CITY OF WATFORD CITY

CITY COUNCIL MEETING

June 2, 2014

Minutes of the regular City Council meeting held on June 2, 2014 at 6:00 p.m. at City Hall. Present were Mayor Brent Sanford and Council Members Justin Voll, Kris Pacheco, Randy Samuelson, Marty Mulder, Doug Bolken, and Shane Homiston. Also present was City Planner Curt Moen, City Auditor Peni Peterson and Attorney Wyatt Voll.

Council Member Mulder moved to approve the minutes of the city council meeting held on May 5, 2014. Motion also included approving the agenda and the additions to the agenda. Motion seconded by Council Member Pacheco and carried unanimously.

MaLissa Schroeder, Steve Brenno, and Denise Heiser requested to allow alcohol in a designated outdoor area behind the three bars. They will be renting the city fence for $100.00 and will be in charge of setting up and taking down the fence. Council Member Samuelson moved to approve the request and was seconded by Council Member Voll and carried by the following roll call vote: ayes; Mulder, Pacheco, Bolken, Voll, Homiston, and Samuelson; nays: none.

Council Member Pacheco moved to approve the Class B Liquor License Applications for Tokyo Steak Seafood Sushi House; expires June 30, 2014. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Samuelson, Mulder, Homiston, Bolken, Voll, and Pacheco; nays: none.

Council Member Homiston moved to renew the Liquor and Beer Licenses, Adjacent Room Licenses and Sunday Alcoholic Beverage Permits as submitted for July 1, 2014 thru June 30, 2015 for the following applicants: Long X Bottle Shop; Coborn’s, Inc; Watford City Hospitality Group, LLC; South Park Extended Stay; Six Shooters, LLC; Happy Rice, Inc; Tokyo Steak Seafood Sushi House; D & M’s Office; Little Missouri Grille, Inc; Marquardt Inc (dba TJ’s Pizza & Suds); Watford City Bar, Inc; American Legion Club; Fox Hills Golf & Country Club. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Voll, Bolken, Mulder, Pacheco, Samuelson, and Homiston; nays: none.

Mayor Sanford called the Public Hearing, as advertised, to order for the Petition to Vacate Easement application submitted by Pheasant Ridge Subdivision (Lot 78). 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 (Lot 78). Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Pacheco, Mulder, Homiston, Bolken, Voll, and Samuelson; nays: none.

Kari Korslien, on behalf of Relay for Life, requested to have a fireworks display during Relay for Life at the Fairgrounds, Friday, June 6th. Council Member Samuelson moved to approve a fireworks display from 10 pm – 12 am contingent on approval from the fire chief and Airport Authority. Motion seconded by Council Member Homiston and carried unanimously.

Adam Berger and Bill Vietech were present and gave a Master Plan presentation on a proposed development.

Todd Norton, Advanced Engineering, presented advertisement requests and task orders.

Council Member Samuelson moved to approve advertising for bids for the 2014 Street Improvement Project. Motion seconded by Council Member Pacheco and carried unanimously.

Council Member Voll moved to approve advertising for bids for the 2014 Watermain Improvements Project. Motion seconded by Council Member Homiston and carried unanimously.

Council Member Bolken moved to approve advertising for bids for the 17th Avenue Northeast Construction Project. Motion seconded by Council Member Pacheco and carried unanimously.

Council Member Homiston moved to approve Task Order #29 from Advanced Engineering (2014 Street Improvements – Design and Bidding Services) for $72,000. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Bolken, Mulder, Voll, Samuelson, Homiston, and Pacheco; nays: none.

No action was taken on Task Order #28.

Todd Kelly, Advanced Engineering, presented Change Orders and Pay Estimates.

Council Member Voll moved to approve Change Order #1 from Phoenix Fabricators & Erectors, Inc. (Northwest Water Tower) for $32,066.85. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Homiston, Mulder, Bolken, Pacheco, Voll, and Samuelson; nays: none.

Council Member Samuelson moved to approve Change Order #2 from Phoenix Fabricators & Erectors, Inc. (Northwest Water Tower) for $21,605.00. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Pacheco, Voll, Homiston, Mulder, Bolken, and Samuelson; nays: none.

Council Member Voll moved to approve Pay Estimate #3 from Phoenix Fabricators & Erectors, Inc. (Northwest Water Tower) for $311,010.16. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Mulder, Bolken, Pacheco, Homiston, and Voll; nays: none.

Council Member Bolken moved to approve Pay Estimate #4 from Phoenix Fabricators & Erectors, Inc. (East Water Tower) for $642,105.00. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Voll, Pacheco, Mulder, Samuelson, Homiston, and Bolken; nays: none.

Council Member Samuelson moved to approve Pay Applications #8 ($90,833.05), #9 ($107,041.86), #10 ($84,814.47), #11 ($21,649.85) (City Hall) and #8 (-$113,118.79), #9 ($120,337.40), #10 ($49,896.17), #11 ($15,094.64) (EMS Building) from AHTNA. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Bolken, Pacheco, Mulder, Samuelson, Homiston, and Voll; nays: none.

Chief Art Walgren was present and gave an update on the police department and requested approval to adopt the ND Model Policy by Lexipol for police procedures, and requested approval for the vehicle bid from Kupper Chevrolet for 3 police package Tahoes in the amount of $32,233/vehicle.

Council Member Mulder moved to approve adopting the ND Model Policy Manual by Lexipol for police procedures. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Pacheco, Mulder, Homiston, Voll, and Bolken; nays: none.

Council Member Voll moved to approve the vehicle bid from Kupper Chevrolet to purchase 3 police package Tahoes in the amount of $96,699.00. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Mulder, Bolken, Homiston, Samuelson, Voll, and Pacheco; nays: none.

Council Member Homiston moved to approve the recommendations from the Planning Commission from their May 27, 2014 meeting. Approved the following: Zone Change Application submitted by Fox Hills Village II/Mark Bragg & Jake Walters for property located @ Fox Hills Village II, NE1/4 Section 20, T150 and R98. The application will rezone Lot 2 Block 2 7.81 acres to C1, Lot 1 Block 4 9.18 acres to C1, Lot 2 Block 3 7.46 acres to R4, and Lot 4 Block 2 1.79 acres to R4; Simple Lot Split submitted by Watford Venture One Borrower/Glen Smith for property located in Lot 130 of the Hunter’s Run Subdivision, 10.94 acres. Application will create two parcels from one. Recommendation for approval is contingent upon staff recommendations with in staff report, all recommendations must be completed prior to accordingly; Zone Change Application submitted by Jane Holzer/Steve Iverson for Arista Development for property located at Fox Hills Village II, NE1/4 Sec. 20, T150, R98. The application will rezone Lot 2 Block 1 34.04 acres to R4. Approval is contingent upon staff recommendation with in staff report; Amended Final Plat application submitted by Veeder Estates, LLC./David Veeder. Approval is contingent upon staff recommendation with in staff report; corrections to plat language, ROW dedication corrected along with staff report recommendations must be completed prior to recording of plat and subject to final approval by City Council. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Pacheco, Bolken, Samuelson, Homiston, Voll, and Mulder; nays: none.

Council Member Homiston moved to terminate, for cause, Samantha Phillips effective June 2, 2014. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Bolken, Mulder, Pacheco, Samuelson, Homiston, and Voll; nays: none.

Council Member Homiston moved to approve an annual step increase and category change for Kylee Roff from Category 3, Step 0 to Category 5, Step 0; effective June 16, 2014. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Voll, Samuelson, Homiston, Mulder, Pacheco, and Bolken; nays: none.

Council Member Homiston moved to approve the following step increases: David Regnier from Cat 3, Step 1 to Cat 3, Step 2; effective June 1, 2014; Seth Sampson from Cat 5, Step 0 to Cat 5, Step 1; effective June 1, 2014; Gerad Andrews from Cat 3, Step 2 to Cat 3, Step 3; effective June 16, 2014; Terry Nate Jefferies from Cat 4, Step 1 to Cat 4, Step 2; effective July 1, 2014; Curtis Larson from Cat 4, Step 0 to Cat 4, Step 1; effective July 1, 2014. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Bolken, Mulder, Pacheco, Samuelson, Homiston, and Voll; nays: none.

Council Member Homiston moved to an approve offer of employment to Yvonne House (Building Maint) Cat 3, Step 0; effective June 1, 2014 and an offer of employment to Jessica Benitez (Receptionist) Cat 3, Step 0; effective June 16, 2014. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Pacheco, Homiston, Mulder, Voll, Samuelson, and Bolken; nays: none.

Council Member Voll moved to approve a Joint Power Agreement with McKenzie County for Assessing Services in the ETA. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Pacheco, Homiston, Bolken, Samuelson, Mulder, and Voll; nays: none.

Council Member Pacheco moved to approve the First Reading on Amending Section 9-309 of Article III of Chapter IX Relating to Thefts Punishable by City Ordinance. Motion seconded by Council Member Bolken and carried unanimously.

Council Member Pacheco moved to approve the Second Reading on Ordinance #354 Annexing property to the City of Watford City per Annexation Application submitted by CKW Properties, LLP (404 11th Ave SE). Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Bolken, Mulder, Pacheco, Voll, and Homiston; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #355 Annexing property to the City of Watford City per Annexation Application submitted by White Ram Enterprises, LLC, Cary & Darlene Garman (SW1/4 Section 24, T150N, Range 99W). Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Voll, Samuelson, Homiston, Bolken, Pacheco, and Mulder; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #356 Annexing property to the City of Watford City per Annexation Application submitted by Matrix Equities Watford, LLC (SW1/4 Section 21, T150N, R98W). Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Samuelson, Bolken, Mulder, Voll, Pacheco, and Homiston; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #357 Amending Chapter I, Article 2, Section 1-203 – Relating to Governing Body – City Council. Motion seconded by Council Member Homiston and carried by the following roll call vote: Samuelson, Pacheco, Bolken, Voll, and Homiston; nays: Mulder.

Council Member Pacheco moved to approve the Second Reading on Ordinance # 358 Amending Chapter I, Article 2, Section 1-201 – Relating to Governing Body – City Council. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Homiston, Voll, Pacheco, Bolken, Mulder, and Samuelson; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #359 Amending Chapter VII, Article 2, Section 7-206 – Relating to Impounding. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Mulder, Bolken, Samuelson, Homiston, Voll, and Pacheco; nays: none.

Council Member Pacheco moved to approve Resolution 2014-09 – Destruction of Records. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Homiston, Samuelson, Bolken, Voll, Pacheco, and Mulder; nays: none.

Council Member Pacheco moved to approve Resolution 2014-10 – Amend Application Fee Schedule. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Homiston, Voll, Pacheco, Mulder, and Bolken; nays: none.

Council Member Pacheco moved to approve Resolution No. 2014-12 – Resolution Setting Bond for City Auditor. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Mulder, Samuelson, Pacheco, Bolken, Voll, and Homiston; nays: none.

Council Member Pacheco moved to approve Raffle Permit #710 – Trish Gravos Memorial Golf Scramble. Motion seconded by Council Member Mulder and carried unanimously.

Council Member Pacheco moved to approve the Application for Special Liquor License Permit submitted by Watford City Community Benefit Assoc. to allow selling wine at the Centennial Celebration June 27 & 28th from 11 am – 9 pm. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Samuelson, Homiston, Voll, Pacheco, Bolken, and Mulder; nays: none.

Council Member Voll moved to approve a Purchase Agreement with Nathan Dahl in the amount of $10,000. Motion seconded by Bolken and carried by the following roll call vote: ayes: Mulder, Pacheco, Samuelson, Homiston, Voll, and Bolken; nays: none.

Council Member Voll moved to approve The Crossings Phase 2 Bond Addendum, Bond Application #1 – Revised 6/2/14. This addendum would nullify the previous bond release of 38.67% or $756,291 of the original bond in the amount of $1,951,085. In replacement of the previous bond release, approved releasing bond dollars back to The Crossings at Watford City, LLC in the amount of $1,523,038.50 or 61.41% of the total bond of $2,461,344 for the Phase 2 Infrastructure. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Mulder, Pacheco, Bolken, Voll, and Homiston; nays: none.

Council Member Homiston moved to approve the Assignment of Development Agreement (GTI Subdivision) to Luke and Courtney Taylor. Motion seconded by Council Member Voll and carried unanimously.

Council Member Voll moved to approve a Purchase Agreement with Bakken Advantage Fund, LLC for 44.87 acres at $25,000/acre or $1,121,750.00. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Mulder, Homiston, Bolken, Voll, Pacheco, and Samuelson; nays: none.

No action was taken on the Agreement for Sanitary Sewer Expansion – Payment and Capacity.

Council Member Bolken moved to approve the Tera Estates Development Agreement. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Voll, Pacheco, Bolken, Mulder, and Homiston; nays: none.

Council Member Bolken moved to approve the Letter of Intent with Kraus-Anderson. Motion seconded by Council Member Voll and carried unanimously.

Council Member Homiston moved to approve the Letter of Intent with The Judith H Stenehjem (SLS) Limited Partnership. Motion seconded by Council Member Samuelson and carried unanimously.

Council Member Mulder moved to approve Resolution 2014-11 – City Standards. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Homiston, Pacheco, Voll, Bolken, Mulder, and Samuelson; nays: none.

Council Member Samuelson moved to approve the Settlement Agreement and Mutual Release with RS Bennett Construction in the amount of $500,000. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Bolken, Voll, Homiston, Samuelson, and Pacheco; nays: none.

Council Member Voll moved to approve the Settlement Agreement and Mutual Release with Advanced Engineering and Environmental Services (AE2S). AE2S will pay to City $40,000, and in addition shall credit any outstanding amount owed at present or on future invoices for engineering services in the total amount of $60,000. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Bolken, Samuelson, Pacheco, Mulder, Voll, and Homiston; nays: none.

Council Member Mulder moved to approve the bills as listed. Motion seconded by Council Member Pacheco and carried unanimously. EFPTS $38,290.03; EFTPS $23,241.86; TASC $236.98; TASC $225.32; NDPERS $572.50; NDPERS $685.00; Payroll $146,444.88; BCBS $25,661.80; NDPERS $24,434.21; NDPERS $212.64; Symetra $467.50; AFLAC $1,344.20; Aaron Mitchell $150.50; Abel Enterprises $16,714.20; Advanced Engineering $308,054.91; Ahtna Technical Services $376,548.65; Arthur Walgren $157.50; Astro Chem Services $356.00; Badlands Hardware $483.71; Balco Uniform Comp $12.00; BlueTarp Financial $18.04; Braun Intertec Corp. $1,545.00; Brown & Saenger $1,169.28; Bud’s Pump Service $3,600.13; C.Wilder Construction $350.00; Carquest Auto Parts $73.64; Chief Supply Corp. $66.05; Comfort Inn Bismarck $454.00; Craigs Paulson $1,800.00; Curtis Larson $15.00; Dacotah Paper $784.46; Dakota Dumpster $300.00; Dakota Supply Group $20,088.03; Darrington Snow Removal $300.00; DW Excavating $7,717.94; Dylan Bostic $350.00; Fastenal Company $60.90; Flexible Pipe Tool Company $154.55; Foley Brothers $5,600.00; Gaffaney’s Inc $440.38; Gene’s Tree Service $250.00; Greg’s Welding $34.59; Gwen Bohmback $30.00; Hawkins, Inc. $547.00; Heggen Equipment, Inc. $3,393.80; High Country Tree Galleries $7,163.50; Information Technology Dept $609.50; Intergraph Corporation $504.00; Jesse Wellen $350.00; JLG Architects $98,350.23; KLE Construction $21,645.00; Landmark Structures $642,105.00; Lund Oil $2,740.82; Lyle Signs $65.08; MainStay Suites Bismarck $415.00; McKennett Law $26,803.75; McKenzie County Farmer $2,131.82; McKenzie County Landfill $11,920.40 McKenzie County Recorder $227.00; McKenzie County Road & Bridge $1,600.00; McKenzie Electric $1,394.00; Meuchel Enterprises, Inc. $8,002.68; Montana Dakota Utilities $11,827.26; Municipal Code Corporation $1,557.17; ND Dept of Health $1,993.84; ND Guaranty & Title $2,000.00; ND League Of Cities $15.00; NDAAO Treasurer $117.00; Office of the State Auditor $200.00; OK Implement $830.26; OK Tire Stores $385.36; One Call Concepts $284.90; Page Rosenlund $48.21; Phoenix Fabricators $311,010.16; Positive ID 78.75; Post Master $324.66; Power Plan OIB $3,758.20; R.S. Bennett $500,000; RDO Trust $4,500.00; Red Carpet Carwash $459.67; Reservation Telephone $2,242.30; Rita Olson $221.70; Roosevelt Inn & Suites $156.55; RoughRider Industries $18,539.00; S&S Motors $2,873.55; Safeguard Business Systems $377.81; Schock’s Safe & Locks $610.85; Sherwin-Williams Co. $3,116.00; Sirchie Finger Print $4,000.15; Stein’s Inc. $149.98; Suds Laundry $111.40; Swanston Equipment $147.79; Taylor Ag $2,992.50; TD & H Engineering $14,097.00; Total Funds By Hasler $50.46; Tractor Supply $5.99; Triple AAA Safety $85.00; Van Diest Supply Co. $2,175.00; Verizon $2,012.84; VISA $2,990.46; Vogel Law Firm $924.00; Watford City Enterprises $600.00; Watford City Express Laundry $3,466.40; Z&S Dust Control $1,794.38.

The next regularly scheduled City Council meeting will be on Monday, July 7, 2014 at 6:00 p.m. at City Hall.

There being no further business, the meeting was adjourned at 8:49 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