

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

1. Roll Call of Commissioners

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

COMMISSIONERS ABSENT: None

OTHERS PRESENT: John Kautzman, Tom Rolfstad, Pete Furuseth, David Tuan, Donald Kress, Rachel Ressler, Nick Vasuthasawat, James Lokken, Bill Tracy, Steven Kjergaard and Bob Hanson

Mayor Koeser presented a quorum; there is one request to add to the agenda if the Commission would approve. It would come on the first page between number 3 and number 4, right after the bid openings. This is a time extension request for 11th Street.

MOTION BY KLUG, SECONDED BY CYMBALUK, to approve the amendment to the agenda.

UNANIMOUS BY VOICE VOTE

2. Consent Agenda

- A. Reading and Approval of Minutes for:
 - (1) Regular Meeting Dated: February 25, 2014
- B. Auditor
 - (1) Accounts, Claims and Bills

Combined Check Register

For checks between: 02/22/14 - 03/06/14

Payroll

Check #	Vendor/Employee/Payee Number/Name	Check Amount
-74906	MERITAIN HEALTH MERITAIN HEALTH	2828.30
-74905	WEAPON CITY OF WILLISTON	228.42
-74904	PERS SERVICE CR NORTH DAKOTA PUBLIC EMPL	0.00
62145	999999 RICHARD FALCON	280.00
62146	999999 HANNAH HATMAKER	1250.00
62147	999999 CHRISTOPHER ERDAHL-CONNOLLY	20.00
62148	673 CLERK OF DISTRICT COURT	150.00
62149	673 CLERK OF DISTRICT COURT	750.00
62150	673 CLERK OF DISTRICT COURT	750.00
62151	673 CLERK OF DISTRICT COURT	650.00
62152	673 CLERK OF DISTRICT COURT	300.00

62153	718 AMERIPRIDE LINEN AND APPAREL SERV	40.01
62154	243 MONTANA DAKOTA UTILITIES	1669.19
62155	320 NEMONT	43.22
62156	526 WILLISTON TRUE VALUE	157.71
62157	19 AMERICAN STATE BANK	261690.00
62158	320 NEMONT	203.35
62159	1716 Williams Scotsman, Inc.	2250.50
62160	267 MOUNTRAIL-WILLIAMS REC	3658.75
62161	999999 KELLY MEHUS	400.00
62162	999999 SARAH WALN	400.00
62163	999999 TRAVER PASSONS	900.00
62164	999999 AUSTIN KNUTSON	400.00
62165	999999 HANNAH EASTER	400.00
62166	673 CLERK OF DISTRICT COURT	750.00
62167	673 CLERK OF DISTRICT COURT	750.00
62168	673 CLERK OF DISTRICT COURT	28.00
62169	243 MONTANA DAKOTA UTILITIES	10444.02
62170	1650 ROTATIONAL MOLDING INC	7330.00
62171	32 ATSSA	240.00
62172	DEF COMP PERS1 NORTH DAKOTA PUBLIC EMPL	114620.46
62173	AFLAC AMERICAN FAMILY LIFE ASS	2140.59
62174	AMERICAN NATION AMERICAN NATIONAL LIFE I	205.56
62175	AVESIS AVESIS	319.84
62176	LINCOLN MUTUAL LINCOLN MUTUAL LIFE & CA	2779.12
62177	USABLE USABLE	227.04
62178	APARTMENT BH8 VALLEY RENTAL - BAKKEN H	0.00
62179	APARTMENT BH2 VALLEY RENTAL - BAKKEN H	0.00
62180	APARTMENT BH9 VALLEY RENTAL - BAKKEN H	0.00
62181	APARTMENT BH5 VALLEY RENTAL - BAKKEN H	0.00
62182	APARTMENT BH6 VALLEY RENTAL - BAKKEN H	0.00
62183	APARTMENT BH7 VALLEY RENTAL - BAKKEN H	0.00
62184	APARTMENT BH10 VALLEY RENTAL - BAKKEN H	35780.00
62185	APARTMENT DAKOT VALLEY RENTAL - DAKOTA	25050.00
62186	APARTMENTS WSCF DAKOTA COMMERCIAL - WSC	6950.00
62187	571 FEE INSURANCE AGENCY, INC	151.00
62188	999999 ZANE PIERCE	1400.00
62189	999999 GERALD DEMARRE	500.00
62190	673 CLERK OF DISTRICT COURT	750.00
62191	673 CLERK OF DISTRICT COURT	750.00
62192	470 US POSTAL SERVICE	1461.99
62193	415 SELECT FORD	106468.80
62194	999998 PATRICIA K. FIORENZA	57.50
62195	999998 DAVID LEE BELL	57.50
62196	APARTMENT BH8 VALLEY RENTAL - BAKKEN H	5660.00
62197	APARTMENT BH2 VALLEY RENTAL - BAKKEN H	2920.00
62198	APARTMENT BH9 VALLEY RENTAL - BAKKEN H	25150.00
62199	APARTMENT BH5 VALLEY RENTAL - BAKKEN H	2740.00
62200	APARTMENT BH6 VALLEY RENTAL - BAKKEN H	18080.00
62201	APARTMENT BH7 VALLEY RENTAL - BAKKEN H	25200.00

62202	673 CLERK OF DISTRICT COURT	750.00
62203	673 CLERK OF DISTRICT COURT	750.00
62204	999999 JAMES DIETZ	150.00
62205	999999 ALEJANDRO ALANIZ	15.00
62206	999999 CLAYTON HOLT	650.00
62207	999999 MICHAEL WISE	20.00
62208	999999 DYLAN WEGLEY	220.00
62209	999999 TRACI COOPER	150.00
62210	999999 WADE MCHONE	250.00
62211	999999 JUSTIN SIRONEN	150.00
62212	999999 MIKEL WILCOX	750.00
62213	999999 STEVEN BOSLEY	500.00
62214	483 VECTOR CONTROL DIST #1	41433.65
62215	2081 Tommy Ellis	300.00
62216	77 CITY OF WILLISTON	55.40
62217	2086 Noon Lions Club	500.00
62218	516 WILLISTON CVB	1250.00
62219	2091 Matt Oleksik	300.00
62220	999998 AMY A. KRUEGER	680.78
62221	487 VISA	4803.54
62222	21 AMERICAN WATER WORKS ASSOCIATION	417.30
62223	1558 BNSF RAILWAY COMPANY	3772.00
62224	1558 BNSF RAILWAY COMPANY	1150.00
62225	Check not processed in this period	0.00
62226	Check not processed in this period	0.00
62227	Check not processed in this period	0.00
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62295	Check not processed in this period	0.00
62296	Check not processed in this period	0.00
62297	Check not processed in this period	0.00
62298	632 ACKERMAN-ESTVOLD	7317.50
62299	1893 ACME TOOLS	149.98

62300	1575 ADVANCED BUSINESS METHODS	170.00
62301	4 AGRI INDUSTRIES, INC.	480.76
62302	8 ALL SEASONS SPORT ABOUT	2037.28
62303	608 ALLGUARD ALARM SYSTEMS	80.00
62304	1768 ALLIANCE CONSULTING LC	68627.50
62305	718 AMERIPRIDE LINEN AND APPAREL SERV	511.66
62306	999998 AMY D. NICKOLOFF	20.00
62307	999999 ANISHAWFE BALTAZAR-KRAMER	50.00
62308	646 APPLIED CONCEPTS, INC	475.00
62309	540 AQUA-PURE INCORPORATED	9390.00
62310	30 ASTRO-CHEM LAB, INC.	300.00
62311	723 BADLANDS STEEL, INC	45.30
62312	33 BAKER & TAYLOR CO.	623.89
62313	34 BALCO UNIFORM CO., INC.	2820.57
62314	38 BASIN PRINTERS, INC.	364.00
62315	999998 BENJAMIN W. ABBEY	465.48
62316	2013 Bergy Construction	8112.00
62317	1223 BEST WESTERN PLUS/RAMKOTA HOTEL	149.40
62318	49 BLACK MOUNTAIN SOFTWARE	125.00
62319	1664 BLUE TARP FINANCIAL INC	106.47
62320	1339 BOBCAT OF WILLISTON	474.36
62321	52 BORDER STATES ELECTRIC	103.84
62322	54 BOUND TREE MEDICAL	1717.91
62323	999998 BRAD D. BEKKEDAHL	365.50
62324	1054 C & D WATER SERVICES	28.00
62325	549 CASH WISE FOODS	77.03
62326	1755 CDW Government	39.56
62327	1516 CENTURYLINK	650.00
62328	2096 CHEMGUARD SPECIALTY CHEMICALS & E	6930.00
62329	1623 CHEMSEARCH	4211.20
62330	73 CHRISTOPHERSON'S TIN	2340.98
62331	77 CITY OF WILLISTON	1691.80
62332	79 CITY OF WILLISTON	30630.04
62333	80 CITY OF WILLISTON	64561.92
62334	1666 CIVIL SCIENCE	2146.00
62335	81 CLAUSEN WELDING	180.00
62336	567 CRAIG'S SMALL ENGINE REPAIR	26.98
62337	825 CROWLEY FLECK PLLP	250.00
62338	548 DAKOTA DIESEL	1339.17
62339	93 DAKOTA SUPPLY GROUP	4187.34
62340	988 Dell Marketing L.P.	1494.55
62341	999998 DENICE SUESS	10.08
62342	999998 DIANE K. ALBRIGHTSON	540.41
62343	999998 DONALD KRESS	19.24
62344	2095 Edward F. Heiberger	23.98
62345	124 ELECTRIC & MAGNETO, INC.	126.00
62346	999998 EMILY GATHJE	225.00
62347	126 EMRY'S LOCKSMITHING	25.00
62348	2071 Erica Myers	59.90

62349	2097 EVIDENT CRIME SCENE PRODUCTS	642.00
62350	1567 EXPERT AUTO GLASS	720.00
62351	553 FARM AND RANCH GUIDE	10.00
62352	907 FERGUSON WATERWORKS #2516	3697.47
62353	134 FORT UNION SUPPLY & TRADE	1538.23
62354	139 GAFFANEY'S	2097.29
62355	785 GALE	112.04
62356	2055 GLOBAL EQUIPMENT COMPANY	1972.80
62357	144 GRAYMONT WESTERN CANADA	12485.15
62358	539 HACH	5487.05
62359	151 HAWKINS, INC.	1140.90
62360	550 HEDAHLS PARTS PLUS	295.20
62361	153 HEIMAN FIRE EQUIPMENT, INC.	10484.10
62362	161 HOME OF ECONOMY	355.26
62363	162 HORIZON RESOURCES	1685.15
62364	163 HOSE AND RUBBER SUPPLY	147.25
62365	2085 INNOVATIVE PROCESS SOLUTIONS LLC	379.20
62366	4561 International Code Council, Inc.	27.00
62367	175 INTERSTATE ENGINEERING	57547.60
62368	999998 JAMES MURAWSKI	225.00
62369	2088 Jeni Wilson	387.50
62370	191 JOE'S DIGGING SERVICE INC	54062.50
62371	999998 JONATHAN HOLTER	25.00
62372	999998 KENT SKABO	50.00
62373	210 KOHLER COMMUNICATIONS	1763.30
62374	211 KOIS BROTHERS EQUIP CO	1074.62
62375	212 KOTANA COMMUNICATIONS	10.00
62376	893 KRUGER INC.	4121.04
62377	999998 KRYSTINE HEIFORT	236.95
62378	220 LEARNING OPPORTUNITIES	3132.81
62379	999998 LORI A. LARSEN	9.92
62380	1817 M-T SADDLE CLUB	24000.00
62381	999999 MARGARET SANDVIK	100.00
62382	585 MCCODY CONCRETE PRODUCTS, INC	1200.84
62383	999998 MEGAN PETERSON	42.78
62384	247 MERCY MEDICAL CENTER	212.82
62385	250 MICROMARKETING ASSOCIATES	301.45
62386	1994 MIDCONTINENT COMMUNICATIONS	1190.00
62387	1235 MIDWEST HOSE & SPECIALTY, INC.	527.76
62388	254 MIKE'S WINDOW CLEANING SERVICE	80.00
62389	255 MILLY'S ALTERATIONS	77.00
62390	2093 Minnesota Vikings	7586.00
62391	260 MODERN MACHINE WORKS	191.40
62392	261 MON-DAK HTG & PLG, INC.	897.14
62393	243 MONTANA DAKOTA UTILITIES	33917.85
62394	267 MOUNTRAIL-WILLIAMS REC	607.74
62395	268 MPOWER TECHNOLOGIES	2500.00
62396	270 MURPHY MOTORS, INC.	118.00
62397	275 NAPA AUTO PARTS	3650.92

62398	297 ND ONE CALL	157.85
62399	314 ND WORKFORCE SAFETY & INS	172752.37
62400	317 NDWPCC	80.00
62401	999998 NEIL W. BAKKEN	50.00
62402	1454 NOAH MOWING SYSTEM	300.00
62403	626 NORTH DAKOTA LEAGUE OF CITIES	7455.00
62404	333 NORTHWEST SUPPLY CO.	472.45
62405	339 OFFICE OF STATE AUDITOR	225.00
62406	340 OHNSTAD TWICHELL PC	1494.90
62407	343 OLYMPIC SALES, INC.	743.19
62408	344 ONE FULFILLMENT	368.06
62409	2084 PHILLIPS & JORDAN INC	5369.52
62410	1956 PIERCE AUTO BODY INC	272.00
62411	356 PITNEY BOWES, INC.	340.14
62412	1051 POET ETHANOL PRODUCTS, LLC	6558.17
62413	359 PRAXAIR DISTRIBUTION INC	1009.65
62414	641 PREBLE MEDICAL SERVICES, INC	332.00
62415	362 PRO SAFE PEST CONTROL	162.75
62416	714 PROBUILD	49.12
62417	367 QUILL CORPORATION	1029.36
62418	1882 RAM SPV II, LLC	2600.00
62419	999999 RICHARD RADEMACHER	800.00
62420	1475 ROSENBAUER FIREFIGHTING TECH	438.93
62421	405 RYAN MOTORS	127.00
62422	1133 SANDERSON STEWART	8335.89
62423	2012 SANI-STAR	471.00
62424	409 SANITATION PRODUCTS	8469.24
62425	2094 Scrubber City Incorporated	243.88
62426	415 SELECT FORD	141.50
62427	669 SHIRT WORX	422.00
62428	2075 SNAP ON	44.67
62429	426 SOURIS RIVER TELECOMMUNICATIONS	193.74
62430	427 SRF CONSULTING GROUP, INC	18082.58
62431	2009 STAPLES ADVANTAGE	6.99
62432	928 THE JOURNAL	58.00
62433	460 TRACTOR & EQUIPMENT CO.	7026.25
62434	461 TRACTOR SUPPLY CREDIT PLAN	174.98
62435	464 TRI-COUNTY GLASS	805.00
62436	463 TRIANGLE ELECTRIC	1655.40
62437	1883 Ultimate Air Dogs	4250.00
62438	1374 Valley Rental c/o Sherry Gooch	650.00
62439	485 VESSCO, INC.	6611.88
62440	487 VISA	836.27
62441	1249 WASTE NOT RECYCLING LLC	5652.00
62442	501 WESTERN VET CLINIC	97.50
62443	1512 WILLIAMS COUNTY DES	100.00
62444	532 WILLIAMS COUNTY HIGHWAY DEPT.	257.89
62445	533 WILLIAMS COUNTY TREASURER/RECORDE	199.00
62446	564 WILLIAMS RURAL WATER DISTRICT	84.39

62447	1716 Williams Scotsman, Inc.	583.00
62448	514 WILLISTON COMMUNITY LIBRARY	847.52
62449	517 WILLISTON FIRE & SAFETY	188.78
62450	518 WILLISTON HERALD	379.04
62451	522 WILLISTON PD PETTY CASH	186.88
62452	525 WILLISTON TIRE CENTER	877.20
62453	526 WILLISTON TRUE VALUE	156.78
62454	530 WILLISTON/WILLIAMS COUNTY - LEC	681.12
62455	2045 WORKLIFE	342.00
62456	999998 YVONNE A. TOPP	460.15
62457	2090 Zach Fleck	187.50
62458	999998 ZACHARY HANSEN	25.00
62459	1210 ZIP2TAX	178.20

Grand Total **# of** 318 **Total:** 1480570.83
Checks:

Total Payroll
 \$270,879.33

- (2) Application for a Local Permit or Charity Local Permit
 - a. Saving Grace Community Church – Raffle – New Armory – March 22, 2014
- (3) Special Permit to Sell Alcoholic Beverages
 - a. American Legion Edgar M. Boyd Post #37 – Wedding Reception – April 12, 2014
 - b. American Legion Edgar M. Boyd Post #37 – Play – April 4, 2014
 - c. American Legion Edgar M. Boyd Post #37 – Play – March 29, 2014
- (4) Taxi License
- (5) Arborist License
 - a. Kim’s Lawn & Sprinkler Service – Renewal
- (6) Site Authorization
 - a. Mule Deer Foundation – Grand Williston Hotel – April 26, 2014
- C. Building Official
 - (1) Mater Mechanical
 - a. Kenneth Jakes – Pipestone Mechanical
- D. City Planner
- E. Assessor
 - (1) Abatements
 - a. Black Hawk Energy Services
 - b. United Pulse
 - c. Sun Well Service, Inc.
 - d. White Mountain Properties, LLC
 - (2) Exemptions

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

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

3. Bid Openings
 - A. Police Vehicles

Director of Police Department, Chief Lokken, presented the following:

We went out for bids for three police vehicles, with police packages. Bids were opened on March 3rd. The first one was for a 2014 AWD or SUV. We received one bid from Select Ford for a 2014 Explorer for \$29,724.81. Recommend for approval.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the bid as presented by Chief Lokken.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

At the same time, we put out for two four-door sedans either AWD or rear wheel drive. Murphy Motors submitted a bid for \$30,834.00. Select Ford submitted a bid for 2014 Taurus for \$27,639.81 each. Recommend the Ford bid for \$27,639.81.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the bid as presented by Chief Lokken.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- B. ½ Ton Pickup with Tail Gate Lift for Sanitation Department

Director of Public Works, David Tuan, presented the following:

We went out for bids on two pieces of equipment for Public Works. The first one was for a ½ ton pick-up for the Sanitation Department. It has a tail-gate lift. Our budget amount for this was \$35,000.00. We received two bids.

One from Select Ford for \$32,369.62, and a second bid from Murphy Motors for \$31,370.00. We recommend approval to Murphy Motors for \$31,370.00.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the bid from Murphy Motors for \$31,370.00.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

C. Rotary Mower for Roads and Streets Department

The second item was for a rotary mower for Roads and Streets Department. We received only one bid for this item. It came in at \$17,144.00 from Southwest Ag Repair which is still under our budgeted amount of \$23,000.00. We recommend approval to Southwest Ag Repair in the amount of \$17,144.00

MOTION BY KLUG, SECONDED BY BEKKEDAHL, to approve as presented.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

D. Special Assessment Bond Sale

The following was presented by Mike Manstrom:

What I have for you this evening is the results of a public sale we conducted this morning at 10:30 a.m. central time from our Bismarck office for the City of Williston. It's about \$4,490,000.00 special assessment bond for your annual financing. This is a copy of the official statement that's prepared and then distributed to the prospective underwriters and purchasers of the bonds. As you can see, we had four bids this morning and the low bid was submitted by Hutchinson, Shockley, Erley out of Chicago at 3.7244 on a 15 year bond issue. That's a very good interest rate. We still at historic lows – everybody knows that so we're doing fine as far as financing and borrowing money. Your costs are still historically low. The cover on that issue is the Piper Jaffray bid at 3.84. Then we have Stifel Nicolaus out of Denver at a 4.07 and Northland Securities out of Minneapolis at 4.09. So 3.72 – I think your bond counsel prepared a resolution authorizing the sale for this evening. If you pass that resolution, we lock up the interest rates, we'll transfer money on April 1st.

I would be happy to answer any questions. The City of Williston still has a very good competitive public sale in the market today.

Questions and discussion:

Commissioner question for the auditor – this would cover basically things that are infrastructure improvement?

John Kautzman responded that the projects were listed in the paperwork that was provided.

Mike M. stated that there were six special assessment districts.

John Kautzman noted that basically these are the 2013 projects. This does not cover any of the 2014 projected activity.

Mike M. stated that you should have, Commissioners, a resolution authorizing the issuance of improvement warrants and exchanging them for \$4,490,000.00 refunding improvement bonds of 2014.

The resolution number will be the next available.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, that the City Commission approve a resolution with the next available number authorizing the issuance of improvement warrants, exchanging them for \$4,490,000.00 refunding improvement bonds for 2014.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

Further discussion took place in which John Kautzman pointed out that the statute allows us to assess at a percent and a half over the net interest cost so we will be adjusting the interest rate actually down, because we estimated due to the fact that we didn't have an interest rate in place. So actually the interest rate will go basically locked in now at 5.22 percent - less than what they were assessed for in the first place.

Mike M. also noted that rates actually came in lower than we've been estimating for the last four months as well, so it's a very competitive sale. Mr. M thanked the Commissioners for the opportunity to work for the City.

E. Time extension request for 11th Street.

Ryan Corning presented the following information:

This is regarding a motion on January 14th of this Council to approve some residential zoning in the area of 11th Street, but contingent upon the City, the Hagen family and the developers coming to a stipulation in a memorandum for understanding agreement within 60 days. We have about 90 percent hammered out. We are just asking for an additional 30 days just to make sure we get everything finished up.

Mayor Koeser opened the floor for questions and noted we all remember this is where we would get the access to 11th Street is the one across the Hagen property was the essence of it. I talked with Mike Hagen today and he indicated the same thing – that they felt they were real close to agreement. They are a large family and it takes them a little while to get everything approved for on that end. What we would look for is a motion to extend that for 30 days.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the extension of 30 days for the extension of 11th Street as requested.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

4. Public Hearings

Mayor Koeser addressed the room stating that at this time we have four public hearings. The process will all be the same. We will open the hearing, we usually have some kind of introduction from staff, and then it's open to the public to speak. Since it's a fairly full house we don't require you to come forward, but we do ask you to stand if you want to speak to the issue, give us your name so we have it on tape, then speak your piece. Again, we want anyone who's here for that to have a chance, an opportunity, to do that so we ask that you don't talk real long. Normally people don't, but just be aware of that. We'll take these one at a time. We'll have the hearing and take action on these. We'll open the first public hearing now.

- A. Public hearing, preliminary plat, Camp Creek Industrial Park, Lot 1R and 2R, Block 2, North Bakken Industrial Park, part of S1/2SE1/4, Sec. 13 and part of N1/2NE1/4, Sec. 24, T155N, R101W, City of Williston, and a zone change from A: Agriculture to M-2: Heavy Industrial (46.5 acres) and from R-5: Mobile Home Court to M-2: Heavy Industrial (49.2 acres) – Granite Peak Development ND, LLC/Sanderson Stewart

Donald Kress with the Planning Department presented the following:

We'll turn your attention to some maps, looking at the zoning map first. This area, you may recall this area, which we refer to as the Bakken Corner, was not originally in the Bakken Industrial Park. The City annexed that in July. The plat includes that area plus the piece of R-5 that's going to M-2 that Bakken Corner is Agriculture that's going to go to M-2. There is some existing M-2 and there is one little piece here that is going to remain C-2 that is actually not included in the zone change. You're going to see that back probably in the next round that we are working with the applicant to get that squared away. You're taking the action on the zone change from the Agriculture [map section] and the R-5. So that is the zone change action.

You'll see the 80 foot-wide dedicated public access. This is a slight rerouting of 130th Avenue NW which is a section line road that has been reconfigured in a way so that it intersects with County Highway 6 at a 90 degree angle. Also, because the other side, that is the east side of 135th is outside of the City's jurisdiction. That's entirely in the County. Then there is a cul-de-sac to provide access to two lots. An earlier version had a road and easement going between these two. That has been eliminated. It has been revised. The utilities have been rerouted through other easements. These two access points have been approved by the North Dakota DOT. Although all field drives will be closed. No further access between those two points will be allowed. This property takes access off Love's Way. This property has a reciprocal access easement built into this lot, that's existing. All lots have access.

You may have seen part of the zone change before. We started out working on a zone change for the Bakken Corner. It never went all the way through so it's been absorbed into the process. This was heard by the Planning and Zoning Commission on February 24th. They did have some discussion about paving and access and the configuration of 135th, which I've addressed here. They did generally approve the project. The staff has one recommendation that the full

length of this dedicated road be paved to the cul-de-sac. It was talked about at that meeting in the Bakken Industrial Park many of these streets are paved in from Highway 2 a certain number of feet, 200 or so feet. We want to have 200 or 300 feet to get the mud off the trucks. One of the many things we learned from our previous activities is we like to have a better paving. So we are recommending, especially since it is a dedicated public street, that it be fully paved.

This area would be paved to past the cul-de-sac. This provides access on the bottom. There is a lot there that is a City lift station which the road continues down there to provide access to that lift station. The City engineers indicated that it could remain gravel because there shouldn't be anybody except for City employees going down there. Then they would have to pave into the cul-de-sac.

Our recommended motions here are to approve the zone change from Agricultural to M-2 heavy industrial; and from R-5 mobile home court to M-2 heavy industrial for the Camp Creek Industrial Park Subdivision contingent upon recordation of the final plat for that subdivision.

To approve the preliminary plat for Lots 1R and 2R, Block 2, North Bakken Industrial Park; portion of S1/2 SE1/4 Sec 13, and portion N1/2 NE1/4 Sec 24, T155N, R101W, City of Williston contingent on standard development with project specific amendments, including full length of the driveway and cul-de-sac to be paved as we indicated and addressing all staff comments.

You will note that there are some staff comments. The applicant has responded to several of these comments with their revised plat. Mr. Rick Leuthold of Sanderson Stewart and Mr. DJ Clark are here. They may wish to address the Commission. That concludes this presentation.

Rick Leuthold representing Granite Peak with regard to the Camp Creek Industrial Park addressed Mayor Koeser and members of the Commission, noting that Mr. Messler from Granite Peak is here this evening, also, if you would like to have some questions directed to the owner.

This is a pretty simple straight forward platting process. We are in agreement with all the staffs comments and recommendations from the Planning and Zoning Commission with the exception of one item. In going through these staff reports with Mr. Kress today it was pointed out that staff, following the Planning and Zoning Commission meeting, has come back and recommended paving of specific areas.

If you will note on the top on the second page where it says paving the Planning and Zoning Commission directed the development agreement require access – and there was fair amount of discussion on this – require access to the lots from Highway 6 be paved consistent with the other paving that comes off of Highway 2 into the Bakken Industrial Park. Basically the reason for that, again, is as trucks are coming off there and whatnot that there is an area prior to entering the County Roads and the Highway. And in the industrial parts of the Subdivision, the M-2 parts, we have consistently been putting in those asphalt tails so you

have that staging area. But the remainder of the area is intended to be industrial in nature – to be gravel roads, to not be cluttered with mud on pavement that requires cleaning and the like. So that has been consistent. We asked at the Planning and Zoning Commission meeting to actually do an inventory of what those little stubs, those asphalt tails are that come off Highway 2. As you know, there are five or six of them that come off Highway 2 there. Jeff Miller in our office did that analysis. Of the industrial intersections, those that range between 50 and 100 feet, the one that is a little longer is the one that goes into the C-2 area, the commercial area that goes back to the full intersection by the Value place. So what we had proposed here, following the P&Z Commissioners, these are 200 foot tails coming off the asphalt, we come down actually beyond the intersection and put two 200 foot tails, so that we have plenty of asphalt run out coming up to those main intersections.

I would concur with staff and Mr. Kress if we were in a C-2 area like we have over here [indicating map] and perpetuating some of that asphalt down into those areas. But, again, these are industrial tracts. They are M-2 in nature. We would find exception and ask for the Commission to move in accordance with the P&Z Commission recommendation which was to provide that asphalt paving in accordance with what we have in the remainder of the Bakken Industrial Park Subdivision and not in accordance with that additional staff comment about the paving down into these areas. Otherwise, we're in concurrence with the remainder of the platting comments. I would be happy to answer any questions you might have.

Comment from Terry: I'll tell you where we're at with this. We already have agreements out here on this from some parties moving in there and services from other areas. If we know in advance and we're working with this people. We're saying from this point on we'll have pavement out there. But we can work that in before hundreds of thousands of dollars are spent. It's extremely difficult. So, on this one we're asking to do it like we've done it consistently in the past. If you want to do it in the future and we know about it now then we can incorporate it.

Rick Leuthold responded, in accordance with Terry's comments, I still believe that because an M-2 zoning, the aspects of paving those roads that already have all those industrial vehicles in there, needs significant consideration.

Mayor Koeser noted that this is a public hearing so we'll deal with that after the hearing when we talk about approving or not approving it. Are there those here who want to speak to either the preliminary plat, or the zone change? We'll let you address either of those issues in this hearing.

Mayor Koeser called for a second time for any public input. There being none, Mayor Koeser called for a third and final time for any public input. There being none, the hearing was closed.

We will deal with these separately, the preliminary plat being the first to address. How would the Commission like to do that? You've heard the recommendation coming from Planning and Zoning and seen the additional staff comments that

they are asking us to reconsider. We would need to make that clear, probably in whatever motion we make, as to how that should be handled.

Commissioner Brostuen asked Bob Hansen what he thought about the pavement and the roads.

If I recall the discussions from the ad hoc committee, more length of the paving revolved around the length of the patching of the asphalt. It goes back to the Value Place Hotel complex and the Bakken Industrial Park which is approximately 200 feet. We got everything paved, but 200 feet... It's a matter of trying to get the mud off the side streets rather than keep dragging it onto the paved streets.

Question to Dave Tuan: you've got to clean and maintain these streets, what is your opinion on this?

Dave responded it stresses us to have to do that, but going back to what the original agreement was, I can't speak to that as I wasn't here at that time. Whatever the agreement was, it does make it more difficult for us.

So you think 200 feet of pavement is adequate for this area?
It's not unreasonable.

How many feet?

The pavement went back to the entrance to the approach of the Halliburton workforce housing complex.

Mayor Koeser asked Rick Leuthold: When you saw this coming from Planning and Zoning, what length were you anticipating?

We've shown 200 feet on there. The direction from Planning and Zoning was to go see what else had been put out there. It varies – most of the industrial ones are 50-100 feet. As Bob indicated, the Value Place one goes back to that initial intersection because it's a commercial intersection there, and that's about 200 feet.

The other thing to think about is the trucks coming out of the yards are all muddied up. You have a chance to knock some of that mud out on a gravel road, but it needs to be graded.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the zone change as requested for the Camp Creek Industrial Park contingent upon the recording of the final plat for that subdivision.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

Mayor Koeser opened the topic of the Preliminary Plat, noted this is where we would address the amount of paving and called for discussion.

Is that 200 feet from the center line, the county line?

It's from the edge of the asphalt.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the preliminary plat with staff recommendations except the amount of pavement, and the amount of pavement required in this plat would be 200 feet from County Road 6 in the areas indicated on the plat.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- B. Public hearing on PUD amendment for Harvest Hills Subdivision, Block 3 and 5 to lift the one-story height restriction and allow two-story retail/office building – Jeff Koch, Roers Investments

Mayor Koeser opened the hearing. Donald Kress provided the following information in addition to the provided Commission packet notes:

I'll direct your attention to Harvest Hills, Phase 1. Last spring, June 11th, the Commission approved an amendment to Harvest Hills Phase 1 Planned Unit Development. The applicant has asked that the restriction that dictates there be no second story be lifted so he may develop the second stories with office uses – retail on the main floor, office uses on the second floor. No residential uses are proposed, just to make that a little more affective.

Mr. Kress directed the Commissioners' attention to the information in the packet and gave further descriptions of the buildings and parking lot details. He further noted that parking is limited. He has talked with Mr. Cook of Roers, who is with us tonight and made the point that as you're developing this, the kind of tenants you get are going to affect your parking because some parking calculations, such as restaurants or taverns and bars have a higher parking requirement than general retail or general office.

This was heard by the Planning and Zoning Commission on February 24, 2014. They had some questions about whether the parking was accurately depicted on the drawing (they had an earlier version of the drawing). There was an additional question about some parking spaces were indicated in a document provided by the applicant as being 8 ½ by 20, they are, in fact, supposed to be 10 by 20. That was an error in that document. The applicant has sent us a revised one. The Harvest Hills PUD requires some percentage to be larger because they have larger vehicles.

The Planning Commission's recommendation is indicated in the report, and the recommended motion here is to approve the amendment to the Harvest Hills Phase 1 Planned Unit Development (PUD) document to remove the one story height restriction for Blocks 3 and 5 of Harvest Hills Phase 1 (between Butterfly Avenue and 32nd Avenues West, and 27th and 29th Streets West), City of Williston contingent on:

1. Only commercial (including office) development on the second floor – no residential.
2. Developer is responsible for all parking lot striping, including diagonal striping in the street.
3. Landscaping shall be installed as depicted on the site plan.
4. Depict all street widths on the site plan.
5. Address all staff comments noted on the fact sheet, particularly the parking, which has been addressed.

We will also say that the City's ordinance has evolved somewhat since that parking for PUD was created, and so our parking requirement for office in the City is now one space per 250 square feet and there is no requirement that there be one for each employee, so the applicant may use the current code calculation for his office because we changed it from the PUD. So we recommend approval based on those contingencies.

Mr. Jeff Koch of Roers Investments is with us this evening and may wish to address the Commission.

Mr. Cook introduced himself to the Commission and stated: Donald did a nice job summing up what we're aiming to do with the Harvest Hills Development. We're really excited just to complete this opportunity for the City. Essentially what we're aiming to do is complete those last blocks 3 and 5 and get some retail and badly needed office space in that development. Also, from an aesthetic standpoint, when you're looking up into the Harvest Hills there are going to be three story apartment buildings to our west and to the north. So aesthetically it's going to be a gradual step up as you look from the south looking north and it will blend in nicely to the Harvest Hills complex. We have essentially followed everything within the PUD amendment. We're just looking to get your approval for raising the one story requirement.

Mayor Koeser opened the hearing to the public for discussion, support or any concerns. There being none, a second call was made for public input. There being none, a third and final call was made for public input. Being none, the hearing was closed.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the amendment to the Harvest Hills Phase 1 Planning and Development document to remove the one story height restriction for blocks 3 and 5 of Harvest Hills Phase 1 between Butterfly Avenue and 32nd Avenues West, and 27th and 29th Streets West subject to only commercial and office development on the second floor with no residential. Developers are responsible for all parking lot striping, including diagonal striping in the street. Landscaping shall be installed as depicted on the site plan. All street widths shall be depicted on the site plan. Address all staff comments, including City Engineer's comments regarding parking. The parking ratio for office in the current parking code is allowable.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- C. Public hearing, proposed zone change from A: Agricultural to C-2, R-3 and preliminary plat, Spring Lake Subdivision, for a parcel of land located in the NW1/4SE1/4 and SW1/4W1/2 of Sec. 1, T154N, R101W and Lots 1 and 2, Wright Subdivision (east of U.S. Hwy 2/85, between 45th St. and the Fairgrounds Road), City of Williston – CM Arctic Investments, LLC

Mayor Koeser opened the hearing. Donald Kress referenced the memo provided in the Commission packet and provided the following information:

The Planning and Zoning Commission has made a recommendation here as is indicated in the memo. I would like to go through this because staff had an additional recommendation and Mr. Leuthold is going to address this.

This is the Phasing Plan that was at the Planning and Zoning Commission. The areas indicated in yellow, which include some streets and some buildings were Phase 1, the remainder is Phase 2. The signal will go here [indicating map]. This is the revised Phasing Plan, which looks about the same, except this area of 45th Street is not developed and it shows the Frontage Roads that are necessary.

Here's the thing that we need to look at in more detail: this Frontage Road that comes down, it's existing, is being rerouted – the developer owns these properties that are being rerouted. Because we don't want the Frontage Roads running right into the intersection because then you'd have an intersection like 42nd Street where they come in and there's an island that people drive over. The Frontage Road on the south side needs to be rerouted. It needs to cut through the Champs property. It is the developer's responsibility to make that happen, to not only to implement that, to put it on the plan, but to acquire the right of way and build the road. These are the essential features of this side of the intersection in order for it to be successful. Plus the installation of the traffic signal – there is some lane striping and modification that is involved with that.

The third phase of the intersection would be development by Power Fuels and the formalization of 45th. That is a phase that may be left to a later time. It's not actually accounted for in these proposals. We've spent a lot of time, we appreciate the amount of time applicant and DoT have spent working with us on this.

Mr. Kress noted the recommendation from the Planning and Zoning Commission as follows:

ZONE CHANGE: Recommend approval of the zone change from A A: Agricultural to R-3: Townhouse and Low-Rise Multifamily Residential (30.25 acres); C-2: General Commercial (37.76 acres); and P: Parks and Open Space (6.9 acres) for a parcel located in the NW1/4 SW1/4 and the SW1/4 W1/2 Sec.1, T154N R101W and Lots 1 and 2, Wright Subdivision, to be known as Spring Lake Subdivision, contingent on recordation of the final plat for Spring Lake Subdivision.

PRELIMINARY PLAT: Recommend approval of the preliminary plat parcel located in the NW1/4 SW1/4 and the SW1/4 W1/2 Sec.1, T154N R101W and Lots 1 and 2, Wright Subdivision, to be known as Spring Lake Subdivision, contingent upon:

- a. A standard development agreement that will include the following project-specific special provisions:
 - i. The developer shall acquire the right of way for both the north and south portions of the east side frontage road as bulb-outs, at the developer's expense, as depicted on the phasing plan, prior to obtaining a building permit for any building in phase 1 of the development; and the developer shall construct both the north and south frontage roads, at the developer's expense, as depicted on the phasing plan, and both roads must be usable, prior to obtaining a certificate of occupancy for any building in phase 1.
 - ii. The developer shall install the traffic signal at 45th Street and US Highway 2/85, including any related lane improvements, at the developer's expense, with the first building permit for any building other than those depicted in Phase 1 of the development phasing plan, regardless of signal warrants.
 - iii. The traffic signal at 45th Street and US Highway 2/85 shall not be installed prior to the completion of the truck bypass route currently under construction. The city will accept the ND DOT's determination of when this truck route is "complete."
 - iv. For phase 1 of the development, the 45th Street right of way between 2nd Avenue and University Avenue shall be ~~graveled~~ and gated at the developer's expense, with the developer responsible to maintain the gates.
 - v. Developer must receive written approval from the Williston Parks and Recreation Department for the land proposed to be dedicated as parks.
 - vi. Additionally, the developer must revise the Phasing Plan to color code the phases, including the road surfacing.
 - vii. Address all staff comments as noted in the Planning and Zoning memo, some of which have already been addressed by the developer.

Addressing the Commission, Mr. Kress noted that there are two motions before the commission: one for the zone change and one for the Plat.

Mayor Koeser observed that it seems a little abnormal for Planning and Zoning made a recommendation that staff met and changed that. Mr. Kress explained that they recommended a more detailed one. One of the concerns was that you could conceivably have a building built and ready to go with no access.

Wouldn't that be the incentive obviously, if they have a building invested and the money? If you can't occupy that, you would think that would be a pretty strong incentive.

Again, the Planning Department is always looking to protect and cover every eventuality, so we didn't want to run into a situation where that would happen.

Mayor Koeser noted that the only way to cover every eventuality is to do nothing. I'm not saying it's wrong. It just seemed strange because we don't normally have Planning and Zoning make a recommendation and have staff come and change that.

Again, we related the Planning Commission approval and then we put that other recommendation there. We cited both things. Basically that other recommendation is Planning's concern about that situation arising.

Staff commented: I wasn't at the last meeting and the attorney wasn't involved with the ad hoc meeting. When it comes down to the C of O's for the buildings that come out of the Planning Department and their responsibility to enforce them, I've brought up to the attorney – and he agrees – that it comes on the Planning Department to ensure, if they don't have a right of way it gets extremely complicated. So we wanted the attorney's input on how to respond to that should a multi-million dollar building be built and there is no road. They Planning Department is responsible to say – okay, you can't open your multi-million dollar building – you don't have a road. We just need assurance that there is adequate provision that the property owners know that we're going to stay with that. That each builder knows that they are responsible, if they build a building, and if road is not in, then they aren't going to open that building. I need clarification from the attorney that we're covered with that.

Mayor Koeser stated that we're going to have the hearing and then we'll get to that. We're not going to debate that right now.

Mr. Kress closed his presentation and informed the Commission that Mr. Luthold was available and wished to address the Commission.

There is a question as to what the definition of a 'completed' road is. A 'completed' road means curb, gutter and asphalt.

Mr. Leuthold presented the following information:

When we talk about the signal improvements in Phase 2, there are several improvements with regard to lane modifications, signal installation, striping... The entire thing would have to go through DOT for approval as well as Public Works.

As Donald has indicated, this has been a fairly complex for a fairly simple subdivision. It's an in-fill subdivision, mixed-use subdivision. Truly, there has been I don't believe any specific issue with regard to the subdivision itself. I know early on I dealt with Mr. Jarcik on delineations with the residential properties. Otherwise it's been fairly simple and straight-forward where we've really had to continue to dialogue with staff -- DOT, Engineering and Planning staff with regard

to the signal and those processes. There are just a couple of clarifications that need to be made. The staff memo is very complete, very detailed with the history going back to November when we originally submitted this. The Phasing Plan that was identified here at one time and one of the submittals had this piece with 45th indicated in the phasing. The utilities will go in here. In fact, the utilities will go in all of these streets essentially. We'll probably truncate the one we don't need to run up 3rd. But 45th – the main trunk – water, sewer and storm drain – is at University and 45th and it will come west to service back into the properties.

As Mr. Kress indicated we don't have any desire to develop any building at this time for this portion of 45th so we're desirous of *not* doing that surface improvement work there. And that's exactly what's identified in the Phasing drawing with regard to the layout. If we look at the top drawing here, from 45th in to 2nd up to the first westerly roundabout out through the easterly roundabout to University – University is in the process of being constructed and will be completed by the time we tie into this.

Then there is a little, short piece of 51st to access back into the apartment complexes, we have multi-story apartment complexes. Another is scheduled to be a daycare. At this point in time, another is to be an office complex. There is a retail component in the first phase. Both the office complex and the retail complex have clients signed up for those. We are working through building plans for them right now. With regard to the office complex, the first tenant there is desirous of having the daycare facility in place. I don't believe there is a contract signed with regard to that yet. It is negotiation stages.

The apartments will be built and held by the development partners at this point in time. There are two portions of park: 1.1 acres and another 1.2 acres. These are intended to be fairly intense facilities. For instance, when you come out of the office complex and you would have sitting areas and aesthetic features that people could utilize. Coming off of the retail area, the park area by the apartments would be more along the lines of a tot-lot facility – preschool youth oriented. Another area would remain more natural and would be more high school youth oriented. All total there are about 6.9 acres distributed for the park areas. This will go before the Parks Board for approval.

The other clarification that I had with regard to timing, as Mr. Hanson indicated, when all four lanes of the truck bypass/reliever route, DoT will acknowledge that the signal could be put in. The discussion with Mr. Peterson and the DoT was such that he did not want to introduce another traffic signal or another location to slow the truck traffic that's passing through town now until the truck reliever route was in place. Following that, a large percentage of the trucks should be bypassing this particular portion of Highway 2. At that time, introducing the traffic signal is effective. It doesn't have the problem with the amount of truck traffic on it. As Commissioner Klug and I have discussed, that begins to introduce some stops that causes the truck traffic to use the bypass more effectively. We're comfortable with that.

We're fine with everything in the recommendation, again, with one exception. The exception is the item that staff added and made modification to with regard to item a-1. With regard to the frontage Road improvements on the Champs

Corner, there is a developer out of Fargo who is in the process of bringing forth a new building with the relocation of Champs and an expansion. The way the recommendation was made at that point at time was that in order to get occupancy into these first phase facilities, these portions of roads need to be completed in Phase 1. When we shift that onus to the building permit phase, it creates a problem. I would like to expand on that subject.

Because of the time it took to deal with the intersection improvements and the traffic issues and getting this down to a point where P&Z and City Commission had a document that we felt they could approve. We are closing in on the beginning of the spring construction season and the building that we are talking about building all are well into their architectural and site plan process. The building takes 12-18 months to complete. We are at the cusp of starting those. And so, if we tie that to a building permit, as we all know and no offense, Mr. Furuseth, but when we get into legal documents with attorneys, and we're beginning to deal with that right away, we could be six months in the process of identifying the legal documents that lead us to have acquisition of that right-away, dedication of it and construction of the road at Champs. This does not work well with our construction schedule. In fact, it does not work at all with our construction schedule.

We were comfortable with the occupancy permit. We would still request that the Commission approve that language, that the Frontage Roads would be tied into the occupancy of those buildings. Mr. Jarcik has indicated that it's extremely complicated. I don't believe that I would agree with the term 'extremely complicated.' I think that the prevue of issuance of occupancy permits is under their department. It's going to be in the development agreement from that standpoint. It should be very plain and clearly enforceable from that standpoint. I know my clients are very clear on that fact – that they need to acquire this and move forward.

One thing to be said is, the multi-million dollars of investment that need to occur here, our main task right now is to identify and clarify those agreements with the owners of the Champs parcel and getting that right away in place. It's the process that comes after that with the legal process and getting that tied up that I see as being a time consideration. Our discussions have gone very well with the developers of that property. The concept has gone very well. It's down to working out the details of if we take that right-away out, what does that actually leave us for developable property and their pro forma for their parcel. I feel good about that, but I am not comfortable tying that to the building permit issuance because of our time frames.

I would request Commission approve the motion as stated by Mr. Kress this evening with the one exception under item a-1 of changing that back to occupancy as was presented by the Planning and Zoning Commission and from the ad hoc committee. I would be happy to answer any questions.

Mayor Koeser thanked Mr. Leuthold and informed the room that this a public hearing and called for public input regarding the two issues of the zone change and the preliminary plat. There being none, as second call for input was made.

Joe Busch, lifelong resident of Williston and residential property owner in the area that this is going on inquired: what is going to be done with the curb frontage road, the way it lays, when all the construction starts? There has been truck traffic on the frontage road on the east side, in front of my house. If you drive out there right now there are pot holes that are as big as a wheel-barrow from Knife River trucks hauling aggregate into the project site. The traffic flow issue is already a concern. I understand development needs to take place and I don't have a problem with that. But I want to know how it affects the livelihoods of the people who are already there. There might only be a few of us, but I've paid taxes my entire life. My mom and dad have paid taxes here their entire lives. Now we're being force-fed something to what benefit? What benefit to me does it have other than increased traffic in front of my house, beside my house, behind my house?

If this is approved, which I'm more than sure it will be, what's going to be done for buffer zones between my property and all this development that's going on out there? Because right now, the way it looks like, I've got commercial property on the south side of my property. What's to keep people from throwing stuff over my fence? I've already have that problem on the north side of the parking lot that drains into my yard. We're adding more asphalt and concrete and stuff that can't handle it to the east. I'm not against it, but what about the people who are already there?

If the frontage road is hammered out already, I can't imagine what it's going to be like later. There are some mornings it takes me five minutes just to get out of my driveway to go to work. I think there are alternative routes to this thing. I don't know what they are but... I'm not against the development, but I want to know what's going to be done to protect my property and how it's going to affect my livelihood.

Mayor Koeser thanked Joe for being here. He posed the question, regarding the drainage issue, if there were steps being taken so there would not be drainage onto these properties. We've had the issue brought up in other development projects before, and could it be addressed now.

Mr. Leuthold responded that it was correct. The property has a general flow from the northwest to the southeast. University will have a trunk storm drain that will come back across the site. This entire area is required to meet the City's storm water management criteria. With regard to on-site detention, we have on-site detention areas throughout and piping and carrying it back to the storm water system. The development itself is down-gradient from Mr. Busch's site. This will be curb and guttered along the back side in order to contain that in the commercial area. There are buffering requirements that are on the last page of the recommendation. There are several lot and blocks that are talked about that are adjacent to residential areas.

As part of our landscaping and buffering ordinance, there is standard ordinance that deals with buffering between commercial and residential areas. That would apply to all developments.

The frontage road to the west of Mr. Busch's and 49th as it comes up is going to terminate into the existing frontage road. There is a cut across with 49th planned, but even with Phase 2 improvements we're simply tying back into existing facilities. This is really considered a secondary access. We're signaling this and promoting this all the way from the County road to the east out to the west, potentially in its long-term vision with regard to access. The frontage road is under the DOT's right of way. I don't know if Public Works has a maintenance agreement with DOT right now or if that will transition when the bypass opens up and there is discussion of the different control of those properties.

I think the frontage road in its current state of affairs would be the responsibility of the DOT. We are going to rebuild with the hope and intent to get the traffic off the frontage road and get it back on the highway at that particular location.

Commissioner comments: Just to follow up, could part of the development plan be that all construction access – initial construction access, particularly – off the highway onto 45th into the development area, to keep it off of 49th. You're not planning on bringing any construction access into that area, are you?

That is correct. University Avenue ties all the way down to just outside our doors to the central business district. Part of the intent is that these residential properties can skirt back around in, especially until we get the signal installed. As Mr. Busch indicated, the traffic requires that you sit there during certain times of the day right now. We're not going to put the signal in until DOT tells us we can do that and we're tied to Phase 2 development. We anticipate that we'll see a lot of this traffic use University down to 42nd to come back into town or into a light.

The next follow-up question is: is it true that Knife River is using the frontage road as the access road to that property? And if they are, why are they using that versus the highway, is it because it is shorter, quicker, or more convenient? Or is it because that's where they want to go and we're not telling them to go somewhere different?

Mr. Leuthold responded: I can't speak to that. I'm not exactly sure. I know Knife River has the contract for University and 42nd. I would have to follow-up on that and ask that question or observe that myself.

The meeting proceeded with further discussion about University Avenue being improved all the way up to 42nd this summer. As 42nd has been torn up and a large storm-box culvert going in, there have been other trucks using alternate routes, not just Knife River.

Why are we not going to finish 45th Avenue all the way across? It's a main artery. We spent all those millions of dollars on University, why wouldn't we finish it?

The idea is that it will be built. At this time, there are other buildings built and the intersection won't be signaled, so one of the concerns is if these folks in these apartments are going to want a way out of here, you could end up loading up the traffic before the signal is even there.

It's a traffic related issue. University, from the fairgrounds road going down and tying into 42nd is intended to be a north/south principal arterial, parallel to Highway 2. When we discussed phasing and tying it in prior to the signal being in place, there was significant concern about putting more of a burden on certain intersections. We decided to leave the surfacing off of it in order to not create a raceway kind of atmosphere until the signal goes in.

The question was posed: what happens if Phase 2 never gets completed?

Our developers plan on marching through with the build out on this and with a three to five year time frame we'll be into Phase 2, we'll build a signal and we'll build out the rest of the apartments and the rest of the retail properties. If the economy stays the way it is, it will be just fine. If the bottom falls out and we stagnate, the aspect of the connection and the traffic calming of coming up through the top and back to University continues to be an appropriate way to handle the traffic in that locale without creating a burdensome or problematic intersection.

From that 45th Street to finish it, would that engineering cost be part of the development agreement so at least we'll have assurances with the City that if things don't work out, we'll at least have that money not lost.

We're not funding it for future aspects. The way we would anticipate this is that—say a particular developer doesn't carry it forward and at some point in time it is desirable to put that signal in either because of the additional Phase 2 development or simply because the City desires to carry it forward. If a Phase 2 developer or somebody else decides to buy this out, they are still tied to the same development agreement requirements. If they want to pull a building permit out, they would have to complete those development improvements, this and the signal and these other Phase 2 improvements that would go on. That would be driven by development. Again, without those improvements moving forward, if there was some desire to complete that in the future that didn't involve this particular piece of property, there would have to be pursued and funded through a different mechanism. If you wanted to just complete this, it is just surface improvements that you'd have left. All the utilities would be in the ground. I'd be hard pressed to see why the City, if indeed the market were to change that drastically, would want to pursue that connection also. Because you have University, as you indicated, Commissioner Cymbaluk, tying to 42nd which has a signal on it and ties from County Road 7 all the way over to Highway 2 and even further to the west.

Commissioner Cymbaluk stated: I agree. I just don't want us to pay for it because we are not the ones forcing this development. It is the developer's responsibility.

Right, and what we've tried to lay out is a Phase 1 that would function and stand alone for decades and not put a burden on that until you get to your Phase 2 projects.

So the roads would be covered by the development?

Those portions would be subject to a lien in favor of the City.

Concern was raised by a resident that one of the roads on the map looked like it went right on his property line.

Mr. Leuthold responded that it was retail development. This would be a rear access. There is a main access coming into the property. The resident's south property line would be buffering there in order to create the screening required by the ordinances as they exist right now, then you would come into an access road that would run along the back side and then into a parking field or other development there.

Bernice asked: can you explain the screening buffer?

Donald Kress responded that it is a City ordinance that requires a buffer between uses that are different – between residential and commercial, and commercial and industrial. This is actually on our website. We don't have a sound barrier requirement – a sound wall – between commercial and residential. It's distance, it's landscaping and community fencing, unlike a true sound wall like on an interstate. We develop that as it goes. We have to see how busy they are going to be, how far they are from your house and what's going to fit in there. But it is their obligation to put that in there.

Does it go in before construction starts? No. The buffer is part of the landscaping.

By 49th you guys say now that you should have access to the developed land by 45th and University, but it looks like in the later phases you have some more apartment buildings and townhouses that go right to the north of 49th and even more to the left. At what point can they come in and say 'nope, we're going to build for this' because it's only a couple of blocks away? Will they build an access road all the way through that because it looks like it would not be that far to go all the way in and go straight up north?

It is part of Phase 2. 49th is a public right of way. We are intending to continue it over to University. It is truncated at University and truncated at the Highway. Phase 2 of this development will tie back into the existing right of way for 49th and then that portion will be completed. This would be improved out to the frontage road according to the staff report.

The Commission addressed further concerns raised by Mike Zuther, a Williston resident, regarding traffic concerns, access roads, landscaping and parking issues at and around his property, confirming that even though 49th Street is a dedicated right of way when it was county or city, it was never planned to go further than his house. It looks like 49th drifts to the south toward his house.

To the comments regarding 49th, as he indicated, it's a gravel road that comes in. It's been a 60 foot right away as far back as I can find in the platting. The distance between the pins, as noted, is correct. We've surveyed down through there and there is a full 60 feet without any encroachments. However, as indicated, there a couple of those buildings that are really close to the property line – within a foot. These are industrial zoned at the time, no set-backs required.

The road we would build in there is typical of what we would build in a subdivision: a 44 foot back-of-curb to back-of-curb, which would allow for two lanes of traffic and parking on either side. It would also allow a boulevard sidewalk within that 60 feet. So you have 44 feet, you typically have about a five foot boulevard and then a five foot sidewalk that would fit within that 60 feet. Where the road drifts right now, it would remain straight within that 60 feet.

With regard to the trees that are coming out, that's on private properties where we are reconstructing. Obviously within the subdivision we are subject to street tree ordinances and that kind of thing. We would have to discuss the replacement of vegetation that we are moving, but I don't think we'd be required to re-tree to the left.

According to the picture provided, there is a tree row and – speaking on behalf of the developer – where we are taking out vegetation, we would have a responsibility to replace it.

Mayor Koeser asked for any other public input. Williston resident, Bernice, said there were other concerns to the north of the development regarding the fairgrounds, raceway and noise levels and the City ordinances that may come into play with the annexation and now, the development occurring.

The Commission noted that even before the City annexed that property there were discussion amongst the City and the County about some type of restriction for time on the races because the noise carried into the City even from where it was. So what you're talking about isn't just because the annexation occurred. The races have been very good at trying to enforce that. We haven't gotten any complaints about that at all.

The secondary aspect is that anybody that builds in proximity to that facility is doing so after that facility is already there.

Mayor Koeser called for any other public input. There being none, a second call for input was made. There being none, there was a third and final call for public input. There being none, the hearing was closed.

Mayor Koeser stated that we have two issues before us as a Commission. One is the proposed zone change and the other is the preliminary plat and we'll deal with them separately. Are there any questions or concerns from the Commission?

One question: what is the rational from the CoO to the building permit?

The reason it came up is to understand the enforcement of the requirements. For example, north of the roundabout on 26th Street, the subdivision facing it – there was a requirement in there for public fencing along the right of way. When it came down to enforcement with our engineering people, they contended that the requirements were specifically stated to the builder. The builder contested that they weren't required to have to fulfill that requirement. The builder won the dispute and the end result is a hodge-podge of fencing along that right of way. There are gaps. There is a wood fence. There is a vinyl fence. The certificates of

occupancy did not carry through on the developer agreement. If the tool that is going to be used is the developer agreement, then I would ask the attorney to review it to ensure it is enforceable and clearly written for each builder and each building lot. Otherwise, we could have a situation where the builder says the requirement applies to the developer and not the builder.

Rick and Mike: could you please explain one more thing about the property? Comment was made about getting to the back lot. How do you get there now?

Originally, the way the subdivision is set up, all the gas lines and the sewer lines meet in the middle, so they left that road in there for me to get to my back lot.

Mayor Koeser asked who owns that property.

It is unknown who owns this property at this time, but if there is an easement for access, then we need to reflect that. I have not found that in any of the abstract documents we've pursued so if you could provide me with a copy of that, it would be great. The other thing I want to point out is if you look at the plat it does appear that the alleyway continues to access that parcel, also. It looks like there is a 20 foot access that actually flags down to that lot that didn't go through. I'll have to do some research on that plat.

Commissioner Klug asked if there would be some assurance that they would get some access in the back.

Commissioner Klug also asked when University would go all the way the Fairgrounds Road.

Mr. Hanson said that it would probably be finished late this summer.

Commissioner Klug asked if the signal agreement on 45th Street was consistent with all the other agreements that the city has talked about with the NDDOT.

Mayor Koeser stated that he believed so although, each one is unique.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve the zone change from A: Agricultural to R:3: Townhouse and Low-Rise Multifamily Residential (30.25 acres); C-2: General Commercial (37.76 acres); and P: Parks and Open Space (6.9 acres) for a parcel located in the NW1/4SW1/4 and the SW1/4W1/2 Sec. 1, T154N, R101W, Lots 1 and 2, Wright Subdivision, to be known as Spring Lake Subdivision, contingent on recordation of the final plat for Spring Lake Subdivision.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

MOTION BY BEKKEDahl, SECONDED BY CYMBALUK, to approve the preliminary plat parcel located in the NW1/4SW1/4 and the SW1/4W1/2 Sec. 1, T154N, R101W, and Lots 1 and 2, Wright Subdivision, to be known as Spring Lake Subdivision, contingent upon: A Standard Development Agreement that will include the following project-specific special provisions –

- The developer shall acquire the right of way for both the north and south portions of the east side frontage road as bulb-outs, at the developer's expense, as depicted on the phasing plan, prior to obtaining a building permit for any building in phase one of the development; and the developer shall construct both the north and south frontage roads, at the developer's expense, as depicted on the phasing plan, and both roads must be usable, prior to obtaining a certificate of occupancy for any building in phase one;
- The developer shall install the traffic signals at 45th Street and US Highway 2/85, including any related lane improvements, at the developer's expense, with the first building permit for any building other than those depicted in phase one of the development phasing plan, regardless of signal warrants.
- The traffic signal at 45th Street and US Highway 2/85 shall not be installed prior to the completion of the truck bypass route currently under construction. The city will accept the NDDOT's determination of when this truck route is "complete."
- For phase one of the development, the 45th Street right of way between 2nd Avenue and University Avenue shall be graveled and gated at the developer's expense, with the developer responsible to maintain the gates.
- Developer must receive written approval from the Williston Parks and Recreation Department for the land proposed to be dedicated as parks.
- Developer must revise the phasing plan to color code the phases, including the road surfacing in each phase.
- Concerns about 49th Street construction and utilization within the plat be addressed within the final plat before consideration and approval.

Also contingent upon addressing all staff comments.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

D. Public hearing for amendment to the Comprehensive Plan: Downtown plan

Mayor Koeser opened this public hearing regarding an amendment to the Downtown Plan.

Rachel Ressler from the Planning and Zoning Department presented an amendment to the Downtown Plan.

In January, 2013, the Planning Department put out a request for proposals for consultants to work with the department on a Downtown Plan and a unified development code. The purpose of the downtown was to help the department work with developers and proposals in order to guide development toward creating a more desirable, vibrant downtown. This plan was to help the city create policies to work with raising the quality of life downtown, to create a more desirable business environment, to guide development, and to proactively guide the probable development of large retail centers outside of downtown.

A year later, staff is bringing forward the Downtown Plan for approval. It is an amendment to the 2010 comprehensive plan, and as such will be able to be used to guide policy and development downtown. Because it is a 126 page, image heavy document, it is not being presented to the City Commission, but can be found online at http://willistonnd.com/usrimages/Rachel/2014_02-05%20Williston%20Downtown%20Lo.pdf.

A presentation will go over the high points of the plan, but it should also be known that this plan has gone through multiple rounds of public review.

At the beginning of the process, the consultants (RDG Planning and Design) and city held focus group meetings with stakeholders and with the steering committee. These groups included residents, professionals, real estate professionals, developers, retail owners, restaurant owners, college students, high school students, arts volunteers and city officials and staff. These focus groups attempted to determine what was needed in the downtown, what downtown users wanted to see changed, and what they thought would make downtown more “user friendly.”

After those focus groups, RDG and the city held a larger “visioning” type exercise, where the city held a public meeting, breaking people into groups, and asking them to come up with what they thought were the issues and game changers for downtown.

Next, the city held a design studio, where RDG had designers and planners drawing ideas for developments as the public wandered through, offering their own ideas and updates to the plan. At this time, the city also spoke one-on-one with developers working with specific properties, in order to accommodate those plans into the Downtown Plan.

Through all of these public meetings, we gathered ideas and RDG refined them into development plans. The also organized them into agendas.

The last several months, staff has taken those refined ideas, worked with the steering committee to refine them and the presentation of them even further, and have presented them to the public in several other public meetings.

At the last public meeting, held in November 2013, the ideas presented in this plan garnered a great deal of public support. The public meeting also reinforced, through a “voting” exercise, the levels of importance placed on each project by the steering committee during a “game changers” exercise.

Since that meeting, the plan has undergone two more steering committee meetings, multiple readings by committee and staff, and further revisions in order to create a clear, comprehensive plan document that can be referred to in order to guide development. Final draft comments were discussed with the consultant via a phone conference that included members of the steering committee. Those final revisions were made, and the final document is what is before the commission for discussion.

Ms. Ressler stated that the primary market area is 20 miles around the city and the secondary market is 60 miles around the city. They looked at what Williston could capture out of the various markets and what downtown could specifically capture. They looked at population and at sales tax in Williston. There is about 67,087,000 square feet of retail space that could be supported and around 420 housing units.

Chapter 2 looks at the existing conditions of the land and the building use. They looked at what the conditions of the exterior and the historic conditions of each building, parking for downtown was also looked at.

Out of the meetings the city has had they have come up with three agendas: The Functional Agenda, Development Agenda and the Community Agenda.

The Functional Agenda includes policies, actions or projects that improve circulation, utilization and operations of downtown.

The Development Agenda includes policies, actions, projects, or opportunities that respond to existing or desirable market demands.

The Community Agenda included policies, actions, projects, or initiatives to improve enjoyment downtown.

The plan also looks at parking strategies and ideas for public parking such as paid parking.

The plan also looks at façade restorations with incentives for business that update or restore the facades of their buildings.

There are three things that got listed as having the highest impact: the 1804 realignment, Main Street reconstruction and a cultural corridor.

Mayor Koeser asked for public input; none was heard.

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

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the Williston Downtown Plan as an amendment to the Williston Comprehensive Plan.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

5. Accounts, Claims and Bills Not Approved in the Consent Agenda
6. Ordinances
 - A. Ordinance No. 989 – Regarding the Sale and Public Display of Fireworks – Second Reading

Mayor Koeser presented the second reading of Ordinance No. 989 regarding the sale and public display of fireworks.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the second reading of Ordinance 989 regarding the sale and public display of fireworks.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- B. Ordinance No. 990 – Regarding renewal of existing moratorium imposed by Ordinance 974, to prohibit all future mobile commercial businesses within the city limits for an additional period of six months – First Reading

Nick Vasuthasawat, Code Compliance Officer presented Ordinance 990.

This ordinance would renew the existing moratorium imposed by Ordinance 974, to prohibit all future mobile commercial businesses within the city limits for an additional period of six months.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the first reading of Ordinance No. 990 renewing the existing moratorium imposed by Ordinance 974, to prohibit all future mobile commercial businesses within the city limits for an additional period of six months.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- C. Ordinance No. 991 – Regarding the Definition of Lodge/Club – First Reading

City Auditor, John Kautzman stated that this is an attempt to make sure they don't just try to name their own club and suddenly have their own lodge availability type license.

MOTION BY CYMBALUK, SECONDED BY KLUG, to approve the first reading of Ordinance 991 as presented.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

7. Petitions, Communications and Remonstrance's
8. Report of Commissioners
A. President of the Board
(1) Public Parking Funding Options

Mayor Koeser asked the commissioners for ideas they have for public parking funding options.

Commissioner Klug stated that the city has the ability to collect tax dollars, which the city already collects a 2% hospitality tax on hotel rooms. The city has the ability to also collect another 1% on the hotel rooms plus an additional 1% on restaurant and food and beverages that

are prepared in that manner. According to state law, the city can take the money and use it for infrastructure projects that will help develop the city and attract people to Williston. Commissioner Klug said they could implement this tax on hotels and restaurants and through calculations; the city has the potential to collect roughly \$1.3 million a year. The city could take this money and not only use it for parking structure downtown but also use the money to think about constructing a convention center somewhere down the road.

Commissioner Cymbaluk asked if they would report this the same way that the city reports sales tax by going through Bismarck.

Commissioner Klug stated that that is correct.

City Auditor, John Kautzman stated that the bond attorney said it could be worded such that the downtown parking structure could be a possible funding area. The State Tax Department had a \$1.2 million estimate, not \$1.3 million.

Commissioner Cymbaluk said that this option was not putting the burden on tax payers and believes the commission should really consider this option.

Mayor Koeser stated that he was excited about this option.

Commissioner Brostuen felt that this option makes sense to everyone. Commissioner Brostuen said he did look at some tax increment finance (TIF) districts that would not cut the school district out for 10-15 years but stated that he really liked the hospitality tax idea.

Commissioner Bekkedahl said that about 15 years ago the city looked at the hospitality tax and figured if he ate lunch out and spent \$5.00 every day, this tax would cost him about \$12.50 per year so he agreed that the impacts are minimal and the benefits are great. Commissioner Bekkedahl also looked at having a TIF District over a smaller geographical area.

City Auditor, John Kautzman stated they have paperwork that will need to be revised. If the City Commission wants to move forward he can have the paper work ready for the next meeting. This is subject to businesses protesting but they are not required to hold a public hearing.

MOTION BY CYMBALUK, SECONDED BY KLUG, to permit the City Auditor to prepare paperwork for presentation at the next City Commission meeting regarding the hospitality tax as presented.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- B. Vice-President; Finance Commissioner
 - (1) Resolution of Support to the Theodore Roosevelt Expressway

Commissioner Bekkedahl stated that the Theodore Roosevelt have been trying to get projects committed to Economic Development as well as traveling safety for highway 85. A comment period with the US Coastguard, who has jurisdiction over whether or not a new four lane bridge gets placed over the Missouri River south of Williston. The NDDOT has been trying to get the four lane bridge approved environmentally and are trying to get people to sign a petition stating they are in support of the construction of the four lane bridge south of Williston. Commissioner Bekkedahl is proposing the city pass a resolution to be signed by the mayor and submitted to the Theodore Roosevelt Expressway as well as the Coastguard endorsing the completion of the four lane project and moving forward with that.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to pass a resolution to be signed by the mayor and submitted to the Theodore Roosevelt Express way as well as the Coastguard endorsing the completion of the four lane project.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- C. Street and Improvement, Sanitation, Cemetery and Public Works Commissioner
- D. Fire, Police, and Ambulance Commissioner
- E. Water Works, Sewer, Airport, Building and Planning Commissioner
- 9. Report of Department Heads
 - A. City Auditor
 - (1) Energy Infrastructure & Impact Office Request for Reimbursement

City Auditor, John Kautzman presented a request for permission to sign off on the Energy Infrastructure & Impact Office request for reimbursement in the amount of \$449,042.20.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the request for permission to sign off on the Energy Infrastructure & Impact Office request for reimbursement in the amount of \$449,042.20.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- B. Attorney
- C. Director of Public Works
 - (1) Used Equipment Purchase: Compost Turner for Landfill

Director of Public Works, Dave Tuan presented a request to purchase a Compost Turner for the Landfill.

Mr. Tuan stated that they have attempted to purchase a used unit for the landfill on previous occasions, but have not been successful. Mr. Tuan said they have located another used unit in good shape, which will meet all of their needs for turning compost at the landfill. Public Works budgeted \$40,000 for this item in 2014 and are requesting approval to purchase the CX 759 unit directly from the seller, Unlimited Resources Corporation, for \$28,500 plus shipping and freight charges.

MOTION BY KLUG, SECONDED BY BEKKEDAHL, to approve the request to purchase a Compost Turner for the Landfill in the amount of \$28,500 plus shipping and freight charges from Unlimited Resources Corporation.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(2) Mobile Device Policy Recommendation

Director of Public Works, Dave Tuan presented a recommendation to put a mobile device policy into place.

This is a new cell phone use policy that have been developed by the committee appointed at the January 14, 2014 City Commission meeting. The policy purposes to regulate the use of mobile devices, including cell phones, tablets, GPS, etc. while operating equipment or vehicles in the performance of work-related duties. This policy contains provisions that exempt emergency services and any other personnel requiring the devised in order to complete their tasks, at the discretion of their respective department heads.

The committee determined the best mode of implementation of this policy was to amend the City of Williston Personnel Policies and Procedures manual. Therefore, Mr. Tuan is recommending that said manual be amended to include this new policy.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the amendment to the manual to include the new Mobile Device Policy.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(3) AE2S Task Order

Director of Public Works, Dave Tuan presented Task Order #2 from AE2S.

Task Order #2 proposes financial planning services to assist the city with preparing a comprehensive summary of capital improvements and operational costs necessary to meet growing needs due to development. The scope of work identified in the task order will be completed by July 15th, 2014, for inclusion in the Governor's budget proposal.

Commissioner Cymbaluk asked where the money for this project was coming from.

City Auditor, John Kautzman stated that it would have to come out of the \$100 million that they have lined up.

Commissioner Bekkedahl said it come out of any future funds that they get out of the governor's office.

Commissioner Brostuen asked Commissioner Bekkedahl if the July 15th completion date would be enough time to get it on the budget.

Commissioner Bekkedahl stated that it would give them plenty of time.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve Task Order #2 from AE2S, not to exceed \$364,200.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- D. City Engineer
 - (1) Authorization to Advertise for Bids
 - a. Sidewalk Improvement District 14-1

Director of Engineering, Bob Hanson presented a request for authorization to advertise for bids Sidewalk Improvement District 14-1.

This is the city's annual Sidewalk Improvement Project under which individual property owners may have their boulevard sidewalks and driveways installed, repaired, or replaced with costs being placed upon their taxes in the form of a special assessment.

MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the request for authorization to advertise for bids for Sidewalk Improvement District 14-1.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- b. 1800 Block 2nd Avenue Street Repair

Director of Engineering, Bob Hanson presented a request to advertise for bids for the 1800 Block 2nd Avenue street repair.

There are two sections in this repair. Section I involves the replacement of the failing asphalt in the south bound lanes of 2nd Avenue W south of 19th Street. This work is included in the 2014 budget. Section II involves placing concrete in the portion of the grassed boulevard between 2nd Avenue W and the west Frontage Road just south of 26th Street that is too

narrow for the city's mowing equipment to maintain. This work is also included in the 2014 budget.

MOTION BY BROSTUEN, SECONDED BY BEKKEDAHL, to approve the request to advertise for bids for the 1800 Block 2nd Avenue street repair.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(2) NDDOT Agreements

Director of Engineering, Bob Hanson presented three agreements from the North Dakota Department of Transportation (NDDOT).

The first is the 58th Street Interim Traffic Signal Cost Participation and Maintenance Agreement. The NDDOT is requesting the city take over the operations and maintenance and the electric bills for the proposed Interim Traffic Signal System to be constructed at the intersection of US Highway 2 & 85 and 58th Street (REC Road) this summer.

MOTION BY BEKKEDAHL, SECONDED BY KLUG, to accept the 58th Street Interim Traffic Signal Cost Participation and Maintenance Agreement.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

The second is the Truck Reliever Route Cost Participation and Maintenance Agreement. The NDDOT is requesting the city take on the operations and maintenance and the electric bills for the proposed Street Lights and Traffic Signals at the following intersections:

- Permanent traffic signals and street lights at US Highway 2 & 85
- Street lights at 137th Avenue NW (proposed North Star Parkway)
- Street lights at Station 10310+00 (The road leading to the Doyle Hugh's farm and shop facility. This is actually 137th Ave NW)
- Street lights at 139th Ave NW (this road lead south toward the Lukenbill Subdivision)
- Street lights at 140th Avenue NW (this is where County Rd 7 intersects the proposed Truck Reliever Route)

MOTION BY BEKKEDAHL, SECONDED BY KLUG, to accept the Truck Reliever Route Cost Participation and Maintenance Agreement.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

Last is the US Highway 85 Utility Relocation Agreement. The proposed US Highway 85 four lane project requires the relocation and lowering of a number of city water lines running between the water plant and its sludge ponds. This work would be paid for using NDDOT SOIA funds and there should be no cost to the city. With the City Commission's permission, Mr. Hanson would like to assign AE2S this project.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the US Highway 85 Utility Relocation Agreement.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(3) Change Order #2 Water and Sewer Improvement District 12-4

Director of Engineering, Bob Hanson presented Change Order #2 Water and Sewer Improvement District 12-4 from JMAC Resources.

JMAC, the project contractor, had filed a series of claims regarding conflicts with unlocated rural water lines, private water and sewer lines, and franchise utility lines. A series of negotiations between City Engineer, Monte Meiers, Water Commissioner Brent Bogar, the project engineer Ackerman Estvold, and JMAC resulted in an agreement to settle the claims in the Change Order amount of \$95,701. Mr. Hanson stated they received the signed Change Order request from the contractor and acceptance of this claim will allow this project to be closed out.

MOTION BY BROSTUEN, SECONDED BY KLUG, to approve Change Order #2 Water and Sewer Improvement District 12-4 in the amount of \$95,701.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(4) State Water Commission Grant Award

Director of Engineering, Bob Hanson presented a State Water Commission Grant Award.

In the state's effort to fund the infrastructure needs resulting from the Bakken Oil Play, Governor Dalrymple has been urging the State Water Commission to begin funding urban water projects. On February 27th the State Water Commission met and agreed to begin funding urban water projects and has awarded up to \$7 million to Williston for use on the water infrastructure components of projects that the city has under construction, committed to construct, or have planned for future construction as shown in the Community Capital Infrastructure Funding spread sheet that Mr. Hanson presented to the commission.

The top section of this spreadsheet lists the projects that are under construction or the city has committed to construct in 2014. The State Water Commission has awarded approximately \$3.5 million towards these projects.

The bottom section of this spreadsheet lists future unscheduled projects. The State Water Commission has awarded another \$3.4 million towards these future projects. If these projects are not constructed the city may lose access to these funds.

- E. Fire Chief
- F. Chief of Police
 - (1) Annual Report

Chief of Police, James Lokken presented the Williston Police Department's 2013 Annual Report to the City Commissioners.

Mayor Koeser asked Chief Lokken if he were to tell a news reporter one thing about the report, what would it be.

Chief Lokken said that everything in the report has gone up since last year. Thefts are going up, domestic calls are going up and the amount of stolen vehicles has to be the highest in the state.

- G. Building Official
- H. City Planner
 - (1) Preliminary plat, Sand Creek Town Center Subdivision, a rearrangement of Lots 1-6, Block 3, in the NE1/4, Section 21, T154N, R101W, City of Williston – Granite Peak Development ND, LLC/Sanderson Stewart

Principal Planner, Donald Kress presented preliminary plat, Sand Creek Town Center Subdivision, a rearrangement of Lots 1-6, Block 3, in the NE1/4, Section 21, T154N, R101W, City of Williston.

The applicant, Granite Peak Development, LLC, requests a preliminary plat for a rearrangement of Lots 1-6, Block 3 of Sand Creek Town Center, City of Williston. The preliminary plat will also reconfigure the 34-foot wide access and utility easements, known as Clark Street and 10th Street West, which provides internal access to this block.

The lots will take access from 34-foot wide access and utility easements that provide access from 7th Street W, 11th Street W, and 32nd Avenue W. Lot 1R will also take access from 7th Street W; Lot 3R will also take access from 11th Street W. Public water and sewer are available. The rearrangement does not change other overall size of Block 3. This block is undeveloped.

The Planning and Zoning Commission recommends approval of the preliminary plat for a rearrangement of Lots 1-6, Block 3 of Sand Creek Town Center, City of Williston. Contingent on all staff comments being addressed.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the preliminary plat, Sand Creek Town Center Subdivision, a rearrangement of Lots 1-6, Block 3 in the NE1/4, Section 21, T154N, R101W, City of Williston; contingent on all staff comments being addressed.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (2) Final plat, Hagen Townhomes Subdivision (formerly Fairhills Townhome Subdivision) containing all of Blocks 1, 3, 11, and 12 and parts of Blocks 7-10, Fairhills Subdivision (north of 26th St. W and east of 32nd Ave. W) – Roers Williston, LLC

Principal Planner, Donald Kress presented a request for approval of the final plat, Hagen Townhomes Subdivision containing all Blocks 1, 3, 11, and 12 and part of Blocks 7-10, Fairhills Subdivision (north of 26th St. W and east of 32nd Ave. W).

Earlier in the approval process, this project was known as the “Fairhills Townhome Subdivision.” 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 smaller lots so that each unit is on its own lot. The effect is to turn multifamily lots in 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.

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. The lots will meet the minimum lot size requirements of the R-3 zone.

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.

The Planning and Zoning Commission directed staff to verify that the requirement that apartment buildings could not be built on these lots was already in the Fairhills DA that would carry through to this project, or add such a requirement to the DA if it was not already included.

The Planning and Zoning Commission recommend approval of the final plat for a rearrangement of all of Blocks 2, 3, 11, and 12 and portions of Blocks 7, 8, 9, and 10, Fairhills Subdivision (approximately 29.5 acres), located north 26th Street W and east of 32nd Avenue W, City of Williston, to be known as Hagen Townhomes Subdivision, contingent on any necessary plat corrections, final staff review of the plat, final staff review of all required documents and the following amendments to the Fairhills Subdivision DA:

- All provisions of the Fairhills Subdivision DA apply to the Hagen Townhomes Subdivision except as specifically amended.

- Only twin homes and townhouses, as defined by the Williston Planning Department, may be built across lot lines as platted on the recorded final plat.
- A written statement describing how the lots and blocks in the subdivision will be developed.
- A product layout diagram depicting how the lots and blocks included in this project will be developed, including building footprints, driveway lengths, and spacing between driveways.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the final plat for a rearrangement of all of Blocks 2, 3, 11, and 12 and portions of Blocks 7, 8, 9, and 10, Fairhills Subdivision (approximately 29.5 acres), located north 26th Street W and east of 32nd Avenue W, City of Williston, to be known as Hagen Townhomes Subdivision, contingent on any necessary plat corrections, final staff review of the plat, final staff review of all required documents and the following amendments to the Fairhills Subdivision DA:

- All provisions of the Fairhills Subdivision DA apply to the Hagen Townhomes Subdivision except as specifically amended.
- Only twin homes and townhouses, as defined by the Williston Planning Department, may be built across lot lines as platted on the recorded final plat.
- A written statement describing how the lots and blocks in the subdivision will be developed.
- A product layout diagram depicting how the lots and blocks included in this project will be developed, including building footprints, driveway lengths, and spacing between driveways.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (3) Final plat, Spartan – Nash Commercial Subdivision (formerly Fairhills Commercial Subdivision) containing Lots 1 – 7 of Block 4 and Lots 1 and 2 of Block 5, Fairhills Subdivision (north of 26th St. W and east of 32nd Ave. W), City of Williston; and vacation of a portion of 27th Street West/31st Avenue West – Roers Williston, LLC

Principal Planner, Donald Kress presented a final plat and vacation of a portion of 27th Street/31st Avenue, Spartan Nash Commercial Subdivision.

The applicant, Roers Williston, LLC requests approval of the final plat for a rearrangement for Lots 1-7 of Block 4 and Lots 1 and 2 of Block 5 of the Fairhills Subdivision (approximately 32.22 acres), located north of 26th Street W and east of 32nd Avenue W, City of Williston, to be known as Spartan Nash Commercial Subdivision. The 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. Earlier in the approval process, this project was known as “Fairhills Commercial Subdivision.”

The plat also included a vacation of right of way of 27th Avenue/31st Street. This area to be vacated was dedicated as part of the underlying Fairhills Subdivision plat. The street has not actually been constructed. Adjoining phases of construction of the Fairhills Subdivision do not rely on this street for access to sewer and water. As the property adjoining this street is all under one ownership, this street will be vacated with the approval of the commission and signatures of the property owner and the city on the final plat. The area of right

of way is entirely contained in the proposed Lot 1, Block 22. A note regarding this vacation, in a format approved by the city attorney, appears on the plat.

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

A new development agreement is not required. However, an amendment to the Fairhills Subdivision development agreement stating that all provisions of the development agreement apply to the Spartan Nash Commercial Subdivision is required.

Planning and Zoning recommends the approval of the final plat for the Spartan Nash Commercial Subdivision contingent on any necessary plat corrections, final staff review of the plat, final staff review of all required documents including the easement document for access to the drainage lot, and the following amendment to the Fairhills Subdivision development agreement: all provisions of the Fairhills Subdivision development agreement apply to the Spartan Nash Commercial Subdivision.

Planning and Zoning also recommends approval of the vacation of the portion of the 27th Street W/31st Avenue W right of way as described on the final plat.

MOTION BY BROSTUEN, SECONDED BY BEKKEDAHL, to approve the final plat for the Spartan Nash Commercial Subdivision contingent on any necessary plat corrections, final staff review of the plat, final staff review of all required documents including the easement document for access to the drainage lot, and the following amendment to the Fairhills Subdivision development agreement: all provisions of the Fairhills Subdivision development agreement apply to the Spartan Nash Commercial Subdivision.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the vacation of the portion of the 27th Street W/31st Avenue W right of way as described on the final plat.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (4) Final Plat, Value Place Subdivision, a replat of Lot 1, Block 1 of the Bakken Industrial Subdivision in the SW1/4, Section 24, T155N, R101W, City of Williston – Bakken Park, LLC

Principal Planner, Donald Kress presented a final plat, Value Place Subdivision, a replat of Lot 1, Block 1 of the Bakken Industrial Subdivision in the SW1/4, Section 24, T155N, R101W, City of Williston.

The applicant, AE2S, requests approval of the final plat for a rearrangement of Lot 1, Block 1, Bakken Industrial Park Subdivision (Value Place Motel lot – approximately 63.6 acres) City of Williston to create two additional lots on the north side of the motel for commercial development.

These lots will not take access directly from Well Street, but from the existing driveway from Well Street into the Value Place Motel. The project site is served by city water and sewer.

No development agreement is required. However, development on the two new lots must meet all zoning ordinance requirements, including parking, landscaping, and parking lot screening.

Planning and Zoning recommend approving the final plat for a rearrangement of Lot 1, Block 1, Bakken Industrial Park Subdivision (Value Place Motel lot), contingent on any necessary plat corrections, final staff review of the plat, and final staff review of all required documents.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the final plat for a rearrangement of Lot 1, Block 1, Bakken Industrial Park Subdivision (Value Place Motel lot), contingent on any necessary plat corrections, final staff review of the plat, and final staff review of all required documents.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (5) Final plat, Chandler Field Subdivision, a rearrangement of Lots 1R, 2R, and 3R, Block 1 and Lots 1 – 4, Block 2, City of Williston – North by Northwest Investors

Principal Planner, Donald Kress presented a final plat, Chandler Field Subdivision, a rearrangement of Lots 1R, 2R, and 3R, Block 1 and Lots 1-4, Block 2, City of Williston.

The applicant North by Northwest Investors LLC, requests approval of the final plat for Lots 1R, 2R, and 3R, Block 1 and Lots 1-4, Block 2, Chandler Field Subdivision, City of Williston, to be known as the Chandler Field 3rd Rearrangement, to create 16 lots.

The lots to the west of Chandler Boulevard will take access from a reciprocal access easement that runs between Chandler Boulevard and Chandler Loop West, with Lot 5 taking access from a reciprocal access easement that runs north through Lot 5. No lots on the west side of Chandler Boulevard will take primary access directly from Chandler Boulevard, Chandler Loop South, Chandler Loop West, or US Highway 2/85. The lots to the east of Chandler Boulevard will take access from reciprocal access easements that take access from Chandler Boulevard and Chandler Loop South.

The existing development agreement for the Chandler Field Subdivision will apply to this rearrangement.

Planning and Zoning recommends approving the final plat for a rearrangement of Lots 1R, 2R, and 3R, Block 1 and Lots 1-4, Block 2, Chandler Field Subdivision, City of Williston, to be known as the Chandler Field 3rd Rearrangement, contingent on any necessary plat corrections and final staff review of the plat.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve the final plat for a rearrangement of Lots 1R, 2R, and 3R, Block 1 and Lots 1-4, Block 2, Chandler Field Subdivision, City of Williston, to be known as the Chandler Field 3rd Rearrangement, contingent on any necessary plat corrections and final staff review of the plat.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- (6) Announcement of public meeting regarding the Unified Development Code (UDC)

Principal Planner, Donald Kress announced that there will be a meeting regarding the Unified Development Code (UDC) held Tuesday March 18th at 6:30pm at the Williston Public Library.

I. Economic Development

- (1) Flex PACE

- a. Renaissance on Main, LP – Affordable Housing Flex PACE

Director of Economic Development, Tom Rolfstad presented an Affordable Housing Flex PACE request from Renaissance on Main, LP.

Renaissance on Main is requesting an Affordable Housing Flex PACE in the amount of \$262,500 to construct a seven story mixed-use building which includes 60 residential apartments (30 of the 60 apartments to be “Essential Worker” units), with retail and office spaces available. The project would provide 100 additional parking spaces, along with creating approximately 20 to 30 full-time and five to ten part-time positions with an average salary of \$40,000 to \$50,000. The \$20 million project will help revitalize downtown and hopes to prompt nearby store owners to improve facades and cause more development.

Due to the State’s Affordable Housing Flex PACE guidelines, Renaissance on Main is eligible for additional matching funds of \$500,000 from the state. The amount requested would be paid by “In-kind” finance with the installment of a temporary and a permanent traffic signal. The NDDOT estimated “In-kind” total would be \$300,000.

The Star Fund Board recommends providing a letter of support for the Renaissance on Main, LP with “In-kind” documentation to serve as the match required (\$262,500) by the Bank of North Dakota maxing out the \$500,000 state match.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve to the request to provide a letter of support for the Renaissance on Main, LP with “In-kind” documentation to serve as the match required (\$275,000) by the Bank of North Dakota maxing out the \$500,000 state match.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

b. Community Contractor (Horizon Capital) – Affordable Housing Flex PACE

Director of Economic Development, Tom Rolfstad presented a request from Community Contractor/Horizon Capital for an Affordable Housing Flex PACE in the amount of \$262,500.

Community Contractor/Horizon Capital is requesting an Affordable Housing Flex PACE in the amount of \$262,500 to complete a 74 unit apartment building with 7,500 square feet of commercial space. Half of the units will be for essential service workers, located on the Williston State College property. This project will create approximately three full-time and twenty part-time positions with an annual salary of \$50,000. Due to the state’s new Affordable Housing Flex PACE guidelines, Community Contractor/Horizon Capital is now eligible for additional matching funds of \$500,000. This is a Flex PACE Affordable Housing approved by the Board on a yearly base, as long as funds/monies are available in the Star Fund.

The Star Fund Board recommends funding the Affordable Housing Flex PACE to Community Contractor/Horizon Capital in the not to exceed amount of \$269,231. Payments in annual increments as funds are available to the Star Fund with the first year not to exceed an amount of \$99,549 provided by Keith Olson.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the request to fund the Affordable Housing Flex PACE to Community Contractor/Horizon Capital in the not to exceed amount of \$270,000. Payments in annual increments as funds are available to the Star Fund with the first year not to exceed an amount of \$100,000 provided by Keith Olson, with the stipulation that if other funds for construction in this area that could be applied as matches be accepted as well.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(2) Community Build Grant
a. TrainND – Northwest Region

Director of Economic Development, Tom Rolfstad presented a request from TrainND – Northwest Region for a Community Build Grant in the amount of \$750,000.

TrainND – Northwest Region is requesting this grant to construct a 19,740 square foot facility for additional workforce training and education space near the Petroleum, Safety, and Technology Center (East Industrial Park) with an estimated cost of \$7,500,000. Funding will also be leveraged as matching funds to encourage the oil and gas industry to make donations. TrainND – Northwest Region is a part of the ND University system that manages training records from their students and is a non-profit organization. The center is an OSHA certified host training site and provides the community with leadership training/community education classes. Competitor businesses are ND Safety Training Council, Basin Safety, and ND Safety Pro. This project would create approximately three full-time and three part-time positions with an average annual salary of \$50,000. TrainND – Northwest Region will work with community businesses and individuals to further their training right here in Williston. Currently companies are sending their employees away for training when training could be done in Williston instead of cities like Bismarck, WY, TX, etc. The training that TrainND performs is an essential need in Williston from safety in the oil and gas industry to the community medical field.

The Star Fund Board recommends approval to fund a Community Build Grant with a five year commitment to TrainND of up to \$750,000 with current year funding of \$150,000 per year for the construction of the TrainND – Northwest Center.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the funding of a Community Build Grant with a five year commitment to TrainND of up to \$750,000 with current year funding of \$150,000 per year for the construction of the TrainND – Northwest Center.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

- J. Airport
 - (1) Advertising Lease
 - a. Bakken 58th Street NW, LLC dba Dakota Landing

Airport Manager, Steven Kjergaard presented an advertising lease with Bakken 58th Street NW, LLC dba Dakota Landing. This is a one year wall advertising lease agreement for in the amount \$8,000. Mr. Kjergaard said he recommends approval of this advertising lease.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve the wall advertising lease with Bakken 58th Street NW, LLC dba Dakota Landing in the amount of \$8,000 per year.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(2) KLJ Task Order #13

Airport Manager, Steven Kjergaard presented Task Order #13 – Taxiway A Rehab from KLJ.

This task order is to design and monitor the rehab of the main taxiway adjacent to the main runway. Last year they fixed parts of this taxiway, however, this will fix a much larger part of it. The FAA has agreed to fund this project. Already the total cost is estimated to be \$1.5 million. The cost of this agreement is \$136,025.76. This project will be a 90/5/5 split between the FAA, State, and City. Mr. Kjergaard recommends approving this task order.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the KLJ Task Order #13 as presented.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(3) Advertising Agreement Lease for Odney Advertising on behalf of the State of North Dakota Commerce Department

Airport Manager, Steven Kjergaard presented an advertising lease for Odney Advertising on behalf of the State of North Dakota Commerce Department.

This is a one year term physical advertising lease located on the curved wall in the terminal for \$8,000 per year. Mr. Kjergaard recommends approving this advertising lease.

MOTION BY BROSTUEN, SECONDED BY KLUG, to approve the Advertising Lease Agreement with Odney Advertising on behalf of the State of North Dakota Commerce Department in the amount of \$8,000 per year.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

(4) Proclamation for Aviation Month March 2014

Airport Manager, Steven Kjergaard presented the Proclamation for Aviation issued by the governor every March. The Williston Airport was asked to do a Proclamation for Aviation as well.

Mayor Koeser read the Proclamation for Aviation.

- K. Assessor
 - L. Convention and Visitor's Bureau
10. Appointments and Consultations with Officers

11. Unfinished Business

A. U.S. Hwy 85 Right of Way Offer from NDDOT

Director of Public Works, David Tuan stated that these items are all related. The North Dakota Department of Transportation (NDDOT) offer is for \$140,145 and acquires additional right of way in the vicinity of the water treatment plant. The offer is fair and consistent with what the city would expect and the committee recommends approval.

MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to accept the US Hwy 85 Right of Way offer from NDDOT.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

B. WBI Energy Pipeline

Director of Public Works, Dave Tuan said this is an easement proposal from WBI Energy for their pipeline relocation that is tied to the NDDOT four laning project. The committee that met on this issue agreed to the easement. More research needs to be done before the city would consider the purchase option.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to approve the easement with WBI Energy for their pipeline relocation.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

C. Nemont Easement

Director of Public Works, Dave Tuan presented a Nemont telephone line and fiber optic line relocation easement. The committee that met on this agreed to the easement contingent on the final alignment approval from staff.

MOTION BY BROSTUEN, SECONDED BY KLUG, to accept the Nemont Easement contingent on the final alignment being approved by staff.

AYE: Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser

NAY: None

ABSENT AND NOT VOTING: None

CARRIED: 5-0

12. New Business

13. Executive Session

14. Adjourn

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to adjourn meeting.
UNANIMOUS BY VOICE VOTE**

E. Ward Koeser, President
Board of City Commissioners

John Kautzman, City Auditor