CITY OF WATFORD CITY

CITY COUNCIL MEETING

April 1, 2013

Minutes of the regular City Council meeting held on April 1, 2013 at 6:00 p.m. at City Hall. Present were Mayor Brent Sanford and Council Members Justin Voll, Kris Pacheco, Randy Samuelson, Marty Mulder and Shane Homiston. Also present was City Planner Curt Moen, Auditor Peni Peterson and Attorney Wyatt Voll. Absent was Doug Bolken (excused).

Our special guest for tonight’s council meeting was Raven Reeves who was chosen the “Mayor for the Day” from the 3rd grade class. Mayor Reeves shared with the city council members her essay which earned her the title as “Mayor for the Day”. Mayor Reeves called the meeting to order with the Pledge of Allegiance.

Council Member Samuelson moved to approve the minutes of the city council meetings held on March 4, March 18, and March 21, 2013. Motion also included approving the agenda and the additions to the agenda. Motion seconded by Council Member Pacheco and carried unanimously.

The Public Hearing to consider the applications for Retail Liquor and Beer License, Sunday Alcoholic Beverage Permit, and Adjacent Room License for South Park Extended Stay, LLC was called to order by Mayor Sanford. There were no written comments or comments from the public. The Public Hearing was closed. Council Member Voll moved to approve the new Retail Liquor and Beer License, Sunday Alcoholic Beverage Permit, and Adjacent Room License for South Park Extended Stay, LLC and to issue a Liquor and Beer License, Sunday Alcoholic Beverage Permit, and Adjacent Room License to South Park Extended Stay, LLC for April 1, 2013 thru June 30, 2013. The Adjacent Room License is contingent on the applicant providing a complete division between the licensed premises and the adjacent room. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes; Pacheco, Mulder, Voll, Homiston, and Samuelson; nays: none.

Council Member Samuelson moved to approve the application for Abatement of Taxes submitted by Stacy Simonson for her Renaissance Zone Project allowing her exemption dates from 3/2012 – 3/2017. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Voll, Homiston, Pacheco, and Samuelson; nays: none.

Jody Renbarger was present to review a Roughrider Fund Application submitted by Watford City Park Board to assist with the construction of a double tennis court. Ms. Renbarger requested approval of $100,000 to Watford City Park Board. Council Member Pacheco moved to approve a grant of $100,000 to Watford City Park Board to assist with the construction of a double tennis court. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Homiston, Samuelson, Mulder, Voll, and Pacheco; nays: none.

Upon the recommendation of the Roughrider Fund, Council Member Voll moved to approve the Community Marketing/Enhancement Fund Grants. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Pacheco, Mulder, Voll, and Homiston; nays: none.

McKenzie County Heritage Association $500.00

Watford City Area Chamber – Best of the West $500.00

Watford City Area Chamber – Art in the Park $500.00

Watford City Area Chamber – Christmas Promotion $500.00

Watford City Little Wolves $500.00

Watford City Missoula Children’s Theatre $500.00

McKenzie County Fair Board $500.00

Watford City Park District $500.00

Watford City Area Chamber Summer Sounds in the Park $500.00

Alexander –James Gang Java $500.00

Todd Norton, Advanced Engineering and Environmental Services provided partial pay estimates for review.

Council Member Homiston moved to approve Pay Estimate #8 from Glacier Construction Company, Inc. (WWT Phase I Improvements) for $35,391.18. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Pacheco, Voll, Mulder, Samuelson, and Homiston; nays: none.

Council Member Voll moved to approve Pay Estimate #3 from Moorehead Electric (WWT Phase I Improvements) for $10,827.00. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Samuelson, Pacheco, Voll, and Homiston; nays: none.

Council Member Samuelson moved to approve Pay Estimate #6 from Williams Plumbing and Heating, Inc. (Area 2A & 2B Equipment Improvements) for $15,137.10. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Homiston, Mulder, Voll, Pacheco, and Samuelson; nays: none.

Police Sergeant Shannon Monnens was present and gave an update on the police department.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve the Simple Lot Split submitted by Watford City Enterprises, LLC / AE2s Steve Rude to create two parcels from one property located in Lot 7 of Watford City Courtyard Addition, NE1/4 Section 23, T150N, R99W, 2.37 acres, McKenzie County, ND. The approval is contingent on the applicant will pave, curb & gutter streets relating to property. Motion seconded by Council Member Pacheco and carried by the following roll call vote: Voll, Homiston, Pacheco, Mulder, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission, Council Member Mulder moved to approve the Conditional Permit Use submitted by QEP to place mobile homes on C-1 zoned property located 3112 4th Ave NE, SW1/4 SE1/4 Section 16, T150N, R98W, 10 acres ; pending upon Zone Change Application and Site Development Plan being submitted and approved by City Council. Site Development Plan must be received prior to next Planning Commission Meeting. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Pacheco, Voll, Homiston, Samuelson, and Mulder; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve the Subdivision Preliminary Plat submitted by Robin Greenhagen for land located Being Tract I of Warranty Deed #436252 and Tract II of Warranty Deed #436251 in the NW1/4 Section 7, T150N, R98W, Dakota Ridge 75.79 acres, McKenzie County, ND. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Samuelson, Mulder, Pacheco, Voll, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Samuelson moved to approve the Zone Change Application submitted by Robin Greenhagen. The application will re-zone property located in NE1/4 Section 7, T150N, R98W, Dakota Ridge, 75.79 acres from AG2 to R-1. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Homiston, Pacheco, Mulder, Samuelson, and Voll; nays: none.

Upon the recommendation of the Planning Commission, Council Member Mulder moved to approve the Final Plat Dakota Subdivision submitted by Robin Greenhagen, 8.67 acres, 28 lots, located NW1/4 Section 7, T150N, R98W, IT#2310, McKenzie County, ND. This Final Plat previously recorded with McKenzie County. Motion seconded by Homiston and carried by the following roll call vote: ayes: Pacheco, Voll, Mulder, Samuelson, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Samuelson moved to approve the Final Plat Dakota Ridge First Addition submitted by Robin Greenhagen, 11.87 acres, 44 lots within Dakota Ridge Subdivision, located NW1/4 Section 7, T150N, R98W, and McKenzie County, ND. Contingent on approved Development Agreement, Subdivision Improvement, Warranty & Maintenance Agreement, and secured bonding submitted to City of Watford City prior to recording of Final Plat. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Pacheco, Voll, Mulder, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Mulder moved to approve the Subdivision Preliminary Plat submitted by Robin Greenhagen for land located E1/2NW1/4, Lots 1-2 Ex PT IT 885, 771, 1014, 1594, 772, 743, 2310, 2372, Section 7, T150N, R98W, Bison Run 60 acres, McKenzie County, ND. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Homiston, Mulder, Voll, and Samuelson; nays: none. Abstained: Pacheco.

Upon the recommendation of the Planning Commission, Council Member Samuelson moved to approve the Zone Change Application submitted by Robin Greenhagen. The application will re-zone property located in Lot 2, SE1/4NW1/4 Section 7, T150N, R98W, Bison Run, 60.86 acres from AG2 to R-2. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Mulder, Homiston, Samuelson, and Voll; nays: none. Abstained: Pacheco.

Upon the recommendation of the Planning Commission, Council Member Voll moved to approve the Zone Change Application submitted by DEPO-2012, LLC / ST Development, LLC. The application will re-zone property located at NE1/4NW1/4 Ex IT 1002 Terrace Subdivision, NE1/4SW1/4S1/2NW Ex IT 1056 Old West Subdivision from R-1 to R-1 & R-2. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Samuelson, Homiston, Mulder, Pacheco, and Voll; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve the Zone Change Application submitted by Elsie Gilbertson / Axton Land, LLC - Randy Warner. The application will re-zone A-G to R-1, R-2, R-3, R-4, C2 and I, 294.28 gross acres on property located NE1/4SW1/4 of Section 16, T150N, R98W, and McKenzie County. Written comment was received from Dale Karpyak. Mark Fasting of Allied Engineering will make Comprehensive Drainage Plan available to Mr. Karpyak along with any discussion necessary to alleviate Mr. Karpyak’s concerns with project. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Pacheco, Homiston, Samuelson, Mulder, and Voll; nays: None.

Upon the recommendation of the Planning Commission, Council Member Samuelson moved to approve the Zone Change Application submitted by Craig Nelson for property located 1504 12th St NE, Section 17, T150, R98, McKenzie County, ND. Mr. Craig Nelson is required to provide the City of Watford City Planner with survey stamped map within 12 months (March 2014) with delineation of industrial and residence acreage. Motion seconded by Mulder and carried by the following roll call vote: ayes: Homiston, Voll, Samuelson, Mulder, and Pacheco; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve the Final Plat submitted by Wolf Run Village / Bakken Housing Partners, 3.815 acres, 2 lots, 301 2nd St SE, McKenzie County, ND. Motion seconded by Voll and carried by the following roll call vote: ayes: Samuelson, Mulder, Pacheco, Voll, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homiston moved to approve the Final Plat submitted by The Highlands at Watford City / Adam Berger, 42.66 acres, 85 lots, 4th Avenue NW and 6th Street NW, Irregular Tract No. 2204 in the SE1/4 Section 13, T 150N, R99W, McKenzie County, ND. Minute notes to reflect change on final plat of subdivision name; previously Valley View Estates changed to The Highlands at Watford City. Motion seconded by Voll and carried by the following roll call vote: ayes: Mulder, Samuelson, Pacheco, Voll, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Voll moved to approve the Subdivision Final Plat filed by DEPO-2012, LLC. / Mike Malais (Pleasant Hills Phase 1), 14.84 acres, as presented. Motion seconded by Samuelson and carried by the following roll call vote: ayes: Homiston, Pacheco, Mulder, Voll, and Samuelson; nays: none.

Council Member Homiston moved to approve the recommendation from the Machinery and Equipment Committee to purchase a Doosan air compressor from Swanston Equipment in the amount of $14,500.00. Motion Seconded by Voll and carried by the following roll call vote: ayes: Pacheco, Mulder, Voll, Samuelson, and Homiston; nays: none.

Council Member Homiston moved to approve the recommendation from the Machinery and Equipment Committee to purchase a Kodiak Mower from Heggen Equipment in the amount of $7,300.00. Motion seconded by Voll and carried by the following roll call vote: ayes: Samuelson, Mulder, Pacheco, Voll, and Homiston; nays: none.

Council Member Homiston moved to approve the recommendation from the Personnel Committee to allow Justin Smith, Public Works Supervisor, to hire 4 summer help positions at $15.07/ hour. Motion seconded by Pacheco and carried unanimously.

Council Member Homiston moved to approve the recommendation from the Personnel Committee to advertise for a Cemetery Maintenance position at $17.00/hour. Motion seconded by Mulder and carried unanimously.

Council Member Homiston moved to approve the recommendation from the Personnel Committee to hire Brianna Allex for the summer at $10.00/hour. Motion seconded by Pacheco and carried unanimously.

Council Member Homiston moved to approve the following step increase; Gary Hoffman step increase from Category 3, Step 6 to Category 4, Step 3 effective April 1, 2013. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Mulder, Pacheco, Samuelson, Voll, and Homiston; nays: none.

Council Member Homiston moved to approve the following step increase; Page Rosenlund step increase from Category 3, Step 2 to Category 4, Step 0 effective April 1, 2013. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Voll, Pacheco, Homiston, and Mulder; nays: none

Council Member Homiston moved to approve the recommendation from the Personnel Committee to allow Dawn Tschetter to work 20 hours/week. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Voll, Mulder, Pacheco, Samuelson, and Homiston; nays: none.

Council Member Homiston moved to approve the recommendation from the Personnel Committee to hire an Administrative Assistant at Category 3. Motion seconded by Samuelson and carried unanimously.

Council Member Pacheco moved to approve the Second Reading on Ordinance #293 Amending Chapter VI, Article 5, Section 6-523 – Street Sales Consumption and Possession Limited. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Homiston, Voll, Pacheco, and Mulder; nays: none.

Council Member Voll moved to approve the Second Reading on Ordinance #294 Amending Chapter VII, Article 2, Section 7-219 – Penalty. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Samuelson, Pacheco, Homiston, and Voll; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #295 Amending Chapter XVI, Ordinances Relating to Reservation Telephone Cooperative General Communication and Cable Television Franchise. Motion seconded by Mulder and carried by the following roll call vote: ayes: Voll, Pacheco, Homiston, Mulder, and Samuelson; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #296 Repealing Chapter XIX, Regarding Midcontinent Cable Systems Co., Franchise. Motion seconded by Homiston and carried by the following roll call vote: ayes: Homiston, Pacheco, Voll, Mulder, and Samuelson; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #297 Repealing Chapter XVIII, Regarding Northwestern Bell Telephone Company. Motion seconded by Mulder and carried by the following roll call vote: ayes: Samuelson, Voll, Homiston, Pacheco, and Mulder; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #298 Annexing Property to the City of Watford City per Annexation Application submitted by Warren Hovland (NE1/4 SE1/4 Sect 23, T150, R99W). Motion seconded by Homiston and carried by the following roll call vote: ayes: Pacheco, Mulder, Voll, Homiston, and Samuelson; nays: none.

Council Member Voll moved to approve the Second Reading on Ordinance #299 Annexing Property to the City of Watford City per Annexation Application submitted by Robin Greenhagen (IT 2310 PT NW1/4) Dakota Ridge Tract I. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Mulder, Samuelson, Pacheco, Homiston, and Voll; nays: none.

Council Member Samuelson moved to approve the Second Reading on Ordinance #300 Annexing Property to the City of Watford City per Annexation Application submitted by Robin Greenhagen (IT 2372 PT NW1/4) Dakota Ridge Tract II. Motion seconded by Homiston and carried by the following roll call vote: ayes: Homiston, Pacheco, Voll, Mulder, and Samuelson; nays: none.

Council Member Homiston moved to approve the Second Reading on Ordinance #301 Annexing Property to the City of Watford City per Annexation Application submitted by Robin Greenhagen (E1/2NW1/4, Lots 1-2 EX PT IT 885, IT 771, 1014, 1594, 772, PT IT 743, 2310, 2372) Nelson. Motion seconded by Voll and carried by the following roll call vote: ayes: Samuelson, Voll, Homiston, and Mulder; nays: none. Abstain: Pacheco.

Council Member Homiston moved to approve the Second Reading on Ordinance #302 Annexing Property to the City of Watford City per Annexation Application submitted by Robin Greenhagen (IT 1014 PT IT 771) Hall. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Pacheco, Mulder, Voll, Homiston, and Samuelson; nays: none.

Council Member Samuelson moved to approve the Second Reading on Ordinance #303 Annexing Property to the City of Watford City per Annexation Application submitted by Robin Greenhagen (IT 1249 PT NW1/4 EX IT 1250, 2142, 2144, 2361) Simonson I. Motion seconded by Pacheco and carried by the following roll call vote: Mulder, Homiston, Samuelson, Pacheco, and Voll; nays: none.

Council Member Voll moved to approve the Second Reading on Ordinance #304 Annexing Property to the City of Watford City per Annexation Application submitted by Robin Greenhagen (E1/2NW1/4, Lots 1-2 Ex 10 A City Lagoon & EX IT 1249, 1250, 1374, 1581, 2332, 2461 & EX .78 A in IT 2361) Simonson II. Motion seconded by Council Member Mulder and carried by the following roll call vote: Samuelson, Pacheco, Mulder, Voll, and Homiston; nays: none.

Council Member Pacheco moved to approve the Raffle Permit Application #691 submitted by Friends of the March 5th Accident Victims. Motion seconded by Homiston and carried unanimously.

Council Member Voll moved to approve the recommendation from the Water, Sewer, Garbage Committee to amend the 2013-01 Utility Resolution pertaining to Service Lines and Hook-up Fees. Motion seconded by Homiston and carried by the following roll call vote: ayes: Mulder, Pacheco, Samuelson, Homiston, and Voll; nays: none.

It was the consensus of the City Council to declare May 1, 2013 as “Red, White & Blue Day” and to have Mayor Sanford sign the Loyalty Day Proclamation dated April 1, 2013.

***LOYALTY DAY PROCLAMATION***

***WHEREAS*,** The day of May 1, 2013 has been dedicated as “Loyalty Day”, and

***WHEREAS,*** the City of Watford City has designated May 1, 2013 as “Red, White & Blue Day”, and

***WHEREAS,*** The City of Watford City desires to honor the valor, service and dedication of its own veterans and service men and women, and

***WHEREAS,*** The City of Watford City calls upon all our citizens in this community to especially honor and show our sincere appreciation for the many veterans and service men and women of this city by wearing Red, White & Blue and displaying your Flag proudly;

**NOW, THEREFORE,** I, Brent Sanford, Mayor of the City of Watford City, North Dakota, do hereby proclaim May 1, 2013 as “RED, WHITE & BLUE DAY” in the City of Watford City and urge all Watford City residents to honor and show our sincere appreciation for the veterans of this community by deed, remark and attitude. We call upon you to show your thanks to those who have protected our Freedom and our Country by sacrificing their lives*.* ***“For Those who have fought for it, freedom has a taste that the protected will never know”***  Dated this 1st day of April, 2013.

Council Member Samuelson moved to approve signing an Oil and Gas Lease with Percheron Energy/Newfield Production Company. Motion seconded by Pacheco and carried with the following roll call vote; ayes: Samuelson, Homiston, Voll, Mulder, and Pacheco; nays: none.

The March 2013 cash reports were reviewed.

Council Member Homiston moved to approve the bills as listed. Motion seconded by Council Member Mulder and carried unanimously. EFPTS $17,884.42; EFTPS $20,445.61; TASC $251.22; TASC $251.22; NDPERS $447.50; NDPERS $447.50; Payroll $95,284.70; Colonial Ins. $117.15; BCBS $19,274.94; NDPERS $15,108.73; NDPERS $203.40; Symetra $292.03; AFLAC $732.00; ND Job Service $1,195.10; Abel Enterprises $9,606.90; Advanced Engineering $103,383.84; Alcorp, Inc $130.08; Astro Chem Service, Inc $190.00; Badlands Hardware $747.16; Balco $1,203.04; Black Mountain Software $100.00; Bluetarp Financial, Inc. $113.83; Brent Sanford $606.21; Buttons By Fish $180.00; Cascade Fire Equipment $643.93; Comfort Inn $575.00;Construction Services, Inc $605.00; Dacotah Paper Co $1,099.91; Dakota Fire Extinguishers, Inc $107.75; Dakota Supply Group $98.11; Dean Anderson $3,400.00; Electronic Communications $215.00; Elliot Excavating $9,100.00; Entrec Crane & Heavy Haul, Inc $2,695.00; Expressway Suites $138.60; Fastenal Company $1,438.80; Five Star Carpet Cleaning $775.00; Foley Brothers, LLC $4,485.00; Gaffaney’s Inc $351.60; Galls $1,496.65; Gary Hoffman $848.62; Hawkeye Oil Field Supply LLC $61.17; Heggen Equipment, Inc. $157.02; Information Technology Dept $2,038.75; Interfraph Corporation $7,798.00; J Koski Company $6,986.89; Jackola Engineering $34,621.16; Jarvis Sorenson $174.99; Kevin Harris $180.99; Kohler Communications $616.00; Larsen Service Drug $8.99; Lund Oil, Inc $2,088.87; M & T Fire and Safety, Inc. $55.00; Mainstay Suites $989.55; McKennett Law Firm $14,031.25; McKenzie County Farmer $1,673.38; McKenzie County Landfill $10,266.00; McKenzie Co Tourism Bureau $4,346.92; McKenzie Electric Coop $573.00; Meuchel Enterprises, Inc. $244.48; Michael Todd & Co $1,014.65; Montana Dakota Utilities $7,898.82; Nathan Dekker $180.99; Northeast Wisconsin Technical $700.00; Northern Improvement $1,905.48; Office of State Tax Commissioner $5,850.31; OK Implement $957.98; One Call Concepts $50.00; Page Rosenlund $276.92; Peni Peterson $249.92; Philip Riely $204.99; Post Board $25.00; Power Plan OIB $690.16; Pro Auto Body, LLC $100.95; Pro Forms, Inc $436.13; Radisson Hotel $138.60; Ramkota Hotel $89.00; Red Carpet Carwash $150.67; Reservation Telephone $1,260.77; Rick Jore $168.99; S & S Motors $165.95; S.W. Williams and Son $1,980.00; Sandman Pit LLC $1,056.00; Sanitation Products $3,005.83; Sirchie Finger Print $42.13; Sleep Inn $1,017.20; Starion Bond Services $158,080.25; State Disbursement Unit $325.00; Steve Solem $200.00; Suds Laundry $45.00; Swanston Equipment Corp $426.69; TD & H Engineering $21,570.66; Timber Creek Services $1,300.00; Trane U.S. Inc $226.02; Verizon Wireless $1,320.96; Visa $2,295.34; Vogel Law Firm $2,891.00; Wallwork Truck Center $133.43; Watford City Enterprises, LLC $600.00; Watford City Express Laundry $184.00; Xerox Corporation $494.55.

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

There being no further business, the meeting was adjourned at 8:35 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