

**Official Proceedings  
BOARD OF CITY COMMISSIONERS  
August 12, 2014 6:00 P.M.  
CITY HALL WILLISTON, NORTH DAKOTA**

1. Roll Call of Commissioners

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

COMMISSIONERS ABSENT: None

OTHERS PRESENT: John Kautzman, David Tuan, Captain Ladwig, Donald Kress, Kelly Aberle, Steven Kjergaard, Chief Catrambone, Bob Hanson, Shawn Wenko, Pete Furuseth, Jordan Evert and Kent Jarcik.

Mayor Klug stated there are a several amendments that need to be made to the agenda. Under the Consent Agenda, item B3 – a, b, & c need to be approved after item 9A(2) – the Temporary Street Closing Request is approved. Under Public Hearings, item C will be first, item D will be second, item A will be third, item E will be forth and item B will be fifth. Under Communications, they need to add item 7D – a letter from Dan Schupe and concerned citizens.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the amendments to the agenda.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

2. Consent Agenda

A. Reading and Approval of Minutes for:

(1) Regular Meeting Dated: July 22, 2014

B. Auditor

(1) Accounts, Claims and Bills

Combined Check Register

For checks between: 07/19/14 - 08/08/14

Payroll

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Check #	Vendor/Employee/Payee Number/Name	Check Amount	Period
-72924	14021 BRAD D. BEKKEDAHL	0.00	
-72923	56070 TATE A. CYMBALUK	0.00	
-72922	56297 BRENDA D'ANGELO	991.12	
-72921	12020 RANDY M DONNELLY	1675.82	
-72920	56348 TYLER EMERSON	1075.77	
-72919	56444 SUSAN GISLASON	756.64	

-72918	12017 JOHN L. KAUTZMAN	2844.85
-72917	56240 KAREN D. KUEHL	873.90
-72916	56363 JUSTINA ROSE	727.75
-72915	56255 CHELSEA S CAVANAUGH	1103.87
-72914	13026 KEVIN W. CRAFT	1114.25
-72913	56323 LINDSEY HATCH	700.15
-72912	56397 MEGAN PETERSON	763.13
-72911	56436 SHELBY PIZZIE	466.25
-72910	56225 SUSAN E. SCHNEIDER	1260.97
-72909	13025 JOLEEN S. TINKER	1325.07
-72908	56400 SAMMYE TOMPKINS	1115.24
-72907	56378 LAURA WOLTJER	665.61
-72906	56344 CARRIE ZELLMER	539.94
-72905	34103 CHRISTOPHER J. BROSTUEN	695.23
-72904	14025 HOWARD D. KLUG	443.69
-72903	56169 KATHERINE E. BERWICK	2178.68
-72902	56252 DIANE THOMPSON	1105.56
-72901	15004 JANET B. ZANDER	2052.76
-72900	56419 JASON CATRAMBONE	1414.74
-72899	56193 CYNTHIA L. GARDNER	1429.41
-72898	56325 DAVID GORDON	1559.83
-72897	18027 STEVEN D. KERZMANN	2228.96
-72896	18096 TRACY C. KERZMANN	782.42
-72895	56332 ANDREW KINDLE	841.91
-72894	56377 DAVID MOLITOR	2844.27
-72893	18099 ERICA J. MYERS	1175.07
-72892	18070 JEANNE M. SAGASER RASSIER	1785.06
-72891	56130 ANDREW A. SAILER	2375.02
-72890	18046 GARVIN SEMENKO	12.00
-72889	18020 RICHARD SHEARER	181.82
-72888	56439 MARCEL SIM	1667.68
-72887	56174 SAM M. AIDE	1205.67
-72886	56166 RYAN J. ALLEN	1196.38
-72885	56388 RUSSELL ANTHONY	877.80
-72884	56273 JASON BARTEN	1536.19
-72883	19024 DAVID L. BELISLE	1378.04
-72882	56246 HUGH E BENZEN	962.18
-72881	19092 DUSTIN J. BERTSCH	1480.55
-72880	19028 MARK R. BITZ	1839.49
-72879	56097 ALAN C. BRATT	1121.52
-72878	56121 DUSTIN R. CELANDER	902.13
-72877	56113 MINDY SUE DEGENSTEIN	1008.55
-72876	56278 DANIEL DERY	1188.50
-72875	56173 RODNEY H. DICKERSON	1205.67
-72874	56354 RYAN EGERMAN	1210.08
-72873	56289 STACEY EISSINGER	932.07
-72872	56183 AMBER M. GILMORE	1375.45
-72871	19009 LINDA R. GRANBOIS	1191.54
-72870	56147 JACOB J. GREGORY	1270.69

-72869	56403 KRISTIINA HANNUS	1149.67
-72868	56343 ZACHARY HANSEN	1075.38
-72867	56195 JACKIE L. HATCH	717.98
-72866	19082 RANDY M. HAUGENOE	1562.12
-72865	56285 TYLER HOFF	942.49
-72864	56210 WILLIAM E. HOLLER	1346.01
-72863	56353 JONATHAN HOLTER	1010.79
-72862	56102 MICHAEL A. ISENHOWER JR	1650.33
-72861	56387 AARON KURTENBACH	901.51
-72860	19012 THOMAS L. LADWIG	1939.44
-72859	19011 JAMES L LOKKEN	2740.95
-72858	56082 TRAVIS J. MARTINSON	995.05
-72857	56061 AMY D. NICKOLOFF	1317.34
-72856	19014 KENNETH B. OWENS	1987.54
-72855	56385 JUSTIN PELZL	821.75
-72854	19098 DAVID A. PETERSON	1901.12
-72853	56418 TRAVIS PETERSON	796.70
-72852	56279 ALEC RAISBECK	1065.54
-72851	56181 TREVOR J. ROBERTS	1003.60
-72850	56148 JONATHAN D. ROGGENKAMP	707.06
-72849	56420 BUDDY WENISCH	869.12
-72848	19077 MICHAEL S. WILSON	1579.97
-72847	20047 KELLY M. ABERLE	1703.24
-72846	26039 DIANE K. ALBRIGHTSON	1059.32
-72845	56209 MARTIN L. COLGAN	1320.79
-72844	56432 RICHARD DEBRUNNER	949.10
-72843	56296 JOE DOSS	1269.88
-72842	56309 KRYSTINE HEIFORT	974.97
-72841	56308 JAMES LEAHY	1253.06
-72840	56441 DAVID SASSER	1533.93
-72839	56270 WILLIAM TRACY III	1463.06
-72838	56360 NYDEL DEHLBOM	269.93
-72837	56220 TRUNG THANH LE	1372.19
-72836	56302 ANTON LEUTY	999.87
-72835	56429 MUSTAFA MAHMOOD	1034.32
-72834	21040 MONTE C. MEIERS	353.87
-72833	56417 DEAN RENNINGER	2410.23
-72832	21054 WAYNE A WIEDRICH	3356.78
-72831	56421 JAREK WIGNESS	771.21
-72830	22020 ROBERT D. KNAPPER	1810.83
-72829	56425 ALEXANDER NELSON	960.44
-72828	56214 MICHAEL J. BEARCE	1311.29
-72827	56317 ZACHARY CORNELIUSEN	456.15
-72826	56064 HEATH T. GLENN	946.04
-72825	56404 DAVID JOHNSON	770.22
-72824	56315 EARL KILLINGSWORTH	1103.37
-72823	56244 ROY LONG	1328.55
-72822	56448 EMIL NEHRING	1579.91
-72821	56437 MARKUS NOESKE	947.96

-72820	56320 PHILIP ARENDS	1574.42
-72819	56409 KENDELL BROWN	426.71
-72818	56370 JEFFREY BRYSON	1950.92
-72817	24019 ROBERT D. COUGHLIN	896.59
-72816	56381 MORKATAA DHINAA	1143.66
-72815	24017 STEVEN W. JENSEN	1898.39
-72814	56356 MITCHELL KERSTING	1197.31
-72813	56391 THOMAS MOTTL	2985.07
-72812	56415 WILLIAM SCHWENDEMAN	1235.45
-72811	56284 SABRINA SIMS	1187.22
-72810	56104 DANIEL W. TUPA	1209.66
-72809	25110 KENNETH W. BERGSTROM	2065.89
-72808	25111 JASON W. HOULE	1025.76
-72807	56187 STEPHEN R. KOHLER	782.10
-72806	56389 THOMAS ATOR	1579.02
-72805	56368 ERICA KELASH	1358.26
-72804	56349 LILLIAN MCGUIRE	833.73
-72803	56164 JACOB T BLOODGOOD	410.04
-72802	27076 DANNY R. GERGEN	1538.94
-72801	56091 JAMES A HAGA JR	1733.96
-72800	56427 REED HAMMER	596.61
-72799	56128 VERNON L. HENDRICKSON	1622.75
-72798	56423 GREGORY MACE	596.70
-72797	56433 RENA MATLOCK	914.70
-72796	56303 TROY OSTER	705.85
-72795	56435 KEVIN POWERS	610.53
-72794	56379 WILLIAM REED	813.17
-72793	56258 BRYAN THOMPSON	1002.85
-72792	56443 JOAN WITTMAN	1285.40
-72791	56084 KENNETH R. BOYKIN	1536.93
-72790	56313 WILLIAM BRENNY	1053.00
-72789	56114 ANTHONY D. DUDAS	1613.11
-72788	56396 EMILY GATHJE	584.93
-72787	56086 STEVEN C. KJERGAARD	2194.42
-72786	12029 LORI A. LARSEN	1040.80
-72785	56395 JAMES MURAWSKI	786.65
-72784	56358 RYAN O'REAR	1020.47
-72783	56372 THOMAS SANDO	1071.78
-72782	56422 MICHAEL SHEARER	438.64
-72781	56424 HANNAH THOMPSON	759.79
-72780	56398 MARK BATES	1826.56
-72779	56340 MICHAEL SIMPSON	2002.82
-72778	56200 GINA MOTTL	562.56
-72777	56352 BRIAN YOUNG	762.03
-72776	56347 CHRISTINE EDWARDS	1177.38
-72775	34017 KENT A. JARCIK	2437.58
-72774	56223 DONALD KRESS	1366.71
-72773	56075 DEEANN M. LONG	41.56
-72772	56057 JON D. MARISTUEN	41.56

-72771	56416 SAMANTHA NEILL	531.57
-72770	56239 RACHEL K. RESSLER	1253.70
-72769	56314 NICK VASUTHASAWAT	1211.62
-72768	56438 KELSEY VLAMIS	909.77
-72767	35025 JOSILYN F BEAN	1089.94
-72766	56301 TRAVIS MIZZELL	919.14
-72765	56079 BRENDA SEPTKA	1237.10
-72764	56293 DAVID TUAN	2444.43
-72763	56375 KRISTIN WENDT	1636.71
-72762	36006 NEIL W. BAKKEN	1817.39
-72761	56366 KENT SKABO	1207.83
-72760	37008 LAVERN GOHL	1526.19
-72759	56180 DIANE C. HAGEN	419.16
-72758	56276 ELTON LARSON	242.12
-72757	56211 WAYNE E. BEARD	1362.27
-72756	56212 AMELIA A. BICKLER	180.08
-72755	56413 LEXI CASTRO	247.89
-72754	48102 KAYLA J. HELL	768.35
-72753	56333 STEVEN MCGAUGHEY	553.67
-72752	56111 ANDREA L. MITCHELL	217.27
-72751	56412 LEAH RYAN	161.61
-72750	56364 JASON SAGE	259.77
-72749	48013 DEBORAH A. SLAIS	1315.16
-72748	48034 YVONNE A. TOPP	591.55
-72747	56411 LISA WEBB	858.30
-72746	56410 CAITLYN BELEY	863.40
-72745	52011 ANN M. KVANDE	1740.77
-72744	56306 MARGARET LUNSFORD	1053.40
-72743	56041 BARBARA J. PETERSON	1176.02
-72742	56431 RACHEL RICHTER	209.45
-72741	52003 THOMAS C. ROLFSTAD	1578.05
-72740	52020 SHAWN WENKO	1711.55
-72739	56222 VIVIAN KALMIK	487.32
-72738	53002 AMY A. KRUEGER	1920.30
-72737	56311 MALLORY NYGARD	334.39
-72736	56271 SABRINA A RAMEY	1210.61
-72735	56310 JENNIFER STRIETZEL	1083.32
-72734	56390 DENICE SUESS	1057.24
-72733	56399 JENNIFER WILSON	958.31
-72732	56144 CRYSTAL M. BONNER	990.07
-72731	56213 ROBERT JASON HILLARD	1377.60
-72730	56080 BRAD E. SEPTKA	2462.02
-72729	56028 David Benth	363.82
-72728	56407 Tyson Burkle	323.22
-72727	56025 Michael S. Conlin	152.65
-72726	56026 Scott Copenhaver	420.60
-72725	56371 Alan Mapes	387.87
-72724	56011 Kelly Moody	64.64
-72723	56013 Josh S. Mosbrucker	307.02

-72722	56058 Brenden L. Stevens	646.45
-72721	56179 Duane S. Winter	590.98
-72720	IAFF LOCAL 3743 IAFF LOCAL 3743	250.00
-72719	WEAPON CITY OF WILLISTON	205.52
-72718	DEFER COMP ROTH NATIONWIDE RETIREMENT SO	18041.13
-72717	ND CHILD SUPPOR ND CHILD SUPPORT ENFORCE	1443.70
-72716	FIT U.S. TREASURY	144839.63
-72715	FIT U.S. TREASURY	98.59
-72714	FIT U.S. TREASURY	850.27
-72713	FIT U.S. TREASURY	42.75
-72712	MERITAIN HEALTH MERITAIN HEALTH	2142.85
-72711	56297 BRENDA D'ANGELO	845.25
-72710	12020 RANDY M DONNELLY	1675.82
-72709	56348 TYLER EMERSON	1075.77
-72708	56444 SUSAN GISLASON	1654.34
-72707	12017 JOHN L. KAUTZMAN	2844.85
-72706	56240 KAREN D. KUEHL	77.92
-72705	56363 JUSTINA ROSE	727.75
-72704	56255 CHELSEA S CAVANAUGH	1285.70
-72703	13026 KEVIN W. CRAFT	1160.05
-72702	56323 LINDSEY HATCH	700.15
-72701	56397 MEGAN PETERSON	719.60
-72700	56436 SHELBY PIZZIE	499.13
-72699	56225 SUSAN E. SCHNEIDER	1127.09
-72698	13025 JOLEEN S. TINKER	1277.43
-72697	56400 SAMMYE TOMPKINS	1137.01
-72696	56378 LAURA WOLTJER	665.61
-72695	56344 CARRIE ZELLMER	539.95
-72694	56169 KATHERINE E. BERWICK	2329.45
-72693	56252 DIANE THOMPSON	1312.64
-72692	56215 MARK W. ANDERSON	834.39
-72691	56419 JASON CATRAMBONE	1527.20
-72690	56193 CYNTHIA L. GARDNER	1551.83
-72689	56325 DAVID GORDON	1089.17
-72688	18027 STEVEN D. KERZMANN	2648.74
-72687	18096 TRACY C. KERZMANN	661.64
-72686	56332 ANDREW KINDLE	329.76
-72685	56377 DAVID MOLITOR	2636.59
-72684	18099 ERICA J. MYERS	926.88
-72683	18070 JEANNE M. SAGASER RASSIER	1899.71
-72682	56130 ANDREW A. SAILER	2876.85
-72681	18046 GARVIN SEMENKO	3.69
-72680	56439 MARCEL SIM	1766.83
-72679	18097 DUANE S. WINTER	60.25
-72678	56174 SAM M. AIDE	1205.67
-72677	56166 RYAN J. ALLEN	1157.90
-72676	56388 RUSSELL ANTHONY	926.61
-72675	56273 JASON BARTEN	1536.19
-72674	19024 DAVID L. BELISLE	1378.04

-72673	56246 HUGH E BENZEN	1077.62
-72672	19092 DUSTIN J. BERTSCH	1601.85
-72671	19028 MARK R. BITZ	1839.49
-72670	56097 ALAN C. BRATT	1181.54
-72669	56121 DUSTIN R. CELANDER	948.75
-72668	56113 MINDY SUE DEGENSTEIN	1008.55
-72667	56278 DANIEL DERY	1115.31
-72666	56173 RODNEY H. DICKERSON	1295.45
-72665	56354 RYAN EGERMAN	1415.03
-72664	56289 STACEY EISSINGER	1044.68
-72663	56183 AMBER M. GILMORE	1375.45
-72662	19009 LINDA R. GRANBOIS	1191.55
-72661	56147 JACOB J. GREGORY	1270.69
-72660	56403 KRISTIINA HANNUS	1321.04
-72659	56343 ZACHARY HANSEN	1100.40
-72658	56195 JACKIE L. HATCH	717.98
-72657	19082 RANDY M. HAUGENOE	1562.12
-72656	56285 TYLER HOFF	942.49
-72655	56210 WILLIAM E. HOLLER	1346.02
-72654	56353 JONATHAN HOLTER	1069.35
-72653	56102 MICHAEL A. ISENHOWER JR	1755.36
-72652	56387 AARON KURTENBACH	932.07
-72651	19012 THOMAS L. LADWIG	1939.44
-72650	19011 JAMES L LOKKEN	2740.95
-72649	56082 TRAVIS J. MARTINSON	995.05
-72648	56061 AMY D. NICKOLOFF	1317.34
-72647	19014 KENNETH B. OWENS	2074.45
-72646	56385 JUSTIN PELZL	917.29
-72645	19098 DAVID A. PETERSON	1901.12
-72644	56418 TRAVIS PETERSON	993.57
-72643	56279 ALEC RAISBECK	1065.54
-72642	56181 TREVOR J. ROBERTS	1003.60
-72641	56148 JONATHAN D. ROGGENKAMP	707.06
-72640	56420 BUDDY WENISCH	1094.10
-72639	19077 MICHAEL S. WILSON	1580.00
-72638	20047 KELLY M. ABERLE	1604.13
-72637	26039 DIANE K. ALBRIGHTSON	972.25
-72636	56209 MARTIN L. COLGAN	1336.41
-72635	56432 RICHARD DEBRUNNER	949.10
-72634	56360 NYDEL DEHLBOM	228.46
-72633	56296 JOE DOSS	1269.88
-72632	56309 KRYSTINE HEIFORT	974.97
-72631	56308 JAMES LEAHY	1193.56
-72630	56441 DAVID SASSER	1628.31
-72629	56270 WILLIAM TRACY III	1463.06
-72628	56220 TRUNG THANH LE	1372.19
-72627	56302 ANTON LEUTY	897.83
-72626	56429 MUSTAFA MAHMOOD	1034.32
-72625	21040 MONTE C. MEIERS	249.35

-72624	56417 DEAN RENNINGER	2614.39
-72623	21054 WAYNE A WIEDRICH	2829.45
-72622	56421 JAREK WIGNESS	909.77
-72621	22020 ROBERT D. KNAPPER	1801.76
-72620	56425 ALEXANDER NELSON	960.44
-72619	56214 MICHAEL J. BEARCE	1359.35
-72618	56317 ZACHARY CORNELIUSEN	735.91
-72617	56064 HEATH T. GLENN	847.55
-72616	56404 DAVID JOHNSON	933.04
-72615	56315 EARL KILLINGSWORTH	1066.75
-72614	56244 ROY LONG	1444.49
-72613	56448 EMIL NEHRING	1733.59
-72612	56445 RANDOLPH WHITE	668.51
-72611	56451 DAVID WITTMAN	1164.92
-72610	56320 PHILIP ARENDS	1642.85
-72609	56409 KENDELL BROWN	516.89
-72608	56370 JEFFREY BRYSON	1950.92
-72607	24019 ROBERT D. COUGHLIN	608.20
-72606	56381 MORKATAA DHINAA	1055.02
-72605	24017 STEVEN W. JENSEN	1413.95
-72604	56356 MITCHELL KERSTING	867.24
-72603	56391 THOMAS MOTTL	2332.60
-72602	56415 WILLIAM SCHWENDEMAN	1117.69
-72601	56284 SABRINA SIMS	386.52
-72600	56104 DANIEL W. TUPA	1308.31
-72599	25110 KENNETH W. BERGSTROM	2065.89
-72598	25111 JASON W. HOULE	873.39
-72597	56187 STEPHEN R. KOHLER	1045.28
-72596	56389 THOMAS ATOR	1539.48
-72595	56368 ERICA KELASH	1802.50
-72594	56349 LILLIAN MCGUIRE	657.62
-72593	56164 JACOB T BLOODGOOD	1061.37
-72592	27076 DANNY R. GERGEN	1531.24
-72591	56091 JAMES A HAGA JR	881.66
-72590	56128 VERNON L. HENDRICKSON	1530.72
-72589	56423 GREGORY MACE	1139.59
-72588	56433 RENA MATLOCK	952.00
-72587	56303 TROY OSTER	729.11
-72586	56435 KEVIN POWERS	615.19
-72585	56379 WILLIAM REED	813.17
-72584	56258 BRYAN THOMPSON	1002.85
-72583	56443 JOAN WITTMAN	1273.19
-72582	56084 KENNETH R. BOYKIN	1536.93
-72581	56313 WILLIAM BRENNY	1176.99
-72580	56114 ANTHONY D. DUDAS	1613.11
-72579	56396 EMILY GATHJE	741.59
-72578	56086 STEVEN C. KJERGAARD	2194.42
-72577	12029 LORI A. LARSEN	174.25
-72576	56395 JAMES MURAWSKI	850.45



-72575	56358 RYAN O'REAR	872.65
-72574	56372 THOMAS SANDO	997.44
-72573	56422 MICHAEL SHEARER	542.37
-72572	56424 HANNAH THOMPSON	809.27
-72571	56398 MARK BATES	2200.21
-72570	56340 MICHAEL SIMPSON	2335.16
-72569	56352 BRIAN YOUNG	772.81
-72568	56347 CHRISTINE EDWARDS	1172.91
-72567	34017 KENT A. JARCIK	2437.58
-72566	56223 DONALD KRESS	1366.71
-72565	56416 SAMANTHA NEILL	581.67
-72564	56239 RACHEL K. RESSLER	1085.69
-72563	56314 NICK VASUTHASAWAT	1211.62
-72562	56438 KELSEY VLAMIS	824.49
-72561	35025 JOSILYN F BEAN	1173.31
-72560	56301 TRAVIS MIZZELL	919.14
-72559	56079 BRENDA SEPTKA	1211.24
-72558	56293 DAVID TUAN	2444.43
-72557	56375 KRISTIN WENDT	1128.22
-72556	36006 NEIL W. BAKKEN	1738.64
-72555	56366 KENT SKABO	1032.67
-72554	37008 LAVERN GOHL	1614.01
-72553	56180 DIANE C. HAGEN	419.17
-72552	56276 ELTON LARSON	87.73
-72551	56211 WAYNE E. BEARD	1362.27
-72550	56212 AMELIA A. BICKLER	212.40
-72549	56413 LEXI CASTRO	296.67
-72548	48102 KAYLA J. HELL	723.62
-72547	56333 STEVEN MCGAUGHEY	553.67
-72546	56111 ANDREA L. MITCHELL	217.27
-72545	56412 LEAH RYAN	248.70
-72544	56364 JASON SAGE	259.77
-72543	48013 DEBORAH A. SLAIS	1315.16
-72542	48034 YVONNE A. TOPP	591.55
-72541	56411 LISA WEBB	858.30
-72540	56410 CAITLYN BELEY	863.40
-72539	52011 ANN M. KVANDE	1554.86
-72538	56306 MARGARET LUNSFORD	1042.52
-72537	56041 BARBARA J. PETERSON	1176.02
-72536	56431 RACHEL RICHTER	347.36
-72535	52003 THOMAS C. ROLFSTAD	1578.05
-72534	52020 SHAWN WENKO	1711.55
-72533	56222 VIVIAN KALMIK	516.94
-72532	53002 AMY A. KRUEGER	1920.31
-72531	56311 MALLORY NYGARD	257.35
-72530	56271 SABRINA A RAMEY	1210.63
-72529	56310 JENNIFER STRIETZEL	1083.32
-72528	56390 DENICE SUESS	1057.24
-72527	56399 JENNIFER WILSON	978.37

-72526	56144 CRYSTAL M. BONNER	976.11
-72525	56213 ROBERT JASON HILLARD	1309.18
-72524	56080 BRAD E. SEPTKA	2201.97
-72523	IAFF LOCAL 3743 IAFF LOCAL 3743	250.00
-72522	DEFER COMP ROTH NATIONWIDE RETIREMENT SO	16445.96
-72521	ND CHILD SUPPOR ND CHILD SUPPORT ENFORCE	1426.20
-72520	FIT U.S. TREASURY	142155.57
1684	1570 COMMUNITY ACTION PARTNERSHIP	3439.65
65487	2122 The Meadows Development, LLC	35174.64
65488	673 CLERK OF DISTRICT COURT	750.00
65489	999999 ALYZA HAWK	400.00
65490	673 CLERK OF DISTRICT COURT	750.00
65491	673 CLERK OF DISTRICT COURT	750.00
65492	649 WAL-MART SUPERCENTER	50.00
65493	999999 TYLOR PEARSON	400.00
65494	999999 KATRINA WRY	750.00
65495	999999 HORIZON RESOURCES	256.00
65496	2123 SRK Hospitality, LLC	28089.71
65497	999999 STEPHEN CLARKE	230.00
65498	673 CLERK OF DISTRICT COURT	750.00
65499	673 CLERK OF DISTRICT COURT	750.00
65500	673 CLERK OF DISTRICT COURT	1500.00
65501	521 WILLISTON PARK DISTRICT	62952.42
65502	12026 KAREN P. LARSON	1323.48
65503	17016 THOMAS J. GLENN	1100.47
65504	56215 MARK W. ANDERSON	1286.92
65505	56374 DAVID CHRISTENSEN	857.20
65506	56337 DARIN JOHNSON	1390.96
65507	56382 ETHAN JOHNSON	1440.50
65508	56107 VICTORIA L. KREGER	536.35
65509	56290 BRADLEY SCHERER	1705.45
65510	56408 SAMANTHA VENDITTO	2394.71
65511	19095 WALTER H. HALL	1616.35
65512	56206 DANIELLE HENDRICKS	1407.80
65513	56243 JACOB R. HENDRICKS	1016.42
65514	13027 CRYSTAL A. SCHAUBEL	1009.93
65515	56406 RICHARD RADEMACHER	1702.79
65516	25030 PEDAR A. ANDRE	1127.12
65517	21041 ROBERT E HANSON	2569.94
65518	56428 THOMAS SCOTT	909.77
65519	22021 LES CHRISTENSEN	1751.54
65520	22014 GARY L. GLOVATSKY	1870.65
65521	56402 CHRISTOPHER BARONSSON	976.96
65522	23136 JAMES B. ENGEN	2447.76
65523	23126 BRENT E. HANSON	1796.30
65524	23039 BRUCE A. JOHNSON	1240.81
65525	56288 CHRISTOPHER MALONE	756.11
65526	56049 MICHEAL A. PETERS, JR.	754.32
65527	56167 MATTHEW TUTAS	1376.84

65528	56414	TREVOR WAGSTAFF	796.89
65529	56445	RANDOLPH WHITE	589.52
65530	56189	AMANDA M. KAISER - LEE	1020.51
65531	27058	DAVID LEE BELL	2324.37
65532	25106	RICHARD S. ODEGARD	1765.99
65533	27067	RICHARD D. BORUD	1473.85
65534	56202	GUNNAR CORCORAN	660.50
65535	56355	TIMOTHY JEWELL	1330.68
65536	56430	JAMIE KOHLER	356.29
65537	27096	RUSSELL E. MOMBERG	1980.77
65538	27091	JOSEPH G. MONSON	1352.97
65539	56442	BRETT RALPH	217.56
65540	22022	KATELYN CHRISTENSEN	1412.21
65541	56426	JORDON MONSON	557.01
65542	31051	GORDON L. SMESTAD	1614.06
65543	56099	MARK C. AMONSON	612.66
65544	56361	JUSTIN EDWARDS	1138.03
65545	56367	TONY SCOTT	716.31
65546	32006	WILLIAM M. MCQUISTON	1157.44
65547	56253	STEPHEN OLEGARIO	607.32
65548	56117	NICK J. HAUGEN	41.56
65549	56446	BRIANA HURLEY	94.20
65550	56298	SAWYER ZENT	178.62
65551	56066	ZACHARY G. CORCORAN	1547.96
65552	56434	CHARLES DENHAM	908.07
65553	54065	PATRICIA K. FIORENZA	1768.05
65554	56001	David W. Arnson	323.22
65555	56116	Tyler D. Carlstad	449.01
65556	56339	James Dixon	581.80
65557	56023	Mathew P. Ekblad	367.45
65558	56405	Matthew Flaten	562.59
65559	56005	Cory J. Hanson	782.34
65560	56030	Martin J. Haug	237.84
65561	56007	Troy R. Heupel	96.97
65562	56205	Brandon Hoffman	351.42
65563	56034	Blaine C. Jeanotte	254.07
65564	56219	Jeremy V Knapkewicz	549.48
65565	56291	James Laqua	937.35
65566	56238	Ryan Lee	64.64
65567	56009	Billy J. Lynn	64.64
65568	56281	Joshua Mahlum	420.19
65569	56012	Miles A. Mortenson	64.64
65570	56447	Paul Riely	32.32
65571	56016	Kyle J. Rossland	388.15
65572	56019	Garvin D. Semenko	129.29
65573	56338	Steve Simard	775.74
65574	56020	Darwin J. Stevens	1337.84
65575	56022	Scott S. Tanner	14.82
65576	56027	Michael W. Walters	720.79

65577	488 VISA	191.57
65578	488 VISA	611.83
65579	488 VISA	58.19
65580	488 VISA	959.94
65581	999998 JAMES MURAWSKI	35.70
65582	999998 EMILY GATHJE	331.62
65583	2211 SIDDONS-MARTIN	9023.78
65584	1716 Williams Scotsman, Inc.	2250.50
65585	2212 T&B Sales	51800.00
65586	1437 S J LOUIS CONSTRUCTION INC	168142.97
65587	1533 MOTION INDUSTRIES	5111.02
65588	56240 KAREN D. KUEHL	709.85
65589	A.R. AUDIT SERV A.R. AUDIT SERVICES INC	4.65
65590	CHILD SUPRT CT CONNECTICUT - CCSPC	297.65
65591	DEL CHILD SUPPO DCSE	135.00
65592	DEPENDANT CARE DISCOVERY BENEFITS	3157.68
65593	MN CHILD SUPPOR MINNESOTA CHILD SUPPORT	549.00
65594	NC CHILD SUPPOR NC CHILD SUPPORT	205.00
65595	ND PEA NDPEA	56.00
65596	UNITED WAY UNITED WAY	138.00
65597	32006 WILLIAM M. MCQUISTON	354.73
65598	2122 The Meadows Development, LLC	35078.64
65599	673 CLERK OF DISTRICT COURT	20.00
65600	999999 CHARLEY SLUSS	100.00
65601	999999 KIMBERLY BERGER	50.00
65602	999999 NATALIA VARELA	1000.00
65603	999999 MICHAEL RAMSEY	2612.26
65604	2056 Castle Walz, Inc. c/o Tony Vasque	500.00
65605	489 VISA	924.72
65606	35 BANK OF NORTH DAKOTA	24999.00
65607	35 BANK OF NORTH DAKOTA	39994.00
65608	489 VISA	1074.25
65609	808 MINOT DAILY NEWS	210.00
65610	118 EARL'S ELECTRIC, INC.	702.19
65611	252 MIDCONTINENT COMMUNICATIONS	69.55
65612	999999 VINCENT WALKER	250.00
65613	AFLAC AMERICAN FAMILY LIFE ASS	2216.86
65614	AMERICAN NATION AMERICAN NATIONAL LIFE I	205.56
65615	AVESIS AVESIS	398.70
65616	LINCOLN REPUBL LINCOLN REPUBLIC INSURAN	1395.71
65617	USABLE USABLE	227.04
65618	APARTMENTS WSCF DAKOTA COMMERCIAL - WSC	7070.00
65619	APARTMENT BH8 VALLEY RENTAL - BAKKEN H	5660.00
65620	APARTMENT BH2 VALLEY RENTAL - BAKKEN H	2920.00
65621	APARTMENT BH9 VALLEY RENTAL - BAKKEN H	25200.00
65622	APARTMENT BH5 VALLEY RENTAL - BAKKEN H	2740.00
65623	APARTMENT BH6 VALLEY RENTAL - BAKKEN H	18080.00
65624	APARTMENT BH7 VALLEY RENTAL - BAKKEN H	25200.00
65625	APARTMENT BH10 VALLEY RENTAL - BAKKEN H	35780.00

65626	APARTMENT DAKOT VALLEY RENTAL - DAKOTA	86100.00
65627	56162 JOSHUA A. BUTLER	0.00
65628	56162 JOSHUA A. BUTLER	1405.56
65629	19 AMERICAN STATE BANK	34851.79
65630	999999 RODNEY RASMUSSEN	400.00
65631	999999 YAW BONSU	400.00
65632	999999 LOWELL ENNEN	1000.00
65633	999999 KENNETH BLISS C/O PRAIRIE SUITES	250.00
65634	56205 Brandon Hoffman	70.76
65635	470 US POSTAL SERVICE	1515.09
65636	2214 Dave Herzog	1750.00
65637	2215 Missing Stateside LLC	11000.00
65638	1883 Ultimate Air Dogs	4250.00
65639	2216 Natasha Yavorivska	400.00
65640	2217 Kameron Messmer	1000.00
65641	2218 Tigirlily	2674.00
65642	2219 Shawn Smalley	1600.00
65643	999999 MN JACK SPARROW	1000.00
65644	999999 SAUCY JACK ENTERTAINMENT	1000.00
65645	999999 THE LAST ECHO C/O DAVID MAU	500.00
65646	2199 House to Home	243.66
65647	685 WILLISTON ECONOMIC FOUNDATION	30.00
65648	243 MONTANA DAKOTA UTILITIES	312.11
65649	1803 ODNEY	59013.73
65650	999999 TARGET LOGISTICS MANAGEMENT LLC	3200.00
65651	128 FAMILY CRISIS SHELTER	29209.55
65652	243 MONTANA DAKOTA UTILITIES	54554.63
65653	1755 CDW Government	2637.00
65654	1079 ABL MOBILE LOCK & SAFE	598.00
65655	2220 Thompson & Sons	1960.00
65656	999999 JENNIFER ETHERIDGE	400.00
65657	999999 BYRON ESTRADA	400.00
65658	673 CLERK OF DISTRICT COURT	500.00
65659	999999 RAUSCH COMPANIES	1575.00
65660	339 OFFICE OF STATE AUDITOR	300.00
65661	521 WILLISTON PARK DISTRICT	800.00
65662	483 VECTOR CONTROL DIST #1	45538.71
65663	521 WILLISTON PARK DISTRICT	1000.00
65664	999999 ARLIE COLVIN	2500.00
65665	2118 VISA	919.88
65666	702 WILLIAMS COUNTY SOIL CONSERVATION	150.00
65667	673 CLERK OF DISTRICT COURT	750.00
65668	673 CLERK OF DISTRICT COURT	750.00
65669	999999 JAMES REYNOLDS	730.00
65670	2225 TrainND (Northwest Region)	150000.00
65671	999999 JUMP N FUN	2445.00
65672	2118 VISA	250.91
65673	12026 KAREN P. LARSON	1323.48
65674	17016 THOMAS J. GLENN	1100.47

65675	56337 DARIN JOHNSON	2036.19
65676	56382 ETHAN JOHNSON	2001.95
65677	56107 VICTORIA L. KREGER	261.81
65678	56290 BRADLEY SCHERER	1627.91
65679	18048 DARWIN STEVENS	4.62
65680	56408 SAMANTHA VENDITTO	2465.37
65681	19095 WALTER H. HALL	1616.36
65682	56206 DANIELLE HENDRICKS	1432.22
65683	56243 JACOB R. HENDRICKS	1029.26
65684	56449 NICHOLAS NELSON	565.45
65685	13027 CRYSTAL A. SCHAUBEL	1009.93
65686	56406 RICHARD RADEMACHER	1707.44
65687	25030 PEDAR A. ANDRE	1389.82
65688	21041 ROBERT E HANSON	2569.94
65689	56428 THOMAS SCOTT	813.84
65690	22021 LES CHRISTENSEN	1742.84
65691	22014 GARY L. GLOVATSKY	1745.54
65692	56402 CHRISTOPHER BARONSSON	1612.67
65693	23136 JAMES B. ENGEN	2512.76
65694	23126 BRENT E. HANSON	1900.70
65695	23039 BRUCE A. JOHNSON	1222.09
65696	56450 TYLER JOHNSON	921.42
65697	56288 CHRISTOPHER MALONE	405.50
65698	56049 MICHEAL A. PETERS, JR.	742.33
65699	56167 MATTHEW TUTAS	1445.25
65700	56414 TREVOR WAGSTAFF	1001.41
65701	56189 AMANDA M. KAISER - LEE	1167.03
65702	27058 DAVID LEE BELL	2324.37
65703	25106 RICHARD S. ODEGARD	1751.82
65704	27067 RICHARD D. BORUD	1473.85
65705	56202 GUNNAR CORCORAN	618.64
65706	56355 TIMOTHY JEWELL	1438.52
65707	56430 JAMIE KOHLER	300.31
65708	27096 RUSSELL E. MOMBERG	2022.18
65709	27091 JOSEPH G. MONSON	1245.94
65710	56442 BRETT RALPH	300.31
65711	22022 KATELYN CHRISTENSEN	1147.90
65712	56426 JORDON MONSON	448.15
65713	31051 GORDON L. SMESTAD	1509.57
65714	56099 MARK C. AMONDSO	894.85
65715	56361 JUSTIN EDWARDS	1544.18
65716	56367 TONY SCOTT	710.86
65717	32006 WILLIAM M. MCQUISTON	1433.44
65718	56253 STEPHEN OLEGARIO	607.32
65719	56446 BRIANA HURLEY	219.79
65720	56298 SAWYER ZENT	153.07
65721	56066 ZACHARY G. CORCORAN	1566.73
65722	56434 CHARLES DENHAM	940.63
65723	54065 PATRICIA K. FIORENZA	1810.13

65724	56215 MARK W. ANDERSON	222.93
65725	999999 JOHN GELTING	1250.00
65726	CHILD SUPRT CT CONNECTICUT - CCSPC	297.65
65727	DCI CREDIT DCI CREDIT SERVICES INC	312.51
65728	DEL CHILD SUPPO DCSE	135.00
65729	MN CHILD SUPPOR MINNESOTA CHILD SUPPORT	549.00
65730	NC CHILD SUPPOR NC CHILD SUPPORT	205.00
65731	US TREASURY UNITED STATES TREASURY	573.81
65732	56367 TONY SCOTT	257.46
65733	Vendor not on File	0.00
65734	Vendor not on File	0.00
65735	Vendor not on File	0.00
65736	Vendor not on File	0.00
65737	Vendor not on File	0.00
65738	Vendor not on File	0.00
65739	Vendor not on File	0.00
65740	Vendor not on File	0.00
65741	Vendor not on File	0.00
65742	Vendor not on File	0.00
65743	Vendor not on File	0.00
65744	Vendor not on File	0.00
65745	Vendor not on File	0.00
65746	Vendor not on File	0.00
65747	Vendor not on File	0.00
65748	Vendor not on File	0.00
65749	Vendor not on File	0.00
65750	Vendor not on File	0.00
65751	Vendor not on File	0.00
65752	1220 3D SPECIALTIES	5798.00
65753	632 ACKERMAN-ESTVOLD	69196.18
65754	1903 ACME CONCRETE PAVING INC	1150813.40
65755	1893 ACME TOOLS	299.97
65756	1230 AFFORDABLE TOWING	325.00
65757	4 AGRI INDUSTRIES, INC.	97.53
65758	8 ALL SEASONS SPORT ABOUT	1297.76
65759	1768 ALLIANCE CONSULTING LC	37467.50
65760	999998 AMBER M. GILMORE	68.53
65761	1591 American Association of Airport E	275.00
65762	718 AMERIPRIDE LINEN AND APPAREL SERV	1461.95
65763	1910 ANDERSON & WOOD CONSTRUCTION CO I	258922.68
65764	2209 APPLIED INDUSTRIAL TECHNOLOGIES	1959.46
65765	30 ASTRO-CHEM LAB, INC.	4050.00
65766	708 AT&T	116.55
65767	33 BAKER & TAYLOR CO.	241.55
65768	34 BALCO UNIFORM CO., INC.	423.64
65769	38 BASIN PRINTERS, INC.	1260.00
65770	1190 BASIN TOWING AND RECOVERY	350.00
65771	2223 BENCO EQUIPMENT CO	120.00
65772	41 BERRY DAKOTA	1994.00

65773	1223 BEST WESTERN PLUS/RAMKOTA HOTEL	519.96
65774	49 BLACK MOUNTAIN SOFTWARE	3244.00
65775	52 BORDER STATES ELECTRIC	627.97
65776	54 BOUND TREE MEDICAL	1875.20
65777	999998 BRAD D. BEKKEDAHL	271.20
65778	1054 C & D WATER SERVICES	43.00
65779	1455 CALIFORNIA CONTRACTORS SUPPLIES I	719.28
65780	69 CARQUEST AUTO PARTS STORES	520.46
65781	2164 CARUS CORPORATION	10320.00
65782	549 CASH WISE FOODS	46.03
65783	204 CCR-WILLISTON III, LLC	288.00
65784	1755 CDW Government	250.48
65785	1349 CENTURYLINK	985.23
65786	710 CHANEY'S CAR & TRUCK REPAIR	1100.00
65787	1623 CHEMSEARCH	4211.20
65788	77 CITY OF WILLISTON	3733.83
65789	79 CITY OF WILLISTON	120945.68
65790	80 CITY OF WILLISTON	168.94
65791	81 CLAUSEN WELDING	200.00
65792	640 COMFORT INN	84.00
65793	1662 Connecting Point Computers Center	2182.40
65794	1486 CONNEX INTERNATIONAL	42.39
65795	705 CONTINENTAL GATE CO.	1214.69
65796	2210 CONTINENTAL RESOURCES	360.00
65797	567 CRAIG'S SMALL ENGINE REPAIR	70.22
65798	2228 Custom Ink	2844.53
65799	548 DAKOTA DIESEL	1407.99
65800	927 DAKOTA PUMP & CONTROL	5171.30
65801	2221 Dakota Sunrise Brokers, LLC	418.99
65802	93 DAKOTA SUPPLY GROUP	11890.09
65803	595 DASH MEDICAL GLOVES	62.90
65804	2222 Davy Pottery	309.00
65805	1705 DEGENSTEIN'S AUTO PLUS	5293.00
65806	988 Dell Marketing L.P.	4077.81
65807	999998 DENICE SUESS	42.70
65808	671 DF LIGHTING COMPANY	800.52
65809	568 DPC INDUSTRIES, INC	5443.50
65810	1665 EAST & WEST EXCAVATING LLC	10814.00
65811	1735 EATON TOWING/RECOVERY	250.00
65812	122 EL RANCHO CORP.	504.00
65813	124 ELECTRIC & MAGNETO, INC.	577.00
65814	2229 Emergency Reportins	3974.00
65815	126 EMRY'S LOCKSMITHING	15.00
65816	670 ENVIRONMENTAL TOXICITY CONTROL, I	700.00
65817	650 ETHANOL PRODUCTS, LLC	2801.28
65818	1962 EXECUTIVE CLEANING SERVICE, LLC	5275.00
65819	1567 EXPERT AUTO GLASS	325.00
65820	127 F&F SPRINKLER SYSTEMS	1409.67
65821	668 FASTENAL COMPANY	62.92



65822	569 FEDEX	448.25
65823	571 FEE INSURANCE AGENCY, INC	2588.00
65824	907 FERGUSON WATERWORKS #2516	7738.64
65825	133 FLEXIBLE PIPE TOOL CO.	323.95
65826	134 FORT UNION SUPPLY & TRADE	1576.67
65827	777 FULKERSON FUNERAL HOME	800.00
65828	139 GAFFANEY'S	8713.03
65829	1154 GOOSENECK IMPLEMENT	2153.97
65830	1830 Grand Williston Hotel & Conferenc	350.50
65831	144 GRAYMONT WESTERN CANADA	12169.04
65832	539 HACH	3736.38
65833	148 HANDY ANDY'S NURSERY	550.50
65834	151 HAWKINS, INC.	34465.19
65835	1833 HDR ENGINEERING INC	24069.59
65836	161 HOME OF ECONOMY	347.95
65837	162 HORIZON RESOURCES	64711.21
65838	163 HOSE AND RUBBER SUPPLY	47.71
65839	165 HOWARD SUPPLY COMPANY	1237.12
65840	2148 INDUSTRIAL CHEM LABS	1437.31
65841	175 INTERSTATE ENGINEERING	78292.00
65842	999998 JENNIFER STRIETZEL	30.32
65843	190 JOB SERVICE NORTH DAKOTA	7172.75
65844	999998 JOHN L. KAUTZMAN	129.00
65845	999998 JONATHAN D. ROGGENKAMP	25.00
65846	195 JUNIOR LIBRARY GUILD	112.00
65847	196 KADRMAS LEE & JACKSON INC	2304.66
65848	895 KDSR-FM	1425.00
65849	1299 KNIFE RIVER-NORTH CENTRAL	1211265.74
65850	210 KOHLER COMMUNICATIONS	143.40
65851	2227 KONICA MINOLTA PREMIER FINANCE	486.24
65852	212 KOTANA COMMUNICATIONS	15090.00
65853	591 LEXIS NEXIS	333.50
65854	233 LYLE SIGNS INC.	102.29
65855	1812 MainStay Suites	974.46
65856	240 MATHISON COMPANY	79.85
65857	585 MCCODY CONCRETE PRODUCTS, INC	2199.00
65858	247 MERCY MEDICAL CENTER	475.00
65859	2112 Mercy Occupational Health Clinic	115.00
65860	250 MICROMARKETING ASSOCIATES	74.46
65861	252 MIDCONTINENT COMMUNICATIONS	397.45
65862	254 MIKE'S WINDOW CLEANING SERVICE	80.00
65863	255 MILLY'S ALTERATIONS	26.00
65864	261 MON-DAK HTG & PLG, INC.	6348.98
65865	243 MONTANA DAKOTA UTILITIES	27118.94
65866	267 MOUNTRAIL-WILLIAMS REC	10218.55
65867	270 MURPHY MOTORS, INC.	1724.13
65868	271 MVTL/MINNESOTA VALLEY	132.50
65869	1772 MYGOV,LLC	600.00
65870	275 NAPA AUTO PARTS	5763.95

65871	290 ND DEPT OF TRANSPORTATION	511800.44
65872	297 ND ONE CALL	768.90
65873	303 ND POST BOARD	110.00
65874	316 NDSWRA	800.00
65875	1947 NEESE INC	2202.85
65876	1243 NEFF EIKEN & NEFF PC	883.75
65877	2224 NELSON INTERNATIONAL DICKINSON	27214.01
65878	320 NEMONT	2443.21
65879	1912 Neutron Industries	469.60
65880	2205 NEWMAN DIGITAL	1639.00
65881	584 NMN, INC.	83.25
65882	1927 NORTH STAR ENERGY & CONSTRUCTION	131152.57
65883	324 NORTHERN IMPROVEMENT CO.	1147756.51
65884	1225 NORTHSTAR SAFETY INC.	900.00
65885	333 NORTHWEST SUPPLY CO.	903.55
65886	343 OLYMPIC SALES, INC.	23414.00
65887	344 ONE FULFILLMENT	402.50
65888	351 PENWORTHY	564.49
65889	2084 PHILLIPS & JORDAN INC	83038.11
65890	246 PHYSIO-CONTROL, INC	24170.24
65891	357 POLAR REFRIGERATION, INC.	1153.20
65892	1974 Ports to Plains Alliance	2500.00
65893	2162 PRAXAIR DISTRIBUTION INC.	1104.45
65894	641 PREBLE MEDICAL SERVICES, INC	50.00
65895	2226 PRO IT, LLC	100.00
65896	362 PRO SAFE PEST CONTROL	229.21
65897	819 PUBLIC SAFETY EQUIPMENT CO., LLC	150.00
65898	364 PURCHASE POWER	1438.02
65899	1988 QUAM CONSTRUCTION COMPANY INC	585318.43
65900	367 QUILL CORPORATION	1787.99
65901	1882 RAM SPV II, LLC	2300.00
65902	1800 RAMADA BISMARCK HOTEL	194.00
65903	1441 RAY ALLEN MANUFACTURING, LLC	24.99
65904	387 RESPOND SYSTEMS	232.65
65905	390 RICHARD A. JOHNSON	600.00
65906	400 ROTARY CLUB OF WILLISTON	1000.00
65907	405 RYAN MOTORS	891.90
65908	1133 SANDERSON STEWART	39282.04
65909	409 SANITATION PRODUCTS	4382.78
65910	415 SELECT FORD	297.72
65911	416 SELID PLUMBING & HEATING INC	1295.27
65912	999999 SIDNEY MILLWORK COMPANY	149.00
65913	426 SOURIS RIVER TELECOMMUNICATIONS	190.58
65914	427 SRF CONSULTING GROUP, INC	9096.41
65915	544 SWANSTON EQUIPMENT CORPORATION	518.77
65916	1686 TALKIN THE BAKKEN	20.00
65917	2163 Tecta America Dakotas	745.00
65918	456 TODAY'S MACHINE SHOP	300.00
65919	460 TRACTOR & EQUIPMENT CO.	3377.59

65920	461 TRACTOR SUPPLY CREDIT PLAN	79.99
65921	655 TRAINND NORWEST	1500.00
65922	2195 TRANSUNION RISK & ALTERNATIVE	8.25
65923	999998 TRAVIS PETERSON	25.00
65924	464 TRI-COUNTY GLASS	470.27
65925	463 TRIANGLE ELECTRIC	351.00
65926	1610 ULTEIG	102357.80
65927	471 ULTRA MAX	665.00
65928	2230 Uniform Center	51.99
65929	1836 UNITED RENTALS	611.79
65930	750 UPS	15.52
65931	484 VERIZON WIRELESS	4833.00
65932	485 VESSCO, INC.	5697.35
65933	1373 VILLAGE FAMILY SERVICE CENTER	6600.00
65934	999999 VINCE WALKER	120.00
65935	487 VISA	9939.96
65936	1866 Vivid Ink and Toner	1770.35
65937	501 WESTERN VET CLINIC	400.00
65938	532 WILLIAMS COUNTY HIGHWAY DEPT.	478.79
65939	533 WILLIAMS COUNTY TREASURER/RECORDE	467.00
65940	2099 WILLIAMS PLUMBING, HEATING & UTIL	1113.00
65941	564 WILLIAMS RURAL WATER DISTRICT	90.83
65942	1716 Williams Scotsman, Inc.	719.60
65943	514 WILLISTON COMMUNITY LIBRARY	121.26
65944	516 WILLISTON CVB	6294.07
65945	685 WILLISTON ECONOMIC FOUNDATION	500.00
65946	517 WILLISTON FIRE & SAFETY	69.10
65947	518 WILLISTON HERALD	3303.34
65948	522 WILLISTON PD PETTY CASH	160.09
65949	523 WILLISTON POLICE ASSN.	45.00
65950	858 WILLISTON SPORTS COMMITTEE	60.00
65951	525 WILLISTON TIRE CENTER	239.30
65952	526 WILLISTON TRUE VALUE	1214.65
65953	2045 WORKLIFE	394.00

**Grand Total**      **# of Checks:**      873

**Total Payroll**  
**1139707.77**                              **Total 8114363.50**

- (2) Application for a Local Permit or Charity Local Permit
  - a. Williston Basin Skating Club – Raffle – 09/01/14 thru 03/13/15
  - b. Williston Basin Speedway – Raffle – May thru November, 2014
  - c. Williston Volunteer Fire Dept. – Raffle – 10/15/14 thru 11/30/14
  - d. Grand Volture 40 ET 8 300 Club – Raffle – 10/01/14 thru 06/30/15

- (3) Special Permit to Sell Alcoholic Beverages
  - a. American Legion Edgar M. Boyd Post #37 – Street Dance – September 13<sup>th</sup>, 2014
  - b. The Shop Lounge & Casino – Street Dance – September 13<sup>th</sup>, 2014
  - c. Bill's Back 40 – Street Dance – September 13<sup>th</sup>, 2014
- (4) Taxi License
  - a. Bakken Taxi – Renewal –
    - 2004 Acura MDX VIN: 2HNYD18674H553214
    - 2005 Chevy Equinox VIN: 2CNDL73F156056167
    - 2002 Dodge Caravan VIN: 2B8GP44352R516042
    - 2003 Dodge Caravan VIN: 2D8GP44363R194857
- C. Building Official
- D. City Planner
- E. Assessor
  - (1) Abatement
  - (2) Exemptions

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the Consent Agenda as presented with items 3(a),(b),&(c) not being removed and not approved until item 9A(2) (Request for Temporary Street Closing) is approved.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- 3. Bid Openings
  - A. Side Load Refuse Truck

Director of Public Works, David Tuan presented information on this bid opening. Bids were opened for a Side Load Refuse Truck for the Sanitation Department on Thursday, August 7<sup>th</sup>. Only one bid was received from Nelson International for \$194,050, which is below the budgeted amount for 2014 of \$250,000.

Mr. Tuan stated that Public Works recommends awarding the Side Load Refuse Truck to Nelson International for \$194,050.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request to award the Side Load Refuse Truck to Nelson International in the amount of \$194,050.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

**B. ARFF Truck**

Airport Manager, Steven Kjergaard presented information on the bid opening for the airport's Aircraft Rescue Fire Fighting Truck (ARFF). Mr. Kjergaard stated that this is a FAA 90/10 split and the State will most likely come in with half of the City's percent as well. They received three bids from E-One, Oshkosh and Rosenbauer. However, the E-One bid was received after the 10:00am cut off time and was returned to the bidder after discussion with the City Attorney.

Mr. Kjergaard said that throughout the bid specing for the vehicle and bidding period, he has been in discussions with the FAA about what size vehicle would be best for the airport as they move forward. Just last Thursday they finally received concurrence that the FAA would assist in purchasing the 3,000 gallon truck. This truck will allow the airport to meet its requirements far into the future.

In the bid process they bid multiple alternatives. The total cost of the recommended amount is \$674,080 that was bid by Rosenbauer. The FAA involved amount is \$624,466. The ancillary Equipment and Rescue Recovery Bags (\$45,300) is equipment that can be put under a grant with the FAA but not this particular grant. Due to this, Mr. Kjergaard stated that he will be adding it back onto the PFC and collecting the funds that way. This equipment is needed to make the vehicle useful. The estimated delivery date is 365 days from the ordering date.

**MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to accept the bid in the amount of \$674,080 to Rosenbauer as recommended by the Airport Manager.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug.**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

**4. Public Hearings****C. Public hearing for proposed Ordinance 982, prohibiting mobile businesses (1<sup>st</sup>)**

Mayor Klug stated this item is public hearing for proposed Ordinance 982, prohibiting mobile businesses. Mayor Klug then opened the public hearing.

Nick Vasuthasawat from the Planning and Zoning Department presented information on this ordinance.

Historically the Planning & Zoning Department have consistently denied mobile business requests whose intentions were to operate beyond the parameters of the existing Solicitor and Transient Merchant section of the Williston Code or Ordinances and the allowable uses defined in the Williston Zoning Ordinance. Upon Commissioner direction, it was suggested that staff further assess the mobile business topic and discuss the nuances evolving thereof.

On September 10th, 2013, the City Commission approved the first reading of Ordinance. No. 974 establishing a six month Moratorium to prohibit all future mobile commercial businesses in the City and its extra-territorial area.

The second reading was adopted and approved at the following City Commission meeting held on September 24th, 2013.

On January 27th, 2014, the Planning Commission approved Ordinance No. 982, prohibiting mobile businesses, Ordinance No. 985-B, establishing further home occupation restrictions, and Ordinance No. 988 amending the allowable operation period for solicitors and transient merchants.

On February 11th, 2014, the City Commission tabled these ordinances and deferred additional discussion to a Review Committee.

On March 11th, 2014, the City Commission approved the first reading of Ordinance No. 990 to renew the six month Moratorium prohibiting all future mobile commercial businesses also referred to as Ordinance No. 974 to allow for an additional six months review. The second reading was adopted and approved at the following City Commission meeting held on March 24th, 2014.

On July 2nd, 2014, the Review Committee held a meeting to discuss the impacts of the various business types in the City and has brought forward four additional ordinances/resolutions.

These include Ordinance No. 999- Amendment of Temporary Uses & Structures, Resolution No. 14-031- Establishing a Temporary Use Permit Fee Schedule, Resolution 14-032- Establishing a Fee & Bond Schedule for Merchants, Vendors, & Solicitors, and Ordinance No. 1000- Amendment to Section 31 Definitions.

On July 14th, 2014, the Review Committee held an additional meeting to incorporate input from local businesses that has shown interest in this topic, such as Bakken Mobile Veterinary Services operated by Dr. Vince Stenson.

On July 21st, 2014, Ordinance No. 999- Amendment of Temporary Uses & Structures, Resolution No. 14-031- Establishing a Temporary Use Permit Fee Schedule, and Ordinance No. 1000- Amendment to Section 31 Definitions were brought before the Planning Commission on a request for action. At this meeting, the Planning Commission approved these ordinances as submitted with the exception of Ordinance No. 999 which was conditioned to be applicable to all commercial and light industrial zoning districts and to further clarify the exemption language.

On July 28, 2014, notices were sent out to 11 property owners and occupants whose sites were located along high traffic areas whose parking lots appeal to such temporary uses which may or may not be impacted by these proposed ordinances. These sites are commonly referred to as Albertsons, True Value, Williston Home & Lumber, Tractor Supply, Grand Williston, Million Dollar Lanes, The Tool Tent Guy, Carns & Sons Pawn Shop, Kum & Go, Walmart, and Bakken Mobile Veterinary Services.

**Analysis:**

The City of Williston’s Zoning Ordinance is written as a permissible code and its land uses are intended for the development of permanent infrastructure. Uses not specifically listed with respect to its designated zoning districts are presumed not permitted. Uses unconventional to the traditional “brick and mortar” setup are controlled under the City’s Solicitors and Transient Merchants section of the Williston Code of Ordinances identified in Chapter 18, Article II, to operate under temporary provisions. Historically, the Planning & Zoning Department has denied mobile business request.

Staff has created a list of “Pros” and “Cons” to gauge whether or not mobile businesses would be beneficial to the City as identified in Figure 1 below. Results lead to more negative impacts than positive impacts.

Figure 1

Pros	Cons
Offers added services to the community	May adversely affect existing “brick and mortar” businesses by creating an unfair playing field in terms of business startup and operational expenses.
Offers an affordable approach of starting a new business	Create a negative precedence in quality infrastructure not improving the “Quality of Life” or building equity in the community as mentioned in the Williston Comprehensive Plan to create more permanent shopping and eating opportunities.
	Open the door to unlimited permanent mobile businesses which may or may not be desirable. Will put the City into a difficult position which will lead to bias in having to pick and choose specific mobile businesses. i.e. mobile piercing/tattoos, mobile carwash/detailing, mobile auto repair, mobile electronic repair, mobile veterinary, mobile chiropractor, mobile grooming, mobile auto detailers, mobile beauticians, other general mobile retailers selling products, etc.
	Will require additional guidelines, permitting review, and an interagency inspection process which may lead to interdepartmental staffing concerns.

Furthermore this Ordinance seeks to clarify and differentiate the types of mobile businesses that the City would allow and not allow. Given the various types of businesses (permanent, temporary, and home based) staff has determined to further define mobile businesses by the type of service operation in addition to the physical attributes typically considered. The proposed definitions are geared to protect and work in harmony with existing brick and mortar operations, home occupations, and other temporary uses existing in the City.

New definitions are identified below:

- a. **Mobile Business or Mobile Commercial Business-** a mobile motorized or non-motorized vehicle or trailer, not being operated as an accessory component to an existing permanent business establishment, whose business operation is conducted outside of a permanent building and entirely within the mobile unit, for the sales of merchandise or other professional services for public service only. Mobile business or mobile commercial business does not include mobile food vendors.
- b. **Service, Private-** the transaction of goods or other professional services rendered or made available to private clients, through previously arranged service transactions and not made available for the general public.
- c. **Service, Professional-** a business operation which provides services related to a specific occupational trade, which requires state certification or licensing.
- d. **Service, Public-** the transaction of goods or other professional services rendered or made available to the general public.

Staff has also conducted a survey of the adjacent incorporated cities, county, and a few larger municipalities in the adjacent states with respect to this topic to gauge how each organization was handling this situation. Please see Figure 2 below.

Figure 2

Cities	Policy Summary
City of Dickinson	Allows mobile businesses an opportunity to operate as a permitted use as a home based business with restrictions on operation <u>or</u> with the approval of a TUP from the Planning Department which would allow temporary time provisions of up to 6 months. Currently not being enforced.
City of Minot	Allows mobile businesses an opportunity to operate as a permitted use as a home occupation with restrictions <u>or</u> operate with the approval of a Migrant Merchant License establishing with end of year expiration and other restrictions.
City of Bismarck	Allows for mobile business to operate under a home occupation permit with restrictions <u>or</u> with state licensing approval subject to meeting other code requirements with respect to zoning, required parking, signs, encroachment in the public right of way, etc. <u>No City licensing or approvals needed.</u>



Williams County	Allows mobile businesses to operate as a home occupation with restriction <u>or</u> with the approval of a Transient Merchant Permit issued by the Auditors Department allowing for up to the end of the year operation and renewal. No interdepartmental coordination is conducted with Planning to review for potential impacts to the site.
City of Sioux Falls (South Dakota)	Allows mobile businesses to operate as a home occupation with restrictions <u>or</u> with the issuance of a Peddlers and Vendors Permit issued through the City Attorneys Department for up to 90 days.
City of Casper (Wyoming)	Allows mobile businesses to operate as a home occupation with restrictions <u>or</u> with the issuance of an Itinerant Merchant Permit which would allow for up to 10 days within the year subject to operating standards.
City of Minneapolis (Minnesota)	Allows mobile businesses to operate as a home occupation with restrictions <u>or</u> transient merchant license. The City also has a license specifically for pet groomers which would allow a yearly operation compared to other transient merchants subject to 14 days. City's Licensing Dept. and Planning Dept. have contradicting policies in place that do not coincide with each other. They have however been getting by with the existing codes in place. Currently there are no mobile pet shops/groomers in the City and none have been issued since January 2012. Planning discourages temporary retail sales in general.

With the exception of Bismarck which does not require any local review or licensing approvals, the City of Williston in terms of its interpretation is consistent with the other cities and county surveyed. That is similar control measures are in place with each of their respective codes and ordinances which classifies mobile businesses as temporary uses and controlled over an application and permit approval process and they are not seen as a permanent uses. Furthermore, these mobile businesses are subject to a maximum allowable timeframe varying from as little as 10 days to as long as a year.

Lastly, this ordinance establishes a penalty section which if found operating in violation of this ordinance will be treated as a criminal offense classified as a Class B Misdemeanor with a fine of up to \$1,500.00 a day. In addition, each day shall constitute a separate offense.

**Ad Hoc:**

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

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

The City was aware of two mobile business operations within the City, one being a mobile veterinarian and the other a mobile chiropractor. To Staff's knowledge, the mobile chiropractor has decided to leave town and is no longer operating within the City. The mobile veterinarian operated by Dr. Stenson is the only remaining mobile business currently operating within the City prior to the adoption of the Moratorium.

**Planning & Zoning Commission Recommendation:**

On January 27, 2014, with a unanimous vote of 5-0, the Planning & Zoning Commission motioned to approve Ordinance 982 as submitted by staff.

**Recommendation:**

Staff recommends the City Commission approve the 1st reading of Ordinance No. 982 an Ordinance amending Ordinance No. 613, also known as the Zoning Ordinance of the City of Williston, adding provision (T) Mobile Businesses to Section 25 Supplementary District Regulations to prohibit mobile businesses within the City limits and the extra-territorial jurisdiction.

Mayor Klug stated that because the public hearings regarding ordinances in items 1-5 on the agenda are all intertwined, they are going to have the hearing and the comments on all 5 ordinances one at a time.

Mayor Klug called for any public input.

Gerald M. asked if these permits would be available 24/7 for purchase. He was told that they would not be and then asked if there would be signs that state this before they come into town and realize there is a \$1,500 fine.

Mayor Klug stated they will have everything spelled out on the website and they will be fair with everyone.

Terry M. said there are some people that want to go into retail, and until they can get a building is there any way of getting a temporary type structure.

Mayor Klug said they would have to come before the commission for something of that nature.

Mayor Klug called a second and third time for public input; none was heard and Mayor Klug stated they would go to the public hearing for proposed Ordinance 988.

D. Public hearing for proposed Ordinance 988, amending Chapter 18, "Solicitors & Transient Merchants," of the Williston Code of Ordinances (2<sup>nd</sup>)

Nick Vasuthasawat from the Planning and Zoning Department presented information on this ordinance.

Historically the Planning & Zoning Department have consistently denied mobile business requests whose intentions were to operate beyond the parameters of the existing Solicitor and Transient Merchant section of the Williston Code or Ordinances and the allowable uses defined in the Williston Zoning Ordinance. Upon Commissioners direction, it was suggested that staff further assess the mobile business topic and discuss the nuances evolving thereof.

On September 10th, 2013, the City Commission approved the first reading of Ordinance No. 974 establishing a six month Moratorium to prohibit all future mobile commercial businesses in the City and its extra-territorial area. The second reading was adopted and approved at the following City Commission meeting held on September 24th, 2013.

On January 27th, 2014, the Planning Commission approved Ordinance No. 982, prohibiting mobile businesses, Ordinance No. 985-B, establishing further home occupation restrictions, and Ordinance No. 988 amending the allowable operation period for solicitors and transient merchants.

On February 11th, 2014, the City Commission tabled these ordinances and deferred additional discussion to a Review Committee.

On March 11th, 2014, the City Commission approved the first reading of Ordinance No. 990 to renew the six month Moratorium prohibiting all future mobile commercial businesses also referred to as Ordinance No. 974 to allow for an additional six months review. The second reading was adopted and approved at the following City Commission meeting held on March 24th, 2014.

On July 2nd, 2014, the Review Committee held a meeting to discuss the impacts of the various business types in the City and has brought forward four additional ordinances/resolutions. These include Ordinance No. 999- Amendment of Temporary Uses & Structures, Resolution No. 14-031- Establishing a Temporary Use Permit Fee Schedule, Resolution 14-032- Establishing a Fee & Bond Schedule for Merchants, Vendors, & Solicitors, and Ordinance No. 1000- Amendment to Section 31 Definitions.

On July 14th, 2014, the Review Committee held an additional meeting to incorporate input from local businesses that has shown interest in this topic, such as Bakken Mobile Veterinary Services operated by Dr. Vince Stenson.

On July 21st, 2014, Ordinance No. 999- Amendment of Temporary Uses & Structures, Resolution No. 14-031- Establishing a Temporary Use Permit Fee Schedule, and Ordinance No. 1000- Amendment to Section 31 Definitions were brought before the Planning Commission on a request for action. At this meeting, the Planning Commission approved these ordinances as submitted with the exception of Ordinance No. 999 which was conditioned to be applicable to all commercial and light industrial zoning districts and to further clarify the exemption language.

On July 28, 2014, notices were sent out to 11 property owners and occupants whose sites were located along high traffic areas whose parking lots appeal to such temporary uses which may or may not be impacted by these proposed ordinances. These sites are commonly referred to as Albertsons, True Value, Williston Home & Lumber, Tractor Supply, Grand Williston, Million Dollar Lanes, The Tool Tent Guy, Carns & Sons Pawn Shop, Kum & Go, Walmart, and Bakken Mobile Veterinary Services.

#### **Analysis:**

As recommended by the Review Committee, Staff has determined such transient merchants, itinerant merchants and itinerant vendors are considered to be temporary uses which may have considerable land use impacts which are best administered through the City's Zoning Codes. Thus these transient merchants, itinerant merchants, and itinerant vendors are proposed to be removed from Ch. 18 of the Code of Ordinances and are to be administered by the Planning & Zoning Department staff leaving the review of certain events and solicitors soliciting in the City to remain under the review of the City Auditor's office.

The amendments to Ch. 18 are as follows:

#### Article II

- Requires license and review of only merchants and vendors participating in farmers market, flea, market, fair, carnival, circus, or any other similar activity.
- Creates additional definitions
  - o Farmers Market- An indoor or outdoor event for merchants or vendors who sell local agricultural products or crafts directly from the farmer to the consumer.
  - o Flea Market or Swap Meet- An indoor or outdoor event for a group of merchants or vendors organized and managed by the owner of the property or flea market association, who conducts the display, trade, and sale of used products or merchandise.
  - o Merchant or Vendor- A person, firm, or corporation, whether as owner agent, consignee or employee who is registered to conduct business in the State of North Dakota.
- The removal of frozen dessert vending to keep consistent with the ban on mobile food vendors.
- Creating a bond and fee schedule set by resolution to allow flexibility in setting or changing rates.

- Creating an expiration of license not to exceed 42 days within a calendar year.

#### Article III

- Requires a license and review of solicitors soliciting in the city and in the extra territorial jurisdiction which also includes door to door sales as a type of soliciting.
- Creating a bond and fee schedule set by resolution to allow flexibility in setting or changing rates.

#### Article IV

- Requires a license and review of solicitors for charitable, religious, and other purposes in the city and in the extra territorial jurisdiction.
- Creating a bond and fee schedule set by resolution to allow flexibility in setting rates.

#### **Planning & Zoning Commission Recommendation:**

On January 27, 2014, with a unanimous vote of 5-0, the Planning & Zoning Commission motioned to approve Ordinance 982 as submitted by staff.

#### **Recommendation:**

Staff recommends the City Commission approve the 1st reading of Ordinance No. 988, an Ordinance amending Chapter 18, "Solicitors & Transient Merchants" of the Williston Code of Ordinances, establishing further restrictions for merchants and vendors participating in farmers market, flea market, fair, circus, or any other similar activity, and the solicitors soliciting in the City of Williston and the extra-territorial jurisdiction.

Mayor Klug said that this is the second part of the public hearing and with that, he called for public input.

Mayor Klug called a second and third time for public input; none was heard and Mayor Klug stated they would go onto the public hearing for proposed Ordinance No. 999.

- A. Public hearing for proposed Ordinance 999, amendment to Section 25(O) of the Williston Zoning Ordinances – Temporary Uses and Structures (3<sup>rd</sup>)

Nick Vasuthasawat from the Planning and Zoning Department presented information on this ordinance.

Historically the Planning & Zoning Department have consistently denied mobile business requests whose intentions were to operate beyond the parameters of the existing Solicitor and Transient Merchant section of the Williston Code or Ordinances and the allowable uses defined in the Williston Zoning Ordinance. Upon Commissioner direction, it was suggested that staff further assess the mobile business topic and discuss the nuances evolving thereof.

On September 10th, 2013, the City Commission approved the first reading of Ordinance No. 974 establishing a six month Moratorium to prohibit all future mobile commercial businesses in the City and its extra-territorial area.

The second reading was adopted and approved at the following City Commission meeting held on September 24th, 2013.

On January 27th, 2014, the Planning Commission approved Ordinance No. 982, prohibiting mobile businesses, Ordinance No. 985-B, establishing further home occupation restrictions, and Ordinance No. 988 amending the allowable operation period for solicitors and transient merchants.

On February 11th, 2014, the City Commission tabled these ordinances and deferred additional discussion to a Review Committee.

On March 11th, 2014, the City Commission approved the first reading of Ordinance No. 990 to renew the six month Moratorium prohibiting all future mobile commercial businesses also referred to as Ordinance No. 974 to allow for an additional six months review. The second reading was adopted and approved at the following City Commission meeting held on March 24th, 2014.

On July 2nd, 2014, the Review Committee held a meeting to discuss the impacts of the various business types in the City and has brought forward four additional ordinances/resolutions. These include Ordinance No. 999- Amendment of Temporary Uses & Structures, Resolution No. 14-031- Establishing a Temporary Use Permit Fee Schedule, Resolution 14-032- Establishing a Fee & Bond Schedule for Merchants, Vendors, & Solicitors, and Ordinance No. 1000- Amendment to Section 31 Definitions.

On July 14th, 2014, the Review Committee held an additional meeting to incorporate input from local businesses that has shown interest in this topic, such as Bakken Mobile Veterinary Services operated by Dr. Vince Stenson.

On July 21st, 2014, Ordinance No. 999- Amendment of Temporary Uses & Structures, Resolution No. 14-031- Establishing a Temporary Use Permit Fee Schedule, and Ordinance No. 1000- Amendment to Section 31 Definitions were brought before the Planning Commission on a request for action. At this meeting, the Planning Commission approved these ordinances as submitted with the exception of Ordinance No. 999 which was conditioned to be applicable to commercial and light industrial zoning districts and to further clarify the exemption language.

On July 28, 2014, notices were sent out to 11 property owners and occupants whose sites were located along high traffic areas whose parking lots appeal to such temporary uses which may or may not be impacted by these proposed ordinances. These sites are commonly referred to as Albertsons, True Value, Williston Home & Lumber, Tractor Supply, Grand Williston, Million Dollar Lanes, The Tool Tent Guy, Carns & Sons Pawn Shop, Kum & Go, Walmart, and Bakken Mobile Veterinary Services.

**Analysis:**

This ordinance seeks creates additional definitions, establishes a review and permitting process for the various types of Temporary Uses, allowable zoning, a fee schedule, expiration of permits, revocation options, and penalty language.

The new definitions created are identified below:

- **Political Subdivision-** a unit of government within a state, including a county, city, township, or village.
- **Transient Merchant, Itinerant Merchant, or Itinerant Vendor-** a person, firm, or corporation, whether as owner agent, consignee or employee, who temporarily sets up business on private property, or out of a vehicle, trailer, tent, other portable shelter, or vacant store front for the purpose of exposing or displaying for sale, selling or attempting to sell, goods, wares, products, or merchandise.

The applicable temporary uses are identified below:

- Halloween pumpkin patches, and Christmas trees lots;
- Mobile businesses or mobile commercial businesses operating under temporary provisions and performing public service operation only; and
- Transient merchants, itinerant merchants, and itinerant vendors

These temporary uses will be subject to an application review and permitting process. This includes general information of the applicant, description of business operation, drawing of existing and proposed location, consent from the property owner, and state licensing approval.

The temporary uses exempt from the process are identified below:

- Rummage, yard, and garage sales held at the homes of residences;
- Merchants or vendors participating in farmers market, flea market, fairs, carnivals circuses, or other similar activity; and
- Mobile businesses or mobile commercial businesses, transient merchants, itinerant merchants, and itinerant vendors who are invited to events approved by the City, that are organized, and managed by a fair association, convention bureau, or other political subdivision including the City itself. Such events include but are not limited to the Chokecherry Festival, Band Day, Holiday Lights, and Clean City.

The review and permitting process allows the opportunity for the Planning & Zoning staff to ensure that such operations will not create a nuisance or jeopardize the health or safety of the site, the occupants visiting the site in addition to potential impacts created in the nearby vicinity.

Additional findings to be made include the following:

- The size and scale of the operation is suitable for the site. The allowable size of the operation will be dictated by the availability of the parking provided for the site.
- That adequate egress and ingress is served for the site that does not obstruct fire lanes, driveway aisles, streets, or highways.
- The proposed location and setup of operation shall not obstruct the right of way.
- The number of signs allowed will be restricted to 1 sign not to exceed 16 sf which is to be attached to the vehicle or structure associated with the temporary use. In addition no off-premise signs or dynamic messaging would be allowed.
- That such temporary use stays within the allowable duration limitations. The limitations will restrict both the temporary uses and property owners hosting

these temporary uses to no more than 3, 14 day events not to exceed 42 days within a calendar year. In addition, days not utilized in a single event will not be carried over to the next event and no break periods have been established.

- That no more than 1 temporary use can occupy a site at any given time.

This ordinance will also allow the temporary uses to operate in any commercial (C-1, C-2, C-3) or light industrial (M-1) zoned properties.

This ordinance creates a fee schedule set by resolution to allow flexibility in setting rates, establishes a revocability options, and general penalty language differing to the penalty section of the Zoning Ordinance.

Lastly, this ordinance removed the original language requesting an agricultural permit for temporary grazing of livestock in any zone as this use is only acceptable in the A "Agricultural" zone.

**Planning Commission Recommendation:**

On July 21st, 2014, the Planning & Zoning Commission with a vote of 3-1, motioned to approve Ordinance No. 999, with the condition that the following items be addressed in the Ordinance,

1. Exemption language identified is (3)(b)(iii) is further clarified to exempt those temporary uses that are invited only to City approved events; and
2. The applicable ordinance would be applied to any commercial and light industrial properties only.

**Recommendation:**

Staff recommends the City Commission approve the 1st reading of Ordinance No. 999, an Ordinance amending Ordinance No. 613, also known as the Zoning Ordinance of the City of Williston, amending Chapter 25 "Supplementary Regulations", Section O- "Temporary Uses & Structures" to clarify and establish further restrictions for such uses within the City limits and the extra-territorial jurisdiction.

Mayor Klug stated that this is a public hearing and asked for public input.

Mayor Klug called a second and third time for public input; none was heard and Mayor Klug stated they would go on to the public hearing for proposed ordinance 985-B.

- E. Public hearing for proposed Ordinance 985-B, amending Section 31, "Home Occupations," of the Williston Zoning Ordinance (4<sup>th</sup>)

Nick Vasuthasawat from the Planning and Zoning Department presented information on this ordinance.



Historically the Planning & Zoning Department have consistently denied mobile business requests whose intentions were to operate beyond the parameters of the existing Solicitor and Transient Merchant section of the Williston Code or Ordinances and the allowable uses defined in the Williston Zoning Ordinance. Upon Commissioner direction, it was suggested that staff further assess the mobile business topic and discuss the nuances evolving thereof.

On September 10th, 2013, the City Commission approved the first reading of Ordinance No. 974 establishing a six month Moratorium to prohibit all future mobile commercial businesses in the City and its extra-territorial area. The second reading was adopted and approved at the following City Commission meeting held on September 24th, 2013.

On January 27th, 2014, the Planning Commission approved Ordinance No. 982, prohibiting mobile businesses, Ordinance No. 985-B, establishing further home occupation restrictions, and Ordinance No. 988 amending the allowable operation period for solicitors and transient merchants.

On February 11th, 2014, the City Commission tabled these ordinances and deferred additional discussion to a Review Committee.

On March 11th, 2014, the City Commission approved the first reading of Ordinance No. 990 to renew the six month Moratorium prohibiting all future mobile commercial businesses also referred to as Ordinance No. 974 to allow for an additional six months review. The second reading was adopted and approved at the following City Commission meeting held on March 24th, 2014.

On July 2nd, 2014, the Review Committee held a meeting to discuss the impacts of the various business types in the City and has brought forward four additional ordinances/resolutions. These include Ordinance No. 999- Amendment of Temporary Uses & Structures, Resolution No. 14-031- Establishing a Temporary Use Permit Fee Schedule, Resolution 14-032- Establishing a Fee & Bond Schedule for Merchants, Vendors, & Solicitors, and Ordinance No. 1000- Amendment to Section 31 Definitions.

On July 14th, 2014, the Review Committee held an additional meeting to incorporate input from local businesses that has shown interest in this topic, such as Bakken Mobile Veterinary Services operated by Dr. Vince Stenson.

On July 21st, 2014, Ordinance No. 999- Amendment of Temporary Uses & Structures, Resolution No. 14-031- Establishing a Temporary Use Permit Fee Schedule, and Ordinance No. 1000- Amendment to Section 31 Definitions were brought before the Planning Commission on a request for action. At this meeting, the Planning Commission approved these ordinances as submitted with the exception of Ordinance No. 999 which was conditioned to be applicable to all commercial and light industrial zoning districts and to further clarify the exemption language.

On July 28, 2014, notices were sent out to 11 property owners and occupants whose sites were located along high traffic areas whose parking lots appeal to such temporary uses which may or may not be impacted by these proposed ordinances. These sites are commonly referred to as Albertsons, True Value, Williston Home & Lumber, Tractor Supply, Grand Williston, Million Dollar Lanes, The Tool Tent Guy, Carns & Sons Pawn Shop, Kum & Go, Walmart, and Bakken Mobile Veterinary Services.

**Analysis:**

Currently the City allows for various types of small scale businesses to be operated from the residence. These businesses however are subject to a list of various guidelines mainly structured to assure these home base businesses do not alter, change, or affect the appearance and quality of life typically enjoyed within a residential neighborhood.

The first part of this ordinance creates additional definitions for the various types of vehicle classifications needed to determine what is suitable and what is not suitable in a residential neighborhood. The definitions are provided below:

- **Vehicle, Fleet-** More than two vehicles owned, leased, or operated by a business or government entity.
- **Vehicle, Heavy Commercial-** A vehicle with a gross vehicle weight greater than 10,000 lbs. Personal vehicles such as boats, RV's, and campers are exempt from this weight requirement.
- **Vehicle, Occupation or Trade-** A vehicle that is designed specifically to perform a type of function or service associated with an occupation or trade.
- **Vehicle, Personal-** A vehicle that is owned by an individual and used for commuting or recreational purposes not associated with an occupation or trade.
- **Vehicle, Work-** A vehicle that is owned by a business entity, which is used by an affiliated employee for commuting purposes.

The second part of this ordinance makes key changes to the home occupation operations which are provided below:

- An occupation or trade vehicle used in conjunction with a home occupation shall be restricted to no more than 2 vehicles per residence provided the vehicles do not take away from the required parking. In addition, heavy commercial vehicles are prohibited.
- The home occupation does not emit loud noise, foul odors, or bright lights in a manner which interferes with a nearby residence.
- The removal of family child care homes which is not permitted by right but by Special Permitted Use.
- The ability to operate a mobile business/mobile commercial business for private service only.

- Eliminated the option to mitigate traffic normally generated from a home occupation on the basis of if there is too much traffic than it is not compatible.

**Planning & Zoning Commission Recommendation:**

On January 27th, 2014, with a unanimous vote of 5-0, the Planning & Zoning Commission motioned to approve Ordinance 985-B as submitted by staff.

**Recommendation:**

Staff recommends the City Commission approve the 1st reading of Ordinance No. 985-B, an Ordinance amending Ordinance No. 613, also known as the Zoning Ordinance of the City of Williston, amending Section 31 "Definitions" to establish further restrictions for "Home Occupations" within the City limits and its unincorporated areas.

Mayor Klug stated this is a public hearing and called for public input.

Ken C. asked what the definition of what a fleet vehicle would be.

Mr. Vasuthasawat said that it is more than two vehicles used in conjunction with the home and that is leased or operated by a business for government entity.

Mayor Klug called a second time for public input.

Dr. Vince Stenson stated that the new rule would not allow him to park his vehicles for business but would allow him to practice his business out of his home.

Mr. Vasuthasawat stated that they would still allow him to work with a temporary use permit to occupy the Tractor Supply parking lot but would be fixed to a certain duration so he could not be there indefinitely, it would allow him to be there for 42 days.

Dr. Vince Stenson asked if this ordinance passes, could he make the request that if he is able to move into a brick and mortar facility, which he hopes to do in the next year, would he be able to park at Tractor Supply until he is able to operate out of a brick and mortar facility.

Mayor Klug said this would be something that would have to take under advisement after this is over with. Mayor Klug said they have mechanisms to handle a request such as Dr. Vince Stenson's and it could be addressed separately at another meeting.

Commissioner Bekkedahl asked if any of these ordinances contained language that would not allow the city to grant an exemption as Dr. Stenson is requesting and specifically not even allow them to go to an exemption.

Mr. Vasuthasawat stated that such language would have to be worked somewhere into the ordinances.

Mayor Klug called a third time for public input.

Debbie Olson said she went online to find this Ordinance 985-B but it was not on the website and she asked Planning and Zoning for a copy of the ordinance but did not receive one. Ms. Olson asked if there was any way of making the ordinances available to the public before they are passed.

City Auditor, John Kautzman stated they do not list proposed ordinances on the website. Ms. Olson asked if they could read the proposed ordinances before they were passed on for a second reading. Mr. Kautzman said they could certainly obtain a copy of the proposed ordinances upon request. Ms. Olson stated that she made two requests; one from the Planning and Zoning Department and one from Commissioner Cymbaluk.

Ms. Olson asked if they could table the first reading until they read the ordinance.

Mayor Klug stated that it can always be changed at the time of the second reading. At that time, they could go through the process of tabling it and making any changes.

Commissioner Bekkedahl said that if this is something the public has interest in, they should be able to have access it and should be able to have a way to obtain copies. Commissioner Bekkedahl asked staff if there was a way to get the information to the public, whether it's online or something to be picked up at City Hall.

Mayor Klug called a last time for public input; none was heard.

B. Public hearing for proposed Ordinance 1000, amendment to Section 31 of the Williston Zoning Ordinances – Definitions (5<sup>th</sup>)

Nick Vasuthasawat from the Planning and Zoning Department presented information on this ordinance.

Historically the Planning & Zoning Department have consistently denied mobile business requests whose intentions were to operate beyond the parameters of the existing Solicitor and Transient Merchant section of the Williston Code or Ordinances and the allowable uses defined in the Williston Zoning Ordinance. Upon Commissioner direction, it was suggested that staff further assess the mobile business topic and discuss the nuances evolving thereof.

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On July 2nd, 2014, the Review Committee held a meeting to discuss the impacts of the various business types in the City and has brought forward four additional ordinances/resolutions. These include Ordinance No. 999- Amendment of Temporary Uses & Structures, Resolution No. 14-031- Establishing a Temporary Use Permit Fee Schedule, Resolution 14-032- Establishing a Fee & Bond Schedule for Merchants, Vendors, & Solicitors, and Ordinance No. 1000- Amendment to Section 31 Definitions.

On July 14th, 2014, the Review Committee held an additional meeting to incorporate input from local businesses that has shown interest in this topic, such as Bakken Mobile Veterinary Services operated by Dr. Vince Stenson.

On July 21st, 2014, Ordinance No. 999- Amendment of Temporary Uses & Structures, Resolution No. 14-031- Establishing a Temporary Use Permit Fee Schedule, and Ordinance No. 1000- Amendment to Section 31 Definitions were brought before the Planning Commission on a request for action. At this meeting, the Planning Commission approved these ordinances as submitted with the exception of Ordinance No. 999 which was conditioned to be applicable to all commercial and light industrial zoning districts and to further clarify the exemption language.

On July 28, 2014, notices were sent out to eleven (11) property owners and occupants whose sites were located along high traffic areas whose parking lots appeal to such temporary uses which may or may not be impacted by these proposed ordinances. These sites are commonly referred to as Albertsons, True Value, Williston Home & Lumber, Tractor Supply, Grand Williston, Million Dollar Lanes, The Tool Tent Guy, Carns & Sons Pawn Shop, Kum & Go, Walmart, and Bakken Mobile Veterinary Services.

**Analysis:**

This ordinance is intended to consolidate the new definitions evolving from the proposed Ordinance No. 982 prohibiting mobile businesses, Ordinance No. 985-B- establishing additional home occupation regulations, Ordinance No. 988- amending solicitors and transient merchants, and Ordinance No. 999 amending temporary uses and structures into the Section 31 "Definitions" of the Zoning Code.

**Planning & Zoning Commission Recommendation:**

On July 21st, 2014, the Planning & Zoning Commission motioned to approve Ordinance No. 1000 with a unanimous vote of 4-0.

**Recommendation:**

Staff recommends the City Commission approve Ordinance No. 1000, creating new definitions as it relates to the types of mobile businesses, temporary uses, and home occupations within the City of Williston and the extra-territorial jurisdiction.

Mayor Klug called four times for public input on any of the ordinances they presented.

Muriel Lippert asked if the mobile businesses would be able to go to customers' homes.

Mayor Klug said yes and that customers could also go to his residence.

Ms. Olson asked if all the ordinances could be tabled.

Mayor Klug called a last time for public input; none was heard and the public hearings were closed.

Mayor Klug stated he would like to table public hearing items 1-5 and bring them back for a first reading.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to table public hearing items 1-5 regarding the ordinances as discussed.****AYE: Cymbaluk, Brostuen, Bekkedahl and Klug****NAY: None****ABSENT AND NOT VOTING: None****CARRIED: 4-0**

Mr. Vasuthasawat stated that all the information and proposed ordinances would be able to the public at the Planning and Zoning Department Monday thru Thursday 8:00am – 5:00pm and Friday from 8:00am – 1:00pm. Mr. Vasuthasawat also said that he would have the proposed ordinances listed on the website the following morning.

- F. Public hearing for a zone change from R-4: Highrise Multifamily to M-2: Heavy Industrial for Lot 4, Block 3 of the Bakken Industrial Park, City of Williston – Leslie Thielen/H&G Investments

Mayor Klug state that this item is a public hearing for a zone change from R-4: Highrise Multifamily to M-2: Heavy Industrial for Lot 4, Block 3 of the Bakken Industrial Park, City of Williston. Mayor Klug then opened the public hearing.

Principal Planner, Donald Kress stated that the applicant, Leslie Thielen, would join the meeting telephonically.

Mr. Kress said that this property has been proposed for a zone change from R-4: Highrise Multifamily to M-2: Heavy Industrial. The property is one of three R-4 lots in the Bakken Industrial Park. There has been no development on any of these properties.

The original intention of the residential properties within the Bakken Industrial Park was to provide housing when it was seriously needed for workforce housing. This necessity is no longer as vital as it once was, and it seems appropriate to transition this area from high density residential to heavy industrial, in line with the surrounding zoning. The property to the north is also undeveloped and zoned R-4: High Density Residential.

To the north east is the mobile home park inside of the Bakken Industrial Park. This, again, was intended to be an RV park temporary, so an M-2 use is not necessarily incompatible.

This property is 4 acres, which does meet the minimum district requirement for rezoning to R-4.

An owner to the north, Bill King, has lodged a protest regarding this zone change, as he owns an area of R-4 to the north. They have land currently under contract to be sold for development as R-4 and are concerned that this zone change would have a negative impact and result in financial loss and terminate the sales agreement currently in place.

The Planning and Zoning Commission recommend to the City Commission approval of this zone change from R-4: Highrise Multifamily Residential to M-2: Heavy Industrial, for Lot 4, Block 3 of Bakken Industrial Park Subdivision, contingent on addressing all staff comments and the requirement that all required parking and the access to the lot be paved.

Mayor Klug called for public input.

Terry M. said that they always planned on all the zoning at some point, reverting back to commercial and it is his recommendation that it goes back to M-2.

Mayor Klug called a second time for public input.

Bill G., a real estate developer in town, stated he doesn't know either party involved but to him the comments from the developer to the north who has M-2 adjacent, doesn't see a lot of validity to his complaint.

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

Buffering is required between R-4 and M-2 at time of building.

Commissioner Brostuen asked if Bill King with Stratton Securities was notified. Mr. Kress believes they did send them notice but he will get the mailing list for verification.

Commissioner Bekkedahl asked if they send out the notices to surrounding property owners via certified mail with returned receipts. Mr. Kress stated they do not mail them certified or receive returned receipts.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the zone change from R-4: Highrise Multifamily Residential to M-2: Heavy Industrial, for Lot 4, Block 3 of Bakken Industrial Park Subdivision, contingent on addressing all staff comments and the requirement that all required parking and the access to the lot be paved.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- G. Public hearing for proposed annexation of approximately 34.53 acres located in the south 1141.54 feet of the SE1/4 of the NW1/4 Section 9, T154N, R101W – Williston Public School District No. 1

Mayor Klug opened the public hearing for proposed annexation of approximately 34.53 acres located in the south 1141.54 feet of the SE1/4 of the NW1/4 Section 9, T154N, R101W, being requested by Williston Public School District No. 1.

Principal Planner, Donald Kress presented information on this annexation. The property is located adjacent to the west of the Harvest Hills Phase 2 Subdivision, between 32<sup>nd</sup> and 37<sup>th</sup> Streets west. This property is within the one-mile extra-territorial jurisdiction and is currently zoned A: Agricultural, and will remain so zoned after annexation. This property is within the City's Tier 1 Growth Area.

The applicant intends to develop this property with a new public high school. Pursuant to Section 8(C) of the Williston Zoning Ordinance, high schools are allowed by right in the A: Agricultural zone.

Currently, the property can be accessed from 37<sup>th</sup> Street west. However, further development of this property is contingent on creating a second means of access via dedicated public street, including acquisition of all necessary right of way by the applicant.

A 30 day notice period is required for annexations. This notice period has been completed and no comments have been received.

The Annexation Committee recommends annexation of approximately 34.52 acres located in the south 1141.54 feet of the SE1/4 of the NW1/4 Section 9, T154N, R101W with the understanding that further development of this property is contingent on creating a second means of access via dedicated public street, including acquisition of all necessary right of way by applicant.

Mayor Klug called three times for public input; none was heard and the hearing was closed.



**MOTION BY BEKKEDahl, SECONDED BY CYMBALUK, to approve the annexation of approximately 34.52 acres located in the south 1141.54 feet of the SE1/4 of the NW1/4 Section 9, T154N, R101W with the understanding that further development of this property is contingent on creating a second means of access via dedicated public street, including acquisition of all necessary right of way by applicant.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

5. Accounts, Claims and Bills Not Approved in the Consent Agenda
6. Ordinances
7. Petitions, Communications and Remonstrance's
  - A. Irrigation Well – North Gate Apartments

Will Ralph from Braxton Development, stated they are one of the partners on the North Gate Apartments in Williston. City concerns that have come up include long term operation and maintenance of the well, potential lost revenue to the city, and setting a precedent for other wells that are not allowed in the city limits. Based on these concerns, Mr. Ralph respectfully requests the city tabling the action tonight so they have an opportunity to visit with his group about the matter, as well as have further conversations with city staff.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDahl, to table this item.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- B. Theodore Roosevelt Expressway Update

Cal Klewin with the Theodore Roosevelt Expressway Association thanked the City of Williston for their leadership with the association; they are making progress with the highway infrastructure needs. Mr. Klewin presented a brochure on the Ports to Plains Alliance that is the corridor that extends from Texas up to the Canadian border. The second brochure is used to promote the Theodore Roosevelt Expressway. The Theodore Roosevelt Expressway is a high priority federal corridor from Rapid City, SD up to Saskatchewan. There was a ribbon cutting of the four laning of the section going from Watford City to Alexander. This was the first phase of moving ahead with the corridor. The second phase they worked on in the spring was sending letters out seeking support from civic organization and public subdivisions. They also sent out letters requesting support of the Lewis & Clark Bridge. Recently, they released the preliminary environmental and engineering for south of Watford City to I-94. They had over 300 people sign resolutions in support of planning for the four- lane from Watford City to I-94. In Bismarck, they will be testifying a draft bill that the North Dakota Legislature has put forth that will dedicate \$75 million per biennium for US-85 out of the oil and gas funds. One of the brochures is used to support a long term highway bill and also support a mechanism to pay for it, including a raise in gas tax. The document shows that the gas tax in the U.S. has not been raised since 1993. Mr. Klewin stated he is very pleased with their progress in South Dakota,

the Rapids City Mayor called meetings in Rapids City to keep US-85 in South Dakota on the radar and make sure that there is awareness that it needs to be taken care of. Mr. Klewin presented a resolution that they will send to North Dakota Congressmen asking for support of a long term transportation bill and would appreciate the City of Williston's consideration in adopting this resolution.

**MOTION BY BEKKEDahl, SECONDED BY CYMBALUK, to approve the resolution with appropriate wording inserted for the City of Williston as presented by Mr. Klewin.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

C. Missouri River Stakeholders Group Presentation

Ryan Norrell, Executive Director of the North Dakota Missouri River Stakeholders stated throughout history the Missouri River has been the most important water resource in the state of North Dakota. History has shown two things – first, that the river is North Dakota's only sustained flow of water and that there are a variety of competing interests up and down the river, in and out of the state. In 1944 the Flood Control Act was passed to tame the river, which produced devastating floods downstream. In order to secure the passage of this Act, congress made promises to tribes, states, cities, counties, land owners, farmers and ranchers and many of those promises have not been kept. Since the passage of this act, instead of consistency on the river, they have learned that depending on who has the water and who wants the water, unfairness can rule the day. Downstream and out of state interests have come into conflict with water supply development in the state of North Dakota, meanwhile the federal government is keeping one eye on charging for water storage behind the Garrison Dam within the next decade and with the other eye, is looking to increase its jurisdiction over bodies of water beyond the Missouri River. In light of these issues and challenges and in light of development in North Dakota, leaders in grass roots action are needed to form one voice for the State of North Dakota's interests on the Missouri River. The State Water Commission in Garrison Diversion Conservancy District has recognized this need and is providing the funds to lay the foundation for such an organization. Mr. Norrell stated he was here to educate the City of Williston Commission about this effort. They are looking for engagement to help form a way forward for North Dakota's interest on the Missouri River. There will be a workshop in November in Bismarck that is free of charge, and are asking people from across the state to come to the workshop and help them form some policy positions that they can take to their congressional staff, delegation, out of state interests, the Corps of Engineers and the Bureau of Reclamation. Mr. Norrell asked the commission to consider attending their workshop.

D. Dan Schupe – Letter

Mayor Klug stated this item was a communications from some concerned citizens.

Dan Schupe would like to continue a meeting they had in September of last year. At the meeting they stalled on the topic of whether or not 2/85 and the intersection at 11<sup>th</sup> is actually closer to their properties. Monte Meiers from Public Works and other city staff stated the road was no closer. Mr. Schupe presented a picture of the road 10 years ago, where the road was further away and the noise levels were acceptable. Mr. Schupe also presented a picture of a decibel meter that is on a telephone and is an application that everyone can get. The residents in the neighborhood are going to be taking decibel levels. One of the proposals that they would like the commission to help with is that they would like to reopen the studies that they were doing as far as sound and also contamination because they end up with brick, dust and exhaust. The noise level on the meter is the equivalent of standing right next to a motorcycle.

Mr. Schupe said they need a statement from the city stating the road is closer and that he has documentation from Jack Dalrymple and others confirming that the road is closer. Mr. Schupe presented a petition of the residents on 17<sup>th</sup> Avenue west who are concerned about the noise level. In a letter from Governor Dalrymple, he stated it is unfortunate that the neighborhood has been affected this way and is his hope that the concerns the residents expressed will be a concern of the past.

Commissioner Bekkedahl said that the North Dakota Department of Transportation (NDDOT) should have how much the road was moved documented and that he would like to know exact quantification of the road relocation.

Mr. Schupe also thanked the city for moving the garbage cans back on the road behind their homes and for making it more of an alley than road and the traffic on the road has stopped. In documentation they talked about this road being a frontage road and Mr. Schupe expressed concern that this should not be a frontage road.

Commissioner Bekkedahl said he remembered that the study was supposed to be reopened after the road was finished and that he would find documentation supporting this.

Mr. Schupe said they were told they would need to pay \$20,000 per a household to put up a fenced barrier to help deflect the noise. They are not against putting up the fence but feel the city should share in the costs of this expense due to the sound level. Mr. Schupe said they are having problems because they do not have a defined statement from the city of the state saying where the responsibility lies for the intersection as far as sound maintenance. They know that the city has been designated the snow removal and maintenance of the road but they have nothing stating whether the sound is the city or the state's issue and they would like to know that. Their other concern is in regards to the dust level. Mr. Schupe said they would also like a law enforcement study of arrests and fines for trucks using their engine brakes at all hours of night to make sure the laws and ordinances are being enforced. Mr. Schupe said they are also going to be experiencing monetary loss because of the noise levels bringing the value of their homes down.

Mr. Schupe would like to make a formal request to the City Commission to do a new study for environmental damage caused by 2/85 intersection with 11<sup>th</sup> Street and have it be done in a timely manner. They would like another study of the law enforcement for what they are doing about the noise ordinance in the Williston. They would like actual tickets and written fines so they can know they are actually being enforced. They would like a feasibility study of three rows of trees that would block noise and come with a mandate for watering and care.

Commissioner Cymbaluk said they could bring this up for conversation when they have their Sign Committee meeting with David Tuan next week.

Mayor Klug said that the law enforcement issue is a separate issue then the other concerns. He also said that the city is not done with construction in that area yet. Once construction is finished, there will not be as much traffic in that area and there will also be a truck reliever route in the future.

Commissioner Bekkedahl said that they need to get the NDDOT involved to find out who is responsible because the construction project was funded by the NDDOT.

Mayor Klug said he would talk to Mr. Levi, the Director of the NDDOT about the concerns brought before the commission tonight.

8. Report of Commissioners
  - A. President of the Board
    - (1) Commissioner Selection Report

Mayor Klug stated that a month ago he tasked Commissioner Bekkedahl and Commissioner Cymbaluk to set up the process of replacing his commission seat and with that, they went out and solicited some applications for that seat. They had 16 applicants with two that withdrew their applications. Their process was to interview each candidate and come back with a suggestion of one name.

Commissioner Cymbaluk said that he and Commissioner Bekkedahl interviewed 14 of the 16 of the original applicants. Two of the applicants withdrew their applications – Susan Brokaw and Jay Reinke. They had a set of questions that were asked to each candidate as well as a time allotment for each to tell a little bit about themselves. They took notes on each candidate for later referencing. Once the interviews were complete, they had multiple discussions comparing notes and doing their due diligence. They are recommending that they appoint Deanette Piesik to the vacant City Commission seat.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to appoint Deanette Piesik to the vacant City Commission seat.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

Mayor Klug said that Deanette will be the replacement for the next two years until the next June election – June of 2016. Mayor Klug said they will have her come down and be sworn in and she will be seated for the next commission meeting.

- B. Vice-President; Finance Commissioner  
(1) Property Tax Exemption for Retail Sector Projects Revised

Commissioner Bekkedahl said that in the 2013 State Legislation, the legislature passed a new law saying that any city with a population under 40,000 must put a question on the November 2014 election ballot if they want the option of member granting property tax exemption for retail or expanding retail sector business during 2015 and 2016. The law says if you don't have it on the ballot for the public to approve, you cannot offer any retail or expanding retail property tax exemptions. There is a November 2<sup>nd</sup> deadline to get it on the November ballot. If the commission ever wants this to use at some point it needs to go before the voters.

**MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to authorize this to be put on the November ballot to get a sense of the public's input on the issue.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- (2) SRF Application Approval for WRRF  
a. Resolution 14-035 – Williston WWTF SRF

Commissioner Bekkedahl stated they have a State Water Application for the Waste Water Treatment Facility which was prepared by the Auditor's Office as well as the AE2S Project Engineers. The loan application package was submitted to North Dakota Clean Water State Fund Program. City Auditor, John Kautzman said it needs to be approved so it is in the minutes along with the resolution that is required with the applications.

Commissioner Bekkedahl said this would put the city into funding the \$103 million Waste Water Treatment Plant they just approved bids on. In a revenue bond package to this fund, it is 2.5% interest over a 20 year term which is a better rate than what they will get in the prior market for this project. They are also allowing the city to use future gross production tax oil revenues to fund the bond payment versus forcing the city to go to the rate payers, which are citizens and increase rates to pay off the bonds which would substantially increase the waste water treatment rates for the tax payer.

**MOTION BY BEKKEDahl, SECONDED BY CYMBALUK, to accept and approve the application for the Waste Water Recovery Facility, as well as approving Resolution 14-035.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- 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) Notification of New Manager – Beau Fredericks – Famous Dave's

City Auditor, John Kautzman presented a proposed new manager approval subject to a background check and approval of the Police Department for Beau Fredericks as new manager of Famous Dave's.

**MOTION BY BEKKEDahl, SECONDED BY CYMBALUK, to approve the notification of new manager for Beau Fredericks as new manager of Famous Dave's subject to approval by the Police Department.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- (2) Request for Temporary Street Closing – Street Dance – American Legion

City Auditor, John Kautzman presented a request for a temporary street closing from the American Legion, The Shop Lounge & Casino and Bill's Back 40 to hold a street dance on September 13, 2014.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDahl, to approve the request for a temporary street closing subject to approval by Chief Lokken.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

**MOTION BY CYMBALUK, SECONDED BY BEKKEDahl, to amend the motion to add that the street cannot be barricaded and closed off before 6:00pm.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- B. Attorney  
(1) City Attorney Signing the Declaration of Easements for Developer Mike Anderson

City Attorney, Jordon Evert presented a request for approval of a proposed Declaration of Easement for temporary work zone up near the Harvest Hills Phase III on 32<sup>nd</sup> Avenue W as well as some dedicated lands that the city would be excepting to square of future roadways. This is by the property owners Troy and Kris Lippert for both the temporary easement as well as the dedication of property. There is no dedicated right of way on the Lippert property, the developer is going to put the road in. This Declaration of Easement makes sure the property is properly dedicated to the city.

Mr. Evert said he is requesting Resolution numbers for the Declaration of Easement and the Dedication of Right of Way. Mayor Klug asked if this document gave the city ability to continue a trail through the area.

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve a resolution (next available number – 14-037) authorizing Mayor Klug to sign the Declaration of Easements for the developer as outlined by the City Attorney’s office.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- (2) City Attorney Signing the Dedication of Public Right-of-Way for Developer Mike Anderson

**MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to pass a resolution (next available number – 14-038) authorizing Mayor Klug to sign the Dedication of Public Right-of-Way for the developer as stated by the City Attorney’s office.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- C. Director of Public Works  
(1) Advertisement for Bids – Tandem Axle Dump Trucks

Director of Public Works, David Tuan presented a request to advertise for bid two new tandem axle dump trucks for the Roads and Streets Department. These are both budgeted 2014 items that will be advertised August 17<sup>th</sup>, 24<sup>th</sup>, and 31<sup>st</sup>, with bids being opened on September 4<sup>th</sup>.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the request for Public Works to go out for bid for two new tandem axle dump trucks for the Roads and Streets Department.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

(2) Protest of WRRF bid by Ulliman/Schutte & PKG

Director of Public Works, David Tuan presented information on the protest of WRRF Bid by Ulliman/Schutte and PKG.

Mr. Tuan stated that bids were opened on July 17<sup>th</sup> for the Water Resource Recovery Facility (WRRF) project with bids from three contractors for the General Construction Contract. The project was awarded to the low bidder, Rice Lake, along with Williams Plumbing & Heating, and Colstrip Electric for the mechanical and electrical contracts. The second low bidder was a joint venture between PKG and Ulliman & Schutte, who wish to protest the award of the project to Rice Lake.

In the bid specifications, Public Works called for a requirement for all bidders to have had a minimum of five completed projects of similarity and complexity. This specification was put in for the city's protection so there would be no bidders that could bond for the project that had no background in water and waste water treatment as this is a very difficult plant to build.

While Rice Lake has not completed a project a value of \$84 million, they have shown expertise in the waste water field and appear wholly capable of completing the project as designed. Also, none of the subcontractors have completed a project equal to the value of their bids.

Mr. Tuan said they are confident in Rice Lake's ability to complete the project based on the financial and project data that has been provided, as well as the recommendation from the engineer.

Matt Ulliman, President of Ulliman Construction addressed the commission. Mr. Ulliman stated this is a \$103 million project and their organization worked very hard to prepare a competitive bid on the project and followed the guidelines outlined in the project documents. They have worked with PKG on several large project, they are very experienced on large treatment plant construction projects throughout the United States. PKG has a lot of experience in North Dakota and the Bakken. There were very clear bidding requirements on this project. The basis of their objection to award the bid to Rice Lake, it is without question that Rice Lake Construction does not meet the minimum experience requirements which were clearly defined by the city and its bidding documents. Mr. Ulliman said he had three main criteria of why the bid award to Rice Lake is inappropriate – it is the city's requirement to award this job to the lowest responsible bidder, this project requires the experience and resources that Ulliman Construction and PKG have and lastly, Ulliman Construction and PKG is going to provide the overall best value.

Commissioner Cymbaluk asked if prior to joining the partnership they met the bid specification requirements. Mr. Ulliman said that both companies met them before they joined in a partnership.

Mr. Ulliman stated that the largest job out of the five minimum required jobs that Rice Lake has done, is not finished. The bid specifications clearly stated the required minimum is to have five completed jobs.



Mr. Ulliman said that this places the city in a dilemma of what to do because they assumed that Rice Lake's bid is responsible and they awarded the job to Rice Lake and two other contractors. The city now has three contractors that places a lot of additional risk on the city. When you disqualify Rice Lake, the lowest responsible bid comes from PKG Construction in the form of a combined bid which is a good thing because there is one source of responsibility. Mr. Ulliman is requesting that the City Commission get some advice from the City Attorney, Mr. Tuan and AE2S, as well as hire a third party engineer to look at it and ask if Rice Lake is a responsible bidder under the terms of the contract that they city drafted. Mr. Ulliman asked the commission that they pass a motion to do this.

Mayor Klug asked to hear from AE2S since they put together the bid specifications.

Jason Benson, Project Manager from AE2S stated they put together the specifications and plans for this project. There were experience requirements in the specifications with the primary intent to make sure they had qualified waste water contractors. They did not want to have commercial contractors with no waste water experience bidding on the project, which could result in a lot of problems. The experience requirements do state that projects of similar size and complexity are required but did not put a dollar value on the project amounts. In determining what is a similar size/complexity project, there is some room for interpretation. There are two issues – the technical capabilities of the contractors as well as the financial capabilities. From a technical stand point, both of the contractors have shown a long history of completing complex water and waste water treatment plant projects – this is not in question. From a financial capability standpoint, they are required to be backed by a bonding company. Rice Lake is backed by their bonding company for a single project limit of \$200 million and an aggregate bonding capacity of \$400 million, which is well above the project amount. They do not have a specific project that is at the \$85 million level but they do have a number of projects that are just as complex as the city's treatment facility project. It comes back to the resources, if the city feels they have the resources to complete the project on time. They certainly have the technical capability – there is no argument there. The intent of the experience requirements was not to limit bidders or Midwestern contractors, the language is a bit strong, but the intent wasn't to make it tied to a specific dollar amount and this has been done with other projects and is up to the owner. In this particular instance, they did not place a specific dollar amount on the requirements as they have in the past. Mr. Benson said they based their review on the additional information that PKG Construction submitted following the bid regarding their experience and their additional financial ability. They requested similar information from Rice Lake Construction to review their project list as well as financial capabilities and they recommended award upon review of that information. The first bid was due in June and there was only one bidder and that was PKG and Ulliman Construction, there were no other general bidders on the project at that point and some of the concerns were that the initial schedule for the project of November 2016 deadline. With this, they extended the project deadline into September 2017 and by doing this, they were able to attract two additional bidders to bid on the project.

Commissioner Bekkedahl said the word “shall” are in a lot places versus “may” or “will” and asked if that makes any difference. He asked if there was a technical reason why engineers use that word as predominantly as he sees in the document.

This is to make things as clear as possible and not leave it up to interpretation of the bidders.

Mr. Benson stated that ultimately it is up to the city and not a statutory requirement to accept the bid. Exact compliance to similar type and size is not a statutory requirement by the state.

Mayor Klug asked Mr. Benson in his professional opinion, have they gone through the right steps and done everything to make sure the bid is legitimate.

Mr. Benson said they did review the experience and further financial information that was submitted following the bid and based on the amount of work Rick Lake has done over the past 10 years and beyond, certainly they feel they are technically capable and their bond company obviously feels they are financially capable. AE2S feels they are capable of completing the work.

Commission Cymbaluk asked if they had an opportunity to deal with one contractor versus three contractors, why they would take the three and not the one when it is only a quarter of a million dollars difference.

Mr. Benson stated that under the ND Century Code, if the aggregate of the three is less than the combined bid, you are required to take the aggregate of the three. Combined bids are less of a headache from an administrative stand point but a lot of times it does not work that way, a lot of times you award the bid to multiple contractors.

Luke Spajl, Chairman of Rice Lake Construction, stated he did not have the information that Ulliman/PKG had because they just found out last week they were protesting the award. Mr. Spajl said that water and waste water is what they do, they are in the top 400 general contractors in the country, top 15 in Minnesota and 78<sup>th</sup> out of 200 environmentally rated firms in the country last year. Regarding the bid specifications, it does not say size of the project; they have done many jobs in a shorter duration. They are technically and financially capable and employ anywhere from 100 to 500 people on any given day. Mr. Spajl has been in the construction business from day one, he was born and raised in the business and has spent many summers in North Dakota doing cable optic work. While doing cable optic they worked in 32 different states and they have worked all over the Midwest. To say Rice Lake is not capable of doing this project is a misstatement, they meet all the criteria. Mr. Benson said they are the responsible lowest bidder and it is their job to manage the other two contractors.

Mr. Ulliman spoke again, hoping the commission considers their request for a review in the determination of responsibility.

He stated he would rather see this happen now as he does not want to get into litigation or hold the job up; they are there to plead the commission sense of fairness, follow their prescribed documents, and try to get the job moving forward. Maybe the study will enlighten both parties. Mr. Ulliman would like to see the project rebid with the adjusted specifications so everyone is on a fair playing field.

Mayor Klug said that Ulliman Construction and PKG teamed up for this project and asked if the 5 blue lines they have were a team up effort beforehand that PKG did.

The five blue lines were done by Ulliman & Schutte Construction. Ulliman & Schutte and PKG have not done a project together.

City Attorney, Pete Furuseth stated that from a legal perspective the city has not done anything wrong in his opinion and his recommendation is that the city goes with the bid they accepted and move on.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to deny the protest at this time.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

D. City Engineer

E. Fire Chief

(1) Request Permission for Substation A & E RFP Posting

Chief Catrambone presented a request for permission to advertise requests for proposal for the new substation architectural and engineering. Starting at this time, they will allow a timeline to complete this substation in the next 16-24 months.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the request to advertise for the architectural and engineering for the new substation.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

(2) Acceptance of Bid for Old 6407

Chief Catrambone presented a bid that happened before he started his position. They need to accept a bid for a 2008 Chevy Kodiak Ambulance (Old 6407) that had been rolled on multiple occasions from D & C Productions in the amount of \$15,555. Chief Catrambone stated he was asking permission for acceptance of this bid to clear it up.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to accept the bid for ambulance Old 6407 from D & C Productions in the amount of \$15,555.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- (3) Permission to List 6401 & Retired 6407 for Bid

Chief Catrambone stated he is seeking permission to list for bid 6401, which is the Dodge Sprinter, repairs to it will cost more than the value and another retired 6407 that is also out of service at this time.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the request to list for bid Ambulance 6401 and retired Ambulance 6407.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- F. Chief of Police  
G. Building Official  
(1) City Addressing Grid Update

Kelly Aberle from the Building Department presented a request to hold a public meeting to help inform the public of the new addressing grid and to answer any questions or concerns they may have before it is implemented. Ms. Aberle said she is looking at holding this public meeting on either the 27<sup>th</sup> or 28<sup>th</sup> of August with the time and location pending, but would like to have the meeting in the City Commission Board room.

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the request and to set the date of the meeting appropriately.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- H. City Planner  
(1) Resolution 14-032 – establishing a fee and bonding schedule for merchants, vendors, and solicitors

There was a request to table this item as well as the following item.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to table this item as well as the following item (regarding Resolution 14-032 and Resolution 14-031) until the next meeting.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- (2) Resolution 14-031 – amending Resolution 13-002, establishing a fee and bonding schedule for Temporary Use Permits

There was a request to table this item – see motion above

I. Economic Development

J. Airport

- (1) Night Work Waiver – Northern Improvement – September 11-15, 2014

Airport Manager, Steven Kjergaard presented information on this item. Mr. Kjergaard stated that they are needing to close the airport at night for a construction project and need a Night Work Waiver. The dates of the construction are September 11<sup>th</sup> thru 17<sup>th</sup>.

**MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the Night Work Waiver for September 11<sup>th</sup> – 17<sup>th</sup>, 2014 as requested.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- (2) Advertising – Value Place – 3 Months

Airport Manager, Steven Kjergaard presented a month to month digital advertising lease with Value Place for \$400 per month. Mr. Kjergaard recommends approval of this advertising lease.

**MOTION BY BROSTUEN, SECONDED BY BEKKEDAHL, to approve the month to month digital advertising lease with Value Place in the amount of \$400 per month.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

- K. Assessor  
 L. Convention and Visitor's Bureau  
 10. Appointments and Consultations with Officers  
 11. Unfinished Business  
 A. Landfill Scale House Expansion Bid Opening & Recommendation

Director of Public Works, David Tuan presented information on the Landfill Scale House Expansion Bid Opening and Recommendation.

On July 22<sup>nd</sup>, 2014, bids were opened for the Landfill Scale House and Shop Expansion Project. Only one bid was received from East & West Excavating in the amount of \$1,914,358.20, which is \$589,244.92 higher than the Engineer's estimate of \$1,325,105.28.

Mr. Tuan stated they did not recommend award of this project at the last commission meeting due to the bid being substantially higher than the estimate.

After meeting with the engineer and the contractor, they feel they can lower the project cost significantly by working through a negotiated process with some product and schedule substitutions.

Rather than re-bid this late in the season and risk not getting any work completed or driving up the project cost, Mr. Tuan is requesting authorization to reject the bid from East & West Excavating and enter into negotiations with the contractor for the Landfill Scale House Project on the basis of Public Health and Safety, as the improvements to the access, scale, and radiation screening equipment is critical to operations.

After discussions with the City Attorney, Mr. Tuan is requesting approval of a resolution affirming the intent to proceed with negotiations on this project with the contractor.

**MOTION BY BROSTUEN, SECONDED BY BEKKEDAHL, to adopt the resolution to begin negotiations with the contractor to lower the overall cost as it is a public emergency.**

**AYE: Cymbaluk, Brostuen, Bekkedahl and Klug**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 4-0**

B. Basin Cab – Purposed Rate Schedule

*This item was placed on hold*

12. New Business

13. Executive Session

A. *Convene for Executive Session*

Mayor Klug said he would entertain a motion to move to Executive Session to confer with the City Attorney.

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to convene for Executive Session.  
UNANIMOUS BY VOICE VOTE**

Pursuant to the motion they will move into Executive Session to discuss the issues authorized be Section 44-04-18.4 of the North Dakota Century Code.

14. Adjourn

**MEETING ADJOURNED BY MAYOR KLUG  
UNANIMOUS BY VOICE VOTE**

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Howard Klug, President  
Board of City Commissioners

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John Kautzman, City Auditor