

OFFICIAL PROCEEDINGS
Board of City Commissioners
February 24, 2015 6:00 pm
City Hall – Williston, North Dakota

1. Roll Call of Commissioners

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

COMMISSIONERS ABSENT:

OTHERS PRESENT: John Kautzman, Chief Lokken, Rachael Ressler, Steve Kjergaard, Kent Jarcik, Bill Tracy, Bob Hanson, Pete Furuseth, David Tuan, Jason Catrambone and Shawn Wenko

Mayor Klug presented a quorum.

CHANGES TO THE AGENDA:

ADD:

2A2 – Special Meeting Minutes 2/3/2015

3B – Bid Opening

8A1 – Swim Meet

9D5 –Northern Heights Subdivision

9D6 – RFP Engineering Services

REMOVE:

9D4

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve amendment to the agenda

UNANIMOUS BY VOICE VOTE

2. Consent Agenda

A. Reading and Approval of Minutes for:

(1) Regular Meeting Dated: 2/9/2015

(2) Special Meeting Dated: 2/3/2015

B. Auditor

(1) Accounts, Claims and Bills

For checks between: 02/07/15 – 02/19/15

Check #	Vendor/Employee/Payee Number/Name	Check Amount
-69725	FIT U.S. TREASURY	244.44
-69724	MERITAIN HEALTH MERITAIN HEALTH	3470.04
1690	1570 COMMUNITY ACTION PARTNERSHIP	3342.84
69857	ND HEALTH ND PUBLIC EMPLOYEES RETI	0.00
69858	ND HEALTH ND PUBLIC EMPLOYEES RETI	156790.38
69859	56498 JASON LEWIS	619.19
69860	56494 JEFFREY VANDYKE	253.86
69861	1401 Valley Rental - Bakken Heights VI	2000.00
69862	DEF COMP PERS1 NORTH DAKOTA PUBLIC EMPL	612.50
69863	317 NDWPCC	100.00
69864	2274 Acme Tools	18760.00
69865	415 SELECT FORD	30598.52

69866	270 MURPHY MOTORS, INC.	64600.00
69867	270 MURPHY MOTORS, INC.	31700.00
69868	270 MURPHY MOTORS, INC.	31400.00
69869	270 MURPHY MOTORS, INC.	32300.00
69870	1821 MARCO	533.86
69871	999999 VINCENT WALKER	30.00
69872	673 CLERK OF DISTRICT COURT	750.00
69873	673 CLERK OF DISTRICT COURT	200.00
69874	999999 KATHY LARBI	65.04
69875	35 BANK OF NORTH DAKOTA	3174.30
69876	999998 GARY SKABO	32.72
69877	999998 BRUCE A. JOHNSON	38.50
69878	2393 NAAC	1155.00
69879	359 PRAXAIR DISTRIBUTION INC	44.87
69880	54 BOUND TREE MEDICAL	5762.24
69881	623 Wex Bank	4757.56
69882	2394 Russon's	10000.00
69883	2395 Williston Convention & Visitors B	10000.00
69884	176 INTERSTATE POWER SYSTEMS	371.27
69885	176 INTERSTATE POWER SYSTEMS	44.54
69886	2122 The Meadows Development, LLC	8816.99
69887	2396 USDA	4841.11
69888	673 CLERK OF DISTRICT COURT	750.00
69889	673 CLERK OF DISTRICT COURT	750.00
69890	673 CLERK OF DISTRICT COURT	750.00
69891	673 CLERK OF DISTRICT COURT	750.00
69892	673 CLERK OF DISTRICT COURT	375.00
69893	673 CLERK OF DISTRICT COURT	375.00
69894	999999 JOSHUA KINCAID	1150.00
69895	999999 SETH WOLTER	750.00
69896	999999 JENNIFER OSTER	750.00
69897	999999 KEITH LARSON	250.00
69898	999999 CHAPMAN LAW OFFICE	170.00
69899	999999 OTHELAN LYONS	750.00
69900	999999 BEAU BRADDOCK	500.00
69901	999999 HERSHEL INMAN	50.00
69902	999999 NAOMI FOX	750.00
69903	1815 MARKETPLACE FOR KIDS	5000.00

69904	2397 Bakkencon Game Convention	1000.00
69905	489 VISA	415.56
69906	999999 WES HAAS	25.00
69970	1079 ABL MOBILE LOCK & SAFE	110.00
69971	1783 AIRGAS ON-SITE SAFETY SERVICES	12.50
69972	718 AMERIPRIDE LINEN AND APPAREL SERV	322.09
69973	999999 ANDREW NIBLETT	15.91
69974	2059 Andrew Sailer	111.74
69975	540 AQUA-PURE INCORPORATED	18121.66
69976	2399 Arrow- Teleflex	3542.28
69977	30 ASTRO-CHEM LAB, INC.	1758.20
69978	1841 Audio Editions	171.13
69979	999999 AYO OLORUNLOGBON	1.15
69980	33 BAKER & TAYLOR CO.	880.03
69981	34 BALCO UNIFORM CO., INC.	653.80
69982	999998 BENJAMIN W. ABBEY	206.50
69983	999999 BICE INVESTMENTS LLC	50.00
69984	1357 BLAINS AUTO BODY & SALES, inc.	1519.61
69985	52 BORDER STATES ELECTRIC	2336.55
69986	999999 BRIGHAN DEVELOPMENT NORTH DAKOTA	1.73
69987	1054 C & D WATER SERVICES	56.00
69988	69 CARQUEST AUTO PARTS STORES	188.94
69989	549 CASH WISE FOODS	62.96
69990	204 CCR-WILLISTON III, LLC	1598.00
69991	616 CENTER POINT LARGE PRINT	120.42
69992	1332 Charles Wilder	700.00
69993	2391 CHEMTRAC	1475.00
69994	999999 CHRISTINA TONEY	50.00
69995	77 CITY OF WILLISTON	338.70
69996	79 CITY OF WILLISTON	51212.54
69997	1666 CIVIL SCIENCE	18827.00
69998	2310 COLSTRIP ELECTIC INC	262800.00
69999	640 COMFORT INN	444.00
70000	1662 Connecting Point Computers Center	489.70
70001	1519 CORPORATE TRANSLATION SERVICES, I	1.23
70002	548 DAKOTA DIESEL	198.29
70003	93 DAKOTA SUPPLY GROUP	1180.53
70004	988 Dell Marketing L.P.	1667.95
70005	999999 DENASIA BOEN	8.95
70006	999998 DIANE C. HAGEN	32.13
70007	2235 DISTRIBUTION NOW	64.29
70008	1665 EAST & WEST EXCAVATING LLC	389976.07
70009	2392 EATON CORPORATION	1093.00
70010	1451 ELITE K-9, INC.	1429.92
70011	126 EMMY'S LOCKSMITHING	71.50
70012	2137 ENVIRONMENTAL RESOURCE ASSOCIATES	301.81
70013	999999 ERICKSON S ROOP	27.65
70014	650 ETHANOL PRODUCTS, LLC	4079.87
70015	2315 EVCO HOUSE OF HOSE	42.80
70016	1962 EXECUTIVE CLEANING SERVICE, LLC	5275.00
70017	569 FEDEX	103.35
70018	571 FEE INSURANCE AGENCY, INC	124.00
70019	816 FIRE EXTINGUISHING SYSTEMS, INC	204.90

70020	999999 FOAM RITE LLC	2464.50
70021	134 FORT UNION SUPPLY & TRADE	57.30
70022	999999 FRANK ADAME	21.59
70023	2398 Fred Pryor Seminar	79.00
70024	354 FURUSETH LAW FIRM, PC	33165.00
70025	139 GAFFANEY'S	7559.85
70026	785 GALE/CENGAGE Learning	282.28
70027	1219 GASB	225.00
70028	999999 GOLDEN CITY PROPERTY MANAGEMENT	3.25
70029	846 GRAND FORKS FIRE	4627.21
70030	144 GRAYMONT WESTERN CANADA	24670.42
70031	999999 GREAT LAKE AVIATION	51.12
70032	539 HACH	2462.47
70033	151 HAWKINS, INC.	3685.58
70034	1833 HDR ENGINEERING INC	8428.85
70035	161 HOME OF ECONOMY	857.66
70036	162 HORIZON RESOURCES	22196.18
70037	164 HOTSY EQUIPMENT CO.	395.00
70038	2400 Howell Rescue Systems Inc.	1660.00
70039	170 IBM CORPORATION	433.33
70040	1503 idSS GLOBAL LLC	1500.00
70041	173 INFORMATION TECHNOLOGY DEPARTMENT	1039.40
70042	174 INK SPOT PRINTING	65.00
70043	175 INTERSTATE ENGINEERING	5167.00
70044	2113 JAME O's TIRES	2595.00
70045	1703 JAMES MEMORIAL LIBRARY	600.00
70046	2280 James Woody Ball	1084.47
70047	999999 JEREMY M ELBERT	500.00
70048	1786 JLG Architects	5368.35
70049	2401 Josh Mahlum	169.05
70050	999999 JOSHUA BEEBE	29.94
70051	999999 JOSHUA DAVID COOK	0.18
70052	196 KADRMAS LEE & JACKSON INC	200813.43
70053	999999 KEITH & PAULETTE OVERBO	55.87
70054	210 KOHLER COMMUNICATIONS	1263.15
70055	212 KOTANA COMMUNICATIONS	320.50
70056	219 LAWSON PRODUCTS, INC.	410.46
70057	220 LEARNING OPPORTUNITIES	4655.59
70058	591 LEXIS NEXIS	21.24
70059	1606 MARS OF WILLISTON	1320.00
70060	2403 MAVO SYSTEMS NORTH DAKOTA LLC	42310.80
70061	245 MEDQUEST INC	243.00
70062	2112 Mercy Occupational Health Clinic	204.00
70063	2103 MERRYMAN EXCAVATION	309623.44
70064	250 MICROMARKETING ASSOCIATES	301.12
70065	261 MON-DAK HTG & PLG, INC.	846.99
70066	243 MONTANA DAKOTA UTILITIES	62949.66
70067	2291 Municipal Emergency Services, Inc	2580.64
70068	270 MURPHY MOTORS, INC.	1197.09
70069	271 MVTL/MINNESOTA VALLEY	66.00
70070	1772 MYGOV,LLC	1050.00
70071	275 NAPA AUTO PARTS	1084.92
70072	297 ND ONE CALL	206.25

70073	314 ND WORKFORCE SAFETY & INS	2843.84
70074	317 NDWPCC	20.00
70075	1243 NEFF EIKEN & NEFF PC	6620.75
70076	320 NEMONT	5180.57
70077	2205 NEWMAN DIGITAL	1639.00
70078	1862 NORTH DAKOTA STATE PLUMBING BOARD	96.67
70079	324 NORTHERN IMPROVEMENT CO.	260759.54
70080	333 NORTHWEST SUPPLY CO.	622.30
70081	1635 OCLC, Inc.	519.08
70082	1803 ODNEY	33072.24
70083	2339 Office Depot	799.98
70084	343 OLYMPIC SALES, INC.	16656.00
70085	344 ONE FULFILLMENT	402.50
70086	999999 PAMELA BUSCHTA	10.84
70087	2084 PHILLIPS & JORDAN INC	4510.04
70088	2390 POLLARD WATER	8851.45
70089	813 PONTEM SOFTWARE BY RIA	593.00
70090	359 PRAXAIR DISTRIBUTION INC	28.79
70091	362 PRO SAFE PEST CONTROL	913.95
70092	1712 Professional Microsystems	175.00
70093	367 QUILL CORPORATION	220.25
70094	1492 RAMADA PLAZA AND SUITES	481.80
70095	879 RDO TRUCK CENTERS	65.08
70096	2309 RICE LAKE CONSTRUCTION GROUP	2496903.20
70097	999999 RICHARD BRUEGGER	43.76
70098	1274 Safeguard Business Systems	1110.47
70099	409 SANITATION PRODUCTS	353.14
70100	2363 SCIENTIFIC METHODS INC	480.00
70101	415 SELECT FORD	12.30
70102	416 SELID PLUMBING & HEATING INC	299.40
70103	2387 Siren Net	25.90
70104	2404 SIX LEAF DESIGN	497.50
70105	431 STATE HISTORICAL SOCIETY	226.00
70106	999998 STEVEN C. KJERGAARD	458.54
70107	436 STONY CREEK RENTALS, LLC	4500.00
70108	2389 Stryker	10000.00
70109	999999 TAREK BIN HUQ	29.41
70110	999999 TATE & MICHELLE HAUGEN	19.07
70111	1514 TEI LANDMARK AUDIO	8.00
70112	999999 TETRA TECHNOLOGIES INC	31.13
70113	453 THRIFTY WHITE PHARMACY	2126.18
70114	999999 TOFTE BROS CONSTRUCTION	0.27
70115	460 TRACTOR & EQUIPMENT CO.	834.46
70116	464 TRI-COUNTY GLASS	100.00
70117	463 TRIANGLE ELECTRIC	14216.17
70118	2072 TriZetto Provider Solutions	259.68
70119	2402 Ultra Bright Lightz	3099.58
70120	477 UPPER MISSOURI DISTRICT	63.75
70121	750 UPS	38.94
70122	939 USA BLUEBOOK	1599.91
70123	484 VERIZON WIRELESS	5044.88
70124	488 VISA	4486.46
70125	489 VISA	3910.02

70126	1249 WASTE NOT RECYCLING LLC	2716.20
70127	496 WCS TELECOM	892.75
70128	503 WESTLIE MOTOR CO.	820.06
70129	648 WILLIAMS COUNTY SHERIFF'S OFFICE	18550.00
70130	2099 WILLIAMS PLUMBING, HEATING & UTIL	83957.40
70131	514 WILLISTON COMMUNITY LIBRARY	50.00
70132	516 WILLISTON CVB	473.67
70133	999999 WILLISTON DOWNTOWNERS ASSOCIATION	1215.29
70134	518 WILLISTON HERALD	2141.17
70135	525 WILLISTON TIRE CENTER	294.03
70136	526 WILLISTON TRUE VALUE	164.35
70137	2045 WORKLIFE	423.00

Claims	4825318.14
Payroll	161990.41
Grand Total	4987308.55

- (2) Application for a Local Permit or Charity Local Permit
 - a. Operation Graduation – Raffle Permit 3/1/15 – 5/30/15
 - b. Lewis & Clark Elementary PTO – Raffle Permit 3/26/15
 - c. First Int'l Bank – Relay for Life Raffle Permit 4/3/15 – 4/30/15
- (3) Special Permit to Sell Alcoholic Beverages
 - a. J-Dubs – 3/14/15 Oilfield Wives Charity Ball
- (4) Taxi License
- C. Building Official
 - (1) Journeyman Plumber
 - a. Adam Deal
- D. City Planner
 - (1) Request for Public Hearing on March 10, 2015 on proposed Ordinance 1015 Amending and adding language to Sections 11.A.14 and 14.A.3.C of Ordinance 574. Otherwise known as the Subdivision Ordinance of the City of Williston, in order to create standards for sidewalks adjacent to roads in association with the trails plan within the City – Staff
 - (2) Request for Public Hearing on March 10, 2015 on proposed Ordinance 1016 modifying required districts size in transition area, modifying section 20(b), Minimum Dimensional Requirements for the C-2: General Commercial District, of Ordinance 613, otherwise known as the Zoning Ordinance of the City of Williston, to allow smaller district sizes where transition areas are indicated by the City of Williston Comprehensive Plan – Staff
 - (3) Request for Public Hearing on March 10, 2015 for a Planned Unit Development of 10.97 acres to be known as Trinity Plaza School, commercial and residential mixed use, Lot 1R, Block 1 of Lewison Rearrangement of Block 2 and 3 of the Amended Lewison Addition, Section 14, T154N, R101W, (213 26th St W) City of Williston – Trinity Christian School/Hunter Light – ND, LLC
- E. Assessor
 - (1) Abatement

- a. Herbert Huntley Etux – Unplatted Sec 9 T154 R101; 4.39 Ac Tract in S23E (parcel C) Sec 9
- (2) Exemptions

MOTION BY CYMBALUK, SECONDED BY PIESIK, to approve consent agenda for the February 24th, 2015 City Commission Meeting

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

James Lokken, Chief of Police Presented the following:

3. Bid Openings
 - A. Patrol Vehicles
A bid opening was held 2/20/2015. The first was for three AWD or Rear Wheel Drive police package sedans. Two bids were submitted; one from Murphy Motors for \$29,785 each and one from Select Ford for \$27,741.44 each. Both bids met the specs.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the bid from Select ford for \$27,741.44 as presented from Chief Lokken

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

- B. 4X4 SUV
Two bids were received for the 4x4 SUV. Murphy Motors bid \$36,393 for a 2015 Tahoe a Select Ford bid \$30,079.44 for a 2015 Explorer. Both bids met the specs.

MOTION BY CYMBALUK, SECONDED BY PIESIK, to approve the bid from Select ford for \$30,079.44 as presented from Chief Lokken

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

4. Public Hearings
 - A. Qdoba – New Alcoholic Beverage License – specialty restaurant on-sale beer
Qdoba Mexican Grill has submitted an application for a new alcoholic beverage license. The application was reviewed and approved by the Liquor Committee on February 9th, 2015. Recommendation is to approve the application pending approval by the Building and/or Fire Departments.

Mayor Klug opened the public hearing and called for public comment.

Mayor Klug called a second and third time for public comment.

Mayor Klug closed the public hearing.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request as presented subject to meeting all building codes and Bill signing off on such

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

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

Rachel Ressler, Planning and Zoning presented the following:

- A. Proposed Ordinance 1009 Amending Ordinance 960, 962 and 993 – modifying signage allowances – Staff – Second Reading
This ordinance seeks to modify the signage for subdivisions, apartment complexes and construction sites. No changes or recommendations for this ordinance were mentioned at the first reading on 2/9/2015.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the second reading of Ordinance 1009

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

- B. Proposed Ordinance 1010 Modifying 968(M) modifying signage requirements in the R-2 Zone – Staff – Second Reading
1010 and 1011 were both items with questions at the first reading on 2/9/2015. They modify the amount of residential signage allowed. 1010 modifies it in R-2. 1011 modifies it in the rest of the residential zones. Mr. Gamel from the Peterson Group, at the first meeting 2/9/2015, recommended that information center, sales center and model homes be removed from paragraph #1 of the signage requirements. Mr. Gamel also requested #2, 3, and 4, in the memo included in the commission packet, on the ordinance be added. In addition the original #2 and 3 would remain as 5 and 6 as listed in the memo included in the commission packet. Planning staff discussed signage allowances with Fargo, Billings, Grand Forks, Bismarck and Rapid City. The Planning Dept. found that the amount of signage that was proposed by Mr. Gamel is far more than the amount allowed in residential zones in most surrounding cities. Staff would recommend that should the commission include any of the recommended signage into the proposed ordinance, that #2 proposed by Mr. Gamel and modified by Commissioner Cymbaluk, allowing a model home/information center/sale center sign at 6 sq. ft., be allowed. Numbers 3 and 4 appear to be far above what the usual comparable cities allow.

MOTION BY CYMBALUK, SECONDED BY PIESIK, to approve the second reading of Ordinance 1010 as presented from Rachel

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

- C. Proposed Ordinance 1011 Modifying Sections 9L, 10L, 11L, 13L, 14L, 15L and 16L of Ordinance 613, Updating Signage Allowances – Staff – Second Reading
This essentially has the same language as discussed in Ordinance 1010. It will cover the rest of the residential zones.

MOTION BY BROSTUEN, SECONDED BY PIESIK, to approve the second reading of Ordinance 1011 as presented

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

Jordon Everett, City Attorney presented the following:

- D. Proposed Ordinance 1014 – updating Fire Department related code
This ordinance is amending and replacing Article I of Chapter 8 of the Williston Code of Ordinances. This ordinance will bring the code up to date in accordance of the International Fire Code (IFC). It also builds in some enforcement provisions for the Fire Chief for those who violate the code. Taylor Olson, city attorney has also been working on this with the Fire Chief and went through several other cities ordinances and took some of the provisions they felt would be applicable here. Commissioner Cymbaluk asked if this will cover companies like Thomas Petroleum to continue to operate where they are currently located. Mr. Everett answered yes. Mr. Everett said he would also double check on this question before the second reading to be sure. Mr. Everett stated the enforcement provisions are modified a little but they mirror the enforcement provisions for the building code ordinance recently passed allowing the Fire Chief to have administrative enforcement to assess a penalty rather than the typical class B misdemeanor language that has been typically associated with the Williston Municipal Code.

MOTION BY CYMBALUK, SECONDED BY PIESIK, to approve the first reading of proposed Ordinance 1014 as presented from Jordon and Chief

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

7. Petitions, Communications and Remonstrance's

Jordon Everett, City Attorney presented the following:

- A. Black Gold Request for Reconsideration – Crew Camp Closure
Ordinance 925, governing workforce housing or crew camps was adopted by the City on 4/25/2010. On 11/27/2012 the City annexed roughly 4888 acres of land. In doing so the City inherited certain properties where the crew camps were located; one of which was Black Gold. This issue was previously presented to the City Commission regarding their extension, which was previously denied by the Commission. Prior to the annexation Black Gold was approved by the County for a conditional use permit to operate the camp. The effective date was

7/11/2011, effective for two years. This means Black Gold would have been required to request an additional permit on or before 7/11/2013 in order to continue their operations for the crew camp. Before their permit expired, their property had been annexed into City limits. On 12/10/2013, the City Commission adopted a policy regarding an extension of temporary workforce housing facilities and crew camps. This policy provided the City would not be taking new applications for workforce housing facilities under Ordinance 925, which does apply to M-2 zoned areas. The policy also provided it would not consider expanding existing workforce housing facilities. It addressed and laid out some specific requirements for the applicants who desired to obtain an extension from the City. That was Resolution 13-127. As a result of the adoption of Resolution 13-127, there was a list of workforce housing facilities and crew camps compiled by the City, inspections of each facility were completed in the fall of 2013 by the Building and Safety Department, the Fire Department (Chief Allan Hanson) and the Planning and Zoning Department. The result of the inspections were that due to the size and function of several of these crew camps, specifically four of them, required them as a special condition to install a sprinkler system. Black Gold was one of the four camps. On 1/28/2014 the City Commission determined that crew camps who have met all requirements in accordance with Resolution 13-127, but have yet to install that fire protection sprinkler system would have been granted an extension to 12/31/2014 to get the sprinkler system installed. The Planning and Zoning Department did send a letter to these temporary facilities regarding the extension pursuant to the policies outlined in the resolution. Black Gold was one of the recipients of this letter. On 7/23/2014 the Planning and Zoning sent a follow up letter, again Black Gold was one of the recipients of the letter reiterating what would be required to obtain an extension for their crew camp. According to City records, in November of 2014 Black Gold engaged in communications with the Fire Department discussing complying with the regulations relating to the fire system which was again one of the conditions. On 2/13/2015 the Fire Department began all necessary fire inspections; as of 2/14/2015, from provided information, Black Gold had a fully functioning fire sprinkler system. 12/14/2014, Black Gold submitted a building application for the building housing the water tanks. On 12/16/2014 the Building Department reviewed the submittal and plans and on 12/19/2014 the Building Department issued the building permit. The department inspected the footings on the project on 12/23/2014. As of today's date Black Gold has not received the final COO of their permits. Mayor Klug reiterated the time line. Lawrence King, attorney from Bismarck, ND and Doug Sisna, the GM of Black Gold Oilfield Services representing Black Gold attended this meeting. Mr. King presented a binder to the City Commission including the 1/13/2015 City Commission Meeting minutes, a timeline of events, City of Williston Fire Department inspections and an email from Woody Ball, Chief Fire Inspector. Mr. Lawrence went through the timeline, and stated as of 2/14/2015, Black Gold has a fully functioning sprinkler system and a fire protection system. Mr. Lawrence stated Black Gold is in full compliance with the concerns in relation to the sprinkler raised at the 1/13/2015 City Commission meeting. Mayor Klug stated the fire sprinkler works in the building but the plumbing connections between the building and the fire suppression system has never received a permit; it was never inspected. Mayor Klug asked for explanation on how there is a fully functioning system when part of it has never been inspected. Mr. Lawrence stated this is the first time he had heard of this issue. Mr. Sisna stated he was just told this plumbing inspection

was required and Mon-Dak Plumbing (hired as of 2/23/2015) told him they had applied for the plumbing permit and should be turned in 2/25/2015 and the inspection hopefully also done 2/25/2015. Commissioner Cymbaluk referenced a letter that Mr. Sisna sent to a customer stating that Black Gold was in fact not closing and that the City had until 1/26/2015 to rescind their order or he would file suit which would allow Black Gold to stay in business and continue to operate while the lawsuit is being heard up to approximately four years. Mr. Lawrence stated that Black Golds customers were contacted to be put into different housing, which was concerning to Black Gold and what is caused the email and to try to ease fears of current customers. Commissioner Cymbaluk asked if Black Gold ever requested in writing an extension prior to 12/31/2014. Mr. Sisna stated no. Mayor Klug asked the City Auditor, John Kautzman, if any different procedures were taken in publishing the agenda or the minutes from the 1/13/2015 than are done with every agenda and official proceeding to the website or the newspaper. Mr. Kautzman stated no. Commissioner Bekkedahl asked with all of the avenues available to contact the City at any level and with Mr. Sisna "scrambling" to get this accomplished, why did he not contact somebody at the City and explain the circumstances and request some type of extension. Mr. Lawrence stated he thought the issue was being portrayed through Mr. Ball and that there was a communication problem. Commissioner Piesik asked how long Black Gold has been in operation in Williston. Mr. Sisna stated 2011. Commissioner Piesik asked how long Black Gold had been in operation in other parts of the United States. Mr. Sisna stated 2011. Mayor Klug asked when Taylor Fire Services was hired. Mr. Sisna stated November 17, 2014. Mayor Klug asked why was it over a month to hire them when Dakota Fire notified them in October they could not complete the project. Mr. Sisna stated he tried to find a local/closer company before spending the extra costs associated with bringing a company out of Anchorage Alaska and received the run around on companies being able to get the project done by 12/31/2014. Commissioner Brostuen asked if in the past when companies/businesses are occupying a structure without a COO; what was the fine? Mr. Tracy stated it was \$500 a day and is currently \$1500. Comments supporting Black Gold and not supporting Black Gold were made from the public. Commissioner Bekkedahl asked if the Commission could impose any fines or penalties. Mr. Furuseth stated yes.

MOTION BY BEKKEDAHL, SECONDED BY BROSTUEN, to set up a committee to research the options of fines, fees or penalties for the infractions in this case and to suspend the action taken by the commission until 3/2/2015 upon which a report from that committee is presented to the commission and the president has the ability to call a special meeting to discuss the recommendation

AYE: Brostuen, Bekkedahl

NAY: Piesik, Cymbaluk, Klug

ABSENT AND NOT VOTING:

MOTION FAILS 2-3

- B. ND CMSA Williston Letter for Mounted Shooting Competitions
Kelly Hinesely, representing Cowboy Mounted Shooting Association is requesting approval to bring mounted shooting to Williston and expand through ND. Ms. Hinesely presented a packet to the commission explaining the nature of the CMSA. Commissioner Piesik asked if the bullets are loud like a regular bullet is. Bob Hinesely, also representing CMSA answered yes although it does not

make as loud of a bang. Commissioner Piesik asked for clarification of when, how and where the guns are used. Mr. Hinesely went through the process and stressed the safety of the events. Mayor Klug stated it would have to be a permitted process. The first clinic will be in July. Mayor Klug directed to follow up at the beginning of May for the permitted process instructions.

Mayor Klug called a five minute recess.

Mayor Klug reconvened the meeting.

8. Report of Commissioners

A. President of the Board

- (1) On behalf of the City of Williston, Mayor Klug welcomed all swimmers, divers, coaches, parents and fans to the 2015 Boy's Swimming and Diving West Regional Meet. Williston is proud to host this fine event in our new Williston Recreation Center also known locally as the ARC. The grand facility is home to the Hagan Natatorium; one of the few indoor 50 meter competition pools in the state. Williston Parks and Rec, City of Williston and Williston State College worked in cooperation to bring this recreation center to the region. By hosting your swim meet, it proves the facility is an asset to Western ND. You have worked hard to advance your sport and Williston is honored you are here. Swim well, have a great time and enjoy your stay.

C. Vice-President; Finance Commissioner

Commissioner Piesik presented the following:

C. Street and Improvement, Sanitation, Cemetery and Public Works Commissioner

- (1) City Hall Commission Meeting Room
Commissioner Piesik would like permission from the commissioners to look at costs to update the commission room. First she would like to replace the chairs for the commissioners.
- (2) Midcontinent Public Government Access Channel
Commissioner Piesik would like to have a Public Access Chanel available. It would be beneficial in particular to Public Works and the press releases the department often puts out. Providing access to the community on the Public Access Chanel as well as provide some transparency. Some people could stay home and watch the meeting on TV due to the room only holding so many people. Mayor Klug directed a committee be put together to discuss the items. The committee will consist of Commissioner Piesik, Mr. Kautzman, and a representative from the economic development office.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request as presented from Commissioner Piesik and to appoint the necessary committee UNANIMOUS BY VOICE VOTE

D. Fire, Police, and Ambulance Commissioner

Commissioner Brostuen presented the following:

E. Water Works, Sewer, Airport, Building and Planning Commissioner

- (1) Request for Proposals – Professional Consulting Services – Sewer Fund Rate Study
Presented in the commission packet is a draft RFP seeking proposals for professional consulting services related to comprehensive waste water cost and user rate design analysis for the City's sewer enterprise fund. The program management steering committee has reviewed the RFP and would like to move forward with advertising for proposals.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to move to that effect

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

9. Report of Department Heads
 - A. City Auditor
 - B. Attorney

David Tuan, Director of Public Works presented the following:

- C. Director of Public Works
 - (1) Authorization to Bid Mowers
PW is seeking authorization to bid immediately new equipment for 2015 in order to prepare for spring work. To bid are three mowers; two for cemetery, one for roads and street. Bid opening to be scheduled for 3/19/2015.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve as presented
UNANIMOUS BY VOICE VOTE**

- (2) Authorization to Bid Double Drum Compactor
This will replace the current unit which is approximately 20 years old for the roads and street department. Same time frame for advertising and bid opening.

**MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve as presented
UNANIMOUS BY VOICE VOTE**

- (3) Authorization to Bid Trailer Mounted Pressure Washer
This item will be used for maintenance operations at the WTP and also for clearing culverts. It is heated and has a steamer attachment. Currently using the jet truck and it has a limited reach and access for facilities. Same timeline for advertising and bid opening.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve as presented
UNANIMOUS BY VOICE VOTE**

- (4) USACE Permanent Easement (WRRF)
This is a permanent easement from the Army Corps of Engineers for the effluent force main of our Water Resource Reclamation Facility. This has been in the works for approximately 5 years. This is tied to the WTP. Currently operating under a temporary easement. It is for a 25 year term, expiring 9/16/2037. After 25 years the City will have to reapply, which appears to be a fairly easy process.

The required payment for this easement is \$12,180 and will be paid out of the WTP project budget.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

~~(5) — MDU Electrical Easement (Landfill)~~

Bob Hanson, City Engineer presented the following:

D. City Engineer

- (1) Sidewalk Improvement District 15-1 – Authorization to Advertise for Bids
This is a request to authorize to advertise for bids to the annual sidewalk improvement district 15-1.

MOTION BY CYMBALUK, SECONDED BY PIESIK, to approve

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

- (2) Street Improvement District 15-5 – Resolutions Approving Plans and Authorization to Advertise for Bids - East Highland Dr.
This is a resolution approving the plans and specifications for the East Highland Dr. project street improvement district 15-5 and a second resolution authorizing the Engineers office to advertise for construction bids.

MOTION BY PIESIK, SECONDED BY CYMBALUK, to approve

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

- (3) Street Improvement District 15-9 – Resolutions Approving Plans and Authorization to Advertise for Bids for 2015 Mill & Overlay Project
These resolutions approving the plans and specifications and authorizing the Engineers office to advertise for bids for the construction of the street improvement district 15-9. This is the annual mill and overlay project; including two alleys and the Hess parking lot.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

~~(4) — Water, Sewer & Street Improvement District 15-10 — Resolutions Creating the district to reconstruct 16th Ave W from 50th to 58th St~~

- (5) Northern Heights Subdivision/66th St. Water, Sewer and Street Improvements
This is regarding an engineering services agreement with AE2s and an offer from developer Nick Lippert. Mr. Lippert is offering to do some cost share agreements with the City. Mr. Hanson recommends acknowledging receipt of both the Northern Height's Development offer and the AE2S proposal and ask the finance committee to consider inclusion of the 66th St. Project in the 2015 Capital Improvement Project list and table until the next commission meeting pending discussions with the finance committee. The City originally included City Financial support in the 2015 Capital Improvement Budget which is heavily dependent upon the passage of the Surge Funding Bill.

**MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to table
UNANIMOUS BY VOICE VOTE
TABLED**

- (6) Authorization to request Engineering Service Proposals for the following potential projects
Authorization to solicit Engineering Services Proposals for three projects. The first is 58th St. from US HWY 2 & 85 to the White Bridge Rd. The second is Water and Sewer Improvements in the Sunset Subdivision and un-serviced areas to the east of 139th Ave. The third is Water & Sewer Improvements in the Midway Bar/McCody Concrete area.

**MOTION BY CYMBALUK, SECONDED BY PIESIK, to approve as presented
AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug
NAY: NONE
ABSENT AND NOT VOTING:
CARRIED: 5-0**

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

Rachel Ressler, Planning and Zoning presented the following:

- (1) Resolution 15-020 to Adopt the Downtown Parking Demand Study as an Addendum to the Downtown Plan
A resolution to adopt the Williston Downtown Parking Study (2015) as an addendum to the Williston Downtown Plan (2014), which was adopted as an amendment to the Williston Comprehensive Plan (2010). The resolution was presented in the commission packet.

**MOTION BY BROSTUEN, SECONDED BY PIESIK, to adopt
AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug
NAY: NONE
ABSENT AND NOT VOTING:
CARRIED: 5-0**

Samantha Neil, Planning and Zoning presented the following:

- (2) Acceptance of ROW Dedication for 13th Ave W
This item is for dedication of ROW for future 13th Ave W adjacent to the Roseland 3rd Addition. The plat was approved by the Planning Commission on 2/17/15 and adjusts lot lines of the existing Roseland 3rd Addition and includes the adjacent property to the east owned by West Dakota Read-Mix, as Roseland's owner, George Gaukler, bought some additional land from West Dakota Read-Mix. Both parties are required to dedicate 40 feet of ROW for the future extension of 13th Ave W.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to adopt Resolutions 15-021 & 15-022 as presented from City Staff

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

- (3) Acceptance of ROW Dedication for 58th St W
See 9H2 Motion

Shawn Wenko, Economic Development presented the following:

I. Economic Development

(1) Sloulin Field Airport RFQ Process

In October 2014 the commission voted to assemble a three member committee to develop a request for qualifications to solicit qualified developers who possess the capabilities to develop the Sloulin Field Airport once it is vacated. The committee consisted of Shawn Wenko, Kent Jarcik and Steven Kjergaard. The committee met on four occasions and developed a RFQ that went out for bid 1/4/15. 10 Submissions were received. They are as follows in no particular order:

Gilmore Planning and Landscape Architecture Inc., Vedadicorp, Cardon Development Group, KLJ/Hegg Companies, Bakken Housing (Sloulin Field Partners), Tribeca, Watt Companies, Feinberg Properties, CSC General Contractors and L2H Development. An RFQ scoring summary sheet was then developed that consisted of five questions and a maximum allocation of 50 points with room for comments. A copy of the question summary sheet is included in the commission packet. Each committee member independently reviewed and scored the ten applicants. The committee then came together as a group and tallied the scores to create an average for each applicant. Moving in accordance with North Dakota Century Code, a minimum of three applicants must be interviewed before moving forward. The top three scorers are Cardon Development, KLJ/Hegg Companies and Vedadicorp. Commissioner Piesik asked why only three were chosen and suggested picking four. Mr. Wenko stated the committee went with the Century Code requirement of a minimum of three but stated the commission could pick as many as they would like. Mr. Wenko asked to appoint more people to the committee for the interview process.

MOTION BY CYMBALUK, SECONDED BY PIESIK, to take the top five scorers and set up the proper interview accordingly

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

MOTION BY CYMBALUK, SECONDED BY BROUSTEN, to authorize the Mayor to appoint the necessary committee

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

Mayor Klug asked when the interviews may be held. Mr. Wenko stated sooner would be best. Mayor Klug appointed himself, Chris Brostuen, Bob Hanson, David Tuan, Kent Jarcik, Shawn Wenko and Steven Kjergaard. Any other support from Auditors staff or the attorney will be requested as needed.

Steven Kjergaard, Airport Manager presented the following:

J. Airport

- (1) Request for Emergency Purchase – ~~Under budgeted~~ **Unbudgeted** Anti-Ice Equipment

Two weeks ago two aircraft deviated from the runway due to ice. Because of this incident a letter of investigation was received from the FAA and Sky West. This item would help the airport significantly improve the ability to not have as many issues with freezing rain. The cost is \$51,460. The cost can be covered from revenue produced on the airport both from last year and from January of this year.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve the purchase in the amount of \$51,460 as requested and that an emergency does exist

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

- (2) Request to Donate Sick/Vacation Time for Airport Employee

One of the airport employees was injured in a car accident. He is out of sick time due to being a newer employee. Request for staff to be able to donate sick time to this employee.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

- (3) GCAC – 1 Year Advertising

One year advertising Lease to GCAC in the amount of \$4000

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve**AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug****NAY: NONE****ABSENT AND NOT VOTING:****CARRIED: 5-0**

- (4) SFS Williston – Fuddruckers – 1 Year Advertising
One year advertising lease with Fuddruckers in the amount of \$4000

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve**AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug****NAY: NONE****ABSENT AND NOT VOTING:****CARRIED: 5-0**

Mason Short, KLJ presented the following:

- (5) Acceptance of LOI Application
This is a request for federal funding from the FAA. The original application has been updated and changed the initial request from \$100 million to \$120 million. Also the consultants that helped with the LOI had a conversation with the FAA and the FAA has requested seeing this LOI on a front loaded accelerated distribution schedule. Basically the airport will get more money sooner in the process. That will reduce the finance charges from \$36 million to finance the entire relocation program to \$14 million. The LOI is due to the FAA by the end of this week. Seeking the commissioner's approval to allow the mayor to officially sign the application. From that point it will be submitted, it will take approximately a month to digest it and then the negotiation process will begin with the FAA. Looking to get the approval by September. Hoping to have all planning and environmental completed by August and be able to receive 2015 Federal Funding.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve**AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug****NAY: NONE****ABSENT AND NOT VOTING:****CARRIED: 5-0**

Mayor Klug presented the following:

- (6) Proclamation for General Aviation
Whereas, aviation impacts every sector of our communities and state; and whereas, many North Dakota Businesses use aviation as a tool for conducting daily operations, including the transportation of personnel and freight, air emergency service and medical evacuation, wildlife control, and law enforcement observation; and whereas, North Dakota's aviation industry promotes the state's diverse economic opportunities by enabling development efforts, and creating opportunities for communities, businesses, and citizens; and whereas, beyond the movement of goods and services, the state's aviation industry supports thousands of jobs and contributes over \$1.6 billion annually to the state's

economy; and whereas, airlines operating from North Dakota flew a record of 2.2 million passengers in 2014 and contributed over \$500 million to the state's economy through air tourism; and whereas, North Dakota is home to world-class aviation education opportunities, product development, and technological advancement; and whereas, aviation is an essential part of our state's agriculture industry, with more than 2.6 million acres of crops sprayed in 2014. Now, Therefore, as Mayor of the City of Williston, North Dakota, I do hereby proclaim March 2015, Aviation Month in the City of Williston.

Steven Kjergaard, Airport Manager presented the following:

(7) KLJ Task Order 16 – Friction Measuring Equipment

This is a friction measuring equipment piece. This will be a 90/10 grant with the FAA. The total cost of this agreement is \$35,721.10, not to exceed. This also allows time for any possible protest in the purchase of the equipment. The estimated cost of the equipment is \$180,000. Airlines have requested the airport obtain this piece of equipment. KLJ's fees will go up because of the way the FAA is doing business. They are changing how ND operates to be a national standard. In this contract there are about 30 hours of coordination with the FAA that was never there before. That adds a significant cost.

MOTION BY CYMBALUK, SECONDED BY BROSTUEN, to approve the request not to exceed \$35,721.10 as presented

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

- K. Assessor
- L. Convention and Visitor's Bureau
- 10. Appointments and Consultations with Officers
 - A. Housing Authority Board Opening – Carol Fixen
Carol Fixen has been recommended to take the position on the Housing Authority Board.

MOTION BY CYMBALUK, SECONDED BY PIESIK, to approve Carol Fixen to the Housing Authority Board

UNANIMOUS BY VOICE VOTE

- B. Jason Catrambone – Liquor Committee
This item will be to include the fire chief on the committee. In the past the Chief has never been on the committee. Because of fire code issues the idea was to include the fire chief and this is why it is being requested.

MOTION BY CYMBALUK, SECONDED BY PIESIK, to approve the request to appoint Chief Jason Catrambone to the Liquor Committee

UNANIMOUS BY VOICE VOTE

- 11. Unfinished Business
 - A. Larry Grondahl – MDU Utility Pole

Mayor Klug has had contact with two officials with MDU. A proposal is coming within the next couple of weeks.

HOLD

- B. Taxi Committee – Limo Services Exempt from Meters
A meeting was held regarding exempting the Limo Services from meters.

HOLD

- C. Agri Industries-Ed Garcia/Borsheim Subdivision- Water Well Committee with City Attorney

HOLD

- D. Bakken Club – Reacquire of Alcoholic Beverage License – reorganization of business – table for 30 days (from 1/13/15)
An application was received for consideration. The proper fees are attached with the application. This item will be addressed at the 2nd regular meeting in March.

HOLD

- E. Ordinance 1008 – Planning & Zoning – amending Section 25(G), modifying residential parking requirements

REMOVE

12. New Business
13. Executive Session
A. **Attorney Consultation**
Mayor Klug stated that he would entertain a motion to move to Executive Session to confer with the City Attorney.

MOTION BY BROSTUEN, SECONDED BY CYMBALUK, to approve moving to Executive Session

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

Mayor Klug stated that pursuant to the motion, the Board will move into Executive session to discuss the issues authorized by section 44-04-18.4 of the ND Century Code.

Mayor Klug resumed the Regular City Committee Meeting. An Executive Session was held and the only issue discussed was an attorney consultation. Motion #1 was made with a second.

AYE: Brostuen, Bekkedahl, Piesik, Cymbaluk, Klug

NAY: NONE

ABSENT AND NOT VOTING:

CARRIED: 5-0

14. Adjourn

**MOTION BY CYMBALUK, SECONDED BY PIESIK, to adjourn the meeting
UNANIMOUS BY VOICE VOTE**

Howard Klug, President
Board of City Commissioners

John Kautzman, City Auditor