

**OFFICIAL PROCEEDINGS  
OF THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS  
DECEMBER 26, 2012 6:00 P.M. CITY HALL WILLISTON, NORTH DAKOTA**

1. Roll Call of Board of Adjustments  
Review Appeal of an Administrative Decision relating to storage of vehicles in the R-1 District – Select Ford

COMMISSIONERS PRESENT: Tate Cymbaluk, Brent Bogar, Brad Bekkedahl, Howard Klug

COMMISSIONERS ABSENT: E. Ward Koeser

Mr Donald Kress presented the following information:

Select Ford, the Ford and Mercury dealer in Williston, owns vehicles that are currently parked in an area along 26th Street West that is zoned R-1: Single Family Residential District. The property is owned by Trinity Christian School. Display, parking, or storage of vehicles is a commercial use that is not permitted in the R-1 zone. In addition, the area where the trucks are parked is not paved. Pursuant to Section 25 (H) of the Williston Zoning Ordinance, all areas in R (residential) and C (commercial) zones used for temporary or long-term vehicle storage must be paved. Select Ford has stated that the trucks are overflow inventory; that no sales take place from this location; and that Select Ford is compensating Trinity Christian School for the use of the property. Trinity Christian School is not involved in the zoning enforcement action.

On October 17, 2012, the Planning Department sent a certified letter to Select Ford stating that the vehicles were in violation on the zoning ordinance and directing that the vehicles being displayed must be removed from this location to an area zoned appropriately for this type of use and meeting development standards by Monday, November 5, 2012. The letter noted that appropriate zoning districts for this use include C-2: General Commercial; M-1: Light Industrial; and M-2 Heavy Industrial by right, and C-3: Restricted Commercial District with a special use permit (SPU).

Shortly thereafter, Planning staff met with representatives of Select Ford to discuss the situation, and reiterated the direction that the vehicles must be moved to an appropriately zoned location. The Select Ford representatives noted the inventory situation of the dealership, and their efforts to find a suitable location. Planning staff advised the Select Ford representatives of the process to appeal the zoning enforcement order.

On November 14, 2012, Select Ford submitted an appeal letter to Planning, initiating the appeal process and staying enforcement of the October 17, 2012 zoning enforcement order until the appeal had been resolved. The letter requested the extension of the enforcement date to March 31, 2013. Select Ford said they would continue their search for an appropriate location during the time the appeal was being processed.

The findings were that on December 17, 2012, the Williston Planning and Zoning Commission heard the appeal as presented by staff. Select Ford's representatives, Bruce Stockman and Daniel Bachmann, were not able to attend this meeting. Discussion included the procedure for addressing zoning violations, the need for consistency in deciding on appeals to zoning enforcement letters, aspects of the 26<sup>th</sup> Street West location, and the effect of extending the enforcement deadline on other pending or potential zoning enforcement cases.

The Commission voted to deny this appeal based upon the need to be consistent in enforcing the zoning ordinance and an unwillingness to have this issue evolve into a bigger and broader

problem with other vehicle dealerships. The Commissioners understand the situation Williston is facing due to rapid development, which is why they recommended a 60 day grace period to get the vehicles removed from the property.

Planning and Zoning Commission recommends that the City Commission deny the request for extension of the deadline for zoning enforcement to March 31, 2013, and to require Select Ford to comply with the October 17, 2012 zoning enforcement letter regarding the vehicles parked along 26<sup>th</sup> Street West within 60 days of the action by the Board of Adjustment (this date would be February 24, 2013).

A copy of the October 17, 2012 zoning enforcement letter and Select Ford's November 14, 2012 appeal letter are attached

Mr. Ed Steckler and Daniel Backmann from Select Ford are present and wish to address the Commission.

Mr. Daniel Backmann stated that he is the Commercial Freight Manager for Select Ford. He also stated that business is very good, but they need additional room to store vehicles for their overflow until they can secure a location and are requesting an extension to March 31, 2013 to be able to continue to use the parking area at Trinity Christian School.

Question from the Commission regarding how the new location search is proceeding and they were informed that appeared they had a couple of option for a permanent location. They were also asked if why they had put a sign up advertising Select Ford with the phone number in front of the vehicles being stored at Trinity. The answer was that they were trying to do all they could to sell the vehicles so that they could move them off of the location. They indicated that they would take down the sign if they could be granted the extension to March 31, 2013.

A call for public input was made three times, no additional comments were made.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to deny the Appeal and accept Planning and Zonings recommendation that Select Ford be granted sixty days from today's date to remove the vehicles.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

1a. Roll Call of Commissioners

COMMISSIONERS PRESENT: Tate Cymbaluk, Brent Bogar, Brad Bekkedahl, Howard Klug

COMMISSIONERS ABSENT: E. Ward Koeser

OTHERS PRESENT: John Kautzman, Donald Kress, , James Lokken, Steven Kjergaard, Kent Jarcik, Monte Meiers, Kelly Aberle & Shawn Wenko

2. Consent Agenda

A. Reading and Approval of Minutes for:

(1.) Regular Meeting Dated December 11, 2012

(2.) Special Meeting Dated December 4, 2012

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.) Application for Arborist License
- (5.) Application for Pesticide Applicator's Permit
- C. Building Official
  - (1.) Application for Master Plumbers License
    - a. James Dunkel – Jim's Plumbing
  - (2.) Application for Master Mechanics License
    - a. George Stratton Jr. – Stratton Plumbing
    - b. Steven J. Gates – YMC Inc.
  - (3.) Application for Journeyman Mechanics License
    - a. Jorn E. Harvey – Stratton Plumbing
    - b. Jamie Pranke – Bostrom Sheet Metal
- D. City Planner
- E. Assessor
  - (1.) Exemptions
    - Baker Hughes Oilfield – Commercial Property

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the consent agenda as presented.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

- 3. Bid Openings
  - A. Hook Truck
  - B. Automated Side Loader

**MOTION BY KLUG, SECONDED BY CYMBALUK, to approve the request to table the Bid Openings.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

- 4. Public Hearings
  - A. Resolution 12-111 – Annexation Request – Falk Triangle

Mr. Kress presented the following information:

At the November 13, 2012 City Commission meeting, your commission voted to publish the resolution for annexation of this property, known as the "Falk Triangle," a property of approximately 44.21 acres located in the west half of Section 20, T 154 N, R 100 W, north of ND Highway 1804 and southeast of the Burlington Northern Santa Fe Railroad

The applicant, Epic Engineering, requests the annexation of this undeveloped property to the City of Williston on behalf of the property owner, Neal Falk. The property is within the one-mile extra-territorial jurisdiction; the northwest side of this triangular property is adjacent to the city limits. The adjacent city property is zoned M-2: Heavy Industrial. The property is not currently served by public sewer and water. At this time, the property owner, Neal Falk, has not submitted a plan for development of this property.

The Annexation Committee recommends annexation of the property consisting of approximately 44.21 acres located in the west half of Section 20, T 154 N, R 100 W, with the understanding that there are currently no plans to extend public sewer and water to this property.

The applicant's representative, engineer Jeff Ames of Epic Engineering, is with us tonight.

The Commission asked if the landowner would be willing to sign a document that indicated an acknowledgement that there are no current plans to extend public sewer and water to this property. Land owners representative agreed that they would.

A request for public input was made three times, no public input was given.

**MOTION BY CYBALUK, SECONDED BY KLUG, approve Resolution 12-111, known as the Falk Triangle Annexation subject to staff agreement acknowledging that both parties agree that there will not be any infrastructure at this time.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

- B. AMG – Williston Operations, LLC, dba, Cowboy Jack's Saloon – Request for Restaurant On-Sale Beer and Liquor

Ordinance requires that when a new location that has never had alcohol related business there that a public hearing needs to be held. They are restricted to this location and they have paid the required fee for the application. All paperwork is complete.

A request for public input was made three times, no public input was given.

**MOTION BY KLUG, SECONDED BY CYMBALUK, to approve the request for Restaurant On-Sale Beer and Liquor license for the property located at 3901 2<sup>nd</sup> Ave. West, Williston.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

5. Accounts, Claims and Bills Not Approved in the Consent Agenda
6. Ordinances
  - A. 2<sup>nd</sup> Reading of Ordinance No. 960

Mr. Donald Kress presented the following information:

Your Commission held a public hearing and had the first reading of the proposed amendments to Sections 25 G and 31 of the Williston zoning ordinance on December 11, 2012. At that meeting, your Commission discussed the ordinance and requested that staff clarify certain points. No members of the public testified. Your commission approved the amendments to the draft ordinance noted below and scheduled the second reading for the December 26, 2012 City Commission meeting.

- Messaging 4 (k) (page 4) to be revised as follows: Dynamic messaging signs are not permitted in the area designated as “Downtown Renaissance Zone” by the City Planning Department.
- Emergency Locator Signs 2 (d) (page 5) to be revised as follows: Shall be ~~a maximum of 64 square feet~~ of sufficient size to be clearly visible from the address entrance driveway.
- Emergency Locator Signs 2 (e) (page 5) to be revised as follows: Must be displayed ~~facing the street near the address entrance~~ in a manner that is clearly visible from the address entrance driveway into the property.
- Billboards 4 (page 7) to add the following: k. The maximum area of a billboard shall not be increased through the special permitted use (SPU) process.
- Effective Date 1 (page 9) to be revised as follows: The proposed effective date of this ordinance is January 1, 2013. This ordinance will apply to all sign permits approved after that date, ~~and~~ all sign permits for which an application has been filed as of that date, and all temporary signs in place as of that date.

These changes have been made to the ordinance that is included with this memo. In addition, staff clarified the wording relating to when existing dynamic messaging signs must be brought into compliance with the dynamic messaging sign regulations of the amended ordinance.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the Second Reading of Ordinance 960 as presented.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

7. Petitions, Communications and Remonstrance's
  - A. Williston NW Bypass Proposal

Mr. Kautzman presented the following information:

The City would agree with the Yellow route as far north as cultural resources allow then move to northwest as shown by the solid red line outlined in black to 142<sup>nd</sup> Avenue NW, continue north on 142<sup>nd</sup> Avenue NW to 56<sup>th</sup> Street NW. We then would move east along 56<sup>th</sup> Street NW following the solid red line outlined in black to the blue dashed line where it heads north again to 57<sup>th</sup> Street NW. Finally we would follow 57<sup>th</sup> Street East along the solid yellow line until it reconnects with 2 and 85 on the north by Loves Truck Stop.

In the agreement that they are asking you to consider would be the wording of the designation from West Dakota Parkway to the Permanent NW Bypass in the future and designate West Dakota Parkway as a business route.

There is discussion about “Grade Separations”. Mr. Meiers has questions regarding whether there will be traffic signals or if there will indeed be Grade Separations.

Wording needs to be changed to state "I also concur with the concept of rerouting the US 2/85 designation from West Dakota Parkway to the Permanent NW Bypass in the future and designate West Dakota Parkway as a business route."

This is the best available option.

**MOTION BY KLUG, SECONDED BY CYMBALUK, to approve allowing the President of the Williston City Commission to sign the Agreement with our proposed new Bypass Truck Route areas with the changes discussed tonight.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

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.) Interim Building Official equity payment

Commissioner Bogar presented the following information:

The new Building Official will be starting in January, but in the meantime, since Doug's retirement, Kelly Aberle has stepped up kind of as an interim Building Official and has kept things running smoothly within the Department. Would like Board approval to make an equity payment for this work that she has done in the last four months. In the private sector you would give someone a bonus for doing extra work and here we looked at her salary and what Doug's salary was came up with a \$7,000 equity payment for those four months of her serving in that capacity. I would recommend that the Board approve this equity payment for Kelly Aberle

**MOTION BY BOGAR, SECONDED BY KLUG, to approve the recommended equity payment for Kelly Aberle.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

9. Report of Department Heads
  - A. City Auditor
    - (1.) City Commission Meeting Schedule for 2013:

January 8<sup>th</sup> & 22<sup>nd</sup>, February 12<sup>th</sup> & 26<sup>th</sup>, March 12<sup>th</sup> & 26<sup>th</sup>, April 9<sup>th</sup> & 23<sup>rd</sup>, May 14<sup>th</sup> & 28<sup>th</sup>, June 11<sup>th</sup> & 25<sup>th</sup>, July 9<sup>th</sup> & 23<sup>rd</sup>, August 13<sup>th</sup> & 27<sup>th</sup>, September 10<sup>th</sup> & 24<sup>th</sup>, October 8<sup>th</sup> & 22<sup>nd</sup>, November 12<sup>th</sup> & 26<sup>th</sup> and December 10<sup>th</sup> and 23<sup>rd</sup>.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the City Commission Meeting Schedule for 2013 as presented except that the second meeting in December, 2013 shall be held on December 26<sup>th</sup>.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

(2.) Renewal of Alcoholic Beverage Licenses for 2012

John Kautzman presented the following information:

This is for approval of a memo with all of the liquor licenses and other business licenses recapped for the Board.

Recommendation from the Committee would be to approve as long as the managerial people have met the background checks for the Chief of Police. I do think there was one that probably is worthy of approving subject to the Liquor Committee reviewing it and having a comfort level to signing off on it. There are some questionable background items that were found and the Committee would like to have the final say as to whether they had risen to the point of you not approving it and forcing them to find someone else. It has been four years since the individual has had some problems and whether you feel that's been a long enough period of time to show they have changed their ways so to speak to approve them as potential manager for the site.

Question presented by the Board asking about the requirement for property taxes to be paid for approval of the liquor license.

There is an ordinance regarding property taxes, but it is subject to Board discretion.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the Liquor Committees' recommendations for license renewals subject to Champs being current on all real estate taxes prior to the issuance of the license being issued and subject to Big Willy's license being sent back to the Liquor Committee for review on the for the new managers background check results.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

(3.) Renewal of Business Licenses for 2013

- a. Arborist
- b. Auctioneer
- c. Bulk Storage
- d. House Mover
- e. Pawn Shop
- f. Pesticide Applicator
- g. Taxi
- h. Waste Hauler

**MOTION BY KLUG, SECONDED BY BOGAR, to approve the renewal of Business Licenses for 2013 as listed.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

- (4.) SERKA Proposal

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to table this for two weeks until the next meeting.**

**MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

- (5.) LEC Building

This was being presented to the Board because there has been no escrow account set up, however, today they did wire the money to set up the escrow account. Would like this sent back to the Liaison Committee so that we can hopefully get a building walk through and then we can see what it is they have been doing. They keep referring to extensive work that has been done.

**MOTION BY CYMBALUK, SECONDED BY KLUG, to approve the staff's request to refer this matter back to the Liaison Committee.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

- (6.) Salary Committee Recommendation for the new position of Communications Director

Salary Committee's recommends a range of 48 for the new position of Communications Director in the Economic Development Department, which they have in their budget for 2013. Ask the Board to approve the range designation and the proposed job description.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the Salary Committee's recommendation.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

- (7.) Zenergy Gas and Oil Proposal

Mr. Kautzman requests that this be referred into the Executive portion of the meeting and try to deal with it behind closed doors so that you can discuss if these terms are acceptable and if not what type of counter offer you would like to make.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to table the discussion until the Executive Session at the end of this meeting.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

- (8.) Authorization to Transfer Deficiency Funds to General Fund

**MOTION BY BOGAR, SECONDED BY KLUG, to approve the request to transfer 1.5 Million Dollars the Deficiency Funds to the General Fund.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug**  
**NAY: None**  
**ABSENT AND NOT VOTING: E. Ward Koeser**  
**CARRIED: 4-0**

- B. Attorney
- C. Director of Public Works/City Engineer
  - (1.) KLJ Engineering Services Agreement for the 8<sup>th</sup> Avenue West Storm Sewer Improvement District
  - (2.) KLJ Engineering Services Agreement for the 8<sup>th</sup> Avenue West Water, Sewer & Street Improvement District

Attached are two Engineering Agreements for providing storm sewer and street improvements on 8<sup>th</sup> Ave W, south of 2<sup>nd</sup> Street from KLJ Engineering.

The costs are \$24,800 for the storm sewer and \$52,050 for the street improvement portion of the project.

**MOTION BY BOGAR, SECONDED BY CYMBALUK, to approve staff recommendations.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug**  
**NAY: None**  
**ABSENT AND NOT VOTING: E. Ward Koeser**  
**CARRIED: 4-0**

- (3.) Pheasant Run Parkway Right of Way Negotiator appointment

As part of the improvement needs for the round-about at Pheasant Run Parkway and 26<sup>th</sup> Street West intersection for next year Federal Aide Project, additional right-of-way will be required.

It is proposed that the consultant engineering firm, Ulteig that is working on the project design have a right-of way negotiator be appointed by the City to start the right-of-way acquisition needed.

**MOTION BY CYMBALUK, SECONDED BY KLUG, to approve the request as submitted subject to approval of the contract with Ulteig.**

**AYE: Cymbaluk, Bogar, Bekkedahl, Klug**  
**NAY: None**  
**ABSENT AND NOT VOTING: E. Ward Koeser**  
**CARRIED: 4-0**

- D. Fire Chief
- E. Chief of Police
  - (1.) 911 Dispatch Radio Center

Chief Lokken presented the following information: Last year a grant was written to Energy Impact for the 911 system, we want to put in a CAD system and computers in the cars. We wrote this grant with specific equipment that we wanted. After discussions with State Radio, because we are going to become a hub of State Radio which will save us a lot of money. They recommended certain things that we need to install so it is compatible to their system, that way if we have an emergency we can switch over to them and it would be the same equipment. The only thing that came up was Z Tron Dispatch Radio System,

which includes PC's and monitors and mapping for the CAD system for dispatch. When I contracted Z Tron, the only dealer in the area is Kotana Communications. Since it is Kotana, According to City policy, because of Mayor Koeser's relationship with Kotana, I want to ask the Boards permission to work with them on installing this equipment.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the request from Chief Lokken to use Kotana for this project.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

- F. Building Official
- G. City Planner
- H. Economic Development
  - (1.) Fischer Family Chiropractic – Flex Pace

Derek and Christine Fischer are moving their chiropractic business from Minneapolis to Williston. They plan to remodel the outside of the building they have purchased, as well as making the bathrooms handicap accessible. The new business will create 2 new full time positions and 1 part time.

The Star Fund Board recommends to the City Commission to Approve a Flex Pace up to \$24,999 to Fischer Family Chiropractic for building improvements and business start-up.

**MOTION BY CYMBALUK, SECONDED BY KLUG, to approve the request from the Star Fund Board for Fischer Family Chiropractic for building improvements and business start-up costs in the amount of up to \$24,999.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

- (2.) Basil Restaurant – Flex Pace

Jenny Ho of Basil Restaurant is requesting a flex pace up to \$24,999 for the purchase a remodel of a downtown space to accommodate a full service Thai restaurant and sushi bar. Also the building has several apartment units which will be occupied by employees of the restaurant. The restaurant will create 10 full time positions and 3 part time positions.

The Star Fund Board recommends to the City Commission to approve a Flex Pace up to \$24,999 to Basil Restaurant for building acquisition and new business start-up.

**MOTION BY BOGAR, SECONDED BY CYMBALUK, to approve the request from the Star Fund Board for Basil Restaurant for building acquisition and new business start-up costs in the amount of up to \$24,999.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

## (3.) Blaine's Auto Body – Flex Pace

Blaine's Autobody is requesting a Flex Pace to help with new building construction. The total cost of the project is \$1.5 million and it will create 10 new jobs.

The Star Fund Board recommends to the City Commission to approve a Flex Pace up to \$24,999 to Blaine's Autobody for new building construction.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the request from the Star Fund Board for Blaine's Auto Body for new building construction in the amount of up to \$24,999 on the condition that he sign a non-protest agreement for the Annexation.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

## (4.) Birkland Painting – Flex Pace

John Birkland is requesting \$24,999 for construction of a new office and retail space. The new building will have space for ND oil and Gas, Sherwin Williams and some industrial space. the business will create 11 full time jobs.

The Star Fund Board recommends to the City Commission to approve a Flex Pace up to \$24,999 to Birkland Painting for construction of a new building.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the request from the Star Fund Board for Birkland Painting for new building construction in the amount of up to \$24,999.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

## I. Airport

## (1.) KLJ Task Order 4 Parking Lot

This is an agreement to begin the process of looking at and building an additional parking area. This does not have a set location. This is to just begin the process so we are able to determine a location. I will come back to the commission with the results of which locations could work. The total cost is approximately \$89,000.00 however that included design and construction observation. Mr. Kjergaard recommends approval.

**MOTION BY BOGAR, SECONDED BY CYMBALUK, to approve KLJ Task Order 4 as presented.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

(2.) Taxi lease with Mr. Kab

This is an agreement that will allow Mr. Kab to park in front of the terminal and wait for a fair. The amount is \$1200.00 per year and is a non-exclusive lease. Mr. Kjergaard recommends approval.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the request as submitted.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

- J. Assessor
- K. Convention and Visitor's Bureau
- 10. Appointments and Consultations with Officers
- 11. Unfinished Business
  - A. J1 Visa Program

Mr. Shawn Wenko presented the following information: The information that we were waiting on was the inspection of Dixon Hall at WSC, we were able to get in there with a building inspector and Chief Hanson for an inspection and they found some items that would be of considerable cost to bring the building up to code. Mr. Wenko would like to table the issue until the Chief Hanson is able to attend to discuss the matter.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to table the discussion until the next meeting.**

**MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

B. RFP for Architectural Space Study

Mr. Kautzman presented the following information: The Committee has selected JLG as the Architectural firm for the Space Needs Study. If the Board approves them as the architectural firm then the Committee would reconvene with them included, by state statute you must have an architect and an engineer as part of the Committee if you are going to have your Construction Manager At-Risk. In order to determine a Construction Manager At-Risk this is the first step that needs to be taken.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the recommendation of the Committee to go with JLG as the Architectural firm for the Space Needs Analysis.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

C. Shop24 Vending Machines

Remove this item from the Agenda.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve the remove this item from the Agenda.**

**MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

D. Love's Travel Stop – Off-Sale Beer License

The Alcohol Committee's recommendation is to deny the request from Love's Travel Stop and that there should be no further review and that there is no need for any revision to the ordinance regarding Off-Sale Beer Licenses. The idea behind this is that there are multiple businesses that currently hold Off-Sale Beer Licenses that are not utilizing them and that businesses, such as Love's Travel Stop should be able to approach those businesses to purchase their Off-Sale License.

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to deny the request by Love's Travel Stop for an Off-Sale Beer License.**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

12. New Business

13. Executive Session

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to move into an Executive Session to consider an Economic Development issue pursuant to Section 44-04-19.1. Approved by verbal vote.**

**CARRIED: 4-0**

**MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve "Motion #1".**

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

**NAY: None**

**ABSENT AND NOT VOTING: E. Ward Koeser**

**CARRIED: 4-0**

14. Adjourn

**MOTION BY BOGAR, SECONDED BY CYMBALUK, to adjourn.**

**MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

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E. Ward Koeser, President  
Board of City Commissioners

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John Kautzman, City Auditor