CITY OF WATFORD CITY

CITY COUNCIL MEETING

August 5, 2013

Minutes of the regular City Council meeting held on August 5, 2013 at 6:00 p.m. at City Hall. Present were President Justin Voll and Council Members Shane Homiston, Kris Pacheco, Randy Samuelson, Marty Mulder, and Doug Bolken. Also present was City Planner Curt Moen, City Auditor Peni Peterson and Attorney Wyatt Voll.

Council Member Samuelson moved to approve the minutes of the city council meetings held on July 1, and July 10, 2013. Motion also included approving the agenda and the additions to the agenda. Motion seconded by Council Member Mulder and carried unanimously.

Jody Renbarger was present to review two Roughrider Fund Applications. First application was submitted by McKenzie County Healthcare Systems to assist with construction of a new facility in the amount of $100,000 per month payable upon ground breaking of construction, to be revisited at the September 2014 sunset clause. Council Member Pacheco moved to table the request and to refer the application back to the Roughrider Committee. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Homiston, Samuelson, Pacheco, Mulder, and Bolken; nays: none. Second application was submitted by Bakken Academy of Dance for portable equipment and miscellaneous expenses, dependent on finding a location to hold classes, in the amount of $3800.00. Council Member Samuelson moved to approve the application submitted by Bakken Academy of Dance in the amount of $3800.00 contingent on should the company disband, all equipment would become the property of the Watford City Park District. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Bolken, Homiston, Pacheco, Mulder, and Samuelson; nays: none.

President Voll called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Kyle Hagen, Scott Hagen, Kirk Hagen – Nyland Estates (Section 23, N1/2N1/2, SW1/4NW1/4, T150N, R99W - 163 acres). There were no written comments or comments from the public. The Public Hearing was closed.

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 Kyle Hagen, Scott Hagen, Kirk Hagen – Nyland Estates (Section 23, N1/2N1/2, SW1/4NW1/4, T150N, R99W - 163 acres). Motion seconded by Council Member Homiston and carried unanimously.

Council Member Bolken moved to approve releasing 50% of the South Park Development performance bond. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Homiston, Mulder, Pacheco, Bolken, and Samuelson; nays: none.

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

Council Member Bolken moved to approve Task Order #13 Amendment from Advanced Engineering (Area 6 Revised Construction) for $87,720. Motion seconded by Homiston and carried by the following roll call vote: ayes: Mulder, Samuelson, Pacheco, and Bolken; nays: none.

Council Member Pacheco moved to approve Task Order #6b from Advanced Engineering (Continuous Discharge Mechanical Treatment Facility- Evaluation and Preliminary Engineering) for $300,000. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Homiston, Mulder, Samuelson, Bolken, and Pacheco; nays: none.

Council Member Samuelson moved to approve Pay Estimate #12 from Glacier Construction Company, Inc. (WWT Phase I Improvements) for $55,805.08. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Bolken, Homiston, Pacheco, Mulder, and Samuelson; nays: none.

Council Member Homiston moved to approve Pay Estimate #3 from Tand Construction, Inc (2012 Watermain Replacement) for $166,824.65. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Mulder, Pacheco, Bolken, Samuelson, and Homiston; nays: none.

Council Member Mulder moved to approve Pay Estimate #8 from SJ Louis Construction, Inc (Area 2B Utility Extensions) for $150,704.43. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Homiston, Pacheco, Bolken, Samuelson, and Mulder; nays: none.

Council Member Bolken moved to approve Pay Estimate #9 from SJ Louis Construction, Inc (Area 2B Utility Extensions) for $14,972.65. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Mulder, Pacheco, Bolken, and Homiston; nays: none.

Council Member Pacheco moved to approve Change Order #4 from North Star Energy and Construction (Area 6 Utility Extension - Revised) for $22,355.67. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Bolken, Homiston, Pacheco, Mulder and Samuelson; nays: none.

Council Member Samuelson moved to approve Pay Estimate #3 from North Star Energy (Area 6 Utility Extension - Revised) for $175,776.95. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Mulder, Bolken, Pacheco, Samuelson, and Homiston; nays: none.

Police Chief Jesse Wellen was present and gave an update on the police department.

Upon the recommendation of the Planning Commission, Council Member Mulder moved to approve the Zone Change Application submitted by Bakken Development Solutions, LLC, for property located in a portion of the NW ¼ Section 22, Township 150 North, Range 98 West, 6.61 acres, McKenzie County, ND. The application will re-zone C1 property to R4. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Homiston, Samuelson, Bolken, Mulder and Pacheco; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve the Zone Change Application submitted by White Ram Enterprises, LLC/ Jeff Kovac, for property located at 903 3rd Ave SW, Section 24, Township 150 North, Range 99 West, 1.6 acres, McKenzie County, ND. The application will re-zone AG property to C1. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Mulder, Samuelson, Pacheco, Homiston, and Bolken; nays: none.

Upon the recommendation of the Planning Commission, Council Member Samuelson moved to approve the Zone Change Application submitted by Patrick & Sally Golberg, for property located at 1809 S. Main St., Section 25, Township 150 North, Range 99 West, 7.080 acres, McKenzie County, ND. The application will re-zone AG property to R2. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Bolken, Mulder, Pacheco, Samuelson, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Pacheco moved to approve the Simple Lot Split Application submitted by Bayfront Builders Inc. / Schafer Richardson, Inc., to combine lots 78, 79 into 1 lot, 80, 81 into 1 lot, 82, 83 into 1 lot, on R4 property for the purpose of placing one larger building instead of two smaller buildings, located in Pheasant Ridge Subdivision, on a portion of the NW ¼ Section 15, Township 150 North, Range 98 West, 6.71 acres, McKenzie County, ND. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Bolken, Mulder, Pacheco, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Mulder moved to approve the Conditional Use Permit submitted by McKenzie Building Center. The application will allow for temporary employee housing on property located at 316 2nd Ave NW, Lot 11, Block 1, 2nd Annexation 150-98. Applicant needs to submit a plan that allows for emergency responders to have unlimited open access to the housing area, and be compliant with the regulations set forth in the staff report. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Bolken, Pacheco, Mulder, Samuelson, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Samuelson moved to approve the Zone Change Application submitted by McKenzie County/ Linda Svihovec for property located at 101 5th St NW, Lot 1, Block 4, 5th Addition, Watford City. The application will re-zone R1 property to CF. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Mulder, Pacheco, Samuelson, Homiston, and Bolken; nays: none.

Upon the recommendation of the Planning Commission, Council Member Pacheco moved to approve the Preliminary Subdivision Plat (Fox Hills Village) submitted by DLM Development, LLC, for property located East Highway 23, NE ¼ Section 20, NW ¼ Section 21, Township 150N, Range 98W, 306.79 acres, McKenzie County, ND. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Bolken, Homiston, Samuelson, Mulder and Pacheco; nays: none.

Upon the recommendation of the Planning Commission, Council Member Samuelson moved to approve the Zone Change Application submitted by Greg Elliot, for property located at 404 20th Ave SE, Section 30, Township 150 North, Range 99 West, 1.0 acre, McKenzie County, ND. The application will re-zone AG property to I-P. City Council requires that all work is to be done inside a shielded area and meet the staff report requirements. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Mulder, Bolken, Homiston, and Samuelson; nays: Pacheco.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve the Simple Lot Split Application submitted by Blue Bison Development, on property located in the NW ¼ Section 22, Township 150 North, Range 98 West, 60.86 acres, McKenzie County, ND. Applicant needs to have access easement and deed approved by the City. Motion seconded by Council Member Mulder and carried by the following roll call vote: Bolken, Samuelson, Homiston, Mulder, and Pacheco; nays: none.

Council Member Samuelson moved to approve the Pay Application # 2 from AHTNA Technical Services (EMS Building) for $152,650.68. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Homiston, Mulder, Pacheco, Bolken, and Samuelson; nays: none.

Council Member Bolken moved to approve the Pay Application #2 from AHTNA Technical Services (City Hall Building) for $101,735.03. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Bolken, Pacheco, Mulder, and Homiston; nays: none.

Council Member Homiston moved to approve the presented Equipment Rental rate sheet. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Pacheco, Mulder, Bolken, and Homiston; nays: none.

Council Member Homiston moved to approve the category and step change for Page Rosenlund from Public Works to Public Works Foreman, Category 6, Step 0; effective 8-1-2013. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Pacheco, Mulder, Bolken, and Homiston; nays: none.

Council Member Homiston moved to approve hiring Aaron Mitchell as the Finance Director, Category 10, Step 0; hire date August 16, 2013. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Mulder, Pacheco, Bolken, Samuelson, and Homiston; nays: none.

Council Member Homiston moved to approve the resignations of Dawn Tschetter and Brandi Toulou. Motion seconded by Council Member Pacheco and carried unanimously.

Council Member Pacheco moved to approve the Second Reading on Ordinance #319 Amending Section 1-502 of Article 5 of Chapter I, Relating to Conveyance, Sale, Lease or Disposal of Real Property. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Pacheco, Mulder, Homiston, and Bolken; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #320 Annexing Property to the City of Watford City per Annexation Application submitted by Jeff Kovac, White Ram Enterprises, LLC (903 3rd Ave SW -1.6 acres). Motion seconded by Mulder and carried by the following roll call vote: ayes: Homiston, Mulder, Bolken, Samuelson, and Pacheco; nays: none.

Council Member Pacheco moved to approve the Raffle Permit Application #697 submitted by Wolves Booster Club and Raffle Permit Application #698 submitted by Friends of Fire Department & Relay for Life. Motion seconded by Homiston and carried unanimously.

Council Member Pacheco moved to approve the Application for Special Alcohol Permit to Sell Alcoholic Beverages submitted by Six Shooters, LLC to sell and serve alcohol in their East parking lot for Oktoberfest on September 21st from 5:00 pm – 12:00 am. Motion seconded by Council Member Bolken and carried unanimously.

Council Member Pacheco moved to approve the Application for Special Alcohol Permit to Sell Alcoholic Beverages submitted by Watford City Eagles Aerie #3543 for NDRA Finals on September 13 & 14 from 6:00 pm – 1:00am. Motion seconded by Council Member Homiston and carried unanimously.

Council Member Bolken moved to approve the First Reading on Amending Section 8-1908, Article 19, Chapter VIII - Relating to No Truck Parking. Motion seconded by Council Member Pacheco and carried unanimously.

Council Member Samuelson moved to approve the First Reading on Amending Section 8-1905, Article 19, Chapter VIII – Relating to No Trucks Allowed on Certain Roads. Motion seconded by Bolken and carried unanimously.

Council Member Samuelson moved to approve the First Reading on Amending Section 4-1108, Article 11, Chapter IV- Relating to Dirt, Filth, Etc., in Streets and Property. Motion seconded by Bolken and carried unanimously.

Council Member Bolken moved to refer the following to Planning Commission to hold a Public Hearing; Condominium Ordinance, Townhouse Ordinance, and Highway Overlay District. Motion seconded by Council Member Pacheco and carried unanimously.

Council Member Pacheco moved to approve the Development Agreement for Hunters Run Phase One. Their Development Agreement will include the newly established $500.00/unit fee for McKenzie County School District #1. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Mulder, Homiston, Pacheco, and Bolken; nays: none.

Council Member Mulder moved to approve the Subdivision Final Map submitted by Bakken Land Holdings,LLC/The Crossings on property located in the portion of the NW1/4 Section 22, T150N, R98W - 14.37 acres, McKenzie County, ND. Approval is contingent on an approved Development Agreement, an approved Subdivision Improvement Agreement and bonding has been secured. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Bolken, Mulder, Pacheco, and Homiston; nays: none.

No action was taken on Dry Creek Development Agreement or TD&H Task Order #6.

Jaret Wirtz, WAWSA Representative, was present and spoke regarding water capacity.

Council Member Bolken moved to approve an easement from McKenzie Electric Cooperative. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Samuelson, Homiston, Pacheco, and Bolken; nays: none.

The July 2013 cash reports were reviewed.

Council Member Homiston moved to approve the bills as listed. Motion seconded by Council Member Mulder and carried unanimously. EFPTS $26,707.93; EFTPS $19,576.49; TASC $316.19; TASC $205.55; NDPERS $497.50; NDPERS $497.50; Payroll $118,809.18; BCBS $18,689.47; NDPERS $16,144.02; NDPERS $208.46; Symetra $309.25; AFLAC $640.58; 24/7 Contracting $77,763.00; Abel Enterprises $1,675.00; Advanced Engineering $138,635.63; AHTNA Technical Services $142,252.73; American Public Works $169.00; Astro Chem Services $150.00; Badlands Environmental $267.50; Badlands Hardware $1,437.53; Badlands Power Fuels $3,060.00; Balco Uniform Company $2,337.11; Bank of ND $63,430.00; Ben Meadows $168.22; Black Mountain Training $787.50; Bluetarp Financial, Inc. $36.94; Coborn’s Inc $7.98; Construction Services, Inc $480.00; Dacotah Paper Co $818.11; Dakota Diesel USA $2,616.82; Dakota Supply Group $23,632.22; Darrington Snow Removal $300.00; Diana Carrillo $100.00; Direct Electric $1,720.00; DW Excavating, Inc $11,280.00; E. McDonald Asphalt Paving $61,500.00; Electronic Communications $3,886.00; Emergency Medical Products $10.50; Fargo Glass & Paint $31.80; Farmers Union Oil $14,242.93; Fastenal Company $445.79; Foley Brothers, LLC $2,075.00; Franz Construction $9,517.50; Gaffaney’s Inc $9,498.95; Galls $445.91; Hawkins $659.00; Heggen Equipment, Inc. $1,504.47; Husky Oil Marketing Co $8,588.16; Information Technology Dept $307.25; Jack and Jill $126.91; Jackola Engineering $24,258.30; Jesse Wellen $60.00; Kohler Communications $1,137.00; Livingston International Inc $381.33; Lund Oil, Inc $2,502.51; Lyle Signs $57.81; McKennett Law Firm $12,586.25; McKenzie County Farmer $1,593.70; McKenzie County Healthcare $255.00; McKenzie County Landfill $8,878.50; McKenzie Electric Coop $1,516.00; Meuchel Enterprises, Inc. $8,888.43; Mike’s Super Valu $116.89; Minot Daily News $324.00; Montana Dakota Utilities $11,515.60; NDAAO $30.00; ND Building Officials Assoc $200.00; ND Petroleum Tank Fund $200.00; ND State Radio Communications $240.00; Nelson Contracting $579.60; Nick Pavek $55.27; Northland Feed & Seed $193.50; OK Implement $823.12; One Call $631.40; One Way Service Machine Shop $1,187.76; Otis $1,329.84; Peni Peterson $50.04; Petty Cash $472.74; Positive ID $300.60; POST Board $15.00; Postmaster $1,208.47; Power Plan $273.68; Premier Diesel $2,468.71; Red Carpet $180.07; Rena Nelson $282.92; Reservation Telephone $23,238.14; S & S Motors $918.33; Sharon Prestangen $395.00; Simplex Grinnell $979.35; Shannon Monnens $274.53; State Disbursement Unit $325.00; Steins $70.06; Streicher’s $158.83; SSID, LLC $114.80; Sunrise Heating & Cooling $445.99; Swanston Equipment Corp $2,070.28; SW Williams $390.00; Taylor Ag $1,031.25; TD & H Engineering $13,349.00; Todd Hayden $120.00; Triple AAA Safety $665.68; Trucks of Bismarck $411.44; Ultramax $585.00; USA Bluebook $1,735.26; Van Diest Supply $2,133.00; Verizon Wireless $1,501.56; Visa $1,537.02; Vogel Law Firm $343.00; Watford City Enterprises, LLC $650.00; Watford City Express Laundry $250.50; Wingate $151.08.

The next regularly scheduled City Council meeting will be on Monday, September 3, 2013 at 6:00 p.m. at City Hall in the Civic Center.

There being no further business, the meeting was adjourned at 9:08 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