

**OFFICIAL PROCEEDINGS
OF THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS
FEBRUARY 12, 2013 6:00 P.M. CITY HALL WILLISTON, NORTH DAKOTA**

1. Roll Call of Commissioners

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

COMMISSIONERS ABSENT: None

OTHERS PRESENT: John Kautzman, Donald Kress, James Lokken, Pete Furuseth, Steven Kjergaard, Alan Hanson, Monte Meiers, Rachel Ressler, Bill Tracy, Shawna Gooch-Egge, Shawn Wenko

- ADD:**
- 12. New Business**
 - A. Director Escrow Agreement**
 - B. Refuse Rate Study**
 - C. Space Need's Review**

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

2. Consent Agenda

- A. Reading and Approval of Minutes for:
 - (1.) Regular Meeting Dated January 22, 2013
 - (2.) Special Meeting Dated January 31, 2013
- B. Auditor
 - (1.) Accounts, Claims and Bills
 - (2.) Application for a Local Permit or Charity Local Permit
 - a) Williston Ducks Unlimited – 3/16/13 Raffle
 - b) Mt. Moriah Lodge #51-Local Permit –Now to 6/22/13 Raffle
 - c) Mt. Moriah Lodge #51-Local Permit –Now to 10/19/13 Raffle
 - d) Williston Korner Lions – Local Permit – Now to 4/22/13 Raffle
 - e) Williston Boys Baseball – Local Permit – 3/1/13 to 8/30/13 Raffle
 - f) Blue Knights ND III – Local Permit – 5/5/13 to 5/31/13 Calendar Raffle
 - (3.) Application for Local Site Authorization to Conduct Games of Chance
 - (4.) Special Permit to Sell Alcoholic Beverages
 - a) American Legion –Wedding Reception- February 23, 2013
 - b) B H Enterprises LLC/Heartbreakers - Betty Holbrook
Music Concert (Eddy Money) -March 18, 2013 from 7-10 p.m.
 - (5.) Application for Arborist License
 - a) Autumn Ridge Landscaping Inc.- Joe Grygelko
 - (6.) Application for Pesticide Applicator's Permit
- C. Building Official
 - (1.) Application for Fuel-Gas License
 - a) Brian Evans – Ellingson Plumbing
- D. City Planner
- E. Assessor

MOTION BY CYMBALUK, SECONDED BY BEKKEDAH, to approve the Consent Agenda as presented.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

3. Bid Openings

- A. Sale of Oil and Gas Lease- February 12, 2013 at 2:00 p.m.

President Koeser introduced the City Attorney Pete Furuseth to discuss the bid opening for the tract of minerals. Mr. Furuseth explained that there had only been two bidders and the bid went to Kasmer & Aafedt Oil, Inc. they submitted a bid for \$2,600.00 per acre of 39.96 acres a total of \$103,896.00 to lease the City of Williston Mineral Interest for 3 years with 20% royalty's. The lands described at Township 154 North, Range 101 West Section 31: Lot 5.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAH, to approve the bid submitted by Kasmer & Aafedt Oil, Inc.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

4. Public Hearings

- A. Public Hearing for Ordinance 961, Amending Section 21 of Ordinance 613; Zoning Ordinance of the City of Williston

Rachael Ressler a Staff Planner with the Planning & Zoning Department brings this Public Hearing for Ordinance 961 to the Commissioners for consideration. She explains that this application requests an amendment to Section 21: C-3: Restricted Commercial District, of Ordinance 613, also known as the Zoning Ordinance of the City of Williston. The amendment is intended to address the upcoming lapse in the moratorium placed on downtown housing by the Williston City Commission on August 28, 2012.

In November of 2008, the City Commission passed Ordinance 914, which was an amendment to Section 21 that allowed housing behind, above and below commercial and retail establishments. In 2012, the Downtowners Association and City Commission expressed concerns that this had allowed use of downtown buildings as minor storefront offices with residences utilizing the rest of the building. A review of Ordinance 914 led to a moratorium on any creation of or expansion of housing in the downtown area. This moratorium will end on February 28, 2013.

Miss Ressler went on to explain that at the direction of the City Commission, a committee was established to examine options after this moratorium ends. A continuation of Ordinance 914 was deemed unacceptable. The Ordinance presented is the outcome of that committee, which included several City staff and commissioners, as well as members of the Downtowners Association.

The amendment allows dwelling units above commercial or retail space in the C-3 district, excluding the Renaissance Zone. In the Renaissance Zone, dwelling units are only allowed above retail space. The amendment also makes several definitions clear, such as "dwelling unit", "retail space" and "lodge". The amendment also includes an intent clause, explaining the intent of the ordinance with regard to the Renaissance Zone. Each of these clarifications is meant to prohibit any dwelling units that function essentially as man-camps.

Several buildings with office space on the ground floor have residences that were permitted under Ordinance 914, and these will become non-conforming under this new amendment. They will be treated as a non-conforming property, laid out in Section 6 of the Zoning Ordinance. Property owners and tenants of non-conforming, permitted properties have all been notified regarding this amendment to the ordinance.

This amendment is a direct result of the concerns of the City Commission and downtown business owners. It is intended to deal with the upcoming end to the moratorium on housing downtown, after which property owners could return to converting entire buildings downtown into housing, which is considered undesirable by staff and City Commission.

The Downtowners Association has also reviewed this proposed amendment to the ordinance, and has stated that it addresses their concerns.

Miss Ressler finished by explaining that the Planning and Zoning Commission meeting held on January 28, 2012, has amended the proposed ordinance to allow residences above commercial uses in the non-Renaissance Zone C-3 district only with a special use permit. Residences above retail in the non-Renaissance Zone C-3 district would be permitted by right.

The Planning and Zoning Commission's recommendation is for the approval of Ordinance 961: an amendment to Section 21: C-3: Restricted Commercial District, of Ordinance 613, the Zoning Ordinance of the City of Williston.

President Koeser then opened the Public Hearing up to the audience for input. Angela DeMars who is a Chair Member of the Downtown Association she stated that the Association had reviewed the purposed Ordinance and they are in support of it.

MOTION BY KLUG, SECONDED BY BOGAR, to approve the First Reading of Ordinance 961 an amendment to Section 21 of Ordinance 613 a zoning ordinance to the City of Williston.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

5. Accounts, Claims and Bills Not Approved in the Consent Agenda
6. Ordinances
 - A. 2nd Reading of Ordinance 957 City Commission Salary Increase

This Ordinance had its First Reading September 11, 2012 but was overlooked for its 2nd Reading until now. The Ordinance will give the Commissioners a salary increase of 10% bringing them to \$726.00 per month for the Commissioners and \$1,089.00 per month for the President of the City Commission. The salary is to be payable monthly at the end of each month on warrants to be drawn on the general fund.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve Ordinance 957 as presented.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

7. Petitions, Communications and Remonstrance's
 - A. Agribusiness and Applied economics Report No. 707-S-Population Estimates

Nancy Hodur with the Department of Agribusiness and Applied Economics of the North Dakota State University gives a population study update. She explained that basically the estimated Williston current service population to be 25,349 and 33,547, respectively. And the six surrounding townships were included in the estimate, the housing model and the employment model estimated Williston's current service population to be 38,194 and 41,104 respectively.

This was for informational purposes only no motion was made.

B. Parking Issue on Main St.

Mary Hinsverk a concerned citizen of Williston had contacted John Kautzman the City Auditor by email about the downtown parking situation. Her concern was that there was a lack of parking at certain locations downtown and has even found the same vehicle being left in the same spot for days at a time.

Commissioner Klug talked more about this being worked on and what some other options are in creating a solution.

**MOTION BY BEKKEDAH, SECONDED BY CYMBALUK, for it to be kept within the portfolio of Commissioner Klug as Street Commissioner.
MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

C. Resolution No. 12-109 Discontinuing and Vacating a portion of a (66') street row between lot(s) 5 -7,block 22, Bruegger Amended (3rd avenue east) and lot(s) 1-3, block a, Glacier Park Second addition (front street), City of Williston, ND. - True Land & Realty Tesoro, Gaudreau, Moen.

Donald Kress a Principal Planner with the Planning & Zoning Department discusses this item for the Commissioners. Mr. Kress explains that On December 27, 2011, a Public Hearing was held to review the Petition to Request the vacating of a portion of a 66' street right of way (3rd Avenue East & Front Street). The purpose of the application is to vacate an undeveloped portion of Front Street and to decrease traffic and increase safety near Black Hills Trucking's operation (3rd Avenue East).

The vacating of 3rd would have created a dead end street; therefore, a cul-de-sac was placed next to Lot 6 (Tesoro) to prevent being landlocked. Any and all existing easements will remain by perpetual easements.

The vacation was recommended contingent on the City Engineer's approval of easement and cul-de-sac's design, Resolution with an engineer designed Exhibit(s) and Non-Protest future street improvement(s).

Since that date; (1) the engineer approved easement & cul-de-sac; (2) Resolution and Exhibit(s), and, (3) Non-Protest Agreements were completed and approved by land owners.

The recommendation is to authorize signature of Resolution #12-109 vacating a portion of 66' street right of way(s) between Lot(s) 5-7, Block 22, Bruegger Amended(3rd Avenue) & Lot(s) 1-3, Block A , Glacier Park Second Addition(Front Street), contingent on signed non-protest agreement(s).

MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve Resolution #12-109 as well as obtain the necessary signatures for the non-protest agreement.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None
CARRIED: 5-0

- D. Resolution 13-018 Sublot 15, in the NW ¼, Section 20, Stony Creek Township
(Martin Reiger)

Mr. Kress explains that the applicant, Advanced Engineering and Environmental Services (AE2S), requests the annexation of this property to the City of Williston on behalf of the property owner, Martin Reiger.

The property is within the one-mile extra-territorial jurisdiction; the west side of this rectangular property is adjacent to the city limits. The property is zoned M-2: Heavy Industrial. Surrounding properties are zoned M-1: Light Industrial to the north and M-2 to the south, east, and west. The property is not currently served by public sewer and water. The property owner proposes to extend city water and sewer to this property at his expense to serve the two existing buildings, each with a separate water and sewer connection.

Mr. Kress stated that the Annexation Committee recommends annexation of Sublot 15 of Stony Creek Township, approximately 17 acres located in the W ½ of the NW ¼ of the NW ¼ of Section 20 in Township 154 North, Range 100 West, the property owner will extend public sewer and water to this property at their expense, and that the extension of these utilities must receive a permit from the city and meet the City's design standards.

MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve Resolution #13-018 for the requested annexation.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- E. Resolution 13-019 Saddle Ridge Subdivision, in the E ½ NW ¼, Section 3, Williston Township (Charles Owan)

Mr. Kress explains that the applicant, Darren Owan has requested the annexation of this property, the Saddle Ridge Subdivision, to the City of Williston. The property is within the one-mile extra-territorial jurisdiction; the south and east sides of this rectangular property are adjacent to the city limits. The property is zoned M-1: Light Industrial. The adjacent city property is zoned M-1 and P: Public (municipal golf course).

The Annexation Committee recommends annexation of the property consisting of approximately 89.93 acres located in Lots 1 through 6 Block 1 and Lots 1 through 8 Block 2, Saddle Ridge Subdivision, a rearrangement of Sublot 2 in the N ½ of Section 3, Township 154 North, Range 101 West.

MOTION BY BEKKEDAHL, SECONDED BY KLUG, to approve Resolution 13-019.

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
(1.) Post Office Box Issue

President Koeser talks about a meeting they had with the Post Office. He explained that the post office is now going to require new developments to install a gang box. After some discussion of the pros and cons of these types of mail boxes President Koeser suggested it go to a committee for further discussion.

The committee will consist of Commissioner Klug, Commissioner Cymbaluk, Chief Lokken, Bill Tracy & Monte Meiers.

MOTION BY CYMBALUK, SECONDED BY KLUG, to approve the appointed committee members.

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.

- 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.) WRWD Water Agreement

Commissioner Bogar discusses the WRWD Water Agreement explaining that it had been previously approved with contingencies. These contingencies have been addressed and a new agreement has been presented for approval.

MOTION BY BOGAR, SECONDED BY CYMBALUK, to approve the agreement submitted by WRWD

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.) Energy Infrastructure & Impact Office- Request for Reimbursement

John Kautzman the City Auditor discusses this agenda item. He explains that there had been three different Grants two had gone to the City and one had been given to the Williston Township. However the Williston Township had agreed that since the City had done the Road Improvements that Grant would go to the City.

The three Grants totaled \$45,000 and Mr. Kautzman is requesting authorization for the Mayor to sign the Request for Reimbursement.

MOTION BY BEKKEDAH, SECONDED BY CYMBALUK, to approve the request.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (2.) Deferral Option for Tax Payer Allard, Paul & Martha L

Mr. Kautzman brings this item to the Commissioners for consideration. He explains that Paul & Martha Allard have recently had a water and sewer assessment. The Allard's have their

own Rural Water system and they also have their own drainage field. Mr. Kautzman stated that Commissioner Bekkedahl felt it more appropriate that this request be deferred at this time.

After more discussion the Commissioners felt it would be beneficial to have some kind of policy in place for this and future instances.

A committee was put into place consisting of Commission Bogar, Mr. Kautzman, Mr. Meiers, and Mr. Furuseth the City Attorney.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the deferral for Paul & Martha Allard for the time period until a permanent solution and then that deferral will be looked at again or extended.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(3.) Semi-Annual Review of Pledged Collateral

Mr. Kautzman explains that Semi-annually the Board of City Commission is asked to review the pledged collateral and acknowledge, for the record, that we have our funds covered to 110% for each dollar invested over the FDIC coverage and that the Board approves the collateral listed. The recap is as follows:

<u>American State Bank:</u>	
Pledge Total:	\$ 37,475,000.00
Money Market Account:	\$ 6,247,909.14
Checking:	\$ 157,526.85
Trust	\$ 14,700,000.00
Total:	\$ 21,105,435.99
FDIC coverage:	\$ 250,000.00
Needed collateral at 110%:	\$ 22,940,979.59

<u>1st National Bank:</u>	
Pledge Total:	\$ 9,525,000.00
HI-FI Account:	\$ 1,002,701.10
CD:	\$ 0
Comm. Dev. Acct.	\$
Checking:	\$
Total	\$ 0
FDIC coverage:	\$ 250,000.00
Needed collateral at 110%:	\$ 827,971.21

<u>U.S. Bank:</u>	
Pledge Total	\$ 0
CD:	\$ 734,076.35
Total	\$ 0
FDIC coverage	\$ 250,000.00
Needed collateral @110%	\$ 0

3 Cd's / 3 different banks so covered.

<u>1st International Bank:</u>	
Pledge Total:	\$ 6,227,340.10
CD:	\$ 4,000,000.00
FDIC coverage:	\$ 250,000.00
Needed collateral at 110%:	\$ 4,125,000.00

<u>The Bank of North Dakota</u>	
Pledge Total:	\$ 0
CD:	\$20,999,980.00
FDIC coverage:	\$ 0
Needed collateral at 110%:	\$ 0

MOTION BY BEKKEDAHL, SECONDED BY KLUG, to accept the Semi-Annual Review.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(4.) Public Notice of Equalization Meeting being held on May 2, 2013

Mr. Kautzman brings this item for informational purposes to the commissioners. They discussed the date of May 2, 2013 at 5:30pm possibly being a conflict with the Williston Basin Petroleum Conference being held in Regina.

After more discussion they decided to leave it as is and an attempt would be made to attend both items.

No motion was needed, for informational purposes only.

- B. Attorney
- C. Director of Public Works/City Engineer
 - (1.) Ad for Bid – Durapatcher

Monte Meiers, the Public Works Director & Engineer brings the first agenda item to the commissioners for approval. Mr. Meiers explains that Public Works is looking to go out for bids for a durapatching machine that was budgeted for 2013. He finished by saying the Bid Opening would be March 7th at City Hall.

MOTION BY KLUG, SECONDED BY CYMBALUK, to approve.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(2.) Resolution for W & S Improvement District 13-4

Mr. Meiers next brings the request for several resolutions necessary to proceed with a sewer special assessment district to extend sanitary sewer along 23rd Street, to serve the Harvest Hill Subdivision area.

Mr. Meiers also explained that the water line extension is not being assessed as it is being extended in an area outside the City limits at present; the sewer line assessment for the undeveloped property of Herb Huntley's is proposed to have a deferred assessment; all of the route does not have a dedicated right-of-way and the consultant engineer is working on obtaining right-of-way.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the Resolution for the Water & Sewer District 13-4.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(3.) Pheasant Run Federal Aid Project – Decision Documents

The next agenda item Mr. Meiers brings is the Pheasant Run Federal Aid Project City decision document. He explains that this had previously been discussed at a City Commission Meeting and this form just explains the decisions previously decided.

MOTION BY BOGAR, SECONDED BY KLUG, to approve the document as presented.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(4.) Engineering Agreement

Landfill Master Plan Update:

Mr. Meiers discusses the first agreement needing approval. He explains that they have exceeded the permitted waste volume at the Landfill, we are asked to update the Landfill Master Plan and Expansion plans by the ND Health Department. The agreement needing approval is from HDR in the amount of \$176,000.

MOTION BY KLUG, SECONDED BY BEKKEDAHL, to approve.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

9th Ave West:

Next Mr. Meiers explains that the New Hope Church would like to expand this year and proposes to utilize the unused property next to 9th Ave W. This area is proposed to be part of the City's Corridor Improvements along the West Bypass and may conflict with the improvements necessary to this street.

Mr. Meiers discussed the attached work order agreement from SRF in the amount of \$2,500 to do advance preliminary right-of-way needs for this corridor improvement.

MOTION BY KLUG, SECONDED BY BOGAR, to approve the request.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

Mill & Overlay Street Improvement:

Next Mr. Meiers is looking for approval of the engineering agreement from Interstate Engineering, Inc. in the amount of \$68,000 for the design of the 2013 street mill & overlay improvements programmed and budgeted for this year.

MOTION BY BOGAR, SECONDED BY KLUG, to approve the agreement.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

Sunset Subdivision Improvement:

Mr. Meiers has attached an engineering agreement from Morrison & Maierle in the amount of \$60,000 to provide the engineering services for the water and sewer improvements for 139th Lane in the Sunset Subdivision.

To meet the deadline for the Site West Development, Mr. Meiers explained they need to Phase the improvements if done for the complete subdivision. The engineering agreement to complete the subdivision if the property owner supports it the water and sewer extensions, would be at an hourly rate, to not exceed \$200,000.

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

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(5.) Change Order – 139th. Ave.

The next agenda item Mr. Meiers brings for approval is Change Order #5 for 139th Ave. West to handle conflicts with existing utilities within the construction limits and additional driveway to serve a lot adjacent to the street. The Change Order Amount is for \$30,134.60.

MOTION BY BOGAR, SECONDED BY KLUG, to approve the request the change order as submitted.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

D. Fire Chief

(1.) Almont Associates Presentation on the Study for the Fire Department

Chief Hanson with the Williston Fire Department has asked the Almont Associates to do a study for the fire department. He has asked Tom Weatherly to give a presentation on his company and what they can offer in regards to this study.

No motion was needed for information purposes only.

E. Chief of Police

(1.) Bid for Budgeted Patrol Vehicles

Chief Lokken requests the approval to be able to go out to bid for three budgeted patrol vehicles.

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

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.

- F. Building Official
- G. City Planner
- (1.) Final Plat- Red Barn Subdivision – Stamp/Morken

Rachael Ressler with the Planning & Zoning Dept. brings the first Plat for approval. Miss Ressler explained that on July 10, 2012, a zone change from A: Agriculture to C-2: General Commercial was approved by the City Commission for this piece of property contingent on a plat being filed, removal of debris on the property and compliance with the zoning within a year.

This plat will fulfill part of that requirement and the applicant is working on the other two contingencies, phasing out the RV/Mobile home park on one of the proposed lots. The plat proposes two lots, of 2.08 and 2.79 acres.

Miss Ressler also explained that they will require a non-protest agreement for future street improvements. A sewer and water plan has been discussed and requirements for this are included in the development agreement.

And finally Miss Ressler stated that the recommendation from the Planning and Zoning commission is to approve the final plat for the Red Barn Subdivision, contingent on addressing staff concerns, final plat requirements, development agreement, and any other required documents.

Commissioner Cymbaluk had concerns about the property being cleaned up in a timely manner and questioned Mr. Stamp about this concern. Mr. Stamp was quick to explain that it was being taken care of and would be done as soon as possible.

MOTION BY KLUG, SECONDED BY CYMBALUK, to approve the final plat subject to the contingencies.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (2.) Final Plat- Rearrangement of Lot 4, Block 4, Bakken Industrial Park – Westmoreland Co.

Miss Ressler explains that this application requests a rearrangement of Lot 4, Block 4 of the Bakken Industrial Park Subdivision. The original lot is 11.113 acres. The preliminary plat proposed seven lots. In the review process, due to the need for a common retention pond and drainage area, the proposed number of lots was reduced to six. The final plat therefore includes one lot of 5.91 acres, two lots of 0.86 acres, two lots of 0.87 acres, and one lot of 1.73 acres. The zoning of these lots is M-1: Light Industrial.

Proposed uses on the five smaller lots include various contractors' shops. The 5.91 acre lot is a proposed site for a FedEx facility.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the final plat for the rearrangement of Lot 4, Block 4 of the Bakken Industrial Park, contingent on a non-protest of future street improvements and final staff review.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (3.) Department Update (2012 Subdivision and Zone Changes and MyGov system)

Rachael Ressler with the Planning & Zoning Department brings this agenda item to the Commissioners for informational purposes. She explains the MyGov system as being able to track and be more proficient with current and ongoing projects with their department and also by decreasing the amount of paper used.

This was for informational purposes only no motion was needed.

- H. Economic Development
(1.) 2013 Community Enhancement Grants

Shawn Wenko with the Economic Development Department brings the 2012 Community Enhancement Recommendations to the Commissioners for approval. He explained that they have \$50,000 set aside for the STAR Fund board.

Mr. Wenko explains that the STAR Fund board met for a day to review 20 applications for the 2013 Community Enhancement funding and they are recommending the following 17 projects for approval:

1. United Way	\$7000
2. Crosby Country Club	\$3000
3. St. Joseph PTO	\$2000
4. Market Place for Kids	\$5000
5. Western Star Gymnastics	\$3000
6. Dakota Family Solutions	\$2000
7. M-T Saddle Club	\$3500
8. Williston Basin Indian Club	\$2000
9. Divide County Fair	\$2000
10. Williston Sea Lions	\$3000
11. Williston Paintball Club	\$2000
12. Band Day	\$3000
13. Williston Imagination Library	\$2500
14. Military Affairs - Welcome Home	\$2500
15. Military Affairs - Monument	\$2500
16. Military Affairs - Avenue of Flags	\$2500
17. Boy Scout Troop 316	\$2500

MOTION BY CYMBALUK, SECONDED BY BOGAR, to approve as presented.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- I. Airport
 - (1.) Bid opening to sell airport F250

Steven Kjergaard the Airport Manager brings the first item to the Commissioners for approval. He explained that they had advertised for a Bid Opening to Sale the Airports F250, however they had only received one bid for the vehicle and it was from DGS for \$12,750.00, the best trade in offer was for \$10,000.00.

Mr. Kjergaard recommends acceptance of this bid.

MOTION BY BOGAR, SECONDED BY CYMBALUK, to approve.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (2.) Lease agreement with Kevin Chapman

This item Mr. Kjergaard explains is a Lease Agreement with Kevin Chapman however it is a correction of an error from a previous lease and he recommends approval.

MOTION BY BEKKEDAH, SECONDED BY CYMBALUK, to approve.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (3.) Lease agreement with United Airlines.

The last item Mr. Kjergaard brings for approval is a Lease Agreement with United Airlines. This is the agreement with United for them to officially operate at the airport. The cost is \$1.50 per thousand pounds of landing weight, .09 cents per gallon of jet fuel and \$750.00 per month for terminal rent. The city attorney has reviewed the lease and he recommends approval.

MOTION BY BOGAR, SECONDED BY BEKKEDAH, to approve the lease agreement.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- J. Assessor
 - (1.) WILMAC Multidist Spec Ed Unit - 222 University Ave. Williston
01-564-00-30-40-100 Lot 1 ex NW .002A for HROW & all Lot 2-3, Block 1,
Ruetten Add, City of Williston (Property purchased by WILMAC (an absolute exempt
entity))
 - (2.) Kent & Karen Horob (2) - 13876 57th St NW Williston
#1: 01-664-00-38-25-500 Lot 16, Thomas Sub
#2: 01-664-00-38-26-000 Lot 17, Thomas Sub
Non-existing improvement assessed: Property only 50% complete...interior not done.

Shawna Gooch-Egge from the Tax Equalization office brings three requests for exemptions, these normally would have gone under the consent agenda but she wanted to answer any questions the Commissioners might have.

MOTION BY KLUG, SECONDED BY BOGAR, to approve the three exemptions.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- K. Convention and Visitor's Bureau
 - (1.) Visitor Promotion Agreement 2013

Amy Krueger with the CVB is requesting to renew the 5 year agreement with the City, she has made no changes except the date.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the request.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- L. DES
- 10. Appointments and Consultations with Officers
 - A. Nomination(s) for CEAD Executive Board

MOTION BY BEKKEDAHL, SECONDED BY BOGAR, to Table the item.

Motion carried unanimously by voice vote.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to remove it from being Tabled.

Motion carried unanimously by voice vote.

President Koeser was given the nominations for the CEAD Executive Board by IPAD's the Commissioners are using for the meetings. The Appointments are for the re-appointing of Marti Sibley for another three years ending April 30, 2015; Deeann Grundstad is no longer working for NDAD and has resigned. Jackie Teskey from Vocational Rehab has agreed to complete her term, ending April 30, 2014.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve CEAD Nominations.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- 11. Unfinished Business
 - A. Serka Proposal

Mr. Meiers brings the final draft of the Serka Proposal recapture agreement and policy statement for such an agreement. He explains that the agreement would allow the developer who pays the costs of water and sewer extension that benefits other property other than the developer's to recapture some of those cost on benefited commercial, and

undeveloped properties at the time they utilize the water and sewer services that were paid for by the developers. This recapture agreement would be for 10-15 years and that would be stated in the agreement.

MOTION BY BEKKEDAHL, SECONDED BY KLUG, to approve the Recapture Agreement.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

12. New Business

A. Director Escrow Agreement

John Kautzman the City Auditor brings this first item for approval. He explained that he had been asked to do an escrow agreement on the property of Renaissance Heights Subdivision so that they would be able to get a lien removed that's currently on the property. The escrow agreement has been reviewed by both Mr. Meiers and Pete Furuseth.

Mr. Kautzman felt that they were comfortable with the numbers and was asking for approval.

MOTION BY CYMBALUK, SECONDED BY KLUG, to approve.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

B. Refuse Rate Study

Mr. Kautzman brings the next item for approval stating that it is for a rate study from the company of HDR with a proposal of \$20,360.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to accept the proposal from HDR and to approve the contract signing by the Mayor.

AYE: Klug, Cymbaluk, Bogar, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

C. Space Need's Review

Mr. Kautzman explains that JLG has prepared a draft document for the cost recaps of the space need's project with the updated dollar amounts. Commissioner Bekkedahl gave a breakdown of those costs as follows: Addition and Renovations to existing facilities of City Hall and Public Works with an estimate cost of \$48.5 million. Second the option of a new campus construction of City Hall & separate Public Works facility at an estimate cost of \$55.3 million and finally option three is demolition & new construction to existing site across from the Court House at \$48.6 million.

This is for informational purposes only no motion was needed.

13. Executive Session
14. Adjourn

**MOTION BY BEKKEDahl, SECONDED BY CYMBALUK, to adjourn.
MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**