

CITY OF WATFORD CITY
CITY COUNCIL MEETING
September 5, 2023

Minutes of the regular City Council meeting held on September 5, 2023 at 6:00 p.m. at City Hall. Present were Mayor Phil Riely and Council Members Bethany Devlin, Kenny Liebel, Lance Renville, Steve Sanford, Matt Beard, and Chelsea Bulzomi. 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 5, 2023 meeting agenda, as presented. Motion seconded by Council Member Liebel and carried unanimously.

Council Member Beard moved to approve the minutes of the city council meeting held August 7, 2023. Motion seconded by Council Member Devlin and carried unanimously.

Sara Fitzpatrick gave an update on the Roughrider Center.

Tony Carmichael gave an update on the Fox Hills Golf Course.

Chief Wellen gave an update on the police department.

Council Sanford moved to approve exterior repairs and remaining tasks at the Long X Visitors Center in the amount of \$174,739. Outdoor Heritage Fund grant money and previously approved Rough Rider funds will be used for these items. Motion seconded by Council Member Beard and carried by the following roll call vote: ayes: Liebel, Sanford, Beard, Devlin, Bulzomi, and Renville; nays: none.

Council Member Sanford moved to approve the chain link fence quote from Dakota Fence Company (golf course maintenance shop) in the amount of \$29,907. Motion seconded by Council Member Renville and carried by the following roll call vote: ayes: Renville, Sanford, Beard, Bulzomi, Devlin, and Liebel; nays: none.

Council Member Sanford moved to approve replacing 31 lights at the Rough Rider Center (arena and fieldhouse) in the amount of \$30,690. Motion seconded by Council Member Beard and carried by the following roll call vote: ayes: Beard, Bulzomi, Devlin, Liebel, Renville, and Sanford; nays: none.

A request from the WCCBA was reviewed and referred to the Ways, Means, Finance Committee.

Council Member Beard moved to approve the Second Reading of Ordinance #603 Adding Section 8-928 to Article 9 of Chapter 8 - Relating to Permitting Use of Vehicle to Violate Section 8-916 Prohibited - Presumption of Permission - Defense- Dual Prosecution Prohibited. Motion seconded by Council Member Liebel and carried with the following roll call vote: ayes: Renville, Bulzomi, Sanford, Beard, Liebel, and Devlin; nays: none.

Council Member Beard moved to approve the Second Reading of Ordinance #604 Adding Section 8-929 to Article 9 of Chapter 8- Relating to One-Way Roadways and Rotary Traffic Islands. Motion

seconded by Council Member Devlin and carried by the following roll call vote: ayes: Devlin, Beard, Renville, Bulzomi, and Liebel; nays: Sanford.

Council Member Beard moved to approve the Second Reading of Ordinance #605 Amending Article 15 of Chapter 4 - Relating to Trees. Motion seconded by Council Member Renville and carried by the following roll call vote: ayes: Bulzomi, Liebel, Sanford, Devlin, Renville, and Beard; nays: none.

Council Member Beard moved to approve the Second Reading of Ordinance #606 Amending Section 8-604 of Article 6 of Chapter 8 - Relating to Turning Movements and Required Signals. Motion seconded by Council Member Liebel and carried by the following roll call vote: ayes: Renville, Bulzomi, Beard, Liebel, and Devlin; nays: Sanford.

Council Member Beard moved to approve the Second Reading of Ordinance #607 Amending Section 8-701 of Article 7 of Chapter 8 - Relating to Stop Signs and Yield Signs. Motion seconded by Council Member Devlin and carried by the following roll call vote: ayes: Liebel, Sanford, Devlin, Bulzomi, Beard, and Renville; nays: none.

Council Member Beard moved to approve the Second Reading of Ordinance #608 Amending Section 8-915 of Article 9 of Chapter 8 - Relating to Vehicle Approaching or Entering Intersection. Motion seconded by Council Member Devlin and carried by the following roll call vote: ayes: Devlin, Beard, Sanford, Renville, Bulzomi, and Liebel; nays: none.

Council Member Beard moved to approve the Second Reading of Ordinance #609 Amending Section 8-916 of Article 9 of Chapter 8 - Relating to Overtaking and Passing School Bus. Motion seconded by Council Member Liebel and carried by the following roll call vote: ayes: Renville, Bulzomi, Sanford, Beard, Liebel, and Devlin; nays: none.

Council Member Beard moved to approve the Second Reading of Ordinance #610 Amending Section 8-1701 of Article 17 of Chapter 8- Relating to Windshield - Must be Unobstructed and Equipped with Wipers - Tinted Windows. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Bulzomi, Liebel, Sanford, Devlin, Renville, and Beard; nays: none.

Council Member Beard moved to approve the Second Reading of Ordinance #611 Amending Section 8-1707 of Article 17 of Chapter 8 - Relating to Use of Safety Belts Required in Certain Motor Vehicles - Enforcement – Evidence. Motion seconded by Council Member Liebel and carried by the following roll call vote: ayes: Liebel, Devlin, Bulzomi, Beard, and Renville; nays: Sanford.

Council Member Beard moved to approve the Second Reading of Ordinance #612 Amending Section 9-301 of Article 3 of Chapter 9 - Relating to Criminal Mischief. Motion seconded by Council Member Liebel and carried by the following roll call vote: ayes: Devlin, Beard, Sanford, Renville, Bulzomi, and Liebel; nays: none.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Section 8-308 of Article 3 of Chapter 8 of The City of Watford City Ordinances Relating To Operation of Vehicles on Approach of Authorized Emergency Vehicles. Motion seconded by Council Member Renville and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Repealing and Replacing Section 8-309 of Article 3 of Chapter 8 of The City of Watford City Ordinances Relating To Written Report of Accident. Motion seconded by Council Member Bulzomi and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Adding Section 8-310 To Article 3 of Chapter 8 of The City of Watford City Ordinances Relating to Highway Construction and Maintenance. Motion seconded by Liebel and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Section 8-501 of Article 5 of Chapter 8 of The City of Watford City Ordinances Relating to Basic Rules – Careless Driving – Penalty For. Motion seconded by Council Member Devlin and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Section 8-922 of Article 9 of Chapter 8 of The City of Watford City Ordinances Relating to Following Emergency Vehicle Too Closely Prohibited. Motion seconded by Council Member Bulzomi and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Section 8-924 of Article 9 of Chapter 8 of The City of Watford City Ordinances Relating to Open Bottle Law – Penalty. Motion seconded by Council Member Liebel and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Section 8-1311 of Article 13 of Chapter 8 of The City of Watford City Ordinances Relating to Parking Privileges For Physically Handicapped Certificate – Revocation. Motion seconded by Council Member Bulzomi and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Adding Section 8-311 To Article 17 Of Chapter 8 of The City of Watford City Ordinances Relating To Permitting Use of Vehicle To Violate Section 8-308 Prohibited – Presumption of Permission – Defense – Dual Prosecution Prohibited. Motion seconded by Council Member Liebel and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Repealing And Replacing Section 8-1705 of Article 17 of Chapter 8 of The City of Watford City Ordinances Regarding Modification of Motor Vehicle. Motion seconded by Council Member Devlin and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Section 8-1706 of Article 17 of Chapter 8 of The City of Watford City Ordinances Regarding Scope and Effect of Equipment Requirements – Penalty. Motion seconded by Council Member Devlin and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Section 9-201 of Article 2 of Chapter 9 of The City of Watford City Ordinances Relating to Simple Assault. Motion seconded by Council Member Liebel and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Amending Section 9-202 of Article 2 of Chapter 9 of The City of Watford City Ordinances Relating to Harassment. Motion seconded by Council Member Renville and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Repealing and Replacing Section 9-302 of Article 3 of Chapter 9 of The City of Watford City Ordinances Regarding Tampering With or Damaging a Public Service. Motion seconded by Council Member Bulzomi and carried unanimously.

Council Member Beard moved to approve the First Reading on an Ordinance Repealing and Replacing Section 9-304 of Article 3 of Chapter 9 of The City of Watford City Ordinances Regarding Criminal Trespass. Motion seconded by Council Member Devlin and carried unanimously.

Council Member Beard moved to approve payment of \$1900 to Sonja Johnson for cement work that was completed during a curb stop repair. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Renville, Beard, Sanford, Devlin, Bulzomi, and Liebel; nays: none.

Council Member Beard moved to approve the Expansion Grant Application submitted by McKenzie Health in the amount of \$20,000 for upgrades to the new women's clinic/pediatrician building. Motion seconded by Council Member Bulzomi and carried by the following roll call vote: ayes: Liebel, Sanford, Devlin, Beard, Bulzomi, and Renville; nays: none.

Council Member Beard moved to approve the Business Startup and Expansion Grant Application submitted by Elite Cabinets & Building Supply in the amount of \$20,000 for new and ongoing renovations to their property. Motion seconded by Council Member Bulzomi and carried by the following roll call vote: ayes: Bulzomi, Devlin, Sanford, Beard, Liebel, and Renville; nays: none.

Council Member Renville moved to approve impound auction income from the upcoming October auction be transferred into the PD Vehicle Replacement Fund. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Liebel, Sanford, Beard, Renville, Bulzomi, and Devlin; nays: none.

Council Member Devlin moved to approve the Annual Step Increase for: Greg Richins E-4. Motion seconded by Council Member Liebel and carried unanimously.

Council Member Devlin moved to approve the job description for Greenskeeper I. Motion seconded by Council Member Bulzomi and carried by the following roll call vote: Renville, Liebel, Sanford, Bulzomi, Beard, and Devlin; nays: none.

Council Member Liebel moved to amend Employee Policy 110 – Outside Employment. Motion seconded by Council Member Devlin and carried by the following roll call vote: ayes: Devlin, Bulzomi, Liebel, Renville, Sanford; nays: Beard.

No action was taken, due to a lack of a second, on Employee Policy 701 - Employee Conduct and Work Rules.

Council Member Bulzomi moved to add a Temporary Mining Permit Fee (\$125) and a Property Report Fee (\$75) to the Application Fee Schedule. Motion seconded by Council Member Devlin and carried by the following roll call vote: ayes: Liebel, Sanford, Beard, Devlin, Bulzomi, and Renville; nays: none.

Council Member Devlin moved to amend the Application Fee Schedule: Exhibits A & B to correct accounting errors. Motion seconded by Council Member Liebel and carried by the following roll call vote: ayes: Renville, Liebel, Sanford, Devlin, Bulzomi, and Beard; nays: none.

Council Member Devlin moved to approve the August GPT allocations totaling \$1,691,913.32: 1000 General Operating \$520,883.33; 1002 Budget Stabilization Fund \$0; 2010 Road Fund \$320,500; 2240 RRC Operating \$76,333.33; 2245 Fox Hills Golf Course \$41,666.67; 2290 Vehicle Replacement Fund \$12,833.32; 2310 Vector & Weed \$8,333.33; 3010 G.O. Hwy Bonds \$4,882.92; 3050 Oil & Gas Bonds \$10,647.09; 3075 RRC Bond \$600,000; 4005 Capital Improvement \$0; 4039 Golf Course Expansion \$0; 5020 Sewer Bonds \$95,833.33. Also approved the August ND State Tax fund transfers totaling \$2,200,421.03: City Occupancy \$31,179.33; City Restaurant/Lodging \$38,155.82; City Sales Tax \$510,858.97; Highway Tax \$28,040.43; Oil and Gas Gross Production \$1,535,832.49; Rev Share/State Aid \$56,353.99. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Sanford, Liebel, Devlin, Renville, and Bulzomi; nays: Beard.

Council Member Liebel moved to reinvest the \$1,000,000 General Fund investment, that matures on 9/14/2023, for a 6-month term at the best rate available as of the day of trading. Motion seconded by Council Member Bulzomi and carried by the following roll call vote: ayes: Bulzomi, Sanford, Renville, Devlin, Beard, and Liebel; nays: none.

Council Member Beard moved to approve the 2021 Audit as completed by Schmitz-Holmstrom, LLP. Motion seconded by Council Member Liebel and carried by the following roll call vote: ayes: Devlin, Renville, Bulzomi, Liebel, Beard, and Sanford; nays: none.

Council Member Liebel moved to approve Resolution No. 2023-13 – Resolution Approving Urban Area Boundary. Motion seconded by Council Member Devlin and carried by the following roll call vote: ayes: Liebel, Beard, Sanford, Devlin, Bulzomi, and Renville; nays: none.

Council Member Sanford moved to approve Pay Application #6 submitted by Construction Engineers, Inc. (Watford City New Public Works Facility) in the amount of \$1,434,949.20. Motion

seconded by Council Member Beard and carried by the following roll call vote: ayes: Bulzomi, Beard, Devlin, Liebel, Renville, and Sanford; nays: none.

Council Member Bulzomi moved to approve a request for the Public Works Department to remove a shed located at 208 North Main Street. Motion seconded by Council Member Liebel and carried by the following roll call vote: ayes: Renville, Sanford, Beard, Devlin, Bulzomi, and Liebel; nays: none.

Council Member Liebel moved to approve the 5-year Service Contract with Vanguard Computer Systems in the amount of \$5,500. Motion seconded by Council Member Beard and carried by the following roll call vote: ayes: Devlin, Sanford, Beard, Liebel, Renville, and Bulzomi; nays: none.

Attorney Voll gave a settlement update on the Hunters Run litigation. It was the consensus of the City Council to approve the offered settlement and for Attorney Voll to move forward with a formal settlement agreement.

Council Member Liebel moved to approve auctioning 3 police vehicles and 7 public works vehicles at the police department auction on October 14, 2023. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Beard, Devlin, Liebel, Sanford, Renville, and Bulzomi; nays: none.

Council Member Sanford moved to approve the bills as listed. Motion seconded by Council Member Renville and carried unanimously. BCBS of ND \$92,209.60; EFTPS \$131,943.97; Nationwide Financial \$1,876.79; Nationwide Retirement Solutions \$4,634.44; ND Fraternal Order of Police \$399.04; NDPERS-Def Comp \$7,277.76; Payroll \$362,624.42; Symetra Life Insurance \$1,282.10; Wolf Run Village Inc. \$500.00; Accusource \$154.62; Acushnet Company \$2,432.26; Advanced Business Methods \$90.79; Advanced Elements \$5,813.50; AgTerra Technologies \$35.00; Aligned Family Chiropractic \$20,000.00; Almquist Welding \$1,233.08; American Legion \$309.00; American Public Works \$229.00; Armor Interactive \$17,338.14; Astro Chem Service \$50.00; Baker Energy Services \$817.00; Balco Uniform \$3,471.74; Bank of North Dakota \$1,135,334.24; Bartlett & West \$3,814.60; Border States Electric \$296.79; Boss Office Products \$15,530.00; Brady's Towing & Recovery \$850.00; Brosz Engineering \$3,312.50; C&D Water Services \$96.25; Callaway \$7,336.08; Cascade Glass & Signs \$21,716.30; CDW Government \$2,343.84; CIM Sanitary Tech \$6,500.00; Cimco Refrigeration \$8,220.00; City of Watford City \$1,098.52; Civicplus LLC \$550.00; Cole Papers \$796.26; Construction Engineers \$1,434,949.20; Core & Main \$13,832.11; Corrttech \$18,987.50; Craig's Small Engine Repair \$173.93; D&D Water Well Service \$3,275.00; Dakota Back & Neck \$240.00; Daniel Barry \$273.00; Dealers Electrical Supply \$63.85; Dean Anderson Inc \$3,362.00; Ecolab \$377.76; Electro Watchman \$648.00; Everbridge, Inc \$3,800.00; Family Crisis Shelter \$1,352.59; Fastenal \$1,012.17; FedEx \$10.23; First International Bank & Trust \$360.00; First International Insurance \$135,048.00; Galls \$537.53; Gooseneck Implement \$22,485.01; Greg's Welding \$6,080.95; Hansen Diesel & Automotive \$145.12; Hawkeye Oil Field Supply \$27.53; Hawkins \$1,303.40; Heggen Equipment \$1,172.46; Hill Enterprises \$651.44; Holiday Inn Express - Minot \$176.40; Hurley Enterprises \$435.00; ICON Architectural \$36,292.76; Indian Hill Electric \$1,719.07; Information Technology Dept \$4,594.70; International Assoc. for Property \$175.00; Jack

& Jill \$54.91; Jana Ratkovich \$84.00; Janice Clifford \$900.00; JJ Electric \$751.37; Johnson Controls \$384.00; JP Morgan Chase Bank \$3,360.31; JP Nixon Consulting \$1,980.00; KLJ Engineering \$46,203.00; La Quinta By Wyndham Bismarck \$196.00; Landscape Elements \$73,013.00; Legendary Adventures New Discoveries \$10,000.00; Lowe's Garden Center & Floral \$9,432.19; Lund Oil \$1,703.18; Marco Technologies \$2,216.04; McKenzie County Fair Board \$5,000.00; McKenzie County Farmer \$1,279.68; McKenzie County Landfill \$22,889.45; McKenzie County Water Resource \$376.33; McKenzie Electric \$8,332.00; Minot Daily News \$3,030.00; MDU \$21,329.18; Motorola Solutions \$17,330.31; MTI Distributing \$8,368.60; MVTL Laboratories \$2,704.90; ND Office of State Tax Commissioner \$7,450.51; ND Rural Water Systems Assoc. \$260.00; Nelson Contracting \$1,956.00; Nelson International \$1,456.38; North Dakota Golf Association \$1,470.00; North Dakota School Board Association \$50.00; Northern Pump & Compression \$285.80; Nova Fire Protection \$695.00; OK Implement \$393.67; OK Tire Stores \$201.00; One Call Concepts \$139.10; PING \$1,762.48; Pioneer Museum \$29,500.00; PRI Management Group \$1,178.10; Public Agency Training Council \$100.00; Quality Flow Systems \$8,538.03; Quality Quick Print \$2,145.00; Ramkota Hotel – Bismarck \$264.60; RDO Trust \$834.96; Record Keepers LLC \$27.50; Red Rock Auto \$26.17; Reinders \$3,499.20; Reservation Telephone \$6,207.96; Rita Olson \$142.50; Roosevelt Inn & Suites \$19,225.00; Rough Rider Center \$64,541.82; Roughrider Industries \$32.82; Schock's Safe & Lock Service \$43.00; Shannon Wellen \$336.00; Sign Solutions \$429.90; Siteone Landscape Supply \$5,950.41; Six Shooters \$1,502.38; Sonja Johnson \$1,900.00; Stephanie Packer \$88.50; Steve Dube Construction \$2,866.00; Street Cop Training \$199.00; Suddenly Saskatchewan Magazine \$296.14; Supreme International \$1,247.78; Swanson & Warcup LTD \$36,426.55; Swanston Equipment \$1,569.70; Temperature Control Specialties \$90.82; The Elk River Nursery \$395.00; The Huntington National Bank \$10,435.00; The Tessman Company \$12,461.50; Timeclock Plus \$3,591.69; Tire-Rama Glendive \$780.00; Titanium Plumbing \$200.00; TrainND \$8,470.08; Trane U.S. Inc \$1,939.44; TTK Enterprises \$3,235.62; Universal Rectifiers \$3,712.38; UPS \$1,268.19; Valli Information \$1,115.42; Van Diest Supply Company \$4,996.75; Vawrita Best \$2,818.70; Verizon Connect \$19.19; Verizon Wireless \$3,789.17; Versatile Vehicles \$14,300.00; Visa \$6,965.92; Water Environment Federation \$155.00; Watford City Community Benefit Association \$341.92; Watford City Golf Club \$354.54; Watford City Park District \$10,101.05; Watford City Rotary Club \$490.00; Watford City Veterinary Clinic \$420.74; WEX Bank \$2,012.85; Wolf Run Village I \$28,674.89.

The next regularly scheduled City Council meeting will be on Monday, October 2, 2023 at 6:00 p.m. at City Hall.

There being no further business, the meeting was adjourned at 7:57 p.m. These minutes are published subject to the City Council's Review and Revision pursuant to NDCC 40-01-09.1.

Peni Peterson, City Auditor

Philip K. Riely, Mayor