

Official Proceedings
BOARD OF CITY COMMISSIONERS
February 11, 2014 6:00 P.M.
CITY HALL WILLISTON, NORTH DAKOTA

1. Roll Call of Commissioners

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

COMMISSIONERS ABSENT: None

OTHERS PRESENT: Pete Furuseh, Bill Tracy, John Kautzman, Dave Tuan, Nick Vasuthasawat, Steven Kjergaard, Chief Lokken, Bob Hanson, Kent Jarcik, Donald Kress, Rachel Ressler and Denell Kallemeyn

Mayor Koeser presented a quorum; there are a few changes that need to be made to the agenda. Public hearing items 4C and 4D have been withdrawn by the applicant. 9C(2) under Director of Public Works there is a WBI Energy Pipeline issue they need to address.

MOTION BY CYMBALUK, UNANIMOUS BY VOICE VOTE, to approve the amendments to the agenda.

2. Consent Agenda

- A. Reading and Approval of Minutes for:
 - (1) Regular Meeting Dated: January 28, 2014
- B. Auditor
 - (1) Accounts, Claims and Bills

Combined Check Register

For checks between: 01/28/14 - 02/10/14

Payroll

Check #		Vendor/Employee/Payee Number/Name	Check Amount	Period
-75251	P	Medicare U.S. TREASURY	31.36	
-75250	P	56297 BRENDA D'ANGELO	1129.19	
-75249	P	12020 RANDY M DONNELLY	1756.98	
-75248	P	56348 TYLER EMERSON	1014.36	
-75247	P	12017 JOHN L. KAUTZMAN	2844.85	
-75246	P	56240 KAREN D. KUEHL	771.44	
-75245	P	56363 JUSTINA ROSE	355.51	
-75244	P	56255 CHELSEA S CAVANAUGH	817.06	
-75243	P	13026 KEVIN W. CRAFT	1324.47	
-75242	P	56195 JACKIE L. HATCH	771.45	
-75241	P	56323 LINDSEY REPP	781.72	
-75240	P	56225 SUSAN E. SCHNEIDER	1468.97	

-75239	P	13025 JOLEEN S. TINKER	1277.43
-75238	P	56378 LAURA WOLTJER	585.09
-75237	P	56376 ANNA WOOLLEY	913.08
-75236	P	56344 CARRIE ZELLMER	618.54
-75235	P	56169 KATHERINE E. BERWICK	2596.22
-75234	P	56252 DIANE THOMPSON	1332.14
-75233	P	56215 MARK W. ANDERSON	1429.65
-75232	P	18021 ROBERT J. BENTH	152.65
-75231	P	56292 CAMERON BRADLEY	1753.77
-75230	P	18022 SHARYL J. BUSCH	2398.15
-75229	P	56162 JOSHUA A. BUTLER	1799.88
-75228	P	56374 DAVID CHRISTENSEN	937.44
-75227	P	56325 DAVID GORDON	1487.50
-75226	P	18001 ALAN K. HANSON	2202.00
-75225	P	56321 NICOLAS JOHNSON	323.43
-75224	P	18027 STEVEN D. KERZMANN	2482.68
-75223	P	18096 TRACY C. KERZMANN	1585.74
-75222	P	56332 ANDREW KINDLE	273.53
-75221	P	56107 VICTORIA L. KREGER	329.52
-75220	P	56377 DAVID MOLITOR	1402.48
-75219	P	18099 ERICA J. MYERS	970.54
-75218	P	18070 JEANNE M. SAGASER RASSIER	1612.97
-75217	P	56130 ANDREW A. SAILER	2224.50
-75216	P	18020 RICHARD SHEARER	161.61
-75215	P	18097 DUANE S. WINTER	24.94
-75214	P	56174 SAM M. AIDE	1205.67
-75213	P	56166 RYAN J. ALLEN	1587.59
-75212	P	56273 JASON BARTEN	1536.19
-75211	P	19024 DAVID L. BELISLE	1823.86
-75210	P	56246 HUGH E BENZEN	1116.09
-75209	P	19092 DUSTIN J. BERTSCH	1696.17
-75208	P	19028 MARK R. BITZ	2136.71
-75207	P	56097 ALAN C. BRATT	1511.62
-75206	P	56121 DUSTIN R. CELANDER	1349.83
-75205	P	19076 CORY G COLLINGS	2058.40
-75204	P	56113 MINDY SUE DEGENSTEIN	1008.55
-75203	P	56278 DANIEL DERY	1349.53
-75202	P	56173 RODNEY H. DICKERSON	1513.50
-75201	P	56354 RYAN EGERMAN	1191.52
-75200	P	56289 STACEY EISSINGER	932.07
-75199	P	56183 AMBER M. GILMORE	1772.25
-75198	P	19009 LINDA R. GRANBOIS	1191.55
-75197	P	56147 JACOB J. GREGORY	1205.67
-75196	P	56343 ZACHARY HANSEN	1245.04
-75195	P	19082 RANDY M. HAUGENOE	1736.25
-75194	P	56285 TYLER HOFF	1215.70
-75193	P	56210 WILLIAM E. HOLLER	1366.10
-75192	P	56353 JONATHAN HOLTER	1146.39
-75191	P	56102 MICHAEL A. ISENHOWER JR	1590.32

-75190	P	56387 AARON KURTENBACH	1233.41
-75189	P	19012 THOMAS L. LADWIG	1939.44
-75188	P	19011 JAMES L LOKKEN	2740.95
-75187	P	56082 TRAVIS J. MARTINSON	1405.48
-75186	P	56061 AMY D. NICKOLOFF	1172.86
-75185	P	19014 KENNETH B. OWENS	1987.54
-75184	P	56385 JUSTIN PELZL	929.82
-75183	P	19098 DAVID A. PETERSON	1450.54
-75182	P	56181 TREVOR J. ROBERTS	1157.52
-75181	P	56148 JONATHAN D. ROGGENKAMP	957.27
-75180	P	56386 JOSHUA SASSE	905.66
-75179	P	56052 JAMESON J. O. SEIM	440.87
-75178	P	19077 MICHAEL S. WILSON	1650.47
-75177	P	56157 BENJAMIN W. ABBEY	1206.74
-75176	P	20047 KELLY M. ABERLE	1533.33
-75175	P	26039 DIANE K. ALBRIGHTSON	945.86
-75174	P	56209 MARTIN L. COLGAN	1242.65
-75173	P	56296 JOE DOSS	1269.88
-75172	P	56309 KRYSTINE HEIFORT	951.03
-75171	P	56308 JAMES LEAHY	1327.43
-75170	P	56270 WILLIAM TRACY III	1463.06
-75169	P	56360 NYDEL WALL	136.60
-75168	P	56220 TRUNG THANH LE	1316.43
-75167	P	56302 ANTON LEUTY	689.63
-75166	P	21040 MONTE C. MEIERS	2052.09
-75165	P	21054 WAYNE A WIEDRICH	1898.64
-75164	P	22020 ROBERT D. KNAPPER	1801.76
-75163	P	56214 MICHAEL J. BEARCE	1293.98
-75162	P	56128 VERNON L. HENDRICKSON	1563.57
-75161	P	56244 ROY LONG	1157.92
-75160	P	56167 MATTHEW TUTAS	1282.09
-75159	P	56320 PHILIP ARENDS	1598.07
-75158	P	56370 JEFFREY BRYSON	1950.92
-75157	P	24019 ROBERT D. COUGHLIN	602.07
-75156	P	56381 MORKATAA DHINAA	1305.94
-75155	P	24017 STEVEN W. JENSEN	2111.57
-75154	P	56356 MITCHELL KERSTING	691.42
-75153	P	56284 SABRINA SIMS	1462.60
-75152	P	56104 DANIEL W. TUPA	1461.13
-75151	P	56352 BRIAN YOUNG	940.98
-75150	P	25110 KENNETH W. BERGSTROM	2134.40
-75149	P	56187 STEPHEN R. KOHLER	1204.81
-75148	P	56389 THOMAS ATOR	568.74
-75147	P	56368 ERICA KELASH	1770.40
-75146	P	56349 LILLIAN MCGUIRE	527.55
-75145	P	56287 SHARNELL NIX	1973.20
-75144	P	56164 JACOB T BLOODGOOD	450.47
-75143	P	27076 DANNY R. GERGEN	1592.75
-75142	P	56091 JAMES A HAGA JR	1544.30

-75141	P	56315 EARL KILLINGSWORTH	1109.47
-75140	P	56241 DINA KINDELSPIRE	859.07
-75139	P	56303 TROY OSTER	677.93
-75138	P	56379 WILLIAM REED	568.30
-75137	P	56266 MARK RIDDLE	1145.27
-75136	P	56258 BRYAN THOMPSON	1044.90
-75135	P	56084 KENNETH R. BOYKIN	1536.93
-75134	P	56313 WILLIAM BRENNY	848.32
-75133	P	56114 ANTHONY D. DUDAS	1571.69
-75132	P	56086 STEVEN C. KJERGAARD	2194.42
-75131	P	12029 LORI A. LARSEN	1006.15
-75130	P	56358 RYAN O'REAR	1079.73
-75129	P	56307 TRAVIS SAMUDA	889.61
-75128	P	56372 THOMAS SANDO	1112.06
-75127	P	56340 MICHAEL SIMPSON	1681.40
-75126	P	56200 GINA MOTT	887.90
-75125	P	56347 CHRISTINE EDWARDS	1068.31
-75124	P	34017 KENT A. JARCIK	2442.58
-75123	P	56223 DONALD KRESS	1355.25
-75122	P	56057 JON D. MARISTUEN	41.56
-75121	P	56239 RACHEL K. RESSLER	1270.09
-75120	P	56314 NICK VASUTHASAWAT	1211.62
-75119	P	35025 JOSILYN F BEAN	1066.12
-75118	P	56301 TRAVIS MIZZELL	919.14
-75117	P	56079 BRENDA SEPTKA	1221.38
-75116	P	56293 DAVID TUAN	2444.43
-75115	P	56375 KRISTIN WENDT	489.49
-75114	P	36006 NEIL W. BAKKEN	1915.82
-75113	P	56366 KENT SKABO	1426.82
-75112	P	56211 WAYNE E. BEARD	912.30
-75111	P	56212 AMELIA A. BICKLER	287.34
-75110	P	56144 CRYSTAL M. BONNER	214.89
-75109	P	48102 KAYLA J. HELL	732.56
-75108	P	56333 STEVEN MCGAUGHEY	553.67
-75107	P	56111 ANDREA L. MITCHELL	217.27
-75106	P	56364 JASON SAGE	89.70
-75105	P	48013 DEBORAH A. SLAIS	1315.16
-75104	P	48034 YVONNE A. TOPP	591.55
-75103	P	52011 ANN M. KVANDE	1247.04
-75102	P	56365 KATHRYN LONG	1432.17
-75101	P	56306 MARGARET LUNSFORD	1086.07
-75100	P	56041 BARBARA J. PETERSON	1176.02
-75099	P	52003 THOMAS C. ROLFSTAD	1578.05
-75098	P	52020 SHAWN WENKO	1711.55
-75097	P	56222 VIVIAN KALMIK	186.07
-75096	P	53002 AMY A. KRUEGER	1920.31
-75095	P	56271 SABRINA A RAMEY	1175.74
-75094	P	56310 JENNIFER STRIETZEL	1083.32
-75093	P	56390 DENISE SUESS	110.37

-75092	P	56213 ROBERT JASON HILLARD	953.67
-75091	P	56234 JOSEPH REIFENSTAHL	785.90
-75090	P	56080 BRAD E. SEPTKA	2023.67
-75089	P	56150 SAMANTHA R. YODER	1119.86
-75088	P	56028 David Benth	209.03
-75087	P	56025 Michael S. Conlin	340.06
-75086	P	56026 Scott Copenhaver	494.44
-75085	P	56351 Jonathon Korner	32.32
-75084	P	56011 Kelly Moody	232.08
-75083	P	56013 Josh S. Mosbrucker	494.44
-75082	P	56015 Dwight A. Richter	283.28
-75081	P	56058 Brenden L. Stevens	801.81
-75080	P	56179 Duane S. Winter	630.73
-75079	P	21040 MONTE C. MEIERS	0.00
-75078	P	DEFER COMP ROTH NATIONWIDE RETIREMENT SO	21186.08
-75077	P	ND CHILD SUPPOR ND CHILD SUPPORT ENFORCE	1406.50
-75076	P	FIT U.S. TREASURY	145620.50
1677	MC	79 CITY OF WILLISTON	3516.00
61634	SC	433 ND TAX COMMISSIONER	2056.38
61635	SC	999998 LORI A. LARSEN	83.46
61636	SC	999998 STEVEN C. KJERGAARD	1072.00
61637	SC	489 VISA	4638.61
61638	P	SIT ND STATE TAX COMMISSIONE	41249.67
61639	SC	673 CLERK OF DISTRICT COURT	750.00
61640	SC	673 CLERK OF DISTRICT COURT	750.00
61641	SC	673 CLERK OF DISTRICT COURT	750.00
61642	SC	673 CLERK OF DISTRICT COURT	750.00
61643	SC	999999 DEAN CLAYCOMB	150.00
61644	SC	999999 JOHN VAUGHN	20.00
61645	SC	999999 DAVID SCHWARTZ	25.00
61646	SC	999999 DREW SCARBROUGH	25.00
61647	SC	243 MONTANA DAKOTA UTILITIES	43701.53
61648	P	56276 ELTON LARSON	189.32
61649	SC	470 US POSTAL SERVICE	1454.23
61650	SC	718 AMERIPRIDE LINEN AND APPAREL SERV	134.37
61651	C	999999 PRESTON GEVING	0.00
61652	C	999999 MICHAEL PITTS JR	0.00
61653	SC	999999 PRESTON GEVING	750.00
61654	SC	999999 MICHAEL PITTS JR	1130.00
61655	P	AFLAC AMERICAN FAMILY LIFE ASS	1846.92
61656	P	AMERICAN NATION AMERICAN NATIONAL LIFE I	205.56
61657	P	AVESIS AVESIS	319.84
61658	P	APARTMENTS WSCF DAKOTA COMMERCIAL - WSC	6950.00
61659	C	PERS NORTH DAKOTA PUBLIC EMPL	0.00
61660	P	USABLE USABLE	281.82
61661	P	APARTMENT BH8 VALLEY RENTAL - BAKKEN H	5660.00
61662	P	APARTMENT BH2 VALLEY RENTAL - BAKKEN H	2920.00
61663	P	APARTMENT BH9 VALLEY RENTAL - BAKKEN H	25200.00
61664	P	APARTMENT BH5 VALLEY RENTAL - BAKKEN H	2740.00

61665	P	APARTMENT BH6 VALLEY RENTAL - BAKKEN H	18080.00
61666	P	APARTMENT BH7 VALLEY RENTAL - BAKKEN H	25200.00
61667	P	APARTMENT BH10 VALLEY RENTAL - BAKKEN H	35780.00
61668	P	APARTMENT DAKOT VALLEY RENTAL - DAKOTA	52800.00
61669	P	PERS NORTH DAKOTA PUBLIC EMPL	95139.74
61670	SC	718 AMERIPRIDE LINEN AND APPAREL SERV	134.37
61671	SC	38 BASIN PRINTERS, INC.	58.00
61672	SC	54 BOUND TREE MEDICAL	894.97
61673	SC	662 BOX-N-SHIP	20.59
61674	SC	1030 EMERGENCY APPARATUS MAINTENANCE,	759.16
61675	SC	126 EMRY'S LOCKSMITHING	105.00
61676	SC	245 MEDQUEST INC	412.50
61677	SC	585 MCCODY CONCRETE PRODUCTS, INC	1168.58
61678	SC	1175 MONTANA DAKOTA UTILITIES	3253.56
61679	SC	320 NEMONT	19.13
61680	SC	320 NEMONT	96.07
61681	SC	359 PRAXAIR DISTRIBUTION INC	49.82
61682	SC	1866 Vivid Ink and Toner	2448.66
61683	SC	2064 NORTH CENTRAL AMBULANCE	167301.00
61684	SC	357 POLAR REFRIGERATION, INC.	422.39
61685	SC	21 AMERICAN WATER WORKS ASSOCIATION	72.00
61686	SC	1076 MANGER INSURANCE, INC.	100.00
61687	SC	413 SECRETARY OF STATE	36.00
61688	SC	35 BANK OF NORTH DAKOTA	52791.00
61689	SC	2066 Department of Airports	3800.00
61690	SC	2013 Bergy Construction	7000.00
61691	SC	2065 Orleans Hotel and Casino	274.34
61692	P	12026 KAREN P. LARSON	1323.48
61693	P	56295 CHERIE SMITH	489.11
61694	P	17016 THOMAS J. GLENN	1100.47
61695	P	56383 MATT DANIELSON	405.58
61696	P	18028 DAVID C. DONNER	161.61
61697	P	56337 DARIN JOHNSON	1210.88
61698	P	56382 ETHAN JOHNSON	1448.95
61699	P	56269 CLAY KAUTZER	1280.04
61700	P	56290 BRADLEY SCHERER	1229.84
61701	P	18046 GARVIN SEMENKO	99.51
61702	P	18048 DARWIN STEVENS	97.63
61703	P	18078 MICHAEL W. WALTERS	24.94
61704	P	56388 RUSSELL ANTHONY	1053.52
61705	P	19095 WALTER H. HALL	1616.36
61706	P	56243 JACOB R. HENDRICKS	1042.08
61707	P	56279 ALEC RAISBECK	1290.77
61708	P	13027 CRYSTAL A. SCHAUBEL	917.04
61709	P	21041 ROBERT E HANSON	2569.94
61710	P	22021 LES CHRISTENSEN	1821.13
61711	P	22014 GARY L. GLOVATSKY	1614.14
61712	P	23126 BRENT E. HANSON	2077.86
61713	P	23039 BRUCE A. JOHNSON	1334.51

61714	P	56288 CHRISTOPHER MALONE	836.50
61715	P	27096 RUSSELL E. MOMBERG	1716.06
61716	P	56362 JOHN WELKER	424.31
61717	P	56189 AMANDA M. KAISER	768.84
61718	P	25030 PEDAR A. ANDRE	1144.87
61719	P	27058 DAVID LEE BELL	2335.27
61720	P	25106 RICHARD S. ODEGARD	1886.33
61721	P	27067 RICHARD D. BORUD	1513.29
61722	P	56202 GUNNAR CORCORAN	1015.94
61723	P	23136 JAMES B. ENGEN	2739.29
61724	P	56355 TIMOTHY JEWELL	1207.22
61725	P	27091 JOSEPH G. MONSON	1369.58
61726	P	22022 KATELYN CHRISTENSEN	1145.26
61727	P	31051 GORDON L. SMESTAD	1544.41
61728	P	56099 MARK C. AMONDSON	734.49
61729	P	56361 JUSTIN EDWARDS	807.19
61730	P	56367 TONY SCOTT	1449.25
61731	P	32006 WILLIAM M. MCQUISTON	1740.22
61732	P	56253 STEPHEN OLEGARIO	642.84
61733	P	34105 GLENN A. BOYEFF	41.56
61734	P	34106 GERALD L. FLECK	41.56
61735	P	56117 NICK J. HAUGEN	41.56
61736	P	37008 LAVERN GOHL	1533.51
61737	P	56180 DIANE C. HAGEN	419.17
61738	P	56276 ELTON LARSON	96.97
61739	P	56298 SAWYER ZENT	215.13
61740	P	56066 ZACHARY G. CORCORAN	1436.12
61741	P	54065 PATRICIA K. FIORENZA	2352.72
61742	P	56001 David W. Arnson	277.98
61743	P	56116 Tyler D. Carlstad	488.76
61744	P	56339 James Dixon	96.97
61745	P	56023 Mathew P. Ekblad	564.62
61746	P	56005 Cory J. Hanson	1087.39
61747	P	56030 Martin J. Haug	112.46
61748	P	56007 Troy R. Heupel	180.21
61749	P	56205 Brandon Hoffman	554.73
61750	P	56034 Blaine C. Jeanotte	534.17
61751	P	56219 Jeremy V Knapkewicz	497.76
61752	P	56291 James Laqua	439.59
61753	P	56238 Ryan Lee	446.05
61754	P	56009 Billy J. Lynn	329.74
61755	P	56281 Joshua Mahlum	758.54
61756	P	56083 Traver D. Melby	32.32
61757	P	56012 Miles A. Mortenson	426.83
61758	P	56016 Kyle J. Rosslund	283.15
61759	P	56019 Garvin D. Semenko	316.76
61760	P	56338 Steve Simard	659.38
61761	P	56020 Darwin J. Stevens	900.85
61762	P	56022 Scott S. Tanner	338.36

61763	P	56027 Michael W. Walters	820.91
61764	P	18001 ALAN K. HANSON	16143.42
61765	P	56052 JAMESON J. O. SEIM	6276.73
61766	P	WSCF DEPOSIT CITY OF WILLISTON	500.00
61767	P	DEL CHILD SUPPO DCSE	135.00
61768	P	EMPLOYMENT SECU EMPLOYMENT SECURITY DEPA	170.07
61769	P	ID CHILD SUPPOR IDAHO CHILD SUPPORT RECE	377.50
61770	P	MN CHILD SUPPOR MINNESOTA CHILD SUPPORT	941.20
61771	P	NC CHILD SUPPOR NC CHILD SUPPORT	205.00
61772	SC	483 VECTOR CONTROL DIST #1	38278.49
61773	SC	999999 JOHN SLOAN	400.00
61774	SC	999999 DEREK LARSON	750.00
61775	SC	999999 RIAZ MANZOOR	1000.00
61776	SC	999999 SAMUEL BRISSETTE	70.00
61777	SC	999999 DON HOLMES	41.00
61778	SC	999999 TYE ROELLE	380.00
61779	SC	999999 VALENTIN GOMEZ	400.00
61780	SC	632 ACKERMAN-ESTVOLD	1475.00
61781	SC	1953 AE2S CONSTRUCTION LLC	6806.25
61782	SC	2068 AmeriPride FR & Safety Gear	5000.00
61783	SC	718 AMERIPRIDE LINEN AND APPAREL SERV	396.28
61784	SC	999998 AMY D. NICKOLOFF	50.27
61785	SC	2063 ASCO SERVICES INC	225.00
61786	SC	30 ASTRO-CHEM LAB, INC.	1134.50
61787	SC	33 BAKER & TAYLOR CO.	640.86
61788	SC	34 BALCO UNIFORM CO., INC.	669.78
61789	SC	38 BASIN PRINTERS, INC.	136.00
61790	SC	999998 BENJAMIN W. ABBEY	398.00
61791	SC	41 BERRY DAKOTA	87.00
61792	SC	49 BLACK MOUNTAIN SOFTWARE	11736.90
61793	SC	1339 BOBCAT OF WILLISTON	90.01
61794	SC	52 BORDER STATES ELECTRIC	1304.26
61795	SC	599 BRAATEN PLUMBING, INC	329.74
61796	SC	1054 C & D WATER SERVICES	28.00
61797	SC	1455 CALIFORNIA CONTRACTORS SUPPLIES I	671.16
61798	SC	69 CARQUEST AUTO PARTS STORES	124.01
61799	SC	204 CCR-WILLISTON III, LLC	110.00
61800	SC	1755 CDW Government	5396.34
61801	SC	710 CHANEY'S CAR & TRUCK REPAIR	150.00
61802	SC	1623 CHEMSEARCH	4211.20
61803	SC	999998 CHRISTINE EDWARDS	16.91
61804	SC	73 CHRISTOPHERSON'S TIN	125.00
61805	SC	77 CITY OF WILLISTON	1840.57
61806	SC	79 CITY OF WILLISTON	91272.40
61807	SC	80 CITY OF WILLISTON	46.12
61808	SC	1666 CIVIL SCIENCE	6680.50
61809	SC	971 COCA-COLA OF WILLISTON	144.45
61810	SC	1662 Connecting Point Computers Center	15.70
61811	SC	1486 CONNEX INTERNATIONAL	27.12

61812	SC	567 CRAIG'S SMALL ENGINE REPAIR	631.61
61813	SC	89 CRAVEN-HAGAN CLINIC	214.00
61814	SC	2070 CRYOTECH	23049.20
61815	SC	1625 CTS LANGUAGE LINK	35.50
61816	SC	927 DAKOTA PUMP & CONTROL	17470.75
61817	SC	93 DAKOTA SUPPLY GROUP	10696.55
61818	SC	100 DAWA SOLUTIONS GROUP	12461.50
61819	SC	988 Dell Marketing L.P.	1289.01
61820	SC	568 DPC INDUSTRIES, INC	2721.75
61821	SC	933 EBSCO	5417.16
61822	SC	121 EIDE BAILLY LLP	5000.00
61823	SC	124 ELECTRIC & MAGNETO, INC.	91.00
61824	SC	577 EMERGENCY MEDICAL PRODUCTS	78.40
61825	SC	126 EMRY'S LOCKSMITHING	37.50
61826	SC	2071 Erica Myers	104.04
61827	SC	331 FBI NATIONAL ACADEMY ASSOC.	255.00
61828	SC	1990 FCX PERFORMANCE	20.44
61829	SC	816 FIRE EXTINGUISHING SYSTEMS, INC	189.90
61830	SC	857 Follett Software Company	213.84
61831	SC	134 FORT UNION SUPPLY & TRADE	639.75
61832	SC	1496 FOUND IT NOW	624.00
61833	SC	139 GAFFANEY'S	1355.01
61834	SC	999998 GARY L. GLOVATSKY	102.48
61835	SC	826 Gaylord Bros.	239.06
61836	SC	999998 GINA MOTTL	417.48
61837	SC	2055 GLOBAL EQUIPMENT COMPANY	18.94
61838	SC	144 GRAYMONT WESTERN CANADA	18368.91
61839	SC	1826 GREAT WEST TIRE & LUBE LLC	150.00
61840	SC	539 HACH	322.17
61841	SC	624 HAMERS AUTOMOTIVE	2876.90
61842	SC	151 HAWKINS, INC.	10716.41
61843	SC	848 HEIL ENVIRONMENTAL	97.47
61844	SC	161 HOME OF ECONOMY	375.98
61845	SC	162 HORIZON RESOURCES	48047.48
61846	SC	163 HOSE AND RUBBER SUPPLY	3763.54
61847	SC	967 Information Systems Corp.	930.00
61848	SC	4561 International Code Council, Inc.	104.05
61849	SC	999998 JAMES LEAHY	27.42
61850	SC	195 JUNIOR LIBRARY GUILD	156.00
61851	SC	196 KADRMAS LEE & JACKSON INC	410125.67
61852	SC	211 KOIS BROTHERS EQUIP CO	1229.13
61853	SC	893 KRUGER INC.	2170.00
61854	SC	1694 Lindon's Truck Repair	200.00
61855	SC	585 MCCODY CONCRETE PRODUCTS, INC	112.50
61856	SC	1310 MED-TECH RESOURCE, INC.	603.42
61857	SC	245 MEDQUEST INC	713.00
61858	SC	729 MFOA	60.00
61859	SC	250 MICROMARKETING ASSOCIATES	351.09
61860	SC	255 MILLY'S ALTERATIONS	114.00

61861	SC	968 MINITEX	348.00
61862	SC	261 MON-DAK HTG & PLG, INC.	820.51
61863	SC	243 MONTANA DAKOTA UTILITIES	38267.65
61864	SC	1410 Morning Star Ranch	98.95
61865	SC	267 MOUNTRAIL-WILLIAMS REC	642.95
61866	SC	275 NAPA AUTO PARTS	3732.47
61867	SC	290 ND DEPT OF TRANSPORTATION	237737.01
61868	SC	297 ND ONE CALL	133.65
61869	SC	2069 NDACo HR Conference	150.00
61870	SC	1921 NDBOA Secretary/Treasurer	30.00
61871	SC	319 NELSON INTERNATIONAL	139.00
61872	SC	333 NORTHWEST SUPPLY CO.	717.76
61873	SC	1635 OCLC, Inc.	528.98
61874	SC	343 OLYMPIC SALES, INC.	18916.00
61875	SC	344 ONE FULFILLMENT	330.00
61876	SC	1051 POET ETHANOL PRODUCTS, LLC	5783.46
61877	SC	813 PONTEM SOFTWARE BY RIA	593.00
61878	SC	362 PRO SAFE PEST CONTROL	270.20
61879	SC	714 PROBUILD	87.33
61880	SC	365 QUALITY BOOKS, INC.	120.68
61881	SC	367 QUILL CORPORATION	428.50
61882	SC	1882 RAM SPV II, LLC	2600.00
61883	SC	1492 RAMADA PLAZA AND SUITES	282.00
61884	SC	390 RICHARD A. JOHNSON	180.00
61885	SC	1850 ROCKY MOUNTAIN ELECTRIC	871.52
61886	SC	405 RYAN MOTORS	851.48
61887	SC	1437 S J LOUIS CONSTRUCTION INC	232621.75
61888	SC	1133 SANDERSON STEWART	2917.15
61889	SC	411 SCENIC SPORTS & REC	801.97
61890	SC	415 SELECT FORD	377.07
61891	SC	418 SHAWN R. WENKO	46.92
61892	SC	426 SOURIS RIVER TELECOMMUNICATIONS	172.07
61893	SC	436 STONEY CREEK KENNELS	4500.00
61894	SC	1686 TALKIN THE BAKKEN	20.00
61895	SC	1104 Tantor Audio	29.24
61896	SC	910 THE BISMARCK TRIBUNE	265.15
61897	SC	460 TRACTOR & EQUIPMENT CO.	2031.81
61898	SC	461 TRACTOR SUPPLY CREDIT PLAN	191.51
61899	SC	469 U.S. IDENTIFICATION MANUA	82.50
61900	SC	2067 ULINE	295.95
61901	SC	479 US POSTAL SERVICE	1426.35
61902	SC	1374 Valley Rental c/o Sherry Gooch	600.00
61903	SC	484 VERIZON WIRELESS	3410.24
61904	SC	487 VISA	4340.28
61905	SC	1249 WASTE NOT RECYCLING LLC	7833.60
61906	SC	532 WILLIAMS COUNTY HIGHWAY DEPT.	305.54
61907	SC	533 WILLIAMS COUNTY TREASURER/RECORDE	91.00
61908	SC	564 WILLIAMS RURAL WATER DISTRICT	94.19
61909	SC	1716 Williams Scotsman, Inc.	2250.50

61910	SC	517 WILLISTON FIRE & SAFETY	188.78
61911	SC	518 WILLISTON HERALD	3950.49
61912	SC	519 WILLISTON HOME & LUMBER	87.92
61913	SC	523 WILLISTON POLICE ASSN.	225.00
61914	SC	526 WILLISTON TRUE VALUE	455.54
61915	SC	2045 WORKLIFE	265.00
61916	SC	1469 XYLEM WATER SOLUTIONS	2814.43
61917	SC	999998 YVONNE A. TOPP	324.92
Grand Total		461	2435914.22
			Total Claims \$1,658,299.52
Total Payroll \$777,614.70			

- (2) Application for a Local Permit or Charity Local Permit
 - a. McJunkin Redman Corporation – Raffle – February 8, 2014
 - b. Operation Graduation – Raffle – March 1, 2014 thru May 25, 2014
 - c. FIB&T Relay for Life Team Tom – Raffle – April 1, 2014 thru April 30, 2014
- (3) Special Permit to Sell Alcoholic Beverages
 - a. New Manager – Charlotte Ragland – Hampton Inn & Suites
 - b. New Manager – Joel Lundeen – The Bakken Club
- (4) Taxi License
- C. Building Official
 - (1) Master Mechanical
 - a. Matthew Thune – Home Heating Plumbing A/C, Inc.
 - (2) Master Plumber
 - a. Kris Tressin – Dakota Pacific Construction
 - b. Efrain Garcia – Ellison Plumbing and Piping, Inc.
 - c. Dallas Bustad – Bustad Plumbing
 - (3) Fuel and Gas Installer
 - a. Matthew Thune – Home Heating Plumbing A/C, Inc.
 - b. Dallas Bustad – Bustad Plumbing
 - (4) Journeyman Mechanical
 - a. Shane Iwen – Home Heating Plumbing A/C, Inc.
- D. City Planner
- E. Assessor
 - (1) Abatement
 - (2) Exemptions

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the Consent Agenda.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- 3. Bid Openings
- 4. Public Hearings

A. Public hearing for Downtown TIF District

Mayor Koeser stated the order for the public hearing. He said that the public hearings are a chance for people to speak in support of or regarding concerns for what is being discussed. The city staff will introduce and explain what the city is proposing and the commission may have questions after they open the hearing up for the public to speak.

Mayor Koeser opened up the first hearing on the Downtown Tax Increment Finance (TIF) District. Rachel Ressler from Planning and Zoning introduced the proposed TIF District.

Ms. Ressler explained that a TIF district is a funding mechanism for public infrastructure projects that is provided for in the North Dakota Century Code. It is commonly used in North Dakota and nationally. A TIF district freezes the amount of property taxes received by various taxing entities in the year the TIF district is put into place, while allowing the incremental, the difference between the taxes in that year and the current year, to be allocated into a specific TIF fund for public infrastructure. Ms. Ressler said that your property tax will not rise if you are located in a TIF district.

Ms. Ressler stated that the proposed TIF district is meant to encourage downtown development by capturing incremental funds and re-allocating them toward the creation of a parking garage and, if necessary, other public infrastructure needs.

The downtown plan which is in the final editing stages, indicated a shortage of parking downtown, and a need to reorganize the parking requirements for downtown. It indicated a need to examine the entire parking system of downtown and a need to create a comprehensive overhaul of that system. The parking committee formed by the City Commission at the January 28, 2014 commission meeting will work toward that goal. To that end, the committee has begun to look at the various components of downtown parking:

- Timed on-street parking
- Enforcement of parking regulations
- The function of off street lots
- The need for a parking garage study
- Wayfinding
- Reduction in parking requirements for green buildings and redevelopment projects
- The role of the Parking Authority

The committee, as well as the downtown plan, recognizes the need for a future parking garage in order to create a sustainable, desirable downtown. However, the exact requirements that the parking garage will need to meet are unknown.

Further study to determine the ideal location (though several potential locations are mentioned in the downtown plan), as well as the number of spaces and the management and maintenance of this garage is needed. Such a study may take some time.

In the meantime, this TIF district is proposed as a proactive approach to finding funding for the construction of the garage. In all likelihood, this is not the only funding mechanism that will need to be used, and the proposed study will be used to determine other mechanisms. This proposed TIF, however, is a way to set aside some monies for the future garage, without directly assessing the cost to property owners. In addition, due to the requirements of the TIF creation, these monies would be available for use for other public infrastructure needs, should some other form of funding for the garage become available.

Technical question on the TIF district:

- The boundaries are determined by the downtown plan, which covered this entire area. The downtown plan also studied Harmon Park due to its connection to downtown. Harmon Park and surrounding commercial properties are not included in the TIF boundary because they do not appear to contribute to the commercial aspect of downtown.
- The boundary includes some residential properties. The possibility that some of those residential properties may wish to become commercial in the far (10-15 year) future is high, and while we would ensure that they remain residential in character and feel, they would contribute to the commercial side of downtown.
- The TIF requirements in the NDCC indicate that the majority of properties within must be in need of redevelopment. The downtown plan shows the majority of building conditions to be dilapidated, poor, or fair.
- Generally when the city puts a TIF district in place, they have a specific project that funds are being used for, and that project is under construction or will be shortly. Because of that, we usually put a bond and special assessment in place as well. The city will not be doing that here, as there is no specific project in mind at the moment.

Mayor Koeser opened up the hearing for public input.

Susan Brokaw, president of the Williston Public School District board, stated that in developing a TIF district, the Williams County Auditor freezes the taxable evaluation of a property and in subsequent years directs taxes paid on the increase value of the property to a TIF account that will be used in this case, by the city for parking. The increase in the value relates to the property value as a whole, does not relate to just additions or remodel values. The TIF district can be used up to 25 years according to ND Century Code. The school district would not be able to gain in tax revenue for a very long time. The

school district is already part of two TIF districts, this will be the third, if approved. The Williston Public School District only has 15 square miles, encompassing the third TIF district takes pretty much all of the School Districts square property within the School District. This is devastating, and means any gain in the value of revenue and increased property is not going to the School District but is going to the city. In the Williston Herald in the February 4th addition it talked about the commercial properties increasing, the city wants to take advantage of that property increase, but so does the School District. They want to take advantage of this for current projects and also for future projects. They have projects planned that take into consideration the increase of this funding and those projects will need to be shelved.

Because of this, students will not get the technology and curriculum they need due to lack of funding that they had projected. The Williston Public School District had a budget of \$33 million, in which this year it will go into deficit spending. They have \$1.6 million in infrastructure repairs and maintenance and pay \$33,000 a month for classroom portables. With the additional expenses on top of that to meet student needs, they cannot count on the legislation to give them those funds. Even if they do get money from the legislature, they will still need those funds. At least once a week the school district is discussing the lack of funding for infrastructure and to see some of their revenue given to a parking lot structure is hard to swallow. The theory is that the redevelopment will increase families coming to town with children, but the school district will not be able to provide current and future infrastructure, 21st century technology and curriculum to those students coming to town with the lack of funds. Susan Brokaw ended by saying, "a vote for the TIF district is a vote against a child's education, it's a vote against the current and future infrastructure projects of the school district and it is a vote against the Williston Public School District as a whole."

Commissioner Bekkedahl asked Ms. Brokaw if the TIF district would take all of the current property within the boundary.

Ms. Brokaw said that it would take most of the property base.

Commissioner Bekkedahl also said that they have never had a TIF district for more than 15 years. He also stated that the city was discussing this months before the county assessor said that the commercial value would go up, it was not a plot by the city commission.

Mayor Koeser stated that one of the challenges the city will have with development in downtown is if they don't come up with a parking strategy there won't be any development downtown.

Ms. Brokaw said that education should be the focal point of a community and she doesn't feel that it is.

Commissioner Klug asked if she had a dollar amount of what the two TIF districts is costing the school district a year.

Ms. Brokaw said she did not have a number but she would get that information and let the commission know.

Allen Clark had a couple of questions for the commission. The first question was who was on the committee that came up with the TIF plan, he thought that the city was going to put somebody from the school board on that committee.

Mayor Koeser stated that they had an ad hoc committee that was looking at parking. They were looking at ways to help along development of downtown and determined that they were going to address the parking area in order to continue the development of downtown. The Planning Department started an ad hoc committee.

Mr. Clark stated that he thought the ND Century Code called for some kind of formal process that he felt did not happen.

City Auditor, John Kautzman stated that there is a notification process that had to take place and that step was taken by the Planning Department.

Mr. Clark said he agreed with Ms. Brokaw and said that the effect it has means that everything outside of that TIF district will have to go up to cover the expenses of the other entities. He feels there are other funding mechanisms they should consider to pay for a parking solution downtown. The businesses that are going to be seeing the biggest impact of this should probably be the ones paying.

Mayor Koeser said that normally the amount that is charged for a parking lot pays for the maintenance, usually you do not generate enough money to build them with that.

Rex Byerly spoke in support of the school district. He stated that the Williston School District is grossly underfunded. As a former legislature, he said they always had a problem trying to come up with some way for the Williston School District to get more funding but was difficult due to land mass.

Mayor Koeser called a second and third time for public input; none was heard. Mayor Koeser addressed the commission, saying he felt that this is an option but also realizes the school district here has difficulty getting funding due to land lock. To have a vibrant downtown they need to do something to make it that way because nothing is really happening. Mayor Koeser asked Ms. Ressler to brief the commissioners on how Fargo has done their parking and how they have funded that parking.

Ms. Ressler stated that in Fargo, Grand Forks, Bismarck and Billings, they did districts for the majority of the parking garages and they also used a variety of other strategies to manage their downtown parking. They all have timed on street parking and they charge for parking whether it is monthly or daily. Businesses that move downtown in Fargo are not required to provide any parking but the developer will provide some parking. The businesses do work with the parking garages to obtain permits.

Commissioner Cymbaluk said the biggest rub is that they sold the parking lot down the street.

Mayor Koeser said that he appreciates what Commissioner Cymbaluk is saying but they have investors willing to invest millions of dollars and the city needs to figure out what to do to make that happen and have people want to invest in downtown. They need to kick start downtown to get people interested in investing there. Mayor Koeser asked if they should take risks for a better future or hold on to what they have until it dies.

Commissioner Cymbaluk agreed with Mayor Koeser but said that the parking was such an issue and suggested to do a study and then come back.

Commissioner Bekkedahl stated that the parking committee had a parking study and has identified the needs but hasn't determined where.

Commissioner Cymbaluk said that the study needs to include where and what the cost is of the parking.

Ms. Ressler stated they have five proposed places of where the parking would be.

Commissioner Cymbaluk read some comments that he came up with before the meeting. He stated that the city sold property last summer that put up a building and the developer is now asking for tax exemptions. When the developer was asked about funding during the public meeting they were told by the developer that he had the money. The board passed it and parking was an issue before and it is today. However, with the sale, the developer assured that parking would be provided. It may however, but at whose expense? The city has several developments underway, specifically for commercial and retail geared towards the big box concept. There are business owners' downtown that very may well relocate to those developments and the city may have the opportunity to find a place for parking. We need to allow these developments to take off rather than to allow a tax freeze through this TIF; we cannot afford at this junction to do it. We do not have a full time fire department and we need more police officers. However, the only ways to fund these entities is through the general fund. Commissioner Cymbaluk went on to say, "I have said it before and I will say it again, beefing up the police department is a must, which we are currently doing and a full time Fire Department is not a matter of if, it is a matter of when. That when is now and it will be proposed in the next budget. If the Parking Authority is pushing this issue with parking, we should allow them to use their own money, which at the last register provided by John Kautzman's office was \$370,000. Let them pay for the study and come back to us with a proposal. If the Downtowners' are pushing this, they should maybe go see each individual owner located within that district to get their opinions. I don't believe this has happened, as I have a business on Main Street and my family owns property on Main Street. I or they have never been spoken to. I only get this information because I happen to sit on this seat. I have spoken to 12 different owners of such and they have not been spoken to. The school and the county has their own set of issues, that I cannot deal with. My point being, we need to take a step back and allow some of the developments to take off and allow the developer who purchased the parking lot go vertical. I support the work that the staff has done and I have supported other TIFs but the timing of this particular TIF in my opinion, is premature. We cannot put this expense

back on the taxpayers as well as the downtown people who have paid the price before and weathered the storm. They are relying on us to do the right thing and not force the issue at this time. We are here to serve; we are not here to please.”

Commissioner Bekkedahl said this was an attempt to work with the downtown people to make the downtown better. They spent money on putting together a downtown study, which has been completed. There is a public presentation of this study taking place on February 24th. There have been enormous amounts of staff time put into this. The city requires new developments to provide parking but existing businesses, even if they expand, do not have to provide parking. Commissioner Bekkedahl said that if they don't fund the parking through a TIF district, he doesn't know how it will be funded.

Mayor Koeser said the commission has three options: to approve the district, to not approve the district or to table the matter.

MOTION BY CYMBALUK, SECONDED BY KLUG, to deny the request for the TIF district at this time.

AYE: Cymbaluk, Brostuen and Klug

NAY: Bekkedahl and Koeser

ABSENT AND NOT VOTING: None

CARRIED: 3-2

- B. Public hearing for preliminary plat, to be known as Code Estates and proposed zone change from A: Agriculture to R-3: Lowrise Multi-family and Townhouse and C-1: Neighborhood Commercial located on the north side of 42nd Street East and east of University Avenue in the SE1/4 of Section 1, T154N, R101W, City of Williston

Mayor Koeser opened the hearing for preliminary plat, to be known as Code Estates and proposed zone change from A: Agriculture to R-3: Lowrise Multi-family and Townhouse and C-1: Neighborhood Commercial located on the north side of 42nd Street East and east of University Avenue in the SE1/4 of Section 1, T154N, R101W, City of Williston.

Rachel Ressler from Planning and Zoning presented the information on this plat. This preliminary plat and zone change request is for 11.08 acres of property in the SE1/4 of Section 1, T154N, R101W, currently with one dwelling unit on it. This subdivision would be known as Code Estates.

The requested zoning is R-3. Surrounding properties are zoned R-3 to the west, A: Agricultural to the north and south, and to the east is the US Army Corps of Engineers' property.

This plat shows 77 townhouse lots of widths from 21 to 29 feet wide. It also shows a private street running along the back of most properties, as well as a public street that allows access to the development at 45th Street and 42nd Street.

This property requires a unique viewpoint when reviewing, due to the unusual configuration of the property and circumstances of the surrounding properties. To the east is the US Army Corps of Engineers' property, which is unlikely to be developed at any point. To the west is a large multifamily development.

The project takes access from 42nd Street through an existing driveway, and from 45th Street on the north side of the development. 45th Street is unable to be fully developed due to not being able to acquire the full right of way width. The developer will develop the south 30' of road, with the stipulation that they will install full curb and gutter, boulevard and sidewalks on the south side of that temporary access road. There will also be no parking allowed on 45th Street within this property.

The majority of townhomes in this project are accessed from a private drive behind the houses, noted "24' Wide Reciprocal Access Easement" on the plat. This allows the avoidance of the "garage only" look, as well as provides space for visitors to park on the public street. Trash pickup will take place through the private drive. The city does not normally promote private drives functioning as alleys, but due to the physical constraints of the property and the desire to still have an attractive neighborhood, have determined this to be acceptable. Homes along the east side of the property are not accessed through private drives. The ad hoc committee and staff determined that, again due to the configuration of the property, allowing garage access from the street was acceptable, since there is parking and snow removal space on the opposite side of the public street. Staff would recommend, however, that the development agreement include doors to the houses being at the garage line or closer to the front property line, in order to avoid snout nosed townhomes.

Water will run through the public street and a specifically designed easement that is noted on the plat.

Sanitary sewer will run from the property to the west, through an easement noted on the plat. It will also run through the public street.

An easement for storm sewer/surface drainage is noted on the plat. This is to allow overflows from 42nd Street and the adjacent North Gate Development. Engineering is asking for clarification that this easement will be capable of handling 100 year storm events.

This application was initially applied for in concurrence with an Special Use Permit (SPU) application for the use of Block 3, Lot 2, as a daycare. Until the property has been rezoned, however, and actual plans made for the use of the current building as a daycare, the planning staff is uncomfortable moving the SPU application forward to the commission and has agreed with the applicant to bring it forward at the final plat stage. Lot 1, Block 3 is proposed for a Homeowner's Association Park, since the Park District is not willing to accept this park due to its small size.

Present at the ad hoc meeting on January 13, 2014, were Nick Haugen, Jon Maristuen, Jerry Fleck, Howard Klug, Alan Hanson, Rachel Ressler, Donald Kress, Bob Hanson, Kent Jarcik, Nick Vasuthasawat, James Leahy and the applicant and engineer. At ad hoc, committee members discussed the use of private drives and the desire to have them noted as “private streets” rather than alleys. Committee members noted concern about 45th Street and the half-construction of it. Engineering and Planning noted a level of comfort with the street being fully constructed at a later date, especially when given the unlikelihood that it will continue through to 13th Avenue E without full construction. Committee members noted that they would like to see at least 23-25 foot long driveways as a stipulation of the development. The committee also discussed the need for “no parking” signs along 45th Street. The committee questioned if any of the houses were in the floodplain. The applicant stated that they are not, but would also be building up the houses along the east side of the property.

There were also some questions regarding right of way width, and the inclusion of the Benth property in the plat. Engineering noted that the neighboring subdivision to the west was required to provide a 50’ right of way along 42nd Street, but only a 40’ right of way is shown on this plat. The Parks District made the comment that they would like to see an 8’ trail along 42nd Street, and that a 50’ right of way could facilitate that.

The development agreement will require 25-30 foot driveways to allow off-street parking and an agreement that there can be no building across lot lines other than for purposes of townhomes so that no other multifamily type residence could be built in this project.

An opposition letter was received from Kathleen Harger on 1/27/14, her concerns were:

- Buffering her property well enough that her horses and livestock would not be disturbed (developer is willing to work with her on this)
- Any continuation of 45th Street to the east, as it would take some of her property and eliminate the southern part of her privacy belt (no plan to do so at this time, only developing the south half of the street for ingress/egress to Code Estates only)
- The high density zoning allowing more apartment buildings surrounding her (assured her this would be restricted by development agreement)
- An adequate plan to deal with additional ground water, natural spring and storm sewer drainage so that it will not drain onto her property (engineer explained the plans in place to address this)
- Specials such as paving, curb and gutter (responsibility of the developer)

A planning commissioner asked staff to clarify the issue about the 45th Street running through the Harger property. Staffs’ response was that it will not be required as a through street at this time, but should she decide to sell or

develop her property in the future, the city would want to talk to the Army Corp of Engineers about extending the street so that it would be an east/west through street.

Staff comments from Engineering:

- Engineering has no objection to the proposed rezoning.
- A Reciprocal Access Easement is being provided alongside and for some reason offset from the west line of the plat. The distance of this offset need is shown. This Reciprocal Access Easement also has several curves in it. Information for these curves needs to be provided.
- An easement for storm water overflows from the North Gate Storm Water Detention Ponds may need to be provided if this overflow occurs north of the drainage easement provided between Lots 35 & 36 of Block 1.
- The drainage easement between Lots 35 & 36 of Block 1 will be draining storm water overflows from 42nd Street. The drainage area contributing to these overflows covers hundreds of acres. Hydraulic calculations need to be provided to show that this 30 foot wide easement can accept overflows from this drainage area during a 100 year runoff event.
- Portions of this plat were flooded by the Missouri River flood that occurred a couple of years ago. Some consideration of requiring minimum structure elevations should be given.
- Previous discussions with Mrs. Linda Code indicated that there was a sewer easement along the south side of Lot 25, Block 2 for the purposes of providing sewer service to the unplatted lots south and east of Lot 25. This easement is not shown. This may have been an unrecorded easement or perhaps a verbal easement. The Code's undertook extensive landscape projects across their property but this area was left open and according to what Mrs. Code told us, this was intentionally left open for this sewer.
- The proposed plat appears to be dedicating 40 feet of right of way along 42nd Street. The dedication needs to be shown on the plat. A 50 foot right of way was dedicated in the adjacent North Gate Subdivision and perhaps we should request a 50 foot dedication here as well.
- The townhouse lot lines between Lots 36 & 46, Block 1 are not all parallel.
- The owners of the adjacent unplatted lots need to be shown. The lots, blocks and subdivision names of the adjacent platted properties need to be shown.
- Some efforts need to be made to incorporate the adjacent unplatted properties to the south and east of this plat into this plat.

Staff comments from Planning:

- Why can't the reciprocal easement be against the property line? It seems the short pieces of lot on the west side of the access easement will seem "abandoned" and will not get maintained. Will there be screening landscaping here? I'd recommend a hedge. This should probably be required through the development agreement (DA).
- Applicant is to provide product layout diagram showing building footprints, driveway lengths, and space between driveways. Also must show how lots 1 and 2 of Block 3 will be developed/accessed.
- A properly set up homeowner's association must be in place, and the city should retain the right to review any CC&R's.
- Buffering will be required behind the private street on the west side of the development.

Planning recommends to the City Commission, approval of the preliminary plat, to known as Code Estates, located on the north side of 42nd Street E and east University Avenue in the SE1/4 of Section 1, T154N, R101W, City of Williston, contingent on addressing all staff comments and any issues related to buffering and water and a development agreement signed and recorded.

Planning also recommends to the City Commission, approval of the proposed zone change from A: Agriculture to R-3: Lowrise Multi-family and Townhouse located on the north side of 42nd Street East and east of University Avenue in the SE1/4 of Section 1, T154N, R101W, City of Williston, contingent on the final plat being recorded.

Mayor Koeser called for public input.

Tim Pritz from Sanderson Stewart stated that if they took any more than a 40' foot width for the right of way, they would lose the apartment building that is to be put there.

Commissioner Bekkedahl asked if they had the half street, could they ever have a half street connecting to full streets and restrict the parking in the half street as a point of connectivity. He stated he is trying to put the future street development on their burden and not the existing property owners.

Tim Pritz stated that the problem is getting the 'S' curve to line up with the existing street and 45th without cutting into the property, which is almost impossible.

Mayor Koeser stated that this is a preliminary plat so things can be changed.

Tim Pritz wanted to make sure that some of Kathy Harger's issues in the letter were specific to development of this issue and the issues of the Stone Crest Development to the west of her are kept separate because they don't apply to their development.

There was discussion about Ms. Harger's water lines freezing and who exactly is responsible for making sure that gets taken care of because that was supposed to be done when they created the water line. Tim said that if they had to, they were going to dig the trench deeper to get that water main back in place as soon as possible.

Commissioner Bekkedahl asked if there would be curb and gutter on both sides of the half street.

Tim said that there would only be curb and gutter on the south side, which would drain from Ms. Harger's property down into the Corp property where it has always gone. So, to put an extra curb there would not be of any benefit and it would have to be moved in the future for widening of the road.

Kathy Harger spoke to the commission next. Ms. Harger owns 10 acres neighboring the North Gate and Stone Crest Development and the proposed Code Estates Subdivision. She stated that as a neighbor to the developing areas it has been very frustrating and has given her a strong sense of distrust for the word "developer." Ms. Harger said she is still out of water, which will make it one week that she has been without water. Her loss of water is due to the negligence of the Stone Crest addition and this is an item that needs immediate attention. Also an item that was discussed at a previous City Commission meeting was a barrier fence between the Stone Crest and the Braxton Development. A letter was provided to the city but no progress has taken place on that and that was made in 2012. This makes her very concerned about developers and the promises they make. In her opinion if Dr. and Mrs. Code still lived in their country home, Linda Code would be the first one here protesting against this. Ms. Harger would like the developer to provide an 8' chain link fence to buffer her property from the high dense subdivision. She would request a maintenance agreement and the fence installed prior to any construction. This would help allow her to enjoy and protect her property. Ms. Harger met with Tim Pritz and Jeff Miller regarding the drainage. Her concern is drainage from the 45th Street on to her property. She would like curb and gutter on both sides of the half street. She is also concerned about the overflow that the developer has created in the retaining pond to the southwest corner of her property. Mr. Pritz suggested that a berm could be made on the east side of this pond to keep it from overflowing on to her property. If that were to overflow it would run onto her property in which she has a hay shelter where she stores her hay. They also suggested making a cut away on the present pond so that the overflow would drain onto 45th Street and then flow through their proposed drainage system. Ms. Harger stated that she would like this plan in writing. Ms. Harger also had concerns about the R-3 zoning. She feels this it is too high of density for this small rural area that has spacious lots and a country feel. Traffic is a concern as well. The developer originally talked about turning the Code home into a daycare which would be commercial surrounded by residential and she feels this is not an appropriate use of the land.

Allen Clark stated that one of the things that concerns him about the area is that the more it gets developed, eventually they will want to do something with the fairgrounds. He wanted to know what they were planning for the fairgrounds in the future.

Mayor Koeser said that he could not speak for the fair board.

Mr. Clark inquired to a land use plan and there was discussion that the city does have a land use plan and this fits in that plan.

Shannon R. wanted to let Ms. Harger know that they are developing their property and daycare as well. She said they will put in the fence and they are still reviewing builders for the subdivision. Shannon also said that she sees the daycare in the middle of a residential area as an asset especially with the shortage of child care in Williston.

Mayor Koeser called a second and third time for public input; none was heard. Mayor Koeser then closed the hearing.

MOTION BY BROSTUEN, SECONDED BY BEKKEDAHL, to approve the preliminary plat, to be known as Code Estates, located on the north side of 42nd Street East and east of University Avenue in the SE1/4 of Section 1, T154N, R101W, City of Williston, contingent on addressing all staff comments and any issues related to buffering and water and a development agreement being signed and recorded.

AYE: Brostuen, Bekkedahl, Klug and Koeser

NAY: Cymbaluk

ABSENT AND NOT VOTING: None

CARRIED: 4-1

MOTIOIN BY BROSTUEN, SECONDED BY BEKKEDAHL, to approve the purposed zone change from A: Agriculture to R-3: Lowrise Multi-family and Townhouse located on the north side of 42nd Street East and east of University Avenue in the SE1/4 of Section 1, T154N, R101W, City of Williston, contingent on the final plat being recorded.

AYE: Brostuen, Bekkedahl, Klug and Koeser

NAY: Cymbaluk

ABSENT AND NOT VOTING: None

CARRIED: 4-1

~~C. Public hearing for preliminary plat, rearrangement of Lots 4 and 5, Block 1, Highland Heights 2nd Subdivision, SW1/4 of Section 25, T155N, R101W, City of Williston (This item has been withdrawn by applicant)~~

~~D. Public hearing for preliminary plat, rearrangement of Lot 1, Block 5, Highland Heights 2nd Subdivision SW1/4 of Section 25, T155N, R101W, City of Williston (This item has been withdrawn by applicant)~~

- E. Public hearing for preliminary plat, rearrangement of recorded Fairhills Subdivision, Blocks 2, 3 & 7-12, to be known as Fairhills Townhome Subdivision, containing 29.53 acres located north of 26th Street West, east of 32nd Avenue, City of Williston

Mayor Koeser opened up the public hearing for preliminary plat, rearrangement of recorded Fairhills Subdivision, Blocks 2, 3 & 7-12, to be known as Fairhills Townhome Subdivision, containing 29.53 acres located north of 26th Street West, east of 32nd Avenue, City of Williston.

Principal Planner, Donald Kress presented information on this preliminary plat rearrangement.

The applicant, Roers Williston LLC, requests a preliminary plat for all of Blocks 2, 3, 11 and 12 and portions of Blocks 7, 8, 9, 10, Fairhills Subdivision (approximately 29.5 acres), located north of 26th Street West and east of 32nd Avenue West, City of Williston. These blocks are all zoned R-3: Lowrise Multifamily and Townhouse Residential. No zone change is proposed.

The existing lots were originally platted to accommodate two-unit through four-unit residences in a configuration where the units are side-by-side. This plat proposes to divide the existing lots into small lots so that each unit is on its own lot. The effect is to turn multifamily lots into individual townhouse lots. In addition, driveway length and spacing requirements that were made part of the original Fairhills development agreement will apply to the proposed plat. No residences have been constructed at this time.

There is no change in density or total number of units from the original Fairhills plat to the proposed plat. Access from the surrounding dedicated public streets is also unchanged. Water and sewer are available in the adjacent streets and were configured for individual services when originally installed, in anticipation of this replat.

A new development agreement (DA) is not required for this project. However, the existing DA must be amended with an updated product layout diagram showing building footprints, driveway length, and driveway spacing and written description of lot development provided by the applicant.

At the January 27, 2014, Planning and Zoning Commission meeting, the commission heard the case as presented by staff. The commission discussed driveway depth and garage size with the city engineer and planning staff. There was no public comment.

By a vote of 5-0 with one commission seat vacant and one commissioner absent, the Planning and Zoning Commission recommend to the City Commission the approval of the preliminary plat for all of Blocks 2, 3, 11 and 12 and portions of Blocks 7, 8, 9, 10, Fairhills Subdivision contingent on all staff comments being addressed.

Planning Department comments:

- Applicant is to provide product layout diagram showing building footprints, driveway length, and driveway spacing. This should match the previously submitted product layout diagram except for the additional lot lines.
- Planning staff has spent considerable time with the applicant in the pre-development stage of this project.
- Insure all owners and easements are accounted for.
- If any of the signatures will be notarized in a country other than the U.S. we need to resolve this notary situation with the county in advance.
- This plat will require an amendment to the existing development agreement (DA); product layout diagram and written description of lot development. A new DA is not required.

City Engineer comments:

Engineering and Public Works have reviewed this proposal some time ago with the developer. At that time there were no objections.

Public Works now has a new director and would request another review of this proposal. Of particular concern, are driveway locations, sanitation service and water & sewer service line locations.

Park District comments:

The Park District is concerned that the trails from the preliminary are not on the diagram or they just cannot see them. The plan was to have eight foot sidewalks to get the people living there out to 32nd and 26th. If those are in the diagram they are ok with it.

Other Comments:

The Williams County Auditor and Recorder had technical comments on the plat that have been forwarded to the applicant.

Mayor Koeser called for public input. He called a second and third time for public input; none was heard and Mayor Koeser closed the hearing.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the preliminary plat for all of Blocks 2, 3, 11, and 12 and portions of Blocks 7, 8, 9, 10, Fairhills Subdivision contingent on all staff comments being addressed and any necessary amendments to the existing Fairhills Subdivision Development Agreement.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- F. Public hearing for preliminary plat, rearrangement of recorded Fairhills Subdivision, Lots 1-7, Block 4 and Lots 1 & 2, Block 5, to be known as Fairhills Commercial Subdivision, containing 32.22 acres located north of 26th Street West, east of 32nd Avenue, City of Williston

Mayor Koeser opened up the public hearing for preliminary plat, rearrangement of recorded Fairhills Subdivision, Lots 1-7, Block 4 and Lots 1 & 2, Block 5, to be known as Fairhills Commercial Subdivision, containing 32.22 acres located north of 26th Street West, east of 32nd Avenue, City of Williston.

Principal Donald Kress, presented information on this preliminary plat rearrangement.

The applicant, Roers Williston LLC, requests a preliminary plat (rearrangement) for Lots 1 thru 7 of Block 4 and Lots 1 and 2 of Block 5 of the Fairhills Subdivision (approximately 32.22 acres), located north of 26th Street West and east of 32nd Avenue, City of Williston.

This plat will combine the existing Lots 1 and 2, Block 5 and Lots 1, 2, and 4, Block 4, and portions of Lots 5 and 6, Block 4, into a single lot to be known as Lot 1 of Block 22, zoned C-2: General Commercial. The existing portion of 27th Street West will be vacated by a spate procedure that will be complete by the time of final plat.

Remaining existing lots will be re-designed as follows:

Lot 5, Block 4 (a drainage lot) re-designed as Lot 2, Block 22

Lot 6, Block 4 (zoned R-3) re-designed as Lot 4, Block 22

Lot 3, Block 4 (city water reservoir) re-designated at Lot 2, Block 22

Lot 7, block 4 (zoned C-2) re-designed as Lot 5, Block 22

No zone change is proposed.

All lots except the drainage lot will take direct access from the surrounding dedicated public streets – 29th Street West, 32nd Avenue West and 26th Street West. The drainage lot will take access from an easement through Lot 1.

A new development agreement is not required. However, the existing DA must be amended to reflect the revised lot configuration.

At the January 27, 2014, Planning and Zoning Commission meeting, the commission heard the project as presented by staff. The commission discussed access to the lots with the developer's engineer, a representative of a future tenant, and planning staff clarified that all lots except the drainage basin lot will take access directly from public streets. The drainage basin lot will take access through an easement from the adjacent commercial lot. The developer's engineer and the tenant's representative pointed out that the actual location of the access had not yet been determined. The commission stated they wanted to verify that no landlocked lots were being created.

By a vote of 5-0 with one commission seat vacant and one commissioner absent, the Planning and Zoning Commission recommend to the City Commission approval of the preliminary plat (rearrangement) for Lots 1 thru 7 of Block 4 and Lots 1 and 2 of Block 5 of the Fairhills subdivision, contingent on addressing all staff comments.

City Planning Comments:

- Applicant is to provide diagram of proposed development, including accesses.
- Staff has worked extensively with the applicant in pre-development for this project.
- Insure all ownerships and easements are accounted for.
- This plat will require an amendment to the existing DA to account for the different lot configuration. A new DA is not required.
- As the city parcel is included, request owner consent letter from the city.

City Engineer Comments:

- The city engineer advised the ad hoc committee that the proposed access on to 26th Street depicted on the plat is a sufficient distance from the intersection of 26th Street and 32nd Avenue to allow a full access.
- City is to require an easement document to allow access to Lot 3 (drainage lot) for maintenance.

Park District comments:

The Park District is concerned that the trails from the preliminary are not on the diagram or they just cannot see them. The plan was to have eight foot sidewalks to get the people living there out to 32nd and 26th. If those are in the diagram they are ok with it.

Other Comments:

The Williams County Auditor and Recorder had technical comments on the plat that have been forwarded to the applicant.

Mayor Koeser called three times for public input; none was heard. Mayor Koeser then closed the public hearing.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the preliminary plat (rearrangement) for Lots 1 thru 7 of Block 4 and Lots 1 and 2 of Block 5 of the Fairhills Subdivision, contingent on addressing all staff comments and any necessary amendments to the existing Fairhills Subdivision Development Agreement.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- G. Public hearing for proposed zone change from A: Agriculture to M-2 on the east side of County Hwy 7 north of 54th Street NW in Section 34, Sublot #4 in S2NESE, T155N, R101W (extra-territorial jurisdiction), City of Williston

Mayor Koeser opened up the public hearing for a proposed zone change from A: Agriculture to M-2 on the east side of County Hwy 7 north of 54th Street NW in Section 34, Sublot #4 in S2NESE, T155N, R101W (extra territorial jurisdiction), City of Williston.

Principal Planner, Donald Kress presented information on this proposed zone change.

The applicant, Mosing Land and Cattle Company of Texas, LLC (represented by MacMaster and Geltel Law Firm), requests a zone change for SE1/4SE1/4 Section 34, T155N, R101W; Sublot 4 located in the S1/2NE1/4SE1/4 Section 34, T155N, R101W; a triangular-shaped parcel in the SW1/4SW1/4 Section 34, T155N, R101W (approximately 56.8 acres). The triangular-shaped parcel is located within the City of Williston; the remaining property is located in the city's extra-territorial jurisdiction adjacent to the city.

The property, which is south of Oasis, is proposed to be developed with an industrial building for servicing the oil industry.

The property will take access from County Highway 7.

At the January 27, 2014, Planning and Zoning Commission meeting, the commission heard the project as presented by staff. The applicant's representative stated it was the applicant's intent to keep Sublot 4 as a separate lot and to combine the other two pieces of property into a single lot. All lots would be rezoned to M-2. Planning staff clarified the platting process for the commission.

By a vote of 5-0 with one commission seat vacant and one commission absent, the Planning and Zoning Commission recommend to the City Commission approval of the zone change from A: Agricultural to M-2: Heavy Industrial, for SE1/4SE1/4 Section 34, T155N, R101W; Sublot 4 located in the S1/2NE1/4SE1/4 Section 34, T155N, R101W; a triangular-shaped parcel in the SW1/4SW1/4 Section 34, T155N, R101W contingent on prior to the zone change becoming effective, the three pieces of property in this zone request must be platted into a single large piece or, alternately, the triangular piece must be platted with an adjacent piece, and addressing all staff comments.

Planning Department comments:

- This property is mostly in the extra-territorial jurisdiction.
- M-2 zone is appropriate for use at this location.

Mayor Koeser called three times for public input; none was heard. Mayor Koeser then closed the hearing.

MOTION BY BEKKEDahl, SECONDED BY CYMBALUK, to approve the zone change from A: Agricultural to M-2: Heavy Industrial, for SE1/4SE1/4 Section 34, T155N, R101W; Sublot 4 located in the S1/2NE1/4SE1/4 Section 34, T155N, R101W; a triangular shaped parcel in the SW1/4SW1/4 Section 34, T155N, R101W contingent on prior to the zone change becoming effective, the three pieces of property in this zone change request must be platted into either a single large piece or the triangular piece must be platted with an adjacent piece; and addressing all staff comments.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- H. Public hearing for a proposed Ordinance 986 concerning modification of building lengths in the R-3 and R-4 zone districts – First Reading

Mayor Koeser opened up the public hearing for proposed Ordinance 986 concerning modification of building lengths in the R-3 and R-4 zone districts.

Kent Jarcik, from Planning and Zoning presented information on this ordinance.

The zoning ordinance currently restricts the length of multifamily building to a maximum of 240 feet in the length in the R-3: Lowrise Multifamily and Townhouse zone and the R-4: Highrise Multifamily residential zone. There have been requests in the past for variances that have been denied. Planning and Zoning Commission direction has been to amend at staff direction. The current demand for longer buildings, longer buildings of character and longer buildings to accommodate underground parking is driving a need for this change now. Staff has worked in conjunction with their consultants RDG currently working on the Unified Development Code to develop this wording. As the completion of the Unified Development Code is still approximately one year out from adoption, staff is bringing this amendment forward now, prior to a busy construction season coming up.

At the January 27, 2014, Planning and Zoning Commission meeting, the commission heard the case as presented by staff. The commission had discussion regarding exterior add on porches and what should qualify as a façade projection. It was discussed that wording would be added to include “structural” projection and the improvement needed to be more of a structural inclusion of the building not just an added exterior deck. There was no public comment.

By a vote of 5-0 with one commission seat vacant and one commissioner absent, the Planning and Zoning Commission recommend to the City Commission approval of Ordinance 986 contingent on adding wording that façade projections be structural in nature.

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

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the first reading of Ordinance 986 contingent on adding wording that façade projections be structural in nature.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- I. Public hearing on proposed Ordinance 982 concerning mobile businesses, proposed Ordinance 985-B, an amendment to home occupations, and proposed Ordinance 988, an amendment to transient merchants, itinerant merchants, and itinerant vendors – First Reading

Mayor Koeser opened the public hearing on proposed Ordinance 982 concerning mobile businesses, proposed Ordinance 985-B, an amendment to home occupations, and proposed Ordinance 988, an amendment to transient merchants, itinerant merchants, and itinerant vendors.

Nick Vasuthasawat, Code Compliance Coordinator, presented information on each of the proposed ordinances.

Ordinance 982

This topic originated from two mobile businesses whose intentions were to operate beyond the parameters allowed for under the Solicitor & Transient Merchant section of the Williston Code of Ordinances and allowable uses defined in the Williston Zoning Ordinance. Those businesses included a mobile chiropractor and mobile veterinary clinic.

On September 10, 2013, the City Commission approved the first reading of Ordinance No. 974 to consider a temporary six month moratorium prohibiting all future mobile commercial businesses within the City's jurisdiction. The purpose of this moratorium was to put a hold on all existing mobile operation until proper guidelines have been established to properly address the issue.

On September 24, 2013, the City Commission approved and adopted the second reading of Ordinance No. 974. As part of staff's recommendation the City Commission approve the creation of a new committee to address the mobile business topic and provide a recommendation back to the City Commission for a final decision.

Two staff meetings were held on November 5, 2013 and November 19, 2013 prior to the meeting with the Committee to further explore the idea of considering adopting guidelines for regulating mobile commercial businesses. Topics discussed included current codes, effects on existing mobile businesses, other potential business variants and fine tuning of the current code.

On December 3, 2013 the committee conducted its first meeting. The committee consisted of city Commissioner Tate Cymbaluk, Commissioner Brostuen, Planning and Zoning Chairman Glenn Boyeff, Planning and Zoning Vice Chairman Cindy Aafedt, Planning and Zoning Director Kent Jarcik, City Attorney Jordan Evert and Code Compliance Coordinator Nick Vasuthasawat.

At this meeting the committee discussed staff's finding and weighed out the pros and cons related to these uses. After thoroughly analyzing the information, the consensus of the committee determined that there would be adverse effects rather than benefits for these uses. This decision falls consistent with how the Planning and Zoning Department have historically processed these businesses and would allow staff to further fine tune the interrelated policies related to the topic of mobile home businesses.

A second meeting was held on December 17, 2013, to review a draft ordinance prepared by staff. At this meeting, the City Attorney, Jordon Evert suggested to separate the draft ordinance into three separate ordinance amendments. Two of those ordinance amendments will go before the Planning and Zoning Commission, while the third will go directly to the City Commission. Also, the committee unanimously agreed to move these items forward accordingly for the review of the Planning and City Commissions.

On January 27, 2014, a Planning Commission meeting was held. On a vote of 5-0, the Planning Commissioner recommended approval of Ordinance 982 and Ordinance 985-B to the City Commission.

The City of Williston's Zoning Ordinance is written as a permissible code and its land uses are intended for the development of permanent infrastructure. Uses not specifically listed with respect to its designated zoning districts are presumed not permitted. Uses unconventional to the traditional "brick and mortar" setup are controlled under the City's Solicitor and Transient Merchants section of the Williston Code of Ordinances identified in Chapter 18, Article II, to operate under temporary provisions.

Staff has identified a difference of opinion between the public and City's interpretation of mobile businesses as it related to land use. Staff has created a list of "pros" and "cons" to gauge whether or not mobile businesses would be beneficial to the City.

Pros –

- May potentially provide added services to the community
- Offers an affordable approach of starting a new business

Cons –

- May adversely affect existing “brick and mortar” businesses creating direct competition and unfair business and tax expenses.
- Create a negative precedence in quality infrastructure not improving the “quality of life” as mentioned in the Williston Comprehensive Plan to create more permanent shopping and eating opportunities.
- Open the door to unlimited permanent mobile businesses i.e. mobile veterinary, mobile chiropractor, mobile grooming, mobile auto dealers, mobile beauticians, other general mobile retailers selling products, etc. In the long term, could create a shift towards more mobile business operations.
- Establish new guidelines and force department staff to create a new permitting process for review, approval, inspection, file management, enforcement, etc. with the existing resources at hand.

This ordinance seeks to clarify and differentiate the types of mobile businesses that the city would allow and not allow. Given the unique circumstances specific to Williston with the various types of existing businesses (permanent, temporary, and home based); staff has determined to further define mobile businesses by the type of service operation in addition to the physical attributes. This in turn creates new definitions for public service, private service, and professional service. Furthermore these definitions are aimed to protect existing brick and mortar operations, home occupations and transient merchants by excluding mobile businesses (as defined below) which are not consistent with the city’s existing policies.

New Definitions:

- Mobile Business or Mobile Commercial Business – a mobile motorized or non-motorized vehicle or trailer, not being operated as an accessory component to an existing permanent commercial or industrial business establishment, whose business operation is conducted outside of a permanent building and entirely within the mobile unit, for the sales of merchandise or other professional services for public service only. Exempt from this definition are transient merchants, itinerant merchants and itinerant vendors defined in Chapter 18, Article II, Section 18-19, of the Code of Ordinances which are subject to a Solicitors Permit or Transient Merchant License.
- Service, Private – the transaction of goods or other professional services rendered or made available to private clients, through previously arranged service transactions and not made available for the general public.
- Service, Professional – a business operation which provides services related to a specific occupational trade, which requires state certification or licensing.
- Service, Public – the transaction of goods or other professional services rendered or made available to the general public.

Staff has also conducted a survey of the adjacent incorporated cities, county, and a few larger municipalities in the adjacent states with respect to this topic to gauge how each organization was handling this situation.

- City of Dickinson – Allows mobile businesses to operate with the issuance of a temporary use permit and approval from the planning department for a period of six months.
- City of Minot – Allows mobile businesses to operate with the approval of a Transient Merchant License issued by the police department for a period of up to a year.
- City of Bismarck – Allows mobile businesses to operate with the approval of a temporary use permit from the Building Department for a period of up to 15 days.
- Williams County – Allows mobile businesses to operate with the approval of a Transient Merchant License issued by the Auditor's Department for up to a year.
- City of Sioux Falls, SD – Allows mobile businesses to operate with the issuance of a Peddlers and Vendor Permit issued through the City Attorneys Department for up to 90 days.
- City of Casper, WY – Allows mobile businesses to operate with the issuance of an Itinerant Merchant Permit for up to 10 days.
- City of Minneapolis, MN – Allows mobile businesses to operate with the issuance of a Transient Merchant License for up to 14 days.

The results of this survey illustrate similarities with the City of Williston in terms of interpretation of its respective codes and ordinances. That is, mobile businesses are classified as temporary uses and controlled over an application and permit approval process. Furthermore, these mobile businesses are subject to a maximum allowable time frame varying from as little as 10 days to as long as a year.

An ad hoc meeting was held on January 13, 2014. Present at this meeting were Jerry Fleck, Nick Haugen, Howard Klug, James Leahy, Alan Hanson, Bob Hanson, Ken Callahan, Kent Jarcik, Donald Kress, Rachel Ressler and Nick Vasuthasawat.

Comments from Commissioners Fleck, Haugen and Klug were made with respect to various types of mobile businesses. Each example provided resulted in a classification as either a temporary business subject to the requirements of a transient merchant license or a home based operation subject to the requirements established in the definitions of Home Occupations.

The city staff is aware of two mobile businesses operating within the city, one being a mobile veterinarian and the other a mobile chiropractor.

To staff's knowledge, the mobile chiropractor has decided to leave town and is no longer operating within the city. The mobile veterinarian operated by Dr. Stenson is the only remaining mobile business currently operating within the city prior to the adoption of the moratorium.

Public correspondences have been received in the form of emails and letters as it relates to this topic and were presented to the commission for their review.

On a unanimous vote of 5-0, the Planning and Zoning Commission motioned to approve Ordinance 982 as submitted by staff.

Staff recommends that the City Commission approve the first reading of Ordinance 982, an ordinance amending Ordinance 613, also known as the Zoning Ordinance of the City of Williston, adding provision (T) Mobile Businesses to Section 25 – Supplementary District Regulations to prohibit mobile businesses within the city and its one mile unincorporated territories.

Mr. Vasuthasawat stated that this ordinance is creating new definitions to define what mobile businesses are. It is structured in a way to work with the various types of businesses that are currently operating within the city and prohibits those that aren't operating toward the definition as mentioned.

Mayor Koeser asked Nick how this would impact the mobile veterinarian that is currently operating.

Mr. Vasuthasawat said that in regards to the mobile veterinarian and Dr. Stenson, he would be given a few options. One, he can continue to operate as a transient merchant with regards to all the guidelines imposed for that, he can operate both private and public service with no restrictions aside from the time allowed. It would have to be under temporary provisions. Second, he could establish some permanent site, maybe through a home occupation as per the Home Occupation guidelines and be limited to his business operation to perform private service calls only. Third, he could find a brick and mortar and operate his mobile units as an accessory use to the established business.

Mayor Koeser asked for public input.

Jerry Miller asked if they were going to limit home occupations like hair dressers.

Mr. Vasuthasawat stated that they are already addressed in the Home Occupations.

Mr. Miller also asked if they were blocking other itinerant or anybody that wants to come to the city but want to buy a building and operate.

Mayor Koeser said they are saying that they want them to come to Williston but they want to treat everyone fairly. Brick and mortar businesses have to pay property tax and have to pay for the services they are using like police and streets. The city needs to find a way so if you want to come here and sell something, the city will allow it but with certain restrictions and costs.

Dr. Stenson stated he opened this business in 2012 and asked whether he needed any special permits or licensing and if there were any restrictions. He was told that as long as he wasn't selling food it wasn't an issue. In regard to the commonality of veterinarian practices, there are thousands operating around the country including two in western North Dakota. Dr. Stenson said his business is a very common practice.

Candace Conlin said she doesn't feel that Dr. Stenson is a transient merchant, he has been in the community for years and she always takes her animals to him. It is nice when you have a sick animal you cannot get into Western Veterinary, he has always

been accommodating. As far as him being a nuisance in the Tractor Supply parking lot, Tractor Supply likes having him there.

Jeff Olson stated he just wanted to say that he thinks what Dr. Stenson is doing is a good thing for the community.

Dr. Stenson said that as far as not paying taxes, he has two mobile units and paid sales tax on both the units. He also has a garage that he spent \$80,000 on which increased his home value so he now pays more in taxes.

Allen Clark said that he has never known Dr. Stenson to be a dishonest guy and if he says he called the City to make sure there were no restrictions and put money into the business, it was unfair and should be an exception, as he was misled. There has to be some way around this situation while still keeping a strong ordinance.

The commission said that this ordinance isn't saying that he can't run his business; he just has to run it as the rest of the mobile businesses are allowed in town are being operated.

Jeff Olson asked if he still couldn't park in the Tractor Supply parking lot even though it was private party.

Mayor Koeser told him that that was correct.

There was discussion about the coffee kiosks that are allowed to operate in business parking lots. Donald Kress explained that these kiosks are permanent structures and are regulated by a separate ordinance and have their own fees.

Mariel stated that she lives two doors down from Dr. Stenson and that in Ordinance 985-B it says something about restricting businesses to one vehicle per residence and she is assuming this would be a large problem for him. She also said that his vehicles have not caused any problems in their neighborhood.

Dr. Tanner P. said he owns a mobile chiropractic and currently works around New Town and Minot. He wanted to clarify if he couldn't work in Williston at all or if he would have to pay a certain amount per a day.

Mr. Vasuthasawat said he would fall under a transient merchant that would allow him to operate for a certain amount of days and would have to submit an application to go through a site review. For providing both public and private services he would be able to operate through a transient merchant license.

Mayor Koeser stated that they may not be able to resolve this tonight and it may have to go to sub-committees. He would like to recommend that they set up a small group that sets up with planning to try to get through this.

Will K. said that he and his wife take their cats to Dr. Stenson and can appreciate the issue of fairness, his wife works for his competition. He stated that he does not have a problem with the way he runs his business.

He thinks that they need to step back and take a look at what is best for the businesses involved and the community and not focus just on what the ordinance says. If the ordinance needs to be amended, he encourages the city to amend it in a way that promotes more business. Will said he commends the City Commission and the good job they do.

Mayor Koeser said that they don't just hear from people there tonight but from other people as well over the years who get frustrated. They try to listen to everybody and decide what is right for the community and what is best and they are not simple answers.

T. Conlin asked what kind of fine they would get. Mr. Vasuthasawat said that the fine is \$500 per a day.

Mayor Koeser called a second time for public input.

Kristen White asked if there was anyway of grandfathering him in since he checked with the city.

Mayor Koeser closed the hearing.

Mayor Koeser said he would like to form a small committee to meet on this matter. Commissioners Cymbaluk and Klug along with Nick Vasuthasawat and the city attorney will make up this committee and talk to Dr. Stenson as well.

5. Accounts, Claims and Bills Not Approved in the Consent Agenda

6. Ordinances

A. Ordinance No. 987 – Amending Sec. 12-71 & 12-72, Regarding the Sale of Tobacco to Minors – First Read

Mayor Koeser introduced Ordinance No. 987, which amends Sections 12-71 and 12-72 regarding the sale of tobacco to minors. This ordinance basically deals with the electronic cigarettes.

Chelsea Bryant, the Tobacco Prevention Specialist at Upper Missouri District Health Unit presented Ordinance 987. This amendment would change the definition of tobacco products to include electronic cigarettes.

MOTION BY CYMBALUK, SECONDED BY KLUG, to approve Ordinance No. 987, amending Sections 12-71 and 12-72 to include electronic cigarettes in the definition of tobacco products.

AYE: Cymbaluk, Brostuen, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: Bekkedahl

CARRIED: 4-0

7. Petitions, Communications and Remonstrance's
 - A. Vector Control Letter of Support

Shawn Wenko from Economic Development and the Vector Control Board presented information regarding the Vector Control Letter of Support. They are lining up the spray missions that will happen in 2014. They normally stage at the Minot Air Force Base but the base will be closed this summer so they would like to stage at the Minot International Airport. To do this, they will need to seek approval of the Minot City Commission. Mr. Wenko said they are asking for letters of support from entities in the Williston Vector Control District that they can present to the Minot City Commission while seeking this approval.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request for acquiring letters of support for Vector Control.

AYE: Cymbaluk, Brostuen, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: Bekkedahl

CARRIED: 4-0

8. Report of Commissioners
 - A. President of the Board
 - B. Vice-President; Finance Commissioner
 - C. Street and Improvement, Sanitation, Cemetery and Public Works Commissioner
 - D. Fire, Police, and Ambulance Commissioner
 - E. Water Works, Sewer, Airport, Building and Planning Commissioner
9. Report of Department Heads
 - A. City Auditor
 - (1) Request from WHS Rodeo Club for Reduced Rate on Ambulance Coverage

City Auditor, John Kautzman presented a request from the Williston High School Rodeo Club for a reduced rate on ambulance coverage for their rodeo that will be held on May 10th, 2014 at the Upper Missouri Valley Fairgrounds.

MOTION BY CYMBALUK, SECONDED BY KLUG, to approve the request from the WHS Rodeo Club for a reduced rate on ambulance coverage at \$250 for the day.

AYE: Cymbaluk, Brostuen, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: Bekkedahl

CARRIED: 4-0

- (2) Request to Increase Credit Card Limit

City Auditor, John Kautzman presented a request for approval to raise the credit card limit from \$5,000.00 to \$10,000.00. This credit card is from First National Bank and is for Airport Manager, Steven Kjergaard.

MOTION BY KLUG, SECONDED BY CYMBALUK, to approve the credit card increase with First National Bank from \$5,000.00 to \$10,000.00.

AYE: Cymbaluk, Brostuen, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: Bekkedahl

CARRIED: 4-0

(3) Set Equalization Meeting Date

City Auditor, John Kautzman presented a request to set a date for the Tax Equalization meeting. Denell Kallemyn, Director of Tax Equalization is proposing May 1, 2014 for this meeting.

MOTION BY CYMBALUK, SECONDED BY KLUG, to approve the request to set the Tax Equalization meeting date for May 1, 2014.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(4) Semi-Annual Review of Pledged Collateral

City Auditor, John Kautzman stated that semi-annually the Board of Commissioners is asked to review the pledged collateral and acknowledge, for the record, that the city has their funds covered to 100% for each dollar invested over the FDIC coverage.

The recap ending December 31, 2013 is as follows:

American State Bank	
Pledge Total	\$48,020,00.00
Money Market	\$2,490,678.45
Checking	\$4,979,912.02
Trust	-
Total	\$7,470,590.47
FDIC Coverage	\$250,000.00
Needed Collaterall at 110%	\$7,942,649.52

US Bank	
Pledge Total	-
CD	\$734,710.90
FDIC Coverage	\$750,000.00
Needed Collateral	-
at 100%	
*** 3 CD's / 3 different banks so covered***	

1st National Bank	
Pledge Total	\$13,585,00.00
HI-FI Account	\$3,188.99
CD	-
Community Dev.	\$8,962.45
Checking	\$500.00
Total	\$12,651.44
FDIC coverage	\$250,000
Needed Collateral	-
at 110%	

1st International Bank	
Pledge Total	\$5,965,760.35
CD	\$4,000,000.00
FDIC coverage	\$250,000.00
Needed Collateral	\$4,125,000.00
at 110%	

The Bank of North Dakota	
Pledge Total	-
CD	\$25,532,970.00
Fiscal Bond Acct	\$54,272,281.52
Fiscal Bond Acct	\$34,778,830.88
Total	\$114,584,082.40
FDIC coverage	-
Needed Collateral at 100%	-

MOTION BY BEKKEDahl, SECONDED BY CYMBALUK, to approve the Semi-Annual Review of Pledged Collateral report as presented.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (5) Request Authority for Mayor & Auditor to Manage the Visa Business Cards at American State Bank – To Conduct Any and All Transactions within the Credit Card Portfolio

City Auditor, John Kautzman presented a request authorizing the Mayor and himself to sign off and manage the Visa Business cards at American State Bank.

MOTION BY CYMBALUK, SECONDED BY BEKKEDahl, to approve the request for the Mayor and City Auditor to sign off and manage the Visa Business Cards at American State Bank.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

B. Attorney

C. Director of Public Works

(1) Equipment Purchases

- a. Call for Bids: ¾ Ton Pickup with Tail Gate Lift for Sanitation Department

Dave Tuan, Director of Public Works presented an advertisement for bids for a ¾ Ton Pickup with Tail Lift Gate for the Sanitation Department. Bids will be opened on March 6th, 2014 at 3:00pm.

Public Works has budgeted \$35,000 for this item and is requesting approval to advertise this item.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request to advertise for bids for a ¾ Ton Pickup for the Sanitation Department.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- b. Call for Bids: Rotary Mower for Roads and Street Department

Dave Tuan, Director of Public Works presented an advertisement for bid for a Rotary Mower for the Roads and Streets Department. Bids will be opened March 6th, 2014 at 3:00pm. Public Works has budgeted \$23,000 for this items and is requesting approval to advertise this item.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request to advertise for bids for a Rotary Mower for the Roads and Streets Department.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- c. Emergency Purchase: Service Truck for Water Distribution Dept.

Dave Tuan, Director of Public Works presented a request for the Water Distribution Department for a Service Truck with Crane, without advertising and bidding. They intended to bid this item; however, they have since discovered the lead time to procure the equipment may be in excess of six months. The Water Distribution Department has an immediate need for the truck (servicing lift stations, pump stations, water treatment plan and waste water treatment plant) and has a price from a local dealer of \$106,278 for an available unit.

This unit falls within their budget amount of \$110,000 for 2014. Public Works is requesting approval to purchase the Service Truck from Select Ford in the amount of \$106,278.

There was discussion that if the amount is over \$100,000 you need to advertise for bid unless it is an emergency. Since it could take up to one year to get this item, it is considered an emergency purchase.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve the request under the circumstance of an emergency, to purchase the Service Truck for the Water Distribution Department from Select Ford in the amount of \$106,278.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

d. Emergency Purchase: Front Load Refuse Truck

Dave Tuan, Director of Public Works presented a request from the Sanitation Department to purchase a Frontload Refuse Collection Truck without advertising and bidding. They intended to bid this item; however, they have since discovered that the lead time to procure the equipment may be in excess of six months. They have planned for some time to offer front load commercial service, which is a benefit to developments and commercial businesses.

Mr. Tuan presented a price quote form Northland Truck Sales for \$206,000 for a new 2013 demo unit, which is below their budgeted amount of \$240,000. He also presented the results from the City of Dickinson's recent bid opening for an identical item, which, along with their own pricing research, suggests the quote from Northland Truck Sales is reasonable.

Public Works is requesting approval to purchase the Frontload Refuse Collection Truck from Northland Truck Sales in the amount of \$206,000.

Because this purchase could take up to a year and due to the increase in commercial developments, this is an emergency purchase.

MOTION BY BROSTUEN, SECONDED BY BEKKEDAHL, to approve the request under the circumstance of an emergency, to purchase the Frontload Refuse Collection Truck from Northland Truck Sales in the amount of \$206,000.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(2) WBI Energy Pipeline

Dave Tuan, Director of Public Works presented a request from WBI Energy Pipeline to obtain an easement to use some of the City of Williston's property for the natural gas pipeline that is being put in. The property in question is the triangular piece adjacent to the Water Treatment Plant. WBI is proposing two options; the first would be for WBI to purchase 1.62 acres of the parcel the city owns in order to relocate their pipeline. The second is the purchase of a 50 foot easement on the city's parcel. The city does not have a projected need for this property related to Public Works. Mr. Tuan said he would like some guidance from the commission.

Commissioner Bekkedahl said he wasn't opposed to working with WBI but thinks they need to have a committee meet on this matter.

Tom Stortz with WBI Energy said the reason for the proposal is because they have been requested by North Dakota Department of Transportation (NDDOT) to relocate the existing natural gas pipeline from its present location.

Commissioner Bekkedahl would like time for a proper review of this matter and does not feel comfortable with making a decision tonight.

There was a decision made to bring this matter to the Franchise Committee.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to table this item until after it has been brought before the Franchise Committee.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- D. City Engineer
(1) Ulteig Contract

City Engineer, Bob Hanson presented information on the Ulteig Engineering Service Contract.

RFP's for Engineering Design and Construction Services for the NDDOT 2014 Traffic Signal Project and the 14th Street Mill and Overlay Project were solicited from Civil Science and Ulteig Engineering. Based upon experience with NDDOT Projects, we recommend award of an Engineering Services Contract to Ulteig Engineering at an estimated total cost not to exceed \$260,000.

MOTION BY KLUG, SECONDED BY CYMBALUK, to approve the request to award the Engineering Services Contract to Ulteig Engineering at an estimated total cost not to exceed \$260,000.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (2) 32nd Ave W Engineering Contract Amendment

City Engineer, Bob Hanson presented a request from Sanderson Stewart to make an amendment to their standing 32nd Avenue West Engineering Service Agreement in the amount of \$11,700. This amendment is for the Construction Engineering Services required to install the interim traffic signals at the 32nd Avenue West intersection with U.S. Highway 2 and 85.

Engineering recommends approving the acceptance of the requested amendment.

MOTION BY BEKKEDAHL, SECONDED BY KLUG, to approve the request to amend Sanderson Stewart's 32nd Avenue West Engineering Service Agreement in the amount of \$11,700.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(3) MDU Landfill Easement

City Engineer, Bob Hanson presented a request for MDU Landfill for an additional easement for the installation of their Looping Gas Main Project around the east side of the city. This easement would run along the north side of the landfill property. MDU had previously been granted a similar easement along the west side of the landfill property.

As compensation for this easement, MDU has offered to install a fiber optic cable in their gas main trench that will bring a Fiber Optic Communications cable to within 200-300 feet of the landfill's scale house.

Detailed Easements and Fiber Optic Plans will be provided by MDU at a later date.

Engineering recommends granting MDU the requested easement contingent upon receipt and approval of the detailed easement drawings and related Fiber Optic plans.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve the request from MDU for an additional MDU Landfill easement for their installation of their Looping Gas Main Project around the east side of the city, contingent upon receipt and approval of the detailed easement drawings and relating Fiber Optic plans.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(4) Oasis Water Service Request

City Engineer, Bob Hanson presented a water service request from Oasis Petroleum.

Last year, Oasis Petroleum had approached the city regarding the possibility of receiving municipal water service at their facility located north of the REC Road intersection with County Road 7.

Oasis is offering to install approximately 3,750 feet of 12" water main from an existing WAWSP Water Transmission Line located about ¾ miles to the north of their facility. Oasis requests that the city pay for the costs of oversizing this water line from an 8" to 12" pipe. This would cost the city about \$50,000.

This project is complicated by two factors:

- The Oasis Petroleum Facility is currently located outside of the city limits. The city has rarely agreed to provide water service to customers outside of the city (water service to the Corps of Engineers office site, Williston Packing and the man camp north of Williston Packing are the only examples he could think of).
- Oasis Petroleum is currently a Williams Rural Water customer and the city would need to buy out the Oasis account.

The Oasis water line would eventually be connected to proposed water lines to be constructed along the REC Road and 16th Avenue and would complete a large diameter looped water system west of U.S. Highway 2 and 85, between 42nd Street and 70th Street.

Engineering recommends accepting the Oasis Petroleum offer to install their water main.

Mr. Hanson said that in the past they have asked for a petition to be annexed into the city.

Commissioner Bekkedahl asked if Oasis could pay the fees to buy the Oasis account from Williams Rural Water.

Mr. Hanson said that they would ask them to pay those fees.

MOTION BY BROSTUEN, SECONDED BY BEKKEDAHL, to approve the request to install water main contingent on a petition of annexation being submitted and Oasis paying the fees to buy the Oasis account from Williams Rural Water.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- E. Fire Chief
- F. Chief of Police
 - (1) Request for Bids

Chief Lokken presented a request for permission to advertise for bids on two four door police sedans with all-wheel drive or rear-wheel drive, and a SUV with four-wheel drive or all-wheel drive.

These will have police packages and receive bids presented to the commission on March 11th. These will be purchased through their Oil Impact Grant.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the request to advertise for bids for the three police vehicles.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- G. Building Official
- H. City Planner
 - (1) Final Plat, rearrangement of Lot 1, Stone Hill Subdivision, City of Williston – Todd Sutton

Principal Planner, Donald Kress presented a final plat, rearrangement of Lot 1, Stone Hill Subdivision.

On January 27, 2014, the Planning and Zoning Commission approved a zone change from A: Agricultural to R-1A: Rural Residential, and a final plat located in the Government Lot 4 in the W1/2SW1/4SW1/4 Section 30, T155N, R100W (Pherrin Township), City of Williston. This subdivision is to be known as Stone Hill Ridge. The final plat is a rearrangement of existing Lot 1 of the Stone Hill Ridge Subdivision (3.92 acres). The zone change applies to the entire Stone Hill Ridge Subdivision (6.33 acres).

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 NW. This 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 the extension of a city water line; the city has recently taken over the former Williams Rural Water line in this area.

Please note that 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 January 27, 2014, Planning and Zoning Commission meeting, the commission heard the project as presented by staff.

The project engineer stated that the cul-de-sac, which is required for turn-around at the dead end (south end) of 135th Avenue NW, has been relocated to be within the subdivision and no longer on the McCall property, west across 135th from the subdivision. The cul-de-sac will maintain a 45-foot radius. The engineer also stated that the applicant had agreed to special provisions of the development agreement and that the applicant will incur the costs of extending the water line from the nearby Meadows Subdivision to this subdivision. There was no public comment.

By a vote of 5-0 with one commission seat vacant and one commissioner absent, the Planning and Zoning Commission recommend to the City Commission approval of the final plat for Stone Hill Ridge Subdivision, contingent on all required documents; final plat review; any necessary plat corrections; and standard development agreement with project specific provisions.

The standard development agreement with the following special provisions has been prepared:

- Non-protest agreement for the creation of special assessment districts for the purposes of installing necessary water and sewer systems and street improvements that provide benefit to the subdivision.
- Sewer service to the lots shall be provided by individual septic systems until such time as city gravity sewer is available in this area.

- The developer shall install, at the developer's cost, a 2" water line from the existing 2" water line on 135th Avenue NW to the existing 8" water main at the north end of Fairview Drive in The Meadows Subdivision. The developer shall acquire the right of way necessary to install this 2" water line.
- Developer shall be responsible for the right of way and construction improvements for a cul-de-sac for the 135th Avenue dead end roadway until such time as a connecting road from the west is developed. The developer shall be responsible to construct, grade and gravel 135th Avenue NW up to and including the cul-de-sac.

The city attorney is preparing the general performance lien and the non-protest agreement. The project engineer has made corrections to the final plat. The applicant has submitted a title opinion. The Planning and Zoning Commission recommend approval of the final plat for Stone Hill Ridge Subdivision, contingent on final staff review of the plat and all required documents.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the final, rearrangement of Lot 1, Stone Hill Subdivision contingent on final staff review of the plat and all required documents.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (2) Final Plat, rearrangement of Lot 5, Block 2, Bakken Industrial Park, 2nd Addition, City of Williston – Granite Peak Development ND, LLC

Principal Planner, Donald Kress presented a final plat, rearrangement of Lot 5, Block 2, Bakken Industrial Park, 2nd Addition, City of Williston.

On January 27, 2014, the Planning and Zoning Commission approved a preliminary plat for a rearrangement of 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 (Lot 2R, 3R, 4R, 5R and 6R). 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 from Niehenke Street, a dedicated public street that is currently not 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 approximately 990 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 site 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, as indicated on the plat. However, each of these lots still has sufficient area that is buildable.

At the January 27, 2014, Planning and Zoning Commission meeting, the commission heard the project as presented by staff. The city engineer pointed out that the hard surfacing of Niehenke Street would have to carry the same weight loads as the adjacent Highway 2/85. There was no public comment.

By a vote of 5-0 with one commission seat vacant and one commissioner absent, the Planning and Zoning Commission approved the final plat for the Bakken Industrial Park 2nd Addition, contingent on all required documents, final staff review, any necessary plat corrections, and standard development agreement with project-specific special provisions.

The standard development agreement with the following special provisions has been prepared:

- The developer shall be required to construct an urban section street with a minimum width of 38' – back of curb to back of curb – along Niehenke Street from U.S. Highway 2/85 to the east line of Lot 1R, Block 1 of the Bakken Industrial Park 2nd Subdivision. Niehenke Street shall be surfaced with a minimum of 6" of hot bituminous asphalt pavement laid over a 12" aggregate base or a minimum of 10" concrete pavement laid over a 6" aggregate base. The construction of Niehenke Street shall include the installation of a 10" water main and an 8" sewer main complete with water and sewer service lines to a point 988.84 feet from U.S. Highway 2/85.
- Boulevard trees and street lights are required along the C-2: General Commercial zoned portion of Niehenke Street; they are not required along the M-2: Heavy Industrial zoned portion.

The city attorney is preparing the general performance lien. The project engineer has made corrections to the final plat. The applicant has submitted a title opinion. The Planning and Zoning Commission recommend approval of the final plat for Bakken Industrial Park 2nd Subdivision, contingent on final staff review of the plat and all required documents.

MOTION BY BROSTUEN, SECONDED BY BEKKEDAHL, to approve the final plat, rearrangement of Lot 5, Block 2, Bakken Industrial Park 2nd Addition, City of Williston contingent on final staff review of the plat and all required documents.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- I. Economic Development
 - (1) Flex PACE
 - a. C and D Ice

Assistant Director of Economic Development, Shawn Wenko presented a request for a Flex PACE from C and D Ice.

C and D Ice is requesting a Flex PACE of \$35,500 to construct an ice manufacturing plant for making and bagging ice for sale to grocery stores, convenience stores, oil field, restaurants and special events within the community. Ice would be sold in 5 to 20 pound bags, as well as blocked ice. This will be the first of its kind in the Williston area, competitors have brought it in from long distance. C and D Ice would create three to five full-time positions. Manufacturing bulk ice provides a much needed resource in the area which has been in short supply.

The Star Fund Board made a recommendation to do a one year Star Fund to C and D Ice. Mr. Wenko stated that they checked with Bank of North Dakota and they said up to \$10,300 would cover the first year with the Flex PACE.

The Star Fund Board recommends approving a one year funding Flex PACE not to exceed \$10,300 to C and D Ice for the construction of an ice manufacturing plant.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve the recommendations of the Star Fund Board and awarding C and D Ice a one year funding Flex PACE up to the amount of \$10,300.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (2) Community Build Grant
 - a. Little Lambs Childcare, Inc.

Assistant Director of Economic Development, Shawn Wenko presented a request from Little Lambs Childcare, Inc. for a Community Build Grant.

Little Lambs Childcare, Inc. is requesting a Community Build Grant of \$25,000 to add a bathroom in the lower level of their building; which will allow them to care for more potty trained children. Also, there will be a sink installed at the west end of the main floor, allowing more infant care availability. By completing this project, two to three full-time and two part-time positions will be created with an average salary of \$24,900. Little Lambs Childcare, Inc. currently cares for 31 children daily and six additional elementary school children after school.

Currently their state license allows them to care for up to 57 children based on current square foot. Adding the bathroom and extra sink would allow them to max out their capacity at 57 children; opening 26 new childcare spots.

The Star Fund recommends approving the Community Build Grant not to exceed \$20,000 to Little Lambs Childcare, Inc. for construction of an additional bathroom.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve a Community Build Grant not to exceed \$20,000 to Little Lambs Childcare, Inc. for construction of an additional bathroom.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (3) Community Enhancement
a. 2014 Community Enhancement Recommendations

Assistant Director of Economic Development, Shawn Wenko presented the 2014 Community Enhancement recommendations. Each year up to 20% of the Star Fund not to exceed \$50,000 goes to community enhancement projects that seek to enhance the quality of life within Williston and the surrounding communities.

The Star Fund Board met for a day to review 14 applications for the 2014 Community Enhancement funding. The applications were submitted by Thursday, January 30, 2014.

These are the final results from the interview conducted by the Star Fund Board:

- MonDak Historical & Arts Society - \$2,000.00
- Opportunity Foundation, Inc. - \$3,500.00
- Dakota Family Solutions - \$2,500.00
- Divide County Fair Association - \$3,500.00
- Williston Basin Indian Club - \$3,500.00
- James Memorial Preservation Society - \$5,000.00
- Marketplace of Ideas / Marketplace for Kids - \$5,000.00
- Divide County Historical Society - \$2,500.00
- Crosby County Club - \$3,500.00
- Boy Scout Troop 316 - \$3,500.00
- WCVB – Band Day Committee - \$5,000.00
- WCVB – Chokecherry Festival Committee - \$5,000.00
- WSC – Business and Computer Club - \$3,500.00
- Fort Buford 6th Infantry Regimental Association - \$2,000.00

The Star Fund Board recommends approving these 14 projects.

MOTION BY KLUG, SECONDED BY BEKKEDAHL, to approve the 14 projects as presented for the 2014 Community Enhancement funding.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- J. Airport
 - (1) Hangar Lease
 - a. Sankofa Aviation – City Silver Hangar #1

Airport Manager, Steven Kjergaard presented a request for a hangar lease. This lease is with Sankofa Aviation for City Silver Hangar #1 in the amount of \$624 per year. Mr. Kjergaard recommends approving this hangar lease.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the hangar lease with Sankofa Aviation for the City Silver Hangar #1 in the amount of \$624 per year.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (2) Advertisement Lease
 - a. 225 LLC, Williston Truck Rentals

Airport Manager, Steven Kjergaard presented a request for an advertising lease. This lease is with 225 LLC, Williston Truck Rentals for digital TV advertising. This is a month to month lease in the amount of \$400 per month. Mr. Kjergaard recommends approving this advertisement lease.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve the advertisement lease with 225 LLC, Williston Truck Rentals in the amount of \$400 per month for digital TV advertising.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (3) Task Order #12 – KLJ – SRE Procurement

Airport Manager, Steven Kjergaard presented information on Task Order #12 with KLJ.

Part of the airport's Passenger Facility Charge (PFC) was to purchase new snow removal equipment for the airport. This agreement is for KLJ to perform the bidding process in the procurement of the equipment. The contract is not to exceed the amount of \$30,564.19.

However, Mr. Kjergaard does not expect the amount to be near that. Included in the PFC was the cost of procurement which the airport will be able to pay for this agreement through that fund. Currently the airport has collected \$298,000 in PFC's to date and have this equipment budgeted at \$400,000.

Commissioner Bekkedahl asked if they were going to use the PFC for some of the snow removal equipment they already had.

Mr. Kjergaard said that this was to be used for new equipment that the equipment they have has been paid for.

City Auditor, John Kautzman asked Mr. Kjergaard if he was comfortable with the amount that KLJ is asking for in terms of this project.

Mr. Kjergaard stated that a lot of their stuff they won't do to protect themselves and the airport would do it internally. This amount is a not to exceed amount.

Commissioner Klug also discussed concern with the amount of the task order.

Mr. Kjergaard said that they would put in a lot of hours and that this is a very specialized piece of equipment they are dealing with.

MOTION BY BEKKEDAH, SECONDED BY BROSTUEN, to approve Task Order #12 with KLJ not to exceed \$30,564.19.

AYE: Cymbaluk, Brostuen, Bekkedahl and Koeser

NAY: Klug

ABSENT AND NOT VOTING: None

CARRIED: 4-1

(4) Terminal Steering Committee

Airport Manager, Steven Kjergaard stated that back in November the City Commission approved a terminal design phase. Mr. Kjergaard said that they are now at the point where it is time to appoint a Terminal Steering Committee to help facilitate the design of the airport terminal. When Mr. Kjergaard asked the architect about the best make for this group, they stated that the size that is most effective would be four or five people to allow for tie-breaking should that be necessary.

One Scenario would be:

- 1 Airport Manager/Director
- 1 Assistant Airport Manager/Director
- 1 Head of Airport Commission
- 1 Other city government representative (city council member or mayor)
- 1 Representative of local business

Of these individuals it is frequently helpful to have one who has particular interest or is professional involved in architecture/design.

Although the committee could include a representative of the oil industry (to help anticipate industry needs, charter, etc.) and airlines on the steering committee, it is probably better to selectively solicit input from and update them as needed.

Mr. Kjergaard stated that with this input he would like to recommend these people to the Steering Committee:

- Chris Brostuen
- Amy Krueger
- Deanette Piesik
- Anthony Dudas
- Steven Kjergaard
- An additional commissioner if the commission chooses to

Mr. Kjergaard recommends approving the Terminal Steering Committee.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the Terminal Steering Committee.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

K. Assessor
(1) Vanguard

County Assessor, Denell Kallemeyn stated they took on the Vanguard project in 2011. The county and the city did an agreement for \$566,891 for four years. The city took 61% and the county took 39%. They are ending their contract, the commercial and large industrial vacant lots have been completed. The bid for the improved commercial was the difference of \$286,000 and to be fair she did the percentages and the city came in at 62% and the county was 38% of those. The difference that they are short is \$114,355 and they are requesting that the city would either table or approve the difference of the city's part of \$66,915. Ms. Kallemeyn stated that she received an e-mail from Vanguard that sent the parcels broken up from the county and the city. Ms. Kallemeyn said that increase notices will go out 15 days before the tax equalization meeting.

Ms. Kallemeyn stated that if they didn't pay the total \$114,355, Vanguard will charge a fee of 4% of the \$114,355 and the city and county could pay in 2015 and budget it that in.

Commissioner Bekkedahl stated that when they agreed to this it was on a 4 year cycle and the county said that it was initially 61% and county 39% is how the City Commission approved it at the time and now the City Commission should agree to 62% city and 38% county. Commissioner Bekkedahl said he understands the justification for the change but going back to 4 years ago, they approved them on those terms.

Ms. Kallemeyn said because of the annexations of Missouri and Williston Township, those were figured in. There has been so much construction of commercial buildings that is the increase of the differences.

City Auditor, John Kautzman asked why the terms of the original agreement wouldn't apply no matter what happened. Ms. Kallemeyn said that it was because it was bid on per property parcel. Commissioner Bekkedahl asked if they had time to send this matter to the Budget Committee. Ms. Kallemeyn stated that they did have time.

MOTION BY BEKKEDAH, SECONDED BY CYMBALUK, to send this item regarding the Vanguard contract to the Budget Committee.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- L. Convention and Visitor's Bureau
- 10. Appointments and Consultations with Officers
- 11. Unfinished Business
 - A. 911 Vote – Timeline on Rate Increase

Mike Hallesy from Disaster Emergency Services stated that he, Commissioner Cymbaluk, Chief Lokken and the county have been in discussion about the 911 fees that are collected. If you look back, in 2008 there was 1,500-1,600 911 calls in the county and 4,000 in the city. Last year there were 9,900 in the city and 6,500 in the county. When numerous people call for the same incident, they count that as one call. Right now the fee is \$1.00 but the carriers get to take a 5% administrator fee. Even though they are upgrading equipment and have grants they are adding more positions and more stations. As new technology for sending texts and videos is coming down the pipes they need infrastructure to go along with it. Only one entity can levy the fee in geographic area and the City of Williston levies their fee while the county levies their own fee as well. In discussion they thought it might be beneficial to do one ballot if Williams County puts it on the ballot, which a resolution was passed to get it on the ballot in June and the fee would go into effect in September of 2014. This would include the City of Williston so they wouldn't have to do two ballots. They can extend the resolution for up to six years by a motion as long as they don't change the fee. The county resolution is due January 2015, if the fee passes it will go up to \$1.50. They need to find a way for the service to continue for the city but done through the county. The county has made the resolution and it was passed by the County Commission so they are taking it to ballot to increase the fee from \$1.00 to \$1.50. Mike Hallesy said he just needs to know how the city resolution is written and whether or not the city has to have a ballot to continue service charge or not. He stated they are going to go for the full umbrella ballot which will be on the ballot in June. The city needs to make sure that if the new service charge is not passed that the city can continue with the resolution.

12. New Business
13. Executive Session
14. Adjourn

MOTION BY BEKKEDAH, SECONDED BY CYMBALUK, to adjourn the City Commission meeting.

AYE: Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

E. Ward Koeser, President
Board of City Commissioners

John Kautzman, City Auditor