

CITY OF WATFORD CITY
CITY COUNCIL MEETING
September 7, 2021

Minutes of the regular City Council meeting held on September 7, 2021 at 6:00 p.m. at City Hall. Present were Mayor Phil Riely and Council Members Kenny Liebel, Bethany Devlin, Lindsay Veeder, Matt Beard, Steve Sanford, and Heidi Brenna. Also present was City Administrator Curt Moen, City Auditor Peni Peterson, and City Attorney Wyatt Voll. Mayor Riely called the meeting to order with the Pledge of Allegiance.

Council Member Sanford moved to approve the September 7, 2021 as presented. Motion seconded by Council Member Liebel and carried unanimously.

Council Member Devlin moved to approve the minutes of the city council meeting held August 2, 2021, as presented. Motion seconded by Council Member Sanford and carried unanimously.

Rita Olson, City Assessor, presented two Applications for Abatement or Refund of Taxes (4457-4458) submitted by Eva Sanford.

Council Member Liebel moved to approve Applications for Abatement or Refund of Taxes (4457-4458) submitted by Eva Sanford. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Sanford, Liebel, Brenna, Veeder, Beard, and Devlin; nays: none.

Public Input was requested by City Council to review NDCC Chapter 5 Section 5-02-05 relating to Retail Licensing allowing liquor establishments to dispense alcohol on Sundays beginning at 8:00 a.m. Current city ordinance allows for dispensing at 11:00 a.m. on Sundays. There was no written or verbal comment from the public, however one bar owner was present and spoke in favor of the new state law.

Council Member Sanford moved to approve the First Reading on an Ordinance amending Section 6-515 of Article V of Chapter 6 – Relating to Hours of Time of Sale. Motion seconded by Council Member Liebel and motion carried (Devlin nay).

Moved by Council Member Devlin that the following resolution be adopted: Whereas, the City Council did on the 2nd of August 2021 adopt a preliminary budget for January 1, 2022 through December 31, 2022, 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 \$1,466,250; Emergency \$0; Lease of Law Enforcement Facilities \$120,750 totaling \$1,587,000. Motion seconded by Council Member Veeder and carried by the following roll call vote: ayes: Beard, Liebel, Sanford, Devlin, Veeder, and Brenna; nays: none.

Luke Taylor was present and gave an update on the Airport Runway Expansion project.

Terry Moe, Rough Rider Center, gave an update on events held at the RRC during the month of August.

Chief of Police Wellen gave an update on the police department.

Council Member Sanford moved to approve the recommendation from the Planning Commission from their August 30, 2021 meeting. Approved the following: Land Use Application – Conditional Use Permit – Michels Pipeline. Motion seconded by Council Member Devlin and carried by the following roll call vote: ayes: Sanford, Liebel, Brenna, Veeder, Beard, and Devlin; nays: none.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Chapter VIII, Article 12, Section 8-1202 - Relating to Traffic Ordinances Apply to Persons Riding Bicycle. Motion seconded by Council Member Devlin and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Chapter VIII, Article 12, Section 8-1203 - Relating to Obedience to Traffic Control Devices. Motion seconded by Council Member Sanford and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Chapter VIII, Article 12, Section 8-1204 - Relating to Bicycles on Sidewalks. Motion seconded by Council Member Devlin and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Chapter VIII, Article 12, Section 8-1209 - Relating to Riding on Bicycles - Motorized Bicycles - Age of Operator. Motion seconded by Council Member Brenna and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Chapter IX, Article 3, Section 9-309 1-6 - Relating to Thefts Punishable by City Ordinance. Motion seconded by Council Member Brenna and carried unanimously.

Council Member Devlin moved to approve Mayor Riely's reappointments of Kelly Peterson to the Housing Authority to fulfill a 5-year term until September 1, 2026; Matt Beard to the Roughrider Fund to fulfill a 3-year term until September 30, 2024; Carissa Liebel to the Roughrider Fund to fulfill a 3-year term until September 30, 2024; Joel Brown to the Roughrider Fund to fulfill a 3-year term to expire September 30, 2024. Motion seconded by Council Member Veeder and carried unanimously.

Council Member Devlin moved to approve the following August 2021 GPT Revenue Fund Transfers totaling \$964,946.92: 1000 General Fund \$120,333; 1002 Budget Stabilization Fund \$100,000; 2010 Road Fund \$88,000; 2240 RRC Operating \$12,000; 2290 PD Car Fund \$6,600; 3010 G.O. Hwy Bonds \$4,600; 3050 Oil & Gas Bonds \$10,800; 3075 RRC Bond \$497,992.71; 5020 Sewer Bonds \$124,621.21. Motion seconded by Council Member Liebel and carried by the following roll call vote: ayes: Beard, Liebel, Sanford, Devlin, Veeder, and Brenna; nays: none.

Council Member Brenna moved to approve the Information Technology Consulting Proposal submitted by Armor Interactive. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Veeder, Sanford, Brenna, Liebel, Beard, and Devlin; nays: none.

Council Member Beard moved to approve the Settlement Agreement and Mutual release between City of Watford City and Weidner Apartment Homes. Motion seconded by Council Member Brenna

and carried by the following roll call vote: ayes: Sanford, Liebel, Brenna, Veeder, Beard, and Devlin; nays: none.

Council Member Liebel moved to approve Exhibit A – City Consent and Acknowledgement of the Agreement between First International Bank & Trust, Watford City Golf Club, Inc., and Watford City Community Builders. Motion seconded by Council Member Devlin and carried by the following roll call vote: ayes: Brenna, Sanford, Devlin, Beard, Veeder, and Liebel; nays: none.

At 7:05 p.m. Council Member Beard made a motion to move into executive session as allowed by NDCC 44.04-19.1 to discuss Attorney consultation regarding Hunters Run, LLC. Motion seconded by Council Member Brenna and carried unanimously.

Whereby, the City Council met in executive session to consult with the attorney regarding negotiation strategy as authorized by NDCC 44-04-19.1. Present were Mayor Riely and Council Members Liebel, Devlin, Beard, Sanford, Veeder, and Brenna. Also present were City Administrator Moen, City Auditor Peterson, City Engineer Demars, and Attorney Wyatt Voll. The executive session was adjourned at 7:25 p.m.

Council Member Beard moved to instruct Attorney Voll to find an attorney to begin litigation against Hunters Run, LLC. Motion seconded by Council Member Veeder and carried unanimously.

At 7:28 p.m. Council Member Brenna made a motion to move into executive session as allowed by NDCC 44.04-19.1 to discuss potential land purchase and purchase amount. Motion seconded by Council Member Liebel and carried unanimously.

Whereby, the City Council met in executive session to discuss potential property purchase and assign a negotiator as authorized by NDCC 44-04-19.1. Present were Mayor Riely and Council Members Liebel, Devlin, Beard, Sanford, Veeder, and Brenna. Also present were City Administrator Moen, City Auditor Peterson, City Engineer Demars, and Attorney Wyatt Voll. The executive session was adjourned at 7:36 p.m.

Council Member Liebel moved to have City Administrator Moen, or his designee, execute the online bidding for the land auction. Motion seconded by Council Member Devlin and carried by the following roll call vote: ayes: Brenna, Beard, Devlin, Veeder, Liebel, and Sanford; nays: none.

The next item on the agenda was a Letter of Indemnification from Hall & Evan, LLC regarding KOKO Development, LLC v. Phillips & Jordan, Inc., DW Excavating, Inc., and Thomas, Dean & Hoskins, Inc. No executive session was called.

Council Member Beard requested to be recused from the agenda item due to a conflict of interest. Council Member Beard left the meeting at 7:40.

The Letter of Indemnification was reviewed and discussed. No action was taken.

Council Member Sanford moved to approve the bills as listed. Motion seconded by Council Member Veeder and carried unanimously. Aflac \$3,804.72; Blue Cross Blue Shield \$70,542.79; EFTPS

\$160,969.76; Nationwide Financial \$1,680.68; Nationwide Retirement Solutions \$5,778.64; ND Fraternal Order of Police \$275.00; NDPERS-Def Comp \$5,547.58; Payroll \$434,853.28; Symetra Life Insurance \$1,178.70; TASC \$5,676.44; Wolf Run Village Inc. \$750.00; Accusource \$615.73; Agency Mabu \$8,576.25; Andrew Schatz \$162.50; Armor Interactive \$5,162.85; ASDCO Construction Supply \$135.12; AVI Systems \$4,132.50; Axon Enterprise \$2,588.79; Badlands Hardware \$460.94; Baker Commodities \$70.00; Balco Uniform \$6,336.99; Black Mountain Software \$1,000.00; Bank of North Dakota \$1,128,697.50; Border States Electric Supply \$3,652.51; Brady's Towing & Recovery \$125.00; Brandy Davis \$56.00; Bridgestone Golf \$657.00; Burian & Associates \$35,326.83; C&D Water Services \$42.50; Callaway \$117.00; Cascade \$2,860.00; CIM Sanitary Tech \$5,000.00; City of Watford City \$414.43; City of Williston \$75.00; DAWA Solutions Group \$90.00; Ecolab \$104.30; Electro Watchman \$648.00; Extreme Cleaning \$575.00; Family Crisis Shelter \$778.00; Farmers Union \$7,907.46; Fastenal Company \$401.80; Flagshooter Inc \$232.14; FN High Quality \$292.00; Gateway Chevrolet \$44,750.00; GS Systems \$2,100.00; Guardian Fleet Safety \$28,163.59; Hansen Diesel & Automotive \$388.04; Heck Built \$1,513.00; Heggen Equipment \$12,748.25; High RPM \$7,854.80; Hill Enterprises \$372.24; Hinspergers Poly Industries \$3,156.00; Holiday Inn Express Jamestown \$345.60; Holiday Station stores \$6,935.53; Home of Economy \$226.15; Hoosier Truck Tank Repair \$125.00; Hurley Enterprises \$170.00; Information Tech Dept \$5,422.60; Jack and Jill \$66.80; Jocelin Contreras \$80.00; Johnson Controls \$393.50; Jonathan Davis \$56.00; JP Morgan Chase Bank \$3,634.71; Kiesler Police Supply \$2,206.75; Kotana Communications \$615.85; Kuntz Sandblasting \$3,134.00; Legendary Adventures New Discovery \$15,000.00; Locators & Supplies \$214.85; Lund Oil Inc. \$1,933.53; McCody Concrete \$8,925.61; McKennett Law Firm \$16,644.50; McKenzie County Fair Board \$4,500.00; McKenzie County Farmer \$1,630.32; McKenzie County Healthcare \$2,205.00; McKenzie County Landfill \$18,545.20; McKenzie County Water Resource \$186,550.50; McKenzie Electric \$5,441.00; Meuchel Enterprises \$3,910.00; Midco Diving & Marine \$5,836.00; Montana Dakota Utilities \$18,286.21; Motorola \$41,061.30; MTI Distributing \$322.67; MVTL Laboratories \$734.00; ND Building Official Association \$245.00; NDSU Extension Pesticide \$125.00; Northern Metal \$13,192.20; Northern Pump & Compression \$322.50; Northland Truck Sales \$162,000.00; Northwest Pipe Fittings \$493.32; OK Implement \$1,351.52; OK Tire Stores \$263.45; One Call Concepts \$112.90; Pioneer Museum \$27,500.00; Pro Auto Body \$35.00; PS Garage Doors \$2,126.00; Quality Quick Print \$875.00; Ray Allen Manufacturing \$28.99; Record Keepers \$16.00; Reservation Telephone \$2,901.85; Rough Rider Center \$4,787.38; Sanford Construction \$1,800.00; Six Shooters LLC \$35,986.58; Street Cop Training \$398.00; Swanston Equipment \$2,588.43; The Huntington National Bank \$23,787.91; Tire-Rama Glendive \$5,609.16; Titanium Plumbing \$1,815.01; Traffic Control \$216.00; Triple AAA Safety/Training \$80.00; United Tactical Systems \$395.00; UPS \$67.67; Valli Information \$811.81; Vanguard Appraisals \$750.00; Verizon Connect \$19.19; Verizon Wireless \$3,099.39; Versatile Golf Cars \$4,500.00; VISA \$16,489.99; Watchguard Video \$16,600.00; Watford City Golf Club \$1,000.00; Watford City Rotary Club \$532.00; Watford City Veterinary Clinic \$515.00; Western Dakota Energy \$4,500.00; WINN Construction \$6,270.00; Wolf Run Village I \$30,000.00; Wolf Run Village II \$5,000.00.

The next regularly scheduled City Council meeting will be on Monday, October 4, 2021 at 6:00 p.m. at City Hall.

There being no further business, the meeting was adjourned at 7:50 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

Philip K. Riely, Mayor