CITY OF WATFORD CITY

CITY COUNCIL MEETING

October 7, 2013

Minutes of the regular City Council meeting held on October 7, 2013 at 6:00 p.m. at City Hall. Present were Mayor Brent Sanford and Council Members Justin Voll, Kris Pacheco, Marty Mulder, Shane Homiston, and Doug Bolken. Absent was Randy Samuelson. Also present was City Planner Curt Moen, City Auditor Peni Peterson and Attorney Wyatt Voll.

Council Member Pacheco moved to approve the minutes of the city council meetings held on September 3rd and 9th, 2013. Motion also included approving the agenda and the additions to the agenda. Motion seconded by Council Member Mulder and carried unanimously.

Council Member Voll moved that the following resolution be adopted: “Whereas, the City Council did on the 7th of October 2013 adopt a preliminary budget for January 1, 2014 through December 31, 2014, and that the budget notice of the final hearing to be held at this time and place was published; Therefore, be it resolved that the Final Budget be adopted and the following amounts be levied: General Fund $111,947.52; Social Security $139,560.84; Retirement $26,059.33; Insurance Reserve $24,086.95; Advertising $3,466.61; Emergency $9,383.75; Planning Commission $5,498.76; Cemetery $0; Lease of Law Enforcement Facilities $45,842.90; Forestry $10,100.98; General Obligation Bond 2008 $0. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Mulder, Bolken, Homiston, Pacheco and Voll; nays: none.

Council Member Voll moved that the following resolution be adopted: “Whereas, the City Council did set forth in budget form the amounts necessary for each fund and Whereas, the notice of hearing was given and Whereas, the hearing was held and the final budget for the City of Watford City was adopted; Therefore, be it resolved that there is hereby levied a tax for the year 2014 on all taxable property in the City of Watford City for the purposes set forth in the final budget in the total amount of $375,947.64. Motion seconded by Bolken and carried by the following roll call vote: ayes: Pacheco, Homiston, Voll, Mulder, and Bolken; nays: none.

Mayor Sanford called the Public Hearing, as advertised, to order for the Petition to Vacate Easement application submitted by Pheasant Ridge Subdivision (Lots 72 & 73). There were no written comments or comments from the public. The Public Hearing was closed.

Council Member Bolken moved to approve the Petition to Vacate Easement application submitted by Pheasant Ridge Subdivision (Lots 72 & 73). Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Pacheco, Mulder, Voll, Homiston, and Bolken; nays: none.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Kyle Caulk (2662 123rd Ave NW, Section 22, T150N, Range 98W – 5 acres). There were no written comments or comments from the public. The Public Hearing was closed.

Council Member Mulder moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by Kyle Caulk (2662 123rd Ave NW, Section 22, T150N, Range 98W – 5 acres). Motion seconded by Council Member Voll and carried unanimously.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Net Money, LLC (3408 4th Ave NE, SW ¼, SE 1/4., Section 16, T150N, Range 98W – 3 acres). There were no written comments or comments from the public. The Public Hearing was closed.

Council Member Mulder moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by Net Money, LLC (3408 4th Ave NE, SW ¼, SE 1/4., Section 16, T150N, Range 98W – 3 acres). Motion seconded by Council Member Bolken and carried unanimously.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Shangcheng Development – Emerald Ridge (S ½ of the NE ¼ & all of the SE ¼ of Section 14, T150N, R98W – 237.02 acres). There were no written comments but there were comments from the public. The Public Hearing was closed.

Council Member Mulder moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by Shangcheng Development – Emerald Ridge (S ½ of the NE ¼ & all of the SE ¼ of Section 14, T150N, R98W – 237.02 acres). Motion seconded by Council Member Bolken and carried unanimously.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Watford City Town Center, LLC (902 11th Ave, Section 24, T150N, R99W – 120 acres). There were no written comments or comments from the public. The Public Hearing was closed.

Council Member Voll moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by Watford City Town Center, LLC (902 11th Ave, Section 24, T150N, R99W – 120 acres). Motion seconded by Council Member Bolken and carried unanimously.

Todd Norton, Advanced Engineering and Environmental Services, provided task orders and partial pay estimates for review.

Council Member Homiston moved to approve an Engineer Estimate from Advanced Engineering (Hunter’s Run Water Main Upgrade Costs) for $287,611, including contingencies. Motion seconded by Mulder and carried by the following roll call vote: ayes: Bolken, Voll, Mulder, Pacheco, and Homiston; nays: none.

Council Member Voll moved approve Task Order #19 from Advance Engineering (Waterwater Capital Funding Assistance) for $41,902. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Homiston, Pacheco, Voll, Bolken, and Mulder; nays: none.

Council Member Voll moved to approve Change Order #3 from Glacier Construction, Inc (WWTF Phase 1 Improvements) for $61,871.50. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Bolken, Voll, Pacheco, and Homiston; nays: none.

Council Member Bolken moved to approve Pay Estimate #13 from Glacier Construction, Inc (WWTF Phase 1 Improvements) for $198,204. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Pacheco, Bolken, Mulder, Homiston, and Voll; nays: none.

Council Member Homiston moved to approve Pay Estimate #4 & #5 from North Star Energy and Construction (Area 6 Utility Extension - Revised) for $114,549.56 and $46,374.27. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Bolken, Voll, Mulder, Pacheco, and Homiston; nays: none.

Sergeant Andrew Langowski was present and gave an update on the police department.

Council Member Homiston moved to approve the recommendations from the Planning Commission from their September 30, 2013 meeting. Approved the following: Zone Change Application submitted by Hunter’s Run/ Marco Nordio, E½ of Section 16, T150N, R98W, 294.10 acres, rezoning property to R1, R2, R3, R4, C1, C2, and I. This is an adjustment to Hunter’s Run Master Land Use Map; Preliminary Subdivision Plat submitted by Hunter’s Run, LLC/ Marco Nordio, E½ of Section 16, T150N, R98W, 5.969 acres; Preliminary Subdivision Plat submitted by Hunter’s Run, LLC/ Marco Nordio, E½ of Section 16, T150N, R98W, 20.598 acres; Zone Change Application submitted by Northway Enterprises, LLC/ Mike Malais, 11th Ave SW, Section 25, T150N, R99W, 35.33 acres, rezoning property to R2; Zone Change Application submitted by Shangcheng Development, LLC, S½ of the NE ¼ and the SE ¼ of Section 14, T150N, R99W, 237 acres, rezoning property to R1, R3, R4, and C1; Preliminary Subdivision Plat submitted by Emerald Ridge/ Daniel Kuo, S½ of the NE ¼ and all of the SE ¼ of Section 14, T150N, R99W, 237.02 acres; Zone Change Application submitted by The Highlands at Watford City, 4th Ave NW and 6th St. NW, Section 13, T150N, R99W, 42.66 acres, rezoning property to R2 and R3; Zone Change Application submitted by Blue Bison Development, NW ¼ of Section 18, T150N, R98W, 65.54 acres, rezoning property to R4 and C1; Simple Lot Split Application submitted by Blue Bison Development, for purpose of splitting the lots into two parcels for future rezoning and development, NW ¼ of Section 18, Township 150 North, Range 98 West, 65.54 acres; Simple Lot Split Application submitted by Watford City Town Center, LLC/ Diana Guadagnino, for purpose of splitting the lots into two parcels for future rezoning and development, 902 11th Ave SW, Section 24, Township 150 North, Range 99 West, 120 acres; Master Land Use Map; Conditional Use Permit submitted by Christopher Buchholz for a Home Occupation- licensed daycare, 100 6th SE; Conditional Use Permit annual review for Montana Dakota Dev. / Rolfson Oil, 3rd Ave SW, allowing Employee Housing, 2 RV units; Conditional Use Permit application annual review for HKE/Danny Mathews, NW ¼ of Section 22, Township 150N, Range 98W, allowing Employee Housing; Conditional Use Permit annual review for Warren Hovland, 401 10th St SE, Lot 7-8-9 Blk 1, 2nd Addition - Cherry Creek to Watford City allowing Temporary Workforce Housing; Conditional Use Permit application annual renewal for Ace in the Hole Construction, LLC, E1/2SW1/4SE1/4 of Sec 8, TWP 150 Range 098 allowing Employee Housing; Conditional Use Permit annual review for BBR RV Park, Ray Morken Jr., 1000 5th Ave SE, 1004 5th Ave SE, 1008 5th Ave SE, 1012 5th Ave SE, 1016 5th Ave SE, 317 10th St SE, 321 10th St SE, 304 10th St SE, 909 2nd Ave SE, 911 2nd Ave SE, 1025 2nd Ave SE, 1029 2nd Ave SE, 1033 2nd Ave SE, 1037 2nd Ave SE, 301 11th St SE allowing Temporary Workforce Housing. Denied the following: Conditional Use Permit annual review for Watford City Hospitality Associates, LLC, 604 4th Ave NE, Lot-5, Blk-2, Stevens Addition to Watford City for Temporary Workforce Housing as the project is no longer in progress. Motion seconded by Council Member Mulder and carried by the following roll call vote: Pacheco, Bolken, Voll, Mulder, and Homiston; nays: none.

Council Member Bolken moved to approve the Pay Application #4 from AHTNA Technical Services (ESF Building) for $12,884.50. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Mulder, Voll, Pacheco, Bolken, and Homiston; nays: none.

Council Member Bolken moved to approve the Pay Application #4 from AHTNA Technical Services (City Hall Building) for $243,715.08. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Homiston, Voll, Bolken, and Pacheco; nays: none.

Council Member Homiston moved to approve the annual step increases for Ryan Chaffee from Category 12, Step 0 to Category 12, Step 1; Rita Olson from Category 6, Step 1 to Category 6, Step 2; Peni Peterson Category 10, Step 0 to Category 10, Step 1; effective 11-1-2013. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Pacheco, Bolken, Mulder, Homiston, and Voll; nays: none.

Council Member Homiston moved to approve hiring Samantha Phillips, Maintenance/Janitorial, Category 3, Step 1; and Mary Lou Ault, Administrative Assistant/Receptionist, Category 3, Step 0; hire date October 1, 2013. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Bolken, Voll, Mulder, Pacheco, and Homiston; nays: none.

Council Member Pacheco moved to approve the First Reading on Amending Chapter XV, Article XX - Relating to Parking and Loading Regulations. Motion seconded by Council Member Bolken and carried unanimously.

Council Member Pacheco moved to approve the First Reading on Amending Chapter VI, Article 8 – Relating to License Fee and Term. Motion seconded by Council Member Voll and carried unanimously.

Council Member Pacheco moved to approve the First Reading on Amending Chapter XV, Article XIII – Relating to R-3 Medium Density Residential District. Motion seconded by Council Member Homiston and carried unanimously.

Council Member Pacheco moved to approve the First Reading on Amending Chapter XV, Article VIII- Relating to Districts and Boundaries. Motion seconded by Council Member Mulder and carried unanimously.

Council Member Pacheco moved to approve the First Reading on Amending Chapter XV, Article XVIII – Relating to Central Business District Zone –Condominiums. Motion seconded by Council Member Bolken and carried unanimously.

Council Member Pacheco moved to approve the First Reading on Adding Chapter II, Article 2, Section 2-215A - Regarding Stopping, Standing, Parking, and the Prohibition of Parking of Motorized Vehicles during the Removal of Snow and Ice From City Streets During the Cleaning of City Streets, Defined as Snow Emergency Routes. Motion seconded by Council Member Bolken and carried unanimously.

Council Member Pacheco moved to approve the Second Reading on Ordinance #325 Amending Section 6-521 of Article 5, Chapter VI- Relating to Age Identification. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Mulder, Bolken, Voll, Homiston, and Pacheco; nays: none.

Council Member Pacheco moved to approve the Raffle Permit Application #703 submitted by Friends of WC Fire Department and Raffle Permit Application #704 submitted by the Friends of McKenzie County Ambulance; Special Alcohol Permits for D & M’s Office – Pheasants Forever Banquet, to be held in the Veteran’s Memorial Building on October 12, 2013, and TJ’s Pizza & Suds – Heidi Olson Event, to be held in the Veteran’s Memorial Building on October 26, 2013. Motion seconded by Mulder and carried unanimously.

Council Member Voll moved to approve amending the 2013-01 Amended (4-1-2013) Utility Resolution pertaining to Sewer Hookup Fees. Motion seconded by Bolken and carried by the following roll call vote: ayes: Mulder, Homiston, Pacheco, Voll, and Bolken; nays: none.

It was the consensus of the City Council to declare October 23, 2013 as Arbor Day and to have Mayor Sanford sign the Arbor Day Proclamation dated October 7, 2013.

Council Member Pacheco moved to approve purchasing a new copier from Gaffaney’s for $11,198.00. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Homiston, Pacheco, Mulder, Voll, and Bolken; nays: none.

Council Member Voll moved to approve hiring Johnson & Sundeen Law Office for indigent defense counsel at $250.00/ hour. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Bolken, Mulder, Pacheco, Voll, and Homiston; nays: none.

The September 2013 cash reports were reviewed.

Council Member Homiston moved to approve the bills as listed. Motion seconded by Council Member Pacheco and carried unanimously. EFPTS $29,919.51; EFTPS $20,593.93; TASC $205.55; TASC $205.55; NDPERS $397.50; NDPERS $397.50; Payroll $127,581.54; BCBS $21,257.10; NDPERS $16,917.31; NDPERS $206.88; Symetra $304.42; AFLAC $601.58; 27/7 Contracting Services $59,157.00; 3-D Specialties, Inc $805.00; Advanced Engineering Construction $3,395.00; Agri Industries $849.32; AHTNA Technical Services $39,877.84; American Insurance Center $927.00; Astro Chem Services $74.00; ATO Services $164.00; B&H Photo-Video-Pro Audio $696.50; Badlands Hardware $1,116.47; Badlands Power Fuels, LLC $720.00; Balco Uniform Company $201.29; Black Mountain Software $2,020.00; Bluetarp Financial, Inc. $82.44; Carl E Rogen $136.00; Carquest Auto Parts $229.63; Charlie’s Service $15.00; City of Grand Forks $500.00; Comfort Inn Dickinson $102.49; Construction Services Inc $3,454.99; Curtis Larson $125.00; Dacotah Paper Co $579.98; Dakota Dumpster $375.00; Dakota Supply Group $14,657.43; Diamond Truck Equipment $1,111.00; Direct Electric $960.00; Doormen Overhead $1,256.51; Electronic Communications $130.00; Environmental Abatement Services $2,116.80; Fastenal Company $161.40; Foley Brothers, LLC $10,255.00; Gaffaney’s Inc $2,450.96; Galls $308.90; Gerad Andrews $802.65; Grainger $49.93; Grand Dakota Lodge $396.00; Greg’s Welding $1,457.76; Hawkeye Oil Field $48.62; Hawkins $501.00; Heggen Equipment, Inc. $839.47; Information Technology Dept $669.10; Inland Truck Parts $123.89; Interstate All Battery Center $45.90; Jack and Jill $515.69; Jackola Engineering $12,487.80; Jesse Wellen $297.50; Jim Hanson Masonry $49,151.00; Justin Smith $118.03; Kohler Communications $83.95; Last Chapter Trucking $265.75; Law Enforcement Systems $59.00; Lund Oil $8,341.08; Lyle Signs $431.57; M & T Fire and Safety $11.00; MainStay Suites $154.00; Matthew Bender $558.63; McKennett Law Firm $12,383.75; McKenzie County Ambulance $225,122.70; McKenzie County Farmer $3,208.27; McKenzie County Healthcare $248.75; McKenzie County Heritage Association $750.00; McKenzie County Landfill $18,471.00; McKenzie County Recorder $588.00; McKenzie County Tourism $19,529.20; McKenzie Electric Coop $2,155.00; Meuchel Enterprises, Inc. $1,802.79; Michael Todd $688.85; Montana Dakota Utilities $9,936.60; Municode $2,887.73; MyGov $10,653.33; ND DOT $209.85; Nelson Contracting $3,679.64; OK Implement $1,115.44; One Call $1,180.30; One Wat Service $237.50; Peni Peterson $69.00; Petty Cash $432.86; POST Board $135.00; Postmaster $325.39; Power Plan $22.03; Pro Auto Body $34.00; Pro Forms $435.20; Quality Flow Systems $1,426.00; Red Carpet Carwash $157.85; Reservation Telephone $2,660.22; S & S Motors $932.36; Sanitation Products $115.64; Sensus Metering $1,732.50; Seth Sampson $242.92; Share Corporation $3,135.47; Squeaky Keene, LLC $2,143.75; Starion Bond Services $19,078.52; Steven Williams $94.00; Swanston Equipment Corp $1,664.85; Talk Time Wireless $31.79; Taylor Ag $1,539.17; TD & H Engineering $469.50; Trucks of Bismarck $215.28; Upper Missouri District Health Unit $183.24; USA Bluebook $60.64; Verizon $2,312.93; Vogel Law Firm $784.00; W & N City Lube Services $423.49; Wallwork Truck Center $440.16; Watford City Enterprises $600.00; Watford City Laundry Express $358.54; Watford City Park District $1,423.13; Watford City Vet Clinic $85.00; Wenck Associates $30,485.46; Williams Plumbing & Heating $33,812.30; Visa $1,161.74; Z & S Dust Control $17,078.40.

The next regularly scheduled City Council meeting will be on Monday, November 4, 2013 at 6:00 p.m. at City Hall in the Civic Center.

There being no further business, the meeting was adjourned at 9:42 p.m. These minutes are published subject to the City Council’s Review and Revision pursuant to NDCC 40-01-09.1.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Peni Peterson, Auditor Brent Sanford, Mayor