

RESOLUTION NO. 09-48

The City Auditor presented to the Board of City Commissioners a certificate as to the sufficiency of protests on the proposed improvements benefiting **WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5**, which certificate was examined, found to be satisfactory, and ordered to be placed on file.

Commissioner Bogar introduced the following Resolution and moved its adoption:

RESOLUTION AS TO PROTESTS ON PROPOSED IMPROVEMENT BENEFITTING **WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5**.

BE IT RESOLVED by the Board of City Commissioners of the City of Williston, North Dakota, that the Resolution of Necessity for the improvement benefiting **WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5** has been published in accordance with law, providing for the determination of the sufficiency of the protests at the meeting of the Board of City Commissioners held this date, and it is determined that written protests have not been filed with the City Auditor by the owners of a majority of the area of property within the district, within 30 days from the first publication of the resolution, and the Board of City Commissioners is authorized by NDCC 40-22-18 to cause the improvement to be made and to contract or otherwise provide for the construction thereof and the acquisition of any property required in connection therewith, and to levy and collect special assessments therefor.

The motion for the adoption of the foregoing Resolution was duly seconded by Commissioner Lawson, and upon vote being taken thereon, the following Commissioners voted "AYE": Bekkedahl, Klug, Lawson, Bogar, Koeser and the following voted "NAY": None Absent and not voting: None. Whereupon said motion was declared duly passed and adopted this 28<sup>th</sup> day of April, 2009.

ATTEST:



John Keutzman  
John Keutzman, City Auditor

E. Ward Koeser  
E. Ward Koeser, President  
Board of City Commissioners

**WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5  
Section I—19<sup>th</sup> Avenue West & 25<sup>th</sup> Street**

PROTEST HEARING DATE: April 14<sup>th</sup>, 2009

PROTESTS RECEIVED:

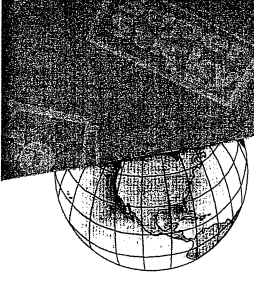
Protester	Protested Area (sf)	Percent of Protest
Assembly of God Church	101,377	24.77%

This is to certify that **24.77%** of the District area has protested the creation of **WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5, Section I—19<sup>th</sup> Avenue West & 25<sup>th</sup> Street.**

The protests are not sufficient to cause the City Commission to dissolve **WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5, Section I—19<sup>th</sup> Avenue West & 25<sup>th</sup> Street.**

\_\_\_\_\_  
John Kautzman, City Auditor

\_\_\_\_\_  
Date



# Williston Assembly of God

1905 26<sup>th</sup> Street West - PO Box 1766  
Williston, North Dakota 58802

Rev. Kyle L. Anderson, Senior Pastor

(701) 572-5042

April 8, 2009

RECEIVED

APR 13 2009

City of Williston  
Department of Public Works  
809 Fifth Street East  
P.O. Box 2437  
Williston, ND 58802-2437

Dear Mr. Hanson:

This letter is to protest the creation of the street portion of the special assessment District 09-5.

Our church Board met on Tuesday, April 7, 2009 at a regularly scheduled board meeting. In reviewing the letter informing us of the plans, it was unanimously felt there would be no benefit to the church to see the improvements made, and, in fact, it would create undo financial hardship for the church.

The property in consideration is described as:

The Block 6 of JOAN HAGAN FIRST ADDITION to the City of Williston,  
Williams County, North Dakota

The property owner is:

WILLISTON ASSEMBLY OF GOD

Thank you for your consideration of our desires regarding this proposal.

Sincerely,

Kyle L. Anderson  
Senior Pastor

Rick Braaten  
Scott Ellis  
Justin Hall  
Ron Mayer  
Keith Muessman  
Board Members

Rev. Lyle Thorpe  
Seniors Ministry

Lynelle McKenzie  
Worship Ministry

**WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5  
Section II—11<sup>th</sup> Avenue West & 24<sup>th</sup> Street**

PROTEST HEARING DATE: April 14<sup>th</sup>, 2009

PROTESTS RECEIVED:

Protester	Protested Area (sf)	Percent of Protest
Trinity Christian School	23,970	12.35%

RECEIVED PROTESTS INVALIDATED BY PRIOR DEVELOPMENT AGREEMENTS:

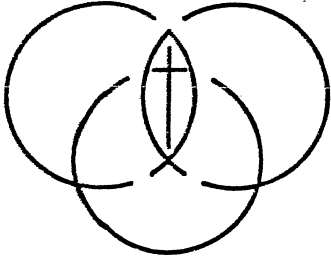
Protester	Protested Area (sf)	Percent of Protest
M & Z Enterprises	15,389	7.93%
JS & DL Development	21,639	11.15%
JS & DL Development	60,702	31.28%
Gary & Bonnie Wendell	37,422	19.28%
Gary & Bonnie Wendell	8,925	4.60%
		74.24%

This is to certify that **12.35%** of the District area has protested the creation of **WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5, Section II—11<sup>th</sup> Avenue West & 24<sup>th</sup> Street.**

The protests are not sufficient to cause the City Commission to dissolve **WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5, Section II—11<sup>th</sup> Avenue West & 24<sup>th</sup> Street.**

\_\_\_\_\_  
John Kautzman, City Auditor

\_\_\_\_\_  
Date



# Trinity Christian School

2419-9th Avenue West  
Williston, North Dakota 58801  
(701) 774-9056  
Fax: (701) 774-3158

March 11, 2009

Williston Board of City Commissioners  
City Hall 22 E. Broadway  
Williston, ND 58801

Dear City Commissioners:

Please consider this as a protest to resolution number .09-20. We do not feel there is a necessity at this time because of a lack of planned development for the area. We believe this would put a financial burden on us without any input in planned development.

Sincerely,

A handwritten signature in black ink that reads "Doug Black".

Doug Black  
Administrator  
Trinity Christian School

A handwritten signature in black ink that reads "Bruce Stockman".

Bruce Stockman  
School Board President  
Trinity Christian School

City of Williston  
Robert Hanson, P.E.  
City Auditors Office  
PO Box 2437  
Williston, ND 58802-2437

4-09-09

Sent via FAX on 4-09-09

M & Z Enterprises, Inc.  
803 Washington Ave.  
Devils Lake, ND 58301

RE: Protest of proposed improvement district 09-5 Williston, ND

Mr. Hanson,

The letter I received dated 4-3-09 informing us of the proposed improvement district 09-5 is in error. We do not own the entire lot 2R. We only own the following:

**Taken from the abstract:**

**The Lot 2 in Block 1 of the REARRANGEMENT OF LOT 2R IN BLOCK 1 OF THE SUNDANCE REARRANGEMENT to the City of Williston, Williams County, North Dakota, according to the Survey recorded as Document No. 659821 on file in the office of the County Recorder for said County and State.**

Please let me know your agreement on this matter.

Also, please consider this a formal protest of the entire project listed as 09-5. While I am not against progress, I feel this is an enormous amount of assessment for the scope of the project. In the future, the district should be much larger and should only be done if a project is proposed in the affected area.

Why does the letter state we can only protest the street portion of the project? I have sewer and water, why should I have an assessment for more? Please let me know the reasoning on this.

Also, I am disappointed that a letter was sent on 4-3-09 and the protest hearing is only 11 days later. Sure would think more time should be allotted to the process.

Thank you for your time and I will look forward to hearing from you on the above questions and concerns. **Please advise via FAX that you have received this protest letter. 701-662-2478.**

I can be reached at 701-351-0444 cell, 701-662-2164 store or FAX at 701-662-2478.



Eric Boren, President  
M & Z Enterprises, Inc.

March 29, 2009

To: City Commissioner of Williston

From: JS&DL Development

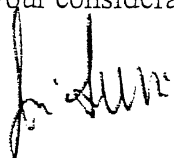
Re: R3 Property in Lewisson Addition

Dear Commissioner:

JS & DL Development respectfully requests a one year extension to the development to the R3 Property. JS&DL asks this to properly plan the development in which a way that a project will be viable for financing to meet the infrastructure cost. This will also afford the opportunity to plan what development will best serve the City of Williston.

Per our development plan JS&DL has the first option to put in the infrastructure needed. However, in the event JS&DL declines that option what parameters would the Special Assessment District cover?

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "J. S. & D. L. Development". The signature is written in a cursive, somewhat stylized font.

RECEIVED  
APR 14 2009

City Auditors Office: Re: Improvement District 09-5

I would like to protest the creation of this district at this time. Certainly progress is something that I have never had a bad feeling about, however sometimes the timing should be looked at closely for" proper "timing. The need for more development this year can be questioned.

As existing new construction becomes sold, it would be the proper time to spend ,and assess future tax liabilities. Sales at the moment do not justify additional development.

I see no need for either street, water, or sewer on my properties of Lot 1R and Lot 1 of the rearrangement of Lot 2 of Block One of the Sundance Rearrangement.

Thank you for your consideration.



Gary Wendel  
Owner GDW Home Builders  
ND Class A Contractor #35618



RECEIVED

APR 14 2009

City Auditors Office:

Re: Improvement District 09-5

I would like to protest the creation of this district at this time. Certainly progress is something that I have never had a bad feeling about, however sometimes the timing should be looked at closely for" proper "timing. The need for more development this year can be questioned.

As existing new construction becomes sold, it would be the proper time to spend ,and assess future tax liabilities. Sales at the moment do not justify additional development.

I see no need for either street, water, or sewer on my properties of Lot 1R and Lot 1 of the rearrangement of Lot 2 of Block One of the Sundance Rearrangement.

Thank you for your consideration.



Gary Wendel  
Owner GDW Home Builders  
ND Class A Contractor #35618

**WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5  
Section III—19<sup>th</sup> Avenue West & 16<sup>th</sup> Street (Street & Alley Improvement Area of the District)**

PROTEST HEARING DATE: April 14<sup>th</sup>, 2009

PROTESTS RECEIVED:

Protester	Protested Area (sf)	Percent of Protest
David & Sandra Nelson	11,837	2.30%
David & Sandra Nelson	10,250	1.99%
David Hoffman	8,559	1.66%
David Hoffman	35,509	6.90%
Jon & Danette Ostby	10,250	1.99%
Emil Prndell	10,250	1.99%
Emil Prndell	10,250	1.99%
Tim & Annette Kreft	10,250	1.99%
Tim & Annette Kreft	10,250	1.99%

This is to certify that **22.80%** of the District area has protested the creation of **WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5, Section III—19<sup>th</sup> Avenue West & 16<sup>th</sup> Street (Street & Alley Improvement Area of the District).**

The protests are not sufficient to cause the City Commission to dissolve **WATER, SEWER, STORM SEWER, STREET AND ALLEY IMPROVEMENT DISTRICT 09-5, Section III—19<sup>th</sup> Avenue West & 16<sup>th</sup> Street (Street & Alley Improvement Area of the District).**

\_\_\_\_\_  
John Kautzman, City Auditor

\_\_\_\_\_  
Date

**David H and Sandra L Nelson  
1622 20<sup>th</sup> Avenue West  
Williston, ND 58801**

**RECEIVED  
APR 13 2009**

**April 11, 2009**

**Robert Hanson, PE  
Assistant Engineer  
Department of Public Works  
P.O. Box 2437  
Williston, ND 58802-2437**

**Dear Mr. Hanson:**

**Thank you for notifying us of the creation of a special assessment district that includes property which we own and informing us that we have the right to protest the creation of the alley portion of this special assessment district.**

**Our property is described as follows:**

**Endres Second Add  
L 15  
B 3  
#654300**

**Endres Second Add  
L 16  
B 3  
#655282**

**We definitely protest and oppose the alley portion of this special assessment district.**

**The existing alley east of our property was perfectly adequate for us prior to new construction which began in November of 2008. At this time the only alteration or "improvement" needed on the alley is to return it to its former condition by removing the ruts that construction equipment have plowed through the alley right-of-way. Any further alteration or "improvement" would be of no benefit to us and would in fact be a detriment to our property and peace by facilitating increased traffic and litter as is evident in the alley to our north. If any further construction is to be performed on the alley right-of-way, it should be paid for by the property owners who want and would benefit from it--that does not include us.**

**We were shocked that this construction was approved with such tiny**

**driveways between the garage and the potential alley that anything but the tiniest compact car would not fit much less maneuver without backing into the adjacent property to the west.**

**If this "improvement" goes forward in spite of our objections, we expect the City of Williston to be prepared to enforce traffic, noise, litter, trespass and damage laws when called upon.**

**Sincerely,**

*David H. Nelson*  
*Sandra L. Nelson*

**David H and Sandra L Nelson**

14642 43<sup>st</sup> NW  
Williston, ND 58801

4-13-09

Bob Hanson  
Dept of Public works

RECEIVED

APR 13 2009

m

Dear Bob,

AS the owner of Lot #1 and Lot #2 of Block 2 of the Rothhouse Rearrangement, I would like to protest paving the Alley between 19<sup>th</sup> and 20<sup>th</sup> Avenues west. It appears to me that the only reason to pave that Alley is for access to the garages for the townhouses that were just built off of 19<sup>th</sup> Avenue west. None of the houses off of 20<sup>th</sup> Avenue west have garages in the back and thus have no need for a paved Alley. The townhouses that want paved access to their garages would be the only beneficiary to this action.

Thank you,  
David Johnson

April 14, 2009

City of Williston  
Department of Public Works  
809 5<sup>th</sup> Street East; P.O. Box 2437  
Williston, ND 58802-2437

RE: Alley Assessment between 19<sup>th</sup> and 20<sup>th</sup> Avenue West


To Whom It May Concern:

I'm writing in protest of the special assessment for the alley between 19<sup>th</sup> Avenue West and 20<sup>th</sup> Avenue West. The only purpose of the alley is to allow access for the townhouses that are being developed on 19<sup>th</sup> Avenue West. The alley will provide no benefit to me and in many ways it will be a great detriment because of the extraordinary amount of traffic that the townhouse development will create. There are no houses on 20<sup>th</sup> Avenue West that will need an alley access as all of the residential houses have their garages facing 20<sup>th</sup> Avenue.

Since the only parties that will benefit from the development of the alley are the people that will own the townhouses, I sincerely hope that the city officials will consider allocating the full assessment of alley to the developers of the townhouses.

The legal description of my property is Endres Second Addition; Block 4; Lot 13 within the city limits of Williston, ND.

Sincerely,

  
Jon & Danette Ostby  
1508 20<sup>th</sup> Avenue West  
Williston, ND 58801

April 14, 2009

City of Williston  
Department of Public Works  
809 5<sup>th</sup> Street East; P.O. Box 2437  
Williston, ND 58802-2437

RE: Alley Assessment between 19<sup>th</sup> and 20<sup>th</sup> Avenue West

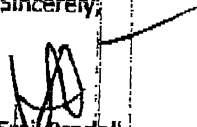
To Whom It May Concern:

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Since the only parties that will benefit from the development of the alley are the people that will own the townhouses, I sincerely hope that the city officials will considered allocating the full assessment of alley to the developers of the townhouses.

The legal description of my property is Endres Second Addition; Block 4; Lots 17 & 18 within the city limits of Williston, ND.

Sincerely,

  
Ed Berhamovic  
PO Box 190104  
Boise, ID 83719

ED BERHAMOVIC



April 10, 2009

City of Williston  
Department of Public Works  
809 5<sup>th</sup> Street East; P.O. Box 2437  
Williston, ND 58802-2437

RE: Alley Assessment between 19<sup>th</sup> and 20<sup>th</sup> Avenue West

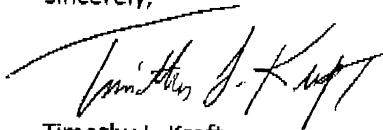
To Whom It May Concern:

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Since the only parties that will benefit from the development of the alley are the people that will own the townhouses, I sincerely hope that the city officials will considered allocating the full assessment of alley to the developers of the townhouses.

The legal description of my property is Endres Second Addition; Block 3; Lots 15 & 16.

Sincerely,



Timothy L. Kreft  
1610 20<sup>th</sup> Avenue West  
Williston, ND 58801