

OFFICIAL PROCEEDINGS
Board of City Commissioners
May 9, 2017 - 6:00 pm
City Hall – Williston, North Dakota

1. Roll Call of Commissioners

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

COMMISSIONERS ABSENT: None

OTHERS PRESENT: John Kautzman, Jason Catrambone, David Peterson, Kent Jarcik, Dave Bell, David Tuan, Pete Furusest, Bill Tracy, Shawn Wenko, Amy Krueger, Bob Hanson, Josephine Ching.

Mayor Klug presented a quorum.

CHANGES TO AGENDA:

Remove 3C
Remove 8E1

**Motion by Cymbaluk, Seconded by Bekkedahl to approve the agenda as amended.
UNANIMOUS BY VOICE VOTE**

Mayor Klug took a moment to acknowledge Boy Scout Troop 368 and Troop 303 in the audience. The boys are observing the Commission Meeting in order to earn the Communications and Citizen in the Community Badges.

2. Consent Agenda

- A. Reading and Approval of Minutes
 - 1) Regular Meeting Dated:
- B. Auditor
 - 1) Accounts, Claims and Bills
 - 2) Application for a Local Permit or Charity Local Permit
 - 3) Special Permit to Sell Alcoholic Beverages
 - 4) Business License
- C. Building Official
- D. City Planner
- E. Authorization to Bid Equipment
- F. Assessor
 - 1) Abatement
 - 2) Exemptions

3. Public Hearings

Bob Hanson, City Engineer, presented the following:

- B. Protest Hearing for Perm-Enzyme Improvement District 17-3

The is a public hearing during which the Commission is to acknowledge and consider property owner protests against the creation of Perm-Enzyme Improvement District 17-3.

This project would install a perm-enzyme surface on the following streets:

- Section I: 58th Street going east from 13th Avenue on the East ¼ mile. (Anderson Wood)
- Section II: 27th Avenue East between Halliburton Drive and County Road 9.
- Section III: 48th Avenue West between 26th and 42nd Street. (West of High School)

Section I is immune from protests as Anderson Wood has provided a Waiver of Protest for this project as condition of their Special Use Permit for their workforce housing facility. Section III will be paid for using City Sales Tax Funds without assessments and is also immune from protests.

The estimated cost of Section II is \$240,000.00. The project costs of Section II would be assessed to the properties adjoining 27th Avenue East on a front foot basis.

The City Engineer would normally have opened bids for this project prior to the protest hearing but in this case last minute complications with the bid documents have forced us to delay the bid opening for two weeks.

As of this meeting the City has received no protests against the creation of this district.

At the conclusion of the Protest Hearing the Commission will be asked to adopt a Resolution as to Protests on the Proposed Improvement benefitting Perm-Enzyme Improvement Section II of District 17-3' finding that:

- Protests **HAVE NOT** been filed by owners of a majority of the area of the property within the district and the City may proceed with the project and to levy special assessments to recover the costs of the project. Or.
- Protests **HAVE** been filed by owners of a majority of the area of the property within the district and the City is barred from proceeding with the improvements called for under Section 11 of District 17-3.

A copy of the Resolution is included in the Commission Information Packet.

Commissioner Cymbaluk asked about Section III. Mr. Hanson clarified the road in question is the gravel road ¼ mile west of the new high school and only includes the portion in which the City has accepted responsibility. Mr. Hanson further clarified the section is only a one mile stretch of 48th Ave north of 26th St.

Mayor Klug opened the protest hearing for public comment on Perm-Enzyme Improvement District 17-3. Mayor Klug repeated his request for public comment two additional times. Hearing no response, Mayor Klug declared the hearing closed.

In light of the lack of public comment, the City Engineer recommends the adoption of a resolution finding that protests **HAVE NOT** been filed by owners of a majority of the area of the property within the district and the City may proceed with the project and to levy special assessments to recover the costs of the project.

Motion by Brostuen, Seconded by Cymbaluk to adopt a resolution finding that protests HAVE NOT been filed by owners of a majority of the area of the property within the district and the City may proceed with the project and to levy special assessments to recover the costs of the project as presented.

AYE: Cymbaluk, Brostuen, Bekkedahl, Piesik, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

- ~~C. Public Hearing to Consider Proposed Ordinance 1058 Pertaining to Small Cellular Communications Towers in the City of Williston – Staff~~
4. Bid Openings

Bill Tracy, Building Official, presented the following:

A. Lot Cleaning, Clearing & Mowing Services

A bid opening for lot cleaning, clearing and mowing services was held May 4, 2017 at 3:00 p.m. in the Department of Building Safety conference room. Two bids were received, Max Edge Maintenance & Lawncare and Jakes Services. One contractor is disqualified due to improper bid format. The remaining contractor's pricing appeared too high.

The Building Department requests to re-bid this service.

Motion by Bekkedahl, Seconded by Brostuen to approve a re-bid process for the Lot Cleaning, Clearing and Mowing Services.

UNANIMOUS BY VOICE VOTE

5. Accounts, Claims and Bills Not Approved in the Consent Agenda
6. Ordinances
7. Petitions, Communications and Remonstrance's

Mayor Klug presented the following two proclamations:

B. Arbor Day Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and

WHEREAS, water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW THEREFORE, I, Howard Klug, Mayor of the City of Williston, do hereby proclaim the May 19, 2017 as Arbor Day, in the City of Williston and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Mayor Klug stated the City will have an Arbor Day tree planting on May 19, 2017 at 11:30 at Williston High School.

C. Street Closure Request & Public Works Proclamation – Public Works Day, May 25

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personal who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

NOW THEREFORE, I, Howard Klug, Mayor of the City of Williston do hereby proclaim the week of May 22nd, 2017 as "National Public Works Week" in The City of Williston and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Dave Bell, Director of Public Works, presented the following:

The Public Works Department will be hosting a community outreach day on Thursday, May 25th, from 10:00am-3:00pm at the Raymond Family Community

Center. Public Works equipment will be on display and staff will be on hand to share information about the services we provide and the projects we are working on. Public Works welcomes all members of the community to celebrate Public Works Week.

Attached is a street closure request to close Davidson Drive on May 25th from 9:00am-4:00pm for Public Works Week activities.

Public Works is requesting authorization of the street closure request.

**Motion by Cymbaluk, Seconded by Piesik to approve the street closure request for Public Works on May 25th, contingent upon approval from Police, Fire, and Public Works .
UNANIMOUS BY VOICE VOTE**

8. Report of Commissioners
 - A. President of the Board
 - B. Vice-President; Finance Commissioner
 - C. Street and Improvement, Sanitation, Cemetery and Public Works Commissioner
 - D. Fire, Police and Ambulance Commissioner
 - E. Water Works, Sewer, Airport, Building and Planning Commissioner
 - 1) ~~TKDA~~
 - a. ~~XWA Tribal Coordination IFR Task Order~~
 - b. ~~XWA Program Coordination IFR Task Order~~
 - c. ~~XWA CA/CO Services IFR Task Order~~
9. Report of Department Heads
 - A. City Administrator

John Kautzman, City Auditor, presented the following three items:

- B. City Auditor
 - 1) Resolution 17-025 BND Letter of Credit
This resolution authorizes the Mayor and City Auditor to execute an irrevocable letter of credit and any related documents with the Bank of North Dakota in the amount of \$4,042,819.62 to go towards construction of the airport and the requirements of NDCC 52-04-06.1.

Motion by Bekkedahl, Seconded by Brostuen to adopt Resolution 17-025 Bank of North Dakota Letter of Credit authorizing the Mayor and City Auditor to execute an irrevocable letter of credit with the Bank of North Dakota in the amount of \$4,042,819.62 to go towards airport construction as required by NDCC.

AYE: Cymbaluk, Brostuen, Bekkedahl, Piesik, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

- 2) State Tax Commission – Contract for 2017–2019 Biennium
The contract included in the Commission Information Packet authorizes the State Tax Commissioner to administer the City's local sales, use and gross receipts taxes for the 2017-2019 biennium. The fee will be the lesser of \$35.00 per permit per year, or 3% of the tax collected estimated to be \$2,572.00 per month.

Motion by Bekkedahl, Seconded by Cymbaluk to approve the contract with the State Tax Commissioner as presented.

AYE: Cymbaluk, Brostuen, Bekkedahl, Piesik, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

3) Resolution 17-026 Amending TIF District 8

This resolution amends TIF District 8 by increasing the size to include 1.19 acres located of Lot 1 of the South Towne Centre Subdivision. This will support the builds occurring in the area in terms of roadways.

Commissioner Cymbaluk asked why this area was not included in the original district. Mr. Kautzman explained TIF District 8 was created under a previous Board of Commissioners who were very conservative in the amount of area they were willing to incorporate in TIF District 8 therefore it was restricted to 100 acres siting concerns of impact. Mr. Kautzman added that the builds occurring now in the subdivision are occurring outside the original district, such as Menards which also required an amendment to add the structure to the district.

Commissioner Bekkedahl stated when the district was originally created, the 100 acres was geographically selected as a rectangle in the most logical place at the time. He also added that the 1.19 in question was originally stranded, as was the Menards site. Commissioner Bekkedahl further explained that it has been necessary to add to the district as the subdivision progresses with development. He does not see any additional development occurring south of the 1.19 acres being added with this amendment.

Bob Hanson, City Engineer, stated the original district boundary followed the initial boundary of the Sand Creek Town Centre Subdivision. The 1.19 acres in question was an un-platted piece of that subdivision. It has since been re-platted as part of the South Towne Centre Subdivision.

Mr. Kautzman stated the timing of this amendment is important, as state laws will change requiring additional approvals from other government entities. However, Mayor Klug reiterated that the incorporation of the 1.19 acres was always in the original plan for development in this area.

Motion by Bekkedahl, Seconded by Piesik to adopt Resolution 17-026 Amending TIF District 8 as presented.

AYE: Cymbaluk, Brostuen, Bekkedahl, Piesik, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

- C. Attorney
- D. Director of Public Works
- E. City Engineer
- F. Fire Chief
- G. Chief of Police
- H. Building Official

I. City Planner

Shawn Wenko, Director of Economic Development, presented the following:

J. Economic Development

- 1) Williston Regional Economic Development Corp-Community Growth
The Williston Regional Development Corp (WRED) is requesting a Community Growth Grant through the STAR Fund in the amount of \$100,000.00.

It is important to note that the Williston Economic Development office and WRED are similar in nature, but separate themselves through the following guidelines:

- The WED Executive Director has a seat on the WRED board as an ex-officio to provide guidance and direction.
- The WRED Board of Directors does not manage the WED office.
- The WED Office provides staff assistance to the WRED board (Executive Officer)
- WED places up to \$60,000.00 in quality of life marketing funds within the WRED budget that is spent at the direction of the WED office.
- WED efforts consists of a ground level quality of life approach while WRED takes a 30 thousand foot view approach that focuses on primary sector and legislative lobbying efforts.

WRED is governed by a 23 member board of directors that include various stakeholders, public entities and development organizations throughout the region (Williston, Tioga, Crosby and Watford City).

The organization's funding is primarily through membership and STAR Fund grant dollars. Over 75 businesses pay membership dues annually to WRED to support its efforts.

The WRED is requesting Star Fund dollars for the 2016-2017 / 2017-2018 fiscal budget cycle to continue their objectives set forth in their strategic plan.

The STAR Fund Board recommends approval of a Community Growth Grant in the amount of \$100,000.00 to the Williston Regional Economic Development Corp for the fiscal years of 2016-2017 and 2017-2018.

Motion by Cymbaluk, Seconded by Brostuen to approve a Community Growth Grant in the amount of \$100,000.00 to the Williston Regional Economic Development Corp for the fiscal years of 2016-2017 and 2017-2018.

AYE: Cymbaluk, Brostuen, Bekkedahl, Piesik, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

K. Airport

L. Assessor

M. Convention and Visitor's Bureau

10. Appointments and Consultations with Officers

11. Unfinished Business
 - A. XWA Tribal Coordination Contract
This item to be held until the next Commission Meeting.
12. New Business
13. Ratification of Elks Youth Actions

Motion by Bekkedahl, Seconded by Cymbaluk to ratify all of the actions of our Elks Youth counterparts and thank them for their participation.

AYE: Cymbaluk, Brostuen, Bekkedahl, Piesik, Klug

NAY:

ABSENT AND NOT VOTING:

CARRIES: 5-0

14. Executive Session
15. Adjourn

Motion by Cymbaluk, Seconded by Bekkedahl to adjourn.

UNANIMOUS BY VOICE VOTE