

**OFFICIAL PROCEEDINGS
OF THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS HELD
AUGUST 9, 2011 6:00 P.M. AT CITY HALL IN WILLISTON, NORTH DAKOTA**

1. Roll Call of Commissioners

COMMISSIONERS PRESENT: Howard Klug, Tate Cymbaluk, Brent Bogar, Brad Bekkedahl, Ward Koeser
 COMMISSIONERS ABSENT: None
 OTHERS PRESENT: John Kautzman, James, Lokken, Alan Hanson, Kent Jarcik, Tom Rolfstad, Steven Kjeergard, Monte Meiers, Doug Lalim

Koeser announced there has been a request for additions to the agenda: 1) Under City Planner D.-3 will be a request for a Public Hearing August 23rd for a re-zone change from Agricultural to M-2 Heavy Industrial brought to the commissioners by Mr. Sundby. 2) Under 7-D is an issue regarding the oil well that is being planned out by Lewis & Clark State Park 3) 7-E is a request to remove the idle speed restriction from the river.

**MOTION BY KLUG, SECOND BY CYMALUK to amend the agenda.
 MOTION CARRIED UNANIMOUSLY.**

2. Consent Agenda

- A. Reading and Approval of Minutes for:
 - 1. Regular Meeting Dated July 26, 2011
- B. Auditor
 - 1. Accounts, Claims and Bills

Combined Check Register
 For checks between: 07/26/11 - 08/08/11

Check #	Vendor/Employee/Payee Number/Name	Check Amount	Date Issued
- 85355	12020 RANDY M DONNELLY	1311.72	07/29/11
- 85354	12017 JOHN L. KAUTZMAN	2450.46	07/29/11
- 85353	12028 RAINNIE L. LADUE	1264.06	07/29/11
- 85352	12018 SANDRA K. SOLBERG	1600.62	07/29/11
- 85351	56119 CHEYENNE E. CHINEA	947.70	07/29/11
- 85350	13026 KEVIN W. CRAFT	980.98	07/29/11
- 85349	56118 KATALIN C. MAGYAR	923.73	07/29/11
- 85348	13027 CRYSTAL A. SCHAUBEL	1059.68	07/29/11
-	13025 JOLEEN S. TINKER	1316.65	07/29/11

85347			
-	56087	CODY M. BAKKEN	473.11
85346			07/29/11
-	18022	SHARYL J. BUSCH	2092.72
85345			07/29/11
-	18028	DAVID C. DONNER	1779.71
85344			07/29/11
-	18026	MATTHEW L. GARDNER	2121.91
85343			07/29/11
-	18001	ALAN K. HANSON	2089.08
85342			07/29/11
-	18100	TANA L. HINRICKSEN	1634.81
85341			07/29/11
-	56101	SUSAN G. HOLMEN	639.02
85340			07/29/11
-	18027	STEVEN D. KERZMANN	2136.42
85339			07/29/11
-	56107	VICTORIA L. KREGER	492.56
85338			07/29/11
-	18099	ERICA J. MYERS	18.87
85337			07/29/11
-	18024	JONATHON RASMUSSEN	1721.27
85336			07/29/11
-	56130	ANDREW A. SAILER	1195.67
85335			07/29/11
-	18020	RICHARD SHEARER	2684.28
85334			07/29/11
-	19024	DAVID L. BELISLE	1104.63
85333			07/29/11
-	19092	DUSTIN J. BERTSCH	1195.80
85332			07/29/11
-	19028	MARK R. BITZ	1781.62
85331			07/29/11
-	56097	ALAN C. BRATT	1327.77
85330			07/29/11
-	19090	HEATHER M. CECIL	364.65
85329			07/29/11
-	56121	DUSTIN R. CELANDER	1218.97
85328			07/29/11
-	19076	CORY G COLLINGS	1492.12
85327			07/29/11
-	56113	MINDY SUE DEGENSTEIN	838.86
85326			07/29/11
-	19009	LINDA R. GRANBOIS	1001.83
85325			07/29/11
-	19017	MARK HANSON	1539.23
85324			07/29/11
-	19082	RANDY M. HAUGENOE	1495.45
85323			07/29/11
-	56102	MICHAEL A. ISENHOWER JR	1244.53
85322			07/29/11
-	19012	THOMAS L. LADWIG	1744.48
85321			07/29/11
-	19011	JAMES L LOKKEN	2423.54
85320			07/29/11
-	56082	TRAVIS J. MARTINSON	1204.96
85319			07/29/11
-	56061	AMY D. NICKOLOFF	1375.01
85318			07/29/11
-	56078	DAVID A. NYGAARD	1204.96
85317			07/29/11
-	19014	KENNETH B. OWENS	1767.72
85316			07/29/11
-	19089	JOHN L. PFAU	328.61
85315			07/29/11
-	56052	JAMESON J. O. SEIM	1230.23
85314			07/29/11
-	56098	JAKE O. SNYDER	1218.97
85313			07/29/11
-	19077	MICHAEL S. WILSON	1493.63
85312			07/29/11

-	19100 RYAN C. ZIMMERMAN	1301.24	07/29/11
85311			
-	20047 KELLY M. ABERLE	1199.44	07/29/11
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-	56094 AMY R. DILLY	1093.20	07/29/11
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-	20045 DOUGLAS I. LALIM	1610.08	07/29/11
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-	56090 RONALD W. ROLLE	1364.56	07/29/11
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-	21051 CARL S DUNN	1663.31	07/29/11
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-	21040 MONTE C. MEIERS	1969.74	07/29/11
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-	21054 WAYNE A WIEDRICH	2418.76	07/29/11
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-	22020 ROBERT D. KNAPPER	1553.66	07/29/11
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-	56100 BILLY J. BAKER	1122.05	07/29/11
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-	23078 DON A. EIDE	1967.35	07/29/11
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-	56064 HEATH T. GLENN	716.55	07/29/11
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-	56128 VERNON L. HENDRICKSON	1154.93	07/29/11
85299			
-	24018 EFFIE J. BROWN	1100.10	07/29/11
85298			
-	24019 ROBERT D. COUGHLIN	902.94	07/29/11
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-	56095 DARREL G. GROTEBERG	1005.89	07/29/11
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-	24017 STEVEN W. JENSEN	1153.87	07/29/11
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-	24013 THOMAS C. POTTER	1390.84	07/29/11
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-	56104 DANIEL W. TUPA	1467.65	07/29/11
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-	25110 KENNETH W. BERGSTROM	1404.90	07/29/11
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-	12029 LORI A. LARSEN	852.34	07/29/11
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-	27076 DANNY R. GERGEN	1379.43	07/29/11
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-	56091 JAMES A HAGA JR	1264.39	07/29/11
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-	56046 CRAIG R. MAHLUM	1140.04	07/29/11
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-	56084 KENNETH R. BOYKIN	1224.96	07/29/11
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-	56114 ANTHONY D. DUDAS	923.73	07/29/11
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-	56110 ADAM M. FREEMAN	984.33	07/29/11
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-	56086 STEVEN C. KJERGAARD	1573.93	07/29/11
85284			
-	56120 VICTORIA M. RUBLE	923.73	07/29/11
85283			
-	34103 CHRISTOPHER J. BROSTUEN	42.46	07/29/11
85282			
-	34017 KENT A. JARCIK	1976.11	07/29/11
85281			
-	56134 JESSICA L. KAISER	1013.42	07/29/11
85280			
-	56075 DEEANN M. LONG	42.46	07/29/11
85279			
-	56057 JON D. MARISTUEN	42.46	07/29/11
85278			
-	34016 ELAINE B. SINNESS	871.15	07/29/11
85277			
-	35025 JOSILYN F BEAN	1124.21	07/29/11

85276			
-	56079	BRENDA SEPTKA	893.73 07/29/11
85275			
-	56042	LEPRIEL M. WHITE	977.43 07/29/11
85274			
-	56039	KERI L. BODA	656.89 07/29/11
85273			
-	56111	ANDREA L. MITCHELL	708.84 07/29/11
85272			
-	56136	TAMMY L. ROBINSON	427.88 07/29/11
85271			
-	48013	DEBORAH A. SLAIS	1159.10 07/29/11
85270			
-	48034	YVONNE A. TOPP	433.29 07/29/11
85269			
-	48089	CLARA WEGLEY	676.29 07/29/11
85268			
-	52013	SHANNON K. INNIS	948.27 07/29/11
85267			
-	52011	ANN M. KVANDE	1308.56 07/29/11
85266			
-	56041	BARBARA J. PETERSON	885.30 07/29/11
85265			
-	52003	THOMAS C. ROLFSTAD	2336.45 07/29/11
85264			
-	52020	SHAWN WENKO	1426.11 07/29/11
85263			
-	56109	PAULETTE K. BAUER	686.30 07/29/11
85262			
-	53006	LAURIE K. BECKER	496.76 07/29/11
85261			
-	53005	BOBBI JO CLARKE	992.59 07/29/11
85260			
-	56124	NAOMI R. GARMAN	151.12 07/29/11
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-	53002	AMY A. KRUEGER	1349.35 07/29/11
85258			
-	56062	BARBARA G. MCFARLANE	120.29 07/29/11
85257			
-	56080	BRAD E. SEPTKA	1848.69 07/29/11
85256			
-	56131	KATIE E. SEPTKA	333.89 07/29/11
85255			
-	54008	TAMMY K. WRIGHT	1131.61 07/29/11
85254			
-	56002	Jeremy T. Bakken	14.15 07/29/11
85253			
-	56059	Christopher M. Barrett	37.74 07/29/11
85252			
-	56025	Michael S. Conlin	37.74 07/29/11
85251			
-	56026	Scott Copenhaver	80.20 07/29/11
85250			
-	56013	Josh S. Mosbrucker	47.17 07/29/11
85249			
-	56015	Dwight A. Richter	9.43 07/29/11
85248			
-	56058	Brenden L. Stevens	66.04 07/29/11
85247			
-	DEFERRED COMP	NATIONWIDE RETIREMENT SO	12752.80 07/27/11
85246			
-	FIT	U.S. TREASURY	67185.06 07/27/11
85245			
-	MERITAIN HEALTH	MERITAIN HEALTH	0.00 08/05/11
85244			
-	MERITAIN HEALTH	MERITAIN HEALTH	522.78 08/05/11
85243			
44173	56108	PATRICIA A. BUCK	647.73 07/29/11
44174	12026	KAREN P. LARSON	650.05 07/29/11

44175	56138 JACOB W. NATWICK	947.70	07/29/11
44176	17016 TOM J. GLENN	946.24	07/29/11
44177	18019 THOMAS R. BLOCH	1910.03	07/29/11
44178	18096 TRACY C. KERZMANN	129.98	07/29/11
44179	18081 JENNIFER A. SAX	2.83	07/29/11
44180	18046 GARVIN SEMENKO	26.89	07/29/11
44181	18078 MICHAEL W. WALTERS	26.89	07/29/11
44182	18097 DUANE S. WINTER	53.78	07/29/11
44183	56142 TRAVIS L. CARLSON	1180.34	07/29/11
44184	19095 WALTER H. HALL	1270.69	07/29/11
44185	19098 DAVID A. PETERSON	1420.86	07/29/11
44186	19056 CHARLES TANNER	1146.14	07/29/11
44187	21041 ROBERT E HANSON	2080.61	07/29/11
44188	56105 EDWARD A LODWIG	525.18	07/29/11
44189	21052 RAYMON J. SKOGEN	1228.26	07/29/11
44190	22021 LES CHRISTENSEN	1442.38	07/29/11
44191	22014 GARY L. GLOVATSKY	1242.98	07/29/11
44192	56125 KYLE J. BEAUFEAUX	714.82	07/29/11
44193	56123 CARRIE M. BOLSTAD	530.88	07/29/11
44194	56140 AUSTIN J. CORCORAN	568.01	07/29/11
44195	23136 JAMES B. ENGEN	1485.14	07/29/11
44196	23126 BRENT E. HANSON	1302.03	07/29/11
44197	23039 BRUCE A. JOHNSON	1270.67	07/29/11
44198	56126 ARIC K. MELBERG	279.37	07/29/11
44199	23142 ROBIN S OLIVERIA	1695.15	07/29/11
44200	23123 GREGORY C WERKMEISTER	940.41	07/29/11
44201	25030 PEDAR A. ANDRE	1460.93	07/29/11
44202	27058 DAVID LEE BELL	2099.21	07/29/11
44203	25106 RICHARD S. ODEGARD	1175.32	07/29/11
44204	26039 DIANE K. ALBRIGHTSON	895.05	07/29/11
44205	27099 MICHAEL S. BEDA	404.64	07/29/11
44206	27067 RICHARD D. BORUD	1183.67	07/29/11
44207	56068 JORDAN CORCORAN	1288.26	07/29/11
44208	27066 GORDON GRIMMER	1704.67	07/29/11
44209	27096 RUSSELL E. MOMBERG	1256.72	07/29/11
44210	27091 JOSEPH G. MONSON	1059.65	07/29/11
44211	56112 GARRISON CANTER	1068.90	07/29/11
44212	56133 DILLON BODIN	582.36	07/29/11
44213	56137 JESSE FERRELL	554.45	07/29/11
44214	56048 CURTIS E. PAGE, JR.	601.01	07/29/11
44215	31051 GORDON L. SMESTAD	2069.19	07/29/11
44216	56122 WESTON E. SMESTAD	556.82	07/29/11
44217	56099 MARK C. AMONDSO	1088.42	07/29/11
44218	56129 CHARLES E. OVERBY	1029.65	07/29/11
44219	25112 DUANE F. OVERBY	1131.42	07/29/11
44220	56055 COLIN M. JOHNSON	615.92	07/29/11
44221	32006 WILLIAM M. MCQUISTON	1472.48	07/29/11
44222	34105 GLENN A. BOYEFF	42.46	07/29/11
44223	34106 GERALD L. FLECK	42.46	07/29/11

44224	56117 NICK J. HAUGEN	42.46	07/29/11
44225	36006 NEIL W. BAKKEN	1702.92	07/29/11
44226	37008 LAVERN GOHL	1359.45	07/29/11
44227	48105 HALEY M BECKER	45.28	07/29/11
44228	56144 CRYSTAL M. BONNER	192.47	07/29/11
44229	48102 KAYLA J. HELL	70.05	07/29/11
44230	56132 HALEY M. NELSEN	127.35	07/29/11
44231	56139 BILLIE R. PARKER	143.42	07/29/11
44232	48106 CLARA A. REINKE	22.64	07/29/11
44233	56135 JEAN M. SMITH	691.99	07/29/11
44234	56066 ZACHARY G. CORCORAN	1561.02	07/29/11
44235	54065 PATRICIA K. FIORENZA	1312.41	07/29/11
44236	56143 KRISTIN C. MARMON	104.89	07/29/11
44237	56141 MACKENZIE C. STORBAKKEN	268.91	07/29/11
44238	56001 David W. Arnson	75.48	07/29/11
44239	56028 David Benth	9.43	07/29/11
44240	56003 Randall H. Bjella	232.59	07/29/11
44241	56116 Tyler D. Carlstad	56.61	07/29/11
44242	56085 Kyle D. Christensen	9.43	07/29/11
44243	56023 Mathew P. Ekblad	47.17	07/29/11
44244	56035 Michael Hamers	9.43	07/29/11
44245	56005 Cory J. Hanson	37.74	07/29/11
44246	56006 Randy D. Hanson	14.15	07/29/11
44247	56030 Martin J. Haug	28.30	07/29/11
44248	56007 Troy R. Heupel	56.61	07/29/11
44249	56034 Blaine C. Jeanotte	109.32	07/29/11
44250	56032 Darin P. Luther	9.43	07/29/11
44251	56009 Billy J. Lynn	47.17	07/29/11
44252	56083 Traver D. Melby	37.74	07/29/11
44253	56012 Miles A. Mortenson	37.74	07/29/11
44254	56016 Kyle J. Rosslund	14.15	07/29/11
44255	56020 Darwin J. Stevens	266.44	07/29/11
44256	56022 Scott S. Tanner	178.72	07/29/11
44257	56031 Zachariah J. Waitman	79.80	07/29/11
44258	56027 Michael W. Walters	70.76	07/29/11
44259	19090 HEATHER M. CECIL	6171.60	07/29/11
44260	19089 JOHN L. PFAU	3003.62	07/29/11
44261	56046 CRAIG R. MAHLUM	1762.35	07/29/11
44262	AFLAC AMERICAN FAMILY LIFE ASS	256.01	07/27/11
44263	DEPENDANT CARE DISCOVERY BENEFITS	1957.04	07/27/11
44264	LINCOLN MUTUAL LINCOLN MUTUAL LIFE & CA	922.90	07/27/11
44265	ND PEA NDPEA	52.00	07/27/11
44266	USABLE USABLE	309.21	07/27/11
44267	999999 WILLIAM SHEFFIELD	285.00	07/27/11
44268	999999 GRANVIL BAILEY	190.00	07/27/11
44269	999999 KRISTOPHER ERICKSON	200.00	07/27/11
44270	999999 SHAWN TRISSEN	300.00	07/27/11
44271	521 WILLISTON PARK DISTRICT	39696.65	07/27/11
44272	109 DOEDEN CONSTRUCTION	24989.63	07/29/11

44273	470 US POSTAL SERVICE	1128.80	07/29/11
44274	533 WILLIAMS COUNTY TREASURER/RECORDE	173.40	07/29/11
44275	243 MONTANA DAKOTA UTILITIES	2050.33	07/29/11
44276	1175 MONTANA DAKOTA UTILITIES	1300.00	07/29/11
44277	601 BLACKHAWK AGENCY, LLC	2332.80	08/01/11
44278	999998 TANA L. HINRICKSEN	5000.00	08/02/11
44279	470 US POSTAL SERVICE	32.86	08/02/11
44280	999999 DERIK MYERS C/O JOSHUA GRIFFITH	250.00	08/03/11
44281	999999 JEFFREY BANNISTER	550.00	08/03/11
44282	999999 NATHAN MCBRIDE	200.00	08/03/11
44283	ND HEALTH ND PUBLIC EMPLOYEES RETI	0.00	08/05/11
44284	PERS NORTH DAKOTA PUBLIC EMPL	0.00	08/05/11
44285	Vendor not on File	0.00	/ /
44286	PERS NORTH DAKOTA PUBLIC EMPL	57984.90	08/05/11
44287	ND HEALTH ND PUBLIC EMPLOYEES RETI	79470.24	08/05/11
44288	999999 FLOYD JOHNSON	300.00	08/08/11
44289	999999 LEVI KNUTSON	200.00	08/08/11
44290	999999 TAMSEN ALLEN	180.00	08/08/11
44291	999999 TAMSEN ALLEN	500.00	08/08/11
44292	673 CLERK OF DISTRICT COURT	500.00	08/08/11
44293	673 CLERK OF DISTRICT COURT	500.00	08/08/11
44294	673 CLERK OF DISTRICT COURT	500.00	08/08/11
44295	673 CLERK OF DISTRICT COURT	100.00	08/08/11
44296	Vendor not on File	0.00	/ /
44297	1333 Crucial Technology	65.99	08/08/11
44298	158 HEWLETT-PACKARD	726.00	08/08/11
44299	3 ADVANCED ENGINEERING &	145324.59	08/08/11
44300	4 AGRI INDUSTRIES, INC.	76.81	08/08/11
44301	999999 ALAN HELTEMES	53.95	08/08/11
44302	8 ALL SEASONS SPORT ABOUT	1332.00	08/08/11
44303	11 ALVINA SKOGEN	85.80	08/08/11
44304	561 AMERICAN MEDICAL ASSOCIATION	202.08	08/08/11
44305	718 AMERIPRIDE SERVICES	186.23	08/08/11
44306	1027 ASPEN EQUIPMENT	1009.21	08/08/11
44307	30 ASTRO-CHEM LAB, INC.	120.00	08/08/11
44308	33 BAKER & TAYLOR CO.	449.79	08/08/11
44309	34 BALCO UNIFORM CO., INC.	1540.00	08/08/11
44310	37 BASIN CLEANING	3000.00	08/08/11
44311	38 BASIN PRINTERS, INC.	237.00	08/08/11
44312	39 BASIN TIRE SERVICE, INC.	1665.00	08/08/11
44313	1190 BASIN TOWING AND RECOVERY	100.00	08/08/11
44314	44 BETTY LUNDBY	99.00	08/08/11
44315	256 BIG SKY BATTERY/MINUTE LUBE	29.99	08/08/11
44316	52 BORDER STATES ELECTRIC	493.29	08/08/11
44317	53 BORDER STEEL	27.62	08/08/11
44318	54 BOUND TREE MEDICAL	415.00	08/08/11
44319	966 BYERLY COMPUTER SERVICES	540.00	08/08/11
44320	1054 C & D WATER SERVICES	6.50	08/08/11

44321	678 C. EMERY NELSON, INC.	8733.22	08/08/11
44322	69 CARQUEST AUTO PARTS STORES	85.53	08/08/11
44323	70 CENEX CREDIT CARD	94.00	08/08/11
44324	1261 CHAMBER OF COMMERCE	1000.00	08/08/11
44325	1187 CHAMLEY PIPE & SLAVAGE	1160.00	08/08/11
44326	1332 Charles Wilder	650.00	08/08/11
44327	77 CITY OF WILLISTON	2129.95	08/08/11
44328	78 CITY OF WILLISTON	28455.50	08/08/11
44329	79 CITY OF WILLISTON	1089.80	08/08/11
44330	80 CITY OF WILLISTON	50.35	08/08/11
44331	999999 CLARENE VEE	59.41	08/08/11
44332	81 CLAUSEN WELDING	45.00	08/08/11
44333	971 COCA-COLA OF WILLISTON	71.00	08/08/11
44334	999999 COLBY SHEGRUD	53.21	08/08/11
44335	89 CRAVEN-HAGAN CLINIC, LTD.	115.00	08/08/11
44336	999999 CYNDI JOHNSON	33.36	08/08/11
44337	606 D&S TRUCK CENTER, INC.	723.47	08/08/11
44338	1136 DAKOTA FENCE	2300.00	08/08/11
44339	927 DAKOTA PUMP & CONTROL	1909.73	08/08/11
44340	105 DICKINSON AIR SERVICE	1634.82	08/08/11
44341	999999 DONALD SORTOR	30.23	08/08/11
44342	119 EBEL INC.	470.00	08/08/11
44343	549 ECONOMART	11.50	08/08/11
44344	121 EIDE BAILLY LLP	19000.00	08/08/11
44345	122 EL RANCHO CORP.	149.54	08/08/11
44346	124 ELECTRIC & MAGNETO, INC.	755.66	08/08/11
44347	1331 ELECTRIC PUMP	73515.00	08/08/11
44348	650 ETHANOL PRODUCTS, LLC	3064.84	08/08/11
44349	130 FARGO WATER EQUIPMENT CO	2599.89	08/08/11
44350	907 FERGUSON WATERWORKS	4942.94	08/08/11
44351	134 FORT UNION SUPPLY & TRADE	743.82	08/08/11
44352	139 GAFFANEY'S	4886.99	08/08/11
44353	1154 GOOSENECK IMPLEMENT	350.00	08/08/11
44354	999999 GORDON SMESTAD	49.06	08/08/11
44355	144 GRAYMONT WESTERN CANADA	20692.02	08/08/11
44356	1022 GREEN THUMB LAWN SERVICE	200.00	08/08/11
44357	147 GUNDERSON EXCAVATING, INC	464.00	08/08/11
44358	151 HAWKINS, INC.	7129.08	08/08/11
44359	550 HEDAHL'S PARTS PLUS	107.71	08/08/11
44360	153 HEIMAN FIRE EQUIPMENT, INC.	7498.16	08/08/11
44361	161 HOME OF ECONOMY	223.93	08/08/11
44362	162 HORIZON RESOURCES	38321.01	08/08/11
44363	163 HOSE AND RUBBER SUPPLY	73.20	08/08/11
44364	176 INTERSTATE POWER SYSTEMS	5099.09	08/08/11
44365	999999 JAMES PHIPPS	51.13	08/08/11
44366	999998 JOHN L. KAUTZMAN	59.06	08/08/11
44367	999999 JORY OR SHAYLA JOHNSTON	33.53	08/08/11
44368	196 KADRMAS LEE & JACKSON INC	35937.97	08/08/11
44369	204 KEYZ-KYYZ RADIO	1095.00	08/08/11

44370	999999 KIMBERLY HEBDON	0.31	08/08/11
44371	1299 KNIFE RIVER- NORTH CENTRAL	140007.60	08/08/11
44372	213 KUMV-TV	160.00	08/08/11
44373	840 LEGEND PEWTER	169.76	08/08/11
44374	591 LEXIS NEXIS	579.00	08/08/11
44375	1070 Linda Holmen	127.60	08/08/11
44376	228 LINDSEY IMPLEMENT, INC.	211.58	08/08/11
44377	999999 LISA BEHRMAN	32.64	08/08/11
44378	239 MATERIAL TESTING SERVICE	280.00	08/08/11
44379	585 MCCODY CONCRETE PRODUCTS, INC	2240.65	08/08/11
44380	250 MICROMARKETING ASSOCIATES	339.76	08/08/11
44381	254 MIKE'S WINDOW CLEANING SERVICE	286.00	08/08/11
44382	1150 MONDAK PORTABLES LLC	345.00	08/08/11
44383	243 MONTANA DAKOTA UTILITIES	28632.27	08/08/11
44384	267 MOUNTRAIL-WILLIAMS REC	451.09	08/08/11
44385	270 MURPHY MOTORS, INC.	297.74	08/08/11
44386	271 MVTL/MINNESOTA VALLEY	63.00	08/08/11
44387	275 NAPA AUTO PARTS	1043.35	08/08/11
44388	291 ND DEPARTMENT OF HEALTH	15.00	08/08/11
44389	297 ND ONE CALL	577.20	08/08/11
44390	584 NMN, INC.	121.00	08/08/11
44391	324 NORTHERN IMPROVEMENT CO.	860041.17	08/08/11
44392	333 NORTHWEST SUPPLY CO.	520.55	08/08/11
44393	337 O'DAY EQUIPMENT, INC.	1587.53	08/08/11
44394	690 O'REILLY AUTO PARTS	37.74	08/08/11
44395	336 O.K. TIRE STORE	25.80	08/08/11
44396	1250 OK TIRE STORE	392.00	08/08/11
44397	345 OPPORTUNITY FOUNDATION	1825.00	08/08/11
44398	1055 PARTS CENTRAL - HEIL ENVIRONMENTA	323.06	08/08/11
44399	354 PETER H. FURUSETH	6105.00	08/08/11
44400	357 POLAR REFRIGERATION, INC.	3462.24	08/08/11
44401	1065 POST CONSTRUCTION, INC.	13829.17	08/08/11
44402	360 PRISTINE WATER SOLUTIONS	8127.00	08/08/11
44403	362 PRO SAFE PEST CONTROL	276.00	08/08/11
44404	1334 Public Sector Personnel Consultant	5000.00	08/08/11
44405	999999 RANDY MANNIN	32.08	08/08/11
44406	879 RDO TRUCK CENTERS	283.99	08/08/11
44407	387 RESPOND SYSTEMS	233.92	08/08/11
44408	388 RESULTS UNLIMITED	13507.00	08/08/11
44409	390 RICHARD A. JOHNSON	560.00	08/08/11
44410	704 RMC	239.00	08/08/11
44411	999999 ROBERT ANDERSEN	35.96	08/08/11
44412	999999 ROBERT HEIPLE	33.29	08/08/11
44413	401 ROTONICS MANUFACTURING, INC.	8463.00	08/08/11
44414	1133 SANDERSON STEWART	13771.62	08/08/11
44415	409 SANITATION PRODUCTS	270.37	08/08/11
44416	999999 SANYA LOCKEN	47.92	08/08/11
44417	412 SCHMITZ LAW OFFICE	2055.00	08/08/11
44418	415 SELECT FORD	148.61	08/08/11

44419	836 SHARE CORP	419.88	08/08/11
44420	999999 SHARLEE OR ROY ROSS	107.42	08/08/11
44421	999999 SHIRLEY AXTMAN	34.77	08/08/11
44422	426 SOURIS RIVER TELECOMMUNICATIONS	179.92	08/08/11
44423	2009 STAPLES ADVANTAGE	19.99	08/08/11
44424	999998 STEVEN C. KJERGAARD	282.57	08/08/11
44425	999998 STEVEN C. KJERGAARD	50.68	08/08/11
44426	544 SWANSTON EQUIPMENT CORPORATION	598.62	08/08/11
44427	1018 The Links of North Dakota	289.67	08/08/11
44428	447 THE SHOPPER	190.00	08/08/11
44429	999 TITAN MACHINERY	268.20	08/08/11
44430	460 TRACTOR & EQUIPMENT CO.	10193.48	08/08/11
44431	999999 TRAVIS CORTNER	20.67	08/08/11
44432	463 TRIANGLE ELECTRIC	1560.53	08/08/11
44433	465 TRIMAC TRANSPORTATION	1070.82	08/08/11
44434	485 VESSCO, INC.	559.67	08/08/11
44435	487 VISA	3841.20	08/08/11
44436	501 WESTERN VET CLINIC	205.00	08/08/11
44437	648 WILLIAMS COUNTY SHERIFF'S OFFICE	6810.00	08/08/11
44438	564 WILLIAMS RURAL WATER DISTRICT	1054.84	08/08/11
44439	514 WILLISTON COMMUNITY LIBRARY	80.00	08/08/11
44440	518 WILLISTON HERALD	2418.26	08/08/11
44441	519 WILLISTON HOME & LUMBER	24.57	08/08/11
44442	522 WILLISTON PD PETTY CASH	64.83	08/08/11
44443	526 WILLISTON TRUE VALUE	179.39	08/08/11
44444	530 WILLISTON/WILLIAMS COUNTY - LEC	426.24	08/08/11
44445	999999 ZACHARY WOJCIECHAWSKY	43.18	08/08/11
44446	536 ZEE MEDICAL SERVICES	101.70	08/08/11

2. Application for a Local Permit or Charity Local Permit
 - a. Mule Deer Foundation – Raffle - September 10, 2011
 - b. Williston Volunteer Fire Dept. – Raffle – November 23, 2011
3. Application for Special Event Permit to Sell Alcoholic Beverages
 - a. Jeremy Wright, J Dub's Bar and Grill, August 11th, 2011; Williston Basin Energy Festival Get Together; New Armory
 - b. Jeremy Wright, J Dub's Bar and Grill, August 18th, 2011; Williston Basin Energy Festival Get Together; New Armory
 - c. Jeremy Wright, J Dub's Bar and Grill, August 25th, 2011; Williston Basin Energy Festival Get Together; New Armory
4. Request for Temporary Street Closing for Special Recreational Use Event.

C. Building Official

1. Application for Fuel and Gas Piping License
 - a. Robert Lerud – Ryan Mechanical
 - b. James Sorenson – Ryan Mechanical
2. Application for Master Mechanic License
 - a. William Bolton –J & J Sheet Metal of Michigan
3. Application for Journeyman Mechanics License
 - a. Anthony Mony – J & J Sheet Metal of Michigan

- b. Derek Anderson – Ryan Mechanical
 - c. James Sorenson – Ryan Mechanical
 - 4. Application for Journeyman Plumber License
 - a. Denis Bartholomay – Ryan Mechanical
 - 5. Application for Sewer and Water Installer's License
 - a. Michael Brown – BCI Williston
 - 6. Application for Sign Hanger's License
 - a. Daniel Cole – Cole Electric
- D. City Planner
- 1. Request to set a public hearing for August 23, 2011 for a proposed Zone Change from A: Agricultural to C-2: General Commercial for an unplatted parcel in the SW1/4 SE1/4 of Section 2, T154N R101W, City of Williston-Zavanna.
 - 2. Request to set a public hearing for August 23, 2011 for a proposed Zone Change from R-3: Lowrise, Multi-Family, and Townhouse Residential to R-4: High-rise, Multi-Family Residential for Block 6, Lot 19, in Granite Peak Subdivision-Bice/Granite
- E. Assessor.
- 1. Abatement
 - 2. Exemptions
 - a. Lot 11 plus 600 sf vac 2nd Ave West to alley less W 7.5' deeded alley, Doc #511531, Block 1, Airport 1st Addition, City of Williston – Global Properties – 50x100 Steel building addition to existing structure – Years exempt 2012-2014
 - b. Lot 1 & 2 & W 200' of Lot 3 Hoffelt Addition & Lot 3,4,5,6,7,8 Block 1, Wise Addition, City of Williston – Home of Economy – Redoing and adding concrete, covering breezeway, insulating cold storage.- Years exempt 2012-2014
 - c. S 5' of Lot 3 & Lot 4 ex S 24', Block 4, Volney 3rd Addition, City of Williston, Benjamin and Kim Poeckes, Basement remodel to bedroom and living room – years exempt 2012-2014
 - d. Lot 7 ex S 12.2', Block 2, Harmon Park Addition, City of Williston, Brenda Holm, Kitchen remodel-moving window & sheetrock – Years exempt 2012-2014
 - e. Lot 2, KAV Subdivision, City of Williston, KAV Development LLP, 50x80 addition to existing building, Years exempt 2012-2014
 - f. Lot 1-4 & 9-12 & 20' adj vac alley, Block 6, Wittmeier 2nd Addition, City of Williston, SLR Investments, Interior remodel of 1500 sq ft space – Years exempt 2012-2014
 - g. Lot 22 & N 28' Lot 21, Block 1, Leonhardy 5th Addition, City of Williston, Brent and Stephanie Eslinger, Pitch flat rood and replace windows and front door, Years exempt 2012-2014
 - h. E 32' of Lot 47 & W 40' of Lot 48, Block 7, Highland Homes 2nd Addition, City of Williston, William and Jean Ann Kitzman, Siding and window replacement, years exempt 2012-2014
 - i. Lot 12, Block 3, Airport 2nd Addition, City of Williston, Richard and Lorraine Bingeman, New siding and windows, years exempt 2012-2014

- j. S 43.07' of Lot 2 & N 8' of Lot 3, Block 7, Garden Homes Rearrangement #4 Addition, City of Williston, Linda Bjella, Replace siding and windows, years exempt 2012-2014
- k. Lot 6, Block 2, Severtsen Rearrangement, City of Williston, Steven Ritter, Replace siding and windows, years exempt 2012-2014
- l. S 33.66' Lot 2 N 36.34' Lot 3, Block 6, Garden Homes Rearrangement #2, City of Williston, John Amundson, New siding and windows, years exempt 2012-2014
- m. Lot 12, Block 9, Henry H. Sorenson 4th Addition, City of Williston, Dean Arnson, Garage/porch addition to house-1296 sq ft, replace siding and windows, years exempt 2012-2014
- n. N 50' Lot 14 & S 35' Lot 15, Block 7, College Hill Addition, City of Williston, William and Laura Carl, Remodel kitchen, years exempt 2012-2014.
- o. Lot 13, Block 8, Garden Homes Rearrangement #5, City of Williston, Luther and Rebecca Stoner, 6x19 front porch, siding, and replace windows, years exempt 2012-2014.
- p. Lot 7, Block 5, Joan Hagen 1st Addition, City of Williston, Bill and Phyllis Owan, 8 x 16 addition to back of house, years exempt 2012-2014.

MOTION BY BEKKEDahl, 2ND BY BOGAR to approve the consent agenda as presented to the Commissioners.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

3. Bid Openings

4. Public Hearings

- A. Protest Hearing Resolution 11-52 – a Resolution of annexation as described S 1/2, NW ¼, Sec 2, T. 154N, R.101W, 5th PM and E 33 Feet of NE ¼, SW ¼, Sec 2, t.154N, R101W, 5th PM

Koeser opened the hearing.

Koeser explained this protest hearing was regarding Resolution 11-52 which is a Resolution of annexation for the Erickson Trailer Park.

Koeser called a second time for public input.

Koeser called a third and final time for public input.

Koeser closed the public hearing.

MOTION BY CYMBALUK, 2ND BY BOGAR to approve Resolution 11-52 as Presented.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser
NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

- B. Proposed Zone Change from M-1: Light Industrial to C-2: General Commercial for Lots 2&3, KAV Subdivision – KAV Development/Vachal.

Koeser opened the hearing.

Jarcik explained these two lots are located in the KAV Subdivision north of Wal-Mart on 4th Ave West. The proposal was to rezone Lot 2 to allow for an apartment dwelling on the second floor of the business and Lot 3 would become part of the subdivision for additional commercial development.

Koeser called a second time for public input.

Koeser called a third and final time for public input.

Koeser closed the public hearing.

Cymbaluk questioned if the land to the north and east is already zoned light industrial and Jarcik responded it was.

MOTION BY CYMBALUK, 2ND BY KLUG to approve the request as submitted with the zone change from C-2 to M-1.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser
NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

- C. Tax Increment Financing Public Hearing – Sand Creek Retail Area – Development Agreement & Development Renewal Plan

Koeser opened the hearing.

Kautzman explained there is a resolution to consider if this is approved. This is the resolution where the development’s agreement was approved and the development and renewal plan of 2011B. Basically, there was an executive session, in which the commissioners had on the table an incremental district set up on the one hundred acres. This incremental district would support \$1,450,000 of the estimated dollar amount and should this pass, this is the bond issue that he would look for us to do for that piece of offer that was on the table from the executive session. The total package was \$5,710,000 and of this \$1,450,000 comes in the form of an incremental district. An incremental district freezes the existing value and the existing value there right now is minimal due to this being agriculture land. The improvements are then put on there, and the difference between what is pre-existing and newly created from the building basically comes back to the city to pay for the improvements. The improvements that were requested and

agreed to by the commissioners were the possible formation of this district to pay for road, water and sewer into the retail development areas.

Kautzman went on to explain this is over a 15 year term or early pay off and if passed and there was enough building, this incremental district could be called in early. The estimated incremental flow would be roughly \$127,000 from basically the estimated new construction on the one facility – Menards. Kautzman would suggest if this is considered to do a conditional, to see documentation from Granite Peak that Menards is actually coming to the site before the infrastructure goes there.

Koeser called a second time for public input.
Koeser called a third and final time for public input.

Koeser closed the public hearing.

Kautzman reminded the commissioners they have a proposed resolution before them which approves the development agreement and development renewal plan of 2011B and there are four items in this resolution that deal with the tax increment financing.

Cymbaluk asked if Menards is coming and going to be the anchor store. Terry Metzler responded there is a contingency on the table if this is signed, Menards will go forward and if it is not signed, they won't go forward, which Kautzman explained was his suggestion. Metzler also explained Menards is going to want to know if infrastructure is going out there. Cymbaluk expressed concern about knowing if Menards is committed to this project and Koeser reminded him we do have a letter from them saying if the city does certain things, they would commit to locating here. Kautzman explained his suggestion was Granite Peak has to have a written document from Menards to say they are committing to this before the infrastructure to go into the north side of the park. Cymbaluk was concerned about the letter being written earlier this year saying construction would start in June or July and Koeser explained there was no ending date on this and when it was discussed with Menards it would be fall before they would start.

Bekkedahl commented this is not any different than the Tax Increment Finance Districts which have been done where we required structures to be built on the facilities upon the improvement. Cymbaluk asked if we have spent 5.7 million to make it a commitment and Bekkedahl responded we have not had this kind of facility coming in before. Bekkedahl continued if we can't get the assurance they are not going to have enough structure value on there to pay the \$127,000 yearly required in Tax Increment Financing, we will not move forward with the improvements. This sets the stage so if all of this happens and we get the guarantee in writing, whatever this big box store this is, and will pay that tax for us that cover the financing of the TIF and this then green lights staff, engineers, etc. to put in the infrastructure.

Cymbaluk questioned if we had the right of ways worked out, Kautzman responded it is in a section line, so we have a certain amount already. Bekkedahl explained Meiers has told us we have 93 feet of right of way existing, with 60 feet on the west side and 33 feet of the east side. Kautzman informed those present it is important to realize even though we keep talking about Menards as one possible tenant in this area, they are not the only one because it is 100 acres we are trying to establish with a roundabout in the middle. We are hopeful Menards will have to be one first to move forward, but they are not the last we hope to see in these 100 acres.

Cymbaluk is concerned about Menards making an announcement five months ago, they are coming to Williston. Klug questioned Bekkedahl's comment about Menards or another big box

and Bekkedahl responded he wanted there to be a structure that pays \$127,000 yearly and he wants the developer to say they are going to guarantee a big box structure which will pay this.

Kautzman suggested the motion be written to approve the motion having a written agreement with Menards as oppose to another big box store.

Cymbaluk asked Kautzman if he had a copy of the commitment letter from Menards and John responded he did. Cymbaluk would like to see a commitment from them, before we make a commitment to them. Cymbaluk questioned Metzler if there was a buy/sell on this or was this a letter of intent. Metzler explained they are negotiating with Menards, and it is down to supplying additional housing for the workers they are bringing in. Metzler is also having a problem with handing Cymbaluk their agreement when his real estate company is trying to move property for another box store on another piece of land and Cymbaluk responded this has nothing to do with this. Meltzer responded this is a conflict of interest in a lot of communities and Cymbaluk explained he has a real concern in risking 5.7 million dollars. Koeser explained it is being worded we are not risking 5.7 million dollars because if this doesn't happen, we are not moving forward.

Bekkedahl explained a series of triggers is what we are talking about regarding the letters. The first trigger was the solicitation for the possibility of this occurring and then the City Commission considering this in executive session. The next trigger point is this hearing, to discuss this scenario to move forward or not and the next trigger that we applied is if this is approved, it's only going to be constructed if the next trigger is they have a structure in place and they have a commitment to move forward on their facility. Every step of the way, if the business steps are okay, is it if you do this, I'll do that, but he honestly thinks it has been back and forth that way and if we don't set aside our parameters and say this is how we are going to move forward and then everything can trigger itself and move forward.

Rolfstad discussed the city plan survey which was recently completed. Two things people want in Williston are more restaurants and retail and this would open up 200 acres of retail for development. He thinks it is important it is contingent upon this, but when the East Broadway Industrial Park was done Dowell was the anchor that paid for that and also when the TIF district was done around the Elks Club and when the Briarwood was completed, the main building had to be done. He continued to explain while we are taking on bonds here, a good share of this investment is going to create a 200 acre development which is just not Menards. He then expressed people who now go to Minot to shop at Menards will shop here and the property taxes paid will help pay these bonds. Star Fund has committed 250 thousand dollars, but if we get additional retail in this area over the next several years, there will be enough tax income from these, that the Star Fund won't have to feed this. There is also a sewer line going out to Schlumberger, so we do want to annex as much as we can on that route to add to this investment so we pay off that as well.

Kautzman reminded the commissioners Menards had provided some facts in the Executive Session, included in this was the estimated retail sales in the Williston store of 35 million dollars.

Klug reminded the commissioners this is still 2.5 million dollars of sales tax money that they are saying wouldn't be generated otherwise.

Cymbaluk expressed nothing is a guarantee and he agrees we need to do something to get some activity in retail, but it would just be nice to have some assurance we are going to get this. Metzler responded when they first came to town, the community said they wanted housing,

retail and industrial. They have been moving forward with this, covering all bases and this is one of the steps to get there.

Koeser responded he thinks the trigger in this is if this was approved and made contingent upon the building of this building, that way if the building doesn't get built, nothing goes forward or we take another path. This has to create enough tax revenue to cash flow the bond.

Kautzman explained we are asking for a copy of their signed agreement of some kind with an acknowledgment from Menards that this building is going in with a Building Permit being pulled in a short period of time before our infrastructure goes in.

Metzler informed those present there are several other companies who also want to go in this area, but until they get further along with this, he can't commit to them even with land prices.

Kautzman expressed if we make this conditional, he's not sure if it is a risk to the city.

MOTION BY BEKKEDAHL, 2ND BY BOGAR to approve the resolution approving the Development Agreement & Development Renewal Plan of 2011B as presented to the commission with the four areas of agreement as well as a letter of commitment from Menards on the retail structure funding the minimum amount in the agreement for the TIF District in property taxation before we commit to construction of facilities.

Cymbaluk questioned if they pull the building permit and a month into the operation they say they are out of here, where do we stand then as the one with the TIF and the infrastructure and Kautzman answered it depends on the kind of contract we have with them. Metzler responded their expense will be far greater than the cities' on this project and they have a very tight contract with the contractor. Cymbaluk questioned with this tight contract, where does this put the city if Menards pulls out after the permit. Kautzman responded our protection is on any incremental district that allows us to access against the property. If nothing else, their hundred acres is going to have \$1,450,000 against the 100 acres and they will either have to pay \$1,450,000 or we will own 100 acres out there with infrastructure in place.

Klug questioned why this motion is being tied into Menards if all we are concerned about is having a big enough structure on there to pay for this project. He questioned if the motion could say a significant structure and Bekkedahl responded he thought he said this. Cymbaluk asked if we could call for the question again and Koeser responded this would have to go back to the table again. Bekkedahl said he had misspoken, he meant to say a facility that generated adequate taxable income.

MOTION BY BOGAR, 2ND BY CYMBALUK to amend the motion to say instead of Menards, a structure that would generate the revenues necessary to pay for the financing.

Kautzman asked for clarification on this regarding the structures. Could they have multiple contracts as long as they end up with the value on the table that provides the tax incremental flow, then it could go forward and the infrastructure could go in? Cymbaluk responded he understands it has to be a comparable size in income to Menards, such as a Lowe's, etc.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

MOTION AS AMENDED to include the large box structure of equal value.

AYE: Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: Klug

ABSENT AND NOT VOTING: None

CARRIED: 4-0

5. Accounts, Claims and Bills Not Approved in the Consent Agenda
6. Ordinances
 - A. 2nd Reading of Ordinance 937 Mandatory Inspections and Fines for Sump Pumps Installation Violations

Kautzman informed the commissioners they are in a holding pattern on this and hopefully this can be dealt with at the next meeting.

**MOTION BY CYMBALUK, 2ND BY BEKKEDAHL to table the second reading.
MOTION CARRIED UNANIMOUSLY.**

7. Petitions, Communications and Remonstrance's
 - A. Request for no left turn for trucks sign on Lindsey Implement Road

Koeser informed the commissioners he had two parties contact him about the Lindsey Implement Road west of town where it comes south. There is a concern from these two parties when school starts, their children would be late getting to school due to the backed up truck traffic. These two parties would like a "no left turn for trucks" sign at this intersection. This brings up issues concerning how the trucks would go east, if there was a sign there. Koeser suggested this issue be referred to the sign committee to see if this is feasible.

MOTION BY CYMBALUK, 2ND BY BOGAR to refer this issue to the sign committee.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- B. Park Board Ballot Issue Request & Setting of Special Election Date

Koeser informed the commissioners there has been a committee which has been meeting for the last few months regarding the park board ballot issue request and setting of a special election date. The committee has presented a purposed ballot initiative to the commissioners regarding a special election on November 8th, 2011 where the proposed amendment to the City of Williston home rule charter will be place on the ballot. The commissioners are being asked to approve the ballot initiative and language.

MOTION BY CYMBALUK, 2ND BY KLUG to approve the request as submitted.

Kautzman questioned if this election would be the Park Board cost where they receive donations and Koeser said he believed it would be.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

C. Williams County Letter Regarding Building an Apartment Complex

Koeser informed the commissioners of a letter received from Williams County, which was written on behalf of Chairman Kalil. The location of this property would be directly south of the Law Enforcement Center which is currently an overflow parking lot. The County is requesting to be allowed to build an apartment complex there which they would use for their personnel. They are looking for information about zone change, maximum square footage of the building possible and the maximum number of units they could put on the site.

Koeser asked Lalim if he had concerns about an apartment building at this location. Lalim feels the existing parking lot is needed, because there are people parking on the street who could be using this lot. He feels putting an apartment building there could create more of a problem.

Rolfstad questioned Jarcik if the downtown area is zoned commercial and is an apartment building allowed there. Jarcik responded there has been an amendment done to allow for downtown buildings to have upstairs and downstairs apartments with a clause the ground floor frontage has some commercial space, due to maintaining the commercial atmosphere on Main Street.

Koeser informed the commissioners the land was given to the county in return for them tearing the existing structure down for the parking lot, due to having parking issues at the time. He thinks the main concern right now is having enough parking spaces for the facility. Bekkedahl mentioned he thinks people are parking in the street as a matter of convenience, not because there are not enough parking spaces in the lot.

Koeser would like to work with them on this issue and asked Jarcik if we are going to allow for them to change zoning. Jarcik explained it would have to be changed to something residential which would have to go back to the Planning and Zoning Commission.

Bogar asked if we could have The City Planner write a response regarding what the necessary process would be for a property this size. It was agreed by common consent to allow The City Planner to do this.

D. The Oil Well by the Lewis and Clark State Park

Bekkedahl informed the commissioners a communication has been received from Doug Lalim which was a secondary communication from Craig Corker, Superintendent of Lewis and Clark State Park. He has concerns about a well site that is being prepared northwest of the camping area at the park. The main concern is we have a facility there named after the Lewis and Clark Party and there will be flares, metal buildings, etc. in the view of the park, which is a concern. He is also concerned what the prairie will look like when the oil leaves this area. He informed those present the Confluence has been protected by the Fort Buford Military Reservation from developing by placing a conservation easement on this area to continue to leave this area

undisturbed from its natural state. He thinks it is appropriate to direct a letter of support from the City Commission which requests the oil company consider a placement of this well structure in a different view area from the park. Also, at the same time to send a letter to the Industrial Commission to ask them to look at the permit site approval for this.

Cymbaluk asked if this was on state land and Lalim explained it was on private land which has state minerals.

Koeser responded he didn't think there was anything that could be done legally about this, but a letter could be sent to the Oil Company and Industrial Commission to reconsider this.

MOTION BY BEKKEDAHL, 2ND BY CYMBALUK to direct the City Commission to draft a letter thru the appropriate party with the auditor requesting the Industrial Commission look it this well sighting and future well sightings within the view of Lewis and Clark State Park.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- E. Request to Remove the Idle Speed/No Wake Zone on The Little Muddy River east of town.

Koeser asked Meiers if he was comfortable with doing this and he said he was. Koeser said we had requested this from Game and Fish and they are asking if we are ready to take it off, they receive a letter regarding this.

MOTION BY CYMBALUK, 2ND BY BOGAR to notify Game and Fish that the City of Williston would like the no wake zone to be removed.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- 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. Armstrong Service Lease

Bogar informed the commissioners the Armstrong Service agreements for the ground lease and expansion of the city water supply depot on Second Street for the utilities have been received. Highlights of agreement include; they will pay for the water at our bulk/industrial rate because it will tie into the City's water billing service, with a 3% administrative fee on this as well as paying \$100 a month for the property they are leasing and expanding the depot on to, along with the site improvements.

Klug asked for an update on why we are allowing this company to sell our water. Kautzman informed him the city is selling it to him at an industrial rate and it is super heated, so it's a change condition.

MOTION BY BOGAR, 2ND BY CYMBALUK to approve the agreement with Armstrong as presented.

Bekkedahl questioned Meiers on adding capacity to our existing two hook ups as well in this process. Meiers responded there are plans to make a connecting line from the transmission line by Magrum Motors and come back down to connect into this to provide higher flow at their expense. Bekkedahl commented this would be a benefit to the city and truckers to move services faster.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- 9. Report of Department Heads
 - A. City Auditor
 - 1. Redevelopment Plan and Proposal for the Former Hospital/Law Enforcement Center

Kautzman informed the commissioners there is a proposal which was brought to the liaison committee on the Old Law Enforcement Center. This proposal is from Terry Oxendahl, Al McFarlane and Jim Brekke, who would like to purchase the Old Law Enforcement Center for \$30,000, which would they would like to be refunded to them once Phase I is completed. The committee is recommending if this is considered, the \$30,000 only is considered for refund after both phases were completed, so they would have to deal with the second phase regarding a wing of the structure that is more problematic in terms of the kinds of problems in it. The investors have completed an extensive assessment review bringing in an asbestos abatement person who has gone through the building with them. The liaison is recommending the commissioners accept this and the group would have to meet all zoning change and building code requirements for this to move forward. The plan does propose the structure is going into one to two bedroom apartments.

Koeser explained the city purchased this building for \$100 and the good faith deposit is \$30,000. Kautzman responded this proposal had been bid by the county on an open bid process and our attorney felt we are on solid ground for the commissioners to entertain this kind of proposal from others, because it had already gone through one public bid letting.

Kautzman informed the commissioners the county will be entertaining this on their agenda tomorrow, so should we approve this, the county also has to approve this as a joint owned facility.

Cymbaluk expressed this is a great concept and ideal for this structure. He questioned if we were approving any tax relief for this at this time and Kautzman responded they have not asked and applied for any tax relief at this point.

Bekkedahl asked to amend the Redevelopment Plan and Proposal from JTM Properties. Instead of saying "The development group will work with the county and city to obtain some funding and tax relief in order to offset the extraordinary environmental costs, he would amend it to say "The development group may work with the county and city to request some funding and tax relief in order to offset the extraordinary environmental costs."

MOTION BY BEKKEDAHL, 2ND BY CYMBALUK to accept the proposal with changes in language Bekkedahl inserted in the 5th paragraph of the proposal.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

2. Water Treatment and Delivery Contract between the City of Williston and the Trenton Water User's Cooperation

Kautzman explained Trenton Water User's are asking for their cap amount of water sales to be increased. They did indicate in the request for amendment to their agreement they do not have this for any industrial sales at this point, it is for residential growth use.

Koeser expressed their intension is to go from 100,000 gallons per day to 150,000 gallon per day.

Kautzman questioned Meiers if he had problems with this and Meiers responded they have gone over their limit on a monthly basis and said it was appropriate to adjust as they grow.

MOTION BY CYMBALUK, 2ND BY BOGAR to approve the request as submitted from the Trenton Water User's Cooperation.

Meiers believes when we amended the agreement to add more water, we requested a hook up fee to be included and a rate for expansion agreement and he suggested a committee to look into this.

Cymbaluk amended the motion to withdraw his motion and send it back to committee, 2ND by Bogar.

Rolfstad informed the commissioners there are man camps going up on the east and west sides of Trenton and he is unsure if they are going to use this water. Meiers explained they are not accommodating the sewage, because they are hauling it to us and the committee needs to find out how they are handling this.

MOTION BY CYMBALUK, 2ND BY BEKKEDAHL to refer this issue to a committee.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

Klug questioned who would be on the committee and Koeser responded it would be Bogar, Meiers, Kautzman, and Cymbaluk.

3. Lien Request Releases on Multiple Subdivisions

Kautzman informed the commissioners the potential homeowners on two forty acre sub-divisions are asking for lien releases. He asked for documentation prior to this meeting to move this forward, and has not heard anything, so he is asking if the commissioners are comfortable with this, or should we wait until the next meeting. If they can provide an engineers estimate from a third party engineer that our engineer is comfortable with as an accurate estimate, and if this dollar amount is held in some type

of irrevocable account which we can gain access to; to make sure the infrastructure gets installed per the comfort level of our engineer.

Cymbaluk believes this needs to move forward for Timbers and Granite and Kautzman responded Granite will have an independent engineer and we are unsure regarding Timbers at this time. In addition to the Timbers area, there would still be the alley issue, where we would like for the parties involved to have sufficient funds in a similar account so this could move forward. They have both sent e-mails indicating this will be covered with a date, but he is not sure Klug has a comfort level in what they are sending, but needed is a form our attorney could review. Furuseth responded Kautzman understands these issues enough, so this should be moved along.

MOTION BY CYMBALUK , 2ND BY BEKKEDAHL to allow Mr. Kautzman to proceed with this.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser
NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

Koeser called for a ten minute recess.

- B. Attorney
- C. Director of Public Works/City Engineer
 - 1. Sande Subdivision W&S Engineering Agreement

Meiers explained this is the area by 1st Ave West that has been annexed in between the Marburgers. Sewer and Water are needed to this area, but the agreement is just for sewer at this time. He is asking the commissioners to approve the amendment for the preliminary cost estimate of \$27,250 to Ackerman-Estvold at this time. He is continuing to pursue the water agreement for this area.

MOTION BY CYMBALUK, 2ND BY BOGAR to the request submitted by Meiers.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser
NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

- 2. Sanderson/Stewart Engineering Agreement - 32nd Avenue West Improvements – Highway 2/85 to Center Roundabout Proposed Sand Creek Subdivision

Meiers explained these are Engineering Agreements for Sanderson/Stewart. The first one is for starting design on the proposed commercial retail town center development regarding roadways, right of ways, water and sewer.

Bekkedahl commented we do have the ability to utilize some of the state funds that have been dedicated to projects to upfront engineering costs, so if the regular project did not move forward the city would have an asset for sale for another development.

Cymbaluk commented if we don't start something in the near future, it may not happen and we have an opportunity now to get this area cleaned up and buyable to be developed.

Meiers explained the issues of storm water, traffic access and if the right of way will fit there, need to be resolved on 32rd Avenue West.

Bekkedahl reminded the commissioners this is one of the areas which we told the state we would invest in and they asked us to invest in and the state dollars should fit well into this.

Sanderson/Stewart Engineering Agreement – Tofte-Bean Water, Sewer, Storm Drain and Street Project

Meiers explained everything is concurring on this, but a plat needs to be done to get the designing finalized and then bid it for a next year construction. He is also looking for approval for this agreement.

MOTION BY BOGAR, 2ND BY BEKKEDAHL to approve the agreements for Sanderson/Stewart for the design of the water/sewer/storm sewer and streets for the retail Towne Center development and design for the Tofte Bean development.

Klug questioned if we are already spending money to go toward this TIF project and Bekkedahl responded we are. Klug said he thought an agreement had been made earlier about there was going to be no money spent until we had an anchor. Bogar responded he agrees with Bekkedahl in creating an asset whether the TIF goes through or not, there is a design there that needs to be done for that to develop. Klug said he understands this, but we will only have \$14 million dollars and much more is needed. He is questioning why put the money into this project right now, when it can be spent some place else. Bekkedahl answered we had dedicated in our proposal to the state development monies for this project including industrial, housing, retail and commercial. This was already brought forward to the state in our list, so if we take the \$270,000 and use the state funds for that, we have not touched the TIF funds until something gets built.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser
NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

3. Improvement District 11-6

Meiers explained these are resolutions for Improvement District 11-6, which is 4th Ave West from 42nd to 44th Street for street paving. Engineers have already designed and finalized the district and now he would like to do a resolution to create the district. However, he thought Rick Burnette was going to request that this be amended to a water/sewer district as well for Lots 1 & 2 and he asked the engineers to consider this in their design. He would like the approval to create the district with these seven resolutions.

MOTION BY BOGAR, 2ND BY CYMBALUK to approve the resolutions below necessary to create Improvement District 11-6 presented by the engineer:

- 1) Resolution creating water, sewer and street improvement District 11-6 of the City of Williston, ND.**
- 2) Resolution directing engineer for the City of Williston to prepare a report as to the general nature, purpose, and feasibility of the proposed improvement and an estimate as to the probable cost of work for Water/Sewer and Street Improvement District 11-6.**

- 3) Resolution receiving the engineer’s report as to the general nature, purpose, and feasibility of the proposed improvement and an estimate as to the probable cost of work for water, sewer and street improvement District 11-6, and approving the same.
- 4) Resolution declaring necessity of an improvement in water, sewer and street improvement District 11-6.
- 5) Resolution directing engineer for the City of Williston to prepare detailed plans and specifications for construction or the improvement project designated as water, sewer and street improvement District 11-6.
- 6) Resolution approving detailed plans and specifications for construction of water, sewer and street improvement District 11-6.
- 7) Resolution ordering advertising for a construction bid.

Bekkedahl questioned Meiers if this would involve any paving of surface on 44th Street West and if only this street surface would be used for water and sewer for the Lots 1 and 2, as this is gravel right now. Meiers responded it would be left gravel for water and sewer usage. He would think this would be requested again as a storm sewer may be needed and this is something which could be looked into next year.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, 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. Williston Development Use Agreement-Link Development, LLC

Jarcik presented a proposal for a continued care retirement facility, which has already completed a pre-development meeting for a six lot subdivision development on the parcel north of the hospital, south of 9th Ave NW crossing, across the street from the Wilkinson School on the corner. The developers are looking for a component of this to develop on the ground floor workforce housing. The property is zoned C-2 General Commercial which would permit this type of facility and permit the ground floor to provide retail commercial. The recommendation from the ADHOC meeting was to present to the City Commission if they wanted to consider this type of use agreement. The use agreement was intended to be a use proposal, not a development proposal. There is a public infrastructure component of this street/water, sewer/drainage which would be part of the subdivision proposal plat, not part of the use agreement. We are not considering the public utilities side of this, so the request is just a use agreement. There were no specific ADHOC recommendations on this, but there was a question about if this is considered, the workforce housing should be a lesser component of the overall use and restricted to a certain time frame. The use agreement is unclear and needs clarification from the City Commission.

Ron Zebart from Salem, Oregon gave a presentation on the proposed development. He explained right now they are only looking to do one point of the use development agreement, but would like to explain what they are going to do on the entire site. The property is 11.62 areas and their goal is to develop this into six different parcels and go through the platting process as required. Right now, they are looking at Lot 1, which is a five acre piece of property that will be senior housing continuing care retirement center (CCRC). This will house 120 units; which is a mix of 20 memory care units which will be a locked down facility, 60 units of assistive living and 40 units of independent housing. Lot # 2 will

be designed to accommodate a local bank. Lot #3 is being designed as a future sit down restaurant, which has not been identified yet. Lots 4A, 4B, and 4C are designed for a mixed use for open space, common areas, and park settings and landscaping. There will also be foot paths to connect the different areas to promote foot traffic in this area.

Klug questioned if the streets were public right of way and Zebart responded their engineers are working with the engineers who are working on the construction project south of them to align the public right of way and sewer and water connections. Klug also brought up the need for straight streets in the area due to snow removal and Zebart explained they could work with this.

Koeser questioned the number of the interim years and Zebart responded they don't want to put an extended period of time on this and the goal is to have the senior community fully functioning, so it will be limited to five years.

Zebart continued on to explain a letter the City Commissioners received from the Planning Department on August 5th. Zebart wanted it clarified they will use as much of the ground floor for public use as possible, with an extended dwelling along with this.

Koeser questioned Jarcik if this proposal went to the ADHOC meeting and then came to this meeting before going to Planning and Zoning and Jarcik responded yes. Koeser then asked for the reasoning behind this and Jarcik responded because this is an exception to policy which they don't have an exception for. Zebart expressed he likes the fact we are trying to clarify this issue, because of the way the statute is written, it doesn't say how much of the ground floor can be used for retail space. Klug responded we really need to move this to a committee and see where this fits in without going any farther right now, because the zoning says the ground floor has to be used for retail.

Koeser explained the ADHOC Committee recommended there be a committee set up to study this. The committee would consist of City Commissioners, staff, Planning Chairman and others. Koeser expressed his views in that he likes the final package, but it's the interim he totally doesn't understand.

Bekkedahl explained there would be future C-2 requests around the community and how we handle this, would help the city handle these.

Rolfstad questioned when construction on this project would be started and Zebart responded they are trying to start right now. Rolfstad questioned if there was a component of this that could be permitted and started and then the details could be worked out. Zebart responded the first thing that gets started is the anchor which is the work force housing/senior citizen housing building.

John Dunlap questioned if they were not asking for the residential use on the ground floor, the entire project was in compliance with the exception of this one use. If they were to come back and say the entire floor was for retail, then would it be in compliance? Jarcik responded the entire ground floor says retail and the second/third floor are for apartments that are permitted. Dunlap explained they are not asking for a zone change, they simply are asking to modify the use as restricted.

MOTION BY KLUG, 2ND BY CYMBALUK to refer this issue to committee.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

Koeser informed the public this committee would consist of Bogar, Klug, Glenn Boyeff and additional staff.

Dunlap questioned if he could move forward on the 2nd/3rd floor of the building under the current zone. Jarcik informed him the building and engineering have required a plat before any permit. Dunlap said he was told previously that a plat is needed before certificate of occupancy. Klug suggested hammering out these details with the Planner, so they know the next steps to take and then take it to committee, who will come back to the City Commissioners. Dunlap responded he is looking to the Commissioners for clarity and guidance on this and Koeser answered we need advice from a committee. Dunlap questioned when the meeting would be where the committee brings back a recommendation and Koeser responded it could be the August 23rd City Commission Meeting and asked Jarcik to organize this committee meeting. Dunlap asked for clarity on the grading plan and moving forward on the one building and they are making application on the planning and if these could be ran simultaneously because they risk the fact when they get to the end they are not going to get a certificate of occupancy before the plat is completed. They have had many discussions with Public Works and are within inches of making alignments and capacities work. Meiers agreed with this but there is a question of issuing a permit, because of the use issues. Lalim explained he had communicated with Dunlap many times that the engineering comments have to be worked out before a permit is issued.

Bogar suggested issuing a site permit and then in the next couple weeks a building permit may be issued after an agreement is made on the use of the property. Dunlap suggested he may change his plans to not have housing on the first floor on the structure and pull his grading permit. They are going to make application for the platting process shortly. He has a modified use agreement to replace the previous one which he has put a section on guaranteeing of the utilities based on comments from the engineer.

- H. Economic Development
- I. Airport
 - 1. Around About Shuttle Lease

Kjeergard commented Russ Larson had approached him about having a shuttle service based at the airport and he presented a lease agreement they came up with. Basically it is for a guaranteed parking spot at the airport, which will be a cut out location south of the terminal. It will lease for \$500 a year, with the tenant being responsible for signing for designating this location as their property. This is basically their standard car rental lease slightly modified, which Pete has reviewed and found it acceptable.

Bekkedahl questioned the location of this parking area and if this was taking away parking spots or landscape and Kjeergard responded this is not, as this is a drive thru space. The only inconvenience according to Bekkedahl is people waiting to be picked up may have their view blocked. Kjeergard responded the shuttle would only be there during flight times when they are dropped off and picked up, it would not be a permanent location.

MOTION BY BOGAR, 2ND BY KLUG to approve this lease agreement with Around About Shuttle.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, 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
 - 1. Star Fund Board Appointment

Koeser informed the commissioners Aaron Schmit has completed his second three year term and is not eligible to be reappointed, so he would like to submit the name of Laurie Pederson, who works in the Trust Department at American State Bank. This would be for a three year term and would start July 1, 2011 and she has agreed to serve if so appointed.

MOTION BY CYMBALUK, 2ND BY KLUG to approve.

Bekkedahl expressed his appreciation.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser
NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

- 11. Unfinished Business
 - A. Rental Unit Agreement with George Gauckler

Kautzman informed those present there was a committee meeting this evening where the recommendation out of committee was to look to have a 40 thousand dollar allocation for rental subsidy basically to work with any apartment owner who will work with us one year, with one year renewal scenario. This would be for new employees, with special consideration for existing employees who have a landlord issue. A base rent would be paid of \$600 and the \$40,000 would be for the overage and five units have been committed to the city and in the city's name. So, if there is an employee that occupies one of them and they leave their employment, we don't want this employee occupying this rental space.

Klug informed the commissioners there was one more option discussed which may come back in sixty days if we need more apartments in a building opening January 1st.

MOTION BY CYMBALUK, 2ND BY BOGAR to allow Mr. Kautzman to proceed with Mr. Gauckler's or any other landlord owners wishing to come forward.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser
NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

- B. Right of way ownership – University Ave and 2nd St. E

Kautzman informed the commissioners a dollar amount was suppose to be worked out and was wondering if they had came up with this amount. He came up with the amount of \$5,500 by basically on the high end numbers. Marn Heggen indicated this was .11 acres and land is going for up to \$50,000 an acre in the town. Kautzman asked is this number is okay or if a different number is needed or if this should be assigned to a committee.

Cymbaluk explained the \$50,000 per acre is for industrial land, and this is office land. Koeser mentioned this is a piece of property which has one person who has any use for it. Klug questioned the square footage, Bekkedahl responded it is 4500 square feet and Cymbaluk explained \$1.25 per square feet would make it work.

MOTION BY CYMBALUK, 2ND BY KLUG to approve Mr. Kautzman’s request up to \$5,500.

Bekkedahl commented since by default we can’t prove DOT ownership then we must own it, if we are going to transfer a quick claim deed. Furuseth mentioned a title opinion may still need to be done.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl, Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

C. Enermax Request

Meiers explained this has been turned over to the consultant to get a hold of them to see what properties they are interested in and if there is a way we can serve them.

D. Crow Fly High Lease Assignment Request

Koeser informed the commissioners we have met with their attorney and Mr. Tofte and found out the lease he has now allows him to reassign it, if he doesn’t change the terms. Koeser believes at this point, this is what he is trying to do and we wouldn’t be involved. Furuseth explained we cannot say no to this and we can’t raise the rates and this is capped on what we can up it every ten years. Cymbaluk questioned if it can be assigned and Tofte will still pay for the water/sewer line and Koeser responded yes, he would. Klug asked if we can go back and up the rate to where it was after the first ten years and Kautzman responded we can by lease existing increase it by ten percent every ten years, but he is not sure about the back dating. Tofte also asked these leases be split into various subparts, because he has multiple parties involved and this may come back after he goes to his attorney and have the assignments prepared and bring it forward.

E. Attorney General Request on 11th St Apartments

Furuseth informed the commissioners this is on hold, because he has not had a chance to look at it.

F. Truck Route Ordinance

Kautzman explained this was on hold and Lokken explained the City Judge was convince to raise the bond to \$100 which was started immediately.

12. New Business

Koeser introduced Marianita Laducer to speak to the commissioners. He requested she only speak regarding city business and if it is not, he will ask her to stop.

Marianita informed the commissioners her project is about marriage and Koeser informed her this is not city commission business. He ruled this out of order and doesn’t fit in with what the

commissioners are assigned to do.

13. Executive Session

14. Adjourn

MOTION BY CYMBALUK, 2ND BY BOGAR to adjourn.