

**Official Proceedings**  
**BOARD OF CITY COMMISSIONERS**  
**August 26<sup>th</sup>, 2014 6:00 P.M.**  
**CITY HALL WILLISTON, NORTH DAKOTA**

1. Roll Call of Commissioners

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

COMMISSIONERS ABSENT: None

OTHERS PRESENT: John Kautzman, Chief Catrambone, Chief Lokken, Donald Kress, David Tuan, Bob Hanson, Steven Kjergaard, Rachel Ressler, Kent Jarcik and Bill Tracy

Mayor Klug welcomed Ms. Piesik to the Board of City Commissioners and her first City Commission meeting. Mayor Klug stated that there are a couple of amendments that need to be made to the agenda – item 9A(6) needs to be moved to the 2B(3)f, which is a Consent Agenda item, item 2D(1), which is a City Planner item, needs to be moved to 9H(3), add item 9H(4) and the Public Hearing items 4A,B,C,D & E need to go under “Ordinances.”

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

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

2. Consent Agenda

A. Reading and Approval of Minutes for:

(1) Regular Meeting Dated: August 12<sup>th</sup>, 2014

B. Auditor

(1) Accounts, Claims and Bills

Combined Check Register

For checks between: 08/09/14 - 08/22/14

Payroll

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Check #	Check Vendor/Employee/Payee Number/Name	Check Amount
72519	14021 BRAD D. BEKKEDAHL	0.00
72518	56070 TATE A. CYMBALUK	0.00
72517	56297 BRENDA D'ANGELO	1011.02
72516	12020 RANDY M DONNELLY	1675.82
72515	56348 TYLER EMERSON	1075.77
72514	56444 SUSAN GISLASON	1811.53
72513	12017 JOHN L. KAUTZMAN	2844.85

72512	56363 JUSTINA ROSE	675.96
72511	56255 CHELSEA S CAVANAUGH	1304.79
72510	13026 KEVIN W. CRAFT	1114.25
72509	56323 LINDSEY HATCH	747.83
72508	56397 MEGAN PETERSON	719.60
72507	56436 SHELBY PIZZIE	499.13
72506	56225 SUSAN E. SCHNEIDER	1325.81
72505	13025 JOLEEN S. TINKER	1444.17
72504	56400 SAMMYE TOMPKINS	1115.24
72503	56378 LAURA WOLTJER	856.35
72502	56344 CARRIE ZELLMER	539.94
72501	34103 CHRISTOPHER J. BROSTUEN	695.23
72500	14025 HOWARD D. KLUG	443.69
72499	56169 KATHERINE E. BERWICK	1578.78
72498	56252 DIANE THOMPSON	1126.99
72497	15004 JANET B. ZANDER	2052.76
72496	56419 JASON CATRAMBONE	1547.27
72495	56452 ARLIE COLVIN II	995.03
72494	56193 CYNTHIA L. GARDNER	1220.39
72493	56325 DAVID GORDON	1285.32
72492	18027 STEVEN D. KERZMANN	2838.76
72491	18096 TRACY C. KERZMANN	1289.43
72490	56332 ANDREW KINDLE	1728.74
72489	56377 DAVID MOLITOR	2141.02
72488	18099 ERICA J. MYERS	1275.24
72487	18070 JEANNE M. SAGASER RASSIER	2327.67
72486	56130 ANDREW A. SAILER	3187.92
72485	18046 GARVIN SEMENKO	27.02
72484	56439 MARCEL SIM	1399.46
72483	56453 TIMOTHY SWANSON	1466.94
72482	56174 SAM M. AIDE	1205.67
72481	56166 RYAN J. ALLEN	1157.90
72480	56388 RUSSELL ANTHONY	999.88
72479	56273 JASON BARTEN	1536.19
72478	19024 DAVID L. BELISLE	1378.04
72477	56246 HUGH E BENZEN	1000.66
72476	19092 DUSTIN J. BERTSCH	1520.98
72475	19028 MARK R. BITZ	1839.49
72474	56097 ALAN C. BRATT	1121.52
72473	56121 DUSTIN R. CELANDER	948.75
72472	56113 MINDY SUE DEGENSTEIN	1008.55
72471	56278 DANIEL DERY	1115.33
72470	56173 RODNEY H. DICKERSON	1205.67
72469	56354 RYAN EGERMAN	1283.28
72468	56289 STACEY EISSINGER	944.58
72467	56183 AMBER M. GILMORE	1375.45
72466	19009 LINDA R. GRANBOIS	1191.54
72465	56147 JACOB J. GREGORY	1270.69
72464	56403 KRISTIINA HANNUS	1092.56

72463	56343 ZACHARY HANSEN	1150.44
72462	56195 JACKIE L. HATCH	717.98
72461	19082 RANDY M. HAUGENOE	1562.12
72460	56285 TYLER HOFF	942.49
72459	56210 WILLIAM E. HOLLER	1525.56
72458	56353 JONATHAN HOLTER	1069.35
72457	56102 MICHAEL A. ISENHOWER JR	1590.32
72456	56387 AARON KURTENBACH	932.07
72455	19012 THOMAS L. LADWIG	1939.44
72454	19011 JAMES L LOKKEN	2740.95
72453	56082 TRAVIS J. MARTINSON	929.31
72452	56061 AMY D. NICKOLOFF	1317.34
72451	19014 KENNETH B. OWENS	1987.54
72450	56385 JUSTIN PELZL	929.81
72449	19098 DAVID A. PETERSON	1901.12
72448	56418 TRAVIS PETERSON	993.57
72447	56279 ALEC RAISBECK	1065.54
72446	56181 TREVOR J. ROBERTS	1131.86
72445	56148 JONATHAN D. ROGGENKAMP	707.06
72444	56420 BUDDY WENISCH	1208.35
72443	19077 MICHAEL S. WILSON	1579.97
72442	20047 KELLY M. ABERLE	1660.76
72441	26039 DIANE K. ALBRIGHTSON	1048.45
72440	56209 MARTIN L. COLGAN	1724.32
72439	56432 RICHARD DEBRUNNER	1198.84
72438	56360 NYDEL DEHLBOM	278.24
72437	56296 JOE DOSS	1269.88
72436	56309 KRYSTINE HEIFORT	974.97
72435	56308 JAMES LEAHY	1163.81
72434	56441 DAVID SASSER	2140.83
72433	56270 WILLIAM TRACY III	1463.06
72432	56220 TRUNG THANH LE	1372.19
72431	56302 ANTON LEUTY	886.49
72430	56429 MUSTAFA MAHMOOD	517.16
72429	21040 MONTE C. MEIERS	143.88
72428	56417 DEAN RENNINGER	2116.53
72427	21054 WAYNE A WIEDRICH	3356.78
72426	56421 JAREK WIGNESS	482.05
72425	22020 ROBERT D. KNAPPER	2019.23
72424	56425 ALEXANDER NELSON	969.45
72423	56214 MICHAEL J. BEARCE	1317.30
72422	56317 ZACHARY CORNELIUSEN	458.80
72421	56064 HEATH T. GLENN	119.87
72420	56404 DAVID JOHNSON	751.61
72419	56315 EARL KILLINGSWORTH	987.40
72418	56244 ROY LONG	1606.98
72417	56448 EMIL NEHRING	1595.56
72416	56445 RANDOLPH WHITE	1197.87
72415	56451 DAVID WITTMAN	1464.22

72414	56320 PHILIP ARENDS	1513.90
72413	56409 KENDELL BROWN	28.95
72412	56370 JEFFREY BRYSON	1950.92
72411	24019 ROBERT D. COUGHLIN	696.19
72410	56381 MORKATAA DHINAA	1761.05
72409	24017 STEVEN W. JENSEN	1406.27
72408	56356 MITCHELL KERSTING	820.35
72407	56391 THOMAS MOTTL	1599.64
72406	56415 WILLIAM SCHWENDEMAN	1221.49
72405	56284 SABRINA SIMS	333.31
72404	56104 DANIEL W. TUPA	1279.20
72403	25110 KENNETH W. BERGSTROM	2065.89
72402	25111 JASON W. HOULE	1091.06
72401	56187 STEPHEN R. KOHLER	1029.49
72400	56389 THOMAS ATOR	1513.13
72399	56368 ERICA KELASH	1377.06
72398	56349 LILLIAN MCGUIRE	735.31
72397	56164 JACOB T BLOODGOOD	630.97
72396	27076 DANNY R. GERGEN	1546.62
72395	56091 JAMES A HAGA JR	1105.93
72394	56427 REED HAMMER	176.18
72393	56128 VERNON L. HENDRICKSON	1543.85
72392	56423 GREGORY MACE	883.73
72391	56433 RENA MATLOCK	1029.76
72390	56303 TROY OSTER	659.31
72389	56435 KEVIN POWERS	554.71
72388	56379 WILLIAM REED	813.17
72387	56258 BRYAN THOMPSON	793.22
72386	56443 JOAN WITTMAN	1214.18
72385	56084 KENNETH R. BOYKIN	1536.93
72384	56313 WILLIAM BRENNY	876.58
72383	56114 ANTHONY D. DUDAS	1613.11
72382	56396 EMILY GATHJE	620.30
72381	56086 STEVEN C. KJERGAARD	2194.42
72380	12029 LORI A. LARSEN	174.25
72379	56395 JAMES MURAWSKI	781.60
72378	56358 RYAN O'REAR	748.67
72377	56372 THOMAS SANDO	875.33
72376	56422 MICHAEL SHEARER	474.66
72375	56398 MARK BATES	2003.10
72374	56340 MICHAEL SIMPSON	2271.69
72373	56200 GINA MOTTL	32.52
72372	56352 BRIAN YOUNG	826.77
72371	56347 CHRISTINE EDWARDS	1094.82
72370	34017 KENT A. JARCIK	2437.58
72369	56223 DONALD KRESS	1366.71
72368	56075 DEEANN M. LONG	41.56
72367	56057 JON D. MARISTUEN	41.56
72366	56416 SAMANTHA NEILL	531.57

72365	56239 RACHEL K. RESSLER	949.64
72364	56314 NICK VASUTHASAWAT	1211.62
72363	56438 KELSEY VLAMIS	739.24
72362	35025 JOSILYN F BEAN	1185.23
72361	56301 TRAVIS MIZZELL	919.14
72360	56079 BRENDA SEPTKA	1275.92
72359	56293 DAVID TUAN	2444.43
72358	56375 KRISTIN WENDT	1172.37
72357	36006 NEIL W. BAKKEN	1738.64
72356	56366 KENT SKABO	982.61
72355	37008 LAVERN GOHL	1614.01
72354	56180 DIANE C. HAGEN	419.16
72353	56211 WAYNE E. BEARD	1362.27
72352	56413 LEXI CASTRO	272.37
72351	48102 KAYLA J. HELL	687.84
72350	56333 STEVEN MCGAUGHEY	553.67
72349	56111 ANDREA L. MITCHELL	217.27
72348	56364 JASON SAGE	259.77
72347	48013 DEBORAH A. SLAIS	1315.16
72346	48034 YVONNE A. TOPP	591.55
72345	56411 LISA WEBB	858.30
72344	56410 CAITLYN BELEY	863.40
72343	52011 ANN M. KVANDE	1369.37
72342	56306 MARGARET LUNSFORD	1096.95
72341	56041 BARBARA J. PETERSON	1176.02
72340	56431 RACHEL RICHTER	172.94
72339	52003 THOMAS C. ROLFSTAD	1578.05
72338	52020 SHAWN WENKO	1711.55
72337	56222 VIVIAN KALMIK	334.04
72336	53002 AMY A. KRUEGER	1920.30
72335	56311 MALLORY NYGARD	596.68
72334	56271 SABRINA A RAMEY	1210.61
72333	56310 JENNIFER STRIETZEL	1083.32
72332	56390 DENICE SUESS	1057.24
72331	56399 JENNIFER WILSON	961.17
72330	56144 CRYSTAL M. BONNER	999.37
72329	56213 ROBERT JASON HILLARD	1040.75
72328	56080 BRAD E. SEPTKA	2277.35
72327	IAFF LOCAL 3743 IAFF LOCAL 3743	225.00
72326	56454 MARCIA THOMAS	505.17
72325	DEFER COMP ROTH NATIONWIDE RETIREMENT SO	17927.00
72324	ND CHILD SUPPOR ND CHILD SUPPORT ENFORCE	1835.20
72323	FIT U.S. TREASURY	142818.04
1685	79 CITY OF WILLISTON	16.60
1686	756 TRI-COUNTY REGIONAL DEVELOPMENT C	948.28
65954	1535 GRANITE PEAK	3000000.00
65955	1162 NORTHLAND TRUCK SALES, INC.	150000.00
65956	999999 VINCE WALKER	220.00
65957	ND HEALTH ND PUBLIC EMPLOYEES RETI	146943.76

65958	DEF COMP PERS1 NORTH DAKOTA PUBLIC EMPL	425.00
65959	PERS NORTH DAKOTA PUBLIC EMPL	125801.73
65960	999999 DAMIAN LAMKIN	400.00
65961	673 CLERK OF DISTRICT COURT	750.00
65962	673 CLERK OF DISTRICT COURT	750.00
65963	673 CLERK OF DISTRICT COURT	750.00
65964	673 CLERK OF DISTRICT COURT	750.00
65965	999999 TAMMY BUTCHER	500.00
65966	673 CLERK OF DISTRICT COURT	750.00
65967	673 CLERK OF DISTRICT COURT	750.00
65968	673 CLERK OF DISTRICT COURT	750.00
65969	999999 MACKINZIE ELLETSON	750.00
65970	999999 KYLE CAULPETZER	200.00
65971	999999 JESSE DEAN	850.00
65972	999999 ROBERT LARSEN JR	400.00
65973	999999 DAVID OYOLE	10.00
65974	489 VISA	1274.13
65975	2218 Tigirlily	2674.00
65976	2153 JADESTONE CONSULTING	930.00
65977	521 WILLISTON PARK DISTRICT	200.00
65978	999999 CORE SERVICES INC	1031.15
65979	623 Wex Bank	4201.42
65980	2231 Organize-It	386.53
65981	AFLAC AMERICAN FAMILY LIFE ASS	2210.28
65982	AFLAC PRE-TAX AMERICAN FAMILY LIFE ASS	89.00
65983	673 CLERK OF DISTRICT COURT	750.00
65984	673 CLERK OF DISTRICT COURT	750.00
65985	999999 SYLVIA MARTINEZ	500.00
65986	999999 TRAVIS MCDONNELL	100.00
65987	999999 ERIC ROUNDS	100.00
65988	999999 ALLEN SCHMUDDER II	850.00
65989	999999 MARK FIELDS	550.00
65990	999999 DANIEL HOGAN	700.00
65991	999999 LACY BUCK	300.00
65992	1401 Valley Rental - Bakken Heights VI	500.00
65993	521 WILLISTON PARK DISTRICT	1514715.91
65994	19 AMERICAN STATE BANK	1514730.92
65995	12026 KAREN P. LARSON	1323.48
65996	17016 THOMAS J. GLENN	1100.47
65997	56337 DARIN JOHNSON	1935.36
65998	56382 ETHAN JOHNSON	380.77
65999	56107 VICTORIA L. KREGER	182.85
66000	56290 BRADLEY SCHERER	1015.09
66001	56408 SAMANTHA VENDITTO	617.23
66002	19095 WALTER H. HALL	1616.35
66003	56206 DANIELLE HENDRICKS	1468.84
66004	56243 JACOB R. HENDRICKS	1029.26
66005	56449 NICHOLAS NELSON	871.00
66006	13027 CRYSTAL A. SCHAUBEL	1105.49

66007	56406 RICHARD RADEMACHER	1213.22
66008	25030 PEDAR A. ANDRE	1127.12
66009	21041 ROBERT E HANSON	2569.94
66010	56428 THOMAS SCOTT	379.82
66011	22021 LES CHRISTENSEN	1751.54
66012	22014 GARY L. GLOVATSKY	1739.28
66013	56402 CHRISTOPHER BARONSSON	1574.58
66014	23136 JAMES B. ENGEN	2630.56
66015	23126 BRENT E. HANSON	1770.19
66016	23039 BRUCE A. JOHNSON	1297.03
66017	56288 CHRISTOPHER MALONE	345.63
66018	56049 MICHEAL A. PETERS, JR.	553.14
66019	56167 MATTHEW TUTAS	1650.53
66020	56414 TREVOR WAGSTAFF	917.01
66021	56189 AMANDA M. KAISER - LEE	1016.53
66022	56454 MARCIA THOMAS	0.00
66023	27058 DAVID LEE BELL	2324.37
66024	25106 RICHARD S. ODEGARD	1999.58
66025	27067 RICHARD D. BORUD	1473.85
66026	56202 GUNNAR CORCORAN	697.72
66027	56355 TIMOTHY JEWELL	1464.20
66028	56430 JAMIE KOHLER	173.75
66029	27096 RUSSELL E. MOMBERG	1889.68
66030	27091 JOSEPH G. MONSON	1445.86
66031	56442 BRETT RALPH	173.75
66032	22022 KATELYN CHRISTENSEN	1126.14
66033	56426 JORDON MONSON	972.68
66034	31051 GORDON L. SMESTAD	1600.14
66035	56099 MARK C. AMONDSON	444.88
66036	56361 JUSTIN EDWARDS	1898.29
66037	56367 TONY SCOTT	623.80
66038	32006 WILLIAM M. MCQUISTON	1804.30
66039	56253 STEPHEN OLEGARIO	618.19
66040	34105 GLENN A. BOYEFF	41.56
66041	56401 KEVIN CHRISTENSEN	41.56
66042	34106 GERALD L. FLECK	41.56
66043	56117 NICK J. HAUGEN	41.56
66044	56446 BRIANA HURLEY	240.88
66045	56298 SAWYER ZENT	153.07
66046	56066 ZACHARY G. CORCORAN	1654.32
66047	56434 CHARLES DENHAM	1128.19
66048	54065 PATRICIA K. FIORENZA	2028.90
66049	243 MONTANA DAKOTA UTILITIES	4674.13
66050	56276 ELTON LARSON	203.17
66051	518 WILLISTON HERALD	119.00
66052	489 VISA	290.01
66053	1934 KERMIT AND NINA HEEN	12000.00
66054	56113 MINDY SUE DEGENSTEIN	344.21
66055	COLLECTION CENT COLLECTION CENTER, INC.	494.22

66056	CHILD SUPRT CT CONNECTICUT - CCSPC	297.65
66057	DCI CREDIT DCI CREDIT SERVICES INC	654.30
66058	DEL CHILD SUPPO DCSE	135.00
66059	MN CHILD SUPPOR MINNESOTA CHILD SUPPORT	549.00
66060	NC CHILD SUPPOR NC CHILD SUPPORT	205.00
66061	ND PEA NDPEA	56.00
66062	UNITED WAY UNITED WAY	138.00
66063	19 AMERICAN STATE BANK	1588350.00
66064	MEDICAL SPENDIN DISCOVERY BENEFITS	2532.68
66065	531 WILLIAMS COUNTY AUDITOR	11633.75
66066	1220 3D SPECIALTIES	4410.00
66067	1903 ACME CONCRETE PAVING INC	913590.93
66068	1953 AE2S CONSTRUCTION LLC	3500.00
66069	4 AGRI INDUSTRIES, INC.	789.00
66070	999998 ALAN C. BRATT	50.00
66071	774 ALERT MAGAZINE LLC	195.00
66072	8 ALL SEASONS SPORT ABOUT	2891.80
66073	2068 AmeriPride FR & Safety Gear	248.71
66074	718 AMERIPRIDE LINEN AND APPAREL SERV	385.23
66075	999998 AMY A. KRUEGER	507.95
66076	646 APPLIED CONCEPTS, INC	2878.00
66077	540 AQUA-PURE INCORPORATED	37800.50
66078	30 ASTRO-CHEM LAB, INC.	2151.00
66079	708 AT&T	117.28
66080	33 BAKER & TAYLOR CO.	458.38
66081	34 BALCO UNIFORM CO., INC.	1367.33
66082	961 BARBOT ENTERPRISES	11100.00
66083	38 BASIN PRINTERS, INC.	126.00
66084	2013 Bergy Construction	6238.00
66085	1339 BOBCAT OF WILLISTON	1246.77
66086	52 BORDER STATES ELECTRIC	1549.46
66087	53 BORDER STEEL	648.92
66088	599 BRAATEN PLUMBING, INC	225.00
66089	966 BYERLY COMPUTER SERVICES	1150.00
66090	1054 C & D WATER SERVICES	107.00
66091	2239 CANAMER SERVICES, INC	4291.70
66092	69 CARQUEST AUTO PARTS STORES	457.24
66093	549 CASH WISE FOODS	23.99
66094	616 CENTER POINT LARGE PRINT	120.42
66095	1623 CHEMSEARCH	4356.74
66096	73 CHRISTOPHERSON'S TIN	2184.54
66097	2240 Cindy Gardner	33.81
66098	79 CITY OF WILLISTON	1961.08
66099	80 CITY OF WILLISTON	14.25
66100	2234 CIVIL AIR PATROL MAGAZINE	395.00
66101	1666 CIVIL SCIENCE	8330.50
66102	2241 Clint Bates	54.03
66103	2245 Clyde & Lori Larsen	2.96
66104	1891 CO2 SYSTEMS INC	2610.00



66105	1662 Connecting Point Computers Center	135.00
66106	567 CRAIG'S SMALL ENGINE REPAIR	123.85
66107	1625 CTS LANGUAGE LINK	14.92
66108	2242 Custom Ink	2844.53
66109	548 DAKOTA DIESEL	429.70
66110	1136 DAKOTA FENCE	3100.00
66111	927 DAKOTA PUMP & CONTROL	11640.00
66112	2221 Dakota Sunrise Brokers, LLC	906.27
66113	93 DAKOTA SUPPLY GROUP	6817.58
66114	1705 DEGENSTEIN'S AUTO PLUS	3489.50
66115	2235 DISTRIBUTION NOW	87.64
66116	2141 DOT'S PRETZELS	98.56
66117	568 DPC INDUSTRIES, INC	5443.50
66118	999998 DUSTIN R. CELANDER	25.00
66119	126 EMRY'S LOCKSMITHING	33.00
66120	569 FEDEX	166.85
66121	131 FIRST INTERNATIONAL BANK	2801.69
66122	134 FORT UNION SUPPLY & TRADE	1953.65
66123	354 FURUETH LAW FIRM, PC	26568.00
66124	139 GAFFANEY'S	1316.68
66125	1453 Gibbs & Sons	264242.34
66126	1154 GOOSENECK IMPLEMENT	53.49
66127	846 GRAND FORKS FIRE	47.12
66128	144 GRAYMONT WESTERN CANADA	12154.69
66129	539 HACH	60.92
66130	151 HAWKINS, INC.	22240.11
66131	550 HEDAHL'S PARTS PLUS	483.34
66132	161 HOME OF ECONOMY	371.72
66133	162 HORIZON RESOURCES	22753.62
66134	163 HOSE AND RUBBER SUPPLY	310.08
66135	164 HOTSY EQUIPMENT CO.	395.00
66136	165 HOWARD SUPPLY COMPANY	98.70
66137	999998 HUGH E BENZEN	25.00
66138	173 INFORMATION TECHNOLOGY DEPARTMENT	551.45
66139	60479 International Code Council, Inc.	50.00
66140	176 INTERSTATE POWER SYSTEMS	17.09
66141	999998 JACOB J. GREGORY	25.00
66142	2113 JAME'S TIRES	9665.00
66143	1609 JMAC RESOURCES	1355.50
66144	190 JOB SERVICE NORTH DAKOTA	7172.75
66145	196 KADRMAS LEE & JACKSON INC	115540.19
66146	212 KOTANA COMMUNICATIONS	14.00
66147	999998 KRISTIINA HANNUS	25.00
66148	956 L & K ELECTRIC	799.64
66149	591 LEXIS NEXIS	53.67
66150	1812 MainStay Suites	877.95
66151	2243 Marcel Sim	22.84
66152	1209 MASS MARKETING INC.	430.00
66153	239 MATERIAL TESTING SERVICE	4944.00

66154	245 MEDQUEST INC	453.00
66155	2103 MERRYMAN EXCAVATION	201266.54
66156	999998 MICHAEL A. ISENHOWER JR	84.50
66157	250 MICROMARKETING ASSOCIATES	439.56
66158	1235 MIDWEST HOSE & SPECIALTY, INC.	124.40
66159	999999 MINOT RESTAURANT SUPPLY	162.00
66160	260 MODERN MACHINE WORKS	458.00
66161	2127 MONDAK MOTORSPORTS	142.20
66162	243 MONTANA DAKOTA UTILITIES	41305.77
66163	270 MURPHY MOTORS, INC.	340.47
66164	271 MVTL/MINNESOTA VALLEY	66.00
66165	1772 MYGOV, LLC	700.00
66166	275 NAPA AUTO PARTS	753.75
66167	303 ND POST BOARD	440.00
66168	314 ND WORKFORCE SAFETY & INS	135.78
66169	1921 NDBOA Secretary/Treasurer	100.00
66170	1243 NEFF EIKEN & NEFF PC	3715.83
66171	2224 NELSON INTERNATIONAL DICKINSON	1500.00
66172	320 NEMONT	5583.09
66173	2205 NEWMAN DIGITAL	2989.00
66174	999998 NICHOLAS NELSON	25.00
66175	584 NMN, INC.	931.70
66176	2244 North Dakota Dept. of Health	150.00
66177	1239 Northern Controls Inc.	405.00
66178	324 NORTHERN IMPROVEMENT CO.	1644.67
66179	999999 NORTHLAND BUS SERVICE, INC	1500.00
66180	333 NORTHWEST SUPPLY CO.	275.00
66181	1635 OCLC, Inc.	520.25
66182	1803 ODNEY	16829.35
66183	340 OHNSTAD TWICHELL PC	234.00
66184	2236 OPWORKS	22100.00
66185	1270 PASTIME PRINTS	363.75
66186	356 PITNEY BOWES, INC.	278.62
66187	357 POLAR REFRIGERATION, INC.	3009.89
66188	2162 PRAXAIR DISTRIBUTION INC.	45.36
66189	641 PREBLE MEDICAL SERVICES, INC	135.00
66190	387 RESPOND SYSTEMS	95.77
66191	390 RICHARD A. JOHNSON	2941.50
66192	999998 RYAN EGERMAN	12.50
66193	1437 S J LOUIS CONSTRUCTION INC	93799.70
66194	1133 SANDERSON STEWART	36342.18
66195	409 SANITATION PRODUCTS	327.43
66196	999999 SCHNEIDER PUBLISHING COMPANY, INC	2595.00
66197	415 SELECT FORD	348.33
66198	416 SELID PLUMBING & HEATING INC	2024.92
66199	1360 Standard Signs, Inc.	288.38
66200	999999 STEPHANIE STORBAKKEN & AMD	250.00
66201	436 STONEY CREEK KENNELS	4500.00
66202	1167 STRATA CORPORATION	15778.78

66203	2237 SUSAN STRIETZ	115.00
66204	2220 Thompson & Sons	3738.31
66205	1142 TOTALFUNDS BY HASLER	1000.00
66206	460 TRACTOR & EQUIPMENT CO.	231.29
66207	461 TRACTOR SUPPLY CREDIT PLAN	46.97
66208	2232 TriTech Software Systems	2500.00
66209	2072 TriZetto Provider Solutions	39.00
66210	1610 ULTEIG	74471.67
66211	750 UPS	40.20
66212	999999 US FOOD, INC	568.82
66213	485 VESSCO, INC.	964.02
66214	489 VISA	8935.12
66215	2118 VISA	31.84
66216	1304 VULCAN INDUSTRIES, INC	514.40
66217	496 WCS TELECOM	879.35
66218	999998 WILLIAM TRACY III	103.06
66219	531 WILLIAMS COUNTY AUDITOR	4573.13
66220	648 WILLIAMS COUNTY SHERIFF'S OFFICE	16550.00
66221	2040 Williston Area Chamber of Commerc	1000.00
66222	514 WILLISTON COMMUNITY LIBRARY	53.80
66223	518 WILLISTON HERALD	2970.01
66224	521 WILLISTON PARK DISTRICT	1200.00
66225	523 WILLISTON POLICE ASSN.	180.00
66226	525 WILLISTON TIRE CENTER	1542.90
66227	526 WILLISTON TRUE VALUE	252.77
66228	2238 WONDERWARE MIDWEST	6405.00
66229	2233 WORLD VIEWS RELOCATION GUIDE	300.00

**Grand Total** # of Checks: 475

Total 10699526.67 Total Claims 9970919.11

- (2) Application for a Local Permit or Charity Local Permit
  - a. Wilkinson PTO – Raffle – September 2014 thru June 2015
  - b. Pheasants Forever MonDak Chapter 619 – Raffle – 10/04/14
  - c. Williston Basin Skating Club – Raffle – 09/01/14 thru 03/13/15
- (3) Special Permit to Sell Alcoholic Beverages
  - a. Outlaw's Bar & Grill – Williston Oktoberfest – 09/27/14
  - b. American Legion – Class Reunion – 09/06/14
  - c. American Legion – Class Reunion – 09/12/14 thru 09/13/14
  - d. American Legion – Class Reunion – 09/19/14 thru 09/20/14
  - e. Eleven Restaurant – Economic Development Summit Cocktail/Social – 09/02/14
  - f. Upper Missouri Valley Fair Association – Baseball Fundraiser – 8/29/14

- (4) Site Authorization
  - a. Williston Basin Skating Club – Agri Sports Complex
- C. Building Official
  - (1) Master Mechanical
    - a. Jon Smalley – Countryside Heating and Air
    - b. Todd Tappy – Packerland Heating & Cooling
  - (2) Master Plumber
    - a. Stanley Garrett – Garrett Plumbing
    - b. Jason Kotowicz – Custom Air
  - (3) Journeyman Plumber
    - a. Jesse Andersen – Bozeman Plumbing and Heating
    - b. Lonnie Andersen – Bozeman Plumbing and Heating
    - c. Larry Hollingshead – Ellison Plumbing
  - (4) Fuel and Gas Installer
    - a. Johnathan Massie – Williams Plumbing and Heating
    - b. Jesse Andersen – Bozeman Plumbing & Heating
    - c. Lonnie Andersen – Bozeman Plumbing & Heating
    - d. Cornelius Windman – Williams Plumbing and Heating
    - e. Stanley Garrett – Garrett Plumbing
    - f. Robert Lee – AC Mechanical
    - g. Larry Hollingshead – Ellison Plumbing
    - h. David Iverson – Iver’s Plumbing, Inc.
  - (5) Journeyman Mechanical
    - a. Johnathan Massie – Williams Plumbing and Heating
    - b. Jesse Andersen – Bozeman Plumbing & Heating
    - c. Lonnie Anderson – Bozeman Plumbing & Heating
    - d. Robert Lee – AC Mechanical
  - (6) Sign Hanger
    - a. Conrad Gary Bumgarner
- D. City Planner
  - (1) ~~Request for public hearing to subdivide an unplatted parcel in Section 2, T154R, R101W, at 7.7 acre Tract in Lot 4, City of Williston – Dennis & Kimberly Visser/Vantata Design~~
- E. Assessor
  - (1) Abatement
  - (2) Exemptions

**MOTION BY BEKKEDahl, SECONDED BY BROSTUEN, to approve the Consent Agenda.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- 3. Bid Openings
- 4. Public Hearings
  - A. ~~Proposed Ordinance 982 – Prohibiting Mobile Businesses~~
  - B. ~~Proposed Ordinance 988 – Amending Chapter 18, “Solicitors & Transient Merchants,” of the Williston Code of Ordinances~~
  - C. ~~Proposed Ordinance 999 – Amending Section 25(O), “Temporary Uses & Structures,” of the Williston Zoning Ordinance~~

- ~~D. Proposed Ordinance 985-B Amending Section 31, "Home Occupations," of the Williston Zoning Ordinance~~
- ~~E. Proposed Ordinance 1000 Amending Section 31, "Definitions," of the Williston Zoning Ordinance~~
- 5. Accounts, Claims and Bills Not Approved in the Consent Agenda
- 6. Ordinances
  - A. Ordinance 982 – Prohibiting Mobile Businesses – First Reading

Nick Vasuthasawat from Planning and Zoning presented information on proposed Ordinance 982 which is in regards to prohibiting mobile businesses. Mr. Vasuthasawat stated that this item was brought before the commission at the August 12<sup>th</sup> City Commission meeting with direction of the commission to do a better job with advertising. Staff posted these ordinances on their website, provided copies at their office and also provided some additional exemption language to accommodate Dr. Vince Stenson's request.

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 28th, 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.

On August 12<sup>th</sup>, 2014, the City Commission tabled this item to the next available meeting with the direction to advertise the draft ordinances on the official city website, provide copies made available to the general public at the Planning & Zoning front office, and provide exemption language to accommodate Dr. Stenson’s mobile veterinarian operation.

**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 then 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



	<p>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.</p>
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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.

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.

Lastly, this ordinance establishes exemptions for the following:

- Mobile businesses operating under an approved Temporary Use Permit (TUP)
- Mobile businesses participating in events organized and managed by a fair association, convention bureau, or other political subdivision approved by the City.
- Mobile businesses operating and in existence at the time of the City's adoption of Ordinance 974 until the adoption date of Ordinance 982 shall be exempt until January 1, 2016 at which such exemption described will sunset.

The sunset language shall require all mobile commercial businesses to be brought into compliance by January 1, 2016 or will be in violation of the City's ordinance and subject to a fine of \$1,500.00 or imprisonment of 30 days, or both such fine and imprisonment with each day constituting 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.

**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.

- B. Ordinance 988 – Amending Chapter 18, “Solicitors & Transient Merchants,” of the Williston Code of Ordinances

Nick Vasuthasawat from Planning and Zoning presented information on proposed Ordinance 988 in regards to amending Chapter 18, “Solicitors & Transient Merchants,” of the Williston Code of Ordinances.

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:**

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 Chapter 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.

- 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.
- 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.

### **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

Commissioner Cymbaluk asked where they would obtain a license at. Mr. Vasuthasawat said that licenses could be obtained at the City Auditor's Office.

### C. Ordinance 999 – Amending Section 25(O), "Temporary Uses & Structures," of the Williston Zoning Ordinance

Nick Vasuthasawat from Planning and Zoning presented information on proposed Ordinance 999 in regards to Amending Section 25(O), "Temporary Uses & Structures," of the Williston Zoning 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 28th, 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.

On August 12th, 2014, the City Commission tabled this item to the next available meeting with the direction to advertise the draft ordinances on the official city website, provide copies made available to the general public at the Planning & Zoning front office, and provide exemption language to accommodate Dr. Stenson's mobile veterinarian operation.

**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.
- Mobile businesses operating and in existence at the time of the City's adoption of Ordinance 974 until the adoption date of Ordinance 982 shall be exempt until January 1, 2015 at which such exemption described will sunset

The sunset language shall require all mobile commercial businesses to be brought into compliance by January 1, 2015 or will be in violation of the City's ordinance and subject to a fine of \$1,500.00 or imprisonment of 30 days, or both such fine and imprisonment with each day constituting a separate offense.

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.

**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.

D. Ordinance 985-B – Amending Section 31, “Home Occupations,” of the Williston Zoning Ordinance

Nick Vasuthasawat from Planning and Zoning presented information on proposed Ordinance 985-B in regards to amending Section 31, “Home Occupations,” of the Williston Zoning 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.

On August 12th, 2014, the City Commission tabled this item to the next available meeting with the direction to advertise the draft ordinances on the official city website, provide copies made available to the general public at the Planning & Zoning front office, and provide exemption language to accommodate Dr. Stenson's mobile veterinarian operation.

**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.

**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.

E. Ordinance 1000 – Amending Section 31, "Definitions," of the Williston Zoning Ordinance

Nick Vasuthasawat from Planning and Zoning presented information on proposed Ordinance 1000 which is in regards to Amending Section 31, "Definitions," of the Williston Zoning 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 28th, 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.

On August 12th, 2014, the City Commission tabled this item to the next available meeting with the direction to advertise the draft ordinances on the official city website, provide copies made available to the general public at the Planning & Zoning front office, and provide exemption language to accommodate Dr. Stenson's mobile veterinarian operation.

**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.

**Recommendation:**

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

Mr. Vasuthasawat stated that once the ordinances are approved, for them to be effective in its entirety at the end of the expiration of the moratorium in place which is September 24<sup>th</sup>. Once they are in place, they will send out letters to anyone who could potentially be affected.

City Auditor, John Kautzman said he would ask the City Attorney's office to prepare the ad they are required to do since theses ordinances carry penalty provisions for these provisions to take effect.

Mayor Klug stated that this is not a public hearing but would entertain any questions from the audience.

Loy Ashton said there were a lot of new rules and regulations to the ordinances with all the growth and that every time this happens there is a compliance problem and would like to know about reinforcement of these new ordinances and how citizens will know of these new ordinances.

Mayor Klug stated they publish the new ordinances in the newspaper as well as online and letters are sent out through the Planning and Zoning Department.

After there were no other questions, Mayor Klug said they were going to take each ordinance by number.

Mr. Vasuthasawat said he is looking for the commission to approve the ordinances that will be in effect at the expiration of the moratorium, which is September 24<sup>th</sup>, 2014.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the first reading of Ordinance 982 – prohibiting mobile businesses to go into effect January 1, 2016.**

Mr. Vasuthasawat said he is looking for the commission to approve the ordinances that will be in effect at the expiration of the moratorium, which is September 24<sup>th</sup>, 2014.

Commissioner Cymbaluk withdrew his original motion and Commissioner Bekkedahl withdrew his second of Commissioner Cymbaluk's original motion.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the first reading of Ordinance 982 – Prohibiting mobile businesses.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

**MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the first reading of Ordinance 988 – An amendment to Chapter 18 of the Williston Code of Ordinances.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the first reading of Ordinance 999 – Amending Section 25(O), “Temporary Uses & Structures,” of the Williston Zoning Ordinance.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the first reading of Ordinance 985-B – Amending Section 31, “Home Occupations,” of the Williston Zoning Ordinance.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the first reading of Ordinance 1000 – Amending Section 31, “Definitions,” of the Williston Zoning Ordinance.**

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the first reading of Ordinance 985-B – Amending Section 31, “Home Occupations,” of the Williston Zoning Ordinance.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

7. Petitions, Communications and Remonstrance’s

A. Concerns Regarding Downtown Development Changes – Rex Byerly

Mayor Klug stated they received a concern regarding downtown development changes that would be presented by Rex Byerly.

Mr. Byerly said he is a Williston resident and a business owner in the lower half of Main Street. Mr. Byerly’s office by default has become central to a lot of merchants in downtown as a result of an article that was in the paper on August 12<sup>th</sup> that stated their friends from Chicago were ready to start building. When you read the article, the building that was proposed in the newspaper, looks nothing like the building that was proposed in their bid to buy that lot. They were sold that lot based on the premise that they were going to have a 6 story building with one underground parking garage, 157 parking spaces, and 45 apartments. Now, he read in the newspaper that it has become a 4 story building with a significantly smaller amount of parking. The significant problem here is that when you read their proposal, they were required to outline exactly what they were going to do.

The City Commission accepted that proposal, which Mr. Byerly believes is a contract with the city. Based on this contract, the city sold them the lot for \$300,000 and now they don't have the money to build the building they said they were going to build. If you let them go through with this, the city will ruin their development plans. The city will have created a precedence that they don't care what they said before or what was in the contract. Mr. Byerly stated he believes that letting them go ahead and build the newly proposed building is the wrong choice. Mr. Byerly would like the City Commission to sit down with downtown business owners to see what they can do about the issue and would like to see this proposed building project to have to move forward as originally planned or have it stopped.

John G. spoke stating that he agrees 100% with Mr. Byerly.

Loy Ashton said that if you go to the Renaissance Companies in Chicago's website you will find that the 6 story building is being promoted for something for Williston and believes it should be taken off the site as it is not accurate.

Mayor Klug said that since the commission approved the building they have also done other things downtown like finding a way to fund a parking ramp and have done parking studies that effect downtown and also the building that is being put up. The city has had changes in ordinances about downtown parking as well and they have come a long way since the building was originally planned.

Commissioner Brostuen asked where the city was at with the parking study.

Rachel Ressler from Planning and Zoning stated they are working on getting the study out to all the downtown property owners, all the downtown businesses, 500 random people throughout the city, as well as giving paper surveys to all the downtown business owners to give to their customers. They will also have it on the website so anybody can go online and take the survey regarding downtown parking. Ms. Ressler said they are looking at having the study completed in November.

Commissioner Cymbaluk said he doesn't know what legal ground the city has regarding the lot and also, when they party bought the lot, the party said she had \$17 million, yet she does not have the \$17 million for proof of funding. Commission Cymbaluk asked what the ramifications would be for this.

City Attorney, Pete Furuseth said the sale of the lot went through but it was somewhat contingent on the agreement that was reached with the city and the city at this point can say no to the project as far as he is concerned. The city could also say that it has gone through the process and they are comfortable with what they are proposing even though the project has changed.

Commissioner Bekkedahl said he thinks it is important to point out that as with any development that the city has dealt with, things come up in the process and in this case there was soil analysis that showed ground water that resulted in not being able to put in the lower stories. The other thing is that the standard Bakken markup hit this project and he doesn't believe the \$17 million project cost held for the original design of the project.

Other projects have had the same hurdles to deal with and the city did not go back and remove those projects because things changed in the construction considerations. Commissioner Bekkedahl stated he does not remember having specific details in the contract agreement that said it has to be exactly this picture, size of floor plan, etc. The commission actually changed ordinances to try and bring development downtown by not requiring as much parking and if you can't provide the parking, they have to provide costs which this project would have to comply with. There have been changes but the city has worked with these changes and the developers and Commissioner Bekkedahl believes it is inappropriate to look at the developer and say your cost over runs have made it so you can't build the original project and you cannot do it at all now. Commissioner Bekkedahl believes there was a good faith effort on behalf of the developer and the project should be allowed to continue forward.

Commissioner Brostuen said it was premature to throw the project out before the parking study is even finished.

Mayor Klug stated they have an agreement with Nancy Kapp and they will go on with the agreement as written.

Mr. Byerly requested a delay since the project is scheduled to break ground next month and the parking study won't be finished until November.

Commissioner Cymbaluk and Commissioner Brostuen stated they would also like to see a delay in the project until the parking study is finished because the permits for the project have not been finished and still needs to be approved by the Parking Authority.

City Auditor, Mr. Kautzman asked the City Attorney, Pete Furuseth if there was language in the contract that allowed the city to use the property as public parking until construction started. Mr. Furuseth said there was but they currently own the parking lot and cannot answer that at this time.

Mayor Klug said the commission heard the concerns and they still have to go through the Parking Authority so they have at least three weeks. Per request, Mayor Klug agreed to speak with the developer to ask them to wait to shut the parking lot.

8. Report of Commissioners
  - A. President of the Board
    - (1) Sullivan Construction Bill for Knoll Street Alley

Mayor Klug stated that this issue was brought before the commission quite a while ago with concerns about the alley. Mayor Klug said he dropped the ball when the pictures he saw were not really a good representation of what the alley looked like and what the situation actually was when he decided they were going to bill a third party for the clean-up. It started as an unimproved alley and Mr. Sullivan did come back and do substantial reconstruction of an alley that wasn't there, so he did what he was supposed to do.

Mayor Klug doesn't know how else to pay for it other than say he made a mistake and the bill should be written off. In the future the city will make sure and do more due diligence.

**MOTION BY BEKKEDahl, SECONDED BY CYMBLAUK, that the cost incurred by the city for the Knoll Street Alley Project stay with the city and be taken care of internally.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- B. Vice-President; Finance Commissioner
  - C. Street and Improvement, Sanitation, Cemetery and Public Works Commissioner
  - D. Fire, Police, and Ambulance Commissioner
  - E. Water Works, Sewer, Airport, Building and Planning Commissioner
9. Report of Department Heads
- A. City Auditor
    - (1) Semi-Annual Review of Pledged Collateral

City Auditor, John Kautzman presented the semi-annual review of pledged collateral that is required by state statute every six months. Semi-annually the Board of Commissioners is asked to review the pledged collateral and acknowledge, for the record, that they have their funds covered to 100% for each dollar invested over the FDIC coverage and that the board approves the collateral listed. The recap ending June 30<sup>th</sup>, 2014 is as follows:

<b><u>American State Bank</u></b>	
<i>Pledge Total</i>	\$ 40,420,000.00
Money Market Account	\$ 5,374,221.03
Checking 9003	\$ 4,217,004.07
Checking 4845	\$ 1,570.43
Total	\$ 9,592,795.53
FDIC Coverage	\$ 250,000.00
Needed Collateral at 110%	\$ 10,277,075.08

<b><u>1st National Bank</u></b>	
<i>Pledge Total</i>	\$ 13,585,000.00
HI-FI Account	\$ 3,189.79
CD	\$ -
Community Dev. Acct	\$ -
Checking	\$ 408.50
Total	\$ 3,598.29
FDIC Coverage	\$ 250,000.00
Needed Collateral at 110%	\$ -



<b><u>US Bank</u></b>		
<i>Pledge Total</i>	\$	-
CD	\$	733,608.40
Total	\$	-
FDIC Coverage	\$	750,000.00
Needed Collateral at 110%	\$	-
**3 CD's/3 different banks so covered		

<b><u>1st International Bank</u></b>		
<i>Pledge Total</i>	\$	6,107,591.05
CD	\$	4,000,000.00
FDIC Coverage	\$	250,000.00
Needed Collateral at 110%	\$	4,125,000.00

<b><u>The Bank of North Dakota</u></b>		
<i>Pledge Total</i>	\$	-
CD	\$	30,532,970.00
Fiscal Bond Account	\$	53,283,273.94
Fiscal Bond Account	\$	25,455,904.10
Total	\$	109,272,148.04
FDIC Coverage	\$	-
Needed Collateral at 110%	\$	-

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the collateral as presented.**  
**AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk and Klug**  
**NAY: None**  
**ABSENT AND NOT VOTING: None**  
**CARRIED: 5-0**

- (2) EIO Grant for Airport Architectural Terminal Predesign & Conceptual Development

City Auditor, John Kautzman stated this item is an airport grant for an airport project and he is requesting the mayor sign off on the grant that is in the amount of \$97,134.20.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to approve the request for Mayor Klug to sign off on the grant for the Airport Architectural Terminal Predesign and Conceptual Development from the Energy Infrastructure and Impact Office in the amount of \$97,134.20.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

(3) EIO Grant for Airport Master Plan Phase II

City Auditor, John Kautzman stated this item is an airport grant for the Airport Master Plan Phase II in two amounts - \$133,954.28 and \$120,469.97. Mr. Kautzman is requesting that Mayor Klug sign off on these grant requests.

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the request for Mayor Klug to sign off on the grants for the Airport Master Plan Phase II from the Energy Infrastructure and Impact Office in the amounts of \$133,954.28 and \$120,469.97.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

(4) Sales and Use Tax Increase for PD/FD

City Auditor, John Kautzman stated that this item was prepared at the city's request for the sales tax possibility should the county not have implemented a sales tax for the revenue generation of a full time fire department and offset the cost of law enforcement. Mr. Kautzman said the county has done something but he has not seen a copy so he is requesting the commission consider approving this subject to seeing the county's paperwork and if it covers the city. One thing they can do is make an amendment to the city's existing Home Rule Charter as the current charter presently carries a cap of \$25. In order to take that cap off, the city would have to have a Home Rule Charter amendment just for the removal. Mr. Kautzman asked the commission if they wanted to consider the removal of the cap and potentially implement a half penny depending on what the county has done. The reason this is on the table is in large part, for the board to seriously consider the full time implementation of the Fire Department city wide and they need to find a way to generate more money.

Commissioner Bekkedahl said that there has been considerable discussion for the need to go to a full time Fire Department for the safety of the city. Right now the Fire Department is volunteer and is hard for them to get off of work and make it to calls quickly. They are in the process with the new Fire Chief of designing a new substation for the north end of town that will require staffing for ambulance and fire and they are also in the process of budget hearings to discuss adding full time personnel that will have fire capabilities as the city can afford. In the process and discussion of how to pay for it, they have toyed with the idea of placing before the voters of the city, a ballot measure for a one half penny increase in the city sales tax which would provide sufficient funds to pay for the improvements over time, the equipment and the operational salaries necessary to administer a full time fire force for the city of Williston.

The property tax levy of approximately \$3.5 million per year right now that is used to fund public safety is not sufficient. Commissioner Bekkedahl stated they are doing all they can to get state resource through the oil funding and the grant programs that are available, but they are not going to be enough to launch and operate a full time fire facility or department. With that, the county has also approached the city about cooperating on a possible tax at their level that the city and county would share, all going to fund public safety. Half of their one penny sales tax, if implemented county wide, would generate as much as, if not more then what they would generate more money in a year for public safety then the city would get with a full one penny sales tax on the city side. Commissioner Bekkedahl said he is confident that this would be enough to do all the things the city needs to do for public safety, not just the fire department but also the police.

Mr. Kautzman is looking for the ability for the City Commission to take some action that if the county does not come forward with a program for submission to the County Auditor by the September 2<sup>nd</sup> deadline for inclusion in the November ballot, that they have something in place through commission action that they can move forward with at that point.

The other thing is that they would like to remove the \$25 cap limit on the amount of payment for the tax on a single transaction. If you spend over \$2,500 on a single purchase you only have to pay \$25, they would like to remove this cap limit.

Commissioner Bekkedahl stated that consumers do not pay city tax for large purchases such as vehicles and campers, and RVs so it will not affect the consumer when making large purchases such as these. However, if you do go out and buy \$20,000 in furniture, you will be taxed. The State Tax Commissioner Office has said that the city would prefer it all the same – either a cap or no cap at all for all purchases and purchase amounts. This is an issue that the public would vote on in November.

**MOTION BY BEKKEDAH, SECONDED BY CYMBALUK, to accept a resolution (Resolution 14-039) to be put in place for a proposed City Charter Amendment for the November 4, 2014 General Election Ballot that says, “shall receive Williston amend its Home Rule Charter to authorize the city to remove the \$25 cap on the existing amount of Sales and Use Tax that may be imposed on any single sales transaction.”**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

**MOTION BY BEKKEDahl, SECONDED BY CYMBALUK, to adopt the resolution with the Charter Amendment language, "Shall the city of Williston amend its Home Rule Charter to authorize the city to impose an additional ½ of 1% Sales and Use Tax that will be dedicated to police and fire department operations, maintenance and infrastructure, which shall expire 20 years after its inception. Should the city and the county come to an agreement for a County Amendment to the election that generates proceeds to the city for public safety funding that this proposed resolution is null and void and not enforced for the election on November 4, 2014.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

(5) Settlement Agreement – Black Gold Oil Field Services, LLC

City Auditor, John Kautzman said this item was an agreement worked out in regards to the man camp fee. The city billed out the man camp fee to Black Gold and they did not want to pay it. After the attorney looked at it, he recommended settling on a lower amount to avoid going to court, which Black Gold was prepared to do. The lower payment they are proposing is for the amount of \$31,659 which is 1/3 of the original total.

**MOTION BY BEKKEDahl, SECONDED BY BROSTUEN, to accept the settlement agreement as presented.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

~~(6) — Upper Missouri Valley Fair Association — Special Permit to Sell Alcoholic Beverages at a Special Event at Designated Premises~~

B. Attorney

(1) Ordinance Amendments

City Attorney, Taylor Olson presented three proposed ordinance changes:

1. Mowing Ordinance, Section 5-287. Penalties – to add an administration fee of \$250.
2. Junk Ordinances, Sections 5-292 Unlawful to store or accumulate junk, trash, or rubbish, and 5-296 Penalties – to remove the ability to fence the yard as it pertains to hiding unsightly, unsanitary junk.
3. Parking tickets, Section 10-299 – raising the fee to \$50.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to accept the proposed changes to the Ordinances as presented.**

**AYE: by unanimous voice vote.**

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

C. Director of Public Works

David Tuan, Director of Public Works presented the following:

- (1) Authorization to Bid
  - a. Tandem Axle Dump Truck
  - b. Backhoe with Chisel

These items are for the Water Distribution Department. They are budgeted, 2014 items.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the authorizations to bid as presented.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

D. City Engineer

City Engineer, Bob Hanson brought the following to the Board:

- (1) Pheasant Run Parkway Time Extension Change Order

The project's contractor, Knife River, is requesting a Change Order #6 to extend the completion date to July 18, 2014 which is the date the project was substantially completed and opened to traffic. We would recommend approval.

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve the Change Order #6 to Knife River Construction's Pheasant Run Parkway Project extending the completion date to July 18<sup>th</sup>, 2014, with no monetary compensation changes.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

E. Fire Chief

Fire Chief, Jason Catrambone, presented the following:

- (1) Permission to Apply for EIO EMS Grant

We are working with the Energy and Infrastructure Office on an impact grant for EMS services. We are working with this office on the exact details to see if we qualify being a hub city or not. What we are asking for is, in the next two days, if we do find out they will allow us to apply on our own, that the Mayor and City Auditor have permission to sign this application. If not, we have found another way that we may be able to use townships to apply for it. We would like approval to move forward with this.

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to allow that process to continue and to authorize the Mayor and City Auditor to sign any appropriate documents as requested for submission.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (2) Request for Change of Primary Contacts on Credit and Fuel Cards

This request is to change the primary signor on the card to myself, as new Fire Chief, and adding a secondary, who would be Erica Myers.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve as presented.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- F. Chief of Police
- G. Building Official
- H. City Planner

Code Compliance Coordinator, Nick Vasuthasawat, presented the following:

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

This is a Resolution that establishes a fee and bonding schedule as required by proposed Ordinance 999 set to seek out a \$35 per day per Temporary Use permit. This item was reviewed by the Planning Commission on the 21<sup>st</sup> and approved. Staff recommends approving the Resolution 10-031 subject to the effect date of the proposed Ordinance 999.

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK, to approve Resolution 10-031 as presented.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (2) Resolution 14-032 – establishing a fee and bonding schedule for merchants, vendors, and solicitors

This is related to a fee and bond schedule established for, and called for, proposed Ordinance 998. This is in regard to Farmers' Markets, Flea Markets, Fairs, Carnivals and Circuses, and vendors participating in those events. There will be a one-time fee of \$100, and site bonding at \$1,000. These fees are in line with previous fees established in the transient merchant section of the Code.

Solicitors are also required to pay \$35 per day and provide for site bonding, as well. Staff recommends approving Resolution 14-032 subject to the approval of proposed Ordinance 988.

**MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve Resolution 14-032 as requested.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (3) Request to subdivide an unplatted parcel in Section 2, T154R, R101W, at 7.7 acre Tract in Lot 4, City of Williston – Dennis & Kimberly Visser/Vantata Design

City Planner, Rachel Ressler presented the following:

This is a preliminary plat for a 7.7 acre Tract in Lot 4, Section 2 of Township 154 North, Range 101 West. The actual address is 5508 15<sup>th</sup> Avenue West. The zoning surrounding it is agricultural, with the exception of to the west there is also a parcel of R1A. On the property now is a single family home. There are other single family homes surrounding it. They are requesting a subdivision into two parcels as per the Commission Packet analysis. Planning and Zoning Commission recommends to approve the preliminary plat for the Visser subdivision contingent of addressing Staff comments as noted, and the issue of the water well being figured out prior to final plat.

**MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the preliminary plat for the Visser subdivision contingent on addressing Staff comments and addressing the water well and septic issues.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- (4) Orville Erickson Subdivision

City Planner, Donald Kress distributed a memo with analysis and presented the following:

Most of this parcel is the north west quarter of Section 9. The parcel that is shown as Block 1, Lot 1 is the part that has been dedicated to the Williston Public School District 1 – the development of the new high school. As you may recall from our August 12<sup>th</sup> meeting, Block 1, Lot 1 was annexed into the City of Williston. The remaining Block 2, Lot 1 is outside of the City, but we have extraterritorial jurisdiction.

Mr. Erickson will own Lot 2, Block 1. He has not come forward with a petition for annexation at this time.

The development on the school will be on Block 1, Lot 1 that is accessed by 37<sup>th</sup> Street; but before the school develops it is contingent on this approval and the Development Agreement that a second access be acquired and developed. We will refer to this as 44<sup>th</sup> Avenue. The idea is that 44<sup>th</sup> Ave will continue down to 26<sup>th</sup> St to provide a second means of access. Special Provisions for Blocks 1 and 2 are detailed in the memo distributed. Planning Commission recommendation is to approve the final plat for Orville Erickson Subdivision, a subdivision of subdivision of 142.02 acres of the NW ¼ of Section 9, T154N,R101W, to create two lots, contingent on 1. Addressing all staff comments; and 2. Development Agreement with necessary project specific special provisions.

**MOTION BY BEKKEDAH, SECONDED BY CYMBALUK, to approve the final plat for Orville Erickson Subdivision, a subdivision of subdivision of 142.02 acres of the NW ¼ of Section 9, T154N,R101W, to create two lots, contingent on 1. Addressing all staff comments; and 2. Development Agreement with necessary project specific special provisions.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- I. Economic Development
- J. Airport

Steve Kjergaard, Airport Manager, presented the following:

(1) Implementation of Customer Facility Charges

This is an item used by airports to assess back to customers the costs for car rental facilities such as parking lots, ready return, car rental desks, etc. This would be for \$3 per day for the first ten days. We are looking for an implementation date of January 1<sup>st</sup>, 2015. We are required to give a 90 day notice as per our leases with all the car rentals. I recommend approval as it will help fund all of our projects as we go forward for the car rental end.

**MOTION BY BROSTEUN, SECONDED BY CYMBALUK, to approve as presented.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

As a general announcement, the Airport Environmental Assessment is out and public for comment. There will be a public hearing September 25<sup>th</sup> at 6:30 p.m. at the Williston Rec Center – the ARC. We will have an open forum from 11:30 to 6:30.



(2) Amendment to the Environmental Assessment Contract with KLJ

Due to changes in guidelines from the FAA, they now have to approve all changes. Unfortunately, this is so new that Bismarck does not have information on it yet; therefore, I ask that this item be removed.

**MOTION BY CYMBALUK, SECONDED BY BEKKEDAHL, to remove the item from the Agenda.**

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

**NAY: None**

**ABSENT AND NOT VOTING: None**

**CARRIED: 5-0**

- K. Assessor
- L. Convention and Visitor's Bureau
- 10. Appointments and Consultations with Officers
- 11. Unfinished Business
- 12. New Business
- 13. Executive Session
- 14. Adjourn

**MOTION BY BEKKEDAHL, SECONDED BY CYMBALUK to adjourn the meeting.**

**UNANIMOUS BY VOICE VOTE.**

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Howard Klug, President  
Board of City Commissioners

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John Kautzman, City Auditor