

AGENDA
Board of City Commissioners
July 10, 2018 - 6:00 pm
City Hall – Williston, North Dakota

1. Roll Call of Commissioners and Pledge of Allegiance
2. Consent Agenda
 - A. Reading and Approval of Minutes
 - 1) Regular Meeting Dated: June 26, 2018
 - B. Auditor and Finance
 - 1) Accounts, Claims and Bills
 - a. June 22 – July 5, 2018
 - 2) Business Licenses
 - a. Distribution NOW – Bulk Storage
 - b. Maxflow Chemicals of Texas – Bulk Storage
 - C. Development Services
 - D. Engineering
 - E. Authorization to Bid
 - 1) Authorization to Solicit Quotes for Sloulin Field Runway Repair
3. Public Hearings
 - A. Kebab House – Specialty Restaurant Beer License
4. Bid Openings
 - A. Landfill Perimeter Fence
5. Ordinances
 - A. Ordinance 1083 – Update to Section 20-2 Food Trucks (Second Reading)
 - B. Ordinance 1084 – Update to Section 25Q Food Trucks (Second Reading)
6. Petitions, Communications and Remonstrance's
 - A. First Lutheran Church – Street Closure Request – Summer Sizzler Picnic
 - B. Williston CVB – Street Closure Requests – Chokecherry Festival
 - C. Williston PD – Fireworks Permit – Guns & Hoses Softball Game
 - D. Downtowners – Street Closure Request – Farmers Market
7. Report of Commissioners
 - A. President of the Board
 - B. Vice-President; Finance Commissioner
 - C. Street and Improvement, Sanitation, Cemetery and Public Works Commissioner
 - D. Fire, Police and Ambulance Commissioner
 - E. Water Works, Sewer, Airport, Building and Planning Commissioner
 - 1) XWA ARFF/SRE Facility Guaranteed Maximum Price
 - 2) XWA Electrical Vault Bid Award
 - 3) XWA Aviation Business Services – Trillion Aviation Statement of Work #5
8. Report of Departments
 - A. Administration
 - B. Auditor and Finance
 - C. Attorney
 - D. Public Works
 - E. Engineering
 - 1) NDDOT Engineering Reimbursement Agreement—East Broadway/7th Ave E
 - F. Fire Department

- G. Police Department
- H. Development Services
 - 1) Comprehensive Housing Action Plan RFQ
 - 2) NDDOT Outdoor Dining Contracts
- I. Economic Development
- J. Airport
- K. Convention and Visitor's Bureau
- 9. Appointments and Consultations with Officers
- 10. Unfinished Business
 - A. City Hall Remodel – Architect RFQ
- 11. New Business
- 12. Executive Session
- 13. Adjourn



Memo

To: Board of City Commissioners
From: John Kautzman, City Auditor
Date: July 10, 2018

Re: Consent Agenda

2A1 Regular Meeting Minutes Dated: June 26, 2018

2B1 Accounts, Claims and Bills

Accounts, claims and bills processed: June 22-July 5, 2018

2B2 Business Licenses

- a. **Distribution NOW** – Bulk Storage
- b. **Maxflow Chemicals of Texas** – Bulk Storage

Recommendation: Approval of Consent Agenda items with Business Licenses issued contingent on required Department approvals.



DATE: Tuesday, July 10th, 2018

TO: City Commission

FROM: Anthony Dudas, Airport Director

RE: Consent Agenda – Authorization to Bid

2E1 ISN Runway Patch Repair

To allow larger regional jet aircraft up to 76 seats at ISN for approximately 12 months prior to relocation, we need to patch a section of the runway which is approximately 1,000ft x 20 ft. This patch will include milling out 4 inches of asphalt and replacing it with new State of ND specification asphalt to even out an area that is beginning to hold water during rain events. The current runway was milled and overlaid with 2 inches of asphalt in 2011. The City Engineer will be assisting in writing the specification for this project.

Due to the time sensitive nature of this repair, the required notice to air carriers for runway closure, and the required three week bid advertisement period, we feel it will be most appropriate to solicit quotes rather than formally bid to complete this work.

I recommend approval to solicit quotes for the ISN Runway Patch Repair.



DATE: July 10, 2018
TO: City Commission
FROM: John Kautzman, City Auditor
RE: Public Hearings

3A Kebab House – Specialty Restaurant Beer License

The Kebab House has submitted an application with payment for a Specialty Restaurant Beer License. All documents are in order. There are no outstanding property taxes or specials due. The application was reviewed by the Liquor Committee on June 20th and a recommendation was given to move the application forward to the City Commission for Board approval.

As required by City Code, a notice of public hearing was sent by certified mail to all property owners within 105' of the lot line, as well as, published in the paper on two occasions, no less than 10 days prior to the hearing.

I recommend approval of a Specialty Restaurant Beer License to be issued to the Kebab House.

Attachments

a3A



DATE: July 10th, 2018
TO: City Commission
FROM: Dave Bell, Director Public Works
RE: Bid Openings

4A Landfill Perimeter Fence

Public Works opened bids on Thursday, July 5th, for the following equipment:

Landfill Perimeter Fence (Landfill)	Budget: \$293,710.00
Dakota Fence	\$264,800.00

We recommend award of the Landfill Perimeter Fence to Dakota Fence of Williston, in the amount of \$264,800.00.

Attachments
A4B



DATE: June 12, 2018

TO: City Commission

FROM: Rachel Laqua, Principal Planner

RE: 5A. Ordinance 1083 – Updating Section 20-2 to regulate Food Trucks

5B. Ordinance 1084 – Updating Zoning Ordinance Section 25.Q to regulate Food Trucks

5A. Second Reading of Ordinance 1083 – Updating Section 20-2 to regulate Food Trucks

Attached is the final draft of Ordinance 1083. The Planning and Zoning Commission reviewed this ordinance at their June 18th Planning and Zoning Commission meeting.

The City Commission approved the first reading at a public hearing on June 26th, and approved as was presented, with the additional changes of changing the end time to 10pm and requiring all streets to be approved administratively.

Recommendation: to approve Ordinance 1083, as edited and attached.

5B. Public Hearing – Ordinance 1084 – Updating Zoning Ordinance Section 25.Q to regulate Food Trucks

Attached is the final draft of Ordinance 1084. The Planning and Zoning Commission reviewed this ordinance at their June 18th Planning and Zoning Commission meeting.

The City Commission approved the first reading at a public hearing on June 26th, and approved as was presented, with the additional changes of changing the end time to 10pm and requiring all streets to be approved administratively.

Recommendation: to approve Ordinance 1084, as edited and attached.

Attachments

1. Ordinance 1083
2. Ordinance 1084

ORDINANCE 1083

AN ORDINANCE ADDING 20-2 OF THE CITY ORDINANCE OF THE CITY OF WILLISTON, ADDING REGULATIONS FOR MOBILE FOOD TRUCKS TO PERMITTED USES OF STREETS, SIDEWALKS, ALLEYS OR PUBLIC GROUNDS.

Section 20-2. Permitted Uses of Streets, Sidewalks, Alleys or Public Grounds

(a) Mobile Food Trucks

- a. For purposes of this Section, a “mobile food truck” is defined as a licensed mobile food unit, as licensed through the NDDOH.
- b. No person may set up or operate a mobile food truck without first obtaining a license and meet the requirements and conditions laid out in this section. The City Auditor is authorized to issue a license for a mobile food truck, with approval from the Building Official, Planning and Zoning Director, Chief of Police, Director of Public Works, Fire Chief, and City Engineer. This license may only be obtained if the Health Department has licensed the food truck.
- c. Mobile food trucks may only operate in a designated “food truck area” as noted in this section.
- d. Licenses are issued annually and are only valid for a 12 month period. All licenses shall expire on December 31 of each year regardless of when a person obtains a license. License fee shall be set by City approved Resolution.
- e. Any violations of this ordinance will be subject to the removal of the mobile food truck license for the remainder of the license issuance period, as follows:
 - i. If a mobile food truck is in violation of any provision of this ordinance, a ticket for \$500 may be issued by the Williston Police Department during the violation.
 - ii. Any person having information that the mobile food truck license holder has violated any provisions of this ordinance may submit a complaint to the Director of Development Services setting forth such violation.
 - iii. If any mobile food truck receives 3 tickets, or receives 3 complaints from independent and separate business or property owners within a 6 month period, the following shall apply:
 1. Upon receipt of such complaint, or confirmation that the mobile food truck has received three tickets from the Williston Police Department, the matter shall be set for hearing in a reasonable period of time at the regular meeting of the Board of City Commissioners. A copy of the complaint and notice of the hearing will be mailed to the mobile food truck license holder by registered or certified mail not less than 10 days before such hearing.
 2. Upon the board of City Commissioners making a written finding that a violation of this ordinance occurred it shall immediately revoke the mobile food truck license.
 - iv. Any act or the failure to do any act which creates a public nuisance, or in the event of repeated violations which may or may not meet the requirements listed above, the City retains the ability to immediately revoke the food truck license.

- v. Such causes as hereinbefore described shall not be deemed to be exclusive and such license may be terminated at any time by the Board of City Commissioners for any cause deemed by the Board to be sufficient cause and justified by reason of public health or public morals.
- f. License holders for mobile food trucks and their employees shall meet the following:

Health and Safety Regulations:

- i. The license holder shall comply with all North Dakota Department of Health (NDDOH) and other applicable regulatory agency requirements, including, but not limited to, the requirements for food service. The license holder shall display in a conspicuous location all such required licenses and/or permits and shall provide copies of those licenses and/or permits to the city prior to issuance of a license for a food truck by the city. The license holder shall continuously maintain the required approvals, permits and/or licenses and provide evidence to the city of the continuous maintenance of them.
- ii. The license holder shall obtain and display a certificate of insurance from a company licensed to do business in North Dakota, evidencing that the license holder has general liability insurance policies in effect with limits of at least \$250,000 per individual and \$1,000,000 per occurrence. The City of Williston must be named as an additional insured.
- iii. Copies of a criminal record check for owner and all employees of the food truck.
- iv. At time of application, applicant must provide a copy of a notarized statement signed by the applicant holding the City harmless against claims and litigation for issuing a license.
- v. Any food trucks must be registered in North Dakota.
- vi. Food trucks must be a dedicated truck for this purpose and must be approved by the NDDOH.
- vii. The license holder shall provide with their application the number of vehicles they intend to operate as a food truck, a description of all food trucks they intend to operate, license plate information for each food truck, VIN for each food truck, proof of insurance coverage for each food truck, and proof of fire and safety inspection for each food truck.
- viii. A separate application and fee is required for each food truck applied for by the applicant.
- ix. If anything changes, the license holder shall deliver updated and current information to the Williston Police Department and Williston Auditor's office within 10 days.
- x. All food, oil, and organic waste must be disposed of at licensed food establishment. Arrangements for such must be shown at time of application via a signed contract with a licensed food establishment.
- xi. There must be a designated Person in Charge of food safety with the food truck at all times, as per NDDOH requirements.

Maintenance Regulations

- i. The license holder shall provide proper containers or some other means for the collection of waste and trash from the food truck. The license holder shall keep the immediate area around the food truck and the food truck clean of garbage, trash, paper, cups, cans or litter associated with the operation of the food truck. All waste and trash shall be properly disposed of by the license holder.
- ii. The license holder is responsible to remove any garbage, spills, or stains or repair any damage to the designated area resulting from operations of the food truck.
- iii. The license holder shall be responsible for the maintenance, upkeep and security of the food truck. Skirting of the food truck is not allowed.
- iv. The food truck must be kept in good operating condition, with no rust or peeling paint.
- v. Advertising decals are limited to the name of the licensed vendor, the types of food for sale, and the price lists of those items.

Noise Regulations

- i. The license holder shall comply with all noise regulations set forth in the Williston City Code of Ordinances.
- ii. The license holder shall not have on the premises any bell, siren, horn, loudspeaker or any similar device to attract the attention of possible customers nor shall the license holder use any such device to attract attention.

Parking and Traffic Regulations

- i. A food truck may not utilize a drive through window.
- ii. Parking on sidewalk, median, or landscaped area of the Right Of Way is not allowed.
- iii. Mobile vending units may park only in parallel spaces - neither vehicle nor customers may interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
- iv. A food truck must locate the vending window facing the sidewalk and may not make sales to anyone within a roadway.
- v. A food truck does not have an exclusive right to a location.
- vi. A food truck may not operate in a congested area where such operation might impede or inconvenience the public use of such streets or public way. For the purpose of this item, the judgement of a police officer or license inspector, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
- vii. A food truck must obey all state and local parking and traffic regulation.
- viii. Written approval must be granted by the Building Official, Planning and Zoning Director, Chief of Police, Director of Public Works, Fire Chief, and City Engineer prior to parking on public grounds which are not a street.
- ix. During a City, CVB, Parks, or Downtown Association sponsored event, food trucks may not park within 1 block of said event, unless otherwise permitted by the sponsoring agency.

Mobile Food Truck General Regulations:

- i. A food truck must be parked at least 200 feet from entrance of a restaurant; 5 feet from a driveway, ADA ramp, emergency call box, building entrance or utility box; and 15 feet from a fire hydrant.
- ii. A food truck may not be left unattended.
- iii. All power must be self contained.
- iv. A food truck must be moved from operating location and parked in a storage area each night.
- v. A food truck must provide portable lighting adequate to illuminate the vicinity of the mobile food truck.
- vi. A food truck may not place chairs, tables, or other temporary seating in public right of way, including on the sidewalk.
- vii. A six square foot menu board may be placed on the sidewalk directly in front of the food truck. Said menu board may not impede required ADA spacing.
- viii. A food truck may only be parked in the following designated areas:
 1. Locations as approved by the Building Official, Planning and Zoning Director, Chief of Police, Director of Public Works, Fire Chief, and City Engineer.
- ix. A food truck may only operate between the hours of 6am to 10pm, unless it is within 150' of a residentially zoned area, in which case a food truck may only operate between the hours of 7am and 10pm. In addition, a 30 minute allowance for set-up and tear-down is allowed. Before and after such times, a food truck may not be parked on a public street. The food truck must be returned to a storage area when it is not in operation.

ORDINANCE 1084

AN ORDINANCE AMENDING ORDINANCE 1073, WHICH WAS AN AMENDMENT TO ORDINANCE 958, WHICH WAS AN AMENDMENT TO ORDINANCE 613, OTHERWISE KNOWN AS THE ZONING ORDINANCE OF THE CITY OF WILLISTON, MODIFYING SECTION 25.Q. TO ALLOW AND REGULATE MOBILE FOOD TRUCKS

Section 25.Q. Mobile Food Trucks

Mobile food trucks are permitted as follows:

(a) Mobile Food Trucks

- a. For purposes of this Section, a “mobile food truck” is defined as a licensed mobile food unit, as licensed through the NDDOH.
- b. No person may set up or operate a mobile food truck without first obtaining a license and meet the requirements and conditions laid out in this section. The City Auditor is authorized to issue a license for a mobile food truck, with approval from the Building Official, Planning and Zoning Director, Chief of Police, Director of Public Works, Fire Chief, and City Engineer. This license may only be obtained if the Health Department has licensed the food truck.
- c. Mobile food trucks may only operate in a designated “food truck area” as noted in this section.
- d. Licenses are issued annually and are only valid for a 12 month period. All licenses shall expire on December 31 of each year regardless of when a person obtains a license. License fee shall be set by City approved Resolution.
- e. Any violations of this ordinance will be subject to the removal of the mobile food truck license for the remainder of the license issuance period, as follows:
 - i. If a mobile food truck is in violation of any provision of this ordinance, a ticket for \$500 may be issued by the Williston Police Department during the violation.
 - ii. Any person having information that the mobile food truck license holder has violated any provisions of this ordinance may submit a complaint to the Director of Development Services setting forth such violation.
 - iii. If any mobile food truck receives 3 tickets, or receives 3 complaints from independent and separate business or property owners within a 6 month period, the following shall apply:
 1. Upon receipt of such complaint, or confirmation that the mobile food truck has received three tickets from the Williston Police Department, the matter shall be set for hearing in a reasonable period of time at the regular meeting of the Board of City Commissioners. A copy of the complaint and notice of the hearing will be mailed to the mobile food truck license holder by registered or certified mail not less than 10 days before such hearing.

2. Upon the board of City Commissioners making a written finding that a violation of this ordinance occurred it shall immediately revoke the mobile food truck license.
 - iv. Any act or the failure to do any act which creates a public nuisance, or in the event of repeated violations which may or may not meet the requirements listed above, the City retains the ability to immediately revoke the food truck license.
 - v. Such causes as hereinbefore described shall not be deemed to be exclusive and such license may be terminated at any time by the Board of City Commissioners for any cause deemed by the Board to be sufficient cause and justified by reason of public health or public morals.
- f. License holders for mobile food trucks and their employees shall meet the following:

Health and Safety Regulations:

- i. The license holder shall comply with all North Dakota Department of Health (NDDOH) and other applicable regulatory agency requirements, including, but not limited to, the requirements for food service. The license holder shall display in a conspicuous location all such required licenses and/or licenses and shall provide copies of those licenses and/or licenses to the city prior to issuance of a license for a food truck by the city. The license holder shall continuously maintain the required approvals, licenses and/or licenses and provide evidence to the city of the continuous maintenance of them.
- ii. The license holder shall obtain and display a certificate of insurance from a company licensed to do business in North Dakota, evidencing that the license holder has general liability insurance policies in effect with limits of at least \$250,000 per individual and \$1,000,000 per occurrence. The City of Williston must be named as an additional insured.
- iii. Copies of a criminal record check for owner and all employees of the food truck.
- iv. At time of application, applicant must provide a copy of a notarized statement signed by the applicant holding the City harmless against claims and litigation for issuing a license.
- v. Any food trucks must be registered in North Dakota.
- vi. Food trucks must be a dedicated truck for this purpose and must be approved by the NDDOH.
- vii. The license holder shall provide with their application the number of vehicles they intend to operate as a food truck, a description of all food trucks they intend to operate, license plate information for each food truck, VIN for each food truck, proof of insurance coverage for each food truck, and proof of fire and safety inspection for each food truck.
- viii. A separate application and fee is required for each food truck applied for by the applicant.

- ix. If anything changes, the license holder shall deliver updated and current information to the Williston Police Department and Williston Auditor's office within 10 days.
- x. All food, oil, and organic waste must be disposed of at licensed food establishment. Arrangements for such must be shown at time of application via a signed contract with a licensed food establishment.
- xi. There must be a designated Person in Charge of food safety with the food truck at all times, as per NDDOH requirements.

Maintenance Regulations

- i. The license holder shall provide proper containers or some other means for the collection of waste and trash from the food truck. The license holder shall keep the immediate area around the food truck and the food truck clean of garbage, trash, paper, cups, cans or litter associated with the operation of the food truck. All waste and trash shall be properly disposed of by the license holder.
- ii. The license holder is responsible to remove any garbage, spills, or stains or repair any damage to the designated area resulting from operations of the food truck.
- iii. The license holder shall be responsible for the maintenance, upkeep and security of the food truck. Skirting of the food truck is not allowed.
- iv. The food truck must be kept in good operating condition, with no rust or peeling paint.
- v. Advertising decals are limited to the name of the licensed vendor, the types of food for sale, and the price lists of those items.

Noise Regulations

- i. The license holder shall comply with all noise regulations set forth in the Williston City Code of Ordinances.
- ii. The license holder shall not have on the premises any bell, siren, horn, loudspeaker or any similar device to attract the attention of possible customers nor shall the license holder use any such device to attract attention.

Parking and Traffic Regulations

- i. A food truck may not utilize a drive through window.
- ii. A Food Truck may only be parked on a paved area, with paved parking for customer cars.
- iii. A food truck may not park on a sidewalk.
- iv. A food truck may only be parked on a developed lot, which has a permanent business and structure on the property.

- v. A food truck may not interfere with the needed parking for the permanent business and building on the property.
- vi. A food truck or its customers may not interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
- vii. A food truck must locate the vending window to ensure pedestrian safety and may not make sales to anyone within a roadway.
- viii. Customers may not use the right of way or landscaped area for queueing.
- ix. A food truck may not operate in a congested area where such operation might impede or inconvenience the public use of such streets or public way. For the purpose of this item, the judgement of a police officer or license inspector, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
- x. A food truck must obey all state and local parking and traffic regulation.
- xi. No more than one food truck is allowed per private lot, unless the lot owner has a license for a food truck park, as noted below.
- xii. Written approval must be granted by the owner and tenant of any lot which a food truck wishes to park on prior to parking. In the case of a corporate entity, this letter must be accompanied by proof that signatory is an authorized agent. This letter must be kept in the food truck. This provision expressly applies to all Williston Park Recreational District property.

Mobile Food Truck General Regulations:

- i. A food truck must be parked at least 200 feet from entrance of a restaurant 5 feet from a driveway, ADA ramp, emergency call box, building entrance or utility box; and 15 feet from a fire hydrant.
- ii. A food truck may not be left unattended.
- iii. All power must be self contained, or food truck must have written approval by property owner to hook up to power in a safe manner.
- iv. A food truck must be moved from operating location and parked in a storage area each night.
- v. A food truck must provide portable lighting adequate to illuminate the vicinity of the mobile food truck.
- vi. A food truck may place chairs, tables, umbrellas, etc. on the private lot, as long as they do not impede parking and traffic. These must be removed at the end of the day.
- vii. A six square foot menu board may be placed on the sidewalk directly in front of the food truck. Said menu board may not impede required ADA spacing.
- viii. A food truck may only be parked in the following zones, subject to all regulations in this section: M-1: Light Industrial; C-2: General Commercial; C-3: Restricted Commercial; HCC: Highway Corridor Commercial; P: Parks and Open Space.
- ix. A food truck may only operate between the hours of 6am to 10pm, unless it is within 150' of a residentially zoned area, in which case a food truck may only operate between the hours of 7am and 10pm. In addition, a 30 minute allowance for set-up and tear-down is allowed. Before and after

such times, a food truck may not be parked on the property from which it intends to sell food. The food truck must be returned to a storage area when it is not in operation.

Clearance Regulations

- i. Furniture, canopies, fencing and/or other accessories used for the food truck shall be located so that a minimum clearance required by the Williston Building Code or the Americans with Disabilities Act, whichever is more restrictive, shall be provided at all times.
- ii. No outdoor patio area equipment, fencing or furniture may be placed in such a manner as to obstruct a building exit, nor may it be left up overnight.

Food Truck Park

- i. A property owner may apply a Special Use Permit for a food truck park, otherwise known as a congregation area. Said property must meet the following:
 1. Fully developed and paved lot.
 2. Parking to accommodate all customers, of both the permanent business and the food truck park. A determination on adequate parking may be made by the Planning Director and Chief of Police. A license may be revoked if congestion of surrounding parking areas or street right of ways becomes a concern.
 3. In the absence of adequate on site parking, public parking must be available nearby.
 4. Intent to operate as a food court, with more than one vendor at all times.
- ii. No person may set up or operate a mobile food truck park without first obtaining a license and meet the requirements and conditions laid out in this section.
- iii. Licenses are issued annually and are only valid for a 12 month period. All licenses shall expire on December 31 of each year regardless of when a person obtains a license. License shall be set by fee resolution.
- vi. Any violations of this ordinance will be subject to the removal of the mobile food truck park license for the remainder of the license issuance period, as follows:
 1. If a mobile food truck park is in violation of any provision of this ordinance, a ticket for \$500 may be issued by the Williston Police Department during the violation.
 2. Any person having information that the mobile food truck park license holder has violated any provisions of this ordinance may submit a complaint to the Planning Director setting forth such violation.
 3. If any mobile food truck park receives 3 tickets, or receives 3 complaints from independent and separate business or property owners within a 6 month period, the following shall apply:

4. Upon receipt of such complaint, or confirmation that the mobile food truck park has received three tickets from the Williston Police Department, the matter shall be set for hearing in a reasonable period of time at the regular meeting of the Board of City Commissioners. A copy of the complaint and notice of the hearing will be mailed to the mobile food truck park license holder by registered or certified mail not less than 10 days before such hearing.
 5. Upon the board of City Commissioners making a written finding that a violation of this ordinance occurred it shall immediately revoke the mobile food truck park license.
- iv. Food trucks operating within the park must follow all regulations laid out within this ordinance, with the exception of the following items:
1. Food trucks may stay in place overnight. However, NDDOH requirements require that food trucks must change location every 14 days. Regardless, skirting is not allowed.
 2. Furniture may stay out overnight.
 3. Power may be provided by food truck park operator.

1. Definitions:

~~A. Mobile food vendors and Portable Carry-Out Food Kiosks – Mobile food vendors and Portable Carry-out Food Kiosks are defined as any person selling food products on-site sale for carry out, walkup window service only and drive-thru service, or trailer mounted on chassis. This includes but is not limited to the following:~~

- ~~• Pushcart: a mobile, non-motorized vending device, which serves commercially pre-packaged foods~~
- ~~• Full-service Commercial: a vehicle or trailer designed and equipped to prepare and serve open food products~~
- ~~• Pre-packaged mobile: a vehicle or trailer which sells commercially manufactured pre-packaged products or products that are prepared and packaged at a food service establishment~~

~~B. Congregate Mobile Food Vending And Portable Carry-Out Food And Beverage Facility – a development of three or more units.~~

2. Purpose

~~The purpose of this ordinance is to disallow the use of mobile food vendors, portable carry out food kiosks, congregate mobile food vendors and similar units for dispensing food and products because it is the determination of the City Commission that their use in the City for food dispensing is deleterious to the health, safety, and welfare of the public at large. Portable heating devices, non-standard electrical connections, a lack of sanitary facilities including, but not limited to, bathrooms with toilets, sinks and standard~~

~~kitchen facilities, among other facilities associated with safe places of food preparation, all lend themselves to unhealthful, unsanitary and hazardous food preparation conditions, if utilized for extended periods of time, occasioned in part because these facilities and other non-permanent structures are not intended for use as places of food preparation and do not adequately provide for the needs associated with food preparation.~~

~~3. Mobile Food Vendors, Carry-Out Food Kiosks, and Congregate Mobile Food Vending~~

~~A. Violations~~

~~1. It shall be unlawful for any person, corporation, partnership, or similar entity, to operate a mobile food vendor station, a portable carry-out food facility for the preparation and delivery of food items within any lands within the City of Williston and/or the extraterritorial jurisdiction unless otherwise provided herein.~~

~~B. Zoning~~

~~1. Zones — mobile food vendors and portably carry-out food kiosks are not permitted within any zone within the City of Williston and one-mile extraterritorial jurisdiction. No vending facility or operation shall be permitted to stand, operate or locate within any public right of way.~~

~~C. Exceptions~~

~~The provisions and requirements of this ordinance do not apply to:~~

~~1. Events sponsored by or approved by the City of Williston, or that are organized and managed by a fair association, convention bureau, service club or other political subdivision including the City itself to which mobile food vendors are invited.~~

~~D. Penalty:~~

~~1. Any person, firm or corporation violating any of the terms or provisions of Section 25(Q): SUPPLEMENTARY DISTRICT REGULATIONS PROHIBITING MOBILE FOOD VENDNG AND CARRY-OUT FOOD of the City of Williston Ordinance Number 613, and any amendments thereto, or commits an act prohibited by this ordinance shall be cited with a B misdemeanor and, upon conviction, be punished by a fine of up to one thousand five hundred dollars (\$1,500.00), or by imprisonment up to thirty (30) days, or both such fine and imprisonment in the discretion of the court. The court shall have the power to suspend the sentence and to revoke the suspension thereof. Each day any person, firm or corporation violates any provision of this article shall constitute a separate offense.~~



DATE: July 10, 2018
TO: City Commission
FROM: John Kautzman, City Auditor
RE: Communications

6A First Lutheran Church – Street Close Request – Summer Sizzler Picnic

First Lutheran Church will be hosting their annual Summer Sizzler Picnic event on August 1st from 12 noon to 9 pm. For safety of participants, First Lutheran is requesting that 9th Street E be closed from Main Street to 1st Ave E for the duration of the event.

6B Williston CVB – Street Close Request – Chokecherry Festival

The Williston CVB will be hosting its 12th annual North Dakota Chokecherry Festival on August 10th, from 4 pm to 1am, and August 11th, from 7 am to 8 pm at Harmon Park. The CVB is requesting street closures as part of a large event permit, the details of which are included in the commission packet. The street closures will be for a portion of Highland Drive for emergency vehicle staging, and 11th Street from Main Street to 2nd Avenue to provide for the safety of foot traffic between the park and nearby businesses. This year's event will include a music festival and 5K run. The CVB is actively looking for volunteers to assist with set-up and clean-up for the festival. If you would like to volunteer, please contact Heather Voll at the CVB office.

6C Williston Police Department – Fireworks Permit – Guns& Hoses Softball Game

The Williston PD is request a fireworks permit for the Guns& Hoses Softball Game scheduled for August 17th. The event will take place at Davidson Park starting at 5:30 p.m. with TNT Fireworks hosting the display later in the evening. Police and Fire Department personnel will be on hand to provide safety (and entertainment) for the event.

6D Downtowner's Association-Street Closure Request-Main Street Farmers Market

I recommend approval of these requests, contingent on appropriate department approvals.

Attachments: a6A, B & C



DATE: Tuesday, July 10th, 2018
TO: City Commission
FROM: Anthony Dudas, Airport Director
RE: Report of Commissioners – Water Works, Sewer, Airport, Building and Planning
Commissioner

7E1: XWA ARFF/SRE Facility Guaranteed Maximum Price (GMP)

In September 2016, the City performed a qualification based selection for the Aircraft Rescue Firefighting and Snow Removal Equipment Facility at XWA. JeDunn was selected through that process. Since that time, work progressed on design, value engineering, and bidding, in an effort to establish a final Guaranteed Maximum Price for the project. Below is a brief summary of the cost history of this project:

10 May 18 – Estimated GMP with value engineering	\$12,232,518
14 June 18 – Final GMP with hard bids	\$11,591,072

Following the final GMP and bid results, City staff and the project team met to review the value engineering efforts and evaluate the remaining ARFF/SRE project items. The team agreed upon the following additional alternate items for your consideration from the list of alternates in the GMP attachment (All items include increased CMAR fee, 4%, and bonding costs):

Specialty Flooring for the ARFF (Rubber interlocking tiles in station 1)	\$65,952
3 rd Party Testing & Inspection Services (same as terminal project)	\$64,128
Use of Johnson Controls in Lieu of Trane (same as terminal project)	\$31,216
Adjusted Total	\$161,296

The review team has also requested JE Dunn bid and evaluate cost reduction items. The following items were accepted (All items include decreased CMAR fee and bonding costs):

Standard grey concrete precast in lieu of tan mix	\$47,973
Remove optional washbay curtain	\$29,067
Adjusted Total	\$77,040

At this time, with the support of the project team, it is my recommendation to approve the ARFF/SRE guaranteed maximum price to JeDunn with the specified alternates in the amount of \$11,710,932.

I recommend approval of the XWA ARFF/SRE Facility Guaranteed Maximum Price to JeDunn in the amount of \$11,710,932.00

One final package of additional scope items will be presented at a later date. The items in this package include: kitchen equipment, furniture/fixtures/equipment, artwork, and commissioning services.

7E2: XWA Electrical Vault Bid Award

(Final Information will be provided on Tuesday, July 10th – Bid Opening on July 9th)

We opened bids for the electrical vault on July 9th, 2018. There were XX bids received. XX bids for general construction, XX bids for electrical construction, XX bids for combined construction, and XX bids were rejected. COMPANY is the apparent low bidder for general construction. COMPANY is the apparent low bidder for electrical construction. A breakdown of their bids will be provided by electric copy prior to the commission meeting.

I recommend approval to award electrical vault general construction to COMPANY in the amount of \$XXX

I recommend approval to award electrical vault electrical construction to COMPANY in the amount of \$XXX

7E3: XWA Aviation Business Services – Trillion Aviation Statement of Work #5

On April 24th, 2018 the City Commission approved moving forward with scope and fee negotiations with Trillion Aviation to provide Aviation Business Consulting Services.

Through this effort, we have delineated six separate items that are needed for operations at XWA. These include: develop FBO request for proposals (RFP) and contract negotiations, food and beverage/retail contract negotiation with the selected provider, develop rental car operations RFP and contract negotiations including funding plan and projections for their facility, develop parking lot management RFP and contract negotiations, finalize general aviation facility land lease and development agreements and rental rates, and ad hoc services.

The full details of these items as well as the hourly breakdown for the work to be performed can be found in your packet.

The project team including City staff and Cardon Global have reviewed the proposed scope and fee and find it reasonable for the work to be performed. Trillion Aviation has been an integral part of our air service development efforts as well as our financial planning for XWA. These

additional scope items will be very important as we continue to work to solidify our financial picture and create a facility that will cover its operating and debt expenses.

I recommend approval to award statement of work #5 to Trillion Aviation in the amount hourly, not to exceed of \$80,590

Attachments

A17E1: JeDunn GMP

A7E2: General Construction Bid Award Recommendation from Burns & McDonnell

A7E2: Electrical Construction Bid Award Recommendation from Burns & McDonnell

A7E3: Statement of Work #5

A7E3: Task Order Proposal Hours

A7E3: Task Order Narrative



DATE: July 10, 2018
TO: City Commission
FROM: Bob Hanson, City Engineer
RE: Agenda Item 8E—Engineering

8E.1 NDDOT Engineering Reimbursement Agreement—East Broadway/7th Ave E.

NDDOT has scheduled and funded improvements to the East Broadway and 7th Avenue East intersection. Improvements being contemplated include:

- Construction of a roundabout intersection.
- Or. Construction of a curve joining the east leg of Broadway with 7th Ave E creating a continuous through movement along the 1804 Truck Route with the west leg of Broadway entering the Truck Route by a 'Radial Tee' intersection.

NDDOT has set aside \$3,000,000 to construct this project and scheduled its construction for 2020. The City would be responsible for 10% of the project's construction costs.

NDDOT has engaged Civil Science to shepherd this project through its environmental clearance and preliminary design phase at an approximate cost of \$289,000.

NDDOT presents the City with an agreement under which the City would reimburse NDDOT for its environmental clearance and preliminary engineering costs in the event the City chooses not to proceed with the construction of this project or requests fundamental changes to its currently envisioned scope.

A copy of the NDDOT agreement is included in the Commissioner's Information Packet.

I RECOMMEND:

That the City Commission enter into the NDDOT Preliminary Engineering Reimbursement Agreement for the East Broadway/7th Ave E intersection improvement project as presented.

Attachments:

a8.E.1 NDDOT Preliminary Engineering Reimbursement Agreement.



MEMO

TO: Board of City Commissioners
FROM: Planning Department
DATE: July 5th, 2018
RE: Agenda Item(s) for the July 10, 2018 City Commission Meeting

Comprehensive Housing Action Plan- Request for Qualifications

Attached is a request for qualifications (RFQ) that has been prepared seeking qualified consulting firms. The request is to solicit candidates to develop a comprehensive housing action plan. This item has been pending on past budgets with the downturn in activity in 2016 and 2017 and is now being brought forward with the growing economy and demand for housing. The plan should develop and create a toolkit of strategies and action items that will help the City toward meeting the housing demands for each income category as forecasted by the 2016 Statewide Housing Needs Assessment. The action plan should include detailed next steps to develop each strategy including responsible parties and timelines.

The 2016 Statewide Housing Needs Assessment forecasts for increased dwelling units needed per income category by the year 2029 include: Extremely low: 0-30% MFI, an increase of 40.4%; Very low: 31-50% MFI, an increase of 52.0%; Low Income: 51-80% MFI, an increase of 45.1%; Lower Moderate: 81-115% MFI, an increase of 54.1%; Moderate: 116-140% MFI, an increase of 45.3%; Upper Income: Above 140% MFI, an increase of 46.2%.

A committee consisting of Howard Klug, Mayor; Chris Brostuen, City Commissioner; David Tuan, City Administrator and Mark Schneider, Development Services Director has reviewed this RFQ. Cardon Global has also reviewed this RFQ for communication and coordination purposes.

This item is included on this year's 2018 budget.

Recommendation: To approve the request to advertise the RFQ soliciting candidates to develop a comprehensive housing action plan.



DATE: July 10, 2018

TO: City Commission

FROM: Rachel Laqua, Principal Planner

RE: 8H2. NDDOT Outdoor Dining Contracts

8H2. NDDOT Outdoor Dining Contracts

The NDDOT, in order to permit outdoor dining on Main Street, requires the signature of the City on a contract agreement to permit use of the highway right of way. The signing of this contract will be required for all outdoor dining on Main Street.

Because they require a City signature, they would need to go before the City Commission each time.

Staff recommends allowing either the Mayor or City Administrator to sign these contracts as they become necessary.

Attachments: 1. Sample Contract allowing an Outdoor Dining facility at Daily Addiction.

Staff recommends allowing any such contract to be signed by either the Mayor or City Administrator without needing to be heard by the full Commission.