ITY OF WATORD CITY

CITY COUNCIL MEETING

July 7, 2014

Minutes of the regular City Council meeting held on July 7, 2014 at 6:00 p.m. at City Hall. Present were Mayor Brent Sanford and Council Members Justin Voll, Marty Mulder, Steve Sanford, Aaron Gravos, and Phil Riely. Absent was Doug Bolken. Also present was City Planner Curt Moen, City Auditor Peni Peterson and Attorney Wyatt Voll.

Council Member Mulder moved to approve the minutes of the city council meetings held on June 2, 23, 24, and June 30, 2014. Motion also included approving the agenda and the additions to the agenda. Motion seconded by Council Member Voll and carried unanimously.

Tim Jorgenson, McKenzie County Fair Board, was present to discuss their special liquor permit for the fair July 10, 11, and 12, 2014. Council Member Voll moved to approve the Application for Special Permit to Sell Alcoholic Beverages at a Special Event at Designated Premises submitted by the Fraternal Order of Eagles to sell alcohol July 10, 11, and 12, 2014 from 1 p.m. to 1:00 a.m. Also included in the motion was allowing the Eagles Club to submit an amended application with an alternate site located inside the Multi-Purpose Building (south side of building), in case of inclement weather. Any location allowing people under 21 in the area would need to be approved and staffed by the Police Department. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Sanford, Riely, Gravos, and Voll; nays: Mulder.

Council Member Riely moved to approve the use of the security fence by the McKenzie County Fair Board for the fair free of charge. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Mulder, Riely, Sanford, Gravos, and Voll; nays: none.

Angie Pelton, Outlaws’ Bar & Grill, and Roland Marmon, Bash on the Grass, were present to discuss their special liquor permit for a concert at the Fairgrounds August 8, 2014. Council Member Voll moved to approve the Application for Special Permit to Sell Alcoholic Beverages at a Special Event at Designated Premises submitted by Outlaws’ Bar & Grill to sell alcohol August 8, 2014 from 6 p.m. to 12:30 a.m. Also included in the motion was requiring the event to secure the concert area, create a separation from the serving area, proper security, and walking through the site with the Chief of Police prior to the event. Motion seconded by Council Member Riely and carried by the following roll call vote: Sanford, Gravos, Mulder, Riely, and Voll; nays: none.

Robert McFarlen was present to discuss the current fireworks ordinance. After a discussion, it was referred to the Ordinance Committee for their review.

Todd Norton, Advanced Engineering, presented project bids.

Council Member Voll moved to approve the bid from PXI, Inc for the 2014 Watermain Improvements Project in the amount of $502,815.67. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Sanford, Mulder, Gravos, Voll, and Riely; nays: none.

Council Member Riely moved to approve the concrete bid from Northern Improvement Co for the 17th Avenue Northeast Construction Project in the amount of $9,139,476.57. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Gravos, Voll, Mulder, Sanford, and Riely; nays: none.

Council Member Mulder moved to approve MU&E for the Water Tower Drain Construction in the amount of $26,682. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Sanford, Mulder, Voll, Gravos, and Riely; nays: none.

No action was taken on 4th Ave and 6th St Intersection Improvements

No action was taken on the AE2S Master Task Order Agreement

Todd Kelly, Advanced Engineering, presented Change Orders and Pay Estimates.

Council Member Voll moved to approve Pay Estimate #4 from Phoenix Fabricators & Erectors, Inc. (Northwest Water Tower) for $153,900.00. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Voll, Sanford, Gravos, Mulder, and Riely; nays: none.

Council Member Voll moved to approve Change Order #1 from Landmark Structures (East Water Tower) for $16,252.85. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Gravos, Riely, Sanford, Voll, and Mulder; nays: none.

Council Member Mulder moved to approve Pay Estimate #5 from Landmark Structures (East Water Tower) for $248,852.57. Seconded by Council Member Voll and carried by the following roll call vote: ayes: Mulder, Sanford, Riely, Gravos, and Voll; nays: none.

Chief Art Walgren and Fire Chief Oscar Knutson were present to recommend the need for an ordinance that addresses false alarm issues and possibly charging a fee for repeat offenses. Council was in consensus that this issue needs to be addressed and was referred to the Ordinance Committee.

Chief Art Walgren gave an update on the police department. Chief Walgren asked for approval to hire Officer Larry Sherk, effective August 1, 2014 at Category 12, Step 0. Also, Chief Walgren requested to hire Nathan Stoker as a Community Service Officer, effective August 1, 2014 at Category 3, Step 0.

Council Member Voll moved to offer employment to Larry Sherk effective August 1, 2014 at Category 12, Step 0. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Sanford, Riely, Voll, Gravos, and Mulder; nays: none.

Council Member Mulder moved to offer employment to Nathan Stoker effective August 1, 2014 at Category 3, Step 0. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Gravos, Sanford, Voll, Riely, and Mulder; nays: none.

Council Member Mulder moved to approve the recommendations from the Planning Commission from their June 30, 2014 meeting. Approved the following: Preliminary Plat submitted by Hunter’s Run for City of Watford City on property located on Lot 2 of Rolfson Subdivision, 44.87 acres; Preliminary Plat submitted by Hunter’s Run for David & Jan Rolfson on property located NW1/4 Section 16, T150N, R98W, 11.27 acres, one lot industrial, one ROW (right of way) lot; Preliminary Plat submitted by Hunter’s Run for Touraj, Jason Vedadi on property located E1/2 Section 16, T150N, R98W, 119.85 acres; Zone Change Application submitted by Hunter’s Run for City of Watford City on property located on Lot 2 of Rolfson Subdivision, 44.87 acres, rezoning AG land to R2, R3 and R4 for a total of 44.87 acres. Rezoning application approval is as shown on Exhibit 1 Land Use Map (6-10-14); Zone Change Application submitted by Hunter’s Run for David & Jan Rolfson on property located NW1/4 Section 16, T150N, R98W, 11.27 acres, rezoning one lot industrial, one ROW lot; Zone Change Application submitted by Hunter’s Run for Touraj, Jason Vedadi on property located E1/2 Section 16, T150N, R98W, 119.85 acres, rezoning 50.9 acres to R2, 45.3 acres to R4, 33.8 acres to I, 25.2 acres to open space and 20.6 acres public right-of-way, zoning approval is based on application as submitted; Zone Change Application submitted by Wesleyan Methodist Church, Jeff Ruggles on property located at 302 2nd Ave NE, rezoning .96 acres from R1 to CB, church and school have a long standing agreement on shared parking of the school parking lot; Conditional Use Permit Application submitted by Wesleyan Methodist Church, Jeff Ruggles on property located at 302 2nd Ave NE, allowing operation of a church in the CB (central business) district for a term of 5 years on conditional use permit or until such time operation of a church becomes a use by right of the zoning; Variance Application submitted by Kip Garland for property located 105 5th Ave NE, approving a 11.5 feet variance into the front yard setback requirement of 30 feet. Application applied for front variance only, advertised as front variance only. Property will require an application for rear yard variance of 12.5 feet into the required rear yard setback requirement of 25 feet (one half rule); Simple Lot Split – Watford City Town Center, Dianna Guadagnino 59 acres, separating one parcel into two lots; Simple Lot Split Application submitted by Watford City Park District and Mark Thorland on property located 3rd St SE, IT#1832, Parcel # 82-73-0450, 1.31 acres, approval facilitates acquisition of 20’ strip of land into owner’s current parcel; Simple Lot Split Application submitted by WC16 LLC, Israel Weinberger on property located NW1/4 Section 18, T150N, R98W, IT#1249 PT NW1/4 ex IT 1250, 2142m 2144m 2361m, 16.56 acres. Application will separate parcel into four lots; lot 1 4.72 acres, lot 2 3.28 acres, lot 3 6.02 acres, lot 4 1.00 acres (Madison Heights Subdivision). Approval is contingent upon recommendations as stated in staff report; Simple Lot Split Application submitted by Sun Investments, Harry Chyle on property located NW1/4NW1/4 Section 18, T150, R98W, IT# 2587, .99 acres, approval separates one parcel into 2 lots; lot 1 .77 acres, lot 2 .22 acres. Lots meet the minimum lot size requirements as stated in city ordinances; Ch. XV, Article X, Section 4 (R-1 Single Family Dwelling District); Simple Lot Split Application submitted by Mike Tschetter on property located at 513 & 517 2nd St NW, approval adjusts boundary lot lines on parcels 82-51-01100 and 82-51-0100; Simple Lot Split Application submitted by Arnold Holm and Gary & Linda Melland on property located at 7th Ave NW & 3rd St NW, parcel # 82-73-00100 & 11-00-04840, .43 acres, approval will create 1 lot from the original large parcel to facilitate sale of .43 acres to buyer. Buyer must submit application for annexation to the City prior to recording of simple lot split, buyer must also seek will serve letter from City/Public Works regarding city services to the lot; Amended Final Plat submitted by The Highlands @ WC, Adam Berger (42.6 acres original). Approval is contingent upon staff recommendation as stated in staff report. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Riely, Sanford, Mulder, Voll, and Gravos; nays: none.

Council Member Mulder moved to approve the purchase of a Plow Truck, approximately $180,000 - $190,000, and the purchase of a standby generator for City Hall, Civic Center, and Veterans Memorial Building, approximately $80,000. Motion seconded by Council Member Sanford and carried by the following roll call vote: Gravos, Riely, Voll, Sanford, and Mulder; nays: none.

Council Member Mulder moved to approve the Second Reading on Ordinance #361 Amending Section 9-309 of Article III of Chapter IX Relating to Thefts Punishable by City Ordinance. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Sanford, Gravos, Riely, Voll, and Mulder; nays: none.

Council Member Mulder moved to approve Raffle Permit Application #711 submitted by Badlands Gymnastics Club. Motion seconded by Gravos and carried unanimously.

Council Member Voll moved to approve the following step increases: Page Rosenlund from Category 6, Step 0 to Category 6, step 1; effective August 1, 2014; Kade Ross from Category 3, Step 0 to Category 3, Step 1; effective August 16, 2014; Aaron Mitchell from Category 10, Step 0 to Category 10, Step 1; effective August 16, 2014; Joshua Trevena from Category 12, Step 0 to Category 12, Step 1; effective August 16, 2014. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Sanford, Gravos, Mulder, Voll, and Riely; nays: none.

Council Member Voll moved to approve the Development Agreement for Shangcheng Development LLC. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Mulder, Riely, Sanford, Voll, and Gravos; nays: none.

Council Member Voll moved to approve the Assignment of Development Agreement by and between The City of Watford City and ND Ventures to Watford City Legacy, LLC. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Sanford, Gravos, Riely, Voll, and Mulder; nays: none.

Council Member Sanford moved to approve selling the 2001 Johnston 3000 sweeper to City of Arnegard in the amount of $5,000. Motion seconded by Riely and carried by the following roll call vote: ayes: Gravos, Voll, Mulder, Sanford, and Riely; nays: none.

Council Member Mulder moved to approve the bills as listed. Motion seconded by Council Member Voll and carried unanimously. EFTPS $26,813.76; TASC $225.32; NDPERS $1,635.00; Nationwide Financial $85.00; Nationwide Retirement Solutions $917.00; Payroll $146,328.66; BCBS $27,591.90; NDPERS $25,474.73; NDPERS $262.42; Symetra $462.46; AFLAC $1,344.20; ND Job Service $635.22; 3-D Specialists $6,261.60; ADDCO Office Systems $56.28; Advanced Engineering $367,763.04; Alco $59.17; American Insurance Center $41,306.00; Astro Chem Services $75.00; Badlands Hardware $620.27; Badlands Powerfuels $180.00; Barry Cauwenberghs $2,248.00; Ben Meadows $75.97; Big Boys Toys $185.46; Black Mountain Software $610.00; BlueTarp Financial $407.28; Carquest Auto Parts $474.71; Chief Supply Corp. $56.69; Coborn’s $61.88; Dacotah Paper $605.85; Dakota Dumpster $750.00; Dakota Supply Group $24,300.07; Darrington Snow Removal $200.00; DW Excavating $7,201.00; Emergency Medical Products $5,287.95; Esri $400.00; Farmer’s Union Oil $11,042.07; Fastenal Company $375.31; First International Bank $15.00; Foley Brothers $2,735.00; Gaffaney’s Inc $282.06; Garmans Flooring $598.29; Greg’s Welding $803.40; Handy Andy’s Nursery $130.00; Hawkins, Inc. $373.50; Heggen Equipment, Inc. $919.57; Information Technology Dept $821.85; Jack & Jill $89.93; Jehn Engineering $16,822.00; JLG Architects $374,280.10; Jost Painting $3,840.00; Justin Smith $137.16; Kohler Communications $528.00; Landmark Structures $248,852.57; Laser Systems Security $495.00; Lexipol $3,700.00; Lund Oil $3,065.83; Lyle Signs $201.21; Mail Finance $315.00; Mandan Northwest Pipe $69.84; McCody Concrete Products $450.00; McKennett Law $21,893.75; McKenzie County Ambulance $111,500.00; McKenzie County Auditor $212,000.00; McKenzie County Farmer $2,198.52; McKenzie County Recorder $111.00; McKenzie County School $87,500.00; McKenzie County Tourism Bureau $14,108.77; McKenzie Electric $1,514.00; Meuchel Enterprises, Inc. $3,914.67; MonDak Motorsports $356.39; Montana Dakota Utilities $11,337.87; MT Waterworks $2,054.59; Municipal Code Corporation $291.00; ND Dept of Health $50.00; ND League Of Cities $1,409.00; ND State Radio Communications $340.00; NDAAO Treasurer $180.00; Nelson Contracting $25,104.00; Office of the State Tax Commissioner $8,195.61; OK Implement $1,425.72; OK Tire Stores $3,284.958; One Call Concepts $838.20; Outlaws Bar & Grill $563.90; Parkson Corp. $881.00; Petty Cash $468.69; Phoenix Fabricators $153,900.00; Pro Auto Body $215.65; Pro Forms $451.62; Qualification Targets Inc. $350.97; Quality Flow Systems $2,1844.49; RDO Equipment $26,300.00; Red Carpet Carwash $63.25; Reservation Telephone $1,325.04; Rita Olson $305.38; Rock River Arms $4,590.00; RoughRider Industries $380.92; S&S Motors $925.09; Sanitation Prodcuts $2,030.01; Schock’s Safe & Locks $727.63; Sheila Fish $525.00; Sirchie Finger Print $481.90; Sirennet.com $331.15; State Disbursement Unit $325.00; Stein’s Inc. $118.57; Swanston Equipment $162,514.12; Taylor Ag $356.43; TD & H Engineering $29,787.00; Tecta America Dakotas $40,000.00; Terry Nate Jeffries $226.49; Timber Creek Services $5,525.00; Total Funds By Hasler $500.00; Tractor Supply $316.19; Triple AAA Safety $115.00; ULine $631.80; Ultramax $1,211.00; Verizon $1,230.78; VISA $1,324.31; Vogel Law Firm $14,894.25; Watford City Enterprises $650.00; Watford City Express Laundry $3,388.64; Watford City Park District $111,500; Watford City Vet Clinic $170.00; Wingate By Wyndham $415.00; Z&S Dust Control $9,800.00.

The next regularly scheduled City Council meeting will be on Monday, August 4, 2014 at 6:00 p.m. at City Hall.

There being no further business, the meeting was adjourned at 9:16 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