CITY OF WATFORD CITY

CITY COUNCIL MEETING

May 5, 2014

Minutes of the regular City Council meeting held on May 5, 2014 at 6:00 p.m. at City Hall. Present were Mayor Brent Sanford and Council Members Justin Voll, Kris Pacheco, Randy Samuelson, Marty Mulder. Absent were Doug Bolken and Shane Homiston. Also present was City Planner Curt Moen, City Auditor Peni Peterson and Attorney Wyatt Voll.

Council Member Voll moved to approve the minutes of the city council meetings held on April 7,8,15, and 28, 2014. Motion also included approving the agenda and the additions to the agenda. Motion seconded by Council Member Mulder and carried unanimously.

Pat Fitzgerald, Watford City Fire Department, was present to request approval to purchase a ladder truck from Sutphen Corporation in the amount of $1,000,000 and will use $800,000 from Energy Impact Funds leaving a balance of $200,000.

Council Member Voll moved to approve the purchase of a new ladder truck by the Watford City Fire Department in the amount of $1,000,000 from Sutphen Corporation using $800,000 from the fire department grant and the remaining balance to come out of the fire department budget. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Samuelson, Mulder, Pacheco, and Voll; nays: none.

Jesse Scofield, Watford City Ribfest Committee, requested to have alcohol in a designated area on main street during Ribfest on August 8, 2014 from 5 p.m. – 9 p.m. Council Member Samuelson moved to approve having alcohol on main street during Ribfest from 5 p.m. – 9 p.m. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Pacheco, Mulder, Samuelson, and Voll; nays: none.

Jeff Ruggles, Roughrider Committee, was present to review a Roughrider Application submitted by the Watford City Golf Club, Inc. DBA Fox Hills Golf Course and Country Club in the amount of $150,000 to build a retaining wall to complete their clubhouse expansion project.

Council Member Samuelson moved to approve the Roughrider Application submitted by the Watford City Golf Club, Inc. in the amount of $150,000. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Voll, Mulder, Pacheco, and Samuelson; nays: none.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by CKW Properties, LLP (404 11th Ave SE). There were no written comments or comments from the public. The Public Hearing was closed.

Council Member Pacheco moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by CKW Properties, LLP (404 11th Ave SE). 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 White Ram Enterprises, LLC, Cary & Darlene Garman (SW1/4 Section 24, T150N, Range 99W). 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 White Ram Enterprises, LLC, Cary & Darlene Garman (SW1/4 Section 24, T150N, Range 99W). 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 Matrix Equities Watford, LLC (SW1/4 Section 21, T150N, R98W). 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 Matrix Equities Watford, LLC (SW1/4 Section 21, T150N, R98W). Motion seconded by Council Member Mulder and carried unanimously.

Todd Norton, Advanced Engineering, presented pay estimates and task orders.

Council Member Samuelson moved to approve the bid from Merryman Excavation (Hwy 23 Watermain Project) for $525,718. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Voll, Pacheco, and Samuelson; nays: none.

Council Member Mulder moved to approve Task Order #27 from Advanced Engineering (17th Ave NE New Street Construction Design and Bidding Services) for $628,000. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Pacheco, Mulder, and Voll; nays: none.

Council Member Voll moved to approve Change Order #4 from Glacier Construction Co (WWTF Phase I Improvements) for -$3,750. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Pacheco, Mulder, Samuelson, and Voll; nays: none.

Council Member Voll moved to approve Pay Estimate #14 from Glacier Construction Co (WWTF Phase I Improvements) for $16,391.05. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Pacheco, Voll and Mulder; nays: none.

Council Member Samuelson moved to approve Final Pay Estimate #15 from Glacier Construction Co (WWTF Phase I Improvements) for $137,416.58. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Voll, Mulder, Samuelson, and Pacheco; nays: none.

Todd Kelly, Advanced Engineering, presented Pay Applications and a Geotechnical Investigation Proposal.

Council Member Pacheco moved to approve Pay Application #3 from Landmark Structures, LLP (East Water Tower) for $87,030. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Mulder, Pacheco, Samuelson, and Voll; nays: none.

Council Member Mulder moved to approve Pay Application #2 from Phoenix Fabricators & Erectors, Inc. (Northwest Water Tower) for $316,620. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Voll, Mulder, and Pacheco; nays: none.

Council Member Voll moved to approve the Geotechnical Investigation Proposal from TD&H (New High School/Events Center Access Roads) for $17,900. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Samuelson, Mulder, Voll, and Pacheco; nays: none.

Tim Taylor, Airport Authority, was present and gave an update on the Airport.

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

Dan Miller and Jeff Steiner, JLG Architects, gave a presentation and answered questions regarding the Watford City Event Center.

Council Member Mulder moved to approve the recommendations from the Planning Commission from their April 28, 2014 meeting. Approved the following: Zone Change Application (tabled from 12-30-13) submitted by Monday One/Bayfront Builders for property located on Lots 74, 75, 76, 77 of Pheasant Ridge Subdivision. Application request R-T (Residential Townhome Overlay District to existing R-3 (medium Density dwelling district), 2.085 acres; Zone Change Application submitted by Mark Miller/McKenzie County Healthcare Systems, Inc. for property located in Pheasant Ridge Subdivision, the NW1/4 of Section 18, T150N, R98W, 2.42 acres, McKenzie County, North Dakota. The application will rezone R-2 property to R4; Simple Lot Split Application submitted by Watford City Hotel Partners, LLC property located in Lot 1, Block 2 of the Fox Hills Subdivision, Section 20, T150N, R98W, 5.0 Acres, McKenzie County, North Dakota. Application will create three lots out of one. Approval is contingent upon cross access & shared parking agreements in place prior to recording of map. Zone Change Application submitted by White Ram Enterprises (Jeff Kovac) / Cary and Darlene Garmann on property located in portion of IT#1710 Section 24, T150N, R98W, 1.07Acres, McKenzie County, North Dakota. The application will rezone A-1 property to C-1; Zone Change application by Kyle Caulk on property located at 2662 123rd Ave NW, in Section 22, T150N, R98W, 5.0 acres, McKenzie County, North Dakota. The application will rezone A1 property to C1; Subdivision Final Plat submitted by The Highlands @ Watford City/Adam Berger. Approval is contingent upon staff recommendations within staff report, all recommendations must be completed prior to recording of plat. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Pacheco, Voll, Mulder, and Samuelson; nays: none.

Council Member Voll moved to approve Mary Lou Ault’s resignation and to begin advertising for the open position. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Pacheco, Mulder, Voll, and Samuelson; nays: none.

Council Member Pacheco moved to approve the First Reading on Amending Chapter I, Article 2, Section 1-203 – Relating to Governing Body – City Council. Motion seconded by Council Member Samuelson and carried unanimously.

Council Member Pacheco moved to approve the First Reading on Amending Chapter I, Article 2, Section 1-201 – Relating to Governing Body – City Council. Motion seconded by Council Member Voll and carried unanimously.

Council Member Pacheco moved to approve the First Reading on Amending Chapter VII, Article 2, Section 7-206 – Relating to Impounding. Motion seconded by Council Member Mulder and carried unanimously.

Council Member Pacheco moved to approve the Second Reading on Ordinance #347 Annexing property to the City of Watford City per Annexation Application submitted by Northern Sates Fishing Tool (1004 4th St SW -2.76 acres). Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Samuelson, Mulder, Pacheco, and Voll; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #348 Annexing property to the City of Watford City per Annexation Application submitted by Link Logistics (605 11th Ave SW). Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Voll, Samuelson, Pacheco, and Mulder; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #349 Annexing property to the City of Watford City per Annexation Application submitted by US Forest Service (1901 and 1905 S Main Street). Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Mulder, Samuelson, Pacheco, and Voll; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #350 Annexing property to the City of Watford City per Annexation Application submitted by Mike McPherson – Country Cross Ranch, LLC (Lot 2, Block 2, Old West Subdivision). Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Samuelson, Voll, Pacheco, and Mulder; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #351 Annexing property to the City of Watford City per Annexation Application submitted by Kenneth Rogness (1504 Main St S). Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Pacheco, Mulder, Samuelson, and Voll; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #352 Annexing property to the City of Watford City per Annexation Application submitted by McKenzie Electric Cooperative (2304 Main St S). Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Voll, Mulder, Pacheco, and Samuelson; nays: none.

Council Member Pacheco moved to approve the Second Reading on Ordinance #353 Amending Article XIII(A), Chapter XV Relating to “R-T” Townhome Residential District. Motion seconded by Council Member Samuelson and carried by the following roll call vote: ayes: Mulder, Voll, Pacheco, and Samuelson; nays: none.

Council Member Pacheco moved to approve Raffle Permit #709 - Watford City Baseball Boosters. Motion seconded by Council Member Voll and carried unanimously.

Council Member Pacheco moved to approve the Special Liquor Permits for Outsiders Bar & Grill – Amanda Trumpower, Veteran’s Memorial Building, June 14, 2014 from 5:00 pm – 1:00 am; Watford City Eagles – Watford City Centennial Committee, McKenzie County Fairgrounds, June 27 and 28, 2014 from 4:00 pm – 12:30 am; Outlaws’ Bar & Grill – Watford City Centennial Committee, McKenzie County Fairgrounds, June 27 and 28, 2014 from 4:00 pm – 12:30 am; TJ’s Pizza & Suds – Watford City Centennial Committee, McKenzie County Fairgrounds, June 27 and 28, 2014 from 4:00 pm – 12:30 am; Outlaws’ Bar & Grill – Sundeen/Dwyer Wedding, East Parking lot of Outlaws’, June 14, 2014 from 5 pm – 1 am. Motion seconded by Council Member Voll and carried unanimously.

Council Member Samuelson moved to approve the Memorandum of Understanding between City of Watford City and McKenzie County Healthcare Systems, Inc. Motion seconded by Council Member Mulder and carried unanimously.

Council Member Voll moved to request the City Attorney prepare and send a quit claim deed to Jeff Dodds deeding property back to the city (Lot 11, Block 11 and the West 72 feet of Lot 12, Block 11, Original Townsite of Watford City). Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Samuelson, Pacheco, Mulder, and Voll; nays: none.

Council Member Samuelson moved to approve Resolution 2014-08 –land purchase from Reservation Telephone Cooperative. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Voll, Mulder, Samuelson, and Pacheco; nays: none.

Mayor Sanford read the 2014 Arbor Day Proclamation proclaiming May 27, 2014 as Arbor Day.

Tabled a bid from Mess Busters to clean the Fire Hall and EMS Building.

Reviewed a Joint Powers Agreement between the City of Watford City and McKenzie County for Addressing and GIS Services. City Planner Moen will negotiate with the County the suggested hourly rate from $50.00 to $30.00.

Council Member Samuelson moved to approve the Release of Bond Application #2 for Bakken Development Solutions, LLC/The Crossings at Watford City, LLC in the amount of $507,778.39. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Pacheco, Voll, Mulder, and Samuelson; nays: none.

Council Member Voll moved to approve the Agreement for Sanitary Sewer Expansion – Payment and Capacity form. Motion seconded by Council Member Pacheco and carried by the following roll call vote: ayes: Mulder, Samuelson, Voll, and Pacheco; nays: none.

Council Member Samuelson moved to approve purchasing property located at 200 2nd Ave NE, (Lot 6, Block 8 Original Townsite Watford City) from MDU in the amount of $215,000. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Samuelson, Pacheco, Mulder, and Voll; nays: none.

No action was taken on a Purchase Agreement with Hunters Run.

Discussion was held regarding AIA Documents from JLG Architects.

At 9:30 p.m. Council Member Samuelson made a motion to move into executive session as allowed by NDCC 44.04-19.1 to discuss Attorney consultation regarding mediation with RS Bennett Construction. Motion seconded by Council Member Mulder and carried unanimously.

Whereby, the City Council met in executive session to consult with the attorney regarding mediation with a contractor as authorized by NDCC 44-04-19.1. Present were Mayor Sanford and Council Members Voll, Pacheco, Samuelson, and Mulder. Also present were City Planner Moen, Auditor Peterson, Attorney Wyatt Voll, Todd Norton and Brett Jochim, Advanced Engineering. The executive session was adjourned at 9:55 p.m.

Council Member Mulder moved to approve the bills as listed. Motion seconded by Council Member Voll and carried unanimously. EFPTS $34,844.47; EFTPS $24,519.23; TASC $236.98; TASC $225.32; NDPERS $572.50; NDPERS $572.50; Payroll $146,643.84; BCBS $29,908.90; NDPERS $25,304.38; NDPERS $222.61; Symetra $571.49; AFLAC $1,344.20; Acme Tools $725.00; Advanced Engineering $239,621.56; Alco $120.28; American Insurance Center $621.00; Arthur Walgren $45.50; Astro Chem Services $381.00; Badlands Hardware $1,429.44; Balco Uniform Comp $2,496.44; Bill Barth Ford $385.39; Black Mountain Software $4,397.00; Braun Intertec Corp. $4,791.25; Buttons By Fish $17.50; C’Mon Inn – Grand Forks $246.54; Carquest Auto Parts $171.72; Coborn’s $50.14; Comfort Inn Dickinson $324.00; Craigs Small Engine Repair $26.99; Dakota Dumpster $450.00; Dakota Supply Group $20,407.29; Darrington Snow Removal $900.00; Direct Electric $1,003.64; DW Excavating $6,295.00; Eide Ford $98,602.05; Electronic Communications $40,855.00; Farmers Union Oil Co $13,921.56; Fastenal Company $121.66; Flexible Pipe Tool Company $177.35; Foley Brothers $1,100.00; Gaffaney’s Inc $2,832.99; Galls $419.37; Gerad Andrews $17.99; Glacier Construction $153,807.63; Grand Forks Herald $37.21; Greg’s Welding $687.50; Hawkins, Inc. $1,064.50; Heggen Equipment, Inc. $5,571.06; Information Technology Dept $685.80; Inland Truck Parts & Service $226.31; Intergraph Corporation $1,372.00; Jack & Jill $186.73; JLG Architects $293,581.96; JN Field Services $2,600.00; Justin Smith $58.38; Kohler Communications $97.50; Kylee Roff $70.00; Landmark Structures $87,030.00; Larry Fisketjon $75.00; Locators & Supplies, Inc. $29.84; Lund Oil $3,245.74; Lutheran Social Services $2,000.00; Lyle Signs $93.70; Mandan Northwest Pipe Fittings $309.32; McKennett Law $14,805.50; McKenzie County Ambulance $45,000; McKenzie County Farmer $1,871.46; McKenzie County Healthcare $384.00; McKenzie County Recorder $72.00; McKenzie County Road & Bridge $1000.00; McKenzie County Tourism $3,720.25; McKenzie Electric Coop $1,278.00; Meuchel Enterprises, Inc. $567.32; Mon-Dak Motorsports $245.28; Montana Dakota Utilities $15,259.39; Motion Industries $306.61; NDAAO $110.00; ND Chiefs of Police Assoc. $50.00; ND Public Employees Ret. Sys. $36.96; ND State Radio $240.00; OK Implement $2,448.44; OK Tire Stores $1,581.61; Page Rosenlund $288.55; Peni Peterson $70.00; Phoenix Fabricators $316,620.00; Post Master $318.21; Power Plan OIB $236.86; Ramkota Hotel $896.40; Red Carpet Carwash $401.14; Reservation Telephone $1,304.42; Roughrider Industries $1,719.04; Ryan Chaffee $189.20; Shannon Wellen $131.30; Share Corporation $165.13; State Disbursement Unit $325.00; Stein’s Inc. $136.12; Swanston Equip. $2,259.57; Tactical Design Labs $235.00; Talk Time Wireless $116.56; TD & H Engineering $7,265.00; Terry Nate Jeffries $69.50; Total Funds By Hasler $500.00; Triple AAA Safety $648.35; Verizon $1,887.04; VISA $1,983.16; Vogel Law Firm $931.00; Watford City Enterprises $600.00; Watford City Express Laundry $746.15; Watford City Golf Club $150,000.00

The next regularly scheduled City Council meeting will be on Monday, June 2, 2014 at 6:00 p.m. at City Hall.

There being no further business, the meeting was adjourned at 9:59 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