

Official Proceedings
BOARD OF CITY COMMISSIONERS
November 12, 2013 6:00 P.M.
CITY HALL WILLISTON, NORTH DAKOTA

1a. Roll Call of Board of Adjustments

COMMISSIONERS PRESENT: Howard Klug, Tate Cymbaluk, Chris Brostuen, Brad Bekkedahl and Ward Koeser

COMMISSIONERS ABSENT: NONE

OTHERS PRESENT: Chief Lokken, Chief Hanson, Jordan Evert, Rachel Ressler, Shawn Wenko, Donald Kress, Steven Kjergaard, David Tuan, Bob Hanson, Bill Tracy, Monte Meiers, Kent Jarcik, Nick Vasuthasawat and Pete Furuseth, Karen Larson & Denell Kallemyn.

Mayor Koeser presented a quorum; they have two hearings scheduled the first with Terry Gaudreau and he was not present at the time. The commission agreed to wait until he was present and to do Great Plains Advertising first.

A. Review Appeal of Administrative Decision

(1.) Appeal of Denial of a Sign Permit for billboards in the City of Williston – Great Plains Advertising Outdoor Advertising, LLC

Mayor Koeser explained the process that they are going to go through for this hearing. He stated that they will begin by asking staff to give an introduction as to why they are here and then a chance for commissioners to ask questions. After, Great Plains Outdoor Advertising will get 25 minutes to explain their concerns and issues. There will be a chance for commissioners to ask Great Plains Advertising questions and then they will take 15 minutes for staff to explain their side and then give Great Plains Advertising five minutes to ask any last questions.

Donald Kress from the planning department presented information on the appeal of denial of a sign permit. Donald Kress explained that this is an appeal of a denial of a sign permit not an SPU. This appeal is for six billboards that were recently applied for in May 2012 and the applications were denied in August of 2013. The applicant receiving the denial contacted the city and asked about the appeal process. They submitted an appeal in a complete and timely matter and the appeal was scheduled as our ordinance requires, at the October 21st Planning and Zoning meeting. They were heard before that body and that body made a recommendation to the commission and the board will be hearing this as the board of adjustments tonight. Donald explained again that the agenda should read Denial of Permit of Billboards, not SPU. At the Planning and Zoning meeting a question came to the floor concerning how many of the six proposed billboards were digital. The city has said that all six permits

were digital billboards. Mr. Lewis' testimony indicated that only three were digital billboards. Donald explained what lead staff to believe all six were digital, was the plan had been submitted with each billboard application. This plan indicates that there are some digital on these billboards as well. There was some confusion on this matter. They contacted Mr. Lewis' partner, Mr. Schlauger, via telephone.

Mayor Koeser stated that at this particular time we will look for testimony and comments. Adam Webb spoke and stated that he was an attorney specializing in billboard advertising. Mr. Schlauger is a North Dakota certified attorney and thanked the commission for allowing him to appear telephonically. He also presented the others representing Great Plains – two of the owners, Rick Bateman and Randy Warner as well as Bob Lewis who has been consulting and working on this project for some time.

Mr. Webb presented a list of documents that they had given to the board of commissioner. Mr. Webb stated that Great Plains Advertising is a small company that sought to come and do what is a significantly big project for them. They looked at the code a couple of years ago and found that billboards were allowed in the City of Williston. The code read that billboards were allowed in M1 and M2 zones, they could be up to 700 feet in square footage and up to 45 feet tall. Other than that you have to live with the North Dakota regulation. They decided based on this information they would put a lot of equity and money behind this project. They came and did that and found the locations that worked under the various regulations. They met with the landowners and the essentially reached agreement leases where the land owners would receive a healthy return for the billboards being put on their land. Mr. Webb stated that it is a good use of property for the landowners and that they were enthusiastic about the idea. After getting landowners' permission, they went to the city to get the permits. They filled out detailed paperwork – the application form, the leases, the engineering plan and the site plan showing where the signs would go. This happened in May of 2012. Mr. Webb said that he first of all, wanted the board to know that no one is going to cast a spur into the fine employees of the city of Williston. He went on to say that everyone knows you have a great city staff. Mr. Webb explained that they are here tonight saying that they have messed up in this instance. We are asking you to serve as a judge tonight and be partial and unbiased like a judge is to be. We may say some things that suggest that the city staff made mistakes but I don't want anyone to misread that. You are sitting as a judge please look at the statute and code as it applies to this matter. You have to understand that in some instances we suggest that mistakes have been made because this is an appeal. After the applications are submitted you would normally hear 2-4 weeks later the status of those applications. Here something different happened, the moratorium was passed five days later on May 7th.

The moratorium stated that the city would not be processing applications until a new code has been put in place. We subsequently agreed with the city at this hearing whether the old code or the new code would apply in

this instance. It was clearly stated that the applications were to be governed by the sign ordinance that was in place when they applied for the sign permits on May 2nd. Great Plains agreed to work with the city and wait until the moratorium ended, then continue to work in good faith toward receiving their permits even though these application were obviously allowed by the code. There was another application that was submitted by Newman Outdoors, the biggest outdoor advertising in the state. Every single billboard in town is owned by Newman Outdoors. Just before the moratorium Newman's submitted an application and refused to wait for the moratorium. They received their permit without submitting site plans, engineering plans, or their lease like Great Plains Advertising had done. Mr. Webb went on to say that their billboards were the exact same size, 14 by 48. Zoning districts were the exact same as well, so we are here because Great Plains' permits have been denied and we have to ask, "What happened to this permit?"

Mr. Webb presented documents to the Commission showing where the signs were to go and compared it to the billboards put up by Newman Outdoors. He asked the Commission how they would feel if they were in the shoes of Great Plains Advertising, over a year later having spent thousands of dollars on attorney fees and flying here for meetings and your competition was able to build its sign a year ago and has been making good money leasing those ads to Hampton Inn and the Pilot gas station. They are making money on an identical application, although it was incomplete in other ways, for the same use as they have applied for. Mr. Webb asked the Commission "How would you feel?" He said he would like for the Commission to think about the law and apply the law equally. We are here to correct the issue and get this company moving forward.

Mr. Webb stated that Great Plains waited until January until the moratorium was done and at that time they got back with the city to process the applications but no permits were forthcoming. January and February went by and the company enlisted Mr. Lewis to come and schedule meetings with city officials and sit down and talk with them. Early February of this year he met with various city officials, they said the applications were ok and even heard that he would likely have permits within one to two weeks. The next thing they got was a laundry list of additional requirements of things that would have to be handled. These things never applied to Newmans Outdoor or any of the other billboards around town but all of a sudden it did apply to Great Plains Outdoor. They wanted Great Plains to show them more of the engineering and acquire approval from the FAA and the airport. These things were not required by others but in good faith Great Plains did what they asked. Everything had been submitted, completed and done and they still waited. Mr. Lewis was constantly contacting city officials trying to get a response. At one point we put together a complaint for court because we were so frustrated not being able to get an answer to these permits which there are not many criteria under the billboard regulations of this city.

Finally, after all that time, on September 6th that had been dated August 14th they received a denial letter. The denial was based on two things: 1. The height they said was over 45 feet. 2. The billboards did not comport with the comprehensive plan. For 16 months prior to this, untold numbers of calls, meetings, letters, and e-mails, not one of those issues had ever been mentioned to Great Plains Outdoors. Great Plains wants the Commission to know everything that has happened. They feel that when the city staff knew they had to make a decision they grasped at straws and came up with a couple of farfetched basis for denial. These are completely inadequate basis for denial based on the following fact: These signs were applied for May 2nd, 2012 at 45 feet tall (Mr. Webb presented the application stating this as well as engineering plan and the Determination of "No Risk" by the FAA). Yesterday Great Plains received documents from the city, one was an e-mail from Donald Kress to the airport and Kelly Aberle. This email, dated March 20th, shows that Mr. Kress knew full well that the billboards were 45 feet tall. Mr. Webb questioned their reasoning for coming up with the idea that the billboards were not going to be 45 feet tall. Mr. Webb stated that the signs will not exceed 45 feet and requested that this be put this on the approval. He stated that it would not be a problem it's what has always been intended, it is repeatedly shown in all the application paper work. Mr. Webb said that this was made clear at the Planning and Zoning Commission Meeting and they accepted this and you will notice in their findings that height is not mentioned there. The issue of height is a non-issue and they hope they can avoid any confusion about this point. The next basis of denial was that the billboards violate the comprehensive plan. Mr. Webb pointed out that the city, repeatedly in its denial letter, talks about the area specifically between 26th street and 58th street. This is a proposed corridor for the city. People coming in from the north will be introduced to the city, this has been the idea, and it is an attractive appearance. Mr. Webb used a map to point out to the Commissioners where exactly the signs were supposed to be located and said it was not going to be located in that corridor. The sign at 26th street is several hundred feet before where the corridor begins. "The Gate Way" corridor is what has been repeatedly referred to in this denial letter. This denial letter does not allow the board to turn down the site that is not in the corridor. Mr. Webb showed the board documents showing that it is only applicable from 26th street to 58th street. Mr. Webb questioned, "Why is it improper to turn down a permitted use because of the comp plan?" The comp plan is your vision for the future of the city, it talks a lot about changes that are to come, and they might come 20 years from now. These changes are going to take decades and comp plans are not used to turn down uses that are allowed right now on the property. For example; you are not going to tell the M1 property owner that has an auto repair shop that he can't do an equipment rental shop, there are a large number of examples we could give. If you look at the denial letter it has an attached brochure and explains to landowners what the corridor would do. In the brochure the definition of permitted use is, "you may modify or add to the structure or

operation as desired within the bounds of other city and state regulations.”

It goes onto show what would happen if the property went to C2 zoning; some of these permitted uses would not be permitted, that is not what we are talking about. There is nothing that says no billboards shall be allowed. The courts have said time again you cannot deny a permitted use based on the comp plan, it is a vague set of aspirations. There is not a limit on what a landowner can do on their property. During the comp plan, obviously these billboard regulations were in place, in fact a new billboard regulation was just approved allowing billboards in some of these very same spots. It is obviously not the intent of the comp plan for billboards to not be permitted and is permissible under the ordinance. These two bases are unlawful. We would ask, based on these two things not being legitimate grounds for denial that the Board of Adjustments would reverse the action of the city staff and let these men go forward and do business in the city as they should have been allowed to do 18 months ago.

Mayor Koeser opened the floor to any commissioners who may have questions. Commissioner Bekkedahl asked if the billboard of Newman Outdoors was further north of the location that they are referring to.

Mr. Webb responded saying that the billboard is 350 feet north of Soka Mattress on the same side of the road.

Commissioner Bekkedahl then inquired to the length of the term of the leases. He stated that the city sold property on E Broadway that had a sign on it that could never be removed.

Mr. Webb explained that the leases were not for perpetuity and that one of the leases term was for 15 years.

Commissioner Bekkedahl asked if this is truly a district in transition, would the billboards be there throughout the whole transition

Mr. Webb stated again that the leases are 15 year leases. He went on to say that there is nothing more valuable than having outdoor advertising the local businesses can use so people can go to their shops. You want the billboards in the commercial corridor not in residential areas and on farms.

Commissioner Bekkedahl also asked if the property that the billboards were located on changed from M2 to C2 zoning, would that make the sign a non-permitted use at the end of the lease.

Mr. Webb was unsure whether they would be grandfathered in provisions of the code. He stated that he did not know what the rules of North Dakota are.

After there were no further questions, Donald Kress, the Principal Planner took the floor to explain their side of the matter.

Mr. Kress first addressed the issue of the height of the billboards. In a response to a request from the Building Department for some more detailed engineering, the plan that was submitted to them said Williston/Minot. This plan indicated a billboard height of 52'6", so it wasn't clear why the applicant would submit an example of engineering that wasn't consistent with the product that he was asking for. Donald Kress also stated that the e-mail to Mr. Kjergaard where he stated the height of the billboards was 45 feet was sent in March and the engineering plan stating the height of the billboards would be 52'6" was given to them in June. Mr. Kress asked, "Why was information being submitted that wasn't consistent with the product being asked for?" The planning department wasn't involved in the request for more detailed engineering and this is where the confusion over the billboard height comes in. Also, federal aviation determines whether signage that projects into the sky is hazardous to navigation.

Next, city attorney, Jordon Evert wanted to follow up on a couple of quick points. One thing he said he would like to clarify, is that there was a statement made that the city attorney agreed the permits should be issued. Mr. Evert stated that he never made any such statement. He did however agree that the permits should be interpreted under the previous ordinance. Great Plains' applications were submitted prior to the moratorium as well as Newmans Outdoor. There was confusion among the city departments as to what to do with the applications because it was obviously the city's intent to take a step back to see what was going on due to rapid growth. Mr. Evert stated that he did say that the city should proceed under the previous ordinance but never stated that the permits should be issued. The form from the FAA does not mean permits will be issued on or around the airport. In his opinion the regulation of these billboards and denial of permits does not have to do with content or messages but their size and their location. Mr. Evert did admit that they are currently located in the M1 or M2 district and would be a permitted use. But, they also have to comply with the general provision of the sign regulations. The ordinance states that they cannot permit a sign that will not by reason of their size, location, construction, or manner of display endanger the public safety of individual, confuse, mislead, or obstruct the vision necessary for traffic or otherwise endanger the public health, safety and general welfare. The city must also permit and regulate signs to support and compliment land use objectives set forth in the ordinance. Just recently north of these portions of property where these billboards would go was just rezoned to commercial. All the property owners submitted to it and it is now commercial. When planning looked at it from a broader objective they had to ask, "Is it in the best interest of the city?" They then decided this size of a billboard in this location was not conducive to meet the city's best interest. The big issues too, with the Newmans Outdoor signs vs. Great Plains signs are you are dealing with three different billboards. Mr. Evert said he does not know of any billboard

that is electronic at that size close to a major highway that is coming through the city of Williston. This had been a major concern the city departments did undertake and a lot of discussion was had. That is why additional information was requested.

Commissioner Cymbaluk asked if you can deviate from the comprehensive plan.

Mr. Evert stated that the sign regulations are to permit and regulate signs in such a way to support and compliment the land use objectives set forth in the ordinance. This is a commercial corridor and when you put a billboard in a commercial area you have to go through an SPU process, not a regular permitting process. You have to go through an extra step. If the whole area is going to be a commercial area, which it is anticipated to be, what are the land use objectives? Is this going to be consistent with that use? This is the real issue with what is in front of you. It comes down to; do you want to allow these types of billboards with their size and location along the major commercial corridor? Planning's interpretation is that it is a bad idea to do so and the Planning and Zoning Commission agreed. I don't think, to answer your question, you have to necessarily look at the plan use or the comprehensive plan to say this is exactly it. You look at the land use objectives set forth in the ordinance, part of that is looking at the comprehensive plan.

Commissioner Bekkedahl inquired as to the prior attorney speaking of placing a 45 foot height instruction directly into the permit and wanted to know if the city would have the ability legally to place time restrictions on how long billboards can be at a specific location.

Mr. Evert stated that he does not know of any specific provision within the ordinance that would prevent such a condition. There have been building permits that have conditions placed on them. It is not a stretch to say that a condition could be placed on a billboard permit but that he does not know if that has been the practice of the city in the past.

Commissioner Bekkedahl also wanted to know if the Airport Board of Adjustments convened on this issue.

Commissioner Bekkedahl brought up another question. He wanted to know in terms of jurisdictions, does the Airport Board of Adjustments have authority over any decisions that would be made tonight or should they have had input prior to this decision process.

Airport manager, Steven Kjergaard, said that there were no issues with the height but they do have an issue with the light that will be emitted by the billboards. Mr. Kjergaard said that on a low visibility day, a pilot could be distracted by the billboards and it could cause a pilot to go off course and cause an accident.

Commissioner Bekkedahl stated that he thought if the Airport Board of Adjustments met on this issue it would allow the parties trying to get the signage up to have the opportunity for that venue to discuss the concerns with the airport which may or may not have happened at this point.

Mayor Koeser asked Mr. Kjergaard if the FAA just looked at the height and not that it is light emitting and it is understood that the FAA looks just at the height and not the light emitted by the sign.

After there were no further questions the Commission went back to Mr. Webb if he has any last comments or response.

Mr. Webb said first of all; let me apologize for the misinformation about the Williston/Minot submitted engineering plan. Mr. Webb stated that he was not aware that the plan was titled Williston/Minot. Mr. Webb went on to say that the plans were submitted 14 months after the applications had been submitted. There was no suggestion that the additional engineering plan that was submitted was to replace the plan they had previously submitted. The engineering example was submitted in a response to a number of inquiries about how certain things would work. The plan was for another company that must do business in Williston and Minot. This however does not change the fact that there were four different mentions of the billboard height being 45 feet. Everyone knew it was 45 feet, the code allowed 45 feet. There was no reason to think that the height would be anything else but 45 feet. Mr. Webb asked the commission to please condition their approval on the height being no more than 45 feet. The height issue is a non-issue. On the airport issue, Mr. Webb stated that the people from Great Plains had met with the airport, communication between the parties went on for weeks. Great Plains received approval from the FAA and then they got their denial from the city which did not reference any problem with the airport. Mr. Webb said that they are appealing the denial based on the reasons that were given in the denial they received from the city. They did not prepare to argue the denial of something that wasn't even brought up. Mr. Webb asked that the two issues regarding the airport be reversed. The two things were not mentioned in the Planning and Zoning Commission meeting a month ago and were not mentioned in the last couple weeks. Mr. Webb stated that it would be a violation of due process to expect them to have a response to that issue. Mr. Webb wants to carve those two issues out of the decision tonight so that the commission is not faced with that issue. Mr. Webb said that he can assure the commission that the safest thing near an airport is billboards. Billboards add perspective to a pilot. When you are looking at track lights and you see other things, you know you are on the wrong track. Billboards are good things to have near an airport. They do not confuse pilots, pilots are not that stupid. Mr. Webb also said that he has no concern about getting approval from the airport. Mr. Webb asked the commission again to carve those out of the approval tonight and suggested that they be tabled. Mr. Webb felt that it would not be fair to have the two airport issues brought into tonight's approval, saying that it would not be appropriate. He went on to say that it was clearly not the

format or process that had been set up for them to go through. The two airport issues were assumed to them several months ago to be a dead issue. Mr. Webb stated again that neither of those two issues was in the denial letter. Also, one of the billboards is not even in the corridor of concern that is repeatedly mentioned by the city. What Mr. Evert raised here before the commission is the general purposes of the sign regulations, not a basis to turn things down. The idea that the city could use this to prohibit these signs which were plainly allowed by the billboard regulations is contrary to notions of common sense and fairness. Mr. Webb urged the commission to table the two items and approve the remaining four because they have dealt with the height issue. He also said that the comprehensive plan is a completely inappropriate basis of denial. If the commission approves the denial on that basis, the city would have ongoing litigation from every applicant for the rest of the history of the city. He stated again that this was not a basis for denial for permitted use. Great Plains has worked long and hard at this for a couple of years and asked the commission to let Great Plains move forward saying, "Let's let the landowners make some money."

Mayor Koeser opened up the floor to anyone who may have any last questions for Mr. Webb.

Commissioner Bekkedahl asked Mr. Webb if he was telling the commission that M1 and M2 zoning districts don't change or cannot be changed. Mr. Webb said that they can change them whenever they like. Commissioner Bekkedahl also stated that based on the comprehensive plan, that whole corridor is in the process of being changed.

Mr. Webb responded that the change that was made recently was through no opposition of the land owners. But, if you go to one of the auto repair shops and change them to C2 they are going to be in non-conformity with the use of that property. This will tie landowners up with the things they will be allowed to do on their property. But for right now, because the city has not done that yet, they have the legal rights of a property owner of an industrial zoned property and the permitted use. Mr. Webb stated that there are a lot of permitted uses and that one of them are billboards. That decision was made by the board repeatedly. Mr. Webb went on to say that there are 25 billboards around town that the commission has approved and that every location is within a few hundred feet of a Newman Outdoor billboard that was approved under the exact same regulation.

Mayor Koeser thanked Mr. Webb for being there. He stated that what we have before us is a request to override the action of the planning and zoning board. Mayor Koeser opened the floor to other discussions and questions.

Commissioner Bekkedahl wanted to confirm that what he heard from the attorney is that the permit cannot have any length of term attached to it. He stated that as we grow as the fastest growing micro city in country and

as we go in annexing land and change land uses and get proper zoning in the right area so there is some consistency, why would we want to create a problem when we know in fact this area will change in the near future. Why would we want to open ourselves for the exposure to come back and have to clean another mess up and have to try to get the signs out?

Mayor Koeser responded, that the guideline was 700 feet and asked Principal Planner, Donald Kress, to tell the Commission what the new guideline requires. Kress stated that currently sign ordinance 960, which came in to affect January of 2013, states that the maximum sign face shall not exceed 2.5% of the area of the lot or 378 square feet, whichever is smaller. Kress said that staff discussed having a smaller size but were advised that billboards come in standard sizes. With that being said, they tried to step down so it would fit one of those standard sizes. This was the intent with the numbers they came up with. Kress said that the billboards could be there if they were a smaller size. He also stated that spacing has to be 600 feet between billboards and no more than one billboard on one parcel of land. Also, no billboard shall be within 250 feet of any zoning districts where billboards are not permitted.

Commissioner Bekkedahl said the three options they have are to approve it, deny it or table it. Mayor Koeser said that those are normally the options.

Commissioner Klug said that the commissioner have been told that the applicants have spent quite a bit of money on their business plan but he believes that the city's comprehensive plan has cost thousands of dollars as well. He went on to say that they city of Williston has used this comprehensive plan as a guideline and will continue to do so. The city has major investments in this comprehensive plan and is one of the reasons he believes that this is a valid document to make their decision on. Secondly, Commissioner Klug asked, "What is wrong with goals? What is wrong with us looking forward in this comprehensive plan and saying this is what the city of Williston needs to be?" Commissioner Klug said he disagrees that the best place for billboards is around commercial zones. He said that he thinks the zone itself will dictate for itself the advertisement. He believes that is what was used to make this denial and he thinks the comprehensive plan is a valid plan for them to have come up with their decision.

Commissioner Brostuen agreed with Commissioner Klug, saying, "You have to draw the line somewhere." He went on to say that if you continue to violate the comprehensive plan you are never going to get to where you want to go. Somewhere you have to say this is the future and you have to stick with it. Otherwise, you are never going to get to where you want to be. Sometimes you just have to draw a line in the sand and say this is where we need to go.

Commissioner Cymbaluk said that he has confidence in the city staff as they all do and they all should. They are the ones that put them in those

positions, to help make those decisions. They have a Planning and Zoning Board that was appointed by the body of commissioners and based on their findings; he believes they are valid and real and stated that he supports them 110%. Commissioner Cymbaluk made a motion to deny the request to let Great Plains install these billboards.

Commissioner Brostuen asked if Commissioner Cymbaluk would be interested in looking at the Pepsi sign that does not have a height restriction and is not in the comprehensive plan and see about getting it removed.

Kent Jarcik from Planning and Zoning wanted to clarify the comprehensive plan. He doesn't want anyone to think that there was no previous comprehensive plan. Mr. Jarcik doesn't want them to come away with the thought that there was never any thought to the old urbanized part of town. They amended the comprehensive plan.

MOTION BY CYMBALUK, SECONDED BY KLUG, to deny the request to grant Great Plains Outdoor Advertising, LLC sign permits.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (2.) Appeal of denial to set up an ice house (dispensing unit) on property Zoned C-2 – Terry Gaudreau

Mayor Koeser presented the next hearing, an appeal of an administrative decision denying the request to set up an ice house dispensing unit zoned C-2 by Terry Gaudreau.

Kent Jarcik from Planning and Zoning stated that this is an appeal by Mr. Gaudreau for his property located on 2nd Ave west to house an ice dispensing unit. Mr. Jarcik said that in the past they have considered these machines to be vending machines which would be considered an accessory use. In order for the ice dispensing unit to be permitted as an accessory use, his property zoned C-2, would need to have a primary business on the property. Mr. Jarcik explained that in another situation north of town, Mr. Gaudreau's properly zoned C-2 property has an existing primary business therefore the ice dispensing machine he currently has is considered a permitted use. In this situation there is no permitted use or primary business on the property. There are also non-conforming residents to the north of the property. The administrative decision was that this is an accessory use to primary or permitted commercial use, therefore it is not a permitted use. At the Planning and Zoning Commission meeting there was discussion on a few different points. First, the proposed ice machine has been determined to be a vending machine, therefore an accessory use. Secondly, this ice machine is much larger than your typical vending machine. Lastly, the applicant

owns lots on the 2nd & 8th block. The applicant stated he owns both the lots in question and his intention is to make use of the lots on the C-2 zoned property and eventually remove the house on the north lot. Mr. Gaudreau is currently renting the lot to a retired couple and does not want to evict them. There was talk about utilities, there is a water line running from 2nd street north across the property. Mr. Gaudreau did state that he would be able to connect water and sewer lines. With this information it has been determined that the ice dispensing unit is a vending machine and considered an accessory use. The Planning and Zoning staff's recommendation is to uphold the administrative decision to deny the request to set up an ice house dispensing unit on the property zoned C-2. The general commercial ordinance does not support this type of business on the property.

Mr. Gaudreau spoke and stated that he and Mr. Jarcik discussed that the vending ordinance needs to be looked at it because time has changed and businesses have different ways of operating now. Mr. Gaudreau said that the ice dispensing machine is a standalone business. He presented pictures to the commission of the ice dispensing unit he currently has on a different property. Mr. Gaudreau stated that the first unit he set up in September sold 3,000 bags in just one month. He went on to say that this is not the warm climate where you normally sell a lot of ice but it's a destination point for people to buy ice, there is not a lot of convenience in Williston. The property Mr. Gaudreau is looking at to set up an ice dispensing unit has been vacant for 50 years and doesn't look good by any means. Mr. Gaudreau stated that he bought the property from the city because he owns the property next to it and in order to do anything you have to have all the property. His idea is to take two thirds of it and put in concrete and do whatever he has to do to make it look good, with his ice machine being placed on the corner. He also feels that the north part of the town has been well covered but the south side needs a unit as well. Mr. Gaudreau's ice dispensing unit gives twice the amount of ice for the same price. He has owned the property for years and has tried to figure out what to do with it. He is currently renting the home to a retired couple that plans on leaving sometime next year. The ice dispensing unit is good looking and there is already an entrance into the property and an exit out of the property as well. Mr. Gaudreau stated that it would be easier to put it on somebody else's property but he already owns the property and it is a good use for it. He would really like to have the unit here in Williston; the other ice machine would go to Sidney or Watford. Mr. Gaudreau says that he has had several people from all over the state calling him saying they would like to put up ice dispensing machines. Mr. Gaudreau asked, "What is a vending machine?" This is an ice manufacturing plant that dumps bags of ice.

Commissioner Cymbaluk wanted to confirm that Mr. Gaudreau would hard surface the lot, clean it up and put some lighting in. In which Mr. Gaudreau did confirm. Commissioner Cymbaluk said that the ice machine might be there five years, it could be there ten year, they don't know.

He stated that it is almost contradictory to what he said earlier but in this situation he didn't see a problem because the property is small and there isn't a lot you could do with it.

Mayor Koeser addressed Mr. Gaudreau saying, earlier you made the comment times are changing and there is merit to that. Mayor Koeser said he didn't know if this was the time to change things. But that they do need to be aware that things in general aren't the same now as they were 20 years ago. He also said that he could see where staff did what they did because those are the rules.

Commissioner Klug disagreed with Commissioner Cymbaluk's statement that there wasn't much you could do with the property. He stated that the area of the property is a corridor into the City of Williston and it is something that they are trying to develop. He went on to say that there are other things he believes can be done with the property.

There was discussion among the commissioner as to how the large trucks would get in and out of the property. Mr. Gaudreau said that it was for smaller trucks and trailers. There was concern that the large trucks would tear up the streets like Hertz Rental as an example. Mr. Gaudreau was referring to smaller truck and trailers not to semi-trucks.

Mr. Gaudreau stated that he bought the property with the intention to do something with it and that he was the one who purchased the property and he thinks it's a valid thing to do with the property.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request to set up an ice house (dispensing unit) on property zoned C-2.

AYE: Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: Klug

ABSENT AND NOT VOTING: None

CARRIED: 4-1

1b. Adjourn Board of Adjustments

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to adjourn Board of Adjustments.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

1c. Roll Call of Commissioners

COMMISSIONERS PRESENT: Howard Klug, Tate Cymbaluk, Christ Brostuen, Brad Bekkedahl and Ward Koeser

COMMISSIONERS ABSENT: NONE

OTHERS PRESENT: Chief Lokken, Chief Hanson, Jordan Evert, Rachel Ressler, Shawn Wenko, Donald Kress, Steven Kjergaard, David Tuan, Bob Hanson, Bill Tracy, Monte Meiers, Kent Jarcik, Nick Vasuthasawat and Pete Furuseth, Karen Larson & Denell Kallemyn.

Mayor Koester presented a quorum: There are a couple changes that need to be made to the agenda. First is number 4E is a preliminary plat not a public hearing. And second, on the last page number 9C 6 & 7. Number six is a marketing agreement with A2ES for waste water and number seven is a change order for Northern Improvement.

MOTION BY CYMBALUK, SECONDED BY KLUG, to approve the request to amend the agenda.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koester

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

2. Consent Agenda

A. Reading and Approval of Minutes for:

(1.) Regular Meeting Dated October 22, 2013

B. Auditor

(1.) Accounts, Claims and Bills

Combined Check Register

For checks between: 10/22/13 - 11/08/13

Check #	Vendor/Employee/Payee Number/Name	Check Amount	Date Period	Issued
-76511	56169 KATHERINE E. BERWICK	1556.50	11/01/13	
-76510	56297 BRENDA D'ANGELO	795.62	11/01/13	
-76509	12020 RANDY M DONNELLY	1742.45	11/01/13	
-76508	56348 TYLER EMERSON	840.66	11/01/13	
-76507	12017 JOHN L. KAUTZMAN	2701.13	11/01/13	
-76506	56240 KAREN D. KUEHL	643.51	11/01/13	
-76505	56363 JUSTINA ROSE	305.08	11/01/13	
-76504	56252 DIANE THOMPSON	930.84	11/01/13	
-76503	56255 CHELSEA S CAVANAUGH	682.08	11/01/13	
-76502	13026 KEVIN W. CRAFT	1073.41	11/01/13	
-76501	56195 JACKIE L. HATCH	718.74	11/01/13	
-76500	56274 MEGAN NYGARD	625.24	11/01/13	
-76499	56323 LINDSEY REPP	601.96	11/01/13	
-76498	56359 KELLEN SANDLAND	374.84	11/01/13	
-76497	56225 SUSAN E. SCHNEIDER	1103.23	11/01/13	
-76496	13025 JOLEEN S. TINKER	1315.06	11/01/13	
-76495	56344 CARRIE ZELLMER	343.92	11/01/13	
-76494	56215 MARK W. ANDERSON	1151.70	11/01/13	
-76493	56292 CAMERON BRADLEY	2833.60	11/01/13	
-76492	18022 SHARYL J. BUSCH	2091.72	11/01/13	
-76491	56162 JOSHUA A. BUTLER	2155.17	11/01/13	

-76490	18028 DAVID C. DONNER	2036.64	11/01/13
-76489	18001 ALAN K. HANSON	2204.29	11/01/13
-76488	18027 STEVEN D. KERZMANN	2729.05	11/01/13
-76487	18096 TRACY C. KERZMANN	1122.92	11/01/13
-76486	56332 ANDREW KINDLE	387.79	11/01/13
-76485	56107 VICTORIA L. KREGER	349.78	11/01/13
-76484	18099 ERICA J. MYERS	782.39	11/01/13
-76483	18070 JEANNE M. SAGASER RASSIER	1630.65	11/01/13
-76482	56130 ANDREW A. SAILER	1770.30	11/01/13
-76481	18020 RICHARD SHEARER	464.84	11/01/13
-76480	56174 SAM M. AIDE	1164.83	11/01/13
-76479	56166 RYAN J. ALLEN	1146.65	11/01/13
-76478	56273 JASON BARTEN	1485.44	11/01/13
-76477	19024 DAVID L. BELISLE	1289.14	11/01/13
-76476	56246 HUGH E BENZEN	949.93	11/01/13
-76475	19092 DUSTIN J. BERTSCH	1584.84	11/01/13
-76474	19028 MARK R. BITZ	1819.33	11/01/13
-76473	56097 ALAN C. BRATT	1051.40	11/01/13
-76472	56121 DUSTIN R. CELANDER	1023.22	11/01/13
-76471	19076 CORY G COLLINGS	2041.17	11/01/13
-76470	56113 MINDY SUE DEGENSTEIN	1030.64	11/01/13
-76469	56278 DANIEL DERY	1351.40	11/01/13
-76468	56173 RODNEY H. DICKERSON	1189.01	11/01/13
-76467	56354 RYAN EGERMAN	961.24	11/01/13
-76466	56289 STACEY EISSINGER	944.42	11/01/13
-76465	56183 AMBER M. GILMORE	1265.80	11/01/13
-76464	19009 LINDA R. GRANBOIS	1139.19	11/01/13
-76463	56147 JACOB J. GREGORY	1140.62	11/01/13
-76462	56343 ZACHARY HANSEN	803.21	11/01/13
-76461	19082 RANDY M. HAUGENOE	1544.68	11/01/13
-76460	56206 DANIELLE HENDRICKS	976.38	11/01/13
-76459	56285 TYLER HOFF	1072.28	11/01/13
-76458	56210 WILLIAM E. HOLLER	1319.47	11/01/13
-76457	56353 JONATHAN HOLTER	682.38	11/01/13
-76456	56102 MICHAEL A. ISENHOWER JR	1520.43	11/01/13
-76455	19012 THOMAS L. LADWIG	1868.66	11/01/13
-76454	19011 JAMES L LOKKEN	2621.89	11/01/13
-76453	56082 TRAVIS J. MARTINSON	928.80	11/01/13
-76452	56061 AMY D. NICKOLOFF	1191.61	11/01/13
-76451	19014 KENNETH B. OWENS	1915.78	11/01/13
-76450	19098 DAVID A. PETERSON	1394.62	11/01/13
-76449	56181 TREVOR J. ROBERTS	962.13	11/01/13
-76448	56148 JONATHAN D. ROGGENKAMP	747.32	11/01/13
-76447	56052 JAMESON J. O. SEIM	1318.15	11/01/13
-76446	56098 JAKE O. SNYDER	1327.47	11/01/13
-76445	19077 MICHAEL S. WILSON	1531.85	11/01/13
-76444	19100 RYAN C. ZIMMERMAN	1479.32	11/01/13
-76443	56157 BENJAMIN W. ABBEY	1137.57	11/01/13

-76442	20047 KELLY M. ABERLE	1406.51	11/01/13
-76441	26039 DIANE K. ALBRIGHTSON	884.31	11/01/13
-76440	56209 MARTIN L. COLGAN	1241.83	11/01/13
-76439	56296 JOE DOSS	1197.39	11/01/13
-76438	56309 KRYSTINE HEIFORT	912.10	11/01/13
-76437	56308 JAMES LEAHY	1205.11	11/01/13
-76436	56270 WILLIAM TRACY III	1382.76	11/01/13
-76435	56360 NYDEL WALL	103.02	11/01/13
-76434	56220 TRUNG THANH LE	1238.31	11/01/13
-76433	56302 ANTON LEUTY	1285.63	11/01/13
-76432	21040 MONTE C. MEIERS	1992.90	11/01/13
-76431	56293 DAVID TUAN	2092.01	11/01/13
-76430	21054 WAYNE A WIEDRICH	2736.43	11/01/13
-76429	22020 ROBERT D. KNAPPER	1806.78	11/01/13
-76428	56318 TYLER KOLDEN	30.47	11/01/13
-76427	56214 MICHAEL J. BEARCE	1163.82	11/01/13
-76426	56128 VERNON L. HENDRICKSON	1279.85	11/01/13
-76425	56244 ROY LONG	1419.46	11/01/13
-76424	56320 PHILIP ARENDS	1413.28	11/01/13
-76423	24019 ROBERT D. COUGHLIN	609.97	11/01/13
-76422	24017 STEVEN W. JENSEN	1260.66	11/01/13
-76421	56356 MITCHELL KERSTING	590.45	11/01/13
-76420	56284 SABRINA NIELD - PHILLIPS	1120.15	11/01/13
-76419	56104 DANIEL W. TUPA	1356.71	11/01/13
-76418	56352 BRIAN YOUNG	540.81	11/01/13
-76417	25110 KENNETH W. BERGSTROM	2199.22	11/01/13
-76416	56349 LILLIAN MCGUIRE	738.91	11/01/13
-76415	56287 SHARNELL NIX	2563.20	11/01/13
-76414	56164 JACOB T BLOODGOOD	321.24	11/01/13
-76413	27076 DANNY R. GERGEN	1400.65	11/01/13
-76412	56091 JAMES A HAGA JR	778.52	11/01/13
-76411	56315 EARL KILLINGSWORTH	658.09	11/01/13
-76410	56241 DINA KINDELSPIRE	786.86	11/01/13
-76409	56266 MARK RIDDLE	992.64	11/01/13
-76408	56345 GARETH ROACH	110.90	11/01/13
-76407	56258 BRYAN THOMPSON	887.31	11/01/13
-76406	56084 KENNETH R. BOYKIN	1446.17	11/01/13
-76405	56313 WILLIAM BRENNY	1294.82	11/01/13
-76404	56114 ANTHONY D. DUDAS	1472.25	11/01/13
-76403	56086 STEVEN C. KJERGAARD	1844.83	11/01/13
-76402	12029 LORI A. LARSEN	951.07	11/01/13
-76401	56358 RYAN O'REAR	450.71	11/01/13
-76400	56307 TRAVIS SAMUDA	1335.20	11/01/13
-76399	56122 WESTON E. SMESTAD	394.35	11/01/13
-76398	56340 MICHAEL SIMPSON	1310.64	11/01/13
-76397	56200 GINA MOTTL	214.51	11/01/13

-76396	56347 CHRISTINE EDWARDS	1114.62	11/01/13
-76395	34017 KENT A. JARCIK	2344.44	11/01/13
-76394	56223 DONALD KRESS	1402.07	11/01/13
-76393	56075 DEEANN M. LONG	41.56	11/01/13
-76392	56239 RACHEL K. RESSLER	1118.05	11/01/13
-76391	34016 ELAINE B. SINNESS	909.62	11/01/13
-76390	35025 JOSILYN F BEAN	1006.44	11/01/13
-76389	56301 TRAVIS MIZZELL	869.99	11/01/13
-76388	56079 BRENDA SEPTKA	1218.35	11/01/13
-76387	36006 NEIL W. BAKKEN	1760.16	11/01/13
-76386	56366 KENT SKABO	1338.72	11/01/13
-76385	56211 WAYNE E. BEARD	808.75	11/01/13
-76384	56212 AMELIA A. BICKLER	112.21	11/01/13
-76383	56144 CRYSTAL M. BONNER	187.13	11/01/13
-76382	48102 KAYLA J. HELL	658.20	11/01/13
-76381	56333 STEVEN MCGAUGHEY	470.75	11/01/13
-76380	56111 ANDREA L. MITCHELL	147.33	11/01/13
-76379	56341 KACEY PETERSON	217.84	11/01/13
-76378	56364 JASON SAGE	4.61	11/01/13
-76377	48013 DEBORAH A. SLAIS	1243.63	11/01/13
-76376	48034 YVONNE A. TOPP	530.40	11/01/13
-76375	52011 ANN M. KVANDE	1271.22	11/01/13
-76374	56365 KATHRYN LONG	1096.64	11/01/13
-76373	56306 MARGARET LUNSFORD	1038.92	11/01/13
-76372	56041 BARBARA J. PETERSON	1097.56	11/01/13
-76371	52003 THOMAS C. ROLFSTAD	1500.18	11/01/13
-76370	52020 SHAWN WENKO	1672.57	11/01/13
-76369	53005 BOBBI JO CLARKE	1149.97	11/01/13
-76368	56222 VIVIAN KALMIK	234.37	11/01/13
-76367	53002 AMY A. KRUEGER	1621.93	11/01/13
-76366	56271 SABRINA A RAMEY	1113.62	11/01/13
-76365	56310 JENNIFER STRIETZEL	833.82	11/01/13
-76364	56213 ROBERT JASON HILLARD	1213.60	11/01/13
-76363	56234 JOSEPH REIFENSTAHL	1165.96	11/01/13
-76362	56080 BRAD E. SEPTKA	2339.28	11/01/13
-76361	56150 SAMANTHA R. YODER	1041.00	11/01/13
-76360	56028 David Benth	202.76	11/01/13
-76359	56025 Michael S. Conlin	191.96	11/01/13
-76358	56026 Scott Copenhaver	408.27	11/01/13
-76357	56351 Jonathon Korner	155.14	11/01/13
-76356	56011 Kelly Moody	51.72	11/01/13
-76355	56013 Josh S. Mosbrucker	248.88	11/01/13
-76354	56015 Dwight A. Richter	123.79	11/01/13
-76353	56058 Brenden L. Stevens	181.01	11/01/13
-76352	56179 Duane S. Winter	408.27	11/01/13
-76351	DEFERRED COMP NATIONWIDE RETIREMENT SO	15952.01	10/31/13
-76350	ND CHILD SUPPOR ND CHILD SUPPORT ENFORCE	1283.50	10/31/13

-76349	FIT	U.S. TREASURY	113393.32	11/01/13
-76348	MERITAIN HEALTH	MERITAIN HEALTH	1312.50	11/04/13
59676	1265	CENTURY COMPANIES, INC	115782.30	10/22/13
59677	999998	ROBERT JASON HILLARD	100.00	10/22/13
59678	999998	ZACHARY G. CORCORAN	100.00	10/22/13
59679	19	AMERICAN STATE BANK	335742.79	10/23/13
59680	SIT	ND STATE TAX COMMISSIONE	35750.70	10/23/13
59681	ND HEALTH	ND PUBLIC EMPLOYEES RETI	133561.82	10/23/13
59682	433	ND TAX COMMISSIONER	3423.16	10/23/13
59683	79	CITY OF WILLISTON	997.75	10/23/13
59684	79	CITY OF WILLISTON	963.33	10/23/13
59685	1261	CHAMBER OF COMMERCE	1000.00	10/23/13
59686	390	RICHARD A. JOHNSON	2941.50	10/23/13
59687	531	WILLIAMS COUNTY AUDITOR	4573.13	10/23/13
59688	999999	ED HARDIN	150.00	10/23/13
59689	999999	NICOLE PETTIT	900.00	10/23/13
59690	999999	MATTHEW BORRELLI	135.00	10/23/13
59691	649	WAL-MART SUPERCENTER	62.00	10/23/13
59692	999999	ALEXANDER BENALLY	338.00	10/23/13
59693	999999	SALVADOR ROMO	720.00	10/23/13
59694	999999	DAVID BROMLEY	50.00	10/23/13
59695	2000	KANKAKEE VALLEY AIRPORT AUTHORITY	2113.87	10/23/13
59696	574	STARION BOND SERVICES	494.00	10/23/13
59697	APARTMENT BH10	VALLEY RENTAL - BAKKEN H	34530.00	10/24/13
59698	APARTMENT BH2	VALLEY RENTAL - BAKKEN H	2820.00	10/24/13
59699	APARTMENT BH5	VALLEY RENTAL - BAKKEN H	2640.00	10/24/13
59700	APARTMENT BH6	VALLEY RENTAL - BAKKEN H	17430.00	10/24/13
59701	APARTMENT BH7	VALLEY RENTAL - BAKKEN H	24300.00	10/24/13
59702	APARTMENT BH8	VALLEY RENTAL - BAKKEN H	5460.00	10/24/13
59703	APARTMENT BH9	VALLEY RENTAL - BAKKEN H	24300.00	10/24/13
59704	APARTMENT DAKOT	VALLEY RENTAL - DAKOTA	21700.00	10/24/13
59705	APARTMENTS WSCF	DAKOTA COMMERCIAL - WSC	7050.00	10/24/13
59706	AFLAC	AMERICAN FAMILY LIFE ASS	2201.69	10/24/13
59707	AMERICAN NATION	AMERICAN NATIONAL LIFE I	205.56	10/24/13
59708	MEDICAL SPENDIN	DISCOVERY BENEFITS	3436.72	10/24/13
59709	DEFER COMP PERS	NORTH DAKOTA PUBLIC EMPL	93357.14	10/25/13
59710	2002	Ice Rink Engineering & Manufactur	13357.44	10/25/13
59711	243	MONTANA DAKOTA UTILITIES	200.11	10/25/13
59712	999999	JOE NAVA	400.00	10/25/13
59713	999999	BRIAN BUSTAD	250.00	10/25/13
59714	999999	GABRIEL ARMENTA - PEREDIA	1000.00	10/25/13
59715	673	CLERK OF DISTRICT COURT	750.00	10/25/13
59716	999999	ANDREW DALE	350.00	10/29/13
59717	999999	MARSHAL MATTINGLEY	217.41	10/29/13
59718	999998	STEVEN C. KJERGAARD	1204.40	10/29/13
59719	673	CLERK OF DISTRICT COURT	750.00	10/29/13
59720	673	CLERK OF DISTRICT COURT	750.00	10/29/13
59721	999999	CODY HAHN	400.00	10/29/13

59722	999999 JACOB STOOR	500.00	10/29/13
59723	999999 DAWN JOHNSON	385.00	10/29/13
59724	649 WAL-MART SUPERCENTER	15.00	10/29/13
59725	649 WAL-MART SUPERCENTER	15.00	10/29/13
59726	999999 LOREN FREDERICKS	385.00	10/29/13
59727	999999 JAMES BAILEY	200.00	10/29/13
59728	LINCOLN MUTUAL LINCOLN MUTUAL LIFE & CA	1270.21	10/29/13
59729	USABLE USABLE	281.82	10/29/13
59730	2012 SANI-STAR	1700.36	10/30/13
59731	999998 AMANDA M. KAISER	118.51	10/30/13
59732	12026 KAREN P. LARSON	1240.25	11/01/13
59733	56295 CHERIE SMITH	551.20	11/01/13
59734	17016 THOMAS J. GLENN	1048.71	11/01/13
59735	18094 MICHAEL CASLER	565.19	11/01/13
59736	56325 DAVID GORDON	595.50	11/01/13
59737	56337 DARIN JOHNSON	1707.27	11/01/13
59738	56269 CLAY KAUTZER	1903.92	11/01/13
59739	56290 BRADLEY SCHERER	1663.87	11/01/13
59740	18046 GARVIN SEMENKO	94.65	11/01/13
59741	18048 DARWIN STEVENS	23.55	11/01/13
59742	19095 WALTER H. HALL	1543.97	11/01/13
59743	56243 JACOB R. HENDRICKS	908.20	11/01/13
59744	56279 ALEC RAISBECK	1001.42	11/01/13
59745	21041 ROBERT E HANSON	2354.82	11/01/13
59746	22021 LES CHRISTENSEN	1713.23	11/01/13
59747	22014 GARY L. GLOVATSKY	1478.34	11/01/13
59748	23126 BRENT E. HANSON	1693.44	11/01/13
59749	23039 BRUCE A. JOHNSON	1235.41	11/01/13
59750	56288 CHRISTOPHER MALONE	663.43	11/01/13
59751	27096 RUSSELL E. MOMBERG	1362.10	11/01/13
59752	56049 MICHEAL A. PETERS, JR.	443.28	11/01/13
59753	56362 JOHN WELKER	813.13	11/01/13
59754	56189 AMANDA M. KAISER	718.04	11/01/13
59755	25030 PEDAR A. ANDRE	1152.70	11/01/13
59756	27058 DAVID LEE BELL	2229.28	11/01/13
59757	56187 STEPHEN R. KOHLER	1014.62	11/01/13
59758	25106 RICHARD S. ODEGARD	1396.21	11/01/13
59759	27067 RICHARD D. BORUD	1404.13	11/01/13
59760	56202 GUNNAR CORCORAN	1006.46	11/01/13
59761	23136 JAMES B. ENGEN	2613.95	11/01/13
59762	56355 TIMOTHY JEWELL	1155.49	11/01/13
59763	27091 JOSEPH G. MONSON	1185.03	11/01/13
59764	56303 TROY OSTER	717.30	11/01/13
59765	31051 GORDON L. SMESTAD	1463.98	11/01/13
59766	56099 MARK C. AMONDSOEN	615.47	11/01/13
59767	56361 JUSTIN EDWARDS	1143.83	11/01/13
59768	56367 TONY SCOTT	1199.04	11/01/13
59769	32006 WILLIAM M. MCQUISTON	1065.44	11/01/13

59770	56253 STEPHEN OLEGARIO	521.91	11/01/13
59771	34105 GLENN A. BOYEFF	41.56	11/01/13
59772	34106 GERALD L. FLECK	41.56	11/01/13
59773	56117 NICK J. HAUGEN	41.56	11/01/13
59774	37008 LAVERN GOHL	1446.00	11/01/13
59775	56180 DIANE C. HAGEN	423.16	11/01/13
59776	56276 ELTON LARSON	180.08	11/01/13
59777	56298 SAWYER ZENT	143.46	11/01/13
59778	56066 ZACHARY G. CORCORAN	1220.98	11/01/13
59779	54065 PATRICIA K. FIORENZA	1568.27	11/01/13
59780	56001 David W. Arnson	284.43	11/01/13
59781	56003 Randall H. Bjella	51.72	11/01/13
59782	56116 Tyler D. Carlstad	202.76	11/01/13
59783	56085 Kyle D. Christensen	77.57	11/01/13
59784	56339 James Dixon	206.86	11/01/13
59785	56023 Mathew P. Ekblad	250.18	11/01/13
59786	56005 Cory J. Hanson	472.84	11/01/13
59787	56030 Martin J. Haug	100.74	11/01/13
59788	56007 Troy R. Heupel	51.72	11/01/13
59789	56205 Brandon Hoffman	123.79	11/01/13
59790	56034 Blaine C. Jeanotte	452.44	11/01/13
59791	56219 Jeremy V Knapkewicz	568.88	11/01/13
59792	56291 James Laqua	517.16	11/01/13
59793	56238 Ryan Lee	181.01	11/01/13
59794	56032 Darin P. Luther	51.72	11/01/13
59795	56009 Billy J. Lynn	51.72	11/01/13
59796	56281 Joshua Mahlum	336.15	11/01/13
59797	56083 Traver D. Melby	155.14	11/01/13
59798	56012 Miles A. Mortenson	100.74	11/01/13
59799	56016 Kyle J. Rossland	238.99	11/01/13
59800	56019 Garvin D. Semenko	155.14	11/01/13
59801	56338 Steve Simard	310.30	11/01/13
59802	56020 Darwin J. Stevens	949.56	11/01/13
59803	56022 Scott S. Tanner	264.02	11/01/13
59804	56027 Michael W. Walters	285.11	11/01/13
59805	2013 Bergy Construction	25000.00	10/31/13
59806	518 WILLISTON HERALD	43.12	10/31/13
59807	470 US POSTAL SERVICE	1300.40	10/31/13
59808	DEL CHILD SUPPO DCSE	135.00	10/31/13
59809	ID CHILD SUPPOR IDAHO CHILD SUPPORT RECE	377.50	10/31/13
59810	MN CHILD SUPPOR MINNESOTA CHILD SUPPORT	348.50	10/31/13
59811	NC CHILD SUPPOR NC CHILD SUPPORT	205.00	10/31/13
59812	489 VISA	641.28	11/04/13
59813	999999 ANTHONY MARTIN	125.00	11/04/13
59814	999999 WHALEN BRADY	50.00	11/04/13
59815	999999 RONNIE THEISEN	150.00	11/04/13
59816	999999 BRADLEY ARLINT	500.00	11/04/13

59817	999999 SEAN DALEY	250.00	11/04/13
59818	999999 PETER DALEY	250.00	11/04/13
59819	999999 CALVIN RITTERMAN	100.00	11/04/13
59820	673 CLERK OF DISTRICT COURT	750.00	11/04/13
59821	673 CLERK OF DISTRICT COURT	750.00	11/04/13
59822	999999 MOLLY KRUECKEBERG	300.00	11/04/13
59823	19 AMERICAN STATE BANK	4500015.00	11/04/13
59824	673 CLERK OF DISTRICT COURT	500.00	11/05/13
59825	999999 CHRYSTIN MCGILLIS	515.00	11/05/13
59826	999999 GARY FARRIS II	750.00	11/05/13
59827	999999 RYAN BURKE	500.00	11/05/13
59828	1922 HERTZ - DBA HANSEN LEASING	1493.50	11/06/13
59829	ND HEALTH ND PUBLIC EMPLOYEES RETI	139242.62	11/07/13
59830	673 CLERK OF DISTRICT COURT	750.00	11/08/13
59831	673 CLERK OF DISTRICT COURT	750.00	11/08/13
59832	673 CLERK OF DISTRICT COURT	750.00	11/08/13
59833	673 CLERK OF DISTRICT COURT	1000.00	11/08/13
59834	999999 HAILEY ROBISON	250.00	11/08/13
59835	999999 CASSI KASTE	220.00	11/08/13
59836	999999 MICHAEL GERAGHTY	380.00	11/08/13
59837	489 VISA	4907.23	11/08/13
59838	1079 ABL MOBILE LOCK & SAFE	65.00	11/08/13
59839	632 ACKERMAN-ESTVOLD	27978.13	11/08/13
59840	1903 ACME CONCRETE PAVING INC	944349.48	11/08/13
59841	1638 ADDCO Office Systems, Inc.	107.85	11/08/13
59842	3 ADVANCED ENGINEERING &	328461.13	11/08/13
59843	1398 Advantage International Inc. / Di	885.00	11/08/13
59844	1230 AFFORDABLE TOWING	990.00	11/08/13
59845	4 AGRI INDUSTRIES, INC.	209.62	11/08/13
59846	1072 Alan Hanson	75.00	11/08/13
59847	999999 ALEX VOURNAS	51.38	11/08/13
59848	1258 All Seasons Sport About	300.00	11/08/13
59849	608 ALLGUARD ALARM SYSTEMS	4771.15	11/08/13
59850	1989 American Airworks	69.11	11/08/13
59851	13 AMERICAN BUS ASSOCIATION	500.00	11/08/13
59852	1391 AMERICAN ENGINEERING TESTING INC	20766.00	11/08/13
59853	999999 AMERICAN ENGINEERING TESTING INC	11.49	11/08/13
59854	610 AMERICAN HONEY COMPANY	646.65	11/08/13
59855	999999 AMERICAN LEGION EDGAR M BOYD POST	25.00	11/08/13
59856	19 AMERICAN STATE BANK	102.07	11/08/13
59857	718 AMERIPRIDE LINEN AND APPAREL SERV	658.41	11/08/13
59858	999998 AMY D. NICKOLOFF	70.00	11/08/13
59859	23 AMY KRUEGER	182.50	11/08/13
59860	30 ASTRO-CHEM LAB, INC.	1840.00	11/08/13
59861	708 AT&T	363.11	11/08/13
59862	999999 AUDREY BARNHART	97.62	11/08/13
59863	999999 AUTUMN HILL	21.34	11/08/13
59864	1842 AWE Digital Learning Services	2549.00	11/08/13

59865	723 BADLANDS STEEL, INC	191.34	11/08/13
59866	33 BAKER & TAYLOR CO.	896.00	11/08/13
59867	34 BALCO UNIFORM CO., INC.	2100.81	11/08/13
59868	38 BASIN PRINTERS, INC.	655.00	11/08/13
59869	1190 BASIN TOWING AND RECOVERY	100.00	11/08/13
59870	999999 BCBSND	517.21	11/08/13
59871	41 BERRY DAKOTA	1010.00	11/08/13
59872	42 BEST WESTERN	384.56	11/08/13
59873	49 BLACK MOUNTAIN SOFTWARE	100.00	11/08/13
59874	712 BOLDT FARM SUPPLY	5115.11	11/08/13
59875	614 BONNIE'S COUNTRY CLASSICS	170.23	11/08/13
59876	52 BORDER STATES ELECTRIC	853.20	11/08/13
59877	54 BOUND TREE MEDICAL	1082.34	11/08/13
59878	1926 BRAUN INTERTEC CORPORATION	7890.00	11/08/13
59879	1599 BROWN CONSTRUCTION INC	93279.80	11/08/13
59880	966 BYERLY COMPUTER SERVICES	575.00	11/08/13
59881	1054 C & D WATER SERVICES	62.50	11/08/13
59882	1455 CALIFORNIA CONTRACTORS SUPPLIES I	83.76	11/08/13
59883	2019 CANAD INNS DESTINATION CENTER	1078.00	11/08/13
59884	2003 CAPITAL SCALE CO	711.12	11/08/13
59885	67 CAR TUNZ	59.95	11/08/13
59886	69 CARQUEST AUTO PARTS STORES	690.22	11/08/13
59887	549 CASH WISE FOODS	31.39	11/08/13
59888	204 CCR-WILLISTON III, LLC	110.00	11/08/13
59889	1755 CDW Government	3295.13	11/08/13
59890	70 CENEX CREDIT CARD	131.47	11/08/13
59891	616 CENTER POINT LARGE PRINT	27.71	11/08/13
59892	1349 CENTURYLINK	980.22	11/08/13
59893	710 CHANEY'S CAR & TRUCK REPAIR	1200.00	11/08/13
59894	1623 CHEMSEARCH	7403.20	11/08/13
59895	77 CITY OF WILLISTON	2183.87	11/08/13
59896	79 CITY OF WILLISTON	98299.10	11/08/13
59897	80 CITY OF WILLISTON	33.05	11/08/13
59898	1666 CIVIL SCIENCE	15569.25	11/08/13
59899	81 CLAUSEN WELDING	123.41	11/08/13
59900	1662 Connecting Point Computers Center	150.00	11/08/13
59901	1486 CONNEX INTERNATIONAL	32.66	11/08/13
59902	87 COWBOY ROPE ART	389.80	11/08/13
59903	567 CRAIG'S SMALL ENGINE REPAIR	48.35	11/08/13
59904	736 CRIME STOPPERS	1000.00	11/08/13
59905	999999 D & J HOLMEN ENTERPRISES	68.80	11/08/13
59906	92 DACOTAH PAPER CO.	69.12	11/08/13
59907	548 DAKOTA DIESEL	1097.98	11/08/13
59908	1136 DAKOTA FENCE	4800.00	11/08/13
59909	2015 Dakota Fire Extinguishers	1500.00	11/08/13
59910	93 DAKOTA SUPPLY GROUP	8797.99	11/08/13
59911	999998 DAVID A. PETERSON	100.00	11/08/13
59912	1705 DEGENSTEIN'S AUTO PLUS	750.00	11/08/13

59913	675 DEMARS FOODS	78.00	11/08/13
59914	666 DIVERSE MEDIA INC	33.18	11/08/13
59915	999999 DOAK TULLER	24.90	11/08/13
59916	691 DON'S DIRECTORY	55.00	11/08/13
59917	568 DPC INDUSTRIES, INC	2721.75	11/08/13
59918	999998 E. WARD KOESER	45.40	11/08/13
59919	999999 EARL WESTERENG	223.53	11/08/13
59920	1665 EAST & WEST EXCAVATING LLC	51168.00	11/08/13
59921	2017 EDM PUBLISHERS, INC.	99.00	11/08/13
59922	121 EIDE BAILLY LLP	15000.00	11/08/13
59923	999999 ELAINE KINSTLER	37.30	11/08/13
59924	124 ELECTRIC & MAGNETO, INC.	659.90	11/08/13
59925	2020 EMEDCO INC	459.73	11/08/13
59926	670 ENVIRONMENTAL TOXICITY CONTROL, I	675.00	11/08/13
59927	1567 EXPERT AUTO GLASS	750.00	11/08/13
59928	668 FASTENAL COMPANY	41.96	11/08/13
59929	569 FEDEX	858.13	11/08/13
59930	571 FEE INSURANCE AGENCY, INC	124.00	11/08/13
59931	1685 FLIGHTVIEW INC.	5040.00	11/08/13
59932	134 FORT UNION SUPPLY & TRADE	1514.27	11/08/13
59933	1496 FOUND IT NOW	272.97	11/08/13
59934	2014 Furniture & Interior Finishing Gr	590.00	11/08/13
59935	139 GAFFANEY'S	6224.59	11/08/13
59936	785 GALE	187.58	11/08/13
59937	138 GALL'S, INC.	2967.84	11/08/13
59938	1118 GARD SPECIALISTS	385.92	11/08/13
59939	1019 Gardner Publishing	162.45	11/08/13
59940	1965 Grainger	24.23	11/08/13
59941	144 GRAYMONT WESTERN CANADA	18319.36	11/08/13
59942	1298 Great Plains Towers, Inc.	1057.50	11/08/13
59943	1826 GREAT WEST TIRE & LUBE LLC	150.00	11/08/13
59944	659 H & H TRUCKING	12909.96	11/08/13
59945	999999 H VELASQUEZ ORTEGA	30.72	11/08/13
59946	539 HACH	462.33	11/08/13
59947	151 HAWKINS, INC.	19492.03	11/08/13
59948	1833 HDR ENGINEERING INC	2704.71	11/08/13
59949	550 HEDAHLS PARTS PLUS	133.94	11/08/13
59950	848 HEIL ENVIRONMENTAL	96.20	11/08/13
59951	153 HEIMAN FIRE EQUIPMENT, INC.	1468.55	11/08/13
59952	158 HEWLETT-PACKARD	180.00	11/08/13
59953	999999 HIGH COUNTRY TREE GALLERIES, INC	37.12	11/08/13
59954	161 HOME OF ECONOMY	4667.71	11/08/13
59955	162 HORIZON RESOURCES	10848.42	11/08/13
59956	163 HOSE AND RUBBER SUPPLY	373.14	11/08/13
59957	999998 HUGH E BENZEN	25.00	11/08/13
59958	967 Information Systems Corp.	3480.00	11/08/13
59959	4561 International Code Council, Inc.	957.95	11/08/13
59960	175 INTERSTATE ENGINEERING	22269.50	11/08/13

59961	176 INTERSTATE POWER SYSTEMS	184.57	11/08/13
59962	999998 JACOB J. GREGORY	25.00	11/08/13
59963	999998 JACOB R. HENDRICKS	25.00	11/08/13
59964	999999 JARED WHIPPLE	27.95	11/08/13
59965	999998 JASON BARTEN	25.00	11/08/13
59966	2005 JIMMY CRETE	548.00	11/08/13
59967	190 JOB SERVICE NORTH DAKOTA	4906.14	11/08/13
59968	999999 JOHN PLOTT COMPANY	50.93	11/08/13
59969	999999 JOMAX CONSTRUCTION	88.98	11/08/13
59970	999998 JONATHAN HOLTER	25.00	11/08/13
59971	196 KADRMAS LEE & JACKSON INC	7450.94	11/08/13
59972	999998 KENNETH W. BERGSTROM	85.81	11/08/13
59973	1299 KNIFE RIVER-NORTH CENTRAL	252737.80	11/08/13
59974	212 KOTANA COMMUNICATIONS	6376.60	11/08/13
59975	999998 KRYSTINE HEIFORT	98.63	11/08/13
59976	1761 Lands' End Business Outfitters	147.45	11/08/13
59977	1343 LARGE PRINT OVERSTOCKS	188.58	11/08/13
59978	999999 LAURA RICHARDSON	19.40	11/08/13
59979	219 LAWSON PRODUCTS, INC.	377.50	11/08/13
59980	591 LEXIS NEXIS	21.49	11/08/13
59981	233 LYLE SIGNS INC.	708.40	11/08/13
59982	611 MABLE'S TASTE OF HOME	525.70	11/08/13
59983	699 MAGNETIC PERSONALITES	123.34	11/08/13
59984	585 MCCODY CONCRETE PRODUCTS, INC	150.00	11/08/13
59985	247 MERCY MEDICAL CENTER	125.00	11/08/13
59986	999999 MICHAEL LUNDEEN	22.07	11/08/13
59987	250 MICROMARKETING ASSOCIATES	263.69	11/08/13
59988	252 MIDCONTINENT COMMUNICATIONS	310.10	11/08/13
59989	254 MIKE'S WINDOW CLEANING SERVICE	306.00	11/08/13
59990	1095 MIKEY'S COUNTRY CANDY	533.10	11/08/13
59991	261 MON-DAK HTG & PLG, INC.	184.00	11/08/13
59992	243 MONTANA DAKOTA UTILITIES	65905.77	11/08/13
59993	999998 MONTE C. MEIERS	52.27	11/08/13
59994	1410 Morning Star Ranch	226.28	11/08/13
59995	1632 MORRISON MAIERLE INC	36248.07	11/08/13
59996	267 MOUNTRAIL-WILLIAMS REC	1976.81	11/08/13
59997	2021 MURPHY AND SONS TOWING AND RECOVE	180.00	11/08/13
59998	270 MURPHY MOTORS, INC.	1374.64	11/08/13
59999	271 MVTL/MINNESOTA VALLEY	63.00	11/08/13
60000	1772 MYGOV,LLC	3650.00	11/08/13
60001	275 NAPA AUTO PARTS	2315.12	11/08/13
60002	291 ND DEPARTMENT OF HEALTH	20.00	11/08/13
60003	290 ND DEPT OF TRANSPORTATION	151289.94	11/08/13
60004	297 ND ONE CALL	622.05	11/08/13
60005	999999 ND ONE CALL C/O ONE CALL CONCEPTS	7.70	11/08/13
60006	1243 NEFF EIKEN & NEFF PC	1166.18	11/08/13
60007	320 NEMONT	43.15	11/08/13
60008	1912 Neutron Industries	150.42	11/08/13

60009	2004 NICK JOHNSON	110.00	11/08/13
60010	626 NORTH DAKOTA LEAGUE OF CITIES	1400.00	11/08/13
60011	1927 NORTH STAR ENERGY & CONSTRUCTION	286441.20	11/08/13
60012	327 NORTHERN SAFETY TECHNOLOGY	434.13	11/08/13
60013	333 NORTHWEST SUPPLY CO.	775.70	11/08/13
60014	340 OHNSTAD TWICHELL PC	1200.50	11/08/13
60015	1250 OK TIRE STORE	37.00	11/08/13
60016	343 OLYMPIC SALES, INC.	1597.00	11/08/13
60017	1864 PCS	17855.00	11/08/13
	MOBILE		
60018	351 PENWORTHY	493.29	11/08/13
60019	246 PHYSIO-CONTROL, INC	795.96	11/08/13
60020	641 PREBLE MEDICAL SERVICES, INC	103.00	11/08/13
60021	362 PRO SAFE PEST CONTROL	162.75	11/08/13
60022	363 PUBLIC SAFETY CENTER, INC	985.63	11/08/13
60023	367 QUILL CORPORATION	365.78	11/08/13
60024	999998 RACHEL K. RESSLER	117.76	11/08/13
60025	999998 RACHEL K. RESSLER	279.99	11/08/13
60026	1882 RAM SPV II, LLC	2600.00	11/08/13
60027	743 RAY COMPANY, INC	669.42	11/08/13
60028	384 RELIABLE OFFICE SUPPLIES	18.49	11/08/13
60029	1767 REX BAC T	131.70	11/08/13
60030	390 RICHARD A. JOHNSON	680.00	11/08/13
60031	1091 ROBERT GIBB & SONS	3500.00	11/08/13
60032	999998 RODNEY H. DICKERSON	25.00	11/08/13
60033	999998 RYAN C. ZIMMERMAN	45.00	11/08/13
60034	999998 RYAN EGERMAN	25.00	11/08/13
60035	2010 S & S PRODUCTS	49.89	11/08/13
60036	1133 SANDERSON STEWART	65522.66	11/08/13
60037	2012 SANI-STAR	129.00	11/08/13
60038	409 SANITATION PRODUCTS	1097.36	11/08/13
60039	416 SELID PLUMBING & HEATING INC	7.65	11/08/13
60040	418 SHAWN R. WENKO	33.05	11/08/13
60041	2011 SHIRLEY GROTH	165.75	11/08/13
60042	1916 Slagle Services	450.00	11/08/13
60043	654 SONJA'S OLD-FASHIONED DELICACIES	199.92	11/08/13
60044	426 SOURIS RIVER TELECOMMUNICATIONS	227.90	11/08/13
60045	817 STEIN'S, INC	389.56	11/08/13
60046	999998 STEVEN C. KJERGAARD	452.26	11/08/13
60047	436 STONEY CREEK KENNELS	3000.00	11/08/13
60048	1167 STRATA CORPORATION	9701.31	11/08/13
60049	2008 SUSAG SAND AND GRAVEL INC	16413.90	11/08/13
60050	442 SWEEP-N-STRIPE	1300.00	11/08/13
60051	454 THUNDERBIRD RANCH	1025.30	11/08/13
60052	460 TRACTOR & EQUIPMENT CO.	597949.71	11/08/13
60053	1628 TRAFFIC SAFETY SERVICES	38239.85	11/08/13
60054	464 TRI-COUNTY GLASS	66.00	11/08/13
60055	463 TRIANGLE ELECTRIC	24380.63	11/08/13
60056	999998 TRUNG THANH LE	70.00	11/08/13

60057	999998 TYLER HOFF	25.00	11/08/13
60058	999999 U.S. POSTAL SERVICE	200.00	11/08/13
60059	750 UPS	4.20	11/08/13
60060	484 VERIZON WIRELESS	270.33	11/08/13
60061	2022 VERIZON WIRELESS	450.00	11/08/13
60062	485 VESSCO, INC.	1812.80	11/08/13
60063	999999 VI'S DRAPERY 2	724.66	11/08/13
60064	487 VISA	5878.64	11/08/13
60065	1866 Vivid Ink and Toner	1770.35	11/08/13
60066	2023 WALTER CURTIS CO.	126.00	11/08/13
60067	501 WESTERN VET CLINIC	161.40	11/08/13
60068	532 WILLIAMS COUNTY HIGHWAY DEPT.	311.66	11/08/13
60069	648 WILLIAMS COUNTY SHERIFF'S OFFICE	27850.00	11/08/13
60070	533 WILLIAMS COUNTY TREASURER/RECORDE	68.00	11/08/13
60071	564 WILLIAMS RURAL WATER DISTRICT	82.72	11/08/13
60072	1716 Williams Scotsman, Inc.	2833.50	11/08/13
60073	1200 Williston Basin Skating Club	50000.00	11/08/13
60074	513 WILLISTON COMMUNITY LIBRARY	3621.72	11/08/13
60075	514 WILLISTON COMMUNITY LIBRARY	269.98	11/08/13
60076	518 WILLISTON HERALD	5402.38	11/08/13
60077	519 WILLISTON HOME & LUMBER	98.00	11/08/13
60078	1687 WILLISTON LANDSCAPE AND IRRIGATIO	1000.00	11/08/13
60079	525 WILLISTON TIRE CENTER	3201.38	11/08/13
60080	526 WILLISTON TRUE VALUE	149.47	11/08/13
60081	528 WILLISTON WOODWORKS, INC	874.86	11/08/13
60082	530 WILLISTON/WILLIAMS COUNTY - LEC	560.46	11/08/13
60083	999998 YVONNE A. TOPP	382.72	11/08/13
60084	2018 ZEP SALES & SERVICE	198.80	11/08/13

Grand Total	573	9477140.84	8560562.65	Total Payroll
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- (2.) Application for a Local Permit or Charity Local Permit
 - a. Williston State College, Raffle – Williston State College - 6/30/14
 - b. The Dance Expressions, Raffle – Williston High School – 12/08/13
 - c. Wilkinson PTO, Bingo & Raffle – Wilkinson School – 07/2013-06/2014
 - d. Missouri Basin Bowmen, Raffle – MBB Building at UMW Fairgrounds – 1/08/14 – 3/16/14
- (3.) Special Permit to Sell Alcoholic Beverages
 - a. American Legion Edgar M. Boyd Post #37 – Wrestling Club Auction – 11-09-13
 - b. Williston Basin Curling Club – API Williston Petroleum Banquet – 12/05/13
- (4.) Application for Taxi License
 - a. Big Shot Limousine – Additional vehicle: 1999 Lincoln Town Car – VIN# LNFM82W2XY604073
 - b. Big Shot Limousine – Additional vehicle: 2004 Cadillac Escalade – VIN#1GYEC63T24R123476

C. Building Official

- (1.) Fuel and Gas Installer

- a. Hugh Carr – Carr & Company LLC
- D. City Planner
 - (1.) Request for public hearing, November 26, 2013, on Planned Unit Development including areas zoned for residential, commercial, and heavy commercial development, parks, and open space on a 535-acre parcel located in portions of Sections 23 and 14, T155N, R101W, and a preliminary plat for that parcel.
- E. City Engineer
 - (1.) Water and Sewer Installers – New
 - a. Clay Padgett – Plote Construction
 - b. Larry Plote – Plote Construction
 - c. Maurice Schurger – Plote Construction
 - d. Hugo Aguirre – Plote Construction
 - e. Jose Arrendondo – Blue Water Landscaping
 - f. William Kirck – Northwest Grading
- F. Assessor
 - (1.) Abatement
 - (2.) Exemptions

MOTION BY BEKKEDahl, SECONDED BY CYMBALUK, to approve the consent agenda.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

3. Bid Openings

A. PW Pickup for WWTP

David Tuan presented the low bid for the PW Pickup Truck for the Waste Water Treatment Plant (WWTP). The low bid was from Select Ford for \$27,162.25. The 2013 budget amount was \$35,000. Public Works staff recommends the approval of Select Ford's bid.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the low bid from Select Ford in the amount of \$27,162.25 for the PW Pickup for WWTP.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOING: None

CARRIED: 5-0

B. D13-10 Phase IIA

David Tuan presented a bid for District 13-10 Phase IIA for drainage improvements that were initially bid in spring 2013 with Interstate Engineering. This first part of the project includes cleaning of the airport drainage ditch, box culvert installation under University Avenue and water main relocation. The low bid is from SJ Louis in the amount of \$942,135.00. The engineer's estimate was

\$1,039,215.88. The engineer's recommendation is to approve the low bid from SJ Louis and the staff concurs with the engineer's recommendation.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the low bid from SJ Louis in the amount of \$942,153.00 for the District 13-10 Phase IIA drainage improvements.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

C. 32nd Ave Interim Traffic Signal

Monte Meiers from Public Works presented the low bid for the temporary traffic signal at the intersection of US 2/85 and 32nd Avenue West, designed by Sanderson Stewart. The low bid was from Strata Corp. in the amount of \$288,803.00. The engineer's estimate was \$182,891.75. There was some bid document errors that staff are reviewing with the City Attorney. Mr. Meiers approved accepting the bid even though there were some inconsistencies. There was talk about rebidding the project but there would probably not be any other bids.

MOTION BY KLUG, SECONDED BY BEKKEDAH, to approve the low bid from Strata Corp. in the amount of \$288,803.00 for the installation of an interim traffic signal at the intersection of US 2/85 and 32nd Ave. W.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

D. Snow Removal Contract for 2013-14

David Tuan from Public Works presented the only bid received from Knife River for the annual contract to assist Public Works with snow removal within the city limits. The snow removal contract for 2013-14 includes retainage amount should no services be required. The hourly rates and retainage are mostly unchanged from the 2012-13 snow removal contract. Staff recommends approval of the bid from Knife River.

MOTION BY CYMBALUK, SECONDED BEKKEDAH, to approve the bid by Knife River for the 2013-14 Snow Removal Contract.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

4. Public Hearings

- A. Public hearing on proposed zone change, A to M-1, to allow for the development of a new office/warehouse building north of the airport – David P. Benth

Rachel Ressler presented a request for a zone change from A: Agriculture to M-1: Light Industrial for an unplatted tract of 4.3 acres in SE1/4SE1/4SE1/4, Section 3, T154N R101W (1610 42nd St W). The airport had no concerns zoning the property, but does have concerns regarding building on the property. Building plans must be submitted to the Airport Manager for review by Airport Board of Adjustments. In addition, an FAA 7460 must be completed prior to construction. According to the Airport Manager, any Airport Board of Adjustments ruling would supersede the FAA 7460. Given precedent set on past zone changes, this zone should be contingent on platting of the property. The Planning & Zoning Commission recommend to approve the request for a zone change for an unplatted parcel in the SE1/4SE1/4SE1/4 of Section 3, T154N R101W, Williston, ND contingent on a plat being recorded prior to any building permits being issued and on a FAA 7460 form and any building plans being submitted to the Airport Manager for review by the Airport Board of Adjustments.

Mayor Koeser called for public input on this matter and there wasn't any. Mayor Koeser called for public input a second and third time and there wasn't any. He then closed the hearing.

MOTION BY CYMBALUK, SECONDED BY KLUG, to approve the request for a zone change for an unplatted parcel in the SE1/4SE1/4SE1/4 of Section 3, T154N R101W, Williston, ND, contingent on a plat being recorded prior to any building permits being Issued and on a FAA 7460 form and any building plans being submitted to the Airport Manager for review by the Airport Board of Adjustments.
AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser
NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

- B. Public hearing on proposed zone change, A to C-2 with a special permitted use to allow certain industrial uses, with conditions, in the C-2 zone for the following properties
- (1.) Sublot 8 in E2NE Sec. 35, T155N, R101W
 - (2.) Tract in S2S2SWNW; 165' x 367" tract in N1/2 NW1/4 NW1/4 SW1/4; Sec. 25, T155N, R101W
(Phase III of Northern Annexation) – City of Williston

Donald Kress from the Planning and Zoning presented a request for a zone change. Approximately 4,888 acres were annexed to the city of Williston on January 31st, 2013 as part of the Northern Annexation. While some of the area annexed was already within the one-mile extra-territorial jurisdiction of the city and was, thus, already zoned by the city, a significant portion of the annexed area was under the jurisdiction of Williams County, and was zoned in compliance with the Williams County Zoning Ordinance. When this area was annexed into the city, the zoning became A: Agricultural, pursuant to Section 5(5) of the Williston Zoning Ordinance. It is understood that, for properties within the annexed area that have already been developed, the A: Agricultural zoning is temporary, and it is to be replaced with the city zone that most closely fits the existing development and land uses on each property. As the city had initiated

the annexation, the city has undertaken the rezoning of those properties. The intent of this rezone is to assign city zoning designations, appropriate to the existing lot sizes and land uses for individual properties, to these properties. This rezone does not prevent any future development of these properties.

These two locations are proposed to be rezoned to C-2: General Commercial with a special permitted use (SPU) to allow certain existing industrial uses to remain, but not be expanded, until such time as those uses close or leave the property. The city's goal is to develop the corridor along Highway 2/85 as commercial, and so the Planning Department does not recommend industrial (M:1 : Light Industrial) zoning for these properties. These existing industrial uses were in operation on these properties prior to annexation. The proposed SPU along with the rezone to C-2 will allow the existing industrial uses to continue as conforming uses until those uses close or leave the property. The existing industrial uses will not be permitted to expand, and any new uses on the property must be uses permitted in the C-2 zone. The SPU for each case has conditions specific to the uses and locations.

At the October 21st, 2013, Planning and Zoning Commission meeting, the commission approved an SPU for each of these locations, specifying the existing uses to remain, with some conditions. These SPU's were approved contingent on the zone change being approved by the City Commission. As the SPU's are approved by the Planning and Zoning Commission, they are now before your commission for consideration. If the commission chooses to deny the proposed zone changes, the existing uses will remain in operation. They would just be considered non-conforming uses in the A: Agricultural zone.

(1.) Sublot 8 in E2NE Sec. 35, T155N, R101W – This property is developed with the use being Blaine's Auto Body, this business has not opened yet. The zone change would be from A: Agricultural to C-2: General Commercial. The SPU, approved by the Planning Commission contingent on approval of that zone change, would allow Blaine's Auto Body, a Light Industrial Use, to be a conforming use in the C-2 zone until such time as that use ends or leaves the property. The business can be transferred, and the property with the business on it can be transferred. However, the use cannot be expanded; any added or new uses on the property must be allowed in the C-2 zone.

This property takes access from U.S. Highway 2/85 via paved road. Sewer is provided by a septic system; water is provided by Williams Rural Water.

At the October 21st 2013, Planning and Zoning Commission Meeting, the commission heard the case as presented by staff, including both the zone change and SPU. In response to a question by the commission, staff stated that they contacted the applicant by letter but had not met with him in person.

The Planning and Zoning chairman called three times for public comment; he heard none.

By a vote of 5-0 with one commissioner absent and one commission seat vacant, the Planning and Zoning Commission recommend to the City Commission approval of the zone change from A: Agricultural to C-2: General Commercial for

Sublot 8 in E2NE, Sec. 35, T155N R101W. The SPU allowing existing industrial uses to remain, with conditions, will become effective upon the approval of the zone change.

(2.) Tract in S2S2SWNW; 165'X367' tract in N1/2 NW1/4 NW1/4 SW1/4; Sec. 25, T155N, R101W (phase III of Northern Annexation) – This property is developed with two contractor yards (construction companies), trucking business and truck shop and towing business with temporary storage of towed vehicles. This is a zone change from A: Agricultural to C-2: General Commercial. The SPU, approved by the Planning Commission contingent upon approval of that zone change, would allow the contractor yards, trucking business with truck shop, and towing business with temporary storage of towed vehicles, which are Light Industrial Uses, to be conforming uses in the C-2 zone until such time as those uses end or leave the property. The businesses can be transferred, and the property with the businesses on it can be transferred. However, the uses cannot be expanded; any added or new uses on the property must be allowed in the C-2 zone.

This property takes access from U.S. Highway 2/85 via an unpaved road. This property is also along a frontage road that parallels Highway 2/85. This road is not paved in the vicinity of this property. Sewer is provided by a septic system; water is provided by Williams Rural Water.

At the October 21st 2013 Planning and Zoning Commission meeting, the Commission heard the case as presented by staff, including both the zone change and the SPU. In response to a question by the commission, staff stated that they had met with the property owners in person. The commission also asked staff to verify the complete legal description of the property prior to the commission's vote.

The Planning and Zoning called three times for public input; there was none.

By a vote of 5-0 with one commissioner absent and one commissioner seat vacant, the Planning and Zoning Commission recommend to the City Commission approval of the zone change from A: Agricultural to C-2: General Commercial for Tract in S2S2SWNW; 165'X367' Tract in N1/2NW1/4NW1/4NW1/4. The SPU allowing existing industrial uses to remain, with conditions, will become effective upon the approval of the zone change.

Mayor Koeser called three times for public input; there was none

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the zone change from A: Agricultural to C-2: General Commercial for Sublot 8 in E2NE Sec. 35, T155N, R101W and to approve the zone change from A: Agricultural to C-2: General Commercial Tract in S2S2SWNW; 165'X367' tract in N1/2NW1/4NW1/4SW1/4; Sec. 25, T155N, R101W.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- C. Public hearing on proposed zone change, A to C-2, for a tract in S2N2W2E2NE Sec. 35, T155N, R101W, City of Williston. (Phase III of Northern Annexation) – City of Williston

Donald Kress presented a request for a proposed zone change, A to C-2, for a tract in S2N2W2E2NE Sec. 35, T155N, R101W, City of Williston. Approximately 4,888 acres were annexed to the city of Williston on January 31, 2013 as part of the Northern Annexation. While some of the area annexed was already within the one-mile extra-territorial jurisdiction of the city and was, thus, already zoned by the city, a significant portion of the annexed area was under jurisdiction of Williams County, and was zoned in compliance with the Williams County Zoning Ordinance. When this area was annexed into the city, the zoning became A: Agricultural pursuant to Section 5(5) of the Williston Zoning Ordinance. It is understood that, for properties within the annexed area that have already been developed, the A: Agricultural zoning is temporary, and it is to be replaced with the city zone that most closely fits the existing development and land uses on each property. As the city had initiated the annexation, the city has undertaken the rezoning of those properties. The intent of this rezone is to assign city zoning designations, appropriate to the existing lot sizes and land uses of individual properties, to these properties. This rezone does not prevent any future development of these properties.

The following property is proposed to be rezoned to C-2: General Commercial Tract in S2N2W2E2NE; Sublot 7 in NENE, Sec. 35, T155N, R101W. This property takes access from U.S. Highway 2/85 via paved road. Sewer is provided by a septic system; water is provided by Williams Rural Water.

This Property is developed with buildings that were formerly used by oil field service companies but are currently not occupied. Any future uses on this property must be conforming uses in the C-2 zone.

At the October 21st 2013, Planning and Zoning Commission meeting, the commission heard the case as presented by staff.

The Planning and Zoning Commission chairman called three times for public input; there was none.

If the commission chooses to deny the proposed zone change, the existing use will remain in operation but will be considered non-conforming uses in the A: Agricultural zone.

By a vote of 5-0 with one commissioner absent and one commission seat vacant, the Planning and Zoning Commission recommend to the City Commission approval of the zone change from A: Agricultural to C-2: General Commercial for Tract in S2N2W2E2NE; Sublot 7 in NENE, Sec. 35, T155N, R101W. There is no SPU associated with this zone change.

Mayor Koeser called for public input.

Nick L. Stated that his family owns the property and inquired about the SPU process and requested to continue using the property for light industrial use.

The City Commission felt that this matter should be tabled.

Mayor Koeser called a third time for public input; none was heard.

MOTION BY KLUG, SECONDED BY CYMBALUK, to table the proposed zone change, A to C-2, for a tract in in S2N2W2E2NE Sec. 35, T155N, R101W, City of Williston.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- D. Public hearing on proposed zone change, A to R1-A, and Preliminary Plat (rearrangement) of Lot 1, Stone Hill Subdivision – Todd and Gabrielle Sutton

Donald Kress presented a request for a proposed zone change, A to R1-A, and preliminary plat (rearrangement) of Lot 1, Stone Hill Subdivision. The application received September 20, 2013, requests a subdivision of approximately 3.92 acre portion located within Government Lot 2 in the W1/2SW1/4SW1/4 Sec. 30, T155N, R100W (Pherrin Township), City of Williston. This property was annexed into the city as part of the Northern Annexation on January 31, 2013. The application also requests a zone change from A: Agricultural to R-1A: Rural Residential for the entire 6.33 acres of the subject property.

The subdivision provides three residential lots (Lots 1R, 2R, and 3R) ranging in area from 1.01 to 1.2 acres in size to be created out of the existing Lot 1. A residence currently exists on the property; it will be on Lot 2R.

The project site will take access from 135th Avenue Northwest. The road is currently unpaved.

The lots will be developed with individual septic systems, as city sewer is not yet available in this area. Water will be provided by Williams Rural Water.

The area to be rezoned is 6.33 acres, which meeting the five-acre minimum required area to create an R-1A zoned district. The existing and proposed zone lots all meet the one-acre minimum required area for lots in the R-1A zone.

The preliminary plat has an area of 3.92 acres; the zone change is for a larger area, 6.33 acres that includes the area of the preliminary plat plus two existing residential lots of one acre or greater in area.

At the October 21st 2013, Planning and Zoning Commission meeting, the commission heard the case as presented by staff, including both preliminary plat and the one change. The applicant's representative was present at the hearing.

The Planning and Zoning Commission chairman called three times for public input. The applicant's representative stated that he did not have a presentation but requested the commission's approval recommendation and also stated that he would be available for questions.

The commission's discussion included:

- Whether this would be a gated community. The applicant's representative and the City Engineer clarified that there has been a temporary gate placed in place on a portion of the applicant's property for security reasons, but this gate would not remain after the subdivision.
- Availability of water from Williams Rural Water. The City Engineer stated that he had asked the system engineer to determine if there was sufficient water. They did not yet have the answer. If there is not sufficient water pressure, they would have to ask the City Commission to approve water wells within the city limits for these properties.
- Number of Planning and Engineering Comments. The commissioners noted there were a large number of Planning Department and Engineering Department comments. Staff stated that many of the comments were being addressed by the applicant's engineer, but staff had not asked for a revised preliminary plat before the Planning and Zoning Commission hearing. The applicant's representative stated he had all the comments to review.
- Development Agreement. The Commissioners clarified with staff that the development agreement would specify the applicant's obligations regarding water, sewer and roads. Other conditions could be addressed through project-specific amendments to the development agreement.
- Non-Protest Agreement. The City Engineer advised the Commission that a non-protest for future connection off the section line alignment near the project site cannot be developed as a road due to the rugged topography.
- Zone Change to be Contingent on Plat. Staff added the recommendation that the zone change be contingent on the recordation of the plat.

By a vote of 5-0 with one commissioner absent and one commission seat vacant, the Planning and Zoning Commission recommend to the City Commission approval of the zone change from A: Agricultural to R-1A: Rural Residential for 6.33 acres in Government Lot 4 in the W1/2SW1/4SW1/4 Sec. 30, T155N, R100W (Pherrin Township), City of Williston contingent on:

- all staff comments being addressed
- zone change will not become effective until the final plat records

By a vote of 5-0 with one commissioner absent and one commission seat vacant, the Planning and Zoning Commission recommended to the City Commission approval of the preliminary plat to created three lots of one acre or greater in area for 3.92 acre portion in Government Lot 4 in the W1/2SW1/4SW1/4 Sec. 30, T155N, R100W (Pherrin Township), City of Williston contingent on:

- addressing all staff comments
- development agreement with any necessary project specific amendments
- non-protest for future connection off the section line alignment between Sections 25 and 35 would be required

Mayor Koeser called three times for public input; none was heard.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the zone change from A: Agricultural to R1-A: Rural Residential for the 6.33 acres in Government Lot 2 in the W1/2SW1/4SW1/4 Sec. 30, T155N, R100W, City of Williston contingent on: all staff comments being addressed and record of the final plat.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the preliminary plat to create three lots of one acre or greater in area for 3.92 acre portion in Government Lot 4 in the W1/2SW1/4SW1/4 Sec. 30, T155N, R101W, City of Williston contingent on: addressing all staff comments, development agreement with any necessary project-specific amendments and non-protest for future connection off the section line alignment between Sections 25 and 35.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- E. Preliminary Plat (rearrangement) of Lot 5, Block 2, Bakken Industrial Park, 2nd addition, City of Williston – Granite Peak Development ND, LLC

Donald Kress presented a request of a rearrangement Lot 5, Block 2 of the Bakken Industrial Park 2nd Subdivision (approximately 63.6 acres) City of Williston. This property is currently zoned C-2: General Commercial on the west side and M-2: Heavy Industrial on the remainder of the property. The area of C-2 will be a single lot (Lot 1R) encompassing the entire C-2 zoned area on this property, approximately 27.37 acres. The area of M-2 will be divided into five separate lots (Lots 2R, 2A-R, 2B-R, 3R and 4R). These lots will range in size from 4.07 acres to 14.38 acres. No zone change is requested.

The project site will take access for Niehenke Street, a dedicated public street that is not currently paved. The developer will be required to pave the full width of this street along the frontage of Lot 1R (the C-2 zoned lot), a length of 988.84 feet. The North Dakota Department of Transportation (NDDOT) has allowed a right-in/right-out access to U.S. Highway 2/85 on the west end of Niehenke Street. City water and sewer are available to the project side from Niehenke Street.

Camp Creek borders the northerly side of this project site and the drainage easement for this coulee takes up considerable area on some of the lots. The notation "Serviceable" followed by an area in square feet and acres indicates the

area of each lot that is not constrained from development by the drainage easement.

At the October 21st 2013 Planning and Zoning Commission meeting, the Commission heard the case as presented by staff.

The Planning and Zoning Commission chairman called three times for public input; none was heard.

By a vote of 5-0 with one commissioner absent and one commission seat vacant, the Planning and Zoning Commission recommend the City Commission approval of the preliminary plat Lot 5, Block 2 of the Bakken Industrial Park 2nd Subdivision, City of Williston contingent on: standard development agreement with any necessary project-specific amendments and addressing all staff comments.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve the request of the preliminary plat Lot 5, Block 2 of the Bakken Industrial Park 2nd Subdivision, City of Williston contingent on: standard development agreement with any necessary project-specific amendments and addressing all staff comments.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- F. Public hearing on a request for a new restaurant on-sale liquor and on-sale beer license for the property at 1500 block of 14th St W, Williston, ND, described as Lot 1 Block 2 of Dakota Crossing Subdivision of the City of Williston, North Dakota

Commissioner Klug presented a request for a new restaurant on-sale liquor and on sale beer license which the Commission approved a new category to allow restaurants to come in to the city of Williston by paying a \$50,000 fee plus the ongoing license fees. This application is for a restaurant at the 1500 block of 14th Street W, Williston, ND, described as Lot 1 Block 2 of Dakota Crossing Subdivision of the city of Williston being called Famous Dave's.

Mayor Koeser called three times for public input; none was heard.

MOTION BY KLUG, SECONDED BY CYMBALUK, to approve the request for a new restaurant on-sale liquor and on-sale beer license for the property at 1500 block of 14th Street W, Williston, ND, described as Lot 1 Block 2 of Dakota Crossing Subdivision of the City of Williston, North Dakota.

AYE: Klug, Cymbaluk, Brostuen, 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. Ordinance amending Ordinance No. 613 (zoning) – First Read

Mayor Koeser presented an ordinance amending Ordinance No. 613 of the City of Williston, also known as the Zoning Ordinance of the city of Williston, amending Section 25: Supplementary district regulations governing the criteria and permitting for workforce, temporary housing.

Whereas, the City has previously allowed for the location of temporary worker housing within the M-2: Heavy Industrial Zoning District under the jurisdiction of the City of Williston Zoning ordinance, and

Whereas, the North Dakota Legislature has allowed for the imposition of crew housing permit fees in Chapter 57-02.4 of the North Dakota Century Code and,

Whereas, it is the intent of the City to protect and promote the public health, safety and welfare by regulating workforce, temporary housing,

P. Workforce, Temporary Housing is hereby amended to include the following: Workforce, temporary housing may be subject to real property taxation or crew housing permit fees as set forth by the city of Williston.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the First Read of Ordinance 981 amending Ordinance No. 613 (zoning) that would make workforce, temporary housing subject to real property taxation or crew housing permit fees as set forth by the city of Williston.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

7. Petitions, Communications and Remonstrance's
 8. Report of Commissioners
 A. President of the Board
 B. Vice-President; Finance Commissioner
 (1.) Consultant Service Agreement with NDSU for \$67,400.00

Commissioner Bekkedahl presented a request to approve the City's Consultant Service Agreement with NDSU for Population Studies in the amount of \$67,400.00.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the City's Consultant Service Agreement with NDSU for Population Studies in the amount of \$67,400.00.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (2.) Williston Development Center

Commissioner Bekkedahl presented an update on the Williston Development Center project. Commissioner Bekkedahl stated that since their last meeting with the department heads, he and Commissioner Klug met with the attorney's staff related to some contractual issues on the Development Center project. Commissioner Bekkedahl presented two recommendations. Commissioner Bekkedahl said that they will not recommend commencing construction this fall as it is late enough into the season and the committee feels that it is ok to wait until spring. If the City Commission would like to move forward, there are two figures for guaranteed maximum price. One is for \$8,044,000.00 that was designed by JLG Architects. There was also a recommendation from Burke Construction that would bring the cost down to \$6,349,000. These are the two options if the city wants to accept a guaranteed maximum price. They could also not accept either and agree to pay the contractual price owed to Burke Construction at this point and discuss staffing issues later.

There was discussion among the Commissioners of what to do and if they thought they could get a better building price. Bill Tracy from the Building Departments said he is not convinced that the city is getting the best price for the design they would be receiving. The estimated cost of the project was a little over \$5,000,000.00 and even with the value design the cost is over \$6,000,000.00. They also had to consider that there will also be a cost to Burke Construction for \$5,250.00 to release the project if the city does not move forward at this time.

MOTION BY CYMBALUK, SECONDED BY KLUG, to not proceed with the construction of the Williston Development Center this season.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

MOTION BY KLUG, SECONDED BY CYMBALUK, to pay the obligation to Burke Construction in the amount of \$5,250.00 and deal with the Williston Development Center project in the spring.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (3.) Resolution of support for the Four Laning of US Highway 85 from Watford City to Belfield

Commissioner Bekkedahl presented a Resolution passed by the Black Hills Council on November 1, 2013 in support of the Theodore Roosevelt Expressway and the proposed highway improvements from Watford City to Belfield, ND. This would include the four laning of US Highway 85 from Watford City to Belfield.

The City is a member and has been asked to approve the resolution to be submitted to the DOT.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the Resolution of Support for the four laning of US Highway 85 from Watford City to Belfield and have it submitted to the DOT.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- C. Street and Improvement, Sanitation, Cemetery and Public Works Commissioner
- D. Fire, Police, and Ambulance Commissioner
- E. Water Works, Sewer, Airport, Building and Planning Commissioner
- 9. Report of Department Heads
 - A. City Auditor
 - (1.) Resolution 13-138 authorizing custodial agreement and Resolution 13-139 authorizing escrow and disbursing agreement regarding the sales tax bond issue

Karen Larson, deputy auditor, presented Resolution 13-138 authorizing custodial agreement and Resolution 13-139 authorizing escrow and disbursing agreement regarding the sales tax bond issue. These resolutions were intended to be enacted as part of the sales tax bond issue at the September 9th meeting in addition to the sales tax bond issue that was passed at that time.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve Resolution 13-138 authorizing custodial agreement and Resolution 13-139 authorizing escrow and disbursing agreement regarding the sales tax bond issue with an effective date of September 9th, 2013.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- B. Attorney
- C. Director of Public Works/City Engineer
 - (1.) Landfill PC Scale Quote/Approval

David Tuan from public works presented a quote for software for the landfill. He stated that they are in the process of reviewing some additional costs they were just made aware of by a county IT. They have not yet had a chance to sit down and review it with them so Mr. Tuan suggested that it be tabled until the following meeting.

MOTION BY KLUG, SECONDED BY CYMBALUK, to table the matter regarding the landfill PC Scale quote until the following meeting.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(2.) Williston West Force Main Task Order (AE2S)

David Tuan from Public Works presented a Task Order from AE2S for the design/bidding and construction phases of the Williston West Force Main Extension. The cost of the design/bidding is \$170,000.00 and the cost of the construction is \$190,000.00. This force main extension will convey sewage from the Williston West Lift Station directly to the WWTP (Waste Water Treatment Plant). The force main is necessary to handle increased flows from the western part of town, as currently, flows from the Williston West Lift Station are pumped to a gravity line at 2nd Street W and 14th Avenue W, resulting in capacity and odor issues. Mr. Tuan recommended to the commission the approval of the task order from AE2S in the amount of \$360,000.00.

MOTION BY BROSTUEN, SECONDED BY BEKKEDAHL, to approve the task order from AE2S in the amount of \$360,000.00 for the Williston West Force Main Extension project.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(3.) Rate Resolution-Garbage Pickup

David Tuan from Public Works presented a proposed rate resolution. Mr. Tuan explained that with the new annexation areas, they have several rural residential estate properties with a significant distance to move their 98 gallon refuse containers to the street right-of-way for pickup. They are proposing a new rate for the commissioner's consideration that allows City garbage trucks onto private properties zoned R1A, R1E and AG, with adequate provisions for trucks to turn around without backing into the street.

Mr. Tuan presented to the commission the new collection policy/rate and liability waiver for residents opting for pickup on private property. The proposed collection rate of \$24.80 per month represents the base fee for commercial collection. Mr. Tuan is requesting approval of this new policy and residential rate.

Mayor Koeser inquired about the rate and Mr. Tuan said that the \$24.80 per month is still significantly lower than what private haulers are charging.

MOTION BY KLUG, SECONDED BY CYMBALUK, to approve the new policy and residential rate of \$24.80 per month for garbage pickup.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(4.) Landfill Wind Closure Policy

David Tuan from Public Works presented a proposed policy from the landfill foreman, outlining closure during periods of high wind. As of now, no formal policy exists and the landfill is shut down at the discretion of the foreman for reasons of public safety (flying debris, etc.). This policy will inform public and private haulers of potential closure during excessively windy days. If the wind is over 30 mph they will close the landfill within one hour and send out a Public Service Announcement to let public and private hauler know the landfill will be closed.

MOTION BY BEKKEDAH, SECONDED BY CYMBALUK, to approve the Wind Closure Policy as presented.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(5.) 32nd Ave W Phase II Change Order #1 (Acme)

David Tuan from Public Works presented Change Order #1 for ACME Concrete on the 32nd Ave Phase II Project (Sanderson Stewart) in the amount of \$21,878.75. The Change Order covers the additional cost of insulating an existing water main that was installed too shallow by others. He stated that they will be looking to recover these costs from third parties.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAH, to approve the request for Change Order #1 (ACME), as well as authorize the City Attorney to recoup the costs from third parties.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(6.) AE2S Marketing Agreement

Monte Meiers from Public Works presented a Marketing Agreement with AE2S. Since designing the WWTP they have looked at what to do with the waste water. There are other cities that reuse the water. AE2S put together a letter of intent to market the waste water. There is a commitment to a price so they have that base line. The price would be 25 cents a barrel, which comes out to be \$5-\$6 for a thousand gallons. Mr. Meiers said he thinks the city should look at entering into the agreement and is requesting approval to proceed.

MOTION BY BEKKEDAH, SECONDED BY CYMBALUK, to proceed with the letter of intent to market the waste water from the WWTP.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(7.) Mill & Overlay Work Change Order #2 (Northern Improvements)

Monte Meiers from public works presented a change order for base repair for mill and overlay work. The City was not planning on doing this but the base could not hold up to any paving. The cost is \$51,218.07 and includes time, materials and labor rates. Mr. Meiers is requesting approval of this change order.

MOTION BY KLUG, SECONDED BY CYMBALUK, to approve Change Order #2 for mill and overlay work as presented.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

D. Fire Chief

(1.) Call for bids for a type 1 4X4 Demonstrator Ambulance

Fire Chief, Alan Hanson, presented a request to be able to start accepting bids for a replacement ambulance. Chief Hanson explained that it is something that they have budgeted for next year but it will take time for it to happen so he would like to get the bid started.

MOTION BY CYMBALUK SECONDED BY BEKKEDAHL, to approve the request to start accepting bids for a type 1 4X4 Demonstrator Ambulance.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

E. Chief of Police

(1.) Grant Approval

Chief Lokken presented a request for approval for Mayor Koeser to sign an application to receive a Law Enforcement Grant from Energy Infrastructure and Impact Office (EIO). Chief Lokken received approval to hire three officers through the grant program for 12 months but there was some discrepancy in determining if it was 12 months or 18 months. The grant was actually for 18 months so Chief Lokken corrected the form to reflect the full 18 months. The Police Department was also approved in the last round for new 9-1-1 equipment for those three positions. The equipment is being purchased from Kotana Communications and also requires approval for the purchase of this equipment. Also, the Police Department is getting lots of evidence and they need a tracking system which the courts suggest that they use. The cost of the equipment is \$141,000.00 which 10% is matched. There is also left over funds in the budget for this purchase.

MOTION BY CYMBALUK, SECONDED BY KLUG, to approve the request for the Mayor to sign the grant application from EIO.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

MOTION BY KLUG, SECONDED BY CYMBALUK, to approve the request for the Police Department to purchase the needed equipment from Kotana Communications.

AYE: Klug, Cymbaluk, Brostuen & Bekkedahl

NAY: None

ABSENT AND NOT VOTING: Koeser (he owns Kotana Communications)

CARRIED: 4-0

F. Building Official

G. City Planner

(1.) Public hearing on Final plat of Erickson Subdivision consisting of 65 acres in the SE1/4, Section 21, T154N R101W, City of Williston, North Dakota into 3 Blocks.

Rachel Ressler from Planning and Zoning presented a request to plat 65 acres in the SE1/4, Section 21, T154N R101W, City of Williston, North Dakota into three blocks. This area is a mix of land zoned light industrial, commercial, and agricultural. Currently, Bob Erickson's trucking company is utilizing part of the property. However, in the future, after that business is no longer in operation, KML Properties would like to use this area as a continuation of the retail development to the north. No specifics have been discussed, and they would need to return to the commission to discuss any future zone changes and plats.

In addition, they are expecting to perhaps re-subdivide the largest lot at a point in the future. The smallest block, block 3, serves the purpose of allowing 3rd Street west to be continued to the east and access to 32nd to be created.

Since preliminary plat, there have been changes made to clarify the position of 32nd Avenue and the status of the ROW along the section line. It has been determined that there is no longer a statutory ROW along the west side of the section line.

The Planning and Zoning staff recommend to the City Commission approval of the final plat for Erickson Subdivision, contingent on addressing staff comments.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request for the final plat of the Erickson Subdivision contingent on addressing staff comments.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

H. Economic Development

(1.) Star Fund

a. Mini Match

1. AmeriPride FR & Safety Gear

Shawn Wenko from Economic Development did a brief presentation on all the Mini-Match Requests. He stated that AmeriPride FR & Safety gear is requesting a rent subsidy.

2. Big Sky Battery, dba Minute Lube

Big Sky Battery is requesting a subsidy for signage.

3. Meg-A-Latte Coffee House

Meg-A-Latte is requesting subsidy for sidewalk, signage and remodeling of their store front.

4. Interstate Engineering, Inc.

Interstate Engineering is requesting subsidy for sidewalk, signage and remodeling of their store front.

Mr. Wenko stated that the Mini Match subsidies would be for \$5,000.00 each.

MOTION BY KLUG, SECONDED BY BROUSTUEN, to approve the four Mini-Match subsidies as presented.

AYE: Klug, Cymbaluk, Brostuen & Koeser

NAY: None

ABSENT AND NOT VOTING: Bekkedahl

CARRIED: 4-0

b. Flex PACE

1. Blackout Energy Service, Inc.

Blackout Energy Service, Inc. is requesting a Flex PACE of \$24,999.00 for the purchase of an existing building and renovations of the structure to improve the property. The project will house oilfield and construction equipment for rentals located at the corner of 2nd St E & 7th Ave E. (1804 Bypass) – Industrial Lot 624-630. Blackout Energy Service, Inc. has a localized focused approach in providing on-sight specialize services related to the oil and construction field. Approximately 3.5 full time jobs will be created by this project.

The Star Fund Board recommends to the City Commission to approve a Flex PACE, not exceeding \$24,999.00, to Blackout Energy Service, Inc. for the purchase of an existing building with renovation to the structure.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve a Flex PACE not to exceed \$24,999.00 to Blackout Energy Service, Inc. for the purchase of an existing building with renovation to the structure.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

2. BoDo's Sport & Appliance Center, Inc.

BoDo's Sport & Appliance Center, Inc. is requesting a Flex PACE of \$29,000.00 for the purchase of an existing leased building located at 1520 2nd Ave West in Williston. BoDo's Sport & Appliance Center, Inc. will carry different brands/lines of appliances, TV's, grills, lawn and snow equipment compared to their competitors. Approximately four full-time and three part-time employment positions will be created due to this project.

The Star Fund Board recommends to the City Commission to approve a Flex PACE not to exceed \$29,000.00 to BoDo's Sport & Appliance Center, Inc. for the purchase of existing leased building.

MOTION BY KLUG, SECONDED BY CYMBALUK, to approve a Flex PACE not to exceed \$29,000.00 to BoDo's Sport & Appliance Center, Inc. for the purchase of existing leased building.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

3. Rigger's Store 1, LLC

Rigger's Store 1, LLC is requesting a Flex PACE of \$52,800.00 for the construction of a convenience store and car wash, located at 2621 Pheasant Run Parkway. This location will be a 24 hour operation that will provide local consumers with grocery items, supplies, gasoline (fuel station) and car wash facility. The location is in a high traffic/high growth area in Williston. The Bakken Basin oil boom has created a shortage of the most basic essentials in the area. Rigger's Store 1, LLC will aid in filling this gap. Several hundred construction jobs will be generated in the initial phase. Approximately 12 full-time and eight part-time new jobs will be created at the projects end.

The Star Fund Board recommends to the City Commission to approve a Flex PACE not to exceed \$52,800.00 to Rigger's Store 1, LLC for the construction of their new convenience store and car wash facility.

MOTION BY CYMBALUK SECONDED BY BROSTUEN, to approve a Flex PACE not to exceed \$52,800.00 to Rigger's Store 1, LLC for the construction of their new convenience store and car wash facility.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

4. Blaine's Autobody (Amended request)

Blaine's Autobody requested a Flex PACE of \$24,999.00 and was approved by the City Commission on December 26, 2012. Due to the STAR Fund's new scoring grid this project is now eligible and has requested an amended Flex PACE amount of \$52,800.00. Blaine's Autobody will be completing a new building construction at 5495 Highway 2 N. location. The total cost of the project is approximately \$1.5 million, with the creation of ten new jobs.

The Star Fund Board recommends to the City Commission to approve the amended Flex PACE amount of up to \$52,800.00 to Blaine's Autobody for new building construction.

MOTION BY BEKKEDahl, SECONDED BY CYMBALUK, to approve the amended Flex PACE amount of up to \$52,800.00 to Blaine's Autobody for new building construction.
AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser
NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

5. 20/20 Properties (Amended request)

Dr. Mitch Fearing of 20/20 Properties requested a Flex PACE of \$24,999.00 and was approved by the City Commission on February 26, 2013. Due to the Star Fund's new scoring grid this project is now eligible and has requested an amended Flex PACE amount of \$52,800.00. 20/20 Properties is a professional building consisting of three floors, with Williston Basin Eyecare Associates on the first floor. The second floor will have space for additional professional offices and the third floor will be used for specialized doctors from Mercy Medical Center. The total cost of the project is estimated at \$11.1 million.

The Star Fund Board recommends to the City Commission to approve an amended Flex PACE amount of up to \$52,800.00 to 20/20 Properties for construction of a new building

MOTION BY CYMBALUK, SECONDED BY BEKKEDahl, to approve the amended Flex PACE amount of up to \$52,800.00 to 20/20 Properties for construction of a new building.
AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser

NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

c. Community Growth

1. City of Williston/Williams County

The City of Williston/Williams County is requesting a Community Growth Grant in the amount of \$75,000.00 in order to hire a firm to establish an addressing grid for the city of Williston and the area within the boundary of the new truck bypass route. The addressing grids project will be completed in a three phase process – first phase: city grid, second phase: grid one mile out from city, and the third phase: will be the future expansion growth grid. RFPs have been received and a firm has been considered. By creating new area grids this allows Williston and Williams County address system to work more effectively.

The Star Fund Board recommends to the City Commission to approve a Community Growth Grant not to exceed \$45,000.00 to establish an addressing grid.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve a Community Growth Grant not to exceed \$45,000.00 to establish an addressing grid.
AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Koeser
NAY: None
ABSENT AND NOT VOTING: None
CARRIED: 5-0

2. WADF (WREDC) Budget Request

With all the changes going on in Williston the Williston Area Development Foundation (WADF) has spent considerable time going through a visioning process to better identify what issues they could best assist the City to address. While there is already an active program of economic development with the City staff and the Star Fund, they focused on areas that are important to the city at this time, by complementing the city's efforts with additional support from a broad base of community leader represented on their board.

The Foundation wants to be “the leading advocate for sustainable growth, build a diversified economy, support regional development and improve our quality of life.” This visioning led them to four major goals:

- Plan and implement a “Building a Better Tomorrow” program to educate the public and investors of all the plans for projects in the works that will truly make

Williston a better community. Families will bring roof-tops and roof-tops will bring more restaurants and retail. The city is remodeling right now, but will be a better town as these projects come to completion.

- To be a community-wide advocate for more state and federal support to build and grow the community and region. To develop broad based community and statewide support for the many challenges that this community faces.
- Focus on regional quality of life issues, more restaurants, retail and professional services, making Williston an even better community.
- Promote economic diversity with regional value and added agricultural products and processing.

The Star Fund Board recommends to the City Commission to approve a Community Build Grant up to \$173,500.00 to the Williston Area Development Foundation to assist in achieving important community goals for the next year.

MOTION BY KLUG, SECONDED BY BROSTUEN, to approve a Community Build Grant up to \$173,500.0 to the Williston Area Development Foundation to assist in achieving important community goals for next year.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Kooser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- I. Airport
 - (1.) Advertising Leases
 - a. Adamn Enterprises, LLC

Airport Manager, Steven Kjergaard, presented a request to approve a month to month lease with Adamn Enterprises, LLC for a TV screen. Mr. Kjergaard recommended the City Commission approve this lease.

MOTION BY BROSTUEN SECONDED BY BEKKEDAHL, to approve the advertising lease with Adamn Enterprises, LLC.

AYE: Klug, Cymbaluk, Brostuen, Bekkedahl & Kooser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- b. Valin Corporation

Airport Manager, Steven Kjergaard, presented a request to approve a lease with Valin Corporation. The lease is a one year term for \$3,000. Mr. Kjergaard recommended the City Commission approve this lease.

MOTION BY CYBALUK, SECONDED BY BEKKEDAHL, to approve the advertising lease with Valin Corporation.

AYE: Klug, Cymbaluk, Brostuen, 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
- 11. Unfinished Business
- 12. New Business
- 13. Executive Session
- 14. Adjourn

Before adjourning Mayor Koeser made a comment that a lot of time, preparation and work go into getting the city commission meeting ready and he appreciates that. He stated that they have a tremendous staff and the commissioners do a lot of work before the meeting. Mayor Koeser wanted to commend everybody for their work.

MOTION BY BEKKEDAHL AND UNANIMOUS BY VOICE VOTE

E. Ward Koeser, President
Board of City Commissioners

John Kautzman, City Auditor