

Williston 6/1/9

999. Public Notices

Kautzman said the Board could pick a line but that would influence the issue. Kautzman suggested speaking to other cities and see what they do in like this, if anything. Kautzman said he received a new proposal Monday and would like to table this until the next meeting on May 11, 2010. MOTION BY BOGAR, 2ND BY KLUG, to be tabled until next meeting on May 11, 2010. MOTION CARRIED UNANIMOUSLY 2. Offer to Purchase - Leadership Circle, LLC or Assigns - Joan Hagan Kautzman said the Ad Hoc Committee met and asked Doug Lalim to speak about this. Lalim said there was an initial offer of \$24,000 on the above property. Lalim said other properties around this area were selling at \$4,200 per lot and the Committee put in a counteroffer of \$4,200 per lot and since then there was another offer from the interested party of \$4,200 per lot equaling \$33,600. MOTION BY BOGAR, 2ND BY LAWSON, to approve the offer in the amount of \$33,600 for the eight lots. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 3. Window Screen Replacement Kautzman said the screen work around City Hall needs to be replaced. Kautzman received a quote from Fargo Glass and Paint for \$1,746.99. MOTION BY KLUG, 2ND BY LAWSON, to approve the quote to replace the screens from Fargo Glass and Paint for \$1,746.99. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 4. Missouri Flats Request for Lot next to and part of Holland America - Lot 4 in Block 3 of Sloulin Field 1st Addition. Furuseth said there was a committee meeting regarding Missouri Flats purchasing the property behind their motel or talk about bidding the property out. Furuseth said he did some research at the court house and saw that Holland America has a 99-year lease on the property so if it is going to be offered up for bids they would have to be in agreement with it. Furuseth said he received a call from Holland America's attorney and they would agree to it as long as the City splits the purchase price of the lot 50/50 with Holland America. Kautzman said there is an ad for bids so this issue will be in front of the Commission on the first meeting. Furuseth said this will give them a chance to see if there are any bids, Kautzman thinks the motel would bid. C. Director of Public Works/City Engineer 1. 14th Street Federal Aid Bid Meiers said he received a letter from NDDOT with a bid abstract of the low bid for the 14th Street West from 2nd Avenue West to 9th Avenue West. The low bid was from Northern Improvement and was 3% lower than the Engineer's estimate, and he would recommend concurrence with the award of this bid in the amount of \$941,099. MOTION BY BOGAR, 2ND BY KLUG, to accept the bid from Northern Improvement for \$941,099. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 2. State Water Commission Forms Meiers is asking the Commission's permission to send the forms for potential water project to assist in the funding of the improvements. Part of the process to receive future funding is to submit the forms to the State Water Commission so they have the projects within their database for consideration. MOTION BY BOGAR, 2ND BY LAWSON, to allow the Engineer to submit the forms to the State Water Commission. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 3. Improvement District 10-3 Meiers said there is one project left and would like to get direction on how the Commission would like him to proceed. The property is on 11th Avenue West and 24th Avenue West by Sears and the Kensington. Meiers said last year the bid came in at approximately \$254,000 based on that bid and the completion of 24th it would have an additional cost of \$115,000. Koeser asked how this project will be financed; Meiers commented that he wasn't sure. Kautzman said there was talk about setting up a tax increment district which the Board would have to agree to or use sales tax monies and/or special assess the improvements. Meiers recommends bidding the project out and see what the bids come in at. MOTION BY BOGAR, 2ND BY KLUG, to allow the project to go out for bids. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser

999. Public Notices

A. City Auditor 1. UB - Recurring Credit Card Program from Black Mountain Software Kautzman said he received a new proposal Monday and would like to table this until the next meeting on May 11, 2010. MOTION BY BOGAR, 2ND BY KLUG, to be tabled until next meeting on May 11, 2010. MOTION CARRIED UNANIMOUSLY 2. Offer to Purchase - Leadership Circle, LLC or Assigns - Joan Hagan Kautzman said the Ad Hoc Committee met and asked Doug Lalim to speak about this. Lalim said there was an initial offer of \$24,000 on the above property. Lalim said other properties around this area were selling at \$4,200 per lot and the Committee put in a counteroffer of \$4,200 per lot and since then there was another offer from the interested party of \$4,200 per lot equaling \$33,600. MOTION BY BOGAR, 2ND BY LAWSON, to approve the offer in the amount of \$33,600 for the eight lots. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 3. Window Screen Replacement Kautzman said the screen work around City Hall needs to be replaced. Kautzman received a quote from Fargo Glass and Paint for \$1,746.99. MOTION BY KLUG, 2ND BY LAWSON, to approve the quote to replace the screens from Fargo Glass and Paint for \$1,746.99. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 B. Attorney 1. Missouri Flats Request for Lot next to and part of Holland America - Lot 4 in Block 3 of Sloulin Field 1st Addition. Furuseth said there was a committee meeting regarding Missouri Flats purchasing the property behind their motel or talk about bidding the property out. Furuseth said he did some research at the court house and saw that Holland America has a 99-year lease on the property so if it is going to be offered up for bids they would have to be in agreement with it. Furuseth said he received a call from Holland America's attorney and they would agree to it as long as the City splits the purchase price of the lot 50/50 with Holland America. Kautzman said there is an ad for bids so this issue will be in front of the Commission on the first meeting. Furuseth said this will give them a chance to see if there are any bids, Kautzman thinks the motel would bid. C. Director of Public Works/City Engineer 1. 14th Street Federal Aid Bid Meiers said he received a letter from NDDOT with a bid abstract of the low bid for the 14th Street West from 2nd Avenue West to 9th Avenue West. The low bid was from Northern Improvement and was 3% lower than the Engineer's estimate, and he would recommend concurrence with the award of this bid in the amount of \$941,099. MOTION BY BOGAR, 2ND BY KLUG, to accept the bid from Northern Improvement for \$941,099. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 2. State Water Commission Forms Meiers is asking the Commission's permission to send the forms for potential water project to assist in the funding of the improvements. Part of the process to receive future funding is to submit the forms to the State Water Commission so they have the projects within their database for consideration. MOTION BY BOGAR, 2ND BY LAWSON, to allow the Engineer to submit the forms to the State Water Commission. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 3. Improvement District 10-3 Meiers said there is one project left and would like to get direction on how the Commission would like him to proceed. The property is on 11th Avenue West and 24th Avenue West by Sears and the Kensington. Meiers said last year the bid came in at approximately \$254,000 based on that bid and the completion of 24th it would have an additional cost of \$115,000. Koeser asked how this project will be financed; Meiers commented that he wasn't sure. Kautzman said there was talk about setting up a tax increment district which the Board would have to agree to or use sales tax monies and/or special assess the improvements. Meiers recommends bidding the project out and see what the bids come in at. MOTION BY BOGAR, 2ND BY KLUG, to allow the project to go out for bids. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser

999. Public Notices

go out for bids for the Lot Cleaning, Clearing and Mowing Services. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 G. City Planner 1. Special Permitted Use (SPU) for Temporary Housing on Unplatted Property in Section 30, T154N, R101, Stony Creek Township (5.46 ac.) - Prairie Packing Jarcik states previously there had been an approval for 15 units in the area and now they want to expand to allow for 18 units with a maximum 115 people, which would be three additional units. The Board felt this expansion proposal should be considered as it was a permitted use prior to the newly adopted Ordinance No. 925, provided it was the final request for that area. Prairie Packing has agreed to repair the roadway as required at the time of initial application. Jarcik goes on to say that it is the recommendation to approve the SPU for the expansion to complete the existing facility to add three additional units; contingent on a review period as granted at the time of the initial application which was September 2013. MOTION BY LAWSON, 2ND BY BOGAR, to approve the recommendation to add three additional units on an unplatted parcel known as Lot 1, T154N, R100W, Stony Creek Township (5.46ac.), is allowing for a maximum of 115 persons totaling 18 units, contingent on a review period as granted at the time of the initial application which was September 2013. Klug asked how they came up with five years and not two years, Jarcik said it was felt that because of some of the capital improvements it would give them an additional time because of the cost of the project. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 2. Review Renaissance Zone Application - Empire Oil Company/LaCrosse Jarcik said he received a proposal for an inclusion as a Renaissance Zone project submitted by William and Tammie LaCrosse/Empire Oil. The project will include new construction to expand an existing downtown office. A new office addition will be built approximately 96' x 34' with two floors and 6,500 square feet. The total estimated project cost is \$600,000. The current True and Full value of the building is \$102,100. The applicants are requesting the Business Income Exemption, investment income exemption for leasing commercial property and the local property tax exemption. The Board determined that the project fits the intended purpose of the zone. It is the recommendation to approve the application submitted by William and Tammie LaCrosse/Empire Oil. MOTION BY KLUG, 2ND BY BOGAR, to approve the application submitted by William and Tammie LaCrosse/Empire Oil for an expansion of the existing building located at 510 2nd Street; Block 15 of the Renaissance Zone (LeDosquet Addition, Lots 5 & 6 Block 5 and the South 46'8" of Lots 7 & 8 Block 5). This would allow for the tax exemption on existing and proposed construction at 100% and any eligible income tax credits or exemptions as approved by the State. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 3. Set Date for Workshop Meeting to Review and Comment on the Draft Comprehensive and Transportation Plans. Jarcik handed out a memo to set up the above meeting. He states this would be a workshop on Wednesday, May 19th in the basement Memorial room of the County Courthouse. The meeting is for all members of the Williams County Board, Williams County Planning and Zoning Commission, City of Williston Commission and the City of Williston Planning and Zoning Commission. The purpose of the meeting is to give the group opportunity in a work session environment to review the draft comprehensive plan and transportation plan for any comments prior to future public hearings. The intent of the project is for the two documents to be adopted by the Williams County Board and City of Williston Commission and will require future public hearing review by all of the Commissions and Boards. From 6:30 PM to 7:00 PM will be the opportunity to look at proposed land use and transportation maps as well as other information as part of the planning process. From 7:00 PM to 8:30 PM there will be a work session facilitated by Mayor Ward Koeser to review the documents for comment. H. Economic Development 1. Airport J. Assessor K. Convention and Visitor's Bureau 10. Appointments and Consultations with Officers 1. Cemetery Board Members Kautzman asked if Teske and Evans were to be reappointed, Klug said to remove Teske's name and he would like approval for Bob

999. Public Notices

ber 2015 and Blaine Stevens be appointed until November 2011 to the Parking Authority Board. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 Kautzman said he has a call into Earl Westering to contact the Old Armory Board members to see if they would like to be reappointed to the Old Armory Governing Board and asked if the Commissioners are comfortable having Westering contact the members or said that he could contact them. The Commissioners said they were comfortable with Westering contacting the members. This will be placed on HOLD at this time. Kautzman said Dave McAdoo has been reappointed until March 2015 and Duane Buschta until March 2016. MOTION BY LAWSON, 2ND BY KLUG, to reappoint Dave McAdoo until March 2015 and Duane Buschta until March 2016. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 3. Appointment of Executive Board Member(s) - CEAD Committee Koeser said there are four member's terms expiring and three have agreed to be reappointed. The three who will be reappointed are Tim Holter, Sheryl Beard and Louie Abdinour will serve until April 30, 2013 and Kristen Jones will replace Dawn Bonner will serve until April 30, 2013 as well. MOTION BY LAWSON, 2ND BY KLUG, to reappoint Tim Holter, Sheryl Beard and Louie Abdinour will serve until April 30, 2013 and Kristen Jones to replace Dawn Bonner will serve until April 30, 2013. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 11. Unfinished Business 1. Transparency Resolution Bekkedahl commented that there is a State meeting on May 12th and 13th he will be attending and would like to get feedback regarding the resolution and to see what the rest of the State is doing. This has been placed on HOLD. 2. McKenzie County Water Proposal HOLD 3. Resolution - Equipment Rates Meiers asked the Commission to approve Resolution No. 10-21 A Resolution Adopting a Policy Regarding Sales of Supplies and Rental of Equipment to Individuals or Companies. MOTION BY BOGAR, 2ND BY LAWSON, to approve Resolution No. 10-21 - A Resolution Adopting a Policy Regarding Sales of Supplies and Rental of Equipment to Individuals or Companies. AYE: Bogar, Bekkedahl, Klug, Lawson, Koeser NAY: None ABSENT AND NOT VOTING: None CARRIED: 5-0 12. New Business Koeser announced that at the next meeting on May 11, 2010 will be Elks Youth night and there will be a presentation from Jackie Stenehjem and her class. 13. Executive Session 14. Adjourn MOTION BY LAWSON, 2ND BY BOGAR, to adjourn. (May 19, 2010)

999. Public Notices

**NOTICE TO CREDITORS**  
Probate No. 10-P-119  
IN THE DISTRICT COURT OF WILLIAMS COUNTY, STATE OF NORTH DAKOTA  
IN THE MATTER OF THE ESTATE OF ELLSWORTH ENGET, DECEASED.  
NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication of this notice or said claims will be forever barred. Claims must either be presented to Steve Enget, personal representative of the estate, c/o McKennett Law Firm, P.O. Box 1366, Williston, ND 58801, or filed with the Court.  
DATED this 10th day of May, 2010.  
-s- STEVE ENGET  
Steve Enget  
Personal Representative  
Address: 2600 University Ave., Lot 18  
Williston, ND 58801  
Valeska A. Hermanson  
McKennett Stenehjem  
Forsberg & Hermanson, P.C.  
314 First Avenue East  
P.O. Box 1366  
Williston, North Dakota 58802-1366  
(701) 577-6771  
Attorney for Estate  
(May 19, 26, June 2, 2010)

**REQUEST FOR BIDS**  
The Park Board Commissioners of the Williston Parks & Recreation District will receive sealed bids for (1) One Complete Set of Used Hockey Boards and Glass.  
The Park Board Commissioners of the Williston Parks & Recreation District will receive all bids in the office of the Director of the Williston Park District located at 1002 11th St. W./P.O. Box 1153, Williston, North Dakota 58801, until 1:30 p.m. on June 14th, 2010, at which time the bids will be publicly opened and read.  
All bids shall be sealed and endorsed Hockey Boards and Glass. Bids must be submitted on forms provided by the Williston Parks & Recreation District and in accordance with specifications and conditions therein contained. Copies of bid proposal forms and general specifications may be obtained from the Williston Parks & Recreation District office.  
The Park Board Commissioners of the Williston Parks & Recreation District reserves the right to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof and to reject any and or all bids and to waive irregularities whenever it is for the best interest of the District.  
DATED this 17th day of May 2010.  
WILLISTON PARKS & RECREATION DISTRICT  
-s- DARIN L. KRUEGER  
Darin L. Krueger  
Director of Williston Parks & Recreation District  
(May 19, 26, June 2, 9, 2010)

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**  
Northern States Power Company  
Aggregators of Retail Customers  
Investigation  
Case No. PU-10-59  
**NOTICE OF OPPORTUNITY FOR HEARING**  
May 12, 2010  
On March 1, 2010, Northern States Power Company (NSP) filed comments and a request for action prohibiting the operation of Aggregators of Retail Customers (ARCs). ARCs would aggregate retail customer load reductions and sell the resulting energy in the Midwest Independent System Operator (Midwest ISO) wholesale energy market. NSP states that a Midwest ISO federal tariff filed to comply with Federal Energy Regulatory Commission Order 719 would authorize ARCs to begin operating as soon as June 1, 2010, unless the Public Service Commission takes action to prohibit ARC operations. NSP contends that operation of ARCs may negatively impact customer rates, system reliability and existing demand response programs. Those interested are invited to comment in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearings must be received by June 22, 2010. If deemed appropriate, the Commission can determine these matters without a hearing. The issues to be determined in this proceeding are:  
1. Whether ARC operations constitute resale of electricity by retail customers prohibited under North Dakota Administrative Code Section 69-09-02-15 unless the rate schedule under which the customer receives service specifically provides for resale?  
2. Whether the Commission should prohibit or regulate the operation of ARCs and if operation should be regulated then how and to what extent?  
For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400 or Relay North Dakota 1-800-266-6898 TTY: if you are