

May 18th, 2015 Mayville City Council

The Mayville City Council met in regular session on May 18th, 2015 in the council chambers with Mayor Don Moen presiding and the following Aldermen responding to call of the roll: Jorgensen, O'Brien, Bohnsack, Carlson, Petersen, Meshefski-LaBine; Absent: none. Gail Olstad, Julie Brenna, Lynn Slaathaugh-Moen, Sheila Anderson, Deputy Kelli Tvedt were also in attendance.

The minutes of the May 4th, 2015 Council meeting were reviewed. A motion was made by O'Brien to approve the minutes and was seconded by Petersen supporting it, motion carried.

The following bills were presented for Council discussion:

10474	Aasen Drug	library	office supplies	\$7.07
10475	American Funds	all	retirement - April	\$2,689.53
10476	Ameripride	all	misc	\$307.34
10477	Barnes & Noble	library	books	\$145.32
10478	Brittany Bachmeier	library	salary	\$43.50
10470	Brittany Boyer	water	water deposit refund	\$33.93
10479	Brudvik Law	streets	monthly retainer	\$425.00
10480	Cardmember Services	auditor & all	software support	\$131.40
10481	City of Mayville (Brittany Boyer)	water	water deposit refund	\$116.07
10471	City of Mayville (Minda Roehrich) H2O dep	water	water deposit refund	\$150.00
10473	D & D Roofing	armory	roof repairs	\$6,075.00
10482	Dacotah Paper Co	auditor	misc	\$71.59
10483	Delbert's Window Cleaning	City Hall	misc	\$42.00
10484	Discovery Benefits	all	professional fees	\$50.00
10485	F & F	water distribution	collection fee	\$2.53
10486	Gary Winger	auditor & cemetery	salary	\$135.00
748	GO Bonds	armory	bonds of 2009 - prin	\$3,517.40
748	GO Bonds	armory	bonds of 2009 - interest	\$1,482.60
10487	Goose River Bank	water distribution	collection fee	\$65.53
10488	Great America	all	copier lease	\$407.05
10489	H. E. Everson	armory	misc - fire extinguisher	\$231.25
***10490	Heath Brown	Auditor	software support	\$135.00
10491	Hepper Olson Architects	reserve expenditures	welcome signs	\$641.93
10492	Margaret Rice	library	misc - reimbursement	\$57.04
10493	MayPort Farmers Co-op	streets	fuel	\$15.20
10494	Midcontinent	all	phones	\$837.24
10495	Napa	streets	maint & operation	\$31.97
10496	Network Center Inc	auditor	software support	\$123.75
10497	One Call Concepts	water treatment	maint & operation	\$20.90
10498	Quorum Consulting Group	All	quarterly adm fee	\$725.00
10499	Soholt Bakery	all	misc	\$32.00
10500	Torgeson Body Shop	police	2014 Ford Explorer	\$712.90
10501	Traill County Treasurer	police	sheriff contract - June	\$15,649.20
10502	Upstart	library	Community Service	\$149.91
749	USDA	sewer 24	bond payment	\$115,327.00
10469	USPS	water treatment & distr	mailing of water bills	\$214.18
10503	Verizon	all	cell phones	\$244.67
10504	Waste Management	sanitation	garbage & recycle	\$7,832.34
10505	Xcel Energy	street lights	electricity	\$2,379.00

REPORT TOTALS

\$161,258.34

Carlson moved to pay the bills as amended a second by Jorgensen supported the motion, motion carried.

Calendars for May, June & July were reviewed and discussed.

There will be a defensive Driving course sponsored by NDRIF and the Traill County Sheriff's Department from 6-10 pm at the Armory on May 20th. It is open to all city employees, elected officials and their families.

Rural Water Association Utility Management Retreat to be held June 24th & 25th in Carrington.

A status report on Mike Brustad rental property issue: Residents of the neighborhood attended the Council meeting on May 04, 2015 to express concern about this situation. Discussion at Council resulted in our City Attorney being asked to begin a study towards proposing rules for future developments of this nature. At the current time, however, the neighborhood zoning (RG) permits such use of the property provided sufficient off-street parking is furnished. Mr. Brustad was in violation of city requirements in that he had not obtained a building permit for the required modifications. His contractor had incorrectly advised him that a building permit was not required. We informed Mr. Brustad that this was an error as well as updated the contractor. He subsequently obtained the permit and also paid the prescribed fine for obtaining it late. He has committed to installing egress windows in basement bedrooms as required by state building code, and to also provide a graveled parking lot to accommodate off-street parking.

The City received a check in the amount of \$33,994 from TRW to complete the 2013-2014 Joint Powers True-up.

NDDOT is preparing to chip seal highway 200 through Mayville. We do not have dates yet.

The Auditor's Office approved a Raffle Permit for the TMG Benefit (Travis Mathew Gerszewski). Also a permit for a raffle for the Keystone Cops Supper was approved.

During the law enforcement report Deputy Tvedt explained that the Warning Siren was tested late today due to training of the new dispatcher and the work load being high at noon. O'Brien requested that if we cannot do it at our scheduled time that we do not do it later as this causes concern and uncertainty that it is a test or the real deal.

The council was updated that motorized vehicles, not necessarily ATV's, can drive in places that do not have signs restricting their use. They must be street legal and have the basic requirements as per Century Code 39-29.

O'Brien moved to approve the first reading of the Century Link franchise ordinance:

ORDINANCE

Be it ordained by City Council of the City of Mayville, North Dakota:

Section 1. That Qwest Corporation dba CenturyLink QC, its successors and assigns (collectively "Grantee"), are hereby granted the right to use and occupy the streets, alleys, public ways and other public places as now or hereafter constituted of the City of Mayville, North Dakota, for a term of twenty (20) years from the effective date hereof, for the purpose of constructing, maintaining and operating a telecommunications and broadband services system within, over, upon and under the streets, alleys, public ways and other public places of said City.

Section 2. That the rights herein granted are subject to Chapter XI, Franchises, of the ordinances of the City of Mayville and the lawful exercise of the police power as the same now is or may hereafter be conferred upon said city.

Section 3. That this ordinance shall be in full force and effect, and shall constitute a binding contract between the City of Mayville and Qwest Corporation dba CenturyLink QC when it shall have been enacted according to law, and when the provisions hereof shall have been accepted in writing by said Qwest Corporation dba CenturyLink QC and such acceptance filed with the City Auditor.

Section 4. During the construction, maintenance or enlargement of any part of said telecommunications system, said Grantee shall not unnecessarily impede or block travel in said streets and highways in said City and shall leave all streets, highways, alleys, sidewalks, curbs, lanes and public places and all grounds disturbed by said construction in good condition upon the completion of said work.

The City reserves the right to make and adopt, and the rights and privileges hereby granted shall at all times be and remain subject to such reasonable regulations of a police nature as it may deem necessary for the best interests of the City, provided that such regulations shall not be in conflict with this franchise or with the laws of the State of North Dakota or the United States and provided that the City will not by any such regulations or by acts of its own or agents do anything to prevent or interfere with the Grantee carrying on its business in accordance with the franchise hereby granted.

Section 5. In case of disturbance of any street, sidewalk, alley, public way, or paved area, the Grantee shall, at its own cost and expense and in manner approved by the City or its Engineer, replace and restore such street, sidewalk, alley, public way, or paved areas in as good a condition as before the work involving such disturbance was done. Grantee shall not be required to pay a fee for street openings.

I, Cecil Olstad, City Auditor of the City of Mayville, North Dakota, do hereby certify that the forgoing is a true and correct copy of an Ordinance now of record in my office; that said Ordinance after being read on the 18th day of May, 2015, and the 1st day of June 20, 15, respectively, was placed upon its final passage at a meeting of Mayville City Council held on the 1st day of June, 20, 15, whereupon, roll being called, and there being the 4 years, and 0 days, it was declared passed by a majority of all members of the City Council.

WITNESS my hand and the official seal of the City of Mayville, North Dakota, this 2nd day of June 20, 15.

CITY OF MAYVILLE
Don Moen
Don Moen, Mayor

ATTEST:

Cecil Olstad
Gail Olstad, City Auditor

ACCEPTANCE

Please take notice that Qwest Corporation dba CenturyLink QC hereby accepts all the terms and provisions of an Ordinance of the City of Mayville, North Dakota, entitled:

"AN ORDINANCE GRANTING TO QWEST CORPORATION DBA CENTURYLINK QC, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE AND OCCUPY THE STREETS, ALLEYS, PUBLIC WAYS AND OTHER PUBLIC PLACES OF MAYVILLE, NORTH DAKOTA, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING A TELECOMMUNICATIONS SYSTEM WITHIN, OVER, UPON AND UNDER THE STREETS, ALLEYS, PUBLIC WAYS AND OTHER PUBLIC PLACES OF SAID CITY."

Dated this _____ day of _____, ____ 15.

QWEST CORPORATION DBA CENTURYLINK QC

By: _____

ATTEST:

Secretary
(My Commission Expires _____)

Meshefski-LaBine seconded it and upon a roll call vote the following voted: Yea: Meshefski-LaBine, Bohnsack, Carlson, O'Brien, Jorgenson, Petersen; Nay: 0; Absent: None.

The city received an acknowledgement from Alco that the petition to receive payment that was filed by the city Attorney was received.

The City Attorney has begun looking into the changes of single houses into apartment housing in Mayville. As all areas but Westwood and Riverwood are zoned RG (Residential General) Slaathaug-Moen advised that the City may need to re-zone. Information on how this is handled by other like towns (Valley City, Morris MN...) was not available by meeting time and this as well as alternatives to zoning is being requested of the City Attorney. If re-zoning is determined to be the best option Petersen will be heading up a committee to review and recommend. Information on current zones, ordinances and process would be provided to Petersen by City Council and Auditor's Office.

Jorgensen brought up maintenance and upkeep on the City's alleys. Carlson as head of the Physical Plant Committee pointed out the limiting factors that face the City in the ongoing maintenance of the alley's - most are too narrow to use the City's Road Maintainer to blade them, when smaller equipment is used gravel added to the alleyways is pushed into the abutting yards and poses problems when mowing, when gravel is added water begins to drain into neighboring property and encroaches on buildings, gardens... Many home owners have done work to drain, maintain, gravel their alley to their specific needs and do not want the City workers to disturb it,... the topic is to be moved to the next Physical Plant Committee meeting to review with the City employees. The area and alley at O'Brien Seed, East of the Elementary School has become un-drivable with the past rains, O'Brien abstained as a Council member and discussed the issues that have occurred since the pumping station was dug through the alley and his property for TRW. The Physical Plant Committee will meet at the site with the City Street crew to review and propose a plan at the next Physical Plant committee meeting. They will also be driving on the other alleys in Mayville to review.

Carlson made a motion to adjourn, Jorgensen seconded it, motion carried.

Attest: Gail Olstad
Gail Olstad City Auditor

Mayor: Donald Moen
Donald Moen