

**OFFICIAL PROCEEDINGS  
BOARD OF CITY COMMISSIONERS  
April 23, 2013 6:00 P.M.  
CITY HALL WILLISTON, NORTH DAKOTA**

1. Roll Call of Commissioners

COMMISSIONERS PRESENT: Tate Cymbaluk, Brent Bogar, Brad Bekkedahl, Howard Klug & E. Ward Koeser

COMMISSIONERS ABSENT: NONE

OTHERS PRESENT: John Kautzman, Donald Kress, James Lokken, Pete Furuseth, Steven Kjergaard, Alan Hanson, Bob Hanson, Rachel Ressler, Bill Tracy, Tom Rolfstad, Kent Jarcik

**Add Agenda Items:**

- 2. B. (2.) (d.) Williston Basin Racing – Site Authorization Annual Permit.**
- 3. C. Ad-Hoc – City Parking Lot Sale**
- 8. B. (1.) HB 1358 Update**

**MOTION BY KLUG, SECONDED BY CYMBALUK, to amend the Agenda as presented.  
MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

2. Consent Agenda

- A. Reading and Approval of Minutes for:
  - (1.) Regular Meeting Dated March 26, 2012
- B. Auditor
  - (1.) Accounts, Claims and Bills  
Combined Check Register  
For checks between: 04/09/13 - 04/22/13

Payroll

Check #	Vendor/Employee/Payee Number/Name	Check Amount	Date Issued
-79000	MERITAIN HEALTH MERITAIN HEALTH	1108.05	04/18/13
-78999	14021 BRAD D. BEKKEDAHL	0.00	04/19/13
-78998	56070 TATE A. CYMBALUK	0.00	04/19/13
-78997	56169 KATHERINE E. BERWICK	1110.21	04/19/13
-78996	12020 RANDY M DONNELLY	1484.03	04/19/13
-78995	12017 JOHN L. KAUTZMAN	2708.77	04/19/13
-78994	56240 KAREN D. KUEHL	992.31	04/19/13
-78993	56168 AARON G. MITCHELL	867.44	04/19/13
-78992	56287 SHARNELL NIX	320.40	04/19/13
-78991	56255 CHELSEA S CAVANAUGH	659.83	04/19/13
-78990	13026 KEVIN W. CRAFT	1077.12	04/19/13
-78989	56195 JACKIE L. HATCH	718.74	04/19/13

-78988	56206 DANIELLE HENDRICKS	1036.66	04/19/13
-78987	56280 KELSEY KARVONEN	1120.57	04/19/13
-78986	56118 KATALIN C. MAGYAR	635.08	04/19/13
-78985	56274 MEGAN NYGARD	379.46	04/19/13
-78984	56225 SUSAN E. SCHNEIDER	1085.80	04/19/13
-78983	13025 JOLEEN S. TINKER	1228.29	04/19/13
-78982	14024 BRENT BOGAR	463.59	04/19/13
-78981	14025 HOWARD D. KLUG	120.87	04/19/13
-78980	15004 JANET B. ZANDER	1965.84	04/19/13
-78979	18022 SHARYL J. BUSCH	2819.43	04/19/13
-78978	56162 JOSHUA A. BUTLER	1232.22	04/19/13
-78977	56237 ADEN A CLARK	883.23	04/19/13
-78976	18028 DAVID C. DONNER	1856.41	04/19/13
-78975	56259 ANDREW FOURNELL	1830.97	04/19/13
-78974	56193 CYNTHIA L. GARDNER	35.33	04/19/13
-78973	18001 ALAN K. HANSON	2209.98	04/19/13
-78972	56101 SUSAN G. HOLMEN	318.93	04/19/13
-78971	56201 JENNA JONES	431.68	04/19/13
-78970	18027 STEVEN D. KERZMANN	1934.71	04/19/13
-78969	18096 TRACY C. KERZMANN	1275.81	04/19/13
-78968	56107 VICTORIA L. KREGER	192.21	04/19/13
-78967	18099 ERICA J. MYERS	724.29	04/19/13
-78966	18024 JONATHON RASMUSSEN	2248.70	04/19/13
-78965	18070 JEANNE M. SAGASER RASSIER	2087.88	04/19/13
-78964	56130 ANDREW A. SAILER	1618.96	04/19/13
-78963	18097 DUANE S. WINTER	9.46	04/19/13
-78962	56174 SAM M. AIDE	1143.78	04/19/13
-78961	56166 RYAN J. ALLEN	1149.82	04/19/13
-78960	56273 JASON BARTEN	1451.32	04/19/13
-78959	19024 DAVID L. BELISLE	1307.18	04/19/13
-78958	56246 HUGH E BENZEN	988.52	04/19/13
-78957	19092 DUSTIN J. BERTSCH	1467.15	04/19/13
-78956	19028 MARK R. BITZ	1752.37	04/19/13
-78955	56097 ALAN C. BRATT	1511.30	04/19/13
-78954	56121 DUSTIN R. CELANDER	1156.37	04/19/13
-78953	19076 CORY G COLLINGS	2041.17	04/19/13
-78952	56113 MINDY SUE DEGENSTEIN	1034.35	04/19/13
-78951	56278 DANIEL DERY	87.74	04/19/13
-78950	56173 RODNEY H. DICKERSON	1167.98	04/19/13
-78949	56289 STACEY EISSINGER	597.40	04/19/13
-78948	56183 AMBER M. GILMORE	1169.80	04/19/13
-78947	19009 LINDA R. GRANBOIS	1142.43	04/19/13
-78946	56147 JACOB J. GREGORY	1509.23	04/19/13
-78945	19082 RANDY M. HAUGENOE	1607.09	04/19/13
-78944	56210 WILLIAM E. HOLLER	1369.86	04/19/13
-78943	56102 MICHAEL A. ISENHOWER JR	1520.43	04/19/13
-78942	56182 AARON R. KAMPA	941.11	04/19/13

-78941	19012 THOMAS L. LADWIG	1877.63	04/19/13
-78940	19011 JAMES L LOKKEN	2629.52	04/19/13
-78939	56082 TRAVIS J. MARTINSON	928.80	04/19/13
-78938	56061 AMY D. NICKOLOFF	1191.61	04/19/13
-78937	19014 KENNETH B. OWENS	1924.74	04/19/13
-78936	19098 DAVID A. PETERSON	1153.59	04/19/13
-78935	56181 TREVOR J. ROBERTS	1037.92	04/19/13
-78934	56148 JONATHAN D. ROGGENKAMP	754.94	04/19/13
-78933	13027 CRYSTAL A. SCHAUBEL	1511.54	04/19/13
-78932	56052 JAMESON J. O. SEIM	1325.78	04/19/13
-78931	19077 MICHAEL S. WILSON	1540.45	04/19/13
-78930	19100 RYAN C. ZIMMERMAN	1479.32	04/19/13
-78929	56157 BENJAMIN W. ABBEY	1146.53	04/19/13
-78928	20047 KELLY M. ABERLE	1514.36	04/19/13
-78927	26039 DIANE K. ALBRIGHTSON	1162.75	04/19/13
-78926	56268 MELISSA BUNESS	805.22	04/19/13
-78925	56209 MARTIN L. COLGAN	1256.58	04/19/13
-78924	56270 WILLIAM TRACY III	1390.40	04/19/13
-78923	56220 TRUNG THANH LE	1815.53	04/19/13
-78922	21040 MONTE C. MEIERS	2000.52	04/19/13
-78921	21054 WAYNE A WIEDRICH	1753.00	04/19/13
-78920	22020 ROBERT D. KNAPPER	1788.54	04/19/13
-78919	56214 MICHAEL J. BEARCE	1140.63	04/19/13
-78918	56128 VERNON L. HENDRICKSON	1311.95	04/19/13
-78917	56244 ROY LONG	1120.59	04/19/13
-78916	56288 CHRISTOPHER MALONE	494.37	04/19/13
-78915	56167 MATTHEW TUTAS	1736.63	04/19/13
-78914	56275 JOSEPH CLARYS	1169.95	04/19/13
-78913	24019 ROBERT D. COUGHLIN	548.20	04/19/13
-78912	24018 EFFIE J. IVERSON	1325.61	04/19/13
-78911	24017 STEVEN W. JENSEN	1228.89	04/19/13
-78910	56284 SABRINA NIELD - PHILLIPS	1066.36	04/19/13
-78909	24013 THOMAS C. POTTER	1286.39	04/19/13
-78908	56104 DANIEL W. TUPA	1111.89	04/19/13
-78907	25110 KENNETH W. BERGSTROM	2330.24	04/19/13
-78906	56286 MONICA KELLEY	647.98	04/19/13
-78905	12029 LORI A. LARSEN	951.07	04/19/13
-78904	56252 DIANE THOMPSON	989.50	04/19/13
-78903	56164 JACOB T BLOODGOOD	534.42	04/19/13
-78902	56232 ELVIS DINZON	1076.17	04/19/13
-78901	27076 DANNY R. GERGEN	1489.58	04/19/13
-78900	56091 JAMES A HAGA JR	878.98	04/19/13
-78899	56241 DINA KINDELSPIRE	853.02	04/19/13
-78898	56175 ERIC C. OLSON	1101.38	04/19/13
-78897	56234 JOSEPH REIFENSTAHL	539.62	04/19/13
-78896	56266 MARK RIDDLE	874.17	04/19/13
-78895	56258 BRYAN THOMPSON	808.27	04/19/13

-78894	56084 KENNETH R. BOYKIN	1416.72	04/19/13
-78893	56112 GARRISON CANTER	1372.66	04/19/13
-78892	56114 ANTHONY D. DUDAS	1441.83	04/19/13
-78891	56110 ADAM M. FREEMAN	515.34	04/19/13
-78890	56086 STEVEN C. KJERGAARD	1848.00	04/19/13
-78889	56120 VICTORIA M. RUBLE	1252.30	04/19/13
-78888	56100 BILLY J. BAKER	761.24	04/19/13
-78887	56200 GINA MOTTL	616.10	04/19/13
-78886	34103 CHRISTOPHER J. BROSTUEN	41.56	04/19/13
-78885	34017 KENT A. JARCIK	2132.72	04/19/13
-78884	56223 DONALD KRESS	1405.24	04/19/13
-78883	56075 DEEANN M. LONG	41.56	04/19/13
-78882	56057 JON D. MARISTUEN	41.56	04/19/13
-78881	56277 CHEYENNE POTTRIDGE	519.24	04/19/13
-78880	56239 RACHEL K. RESSLER	934.13	04/19/13
-78879	34016 ELAINE B. SINNESS	777.27	04/19/13
-78878	35025 JOSILYN F BEAN	1028.92	04/19/13
-78877	56267 SUZANNE GAUT	313.27	04/19/13
-78876	56155 SCOTT R. MOLSTAD	1979.59	04/19/13
-78875	56079 BRENDA SEPTKA	1169.28	04/19/13
-78874	36006 NEIL W. BAKKEN	1732.47	04/19/13
-78873	56176 CHAUNCEY CARR, JR.	1353.74	04/19/13
-78872	56211 WAYNE E. BEARD	808.75	04/19/13
-78871	56263 CHRISTINA BECK	346.10	04/19/13
-78870	56212 AMELIA A. BICKLER	170.38	04/19/13
-78869	56039 KERI L. BODA	826.02	04/19/13
-78868	56144 CRYSTAL M. BONNER	552.62	04/19/13
-78867	48102 KAYLA J. HELL	230.02	04/19/13
-78866	56188 REBECCA R. MILLER	588.25	04/19/13
-78865	56111 ANDREA L. MITCHELL	702.81	04/19/13
-78864	48013 DEBORAH A. SLAIS	1252.60	04/19/13
-78863	48034 YVONNE A. TOPP	534.37	04/19/13
-78862	52011 ANN M. KVANDE	1504.73	04/19/13
-78861	56041 BARBARA J. PETERSON	1178.88	04/19/13
-78860	52003 THOMAS C. ROLFSTAD	1509.14	04/19/13
-78859	56283 RACHEL SAWICKI	1343.08	04/19/13
-78858	52020 SHAWN WENKO	1672.57	04/19/13
-78857	56109 PAULETTE K. BAUER	682.67	04/19/13
-78856	53005 BOBBI JO CLARKE	1158.93	04/19/13
-78855	56222 VIVIAN KALMIK	193.57	04/19/13
-78854	53002 AMY A. KRUEGER	1621.92	04/19/13
-78853	56271 SABRINA A RAMEY	1123.08	04/19/13
-78852	56213 ROBERT JASON HILLARD	1062.77	04/19/13
-78851	56080 BRAD E. SEPTKA	2355.07	04/19/13
-78850	56150 SAMANTHA R. YODER	981.96	04/19/13
-78849	DEFERRED COMP NATIONWIDE RETIREMENT SO	19571.27	04/19/13
-78848	ND CHILD SUPPOR ND CHILD SUPPORT	780.50	04/19/13

	ENFORCE		
-78847	FIT U.S. TREASURY	105144.27	04/19/13
55791	999999 ROBERT PETERSON	300.00	04/09/13
55792	999999 GARRET BLAS	255.00	04/09/13
55793	67 CAR TUNZ	5000.00	04/10/13
55794	999999 DEREK DILLY	280.00	04/10/13
55795	ND HEALTH ND PUBLIC EMPLOYEES RETI	109784.08	04/10/13
55796	PERS NORTH DAKOTA PUBLIC EMPL	87384.46	04/10/13
55797	1824 PLAINS ENERGY TECHNICAL RESOURCES	425.00	04/11/13
55798	999999 SALBADOR RICO	5.00	04/12/13
55799	483 VECTOR CONTROL DIST #1	37559.24	04/12/13
55800	521 WILLISTON PARK DISTRICT	722300.98	04/12/13
55801	673 CLERK OF DISTRICT COURT	500.00	04/12/13
55802	673 CLERK OF DISTRICT COURT	500.00	04/12/13
55803	673 CLERK OF DISTRICT COURT	500.00	04/12/13
55804	673 CLERK OF DISTRICT COURT	500.00	04/12/13
55805	999999 ANDREW DALE	350.00	04/12/13
55806	999999 ANDREW SYLTE	1000.00	04/12/13
55807	999999 LAURA SCOTT	100.00	04/12/13
55808	999999 LYLE DONOVEN	400.00	04/12/13
55809	999999 RYAN REA	550.00	04/12/13
55810	999999 SHAUN DEXTER	150.00	04/12/13
55811	999999 CHRISTOPHER KNELS	280.00	04/12/13
55812	999999 KATIE BISHOP	300.00	04/12/13
55813	999999 TODD BISHOP	300.00	04/12/13
55814	851 WILLISTON COUNCIL FOR THE AGING,	11057.09	04/15/13
55815	35 BANK OF NORTH DAKOTA	9329.00	04/15/13
55816	19 AMERICAN STATE BANK	2596246.71	04/15/13
55817	673 CLERK OF DISTRICT COURT	500.00	04/16/13
55818	999999 AARON SOMMERS	220.00	04/16/13
55819	999999 COLE FOWLER	190.00	04/16/13
55820	851 WILLISTON COUNCIL FOR THE AGING,	16342.12	04/16/13
55821	12026 KAREN P. LARSON	979.63	04/19/13
55822	56245 AMY WAGGONER	42.12	04/19/13
55823	14020 E. WARD KOESER	230.25	04/19/13
55824	17016 THOMAS J. GLENN	1048.71	04/19/13
55825	56292 CAMERON BRADLEY	785.76	04/19/13
55826	56269 CLAY KAUTZER	1092.97	04/19/13
55827	56250 JUSTIN LOGAN MAYNARD	612.47	04/19/13
55828	18023 DANIEL J RAYMOND	331.02	04/19/13
55829	56290 BRADLEY SCHERER	945.37	04/19/13
55830	18046 GARVIN SEMENKO	101.12	04/19/13
55831	18020 RICHARD SHEARER	348.06	04/19/13
55832	18078 MICHAEL W. WALTERS	4.62	04/19/13
55833	19095 WALTER H. HALL	1547.13	04/19/13
55834	56243 JACOB R. HENDRICKS	911.35	04/19/13
55835	56285 TYLER HOFF	807.22	04/19/13

55836	56279 ALEC RAISBECK	975.57	04/19/13
55837	21041 ROBERT E HANSON	2357.96	04/19/13
55838	56293 DAVID TUAN	2296.61	04/19/13
55839	22021 LES CHRISTENSEN	1713.23	04/19/13
55840	22014 GARY L. GLOVATSKY	1379.73	04/19/13
55841	23126 BRENT E. HANSON	2010.49	04/19/13
55842	23039 BRUCE A. JOHNSON	1165.54	04/19/13
55843	27096 RUSSELL E. MOMBERG	1383.95	04/19/13
55844	56294 SHAWN ZELLMER	424.36	04/19/13
55845	56189 AMANDA M. KAISER	697.43	04/19/13
55846	25030 PEDAR A. ANDRE	1439.23	04/19/13
55847	27058 DAVID LEE BELL	2238.06	04/19/13
55848	56187 STEPHEN R. KOHLER	610.17	04/19/13
55849	25106 RICHARD S. ODEGARD	1308.31	04/19/13
55850	27067 RICHARD D. BORUD	1413.39	04/19/13
55851	27062 DWIGHT J. ELLINGSON	575.15	04/19/13
55852	23136 JAMES B. ENGEN	2713.36	04/19/13
55853	27091 JOSEPH G. MONSON	1476.67	04/19/13
55854	31051 GORDON L. SMESTAD	1624.88	04/19/13
55855	56099 MARK C. AMONDSOEN	675.82	04/19/13
55856	56264 COREY HEIKKINEN	605.02	04/19/13
55857	32006 WILLIAM M. MCQUISTON	1046.51	04/19/13
55858	56253 STEPHEN OLEGARIO	1258.88	04/19/13
55859	34105 GLENN A. BOYEFF	41.56	04/19/13
55860	34106 GERALD L. FLECK	41.56	04/19/13
55861	56117 NICK J. HAUGEN	41.56	04/19/13
55862	37008 LAVERN GOHL	1538.25	04/19/13
55863	56180 DIANE C. HAGEN	432.44	04/19/13
55864	56276 ELTON LARSON	217.02	04/19/13
55865	56066 ZACHARY G. CORCORAN	1283.15	04/19/13
55866	54065 PATRICIA K. FIORENZA	1832.87	04/19/13
55867	56110 ADAM M. FREEMAN	1101.86	04/19/13
55868	56188 REBECCA R. MILLER	111.64	04/19/13
55869	56109 PAULETTE K. BAUER	439.93	04/19/13
55870	CITY OF WILLISTON CITY OF WILLISTON	603.59	04/19/13
55871	DEL CHILD SUPPOR DCSE	135.00	04/19/13
55872	DEPENDANT CARE DISCOVERY BENEFITS	3545.05	04/19/13
55873	MN CHILD SUPPOR MINNESOTA CHILD SUPPORT	153.00	04/19/13
55874	NC CHILD SUPPOR NC CHILD SUPPORT	205.00	04/19/13
55875	PERS SERVICE CR NORTH DAKOTA PUBLIC EMPL	100.00	04/19/13
55876	UNITED WAY UNITED WAY	114.00	04/19/13
55877	73 CHRISTOPHERSON'S TIN	1087.07	04/22/13
55878	999999 JESSY PAULSON	300.00	04/22/13
55879	999999 DANIEL COSS	500.00	04/22/13
55880	673 CLERK OF DISTRICT COURT	500.00	04/22/13
55881	673 CLERK OF DISTRICT COURT	500.00	04/22/13

55882	673 CLERK OF DISTRICT COURT	500.00	04/22/13
55883	1220 3D SPECIALTIES	6012.74	04/22/13
55884	1079 ABL MOBILE LOCK & SAFE	328.32	04/22/13
55885	632 ACKERMAN-ESTVOLD	22023.13	04/22/13
55886	1830 AIRPORT INTERNATIONAL INN	6566.12	04/22/13
55887	6 AL MCFARLANE	5355.00	04/22/13
55888	999998 ALEC RAISBECK	25.00	04/22/13
55889	718 AMERIPRIDE LINEN AND APPAREL SERV	357.08	04/22/13
55890	708 AT&T	285.32	04/22/13
55891	33 BAKER & TAYLOR CO.	584.53	04/22/13
55892	34 BALCO UNIFORM CO., INC.	80.48	04/22/13
55893	38 BASIN PRINTERS, INC.	336.00	04/22/13
55894	993 Bee Line Service	91.50	04/22/13
55895	999998 BENJAMIN W. ABBEY	811.56	04/22/13
55896	1664 BLUE TARP FINANCIAL INC	6.95	04/22/13
55897	52 BORDER STATES ELECTRIC	280.78	04/22/13
55898	54 BOUND TREE MEDICAL	237.70	04/22/13
55899	1599 BROWN CONSTRUCTION INC	54104.56	04/22/13
55900	69 CARQUEST AUTO PARTS STORES	144.40	04/22/13
55901	204 CCR-WILLISTON III, LLC	80.00	04/22/13
55902	616 CENTER POINT LARGE PRINT	77.88	04/22/13
55903	1349 CENTURYLINK	981.00	04/22/13
55904	1261 CHAMBER OF COMMERCE	1000.00	04/22/13
55905	79 CITY OF WILLISTON	1961.08	04/22/13
55906	80 CITY OF WILLISTON	33.05	04/22/13
55907	1666 CIVIL SCIENCE	50525.99	04/22/13
55908	81 CLAUSEN WELDING	45.00	04/22/13
55909	640 COMFORT INN	138.00	04/22/13
55910	1662 Connecting Point Computers Center	165.00	04/22/13
55911	89 CRAVEN-HAGAN CLINIC	415.00	04/22/13
55912	93 DAKOTA SUPPLY GROUP	1352.79	04/22/13
55913	1774 Darley Fire Equipment	725.28	04/22/13
55914	100 DAWA SOLUTIONS GROUP	510.00	04/22/13
55915	999998 DUSTIN J. BERTSCH	25.00	04/22/13
55916	999998 E. WARD KOESER	48.65	04/22/13
55917	999998 E. WARD KOESER	45.45	04/22/13
55918	119 EBEL INC.	830.75	04/22/13
55919	933 EBSCO	7692.75	04/22/13
55920	549 ECONOMART	1051.61	04/22/13
55921	124 ELECTRIC & MAGNETO, INC.	63.19	04/22/13
55922	577 EMERGENCY MEDICAL PRODUCTS	250.76	04/22/13
55923	571 FEE INSURANCE AGENCY, INC	126036.00	04/22/13
55924	131 FIRST INTERNATIONAL BANK	1340.13	04/22/13
55925	132 FIRST NATIONAL BANK	659.01	04/22/13
55926	134 FORT UNION SUPPLY & TRADE	494.05	04/22/13
55927	139 GAFFANEY'S	2730.14	04/22/13
55928	785 GALE	113.75	04/22/13

55929	999998 GARRISON CANTER	200.22	04/22/13
55930	1748 Gateway ED	40.50	04/22/13
55931	999998 GINA MOTT	70.85	04/22/13
55932	1831 GRAND FORKS POLICE DEPT.	75.00	04/22/13
55933	144 GRAYMONT WESTERN CANADA	6328.13	04/22/13
55934	1826 GREAT WEST TIRE & LUBE LLC	701.66	04/22/13
55935	1526 Grey House Publishing	223.00	04/22/13
55936	539 HACH	756.16	04/22/13
55937	624 HAMERS AUTOMOTIVE	9485.05	04/22/13
55938	151 HAWKINS, INC.	7091.55	04/22/13
55939	153 HEIMAN FIRE EQUIPMENT, INC.	247.96	04/22/13
55940	161 HOME OF ECONOMY	561.76	04/22/13
55941	162 HORIZON RESOURCES	45480.60	04/22/13
55942	163 HOSE AND RUBBER SUPPLY	93.69	04/22/13
55943	174 INK SPOT PRINTING	1280.00	04/22/13
55944	4561 International Code Council, Inc.	258.48	04/22/13
55945	999998 JASON BARTEN	25.00	04/22/13
55946	1786 JLG Architects	19735.00	04/22/13
55947	190 JOB SERVICE NORTH DAKOTA	264.20	04/22/13
55948	196 KADRMAS LEE & JACKSON INC	1690.86	04/22/13
55949	895 KDSR-FM	950.00	04/22/13
55950	1299 KNIFE RIVER-NORTH CENTRAL	61241.25	04/22/13
55951	213 KUMV-TV	2025.00	04/22/13
55952	956 L & K ELECTRIC	5888.00	04/22/13
55953	999999 LOUELLA WATERS	1845.00	04/22/13
55954	233 LYLE SIGNS INC.	548.88	04/22/13
55955	999999 MACHINE TOOL & FAB CORP.	719.59	04/22/13
55956	585 MCCODY CONCRETE PRODUCTS, INC	1050.00	04/22/13
55957	994 MEDICARE/NORIDIAN	270.78	04/22/13
55958	250 MICROMARKETING ASSOCIATES	307.56	04/22/13
55959	243 MONTANA DAKOTA UTILITIES	42368.68	04/22/13
55960	1175 MONTANA DAKOTA UTILITIES	1300.00	04/22/13
55961	1632 MORRISON MAIERLE INC	22585.54	04/22/13
55962	270 MURPHY MOTORS, INC.	2831.11	04/22/13
55963	1772 MYGOV,LLC	700.00	04/22/13
55964	275 NAPA AUTO PARTS	647.11	04/22/13
55965	290 ND DEPT OF TRANSPORTATION	41986.58	04/22/13
55966	314 ND WORKFORCE SAFETY & INS	252.50	04/22/13
55967	320 NEMONT	6983.27	04/22/13
55968	1697 Neopost	263.22	04/22/13
55969	1239 Northern Controls Inc.	284.00	04/22/13
55970	1225 NORTHSTAR SAFETY INC.	634.21	04/22/13
55971	1383 Northwest Dakota Public Transit	50.00	04/22/13
55972	333 NORTHWEST SUPPLY CO.	834.35	04/22/13
55973	1803 ODNEY	2600.00	04/22/13
55974	343 OLYMPIC SALES, INC.	36020.00	04/22/13
55975	1055 PARTS CENTRAL - HEIL ENVIRONMENTA	4331.04	04/22/13



55976	351 PENWORTHY	398.02	04/22/13
55977	1051 POET ETHANOL PRODUCTS, LLC	3341.64	04/22/13
55978	359 PRAXAIR DISTRIBUTION INC	47.56	04/22/13
55979	641 PREBLE MEDICAL SERVICES, INC	138.00	04/22/13
55980	362 PRO SAFE PEST CONTROL	151.20	04/22/13
55981	819 PUBLIC SAFETY EQUIPMENT CO., LLC	3078.36	04/22/13
55982	384 RELIABLE OFFICE SUPPLIES	457.24	04/22/13
55983	390 RICHARD A. JOHNSON	2941.50	04/22/13
55984	1828 SAFETY SMART GEAR	1044.68	04/22/13
55985	1133 SANDERSON STEWART	4278.10	04/22/13
55986	409 SANITATION PRODUCTS	2674.09	04/22/13
55987	415 SELECT FORD	406.67	04/22/13
55988	669 SHIRT WORX	1169.00	04/22/13
55989	543 SKJEI DESIGN CO.	9272.32	04/22/13
55990	424 SNAP-ON TOOLS	4239.75	04/22/13
55991	999998 STACEY EISSINGER	25.00	04/22/13
55992	2009 STAPLES ADVANTAGE	445.80	04/22/13
55993	1827 Stephanie Quintus	200.00	04/22/13
55994	1686 TALKIN THE BAKKEN	32.00	04/22/13
55995	1104 Tantor Audio	20.97	04/22/13
55996	447 THE SHOPPER	2458.00	04/22/13
55997	886 TotalFunds by Hasler	129.61	04/22/13
55998	460 TRACTOR & EQUIPMENT CO.	27.86	04/22/13
55999	461 TRACTOR SUPPLY CREDIT PLAN	325.95	04/22/13
56000	1610 ULTEIG	3683.43	04/22/13
56001	999999 UMR	401.82	04/22/13
56002	1747 VERIZON	581.93	04/22/13
56003	485 VESSCO, INC.	1418.27	04/22/13
56004	999998 VICTORIA M. RUBLE	833.15	04/22/13
56005	489 VISA	2293.52	04/22/13
56006	496 WCS TELECOM	883.27	04/22/13
56007	1728 Weber Enterprises, LLC	9500.00	04/22/13
56008	501 WESTERN VET CLINIC	155.00	04/22/13
56009	623 Wex Bank	2025.33	04/22/13
56010	531 WILLIAMS COUNTY AUDITOR	15892.56	04/22/13
56011	564 WILLIAMS RURAL WATER DISTRICT	108000.00	04/22/13
56012	518 WILLISTON HERALD	1141.52	04/22/13
56013	522 WILLISTON PD PETTY CASH	57.30	04/22/13
56014	1469 XYLEM WATER SOLUTIONS	1388.08	04/22/13
56015	999998 YVONNE A. TOPP	248.36	04/22/13

**Grand Total # of checks 379** Total 4772173.89

- (2.) Application for a Local Permit or Charity Local Permit
- a. Coyote Wrestling Club – Raffle – Nov. 9, 2013
  - b. Peggy’s Pals (Relay for Life) – Raffle – May 5, 2013 to May 5, 2015

- c. Williston Chapter of API – Raffle – July 11, 2013 to July 12, 2013
- d. Williston Basin Racing – Site Authorization Annual Permit
- (3.) Special Permit to Sell Alcoholic Beverages
  - a. Edgar M Boyd Post #37, The American Legion – Wedding Reception – May 11, 2013
  - b. Edgar M Boyd Post #37, The American Legion – Military Welcome Home – May 18, 2013
- (4.) Application for Auctioneer’s License
  - a. License Renewal – Gene L. Lindsey
- (5.) Application for Pesticide Applicator’s Permit
- C. Building Official
  - (1.) License Renewal for Fuel or Gas Installer
  - (2.) License Renewal for Master Plumber
  - (3.) License Renewal for Journeyman Plumber
  - (4.) License Renewal for Master Mechanical Contractor
  - (5.) License Renewal for Journeyman Mechanic
  - (6.) License Renewal for Sign Hanger License
- D. City Planner
- E. Assessor
  - (1.) Abatement
  - (2.) Exemptions

**MOTION BY BEKKED AHL, SECONDED BY CYMBALUK, to approve the Consent Agenda as presented.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- 3. Bid Openings
  - A. Water and Sewer District 13-7

Bob Hanson presented the following information:

A bid opening was held for District 13-7, the low bid was for \$96,219 from Brown Construction, this is lower than the Engineers estimate of \$121,741.20 and we would recommend accepting this bid and that Brown Construction be awarded the Construction Contract to complete the work for Water and Sewer Improvement District 13-7.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to accept the bid of \$96,219 from Brown Construction and that they are awarded the Construction Contract for Water and Sewer Improvement District 13-7.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- B. Alley Improvement District 13-9

Bob Hanson presented the following information:

A bid opening was held for District 13-9, the low bid was for \$115,564 from Knife River, this is higher than our Engineers estimate of \$97,470 but it would fit within our contingencies. We recommend award to Knife River

**MOTION BY BOGAR, SECONDED BY CYMBALUK, to accept the bid of \$115,564 from Knife River and that they are awarded the Construction Contract for Alley Improvement District 13-9**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

C. City Downtown Parking Lot Sale

John Kautzman presented the following information:

There was one bid that was opened today, April 23<sup>rd</sup>. I would request that this be referred to the Ad Hoc Committee with at least one additional person, the Parking Authority Chairman. It is a Parking Authority Lot and the Ad Hoc Committee does not have the Parking Authority Chairman on their committee.

The Renaissance Company was the bid that was received that matched the required Minimum. Their plan does have a number of parking spots in a ramp format, going underground and they also talk about adding another level or two and do talk about working with the City to find a way to do that.

**MOTION BY KLUG, SECONDED BY CYMBALUK, to refer this issue to the Ad Hoc Committee who deal with the City land sales with the addition at this time of the Parking Authority Chairman.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

4. Public Hearings

A. Whispers, Violation of Alcohol License

B. Heartbreakers, Violation of Alcohol License

Taylor Olson presented the following information:

On April 11, 2013 these establishments were given notice that they were in violation of their liquor license with the City of Williston and that this public hearing would take place. The City Attorney's Office has received complaints stemming from instances occurring in front of Whispers and Heartbreakers. The City of Williston issued a Liquor License to Whispers originally on March 30, 1999 and to Heartbreakers on January 1, 2011. They are renewed every year. The City of Williston is requesting that the owners of these

establishments and the holders of the Liquor Licenses abide by the statutes in the Williston Code of Ordinances, specifically Chapter 3.

Under Article X. Revocation and Suspension, someone must put forth an Affidavit stating their causes and reasons for the suspension. An Affidavit was set forth by the Williston Police Department including violations of three ordinances requiring us to provide Notice of a Hearing on the liquor license holder of the two establishments.

Under Sec. 3-145, any person having information that retailer of alcoholic beverages has violated these provisions may file with the City Attorney an affidavit setting forth the violations upon receipt of such the city attorney shall cause the matter to be set for hearing not later than the next regular meeting of the board of city commissioners. A copy of the affidavit and notice of hearing shall be mailed to the licensee not less than five days prior to the hearing.

These notices were served to the establishments on April 12<sup>th</sup>. Section 3-150 gives the City of Williston the right to suspend the liquor license.

Sec. 3-73 addresses the sale, serving, or consumption of alcoholic beverages upon any street, public way, or area used principally for public parking being prohibited, Sec. 3-81 states that no licensee, his agent or employees, shall sell, dispense, or in any way deliver alcoholic beverages to an incompetent, to any habitual drunkard, or to an intoxicated person and, Sec . 3-75 states that the licensee at all times shall maintain good order in and about the premises licensed; he shall not permit, nor suffer, any carousing, boisterous conduct or behavior within or on such licensed premises, it goes on to specify acts not allowed in nude clubs.

Statistics indicate that from January 26, 2012 through February 25, 2013 show that out of 120 relevant calls; the irrelevant ones being parking issues and garbage, 84 of them were responses to assaults, fights, guns, aggravated assaults etc. five of them were medical calls, six of them theft of property, 16 of them in regard to unruly patrons, two of them in regard to underage drinking, three of in regard to drinking and driving and/or drugs, two of them in regard to prostitution and two of them involving detox. 82 of the 120 calls resulted in no charges being filed with the police department afterwards and only seven resulted in charges being filed.

Sargent Detective Dave Peterson is also here from the WPD to speak. Detective Peterson has investigated instances that have stemmed from both Whispers and Heartbreakers. Alcohol violations, orderly establishment violations and dancer violations have been witnessed both in person and via video.

Alcohol violations have been witnessed including seeing a large amount of alcohol containers in the area on weekend mornings when he has been in the area of these establishments during an investigation. Video surveillance has revealed obviously intoxicated patrons entering the establishments, the majority of them going into Heartbreakers. The patron is allowed entry into the establishments. Officers have responded to numerous assault complaints and are not able to take the complaint because the patron is overly intoxicated and though they are asked to go to the police

department the next day to file a complaint the majority of them never follow through with the complaint.

Detective Peterson has also seen video surveillance of dancers grabbing patrons and shoving their face into the dancers breasts. He has also, in the course of another investigation in February, witnessed issues that deal with the lack of maintaining good order. One of the bouncers from Heartbreakers pulled out of his waistband a Glock 40 caliber pistol and struck a patron on the head with it. This was viewed on surveillance video. A fight ensued within Heartbreakers and the staff of Heartbreakers subdued the bouncer with no regard for the patrons in the establishment. The patrons were not secured in an area or asked to leave and the bouncer actually went out the back door of the establishment and fired off a round from the firearm, which turned out to be stolen and the bouncer turned out to be a convicted felon. Some of what the Detective has seen from Heartbreakers is anything but orderly. He has seen bouncers from Whispers carrying firearms after a major incident had taken place there. But an officer responding to a call may not recognize the bouncers as employees and that places both the bouncers and the police officers in extremely dangerous situations.

Detective Peterson has seen overly intoxicated patrons from both establishments both in reports from other officers and in surveillance video, he has seen open containers on the streets and dancers on surveillance video, mainly from Heartbreakers, shove patrons faces into their breast regions and he has seen both establishments become disorderly.

Michael Holt, the Co-Manager from Whispers spoke and stated that the night that the gentleman was killed in front of Heartbreakers fifteen minutes before the incident they had called the police department and told them that people were very rowdy outside and asked if they would send a patrol car and put it on the corner like they normally do. They were told that no officers were available that they were dealing with an incident on the north end of town and that they would send someone as soon as they were available. When the incident occurred, With a killer outside and no police on scene, they had two former Iraqi veterans that went and got their weapons and went out front to protect the public. As soon as the officers showed up the Assistant Manager approached the office, showed him the weapon and put it away. At that point there were twenty-five people inside of Whispers that had no protection whatsoever with a killer outside with a gun. According to State Statute 62.1-02-04 the proprietor and the proprietor's employees are allowed to have a weapon. The Monday after the incident Mr. Holt went in and spoke to the Captain, he asked me at that point if they were carrying weapons. He told the Captain that they were not carrying weapons, that they had gone out the back door and got their weapons. He stated that calls stemming from instances at Whispers are very minimal. They act in a professional manner and do not have a lot of the problems that other clubs in town have. As far as the alcohol in the streets, there are five bars in a 200 yard radius and they have two people posted at the front door, a girl who collects the cover charge and a bouncer and do everything possible to make sure that no one is leaving with alcohol. As far as over serving, they do not feel that they over serve and how people react to alcohol varies from person to person. Whispers have had their liquor license for fourteen years and have never had an issue with their liquor license. Only recently have there been problems on Main St.

Jared Holbrook, Operations Manager for Heartbreakers. He would like to address the issues in the Affidavit. Item number two states that on February 23, 2013 an incident occurred outside of Heartbreakers Nightclub in which a bouncer employed by Heartbreakers fired a shot in the air in a manner that was reckless to the safety of the public. Heartbreakers turned that tape over to the police department either that night or the following night, showing exactly what took place and they are the ones that called the police. The gentleman in question was a former employee. Earlier that day he came to work at 4:00 PM, he was caught an hour later out back smoking a cigarette, that was the third time he had been caught in one week not doing his job and was let go and replaced. He asked if he could come back in and have a few drinks, they agreed to let him unbeknownst to them that he had armed himself. He was there for three more hours and got into a verbal argument and we took him outside at which time he shot the gun in the air and the police were called. In regards to the gentleman that was murdered outside of the club, neither the killer nor the victim had set foot in Heartbreakers. Heartbreakers was closed at the time. After the shooting Bruce took off out of the door found the killer and saved the young woman who the killer held with a gun to her head from the backseat of a pickup, he pulled her to safety and chased the killer off on foot. He then subdued the killer's two accomplices and took the keys to his truck waited for the police department. As far as the alcohol containers in the street, Heartbreakers and Whispers both have bouncers that stand at their front doors from when they open to when they close to that stop people from taking alcohol out of the clubs. The other five establishments don't have bouncers and don't monitor patrons. A large percent of the containers are cans, and neither Heartbreakers nor Whispers serve in cans. Heartbreakers has a rotation of dancers, they come for a ten or twelve day period and then they rotate out for three, five, or seven months and so there are always new faces. They are used to different ordinances in every club that they work in, Heartbreakers has stricter ordinances than any other club they work in. As they are rotated in they are sat down and explained to the rules and there are five full-time security staff monitoring them. When a patron buys a lap dance and are taken into a private room, they are visually checked on three times during a three minutes song. If a customer touches a dancer, the customer is removed. When a customer comes to the front door they are immediately ID'ed and given a once over to determine whether or not they are intoxicated. If there is any level of intoxication they are not allowed in. If a customer is let in and an hour later appears to be intoxicated they are immediately cut off. That is monitored by over six employees every night. The ones that are cut off are offered a taxi cab ride home. If it is slow they are offered a free ride home from one of their employees. Since the non-smoking law went into effect the streets are covered with people outside smoking. There are no bouncers outside.

Joshua Williams, the Assistant Operations Manager at Whispers spoke next. He wanted to address a few things. He is has been to the server class and is Certified with the City of Williston. One of the things taught in the class they are not to allow drinks outside the front doors. They are not required to monitor that, but both Whispers and Heartbreakers do with their bouncers. There is no information as to which of the seven establishments the 120 calls that were referred to earlier originated from.

Commissioner Klug asked Mr. Williams if he had heard his question from earlier asking if the 120 calls were from all downtown bars and that the answer that was provided was that the 120 calls were regarding only these two establishments.

Taylor Olson clarified that the 120 calls were call only relating to Heartbreakers and Whispers. That they were calls made from patrons, employees, and others regarding only those two clubs that she deemed relevant, they did not include theft, lost identification, parking issues or such.

Commissioner Cymbaluk asked Mr. Williams why he felt that after a patron left their establishment they weren't their responsibility. Mr. Williams responded that what he said was that it wasn't their responsibility for patrons taking drinks out of the establishment.

Mr. Holt spoke again and stated he is well aware of the Dram Shop Law for North Dakota and that they do feel responsibility for any patron that drinks in their establishment and that is why they cut people off when they feel that they are intoxicated.

Jared Holbrook also spoke again stating that seven arrests in a twelve month period in an area that is experiencing this type of growth is a very low number. When he was allowed to open the business he went to the Chief of Police and told him that they would not be the cause to have to increase the police force. After eight months of handling the majority of the problems that they had without calling the police, he spoke to the Chief again and the Chief told him to call them if they were needed, so they have been. Heartbreakers is willing to pay for an off-duty officer to sit in their car in front of the club from 9:00 PM to closing seven days per week.

Bob Eynon wanted to know if there was a comparison as to whether or not 120 calls in a year was a high number of calls for any other establishment that hold a liquor license.

Chief Lokken stated that there are no other businesses in Williston that come close to that number of calls, that obviously when you serve alcohol there is going to be a number of calls there are some establishments that we never get calls from, they handle everything themselves and there some that we get one or two calls a week from but we have been called down to the Heartbreakers Whispers area sometimes three or four times a night.

Charlie Tanner who is retired from the Police Department spoke next and stated that if the Commissioners wanted to know what it is like that they should put on jeans, a baseball hat and a pair of rubber gloves and go down there, in his opinion these clubs are open sewers. They started having serious problems down there a couple of years ago. It was his shift that decided that it would be a good idea to start parking patrol cars on the street around closing time and that made a big difference.

Tom Powers spoke and stated that the City has spent a lot of money trying to keep this City safe. It seems as if the limited resources that the City has now would be better spent elsewhere and if it is a question of shutting down these clubs to be able to that then he thinks the clubs should be shut down for a while until we have the resources to better police the area.

Chief Lokken spoke again and stated that they did have cars go down there and at one point had the entire shift down there at closing time, but what that does is take away

from other problem areas in town. There are numerous problem areas in town but nothing as bad as this one. Chief stated that you could ask any of the officers that are down there at 1:00 AM and they will tell you about the intoxicated patrons staggering out of these establishments and the open containers going out with them and watching them try to get into cars to drive. It is a major problem and back in February when he gave his annual report he had stated that he was working with the City Attorney on this problem. Chief also stated that Whispers has been around for a long time, and they have never had this type of trouble before. He also does not believe that they have as much problems with Whispers as they do with Heartbreakers and when there are problems, Whispers is a lot more cooperative than Heartbreakers. They even get complaints about bouncers from Heartbreakers beating people up,

Mike Holt spoke again and asked if they had a breakdown of the calls between the two clubs, he also stated that since he took over nine months ago that he only knew of three times that they had to call the police department to come down and handle a situation. At Whispers they professionally deal with issues that come up, they have never had a bouncer beat up a patron.

Jared Holbrook spoke again and stated that he was in Whispers the night before last and that there were only two people employed there that haven't previously been fired by Heartbreakers.

The Public Hearing is closed.

Mayor Koeser asked the City Attorney to list the options that were available to the Commission.

Pete Furuseth stated that the options were to do nothing, with a verbal warning, suspend the liquor licenses for as many days as they feel necessary or they can revoke the liquor license.

Commissioner Bekkedahl wanted to know if there were any issues with fire inspections on either one of these facilities and what are the occupancy rates and are they ever exceeded.

Chief Hanson replied that they had both passed their fire inspections and explained that he was not sure off of the top of his head what the occupancy capacity was for each location was. He went on to explain that occupancy capacity is based on usable square feet and exit capacity.

Commissioner Bekkedahl asked if he had ever done inspections during business hours and Chief replied that he had not. Commissioner Bekkedahl asked if the Chief would, the Chief responded that he could.

Commissioner Cymbaluk made a couple of comments including that the people in this community elected them to provide a safe environment and to be fiscally responsible. When Heartbreakers first came to town they were clear that they were going to run a nice, clean, representable gentlemen's club and it isn't. The Commissioners have an



obligation to the people of this community and they need to make the necessary changes and move forward.

**MOTION BY CYMBALUK, SECONDED BY KLUG, that in regards to Whispers, that their liquor license be suspended for seven business days starting at midnight tonight.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

**MOTION BY CYMBALUK, SECONDED BY KLUG, that in regards to Heartbreakers, that their liquor license be suspended for thirty business days starting at midnight tonight.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- C. Zone Change from A: Agricultural to C-2: General Commercial of Unplatted property in the W1/2 W1/2 NW1/4, Section 15, Williston Township, (containing 10 acres) – Brigham Oil & Gas

Donald Kress presented the following information.

The applicant, Brigham Oil and Gas, requests a zone change from A: Agricultural to C-2: General Commercial on approximately 10 acres of the total 22.9 acres of the StatOil site located within the W 1/2 W 1/2 NW 1/4 Section 15, T 154 N, R 101 W, Williams County. The project site, on the southeast corner of 26th Street West and 32nd Avenue West, is within the one-mile extra-territorial jurisdiction of the city of Williston.

The project site will take access from 32nd Avenue West. No commercial development can take place on this site until 32nd Avenue West is paved to connect with either 26th Street West or US Highway 2/85. The future extension of 23rd Street West, including a sewer line within the street right of way, will run through the area proposed for the zone change.

At the April 15, 2013, Planning and Zoning Commission meeting, that Commission heard the case as presented by staff. Staff presented the ad hoc committee's recommendation that the zone change be approved contingent upon a non-protest agreement for future street improvements, a non-protest agreement for future annexation, and the applicant's understanding that the property must be platted at the time it is developed and that no development will be permitted until 32nd Avenue West is paved. The applicant's representative, Josh Skluzacek, stated that the applicant was not in favor of annexation as the property taxes on the property would go up approximately 10 percent. This increase is based on the applicant's conversations with the Williams County Director of Tax Equalization. Mr. Skluzacek asked if there could be some consideration in the non-protest of future annexation agreement that would somehow exempt this property from a property tax increase. The Planning Commissioners stated that such an arrangement was not within the purview of their Commission. There was no public comment.

By a vote of 6-0 with one Commissioner absent, the Planning and Zoning Commission recommended to the City Commission approval of the zone change for 10 acres of the total 22.9 acres located within the W ½ W ½ NW ¼ Sec. 15, T 154 N, R 101 W contingent upon staff comments being addressed, a non-protest agreement for future street improvements, a non-protest agreement for future annexation, and the applicant's understanding that the property must be platted at the time it is developed and that no development will be permitted until 32nd Avenue West is paved.

A call for public input was made.

Todd Williams spoke and stated that he didn't understand how 23<sup>rd</sup> Street was going to be extended, he asked if it was going to be extended from the Granite Peak Subdivision straight across.

Bob Hanson from Public Works stated that it would be from Granite Peak through the Timber Subdivision and that they are working on some right-of-way easements to continue that on. It was then clarified that it was actually Sand Creek Drive that was being extended.

A second call for public input was made and then a third and final call for public input was made with no other input the Public Hearing was closed.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the proposed zone change from A: Agriculture to C-2: General Commercial for the unplatted property in the W1/2 W1/2 NW1/4, Section 15, contingent on addressing staff concerns, and comments.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- D. Proposed Vacation (Resolution No. 13-053) of platted Frontage Road, located between Lot 2, Block 1, and Lot 5, Block 2, The Rearrangement of Block 2, Holms' First Subdivision and Highway 2 and 85's right of way, City of Williston – New Hope Wesleyan Church/Sugar Shack Properties, LLC

The applicants, New Hope Wesleyan Church and Sugar Shack Properties, LLC, request vacation of an approximately 926-foot long by 24-foot wide frontage road right-of-way that runs northeast to southwest along the southerly boundary of Lot 2, Block 1, Holm's First Subdivision & Lot 5, Block 2, the Rearrangement of Block 2, Holm's First Subdivision. These properties are occupied by New Hope Wesleyan Church and Sugar Shack Properties, LLC (car wash) and are zoned C-3: Restricted Commercial. A frontage road has not been developed on this right of way. The easterly approximately 201 feet of the originally platted frontage road was vacated previously (this area is now occupied by 7<sup>th</sup> Avenue West and the Kum and Go property).

This platted right of way, though adjacent to North Dakota Department of Transportation (ND DOT) right of way for U.S. Highway 2/85, is entirely under the jurisdiction of the City of Williston.

New Hope Church was the original applicant for this vacation request. Sugar Shack Properties, LLC, was invited to join in this request for vacation as, if the platted frontage road on the New Hope Church property is vacated, the platted frontage road on the Sugar Shack property would be a “road to nowhere.”

As a result of the vacation, the full 24-foot width of the platted frontage road will be acquired by the property owners of the adjacent parcels.

In a separate action, New Hope Wesleyan Church has offered to dedicate to the city of Williston a 24-foot wide by 843.25 foot long strip along the east side of 9<sup>th</sup> Avenue West for future widening of that street. The dedication appears later in tonight’s meeting as agenda item number 7(E).

At the March 18, 2013 Planning and Zoning Commission meeting, that Commission heard the case as presented by staff. There was no public comment. By a vote of 6-0 with one Commissioner absent, that Commission voted to recommend approval of Resolution 13-053, the vacation of platted frontage road, with an agreement that the City of Williston shall gain right of way from the New Hope Church for the future expansion of 9<sup>th</sup> Ave West. The 30-day advertising period for the vacation began March 17 and ended April 16, 2013.

A call for public input was made.

Bruce Bradford, the Business Manager for New Hope Wesleyan Church spoke and expressed his appreciation for the assistance he has received from the staff in working through this project.

A second call for public input was made and a third and final call was made.

The Public Hearing was closed.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve Resolution 13-053, vacating the Right-of-Way of platted Frontage Road, located between Lot 2, Block 1, and Lot 5, Block 2, The Rearrangement of Block 2, Holms’ First Subdivision and Highway 2 and 85’s right of way as presented.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

5. Accounts, Claims and Bills Not Approved in the Consent Agenda
6. Ordinances
  - A. 2<sup>nd</sup> Reading for Ordinance No. 962 Proposed Amendment to Ordinance No. 613 of the Williston Zoning Ordinance – Section 25: Supplementary District Regulations – (G): General Sign Regulations: amending dynamic message signs; and Section 31: Definitions: Adding “Animation”

Donald Kress presented the following information.

This is the Second Reading of this Proposed Ordinance No. 962 an amendment to Ordinance No. 613 Section 25: Supplementary District Regulations of the Williston Zoning Ordinance. The first reading of this ordinance was at the April 9, 2013.

Williston Zoning Ordinance Section 25 G: General Sign Regulations was amended recently to update the city's sign regulations in response to advances in sign technology, the growth of the city of Williston, and the goals of the updated Comprehensive Plan. The revised ordinance, 960, went into effect January 1, 2013.

Since that time, staff has been asked to re-evaluate certain regulations regarding dynamic messaging signs—message length, brightness, prohibited message elements, and how existing dynamic messaging signs in the Renaissance Zone will be addressed. Information provided by sign industry representatives, research on this topic done by staff, and discussions within the city have led staff to propose the attached amendments to the dynamic messaging sign section of the sign ordinance.

In addition, staff recommends your commission approve an extension of the time required to comply with these amended dynamic messaging sign regulations. The sign ordinance that went into effect on January 1, 2013 provided 90 days to comply with the regulations of that ordinance. The 90 days ended April 1, 2013. As this date has already passed, staff proposes an extension of time to 90 days to comply with the requirements of these dynamic messaging regulations which shall begin tomorrow, April 24, 2013 and end July 22, 2013.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the Second Reading of Ordinance No. 962 and to allow the 90 day extension which will begin April 24<sup>th</sup> and expire July 22, 2013.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- B. 2<sup>nd</sup> Reading for Ordinance No. 963 Proposed Amendment to Ordinance No. 613 of the Williston Zoning Ordinance – Section 25: Supplementary District Regulations – (H): Off-Street Parking Requirements: Modifications of City's parking requirements and Section 31: Definitions: Adding "Warehouse" and "Remote Lot"

Donald Kress presented the following information.

This is the Second Reading of this Proposed Ordinance No. 963 an amendment to Ordinance No. 613 Section 25: Supplementary District Regulations of the Williston Zoning Ordinance. The First Reading was at the City Commission Meeting on April 9, 2013.

Section 25 H of the Williston zoning ordinance states the requirements for offstreet parking as well as provides for methods of modification of those requirements—allowing

parking on a non-contiguous lot (now proposed to be called “parking on a remote parking lot”), allowing shared parking, or reducing the parking requirement. Within the past year, the Planning Commission has received several requests to modify the offstreet parking requirements pursuant to the methods described in the ordinance. Those methods, however, do not provide a detailed basis on which to make a decision as to when a modification of the parking requirement should be granted.

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the Second Reading of Ordinance No. 963.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- C. 2<sup>nd</sup> Reading for Ordinance No. 964 Proposed Amendment to Ordinance No. 613 of the Williston Zoning Ordinance – Section 31: Definitions: Adding “Lodge”

Rachel Ressler presented the following information.

This is the Second Reading of Proposed Ordinance No. 964 an amendment to Ordinance No. 613 of the Williston Zoning Ordinance; Section 31: Definitions: Adding “Lodge”. The First Reading of this ordinance took place at the April 9, 2013 City Commission meeting.

In Ordinance 961, which was passed at the April 9, 2013 City Commission meeting, the definition of Lodge was included as “a building or portion thereof or premises owned or operated by any corporation or association organized for civic, fraternal, social, or business purposes, or for the promotion of sports”.

This should have been included at that time as an amendment to Section 31, but was not. This amendment will place “Lodge” in the definition section as well as in Section 21: C-3 Restricted Commercial District.

**MOTION BY BOGAR, SECONDED BY CYMBALUK, to approve the Second Reading of Ordinance No. 964.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- D. 2<sup>nd</sup> Reading for Proposed Ordinance No. 965 Amendment to Ordinance No. 613 of the Williston Zoning Ordinance – Section 25: Supplementary District Regulations – (S): Buffer Yards: Amending buffer requirements in certain zones

Rachel Ressler presented the following information.

This is the Second Reading of Proposed Ordinance 965, amending Section 25 (S); Buffer Yards of (established by Ordinance 959) Ordinance 613 of the Zoning Ordinance of the City of Williston. The First Reading of this ordinance occurred at the April 9, 2013

City Commission meeting. Since the first reading, staff has determined that the addition of “painting” to the list of other required maintenance items was necessary, so the enforcement section of the ordinance has been updated. This section allows the city to hire a contractor to do required maintenance on lots in non-compliance with the ordinance, and assess this cost to the property owner.

Ordinance 959, passed in October of 2012, added a section “Buffer Yards” to Section 25 of Ordinance 613, otherwise known as the Zoning Ordinance of the City of Williston. Upon further review and citizen comment, the ordinance was determined to need more flexibility in buffering options.

Staff reviewed the ordinance and determined the following changes were necessary. The ordinance clarifies that on undeveloped lots, the more intensively zoned lot is required to install the buffer at the time of development, on their property. The ordinance also clarifies that the Planning Department will review site plans before deciding whether or not to approve them, and provides criteria to examine when reviewing the site plan, including open space setbacks, orientation of buildings and activities, architectural compatibility, streets and parking lots, and nuisance factors such as loading and traffic areas, noise, lighting, etc.

In addition, the ordinance combines several “buffered zones” shown in Table 1: Buffer Yard Requirements, and updates some of those requirements between R-3/R-4/R-5/R-7 and R-1/R-2/R-6, and between any C and any A, R, or P zones. The requirements have been updated to allow flexibility from developers with approval from the Planning Department. Rather than requiring a 4 to 6 foot high opaque fence as a buffer between certain areas, the developer will now be able to choose between landscaped buffers, fencing and landscaping, and berms. The Planning Department will work with the developer to determine the appropriate level of buffering for projects.

Kent Jarcik clarified that the wording in this ordinance was originally in the landscaping buffer ordinance but since this section by itself can be pulled up individually it is being added here as well as clarification. This is not new wording except for adding “painting”.

**MOTION BY BOGAR, SECONDED BY BEKKEDAHL, to approve the Second Reading of Ordinance No. 965.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

7. Petitions, Communications and Remonstrance’s
  - A. Permission to Aerial Spray – Rick Marburger  
Rick Marburger presented the following information.

One of the Air Force Operations people contacted him last week and they are still intending to make their early spring larva siting application. He is requesting permission for low flying waivers to fly over the City.

There were questions regarding clarification as to whether he was requesting permission to aerial spray or for a low flying waiver or both. It was determined that he was requesting permission for both.

**MOTION BY KLUG, SECONDED BY BEKKEDAHL, to grant permission for a low fly waiver and for aerial spraying over the City of Williston.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

**B. TNT Fireworks Operating Request**

Mr. Terry Gaudreau, the owner of TNT Fireworks brought this request to clarify the rules that he would be operating under since being annexed into the City. He would like to be able to continue to put on firework demonstrations during the nine days that he is open.

Mayor Koeser clarified that he was looking for permission to light off fireworks, since the City of Williston has an ordinance prohibiting fireworks into the City.

Commission Cymbaluk spoke and stated that it was a discussion that the Commission had during the process of the annexation. He believes that latitude is needed with a common sense approach that was suggested.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to allow Terry Gaudreau, dba TNT Fireworks, and 5 Star Fireworks to operate as they have in the past.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

Mr. Gaudreau also suggested that fireworks be allowed in the City of Williston.

Mayor Koeser agreed that the ordinance needed to be looked at and possibly modified.

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to refer the issue of the fireworks ordinance to a Committee.**

**MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

**C. National Guard Announcement**

John Kautzman presented the following information.

On May 19<sup>th</sup> at the Raymond Family Community Center the National Guard will have their 818<sup>th</sup> Freedom Salute and would like to invite the Commissioners.

**D. Burn Request – Richard Johnson**

Mr. Johnson is seeking permission to burn a final time.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the request following the State Burn Permit regulations for Open Burning, with notification to the Fire Chief of the date.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- E. Dedication of Public Right of Way (Proposed Resolution No. 13-062) - (24' along west property boundary adjacent to Lot 1, Block 1, Holm's First Subdivision - Parallel to 9<sup>th</sup> Avenue West) – Wesleyan Church/Mueller

Donald Kress presented the following information.

The applicant, New Hope Wesleyan Church, offers to dedicate an approximately 24-foot wide by 843.25 foot long strip along the west side of Lot 1, Block 1, Holm's First Subdivision, parallel to 9<sup>th</sup> Avenue West, for future widening of that street. The parent organization of New Hope Wesleyan Church is the Dakota District of the Wesleyan Church.

In a separate action, New Hope Wesleyan Church and Sugar Shack Properties, LLC, have requested the vacation of 926-foot long by 24-foot wide frontage road right-of-way that runs northeast to southwest along the southerly boundary of Lot 2, Block 1, & Lot 5, Block 2, the Rearrangement of Block 2, Holm's First Subdivision. That request for vacation appears as agenda item number 4(A)(4) of the April 23, 2013 City Commission agenda. Sugar Shack Properties is not involved in the dedication.

No advertising or public hearing is required for such an offer of dedication.

Staff recommends your Commission adopt Resolution No. 13-062- Dedication of Public Right of Way (24' along west property boundary adjacent to Lot 1, Block 1, Holm's First Subdivision - Parallel to 9<sup>th</sup> Avenue West) for future widening of 9th Avenue West.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to authorize the Mayor to sign off on the Dedication of Right-of-Way, Resolution No. 13-062.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- F. Request for Temporary Street Closing – The Week of the Young Child Committee – 8am to 2pm April 20, 2013

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to ratify the action taken.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**



G. Request for Temporary Street Closing – Downtown Street Fair – June 5-9, 2103

Ted Buzunis of Murphy Brothers Expositions presented the following information.

Is seeking permission to have a Downtown Street Fair from June 6-8, they will need two days to set up, then operate Thursday through Saturday and then tear down Sunday. They need to have the street closed on Main Street from American State Bank to Pro-Re-Nata. There will be no cost to the City of Williston except for having the street closed.

It was asked if they would need to secure anything to the street and Mr. Buzunis stated that they do have to stake down in case of heavy wind but that they then use an asphalt quick fill to fill in any holes, they would also walk the street with someone from Public Works to make sure there is no damage. If there is damage to the street or curbs they are willing to accept responsibility and they are insured to cover any damages. He explained that if they are unable to stake down, they do have tie down options, he does stay behind a couple of days to make payments for water, etc. and has talked to the Chief of Police about security and will also probably hire someone from the local security company. They do not serve alcohol beverages. They will operate from Thursday about 1:00 pm and are closed by Midnight or whatever the City ordinances required.

Angela DeMars stated that she was hopeful that this could become an annual event.

Commissioner Klug had questions as to the different projects currently going on and how traffic would flow if they did shut down those blocks for this period of time.

**MOTION BY BOGAR, SECONDED BY CYMBALUK, to approve the request and to determine acceptable hours at the time the contract is signed.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

H. Rotary Peace Pole Proclamation

Mayor Koeser read the following proclamation.

Whereas Rotary International founded on February 23, 1905 in Chicago, Illinois USA is the world's first and one of the largest non-profit service organizations; and Whereas the Rotary's service motto "Service above Self" inspires members to provide humanitarian service, encourage high ethical standards and promote good will and peace in the world and Whereas there are over a 1000 Rotary Club members and more than 18 clubs throughout the State of North Dakota, sponsoring service projects to address such critical issues as poverty, health, hunger, literacy, and the environment within their local communities and abroad; and Whereas the Peace Pole symbolizes "Armed Forces Day", "International Peace Day", and the 2012-2013 Rotary International theme of "Peace Through Service", and Whereas the Peace Pole is being dedicated to the Armed Forces, especially our Fallen Heroes, those who have Served, those who are currently Serving today, and those who Serve in the future; and Whereas the dedication of the

Peace Pole took place on Saturday, May 18, 2013, and Whereas the Williston rotary Club has dedicated this Peace Pole that will be located on the campus of Williston State College, and Whereas Mayor Ward Koeser of Williston, North Dakota, was present to dedicate the Peace Pole and, Whereas the Peace Pole will forever be a tool to remind us to strive for "Service Above Self". Now, Therefore I, Ward Koeser, Mayor of Williston, North Dakota, do hereby proclaim Saturday, May 18, 2013, as "Rotary Peace Day" in Williston, North Dakota.

8. Report of Commissioners
  - A. President of the Board
  - B. Vice-President; Finance Commissioner
    - (1.) HB1358 Update

Commissioner Bekkedahl presented the following information.

HB1358 did pass the House with roughly 1.24 Billion dollars in Western North Dakota. It was sent over to the Senate held there a long time and the Chairman brought forth that Bill to the Senate early last week and basically had a recommendation to cut about \$400,000,000 in funding out of that bill bringing in back in line with the Governor's budget which was about \$800,000,000. With the rational that a lot of the piecing of the Bill should have been in policy committee discussion and funding through different budgets. That did pass and was referred to Senate Appropriations, they passed it out with one amendment, they added \$65,000,000 more to the oil impact fund category which gave that fund about \$250,000,000. When it hit the Senate floor today Senator Cook put substantial funding back into the Bill, leaving the Bill with about One Billion dollars in funding. The important part for Williston is being relayed from the Assistant City Attorney who is monitoring the bill. HB1358 passed the Senate in a different form than it passed the House. In order to go to the Governor for signature a Bill has to be approved by both Chambers in exactly the same form, thus it now will go back to the House. The House can either accept the amended version or not accept the version, which they did earlier today, they will then set up a conference committee of three members of the House and three members of the Senate which is what will happen with this bill. The House approved their conferee's for HB1358 and they are Representative Wes Belter from the Castleton area in Cass County, Jeff Delzer from the Underwood area and Tracy Boe is the third member. The Senate approved their conferee's which are Senator Cook, Senator Dave Oehlke and Senator Jim Dotzenrod. Those people will now start to meet to hash out the difference between what the House approved and what the Senate approved. To be approved through the Conference Committee, it must be approved by at least two House members and two Senate members. If there is agreement it goes back to the House and Senate for approval. If approved at that point then it would be sent to the Governor for his signature.

Tomorrow is day 73 of an 80 day limit to the legislature. This will be, if not the last Bill, one of the last Bills in Session. This is where we did not want to be. Typically if you are at the end of a Session with a large funding Bill this is where they balance budgets. The funds would be distributed as follows for Williston for the biennium is \$43.54 million, Dickinson \$18.5 million and Minot \$4.35 million. They did not change the amount per percentage point. There is also funding for the Hub Cities.

We do have funding secured at about \$43 million level instead of the \$60 million level at this point we are hopeful that before it is finalized it will increase.

- 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
9. Report of Department Heads
- A. City Auditor
    - (1.) Tax Equalization Board Meeting – May 2, 2013 5:30 PM

Mr. Kautzman wanted to remind everyone that the Tax Equalization meeting would be held on May 2<sup>nd</sup> at 5:30 pm.

- (2.) Salary Committee – Vacation Cap

John Kautzman presented the following information.

This is a Salary Committee recommendation that makes subtle changes to some of the vacation days earned. It will increase the rate at which you earn vacation days for the longer serving employees and it will also change so that instead of the 30 day vacation cap being enforced during the year it will be enforced at the end of the year.

**MOTION BY BOGAR, SECONDED BY BEKKEDAHL, to approve the changes to the vacation policy according to the recommendations of the Salary Committee as presented.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (3.) Request to go to Executive Session

Mayor Koeser proposed that the Executive Session be convened at the end of the meeting.

- (4.) Energy Impact Office Grant Request

As recapped by Commissioner Bekkedahl the Auditor's Office was directed to prepare three applications, there is a Sewer Plant grant application for \$25,000,000; a Building, Engineering, and Planning Departments' building construction for \$5,640,000 and a Storm Water Sewer Extension West and North for \$28,200,000.

**MOTION BY BOGAR, SECONDED BY CYMBALUK, to approve the request for the Mayor's signature on the grant applications.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- B. Attorney

- C. Director of Public Works/City Engineer  
(1.) Dan Naas petition to realign 1<sup>st</sup> Avenue West and 50<sup>th</sup> Street back into the platted Right of Way.

Mr. Nass lives at the corner of 1<sup>st</sup> Ave West and 50<sup>th</sup> Street. Over the years traffic has cut this corner and the traveled way now encroaches onto Mr. Nass's property. Mr. Nass is requesting that 1<sup>st</sup> Avenue West and 50<sup>th</sup> Street be regarded and realigned back into the platted right-of-way where it belongs.

Mr. Nass is offering his time and equipment to complete portions of the work. Mr. Nass is requesting that the City provide the gravel and topsoil necessary to complete the work.

The work would be staked and supervised by the City Engineer's Office. Mr. Meiers suggested that this be taken to the Commission for authorization to allow the City Engineer's Office and Mr. Nass to undertake the realignment of 1<sup>st</sup> Avenue West and 50<sup>th</sup> Street.

**MOTION BY KLUG, SECONDED BY BEKKEDAHL, to approve the request as submitted.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (2.) Accept Morrison & Maierle's Engineering Services Agreement for the Water & Sewer Improvement District 13-12 (13th Avenue West--Williston Park Subdivision)

Morrison & Maierle has submitted a proposal to provide the Engineering Services required to design and construct the Water and Sewer Improvement District 13-13 which will install water and sewer service lines along the east side of the Williston Park Subdivision. They propose to provide the services necessary for an estimated cost of \$42,000. Morrison & Maierle's offer also included the design of a street along the east side of the Williston Park Subdivision and the street project shall be delayed until such time as the streets in the subdivision are improved.

The Engineer's Office is recommending that the Morrison & Maierle proposal to provide the engineering services necessary to design and construct Water and Sewer Improvement District 13-13 be accepted by the Commission.

**MOTION BY BOGAR, SECONDED BY BEKKEDAHL, to approve the recommendation of the Engineering Department as requested.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (3.) Approval of Plans & Specifications and authorization to Advertise for Bids for the 2013 Water Main Replacement Project (P214).

Request to go out for bid for the 2013 Water Main Replacement Project. The estimated cost is \$3.3 million for this project. The Capital Improvements Budget includes \$4.3 million for this and other projects.

The Engineer's Office is requesting the City Commission to approve the Plans and Specifications for the 2013 Water Main Replacement Project and to authorize the City Engineer's Office to publish an Advertisement for Bids for this project.

**MOTION BY BEKKEDAH, SECONDED BY CYMBALUK, to approve the request as presented.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (4.) Water & Sewer Improvement District 13-6

This is for the creation of Water & Sewer Improvement District 13-6, to install water and sewer lines along 1<sup>st</sup> Avenue East between 43<sup>rd</sup> and 45<sup>th</sup> Street in the Sande Subdivision. The approximate cost of the proposed project is currently estimated at \$426,000.

The City Engineer's Office is requesting the City Commission to approve the Resolutions necessary to create Water and Sewer Improvement District 13-6, approve the project's Plans and Specifications and to authorize the publishing of an Advertisement for Bids for the Water and Sewer Improvement District 13-6.

**MOTION BY BOGAR, SECONDED BY CYMBALUK, to approve Resolution 13-067 Creating Water and Sewer District 13-6; Resolution 13-068 Directing the Engineer to Prepare a Report as to the General Nature, Purpose, and Feasibility of the Proposed Improvement and an Estimate as to the Probable Costs; Resolution 13-069 Receiving the Engineer's Report; Resolution 13-070 Declaring the Necessity of the Improvement District; Resolution 13-071 Directing Engineer to Prepare Detailed Plans; Resolution 13-072 Approving Detailed Plans; and Resolution 13-073 Ordering Advertisement for A Construction Bid as recommended by the Engineer's Office.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (5.) Water & Sewer Improvement District 13-11

This project would install water and sewer lines along Town & Country Lane and portions of Sunset Boulevard and Sunrise Drive in the Whitlock Industrial Park and Sunset Subdivision.

The approximate cost of the proposed project is currently estimated at \$1,074,000.

The city engineer's Office is requesting the City commission to approve the Resolution's necessary to create Water and Sewer Improvement District 13-11, approve the project's Plans and Specifications and to authorize the publishing of an Advertisement for bids for the Water and Sewer Improvement District 13-11

**MOTION BY CYMBALUK, SECONDED BY BOGAR to approve Resolution 13-074 Creating Water and Sewer District 13-11; Resolution 13-075 Directing the Engineer to Prepare a Report as to the General Nature, Purpose, and Feasibility of the Proposed Improvement and an Estimate as to the Probable Costs; Resolution 13-076 Receiving the Engineer's Report; Resolution 13-077 Declaring the Necessity of the Improvement District; Resolution 13-078 Directing Engineer to Prepare Detailed Plans; Resolution 13-079 Approving Detailed Plans; and Resolution 13-080 Ordering Advertisement for A Construction Bid as recommended by the Engineer's Office.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (6.) Resolutions to approve Plans and Specifications and authorization to Advertise for Bids for Water, Sewer, Storm Sewer and Street Improvement District 13-10 (42<sup>nd</sup> Street & University Avenue)

This is for the completion of the resolution process for the District 13-10. This project consists of three sections. Section I is being designed by Sanderson Stewart and consists of the reconstruction of 42<sup>nd</sup> Street going east from US Highway 2 & 85 for approximately one mile, the reconstruction of University Avenue from 34<sup>th</sup> Street to 42<sup>nd</sup> Street and new construction extending University Avenue from 42<sup>nd</sup> Street north to the Fair Grounds Road. The approximate cost of Section I is currently estimated at \$16,750,823.80.

Section II is being designed by Interstate Engineering and consists of the new construction of 30<sup>th</sup> Street from the University commons Subdivision going west to 1<sup>st</sup> Avenue West, the reconstruction of 34<sup>th</sup> Street between 3<sup>rd</sup> Avenue East and University Avenue and the reconstruction of University Avenue between 26<sup>th</sup> and 34<sup>th</sup> Street. The approximate cost of Section II is currently estimated at \$2,855,794.24.

Section III is being designed by Ulteig Engineering and consists of the reconstruction of 42<sup>nd</sup> Street from 6<sup>th</sup> Avenue West to 16<sup>th</sup> Avenue West and the reconstruction of 16<sup>th</sup> Ave West from 42<sup>nd</sup> Street to 50<sup>th</sup> Street. The approximate cost of Section III is currently estimated at \$8,250,000.

Also, while Section III lies within the boundaries of the recently amended TIF District it is not included in the boundaries of Water, Sewer, Storm Sewer and Street Improvement District 13-10

There are a number of outstanding issues on some of these projects. The storm sewer on the east end of 42<sup>nd</sup> Street discharges into Corps property, approval is not yet finalized. There is a meeting tomorrow morning to try to resolve this agreement. There is a large box culvert that needs to be installed up on Chinaman's Coulee, a permit that needs to be acquired from the Corps to cross the coulee and there are some easements that are outstanding from the Wilder's and the Branson's. Whether or not all of these issues can be resolved before we open bids is unclear at this time.

Sanderson Stewart stated that there doesn't appear to be any issues with the Corps. With regard to the Branson property they have one other question that they want to check with their investors but they are confident that will work out. The Wilder family has had some disputes with their property and they have been working with them and will soon be talking to their attorneys to find out if they will sign off on that or not. This may be a parcel that they may need to go to Condemnation on. The only one that may not be ready prior to the opening of bids is the Wilder property.

The City Engineer's Office is requesting the City Commission to approve the resolutions to approve the Project's Plans and Specifications and Authorize the Publication of an Advertisement for Bids for all three Sections of Water, Sewer, Storm Sewer and Street Improvement District 13-10.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve Resolution 13-063 Approving Plans and Specifications for Construction of District 13-10 and Resolution 13-064 Ordering Advertisement for Construction Bids.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- D. Fire Chief
- E. Chief of Police
- F. Building Official
- G. City Planner

(1.) Request to Annex approximately 46.5 Acres located in the SE1/4 of Section 13, T.155 N., R.101 W. Applicant: Sanderson Stewart Property Owner: Granite Peak Development - North Dakota, LLC

Donald Kress presented the following information.

The applicant, Sanderson Stewart, requests the annexation of this property to the City of Williston on behalf of the property owner, Granite Peak Development - North Dakota, LLC. The property is between the Bakken Industrial Park and Williams County Highway 6; the west and south sides of this trapezoidal property are adjacent to the city limits. This property outside of the one-mile extraterritorial jurisdiction and so is not currently zoned by the city. It will revert to the A: Agricultural zone upon annexation. Staff would

support a zone change to M-2, consistent with the adjacent area of the Bakken Industrial Park, if the applicant requests such a zone change in the future.

The property is currently served by public water. Development of this property may require the installation of an on-site sewer lift station to connect to the public sewer on the adjacent property to the south.

The property will take access from Williams County Highway 6.

The Annexation Committee recommends annexation of the property.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve Resolution 13-065, the Annexation of 46.551 acres.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (2.) Request to Annex approximately 28.5 Acres located in Sublot 4 of Williston Township and Lots 1 and 2, Benth Subdivision, Section 15, T154N, R101W. Applicant: NIK Management, Inc. and Mildred Benth Property Owners: Gene and Suzanne Snyder; Mildred Benth.

**MOTION BY KLUG, SECONDED BY CYMBALUK, to remove the Annexation from the Agenda. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

H. Economic Development

I. Airport

- (1.) Advertising Lease with Harper Companies

This is a two month lease for advertising on the tv's located in the terminal that display flight information and advertising. Harper Companies has already paid for the advertising and the Airport recommends approval.

**MOTION BY BOGAR, SECONDED BY BEKKEDAHL, to approve the Advertising Lease with Harper Companies for a two month period for \$600, as presented.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (2.) Relocation Policy

This sets the guidelines for how we would reimburse and help private or commercial buildings relocate to the new airport. There are two different policies, one is for a commercial entity and the other is for a private entity. If the individual is interested in relocating to the new airport we would come to an agreement with them as to the value of their hanger and we would assist them with moving their hanger. The Airport recommends approval.



**MOTION BY BEKKEDAHL, SECONDED BY BOGAR, to approve the request as presented.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

(3.) Airport Additional Parking Lot Update and Request to go to Bid

This is for the parking lot expansion. It appears as if all of the previous issues have been worked out. It adds approximately 210 parking spots. The estimated cost is \$600,000. The bid package includes the possibility of doing full pavement of two inch overlay and the other option would be an asphalt base mix with a chip seal on top of it so it becomes a hard surface. As for the funding of this project, we are planning on going to the STAR Fund but we would like to have the bids in place prior to doing that.

**MOTION BY BOGAR, SECONDED BY CYMBALUK, to allow the Airport Manager to go for bid as requested.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- J. Assessor
- K. Convention and Visitor's Bureau
- 10. Appointments and Consultations with Officers
- 11. Unfinished Business
  - A. Water and Sewer Improvement District 13-4

The Stat Oil rezoning has resolved all of the issues and the contract that was tabled for the construction of 13-4 should be awarded to Northstar Energy for \$374,175.25.

**MOTION BY BOGAR, SECONDED BY CYMBALUK, to award the proposal as presented by the Engineer.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- B. Resubmitted Request for Temporary Street Closing – Williston Area Chamber of Commerce – from 11am Friday July 5<sup>th</sup> until 5am Sunday July 7<sup>th</sup> – Ribfest & Blast Street Dance (Starting time changed from 5am Saturday to 11am Friday) – Request Withdrawn

This request was pulled because they are going to stay with the hours that were approved at the previous meeting.

**MOTION BY BEKKEDAHL, SECONDED BY BOGAR, to remove the item from the Agenda.**

**MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

- C. City of Williston (Land purchase for new National Guard Armory)- Community Build

There is a request to have this tabled again.

12. New Business

Commissioner Bekkedahl reminded everyone that the next meeting is the Elk's Youth Day and he suggests that if there are any serious discussion issues on that Agenda would the Commission entertain having one Agenda for the first meeting with the Elk's counterpart and then ending that session and going into another session for Commission Action if needed. If there is a need to split the Agenda because of contentious items on the Agenda the press will have to be notified that there will be two Agendas for that night.

**MOTION BY KLUG, SECONDED BY CYMBALUK, to have a split Agenda for Elk's Youth night following the recommendations of the Mayor and Staff.  
MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

13. Executive Session

**MOTION BY BEKKEDAHL, SECONDED BY BOGAR, to go to Executive Session for an Attorney consultation matter.  
MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

The Commission as authorized by section 44-04-19.1 North Dakota Century Code will go to Executive Session

**MOTION NUMBER ONE WAS MADE IN EXECUTIVE SESSION.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug & Koeser**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

14. Adjourn

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E. Ward Koeser, President  
Board of City Commissioners

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John Kautzman, City Auditor