CITY OF WATFORD CITY

CITY COUNCIL MEETING

May 4, 2015

Minutes of the regular City Council meeting held on May 4, 2015 at 6:00 p.m. at City Hall. Present were Mayor Brent Sanford and Council Members Justin Voll, Phil Riely, Steve Sanford, Marty Mulder and Aaron Gravos. Absent was Doug Bolken. Also present were Assistant City Planner Mili Williams, City Auditor Peni Peterson and Attorney Wyatt Voll.

Council Member Sanford moved to approve the minutes of the city council meeting held on April 6, 2015. Motion also included approving the agenda. Motion seconded by Council Member Mulder and carried unanimously.

Council Member Voll moved to approve holding a Public Hearing to hear comment on a Petition to Vacate Drainage Easement submitted by Dry Creek Business Community. Public Hearing will be held at the regular council meeting on July 6, 2015. Motion seconded by Council Member Riely and carried unanimously.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by McKenzie County Healthcare Systems (318 10th Ave NE – 2.42 acres). 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 McKenzie County Healthcare Systems (318 10th Ave NE – 2.42 acres). Motion seconded by Council Member Riely and carried unanimously.

Mayor Sanford called the Public Hearing, as advertised, to order for the Application for Annexation submitted by Norstog Enterprises, LLC (Portions of Sections 27, 28, 33, and 34 of T150N, R99W – 320.45 acres). There were no written comments or comments from the public. The Public Hearing was closed.

Council Member Gravos moved to approve the First Reading on an Ordinance Annexing Property to the City of Watford City per Annexation Application submitted by Norstog Enterprises, LLC (Portions of Sections 27, 28, 33, and 34 of T150N, R99W – 320.45 acres). Motion seconded by Council Member Voll and carried unanimously.

Lee Rafferty, Fox Hills Golf Course Board Member, gave an update on the golf course and distributed current financial information for the golf course.

Council Member Riely moved to approve the Golf Course Maintenance and Operation Agreement between the City of Watford City and Watford City Golf Club, Inc. with an amendment to #2 in the agreement to state $10,000 instead of $5,000. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Mulder, Sanford, Riely, Voll, and Garvos; nays: none.

Council Member Voll moved to approve a Pipeline Easement Agreement from Montana-Dakota Utilities Co. with contingencies that the wording *pipeline will be installed by boring* be included in the agreement and that compensation for the easement will need to be determined. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Gravos, Mulder, Riely, Voll, and Sanford; nays: none.

Chad Larson, Krause-Anderson, presented Pay Application #5 in the amount of $3,739,749.93.

Council Member Voll moved to approve Pay Application #5 from Krause-Anderson (Watford City Events Center) in the amount of $3,739,749.93. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Riely, Sanford, Voll, Mulder, and Gravos; nays: none.

Todd Norton, Advanced Engineering, presented Pay Estimates.

Council Member Voll moved to approve advertising for the 4th Avenue NW Street Improvements Project. Motion seconded by Council Member Riely and carried unanimously.

Council Member Riely moved to approve advertising for the 12th Street SE Street Improvements Project (Underground Package). Motion seconded by Council Member Sanford and carried unanimously.

Council Member Voll moved to approve Pay Estimate #12 from Landmark Structures, LLP (East Water Tower) in the amount of $85,668.82. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Mulder, Riely, Sanford, Voll, and Gravos; nays: none.

Council Member Mulder moved to approve Pay Estimate #11 from Phoenix Fabricators & Erectors, Inc (NW Water Tower) in the amount of $16,860. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Gravos, Sanford, Riely, Mulder, and Voll; nays: none.

Council Member Sanford moved to approve Pay Estimate #1 from Wagner Construction (HS/EC Offsite Improvements) in the amount of $633,033.63. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Voll, Sanford, Gravos, Mulder, and Riely; nays: none.

Council Member Voll moved to approve Pay Estimate #6 from Rice Lake Construction Group (Water Resource Reclamation Facility) in the amount of $1,679,936. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Riely, Mulder, Sanford, Gravos and Voll; nays: none.

Matt Beard, TD&H Engineering, presented Bond Release Applications.

Council Member Voll moved to approve Bond Release Applications #3 and #4 from Stepping Stone, Inc. releasing $88,975.72 (Application #3) or 12% of the total bond in place and releasing $152,132.39 (Application #4) or 20% of the total bond in place with the contingency on Applitcation #4 that the money cannot be distributed until a warrenty bond is in place. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Gravos, Voll, Sanford, Riely, and Mulder; nays: none.

Chief Walgren gave an update on the police department. Council Member Riely moved to approve an offer of employment to Kyle Kienholz with a hire date of May 16th at Category 12, Step 0. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Mulder, Gravos, Sanford, Riely, and Voll; nays: none.

Council Member Riely moved to approve the recommendations from the Planning Commission from their April 27, 2015 meeting. Approved the following: Preliminary Subdivision Plat submitted by Mychal Gorden for Stenehjem Holdings, LLC. / Erik Stenehjem on property located Lots 8-11 Block 4 of Fox Hills Village Subdivision 22.57 acres; Zone Change Application submitted by Mychal Gorden for Stenehjem Holdings, LLC. / Erik Stenehjem on Lot 8 Block 4 of Fox Hills Village Subdivision, .99 acres, rezoning R4 High Density Residential parcel to C1 Commercial; Zone Change Application submitted by Matrixx Equities Watford, LLC/Bob Watt for Edward & Charlotte Schilke on property located SW1/4 of Section 21, T150N, R98W, Watford Ranch Subdivision, 138 acres, rezoning AG Agriculture parcel to R4 High Density Residential 105.26 acres, C2 Commercial Service District 8.06 acres and CF Community Facilities 23.11 acres for a total of 138 +/- acres; Conditional Use Permit Application submitted by Brent Kabat of Buell Consulting, Inc. on behalf of Verizon Wireless on property owned by Patrick & Sally Golberg located at 1809 Main Street South, 45.97 acres, allowing the placement of a wireless telecommunications transmission facility; Conditional Use Permit Application submitted by Brent Kabat of Buell Consulting, Inc. on behalf of Verizon Wireless on property owned by Mark Bruckelmeyer, James Beld & Doug Wendling, d.b.a. DMJ, LLC located at 12209 26 N. Street, 3.0 acre, allowing the placement of a wireless telecommunications transmission facility; Simple Lot Split Application submitted by Adam Berger Development LLC for Diane Gariety & Pamela Scott, for property located in Section 13, T150N, R99W, creating two (2) parcels from one parent parcel (1); Subdivision Final Plat Application submitted by Homestead Park; Subdivision Final Plat Application submitted byRolfson/Stepping Stone. Denied a Zone Change Application submitted by Chris Cope on behalf of Wise Services on property owned by Wise Ventures, LLC located at 605 24th St W, Parcel # 11-00-14760, 6.73 acres, requesting to re-zone AG Agriculture parcel to Industrial (Heavy) District. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Mulder, Voll, Gravos, Sanford, and Riely; nays: none.

Council Member Gravos moved to approve a bid from Landscape Irrigation Systems in the amount of $21,000 to install underground sprinklers at the 8 Hunter’s Run Townhomes. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Sanford, Riely, Voll, Gravos, and Mulder; nays: none.

Council Member Gravos moved to approve a bid from Laser Systems in the amount of $2,131 to install security cameras in the new city hall addition. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Mulder, Voll, Sanford, Gravos, and Riely; nays: none.

Council Member Sanford moved to approve purchasing two new vehicles for the public works department in the amount of $42,500. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Gravos, Voll, Riely, Mulder, and Sanford; nays: none.

Council Member Gravos moved to approve the First Reading of an Ordinance Relating to Final Flood Hazard Determination for the City of Watford City – Statutory Authorization, Findings of Fact, Purpose and Objectives. Motion seconded by Council Member Riely and carried unanimously.

Council Member Gravos moved to approve the Second Reading on Ordinance #401 Amending Sections 5 and 6 of Article XIV, Chapter XV relating to Setback Requirements. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Riely, Mulder, Gravos, Voll, and Sanford; nays: none.

Council Member Voll moved to approve the Second Reading on Ordinance # 402 Adding Article IX(B) to Chapter XV - Rural Residential District. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Voll, Mulder, Riely, Sanford, and Gravos; nays: none.

Council Member Gravos moved to approve the Second Reading on Ordinance #403 Adding Article IX(C) to Chapter XV - Rural Residential District 2.5 Acres. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Sanford, Riely, Gravos, Voll, and Mulder; nays: none.

Council Member Gravos moved to approve the Second Reading on Ordinance #404 Adding Article IX(D) to Chapter XV - Rural Residential District 5 Acres. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Mulder, Voll, Riely, Sanford, and Gravos; nays: none.

Council Member Gravos moved to approve the Second Reading on Ordinance #405 Amending Section 6-501 of Article 5, Chapter VI Relating to Definitions of Article 5. Motion seconded by Council Member Voll and carried by the following roll call vote: Riely, Voll, Gravos, Sanford, and Mulder; nays: none.

Council Member Gravos moved to approve the Second Reading on Ordinance #406 Amending Section 6-506 of Article 5, Chapter VI Relating to Immediate Access to Security Video on Licensed Premises. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Riely, Gravos, Mulder, Sanford, and Voll; nays: none.

Tabled the Second Reading on Ordinance #407 Amending Section 6-516 of Article 5, Chapter VI Relating to Licensee’s Responsibility and Penalty.

Council Member Voll moved to approve the Second Reading on Ordinance #408 Amending Section 6-521 of Article 5, Chapter VI Removing Electronic Card Readers. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Riely, Sanford, Voll, Mulder, and Gravos; nays: none.

Council Member Sanford moved to approve the Second Reading on Ordinance #409 Amending Section 6-523 of Article 5, Chapter VI Relating to Consumption and Possession of Alcohol Limited. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Mulder, Riely, Voll, Gravos, and Sanford; nays: none.

Council Member Gravos moved to approve the Second Reading on Ordinance #410 Amending Section 6-535 of Article 5, Chapter VI Relating to Payment of Penalties. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Gravos, Riely, Sanford, Voll, and Mulder; nays: none.

Council Member Riely moved to approve Resolution 2015-18 - Resolution Awarding the Sale, Authorizing the Issuance and Establishing the Terms of $15,000,000 Certificate of Indebtedness, Series 2015A, $30,000,000 Certificate of Indebtedness, Series 2015B, $3,000,000 Certificate of Indebtedness, Series 2015C, $6,000,000 Certificate of Indebtedness, Series 2015D and Providing for Their Payment. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Voll, Riely, Sanford, Mulder, and Gravos; nays: none.

Council Member Voll moved to approve the following Special Liquor License Permits: Six Shooters, LLC – McKenzie Building Center Open House, May 29th (4 p.m. – 10 p.m.) – McKenzie Building Center; Six Shooters, LLC – Frick Wedding, June 13th (4:30 p.m. – 12:45 p.m.)– Outlaws’ Bar & Grill Parking Lot; Six Shooters, LLC – Veeder Wedding, June 20th (4:30 p.m. – 12:45 p.m.) – Tourist Park; Fraternal Order of Eagles – McKenzie County Fair - July 9th (6 p.m. – 1 a.m.), 10th (2 p.m. – 1 a.m), 11th (2 p.m. – 1 a.m.), 2015 – McKenzie County Fairgrounds (would also like alternate location approved in case of inclement weather and need to move inside the multi-purpose building). Motion seconded by Council Member Gravos and carried unanimously.

Council Member Voll moved to approve hiring Davis Zubke as an Engineering Summer Intern at $19.14/hour and hiring Margaret Carter as seasonal cemetery maintenance at $18.00/hour. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Sanford, Gravos, Voll, Mulder, and Riely; nays: none.

Council Member Voll moved to approve an annual step increase for Kylee Roff - Category 5, Step 0, to Category 5, step 1, effective June 16, 2015. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Riely, Voll, Gravos, Mulder, and Sanford; nays: none.

Council Member Grovos moved to approve Task Order #22b from Advanced Engineering (Pressure Zone Improvements: Construction and Post Construction Phases) in the amount of $94,000. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Riely, Voll, Mulder, Gravos, and Sanford; nays: none.

Council Member Mulder moved to approve Task Order #42 from Advanced Engineering (Fox Hills Regional Lift Station and Force Main; Construction & Post Construction Phases) in the amount of $523,000. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Gravos, Voll, Riely, Sanford, and Mulder; nays: none.

Council Member Voll moved to approve the Final McKenzie Electric Invoice (Invoice #36646) for 17th Ave NE Line Move Seg 1,3,5 (12th St to 1806) in the amount of $86,120.57. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Riely, Voll, Mulder, Sanford, and Gravos; nays: none.

Council Member Voll moved to approve the bid from Knife River Corp – North Central of Sauk Rapids, MN for the NDDOT Project SOIB-SOIA-7-023(038)900, PCN 19839 –ND 23 From Watford City to Near SE Bypass in the amount of $600,773.83 (city’s share). Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Sanford, Riely, Mulder, Gravos, and Voll; nays: none.

Council Member Gravos moved to approve the the NDDOT Cost Participation and Maintenance Agreement for Project SOIB-SOIA-7-023(038)900, PCN 19839 – Business ND 23, 6th St NE to Near ND 23 SE Bypass. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Voll, Mulder, Riely, Sanford, and Gravos; nays: none.

Council Member Voll moved to approve the NDDOT Cost Participation and Maintenance Agreement for Project SOIA-7-085(072)138 PCN 19845 AND SOIA-7-023(045)000 PCN 20194 Realignment of US Highway 85 Business Route and ND Highway 23 Business Route. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Mulder, Sanford, Gravos, Voll, and Riely; nays: none.

Council Member Gravos moved to approve the Acknowledgment for Student Practice from McKennett Law Firm granting permission to Nathan Svihovec to represent the City in matters before court as directed by his supervisiong attorney. Svihovec will perform his duties under the supervision and approval of City Attorney, Wyatt Voll. Motion seconded by Council Member Riely and carried unanimously.

Council Member Sanford moved to approve the bills as listed. Motion seconded by Council Member Gravos and carried unanimously. EFTPS $88,244.84; TASC $242.32; NDPERS $1,507.50; Nationwide Financial $170.00; Nationwide Retirement Solutions $1,054.00; Payroll $202,284.35; BCBS $31,812.65; NDPERS $33,182.81; NDPERS $260.05; Symetra $653.63; AFLAC $1,567.20; Advanced Engineering $393,991.12; Arthur Walgren $52.50;p Astro Chem Services $377.00; Badlands Hardware $1,137.78; Badlands Occupational Testing; $161.00; Bakken Fence $3,425.00; Balco Uniform $1,405.87; Bayfront Builders $5,600; BlueTarp Financial, INC $688.66; Border States Electric $311.10; Brent Sanford $508.40; Brian Oakley $80.50; Brosz Engineering $6,592.50; Buttons By Fish $17.50; Carquest $12.21; Cheetah Services $990.00; Chief Supply Corp $599.47; CIM Sanitary Tech $5,000.00; City of Watford City $607.59; Cole Papers $151.70; Crash & Sues $25,000.00; Curtis Larson $125.00; Dakota Fire Extinguishers $2,386.26; Dakota Supply Group $28,098.06; Dealers Electrical Supply $505.44; DW Excavating $6,372.50; Eberline Services $240.00; Edling Electric $355.32; Electronic Communications $10,560.00; Extendobed $17,584.00; Farmer’s Union Oil $9,069.93; Fastenal $879.23; Ferguson Waterworks $878.58; First International Insurance $391.00; Foley Brother’s Towing $2,000.00; Foremost Promotions $298.51; Found It Now $830.31; Frontier Precision $1,795.00; Frontier Wellhead & Supply $231.75; Gaffaney’s $398.03; Galls $1,894.46; Gary Hoffman $229.10; Gooseneck Implement $32.92; Hach Company $555.00; Hawkeye Oil Field Supply $27.97; Heggen Equipment, Inc. $691.40; Holiday Credit Office $1,053.60; Hus Industries $1,581.00; Indigo Signworks $60.00; Information Technology Dept $958.30; Inn on Lake Superior $214.00; Intergraph Corp $2,816.00; International Assoc. of Chiefs $150.00; Intoximeters $46.87; Jack & Jill $159.94; Jesse Wellen $185.50; JLG $73,254.20; Jonathan Cummings $115.96; Joshua Trevena $142.50; Justin Smith $322.07; Kotana Communications $2,469.70; Kraus Anderson Const. $3,739,749.93; Kupper Chevrolet $33,705.00; Kyle Giersdorf $1,250; L&K Electric $13,693.85; Landmark Structures $85,668.82; Lyle Signs $231.02; McKennett Law $19,707.07; McKenzie County Ambulance $107,524.88; McKenzie County Farmer $2,051.50; McKenzie County Healthcare $50,000.00; McKenzie County Recorder $250.00; McKenzie County School $107,524.88; McKenzie County Water Resource $81,505.27; McKenzie Electric $2,048.00; Meuchel Enterprises $2,308.98; Mike Snook $87.50;  Montana Dakota Utilities $12,684.47; National Flood Insurance Pro. $6,750.00; ND Council on Abused Women’s Services $12,405.34; ND Surplus Property $160.00; NDACO Resources Group $2,073.35; NDLTAP/UGPTI $50.00; Northern Pump & Compression $462.30; Northern Truck & Equipment $626.50; Northwest Grading $88,975.72; NYS Child Support Processing $336.76; Office Depot $554.79; OK Implement $3,522.76; OK Tire Stores $174.00; One Way Services $1,538.81; OR Dept Of Justice $155.00; Philip Mula $87.50; Pro Forms $662.07; Public Financial Management $12,500.00; Quality Flow Systems $2,748.00; Ramkota Bismarck $1,045.80; Reservation Telephone $426,541.94; Rice Lake Construction $1,679,936.00; Safeguard Business Systems $119.34; Share Corp. $971.38; Shangcheng Development $10,575.00; Sherwin-Williams Co. $364.83; Sirchie $559.13; State Disbursement Unit $325.00; Summit Fire Protection $4,500.00; Swanston Equipment $1,693.02; Total Funds By Hasler $824.63; Tractor Supply $1,967.25; Triple AAA Safety $35.00; UPS $25.51; Verizon $2,443.22; Visa $12,241.47; Wagner Construction $633,033.63; Washington State Support Reg. $321.00; Watchguard Video $103,464.00; Watford City Enterprises $700.00; Watford City Express Laundry $3,579.05; Watford City Park District $107,524.88; Watford Electric $697.00; Williston Fire & Safety $226.32; Wingate by Wyndham Helena $577.38.

The next regularly scheduled City Council meeting will be on Monday, June 1, 2015 at 6:00 p.m. at City Hall.

There being no further business, the meeting was adjourned at 8:52 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