CITY OF WATFORD CITY

CITY COUNCIL MEETING

March 3, 2014

Minutes of the regular City Council meeting held on March 3, 2014 at 6:00 p.m. at City Hall. Present were Mayor Brent Sanford and Council Members Justin Voll, Shane Homiston, Randy Samuelson and Kris Pacheco. Absent were 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 February 3rd & 20th, 2014. Motion also included approving the agenda. Motion seconded by Council Member Homiston and carried unanimously.

Rachel Brash, University of Mary, presented information regarding the University of Mary opening an Outreach Campus Program in Watford City.

Jody Renbarger, Roughrider Committee, was present to review Roughrider Fund Applications submitted by University of Mary Outreach Campus Program, Watford City Municipal Airport, and McKenzie County Healthcare Systems. Also presented two Enhancement Grant Applications submitted by WC Missoula Children’s Theatre and McKenzie Co Heritage Association.

Upon the recommendation of the Roughrider Committee, Council Member Pacheco moved to approve the Roughrider Application submitted by the University of Mary Outreach Campus Program in the amount of $50,000 payable over 2 years towards the rent and ramp-up costs for the development of their outreach program. Disbursement of funds is contingent upon Roughrider Committee approval of a contract. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Voll, Homiston, Samuelson, and Pacheco; nays: none.

Upon the recommendation of the Roughrider Committee, Council Member Samuelson moved to approve the request submitted by McKenzie County Healthcare Systems allowing their previously approved grant of $500,000 to be made payable in full in March 2014. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes; Homiston, Samuelson, Pacheco, and Voll; nays: none.

Upon the recommendation of the Roughrider Committee, Council Member Homiston moved to approve the Roughrider Application submitted by the Watford City Municipal Airport in the amount of $700,000 for the 2014 project of re-constructing a parking apron and the construction of a new terminal building. Funds to be dispersed with receipts. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Voll, Pacheco, and Homiston; nays: none.

Upon the recommendation of the Roughrider Committee, Council Member Homiston moved to approve the Enhancement Grant Applications submitted by WC Missoula Children’s Theatre in the amount of $500 and by the McKenzie Co Heritage Association in the amount of $1000. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Voll, Homiston, and Pacheco; nays: none.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Jeff Koch/Rogers Investments (SE1/4SE1/4 Section 24, T150N, R99W – 5.04 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 Jeff Koch/Rogers Investments (SE1/4SE1/4 Section 24, T150N, R99W – 5.04 acres). Motion seconded by Council Member Samuelson and carried unanimously.

Lenny and Missy Cannavo were present to discuss their property located on 4th St SE. No action was taken.

Todd Norton and Todd Kelley, Advanced Engineering and Environmental Services, were present and provided task orders and one change order for review.

Council Member Samuelson moved to approve Task Order #22a – 6th Street NE New Street Construction Preliminary Design Phase in the amount of $48,000. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Homiston, Voll, Pacheco, and Samuelson; nays: none.

No action was taken on Task Order #24.

Council Member Homiston moved to approve Task Order #25 – New High School and Events Center Platting – Geomatics Phase in the amount of $8,000, contingent on the school vote passing on March 11, 2014. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Voll, Homiston, and Pacheco; nays: none.

Council Member Voll moved to approve Task Order #26 – 2014 GIS Updates in the amount of $20,000. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Pacheco, Homiston, Samuelson, and Voll; nays: none.

Council Member Homiston moved to approve Change Order #8 from North Star Energy and Construction – Area 6 Utility Extension and Improvements adding 25.5 calendar days to the existing contract. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Voll, Samuelson, Homiston, and Pacheco; nays: none.

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

Council Member Voll moved to approve the recommendations from the Planning Commission from their February 24, 2014 meeting with the exception of item number 10 to be voted on separately. Approved the following: Simple Lot Split submitted by the City of Watford City for property located in the NW ¼ of Section 16, T150N, R98W, 3.51 acres, for the purpose of making one parcel into two; Simple Lot Split submitted by Paul and Sandi Wisness for property located at 205 3rd St Lots 7-10 of Block 8, Original Townsite, for the purpose of combining 4 lots into one; Conditional Use Permit submitted by O’Day Equipment for property located at 1104 Main St South, for the purpose of installing an above ground double walled fuel storage tank and fuel management equipment; Zone Change Application submitted by Watford City Town Center, LLC, for property located at 902 11th Ave SW, Section 24, T150N, R99W, 120 acres, application will re-zone AG property to R1, R2, R3, R4, C1, C2, CF and IP. This approval is contingent on a conceptual map and Development Plan. If no action is taken in one year, the property will return to AG; Conditional Use Permit submitted by Colt Floyd for property located at 2502 17th Ave NE, for the purpose of providing Temporary Employee Housing. This is a new application to add two more units to an existing conditional use permit bringing the total to 8 units; Conditional Use Permit annual review issued to Darwin Krabbenhoft on property located at 501 10th St SE, Lot 11 Blk 1, to continue allowing Temporary Workforce Housing; Conditional Use Permit annual renewal issued to McKenzie County Public School District #1 on property located at 300 3rd St SE, Lot 11, Block 2 Plus Street, to continue allowing Temporary Employee Housing. Approval is given with staff report recommendations. This Conditional Use Permit is also valid until the end of 2015 with no annual renewal in 2014; Conditional Use Permit annual renewal issued to Doug Kesler on property located at 1402 South Main St, Section 30, T150, R98, IT 805-PT Lots 1 & 2 .92 acres, to continue allowing an RV Park within a Commercial Zone; Conditional Use Permit annual renewal issued to Western Area Water Supply/Jaret Wirtz, on property located at 608 4th Ave NW Section 13, T150N, and R99W, IT 179 PT SWSE Water Tanks, to continue allowing a free standing, 60 ft. tower for telemetry. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Samuelson, Pacheco, Voll and Homiston; nays: none.

Council Member Homiston moved to instruct Attorney Voll to send a letter to David Veeder regarding property located at 604 4th Ave NE, Lot-5, Blk-2, Stevens Addition. The Conditional Use Permit renewal was denied on October 7th 2013 and currently the property has not been brought into compliance. The letter should indicate that Mr. Veeder has until May 1, 2014 to bring the property into compliance or enforcement action will be taken. Motion seconded by Council Member Pacheco and carried by the following roll call vote: Samuelson, Voll, Homiston, and Pacheco; nays: none.

Council Member Homiston moved to approve an employment offer to Art Walgren to fill the Chief of Police position at Category 11, Step 1 with a start date of April 1, 2014. Motion seconded by Council Member Voll and carried by the following roll call vote: Pacheco, Samuelson, Voll, and Homiston; nays: none.

Member Homiston moved to approve the following annual step increases for Dylan Bostic – Cat 12, Step 2 to Cat 12, Step 3; effective April 1, 2014; Gary Hoffman – Cat 4, Step 3 to Cat 4, Step 2; effective April 1, 2014; Nicholas Pavek – Cat 12, Step 1 to Cat 12, Step 2; effective April 16, 2014; Justin Smith – Cat 11, Step 5 to Cat 11, Step 6; effective April 16, 2014. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Voll, Pacheco, and Homiston; nays: none.

Council Member Homiston moved to approve securing an available apartment at the Wolf Run Village for the police department. The city will pay the rent until a new hire can move into the apartment. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Samuelson, Pacheco, Voll, and Homiston; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #340 Annexing property to the City of Watford City per Annexation Application submitted by City of Watford City (SE1/4SE1/4NW1/4 Section 18, T150N, R98W -29.70 acres). Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Homiston, Samuelson, Voll, and Pacheco; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #341 Annexing Property to the City of Watford City per Annexation Application submitted by Consolidated Investment Group LLC - The Highlands Phase II (SE 1/4SW1/4 Section 13, T150N, R99W- 40 acres). Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Homiston, Voll, Pacheco, and Samuelson; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #342 Amending Chapter XVII, Article 1 – Relating to Montana-Dakota Electric Limited Franchise. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Voll, Pacheco, Homiston, and Samuelson; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #343 Amending Chapter XVII, Article 2 – Relating to McKenzie Electric Limited Franchise. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Samuelson, Homiston, Pacheco, and Voll; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #344 Amending Chapter XIII, Article 1 – Montana-Dakota Natural Gas Unlimited. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Voll, Homiston, Samuelson, and Pacheco; nays: none.

Council Member Voll moved to approve Resolution 2014-05 – Resolution Amending Fee Schedule (Adopted 2/06/2012). Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Homiston, Voll, and Pacheco; nays: none.

Council Member Pacheco moved to approve Raffle Permit # 706 – Good Shepherd Home Auxiliary. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Samuelson, Voll, Homiston, and Pacheco; nays: none.

Council Member Pacheco moved to approve Resolution 2014-06 – North Dakota City Government Week. Motion seconded by Council Member Homiston and carried unanimously.

Council Member Pacheco moved to approve the Consent to Assignment of Development Agreement for Fox Hills Village II, LLC to Watford City Hotel Partners, LLC (Lot 1, Block 2, Fox Hills Village, Watford City). Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Samuelson, Pacheco, Homiston, and Voll; nays: none.

Council Member Homiston moved to approve the Consent to Assignment of Development Agreement for CKW Properties, LLC to Cass Oil Co. (Lot 2A in Block 2, South Park Addition). Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Homiston, Voll, Pacheco, and Samuelson; nays: none.

Council Member Samuelson moved to approve the Land Exchange Agreement between Black Gold Development, LLC and the City of Watford City. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Voll, Pacheco, and Homiston; nays: none.

Council Member Homiston moved to approve proceeding with a zone change application to coincide with the Zoning Plan Exhibit “B” to Land Exchange Agreement between Black Gold Development, LLC and the City of Watford City. Motion seconded by Council Member Pacheco and carried unanimously.

Council Member Voll moved to approve amending the Final Action Memorandum dated May 7, 2013 to Black Gold Development, LLC. Planning Department staff will send an amended Final Action Memorandum to Black Gold Development, LLC. Motion seconded by Homiston and carried by the following roll call vote: ayes: Samuelson, Pacheco, Homiston, and Voll; nays: none.

Council Member Voll moved to approve the bills as listed. Motion seconded by Council Member Samuelson and carried unanimously. EFPTS $26,598.23; EFTPS $29,168.38; TASC $104.50; TASC $236.98; NDPERS $572.50; NDPERS $572.50; Payroll $138,928.71; BCBS $26,240.00; NDPERS $24,165.92; NDPERS $223.32; Symetra $308.06; AFLAC $601.02; 24/7 Contracting Services $2530.00; Advanced Engineering $344,122.65; Astro Chem Services $50.00; Badlands Hardware $1,661.03; Balco Uniform Comp $112.59; Bank of North Dakota $13,695.00; Becky O’Neill $11.00; Benefit Fund of McKenzie Co. Healthcare Systems $5,000.00; Bluetarp Financial $389.23; Border States Electric Supply $138.93; C Emery Nelson, Inc. $708.97; Carquest Auto Parts $867.15; Coborn’s $32.80; Comfort Suites Bismarck $148.00; Dacotah Paper Co. $332.46; Dakota Diesel USA, Inc. $18.04; Dakota Fire Extinguishers, Inc. $1,448.76; Daniel Blood $78.53; Darrington Snow Removal $100.00; Dave Regnier $125.00; Dean Anderson, Inc. $640.00; Direct Electric $8,600.94; DW Excavating $5,265.00; Earthwood Builders $4,903.42; Elliot Excavating $2,000.00; Farmers Union Oil Co $10,565.45; Fastenal Company $1,732.30; First International Insurance $100.00; Foley Brothers $1,750.00; Fred’s Sewer & Drain Service $1,100.00; Frontier Precision $13,292.98; Gaffaney’s Inc $810.11; Gene’s Tree Service $498.78; Grainger $94.74; Grand International Inn $225.00; Greg’s Welding $175.00; Hawkeye Oil Field Supply LLC $10.41; Hawkins, Inc. $388.84; Heggen Equipment, Inc. $60.56; HR Collaborative $150.00; Hydraulic Training Associates $990.00; Information Technology Dept $483.40; Jack & Jill $79.44; J.J. Keller & Associates, Inc. $21.20; Kade Ross $40.00; Kohler Communications, Inc. 854.10; Larsen Service Drug Inc. $3.49; Linda Bone $75.00; Lund Oil $2,719.19; Mac’s Inc. $435.38McCody Concrete Products, Inc. $675.00; McKennett Law Firm $19,347.50; McKenzie County Ambulance $951.79; McKenzie County Farmer $1,680.92; McKenzie County Healthcare $500,0000.000; McKenzie County Heritage Association $1,000.00; McKenzie County Landfill 3,381.20; McKenzie Electric Coop $1,613.00; Meuchel Enterprises, Inc. $7,697.65; Michael Todd & Company, Inc. $1,255.53; Montana Dakota Utilities $13,139.11; Moorhead Electric $1,822.99; MyGov $1,450.00; ND Department of Health $120.00; NDRM&CPA $280.00; ND Safety Council, Inc. $200.00; ND Secretary of State $72.00; North Dakota Water & Pollution Conctrol $120.00; OK Implement $2,365.12; OK Tire Store $371.80; One Call Concepts $81.40; One Way Service Machine Shop $4,615.83; PostMaster $1,135.75; Power Plan OIB $1,666.80; Pro Auto Body $299.17; Quality Flow Systems, Inc. $8,580.00; Red Carpet $134.90; Reservation Telephone $5,272.97; Rough Rider Industries $175.00; Shannon Wellen $320.08; Sirchie Finger Print $160.97; State Disbursement Unit $325.00; Stein’s, Inc. $3,696.56; Taser International $29.95; TD & H Engineering $15,551.50; Terry Nate Jeffries $90.00; The Bismarck Tribune $289.26; Total Funds By Hasler $500.00; Triple AAA Safety $475.44; Truck of Bismarck, Inc. $194.24; Verizon $1,765.61; VISA $1,492.70; Watford City Enterprises $600.00; Watford City Express Laundry $1,235.01; Watford City Missoula Children’s Theater $500.00; Wolf Run Village $5,000.00.

The next regularly scheduled City Council meeting will be on Monday, April 7th, 2014 at 6:00 p.m. at City Hall in the Civic Center.

There being no further business, the meeting was adjourned at 8:13 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