CITY OF WATFORD CITY

CITY COUNCIL MEETING

July 1, 2013

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

Council Member Samuelson moved to approve the minutes of the city council meetings held on June 3, 2013. Motion also included approving the agenda and the additions to the agenda. Motion seconded by Council Member Mulder and carried unanimously.

Jody Renbarger was present to review a Roughrider Fund Application submitted by Wolf Run Village to assist with construction for the Wolf Pup Daycare in the amount of $500,000. Council Member Voll moved to approve a grant of $500,000 to Wolf Run Village to assist with construction of the Wolf Pup Daycare. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Bolken, Samuelson, Voll, and Pacheco; nays: none.

Steve Holen, Superintendent of McKenzie County School District #1, was present and discussed future enrollment projections and expressed his concern with future funding for school district needs.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Mike McPherson/Country Cross Ranch (Lot 2, Block 2, Old West Subdivision - 2.09 acres). 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 Mike McPherson/Country Cross Ranch (Lot 2, Block 2, Old West Subdivision - 2.09 acres). Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Pacheco, Mulder, Samuelson, Voll, and Bolken; nays: none.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Jeff Kovac, White Ram Enterprises, LLC (903 3rd Ave SW – 1.6 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 Jeff Kovac, White Ram Enterprises, LLC (903 3rd Ave SW – 1.6 acres). Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Voll, Pacheco, Mulder, and Bolken; nays: none.

Council Member Samuelson moved to approve the Development Agreement for The Highlands at Watford City contingent on an approved Subdivision Improvement Agreement and secured bonding. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Voll, Mulder, Pacheco, Samuelson, and Bolken; nays: none.

No action was taken on the Development Agreement for Wolf Creek Development.

Ben Weltikol, Watford City Fire Department, was present and requested approval for Ahtna Technical Services to install new bay doors and electric openers at the existing fire station with an approximate cost of $28,000. Council Member Samuelson moved to approve the Fire Department to spend $21,000 of their unit fee income towards the new bays and openers with the remaining balance coming out of the fire department budget. Motion seconded by Mulder and carried by the following roll call vote: ayes: Bolken, Samuelson, Voll, Pacheco, and Mulder; nays: none.

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

Council Member Pacheco moved to approve Task Order #18 from Advanced Engineering (GIS Web and Mobile Viewers) for $65,000. Motion seconded by Bolken and carried by the following roll call vote: ayes: Mulder, Samuelson, Pacheco, Bolken, and Voll; nays: none.

No action was taken on Task Order #6b from Advanced Engineering (Continuous Discharge Mechanical Treatment Facility- Evaluation and Preliminary Engineering).

Council Member Mulder moved to approve Pay Estimate #11 from Glacier Construction Company, Inc. (WWT Phase I Improvements) for $42,019.51. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Bolken, Pacheco, Voll, Mulder and Samuelson; nays: none.

Council Member Voll moved to approve Change Order #3 from North Star Energy and Construction (Area 6 Utility Extension - Revised) for $25,000. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Mulder, Bolken, Samuelson, Voll, and Pacheco; nays: none.

Council Member Bolken moved to approve Pay Estimate #2 from North Star Energy (Area 6 Utility Extension - Revised) for $181,173.37. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Pacheco, Voll, Mulder, Samuelson, and Bolken; nays: none.

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

Upon the recommendation of the Planning Commission Council Member Mulder moved to approve thePreliminary Subdivision Map submitted by Circle H Engineering & Surveying Inc./ Shannon Marinko, for land located in the East ½ of Section 23, Township 150 North, Range 99 West, 41.85 acres, McKenzie County, ND with the requirement that 14th street is to be bonded and built to city standards if developed. Seconded by Council Member Voll and carried by the following roll call vote: ayes: Pacheco, Bolken, Voll, Samuelson, and Mulder; nays: none.

Upon the recommendation of the Planning Commission Council Member Samuelson moved to approve the Preliminary Subdivision Map submitted by Hunter’s Run, for property in a portion of the East ½, Section 16, Township 150 North, Range 98 West, 149.14 acres, McKenzie County, ND. Seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Voll, Bolken, Pacheco, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission Council Member Voll moved to approve the Zone Change Application submitted by Hunter’s Run, for property located in the SW ¼ of Section 16, Township 150 North, Range 98 West, 3.0 acres, McKenzie County, ND. The application will rezone AG property to C2. Seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Mulder, Pacheco, Voll, and Bolken; nays: none.

Upon the recommendation of the Planning Commission Council Member Voll moved to approve the Conditional Use Permit submitted by AWS3, LLC for land located in Lots 1 & 4, NW ¼, Section 22, Township 150 North, Range 98 West, also NW ¼ SW ¼, Except Irregular Tract 2477, approx. 2.1 acres, McKenzie County, ND. The application will allow for a 12’’ water transmission line to furnish water to “The Crossings at Watford City” Subdivision and water to support the oil industry, on C1 property. Seconded by Council Member Mulder and carried by the following roll call vote: ayes: Pacheco, Samuelson, Bolken, Pacheco, Voll, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission Council Member Voll moved to approve a Variance Application submitted by Orvis Hagen. The application will allow for a roof to be added on to an existing attached deck property located at 316 2nd Ave NW, Block 1, Lot 12, 3rd Addition. The deck shall not become enclosed, however, a screen shall be permitted. Seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Bolken, Mulder, Pacheco, Voll, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission Council Member Samuelson moved to approve the Zone Change Application submitted by Country Cross Ranch, LLC/ Mike McPherson. The application will rezone A1 property to C1, located in Lot 1 of Block 2 NE ¼ & SE ¼ NW ¼ of Section 25, Township 150 North, Range 99 West, 2.09 acres, McKenzie County, ND. Seconded by Council Member Bolken and carried by the following roll call vote: ayes: Voll, Samuelson, Mulder, Pacheco, and Bolken; nays: none.

Upon the recommendation of the Planning Commission Council Member Pacheco moved to approve the Zone Change Application submitted by Bakken Development/ Jarvis & Kadie Sorenson. The application will re-zone C1 property to R4, located in a portion of the NW¼ Section 22, Township 150 North, Range 98 West, 36.43 acres, McKenzie County, ND. Seconded by Council Member Bolken and carried by the following roll call vote: ayes: Voll, Samuelson, Mulder, Pacheco, and Bolken; nays: none.

Upon the recommendation of the Planning Commission Council Member Samuelson moved to approve the Simple Lot Split application submitted by Bakken Land Holdings LLC/ Bakken Development Solutions, to create R4 property for the purpose of sale and development of two parcels from one property located in the NW ¼ of Section 22, Township 150 North, Range 98 West, 51.13 acres, McKenzie County, ND. Seconded by Council Member Mulder and carried by the following roll call vote: ayes; Pacheco, Samuelson, Bolken, Mulder and Voll; nays: none.

Upon the recommendation of the Planning Commission Council Member Voll moved to approve the Simple Lot Split Application submitted by Bakken Development, LLC/ Bakken Development Solutions, to create R4 property for the purpose of sale and development by a 3rd party on property located in the NW ¼ Section 22, Township 150 North, Range 98 West, 6.61 acres, McKenzie County, ND. Seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Mulder, Pacheco, Voll and Bolken; nays: none.

Upon the recommendation of the Planning Commission Council Member Bolken moved to approve the Subdivision Final Plat submitted by Robin Greenhagen (Blue Bison Development First Addition) 94 lots, 23.13 acres, located in the South ½ of the NW ¼ of Section 7, Township 150 North, Range 98 West, McKenzie County, ND. Approval given with the contingency of an approved Development Agreement, a Subdivision Improvement Agreement, a Warranty & Maintenance Agreement, and secured bonding prior to recording of the final plat. Seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Pacheco, Mulder, Voll, Bolken, and Samuelson; nays: none.

Upon the recommendation of the Planning Commission Council Member Pacheco moved to approve the Variance Application submitted by Adam Berger. The application will allow setbacks on property located in Irregular Tract No. 2204 in the SE ¼ of Section 13, Township 150 North, Range 99 West, 42.66 acres, McKenzie County, ND. Seconded by Council Member Mulder and carried by the following roll call vote: Bolken, Samuelson, Voll, Mulder, and Pacheco; nays: none.

Council Member Voll moved to approve hiring Sulliman Mudi as a full-time public works employee and will receive the hourly rate for Category 3, Step 0 with no benefits until January 2014. At that time benefits will begin. Seconded by Council Member Bolken and carried by the following roll call vote: ayes: Pacheco, Mulder, Samuelson, Bolken, and Voll; nays: none.

Council Member Voll moved to approve hiring Kayla Frick for cemetery maintenance at $17.00/hour. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Bolken, Voll, Mulder, and Pacheco; nays: none.

Council Member Voll moved to approve the step change for Terry Nate Jeffires from Category 3, Step 4 to Category 4, Step 1, effective July 1, 2013. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Mulder, Pacheco, Bolken, Voll, and Samuelson; nays: none.

Council Member Voll moved to approve the step change for Curtis Larson from Category 3, Step 2 to Category 4, Step 0, effective July 1, 2013. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Bolken, Mulder, Voll, Pacheco, and Samuelson; nays: none.

Council Member Voll moved to begin advertising for a Finance Director position. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Mulder, Pacheco, Samuelson, Voll, and Bolken; nays: none.

Council Member Voll moved to approve hiring Brandi Toulou as Assistant Auditor, Category 5, Step 1, hire date July 16, 2013. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Pacheco, Bolken, Mulder, and Voll; nays: none.

Council Member Voll moved to approve hiring Joshua Trevena as a Police Officer, Category 12, Step 0. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Pacheco, Samuelson, Bolken, Voll, and Mulder; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #318 Annexing Property to the City of Watford City per Annexation Application submitted by Black Gold Development LLC – Dakota Gold Golf Course Development (NE1/4 Sect 17, T150, R98W – 252.72 acres). Motion seconded by Voll and carried by the following roll call vote: ayes: Samuelson, Bolken, Mulder, Voll, and Pacheco; nays: none.

Council Member Pacheco moved to approve the First Reading Amending Section 1-502 of Article 5, Chapter I Relating to Conveyance, Sale, Lease or Disposal of Real Property. Motion seconded by Council Member Voll and carried unanimously.

Council Member Pacheco moved to approve the Raffle Permit Application #695 submitted by Pheasants Forever Chapter 248. Motion seconded by Mulder and carried unanimously.

Council Member Pacheco moved to approve the Raffle Permit Application #696 submitted by NWTF Badlands Toms. Motion seconded by Mulder and carried unanimously

Council Member Pacheco moved to approve the Application for Special Alcohol Permit submitted by D & M’s Office for the Elyce Prestagen and Tyler Linseth wedding to be held at the Veteran’s Memorial Building on July 27, 2013 from 5:00 p.m. – 12:45 p.m. Motion seconded by Council Member Voll and carried unanimously.

Council Member Bolken moved to approve Resolution #2013-09 to amend the city’s current Development Agreement regarding Unit Fees to include McKenzie County School District 1 as a recipient. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Samuelson, Voll, Pacheco, and Bolken; nays: none.

Council Member Bolken moved to approve to move forward with the Master Plan Amendment as presented. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Mulder, Samuelson, Voll, Pacheco, and Bolken; nays: none.

Council Member Bolken moved to approve the quote from Ahtna Technical Services in the amount of $120,000 for additional demolition and replacement work to the kitchen area located in the Civic Center. Motion seconded by Pacheco and carried by the following roll call vote: ayes: Samuelson, Mulder, Bolken, Pacheco, and Voll; nays: none.

Council Member Voll moved to approve a Fiber Optic Telecommunication Easement with Reservation Telephone Cooperation. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Samuelson, Pacheco, Bolken and Voll; nays: none.

Council Member Pacheo moved to approve accepting an oil and gas lease with Newfield Oil & Gas. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Samuelson, Voll, Mulder, Bolken, and Pacheco; nays: none.

The June 2013 cash reports were reviewed.

Council Member Voll moved to approve the bills as listed. Motion seconded by Council Member Bolken and carried unanimously. EFPTS $29,085.02; EFTPS $18,882.37; TASC $305.47; TASC $205.55; NDPERS $472.50; NDPERS $472.50; Payroll $113,662.96; BCBS $23,946.53; NDPERS $15,528.66; NDPERS $235.58; Symetra $305.58; AFLAC $756.42; ND JOB SERVICE $1,382.69; 24/7 Contracting Services $55,820.00; Advanced Engineering $187,434.92; Andrew Langowski $33.00; Arntson Stewart Wegner $13,132.77; Astro Chem Services $225.00; Badlands Hardware $19.99; Barrett Pharmacy $13.77; Ben Meadows $263.04; Black Mountain Training $4,925.76; Bluetarp Financial, Inc. $42.36; Border States Electric Supply $473.82; Carquest $316.87; Computer Professional Unlimited $280.00; Dacotah Paper Co $526.98; Dakota Diesel USA $15.04; Dakota Supply Group $15,039.77; Digital-Ally $410.00; Dean Anderson $120.00; DW Excavating, Inc $450.00; Elliot Excavating $3,500.00; Environmental Abatement $28,275.00; Farmers Union Oil $7,782.28; Fastenal Company $309.42; Foley Brothers, LLC $750.00; Ferguson Waterworks $187.52; First International Bank $15.00; Gaffaney’s Inc $26,838.51; Galls $620.73; Gary Schwartzenberger $120.00; Great Lines $831.00; Greg’s Welding $105.00; Hawkeye Oil Field Supply LLC $82.36; Heggen Equipment, Inc. $88.04; Information Technology Dept $307.25;Jack and Jill $77.68; Jackola Engineering $3,063.53; Jim Hanson Masonry $5,697.00; Larsen Service Drug $2.95; Lund Oil, Inc $645.95; Lyle Signs $318.90; McKennett Law Firm $9,823.75; McKenzie County Farmer $2,833.56; McKenzie County Landfill $21,270.00; McKenzie County Recorder $13.00; McKenzie County Weed Control $2,842.62; McKenzie Electric Coop $1,078.00; Meuchel Enterprises, Inc. $8,428.04; Michael Todd & Co $201.97; Montana Dakota Utilities $12,009.87; ND Attorney General $30.00; ND Dept of Health $1,552.77; ND Dept of Transportation $78.00; ND League of Cities $1,341.00; ND State Fire & Tornado $4,716.08; Northland Feed & Seed $774.00; Office of State Tax Commissioner $6,888.22; OK Implement $1,932.76; One Way Service Machine Shop $393.04; Oscar Knudtson $533.40; Outlaws’ Bar & Grill $352.37 Petty Cash $421.32; Power Plan $840.86; Premier Diesel $495.32; Pro Auto Body $7,935.40; Public Agency Training Council $260.00; Reservation Telephone $1,701.48; Rita Olson $184.48; S & S Motors $319.01; Sanitation Products $495.53; Sherwin-Williams $2,881.48; Sign Post Savers $370.00; SimplexGrinnell $734.50; Starion Bond Services $2,289,567.91; State Disbursement Unit $325.00; Suds Laundry $114.80; Swanston Equipment Corp $297.98; Talk Time Wireless $23.31; TD & H Engineering $845.00; The Sign Shop $1,533.00; Timberline Sport-N-Convenience $469.90; Triple AAA Safety $7,844.37; Trucks of Bismarck $25.06; Verizon Wireless $1,373.89 Visa $1,200.91; Vogel Law Firm $7,946.32; Walters Consulting $490.00; Watford City Enterprises, LLC $600.00; Watford City Express Laundry $118.50; West Plains Insurance $201.00; William Landmark $144.90; Williston Fire & Safety $49.70.

The next regularly scheduled City Council meeting will be on Monday, August 5, 2013 at 6:00 p.m. at City Hall in the Civic Center.

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