

**OFFICIAL PROCEEDINGS
Board of City Commissioners
September 22, 2015 6:00 pm
City Hall – Williston, North Dakota**

1. Roll Call of Commissioners

COMMISSIONERS PRESENT: Brad Bekkedahl, Deanette Piesik, Tate Cymbaluk, Chris Brostuen and Howard Klug

COMMISSIONERS ABSENT:

OTHERS PRESENT: John Kautzman, Chief Lokken, David Tuan, Jason Catrambone, Steven Kjergaard, Jordon Evert, Bill Tracy, Donald Kress, Rachel Ressler, Mike Smith (DES), Kent Jarcik and Shawn Wenko

Mayor Klug presented a quorum.

ADD:

4A – Oil and Gas Bid Opening

2B (5) – Senior Thank you

MOVE:

2B3e to 2C

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve
UNANIMOUS BY VOICE VOTE**

2. Consent Agenda

A. Reading and Approval of Minutes

(1) Regular Meeting Dated: 09/08/2015

B. Auditor

(1) Accounts, Claims and Bills

For checks between: 09/05/15 - 09/17/15

Check #	Vendor/Employee/Payee Number/Name	Check Amount	Issued
74521	1187 CHAMLEY PIPE & SLAVAGE	22316.55	09/08/15
74522	2122 The Meadows Development, LLC	2923.22	09/08/15
74523	483 VECTOR CONTROL DIST #1	70963.66	09/08/15
74524	2099 WILLIAMS PLUMBING, HEATING & UTIL	34444.79	09/08/15
74525	410 SAX ELECTRIC	52112.42	09/08/15
74526	2436 PETRA INCORPORATED	89426.62	09/08/15
74527	Vendor not on File	0.00	/ /
74528	ND HEALTH ND PUBLIC EMPLOYEES RETI	205558.56	09/09/15
74529	PERS NORTH DAKOTA PUBLIC EMPL	160736.94	09/09/15
74530	35 BANK OF NORTH DAKOTA	77156.30	09/09/15
74531	35 BANK OF NORTH DAKOTA	497.26	09/09/15
74532	2118 VISA	5305.16	09/09/15

74533	2539 Resolve Enterprises	15990.00	09/09/15
74534	2596 North Winds Truck Accessories	3308.00	09/09/15
74535	67 CAR TUNZ	40.90	09/09/15
74536	212 KOTANA COMMUNICATIONS	1209.33	09/09/15
74537	2594 EMS Technology Solutions, LLC	3300.00	09/09/15
74538	623 Wex Bank	5097.66	09/09/15
74539	35 BANK OF NORTH DAKOTA	13088.41	09/11/15
74540	35 BANK OF NORTH DAKOTA	24075.45	09/11/15
74541	DEF COMP PERS1 NORTH DAKOTA PUBLIC EMPL	999.99	09/11/15
74542	999999 VANCE SUMMERFIELD	1000.00	09/11/15
74543	999999 RODRIGUE BIZIMANA	750.00	09/11/15
74544	999999 TREVOR MOGG	745.00	09/11/15
74545	999999 JUNAID AHMED	400.00	09/11/15
74546	999999 FORREST VAN LOON	50.00	09/11/15
74547	999999 ADAM WILSON	100.00	09/11/15
74548	999999 ALEXANDER BURT	375.00	09/11/15
74549	673 CLERK OF DISTRICT COURT	500.00	09/11/15
74550	673 CLERK OF DISTRICT COURT	750.00	09/11/15
74551	673 CLERK OF DISTRICT COURT	750.00	09/11/15
74552	1535 GRANITE PEAK	3090000.00	09/14/15
74553	243 MONTANA DAKOTA UTILITIES	791.62	09/14/15
74554	79 CITY OF WILLISTON	1089.80	09/14/15
74555	79 CITY OF WILLISTON	44583.29	09/14/15
74556	2028 VILLAGE LAUNDRY	45.00	09/15/15
74557	999999 JOSHUA BLOXHAM	750.00	09/16/15
74558	673 CLERK OF DISTRICT COURT	750.00	09/16/15
74559	274 NANCY HOFFELT	15.00	09/16/15
74560	1960 JORY MEYER	15.00	09/16/15
74561	999999 CRAIG MCIVOR	15.00	09/16/15
74562	2257 NORIDIAN HEALTHCARE SOLUTIONS LLC	224.68	09/17/15
74563	2257 NORIDIAN HEALTHCARE SOLUTIONS LLC	216.17	09/17/15
74564	999999 TYLER PAULSEN	431.02	09/17/15
74565	Check not processed in this period	0.00	/ /
74566	Check not processed in this period	0.00	/ /
74567	Check not processed in this period	0.00	/ /
74568	Check not processed in this period	0.00	/ /
74569	Check not processed in this period	0.00	/ /
74570	Check not processed in this period	0.00	/ /
74571	Check not processed in this period	0.00	/ /
74572	Check not processed in this period	0.00	/ /
74573	Check not processed in this period	0.00	/ /
74574	Check not processed in this period	0.00	/ /
74575	Check not processed in this period	0.00	/ /
74576	Check not processed in this period	0.00	/ /
74577	Check not processed in this period	0.00	/ /
74578	Check not processed in this period	0.00	/ /
74579	Check not processed in this period	0.00	/ /

74629	Check not processed in this period	0.00	/ /
74630	Check not processed in this period	0.00	/ /
74631	2436 PETRA INCORPORATED	279174.55	09/17/15
74632	2099 WILLIAMS PLUMBING, HEATING & UTIL	62728.38	09/17/15
74633	410 SAX ELECTRIC	39623.35	09/17/15
74634	999999 DME MEDICARE REFUNDS ND	364.59	09/17/15
74635	999999 BRETT FLICKINGER	700.00	09/17/15
74636	999999 JOSE L CASILLAS-MARTINEZ	603.39	09/17/15
74637	999999 SHARON ORTLOFF	297.84	09/17/15
74638	1853 A & A LANDSCAPE AND MAINTENANCE L	4062.85	09/17/15
74639	632 ACKERMAN-ESTVOLD	140.00	09/17/15
74640	1638 ADDCO Office Systems, Inc.	213.73	09/17/15
74641	1953 AE2S CONSTRUCTION LLC	7905.36	09/17/15
74642	1783 AIRGAS ON-SITE SAFETY SERVICES	1786.97	09/17/15
74643	2578 AIRSIDE SOLUTIONS, INC	5580.00	09/17/15
74644	8 ALL SEASONS SPORT ABOUT	108.00	09/17/15
74645	17 AMERICAN PLANNING ASSN.	347.00	09/17/15
74646	718 AMERIPRIDE LINEN AND APPAREL SERV	759.95	09/17/15
74647	1910 ANDERSON & WOOD CONSTRUCTION CO I	261076.85	09/17/15
74648	2288 ANGELA MELGAARD	148.50	09/17/15
74649	999998 ANTHONY D. DUDAS	112.50	09/17/15
74650	30 ASTRO-CHEM LAB, INC.	1400.00	09/17/15
74651	999999 B MICHAEL QUALE	359.37	09/17/15
74652	723 BADLANDS STEEL, INC	34.87	09/17/15
74653	33 BAKER & TAYLOR CO.	822.36	09/17/15
74654	34 BALCO UNIFORM CO., INC.	8115.96	09/17/15
74655	961 BARBOT ENTERPRISES	5150.00	09/17/15
74656	38 BASIN PRINTERS, INC.	1470.00	09/17/15
74657	52 BORDER STATES ELECTRIC	2615.41	09/17/15
74658	54 BOUND TREE MEDICAL	530.67	09/17/15
74659	599 BRAATEN PLUMBING, INC	529.56	09/17/15
74660	1054 C & D WATER SERVICES	13.00	09/17/15
74661	1455 CALIFORNIA CONTRACTORS SUPPLIES I	541.80	09/17/15
74662	1634 Catering by Design Books	22.50	09/17/15
74663	1755 CDW Government	5458.46	09/17/15
74664	616 CENTER POINT LARGE PRINT	120.42	09/17/15
74665	1516 CENTURYLINK	650.00	09/17/15
74666	1261 CHAMBER OF COMMERCE	1000.00	09/17/15
74667	710 CHANEY'S CAR & TRUCK REPAIR	1437.75	09/17/15
74668	2391 CHEMTRAC	702.50	09/17/15
74669	77 CITY OF WILLISTON	1435.63	09/17/15
74670	79 CITY OF WILLISTON	1961.08	09/17/15
74671	1666 CIVIL SCIENCE	43742.04	09/17/15
74672	1711 CODED SYSTEMS	8050.00	09/17/15
74673	2607 Community Ambulance	358.55	09/17/15
74674	1486 CONNEX INTERNATIONAL	47.95	09/17/15
74675	2611 COPRO GARAGE DOORS	240.00	09/17/15

74676	1519 CORPORATE TRANSLATION SERVICES, I	48.91	09/17/15
74677	822 COUNTRY FLORAL	154.98	09/17/15
74678	567 CRAIG'S SMALL ENGINE REPAIR	22.88	09/17/15
74679	2606 CREATIVE TREATMENT	11684.24	09/17/15
74680	92 DACOTAH PAPER CO.	679.61	09/17/15
74681	548 DAKOTA DIESEL	18.47	09/17/15
74682	2015 Dakota Fire Extinguishers	50.00	09/17/15
74683	2545 Dakota Pro	9885.00	09/17/15
74684	927 DAKOTA PUMP & CONTROL	7696.75	09/17/15
74685	1487 DAKOTA SOUND AND VIDEO SYSTEMS, I	1180.00	09/17/15
74686	93 DAKOTA SUPPLY GROUP	12760.99	09/17/15
74687	2514 DAL GLOBAL SERVICES LLC	6500.00	09/17/15
74688	2161 Dan's Tire Service	507.50	09/17/15
74689	999998 DANIEL DERY	415.00	09/17/15
74690	1198 DEMCO	115.54	09/17/15
74691	2382 DESIGN SPACE MODULAR BUILDINGS	175.00	09/17/15
74692	109 DOEDEN CONSTRUCTION	21682.80	09/17/15
74693	568 DPC INDUSTRIES, INC	2658.00	09/17/15
74694	999998 DUSTIN J. BERTSCH	118.00	09/17/15
74695	2353 EAPC	4125.00	09/17/15
74696	1665 EAST & WEST EXCAVATING LLC	75734.89	09/17/15
74697	1331 ELECTRIC PUMP	13196.66	09/17/15
74698	2524 ELITE HEALTH & FITNESS	870.00	09/17/15
74699	126 EMYR'S LOCKSMITHING	40.00	09/17/15
74700	129 FARGO GLASS & PAINT CO.	308.20	09/17/15
74701	569 FEDEX	193.32	09/17/15
74702	1685 FLIGHTVIEW INC.	105.00	09/17/15
74703	134 FORT UNION SUPPLY & TRADE	40.39	09/17/15
74704	2538 Foster Construction	828.75	09/17/15
74705	1496 FOUND IT NOW	21.52	09/17/15
74706	2602 FREESTONE CONSTRUCTION, LLC	340641.90	09/17/15
74707	354 FURUSETH LAW FIRM, PC	33836.75	09/17/15
74708	904 G & R CONTROLS, INC	6380.00	09/17/15
74709	139 GAFFANEY'S	570.38	09/17/15
74710	1987 GENE EMERY	480.00	09/17/15
74711	1965 GRAINGER	101.30	09/17/15
74712	144 GRAYMONT WESTERN CANADA	36999.17	09/17/15
74713	539 HACH	2673.87	09/17/15
74714	624 HAMERS AUTOMOTIVE	9735.82	09/17/15
74715	151 HAWKINS, INC.	42879.77	09/17/15
74716	153 HEIMAN FIRE EQUIPMENT, INC.	23734.84	09/17/15
74717	2598 HOLIDAY INN EXPRESS & SUITES	439.96	09/17/15
74718	161 HOME OF ECONOMY	173.56	09/17/15
74719	162 HORIZON RESOURCES	197.94	09/17/15
74720	2586 HOSE AND RUBBER SUPPLY	13.86	09/17/15
74721	164 HOTSY EQUIPMENT CO.	919.00	09/17/15
74722	165 HOWARD SUPPLY COMPANY	318.16	09/17/15
74723	2554 IDEXX DISTRIBUTION, INC	6547.77	09/17/15

74724	1503 idSS GLOBAL LLC	250.00	09/17/15
74725	173 INFORMATION TECHNOLOGY DEPARTMENT	4515.60	09/17/15
74726	2479 INSURANCE INFORMATION EXCHANGE	143.10	09/17/15
74727	4561 International Code Council, Inc.	28.00	09/17/15
74728	2322 INTERSTATE BILLING SERVICE, INC	148.48	09/17/15
74729	2493 J&G STRIPING	1200.00	09/17/15
74730	2529 J. E. DUNN CONSTRUCTION	1025345.00	09/17/15
74731	2113 JAME O's TIRES	1997.00	09/17/15
74732	1786 JLG Architects	2608.96	09/17/15
74733	191 JOE'S DIGGING SERVICE INC	260.00	09/17/15
74734	196 KDRMAS LEE & JACKSON INC	58641.29	09/17/15
74735	999998 KENDELL BROWN	116.00	09/17/15
74736	1299 KNIFE RIVER-NORTH CENTRAL	163915.56	09/17/15
74737	210 KOHLER COMMUNICATIONS	340.00	09/17/15
74738	212 KOTANA COMMUNICATIONS	329.74	09/17/15
74739	999998 KRISTIINA RAVASKA	25.00	09/17/15
74740	999999 KXMC+	750.00	09/17/15
74741	219 LAWSON PRODUCTS, INC.	255.11	09/17/15
74742	2608 Legacy Lockers	8215.00	09/17/15
74743	591 LEXIS NEXIS	94.12	09/17/15
74744	2605 LIGHT TOWER RENTALS	360.00	09/17/15
74745	233 LYLE SIGNS INC.	110.00	09/17/15
74746	2612 M V DEISZ CONSULTING	535.50	09/17/15
74747	1644 M-B COMPANIES, INC.	377137.00	09/17/15
74748	999999 MAILBOX SOLUTIONS PLUS	288.00	09/17/15
74749	2600 MARY BERG	99.99	09/17/15
74750	585 MCCODY CONCRETE PRODUCTS, INC	5770.87	09/17/15
74751	245 MEDQUEST INC	308.75	09/17/15
74752	250 MICROMARKETING ASSOCIATES	82.23	09/17/15
74753	251 MIDAMERICA BOOKS	285.43	09/17/15
74754	254 MIKE'S WINDOW CLEANING SERVICE	80.00	09/17/15
74755	255 MILLY'S ALTERATIONS	139.50	09/17/15
74756	968 MINITEX	356.00	09/17/15
74757	999998 MITCHELL KERSTING	25.00	09/17/15
74758	261 MON-DAK HTG & PLG, INC.	1559.56	09/17/15
74759	1150 MONDAK PORTABLES LLC	525.00	09/17/15
74760	243 MONTANA DAKOTA UTILITIES	12133.70	09/17/15
74761	1636 Montana Historical Society	10.00	09/17/15
74762	267 MOUNTRAIL-WILLIAMS REC	353.32	09/17/15
74763	2291 Municipal Emergency Services, Inc	392.00	09/17/15
74764	271 MVTL/MINNESOTA VALLEY	91.00	09/17/15
74765	1772 MYGOV,LLC	1050.00	09/17/15
74766	275 NAPA AUTO PARTS	4815.40	09/17/15
74767	2610 NCL of Wisconsin, INC	3555.14	09/17/15
74768	285 ND CHAPTER OF A.P.C.O.	300.00	09/17/15
74769	290 ND DEPT OF TRANSPORTATION	474218.83	09/17/15

74770	2597 ND SHRM COUNCIL	275.00	09/17/15
74771	2599 ND WATER AND POLLUTION CONTROL CO	1750.00	09/17/15
74772	314 ND WORKFORCE SAFETY & INS	250.00	09/17/15
74773	1243 NEFF EIKEN & NEFF PC	2894.86	09/17/15
74774	319 NELSON INTERNATIONAL	134.46	09/17/15
74775	320 NEMONT	4776.85	09/17/15
74776	584 NMN, INC.	2230.45	09/17/15
74777	1733 Noble Industrial Supply Corp.	1927.68	09/17/15
74778	2609 North Dakota Fire Prevention Asso	75.00	09/17/15
74779	324 NORTHERN IMPROVEMENT CO.	3907.11	09/17/15
74780	333 NORTHWEST SUPPLY CO.	59.00	09/17/15
74781	1923 NOVA FIRE PROTECTION, INC	575.00	09/17/15
74782	1635 OCLC, Inc.	536.54	09/17/15
74783	1803 ODNEY	7278.75	09/17/15
74784	2339 Office Depot	366.12	09/17/15
74785	340 OHNSTAD TWICHELL PC	770.00	09/17/15
74786	1055 PARTS CENTRAL - HEIL ENVIRONMENTA	152.23	09/17/15
74787	351 PENWORTHY	974.87	09/17/15
74788	1051 POET ETHANOL PRODUCTS, LLC	7660.36	09/17/15
74789	2537 POLLARDWATER	237.89	09/17/15
74790	359 PRAXAIR DISTRIBUTION INC	693.84	09/17/15
74791	2162 PRAXAIR DISTRIBUTION INC.	49.63	09/17/15
74792	641 PREBLE MEDICAL SERVICES, INC	833.00	09/17/15
74793	362 PRO SAFE PEST CONTROL	574.00	09/17/15
74794	367 QUILL CORPORATION	614.24	09/17/15
74795	1394 RDO EQUIPMENT CO	28.53	09/17/15
74796	380 REEVES COMPANY, INC.	126.23	09/17/15
74797	2309 RICE LAKE CONSTRUCTION GROUP	3925237.84	09/17/15
74798	390 RICHARD A. JOHNSON	3235.65	09/17/15
74799	999998 RYAN EGERMAN	140.00	09/17/15
74800	1133 SANDERSON STEWART	50633.85	09/17/15
74801	2012 SANI-STAR	200.00	09/17/15
74802	415 SELECT FORD	1992.63	09/17/15
74803	416 SELID PLUMBING & HEATING INC	1005.00	09/17/15
74804	2495 SELLAND CONSTRUCTION, INC.	2758325.85	09/17/15
74805	669 SHIRT WORX	649.08	09/17/15
74806	426 SOURIS RIVER TELECOMMUNICATIONS	5.38	09/17/15
74807	427 SRF CONSULTING GROUP, INC	33740.24	09/17/15
74808	999998 STEPHEN KOHLER	27.50	09/17/15
74809	999998 STEVEN C. KJERGAARD	77.09	09/17/15
74810	447 THE SHOPPER	1075.00	09/17/15
74811	2601 THYSSENKRUPP ELEVATOR	3810.72	09/17/15
74812	460 TRACTOR & EQUIPMENT CO.	4644.94	09/17/15
74813	878 TRACTOR SUPPLY COMPANY	54.97	09/17/15
74814	464 TRI-COUNTY GLASS	35.00	09/17/15
74815	463 TRIANGLE ELECTRIC	1466.74	09/17/15
74816	2072 TriZetto Provider Solutions	235.08	09/17/15

74817	1050 TWIN CITY SHARPENING, INC.	52.62	09/17/15
74818	479 US POSTAL SERVICE	98.00	09/17/15
74819	939 USA BLUEBOOK	2145.10	09/17/15
74820	2061 UTILITY SYSTEMS OF AMERICA INC	609849.36	09/17/15
74821	484 VERIZON WIRELESS	6790.26	09/17/15
74822	485 VESSCO, INC.	5340.96	09/17/15
74823	489 VISA	6235.72	09/17/15
74824	1284 Vogel Law Firm	7500.00	09/17/15
74825	2025 WAGNER CONSTRUCTION	1353455.80	09/17/15
74826	496 WCS TELECOM	1336.59	09/17/15
74827	2528 WD & J Properties LLC	10000.00	09/17/15
74828	501 WESTERN VET CLINIC	113.00	09/17/15
74829	999999 WICK COMMUNICATIONS	1119.20	09/17/15
74830	999998 WILLIAM E. HOLLER	105.00	09/17/15
74831	531 WILLIAMS COUNTY AUDITOR	6898.13	09/17/15
74832	532 WILLIAMS COUNTY HIGHWAY DEPT.	199.30	09/17/15
74833	2099 WILLIAMS PLUMBING, HEATING & UTIL	166143.11	09/17/15
74834	564 WILLIAMS RURAL WATER DISTRICT	105.08	09/17/15
74835	1716 Williams Scotsman, Inc.	1632.48	09/17/15
74836	514 WILLISTON COMMUNITY LIBRARY	8.00	09/17/15
74837	516 WILLISTON CVB	234.55	09/17/15
74838	518 WILLISTON HERALD	4718.20	09/17/15
74839	519 WILLISTON HOME & LUMBER	40.45	09/17/15
74840	522 WILLISTON PD PETTY CASH	80.86	09/17/15
74841	525 WILLISTON TIRE CENTER	286.13	09/17/15
74842	526 WILLISTON TRUE VALUE	1074.19	09/17/15

of Checks - 322

Claims -
\$16,162,273.92
Payroll \$ -
367,295.49
Total \$ -
16,529,569.41

- (2) Application for a Local Permit or Charity Local Permit
 - a. Williston Volunteer Fire Dept. Raffle
(Request to Waive Permit fee)
 - b. Rickard Elementary PTO - Raffle
- (3) Special Permit to Sell Alcoholic Beverages
 - a. American Legion – 10/16-17-2015
 - b. American Legion – 10/23/2015
 - c. American legion – 9/25/2015
 - d. American Legion – 10/06/2015
 - e. ~~Eleven Restaurant – 10/06/2015~~
 - f. Eleven Restaurant – 10/29/2015
 - g. Eleven Restaurant – 10/05/2015
- (4) Taxi License
- (5) Senior Thank You
Carol Fixen and Jim Stokey, representing the Senior Citizen Center addressed the board of Commissioners. Ms. Fixen and Mr. Stokey

presented the City Commission with two thank you cards for their assistance in keeping the Senior Center going and helping the seniors in Williston.

- C. Building Official
 - (1) Master Mechanical
 - a. Jeff Link – NorPac Sheet Metal
 - (2) Fuel & Gas Installer
 - a. Gus Knudson – Cofell's Plumbing
- D. City Planner
 - (1) Request for a public hearing at the October 13, 2015 City Commission meeting for a Zone Change from R-1A: Rural Residential to M-1: Light Industrial for Lots 2 & 3, Block 1, Borsheim Subdivision, City of Williston – Noble Casing
 - (2) Request for public hearing on October 13, 2015 City Commission meeting for a Zone Change from R-1: Single Family Residential to C-3: Restricted Commercial for Lot 1, Dakota Crossing Subdivision (Mercy Medical Center Campus), City of Williston – Mercy Medical Center/Matt Grimshaw
 - (3) Request for public hearing at the October 13, 2015 City Commission meeting for a one Change from M-1: Light Industrial to C-2: General Commercial for Lots 13-24, Block 10, Wittmeier Addition to the City of Williston – D&E Rentals, LLC/John Biggs
 - (4) Request for public hearing at the October 13, 2015 City Commission meeting for a Zone Change from Agriculture to C-2: General Commercial for 26.25 acres and from Agriculture to M-1: Light Industrial for 27.85 acres. To be known as Iron Point Subdivision located in the SW1/4, Sec. 20, T154N, R101W, City of Williston – Iron Point West/CSC General Contractors, Inc.
- E. Assessor
 - (1) Abatement
 - (2) Exemptions

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the consent agenda for September 22nd 2015 as presented
UNANIMOUS BY VOICE VOTE**

- F. Eleven Restaurant – 10/06/2015
Special permit is denied due to the request is to conduct business in the county. The City does not have that authority.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to deny the request
UNANIMOUS BY VOICE VOTE**

3. Public Hearings

Rachel Ressler, Planning and Zoning presented the following:

- A. Public Hearing for Ordinance 1025 Regarding Downtown Building Material
This is the first reading. This updates Sections 21 and 22 regarding downtown building materials of Ordinance 613, the Zoning Code for the City of Williston. Section 21 is the C-3: Restricted Commercial district and Section 22 is the M-1: Light Industrial district. Over the last 18 months the City has had a moratorium in

place that disallows metal building materials and materials inconsistent with the downtown plan and buildings inconsistent with the downtown plan. The moratorium was consistent with the downtown plan and the 2010 Comprehensive Plan. The intent was to prevent new buildings inconsistent with the downtown plan from being constructed prior to more permanent design guidelines being put in place with the Unified Development Code. The UDC is still in the final review stages, however, the most recent version of the moratorium is about to expire and cannot be renewed. At the direction of the City Attorney, planning staff has prepared an ordinance update that would apply only to the C-3: Restricted Commercial and the M-1: Light Industrial zones within the downtown area as defined by the downtown plan. The ordinance updates would prohibit industrial metal siding, such as corrugated metal, residential vinyl or metal siding, pole buildings and buildings with designs inconsistent with the downtown plan. It would allow metals that are used as architectural accents in a manner that meets the goals of the downtown plan. Commissioners Cymbaluk and Bekkedahl discussed and clarified allowed material on buildings in the downtown boundaries according to the downtown plan. Ms. Ressler stated the boundary can be adjusted and the ordinance can be updated.

Mayor Klug opened the public hearing and called for public comment.
Mayor Klug called for a second and third time for public comment.
Mayor Klug closed the public hearing.

Commissioner Cymbaluk clarified any changes can be made and brought back before the next reading.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the first reading of Ordinance 1025 as presented

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

Donald Kress, Planning and Zoning presented the following:

- B. Public Hearing for a Zone Change from C-2: General Commercial to R-3: Low Rise Multifamily and Townhouse Residential, for the North 137.5 Feet of Lot 11, Hillcrest Subdivision
The property shows as three lots on the GIS map, it is in fact one lot. The entire lot is described (legal description) as North 137 ½ feet of Lot11, Hillcrest Subdivision. The Stockman's own a residence on the north end of the property that is zoned C-2: General Commercial, so it is a nonconforming use in this zone. The Stockman's want to build a garage for personal use on the property and this would be considered expanding a nonconforming use which the zoning ordinance does not allow. So in order to allow them to develop the property as residential, the Stockman's have gone forward with the request to change it to a R-3: zone. This property is located on and access to the property is from 14th Ave W, just north of Broadway. This property is adjacent to R-3 zoning and the zone change to R-3 is consistent with Planning department policy. In 2008 the Planning department proposed to rezone the C-2 zoned lots on this block to R-3, although there was not sufficient support at that time.

Mayor Klug opened the public hearing and called for public comment.
Mayor Klug called for a second and third time for public comment.
Mayor Klug closed the public hearing.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the zone change from C-2: General Commercial to R-3: Low-rise Multi-family and Townhouse Residential for the North 137 ½ feet of Lot 11, Hillcrest Subdivision
AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug
NAY:
ABSENT AND NOT VOTING:
CARRIES: 5-0

- C. Kum & Go #806 – Alcohol
The Kum and Go is looking to move their on-sale beer license from 621 26th St W to 1301 Bison Dr.

Mayor Klug opened the public hearing and called for public comment.
Mayor Klug called for a second and third time for public comment.
Mayor Klug closed the public hearing.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request to move the liquor license from Kum and Go 26th St to the new location at the underpass as presented
AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug
NAY:
ABSENT AND NOT VOTING:
CARRIES: 5-0

4. Bid Openings

John Kautzman, City Auditor presented the following:

- A. Oil and Gas Mineral Rights
Five bids were received. Three bids were identified as being high bids and eligible for the verbal portion of the bid. Those three were Oasis, Ritter and K&A Oil. The City Attorney has requested the commission make determinations in executive session. Mr. Ritter has pulled his bid out of the process. The two remaining, Oasis and K&A Oil will remain in the verbal portion. K&A is at \$3,500 per acre for 3 years and Oasis is at \$5,300 per acre for 4 years both with 20% royalty payments.
5. Accounts, Claims and Bills Not Approved in the Consent Agenda
6. Ordinances

Chelsey Bryant, Upper Missouri District Health Unit presented the following:

- A. Ordinance 1024 – Tobacco Ordinance – Second Reading
Ordinance 1024 is basically House Bill 1186. It has since been put into state law on 8/21/15. The law requires purchasers of e-cigarettes to be 18 years and older, child proof packaging for the juices and for tobacco and e-cig sales, the sales clerk must assist the purchaser in the sale. Products cannot be out in

aisles. The UMHD is asking for the commission to have some kind of licensing for the stores in place. Five other cities in ND have put a licensing process through these stores. Currently there are only two specialty e-cig shops in Williston. Other cities that have put this into place take the regular used form; put it in City form and require the shops to pay for the license. Usually the cost is minimal. This would help if violations do occur to assess fees and if excess violations occur, the license can be revoked. This would make a level playing field. The current ordinance does not have any of this language in it. The City Attorney suggested tabling the item so the language can be added and brought back before the commission at a later date. The liquor committee will be tasked with deciding on the fee.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to table this item and refer it to the alcohol liquor committee
UNANIMOUS BY VOICE VOTE**

7. Petitions, Communications and Remonstrance's
 - A. 2015 Homecoming Parade – WHS Student Council – 10/2/2015

**MOTION BY CYMBALUK, SECONDED BY PIESIK, to approve the request subject to Chief Lokken's final approval
UNANIMOUS BY VOICE VOTE**

- B. American Tower Corporation
This is an offer from American Tower that they will pay the City a one-time commission offer. In the past it was an annual fee. It is believed this location is by the Fire Hall. Mayor Klug suggested adding any modification suggestions to the agreement.

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to refer the issue to the finance committee for recommendation
UNANIMOUS BY VOICE VOTE**

- C. New Hope Wesleyan Church – Temporary Street Closing-10/8/2015 – 2PM-10PM- Main St. between Broadway and 2nd St
The church will work with the movie theater and the Downtown Assoc. to have a movie event. No intersections will be closed.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request as presented as well as Chief Lokken signing off on such permit
UNANIMOUS BY VOICE VOTE**

8. Report of Commissioners
 - A. President of the Board

Howard Klug, Mayor presented the following:

- (1) Crew Camp Permits
Starting in July, the Commission has had discussions regarding crew camp permits and what will be done. A committee was established, four meetings were held with four different groups; apartment owners, hotel

owners, crew camp operators and the industry. Two of the groups, hotel and apartment owners reached out to the City for a meeting. A letter was generated by the City to the crew camp operators to have a discussion regarding the camps. This was done this way in order to avoid long discussions with all groups together. This is a public meeting, not a public hearing. After the meeting with the crew camp operators, the committee recommends to not renew the permits. These are the permits that are in the industrial areas in the City, the closed camps and the permits that were involved in the ETJ that was taken in by the City. If the permits are in fact closed, the ones that were in City limits, they would expire at the end of the year and the ones in the ETJ, pending, would expire at the end of the year and if they are in the ETJ granted by the County, the permit would be allowed to run until it is set to expire. The Planning and Zoning Commission heard this item last night, but it did not include the aforementioned. The P&Z commission recommendation 6-0 was to let the permits expire. Commissioner Cymbaluk stated the temporary housing served a purpose. Since the beginning of this in 2008-2009, 5500 apartment units have been built, 1300 single family homes have been built, not including trailer parks. The decision needs to be made whether to extend the permits or not. The concern is the timing of the crew camps having to move/close; in the middle of winter. Commission Bekkedahl stated reading off of "Summary of Supply and Demand Characteristic for Williston Williams County Rental Property"; today there is a rental apartment unit base of approximately 10,030 units that contain an approximate 20,060 beds. Since 2010 there have been at least 4,425 rental apartment units built, exclusively company owned housing with 8,850 bedrooms. There are 1,470 rental apartment units with approximately 2,940 bedrooms under construction. There are an estimated currently 2,841 vacant rental apartment bedrooms. There is an estimated 2,378 hotel rooms with 3,567 beds. The current vacancy rate is 35% or 1,248 vacant hotel beds. Combined there are 4,090 vacant rental apartment bedrooms and hotel beds currently in Williston, Williams County. Man camp facilities have approximately 5,598 beds permitted. Occupants of these facilities are estimated at 50% or 2,799 occupied man camp beds. Commissioner Bekkedahl stated there is neither a date nor authorship of this report or where they got the statistic numbers. If 100% of the man camp beds were removed from the market, there would still be a surplus supply of 1,291 bedrooms and beds in the market counting hotels and apartments. The report does not anticipate any further reduction in apartment rates even if the crew camps bed capacity is eliminated. There is no rent control in ND. Commissioner Bekkedahl questioned whether some of the crew camps that are on a more permanent foundation should be dealt with the same as temporary structures that are more easily moved. Bill Tracy, Building official stated there are approximately 5-600 apartments currently under construction. Mayor Klug stated the camps on permanent foundations, was a choice made by people who wanted the temporary housing. Mayor Klug stated some of the facilities on permanent foundations could possibly be repurposed into a different facility. When the temporary structures were allowed, they did not have the same restrictions as those on a more permanent foundation. No hard surface parking, landscaping or sprinkler

systems etc. were required for the temporary facilities. Commissioner Brostuen stated it is evident the housing infrastructure has caught up to the demand and there is not as strong of a need for man camps. Commissioner Brostuen is concerned with the transient seasonal housing and would like to see this type of housing addressed as he is not sure the apartments and single family homes fit in with transient seasonal workers. Mayor Klug pointed out there is still seasonal temporary housing availability in the County. Commissioner Piesik, stated she is in favor of the crew camps. The community is based on a predominant oil industry. Commissioner Piesik stated she attended a conference that it was stated North Dakota is facing a workforce shortage and removing crew camps will only make it harder for people to come here to work. Commissioner Piesik believes this ordinance is very vague, and may need to be refined. Commissioner Piesik believes maybe the amount of beds should be looked at although avoiding discriminating against any crew camps is important in doing that. Commissioner Piesik believes closing crew camps will only hurt the oil industry and its ability to find and keep qualified candidates.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to amend the necessary zoning amendment with the sunset clause including the occupancy ending July 1st, 2016, all the structures removed and land reclaimed no later than September 1, 2016 with Resolution 13-167 requirements A-J to be inserted in the zoning amendment. All the crew camp housing, temporary housing, workforce housing, must meet the criteria, apply for the SPU CUP with the City of Williston and execute an agreement prepared with the City of Williston's Attorney acknowledging and accepting the determination date of the occupancy date, removal and reclamation date. Failure to apply, meet criteria and sign all documents relating as such prior to the year end of 15, the SPU and CUP is null and void and will be terminated 12/31/2015 which means all buildings must be vacated with no occupancy, all structures removed and the land reclaimed prior to May 1, 2016

AYE: Bekkedahl, Cymbaluk, Brostuen, Klug

NAY: Piesik

ABSENT AND NOT VOTING:

CARRIES: 4-1

Commissioner Bekkedahl asked for further explanation. Commissioner Bekkedahl clarified that the motion states if they don't agree to the terms of the compliance where their permit ends July 1, 2016, then their permits are pulled 12/31/15. This will move the permit end date for those who do comply from 12/31/15 to 7/1/2016. This motion will not prevent the City from looking into further or modifying this motion in the future, per Jordon Evert, City Attorney. The importance of meeting and putting a final decision in place in a timely manner for the crew camps was discussed. Mayor Klug directed Mr. Kress and the current committee already established to meet; also for the Planning and Zoning department to visit with Commissioner Piesik regarding her concerns. Mr. Kress clarified that crew camp fees will apply throughout the length of the open permits.

Mayor Klug called for a 5 minute recess.

Mayor Klug reconvened the meeting.

- 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
9. Report of Department Heads
- A. City Auditor
 - B. Attorney
 - C. Director of Public Works

David Tuan, Director of Public Works, presented the following:

- (1) Cemetery Resolution Amendment
Resolution 15-054 was approved in April, 2015. This changed some of the billing structure for earth and burial plots to become only cremation plots. Some of these plots have been requested to use for earth and burial. Mr. Tuan would like to amend the resolution to give the cemetery sexton the discretion to sell these for earth and burials as well as cremation.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to agree with the cemetery advisory board for the amendment proposed to Resolution 15-054 to include changes shown to the attached document in the file

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

- (2) WRRF Change Order #1
This change order totals \$65,062.34. This covers, several misc. items, addition, deductions, additional piling, power line relocation and baffle addition to the Oxidation Ditch. Commissioner Bekkedahl discussed delay costs and how to avoid this type of cost in the future.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve Change Order #1 in the amount of \$65,062.34

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

- (3) Agri Industries Water Line Agreement
A few months ago, Public Works was approached by the Bar Nothing Estates Subdivision. They are looking for access to the City's water line that services the land fill. The line was put in some time ago and has not been operated in some time. The residents of Bar Nothing have been using rural water and it is quite expensive. They propose to connect to the City irrigation line and have brought in Agri Industries/River Rain to help operate the system. The agreement proposed includes providing water to the landfill as well as the residents for a nominal fee. Mr. Tuan is asking to work with the City Attorney to draft the terms of this agreement based on what has been presented so far and any considerations of the commission. Commissioner Bekkedahl stated he would like this item put to a committee. Also Commissioner Bekkedahl would like to be

sure the “not to exceed 25 gallons per minute” is enough flow capacity for the landfill as it stands now and any future uses as well. Commissioner Bekkedahl also has concern with the term commitment.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to move the issue to an appropriate committee appointed by the Mayor involving commission members and staff

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

Mayor Klug appointed Commissioner Brostuen, Commissioner Cymbaluk, David Tuan and the City Attorney.

- (4) Forestry Improvement Project Change Order #1 & 2
The first change order includes some additional work including seeding, additional topsoil and tree planting on 70th St and the Appletop Subdivision. Work is scheduled for this fall. The total cost for change order #1 is \$62,048.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

Change order #2 includes costs for additional parts and associated labor for waterline connection in the University area, Bison Dr. area and Pheasant Run area. This work has already been done. This will be a cost share and the proposal is for the City to pick up the extra parts and labor that was not originally in the plans. The contractor will cover basic cost for those connections had they been bid properly in the first bid. The total is \$37,304.40. This will cover 5 water line connections.

MOTION BY BROSTUEN, SECONDED BY BEKKEDAHL, to approve

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

- (5) Employee Transfer of Sick & Vacation Time
This PW employee is on probation and does not have access to their own sick time. Requesting ability to transfer donated sick time to employee.

MOTION BY PIESIK, SECONDED BY CYMBALUK, to approve as presented

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

- D. City Engineer
E. Fire Chief

Mayor Klug thanked the Lindsey Family and the 25 years of Service. Mayor Klug thanked Chief Catrambone and the department for the outstanding job done for the fireman's funeral.

- F. Chief of Police
- G. Building Official
- H. City Planner
- I. Economic Development
- J. Airport

Steven Kjergaard, Airport Manager presented the following:

- (1) Task Order #1 – TKDA
TKDA is the group that will be doing the independent fee reviews. A task order agreement has been done to do all independent fee reviews because as the relocation project gets busier and with all of the guidelines from the FAA it will not be a simple project. It will be a very complicated process. This is for \$7,500. It will complete site grading, conceptual design, up to about 75% full grading process and this is expected in two weeks. The full estimated cost of the contract is about \$900,000 for KLJ. The independent fee review must be completed before the agreement is seen.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve the task order #1 with TKDA as presented by the Airport Director

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

- K. Assessor
- L. Convention and Visitor's Bureau
- M. Director of Emergency Services

Mike Smith, Director of Emergency Services presented the following:

- (1) Purchase 3 Additional Outdoor Warning Sirens
Last week, Federal Signal and the company that will be doing the installation was in Williston. At that time, it was discovered that when the original survey for storm sirens was done, the area by Menards was not as developed as it is now. Mr. Smith presented a map to the commission showing where a siren will need to be added to ensure that location/area is covered. In the original survey, two existing sirens were included. These sirens are approximately 25-30 years old. Mr. Smith looked at just upgrading the radio systems in the sirens so they could be added to the new system, but it was suggested it would be in the City's best interest to replace those two sirens with two on the system currently. The cost of the addition will be approximately \$65,875. That includes the sirens, installation and optimization of the radio equipment. Commissioner Cymbaluk stated there is question as to how to pay for this. Commissioner Bekkedahl stated he believes this would fall within the public safety tax. These sirens are set to be done in as early as 4 weeks to get the project started.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request as presented and have him communicate with John on payment of such

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

10. Appointments and Consultations with Officers
11. Unfinished Business
 - A. Larry Grondahl – Utility Pole

HOLD

David Tuan, Director of Public Works presented the following:

- B. Resolution Creating Drainage Improvement District 15-8 – Schlumberger Drainage
This is the West Williston Drainage Project. Currently it is designed to have an assessment with just Schlumber J within the assessment. Mr. Hanson is still looking at who else may benefit from the project for assessment. Brian Custer representing Schlumber J was in attendance. Mr. Tuan is requesting approval of the resolutions necessary to create District 15-8.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve Resolution 15-151 creating Drainage Improvement District 15-8, Resolution 15-152 directing the City Engineer to prepare a report for District 15-8, Resolution 15-153 approving the Engineer's report, Resolution 15-154 declaring the necessity of District 15-8, Resolution 15-155 directing the Engineer to prepare detailed plans and specifications for District 15-8, Resolution 15-156 approving detailed plans and Resolution 15-157 ordering advertisement for construction bids for District 15-8, City of Williston

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

Jordon Evert, City Attorney presented the following:

- C. Acceptance of Transmission Line Easement from MDU for WTP
Jordon Evert stated he has been working with MDU on getting an easement that was presented to the commission at the last City meeting. There was some discussion from Commissioner Bekkedahl and Mr. Evert included language as far as the cost associated if any would arise for relocating or removing any pipelines or transmission lines. That language was inserted into the proposed agreement as well as a comment from Mr. Tuan concerning the timeliness of making the installation or removal.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve the pipeline and other easements before the commission with the added language that the attorney just documented to the commission

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

- D. Road Damage/Improvement Agreement Policy for Oil & Gas Well Pads
At the previous meeting Commissioner Bekkedahl outlined terms of a road damages agreement for oil companies who will be utilizing oil and gas well pads in the City of Williston. This agreement further outlines the specific type of payment the oil company will be required to make. It will either be a one-time payment of \$50,000 or they can make a \$10,000 payment per oil and gas well drilled on the well pad. Similar agreements have been used in the past.

MOTION BY BEKKEDAHL SECONDED BY CYMBALUK, to adopt the road damages agreement as presented contingent upon the attorney being able to bring it back for consideration if there are further amendments that need to be added

AYE: Bekkedahl, Piesik, Cymbaluk, Brostuen, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

12. New Business
13. Executive Session

Mayor Klug stated that he would entertain a motion to move to Executive Session to discuss an attorney consultation issue pursuant to Section 44-04-19.1. of the ND Century Code.

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK,
UNANIMOUS BY VOICE VOTE**

- A. Attorney Consultation

14. Adjourn

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to adjourn
UNANIMOUS BY VOICE VOTE**

Howard Klug, President
Board of City Commissioners

John Kautzman, City Auditor