

AGENDA – Addendum 1
Board of City Commissioners
October 13, 2020 - 6:00 pm
City Hall – Williston, North Dakota

1. Roll Call of Commissioners and Pledge of Allegiance
2. Consent Agenda
 - A. Reading and Approval of Minutes
 - 1) Regular Meeting: September 22, 2020
 - 2) Special Meeting: September 23, 2020
 - 3) Special Assessment Meeting: September 15, 2020**
 - B. Auditor and Finance
 - 1) Accounts, Claims and Bills
 - a. September 18 – October 9, 2020
 - 2) Business Licenses
 - a. Veteran's Club of Kenmare – Gaming Site Authorization
 - C. Development Services
 - 1) Contractor Licenses
 - 2) New Rural Water Applications
 - a. Dustin Skaare
 - b. Kyle Hegge
 - D. Engineering
 - 1) Annual Maintenance Certification, Urban Federal Aid Project Form
 - 2) AE2S – Task Order Amendment 3
 - 3) Ulteig Engineering – Master Professional Services Agreement
 - E. Authorization to Bid
 - 1) Auctioneer Services (Police)
 - 2) Wrecker Services (Police)
3. Public Hearings
 - A. Amendments to Section 25.G Sign Regulations of the City of Williston Zoning Ordinance to Allow Painted Wall Signs and Mural Signs with Review and Approval by the Development Review Committee – Ordinance 1121
 - B. Proposed Zone Change from M-1: Light Industrial to C-2: General Commercial Zoning District Located at Lot 1 EX W 10', Block 3, Wright Subdivision, T154N, R101W-Stanley N. Por
 - C. **Special Assessments**
 - 1) Water, Sewer & Street Improvement District 19-2**
 - 2) 2020 Lot Mowing, Property Demolition & Code Compliance Assessments**
 - 3) Parking Lot Improvements District PL-20**
 - D. **Missouri Club – Alcoholic Beverage License Location Transfer**
4. Bid Openings
5. Ordinances
6. Petitions, Communications and Remonstrances
7. Report of Commissioners
 - A. President of the Board
 - 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
- 8. Report of Departments
 - A. Administration
 - B. Finance
 - C. Attorney
 - D. Public Works
 - 1) Risk & Resilience Assessment & Emergency Response Plan – Task order 28
 - E. Engineering
 - 1) 34th St Roadway Improvements - Change Order 1
 - 2) 1st Avenue West Reconstruction - Ulteig Engineering Services Agreement
 - 3) West Water Reservoir – AE2S Agreement
 - F. Fire Department
 - G. Police Department
 - H. Development Services
 - 1) Renaissance Zone Application – PRO IT LLC
 - 2) Renaissance Zone Application – Zoom Groom
 - I. Economic Development
 - J. Airport
 - K. Convention and Visitor's Bureau
 - L. Upper Missouri River Regional Dispatch Center
- 9. Appointments and Consultations with Officers
- 10. Unfinished Business
- 11. New Business
- 12. Executive Session
- 13. Adjourn

If you have any comments or concerns related to the Public Hearing items on the agenda that you would like to submit in advance of the meeting, please email them to: cityauditor@ci.williston.nd.us by 2:00pm on Tuesday, October 12, 2020

VIRTUAL MEETING ACCESS INFORMATION

City Commission Meeting
Tue, Oct 13, 2020 6:00 PM (CDT)

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Memo

To: Board of City Commissioners
From: Hercules Cummings, Finance Director
Date: October 13, 2020

Re: Consent Agenda

2A1 Regular Meeting Minutes Dated: September 22, 2020
Special Meeting Minutes Dated: September 23, 2020
Special Meeting Minutes Dates: September 15, 2020

2B1a Accounts, Claims and Bills

Accounts, claims and bills processed: September 18– October 9, 2020

2B2 Business Licenses

- a. Veteran's Club of Kenmare – Gaming Site Authorization
This authorization is for Johnny's Tavern located at 24 Main St. Williston, ND.

Recommendation: Approval of all Consent Agenda items

Attachments:

a2A1
a2B1
a2B2



DATE: October 13th, 2020

TO: City Commission

FROM: Mark Schneider, Director Development Services

RE: Consent Agenda – Contractor Licenses

2C1 Contractor Licenses

I recommend approval for all Licenses.

Attachments

Building Official – Consent Agenda

WSI

a) Tod Fosetta-JMAC Resources



DATE: October 13, 2020
TO: City Commission
FROM: Kent Jarcik, City Planner
RE: Consent Agenda item, Item 2C2. for the October 13th, 2020 Meeting

2C2. Review Application for (2) New Rural Water Hookup(s)- Dustin Skaare and Kyle Hegge

The Planning Department received four applications dated 9/21/20 Rural Water Hook-up(s) from **Dustin Skaare and Kyle Hegge**.

The Engineering and Building Department stated they did not have issues with these applications.

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 Williams Rural Water 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:

- Lot 2, Block 3, Bar Nothing Estates 3rd Subdivision, Section 18, T154N, R100W, Williams County, ND- Dustin Skaare
- Lot 5, Block 1, Bar Nothing Estates 2nd Subdivision, Section 18, T154N, R100W, Williams County, ND- Kyle Hegge



DATE: October 13, 2020
TO: City Commission
FROM: David Juma, City Engineer
RE: Consent Agenda, Items 2D.1, 2 & 3 - Engineering

2D.1 Annual Maintenance Certification, Urban Federal Aid Project Form.

Annual Maintenance Certification is required for urban federal aid projects as part of the Cost Participation, Construction and Maintenance Agreement with the NDDOT. Public Works performs the necessary maintenance on these projects after construction is complete.

RECOMMENDATION:

That the City Commission authorize Mayor Klug to sign the Annual Urban Maintenance Form as presented by consent.

Attachments:

2D.1 Maintenance Certification Urban Federal Aid Project.

2D.2 Amendment Number 3 – Advanced Engineering and Environmental Services, Inc. (AE2S) Professional Services Task Order (PSTO) Edition.

The City utilizes the services of consulting engineering firms as part of the design and construction process for improvement projects within the city. The City Engineer proposes to standardize the renewal period for the Professional Services agreements for the consulting firms so that all firms will renew on a set schedule of 5 years starting in 2025. The attached Amendment 3 extends AE2S's PSTO to the proposed schedule.

RECOMMENDATION:

That the City Commission authorize Mayor Klug to sign the Amendment Number 3 – Advanced Engineering and Environmental Services, Inc. Professional Services Task Order Edition as presented by consent.

Attachments:

2D.2 Amendment Number 3 – Advanced Engineering and Environmental Services, Inc. (AE2S) Professional Services Task Order (PSTO) Edition.



2D.3 Master Professional Services Agreement between Ulteig Engineering, Inc. and City of Williston, Updated October 2020.

The City utilizes the services of consulting engineering firms as part of the design and construction process for improvement projects within the city. The City Engineer proposes to standardize the renewal period for the Professional Services agreements for the consulting firms so that all firms will renew on a set schedule of 5 years starting in 2025. The attached updated Ulteig Master Professional Services Agreement extends Ulteig to the proposed schedule.

RECOMMENDATION:

That the City Commission authorize Mayor Klug to sign the updated Master Professional Services Agreement between Ulteig Engineers and the City of Williston as presented by consent.

Attachments:

2D.3 Master Professional Services Agreement between Ulteig Engineering, Inc. and City of Williston, Updated October 2020.



DATE: October 13, 2020
TO: City Commission
FROM: Dustin Celandier, Administrative Lieutenant
RE: Call for Bids

2E1 Call for Bids – Auctioneer Services

The Williston Police Department is requesting authorization to advertise for Auctioneer Services for the Williston Police Department. These services are utilized during Williston Police Department Impound Auctions. We request to advertise for these services on October 16, 2020 and October 23, 2020.

Currently, Auctioneer Services rate is based off a percentage of sales, per auction. An auction is typically held in the spring and fall seasons. These services would be based on a (2) year contract.

2E2 Call for Bids – Wrecker Services

The Williston Police Department is requesting authorization to advertise for Wrecker/Tow Services for the Williston Police Department. These services are utilized for the towing and removal of vehicles as it pertains to City Ordinance.

Currently a flat fee is assessed per tow. These services would be based on a (2) year contract.

I recommend the City of Williston Commission approve the Williston Police Department's request to Call for Bids for Auctioneer and Wrecker Services for the Williston Police Department

Attachments

a2E1

a2E2



DATE: October 13, 2020
TO: City Commission
FROM: Rachel Laqua, Principal Planner
RE: Public Hearing Item 3.A.

Item 3A: ORDINANCE 1121, ADDING PAINTED WALL SIGNS AND MODIFYING MURAL ALLOWANCES IN SECTION 25.G.

This item is an ordinance update to Section 25.G. of Ordinance 613 otherwise known as the zoning ordinance of the City of Williston.

The original ordinance 25.G. was comprised of a complete overhaul of the signage regulations for the City. At the time, the City did not allow painted wall signs in any part of the city, and allowed murals ONLY in the downtown center district.

At this time, there has been some interest in painted wall signs, and there has been some interest in murals over the past several years. In particular, the current wall sign request has been presented by a local artist for a new business opening in town.

With the previous ordinance, murals had been discussed as a good opportunity for public art but the commissions wished to see some oversight of content. At the time, the Downtown Design Review Board did not exist, so the Renaissance Zone Board was tasked with approving mural requests.

In the same vein, this ordinance amendment switches that responsibility in the downtown center area to the Downtown Design Review Board, and the responsibility for murals outside the downtown center area to the Development Review Committee. Painted wall signs are added as a category under wall signs. Size requirements remain the same as typical wall signs, but they must be approved by the Development Review Committee.

In this ordinance, we have also fixed a typo that was discovered in an inter-ordinance reference.

A Development Review Committee meeting will be held via Zoom on October 5, 2020.

A Special Planning and Zoning Commission meeting was held on October 6, 2020.

The Planning and Zoning Commission recommended approval of Ordinance 1121.

ORDINANCE 1121

AN ORDINANCE AMENDING SECTION 25.G. OF ORDINANCE 613, OTHERWISE KNOWN AS THE ZONING ORDINANCE OF THE CITY OF WILLISTON, ADDING REGULATIONS FOR PAINTED WALL SIGNS AND ALLOWING MURALS OUTSIDE OF THE DOWNTOWN CENTER AREA.

WHEREAS, Exterior signs have a substantial impact on the character and quality of the environment;

WHEREAS, Signs provide an important medium through which individuals may convey a variety of messages;

WHEREAS, Signs can create safety hazards that threaten the public health, safety or welfare. Such a safety threat is particularly great for signs that are structurally inadequate, or that may confuse or distract drivers or pedestrians, or that may interfere with official directional or warning signs;

WHEREAS, Signs can also adversely affect the public welfare by creating aesthetic concerns and detriments to property values. Such aesthetic concerns and detriments to property values are particularly great when an accumulation or proliferation of signs results in visual clutter, or when one or more signs spoil vistas or views, or when one or more signs add or increase commercialism in noncommercial areas;

WHEREAS, Signs serving certain functions, such as small signs that serve a purely directional function, are necessary to enable visitors or residents to efficiently reach their intended destinations. Experience teaches that citizens often plan as if such signs will be present in those settings, so in the absence of such signs, frustration and disorientation will result, and time and fuel will be wasted. Such signs also prevent traffic hazards by easing the task of the motorist looking for a property open house or other events;

WHEREAS, No signs that exceed the size or spacing limitations of this ordinance constitute a customary use of signage in the city;

WHEREAS, In narrowly drawing and tailoring provisions for regulating signage, the city finds and determines that the exercise of its police power for such regulation should not extend to objects that are not typically associated with or considered signage, such as artwork, decorations, or cemetery markers. However, to prevent the purposes of these regulations from being circumvented, such regulations should apply where objects such as vehicles are used for the primary purpose of signage or as a functional equivalent of signage;

WHEREAS, Non-conforming signs may adversely affect the public health, safety, and welfare. Such signs may adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs. In addition, overprotection of prior nonconforming uses and structures can unjustifiably delay the point at which nonconforming uses and structures are gradually abated due to obsolescence and similar causes, and can unfairly provide existing businesses with an unfair competitive advantage

over new competitors because those new competitors are uniformly required to comply with existing standards;

WHEREAS, The city has prohibited obscene or indecent signs to protect the health, safety, general welfare and morals of the residents of the city, to preserve the quality of family life, to preserve the characteristics of its neighborhoods and to prevent adverse and deleterious effects contributing to the flight and downgrading of neighborhoods. The city is mindful of the negative effects of obscene and indecent material upon minors and the criminal activity and disruption of the public peace associated with such establishments;

WHEREAS, The city's land-use regulations have included the regulation of signs in an effort to foster adequate information and means of expression and to promote the economic viability of the community, while protecting the city and its citizens from a proliferation of signs of a type, size, number, location and character that would adversely impact upon the aesthetics of the community or threaten health, safety or the welfare of the community. The appropriate regulation of the physical characteristics of signs in the city and other communities has had a positive impact on the safety and the appearance of the community;

NOW THEREFORE BE IT RESOLVED that the Board of City Commissioners of the City of Williston, North Dakota, does hereby adopt the following ordinance:

SECTION 8.L. -REPEALED

SECTION 9.L. -REPEALED

SECTION 10.L. -REPEALED

SECTION 11.L. -REPEALED

SECTION 12.L. -REPEALED

SECTION 13.L -REPEALED

SECTION 14.L. -REPEALED

SECTION 15.L. -REPEALED

SECTION 16.L. -REPEALED

SECTION 17.L. -REPEALED

SECTION 18.L. -REPEALED

SECTION 19.L. -REPEALED

SECTION 20.L. -REPEALED

SECTION 21.M. -REPEALED

SECTION 22.L. -REPEALED

SECTION 23.L. -REPEALED

SECTION 24.L. -REPEALED

SECTION 25.G. General Sign Regulations

1. Purpose.

The purpose of this subsection is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and general welfare; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in this ordinance.

2. Definition of Terms

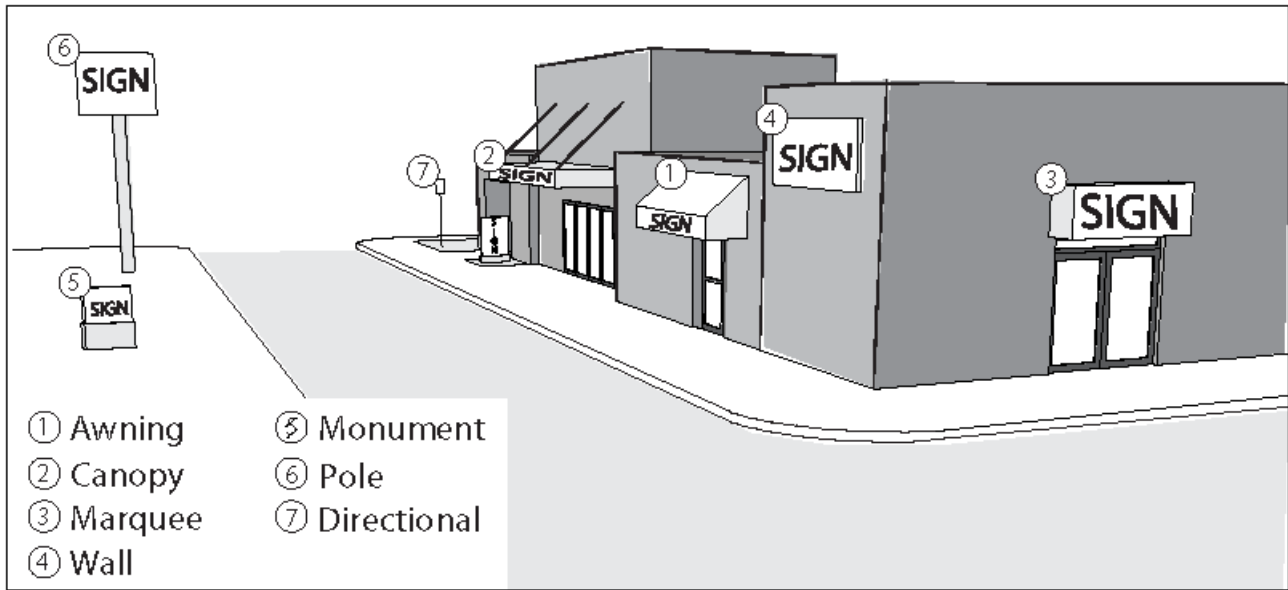
The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the Williston Municipal Code or in this Zoning Ordinance.

- a) **ABANDONED SIGN:** A sign which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.
- b) **BUILDING OR STORE FRONTAGE:** The length of any side of a building or store which fronts upon a public street. If an independent occupant in a building does not face a street but, rather, only fronts upon a customer parking lot, then that frontage on the parking lot can be considered towards calculating total building frontage.
- c) **BUSINESS CENTER IDENTIFICATION SIGN:** A sign that identifies a building or group of commercial buildings, with 3 or more businesses with shared parking and/or access.
- d) **CAMPUS:** A cohesive area on which are institutional primary uses with secondary accessory uses that are not intended to attract off-campus clientele.
- e) **OBSENE OR INDECENT SIGN:** A sign that, in whole or in part, show specified anatomical areas or specified sexual activities.
- f) **SANDWICH BOARD SIGN:** A portable advertising or business ground sign typically constructed in such a manner as to form an "A" or tent-like shape, or a "T" sign which is perpendicular to the ground with a single base, with each sign face typically used for advertising.
- g) **SIGN:** Any surface, fabric, device, or display which bears lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view. For purposes of this ordinance, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign.
- h) **MURAL:** A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic. These are not regulated as signage, as they are considered artwork. Murals must be determined by the Design Review Board or Development Review Committee as per

Section 25.G.14 to contain no commercial content and therefore are excluded from the definition of signs.

- i) **SIGN ANIMATION:** For dynamic messaging signs, any depictions of people, animals, or objects in motion.
- j) **SIGN, EMERGENCY LOCATOR:** A sign installed near the address entry of any multi-building development in which the individual buildings do not front on public streets that indicates the address, unit number, or other location of the buildings and the access route to those buildings from the address entrance.
- k) **SIGN FACE:** That area or display surface of a sign used to convey the message. Rules for computation of sign area are included in Section 25.7.a. Computations below.
- l) **SIGN MESSAGING:** Any information displayed on the sign face. Types of sign messaging are:
 - 1) **CHANGEABLE COPY:** Any sign's display that has the ability to have its message readily changed by physical interaction.
 - 2) **DYNAMIC MESSAGING:** Any sign's display that has the ability to change its message independent from physical interaction and/or exposes to public view any message via an electronic medium and not simply by illumination. This shall include but is not limited to all electronic scrolling, electronic off-premise signs, digital off-premise sign, animated sign, or rotating message signs.
 - 3) **STATIC MESSAGING:** Any sign's display that is not able to be readily changed by any means.
- m) **SIGN, NONCONFORMING:** Any sign which does not conform to the regulations of the ordinance.
- n) **SIGN, OFF-PREMISE ADVERTISING:** A sign which identifies or directs attention to:
 - 1) A business, commodity, service, campaign, or attraction conducted, sold, or offered at a location other than the premises on which the sign is located, and/or
 - 2) The ideological or non-commercial views of a party who is not an occupant of the premises.
- o) **SIGN, PERMANENT:** A sign that is attached to a building, installed on a lot, or authorized to be placed on the public right of way by the political subdivision, that directs attention to the following, including but not limited to a business, commodity, service, or entertainment conducted, sold, or offered on the premises on which the sign is located. Within the meaning of this ordinance, this shall not include off premise advertising signs. Types of permanent signs are:
 - 1) **AWNING:** A sign on which the sign face is displayed on a usually fabric or hard-surfaced window covering that projects from the wall of a structure.
 - 2) **BUSINESS CENTER IDENTIFICATION SIGN:** A sign that identifies a building or group of commercial buildings with 3 or more businesses, with shared parking and/or access.

- 3) CANOPY: A roof-like cover, including an awning, that projects from the wall of a building over a door, window, or entrance; or a freestanding or projecting cover above an outdoor service area, such as at a gasoline service station.
- 4) FREESTANDING: A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. These include monument, monopole, and business center identification signs.
- 5) MARQUEE: Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.
- 6) MONOPOLE: A freestanding sign supported by a single pole or other vertical structure, with the sign face located more than four feet from the ground
- 7) MONUMENT: A type of freestanding sign supported by a base of at least 75 percent of the sign width, with the sign face located within four feet from the ground, and is independent from any building.
- 8) PROJECTING: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- 9) ROOF: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the parapet of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof. New roof signs are not permitted. Existing signs are considered to be non-conforming. Such signs may be replaced and the logo changed, as long as the new sign maintains the size, style, materials and historical integrity of the sign.
- 10) WALL: A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.



- p) **SIGN, SUBDIVISION:** a permanent sign designating a common grouping of homes or apartment buildings on no less than 2 acres which share a common name or brand. These can be located on one lot or on multiple lots.
- q) **SIGN, TEMPORARY, COMMERCIAL:** Any sign, blade, banner, pennant, flag, finished (stained or painted) wood or advertising display with lettering, pictorial or sculptured matter, designed to convey information visually and which is exposed to public view, constructed of cloth, canvas, light fabric, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only, and located only in P,C-1, C-2, C-3, HCC, M-1, M-2, Ag. These signs are regulated in Section 25.12. Types of temporary commercial signs are:
- 1) **BALLOON:** A sign that is inflated with a lighter-than-air gas and is tethered to the ground, building, another sign, or vehicle. Any signs attached to the tether are considered part of the balloon sign.
 - 2) **BANNER:** A sign displayed on flexible material, such as fabric or plastic, that is not permanently affixed to a structure for display.
 - 3) **BLADE:** A sign generally formed from a loop of solid material, which serves as a signpost, and which encloses an area of flexible material bearing the message. Blades without words on them are considered non-worded and fall under “Non-Worded Advertisement”, Section 25.12.D. and 25.2.T.
 - 4) **FLAG:** any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns or symbolic devices attached to a pole or staff. Flags without words on them, which are not covered under 25.6.B are considered non-worded and fall under “Non-Worded Advertisement”, Section 25.12.D. and 25.2.T.
 - 5) **INFLATABLE:** A sign that depends for its structure on being inflated by air, with or without wording or graphics. Inflatable signs which wave rapidly and erratically are prohibited in Williston.

- 6) PENNANT: a small flag peculiar in shape, color, or design flown during any function. Pennants without words on them are considered non-worded and fall under “Non-Worded Advertisement”, Section 25.12.D. and 25.2.T.
- 7) PORTABLE: Any sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; any sign which does not have a permanent foundation or is not otherwise permanently fastened to the ground and/or which is not wired for electricity in accordance with the sign code. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors.
- 8) VEHICLE: a sign attached to or painted on a motor vehicle or trailer that is parked on or adjacent to property for more than 24 consecutive hours, the principal purpose of which is to serve as a stationary advertising device and to attract attention to a product sold or to a business, not including vehicle sales authorized by the city. A logo or business name on a motor vehicle or on equipment shall not be prohibited unless the motor vehicle or equipment is used as a stationary advertising device.
- r) FIXED YARD SIGN: a fixed sign or advertising display made with stained or painted wood or other finished rigid light materials, with no changeable copy, designed to convey information visually, which is fixed into the ground to direct attention to the lot on which it stands. These signs are regulated in Section 25.6.K.
- s) SIGN, TEMPORARY, RESIDENTIAL: Any sign, blade, banner, pennant, flag, sandwich sign, finished (Stained or painted) wood or advertising display with lettering, pictorial or sculptured matter, designed to convey information visually and which is exposed to public view, constructed of cloth, canvas, light fabric, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period only, to direct attention to an activity being temporarily undertaken on the premises on which the sign is located, located only in R-1A, R-1E, R-1, R-2, R-2A, R-6, and R-7 zones, or in Ag, R-3, R-4, and R-5 zones. These signs are regulated in Section 25.6 and Section 25.12.C.. Types of temporary residential signs are broken into two categories:
 - 1) Signs in R-1E, R-1A, R-1, R-2, R-2A, R-6 and R-7, regulated in Sections 25.6.J and 25.12.C.
 - 2) Signs in Ag, R-3, R-4, R-5, regulated in Sections 25.6.I and 25.12.C.
- t) NON WORDED ADVERTISEMENT: Balloons, blades, flags or pennants without wording, which are used to draw attention to a temporary special on the property on which they are located. This is intended for short term use; properties should not be ringed in non-worded blade signs or covered by pennants. These may be no larger than 32 square feet. These signs are regulated in Sections 25.12.D. and 25.2.T.

3. Resolution of conflicting regulations.

This chapter is not meant to repeal or interfere with enforcement of other sections of the City of Williston's Municipal Code. In cases of conflicts between Code sections, State or Federal Regulations, the more restrictive regulations shall apply.

4. Permits required.

a) Unless specified herein, no person shall erect, alter, reconstruct, or relocate any permanent sign without first obtaining a sign permit for such work from the Building Official. No permit shall be issued until the Building Official determines that such work is in accordance with the requirements contained in this ordinance and the current version of the Uniform Sign Code adopted by the City, except where amended by this ordinance. When a sign permit has been issued by the Building Official, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Building Official.

b) Unless specified herein, no person shall erect, alter, reconstruct, or relocate any temporary sign without first obtaining a sign permit for such work from the Planning Director. No permit shall be issued until the Planning Director determines that such work is in accordance with the requirements contained in this ordinance and the current version of the Uniform Sign Code adopted by the City, except where amended by this ordinance. When a temporary sign permit has been issued by the Planning Director, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Planning Director. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Planning Director.

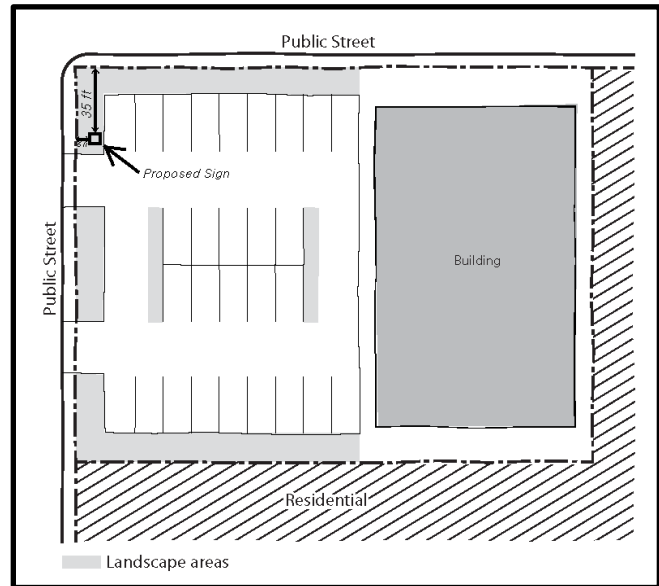


Image 25.2. Sample Sign Site Plan

c) Upon application for a sign permit, a dimensioned site plan must be submitted showing the location of the lot lines, structures (including accessory structures), above-ground and under-ground utilities, easements, the location of the proposed sign, and details showing sign area dimensions. This site plan shall be at a legible scale and such scale shall be listed on the site plan. If the proposed sign(s) is to be located on the building façade, dimensioned elevations with building height and width must be submitted. In addition, an engineer's construction specifications for the sign including structural loading data must be submitted.

d) Businesses that sell or rent signs may display the signs to be sold or rented without applying for a sign permit. Signs displayed must clearly indicate they are being used as displays or examples and may not replicate, or substantially replicate, the messaging on the approved permanent sign for that business.

e) Any owner of portable signs renting such portable signs on a regular basis may permit their signs for use at various business establishments, provided all other regulations laid out in this ordinance are followed. The application for the permit shall be made to the Planning Director, and the permit fee, as established by Resolution by the Board of City

Commissioners and shall be paid prior to the issuance of the permit and at each yearly renewal period. A monthly report prior to the time of sign placement shall be provided to the Planning Director for each sign owner licensed in this manner, or, a sign owner may submit individual placement requests prior to placing the sign. The reports shall include the following:

- 1) Name and address of owner of sign.
- 2) Owner approval to place sign on location for dates shown.
- 3) Dates of placement of each sign on property.
- 4) Number of signs to be placed on each property.
- 5) Placement location of each sign.
- 6) Site plan of location of each sign.

5. Prohibited signs.

The following signs are prohibited in all zoning districts.

- a) Obscene or Indecent Signs
- b) Abandoned signs.
- c) Revolving signs.
- d) Signs installed or displayed in any public right of way, pursuant to Section 25.5.R, and excluding sandwich board signs in the Downtown area, as defined by Exhibit A, or in other areas where private property on which to display such signs is limited and where the storefront abuts the right of way. Such signs must be permitted.
- e) Signs that obstruct the view of street or railroad crossings.
- f) Signs that unreasonably obstruct from view any other sign or use currently in existence.
- g) Signs that reduce any required parking for any use on the lot upon which the sign is placed.
- h) Signs that obstruct any access to any habitable structure.
- i) Signs that obstruct or overhang any driveway required for fire department access.
- j) Signs unable meet the structural loading requirements as established in the currently adopted version of the North Dakota State Building Code or otherwise be structurally sound.
- k) Signs that overhang or project into any public right of way, except as specifically noted in this ordinance.
- l) Any sign that projects into or is placed within the site triangle zone, which is defined as a height of between 2.5 feet and 10 feet

above the established curb grades of the intersecting streets within the triangle formed by the curb lines of the intersecting streets and the line joining points a distance of 25 feet on each curb line from their point of intersection.

- m) Signs that protrude above the point of a building with a flat roof, the eave line of a gambrel, gable, or the hip roof of the deck line of a mansard roof, except for roof signs as defined by Section 25.2.O.9.
- n) Any sign which is not included under the types of signs permitted in district regulations or in this subsection.
- o) Any sign, outdoor commercial advertising or lighting device that has not received a permit. Such devices constituting a nuisance because of lighting glare, focus, animation, or flashing are prohibited in any district.
- p) Any sign which conflicts in any manner with the clear and obvious appearance of public signs and traffic control devices.
- q) Any notice, political poster or handbill, advertisement or any other sign upon any power or telephone pole, bridge, fire hydrant, official public sign, street light pole, or in any portion of a public right-of-way.
- r) Any freestanding sign on public property, except by approval of the City Commission.
- s) Inflatable signs, which wave rapidly and erratically, with or without wording, which are intended to draw business or attention to a business and which do not meet the allowances below.

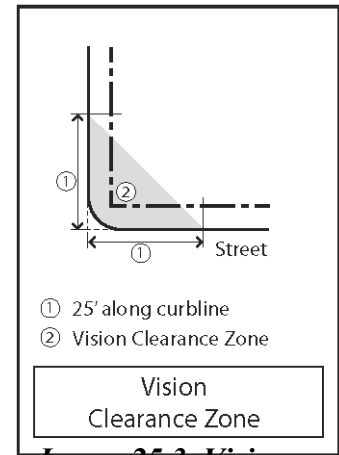


Image 25.3. Vision Clearance Zone

6. Signs allowed on private property without sign permits.

The following shall be exempt the application of these Section 25 sign regulations:

- a) Signs not exceeding four square feet in area and bearing only post box numbers, names of occupants of premises, address, or name of home occupation.
- b) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- c) Signs from government agencies directing and guiding traffic, and parking on public or private property, but bearing no advertising matter.
- d) Street Banners: Signs advertising a public event, providing that specific sign approval is granted under regulations established by the city.
- e) Seasonal Holiday Decorations: Signs pertaining to national holidays and national observances.
- f) Public Signs: Signs of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest or concern, with no advertising.

- g) Integral Signs: Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
- h) Window Signs: Such signs that are displayed inside of or on a window or within a building.
- i) Temporary signs on Ag, R-3, R-4 and R-5 properties no more than 32 square feet and no more than 6 feet tall. However, no more than one temporary sign is allowed per street frontage. If a property has more than 200 feet of frontage, an additional temporary sign may be allowed every 200 feet, but may not be allowed within 200 feet of another temporary commercial sign. Additional Regulations can be found in Section 25.12.C.4.B.2.
- j) Temporary signs on R-1E, R-1A, R-1, R-2, R-2A, R-6 and R-7 properties that are no more than 6 square feet. However, no more than one temporary sign is allowed per street frontage. If a property has more than 200 feet of frontage, an additional temporary sign may be allowed every 200 feet, but may not be allowed within 200 feet of another temporary commercial sign. Additional Regulations can be found in Section 25.12.C.4.B.1.
- k) Fixed Yard Signs on P, C-1, C-2, C-3, **HCC**, M-1, M-2, and M-3 lots which are no more than 32 square feet and no more than 6 feet tall. However, no more than one fixed yard sign is allowed per street frontage. If a property has more than 200 feet of frontage, an additional temporary commercial sign may be allowed every 200 feet, but may not be allowed within 200 feet of another temporary commercial sign.
- l) Drive-through menu signs, provided the message on such signs includes only menu information and does not advertise the business.
- m) Signs that are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.
- n) Directional signs provided that such signs:
 - 1) Do not exceed four square feet in maximum size or four feet in maximum height, except in cases of medical, college, or other campus, which require a sign master plan, a sign permit, and a building permit.
 - 2) Are limited to one sign at each driveway or access point with a public street; and one sign at any critical decision point internal to a development, including at or above building entrances.

7. Computations.

The following rules shall control the computation of sign area and sign height.

a) Sign Area:

- 1) Computation of Area of Individual Signs: The area of a sign face shall be calculated by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The supporting structure or bracing of a sign shall not be counted as a part of sign face area unless such structure or bracing is made a part of the sign's message. The supporting structure must be proportional to the sign face.

- 2) Computation of Area of Multifaced Signs: Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, all areas which can be viewed simultaneously shall be considered the sign face area.

- ### b) Sign Height.
- The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.

8. Messaging.

Types of messaging are defined in Section 25.2.L.

a) Static Messaging:

- 1) All permanent signs may have static messaging.
- 2) All temporary signs may have static messaging.

b) Changeable copy

- 1) All permanent signs may have changeable copy.
- 2) Commercial temporary portable signs may have changeable copy; the message on the sign may change during the event, but the structure of the sign shall be regulated by the permitting process laid out in Section 25.4.

c) Dynamic Messaging:

- 1) Only permanent signs may have dynamic messaging.
- 2) Individual messages shall be displayed in no more than three screens over a period of no longer than nine seconds. Screens shall take no longer than one second to change.

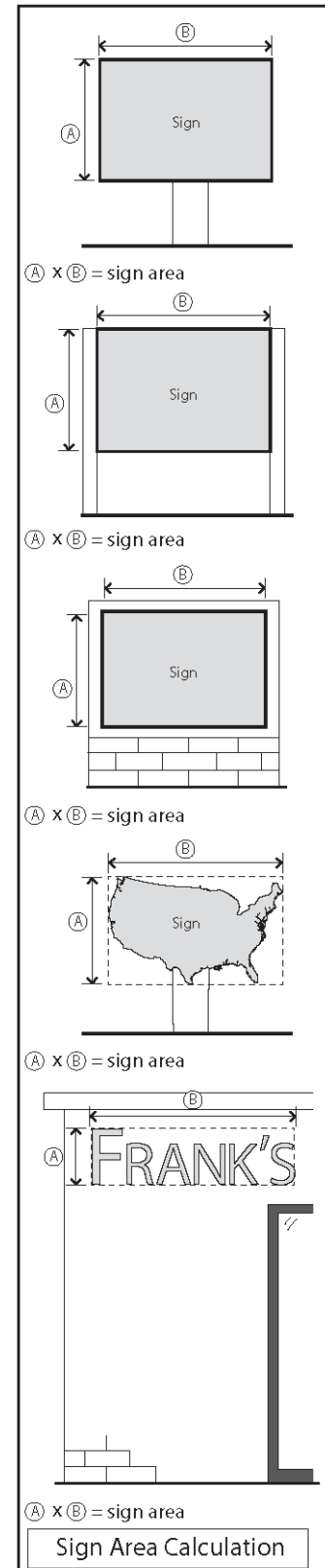


Image 25.4. Sign Area Calculations

Messages displaying time and/or temperature shall be displayed no longer than three seconds.

3) Prohibited Display Elements:

- i) Animation not related to the message displayed.
 - ii) Any flashing of all or any part of the screen.
 - iii) Any spinning or similar motion of all or any part of the display.
- 4) The message shall not contain materials that may be confused as a traffic control device, simulate automobiles either outgoing or oncoming, or direct the driver to make any abrupt turning movements. Light emitted shall not obscure any traffic control device.
 - 5) The brightness of the illumination shall be approximately adjusted as ambient light decreases by utilizing an ambient light sensor for automatic dimming.
 - 6) Light emitted shall be a maximum of 0.3 foot-candle above ambient light levels measured per industry standard procedure.
 - 7) All regulations for dynamic messaging signs shall be applicable to all signs that fit the definition regardless of size, construction, or mounting.
 - 8) Dynamic messaging signs within 150 feet of a residential zone that face the residential zone shall display a static message between the hours of 9:00 p.m. and 7:00 a.m.
 - 9) No dynamic messaging signs shall be mounted perpendicular to the surface to which they are attached. These signs must be attached to a marquee sign or freestanding sign, or must be a wall sign.
 - 10) The area of the sign face of the dynamic messaging portion of any sign shall be counted towards the maximum allowable sign face square footage allowed under this ordinance.
 - 11) Dynamic messaging signs are not permitted in the Center Downtown Area, as defined by Exhibit A. Existing dynamic messaging signs in the Center Downtown Area will be considered non-conforming signs.
 - 12) Dynamic messaging signs may be used for non-residential uses that do not include home occupations inside a residential district, but may be no more than 45 square feet, only 25 of which may be utilized for a dynamic messaging screen. These must be monument style, and may be more than 6 feet tall on any local or collector street, and no more than 8 feet tall on any arterial street. One such sign may be allowed per street frontage. These must follow all regulations laid out in Sections 25.9, 25.11, and 25.19. Dynamic messaging signs not associated with such non-residential uses are not permitted in a residential zone.

9. General sign regulations.

- a) Design, Construction, and Maintenance: All signs shall be designed, constructed, and maintained in accordance with the following standards:
 - 1) All signs shall comply with applicable provisions of the City of Williston's building and electrical codes at all times.

- 2) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent finished materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
 - 3) All signs shall be maintained in good structural condition at all times.
 - 4) When any sign becomes unsafe or is unlawfully installed or maintained in violation of this ordinance, the owner shall be notified to bring the sign into compliance within 72 hours. If the owner can demonstrate that parts have been ordered and, through no fault of the owner, are not immediately available, or repair of the sign has been scheduled with a service technician, the Building Official can extend the time.
 - 5) Abandoned signs shall be removed by the property owner within 30 days of the discontinuance, after which the Planning Director will have the right to levy a penalty for each day the signage is not brought into compliance.
- b) All signs which were lawful on the date of adoption of this ordinance but which would be prohibited, regulated, or restricted under the terms of this ordinance shall be treated pursuant to Section 6, Nonconformities, of this zoning ordinance.
 - c) All signs must bear a sticker, plate, or other permanent marking of at least six square inches in area indicating the owner or installer of the sign, a current mailing address, and a current contact phone number. The sticker, plate, or other permanent marking must appear on the lower part of each sign face. Signs not displaying such a sticker, plate, or other permanent marking will be considered to be the responsibility of the owner of the property on which the sign is installed or displayed.
 - d) Illumination on all signs shall be designed to minimize glare, light trespass, and excessive amounts of misdirected light. All lighted signs, including interior-lit cabinets, shall be designed by a qualified professional. The use of minimum lumens or foot-candles required to adequately illuminate the sign is required.

10. Emergency locator signs.

“Emergency Locator Sign” is defined in Section 25.2.J. of this ordinance.

- a) Emergency Locator Signs:
 - 1) Will not be counted in the total signage for the location for which they are required.
 - 2) Require a sign permit.
 - 3) May be illuminated.
 - 4) Must be static messaging.
 - 5) Shall be of sufficient size to be clearly visible from the address entrance driveway.
 - 6) Must be displayed in a manner that is clearly visible from the address entrance driveway into the property.
 - 7) Must be installed prior to certificate of occupancy for the first building in the multi-building development.
 - 8) Must be of sturdy, weatherproof construction.

- 9) Shall be in a format approved by the Williston Fire Chief.
- 10) Shall contain no advertising.
- 11) Shall not be used a “for rent” or “vacancy” sign.

11. Permanent signs.

“Permanent Sign” is defined in Section 25.2.O. of this ordinance.

a) Permanent signs may:

- 1) Have static messaging, changeable copy, or dynamic messaging.
- 2) Have direct or indirect illumination.

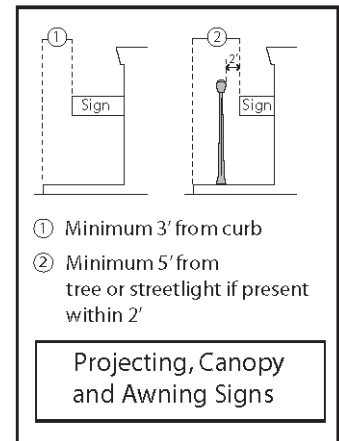
b) Awning and Canopy Signs: Awning and Canopy signs, where permitted, are subject to the following regulations:

- 1) The sign area of an awning sign shall not exceed 25 percent of the total face area of the awning. The combined area of all front-facing awning panels shall not exceed 35 percent of the total wall area.
- 2) The sign area of a canopy sign shall not exceed 35 percent of the total face area of the canopy.
- 3) Awnings shall not extend above the eave or parapet of the building facade and shall be a minimum of eight feet, six inches above the sidewalk or grade, whichever is higher. Awnings shall not extend over any area utilized by motor vehicles.
- 4) Under-canopy or under-awning signs shall maintain a minimum of a vertical clearance of eight feet.
- 5) Awnings may project no more than nine feet from the facade of the wall to which they are mounted, but shall not extend within five feet of the curb face of any public right-of-way if any trees, lighting standards, or street poles are present within a two foot radius of the proposed awning. Otherwise, the maximum projection of any awning shall not extend within three feet of the curb face of any public right-of-way. Any extension beyond six feet shall have plans stamped by a licensed architect or professional engineer, certifying the ability of the wall and associated structures to carry all imposed loads.
- 6) Awnings and canopies shall maintain a vertical clearance of 14 feet over parking lots;
- 7) Canopies shall maintain a vertical clearance of 18 feet over driveways.
- 8) Awnings or canopies which project into a North Dakota Department of Transportation (NDDOT) Right of Way may require a permit from that department. If a permit is required by the NDDOT, it must be obtained.

c) Business Center Identification Signs. Business Center Identification Signs may not be monopole signs. See Section 25.11.F, Monopole Signs. A Sign Master Plan is required.

d) Marquee Signs: Marquee signs, where permitted, are subject to the following regulations:

- 1) Marquee signs shall not extend within five feet of the vertical plane of the inside curb line of any public right-of-way if any trees, lighting standards, or street poles are



**Image 25.4.
Projecting, Canopy,
and Awning Signs**

present within a two-foot radius of the sign. Otherwise, the maximum projection of any awning shall not extend within three feet of vertical plane of the inside curb line of any public right-of-way.

- 2) Each marquee sign, including under-canopy signs, must maintain at least the following vertical clearances:
 - i) Eight feet, 6 inches over sidewalks.
 - ii) Twelve feet within three feet of any parking area or driveway.
 - iii) Fourteen feet over parking lots.
 - iv) Eighteen feet over driveways.
- 3) No marquee extending three feet or more from a property line may be located within 25 feet of any other marquee sign extending three feet or more from a property line.
- e) Projecting Signs and Graphics: Projecting signs and graphics, where permitted, are subject to the following regulations:
 - 1) Projecting signs must minimize visible support structure, including guy wires, cables, turnbuckles, angle iron, or other similar external support structure.
 - 2) The maximum projection of any projecting sign shall not extend within five feet of the curb face of any public right of way if any trees, lighting standards, or street poles are present within a two foot radius of the sign. Otherwise, the maximum projection of any projecting sign shall not extend within three feet of the curb face of any public right of way.
 - 3) Each projecting sign, including under-canopy signs must maintain at least the following vertical clearances:
 - i) Eight feet, six inches over sidewalks.
 - ii) Twelve feet within three feet of any parking area or driveway.
 - iii) Fourteen feet over parking lots,
 - iv) Eighteen feet over driveways.
- f) Monopole Signs: Monopole signs, where permitted, are subject to the following regulations:
 - 1) No more than two businesses may be advertised per monopole sign. Said businesses must be located on the same lot as each other and the sign.
 - 2) Each pole sign must maintain at least the following vertical clearances:
 - i) Twelve feet over sidewalks.
 - ii) Any overhang within three feet of any parking area or driveway must maintain a vertical clearance of at least 12 feet.
 - iii) Fourteen feet over parking lots.
 - iv) Eighteen feet over driveways.
- g) Wall Signs and Graphics: Wall signs and graphics, where permitted, are subject to the following regulations:

- 1) A wall sign shall not extend more than 12 inches from the wall to which it is attached, and may not extend within five feet of the curb face.
- 2) A wall sign must be parallel to the wall to which it is attached.
- 3) A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
- 4) A wall sign may not extend beyond its building's roof line.
- 5) A wall sign in the Center or Fringe Downtown, as defined by exhibit A, attached to a building on its front property line may encroach upon public right-of-way by no more than 12 inches. Such a wall sign shall provide minimum clearance of eight feet, six inches, and must remain at least five feet behind the curb face.
- 6) Wall signs may not extend vertically above the highest portion of the roofline or parapet, whichever is less.

a wall sign may be painted onto a structure or building, but must meet all other regulations required herein. Painted wall signs must be kept in good repair, with no peeling paint. Painted wall signs are required to be submitted to the Development Review Committee for review and approval.

12. Temporary signs.

Types of temporary signs are defined in Section 25.2.Q. and 25.2.S. of this zoning ordinance.

a) Temporary Commercial Signs:

- 1) Require a permit from the Planning Director through the process described above under PERMITS REQUIRED, Section 25.4.b.
- 2) Shall not contain any dynamic messaging.
- 3) P, C-1, C-2, C-3, HCC, M-1, M-2, and M-3 districts may utilize temporary signs as follows:
 - i) May be no larger than 64 square feet.
 - ii) Individual permits may be granted for 8 events per year of 15 days each.
 - iii) One permit may cover multiple temporary signs per event; however, no more than one temporary commercial sign is allowed per street frontage. If a property has more than 200 feet of frontage, an additional temporary commercial sign may be allowed every 200 feet, but may not be allowed within 200 feet of another temporary commercial sign.
 - iv) Where a business has ordered a permanent sign to be installed which has been applied for and permitted by the Building Department, and for which documentation that the sign has been ordered has been provided, the business may apply for a temporary commercial sign as a business sign until the permanent sign has been installed.

4) Balloon Temporary Commercial Signs:

- i) Balloon signs, whether worded or unworded, may only be used as follows:
 - (1) Only one balloon is allowed per attachment point.
 - (2) The total amount of balloon signage may be no more than 64 square feet.
- b) Non-Residential, Non-Commercial Uses
 - 1) Because certain uses are able to be placed in a multitude of zones, and such uses are not typically associated with either residential or commercial uses, these Non-residential, non-commercial uses (e.g. schools, churches, lodges) in residential zones may utilize a 64 square foot temporary sign for 8 events per year, with no more than 15 days per event. These signs must be permitted.
- c) Residential Temporary Signs:
 - 1) Do not require a permit.
 - 2) Shall be static messaging only.
 - 3) Shall not be illuminated.
 - 4) Regulation by type of Residential Temporary Signs:
 - (a) No more than one such sign may be displayed on each street frontage of the property.
 - (b) Signs are broken into two categories:
 - (1) signs in R-1E, R-1A, R-1, R-2, R-2A R-6 and R-7: no more than one sign, not exceeding six square feet in area. However, no more than one temporary sign is allowed per street frontage. If a property has more than 200 feet of frontage, an additional temporary sign may be allowed every 200 feet, but may not be allowed within 200 feet of another temporary commercial sign.
 - (2) Signs in Ag, R-3, R-4, R-5: no more than one sign per street frontage, not exceeding 32 square feet. If a property has more than 200 feet of frontage, an additional temporary sign may be allowed every 200 feet, but may not be allowed within 200 feet of another temporary commercial sign.
 - (i) This may be one banner or wall sign per street frontage that is firmly affixed to a building facing the adjoining public right of way and kept in good repair that is a maximum size of 32 square feet.
 - (ii) If a banner sign is not used, one monument style sign not exceeding 32 square feet and 6 feet tall constructed of finished materials (with no unpainted wood) that is maintained in good order may be used. Alternative style signs may be considered and approved by the Planning Director if a hardship is demonstrated.
- d) Non Worded Advertisement that is primarily designed to draw attention to a property for the purpose of gaining business:
 - 1) May be allowed in R-3, R-4, C-1, C-2, C-3, HCC, M-1, M-2 districts
 - 2) May only be located on private property

- 3) Must be kept in good repair, and may not be faded, tattered, or in disrepair.

13. Off-premise advertisement signs.

“Off-premise advertisement sign” is defined in Section 25.2.N. of this ordinance.

- a) Off-premise signs hereafter erected, constructed, reconstructed, altered, or moved in the City shall be constructed in accordance with the requirements of the current version of the Uniform Sign Code, adopted by the City, the latest edition of the North Dakota State Building Code and currently adopted National Electrical Code, except as amended by this ordinance.
- b) Existing off-premise signs which are located on property in the City’s jurisdiction may be maintained as built, and are not considered to be non-conforming.
- c) Off-premise signs are allowed in the M-2: Heavy Industrial Districts as Permitted Uses only if they conform to the following provisions:
 - 1) The owner shall agree, at the time of issuance of the permit, to place and maintain on such off-premise sign the contact information for the person owning, in charge of, or in control of, said off-premise sign.
 - 2) No off-premise sign shall be erected, altered, constructed, reconstructed, or moved until an application and plans have been filed with and approved by the Building Official as to size, location, and construction.
 - 3) The permitted height for off-premise signs shall be a maximum of 45 feet in height and up to 60 feet in height as a Special Permitted Use. The height shall be measured as indicated in Section 25.7.b.
 - 4) Off-premise signs shall be constructed on the existing grade of the site. Upon newly graded land, the off-premise sign shall be placed upon the final grade of the site as set forth in the grading plan in the approved final plat.
 - 5) The owner, lessee, or manager of such off-premise sign, and the owner of the sign shall maintain and keep the ground area around the sign free and clean of weeds and debris.
 - 6) The maximum area of the sign face shall not exceed 2.5 percent of the area of the lot, or 672 square feet, whichever is smaller.
 - 7) No off-premise sign shall be constructed within 600 feet of another off-premise sign with only one off-premise sign being allowed per lot or parcel of land.
 - 8) No off-premise signs shall be installed within 250 feet in any direction of any zoning district where off-premise signs are not permitted.
 - 9) All off-premise signs shall be erected using a single steel monopole design.
 - 10) No off-premise sign shall be erected within six feet of any structure.
 - 11) The maximum area of a off-premise sign shall not be increased through the special permitted use (SPU) process.

14. Murals.

“Murals” are defined in Section 25.2.H.

- a) \ Murals in the Center Downtown Area, defined by Exhibit A, are required to be submitted to the Design Review Board for review and approval.
- b. Murals outside of the Center Downtown Area are required to be submitted to the Development Review Committee for review and approval.

15. Oversize signs.

Specific sign limitations in each district are indicated in Table 25.1. Where proposed signs in these districts exceed the established size limitations (excluding off-premise advertising signs per Section 25.13.) or do not meet other requirements, they may be reviewed as a special permitted use (SPU) and may be considered for approval if they conform to the following:

- a) No such sign shall be erected, altered, constructed, reconstructed, or moved until an application and plans shall have been filed with the Building Official as to size, location, and construction.
- b) Neighboring property within 150 feet of the proposed sign shall receive a notice of the proposed SPU.
- c) Other considerations shall be taken such as the size of the lot, number of existing signs, the size of existing signs, in addition to the findings for SPU's prescribed in Section 27 of the this ordinance and listed below:
 - 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 2) That literal interpretation of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - 3) That the special conditions and circumstances do not result from the actions of the applicant.
 - 4) That granting the oversize sign requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

16. Sign master plan.

An applicant may submit a sign master plan detailing the size, location and design of all signs on the site. The sign master plan shall contain specific standards for consistency among all signs on the lots affected by the plan. Criteria for a common signage designation include but are not limited to color scheme, lettering or graphic style, lighting, location of each sign on the buildings or lots, sign material, sign proportions, and cumulative sign display areas and heights of all signs. All owners within the sign plan area shall be required to sign a document waiving any rights to individual freestanding monopole signs in exchange for signage on the shared business center identification signs.

Business center identification sign master plans must also show that the signage is proportional to the buildings/center, and must show the proposed signage in relation to the street and property. Sign master plans must show that proposed signage is proportional to the scale of

the development and the street. These requirements must show that the sign master plan meets modern commercial design standards.

Business center identification signs are only allowed with a sign master plan, and shall be limited to one per major business center entrance, located on an arterial or highway, no more than 45 feet high and 400 feet square, and one per minor business center entrance, or business center entrance on a collector or local street, no more than 25 feet high and 200 feet square. Sign master plans must be reviewed by Planning & Zoning Commission.

Sign master plans may also be used for campus properties in residential zones.

17. Compliance with sign regulations.

Conformance Required: Except as may be hereinafter specified, no sign shall be erected, placed, maintained, converted, enlarged, reconstructed or structurally altered which does not comply with all of the regulations established by this title.

18. Enforcement.

- a) Continuing Maintenance Obligation: All signs must continue to be maintained in working condition, as required by Section 25.9.a.3. All sign faces must remain clearly legible and the sign mounting must remain structurally sound. All illumination must be maintained to fully illuminate the sign.
- b) Inspection and Monitoring: All signs allowed by this ordinance are subject to inspection and monitoring. Signs not in compliance with the requirements of this ordinance or not in compliance with the approved sign permit will be subject to enforcement actions pursuant to Section 26 (D) of this zoning ordinance. These enforcement actions include the City hiring a contractor to remove a non-compliant sign and backcharging the property owner for the cost of this work.
- c) Fines: Temporary signs displayed in violation of this ordinance shall be fined as indicated in the Fee Schedule, Section 5-321 of the City of Williston Code of Ordinances.
- d) Sunset Clause: All commercial temporary signs will need to either be removed or be properly permitted for an event as allowed above within 90 days of January 1, 2017. Any commercial temporary sign that is still in place and not properly permitted will be fined as per Section 5-321 of the City of Williston Code of Ordinances.

19. Sign table.

Permitted sign types and maximum sizes are indicated in the following Sign Table 25.1.



DATE: October 13, 2020
TO: City Commission
FROM: Rachel Laqua, Principal Planner
RE: Public Hearing Item 3.B.

Item 3B: ZONE CHANGE FROM M-1: LIGHT INDUSTRIAL TO C-2: GENERAL COMMERCIAL for LOT 1 EX W 10', BLOCK 3, WRIGHT SUBDIVISION

The applicant, Stanley Por, proposes to change the zoning of Lot 1 except the west 10', Block 3, Wright Subdivision, to C-2: General Commercial from M-1: Light Industrial.

The property is part of a transition area that was created with Ordinance 1016, which changed the minimum area requirements for the C-2 district. That Ordinance states:

The minimum area for this district shall be 2 acres, except for areas as defined in the attached exhibit, located along Highway 2/85 between 26th St and 58th St, which are marked on the Future Land Use Map as "Commercial" or "Future Industrial to Commercial Transition Area." to Areas which are defined by the Future Land Use Map as "Commercial" or "Future Industrial to Commercial Transition Area" which are delineated on this map may be re-zoned to C-2: General Commercial, with no minimum district size.

This property falls within that transition area, so there is no minimum dimensional requirement.

The applicant intends to create a nail salon. He will improve parking to the required amount and pave those required spaces. He will also add landscaping to code where possible. Final details of the site plan will be worked out with the Building permit process.

The work will require a building permit and will be reviewed for Fire and Building Code Compliance at that time.

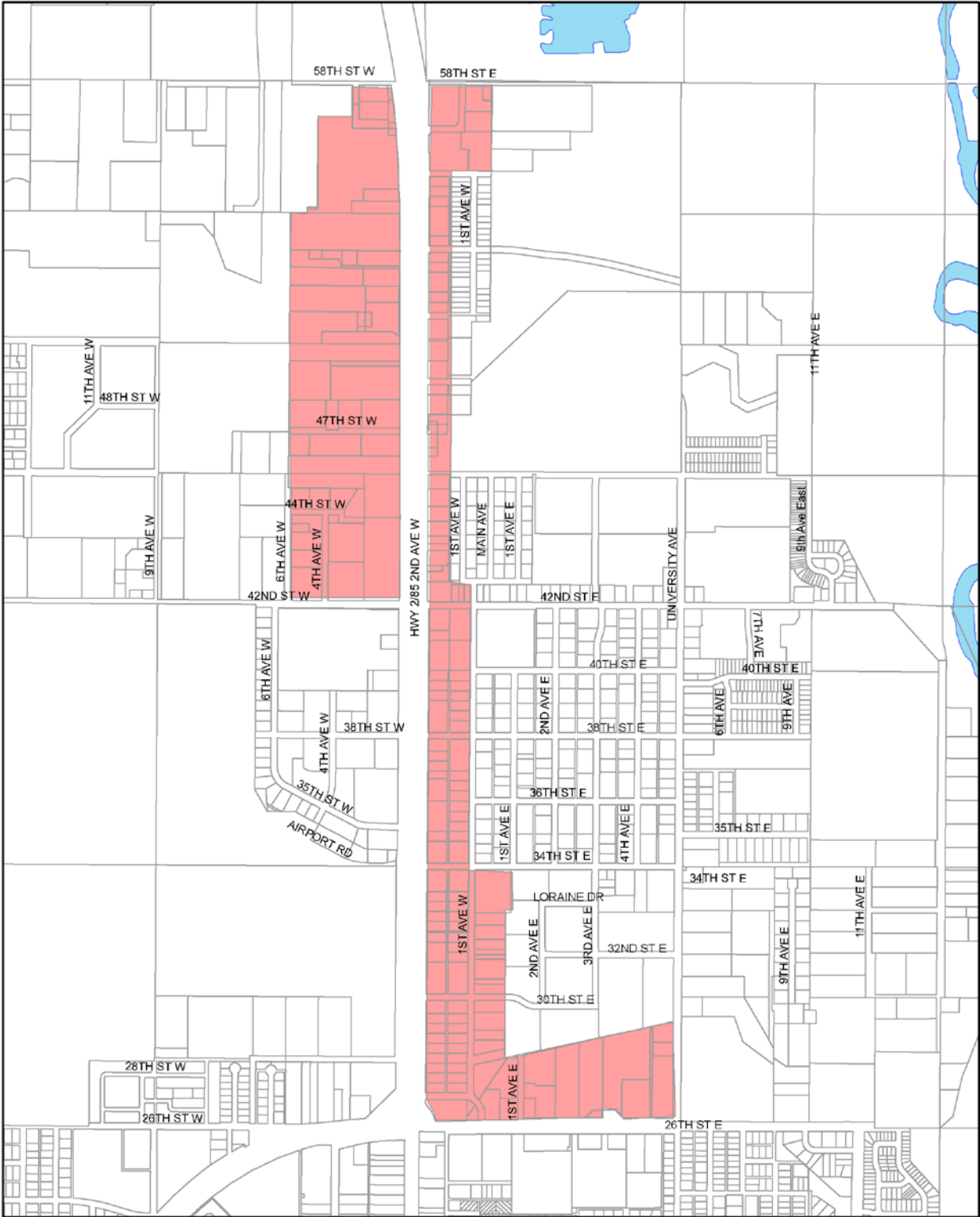
The Planning and Zoning Commission held a public hearing on this item at their September meeting.

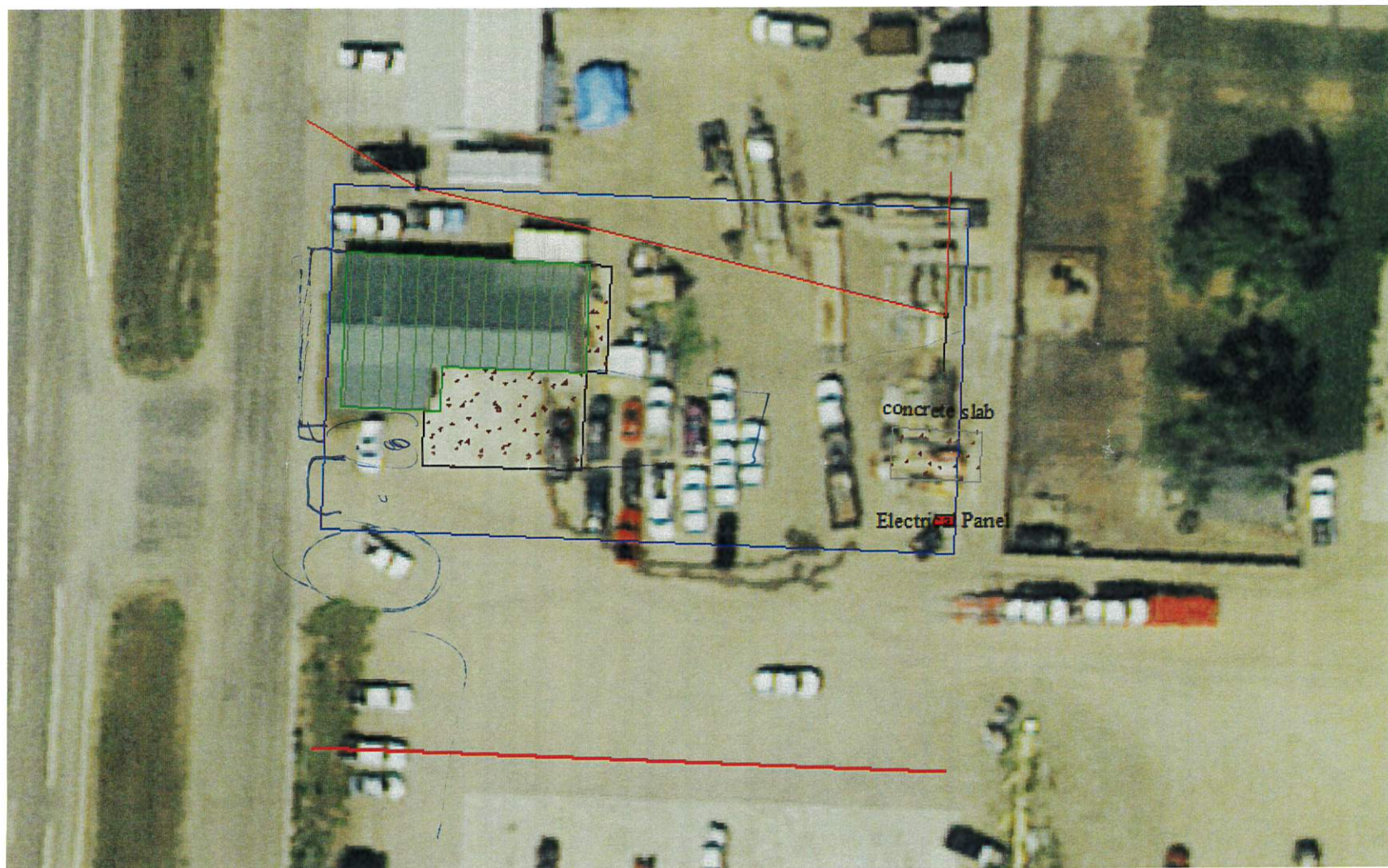
The Planning and Zoning Commission recommended approval of ZONE CHANGE FROM M-1: LIGHT INDUSTRIAL TO C-2: GENERAL COMMERCIAL for LOT 1 EX W 10', BLOCK 3, WRIGHT SUBDIVISION

Zone Change Request- M-1: Light Industrial to C-2: General Commercial



FUTURE TRANSITION AREA AND COMMERCIAL AREA
(as per 2010 Comprehensive Plan)







Date: October 13, 2020

To: City Commission

From: David Juma, City Engineer

RE: 2020 Special Assessment Public Hearings

Agenda Item 3.C.1 Water, Sewer and Street Improvement District 19-2

This project reconstructed the water, sewer and street systems along 3rd Avenue West between 2nd and 7th Street and West Broadway, 4th, 5th, 6th and 7th Streets between 2nd and 3rd Avenue West.

The City paid the costs of replacing the water and sewer systems and for 2/3 of the street reconstruction costs. The remaining street reconstruction costs are to be assessed to the district's property owners on a front foot basis.

Property Owners were given the opportunity to have their sidewalks replaced as part of this project. These sidewalk replacement costs are assessed to the properties requesting the work.

The Final Assessments are shown in the green highlighted column of the attached D19-2 special assessment calculation worksheet.

The assessment for an average 50 foot lot is \$8,517.13. This is about \$35 below our original estimates.

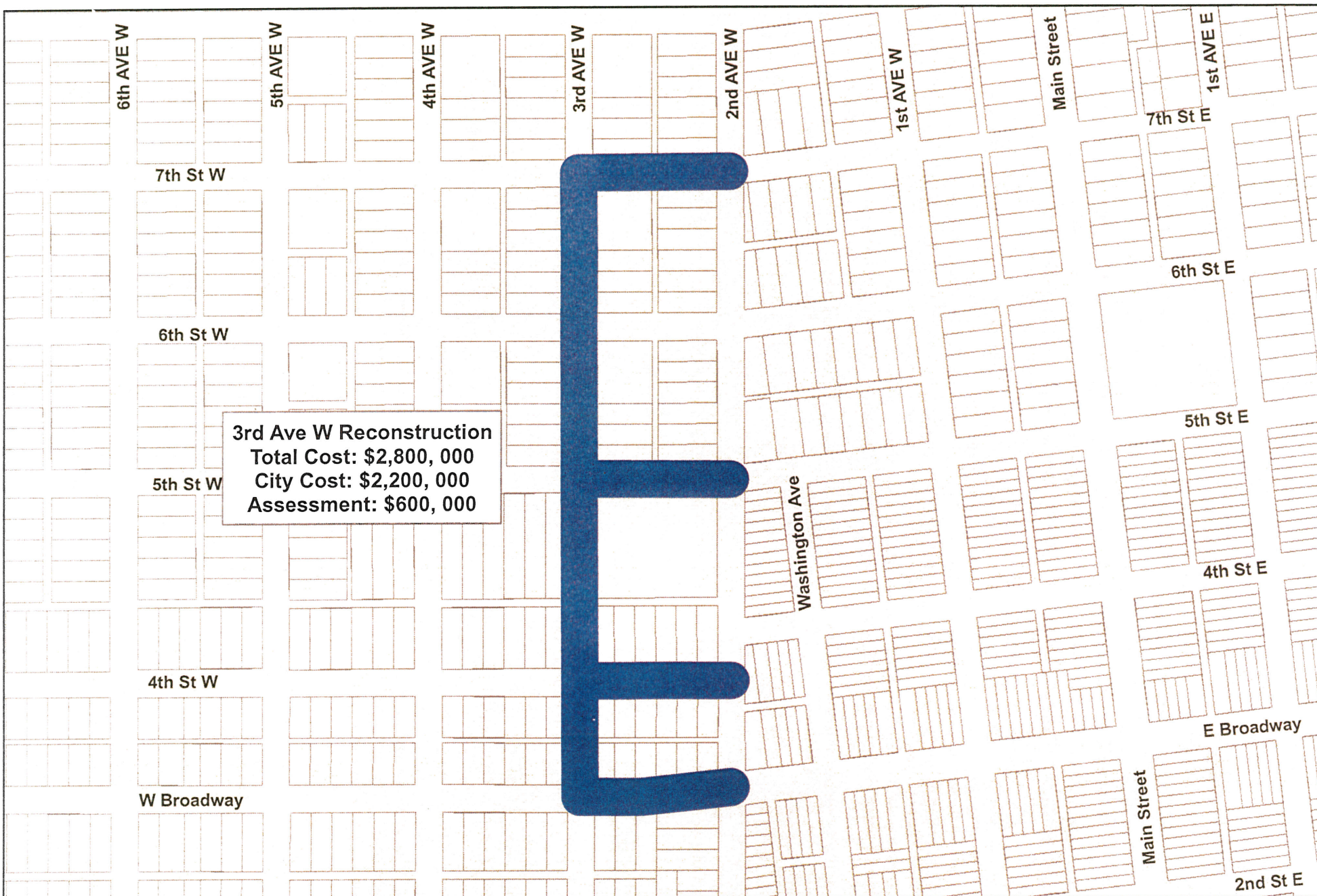
The Special Assessment Commission met on Tuesday, September 15th, and unanimously approved the D19-2 assessments. No written protests were received. No property owners appeared during the meeting to protest their proposed assessment.

RECOMMENDATION:

We would recommend that the Special Assessments for Water, Sewer and Street Improvement District 19-02 be approved as presented.

ATTACHMENTS:

3.C.1 D19-02 Water, Sewer & Street Improvement Map & Assessment Worksheet.



City of Williston
Engineering Department
809 5th St E
Williston ND, 58801

Phone: 1-701-577-6368
Fax: 1-701-577-6360



2019 Capital Improvements Plan: 3rd Ave W Reconstruction

0 305 610 1,220 Feet



Estimate of Assessment
Water, Sewer, & Street Improvement District 19-2

Construction Cost (Estimated)
General Mobilization
Total Construction Cost

Engineering
Construction Administration
Contingencies 10%

Total Project Cost
Total Front Footage

per Foot Assessment

TOTALS

\$2,366,800.00
\$150,000.00
\$2,516,800.00

\$229,616.00
\$372,323.20
\$251,680.00

\$3,370,419.20

WATER	SEWER	STREET	SIDEWALK	TOTALS
15.24%	15.70%	69.06%		100.00%
\$360,700.32	\$371,587.60	\$1,634,512.08	\$0.00	\$2,366,800.00
\$22,860.00	\$23,550.00	\$103,590.00		\$150,000.00
\$383,560.32	\$395,137.60	\$1,738,102.08	\$0.00	\$2,516,800.00
\$34,993.48	\$36,049.71	\$158,572.81		\$229,616.00
\$56,742.06	\$58,454.74	\$257,126.40		\$372,323.20
\$38,356.03	\$39,513.76	\$173,810.21		\$251,680.00
\$513,651.89	\$529,155.81	\$2,327,611.50		\$3,370,419.20
		4536.40	Feet	
Street Assessment Rate		\$513.10	/Foot	

PID	SUBDIVISION	BLOCK	LOT	OWNER	OWNER ADDRESS	CITY-STATE	LOT AREA	PERCENT OF TOTAL DISTRICT	STREET FRONT FOOT	STREET ASSESSMENT	SIDEWALK LINEAR FOOT	SIDEWALK ASSESSMENT	TOTAL ASSESSMENT	CITY PAID ASSESSMENT	ESTIMATED ASSESSMENT TO P.O.	PUBLIC INPUT MEETING	PRELEM ENG ESTIMATED ASSESSMENT
1032000210100	BARNFATHER ADD	B 1	ALL	WILLISTON PARK BOARD	PO BOX 1153	WILLISTON, ND 58802-1153	9213	8.90%	296.80	\$152,287.19			\$152,287.19	\$101,524.79	\$50,762.40		
1032000210500	BARNFATHER ADD	B 2	N 1/2 L 1 & N 1/2 L 2	LINDSETH, THEODORE A	407 3RD AVE W	WILLISTON, ND 58801-5101	1530	1.48%	73.40	\$37,661.32			\$37,661.32	\$25,107.55	\$12,553.77		
1032000211000	BARNFATHER ADD	B 2	S2 L 1 & S2 L 2	FICK, MATTHEW J & ZANDER, HEIDI	302 4TH ST W	WILLISTON, ND 58801-5116	1530	1.48%	73.40	\$37,661.32			\$37,661.32	\$25,107.55	\$12,553.77		
1384002355500	LEDOSQUET ADD	B 1	N 1/2 OF L 1-2	EDER, LINUS (LIFE EST)	313 2ND AVE W	WILLISTON, ND 58801-5217	1042	1.01%	100.00	\$51,309.70			\$51,309.70	\$34,206.47	\$17,103.23		
1384002356000	LEDOSQUET ADD	B 1	E 33 1/3' OF L 3	AUEN, RODGER & AUEN, DIANE M	10352 66TH ST NW	TIOGA, ND 58852-9206	695	0.67%	33.33	\$17,103.22			\$17,103.22	\$11,402.14	\$5,701.07		
1384002356500	LEDOSQUET ADD	B 1	W 16 2/3' L 3 & E 16 2/3' L 4	QUICKEN LOANS INC	1050 WOODWARD AVE	DETROIT, MI 48226-1906	695	0.67%	33.33	\$17,101.52			\$17,101.52	\$11,401.02	\$5,700.51		
1384002357000	LEDOSQUET ADD	B 1	W 33 1/3' OF L 4 & E 7' OF L 5	WILLIAMSON, ROBERT & WILLIAMSON, GEORGIA (LIFE ESTATE)	215 4TH ST W	WILLISTON, ND 58801-5114	841	0.81%	40.33	\$20,693.20			\$20,693.20	\$13,795.47	\$6,897.73		
1384002357500	LEDOSQUET ADD	B 1	L 5 LESS THE E 7'	OLSON, JACKIE LEE & OLSON, CHRISTINE M	219 4TH ST W	WILLISTON, ND 58801-5114	897	0.87%	43.00	\$22,063.17			\$22,063.17	\$14,708.78	\$7,354.39		
1384002358000	LEDOSQUET ADD	B 1	L 6	EDER, BRYAN J	223 4TH ST W	WILLISTON, ND 58801-5114	1042	1.01%	100.00	\$51,309.70			\$51,309.70	\$34,206.47	\$17,103.23		
1384002358500	LEDOSQUET ADD	B 1	L 7 & W2 L 8	SANDBERG, GEORGE N & SANDBERG, LISA M	222 W BROADWAY	WILLISTON, ND 58801-5938	1084	1.05%	125.00	\$64,137.12			\$64,137.12	\$42,758.08	\$21,379.04		
1384002359000	LEDOSQUET ADD	B 1	L 8 EX W2 & ALL L 9	ALLEN, SCOT & ALLEN, AMY	216 W BDWY	WILLISTON, ND 58801-5938	2030	1.96%	75.00	\$38,482.27			\$38,482.27	\$25,654.85	\$12,827.42		
1384002359500	LEDOSQUET ADD	B 1	L 10	OLD BRIDGE LLC	PO BOX 2779	WILLISTON, ND 58802-2779	971	0.94%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1384002360000	LEDOSQUET ADD	B 1	L 11 EX 641 SF +/- DD TO CITY	BOOTH, MELISSA A	208 W BROADWAY	WILLISTON, ND 58801-5938	910	0.88%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1384002360500	LEDOSQUET ADD	B 1	L 12 EX 936 SF +/- DD TO CITY	LEE, KIM S	202 W BROADWAY	WILLISTON, ND 58801-5938	848	0.82%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1384002361000	LEDOSQUET ADD	B 2	L 1	MATLOCK, JAMES E	301 4TH ST W	WILLISTON, ND 58801-5115	1042	1.01%	100.00	\$51,309.70			\$51,309.70	\$34,206.47	\$17,103.23		
1384002366500	LEDOSQUET ADD	B 2	L 12	FALCON, LORI	302 W BROADWAY	WILLISTON, ND 58801-5972	1042	1.01%	100.00	\$51,309.70			\$51,309.70	\$34,206.47	\$17,103.23		
1384002394100	LEDOSQUET ADD	B 8	L 1 & 2 LESS ROW A REPLAT OF LOTS 1, 2, & 3 & L 4	OPPORTUNITY FOUNDATION INC	PO BOX 1627	WILLISTON, ND 58802-1627	4484	4.33%	150.00	\$76,964.55			\$76,964.55	\$51,309.70	\$25,654.85		
1384002395500	LEDOSQUET ADD	B 8	L 5	MA, SING & ZHANG, QING	10416 NE 15TH ST	BELLEVEUE, WA 98004-3610	1459	1.41%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1384002396000	LEDOSQUET ADD	B 8	L 6	KENNEDY, NATHAN	223 W BROADWAY	WILLISTON, ND 58801-5937	1459	1.41%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1420002560100	MARMON ADD	B 1	ALL BLOCK 1, BLACK'S REARR OF B 1	WILLISTON PARK BOARD	PO BOX 1153	WILLISTON, ND 58802-1153	15711	15.17%	402.9	\$206,726.78			\$206,726.78	\$137,817.85	\$68,908.93		
1420002560500	MARMON ADD	B 2	L 1	FIXEN, CLARA	521 2ND AVE W	WILLISTON, ND 58801-5219	1491	1.44%	125.00	\$64,137.12			\$64,137.12	\$42,758.08	\$21,379.04		
1420002563000	MARMON ADD	B 2	L 6 & S 10' L 5	NELSEN, STEVEN F	210 5TH ST W	WILLISTON, ND 58801-5118	1790	1.73%	125.00	\$64,137.12			\$64,137.12	\$42,758.08	\$21,379.04		
1420002563500	MARMON ADD	B 2	E 1/2 OF L 7-8	BEROSIK, KATHLEEN A	218 5TH ST W	WILLISTON, ND 58801-5118	1491	1.44%	62.50	\$32,068.56			\$32,068.56	\$21,379.04	\$10,689.52		
1420002564000	MARMON ADD	B 2	W 1/2 L 7 & 8	CHOU, NIAN CHUI	1501 32ND AVE SW	MINOT, ND 58701-7254	1491	1.44%	112.50	\$57,723.41			\$57,723.41	\$38,482.27	\$19,241.14		
1420002564500	MARMON ADD	B 2	L 9	TVETER, JASON & ROBERTS, SAMANTHA	506 3RD AVE W	WILLISTON, ND 58801-5103	1491	1.44%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1420002565000	MARMON ADD	B 2	S 50' OF L 10	MCGINLEY, MARK J	516 3RD AVE W	WILLISTON, ND 58801-5102	1491	1.44%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1420002565500	MARMON ADD	B 2	CENTER 50' OF L 10	PETERSON, LANA K & PETERSON, LEAH R	5636 CAROLVILLE LOOP	WILLISTON, ND 58801-9034	1491	1.44%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1420002566000	MARMON ADD	B 2	N 50' OF L 10	JORGENSEN, DAVID A & JORGENSEN, SUSAN D	524 3RD AVE W	WILLISTON, ND 58801-5103	1491	1.44%	112.5	\$57,723.41			\$57,723.41	\$38,482.27	\$19,241.14		
1420002566500	MARMON ADD	B 3	L 1	JOHNSON, AMY J	621 2ND AVE W	WILLISTON, ND 58801-5221	1491	1.44%	125.00	\$64,137.12			\$64,137.12	\$42,758.08	\$21,379.04		
1420002569000	MARMON ADD	B 3	L 5 EX N 30' & ALL L 6	BLACK, GABRIEL & BLACK, CARIN	603 2ND AVE W	WILLISTON, ND 58801-5221	2088	2.02%	125.00	\$64,137.12			\$64,137.12	\$42,758.08	\$21,379.04		
1420002569500	MARMON ADD	B 3	E 46 2/3' OF L 7,8,9	HOTCHKISS, LINDA L	214 6TH ST W	WILLISTON, ND 58801-5119	1449	1.40%	47.67	\$24,457.64			\$24,457.64	\$16,305.09	\$8,152.55		
1420002570000	MARMON ADD	B 3	CENTER 47 2/3' OF L 7,8,9	SHOTGUN PROPERTIES LLC	1400 RD 2052	CULBERTSON, MT 59218-9318	1449	1.40%	47.67	\$24,457.64			\$24,457.64	\$16,305.09	\$8,152.55		
1420002570500	MARMON ADD	B 3	W 46 2/3 OF L 7 & S 17' OF W 46 2/3' OF L 8	OXENDAHL, KRISTIN M	222 W 6TH ST	WILLISTON, ND 58801-5119	703	0.68%	129.50	\$66,446.06			\$66,446.06	\$44,297.37	\$22,148.69		
1420002571000	MARMON ADD	B 3	N 33' OF W 46 2/3' OF L 8 & W 46 2/3' OF L 9	ANDERSON, DUANE G & ANDERSON, ELIZABETH	614 3RD AVE W	WILLISTON, ND 58801-5105	871	0.84%	83.00	\$42,587.05			\$42,587.05	\$28,391.37	\$14,195.68		
1420002571500	MARMON ADD	B 3	S 1/2 OF L 10	ANDERSON, DUANE G & ANDERSON, ELIZABETH A	614 3RD AVE W	WILLISTON, ND 58801-5105	2236	2.16%	75.00	\$38,482.27			\$38,482.27	\$25,654.85	\$12,827.42		
1420002572000	MARMON ADD	B 3	S2N2 OF L 10	LYSAKER, DALE R & LYSAKER, DONNA R	618 3RD AVE W	WILLISTON, ND 58801-5105	1118	1.08%	37.50	\$19,241.14			\$19,241.14	\$12,827.42	\$6,413.71		
1420002572500	MARMON ADD	B 3	N 1/2 OF N 1/2 OF L 10	STELZMILLER, KEITH	622 3RD AVE W	WILLISTON, ND 58801-5105	1118	1.08%	100.00	\$51,309.70			\$51,309.70	\$34,206.47	\$17,103.23		
1420002575500	MARMON ADD	B 4	L 6	SEVENTH DAY ADVENTIST CHURCH	PO BOX 2193	WILLISTON, ND 58802-2193	1491	1.44%	125.00	\$64,137.12			\$64,137.12	\$42,758.08	\$21,379.04		
1420002576000	MARMON ADD	B 4	E 46 2/3' OF L 7-8	PECK, JEFFERY & PECK, SHAWN KLESK	212 7TH ST W	WILLISTON, ND 58801-5120	973	0.94%	41.67	\$21,380.75			\$21,380.75	\$14,253.83	\$7,126.92		
1420002576500	MARMON ADD	B 4	E 48.67' OF W 96.33' OF L 7-8	ALEC CITY BIG CHIEF LLC	27 E MERRICK RD	VALLEY STREAM, NY 11580-5814	973	0.94%	41.67	\$21,380.75			\$21,380.75	\$14,253.83	\$7,126.92		
1420002577000	MARMON ADD	B 4	W 47 2/3' OF L 7-8	ARMSTEAD, DANIEL D	220 7TH ST W	WILLISTON, ND 58801-5120	1036	1.00%	20.83	\$10,687.81			\$10,687.81	\$7,125.21	\$3,562.60		
1420002586500	MARMON ADD	B 6	L 1	JASMIN, JERRY E & JASMIN, RUBY	621 3RD AVE W	WILLISTON, ND 58801-5104	1491	1.44%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1420002587000	MARMON ADD	B 6	L 2	GILMER, MICHAEL	619 3RD AVE W	WILLISTON, ND 58801-5104	1491	1.44%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1420002587500	MARMON ADD	B 6	L 3	BELLAND, DAVID & BELLAND, RACHEL	613 3RD AVE W	WILLISTON, ND 58801-5104	1491	1.44%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1420002588000	MARMON ADD	B 6	L 4	BOOHER, HENRY EDWARD JR	PO BOX 1879	RIFLE, CO 81650-1879	1491	1.44%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1420002588500	MARMON ADD	B 6	L 5	NOVAK, AARON J & NOVAK, DEANA M	605 3RD AVE W	WILLISTON, ND 58801-5104	1491	1.44%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1420002589000	MARMON ADD	B 6	L 6	PENNER, KEVIN M & PENNER, JOANNE M	601 3RD AVE W	WILLISTON, ND 58801-5104	1491	1.44%	50.00	\$25,654.85			\$25,654.85	\$17,103.23	\$8,551.62		
1420002592500	MARMON ADD	B 7	L 1	BENDIXSON, ARTHUR & BENDIXSON, BEVERLY J	8592 AFTERGLOW CV	CORDOVA, TN 38018-3525	1491										



Memo

To: Board of City Commissioners

From: Hercules Cummings, Finance Director

Date: October 13, 2020

3C2 2020 Special Assessments - Lot Mowing, Property Demolition & Code Compliance

The Special Assessment Commission met on September 15, 2020 and unanimously approved the 2020 Lot Mowing, Property Demolition & Code Compliance. Seventeen parcels were included in the lot mowing, property demolition, and code compliance assessments per instruction of the city attorney. These are 1-year assessments, totaling \$337,677.96, which includes the cost of the demolition of the old Law Enforcement Center (LEC). It was noted that no property owners appeared to protest the proposed assessment.

Recommendations: I recommend that the 2020 Lot Mowing, Property Demolition & Code Compliance be approved as presented.

Attachments:

SUBDIVISION	BLOCK	LOT/LEGAL DESCRIPTION	ASSESSMENT
WESTLAWN ADD	B4	E50'of L7 & 8 B4	\$662.50
WEGLEY GREEN ACRES	B4	S50'of N 200" L2	\$1,125.00
HAGEN TOWNHOMES	B10	L12	\$1,012.50
HENRY H SORENSON 3RD ADD	B4	L45	\$337.50
HENRY H SORENSON 3RD ADD	B4	Lot 5 AMENDED	\$375.00
UNIVERSITY COMMONS 2ND ADD	B7	L1R	\$2,300.00
SUNNYSLOPE TERRACE		N30 L18 & S30'L 19	\$283.50
WHITTMEIER 2ND ADD	B3	L5	\$8,991.25
LONE WILLOW SUB		L6	\$1,050.00
BRUEGGER AMENDED	B9	L5	\$537.50
THOMAS 2ND ADD	B1	S 1/2 of L2	\$4,049.96
LEDOSQUET ADD	B5	L2T	\$465.00
WESTLAWN ADD	B1	T01 L2B1	\$410.00
THE TIMBERS SUB	B6R	L8R REAR #730293	\$817.25
HI-LAND HEIGHTS 1ST SUB	B3	L1 REARR T#773616	\$1,015.00
RACHEL'S SUB		L6R #684139	\$720.00
BRUEGGER'S 5TH ADD	B36	LESS N 1/2 OF L 1 #718271	\$313,526.00



DATE: October 13, 2020
TO: City Commission
FROM: Taylor Olson, City Attorney
RE: Resolution Declaring Improvement a Necessity

Summary of agenda subject:

Good evening Commissioners and Department Heads:

I have proposed a resolution for your consideration this evening.

N.D.C.C. 40-22-15 requires a resolution declaring an improvement necessary after the city commission has passed a resolution creating a district. This is for a parking lot improvement.

This item will be published in accordance with the NDCC for two weeks.

Please let me know if I can answer any questions for you.

I recommend a motion is made as follows:

1) Motion to pass the resolution as written.

Thank you for your time,

/s/Taylor D. Olson

Taylor D. Olson
City Attorney

RESOLUTION 20-042

Commissioner _____ introduced the following Resolution and moved its adoption:

RESOLUTION DECLARING NECESSITY OF AN IMPROVEMENT IN PARKING LOT IMPROVEMENT DISTRICT PL-20

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA:

That the Board of City Commissioners determines that it is necessary to make the improvements described as follows: General maintenance of City-owned parking lots including but not limited to snow removal, weed control, lighting, seal coating and striping.

That the costs of the improvements to the City will be paid from special assessments to be levied against properties within the boundaries of Parking Lot Improvement District PL-20 in amounts proportionate to and not exceeding the benefits to be received by them from the improvements.

That the boundaries of said Improvement District are as follows:

Blocks 1 to 3, Block 5 including the vacated portions of the alley, Blocks 6 to 11, Block 12 including the Baldwin Rearrangement, Blocks 13 to 20, Block 21 including the adjacent unplatted tract, the Rearrangement of Block 22, Block 23, Block 24 including the vacated east west alley and Block 25 including the vacated alley of the Original Townsite; Block 3, Lots 1 to 6 of Block 4, Lots 5 and 6 of Block 8, Lots 7 to 9 of Block 9 and Block 22 including portions of the vacated Front Street and 3rd Avenue East right of way of the Bruegger's Amended Addition; Block 23, Block 24 including the Rearrangement of Lots 1, 2, the west 25 feet of Lot 3, Lots 7 to 12 and Out Lot #1 and vacated alley right of way, Block 25, Block 26 including the vacated alley and 3rd Avenue East right of way and Lots 2 to 10 of Block 26 including the vacated alley and 3rd Avenue East right of way of the Bruegger's 2nd Addition and Block 37 of the Bruegger's 6th Addition.

As shown in the attached district boundary map.

That the City Auditor is hereby authorized and directed to cause the Resolution Declaring Necessity of an Improvement in Parking Lot Improvement District PL-20 to be published once each week for two (2) consecutive weeks in the official newspaper of the City, and the owners of property within said improvement district be afforded an opportunity to file written protests with the City Auditor at any time within 30 days after the first publication of the Resolution. The Board of City Commissioners shall meet to hear and to determine the sufficiency of any protests that are filed with the City Auditor prior to **November 24th, 2020**, at 6:00 p.m. at City Hall in the Commission Room.

The Motion for the adoption of the foregoing Resolution was duly seconded by Commissioner

_____ and upon vote being taken thereon, the following Commissioners _____ voted "AYE":

_____ and the following voted "NAY": _____. Absent and not voting: _____.

Whereupon said motion was declared duly passed and adopted this **13th Day of October, 2020**

(seal)

Howard Klug, President
Board of City Commissioners

ATTEST:

Hercules Cummings, Director of Finance
Publish: October 16 and October 23, 2020

PL-20 - Parking Lot Improvement District			
Subdivision	Block	Lot	Total
ORIGINAL TOWNSITE	B 1	L 3,4	\$347.79
ORIGINAL TOWNSITE	B 1	L 5,6	\$300.00
ORIGINAL TOWNSITE	B 1	N 20 FT OF L 7	\$300.00
ORIGINAL TOWNSITE	B 1	S 5 FT OF L 7 & ALL L 8	\$300.00
ORIGINAL TOWNSITE	B 1	L 9	\$300.00
ORIGINAL TOWNSITE	B 1	L 10,11,12	\$480.00
ORIGINAL TOWNSITE	B 1	L 13-22 35,000 SQ FT	\$1,723.08
ORIGINAL TOWNSITE	B 2	L 1,2,21,22,23,24	\$1,382.79
ORIGINAL TOWNSITE	B 2	L 2,3 UNIT #1 TOWNSITE CONDOS 33 1/3% C.E.	\$783.75
ORIGINAL TOWNSITE	B 2	L 2,3 UNIT #2 TOWNSITE CONDOS 33 1/3% C.E.	\$783.75
ORIGINAL TOWNSITE	B 2	L 2,3 UNIT #3 TOWNSITE CONDOS 33 1/3% C.E.	\$783.75
ORIGINAL TOWNSITE	B 2	L 5,6	\$300.00
ORIGINAL TOWNSITE	B 2	L 7,8	\$349.86
ORIGINAL TOWNSITE	B 2	L 9,10,11,12	\$1,957.08
ORIGINAL TOWNSITE	B 2	L 13 THRU 16	\$2,004.42
ORIGINAL TOWNSITE	B 2	L 17	\$333.03
ORIGINAL TOWNSITE	B 2	L 18 THRU 20	\$300.00
ORIGINAL TOWNSITE	B 3	L 1 THRU 3	\$480.00
ORIGINAL TOWNSITE	B 3	L 4	\$480.00
ORIGINAL TOWNSITE	B 3	L 5, 6 & N2 L 7	\$1,783.20
ORIGINAL TOWNSITE	B 3	L 8 & S 1/2 L 7	\$741.99
ORIGINAL TOWNSITE	B 3	L 9 THRU 12	\$1,647.12
ORIGINAL TOWNSITE	B 3	E 46 2/3 FT OF LTS 13 THRU 18	\$736.32
ORIGINAL TOWNSITE	B 3	MIDDLE 46 2/3' OF L 13-18	\$300.00
ORIGINAL TOWNSITE	B 3	W 46 2/3' OF LOTS 13 THRU 18	\$300.00
ORIGINAL TOWNSITE	B 3	L 19-20	\$300.00
ORIGINAL TOWNSITE	B 3	L 21 THRU 24	\$0.00
ORIGINAL TOWNSITE	B 5	L 1 THRU 4	\$592.32
ORIGINAL TOWNSITE	B 5	L 5,6	\$480.00
ORIGINAL TOWNSITE	B 5	L 7,8,9,10,11 INCL N 20' ALLEY EASEMENT + E 1/2 OF S 130' ADJ VAC N/S ALLEY	\$300.00
ORIGINAL TOWNSITE	B 5	L12,13,14,15,16,17,18,19 + W 1/2 OF S 130' OF ADJ VAC N/S ALLEY	\$480.00
ORIGINAL TOWNSITE	B 5	L 20	\$346.89
ORIGINAL TOWNSITE	B 5	L 21-22	\$343.56
ORIGINAL TOWNSITE	B 6	L 1	\$685.02
ORIGINAL TOWNSITE	B 6	L 2	\$680.79
ORIGINAL TOWNSITE	B 6	L 3,4	\$841.71
ORIGINAL TOWNSITE	B 6	L 5,6	\$1,138.26
ORIGINAL TOWNSITE	B 6	L 7,8 & N 50' L 13	\$1,008.84
ORIGINAL TOWNSITE	B 6	L 9,10	\$703.20
ORIGINAL TOWNSITE	B 6	L 11	\$614.55
ORIGINAL TOWNSITE	B 6	L 12,14 & L 13 EX N 50'	\$888.06
ORIGINAL TOWNSITE	B 6	L 15,16	\$1,290.03
ORIGINAL TOWNSITE	B 6	L 18	\$727.14
ORIGINAL TOWNSITE	B 6	L 19	\$688.17
ORIGINAL TOWNSITE	B 6	L 20	\$697.26
ORIGINAL TOWNSITE	B 6	L 21 LESS 4' X 55'	\$320.97
ORIGINAL TOWNSITE	B 6	4' X 55' IN L 21	\$300.00
ORIGINAL TOWNSITE	B 6	L 22	\$322.50
ORIGINAL TOWNSITE	B 6	L 23 THRU 26	\$300.00
ORIGINAL TOWNSITE	B 7	L 1 THRU 6	\$2,209.35

Subdivision	Block	Lot	Total
ORIGINAL TOWNSITE	B 7	L 7 THRU 9	\$1,153.11
ORIGINAL TOWNSITE	B 7	L 10	\$335.01
ORIGINAL TOWNSITE	B 7	L 11	\$356.88
ORIGINAL TOWNSITE	B 7	L 12 LESS N 20 FT	\$825.60
ORIGINAL TOWNSITE	B 7	N 20' L 12 & L 13-17	\$1,191.27
ORIGINAL TOWNSITE	B 7	L 18,19	\$774.39
ORIGINAL TOWNSITE	B 7	L 20 THRU 24	\$1,054.74
ORIGINAL TOWNSITE	B 8	L 1 THRU 4	\$861.06
ORIGINAL TOWNSITE	B 8	L 5-6	\$361.74
ORIGINAL TOWNSITE	B 8	L 7,8	\$835.59
ORIGINAL TOWNSITE	B 8	L 9-10	\$703.20
ORIGINAL TOWNSITE	B 8	L 11	\$870.33
ORIGINAL TOWNSITE	B 8	L 12,13,14 UNIT #1 111 E BROADWAY BLDG CONDO 60% C.E.	\$1,099.83
ORIGINAL TOWNSITE	B 8	L 12,13,14 UNIT #2 111 E BROADWAY BLDG CONDO 40% C.E	\$955.65
ORIGINAL TOWNSITE	B 8	L 15,16	\$528.78
ORIGINAL TOWNSITE	B 8	L 17,18	\$777.09
ORIGINAL TOWNSITE	B 8	L 19	\$321.06
ORIGINAL TOWNSITE	B 8	L 20 THRU 22	\$480.00
ORIGINAL TOWNSITE	B 9	L 1 THRU 11	\$0.00
ORIGINAL TOWNSITE	B 9	L 12 THRU 17	\$1,537.05
ORIGINAL TOWNSITE	B 9	L 18-22	\$300.00
ORIGINAL TOWNSITE	B 10	L 1 THRU 4	\$480.00
ORIGINAL TOWNSITE	B 10	L 5	\$1,565.58
ORIGINAL TOWNSITE	B 10	L 6 & N 1' LOT 7	\$300.00
ORIGINAL TOWNSITE	B 10	L 7 LESS N 1' ALL L 8-9-10-11	\$556.14
ORIGINAL TOWNSITE	B 10	L 12 THRU 15	\$1,596.63
ORIGINAL TOWNSITE	B 10	L 16	\$331.05
ORIGINAL TOWNSITE	B 10	L 17	\$328.80
ORIGINAL TOWNSITE	B 10	L 18	\$909.75
ORIGINAL TOWNSITE	B 10	L 19	\$741.90
ORIGINAL TOWNSITE	B10	L 20	\$667.83
ORIGINAL TOWNSITE	B 10	L 21	\$708.33
ORIGINAL TOWNSITE	B 10	L 22	\$692.04
ORIGINAL TOWNSITE	B 10	W 98' OF L 23	\$720.03
ORIGINAL TOWNSITE	B 10	E 42' L 23	\$585.93
ORIGINAL TOWNSITE	B 11	L 1 & N 20 FT OF L 2	\$5,740.95
ORIGINAL TOWNSITE	B 11	L 7 THRU 9	\$1,084.08
ORIGINAL TOWNSITE	B 11	L 10 & N 17 1/2' OF L 11	\$1,048.26
ORIGINAL TOWNSITE	B 11	S 7 1/2' L 11 & ALL L 12	\$928.20
ORIGINAL TOWNSITE	B 11	E 25' OF L 13,14,15,16 & E 25' OF S 10' OF L 17	\$586.47
ORIGINAL TOWNSITE	B 11	W25' OF E50' L 13-16 S10' OF W25' OF E 50' L 17	\$740.19
ORIGINAL TOWNSITE	B 11	L 13-23 EX E 50' OF L 13-16 & S 10' OF E 50' L 17 & EX N 60' OF L 19-21	\$300.00
ORIGINAL TOWNSITE	B 11	N 60' L 19-21	\$457.05
ORIGINAL TOWNSITE	B 12	L 1 THRU 4	\$882.03
ORIGINAL TOWNSITE	B 12	L 5	\$330.96
ORIGINAL TOWNSITE	B 12	L 6 THRU 8	\$354.18
ORIGINAL TOWNSITE	B 12	L 9,10	\$629.67
ORIGINAL TOWNSITE	B 12	L 11	\$628.68
ORIGINAL TOWNSITE	B 12	L 12 THRU 14 BALDWIN REARR LOT 12 THRU 15	\$522.66
ORIGINAL TOWNSITE	B 12	L 15 & SW 50' X 25' OF L 16 BALDWIN REARR LOT 12 THRU 15	\$501.60
ORIGINAL TOWNSITE	B 12	E 65' L 17 & E 90' L 16	\$316.02

Subdivision	Block	Lot	Total
ORIGINAL TOWNSITE	B 12	W 75 FT OF L 17 & ALL L 20-21	\$300.00
ORIGINAL TOWNSITE	B 12	L 18,19	\$944.58
ORIGINAL TOWNSITE	B 12	L 22	\$511.14
ORIGINAL TOWNSITE	B 13	L 1-2	\$758.64
ORIGINAL TOWNSITE	B 13	L 3 THRU 6	\$362.01
ORIGINAL TOWNSITE	B 13	L 7-8	\$333.75
ORIGINAL TOWNSITE	B 13	L 9 THRU 12	\$540.30
ORIGINAL TOWNSITE	B 13	NE 1/2 OF W 1/2 L 13-14 EX 164 SF HWY ROW OF L 13-14	\$301.44
ORIGINAL TOWNSITE	B 13	SW 1/2 OF W 1/2 L 13-14, 164 SF IN NE 1/2 OF W 1/2 OF L 13-14, 626 SF IN E 1/2 L 13 AL	\$0.00
ORIGINAL TOWNSITE	B 13	L 15 & E 1/2 OF L 13-14 LESS 626 SQ FT IN L 13 FOR HWY R/W	\$320.70
ORIGINAL TOWNSITE	B 13	L 16 THRU 18	\$517.53
ORIGINAL TOWNSITE	B 13	L 19 & 20 & E 80 FT L 21 THRU 24	\$1,017.12
ORIGINAL TOWNSITE	B 13	W 60' OF L 21 THRU 24	\$348.15
ORIGINAL TOWNSITE	B 14	L 1,2,3,4,5,6,7	\$487.83
ORIGINAL TOWNSITE	B 14	L 9 EX S 22' & ALL L 8	\$701.67
ORIGINAL TOWNSITE	B 14	L 10 & S 22' L 9	\$1,040.97
ORIGINAL TOWNSITE	B 14	L 11	\$705.72
ORIGINAL TOWNSITE	B 14	L 12	\$630.66
ORIGINAL TOWNSITE	B 14	L 13,14	\$767.28
ORIGINAL TOWNSITE	B 14	L 15	\$320.34
ORIGINAL TOWNSITE	B 14	L 16,17	\$340.77
ORIGINAL TOWNSITE	B 14	L 18,19	\$696.36
ORIGINAL TOWNSITE	B 14	L 20 THRU 22	\$959.70
ORIGINAL TOWNSITE	B 14	L23 & 24	\$615.00
ORIGINAL TOWNSITE	B 15	L 1,2,3 EX DD PTS & L 4,5 EX E 47'	\$1,142.85
ORIGINAL TOWNSITE	B 15	E 47'10" OF L 1-2 & N 4'4" OF E 24' OF L 3	\$613.92
ORIGINAL TOWNSITE	B 15	E 47' OF L 3,4,5 EX N 4'4" OF E 24' OF L 3	\$661.89
ORIGINAL TOWNSITE	B 15	L 6 THRU 9	\$873.21
ORIGINAL TOWNSITE	B 15	L 10	\$313.23
ORIGINAL TOWNSITE	B 15	L 11,12	\$926.76
ORIGINAL TOWNSITE	B 15	L 13,14 & S 3' L 15	\$1,038.09
ORIGINAL TOWNSITE	B 15	N 22' L 15 & L 16 EX N 4.12'	\$811.11
ORIGINAL TOWNSITE	B 15	N 4.12' L 16, L 17 & S 1/2 L 18	\$842.61
ORIGINAL TOWNSITE	B 15	N2 OF L 18	\$635.52
ORIGINAL TOWNSITE	B 15	L 19	\$935.22
ORIGINAL TOWNSITE	B 15	L 20	\$737.67
ORIGINAL TOWNSITE	B 15	L 21	\$827.94
ORIGINAL TOWNSITE	B 15	L 22 THRU 24	\$1,060.77
ORIGINAL TOWNSITE	B 16	L 1 THRU 6	\$592.68
ORIGINAL TOWNSITE	B 16	E 90 FT OF L 7 THRU 9	\$511.86
ORIGINAL TOWNSITE	B 16	W 50 FT OF L 7 THRU 12	\$513.39
ORIGINAL TOWNSITE	B 16	E 90' OF L 10-11	\$334.02
ORIGINAL TOWNSITE	B 16	E 90' L 12	\$300.00
ORIGINAL TOWNSITE	B 16	L 13	\$311.34
ORIGINAL TOWNSITE	B 16	L 14	\$311.34
ORIGINAL TOWNSITE	B 16	L 15,16	\$322.77
ORIGINAL TOWNSITE	B 16	L 17	\$311.34
ORIGINAL TOWNSITE	B 16	L 18,19	\$672.42
ORIGINAL TOWNSITE	B 16	L 20	\$572.43
ORIGINAL TOWNSITE	B 16	L 21 THRU 24	\$555.06
ORIGINAL TOWNSITE	B 17	L 5 & N 8 FT OF L 6	\$300.00

Subdivision	Block	Lot	Total
ORIGINAL TOWNSITE	B 17	L 6 EX N 8' & L 7	\$514.83
ORIGINAL TOWNSITE	B 17	L 13 THRU 16	\$792.12
ORIGINAL TOWNSITE	B 17	L 17 THRU 24	\$981.75
ORIGINAL TOWNSITE	B 18	L 1 THRU 6	\$300.00
ORIGINAL TOWNSITE	B 18	L 7	\$585.93
ORIGINAL TOWNSITE	B 18	L 8	\$534.72
ORIGINAL TOWNSITE	B 18	L 9 THRU 19	\$480.00
ORIGINAL TOWNSITE	B 18	L 20 THRU 22	\$480.00
ORIGINAL TOWNSITE	B 18	L 23	\$642.27
ORIGINAL TOWNSITE	B 18	L 24	\$615.63
ORIGINAL TOWNSITE	B 19	L 1-2	\$375.96
ORIGINAL TOWNSITE	B 19	L 3	\$645.42
ORIGINAL TOWNSITE	B 19	L 4	\$674.58
ORIGINAL TOWNSITE	B 19	LOTS 5-6-7	\$872.49
ORIGINAL TOWNSITE	B 19	L 8	\$323.94
ORIGINAL TOWNSITE	B 19	L 9	\$323.94
ORIGINAL TOWNSITE	B 19	L 10	\$323.94
ORIGINAL TOWNSITE	B 19	L 11,12	\$642.72
ORIGINAL TOWNSITE	B 19	L 13	\$597.00
ORIGINAL TOWNSITE	B 19	L 14	\$673.95
ORIGINAL TOWNSITE	B 19	L 15,16 EX N 5' L 16	\$422.22
ORIGINAL TOWNSITE	B 19	N 5' L 16 & L 17,18,19	\$889.23
ORIGINAL TOWNSITE	B 19	L 20	\$314.67
ORIGINAL TOWNSITE	B 19	L 21	\$313.05
ORIGINAL TOWNSITE	B 19	E 1/2 OF L 22,23,24	\$300.00
ORIGINAL TOWNSITE	B 19	W 1/2 OF L 22 THRU 24	\$300.00
ORIGINAL TOWNSITE	B 20	L 1 THRU 7	\$1,041.15
ORIGINAL TOWNSITE	B 20	L 8-9-10-11	\$416.55
ORIGINAL TOWNSITE	B 21		\$300.00
ORIGINAL TOWNSITE	B 21	ADJ TRACT P.O.B.SW CRNR	\$300.00
ORIGINAL TOWNSITE	B 1	L 1 REARR B 22	\$1,117.92
ORIGINAL TOWNSITE	B 23	L 1,2,3 EX NE .031 A (1350 SF +/-) DD HROW	\$527.16
ORIGINAL TOWNSITE	B 23	L 4 THRU 7	\$855.93
ORIGINAL TOWNSITE	B 23	L 8,9	\$360.39
ORIGINAL TOWNSITE	B 23	ALL L 10, L 11 EX 1162 SF HWY ROW	\$300.00
ORIGINAL TOWNSITE	B 23	79 SF L 13, L 14 EX 302 SF HWY ROW, ALL L 15-16	\$334.20
ORIGINAL TOWNSITE	B 23	L 17 EX 1318 SF HWY ROW	\$332.76
ORIGINAL TOWNSITE	B 23	L 20 EX 1423 SF HWY ROW	\$300.00
ORIGINAL TOWNSITE	B 23	L 25	\$307.65
ORIGINAL TOWNSITE	B 23	W 31.6'L 27-28, L 29 & W 39.88'L 26	\$325.65
ORIGINAL TOWNSITE	B 23	E 63.13'L 27-28-29 & L 26 LESS DD PARTS	\$339.69
ORIGINAL TOWNSITE	B 24	S35'L 1-2 & W 6' OF N 105' L 2 & L 3,4,17,18,19,20	\$1,288.02
ORIGINAL TOWNSITE	B 24	N 105'OF L 1 & N 105' OF L 2 LESS W 6'	\$1,099.02
ORIGINAL TOWNSITE	B 24	L 5 THRU 8	\$734.70
ORIGINAL TOWNSITE	B 24	L 9 THRU 11	\$723.09
ORIGINAL TOWNSITE	B24	L 12 THRU 16	\$677.82
ORIGINAL TOWNSITE	B 25	L 1 THRU 10	\$3,054.72
BRUEGGER AMENDED	B 3	ALL	\$1,637.13
BRUEGGER AMENDED	B 4	L 1	\$702.48
BRUEGGER AMENDED	B 4	L 2-3	\$576.84
BRUEGGER AMENDED	B 4	L 4	\$345.45

Subdivision	Block	Lot	Total
BRUEGGER AMENDED	B 4	L 5,6	\$1,311.60
BRUEGGER AMENDED	B 4	L 11-12	\$725.07
BRUEGGER AMENDED	B 8	L 5,6	\$754.59
BRUEGGER AMENDED	B 9	L 7,8,9,10	\$996.15
BRUEGGER AMENDED	B 9	L 11,12	\$833.61
BRUEGGER AMENDED	B 22	L 1	\$320.70
BRUEGGER AMENDED	B 22	L 2	\$436.71
BRUEGGER AMENDED	B 22	L 3	\$309.45
BRUEGGER AMENDED	B 22	L 4	\$307.65
BRUEGGER AMENDED	B 22	L 5	\$304.32
BRUEGGER AMENDED	B 22	L 6 PLUS ADJ 33 FT OF VACATED FRONT ST & 3RD AVE E	\$305.49
BRUEGGER AMENDED	B 22	L 7 PLUS ADJ 33 FT OF VACATED FRONT ST	\$319.89
BRUEGGER AMENDED	B 22	L 8 EX RR & S 10' L 9	\$326.55
BRUEGGER AMENDED	B 22	L 10 & THE N 40' OF L 9	\$371.10
BRUEGGER AMENDED	B 22	L 11 & 12	\$772.95
BRUEGGER'S 2ND ADD	B 23	L 1, 2	\$615.27
BRUEGGER'S 2ND ADD	B 23	E 1/2 OF L 3	\$426.72
BRUEGGER'S 2ND ADD	B 23	W 1/2 OF L 3 & L 4-5-6	\$300.00
BRUEGGER'S 2ND ADD	B 23	L 7-8	\$300.00
BRUEGGER'S 2ND ADD	B 23	L 9	\$380.37
BRUEGGER'S 2ND ADD	B 23	L 10	\$322.77
BRUEGGER'S 2ND ADD	B 23	L 11	\$376.50
BRUEGGER'S 2ND ADD	B 23	L 12	\$300.00
BRUEGGER'S 2ND ADD	B 24	W25' L3, L4,5,6 & ADJ VAC ALLEY	\$300.00
BRUEGGER'S 2ND ADD	B 24	L 1R REARR L1,2,W25'L3,L7-12 & OL 1	\$1,726.68
BRUEGGER'S 2ND ADD	B 24	L 2R REARR L1,2,W25'L3,L7-12 & OL1	\$9,735.24
BRUEGGER'S 2ND ADD	B 25	W 65' OF L 1	\$355.71
BRUEGGER'S 2ND ADD	B 25	L 4	\$322.77
BRUEGGER'S 2ND ADD	B 25	L 5	\$422.40
BRUEGGER'S 2ND ADD	B 25	L 6	\$500.88
BRUEGGER'S 2ND ADD	B 25	L 7,8,9	\$909.66
BRUEGGER'S 2ND ADD	B 25	L 10	\$337.26
BRUEGGER'S 2ND ADD	B 26	L 1 & E25' OF S50' OF L 2 & & W 33' OF ADJ VAC 3RD AVE E	\$900.00
BRUEGGER'S 2ND ADD	B 27	L 2	\$300.00
BRUEGGER'S 2ND ADD	B 27	L 3	\$300.00
BRUEGGER'S 2ND ADD	B 27	L 4	\$300.00
BRUEGGER'S 2ND ADD	B 27	L 5	\$300.00
BRUEGGER'S 2ND ADD	B 27	L 6 & E 33' OF ADJACENT VACATED 3RD AVE E	\$300.00
BRUEGGER'S 6TH ADD	B 37	L 2,3,4	\$917.49
BRUEGGER'S 6TH ADD	B 37	L 5	\$326.64
BRUEGGER'S 6TH ADD	B 37	L 6	\$398.82
			\$168,554.73



DATE: October 13, 2020
TO: City Commission
FROM: Taylor Olson, City Attorney
RE: Public Hearing—Liquor License

Summary of agenda subject:

Good evening Commissioners and Department Heads:

We are to have a public hearing this evening on the transfer of a liquor license.

The following section is pertinent:

Sec. 3-115. Application and approval required.

No license issued hereunder shall be transferable during the calendar year without payment of new license fees except to a representative of the estate of a deceased license holder. No change in location shall be permitted without first making application and receiving the approval of the board of city commissioners. A license holder may apply to the board of city commissioners to change the classification of his license as listed in article III of this chapter without payment of additional license fees, provided the applicant meets all requirements for such new license and provided such license is available. A public hearing shall not be required in transfers of license except in the case of a change of location.

The license is owned by Missouri Club and was previously utilized at Eagle Ridge Golf Club located at 6401 3rd Ave E.

Jason Esperum has filled out an application to change the location to 24 Main Street. He will operate under the name “Johnny’s Tavern.”

Please let me know if I can answer any questions for you.

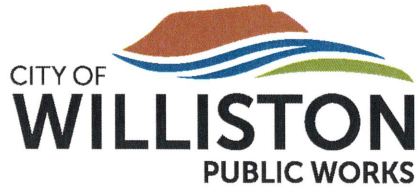
I recommend a motion is made as follows:

- 1) Approve the transfer of the liquor license.**

Thank you for your time,

/s/Taylor D. Olson

Taylor D. Olson
City Attorney



DATE: October 13, 2020

TO: City Commission

FROM: Dave Bell, Director of Public Works 

RE: Report of Departments

8D1 Task Order #28 Risk and Resilience Assessment and Emergency Response Plan

Attached is a Task Order to be provided by AE2S for Professional Engineering services to complete the assessment documents and certify compliance. The cost for this task order will be covered through our budgeted Contractual Services of the Water Treatment Plant.

Below you will find America's Water Infrastructure Act Mandatory Compliance Requirements.

The City of Williston is required to comply with new legislation as part of the EPA administered Safe Drinking Water Act (SDWA) amendment named America's Water Infrastructure Act (AWIA) Section 2013. This law requires all community water systems greater than 3,300 total population served to conduct two items:

1. Risk and Resilience Assessment (RRA), and;
2. Emergency Response Plan (ERP).

The two requirements must have certification submitted according to a tiered timeline schedule. Compliance deadlines for the certification submission are shown below. It should be noted that the City of Williston is required to comply within the second certification tier (highlighted) due to the total population served, including WAWSA, exceeding 50,000 people.

AWIA Certification Deadlines

Certification Deadlines		
Population Served	Risk and Resilience Assessment	Emergency Response Plan
≥ 100,000	3/31/20	9/30/20
≥ 50,000 – 99,000	12/31/20	6/30/21
3,301 – 49,999	6/30/21	12/30/21

Failure to comply with the certification deadline in violation of the SDWA can result in fines up to \$25,000/day for non-compliance. The EPA has further reinforced that COVID related implications do not impact these timelines and it is recommended utilities start ASAP to gain compliance.

We recommend approval of the AE2S Task Order #28, Risk and Resilience Assessment and Emergency Response plan on the hourly not to exceed basis in the amount of \$48,000.

Further reference information regarding this matter can be found on the attached AE2S flyer.

Further details can be also be found at www.epa.gov/waterresilience

Attachments

a8D1

a8D2



DATE: October 13, 2020
TO: City Commission
FROM: David Juma, City Engineer
RE: Agenda Item 8E - Engineering

8E.1 Change Order No. 1 – 34th Street Roadway Improvements

The City of Williston has received a change order request from Spearfish Excavating for the construction of the 34th Street Roadway Improvement project.

Included in this change order are the following items:

1. Installation of additional water and storm sewer lines and associated hardware as directed by Engineering.
2. Reduction in scope of base contract to support the change order approved at the September 22, 2020 Commission meeting.

The contract price decrease of this change order is -\$1,001,865.85 for a total contract price of \$960,783.28.

A copy of the change order and supporting documentation are included in the Commissioner's Information Packet.

Recommendation:

The City Commission accept Spearfish Excavating's Change Order Request No. 1 to complete the additional work as described.

Attachments:

8E.1.A Spearfish Excavating Change Order Request No. 1



8E.2 Ulteig Engineering Service Agreement - 1st Avenue West Reconstruction Project.

In 2021 the City plans to reconstruct the following streets:

- 1st Avenue West from 6th to 11th Street
- 10th Street from Main to 2nd Avenue West
- 9th Street from Main to 2nd Avenue West
- 8th Street from Main to 2nd Avenue West
- 7th Street from Main to 2nd Avenue West

This project includes new water and sewer systems and the replacement of the existing street system at an estimated cost of \$3,000,000.

Ulteig Engineering has submitted a proposed Task Order under their Master Professional Services Agreement with the City for the design and construction engineering services necessary to construct this project. Ulteig is proposing an engineering service fee to be billed hourly not to exceed \$620,170.

A copy of this Task Order is included in the Commissioner's Information Packet.

RECOMMENDATION:

That the City Commission accept Ulteig's Task Order to be billed hourly not to exceed \$620,170 for the design engineering and construction services required for the 1st Avenue West Reconstruction Project as presented.

Attachment:

- 8E.2.A Ulteig Engineering's 1st Avenue West Reconstruction Task Order Appendix A.
- 8E.2.B Ulteig Engineering's 1st Avenue West Reconstruction Task Order Appendix B.



8E.3 Advanced Engineering and Environmental Service Agreement – West Water Reservoir

In 2021 the City plans to build a new water reservoir and remaining piping to support the expanding water system near the Williston Square project. This project includes:

- Construction of a new water reservoir proposed at the northeast corner of the intersection of 32nd Avenue West and 42nd Street West.
- Approximately 1350' of water piping necessary to tie the reservoir into the existing water system.

This project has an estimated cost of \$3,220,000 and will be funded in part by a North Dakota State Water Commission Grant that will cover 60% of the project costs. The City's estimated cost is \$1,288,000 for the construction of this project. The ND State Water Commission grant expires in 2021.

Advanced Engineering and Environmental Services (AE2S) has submitted a proposed Task Order under their Master Professional Services Agreement with the City for the design and construction engineering services necessary to construct this project. AE2S is proposing an engineering service fee to be billed hourly not to exceed \$527,800.

A copy of this Task Order is included in the Commissioner's Information Packet.

RECOMMENDATION:

That the City Commission accept AE2S's Task Order to be billed hourly not to exceed \$527,800 for the design engineering and construction services required for the West Water Reservoir Project as presented.

Attachment:

8E.3.A AE2S's West Reservoir Project Task Order No. 27 with Exhibit 1.



DATE: October 13, 2020
TO: City Commission
FROM: Rachel Laqua, Principal Planner
RE: Development Services Items 8H1 and 8h2

8H1: Renaissance Zone WIL 27 – PRO IT Renaissance Zone Application.

This is a request from PRO IT for a new building at 107 Washington Avenue. This is part of Renaissance Zone Block 9.

The applicant has demolished an existing house and has turned in plans to the Building Department for a set of 3 shop condominiums. The zoning allows for this type of shop/office use.

For the Renaissance Zone: the existing evaluation is \$40,000. They have about \$400,000 in eligible costs, so meet the requirement for a 5 year property tax and business income tax abatement. There is no current information on number of jobs this project will add to the downtown. The estimated value after completion is \$660,000.

Renaissance Zone recommended approval of project WIL27, at 107 Washington Ave.

8H2: Renaissance Zone WIL 28 – Zoom Groom Renaissance Zone Application.

This is a request from Zoom Groom for a new building at 9 1st Ave E. This is part of Renaissance Zone Block 14.

The applicant has purchased the old Fredrickson's building and plans to expand the building to a two story project to house a dog grooming facility.

For the Renaissance Zone: the existing evaluation is \$54,000. They have about \$50,000 in eligible costs, so meet the requirement for a 5 year property tax and business income tax abatement. There is no current information on number of jobs this project will add to the downtown. The estimated value after completion is \$225,000.

Renaissance Zone recommended approval of project WIL28, at 9 1st Ave E.