CITY OF WATFORD CITY

CITY COUNCIL MEETING

May 6, 2013

Minutes of the regular City Council meeting held on May 5, 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, Doug Bolken and Shane Homiston. Also present was City Planner Curt Moen, Auditor Peni Peterson and Attorney Wyatt Voll.

Council Member Mulder moved to approve the minutes of the city council meetings held on April 1, April 9, and April 25, 2013. Motion also included approving the agenda and the additions to the agenda. Motion seconded by Council Member Voll and carried unanimously.

Jeff Ruggles was present to review a Roughrider Fund Application submitted by City of Watford City for to assist with the purchase of a portable fence to be used for community events. Mr. Ruggles requested approval of $14,500 to City of Watford City. Council Member Voll moved to approve a grant of $14,500 to City of Watford City to assist with the purchase of a portable fence. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Bolken, Mulder, Voll, Pacheco, Samuelson, and Homiston; nays: none.

Upon the recommendation of the Roughrider Fund, Council Member Pacheco moved to approve the request to remove the clause from the $1,000,000 grant to Wolf Run Village (August 2012) that if $3,000,000 in fundraising is attained, any funds above that amount, up to $500,000, would be returned to the Roughrider Fund. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Mulder, Bolken, Voll, Homiston, and Pacheco. Nays: none.

Council Member Voll moved to approve the application for Abatement of Taxes submitted by Lutheran Social Services in the amount of $10,509.00 for three parcels (82-22-00400, 82-22-00300, 82-22-00500) that were incorrectly assessed in 2011. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Pacheco, Mulder, Bolken, Voll, Homiston, and Samuelson; nays: none.

Laura Sanford, Watford City Chamber, was present to request blocking off Main Street to allow street dances and a fenced in beer garden for Homefest (June 28 & 29, 2013) and Rib Fest (August 9, 2013). Council Member Samuelson moved to approve allowing main street to be blocked off and a fenced in beer garden for the two upcoming events. Motion Seconded by Homiston. Council Member Pacheco moved to rescind the previous action to vote on the two events separately. Motion seconded by Council Member Mulder and carried by voice vote. Nay: Samuelson.

Council Member Bolken moved to approve blocking off 2 blocks on main street June 28 & 29, 2013 to allow for a street dance and allowing for alcohol in a fenced in beer garden area for the hours 6 p.m. - 1 a.m. Motion seconded by Homiston and carried by voice vote. Nay: Pacheco and Mulder.

Council Member Voll moved to approve blocking off 2 blocks on main street August 9, 2013 to allow for Rib Fest vendors from 7 a.m. – 1 a.m. and to allow for alcohol on main street from 4 p.m. – 7:30 p.m., and to allow for alcohol to be allowed in a fenced in beer garden area for the hours 7:30 p.m. – 1:00 a.m. Motion seconded by Samuelson and carried by voice vote. Nay: Pacheco and Mulder.

Pastor Jeff Ruggles, Wesleyan Church, requested to close off 3rd St NE (between 2nd Ave & 3rd Ave) on May 18th, 2013 from 10 a.m. -2 p.m. to allow for a car wash. Council Member Samuelson moved to approve the street closure request by the Wesleyan Church. Motion seconded by Council Member Mulder and carried unanimously.

Bob Bruckelmyer, Pheasant Ridge Subdivision, requested to combine six existing lots into three lots to allow the development of two 48-unit and one 42-unit 3-story apartments with detached garages. It was the consensus of the council to allow this change in Pheasant Ridge’s previously approved development plan. Mr. Bruckelmyer will work with the Planning Department to complete the proper simple lot split paperwork to allow the combining of lots.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Greg Hancock/Bakken Communities (N1/2NE1/4 Sec 36, T150N, R99W 9.00 acres – Tract 1). There were no written comments or comments from the public. The Public Hearing was closed.

Council Member Mulder moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by Greg Hancock/Bakken Communities (N1/2NE1/4 Sec 36, T150N, R99W 9.00 acres – Tract 1). Motion seconded by Council Member Bolken and carried unanimously.

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Council Member Mulder moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by Greg Hancock/Bakken Communities (N1/2NE1/4 Sec 36, T150N, R99W 6.00 acres – Tract 3). Motion seconded by Council Member Voll and carried unanimously.

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

Council Member Samuelson moved to approve Task Order #14 from Advanced Engineering (SCADA System Upgrade - design) for $124,500. Motion seconded by Bolken and carried by the following roll call vote: ayes: Pacheco, Homiston, Voll, Mulder, Bolken, and Samuelson; nays: none.

Council Member Pacheco moved to approve Task Order #14 from Advanced Engineering (SCADA System Upgrade - contract) for $67,900. Motion seconded by Mulder and carried by the following roll call vote: ayes: Samuelson, Voll, Pacheco, Mulder, Homiston, and Bolken; nays: none.

Council Member Voll moved to approve Pay Estimate #9 from Glacier Construction Company, Inc. (WWT Phase I Improvements) for $5,172.93. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Homiston, Bolken, Samuelson, Pacheco, Mulder, and Voll; nays: none.

Council Member Voll moved to approve Pay Estimate #4 from Moorehead Electric (WWT Phase I Improvements) for $41,040.61. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Mulder, Samuelson, Bolken, Pacheco, Voll and Homiston; nays: none.

Council Member Samuelson moved to approve Pay Estimate #8 from Williams Plumbing and Heating, Inc. (Area 2A & 2B Equipment Improvements) for $7,109.10. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Voll, Homiston, Samuelson, Pacheco, Bolken, and Mulder; nays: none.

Council Member Mulder moved to approve Change Order #2 from S.J. Louis Construction, Inc (Area 2 Part B Utility Extensions) for $74,486.51. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Bolken, Mulder, Pacheco, and Sanford; nays: Samuelson, Voll, and Homiston.

Council Member Pacheco moved to approve Pay Estimate #6 from S.J. Louis Construction, Inc (Area 2 Part B Utility Extensions) for $67,037.86. Motion seconded by Bolken and carried by the following roll call vote: ayes: Bolken, Pacheco, Mulder, and Sanford; nays: Samuelson, Voll, and Homiston.

Council Member Voll moved to approve Pay Estimate #7 from Merryman Excavating (Area 5 Utilities Extensions) for $3,961.65. Motion seconded by Homiston and carried by the following roll call vote: ayes: Mulder, Bolken, Pacheco, Homiston, Voll, and Samuelson; nays: none.

A representative from The North Dakota Initiative for Affordable Housing Group presented a program for lenders, builders, and employers to create an initiative for affordable housing.

Police Chief Jesse Wellen was present and gave an update on the police department.

Mayor Sanford and Council Member Randy Samuelson left the meeting at 7:30 pm.

Upon the recommendation of the Planning Commission, Council Member Pacheco moved to approve the Zone Change Application submitted by Black Gold Development. This will rezone the property to R1, R2 R3, and R4 from AG, 140 acres. Motion seconded by Council Member Mulder and carried by the following roll call vote: Homiston, Bolken, Mulder and Pacheco; nays: none.

Upon the recommendation of the Planning Commission, Council Member Bolken moved to approve the Zone Change Application submitted by Heggen Equipment Inc., for property located 805 Main Street South. The application will re-zone AG property to C1, 11.38 acres. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Homiston, Bolken, and Pacheco; nays: none.

Upon the recommendation of the Planning Commission, Council Member Homisotn moved to approve the Conditional Use Permit submitted by Heggen Equipment Inc., for property located 805 Main Street South for temporary employee housing on C1 property, 11.38 acres. McKenzie County, ND. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Bolken, Mulder, Pacheco, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Bolken moved to approve the Zone Change Application submitted by The Highlands @ Watford City / Adam Berger for land located 4th Ave NW and 6th Street NW. Irregular tract No. 2201 in SE1/4 Section 13, T 150N, R99w, McKenzie County, ND. Application will re-zone AG property to R1, R3, R4, and C1, 42.66 acres, McKenzie County, ND. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Mulder, Homiston, Pacheco, and Bolken; nays: none.

Upon the recommendation of the Planning Commission, Council Member Pacheco moved to approve the Zone Change Application submitted by QEP Resources. The application will re-zone property located at 3112 4th Ave NE. Application will re-zone AG to C1, 10.0 acres, McKenzie County, ND. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Homiston, Bolken, Pacheco, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Bolken moved to approve the Subdivision Preliminary Plat submitted by Cherry Creek Developers / Glen McDonnell for property located 904 17th Ave NE, Hawk Creek Subdivision, 40.19 acres, McKenzie County, ND. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Pacheco, Mulder, Bolken, and Homiston; nays: none.

Upon the recommendation of the Planning Commission, Council Member Bolken moved to approve the Final Plat submitted by Robyn Greenhagen for property Lot 2, SE1/4NW1/4 Section 7, T150N, R98W, Bison Run, 10.85 acre. Motion is contingent on an approved Development Agreement, Bonding and an approved Subdivision Improvement Agreement. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Mulder, Homiston, and Bolken; nays: none. Abstain: Pacheco.

Upon the recommendation of the Planning Commission, Council Member Homiston to approve the First Reading to Amend Chapter XV – Zoning Ordinance, Article XXI- Sign Regulations, for consideration of adding other districts to Section III of Ordinance. Motion seconded by Pacheco and carried unanimously.

Council Member Homiston moved to approve the following annual step increases; Molly Shaw increase from Category 3, Step 0 to Category 3, Step 1 effective May 1, 2013; William Landmark increase from Category 12, Step 0 to Category 12, Step 1 effective June 1, 2013. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Mulder, Pacheco, Homiston, and Bolken; nays: none.

Council Member Homiston moved to approve the employment offers to David Regnier, Public Works/Airport, Category 3, Step 1 effective May 16, 2013; Kady Burkett, Maintenance Department, Category 3, Step 0 effective May 1, 2013; Robert Lamell and Sulleiman Mudi, summer help in the Public Works Department, $15.07/hour. Motion seconded by Mulder and carried by the following roll call vote: ayes: Homiston, Pacheco, Bolken, and Mulder; nays: none.

Council Member Homiston moved to approve Mili Williams as an Assistant Planner, Category 5, Step 0 effective May 1, 2013. Motion seconded by Mulder and carried by the following roll call vote: ayes: Bolken, Pacheco, Mulder, and Homiston; nays: none.

Mayor Sanford and Randy Samuelson returned to the meeting at 8:05 pm.

Council Member Voll moved to approve the Second Reading of Ordinance #305 Amending Section 6-505, Article 5, Chapter VI - Relating to Classes of Licenses. *(1st Reading 4/25/2013)* Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Pacheco, Mulder, Bolken, Samuelson, Voll, and Homiston; nays: none.

Council Member Voll moved to approve the First Reading to Amend Section 6-515, Article 5, Chapter VI – Relating to the Hours of Time of Sale of Alcohol. Motion seconded by Council Member Homiston and carried unanimously.

Council Member Homiston moved to approve the First Reading to Amend Section 6-501, Article 5, Chapter VI – Relating to Definitions of Article 5. Motion seconded by Council Member Pacheco and carried unanimously.

Council Member Samuelson moved to approve the First Reading to Add Section 6-510B, Article 5, Chapter VI – Regarding Alcoholic Beverages, Licenses for the Sale Thereof Watford City Golf Course. Motion seconded by Council Member Bolken and carried unanimously.

Council Member Homiston moved to approve the First Reading to Amend Section 6-521, Article 5, Chapter VI – Relating to Age Identification. Motion seconded by Council Member Pacheco and carried unanimously.

Council Member Samuelson moved to approve the First Reading to Amend Section 6-511, Article 5, Chapter VI – Relating to Location of Alcoholic Beverage Licenses. Motion seconded by Council Member Bolken and carried unanimously.

Council Member Homiston moved to approve the First Reading to Amend Section 6-535, Article 5, Chapter VI – Relating to Penalties and Service Training. Motion seconded by Council Member Voll and carried unanimously.

Council Member Samuelson moved to approve the First Reading to Amend Section 6-513, Article 5, Chapter VI – Relating to Transfer of Alcoholic Beverage License. Motion seconded by Council Member Homiston and carried unanimously.

Council Member Homiston moved to approve the First Reading Repealing Section 6-518, Article 5, Chapter VI – Regarding Cashing Certain Checks Prohibited. Motion seconded by Council Member Pacheco and carried unanimously.

Council Member Pacheco moved to approve the Application for Special Alcohol Permit submitted by D & M’s Office for the Kayla Hanson and Adam Jensen wedding to be held at the Veteran’s Memorial Building on July 20, 2013 from 6 p.m. – 1 a.m. Motion seconded by Council Member Bolken and carried unanimously.

Council Member Pacheco moved to approve the Application for Special Alcohol Permit submitted TJ’s Pizza & Suds for a special event to be held in the TJ’s Pizza & Suds parking lot on June 7 & 8, 2013 from 8 p.m. – 1 a.m. Motion seconded by Council Member Voll and carried unanimously.

Council Member Pacheco moved to approve the Raffle Permit Application #693 submitted by McKenzie County Hockey Club. Motion seconded by Mulder and carried unanimously.

Council Member Voll moved to approve the reimbursements of grant payment from the Energy Impact fund; Fire Department $31,259.12; Police Department $34,264.79; Ambulance $66,813.80. Motion seconded by Homiston and carried by the following roll call vote: ayes: Mulder, Samuelson, Pacheco, Bolken, Voll, and Homiston; nays: none.

Council Member Samuelson moved to approve Mayor Sanford’s appointment of Brett Erdmann to the Lodging Tax Committee to fulfill Linda Knutson’s unexpired term until June 30, 2014. Motion seconded by Voll and carried unanimously.

City Planner Moen presented the Development Agreement for Mike Malais/DEPO – Tara Subdivision (previously Pleasant Hills – Giles & Norstog). Council Member Voll moved to approve the Development Agreement for Tara Subdivision contingent on verification of bond, approved Subdivision Improvement Agreement, and verification of second phase ownership. Motion seconded by Mulder and carried by the following roll call vote: ayes: Pacheco, Bolken, Samuelson, Homiston, Mulder, and Voll; nays: none.

Council Member Pacheco moved to approve hiring Advanced Engineering Services to begin preliminary design work for city street rehab and/or new construction on 4th Ave W, 3rd Ave SW, and 6th St NW. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Mulder, Bolken, Samuelson, Voll, Homiston, and Pacheco; nays: none.

Council Member Samuelson moved to approve the Quit Claim Deed between the City of Watford City and Farmers Union Oil Company of Watford City for property located in the NE1/4SW1/4 of Section 19, T150N, R98W. Motion seconded by Homiston and carried by the following roll call vote: ayes: Pacheco, Mulder, Bolken, Voll, Samuelson, and Homiston; nays: none.

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

The April 2013 cash reports were reviewed.

Council Member Bolken moved to approve the bills as listed. Motion seconded by Council Member Pacheco and carried unanimously. EFPTS $18,106.01; EFTPS $20,614.30; TASC $249.14; TASC $249.14; NDPERS $472.50; NDPERS $472.50; Payroll $96,636.93; Colonial Ins. $117.15; BCBS $19,059.00; NDPERS $15,259.99; NDPERS $208.08; Symetra $312.82; AFLAC $904.74; 3-D Specialties, Inc $1,832.40; Advanced Engineering $92,813.02; Agri Industries, Inc $2,403.03; Ambient Electric $1,847.50; American Legion $31.00; Andrew Langowski $60.00; Applied Concepts, Inc $2,467.50; Astro Chem Service, Inc $50.00; Badlands Hardware $308.09; Balco $1,138.55; Ben Meadows $142.55; Bluetarp Financial, Inc. $186.53; Brent Sanford $313.46; Buttons By Fish $287.50; Comfort Inn $429.00; Construction Services, Inc $1,694.00; Dacotah Paper Co $343.84; Dakota Fire Extinguishers, Inc $319.46; Dakota Supply Group $8,832.64; Darrington Snow Removal $600.00; Direct Electric $1,880.09; Doorman Overhead, LLC $ 5,471.86; DW Excavating, Inc $12,500.00: Eide Ford $66,831.30; Electronic Communications $29,270.00; Elliot Excavating $2,000.00; Emergency Medical Products, Inc $401.10; Farmers Union Oil Co $18, 457.34; Fastenal Company $374.11; Flexible Pipe Tool Company $2,302.11; Foley Brothers, LLC $750.00; Gaffaney’s Inc $847.40; Galls $8.92; Gary Hoffman $340.15; Hawkins, Inc $41.88; Hawkeye Oil Field Supply LLC $57.68; Heggen Equipment, Inc. $172.87; Information Technology Dept $268.75; Intergraph Corporation $4,393.00; Interstate Power Systems, Inc $492.55; Jack and Jill $172.04; Jackola Engineering $10,247.27; Jesse Wellen $96.00; JN Field Services $1,500.00; Justin Smith $25.03; Kotana Communications $739.90; Laser Systems Security, Inc $75.00; Lund Oil, Inc $2,316.81; Lyle Signs Inc $128.25; M & T Fire and Safety, Inc. $76.00; Magic City Janitorial $4,550.00; McKennett Law Firm $11,026.25; McKenzie County Landfill $6,334.50; McKenzie County Recorder $261.30; McKenzie County Road & Bridge $9,262.00; McKenzie County Treasurer $437.84; McKenzie Electric Coop $654.00; Merryman Excavation $15,703.79; Meuchel Enterprises, Inc. $890.57; Michael Todd & Co $1,421.03; Mike’s Super Valu $57.09; Minot Daily News $59.89; Montana Dakota Utilities $10,408.37; Municipal Government Academy $260.00; ND State Radio Communications $240.00; NDAAO $242.00; Nicholas Pavek $1,627.46; Nelson Contracting $534.93; Northern Underground $780.00; OK Implement $241.31; One Call Concepts $248.90; Page Rosenlund $249.92; Post Board $125.00; Power Plan OIB $2,627.98; Pro Auto Body, LLC $970.24; Ramkota Hotel $759.00; Reservation Telephone $1,315.92; Rural Economic Area Partnership $16,600.00; Ryan Chaffee $207.92; Safeguard Business Systems $364.62; SanJar Construction $760.00; Shannon Monnens $228.92; Share Corporation $1,226.22; Stein’s Inc $230.70; State Disbursement Unit $325.00; Suds Laundry $133.50; Swanston Equipment Corp $15,121.40; TD & H Engineering $9,547.00; Thiel Brothers Roofing $764.64; Timber Creek Services $2,340.00; Triple AAA Safety/Training $1,976.70; Upper Missouri District Health $160.32; Verizon Wireless $1,230.90; Visa $196.35; Vogel Law Firm $1,793.25; Walters Consulting $2,660.00; Watford City Enterprises, LLC $600.00; Watford City Express Laundry $178.50; Watford City Rotary Club $195.00; Watford City Vet Clinic $255.00; West Plains Insurance $412.00; Williston Daily Herald $65.57; Williston Fire & Safety $50.26; Xerox Corporation $444.58.

The next regularly scheduled City Council meeting will be on Monday, June 3, 2013 at 6:00 p.m. at City Hall in the Civic Center. There will be a special City Council meeting on Wednesday, May 22, 2013 at 5:00 p.m. at City Hall in the Civic Center.

There being no further business, the meeting was adjourned at 10:05 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