

**Official Proceedings
Board of City Commissioners
May 10th, 2016 @ 6:00 pm
City Hall – Williston, North Dakota**

1. Roll Call of Commissioners

COMMISSIONERS PRESENT: Chris Brostuen, Deanette Piesik, Howard Klug

COMMISSIONERS ABSENT: Brad Bekkedahl, Tate Cymbaluk

OTHERS PRESENT: John Kautzman, Jim Lokken, Bill Tracy, Shawn Wenko, Kent Jarcik, Rachael Laqua, David Tuan, Jason Catrambone, Bob Hanson, Steven Kjergaard

Mayor Klug presented a quorum.

CHANGES TO AGENDA:

REMOVE: 8A1

ADD: 8A2 - City Hall project.

**Motion by Brostuen, Seconded by Piesik, to approve the changes as presented.
UNANIMOUS BY VOICE VOTE.**

2. Consent Agenda

A. Reading and Approval of Minutes

B. Auditor

(1) Accounts, Claims and Bills

(2) Application for a Local Permit or Charity Local Permit

(3) Special Permit to Sell Alcoholic Beverages

(4) Taxi License

C. Building Official

D. City Planner

E. Assessor

(1) Abatement

(2) Exemptions

3. Public Hearings

Rachel Laqua, of Planning & Zoning presented the following:

A. Ordinance 1043 updates Section 3-1 of Article 1 of Chapter 3, Section 3-73 of Article V of Chapter 3, and Section 3-80 of Article V of Chapter 3, amends Section 20-1 of Article 1 of Chapter 20, and adds Section 20-2 of Article 1 of Chapter 20 of the Williston Code of Ordinances. This update allows for outdoor sidewalk cafes. Specific regulations are outlined in Section 20-2 of Article 1 of Chapter 20 of the Williston Code of Ordinances. Sidewalk cafes are meant to be extension of an indoor business, liquor could only be served if the business has an appropriate liquor license and permits would only be issued to restaurants with indoor seating at this time. These would be an annual permit expiring November 1 and all furniture would need to be removed at that time and not placed outside until April 1. This ordinance is just for public right of way locations. Fences would be required for businesses serving alcohol.

**Mayor Klug opened the public hearing and called for public comment.
Call for public comment made a 2nd and 3rd time.
Mayor Klug closed the public hearing.**

Motion by Brostuen, Seconded by Piesik to approve the first reading of Ordinance 1043 with staff recommendations as presented.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

4. Bid Openings
5. Accounts, Claims and Bills Not Approved in the Consent Agenda
6. Ordinances
7. Petitions, Communications and Remonstrance's
8. Report of Commissioners
 - A. President of the Board
 - (1) ~~Elks Youth Proclamation~~
 - (2) City Hall Project

Mayor Klug requested permission to change the scope of the City Hall remodel with a not to exceed recommendation of \$50,000 to make the front entrance ADA compliant.

Motion by Piesik, Seconded by Brostuen, to approve the change to the City Hall project to allow FCI to spend up to but not to exceed \$50,000 as presented.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

- 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
 - B. Attorney
 - C. Director of Public Works

David Tuan, Director Public Works, presented the following:

(2) Street Closure Request

For 2016 National Public Works week will take place from May 15-21. Public Works Week is a celebration of the quality of life made possible by Public Works services and projects. In honor of this year's theme, which is "*Always There*", the City of Williston Public Works department will be hosting a community outreach day on Thursday, May 19, 10:00am-3:00pm at the Raymond Family Community Center. Public Works equipment will be on display and staff will be on hand to share information about our services and projects that we are working on. We welcome all members of the community in joining us as we celebrate Public Works Week and ask the Mayor to read the following proclamation.

Whereas, public works services provided in our community are an integral part of our citizens' everyday lives; and
Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewer, streets and highways, public buildings, and solid waste collection; and
Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and
Whereas, the quality and effectiveness of these facilities, as well as their planning, design and construction, are vitally dependent upon the efforts and skill of public works officials; and
Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,
Now, therefore, I, Howard Klug, Mayor of the City of Williston, do hereby proclaim the week of May 15, 2016 as "National Public Work's Week" in the City of Williston and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Authorization for a temporary street closure of Davidson Drive (11th-9th) on May 19, 9:00am-4:00pm was presented.

**Motion by Brostuen, Seconded by Piesik, to approve the temporary street closure of Davidson Drive as presented.
UNANIMOUS BY VOICE VOTE**

D. City Engineer

Bob Hanson, City Engineer, presented the following:

(3) Main Street Reconstruction Project – Non-Participating Item Change Order #2

This is a change order for the replacement of an additional manhole. This change order does not alter the project cost but does require additional time. We recommend that we grant Knife River the requested Main Street Reconstruction Project—Non-participating item Change Order #2 delaying Knife River's completion date by one day as presented.

Motion by Piesik, Seconded by Brostuen, to grant Knife River non-participating item Change Order #2 delaying the completion date by one day as presented.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

(4) KLJ Engineering Service Agreement Amendment – Welcome to Williston Sign Project.

This is an amendment to the existing Welcome to Williston Sign Project, filing a claim for \$8,400 over and above the original scope of work. The added cost includes \$2,100 to change plans after they were completed and some of the landscape elements, \$400 for

the preparation of easement documents and \$5,900 for coordinating work regarding potentially hazardous materials. The additional cost brings this total to \$76,400. We would like to recommend that the City agree to amend the KLJ Welcome to Williston Sign Project Engineering Services Agreement increasing the not to exceed figure to \$76,400 as presented.

Motion by Brostuen, Seconded by Piesik, to approve the \$8,400 amendment to the KLJ engineering service agreement for the Welcome to Williston sign project as presented.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

- (5) Ulteig Engineering Service Agreement Amendments
 - a. 11th Street Mill & Overlay adding Braun Intertec provision of geotech testing services
 - b. 26th Street Mill & Overlay adding Braun Intertec provision of geotech testing services

This is an amendment to Ulteig's engineering services agreement to add material testing functions to the 11th Street and 26th Street Mill & Overlay Projects now required by Federal Urban Aid projects. The amendment was just received late today and with no time to review so we ask that this item be tabled until the next meeting.

Motion by Brostuen, Seconded by Piesik, to table this item until the May 24, 2016 meeting.

UNANIMOUS BY VOICE VOTE

- (6) NDDOT 11th Street & 139th Avenue West Detour Agreement

NDDOT is asking for a detour of US Highway 2 traffic onto the City's 11th Street and 139th Avenue during reconstruction of the Highway between 32nd Avenue and 11th Street. This will accelerate the completion of the project, be cost effective and NDDOT would pass the \$2,000,000 savings on to the City. We recommend accepting the NDDOT 11th Street and 139th Avenue West Detour Agreement as presented.

Motion by Piesik, Seconded by Brostuen, to approve the NDDOT 11th Street and 139th Avenue West detour agreement as presented.

Mayor Klug reminded the public that this project closes the road off from Menard's turn off to Mercy Hospital turn off for one construction season next year.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

E. Fire Chief

Jason Catrambone, Fire Chief, presented the following:

- (2) McKenzie County Mutual Aid Agreement

This is a mutual aid agreement from McKenzie County. This agreement does not commit our services but it allows us to begin the process in the need if we have a large incident to get both state and federal funding as a participating entity. Emergency services are provided as part of our EMS in 14 townships and a few partial townships in McKenzie County and this closes a few of our open-ended areas where if we do provide mutual aid in another areas of McKenzie County that we may see reimbursement through the state and federal. Asking for permission to be the designated agent as part of this agreement, as well as, a signatory once it's been through the attorney's office.

Motion by Brostuen, Seconded by Piesik, to grant permission to be the designated agent as part of this agreement, as well as, a signatory.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

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

Rachel Laqua, of Planning & Zoning presented the following:

- (1) Renaissance Zone Application for Cooks on Main

This is an application from Renaissance Zone board for Angela Skogen of Cooks on Main. This application requests full property tax abatement for five years, as well as, full income tax benefits through the state Renaissance Zone program. The project will update the exterior of the building, add an ADA compliant bathroom, renovate and expand the second floor and include the addition of a fire suppression system for the building. The estimated work is more than the current assessed value of the building and therefore eligible for a full abatement. The Renaissance Board felt that the project meets the full requirements of the Renaissance Zone and the owner is working with the State Historic Commission to obtain historical tax credits. The Renaissance Board recommends that the City Commission approve the application from Angela Skogen of Cooks on Main with 100 percent property tax abatement for the property for 5 years, pending completion of the project. In addition, the board recommends that the City Commission approve the application for the Renaissance Zone state income tax benefits for five years, pending approval by the North Dakota Department of Commerce.

Motion by Brostuen, Seconded by Piesik, to approve the application from Angela Skogen/Cooks on Main with 100 percent tax abatement for five years pending the completion of the project and that the City Commission also approve the application for Renaissance Zone state income tax benefits for five years, pending the approval by the North Dakota Department of Commerce.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

- (2) Final plat approval for proposed 3rd Avenue Subdivision, an un-platted 7 acre lot in Section 2, T154N, R101W, City of Williston – Racer's Store Management, LLC/Sanderson Stewart

The 3rd Avenue Subdivision is located at the NW corner of Highway 2 and 42nd Street. Zoning was originally M-1: Light Industrial with a proposed zoning of C-2: General Commercial. In April the Planning Commission approved the final plat for the 3rd Avenue subdivision into five lots. In February, the Planning Commission approved a special permitted use (SPU) to allow existing light industrial uses to be considered conforming uses in the C-2 zone until those uses end. All lots will be required to take access from 3rd Avenue West, which is intended to be a dedicated public street. They will need to develop it at such as lots of 2 and 3 are developed with commercial uses.

Motion by Brostuen, Seconded by Piesik, to grant approval of the 3rd Avenue Subdivision contingent on all staff comments including the development agreement with special provisions stated in the “staff comments” section of the fact sheet.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

- (3) Resolution 16-023: Dedication of Lot 4, Michael J. Wells Subdivision – Mike Wells

This is the dedication of Lot 4 of the Michael J Wells Subdivision. The owners of the subdivision wish to dedicate Lot 4 of that subdivision to the City of Williston as a drainage course, which has already been installed. This dedication reserves the mineral rights under Lot 4 to the Wells, and provides an easement across the lot.

Motion by Piesik, Seconded by Brostuen, to approve Resolution 16-023, accepting the dedication of Lot 4 of the Michael J. Wells Subdivision.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

I. Economic Development

Shawn Wenko, of Economic Development, presented the following:

- (1) Community Build Grant – Renaissance Zoning Authority

This is for the Renaissance Zoning Authority and the committee has requested funding for marketing brochures which will be made to reflect the newly added areas of the Renaissance Zone along with an explanation and benefits of being part of that zone. The Star Fund Board has met and they recommend the Board of Commissioners approve an amount not to exceed \$2,500 for the production and distribution of these brochures.

Motion by Brostuen, Seconded by Piesik, to approve the grant as presented.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

J. Airport

Steve Kjergaard, Airport Manager, presented the following:

A new website has been launched specific to the airport project at www.xwaproject.com.

- (1) KLJ Task Orders
 - a. Task Order 26 Runway Design

This project is for the main runway design and includes the pavement and lighting system associated NAVAIDs. TKDA completed their independent fee review which was approximately \$500,000 and KLJ's fee came in at \$460,000. The variance was -7.24% and is expected to be under the FAA \$20M grant we expect to receive this year.

Motion by Piesik, Seconded by Brostuen, to approve Task Order 26 Runway Design to KLJ.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

- b. Task Order 27 Geotechnical Services

This project is for the coordination and completion of the Geotechnical services. TKDA did complete an independent fee of approximately \$440,000 and KLJ's fee was \$420,000 with a variance of -4.65%. This is also anticipated to be under the FAA \$20M grant.

Motion by Brostuen, Seconded by Piesik, to approve Task Order 27 Geotechnical Services as presented.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

- c. Task Order 28 59th Street Reroute Design

This project does not have an independent fee review. The Airport Update Committee reviewed this and determined as it was below \$100,000 we are not required to under FAA guidelines, as well as, we wanted to get this project going as quickly as possible. The cost is \$85,600 and is also anticipated to be under the FAA \$20M grant.

Motion by Piesik, Seconded by Brostuen, to approve Task Order 28 59th Street Reroute Design in the amount of \$85,600.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

d. Terminal Amendment

This amendment is for the cost change for the design contract for the changes that occurred on the terminal. The cost of the change is \$165,857.

Motion by Brostuen, Seconded by Piesik, to approve the amendment totaling \$165,857 as presented.

Discussion ensued on whether Cardon Group has reviewed the terminal agreement.

AYE: None

NAY: Brostuen, Piesik, Klug

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

FAILS: 3-0

e. ARFF/SRE Amendment

Motion by Brostuen, Seconded by Piesik, to table items 9J1d and 9J1e.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

(2) Aero Spraying Service

This is for the authorization of the annual spraying of mosquitos over the city and is standard from previous years.

Motion by Piesik, Seconded by Brostuen, to authorize Aero Spraying Service to spray over the City of Williston.

AYE: Brostuen, Piesik, Klug

NAY: None

ABSENT AND NOT VOTING: Bekkedahl, Cymbaluk

CARRIES: 3-2

- K. Assessor
- L. Convention and Visitor's Bureau
- 10. Appointments and Consultations with Officers
- 11. Unfinished Business
 - A. Direct Deposit
 - B. Ordinance 1042 – Second Reading
- 12. New Business
- 13. Ratification of Elks Youth Actions

Motion by Cymbaluk, Seconded by Brostuen to ratify the actions taken by the Elks Youth Day participants.

UNANIMOUS BY VOICE VOTE

- 14. Executive Session
- 15. Adjourn

**Motion by Piesik, Seconded by Brostuen, to adjourn.
UNANIMOUS BY VOICE VOTE**

Howard Klug, President
Board of City Commissioners

John Kautzman, City Auditor