CITY OF WATFORD CITY

CITY COUNCIL MEETING

June 3, 2013

Minutes of the regular City Council meeting held on June 3, 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, Assistant City Planner Mili Williams and Attorney Wyatt Voll.

Council Member Homiston moved to approve the minutes of the city council meetings held on May 6, and May 22, 2013. Motion also included approving the agenda and the additions to the agenda. Motion seconded by Council Member Mulder and carried unanimously.

Council Member Voll moved to renew the Liquor and Beer Licenses, Adjacent Room Licenses and Sunday Alcoholic Beverage Permits as submitted for July 1, 2013 thru June 30, 2014 for the following applicants: Long X Bottle Shop; Coborn’s, Inc; Watford City Hospitality Group, LLC; South Park Extended Stay; Six Shooters, LLC; D & M’s Office; Little Missouri Grille, Inc; Marquardt Inc (dba TJ’s Pizza & Suds); Watford City Bar, Inc; American Legion Club; Fox Hills Golf & Country Club. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Bolken, Mulder, Pacheco, Voll, Samuelson, and Homiston; nays: none.

Matt Beard, TDH Engineering provided task orders, change orders and partial pay estimates for review.

Council Member Samuelson moved to approve the following Task Orders from TDH Engineering: #5 (South Park 3rd Party Inspection - $10,000), #6 (Geotechnical Study for New Lagoons - $27,600 min - $44,160 max), #7 (Geotechnical Study for New Water Tower - $11,850), #8 (Geotechnical Study for new Emergency Services Building - $6,500). Motion seconded by Pacheco and carried unanimously.

Council Member Voll moved to approve Change Order #1 from North Star Energy & Construction, LLC (Area 6 Utility Extension and Improvements – Revised) for $19,905.54. Motion seconded by Homiston and carried unanimously.

Council Member Voll moved to approve Change Order #2 from North Star Energy & Construction, LLC (Area 6 Utility Extension and Improvements – Revised) for $19,500. Motion seconded by Homiston and carried unanimously.

Council Member Bolken moved to approve Pay Estimate #1 from North Star Energy & Construction, LLC (Area 6 Utility Extension and Improvements) for $330,775.03. Motion seconded by Pacheco and carried unanimously.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Kenneth Rogness (1504 Main St S - .47 acres). There were no written comments or comments from the public. The Public Hearing was closed.

Council Member Samuelson moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by Kenneth Rogness (1504 Main St S - .47 acres). Motion seconded by Council Member Pacheco and carried unanimously.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Black Gold Development, LLC – Dakota Gold Golf Course Development (NE1/4 Section 17, T150N, R98W – 252.72 acres). There were no written comments or comments from the public. The Public Hearing was closed.

Council Member Bolken moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by Black Gold Development, LLC – Dakota Gold Golf Course Development (NE1/4 Section 17, T150N, R98W – 252.72 acres). Motion seconded by Council Member Voll and carried unanimously.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Cherry Creek Developers – Hawk Creek (904 17th Ave NE). There were no written comments or comments from the public. The Public Hearing was closed.

Council Member Voll moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by Cherry Creek Developers – Hawk Creek (904 17th Ave NE). Motion seconded by Council Member Bolken and carried unanimously.

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

Council Member Voll moved to approve Pay Estimate #10 from Glacier Construction Company, Inc. (WWT Phase I Improvements) for $83,002.87. 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 Samuelson moved to approve Change Order #3 from S.J. Louis Construction, Inc (Area 2 Part B Utility Extensions) for $23,905. Motion seconded by Homiston and carried by the following roll call vote: ayes: Homiston, Samuelson, Voll, Bolken, Pacheco, and Mulder; nays: none.

Council Member Voll moved to approve Pay Estimate #7 from S.J. Louis Construction, Inc (Area 2 Part B Utility Extensions) for $21,514.50. Motion seconded by Bolken and carried by the following roll call vote: ayes: Pacheco, Voll, Bolken, Samuelson, Homiston, and Mulder; nays: none.

Council Member Bolken moved to approve Pay Estimate #8 from Merryman Excavating (Area 5 Utilities Extensions) for $22,898.33. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Homiston, Samuelson, Voll, Bolken, Pacheco, and Mulder; nays: none.

Council Member Samuelson moved to approve Task Order #17 from Advanced Engineering (3rd Ave SW and 6th St NW Reconstruction) for $79,800. Motion seconded by Homiston and carried by the following roll call vote: ayes: Samuelson, Mulder, Bolken, Voll, Homiston, and Pacheco: nays: none.

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

David Johnson was present and gave an update on the Fox Hills Golf Course expansion project.

Council Member Samuelson moved to deny the Zone Change Application submitted by Tom Dillon for property located in theWest ½ of the SE ¼ of Section 24, Township 150 North, Range 99 West, Lots 1,2,9,10,16,17 of Block 1, and Lots 1,2,3,4,5 of Block 2 of the Schell-Jarland Addition to Watford City. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Homiston, Samuelson, Voll, Bolken, Pacheco, and Mulder; nays: none.

Upon the recommendation of the Planning Commission Council Member Pacheco moved to approve an Amended Final Plat submitted by Pheasant Ridge/Jay Moore for property located in Section 19, Township 150N, 2.079 acres. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Bolken, Mulder, Pacheco, Voll, Samuelson, and Homiston; nays: none.

Upon the recommendation of the Planning Commission Council Member Homiston moved to approve an Amended Final Plat Submitted by South Park Addition/Jay Moore for property located in Section 19, Township 150 North, Range 98 West, 13.87 acres. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Bolken, Mulder, Voll, Samuelson, Homiston, and Pacheco; nays: none.

Upon the recommendation of the Planning Commission Council Member Pacheco moved to approve a Conditional Use Permit submitted by Watford Express Laundry for property located at 1101 2nd Ave SE, 1 acre. Application will be reviewed yearly and allow for a 14x36 trailer for management housing on C1 property. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Voll, Samuelson, Pacheco, Mulder, Homiston, and Bolken; nays: none.

Upon the recommendation of the Planning Commission Council Member Voll moved to approve a Zone Change Application submitted by Vet Experts LLC/Bruce Pedersen. The application will re-zone property from AG to C1, located in a tract of land in the NW ¼ of the SE ¼, Section 24, Township 150 North, Range 99 West. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Pacheco, Samuelson, Bolken, Homiston, Voll, and Mulder; nays: none.

Upon the recommendation of the Planning Commission Council Member Bolken moved to approve a Simple Lot Split submitted by Vet Experts LLC/Bruce Pedersen, to create two parcels from one property located at 770 3rd Ave SW, 2 acres. Contingent on a right-of-way easement deed must be recorded for the 33’ right-of-way, western boundary of the lot. Motion seconded by Council Member Homiston and carried by the following roll call vote: ayes: Bolken, Samuelson, Homiston, Voll, Mulder, and Pacheco; nays: none.

Upon the recommendation of the Planning Commission Council Member Bolken moved to approve a Variance Application submitted by The Highlands/Adam Berger. The R4 Variance Application as presented is for front and/or rear setback of 25 to 20 feet. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Mulder, Pacheco, Samuelson, Homiston, Voll, and Bolken; nays: none.

Upon the recommendation of the Planning Commission Council Member Samuelson moved to approve a Final Plat submitted by the Highlands/ Adam Berger for property located at the SE ¼ of Section 13, Township 150 North, Range 99 West, 42.66 acres. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Homiston, Pacheco, Mulder, Bolken, and Voll; nays: none.

Council Member Homiston moved to approve the following annual step change; Curtis Larson increase from Category 3, Step 1 to Category 3, Step 2 effective July 16, 2013. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Bolken, Pacheco, Samuelson, Homiston, Voll, and Mulder; nays: none.

Council Member Homiston moved to accept a letter of resignation from Ted Schulz effective June 4, 2013. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Homiston, Pacheco, Mulder, Voll, Samuelson, and Bolken; nays: none.

Council Member Homiston moved to approve Friday, July 5, 2013 as a holiday for city employees. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Samuelson, Homiston, Voll, Bolken, Pacheco, and Mulder; nays: none.

Council Member Pacheco moved to approve the Application for Special Alcohol Permit submitted by Outlaws’ Bar & Grill to allow serving alcohol in an outdoor fenced in eating area on the west side of Outlaws’ Bar & Grill during the hours of 6:00 pm – 10:30 pm on June 28 & 29, 2013. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Voll, Homiston, Bolken, Mulder, and Pacheco; nays: none.

Council Member Pacheco moved to approve the Application for Special Alcohol Permit submitted by Outlaws’ Bar & Grill for the Cheyanne Maki and Ryan Thompson wedding to be held at the Veteran’s Memorial Building on September 28, 2013 from 5:00 p.m. – 12:45 p.m. Motion seconded by Council Member Homiston and carried by the following roll call vote: Mulder, Voll, Homiston, Samuelson, Pacheco, and Bolken; nays: none.

Council Member Pacheco moved to approve Resolution #2013-08 Setting Bond for the City Auditor. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Bolken, Pacheco, Samuelson, Homiston, Voll, and Mulder; nays: none.

Council Member Homiston moved to approve Mayor Sanford’s appointment of Lori Nordby to the Lodging Tax Committee to fill Laura Sanford’s expired term. Motion seconded by Samuelson and carried unanimously.

Council Member Homiston moved to approve Mayor Sanford’s appointment of Michon Sax to the McKenzie County Library Board to fulfill Caralynn Olson’s unexpired term until January 1, 2015. Motion seconded by Samuelson and carried unanimously.

Council Member Voll moved to approve Pay Estimate # 6 and Change Order #2 from RS Bennett Construction (Area 6 Utilities Extension) for $206,076.65 and $59,292.00. Motion seconded by Council Member Pacheco and carried by the following roll call vote: Pacheco, Bolken, Samuelson, Voll, Mulder, and Homiston; nays: none.

Council Member Homiston moved to approve hiring a Public Works Operator to fill the open position. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Samuelson, Bolken, Mulder, Voll, Pacheco, and Homiston; nays: none.

Council Member Samuelson moved to approve the Post-Issuance Compliance Procedure and Policy for Bond Issues with Dougherty & Company LLC. Motion seconded by Council Member Voll and carried by the following roll call vote: Pacheco, Bolken, Samuelson, Voll, Mulder, and Homiston; nays: none.

The May 2013 cash reports were reviewed.

Council Member Homiston moved to approve the bills as listed. Motion seconded by Council Member Bolken and carried unanimously. EFPTS $26,645.00; EFTPS $18,146.21; TASC $249.14; TASC $249.14; NDPERS $472.50; NDPERS $460.00; Payroll $112,104.89; Colonial Ins. $117.15; BCBS $20,901.20; NDPERS $15,877.51; NDPERS $188.22; Symetra $325.21; AFLAC $830.60; Advanced Engineering $100,739.22; Agri Industries, Inc $868.20; Apple Electric Inc $630.00; Badlands Hardware $295.39; Badlands Shooting Club $450.00; Balco $1,071.62; Bluetarp Financial, Inc. $345.68; Brady Martz & Assoc $15,000.00; Big Boy Toys $289.86; Biolynceus $2,477.66; Comfort Inn $138.00; Computer Professionals $1,250.00; Construction Services, Inc $1,694.00; Dacotah Paper Co $597.87; Dakota Sanitation & Roll-off $15,000.00; Dakota Supply Group $8,944.55; Direct Electric $1,362.44; DW Excavating, Inc $2,290.00: Eide Ford $33,434.80; Electronic Communications $12,885.00; Elliot Excavating $15,500.00; Fastenal Company $80.14; Foley Brothers, LLC $3,325.00; Gaffaney’s Inc $12,509.11; Hawkins, Inc $528.50; Hawkeye Oil Field Supply LLC $50.12; Heggen Equipment, Inc. $128.52; Information Technology Dept $807.25; Jackola Engineering $3,063.53; Jim Hanson Masonry $14,622.00; Jost Painting $21,480.00; Kyle Giersdorf $24.36; Larry Lundeen $136.25; Lund Oil, Inc $1,412.68; Mainstay Suites $385.00; McKennett Law Firm $14,375.00; McKenzie County Farmer $2,822.35; McKenzie County Recorder $110.10; McKenzie County Treasurer $40.00; McKenzie Electric Coop $976.00; Meuchel Enterprises, Inc. $864.18; Michael Todd & Co $991.66; Montana Dakota Utilities $11,754.47; Municipal Code Corporation $945.77; ND Attorney General $45.00; ND Workforce & Safety $464.38; NW Dakota Public Transit $30,000.00; OK Implement $1,468.86; One Call Concepts $202.40; Pittsley, James $60.01; Post Board $50.00; Post Master $674.44; Power Plan OIB $381.04; Red Carpet Carwash $498.47; Reservation Telephone $1,300.84; Rita Olson $165.02; Roosevelt Inn & Suites $ 134.95; Roughrider Industries $5,359.56; Ryan Chaffee $20.00; S & S Motors $1,380.07; Stein’s Inc $180.50; State Disbursement Unit $325.00; Suds Laundry $21.60; Swanston Equipment Corp $2,475.04; Taylor Ag Services $193.85; TD & H Engineering $9,765.30; Terry Nate Jeffries $677.34; The Attic Sportsman’s Loft $638.00; The Tower Company $86.50; Thiel Brothers Roofing $634.51; Titan Plumbing $825.00; Turning Out Solutions $204.00; Upper Missouri District Health $109.38; Van Diest Supply Co $1,333.20; Verizon Wireless $1,594.98; Visa $195.88; Vogel Law Firm $1,736.76; Watford City Enterprises, LLC $600.00; Watford City Express Laundry $178.50; Williston Landscape & Irrigation $1,802.00; Wingate By Wyndham $154.00; Xerox Corporation $201.25.

The next regularly scheduled City Council meeting will be on Monday, July 1, 2013 at 6:00 p.m. at City Hall in the Civic Center.

There being no further business, the meeting was adjourned at 8:54 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