bolken and carried unanimously.

Mayor Sanford administered the Oath of Office to newly appointed Council Member Randy Samuelson to fulfill the unexpired term of Dave Uhlich until June 2014.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Bryan Nimer/BGD 25th St LLC (N1/2NE1/4 of Section 36, T150N, R 99W) 10.0 acres. There were no written comments or comments from the public. The Public Hearing was closed.

Jody Renbarger was present to review a Roughrider Fund Application submitted by Lutheran Social Services (LSS) for infrastructure extensions to the Prairie Heights Housing project. Ms. Renbarger requested approval of $250,000 to LSS with disbursement of funds after January 1, 2013, when funds are available. Council Member Pacheco moved to approve a grant of $250,000 to LSS for infrastructure extensions to be paid after January 1, 2013, when funds are available. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Pacheco, Mulder, Bolken, Voll, Samuelson, Homiston; nays: none.

Council Member Homiston moved to award the bid for three 2013 Ford Expeditions equipped with police package to Eide Ford in the amount of $32,940.65 each. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Bolken, Pacheco, Homiston, Voll, Mulder, and Samuelson; nays: none.

Police Chief Herfindahl gave a staff update and said that they are currently fully staffed. Chief Herfindahl also reported that in the month of October the Police Department operated an impaired driver checkpoint for 2 hours and screened 13 drivers and issued 2 arrests. He also indicated that he should be receiving a state grant to cover 80% of the cost of the approved three new police vehicles.

Ken Callahan introduced three MDU employees and were present to give an update on improvements MDU has made to provide service in the area.

Lowell Cutshaw, Interstate Engineering representing Greg Hancock, was present to ask the opinion of the Council of R-4 Zoning for property located South of Watford City outside the ETA. It was felt by the Council that R-3 would be the desired zoning for that area based on the Master Plan.

Council Member Mulder gave an update on the Watford City Airport for Tim Taylor. He indicated that the Airport did not receive any monies from the Oil Impact Grant they applied for but they would still like to work towards building a new airport terminal.

Todd Norton, Advanced Engineering and Environmental Services, was present to provide project updates and present partial pay estimates, change orders, and task orders for review.

Council Member Voll moved to approve Pay Estimate # 3 from Glacier Construction Company, Inc. (WWT Phase I Improvements) for $189,780.54. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Homiston, Mulder, Pacheco, Bolken, Voll, and Samuelson; nays: none.

Council Member Samuelson moved to approve Change Order # 1 from SJ Louis Construction, Inc. (Area 2B Utilities Extension & Improvements) for $12,780.00. Motion seconded by Homiston and carried by the following roll call vote: ayes: Samuelson, Pacheco, Mulder, Bolken, Voll, and Homiston; nays: none.

Council Member Bolken moved to approve Pay Estimate #2 from SJ Louis Construction, Inc. (Area 2B Utilities Extensions & Improvements) for $272,043.30. Motion seconded by Voll and carried by the following roll call vote: ayes: Voll, Mulder, Pacheco, Homiston, Samuelson, and Bolken; nays: none.

Council Member Homiston moved to approve Pay Estimate # 1 from Williams Plumbing and Heating, Inc. (Area 2A & 2B Equipment Improvements) for $71,332.65. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Mulder, Pacheco, Homiston, Voll, Samuelson, and Bolken; nays: none.

Council Member Pacheco moved to approve Pay Estimate #3 from R.S. Bennett Construction, Inc. (Area 6 Sanitary Sewer Extensions) for $287,645.45. Motion seconded by Bolken and carried by the following roll call vote: ayes: Voll, Pacheco, Samuelson, Homiston, Bolken, and Mulder; nays: none.

Council Member Voll moved to approve Change Order # 1 from Spearfish Excavating, Inc. (RV Dump Station) for $17,863.50. Motion seconded by Homiston and carried by the following roll call vote: ayes: Mulder, Samuelson, Voll, Pacheco, Homiston, and Bolken; nays: none.

Council Member Samuelson moved to approve Pay Estimate #2 from Spearfish Excavating, Inc. (RV Dump Station) for $29,122.26. Motion seconded by Bolken and carried by the following roll call vote: ayes: Bolken, Voll, Samuelson, Homiston, Pacheco, and Mulder; nays: none.

Council Member Pacheco moved to approve Exhibit K – Amendment to Task Order No. 1 (Agreement between Owner and Engineer for Professional Services) for $10,000.00. Motion seconded by Mulder and carried by the following roll call vote: ayes: Homiston, Voll, Pacheco, Mulder, Samuelson, and Bolken; nays: none.

Council Member Voll moved to approve Task Order No. 6 (WWT Facility Improvements Phase II) for $134,500.00. Motion seconded by Bolken and carried by the following roll call vote: ayes: Mulder, Pacheco, Voll, Samuelson, Bolken, and Homiston; nays: none.

Council Member Samuelson moved to approve Task Order No. 7 (Area 3 – Sanitary Sewer Main Extensions – Final Design and Bidding Phases) for $93,000.00. Motion seconded by Homiston and carried by the following roll call vote: ayes: Voll, Homiston, Samuelson, Bolken, Mulder, and Pacheco; nays: none.

Steve Burian, Advanced Engineering and Environmental Services, was present and gave a presentation to the council with scenarios for setting 2013 utility rates.

Upon the recommendation of the Planning Commission, Council Member Voll moved to approve the Subdivision Final Map submitted by GT Investments/Travis Evans for property located SWSE1/2SWSW and SESW Section 29, T150N, R98W McKenzie County, 105.58 acres. This approval is contingent on secured bonding and signed development agreement. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Homiston, Voll, Samuelson, Pacheco, Bolken, and Mulder; nays: none.

Upon the recommendation of the Planning Commission, Council Member Voll moved to approve the Simple Lot Split Application submitted by AE2S/Paul Duetsch for property located at 12281 Hwy 23, East portion of IT 1109 in the SW1/4 Sec 15, T 150N, R98W, McKenzie County, 3.95 acres. Motion seconded by Samuelson and carried by the following roll call vote: ayes: Pacheco, Bolken, Mulder, Samuelson, Voll, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Pacheco moved to approve the Simple Lot Split Application submitted by F&G Investments, LLC for property located W1/2 NW1/4 NW1/4 of Section 17, T150N, R98W south side of 17th Ave, appx. ¼ mile East of CR-38 19.95 acres into 3 sellable lots. Motion seconded by Mulder and carried by the following roll call vote: ayes: Homiston, Bolken, Samuelson, Mulder, Voll, and Pacheco; nays: none.

Upon the recommendation of the Planning Commission, Council Member Voll moved to approve the Simple Lot Split Application submitted by Moore Engineering/Stenehjem Development for property located at Long Drive and Highway 23 Lot 1 of Block 5 Rolling Hills Estates Subdivision E1/21SE1/4 Section 17, T150N, R98W. Motion seconded by Homiston and carried by the following roll call vote: ayes: Mulder, Voll, Homiston, Bolken, Pacheco, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission, Council Member Pacheco moved to approve the Simple Lot Split Application by Moore Engineering/ Stenehjem Development for property located at Long Drive and Highway 23 Lot 2 of Block 5 Rolling Hills Estates Subdivision E1/21SE1/4 Section 17, T150N, R98W. Motion seconded by Bolken and carried by the following roll call vote: ayes: Voll, Homiston, Bolken, Mulder, Pacheco, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission, Council Member Bolken moved to approve the Simple Lot Split Application submitted by Moore Engineering/ Stenehjem Development for property located at Long Drive and Highway 23 Lot 3 of Block 5 Rolling Hills Estates Subdivision E1/21SE1/4 Section 17, T150N, R98W. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Homiston, Mulder, Voll, Pacheco, Bolken, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission, Council Member Voll moved to approve the Variance Application submitted by Larry Signalness for property located at 308 &312 5th St NE, Lots 24 & 25 Siebold Addition for 10 ft. variance on west side of property. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Samuelson, Voll, Mulder, Bolken, Pacheco, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Voll moved to approve the Variance Application submitted by TC North Dakota Ventures for property located at: Lot 38-1412 East Pheasant Ridge Street , Lot 40-1408 East Pheasant Ridge Street , Lot 42-1404 East Pheasant Ridge Street, Lot 44-1324 East Pheasant Ridge Street , Lot 46-1320 East Pheasant Ridge Street, Lot 50-1316 East Pheasant Ridge Street , and Lot 52- 1312 East Pheasant Ridge Street for 23 ft. rear yard setback. Motion seconded by Mulder and carried by the following roll call vote: ayes: Bolken, Homiston, Pacheco, Voll, Samuelson, and Mulder; nays: none.

Upon the recommendation of the Planning Commission, Council Member Voll moved to approve the Variance Application submitted by TC North Dakota Ventures for property located at: Lot 45-1325 E. Pheasant Ridge Street, Lot 47-1321 E. Pheasant Ridge Street Lot 49-1317 E. Pheasant Ridge Street, and Lot 51-1313 E. Pheasant Ridge Street for 23 ft. rear yard setback. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Mulder, Samuelson, Voll, Pacheco, Homiston, and Bolken; nays: none.

Upon the recommendation of the Planning Commission, Council Member Samuelson moved to approve the Conditional Use Permit Annual Renewal for Marty Mulder for Temporary Workforce Housing on property located at 205 2nd Ave SW. Motion seconded by Voll and carried by the following roll call vote: ayes: Pacheco, Homiston, Samuelson, Voll, and Bolken; abstained: Mulder; nays: none.

Upon the recommendation of the Planning Commission, Council Member Samuelson moved to approve the Conditional Use Permit Annual Renewal for Steve Sanford Motion for Temporary Workforce Housing on property located at 600 12th St NE. Motion seconded by Bolken and carried by the following roll call vote: ayes: Voll, Homiston, Bolken, Mulder, Samuelson, and Pacheco; nays: none.

Upon the recommendation of the Planning Commission, Council Member Voll moved to approve the Conditional Use Permit Annual Renewal for Watford City Hospitality for Temporary Workforce Housing on property located at 604 4th Ave NE. Motion seconded by Homiston and carried by the following roll call vote: ayes: Mulder, Voll, Homiston, Bolken, Pacheco, and Samuelson; nays: none.

Council Member Homiston moved to approve hiring Regina Whisenhant as Receptionist with a hire date of 11/16/2012 at Category 3, Step 1. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Homiston, Mulder, Voll, Pacheco, Samuelson, and Bolken; nays: none.

Council Member Homiston moved to approve a category and step increase for Dawn Tschetter from Category 3, Step 4 to Category 4, Step 1 effective 11/01/2012. Motion seconded by Samuelson and carried by the following roll call vote: ayes: Voll, Pacheco, Samuelson, Bolken, Mulder, and Homiston; nays: none.

Council Member Homiston moved to approve a step increase for Mildred Williams from Category 3, Step 0 to Category 3, Step 1 effective 11/01/2012. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Mulder, Bolken, Pacheco, Voll, Samuelson, and Homiston; nays: none.

Council Member Homiston moved to approve the recommendation from the Personnel Committee for a 3% employee cost of living increase for 2013. Motion seconded by Samuelson and carried by the following roll call vote: ayes: Bolken, Homiston, Pacheco, Voll, Samuelson, and Mulder; nays: none.

Council Member Pacheco moved to approve the raffle permit application submitted by WC Area Chamber of Commerce. Motion seconded by Bolken and carried unanimously.

Council Member Pacheco moved to approve the Application for Special Permit for Six Shooters, LLP to sell and serve alcoholic beverages at the Veterans’ Building/Civic Center on December 1, 2012 from 5:00 p.m. to 12:45 p.m. for Badlands Power Fuels Christmas Party. Motion seconded by Voll and carried unanimously.

Council Member Pacheco moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by Bryan Nimer/BGD 25th St, LLC (N1/2NE1/4 of Section 36, T150N, R99W) 10.0 acres. Seconded by Mulder and carried unanimously.

Council Member Pacheco moved to approve the Resolution of Annexation for property located at Part of Section 24, T150N, R99W, the North 250.0 feet of the NE 1/4SW1/4 of said Section 24. Seconded by Voll and carried by the following roll call vote: ayes: Bolken, Pacheco, Samuelson, Voll, Mulder, and Homiston; nays: none.

Council Member Pacheco moved to approve the Second Reading of Ordinance Amending Chapter 5, Article 21, Section 8-2102 of the Watford City Ordinances in Regards to Violation of Traffic Regulation. Motion seconded by Homiston and carried by the following roll call vote: ayes: Mulder, Homiston, Samuelson, Bolken, Voll, and Pacheco; nays: none.

Council Member Pacheco moved to approve the Second Reading of Ordinance Amending Chapter 7, Article 21, Section 8-2101 of the Watford City Ordinances in Regard to Halting a Person for Violating Traffic Regulations. Motion seconded by Bolken and carried by the following roll call vote: ayes: Samuelson, Bolken, Mulder, Voll, Pacheco, and Homiston: nays: none.

Council Member Voll, chairman of the Water Sewer and Garbage committee, moved to approve the 2013 Water rate showing a 0% increase in the water base rate and a 99% increase in the water unit rate for residential users and a 57% increase in the water base rate and 99% increase in the water unit rate for commercial users. Motion seconded by Homiston and carried by the following roll call vote: ayes: Bolken, Pacheco, Mulder, Samuelson, Voll, and Homiston; nays: none.

Council Member Voll, chairman of the Water Sewer and Garbage committee, moved to approve the 2013 Sewer rate showing an 8% increase in the sewer base rate and a 98% increase in the sewer unit rate for residential users and a 98% increase in sewer base rate and a 98% increase in sewer unit rate for commercial users. Motion seconded by Samuelson and carried by the following roll call vote: ayes: Pacheco, Voll, Bolken, Homiston, and Samuelson; nays: Mulder.

The October 2012 cash reports were reviewed.

Mayor Sanford appointed Peni Peterson as City Auditor. Council Member Samuelson moved to approve the appointment of Peni Peterson as City Auditor. Motion seconded by Bolken and carried by the following roll call vote: ayes: Pacheco, Homiston, Bolken, Voll, Mulder, and Samuelson; nays: none.

Mayor Sanford appointed Randy Samuelson to the following committees:

Chairman: Board of Health

Chairman: Street, Walks, Lights

Building Committee

Machinery & Equipment

Pest/Forestry/Vector

Water, Sewer, Garbage

Ordinance

Mayor Sanford removed Council Member Shane Homiston from the Ordinance Committee and appointed him as Chairman of the Ambulance Committee.

City Planner Moen requested approval to implement the presented Erosion Control Plan Applications and Stormwater Plan Applications. Council Member Bolken moved to approve implementing the presented applications. Motion was seconded by Homiston and carried by the following roll call vote: ayes: Voll, Pacheco, Mulder, Homiston, Samuelson, and Bolken; nays: none.

City Council instructed City Planner Moen to visit with John Dunlap regarding his request for reimbursement from the city towards infrastructure improvements for Veeder Estates. City Planner Moen will report to city council at the December council meeting.

City Attorney Voll reviewed a preliminary Loan Guarantee document from the city on the Wolf Run project. City Attorney Voll will present the completed Loan Guarantee document at the December council meeting.

City Attorney Voll asked for guidance from the council on proceeding with legal action against Goliath Energy Service, LLC regarding their past due bulk sewage account. Council Member Voll made a motion to proceed with legal actions against Goliath Energy Service, LLC. Motion seconded by Homiston and carried by the following roll call vote: Pacheco, Bolken, Samuelson, Homiston, Voll, and Mulder; nays: none.

Council Member Mulder moved to approve President Voll, Auditor Peterson, and Dawn Tschetter as signers on the Safe Deposit Box at First International Bank & Trust. Motion seconded by Homiston and carried unanimously.

Council Member Homiston moved to approve Justin Smith, Auditor Peterson, and Dawn Tschetter as being authorized to make purchases on the corporate credit card account. Motion seconded by Pacheco and carried unanimously.

Council Member Homiston moved to approve the bills as listed. Motion seconded by Council Member Voll and carried unanimously. EFPTS $18,256.47; EFTPS $12,066.03; TASC $235.40; TASC $235.40; NDPERS $335.00; NDPERS $335.00; Payroll $86,539.85; Colonial Ins. $117.15; BCBS $18,548.00; NDPERS $11,235.31; NDPERS $156.80; Symetra $244.23; AFLAC $396.40; 3-D Specialties, Inc. $77.23; Advanced Engineering $527,930.90; Agri Industries, Inc $1,451.50; American Legion Post #29 $216.79; Andrew Langowski $39.00; Astro Chem Service, Inc. $455.21; Badlands Hardware $561.66; Balco Uniform Comp., Inc. $501.72; Biolynceus, LLC $2,443.09; Bluetarp Financial, Inc. $1,944.88; Brenna Law Firm, PLLC $795.00; Buttons By Fish, Inc. $190.00; Carquest Auto Parts $44.79; Central Hydraulic, Inc. $119.81; Comfort Inn $414.00; Curtis Larson $102.12; Dacotah Paper Co. $1,175.07; Dawn Tschetter $102.12, Dean Anderson $210.00; Digital Ally $190.00; Direct Electric $1,613.67; Duane’s Radiator Shop $ 166.05; EBEL Integrators, Inc. $170.00; Electric & Magneto, Inc. $7.83; Electric Pump $444.10; Electronic Communications $330.00; Elliot Excavating $6,750.00; Emergency Apparatus Maintenance $1,429.50; Emergency Medical Products, Inc $1,104.75; Fargo Water Equipment $18,778.69; Farmers Union Oil Co $16,094.88; Fastenal Company $113.25; Financial Supply Center, Inc $373.68; Flexible Pipe Tool Company $110.74; Foley Brothers, LLC $2,213.00; Forever Auto Glass $1,550.00; Front Porch Floral $100.40; Gaffaney’s Inc $855.51; Galls $851.47; Hawkeye Oil Field Supply, LLC $49.24; Hawkins, Inc. $1,720.21; Heggen Equipment, Inc. $196.15; Information Technology Dept $200.00; J.P. Cooke Company $130.55; Jack and Jill $166.21; Jesse Wellen $229.00; Jim Hanson Masonry Inc. $6,170.00; Jost Painting $1,200.00; Larry Lundeen $242.97; Lund Oil Inc. $6,905.31; Lynx Sand and Gravel LLC $529.20; M & T Fire and Safety, Inc. $1,571.81; Marie Treftz $35.90; McKennett Law Firm $11,529.00; McKenzie County Farmer $2,154.42; McKenzie County Healthcare $350.78; McKenzie County Healthcare Systems $50,000.00; McKenzie Co Landfill $8,011.50; McKenzie Co Recorder $462.44; McKenzie County Tourism Bur $2,659.29; McKenzie Electric Coop, Inc. $1,507.00; Meuchel Enterprises, Inc. $1,861.82; Mike's Super Valu, Inc. $176.51; Molly Shaw $75.00; Mondak Portables, LLC $525.00; Montana Dakota Utilities $10,524.93; Muni Code Corporation $549.27; ND Dept of Agriculture $159.00; ND League of Cities $210.00; ND State Radio Communications $240.00; Northwest Supply and R & R $26.34; OK Implement $836.92; One Call Concepts, Inc $218.75; Peachtree Business Products $949.00; Peni Peterson $156.00; Petty Cash $384.67; Post Board $180.00; Postmaster $456.34; Pro Auto Body, LLC $955.96; Reservation Telephone $1,207.39; Roughrider Industries $5,324.12; S & S Motors $132.95; Sanitation Products, Inc $19.68; Share Corporation $2,107.00; Sherwin Williams Co $317.90; Stark County Auditor $3,237.50; Steven Williams $328.76; Suds Laundry $259.88; Thomas Reily $247.00; Todd Hayden $60.00; Traffic Safety Service $285.00; Triple AAA Safety/Training $6,428.40; Verizon Wireless $831.70; Visa $4,399.58; Watford City Express Laundry Center $164.00; Watford City Rotary Club $130.00; Wayne Coleman Construction, Inc $3.26; West Plain Insurance $971.00; William Landmark $270.90; William Tire & Auto $2,456.68; Wolf Run Village, Inc $500,000.00;

The next regularly scheduled City Council meeting will be on Monday, December 3, 2012 at 6:00 p.m. at City Hall.

There being no further business, the meeting was adjourned at 9:50 p.m. These minutes are published subject to the City Council’s Review and Revision pursuant to NDCC 40-01-09.1.

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Peni Peterson, Auditor Brent Sanford, Mayor