CITY OF WATFORD CITY

CITY COUNCIL MEETING

November 4, 2013

Minutes of the regular City Council meeting held on November 4, 2013 at 6:00 p.m. at Outlaws’. Present were Mayor Brent Sanford and Council Members Justin Voll, Kris Pacheco, Marty Mulder, Randy Samuelson and Doug Bolken. Absent was Shane Homiston. Also present was City Planner Curt Moen, City Auditor Peni Peterson and Attorney Wyatt Voll.

Council Member Voll moved to approve the minutes of the city council meetings held on October 7, 2013 with a correction to show Council Member Mulder voting nay to hiring Johnson & Sundeen Law Office for indigent defense counsel at $250.00/ hour. Motion also included approving the agenda. Motion seconded by Council Member Bolken and carried unanimously.

Jody Renbarger was present to review two Roughrider Fund Applications. Council Member Voll moved to approve the application submitted by McKenzie County Ambulance Services for 12 month salaries of one and half medic positions in the amount of $113,256. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Mulder, Pacheco, Bolken, Samuelson, and Voll; nays: none. Council Member Pacheco moved to approve the application submitted by the Centennial Steering Committee to assist in funding the Centennial Celebration and Park in the amount of $100,000. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Bolken, Mulder, Voll, and Pacheco; nays: none.

Chelsea Bryant, Upper Missouri District Health Unit, presented information regarding a local smoke-free city ordinance. A suggested ordinance was offered and was referred to the Ordinance Committee.

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

Council Member Samuelson moved to approve awarding Landmark Structures Contract No. 1B - Composite Water Tower Construction in the amount of $3,391,000 and John’s Refrigeration Contract 2A – Electrical Construction in the amount of $256,500. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Bolken, Samuleson, Voll, Mulder, and Pacheco; nays: none.

Council Member Mulder moved to approve Braun Intertec to perform Mechanical Waste Water Treatment Plant Geotechnical Engineering in the amount of $25,170. Motion seconded by Council Member Pacheco and carried by the following roll call vote: Samuelson, Bolken, Voll, Pacheco, and Mulder; nays: none.

Council Member Pacheco moved to approve Amendment No. 1 to Task Order No. 17 from Advanced Engineering from $79,800 to $76,600. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Voll, Pacheco, Mulder, Bolken, and Samuelson; nays: none.

Council Member Samuelson moved to approve Task Order #20 from Advance Engineering (Hwy 23 Watermain Design and Bidding) for $69,800. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Bolken, Pacheco, Mulder, Samuelson, and Voll; nays: none.

Council Member Voll moved to approve Task Order #21 from Advance Engineering (In City Pressure Zone Improvements Preliminary Engineering) for $5,600. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Samuelson, Bolken, Voll, and Pacheco; nays: none.

Council Member Samuelson moved to approve Task Order #22 from Advance Engineering (6th Street NW New Street Construction- Preliminary Engineering) for $12,300. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Voll, Samuelson, Pacheco, and Bolken; nays: none.

Council Member Mulder moved approve Task Order #23 from Advance Engineering (6th Ave NE Street Reconstruction- Preliminary Engineering) for $8,700. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Pacheco, Samuelson, Mulder, Bolken, and Voll; nays: none.

Council Member Voll moved to approve Change Order #6 from North Star Energy and Construction (Area 6 Utility Extension - Revised) for $30,802.56. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Pacheco, Bolken, Samuelson, Voll, and Mulder; nays: none.

Council Member Voll moved to approve Pay Estimate #6 from North Star Energy and Construction (Area 6 Utility Extension - Revised) for $83,963.62. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Mulder, Pacheco, Samuelson, Voll, and Bolken; nays: none.

Matt Beard, TD&H, presented a Release of Bond Application #2 (25% of Bond) for South Park in the amount of $371,958.50 and Release of Bond Application #1 (67.91% of Bond) for The Crossings in the amount of $2,018,355.33. Council Member Samuelson moved to approve the 25% Bond Release for South Park in the amount of $371,958.50. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Pacheco, Samuelson, Mulder, Voll, and Bolken; nays: none. Council Member Voll moved to approve the 67.91% Bond Release for The Crossings in the amount of $2,018,355.33. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Voll, Mulder, Samuelson, Bolken, and Pacheco; nays: none.

Chief Jesse Wellen was present and gave an update on the police department. Chief Wellen requested approval for the Contract for Services between the City of Watford City and North Dakota Council on Abused Women’s Services. Council Member Voll moved to approve the contract and was seconded by Council Member Pacheco. Motion carried by the following roll call vote: ayes: Samuelson, Pacheco, Mulder, Bolken, and Voll; nays: none. Chief Wellen indicated that the police department would be receiving Energy Impact Grant money and requested approval to begin advertising for bids on 3 new police vehicles. Council Member Pacheco moved to approve advertising for bids, motion was seconded by Council Member Mulder and carried unanimously.

Council Member Samuelson moved to approve the recommendations from the Planning Commission from their October 28, 2013 meeting with the exceptions of items 9,11,13 to be voted on separately. Approved the following: Simple Lot Split Application submitted by Garden Creek Enterprises, LLP for property located in Section 16, Township 150 North, Range 98 West, 147.86 Acres; Conditional Use Permit Application submitted by Erica Beard for a Home Occupation (flower shop) on R1 zoned property located at 512 N Main St, approval is contingent on recommendations as stated in the staff report; Zone Change Application submitted by P. Deutsch, LLC for property located in Lot 1 of East Watford Depot Subdivision & IT 1109, Section 15, T150N, R98W, 9.67 acres. Application will re-zone Ag property to C1; Boundary Line Adjustment Map submitted by P. Deutsch, LLC for property located in in Lot 1 of East Watford Depot Subdivision, Section 15, Township 150 North, Range 98 West, 9.67 acres; Zone Change Application submitted by Bakken Development Solutions/The Crossings, for property located in a portion of the NW ¼ of Section 22, T150N, R98W, 16.35 acres. Application will re-zone C1 property to CB; Final Amended Subdivision Plat Application submitted by Bakken Development Solutions/ The Crossings for property located in a portion of the NW ¼ of Section 22, T150N, R98W, 29.82 acres; Final Plat submitted by Hunter’s Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 7.002 acres; Final Plat submitted by Hunter’s Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 18.112 acres; Variance Application submitted by Ray Morken, BBR RV Park. The Amendment will request for a 19’ variance from 25’ on 5th Ave SE, and a 12.5’ variance on 10th St SE, to replace a skid house with a mobile home, for property located at Section 19, T 150N, R98W, 22,920 sq. ft; Conditional Use Permit annual review issued to Marty & Crystal Mulder on property located at 608 2nd Ave SW, Lots 33 & 34, Blk 1, Schell & Jarland Addition to Watford City, to continue allowing Temporary Workforce Housing. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Voll, Pacheco, Mulder, Samuelson, and Bolken; nays: none.

Council Member Mulder moved to approve the Conditional Use Permit annual review issued to Ray and Billie Jo Morken on property located at 1004 4th Ave SE, Lot 1-2 Blk 3, 2nd Addition - Cherry Creek to Watford City to continue operating a Home Occupation. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Samuelson, Bolken, Mulder, and Voll; nays: Pacheco.

Council Member Voll moved to approve the Conditional Use Permit annual review issued to Ray Morken Jr. on the following described properties, 905 3rd Ave SE., 305 10th St SE., 313 10th St SE., 308 10th St SE., 312 10th St SE., 400 10th St SE., 1005 4th Ave SE., 305 11th St SE., 316 9th St SE., 312 Bolken Drive. Cherry Creek Addition and Cherry Creek 2nd Addition to Watford City, to continue allowing Temporary Workforce Housing. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Bolken, Mulder, Pacheco, and Voll; nays: none.

Council Member Bolken moved to approve a Zone Change application submitted by Midwest Realty Advisors/ Tom Dillon, for property located in Lots 1, 2,3,4,5 of Block 2, Schell Jarland Addition, approximately 17,920 square feet. The application will re-zone R1 property to C1. Approval is contingent upon Site Plan reviews by both Planning Commission and City Council. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Bolken, Pacheco, Mulder, and Voll; nays: none.

Council Member Voll moved to approve hiring Eddy Vera –Temporary Public Works at $19.04/hr; effective November 1, 2013. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Pacheco, Samuelson, Voll, Mulder, and Bolken; nays: none.

Council Member Voll moved to approve hiring Larry Fisketjon and Robert Lamell as full-time Public Works employees, Category 3, Step 0; effective November 1, 2013. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Samuelson, Bolken, Pacheco, and Voll; nays: none.

Council Member Voll moved to approve November 29th as a paid holiday for city employees and to allow closing at noon on December 24th. Motion seconded by Council Member Bolken and carried unanimously.

Council Member Pacheco moved to approve the Second Reading on Ordinance #326 Amending Chapter VI, Article 8 – Relating to License Fee and Term. Motion Seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Mulder, Bolken, Voll, and Pacheco; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #327 Adding Article 2, Section 2-215A of Chapter II Relating to 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 Samuelson and carried by the following roll call vote: ayes: Mulder, Pacheco, Samuelson, Voll, and Bolken; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #328 Adding Article XXII (A) to Chapter XV- Relating to Watford City Overlay District. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Voll, Mulder, Bolken, and Pacheco; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #329 Adding Article XIII to Chapter XV – Relating to R-T Townhome Residential District. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Mulder, Voll, Bolken, Samuelson, and Pacheco; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #330 Adding Article XVIII (A) to Chapter XV – Relating to R-C Condominium Residential District. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Mulder, Pacheco, Bolken, Voll, and Samuelson; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #331 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 by the following roll call vote: ayes: Voll, Mulder, Bolken, Samuelson, and Pacheco; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #332 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 Mulder and carried by the following roll call vote: ayes: Samuelson, Bolken, Mulder, Voll, and Pacheco; nays: none.

Council Member Pacheco moved to approve the Special Alcohol Permit submitted by Peni Peterson for December 6, 2013, 5:00 pm – 12:00 pm in the Civic Center. Motion seconded by Council Member Bolken and carried unanimously.

Council Member Pacheco moved to approve the Special Alcohol Permit submitted by Six Shooters, LLC for the Power Fuels Christmas Party on December 7, 2013, 5:00 pm – 1:00 am, Veteran’s Memorial Building. Motion seconded by Council Member Voll and carried unanimously.

Council Member Voll moved to approve the Mayor’s appointment of Phil Riely to the Planning Commission to fulfill Shane Homiston’s unexpired term until 6/30/2017. Motion seconded by Bolken and carried by the following roll call vote: ayes: Mulder, Samuelson, Voll, Pacheco, and Bolken; nays: none.

Council Member Mulder moved to approve the Mayor’s appointment of Justin Voll, Kris Pacheco, Randy Samuelson, Tim Taylor, and Gene Veeder to the Home Rule Charter Commission. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Voll, Mulder, Pacheco, and Bolken; nays: none.

Council Member Pacheco moved to recommend Justin Voll to serve as Chairman of the Home Rule Charter Commission. Motion seconded by Council Member Samuelson and carried unanimously.

Council Member Bolken moved to approve Resolution 2013-12 Amending Home Rule Charter Regarding Sales Tax. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Pacheco, Bolken, Mulder, and Voll; nays: none.

Council Member Voll moved to approve Resolution 2013-13 Amending Fee Schedule. Motion seconded by Council Member Bolken and carried by the following roll call vote: Mulder, Samuelson, Pacheco, Voll, and Bolken; nays: none.

The October 2013 cash reports were reviewed.

Council Member Voll moved to approve the bills as listed. Motion seconded by Council Member Mulder and carried unanimously. EFPTS $31,558.94; EFTPS $25,304.82; TASC $205.55; TASC $205.55; NDPERS $397.50; NDPERS $397.50; Payroll $141,078.78; BCBS $21,257.10; NDPERS $16,917.31; NDPERS $206.88; Symetra $304.42; AFLAC $601.58; 3-D Specialties, Inc $3,782.40; Acme Tools $1,808.97; ADDCO Office Systems $25.35; Advanced Engineering Construction $44,135.00; Advanced Engineering $242,890.52; Airgas On-Site Safety Service $223.66; Ambient Electric and Design $3,530.00; American In of Valley City $770.00; Andrew Langowski $192.50; Astro Chem Services $50.00; Badlands Hardware $1,169.35; Badlands Power Fuels, LLC $441.00; Black Mountain Software $29.00; Bluetarp Financial, Inc. $1,433.66;Bryson’s Neat & Clean $187.50; Carquest Auto Parts $642.67; Construction Services Inc $75.00; Crime Stoppers $1,000.00; Dacotah Paper Co $598.56; Dakota Dumpster $375.00; Dakota Supply Group $602.50; Direct Electric $437.50; DW Excavating $19,916.00; Fastenal Co $603.81; Farmers Union Oil Co $12,422.99; Fastenal Company $771.71; Foley Brothers, LLC $5,250.00; Force America $471.87; Foremost Promotions $1,141.60; Gaffaney’s Inc $490.07; Handy Andy’s Nursery $676.60; Hawkeye Oil Field $21.36; Heggen Equipment, Inc. $296.36; Jim Hanson Masonry $3,545.00; Jost Painting $7,775.00; Justin Smith $157.71; Lyle Signs $818.64; M & T Fire and Safety $737.04; Mail Finance $315.00; McKennett Law Firm $9,908.75; McKenzie County Ambulance $31,700.00; McKenzie County Farmer $2,387.67; McKenzie County Landfill $11,000.00; McKenzie County Recorder $212.00; Meuchel Enterprises, Inc. $2,535.75; Montana Dakota Utilities $12,027.25; Moore Engineering $11,512.50; Moorhead Electric $68,922.07; Nathan Larson $48.92; ND Firefighter’s Association $125.00; ND League of Cities $985.00; ND State Radio $240.00; ND State Tax Commissioner $173.00; Northwest Tire $2,564.60; NSC Minerals $2,795.24; OK Implement $362.77; OK tire Store $445.71; One Call $998.80; Oppidan Inc $21,000.00; Page Rosenlund $215.58; Pierce Leasing $436.00; Postmaster $501.16; Power Plan $370.18; Rita Olson $225.00; River Aggregates $27,364.26; S & S Motors $296.20; Shannon Monnens $50.85; Share Corporation $1,727.20; Suds Laundry $22.50; Swanston Equipment Corp $57.22; Taylor Ag $181.02; TD & H Engineering $12,011.50; Timber Creek Services $390.00; Todd Hayden $150.00; Total Safety $28.30; Trane $2,624.67; Travis Jordan $143.07; Triple AAA Safety $70.00; USA Bluebook $234.20; Verizon $1,804.53; Vanguard Appraisals $480.00; VISA $499.85; Vogel Law Firm $367.50; Watford City Enterprises $8,850.00; Watford City Express Laundry $223.69; Watford City Park District $30,261.60; Wenck Associates $20,185.97; Williston Fire & Safety $416.04.

 The next regularly scheduled City Council meeting will be on Monday, December 2, 2013 at 6:00 p.m. at City Hall in the Civic Center.

There being no further business, the meeting was adjourned at 8:44 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