CITY OF WATFORD CITY

CITY COUNCIL MEETING

JANUARY 7, 2013

Minutes of the regular City Council meeting held on January 7, 2013 at 6:00 p.m. at City Hall. Present were Mayor Brent Sanford and Council Members Justin Voll, Shane Homiston, Marty Mulder, Kris Pacheco, Doug Bolken and Randy Samuelson. Also present was City Planner Curt Moen, Auditor Peni Peterson and Attorney Wyatt Voll. Mayor Sanford called the meeting to order with the Pledge of Allegiance.

Council Member Voll moved to approve the minutes of the city council meeting held on December 3, 2012. Motion also included approving the agenda and the additions to the agenda. Motion seconded by Council Member Mulder and carried unanimously.

Council Member Samuelson moved to approve the new Liquor and Beer License Application and Sunday Alcoholic Beverage Permit submitted by Coborn’s, Incorporated and to issue a Liquor and Beer License for January 1, 2013 thru June 30, 2013. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Bolken, Pacheco, Mulder, Samuelson, Homiston, and Voll; nays: none.

Matt Beard, TDH Engineering, was present to provide Task Order #4 for The Crossings Subdivision.

Council Member Homiston moved to approve Task Order #4 from TDH Engineering, (The Crossing Subdivision) for $10,000.00. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Voll, Bolken, Mulder, Pacheco, Samuelson, and Homiston; nays: none.

Everett Enno, Tri-County Regional Development, was present to request a Resolution of Sponsorship for the Wolf Pup Daycare Center.

Council Member Voll moved to approve Resolution 2013-02 – Resolution of Sponsorship Wolf Pup Daycare Center. Motion seconded by Bolken and carried by the following roll call vote: ayes: Homiston, Pacheco, Mulder, Voll, Samuelson, and Bolken; nays: none.

Todd Norton, Advanced Engineering and Environmental Services, was present to provide project updates and present partial pay estimates, change orders, and task orders for review.

Council Member Voll moved to approve Task Order #8 from Advance Engineering and Environmental Services, (Sanitary Sewer Flow Monitoring) for $3,400.00. Motion seconded by Bolken and carried by the following roll call vote: ayes: Pacheco, Homiston, Samuelson, Bolken, Mulder, and Voll; nays: none.

Council Member Homiston moved to approve Change Order #2 from Glacier Construction Company, Inc. (WWT Phase I Improvements) for $43,888.00. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Mulder, Samuelson, Bolken, Voll, Homiston, and Pacheco; nays: none.

Council Member Voll moved to approve Pay Estimate #5 from Glacier Construction Company, Inc. (WWT Phase I Improvements) for $386,200.57. Motion seconded by Bolken and carried by the following roll call vote: ayes: Bolken, Mulder, Pacheco, Voll, Samuelson, and Homiston; nays: none.

Council Member Samuelson moved to approve Pay Estimate # 3 from Williams Plumbing and Heating, Inc. (WWT Phase I Improvements) for $29,700.00. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Homiston, Pacheco, Voll, Samuelson, Bolken, and Mulder; nays: none.

Council Member Samuelson moved to approve Pay Estimate #4 from SJ Louis Construction, Inc. (Area 2B Utilities Extension & Improvements) for $237,072.62. Motion seconded by Bolken and carried by the following roll call vote: ayes: Voll, Homiston, Mulder, Pacheco, Samuelson, and Bolken; nays: none.

Council Member Voll moved to approve Change Order #1 from Williams Plumbing and Heating, Inc. (Area 2A & 2B Equipment & Improvements) for $22,323.00. Motion seconded by Bolken and carried by the following roll call vote: ayes: Pacheco, Samuelson, Mulder, Homiston, Voll, and Bolken; nays: none.

Council Member Pacheco moved to approve Pay Estimate #4 from Williams Plumbing and Heating, Inc. (Area 2A & 2B Equipment & Improvements) for $59,050.39. Motion seconded by Mulder and carried by the following roll call vote: ayes: Voll, Samuelson, Bolken, Pacheco, Homiston, and Mulder; nays: none.

Council Member Samuelson moved to approve Change Order #1 from Merryman Excavation (Area 5 Sanitary Sewer Extensions) for $5,537.25. Motion seconded by Voll and carried by the following roll call vote: ayes: Bolken, Pacheco, Homiston, Voll, Mulder, and Samuelson; nays: none.

Council Member Voll moved to approve Pay Estimate #6 from Merryman Excavation (Area 5 Sanitary Sewer Extensions) for $5,426.51. Motion seconded by Bolken and carried by the following roll call vote: ayes: Pacheco, Voll, Samuelson, Bolken, Mulder, and Homiston; nays: none.

Council Member Pacheco moved to approve Change Order #1 from R.S. Bennett Construction, Inc. (Area 6 Sanitary Sewer Extensions) for $13,619.80. Motion seconded by Mulder and carried by the following roll call vote: ayes: Homiston, Bolken, Pacheco, Mulder, Voll, and Samuelson; nays: none.

Council Member Voll moved to approve Pay Estimate #5 from R.S. Bennett Construction, Inc. (Area 6 Sanitary Sewer Extensions) for $164,496.33. Motion seconded by Bolken and carried by the following roll call vote: ayes: Mulder, Voll, Samuelson, Pacheco, Bolken, and Homiston; nays: none.

Rory Young, Jackola Engineering and Architecture, and Shawn Baker, Swank Enterprises, were present and gave a presentation on a new emergency facility building located across the street from the existing facility. It was the consensus of the Council for the Fire Department and Ambulance Department to pursue a new facility.

Council Member Voll moved to hold a public hearing on March 4, 2013 for public input on a Petition to Vacate Street (3rd Ave SE, Dahl’s Addition) submitted by Wolf Run Village, Inc. Motion seconded by Bolken and carried by the following roll call vote: ayes: Mulder, Samuelson, Bolken, Voll, Pacheco, and Homiston; nays: none.

Council Member Bolken moved to hold a public hearing on March 4, 2013 for public input on a Petition to Vacate Street (2nd St SE, Dahl’s Addition) submitted by Wolf Run Village, Inc. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Voll, Bolken, Samuelson, Pacheco, Homiston, and Mulder; nays: none.

Police Chief Herfindahl was present and gave a staff report and presented his 2012 Annual Report. Chief Herfindahl requested to purchase In-Car Computer equipment in the amount of $33,327.91. Council Member Samuelson moved to approve purchasing the equipment in the amount of $33,327.91. Motion seconded by Homiston and carried by the following roll call vote: ayes: Homiston, Samuelson, Mulder, Pacheco, Bolken, and Voll; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve the Zone Change Application submitted by Doug Kesler on property located at 1402 Main St. South, Section 30, T150, R98, IT 805-PT Lots 1 & 2, .92 acres, contingent on the applicant has until July 1, 2013 to transition to employee housing only. This would rezone the property from A-2 to C-1. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Voll, Homiston, Mulder, Pacheco, Bolken, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve the Conditional Use Application submitted by Doug Kesler on property located 1402 Main St. South, Section 30, T150, R98, IT 805-PT Lots 1&2 .92 acres. In consideration of an RV park in C-1 zone. Contingent on the applicant has until July 1, 2013 to transition to employee housing only. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Bolken, Pacheco, Mulder, Samuelson, Voll, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Voll moved to approve an Amendment to the Zoning Change Application submitted by Wolf Run Village, Inc. / Bakken Housing Partners, LLC. The Amendment will re-zone property located at 301 2nd St SE, Lots 6, 7, 8, 9 and 10 of Replat of Block 2 of Dahl Addition to Watford from C1 zoning to R4. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Homiston, Voll, Mulder, Pacheco, Bolken, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve a Zoning Variance application submitted by Wolf Run Village, Inc. / Bakken Housing Partners, LLC, for property located at 301 2nd St SE, Lots 6, 7,8,9 and 10 of Replat of Block 2 of Dahl Addition to Watford, 3.07 acres. Variance reduces setbacks along site boundary to 12 ½ feet. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Bolken, Pacheco, Mulder, Voll, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve a Simple Lot Split application submitted by CKW Properties / Kirk Wold for South Park Addition Block 1 Lot 4, 3.83 acres. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Voll, Homiston, Pacheco, Bolken, Mulder, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission, Council Member Pacheco moved to approve a Simple Lot Split application submitted by CKW Properties / Kirk Wold for South Park Addition Block 2 Lot 1, 8.12 acres. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Mulder, Homiston, Voll, Pacheco, and Bolken: nays: none.

Upon the recommendation of the Planning Commission, Council Member Bolken moved to approve a Simple Lot Split application submitted by CKW Properties / Kirk Wold for South Park Addition Block 3 Lot 1, 6.31 acres. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Homiston, Pacheco, Bolken, Voll, and Mulder; nays: none.

Upon the recommendation of the Planning Commission, Council Member Pacheco moved to approve a Simple Lot Split application submitted by CKW Properties / Kirk Wold for South Park Addition Block 4 Lot 1, 7.11 acres. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Mulder, Voll, Bolken, Pacheco, Samuelson, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Samuelson moved to approve a Simple Lot Split application submitted by CKW Properties / Kirk Wold for South Park Addition Block 4 Lot 2, 5.35 acres. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Mulder, Homiston, Voll, Samuelson, Bolken, and Pacheco; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve a Simple Lot Split application submitted by Jarvis Sorenson / Bakken Development Solutions on property located at NW1/4 Section 22, T150N, R98W, 103.82 acres. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Pacheco, Voll, Samuelson, Bolken, Mulder, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve a Preliminary Subdivision Map submitted by Auto Property Solutions, LLC. / Robin Greenhagen on property located Section 18, T150N, R98W, IT 2461, .89 acres. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Mulder, Bolken, Voll, Homiston, Samuelson, and Pacheco; nays: none.

Upon the recommendation of the Planning Commission, Council Member Voll moved to approve a Preliminary Subdivision Map submitted by Wolf Run Village, Inc. / Bakken Housing Partners, LLC., on property located at 301 2nd St SE, Lots 6, 7, 8, 9 and 10 Replat of Block 2 of Dahl Addition to Watford, 3.07 acres. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Homiston, Pacheco, Bolken, Voll, Mulder, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission, Council Member Mulder moved to approve a Preliminary Subdivision Map submitted by Wolf Creek Business Community / John Tennant III on property located SW1/4 Section 18, T150N, R98W, 14.88 acres. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Voll, Samuelson, Pacheco, Mulder, Bolken, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve a Subdivision Final Map submitted by Farmers Union Oil Company on property located at NE1/4SW1/4 Section 19, T150N, R98W, 12.9 acres. Contingent on a completed and approved development agreement. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Pacheco, Voll, Mulder, Samuelson, Homiston, and Bolken; nays: none.

Council Member Samuelson moved to approve the recommendation from the Pest/Forestry/Vector Committee to replace the broken tree on main street in front of the City Bar. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Mulder, Bolken, Pacheco, Samuelson, Homiston, and Voll; nays: none.

Council Member Bolken moved to approve the recommendation from the Building Committee to accept the cleaning bid submitted by Rebecca Cundiff for $2,500.00 per month starting in February for 2 months. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Samuelson, Homiston, Mulder, Voll, Pacheco, and Bolken; nays: none.

Council Member Homiston moved to approve the recommendation from the Machinery and Equipment Committee to purchase 4 vehicles for Assessor/office staff, Planning Department, Building Inspector, and Public Works. Purchased will be a 2011 Ford Escape, $19,200 from S & S Motors; 2013 Chevy Silverado, $29,809 from Puklich Chevy; 2013 Chevy Silverado, $28,779 from Puklich Chevy; 2013 Chevy 2500HD, $36,027 from Puklich Chevy. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Mulder, Bolken, Pacheco, Samuelson, Homiston, and Voll: nays: none.

Council Member Homiston moved to approve the following step increases; Slade Herfindahl step increase from Category 11, Step 1 to Category 11, Step 2 effective January 16, 2013; Andrew Langowski step increase from Category 4, Step 1 to Category 4, Step 2 effective February 1, 2013; Curtis Moen step increase from Category 10, Step 4 to Category 10, Step 5 effective February 16, 2013. Council Member Pacheco moved to second the motion and carried unanimously.

Council Member Homiston moved to approve publishing the 2012 annual salaries for city employees. Motion seconded by Council Member Pacheco and carried unanimously. Brianna Allex $3,531.64; Travis Bateman $25,681.24; Glen Beard $550.00; Daniel Blood $58,210.48; Douglas Bolken $1,950.00; Dylan Bostic $59,998.25; Ryan Chaffee $7,889.29; Slade Herfindahl $90,345.35; Gary Hoffman $55,777.10; Rick Holm $550.00; Shane Homiston $3,450.00; Terry Jeffries $60,310.71; Cory Johnson $550.00; Sonja Johnson $600.00; William Landmark $37,093.20; Andrew Langowski $56,634.46; Curtis Larson $39,048.18; Jesse Lawrence $450.00; Curtis Moen $81,753.93; Shannon Monnens $60,367.51; Marty Mulder $1,500.00; Rena Nelson $44,920.13; Rita Olson $8,094.24; Kristin Pacheco $3,050.00; Peni Peterson $51,210.99; James Pittsley $56,471.32; Page Rosenlund $49,493.07; Seth Sampson $758.09; Randall Samuelson $500.00; Brent Sanford $8,400.00; Theodore Schulz $57,111.98; Molly Shaw $25,824.47; Patricia Skoglund $19,002.71; Justin Smith $89,228.31; Dawn Tschetter $42,783.27; Justin Voll $3,000.00; Jesse Wellen $66,353.35; Regina Whisenhant $4,984.80; Mildred Williams $14,787.19; Steven Williams $64,367.16; Brett Wold $42,815.42.

Council Member Homiston moved to approve changing the wording in the Employee Policy Manual under Reasonable Suspicion Test from *A driver…* to *All employees*….. Motion seconded by Council Member Voll and carried by the following roll call vote: Pacheco, Homiston, Bolken, Voll, Samuelson, and Mulder: nays: none.

Council Member Pacheco moved to approve the raffle permit application submitted by McKenzie County Hockey Club. Motion seconded by Voll and carried unanimously.

Council Member Voll moved to approve reimbursement of grant payment from Energy Impact Fund; Fire Department $60,853.89; Police Department $4,448.00; Ambulance $7,017.70. Motion seconded by Bolken and carried by the following roll call vote: Mulder, Voll, Samuelson, Homiston, Pacheco, and Bolken: nays: none.

Council Member Voll moved to approve creating Unit Fee fund accounts and approved reimbursement and disbursement of Unit Fees in the amount of $51,000.00 to the Park Board, Police Department, Ambulance, and Fire Department. Motion seconded by Homiston and carried by the following roll call vote: Pacheco, Samuelson, Mulder, Bolken, Voll, and Homiston: nays: none.

Council Member Voll moved to approve the following amendments to the 2012 budget. Motion seconded by Pacheco and carried by the following roll call vote: Homiston, Bolken, Voll, Pacheco, Samuelson, and Mulder; nays: none. The 2012 Budget Amendments Total: $2,605,727.86

**General Fund (1000)**

Additional expenditures for General Fund of $384,108.63

Amend budget from $2,681,141.00 to $3,065,249.63

**Retirement Fund (2030)**

Additional expenditures for Retirement Fund of $2,390.06

Amend budget from $52,027.00 to $54,417.06

**Insurance Reserve (2040)**

Additional expenditures for Insurance Reserve Fund of $1,941.00

Amend budget from $20,000.00 to $21,941.00

**Planning Commission Fund (2070)**

Additional expenditures for Planning Commission Fund of $168,682.85

Amend budget from $101,342.00 to $270,024.85

**City Improvements Fund (2230)**

Additional expenditures for City Improvements Fund of $292,738.87

Amend budget from $175,300.00 to $468,038.87

**Building Fund (2240)**

Additional expenditures for Building Fund of $32,355.80

Amend budget from $100,000.00 to $132,355.80

**Forestry Fund (2270)**

Additional expenditures for Forestry Fund of $1,664.12

Amend budget from $13,603.00 to $15,267.12

**Lodging Tax Fund (2280)**

Additional expenditures for Lodging Tax Fund of $4,900.55

Amend budget from $25,000.00 to $29,900.55

**PD Car Replacement Fund (2290)**

Additional expenditures for PD Car Replacement Fund of $12,903.26

Amend budget from $105,000.00 to $117,903.26

**Vector & Weed Control Fund (2310)**

Additional expenditures for Vector & Weed Control Fund of $6,574.68

Amend budget from $39,541.00 to $46,115.68

**Roughrider Sales Tax Fund (2399)**

Additional expenditures for Roughrider Sales Tax Fund of $1,329,938.08

Amend budget from $470,100.00 to $1,800,038.08

**General Obligation Bond 2008 Fund (3010)**

Additional expenditures for General Obligation Bond 2008 Fund of $60.00

Amend budget from $62,586.00 to $62,646.00

**Main Street Improvement – Capital Project Fund (3010)**

Additional expenditures for Main Street Improvement-Capital Project Fund of $5,322.49

Amend budget from $0.00 to $5322.49

**Water Works Fund (5010)**

Additional expenditures for Water Works Fund of $253,984.14

Amend budget from $1,433,331.00 to $1,687,315.14

**Sewer Fund (5020)**

Additional expenditures for Sewer Fund of $108,163.33

Amend budget from $385,624.00 to $493,787.33

The City Council reviewed the Pledge of Assets for December 31, 2010 and found them to be adequate.

The December 2012 cash reports were reviewed.

Council Member Homiston moved to approve Mayor Sanford’s reappointment of Leah Voll to the McKenzie County Public Library board for a 3-year term from January 1, 2013 to January 1, 2016. Motion seconded by Council Member Bolken and carried unanimously.

Council Member Voll moved to approve the bills as listed. Motion seconded by Council Member Homiston and carried unanimously. EFPTS $19,874.12; EFTPS $19,381.75; TASC $235.40; TASC $235.40; NDPERS $335.00; NDPERS $385.00; Payroll $109,776.93; Colonial Ins. $117.15; BCBS $19,819.77; NDPERS $12,205.74; NDPERS $199..05; Symetra $5,605.60; AFLAC $562.76; ND Job Service $1,149.95; Abel Enterprises $712.50; Advanced Engineering $115,655.49; American Water Works Assoc $295.00; Arbor Day Foundation 15.00; Astro Chem Service, Inc. $175.00; B & B Builders $10,000.00; Badlands Hardware $540.03; Balco Uniform Comp., Inc. $136.27; Barrett Pharmacy $9.35; Binstock Water Service $37.85; Bluetarp Financial, Inc. $1,635.75; Brenna Law Firm, PLLC $1,170.00; Buttons By Fish $ 20.00; CMG Oil & Gas $64.62; Carquest Auto Parts $279.95; Comfort Suites $414.00; Construction Services, Inc $726.00; Darrington Snow Removal $200.00; Dawn Tschetter $51.06; Dean Anderson $2,970.00; DW Excavating, Inc $3,700.00; Electronic Communications $5,626.00; Fargo Water Equipment $28,716.63; Farmers Union Oil Co $15,939.11; Fastenal Company $316.27; Foley Brothers, LLC $3,040.00; Gaffaney’s Inc $1,103.54; Galls $57.47; Grainger $67.46; Hawkeye Oil Field Supply, LLC $165.47; Heggen Equipment, Inc. $33.40; Information Technology Dept $215.00; Inland Truck Parts & Service $634.78, International Code Council $125.00; Interstate PowerSystems $65,618.24; Interstate Tesoro $100.32; Jack and Jill $112.72; Jackola Engineering $15,113.31; Larsen Service Drug $15.99; Lund Oil, Inc $2775.21; M & T Fire and Safety, Inc. $3,958.96; Mainstay Suites $385.00; McCabe Electric $511.11; McCody Concrete Products, Inc $5,555.00; McKennett Law Firm $13,795.00; McKenzie County Ambulance $7,017.70; McKenzie County Farmer $1,099.54; McKenzie County Healthcare $300,000.00; McKenzie Co Landfill $17,307.00; McKenzie Co Recorder $67.00; McKenzie County Tourism Bur $524.80; McKenzie County Treasurer $561.29; McKenzie Electric Coop, Inc. $899.40; Meuchel Enterprises, Inc. $147.55; Mike’s Super Valu $102.59; Mondak Portables, LLC $1,145.00; Montana Dakota Utilities $9,498.41; Municipal Finance Officers $30.00, Municipal Government Academy $125.00; My-Lor, Inc $ 70.15; ND Building Officials Assoc $30.00; ND Dept of Transportation $3,359.70; ND League of Cities $950.00; ND Secretary of State $36.00; ND Water Users Association $300.00; NSC Minerals $2,422.66; OK Implement $1,645.61; One Call Concepts $278.75; Pioneer Museum $1,000.00; Post Board $110.00; Postmaster $450.26; Petty Cash $387.83; Reservation Telephone $1,232.68; Rita Olson $923.88; Sensus $80.00; Seth Sampson $624.22; State Disbursement Unit $325.00; Stein’s Inc $487.69; STX $960.24; Swanston Equipment Corp $318.37; TD & H Engineering $12,500.00; Theodore Roosevelt Expwy $7,000.00; Timber Creek Services $2,325.00; Titan Plumbing $925.00; Triple AAA Safety/Training $294.99; Trucks of Bismarck, Inc $2,692.39; Verizon Wireless $975.23; Watford City Enterprises, LLC $600.00; Watford City Express Laundry Center $496.50; Williston Fire & Safety $153.04; Xerox Corporation $519.42.

The next regularly scheduled City Council meeting will be on Monday, February 4, 2013 at 6:00 p.m. at City Hall.

There being no further business, the meeting was adjourned at 9:15 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