



AGENDA
Board of City Commissioners
January 23, 2024 | 6:00 pm CT
City Hall & GoToMeeting | Williston, North Dakota

1. Roll Call of Commissioners and Pledge of Allegiance
2. Consent Agenda
 - A. Reading and Approval of Minutes
 - 1) Regular Meeting – January 9, 2024
 - B. Auditor and Finance
 - 1) Accounts, Claims and Bills – January 5, 2024-January 18, 2024
 - 2) Business Licenses
 - C. Development Services
 - 1) Contractor Licenses
 - 2) Rural Water Application
 - 3) Request for a Public Hearing at the February 13, 2024 City Commission Meeting Regarding Proposed Ordinance Amendment 1153, an Amendment to Section 6 Nonconformities of Ordinance 613
 - 4) Request for a Public Hearing at the February 13, 2024 City Commission Meeting Regarding Proposed Ordinance Amendment 1152, an Ordinance Amending Section 25H Off-Street Parking of Ordinance 613
 - D. Engineering
 - E. Authorization to Bid
3. Public Hearings
 - A. Ordinance 1155 - Domestic Fowl (First Reading)
4. Bid Openings
5. Ordinances
6. Petitions, Communications and Remonstrances
 - A. Ben Schafer, Executive Director – Western Education Regional Cooperative
7. Report of Commissioners
 - A. President of the Board
 - B. Vice-President of the Board
 - C. Public Works and Library Commissioner
 - D. Fire, Police, and Ambulance Commissioner
 - E. Airport, Engineering, and Development Services Commissioner
8. Report of Departments
 - A. Administration
 - B. Finance
 - 1) Semi-Annual Review of Pledged Collateral
 - C. Attorney
 - D. Public Works
 - 1) Landfill Engineering Services – Burns & McDonnell Task Order 19
 - 2) Landfill Cells 1-4 Final Cover Phase 2 – Alliance Task Order 24-1
 - E. Engineering

- F. Fire Department
- G. Police Department
- H. Development Services
- I. Economic Development
 - 1) Community Enhancement
- J. Airport
 - 1) Joint Powers Agreement – Williams County/McKenzie County
 - 2) Aero Spraying Service FAA Approval for Vector Control
- K. Convention and Visitor's Bureau
- 9. Appointments and Consultations with Officers
- 10. Unfinished Business
- 11. New Business
- 12. Executive Session
- 13. Adjourn

VIRTUAL MEETING ACCESS INFORMATION

City Commission Meeting

January 23, 2024, 6:00PM (CT)

Please join my meeting from your computer, tablet, or smartphone.

<https://meet.goto.com/323340165>

You can also dial in using your phone.

Access Code: 323-340-165

United States: [+1 \(224\) 501-3412](tel:+12245013412)

Get the app now and be ready when your first meeting starts:

<https://meet.goto.com/install>



Memo

To: Board of City Commissioners

From: Hercules Cummings, Finance Director

Date: January 23, 2024

Re: Consent Agenda

2A1 Regular Meeting Minutes Dated: January 9, 2024

2B1 Accounts, Claims and Bills

Accounts, claims and bills processed: January 4, 2024 – January 18, 2024

2B2 Business Licenses

a. Black Gold Energy – New Bulk Storage

Recommendation: Approval of all consent agenda items

Attachments:

a2A1

a2B1

a2B2a



DATE: January 23rd, 2024

TO: City Commission

FROM: Mark Schneider, Director Development Services

RE: Consent Agenda – Development Services

2C1 Contractor Licenses

Journeyman Plumber:

1. Troy Friend – Plumb Rite Plumbing and Heating LLP

I recommend approval for all contractor licenses listed.



DATE: January 23 , 2024

TO: City Commission

FROM: Kelly Soto, Administration Planning Technician

RE: Consent Agenda item, Item 2C2. for the January 23, 2024 City Commission Meeting

2C2. Review Application for a New Rural Water Hookup

The Planning Department received an application for a Rural Water Hook-up from Jamie Tamez. The application has been sent to the appropriate staff. This is for a residential hook up.

The Building Department has been informed and agreed to the connection. Use BMP when installing the water line for erosion control issues. Re-seed all disturbed areas.

The City Engineer has been informed and has approved the connection. Service will be tied in from the 6" line. The applicant will need to Wayne at 701-770-0690 after curbstops is installed to coordinate survey for GIS tracking.

The Williston Township has been informed and has approved of the connection.

Should the board approve this application, the applicant will be required to sign a Waiver of Protest for Future Annexation. The Waiver will be prepared and sent to the Northwest Rural Water District for signature by the applicant and returned to the Planning Department for City Auditor approval and recordation with the Williams County Recorder's office. Applicant(s) have been notified and agree to the waiver.

Request:

Approve the application(s) for:

(1) Lot 6, Block 1, Ranches at West Acres 1st Addition, Section 29, T154N, R101W



DATE: January 23, 2024
TO: City Commission
FROM: Taylor Olson, City Attorney
RE: Ordinance Amendment Allowing Chickens in City Limits

Summary of agenda subject:

The City of Williston received a request to consider allowing chickens in city limits. We formed a committee that met numerous times to consider an ordinance. We reviewed ordinances from many other communities, including Fargo, Grand Forks, Lincoln, and a failed proposed ordinance for Bismarck. We incorporated pieces of various ordinances into our proposed ordinance.

Examples of Other Municipalities

Several municipalities in North Dakota have adopted similar ordinances. I will attach their ordinances.

City of Williston's Ordinance

The proposed ordinance is a work in progress, put together after three or more meetings of the committee, which included Mayor Howard Klug, Commissioner Tate Cymbaluk, Finance Director Hercules Cummings, Fire Chief Matt Clark, WPD Captain Steve Gutknecht, Building Department Official Mark Schneider and Planning and Zoning Director Kent Jarcik, City Attorney Taylor Olson, City Administrator Shawn Wenko, and members of the community in support of allowing chickens.

Conclusion

The City of Williston Board of City Commissioners must choose whether or not to allow chickens in the city limits of Williston, by passing or denying this ordinance.

Sincerely,

Taylor D. Olson

Taylor D. Olson

ORDINANCE NO. 1155

AN ORDINANCE OF THE CITY OF WILLISTON ADDING CHAPTER 4, ARTICLE III, SECTION 4-31 THROUGH 4-41 OF THE WILLISTON CODE OF ORDINANCES REGARDING THE KEEPING OF CHICKENS IN THE CITY LIMITS OF WILLISTON.

WHEREAS, the City of Williston enacted Chapter 4 of the City of Williston Code of Ordinances in 1969, and

WHEREAS, chickens has historically been disallowed in the city limits of Williston,

WHEREAS, the City of Williston has been approached by a group of citizens to pass an ordinance allowing chickens under specific conditions within the corporate city limits of Williston.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA.

Article I of Chapter 4, Section 4-3 be amended, in part, as follows:

4-31 Domestic fowl.

It shall be unlawful for any person, with the exception of a licensed veterinarian, to keep male chickens, ducks, geese, turkeys, pigeons or other domestic fowl within the City limits, except newly hatched fowl held for sale by a dealer of them.

Article III of Chapter 4, Sections 4-31 through 4-41 be amended, in part, as follows:

4-32 Definitions.

For purposes of this article, the following definitions apply:

1. Adjacent neighbors: For purposes of this article only, an adjacent neighbor shall mean an owner of real property adjoining the subject property along a lot line or separated by an alley or easement.
2. Chicken--hen: A female chicken.
3. Chicken—rooster: A male chicken.
4. Chicken coop—A fully enclosed, detached, non-residential structure which houses chickens under the provisions of this article.
5. Chicken run—A fully enclosed and covered area attached to a chicken coop for the purpose of allowing chickens to roam unsupervised outside.

6. Chicken at large—means a chicken out of its chicken coop or chicken run, off the permitted premises or not under the custody and control of the owner.
7. Premises—means, for the purposes of this chapter, the lot permitted to the owner under this article.

4-33 Permit Required.

No person shall maintain a chicken coop or chicken run, or allow live chickens on their premises, without first obtaining a permit issued by the City Finance Director after obtaining approval from the department head for the following departments: fire, building, administration, zoning and legal. The permit shall be subject to all of the terms and conditions of this article and any additional conditions deemed necessary by the City Finance Director to protect the health, safety, and welfare of the general public. The City Finance Director shall issue said permit for a period of time not to exceed one year, subject to annual renewal thereof. The initial permit shall automatically expire at the end of the initial calendar year and, thereafter, renewals of said permit shall extend for calendar-year periods. The permit is tied to the applicant and the land and is non-transferrable.

The necessary permit application may be obtained from the City Finance Director. No permit shall be issued for an incomplete application. Prior to issuance of an applicant's initial permit by the city auditor, the applicant must allow the city to inspect the applicant's proposed chicken coop and chicken run as installed and the building and fire departments must approve the installation. A permit for the keeping of chickens may be revoked or suspended by the City Finance Director for any violation of this section, or any other section in this Article, following written notice or, upon request for renewal, the renewal permit may be refused by the city auditor. The permittee may appeal the revocation, suspension or refusal of renewal of the permit by timely request for a hearing before a committee appointed by the Mayor. The request for hearing must be either postmarked or received in the city auditor's office within seven (7) days of the date of the notice. The city attorney shall conduct a hearing on the permittee's request for hearing and shall prepare a decision, based upon the committee's findings, on the matter after said hearing. The decision of the committee may be further appealed to the board of city commissioners by filing a timely notice of appeal of the decision of the city attorney with the City Finance Director. The notice of appeal must be either postmarked or received in the City Finance Director's office within seven (7) days of the date of the decision of the committee.

4-34 Standards.

- 1) Backyard chickens may only be kept in the following zoning districts:
 - a. (A) Agricultural District
 - b. (R-1E) Rural Estate District
 - c. (R-1A) Rural Residential District
 - d. (R-1) Single-Family Residential District
 - e. (R-2) Single-Family, Twinhome and Duplex Residential District

- f. (R-3) Lowrise Multi-Family and Townhouse Residential District
 - g. (R-6) Manufactured Home Subdivision District
 - h. (R-7) Residential Manufactured Home Subdivision
- 2) The following additional standards apply:
- a. The minimum lot size required in order to receive a permit for backyard chickens is 5,000 square feet.
 - b. For properties within the aforementioned zoning districts, no more than 4 chicken hens may be permitted, unless the zoning ordinance regulations are met.
- 3) No male chicken roosters may be kept within the city limits of Williston.

4-35 Application for Permit.

The permit application shall include the following:

- 1) Name of applicant;
- 2) Address for permit;
- 3) The applicable fee set by resolution from time to time;
- 4) A statement regarding whether the applicant owns or rents the property for which the permit is being requested;
- 5) A statement regarding the lot size of the property, as verified by the City of Williston Planning and Zoning Department;
- 6) A statement regarding the zone of the property, which is verified by the City of Williston Planning and Zoning Department;
- 7) The number of chickens to be maintained on the premises;
- 8) A description of the heating element to be utilized inside the chicken coop and a description of the conditions expected in the chicken coop. The heating and electrical must adhere to the following:
 - a. All electrical shall comply with the City of Williston Fire and Building codes. All electrical work shall be completed by a licensed electrician.
 - b. Electrical receptables must have GFI protection.
 - c. Extension cords shall not be used as an alternative to permanent wiring.
 - d. Light fixtures must have fully enclosed lamps.
 - e. Receptables must have dust resistance covers.
 - f. All appliances must be listed by a qualified testing laboratory and must be intended for the installed use in this chapter.

- 9) A site plan illustration showing:
- a. Property lines of the entire site
 - b. Distance between proposed coop and run
 - c. Distance and size of all on-site structures and distances to neighboring properties and their dwellings
 - d. Material type and height of screening fence, chicken coop, and run
 - e. Distance from any adjacent streams, tributaries, ditches, stormwater management facilities, storm drainage areas, or stormwater easements
- 10) A statement that the applicant/permittee will at all times keep the chickens in accordance with this ordinance and all the conditions prescribed by the city ordinances, or modification thereof, and failure to obey such conditions will constitute a violation of the provisions of this section and grounds for cancellation of the permit.
- 11) Written approval from all adjacent neighbors.

4-36 Chicken Coop and Chicken Run.

- 1) Except as set forth in this section, chicken coops and runs, as accessory structures, must comply with the setback requirements set forth herein. Chicken coops and chicken runs may not be located within the front or side yard and are subject to a ten (10) foot setback from any adjacent premises. All chicken coops must be a minimum of four (4) square feet per chicken in size, may not exceed ten (10) square feet per chicken in size. Attached fenced-in chicken runs must have a minimum of 10 square feet per chicken, including the chicken coop and may not exceed 20 square feet per chicken and fencing may not exceed six (6) feet in total height from adjacent ground level. Chicken runs must be enclosed with wood or woven wire materials or a combination thereof. To the extent the setback provisions of any other ordinance conflict with the setback or other provisions of this section, the setback or other provisions herein shall apply.
- 2) Chicken coops must either be:
 - (i) Elevated with a clear open space of at least twenty-four (24) inches between the ground surface and framing/floor of the coop; or,
 - (ii) The coop floor, foundation and footings must be constructed using rodent resistant construction.
- 3) Chicken coops are not allowed to be located in any part of a home or garage that is attached to a home. A chicken coop may be attached to a detached garage, detached shed or other structure that is not attached to a dwelling or any other structure that includes sleeping, cooking, eating or sanitation facilities, or any

combination thereof, and so long as there is a physical separation between the chicken coop and run and the space used and occupied for non-chicken-keeping-related purposes.

- 4) Chickens must be secured in a chicken coop from sunset to sunrise each day, but no later than 10:00pm and no earlier than 6:00am.
- 5) With respect to chickens owned or kept pursuant to a permit issued pursuant to this article, the slaughter and breeding of chickens on any premises within the city is prohibited.
- 6) Additional provisions:
 - a. Chicken feed must be kept in metal predator proof containers.
 - b. Chicken coop must be constructed with weather appropriate materials and electrical.
 - c. Chicken manure cannot be placed in yard compost piles.
 - d. Straw and other bedding must be stored indoors and used bedding planned for discard must be stored in a metal, non-combustible container. Straw and other bedding must be changed once per month.

4-37 Conditions and Inspections.

No person who owns, controls, keeps, maintains, or harbors chickens shall permit the premises where the chickens are to be kept to be maintained in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property. Used bedding shall be properly discarded to prevent build-up in chicken coops. Cobwebs and dust must be removed regularly. Any chicken coop or chicken run authorized by permit under this section may be inspected at any reasonable time by the animal control officer, law enforcement officer, public health official or other employee or agent of the city. A person who has been issued a permit shall submit the same for examination upon demand by the animal control officer, law enforcement officer, public health official or other employee or agent of the city.

4-38 Removal of Chicken Coop and Chicken Run.

Any chicken coop or chicken run constructed or maintained on any premises shall be immediately removed from said premises after the suspension, expiration or termination of the permit for said premises, or shall be removed if the chicken-keeping activities have been discontinued or abandoned. Chicken-keeping activities shall be deemed to have been discontinued or abandoned if an annual renewal chicken-keeping permit is not obtained by a permittee by the last day of February each year.

4-39 Other Restrictions.

Notwithstanding the issuance of a permit by the City, private restrictions and/or covenants on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, leases, neighborhood association by-laws, covenant declarations and deed restrictions. A permit issued to a person whose premises are subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

4-40 Eggs for Commercial Sale.

North Dakota Century Code 4.1-19 shall apply in regard to the commercial sale of eggs.

4-41 Violations.

Any person who owns, controls, keeps, maintains or harbors chickens in the city of Williston without obtaining or maintaining a current permit or after a permit has been suspended or revoked shall be guilty of an infraction.

Any person who owns, controls, keeps, maintains or harbors chickens in the city of Williston in violation of any provision of this ordinance, shall be guilty of an infraction. Additionally, that individual's permit as issued in section 4-3X, shall immediately be revoked and must re-apply for a permit in the City of Williston.

Commissioner _____ moved the adoption of the foregoing Ordinance. The Motion was seconded by Commissioner _____. On roll call vote of the Commissioners vote "AYE":

_____, and the following Commissioners vote "NAY":
_____. Absent and not voting:
_____.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this _____ day of _____, 2024.

Howard Klug, President
Board of City Commissioners

ATTEST:

Hercules Cummings, Director of Finance

First Reading:

Second Reading:

Published:

Adopted the _____ day of _____, 2024.



DATE: 01/23/24
TO: City Commission
FROM: Hercules Cummings, Finance Director
RE: Report of Departments – Finance Department

8B1 Semi-Annual Review of Pledged Collateral

Semi-annually the Board of Commissioners is asked to review the pledged collateral and acknowledge, for the record, that we have our funds covered to 110% for each dollar invested over the FDIC coverage and that the Board approves the collateral listed. The recap ending December 31, 2023, is as follows:

American State Bank		
	Pledge Total	\$
		47,465,000.00
Money Market Account 4419	\$	5,922,103.11
ICS 419	\$	8,553,087.04
Checking 9003	\$	125,593.18
Checking 4845	\$	1,497.46
Checking 7761	\$	5,001.06
Public Works Checking 1815	\$	6,346.08
CVB 3926	\$	9,903.70
Total	\$	14,623,531.63
FDIC coverage	\$	250,000.00
Needed collateral at 110%	\$	15,810,884.79

Bank of North Dakota		
	Pledge Total	\$
		-
Money Market 3334	\$	40,688,026.73
2022 PSST Rev Bond	\$	4,476,523.55
2020 Oil & Gas GPT Rev Bond	\$	3,235,462.25
COP Public Works Complex	\$	438.23
Total	\$	48,400,450.76
FDIC coverage		
Needed collateral at 110%	\$	-

First State Bank		
	Pledge Total	\$
		29,057,126.74
Comm Dev Account 9074	\$	-
Checking 5272	\$	446.00
Total	\$	446.00
FDIC coverage	\$	250,000.00
Needed collateral at 110%	\$	-

Gate City Bank		
	Pledge Total	\$
		28,589,625.54
CD	\$	25,323,630.14
Total	\$	25,323,630.14
FDIC coverage	\$	250,000.00
Needed collateral at 110%	\$	27,580,993.15

Century Code requires us to present pledged collateral. We have presented the report from the financial institutions and ask for your approval of the collateral as presented.

Attachments

Detailed listing of the pledged securities



DATE: January 23, 2024

TO: City Commission

FROM: Kenny Bergstrom, Director of Public Works

RE: Report of Departments

8D1 Task Order #19 for 2024 Engineering Services

Attached is a Task Order for the 2024 Engineering Services that is to be provided by Burns & McDonnell Engineering Company, Inc.

This Task Order is intended to serve as authorization to provide services outlined in the following scope of work, pursuant to the terms of an ongoing Agreement for Professional Consulting Services between the City of Williston and Burns & McDonnell Engineering Company, Inc.

Under this task order, Burns & McDonnell would provide required annual North Dakota Department of Environmental Quality (NDDEQ) reporting related to landfill operations, groundwater monitoring and air emissions. The landfill gas management tasks include preparing a NDDEQ remediation plan associated with the recent landfill gas migration challenges that have been observed at the landfill, and preparation of plans and specifications to implement corrective actions included in the remediation plan. A task for on-call engineering services is also included for activities such as assistance with communications and meetings with NDDEQ, landfill operations assistance, landfill life projections, lime sludge landfill facility site evaluation, and continued landfill gas monitoring consulting.

We recommend approval of Burns & McDonnell's Task Order Authorization #19 pursuant to the terms of the Agreement for Professional Consulting Services regarding the 2024 Engineering Services, for a total fee not to exceed \$175,200.

Attachments

a8D1 – Task Order #19



DATE: January 23, 2024

TO: City Commission

FROM: Kenny Bergstrom, Director of Public Works

RE: Report of Departments

8D2 Task Order #24-1 MSW Landfill Cells 1-4 Final Cover Phase 2

Attached is a Task Order for services that are to be provided by Alliance Consulting.

This Task Order includes a scope of work that will assist the City of Williston with the scope of work to perform necessary design and CA/CO services to complete the City of Williston Landfill Cells 1-4 Final Cover Phase 2.

Under this Task Order, Alliance Consulting would provide a general overview of the project and the proposed scope of services, anticipated timeline, and estimate of associated professional fees. The proposed project includes work items relating to MSW Cells 1 – 4 and MSW Cells 5 – 6 at the Williston Landfill. The scope of work included in this agreement is for final engineering design services for the following items: Cells 1 – 4 Final Cover Phase 2, Cells 5-6 Expansion Excavation, Annual Topographical survey for Landfill Site, and Survey support services for 2024.

We recommend approval of the Alliance Consulting Task Order #24-1, not to exceed amount of \$119,980.00.

Attachments

a8D2- Task Order #24-1



DATE: January 23, 2024

TO: City Commission

FROM: Shawn Wenko, Executive Director, Williston City Administrator

RE: Report of Departments – STAR Fund

8I1 Community Enhancement

This year the STAR Fund board of directors received a record number of applications for Community Enhancement. Based on the quality and diversification of the applications received the board is requesting an increase in funding for this program of \$20,000 for 2024.

The STAR Fund Board recommends the approval to increase the threshold from \$50,000 to \$70,000 for the 2024 Community Enhancement program by the Williston City Commission

This year 53 applications were received with a total request of \$279,200. Of those 53 applications, 39 were chosen for funding, including projects from Williams, Divide, McKenzie and Eastern Montana.

The STAR Fund Board recommends the approval of the 2024 Community Enhancement list as presented, by the Williston City Commission.

Attachments

Community Enhancement Grant List



DATE: Tuesday, January 23, 2024
TO: City Commission
FROM: Anthony Dudas, Airport Director
RE: Report of Departments – Airport

8J1: Williams and McKenzie County Joint Powers Agreements

In December the commission approved a minimum revenue guarantee agreement to maintain Delta Air Lines service between XWA and Minneapolis from January – June 30, 2024. On December 5, the McKenzie County Commission approved to support this agreement with a cost share of 15% up to \$300,000 with the requirement that an agreement be in place to provide them with necessary information on the financial performance of the air service. Additionally, on January 16, the Williams County Commission approved to support this agreement with a cost share of 30% up to \$600,000 and approved the joint powers agreement that is attached to your meeting materials.

I recommend approval of the joint powers agreement with Williams County for cost-sharing for SkyWest dba Delta Air Lines.

I recommend approval of the joint powers agreement with McKenzie County for cost-sharing for SkyWest dba Delta Air Lines with attorney approval from both entities.

8J2: Aero Spraying Service FAA Approval for Vector Control

Richard Marburger has submitted an Authorization Application for the Board's consideration. The approval, if granted, will allow Mr. Marburger to perform aerial spraying for mosquitoes and stipulates a 24-hour public notice before spraying operations begin. This approval provides a low-flying aircraft waiver that is required by the FAA.

I recommend approval of the authorization application for Aero Spraying Service.

Attachments

A18J1: Williams County Joint Powers Agreement
A18J2: Aero Spraying Service Authorization Application